

**REGULAR MEETING OF THE
CITY OF ALVARADO CITY COUNCIL
104 W. COLLEGE
FEBRUARY 19, 2024
6:30 PM**

AGENDA

The City Council of the City of Alvarado will meet in a Regular Called Session on Monday, February 19 at 6:30 p.m. in the Council Chambers at City Hall for the following agenda items.

CALL TO ORDER - Roll Call - Council determines excused/unexcused absence of members.

INVOCATION

PLEDGE OF ALLEGIANCE

CITIZEN PARTICIPATION AND PUBLIC INPUT:

This is an opportunity for citizens to address the convened board of this meeting on any matter. The presiding officer may ask for the citizen to hold his or her comment on an agenda item until that agenda item is reached. Any response from a member of the convened Board to comments related to items not on the agenda is limited to a statement of specific factual information, a recitation of existing policy, or direction to staff to place the subject on the agenda for a future meeting.

INTRODUCTION OF NEW EMPLOYEES

CONSENT AGENDA:

1. Consideration and action to approve the minutes of the 01/22/24 Regular City Council Meeting.
2. Consideration and action to approve the minutes of the 02/12/24 Special Called City Council Meeting.
3. Consideration and action to approve Resolution R2024-0006 for the 2024 Atmos Cities Steering Committee payment. (Walls)

NEW BUSINESS:

4. Consideration and action to award Atchley Street Reconstruction contract. (Dwiggins)
5. Consideration and action to approve Resolution R2024-0005 accepting the petition for annexation, setting an annexation schedule; providing for open meetings and other related matters, setting a public hearing date of April 15, 2024, for City Council to consider annexation. (Lone Oak Annexation) (French)
6. Consideration and action on the application of Richard Rushton on behalf of Agave Trail Development LLC for approval of the Agave Trail Addition preliminary plat on 113.09 acres known as Tract 6 & a portion of Tract 22A1 in the John Ross Survey, A-737, approximately addressed at 1220 and 1300 N. Cummings Drive. (French)

EXECUTIVE SESSION:

Regular City Council Meeting Agenda

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EXECUTIVE SESSION: Pursuant to the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, the City Council may convene in executive session to deliberate regarding the following matters: 1. § 551.071. Consultation with Attorney. The City Council may convene in executive session to conduct a private consultation with its attorney on any legally posted agenda item, when the City Council seeks the advice of its attorney about pending or contemplated litigation, a settlement offer, or 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 the provisions of Chapter 551, including the following items:

- A. Any item listed on the agenda.
- B. Interlocal Agreement with the ESD.
- C. Private Party Land Clearing Policy.

RECONVENE REGULAR SESSION:

7. Consideration and action to authorize the City Manager to negotiate and execute an Interlocal Agreement with the ESD. (DeBuff)

COUNCIL COMMENTS:

Pursuant to LGC Section 551.0415, City Council Members may make a report about items of Community interest during a meeting of the governing body without having given notice of the report. Items of community interest may include, but not necessarily limited to any of the following:

- Expressions of thanks, congratulations, or condolence;
- Information regarding holiday schedules;
- An honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of the person's public office of public employment is not an honorary or salutary recognition for purposes of this subdivision;
- A reminder about an upcoming event organized or sponsored by the governing body;
- Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and
- Announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

ACCESSIBILITY STATEMENT

The Alvarado City Hall and Council Chamber are wheelchair accessible. The exit and parking ramps are located in the front of the building. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's Office at 817-790-3351, FAX: 817-783-7925, e-mail: wallsb@cityofalvarado.org Please call at least two (2) working days prior to the meeting so that appropriate arrangements can be made.

NON-DISCRIMINATION STATEMENT

The City of Alvarado does not discriminate on the basis of race, color, national origin, sex, religion, or disability in the employment or the provision of services.

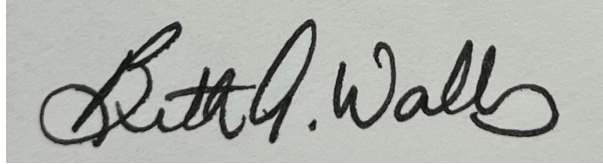
I, the undersigned authority, do hereby certify that the above Agenda was posted on the bulletin board in the City Hall of the City of Alvarado, Texas, a place convenient and readily accessible to the general public at all times,

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and said Agenda was posted on Friday, February 16 at 6:30 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

A handwritten signature in black ink on a light gray background. The signature is written in a cursive style and reads "Beth A. Walls".

Beth A Walls, TRMC, IPMA-SCP, CPM
City SecretaryHRD

CITY OF ALVARADO
County of Johnson
State of Texas
01/22/2024
City Council Minutes.

The City Council of the City of Alvarado met in Regular Called Session on Monday, January 22, 2024 at 6:30 p.m. The following were present for roll call:

Name	Title	Present	Absent	Excused
Jacob Wheat	Mayor	X		
Michael Bennett	Council Ward 1		X	
Beverly Short	Council Ward 1	X		
Lydia Moon	Mayor Pro-Tem Ward 2	X		
Cherry Bryant	Council Ward 2	X		
Scott Arthur	Council Ward 3		X	X
Kevin Thomas	Council Ward 3	X		

Others Present:

Paul DeBuff	City Manager
Beth A Walls	City Secretary
Laura Cox	Chief Financial Officer
Bradley Anderle	City Attorney
Donielle Suber	Director of Administrative Services
Justin French	Community Dev. Director
Paula Hardison	Director Billing/Accounting
John Rodgers	Fire Chief
Precious Moore	Library Director
Teddy May	Police Chief
Michael Dwiggins	Public Works Director

Mayor Jacob Wheat call the meeting to order at 6:30 p.m. and Lydia Moon gave the invocation.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS-

Several citizens addressed the council during Public Comment.

INTRODUCTION OF NEW EMPLOYEES-

Adam Sharp, current FD employee, has been promoted to Fire Marshal.

AGENDA ITEM #1,2, & 3

CONSENT AGENDA

1. CONSIDERATION AND ACTION TO APPROVE THE MINUTES OF THE 12/18/23 REGULAR CITY COUNCIL MEETING.

2. CONSIDERATION AND ACTION TO APPROVE RESOLUTION R2024-0004 REGARDING THE CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR.

3. CONSIDERATION AND ACTION TO AUTHORIZE THE CITY MANAGER TO DISPOSE OF FOUR GETAC TABLETS IN ACCORDANCE WITH STATE LAW AND SECTION 2-320 OF THE CITY'S CODE OF ORDINANCES.

Motion was made by Lydia Moon and seconded by Kevin Thomas to approve the consent agenda. This motion supported votes 4 in approval and 0 votes opposed. Motion carried.

AGENDA ITEM #4

PRESENTATION OF CITY'S FINANCIAL AUDIT FOR FISCAL YEAR 2021-2022 BY REPRESENTATIVES OF WATERS, VOLLMERING & ASSOCIATES, LLP.

Carey Adams, CPA, Partner with Waters, Vollmering & Associates, LLP, presented the Fiscal Year 2021-2022 audit with City Council.

No Council Action Necessary.

AGENDA ITEM #5

CONSIDERATION AND ACTION TO RECEIVE AND APPROVE THE CITY OF ALVARADO FINANCIAL AUDIT FOR FISCAL YEAR 2021- 2022.

Per the City's Charter, an independent audit shall be conducted at the end of each fiscal year. The financial audit for Fiscal Year 2021-2022 is posted on the City's Finance Department's webpage for public inspection once approved.

Motion was made by Lydia Moon and seconded by Kevin Thomas to approve the City of Alvarado Financial Audit for Fiscal Year 2021-2022.

This motion supported votes 4 in approval and 0 votes opposed. Motion carried.

AGENDA ITEM #6

CONSIDERATION AND ACTION TO APPROVE RESOLUTION R2024-0001 ADOPTING THE CITY OF ALVARADO, TEXAS, INVESTMENT POLICY, AND PROVIDING AN EFFECTIVE DATE.

The Public Funds Investment Act, Texas Government Code Chapter 2256, requires a governing body to review and adopt an investment policy no less than annually. The governing body shall adopt a written instrument by rule, order, ordinance or resolution stating that it has reviewed the investment policy and investment strategies and that the written instrument so adopted shall record any changes made to either the investment policy or investment strategies.

Funds shall be managed and invested with three primary objectives: Safety of Principal, Liquidity, and Yield.

Motion was made by Lydia Moon and seconded by Kevin Thomas to approve the City of Alvarado, Texas, Investment Policy as presented.

This motion supported votes 4 in approval and 0 votes opposed. Motion carried.

AGENDA ITEM #7

CONSIDERATION AND ACTION ON THE APPLICATION OF WINSTON PARKS WITH PALM DEVELOPMENT PARTNERS ON BEHALF OF THE DAVID AND MARY GLENN IRREVOCABLE TRUST FOR APPROVAL OF A HENDERSON INTEGRITY ADDITION FINAL PLAT ON 0.6504 ACRES KNOWN AS A PORTION OF TRACT 29 IN THE J. DIXON SURVEY, ABSTRACT 214, APPROXIMATELY ADDRESSED IN THE 800 BLOCK OF W. HWY 67.

BACKGROUND & FINDINGS:

On November 20, 2023, the City Council approved the Henderson Integrity Addition preliminary plat (attached) following P&Z's recommendation for Council approval on November 14, 2023. The phase one final plat for Lot 3, Block 1 of the Henderson Integrity Addition was submitted and deemed administratively complete on December 28, 2023. Per Section 34-34.c of the Alvarado subdivision ordinance, the City Council shall:

- (1) Act within 30 days after the filing of a final plat,
- (2) Take one of the following actions.
 - a. Approve.
 - b. Approve with conditions.
 - c. Disapprove with reasons.

The Future Land Use (FLU) map within the Alvarado Comprehensive Plan designates the subject site for Local Business, which generally includes small businesses and retail uses, coffee shops, restaurants, and small professional office buildings. This type of development is best suited along Highway 67 and is intended to serve the needs of residents.

The City's Development Review Committee (DRC) finds the final plat to comply with the approved preliminary plat, the minimum standards of the Alvarado subdivision ordinance, and all other ordinances. The subject site is zoned General Commercial (C-2) District, and the anticipated development of an urgent care center is consistent with the Comprehensive Plan.

Motion was made by Lydia Moon and seconded by Kevin Thomas to approve the final plat with conditions as recommended by P&Z, on 0.6504 acres known as a portion of tract 29 in the J. Dixon Survey, Abstract 214, approximately addressed in the 800 block of W. Highway 67.

This motion supported votes 4 in approval and 0 votes opposed. Motion carried.

AGENDA ITEM #8

CONSIDERATION AND ACTION TO APPROVE A LAKE ALVARADO ENCROACHMENT AGREEMENT WITH 1700 WOODVIEW LLC, OWNER OF 0.5857 ACRES KNOWN AS LOT 15, BLOCK 1 OF THE B. F. SHULTZ ADDITION IN ALVARADO EXTRATERRITORIAL JURISDICTION, ADDRESSED AT 1700 WOODVIEW DRIVE.

BACKGROUND & FINDINGS:

Michael and Crystal Halsell's company, 1700 Woodview LLC owns property adjacent to Lake Alvarado, and they request to place a boat dock from their property onto the Lake in a compatible character to existing boat docks on the Lake. No previous permit or agreement has been found on record adjacent to this property. The encroachment agreement grants permission for the proposed boat dock to be on

Lake Alvarado, which is owned by the City of Alvarado. The agreement also includes indemnity provisions to release the City from liability and provisions authorizing the City to terminate the agreement to implement a compelling public interest.

The Alvarado Comprehensive Plan of June 2017 indicates participants in the public involvement process desire more recreational opportunities around Lake Alvarado. The Plan provides the following long-term recommendations regarding lakefront development but nothing specific to private boat docks or piers.

- Purchase Lakefront Lots
- Plan for RV Park and Campgrounds
- Plan for a Multi-Purpose Facility (civic center or retreat center)

Motion was made by Beverly Short and seconded by Cherry Bryant to approve the Lake Alvarado Encroachment agreement with 1700 Woodview LLC, Owner of 0.5857 acres known as Lot 15, Block 1 or the B.F. Shultz addition in the Alvarado ETJ addressed at 1700 Woodview Drive.

This motion supported votes 3 in approval and 1 vote opposed. Motion carried.

AGENDA ITEM #9

HOLD A PUBLIC HEARING AND CONSIDERATION AND ACTION APPROVING ORDINANCE 2024-0001 AMENDING THE ZONING ORDINANCE REGULATIONS IN CHAPTER 42 OF THE ALVARADO CODE OF ORDINANCES, RELATING TO MULTI-FAMILY RESIDENTIAL, MOTEL, SEXUALLY ORIENTED BUSINESS, AND SMOKE SHOP USES.

MAYOR WHEAT OPENED THE PUBLIC HEARING AT 7:10 PM.

BACKGROUND & FINDINGS: Regulations and districts in the Alvarado zoning ordinance are established in accordance with the comprehensive plan for the purpose of promoting the health, safety, morals, and welfare of the City. From time to time, the City Council may find it necessary to amend the zoning regulations to address new uses and development trends. The attached ordinance has been prepared to provide clarification of existing ordinance provisions and address opportunities and threats that may be of apparent interest within the City.

RECOMMENDATION: On January 18, 2024, the Planning and Zoning Commission by a vote of 5-0 recommended Council approve the drafted Ordinance 2024-0001 with changes being to:- allow motels by-right in the C-1, C-2, and M-1 Districts;- omit the proposed definition of smoke shop; and- omit the proposed regulation of smoke shop.

Several members of the community spoke and asked for clarification on an SUP, grandfathering for current business and growing in the margins.

THE PUBLIC HEARING WAS CLOSED AT 7:55 PM.

Motion was made by Lydia Moon and seconded by Cherry Bryant to approve Ordinance 2024-0001 amending Chapter 42, "Zoning" of the Code of Ordinances, Article II, "Districts and Land Uses", Section 42-28 "MF Multi-Family Residential District" by clarifying maximum density; Section 42-29, "C-1 Office Light Retail, Neighborhood Services District", Section 42-30, "C-2 General Commercial District", and Section 42-31, "M-1 Light Manufacturing/Industrial District", by authorizing uses by Specific Use Permit; and Section 42-32, "M-2 Heavy

Manufacturing/Industrial District” by removing Sexually Oriented Business as a Use allowed by right.

This motion supported votes 4 in approval and 0 votes opposed. Motion carried.

AGENDA ITEM #10
CONSIDERATION AND ACTION TO APPROVE AGREEMENT WITH M7 FOR JULY 2024 INDEPENDENCE DAY FIREWORKS EVENT. (SUBER/ROSEN)

BACKGROUND & FINDINGS:
On July 5-6, 2024, M7 Arena (8001 FM3136) will host the 2024 Independence Day Celebration, with a scheduled fireworks display on Saturday, July 6th. This year’s contract has been updated to include a clause regarding a change in venue should M7 Arena sell before the event. If M7 Arena is sold, the Independence Day celebration will take place at Whistlejacket Farm (4025 S. Burleson Boulevard). The contract was presented to the Council.

FINANCIAL IMPACT:
The financial impact totals \$80,430.93, plus an additional \$10,000.00 (contingent upon the sale of M7 Arena).

Motion was made by Lydia Moon and seconded by Cherry Bryant to approve the agreement with M7 for the July 2024 Independence Day Fireworks Event and authorize the City Manager to execute the 2024 Contract for Fireworks Display.

This motion supported votes 4 in approval and 0 votes opposed. Motion carried.

AGENDA ITEM #11
CONSIDERATION AND ACTION TO APPROVE RESOLUTION 2024-0002 CALLING MAY 4, 2024 GENERAL ELECTION.

BACKGROUND & FINDINGS:
The 2024 General Election will be May 4, 2024. Due to changes stated and passed in the City Charter, the following positions are up for re-election in 2024:

- | | | | |
|------------------|----------|---------|--------------------------|
| ○ Mayor | At-Large | | Current: Jacob Wheat |
| ○ Council Member | Ward 1 | Place 1 | Current: Michael Bennett |
| ○ Council Member | Ward 2 | Place 2 | Current: Lydia Moon |

Johnson County Elections office only contracts with cities to conduct elections on odd-numbered years, requiring the City will hold its own election. It was proposed that the voting place be moved to the Senior Center for 2024. During the early voting and election period, both the Municipal Court and any meetings planned must be postponed or moved. Voting will be set up so as not to disturb the current users of the Senior Center.

Jessica Hill will be the Early Voting Clerk for the 7 days of early voting.

Motion was made by Beverly Short and seconded by Cherry Bryant to approve Resolution 2024-0002 calling the May 4, 2024 General Election.

This motion supported votes 4 in approval and 0 votes opposed. Motion carried.

AGENDA ITEM #12

CONSIDERATION AND ACTION FOR ENTERING INTO A CONTRACT FOR THE PURCHASE OF A NEW FIRE ENGINE. (RODGERS)

BACKGROUND & FINDINGS:

It is a good practice and in the City of Alvarado Fire Department's best interest to have its major fire apparatus on a replacement schedule. The industry standard is for a fire engine to have a life span of 20 years. At 10 years, the apparatus goes to reserve status, and at 20 years, the apparatus is retired. The fire engine we are replacing (E-279) will be 22 years old when the new engine arrives. Consistent with this reasoning, we are starting to have major problems with E-279. It currently has 136,203 miles and needs a new transmission.

There are generally two major fire engine manufacturers that I am comfortable with. We have chosen to go with Metro Fire Apparatus Specialists, Inc. The new engine is a sister truck to our current first-out apparatus. They provided us with the best price and turnaround time for construction. Our new normal for fire engine construction is around 600 days.

FINANCIAL IMPACT:

The construction cost of the fire engine is \$999,302.00. The City of Alvarado's cost share is \$499,302.00, with Emergency Services District #1 paying the balance of \$500,000.00. We are very fortunate to have the ESD as a partner in this purchase. Just three months ago, the cost share policy at the ESD was a maximum of \$350,000.00. With input from myself and other area fire chiefs, the ESD increased the maximum cost share to \$500,000.00. We are taking advantage of the full amount. The caveat is that we cannot seek any other new apparatus cost-share assistance for the next five years.

Motion was made by Lydia Moon and seconded by Cherry Bryant to authorize the Fire Chief and Chief Financial Officer to execute a contract with Metro-Fire Apparatus Specialists, Inc. in the amount of \$499,302 for the purchase of a new fire engine.

This motion supported votes 4 in approval and 0 votes opposed. Motion carried.

AGENDA ITEM #13

CONSIDERATION AND ACTION TO DEFEDERALIZE RIGHT OF WAY ACQUISITION FUNDING FOR N. CUMMINGS DRIVE PROJECT.

BACKGROUND & FINDINGS:

The Advance Funding Agreement for Federal funding for N. Cummings Drive estimates the cost of Right of Way (ROW) acquisition for the future expansion of N. Cummings Drive to be approximately \$450,000. The City will be responsible for 20% of that amount, or \$90,000.

This funding source requires that environmental impact studies be complete before ROW acquisition can begin. This means that environmental studies will delay ROW acquisition by approximately 6-9 months. However, if the City elects to “defederalize” or take on this expense earlier than planned, the City can begin ROW acquisition immediately, saving the City a significant amount of time (approximately 6 months) in the construction of N. Cummings.

FINANCIAL IMPACT:

This action simply allows the City to incur a planned expenditure of \$90,000 early and take on a \$360,000 federal portion, which will then be reallocated from ROW acquisition to construction. Therefore, there is **no net impact** on the funding of the overall project. However, an amendment to the FY24 budget for \$450,000 will be required to accommodate the early expenditure of these funds.

RECOMMENDATION:

Staff recommends approving this action to allow ROW acquisition to begin immediately.

The motion was made by Kevin Thomas and seconded by Beverly Short to approve de-federalizing the right-of-way funding for the N. Cummings Drive Project.

This motion supported votes 4 in approval and 0 votes opposed. Motion carried.

EXECUTIVE SESSION: EXECUTIVE SESSION: Pursuant to the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, the City Council may convene in executive session to deliberate regarding the following matters:

1. § 551.071. Consultation with Attorney. The City Council may convene in executive session to conduct a private consultation with its attorney on any legally posted agenda item, when the City Council seeks the advice of its attorney about pending or contemplated litigation, a settlement offer, or 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 the provisions of Chapter 551, including the following items:

A. Any item listed on the agenda.

B) Lone Oak Development.

2. § 551.087. Deliberation regarding economic development negotiations. The City Council may convene in Executive to discuss or deliberate regarding commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay, or expand in or near the city and with which the city is conducting economic development negotiations; or to deliberate the offer of a financial or other incentive to a business prospect as described above.

A) Lone Oak Development.

MAYOR WHEAT DECLARED COUNCIL TO BE IN EXECUTIVE SESSION AT 8:22 PM.

Mayor Wheat reconvened regular session at 8:50 p.m.

AGENDA ITEM #14

PUBLIC HEARING ON ADJUSTING THE BOUNDARIES OF THE LONE OAK PUBLIC IMPROVEMENT DISTRICT.

MAYOR WHEAT OPENED THE PUBLIC HEARING AT 8:50 PM.

BACKGROUND & FINDINGS:

The City previously created the Lone Oak Public Improvement District (the "PID") consisting of 352.471 acres pursuant to a resolution approved on October 18, 2021, then expanded the District by 76.93 acres on April 18, 2022, making a total of 429.401 acres.

Since then, the Petitioners (Lone Oak) discovered a slight discrepancy in the legal description and acreage and have petitioned the City to reduce the acreage of the Current PID Boundaries from 429.401 to 428.755 to accurately reflect the updated legal description and depiction of the Property.

A public hearing is required to adjust the PID boundaries.

FINANCIAL IMPACT:

N/A

RECOMMENDATION:

Recommend approving the Resolution reducing the acreage and adjusting the PID boundaries.

THE PUBLIC HEARING WAS CLOSED AT 8:51 PM.

AGENDA ITEM #15

CONSIDERATION AND ACTION TO APPROVE RESOLUTION R2024-0003 REDUCING THE ACREAGE AND ADJUSTING THE BOUNDARIES OF THE LONE OAK PUBLIC IMPROVEMENT DISTRICT. (DEBUFF)

Motion was made by Lydia Moon and seconded by Cherry Bryant to approve Resolution R2024-0003, reducing the acreage and adjusting the boundaries of the Lone Oak Public Improvement District.

This motion supported votes 4 in approval and 0 votes opposed. Motion carried.

AGENDA ITEM #16

CONSIDERATION AND ACTION TO APPROVE AN AMENDED DEVELOPMENT AGREEMENT FROM LONE OAK. (DEBUFF)

BACKGROUND & FINDINGS:

The Developer is required to complete annexation of the remainder of the Lone Oak property into the City, locate a site adjacent to CR508 for the future construction of a fire station, will abandon attempts to de-annex from the City, or create a municipal utility district (MUD), and will withdraw its Motion for Intervention filed with the Public Utilities Commission. Changes allowed lot sizes for phases 2-5 from 50 ft width to 45 ft. The City will allow JCSUD water lines to be placed within the City. The Developer is also required to deposit the entire remainder of their Wastewater Treatment Plant Cost Share obligation into escrow for reimbursement to the City, in the amount of \$3,896,610.56.

FINANCIAL IMPACT:

This amendment to the Development agreement contains several financial values added to the City, such as an additional \$858,500 in PID fees, for a new total of \$1,663,000 for infrastructure work in the City and approximately \$75,000 to the City's general fund for administrative fees. Wastewater impact fees paid to the City will increase by \$137,214.

Motion was made by Lydia Moon and seconded by Beverly Short to approve the amended Development Agreement and authorize the City Manager to negotiate the remaining deal points which include but are not limited ROW acquisition expenditure cap, Reimbursement agreement, payment certification form, concept plan, and the preliminary plat.

This motion supported votes 4 in approval and 0 votes opposed. Motion carried.

There being no further business, Mayor Wheat adjourned the meeting at 8:52 p.m.

Passed and approved this the 22 day of January 2024.

Mayor Jacob Wheat

Respectfully Submitted,

Beth A Walls, City Secretary/HRD

CITY OF ALVARADO
County of Johnson
State of Texas
02/12/2024
City Council Minutes.

The City Council of the City of Alvarado met in Special Called Session on Monday, February 12, 2024 at 6:30 p.m. The following were present for roll call:

Name	Title	Present	Absent	Excused
Jacob Wheat	Mayor	X		
Michael Bennett	Council Ward 1		X	NA
Beverly Short	Council Ward 1	X		
Lydia Moon	Mayor Pro-Tem Ward 2	X		
Cherry Bryant	Council Ward 2	X		
Scott Arthur	Council Ward 3	X		
Kevin Thomas	Council Ward 3	X		

Others Present:

Paul DeBuff	City Manager
Beth A Walls	City Secretary
Jessica Hill	Deputy City Secretary
Laura Cox	Chief Financial Officer
Donielle Suber	Director of Administrative Services
Paula Hardison	Director Billing/Accounting
John Rodgers	Fire Chief
Teddy May	Police Chief
Michael Dwiggin	Public Works Director

Mayor Jacob Wheat call the meeting to order at 6:30 p.m. and Scott Authur gave the invocation.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS-

None

INTRODUCTION OF NEW EMPLOYEES-

Emilio Pacheco - FD

AGENDA ITEM #1

CONSENT AGENDA

1. CONSIDERATION AND ACTION TO APPROVE ORDINANCE 2024-0002, CALLING A SPECIAL ELECTION FOR THE PURPOSE OF APPROVING THE CITY OF ALVARADO'S STREET MAINTENANCE SALES TAX.

Motion was made by Lydia Moon and seconded by Beverly Short to approve Ordinance 2024-0002, calling a Special Election for the purpose of approving the City of Alvarado's Street Maintenance Sales Tax.

This motion supported votes **5** in approval and **0** votes opposed. Motion carried.

There being no further business, Mayor Wheat adjourned the meeting at 6:40 p.m.

Passed and approved this the 12th day of February, 2023.

Mayor Jacob Wheat

Respectfully Submitted,

Beth A Walls, City Secretary/HRD

MEMORANDUM

TO: Atmos Cities Steering Committee
FROM: Jennifer Richie, Chair, Atmos Cities Steering Committee
DATE: January 8, 2024
RE: **Action Needed - 2024 Atmos Cities Steering Committee Membership Assessment Invoice**

On December 7, 2023, the Atmos Cities Steering Committee (“ACSC”) held a quarterly meeting with representatives from Atmos Energy. During the meeting, the group held a discussion of upcoming natural gas issues and approved the assessment for ACSC membership. Using the population-based assessment protocol previously adopted by ACSC, the assessment for 2024 is a per capita fee of \$0.05. This is the same amount as was adopted for 2019-2023.

ACSC protects the authority of municipalities over the monopoly natural gas provider and defends the interests of the residential and small commercial customers within the cities. Cities are the only consumer advocates that work to keep natural gas rates reasonable. The work undertaken by ACSC has saved ratepayers millions of dollars in unreasonable charges. In order to continue to be an effective voice at the Railroad Commission, at the Legislature, and in the courts, ACSC must have your support. Please take action to pay the membership assessment as soon as possible. Payment of the membership assessment fee shall be deemed to be in agreement with the terms of the ACSC participation agreement.

Although ACSC does not require that your city take action by resolution to approve the assessment, some members have requested a model resolution authorizing payment of the 2024 membership assessment. To assist you in the assessment process, we have provided the following documents for your use:

- ACSC 2023 Year in Review
- Model resolution approving the 2024 assessment (optional, provided for those cities that have requested a resolution to authorize payment)
- Model staff report supporting the resolution
- List of Atmos Cities Steering Committee members
- 2024 Assessment invoice
- 2023 Assessment invoice and statement (only included if not yet paid)
- Blank member contact form to update the distribution lists

Please forward the membership assessment fee and, if applicable, the signed resolution to Brandi Stigler, Atmos Cities Steering Committee, c/o City Attorney’s Office, Mail Stop 63-0300, 101 S. Mesquite St., Suite 300, Arlington, Texas 76010. Checks should be made payable to: *Atmos Cities Steering Committee*.

If you have any questions, please contact ACSC Chair Person, Jennifer Richie (254/750-5688). ACSC’s counsel, Thomas Brocato (tbrocato@lglawfirm.com) at 512/322-5857 is also available to assist you.

2023 ACSC Newsletter



2023 YEAR IN REVIEW ISSUE

This past year was a busy one for ACSC. This annual review highlights the significant events of 2023 that impacted ACSC and what's on the horizon next year.

Atmos 2023 Rate Case Round-Up

Atmos Pipeline-Texas will increase the amount it collects on its system for transporting gas by \$12 million annually — or by 1.66 percent — under a settlement agreement approved in December 2023 by state regulators.

This change to the company's "transportation revenue requirement" will affect home rates, albeit indirectly. The company's previous transportation revenue requirement was \$723 million annually. Under the settlement, it now goes to \$735 million. However, even with the increase, the company has accepted \$105 million less under the settlement than the \$839,982,742 it initially sought.

Various intervenors, including the Atmos Cities Steering Committee and other city representatives, reached a unanimous settlement with Atmos in the case during October 2023. The Railroad Commission approved the settlement on December 13 without discussion.

Background of the Case

- On May 19, 2023, Atmos Pipeline-Texas, a Division of Atmos Energy Corporation, filed paperwork at the Railroad Commission to change its rates. ACSC intervened in the rate case, engaged consultants, conducted discovery, and identified aspects of the Atmos request that it found unreasonable.
- The company's overall revenue requirement (which includes extraneous pass-through costs to third parties) will be \$841,924,105 under the settlement, which is \$109 less than the \$951.1 million the company originally sought.
- The adopted changes will result in a capacity charge of \$18.80038 per million British thermal units of MDQ (where MDQ is defined as the maximum daily quantity of gas over the pipeline system). This represents a \$.30614 increase over the current capacity charge of \$18.49424 — or an increase of 1.66 percent.
- The new capacity charge under the approved settlement agreement remains less than the \$21.25 initially requested by APT.
- The company will operate under an approved cost of equity of 11.45 percent under the approved settlement — as opposed to the company's initial request of 13.5 percent.
- This is the company's first full rate case since 2016. More information can be found on the Railroad Commission website, under Case No. 00013758.

OTHER 2023 RATE MATTERS

- On February 24, 2023, Atmos Energy filed for a GRIP rate adjustment for customers within the unincorporated areas of its Mid-Tex Division. Under the adjustment, the monthly customer charge would increase from \$34.29 per month to \$38.38 per month — an increase of \$5.09. More information can be found on the Railroad Commission website, at Case No. 00012759.
- On February 24, 2023, Atmos Energy filed for a GRIP adjustment for customers within the unincorporated areas of its West Texas Division. Under the adjustment, the customer charge would increase from \$27.99 per month to \$31.49 per month — an increase of \$3.50. More information can be found on the Railroad Commission website, at Case No. 00012760.
- On March 31, 2023 Atmos Energy filed for a rate increase for its Mid-Tex service areas under an interim ratemaking process known as the Rate Review Mechanism. In its filing, the company requested a rate increase of \$165.9 million on a system-wide basis. This was reduced to \$156.1 million due to limitations in the RRM tariff. After ACSC consultants prepared a report detailing various adjustments, the company agreed to settle the case for \$142 million. This amounts to a \$23.9 million reduction from the company's initial request. It includes payment of an additional \$19.5 million for the securitization regulatory assert expenses related to Winter Storm Uri. For residential customers, the agreement will result in a 70-cent increase in the customer charge, from \$21.55 per month to \$22.25. The settlement was approved by all parties in September, and the rates went into effect in October.
- On March 31, 2023, Atmos Energy filed for a rate increase for its West Texas service areas under the Rate Review Mechanism process. In its filing, the company requested a \$12.1 million increase for WTX Cities. This was reduced to \$11.4 million due to limitations in the RRM tariff. After ACSC consultants prepared a report detailing various adjustments, the company agreed to settle the case for \$8.4 million. This amounts to a reduction of \$3.7 million to the company's initial request. It includes \$2.7 million for the securitization regulatory assert expenses related to Winter Storm Uri. Under the settlement, the customer charge will increase by .70 cents per month from \$18.27 to \$18.97. The settlement was approved by all parties in September, and the rates went into effect in October.

About GRIP and RRM Like the separate Gas Reliability Infrastructure process, the RRM process allows for annual rate increases to reflect capital investments by the utility over the preceding 12 months. Various cities and city coalitions have objected to GRIP as piecemeal ratemaking because GRIP does not allow for an evaluation of rising revenues or declining expenses that may offset the need for rate increases. Additionally, under the GRIP process, cities cannot challenge any portion of the rate filing as unreasonable.

For those reasons the Atmos Cities Steering Committee negotiated the Rate Review Mechanism with Atmos as a substitute for GRIP. The RRM has no existence in statute, but rather exists only pursuant to city ordinances. Environs (areas outside municipal limits) are subject to GRIP, and some non-ACSC member cities have chosen to remain under GRIP.

Atmos Customers Face 16 Years of Winter Storm Charges

Texas gas utility customers can expect to pay at least \$4 more each month for the next 16 years because of a few days of high-cost gas, according to bond financing information released in 2023.

The natural gas was consumed during Winter Storm Uri in 2021 and reached prices as high as \$100 per million British thermal units — or more than 33 times higher than average. Utility customers needed the gas to heat their homes during the crisis and rather than engaging in their

customary practice of charging customers promptly for it, utilities instead deferred the costs for later recovery through a bond-financing arrangement.

In 2021 adopted House Bill 1520 that authorized the bond financing arrangement, which is known as securitization. In October 2023, the Texas Railroad Commission issued a press release providing more details of the resulting charges. According to the agency, securitization charges of \$1.10 per thousand cubic feet (mcf) for

residential customers began going onto bills of nine participating utilities.

The billing charges may be adjusted periodically as financial conditions warrant. For a typical residential utility consuming using 3.9 mcf of gas each month, the “Customer Rate Relief Charge” will add \$4.29 to bills.

Participating Utilities

Under the bond financing arrangement, Atmos Energy has securitized approximately \$2 billion in fuel costs, CenterPoint approximately \$1.1 billion and Texas Gas Service about \$197.3 million. Other utilities to receive recovery through securitized debt include Corix Utilities (Texas) Inc.; EPCOR Gas Texas Inc.; Rockin’ M Gas; SiEnergy, LP; Summit Utilities Arkansas; Texas Gas Service Company, a Division of ONE Gas, Inc. (excluding the West Texas Service Area); and Universal Natural Gas, LLC.

Under a settlement with Atmos Cities Steering Committee and others, Atmos agreed to reduce its recovery by more than \$9 million. Similarly, CenterPoint agreed to reduce its recovery by \$39.7 million under a settlement with a separate city group.

By law, gas distribution utilities such as Atmos, CenterPoint and TGS cannot profit from the sale of the gas commodity, but instead pass those costs directly to end users without markups. However, some gas suppliers made massive profits from the price surge, according to reports.

More information about the Texas Natural Gas Securitization Finance Corporation at their website, can be found [here](#). The Texas Railroad Commission also has released information about the gas charges, that can be found [here](#).

Railroad Commission Penalizes Atmos for Service Quality

On February 7, 2023, the Texas Railroad Commission closed its investigation into Atmos Energy service disruptions during a cold weather event that occurred in late December of 2022.

In its investigation, the agency’s Oversight and Safety Division (“OCD”) determined that the gas utility’s extensive, localized service interruptions from December 22 through December 26 constituted violations of the Railroad Commission’s Quality of Service rules. Atmos’ cold weather contingency planning fell short, and the utility lacked sufficient staffing at its call centers to adequately respond to customer concerns, according to OCD.

The Railroad Commission referred the alleged rule violations to the Enforcement Section of its Office of General Counsel, according to filings at the agency.

The Texas Railroad Commission began examining Atmos after more than 2,300 customers lost service or had their service curtailed during the winter storm late last year. Both Gov. Greg Abbott and local city officials complained about what they described as the company’s lack of planning before the event and called for the inquiry.

In a January 13 filing with the agency, Atmos Energy said the service interruptions were not due to an inability to obtain natural gas supplies — as occurred during Winter Storm Uri in 2021 — but “primarily due to instances of capacity constraints where demand exceeded our contingency plans in localized areas.” The company highlighted its emergency planning efforts, but noted that “going forward, we recognize the need to have even more robust contingency planning and to enhance our redundant capabilities.”

More about the Railroad Commission inquiry can be found on the agency’s website, under Case No. 00012215.

ACSC Welcomes New Member

In 2023, the Atmos Cities Steering Committee welcomed New Fairview, a city of 14,000 residents in Wise County, as its newest member. Located along US 81/SH 287 and FM 407 in the DFW Metroplex, the city is nearly 16 square miles in size — which makes it the largest in Wise County by land area. New Fairview joined ACSC in May, 2023.

Growing from a settlement called Illinois Community, the city was called Fairview until 1999, when it changed its name to distinguish it from several other “Fairviews” in Texas. To maintain a quieter, more rural atmosphere, residential lots are legally limited to a minimum size of 1 acre. Welcome New Fairview!

Atmos Billing Errors

Some Atmos customers received unwelcomed surprises in their natural gas bills during the summer of 2023 — unexpected past due amounts.

The charges, however, were in error. Atmos, in comments to its local NBC affiliate, acknowledged that it delivered erroneous bills in July to some of its customers, and that in some cases the mistakes were substantial. For instance, one Atmos customer reported to the media that he received a bill incorrectly showing a \$2,000 past-due amount, when he owed only \$45.

Atmos said that fewer than 3 percent of its outgoing bills were in error. However — given that Atmos serves more than 2 million customers statewide — that means that tens of thousands of people may have been affected.

Atmos says that after becoming aware of the errors it began notifying customers via email, when possible. The company also told the NBC affiliate in Dallas that corrected bills are being sent out, and that customers will not be charged late fees because of the errors.

88th Texas Legislature Recap: Gas Legislation

Approximately 300 bills relating to electric and gas utilities, their customers and energy markets were filed during the 88th Texas Legislature, which adjourned *sine die* on May 29, 2023. However, most bills pertained to electric issues — as opposed to gas issues — and only about 40 of them overall made it to the finish line. An even fewer number of gas-related bills won passage.

Below is a final status summary of several bills of significance relating to gas utility issues.

- **PASSED: HB 2263**, by Rep. Drew Darby, relating to the authority of a natural gas local distribution company to offer energy conservation programs,” adds a new subsection to the Gas Utility Regulatory Act that would allow retail gas distribution systems to create energy conservation programs while also creating rules for rate recovery outside a typical ratemaking proceeding. The legislation passed out of both chambers and was sent to the governor on May 30. Sen. Bryan

Hughes authored the Senate companion, **SB 1050**.

- **FAILED: House Bill 2128**, by Rep. Ernest Bailes, is intended to limit price gouging on natural gas sales during declared disasters. This is another bill that arose from legislative concerns over high natural gas prices charged by suppliers during Winter Storm Uri. The House Business and Industry Committee conducted a hearing on HB 2128 on April 17, but the legislation proceeded no further.
- **FAILED: House Bill 2262**, by Rep. Drew Darby, “relating to gas utility alternative gas expenses and infrastructure investments,” would have allowed gas utilities to include “alternative gas” in their portfolios and recover the costs of purchasing it. HB 2262 also provides for a presumption that alternative gas costs included in rates are prudent, reasonable, and necessary. The bill defines “alternative gas” as fuel with a lower carbon content than natural gas. HB 2262 made it through most of the legislative process before dying in the Senate. The Senate companion, SB



1049 by Sen. Bryan Hughes, never received a hearing.

- **FAILED: SB 1701 and HB 4788**, by Sen. Nathan Johnson and Rep. Rafael Anchia respectively, would have mandated changing the agency name of the Railroad Commission of Texas. Neither bill received any traction during the 88th Texas Legislature.
- **FAILED: SB 1291, Sen. King**, “relating to the reimbursement of a municipality’s expenses in a ratemaking proceeding for electric or gas utilities.” This legislation would have restricted

city participation in electric and gas utility rate-making by restricting municipal reimbursement in such matters. It was referred to the Senate Business and Commerce committee in early March but proceeded no further.

- **FAILED: SB 1501 and HB 4099**, by Sen. Joan Huffman and Rep. Greg Bonnen respectively, would have allocated tax dollars to pay off securitization borrowing costs assessed by gas utilities to pay for fuel charges from Winter Storm Uri. A similar provision in a supplemental budget bill, **Senate Bill 30**, also failed to win approval.

Railroad Commission Agency Recap 2023

Texas Railroad Commission Considers Rules Pertaining to Energy Conservation Programs

On September 19, 2023, staff at the Texas Railroad Commission proposed new rules to implement House Bill 2263, legislation from the 2021 session pertaining to the creation of energy conservation programs by gas utilities.

The rules, if given final approval, would modify 16 Texas Administrative Code §7.480, relating to Energy Conservation Programs. **The Atmos Cities Steering Committee is participating in this rulemaking matter.**

The proposed changes include the following:

- A proposed new subsection (a) that states the Railroad Commission has exclusive original jurisdiction over energy conservation programs implemented by gas distribution utilities, and that political subdivisions shall not limit, restrict, or otherwise prevent an eligible customer from participating in such programs based on the type or source of energy delivered through it.
- A proposed new subsection (c) that lists the general requirements for a gas utility to recover the costs it incurs for the implementation of an Energy Conservation Program. A gas distribution utility must apply for each service area in which it seeks to implement an Energy Conservation Program to recover those costs.
- A proposed subsection (d)(1) that lists the items to be included in initial applications and a proposed subsection (d)(2) that lists the items to be included in subsequent applications, and that details timing requirements for subsequent applications.
- A proposed new subsection (f) that describes what the Energy Conservation Program portfolio must accomplish, including that it be designed to overcome barriers to the adoption of energy-efficient equipment, technologies, and processes, and to change customer behavior as necessary. The portfolio may also include measures such as direct financial incentives, technical assistance, discounts or rebates, and weatherization for low-income customers.
- A proposed new subsection (j) requires gas utilities to file an annual Energy Conservation Program report each year such a portfolio is implemented. The report shall be filed no later than 45 days following the end of the utility’s program year.

The Commission accepted comments on the rulemaking through late October and is expected to issue final approval in February or March 2024.

The status of Commission rulemakings in progress is available at www.rrc.texas.gov/general-counsel/rules/proposed-rules.

Railroad Commission Sets Emergency Disconnection Fines

On November 15, 2023, the Texas Railroad Commission adopted new rules pertaining to improper gas utility service disconnections during extreme weather emergencies.

The new rules, which correspond to provisions of Senate Bill 3 adopted in 2021 after Winter Storm Uri, include a classification system for fines that can be assessed for improper disconnections, as well as new prohibitions against demanding full payment of utility bills during weather emergencies.

The rules modify 16 Texas Administrative Code §7.460. Among the highlights:

- The new rules contemplate four categories of disconnection violations — Class A, Class B, Class C and Class D — with fines ranging from \$3,000

to more than \$5,000 per violation.

- Under the new classification matrix for fines, a utility that improperly disconnects a customer for 24 hours or more during a weather emergency and with temperatures lower than 10 degrees would be subject to a Class B violation fine of \$5,000. If the same company had a history of repeated violations, then it would become a Class A violation of more than \$5,000.
- Under the new rules, any demand by a utility for full payment of a bill during a weather emergency could increase the severity of fines. Any good faith effort to remedy a violation could decrease the severity of fines.

The new rules can be found online, [here](#).

Railroad Commission Conducts more than 7000 Weatherization Inspections

In November 2023, the Texas Railroad Commission reported that it conducted more than 7,200 weatherization inspections of critical natural gas infrastructure during the winter and summer seasons.

It also reported that the inspection process began again on December 1, 2024 when operators faced a deadline to submit attestations summarizing what weatherization methods they utilized at their facilities. The agency says that RRC inspections by its Infrastructure Division will begin again right after that deadline.

“The RRC has been in contact with operators as we get ready for the next winter inspection season,” the agency reported in November. Agency officials said it had conducted two webinars in November to walk operators through reporting requirements and the inspection process.

As per Senate Bill 3, adopted in 2021, the Railroad Commission implemented weatherization and critical designation rules that includes an inspection process of critical facilities.

2024 ACSC Meetings

March 5
June 6 - Virtual
September 12
December 12 - Virtual

2024 Officers

Chair—Jennifer Richie (Waco)
Vice Chair—Meg Jakubik (Bedford)
Secretary—Lupe Orozco (Keller)
Treasurer—David Johnson (Arlington)

For more questions or concerns regarding any ACSC matter or communication, please contact the following representative, who will be happy to provide assistance:



Thomas L. Brocato
(512) 322-5857
tbrocato@lglawfirm.com

Jamie Mauldin
(512) 322-5890
jmauldin@lglawfirm.com

RESOLUTION NO. R2024-0006

A RESOLUTION AUTHORIZING MEMBERSHIP IN THE ATMOS CITIES STEERING COMMITTEE; AND AUTHORIZING THE PAYMENT OF FIVE CENTS PER CAPITA TO THE ATMOS CITIES STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ATMOS ENERGY CORPORATION

WHEREAS, the City of Alvarado is a regulatory authority under the Gas Utility Regulatory Act (GURA) and has exclusive original jurisdiction over the rates and services of Atmos Energy Corporation, Mid-Tex Division (Atmos) within the municipal boundaries of the city; and

WHEREAS, the Atmos Cities Steering Committee (ACSC) has historically intervened in Atmos rate proceedings and gas utility related rulemakings to protect the interests of municipalities and gas customers residing within municipal boundaries; and

WHEREAS, ACSC is participating in Railroad Commission dockets and projects, as well as court proceedings and legislative activities, affecting gas utility rates; and

WHEREAS, the City would like to become a member of ACSC; and

WHEREAS, in order for ACSC to continue its participation in these activities which affects the provision of gas utility service and the rates to be charged, it must assess its members for such costs; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ALVARADO, TEXAS:

I.

That the City is authorized to become a member in the Atmos Cities Steering Committee to protect the interests of the City of Alvarado and protect the interests of the customers of Atmos Energy Corporation, Mid-Tex Division residing and conducting business within the City limits.

II.

The City is further authorized to pay its 2024 assessment to the ACSC in the amount of five cents (\$0.05) per capita.

III.

A copy of this Resolution and approved assessment fee payable to “*Atmos Cities Steering Committee*” shall be sent to:

Brandi Stigler
Atmos Cities Steering Committee
c/o Arlington City Attorney's Office, Mail Stop 63-0300
101 S. Mesquite St., Suite 300
Arlington, Texas 76010

PRESENTED AND PASSED on this the 19th day of February 2024, by a vote of _____ ayes
and _____ nays at a regular meeting of the City Council of the City of Alvarado, Texas.

Signature
Mayor Jacob Wheat

ATTEST:

Signature
City Secretary Beth A Walls

APPROVED AS TO FORM:
City Attorney

BY _____



City Council Meeting Management Report

Meeting Date: February 19, 2024

Contact: Michael Dwiggins

AGENDA ITEM:

Consideration and action to allow the city manager to execute an agreement with and award the bid for Atchley street reconstruction to JR West Texas Construction LLC.

BACKGROUND & FINDINGS:

As a continuation towards achieving the goals of the *"Fix the Dang Roads"* program staff and engineers with Birkhoff, Hendricks & Carter received sealed bids for the reconstruction of Atchley street on February 1, 2024. Four contractors bid the on the job and the lowest bid was from JR West Construction with a base bid in the amount of \$471,774.60 and a bid alternate which was \$542,327.10 Staff and engineers recommend the bid alternative of the \$542,327.10 that adds a product called Glaspave reinforcement.

One of the issues we have faced with our streets is the movement of the subgrade due to the type of soil in our area and this product is recommended by the engineers to aid in keeping cracks from forming on the surface as the subgrades moves over time. This product is new to the city but has been used with success in other locations by our engineering firm. Glaspave is a product that is put on top of the subgrade but under the top layer of asphalt and acts as a barrier between the two when the ground shifts and should significantly increase the life span of the asphalt. This bid also includes cementing the blocks next to our fire department where they exit the fire station on every call made therefor not only expanding the life of the work done but also the maintenance of our fire apparatuses.

FINANCIAL IMPACT:

\$542,327.10 to be paid out of the street's maintenance budget in fund 24 where there are funds to cover this expense and it was budgeted for this fiscal year.

RECOMMENDATION:

Staff recommends awarding this bid to JR West construction and allow the city manager to execute the needed contract with JR West construction.

MANAGEMENT REVIEW:

Paul DeBuff, City Manager

TABULATION OF BIDS				BID OF		BID OF		BID OF		BID OF			
Date: February 1, 2024													
Project: CITY OF ALVARADO ATCHLEY AVE. PAVING REHABILITATION CUMMINGS DR. TO MAGNOLIA ST.				BIRKHOFF, HENDRICKS & CARTER, L.L.P. PROFESSIONAL ENGINEERS Dallas, Texas		JR WEST TEXAS CONC. LLC P.O. BOX 230 RICE, TEXAS 75155		KING GEORGE TRAFFIC SOLU. 8330 US HWY 67 BLDG C ALVARADO, TX 76009		PAVECON PUBLIC WORKS 3022 ROY ORR BLVD GRAND PRAIRIE, TX 75050		GROD CONSTRUCTION LLC 889 E ROCK ISLAND AVE BOYD, TX 76023	
Item No.	Approximate Quantities	Unit	Description	Unit Bid Price	Extension	Unit Bid Price	Extension	Unit Bid Price	Extension	Unit Bid Price	Extension		
1	470	Tons	Furnish & Install 2.5-Inch Type D Asphalt Pavement (TxDOT Item 340)	\$168.20	\$ 79,054.00	\$239.61	\$ 112,616.70	\$161.82	\$ 76,055.40	\$181.00	\$ 85,070.00		
2	3,450	S.Y.	Scarify & Remix Existing Asphalt & Base Material to a depth of 6-inches of Cement Treated Material (6% dry unit weight) (TxDOT Item 275)	\$21.00	\$ 72,450.00	\$15.61	\$ 53,854.50	\$22.31	\$ 76,969.50	\$30.00	\$ 103,500.00		
3	1,700	S.Y.	Scarify & Remix Existing Asphalt & Base Material to a depth of 4-inches of Cement Treated Material (8% dry unit weight) (TxDOT Item 275)	\$21.00	\$ 35,700.00	\$15.20	\$ 25,840.00	\$31.84	\$ 54,128.00	\$41.00	\$ 69,700.00		
4	1,625	S.Y.	Furnish & Install 8" 3600 PSI Concrete Street W/#4 Rebar on 18" Centers	\$110.00	\$ 178,750.00	\$94.80	\$ 154,050.00	\$113.61	\$ 184,616.25	\$130.00	\$ 211,250.00		
5	200	S.Y.	Furnish & Install 6" 3600 PSI Concrete w/#3 Rebar on 18" Centers	\$110.00	\$ 22,000.00	\$161.73	\$ 32,346.00	\$96.19	\$ 19,238.00	\$130.00	\$ 26,000.00		
6	135	S.Y.	Furnish & Install 6" Gravel Driveway Transition	\$28.00	\$ 3,780.00	\$123.57	\$ 16,681.95	\$34.82	\$ 4,700.70	\$45.00	\$ 6,075.00		
7	5	S.Y.	Furnish & Install 4" Concrete Sidewalk	\$150.00	\$ 750.00	\$191.54	\$ 957.70	\$227.39	\$ 1,136.95	\$250.00	\$ 1,250.00		
8	35	S.Y.	Furnish & Install 2" Asphalt Overlay	\$66.96	\$ 2,343.60	\$59.71	\$ 2,089.85	\$50.44	\$ 1,765.40	\$50.00	\$ 1,750.00		
9	75	S.Y.	Furnish & Install Asphalt Overlay Transition Street/Drives	\$66.96	\$ 5,022.00	\$37.15	\$ 2,786.25	\$50.44	\$ 3,783.00	\$100.00	\$ 7,500.00		
10	2	Ea.	Adjust Manhole Ring & Cover to Grade	\$1,300.00	\$ 2,600.00	\$8,007.02	\$ 16,014.04	\$342.91	\$ 685.82	\$1,500.00	\$ 3,000.00		
11	4	Ea.	Adjust Water Valve Stack to Grade	\$1,000.00	\$ 4,000.00	\$4,086.04	\$ 16,344.16	\$140.81	\$ 563.24	\$460.00	\$ 1,840.00		
12	25	S.Y.	Sawcut, Remove & Dispose of Existing Concrete Pavement	\$60.00	\$ 1,500.00	\$315.82	\$ 7,895.50	\$60.63	\$ 1,515.75	\$80.00	\$ 2,000.00		
13	250	S.Y.	Furnish & Install Sod (allowance for areas as needed)	\$14.50	\$ 3,625.00	\$44.58	\$ 11,145.00	\$13.08	\$ 3,270.00	\$36.00	\$ 9,000.00		
14	400	L.F.	Grade Ex Ditch to Drain	\$18.00	\$ 7,200.00	\$72.36	\$ 28,944.00	\$7.02	\$ 2,808.00	\$35.00	\$ 14,000.00		
15	1	L.S.	Furnish Traffic Control Plan	\$2,000.00	\$ 2,000.00	\$4,089.77	\$ 4,089.77	\$1,111.49	\$ 1,111.49	\$1,350.00	\$ 1,350.00		
16	1	L.S.	Furnish, Implement, Maintain and Remove Traffic Control and Barricades	\$6,000.00	\$ 6,000.00	\$16,359.11	\$ 16,359.11	\$10,424.47	\$ 10,424.47	\$12,000.00	\$ 12,000.00		
17	1	L.S.	Furnish Erosion Control Plan	\$1,500.00	\$ 1,500.00	\$2,086.48	\$ 2,086.48	\$2,020.90	\$ 2,020.90	\$2,500.00	\$ 2,500.00		
18	1	L.S.	Furnish, Install, Maintain & Remove Erosion Control Measures	\$3,500.00	\$ 3,500.00	\$20,898.61	\$ 20,898.61	\$4,490.89	\$ 4,490.89	\$12,000.00	\$ 12,000.00		
19	1	L.S.	Mobilization	\$40,000.00	\$ 40,000.00	\$20,898.61	\$ 20,898.61	\$105,073.85	\$ 105,073.85	\$65,000.00	\$ 65,000.00		
21			TOTAL BASE BID AMOUNT		\$ 471,774.60		\$ 545,898.23		\$ 554,357.61		\$ 634,785.00		
22													
27			ADDITIVE ALTERNATE										
28	3,450	S.Y.	Furnish & Install Glaspave 25 Asphalt Reinforcement System over Cement Treated Base under Asphalt Pavement Areas only	\$20.45	\$ 70,552.50	\$2.51	\$ 8,659.50	\$4.94	\$ 17,043.00	\$12.00	\$ 41,400.00		
29			TOTAL BASE BID & ADD. ALT. AMOUNT		\$ 542,327.10		\$ 554,557.73		\$ 571,400.61		\$ 676,185.00		
30			ADJUSTED DUE TO ISSUES WITH BID PRICE FIGURES										

BIRKHOFF, HENDRICKS & CARTER, L.L.P.
PROFESSIONAL ENGINEERS

11910 Greenville Ave., Suite 600

Dallas, Texas 75243

Phone (214) 361-7900

www.bhcllp.com

JOHN W. BIRKHOFF, P.E.
GARY C. HENDRICKS, P.E., R.P.L.S.
JOE R. CARTER, P.E.
ANDREW MATA, JR., P.E.

DEREK B. CHANEY, P.E., R.P.L.S.
CRAIG M. KERKHOFF, P.E., CFM
JUSTIN R. IVY, P.E.
COOPER E. REINBOLD, P.E.

February 8, 2024

Mr. Paul DeBuff
City Manager
City of Alvarado
104 W. College Street
Alvarado, Texas 76009

Re: 2023-121 Atchley Ave. Paving Rehabilitation

Dear Mr. DeBuff:

Sealed bids were received at 3:00 p.m., Thursday, February 1, 2024, for the Atchley Ave. Paving Rehabilitation project. Four (4) contractors submitted bids. The lowest bid was from JR West Texas Concrete LLC. of Rice, Texas in the base bid amount read of \$471,774.60. There were errors found in the apparent third place bidder for which the written words were used to determine the actual bid submitted. Based on the errors found, the bids were realigned such that the apparent third place bidder moved to the second-place bidder. There were no changes to the apparent low bidder for the project. We are enclosing a copy of the unit price bid tabulations for the bid. The bid also included an additive alternate for a textile material to be placed under the new asphalt pavement. In review of the bids based on the total of Base Bid plus Additive Alternate, JR West Texas Concrete LLC remained the low bidder for a total bid amount of \$542,327.10.

We have reviewed the references provided in the contractor's bid and found JR West Texas Concrete LLC. has a record of satisfactorily completing similar projects in the North Texas area. Accordingly, based on the information provided to us, we are extending a favorable recommendation to the City of Alvarado to award the bid to JR West Texas Concrete LLC. for the base bid amount of \$471,774.60. Should the City have funds available in the budget, we do recommend awarding the project to JR West Texas Concrete LLC for a base bid plus additive alternate in the amount of \$542,327.10.

We are available to discuss our recommendation further at your convenience.

Sincerely,



Marc Bentley P.E., CFM

Attachments

Cc: 2023-121 Project File

JR West Concrete LLC Reference Check

	City of Euless Caleb Williams - City Engineer 817-685-1581 Voice Message 2-7-2024	City of Watauga Wayne Jarvis - City Inspector 682-715-8040 Voice Message 2-7-2024	City of Keene Don Martin - Public Works Director 817-822-2060 Voice Message 2-7-2024, Called Back	City of Cleburne Cliff Colebert - City Inspector 817-744-6322 Voice Message 2-7-2024	TXDOT McCulloch Larry Duffey - Texas Materials - Superintendent 254-379-5950 Contacted 2-7-2024	City of New Fairview Riley Paroulek, Pacheco Koch PE 817-999-3614 Contacted Riley 2-7-2024	TXDOT Bell County Edwards Teegarden - Texas Materials PM 512-815-9426 Contacted 2-7-2024	City of Fort Worth Brendan Taylor - Peach Tree Con PM 817-915-7200 Contacted 2-7-2024
Questions:								
Did they go over budget?			No		No	No	No	No
Were there many change orders?			No		Yes but they came from TXDOT	Yes but they came from poor design/ city request	No	No
Did they exceed the contract time?			No		No	No	No	No
Was the work well performed?			Yes		Yes	Yes	Yes	Yes
Were there any issues ?			No		No	No	No	No
						They performed well, were very responsive, and spotted issues quickly and reported them.		
Any other comments			On time, courteous to the residents, did good work and would use them again.		They do good work but are very busy so its hard to get them again	Currently sending them plans for other projects. Would recommend.	Excellent subcontractor	They do good work and are currently working on two projects for us. Would recommend them.



City Council Meeting Management Report

Meeting Date: February 19, 2024

Contact: Justin French, Community Development Director

AGENDA ITEM:

Consideration and action approving a resolution R2024-0005, setting a public hearing date of April 15, 2024, for City Council to consider annexation of 77.57 acres out of the J. B. Conger Survey, A-150, the J. Nicholson Survey, A-1079, and G. S. McIntosh Survey, A-625.

BACKGROUND & FINDINGS:

On April 18, 2022, the Alvarado City Council approved Ordinance No. 2022-0005 that annexed 352.471 acres, known as Tract A of the Lone Oak development, at the request of the then land owners, Alvarado 429 Partners, LLC and GRBK Edgewood LLC. The new land owners, GRBK Edgewood LLC and Century Land Holdings of Texas LLC, now petition for the voluntary annexation of an additional 77.57 acres, known as Tracts B, C, and D of the Lone Oak development. As with Tract A, the subject site intends to be rezoned and developed with single-family residences as part of Lone Oak development.

FINANCIAL IMPACT:

None.

RECOMMENDATION:

Staff recommends City Council approve resolution R2024-0005.

MANAGEMENT REVIEW:

Paul DeBuff, City Manager

ATTACHMENTS:

Petition Requesting Annexation

Location Map

Resolution to Accept Petition for Annexation and Schedule Public Hearing

VOLUNTARY PETITION FOR ANNEXATION
TO THE CITY OF ALVARADO, TEXAS

STATE OF TEXAS §
 §
COUNTY OF JOHNSON §

This Voluntary Petition for the Annexation of an area within the extraterritorial jurisdiction of the City of Alvarado, Texas (the “City”) is submitted by GRBK Edgewood LLC, a Texas limited liability company, and Century Land Holdings of Texas, LLC, a Colorado limited liability Company, (collectively, the “Landowner”).

SECTION 1. The undersigned Landowner owns approximately 77.57 acres of real property, (the “Property”) located wholly within the extraterritorial jurisdiction (the “ETJ”) of the City and not within the ETJ or corporate limit of any other city, which property is described by metes and bounds on **Exhibit A** attached hereto and depicted on **Exhibit B** attached hereto and made a part hereof for all purposes. The Landowner is the sole owner of the Property. The Property has no residents.

SECTION 2. The City is a home rule municipality of the State of Texas and located in Johnson County.

SECTION 3. The Landowner hereby petitions the City Council of the City to annex the Property into the corporate limits of the City pursuant to Section 43.0671 of the Texas Local Government Code, as amended.

SECTION 4. Pursuant to Section 43.0671 of the Texas Local Government Code, as amended, the City may annex an area if each owner of land in the area requests the annexation.

RESPECTFULLY SUBMITTED this 13th day of February, 2024.

[signature page to follow]

LANDOWNER(S):

GRBK EDGEWOOD LLC,
a Texas limited liability company

By: *Richard Costello*

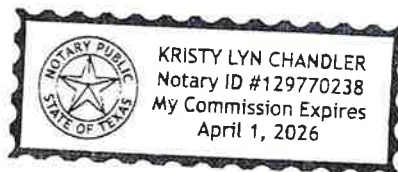
Name: Richard Costello
Its: Vice President

STATE OF TEXAS §

§

COUNTY OF COLLIN §

This instrument was acknowledged before me on the 13 day of February 2024 by Richard Costello (name), Vice President (title) of GRBK EDGEWOOD LLC, a Texas limited liability company, on behalf of said entity.

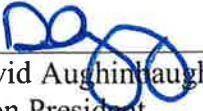


K Chandler
Notary Public, State of Texas

[Signature Page of Voluntary Annexation Petition]

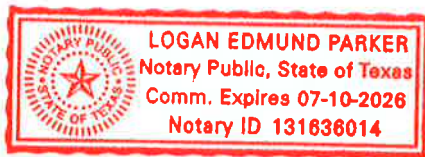
LANDOWNER(S):

CENTURY LAND HOLDINGS OF TEXAS, LLC,
a Colorado limited liability company

By: 
Name: David Aughinbaugh
Its: Division President

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

This instrument was acknowledged before me on the 13th day of February 2024 by David Aughinbaugh, Division President of CENTURY LAND HOLDINGS OF TEXAS, LLC, a Colorado limited liability company, on behalf of said entity.




Notary Public, State of Texas

[Signature Page of Voluntary Annexation Petition]

EXHIBIT A
Metes and Bounds of Property

PROPERTY DESCRIPTION (Tract B)

BEING a tract of land located in the City of Alvarado, Johnson County, Texas, being a part of the James B. Conger Survey, Abstract No. 150, , being part of that called 428.755 acre tract of land described in Correction Deeds to Alvarado 429 Partners LLC recorded as Instrument No. 2023-26643 and to GRBK Edgewood, LLC (50% interest) recorded as Instrument Number 2023-26644, Official Public Records, Johnson County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a two-inch iron pipe found in the west line of said 428.755 acre tract, being the northeast corner of a called 101.892 acre tract of land described in deed to Alvarado Independent School District recorded in Volume 2691, Page 258, Johnson County Deed Records, said point also being the southeast corner of a 135.76 acre tract of land described in a deed to Robert Lee Franklin, recorded in Volume 1085, Page 578, Deed Records, Johnson County, Texas;

THENCE, South 00 degrees 37 minutes 20 seconds East, 1,672.90 feet to a point in the south line of said 428.755 acre tract, being in the north line of a called 12.471 acre tract of land described in deed to Dixie Partners 8, LLC recorded as Instrument No. 2018-4925, Official Public Records, Johnson County, Texas;

THENCE, along the south line of said 428.755 acre tract and said 12.471 acre tract, South 89 degrees 51 minutes 50 seconds West, 34.17 feet to a one-half inch iron rod with cap stamped “Bluestar” found for the southwest corner of said 428.755 tract, being in the east line of said 101.892 acre Franklin tract;

THENCE, along the west line of said 428.755 acre tract and said 101.892 acre tract, North 00 degrees 34 minutes 45 seconds East, 1,629.92 feet to the **POINT OF BEGINNING** and containing 27,846 square feet or 0.639 acres of land.

PROPERTY DESCRIPTION (Tract C)

BEING a tract of land located in the City of Alvarado, Johnson County, Texas, being a part of the James B. Conger Survey, Abstract No. 150 and the George S. McIntosh Survey, Abstract No. 625, being part of that called 428.755 acre tract of land described in Correction Deeds to Alvarado 429 Partners LLC recorded as Instrument No. 2023-26643 and to GRBK Edgewood, LLC (50% interest) recorded as Instrument Number 2023-26644, Official Public Records, Johnson County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an 80d nail with washer stamped “BLUESTAR SURVEYING” found at the most westerly northwest corner of said 428.755, said point also being the northeast corner of a 135.76 acre tract of land described in a deed to Robert Lee Franklin, recorded in Volume 1085, Page 578,

Deed Records, Johnson County, Texas, said point being in the centerline of County Road 508, more or less;

THENCE North 60 degrees 07 minutes 21 seconds East, along the north line of said 428.755 acre tract, and along the centerline of said County Road 508, more or less, a distance of 1,221.36 feet to a one-half inch iron rod with cap stamped "BLUESTAR SURVEYING" found for corner, being the common corner of said 428.755 acre tract, and a tract of land described in a deed to Simla Investments, LLC, recorded in Document Number 2018-05552, Deed Records, Johnson County, Texas;

THENCE departing said centerline, South 29 degrees 22 minutes 14 seconds East, along the common line of said 428.755 acre tract and said Simla Investments, LLC tract, passing at a distance of 441.15 feet a one-half inch iron rod with cap stamped "FORTWORTH SURVEYING" found at the common corner of said Simla Investments, LLC tract, and a tract of land described in a deed to Nava Legacy 49, LLC, recorded in Document Number 2019-34549, Deed Records, Johnson County, Texas, and continuing a total distance of 1,302.98 feet to a point, the beginning of a non-tangent curve to the left;

THENCE Southwesterly, 1,997.66 feet along said curve to the left having a central angle of 43 degrees 22 minutes 08 seconds, a radius of 2,639.15 feet, a tangent of 1,049.42 feet and whose chord bears South 42 degrees 42 minutes 11 seconds West, 1,950.31 feet to a point for corner;

THENCE North 89 degrees 38 minutes 40 seconds West, 223.25 feet to a point for corner in the west line of said 428.755 tract, being in the east line of said 135.76 acre Franklin tract;

THENCE along the west line of said 428.755 acre tract and the east line of said 135.76 acre tract as follows: North 00 degrees 19 minutes 20 seconds East, 1,214.10 feet to a one-half inch iron rod found; North 12 degrees 02 minutes 50 seconds West, 761.63 feet to the **POINT OF BEGINNING** and containing 2,236,046 square feet or 51.333 acres of land.

LEGAL DESCRIPTION (Tract D)

BEING a 25.598 acre tract of land situated in the James B. Conger Survey, Abstract Number 150 and the James Nicholson Survey, Abstract Number 1079, Johnson County, Texas, being a part of that certain tract of land described in a deed to Dale Harvey Robinson, et al, recorded in Document Number 2019-09415, Deed Records, Johnson County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point for the common corner of said Robinson tract and Block 1, Sage Meadows, an addition in the City of Alvarado, Johnson County, Texas, according to the plat thereof recorded in Cabinet B, Slide 279, Plat Records, Johnson County, Texas;

THENCE South 04 degrees 15 minutes 09seconds West, 647.86 feet along the common line of said Robinson tract, and said Block 1 to a point for the common corner of said Robinson tract, and said Block 1;

THENCE North 86 degrees 29 minutes 36 seconds West, 257.82 feet along the common line of said Robinson tract, and said Block 1 to a point for the common corner of said Robinson tract, and said Block 1;

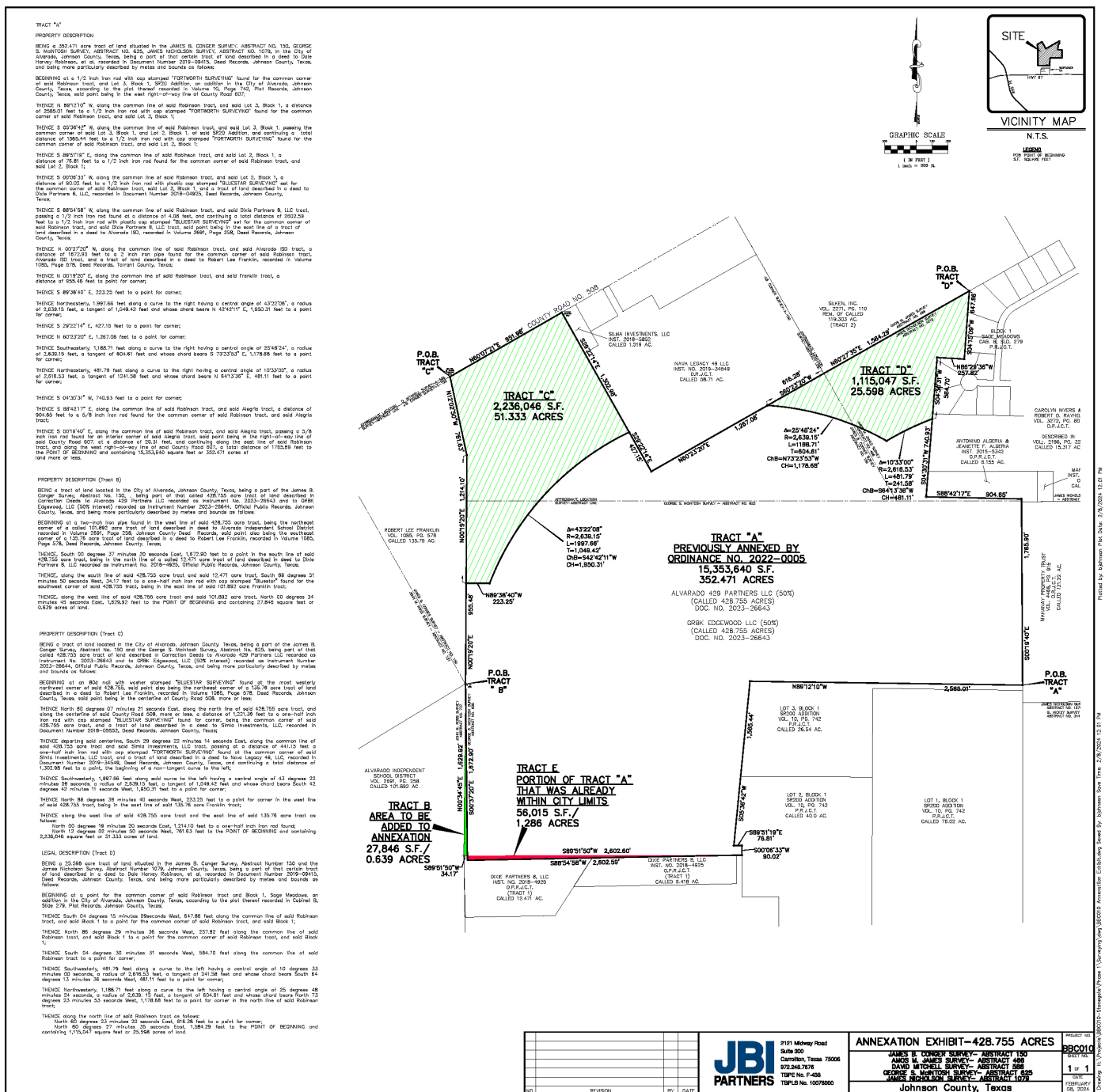
THENCE South 04 degrees 30 minutes 31 seconds West, 584.70 feet along the common line of said Robinson tract to a point for corner;

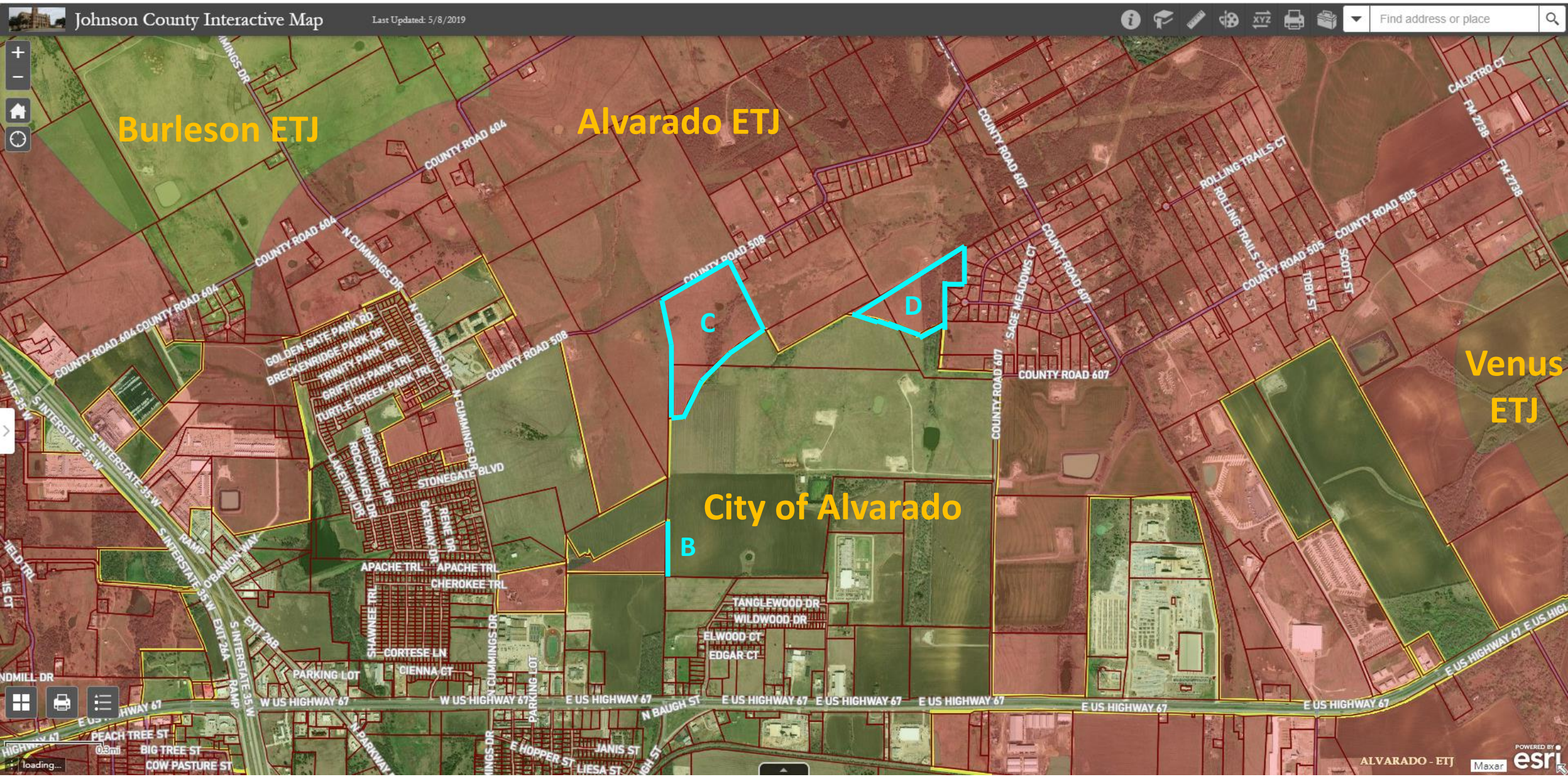
THENCE Southwesterly, 481.79 feet along a curve to the left having a central angle of 10 degrees 33 minutes 00 seconds, a radius of 2,616.53 feet, a tangent of 241.58 feet and whose chord bears South 64 degrees 13 minutes 36 seconds West, 481.11 feet to a point for corner;

THENCE Northwesterly, 1,188.71 feet along a curve to the left having a central angle of 25 degrees 48 minutes 24 seconds, a radius of 2,639.15 feet, a tangent of 604.61 feet and whose chord bears North 73 degrees 23 minutes 53 seconds West, 1,178.68 feet to a point for corner in the north line of said Robinson tract;

THENCE along the north line of said Robinson tract as follows: North 60 degrees 23 minutes 20 seconds East, 616.28 feet to a point for corner; North 60 degrees 27 minutes 35 seconds East, 1,584.29 feet to the POINT OF BEGINNING and containing 1,115,047 square feet or 25.598 acres of land.

Depiction of Property





RESOLUTION NO. R2024-0005

A RESOLUTION OF THE CITY OF ALVARADO, TEXAS, ACCEPTING THE PETITION FOR ANNEXATION OF TRACTS OF LAND OUT OF THE G.S. MCINTOSH SURVEY, APPROXIMATELY ADDRESSED AT 825 CR 607, BEING 77.57 ACRES, MORE OR LESS, LOCATED IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF ALVARADO IN JOHNSON COUNTY, TEXAS; SETTING AN ANNEXATION SCHEDULE; PROVIDING FOR OPEN MEETINGS AND OTHER RELATED MATTERS.

WHEREAS, the owner of certain property located within the extraterritorial jurisdiction of the City of Alvarado Johnson County, Texas, has petitioned the City of Alvarado, Texas (the “City”), a Home Rule Municipality, for annexation of said property, more particularly described herein (the “subject property”), into the corporate limits of the City; and

WHEREAS, the subject property is adjacent to the corporate limits of the City and the owner(s) has made application for annexation; and

WHEREAS, after review and consideration of such requests and petition of the owner of the subject property for annexation, the City Council finds that the subject property may be annexed pursuant to §43.0671 of the Texas Local Government Code; and

WHEREAS, the petitioner has agreed and consented to the annexation of the subject property by the City and further agrees to be bound by all acts, ordinances, and all other legal action now in force and effect within the corporate limits of the city and all those which may be hereafter adopted.

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Proceedings. The petition for annexation of the subject property described in Exhibit "A" and shown in Exhibit “B” and the service plan as set forth in Ordinance No. 2022-0005 and executed Development Agreement dated January 29, 2024, are hereby accepted:

See next page for Exhibit A.

EXHIBIT A
Metes and Bounds of Property

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THENCE, along the south line of said 428.755 acre tract and said 12.471 acre tract, South 89 degrees 51 minutes 50 seconds West, 34.17 feet to a one-half inch iron rod with cap stamped “Bluestar” found for the southwest corner of said 428.755 tract, being in the east line of said 101.892 acre Franklin tract;

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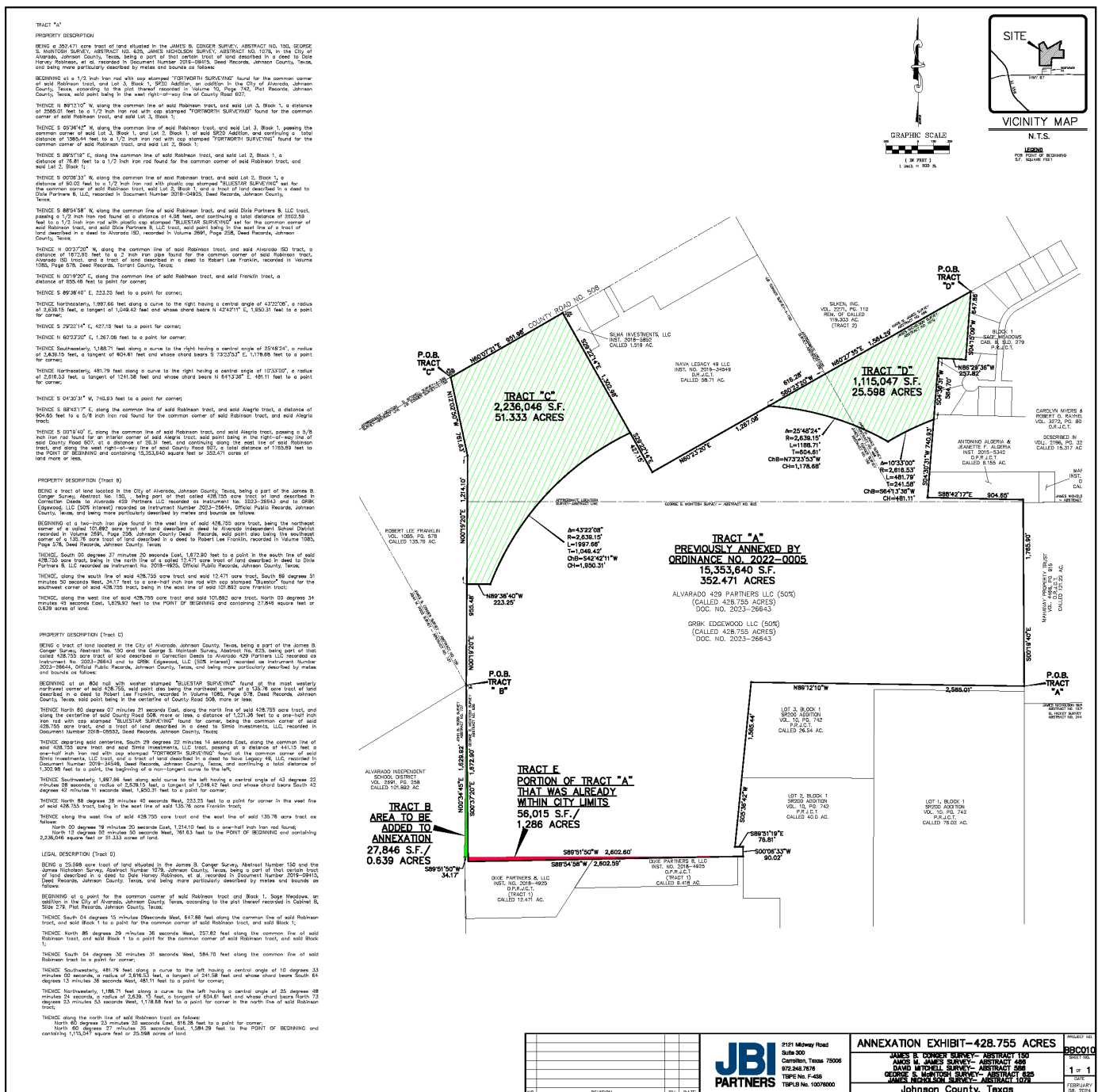
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Depiction of Property



A public hearing has been set for the date of April 15, 2024. Notice of such hearing shall be posted and the hearing shall be open to the public to accept public comment on the annexation request. In the event of a conflict between Exhibit "A" and Exhibit "B" contained herein, **Exhibit "A"** shall control.

Section 3. Severability. Should any section or part of the Resolution be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion of portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of the Resolution are declared to be severable.

Section 5. Open Meetings. It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Alvarado on this the 19th day of February, 2024.

ATTEST:

THE CITY OF ALVARADO, TEXAS

Beth A Walls, City Secretary

Jacob Wheat, Mayor

SITUATED IN THE G.S. MCINTOSH SURVEY, ABSTRACT NO. 625, JOHNSON COUNTY, TEXAS



/ᄒᄒᄒ / ᄒᄒᄒᄒᄒ Meeting Management Report

Meeting Date: February 1 , 2024

Contact: Justin French, Community Development Director

AGENDA ITEM:

Consideration and action on the application of Richard Rushton on behalf of Agave Trail Development LLC for approval of the Agave Trail Addition preliminary plat on 113.09 acres known as Tract 6 & a portion of Tract 22A1 in the John Ross Survey, A-737, approximately addressed at 1220 and 1300 N. Cummings Drive.

BACKGROUND & FINDINGS:

The preliminary plat application was submitted and deemed administratively complete on February 6, 2024. Per Section 34-34.c of the Alvarado subdivision ordinance as modified by State statutes, the /ᄒᄒᄒ / ᄒᄒᄒᄒᄒ shall:

Act within 30 days after the filing of preliminary plat,

Conclude one of the following:

- † Approve.
- ᄒ Approve with conditions.
- ᄒ Disapprove with reasons.

The Future Lane Use (FLU) map within the Alvarado Comprehensive Plan designates the subject site for Low Density Residential, which generally includes single-family detached residences at approximately four dwelling units per acre. On November 20, 2023, City Council approved a rezoning of the site to the Planned Development District. Staff finds the preliminary plat to comply with the minimum standards of the Alvarado subdivision ordinance and all other ordinances with the exceptions being stated in the attached recommended conditions of approval letter.

FINANCIAL IMPACT:

None.

RECOMMENDATION:

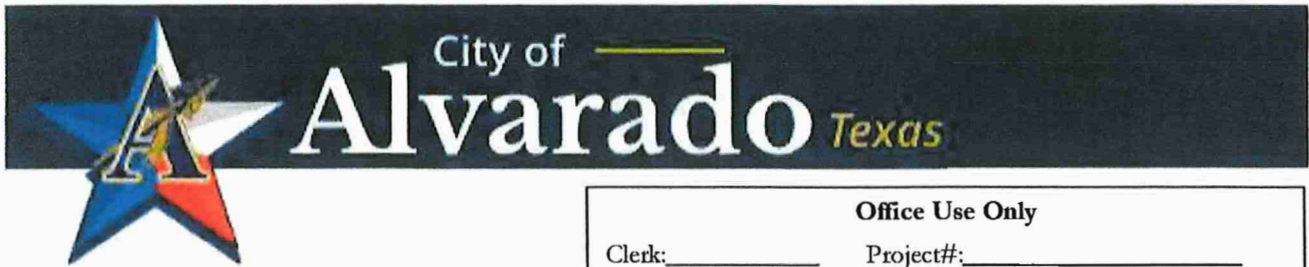
On February 15, 2024, the Planning and Zoning Commission recommended Council approval with conditions listed in the recommended conditions of approval letter attached.

MANAGEMENT REVIEW:

Paul DeBuff, City Manager

ATTACHMENTS:

Application
Location Map
Future Land Use Map
Zoning Map
Applicant's Preliminary Plat
Applicant's Response to DRC Comments
Applicant's Letter Requesting Subdivision Ordinance Variances
Recommended Conditions of Approval Letter
Draft Conditions of Approval Letter
Preliminary Plat with City Engineer's Comments



PLAT APPLICATION

Office Use Only

Clerk: _____ Project#: _____
Fee: \$ _____
Date Pd: _____ Check# or Cash: _____
Receipt#: _____ Received by: _____

Please submit all plat documents and ensure they are in compliance with the City of Alvarado Subdivision Ordinance.

Type of Plat

☒ Preliminary Plat ☐ Final Plat ☐ Plat Revision ☐ Administrative Plat

Title of Plat AGAVE TRAILS
Total Lots 654 Total Acres 113.09 ACRES Current Zoning EXIST. PD
Subdivision Name AGAVE TRAIL Lots 654 Block(s) 21
Survey Name(s) JOHN ROSS Abstract No.(s) 737 Tract(s) 6, 8 & 22
Address/Location 1220 N. CUMMINGS DRIVE / SE CORNER CR 508 & CR 600

Applicant

Company or Name AGAVE TRAIL DEVELOPMENT LLC
Contact Name RICHARD RUSHTON
2140 E. SOUTHLAKE BLVD., SUITE L-655, SOUTHLAKE, TX 76092
Address _____ City _____ State _____ Zip _____
Telephone 760-902-5000 Email rjr@rushtonwest.com

Owner (If Different)

Company or Name _____
Contact Name _____
Address _____ City _____ State _____ Zip _____
Telephone _____ Email _____

I further understand that this request will be placed on the appropriate Planning & Zoning Commission and City Council agendas and must meet requirements of the Subdivision Regulations. All plats must be accepted in writing. A plat is not considered filed until accepted by the City Council.

Signature of Applicant, Owner, or Authorized Agent

Date

2/2/2024

Planning Official

Fee: \$

Date of P&Z Meeting

Date of Council Meeting

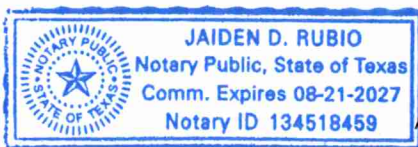
Signature of Planning Official

****FOR OFFICE USE ONLY****

Received By

Date Received

Date Approved



2-2-24

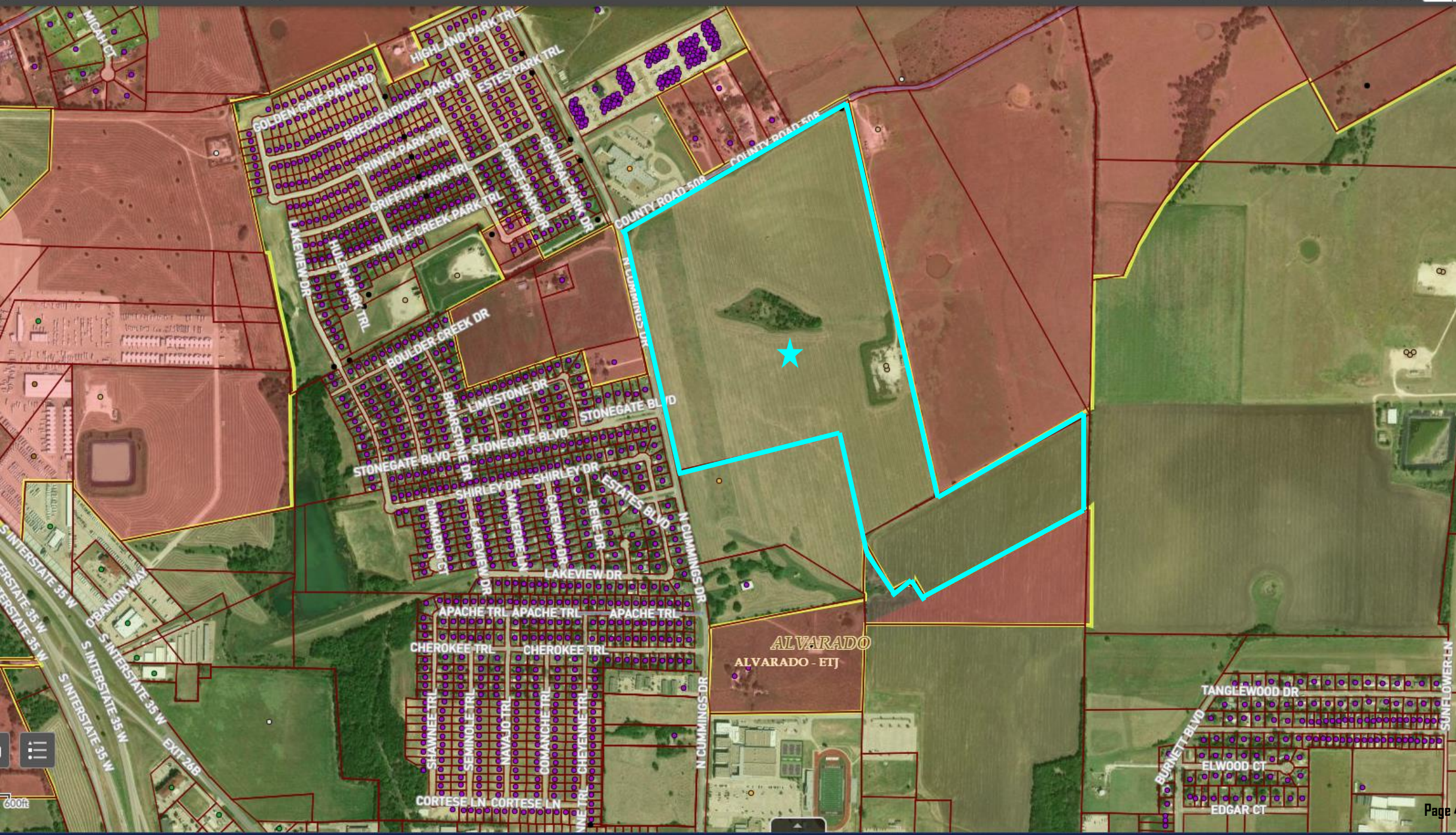
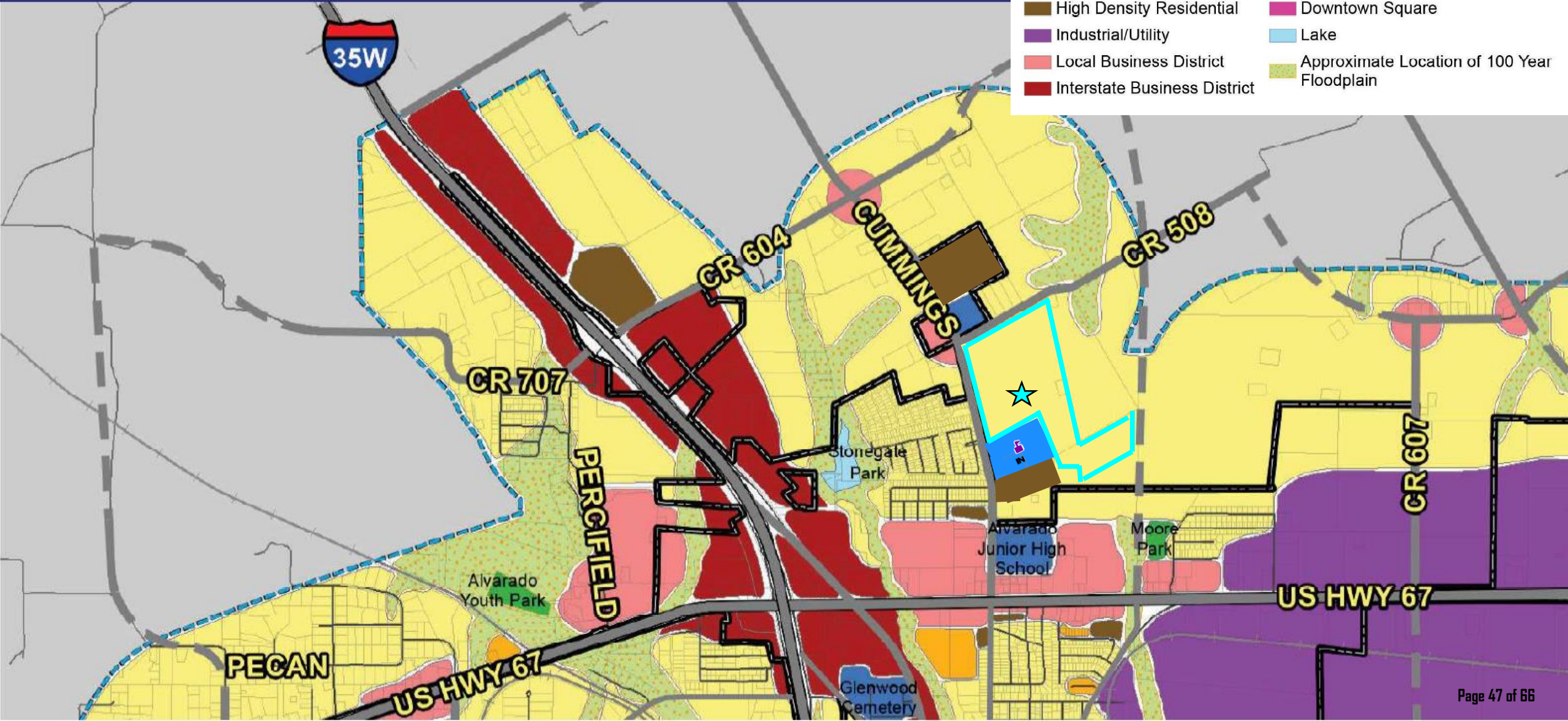


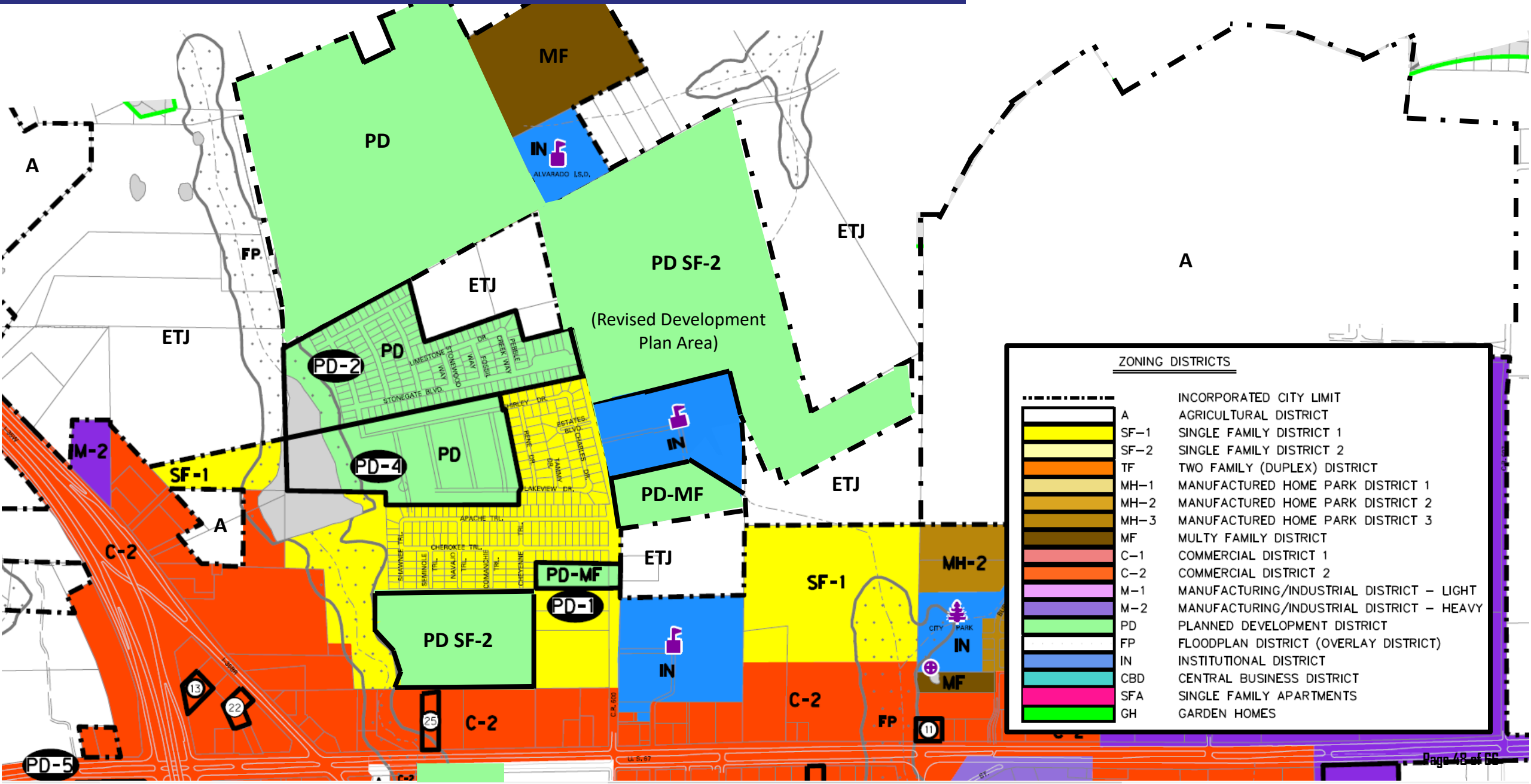
Figure 18. Future Land Use

Future Land Use

- | | |
|------------------------------|---|
| Low Density Residential | Parks and Open Space |
| Medium Density Residential | Public/Semi-Public |
| High Density Residential | Downtown Square |
| Industrial/Utility | Lake |
| Local Business District | Approximate Location of 100 Year Floodplain |
| Interstate Business District | |



Zoning Map with Proposed Amendment



PROPOSED LOT COUNTS	
BASE SIZE	40' - 4,800 SF
PHASE 1	336
PHASE 2	277
PHASE 3	41
TOTAL:	654

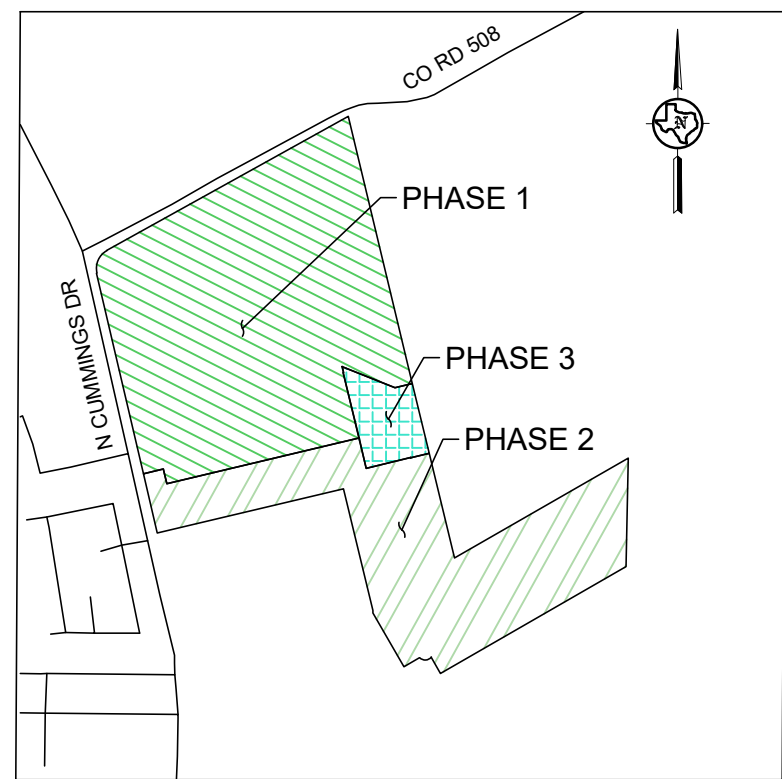
NOTES:

- PER SECTION 34-167(I) OF THE ALVARADO SUBDIVISION ORDINANCE, REAR AND SIDE DRIVEWAY ACCESS TO MAJOR THOROUGHFARES SHALL BE PROHIBITED.
- ALL COMMON LOTS SHOWN HEREIN MUST BE MAINTAINED BY THE AGAVE TRAILS HOA.

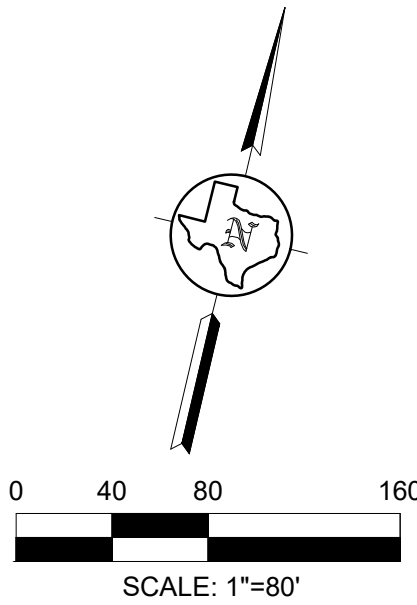
CALLER: 10 ACRES
ALVARADO INDEPENDENT
SCHOOL DISTRICT
VOL. 1000, PG. 747,
D.R.J.C.T.

ROYE ESTATES
VOL. 8, PG. 953,
P.R.J.C.T.

OWNER:
ROY ANDERSON
MANAGEMENT, LLC
J.C.C.I. NO. 2013-008805,
O.P.R.J.C.T.



VICINITY MAP
N.T.S.



LEGEND

- PRELIMINARY PLAT BOUNDARY
- PHASE LINE
- EXISTING PIPELINE EASEMENT
- UTILITY EASEMENT (AS NO)
- UTILITY EASEMENT
- UTILITY AND WALL MAINTENANCE EASEMENT

PRELIMINARY PLAT
AGAVE TRAILS, PHASE I, II, III
BLOCK A, LOTS 1-22; BLOCK B, LOTS 1-9;
BLOCK C, LOTS 1-20; BLOCK D, LOTS 1-28;
BLOCK E, LOTS 1-48; BLOCK F, LOTS 1-15;
BLOCK G, LOTS 1-10; BLOCK H, LOTS 1-20;
BLOCK I, LOTS 1-14; BLOCK J, LOTS 1-9;
BLOCK K, LOTS 1-32; BLOCK L, LOTS 1-10;
BLOCK M, LOTS 1-15; BLOCK N, LOTS 1-56;
BLOCK O, LOTS 1-56; BLOCK P, LOTS 1-64;
BLOCK Q, LOTS 1-36; BLOCK R, LOTS 1-58;
BLOCK S, LOTS 1-35; BLOCK T, LOTS 1-59;
BLOCK U, LOTS 1-38; COMMON LOTS 1X - 13X

BEING 113.09 ACRES IN THE
JOHN ROSS SURVEY, ABSTRACT NO. 737
CITY OF ALVARADO, JOHNSON COUNTY, TEXAS

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DATE: 02/02/2024

REVISION No. DATE REVISION DESCRIPTION MADE CHECKED APPROVED

DEC ENGINEERING EXCELLENCE
T.B.P.E.S. FIRM REGISTRATION NO. F-8996
3000 LBJ Freeway, Suite 810, Dallas, TX 75234-7720, (972) 285-2502

PRELIMINARY PLAT
(1 OF 3)

PRELIMINARY PLAT
FOR
AGAVE TRAIL DEVELOPMENT, LLC
BEING 113.09 ACRES IN THE
JOHN ROSS SURVEY, ABSTRACT NO. 737
CITY OF ALVARADO, JOHNSON COUNTY, TEXAS

DESIGN BY: SS/SG DATE: 02/02/2024 SHEET No. 01 OF 9
DRAWN BY: AE/EL SCALE: 1" = 80' JOB NO. 5348-01
APPROVED: WG

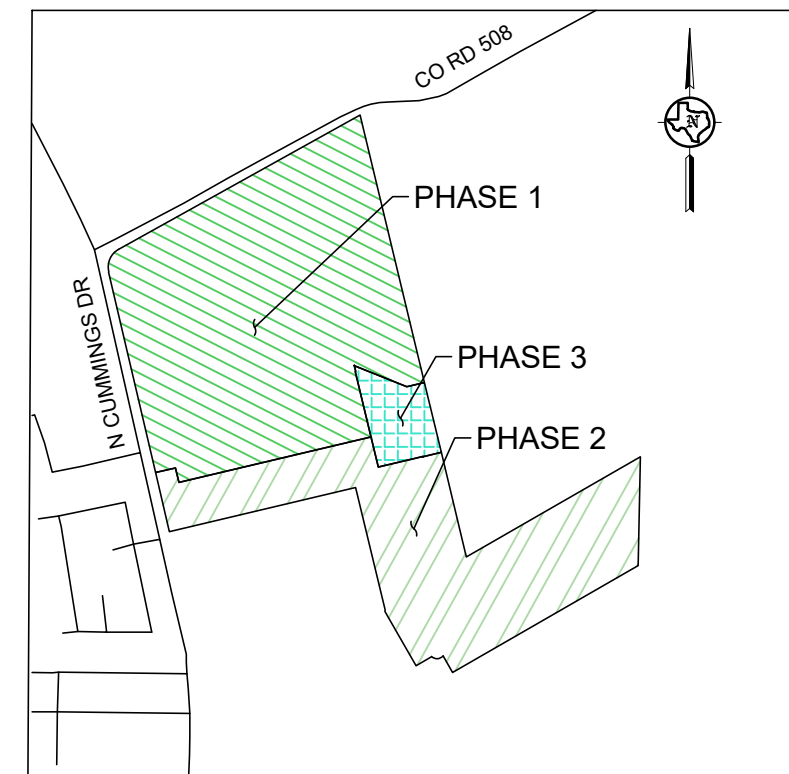
OWNER:
AGAVE DEVELOPMENT GROUP, LLC
300 BYERS STREET,
ROANOKE, TEXAS 76262
CONTACT: John Heilman
SURVEYOR:
SPOONER & ASSOCIATES
3030 LBJ FREEWAY,
SUITE 910, DALLAS, TX 75234-7720
(972) 239-2002
CONTACT: Eric Spooner
ENGINEER:
DE CORP.
3030 LBJ FREEWAY,
SUITE 910, DALLAS, TX 75234-7720
(972) 239-2002
CONTACT: William Gladbach

SEE SHEET 2 OF 3

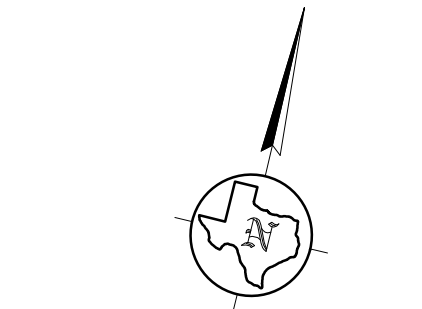
ORIGINAL SCALE IN INCHES
FOR REDUCED PLANS

N:\1220\5348-01\CAD\SHETS\PRELIM PLAT\01_PRELIM PLAT_1_2_3.DWG
Page 49 of 68

SEE SHEET 1 OF 3



VICINITY MAP
N.T.S.



0 40 80 160
SCALE: 1"=80'

LEGEND

- PRELIMINARY PLAT
--- BOUNDARY
--- PHASE LINE
--- EXISTING PIPELINE EASEMENT
--- UTILITY EASEMENT (AS NOTED)
U.E. UTILITY EASEMENT
U.W.M.E. UTILITY AND WALL MAINTENANCE EASEMENT
49.72' ** VARIANCE REQUEST FOR R.O.W. REDUCTION

PRELIMINARY PLAT
AGAVE TRAILS, PHASE I, II, III
BLOCK A, LOTS 1-22; BLOCK B, LOTS 1-9;
BLOCK C, LOTS 1-20; BLOCK D, LOTS 1-28;
BLOCK E, LOTS 1-48; BLOCK F, LOTS 1-15;
BLOCK G, LOTS 1-10; BLOCK H, LOTS 1-20;
BLOCK I, LOTS 1-14; BLOCK J, LOTS 1-9;
BLOCK K, LOTS 1-32; BLOCK L, LOTS 1-10;
BLOCK M, LOTS 1-15; BLOCK N, LOTS 1-56;
BLOCK O, LOTS 1-56; BLOCK P, LOTS 1-64;
BLOCK Q, LOTS 1-36; BLOCK R, LOTS 1-58;
BLOCK S, LOTS 1-35; BLOCK T, LOTS 1-59;
BLOCK U, LOTS 1-38; COMMON LOTS 1X - 13X

BEING 113.09 ACRES IN THE
JOHN ROSS SURVEY, ABSTRACT NO. 737
CITY OF ALVARADO, JOHNSON COUNTY, TEXAS

SEAL

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REVISION No. DATE REVISION DESCRIPTION MADE CHECKED APPROVED

DEC ENGINEERING EXCELLENCE
T.B.P.E.S. FIRM REGISTRATION NO. F-8896
3000 US Highway, Suite 810, Dallas, TX 75248-7722, 972.289.2502

PRELIMINARY PLAT
(2 OF 3)

PRELIMINARY PLAT
FOR
AGAVE TRAIL DEVELOPMENT, LLC
BEING 113.09 ACRES IN THE
JOHN ROSS SURVEY, ABSTRACT NO. 737
CITY OF ALVARADO, JOHNSON COUNTY, TEXAS

DESIGN BY: SS/SG DATE: 02/02/2024 SHEET No. 02 OF 9
DRAWN BY: AE/EL SCALE: 1" = 80' JOB No. 5348-01
APPROVED: WG

NOTES:

- PER SECTION 34-167(I) OF THE ALVARADO SUBDIVISION ORDINANCE, REAR AND SIDE DRIVEWAY ACCESS TO MAJOR THOROUGHFARES SHALL BE PROHIBITED.
- ALL COMMON LOTS SHOWN HEREIN MUST BE MAINTAINED BY THE AGAVE TRAILS HOA.

PROPOSED LOT COUNTS	
BASE SIZE	40' - 4,800 SF
PHASE 1	336
PHASE 2	277
PHASE 3	41
TOTAL:	654

FUTURE
MULTI-FAMILY (MF)
431,541 SF 9.91 AC

SEE SHEET 3 OF 3

OWNER:
AGAVE DEVELOPMENT GROUP, LLC
300 LAMAR STREET,
ROANOKE, TEXAS 76262
(817) 897-7737
CONTACT: John Heilman

SURVEYOR:
SPOONER & ASSOCIATES
309 BYERS STREET,
SUITE 100, EULESS, TEXAS 76039
(817) 885-8448
CONTACT: Eric Spooner

ENGINEER:
DE CORP.
3030 LBJ FREEWAY,
SUITE 910, DALLAS, TX 75243-7720
(972) 238-2002
CONTACT: William Gladbach

PROPOSED LOT COUNTS		
BASE SIZE	40' - 4,800 SF	
PHASE 1	336	
PHASE 2	277	
PHASE 3	41	
TOTAL:	654	

NOTES:

- PER SECTION 34-167(I) OF THE ALVARADO SUBDIVISION ORDINANCE, REAR AND SIDE DRIVEWAY ACCESS TO MAJOR THOROUGHFARES SHALL BE PROHIBITED.
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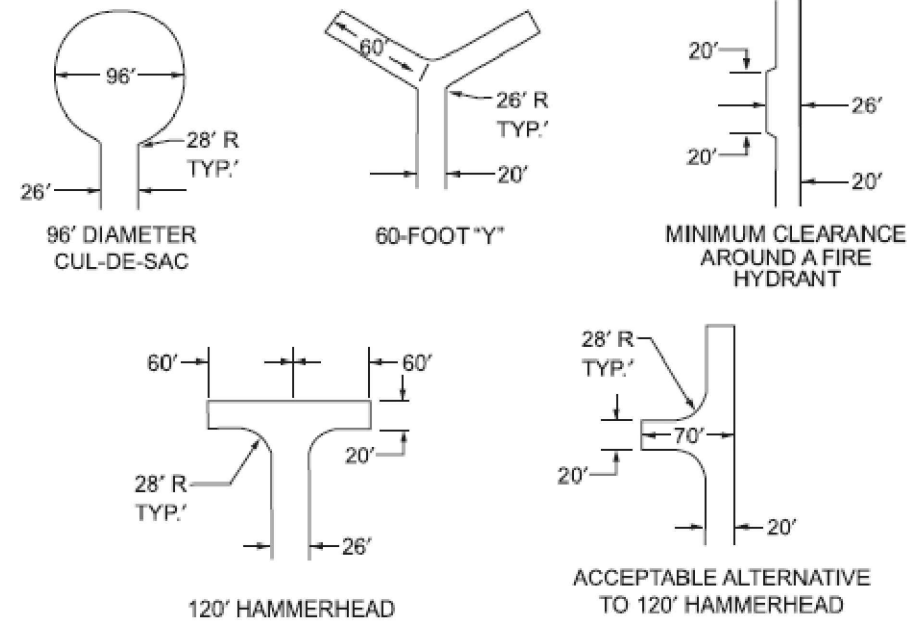
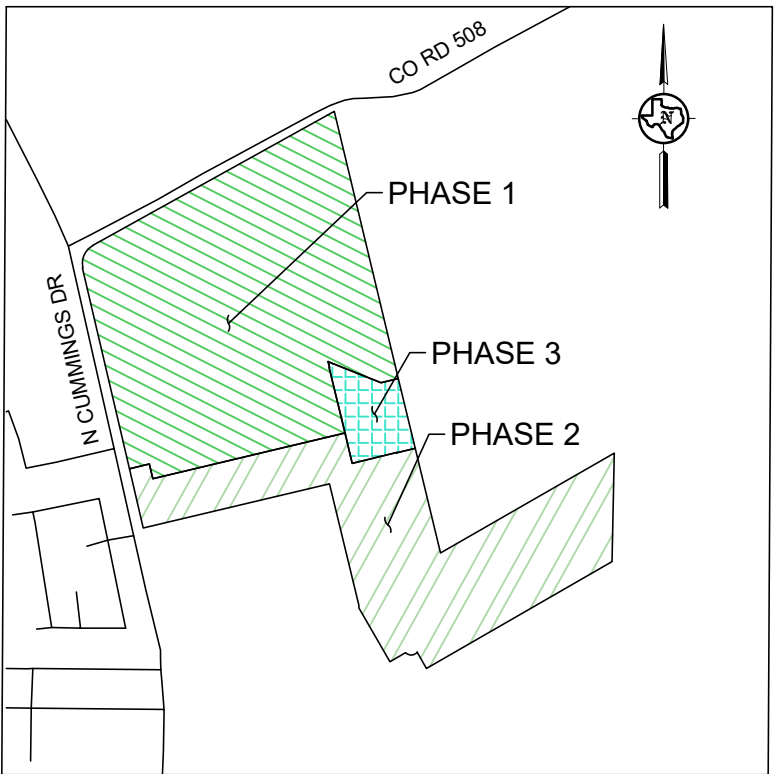
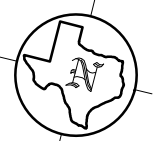


FIGURE D103.1 DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND



VICINITY MAP
N.T.S.



0 40 80 160
SCALE: 1"=80'

LEGEND

	PRELIMINARY PLAT BOUNDARY
	PHASE LINE
	EXISTING PIPELINE EASEMENT
	UTILITY EASEMENT (AS NOTED)
U.E.	UTILITY EASEMENT
U.W.M.E	UTILITY AND WALL MAINTENANCE EASEMENT
49.72' **	VARIANCE REQUEST FOR R.O.W. REDUCTION

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DEC ENGINEERING EXCELLENCE
T.B.P.E.L.S. FIRM REGISTRATION NO. F-8896
3030 LBJ Freeway, Suite 910, Dallas, TX 75234-7720, (972) 239-2002

PRELIMINARY PLAT
(3 OF 3)

PRELIMINARY PLAT
FOR
AGAVE TRAIL DEVELOPMENT, LLC
BEING 113.09 ACRES IN THE
JOHN ROSS SURVEY, ABSTRACT NO. 737
CITY OF ALVARADO, JOHNSON COUNTY, TEXAS

DESIGN BY: SS/SG	DATE: 02/02/2024	SHEET No. 03 OF 9
DRAWN BY: AE/EL	SCALE: 1" = 80'	JOB No. 5348-01
APPROVED: WG		

OWNER:
AGAVE DEVELOPMENT GROUP, LLC
300 LAMAR STREET,
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CONTACT: Eric Spooner

ENGINEER:
DE CORP.
3030 LBJ FREEWAY,
SUITE 910, DALLAS, TX 75234-7720
(972) 239-2002
CONTACT: William Gladbach

February 2, 2024

February 6, 2024 updated

City of Alvarado
Alvarado Development Review Committee
104 West College Street
Alvarado, Texas 76009

RE: Preliminary Review of Agave Trail Addition Preliminary Plat - UPDATE

To Whom It May Concern,

Please accept this letter as our comment responses to the review comments provided from the Alvarado DRC, received via email on January 31, 2024. We have provided a copy of the original comments and our corresponding response below. Since comments are being tracked in two locations, comment numbers for both locations are provided below and noted as follows:

Letter Comment # / Email Comment #

2a / 1. Offsite utility easements necessary must be secured for sanitary sewer facility improvement to bring sanitary sewer service to the subject site in accordance with the Alvarado Waste Water Master Plan **prior to submittal of the first final plat.**

RESPONSE: Comment noted. Requirement has been pushed to prior to the first final plat submittal. No action taken with this resubmittal.

2b / 2. A letter from JCSUD consenting to City of Alvarado being the water supplier within the northern portion of the preliminary plat, where located in JCSUD's CCN, is required **prior to submittal of the first final plat** if the City of Alvarado will be the water supplier.

RESPONSE: Comment noted. Requirement has been pushed to prior to the first final plat submittal. No action taken with this resubmittal.

2c / 3. A letter from JCSUD indicating that they agree to supply water to the Agave Trail development is required **prior to submittal of the first final plat** if JCSUD will be the water supplier.

RESPONSE: Comment noted. Requirement has been pushed to prior to the first final plat submittal. No action taken with this resubmittal.

2d / 4. If JCSUD is to be the water supplier, the **preliminary** plat must show a JCSUD easement where required by JCSUD. Typical JCSUD easement is 20 feet outside of right-of-way and other utility easements, which may result in the reduction of buildable lots along CR 508 and N. Cummings Drive.

RESPONSE: Comment noted. Requirement has been pushed to prior to the first final plat submittal. No action taken with this resubmittal.

- 13 / 5. Provide a Traffic Impact Analysis (TIA) that supplements the Lone Oak TIA, the N. Cummings Drive TIA, and the Large Retailer's TIA for the City Engineer's review per Art. VI, Sec. 34-164(t) of the Alvarado subdivision ordinance **prior to submittal of the first final plat.**

RESPONSE: Comment noted. Requirement has been pushed to prior to the first final plat submittal. No action taken with this resubmittal.

- 13a / 6. The N. Cummings Drive Reconstruction project's TIA recommends a right-turn deceleration lane for northbound N. Cummings Drive at proposed Agave Street subdivision entrance. Adequate, ROW dedication for this deceleration lane shall be shown on the ~~preliminary~~ plat, resulting in Lots 1-6, Block P becoming unbuildable due to insufficient lot depth. Therefore, consider showing on the preliminary plat, the area of Lots 1-6, Block P as a new common (open space) lot to be maintained by the HOA.

RESPONSE: Comment noted. Requirement has been pushed to prior to the first final plat submittal. No action taken with this resubmittal.

- 14 / 7. Per Section 4.7 of the development agreement dated August 15, 2022, the developer is responsible for the design of all roadway facilities required to serve the development, which is to be determined by a TIA. The \$3.4M from the developer to the City per the development agreement is only for construction of improvements as warranted by a TIA. The party or parties responsible for design, utility relocation, ROW acquisition, etc. for CR 508 and the CR 508/N. Cummings Drive intersection improvements shall be determined **prior to any final plat approval.**

RESPONSE: Comment noted. Requirement has been pushed to prior to the first final plat submittal. No action taken with this resubmittal.

- 15 / 8. In accordance with the TIA, reconstruction of CR 508 with four through lanes along the subject site's CR 508 frontage and adequate intersection improvements at CR 508 and N. Cummings Drive are required. Therefore, the recording information for the separate instrument that dedicates the offsite right-of-way for the northern portion of CR 508 to the City of Alvarado is required prior to the first final plat submittal. The responsible party to acquire this ROW shall be identified **prior to final plat approval.**

RESPONSE: Comment noted. Requirement has been pushed to prior to the first final plat submittal. No action taken with this resubmittal.

- 16a / 9. Along the far eastern boundary of the preliminary plat where closest to the proposed Lone Oak Addition, that necessary (approximately 60 feet) to achieve 120 feet of right-of-way dedication from the western property line of the proposed Lone Oak Addition must be shown as dedicated right-of-way on the **preliminary plat and the dead end of Antelope Street on the east end must have an adequate turn around for fire apparatus after this ROW dedication.**

RESPONSE: The request land area does not belong to the Agave Development; therefore, can not be dedicated as right-of-way. The land area in question remains the property of the Alvarado ISD.

Additionally, the developer worked specifically with the AISD to leave the City's requested 60' ROW as part of the developer's land swap deal and subsequent plat. It was previously communicated to the developer, by the City, that Lone Oak would be responsible for the remaining 60' of ROW dedication. As such, the Agave development planned accordingly. The current plat submitted with the 60' ROW is exactly what was asked of the development; complying with the City's request. The developer would like to proceed with the Preliminary Plat as submitted.

Dimension have been added to the preliminary plat (sheet 03) indicating the remaining ISD land size suitable for the ROW dedication, as per a previous request.

The dead-end turnaround on Antelope Street has been sized based on the minimal dimensional requirements of the International Fire Code. A copy of the IFC reference has been placed on the preliminary plat (Sheet 03).

- 17 / 10. Per Art. VI, Sec. 34-164(d) of the Alvarado subdivision ordinance, street right-of-way widths shall be as shown on the thoroughfare plan and where not shown therein shall be not less than those shown in the design standards. The Alvarado Thoroughfare Plan indicates local streets are to have 54 feet of right-of-way width.

RESPONSE: Per previous conversations with City Staff, the development will request a variance of the subdivision ordinance to reduce the required right-of-way width from 50-feet to 49.5' to allow a variable width right-of-way in front of Lots 37-53, Block P.

- 18 / 11. Per Sec. 34-167 of the Alvarado subdivision ordinance, on the basis of the land use district in which they lie and the use to which they are to be put, all lots must conform to the zoning regulations of Chapter 42 (Alvarado zoning ordinance), including minimum area, width and depth. The Agave Trail Planned Development requires a minimum lot depth of 120 feet unless backing to a major street. Lots 37-53, Block P must comply with the minimum lot depth required.

RESPONSE: Per previous conversations with City Staff, the development will request a variance of the subdivision ordinance to reduce the required right-of-way width from 50-feet to 49.5' to allow a variable width right-of-way in front of Lots 37-53, Block P.

In conjunction with the variance request for a variation in the width of right-of-way, Lots 37-53, Block P have been adjusted to the minimum depth of 120- feet.

21 / 12. Label the area between Lots 59 & 60, Block P the next available Open Space Lot or combine the areas into one or both adjacent lots.

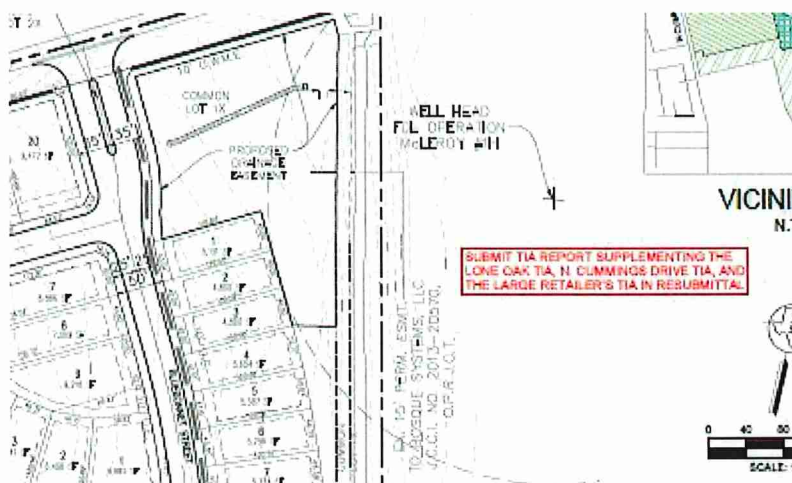
RESPONSE: The area in question has been labeled "Common Lot 12x".

22 / 13. Lot 31, Block U shows less than 40' of lot frontage. Per Sec. 34-167(j) of the Alvarado subdivision ordinance, each lot shall be provided with adequate access to an existing or proposed public street by frontage on such street not to be less than 40 feet.

RESPONSE: The frontage for Lot 31, Block U has been adjusted to 40.25' and is now in compliance.

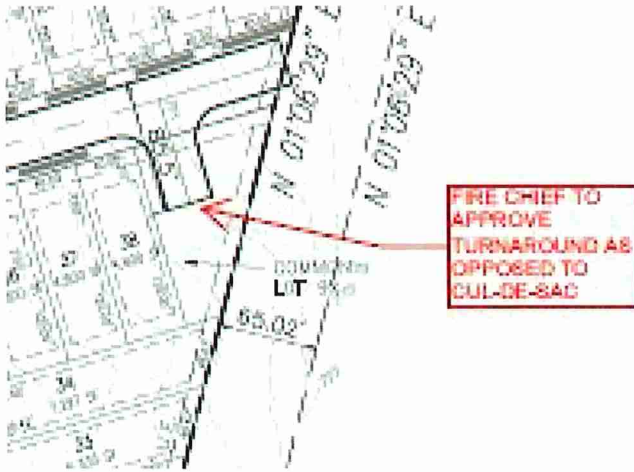
Additional comments were provided on the submitted plans by the City Engineer's Office. The review comments were provided through the Alvarado DRC, received via email on January 31, 2024. We have provided a copy of the original comments and our corresponding response below.

- Submit a TIA supplementing the "Lone Oak TIA", "N. Cummings Drive TIA" and the "Large Retailer TIA ...".



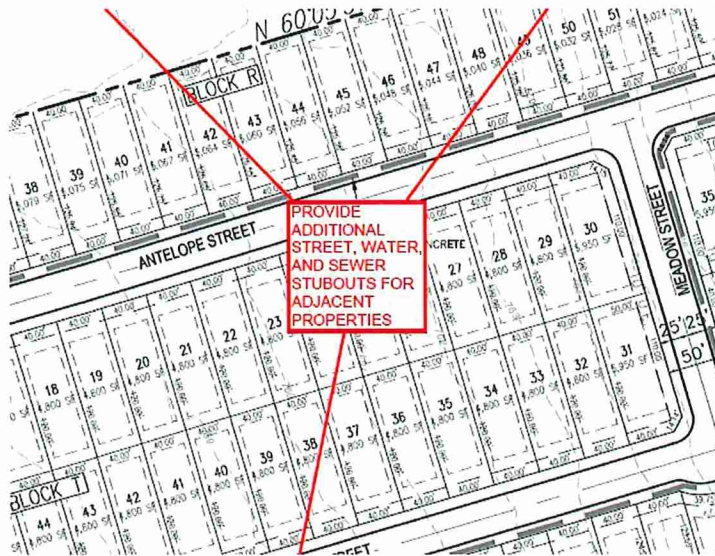
RESPONSE: In response to Comment 5 above, the TIA requirement has been pushed to prior to the first final plat submittal. No action taken with this resubmittal.

- Fire Chief to approve turnaround as opposed to a cul-de-sac.



RESPONSE: In response to Comment 9 above, The dead-end turnaround on Antelope Street has been sized based on the minimal dimensional requirements of the International Fire Code. A copy of the IFC reference has been placed on the preliminary plat (Sheet 03).

- Provide additional street, water and sewer stubouts for adjacent properties



RESPONSE: Street, water and sewer has been stubbed for future connection to the east property within the Phase 3 area of the project (refer to Sheet 02 and 07).

Street and water for the south property will be from within the future North Baugh Street right-of-way proposed along the eastern property line (refer to Sheet 02) or from existing City infrastructure along the parcels south property line, Highway 67. Additionally, the south property is Alvarado Independent

School District property. It is standard design practice and safety protocols to limit the number and location of entrances to the school property.

Sewer for the south property will be from the proposed offsite sewer 24-inch extension proposed along the eastern property line (refer to Sheet 09).

Thank you for your consideration, closure of comments that have been addressed or deferred to a later approval stage and the approval of the variance request.

Respectfully,



Scott L. Graves, PE, ENV SP
Senior Project Manager
DEC – North Texas, LLC

February 2, 2024

City of Alvarado
Alvarado Development Review Committee
104 West College Street
Alvarado, Texas 76009

RE: Agave Trails Preliminary Plat – Variance Request

To Whom It May Concern,

Please accept this letter as our request for a variance to the Alvarado Subdivision Ordinance, specifically:

Section 34-164 (i): Street widths. Street right-of-way widths shall be as shown on the thoroughfare plan and where not shown therein shall be not less than those shown in the design standards.

Background:

- The City of Alvarado "Comprehensive Plan", adopted June 2014, indicated "Local Streets" to have a right-of-way width of 54-feet; Table 9, page 67.
- The City of Alvarado "Design Standards Manual", updated February 20, 2023, indicates "Residential, Undivided" streets (R2U) to have recommended right-of-way width of 50-feet; Table No. 1, Page ii
- Accordingly, the right-of-way widths for the Agave Trails development have been laid out in adherence to the Design Standards at a width of 50-feet.
- **The variance request is to REDUCE the required minimum right-of-way width to 49.69-feet.**

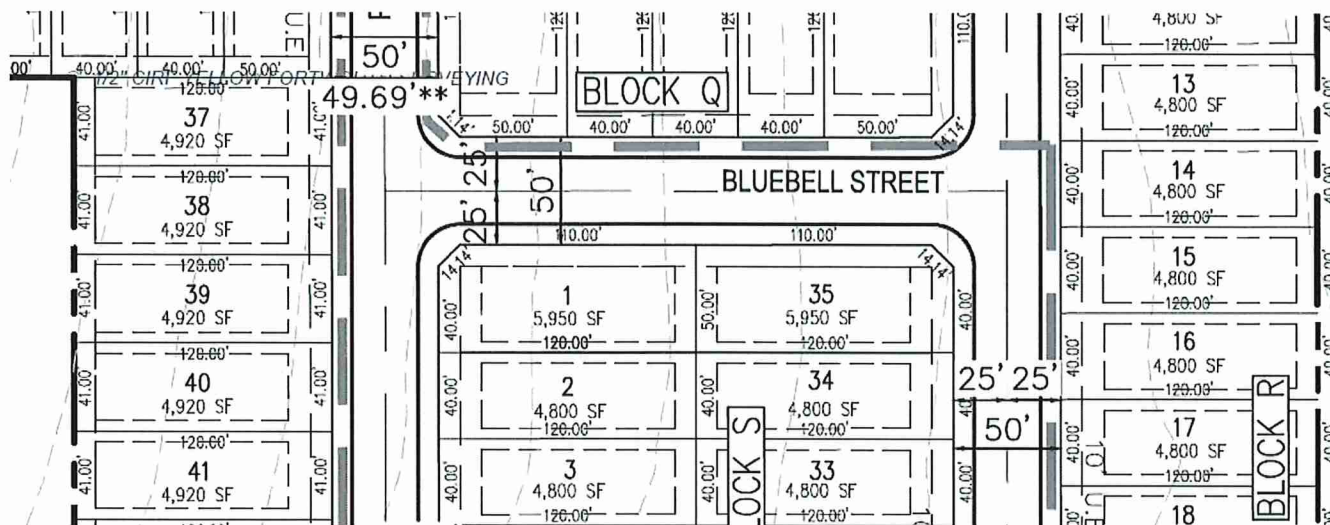
According to City Ordinance Section 34-174 – Variances,

"When a subdivider can show that a provision of these regulations would cause unnecessary hardship if strictly adhered to and where, because of some condition peculiar to the site, in the opinion of the planning and zoning commission and/or the city council a departure may be made without destroying the intent of such provisions, the city council may authorize a variance. No variances will be granted unless the council finds the following:"

- (1) *There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land.*

RESPONSE: The geometries of the property prevent adherence to both the Zoning Ordinance minimum lot depth of 120-feet (across four lots) and the Subdivision Ordinance minimum right-of-way with of 50-feet (across two

roadways). Accordingly, one right-of-way needs to be reduced by 0.31-feet to allow all lots to meet with the Zoning Ordinance minimum lot depth.



- (2) *The variances are necessary for the preservation and enjoyment of a substantial property right of the applicant and the granting of the variance will not be detrimental to the public health, safety, or welfare of individuals, or injurious to other properties in the area.*

RESPONSE: Without the variance being approved, seventeen lots would not meet the current City Zoning Ordinance, thereby not be buildable and would prevent the intended use of the affected property area. Additionally, the granting of the variance will not be detrimental to the public health, safety, or welfare of individuals, or injurious to other properties in the area.

- (3) *The granting of the variance will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this chapter. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.*

RESPONSE: The granting of the variance request --- reduction of the minimum right-of-way by 0.31' ---- will not have an effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this chapter.

Thank you for your consideration of this variance request for the Agave Trails development.

Respectfully,

Scott L. Graves, PE, ENV SP
Senior Project Manager
DEC – North Texas, LLC



City of Alvarado
104 W. College Alvarado, TX 76009
817-790-3351 ♦ Fax 817-783-7925 ♦ www.cityofalvarado.org

February 15, 2024

Agave Trail Development LLC
Attn: Richard Rushton
2140 E. Southlake Blvd., Suite L-655
Southlake, TX 76092
760.902.5000
rjr@rushtonwest.com

Re: Agave Trail Addition Preliminary Plat

Dear Mr. Rushton,

This letter is to inform you that on February 15, 2024, the Alvarado Planning and Zoning Commission recommended conditional approval of the preliminary plat for the Agave Trail Addition with the following conditions.

1. Offsite utility easements necessary must be secured for sanitary sewer facility improvement to bring sanitary sewer service to the subject site in accordance with the Alvarado Waste Water Master Plan prior to submittal of the first final plat.
2. A letter from JCSUD consenting to City of Alvarado being the water supplier within the northern portion of the preliminary plat, where located in JCSUD's CCN, is required prior to submittal of the first final plat if the City of Alvarado will be the water supplier.
3. A letter from JCSUD indicating that they agree to supply water to the Agave Trail development is required prior to submittal of the first final plat if JCSUD will be the water supplier.
4. If JCSUD is to be the water supplier, the plat must show a JCSUD easement where required by JCSUD. Typical JCSUD easement is 20 feet outside of right-of-way and other utility easements, which may result in the reduction of buildable lots along CR 508 and N. Cummings Drive. Required perimeter subdivision fencing and backyard fencing in accordance with the development agreement and the Agave Trail PD ordinance must be coordinated with JCSUD prior to the submittal of the phase one final plat.
5. Provide a Traffic Impact Analysis (TIA) that supplements the Lone Oak TIA, the N. Cummings Drive TIA, and the Large Retailer's TIA for the City Engineer's review per Art. VI, Sec. 34-164(t) of the Alvarado subdivision ordinance prior to submittal of the first final plat.
6. The N. Cummings Drive Reconstruction project's TIA recommends a right-turn deceleration lane for northbound N. Cummings Drive at proposed Agave Street subdivision entrance. Adequate, ROW dedication for this deceleration lane shall be shown on the plat, resulting in Lots 1-6, Block P becoming nonconforming (and so unbuildable) due to

insufficient lot depth. Therefore, consider showing on the plat, the area of Lots 1-6, Block P as a new common (open space) lot to be maintained by the HOA.

7. Per Section 4.7 of the development agreement dated August 15, 2022, the developer is responsible for the design of all roadway facilities required to serve the development, which is to be determined by a TIA. The \$3.4M from the developer to the City per the development agreement is only for construction of improvements as warranted by a TIA. The party or parties responsible for design, utility relocation, ROW acquisition, etc. for CR 508 and the CR 508/N. Cummings Drive intersection improvements shall be determined prior to any final plat approval.
8. In accordance with the TIA, reconstruction of CR 508 with four through lanes along the subject site's CR 508 frontage and adequate intersection improvements at CR 508 and N. Cummings Drive are required. Therefore, the recording information for the separate instrument that dedicates the offsite right-of-way for the northern portion of CR 508 to the City of Alvarado is required prior to the first final plat submittal. The responsible party to acquire this ROW shall be identified prior to final plat approval.
9. Along the far eastern boundary of the preliminary plat where closest to the proposed Lone Oak Addition, that necessary (approximately 60 feet) to achieve the 120 feet of right-of-way dedication from the western property line of the proposed Lone Oak Addition must be shown as dedicated right-of-way on the plat and the dead end of Antelope Street on the east end must have an adequate turn around for fire apparatus after this ROW dedication.
10. [Grant Variance to reduce ROW width for internal streets to 50 feet except along Lots 37-53, Block P for which is to be reduced to 49.69 feet only if still necessary after compliance with comment 9.](#) Per Art. VI, Sec. 34-164(d) of the Alvarado subdivision ordinance, street right-of-way widths shall be as shown on the thoroughfare plan and where not shown therein shall be not less than those shown in the design standards. The Alvarado Thoroughfare Plan indicates local streets are to have 54 feet of right-of-way width.

Sincerely,



Justin French, AICP
Community Development Director
City of Alvarado
104 W. College Ave. | Alvarado, TX 76009
817.790.3351 | 817.240.9585 mobile
frenchj@cityofalvarado.org

Cc.

DEC
Attn: Scott Graves, PE, ENV SP
2501 Parkview Drive, Suite 670
Fort Worth, TX 76102
Scott.graves@decorp.com

Att.

City Engineer Remarks on Preliminary Plat Copy



City of Alvarado
104 W. College Alvarado, TX 76009
817-790-3351 ♦ Fax 817-783-7925 ♦ www.cityofalvarado.org

February 19, 2024

Agave Trail Development LLC
Attn: Richard Rushton
2140 E. Southlake Blvd., Suite L-655
Southlake, TX 76092
760.902.5000
rjr@rushtonwest.com

Re: Agave Trail Addition Preliminary Plat

Dear Mr. Rushton,

This letter is to inform you that on February 19, 2024, the Alvarado City Council conditionally approved the preliminary plat for the Agave Trail Addition with the following conditions.

1. Offsite utility easements necessary must be secured for sanitary sewer facility improvement to bring sanitary sewer service to the subject site in accordance with the Alvarado Waste Water Master Plan prior to submittal of the first final plat.
2. A letter from JCSUD consenting to City of Alvarado being the water supplier within the northern portion of the preliminary plat, where located in JCSUD's CCN, is required prior to submittal of the first final plat if the City of Alvarado will be the water supplier.
3. A letter from JCSUD indicating that they agree to supply water to the Agave Trail development is required prior to submittal of the first final plat if JCSUD will be the water supplier.
4. If JCSUD is to be the water supplier, the plat must show a JCSUD easement where required by JCSUD. Typical JCSUD easement is 20 feet outside of right-of-way and other utility easements, which may result in the reduction of buildable lots along CR 508 and N. Cummings Drive. Required perimeter subdivision fencing and backyard fencing in accordance with the development agreement and the Agave Trail PD ordinance must be coordinated with JCSUD prior to the submittal of the phase one final plat.
5. Provide a Traffic Impact Analysis (TIA) that supplements the Lone Oak TIA, the N. Cummings Drive TIA, and the Large Retailer's TIA for the City Engineer's review per Art. VI, Sec. 34-164(t) of the Alvarado subdivision ordinance prior to submittal of the first final plat.
6. The N. Cummings Drive Reconstruction project's TIA recommends a right-turn deceleration lane for northbound N. Cummings Drive at proposed Agave Street subdivision entrance. Adequate, ROW dedication for this deceleration lane shall be shown on the plat, resulting in Lots 1-6, Block P becoming nonconforming (and so unbuildable) due to

insufficient lot depth. Therefore, consider showing on the plat, the area of Lots 1-6, Block P as a new common (open space) lot to be maintained by the HOA.

7. Per Section 4.7 of the development agreement dated August 15, 2022, the developer is responsible for the design of all roadway facilities required to serve the development, which is to be determined by a TIA. The \$3.4M from the developer to the City per the development agreement is only for construction of improvements as warranted by a TIA. The party or parties responsible for design, utility relocation, ROW acquisition, etc. for CR 508 and the CR 508/N. Cummings Drive intersection improvements shall be determined prior to any final plat approval.
8. In accordance with the TIA, reconstruction of CR 508 with four through lanes along the subject site's CR 508 frontage and adequate intersection improvements at CR 508 and N. Cummings Drive are required. Therefore, the recording information for the separate instrument that dedicates the offsite right-of-way for the northern portion of CR 508 to the City of Alvarado is required prior to the first final plat submittal. The responsible party to acquire this ROW shall be identified prior to final plat approval.
9. Along the far eastern boundary of the preliminary plat where closest to the proposed Lone Oak Addition, that necessary (approximately 60 feet) to achieve the 120 feet of right-of-way dedication from the western property line of the proposed Lone Oak Addition must be shown as dedicated right-of-way on the plat and the dead end of Antelope Street on the east end must have an adequate turn around for fire apparatus after this ROW dedication.
10. [Grant Variance to reduce ROW width for internal streets to 50 feet except along Lots 37-53, Block P for which is to be reduced to 49.69 feet only if still necessary after compliance with comment 9.](#) Per Art. VI, Sec. 34-164(d) of the Alvarado subdivision ordinance, street right-of-way widths shall be as shown on the thoroughfare plan and where not shown therein shall be not less than those shown in the design standards. The Alvarado Thoroughfare Plan indicates local streets are to have 54 feet of right-of-way width.

Sincerely,



Justin French, AICP
Community Development Director
City of Alvarado
104 W. College Ave. | Alvarado, TX 76009
817.790.3351 | 817.240.9585 mobile
frenchj@cityofalvarado.org

Cc.

DEC
Attn: Scott Graves, PE, ENV SP
2501 Parkview Drive, Suite 670
Fort Worth, TX 76102
Scott.graves@decorp.com

Att.

City Engineer Remarks on Preliminary Plat Copy

PROPOSED LOT COUNTS		
BASE SIZE	40' - 4,800 SF	
PHASE 1	336	
PHASE 2	277	
PHASE 3	41	
TOTAL:	654	

BHC Sixth Review
01-31-2024

This is the sixth review of the Agave Trails Development submittal. Our review is for general compliance with the City of Alvarado's development requirements. It is based on the City's Subdivision Ordinance and Good Engineering Practice, and does not relieve the design engineer of their responsibilities as the Engineer of Record under the Texas Engineering Practice Act.

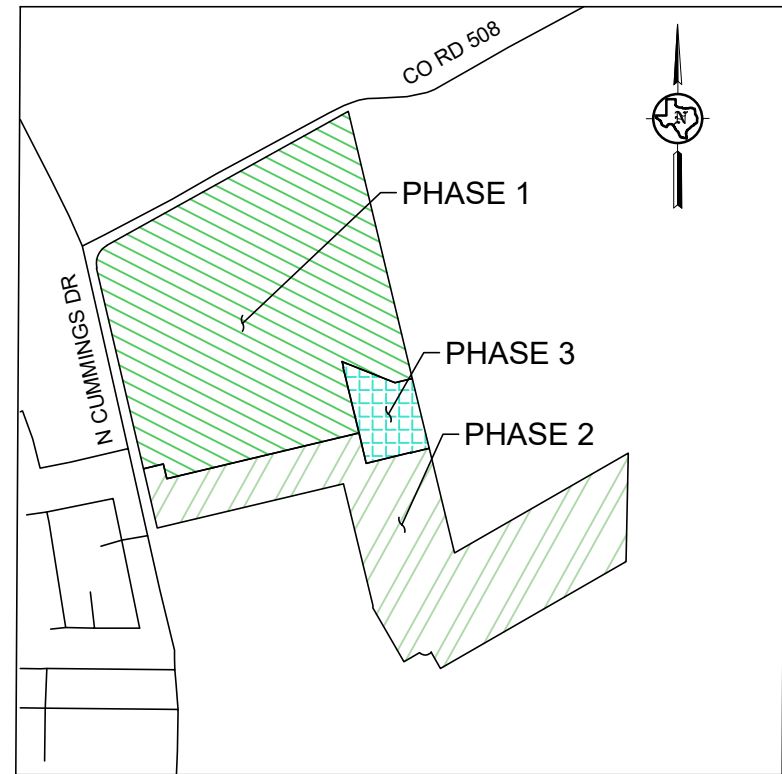
Resubmittal shall include previous review comments and the Engineer's responses to each comment, either on the marked up sheets or as a separate response letter.

Cooper Reinbold, P.E.

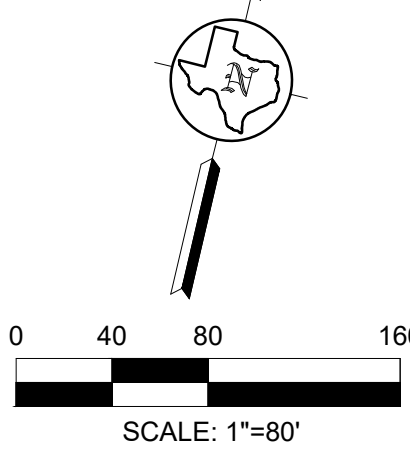
CALLED: 10 ACRES
ALVARADO INDEPENDENT
SCHOOL DISTRICT
VOL. 1000, PG. 747,
D.R.J.C.T.

ROYE ESTATES
VOL. 8, PG. 953,
P.R.J.C.T.

OWNER
ROY ANDERSON
MANAGEMENT, LLC
J.C.C.I. NO. 2013-008805,
O.P.R.J.C.T.



VICINITY MAP
N.T.S.



LEGEND

	PRELIMINARY PLAT BOUNDARY	
	PHASE LINE	
	EXISTING PIPELINE EASEMENT	
	UTILITY EASEMENT (AS NOTED)	
	U.E.	UTILITY EASEMENT
	U.W.M.E.	UTILITY AND WALL MAINTENANCE EASEMENT

PRELIMINARY PLAT
AGAVE TRAILS, PHASE I, II, III
BLOCK A, LOTS 1-22; BLOCK B, LOTS 1-9;
BLOCK C, LOTS 1-20; BLOCK D, LOTS 1-28;
BLOCK E, LOTS 1-48; BLOCK F, LOTS 1-15;
BLOCK G, LOTS 1-10; BLOCK H, LOTS 1-20;
BLOCK I, LOTS 1-14; BLOCK J, LOTS 1-9;
BLOCK K, LOTS 1-32; BLOCK L, LOTS 1-10;
BLOCK M, LOTS 1-15; BLOCK N, LOTS 1-56;
BLOCK O, LOTS 1-56; BLOCK P, LOTS 1-65;
BLOCK Q, LOTS 1-36; BLOCK R, LOTS 1-58;
BLOCK S, LOTS 1-35; BLOCK T, LOTS 1-59;
BLOCK U, LOTS 1-37; COMMON LOTS 1X - 13X

BEING 113.09 ACRES IN THE
JOHN ROSS SURVEY, ABSTRACT NO. 737
CITY OF ALVARADO, JOHNSON COUNTY, TEXAS

THIS DOCUMENT IS RELEASED
FOR THE PURPOSE OF INTERIM
REVIEW UNDER THE AUTHORITY
OF SCOTT L. GRAVES, P.E.
88150. IT IS NOT TO BE USED
FOR CONSTRUCTION, BIDDING,
OR PERMIT PURPOSES.
DATE: 01/10/2024

REVISION No. DATE REVISION DESCRIPTION MADE CHECKED APPROVED

DEC ENGINEERING EXCELLENCE
T.B.P.E.'S FIRM REGISTRATION NO. F-8996
3000 LBJ Freeway, Suite 810, Dallas, TX 75244-7720, (972) 285-2502

PRELIMINARY PLAT
(1 OF 3)

PRELIMINARY PLAT
FOR
AGAVE TRAIL DEVELOPMENT, LLC
BEING 113.09 ACRES IN THE
JOHN ROSS SURVEY, ABSTRACT NO. 737
CITY OF ALVARADO, JOHNSON COUNTY, TEXAS

DESIGN BY: SS/SG

DATE: 01/10/2024

DRAWN BY: AE/EL

SCALE: 1" = 80'

APPROVED: WG

SHEET No. 01 OF 9

JOB No. 5348-01

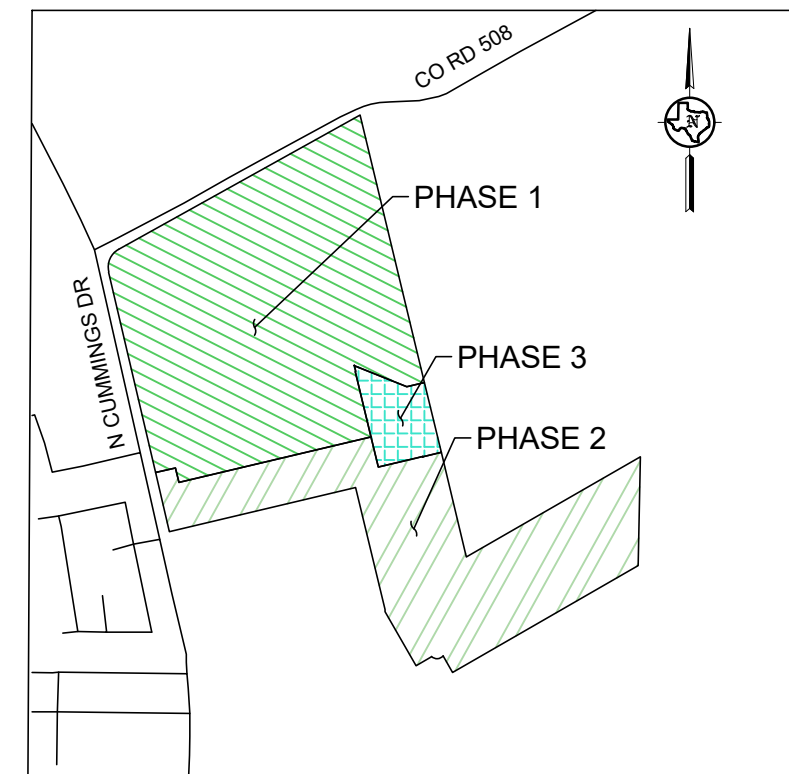
SEE SHEET 2 OF 3

OWNER:
AGAVE DEVELOPMENT GROUP, LLC
300 LAMAR STREET,
ROANOKE, TEXAS 76262
(817) 897-7737
CONTACT: John Heilman

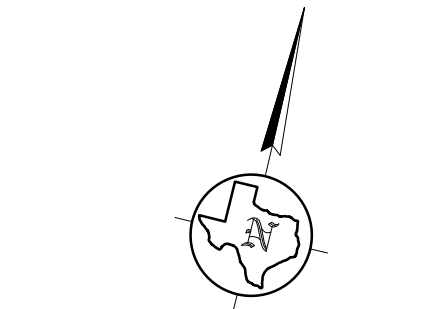
SURVEYOR:
SPOONER & ASSOCIATES
3030 BYERS STREET,
SUITE 100, EULESS, TEXAS 76039
(817) 897-7737
CONTACT: Eric Spooner

ENGINEER:
DE CORP.
3030 LBJ FREEWAY,
SUITE 910, DALLAS, TX 75243-7720
(972) 239-2002
CONTACT: William Gladbach

SEE SHEET 1 OF 3



VICINITY MAP
N.T.S.



0 40 80 160
SCALE: 1"=80'

LEGEND

- PRELIMINARY PLAT
--- BOUNDARY
--- PHASE LINE
--- EXISTING PIPELINE EASEMENT
--- UTILITY EASEMENT (AS NO
U.E. UTILITY EASEMENT
U.W.M.E. UTILITY AND WALL
MAINTENANCE EASEMENT

PRELIMINARY PLAT
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SEAL

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OR PERMIT PURPOSES.
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REVISION No. DATE REVISION DESCRIPTION MADE CHECKED APPROVED

DEC ENGINEERING EXCELLENCE
T.B.P.E.S. FIRM REGISTRATION NO. F-8896
3000 US Highway, Suite 810, Dallas, TX 75244-7722 (972) 285-2002

PRELIMINARY PLAT
(2 OF 3)

PRELIMINARY PLAT
FOR
AGAVE TRAIL DEVELOPMENT, LLC
BEING 113.09 ACRES IN THE
JOHN ROSS SURVEY, ABSTRACT NO. 737
CITY OF ALVARADO, JOHNSON COUNTY, TEXAS

DESIGN BY: SS/SG DATE: 01/10/2024 SHEET No. 02 OF 9
DRAWN BY: AE/EL SCALE: 1" = 80' JOB NO. 5348-01
APPROVED: WG

SEE SHEET 3 OF 3

OWNER:
AGAVE DEVELOPMENT GROUP, LLC
300 LAMAR STREET,
ROANOKE, TEXAS 76262
(817) 897-7737
CONTACT: John Heilman

SURVEYOR:
SPOONER & ASSOCIATES
309 BYERS STREET,
SUITE 100, EULESS, TEXAS 76039
(817) 685-8448
CONTACT: Eric Spooner

ENGINEER:
DE CORP.
3030 LBJ FREEWAY,
SUITE 910, DALLAS, TX 75243-7720
(972) 238-2002
CONTACT: William Gladbach

NOTES:

- PER SECTION 34-167(I) OF THE ALVARADO SUBDIVISION ORDINANCE, REAR AND SIDE DRIVEWAY ACCESS TO MAJOR THOROUGHFARES SHALL BE PROHIBITED.
- ALL COMMON LOTS SHOWN HEREIN MUST BE MAINTAINED BY THE AGAVE TRAILS HOA.

PROPOSED LOT COUNTS	
BASE SIZE	40' - 4,800 SF
PHASE 1	336
PHASE 2	277
PHASE 3	41
TOTAL:	654

FUTURE
MULTI-FAMILY (MF)
431,541 SF 9.91 AC

FUTURE SCHOOL SITE

961,820 SF
22.08 AC

N 59°20'34" W 66'

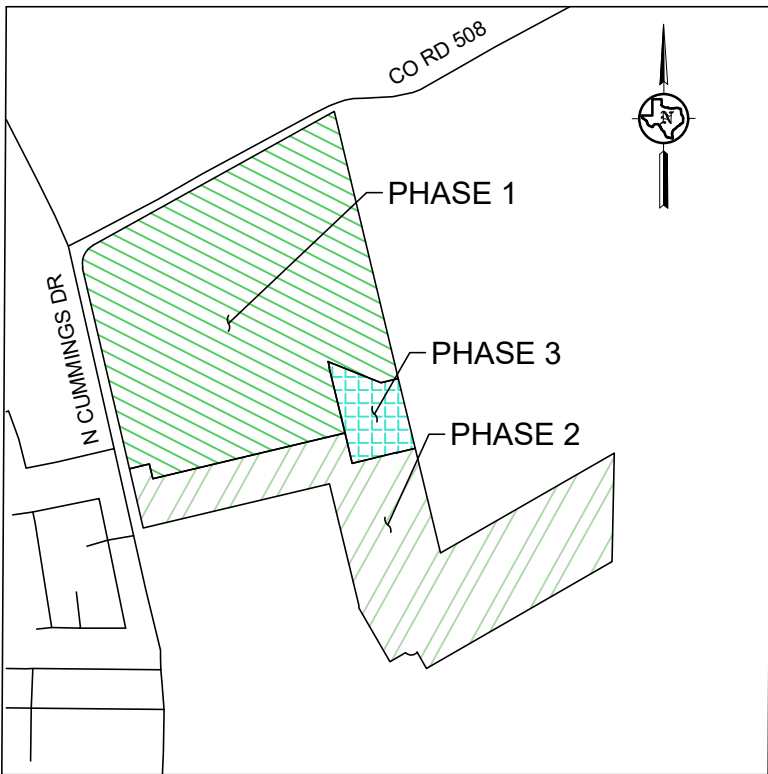
ORIGINAL SCALE IN INCHES
FOR REDUCED PLANS

N:\1220\5348-01\CAD\SHETS\PRELIM PLAT\01_PRELIM PLAT_1_2_3.DWG
Page 65 of 68

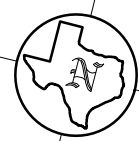
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N.T.S.



0 40 80 160
SCALE: 1"=80'

LEGEND

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	UTILITY EASEMENT (AS NOTED)
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DEC ENGINEERING
EXCELLENCE
T.B.P.E.L.S. FIRM REGISTRATION NO. F-8996
3000 LBJ Freeway, Suite 910, Dallas, TX 75244-7720, 972.239.2502

PRELIMINARY PLAT
(3 OF 3)

PRELIMINARY PLAT
FOR
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BEING 113.09 ACRES IN THE
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DESIGN BY: SS/SG	DATE: 01/10/2024	SHEET No. 03 OF 9
DRAWN BY: AE/EL	SCALE: 1" = 80'	JOB No. 5348-01
APPROVED: WG		

SEE SHEET 2 OF 3

CALLED: 98.41 ACRES
ROBERT LEE FRANKLIN &
MARTHA LEE FRANKLINE
VOL. 1085, PG. 578
O.P.R.J.C.T.

PROVIDE
ADDITIONAL
STREET, WATER,
AND SEWER
STUBOUTS FOR
ADJACENT
PROPERTIES

FIRE CHIEF TO
APPROVE
TURNAROUND AS
OPPOSED TO
CUL-DE-SAC

CALLLED: 429.401 ACRES
ALVARADO 420 PARTNERS
INS. NO. 2021-23336,
O.P.R.J.C.T.

CALLLED: 101.892 ACRES
ALVARADO INDEPENDENT
SCHOOL DISTRICT
SCHOOL C.I. NO. 2001-023658,
J.C.C.I. NO. 2001-023658,
O.P.R.J.C.T.

THE LAND AREA DESIGNATE HEREIN AS PROPOSED DRAINAGE EASEMENT IS
A LAND PURCHASE FROM THE ALVARADO INDEPENDENT SCHOOL DISTRICT. A
PURCHASE CONTRACT AND LAND CLOSING IS ANTICIPATED IN EARLY 2024.
THIS AREA IS LOCATED WITHIN THE ETJ OF THE CITY OF ALVARADO AND IS
NOT PART OF THE PRELIMINARY PLAT LIMITS FOR THIS DEVELOPMENT

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AGAVE DEVELOPMENT GROUP, LLC
300 LAMAR STREET,
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CONTACT: John Heilman

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