



Eric Barna
Mayor

Scott Bradley
Mayor Pro Tem

Owais Siddiqui
Deputy Mayor Pro Tem

Ben St. Clair
Councilmember

Betty Spraggins
Council

Sarah Fincannon
Councilmember

Rob Thomas
Councilmember

James Fisher
City Manager

MURPHY CITY COUNCIL AGENDA
REGULAR CITY COUNCIL MEETING
NOVEMBER 4, 2014 AT 6:00 P.M.
206 NORTH MURPHY ROAD
MURPHY, TEXAS 75094

NOTICE is hereby given of a meeting of the City Council of the City of Murphy, Collin County, State of Texas, to be held on November 4, 2014 at Murphy City Hall for the purpose of considering the following items. The City Council of the City of Murphy, Texas, reserves the right to meet in closed session on any of the items listed below should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1. CALL TO ORDER

2. INVOCATION & PLEDGE OF ALLEGIANCE

3. ROLL CALL & CERTIFICATION OF A QUORUM

4. PUBLIC COMMENTS

5. PRESENTATION ITEMS

A. Presentation of CERT Graduation Certificates

6. CONSENT AGENDA

All consent agenda items are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event the item will be removed from the Consent Agenda and voted on separately.

- A. Consider and/or act upon the October 21, 2014 Regular City Council Meeting.
- B. Consider and/or act on the application of Bent Trail, LTD requesting approval of a Final Plat for approximately 11 acres located at the northeast corner of Murphy Road and McMillen Drive.

7. INDIVIDUAL CONSIDERATION

- A. Hold a public hearing and consider and/or act on the application of Bent Trail, LTD requesting a zoning change for Murphy Manors; approximately 10 acres of property located at 900 N. Murphy Road; northeast corner of Murphy Road and McMillen Road.
- B. Consider and/or act on a resolution of the City of Murphy opposing the construction of the private toll road project known as the Northeast Gateway.
- C. Consider and/or act on the License Agreement between the City of Murphy and the City of Wylie and the License Agreement between the City of Murphy and the City of Sachse regarding the construction of the South Maxwell Creek Parallel Trunk Sewer Line and authorize the City Manager to execute said Agreements.
- D. Consider and/or act on Resolution No. 14-R-808 regarding the use of the power of eminent domain to acquire the necessary portions of properties listed in

Exhibit "A" specifically for sanitary sewer line easements to facilitate sewage collection, drainage, treatment, disposal, or emptying.

8. CITY MANAGER/STAFF REPORTS

- A. North Murphy Road Construction Update
- B. Christmas in the Park – December 4th
- C. Boards and Commission Celebration Dinner – December 11th
- D. Employee Luncheon – December 18th
- E. City Hall Closing early – December 24th and Closed – December 25th & 26th

9. EXECUTIVE SESSION

The City Council will hold a closed Executive Session pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

- A. § 551.072 Deliberation regarding real property to purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.
- B. § 551.071 Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter in regard to open record requests and retention policy.

10. RECONVENTE INTO REGULAR SESSION

The City Council will reconvene into Regular Session, pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

- A. § 551.072 Deliberation regarding real property to purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.
- B. § 551.071 Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter in regard to open record requests and retention policy.

- C. Take Action on any Executive Session Items.

11. ADJOURNMENT

I certify that this is a true and correct copy of the Murphy City Council Meeting Agenda and that this notice was posted on the designated bulletin board at Murphy City Hall, 206 North Murphy Road, Murphy, Texas 75094; a place convenient and readily accessible to the public at all times, and said notice was posted on October 31, 2014 by 4:30 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.



Susie Quinn, TRMC
City Secretary

In compliance with the American with Disabilities Act, the City of Murphy will provide for reasonable accommodations for persons attending public meetings at City Hall. Requests for accommodations or interpretive services must be received at least 48 hours prior to the meeting. Please contact the City Secretary at 972.468.4011 or squinn@murphytx.org.

Notice of Possible Quorum: There may be a quorum of the 4B Community Development Corporation, the Animal Shelter Advisory Committee, the Board of Adjustment, the Building and Fire Code Appeals Board, the Ethics Review Commission the Murphy Municipal Development District Board, the Park and Recreation Board and/or the Planning and Zoning Commission may be present at the meeting, but they will not deliberate on any city business.

CITY COUNCIL MINUTES
OCTOBER 21, 2014 CITY COUNCIL MEETING

1. CALL TO ORDER

Mayor Barna called the meeting to order at 6:00 pm.

2. INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Barna gave the invocation and led the Pledge of Allegiance to the United States flag.

3. ROLL CALL & CERTIFICATION OF A QUORUM

Susie Quinn, City Secretary, certified a quorum with the following Councilmembers present:

Mayor Eric Barna

Mayor Pro Tem Scott Bradley

Deputy Mayor Pro Tem Owais Siddiqui

Councilmember Ben St. Clair

Councilmember Betty Nichols Spraggins

Councilmember Sarah Fincanon

Councilmember Rob Thomas

4. PUBLIC COMMENTS

Ray Shahan, resident, requested an independent investigation be conducted regarding the Murphy –McWhirter sidewalks that were traded for hike and bike trails as stated in Ordinance No. 03-10-590.

5. PRESENTATION ITEMS**A. Murphy Historical Society Proclamation**

Mayor Barna presented the Murphy Historical Society Proclamation to the following Murphy Historical Society members who were present at the meeting:

Lolisa Largest

Shelly Bottlinger

Brad Lapsley

Donna Jenkins

B. Fire Prevention Week Proclamation

Councilmember Fincanon presented the Fire Prevention Week Proclamation to the following Exchange Club members who were present at the meeting:

Rosie Neely

Shelly Bottlinger

Marvel Williams

Donna Jenkins

C. Presentation of financial report and investment report as of September 30, 2014.

Financial Director Linda Truitt explained that the revenues and expenditures are both under budget. The yearend figures are still being generated. Vacancy savings in addition to staff's recognition that revenues were going to be short, account for expenditures being less. The accrual processes were discussed. The auditors will be here during December. Interest earnings are remaining at .10% for the City's investments.

Questions were asked by Council and explained by staff. Council asked to see the resulting delta following the audit.

6. CONSENT AGENDA

All consent agenda items are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event the item will be removed from the Consent Agenda and voted on separately.

- A. Consider and/or act upon meeting minutes:
1. October 7, 2014 Regular City Council Meeting
 2. October 15, 2014 Special City Council Meeting

COUNCIL ACTION (6.A.):

APPROVED

Mayor Pro Tem Bradley moved to accept Item 6.A. as presented on the consent agenda. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

7. INDIVIDUAL CONSIDERATION

- A. Discussion on a proposed use for the property at South Maxwell Creek and FM 544 currently zoned SF-20.

Ryan Betz, owner of the property, explained to Council and Staff his ideas regarding the use of this vacant piece of property. Mr. Betz is proposing a mixed use development with medical offices on the front and senior housing on the south end. He went into great detail and Council recommended that Mr. Betz visit with more of the neighbors before moving forward.

COUNCIL ACTION (7.A.):

NO ACTION

- B. Discuss and consider report from the Ethics Review Commission and adoption of Ordinance No. 14-xx-xxx – amending Chapter 2, Article IX, Section 2-513 of the City of Murphy Code of Ordinances to provide for staggered term appointments for the Ethics Review Commission members and a new annual meeting time for the Ethics Review Commission.
- City Attorney explained the proposed changes.

COUNCIL ACTION (7.B.):

APPROVED

Deputy Mayor Pro Tem Siddiqui moved to approve an Ordinance amending Chapter 2, Article IX, Section 2-513 of the City of Murphy Code of Ordinances to provide for staggered term appointments for the Ethics Review Commission members and a new annual meeting time for the Ethics Review Commission. Councilmember St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0. (Ordinance No. 14-10-989)

- C. Discussion on amending Chapter 28, Article V, Sections 28-131, Minimum Exterior Construction Standards and Section 28-132, Construction Standards, of the Murphy Code of Ordinances. .

Staff explained that this action will require more discussion and would be a good retreat discussion item.

Keith Patton, resident, spoke regarding his steel roof and about hardiplank exteriors.

Don Kiertscher, resident, spoke regarding his driving tour of the current masonry requirements and does not want it changed.

Council agreed that more public input is necessary as well as Planning and Zoning input.

COUNCIL ACTION (7.C.):

NO ACTION

- D. Continue consideration and/or act on the application of Wade and Michelle Wilson, requesting a variance to Section 28-132(2) of the Code of Ordinances/Development Standards, to allow less than the 'required 85 percent of the total exterior walls above grade level, excluding doors and windows, constructed of brick, stone, brick veneer, or stone veneer, in accordance with the city's building and fire codes' and accept cement board (hardiplank) on the exterior of a new home to be constructed on property located at 150 Skyline.

Staff explained that the applicant is willing to increase the masonry to 65% to work with the City and it will maintain the integrity of the design.

Don Kiertscher, resident, spoke opposed to the project unless the 65% masonry is real stone as a compromise to avoid setting a precedent.

Michele Wilson, property owner, stated silver mist quarried stone will be the masonry used.

Council discussed the need for variances and the precedence that this could create. The variance has been approved by Planning and Zoning. Non HOA neighborhoods were discussed as the HOA requirements standards have guidelines for exterior coverings for the majority of homes in Murphy. The fact that the applicant is not proposing the masonry change to lower building costs is important to consider, too.

COUNCIL ACTION (7.D.):

APPROVED

Mayor Pro Tem Bradley moved to approve the application of Wade and Michelle Wilson, requesting a variance to Section 28-132(2) of the Code of Ordinances/Development Standards, to allow less than the 'required 85 percent of the total exterior walls above grade level, excluding doors and windows, constructed of brick, stone, brick veneer, or stone veneer, in accordance with the city's building and fire codes' and accept cement board (hardiplank) on the exterior of a new home to be constructed on property located at 150 Skyline as submitted with 65 percent of the total exterior walls above grade being constructed of brick, stone, brick veneer, or stone veneer. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- E. Consider and take action relative to adopting the proposed budget for the expenditure of forfeited funds for the Murphy Police Department.

Staff explained the need for this item and the rules regarding the use of the funds.

Council asked several questions regarding this item and insist that the spending policy for these funds must not be abused.

COUNCIL ACTION (7.E.):

APPROVED

Mayor Pro Tem Bradley moved to accept the proposed budget for the expenditure of forfeited funds for the Murphy Police Department. Councilmember Thomas seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- F. Consider and/or act upon Resolution approving the 2014 tax roll with a total levy of \$9,760,606.21 as certified by Kenneth L. Maun, Tax Assessor Collector for Collin County.

COUNCIL ACTION (7.F.):

APPROVED

Mayor Pro Tem Bradley moved to approve the 2014 tax roll with a total levy of \$9,760,606.21 as certified by Kenneth L. Maun, Tax Assessor Collector for Collin County. Councilmember Spraggins seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0. (Resolution No. 14-R-807)

- G. Consider and/or act upon an interview panel regarding the consideration of candidates for service on the Animal Shelter Advisory Committee, Board of Adjustment, Building and Fire Code Appeals Board, Community Development Board, Ethics Review Commission, Murphy Municipal Development District Board, Park and Recreation Board, and Planning and Zoning Commission.

Staff explained the procedure and process.

Council discussed different ideas about the interview process.

COUNCIL ACTION (7.G.):

APPROVED

Mayor Pro Tem Bradley moved to appoint Deputy Mayor Pro Tem Siddiqui, Councilmember St. Clair and Councilmember Spraggins on the Boards and Commission interview committee. Councilmember Thomas seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- H. Consider and take action, if any, on the City of Murphy Code of Ordinances, Chapter 66 Streets and Sidewalks, Article V – Sidewalks.

Staff discussed sidewalk payment percentages in the cities in our area and there is not any consistency.

COUNCIL ACTION (7.H.):

APPROVED

Mayor Pro Tem Bradley approve a change to City of Murphy Code of Ordinances, Chapter 66 Streets and Sidewalks, Article V – Sidewalks, changing the ordinance from 50% to the City being responsible for 100% of the cost to repair, replace or to reconstruct sidewalks within residential zoned districts as the responsibility of the City. Councilmember Fincanon seconded the motion. For: Mayor Barna, Mayor Pro Tem Bradley, Deputy Mayor Pro Tem Siddiqui, Councilmember St. Clair, Councilmember Spraggins, and Councilmember Finacanon. Against: Councilmem-ber Thomas. The motion carried by a vote of 6 to 1. (Ordinance No. 14-10-990)

- I. Discussion concerning the development of a Naming Policy for City of Murphy facilities, events, parks, amenities and/or buildings. .

This item was discussed following approval of the consent agenda. Staff explained that the draft policy was brought up by a couple of Boards. Staff needs direction on Council's desires for this item. Implementing a Community Foundation (501 (c)(3)) was also discussed.

Beverly Mueller, Murphy resident, discussed the new Animal Shelter and the need for additional funding through private donations and is in favor of a Naming Policy or Sponsorship program.

Council expressed ideas and reached consensus to have this discussed at an upcoming Council retreat.

COUNCIL ACTION (7.I.):

NO ACTION

8. CITY MANAGER/STAFF REPORTS

- A. North Murphy Road Construction – stated some street closures will happen.
- B. Howl-a-Ween Event/Animal Shelter Ribbon Cutting, October 25th
- C. Chamber Luncheon November 18th honoring Veterans, sponsored by the City of Murphy
- D. Christmas in the Park, December 4th
- E. Boards and Commissions Dinner, December 11th

Timbers Nature Preserve has hauled off concrete that was being buried and explained the miscommunication. The new website is up and working well, and discussed a newly legislative approved Council blog to be added soon. Mentioned his upcoming out of town trips and the ongoing Murphy Road construction challenges to include the cutting of HOA irrigation lines that are in the State's right-of-way.

9. EXECUTIVE SESSION

The City Council convened into close Executive Session at 8:10 pm pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

- A. § 551.072 Deliberation regarding real property to purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.
- B. §551.074. Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of employees.
 - a. City Manager
 - b. Police Officer

10. RECONVENTE INTO REGULAR SESSION

The City Council reconvened into open session at 9:04 pm with the Mayor's announcement that no action was taken in Executive Session, pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

- A. § 551.072 Deliberation regarding real property to purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

COUNCIL ACTION (10.A.):

APPROVED

Motion by Mayor Pro Tem Bradley to approve the Resolution authorizing the use of the power of eminent domain to acquire the necessary portions of properties listed in Exhibit "A" specifically for sanitary sewer line easements to facilitate sewage collection, drainage, treatment, disposal, or emptying. Councilmember St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0. (Resolution No. 14-R-808)

- B. §551.074. Deliberation regarding the appointment, evaluation, reassignment, duties, discipline or dismissal of employees.
 - a. City Manager
 - b. Police Officer

COUNCIL ACTION (10.B.a.):

APPROVED

Motion by Mayor Pro Tem Bradley stating that following the annual performance evaluation of the City Manager that Council has full confidence, faith, and trust in the City Manager authorizing a five percent (5%) salary increase and an additional week of vacation. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

C. Take Action on any Executive Session Items.

COUNCIL ACTION (10.B.b.)

NO ACTION

11. ADJOURNMENT

With no further business, the meeting was adjourned at 9:05 pm.

APPROVED BY:

Eric Barna, Mayor

ATTEST:

Susie Quinn, City Secretary

Murphy City Council
November 4, 2014

Issue

Consider and/or act on the application of Bent Trail, LTD requesting approval of a Final Plat for approximately 11 acres located at the northeast corner of Murphy Road and McMillen Drive.

Summary

The applicant submitted a final plat for approximately 11 acres located at the northeast corner of Murphy Road and McMillen Drive. This plat is simply platting an un-platted tract and subdividing it into 2 separate lots.

Upon any development on a lot thereafter, the developer will be required to re-plat that lot and follow submittal requirements of the City.

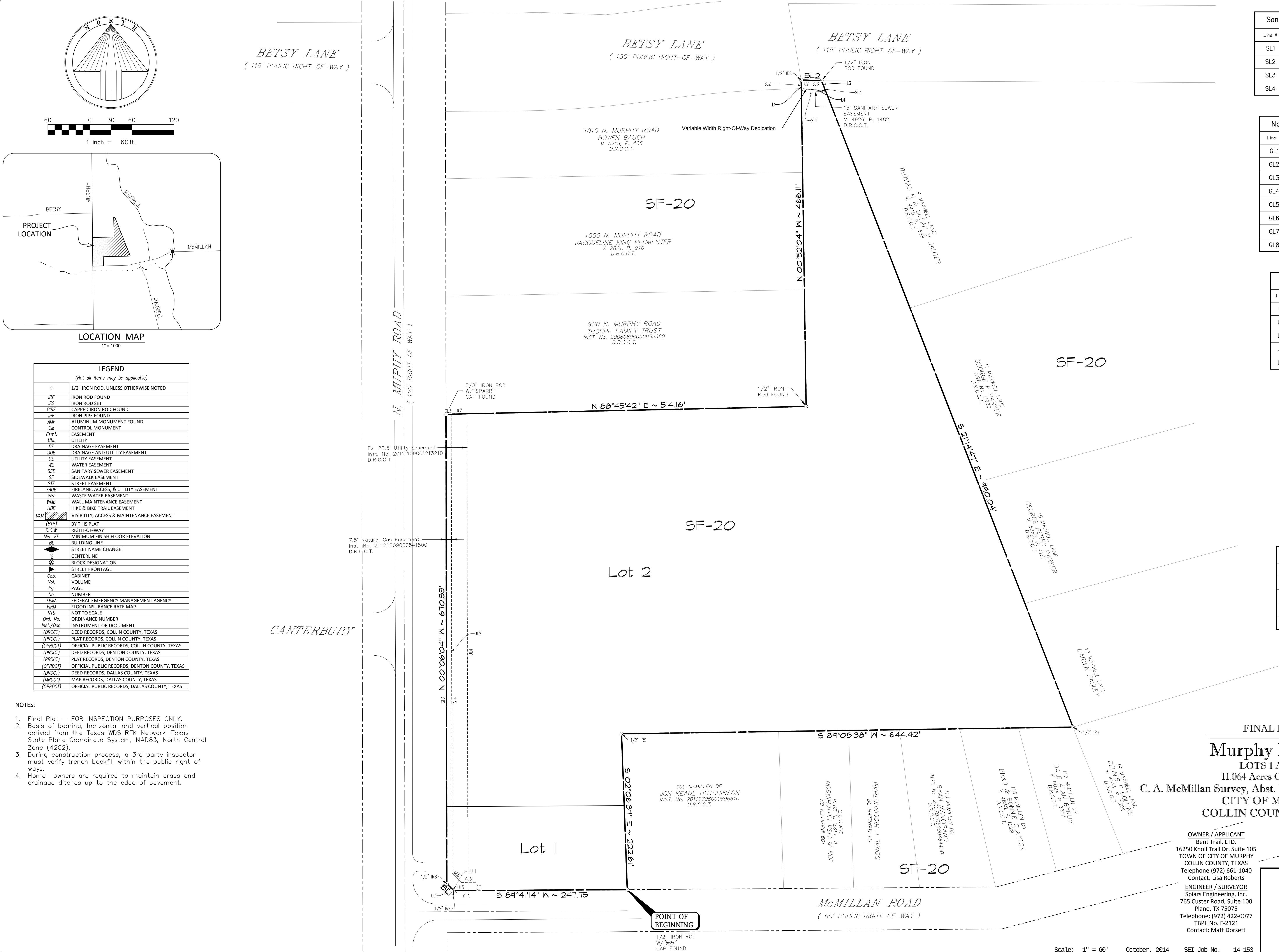
Staff Recommendation

Staff recommends approval of the Final Plat as submitted.

Attachments

Final Plat

Drawing: G:\2014\0885\14-153 Murphy Manors\14-153.dwg Saved By: lgraham Date: 10/27/2014 10:13:38 AM
Printed by: lgraham Plot Date: 10/27/2014 11:30 AM



Sanitary Sewer Easement Line Table		
Line #	Length	Direction
SL1	35.16'	N 87°02'43" W
SL2	15.01'	N 00°52'04" W
SL3	29.20'	S 87°57'52" E
SL4	16.40'	S 21°14'47" E

Natural Gas Easement Line Table		
Line #	Length	Direction
GL1	20.25'	N 45°04'53" W
GL2	670.33'	N 00°06'04" W
GL3	7.51'	N 88°45'42" E
GL4	655.58'	S 00°06'04" E
GL5	18.40'	S 45°04'53" E
GL6	21.00'	N 89°38'16" E
GL7	15.00'	S 00°09'53" E
GL8	27.20'	S 89°38'16" W

Utility Easement Line Table		
Line #	Length	Direction
UL1	3.29'	N 45°20'18" W
UL2	678.03'	N 00°06'04" W
UL3	22.51'	N 87°54'04" E
UL4	681.06'	S 00°06'04" E
UL5	20.17'	S 89°41'14" W

Boundary Line Table		
Line #	Length	Direction
BL1	13.85'	N 45°20'18" W
BL2	29.20'	S 87°57'52" E

Lot Area Table		
Lot #	Square Feet	Acreage
Lot 1	30,609	0.703
Lot 2	451,318	10.361

Right-Of-Way Line Table		
Line #	Length	Direction
L1	12.29'	N 00°52'04" W
L2	29.20'	S 87°57'52" E
L3	15.22'	S 21°14'47" E
L4	34.64'	N 85°08'41" W

FINAL PLAT

Murphy Manors
LOTS 1 AND 2
11.064 Acres Out Of The
C. A. McMillan Survey, Abst. No. A0588, Tracts 5, 12, 22.
CITY OF MURPHY
COLLIN COUNTY, TEXAS

OWNER / APPLICANT
Bent Trail, LTD.
16250 Knoll Trail Dr, Suite 105
TOWN OF CITY OF MURPHY
COLLIN COUNTY, TEXAS
Telephone (972) 661-1040
Contact: Lisa Roberts
ENGINEER / SURVEYOR
Spiars Engineering, Inc.
765 Custer Road, Suite 100
Plano, TX 75075
Telephone: (972) 422-0077
TBPE No. F-2121
Contact: Matt Dorsett

CITY APPROVAL CERTIFICATE

FINAL PLAT
Approved by the City of Murphy for filing at the office of the County Clerk of Collin County, Texas.

APPROVED BY: City Council

City of Murphy, Texas

Signature of Mayor: _____

Date of Approval: _____

ATTEST:

City Secretary: _____

Date: _____

Property location statement:

This property is located in the corporate limits (or the extraterritorial jurisdiction) of the City of Murphy, Collin County, Texas.

Mayor, City of Murphy: _____

Date: _____

ATTEST:

City Secretary, City of Murphy: _____

Date: _____

SURVEYOR'S CERTIFICATE

That I, Darren K. Brown of Spiars Engineering Inc., do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as "set" were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Murphy.

Dated this the ____ day of _____, 2014

Darren K. Brown

Registration No. _____



STATE OF TEXAS §
COUNTY OF COLLIN §

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Darren K. Brown, Registered Public Land Surveyor, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this _____ day of _____, 20 _____.

Notary Public in and for the State of Texas

My commission expires on _____

STATE OF TEXAS §
COUNTY OF COLLIN §

OWNER'S CERTIFICATE

BEING of an 11.064 acre tract of land out of the C.A. McMillan Survey, Abstract No. 588, in the City of Murphy, Collin County, Texas, being the remainder of those 2 tracts of land conveyed to Bent Trail, Ltd. By General Warranty Deed recorded in Volume 5491, Page 8338, Deed Records, Collin County, Texas (D.R.C.C.T.), said 11.064 acre tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod with plastic cap stamped "BH&C" found for the most southerly southeast corner of said Bent Trail, Ltd. property; said point being also the southwest corner of a tract of land conveyed to Jon Keane Hutchinson by deed recorded in County Clerk's Document No. 20110706000696610, (D.R.C.C.T.), and in the north right-of-way line of McMillan Road (60' public right-of-way);

THENCE, following the said northern right-of-way line of McMillan Road, S 89°41'14" W, a distance of 247.75 feet, to a 1/2" iron rod;

THENCE, deviating from said right-of-way line, N 45°20'18" W, a distance of 13.85 feet, to a 1/2" iron rod found in the eastern right-of-way of Farm to Market Road No. 2551 (also known as North Murphy Road) by Deed recorded in County Clerk's Document No. 20120313000292330 (D.R.C.C.T.);

THENCE, , following the said eastern right-of-way line of Farm to Market Road No. 2551, N 00°06'04" W, a distance of 670.33 feet, to a 5/8" iron rod, with a plastic cap stamped "SPARR";

THENCE, deviating from said right-of-way line, along the common line between the said Bent Trail Ltd. tract and a tract of land conveyed to the Thorpe Family Trust according to the deed recorded in Instrument No. 20080806000959680 (D.R.C.C.T.), N 88°45'42" E, a distance of 514.16 feet, to a 1/2" iron rod;

THENCE, along a common line between said Bent Trail Ltd. tract and, first, said Thorpe Family Trust tract, then a tract of land conveyed to Jacqueline King Permenter according to the deed recorded in Volume 2821, Page 970 (D.R.C.C.T.), and then a tract of land conveyed to Bowen Baugh according to the deed recorded in Volume 5719, Page 408 (D.R.C.C.T.), N 00°52'04" W, a distance of 466.11 feet, to a 1/2" iron rod;

THENCE, following the southern right-of-way line of Betsy Lane, by Deed recorded in County Clerk's Document No. 20071012001406580 document , S 87°57'52" E, a distance of 29.20 feet, to a 1/2" iron rod;

THENCE, departing from said right-of-way line, along the common line between the said Bent Trail Ltd. tract and, first, a tract of land conveyed to Thomas H. & Susan M. Sauter according to the deed recorded in Volume 4415, Page 1538 (D.R.C.C.T.), then a tract of land conveyed to George P. Parker according to the deed recorded in Instrument No. 5930 (D.R.C.C.T.), then a tract of land conveyed to George Perry Parker according to the deed recorded in Volume 5960, Page 4150 (D.R.C.C.T.), and finally a tract of land conveyed to Darwin Easley, S 21°14'47" E, a distance of 990.04 feet, to a 1/2" iron rod found at the southeastern corner of the subject tract;

THENCE, along a common line between the said Bent Trail Ltd. tract and, first, a tract of land conveyed to Dale Alan Bynum according to the deed recorded in Volume 6024, Page 3317 (D.R.C.C.T.), then a tract of land conveyed to Brad & Bonnie Clayton according to the deed recorded in Volume 4843, Page 1229 (D.R.C.C.T.), then a tract of land conveyed to Ryan Mangipano according to the deed recorded in Instrument No. 20070405000464430 (D.R.C.C.T.), then a tract of land conveyed to Donal F. Higginbotham, then a tract of land conveyed to John & Lisa Hutchinson according to the deed recorded in Volume 4927, Page 2948 (D.R.C.C.T.), and finally said John Keane Hutchinson tract, S 89°08'38" W, a distance of 644.42 feet, to a 1/2" iron rod;

THENCE, along the common line between the western edge of the said John Keane Hutchinson tract and the said Bent Trail Ltd. Tract, S 02°06'37" E, a distance of 222.61 feet, to the POINT OF BEGINNING with the subject tract containing 481,927 square feet or 11.064 acres of land.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

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

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

WITNESS, my hand, this the _____ day of _____, 20 _____.

BY: _____

Lisa Roberts, President

STATE OF TEXAS

COUNTY OF

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Lisa Roberts, owner, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this _____ day of _____, 20 _____.

Notary Public in and for the State of Texas

My commission expires on _____

STATE OF TEXAS §
COUNTY OF COLLIN §

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the __ day of _____, 2014.

Notary Public, State of Texas

FINAL PLAT

Murphy Manors
LOTS 1 AND 2
11.064 Acres Out Of The
C. A. McMillan Survey, Abst. No. A0588, Tracts 5, 12, 22.
CITY OF MURPHY
COLLIN COUNTY, TEXAS

OWNER / APPLICANT
Bent Trail, LTD.
16250 Knoll Trail Dr. Suite 105
TOWN OF CITY OF MURPHY
COLLIN COUNTY, TEXAS
Telephone (972) 661-1040
Contact: Lisa Roberts
ENGINEER / SURVEYOR
Spiars Engineering, Inc.
765 Custer Road, Suite 100
Plano, TX 75075
Telephone: (972) 422-0077
TBPE No. F-2121
Contact: Matt Dorsett

City Council
November 4, 2014

Issue

Hold a public hearing and consider and/or act on the application of Bent Trail, LTD requesting a zoning change for Murphy Manors; approximately 10 acres of property located at 900 N. Murphy Road; northeast corner of Murphy Road and McMillen Road, north of McMillen and south of Betsy.

Summary

The applicant submitted a concept plan as well as details for a Planned Development District on the approximately 10 acres. To address development specifics and details for the residential restrictions of the entire approximate 10 acres, the property must be zoned as a Planned Development District detailing uses and conditions.

The property is currently zoned Single Family Residential - 20 (SF-20). This single family zoning district does not allow the minimum requested lot size of approximately 13,800 square feet; however, the applicant is requesting the approval of a Planned Development District in order to allow for the 20 proposed lots which lot sizes are detailed below. The price point for the homes of Murphy Manors will be \$550,000 to \$650,000.

The residential properties to the immediate north and east are zoned SF-20. The residential properties to the west (across North Murphy Road) are zoned SF-9, SF-11, SF-15, SF-20.

LOT SIZES AND SETBACKS

The development proposes a residential development of 20 single family lots varying in sizes from approximately 13,800 square feet to approximately 38,900 square feet. Note: Lot sizes were changed to accommodate the 6' side yard setback as approved by Planning & Zoning (they were initially 5' side yard setbacks)

Proposed Lot Sizes

The approximate square footage of each lot as shown on Exhibit "D":

- a. Lot 1 = ~18,900 Square Feet
- b. Lot 2 = ~17,100 Square Feet
- c. Lot 3 = ~15,100 Square Feet
- d. Lot's 4 through 6 = ~14,500 Square Feet
- e. Lot 7 = ~14,400 Square Feet
- f. Lot 8 = ~38,900 Square Feet
- g. Lot 9 = ~31,100 Square Feet
- h. Lot 10 = ~28,500 Square Feet
- i. Lot 11 = ~14,500 Square Feet
- j. Lots 12 through 17 = ~14,400 Square Feet
- k. Lot 18 = ~19,800 Square Feet
- l. Lot 19 = ~15,100 Square Feet
- m. Lot 20 = ~13,800 Square Feet

Proposed Lot Setbacks and Coverage (as included in the Planned Development District)

Lot Width: The minimum width of any lot, except lot 7, shall be seventy (70) feet as measured at the front building line. Lot seven will be a minimum width of seventy feet except as necessary to provide for the fire lane to the east of lot 7.

(Minimum lot width in SF-20 district is 115 feet)

Lot Depth: The minimum depth of any lot shall be One Hundred Ninety Five (195) feet.

(Minimum lot depth in SF-20 district is 130 feet)

Front Yard Setback: The minimum setback shall be Thirty Five (35) feet.

(Minimum front yard setback in SF-20 district is 40 feet)

Side Yard Setback: The minimum setback shall be Six (6) feet. This was revised from the initially requested five (5) feet based on Planning & Zoning's action.

(Minimum side yard setback in SF-20 district is 11 feet)

(Minimum side yard setback in SF-9 district is 8 feet)

(Minimum side yard setback in Rolling Ridge Subdivision is 7 feet)

Rear Yard Setback: The minimum setback shall be Fifteen (15) feet.

(Minimum rear yard setback in SF-20 district is 25 feet for the main building)

Maximum residential building height shall be 2 ½ stories or 35 feet for the main building/house.

(Maximum height regulations in SF-20 district is 2 ½ stories or 35 feet for the main building)

Maximum Lot coverage- 40%

(Maximum lot coverage in SF-20 district is 35 feet)

The minimum square footage of any dwelling unit shall not be less than 2,500 square feet and shall not include eaves, porches, garages and breezeways.

(Minimum floor area per dwelling unit in SF-20 district is 2,400 square feet)

Note: The consideration of this single family zoning change is specific to the identified property and is not a consideration to create a new residential zoning category. Development of this property would be restricted to only residential use and per the specifications listed in the proposed Planned Development Standards.

STREETS AND ROADWAY

Canterbury Lane

The proposed development will line up with Canterbury Lane (existing residential street to the west across North Murphy Road).

PLANNED DEVELOPMENT STANDARDS

1. Staff has reviewed the proposed Planned Development Standards and proposed Concept Plan (Exhibit A) and has worked closely with the developer on various revisions.
2. After feedback from the adjacent residents, it was agreed, and included in the Planned Development Standards, that any fencing that is installed that borders an existing property not included in the Murphy Manors neighborhood must be cedar wood butt joint or board on board design with metal posts. The minimum height shall be 8 feet and the fence stain on each shall be Manufacturer Ready Seal, color Pecan.
3. It is also detailed in the Planned Development Standards that the Murphy Manors HOA shall maintain and keep in good working order an automatic gate (emergency access only) that will be installed at the north end of the lane adjacent to Betsy Road. This gate shall be constructed of decorative metal (e.g., Wrought Iron or Aluminum) material.
 - a. An emergency access lane as shown on Exhibit "D" shall be dedicated to the City of Murphy and installed to the City of Murphy fire lane standards. The Murphy Manors HOA shall maintain all vegetation, trees and fencing that is along such lane.
 - b. The emergency access gate will then tie into a 4' tall metal (e.g., Wrought Iron or Aluminum) fence constructed from the gate on the west property line of Lot 8 and the Fire Lane to 100' short of the Lot 8 front property line.
 - c. The owner of Lot 8 is prohibited from installing any fencing that would parallel the metal fence along the west property line of Lot 8.
 - d. The Lot 8 owner may construct any conforming fence from their front building line to the existing metal fencing.

Public Notice

A public hearing notification for this proposed zoning change request was published in the newspaper as well as notification being mailed to the property owners included in the required 200 feet notification radius. The reply forms received at the time of this packet are included with this item (Exhibit C). Any subsequent reply forms will be distributed to the City Council at the meeting. *Note:* The questions included with the reply form from Mr. Thorpe were addressed by staff and in discussions directly between the developer and Mr. Thorpe.

Board Discussion / Action

The Planning & Zoning Commission voted to approve the Murphy Manors Planned Development District and Concept Plan by a vote of 4 – 2. Commissioners Holcomb, Nelson, Johnson and Thekkil voted in favor, with Commissioners King and Hooper voting against. The Commissioners approved this PD with amendments as included in the proposed PD in front of City Council. These items include:

- Minimum side yard setback to be changed from 5' to 6'.
- No front facing garage doors
- Any fencing that is installed that borders an existing property not included in the Murphy Manors neighborhood minimum height shall be 8 feet and the fence stain on each shall be the same.

Staff Recommendation

Staff recommends approval to include:

- Planned Development Standards and Concept Plan be approved
- Development is contingent on the approval of a final site plan, landscape plan and construction plat including all associated engineering documents.

Attachments

Exhibit A - Proposed Murphy Manors Planned Development Standards with Concept Plan

Exhibit B – Proposed Concept Plan

Exhibit C - Public Notice Reply Forms received to date

Exhibit D – Proposed Elevations

Exhibit E – Picture of homes built at 5’ foot side yard setback

Exhibit F – Letter sent to surrounding neighbors by applicant prior to P&Z consideration

Exhibit G – Zoning Map Location

Exhibit A

Proposed Murphy Manors Planned Development Standards with Concept Plan

Exhibit "B"
Planned Development Requirements
Murphy Manors
Murphy, Texas

1.0 PLANNED DEVELOPMENT DISTRICT-SINGLE FAMILY RESIDENTIAL

1.01 General Description: This Planned Development District (PD) is intended to accommodate a low density single family residential use. Development standards for this district are outlined within this text.

1.02 Statement of Purpose: The purpose of this PD is to establish a Concept Plan and specific conditions for the development of the properties known as Murphy Manors. The intent of this PD is to achieve a quality residential community while providing a variety of lot sizes, dwelling unit sizes and additional open space amenities.

1.03 Statement of Effect: This PD shall not affect any regulation found in the City of Murphy Comprehensive Zoning Ordinance, as amended, except as otherwise specified herein.

1.04 Development Plans: Development shall be in accord with the concept plan and exhibits as attached. However, in the event of conflict between the concept plan and the written conditions, the written conditions shall control. The concept plan shall also serve as the land use plan.

1.05 Development Regulations:

A. Minimum Standards for Lot Size:

1. The approximate square footage of each lot as shown on Exhibit "D":
 - a. Lot 1 = ~18,900 Square Feet
 - b. Lot 2 = ~17,100 Square Feet
 - c. Lot 3 = ~15,100 Square Feet
 - d. Lot's 4 Through 6 = ~14,500 Square Feet
 - e. Lot 7 = ~14,400 Square Feet
 - f. Lot 8 = ~38,900 Square Feet
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 - j. Lots 12 Through 17 = ~14,400 Square Feet
 - k. Lot 18 = ~19,800 Square Feet
 - l. Lot 19 = ~15,100 Square Feet
 - m. Lot 20 = ~13,800 Square Feet
2. Lot Width: The minimum width of any lot, except lot 7, shall be seventy (70) feet as measured at the front building line. Lot seven will be a minimum width of seventy feet except as necessary to provide for the fire lane to the east of lot 7.

3. Lot Depth: The minimum depth of any lot shall be One Hundred Ninety Five (195) feet.
4. Front Yard Setback: The minimum setback shall be Thirty Five (35) feet.
5. Side Yard Setback: The minimum setback shall be Six (6) feet.
6. Rear Yard Setback: The minimum setback shall be Fifteen (15) feet.
7. Maximum residential building height shall be 2 - ½ stories or 35 ft.
8. Lot coverage- 40%
9. The main structure of any house must be within a building area of 35 feet from the front property line and no deeper than 170 feet from the front property line.

B. Dwelling Area: The minimum square footage of any dwelling unit shall not be less than 2,500 square feet and shall not include eaves, porches, garages and breezeways.

C. Exterior Construction Standards: Current City of Murphy standards for SF-20 residential zoning.

D. Landscape Requirements:

1. Minimum Tree Requirements: Two Five Inch Caliper Trees spaced Thirty feet apart. As measured at Ten feet behind each lot property line. The species of the trees shall be Red Oak, Live Oak or Cedar Elm.
2. City of Murphy minimum landscape requirements, as amended shall apply to all lots. In addition all shrubby beds shall install a dual system sprinkler system with both drip and spray connections. All lots shall have fully functional sprinkler systems that will accommodate any landscaping installed by the developer prior to the construction of a residence on the lot. All sprinkler systems shall have Freeze and Rain sensors that shut the system off in such events.
3. The required trees and landscaping shall be installed prior to the issuance of a Certificate of Occupancy for the premises, and shall be maintained in a living and growing condition by the owner of the property. Any plant material that dies shall be replaced within 6 months unless a written extension is granted by the City of Murphy.

E. Maximum Height: Current City of Murphy standards for SF-20 residential zoning.

2.0 PLANNED DEVELOPMENT, GENERAL CONDITIONS:

2.01 Procedure to be followed throughout the development of the Planned Development District:

A. Zoning Exhibit: A zoning plan is hereby attached and made part of the approval for this Planned Development District. This plan, indicated as Exhibit "D" sets forth: (1) the overall property boundary description; and (2) the designation of the Planned Development District, which corresponds to this Exhibit "B".

- B. Conceptual Plan:** A conceptual plan is hereby attached made part of the approval for this Planned Development District. This plan indicated as Exhibit "D" is drawn to scale and illustrates: (1) land use; (2) proposed street layouts; (3) general layout of the development; and (4) other features which geographically explains the standards and conditions set forth in this Exhibit "B" and the proposed development.

2.02 Development Schedule: This ordinance shall be accompanied by a development schedule, indicating the approximate time in which construction is to begin and the approximate time frame of completion. The development schedule, if approved by the Murphy City Council, shall be generally adhered to by the owner, developer and/or their successors in interest; unless amended by approval of the Murphy City Council.

2.03 Landscaped Open Space: Open space shall be provided as indicated on the concept plan and maintained by the Murphy Manors Homeowner's Association.

2.04 Screening: An Eight Foot Masonry wall shall be constructed adjacent to Murphy Road in an HOA lot area along the north-south lot lines of Lot 1 and 20. Along Murphy Road in the area west of the screening wall will be a landscape area including trees, shrubbery and grass with an operating sprinkler system maintained by the Murphy Manors HOA.

2.05 Sidewalks: Sidewalks along Murphy Road shall conform to the Parks master Plan or as approved by City Council.

2.06 Fences:

- A.** Fences may be constructed of wood, masonry, decorative metal (e.g., Wrought Iron or Aluminum) and other materials traditionally used in private fence construction are allowed. New and innovative materials such as plastics, PVCs, metal panel or metal slat, "honeycomb", cementitious Fiber board (e.g., "WoodCrete"), and other similar materials may be approved for use by the Architectural Control Committee of the Murphy Manors HOA as long as the material is proven to be sturdy, durable and relatively maintenance-free.
- B.** All fencing must be behind the front yard building set back line.
- C.** All fences require permits from the City of Murphy.
- D.** Gates designed for vehicular access shall be set back from the property line a minimum of Thirty Five feet (35').
- E.** Fences around swimming pools shall be in conformance with this Subsection and the City of Murphy Code of Ordinances.
- F.** Any fencing that is installed that borders an existing property not included in the Murphy Manors neighborhood must be cedar wood butt joint or board on board design with metal posts. The minimum height shall be 8 feet. Further, each property owner at all times must maintain such fencing so that all sections are kept within $\frac{3}{4}$ " of vertical as shown on a four foot level. The fence stain shall be Manufacturer Ready Seal, color Pecan.

2.07 Fire Lane:

- A.** An emergency access lane as shown on Exhibit "D" shall be dedicated to the City of Murphy and installed to the City of Murphy fire lane standards. The Murphy Manors HOA shall maintain all vegetation, trees and fencing that is along such lane.
- B.** The Murphy Manors HOA shall maintain and keep in good working order an automatic gate that will be installed at the north end of the lane adjacent to Betsey Road. This gate shall be constructed of decorative metal (e.g., Wrought Iron or Aluminum) material and tie into a 4' tall metal (e.g., Wrought Iron or Aluminum) fence constructed from the gate on the west property line of Lot 8 and the Fire Lane to 100' short of the Lot 8 front property line. The owner of Lot 8 is prohibited from installing any fencing that would parallel the metal fence along the west property line of Lot 8. The Lot 8 owner may construct any conforming fence from their front building line to the existing metal fencing.
- C.** 'No Parking Fire Lane' signs shall be posted along the dedicated fire lane adjacent to lot 8 and running north to Betsy Road. The Murphy Manors HOA shall maintain these signs for the life of the subdivision.

2.08 Garages: Front entry garages will be allowed, so long as they do not face the street.

3.0 Neighborhood Amenities:

3.01 A Monument Sign shall be erected in the area known as Lot 2/X on the concept plan (Exhibit D). The design shall be constructed out of masonry with a cast stone signage stating "Murphy Manors".

3.02 An arbor constructed of wood similar to the attached Exhibit "E" shall be located on Lot 4/X on the concept plan (Exhibit D). The arbor shall have a solid rock floor with granite walkways leading to the area that the arbor is located.

4.0 Homeowner' Association: A Homeowners Association duly incorporated in the State of Texas shall be incorporated and each lot/homeowner shall be a mandatory member. This association shall be established so as to ensure the proper maintenance of all common areas, either public or private, as desired, to be maintained by the association. The bylaws of this association shall establish a system of payment of dues, a system of enforcement of its rules and regulations; a clear and distinct definition of the responsibility of each member, and such other provisions as are reasonably deemed appropriate to secure a sound and stable association. The Bylaws shall be submitted to the Director of Planning for review and approval prior to construction.

Exhibit "D"

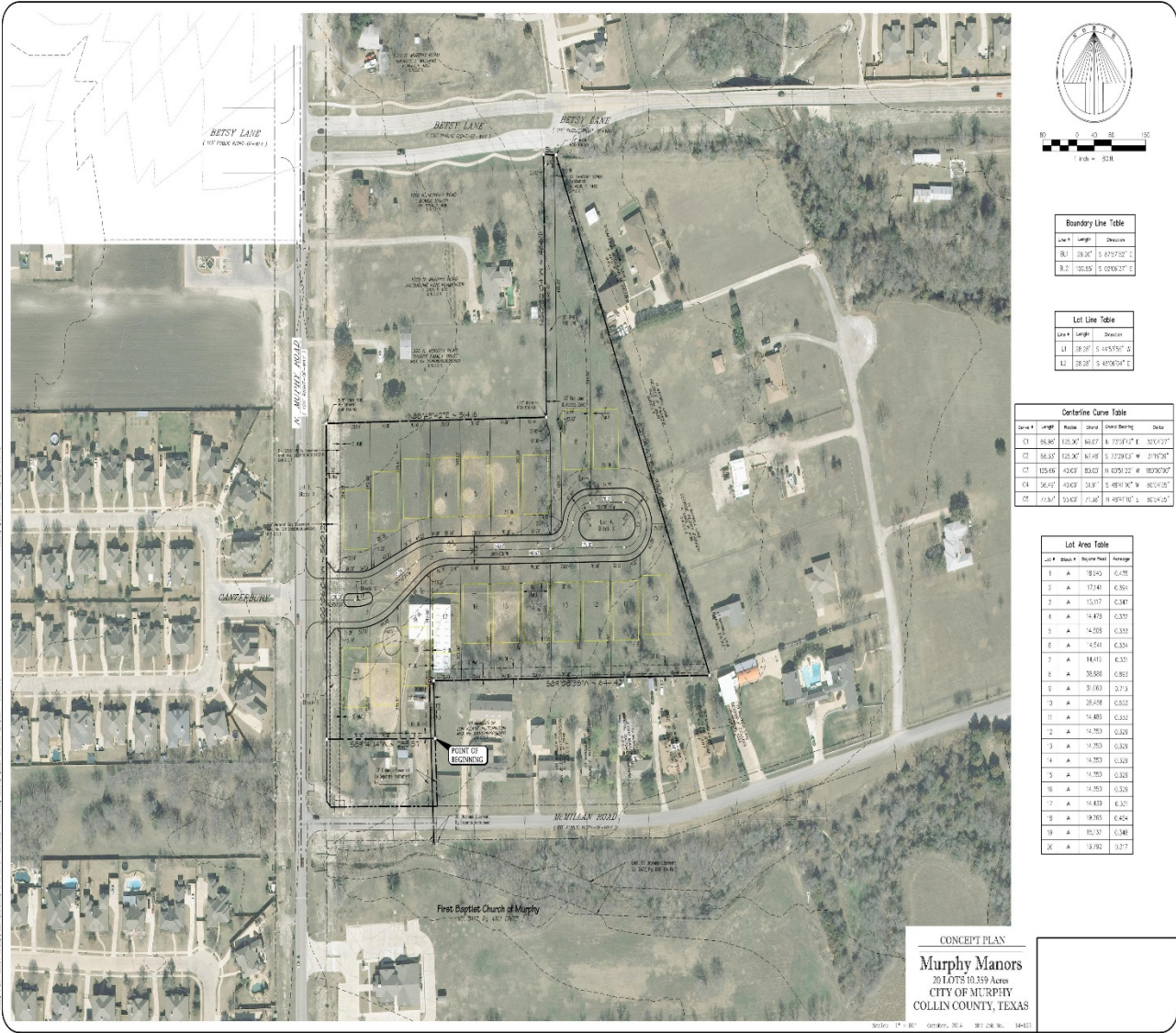


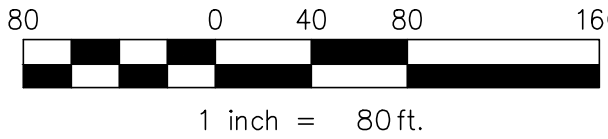
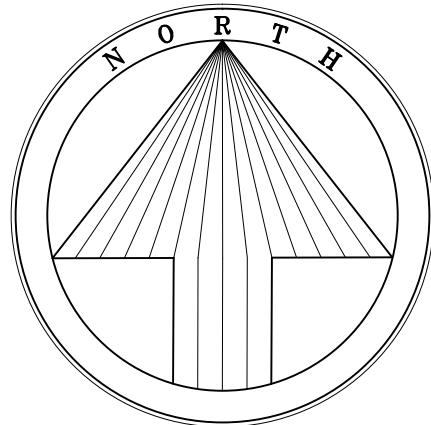
Exhibit "E"

Arbor



Exhibit B

Proposed Murphy Manors Concept Plan



Boundary Line Table		
Line #	Length	Direction
BL1	29.20'	S 87°57'52" E
BL2	102.55'	S 02°06'37" E

Lot Line Table		
Line #	Length	Direction
L1	28.28'	S 44°53'56" W
L2	28.28'	S 45°06'04" E

Centerline Curve Table					
Curve #	Length	Radius	Chord	Chord Bearing	Delta
C1	69.98'	125.00'	69.07'	N 73°51'42" E	32°04'27"
C2	68.33'	125.00'	67.48'	S 73°29'03" W	31°19'09"
C3	125.66'	40.00'	80.00'	N 00°51'22" W	180°00'00"
C4	56.49'	40.00'	51.91'	S 48°41'10" W	80°54'55"
C5	77.67'	55.00'	71.38'	N 48°41'10" E	80°54'55"

Lot Number	Block	Square Feet	Acres
1 A		18,946	0.435
2 A		17,141	0.394
3 A		15,117	0.347
4 A		14,478	0.332
5 A		14,508	0.333
6 A		14,541	0.334
7 A		14,417	0.331
8 A		38,879	0.893
9 A		31,062	0.713
10 A		28,493	0.654
11 A		14,484	0.333
12 A		14,350	0.329
13 A		14,350	0.329
14 A		14,350	0.329
15 A		14,350	0.329
16 A		14,350	0.329
17 A		14,406	0.331
18 A		19,765	0.454
19 A		15,137	0.348
20 A		13,792	0.317
Average		17,846	0.410
Minimum		13,792	0.317
Maximum		38,879	0.893
Open Space	X	78,364	1.799

CONCEPT PLAN

Murphy Manors

20 LOTS 10.359 Acres

CITY OF MURPHY

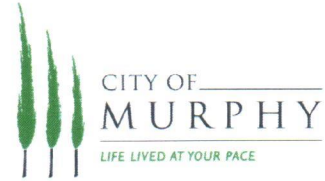
COLLIN COUNTY, TEXAS

Exhibit C

Public Notice Reply Forms received to date

Reply Form

Planning & Zoning Commission/City Council
 206 North Murphy Road
 Murphy, Texas 75094



This letter is regarding the zoning change request for Murphy Manors; approximately 10 acres of property located 900 N. Murphy Road; northeast corner of Murphy Road and McMillen Road. This request is to consider the application of **Bent Trail, LTD** requesting a zoning change from SF-20 (Single Family-20 Residential) to a PD (Planned Development) Single Family Residential District with a minimum lot size of approximately 13,000 square feet, minimum dwelling area of 2500 square feet and single family Planned Development District requirements on approximately 10 acres of property located at 900 N. Murphy Road; northeast corner of Murphy Road and McMillen Road.

☒ I am **IN FAVOR** of the zoning request for Murphy Manors.

☐ I am **OPPOSED** to the zoning request for Murphy Manors.

This item will be heard at the **Planning & Zoning Commission on Monday, October 27, 2014 at 6:00 p.m.** and by **City Council on Tuesday, November 4, 2014 at 6:00 p.m.** at Murphy City Hall, in the City Council Chambers at 206 N. Murphy Road, Murphy, Texas. Please provide your written comments below regarding the requested change. If additional space is required, you may continue writing on a separate sheet, one-sided for printing purposes.

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Rick Webster for First Baptist Church of Murphy

Name (Please Print)

Signature

900 N. Murphy Rd., Murphy, TX

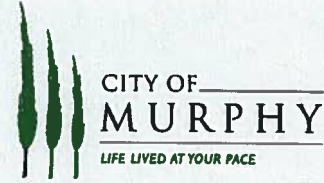
Address

Date

10/27/2014

Reply Form

Planning & Zoning Commission/City Council
206 North Murphy Road
Murphy, Texas 75094



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☒ I am **OPPOSED** to the zoning request for Murphy Manors.

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Please consider the attached list of questions
and concerns when evaluating the Murphy
Manor Development

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

CHARLES R. THORPE
Name (Please Print)

Charles R. Thorpe
Signature

920 N. MURPHY RD
Address

10/27/2014
Date

Questions and Things to Consider Regarding Murphy Manors

1. Is there going to be a stop light at McMillan? If not, will the stop light at Betsy and the one in front of the schools be synchronized to provide traffic gaps sufficient to give traffic to and from McMillan, Canterbury Drive, and Murphy Manors access opportunities to Murphy Rd; especially at peak traffic periods?
2. Is the city going to provide a left turn lane into Murphy Manors on the southbound side of Murphy Rd?
3. 70 ft wide lots, seem rather narrow for such high priced lots, where one would presume fairly large, higher priced homes would be desired. Will people be happy in a large, expensive home, when their neighbor's house could be as close as 10 feet away?
4. How much control should be made to determine the location of houses on the lots? With so many long shaped lots, owners could theoretically randomly stagger house locations to extremes that could potentially distract from the esthetics of the neighborhood.
5. I assume that the 40% lot coverage sets a maximum for a home footprint; but since the lots have such a large variation in size, should the lot coverage limit be modified in some manner to account for the size variations.
6. What is the development schedule?
7. I have heard that the developers are planning to install a common cedar wood fence along the major northern boundary line, with the intention that each home owner will maintain their own portion. We do not feel comfortable with this plan, because wood often deteriorates and begins to break down in 3 to 5 years, and the various home owners will all have different attitudes about maintenance. The wooden fence along McWhirter in The Ranch development is an example of this type of problem. Plastic or a brick fence (or wall) would be more lasting; but even brick walls quickly crack and shift unless a solid foundation is laid to withstand the shifting black soil in this area.
8. What surface is planned for the fire lane? How wide is this Fire lane? Can the trees (which straddle the property line) on the west side of the fire lane be preserved? When the Development Document talks about an automatic gate (at Betsy lane), what does this mean? Will all residences have some type of wireless opener that they can use to get in and out, or does it mean that only fire and ambulance services can access and use the gate?

Reply Form

Planning & Zoning Commission/City Council
206 North Murphy Road
Murphy, Texas 75094



CITY OF
MURPHY
LIFE LIVED AT YOUR PACE

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 I am **IN FAVOR** of the zoning request for Murphy Manors.

✓ I am **OPPOSED** to the zoning request for Murphy Manors.

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Apartmentes would kill the peaceful atmosphere. They
often attract lower income residents than the current
neighborhoods in the surrounding area. They would destroy our
privacy and kill the country atmosphere on this street.
Please keep the current zoning.

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Ryan Mangipano + Family
Name (Please Print)

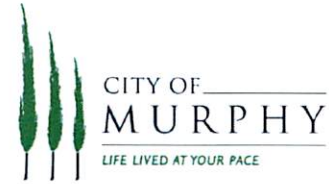
Ryan Mangipano
Signature

113 McMillen Dr.
Address
Murphy, TX 75044

10 / 19 / 2014
Date

Reply Form

Planning & Zoning Commission/City Council
 206 North Murphy Road
 Murphy, Texas 75094



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RECEIVED
 OCT 17 2014
 City of Murphy

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Jacqueline Permenter
 Name (Please Print)

1000 N. Murphy Rd
 Address Murphy, Tx

Jacqueline Permenter
 Signature

10-18-14
 Date

Reply Form

Planning & Zoning Commission/City Council
 206 North Murphy Road
 Murphy, Texas 75094

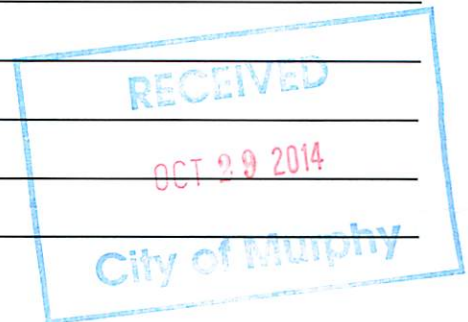


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By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

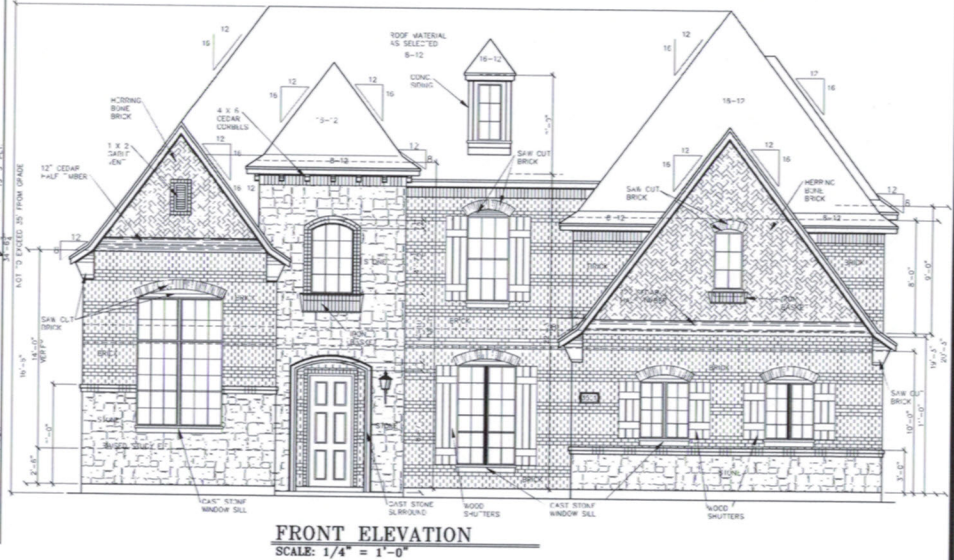
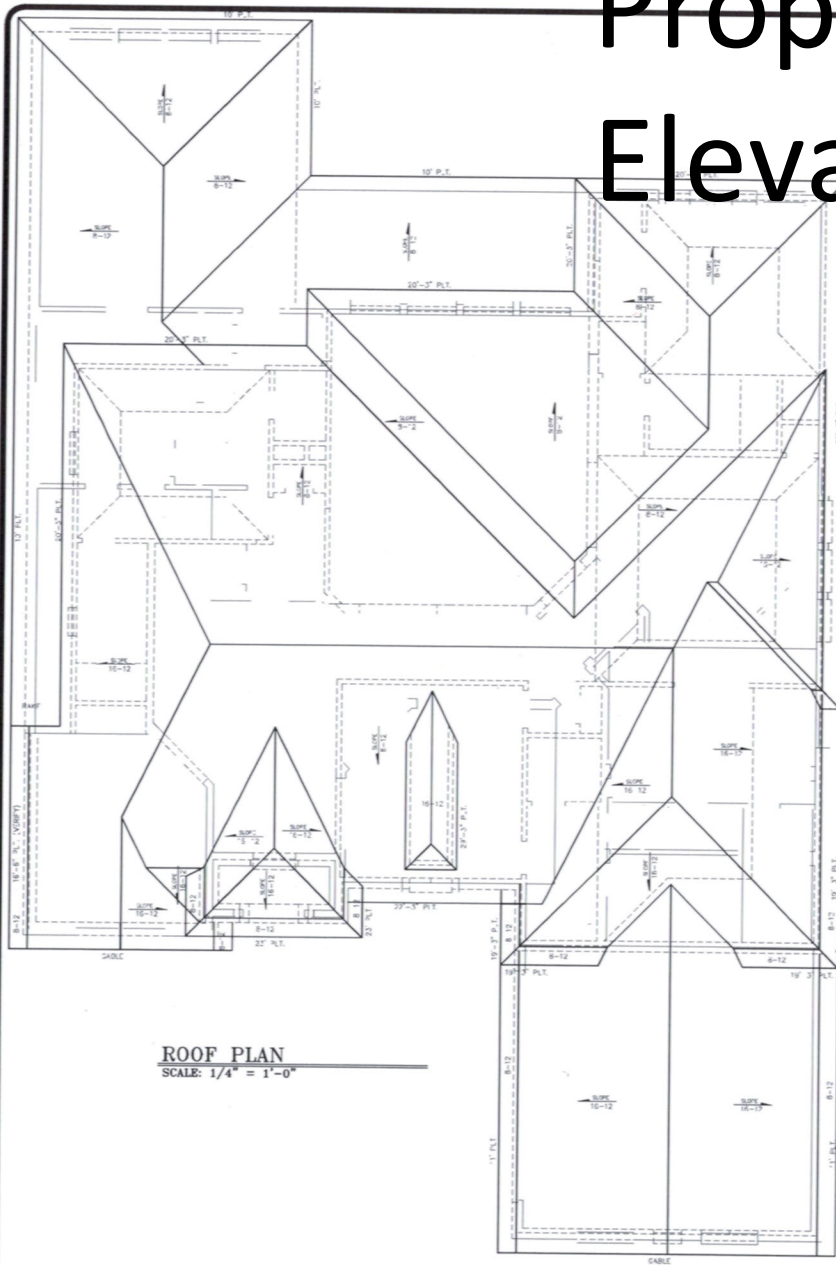
DAVID HOWARD
 Name (Please Print)
925 22ND ST. #100
PLANO, TX 75074
 Address

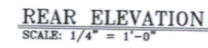
David Howard
 Signature
10-28-14
 Date

Exhibit D

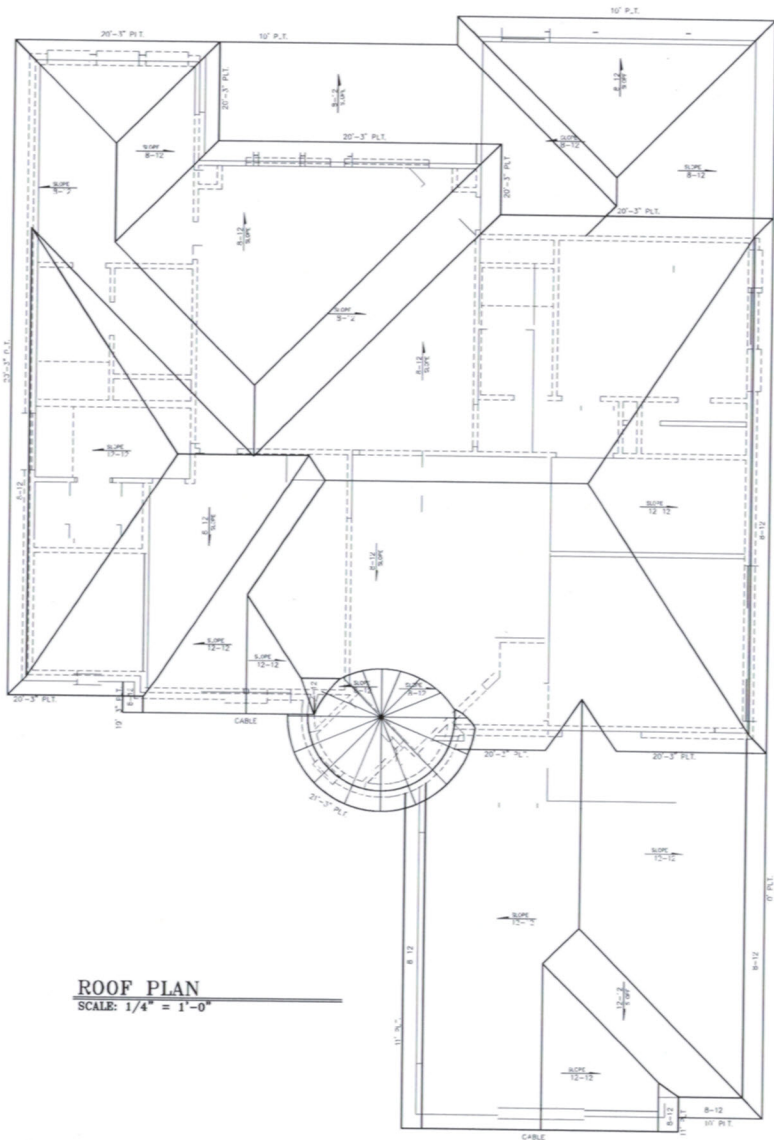
Proposed Elevations

Proposed Elevations

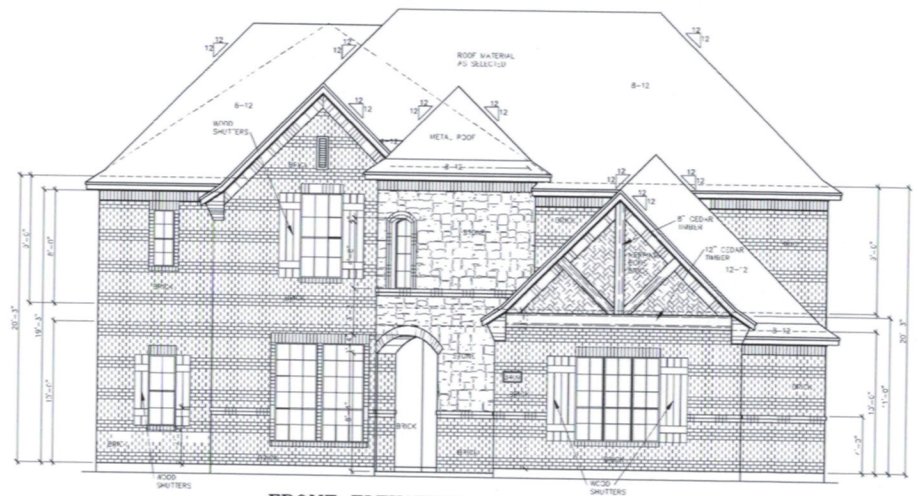




EUROPEAN ECLECTIC

**REAR ELEVATION**

SCALE: 1/4" = 1'-0"

**FRONT ELEVATION**

SCALE: 1/4" = 1'-0"

Exhibit E

Picture of homes built at 5' foot
side yard setback



Exhibit F

Letter sent to surrounding
neighbors by applicant prior to
P&Z consideration

October 17, 2014

Lisa Roberts
900 Murphy Road
Murphy, TX
972-672-6464
lisaroberts@attorney-cpa.com

Dear Neighbor

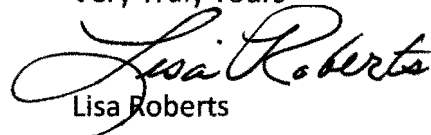
I am planning on developing my property that is located at 900 Murphy Rd. I have engaged an engineer to do a high quality development that I believe will enhance your property values and blend with our current area.

The new neighborhood will have 20 lots with a single entrance off Murphy Rd. My intent is to retain the majority of the trees that are on my property and along my perimeter property lines. The new neighborhood will be named "Murphy Manors". The lot sizes will range from 14,000 square feet to 43,000 square feet. My plan is to heavily landscape the area along Murphy Road with an 8' tall masonry wall. The streetscape will include a minimum of 2 trees on the front of each lot. I have designed a large island park that will include heavy landscape and a wood Arbor.

My home that is on McMillen Road will not be part of the new neighborhood. I have this home separated from the new neighborhood on its own lot. The lot the home is occupying will be a little over 30,000 square feet. I have it on the market now.

I have included an aerial view of the neighborhood and the PD requirements that have been submitted to the city. I am submitting the plan to the P & Z board on Monday October 27th and to the City Council on Tuesday November 4th. I would appreciate hearing from you with any questions or concerns. Please feel free to call me on my cell or email me.

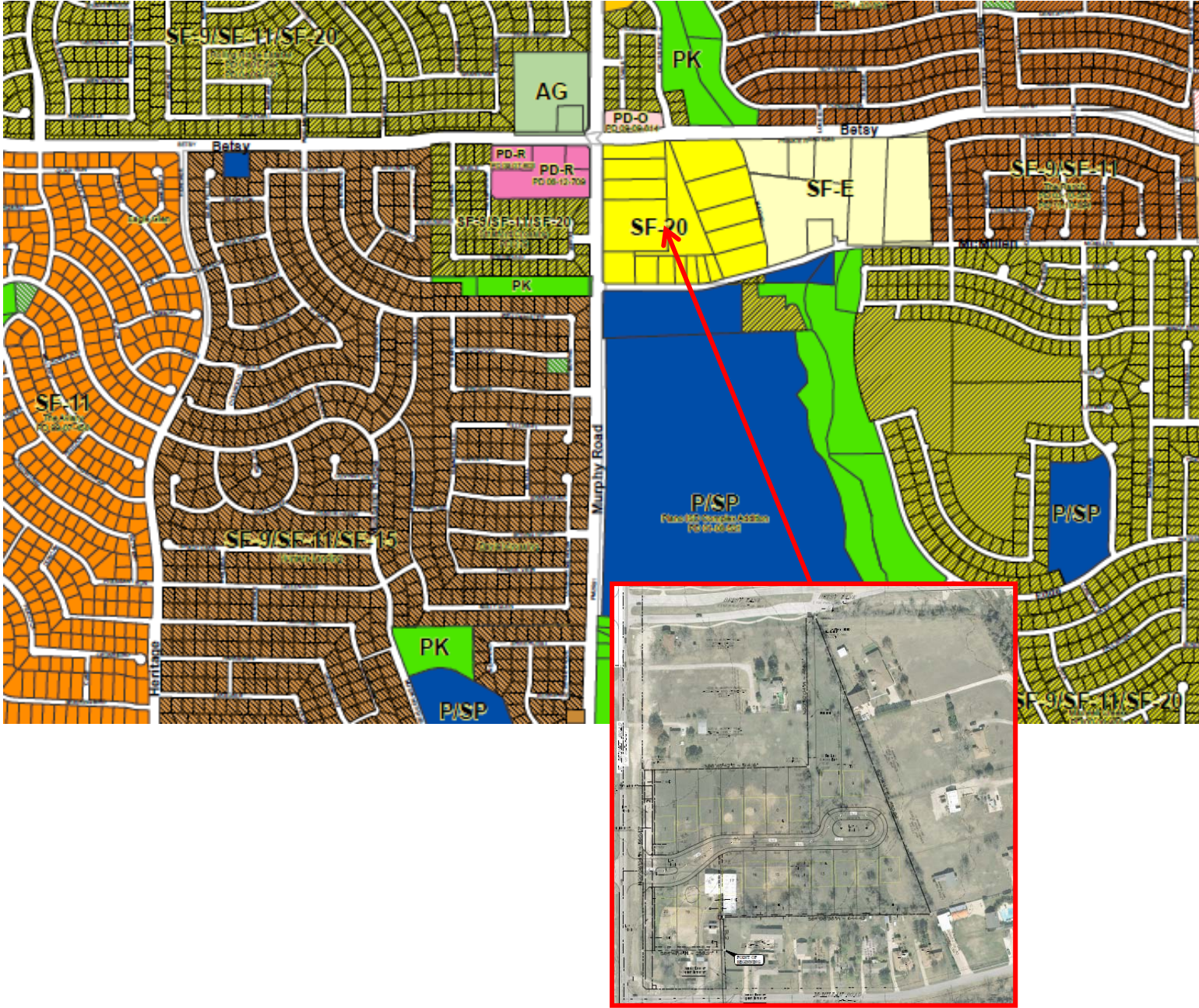
Very Truly Yours



Lisa Roberts

Exhibit G

Zoning Map Location



**City Council Meeting
November 4, 2014**

Issue

Consider and/or act on a resolution of the City of Murphy opposing the construction of the private toll road project known as the Northeast Gateway.

Staff Resource/Department

James Fisher, City Manager

Summary

The Blacklands Transportation Corridor was conceived as a toll road located in Dallas, Rockwall, Hunt and Collin counties along or near the Northeast Texas Rural Rail Transportation District (NETEX) Corridor between the City of Lavon and the City of Greenville. The Corridor is supposed to relieve traffic congestion along Interstate 30 between the City of Greenville and Dallas County. The study will explore potential uses of the corridor such as freeway, arterial, rail line, and toll road, and examine potential alignments, access/egress and start/end locations. The design, financing, construction, and operation of the toll road option will be privately funded by the Texas Turnpike Corporation.

There have been several meetings over the past year regarding the Blacklands Corridor Study with residents in the affected counties. There is a lot of concern as the need of a toll road, land acquisitions, proposed locations of the toll road, the lack of definitive information and the role/authority/accountability of the Texas Turnpike Corporation.

The Cities of Wylie, Sachse, Rockwall, Lavon, Josephine, Fate, Rowlett, Royse City, and Princeton have passed Resolutions opposing the toll road.

Board Discussion/Action

The purpose of this Resolution is to support our neighboring cities in their opposition and encourage regional transportation planning.

Action Requested

Consider a motion to approve the Resolution.

Attachments

- Resolution
- NCTCOG Press Release 10/3/2014
- Blacklands Corridor Newsletters
- NCTCOG Regional Transportation Council Fact Sheet

RESOLUTION NO. _____**A RESOLUTION OF THE CITY OF MURPHY, TEXAS OPPOSING THE CONSTRUCTION OF THE PRIVATE TOLL ROAD PROJECT KNOWN AS THE NORTHEAST GATEWAY; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Murphy, Texas supports and encourages regional long-range transportation planning and development initiatives; and

WHEREAS, the City has attended meetings regarding the North Central Texas Council of Governments' Blacklands Corridor Feasibility Study and the proposed Texas Turnpike Corporation's Northeast Gateway Private Toll Road; and

WHEREAS, the neighboring cities of Murphy have passed Resolutions against the proposed Northeast Gateway toll road citing concerns about negative impacts that the project will have on their communities; and

WHEREAS, based on information available at this time the Murphy City Council believes that the proposed routes of the Northeast Gateway Private Toll Road project will not benefit the citizens of the City of Murphy or the residents of eastern Collin County.

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

SECTION 1. The City of Murphy support efforts to mitigate the demands of population growth in southeastern Collin County through proper transportation planning.

SECTION 2. The City of Murphy is against the proposed Northeast Gateway toll road and private companies having the power of eminent domain without having access to their records and dealings.

SECTION 3. The City Council does hereby oppose the route alternatives of the proposed Northeast Gateway toll road as they have a negative impact on the residents of eastern Collin County, Hunt, Rockwall and Dallas Counties.

SECTION 4. This Resolution shall take effect immediately upon its passage.

DULY PASSED AND APPROVED by the City Council of the City of Murphy, Texas on this the 4th day of November, 2014.

CITY OF MURPHY

BY: _____
Eric Barna, Mayor

ATTEST:

Susie Quinn, City Secretary



**North Central Texas
Council of Governments**

PRESS RELEASE

Contact: Amanda Wilson
(817) 695-9284
awilson@nctcog.org

NCTCOG Delays Decision on Long-range Transportation Plan Changes to Mobility 2035 - 2013 Update will be considered Nov. 13

Oct. 3, 2014 (Arlington, Texas) – The North Central Texas Council of Governments plans to delay asking the Regional Transportation Council to consider an amendment to the region's long-range transportation plan, Mobility 2035 - 2013 Update, until Nov. 13.

The RTC had originally been expected to consider the amendment at its meeting in October, but postponing a decision will allow more time for the RTC to review public comments about the Blacklands Corridor Feasibility Study, following that study's public meeting Sept. 22. More than 1,200 attended the meeting, almost all expressing concerns about a potential toll road. Residents also submitted written comments in advance of the Oct. 2 deadline for input.

The feasibility study is examining transportation needs in the area stretching from Garland to Greenville that includes parts of Dallas, Collin, Rockwall, and Hunt counties. At the Sept. 22 public meeting, planners recommended a combination of strategies to help meet local and regional transportation needs in the area based on study findings and public involvement since July 2013. New and widened arterials, a new freeway/tollway, bicycle and pedestrian improvements, and IH 30 bottleneck improvements were among the recommendations.

NCTCOG staff is compiling public input, which will be provided to the RTC before it considers long-range transportation plan changes. The deadline to provide comments on the feasibility study was Oct. 2. Staff are now determining transportation options for RTC consideration. Those unable to attend the public meeting who would still like to review the presentations and discussion can visit www.nctcog.org/blacklands where a video of the meeting and information about the feasibility study are available.

Through the 2014 amendment to Mobility 2035 - 2013 Update, staff are proposing to incorporate the most current project level assumptions for a small number of projects across the region, allowing the transportation improvements to meet critical deadlines and move toward implementation. Staff recommendations regarding projects to include in the amendment will be determined following review of public comments, and they will be presented for RTC action Nov. 13.

About the North Central Texas Council of Governments:

NCTCOG is a voluntary association of local governments established in 1966 to assist local governments in planning for common needs, cooperating for mutual benefit and coordinating for sound regional development. NCTCOG's purpose is to strengthen both the individual and collective power of local governments and to help them recognize regional opportunities, eliminate unnecessary duplication and make joint decisions.

NCTCOG serves a 16-county region of North Central Texas, which is centered on the two urban centers of Dallas and Fort Worth. Currently, NCTCOG has 240 member governments including 16 counties, 170 cities, 24 school districts and 30 special districts. For more information on the NCTCOG Transportation Department, visit NCTCOG.org/trans.

About the Regional Transportation Council:

The Regional Transportation Council (RTC) of the North Central Texas Council of Governments has served as the Metropolitan Planning Organization (MPO) for regional transportation planning in the Dallas-Fort Worth area since 1974. The MPO works in cooperation with the region's transportation providers to address the complex transportation needs of the rapidly growing metropolitan area. The Dallas-Fort Worth metropolitan area includes Collin, Dallas, Denton, Ellis, Hood, Hunt, Johnson, Kaufman, Parker, Rockwall, Tarrant and Wise counties. The RTC's 44 members include local elected or appointed officials from the metropolitan area and representatives from each of the area's transportation providers. More information can be found at NCTCOG.org.

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Summer 2014

Blacklands Corridor

CONNECTION

Save the Date:

Public Meeting Sept. 4 in Lavon

Thursday, Sept. 4, 2014
NeSmith Elementary School
801 Presidents Blvd.
Lavon, Texas 75166

6:00 pm
Presentation & Public Comments
(A video recording will be posted at www.nctcog.org/blacklands after the meeting.)

Residents, elected officials, business leaders, and all interested individuals are invited to a public meeting to learn about work completed to date as well as what to expect in the coming months.

See full notice on back page.

For special accommodations due to a disability or language translation, call 817-608-2335 or email jistout@nctcog.org at least 72 hours prior to the meeting. Reasonable accommodations will be made.

Para ajustes especiales por discapacidad o para interpretación de idiomas, llame al 817-608-2335 o por email: jistout@nctcog.org con 72 horas (mínimo) previas a la junta. Se harán las adaptaciones razonables.

Transportation Study Concluding; Public Encouraged to Stay Involved, Attend Meetings

North Central Texas Council of Governments (NCTCOG) staff will present draft recommendations for the Blacklands Corridor Feasibility Study at a public meeting in Lavon on Sept. 4. A new location limited-access freeway/tollway facility will be included in these recommendations, and the Texas Turnpike Corporation (TTC) has expressed interest in carrying these plans forward for near-term development. TTC, a private development firm, will conduct a state-mandated environmental process which must be completed to determine the project location. Their representatives will also be in attendance to answer questions and further describe what residents can expect from the environmental process.

The draft recommendations presented at the Sept. 4 meeting will form the foundation for final recommendations to be published in a report by NCTCOG. A summary of paths forward for implementing each alternative can be found inside this newsletter and will be presented at the meeting.

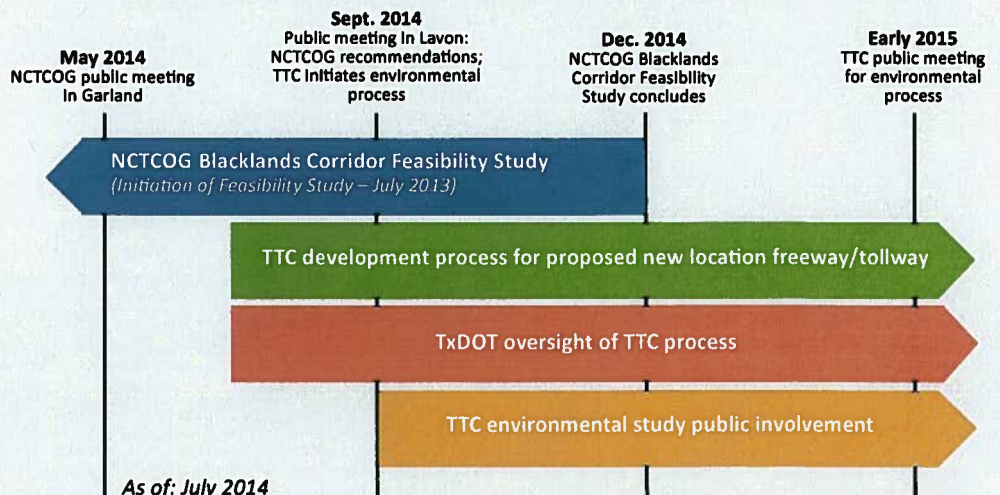
Although the Sept. 4 meeting will be the last one organized by NCTCOG, TTC will continue

to hold public meetings and hearings to solicit feedback from corridor residents regarding the proposed alignment for the new roadway facility.

The environmental assessment conducted by TTC will conform to a state process modeled after the federal process outlined in the National Environmental Policy Act. Concerns about any impact to the natural environment, historic sites, and quality of life will be examined. The Texas Department of Transportation will provide formal supervision throughout the assessment to ensure compliance with state law.

NCTCOG will publish its final report summarizing the study, including the alternatives analysis and public involvement process, later this year. The report will contain responses to issues and concerns raised by residents and other stakeholders during the study. Upon publication, the report will be posted to the study website at www.nctcog.org/blacklands. Paper copies will be made available upon request.

Blacklands Corridor Freeway/Tollway Development Timeline



NCTCOG staff will present revisions to the region's long-range transportation plan at a series of public meetings Sept. 8-10. Federal regulations require urban areas to maintain a long-range transportation plan covering a period of at least 20 years. Adopted in March 2013, Mobility 2035 - 2013 Update defines a vision for the multimodal system and guides transportation investments. Since then, planners have continued to develop and refine projects contained in the plan. As a result, the plan will be strategically amended to more accurately reflect the latest project-level assumptions for a small number of projects, including the Blacklands Corridor Feasibility Study, which will allow them to meet critical deadlines and progress toward implementation. The Mobility 2035 - 2014 Amendment is anticipated to be adopted in October. Members of NCTCOG's email and mailing lists will receive additional information about the time and location of the public meetings. Information will also be available online at www.nctcog.org/meetings.

As planners finish their analysis of the strategies being evaluated in the Blacklands Corridor Feasibility Study, they are outlining a path forward for implementing each alternative. The study is recommending a combination of strategies to help meet local and regional transportation needs. Because a number of different entities complete transportation improvements, multiple partners would need to be involved in implementing these recommendations. All of these contributions will help enhance travel conditions in the study area.

The baseline condition includes the implementation of improvements that had been previously identified in Mobility 2035 - 2013 Update, the region's long-range transportation plan. Therefore, NCTCOG will continue to work with its regional transportation partners to implement important study area projects.

The study evaluated multiple smaller-scale improvements that would help improve the efficiency of the existing transportation system. Because a number of items have

Bicycle and pedestrian facilities typically serve a local community need and are usually planned and implemented by cities and counties. NCTCOG works with local governments to aid in this process and to help identify funding for construction, particularly for projects with regional connectivity. As part of this study, planners assessed how all of the local plans work together as a system and identified an additional corridor to provide important system connectivity. NCTCOG will continue to partner with local governments to plan and implement priority bicycle and pedestrian improvements in the study area.

Planners assessed the feasibility of using rail facilities instead of trucks to aid in the movement of freight throughout the study area. It was determined that this would not be a viable option. However, planned expansion of freight rail facilities in the study area could increase traffic on local roadways. Freight rail facilities are owned and operated by private companies, and expansion and improvement of these facilities are completed at their discretion. While freight rail strategies have been eliminated for further evaluation in the study, local governments and NCTCOG will continue to monitor the impacts that expansion of these facilities would have on travel conditions in the study area.

[illegible]

May Public Meeting: Alternatives Discussed, Input Requested

At a public meeting in Garland on May 13, NCTCOG and its consultants presented an analysis of the feasibility for each of the transportation alternatives under consideration. Planners said they would recommend a combination of alternatives, including a new location freeway/tollway. They also announced that a private-sector firm would join the study process to facilitate coordination on plans for the freeway/tollway. Nearly 60 people attended the meeting. Staff advised the public to provide comments by May 31 to ensure their full consideration. A summary of the meeting and comments, presentation materials, and a video recording are available at www.nctcog.org/blacklands.

Public Invited to Help Improve Outreach Plan

Residents are invited to weigh in on an update to NCTCOG's Public Participation Plan, which outlines communications strategies and requirements for seeking public involvement in the transportation and air quality planning process. Staff will present recommendations for comment at public meetings Sept. 8-10. Residents on NCTCOG's email and mailing lists will receive notification of exact times and locations once they are determined.

Proposed updates are based on feedback from a recent survey as well as the need to enhance and focus efforts to inform the public and gather input. The survey results can be viewed at www.nctcog.org/trans/presentations in the presentation from June entitled "Enhancing Communications and Outreach." Email comments and questions to transinfo@nctcog.org or call 817-608-2335.

Continued from previous page

Transit

The feasibility study evaluated two major transit improvements: passenger rail service and express bus service. Analysis of the rail option showed that it failed to meet the ridership levels necessary for implementing service by 2035, so it will not be carried forward as a study recommendation. However, the express bus option did demonstrate ridership levels that would warrant service. Local governments interested in express bus service can partner with public transportation service providers to develop and implement this option.

Arterial Roadways

The study considered a variety of improvements to area arterials, including the optimization of SH 78, a full build-out of local thoroughfare plans, and new arterial facilities in the area near the lakes. As travel demand grows, enhancements to the arterial system will be key to improving mobility and accessibility. Once funding becomes available, improvements to arterials may be completed by cities, counties, or TxDOT, depending on the specific roadway and nature of the improvement.

IH 30 Bottleneck Projects

Several strategies for eliminating bottlenecks and improving the flow of travel in the IH 30 corridor were evaluated. These strategies are not intended to be long-term solutions but could provide temporary relief for this vital corridor while more substantive

improvements are being studied and developed. Improvements to the Interstate Highway System are under TxDOT's jurisdiction and would involve extensive coordination with NCTCOG and local governments.

IH 30 Reconstruction

IH 30 is an important connection between the Dallas-Fort Worth region and points east. Recently, there has been growing interest statewide in expanding this facility to accommodate rising travel demand. The feasibility study assessed the impacts of adding general purpose and tolled managed lanes from the President George Bush Turnpike to the city of Greenville. It is expected that additional improvements beyond these limits are needed. TxDOT would be responsible for studying strategies to improve this facility throughout the state in partnership with agencies such as NCTCOG.

New Location Freeway/Tollway

The feasibility study has demonstrated that a transportation need exists in the study area, particularly in the vicinity of Lake Ray Hubbard and Lavon Lake. A private developer continues to show interest in building a new roadway in the study corridor, which could enhance transportation in the study area, particularly between the lakes. This private developer is now working with TxDOT to complete the environmental reviews necessary for project implementation.

Who Can Implement Recommendations from the Study?

Strategy	Implementing Agent
Baseline Condition	Regional transportation partners*
Transportation Systems Management	Regional transportation partners*
Bicycle/Pedestrian Facilities	Cities, counties
Freight Rail	Private-sector owners/operators
Transit	Cities, counties, transit service providers
Arterial Roadways	Cities, counties, TxDOT
IH 30 Bottleneck Projects	TxDOT
IH 30 Reconstruction	TxDOT
New Location Freeway/Tollway	TxDOT, toll authority, private developer

*Regional transportation partners may include cities, counties, TxDOT, toll authorities, transit authorities, and NCTCOG.

Blacklands Corridor CONNECTION

North Central Texas Council of Governments
P. O. Box 5888
Arlington, TX 76005-5888

Notice of Public Meeting Blacklands Corridor Feasibility Study

Implementation Options to Be Discussed, Including Proposed Construction
of New Limited-Access Freeway/Tollway

Public Meeting

Thursday, Sept. 4 at 6 pm
NeSmith Elementary School
801 Presidents Blvd.
Lavon, Texas 75166

NCTCOG will present final draft recommendations for transportation improvements in the Blacklands corridor. This presentation will include information on how recommendations, such as bicycle/pedestrian improvements or bus service, could be implemented.

Representatives from the Texas Turnpike Corporation will provide information on the environmental assessment that will begin this fall for a new location freeway/tollway project.

Meeting attendees will have the opportunity to provide comments and ask questions following the presentations.

Blacklands Corridor Feasibility Study

Since initiating a feasibility study last year, NCTCOG has determined that transportation needs exist in an area stretching from Greenville to Garland that includes portions of Collin, Dallas, Hunt, and Rockwall counties. Planners have conducted a multimodal analysis of transportation alternatives to guide development of solutions and conceptual projects. A final report in December will present recommended strategies for the entire corridor. A map of the study area is inside.

New Location Freeway/Tollway Project

The feasibility study showed that a new location highway could improve mobility in the area. The Texas Turnpike Corporation, a private firm, has begun work to develop this project as a potential toll road. To determine the location, TTC will complete an environmental and public involvement process under the supervision of the Texas Department of Transportation. Residents of the study area are encouraged to participate in this process.

Special Accommodations

For special accommodations due to a disability or language translation, call 817-608-2335 or email istout@nctcog.org at least 72 hours prior to the meeting. Reasonable accommodations will be made.

Para ajustes especiales por discapacidad o para interpretación de idiomas, llame al 817-608-2335 o por email: istout@nctcog.org con 72 horas (mínimo) previas a la junta. Se harán las adaptaciones razonables.

How to Provide Comments

Visit www.nctcog.org/blacklands to submit comments and questions to project staff. Staff can also be reached at istout@nctcog.org or 817-608-2335.

Online Resources

Visit www.nctcog.org/blacklands to sign up for email updates, review project materials and maps, and watch videos of previous public meetings.



NCTCOGtrans

Back to Agenda Page



transinfo@nctcog.org

www.nctcog.org/blacklands

11-04-14 Agenda Packet - 49 of 106

April 2014

Blacklands Corridor

CONNECTION

Save the Date:

Public Meeting May 13 in Garland

Tuesday, May 13, 2014
The Atrium at the Granville
Arts Center
300 N. Fifth Street
Garland, Texas 75040

5:30 pm
Open House

6:00 pm
Presentation & Public Comments
(A video recording will be posted at
www.nctcog.org/blacklands after
the meeting.)

7:00 pm
Open House

Residents, elected officials,
business leaders, and all interested
individuals are invited to an open
house and public meeting to learn
about work completed to date as
well as what to expect in the
coming months.

*For special accommodations due to a
disability or language translation, call
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previas a la junta. Se harán las
adaptaciones razonables.*



Transportation Options Becoming Clearer as Study Moves Forward

Progress continues to be made on the Blacklands Corridor Feasibility Study being conducted by the North Central Texas Council of Governments (NCTCOG). Planners have assessed existing conditions, identified issues, conducted baseline forecasts, and generated alternatives. Using four criteria, they have now begun to evaluate the alternatives.

Transportation Systems Management (TSM)

Projects in this category use operational strategies such as traffic signal synchronization to improve the performance of the existing transportation system. TSM alone cannot address the transportation needs which have been identified in the study area but can serve as a complementary strategy to reduce demand and improve travel conditions.

Bicycle/Pedestrian Facilities

Implementation of regional and local bicycle and pedestrian plans will benefit the study area by meeting localized transportation needs and providing facilities

that enhance quality of life. Although these facilities would not fully address the needs for long-distance transportation and daily commuting, they can be implemented as a complementary strategy for local connectivity and recreation.

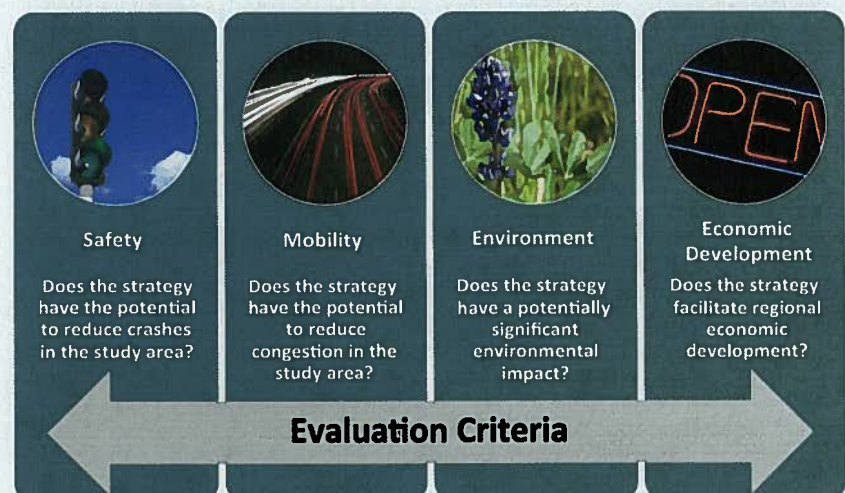
Freight Rail

Most travel in the study area is by personal vehicles, so enhancing freight rail facilities will not adequately address many of the identified transportation needs and is no longer being considered for detailed evaluation. However, planned improvements to the Kansas City Southern (KCS) Intermodal Facility in Wylie and the Walton Logistics Hub near Greenville will continue to be evaluated for potential impacts on study area roadways.

Transit

The Hunt County Transportation Plan, approved by the Hunt County Commissioners Court in 2012, included a transit feasibility analysis that indicated projected ridership would be below the threshold necessary to warrant passenger

Continued on page 2



Inside the Feasibility Study

Public Meeting Recap: Preliminary Evaluation Presented for Input

NCTCOG hosted a public meeting in Greenville last month to seek additional input from the public and share the preliminary evaluation of nine transportation alternatives for the study area. Planners said they will carry forward all of the alternatives for further evaluation except for freight rail. Although a new location freeway/tollway remains a possibility, they reiterated that the NETEX right of way in Nevada, Josephine, and Caddo Mills is no longer being considered for a roadway alignment.

Analysis has shown that a need for additional capacity exists between Garland and SH 205 near the SH 78 corridor due to population growth and high traffic volume. Therefore, final recommendations for the study area would likely include multiple strategies.

About 120 people attended the meeting, and several submitted public comments. A summary of the meeting and comments, presentation slides and materials, and a video recording are available at www.nctcog.org/blacklands.

Study Will Examine SH 276 Facilities

Based on feedback received at the March public meeting, planners will incorporate strategic facilities such as the SH 276 corridor into their analysis of the area's transportation system. Although it is unlikely the Blacklands Corridor study area will be further expanded, they will examine the potential impact of nearby key facilities to area connectivity to determine if additional analysis is required. More information about these facilities and their relationship to traffic flow in the Blacklands Corridor study area will be presented at the May 13 public meeting in Garland.

Continued from Front Page

rail service prior to 2035. However, additional consideration for the viability of express bus service originating in the study area and traveling to points west will be evaluated. Preservation of key corridors such as the NETEX right of way and implementation of complementary zoning practices by cities would support potential future development of passenger rail service when ridership levels can be met.

Arterial Roadways

The full build-out of city and county thoroughfare plans will enhance connectivity and meet local travel needs in the study area. Preliminary analysis shows that these new or expanded roadways alone do not address the larger transportation needs for regional travel, particularly in connecting the western and eastern segments of the study area between Lavon Lake and Lake Ray Hubbard.

IH 30 Bottleneck Projects

Low-cost improvements at strategic locations along the IH 30 corridor, such as the addition of auxiliary lanes and the conversion of two-way frontage roads to one-way operation, could alleviate some localized congestion but ultimately will have little impact throughout much of the study area. This strategy should be considered as an interim option while more extensive improvements are developed.

IH 30 Reconstruction

Participants at public meetings have noted the widening of IH 30 could solve projected congestion in the study area. However,

preliminary technical analysis indicates that large-scale improvements to IH 30 would not address transportation needs in the larger Blacklands study area. The addition of capacity to the IH 30 corridor offers little relief to other travel corridors in the study area, notably SH 78, and only marginally improves conditions in the immediate vicinity. Additional improvements to IH 30 west of the study area would also be necessary, but plans to improve IH 30 in eastern Dallas County lack funding.

New Highway/Freeway/Tollway

Initial analysis indicates that a new location highway/freeway/tollway may be an effective strategy in addressing the unmet transportation demand in some portions of the study area. These results show that the travel demand across the study area varies greatly from west to east, indicating that a hybrid of improvements may be warranted from a new strategic arterial in the east to a freeway west of the proposed Collin County Outer Loop. Additional analysis is needed to determine the optimal mix of transportation facilities for this strategy.

These alternatives will continue to be evaluated and refined as the study progresses. A short list of alternatives will be presented at the public meeting in May. Additional criteria such as community support and financial feasibility will be considered as locally preferred alternatives are identified for inclusion in the study's final recommendations, which are anticipated to be complete by the fall.

Preliminary Evaluation of Alternatives

Legend	
++	Enhances
+	
O	No Impact
-	
--	Diminishes

Strategy	Evaluation Criteria			
	Safety	Mobility	Environment	Economic Development
1) Baseline (Mobility 2035 – 2013 Update only)	O	O	O	-
2) Travel Options/TSM/ITS	+	+	O	O
3) Bicycle/Pedestrian Facilities	+	+	O	O
4) Freight Rail	O	O	O	O
5) Transit	+	+	O	+
6) Improvement of Arterials	+	+	-	+
7) Bottleneck Improvements to IH 30	+	+	O	O
8) Expansion of IH 30 Facility	+	++	-	+
9) New Location Freeway/Tollway	+	++	--	+

Community Involvement

Interviews Provide In-Depth Feedback to Planners

NCTCOG and its consultants recently completed more than 20 interviews with a selection of stakeholders. These individuals from the study area either represent prominent community organizations or have taken an active role in keeping their neighbors informed about the study. Among the stakeholders interviewed were involved residents; elected officials; city development employees; fire and police chiefs; and representatives of chambers of commerce, school districts, and medical facilities, among others.

Interviewees were asked about their level of awareness of the study, ways to more effectively reach the public, and their opinions about growth in the area. They were also specifically asked to discuss their perceptions about the benefits and drawbacks of both making and not making transportation improvements in the study area. Planners have incorporated insights from the stakeholder interviews into their evaluation of the alternatives and will include this information in the final study report.

Impact of Intermodal and Logistics Hubs

Preliminary analysis considered the planned expansion of intermodal and logistics facilities in Wylie and Greenville. Although they have the potential to enhance economic development, their impact on the area's congested roadways had not yet been determined. A review of these planned improvements indicates that the impact on area roadways during peak periods of travel should be minimal because these facilities operate during off-peak hours and utilize freight rail lines to help transfer goods.

Growth and Traffic Survey Shows Need for Roadway Improvements

At the Nov. 7, 2013, public meeting in the town of Nevada, NCTCOG introduced a survey to residents and stakeholders to gauge opinions about growth and traffic congestion in the study area. Ninety-six people chose to complete the 15-question survey, which closed on March 28.

Survey participants were primarily residents (84 percent) or landowners (80 percent) in the study area. When asked to evaluate the statement that significant new residential development is occurring in the study area, 59 percent of respondents said they either agreed or strongly agreed with it. Furthermore, 67 percent said that they either agreed or strongly agreed that significant development will occur in the future.

Survey respondents indicated that IH 30 (30 percent) and SH 78 (28 percent) are the most important regional roadways for their travel. They also indicated that these facilities are the most frequently congested roadways in the study area. SH 78 had the highest count of respondents specifying that they experience congestion on this road at some point during the day. Additionally, survey participants identified 32 specific intersections which need to be improved.

Respondents were also asked about what types of transportation improvements they thought would be necessary for the area in the future. (Users could select more than one option.) Improvements to existing roadways (70 percent), intersection improvements (46 percent) and new roadways (44 percent) received the most support. Only 2 percent of respondents thought no improvements were needed.

Finally, respondents indicated that they had used a number of different considerations to evaluate the transportation options included in the survey, with congestion relief being an important consideration for 55 percent. Other important considerations for respondents included travel time (44 percent) and local accessibility (41 percent). (Users were able to select more than one option.)

The survey responses will guide planners as they refine the list of alternatives and develop short- and long-term plans for the area. The survey was available both in print and electronically and received further promotion in the February issue of the Blacklands Corridor Connection. The full survey results are available at www.nctcog.org/blacklands.

How can you stay informed and get involved?

Visit

www.nctcog.org/blacklands

Join the email list to get updates

Review project materials and maps

Watch video of public meetings

Attend Meetings

Discuss concerns with staff one-on-one

Get immediate answers to questions

Submit comments for the public record

Contact Project Staff

Amanda Wilson
awilson@nctcog.org
817-695-9284

Jahnae Stout
jstout@nctcog.org
817-608-2335

Spread the Word

Request a community presentation

Request newsletters to distribute

Share social media updates

As the study moves forward, input from the public will become even more critical to the evaluation of the alternatives. All interested individuals are highly encouraged to submit comments by the end of May. Visit the website or contact project staff to submit your comments.

Blacklands Corridor CONNECTION

North Central Texas Council of Governments
P. O. Box 5888
Arlington, TX 76005-5888

At a Glance: Blacklands Corridor Feasibility Study

Purpose and Goals

Since initiating a feasibility study in the Blacklands corridor last year, NCTCOG has determined that transportation needs exist in the area, which stretches from Greenville to Garland and includes portions of Collin, Dallas, Hunt, and Rockwall counties. Planners are currently conducting a multimodal analysis of different transportation alternatives and alignments to guide development of solutions and conceptual projects. A final report in December will present recommended transportation improvement strategies for the entire corridor.



NETEX Right of Way

A private-sector proposal to build a tollway in the Northeast Texas Rural Rail Transportation District right of way was introduced in the community last year. However, technical analysis by NCTCOG has determined that the right of way through the cities of Nevada, Josephine, and Caddo Mills is not suitable for a new roadway. NCTCOG is recommending that the NETEX right of way be preserved for future use as a passenger rail corridor and/or bicycle/pedestrian facility.

Public Involvement

Presentations

Elected Officials and
Transportation Partners Briefing,
Lavon

NCTCOG Surface Transportation
Technical Committee,
Arlington

NCTCOG Regional
Transportation Council,
Arlington

Hunt County Alliance for
Economic Development,
Commerce

Farmersville City Council,
Farmersville

Find Our Newsletter Locally

Big Daddy's Roadhouse BBQ, Lavon

Caddo Mills Food & Fuel

Caddo Mills Food Mart

Crossroads Quik Stop, Nevada

Josephine Market

The Well House Cafe, Nevada

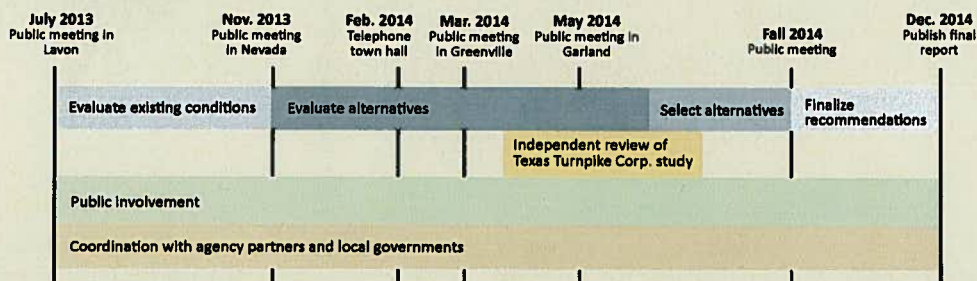
Lavon Exxon

Lavon Shell

Milano's Pizza, Royce City

Valero Xpressway, Greenville

Study Timeline



As of: April 2014



NCTCOGtrans



transinfo@nctcog.org

www.nctcog.org/blacklands

11-04-14 Agenda Packet - 53 of 106

Back to Agenda Page

February 2014

Blacklands Corridor

CONNECTION

Save the Date:

Telephone Town Hall Feb. 20

Thursday, Feb. 20, 2014 at 6 pm
See article below.

Public Meeting March 20 in Greenville

Thursday, March 20, 2014
Fletcher Warren Civic Center
5501 S. Business Hwy. 69
Greenville, TX 75402

5:30 pm
Open House

6:00 pm
Presentation & Public Comments
(A video recording will be posted at
www.nctcog.org/blacklands after
the meeting.)

7:00 pm
Open House

Residents, elected officials,
business leaders, and all individuals
interested are invited to an open
house and public meeting to learn
about work completed to date in
studying transportation in the
corridor as well as what to expect
in the coming months.

For special accommodations due to a
disability or language translation,
call 817-608-2335 or email
jstout@nctcog.org at least 72 hours
prior to the meeting. Reasonable
accommodations will be made. *Para
ajustes especiales por discapacidad o
para interpretación de idiomas, llame
al 817-608-2335 o por email:
jstout@nctcog.org con 72 horas (mín-
imo) previas a la junta. Se harán las
adaptaciones razonables.*

Planners Studying Range of Transportation Options, Impacts

The Blacklands Corridor Feasibility Study is an ongoing assessment of transportation needs in a wide area from IH 30 in Greenville to the President George Bush Turnpike in Garland. The study area stretches from US 380 in the north to IH 30 in the south and includes portions of Collin, Dallas, Hunt, and Rockwall counties.

The North Central Texas Council of Governments (NCTCOG) is leading the feasibility study which is evaluating the need for transportation improvements in the study corridor and identifying potential projects which could enhance local and regional access, manage congestion, address safety, and integrate with the regional transportation system. This analysis will determine if there is a demonstrated need for projects based on current and projected congestion levels in this growing part of North Texas. Then, if a need is demonstrated, the study will proceed with the development of conceptual transportation improvements.

The multimodal nature of this analysis will examine improvements to existing arterial and freeway corridors, development of new or enhanced transit options, identification

of operational changes to improve the existing transportation system, and the construction of new transportation facilities. The analysis will document potential impacts to the natural and built environments and to existing and planned transportation corridors. Potential benefits and impacts to property owners, residents, and businesses in the corridor will also be addressed. The options under evaluation fall into several categories.

Transportation Systems Management (TSM)

Projects in this category use operational strategies to improve the capacity of the existing transportation system. Candidate TSM projects could include better synchronization of traffic signals along key routes, identifying locations for the development of park-and-ride lots, installing dynamic message signs on IH 30 to alert drivers of conditions, and instituting lane restrictions for trucks on IH 30.

Bicycle/Pedestrian Facilities

The examination of bicycle and pedestrian facilities will include a review of all local and regional plans, including NCTCOG's

Continued on page 2



Register Now for February Telephone Town Hall

NCTCOG will host a telephone town hall on Thursday, Feb. 20, to share a brief update about study progress and answer questions from the public. Participants must register their phone numbers in advance at www.nctcog.org/townhall or call 817-608-2335 before Feb. 19 at 6 pm. NCTCOG will then call all registered phone numbers on Feb. 20 at 6 pm. Following the telephone town hall, an audio recording will be posted at www.nctcog.org/blacklands.

Inside the Feasibility Study

Take Short Online Surveys To Give Input

Two online surveys are available to help gather public input. Please visit www.nctcog.org/blacklands to take the brief, anonymous surveys. The first survey will help planners better understand residential and commercial development, and the second survey will gauge the effectiveness of study communications and identify public preferences for ongoing outreach efforts. If you do not have online access, please call 817-608-2335 to request a paper survey.

Public Meeting Recap: Study Area Needs

Almost 100 people joined staff from NCTCOG and their consultants in the City of Nevada for a public meeting in November. Presenters discussed a preliminary analysis that indicates a need to accommodate projected increases in traffic flow in the study area, particularly crossing the lake area. Members of the public also commented on the study and potential alternatives under review. The meeting agenda, presentation, and a video recording are available at www.nctcog.org/blacklands.

Continued from Front Page

Veloweb, a network of existing and planned off-street, shared-use paths (trails). Also, the study will evaluate the NETEX right of way for potential use as a trail and consider any impact this might have on preserving NETEX for future transportation options, such as commuter rail.

Transit

Transit options to be evaluated will include rail and bus. The rail option will examine the extension of the proposed Cotton Belt commuter line from Plano east along the NETEX right of way. New bus infrastructure could include a bus rapid transit service, possibly traveling in its own right of way or using shoulder lanes.

Arterial Roadways

The existing thoroughfare plans for the cities and counties in the study area will be compiled to identify and evaluate new or expanded arterial roadways which could provide congestion relief. This analysis will include proposed widenings of existing roads, new connectivity, and intersection upgrades. In addition to roads already in thoroughfare plans, other strategic improvements may also be identified.

IH 30 Bottleneck Projects

Analyzing potential or expected bottlenecks on IH 30 could reveal that strategic and relatively low-cost improvements at key

locations may help manage congestion. Projects could include extended merging lanes around key entrances and exits; intersection improvements at frontage roads and cross-streets; ramp modifications at interchanges; and conversion of two-way frontage roads to one-way.

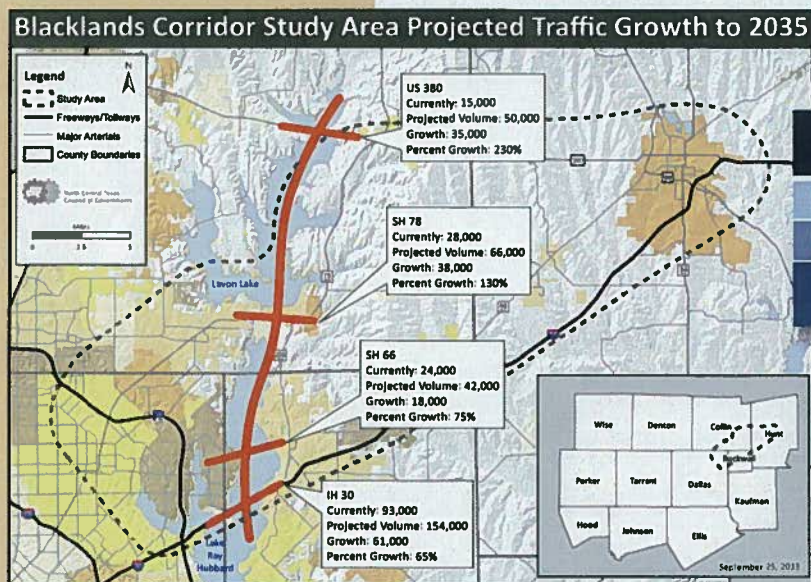
IH 30 Reconstruction

In addition to strategic bottlenecks, a more expansive widening of IH 30 throughout the study area will be examined. Options include the addition of general-purpose freeway lanes, construction of tolled express lanes to add capacity to free lanes, and construction of continuous frontage roads.

New Highway/Freeway/Tollway

The construction of a new location highway, freeway, or tollway in the study corridor will be evaluated. The interaction of such a roadway with the proposed Collin County Outer Loop, State Highway 78, and other planned or existing roads will be analyzed along with the availability of funding.

As the Blacklands Corridor Feasibility Study progresses, these conceptual alternatives will be assessed more fully, with each being compared to the others and against a no-build scenario to further evaluate their effectiveness at accommodating traffic growth. Additionally, the practicality of the proposed alternatives and potential funding sources will be assessed in developing recommendations, which could include a range of projects from these categories.



	Total daily volume at the four lake crossings	Number of lanes at the four lake crossings
2013	160,000	16
2035	312,000	20
	95% Increase in traffic demand	25% Increase in number of lanes

Preliminary Analysis: NETEX Right of Way

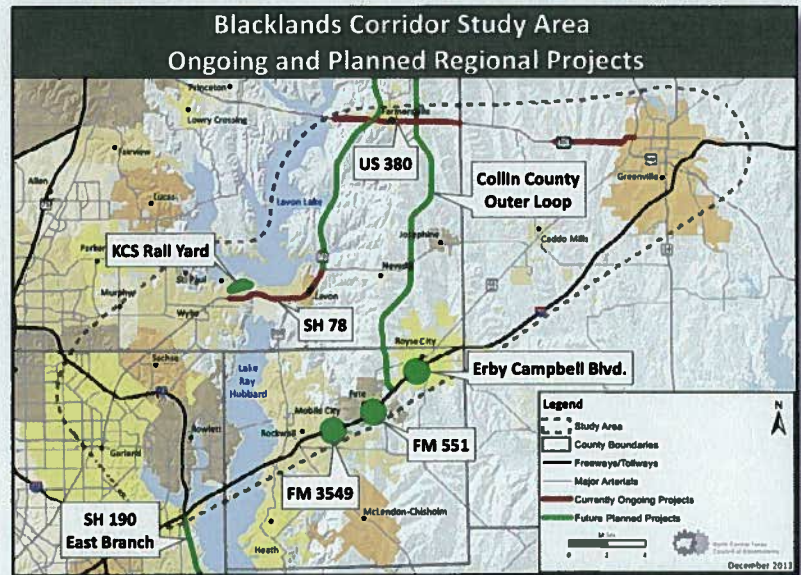
Preliminary analysis by NCTCOG staff indicates that the Northeast Texas Rural Rail Transportation District (NETEX) right of way in Nevada, Josephine, and Caddo Mills would not be suitable for the construction of a new roadway. Although a private-sector proposal to build a limited-access toll road on the NETEX right of way was initially introduced in the community, analysis of the corridor and possible impacts to existing development suggests the need to instead preserve this right of way for other potential purposes, such as a commuter rail line or bicycle/pedestrian trail. Recommendations for transportation facilities in the NETEX right of way (if any) will be presented once NCTCOG has completed a more detailed independent analysis of the entire study area.

Project Timeline on Website

A project timeline showing the different phases of the study is now available at www.nctcog.org/blacklands. Throughout the study, involvement of the public and elected officials will be key, and input from the public will be critical to inform the study process, identify transportation needs, and help determine solutions to those needs. The feasibility study is scheduled to be complete with a report detailing its findings in December 2014.

Area Projects Fit into Regional Transportation System, Inform Study

Several projects included in the Mobility 2035 – 2013 Update, the long-range multimodal transportation plan for the Dallas-Fort Worth area, will have regional impacts that planners must consider as they forecast transportation needs in the study area.



Since 2007, the Texas Department of Transportation has been using a phased approach to add lanes to US 380 from Lavon Lake to US 69 in Greenville. Although parts of the US 380 expansion have been complete for several years, construction near Farmersville and Greenville is ongoing. Two significant transportation projects are currently under development in the Wylie area. The first is the widening of SH 78 to six lanes from the Dallas County line to FM 6 in Lavon, which is already under construction and will help improve traffic flow at the bottleneck between Lavon Lake and Lake Ray Hubbard. The continued widening of SH 78 to six lanes beyond Wylie from FM 6 north to the Fannin County line is included as a recommendation in the Mobility 2035 – 2013 Update and will be studied in the coming years. In addition to roadway projects, Kansas City Southern Railroad is planning to expand its rail yard and freight distribution center in Wylie.

The reconstruction of three interchanges along IH 30 in Rockwall County at FM 3549, FM 551, and Erby Campbell Boulevard would accommodate a potential widening of IH 30, while reconstructed entrance and

exit ramps at the FM 3549 and Erby Campbell interchanges would allow for the conversion of frontage roads from two-way to one-way, improving safety.

In addition to these near-term projects, there are two large-scale regional roadway projects in planning stages. The Collin County Outer Loop is a segmented project that will help meet mobility needs in Collin and Rockwall counties by eventually connecting the Dallas North Tollway, US 75, SH 121, US 380, and IH 30. Also, TxDOT is in the final stages of completing the SH 190 East Branch Environmental Impact Statement. The ongoing study of this proposed new connection from IH 30 south to IH 20, which is an additional segment of the second beltway around Dallas, is expected to have recommendations for public review in late 2014.

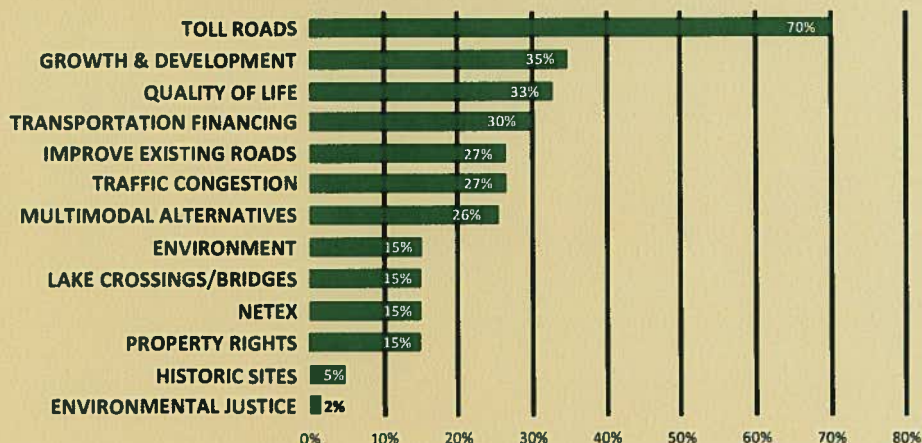
While these projects will improve mobility and traffic flow in portions of the study area, particularly in the next few years, long-range forecasts indicate that additional capacity and other mobility improvements will be necessary to accommodate expected growth.

Arlington, TX 76005-5888
P. O. Box 5888
North Central Texas Council of Governments
**Blacklands Corridor
CONNECTION**

Blacklands Corridor Community Involvement

What People Are Talking About

Percentage of Public Comments* Discussing Frequent Themes



231 people
attended
at least one
public meeting

50 people
made
a public
comment*

66 public
comments*
in total

Who's Involved Who's Talking

* Public comments include all oral, written, emailed and website comments received since July 2013.

Where People Are Talking



Area residents examine maps and discuss the study at the November public meeting in Nevada.



Online

nctcog.org/blacklands
Facebook
Twitter



Media

Dallas Business Journal
Dallas Morning News
Farmersville Times
Greenville Herald Banner
Sachse News
88.9 KETR



Presentations

Hunt County Alliance for Economic Development Conference
Farmersville City Council
Regional Transportation Council
Surface Transportation Technical Committee
Public Meetings



Places**

Royse City Fun Fest
Gitty Up & Go
Caddo Mills Food & Fuel
Crossroads Quik Stop
Josephine Market
The Well House Cafe
Lavon Exxon

** Newsletter distribution sites

Blacklands Corridor CONNECTION

North Central Texas Council of Governments
P. O. Box 5888
Arlington, TX 76005-5888

Student Corner

Young Voices Will Help Shape Vision for Communities

Have you heard your friends and family talking about a proposed toll road in your community? It's become a popular topic, so you may be wondering how it will affect you. No one actually knows if a toll road – or any type of new transportation option – is necessary in your neck of the woods. The North Central Texas Council of Governments is conducting a study to determine if anything should be built. As part of that study, we would like to hear from residents like you. We want to know what is important to you. It doesn't even matter if you're old enough to vote.

Transportation planning is focused on the future. (Our most recent plan goes all the way to 2035!) Therefore, it's crucial for young people to add their voices to the conversation. Send us an email, take our surveys, or come out to our next meeting. Watch for information at www.nctcog.org/blacklands and in future newsletters about other ways to get involved. And be sure to check out our social media sites. Like us on Facebook, follow us on Twitter and Instagram and visit us on YouTube so you can stay in the loop.

www.facebook.com/NCTCOGtrans

www.twitter.com/NCTCOGtrans

www.youtube.com/NCTCOGtrans

www.instagram.com/NCTCOGtrans

transtransinfo@nctcog.org



Photo: Thinkstock



Photo: Thinkstock



Photo: NCTCOG

October 2013

Blacklands Corridor CONNECTION

Save the Date: Public Meeting November 7 in Nevada

Thursday, November 7, 2013
McClendon Elementary School
601 FM 1138 North
Nevada, TX 75173

6:00 pm
Open House

6:30 pm
Presentation & Public Comments
(A video recording will be posted at www.nctcog.org/video after the meeting.)

7:30 pm
Open House

Residents, elected officials, business leaders and all individuals interested are invited to an open house and public meeting to learn about work completed to date in studying transportation in the corridor as well as what to expect in the coming months.

For special accommodations due to a disability or language translation, call 817-608-2335 or email jstout@nctcog.org at least 72 hours prior to the meeting. Reasonable accommodations will be made.

Para ajustes especiales por discapacidad o para interpretación de idiomas, llame al 817-608-2335 o por email: jstout@nctcog.org con 72 horas (mínimo) previas a la junta. Se harán las adaptaciones razonables.

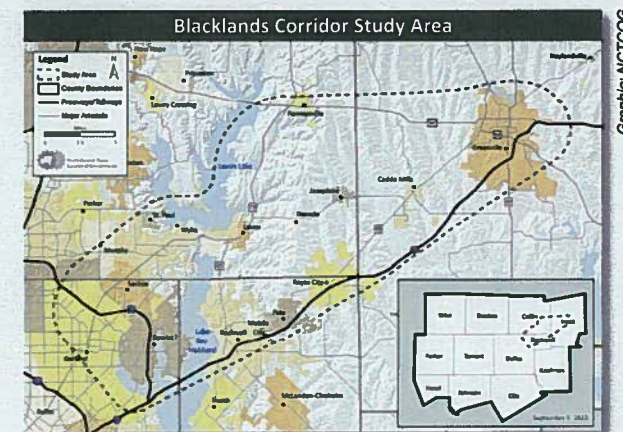
Study Area Expands to Encompass US 380, IH 30; Planners Define Study Considerations

The Blacklands Corridor Feasibility Study will review transportation needs in a wide area from Interstate Highway 30 in Greenville to the President George Bush Turnpike in Garland. The study area stretches from US Highway 380 in the north to IH 30 in the south and includes portions of Collin, Dallas, Hunt and Rockwall counties. The corridor is approximately 35 miles long and 440 square miles. It represents a transitional zone from urban land use in the west to more rural use in the east.

The North Central Texas Council of Governments (NCTCOG) commissioned the feasibility study to examine the need for transportation improvements in this corridor and identify potential projects that could enhance access, reduce congestion, address safety, and integrate with the regional transportation system. This multimodal analysis will determine if there is a demonstrated need for transportation projects based on current and projected levels of congestion in this growing part of North Central Texas. If a need is demonstrated, the study will proceed with the development of conceptual multimodal transportation improvements.

This multimodal analysis will include, among other things, an examination of improvements to existing roadway corridors, development of new or enhanced transit and the construction of new transportation facilities. The feasibility study will elaborate on conceptual transportation projects through the documentation of potential impacts to existing and planned roadways, the identification of potential impacts to the natural and built environment, and the determination of potential impacts and benefits to property owners, residents, and businesses in the corridor.

Continued on Next Page



Graphic: NCTCOG

Inside the Feasibility Study

New Online Content

Throughout the study, input from those who live and work in the area is important. Among other questions, a short online survey at www.nctcog.org/blacklands asks about observations related to residential and commercial development in the study area. A printed version of the survey will also be available at the public meeting November 7.

Other additions to the study Web page are the expanded study area map and a copy of a recent presentation to the Surface Transportation Technical Committee (STTC).

Comments and questions can be submitted at any time from the Web page. If there is additional content you wish to see online, let us know.



Study Consultants Bring Experience, Expertise

The consultant team selected by the North Central Texas Council of Governments for the Blacklands Corridor Feasibility Study will be led by Halff Associates Inc. Halff Associates is a Texas-based firm that has been in business since 1950 and has extensive experience in engineering, planning, and environmental analysis. The firm has provided consultant services on major North Texas projects including the Trinity Parkway in Dallas, Dallas North Tollway extension in Collin County, and the State Highway 66 Environmental Assessment in Rockwall County. Matt Craig, P.E., will oversee the study. Mr. Craig holds

degrees in civil engineering and is a licensed engineer in Texas. He has worked for Halff Associates since 1983, contributing to many of the firm's major projects. The study team will also include subconsultants from Civil Associates Inc., CDM Smith, Integrated Environmental Solutions, Public Information Associates and Allen Boone Humphries Robinson LLC. Along with the leadership of Halff Associates, each of these firms will contribute its expertise, including environmental analysis, toll feasibility, public involvement and outreach efforts, and legal guidance, toward the completion of an extensive and informative feasibility study.

Continued from Front Page

The feasibility study is scheduled to be complete with a report detailing its findings in December 2014. As part of this feasibility study, NCTCOG and its consultants will also develop a data-driven assessment of the private-sector proposal for a toll road between US 69 in Greenville and SH 78 in Lavon. This cooperative effort will analyze the study process and final recommendations of the Texas Turnpike Corporation in its proposal for a toll road. This element of the feasibility study is expected to be complete in April 2014.

A key element of the Blacklands Corridor Feasibility Study will be the involvement of the public and elected officials in the study corridor. NCTCOG has already conducted one public meeting for this corridor, in July, with the next public meeting now scheduled for November 7.

In order to understand the transportation needs in this corridor and to help identify solutions to those needs, input from the public will be critical and ongoing throughout this study.

Staff Available for Presentations

Whether it's for a neighborhood association, elected officials briefing, rotary group, chamber or other organization, staff members are available to provide study updates and community presentations. New information will be presented at public meetings, but to continue the discussion and engage others in the process, staff members are available for meetings and events. To request a presentation, call 817-608-2335 or email transinfo@nctcog.org.

Community Involvement

Public Input Key to Understanding Corridor Needs, Solutions

Staff from the North Central Texas Council of Governments would like your input about opportunities for public involvement. A short, seven-question online survey should only take a few minutes, but it will help staff understand how you want to be involved and provide input. Questions range from where you live and work to the best way for you to be reached. NCTCOG uses many forms of communication from direct mail to Instagram to keep the region informed on all transportation-related projects.

Please visit www.nctcog.org/blacklands to take the survey. The results will be used to better inform individuals about this study and opportunities to provide input.

"No transportation decisions have been made on what should be done in this particular portion of the region."

— Michael Morris,
NCTCOG Transportation Director

More Than 150 Attend Feasibility Study Meeting

The North Central Texas Council of Governments will study the Blacklands Corridor to determine how to meet the area's transportation needs as it continues to grow.

More than 150 people attended a public meeting in July in Lavon to learn about the study examining the corridor, which stretches from Interstate Highway 30 in Hunt County to the President George Bush Turnpike in northeast Dallas County, and share their views about transportation infrastructure in the area.

Planners said the feasibility study is necessary to determine if the area requires transportation projects. In a presentation, they described review processes, existing transportation plans and projects in the area, and opportunities for public involvement. The study began in October and concludes in December 2014.

Following the presentation, several members of the public expressed their

opposition to a possible toll road in the corridor. Planners clarified that although the Texas Turnpike Corporation has proposed to build a toll road in the area, the study would independently examine all modal options if transportation needs are defined.

Michael Morris, director of the NCTCOG Transportation Department, emphasized the importance of public involvement. "No transportation decisions have been made on what should be done in this particular portion of the region," Morris said. "We need your ideas with regard to options, and we need your ideas with regard to problems."

A video recording of the meeting, including the public's oral comments, is available at www.nctcog.org/video. The presentation, a meeting summary and copies of written and emailed comments received concerning the Blacklands Corridor are available at www.nctcog.org/blacklands.



More than 150 residents attended a public meeting in July to learn more about plans to study the needs of the Blacklands Corridor.

Photo: NCTCOG

FACTSheet

August 2013

North Central Texas Council of Governments

Regional Transportation Council

nctcog.org/legislative

Quick Take

What:

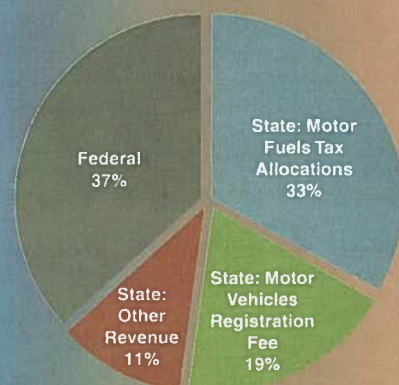
Transportation funding challenges

The Dallas-Fort Worth area will spend \$98.7 billion through 2035 to maintain and expand its transportation system. However, the 12-county area needs \$395.3 billion to alleviate the worst levels of congestion.

Significance:

North Texas continues to grow rapidly, but the condition of the region's roadways is declining after years of underinvestment. While demand and costs increase, traditional transportation funding has remained mostly unchanged. Additional revenue sources must be identified to improve and maintain the region's multimodal transportation system.

Sources of State Highway Fund Revenue FY 2012



**Total State Highway Fund
FY2012 Revenue
\$6,922,700,000**

Funding Challenges Persist Despite Growth

The Dallas-Fort Worth area welcomed 1 million residents from 2000-2010, continuing a trend that has helped the region's economy become one of the strongest in the nation. While robust growth has contributed to the Dallas-Fort Worth area's prosperity, it has also resulted in growing pains. One of the most obvious issues is increased traffic congestion. Transportation needs continue to intensify, but the region is expected to receive less funding for roads, rails and bicycle-pedestrian improvements over the next 20-plus years.

Mobility 2035 – 2013 Update, the region's long-range transportation plan, identifies \$98.7 billion through 2035 to improve transportation. While this is a significant investment, it is more than \$40 billion less than the region's previous plan, which charted improvements through 2030. About \$395.3 billion is needed to alleviate the worst levels of congestion. While Dallas-Fort Worth needs more money for transportation, the region can help ensure it meets commuters' needs through 2035 by leveraging current resources.

Many different sources provide funding for the region's transportation system. Traditional sources (fuel taxes and vehicle registration fees) and local sources (sales and property taxes) account for 57 percent of the money used to maintain and build facilities. The region looks to innovative funding options, such as priced facilities and public-private partnerships for 29 percent of future funding. Planners also anticipate that over time revenue will be increased through local, state and federal efforts, accounting for the remaining 14 percent of expected funding for transportation improvements.

Motor fuel taxes are an important funding source for transportation improvements. Currently, the state taxes gasoline and diesel at 20 cents a gallon, and the federal government levies an 18.4-cent gas and a 24.4-cent diesel tax. At the state level, diversions to non-transportation uses reduce the availability of funding to build and maintain needed projects.

At the federal level, Texas is considered a donor state, meaning the state receives less funding for transportation than it collects in fuel taxes. These are not the only funding threats. Because fuel is taxed per gallon, as people move to more fuel-efficient vehicles or alternative-fuel vehicles, less money is available to build and maintain facilities. While these new technologies are good for the environment, the influx of fuel-efficient vehicles magnifies the funding challenges facing North Texas. These challenges call for a new approach to paying for transportation. The North Central Texas Council of Governments (NCTCOG) and the Regional Transportation Council (RTC) will continue using the available financial tools and pursuing new ones that will lead to an improved transportation system.

RTC Legislative Goals

- Identify additional revenue to enhance statewide and regional ability to maintain and improve the multimodal transportation system.
- Ensure a fair allocation of all funding categories across the state.
- Implement flexible and fair solutions to help address the transportation funding problem.
- Continue to use public-private partnerships for specific projects.

FACTSheet

What has North Texas done to solve the problem?

Priced facilities

With the funding challenges the region continues to face, planners have turned to toll roads as a way to lessen traffic congestion. Ideally, highways in Dallas-Fort Worth would be fully supported by tax revenue and not require tolling, but the growth of the region and the declining purchasing power of the gas tax necessitate additional revenue streams. It is important to note that the money collected through tolls goes toward paying for construction and continued maintenance of the roads. To further improve mobility, regional planners will soon open high-occupancy vehicle lanes to solo drivers who wish to pay for more reliable commutes.

Public-private partnerships

With money tight, investment from the private sector has helped the region improve its transportation system. Federal and state funds, together with contributions from the North Texas Tollway Authority (NTTA), local transit sales tax and various municipal bond elections, can be combined to build, operate and maintain an outstanding transportation system. During the 83rd Texas Legislature, limited authority was re-established for the Texas Department of Transportation to enter into public-private partnerships for four North Texas projects: Interstate Highway 35E/US Highway 67, State Highway 183/Loop 12/SH 114, portions of the North Tarrant Express and Loop 9.

Regional Toll Revenue funding initiative

The Regional Toll Revenue funding initiative expedites

transportation projects by providing money for improvements that otherwise may have to wait years to be completed. Multimodal projects throughout the Dallas-Fort Worth area have benefited from the program, which was created when NTTA paid the region \$3.2 billion to build and maintain Sam Rayburn Tollway. Overall, the region has received \$3.6 billion for transportation improvements that will help meet future demand.

Cotton Belt Innovative Finance Initiative

The RTC and NCTCOG have sought innovative financial mechanisms and revenue streams to implement passenger rail service in the Cotton Belt Corridor. The Cotton Belt Innovative Finance Initiative (iFi) identified the most viable of the nontraditional revenue sources with the potential to repay an investment to finance, design, build, operate and maintain regional rail. These revenue streams identified for the corridor could generate enough to close the funding gap.

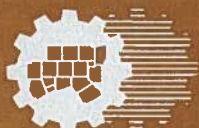
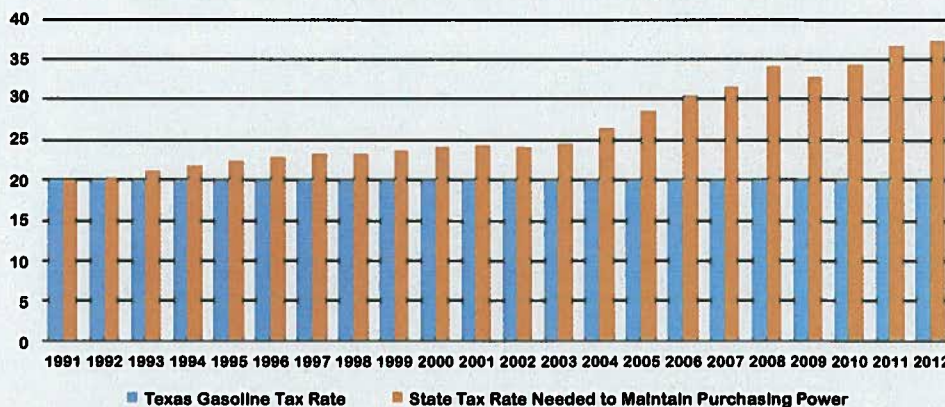
What more can be done?

Transportation officials and local elected officials have pursued local and innovative financing to meet transportation and related air quality needs for the region now and in the future. Eliminating diversions to areas of the budget not directly related to transportation, indexing and eventually increasing the motor fuels tax, and authorizing elections for additional local funding may all be solutions to North Texas' transportation funding problem.

State Gasoline Tax Rate and Loss in Purchasing Power

Since the state gas tax was last increased in 1991, it has steadily lost purchasing power. Vehicles have also seen an increase in fuel economy over the past 20 years. Among the RTC's legislative goals is a law that would index the taxes motorists pay to fuel efficiency. Such a change could provide crucial funding for a region that is projected to continue growing. This would help close the gap between purchasing power and revenue.

State Gasoline Tax Rate and Loss in Purchasing Power



North Central Texas Council of Governments

Phone: 817-695-9240

Fax: 817-640-3028

E-mail: transinfo@nctcog.org

www.nctcog.org/trans

[Facebook.com/nctcogtrans](https://www.facebook.com/nctcogtrans)

[Twitter.com/nctcogtrans](https://twitter.com/nctcogtrans)





2014

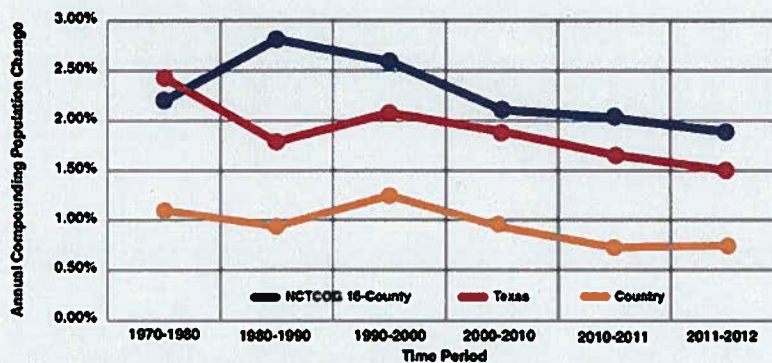
Progress North Texas

Growth by Millions

North Texas is currently the fourth-largest metropolitan area in the nation, with a population of almost 7 million people. The region has been expanding since 1900. North Texas grew by almost 2 percent between 2011 and 2012, slightly more than the 1.5 percent growth rate seen at the state level. The region has been attracting an average of more than 100,000 people per year for decades, but is not growing uniformly across the region.

Transportation planners monitor various types of travel data so the right decisions are made in the right places to ensure efficient and equitable use of limited funding. Monitoring the patterns of population growth is important, especially in a region that must make tough choices because of limited funding.

Annual Population Growth (Percentage)



Source: Decennial census data, American Community Survey

Population growth in the Dallas-Fort Worth area has consistently outpaced gains both statewide and nationally since 1970.

Traffic counts

The map shows traffic volume changes from 2010-2011 (the latest period for which information is available) on 19,000 roadway segments monitored in North Texas. The areas experiencing the most population and employment growth are seeing similar gains in traffic, while places where population is declining or projects are under construction are seeing corresponding drops in traffic.

This data helps planners understand where the greatest need exists so they can direct limited local, state and federal resources to the right areas. According to TxDOT, daily vehicle miles traveled increased from 148.5 million to 164.6 million miles between 1999 and 2011, but VMT per person decreased during the same period, from 28.6 to 25.1 miles. Economic conditions and land-use density aid in the decrease of VMT per person.



Stay Informed

Send a Comment or Question

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[The Transportation Story 40 Years in the Making>>>](#)

[Strategically Addressing Transportation Needs>>>](#)

[Air Quality, Transportation Closely Linked>>>](#)

[Growth by Millions](#)

[Strategic, Coordinated Infrastructure Investments>>>](#)

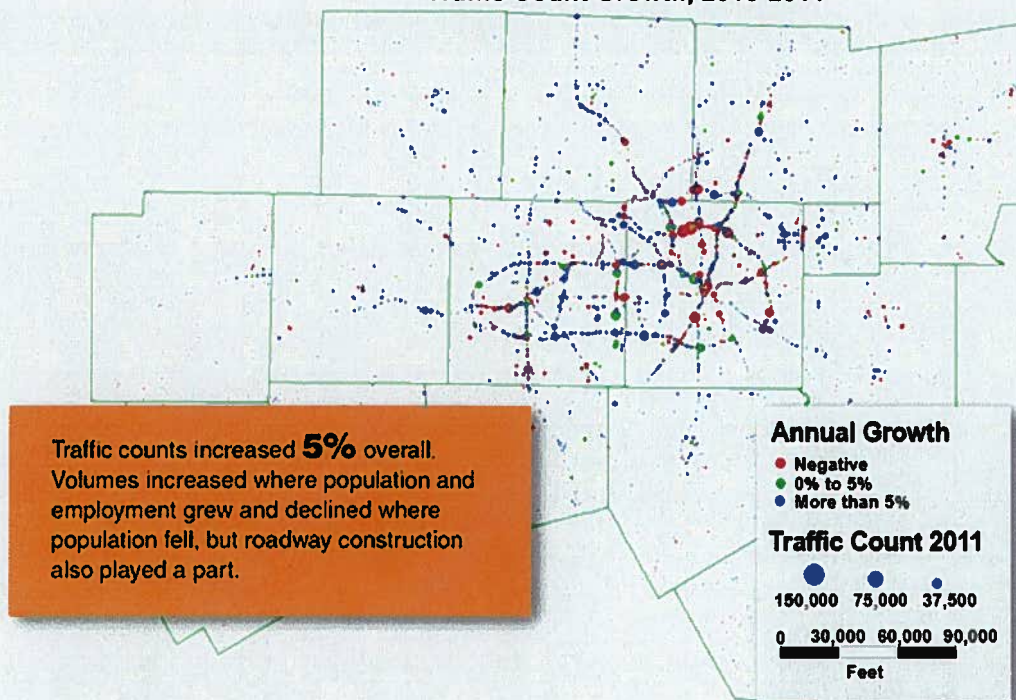
[Aviation's Impact on North Texas>>>](#)

[Moving Goods in the Region>>>](#)

[Enhancing Safety, Reliability>>>](#)

[Input from North Texans Determine Transportation Plans>>>](#)

Traffic Count Growth, 2010-2011



Transit ridership

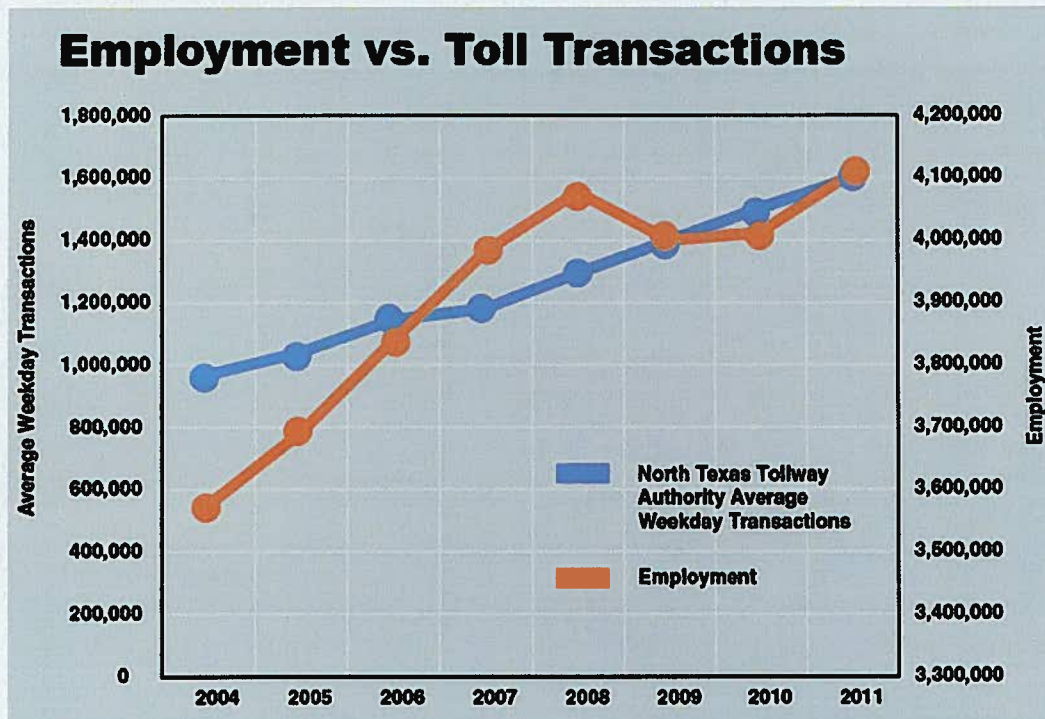
One of the real success stories in North Texas is the forecasting that has helped lead to the expansion of the rail system since Dallas Area Rapid Transit introduced the first light rail service in 1996. Ridership estimates have been accurate, helping transit agencies expand in the best locations and provide better service, making the most of limited resources.

Rail ridership has shown increases since the 1990s, but bigger changes are ahead. This rail system provides a reliable transportation choice for about 100,000 riders per workday in the current year. NCTCOG's analysis shows that transit ridership will increase to 300,000 per workday by 2035, likely due to increased availability of transit and its establishment in strategic locations, where it can effectively serve the growing population and employment.

Employment

The Great Recession hurt many areas of the country, including North Texas. However, the region has seen considerable job gains for some time now, excluding during the worst of the downturn. The recession did not show a significant effect on toll road usage in North Texas, which continued to rise steadily through the worst of the downturn.

NCTCOG's transit forecasts have accurately projected ridership since passenger rail debuted. As rail options increase and the region becomes denser, ridership is expected to rise by **200%** from 2013 to 2035.



Toll road usage in Dallas-Fort Worth climbed from 1 million in 2004 to 1.6 million in 2011, showing resilience even during the Great Recession. Employment dipped between 2008 and 2009, but has now recovered.

The contents of this report reflect the views of the authors who are responsible for the opinions, findings, and conclusions presented herein. The contents do not necessarily reflect the views or policies of the Federal Highway Administration, the Federal Transit Administration or the Texas Department of Transportation. This document was prepared in cooperation with the Texas Department of Transportation and the U.S. Department of Transportation, Federal Highway Administration and Federal Transit Administration.

**City Council Meeting
November 4, 2014**

Issue

Consider and take action, if any, on the License Agreement between the City of Murphy and the City of Wylie and the License Agreement between the City of Murphy and the City of Sacshe regarding the construction of the South Maxwell Creek Parallel Trunk Sewer Line and authorize the City Manager to execute said Agreements.

Staff Resource/Department

James Fisher, City Manager

Summary

The proposed agreements request irrevocable, perpetual licenses from the respective cities to permit Murphy to bore under roads that are owned by the respective cities.

Background/History

The City Council authorized this project at its February 19, 2013 regular meeting. The city staff and engineers have been working on the right-of-way acquisition necessary for this project and these agreements will allow this project to continue to move forward.

Financial Considerations

Each agreement stipulates a \$10.00 fee for consideration of use as outlined in the agreement.

Action Requested

Consider a motion approving these agreements and authorize the City Manager to execute on behalf of the City.

Attachments

Sacshe License Agreement
Wylie License Agreement

**LICENSE AGREEMENT BETWEEN CITY OF MURPHY, TEXAS AND CITY OF
SACHSE, TEXAS**

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

THIS AGREEMENT is made by and between City of Murphy, Texas (hereinafter referred to as "Murphy" or "Licensee") and the City of Sachse (hereinafter referred to as "Sachse") acting by and through their authorized representatives.

WITNESSETH:

WHEREAS, Sachse is grantee of a certain right-of-way easement located within its corporate limits and being more particularly described as being a 3.692 acre parcel of land, more or less, in the H J Hardin Survey Abstract Number 835 in the City of Sachse, Collin County, Texas (the "Property") recorded as Instrument Number 20131111001527620 with the Real Property Records of the Collin County Clerk, a copy of said instrument is attached as **Exhibit "A"**; and

WHEREAS, Licensee intends to construct a 30" sanitary sewer line with necessary appurtenances ("Sewer Line") across the Property and the proposed public right-of-way conveyed to Sachse (sometimes referred to herein as the "Licensed Premises") as shown more specifically in **Exhibit "B"** and

WHEREAS, Licensee requests that Sachse allow the construction and use of the Sewer Line for Licensee's municipal wastewater purposes without interference from Sachse;

WHEREAS, the construction and encroachment of the Sewer Line shall not interfere with the construction, use, or maintenance of the public right-of-way, except to the extent required temporarily during the construction of the Sewer Line; and

WHEREAS, in order for Licensee to complete its sanitary sewer line project, the Licensee requests an irrevocable license to permit the encroachment of the Sewer Line on the Property and the Licensed Premises; and

WHEREAS, the Licensee has agreed as consideration for such license to pay for any damages or injuries that may occur as a result of the encroachment and have further agreed that no enlargement, expansion shall be made to the Sewer Line once constructed;

NOW THEREFORE, in consideration of the sum of Ten Dollars No/100 and the covenants contained herein and other valuable consideration the receipt and sufficiency of which are hereby acknowledged, Murphy and Sachse agree as follows:

1. **Grant of License: Consideration:** Sachse hereby grants Murphy an

**LICENSE AGREEMENT BETWEEN CITY OF MURPHY, TEXAS AND CITY OF
SACHSE, TEXAS**

irrevocable license for the purpose of allowing the Sewer Line across the Licensed Premises and for Murphy to maintain and use the Sewer Line within the Licensed Premises. As consideration for the grant of this License the Murphy agrees to pay for any costs associated with damage to the Property that may occur during construction and agrees further that the Sewer Line shall not be expanded, enlarged or altered in any way without the prior written approval of Sachse.

2. **Term:** The term of this License shall be perpetual.

3. **Non-exclusive:** This License is nonexclusive and is subject to any existing utility, drainage or communications facilities located in, on, under or upon the public right-of-way owned and controlled by Sachse, any utility or communication company, public or private, to all vested rights presently owned by any utility or communication company, public or private for the use of a Sachse utility easement for facilities presently located within the boundaries of the right-of-way and to any existing lease, license, or other interest in the easement granted by Sachse to any individual, corporation or other entity, public or private. Sachse shall notify Licensee in writing of any subsequent easement on Licensed Premises that may further subordinate this License.

4. **Environmental Protection:** Licensee shall not use or permit the use of the Licensed Premises for any purpose that may be in violation of any laws pertaining to the health of the environment, including without limitation, the comprehensive environmental response, compensation and liability act of 1980 ("CERCLA"), the resource conservation and recovery act of 1976 ("RCRA"), the Texas Water Code and the Texas Solid Waste Disposal Act. Licensee warrants that the permitted use of the Licensed Premises will not result in the disposal or other release of any hazardous substance or solid waste on or to the Licensed Premises, and that it will take all steps necessary to ensure that no such hazardous substance or solid waste will ever be discharged onto the Licensed Premises or adjoining the Licensed Premises by Licensee. The terms "hazardous substance and waste" shall have the meaning specified in CERCLA and the term solid waste and disposal (or dispose) shall have the meaning specified in the RCRA; provided, however, that in the event either CERCLA or RCRA is amended so as to broaden the meaning of any term defined thereby, such broader meaning shall apply subsequent to the effective date of such amendment; and provided further, at the extent that the laws of the State of Texas establish a meaning for hazardous substance, release, solid waste, or disposal which is broader than that specified in the CERCLA or RCRA, such broader meaning shall apply. Licensee shall indemnify and hold Sachse harmless against all costs, environmental clean up to the Licensed Premises and surrounding the Licensed Premises resulting from Licensee's use of the Licensed Premises under this License.

**LICENSE AGREEMENT BETWEEN CITY OF MURPHY, TEXAS AND CITY OF
SACHSE, TEXAS**

5. **Mechanic's liens not permitted:** Licensee shall fully pay all labor and materials used in, on or about the Licensed Premises and will not permit or suffer any mechanic's or material man's liens of any nature be affixed against the Licensed Premises by reason of any work done or materials furnished to the Licensed Premises at Licensee's instance or request.

6. **Compliance with laws:** Licensee agrees to abide by and be governed by all applicable state and federal regulations relating to the construction and operation of the Sewer Line.

9. **Notice:** Any notice required or permitted to be delivered hereunder shall be deemed received when sent by United States mail, postage prepaid, certified mail, return receipt requested, addressed to all parties, as the case may be, at the address set forth in the signature portion of this Agreement at the following addresses or at such other address as either party hereto shall in writing advise the other:

Murphy: City of Murphy
Attn: James Fisher, City Manager
206 N. Murphy Road
Murphy, Texas 75094

Sachse: City of Sachse
Attn: Billy George, City Manager
3815 Sachse Road
Building B
Sachse, TX 75048

12. **Governing law:** This Agreement is governed by the laws of the State of Texas; and exclusive venue for any action shall be in a district court of Collin County, Texas. The parties agree to submit to the personal and subject matter jurisdiction of said court.

13. **Exhibits:** The exhibits attached to this Agreement are incorporated herein by reference.

14. **Binding effect:** This Agreement shall be binding upon and inure to the benefit of the executing Parties and their respective heirs, personal representatives, successors and assigns.

15. **Entire Agreement:** This Agreement embodies the entire agreement between the Parties and supersedes all prior agreements, understandings, if any, relating to the Licensed Premises and the matters addressed herein and may be amended or supplemented only

**LICENSE AGREEMENT BETWEEN CITY OF MURPHY, TEXAS AND CITY OF
SACHSE, TEXAS**

by written instrument executed by the party against whom enforcement is sought.

16. **Recitals:** The recitals to this Agreement are incorporated herein by reference.

17. **Covenant Running with the Land:** The provisions of this Agreement are hereby declared covenants running with the Property and are fully binding on the Licensee and each and every subsequent owner of all or any portion of the Property but only during the term of such party's ownership thereof (except with respect to defaults that occur during the term of such person's ownership) and shall be binding on all successors, heirs, and assigns of the Licensee which acquire any right, title, or interest in or to the Property, or any part thereof. Any person who acquires any right, title, or interest in or to the Property, or any part hereof, thereby agrees and covenants to abide by and fully perform the provisions of this Agreement with respect to the right, title or interest in such Property.

SIGNATURE PAGES TO FOLLOW

**LICENSE AGREEMENT BETWEEN CITY OF MURPHY, TEXAS AND CITY OF
SACHSE, TEXAS**

CITY OF MURPHY, TEXAS:

By: _____
Print: _____
Title: _____

Date of Execution: _____

ACKNOWLEDGEMENT

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

This instrument was acknowledged before me on this _____ day of _____,
2014, by **James Fisher, City Manager** of the City of Murphy, Texas, on behalf of said City.

(SEAL)

Notary Public
State of Texas

**LICENSE AGREEMENT BETWEEN CITY OF MURPHY, TEXAS AND CITY OF
SACHSE, TEXAS**

CITY OF SACHSE, TEXAS

By: _____

Print: _____

Title: _____

Date of Execution: _____

ACKNOWLEDGEMENT

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

This instrument was acknowledged before me on this _____ day of _____,
2014, by **Billy George, City Manager** of the City of Sachse, Texas, on behalf of said City.

(SEAL)

Notary Public
State of Texas

EXHIBIT A

20131111001527620 11/11/2013 03:48:57 PM EM 1/7

AFTER RECORDING, RETURN TO:

William K. George, City Manager
 3815 Sachse Road, Building B
 Sachse, Texas 75048

FNT Woodbridge - MV

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

STREET EASEMENT RIGHT-OF-WAY DEDICATION

THE STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF COLLIN §

That, Woodbridge Properties, LLC, a Texas limited liability company (hereinafter called Grantor), for the sum of TEN DOLLARS and other good and valuable consideration paid by the CITY OF SACHSE, TEXAS, a Texas municipality (hereinafter called Grantee), whether one or more, the receipt and sufficiency of which is hereby acknowledged, does hereby GRANT, SELL AND CONVEY unto Grantee all that certain tract or parcel of land and being more particularly described in the legal description and shown on the drawing attached hereto and incorporated herein for the purpose of having Grantee use the same for the purpose of constructing, maintaining and repairing streets, public sidewalks, waterlines, storm and sanitary sewer lines, public utilities, landscaping, pedestrian/bike trails, and other public uses and appurtenances thereto.

The easement rights, and privileges herein granted shall be perpetual. Grantor hereby binds Grantor, Grantor's heirs, successors or assigns, to warrant and forever defend the above described easement unto Grantee, its successors or assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

There are no liens, attachments, or other encumbrances which will affect the title or right of the Owner to convey this easement to the City for the purposes as described herein. If such condition does exist, a signature with acknowledgment shall be included and made a part of this document conveying the rights and privileges contained herein.

The easement rights and privileges granted herein are exclusive and Grantor covenants that Grantor will not convey any other easement or conflicting rights within the area covered by this grant.

This instrument shall be binding upon the successors or assigns of the parties hereto.

In WITNESS WHEREOF, this instrument is executed this 7th day of November, 2013.

GRANTOR:
WOODBRIIDGE PROPERTIES, LLC
 a Texas limited liability company

By: HDC Management, LLC
 a Texas limited liability company
 Its: Manager

By: Donald P. Herzog
 Name: Donald P. Herzog
 Title: Member

ACKNOWLEDGMENT

THE STATE OF TEXAS
 COUNTY OF COLLIN

§

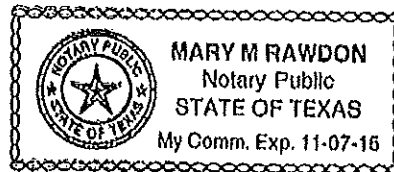
§

This instrument was acknowledged before me on the 7th day of November, 2013, by Donald P. Herzog, Member of HDC Management, LLC, a Texas limited liability company, Manager of Woodbridge Properties, LLC, a Texas limited liability company for and on behalf of said limited liability company.

Notary Public, State of Texas

Notary's Printed Name Mary M Rawdon

My commission expires: 11-7-15



G:\PROJECTS\SACHSE\WB West\Easements\Woodbridge Parkway Phase2\Easements and ROW\Street Easement Right of Way Dedication.doc

SUBORDINATION AND CONSENT OF LENDER

BRANCH BANKING AND TRUST COMPANY, successor in interest to Colonial Bank by acquisition of assets from the FDIC as Receiver for Colonial Bank (the "Lender"), being the owner of two promissory notes, both executed by Woodbridge Properties, LLC, one in the principal amount of \$18,975,000.00 and the other in the principal amount of \$8,341,582.53 (the "Notes"), both payable to the order of Lender and both dated April 1, 2004, such Notes being secured by the Deeds of Trust, Assignment of Leases and Rents, Security Agreement and Fixture Filing recorded in Volume 5640, Page 6277 of the Deed of Trust Records of Collin County, Texas, and in Volume 2004064, Page 8162 of the Official Public Records of Dallas County, Texas (the "Deeds of Trust"), hereby (a) consents to the execution and delivery of the Street Easement Right-of-Way Dedication to which this Subordination and Consent of Lender is attached, (b) agrees that the execution and delivery of said Street Easement Right-of-Way Dedication shall not constitute a default under the Notes, the Deeds of Trust or any other instrument executed in connection therewith, and (c) subordinates and makes junior and inferior to the interests created under said Street Easement Right-of-Way Dedication, all liens, rights and titles granted to Lender under the Deeds of Trust and any other instrument securing the Notes.

BRANCH BANKING AND TRUST COMPANY
Successor in interest to Colonial Bank by acquisition of
assets from the FDIC as Receiver for Colonial Bank

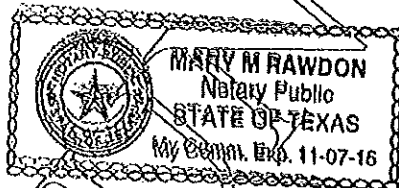
By: _____

Name: Peter NewportTitle: Senior Vice President

ACKNOWLEDGEMENT

THE STATE OF TEXAS
COUNTY OF DALLAS

This instrument was acknowledged before me on the 7th day of November, 2013, by
Peter Newport Senior Vice President of Branch Banking and Trust Company.



Mary M. Rawdon
Notary Public, State of Texas

Mary M. Rawdon
Notary's Printed Name

My commission expires: 11-07-15

ITEM 7.C.

STREET EASEMENT

H.J. HARDIN SURVEY, ABSTRACT NO. 438,
 RICHARD NEWMAN SURVEY, ABSTRACT NO. 660 &
 W.M. SACHSE SURVEY, ABSTRACT NO. 835
 CITY OF SACHSE, COLLIN COUNTY, TEXAS

BEING a tract of land situated in the H.J. Hardin Survey, Abstract No. 438, Richard Newman Survey, Abstract No. 660 and the W.M. Sachse Survey, Abstract No. 835, City of Sachse, Collin County, Texas, and being part of a tract of land described in General Warranty Deed to Woodbridge Properties, LLC recorded in Volume 5065, Page 4376, Deed Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at a point for corner in the south line of a tract of land described in Warranty Deed with Vendor's Lien to Wayne Rich and wife, Linda Rich recorded in Volume 1730, Page 88, Deed Records of Collin County, Texas; from said point a 5/8" iron rod with "PBS&J" cap found at the northeast corner of Lot 30, Block L, Woodbridge Phase 8, an addition to the City of Sachse, Texas, according to the plat recorded in Cabinet Q, Slide 454, Map Records of Collin County, Texas, bears South 89°28'50" West, a distance of 674.64 feet and a 5/8" iron rod with "PBS&J" cap found at the southeast corner of Lot 20, Block J of said Woodbridge addition bears South 09°40'50" West, a distance of 1,813.93 feet;

THENCE with the south line of said Rich tract, South 89°17'40" East, a distance of 60.01 feet to a point for corner;

THENCE departing said south line, the following courses and distances:

South 00°03'48" East, a distance of 243.60 feet to a point for corner;
 South 08°17'16" East, a distance of 85.28 feet to a point at the beginning of a tangent curve to the left having a central angle of 14°07'47", a radius of 700.00 feet, a chord bearing and distance of South 16°21'10" East, 172.19 feet;
 In a southeasterly direction, with said curve to the left, an arc distance of 172.63 feet to a point at the beginning of a reverse curve to the right having a central angle of 01°16'38", a radius of 751.00 feet, a chord bearing and distance of South 21°46'44" East, 16.74 feet;
 In a southeasterly direction, with said curve to the right, an arc distance of 16.74 feet to a point at the beginning of a reverse curve to the left having a central angle of 59°18'44", a radius of 700.00 feet, a chord bearing and distance of South 50°47'48" East, 692.71 feet;
 In a southeasterly direction, with said curve to the left, an arc distance of 724.64 feet to a point at the end of said curve;
 South 80°27'10" East, a distance of 444.41 feet to a point for corner;
 South 09°32'50" West, a distance of 100.00 feet to a point for corner;
 North 80°27'10" West, a distance of 444.41 feet to a point at the beginning of a tangent curve to the right having a central angle of 39°21'56", a radius of 800.00 feet, a chord bearing and distance of North 60°46'12" West, 538.90 feet;
 In a northwesterly direction, with said curve to the right, an arc distance of 549.65 feet to a point at the beginning of a compound curve to the right having a central angle of 37°30'27", a radius of 751.00 feet, a chord bearing and distance of North 22°20'00" West, 482.90 feet;
 In a northwesterly direction, with said curve to the right, an arc distance of 491.63 feet to a point at the end of said curve;
 North 05°45'20" East, a distance of 94.55 feet to a point for corner;
 North 00°03'48" West, a distance of 242.87 feet to the **POINT OF BEGINNING** and containing 3.692 acres or 160,821 square feet of land.

Bearing system for this survey is based on a bearing of South 00°00'00" East, for the east line of Lot 30, Block L, Woodbridge, Phase 8, according to the plat recorded in Cabinet Q, Page 455, Map Records of Collin County, Texas.

DANA BROWN
 REGISTERED PROFESSIONAL
 LAND SURVEYOR NO. 5336



 Kimley-Horn and Associates, Inc.		12760 Merit Drive, Suite 1000 Dallas, Texas 75251		Tel. No. (872) 770-1300 Fax No. (872) 239-3820	
		FIRM # 101155-00			
Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	SLJ	DAB	OCT. 2011	063584120	1 OF 3

PLOTTED BY DUNN, STACY 10/24/2013 12:36 PM DWG NAME: KADAL_SURVEY\063584120-WOODBRIDGE EASEMENTS\DWG\063584120-WOODBRIDGE STREET ESMT 1.DWG LAST SAVED 10/18/2011 5:12 PM



AFTER RECORDING, RETURN TO:

Fidelity National Title Agency, Inc.
260 Three Lincoln Centre
5430 LBJ Freeway
Dallas, Texas 76240

Att: Woodbridge - MV

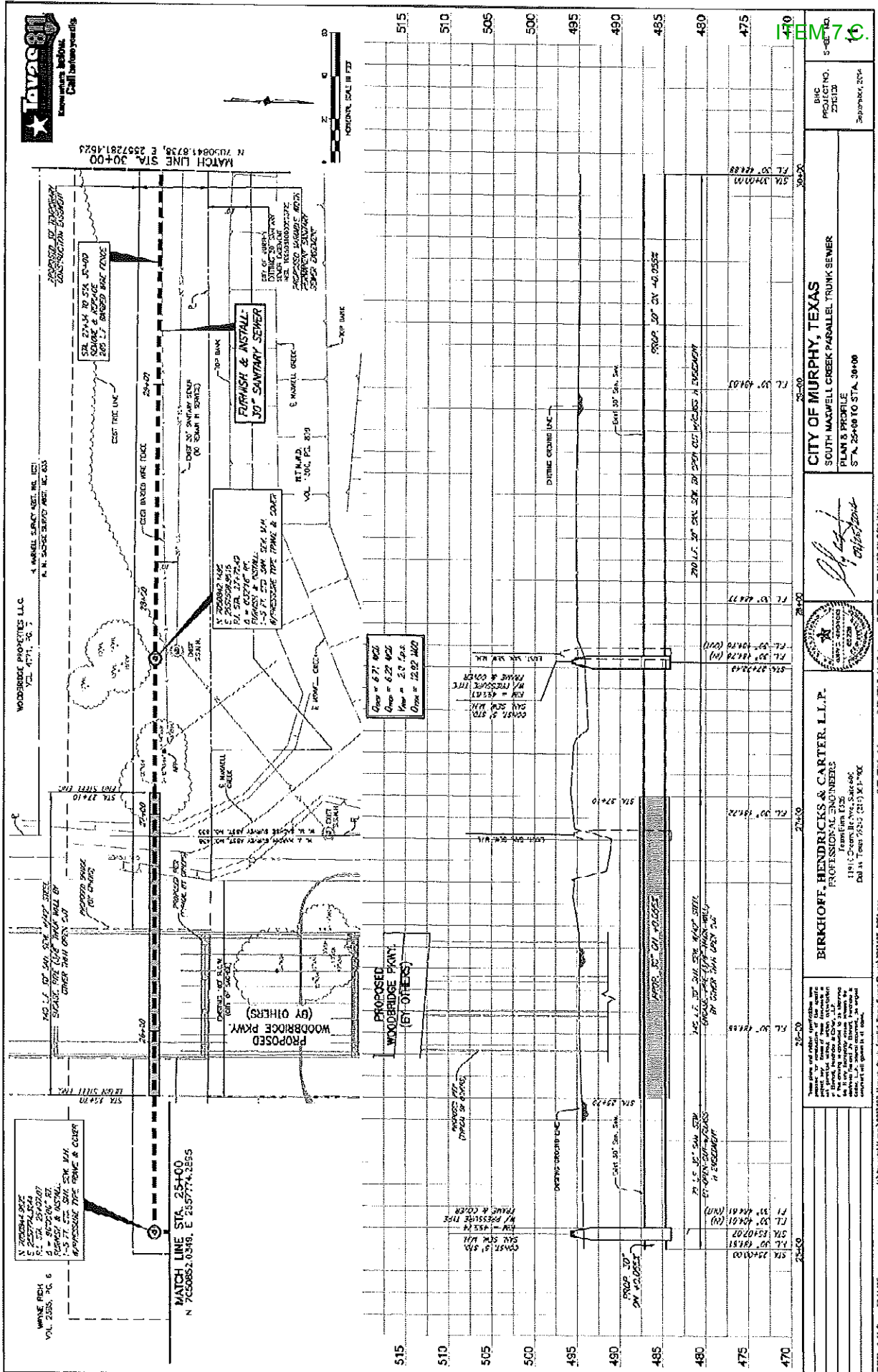
UNOFFICIAL



Filed and Recorded
Official Public Records
Stacey Kemp, County Clerk
Collin County, TEXAS
11/11/2013 03:48:57 PM
\$40.00 C3ANLAL
20131111001527620

Stacey Kemp

EXHIBIT B



**LICENSE AGREEMENT BETWEEN CITY OF MURPHY, TEXAS AND CITY OF
WYLIE, TEXAS**

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

THIS AGREEMENT is made by and between City of Murphy, Texas (hereinafter referred to as “Murphy” or “Licensee”) and the City of Wylie (hereinafter referred to as “Wylie”) acting by and through their authorized representatives.

WITNESSETH:

WHEREAS, Wylie owns the real property and a public right-of-way, to wit, McCreary Road, located at approximately the 300 Block of McCreary Road, Sachse, Texas and more particularly described as being a 3.2625 acre parcel of land, more or less, in the W M Sachse Survey Abstract Number 835 in the City of Sachse, Collin County, Texas (the “Property”) recorded as Instrument Number 20080723000893540 with the Real Property Records of the Collin County Clerk, a copy of said instrument is attached as **Exhibit “A”**; and

WHEREAS, Licensee intends to construct a 24” sanitary sewer line with necessary appurtenances (“Sewer Line”) across the Property and the public right-of-way, owned in fee simple by Wylie (sometimes referred to herein as the “Licensed Premises”) as shown in **Exhibit “B”** and

WHEREAS, Licensee requests that Wylie allow the construction and use of the Sewer Line over McCreary Road for Licensee’s municipal purposes without interference from Wylie;

WHEREAS, the construction and encroachment of Licensee’s Sewer Line shall not interfere with the use or maintenance of the public right-of-way, except to the extent required temporarily during the construction of said Sewer Line; and

WHEREAS, in order for Licensee to complete its Sewer Line project, the Licensee requests an irrevocable license to permit the encroachment of the Sewer Line on the Property and the public right-of-way; and

WHEREAS, the Licensee has agreed as consideration for such license to pay for any damages or injuries that may occur as a result of the encroachment and has further agreed that no enlargement, expansion shall be made to the Sewer Line once constructed;

NOW THEREFORE, in consideration of the sum of Ten Dollars No/100 and the covenants contained herein and other valuable consideration the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

**LICENSE AGREEMENT BETWEEN CITY OF MURPHY, TEXAS AND CITY OF
WYLIE, TEXAS**

1. **Grant of License: Consideration:** Wylie hereby grants Murphy an irrevocable license for the purpose of constructing the Sewer Line across the Licensed Premises and for Murphy to maintain and use the Sewer Line within the Licensed Premises. As consideration for the grant of this License the Murphy agrees that the Sewer Line shall not be expanded, enlarged or altered in any way without the prior written approval of Wylie. As additional consideration Murphy agrees to pay for any costs associated with damage to the Property that may occur during construction of the Sewer Line.

2. **Term:** The term of this License shall be perpetual.

3. **Non-exclusive:** This License is nonexclusive and is subject to any existing utility, drainage or communications facilities located in, on, under or upon the Property owned and controlled by Wylie, any utility or communication company, public or private, to all vested rights presently owned by any utility or communication company, public or private for the use of a Wylie utility easement for facilities presently located within the boundaries of the right-of-way and to any existing lease, license, or other interest in the easement granted by Wylie to any individual, corporation or other entity, public or private. Wylie shall notify Licensee in writing of any subsequent easement on Licensed Premises that may further subordinate this License.

4. **Environmental Protection:** Licensee shall not use or permit the use of the Licensed Premises for any purpose that may be in violation of any laws pertaining to the health of the environment, including without limitation, the comprehensive environmental response, compensation and liability act of 1980 ("CERCLA"), the resource conservation and recovery act of 1976 ("RCRA"), the Texas Water Code and the Texas Solid Waste Disposal Act. Licensee warrants that the permitted use of the Licensed Premises will not result in the disposal or other release of any hazardous substance or solid waste on or to the Licensed Premises, and that it will take all steps necessary to ensure that no such hazardous substance or solid waste will ever be discharged onto the Licensed Premises or adjoining the Licensed Premises by Licensee. The terms "hazardous substance and waste" shall have the meaning specified in CERCLA and the term solid waste and disposal (or dispose) shall have the meaning specified in the RCRA; provided, however, that in the event either CERCLA or RCRA is amended so as to broaden the meaning of any term defined thereby, such broader meaning shall apply subsequent to the effective date of such amendment; and provided further, at the extent that the laws of the State of Texas establish a meaning for hazardous substance, release, solid waste, or disposal which is broader than that specified in the CERCLA or RCRA, such broader meaning shall apply. Licensee shall indemnify and hold Wylie harmless against all costs, environmental clean up to the Licensed Premises and surrounding the Licensed Premises resulting from Licensee's use of the Licensed Premises under this License.

**LICENSE AGREEMENT BETWEEN CITY OF MURPHY, TEXAS AND CITY OF
WYLIE, TEXAS**

5. **Mechanic's liens not permitted:** Licensee shall fully pay all labor and materials used in, on or about the Licensed Premises and will not permit or suffer any mechanic's or material man's liens of any nature be affixed against the Licensed Premises by reason of any work done or materials furnished to the Licensed Premises at Licensee's instance or request.

6. **Compliance with laws:** Licensee agrees to abide by and be governed by all applicable state and federal regulations relating to the construction and operation of the Sewer Line.

7. **Notice:** Any notice required or permitted to be delivered hereunder shall be deemed received when sent by United States mail, postage prepaid, certified mail, return receipt requested, addressed to all Parties, as the case may be, at the address set forth in the signature portion of this Agreement at the following addresses or at such other address as either party hereto shall in writing advise the other:

Murphy: City of Murphy
Attn: James Fisher, City Manager
206 N. Murphy Road
Murphy, Texas 75094

Wylie: City of Wylie
Attn: Mindy Manson, City Manager
300 Country Club Road
Wylie, TX 75098

8. **Governing law:** This Agreement is governed by the laws of the State of Texas; and exclusive venue for any action shall be in the State District Court of Collin County, Texas. The Parties agree to submit to the personal and subject matter jurisdiction of said court.

9. **Exhibits:** The exhibits attached to this Agreement are incorporated herein by reference.

10. **Binding effect:** This Agreement shall be binding upon and inure to the benefit of the executing Parties and their respective personal representatives, successors and assigns.

11. **Entire Agreement:** This Agreement embodies the entire agreement between the Parties and supersedes all prior agreements, understandings, if any, relating to the Licensed Premises and the matters addressed herein and may be amended or supplemented only by written instrument executed by the party against whom enforcement is sought.

**LICENSE AGREEMENT BETWEEN CITY OF MURPHY, TEXAS AND CITY OF
WYLIE, TEXAS**

12. **Recitals:** The recitals to this Agreement are incorporated herein by reference.

13. **Covenant Running with the Land:** The provisions of this Agreement are hereby declared covenants running with the Property and are fully binding on the Licensee and each and every subsequent owner of all or any portion of the Property but only during the term of such party's ownership thereof (except with respect to defaults that occur during the term of such person's ownership) and shall be binding on all successors, heirs, and assigns of the Licensee which acquire any right, title, or interest in or to the Property, or any part thereof. Any person who acquires any right, title, or interest in or to the Property, or any part hereof, thereby agrees and covenants to abide by and fully perform the provisions of this Agreement with respect to the right, title or interest in such Property.

SIGNATURE PAGES TO FOLLOW

**LICENSE AGREEMENT BETWEEN CITY OF MURPHY, TEXAS AND CITY OF
WYLIE, TEXAS**

CITY OF MURPHY, TEXAS:

By: _____
Print: _____
Title: _____

Date of Execution: _____

ACKNOWLEDGEMENT

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

This instrument was acknowledged before me on this _____ day of _____,
2014, by **James Fisher, City Manager** of the City of Murphy, Texas, on behalf of said City.

(SEAL)

Notary Public in and for
the State of Texas

**LICENSE AGREEMENT BETWEEN CITY OF MURPHY, TEXAS AND CITY OF
WYLIE, TEXAS**

CITY OF WYLIE, TEXAS

By: _____

Print: _____

Title: _____

Date of Execution: _____

ACKNOWLEDGEMENT

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

This instrument was acknowledged before me on this _____ day of _____,
2014, by **Mandy Minson, City Manager** of the City of Wylie, Texas, on behalf of said City.

(SEAL)

Notary Public in and for
the State of Texas

EXHIBIT A



"Notice of Confidentiality rights: If you are a Natural Person, you may remove or strike any of the following information from this instrument before it is filed for record in the Public Records: Your Social Security Number or your Drivers' License Number."

AFTER RECORDING, RETURN TO:

Real Estate Manager, Bently Powell
NTMWD
505 E. Brown Street
Wylie, Texas 75098

RIGHT OF WAY WARRANTY DEED

STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF COLLIN §

That North Texas Municipal Water District, a Texas Reclamation Conservation District ("Grantor"), whether one or more, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) cash in hand to Grantor paid by the **CITY OF WYLIE, TEXAS**, a Texas municipal corporation ("Grantee") the receipt of which is hereby acknowledged, and for which no lien is retained, either expressed or implied, has this day GRANTED and by these presents does GRANT, GIVE, and CONVEY unto the said Grantee all the following described real estate, to-wit:

Being 3.2625 acres of land, more or less, in the W.M. Sachse Survey, Abstract No. 835, in the City of Sachse, Collin County, Texas, more particularly depicted and described in Exhibits "A" attached hereto and incorporated herein for all purposes (the "Property").

The warranty contained herein is subject to: (i) any and all mineral reservations, restrictions, covenants, conditions and easements, if any, relating to the above-described property, but only to the extent that they are still in effect and shown of record in Collin County, Texas; and (ii) all zoning law regulations and ordinances of municipal and/or other governmental authorities, if any, but only to the extent that they are still in effect and relate to the Property.

RIGHT OF WAY WARRANTY DEED - Page 1

464856

TO HAVE AND TO HOLD the above-described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, Grantee's successors, and assigns forever.

And Grantor does hereby bind Grantor, Grantor's heirs, executors, administrators and assigns, to warrant and forever defend all and singular the said premises unto the said Grantee, Grantee's successors and assigns, against every person whomsoever lawfully claiming or attempting to claim the same or any part thereof.

This instrument may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.

EXECUTED on the dates appearing in the acknowledgements below, however, to be effective on this 30th day of June, 2008.

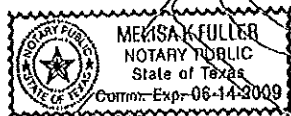
NORTH TEXAS MUNICIPAL WATER DISTRICT,

By: James M. Parks
JAMES M. PARKS, Executive Director

STATE OF TEXAS §
§
COUNTY OF COLLIN §

BEFORE ME, the undersigned authority, on this day personally appeared JAMES M. PARKS, known to me to be one of the persons whose names are subscribed to the foregoing instrument; he acknowledged to me that he is the Executive Director and duly authorized representative of the NTMWD, a Texas Reclamation Conservation District; and that he executed said instrument for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 26th day of June, 2008.



Melissa K. Fuller
Notary Public in and for the State of Texas

My Commission Expires: June 14, 2009

RIGHT OF WAY WARRANTY DEED -- Page 2

464597.v1

EXHIBIT "A"
RIGHT-OF-WAY FOR McCREARY ROAD
3.2625 ACRES
W.M. SACHSE SURVEY, ABSTRACT NO. 835
HENRY MAXWELL SURVEY, ABSTRACT NO. 579
CITY OF SACHSE, COLLIN COUNTY, TEXAS

BEING a tract of land out of the W.M. Sachse Survey, Abstract Number 835 and the Henry Maxwell Survey, Abstract Number 579 in the City of Sachse, Collin County, Texas, and being a portion of a called 99.694 acre tract of land described in deed to the North Texas Municipal Water District, recorded in Volume 2281, Page 358 of the Land Records of Collin County, Texas, and being more particularly described as follows:

COMMENCING at a fence post found in the west line of a called 51.531 acre tract of land described in deed to Nellie Wood, et.al., recorded in Volume 1120, Page 856 and Volume 3282, Page 804 of the Land Records of Collin County, Texas, for the easterly common corner of the beforementioned 99.694 acre tract and a called 55.820 acre tract of land described as Tract One South in deed to Woodbridge North Commercial I, L.P.D., recorded in Volume 5971, Page 1126 of the Land Records of Collin County, Texas;

THENCE South 88°34'13" West, with the common line of said 55.820 acre and 99.694 acre tracts, a distance of 2482.83 feet to a 5/8-inch iron rod with cap stamped "KHA" for the POINT OF BEGINNING;

THENCE southwesterly, leaving the common line of said 5.5445 acre tract and said 99.694 acre tract, along said curve to the right, through a central angle of 03°15'10", having a radius of 010.00 feet, and a chord bearing and distance of South 21°05'43" West, 51.66 feet, an arc length of 61.66 feet to a 5/8-iron rod with cap stamped "KHA" set for the beginning of a reverse curve to the left;

THENCE southerly, along said curve to the left, through a central angle of 20°00'38", having a radius of 810.00 feet, and a chord bearing and distance of South 12°43'00" West, 281.46 feet, an arc length of 282.89 feet to a 5/8-iron rod with cap stamped "KHA" set for the end of the curve;

THENCE South 02°42'41" West, a distance of 882.83 feet to a 5/8-iron rod with cap stamped "KHA" set for the beginning of a curve to the left;

THENCE southerly, along said curve to the left, through a central angle of 06°27'15", having a radius of 1950.00 feet, and a chord bearing and distance of South 00°30'56" East, 219.54 feet, an arc length of 219.66 feet to a 5/8-iron rod with cap stamped "KHA" set for the end of the curve;

THENCE South 03°44'34" East, a distance of 78.59 feet to a 5/8-iron rod with cap stamped "KHA" set for corner in the north line of a called 146.017 acre tract of land described in deed to Woodbridge Properties, L.L.C., recorded in Volume 4771, Page 0019 of the Deed Records of Collin County, Texas;

THENCE South 88°23'41" West, with the common line of said 99.694 acre tract and said 146.017 acre tract, a distance of 69.83 feet to a "PK" nail found in the east line of a called 52.329 acre tract of land described in deed to Peter L. Ganis, Jr. and Teresa L. Ganis, recorded under Collin County Clerk's File Number 93-0115178 of the Deed Records of Collin County, Texas, for the southwest corner of said 99.694 acre tract;

THENCE North 03°50'49" West, leaving the common line of said 99.694 acre tract and said 146.017 acre tract, with the common line of said 52.329 acre tract and said 99.984 acre tract, a distance of 364.71 feet to a 5/8-iron rod with cap stamped "KHA" set for corner;

EXHIBIT "A"**RIGHT-OF-WAY FOR McCREARY ROAD****3.2625 ACRES**

W.M. SACHSE SURVEY, ABSTRACT NO. 835
HENRY MAXWELL SURVEY, ABSTRACT NO. 879
CITY OF SACHSE, COLLIN COUNTY, TEXAS

THENCE North 03°52'16" West, continuing with the common line of said 52.329 acre tract and said 99.864 acre tract, a distance of 86.39 feet to a 5/8-Inch rod with cap stamped "KHA" set for the northeast corner of said 52.329 acre tract, same being the southeast corner of a called 1.000 acre tract of land described in deed to Mark Rosenfeld and Shelley Rosenfeld, recorded in Volume 2199, Page 778 of the Deed Records of Collin County, Texas;

THENCE North 02°42'41" East, leaving the common line of said 52.329 acre tract and said 99.864 acre tract, a distance of 737.24 feet to a 5/8-Inch rod with cap stamped "KHA" set for the beginning of a curve to the right;

THENCE northerly, along said curve to the right, through a central angle of 20°00'38", having a radius of 910.00 feet, and a chord bearing and distance of North 12°43'00" East, 316.20 feet, an arc length of 317.82 feet to a 5/8-Inch rod with cap stamped "KHA" set for the beginning of a reverse curve to the left;

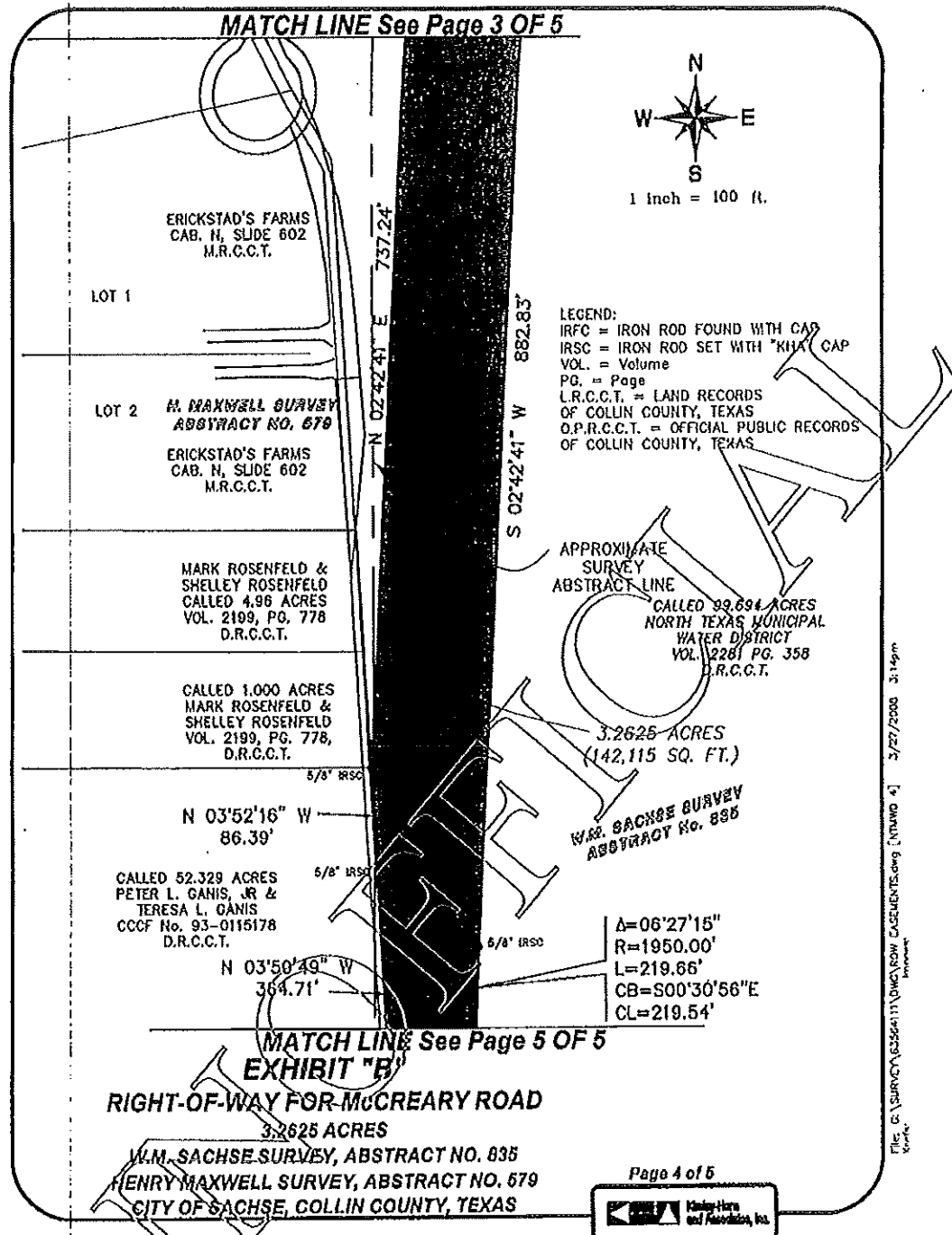
THENCE northerly, along said curve to the left, through a central angle of 00°31'29", having a radius of 810.00 feet, and a chord bearing and distance of North 22°27'34" East, 7.42 feet, an arc length of 7.42 feet to a 5/8-Inch rod set for corner in the south line of said 5.5445 acre tract;

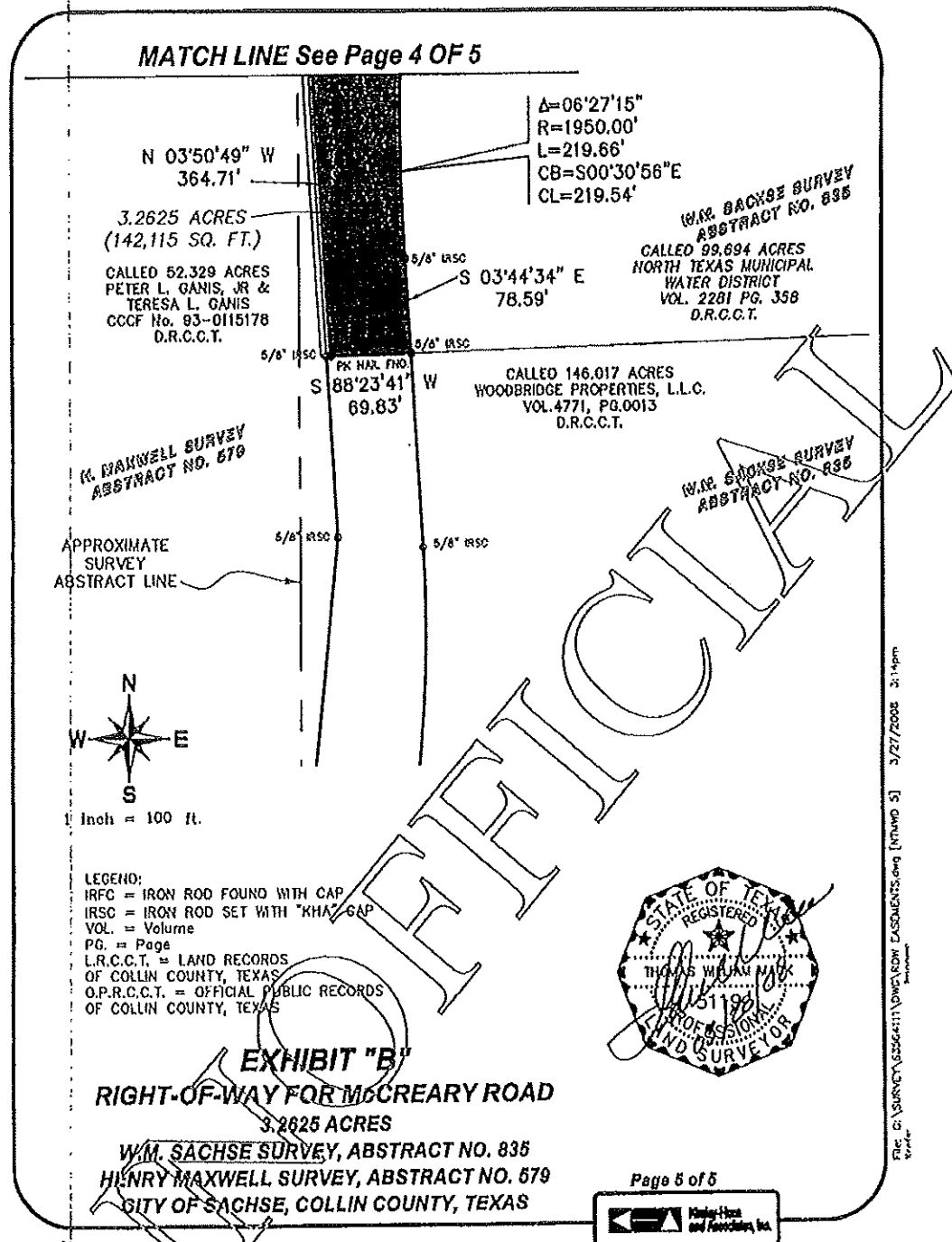
THENCE North 88°33'38" East, with the common line of said 5.5445 acre tract and said 99.864 acre tract, a distance of 108.03 feet to the **POINT OF BEGINNING** and containing 3.2625 acres (142,116 square feet) of land.

Bearing system based upon the Texas Coordinate System of 1983, North Central Zone (Grid Azimuth)









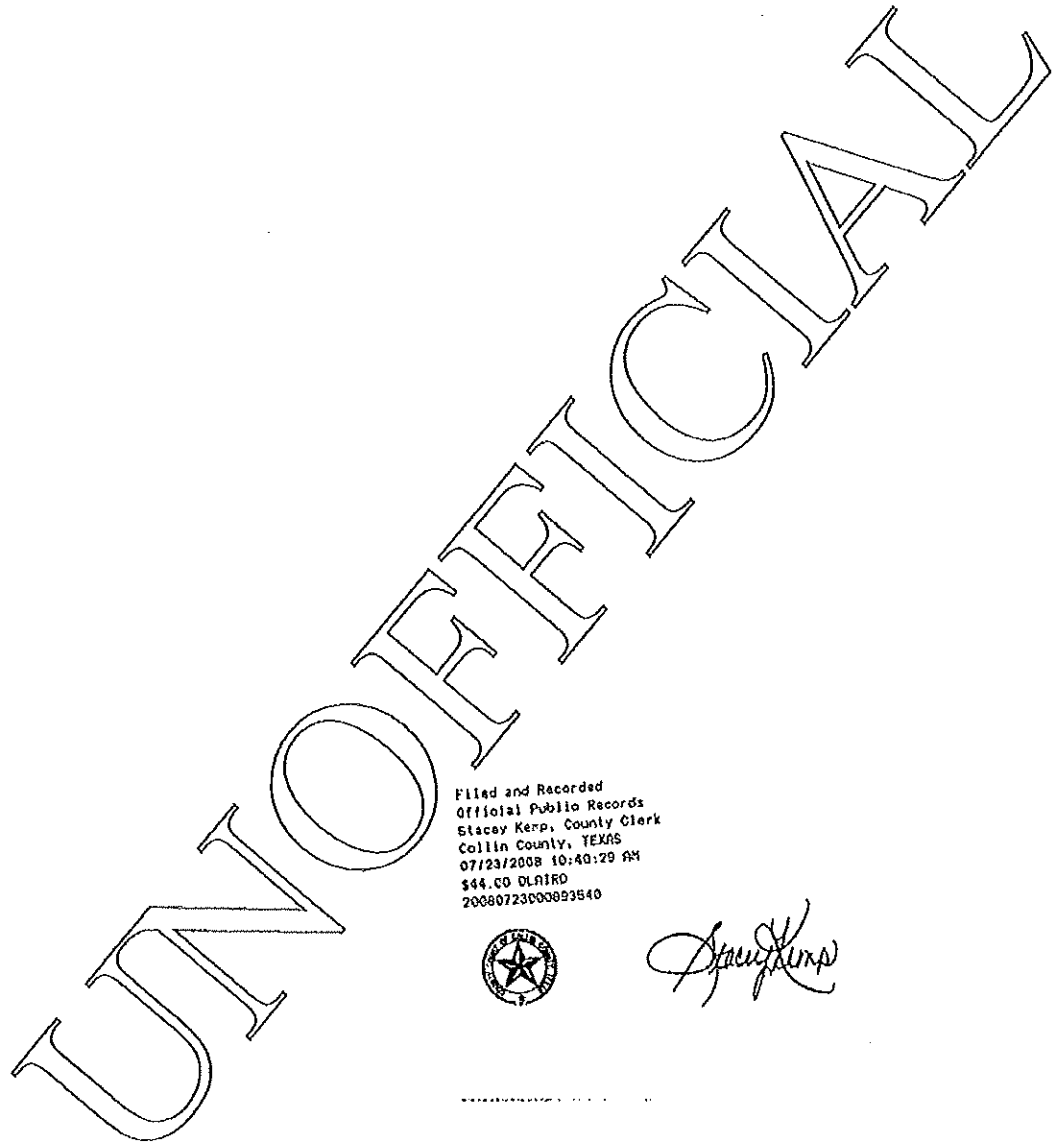
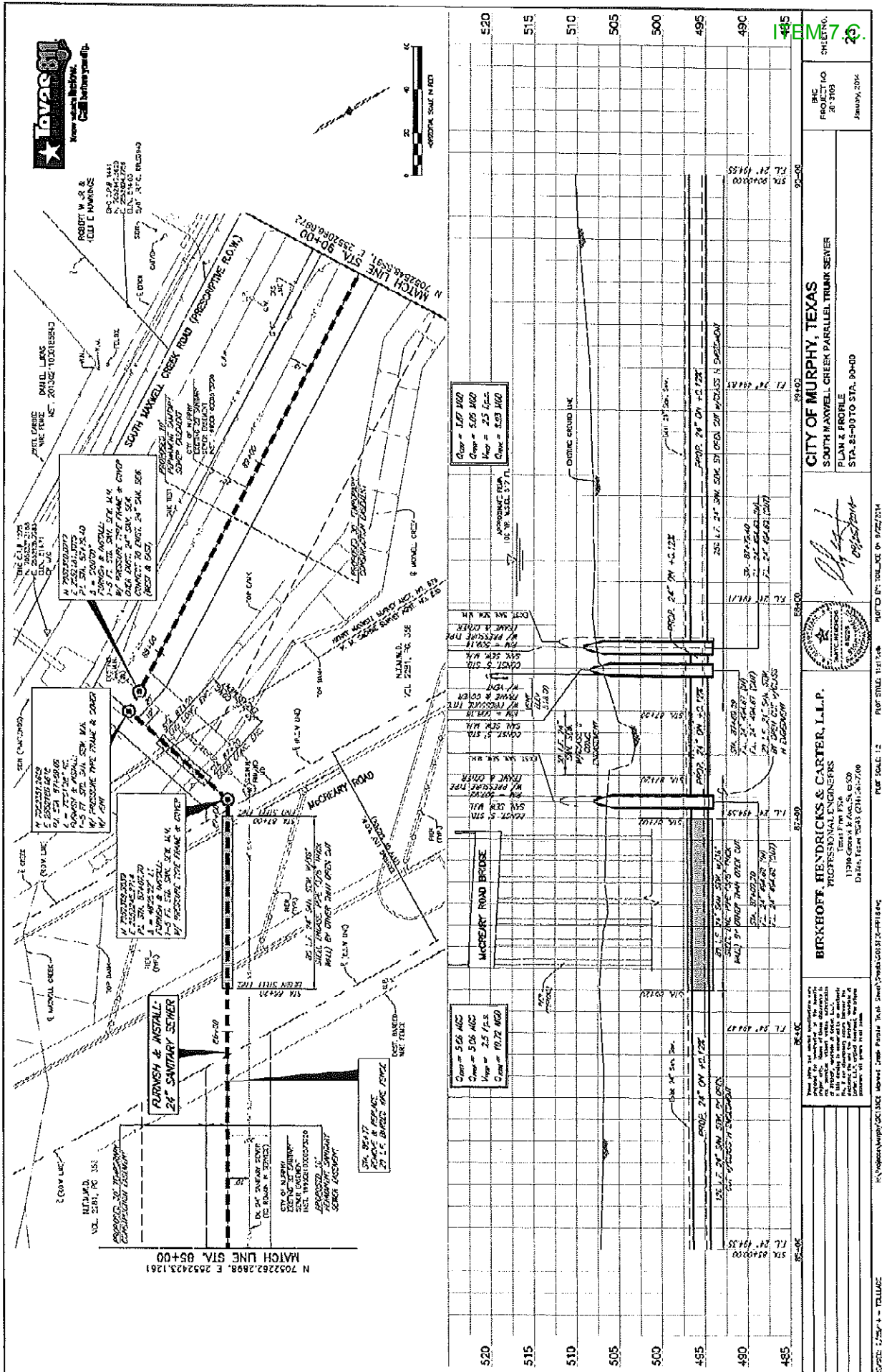


EXHIBIT B



**City Council Meeting
November 4, 2014**

Issue

Consider and/or act on the Ratification of Resolution 14-R-808.

Staff Resource/Department

James Fisher, City Manager

Summary

The City Council approved Resolution 14-R-808 at the October 21, 2014 City Council meeting. It is requested that City Council ratify this resolution.

Action Requested

Consider a motion ratifying Resolution 14-R-808.

Attachments

Resolution 14-R-808

RESOLUTION NO. 14-R-808

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS FINDING THAT A PUBLIC NECESSITY EXISTS TO ACQUIRE SANITARY SEWER EASEMENTS IN REAL PROPERTY AS PORTIONS OF TRACTS GENERALLY LOCATED IN THE CITY OF MURPHY, THE CITY OF SACHSE, AND THE CITY OF WYLIE AND DESCRIBED AS BEING PART OF ABSTRACT A0579 OF THE HENRY MAXWELL SURVEY, ABSTRACT A0835 OF THE W M SACHSE SURVEY, ABSTRACT A1031 OF THE HENRY WARNELL SURVEY, ABSTRACT A 0660 OF THE RD NEWMAN SURVEY, ABSTRACT A0438 OF THE HJ HARDIN SURVEY, THE RACETRAC ADDITION, AND THE WOODBRIDGE ADDITIONS #8, 14, & 18 BEING RECORDED IN THE REAL PROPERTY RECORDS OF COLLIN COUNTY; PROVIDING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE REAL PROPERTY FOR SANITARY SEWER EASEMENTS; AUTHORIZING THE CITY MANAGER TO OBTAIN THE NECESSARY APPRAISAL REPORTS AND MAKE BONA FIDE OFFERS OF JUST COMPENSATION FOR THE EASEMENTS AS REQUIRED BY LAW; AUTHORIZING THE CITY ATTORNEY TO INSTITUTE EMINENT DOMAIN PROCEEDINGS ON BEHALF OF THE CITY FOR THE ACQUISITION OF EASEMENTS ON SAID TRACTS IF NEGOTIATIONS ARE UNSUCCESSFUL; APPROPRIATING FUNDS FROM A LAWFUL SOURCE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Murphy (the “City”), by authority of Chapter 251 of the Texas Local Government Code and by virtue of Article II, Section 2.03 of the Murphy City Charter as a home-rule municipality, is authorized to initiate eminent domain proceedings within or outside its corporate limits to acquire real property for a public purpose, including to facilitate sewage collection, drainage, treatment, disposal, or emptying.

WHEREAS, the City Council of the City of Murphy (“City Council”) has investigated and determined that, there is a public necessity for the acquisition, by eminent domain, of sanitary sewer line easements the (“Easements”) on properties specifically identified in Exhibit “A,” and Exhibit “B” attached hereto and incorporated herein for all purposes (the “Properties”) and is the City’s intent to acquire the necessary Easements on the Properties for the purpose of, among other municipal purposes, sewage collection, drainage, treatment, disposal, or emptying; and

WHEREAS, the City Council has investigated and determined that the taking of said real property is necessary for public use; and

WHEREAS, it is necessary to establish procedures for determining the establishment and approval of just compensation for the Easements to be acquired by eminent domain as required by law; and

WHEREAS, the City Manager, or his designee, is required to make a bona fide offer, as defined by and in compliance with Chapter 21 of Texas Property Code, to acquire Easements on the Properties for public use voluntarily from the Properties' owners prior to moving forward with easement acquisition by eminent domain; and

WHEREAS, if the City, through its authorized representatives, is unable to agree and cannot agree upon the just compensation to be paid with the Properties' owners, then the City Attorney is authorized and directed to institute proceedings in eminent domain to acquire an Easements on the Properties.

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

SECTION 1: The findings set forth above are incorporated into the body of this Resolution as if fully set forth herein.

SECTION 2: The City Council hereby officially determines that there is a public necessity for and the public welfare and convenience will be served by, the acquisition, by eminent domain, of the Easements on the Properties, and it is the City's intent to acquire the Easements for public use, on the Properties as more specifically described in and depicted on Exhibit "A", attached hereto, specifically for the purpose of municipal purposes, for a sewer line easement which includes municipal functions such as facilitating sewage collection, drainage, treatment, disposal, and/or emptying.

SECTION 3: The City Manager or his designee is hereby authorized to contract, on behalf of the City, with professional appraisers for appraisal services, City Attorney for legal advice and services and professionals for any related tasks in connection with acquisition of the Easements on the Properties as required by law for sewer line easements. The City Manager or designee shall first make a bona fide offer to acquire the Easements on the Properties from the Properties' owners voluntarily. Should the Properties' owners fail to provide the Easements voluntarily through said bona fide offer, the City Council hereby authorizes City Attorney to move forward with acquiring the Easements on the Properties by eminent domain after the requisite statutory waiting period under the Texas Property Code.

SECTION 4: The City Manager or his designee is hereby authorized and directed to examine and rely on the independent appraisal reports, and other information, to make a determination as to the establishment and approval of a fair market value offer and the just compensation for the Easements on the Properties for the purpose of making a bona fide offer. After such consideration, the City Manager or his designee shall establish or approve the amount determined to be just compensation for acquisition of said Easements, and shall have the authority to execute any and all documents necessary to complete the acquisition of same.

SECTION 5: Upon establishment of the amount of just compensation for the acquisition of the Easements on the Properties, the City Manager, his designee, or the City Attorney is authorized to send a written bona fide offer to the Properties' owners for acquisition of said Easements at the full amount determined and established to be just compensation therefore, and to negotiate with said owner on behalf of the City to acquire the Easements voluntarily from said Properties owner(s).

SECTION 6: The City Manager is hereby authorized to execute all documents necessary to acquire the Easements on the Properties, on behalf of the City, whether by purchase or eminent domain. The City Council hereby ratifies any documents executed, prior to the effective date of this Resolution, by the City Manager which were necessary for the acquisition of the Easements on the Properties.

SECTION 7: Should the City be unable to acquire the Easements voluntarily from the Properties' owners through the making of a bona fide offer, the City Attorney is authorized to commence condemnation proceedings under the Texas Property Code for the acquisition of the Easements on the Properties after the requisite statutory waiting period following the final bona fide offer.

SECTION 8: The amount to be paid, if any, for acquiring the Easements on the Properties, will be appropriated from any lawful source.

SECTION 9. In the event that Special Commissioners appointed by the Court during condemnation proceedings return an award that is the same amount or less than the amount offered by the City for just compensation, the City Attorney is hereby authorized to settle the lawsuit for that amount and the City Finance Director is hereby authorized to issue a check from the appropriate fund in an amount not to exceed the Special Commissioners' award made payable to the County Clerk of Collin County, to be deposited into the registry of the Court, to enable the City to take possession of the Properties without further action of the City Council.

SECTION 10: Should any section, subsection, sentence, clause or phrase of this Resolution be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Resolution shall remain in full

force and effect. The City hereby declares that it would have passed this Resolution, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 11: This Resolution shall take effect immediately upon its passage and execution in accordance with the provisions of the Charter of the City of Murphy.

CONSIDERED AND ADOPTED THIS 21st day of October 2014 at a regular meeting of the City Council of the City of Murphy in which a quorum was present.

CITY OF MURPHY

BY: _____
Eric Barna, Mayor

ATTEST:

Susie Quinn, City Secretary

APPROVED AS TO FORM:

Wm. Andrew Messer

Exhibit A Legal Descriptions

Parcel numbers reflect parcel identification on map of sewer line project, attached as “Exhibit B”

Parcel	Legal Description
2	Racetrac Addn, Blk A, Lot 1 1.908 Acres
10	Abstract A0579, Henry Maxwell Survey Tract 33, 10.9065 Acres
11	Abstract A0579, Henry Maxwell Survey Tract 31, 3.893 Acres
12	Abstract A0579, Henry Maxwell Survey Tract 25, .5416 Acres
13	Abstract A0579, Henry Maxwell Survey Tract 50, .786 Acres
17	Abstract A0579, Henry Maxwell Survey Tract 52, .9 Acres
18	Abstract A0579, Henry Maxwell Survey Tract 83, 5.0559 Acres
20	Abstract A0579, Henry Maxwell Survey Tract 56, .373 Acres
21	Abstract A0579, Henry Maxwell Survey Tract 57, 1.127 Acres
22	Abstract A0579, Henry Maxwell Survey Tract 85, 13.346 Acres
23	Abstract A0579, Henry Maxwell Survey Tract 104, .3 Acres
24	Abstract A0579, Henry Maxwell Survey Tract 84, 1.97 Acres
25	Abstract A0579, Henry Maxwell Survey Tract 59, 2.489 Acres
26	Abstract A0579, Henry Maxwell Survey Tract 90, .102 Acres
27	Abstract A0579, Henry Maxwell Survey Tract 103, 8.8566 Acres
28	Abstract A0579, Henry Maxwell Survey Tract 60, .625 Acres
29	Abstract A0579, Henry Maxwell Survey Tract 86, .30 Acres
32	Abstract A0835, W M Sachse Survey Tract 42, 94.0215 Acres
33	Abstract A0579, Henry Maxwell Survey Tract 102, 2.41 Acres
34	Abstract A0835, W M Sachse Survey Tract 42-1, 3.2625 Acres McCreary Rd Row
35	Woodbridge #18, Blk E, Lot 36, Open Space
36	Abstract A0835, W M Sachse Survey Tract 19, 100.14 Acres
37	Abstract A0438, H J Hardin Survey Tract 11, 19.58 Acres

38	Abstract A0438, H J Hardin Survey Tract 6, 10.2782 Acres
39	Abstract A0660, R D Newman Survey Tract 34, 4.68 Acres
40	Abstract A0660, R D Newman Survey Tract 33, 5.5 Acres
52	Woodbridge #14, Blk D, Lot 12, 7.0039 Acres; Open Space (Tract One)
53	Woodbridge #8, Blk L, Lot 30, 22.0583 Acres; Open Space
54	Abs A0438 H J Hardin Survey, Tract 1, 51.859 Acres
56	Abs A1031 Henry Warnell Survey, Tract 2, 21.9339 Acres
57	Abstract A0579, Henry Maxwell Survey Ferren Creek Ests, Lot 1-1, .1534 Acres
58	Abs A0579 Henry Maxwell Survey, Tract 64, 2.459 Acres
59	Abs A0579 Henry Maxwell Survey, Tract 123, 2.3 Acres

Exhibit B South Maxwell Creek Parallel Trunk Sewer Line Map

