



CITY OF TEXARKANA

CITY COUNCIL

AGENDA • MARCH 13, 2023

Council Chambers

Regular Meeting

6:00 PM

220 TEXAS BLVD., TEXARKANA, TX 75501

Mayor

Bob Bruggeman

Ward 1

Jean H. Matlock

Ward 3

Betty Williams

Ward 5

Libby White

Ward 2

Mary Hart

Ward 4

Christie Page

Ward 6

Jay Davis



Vision

The vision of the City is to be a thriving regional center for education, business, and culture which attracts and serves our residents and visitors.

Mission

The mission of the City is to provide customer-focused public services and regional leadership that serve our residents and visitors while offering a safe, vibrant, and welcoming community.

The City Council reserves the right to convene into closed session on any agenda item or issue if applicable pursuant to authorization by the Texas Open Meetings Act (Title 5, Chapter 551 of the Texas Government Code), and will reconvene into open session before taking any final action, decision, or vote on a matter deliberated.

- I. CALL TO ORDER, ROLL CALL, ESTABLISHMENT OF QUORUM**
- II. INVOCATION AND PLEDGE LED BY COUNCIL MEMBER JEAN MATLOCK**
- III. SPECIAL PRESENTATION - ANNUAL COMPREHENSIVE FINANCIAL REPORT (ACFR)**

David Coleman, CPA with Forvis, will present the ACFR for the city's fiscal year ending September 30, 2021.

- IV. MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST**

Upcoming City Council Meetings:

Monday, March 27, 2023 at 6:00 p.m.
Monday, April 10, 2023 at 6:00 p.m.
Monday, April 24, 2023 at 6:00 p.m.

Parks & Recreation Activities:

March 17 th - 20 th	Cowart Sports Softball Tournament	Wallace Park
March 18 th - 19 th	NCS Baseball Tournament	Spring Lake Park
March 23 rd - 25 th	Huggins Memorial Baseball Tournament	Spring Lake Park

Additional Parks & Recreation information can be found on the city's website at [<http://www.texarkanatexas.gov>](http://www.texarkanatexas.gov)

- V. OPEN FORUM: COMMENTS FROM THE PUBLIC**

Per Council rules, comment time is limited to five minutes, or ten minutes if using a translator. Before comments are made, a speaker must complete an information sheet and give to the City Secretary. If your comment pertains to an agenda item with a scheduled public hearing or public comment, the Council requires that you make your comment at that time; you do not need to complete an information sheet.

- VI. APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**
- VII. ITEMS FOR CONSIDERATION**

Consent Items

1. Consider approval of the minutes of the Regular Meeting of the City Council held on February 27, 2023 at 6:00 PM.
2. Ordinance No. 2023-031 amending Chapter 105, "Buildings and Construction" of the Land Development Code, by moving and amending Section 130-10 ("High-rise signs") to Section 105-11.

Public Hearing:

Council Vote: March 13, 2023

3. Ordinance No. 2023-033 closing and abandoning a sixteen-foot (16') utility easement located on 4203 and 4205 North State Line Avenue, and located within Block 1 and Lots 1, 2, 3, 7, and 8 of Block 2 of North Park Addition.

Public Hearing:

Council Vote: March 13, 2023

Action Items

4. Resolution No. 2023-034 authorizing and directing the evaluation, negotiation, and preparation of proposed service or development agreements for voluntary annexation requests.

Public Hearing:

Council Vote: March 13, 2023

5. Ordinance No. 2023-035 granting a Specific Use Permit to allow the location of a double wide HUD code manufactured home on Lots 5 and 6, Block 2, Grandview Addition, located at 2809 Findley Street. Sandra Carroll, owner.

Public Hearing:

Council Vote: March 13, 2023

VIII. FIRST BRIEFINGS

1. Resolution No. 2023-032 authorizing the City Manager to execute a contract with Stanley Consultants for Qualified Environmental Professional Services for the 2022 EPA Brownfields Revolving Loan Fund Grant.

Public Hearing: March 27, 2023

Council Vote: March 27, 2023

IX. PUBLIC HEARINGS

1. Ordinance No. 2023-009 rezoning Lots 9 and 10, Block 180, Triggs Addition, located south of 1008 Cedar Street from Commercial to Single Family-3. Angela Forte, owner.

Public Hearing: March 13, 2023
Council Vote: March 13, 2023

2. Ordinance No. 2023-010 granting a Specific Use Permit to allow the location of a single wide HUD code manufactured home on Lots 9 and 10, Block 180, Triggs Addition, located south of 1008 Cedar Street. Angela Forte, owner.

Public Hearing: March 13, 2023
Council Vote: March 13, 2023

3. Ordinance No. 2023-026 amending Chapter 130, "Streets and Sidewalks" of the Land Development Code and amending the Master Fee List for Chapter 130 License and Permit Fees.

Public Hearing: March 13, 2023
Council Vote: March 13, 2023

X. CITY MANAGER'S REPORT**XI. ADMINISTRATIVE COMMENTS**

1. City Council
2. City Staff

XII. ADJOURNMENT

Jennifer Evans
City Secretary

This open meeting of a governmental entity is subject to the Texas Open Meetings Act (Chapter 551, Government Code). The “Council Chambers” is the room or property where the City Council will hold this meeting.

Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.

Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

Pursuant to Section 46.03, Penal Code (places weapons prohibited), subsection (a)(14), a person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, location-restricted knife, club, or prohibited weapon [listed in Penal Code Section 46.05(a)] in the room or rooms where a meeting of a governmental entity is held, if the meeting is an open meeting subject to Chapter 551, Government Code, and if the entity provided notice as required by that chapter.

This facility is wheelchair accessible and handicap parking is available. If you plan to attend this public meeting and you have a disability that requires special arrangements or accommodations, please call 903-798-3900 or (TTY) 1-800-RELAY TX (1-800-735-2989) at least 48 hours in advance.



CITY OF TEXARKANA

CITY COUNCIL

MINUTES • FEBRUARY 27, 2023

Council Chambers

Regular Meeting

6:00 PM

220 TEXAS BLVD., TEXARKANA, TX 75501

I. CALL TO ORDER, ROLL CALL, ESTABLISHMENT OF QUORUM

Member Name	Title	Status	Arrived
McGee	Mayor	Present	
Matlock	Ward 1	Present	
Cart	Ward 2	Present	
Williams	Ward 3	Present	
Page	Ward 4	Present	
White	Ward 5	Present	
is	Ward 6	Present	

Staff Present: City Manager David Orr, Jennifer Evans, Jonathan Wade, Kristin Peebles, Sherry Jackson Hawkins, J.W. Bramlett, Brooke Stone, Karey Parker, Vashil Fernandez, Gary Smith, Chris Black, Chiquita Burks, Lisa Thompson, and Daphnea Ryan.

Legal Counsel: Jeff Lewis.

II. INVOCATION AND PLEDGE LED BY COUNCIL MEMBER BETTY WILLIAMS

III. MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST

Upcoming City Council Meetings:

Monday, March 13, 2023 at 6:00 p.m.

Monday, March 27, 2023 at 6:00 p.m.

Keep Texarkana Beautiful:

The 9th annual Arbor Day tree giveaway will begin at 9:00 a.m., Saturday, March 4th at Spring Lake Park across from the splash pad. While supplies last, volunteers will bring the seedlings to each vehicle as this event will be a drive-thru only.

Parks & Recreation Activities - Save the Date:

March 7th NFC Outdoor Fitness Court Ribbon Cutting Spring Lake Park

The ribbon cutting will be held at 2:00 p.m., near the pond, at the south end of the park.

Minutes Acceptance: Minutes of Feb 27, 2023 6:00 PM (Consent Items)

Additional Parks & Recreation information can be found on the city's website at <http://www.texarkanatexas.gov>

Partnership for the Pathways hosted this year's **Run the Line** event on Sunday, February 19th. It was well supported with over 630 people in attendance representing 20 states.

Mayor Bruggeman thanked Parks, Recreation and Public Works staff for ensuring the safety of participants at various intersections.

IV. OPEN FORUM: COMMENTS FROM THE PUBLIC

Per Council rules, comment time is limited to five minutes, or ten minutes if using a translator. Before comments are made, a speaker must complete an information sheet and give to the City Secretary. If your comment pertains to an agenda item with a scheduled public hearing or public comment, the Council requires that you make your comment at that time; you do not need to complete an information sheet.

Mary Bruce asked for an update on the paving of Capp Street around to Findley Street. She said this was discussed several years ago and the area is growing and congested.

Council Member Matlock said she remembers this street project was put in the budget. City Manager Orr confirmed it is on the project list and he will check to see where it falls in line with other projects.

V. APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

The Council made no appointments to any board, commission, or committee.

VI. ITEMS FOR CONSIDERATION

Consent Items

(6:15 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Betty Williams, Ward 3
SECONDER:	Mary Hart, Ward 2
AYES:	Matlock, Hart, Williams, Page, White, Davis
EXCUSED:	Bruggeman

1. Consider approval of the minutes of the Regular Meeting of the City Council held on February 13, 2023 at 6:00 PM.
2. Resolution No. 2023-024 authorizing the City Manager to execute a contract with Stan Excavating of Texarkana, Texas, with funds not to exceed budgeted funds in the fiscal year 2023 Major Street Maintenance Fund (Fund 120) and 2022 Bond Fund (Fund 425), for concrete replacement services used for city streets for the purpose of making roadway repairs and improvements.

Public Hearing:

Council Vote: February 27, 2023

3. Resolution No. 2023-025 authorizing the City Manager to execute a contract with Stan Excavating of Texarkana, Texas, for the City's street reconstruction services for asphalt streets, with funds not to exceed budgeted funds in the fiscal year 2023 Major Street Maintenance Fund (Fund 120) and 2022 Bond Fund (Fund 425), to reconstruct city streets.

Public Hearing:

Council Vote: February 27, 2023

4. Resolution No. 2023-027 authorizing the City Manager to execute a contract with Plummer Associates, Inc. of Fort Worth, Texas, for the development of a hydraulic analysis of the water distribution system and a water distribution system master plan, in an amount not to exceed \$301,458.00, with the Texas portion not to exceed \$188,592.12. Funds are available in the Utility's 2022-2023 budget in the Texas Capital Improvement Fund.

Public Hearing:

Council Vote: February 27, 2023

5. Resolution No. 2023-028 authorizing the City Manager to execute a contract with Springbrook Software of Portland, Oregon, for the purchase of financial software in the amount of \$150,357.50, with the Texas portion not to exceed \$94,063.65. Funds are available in the Utility's 2022-2023 budget in the Texas Technology Fund.

Public Hearing:

Council Vote: February 27, 2023

6. Resolution No. 2023-029 authorizing the City Manager to execute a contract with the HGAC Buy Board to purchase one M2-106 Conventional Cab in a total amount not to exceed \$145,995.05, with the Texas portion not to exceed \$91,334.50. Funds are available in the Utility's 2022-2023 budget in the Equipment Acquisition Fund.

Public Hearing:

Council Vote: February 27, 2023

Action Items

7. Ordinance No. 2023-016 amending the budget for a One Million Dollar EPA Revolving Loan Fund Grant and establishing Fund 245.

Public Hearing:

Council Vote: February 27, 2023

Camisha Scott, EPA Region 6 Project Officer, commended the city for receiving a One Million Dollar EPA Revolving Loan Fund grant. Receiving this highly competitive grant allowed the city to reach a milestone. Meeting EPA's spending and threshold requirements, now permit the city to apply for future funding without any competition during a fifteen-year period.

She said it's been a pleasure working with city staff for the last decade. She especially thanked City Manager Orr and Daphnea Ryan, who made her job much easier.

Council and staff took a photo with Ms. Scott presenting the "check" to the city.
(6:23 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jean H. Matlock, Ward 1
SECONDER:	Mary Hart, Ward 2
AYES:	Matlock, Hart, Williams, Page, White, Davis
EXCUSED:	Bruggeman

VII. FIRST BRIEFINGS

1. Ordinance No. 2023-026 amending Chapter 130, "Streets and Sidewalks" of the Land Development Code and amending the Master Fee List for Chapter 130 License and Permit Fees.

Public Hearing: March 13, 2023

Council Vote: March 13, 2023

Jonathan Wade briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 3/13/2023 6:00 PM
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VIII. PUBLIC HEARINGS

1. Resolution No. 2023-020 adopting legislative priorities for the City of Texarkana.

Public Hearing: February 27, 2023

Council Vote: February 27, 2023

There were no public comments made at this hearing.

(6:30 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christie Page, Ward 4
SECONDER:	Jay Davis, Ward 6
AYES:	Matlock, Hart, Williams, Page, White, Davis
EXCUSED:	Bruggeman

- Resolution No. 2023-021 authorizing a written services agreement for provision of city services to RaceTrac, Inc., site [US 59 & S. Kings Hwy] in the event the City Council adopts an ordinance for full-purpose annexation of the tract.

Public Hearing: February 27, 2023
 Council Vote: February 27, 2023

There were no public comments made at this hearing. Mayor Bruggeman thanked Scott Griffin, engineer for Race Trac Inc., for joining the council meeting.

(6:31 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Hart, Ward 2
SECONDER:	Betty Williams, Ward 3
AYES:	Matlock, Hart, Williams, Page, White, Davis
EXCUSED:	Bruggeman

IX. CITY MANAGER'S REPORT

FY 2021 & FY 2022 Audit Updates

The FY 2021 audit is now in final review with Forvis, LLC. Staff anticipates it will be presented at the March 13th council meeting. This audit is the last step to complete the post cyber-attack recovery efforts of the city's financial system.

Staff is currently working to finalize all FY 2022 audit workpapers now and has tentatively scheduled Forvis, LLC to be on site the week of March 13th to begin the FY 2022 audit fieldwork. The goal is to have the FY 2022 audit complete in May 2023.

X. ADMINISTRATIVE COMMENTS

- City Council

Council had no administrative comments for staff.

- City Staff

Staff had no administrative comments for council.

XI. CLOSED SESSION

The City Council convened into closed session pursuant to Texas Government Code Section 551.071 (Consultation with the City Attorney) and Section 551.074 (Personnel Matters).

XII. RECONVENED INTO OPEN SESSION

XIII. ADJOURNMENT

A motion was made to adjourn the meeting.
(7:33 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Betty Williams, Ward 3
SECONDER:	Jay Davis, Ward 6
AYES:	Matlock, Hart, Williams, Page, White, Davis
EXCUSED:	Bruggeman

City of Texarkana, Texas

Version: A

Update Date: 3/9/2023 3:25 PM

Briefing Sheet

Lead Department: Public Works Department **Action Officer:** Dusty Henslee,
Ordinance No. 2023-031 amending Chapter 105, "Buildings and Construction"
of the Land Development Code, by moving and amending Section 130-10
Subject: ("High-rise signs") to Section 105-11.

Briefing: 3/13/2023 **Public Hearing:** **Council Vote:** 3/13/2023

Item Schedule

Schedule 3: No briefing required (one week)

Updates/History of Briefing:

During the February 27, 2023, Council meeting, when briefing proposed Ord. No. 2023-026 (revising Chapter 130 of the Land Development Code), the relocation of Section 130-10 (High Rise Signs) was proposed to be relocated to another chapter of the Code, and with Council consent this proposed relocation is placed on the Consent Agenda.

Executive Summary and Background Information:

When updating Chapter 130 Streets and Sidewalks, the Public Works department determined that the regulatory authority assigned to the City Engineer for High-rise signs, Section 130-10, would be better placed with the Chief Building Official; and with one change, it was determined that this section of the Code would be better placed in the general provisions of Article I of Chapter 105.

Potential Options:

- Approve
- Not Approve

Fiscal Implications:

None

Staff Recommendation:

Staff Recommends Approval

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

City of Texarkana, Texas

Attachments

- a. 2023-031 Goals & Perspectives (DOCX)
- b. 2023-031 ORD Amend Ch 105 High Rise sign (DOCX)

Staff Coordination

Public Works Department	Completed	Dusty Henslee	Department Head Review	
		02/28/2023 2:58 PM		
Building Code Administration		Mashell Daniel	Review	Completed
	03/02/2023 11:06 AM			
City Attorney	Jeffery C. Lewis	Review	Completed	03/03/2023
				9:26 AM
Finance Department	Kristin Peebles	Finance Review	Completed	03/03/2023
				9:39 AM
City Manager	David Orr	City Manager Review	Completed	03/08/2023
				9:57 AM
City Council	Vicky Coopwood	Meeting	Pending	03/13/2023
				6:00 PM

Meeting History

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
Serve the Community	☒ Promote an Environmentally Sensitive & Livable Community ☒ Provide a Safe Community ☒ Deliver Quality Services ☒ Foster a Healthy Community
Run the Operations	☐ Enhance Community Preparedness & Responsiveness ☐ Maximize Partnership Opportunities ☐ Provide Courteous & Responsive Customer Service ☒ Model a Positive City Image ☒ Deliver Efficient Services ☒ Cultivate Community Involvement & Access
Manage the Resources	☒ Maintain Fiscal Strength ☒ Maximize Utilization & Resources ☒ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: Low

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

☐	Newspaper Notice (Required by Statute)	☐	Public Hearing (Required by Statute)
☒	Public Forum/Input Session	☐	Press Release
☐	E-News Distribution	☐	Website Notice
☐	Social Media (Twitter, Facebook, etc.)	☐	Special Mailing
☐	Flyers Posted	☐	Banners Posted
☐	Survey	☐	Automated Phone Call
☐	None Required	☐	

Other:

ORDINANCE NO. 2023-031

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING CHAPTER 105 (“BUILDINGS AND CONSTRUCTION”), ARTICLE I, OF THE LAND DEVELOPMENT CODE, BY MOVING AND AMENDING SECTION 130-10 (“HIGH-RISE SIGNS”) TO SECTION 105-11; CONTAINING REPEALER AND SEVERABILITY CLAUSES; CONTAINING LEGISLATIVE FINDINGS; AND ESTABLISHING AN EFFECTIVE DATE.

Recitals

WHEREAS, the Public Works department recommends, in conjunction with revisions to Chapter 130 (“Streets and Sidewalks”) of the Land Development Code, to relocate and revise Section 130-10, regulating “High-rise signs”, to the general provisions of Chapter 105 (“Buildings and Construction”), Article I, placing regulatory authority under the Chief Building Official in place of the City Engineer, and renumbering the remaining reserved sections of that article; and

WHEREAS, the City Council finds and determines that these revisions to the Land Development Code as proposed by the Public Works department and as set forth in this ordinance are reasonable and in the best interests of the City.

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

SECTION 1: Chapter 105, Article I, of the Land Development Code of the City of Texarkana, Texas, shall be amended by moving and amending Section 130-10 (“High-rise signs”) to Chapter 105, Section 105-11, and renumbering remaining reserved sections under said article, as set out below:

Sec. 105-11. High-rise signs.

- (a) High-rise signs, as defined herein, are signs of any kind which exceed 30 feet in height as measured from the ground level to the topmost part of the structure, and shall include, signs attached to or placed on buildings or structures not specifically built for supporting such signs. High-rise signs are also defined as any sign of sufficient height and proximity to existing electrical power lines that they could fall or be blown down upon any electrical line of more than 300 volts to ground.
- (b) Before any permit is issued for such sign, a construction plan shall be submitted to the Chief Building Official by the applicant for the permit. The specifications and design of such sign must bear the seal and signature of a registered professional engineer in the state certifying that the design and specifications meet or exceed the minimum requirements as set forth in the building code which has been adopted by reference by the city in this Code. Failure to furnish such certification upon request shall constitute grounds for refusal of the permit.

- (c) No guys on any type structure that extend over any electrical power line 300 volts to ground shall be permitted.

Secs. 105-12—105-35. - Reserved.

SECTION 2: All ordinances or parts of ordinances and resolutions or parts of resolutions in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 3: In case a section, clause, sentence or part of this Ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this Ordinance.

SECTION 4: The Recitals set out in this Ordinance are true and correct and are incorporated herein and made a part hereof as legislative findings of the City Council for all purposes.

SECTION 5: This Ordinance shall be in full force and effect ten (10) days after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **13th day of March, 2023.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

City of Texarkana, Texas

Briefing Sheet

Version: A
Update Date: 3/7/2023 4:24 PM

Lead Department: Public Works Department **Action Officer:** Jonathan Wade,
Ordinance No. 2023-033 closing and abandoning a sixteen-foot (16') utility
Subject: easement located on 4203 and 4205 North State Line Avenue, and located
within Block 1 and Lots 1, 2, 3, 7, and 8 of Block 2 of North Park Addition.

Briefing: 3/13/2023 **Public Hearing:** **Council Vote:** 3/13/2023

Item Schedule

Schedule 3: No briefing required (one week)

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

The City received a request from Mr. Todd Butler for the abandonment of a 16' Utility Easement located inside 4205 and 4203 North State Line Avenue. This section is in the North Park Addition and encompasses Block 1 and Lots 1, 2, 3, 7, and 8 of Block 2.

This easement was originally produced as the result of an alleyway abandonment, attached in the packet. The purpose of this utility easement abandonment is to relocate the easement area for future development.

The City sent out a memorandum to City Departments and Utility Representatives. The City has no plans to ever use this easement for future purposes. Comments have been given by Utility Representatives in relation to the easement relocation but no comments with the original easement abandonment. Attached in the packet is the memorandum and responses.

Potential Options:

- Approve closure and abandonment
- Not approve closure and abandonment

Fiscal Implications:

No fiscal implications

Staff Recommendation:

Staff recommends approval of the utility easement abandonment

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

City of Texarkana, Texas

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2023-033 ATTH 01 Memo To City Staff and Utility Companies (PDF)
- b. 2023-033 ATTH 02 Staff and Utility Comments and Approvals (PDF)
- c. 2023-033 ATTH 03 Original Alleyway Abandonment (PDF)
- d. 2023-033 ATTH 04 4203-4305 State Line Ave Comments (PDF)
- e. 2023-033 EXH 'A' - Property Description (PDF)
- f. 2023-033 ORD Easement Abandonment for 4203-4305 State Line Ave (DOCX)
- g. 2023-033 Goals and Perspectives (DOCX)

Staff Coordination

Public Works Department	Jonathan Wade	Review	Completed
03/03/2023 1:43 PM			
Public Works Department	Dusty Henslee	Department Head Review	
Completed	03/03/2023 2:55 PM		
City Attorney	Jeffery C. Lewis	Review	Completed 03/03/2023
3:00 PM			
Fire Department	Vicky Coopwood	Review	Skipped 03/09/2023
11:58 AM			
Police	Jennifer Evans	Review	Skipped 03/10/2023
12:12 PM			
City Manager	Jennifer Evans	City Manager Review	Completed 03/10/2023
12:12 PM			
City Council	Vicky Coopwood	Meeting	Pending 03/13/2023
6:00 PM			

Meeting History



CITY OF
TEXARKANA
Public Works Department TEXAS

220 Texas Blvd
Texarkana, TX 75501
Phone (903) 798-3900

February 1st, 2023

City Departments and Utility Representatives

Re: Proposed Easement Abandonment

The City of Texarkana, Texas has received a letter from Todd Butler requesting the abandonment and relocation of an approximately 16' utility easement located in Block 1 of North Park.

Please refer to the attachments and provide any comments to me by February 15th, 2023 if you are in favor of abandonment and relocation.

Your prompt response is appreciated. If you have any questions, please contact me at my office or through email.

Sincerely,

Jonathan Wade, PE, CFM

City Engineer

Office: (903) 798-3251

Cell: (903) 908-2725

Jonathan.wade@txkusa.org



3214 N.W. Avignon Way, Suite 4 ♦ Bentonville, AR 72712
479-464-8850 telephone ♦ 479-464-9040 fax

January 24, 2023
Sent Via Email

Att: City Council Members
City of Texarkana, TX
220 Texas Blvd
Texarkana, TX 75501

Re: Tidal Wave Auto Spa
4203 & 4305 State Line Ave-Texarkana, TX
Utility Easement Abandonment

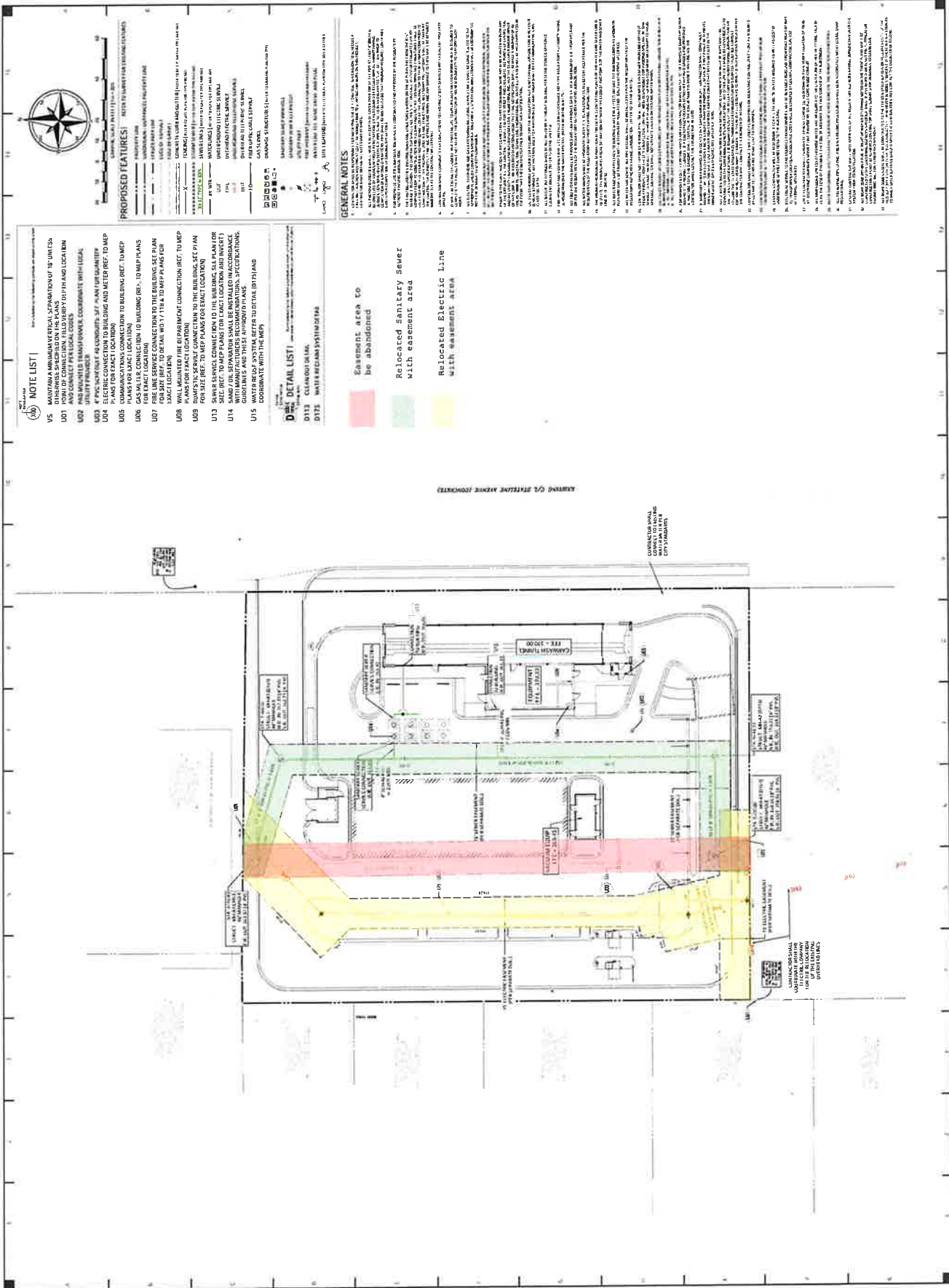
Council Members,

We are proposing a new carwash (Tidal Wave Auto Spa) to be located at 4203 & 4305 State Line Ave-Texarkana, TX. To develop the site, we will need to abandon an existing utility easement and relocate the easement as shown on the attached document. This will require the relocation of the sanitary sewer main, electrical line and telecommunication lines to the new easement areas.

Thank you for your consideration,

Ozark Civil Engineering, Inc.

Todd A. Butler, PE
President





CITY OF TEXARKANA TEXAS

P.O. Box 1967
Texarkana, TX 75504
Phone (903) 798-3900

Application for Easement Abandonment

Type:

☒ Utility ☐ Drainage ☐ Other

Purpose of Abandonment: Relocation for Tidal Wave Auto Spa development

Applicant/Agent Information:

Name: John Lapointe

Address: 124 E. Thompson Street

Phone: (813) 690-3759 Fax: () Work E-mail: jlapointe@brightworkre.com

Required Documents needed to proceed with review:

- ☐ Letter requesting abandonment
- ☐ Electronic Copy of plat/deed/plot plan showing requested abandonment
- ☐ Letter/Petition from all adjacent property owners agreeing to abandonment

Required Documents needed prior to City Council Approval:

- ☐ Abandonment release form signed by owner/applicant
- ☐ Abandonment release form signed by adjacent land owners
- ☐ Legal Exhibit and Property Description of property being abandoned
- ☐ Application Fee

Note: Partial abandonment requests will not be accepted.

John Lapointe

Applicant's Printed Name

DocuSigned by:

John Lapointe

A3079AE3/76141C...

Applicant's Signature

1/23/2023

Date

Application Fee: \$750

Received by: _____

Application Fee Paid: _____

Receipt No.: _____

Attachment: 2023-033 ATTH 01 Memo To City Staff and Utility Companies (3952 : 2023-033 ORD Closing and Abandoning 16' Utility Easement

TEX-Wade, Jonathan

From: Zac Pinalto <zspialto@aep.com>
Sent: Wednesday, February 1, 2023 3:04 PM
To: TEX-Wade, Jonathan; Dusty Wiley
Subject: RE: Proposed North Park Utility Easement Abandonment

CAUTION: This email originated from outside our email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jonathan,

The proposed new SWEPCO easement was shown correctly on the document provide by Mr. Butler, the new easement has not been recorded. The purpose of the abandonment is to build a Tidal Wave Auto Spa between Slim Chickens and Zips.

Let me know if you need anything else.

Zac



ZAC PIANALTO | ENGINEER
ZSPIALTO@AEP.COM | C:903.826.5027
 3708 W 7TH ST, TEXARKANA, TX 75501-6324

From: TEX-Wade, Jonathan <Jonathan.Wade@txkusa.org>
Sent: Wednesday, February 1, 2023 2:56 PM
To: michael.a.latham@windstream.com; chris.jackson@windstream.com; joe.langley@sparklight.biz; Dusty Wiley <dwwiley@aep.com>; Zac Pinalto <zspialto@aep.com>; 'diane.engelkes@centerpointenergy.com' <diane.engelkes@centerpointenergy.com>; 'Brooks, Brandon D' <Brandon.Brooks@centerpointenergy.com>; 'Ronnie.Watkins@centerpointenergy.com' <Ronnie.Watkins@centerpointenergy.com>; 'rick.syphers@cableone.biz' <rick.syphers@cableone.biz>; 'mpollard@swrea.com' <mpollard@swrea.com>; 'gregr@bcec.com' <gregr@bcec.com>; 'todc@bcec.com' <todc@bcec.com>; 'rexa@bcec.com' <rexa@bcec.com>; TWU-Smith, Gary <gsmith@txkusa.org>; TWU-Smith, Gary <gsmith@txkusa.org>; TTPD-Schutte, Kevin <Schutte@txkusa.org>; TTFD-Black, Chris <cblack@txkusa.org>; 'Jeff Tollett (jtollett@swrea.com)' <jtollett@swrea.com>; 'David Plunk' <dplunk@swrea.com>; 'Miller, William Jarrod' <WJMiller@wm.com>
Subject: [EXTERNAL] Proposed North Park Utility Easement Abandonment

This is an **EXTERNAL** email. **STOP. THINK** before you **CLICK** links or **OPEN** attachments. If suspicious, please click the '**Report to Incidents**' button. No button, forward to incidents@aep.com.

All,

The City has received a request to abandon and relocate a portion of utility easement in block 1 of the North Park subdivision, located across 4203 and 4305 State Line Avenue. Please review the attached documents and provide me with your comments. If you have any questions, feel free to contact me at any time.

Thank you,

Jonathan Wade, PE, CFM
 City Engineer

TEX-Wade, Jonathan

From: Tod Corbin <todc@bcec.com>
Sent: Wednesday, February 1, 2023 3:43 PM
To: TEX-Wade, Jonathan
Subject: RE: Proposed North Park Utility Easement Abandonment

CAUTION: This email originated from outside our email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Wade,
 Bowie-Cass Electric Cooperative has no comment on the proposed utility easement abandonment.
 Tod Corbin
 Bowie-Cass Electric Cooperative, Inc.

From: TEX-Wade, Jonathan [mailto:Jonathan.Wade@txkusa.org]
Sent: Wednesday, February 01, 2023 2:56 PM
To: michael.a.latham@windstream.com; chris.jackson@windstream.com; joe.langley@sparklight.biz; 'Dusty Wiley'; 'Zac Pianalto'; 'diane.engelkes@centerpointenergy.com'; 'Brooks, Brandon D'; 'Ronnie.Watkins@centerpointenergy.com'; 'rick.syphers@cableone.biz'; 'mpollard@swrea.com'; Greg D. Russell; Tod Corbin; 'rexa@bcec.com'; TWU-Smith, Gary; TWU-Smith, Gary; TTPD-Schutte, Kevin; TTFD-Black, Chris; 'Jeff Tollett (jtollett@swrea.com)'; 'David Plunk'; 'Miller, William Jarrod'
Subject: Proposed North Park Utility Easement Abandonment

All,

The City has received a request to abandon and relocate a portion of utility easement in block 1 of the North Park subdivision, located across 4203 and 4305 State Line Avenue. Please review the attached documents and provide me with your comments. If you have any questions, feel free to contact me at any time.

Thank you,

Jonathan Wade, PE, CFM
 City Engineer
 City of Texarkana, Texas
 Office: (903) 798-3251
 Cell: (903) 908-2725
 Email: Jonathan.Wade@txkusa.org

TEX-Wade, Jonathan

From: Langley, Joe <Joe.Langley@cableone.biz>
Sent: Thursday, February 16, 2023 9:36 AM
To: TEX-Wade, Jonathan
Subject: RE: Proposed North Park Utility Easement Abandonment

CAUTION: This email originated from outside our email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

OK, thanks. We will just plan to move our lines as well, over to the new pole line.

From: TEX-Wade, Jonathan <Jonathan.Wade@txkusa.org>
Sent: Thursday, February 16, 2023 9:12 AM
To: Langley, Joe <Joe.Langley@cableone.biz>
Subject: RE: Proposed North Park Utility Easement Abandonment

CAUTION: External source. **THINK BEFORE YOU CLICK!**

Joe,

Per the Utility Plan shown on the request letter, they will be relocating onto poles.

Thank you,

Jonathan Wade, PE, CFM
 City Engineer
 City of Texarkana, Texas
 Office: (903) 798-3251
 Cell: (903) 908-2725
 Email: Jonathan.Wade@txkusa.org

From: Langley, Joe <Joe.Langley@cableone.biz>
Sent: Thursday, February 2, 2023 10:39 AM
To: TEX-Wade, Jonathan <Jonathan.Wade@txkusa.org>
Subject: RE: Proposed North Park Utility Easement Abandonment

CAUTION: This email originated from outside our email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Will they be moving the electric poles in the existing easement? Also, will the electric be moved underground?

From: TEX-Wade, Jonathan <Jonathan.Wade@txkusa.org>
Sent: Wednesday, February 1, 2023 2:56 PM
To: michael.a.latham@windstream.com; chris.jackson@windstream.com; Langley, Joe <Joe.Langley@cableone.biz>; 'Dusty Wiley' <dwwiley@aep.com>; 'Zac Pinalto' <zspianalto@aep.com>; 'diane.engelkes@centerpointenergy.com' <diane.engelkes@centerpointenergy.com>; 'Brooks, Brandon D' <Brandon.Brooks@centerpointenergy.com>;

'Ronnie.Watkins@centerpointenergy.com' <Ronnie.Watkins@centerpointenergy.com>; 'rick.syphers@cablone.biz' <rick.syphers@cablone.biz>; 'mpollard@swrea.com' <mpollard@swrea.com>; 'greg@bcec.com' <greg@bcec.com>; 'todc@bcec.com' <todc@bcec.com>; 'rexa@bcec.com' <rexa@bcec.com>; TWU-Smith, Gary <gsmith@txkusa.org>; TWU-Smith, Gary <gsmith@txkusa.org>; TTPD-Schutte, Kevin <Schutte@txkusa.org>; TTFD-Black, Chris <cblack@txkusa.org>; 'Jeff Tollett' (<jtolllett@swrea.com>)' <jtolllett@swrea.com>; 'David Plunk' <dplunk@swrea.com>; 'Miller, William Jarrod' <WJMiller@wm.com>

Subject: Proposed North Park Utility Easement Abandonment

CAUTION: External source. **THINK BEFORE YOU CLICK!**

All,

The City has received a request to abandon and relocate a portion of utility easement in block 1 of the North Park subdivision, located across 4203 and 4305 State Line Avenue. Please review the attached documents and provide me with your comments. If you have any questions, feel free to contact me at any time.

Thank you,

Jonathan Wade, PE, CFM
City Engineer
City of Texarkana, Texas
Office: (903) 798-3251
Cell: (903) 908-2725
Email: Jonathan.Wade@txkusa.org

TEX-Wade, Jonathan

From: TWU-Smith, Gary
Sent: Thursday, February 2, 2023 8:19 AM
To: TEX-Wade, Jonathan
Cc: TWU-Akard, Teresa; TWU-Icenhower, Kenny; TWU-Moss, Bill; TWU-White, Pamela
Subject: FW: Proposed North Park Utility Easement Abandonment
Attachments: Memo-ROWAbandonment4203-4305StateLineAve.pdf; Letter requesting abandonment.pdf; Easement Abandonment North Park Sub.doc

Jonathan,

Attached is our review. Thanks

Gary Smith, P.E.
 Executive Director
 Texarkana Water Utilities
 (903) 798-3821

From: TEX-Wade, Jonathan <Jonathan.Wade@txkusa.org>
Sent: Wednesday, February 1, 2023 2:56 PM
To: michael.a.latham@windstream.com; chris.jackson@windstream.com; joe.langley@sparklight.biz; 'Dusty Wiley' <dwwiley@aep.com>; 'Zac Pianalto' <zspianalto@aep.com>; 'diane.engelkes@centerpointenergy.com' <diane.engelkes@centerpointenergy.com>; 'Brooks, Brandon D' <Brandon.Brooks@centerpointenergy.com>; 'Ronnie.Watkins@centerpointenergy.com' <Ronnie.Watkins@centerpointenergy.com>; 'rick.syphers@cableone.biz' <rick.syphers@cableone.biz>; 'mpollard@swrea.com' <mpollard@swrea.com>; 'gregr@bcec.com' <gregr@bcec.com>; 'todc@bcec.com' <todc@bcec.com>; 'rexa@bcec.com' <rexa@bcec.com>; TWU-Smith, Gary <gsmith@txkusa.org>; TWU-Smith, Gary <gsmith@txkusa.org>; TTPD-Schutte, Kevin <Schutte@txkusa.org>; TTFD-Black, Chris <cblack@txkusa.org>; 'Jeff Tollett (jtollett@swrea.com)' <jtollett@swrea.com>; 'David Plunk' <dplunk@swrea.com>; 'Miller, William Jarrod' <WJMiller@wm.com>
Subject: Proposed North Park Utility Easement Abandonment

All,

The City has received a request to abandon and relocate a portion of utility easement in block 1 of the North Park subdivision, located across 4203 and 4305 State Line Avenue. Please review the attached documents and provide me with your comments. If you have any questions, feel free to contact me at any time.

Thank you,

Jonathan Wade, PE, CFM
 City Engineer
 City of Texarkana, Texas
 Office: (903) 798-3251
 Cell: (903) 908-2725
 Email: Jonathan.Wade@txkusa.org

Attachment: 2023-033 ATTH 02 Staff and Utility Comments and Approvals (3952 : 2023-033 ORD Closing and Abandoning 16' Utility Easement



Texarkana Water Utilities

801 Wood Street, P.O. Box 2008, Texarkana, Texas 75504

(903) 798-3800 Phone
711 TTY
(903) 791-0724 Fax

MEMORANDUM

To: Jonathan Wade, P.E., CFM, City Engineer, City of Texarkana, Texas

From: Gary L. Smith, P.E., Executive Director, TWU

Date: February 2, 2023

Re: **Easement Abandonment – A Portion of the Utility Easement in Block 1 of the North Park Subdivision**

The Utility staff has reviewed the above referenced request for an easement abandonment and has the following comments:

1. There is an existing six-inch (6") sanitary sewer main in this easement.
2. The Utility does not object to the abandonment of this section of the utility easement provided the sewer is relocated and an easement is provided as shown on the attached drawing C6.0 dated January 1, 2023.
3. The size and location of the existing sewer main has not been field verified. The developer's representative shall field verify the size and location of the existing utilities before any construction.

If you should have any questions or require further information, please do not hesitate to contact me. Thank you.

cc: Kenny Icenhower, P.E., Assistant Executive Director, TWU
Bill Moss, GIS Technician, TWU
Teresa Akard, M & O Coordinator, TWU
Pam White, Administrative Coordinator, TWU

TEX-Wade, Jonathan

From: Jackson, Chris L <Chris.Jackson@windstream.com>
Sent: Wednesday, March 1, 2023 10:11 AM
To: TEX-Wade, Jonathan
Cc: TEX-Henslee, Dustin
Subject: RE: 4203 & 4305 N. State Line Ave; Texarkana, TX-Easement Abandonment/relocation for future Tidal Wave Auto Spa

CAUTION: This email originated from outside our email system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Windstream has aerial copper and fiber in that easement. We would need to relocate at customer's expense into the easement power will be using.

Thanks,

Chris Jackson

Kinetic by Windstream
 Engineer/OPT OSP Design Engineering
 507 Olive St.
 Texarkana, TX 75503
 Cell 903-748-3042
Chris.Jackson@windstream.com

Sensitivity: Internal

From: TEX-Wade, Jonathan <Jonathan.Wade@txkusa.org>
Sent: Wednesday, March 1, 2023 8:37 AM
To: Jackson, Chris L <Chris.Jackson@windstream.com>
Cc: TEX-Henslee, Dustin <dustin.henslee@txkusa.org>
Subject: FW: 4203 & 4305 N. State Line Ave; Texarkana, TX-Easement Abandonment/relocation for future Tidal Wave Auto Spa

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Jackson,

Just wanted to verify that there were no Windstream comments on the below project. If you need any additional information, please let me know.

Thank you,

Jonathan Wade, PE, CFM
 City Engineer



QUITCLAIM DEED

THE STATE OF TEXAS

§

COUNTY OF BOWIE

§

BOWIE COUNTY, TEXAS
Marylene Megason
County Clerk
On: Apr 14, 1998 at 04:46P

KNOW ALL MEN BY THESE PRESENTS:

That the City of Texarkana, Texas, a Municipal Corporation of the County of Bowie, State of Texas, by and through its City Manager, George T. Shackelford, by authority of Ordinance No. 73-98, passed and approved by City Council on March 23, 1998, for mutual consideration, the receipt of which is hereby acknowledged, have QUITCLAIMED, and by these presents to QUITCLAIM unto David M. Segal all of its right, title and interest in and to the following described real property situated in Bowie County, Texas, to-wit:

Field Notes: Describing a certain tract of land being a part of the North Park Addition in the City of Texarkana, Bowie County, Texas, by metes and bounds as follows:

BEGINNING at the southeast corner of Lot 6, Block 2 of North Park Addition in the City of Texarkana, Bowie County, Texas:

THENCE: North 250 feet along the east line of lots 6, 7 and 8 of said Block 2 of North Park Addition also along the west right-of-way of a 16 foot alley to a point for corner being the northeast corner of said Lot 8;

THENCE: S89° 51' E 16 feet to a point for corner being the northwest corner of Lot 1 of said Block 2 also being in the east right-of-way of a 16 foot alley;

THENCE: South 250 feet along the west line of Lots 1, 2, 3, 4 and 5 of said Block 2 also being along the east right-of-way of a 16 foot alley to a point for corner being the southwest corner of said Lot 5;

THENCE: N89° 51' W 16 feet to the POINT OF BEGINNING and containing 0.0918 acres (4000 square feet) of land, more or less.

SAVE AND EXCEPT: The City of Texarkana, Texas, retains a utility easement that encompasses the entire property described above.

Volm Page
4642 2827 102

2 c:\msoffice\winwood\deeds\73-98-qc

TO HAVE AND TO HOLD all of its right, title and interest in and to the above described property and premises unto the said grantee, its successors and assigns forever, so that neither it nor its successors, legal representatives or assigns shall have, claim or demand any right or title to the aforesaid property, premises or appurtenances or any part thereof.

EXECUTED this 13th day of April, A.D., 1998.

CITY OF TEXARKANA, TEXAS

BY: [Signature]
GEORGE T. SHACKELFORD
CITY MANAGER

ATTEST:

[Signature]
GERI HADDOCK, CITY SECRETARY

STATE OF TEXAS
COUNTY OF BOWIE

Before me, the undersigned authority, on this day personally appeared GEORGE T. SHACKELFORD, City Manager, of the City of Texarkana, Texas, a Municipal Corporation in Bowie County, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of said corporation.

Given under my hand and seal of office on this the 13th day of April, A.D., 1998.



[Signature]
Notary Public, Bowie County, Texas
My Commission Expires: 12-06-2000

Vol m Page
4642 2827 103

c:\msoffice\word\docs\73-98-qc

2

Unofficial Copy

BOWIE COUNTY, TEXAS
Marylene Megason
County Clerk
On: Apr 14, 1998 at 04:16P

464#

28127

Page 104

2/3.03

Dep. Com. Rec. Act

MARYLENE MEGASON, COUNTY CLERK, BOWIE COUNTY, TEXAS

BY: Pat Green DEPUTY



CITY OF
TEXARKANA
Public Works Department TEXAS

2023-033 ATTH 04

7.3.d

220 Texas Blvd
Texarkana, TX 75501
Phone (903) 798-3900

Date: March 3rd, 2023

To: File

From: Jonathan Wade, PE, CFM, City Engineer

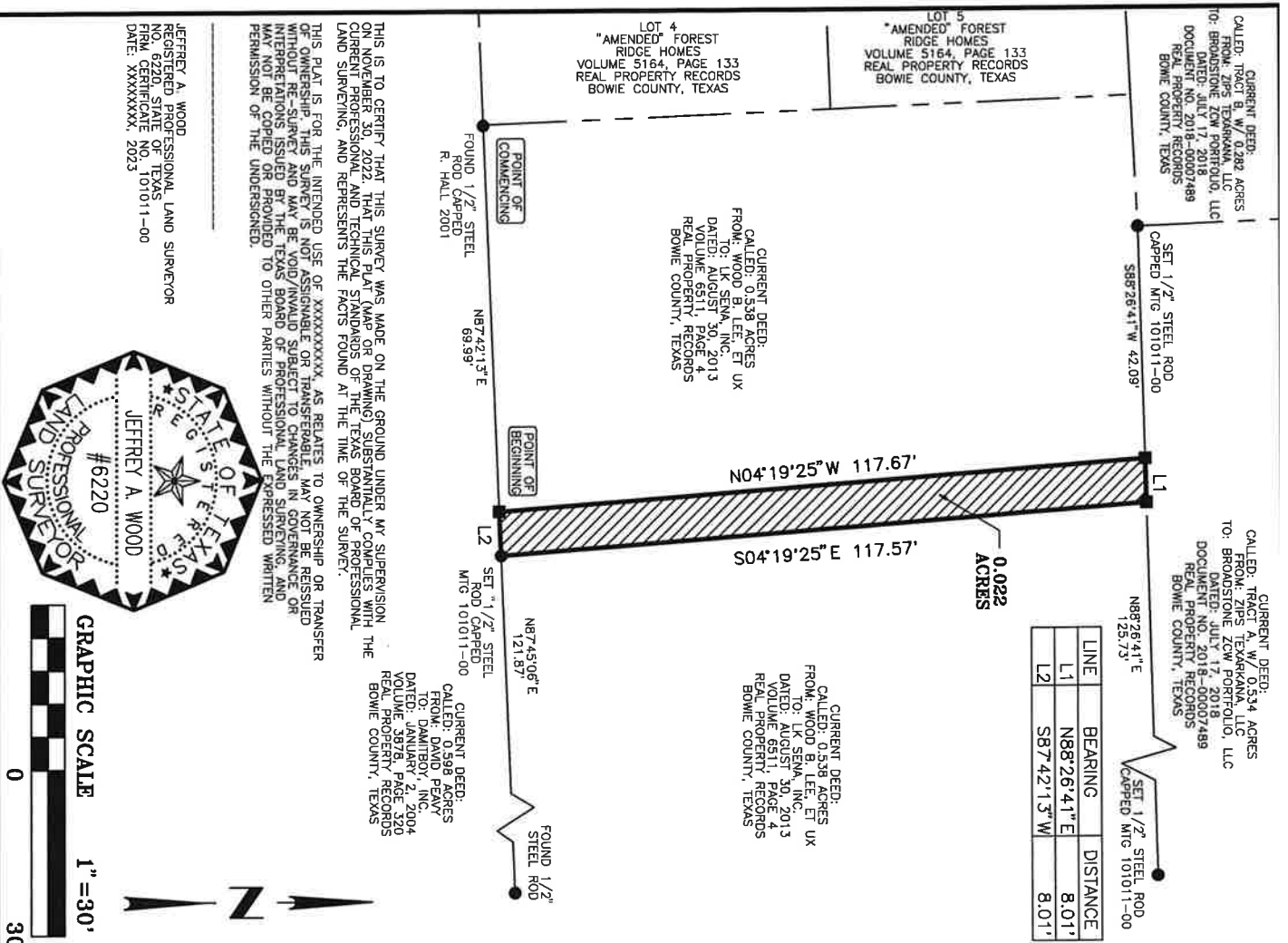
Re: Easement Abandonment and Relocation for 4203-4305 State Line Ave

Comments are as follows:

1. TWU – No objections, developer shall field verify size and location of existing utilities before construction.
2. Fire – No comments
3. Centerpoint – No comments
4. Police – No comments
5. Public Works – No issues
6. Windstream Communications – Relocate at customer's expense
7. Electric:
 - AEP/SWEPCO – No issues
 - REA – No comments
 - Bowie Cass – No Comments
8. Sparklight – Asks if electric poles will be moved from existing to new easement. Asks if electric will be above or below ground. Will move lines to new pole line

Staff recommends for the approval of the abandonment and relocation of the easement.





LINE	BEARING	DISTANCE
L1	N88°26'41"E	8.01'
L2	S87°42'13"W	8.01'

Property Description
0.022 Acres
Bowie County, Texas

All that certain lot, tract or parcel of land lying and situated in Section 3 of the M. E. P. & P. Railway Company Survey, Abstract 421, Bowie County, Texas, being a part of No. 204, Adjudged, according to the plat recorded in Volume 204, Page 298 of the Plat Records of Bowie County, Texas and a part of that certain tract of land described as described as 0.358 acres in the deed from Voland B. Lee et ux to Lk Seng NC., dated August 30, 2010 recorded in Volume 5511, Page 4 of the Real Property Records of Bowie County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCEMENT, a 1/2 inch steel rod for a corner, capped R. Hall 2001, the Southwest corner of said 0.538 acre tract, the Northwest corner of that certain tract of land, as described as 0.598 acres in the deed from David Peavy to Donmbly, Inc., dated January 2, 2004, recorded in Volume 3876, Page 320 of the Real Property Records of Bowie County, Texas, and lying in the East line of the Amended Forest Ridge Homes Subdivision, according to the plat recorded in Volume 5164, Page 133 of the Real Property Records of Bowie County, Texas.

THENCE North 87 degrees 42 minutes 13 seconds East a distance of 69.99 feet along the North line of the said 0.598 acre tract, and the South line of the said 0.536 acre tract to a point for a corner, the POINT OF BEGINNING of the herein described tract of land;

THENCE North 04 degrees 19 minutes 25 seconds West a distance of 117.67 feet across and through the said 0.538 acre tract to a point for corner, lying in the North line of that certain tract of land as described as Tract A, with 0.534 acres in the deed from Zips Taxfarm, LLC, to Broodstone ZCW Portfolio, LLC., dated July 17, 2018, recorded in Document No. 2018-00007489 of the Real Property Records of Bowie County, Texas, said point bears South 88 degrees 26 minutes 41 seconds West a distance 42.09 feet to a 1/2 inch steel rod, capped MFG 101011-00, set for the Southwest corner of said 0.534 acre tract, and the Southeast of that certain tract of land described as Tract B with 0.282 Acres in the deed from Zips Taxfarm, LLC., to Broodstone ZCW Portfolio, LLC., dated July 17, 2018, recorded in Document No. 2018-00007489 of the Real Property Records of Bowie County, Texas;

THENCE North 88 degrees 26 minutes 41 seconds East a distance of 8.01 feet along the North line of said 0.538 acre tract, and the South line of said 0.534 acre tract to a point for corner, said corner bears North 88 degrees 26 minutes 41 seconds East a 125.73 feet to a 1/2 inch steel rod, capped MTG 101011-00, set for a corner, the Northeast corner of the said 0.538, and the Southeast corner of the said 0.534 acre tract;

THENCE South 04 degrees 19 minutes 25 seconds East a distance of 117.57 feet across and along the said 0.538 acre tract to a 1/2 inch steel rod, capped M/G 101011-00, set for a corner, said corner bears North 87 degrees 45 minutes 06 seconds East a distance of 121.87 feet to a 1/2 inch steel rod found for a corner, the Northeast corner of the said 0.538 acre tract, the Southeast corner of the said 0.538 acre tract;

THENCE South 87 degrees 42 minutes 14 seconds West a distance of 7.99 feet along the South line of the said 0.538 acre tract, and the North 1/2 of the said 0.598 acre tract to the point of beginning and containing 0.022 acres of land, at the time of this survey, Being the same tract of land described in the easement from McMurine H. Walker to the City of Texarkana, Texas, dated August 31, 1912, recorded in Volume 550, Page 475 of the Deed Records of Bowie County, Texas.

EASEMENT EXHIBIT

4305 N. STATE LINE AVE.



5430 SUMMERHILL RD.
TEXARKANA TEXAS 75503
P 903.838.5533 | F 903.832.4700
www.mtgengineers.com

© MTG 2023 TBPE NO. 354

Sheet No. _____

Drawn By BLB	Checked By JW	Project No. 222336	Dwg. Date 0/00/2022
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EXHIBIT A

1 OF 1

CURRENT DEED:
CALLED: TRACT B, W/ 0.282 ACRES
FROM: BOWIE COUNTY, TEXAS
TO: BOWIE COUNTY, TEXAS
DATED: JULY 17, 2018
DOCUMENT NO. 2018-00007489
REAL PROPERTY RECORDS
BOWIE COUNTY, TEXAS

CURRENT DEED:
CALLED: TRACT A, W/ 0.534 ACRES
FROM: ZIPS TEXARKANA, LLC
TO: BOWIE COUNTY, TEXAS
DATED: JULY 17, 2018
DOCUMENT NO. 2018-00007489
REAL PROPERTY RECORDS
BOWIE COUNTY, TEXAS

CURRENT DEED:
CALLED: 0.538 ACRES
FROM: WOOD B. LEE, ET UX
TO: LK SENA, INC.
DATED: AUGUST 30, 2013
VOLUME 6511, PAGE 4
REAL PROPERTY RECORDS
BOWIE COUNTY, TEXAS

CURRENT DEED:
CALLED: 0.538 ACRES
FROM: WOOD B. LEE, ET UX
TO: LK SENA, INC.
DATED: AUGUST 30, 2013
VOLUME 6511, PAGE 4
REAL PROPERTY RECORDS
BOWIE COUNTY, TEXAS

POINT OF
BEGINNING
FOUND 1 1/2" STEEL
ROD CAPPED
R. HALL 2001

POINT OF
BEGINNING
FOUND 1 1/2" STEEL
ROD CAPPED
MTG 101011-00

CURRENT DEED:
CALLED: 0.598 ACRES
FROM: DAVID PEAVY
TO: DANNIBOY, INC.
DATED: JANUARY 2, 2004
VOLUME 3878, PAGE 320
REAL PROPERTY RECORDS
BOWIE COUNTY, TEXAS

THIS IS TO CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION
ON NOVEMBER 30, 2022. THAT THIS PLAT (MAP OR DRAWING) SUBSTANTIALLY COMPLETES WITH THE
CURRENT PROFESSIONAL AND TECHNICAL STANDARDS OF THE TEXAS BOARD OF PROFESSIONAL
LAND SURVEYING, AND REPRESENTS THE FACTS FOUND AT THE TIME OF THE SURVEY.

THIS PLAT IS FOR THE INTENDED USE OF XXXXXXXXXXXX, AS RELATES TO OWNERSHIP OR TRANSFER
OF OWNERSHIP. THIS SURVEY IS NOT ASSIGNABLE OR TRANSFERABLE. MAY NOT BE REISSUED
WITHOUT THE SURVEY AND MAY BE VOID/INVALID SUBJECT TO CHANGES IN GOVERNANCE OR
INTERPRETATIONS ISSUED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING, AND
MAY NOT BE COPIED OR PROVIDED TO OTHER PARTIES WITHOUT THE EXPRESSED WRITTEN
PERMISSION OF THE UNDERSIGNED.

JEFFREY A. WOOD
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 6220 STATE OF TEXAS
FIRM CERTIFICATE NO. 101011-00
DATE: XXXXXXXX, 2023



GRAPHIC SCALE 1" = 30'



Property Description
0.043 Acres
Bowie County, Texas

All that certain lot, tract or parcel of land lying and situated in
Section 3 of the M. E. & P. Railway Company Survey, Abstract 421,
Bowie County, Texas, being a part of North Park Addition, according to
the plat recorded in Volume 204, Page 298 of the Plat Records of Bowie
County, Texas, and a part of that certain tract of land described as
described as 0.538 acres in the deed from Wood B. Lee, Et UX to LK Sena,
INC., dated August 30, 2013, recorded in Volume 6511, Page 4 of the Real
Property Records of Bowie County, Texas, and being more particularly
described by metes and bounds as follows:

COMMENCING at a 1 1/2 inch steel rod found for a corner, capped R. Hall
2001, the Southwest corner of said 0.538 acre tract, the Northwest corner
of that certain tract of land as described as 0.598 acres in the deed from
David Peavy to Danniboy, Inc., dated January 2, 2004, recorded in Volume
3878, Page 320 of the Real Property Records of Bowie County, Texas, and
lying in the East line of "Amended" Forest Ridge Homes Subdivision,
according to the plat recorded in Volume 5164, Page 133 of the Real
Property Records of Bowie County, Texas;

THENCE North 87 degrees 42 minutes 13 seconds East a distance of 62.00
feet along the North line of the said 0.598 acre tract and the South line
of the said 0.538 acre tract to a point for a corner, the POINT OF
BEGINNING of the herein described tract of land;

THENCE North 03 degrees 05 minutes 35 seconds West a distance of 117.68 feet
across and through the said 0.538 acre tract to a point for a corner, lying in
the North line of that certain tract of land as described as Tract A with
0.534 acres in the deed from Zips Texarkana, LLC, to Broadstone ZCW
Portfolio, LLC., dated July 17, 2018, recorded in Document No. 2018-00007489
of the Real Property Records of Bowie County, Texas, said point bears South
88 degrees 26 minutes 43 seconds West a distance 36.56 feet to a 1 1/2 inch
steel rod, capped MTG 101011-00, set for the Southwest corner of said tract
A, and the Southeast of that certain tract of land described as Tract B with
0.282 Acres in the deed from Zips Texarkana, LLC., to Broadstone ZCW
Portfolio, LLC., dated July 17, 2018, recorded in Document No. 2018-00007489
of the Real Property Records of Bowie County, Texas;

THENCE North 88 degrees 26 minutes 41 seconds East a distance of 16.00 feet
along the North line of said 0.538 acre tract, and the South line of said
tract A to a point for corner, said corner bears North 88 degrees 26 minutes
40 seconds East a distance of 123.24 feet to a 1 1/2 inch steel rod, capped MTG 101011-00,
set for the Northeast corner of the said 0.538, and the Southeast corner of
the said Tract A;

THENCE South 03 degrees 05 minutes 35 seconds East a distance of 117.47 feet
across and through the said 0.538 acre tract to a 1 1/2 inch steel rod, capped
MTG 101011-00, set for a corner, said corner bears North 87 degrees 45
minutes 06 seconds East a distance of 121.87 feet to a 1 1/2 inch steel
rod found for a corner, the Northeast corner of the said 0.598 acre
tract, the Southeast corner of the said 0.538 acre tract;

THENCE South 87 42'13" West a distance of 16.00 feet along the South line of
the said 0.538 acre tract, and the North line of the said 0.598 acre tract to
the point of beginning and containing 0.043 acres of land, at the time of
this survey.

EASEMENT EXHIBIT

4305 N. STATE LINE AVE.

Date Revision/Description

Drawn By Checked By Project No. Dwg. Date

BLB JW 222336 0/00/2022

5420 SUMNERILL RD.
TEXARKANA TEXAS 75503
P 403.838.8533 | F 403.832.4700
www.mtgengineers.com



© MTG 2023 TPE NO. 354

EXHIBIT A 1 OF 1

ORDINANCE NO. 2023-033

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, CLOSING AND ABANDONING A SIXTEEN-FOOT (16') UTILITY EASEMENT LOCATED ON 4203 AND 4205 NORTH STATE LINE AVENUE, AND LOCATED WITHIN BLOCK 1 AND LOTS 1, 2, 3, 7, AND 8 OF BLOCK 2 OF NORTH PARK ADDITION, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; PROVIDING FOR A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been received requesting that the City close and abandon a sixteen-foot (16') utility easement located on 4203 and 4205 North State Line Avenue, and located within Block 1 and Lots 1, 2, 3, 7, and 8 of Block 2 of North Park Addition, in the City of Texarkana, Bowie County, Texas, as shown on the attached property description (**Exhibit 'A'**) and incorporated herein; and

WHEREAS, the City has notified all adjacent landowners, interested utilities, and city departments requesting their comments; and

WHEREAS, based on the responses from all notified parties, the City finds it to be in the best interest of the City to close and abandon the sixteen-foot (16') utility easement located on 4203 and 4205 North State Line Avenue, and located within Block 1 and Lots 1, 2, 3, 7, and 8 of Block 2 of North Park Addition as shown on the attached property description (**Exhibit 'A'**).

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

SECTION 1: The sixteen-foot (16') utility easement located on 4203 and 4205 North State Line Avenue, and located within Block 1 and Lots 1, 2, 3, 7, and 8 of Block 2 of North Park Addition in the City of Texarkana, Bowie County, Texas, (**Exhibit 'A'**) and described in the street abandonment request (**ATTH 01**), be and is hereby abandoned as a utility or easement thoroughfare of any kind or character.

SECTION 2: The above described property is hereby declared surplus and abandoned and the responsibility of the City to maintain said property is hereby terminated.

SECTION 3: In case a section, clause, sentence or part of this Ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5: This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **13th day of March, 2023.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
Serve the Community	☒ Promote an Environmentally Sensitive & Livable Community ☒ Provide a Safe Community ☒ Deliver Quality Services ☐ Foster a Healthy Community
Run the Operations	☐ Enhance Community Preparedness & Responsiveness ☒ Maximize Partnership Opportunities ☒ Provide Courteous & Responsive Customer Service ☐ Model a Positive City Image ☒ Deliver Efficient Services ☐ Cultivate Community Involvement & Access
Manage the Resources	☒ Maintain Fiscal Strength ☒ Maximize Utilization & Resources ☐ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: Low

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

☐ Newspaper Notice (Required by Statute)	☐ Public Hearing (Required by Statute)
☐ Public Forum/Input Session	☐ Press Release
☐ E-News Distribution	☐ Website Notice
☐ Social Media (Twitter, Facebook, etc.)	☐ Special Mailing
☐ Flyers Posted	☐ Banners Posted
☐ Survey	☐ Automated Phone Call
☒ None Required	☐

Other:

City of Texarkana, Texas

Version: A

Update Date: 3/10/2023 12:11 PM

Briefing Sheet

Lead Department: City Attorney **Action Officer:** Jeffery Lewis,
Resolution No. 2023-034 authorizing and directing the evaluation, negotiation,
Subject: and preparation of proposed service or development agreements for voluntary
annexation requests.

Briefing: 3/13/2023 **Public Hearing:** **Council Vote:** 3/13/2023

Item ScheduleSchedule 3: No briefing required (one week)**Updates/History of Briefing:**

Not applicable

Executive Summary and Background Information:

City staff has received six requests for voluntary annexation of property adjacent to the city limits that allow for future growth and economic development. The attached letter requests included in the packet represent a total land area of over 247 acres for the voluntary requests.

LOCATION	ACREAGE
3313 Pleasant Grove Road	31.074
Rose Acres	1.74
Cooper Lane	53.43
Resortments	150.94
RaceTrac	8.755
Clark Transportation	<u>1.35</u>
	247.789 TOTAL ACRES

City staff recommends that the City Council authorize and direct the City Manager to evaluate, negotiate, and prepare proposed service or development agreements and other related material necessary for City Council consideration of the various annexation requests.

Potential Options:

Approve, amend, or decline proposed resolution.

Fiscal Implications:

Fiscal implications will be addressed in agreements to be developed per this resolution and presented to Council at a later date for consideration.

Staff Recommendation:

City staff recommends approval.

Advisory Board/Committee Review:

City of Texarkana, Texas

None

Board/Committee Recommendation:

Not applicable

Advisory Board/Committee Meeting Date and Minutes:

Not applicable

Attachments

- a. 2023-034 RES eval vol annex rq (DOCX)
- b. 2023-034 ATTH 01 RQA - Resortments (DOCX)
- c. 2023-034 ATTH 02 RQA - FCNazarene (PDF)
- d. 2023-034 ATTH 03 RQA - HWY 59 owners(PDF)
- e. 2023-034 ATTH 04 RQA - Rose Acres (PDF)
- f. 2023-034 ATTH 05 RQA - Clark Transp (PDF)
- g. 2023-034 Goals & Perspectives (DOCX)

Staff Coordination

City Attorney	Jeffery C. Lewis	Department Head Review	Completed	
	03/07/2023 10:43 AM			
Planning & Zoning Commission		Laura Puckett	Review	Completed
	03/07/2023 11:03 AM			
Building Code Administration		Mashell Daniel	Review	Completed
	03/07/2023 2:48 PM			
Public Works Department		Dusty Henslee	Review	Completed
	03/07/2023 2:58 PM			
City Manager	David Orr	City Manager Review	Completed	03/10/2023
11:53 AM				
City Council	Vicky Coopwood	Meeting	Pending	03/13/2023
6:00 PM				

Meeting History

RESOLUTION NO. 2023 - 034

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING AND DIRECTING THE EVALUATION, NEGOTIATION, AND PREPARATION OF PROPOSED SERVICE OR DEVELOPMENT AGREEMENTS FOR VOLUNTARY ANNEXATION REQUESTS OF PROPERTIES INTO THE CITY LIMITS OF THE CITY OF TEXARKANA, TEXAS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Texas Local Government Code provides detailed notice and hearing procedures to consider the annexation of land adjacent to the city limits; and

WHEREAS, City staff has received several requests for voluntary annexation of real property adjacent to the city limits that inwardly fill the city limits, advance current economic development initiatives, or otherwise allow for future growth and economic development; and

WHEREAS, City staff recommends that the City Council authorize and direct the City Manager to evaluate, negotiate, and prepare proposed service or development agreements and other related material necessary for City Council consideration of the various requests for annexation.

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

SECTION 1: The City Manager is hereby authorized and directed to evaluate, negotiate, and prepare proposed service or development agreements and other related material necessary for City Council consideration of requests for voluntary annexation of real property adjacent to the city limits that inwardly fill the city limits or otherwise may allow for future growth and economic development.

SECTION 2: The City Manager or designee shall cause to be issued all publications and notices as required by law for proceedings and hearings as may be required to effectuate this Resolution.

SECTION 3: This Resolution shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **13th day of March, 2023.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR



Request for Voluntary Annexation

January 20, 2023

Dear City Council Members,

As the owner of the below referenced property, I would like the City of Texarkana to annex the water/sewer service from the Macedonia-Eylau into your jurisdiction at the earliest date possible.

The property is located along Bishop Road and Terry Street. This property is currently undeveloped, but plans are in process for residential, commercial, and industrial development on this 150.94 acres.

I have attached a copy of the survey for the property for further clarification of the requested area. The deed is currently in my name.

If you need any further information, please reach out to myself, Russell Huckaby, at 501-840-7029 or my COO, Tracy Spellmeyer, at 501-251-3387.

Thank you,

Russell Huckaby
CEO
Resortment, LLC

REQUEST FOR VOLUNTARY ANNEXATION

David Orr, City Manager
City of Texarkana, Texas
220 Texas Boulevard
Texarkana, TX 75501

**RE: APPROXIMATELY 31.32 ACRES
3313 PLEASANT GROVE ROAD
TEXARKANA, TEXAS 75501**

Mr. Orr,

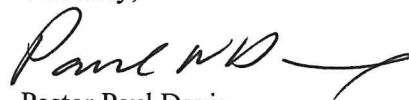
As the Pastor and representative of First Church of Nazarene Texarkana ("Owner"), I would like the City Council to consider our request for the Voluntary Annexation of the above-referenced property, located just north of the McKnight Road and University Avenue intersection.

The property was previously designated as a development for a new church, but as we have found a permanent worship place elsewhere, I believe the annexation of the property into the City of Texarkana would increase the viability of the property's development as commercial land.

The property is divided into separate taxable lots, with one acre zoned as Single Family and the remaining zoned as Agriculture. There will be a proposed zoning change for a portion of the property, approximately 8 acres in Phase I, to Multifamily. The tract is 31.32 acres total and it is contiguous to the city limits.

Any additional information may be obtained by contacting Skylar Rogers at Reynolds Realty Management Inc., at 903-832-3700 or by email, BlakeSkylarRogers@gmail.com.

Sincerely,



Pastor Paul Davis

OWNER CONSENT FOR FULL-PURPOSE ANNEXATION

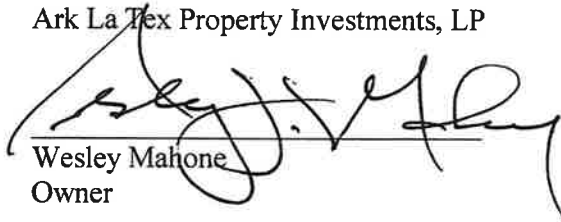
To: The City Manager of Texarkana, Texas

Being the owner of the properties described below (which are vacant properties) I am requesting annexation into the City of Texarkana, Texas. I will waive the requirement to be offered a development agreement pursuant to Section 43.016 of the Texas Local Government Code, and consent to full-purpose annexation to extend the present city limits so as to include as part of the City of Texarkana, Texas' The following is the described properties for consent to annexation:

Lots 1, 2, 3, 4 Block 2 Lake Drive Plaza Subdivision
Lots 2, 3, 4, 5 Block 1 Lake Drive Plaza Subdivision

I certify that the above described property is contiguous and adjacent to the City of Texarkana, Texas or within the areas described in the Strategic Partnership Agreement between Macedonia-Eylau Municipal Utility Distret No. 1 of Bowie County and the City of Texarkana, Texas, entered into in October 2022, and that this consent form is signed and acknowledged by each person having and interest in said property listed above.

Ark La Tex Property Investments, LP



Wesley Mahone
Owner

OWNER CONSENT FOR VOLUNTARY ANNEXATION

7.4.d

2023-034 ATTH 03

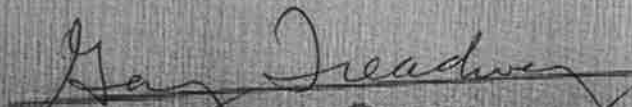
TO: The City Manager of Texarkana, Texas

Gary Treadway, being the owner of the vacant property described below, I am requesting annexation into the City of Texarkana, Texas. I agree to waive the requirement to be offered a development agreement pursuant to Section 43.016 of the Texas Local Government Code and consent to full-purpose annexation to extend the present city limits so as to include as part of the City of Texarkana, Texas.

The following is the described property for consent to annexation:

H S Janes A-306 2015-3028 03/23/15 Blk/Tract 135 containing 1.698 acres
Also known as: 4506 South Lake Drive

I certify that the above described property is contiguous and adjacent to the City of Texarkana, Texas or within the areas described in the Strategic Partnership Agreement between Macedonia-Eylau Municipal Utility District No. 1 of Bowie County and the City of Texarkana, Texas, entered into in October 2022 and that this consent form is signed and acknowledged by each person having an interest in said property listed above.


Gary Treadway, Owner

Owner Consent for Full-Purpose Annexation

To the City Manager of the City of Texarkana, Texas:

The undersigned owner(s) of the hereinafter described tract of land, which is vacant and without residents, or on which fewer than three qualified voters reside, or is commercial property, hereby waive the requirement to be offered a development agreement pursuant to Section 43.016 of the Texas Local Government Code, and consent to full-purpose annexation to extend the present city limits so as to include as part of the City of Texarkana, Texas, the following described land:

Red River Credit Union

4400 S Lake Drive

Texarkana, TX 75501

I / we certify that the above described tract of land is contiguous and adjacent to the City of Texarkana, Texas, or otherwise within the areas described in the Strategic Partnership Agreement between Macedonia-Eylau Municipal Utility District No. 1 of Bowie County and the City of Texarkana, Texas, entered into in October 2022, and that this consent form is signed and duly acknowledged by each and every person having an interest in said land.

Signed: Brenden J. Bailey Date: 1/26/2023

Signed: _____ Date: _____

Signed: _____ Date: _____

DESIGN CENTER

Phone (903) 794-0039

Fax (903) 794-4124



Red River Lumber Company, Inc.

THE DESIGN CENTER**LUMBER SALES**

Phone (903) 793-0038

Fax (903) 793-0434

February 9, 2023

David Orr
City Manager
City of Texarkana, Texas

Re: Annexation of property on Rose Acres Road

Dear Mr. Orr:

Please accept this letter as our formal request to have our property on Rose Acres Road annexed into the City of Texarkana, Texas.

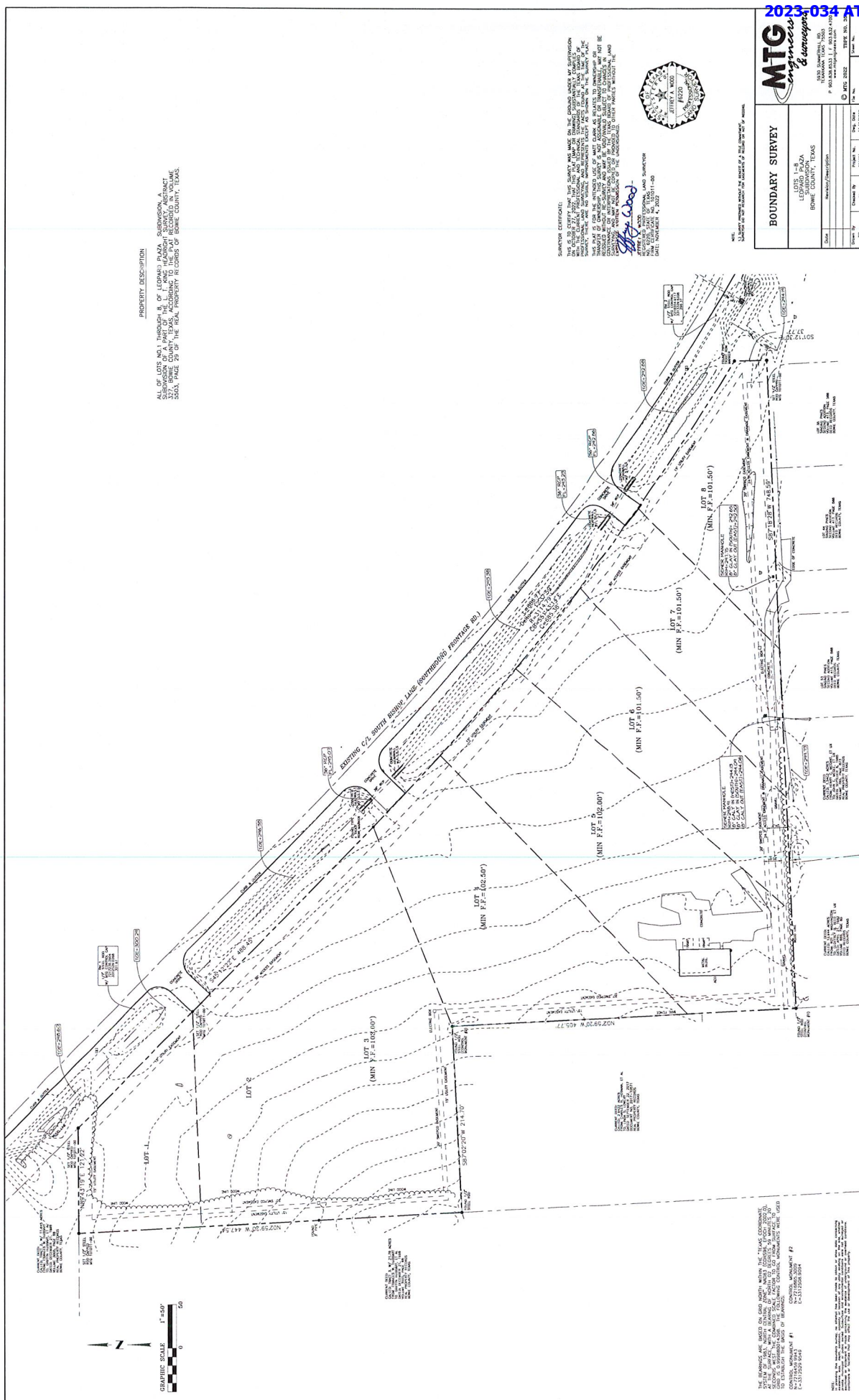
Let me know if you require further information.

Sincerely,

Mike Craven

P.O. Box 3128 • Texarkana, TX 75504-3128
Highway 71 North (101 Forest Lake Drive) • Texarkana, TX 75503
www.redriverlumber.com

Attachment: 2023-034 ATTH 04 RQA - Rose Acres (3953 : 2023-034 RES authorizing preparation of proposed agreements for



City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
Serve the Community	☒ Promote an Environmentally Sensitive & Livable Community ☒ Provide a Safe Community ☒ Deliver Quality Services ☒ Foster a Healthy Community
Run the Operations	☐ Enhance Community Preparedness & Responsiveness ☐ Maximize Partnership Opportunities ☐ Provide Courteous & Responsive Customer Service ☒ Model a Positive City Image ☒ Deliver Efficient Services ☐ Cultivate Community Involvement & Access
Manage the Resources	☐ Maintain Fiscal Strength ☒ Maximize Utilization & Resources ☐ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Perspectives and Goals Additional Comments:

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

Public Information Plan:

☐ Newspaper Notice (Required by Statute)	☐ Public Hearing (Required by Statute)
☐ Public Forum/Input Session	☐ Press Release
☐ E-News Distribution	☐ Website Notice
☐ Social Media (Twitter, Facebook, etc.)	☐ Special Mailing
☐ Flyers Posted	☐ Banners Posted
☐ Survey	☐ Automated Phone Call
☒ None Required	☐

Other:

City of Texarkana, Texas

Briefing Sheet

Version: A

Update Date: 3/8/2023 11:30 AM

Lead Department:	<u>Planning & Zoning Commission</u>	Action Officer:	<u>Laura Puckett, Administrative Coordinator</u>
Subject:	<u>Ordinance No. 2023-035 granting a Specific Use Permit to allow the location of a double wide HUD code manufactured home on Lots 5 and 6, Block 2, Grandview Addition, located at 2809 Findley Street. Sandra Carroll, owner.</u>		
Briefing:	<u>3/13/2023</u>	Public Hearing:	Council Vote: <u>3/13/2023</u>

Item Schedule

Schedule 3: No briefing required (one week)

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by Sandra Carroll, owner, for a Specific Use Permit to allow the location of a double wide HUD code manufactured home on Lot 5 and 6, Block 2, Grandview Addition, located at 2809 Findley. This is currently vacant land. Ms. Carroll recently got approval for a single wide HUD code manufactured home, but the deal fell through, so she wants a double wide.

The adjacent zoning is Single Family-3 to the south, east, and west and Single Family-2 to the north. The adjacent land use is vacant land to the south, east, west, and north.

The Future Land Use Map designates this property as "Neighborhood Residential".

The City's Zoning Ordinance was amended to comply with the state law in 2002, requiring that all manufactured housing be HUD code building standard. This amendment also stipulated that all HUD code manufactured homes inside the city limits be placed in the Single Family-3 zoning district along with the approval of a Specific Use Permit.

Staff recommends for approval of this request with the following stipulations:

1. That one 2016 or newer double wide HUD code manufactured home be allowed on this property.
2. That the double wide HUD code manufactured home be tied down/skirted/underpinned.
3. That the double wide HUD code manufactured home be used for dwelling purposes only, human occupancy only.

City of Texarkana, Texas

4. That the Specific Use Permit be in effect for a period of three (3) years, beginning at the date of this Ordinance. It is the owner's responsibility to renew this permit.
5. That if the HUD code manufactured home is not placed on the property within the three (3) year period, the Specific Use Permit will automatically be revoked.
6. That all driveways, parking, building codes/setbacks, engineered foundation, platting and flood plain requirements must be in accordance with the City of Texarkana, Texas codes.

All notification and application requirements have been met to consider this request.

Potential Options:

Approve or deny

Fiscal Implications:

NOT APPLICABLE

Staff Recommendation:

Staff recommends for approval of this request with stipulations.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously approved this request with stipulations.

Advisory Board/Committee Meeting Date and Minutes:

March 6, 2023

Attachments

- a. 2023-035 ORD granting SUP at 2809 Findley (DOCX)
- b. 2023-035 ATTH 01 (maps) (PDF)
- c. 2023-035 Goals and Perspectives (DOCX)

Staff Coordination

Building Code Administration	Mashell Daniel	Reviewer	Completed
03/07/2023 8:41 AM			
Public Works Department	Dusty Henslee	Reviewer	Completed
03/07/2023 2:41 PM			
City Manager	David Orr	Reviewer	Completed
9:56 AM			03/08/2023
City Council	Vicky Coopwood	Meeting	Pending
6:00 PM			03/13/2023

City of Texarkana, Texas

Meeting History

S-773

ORDINANCE NO. 2023-035

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING MAP SHOWING THE LOCATION, BOUNDARY AND USE OF CERTAIN PROPERTY BY THE GRANTING OF SPECIFIC USE PERMIT NO. S-773 TO ALLOW THE LOCATION OF A DOUBLE-WIDE HUD CODE MANUFACTURED HOME ON LOTS 5 AND 6, BLOCK 2, GRANDVIEW ADDITION, LOCATED AT 2809 FINDLEY STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed with the City of Texarkana, Texas, requesting an amendment to the Zoning Ordinance to grant a **Specific Use Permit** to allow the location of a double-wide HUD code manufactured home **on Lots 5 and 6, Block 2, Grandview Addition, located at 2809 Findley Street**, in the City of Texarkana, Bowie County, Texas; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, voted **unanimously five (5) to zero (0) to recommend** to the City Council of Texarkana, Texas, that a **Specific Use Permit be granted to allow the location of a double-wide HUD code manufactured home** on said property; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that granting the **Specific Use Permit** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be further amended to grant **Specific Use Permit Numbered S-773 for the location of a double-wide HUD code manufactured home on Lots 5 and 6, Block 2, Grandview Addition, located at 2809 Findley Street**, in the City of Texarkana, Bowie County, Texas.

Attachment: 2023-035 ORD granting SUP at 2809 Findley (3954 : 2023-035 ORD SUP to allow HUD cod mnfctrd home at 2809 Findley)

SECTION 2: The following stipulations are hereby imposed and made a part of this ordinance:

1. That one 2016 or newer double-wide HUD code manufactured home be allowed on this property.
2. That the double-wide HUD code manufactured home be tied down/skirted/underpinned.
3. That the double-wide HUD code manufactured home be used for dwelling purposes only, human occupancy only.
4. That the Specific Use Permit be in effect for a period of three (3) years, beginning at the date of this ordinance. It is the owner's responsibility to renew this permit.
5. That if the HUD code manufactured home is not placed on the property within the three (3) year period, the Specific Use Permit will automatically be revoked.
6. That all driveways, parking, building codes/setbacks, engineered foundation, platting and flood plain requirements must be in accordance with the City of Texarkana, Texas codes.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 4: It is further provided that in case a section, clause, sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this ordinance.

SECTION 5: This ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **13th day of March, 2023.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR





City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
Serve the Community	☐ Promote an Environmentally Sensitive & Livable Community ☐ Provide a Safe Community ☐ Deliver Quality Services ☐ Foster a Healthy Community
Run the Operations	☐ Enhance Community Preparedness & Responsiveness ☐ Maximize Partnership Opportunities ☐ Provide Courteous & Responsive Customer Service ☐ Model a Positive City Image ☐ Deliver Efficient Services ☐ Cultivate Community Involvement & Access
Manage the Resources	☐ Maintain Fiscal Strength ☐ Maximize Utilization & Resources ☐ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Perspectives and Goals Additional Comments:

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

Public Information Plan:

☐ Newspaper Notice (Required by Statute)	☐ Public Hearing (Required by Statute)
☐ Public Forum/Input Session	☐ Press Release
☐ E-News Distribution	☐ Website Notice
☐ Social Media (Twitter, Facebook, etc.)	☐ Special Mailing
☐ Flyers Posted	☐ Banners Posted
☐ Survey	☐ Automated Phone Call
☐ None Required	☐

Other:

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 3/7/2023 3:31 PM

Lead Department: Planning and Community Development **Action Officer:** Daphnea Ryan,
Resolution No. 2023-032 authorizing the City Manager to execute a contract
Subject: with Stanley Consultants for Qualified Environmental Professional Services for
the 2022 EPA Brownfields Revolving Loan Fund Grant.

Briefing: 3/13/2023 **Public Hearing:** 3/27/2023 **Council Vote:** 3/27/2023

Item Schedule

Schedule 2: Brief once - vote once (two weeks)

Updates/History of Briefing:

Not Applicable

Executive Summary and Background Information:

In 2022 the City completed an application for EPA Brownfields Revolving Loan Fund Supplemental Funding and was awarded \$1,000,000.00. The US EPA funded the 2022 Supplemental Revolving Loan Fund grants through funding received as a result of the Bipartisan Infrastructure Law (BIL Funding). This requires US EPA to award this as a new RLF cooperative agreement and in turn requires the City to competitively bid for a Qualified Environmental Professional (QEP) specific to this award. The City let RFP 23-2001-03 and Stanley Consultants, Inc. was the winning bidder.

The current grant budget includes a line item for Contractual Services in the amount of \$80,000.

Stanley Consultants serves as the City's QEP on our original US EPA RLF award and has provided a high level of professional consultation services, both knowledge based, and customer service based.

Potential Options:

- Approve
- Deny

Fiscal Implications:

There are no fiscal implications on the general fund, as the cost of a QEP is covered by the grant funds.

Staff Recommendation:

Staff recommends approval

Advisory Board/Committee Review:

None

Board/Committee Recommendation:

City of Texarkana, Texas

Not Applicable

Advisory Board/Committee Meeting Date and Minutes:

Not Applicable

Attachments

- a. 2023-032 RES Contract QEP Services With Stanley Consultants (DOC)
- b. 2023-032 Goals & Perspectives (DOCX)

Staff Coordination

City Attorney	Vicky Coopwood	Department Head Review	Skipped
	03/07/2023 3:07 PM		
Planning and Community Development	Vashil Fernandez	Review	Completed
	03/07/2023 4:04 PM		
Public Works Department	Amanda Freeland	Reviewer	Completed
	03/07/2023 4:07 PM		
City Manager	David Orr	City Manager Review Completed	03/08/2023
9:55 AM			
City Council	Vicky Coopwood	Meeting	Pending
6:00 PM			03/13/2023

Meeting History

RESOLUTION NO. 2023-032

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH STANLEY CONSULTANTS, INC. FOR QUALIFIED ENVIRONMENTAL PROFESSIONAL REVOLVING LOAN FUND CONSULTING SERVICES UTILIZING U.S. ENVIRONMENTAL PROTECTION AGENCY GRANT BUDGET FUNDS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City received a \$1,000,000 US EPA Brownfields Revolving Loan Fund (RLF) award in the 2022 competition; and

WHEREAS, the EPA Brownfields RLF grant requires the City to contract with a Qualified Environmental Professional; and

WHEREAS, the grant budget includes \$80,000 in the contractual services line item; and

WHEREAS, the City selected Stanley Consultants, Inc. after a competitive bid process under RFP 23-2001-03.

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

SECTION 1: The City Manager is hereby authorized to execute a contract with Stanley Consultants, Inc. for Qualified Environmental Professional services for up to \$80,000.

SECTION 2: This Resolution shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **27th day of March, 2023.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
Serve the Community	☒ Promote an Environmentally Sensitive & Livable Community ☒ Provide a Safe Community ☒ Deliver Quality Services ☒ Foster a Healthy Community
Run the Operations	☒ Enhance Community Preparedness & Responsiveness ☐ Maximize Partnership Opportunities ☐ Provide Courteous & Responsive Customer Service ☒ Model a Positive City Image ☐ Deliver Efficient Services ☒ Cultivate Community Involvement & Access
Manage the Resources	☐ Maintain Fiscal Strength ☒ Maximize Utilization & Resources ☒ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Perspectives and Goals Additional Comments:

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

Public Information Plan:

☐ Newspaper Notice (Required by Statute)	☐ Public Hearing (Required by Statute)
☐ Public Forum/Input Session	☐ Press Release
☐ E-News Distribution	☐ Website Notice
☐ Social Media (Twitter, Facebook, etc.)	☐ Special Mailing
☐ Flyers Posted	☐ Banners Posted
☐ Survey	☐ Automated Phone Call
☒ None Required	☐

Other:

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 3/9/2023 12:16 PM

Lead Department: Planning & Zoning Commission **Action Officer:** Laura Puckett, Administrative Coordinator
Subject: Ordinance No. 2023-009 rezoning Lots 9 and 10, Block 180, Triggs Addition, located south of 1008 Cedar Street from Commercial to Single Family-3. Angela Forte, owner.

Briefing: 3/13/2023 **Public Hearing:** 3/13/2023 **Council Vote:** 3/13/2023

Item Schedule

Schedule 2: Brief once - vote once (two weeks)

Updates/History of Briefing:

This property was tabled by council until property owner paperwork could be confirmed.

Executive Summary and Background Information:

This is a request by Angela Forte, owner, to rezone Lots 9 and 10, Block 180, Triggs Addition, located south of 1008 Cedar Street from Commercial to Single Family-3. The property is currently vacant land. The proposed use is a single wide HUD code manufactured home.

The adjacent zoning is Commercial to the north, south, east, and west. The adjacent land use is residential to the north, and east, vacant land to the south, and west.

The Future Land Use Map designates this property as “Downtown District and Flood Plain”.

The City’s Zoning Ordinance was amended to comply with the state law in 2002, requiring that all manufactured housing be HUD code building standard. This amendment also stipulated that all HUD code manufactured homes inside the city limits be placed in the Single Family-3 (SF-3) zoning district along with the approval of a Specific Use Permit.

HUD code manufactured housing looks like some of the existing frame pier and beam houses in the area. This type housing could also be a revitalization housing alternative to traditional site-built homes. Therefore, staff recommends for approval of this request.

The applicant should also be aware that if this zoning change is approved, all other applicable city code/ordinance requirements must be met including but not limited to building codes, setbacks, subdivision, fire, parking, drainage, water and sewer prior to the issuance of building permits.

All notification and application requirements have been met to consider this request.

City of Texarkana, Texas

Potential Options:

Approve or deny

Fiscal Implications:

NOT APPLICABLE

Staff Recommendation:

Staff recommends for approval of this request.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously recommended for approval of this request.

Advisory Board/Committee Meeting Date and Minutes:

December 5, 2022

Attachments

- a. 2023-009 ORD rezoning C to SF-3 south of 1008 Cedar (DOCX)
- b. 2023-009 ATTH 01 (Maps) (PDF)
- c. 2023-009 ATTH 02 (Warranty Deed) (PDF)
- d. 2023-009 Goals & Perspectives (DOCX)

Staff Coordination

Building Code Administration	Mashell Daniel	Reviewer	Completed
01/04/2023 1:01 PM			
City Manager	David Orr	Reviewer	Completed 01/04/2023
2:55 PM			
City Council	Jennifer Evans	Meeting	Completed 01/09/2023
6:00 PM			

Meeting History

01/09/23 City Council MOVED FORWARD Next: 01/23/23
 Mashell Daniel briefed this agenda item.

01/23/23 City Council MOVED FORWARD Next: 03/13/23
 Angela Forte said the proposed rezoning is for Lots 10 and 11, not Lots 9 and 10, as stated on the agenda. Council Member Matlock made a motion to postpone this agenda item to a future council meeting.
 (7:51 p.m.)

Z-22-24

ORDINANCE NO. 2023-009

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING LOTS 9 AND 10, BLOCK 180, TRIGGS ADDITION, LOCATED SOUTH OF 1008 CEDAR STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM COMMERCIAL TO SINGLE FAMILY-3; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone **Lots 9 and 10, Block 180, Triggs Addition, located south of 1008 Cedar Street** in the City of Texarkana, Bowie County, Texas, **from Commercial to Single Family-3**; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, **voted unanimously five (5) to zero (0) to recommend the application for rezoning from Commercial to Single Family-3 on Lots 9 and 10, Block 180, Triggs Addition, located south of 1008 Cedar Street** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that rezoning the property from **Commercial to Single Family-3** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone **Lots 9 and 10, Block 180, Triggs Addition, located south of 1008 Cedar Street** in the City of Texarkana, Bowie County, Texas, from **Commercial to Single Family-3**.

SECTION 2: It is further provided that in case a section, clause, sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this ordinance.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 4: That this ordinance shall be in full force and effect from and after its passage and approval.

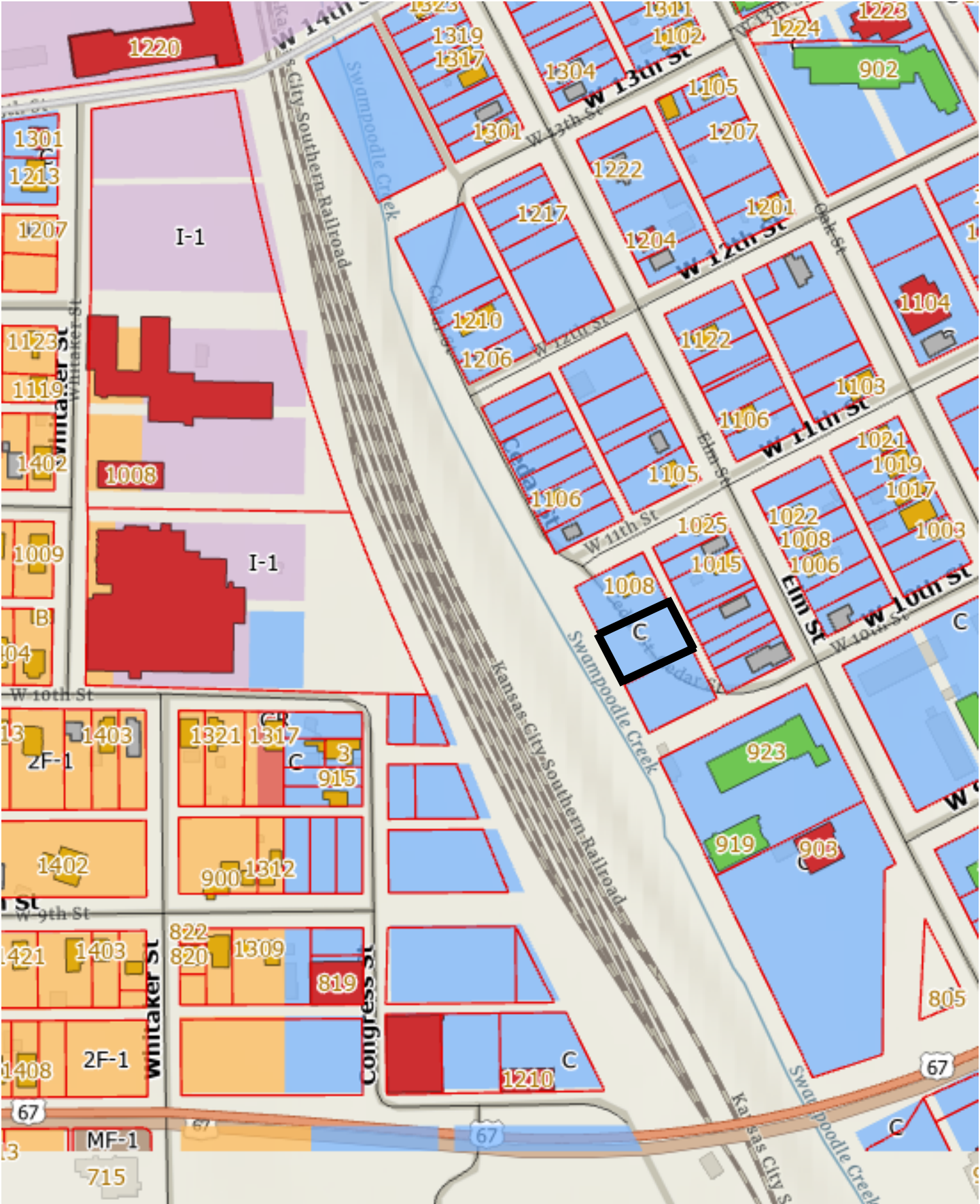
PASSED AND APPROVED in Regular Council Session on this the **13th day of March, 2023.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Cedar Street



Attachment: 2023-009 ATTH 01 (Maps) (3911 : 2023-009 ORD rezoning Commercial to SF-3 south of 1008 Cedar)

2023-009 ATTH 02

2023-00001897 DEED Total Pages: 2

**WARRANTY DEED**

DATE: February 15, 2023

GRANTORS: Harrison Owens and wife, Erma Owens
 GRANTORS' MAILING ADDRESS: 3016 Kinglet Way, Antelope, California 95843-2245

GRANTEE: Angela Forte *24 Private Rd 25162*
 GRANTEE'S MAILING ADDRESS: ~~24 Private Road~~, Texarkana, Texas 75501

GRANTEE: Kevin L. Washington
 GRANTEE'S MAILING ADDRESS: 1100 Dan Haskins Way, Apt. 1106, Texarkana, Texas 75501

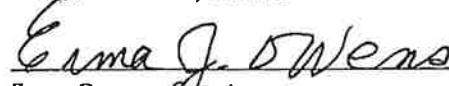
CONSIDERATION: Mutual love and affection of Grantees herein, Ten dollars (\$10.00) and other good and valuable consideration.

PROPERTY (including any improvements) lying in Bowie County, Texas:

Lots Nine (9) and Ten (10), Block Numbered One-Hundred-Eighty (180), Trigg's Addition to the City of Texarkana, Texas.

Grantors, for the consideration, grant, sell, and convey to Grantees all of Grantors' interest in the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantees, Grantees' heirs, executors, administrators, successors, or assigns forever. Grantors bind Grantors and Grantors' heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantees and Grantees' heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantors.


 Harrison Owens, Grantor


 Erma Owens, Grantor

PAGE 1 OF 2

Attachment: 2023-009 ATTH 02 (Warranty Deed) (3911 : 2023-009 ORD rezoning Commercial to SF-3 south of 1008 Cedar)

STATE OF CALIFORNIA §
 COUNTY OF Sacramento §

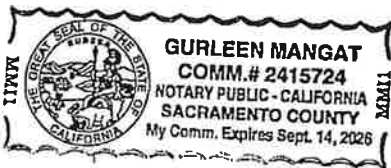
This instrument was acknowledged before me on the 23 day of February, 2023
 by Harrison Owens.



Gurleen Mangat
 Notary Public for the State of California

STATE OF CALIFORNIA §
 COUNTY OF Sacramento §

This instrument was acknowledged before me on the 23 day of February, 2023
 by Erma Owens.



Gurleen Mangat
 Notary Public for the State of California

Prepared by: Friedman Law Office
 200 West Broad Street
 - Texarkana, Texas 75501

THE STATE OF TEXAS
 COUNTY OF BOWIE

I hereby certify that this instrument was FILED on the
 date and the time stamped hereon by me and was duly
 RECORDED in the Records of Bowie County, Texas.

2023-00001897 DEED
 03/01/2023 10:26:52 AM Total Fees: \$30.00

Tina Petty, County Clerk
 Bowie County, Texas



City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
Serve the Community	☐ Promote an Environmentally Sensitive & Livable Community ☐ Provide a Safe Community ☒ Deliver Quality Services ☐ Foster a Healthy Community
Run the Operations	☐ Enhance Community Preparedness & Responsiveness ☐ Maximize Partnership Opportunities ☐ Provide Courteous & Responsive Customer Service ☐ Model a Positive City Image ☒ Deliver Efficient Services ☐ Cultivate Community Involvement & Access
Manage the Resources	☐ Maintain Fiscal Strength ☐ Maximize Utilization & Resources ☐ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Perspectives and Goals Additional Comments:

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

Public Information Plan:

☒	Newspaper Notice (Required by Statute)	☒	Public Hearing (Required by Statute)
☐	Public Forum/Input Session	☐	Press Release
☐	E-News Distribution	☐	Website Notice
☐	Social Media (Twitter, Facebook, etc.)	☐	Special Mailing
☐	Flyers Posted	☐	Banners Posted
☐	Survey	☐	Automated Phone Call
☐	None Required	☐	

Other:

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 3/9/2023 12:17 PM

Lead Department: Planning & Zoning Commission **Action Officer:** Laura Puckett, Administrative Coordinator
Subject: Ordinance No. 2023-010 granting a Specific Use Permit to allow the location of a single wide HUD code manufactured home on Lots 9 and 10, Block 180, Triggs Addition, located south of 1008 Cedar Street. Angela Forte, owner.
Briefing: 3/13/2023 **Public Hearing:** 3/13/2023 **Council Vote:** 3/13/2023

Item Schedule

Schedule 2: Brief once - vote once (two weeks)

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by Angela Forte, owner, for a Specific Use Permit to allow the location of a single wide HUD code manufactured home on Lots 9 and 10, Block 180, Triggs Addition, located south of 1008 Cedar Street. This is currently vacant land.

The adjacent zoning is Commercial to the north, south, east, and west. The adjacent land use is residential to the north and east, vacant land to the south, and west.

The Future Land Use Map designates this property as “Downtown District and Flood Plain”.

The City’s Zoning Ordinance was amended to comply with the state law in 2002, requiring that all manufactured housing be HUD code building standard. This amendment also stipulated that all HUD code manufactured homes inside the city limits be placed in the Single Family-3 zoning district along with the approval of a Specific Use Permit.

Staff recommends for approval of this request with the following stipulations:

1. That one 2016 or newer single wide HUD code manufactured home be allowed on this property.
2. That the single wide HUD code manufactured home be tied down/skirted/underpinned.
3. That the single wide HUD code manufactured home be used for dwelling purposes only, human occupancy only.
4. That the Specific Use Permit be in effect for a period of three (3) years, beginning at the date of this Ordinance. It is the owner’s responsibility to renew this permit.
5. That if the HUD code manufactured home is not placed on the property within the three (3) year period, the Specific Use Permit will automatically be revoked.

City of Texarkana, Texas

6. That all driveways, parking, building codes/setbacks, engineered foundation, platting and flood plain requirements must be in accordance with the City of Texarkana, Texas codes.

All notification and application requirements have been met to consider this request.

Potential Options:

Approve or deny

Fiscal Implications:

NOT APPLICABLE

Staff Recommendation:

Staff recommends for approval of this request with stipulations.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously recommended for approval of this request with stipulations.

Advisory Board/Committee Meeting Date and Minutes:

December 5, 2022

Attachments

- a. 2023-010 ORD SUP HUD code mnfctrd home south of 1008 Cedar (DOCX)
- b. 2023-010 ATTH 01 (Maps) (PDF)
- c. 2023-010 ATTH 02 (Photos) (PDF)
- d. 2023-010 Goals & Perspectives (DOCX)
- e. 2023-010 ATTH 03 (Warranty Deed) (PDF)

Staff Coordination

Building Code Administration	Mashell Daniel	Reviewer	Completed
	01/04/2023 1:01 PM		
City Manager	David Orr	Reviewer	Completed 01/04/2023
2:55 PM			
City Council	Jennifer Evans	Meeting	Completed 01/09/2023
6:00 PM			

Meeting History

01/09/23 City Council MOVED FORWARD Next: 01/23/23
Mashell Daniel briefed this agenda item.

City of Texarkana, Texas

01/23/23 City Council MOVED FORWARD Next: 03/13/23
Council Member Matlock made a motion to postpone this agenda item to a future council meeting.
(7:51 p.m.)

ORDINANCE NO. 2023-010

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING MAP SHOWING THE LOCATION, BOUNDARY AND USE OF CERTAIN PROPERTY BY THE GRANTING OF SPECIFIC USE PERMIT NO. S-771 TO ALLOW THE LOCATION OF A SINGLE WIDE HUD CODE MANUFACTURED HOME ON LOTS 9 AND 10, BLOCK 180, TRIGGS ADDITION, LOCATED SOUTH OF 1008 CEDAR STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed with the City of Texarkana, Texas, requesting an amendment to the Zoning Ordinance to grant a **Specific Use Permit** to allow the location of a HUD code manufactured home on **Lots 9 and 10, Block 180, Triggs Addition, located south of 1008 Cedar Street**, in the City of Texarkana, Bowie County, Texas; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, voted **unanimously five (5) to zero (0) to recommend** to the City Council of Texarkana, Texas, that a **Specific Use Permit be granted to allow the location of a single wide HUD code manufactured home** on said property; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that granting the **Specific Use Permit** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be further amended to grant **Specific Use Permit Numbered S-771 for the location of a single wide HUD code manufactured home on Lots 9 and 10, Block 180, Triggs Addition, located south of 1008 Cedar Street**, in the City of Texarkana, Bowie County, Texas.

SECTION 2: The following stipulations are hereby imposed and made a part of this ordinance:

1. That one 2016 or newer single wide HUD code manufactured home be allowed on this property.
2. That the single wide HUD code manufactured home be tied down/skirted/underpinned.
3. That the single wide HUD code manufactured home be used for dwelling purposes only, human occupancy only.
4. That the Specific Use Permit be in effect for a period of three (3) years, beginning at the date of this ordinance. It is the owner's responsibility to renew this permit.
5. That if the HUD code manufactured home is not placed on the property within the three (3) year period, the Specific Use Permit will automatically be revoked.
6. That all driveways, parking, building codes/setbacks, engineered foundation, platting and flood plain requirements must be in accordance with the City of Texarkana, Texas codes.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 4: It is further provided that in case a section, clause, sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this ordinance.

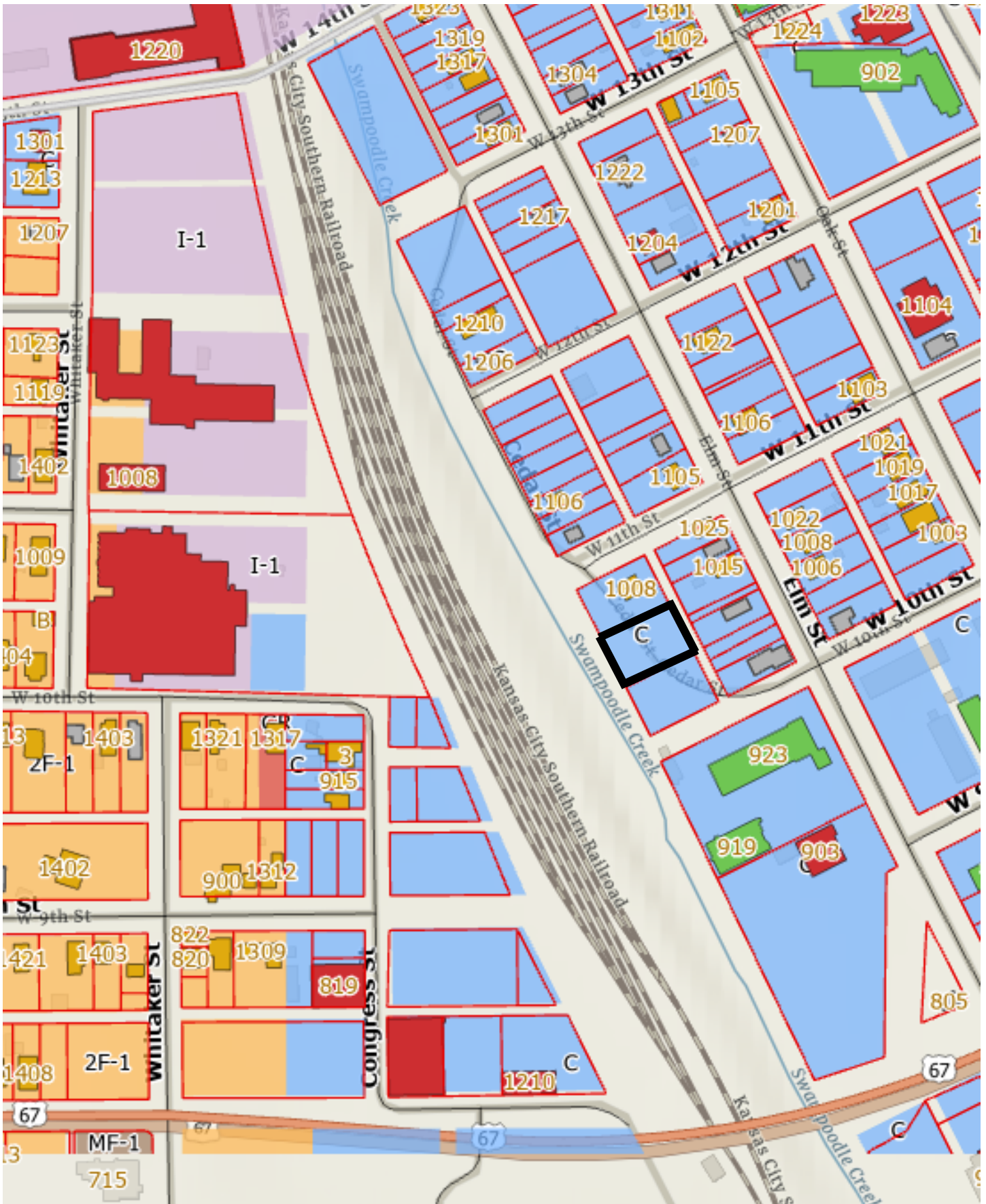
SECTION 5: This ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **13th day of March, 2023.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR



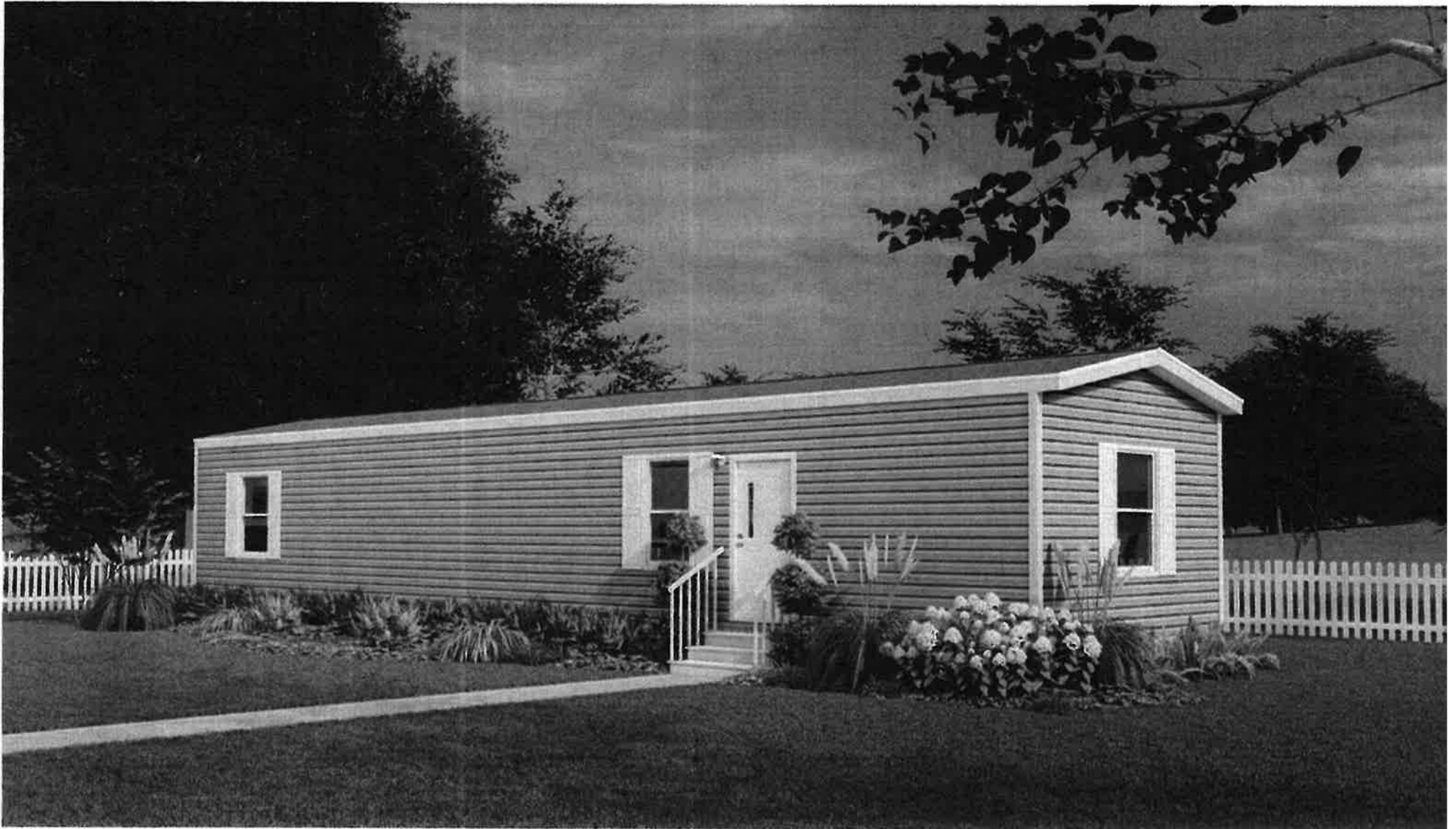
Cedar Street



Attachment: 2023-010 ATTH 01 (Maps) (3912 : 2023-010 ORD granting SUP to allow HUD code manufactured home south of 1008 Cedar)

2023-010 ATTH 02

S-771



Attachment: 2023-010 ATTH 02 (Photos) (3912 : 2023-010 ORD granting SUP to allow HUD code



City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
Serve the Community	☐ Promote an Environmentally Sensitive & Livable Community ☐ Provide a Safe Community ☒ Deliver Quality Services ☐ Foster a Healthy Community
Run the Operations	☐ Enhance Community Preparedness & Responsiveness ☐ Maximize Partnership Opportunities ☐ Provide Courteous & Responsive Customer Service ☐ Model a Positive City Image ☒ Deliver Efficient Services ☐ Cultivate Community Involvement & Access
Manage the Resources	☐ Maintain Fiscal Strength ☐ Maximize Utilization & Resources ☐ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Perspectives and Goals Additional Comments:

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

Public Information Plan:

☒	Newspaper Notice (Required by Statute)	☒	Public Hearing (Required by Statute)
☐	Public Forum/Input Session	☐	Press Release
☐	E-News Distribution	☐	Website Notice
☐	Social Media (Twitter, Facebook, etc.)	☐	Special Mailing
☐	Flyers Posted	☐	Banners Posted
☐	Survey	☐	Automated Phone Call
☐	None Required	☐	

Other:

2023-010 ATTH 03

2023-00001897 DEED Total Pages: 2


WARRANTY DEED

DATE: February 15, 2023

GRANTORS: Harrison Owens and wife, Erma Owens
 GRANTORS' MAILING ADDRESS: 3016 Kinglet Way, Antelope, California 95843-2245

GRANTEE: Angela Forte *24 Private Rd 25162*
 GRANTEE'S MAILING ADDRESS: ~~24 Private Road~~, Texarkana, Texas 75501

GRANTEE: Kevin L. Washington
 GRANTEE'S MAILING ADDRESS: 1100 Dan Haskins Way, Apt. 1106, Texarkana, Texas 75501

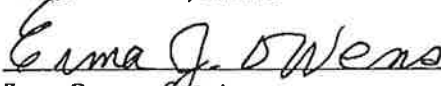
CONSIDERATION: Mutual love and affection of Grantees herein, Ten dollars (\$10.00) and other good and valuable consideration.

PROPERTY (including any improvements) lying in Bowie County, Texas:

Lots Nine (9) and Ten (10), Block Numbered One-Hundred-Eighty (180), Trigg's Addition to the City of Texarkana, Texas.

Grantors, for the consideration, grant, sell, and convey to Grantees all of Grantors' interest in the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantees, Grantees' heirs, executors, administrators, successors, or assigns forever. Grantors bind Grantors and Grantors' heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantees and Grantees' heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantors.


 Harrison Owens, Grantor


 Erma Owens, Grantor

PAGE 1 OF 2

Attachment: 2023-010 ATTH 03 (Warranty Deed) (3912 : 2023-010 ORD granting SUP to allow HUD code manufactured home south of 1008

STATE OF CALIFORNIA §
 COUNTY OF Sacramento §

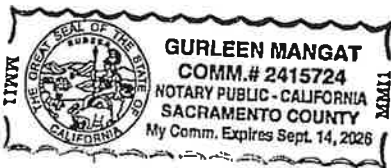
This instrument was acknowledged before me on the 23 day of February, 2023
 by Harrison Owens.



Gurleen Mangat
 Notary Public for the State of California

STATE OF CALIFORNIA §
 COUNTY OF Sacramento §

This instrument was acknowledged before me on the 23 day of February, 2023
 by Erma Owens.



Gurleen Mangat
 Notary Public for the State of California

Prepared by: Friedman Law Office
 200 West Broad Street
 - Texarkana, Texas 75501

THE STATE OF TEXAS
 COUNTY OF BOWIE

I hereby certify that this instrument was FILED on the
 date and the time stamped hereon by me and was duly
 RECORDED in the Records of Bowie County, Texas.

2023-00001897 DEED
 03/01/2023 10:26:52 AM Total Fees: \$30.00

Tina Petty, County Clerk
 Bowie County, Texas



City of Texarkana, Texas

Version: B

Update Date: 2/23/2023 11:18 AM

Briefing Sheet

Lead Department: Public Works Department **Action Officer:** Dusty Henslee,
Ordinance No. 2023-026 amending Chapter 130, "Streets and Sidewalks" of the
Land Development Code and amending the Master Fee List for Chapter 130
Subject: License and Permit Fees.

Briefing: 3/13/2023 **Public Hearing:** 3/13/2023 **Council Vote:** 3/13/2023

Item Schedule

Schedule 1: Brief twice - vote once (six weeks)

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Staff has reviewed Ch 130, "Streets and Sidewalks" of the code of ordinances and has determined it is necessary and in the best interest of the City to revise and update Chapter 130. Included for review:

- ATTH 01 – clean version of proposed Chapter 130 as revised
- ATTH 02 – fees to be added/revised to Master Fee List
- ATTH 03 – a summary of the major changes made to the respective sections of Ch. 130
- ATTH 04 – Word-generated redline comparing existing Ch. 130 to the proposed revision
- ATTH 05 – Letter of Support from Waggoner Creek Crossing
- ATTH 06 – Letter of Support from Partnership for the Pathways

A primary goal for the revision is to start requiring pedestrian facilities to be constructed as properties develop, update the City's street design standards to meet current industry standards, update fees provided for in the chapter, and make textual revisions for ease of reference.

Potential Options:

- Approve
- Not Approve

Fiscal Implications:

None

Staff Recommendation:

Staff recommends approval.

Advisory Board/Committee Review:

NONE

City of Texarkana, Texas

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2023-026 ORD amend Ch 130 Streets Sidewalks (DOCX)
- b. 2023-026 ATTH 01 text of amd Ch 130 (DOCX)
- c. 2023-026 ATTH 02 fees (DOCX)
- d. 2023-026 ATTH 03 change summary (DOCX)
- e. 2023-026 ATTH 04 redline of changes (DOCX)
- f. 2023-026 ATTH 05-Letter.WCC.WCCII.FLP. to City supporting 2023 changes to sidewalk ordinance (DOCX)
- g. 2023-026 ATTH 06 PatnershipforPathway Letter of Support (PDF)
- h. 2023-026 Goals & Perspectives (DOCX)

Staff Coordination

Public Works Department	Completed	Dusty Henslee	Department Head Review	
		02/16/2023 4:30 PM		
City Attorney	Jeffery C. Lewis	Review	Completed	02/16/2023
5:21 PM				
City Manager	Jennifer Evans	City Manager Review	Skipped	02/27/2023
6:00 PM				
City Council	Jennifer Evans	Meeting	Completed	02/27/2023
6:00 PM				

Meeting History

02/27/23 City Council MOVED FORWARD Next: 03/13/23
Jonathan Wade briefed this agenda item.

ORDINANCE NO. 2023-026

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING CHAPTER 130 ("STREETS AND SIDEWALKS") OF THE LAND DEVELOPMENT CODE; AMENDING THE MASTER FEE LIST FOR CHAPTER 130 LICENSE AND PERMIT FEES; CONTAINING REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; CONTAINING LEGISLATIVE FINDINGS; AND ESTABLISHING AN EFFECTIVE DATE.

Recitals

WHEREAS, Chapter 130 of the Land Development Code regulates the City's streets and sidewalks, rental charges not otherwise governed by state or federal law, excavations, access driveways, and street improvement standards; and

WHEREAS, the Public Works Department recommends amending Chapter 130 as set out in the attached **ATTH 01** and also amending the City's Master Fee list for additions and revisions to the permit and license fees addressed in Chapter 130 as set out in the attached **ATTH 02**; and

WHEREAS, the City Council finds and determines that the revisions to Chapter 130, as proposed by the Public Works department and the additions and revisions to the permit and license fees as set forth in this ordinance, are reasonable and in the best interests of the City.

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

SECTION 1: Chapter 130 of the Land Development Code of the City of Texarkana, Texas, shall be amended in its entirety by replacing the existing provisions with the content set out in the attached **ATTH 01**, incorporated herein by reference for all purposes.

SECTION 2: The Master Fee list is hereby amended to add, or revise fees set out in the attached **ATTH 02**, incorporated herein by reference for all purposes. The Master Fee list shall also be amended to update the relocation of the Public Works Department to City Hall.

SECTION 3: All ordinances or parts of ordinances and resolutions or parts of resolutions in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 4: In case a section, clause, sentence or part of this Ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this Ordinance.

SECTION 5: The City Secretary shall give notice of the passage of this Ordinance as provided in Article XI, Section 3 of the Charter of the City of Texarkana, Texas.

Publish

SECTION 6: The Recitals set out in this Ordinance are true and correct and are incorporated herein and made a part hereof as legislative findings of the City Council for all purposes.

SECTION 7: This Ordinance shall be in full force and effect ten (10) days after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **13th day of March, 2023.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Chapter 130 STREETS AND SIDEWALKS

ARTICLE I. IN GENERAL

Sec. 130-1. Permit to construct sidewalks, curbs, and shared use paths.

It shall be unlawful for any person to construct any concrete sidewalk, curb, or shared use path within the city, without first having obtained a permit therefor from the city council. Such permit may be either a special permit for each job or a general permit for all such work to be done by the person to whom the permit is issued.

Sec. 130-2. Sidewalks, curbs, and shared use paths to conform to established criteria; minimum construction requirements.

- (a) All sidewalks, curbs, and shared use paths constructed in the city shall be so constructed as to conform to the established grade and lines of the streets, sidewalks and alleys of the city and as to meet all applicable statutory and regulatory requirements under the Americans with Disabilities Act. It shall be the duty of the property owner to determine and mark the established grade, or, in case there is no established grade, the natural and probable grade of any sidewalk or alley, and to request inspection by the City Engineer prior to pouring sidewalk.
- (b) All sidewalks constructed in the city shall be so constructed (i) to a minimum width of five feet (5') unless a different width is approved in writing by the City Engineer, (ii) of Class "A" (3,000 psi test) concrete, and (iii) to a minimum slab thickness of four inches, reinforced with six inches by six inches by ten-gauge welded wire mesh or approved equivalent.
- (c) All shared use paths constructed in the city shall be so constructed (i) to a minimum width of eight feet (8') unless a different width is approved in writing by the City Engineer, (ii) of Class "A" (3,000 psi test) concrete, and (iii) to a minimum slab thickness of four inches, reinforced with six inches by six inches by ten-gauge welded wire mesh or approved equivalent. Other material can be substituted upon written approval of the City Engineer.

Sec. 130-3. Construction of sidewalks by property owners and developers.

- (a) *Generally.* For new commercial development or redevelopment or new residential development, it shall be the duty of the developer of the property and every owner of any lot or part of a lot or block adjoining or abutting any public street or highway in the city to grade and construct sidewalks in front of and alongside of the lot or part of the lot or block so owned; and in new development, sidewalks shall be constructed on both sides of street at the time the street is constructed. Prior to grading, the owner and developer shall request a written determination from the City Engineer on whether construction of a shared use path or paths shall also be required. The cost of grading and construction required by this subsection shall be borne by the owner.
- (b) *Existing commercial and residential corridors.* In all existing corridors, it shall be the duty of every owner of any lot or part of a lot or block adjoining or abutting any public street or highway in such corridor, when improving property so owned to increase its value, to grade and construct sidewalks in front of and alongside of the lot or part of the lot or block so owned. If sidewalks are neither present in such corridor nor are planned based on the City's active transportation plan, the requirements of this subsection shall not apply unless the City Engineer notifies the owner in writing of the applicability of this subsection. The cost of grading and construction required by this subsection shall be borne by the owner.

- (c) *Maintenance.* The maintenance of a sidewalk or shared use path constructed on private property shall be the responsibility of the property owner. The maintenance of a sidewalk or shared use path constructed within the public right-of-way or public sidewalk easement may be specified in writing between the City Engineer and property owner; and absent any writing specifying responsibility for maintenance, such maintenance shall be the responsibility of the City.
- (d) *Material and dimensions.* Sidewalks and shared use paths constructed under this section shall be constructed per the requirements of section 130-2.
- (e) *Appeal.* The decisions or determinations made by the City Engineer as provided in this section shall be final unless the owner files an appeal to the Zoning Board of Adjustment within five (5) business days of the owner's receipt of the City Engineer's determination.

Sec. 130-4. Governing TxDOT standard specifications.

All applicable sections of the then-current edition of the Texas Department of Transportation "Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges" ("TxDOT Standard Specs"), a copy of which publication shall be on file in the Public Works Department, are hereby adopted herein by reference as the standard specifications for materials and methods of construction for highways, streets, and bridges within the city. All materials used in city street and alley construction shall conform in all respects to the applicable provisions of such publication.

Sec. 130-5. Encumbrances and obstructions on streets, sidewalks and other public rights-of-way.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Alley means a minor way that is used primarily for installation of public utilities and for vehicular service access to the backside or the side of the property otherwise abutting the street.

Easement means a right held by the city to be used for access, drainage or the placement of utilities such as, but not limited to, water, sewer, gas, telephone, cable television and electrical lines.

Franchise means a grant of authority by the city to utilize the public right-of-way under certain specific terms and conditions given by ordinance.

Noncertificated telecommunications provider means an entity who has not been issued a certificate of convenience and necessity, certificate of operating authority or service provider certificate of operating authority to offer local exchange telephone service.

Right-of-way means any strip or area of land, including, surface, overhead or air space, or underground or subsurface space that is used, or intended to be used, or dedicated to be used wholly or in part as a public street, sidewalk, alley or as the location of public walkways and utility or drainage facilities or installations.

Sidewalk means the concrete or asphalt surfaced portion of a street between either the curblin or roadway and the adjacent property line intended for pedestrian use.

Street means the entire width between the boundary lines of every right-of-way, other than an alley, publicly maintained when any part of it is opened to the public for vehicular use.

- (b) *Other definitions.* Definitions not expressly described herein are to be determined in accordance with customary usage in municipal planning and engineering practices.
- (c) *Unlawful activities.* The following activities, uses, conditions or occurrences on the public right-of-way shall be deemed unlawful:

- (1) Operating any machinery having tracks, feet or pulling lugs over or along any paved streets or alleys.
 - (2) Hauling of gravel, brick, sand, concrete, ready mix concrete or mortar in such a manner to scatter or waste these substances onto any streets, alleys or sidewalks.
 - (3) Dropping, spilling or leaking out of any tank or vessel, whether connected with a motor vehicle or otherwise, any gasoline or other oil or petroleum-based substance on to any street, alley or sidewalk.
 - (4) Discharging any odorous water, sewage, wastewater, waste oils, kitchen grease, kitchen slop water, mop water or other offensive or hazardous substance onto any public right-of-way.
 - (5) Placing, storing, constructing, installing or maintaining any structure, building, object, vehicle, device, fence, wall or other material on or within any public right-of-way. Trees and other living, domesticated vegetation located within the parkway area of a paved street and mailboxes are exempt from this prohibition. Provided, however, the city, or its authorized agents, shall not be required to replace any obstruction on or within any public way that must be removed during the course of maintenance, construction and/or reconstruction on or within the public way.
 - (6) Casting, placing or storing any animal, offal, garbage, trash, refuse or debris into or upon any street, alley, sidewalk, street gutter or other public right-of-way.
 - (7) Constructing or placing any temporary or permanent structure within, on or over any public utility or drainage easement, except for franchised utilities, other public facilities associated with drainage, or as provided herein. The property owner may place removable section type fencing, asphalt or concrete paving, or landscaping within any dedicated public utility easement. Provided, however, that the city or any franchised utility of the city shall not be required to replace anything that must be removed during the course of maintenance, construction or reconstruction within any public utility or drainage easement.
- (d) *License to encumber right-of-way or easements.* The following shall control the consideration of requests for encumbrances on, over, under or through public rights-of-way or easements.
- (1) The right to encumber the public right-of-way may be granted only by license and every grantee of a license shall agree to indemnify and hold the city harmless from any and all damages to persons or property or both, arising in any manner out of the use of licensed premises. Each applicant for a license shall complete an application form obtained from the public works department. The applicant shall provide a certificate of insurance naming the city as a co-insured with liability insurance coverage in a minimum amount of \$1,000,000.00 for each person for bodily injury and \$500,000.00 for each single occurrence for injury to or destruction of property. The application must be accompanied by plans or drawings showing the area to be used and a statement of the purpose for which the right-of-way is to be used.
- (1-a) The right to encumber a public sidewalk shall be restricted to the CB central business district and shall be subject to these additional criteria:
- a. A license authorized by this subsection shall be held only by the applicant and shall not be transferable.
 - b. Any encumbrances authorized by this subsection shall be:
 1. Restricted to the front of the applicant's licensed business and used solely for purposes directly related to the applicant's licensed business;
 2. Placed in such a manner as to leave a minimum unobstructed sidewalk width of four feet, a minimum of one foot away from the curb line or edge of vehicular traveled way, and allow ease of movement by many persons in and around the encumbrances; and
 3. Limited to chairs, benches, tables, window boxes, railings, and one "sandwich board" or stand-up sign per license, with display of advertising restricted solely to "sandwich boards" or stand-up signs (see sections 140-179, 140-239).

- c. The following placement of encumbrances shall be prohibited:
 - 1. Placement in front of any door or other means of ingress or egress;
 - 2. Placement which blocks or hinders access to the adjoining property;
 - 3. Placement which blocks or hinders visibility of drivers or pedestrians;
 - 4. Placement on a corner lot within twenty feet of the points of intersection of the joining street rights-of-way;
 - 5. Placement on the sidewalk of any hazardous material; and
 - 6. For "sandwich boards" or stand-up signs, placement on the sidewalk at such times as the applicant's business is closed to the public.
 - d. The license may be revoked with or without notice if, in the discretion of the director of public works or code enforcement officer, the use or utilization of the encumbrance or public sidewalk violates any provision of the Code, or the encumbrance becomes destroyed, unsightly, or deteriorated. This provision is cumulative of any other remedies or enforcement provisions contained in the Code.
 - e. For any encumbrance authorized by this subsection (1-a) in the CB central business district, a licensee shall pay a one-time license fee.
- (2) No individual, person, firm or corporation shall be granted a license for an encumbrance of the public right-of-way that would adversely affect the public health, safety or welfare of the citizens of the city.
 - (3) Unless otherwise specified in this subsection, no license shall be issued or granted for an encumbrance of the public right-of-way for less than a three-foot width.
 - (4) Unless otherwise specified in this subsection, for a private license authorizing a surface, subsurface, or air space encroachment at or above the ground level (examples include a private water or sewer line, an overhead line, or a building encroachment), a licensee shall pay a one-time license fee of ten percent (10%) of the fair market value times the square footage of encumbrance; provided, however, in no event shall a license fee be less than \$200.00. The city will determine the fair market value in the areas of consideration for license. Fair market value may be established by use of the county appraisal district records referencing value of adjacent land without improvements.
 - (5) Unless otherwise specified in this subsection, any deposits, license fees or annual fees required by this section shall be in an amount as established by the city council from time to time and is on file in the city secretary's office or city website.
 - (6) The total deposit shall be credited toward the license fee for the issuance of the first year if a license should be granted. Any individual, person, firm, or corporation wishing to encumber the public right-of-way in any manner shall submit a license application and required deposit to the director of public works. Upon receipt and normal review by various city departments and public utility companies of such application, the director of public works shall forward the request to the city manager for approval.
 - (7) Any license granted hereunder shall specify the area licensed for use and shall be issued by the public works department.
 - (8) Any applicant denied a license shall have the right to appeal such denial to the city council by filing a written notice of appeal with the city secretary no later than five days from receipt of notice of the denial of the request.
 - (9) The city council shall hear the applicant's request within 30 days of notice of appeal and shall determine whether or not to uphold the denial, to grant the request as presented or to modify it.
- (e) *Exemptions.*

- (1) An applicant who wishes to encumber the public right-of-way adjacent to the applicants' private property for the purpose of installation of a private lawn sprinkler or irrigation system is hereby exempt from the license fee requirements of this chapter. However, neither the city nor any franchised utility shall be responsible or liable for damages or expenses resulting from the maintenance or operations of utilities in said right-of-way.
 - (2) Noncertificated telecommunications providers shall be subject to an annual fee, per lineal foot, of an amount as established by the city from time to time and is on file in the city secretary's office or city website.
 - (3) Any applicant who is approved for a license to encumber public right-of-way for the placement of an ornamental device, is hereby exempt from the annual license fee and subject to a one-time license fee. The license fee shall be in an amount as established by the city council from time to time and is on file in the city secretary's office or city website.
 - (4) In the CB central business district, any applicant who is approved for a license to encumber a specified area of a public sidewalk is hereby exempt from the annual license fee and subject to a one-time license fee.
- (f) *No obstruction of public property.* The applicant shall not, unnecessarily or for an unreasonable period of time, obstruct or interfere with the public use of any streets, roads, highways, alleys or public ways owned or controlled by the city.
 - (g) *Repair of damages.* Applicant shall repair any and all damages caused by the applicant to any real property owned or controlled by the city and shall restore such real property to substantially its condition immediately before the incident causing such damage. The applicant shall commence such repairs immediately upon completion of the work or activity in which the applicant was involved at the time the damage occurred and shall complete such repairs to the satisfaction of the city for one-year from the date of surface of said street, road, highway, alley or public way is broken for such construction or maintenance work, after which time, responsibility for the maintenance shall become the duty of the city. The city may, from time to time, adopt reasonable ordinances regulating such work.
 - (h) *Conduct of work or activities.* The applicant shall use reasonable care in conducting its work or activities in order to prevent injury to any person and unnecessary damage to any real or personal property.
 - (i) *Use of alleys.* The applicant shall attempt to utilize the alleys of the city insofar as is reasonably practical in conducting its work and activities hereunder. Notwithstanding the foregoing, however, the applicant may, when approved by city, utilize the streets and any other public ways owned or controlled by the city to perform such work and activities.
 - (j) *Changes in encroachments.* Applicant shall (at the applicant's expense), upon written request from the city, change the location, position, route, depth or height of any encroachment or other components of the encroachment if and when such change becomes reasonably necessary because of a change in the grade of any street, road, highway, alley, public way or other real property owned or controlled by the city or because of any change in the location of, or in the manner of maintaining, constructing, laying, repairing, removing, replacing, installing or operating, any pavement, curbs, gutters or underground or aboveground wires, cables or water or sewer pipes owned or controlled by the city. The city's written request for such change must set forth, in detail, all of the essential elements and specifications of the requested change.
 - (k) *Maps of encumbrances.* The applicant shall, at all times, keep on file with the City Engineer a map showing the current location of all encumbrances and other components of the applicant's facilities located in the city.
 - (l) *Conflicts.* In the event of any conflict between the provisions of this section and any other provision of this Code or other ordinances, this section shall control. Provided, however, that nothing in this section shall affect the right of a holder of a lawfully granted franchise.

Sec. 130-6. Removal.

Any unlicensed obstruction or encroachment upon any sidewalk, street, alley or other public thoroughfare of the city as specified in section 130-5, shall be removed by the owner or person in charge thereof, and upon failure to do so, the city may remove said obstruction or encroachment and dispose of the same, institute proceedings in any court pursuant to Texas law or this code to require compliance with this section or penalize non-compliance, or utilize any combination of remedies contained in this code and Texas law to require compliance with this section or penalize non-compliance.

Sec. 130-7. Structural interference with view of street intersection.

It shall be unlawful for any person to place or maintain any sign, display or any structure at street intersections in such a manner that the view of intersecting traffic is obstructed, hindered or obscured, or to place or maintain any sign, display or any structure in such a manner as to hinder or obscure the vision of operators of motor vehicles, or pedestrians upon the streets, sidewalks or alleys of the city.

Sec. 130-8. Signs and awnings—Permit.

Any person desiring to erect or place an overhanging sign or awning over or across any sidewalk or over or across any public property in the city shall first apply for and secure a permit to do so from a city inspector. If such sign complies with the provisions of the building code, and, if in the judgment of the city inspector, such sign or awning can be safely erected or placed, the inspector shall issue the permit.

Sec. 130-9. Same—Use of public property.

The supports and guys of all signs and awnings which are not publicly owned shall be placed on private property and such supports and guys shall comply with the provisions of the building code which has been adopted by reference by the city in this Code.

Sec. 130-10. Reserved.**Sec. 130-11. Use of streets and sidewalks for business purposes.**

Except as otherwise provided in this Code, it shall be unlawful for any person to use any part of any sidewalk, street or alley in the city for the purpose of merchandizing or conducting any trade or business.

Sec. 130-12. Inspection of utility poles, lines, etc.

The city fire chief, building inspector, electrical inspector, police officers and other persons designated by the city shall have power and it shall be their duty to examine and inspect, from time to time, all telegraph, telephone, electric light or other poles, gas pipe lines, pipes and other fixtures in the public places within the city for the purpose of seeing that they are in a safe and suitable condition, and, whenever any such item is found to be unsafe or unsuitable for the purpose for which it is used, the person using, possessing or maintaining the same shall be notified and required to place the same in a safe and suitable condition.

Sec. 130-13. Deposit of litter, trash, etc., on streets and sidewalks—Prohibited.

It shall be unlawful for any person to throw, place or in any wise deposit any litter, trash, refuse or garbage upon the sidewalks, streets, street rights-of-way, highways or highway rights-of-way within the city.

Sec. 130-14. Same—Signs authorized.

The City Engineer's office is hereby authorized to place signs at locations within the city designated by the chief executive officer or the city council to give notice of the provisions of section 130-13.

Sec. 130-15. Going upon or interfering with street or sidewalk being paved, repaired, etc.

It shall be unlawful for any person to drive, ride, walk or otherwise go upon or in any other manner interfere with any sidewalk, street or alley, or part thereof, which is being paved, repaired or constructed.

Sec. 130-16. Removal of lanterns, barricades, etc., from site of street or sidewalk construction.

It shall be unlawful for any person to remove any lanterns, barricade or other warning device or obstruction placed to prevent the public from going onto and upon any sidewalk, street or alley or other public place which is being paved, repaired or constructed.

Sec. 130-17. Breaking, defacing, etc., street name signs.

It shall be unlawful for any person to willfully, maliciously or negligently break, knock down, throw down or in any way deface or otherwise injure any board, plate or card carrying or having upon it the name or designation of any street or public way in the city.

Sec. 130-18. Trees, shrubs and other plants—Clearance over sidewalks.

It shall be unlawful for any person to permit any tree, shrub, vine, palm or any other plant of any description or kind to be grown, maintained or cultivated on any property owned by the person or under the owner's control in such a manner that any portion of such tree, shrub, vine, palm or other plant overhangs or protrudes upon or over any sidewalk, unless there is a full ten-foot clearance between the surface of all portions of the sidewalk and the overhanging tree, limb, shrub, vine, palm or plant.

Sec. 130-19. Same—Clearance over streets.

It shall be unlawful for any person to permit any tree, shrub, vine, palm or other plant of any description or kind to be grown, maintained or cultivated on property owned or controlled by the person in any manner so as any portion of such tree, vine, shrub, palm or plant hangs over or protrudes upon any street or highway in the city, unless there is a full 12-foot clearance between the surface of all portions of such street or highway and the overhanging tree, limb, shrub, vine, palm or plant.

Sec. 130-20. Same—Location between curb and sidewalk.

- (a) It shall be unlawful for any person to plant, maintain or cultivate any tree, shrub, vine, palm or plant of any description or kind which is more than three feet in height between the sidewalk and the curb of any public street or highway in the city at a lesser distance than 20 feet from the corner of any block of any such public street or highway, such measurement to be computed at the point of intersection of two lines extended parallel with the curblines of the street or avenue intersecting and causing such corner. Shade trees growing between the sidewalk and the curb of any public street or highway on or before May 27, 1941, shall not be affected by the terms of this section, until the city council passes a resolution declaring that the growing of the trees constitutes a public nuisance or hazard and orders the same removed by the owner, occupant, lessee or person in charge of such property, within five days from the date the notice is given.

- (b) All trees between the curb and sidewalk shall be planted in a uniform line and in line with the trees already planted and growing.

Sec. 130-21. Same—Interference with traffic.

It shall be unlawful for any person to maintain any shrubbery or trees at street intersections in such a manner that the view of intersecting traffic is obstructed, hindered or obscured, or to maintain any trees or shrubbery having overhanging limbs or extending branches that obstruct, hinder or obscure the vision of operators of motor vehicles or pedestrians upon the streets, sidewalks or alleys of the city.

Sec. 130-22. Fees payable.

A fee shall be paid to the city, in addition to all other charges, fees or deposits, for the issuance of a permit or license, as applicable, under this chapter. This fee shall be for the purpose of defraying administrative costs of issuance, including but not limited to costs of inspection and obtaining appropriate placards. The fee shall be in an amount as established by the city council from time to time and is on file in the city secretary's office, Public Works office, or city website. All fees must be paid prior to issuance.

Secs. 130-23—130-44. Reserved.

ARTICLE II. RENTAL CHARGE FOR UTILITY POLES, LINES, ETC.

Sec. 130-45. Applicability of article.

The provisions of this article are subject to the exception set out in Texas Local Government Code Section 590.0001.

Sec. 130-46. Imposed; amount; when payable.

Upon August 1 of each and every year, every person occupying or using the streets, highways, easements, alleys, parks or other public places in the city with poles, pipes and for other fixtures shall, as a condition to such further occupancy, pay to the city annually for such privileges, a rental equal to not less than three percent of the gross receipts received by such person, association, organization or corporation from its business conducted in the corporate limits of the city for the preceding year, which sums shall be paid to the city.

Sec. 130-47. Report of gross receipts of payor.

Every person using or maintaining any telegraph, telephone, electric light or other poles, gas and water pipe lines, pipes and other fixtures in any of the streets, highways, easements, alleys, parks or other places within the corporate limits of the city shall, on August 1 of each year, file with the city secretary a sworn report showing the gross receipts from the business conducted by such person or within the corporate limits of the city for the preceding year, ending the June 13.

Sec. 130-48. Examination of books and records of payor.

The city council may, when it sees fit, have the books and records of any person required to pay the rental charge imposed by this article examined by a representative of the city to ascertain whether the statement filed in

accord with section 130-47 is accurate, but nothing in this section shall be construed to prevent the city from ascertaining the facts by any other method.

Sec. 130-49. Receipt for payment.

Upon receipt of the rental charge imposed by this article, the city secretary shall deliver to the person paying the same a receipt therefor, which receipt shall authorize such person to use and occupy the streets, highways, easements, alleys, parks and other public ways of the city in carrying on its business for 12 months from August 1st.

Sec. 130-50. Charge is not a tax, but is additional to taxes.

The rental charge provided for in this article is not charged as a tax, but is made for the privilege, enjoyed by the persons upon whom it is imposed of using the streets, easements, alleys and other public ways of the city in the conduct of their businesses, and such charge is additional to all ad valorem and franchise taxes and to all taxes of every nature imposed on such persons.

Sec. 130-51. Article does not grant franchise; cancellation of privilege and refund of rental.

This article does not grant a franchise to any utility or person to use the streets, easements, alleys and other public ways and shall never be so construed by the court or otherwise. The city reserves the right to cancel the privilege granted under this article and refund the unearned rentals paid to the city.

Sec. 130-52. Penalties.

- (a) Every person who shall operate any business without the payment of the rentals provided for in this article shall be subject to the general penalty as described in section 1-5, and for each and every day that such person shall conduct such business using and occupying the streets, easements, alleys or other public ways of the city without such payment, a fine may be recovered by the city in a court of competent jurisdiction by a suit filed therein.
- (b) Every person, and the local manager or agent of such person, failing or refusing to make the report required by section 130-47, or failing or refusing to allow the examination provided for in section 130-48 shall, upon conviction thereof, be fined and every day's failure or refusal shall be deemed a separate offense.

Secs. 130-53—130-77. Reserved.

ARTICLE III. EXCAVATIONS

Sec. 130-78. Permit—Required; fees.

- (a) It shall be unlawful for any person to cut into, dig up, excavate, tunnel, undermine or in any manner break up the surface of any street, sidewalk, curb and gutter or alley in the city, unless such person shall first obtain a permit therefor from the building inspection division and thereafter notify the City Engineer at least forty-eight (48) hours in advance of commencing any work permitted.
- (b) In the event of an emergency in which a sewer main, conduit or other utility facility in or under any street bursts, breaks or otherwise is in such condition as to immediately endanger the property, lives, health or safety of any person, the person owning or controlling such facility shall be permitted to immediately go in and repair the break for the protection of the property, life, health and safety of individuals; provided, however, such person owning or controlling such facility shall immediately apply for an excavation permit not later than the end of the next succeeding business day during which the building inspection division office is open for

business and shall not proceed with permanent repairs without first obtaining an excavation permit and notifying the City Engineer as provided for in this article.

- (c) An excavation permit as provided for in this article shall become invalid seven (7) business days following issuance of the permit, and all excavations shall be completed on or before the permit expiration date. In the event excavation work is not completed on or before the permit expiration date, another excavation permit as provided for in this article must be obtained, with the same period of validity as provided for in this subsection.
- (d) The fee for the issuance of a permit required by this article shall be in an amount as established by the city council from time to time and is on file in the city secretary's office, Public Works office, or city website.

Sec. 130-79. Same—Application.

An application for a permit required by section 130-78 shall give the following information:

- (1) The name, address and phone number of the applicant;
- (2) The exact location on the street or alley of the excavation or tunneling;
- (3) The nature and purpose of the work and the dimensions of the cut or break in the pavement or surface of the street, curb and gutter or alley;
- (4) The date of proposed commencement of the work;
- (5) The date of proposed completion of the work;
- (6) The type of surface and base, if known, of the street and to what level of completion the applicant proposes to perform repair work; and
- (7) Such other information as the inspection division may require.

Sec. 130-80. Same—Types of excavations; backfill and inspection requirements.

- (a) *Asphalt streets or alleys.* Permittee shall be responsible for backfilling excavated area within two inches (2") of the finished grade with flowable fill or other material approved by the City Engineer. Upon completion of backfill, permittee shall notify the City Engineer for a required inspection; and upon the backfill passing inspection, the City will place the final asphalt course.
- (b) *Concrete streets or alleys.* Permittee shall be responsible for backfilling excavated area within seven inches (7") of the finished grade with flowable fill or other material approved by the City Engineer. Upon completion of backfill, permittee shall notify the City Engineer for a required inspection; upon the backfill passing inspection, permittee shall be responsible for pouring a minimum seven-inch (7") Class P Concrete Pavement (3,600 psi and minimum #3 bars on eighteen-inch centers each way); and then permittee shall notify the City Engineer for a required final inspection.
- (c) *Concrete sidewalk.* Permittee must request an inspection by the City Engineer prior to pouring sidewalk; and Permittee shall construct sidewalk per the requirements of section 130-2.
- (d) *Asphalt trails.* Permittee shall be responsible for backfilling excavated area within two inches (2") of finished grade with minimum six-inch (6") Type B, Grade 3 base material or other material approved by the City Engineer; upon completion of backfill, permittee shall notify the City Engineer for a required inspection; and upon the backfill passing inspection, the City will place the final asphalt course.

Sec. 130-81. Same—Insurance required of applicant.

- (a) Prior to the issuance of a permit under this article, the applicant shall furnish to the building inspection division satisfactory evidence in writing that the applicant has in force and will maintain in force, during the performance of the excavation work and during the period of the excavation permit, public liability insurance in the sum of not less than \$50,000.00 for any one person and \$100,000.00 for any one accident, and property damage insurance of not less than \$50,000.00, such insurance to be issued by an insurance company authorized to do business in this state.
- (b) It shall be the permittees responsibility to maintain the site in such condition that the public is protected, until final repairs are complete.

Sec. 130-82. Same—Issuance, contents, display, etc.

- (a) In the event an applicant is granted a permit under this article, the Public Works department shall issue a placard, which shall be plainly written or printed in English and reading substantially as follows:

Excavation Permit No. _____

City of Texarkana, Texas

Place: _____

Issued: _____

(date)

Expires: _____

(date)

- (b) The applicant shall display the permit in a conspicuous place at the site of the work.
- (c) It shall be unlawful for any person to exhibit such placard at or about any excavation not covered by such permit, or to alter or misrepresent the number of the permit or the date of issuance or the date of expiration thereof.

Secs. 130-83—130-84. Reserved.**Sec. 130-85. Notice to police and fire departments if street closed.**

If, in the course of work performed under a permit issued under this article, it becomes necessary to obstruct the passage over a street completely, it shall be the duty of the permittee to inform the fire department and the police department of such temporary closing and to make necessary arrangements with the street division superintendent concerning barricades, detours, signing, flagmen, etc. The permittee shall be responsible for providing such traffic control to the superintendent's satisfaction.

Sec. 130-86. Barricades.

- (a) Every person to whom a permit is issued under this article shall erect barricades which meet the requirements of the then-current Texas Manual on Uniform Traffic Control Devices at the site of the work covered by the permit to inform the public that the street, sidewalk, curb and gutter or alley is being excavated and to prevent the unobstructed passage therein and to route traffic around the excavation with a minimum of interference. Acceptable warning signs shall be placed on such barricades, and all barricades shall be illuminated at night, and all lights shall be kept burning from sunset to sunrise.

- (b) It shall be the responsibility of the permittee to maintain the proper barricading and signing at the site, until notified by the city that final repair has been satisfactorily completed.

Sec. 130-87. Bridges required in certain instances.

Where traffic must cross open trenches at intersections and driveways, suitable bridges shall be provided by the person to whom the permit was issued under this article.

Sec. 130-88. Means of ingress and egress for residents to be provided.

Streets, driveways or alleys affected by work under a permit issued under this article shall at all times be maintained in a condition which will provide easy ingress and egress to the residents living thereon.

Sec. 130-89. Use of cleated equipment.

No person performing work under a permit issued under this article shall use equipment with cleats, without pads on any surfaced street.

Sec. 130-90. Trench walls.

Whenever any excavation is made on a surfaced street, the trench walls shall be substantially vertical, with a maximum width at the top no greater than 24 inches more than the outside diameter of the pipe. The trench walls shall be sufficiently braced to prevent material under the undisturbed pavement from sluffing. Trench protection shall be required if the trench is five feet (5') or more in depth.

Sec. 130-91. Protection of sewers.

Where sanitary sewers are encountered in making an excavation under this article, every effort shall be made to keep them undamaged. Should the sanitary sewer be damaged, it shall be completely cleaned and restored to its original condition. Where the grades on sanitary sewer lines are such that they must pass through storm sewers, a satisfactory concrete box shall be installed with a clean out manhole, and the sanitary sewer shall be laid through the box with cast iron pipe as directed by the City Engineer.

Sec. 130-92. Backfilling, base repair and surface repair.

- (a) *General.* Backfilling of excavations shall be the responsibility of the permittee. Base and concrete surface repair may be performed by the permittee or by the city at the city's option. Backfilling shall be accomplished as soon as practicable.
- (b) *Materials and methods for backfilling.* Material used for backfilling may be that material excavated or other similar material, provided that the material used for backfilling is free of vegetation or other deleterious matter, contains no rock, broken concrete or broken asphaltic pieces larger than three inches maximum dimension in any plane, and is of such character and moisture content that it will stabilize when compacted. The backfill material shall be placed in six-inch loose lifts, and each lift shall be thoroughly compacted to prevent excessive settlement. This procedure will be continued, until the excavation is totally filled, unless base repairs and/or surface repair is to follow immediately, in which case the backfill procedure may stop at the elevation such base repair will start.
- (c) *Materials and methods for base repair.*
- (1) *Gravel base.* Material used for repair of existing gravel base streets and alleys shall meet the minimum specifications for Type B, Grade 3, flexible base material, as detailed in TxDOT Standard Specs. A minimum of ten inches, compacted depth, base material shall be placed in two equal lifts, with each lift

thoroughly compacted. Where asphalt surface repair is to immediately follow base repair, the top two inches of base material may be omitted to allow for placement of the asphalt.

- (2) *Concrete, brick and soil cement base with asphalt surface.* Material used for repair of existing concrete, brick and soil cement base without asphalt surface streets and alleys shall meet the minimum specification for Class C, 3600 psi, 28-day strength concrete, as detailed in TxDOT Standard Specs. A minimum of eight-inch depth shall be placed and broom-finished at an elevation to allow placement of a two-inch depth asphalt surface course. The concrete base shall be protected from heavy loading and allowed to cure a minimum of three days prior to placement of asphalt surface and opening for traffic.
- (3) *Concrete or brick base and surface.* Material used for repair of existing concrete or brick base and surface streets and alleys shall meet the minimum specifications noted in subsection (c)(2) of this section. A minimum of eight-inch depth shall be placed and broom-finished to match the existing undisturbed surface profile around the excavation. The concrete shall be protected from heavy loading and allowed to cure a minimum of three days prior to opening for traffic.

Sec. 130-93. Valve boxes, manholes, etc., to be brought to finished grade.

All valve boxes, manholes and the like shall be brought to the true finished grade of paved streets by persons making excavations under this article.

Sec. 130-94. City and employees not liable for damages.

This article shall not be construed as imposing upon the city or any official or employee, any liability or responsibility for damages to any person injured by the performance of any excavation work for which an excavation permit is issued hereunder, nor shall the city or any official or employee thereof be deemed to have assumed any such responsibility or liability by reason of inspections authorized herein, or the issuance of any permit, or the approval of any excavation work.

Secs. 130-95—130-116. Reserved.

ARTICLE IV. ACCESS DRIVEWAYS

Sec. 130-117. State regulations—Adopted.

The pamphlet known as the "Access Management Manual," published July 2011, by the Texas Department of Transportation, is hereby adopted by the city council as though set out herein in full. The Public Works Department shall maintain a copy of this pamphlet on file at all times.

Sec. 130-118. Commercial driveways; traffic study required.

A Traffic Impact Study/Analysis shall be required for all new, proposed commercial driveways; and the cost of such study/analysis shall be borne by the property owner or developer unless waived in writing by the City Engineer.

Sec. 130-119. Curbs for new driveways.

Commercial access driveways within the city under construction on April 27, 1954, or altered, repaired or rebuilt after such date, and any commercial access driveways built after such date anywhere within the city limits

shall be provided with a curb not less than ten feet from the corner of the intersection streets' right-of-way, such curb shall conform to that line established for curbs for each of the intersection streets.

Sec. 130-120. Minimum construction requirements.

That portion of access driveway constructed upon public street rights-of-way (i.e., from curbline or pavement edge to street right-of-way line) shall meet the minimum criteria for use classification as follows:

- (1) Driveways providing singular access from the street to a single residential unit shall be constructed of Class "A" (3,000 psi test) concrete. Minimum slab thickness shall be four inches, if reinforced with six inches by six inches by ten-gauge welded wire mesh or its equivalent, or five inches if nonreinforced. Subgrade shall be well compacted, and an expansion joint shall be installed at the right-of-way line. Where existing curb, gutter and/or street pavement must be removed to allow proper construction, the limits of the area to be removed shall be saw-cut or scored in an approved manner, and the removal accomplished so as to provide a neat line and a vertical face exposed. The use of alternate materials and methods will be considered, provided a detailed design by a registered professional engineer is submitted, including the engineer's certification that the alternate proposed will provide equal or greater strength and durability than those specified above.
- (1-a) When a rear yard of a single residential unit abuts a street, the City Engineer may approve a driveway providing singular access from the street to the rear yard if, in the discretion of the City Engineer, the rear yard cannot be reasonably accessed from a driveway described in section 130-120(1). Factors to be considered by the City Engineer when exercising such discretion may include a change in elevation, natural barriers (e.g., creek or drainage ditch), drainage facilities (e.g., box culvert or improved stormwater drain), the existence of other natural or artificial barriers, or, if applicable, the flood plain. Any driveway approved under this subsection must meet the minimum construction requirements of section 130-120(1), have a minimum width of 12 feet, and not exceed a maximum width of 15 feet. This subsection does not restrict bicycle or pedestrian facilities. Where lots have double frontage, running through from one street to another, nothing in this Code authorizes a driveway connecting both streets.
- (2) Driveways providing access from a street to a parking lot; to a private drive or street serving multiple-residential units; to educational, medical or religious facilities; to public or private office facilities and to any retail, commercial or industrial type facilities shall be constructed of Class "A" (3,000 psi test) concrete on a well compacted subgrade. Minimum slab thickness shall be five inches, if reinforced with six inches by six inches by six-gauge welded wire mesh, or six inches if nonreinforced. Removal of existing curb, gutter and/or street pavement shall conform to the requirements set forth in subsection (1) of this section, as will consideration of use of alternate materials and methods of construction.
- (3) All driveways shall be constructed to maintain or improve the drainage conditions in the area of the driveway. Gutter line grade shall be carefully maintained and driveway construction shall be such that storm flow is maintained in the gutter. Where driveways cross drainage ditches or swales, the City Engineer's office shall determine pipe size or capacity requirements for driveway culverts or swale sections as conditions dictate. In general, the minimum pipe size allowed will be 18 inches in diameter. Fifteen-inch diameter pipe may be allowed only in instances where larger diameter pipe is not needed and could not function properly due to conditions. In general, the minimum culvert length shall be the paved driveway width, plus two-foot shoulders each side if vertical headwalls are constructed. Otherwise, add a minimum additional two feet length each side for each one-foot depth from top of driveway to bottom of ditch to provide a maximum 2:1 end slope on backfill. Culvert pipe shall be of approved reinforced concrete construction. Alternate pipe material that will be considered, includes metals and plastics which are designed to carry H-15 loadings, are coated or treated to withstand corrosion, and provided that ends are protected by headwalls or concrete sloped end treatment. In general, the location of the culvert pipe in relation to the street pavement edge shall be a minimum of three feet for shoulder width plus three feet for each foot of ditch depth to provide a maximum 3:1 front slope for the ditch. Adjacent ditch lines shall be transitioned and reshaped as necessary to accommodate

the culvert location. The driveway over the culvert pipe should be swaled where possible to provide overflow capability.

- (4) Construction and maintenance of the access driveway is the responsibility of the owner of the property served. When requested, the city may, at its option, assist in the construction or reconstruction of driveway culverts only to the extent of installing and backfilling the culvert pipe furnished by the property owner and reshaping adjacent ditches.

Sec. 130-121. Curbs for existing driveways.

At access driveways existing in the city prior to April 27, 1954, should the city council find, by resolution with notice to the property owner, lessee and any person having any interest in the property, that the lack of curbing at the corner of intersecting streets constitutes a traffic hazard and that curbing is necessary to the public convenience for the control of traffic, the city council may order the City Engineer to erect a proper curb on the right-of-way, at the expense of the city.

Sec. 130-122. Parking aprons for angle parking between curb or pavement edge and property line.

Permits for the construction of parking aprons for angle parking between the curb or pavement edge and the property line shall be issued only for city streets classed as secondary or minor and only under the following conditions:

- (1) The parking apron shall extend the full length of the block from curb radii to curb radii of adjoining side streets.
- (2) The parking apron shall be constructed of Class "A" (five sack, 3000 psi test) concrete, reinforced with six inches by six inches by six welded wire mesh. The apron slab shall be a minimum of six-inch thickness and shall be placed on a prepared, well compacted subbase. An integral concrete curb shall be constructed along the edges of the parking apron which do not connect to the street proper. Said curb shall be six inches minimum thickness and extend a minimum vertical distance of six inches above the parking slab.
- (3) The grantee shall construct and maintain an unobstructed pedestrian walk along and adjoining the curb of the parking apron for the length thereof. The walk shall be constructed of Class "A" concrete (five sack, 3,000 psi test), it shall be a minimum of four feet wide and four inches thick and shall be poured on a prepared, well compacted subbase.
- (4) Drainage shall be maintained by the installation of drainage tile where necessary and/or by grading the parking apron to drain to existing gutters, catch basins or drainageways.

Sec. 130-123. Plans and specifications; compliance with article; permit required; fees.

- (a) *Application for permit.* Any person desiring to construct an access driveway or single parking apron connecting to any street or highway within the corporate limits of the city shall make application for a permit from the department of public works of the city. The applicant for such permit shall submit plans and specifications covering the work proposed showing all dimensions, property lines, sizes and other pertinent information necessary for review. Such information may be included on plat plans presented for building permits in case of new construction. In the event such work is contemplated along a state highway, two sets of plans and specifications will be required.
- (b) *Permit required.* A valid permit to construct access driveways and/or angle parking aprons will be required in addition to building permits.
- (c) *Fees set.* The fee for the issuance of a permit to construct access driveways or parking aprons along any street or highway in the corporate limits of the city shall be in an amount as established by the city council from time

to time and is on file in the city secretary's office or city website. The issuance of this permit shall relieve the grantee of the grantees obligation to secure a curb cut permit as required in article III of this chapter.

- (d) *Compliance with article.* The City Engineer shall require all plans and specifications to be submitted to the engineer by either the contractor, property owner or other person having an interest in the property, who applies for a building permit, to show compliance with this article, and should the person applying for a building permit refuse to comply with this article, the permit shall not be issued. If the plans and specifications show a compliance with this article and the permit is issued, and the construction fails to comply with this article, the City Engineer shall immediately notify the contractor, owner or person authorizing the building and construction, and the chief executive officer of the city and, if necessary, the chief executive officer may instruct the city attorney to institute proceedings in any court to require compliance with this article, or cessation of the work until the article is complied with.

Secs. 130-124—130-144. Reserved.

ARTICLE V. STREET IMPROVEMENT STANDARDS

Sec. 130-145. Required adherence.

All street and alley improvements constructed within the city limits or within its jurisdiction shall be constructed in conformance with the terms and provisions of this article and TxDOT Standard Specs.

Sec. 130-146. Definitions.

For the purpose of this article, the following words and phrases used in this article shall have the following meanings, except where the context clearly indicates a different meaning:

Arterial street means a street designed to facilitate rapid and heavy traffic movements and which primarily provides vehicular circulation to various sections of the city and which, as a secondary function, provides direct access to abutting property.

Collector street means a street used primarily for circulation within a neighborhood to carry traffic from minor streets to arterial streets or to carry traffic through or adjacent to commercial, industrial or high-population density areas.

Consulting engineer means a professional engineer or engineering firm authorized to practice in the state and engaged by the city or by any developer to design and supervise improvement projects.

Developer means any private individual or group of individuals requesting or implementing public improvements.

Director of public works means the director of public works of the city and the county.

Planning and zoning commission means the planning and zoning commission of the city and the county.

Residential street means a street used primarily for access to abutting residential property.

All other words and phrases used in this article shall have the generally accepted meanings consistent with their usage by the engineering profession or the legal profession, whichever is applicable.

Sec. 130-147. Reserved.**Sec. 130-148. Right-of-way.**

Prior to construction of any street improvement, which is to be operated and maintained by the city, the following right-of-way widths shall have been dedicated to the public by duly recorded formal instrument:

- (1) *Arterial streets* 80 to 100 feet or as established by the provisions of the master plan of the city and by the provisions of the urban transportation study.
- (2) *Collector streets*. Not less than 60 feet.
- (3) *Urban section residential streets*. Not less than 50 feet.
- (4) *Rural section residential streets*. Not less than 60 feet.
- (5) *Residential or commercial alleys*. Not less than 20 feet.

Sec. 130-149. Pavement widths and street section.

- (a) *Urban section street*. In general, all street improvements constructed within the city's jurisdiction shall be of urban cross section with curb and gutter and shall be designed and constructed to the following minimum widths measured back-to-back of curb:
 - (1) *Arterial streets*. Fifty feet minimum width.
 - (2) *Collector streets*. Thirty-seven feet minimum width.
 - (3) *Residential streets*. Thirty-one feet minimum width.
 - (4) *Boulevard streets*.
 - a. Residential—Two 20 feet minimum width lanes;
 - b. Collector—Two 25 feet minimum width lanes.
 - (5) *Residential collector streets*. Urban streets designated as residential collector shall be constructed to a residential street width of 31 feet, up to a point which is a minimum of 150 feet from the edge of pavement of any arterial or collector street which it is intersecting. A transition from 31-foot width to 37-foot width will be accomplished in 50 feet of street length with the 37-foot width carried the remaining 100 feet to the intersection.
- (b) *Rural section streets*. Where all lots within a subdivision are platted having a land area of 0.75 acre (32,670 square feet) or more and having minimum frontage of 125 feet on any adjacent street, rural section streets will be allowed. In instances where there are lots platted within a subdivision having a land area of 0.50 acre (21,780 square feet) or more and having minimum frontage of 100 feet on any adjacent street, the city planning and zoning commission may authorize and approve rural section street construction at the time of plat approval. In these instances, minimum widths shall be as follows:
 - (1) *Arterial streets*. As determined necessary on an individual basis.
 - (2) *Collector streets*. A total minimum crown width, measured from outside edge of shoulder to outside edge of shoulder of 36 feet with a minimum pavement surfaced width of 24 feet.
 - (3) *Residential streets*. A total minimum crown width, measured from outside edge of shoulder to outside edge of shoulder of 30 feet with a minimum pavement surfaced width of 24 feet.
 - (4) *Residential collector streets*: Rural streets designated as residential collector shall be constructed to the rural residential width set forth in subsection (b)(3) of this section, up to a point which is a minimum of 150 feet from the edge of pavement of any arterial or collector street which it is intersecting. A transition

from total crown width of 30 feet with pavement surfaced width of 24 feet to a total crown width of 36 feet with pavement surfaced width of 24 feet shall be accomplished in 50 feet of street length with the 36-foot crown width and 24-foot pavement width carried the remaining 100 feet to intersection.

- (c) *Alley section.* Alley improvements may be constructed of such cross section as determined best for the particular location and as approved by the City Engineer. Minimum pavement surfaced widths shall be 12 feet, edge to edge.
- (d) *Cul-de-sac.* The minimum outside pavement diameter for the cul-de-sac or closed-end turnaround, shall be 100 feet, whether urban or rural section. The minimum pavement width around the cul-de-sac shall be 31 feet back-to-back of curb for urban section improvements and 28 feet edge-to-edge of pavement for rural section improvement, with any resultant center unpaved island construction with curb and gutter around its perimeter.

Sec. 130-150. Standard cross-sectional shapes.

- (a) *Street crown.* All street sections shall be constructed with a cross section that will provide minimum transverse slopes as follows:
 - (1) Three percent for residential and residential collector streets.
 - (2) Two percent for major collector and arterial streets from centerline to gutter line or centerline to outside edge of shoulder.

On residential and residential collector streets the cross slope may transition to a three percent slope from gutter line to gutter line for cross-drainage purposes where allowed by the City Engineer. This transition shall occur over a 200-foot length of street.

- (b) *Monolithic concrete curb.* A concrete curb constructed monolithically with a concrete street slab shall be six inches in height above gutter elevation, have a two-inch top width, a three-inch radius top to face, a three-inch face at 30 degrees to vertical, thence a four-inch radius face to gutter low point, for a total curb width at gutter line of 9.5 inches.
- (c) *Concrete curb and gutter section.* Concrete curb and gutter sections constructed independently shall be a minimum 24-inch width, minimum 12-inch height, and the curb shape shall conform to that described in subsection (b) of this section for monolithic curb.
- (d) *Mountable curb.* A mountable curb may be utilized in lieu of the curb section defined in subsection (b) or (c) of this section at the developer's option. The design of said mountable curb shall be as shown in section 130-155 or as approved by the City Engineer.
- (e) *Parallel drainage, rural street section.* Where rural section street construction is allowed under this chapter or where existing rural section border streets abut a subdivision proposed for development, the street drainage within or abutting such subdivision shall be designed and constructed to meet the criteria in Chapter 120 of this Code and the current adopted City of Texarkana Stormwater Management Design Manual.

Sec. 130-151. Streets and alleys; traffic study required; minimum standards of structural design and construction.

All streets and alleys shall have Traffic Impact Study/Analysis and an individual-engineered design for pavement and subgrade based on specific site conditions and the projected traffic load and volumes that meets the then-current edition and supplements thereto, if any, of the American Association of State Highway and Transportation Officials (AASHTO) pavement structures design guide, adopted herein by reference. The requirements below are minimum standards:

- (a) *Roadbed soils.* Roadbed soils with a plasticity index (P.I.) of 20 or greater shall not be considered acceptable subgrade material. Such high P.I. material must be stabilized in a manner approved in writing by the City

Engineer. The design engineer shall require soil tests at each apparent change of soil characteristic along the street length or at intervals not exceeding 300 feet of street length. In instances where roadbed soil is stabilized or replaced, appropriate laboratory tests shall be performed in a like manner on the new or stabilized material.

- (b) *Subgrade.* Acceptable roadbed soils or subbase materials shall be worked a minimum six-inch depth and compacted to a minimum 95 percent Standard Proctor Density to be considered acceptable subgrade for further construction. Prior to testing for subgrade density, a certified independent testing laboratory under the direction of the design engineer shall supervise the proof rolling of the subgrade in accordance with TxDOT Standard Specs. Once proof rolling is complete and any required repairs made, the independent testing laboratory shall test for required density with a minimum of one test for each soil type or at a minimum of one test for each 300 feet of street length or part thereof.
- (c) *Rigid pavement design.* All concrete pavements shall be Class P as defined by TxDOT Standard Specs.
 - (1) *Arterial streets.* Over the required subgrade or subbase, the minimum thickness requirement for Portland cement concrete (PCC) pavement shall be eight inches with #3 steel reinforcing bars 24 inches c/c or #4 steel reinforcing bars 36 inches c/c spacing. The concrete pavement shall be properly placed and cured with doweled expansion and construction joints, plus neatly sawed dummy joints at approved spacing. All joints shall be sealed with material approved in writing by the City Engineer and in a timely manner approved in writing by the City Engineer. Any uncontrolled cracks occurring shall be saw cut or routed and properly sealed. The actual placement of the concrete pavement shall be monitored by a certified independent testing laboratory under the direction of the design engineer to ensure that the paving activity complies with TxDOT Standard Specs and the mix design, including slump, concrete temperature, and water/cement ratio. Concrete strength tests will be required at a minimum of one test per each 250 cubic yards or part thereof.
 - (2) *Collector streets.* Over the required subgrade or subbase, the minimum thickness requirement for Portland cement concrete (PCC) pavement shall be six inches with #3 steel reinforcing bars 24 inches c/c or #4 steel reinforcing bars 36 inches c/c spacing. The concrete pavement shall be properly placed and cured with doweled expansion and construction joints, plus neatly sawed dummy joints at approved spacing. All joints to be sealed with material approved in writing by the City Engineer and in a timely manner approved in writing by the City Engineer. Any uncontrolled cracks occurring shall be saw cut or routed and properly sealed also. The actual placement of the concrete pavement shall be monitored by a certified independent testing laboratory under the direction of the design engineer to ensure that the paving activity complies with TxDOT Standard Specs and the mix design, including slump, concrete temperature and water/cement ratio. Concrete strength tests will be required at a minimum of one test per each 250 cubic yards or part thereof.
 - (3) *Residential streets.* The minimum standards established for collector streets in subsection (c)(2) of this section shall apply for residential street rigid pavement construction.
- (d) *Flexural pavement design – all streets.*
 - (1) *Nonstabilized flexible base.* Over the required subgrade or subbase, the minimum thickness requirement for a nonstabilized flexible base course shall be one of the following:
 - a. Pit run gravel shall be eight inches in thickness with a plasticity index (P.I.) of not less than five nor more than 15. It shall meet gradation and all other requirements as listed for a Type B, Grade 3 flexible base material under TxDOT Standard Specs.
 - b. Crushed stone shall be six inches in thickness with a meeting gradation and all other requirements as listed for a Type A, Grade 1 flexible base material under TxDOT Standard Specs. The non-stabilized flexible base material shall be shaped and compacted to a minimum 95 percent Standard Proctor Density and properly primed with an approved asphalt to be considered acceptable for further construction or surfacing. Laboratory density tests shall be performed at adequate intervals to ensure consistent density. The responsible design engineer shall determine appropriate test locations, with a minimum of one test for each 300 feet of street length or part thereof.

- (2) *Cement Treated Base.* A cement treated base shall be engineered to meet requirements of TxDOT Standard Specs; the thickness of the sub-base must either be a minimum of 8" and a minimum of 40 lbs. of cement per square yard, or as approved in writing by the City Engineer.
- (3) *Hot-mix asphaltic concrete (HMAC) flexible base.* Over the required subgrade or subbase, an approved asphalt primer shall be applied, then a minimum thickness of five inches of HMAC flexible base may be applied. The HMAC base shall meet gradation and all other requirements for Type A (coarse-graded base course) or approved equal as listed under TxDOT Standard Specs.
- (4) *Flexible surfacing.* The standard flexible surfacing for arterial and collector streets shall be a minimum thickness of two inches of hot-mix asphaltic concrete (HMAC) meeting the gradation and all other requirements for Type D (fine-graded surface course) or approved equal as listed under TxDOT Standard Specs. The standard flexible surfacing for residential streets shall be a minimum thickness of 1.5 inches of hot-mix asphaltic concrete (HMAC) meeting the gradation and all other requirements for Type D (fine-graded surface course) or approved equal as listed under TxDOT Standard Specs.
- (5) *Design speed.* The horizontal and vertical alignment shall meet the following minimum design speed as defined in the AASHTO "Policy on Geometric Design of Highways and Streets" manual (or "green book"):
 - a. Arterial: 50 miles per hour.
 - b. Major collector: 35 miles per hour.
 - c. Residential and residential collector: 30 miles per hour.

Sec. 130-152. Engineering requirements.

- (a) Any street constructed within the jurisdiction of this article shall be designed by a qualified professional engineer, duly registered to practice engineering in the state. The engineers signed, sealed plans and specifications, design data and supporting test reports for such street construction shall be submitted to and approved by the City Engineer, prior to start of any construction. Where the construction falls in the city's extraterritorial jurisdiction, a complete set of design data shall be submitted to the appropriate county commissioner for the engineers review and comments, prior to the start of any construction.
- (b) As construction proceeds, the design engineer shall submit status reports to the City Engineer, accompanied by appropriate certified test reports, at completion of subbase or subgrade preparation, at completion of flexible base construction where applicable, during flexible surfacing or rigid pavement construction as appropriate. Upon completion of construction of any streets improved hereunder, the design and supervising engineer responsible for the street shall submit one reproducible set of as-built plans, signed, sealed and dated, together with the engineer's signed, sealed, dated statement that the work was performed under the engineer's supervision, that the engineer has inspected same and the construction does conform in all respects to the requirements and provisions of this article. Where construction occurred in the city's extraterritorial jurisdiction, a complete set of as-built data shall be submitted to the appropriate county commissioner.
- (c) The City reserves the right to inspect thoroughly all construction improvements that are proposed or intended to be dedicated as public improvements; however, the City's reservation or exercise of a right to inspect shall not relieve nor be construed as relieving the professional engineer of the requirements of subsections (a) and (b) of this section.

Sec. 130-153. Acceptance of completed improvements.

Upon completion of any street constructed under the jurisdiction of this article, the prime contractor responsible for the street construction or the developer of the property shall file with the city, on forms acceptable to the city attorney, a contract guaranteeing the correction or replacement of any or all construction that is found faulty or inadequate in any respect during the 12-month period immediately following completion of construction,

submission of an as-built plan and acceptance by the City Engineer. Acceptance by the City Engineer shall be in writing following receipt of as-built data and a maintenance contract.

Sec. 130-154. Alternative surety provisions for construction of certain streets.

- (a) No building permit, electrical permit or plumbing permit shall be issued by the city for the construction or improvement of any property abutting or adjoining any street where permanent street improvements are constructed or reconstructed within the city under the provisions of this article, unless and until such street fully conforms in all respects with the provisions of this article, except as is provided in subsection (b) of this section.
- (b) Building, electrical, plumbing and related development permits may be issued by the city for private development on platted lots abutting a street which has not been fully constructed to comply with subsection (a) of this section, upon the providing of alternate surety in the manner as hereinafter set forth. Notwithstanding the issuance of development permits, final inspection and/or occupancy permits will be withheld, until such street has been completed and does comply as required in subsection (a) of this section.
 - (1) In order to secure development permits prior to city acceptance of abutting streets, the subdivider or developer of the property shall post performance and payment bonds or an irrevocable letter of credit with the city, in favor of the city and in a form acceptable to the city attorney, in an amount not less than 100 percent of the estimated cost of constructing such abutting streets.
 - (2) Performance and payment bonds shall be from an approved surety company licensed to do business in the state and shall be so constructed as to guarantee the completion of specified street improvements, to comply with the requirements of this article within the 12-month period immediately following date of issuance, or the surety company will cause satisfactory completion within the following 12-month period.
 - (3) The irrevocable letter of credit shall be from a national bank, state bank or savings and loan association located in the state and shall be so constructed as to guarantee the completion of specified street improvements to comply with the requirements of this article within the 12-month period immediately following date of issuance, or the city shall have the right to require the institution issuing the letter of credit to immediately pay into an escrow account, in the name of the city, an amount equal to the cost of completing the specified street improvements, as estimated by the city, up to the original total value stated in such letter of credit.
 - (4) The responsible design engineer employed by the developer shall develop an estimate of cost for the specified street improvements to be covered by the above-required bonds or letter of credit and shall submit a signed, sealed copy of such estimate, together with the plans and specifications for the improvements, for approval by the city engineer prior to submittal of bonds or letter of credit by the developer.

Sec. 130-155. Standard details.

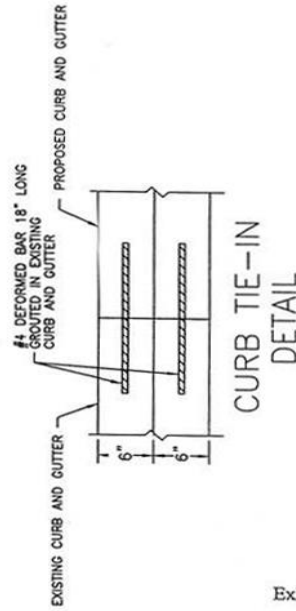
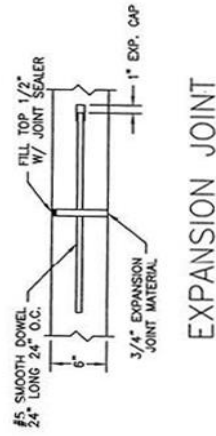
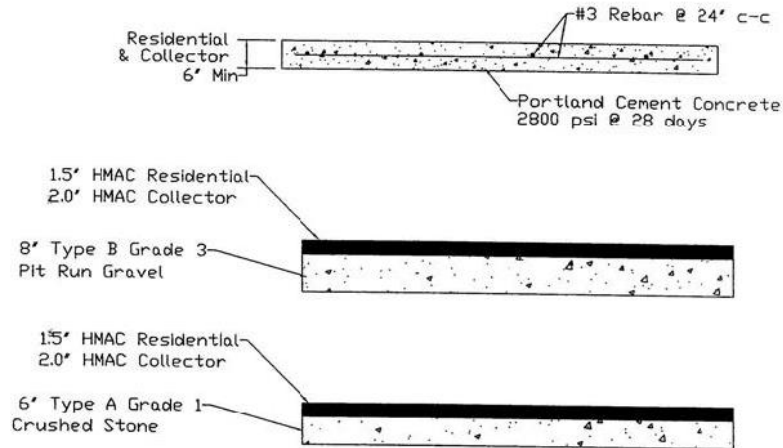


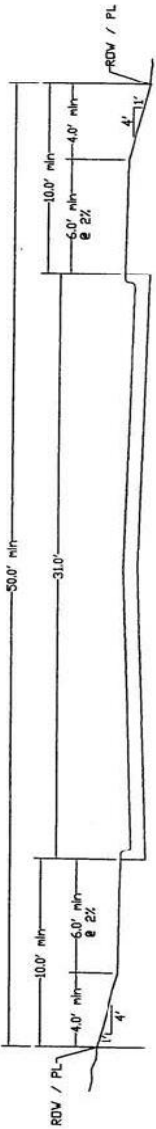
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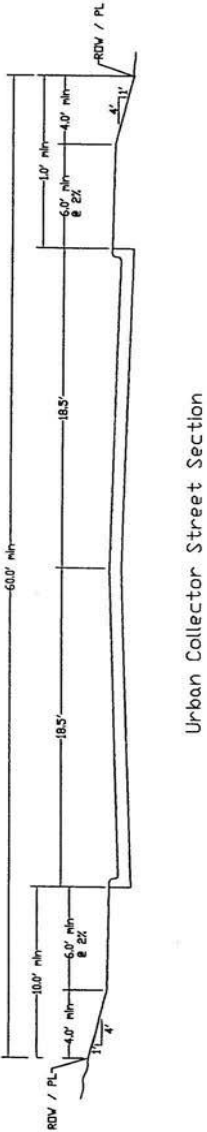
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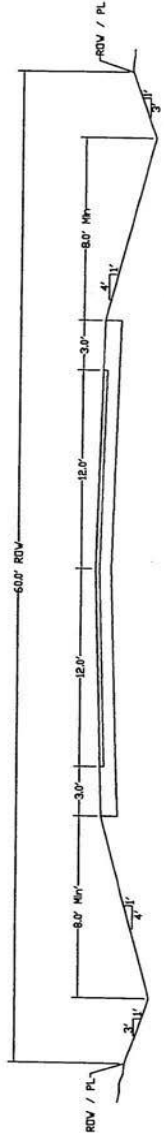
Structural Section

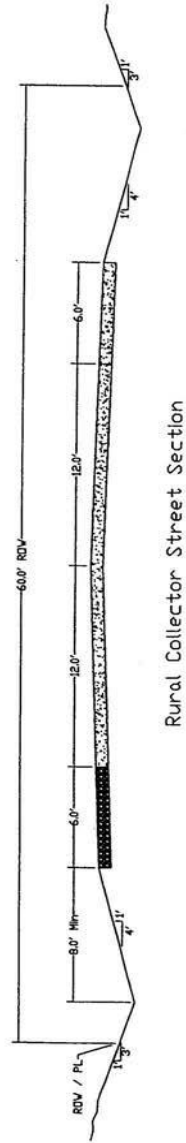


Residential Urban Street Section

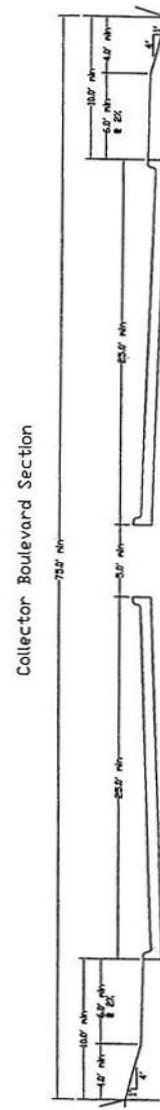
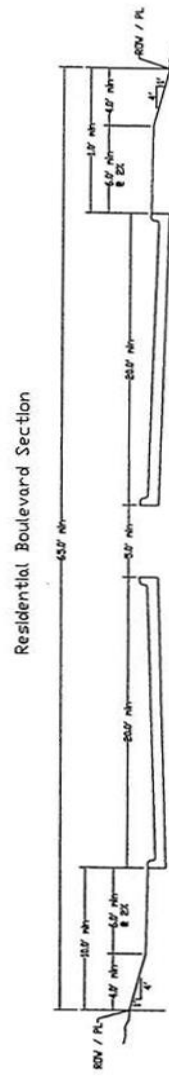


Residential Rural Street Section





Rural Collector Street Section



2023-026 ATTH 02

Service/Permit	FY23 Rate	Per Unit	Other Information
License to encumber ROW - Surface, subsurface, air space, bldg encroachment <i>130-5(d) but not CBD sidewalks</i> <i>Combines master fee list items 275, 278, 279</i>	10% FMV	Per square foot	Fair market value per square foot cost is a one-time fee. License fee minimum \$200.
License to encumber ROW - Ornamental device; and Downtown CBD public sidewalk <i>Sidewalk encumbrance 130-5(d)(1-a) CBD only</i> <i>and ornamental 130-5(e)(3)</i> <i>combines master fee list Items 280 + 281</i>	\$100	Per request	This is a one-time fee.
Ground-level license to encumber ROW, sign only <i>master fee list item 276</i>	\$10.00	Per each encumbrance	<blank space on fee list>

130-80 excavation fees

Service/Permit	FY23 Rate	Per Unit	Other Information
Excavation, asphalt (streets, alleys, trails)	\$50.00 fee AND cost of asphalt needed for street cut + 15%	Per request	Permit invalid (7) business days following issuance
Excavation, concrete (streets, alleys, sidewalks)	\$50.00	Per request	Permit invalid (7) business days following issuance

Summary of Proposed Changes to Chapter 130 of the Code of Ordinances

1. 130-1 – add shared use path
2. 130-2 - add construction requirements for sidewalks and shared use paths. Changed responsibility of establishing grade of sidewalks to property owner and request inspection of City Engineer
3. 130-3 – substantial revision
 - a. a – Developers and property owners are required to construct sidewalks along the street when they are developing or redeveloping commercial. Sidewalks are also required for all new residential subdivisions, and sidewalks will be required to be constructed along any new street construction. Shared use paths may be required.
 - b. b – for existing corridors, property owners are required to construct sidewalks along the street when improving the property to increase its value; but this will not apply to existing corridors where sidewalks do not exist nor are in City active transportation plan calls unless owner receives notice from City Engineer
 - c. c - Defined maintenance responsibility of sidewalks.
 - d. d – add shared use path
 - e. e – Add appeal process to Zoning Board of Adjustment
4. 130-4 – Removed outdated process for city council directing owners to construct or repair sidewalks. Repurposed and revised reference from later part of Code to adopt by reference TxDOT Standard Specifications.
5. 130-5(d)
 - a. Removed nonrefundable deposit requirement
 - b. (1-a)e - added one time license fee for CB district of \$100
 - c. (4) substantial revision incorporating elements of current (e)(1)
 - i. Changed license fee for all surface, air space, and subsurface encroachments to be 10% of fair market value.
 - ii. City will be responsible for determining Fair Market Value instead of applicant.
 - iii. Defined that should use value of land without improvements for determining Fair Market Value
6. 130-5 e – relocated pertinent material from subsection (1) to 130-5(d)(4)
7. 130-6 – additional enforcement options for unlicensed ROW encumbrances
8. 130-10 – high-rise signs relocated to Ch 105
9. 130-11 – proviso added to reflect licensing process otherwise provided in code provisions
10. 130-22 – revised fee payment and requirement all fees must be paid prior to permit/license issuance
11. 130-78 – added 48 hours notice to anyone performing excavations in any city street or alley and excavation permit is only valid for 7 days after issuance
12. 130-80 – Redefined excavation types and requirements and fees (fees added to Master Fee List)
 - a. Excavation, asphalt streets or alleys - \$50 plus cost of asphalt needed plus 10%
 - b. Excavation, concrete street or alley - \$50
 - c. Excavation, concrete sidewalk - \$50

- d. Excavation, asphalt trails - \$50 plus cost of asphalt needed plus 10%
- 13. 130-81 – deposit provisions removed, renumber 130-82 to 130-81
- 14. 130-82 – fee provisions relocated, renumber 130-84 to 130-82
- 15. 130-83-84 – relocated sections now reserved
- 16. 130-86 – added barricades must meet TMUTCD
- 17. 130-90 – added trench protection required for depth of 5' or more
- 18. 130-92 (c) (1) and (2) – revised reference to TxDOT Standard Specs
- 19. 130-117 – repurposed 130-118 provision for city secretary to maintain copy of access mgt. manual to Public Works Dept.
- 20. 130-118 – removed requirement for city secretary to maintain copy of access mgt. manual, require Traffic Impact Study for all new commercial driveways
- 21. 130-145 – add TxDOT Standard Specs to augment street and alley improvement standards
- 22. 130-147 – relocated TxDOT standard specs applicable to earlier position in chapter
- 23. 130-149
 - a. Changed min. width for arterial street to 50'
 - b. Removed regulation for cross or circular streets
 - c. Grammatical errors
- 24. 130-150 e – revise drainage provisions with reference to new Stormwater Design Manual
- 25. 130-151 – added preface that all streets and alleys should have a Traffic Impact Study and an individual engineered design completed for pavement and subgrade
 - a. 130-151 (a) - Revised testing of subgrade to 300' instead of 500'
 - b. 130-151 (c)- All rigid pavement shall be Class P as defined by TxDOT Standard Specs
 - i. Added minimum guidelines for arterials, collectors, and residential streets
 - c. 130-151 (d) – Combined min. requirements for all streets for flexible pavement design. Added cement treated base and design speed regulations.
- 26. 130-152 – added City right to inspect construction improvements proposed or intended to be dedicated to City.

Chapter 130 STREETS AND SIDEWALKS

ARTICLE I. IN GENERAL

Sec. 130-1. Permit to construct sidewalks, curbs, and curbshared use paths.

It shall be unlawful for any person to construct any concrete sidewalk ~~or any~~ curb, or shared use path within the city, without first having obtained a permit therefor from the city council. Such permit may be either a special permit for each job or a general permit for all such work to be done by the person to whom the permit is issued.

Sec. 130-2. Sidewalks, curbs, and curbshared use paths to conform to established grades; duty of city engineer to furnish grades criteria; minimum construction requirements.

- (a) All sidewalks, curbs, and curbshared use paths constructed in the city shall be so constructed as to conform to the established grade and lines of the streets, sidewalks and alleys of the city, ~~which shall be obtained from and as to meet all applicable statutory and regulatory requirements under the city engineer before the work is begun.~~ Americans with Disabilities Act. It shall be the duty of the ~~city engineer, in person or by an assistant,~~ property owner to determine and mark the established grade, or, in case there is no established grade, the natural and probable grade of any sidewalk or alley, ~~upon the request of the owner of any abutting lot or part of a lot or block, within four days from the request of the owner of such lot or part of a lot or block, and to request inspection by the City Engineer prior to pouring sidewalk.~~
- (b) All sidewalks constructed in the city shall be so constructed (i) to a minimum width of five feet (5') unless a different width is approved in writing by the City Engineer, (ii) of Class "A" (3,000 psi test) concrete, and (iii) to a minimum slab thickness of four inches, reinforced with six inches by six inches by ten-gauge welded wire mesh or approved equivalent.
- (c) All shared use paths constructed in the city shall be so constructed (i) to a minimum width of eight feet (8') unless a different width is approved in writing by the City Engineer, (ii) of Class "A" (3,000 psi test) concrete, and (iii) to a minimum slab thickness of four inches, reinforced with six inches by six inches by ten-gauge welded wire mesh or approved equivalent. Other material can be substituted upon written approval of the City Engineer.

Sec. 130-3. Construction of sidewalks by property owners and developers.

- (a) Generally. For new commercial development or redevelopment or new residential development, it shall be the duty of the developer of the property and every person owning owner of any lot, or part of a lot or block, adjoining or abutting any public street or highway in the city to grade and construct sidewalks in front of and alongside of the lot or part of the lot or block ~~owned by the person, at the persons own expense, when notified to do so as provided in subsection (b) of this section.~~ so owned; and in new development, sidewalks shall be constructed on both sides of street at the time the street is constructed. Prior to grading, the owner and developer shall request a written determination from the City Engineer on whether construction of a shared use path or paths shall also be required. The cost of grading and construction required by this subsection shall be borne by the owner.
- (b) ~~Resolution of council. Whenever the city council shall determine and require, by resolution, that sidewalks shall be built upon any street or any part thereof, such resolution shall define the street or part thereof along and upon which the same shall be built, and shall prescribe the material of which the sidewalk shall be constructed, and the dimensions thereof. The publication of such resolution in any newspaper published in this city shall be sufficient notice to all owners of property fronting or abutting upon such street or part thereof to build the sidewalk as required herein.~~

- (c) ~~Time of commencement and completion of work.~~ It shall be the duty of the owner of any property fronting or abutting upon any street upon which sidewalks are ordered to be built by resolution of the city council, as provided in subsection (b) of this section, to commence the work of constructing such sidewalks within 30 days after the publication of the resolution and to have the same completed within 90 days therefrom.
- (d) ~~Material and dimensions.~~ (b) *Existing commercial and residential corridors.* In all existing corridors, it shall be the duty of every owner of any lot or part of a lot or block adjoining or abutting any public street or highway in such corridor, when improving property so owned to increase its value, to grade and construct sidewalks in front of and alongside of the lot or part of the lot or block so owned. If sidewalks are neither present in such corridor nor are planned based on the City's active transportation plan, the requirements of this subsection shall not apply unless the City Engineer notifies the owner in writing of the applicability of this subsection. The cost of grading and construction required by this subsection shall be borne by the owner.
- (c) *Maintenance.* The maintenance of a sidewalk or shared use path constructed on private property shall be the responsibility of the property owner. The maintenance of a sidewalk or shared use path constructed within the public right-of-way or public sidewalk easement may be specified in writing between the City Engineer and property owner; and absent any writing specifying responsibility for maintenance, such maintenance shall be the responsibility of the City.
- (d) *Material and dimensions.* Sidewalks and shared use paths constructed under this section shall be built of such material and shall be of such dimensions as may be required by the city council constructed per the requirements of section 130-2.
- (e) *Appeal.* The decisions or determinations made by the City Engineer as provided in this section shall be final unless the owner files an appeal to the Zoning Board of Adjustment within five (5) business days of the owner's receipt of the City Engineer's determination.

Sec. 130-4. Governing TxDOT standard specifications.

All applicable sections of the then-current edition of the Texas Department of Transportation "Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges" ("TxDOT Standard Specs"), a copy of which publication shall be on file in the Public Works Department, are hereby adopted herein ~~Sec. 130-4~~ by reference as the standard specifications for materials and methods of construction for highways, streets, and bridges within the city. All materials used in city street and alley construction shall conform in all respects to the applicable provisions of such publication.

Repairing, grading, etc., sidewalks by property owners.

- (a) ~~Resolution of council.~~ When any sidewalk within the city shall be in a dilapidated condition or in need of repair or is not on the official grade, the city council may, by resolution, order such repairs, cutting, filling or other work to be done as may be necessary. Such resolution shall describe the sidewalk upon which the work is to be done and the nature and character of the work.
- (b) ~~Notice to owners.~~ Whenever any work is ordered to be done by resolution of the city council, as provided in subsection (a) of this section, it shall be the duty of the owner of any property fronting or abutting on such sidewalk to perform such work when notified thereof. Such notice shall be served by a police officer by delivering a copy of the resolution, signed by the city secretary, to the owner or to the owner's agent or to the party in possession of the premises. In case the owner is absent from the city, or is a nonresident and has no agent in the city who is known as such to the city secretary or officer serving the notice, the notice may be served by causing the same to be published in some newspaper published within the city for five consecutive issues.

~~(c) *Time for commencement and completion of work.* It shall be the duty of the owner of the property fronting or abutting upon any sidewalk ordered to be repaired or graded, as provided in this section, to commence the work of repairing or grading the same within ten days after the service of the notice in accordance with subsection (b) of this section and to have the same completed within 20 days thereafter.~~

~~(d) *Failure of owner to perform work.* If the owner of any property fronting or abutting on any sidewalk ordered to be repaired or graded shall fail to begin the repairing or grading of the same within the time specified in subsection (c) of this section or fail to have the same completed within the time specified in subsection (c) of this section, the city council shall have the power and authority to cause such work to be done at the expense of the city. The expense of such work shall constitute a lien on the property of the owner failing or refusing to do the work and such lien shall be enforceable as provided by law.~~

Sec. 130-5. Encumbrances and obstructions on streets, sidewalks and other public rights-of-way.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Alley means a minor way that is used primarily for installation of public utilities and for vehicular service access to the backside or the side of the property otherwise abutting the street.

Easement means a right held by the city to be used for access, drainage or the placement of utilities such as, but not limited to, water, sewer, gas, telephone, cable television and electrical lines.

Franchise means a grant of authority by the city to utilize the public right-of-way under certain specific terms and conditions given by ordinance.

Noncertificated telecommunications provider means an entity who has not been issued a certificate of convenience and necessity, certificate of operating authority or service provider certificate of operating authority to offer local exchange telephone service.

Right-of-way means any strip or area of land, including, surface, overhead or air space, or underground or subsurface space that is used, or intended to be used, or dedicated to be used wholly or in part as a public street, sidewalk, alley or as the location of public walkways and utility or drainage facilities or installations.

Sidewalk means the concrete or asphalt surfaced portion of a street between either the curblin or roadway and the adjacent property line intended for pedestrian use.

Street means the entire width between the boundary lines of every right-of-way, other than an alley, publicly maintained when any part of it is opened to the public for vehicular use.

- (b) *Other definitions.* Definitions not expressly described herein are to be determined in accordance with customary usage in municipal planning and engineering practices.

- (c) *Unlawful activities.* The following activities, uses, conditions or occurrences on the public right-of-way shall be deemed unlawful:

- (1) Operating any machinery having tracks, feet or pulling lugs over or along any paved streets or alleys.
- (2) Hauling of gravel, brick, sand, concrete, ready mix concrete or mortar in such a manner to scatter or waste these substances onto any streets, alleys or sidewalks.
- (3) Dropping, spilling or leaking out of any tank or vessel, whether connected with a motor vehicle or otherwise, any gasoline or other oil or petroleum-based substance on to any street, alley or sidewalk.
- (4) Discharging any odorous water, sewage, wastewater, waste oils, kitchen grease, kitchen slop water, mop water or other offensive or hazardous substance onto any public right-of-way.
- (5) Placing, storing, constructing, installing or maintaining any structure, building, object, vehicle, device, fence, wall or other material on or within any public right-of-way. Trees and other living, domesticated

- vegetation located within the parkway area of a paved street and mailboxes are exempt from this prohibition. Provided, however, the city, or its authorized agents, shall not be required to replace any obstruction on or within any public way that must be removed during the course of maintenance, construction and/or reconstruction on or within the public way.
- (6) Casting, placing or storing any animal, offal, garbage, trash, refuse or debris into or upon any street, alley, sidewalk, street gutter or other public right-of-way.
 - (7) Constructing or placing any temporary or permanent structure within, on or over any public utility or drainage easement, except for franchised utilities, other public facilities associated with drainage, or as provided herein. The property owner may place removable section type fencing, asphalt or concrete paving, or landscaping within any dedicated public utility easement. Provided, however, that the city or any franchised utility of the city shall not be required to replace anything that must be removed during the course of maintenance, construction or reconstruction within any public utility or drainage easement.
- (d) *License to encumber right-of-way or easements.* The following shall control the consideration of requests for encumbrances on, over, under or through public rights-of-way or easements.
- (1) The right to encumber the public right-of-way may be granted only by license and every grantee of a license shall agree to indemnify and hold the city harmless from any and all damages to persons or property or both, arising in any manner out of the use of licensed premises. Each applicant for a license shall complete an application form obtained from the public works department ~~and submit a nonrefundable deposit to cover the expenses of the processing costs associated therewith. The total deposit shall be credited toward the issuance of the first year license fee, should the applicant be approved for a license.~~ The applicant shall provide a certificate of insurance naming the city as a co-insured with liability insurance coverage in a minimum amount of \$1,000,000.00 for each person for bodily injury and \$500,000.00 for each single occurrence for injury to or destruction of property. The application must be accompanied by plans or drawings showing the area to be used and a statement of the purpose for which the right-of-way is to be used.
 - (1-a) The right to encumber a public sidewalk shall be restricted to the CB central business district and shall be subject to these additional criteria:
 - a. A license authorized by this subsection shall be held only by the applicant and shall not be transferable.
 - b. Any encumbrances authorized by this subsection shall be:
 1. Restricted to the front of the applicant's licensed business and used solely for purposes directly related to the applicant's licensed business;
 2. Placed in such a manner as to leave a minimum unobstructed sidewalk width of four feet, a minimum of one foot away from the curb line or edge of vehicular traveled way, and allow ease of movement by many persons in and around the encumbrances; and
 3. Limited to chairs, benches, tables, window boxes, railings, and one "sandwich board" or stand-up sign per license, with display of advertising restricted solely to "sandwich boards" or stand-up signs (see sections 140-179, 140-239).
 - c. The following placement of encumbrances shall be prohibited:
 1. Placement in front of any door or other means of ingress or egress;
 2. Placement which blocks or hinders access to the adjoining property;
 3. Placement which blocks or hinders visibility of drivers or pedestrians;
 4. Placement on a corner lot within twenty feet of the points of intersection of the joining street rights-of-way;

5. Placement on the sidewalk of any hazardous material; and
 6. For "sandwich boards" or stand-up signs, placement on the sidewalk at such times as the applicant's business is closed to the public.
- d. The license may be revoked with or without notice if, in the discretion of the director of public works or code enforcement officer, the use or utilization of the encumbrance or public sidewalk violates any provision of the Code, or the encumbrance becomes destroyed, unsightly, or deteriorated. This provision is cumulative of any other remedies or enforcement provisions contained in the Code.
- e. For any encumbrance authorized by this subsection (1-a) in the CB central business district, a licensee shall pay a one-time license fee.
- (2) No individual, person, firm or corporation shall be granted a license for an encumbrance of the public right-of-way that would adversely affect the public health, safety or welfare of the citizens of the city.
 - (3) Unless otherwise specified in this subsection, no license shall be issued or granted for an encumbrance of the public right-of-way for less than a three-foot width.
 - (4) Unless otherwise specified in this subsection, ~~a licensee shall pay a license fee depending upon the amount of right of way encumbered as set out below. In no event shall a license fee be less than \$200.00 for a period of one year.~~
 - a. ~~for a private license authorizing a surface, subsurface, or air space encroachment at or above the ground level, the annual~~ (examples include a private water or sewer line, an overhead line, or a building encroachment), a licensee shall pay a one-time license fee ~~shall be 100 of ten~~ percent (10%) of the fair market value times the square footage of encumbrance.
 - b. ~~For a private license authorizing an air space encroachment above the ground level, the annual license fee shall be ten percent of the fair market value times the square footage of encumbrance.~~
 - c. ~~For a private license to encumber subsurface area, the annual license fee shall be ten percent of the fair market value times the square footage of encumbrance.~~
- ; provided, however, in no event shall a license fee be less than \$200.00. ~~The applicant is responsible for the establishment of city will determine~~ the fair market value in the areas of consideration for license. Fair market value may be established by use of the county appraisal district records ~~for~~ referencing value of adjacent properties-land without improvements.
- (5) Unless otherwise specified in this subsection, any deposits, license fees or annual fees required by this section shall be in an amount as established by the city council from time to time and is on file in the city secretary's office or city website.
 - (6) The total deposit shall be credited toward the license fee for the issuance of the first year if a license should be granted. Any individual, person, firm, or corporation wishing to encumber the public right-of-way in any manner shall submit a license application and required deposit to the director of public works. Upon receipt and normal review by various city departments and public utility companies of such application, the director of public works shall forward the request to the city manager for approval.
 - (7) Any license granted hereunder shall specify the area licensed for use and shall be issued by the public works department.
 - (8) Any applicant denied a license shall have the right to appeal such denial to the city council by filing a written notice of appeal with the city secretary no later than five days from receipt of notice of the denial of the request.
 - (9) The city council shall hear the applicant's request within 30 days of notice of appeal and shall determine whether or not to uphold the denial, to grant the request as presented or to modify it.

(e) *Exemptions.*

- ~~(1) Any applicant who wishes to encumber public rights-of-way for installation of a private water line, with a diameter of one inch or less, and for a distance of not more than 300 feet; a private sewer line with a diameter of four inches or less, and for a distance of not more than 300 feet; and an overhead line for a distance of not more than 300 feet; or for an encroachment by a building, is hereby exempt from the annual license fee and shall be subject to a one-time license fee.~~ (1) An applicant who wishes to encumber the public right-of-way adjacent to the applicants' private property for the purpose of installation of a private lawn sprinkler or irrigation system is hereby exempt from the license fee requirements of this chapter. However, neither the city nor any franchised utility shall be responsible or liable for damages or expenses resulting from the maintenance or operations of utilities in said right-of-way.
- (2) Noncertificated telecommunications providers shall be subject to an annual fee, per lineal foot, of an amount as established by the city from time to time and is on file in the city secretary's office or city website.
- (3) Any applicant who is approved for a license to encumber public right-of-way for the placement of an ornamental device, is hereby exempt from the annual license fee and subject to a one-time license fee. The license fee shall be in an amount as established by the city council from time to time and is on file in the city secretary's office or city website.
- (4) In the CB central business district, any applicant who is approved for a license to encumber a specified area of a public sidewalk is hereby exempt from the annual license fee and subject to a one-time license fee.
- (f) *No obstruction of public property.* The applicant shall not, unnecessarily or for an unreasonable period of time, obstruct or interfere with the public use of any streets, roads, highways, alleys or public ways owned or controlled by the city.
- (g) *Repair of damages.* Applicant shall repair any and all damages caused by the applicant to any real property owned or controlled by the city and shall restore such real property to substantially its condition immediately before the incident causing such damage. The applicant shall commence such repairs immediately upon completion of the work or activity in which the applicant was involved at the time the damage occurred and shall complete such repairs to the satisfaction of the city for one-year from the date of surface of said street, road, highway, alley or public way is broken for such construction or maintenance work, after which time, responsibility for the maintenance shall become the duty of the city. The city may, from time to time, adopt reasonable ordinances regulating such work.
- (h) *Conduct of work or activities.* The applicant shall use reasonable care in conducting its work or activities in order to prevent injury to any person and unnecessary damage to any real or personal property.
- (i) *Use of alleys.* The applicant shall attempt to utilize the alleys of the city insofar as is reasonably practical in conducting its work and activities hereunder. Notwithstanding the foregoing, however, the applicant may, when approved by city, utilize the streets and any other public ways owned or controlled by the city to perform such work and activities.
- (j) *Changes in encroachments.* Applicant shall (at the applicant's expense), upon written request from the city, change the location, position, route, depth or height of any encroachment or other components of the encroachment if and when such change becomes reasonably necessary because of a change in the grade of any street, road, highway, alley, public way or other real property owned or controlled by the city or because of any change in the location of, or in the manner of maintaining, constructing, laying, repairing, removing, replacing, installing or operating, any pavement, curbs, gutters or underground or aboveground wires, cables or water or sewer pipes owned or controlled by the city. The city's written request for such change must set forth, in detail, all of the essential elements and specifications of the requested change.
- (k) *Maps of encumbrances.* The applicant shall, at all times, keep on file with the City Engineer a map showing the current location of all encumbrances and other components of the applicant's facilities located in the city.

- (l) *Conflicts.* In the event of any conflict between the provisions of this section and any other provision of this Code or other ordinances, this section shall control. Provided, however, that nothing in this section shall ~~effect~~affect the right of a holder of a lawfully granted franchise.

Sec. 130-6. Removal.

Any unlicensed obstruction or encroachment upon any sidewalk, street, alley or other public thoroughfare of the city as specified in section 130-5, shall be removed by the owner or person in charge thereof, and upon failure to do so, the city, ~~through its agents, shall~~ may remove said obstruction or encroachment and dispose of the same. ~~, institute proceedings in any court pursuant to Texas law or this code to require compliance with this section or penalize non-compliance, or utilize any combination of remedies contained in this code and Texas law to require compliance with this section or penalize non-compliance.~~

Sec. 130-7. Structural interference with view of street intersection.

It shall be unlawful for any person to place or maintain any sign, display or any structure at street intersections in such a manner that the view of intersecting traffic is obstructed, hindered or obscured, or to place or maintain any sign, display or any structure in such a manner as to hinder or obscure the vision of operators of motor vehicles, or pedestrians upon the streets, sidewalks or alleys of the city.

Sec. 130-8. Signs and awnings—Permit.

Any person desiring to erect or place an overhanging sign or awning over or across any sidewalk or over or across any public property in the city shall first apply for and secure a permit to do so from a city inspector. If such sign complies with the provisions of the building code, and, if in the judgment of the city inspector, such sign or awning can be safely erected or placed, the inspector shall issue the permit.

Sec. 130-9. Same—Use of public property.

The supports and guys of all signs and awnings which are not publicly owned shall be placed on private property and such supports and guys shall comply with the provisions of the building code which has been adopted by reference by the city in this Code.

Sec. 130-10. ~~High-rise signs~~Reserved.

- ~~(a) High-rise signs, as defined herein, are signs of any kind which exceed 30 feet in height as measured from the ground level to the topmost part of the structure, and shall include, signs attached to or placed on buildings or structures not specifically built for supporting such signs. High-rise signs are also defined as any sign of sufficient height and proximity to existing electrical power lines that they could fall or be blown down upon any electrical line of more than 300 volts to ground.~~
- ~~(b) Before any permit is issued for such sign, a construction plan shall be submitted to the city engineer by the applicant for the permit. The specifications and design of such sign must bear the seal and signature of a registered professional engineer in the state certifying that the design and specifications meet or exceed the minimum requirements as set forth in the building code which has been adopted by reference by the city in this Code. Failure to furnish such certification upon request shall constitute grounds for refusal of the permit.~~
- ~~(c) No guys on any type structure that extend over any electrical power line 300 volts to ground shall be permitted.~~

Sec. 130-11. Use of streets and sidewalks for business purposes.

Except as otherwise provided in this Code, it shall be unlawful for any person to use any part of any sidewalk, street or alley in the city for the purpose of merchandizing or conducting any trade or business.

Sec. 130-12. Inspection of utility poles, lines, etc.

The city fire chief, building inspector, electrical inspector, police officers and other persons designated by the city shall have power and it shall be their duty to examine and inspect, from time to time, all telegraph, telephone, electric light or other poles, gas pipe lines, pipes and other fixtures in the public places within the city for the purpose of seeing that they are in a safe and suitable condition, and, whenever any such item is found to be unsafe or unsuitable for the purpose for which it is used, the person using, possessing or maintaining the same shall be notified and required to place the same in a safe and suitable condition.

Sec. 130-13. Deposit of litter, trash, etc., on streets and sidewalks—Prohibited.

It shall be unlawful for any person to throw, place or in any wise deposit any litter, trash, refuse or garbage upon the sidewalks, streets, street rights-of-way, highways or highway rights-of-way within the city.

Sec. 130-14. Same—Signs authorized.

The City Engineer's office is hereby authorized to place signs at locations within the city designated by the chief executive officer or the city council to give notice of the provisions of section 130-13.

Sec. 130-15. Going upon or interfering with street or sidewalk being paved, repaired, etc.

It shall be unlawful for any person to drive, ride, walk or otherwise go upon or in any other manner interfere with any sidewalk, street or alley, or part thereof, which is being paved, repaired or constructed.

Sec. 130-16. Removal of lanterns, barricades, etc., from site of street or sidewalk construction.

It shall be unlawful for any person to remove any lanterns, barricade or other warning device or obstruction placed to prevent the public from going onto and upon any sidewalk, street or alley or other public place which is being paved, repaired or constructed.

Sec. 130-17. Breaking, defacing, etc., street name signs.

It shall be unlawful for any person to willfully, maliciously or negligently break, knock down, throw down or in any way deface or otherwise injure any board, plate or card carrying or having upon it the name or designation of any street or public way in the city.

Sec. 130-18. Trees, shrubs and other plants—Clearance over sidewalks.

It shall be unlawful for any person to permit any tree, shrub, vine, palm or any other plant of any description or kind to be grown, maintained or cultivated on any property owned by the person or under the owner's control in such a manner that any portion of such tree, shrub, vine, palm or other plant overhangs or protrudes upon or over any sidewalk, unless there is a full ten-foot clearance between the surface of all portions of the sidewalk and the overhanging tree, limb, shrub, vine, palm or plant.

Sec. 130-19. Same—Clearance over streets.

It shall be unlawful for any person to permit any tree, shrub, vine, palm or other plant of any description or kind to be grown, maintained or cultivated on property owned or controlled by the person in any manner so as any portion of such tree, vine, shrub, palm or plant hangs over or protrudes upon any street or highway in the city, unless there is a full 12-foot clearance between the surface of all portions of such street or highway and the overhanging tree, limb, shrub, vine, palm or plant.

Sec. 130-20. Same—Location between curb and sidewalk.

- (a) It shall be unlawful for any person to plant, maintain or cultivate any tree, shrub, vine, palm or plant of any description or kind which is more than three feet in height between the sidewalk and the curb of any public street or highway in the city at a lesser distance than 20 feet from the corner of any block of any such public street or highway, such measurement to be computed at the point of intersection of two lines extended parallel with the curblines of the street or avenue intersecting and causing such corner. Shade trees growing between the sidewalk and the curb of any public street or highway on or before May 27, 1941, shall not be affected by the terms of this section, until the city council passes a resolution declaring that the growing of the trees constitutes a public nuisance or hazard and orders the same removed by the owner, occupant, lessee or person in charge of such property, within five days from the date the notice is given.
- (b) All trees between the curb and sidewalk shall be planted in a uniform line and in line with the trees already planted and growing.

Sec. 130-21. Same—Interference with traffic.

It shall be unlawful for any person to maintain any shrubbery or trees at street intersections in such a manner that the view of intersecting traffic is obstructed, hindered or obscured, or to maintain any trees or shrubbery having overhanging limbs or extending branches that obstruct, hinder or obscure the vision of operators of motor vehicles or pedestrians upon the streets, sidewalks or alleys of the city.

Sec. 130-22. Fees payable.

A fee shall be paid to the city, in addition to all other charges, fees or deposits, for the issuance of a permit or license, as applicable, under this chapter. This fee shall be for the purpose of defraying administrative costs of issuance, including but not limited to costs of inspection and obtaining appropriate placards. The fee shall be in an amount as established by the city council from time to time and is on file in the city secretary's office, Public Works office, or city website. All fees must be paid prior to issuance.

Secs. 130-~~2223~~—130-~~4544~~. Reserved.

ARTICLE II. RENTAL CHARGE FOR UTILITY POLES, LINES, ETC.**Sec. 130-45. Applicability of article.**

The provisions of this article are subject to the exception set out in Texas Local Government Code Section 590.0001.

Sec. 130-46. Imposed; amount; when payable.

Upon August 1 of each and every year, every person occupying or using the streets, highways, easements, alleys, parks or other public places in the city with poles, pipes and for other fixtures shall, as a condition to such further occupancy, pay to the city annually for such privileges, a rental equal to not less than three percent of the gross receipts received by such person, association, organization or corporation from its business conducted in the corporate limits of the city for the preceding year, which sums shall be paid to the city.

Sec. 130-47. Report of gross receipts of payor.

Every person using or maintaining any telegraph, telephone, electric light or other poles, gas and water pipe lines, pipes and other fixtures in any of the streets, highways, easements, alleys, parks or other places within the corporate limits of the city shall, on August 1 of each year, file with the city secretary a sworn report showing the gross receipts from the business conducted by such person or within the corporate limits of the city for the preceding year, ending the June 13.

Sec. 130-48. Examination of books and records of payor.

The city council may, when it sees fit, have the books and records of any person required to pay the rental charge imposed by this article examined by a representative of the city to ascertain whether the statement filed in accord with section 130-47 is accurate, but nothing in this section shall be construed to prevent the city from ascertaining the facts by any other method.

Sec. 130-49. Receipt for payment.

Upon receipt of the rental charge imposed by this article, the city secretary shall deliver to the person paying the same a receipt therefor, which receipt shall authorize such person to use and occupy the streets, highways, easements, alleys, parks and other public ways of the city in carrying on its business for 12 months from August 1st.

Sec. 130-50. Charge is not a tax, but is additional to taxes.

The rental charge provided for in this article is not charged as a tax, but is made for the privilege, enjoyed by the persons upon whom it is imposed of using the streets, easements, alleys and other public ways of the city in the conduct of their businesses, and such charge is additional to all ad valorem and franchise taxes and to all taxes of every nature imposed on such persons.

Sec. 130-51. Article does not grant franchise; cancellation of privilege and refund of rental.

This article does not grant a franchise to any utility or person to use the streets, easements, alleys and other public ways and shall never be so construed by the court or otherwise. The city reserves the right to cancel the privilege granted under this article and refund the unearned rentals paid to the city.

Sec. 130-52. Penalties.

- (a) Every person who shall operate any business without the payment of the rentals provided for in this article shall be subject to the general penalty as described in section 1-5, and for each and every day that such person shall conduct such business using and occupying the streets, easements, alleys or other public ways of the city without such payment, a fine may be recovered by the city in a court of competent jurisdiction by a suit filed therein.

- (b) Every person, and the local manager or agent of such person, failing or refusing to make the report required by section 130-47, or failing or refusing to allow the examination provided for in section 130-48 shall, upon conviction thereof, be fined and every day's failure or refusal shall be deemed a separate offense.

Secs. 130-53—130-77. Reserved.

ARTICLE III. EXCAVATIONS

Sec. 130-78. Permit—Required; fees.

- (a) It shall be unlawful for any person to cut into, dig up, excavate, tunnel, undermine or in any manner break up the surface of any street, sidewalk, curb and gutter or alley in the city, unless such person shall first obtain a permit therefor from the building inspection division and thereafter notify the City Engineer at least forty-eight (48) hours in advance of commencing any work permitted.
- (b) In the event of an emergency in which a sewer main, conduit or other utility facility in or under any street bursts, breaks or otherwise is in such condition as to immediately endanger the property, lives, health or safety of any person, the person owning or controlling such facility shall be permitted to immediately go in and repair the break for the protection of the property, life, health and safety of individuals; provided, however, such person owning or controlling such facility shall immediately apply for an excavation permit not later than the end of the next succeeding business day during which the building inspection division office is open for business and shall not proceed with permanent repairs without first obtaining an excavation permit and notifying the City Engineer as provided for in this article.
- (c) An excavation permit as provided for in this article shall become invalid seven (7) business days following issuance of the permit, and all excavations shall be completed on or before the permit expiration date. In the event excavation work is not completed on or before the permit expiration date, another excavation permit as provided for in this article must be obtained, with the same period of validity as provided for in this subsection.
- (d) The fee for the issuance of a permit required by this article shall be in an amount as established by the city council from time to time and is on file in the city secretary's office, Public Works office, or city website.

Sec. 130-79. Same—Application.

An application for a permit required by section 130-78 shall give the following information:

- (1) The name, address and phone number of the applicant;
- (2) The exact location on the street or alley of the excavation or tunneling;
- (3) The nature and purpose of the work and the dimensions of the cut or break in the pavement or surface of the street, curb and gutter or alley;
- (4) The date of proposed commencement of the work;
- (5) The date of proposed completion of the work;
- (6) The type of surface and base, if known, of the street and to what level of completion the applicant proposes to perform repair work; and
- (7) Such other information as the inspection division may require.

Sec. 130-80. ~~Same—Amount of deposit required of applicant. Same—Types of excavations; backfill and inspection requirements.~~

At the time of the issuance of the permit under this article, the applicant shall deposit with the city a sum of money for the costs of labor and materials necessary to restore the street, alley, curb, gutter or sidewalk to a like condition prior to the cut, break or excavation. The amount of said deposits shall be as follows:

- ~~(1) Type I. Gravel surfaced streets and alleys—\$10.00 for each square yard or any fraction thereof.~~
- ~~(2) Type II. Asphalt on gravel base—\$15.00 for each square yard or any fraction thereof.~~
- ~~(3) Type III. Concrete or brick (no asphalt)—\$20.00 for each square yard or any fraction thereof.~~
- ~~(4) Type IV. Asphalt on brick, concrete or soil cement—\$28.00 for each square yard or any fraction thereof.~~

Sec. 130-81. ~~Same—Deposit refund or additional charge.~~

~~(a) Upon completion of the permitted excavation and backfilling, as specified in section 130-92, the permittee shall notify the building inspection office of such completion. An inspection of the excavation site shall be made by city personnel to determine the actual cut dimensions and the amount and type of work and material required for the city to complete repairs. Depending on results of inspection, the final charge and resultant amount of refund or extra charge shall be computed as follows:~~

- ~~(1) Type I. Gravel surfaced street or alley.~~
 - ~~a. Condition A. No additional work or material required: Full deposit refund.~~
 - ~~b. Condition B. Additional work and/or material required for the city to complete repair: Final charge of \$10.00 per square yard or any fraction thereof based on field-measured surface cut dimensions.~~
- ~~(2) Type II. Asphalt on gravel base.~~
 - ~~a. Condition A. No additional work or material required: Full deposit refund.~~
 - ~~b. Condition B. Additional work, additional gravel base material and asphalt replacement material required for the city to complete repairs: Final charge of \$15.00 per square yard or any fraction thereof based on field-measured surface cut dimensions.~~
 - ~~c. Condition C. Additional work and asphalt replacement material only required for the city to complete repairs: Final charge of \$10.00 per square yard or any fraction thereof based on field-measured surface cut dimensions.~~
- ~~(3) Type III. Concrete or brick surface (no asphalt).~~
 - ~~a. Condition A. No additional work or material required: Full deposit refund.~~
 - ~~b. Condition B. Additional work and replacement concrete material required for city to complete repair: Final charge of \$20.00 per square yard or any fraction thereof based on field-measured cut dimensions.~~
- ~~(4) Type IV. Asphalt on brick, concrete or soil cement.~~
 - ~~a. Condition A. No additional work or material required: Full deposit refund.~~
 - ~~b. Condition B. Additional work, replacement concrete base material and asphalt replacement material required for city to complete repair: Final charge of \$28.00 per square yard or any fraction thereof based on field-measured surface cut dimensions.~~

- ~~c. Condition C. Additional work and asphalt replacement material only required for the city to complete repairs: A final charge of \$10.00 per square yard or any fraction thereof based on field-measured surface cut dimensions.~~
- ~~(b) Following satisfactory completion of repair work, the permittee will be mailed a statement detailing final charge computations and resultant refund or extra charge amounts due and/or payable within 30 days of statement date.~~
- Sec. 130-82.(a) Asphalt streets or alleys. Permittee shall be responsible for backfilling excavated area within two inches (2") of the finished grade with flowable fill or other material approved by the City Engineer. Upon completion of backfill, permittee shall notify the City Engineer for a required inspection; and upon the backfill passing inspection, the City will place the final asphalt course.
- (b) Concrete streets or alleys. Permittee shall be responsible for backfilling excavated area within seven inches (7") of the finished grade with flowable fill or other material approved by the City Engineer. Upon completion of backfill, permittee shall notify the City Engineer for a required inspection; upon the backfill passing inspection, permittee shall be responsible for pouring a minimum seven-inch (7") Class P Concrete Pavement (3,600 psi and minimum #3 bars on eighteen-inch centers each way); and then permittee shall notify the City Engineer for a required final inspection.
- (c) Concrete sidewalk. Permittee must request an inspection by the City Engineer prior to pouring sidewalk; and Permittee shall construct sidewalk per the requirements of section 130-2.
- (d) Asphalt trails. Permittee shall be responsible for backfilling excavated area within two inches (2") of finished grade with minimum six-inch (6") Type B, Grade 3 base material or other material approved by the City Engineer; upon completion of backfill, permittee shall notify the City Engineer for a required inspection; and upon the backfill passing inspection, the City will place the final asphalt course.

Sec. 130-81. Same—Insurance required of applicant.

- (a) Prior to the issuance of a permit under this article, the applicant shall furnish to the building inspection division satisfactory evidence in writing that the applicant has in force and will maintain in force, during the performance of the excavation work and during the period of the excavation permit, public liability insurance in the sum of not less than \$50,000.00 for any one person and \$100,000.00 for any one accident, and property damage insurance of not less than \$50,000.00, such insurance to be issued by an insurance company authorized to do business in this state.
- (b) It shall be the permittees responsibility to maintain the site in such condition that the public is protected, until final repairs are complete.

Sec. 130-83. Same—Fee for permit.

~~A fee shall be paid to the city, in addition to all other charges, fees or deposits, for the issuance of a permit under this article. This fee shall be for the purpose of defraying the cost of the issuance of permits and obtaining proper placards, administrative costs and costs of inspection. The permit fee shall be in an amount as established by the city council from time to time and is on file in the city secretary's office or website.~~

Sec. 130-8482. Same—Issuance, contents, display, etc.

- (a) In the event an applicant is granted a permit under this article, the ~~inspection division~~Public Works department shall issue a placard, which shall be plainly written or printed in English and reading substantially as follows:

Excavation Permit No. _____

City of Texarkana, Texas

Place: _____

Issued: _____

(date)

Expires: _____

(date)

- (b) The applicant shall display the permit in a conspicuous place at the site of the work.
- (c) It shall be unlawful for any person to exhibit such placard at or about any excavation not covered by such permit, or to alter or misrepresent the number of the permit or the date of issuance or the date of expiration thereof.

Secs. 130-83—130-84. Reserved.**Sec. 130-85. Notice to police and fire departments if street closed.**

If, in the course of work performed under a permit issued under this article, it becomes necessary to obstruct the passage over a street completely, it shall be the duty of the permittee to inform the fire department and the police department of such temporary closing and to make necessary arrangements with the street division superintendent concerning barricades, detours, signing, flagmen, etc. The permittee shall be responsible for providing such traffic control to the superintendent's satisfaction.

Sec. 130-86. Barricades.

- (a) Every person to whom a permit is issued under this article shall erect ~~proper barricades~~ barricades which meet the requirements of the then-current Texas Manual on Uniform Traffic Control Devices at the site of the work covered by the permit to inform the public that the street, sidewalk, curb and gutter or alley is being excavated and to prevent the unobstructed passage therein and to route traffic around the excavation with a minimum of interference. Acceptable warning signs shall be placed on such barricades, and all barricades shall be illuminated at night, and all lights shall be kept burning from sunset to sunrise.
- (b) It shall be the responsibility of the permittee to maintain the proper barricading and signing at the site, until notified by the city that final repair has been satisfactory completed.

Sec. 130-87. Bridges required in certain instances.

Where traffic must cross open trenches at intersections and driveways, suitable bridges shall be provided by the person to whom the permit was issued under this article.

Sec. 130-88. Means of ingress and egress for residents to be provided.

Streets, driveways or alleys affected by work under a permit issued under this article shall at all times be maintained in a condition which will provide easy ingress and egress to the residents living thereon.

Sec. 130-89. Use of cleated equipment.

No person performing work under a permit issued under this article shall use equipment with cleats, without pads on any surfaced street.

Sec. 130-90. Trench walls.

Whenever any excavation is made on a surfaced street, the trench walls shall be substantially vertical, with a maximum width at the top no greater than 24 inches more than the outside diameter of the pipe. The trench walls shall be sufficiently braced to prevent material under the undisturbed pavement from sluffing. Trench protection shall be required if the trench is five feet (5') or more in depth.

Sec. 130-91. Protection of sewers.

Where sanitary sewers are encountered in making an excavation under this article, every effort shall be made to keep them undamaged. Should the sanitary sewer be damaged, it shall be completely cleaned and restored to its original condition. Where the grades on sanitary sewer lines are such that they must pass through storm sewers, a satisfactory concrete box shall be installed with a clean out manhole, and the sanitary sewer shall be laid through the box with cast iron pipe as directed by the City Engineer.

Sec. 130-92. Backfilling, base repair and surface repair.

- (a) *General.* Backfilling of excavations shall be the responsibility of the permittee. Base and concrete surface repair may be performed by the permittee or by the city at the city's option. Backfilling shall be accomplished as soon as practicable.
- (b) *Materials and methods for backfilling.* Material used for backfilling may be that material excavated or other similar material, provided that the material used for backfilling is free of vegetation or other deleterious matter, contains no rock, broken concrete or broken asphaltic pieces larger than three inches maximum dimension in any plane, and is of such character and moisture content that it will stabilize when compacted. The backfill material shall be placed in six-inch loose lifts, and each lift shall be thoroughly compacted to prevent excessive settlement. This procedure will be continued, until the excavation is totally filled, unless base repairs and/or surface repair is to follow immediately, in which case the backfill procedure may stop at the elevation such base repair will start.
- (c) *Materials and methods for base repair.*
 - (1) *Gravel base.* Material used for repair of existing gravel base streets and alleys shall meet the minimum specifications for Type B, Grade 3, flexible base material, as detailed in ~~Item 248 of the Texas State Department of Highways and Public Transportation, 1982 edition, Standard Specifications for Construction of Highways, Streets and Bridges.~~TxDOT Standard Specs. A minimum of ten inches, compacted depth, base material shall be placed in two equal lifts, with each lift thoroughly compacted. Where asphalt surface repair is to immediately follow base repair, the top two inches of base material may be omitted to allow for placement of the asphalt.
 - (2) *Concrete, brick and soil cement base with asphalt surface.* Material used for repair of existing concrete, brick and soil cement base without asphalt surface streets and alleys shall meet the minimum specification for Class C, 3600 psi, 28-day strength concrete, as detailed in ~~Item 421 of the Texas State Department of Highways and Public Transportation, 1982 edition, Standard Specifications for Construction of Highways, Streets and Bridges.~~TxDOT Standard Specs. A minimum of eight-inch depth shall be placed and broom-finished at an elevation to allow placement of a two-inch depth asphalt surface course. The concrete base shall be protected from heavy loading and allowed to cure a minimum of three days prior to placement of asphalt surface and opening for traffic.
 - (3) *Concrete or brick base and surface.* Material used for repair of existing concrete or brick base and surface streets and alleys shall meet the minimum specifications noted in subsection (c)(2) of this section. A minimum of eight-inch depth shall be placed and broom-finished to match the existing undisturbed surface profile around the excavation. The concrete shall be protected from heavy loading and allowed to cure a minimum of three days prior to opening for traffic.

Sec. 130-93. Valve boxes, manholes, etc., to be brought to finished grade.

All valve boxes, manholes and the like shall be brought to the true finished grade of paved streets by persons making excavations under this article.

Sec. 130-94. City and employees not liable for damages.

This article shall not be construed as imposing upon the city or any official or employee, any liability or responsibility for damages to any person injured by the performance of any excavation work for which an excavation permit is issued hereunder, nor shall the city or any official or employee thereof be deemed to have assumed any such responsibility or liability by reason of inspections authorized herein, or the issuance of any permit, or the approval of any excavation work.

Secs. 130-95—130-116. Reserved.**ARTICLE IV. ACCESS DRIVEWAYS****Sec. 130-117. State regulations—Adopted.**

The pamphlet known as the "Access Management Manual," published July 2011, by the Texas Department of Transportation, is hereby adopted by the city council as though set out herein in full. The Public Works Department shall maintain a copy of this pamphlet on file at all times.

Sec. 130-118. ~~Same—Filing and distribution of copies~~ Commercial driveways; traffic study required.

~~The city secretary shall maintain a copy of the pamphlet "Access Management Manual," adopted by section 130-117, on file in the secretary's office at all times, and the secretary shall procure extra copies for distribution at a reasonable fee—~~ A Traffic Impact Study/Analysis shall be required for all new, proposed commercial driveways; and the cost of such study/analysis shall be borne by the property owner or developer unless waived in writing by the City Engineer.

Sec. 130-119. Curbs for new driveways.

Commercial access driveways within the city under construction on April 27, 1954, or altered, repaired or rebuilt after such date, and any commercial access driveways built after such date anywhere within the city limits shall be provided with a curb not less than ten feet from the corner of the intersection streets' right-of-way, such curb shall conform to that line established for curbs for each of the intersection streets.

Sec. 130-120. Minimum construction requirements.

That portion of access driveway constructed upon public street rights-of-way (i.e., from curbline or pavement edge to street right-of-way line) shall meet the minimum criteria for use classification as follows:

- (1) Driveways providing singular access from the street to a single residential unit shall be constructed of Class "A" (3,000 psi test) concrete. Minimum slab thickness shall be four inches, if reinforced with six inches by six inches by ten-gauge welded wire mesh or its equivalent, or five inches if nonreinforced. Subgrade shall be well compacted, and an expansion joint shall be installed at the right-of-way line. Where existing curb, gutter and/or street pavement must be removed to allow proper construction, the

limits of the area to be removed shall be saw-cut or scored in an approved manner, and the removal accomplished so as to provide a neat line and a vertical face exposed. The use of alternate materials and methods will be considered, provided a detailed design by a registered professional engineer is submitted, including the engineer's certification that the alternate proposed will provide equal or greater strength and durability than those specified above.

- (1-a) When a rear yard of a single residential unit abuts a street, the City Engineer may approve a driveway providing singular access from the street to the rear yard if, in the discretion of the City Engineer, the rear yard cannot be reasonably accessed from a driveway described in section 130-120(1). Factors to be considered by the City Engineer when exercising such discretion may include a change in elevation, natural barriers (e.g., creek or drainage ditch), drainage facilities (e.g., box culvert or improved stormwater drain), the existence of other natural or artificial barriers, or, if applicable, the flood plain. Any driveway approved under this subsection must meet the minimum construction requirements of section 130-120(1), have a minimum width of 12 feet, and not exceed a maximum width of 15 feet. This subsection does not restrict bicycle or pedestrian facilities. Where lots have double frontage, running through from one street to another, nothing in this Code authorizes a driveway connecting both streets.
- (2) Driveways providing access from a street to a parking lot; to a private drive or street serving multiple-residential units; to educational, medical or religious facilities; to public or private office facilities and to any retail, commercial or industrial type facilities shall be constructed of Class "A" (3,000 psi test) concrete on a well compacted subgrade. Minimum slab thickness shall be five inches, if reinforced with six inches by six inches by six-gauge welded wire mesh, or six inches if nonreinforced. Removal of existing curb, gutter and/or street pavement shall conform to the requirements set forth in subsection (1) of this section, as will consideration of use of alternate materials and methods of construction.
- (3) All driveways shall be constructed to maintain or improve the drainage conditions in the area of the driveway. Gutter line grade shall be carefully maintained and driveway construction shall be such that storm flow is maintained in the gutter. Where driveways cross drainage ditches or swales, the City Engineer's office shall determine pipe size or capacity requirements for driveway culverts or swale sections as conditions dictate. In general, the minimum pipe size allowed will be 18 inches in diameter. Fifteen-inch diameter pipe may be allowed only in instances where larger diameter pipe is not needed and could not function properly due to conditions. In general, the minimum culvert length shall be the paved driveway width, plus two-foot shoulders each side if vertical headwalls are constructed. Otherwise, add a minimum additional two feet length each side for each one-foot depth from top of driveway to bottom of ditch to provide a maximum 2:1 end slope on backfill. Culvert pipe shall be of approved reinforced concrete construction. Alternate pipe material that will be considered, includes metals and plastics which are designed to carry H-15 loadings, are coated or treated to withstand corrosion, and provided that ends are protected by headwalls or concrete sloped end treatment. In general, the location of the culvert pipe in relation to the street pavement edge shall be a minimum of three feet for shoulder width plus three feet for each foot of ditch depth to provide a maximum 3:1 front slope for the ditch. Adjacent ditch lines shall be transitioned and reshaped as necessary to accommodate the culvert location. The driveway over the culvert pipe should be swaled where possible to provide overflow capability.
- (4) Construction and maintenance of the access driveway is the responsibility of the owner of the property served. When requested, the city may, at its option, assist in the construction or reconstruction of driveway culverts only to the extent of installing and backfilling the culvert pipe furnished by the property owner and reshaping adjacent ditches.

Sec. 130-121. Curbs for existing driveways.

At access driveways existing in the city prior to April 27, 1954, should the city council find, by resolution with notice to the property owner, lessee and any person having any interest in the property, that the lack of curbing at the corner of intersecting streets constitutes a traffic hazard and that curbing is necessary to the public convenience

for the control of traffic, the city council may order the City Engineer to erect a proper curb on the right-of-way, at the expense of the city.

Sec. 130-122. Parking aprons for angle parking between curb or pavement edge and property line.

Permits for the construction of parking aprons for angle parking between the curb or pavement edge and the property line shall be issued only for city streets classed as secondary or minor and only under the following conditions:

- (1) The parking apron shall extend the full length of the block from curb radii to curb radii of adjoining side streets.
- (2) The parking apron shall be constructed of Class "A" (five sack, 3000 psi test) concrete, reinforced with six inches by six inches by six welded wire mesh. The apron slab shall be a minimum of six-inch thickness and shall be placed on a prepared, well compacted subbase. An integral concrete curb shall be constructed along the edges of the parking apron which do not connect to the street proper. Said curb shall be six inches minimum thickness and extend a minimum vertical distance of six inches above the parking slab.
- (3) The grantee shall construct and maintain an unobstructed pedestrian walk along and adjoining the curb of the parking apron for the length thereof. The walk shall be constructed of Class "A" concrete (five sack, 3,000 psi test), it shall be a minimum of four feet wide and four inches thick and shall be poured on a prepared, well compacted subbase.
- (4) Drainage shall be maintained by the installation of drainage tile where necessary and/or by grading the parking apron to drain to existing gutters, ~~catchbasins~~ catch basins or drainageways.

Sec. 130-123. Plans and specifications; compliance with article; permit required; fees.

- (a) *Application for permit.* Any person desiring to construct an access driveway or single parking apron connecting to any street or highway within the corporate limits of the city shall make application for a permit from the department of public works of the city. The applicant for such permit shall submit plans and specifications covering the work proposed showing all dimensions, property lines, sizes and other pertinent information necessary for review. Such information may be included on plat plans presented for building permits in case of new construction. In the event such work is contemplated along a state highway, two sets of plans and specifications will be required.
- (b) *Permit required.* A valid permit to construct access driveways and/or angle parking aprons will be required in addition to building permits.
- (c) *Fees set.* The fee for the issuance of a permit to construct access driveways or parking aprons along any street or highway in the corporate limits of the city shall be in an amount as established by the city council from time to time and is on file in the city secretary's office or city website. The issuance of this permit shall relieve the grantee of the grantees obligation to secure a curb cut permit as required in article III of this chapter.
- (d) *Compliance with article.* The City Engineer shall require all plans and specifications to be submitted to the engineer by either the contractor, property owner or other person having an interest in the property, who applies for a building permit, to show compliance with this article, and should the person applying for a building permit refuse to comply with this article, the permit shall not be issued. If the plans and specifications show a compliance with this article and the permit is issued, and the construction fails to comply with this article, the City Engineer shall immediately notify the contractor, owner or person authorizing the building and construction, and the chief executive officer of the city and, if necessary, the chief executive officer may instruct the city attorney to institute proceedings in any court to require compliance with this article, or cessation of the work until the article is complied with.

Secs. 130-124—130-144. Reserved.

ARTICLE V. STREET IMPROVEMENT STANDARDS

Sec. 130-145. Required adherence.

All street and alley improvements constructed within the city limits or within its jurisdiction shall be constructed in conformance with the terms and provisions of this article- and TxDOT Standard Specs.

Sec. 130-146. Definitions.

For the purpose of this article, the following words and phrases used in this article shall have the following meanings, except where the context clearly indicates a different meaning:

Arterial street means a street designed to facilitate rapid and heavy traffic movements and which primarily provides vehicular circulation to various sections of the city and which, as a secondary function, provides direct access to abutting property.

Collector street means a street used primarily for circulation within a neighborhood to carry traffic from minor streets to arterial streets or to carry traffic through or adjacent to commercial, industrial or high-population density areas.

Consulting engineer means a professional engineer or engineering firm authorized to practice in the state and engaged by the city or by any developer to design and supervise improvement projects.

Developer means any private individual or group of individuals requesting or implementing public improvements.

Director of public works means the director of public works of the city and the county.

Planning and zoning commission means the planning and zoning commission of the city and the county.

Residential street means a street used primarily for access to abutting residential property.

All other words and phrases used in this article shall have the generally accepted meanings consistent with their usage by the engineering profession or the legal profession, whichever is applicable.

Sec. 130-147. ~~Governing standard specifications for materials and methods of construction~~Reserved.

~~All applicable sections of that certain publication titled Standard Specifications for Road and Bridge Construction, adopted in 2004 by the Texas Highway Department, and including all applicable approved revisions thereof, a copy of which publication shall be on file in the office of the city secretary, are hereby adopted as the standard specifications for materials and methods of construction for streets within the city. All materials used in city street and alley construction shall conform in all respects to the applicable provisions of such publication.~~ **Sec. 130-148. Right-of-way.**

Prior to construction of any street improvement, which is to be operated and maintained by the city, the following right-of-way widths shall have been dedicated to the public by duly recorded formal instrument:

- (1) *Arterial streets*. ~~Eighty~~ 80 to 100 feet or as established by the provisions of the master plan of the city and by the provisions of the urban transportation study.
- (2) *Collector streets*. Not less than 60 feet.
- (3) *Urban section residential streets*. Not less than 50 feet.
- (4) *Rural section residential streets*. Not less than 60 feet.
- (5) *Residential or commercial alleys*. Not less than 20 feet.

Sec. 130-149. Pavement widths and street section.

- (a) *Urban section street*. In general, all street improvements constructed within the city's jurisdiction shall be of urban cross section with curb and gutter and shall be designed and constructed to the following minimum widths measured back ~~to~~ back of curb:
 - (1) *Arterial streets*. ~~Forty-eight~~ Fifty feet minimum width.
 - (2) *Collector streets*. Thirty-seven feet minimum width.
 - (3) *Residential streets*. Thirty-one feet minimum width.
 - (4) *Boulevard streets*.
 - a. Residential—Two 20 feet minimum width lanes;
 - b. Collector—Two 25 feet minimum width lanes.
 - ~~(5) *Cross or circular streets*. Residential streets not exceeding 400 feet in length between intersections nor serving more than four lots between intersections may be constructed to minimum 28 feet in width.~~
 - ~~(6)~~ (5) *Residential collector streets*. Urban streets designated as residential collector shall be constructed to a residential street width of 31 feet, up to a point which is a minimum of 150 feet from the edge of pavement of any arterial or collector street which it is intersecting. A transition from 31-foot width to 37-foot width will be accomplished in 50 feet of street length with the 37-foot width carried the remaining 100 feet to the intersection.
- (b) *Rural section streets*. Where all lots within a subdivision are platted having a land area of 0.75 acre (32,670 square feet) or more and having minimum frontage of 125 feet on any adjacent street, rural section streets will be allowed. In instances where there are lots platted within a subdivision having a land area of 0.50 acre (21,780 square feet) or more and having minimum frontage of 100 feet on any adjacent street, the city planning and zoning commission may authorize and approve rural section street construction at the time of plat approval. In these instances, minimum widths shall be as follows:
 - (1) *Arterial streets*. As determined necessary on an individual basis.
 - (2) *Collector streets*. A total minimum crown width, measured from outside edge of shoulder to outside edge of shoulder of 36 feet with a minimum pavement surfaced width of 24 feet.
 - (3) *Residential streets*. A total minimum crown width, measured from outside edge of shoulder to outside edge of shoulder of 30 feet with a minimum pavement surfaced width of 24 feet.
 - (4) *Residential collector streets*: Rural streets designated as residential collector shall be constructed to the rural residential width set forth in subsection (b)(3) of this section, up to a point which is a minimum of 150 feet from the edge of pavement of any arterial or collector street which it is intersecting. A transition from total crown width of 30 feet with pavement surfaced width of 24 feet to a total crown width of 36 feet with pavement surfaced width of 24 feet shall be accomplished in 50 feet of street length with the 36-foot crown width and 24-foot pavement width carried the remaining 100 feet to intersection.

- (c) *Alley section.* Alley improvements may be constructed of such cross section as determined best for the particular location and as approved by the City Engineer. Minimum pavement surfaced widths shall be 12 feet, edge to edge.
- (d) *Cul-de-sac.* The minimum outside pavement diameter for the cul-de-sac or closed-end turnaround, shall be 100 feet, whether urban or rural section. The minimum pavement width around the cul-de-sac shall be 31 feet back-to-back of curb for urban section improvements and 28 feet edge-to-edge of pavement for rural section improvement, with any resultant center unpaved island construction with curb and gutter around its perimeter.

Sec. 130-150. Standard cross-sectional shapes.

- (a) *Street crown.* All street sections shall be constructed with a cross section that will provide minimum transverse slopes as follows:
 - (1) Three percent for residential and residential collector streets.
 - (2) Two percent for major collector and arterial streets from centerline to ~~gutterline~~gutter line or centerline to outside edge of shoulder.

On residential and residential collector streets the cross slope may transition to a three percent slope from ~~gutterline~~gutter line to ~~gutterline~~gutter line for cross-drainage purposes where allowed by the City Engineer. This transition shall occur over a 200-foot length of street.

- (b) *Monolithic concrete curb.* A concrete curb constructed monolithically with a concrete street slab shall be six inches in height above gutter elevation, have a two-inch top width, a three-inch radius top to face, a three-inch face at 30 degrees to vertical, thence a four-inch radius face to gutter low point, for a total curb width at ~~gutterline~~gutter line of 9.5 inches.
- (c) *Concrete curb and gutter section.* Concrete curb and gutter sections constructed independently shall be a minimum 24-inch width, minimum 12-inch height, and the curb shape shall conform to that described in subsection (b) of this section for monolithic curb.
- (d) *Mountable curb.* A mountable curb may be utilized in lieu of the curb section defined in subsection (b) or (c) of this section at the developer's option. The design of said mountable curb shall be as shown in section 130-155 or as approved by the City Engineer.
- (e) *Parallel drainage, rural street section.* Where rural section street construction is allowed under this chapter or where existing rural section border streets abut a subdivision proposed for development, the street drainage within or abutting such subdivision shall be designed and constructed to meet the ~~following minimum criteria:~~criteria in Chapter 120 of this Code and the current adopted City of Texarkana Stormwater Management Design Manual.

~~(1) Drainageways parallel with streets shall be designed to meet the requirements of section 120-5.~~

~~(2) The street drainageways shall be shaped, graded and improved in such manner that erosion will be controlled and side slopes will not exceed 4:1 front slope and 3:1 back slope to facilitate safety and maintenance.~~

~~(3) Street and drainage plans submitted shall include notes designating culvert pipe or culvert box size required for future access driveways along such streetside drainageways to comply with design capacity calculations for the various sections thereof. Minimum allowable pipe size shall be 15-inch diameter and culverts shall be located no closer than 26 feet to the centerline of the street.~~

~~(4) In instances where topography or other factors dictate that a streetside drainageway has a vertical depth greater than three feet, measured from top of front slope to flowline, the side slopes must be steeper than allowed above, or where erosion cannot be controlled otherwise, such drainageway shall be lined with concrete or other materials in a manner approved by the city engineer.~~

~~(5) All cross-drainage structures under rural section streets shall be constructed with approved headwalls or sloped concrete-lined end sections.~~

Sec. 130-151. Streets and alleys; traffic study required; minimum standards of structural design and construction.

~~All streets and alleys shall have Traffic Impact Study/Analysis and an individual-engineered design for pavement and subgrade based on specific site conditions and the projected traffic load and volumes that meets the then-current edition and supplements thereto, if any, of the American Association of State Highway and Transportation Officials (AASHTO) pavement structures design guide, adopted herein by reference. The requirements below are minimum standards:~~

- (a) *Roadbed soils.* Roadbed soils with a plasticity index (P.I.) of 20 or greater shall not be considered acceptable subgrade material. Such high P.I. material must be stabilized in ~~an approved manner or replaced with a minimum of 18-inch thick approved subbase material.~~ a manner approved in writing by the City Engineer. The design engineer shall require soil tests at each apparent change of soil characteristic along the street length or at intervals not exceeding ~~500~~300 feet of street length. In instances where roadbed soil is stabilized or replaced, appropriate laboratory tests shall be performed in a like manner on the new or stabilized material.
- (b) *Subgrade.* Acceptable roadbed soils or subbase materials shall be worked a minimum six-inch depth and compacted to a minimum 95 percent Standard Proctor Density to be considered acceptable subgrade for further construction. Prior to testing for subgrade density, a certified independent testing laboratory under the direction of the design engineer shall supervise the proof rolling of the subgrade in accordance with ~~Item 216 of the herein adopted state department of transportation standard specifications.~~ TxDOT Standard Specs. Once proof rolling is complete and any required repairs made, the independent testing laboratory shall test for required density with a minimum of one test for each soil type or at a minimum of one test for each ~~500~~300 feet of street length or part thereof.
- (c) *Rigid pavement design.* All concrete pavements shall be Class P as defined by TxDOT Standard Specs.
 - ~~(1) Arterial streets.~~ Individual design based on projected and assigned traffic volumes by individual study.
 - (1) Arterial streets. Over the required subgrade or subbase, the minimum thickness requirement for Portland cement concrete (PCC) pavement shall be eight inches with #3 steel reinforcing bars 24 inches c/c or #4 steel reinforcing bars 36 inches c/c spacing. The concrete pavement shall be properly placed and cured with doweled expansion and construction joints, plus neatly sawed dummy joints at approved spacing. All joints shall be sealed with material approved in writing by the City Engineer and in a timely manner approved in writing by the City Engineer. Any uncontrolled cracks occurring shall be saw cut or routed and properly sealed. The actual placement of the concrete pavement shall be monitored by a certified independent testing laboratory under the direction of the design engineer to ensure that the paving activity complies with TxDOT Standard Specs and the mix design, including slump, concrete temperature, and water/cement ratio. Concrete strength tests will be required at a minimum of one test per each 250 cubic yards or part thereof.
 - (2) Collector streets. Over the required subgrade or subbase, the minimum thickness requirement for Portland cement concrete (PCC) pavement shall be six inches with #3 steel reinforcing bars 24 inches c/c or #4 steel reinforcing bars 36 inches c/c spacing. ~~The concrete shall be designed to produce a 3600 psi nonreinforced compressive beam strength at 28 days.~~ The concrete pavement shall be properly placed and cured with doweled expansion and construction joints, plus neatly sawed dummy joints at approved spacing. All joints to be sealed with material approved ~~material in an approved writing by the City Engineer~~ and in a timely manner approved in writing by the City Engineer. Any uncontrolled cracks occurring shall be saw cut or routed and properly sealed also. The actual placement of the concrete pavement shall be monitored by a certified independent testing laboratory under the direction of the design engineer to ensure that the paving activity complies with ~~the herein adopted state department of transportation standard specifications~~ TxDOT Standard Specs and the mix design, including slump,

concrete temperature and water/cement ratio. Concrete strength tests will be required at a minimum of one test per each 250 cubic yards or part thereof.

- (3) *Residential streets.* The minimum standards established for collector streets in subsection (c)(2) of this section shall apply for residential street rigid pavement construction.

(d) *Flexural pavement design – all streets.*

~~(1) Arterial street. Individual design based on projected and assigned traffic volumes by individual study.~~

~~(2) Collector street.~~

- ~~a.~~ (1) *Nonstabilized flexible base.* Over the required subgrade or subbase, the minimum thickness requirement for a nonstabilized flexible base course shall be one of the following:

~~1a.~~ Pit run gravel shall be eight inches in thickness with a plasticity index (P.I.) of not less than five nor more than 15. It shall meet gradation and all other requirements as listed for a Type B, Grade 3 flexible base material under ~~Item 247 of the adopted standard specifications~~ TxDOT Standard Specs.

~~2b.~~ Crushed stone shall be six inches in thickness with a meeting gradation and all other requirements as listed for a Type A, Grade 1 flexible base material under ~~Item 247 of the adopted standard specifications. The nonstabilized~~ TxDOT Standard Specs. The non-stabilized flexible base material shall be shaped and compacted to a minimum 95 percent Standard Proctor Density and properly primed with an approved asphalt to be considered acceptable for further construction or surfacing. Laboratory density tests shall be performed at adequate intervals to ensure consistent density. The responsible design engineer shall determine appropriate test locations, with a minimum of one test for each ~~500~~ 300 feet of street length or part thereof.

~~b.(2) Cement Treated Base.~~ A cement treated base shall be engineered to meet requirements of TxDOT Standard Specs; the thickness of the sub-base must either be a minimum of 8" and a minimum of 40 lbs. of cement per square yard, or as approved in writing by the City Engineer.

- (3) *Hot-mix asphaltic concrete (HMAC) flexible base.* Over the required subgrade or subbase, an approved asphalt primer shall be applied, then a minimum thickness of five inches of HMAC flexible base may be applied. The HMAC base shall meet gradation and all other requirements for Type A (coarse-graded base course) or approved equal as listed under ~~Item 340 of the adopted standard specifications.~~ TxDOT Standard Specs.

~~c.(4)~~ *Flexible surfacing.* The standard flexible surfacing for arterial and collector streets shall be a minimum thickness of two inches of hot-mix asphaltic concrete (HMAC) meeting the gradation and all other requirements for Type D (fine-graded surface course) or approved equal as listed under ~~Item 340 of the adopted standard specifications.~~

~~d. Design speed.~~ The horizontal and vertical alignment shall meet the following minimum design speed as defined in the AASHTO green book:

~~1~~ TxDOT Standard Specs. ~~Arterial: 50 miles per hour.~~

~~2~~ ~~Major collector: 35 miles per hour.~~

~~3~~ ~~Residential and residential collector: 30 miles per hour.~~

~~(3) Residential and residential collector streets.~~

~~a. Nonstabilized flexible base.~~ The minimum standards set forth in subsection (d)(2)a. of this section shall apply to residential streets when surfaced with 1½ inches hot-mix asphaltic concrete (HMAC) as specified in subsection (d)(3)c. of this section.

~~b. Hot mix asphaltic concrete (HMAC) flexible base.~~ The minimum standards set forth in subsection (d)(2)b. of this section shall apply to residential streets when surfaced with 1½ inches of HMAC as specified in subsection (d)(3)c. of this section.

~~c. *Flexible surfacing.* The standard flexible surfacing for residential streets shall be a minimum thickness of 1½.5 inches of hot-mix asphaltic concrete (HMAC) meeting the gradation and all other requirements for Type D (fine-graded surface course) or approved equal as listed under ~~Item 340 of the adopted standard specifications.~~ TxDOT Standard Specs.~~

~~(5) *Design speed.* The horizontal and vertical alignment shall meet the following minimum design speed as defined in the AASHTO "Policy on Geometric Design of Highways and Streets" manual (or "green book"):~~

~~a. Arterial: 50 miles per hour.~~

~~b. Major collector: 35 miles per hour.~~

~~c. Residential and residential collector: 30 miles per hour.~~

~~d. *Alternate flexural design standard, residential streets.* Should the designer wish to substitute a two- or three-course surface treatment in full conformance to Item 316 or Item 318 of the adopted standard specifications in lieu of the standard 1½ inch HMAC as specified in subsection (d)(3)c. of this section over a nonstabilized flexible base, it will be allowed, provided, a minimum thickness of eight inches of crushed stone base as per subsection (c)(2)a.2. of this section, meeting all other requirements of subsection (d)(3)a. of this section is constructed and that all requirements of subsections (a) and (b) of this section are complied with. The asphalt type, aggregate type and rates of application shall be subject to the approval of the city engineer.~~

Sec. 130-152. Engineering requirements.

(a) Any street constructed within the jurisdiction of this article shall be designed by a qualified professional engineer, duly registered to practice engineering in the state. The engineers signed, sealed plans and specifications, design data and supporting test reports for such street construction shall be submitted to and approved by the City Engineer, prior to start of any construction. Where the construction falls in the city's extraterritorial jurisdiction, a complete set of design data shall be submitted to the appropriate county commissioner for the engineers review and comments, prior to the start of any construction.

(b) As construction proceeds, the design engineer shall submit status reports to the City Engineer, accompanied by appropriate certified test reports, at completion of subbase or subgrade preparation, at completion of flexible base construction where applicable, during flexible surfacing or rigid pavement construction as appropriate. Upon completion of construction of any streets improved hereunder, the design and supervising engineer responsible for the street shall submit one reproducible set of as-built plans, signed, sealed and dated, together with the engineer's signed, sealed, dated statement that the work was performed under the engineer's supervision, that the engineer has inspected same and the construction does conform in all respects to the requirements and provisions of this article. Where construction occurred in the city's extraterritorial jurisdiction, a complete set of as-built data shall be submitted to the appropriate county commissioner.

~~(c) The City reserves the right to inspect thoroughly all construction improvements that are proposed or intended to be dedicated as public improvements; however, the City's reservation or exercise of a right to inspect shall not relieve nor be construed as relieving the professional engineer of the requirements of subsections (a) and (b) of this section.~~

Sec. 130-153. Acceptance of completed improvements.

Upon completion of any street constructed under the jurisdiction of this article, the prime contractor responsible for the street construction or the developer of the property shall file with the city, on forms acceptable to the city attorney, a contract guaranteeing the correction or replacement of any or all construction that is found faulty or inadequate in any respect during the 12-month period immediately following completion of construction,

submission of an as-built plan and acceptance by the City Engineer. Acceptance by the City Engineer shall be in writing following receipt of as-built data and a maintenance contract.

Sec. 130-154. Alternative surety provisions for construction of certain streets.

- (a) No building permit, electrical permit or plumbing permit shall be issued by the city for the construction or improvement of any property abutting or adjoining any street where permanent street improvements are constructed or reconstructed within the city under the provisions of this article, unless and until such street fully conforms in all respects with the provisions of this article, except as is provided in subsection (b) of this section.
- (b) Building, electrical, plumbing and related development permits may be issued by the city for private development on platted lots abutting a street which has not been fully constructed to comply with subsection (a) of this section, upon the providing of alternate surety in the manner as hereinafter set forth. Notwithstanding the issuance of development permits, final inspection and/or occupancy permits will be withheld, until such street has been completed and does comply as required in subsection (a) of this section.
 - (1) In order to secure development permits prior to city acceptance of abutting streets, the subdivider or developer of the property shall post performance and payment bonds or an irrevocable letter of credit with the city, in favor of the city and in a form acceptable to the city attorney, in an amount not less than 100 percent of the estimated cost of constructing such abutting streets.
 - (2) Performance and payment bonds shall be from an approved surety company licensed to do business in the state and shall be so constructed as to guarantee the completion of specified street improvements, to comply with the requirements of this article within the 12-month period immediately following date of issuance, or the surety company will cause satisfactory completion within the following 12-month period.
 - (3) The irrevocable letter of credit shall be from a national bank, state bank or savings and loan association located in the state and shall be so constructed as to guarantee the completion of specified street improvements to comply with the requirements of this article within the 12-month period immediately following date of issuance, or the city shall have the right to require the institution issuing the letter of credit to immediately pay into an escrow account, in the name of the city, an amount equal to the cost of completing the specified street improvements, as estimated by the city, up to the original total value stated in such letter of credit.
 - (4) The responsible design engineer employed by the developer shall develop an estimate of cost for the specified street improvements to be covered by the above-required bonds or letter of credit and shall submit a signed, sealed copy of such estimate, together with the plans and specifications for the improvements, for approval by the city engineer prior to submittal of bonds or letter of credit by the developer.

2023-026 ATTH 04

Sec. 130-155. Standard details.

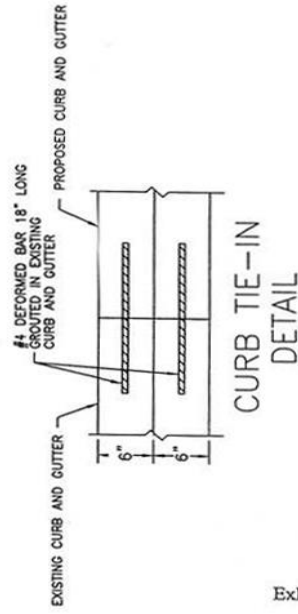
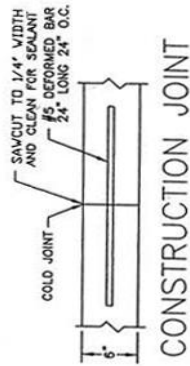
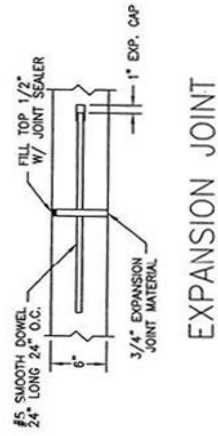
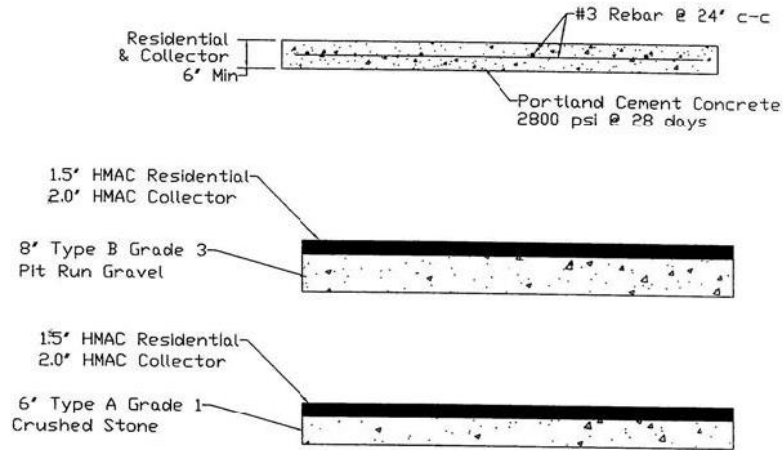
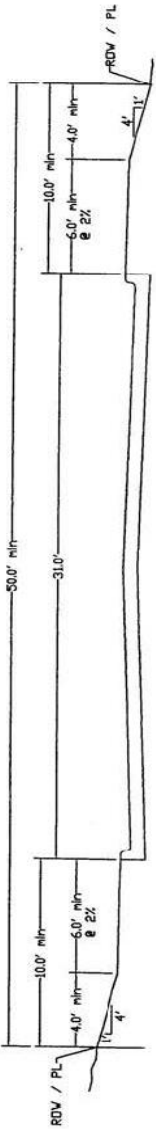


Exhibit "A"

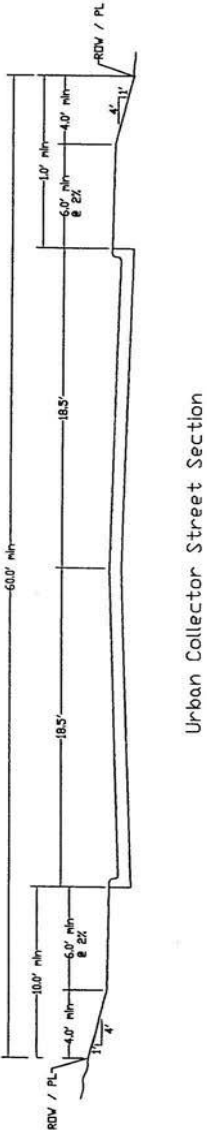




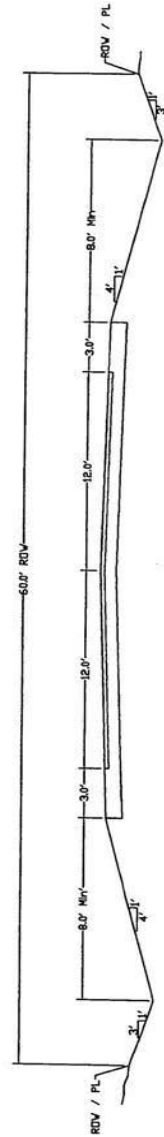
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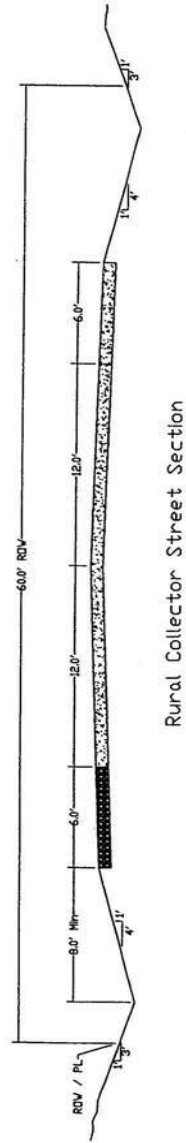


Residential Urban Street Section



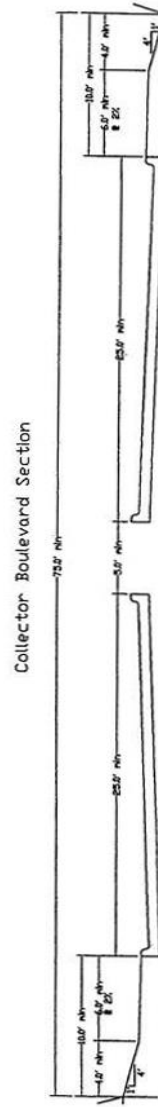
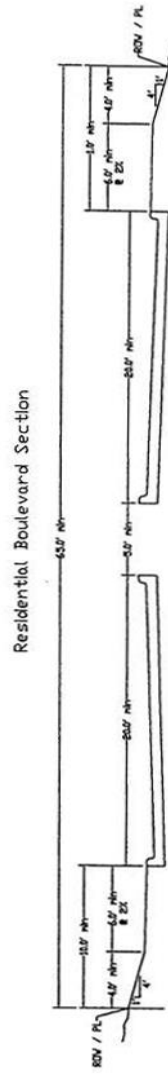
Residential Rural Street Section





Rural Collector Street Section

(Code 1961, § 24-80; Ord. No. 142-06, § 1, 6-26-2006)



2023-026 ATTH 05

JOSH R. MORRISS, III
217 W BROAD ST, APT D ○ TEXARKANA, TEXAS 75501

March 10, 2023

Honorable Mayor and Council Members
City of Texarkana, Texas

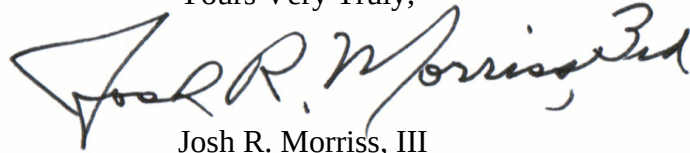
RE: Proposed Updates on Sidewalks in City Ordinances in Sections
130-1- to 130-3

Ladies and Gentlemen:

Please accept this as a letter of support from me and from the three land-owning entities I participate in management for (being Waggoner Creek Crossing, L.P., Waggoner Creek Crossing II, L.P., and the Josh R. Morriss, Jr., Family Limited Partnership) seeking your favorable consideration of the changes to Sections 130-1 to 130-3 in the City Ordinances. Over time I believe, these changes promise more user-friendly and safer neighborhoods and business areas.

Thank you for your service to our community and your consideration.

Yours Very Truly,

A handwritten signature in black ink, appearing to read "Josh R. Morriss, III". The signature is stylized with a large, sweeping initial "J" and "M".

Josh R. Morriss, III

Telephone: (903) 244-8526

E-mail: joshmorriss3rd@gmail.com

Attachment: 2023-026 ATTH 05-Letter.WCC.WCCII.FLP. to City supporting 2023 changes to sidewalk ordinance (3933 : 2023-026 ORD Amending



February 22, 2023

Mr. Dusty Henslee
Assistant City Manager
City of Texarkana, Texas
220 Texas Blvd.
Texarkana, Texas 75501

Dear Mr. Henslee,

This is a letter of support for Chapter 130 Streets and Sidewalks, Article 1, Sections 130-1 to 130-3 on behalf of the Partnership for the Pathway.

Our organization has worked for the past 16 years with the City of Texarkana, Texas to build pedestrian and bike trails in Texarkana. The Partnership for the Pathway has provided matching money for grants for the Phillip McDougal Trail, the Texas Tourists Bureau Trail, Sister Damian Trail, and two phases of the Bringle Lake Trail. These sidewalks and shared use trails have helped to make Texarkana not only safer, but much more attractive.

We are very much in favor of this regulation which sets out minimum standards for shared use paths and sidewalks for the City and its citizens. These standards will enable sidewalks and trails to be built as the City grows and develops, thus enabling the pedestrian and bike riders to get to their destinations safely. We have all seen our local pedestrians and bike riders traveling on crowded streets or walking where there were no sidewalks.

This regulation will help to transform Texarkana into a Bike-Pedestrian friendly City which has been badly needed for many years. We urge the passage of this ordinance by the City Council as soon as possible.

Sincerely,

John E. Harrison
Board Member
Partnership for the Pathway

Julie-Ray Harrison
Board Member
Partnership for the Pathway

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
Serve the Community	☒ Promote an Environmentally Sensitive & Livable Community ☒ Provide a Safe Community ☒ Deliver Quality Services ☒ Foster a Healthy Community
Run the Operations	☐ Enhance Community Preparedness & Responsiveness ☐ Maximize Partnership Opportunities ☐ Provide Courteous & Responsive Customer Service ☒ Model a Positive City Image ☒ Deliver Efficient Services ☒ Cultivate Community Involvement & Access
Manage the Resources	☒ Maintain Fiscal Strength ☒ Maximize Utilization & Resources ☒ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: Low

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

☐	Newspaper Notice (Required by Statute)	☐	Public Hearing (Required by Statute)
☒	Public Forum/Input Session	☐	Press Release
☐	E-News Distribution	☐	Website Notice
☐	Social Media (Twitter, Facebook, etc.)	☐	Special Mailing
☐	Flyers Posted	☐	Banners Posted
☐	Survey	☐	Automated Phone Call
☐	None Required	☐	

Other: