CITY OF TEXARKANA

CITY COUNCIL

MINUTES ● APRIL 10, 2023

Council Chambers **Regular Meeting** **6:00 PM**

220 TEXAS BLVD., TEXARKANA, TX 75501

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

Attendee Name	Title	Status	Arrived
Bob Bruggeman	Mayor	Present	
Jean H. Matlock	Ward 1	Present	
Mary Hart	Ward 2	Present	
Betty Williams	Ward 3	Present	
Christie Page	Ward 4	Late	6:25 PM
Libby White	Ward 5	Present	
Jay Davis	Ward 6	Present	

Staff Present: City Manager David Orr, Jennifer Evans, Karey Parker, Gary Smith, Robby Robertson, Chris Black, Dusty Henslee, Chiquita Burks, and Laura Puckett.

Municipal Court: Judge Sherry Jackson Hawkins.

Legal Counsel: Jeff Lewis.

II. INVOCATION AND PLEDGE LED BY COUNCIL MEMBER JAY DAVIS

III. MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST

Upcoming City Council Meetings
Monday, April 24, 2023 at 6:00 p.m.
Monday, May 8, 2023 at 6:00 p.m. **(Only one meeting in May)**
Monday, June 12, 2023 at 6:00 p.m. **(Only one meeting in June)**

Centennial Time Capsule
The opening of the centennial time capsule will be held on Friday, April 14th at 5:30 p.m. at Sheppard Park, located on the westside of the downtown Courthouse/Post Office on State Line Avenue.

Sesquicentennial Twice as Nice Festival
The Sesquicentennial Twice as Nice Festival will be held on April 15th at the southside of the downtown Courthouse/Post Office on State Line Avenue. Opening ceremony begins at 11:00 a.m., with live music and food trucks until 6:00 p.m.

Annual Health & Wellness Fair 2023

The City will host the health fair on Wednesday, April 19th at the Texarkana Convention Center, 2910 S. Cowhorn Creek Loop, Texarkana, Texas from 10:00 a.m. to 2:00 p.m. Regional and local vendors will be available for free testing, wellness screenings, and blood donations.

There will also be food trucks and door prizes. For more information, contact the Texarkana-Bowie County Family Health Center at (903) 798.3827.

2023 Rosehill Neighborhood Celebration

The long-awaited Rosehill Neighborhood Celebration is back! It will be held on Saturday, April 22nd from 11:00 a.m. to 2:00 p.m. at Tiger Stadium - Grim Memorial Park.

There will be vendors, entertainment, free food and beverages, and fun for all who join the celebration.

Parks & Recreation Activities

April 15 - 16	NCS Baseball Tournament	Spring Lake Park
April 20 - 22	NPFL Fishing Tournament Weigh-ins	Spring Lake Park
April 21 - 23	Rob Buck Memorial Tournament	Spring Lake Park
April 28 - 30	Scout-O-Rama	Spring Lake Park

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

IV. OPEN FORUM AND 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.

There were no public comments made at Open Forum.

V. APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

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

VI. ITEMS FOR CONSIDERATION

Consent Items

(6:08 p.m.)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Libby White, Ward 5
SECONDER:	Jean H. Matlock, Ward 1
AYES:	Bruggeman, Matlock, Hart, Williams, White, Davis
ABSENT:	Page

1. Consider approval of the minutes of the Regular Meeting of the City Council held on March 27, 2023 at 6:00 PM.

Action Items

2. Resolution No. 2023-045 authorizing a written services agreement for provision of city services to Resortments, Inc., property [Terry St./S. Bishop Rd.] in the event the City Council adopts an ordinance for full-purpose annexation of the property.

   Public Hearing:
   Council Vote: April 10, 2023

   Laura Puckett briefed this agenda item.
   (6:11 p.m.)

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

VII. FIRST BRIEFINGS

[There were no first briefing items.]

VIII. PUBLIC HEARINGS

1. Ordinance No. 2023-036 rezoning an approximate 1.74-acre tract of land (being Lot 3R), Rose Acres, located in the 4600 block of Rose Acres Road. Agriculture to Multiple Family-1. Mike Craven, MCCM Properties, LLC, owner, and Byron Leonoudakis, agent.

   Public Hearing: April 10, 2023
   Council Vote: April 10, 2023

   Mike Craven addressed council at this hearing.
   (6:14 p.m.)

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

2. Ordinance No. 2023-037 rezoning an approximate 6.25-acre tract of land (being Tract 339), Nancy Dycas HRS, A-145, located at 610 S. Wake Village Road. Agriculture to Industrial-1. Charles Bergen, Synergy Direct, Inc., owner, and Paul Dickerson, agent.

   Public Hearing: April 10, 2023
   Council Vote: April 10, 2023

   There were no public comments made at this hearing.
   (6:16 p.m.)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Libby White, Ward 5
SECONDER:	Betty Williams, Ward 3
AYES:	Bruggeman, Matlock, Hart, Williams, White, Davis
ABSENT:	Page

3. Ordinance No. 2023-038 rezoning Lots 3, 4, 5, and 6, Block 144, City Triggs Addition, located at 1401 Pine Street. Office to General Retail. Estiza Dennis, owner.

   Public Hearing: April 10, 2023
   Council Vote: April 10, 2023

   There were no public comments made at this hearing.
   (6:17 p.m.)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Mary Hart, Ward 2
SECONDER:	Jay Davis, Ward 6
AYES:	Bruggeman, Matlock, Hart, Williams, White, Davis
ABSENT:	Page

4. Ordinance No. 2023-039 amending PD-23-1 (GR) for approval on Lots 3, 4, 5, and 6, City Triggs Addition, located at 1401 Pine Street. Estiza Dennis, owner.

   Public Hearing: April 10, 2023
   Council Vote: April 10, 2023

   There were no public comments made at this hearing.
   (6:19 p.m.)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Libby White, Ward 5
SECONDER:	Jay Davis, Ward 6
AYES:	Bruggeman, Matlock, Hart, Williams, White, Davis
ABSENT:	Page

5. Ordinance No. 2023-040 rezoning an approximate 22.35-acre tract of land (being Tract 14 & 17), R G Cannon HRS, A-733 and 48A M E P & P HRS, A-421, located at 4001 Summerhill Road. Single Family-1 to General Retail. Doug Brubaker, Superintendent Texarkana ISD, owner, and Russell Sparks, agent.

   Public Hearing: April 10, 2023
   Council Vote: April 10, 2023

   Russell Sparks addressed council at this hearing.
   (6:21 p.m.)

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

6. Ordinance No. 2023-041 amending PD-05-7 for site plan approval on Lot 1, Pavilion Park, on a portion of a 7.76-acre tract of land, located on the northeast corner of Gibson Lane and Pavilion Parkway. Kyle Rutherford representing Christus St. Michael, owner, and Kayla Wood, MTG Engineering and Surveyors, agent.

   Public Hearing: April 10, 2023
   Council Vote: April 10, 2023

   David Williams addressed council at this hearing.
   (6:23 p.m.)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Libby White, Ward 5
SECONDER:	Jay Davis, Ward 6
AYES:	Bruggeman, Matlock, Hart, Williams, White, Davis
ABSENT:	Page

7. Resolution No. 2023-042 approving proposed revisions to the Perot Theatre management contract made by the Perot Theatre Advisory Committee.

   Public Hearing: April 10, 2023
   Council Vote: April 10, 2023

   There were no public comments made at this hearing.

(6:24 p.m.)

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

IX. CITY MANAGER'S REPORT

Sales Tax Update
Sales tax receipts for the month of March (January sales) totaled $1,560,987, an increase of $146,166 (10.33%) compared to the same month in the prior year. Fiscal year-to-date collections totaled $7,277,034, an increase of $449,678 (6.59%) compared to last year.

MyGOV TXK
The City is rolling out a new and improved way for residents to report code issues, public works requests, pay permits online, and much more. The MyGOV TXK portal will be located on the city's website at texarkanatexas.gov <https://public.mygov.us/tx_texarkana> or at the direct link <https://public.mygov.us/tx_texarkana>.

Residents will have the option to submit a request on such issues as litter, animals at large, substandard structures, right-of-way violations, and much more. In the upcoming weeks, staff will conduct a soft rollout. More information will be released later this spring.

Major Street Maintenance Project Updates
The Moores Lane and Galleria Oaks reconstruction project is currently in the preliminary design phase and the final design is anticipated for late December 2023. Plans are to have some community engagement later this fall related to the shared use path. Construction is expected to begin in the summer of 2024.

Construction plans are almost finalized for the Robison Road Mill and Overlay project. This should be done within the next month, along with planning for bids as soon as the plans are finished. Construction is expected to start this summer (2023) and be completed before school resumes in the fall.

Legislative Update
With potential impacts to Texarkana, staff is tracking a list of legislation that has been filed during the current 88th legislative session with help from McWilliams Strategies.

Kyle Dooley and City Manager Orr will be in Austin on Thursday, April 13th to attend a meeting with the U.S. Corp of Engineers and the Texas Historic Commission hearing issues regarding the Lake Wright Patman URC process.

X. ADMINISTRATIVE COMMENTS

1. City Council

Council had no administrative comments for staff.

2. City Staff

Staff had no administrative comments for council.

XI. ADJOURNMENT

A motion was made to adjourn the meeting.
(6:28 p.m.)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Jean H. Matlock, Ward 1
SECONDER:	Betty Williams, Ward 3
AYES:	Matlock, Hart, Williams, Page, White, Davis
EXCUSED:	Bruggeman



Jennifer Evans
City Secretary



Bob Bruggeman
Mayor

CITY OF TEXARKANA

CITY COUNCIL

MINUTES • MARCH 27, 2023

Council Chambers | **Regular Meeting** | **6:00 PM**

220 TEXAS BLVD., TEXARKANA, TX 75501

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

Attendee Name	Title	Status	Arrived
Bob Bruggeman	Mayor	Present	
Jean H. Matlock	Ward 1	Present	
Mary Hart	Ward 2	Present	
Betty Williams	Ward 3	Present	
Christie Page	Ward 4	Present	
Libby White	Ward 5	Present	
Jay Davis	Ward 6	Present	

Staff Present: City Manager David Orr, Jennifer Evans, Kristin Peeples, Dusty Henslee, Karey Parker, Vashil Fernandez, Lisa Thompson, Keith Beason, Brooke Stone, Robby Robertson, Chris Black, Mashell Daniel, and J.W. Bramlett.

Municipal Court: Judge Sherry Jackson Hawkins.

Legal Counsel: Jeff Lewis.

II. INVOCATION AND PLEDGE LED BY COUNCIL MEMBER LIBBY WHITE

III. MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST

Upcoming City Council Meetings

Monday, April 10, 2023 at 6:00 p.m.
Monday, April 24, 2023 at 6:00 p.m.
Monday, May 8, 2023 at 6:00 p.m. (**One meeting only in May**)

Parks & Recreation Activities

April 1st	P2A USSSA Baseball Tournament	Spring Lake Park
April 1st	TSA Spring Soccer League begins	Wallace Park

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

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Texarkana Trash Off & The Big Event

Texarkana will be participating in the **Don't Mess with Texas Trash Off** from 8:00 a.m. to 12:00 p.m. on Saturday, April 1st. **Official kick-off time is 7:30 a.m. at the downtown Post Office.** This will be an opportunity for residents to help clean up their area roadways and beautify the community.

Texas A&M University - Texarkana will have the **The Big Event** on the same day, where students, faculty, staff, alumni, and families lend a helping hand to the community. The City will host numerous project sites around town.

For more information regarding either event, contact the Planning and Community Development Department at (903) 798.3904.

Annual Health & Wellness Fair 2023

The City will host the health fair on Wednesday, April 19th at the Texarkana Convention Center, 2910 S. Cowhorn Creek Loop, Texarkana, Texas, from 10:00 a.m. to 2:00 p.m. Regional and local vendors will be available for free testing, wellness screenings, and blood donations. There will also be food trucks and door prizes.

For more information regarding the health fair, contact the Texarkana-Bowie County Family Health Center at (903) 798.3287.

The official dedication for the new "**Rail Stop**" was held at 5:00 p.m. on March 27th at the downtown AMTRAK station. This project was spear headed by the current Leadership Texarkana class. The class did an excellent job of sprucing up that area with new signage and new landscaping. This improvement will provide a very nice first impression to those who are traveling through Texarkana by way of rail.

A groundbreaking and blessing ceremony will be held for the new Christus St. Michael Emergency Center on Tuesday, March 28th at 11:00 a.m. All were encouraged to enjoy the ceremony at 4250 Gibson Lane, in the vicinity of the roundabout area.

On a sad note, on Wednesday, March 21st, Mrs. Marilyn Markham, passed away. She was the wife of well-known Fred Markham, who is with the Texas Pioneer Foundation. Ms. Markham was a descendant of the Watts family, known to be Texarkana's original pioneer family.

IV. LIFENET ANNUAL REPORT - BY CEO DAVE SNAVELY

LifeNet is an accredited ambulance service by the Commission on Accreditation of Ambulance Services (CAAS). LifeNet's service areas are Texas, Arkansas, and Oklahoma and it is governed by a 15-member board comprised of healthcare and business leaders.

Mr. Snavely shared a few highlights regarding ambulance service in Texarkana in 2022:

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He also discussed pandemic challenges that included staffing vacancies, workforce production, increased demand, inflation, and bed availability at local hospitals.

Mr. Snavely was accompanied by Texas Area Director Darren Higgs, current Board Chairperson Buddy Allen, and Marketing/PR Coordinator Carington Bright.

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.

There were no public comments made at Open Forum.

VI. APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Council Member Hart recommended the reappointments of Zachary Pianalto and Charles Tyous to the Building & Standards Committee.

Council Member Williams recommended the reappointment of Matthew Hackworth to the Building & Standards Committee.

Council Member Davis recommended the reappointment of Casey Boyette to the Planning and Zoning Commission.

Motion to confirm various reappointments to boards, commissions, and committees.

(6:31 p.m.)

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

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

VII. ITEMS FOR CONSIDERATION

Consent Items

(6:32 p.m.)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Christie Page, Ward 4
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 March 13, 2023 at 6:00 PM.

2. Resolution No. 2023-030 approving the budget calendar for Fiscal Year 2024.

   Public Hearing:
   Council Vote: March 27, 2023

Action Items

[There were no action items.]

VIII. FIRST BRIEFINGS

1. Ordinance No. 2023-036 rezoning an approximate 1.74-acre tract of land (being Lot 3R), Rose Acres, located in the 4600 block of Rose Acres Road. Agriculture to Multiple Family-1. Mike Craven, MCCM Properties, LLC, owner, and Byron Leonoudakis, agent.

   Public Hearing: April 10, 2023
   Council Vote: April 10, 2023

   Mashell Daniel briefed this agenda item.

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

RESULT:	MOVED FORWARD	Next: 4/10/2023 6:00 PM

2. Ordinance No. 2023-037 rezoning an approximate 6.25-acre tract of land (being Tract 339), Nancy Dycas HRS, A-145, located at 610 S. Wake Village Road. Agriculture to Industrial-1. Charles Bergen, Synergy Direct, Inc., owner, and Paul Dickerson, agent.

Public Hearing: April 10, 2023
Council Vote: April 10, 2023

Mashell Daniel briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 4/10/2023 6:00 PM

3. Ordinance No. 2023-038 rezoning Lots 3, 4, 5, and 6, Block 144, City Triggs Addition, located at 1401 Pine Street. Office to General Retail. Estiza Dennis, owner.

Public Hearing: April 10, 2023
Council Vote: April 10, 2023

Mashell Daniel briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 4/10/2023 6:00 PM

4. Ordinance No. 2023-039 amending PD-23-1 (GR) for approval on Lots 3, 4, 5, and 6, City Triggs Addition, located at 1401 Pine Street. Estiza Dennis, owner.

Public Hearing: April 10, 2023
Council Vote: April 10, 2023

Mashell Daniel briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 4/10/2023 6:00 PM

5. Ordinance No. 2023-040 rezoning an approximate 22.35-acre tract of land (being Tract 14 & 17), R G Cannon HRS, A-733 and 48A M E P & P HRS, A-421, located at 4001 Summerhill Road. Single Family-1 to General Retail. Doug Brubaker, Superintendent Texarkana ISD, owner, and Russell Sparks, agent.

Public Hearing: April 10, 2023
Council Vote: April 10, 2023

Mashell Daniel briefed this agenda item.

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

RESULT:	MOVED FORWARD	Next: 4/10/2023 6:00 PM

6. Ordinance No. 2023-041 amending PD-05-7 for site plan approval on Lot 1, Pavilion Park, on a portion of a 7.76-acre tract of land, located on the northeast corner of Gibson Lane and Pavilion Parkway. Kyle Rutherford representing Christus St. Michael, owner, and Kayla Wood, MTG Engineering and Surveyors, agent.

Public Hearing: April 10, 2023
Council Vote: April 10, 2023

Mashell Daniel briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 4/10/2023 6:00 PM

7. Resolution No. 2023-042 approving proposed revisions to the Perot Theatre management contract made by the Perot Theatre Advisory Committee.

Public Hearing: April 10, 2023
Council Vote: April 10, 2023

Mayor Bruggeman moved and considered this resolution first under this section. Keith Beason briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 4/10/2023 6:00 PM

IX. PUBLIC HEARINGS

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

There were no public comments made at this hearing.
(6:45 p.m.)

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

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Jay Davis, Ward 6
SECONDER:	Libby White, Ward 5
AYES:	Matlock, Hart, Williams, Page, White, Davis
EXCUSED:	Bruggeman

2. Resolution No. 2023-043 beginning the process of considering the voluntary annexation of two tracts, 7.98 acres and 11.05 acres, respectively, in the George Brinlee HRS, A-18, adjacent to Cooper Lane, by authorizing a development agreement with the owner, ATFAB, LLC., for extension of city regulatory authority and guarantee of extraterritorial status during the agreement term.

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

Dusty Henslee briefed this agenda item. There were no public comments made at this hearing.
(6:47 p.m.)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Jean H. Matlock, Ward 1
SECONDER:	Christie Page, Ward 4
AYES:	Matlock, Hart, Williams, Page, White, Davis
EXCUSED:	Bruggeman

X. CITY MANAGER'S REPORT

Governor's Texas Music Office Workshop
Staff recently held a workshop regarding the process to become a Texas Certified Music Friendly Community. The benefits of the Music Friendly Communities Designation include showing support for an important local industry and enhancing economic impact. As part of the certification process, Council action will be requested to create an advisory board at a future meeting.

Airport Master Plan Workshop
The Airport Master Plan Workshop was held on Wednesday, March 22nd at the Texarkana Arkansas Convention Center. Public input is needed as the city plans for future economic development and growth at Texarkana's airport. The public can review the plan and submit comments online at txk.airportstudy.net.

TAMU-T Big Event & Don't Mess with Texas Trash-Off: - Saturday, April 1st
The City will host the Texarkana Trash Off 2023 on Saturday, April 1st from 8:00 a.m.-12:00 p.m., where residents will have the opportunity to help clean up their area roadways and beautify the community. City staff will also join in on these efforts at numerous project sites around town. There will be a roll-off dumpster at each location, listed below, to allow volunteers to bring their bulk waste and trash. Electronics, paint, tires, and batteries will not be accepted at these sites.

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

1. Public Library, back parking lot (**600 W 3rd St, Texarkana, TX**)
2. Rosehill (**1303 Milam St & W. 13th, Texarkana, TX**)
3. New Town, Bell Park (**3208 Lincoln Ave, Texarkana, TX**)
4. Beverly Community Center (**901 Lumpkin St, Texarkana, TX**)

Reminder: Library Director Jennifer Strayhorn's Retirement Reception is scheduled for Friday, March 31st beginning at noon in the David Nelson meeting room at the library.

XI. ADMINISTRATIVE COMMENTS

1. City Council

   Mayor Bruggeman wished Texarkana Library Director, Jennifer Strayhorn, a happy retirement!

2. City Staff

   Kristin Peeples said with the adoption of Resolution No. 2023-030 - FY 2024 Budget Calendar, it's now time for council to consider establishing the Budget Advisory Committee (BAC), if it so chooses, and, who will comprise the committee. Council Member Hart said her choice is Melva Flowers.

   Staff also would like to give council the option of making the BAC a permanent committee. If council desires to formally establish the BAC, staff will bring forth a resolution at a future council meeting.

   Chris Black happily introduced the "newest addition" to the Fire Department: **ENGINE NO. 7!**



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

XII. ADJOURNMENT

A motion was made to adjourn the meeting.
(6:55 p.m.)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Libby White, Ward 5
SECONDER:	Mary Hart, Ward 2
AYES:	Matlock, Hart, Williams, Page, White, Davis
EXCUSED:	Bruggeman

Jennifer Evans
City Secretary

Bob Bruggeman
Mayor

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

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 4/6/2023 8:45 AM

Lead Department: City Attorney **Action Officer:** Jeffery Lewis,

Subject: Resolution No. 2023-045 authorizing a written services agreement for provision of city services to Resortments, Inc., property [Terry St./S. Bishop Rd.] in the event the City Council adopts an ordinance for full-purpose annexation of the property.

Briefing: 4/10/2023 **Public Hearing:** **Council Vote:** 4/10/2023

Item Schedule

Schedule 3: No briefing required (one week)

Updates/History of Briefing:

Resolution No. 2023-034, approved during the Council's regular meeting on March 13, 2023, authorized and directed the evaluation, negotiation, and preparation of proposed service or development agreements for voluntary annexation requests. This item is one of the requests brought to the Council's attention during that meeting: a request for voluntary annexation pursuant to the terms of a proposed development agreement. The property is identified as Limited Purpose Property for full-purpose annexation in the City's Strategic Partnership Agreement with Macedonia-Eylau Municipal Utility District No. 1 of Bowie County, approved by the City Council on October 24, 2022 [Res. No. 2022-130].

Executive Summary and Background Information:

Resortments, Inc., the owner of six adjoining tracts, approximately 150 acres, generally bordered to the north in part by Terry St. and to the east by S. Bishop Rd., has requested that the City annex the acreage into the city limits. The tracts are dubbed the "Terry/Bishop Tracts" in the City's Strategic Partnership Agreement with Macedonia-Eylau Municipal Utility District. The District represented in the Strategic Partnership Agreement that it cannot provide either water or sewer service to the Terry/Bishop Tracts.

A city that elects to annex an area by petition of landowner must first negotiate and enter into a written agreement with the owner of land in the area for the provision of services in the area, with the agreement including (1) a list of each service the city will provide on the effective date of the annexation, and (2) a schedule that includes the period within which the city will provide each service that is not provided on the effective date of the annexation.

Approval of this resolution does not annex the tracts. Annexation must be accomplished by ordinance; and before a city may adopt an ordinance annexing an area by petition of landowners, the governing body must conduct a public hearing, providing persons interested in the annexation the opportunity to be heard, and thereafter the governing body may adopt an ordinance annexing the area.

Potential Options:

Approve (or not) the proposed services agreement.

Fiscal Implications:

The Owner contemplates two phases of development: the first phase involves multi-family planned development for Tracts 1 and 3; for the second phase, Tracts 2, 4, and 5 are recommended for industrial planned development industrial and Tract 6 for commercial planned development. The first phase, together with an unrelated voluntary annexation request from another owner with property in the vicinity, prompts certain sanitary sewer infrastructure improvements of approximately $450,000 to be made at City expense. For the second phase, Owner decisions on the purpose and scope of the respective industrial and commercial development may require substantial infrastructure improvements to the City's sanitary sewer service and cost-sharing development agreements may be required for such improvements.

Staff Recommendation:

City staff recommends that the City Council elect to begin the process of consideration of annexation of the subject tracts: authorizing the City Manager to execute the proposed services agreement pertaining to development incentives and services to be provided by the City in the event the City Council, in its discretion, favorably votes to annex the subject tracts.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

a. 2023-045 RES serv agmt (annex) Resortments (DOCX)
b. 2023-045 ATTH 01 Resortments - Muni Serv Agmt ver. 4-10-23 {with exhs} signed (PDF)
c. 2023-045 Goals & Perspectives (DOCX)
d. 2023-045 RES serv admt (annex) Resortments signed (PDF)

Staff Coordination

City Attorney	Jeffery C. Lewis	Department Head Review	Completed	04/05/2023 12:17 PM
Water Utilities	Gary Smith	Water Review	Completed	04/05/2023 12:50 PM

Building Code Administration	Completed	Mashell Daniel 04/05/2023 5:20 PM	Zoning Review	
Public Works Department	Completed	Dusty Henslee 04/06/2023 8:12 AM	Public Works Review	
City Manager	David Orr	City Manager Review	Completed	04/06/2023 12:36 PM
City Council	Jennifer Evans	Meeting	Completed	04/10/2023 6:00 PM

Meeting History

RESOLUTION NO. 2023 - 045

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, ELECTING TO BEGIN THE PROCESS OF CONSIDERING THE VOLUNTARY ANNEXATION OF SIX ADJOINING TRACTS, APPROXIMATELY 150 ACRES, H. S. JANES HRS A-306, INTO THE CITY LIMITS OF THE CITY OF TEXARKANA, TEXAS, BY AUTHORIZING A WRITTEN SERVICES AGREEMENT FOR PROVISION OF CITY SERVICES IN THE EVENT THE CITY COUNCIL ADOPTS AN ORDINANCE ANNEXING THE TRACT; DIRECTING THE PREPARATION OF A FORM ANNEXATION ORDINANCE AND A PUBLIC HEARING BEFORE INSTITUTING ANY ANNEXATION PROCEEDINGS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Resortments, Inc., the owner of six adjoining tracts, approximately 150 acres, lying and situated in the H. S. Janes Headright Survey, Abstract 306, Bowie County, Texas, described in Section 1 of the proposed "Municipal Services Agreement" ("MSA") attached to this resolution as **ATTH 01**, has requested that the City of Texarkana, Texas, annex the acreage into the city limits; and

WHEREAS, the acreage is designated as Limited Purpose Property defined and described in the Strategic Partnership Agreement ("SPA") authorized by Section 43.0751 of the Texas Local Government Code entered into by and between the City and Macedonia-Eylau Municipal Utility District No. 1 of Bowie County ("District"); and

WHEREAS, per Resolution No. 2023-034 (March 13, 2023), the City Council authorized and directed the evaluation, negotiation, and preparation of proposed service or development agreements for voluntary annexation requests; and

WHEREAS, pursuant to the Texas Local Government Code, the governing body of a city that elects to annex an area by petition of landowner must first negotiate and enter into a written agreement with the owner of land in the area for the provision of services in the area, with the agreement including (1) a list of each service the city will provide on the effective date of the annexation, and (2) a schedule that includes the period within which the city will provide each service that is not provided on the effective date of the annexation; and

WHEREAS, before a city may adopt an ordinance annexing an area by petition of landowners, the governing body must conduct a public hearing, providing persons interested in the annexation the opportunity to be heard, and thereafter the governing body may adopt an ordinance annexing the area; and

WHEREAS, City staff recommends that the City Council elect to begin the process of consideration of annexation of the subject tracts by first authorizing the City Manager to negotiate and execute the proposed MSA attached to this resolution pertaining to development incentives and services to be provided by the City in the event the City Council, in its discretion, favorably votes to annex the subject tract.

Attachment: 2023-045 RES serv agmt (annex) Resortments (3977 : 2023-045 RES Resortments serv agmt (annex))

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

SECTION 1: The City Council elects to begin the process of considering the voluntary annexation of the tracts described in Section 1 of the attached Municipal Services Agreement and authorizes the City Manager to execute the agreement.

SECTION 2: The City Council's approval of this resolution does not bind the City Council to approve annexation of one or more of the subject tracts; and nothing in this resolution promises or guarantees a favorable vote by the City Council to approve annexation of one or more of the tracts.

SECTION 3: Upon execution of the MSA, the City Council directs the City Manager to prepare a proposed annexation ordinance for the subject tracts; and, at an appropriate time as determined by the City Manager and consistent with Texas law before instituting any annexation proceedings, the City Council shall give all interested persons the right to appear and to be heard at a public hearing during a regular meeting of the City Council pertaining to a proposed annexation for the subject tract.

SECTION 4: The City Manager or designee shall cause to be issued all newspaper publications and notices as required by law for the proceedings and hearings authorized by this Resolution.

SECTION 5: 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 **10th day of April, 2023**.

ATTEST:

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2023-045 RES serv agmt (annex) Resortments (3977 : 2023-045 RES Resortments serv agmt (annex))

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Municipal Services Agreement

* * * * *

Owner-Consent Voluntary Annexation

This Municipal Services Agreement ("Agreement") is entered into by and between the City of Texarkana, Texas, a home-rule municipality of the State of Texas ("City"), and Resortments, LLC ("Owner").

Recitals

The parties agree that the following recitals are true and correct and form the basis upon which the parties have entered into this Agreement.

WHEREAS, pursuant to the Texas Local Government Code, the governing body of a city that elects to annex an area by petition of landowner must first negotiate and enter into a written agreement with the owners of land in the area for the provision of services in the area, with the agreement including (1) a list of each service the city will provide on the effective date of the annexation, and (2) a schedule that includes the period within which the city will provide each service that is not provided on the effective date of the annexation; and

WHEREAS, Owner owns certain parcels of land situated in Bowie County, Texas, within the City's extraterritorial jurisdiction, more particularly described in Section 1, below ("the Property"); and

WHEREAS, the Property is located within the Limited Purpose Property as defined and described in the Strategic Partnership Agreement ("SPA") authorized by Section 43.0751 of the Texas Local Government Code entered into by and between the City and Macedonia-Eylau Municipal Utility District No. 1 of Bowie County ("District"); and

WHEREAS, by this Agreement, Owner requests and consents to full-purpose annexation of the Property by the City; and

WHEREAS, City and Owner desire to set out their agreements for the development of the Property by confirming development incentives, the process for City Council consideration of full-purpose annexation of the Property, and — in the event the City Council approves full-purpose annexation — the City services to be provided for the Property on or after the effective date of full-purpose annexation.

NOW THEREFORE, in exchange for the mutual covenants, conditions and promises contained herein, City and Owner agree as follows:

1. **PROPERTY.** This Agreement is only applicable to the Property described below:

TRACT ONE:
ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN BOWIE COUNTY, TEXAS, ABOUT THREE MILES SOUTHWEST OF TEXARKANA, TEXAS OUT OF THE H.S. JANES HEADRIGHT SURVEY, A-306 AND OUT OF A 50 ACRE TRACT OWNED BY J.S. HUGHES; SAME BEING BLOCK NUMBERED FOUR (4) OF THE SAID H.S. JANES SUBDIVISION, A DESCRIPTION

OF WHICH IS RECORDED IN VOLUME 157, PAGE 419, BOWIE COUNTY, DEED RECORDS AND BEING DESCRIBED AS FOLLOWS, TO-WIT:
BEGINNING 212.5 VARAS WEST FROM THE NE CORNER IN THE NORTH BOUNDARY LINE OF THE ABOVE MENTIONED BLOCK NUMBERED FOUR (4);
THENCE: SOUTH 531.2 VARAS TO THE SOUTH BOUNDARY LINE OF BLOCK NUMBERED FOUR (4), A STAKE;
THENCE: WEST, WITH SAID SOUTH BOUNDARY LINE, 159.4 VARAS TO A STAKE;
THENCE: NORTH 531.2 VARAS, TO A STAKE IN THE NORTH BOUNDARY LINE OF BLOCK NUMBERED FOUR (4);
THENCE: EAST, 159.4 VARAS TO THE PLACE OF BEGINNING, CONTAINING FIFTEEN (15) ACRES OF LAND, MORE OR LESS.

IT BEING THE INTENTION TO CONVEY ONLY THE WEST ONE-HALF, OR 7-1/2 ACRES, OF THE ABOVE DESCRIBED 15 ACRE TRACT

TRACT TWO:
ALL THAT CERTAIN 76.70 ACRE TRACT OF LAND IN THE H.S. JANES HEADRIGHT SURVEY, A-306, BOWIE COUNTY, TEXAS, BEING THE REMAINDER OF A CALLED 106.519 ACRE TRACT DESCRIBED AS TRACT TWENTY-FOUR IN VOLUME 635, PAGE 113, BOWIE COUNTY DEED RECORDS; SAID 76.70 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
BEGINNING AT A 3/8" REBAR FOUND FOR THE SOUTHEAST CORNER OF THE DORSEY BLACKWELL CALLED 5.40 ACRE TRACT, THE SOUTHWEST CORNER OF A CALLED 15.60 ACRE TRACT DESCRIBED IN VOLUME 2105, PAGE 211 AND THE NORTHWEST CORNER OF THIS TRACT; A 1" ANGLE IRON FOUND FOR THE SOUTHWEST CORNER OF THE SAID CALLED 5.40 ACRE TRACT AND THE SOUTHEAST CORNER OF A CALLED 10.00 ACRE TRACT DESCRIBED IN VOLUME 514, PAGE 7, LIES N 89° 47' 52" W, 175.65 FEET;
THENCE: S 89° 47' 52" E (BEARINGS BASED ON TRUE NORTH MERIDIAN DERIVED VIA SOLAR OBSERVATIONS), 3492.36 FEET, TO A 1/2" REBAR WITH CAP SET FOR THE NORTHWEST CORNER OF THE H.J. TRAMMELL CALLED 25.30 ACRE TRACT AND THE NORTHEAST CORNER OF THIS TRACT; A 1/2" REBAR FOUND ON THE WEST SIDE OF A SERVICE ROAD FOR THE NORTHEAST CORNER OF THE SAID CALLED 25.30 ACRE TRACT LINES S 89° 47' 52" E, 574.84 FEET;
THENCE: S 00° 14' 11" W, ALONG THE WEST LINE OF THE SAID CALLED 25.30 ACRE TRACT, 405.26 FEET, TO A 1/2" REBAR WITH CAP SET FOR THE NORTHEAST CORNER OF A CALLED 10.00 ACRE TRACT DESCRIBED IN VOLUME 461, PAGE 288 AND THE MOST EASTERN SOUTHEAST CORNER OF THIS TRACT;
THENCE: S 89° 54' 24" W, ALONG THE NORTH LINE OF THE SAID CALLED 10.00 ACRE TRACT, 777.48 FEET, TO A 1/2" REBAR WITH CAP SET ON THE EAST LINE OF A CALLED 15.00 ACRE TRACT DESCRIBED IN VOLUME 396, PAGE 320, FOR THE NORTHWEST CORNER OF THE SAID CALLED 10.00 ACRE TRACT AND A CORNER OF THIS TRACT;
THENCE: N 00° 13' 38" W, ALONG THE EAST LINE OF THE SAID CALLED 15.00 ACRE TRACT, 45.19 FEET TO A 1/2" REBAR WITH CAP SET FOR THE NORTHEAST CORNER OF THE SAID CALLED 15.00 ACRE TRACT AND AN ELL CORNER OF THIS TRACT;
THENCE: S 89° 54' 24" W, ALONG THE NORTH LINE OF THE SAID CALLED 15.00 ACRE TRACT, 600.00 FEET (DEED CALL) TO A 1/2" REBAR WITH CAP SET FOR THE NORTHWEST CORNER OF THE SAID CALLED 15.00 ACRE TRACT AND AN ELL CORNER OF THIS TRACT;
THENCE: S 00° 13' 36" E, ALONG THE WEST LINE OF THE SAID CALLED 15.00 ACRE TRACT, 1100.00 FEET (DEED CALL) TO A 1/2" REBAR WITH CAP SET FOR THE SOUTHWEST CORNER OF THE SAID CALLED 15.00 ACRE TRACT, THE NORTHEAST CORNER OF THE JAMES E. ANDERSON CALLED 2.00 ACRE TRACT, THE NORTHWEST CORNER OF THE MELVIN HARRIS CALLED 7.80 ACRE TRACT AND THE MOST SOUTHERN SOUTHEAST CORNER OF THIS TRACT;
THENCE: S 89° 54' 24" W, 2140.86 FEET, TO A 1/2" IRON PIPE FOUND FOR THE SOUTHEAST CORNER OF THE GERALDINE PAYNE CALLED 7.83 ACRE TRACT, THE NORTHWEST CORNER OF THE CONNOR HEIGHTS SUBDIVISION AND THE SOUTHWEST CORNER OF THIS TRACT;
THENCE: N 00° 54' 38" E, ALONG THE EAST LINE OF THE SAID CALLED 7.83 ACRE TRACT, 46.74 FEET TO A 1/2" REBAR WITH CAP SET FOR THE SOUTHWEST CORNER OF A CALLED 0.483 ACRE TRACT DESCRIBED IN VOLUME 580, PAGE 72 AND A CORNER OF THIS TRACT;

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THENCE: N 89° 58' 55" E, 323.95 FEET TO A 1/2" REBAR WITH CAP SET FOR THE SOUTHEAST CORNER OF A CALLED 1.045 ACRE TRACT DESCRIBED IN VOLUME 573, PAGE 290 AND AN ELL CORNER OF THIS TRACT;
THENCE: N 00° 34' 55" W, 1024.24 FEET TO A 1/2" IRON PIPE FOUND FOR THE NORTHEAST CORNER OF A CALLED 1.25 ACRE TRACT DESCRIBED AS TRACT 1 THRU 6 IN VOLUME 1443, PAGE 179, AND AN ELL CORNER OF THIS TRACT;
THENCE: N 89° 47' 52" W, 130.00 FEET (DEED CALL) TO A 1/2" REBAR WITH CAP SET ON THE EAST SIDE OF A PUBLIC ROAD FOR THE NORTHWEST CORNER OF THE SAID CALLED 1.25 ACRE TRACT AND A CORNER OF THIS TRACT;
THENCE: N 00° 54' 38" E, 50.00 FEET TO A 1/2" REBAR WITH CAP SET ON THE NORTH SIDE OF BOWIE COUNTY ROAD NO. 1344 (GIBBS AVENUE) FOR AN ELL CORNER OF THIS TRACT;
THENCE: N 89° 50' 24" W, ALONG THE NORTH SIDE OF THE SAID COUNTY ROAD, 167.25 FEET TO A 1/2" REBAR WITH CAP SET ON THE EAST LINE OF THE GIBBS SUBDIVISION FOR A CORNER OF THIS TRACT; A 5/8" IRON ROD FOUND ON THE EAST SIDE OF KINGS HIGHWAY AND THE NORTH LINE OF THE SAID COUNTY ROAD, LIES N 89° 50' 24" W, 1867.36 FEET;
THENCE: N 00° 54' 38" E, ALONG THE EAST LINE OF THE SAID GIBBS SUBDIVISION, 356.23 FEET TO THE PLACE OF BEGINNING, CONTAINING 76.70 ACRES OF LAND, MORE OR LESS.

TRACT THREE:
ALL THAT CERTAIN 15.23 ACRE TRACT OF LAND IN THE H.S. JANES HEADRIGHT SURVEY, A-306, BOWIE COUNTY, TEXAS, BEING ALL OF A CALLED 14.997 ACRE TRACT DESCRIBED IN VOLUME 493, PAGE 623, BOWIE COUNTY DEED RECORDS; SAID 15.23 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
BEGINNING AT A 1/2" REBAR WITH CAP SET ON THE SOUTH SIDE OF TERRY STREET, THE NORTH LINE OF THE SAID JANES SURVEY AND THE SOUTH LINE OF THE NANCY DYCUS SURVEY, ABSTRACT 145, FOR THE NORTHEAST CORNER OF THE VERGIE B. STAFFORD CALLED 10.00 ACRE TRACT AND THE NORTHWEST CORNER OF THIS TRACT;
THENCE: N 89° 46' 16" E, (BEARINGS BASED ON TRUE NORTH MERIDIAN DERIVED VIA SOLAR OBSERVATIONS) ALONG THE SOUTH SIDE OF TERRY STREET, THE NORTH LINE OF THE SAID JANES SURVEY AND THE SOUTH LINE OF THE SAID DYCUS SURVEY, 442.78 FEET (DEED CALL) TO A 1/2" REBAR WITH CAP SET FOR THE NORTHWEST CORNER OF THE M.L. MAYO CALLED 15.00 ACRE TRACT AND THE NORTHEAST CORNER OF THIS TRACT;
THENCE: S 00° 18' 45" W, ALONG THE WEST LINE OF THE SAID CALLED 15.00 ACRE TRACT, 1499.99 FEET TO A 1/2" REBAR WITH CAP SET ON THE NORTH LINE OF A CALLED 106.519 ACRE TRACT DESCRIBED AS TRACT TWENTY-FOUR IN VOLUME 635, PAGE 113 FOR THE SOUTHWEST CORNER OF THE SAID CALLED 15.00 ACRE TRACT AND THE SOUTHEAST CORNER OF THIS TRACT;
THENCE: N 89° 47' 52" W, ALONG THE NORTH LINE OF THE SAID CALLED 106.519 ACRE TRACT, 442.78 FEET (DEED CALL) TO A 1/2" REBAR WITH CAP SET FOR THE SOUTHEAST CORNER OF THE SAID CALLED 10.00 ACRE TRACT AND THE SOUTHWEST CORNER OF THIS TRACT;
THENCE: N 00° 18' 47" E, ALONG THE EAST LINE OF THE SAID CALLED 10.00 ACRE TRACT, 1496.66 FEET, TO THE PLACE OF BEGINNING, CONTAINING 15.23 ACRES OF LAND, MORE OR LESS.

TRACT FOUR:
ALL THAT CERTAIN 15.15 ACRE TRACT OF LAND IN THE CITY OF TEXARKANA, H.S. JANES HEADRIGHT SURVEY, A-306, BOWIE COUNTY, TEXAS, BEING ALL OF A CALLED 15.00 ACRE TRACT DESCRIBED IN VOLUME 396, PAGE 320, BOWIE COUNTY DEED RECORDS; SAID 15.15 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
BEGINNING AT A 1/2" REBAR WITH CAP SET FOR THE NORTHWEST CORNER OF THE MELVIN HARRIS CALLED 7.80 ACRE TRACT, THE NORTHEAST CORNER OF THE JAMES E. ANDERSON CALLED 2.00 ACRE TRACT, THE MOST SOUTHERN SOUTHEAST CORNER OF A CALLED 76.70 ACRE TRACT SURVEYED BY EAST TEXAS SURVEYING CO. ON JANUARY 8, 1997 AND THE SOUTHWEST CORNER OF THIS TRACT;
THENCE: N 00° 13' 36" W, (BEARINGS BASED ON TRUE NORTH MERIDIAN DERIVED VIA SOLAR OBSERVATION) ALONG THE SOUTHERN EAST LINE OF THE SAID CALLED 76.70 ACRE TRACT, 1100.00 FEET TO A 1/2" REBAR WITH CAP SET FOR AN ELL CORNER OF THE SAID CALLED 76.70 ACRE TRACT AND THE NORTHWEST CORNER OF THIS TRACT;

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THENCE: N 89° 54' 24" E, ALONG THE SOUTH LINE OF THE SAID CALLED 76.70 ACRE TRACT, 600.00 FEET TO A 1/2" REBAR WITH CAP SET FOR AN ELL CORNER OF THE SAID CALLED 76.70 ACRE TRACT AND THE NORTHEAST CORNER OF THIS TRACT;
THENCE: S 00° 13' 36" E, PASSING A 1/2" REBAR WITH CAP SET FOR A CORNER OF THE SAID CALLED 76.70 ACRE TRACT AND THE NORTH WEST CORNER OF A CALLED 10.00 ACRE TRACT DESCRIBED IN VOLUME 461, PAGE 288, AT 45.19 FEET AND CONTINUING ALONG THE WEST LINE OF THE SAID CALLED 10.00 ACRE TRACT, IN ALL, 1100.00 FEET TO A 1/2" REBAR WITH CAP SET ON THE NORTH LINE OF THE SAID CALLED 7.80 ACRE TRACT FOR THE SOUTHWEST CORNER OF THE SAID CALLED 10.00 ACRE TRACT AND THE SOUTHEAST CORNER OF THIS TRACT;
THENCE: S 89° 54' 24" W, ALONG THE NORTH LINE OF THE SAID CALLED 7.80 ACRE TRACT, 600.00 FEET TO THE PLACE OF BEGINNING, CONTAINING 15.15 ACRES OF LAND, MORE OR LESS.

TRACT FIVE:
ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN THE COUNTY OF BOWIE, STATE OF TEXAS AND BEING A PART OF BLOCKS NUMBERED SEVEN (7) AND EIGHT (8) OF THE SUBDIVISION OF THE H. S. JANES HEADRIGHT SURVEY, A-306, BOWIE COUNTY, TEXAS AND DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:
BEGINNING AT A STAKE, THE COMMON CORNERS OF BLOCKS NUMBERED SEVEN (7), EIGHT (8), THIRTEEN (13) AND FOURTEEN (14) OF THE SUBDIVISION OF THE SAID H.S. JANES SURVEY;
THENCE: NORTHERLY WITH THE EAST BOUNDARY LINE OF SAID BLOCK NUMBERED EIGHT (8), THE WEST BOUNDARY LINE OF BLOCK NUMBERED SEVEN (7), A DISTANCE OF APPROXIMATELY 660 FEET TO A STAKE;
THENCE: EAST, A DISTANCE OF 457.5 FEET TO A STAKE;
THENCE: NORTH 400 FEET TO A STAKE;
THENCE: WEST, 457.5 FEET, CROSSING THE WEST BOUNDARY LINE OF BLOCK NUMBERED SEVEN (7) THE EAST BOUNDARY LINE OF BLOCK NUMBERED EIGHT (8) AND CONTINUING WEST INTO BLOCK NUMBERED EIGHT (8) FOR 250 FEET TO THE EAST BOUNDARY LINE OF A 15 ACRE TRACT HERETOFORE CONVEYED BY US IN A DEED TO LADONIA GREEN PAYTON;
THENCE: SOUTH, WITH HER EAST LINE, TO THE SOUTH LINE OF BLOCK NUMBERED EIGHT (8);
THENCE: EAST, 250 FEET ALONG THE SOUTH LINE OF BLOCK NUMBERED EIGHT (8) TO THE PLACE OF BEGINNING AND CONTAINING TEN (10) ACRES OF LAND.

TRACT SIX:
ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN BLOCK 7 OF THE SUBDIVISION OF THE H.S. JANES HEADRIGHT SURVEY, A-306, BOWIE COUNTY, TEXAS AND BEING ALL THAT CERTAIN CALLED 10 ACRE TRACT CONVEYED TO H.J. TRAMMELL BY DEED RECORDED IN VOLUME 325, PAGES 145-149, DEED RECORDS, BOWIE COUNTY, TEXAS AND THE RESIDUAL OF THAT CERTAIN CALLED 30 ACRE TRACT CONVEYED TO H.J. TRAMMELL BY DEED RECORDED IN VOLUME 332, PAGES 445-446; SAID DEED RECORDS, SUBJECT TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
BEGINNING AT A 1/2" REBAR SET FOR THE SOUTHWEST CORNER; SAID POINT BEING THE SOUTHWEST CORNER OF SAID 10 ACRE TRACT AND ALSO BEING THE SOUTHWEST CORNER OF SAID BLOCK 7, A CROSS-TIE FENCE CORNER BEARS S 02° 01' 13" E, A DISTANCE OF 22.10 FEET;
THENCE: N 00° 26' 06" W, ALONG THE WEST LINE OF SAID BLOCK 7, 660.00 FEET TO A 1/2" REBAR SET FOR THE WESTERLY NORTHWEST CORNER; SAID POINT BEING THE NORTHWEST CORNER OF SAID 10 ACRE TRACT;
THENCE: N 88° 37' 00" E, ALONG THE NORTH LINE OF SAID 10 ACRE TRACT, AT 45.69 FEET, PASSING A CROSS-TIE FENCE CORNER, 2.37 FEET, RIGHT AND CONTINUING FOR A TOTAL DISTANCE OF 507.57 FEET, TO A POINT FOR INTERIOR CORNER; SAID POINT BEING THE WESTERLY SOUTHWEST CORNER OF SAID 30 ACRE TRACT, 1/2" REBAR REFERENCE S 88° 37' 40" W;
THENCE: N 01° 53' 47" W, ALONG THE WEST LINE OF SAID 30 ACRE TRACT, 803.13 FEET TO A 1/2" REBAR SET FOR THE NORTHWEST CORNER; SAID POINT BEING THE NORTHWEST CORNER OF SAID 30 ACRE TRACT AND ALSO BEING IN THE OCCUPIED NORTH LINE OF SAID BLOCK 7;

THENCE: N 88° 02' 08" E, ALONG SAID NORTH LINE; SAME BEING THE NORTH LINE OF SAID 30 ACRE TRACT, AT 353.68 FEET, PASSING A 1/2" REBAR AND CONTINUING FOR A TOTAL DISTANCE OF 575.84 FEET, TO A POINT FOR THE NORTHEAST CORNER IN THE WEST RIGHT-OF-WAY LINE OF US HIGHWAY 59 (LOOP 151), A 1/2" REBAR FOUND BEARS N 88° 02' 08" E, A DISTANCE OF 0.32 FEET;
THENCE: S 01° 48' 43" W, ALONG SAID ROW LINE, 401.63 FEET TO A 1/2" REBAR SET AT AN ANGLE POINT;
THENCE: S 03° 41' 00" W, ALONG SAID ROW LINE, AT 15.54 FEET, PASSING A ROW MONUMENT 1.39 FEET LEFT AND CONTINUING FOR A TOTAL DISTANCE OF 1001.80 FEET TO A 1/2" REBAR SET AT AN ANGLE POINT;
THENCE: S 04° 04' E, ALONG SAID ROW LINE, 70.04 FEET TO A T-POST SET FOR THE SOUTHEAST CORNER; SAID POINT BEING IN THE SOUTH LINE OF SAID 30 ACRE TRACT; SAME BEING THE OCCUPIED SOUTH LINE OF SAID BLOCK 7;
THENCE: S 88° 37' W, ALONG SAID SOUTH LINE, AT 319.50 FEET, PASSING THE SOUTHEAST CORNER OF AFOREMENTIONED 10 ACRE TRACT AND CONTINUING FOR A TOTAL DISTANCE OF 979.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 25.169 ACRES OF LAND, MORE OR LESS.

2. OWNER CONSENT FOR FULL-PURPOSE ANNEXATION and PROPERTY DEVELOPMENT PLAN.

a. Owner requests, consents, covenants, and agrees to full-purpose annexation of the Property by the City; with such consent, and subject to Section 3 of this Agreement, City intends for this Agreement to provide for the delivery of specific municipal services to the Property in accordance with state law and accomplished through any means permitted by law.

b. In the event of full-purpose annexation of the Property, Owner agrees and consents to the zoning classifications for each tract set out in Exhibit "A", attached hereto and incorporated herein by reference for all purposes, according to City's Code of Ordinances; and Owner shall prepare all site plan documentation in anticipation of and consistent with this zoning classification. Owner shall defer to the City's discretion with respect to the timing for initiating full-purpose annexation proceedings.

c. Owner agrees that the Phase 1 development (Tracts 1 and 3 – Planned Development / Multi-Family – see Exhibit "A-1", attached hereto and incorporated herein by reference for all purposes) shall require infrastructure improvements to City's sanitary sewer service; and that annexation, if approved by the City Council, shall precede the installation of such improvements. City agrees to make such improvements at City expense, consistent with anticipated sanitary sewer demands for both the Property and other anticipated growth; and City shall make reasonable efforts to complete such improvements prior to the final plumbing inspection and release of all multi-family units.

d. Pending Owner decisions on the purpose and scope of the Phase 2 development (Tracts 2, 4 and 5 – Planned Development / Industrial 1, and Tract 6 – Planned Development / Commercial), Owner acknowledges and agrees that the Phase 2 development may require substantial infrastructure improvements to City's sanitary sewer service and that cost-sharing development agreements may be required for such improvements or the Phase 2 development.

e. Except as provided herein, Owner agrees to comply with — and City is authorized to enforce and shall enforce — all of City's ordinances, regulations, and planning authority for the

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Property as authorized by law, this Agreement, and the SPA, in the same manner such ordinances and regulations are enforced within the City's boundaries; provided, however, that City shall not require Owner to obtain a demolition permit for demolition of existing structures upon the Property, which Owner intends to commence promptly following execution of this Agreement.

3. **MUNICIPAL SERVICES.** In accordance with applicable City ordinances, rules, regulations, and policies, Owner and City agree that the City will provide the municipal services set forth in Exhibit "B", attached hereto and incorporated herein by reference for all purposes (hereinafter, "Services"), at the times, events, or conditions specified therein for each of the Services; provided, however, that nothing in this Agreement should be construed as requiring the City to annex the Property for full-purpose annexation (and if such requirement exists under law, the parties agree such requirement is waived).

4. **PROPERTY DEVELOPMENT INCENTIVE.** To incentivize prompt development of the Property prior to City Council consideration of full-purpose annexation of the Property, City offers and Owner accepts (i) to suspend any Owner fees for building permits within the time period of thirty (30) months following the Effective Date of this Agreement; and (ii) to waive the fee or fees set by the City Council for any discrete annexation proceeding (e.g., limited-purpose annexation, full-purpose annexation, or both). This section neither suspends nor waives, nor should be construed as suspending or waiving, fees for subcontractor permits.

5. **SEVERABILITY.** Except as otherwise provided herein, if any part, term, or provision of this Agreement is held by a court to be illegal, invalid, or otherwise unenforceable, such illegality, invalidity, or unenforceability will not affect the validity of any other part, term or provision, and the rights of the parties will be construed as if the part, term, or provision was never part of the Agreement; provided, however, that Sections 2, 4, 9, 10, and 11 are not severable from this Agreement.

6. **GOVERNING LAW, INTERPRETATION, and VENUE**. The parties to this Agreement covenant and agree that in any litigation relating to this Agreement, the terms and conditions of the Agreement will be interpreted according to the laws of the State of Texas. The parties acknowledge that they are of equal bargaining power and that this Agreement shall be fairly interpreted in accordance with its terms and conditions and not for or against either party. Venue for any litigation relating to this Agreement shall be in the state or federal courts located in Bowie County, Texas.

7. **NO WAIVER.** The failure of either party to insist upon the performance of any term or provision of this Agreement or to exercise any right granted hereunder shall not constitute a waiver of that party's right to insist upon appropriate performance or to assert any such right on any future occasion.

8. **GOVERNMENTAL POWERS and FUNCTIONS.** Owner and City agree that no provision of this Agreement is in any way intended to constitute a waiver of the City's governmental immunities from suit or from liability; Owner and City acknowledge that the terms, provisions, and execution of this Agreement, together with the provision of Services, constitute

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governmental functions of the City, and that the City does not waive or surrender any of its governmental powers or immunities by execution or performance of this Agreement.

9. **FORCE MAJEURE.** "Force Majeure" means an event, circumstance, or act that is beyond a party's reasonable control, such as an act of God, an act of the public enemy, an act of a government entity, strikes, other labor disturbances, supplier performance, supply chain interruption, hurricanes, earthquakes, fires, floods, epidemics, pandemics, embargoes, war, riots, ransomware or cyber events, or any other similar cause. Neither party will be liable for its non-performance or delayed performance if caused by a Force Majeure. A party that becomes aware of a Force Majeure that will significantly delay performance will notify the other party promptly (but in no event later than fifteen days) after it discovers the Force Majeure. If a Force Majeure occurs, any deadline for provision of Services shall be extended for a time period that is reasonable under the circumstances, and any suspension of provision for Services shall be reasonable under the circumstances.

10. **AGREEMENT BINDS AND BENEFITS SUCCESSORS AND RUNS WITH THE LAND.** This Agreement is binding on and inures to the benefit of the parties, their successors, and assigns. Upon annexation of the Property, Owner shall file this Agreement in the Deed Records of Bowie County, Texas. The terms of this Agreement constitute covenants running with the land comprising the Property, is binding on the Owner and the City, is binding on subsequent owners of any portion of the Property, and is enforceable by any current or future owner of any portion of the Property.

11. **COSTS/FEES TO PAY OR REIMBURSE.** In addition to any costs or fees set out in this Agreement or exhibits thereto, Owner agrees to reimburse or pay the following:

a. City's cost of notice, publication, and advertising as may be required by law or City Charter for any discrete annexation proceeding of the Property, including the publication costs of proposed annexation ordinances for the Property in the form in which such may be finally passed as required by Article I, Section 5 of the City Charter of the City of Texarkana, Texas;

b. Owner shall be responsible for paying or otherwise reimbursing the City for all infrastructure or development costs on the Property; and

c. The amount of compensation required to be paid by City pursuant to Texas Health & Safety Code Section 775.022 with respect to annexation of the Property.

12. **AUTHORITY and ENTIRE AGREEMENT.** City and Owner represent that they have full power, authority, and legal right to execute, deliver and perform their obligations pursuant to this Agreement. This Agreement constitutes the entire agreement between the parties and supersedes all prior oral and written agreements between said parties. Except as provided herein, this Agreement shall not be amended unless approved by the City Council and executed in writing by both parties; provided, however, during such time prior to full-purpose annexation of the Property, the City Council delegates to the City Manager the authority to agree to and execute written amendments that do not materially obligate the City to extend services beyond the scope

Attachment: 2023-045 ATTH 01 Resortments - Muni Serv Agmt ver. 4-10-23 {with exhs} signed (3977 : 2023-045 RES Resortments serv agmt

of this Agreement, and such written amendments upon execution shall be appended to this Agreement.

13. **GOVERNMENTAL IMMUNITY.** This Agreement is expressly made subject to City's governmental immunity as provided by the Texas Constitution, Texas law, and applicable federal law. The parties expressly agree that no provision of this Agreement is in any way intended to constitute a waiver of the City's immunities from suit or from liability.

14. **ASSIGNMENT.** This Agreement shall be binding upon the respective successors and assigns of the parties; provided, however, that neither party may assign this Agreement without the other party's prior written consent.

15. **JOINT DRAFTING.** The drafting of this Agreement shall not be attributed to either Party: the parties prepared this Agreement jointly, following arm's length and careful negotiation, with each party represented by legal counsel; and each party has the requisite experience and sophistication to understand, interpret, and agree to the particular language of its provisions.

16. **SECTION HEADINGS**. The section headings in this Agreement are inserted only for convenience and are not to be construed as part of this Agreement or as a limitation of the scope of the particular section to which the heading refers.

17. **EFFECTIVE DATE.** This Agreement shall be effective upon the execution by both City and Owner.

City of Texarkana, Texas

By: _____ Date: April _____, 2023
David W. Orr, PhD
City Manager

Owner, Resortments, LLC:

By: Tracy Spellmeyer Date: April 10th, 2023
Tracy Spellmeyer
Chief Operations Officer

Attachment: 2023-045 ATTH 01 Resortments - Muni Serv Agmt ver. 4-10-23 {with exhs} signed (3977 : 2023-045 RES Resortments serv agmt

Exhibit A

Know what's BELOW.
Call before you dig.

ORGANIZATION FACILITIES & RESPONSE	
ELECTRIC	-MARKED
ELECTRIC	-NO RESPONSE
PHONE, FIBER, CABLE	-NO RESPONSE
GAS, PETROLEUM PRODUCTS	-CLEAR
WATER	-NO RESPONSE
PHONE, FIBER	-NO RESPONSE
PHONE, FIBER	-MAP SENT
PHONE, FIBER, CABLE	-LOCATED
GAS	-LOCATED

BASIS OF BEARING:
TEXAS STATE PLANE, NORTH CENTRAL ZONE, NAD
CONVERGENCE ANGLE = 2°23'36.1480"
DISTANCES SHOWN ON PLAT ARE GROUND.
COMBINED SCALE FACTOR (GROUND TO GRID) = 0.
LATITUDE: 33°24'27.73558"
LONGITUDE: -94°06'41.99346"

0' 400' 800'

1 INCH = 400 FEET

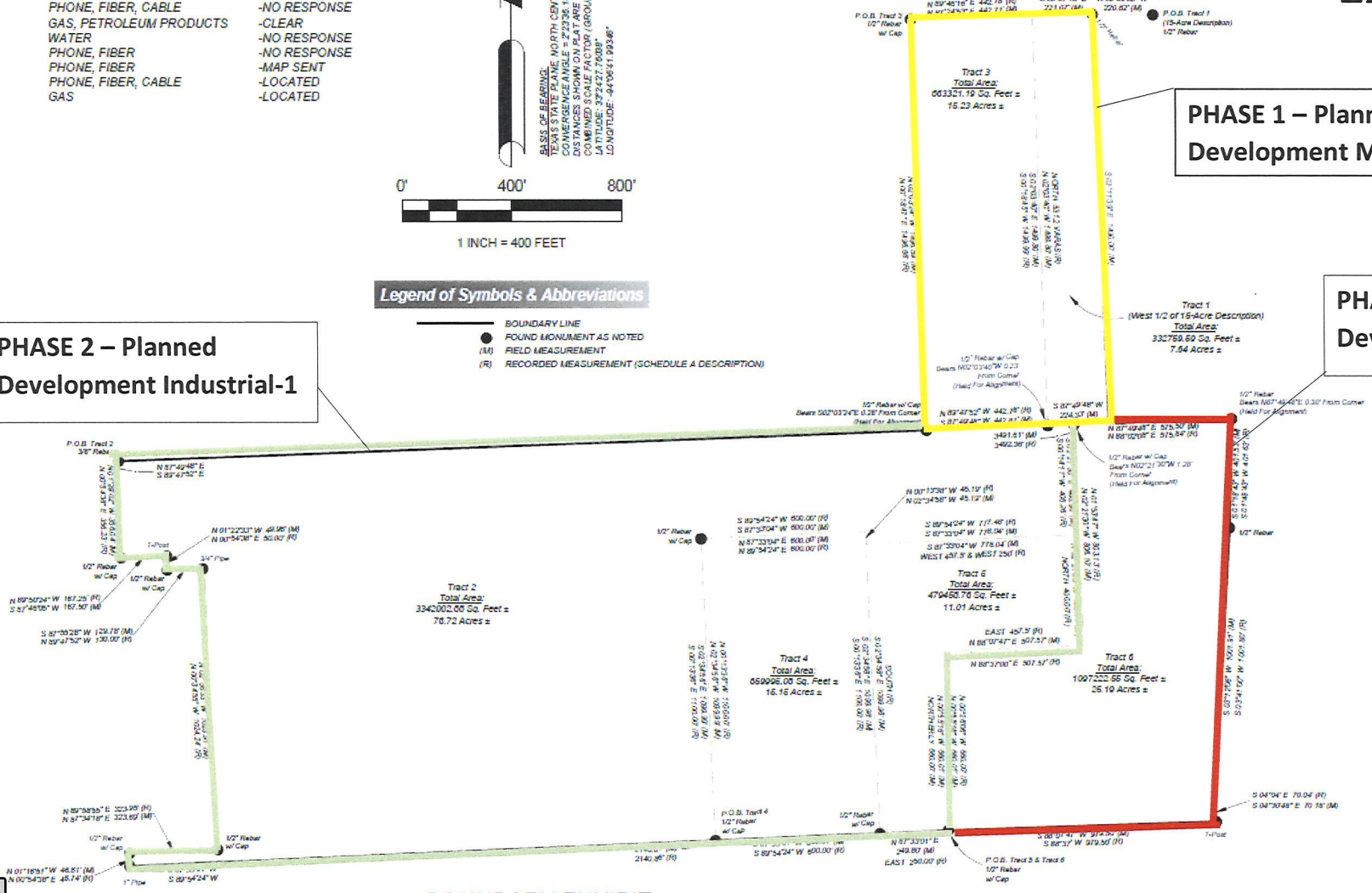
Legend of Symbols & Abbreviations

- BOUNDARY LINE
- FOUND MONUMENT AS NOTED
- (M) FIELD MEASUREMENT
- (R) RECORDED MEASUREMENT (SCHEDULE A DESCRIPTION)

PHASE 1 – Planned Development Multiple Family

PHASE 2 – Planned Development Commercial

PHASE 2 – Planned Development Industrial-1



BOUNDARY EXHIBIT

Surveyor's Certification

TO RESORTMENTS TEXARKANA, LLC:

THIS IS TO CERTIFY THAT THIS MAP OR P... BASED WERE MADE IN ACCORDANCE WI... REQUIREMENTS FOR ALTA/NSPS LAND TI... AND ADOPTED BY ALTA AND NSPS, AND I... TABLE A THEREOF. THE FIELD WORK WA...

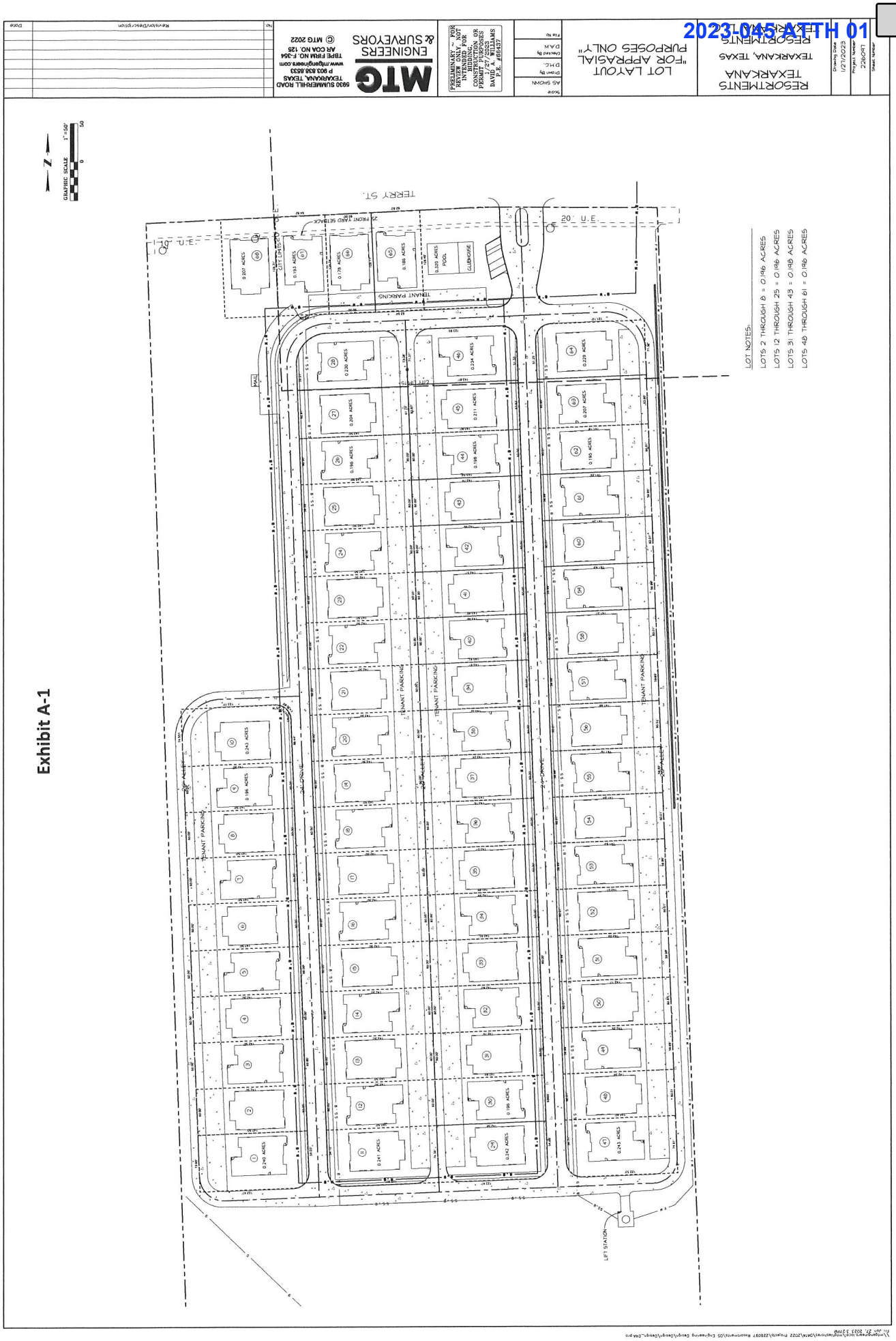
DATE OF PLAT OR MAP: 10/28/2022

STATE OF TEXAS
BRADLEY G. WELLS
5499
REGISTERED PROFESSIONAL LAND SURVEYOR

BRADLEY G. WELLS
RPLS NO. 5499
STATE OF TEXAS
TEXAS FIRM REGISTRATION NO. 10194275

DATE

2023-045 ATTH 01



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Attachment: 2023-045 ATTH 01 Resortments - Muni Serv Agmt ver. 4-10-23 {with exhs} signed (3977 : 2023-045 RES Resortments serv agmt

Exhibit B to Municipal Services Agreement

The term "annexation" as used in this exhibit refers only to full-purpose annexation of the Property.

I. Services to be Provided Upon Annexation of Property.

A. Fire

Fire suppression service from the City's Fire Department will be available to the Property upon annexation. Primary fire response will be provided by Fire Station No. 7, located at 3101 S. Lake Dr. Fire prevention activities will be provided by the Fire Marshall's office as needed.

B. Police

Currently, the Property is under the jurisdiction of the Bowie County Sheriff's Office. Upon annexation, the City's Police Department will extend regular and routine patrols to the Property.

C. Building Inspection

The City's Building Inspection Department will provide Inspection Services upon annexation. This includes issuing building, electrical, and plumbing permits for any new construction and remodeling and enforcing all other applicable codes which regulate building construction within the City of Texarkana, Texas.

D. Planning and Zoning

The Planning and Zoning Department's responsibility for regulating development and land use through the administration of the City of Texarkana Zoning Ordinance will extend to this Property upon annexation. The property will also continue to be regulated under the requirements of the City of Texarkana Subdivision Ordinance.

E. Library

Upon annexation, free library use privileges with issuance of a free library card will be available to anyone residing in this Property. A free library card for those in the City limits includes checkouts for books, DVDs, and audiobooks. Also, databases are available that can be accessed from home, including free tutoring for grade school through college, foreign language, genealogy, Consumer Reports, and downloadable audiobooks and e-books.

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F. Health Department

The Texarkana-Bowie County Health Department will provide health services to eligible residents, if any, of the Property upon annexation.

G. Code Enforcement

The City's Code Enforcement Division will provide Code Enforcement services upon annexation. These services include enforcing the City's health ordinances, health inspections, and enforcing the City's Code of Ordinances governing litter, junk vehicles, high grass and weeds, and substandard structures. Animal Control services will be provided to the Property as needed.

H. Parks

Existing park use privileges subject to Parks Rules and Regulations will be available to anyone residing within the Property upon annexation.

I. Traffic Engineering

Upon annexation, City will provide traffic engineering services and regulatory signage services in accordance with the City policies and procedures and applicable laws.

J. Water and Sewer Service

Subject to Section II.C, below, Owner acknowledges and agrees that its proposed development shall be required to connect to the City's water and sewer system at Owner's expense.

II. Services to be Provided to the Property Upon Specific Conditions or Events Following Annexation.

A. Drainage and Stormwater Management

Owner must provide stormwater drainage at its own expense and will be inspected by the City Engineers at time of completions. After inspection, the City will thereafter maintain the drainage only upon approval by City Engineers and only if drainage is dedicated in the public drainage easement and the City accepts the dedication; provided, however, that nothing herein should be construed as requiring the City to accept such dedication.

Maintenance of existing drainage facilities will be provided by the City upon annexation only if the drainage facilities are located in the street right-of-way or a public

drainage easement. Owner shall be responsible and agrees to pay for maintenance of any drainage facility that is not in the street right-of-way or public drainage easement.

B. Solid Waste Services

Beginning with occupancy of residential structures, if any, Solid Waste Collection shall be provided to the Property in accordance with City ordinance and policies.

C. Sanitary Sewer Services to Tracts / Development Phases

Notwithstanding any other provision of this exhibit, the delivery of sanitary sewer service to the development phases of the Property shall be governed by Section 2 of the Municipal Services Agreement.

III. General Provisions

A. The parties acknowledge and agree that the City is not required to provide a service that is not identified herein.

B. Owner understands and acknowledges that City departments referenced herein may change names or be re-organized by the City Manager. Any reference to a specific department also includes any subsequent City department that will provide the same or similar service.

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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:			

Attachment: 2023-045 Goals & Perspectives (3977 : 2023-045 RES Resortments serv agmt (annex))

RESOLUTION NO. 2023 - 045

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, ELECTING TO BEGIN THE PROCESS OF CONSIDERING THE VOLUNTARY ANNEXATION OF SIX ADJOINING TRACTS, APPROXIMATELY 150 ACRES, H. S. JANES HRS A-306, INTO THE CITY LIMITS OF THE CITY OF TEXARKANA, TEXAS, BY AUTHORIZING A WRITTEN SERVICES AGREEMENT FOR PROVISION OF CITY SERVICES IN THE EVENT THE CITY COUNCIL ADOPTS AN ORDINANCE ANNEXING THE TRACT; DIRECTING THE PREPARATION OF A FORM ANNEXATION ORDINANCE AND A PUBLIC HEARING BEFORE INSTITUTING ANY ANNEXATION PROCEEDINGS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Resortments, Inc., the owner of six adjoining tracts, approximately 150 acres, lying and situated in the H. S. Janes Headright Survey, Abstract 306, Bowie County, Texas, described in Section 1 of the proposed "Municipal Services Agreement" ("MSA") attached to this resolution as **ATTH 01**, has requested that the City of Texarkana, Texas, annex the acreage into the city limits; and

WHEREAS, the acreage is designated as Limited Purpose Property defined and described in the Strategic Partnership Agreement ("SPA") authorized by Section 43.0751 of the Texas Local Government Code entered into by and between the City and Macedonia-Eylau Municipal Utility District No. 1 of Bowie County ("District"); and

WHEREAS, per Resolution No. 2023-034 (March 13, 2023), the City Council authorized and directed the evaluation, negotiation, and preparation of proposed service or development agreements for voluntary annexation requests; and

WHEREAS, pursuant to the Texas Local Government Code, the governing body of a city that elects to annex an area by petition of landowner must first negotiate and enter into a written agreement with the owner of land in the area for the provision of services in the area, with the agreement including (1) a list of each service the city will provide on the effective date of the annexation, and (2) a schedule that includes the period within which the city will provide each service that is not provided on the effective date of the annexation; and

WHEREAS, before a city may adopt an ordinance annexing an area by petition of landowners, the governing body must conduct a public hearing, providing persons interested in the annexation the opportunity to be heard, and thereafter the governing body may adopt an ordinance annexing the area; and

WHEREAS, City staff recommends that the City Council elect to begin the process of consideration of annexation of the subject tracts by first authorizing the City Manager to negotiate and execute the proposed MSA attached to this resolution pertaining to development incentives and services to be provided by the City in the event the City Council, in its discretion, favorably votes to annex the subject tract.

Attachment: 2023-045 RES serv admt (annex) Resortments signed (3977 : 2023-045 RES Resortments serv agmt (annex))

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

SECTION 1: The City Council elects to begin the process of considering the voluntary annexation of the tracts described in Section 1 of the attached Municipal Services Agreement and authorizes the City Manager to execute the agreement.

SECTION 2: The City Council's approval of this resolution does not bind the City Council to approve annexation of one or more of the subject tracts; and nothing in this resolution promises or guarantees a favorable vote by the City Council to approve annexation of one or more of the tracts.

SECTION 3: Upon execution of the MSA, the City Council directs the City Manager to prepare a proposed annexation ordinance for the subject tracts; and, at an appropriate time as determined by the City Manager and consistent with Texas law before instituting any annexation proceedings, the City Council shall give all interested persons the right to appear and to be heard at a public hearing during a regular meeting of the City Council pertaining to a proposed annexation for the subject tract.

SECTION 4: The City Manager or designee shall cause to be issued all newspaper publications and notices as required by law for the proceedings and hearings authorized by this Resolution.

SECTION 5: 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 **10th day of April, 2023**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:11 p.m.

Attachment: 2023-045 RES serv admt (annex) Resortments signed (3977 : 2023-045 RES Resortments serv agmt (annex))

Municipal Services Agreement

* * * * *

Owner-Consent Voluntary Annexation

This Municipal Services Agreement ("Agreement") is entered into by and between the City of Texarkana, Texas, a home-rule municipality of the State of Texas ("City"), and Resortments, LLC ("Owner").

Recitals

The parties agree that the following recitals are true and correct and form the basis upon which the parties have entered into this Agreement.

WHEREAS, pursuant to the Texas Local Government Code, the governing body of a city that elects to annex an area by petition of landowner must first negotiate and enter into a written agreement with the owners of land in the area for the provision of services in the area, with the agreement including (1) a list of each service the city will provide on the effective date of the annexation, and (2) a schedule that includes the period within which the city will provide each service that is not provided on the effective date of the annexation; and

WHEREAS, Owner owns certain parcels of land situated in Bowie County, Texas, within the City's extraterritorial jurisdiction, more particularly described in Section 1, below ("the Property"); and

WHEREAS, the Property is located within the Limited Purpose Property as defined and described in the Strategic Partnership Agreement ("SPA") authorized by Section 43.0751 of the Texas Local Government Code entered into by and between the City and Macedonia-Eylau Municipal Utility District No. 1 of Bowie County ("District"); and

WHEREAS, by this Agreement, Owner requests and consents to full-purpose annexation of the Property by the City; and

WHEREAS, City and Owner desire to set out their agreements for the development of the Property by confirming development incentives, the process for City Council consideration of full-purpose annexation of the Property, and — in the event the City Council approves full-purpose annexation — the City services to be provided for the Property on or after the effective date of full-purpose annexation.

NOW THEREFORE, in exchange for the mutual covenants, conditions and promises contained herein, City and Owner agree as follows:

1. **PROPERTY.** This Agreement is only applicable to the Property described below:

TRACT ONE:
ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN BOWIE COUNTY, TEXAS, ABOUT THREE MILES SOUTHWEST OF TEXARKANA, TEXAS OUT OF THE H.S. JANES HEADRIGHT SURVEY, A-306 AND OUT OF A 50 ACRE TRACT OWNED BY J.S. HUGHES; SAME BEING BLOCK NUMBERED FOUR (4) OF THE SAID H.S. JANES SUBDIVISION, A DESCRIPTION

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OF WHICH IS RECORDED IN VOLUME 157, PAGE 419, BOWIE COUNTY, DEED RECORDS AND BEING DESCRIBED AS FOLLOWS, TO-WIT:
BEGINNING 212.5 VARAS WEST FROM THE NE CORNER IN THE NORTH BOUNDARY LINE OF THE ABOVE MENTIONED BLOCK NUMBERED FOUR (4);
THENCE: SOUTH 531.2 VARAS TO THE SOUTH BOUNDARY LINE OF BLOCK NUMBERED FOUR (4), A STAKE;
THENCE: WEST, WITH SAID SOUTH BOUNDARY LINE, 159.4 VARAS TO A STAKE;
THENCE: NORTH 531.2 VARAS, TO A STAKE IN THE NORTH BOUNDARY LINE OF BLOCK NUMBERED FOUR (4);
THENCE: EAST, 159.4 VARAS TO THE PLACE OF BEGINNING, CONTAINING FIFTEEN (15) ACRES OF LAND, MORE OR LESS.

IT BEING THE INTENTION TO CONVEY ONLY THE WEST ONE-HALF, OR 7-1/2 ACRES, OF THE ABOVE DESCRIBED 15 ACRE TRACT

TRACT TWO:
ALL THAT CERTAIN 76.70 ACRE TRACT OF LAND IN THE H.S. JANES HEADRIGHT SURVEY, A-306, BOWIE COUNTY, TEXAS, BEING THE REMAINDER OF A CALLED 106.519 ACRE TRACT DESCRIBED AS TRACT TWENTY-FOUR IN VOLUME 635, PAGE 113, BOWIE COUNTY DEED RECORDS; SAID 76.70 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
BEGINNING AT A 3/8" REBAR FOUND FOR THE SOUTHEAST CORNER OF THE DORSEY BLACKWELL CALLED 5.40 ACRE TRACT, THE SOUTHWEST CORNER OF A CALLED 15.60 ACRE TRACT DESCRIBED IN VOLUME 2105, PAGE 211 AND THE NORTHWEST CORNER OF THIS TRACT; A 1" ANGLE IRON FOUND FOR THE SOUTHWEST CORNER OF THE SAID CALLED 5.40 ACRE TRACT AND THE SOUTHEAST CORNER OF A CALLED 10.00 ACRE TRACT DESCRIBED IN VOLUME 514, PAGE 7, LIES N 89° 47' 52" W, 175.65 FEET;
THENCE: S 89° 47' 52" E (BEARINGS BASED ON TRUE NORTH MERIDIAN DERIVED VIA SOLAR OBSERVATIONS), 3492.36 FEET, TO A 1/2" REBAR WITH CAP SET FOR THE NORTHWEST CORNER OF THE H.J. TRAMMELL CALLED 25.30 ACRE TRACT AND THE NORTHEAST CORNER OF THIS TRACT; A 1/2" REBAR FOUND ON THE WEST SIDE OF A SERVICE ROAD FOR THE NORTHEAST CORNER OF THE SAID CALLED 25.30 ACRE TRACT LINES S 89° 47' 52" E, 574.84 FEET;
THENCE: S 00° 14' 11" W, ALONG THE WEST LINE OF THE SAID CALLED 25.30 ACRE TRACT, 405.26 FEET, TO A 1/2" REBAR WITH CAP SET FOR THE NORTHEAST CORNER OF A CALLED 10.00 ACRE TRACT DESCRIBED IN VOLUME 461, PAGE 288 AND THE MOST EASTERN SOUTHEAST CORNER OF THIS TRACT;
THENCE: S 89° 54' 24" W, ALONG THE NORTH LINE OF THE SAID CALLED 10.00 ACRE TRACT, 777.48 FEET, TO A 1/2" REBAR WITH CAP SET ON THE EAST LINE OF A CALLED 15.00 ACRE TRACT DESCRIBED IN VOLUME 396, PAGE 320, FOR THE NORTHWEST CORNER OF THE SAID CALLED 10.00 ACRE TRACT AND A CORNER OF THIS TRACT;
THENCE: N 00° 13' 38" W, ALONG THE EAST LINE OF THE SAID CALLED 15.00 ACRE TRACT, 45.19 FEET TO A 1/2" REBAR WITH CAP SET FOR THE NORTHEAST CORNER OF THE SAID CALLED 15.00 ACRE TRACT AND AN ELL CORNER OF THIS TRACT;
THENCE: S 89° 54' 24" W, ALONG THE NORTH LINE OF THE SAID CALLED 15.00 ACRE TRACT, 600.00 FEET (DEED CALL) TO A 1/2" REBAR WITH CAP SET FOR THE NORTHWEST CORNER OF THE SAID CALLED 15.00 ACRE TRACT AND AN ELL CORNER OF THIS TRACT;
THENCE: S 00° 13' 36" E, ALONG THE WEST LINE OF THE SAID CALLED 15.00 ACRE TRACT, 1100.00 FEET (DEED CALL) TO A 1/2" REBAR WITH CAP SET FOR THE SOUTHWEST CORNER OF THE SAID CALLED 15.00 ACRE TRACT, THE NORTHEAST CORNER OF THE JAMES E. ANDERSON CALLED 2.00 ACRE TRACT, THE NORTHWEST CORNER OF THE MELVIN HARRIS CALLED 7.80 ACRE TRACT AND THE MOST SOUTHERN SOUTHEAST CORNER OF THIS TRACT;
THENCE: S 89° 54' 24" W, 2140.86 FEET, TO A 1/2" IRON PIPE FOUND FOR THE SOUTHEAST CORNER OF THE GERALDINE PAYNE CALLED 7.83 ACRE TRACT, THE NORTHWEST CORNER OF THE CONNOR HEIGHTS SUBDIVISION AND THE SOUTHWEST CORNER OF THIS TRACT;
THENCE: N 00° 54' 38" E, ALONG THE EAST LINE OF THE SAID CALLED 7.83 ACRE TRACT, 46.74 FEET TO A 1/2" REBAR WITH CAP SET FOR THE SOUTHWEST CORNER OF A CALLED 0.483 ACRE TRACT DESCRIBED IN VOLUME 580, PAGE 72 AND A CORNER OF THIS TRACT;

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THENCE: N 89° 58' 55" E, 323.95 FEET TO A 1/2" REBAR WITH CAP SET FOR THE SOUTHEAST CORNER OF A CALLED 1.045 ACRE TRACT DESCRIBED IN VOLUME 573, PAGE 290 AND AN ELL CORNER OF THIS TRACT;
THENCE: N 00° 34' 55" W, 1024.24 FEET TO A 1/2" IRON PIPE FOUND FOR THE NORTHEAST CORNER OF A CALLED 1.25 ACRE TRACT DESCRIBED AS TRACT 1 THRU 6 IN VOLUME 1443, PAGE 179, AND AN ELL CORNER OF THIS TRACT;
THENCE: N 89° 47' 52" W, 130.00 FEET (DEED CALL) TO A 1/2" REBAR WITH CAP SET ON THE EAST SIDE OF A PUBLIC ROAD FOR THE NORTHWEST CORNER OF THE SAID CALLED 1.25 ACRE TRACT AND A CORNER OF THIS TRACT;
THENCE: N 00° 54' 38" E, 50.00 FEET TO A 1/2" REBAR WITH CAP SET ON THE NORTH SIDE OF BOWIE COUNTY ROAD NO. 1344 (GIBBS AVENUE) FOR AN ELL CORNER OF THIS TRACT;
THENCE: N 89° 50' 24" W, ALONG THE NORTH SIDE OF THE SAID COUNTY ROAD, 167.25 FEET TO A 1/2" REBAR WITH CAP SET ON THE EAST LINE OF THE GIBBS SUBDIVISION FOR A CORNER OF THIS TRACT; A 5/8" IRON ROD FOUND ON THE EAST SIDE OF KINGS HIGHWAY AND THE NORTH LINE OF THE SAID COUNTY ROAD, LIES N 89° 50' 24" W, 1867.36 FEET;
THENCE: N 00° 54' 38" E, ALONG THE EAST LINE OF THE SAID GIBBS SUBDIVISION, 356.23 FEET TO THE PLACE OF BEGINNING, CONTAINING 76.70 ACRES OF LAND, MORE OR LESS.

TRACT THREE:
ALL THAT CERTAIN 15.23 ACRE TRACT OF LAND IN THE H.S. JANES HEADRIGHT SURVEY, A-306, BOWIE COUNTY, TEXAS, BEING ALL OF A CALLED 14.997 ACRE TRACT DESCRIBED IN VOLUME 493, PAGE 623, BOWIE COUNTY DEED RECORDS; SAID 15.23 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
BEGINNING AT A 1/2" REBAR WITH CAP SET ON THE SOUTH SIDE OF TERRY STREET, THE NORTH LINE OF THE SAID JANES SURVEY AND THE SOUTH LINE OF THE NANCY DYCUS SURVEY, ABSTRACT 145, FOR THE NORTHEAST CORNER OF THE VERGIE B. STAFFORD CALLED 10.00 ACRE TRACT AND THE NORTHWEST CORNER OF THIS TRACT;
THENCE: N 89° 46' 16" E, (BEARINGS BASED ON TRUE NORTH MERIDIAN DERIVED VIA SOLAR OBSERVATIONS) ALONG THE SOUTH SIDE OF TERRY STREET, THE NORTH LINE OF THE SAID JANES SURVEY AND THE SOUTH LINE OF THE SAID DYCUS SURVEY, 442.78 FEET (DEED CALL) TO A 1/2" REBAR WITH CAP SET FOR THE NORTHWEST CORNER OF THE M.L. MAYO CALLED 15.00 ACRE TRACT AND THE NORTHEAST CORNER OF THIS TRACT;
THENCE: S 00° 18' 45" W, ALONG THE WEST LINE OF THE SAID CALLED 15.00 ACRE TRACT, 1499.99 FEET TO A 1/2" REBAR WITH CAP SET ON THE NORTH LINE OF A CALLED 106.519 ACRE TRACT DESCRIBED AS TRACT TWENTY-FOUR IN VOLUME 635, PAGE 113 FOR THE SOUTHWEST CORNER OF THE SAID CALLED 15.00 ACRE TRACT AND THE SOUTHEAST CORNER OF THIS TRACT;
THENCE: N 89° 47' 52" W, ALONG THE NORTH LINE OF THE SAID CALLED 106.519 ACRE TRACT, 442.78 FEET (DEED CALL) TO A 1/2" REBAR WITH CAP SET FOR THE SOUTHEAST CORNER OF THE SAID CALLED 10.00 ACRE TRACT AND THE SOUTHWEST CORNER OF THIS TRACT;
THENCE: N 00° 18' 47" E, ALONG THE EAST LINE OF THE SAID CALLED 10.00 ACRE TRACT, 1496.66 FEET, TO THE PLACE OF BEGINNING, CONTAINING 15.23 ACRES OF LAND, MORE OR LESS.

TRACT FOUR:
ALL THAT CERTAIN 15.15 ACRE TRACT OF LAND IN THE CITY OF TEXARKANA, H.S. JANES HEADRIGHT SURVEY, A-306, BOWIE COUNTY, TEXAS, BEING ALL OF A CALLED 15.00 ACRE TRACT DESCRIBED IN VOLUME 396, PAGE 320, BOWIE COUNTY DEED RECORDS; SAID 15.15 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
BEGINNING AT A 1/2" REBAR WITH CAP SET FOR THE NORTHWEST CORNER OF THE MELVIN HARRIS CALLED 7.80 ACRE TRACT, THE NORTHEAST CORNER OF THE JAMES E. ANDERSON CALLED 2.00 ACRE TRACT, THE MOST SOUTHERN SOUTHEAST CORNER OF A CALLED 76.70 ACRE TRACT SURVEYED BY EAST TEXAS SURVEYING CO. ON JANUARY 8, 1997 AND THE SOUTHWEST CORNER OF THIS TRACT;
THENCE: N 00° 13' 36" W, (BEARINGS BASED ON TRUE NORTH MERIDIAN DERIVED VIA SOLAR OBSERVATION) ALONG THE SOUTHERN EAST LINE OF THE SAID CALLED 76.70 ACRE TRACT, 1100.00 FEET TO A 1/2" REBAR WITH CAP SET FOR AN ELL CORNER OF THE SAID CALLED 76.70 ACRE TRACT AND THE NORTHWEST CORNER OF THIS TRACT;

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THENCE: N 89° 54' 24" E, ALONG THE SOUTH LINE OF THE SAID CALLED 76.70 ACRE TRACT, 600.00 FEET TO A 1/2" REBAR WITH CAP SET FOR AN ELL CORNER OF THE SAID CALLED 76.70 ACRE TRACT AND THE NORTHEAST CORNER OF THIS TRACT;
THENCE: S 00° 13' 36" E, PASSING A 1/2" REBAR WITH CAP SET FOR A CORNER OF THE SAID CALLED 76.70 ACRE TRACT AND THE NORTH WEST CORNER OF A CALLED 10.00 ACRE TRACT DESCRIBED IN VOLUME 461, PAGE 288, AT 45.19 FEET AND CONTINUING ALONG THE WEST LINE OF THE SAID CALLED 10.00 ACRE TRACT, IN ALL, 1100.00 FEET TO A 1/2" REBAR WITH CAP SET ON THE NORTH LINE OF THE SAID CALLED 7.80 ACRE TRACT FOR THE SOUTHWEST CORNER OF THE SAID CALLED 10.00 ACRE TRACT AND THE SOUTHEAST CORNER OF THIS TRACT;
THENCE: S 89° 54' 24" W, ALONG THE NORTH LINE OF THE SAID CALLED 7.80 ACRE TRACT, 600.00 FEET TO THE PLACE OF BEGINNING, CONTAINING 15.15 ACRES OF LAND, MORE OR LESS.

TRACT FIVE:
ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN THE COUNTY OF BOWIE, STATE OF TEXAS AND BEING A PART OF BLOCKS NUMBERED SEVEN (7) AND EIGHT (8) OF THE SUBDIVISION OF THE H. S. JANES HEADRIGHT SURVEY, A-306, BOWIE COUNTY, TEXAS AND DESCRIBED BY METES AND BOUNDS AS FOLLOWS, TO-WIT:
BEGINNING AT A STAKE, THE COMMON CORNERS OF BLOCKS NUMBERED SEVEN (7), EIGHT (8), THIRTEEN (13) AND FOURTEEN (14) OF THE SUBDIVISION OF THE SAID H.S. JANES SURVEY;
THENCE: NORTHERLY WITH THE EAST BOUNDARY LINE OF SAID BLOCK NUMBERED EIGHT (8), THE WEST BOUNDARY LINE OF BLOCK NUMBERED SEVEN (7), A DISTANCE OF APPROXIMATELY 660 FEET TO A STAKE;
THENCE: EAST, A DISTANCE OF 457.5 FEET TO A STAKE;
THENCE: NORTH 400 FEET TO A STAKE;
THENCE: WEST, 457.5 FEET, CROSSING THE WEST BOUNDARY LINE OF BLOCK NUMBERED SEVEN (7) THE EAST BOUNDARY LINE OF BLOCK NUMBERED EIGHT (8) AND CONTINUING WEST INTO BLOCK NUMBERED EIGHT (8) FOR 250 FEET TO THE EAST BOUNDARY LINE OF A 15 ACRE TRACT HERETOFORE CONVEYED BY US IN A DEED TO LADONIA GREEN PAYTON;
THENCE: SOUTH, WITH HER EAST LINE, TO THE SOUTH LINE OF BLOCK NUMBERED EIGHT (8);
THENCE: EAST, 250 FEET ALONG THE SOUTH LINE OF BLOCK NUMBERED EIGHT (8) TO THE PLACE OF BEGINNING AND CONTAINING TEN (10) ACRES OF LAND.

TRACT SIX:
ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN BLOCK 7 OF THE SUBDIVISION OF THE H.S. JANES HEADRIGHT SURVEY, A-306, BOWIE COUNTY, TEXAS AND BEING ALL THAT CERTAIN CALLED 10 ACRE TRACT CONVEYED TO H.J. TRAMMELL BY DEED RECORDED IN VOLUME 325, PAGES 145-149, DEED RECORDS, BOWIE COUNTY, TEXAS AND THE RESIDUAL OF THAT CERTAIN CALLED 30 ACRE TRACT CONVEYED TO H.J. TRAMMELL BY DEED RECORDED IN VOLUME 332, PAGES 445-446; SAID DEED RECORDS, SUBJECT TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
BEGINNING AT A 1/2" REBAR SET FOR THE SOUTHWEST CORNER; SAID POINT BEING THE SOUTHWEST CORNER OF SAID 10 ACRE TRACT AND ALSO BEING THE SOUTHWEST CORNER OF SAID BLOCK 7, A CROSS-TIE FENCE CORNER BEARS S 02° 01' 13" E, A DISTANCE OF 22.10 FEET;
THENCE: N 00° 26' 06" W, ALONG THE WEST LINE OF SAID BLOCK 7, 660.00 FEET TO A 1/2" REBAR SET FOR THE WESTERLY NORTHWEST CORNER; SAID POINT BEING THE NORTHWEST CORNER OF SAID 10 ACRE TRACT;
THENCE: N 88° 37' 00" E, ALONG THE NORTH LINE OF SAID 10 ACRE TRACT, AT 45.69 FEET, PASSING A CROSS-TIE FENCE CORNER, 2.37 FEET, RIGHT AND CONTINUING FOR A TOTAL DISTANCE OF 507.57 FEET, TO A POINT FOR INTERIOR CORNER; SAID POINT BEING THE WESTERLY SOUTHWEST CORNER OF SAID 30 ACRE TRACT, 1/2" REBAR REFERENCE S 88° 37' 40" W;
THENCE: N 01° 53' 47" W, ALONG THE WEST LINE OF SAID 30 ACRE TRACT, 803.13 FEET TO A 1/2" REBAR SET FOR THE NORTHWEST CORNER; SAID POINT BEING THE NORTHWEST CORNER OF SAID 30 ACRE TRACT AND ALSO BEING IN THE OCCUPIED NORTH LINE OF SAID BLOCK 7;

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THENCE: N 88° 02' 08" E, ALONG SAID NORTH LINE; SAME BEING THE NORTH LINE OF SAID 30 ACRE TRACT, AT 353.68 FEET, PASSING A 1/2" REBAR AND CONTINUING FOR A TOTAL DISTANCE OF 575.84 FEET, TO A POINT FOR THE NORTHEAST CORNER IN THE WEST RIGHT-OF-WAY LINE OF US HIGHWAY 59 (LOOP 151), A 1/2" REBAR FOUND BEARS N 88° 02' 08" E, A DISTANCE OF 0.32 FEET;
THENCE: S 01° 48' 43" W, ALONG SAID ROW LINE, 401.63 FEET TO A 1/2" REBAR SET AT AN ANGLE POINT;
THENCE: S 03° 41' 00" W, ALONG SAID ROW LINE, AT 15.54 FEET, PASSING A ROW MONUMENT 1.39 FEET LEFT AND CONTINUING FOR A TOTAL DISTANCE OF 1001.80 FEET TO A 1/2" REBAR SET AT AN ANGLE POINT;
THENCE: S 04° 04' E, ALONG SAID ROW LINE, 70.04 FEET TO A T-POST SET FOR THE SOUTHEAST CORNER; SAID POINT BEING IN THE SOUTH LINE OF SAID 30 ACRE TRACT; SAME BEING THE OCCUPIED SOUTH LINE OF SAID BLOCK 7;
THENCE: S 88° 37' W, ALONG SAID SOUTH LINE, AT 319.50 FEET, PASSING THE SOUTHEAST CORNER OF AFOREMENTIONED 10 ACRE TRACT AND CONTINUING FOR A TOTAL DISTANCE OF 979.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 25.169 ACRES OF LAND, MORE OR LESS.

2. OWNER CONSENT FOR FULL-PURPOSE ANNEXATION and PROPERTY DEVELOPMENT PLAN.

a. Owner requests, consents, covenants, and agrees to full-purpose annexation of the Property by the City; with such consent, and subject to Section 3 of this Agreement, City intends for this Agreement to provide for the delivery of specific municipal services to the Property in accordance with state law and accomplished through any means permitted by law.

b. In the event of full-purpose annexation of the Property, Owner agrees and consents to the zoning classifications for each tract set out in Exhibit "A", attached hereto and incorporated herein by reference for all purposes, according to City's Code of Ordinances; and Owner shall prepare all site plan documentation in anticipation of and consistent with this zoning classification. Owner shall defer to the City's discretion with respect to the timing for initiating full-purpose annexation proceedings.

c. Owner agrees that the Phase 1 development (Tracts 1 and 3 – Planned Development / Multi-Family – see Exhibit "A-1", attached hereto and incorporated herein by reference for all purposes) shall require infrastructure improvements to City's sanitary sewer service; and that annexation, if approved by the City Council, shall precede the installation of such improvements. City agrees to make such improvements at City expense, consistent with anticipated sanitary sewer demands for both the Property and other anticipated growth; and City shall make reasonable efforts to complete such improvements prior to the final plumbing inspection and release of all multi-family units.

d. Pending Owner decisions on the purpose and scope of the Phase 2 development (Tracts 2, 4 and 5 – Planned Development / Industrial 1, and Tract 6 – Planned Development / Commercial), Owner acknowledges and agrees that the Phase 2 development may require substantial infrastructure improvements to City's sanitary sewer service and that cost-sharing development agreements may be required for such improvements or the Phase 2 development.

e. Except as provided herein, Owner agrees to comply with — and City is authorized to enforce and shall enforce — all of City's ordinances, regulations, and planning authority for the

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Property as authorized by law, this Agreement, and the SPA, in the same manner such ordinances and regulations are enforced within the City's boundaries; provided, however, that City shall not require Owner to obtain a demolition permit for demolition of existing structures upon the Property, which Owner intends to commence promptly following execution of this Agreement.

3. **MUNICIPAL SERVICES.** In accordance with applicable City ordinances, rules, regulations, and policies, Owner and City agree that the City will provide the municipal services set forth in Exhibit "B", attached hereto and incorporated herein by reference for all purposes (hereinafter, "Services"), at the times, events, or conditions specified therein for each of the Services; provided, however, that nothing in this Agreement should be construed as requiring the City to annex the Property for full-purpose annexation (and if such requirement exists under law, the parties agree such requirement is waived).

4. **PROPERTY DEVELOPMENT INCENTIVE.** To incentivize prompt development of the Property prior to City Council consideration of full-purpose annexation of the Property, City offers and Owner accepts (i) to suspend any Owner fees for building permits within the time period of thirty (30) months following the Effective Date of this Agreement; and (ii) to waive the fee or fees set by the City Council for any discrete annexation proceeding (e.g., limited-purpose annexation, full-purpose annexation, or both). This section neither suspends nor waives, nor should be construed as suspending or waiving, fees for subcontractor permits.

5. **SEVERABILITY.** Except as otherwise provided herein, if any part, term, or provision of this Agreement is held by a court to be illegal, invalid, or otherwise unenforceable, such illegality, invalidity, or unenforceability will not affect the validity of any other part, term or provision, and the rights of the parties will be construed as if the part, term, or provision was never part of the Agreement; provided, however, that Sections 2, 4, 9, 10, and 11 are not severable from this Agreement.

6. **GOVERNING LAW, INTERPRETATION, and VENUE**. The parties to this Agreement covenant and agree that in any litigation relating to this Agreement, the terms and conditions of the Agreement will be interpreted according to the laws of the State of Texas. The parties acknowledge that they are of equal bargaining power and that this Agreement shall be fairly interpreted in accordance with its terms and conditions and not for or against either party. Venue for any litigation relating to this Agreement shall be in the state or federal courts located in Bowie County, Texas.

7. **NO WAIVER.** The failure of either party to insist upon the performance of any term or provision of this Agreement or to exercise any right granted hereunder shall not constitute a waiver of that party's right to insist upon appropriate performance or to assert any such right on any future occasion.

8. **GOVERNMENTAL POWERS and FUNCTIONS.** Owner and City agree that no provision of this Agreement is in any way intended to constitute a waiver of the City's governmental immunities from suit or from liability; Owner and City acknowledge that the terms, provisions, and execution of this Agreement, together with the provision of Services, constitute

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governmental functions of the City, and that the City does not waive or surrender any of its governmental powers or immunities by execution or performance of this Agreement.

9. **FORCE MAJEURE.** "Force Majeure" means an event, circumstance, or act that is beyond a party's reasonable control, such as an act of God, an act of the public enemy, an act of a government entity, strikes, other labor disturbances, supplier performance, supply chain interruption, hurricanes, earthquakes, fires, floods, epidemics, pandemics, embargoes, war, riots, ransomware or cyber events, or any other similar cause. Neither party will be liable for its non-performance or delayed performance if caused by a Force Majeure. A party that becomes aware of a Force Majeure that will significantly delay performance will notify the other party promptly (but in no event later than fifteen days) after it discovers the Force Majeure. If a Force Majeure occurs, any deadline for provision of Services shall be extended for a time period that is reasonable under the circumstances, and any suspension of provision for Services shall be reasonable under the circumstances.

10. **AGREEMENT BINDS AND BENEFITS SUCCESSORS AND RUNS WITH THE LAND.** This Agreement is binding on and inures to the benefit of the parties, their successors, and assigns. Upon annexation of the Property, Owner shall file this Agreement in the Deed Records of Bowie County, Texas. The terms of this Agreement constitute covenants running with the land comprising the Property, is binding on the Owner and the City, is binding on subsequent owners of any portion of the Property, and is enforceable by any current or future owner of any portion of the Property.

11. **COSTS/FEES TO PAY OR REIMBURSE.** In addition to any costs or fees set out in this Agreement or exhibits thereto, Owner agrees to reimburse or pay the following:

a. City's cost of notice, publication, and advertising as may be required by law or City Charter for any discrete annexation proceeding of the Property, including the publication costs of proposed annexation ordinances for the Property in the form in which such may be finally passed as required by Article I, Section 5 of the City Charter of the City of Texarkana, Texas;

b. Owner shall be responsible for paying or otherwise reimbursing the City for all infrastructure or development costs on the Property; and

c. The amount of compensation required to be paid by City pursuant to Texas Health & Safety Code Section 775.022 with respect to annexation of the Property.

12. **AUTHORITY and ENTIRE AGREEMENT.** City and Owner represent that they have full power, authority, and legal right to execute, deliver and perform their obligations pursuant to this Agreement. This Agreement constitutes the entire agreement between the parties and supersedes all prior oral and written agreements between said parties. Except as provided herein, this Agreement shall not be amended unless approved by the City Council and executed in writing by both parties; provided, however, during such time prior to full-purpose annexation of the Property, the City Council delegates to the City Manager the authority to agree to and execute written amendments that do not materially obligate the City to extend services beyond the scope

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of this Agreement, and such written amendments upon execution shall be appended to this Agreement.

13. **GOVERNMENTAL IMMUNITY.** This Agreement is expressly made subject to City's governmental immunity as provided by the Texas Constitution, Texas law, and applicable federal law. The parties expressly agree that no provision of this Agreement is in any way intended to constitute a waiver of the City's immunities from suit or from liability.

14. **ASSIGNMENT.** This Agreement shall be binding upon the respective successors and assigns of the parties; provided, however, that neither party may assign this Agreement without the other party's prior written consent.

15. **JOINT DRAFTING.** The drafting of this Agreement shall not be attributed to either Party; the parties prepared this Agreement jointly, following arm's length and careful negotiation, with each party represented by legal counsel; and each party has the requisite experience and sophistication to understand, interpret, and agree to the particular language of its provisions.

16. **SECTION HEADINGS**. The section headings in this Agreement are inserted only for convenience and are not to be construed as part of this Agreement or as a limitation of the scope of the particular section to which the heading refers.

17. **EFFECTIVE DATE.** This Agreement shall be effective upon the execution by both City and Owner.

City of Texarkana, Texas

By: _____ Date: April 11th, 2023
David W. Orr, PhD
City Manager

Owner, Resortments, LLC:

By: _____ Date: April 10th, 2023
Tracy Spellmeyer
Chief Operations Officer

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Exhibit A

Know what's BELOW
Call before you dig.

ORGANIZATION FACILITIES & RESPONSE	
ELECTRIC	-MARKED
ELECTRIC	-NO RESPONSE
PHONE, FIBER, CABLE	-NO RESPONSE
GAS, PETROLEUM PRODUCTS	-CLEAR
WATER	-NO RESPONSE
PHONE, FIBER	-NO RESPONSE
PHONE, FIBER	-MAP SENT
PHONE, FIBER, CABLE	-LOCATED
GAS	-LOCATED

BASIS OF BEARING:
TEXAS STATE PLANE, NORTH CENTRAL ZONE, NAD
CONVERGENCE ANGLE = 2°23'36.14452"
DISTANCES SHOWN ON PLAT ARE GRID AND
COMBINED SCALE FACTOR (GROUND TO GRID) =
LATITUDE 32°24'27.76038"
LONGITUDE -94°56'41.99348"

0' 400' 800'

1 INCH = 400 FEET

PHASE 1 – Planned Development Multiple Family

PHASE 2 – Planned Development Commercial

PHASE 2 – Planned Development Industrial-1

Legend of Symbols & Abbreviations

- BOUNDARY LINE
- FOUND MONUMENT AS NOTED
- (M) FIELD MEASUREMENT
- (R) RECORDED MEASUREMENT (SCHEDULE A DESCRIPTION)

Tract 1
(West 1/2 of 15-Acre Description)
Total Area
332759.60 Sq. Feet ±
7.64 Acres ±

Tract 2
Total Area
334002.66 Sq. Feet ±
76.72 Acres ±

Tract 3
Total Area
663321.19 Sq. Feet ±
15.23 Acres ±

Tract 4
Total Area
669998.08 Sq. Feet ±
15.16 Acres ±

Tract 5
Total Area
479458.76 Sq. Feet ±
11.01 Acres ±

Tract 6
Total Area
1097355.68 Sq. Feet ±
26.19 Acres ±

BOUNDARY EXHIBIT

Surveyor's Certification

TO RESORTMENTS TEXARKANA, LLC:

THIS IS TO CERTIFY THAT THIS MAP OR F
BASED WERE MADE IN ACCORDANCE WI
REQUIREMENTS FOR ALTA/NSPS LAND T
AND ADOPTED BY ALTA AND NSPS, AND
TABLE A THEREOF. THE FIELD WORK WA

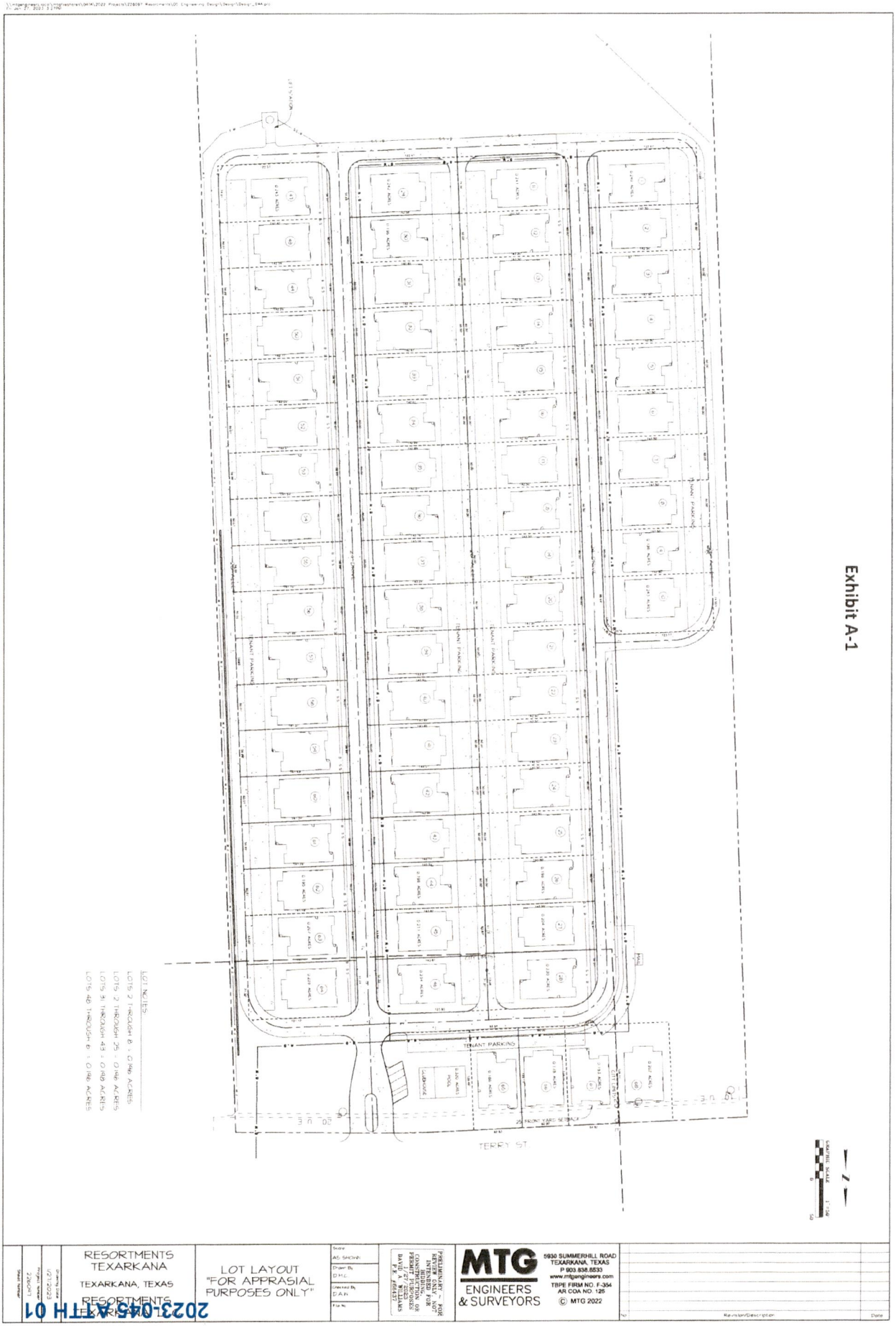
DATE OF PLAT OR MAP: 10/28/2022

BRADLEY G. WELLS
RPLS NO. 5499
STATE OF TEXAS
TEXAS FIRM REGISTRATION NO. 1010427

DATE

2023-045 ATTH 01

Attachment: 2023-045 RES serv admt (annex) Resortments signed (3977 : 2023-045 RES Resortments



2023-045 ATTH 01

Attachment: 2023-045 RES serv admt (annex) Resortments signed (3977 : 2023-045 RES Resortments serv agmt (annex))

Exhibit B to Municipal Services Agreement

The term "annexation" as used in this exhibit refers only to full-purpose annexation of the Property.

I. Services to be Provided Upon Annexation of Property.

A. Fire

Fire suppression service from the City's Fire Department will be available to the Property upon annexation. Primary fire response will be provided by Fire Station No. 7, located at 3101 S. Lake Dr. Fire prevention activities will be provided by the Fire Marshall's office as needed.

B. Police

Currently, the Property is under the jurisdiction of the Bowie County Sheriff's Office. Upon annexation, the City's Police Department will extend regular and routine patrols to the Property.

C. Building Inspection

The City's Building Inspection Department will provide Inspection Services upon annexation. This includes issuing building, electrical, and plumbing permits for any new construction and remodeling and enforcing all other applicable codes which regulate building construction within the City of Texarkana, Texas.

D. Planning and Zoning

The Planning and Zoning Department's responsibility for regulating development and land use through the administration of the City of Texarkana Zoning Ordinance will extend to this Property upon annexation. The property will also continue to be regulated under the requirements of the City of Texarkana Subdivision Ordinance.

E. Library

Upon annexation, free library use privileges with issuance of a free library card will be available to anyone residing in this Property. A free library card for those in the City limits includes checkouts for books, DVDs, and audiobooks. Also, databases are available that can be accessed from home, including free tutoring for grade school through college, foreign language, genealogy, Consumer Reports, and downloadable audiobooks and e-books.

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F. **Health Department**

The Texarkana-Bowie County Health Department will provide health services to eligible residents, if any, of the Property upon annexation.

G. **Code Enforcement**

The City's Code Enforcement Division will provide Code Enforcement services upon annexation. These services include enforcing the City's health ordinances, health inspections, and enforcing the City's Code of Ordinances governing litter, junk vehicles, high grass and weeds, and substandard structures. Animal Control services will be provided to the Property as needed.

H. **Parks**

Existing park use privileges subject to Parks Rules and Regulations will be available to anyone residing within the Property upon annexation.

I. **Traffic Engineering**

Upon annexation, City will provide traffic engineering services and regulatory signage services in accordance with the City policies and procedures and applicable laws.

J. **Water and Sewer Service**

Subject to Section II.C, below, Owner acknowledges and agrees that its proposed development shall be required to connect to the City's water and sewer system at Owner's expense.

II. Services to be Provided to the Property Upon Specific Conditions or Events Following Annexation.

A. **Drainage and Stormwater Management**

Owner must provide stormwater drainage at its own expense and will be inspected by the City Engineers at time of completions. After inspection, the City will thereafter maintain the drainage only upon approval by City Engineers and only if drainage is dedicated in the public drainage easement and the City accepts the dedication; provided, however, that nothing herein should be construed as requiring the City to accept such dedication.

Maintenance of existing drainage facilities will be provided by the City upon annexation only if the drainage facilities are located in the street right-of-way or a public

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drainage easement. Owner shall be responsible and agrees to pay for maintenance of any drainage facility that is not in the street right-of-way or public drainage easement.

B. Solid Waste Services

Beginning with occupancy of residential structures, if any, Solid Waste Collection shall be provided to the Property in accordance with City ordinance and policies.

C. Sanitary Sewer Services to Tracts / Development Phases

Notwithstanding any other provision of this exhibit, the delivery of sanitary sewer service to the development phases of the Property shall be governed by Section 2 of the Municipal Services Agreement.

III. General Provisions

A. The parties acknowledge and agree that the City is not required to provide a service that is not identified herein.

B. Owner understands and acknowledges that City departments referenced herein may change names or be re-organized by the City Manager. Any reference to a specific department also includes any subsequent City department that will provide the same or similar service.

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City of Texarkana, Texas

Version:

Briefing Sheet

Update Date: 3/24/2023 11:08 AM

Lead Department:	Planning & Zoning Commission	**Action Officer:**	Laura Puckett, Zoning Administrator
Subject:	Ordinance No. 2023-036 rezoning an approximate 1.74-acre tract of land (being Lot 3R), Rose Acres, located in the 4600 block of Rose Acres Road. Agriculture to Multiple Family-1. Mike Craven, MCCM Properties, LLC, owner, and Byron Leonoudakis, agent.		

Briefing: 4/10/2023 **Public Hearing:** 4/10/2023 **Council Vote:** 4/10/2023

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 Mike Craven, MCCM Properties, LLC, owner, and Byron Leonoudakis, agent, to rezone an approximate 1.74-acre tract of land (being Lot 3R), Rose Acres, located in the 4600 block of Rose Acres from Agriculture to Multiple Family-1. The proposed new site will be duplex housing for employees.

The Future Land Use Map has designated this property as “Industrial”.

The adjacent zoning is Agriculture to the north and south, Single Family-3 to the east and outside the city limits to the west. The adjacent land use is vacant land to the north and west, lumber yard to the south, event center to the east.

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 new drainage ordinance, stormwater design manual, 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.

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.

Advisory Board/Committee Meeting Date and Minutes:
March 6, 2023

Attachments

a. 2023-036 ORD Rezoning 4600 block of Rose Acres Road (DOCX)
b. 2023-036 EXH 'A' (Legal Description) (PDF)
c. 2023-036 ATTH 01 (Maps) (PDF)
d. 2023-036 ATTH 02 (Site Plan) (PDF)
e. 2023-036 ATTH 03 (Elevation) (PDF)
f. 2023-036 ATTH 04 (FloorPlan) (PDF)
g. 2023-036 Goals & Perspectives (DOCX)
h. 2023-036 ORD rez 4600 blk Rose Acres signed (PDF)

Staff Coordination

Building Code Administration	Mashell Daniel	Reviewer	Completed	03/15/2023 12:41 PM
Public Works Department	Dusty Henslee	Reviewer	Completed	03/16/2023 8:32 AM
City Manager	David Orr	Reviewer	Completed	03/16/2023 10:38 AM
City Council	Jennifer Evans	Meeting	Completed	03/27/2023 6:00 PM

Meeting History

03/27/23 City Council MOVED FORWARD Next: 04/10/23
Mashell Daniel briefed this agenda item.

Z-23-2

ORDINANCE NO. 2023-036

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING AN APPROXIMATE 1.74-ACRE TRACT OF LAND (BEING LOT 3R), ROSE ACRES, LOCATED IN THE 4600 BLOCK OF ROSE ACRES ROAD, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM AGRICULTURE TO MULTIPLE FAMILY-1; 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 an **approximate 1.74-acre tract of land (being Lot 3R), Rose Acres (Exhibit 'A'), located in the 4600 block of Rose Acres Road,** in the City of Texarkana, Bowie County, Texas, from **Agriculture to Multiple Family-1**; 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 five (5) to zero (0) to recommend for approval of the application for rezoning from Agriculture to Multiple Family-1 on an approximate 1.74-acre tract of land (being Lot 3R), Rose Acres (Exhibit 'A'), located in the 4600 block of Rose Acres Road** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, applicant agreed to amend the application from **Agriculture to Multiple Family-1**; 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 **Agriculture to Multiple Family-1** 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 an **approximate 1.74-acre tract of land (being Lot 3R), Rose Acres (Exhibit 'A'), located in the**

Attachment: 2023-036 ORD Rezoning 4600 block of Rose Acres Road (3955 : 2023-036 ORD rezoning A to MF-1 in 4600 block Rose Acres)

4600 block of Rose Acres Road in the City of Texarkana, Bowie County, Texas, from **Agriculture to Multiple Family-1.**

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: 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 **10th day of April, 2023.**

ATTEST:

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2023-036 ORD Rezoning 4600 block of Rose Acres Road (3955 : 2023-036 ORD rezoning A to MF-1 in 4600 block Rose Acres)

2023-036 EXH 'A'

Z-23-2

Property Description
Tract 1 with 1.000 Acres
Bowie County, Texas
All that certain lot, tract or parcel of land being all of Lot No. 2 of Rosa Acres, a subdivision of Blocks 27, 28, 29, and the East-half of Block 30 of Tilson.s Subdivision of 397.39 acres in the Nancy Dycus Headright Survey, Abstract 145, Bowie County, Texas, according to the plat thereof, recorded in Volume 40, Page 284 of the Plat Records of Bowie County, Texas.

Property Description
Tract 2 with 0.157 Acres
Bowie County, Texas

All that certain lot, tract or parcel of land being a portion of Lot No. 3 of Rosa Acres, a subdivision of Blocks 27, 28, 29, and the East-half of Block 30 of Tilson.s Subdivision of 397.39 acres in the Nancy Dycus Headright Survey, Abstract 145, Bowie County, Texas, according to the plat thereof, recorded in Volume 40, Page 284 of the Plat Records of Bowie County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch steel rod (control monument), capped MTG 101011-00, found for a corner in the North right-of-way line of an asphalt roadway designated as Rosa Acres Road, being the Southeast corner of the said Lot No. 3, and the Southwest corner of Lot No. 2 of the said Rosa Acres Subdivision;

THENCE North 90 degrees 00 minutes 00 seconds West a distance of 22.00 feet along the South line of the said Lot No. 3, and the North right-of-way line of the said Rosa Acres Road to a 1/2 inch steel rod, capped MTG 101011-00, set for a corner;

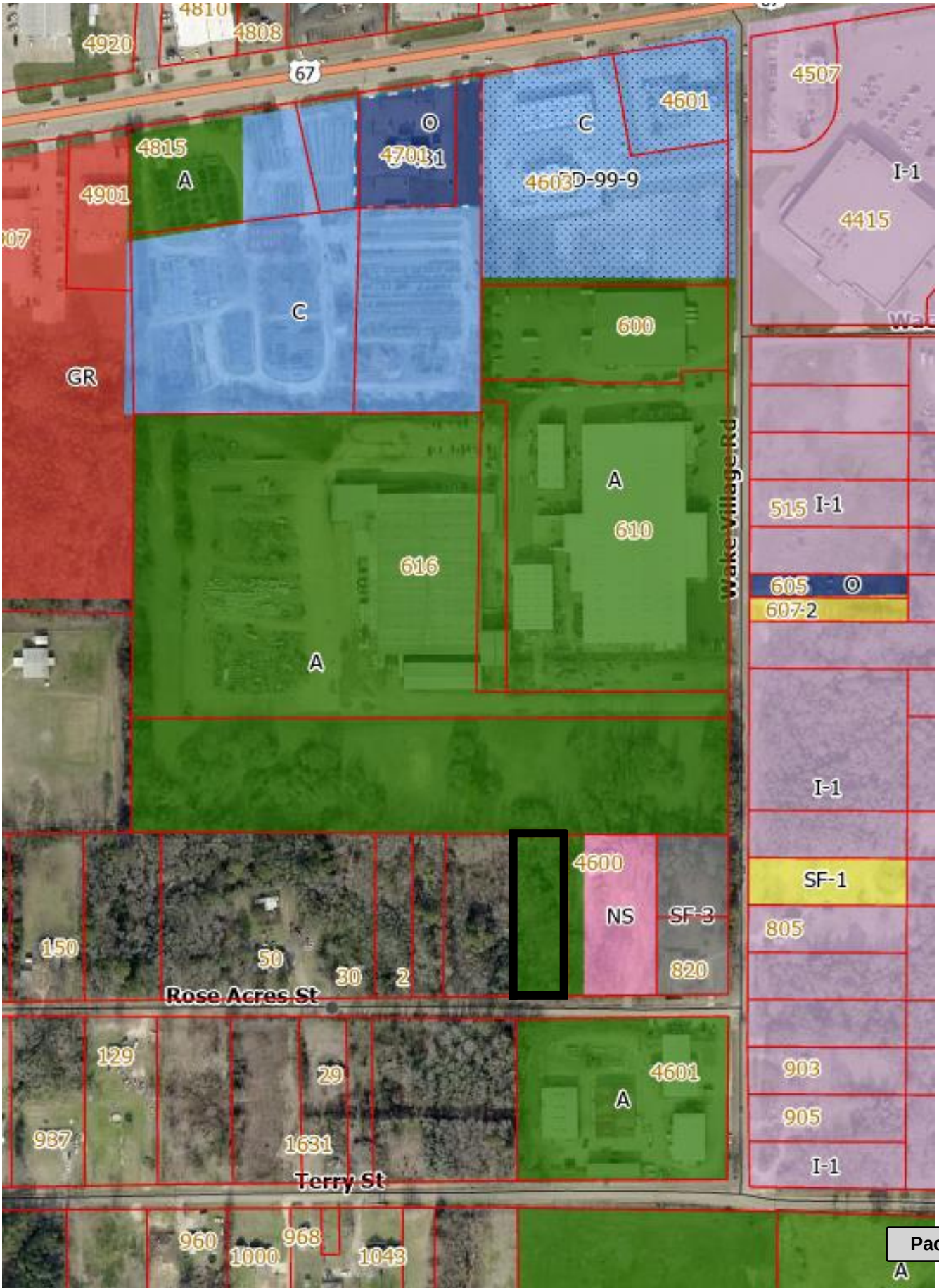
THENCE North 00 degrees 00 minutes 00 seconds West a distance of 310.00 feet across and through the said Lot No. 3 to a 1/2 inch steel rod, capped MTG 101011-00, set for a corner in the North line of the said Lot No. 3, and the South line of that certain tract of land described as 6.524 acres in the deed from C-L Associated, INC. to Fay J. Durrant, dated May 1, 2013, recorded in Volume 6443, Page 341 of the Real Property Records of Bowie County, Texas;

THENCE North 90 degrees 00 minutes 00 seconds East a distance of 22.00 feet along the North line of the said Lot No. 3, and the South line of the said 6.524 acre tract to a 1/2 inch steel rod (control monument), capped MTG 101011-00, found for a corner, being the Northeast corner of the said Lot No. 3, and the Northwest corner of the said Lot No. 2;

THENCE South 00 degrees 00 minutes 00 seconds East (basis of bearings) a distance of 310.00 feet along the common line between the said Lots No. 2 & 3 to the point of beginning, and containing 0.157 acres of land at the time of this survey.

Attachment: 2023-036 EXH 'A' (Legal Description) (3955 : 2023-036 ORD rezoning A to MF-1 in 4600 block Rose Acres)

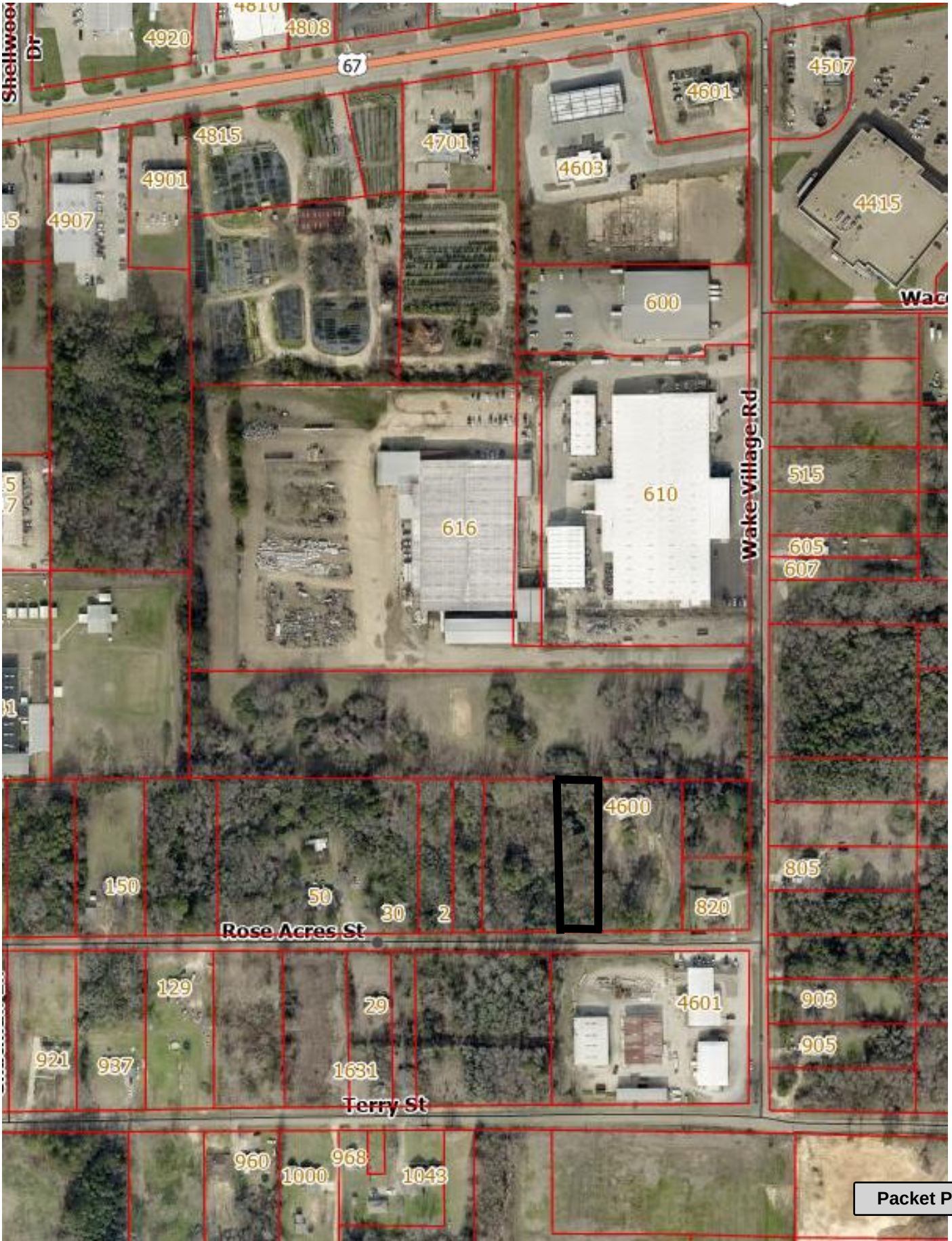
ROSE ACRES



Attachment: 2023-036 ATTH 01 (Maps) (3955 : 2023-036 ORD rezoning A to MF-1 in 4600 block Rose Acres)

2023-036 ATTH 01
Z-23-2

ROSE ACRES

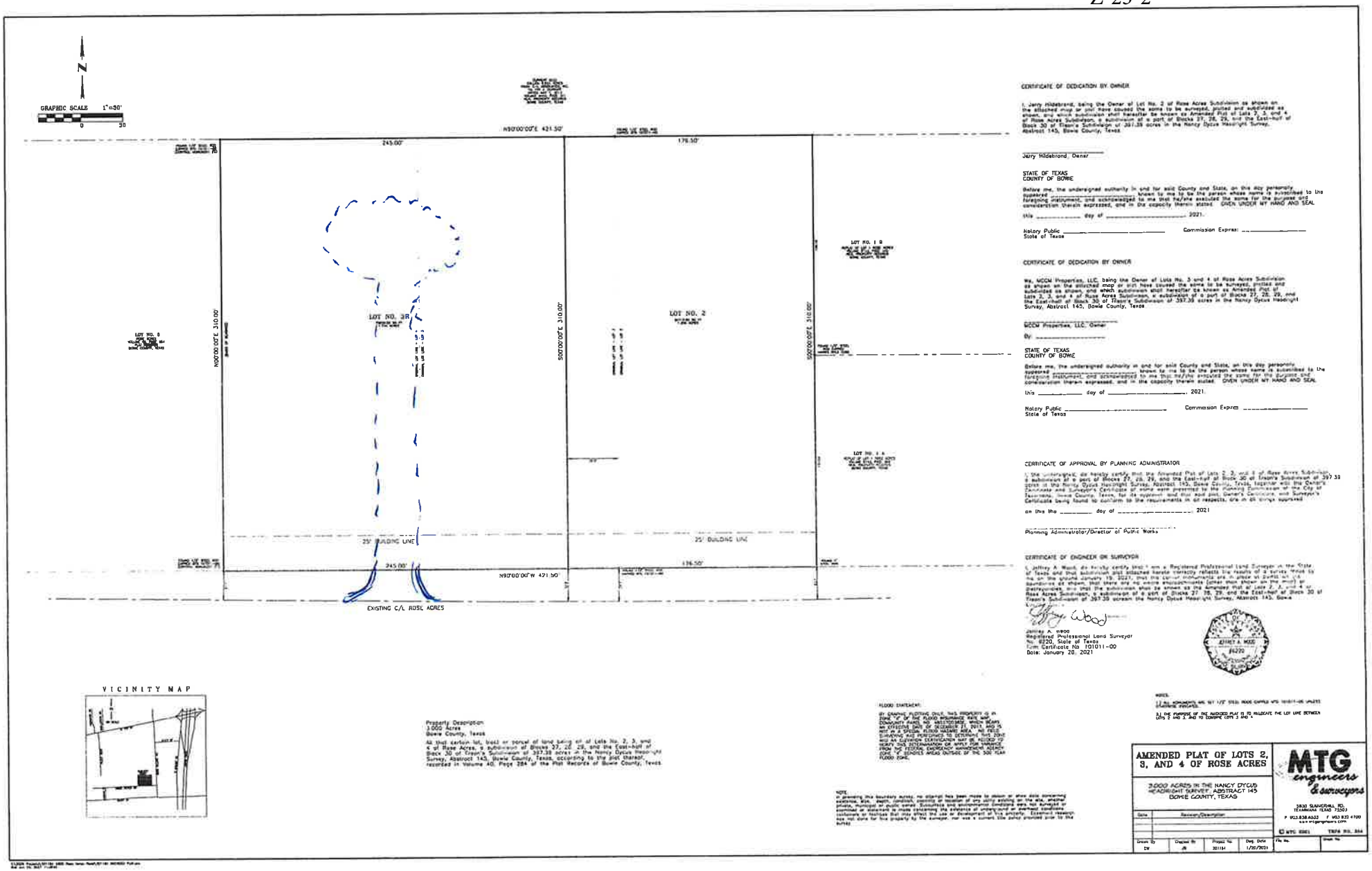


Attachment: 2023-036 ATTH 01 (Maps) (3955 : 2023-036 ORD rezoning A to MF-1 in 4600 block Rose Acres)

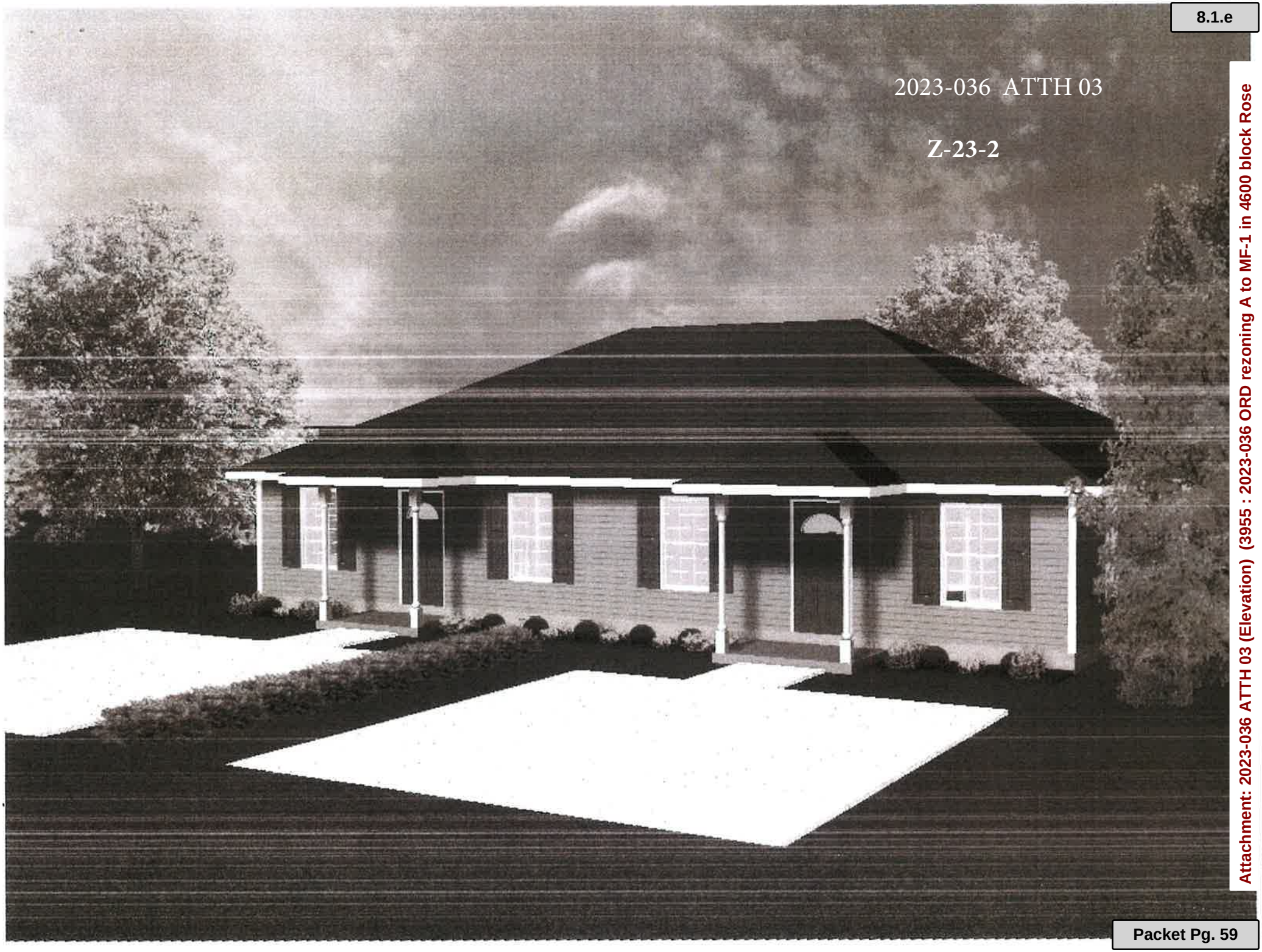
site plan -

2023-036 ATTH 02

Z-23-2

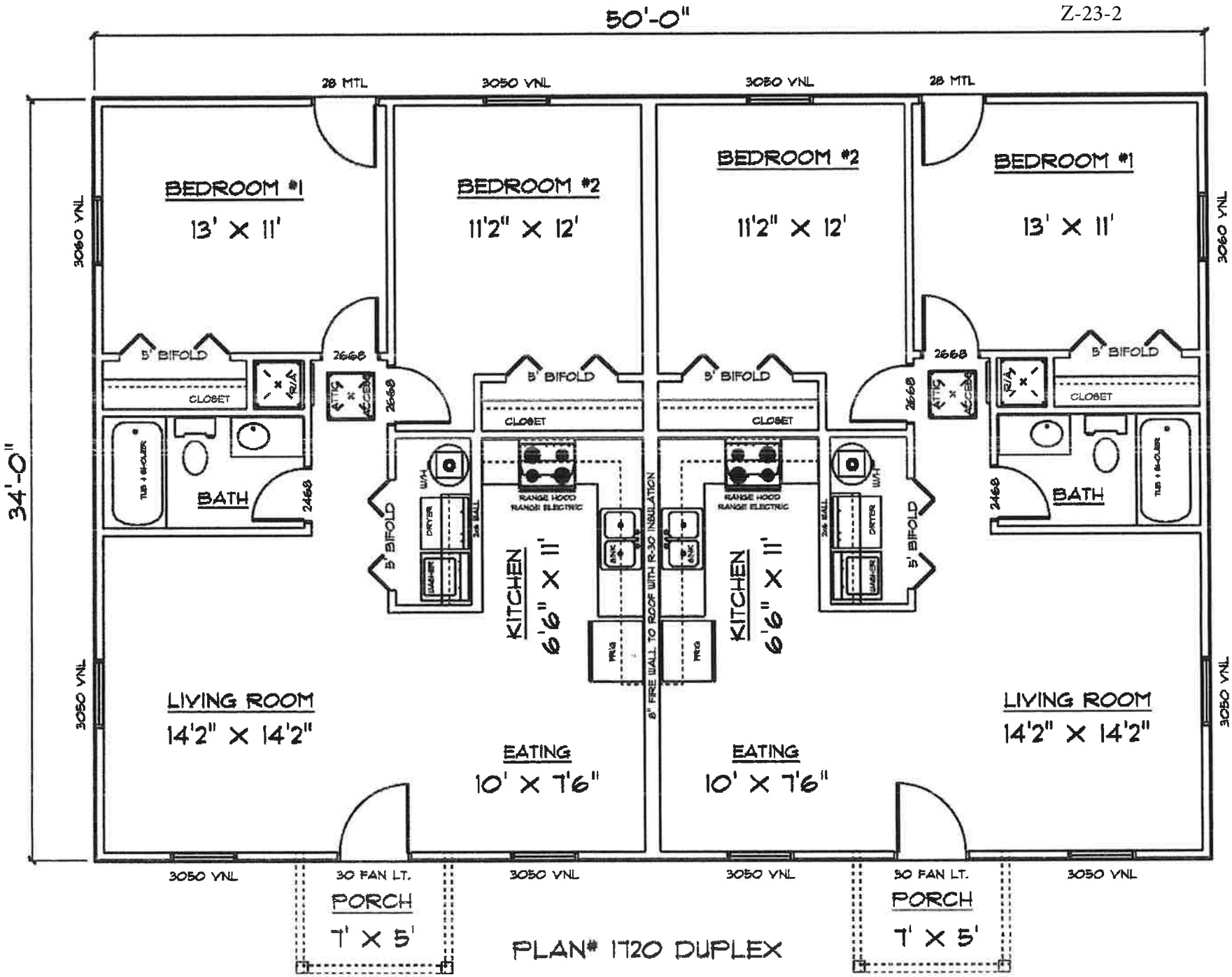


Attachment: 2023-036 ATTH 02 (Site Plan) (3955 : 2023-036 ORD rezoning A to MF-1 in 4600 block Rose



Attachment: 2023-036 ATTH 03 (Elevation) (3955 : 2023-036 ORD rezoning A to MF-1 in 4600 block Rose

SITE SITE PLAN 2023-036 ATTH 04
Z-23-2



Attachment: 2023-036 ATTH 04 (FloorPlan) (3955 : 2023-036 ORD rezoning A to MF-1 in 4600 block Rose

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:			

Attachment: 2023-036 Goals & Perspectives (3955 : 2023-036 ORD rezoning A to MF-1 in 4600 block Rose Acres)

Z-23-2

ORDINANCE NO. 2023-036

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING AN APPROXIMATE 1.74-ACRE TRACT OF LAND (BEING LOT 3R), ROSE ACRES, LOCATED IN THE 4600 BLOCK OF ROSE ACRES ROAD, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM AGRICULTURE TO MULTIPLE FAMILY-1; 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 an **approximate 1.74-acre tract of land (being Lot 3R), Rose Acres (Exhibit 'A'), located in the 4600 block of Rose Acres Road,** in the City of Texarkana, Bowie County, Texas, from **Agriculture to Multiple Family-1**; 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 five (5) to zero (0) to recommend for approval of the application for rezoning from Agriculture to Multiple Family-1 on an approximate 1.74-acre tract of land (being Lot 3R), Rose Acres (Exhibit 'A'), located in the 4600 block of Rose Acres Road** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, applicant agreed to amend the application from **Agriculture to Multiple Family-1**; 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 **Agriculture to Multiple Family-1** 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 an **approximate 1.74-acre tract of land (being Lot 3R), Rose Acres (Exhibit 'A'), located in the**

Attachment: 2023-036 ORD rez 4600 blk Rose Acres signed (3955 : 2023-036 ORD rezoning A to MF-1 in 4600 block Rose Acres)

4600 block of Rose Acres Road in the City of Texarkana, Bowie County, Texas, from **Agriculture to Multiple Family-1.**

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: 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 **10th day of April, 2023.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:14 p.m.

Attachment: 2023-036 ORD rez 4600 blk Rose Acres signed (3955 : 2023-036 ORD rezoning A to MF-1 in 4600 block Rose Acres)

2023-036 EXH 'A'

Z-23-2

Property Description
Tract 1 with 1.000 Acres
Bowie County, Texas
All that certain lot, tract or parcel of land being all of Lot No. 2 of Rosa Acres, a subdivision of Blocks 27, 28, 29, and the East-half of Block 30 of Tilson.s Subdivision of 397.39 acres in the Nancy Dycus Headright Survey, Abstract 145, Bowie County, Texas, according to the plat thereof, recorded in Volume 40, Page 284 of the Plat Records of Bowie County, Texas.

Property Description
Tract 2 with 0.157 Acres
Bowie County, Texas

All that certain lot, tract or parcel of land being a portion of Lot No. 3 of Rosa Acres, a subdivision of Blocks 27, 28, 29, and the East-half of Block 30 of Tilson.s Subdivision of 397.39 acres in the Nancy Dycus Headright Survey, Abstract 145, Bowie County, Texas, according to the plat thereof, recorded in Volume 40, Page 284 of the Plat Records of Bowie County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch steel rod (control monument), capped MTG 101011-00, found for a corner in the North right-of-way line of an asphalt roadway designated as Rosa Acres Road, being the Southeast corner of the said Lot No. 3, and the Southwest corner of Lot No. 2 of the said Rosa Acres Subdivision;

THENCE North 90 degrees 00 minutes 00 seconds West a distance of 22.00 feet along the South line of the said Lot No. 3, and the North right-of-way line of the said Rosa Acres Road to a 1/2 inch steel rod, capped MTG 101011-00, set for a corner;

THENCE North 00 degrees 00 minutes 00 seconds West a distance of 310.00 feet across and through the said Lot No. 3 to a 1/2 inch steel rod, capped MTG 101011-00, set for a corner in the North line of the said Lot No. 3, and the South line of that certain tract of land described as 6.524 acres in the deed from C-L Associated, INC. to Fay J. Durrant, dated May 1, 2013, recorded in Volume 6443, Page 341 of the Real Property Records of Bowie County, Texas;

THENCE North 90 degrees 00 minutes 00 seconds East a distance of 22.00 feet along the North line of the said Lot No. 3, and the South line of the said 6.524 acre tract to a 1/2 inch steel rod (control monument), capped MTG 101011-00, found for a corner, being the Northeast corner of the said Lot No. 3, and the Northwest corner of the said Lot No. 2;

THENCE South 00 degrees 00 minutes 00 seconds East (basis of bearings) a distance of 310.00 feet along the common line between the said Lots No. 2 & 3 to the point of beginning, and containing 0.157 acres of land at the time of this survey.

Attachment: 2023-036 ORD rez 4600 blk Rose Acres signed (3955 : 2023-036 ORD rezoning A to MF-1 in 4600 block Rose Acres)

City of Texarkana, Texas

Version:

Briefing Sheet

Update Date: 3/20/2023 11:08 AM

Lead Department:	Planning & Zoning Commission	**Action Officer:**	Laura Puckett, Zoning Administrator
Subject:	Ordinance No. 2023-037 rezoning an approximate 6.25-acre tract of land (being Tract 339), Nancy Dycas HRS, A-145, located at 610 S. Wake Village Road. Agriculture to Industrial-1. Charles Bergen, Synergy Direct, Inc., owner, and Paul Dickerson, agent.		

Briefing: 4/10/2023 **Public Hearing:** 4/10/2023 **Council Vote:** 4/10/2023

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 Charles Bergen, Synergy Direct, Inc. owner, and Paul Dickerson, agent, to rezone an approximate 6.25-acre tract of land (being Tract 339), Nancy Dycas HRS, A-145, located at 610 S. Wake Village Road from Agriculture to Industrial-1. This site is currently a tire distribution center.

The Future Land Use Map has designated this property as “Industrial”.

The adjacent zoning is Agriculture to the north, south, and west, and Industrial-1 to the east. The adjacent land use is a warehouse to the north, FayJ Packaging to the west, and vacant land to the south and east.

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 new drainage ordinance, stormwater design manual, 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.

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.

Advisory Board/Committee Meeting Date and Minutes:

March 6, 2023

Attachments

a. 2023-037 ORD Rezoning 610 S. Wake Village Rd (DOCX)
b. 2023-037 EXH 'A' (Legal Description) (PDF)
c. 2023-037 ATTH 01 (Maps) (PDF)
d. 2023-037 Goals & Perspectives (DOCX)
e. 2023-037 ORD rez 610 S Wake Village Rd signed (PDF)

Staff Coordination

Building Code Administration	Mashell Daniel	Reviewer	Completed	03/15/2023 12:42 PM
Public Works Department	Dusty Henslee	Reviewer	Completed	03/16/2023 8:33 AM
City Manager	David Orr	Reviewer	Completed	03/16/2023 10:40 AM
City Council	Jennifer Evans	Meeting	Completed	03/27/2023 6:00 PM

Meeting History

03/27/23 City Council MOVED FORWARD Next: 04/10/23
Mashell Daniel briefed this agenda item.

Z-23-3

ORDINANCE NO. 2023-037

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING AN APPROXIMATE 6.25-ACRE TRACT OF LAND (BEING TRACT 339), NANCY DYCAS HRS, A-145, LOCATED AT 610 SOUTH WAKE VILLAGE ROAD, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM AGRICULTURE TO INDUSTRIAL-1; 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 an **approximate 6.25-acre tract of land (being Tract 339), Nancy Dycas HRS, A-145 (Exhibit 'A'), located at 610 South Wake Village Road,** in the City of Texarkana, Bowie County, Texas, from **Agriculture to Industrial-1**; 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 five (5) to zero (0) to recommend for approval of the application for rezoning from Agriculture to Industrial-1 on an approximate 6.25-acre tract of land (being Tract 339), Nancy Dycas HRS, A-145 (Exhibit 'A'), located at 610 South Wake Village Road** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, applicant agreed to amend the application from **Agriculture to Industrial-1**; 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 **Agriculture to Industrial-1** 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 an **approximate 6.25-acre tract of land (being Tract 339), Nancy Dycas HRS, A-145 (Exhibit**

Attachment: 2023-037 ORD Rezoning 610 S. Wake Village Rd (3956 : 2023-037 ORD rezoning A to I-1 at 610 S Wake Village Rd)

'A'), located at 610 South Wake Village Road in the City of Texarkana, Bowie County, Texas, from **Agriculture to Industrial-1.**

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: 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 **10th day of April, 2023.**

ATTEST:

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2023-037 ORD Rezoning 610 S. Wake Village Rd (3956 : 2023-037 ORD rezoning A to I-1 at 610 S Wake Village Rd)

Z-23-3

EXHIBIT "A"

A part of that certain 2.046 acre tract or parcel of land being a part of Block No. 26 of the M. D. TILSON'S SUBDIVISION of 397.37 acres of land situated in and being a part of the Nancy Dycus Headright Survey, Abstract No. 145, Bowie County, Texas, and the herein described tract of land being a part of that certain called 13.988 acre tract or parcel of land conveyed from The Commodore Home Systems to The Bach Company by Warranty Deed dated July 22, 1993 and recorded in Volume 1982, Page 161-163 of the Real Property Records of Bowie County, Texas, and the subject tract being more particularly described by metes and bounds as follows:

BEGINNING at a 2 inch pipe found for corner at the Southeast corner of said 13.988 acre tract;

THENCE: N 89° 39' 05" W, 430.54 feet along an existing fence line and with the South line 01' said Bach Company tract and with the North line of a certain tract conveyed to C & L Associates, Inc. By Deed dated August 10, 1983 and recorded in Volume 1991, Page 260 of the real property records of Bowie County, Texas, to ½ inch reinforcing steel rod set for corner at an existing fence corner;

THENCE: N 00° 26' 10" E, 547.30 feet with an East line of said C & L tract to a ½ inch reinforcing steel rod set for corner at an existing fence corner;

THENCE: N 89° 09' 54" W, 55.14 feet to a ½ inch reinforcing steel rod set for corner at an existing fence corner;

THENCE: N 01° 23' 57" E, 57.11 feet to a ½ inch reinforcing steel rod set for corner at an existing fence corner;

THENCE: S 89° 28' 10" E, 183.39 feet along an existing fence line and across said Bach tract to a ½ inch reinforcing steel rod set at an angle point in said line;

THENCE: S 75° 23' 55" E, 29.17 feet along an existing fence line and across said Bach tract to a ½ inch reinforcing steel rod set at an angle point in said line;

THENCE: S 89° 56' 40" E, 181.20 feet along an existing fence line and across said Bach tract to a ½ inch reinforcing steel rod set at an angle point in said line;

THENCE: N 00° 11' 12" E, 22.34 feet across said Bach tract to a ½ inch reinforcing steel rod set for corner;

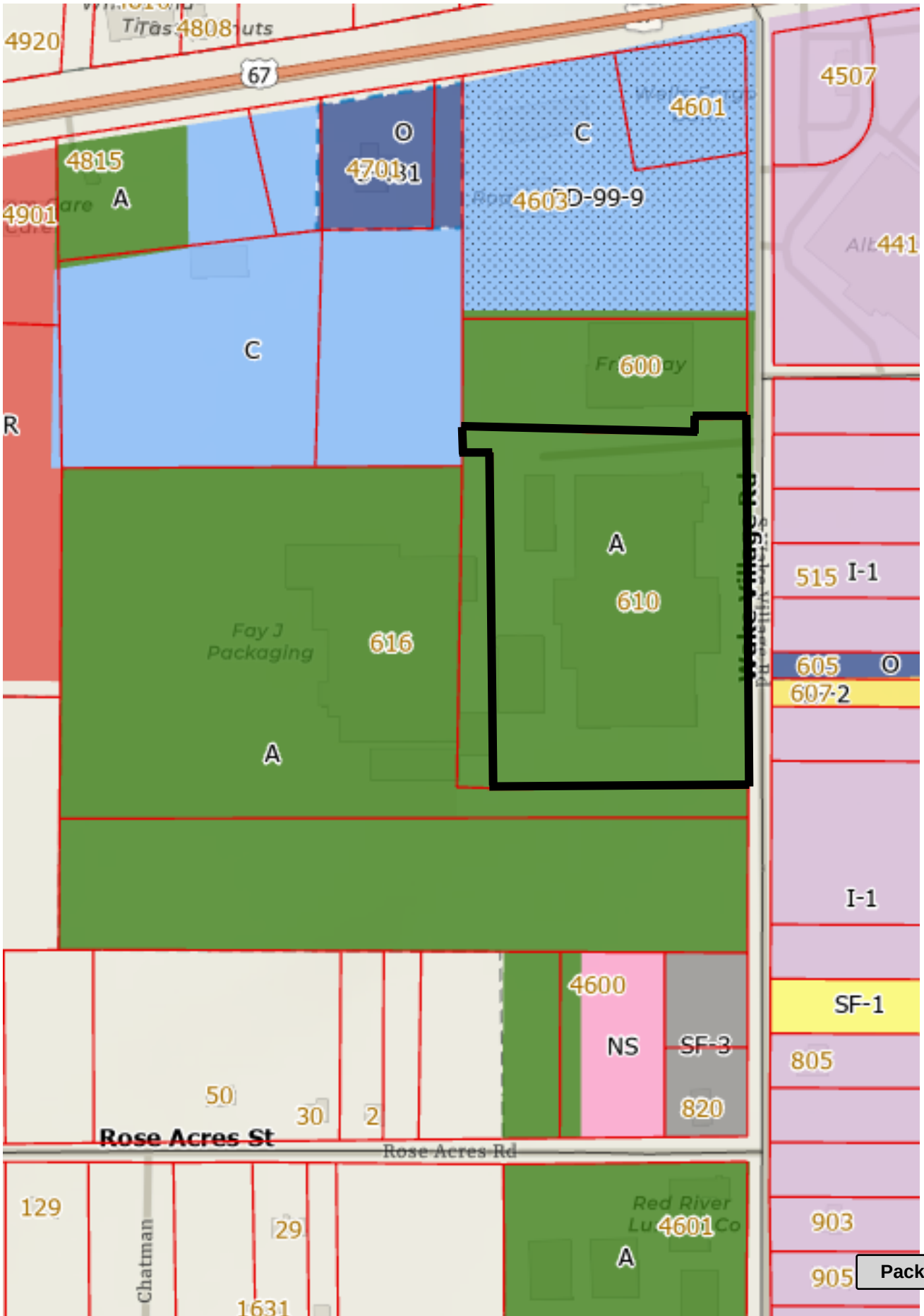
THENCE: N 90° 00' 00" E, 87.23 feet across said Bach tract to a ½ inch reinforcing steel rod set for corner on the East line of said 13.988 acre tract and the West right-of-way line of South Wake Village Road;

THENCE: S 00° 00' 00" W, 620.91 feet with the West right-of-way line of South Wake Village Road to the POINT OF BEGINNING and containing 6.016 acres of land, more or less.

Attachment: 2023-037 EXH 'A' (Legal Description) (3956 : 2023-037 ORD rezoning A to I-1 at 610 S Wake Village Rd)

2023-037 ATTH 01
Z-23-3

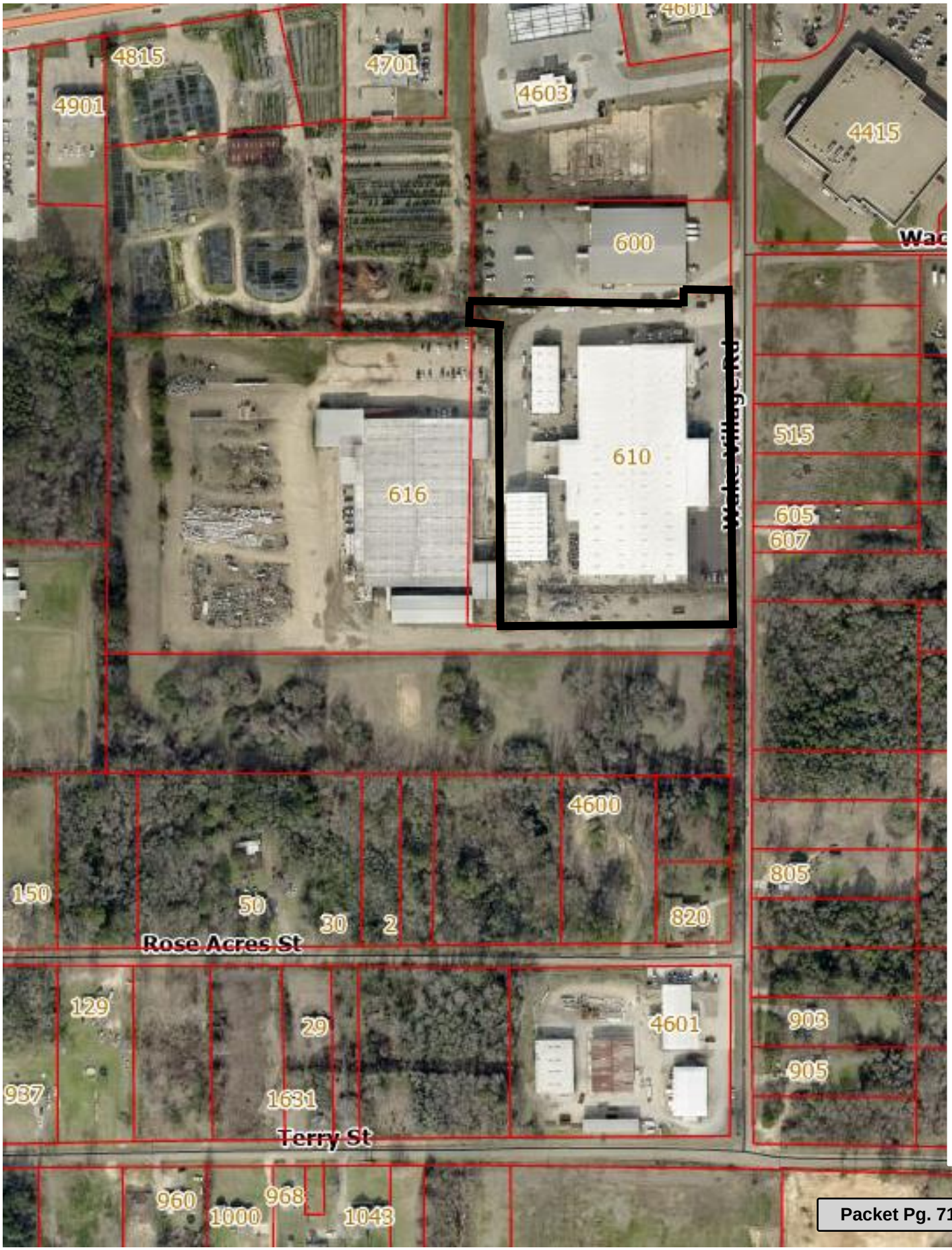
610 S. WAKE VILLAGE RD.



Attachment: 2023-037 ATTH 01 (Maps) (3956 : 2023-037 ORD rezoning A to I-1 at 610 S Wake Village Rd)

2023-037 ATTH 01
Z-23-3

610 S. WAKE VILLAGE RD.



Attachment: 2023-037 ATTH 01 (Maps) (3956 : 2023-037 ORD rezoning A to I-1 at 610 S Wake Village Rd)

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:			

Attachment: 2023-037 Goals & Perspectives (3956 : 2023-037 ORD rezoning A to I-1 at 610 S Wake Village Rd)

Z-23-3

ORDINANCE NO. 2023-037

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING AN APPROXIMATE 6.25-ACRE TRACT OF LAND (BEING TRACT 339), NANCY DYCAS HRS, A-145, LOCATED AT 610 SOUTH WAKE VILLAGE ROAD, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM AGRICULTURE TO INDUSTRIAL-1; 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 an **approximate 6.25-acre tract of land (being Tract 339), Nancy Dycas HRS, A-145 (Exhibit 'A'), located at 610 South Wake Village Road,** in the City of Texarkana, Bowie County, Texas, from **Agriculture to Industrial-1**; 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 five (5) to zero (0) to recommend for approval of the application for rezoning from Agriculture to Industrial-1 on an approximate 6.25-acre tract of land (being Tract 339), Nancy Dycas HRS, A-145 (Exhibit 'A'), located at 610 South Wake Village Road** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, applicant agreed to amend the application from **Agriculture to Industrial-1**; 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 **Agriculture to Industrial-1** 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 an **approximate 6.25-acre tract of land (being Tract 339), Nancy Dycas HRS, A-145 (Exhibit**

Attachment: 2023-037 ORD rez 610 S Wake Village Rd signed (3956 : 2023-037 ORD rezoning A to I-1 at 610 S Wake Village Rd)

'A'), located at 610 South Wake Village Road in the City of Texarkana, Bowie County, Texas, from **Agriculture to Industrial-1.**

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: 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 **10th day of April, 2023.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:16 p.m.

Attachment: 2023-037 ORD rez 610 S Wake Village Rd signed (3956 : 2023-037 ORD rezoning A to I-1 at 610 S Wake Village Rd)

Z-23-3

EXHIBIT "A"

A part of that certain 2.046 acre tract or parcel of land being a part of Block No. 26 of the M. D. TILSON'S SUBDIVISION of 397.37 acres of land situated in and being a part of the Nancy Dycus Headright Survey, Abstract No. 145, Bowie County, Texas, and the herein described tract of land being a part of that certain called 13.988 acre tract or parcel of land conveyed from The Commodore Home Systems to The Bach Company by Warranty Deed dated July 22, 1993 and recorded in Volume 1982, Page 161-163 of the Real Property Records of Bowie County, Texas, and the subject tract being more particularly described by metes and bounds as follows:

BEGINNING at a 2 inch pipe found for corner at the Southeast corner of said 13.988 acre tract;

THENCE: N 89° 39' 05" W, 430.54 feet along an existing fence line and with the South line 01' said Bach Company tract and with the North line of a certain tract conveyed to C & L Associates, Inc. By Deed dated August 10, 1983 and recorded in Volume 1991, Page 260 of the real property records of Bowie County, Texas, to ½ inch reinforcing steel rod set for corner at an existing fence corner;

THENCE: N 00° 26' 10" E, 547.30 feet with an East line of said C & L tract to a ½ inch reinforcing steel rod set for corner at an existing fence corner;

THENCE: N 89° 09' 54" W, 55.14 feet to a ½ inch reinforcing steel rod set for corner at an existing fence corner;

THENCE: N 01° 23' 57" E, 57.11 feet to a ½ inch reinforcing steel rod set for corner at an existing fence corner;

THENCE: S 89° 28' 10" E, 183.39 feet along an existing fence line and across said Bach tract to a ½ inch reinforcing steel rod set at an angle point in said line;

THENCE: S 75° 23' 55" E, 29.17 feet along an existing fence line and across said Bach tract to a ½ inch reinforcing steel rod set at an angle point in said line;

THENCE: S 89° 56' 40" E, 181.20 feet along an existing fence line and across said Bach tract to a ½ inch reinforcing steel rod set at an angle point in said line;

THENCE: N 00° 11' 12" E, 22.34 feet across said Bach tract to a ½ inch reinforcing steel rod set for corner;

THENCE: N 90° 00' 00" E, 87.23 feet across said Bach tract to a ½ inch reinforcing steel rod set for corner on the East line of said 13.988 acre tract and the West right-of-way line of South Wake Village Road;

THENCE: S 00° 00' 00" W, 620.91 feet with the West right-of-way line of South Wake Village Road to the POINT OF BEGINNING and containing 6.016 acres of land, more or less.

Attachment: 2023-037 ORD rez 610 S Wake Village Rd signed (3956 : 2023-037 ORD rezoning A to I-1 at 610 S Wake Village Rd)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 3/20/2023 11:08 AM

Lead Department:	Planning & Zoning Commission	**Action Officer:**	Laura Puckett, Zoning Administrator
Subject:	Ordinance No. 2023-038 rezoning Lots 3, 4, 5, and 6, Block 144, City Triggs Addition, located at 1401 Pine Street. Office to General Retail. Estiza Dennis, owner.		

Briefing: 4/10/2023 **Public Hearing:** 4/10/2023 **Council Vote:** 4/10/2023

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 Estiza Dennis, owner, to rezone Lots 3, 4, 5, and 6, Block 144, City Triggs Addition, located at 1401 Pine Street from Office to General Retail. This location was previously a daycare. The proposed use is office space for event rentals.

The Future Land Use Map has designated this property as “Downtown District”.

The adjacent zoning is Office to the north, south, and east, and General Retail to the west. The adjacent land use is businesses to the north, south and west, and residential to the east.

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 new drainage ordinance, stormwater design manual, 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.

Potential Options:

Approve or deny

Fiscal Implications:

NOT APPLICABLE

Staff Recommendation:

Staff recommends approval of this request.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously recommended for approval with a planned development in place.

Advisory Board/Committee Meeting Date and Minutes:

March 6, 2023

Attachments

a. 2023-038 ORD Rezoning 1401 Pine St. Rd (DOCX)
b. 2023-038 ATTH 01 (Maps) (PDF)
c. 2023-038 Goals & Perspectives (DOCX)
d. 2023-038 ORD rez 1401 Pine St signed (PDF)

Staff Coordination

Building Code Administration		Mashell Daniel	Reviewer	Completed
	03/15/2023 12:43 PM			
Public Works Department		Dusty Henslee	Reviewer	Completed
	03/16/2023 8:34 AM			
City Manager	David Orr	Reviewer	Completed	03/16/2023 10:41 AM
Building Code Administration		Vicky Coopwood	Review	Skipped
	03/16/2023 9:38 AM			
City Council	Jennifer Evans	Meeting	Completed	03/27/2023 6:00 PM

Meeting History

03/27/23 City Council MOVED FORWARD Next: 04/10/23
Mashell Daniel briefed this agenda item.

Z-23-4

ORDINANCE NO. 2023-038

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 3, 4, 5, AND 6, CITY TRIGGS ADDITION, LOCATED AT 1401 PINE STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM OFFICE TO GENERAL RETAIL; 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 3, 4, 5, and 6, City Triggs Addition, located at 1401 Pine Street,** in the City of Texarkana, Bowie County, Texas, from **Office to General Retail**; 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 five (5) to zero (0) to recommend for approval of the application for rezoning from Office to General Retail on Lots 3, 4, 5, and 6, City Triggs Addition, located at 1401 Pine Street** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, applicant agreed to amend the application from **Office to General Retail**; 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 **Office to General Retail** 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 3, 4, 5, and 6, City Triggs Addition, located at 1401 Pine Street** in the City of Texarkana, Bowie County, Texas, from **Office to General Retail.**

Attachment: 2023-038 ORD Rezoning 1401 Pine St. Rd (3957 : 2023-038 ORD rezoning O to GR at 1401 Pine Street)

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: 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 **10th day of April, 2023.**

ATTEST:

_____	_____
JENNIFER EVANS, CITY SECRETARY	BOB BRUGGEMAN, MAYOR

Attachment: 2023-038 ORD Rezoning 1401 Pine St. Rd (3957 : 2023-038 ORD rezoning O to GR at 1401 Pine Street)

2023-038 ATTH 01
Z-23-4

1401 PINE STREET



Attachment: 2023-038 ATTH 01 (Maps) (3957 : 2023-038 ORD rezoning O to GR at 1401 Pine Street)

2023-038 ATTH 01
Z-23-4

1401 PINE STREET



Attachment: 2023-038 ATTH 01 (Maps) (3957 : 2023-038 ORD rezoning O to GR at 1401 Pine Street)

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:			

Attachment: 2023-038 Goals & Perspectives (3957 : 2023-038 ORD rezoning O to GR at 1401 Pine Street)

Z-23-4

ORDINANCE NO. 2023-038

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 3, 4, 5, AND 6, CITY TRIGGS ADDITION, LOCATED AT 1401 PINE STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM OFFICE TO GENERAL RETAIL; 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 3, 4, 5, and 6, City Triggs Addition, located at 1401 Pine Street,** in the City of Texarkana, Bowie County, Texas, from **Office to General Retail**; 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 five (5) to zero (0) to recommend for approval of the application for rezoning from Office to General Retail on Lots 3, 4, 5, and 6, City Triggs Addition, located at 1401 Pine Street** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, applicant agreed to amend the application from **Office to General Retail**; 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 **Office to General Retail** 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 3, 4, 5, and 6, City Triggs Addition, located at 1401 Pine Street** in the City of Texarkana, Bowie County, Texas, from **Office to General Retail.**

Attachment: 2023-038 ORD rez 1401 Pine St signed (3957 : 2023-038 ORD rezoning O to GR at 1401 Pine Street)

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: 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 **10th day of April, 2023.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:17p.m.

Attachment: 2023-038 ORD rez 1401 Pine St signed (3957 : 2023-038 ORD rezoning O to GR at 1401 Pine Street)

City of Texarkana, Texas

Version:

Briefing Sheet

Update Date: 3/20/2023 11:09 AM

Lead Department:	Planning & Zoning Commission	**Action Officer:**	Laura Puckett, Zoning Administrator
Subject:	Ordinance No. 2023-039 amending PD-23-1 (GR) for approval on Lots 3, 4, 5, and 6, City Triggs Addition, located at 1401 Pine Street. Estiza Dennis, owner.		

Briefing: 4/10/2023 **Public Hearing:** 4/10/2023 **Council Vote:** 4/10/2023

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 for restrictions by Estiza Dennis, owner, on Lots 3, 4, 5, and 6, Block 144, City Triggs Addition, located at 1401 Pine Street from Office to General Retail. This location was previously a daycare.

The Future Land Use Map has designated this property as “Downtown District”.

The adjacent zoning is Office to the north, south, and east, and General Retail to the west. The adjacent land use is businesses to the north, south and west, and residential to the east.

The restrictions are as follows:

1. The current building will remain in its current condition without any additions or changes to the façade.
2. The façade is brick.
3. Fifteen (15) parking places. Each parking space must be a minimum of 180 sq. ft. (9’x20’ or 10’x18’).
4. Operating hours will be Monday thru Saturday from 8:00 a.m. to 11:00 p.m.
5. One 6’X8’ monument style sign is allowed. No electronic messaging will be allowed.
6. One screened dumpster site.
7. All uses allowed in General Retail are prohibited except for office space and event center.

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 new drainage ordinance, stormwater design manual, 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.

Potential Options:

Approve or deny

Fiscal Implications:

NOT APPLICABLE

Staff Recommendation:

Staff recommends for approval 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:

March 6, 2023

Attachments

a. 2023-039 ORD restrictions at 1401 Pine Street (DOCX)
b. 2023-039 ATTH 01 (Maps) (PDF)
c. 2023-039 Goals & Perspectives (DOCX)
d. 2023-039 ORD amnd PD for 1401 Pine St signed (PDF)

Staff Coordination

Building Code Administration	Mashell Daniel	Reviewer	Completed	03/15/2023 12:43 PM
Public Works Department	Dusty Henslee	Reviewer	Completed	03/17/2023 2:03 PM
City Manager	David Orr	Reviewer	Completed	03/24/2023 12:52 PM
City Council	Jennifer Evans	Meeting	Completed	03/27/2023 6:00 PM

Meeting History

03/27/23 City Council MOVED FORWARD Next: 04/10/23
Mashell Daniel briefed this agenda item.

ORDINANCE NO. 2023-039

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING PD-23-1 (GR) FOR APPROVAL ON LOTS 3, 4, 5, AND 6, CITY TRIGGS ADDITION, LOCATED AT 1401 PINE 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 requesting the approval **on Lots 3, 4, 5, and 6, City Triggs Addition, located at 1401 Pine Street** in the City of Texarkana, Bowie County, Texas; and

WHEREAS, the subject property is zoned Planned Development-General Retail [PD-23-1 (GR)], and approval would constitute an amendment to PD-23-1 (GR); and

WHEREAS, the proposed use is consistent with the listed uses in the Land Development Code for the zoning classification of Planned Development-General Retail; 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 this amendment, 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 by a vote of five (5) to zero (0) to recommend for approval of the petition** to the City Council of the City 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 the approval for the above described property 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 **Lots 3, 4, 5, and 6, City Triggs Addition, located at 1401 Pine Street** in the City of Texarkana, Texas, Bowie County, Texas, is hereby approved and hereby amends PD-23-1 (GR).

SECTION 2: PD-23-1 (GR) is hereby amended by approval and incorporated herein by reference for all purposes and includes the following:

1. The current building will remain in its current condition without any additions or changes to the façade.

Attachment: 2023-039 ORD restrictions at 1401 Pine Street (3958 : 2023-039 ORD Amendment to PD-23-1 for restrictions 1401 Pine St.)

2. The façade is brick.
3. Fifteen (15) parking places. Each parking space must be a minimum of 180 sq. ft. (9'x20' or 10'x18').
4. Operating hours will be Monday thru Saturday from 8:00 a.m. to 11:00 p.m.
5. One 6'X8' monument style sign is allowed. No electronic messaging will be allowed.
6. One screened dumpster site.
7. All uses allowed in General Retail are prohibited except for office space and event center.

SECTION 3: 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 4: All ordinances or parts of ordinances in conflict herewith are specifically 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 **10th day of April, 2023.**

ATTEST:

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2023-039 ORD restrictions at 1401 Pine Street (3958 : 2023-039 ORD Amendment to PD-23-1 for restrictions 1401 Pine St.)

2023-039 ATTH 01
Amendment to PD-23-1

1401 PINE STREET



Attachment: 2023-039 ATTH 01 (Maps) (3958 : 2023-039 ORD Amendment to PD-23-1 for restrictions 1401 Pine St.)

2023-039 ATTH 01
Amendment to PD-23-1

1401 PINE STREET



Attachment: 2023-039 ATTH 01 (Maps) (3958 : 2023-039 ORD Amendment to PD-23-1 for restrictions 1401 Pine St.)

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:

Attachment: 2023-039 Goals & Perspectives (3958 : 2023-039 ORD Amendment to PD-23-1 for restrictions 1401 Pine St.)

ORDINANCE NO. 2023-039

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING PD-23-1 (GR) FOR APPROVAL ON LOTS 3, 4, 5, AND 6, CITY TRIGGS ADDITION, LOCATED AT 1401 PINE 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 requesting the approval **on Lots 3, 4, 5, and 6, City Triggs Addition, located at 1401 Pine Street** in the City of Texarkana, Bowie County, Texas; and

WHEREAS, the subject property is zoned Planned Development-General Retail [PD-23-1 (GR)], and approval would constitute an amendment to PD-23-1 (GR); and

WHEREAS, the proposed use is consistent with the listed uses in the Land Development Code for the zoning classification of Planned Development-General Retail; 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 this amendment, 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 by a vote of five (5) to zero (0) to recommend for approval of the petition** to the City Council of the City 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 the approval for the above described property 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 **Lots 3, 4, 5, and 6, City Triggs Addition, located at 1401 Pine Street** in the City of Texarkana, Texas, Bowie County, Texas, is hereby approved and hereby amends PD-23-1 (GR).

SECTION 2: PD-23-1 (GR) is hereby amended by approval and incorporated herein by reference for all purposes and includes the following:

1. The current building will remain in its current condition without any additions or changes to the façade.

Attachment: 2023-039 ORD amnd PD for 1401 Pine St signed (3958 : 2023-039 ORD Amendment to PD-23-1 for restrictions 1401 Pine St.)

2. The façade is brick.
3. Fifteen (15) parking places. Each parking space must be a minimum of 180 sq. ft. (9'x20' or 10'x18').
4. Operating hours will be Monday thru Saturday from 8:00 a.m. to 11:00 p.m.
5. One 6'X8' monument style sign is allowed. No electronic messaging will be allowed.
6. One screened dumpster site.
7. All uses allowed in General Retail are prohibited except for office space and event center.

SECTION 3: 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 4: All ordinances or parts of ordinances in conflict herewith are specifically 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 **10th day of April, 2023.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:19 p.m.

Attachment: 2023-039 ORD amnd PD for 1401 Pine St signed (3958 : 2023-039 ORD Amendment to PD-23-1 for restrictions 1401 Pine St.)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 3/20/2023 11:09 AM

Lead Department:	Planning & Zoning Commission	**Action Officer:**	Laura Puckett, Zoning Administrator
Subject:	Ordinance No. 2023-040 rezoning an approximate 22.35-acre tract of land (being Tract 14 & 17), R G Cannon HRS, A-733 and 48A M E P & P HRS, A-421, located at 4001 Summerhill Road. Single Family-1 to General Retail. Doug Brubaker, Superintendent Texarkana ISD, owner, and Russell Sparks, agent.		

Briefing: 4/10/2023 **Public Hearing:** 4/10/2023 **Council Vote:** 4/10/2023

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 Doug Brubaker, Superintendent, Texarkana ISD, owner, and Russell Sparks, Hightech Signs, agent, to rezone an approximate 22.35-acre tract of land (being Tract 14 & 17), R G Cannon HRS, A-733, 48A M E P & P HRS, A-421, located at 4001 Summerhill Road from Single Family-1 to General Retail. This site is currently Texas High School. The applicant is requesting a sign at this location and zoning limits the size of the sign.

The Future Land Use Map has designated this property as “Office Institutional”.

The adjacent zoning is General Retail to the north, Agriculture and Single Family-1 to the west, General Retail and Single Family-1 to the east and General retail to the south. The adjacent land use is a sports fields and residential to the west, bank to the north, residential and businesses to the east and performance center to the south.

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 new drainage ordinance, stormwater design manual, 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.

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:

March 6, 2023

Attachments

a. 2023-040 ORD Rezoning 4001 Summerhill Rd (DOCX)
b. 2023-040 EXH 'A' (Legal Description) (PDF)
c. 2023-040 ATTH 01 (Maps) (PDF)
d. 2023-040 Goals & Perspectives (DOCX)
e. 2023-040 ORD rez 4001 Summerhill Rd signed (PDF)

Staff Coordination

Building Code Administration	Mashell Daniel	Reviewer	Completed	03/15/2023 12:43 PM
Public Works Department	Dusty Henslee	Reviewer	Completed	03/16/2023 8:37 AM
City Manager	David Orr	Reviewer	Completed	03/16/2023 10:41 AM
City Council	Jennifer Evans	Meeting	Completed	03/27/2023 6:00 PM

Meeting History

03/27/23 City Council MOVED FORWARD Next: 04/10/23
Mashell Daniel briefed this agenda item.

Z-23-5

ORDINANCE NO. 2023-040

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING AN APPROXIMATE 22.35-ACRE TRACT OF LAND (BEING TRACT 14 & 17), R. G. CANNON HRS, A-733, AND 48A M.E.P.& P. HRS, A-421, LOCATED AT 4001 SUMMERHILL ROAD, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM SINGLE FAMILY-1 TO GENERAL RETAIL; 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 an **approximate 22.35-acre tract of land (being Tract 14 & 17), R. G. Cannon HRS, A-733, and 48A M.E.P. & P. HRS, A-421 (Exhibit 'A'), located at 4001 Summerhill Road,** in the City of Texarkana, Bowie County, Texas, from **Single Family-1 to General Retail**; 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 five (5) to zero (0) to recommend for approval of the application for rezoning from Single Family-1 to General Retail on an approximate 22.35-acre tract of land (being Tract 14 & 17), R. G. Cannon HRS, A-733, and 48A M.E.P. & P. HRS, A-421 (Exhibit 'A'), located at 4001 Summerhill Road** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, applicant agreed to amend the application from **Single Family-1 to General Retail;** 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 **Single Family-1 to General Retail** 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:

Attachment: 2023-040 ORD Rezoning 4001 Summerhill Rd (3959 : 2023-040 ORD rezoning SF-1 to GR at 4001 Summerhill Rd)

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 an **approximate 22.35-acre tract of land (being Tract 14 & 17), R. G. Cannon HRS, A-733, and 48A M.E.P. & P. HRS, A-421 (Exhibit 'A'), located at 4001 Summerhill Road** in the City of Texarkana, Bowie County, Texas, from **Single Family-1 to General Retail.**

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: 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 **10th day of April, 2023.**

ATTEST:

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2023-040 ORD Rezoning 4001 Summerhill Rd (3959 : 2023-040 ORD rezoning SF-1 to GR at 4001 Summerhill Rd)

Ben Nix Sur A-456 426/89

4975 2-1
7-17-63

Z-23-5

THE STATE OF TEXAS
COUNTY OF BOWIE

KNOW ALL MEN BY THESE PRESENTS:

That CORVETT INVESTMENT COMPANY, a corporation, duly organized and existing under the laws of the State of Texas, for and in consideration of the sum of One Hundred Thirty-six Thousand Nine Hundred Ninety-five and no/100 ($136,995.00) Dollars to it, cash in hand paid, by Texarkana Independent School District, the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed, and by these presents does grant, sell and convey, unto the said Texarkana Independent School District of the County of Bowie, State of Texas, all that certain tract or parcel of land in the Ben Nix, R. G. Cannon, W. H. Ector Headright Surveys and the M. B. [illegible] Survey, Section 2, all in Bowie County, Texas, and being more particularly described as follows:

BEGINNING at the Southeast corner of Ben Nix Headright Survey, same being the Southwest corner of the R. G. Cannon Headright Survey;

THENCE North 1 deg. 24 min. East with the East line of the W. M. Kennedy tract, 1000.0 feet to a corner;

THENCE North 89 deg. 50 min. West, with the North line of the W. M. Kennedy tract, 1476.9 feet to a corner;

THENCE North 4 deg. 57 min. East, 1096.3 feet to a corner;

THENCE South 89 deg. 42 min. East 1409.2 feet to a corner;

THENCE South 1 deg. 03 min. West, 270.0 feet to a corner;

THENCE North 59 deg. 47 min. East 1251.8 feet to the West right-of-way line of Summerhill Road;

THENCE South 20 deg. 22 min. East with said right-of-way line, 53.8 feet;

THENCE South 1 deg. 36 min. West, 1238.6 feet to a corner;

THENCE North 89 deg. 27 min. East, 151.2 feet to the West right-of-way line of Summerhill Road;

THENCE South 1 deg. 36 min. East, with said West right-of-way line, 914.4 feet;

THENCE North 88 deg. 38 min. West, 510.1 feet to a corner;

THENCE South 1 deg. 42 min. East 290.2 feet to a point on the North side of Kennedy Road;

THENCE North 88 deg. 39 min. West, along the North side of Kennedy Road, 781.1 feet to a point in an existing fence;

THENCE North 1 deg. 24 min. East, 11.4 feet to the point of beginning and containing a total of 91.33 acres, more or less.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Texarkana Independent School District, its successors and assigns forever, and the said corporation does hereby bind itself, its successors and assigns,

Attachment: 2023-040 EXH 'A' (Legal Description) (3959 : 2023-040 ORD rezoning SF-1 to GR at 4001 Summerhill Rd)

4975 2-2
7-17-63

to warranty and forever defend, all and singular the said premises unto the said Texarkana Independent School District, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

IN WITNESS WHEREOF, the said corporation has caused these presents to be signed by its duly authorized officers and to be sealed with the seal of the corporation, at Diboll, Texas, this 17 day of ~~April~~ MAY, 1963.

CORVETT INVESTMENT COMPANY

By: _____ President

ATTEST:

Lettie Wing
Secretary

THE STATE OF TEXAS
COUNTY OF ANGELINA

BEFORE ME, the undersigned authority, on this day personally appeared ~~Glenn Jones~~ Arthur Temple Jr., President of CORVETT INVESTMENT COMPANY, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said CORVETT INVESTMENT COMPANY, a corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed and in the capacity therein stated.

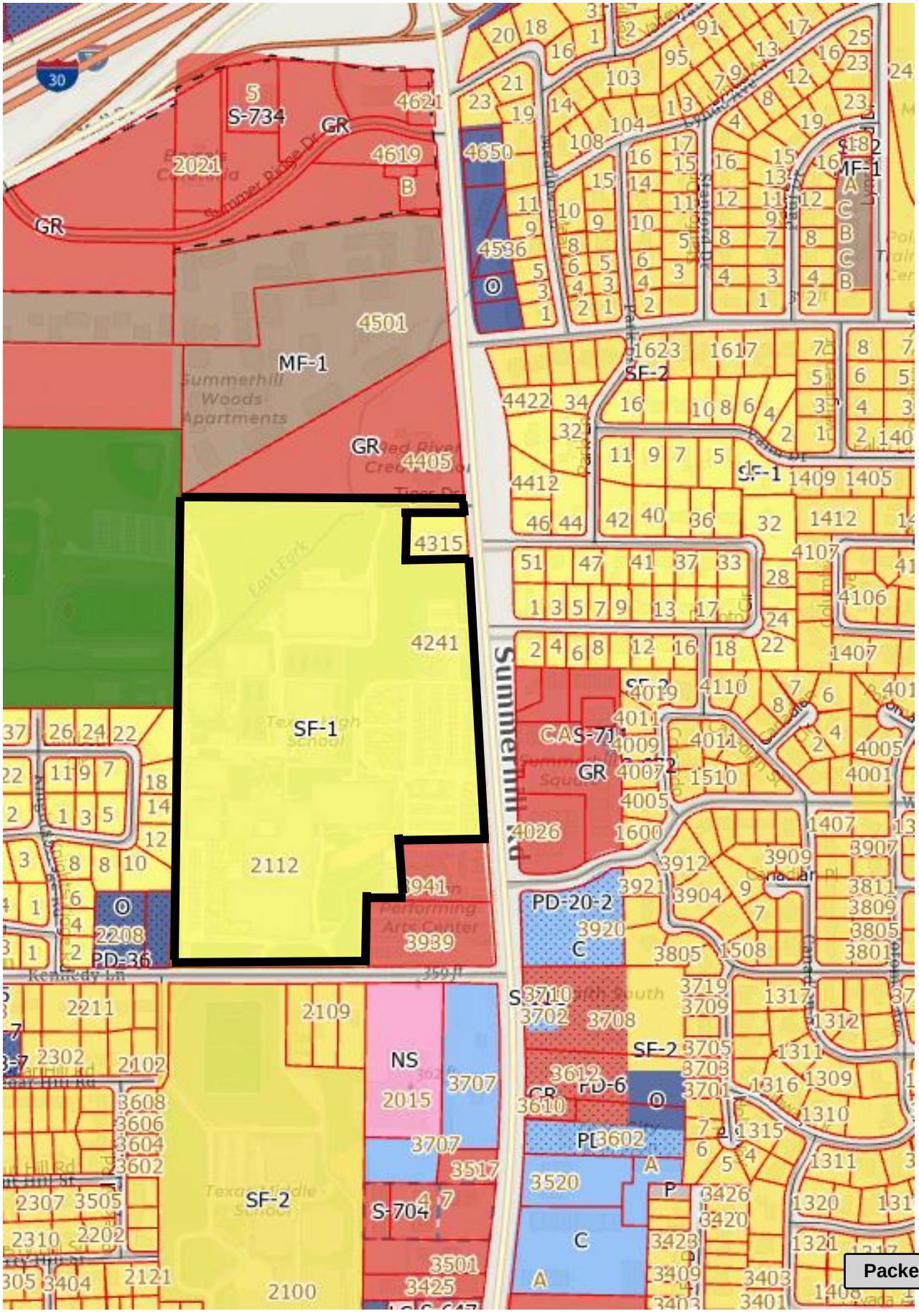
GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 17 day of ~~April~~ MAY, 1963.

Notary Public

Phillip M. Leach
Notary Public, Angelina County, Texas.

Attachment: 2023-040 EXH 'A' (Legal Description) (3959 : 2023-040 ORD rezoning SF-1 to GR at 4001 Summerhill Rd)

4001 Summerhill Rd



Attachment: 2023-040 ATTH 01 (Maps) (3959 : 2023-040 ORD rezoning SF-1 to GR at 4001 Summerhill Rd)

4001 Summerhill Rd



Attachment: 2023-040 ATTH 01 (Maps) (3959 : 2023-040 ORD rezoning SF-1 to GR at 4001 Summerhill Rd)

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:			

Attachment: 2023-040 Goals & Perspectives (3959 : 2023-040 ORD rezoning SF-1 to GR at 4001 Summerhill Rd)

Z-23-5

ORDINANCE NO. 2023-040

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING AN APPROXIMATE 22.35-ACRE TRACT OF LAND (BEING TRACT 14 & 17), R. G. CANNON HRS, A-733, AND 48A M.E.P.& P. HRS, A-421, LOCATED AT 4001 SUMMERHILL ROAD, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM SINGLE FAMILY-1 TO GENERAL RETAIL; 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 an **approximate 22.35-acre tract of land (being Tract 14 & 17), R. G. Cannon HRS, A-733, and 48A M.E.P. & P. HRS, A-421 (Exhibit 'A'), located at 4001 Summerhill Road,** in the City of Texarkana, Bowie County, Texas, from **Single Family-1 to General Retail**; 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 five (5) to zero (0) to recommend for approval of the application for rezoning from Single Family-1 to General Retail on an approximate 22.35-acre tract of land (being Tract 14 & 17), R. G. Cannon HRS, A-733, and 48A M.E.P. & P. HRS, A-421 (Exhibit 'A'), located at 4001 Summerhill Road** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, applicant agreed to amend the application from **Single Family-1 to General Retail;** 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 **Single Family-1 to General Retail** 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:

Attachment: 2023-040 ORD rez 4001 Summerhill Rd signed (3959 : 2023-040 ORD rezoning SF-1 to GR at 4001 Summerhill Rd)

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 an **approximate 22.35-acre tract of land (being Tract 14 & 17), R. G. Cannon HRS, A-733, and 48A M.E.P. & P. HRS, A-421 (Exhibit 'A'), located at 4001 Summerhill Road** in the City of Texarkana, Bowie County, Texas, from **Single Family-1 to General Retail.**

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: 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 **10th day of April, 2023.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

6:21 p.m.

BOB BRUGGEMAN, MAYOR

Attachment: 2023-040 ORD rez 4001 Summerhill Rd signed (3959 : 2023-040 ORD rezoning SF-1 to GR at 4001 Summerhill Rd)

Ben Nix Sur A-456 426/89

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7-17-63

Z-23-5

THE STATE OF TEXAS
COUNTY OF BOWIE

KNOW ALL MEN BY THESE PRESENTS:

That CORVETT INVESTMENT COMPANY, a corporation, duly organized and existing under the laws of the State of Texas, for and in consideration of the sum of One Hundred Thirty-six Thousand Nine Hundred Ninety-five and no/100 ($136,995.00) Dollars to it, cash in hand paid, by Texarkana Independent School District, the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed, and by these presents does grant, sell and convey, unto the said Texarkana Independent School District of the County of Bowie, State of Texas, all that certain tract or parcel of land in the Ben Nix, R. G. Cannon, W. H. Ector Headright Surveys and the M. [illegible] Survey, Section 3, all in Bowie County, Texas, and being more particularly described as follows:

BEGINNING at the Southeast corner of Ben Nix Headright Survey, same being the Southwest corner of the R. G. Cannon Headright Survey;

THENCE North 1 deg. 24 min. East with the East line of the W. M. Kennedy tract, 1000.0 feet to a corner;

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THENCE North 1 deg. 24 min. East, 11.4 feet to the point of beginning and containing a total of 91.33 acres, more or less.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Texarkana Independent School District, its successors and assigns forever, and the said corporation does hereby bind itself, its successors and assigns,

Attachment: 2023-040 ORD rez 4001 Summerhill Rd signed (3959 : 2023-040 ORD rezoning SF-1 to GR at 4001 Summerhill Rd)

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7-17-63

to warranty and forever defend, all and singular the said premises unto the said Texarkana Independent School District, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

IN WITNESS WHEREOF, the said corporation has caused these presents to be signed by its duly authorized officers and to be sealed with the seal of the corporation, at Diboll, Texas, this 17 day of ~~April~~ MAY, 1963.

CORVETT INVESTMENT COMPANY

By: _____ President

ATTEST:

Lettie Wesch
Secretary

THE STATE OF TEXAS
COUNTY OF ANGELINA

BEFORE ME, the undersigned authority, on this day personally appeared ~~EDWIN HOWES~~ ARTHUR Temple Jr. President of CORVETT INVESTMENT COMPANY, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said CORVETT INVESTMENT COMPANY, a corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 17 day of ~~April~~ MAY, 1963.

Phyllis M. Leach
Notary Public, Angelina County, Texas.

City of Texarkana, Texas

Version:

Briefing Sheet

Update Date: 3/22/2023 1:00 PM

Lead Department:	Planning & Zoning Commission	**Action Officer:**	Laura Puckett, Zoning Administrator
Subject:	Ordinance No. 2023-041 amending PD-05-7 for site plan approval on Lot 1, Pavilion Park, on a portion of a 7.76-acre tract of land, located on the northeast corner of Gibson Lane and Pavilion Parkway. Kyle Rutherford representing Christus St. Michael, owner, and Kayla Wood, MTG Engineering and Surveyors, agent.		

Briefing: 4/10/2023 **Public Hearing:** 4/10/2023 **Council Vote:** 4/10/2023

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Amendment to PD-05-7(GR): This is a request by Kyle Rutherford Representing Christus St. Michael, owner, and Kayla Wood, MTG Engineering and Surveyors, agent, for site plan approval on an approximate 7.76-acre tract of land (being Lot 1), Park Pavilion, located at 4250 Gibson Lane (northeast corner of Pavilion Parkway and Gibson Lane). The current zoning is Planned Development-General Retail. The property is currently vacant property. The proposed use is a standalone Emergency Room.

The adjacent zoning is Planned Development General Retail to the north, east, and west, and Agriculture to the south. The adjacent land use is vacant property.

The Future Land Use Map designates this property as “Neighborhood Retail”.

The site plan consists of the following:

1. The construction of 12,000 sq ft building.
2. The façade is brick.
3. The access driveway will be off Pavilion Parkway and the emergency access will be off Gibson Lane.
4. There will be 51 parking spaces and includes 5 handicapped spaces. All parking spaces shall be a minimum of 180 sq. ft. in size.
5. A monument style sign. No Electronic messaging will be allowed.
6. Development must meet Drainage Ordinance and Stormwater Manual Design Standards.
7. Screened dumpster site.

Staff recommends for approval of the site plan with stipulations.

Potential Options:

Approve or deny

Fiscal Implications:

NOT APPLICABLE

Staff Recommendation:

Staff recommends for approval of the site plan 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:

March 6, 2023

Attachments

a. 2023-041 ORD site plan approval 4250 Gibson Ln (DOCX)
b. 2023-041 EXH 'A' (Site Plan)(PDF)
c. 2023-041 EXH 'B' (Legal Description) (PDF)
d. 2023-041 ATTH 01 (Maps) (PDF)
e. 2023-041 ATTH 02 (FloorPlan) (PDF)
f. 2023-041 ATTH 03 (Elevation) (PDF)
g. 2023-041 Goals & Perspectives (DOCX)
h. 2023-041 ORD amnd PD 4250 Gibson Ln signed (PDF)

Staff Coordination

Building Code Administration	Mashell Daniel	Reviewer	Completed	03/15/2023 12:44 PM
Public Works Department	Dusty Henslee	Reviewer	Completed	03/16/2023 8:38 AM
City Manager	David Orr	Reviewer	Completed	03/16/2023 10:42 AM
City Council	Jennifer Evans	Meeting	Completed	03/27/2023 6:00 PM

Meeting History

City of Texarkana, Texas

03/27/23 City Council MOVED FORWARD Next: 04/10/23
Mashell Daniel briefed this agenda item.

ORDINANCE NO. 2023-041

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING PD-05-7 (GR) FOR SITE PLAN APPROVAL ON AN APPROXIMATE 7.76-ACRE TRACT OF LAND (BEING LOT 1), PAVILION PARK, LOCATED AT 4250 GIBSON LANE, 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 requesting the approval of a **site plan (Exhibit 'A') on an approximate 7.76-acre tract of land (being Lot 1), Pavilion Park (Exhibit 'B'), located at 4250 Gibson Lane** in the City of Texarkana, Bowie County, Texas; and

WHEREAS, the subject property is zoned Planned Development-General Retail [PD-05-7 (GR)], and approval of the site plan **(Exhibit 'A')** would constitute an amendment to PD-05-7 (GR); and

WHEREAS, the proposed use is consistent with the listed uses in the Land Development Code for the zoning classification of Planned Development-General Retail; 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 this amendment, 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 by a vote of five (5) to zero (0) to recommend for approval of the petition for a site plan (Exhibit 'A')** to the City Council of the City 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 the approval of the site plan for the above described property 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 site plan **(Exhibit 'A') on an approximate 7.76-acre Tract of Land (being Lot 1), Pavilion Park (Exhibit 'B'), located at 4250 Gibson Lane** in the City of Texarkana, Texas, Bowie County, Texas, is hereby approved and hereby amends PD-05-7 (GR).

Attachment: 2023-041 ORD site plan approval 4250 Gibson Ln (3960 : 2023-041 ORD Amendment to PD-05-7(GR) for site plan approval 4250

SECTION 2: PD-05-7 (GR) is hereby amended by approval of the site plan (**Exhibit 'A'**), incorporated herein by reference for all purposes and includes the following:

1. The construction of 12,000 sq ft building.
2. The façade is brick.
3. The access driveway will be off Pavilion Parkway and the emergency access will be off Gibson Lane.
4. There will be 51 parking spaces and includes 5 handicapped spaces. All parking spaces shall be a minimum of 180 sq. ft. in size.
5. A monument style sign. No Electronic messaging will be allowed.
6. Development must meet drainage ordinance and stormwater manual design standards.
7. Sidewalk to be constructed by developer along Gibson Lane frontage.
8. Screened dumpster site.

SECTION 3: 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 4: All ordinances or parts of ordinances in conflict herewith are specifically 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 **10th day of April, 2023.**

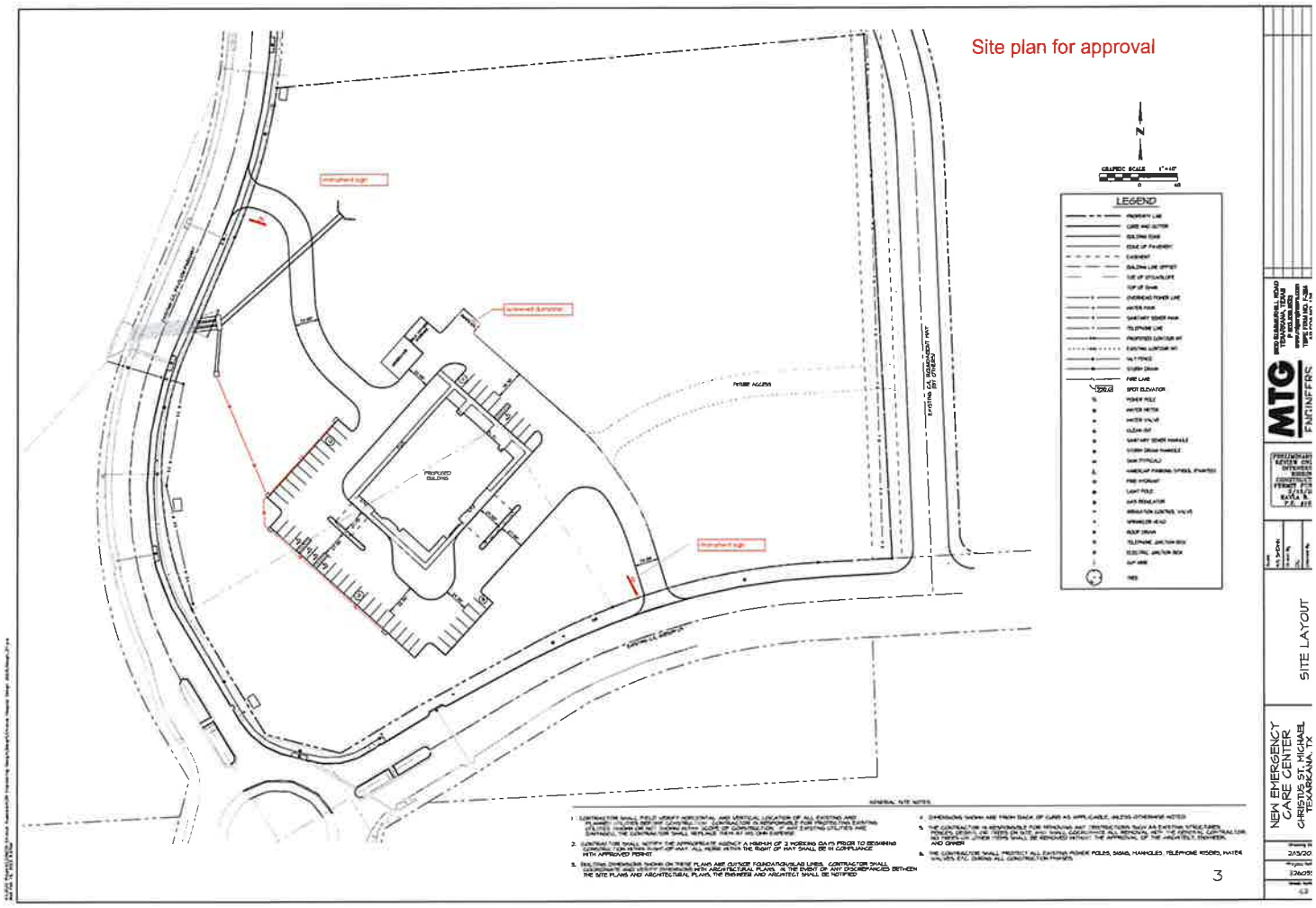
ATTEST:

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2023-041 ORD site plan approval 4250 Gibson Ln (3960 : 2023-041 ORD Amendment to PD-05-7(GR) for site plan approval 4250

2023-041 EXH 'A'



Attachment: 2023-041 EXH 'A' (Site Plan) (3960 : 2023-041 ORD Amendment to PD-05-7(GR) for site plan approval 4250 Gibson Lane)

Legal Description of 7.760 Acres

Property Description
7.760 Acres
Bowie County, Texas

All that certain lot, tract or parcel of land lying and situated in the George Brinlee Headright Survey, Abstract 18, Bowie County, Texas, being a part of that certain tract of land described as 43.229 acres in the deed from Kirk Patton, et al, to Gibson Park Development, LLP, dated October 27, 2005, recorded in Volume 4765, Page 302 of the Real Property Records of Bowie County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch steel rod found for a corner, capped MTG 101011-00, lying in the North right-of-way line of Gibson Lane, the South line of the said 43.229 acre tract, the Southeast corner of Lot No. 1 of the Minor Plat of Pavilion Park, according to the plat recorded in Document No. 2016-8900, and filed in Plat Cabinet D, Sleeve 9 of the Real Property Records of Bowie County, Texas;

THENCE North 30 degrees 50 minutes 32 seconds West a distance of 220.00 feet along the East line of the said Lot No. 1 to a 1/2 inch steel rod set for a corner, capped MTG 101011-00, the Northeast corner of the said Lot No. 1;

THENCE South 59 degrees 01 minutes 52 seconds West a distance of 370.56 feet along the North line of the said Lot No. 1 to a 1/2 inch steel rod found for a corner, capped MTG 101011-00 (control monument), the Northwest corner of the said Lot No. 1, lying in the East right-of-way line of Pavilion Parkway, and a circular curve to the right;

THENCE in a Northeasterly direction along the arc of the said circular curve a distance of 277.66 feet, with a delta angle of 47 degrees 45 minutes 09 seconds, a radius of 333.15 feet, a chord bearing of North 01 degrees 05 minutes 02 seconds West (basis of bearings), and a chord distance of 269.70 feet to a 1/2 inch steel rod found for a corner, capped MTG 101011-00 (control monument), at the end of the said circular curve;

THENCE North 22 degrees 47 minutes 33 seconds East, tangent to the said curve, a distance of 123.33 feet along the East right-of-way line of the said Parkway to a 1/2 inch steel rod set for a corner, capped MTG 101011-00, at the beginning of a circular curve to the left, tangent to the said line;

THENCE in a Northeasterly direction along the arc of the said circular curve a distance of 160.50 feet, with a delta angle of 14 degrees 35 minutes 49 seconds, a radius of 630.00 feet, a chord bearing of North 15 degrees 29 minutes 38 seconds East, and a chord distance of 160.07 feet to a 1/2 inch steel rod set for a corner, capped MTG 101011-00;

THENCE North 84 degrees 53 minutes 41 seconds East a distance of 606.03 feet across the said 43.229 acre tract to a 1/2 inch steel rod set for a corner, capped MTG 101011-00;

Attachment: 2023-041 EXH 'B' (Legal Description) (3960 : 2023-041 ORD Amendment to PD-05-7(GR) for site plan approval 4250 Gibson Lane)

THENCE South 03 degrees 04 minutes 18 seconds East a distance of 540.01 feet across and through the said 43.229 acre tract to a 1/2 inch steel rod set for a corner, capped MTG 101011-00, lying in the North right-of-way line of the said Gibson Lane and the South line of the said 43.229 acre tract;

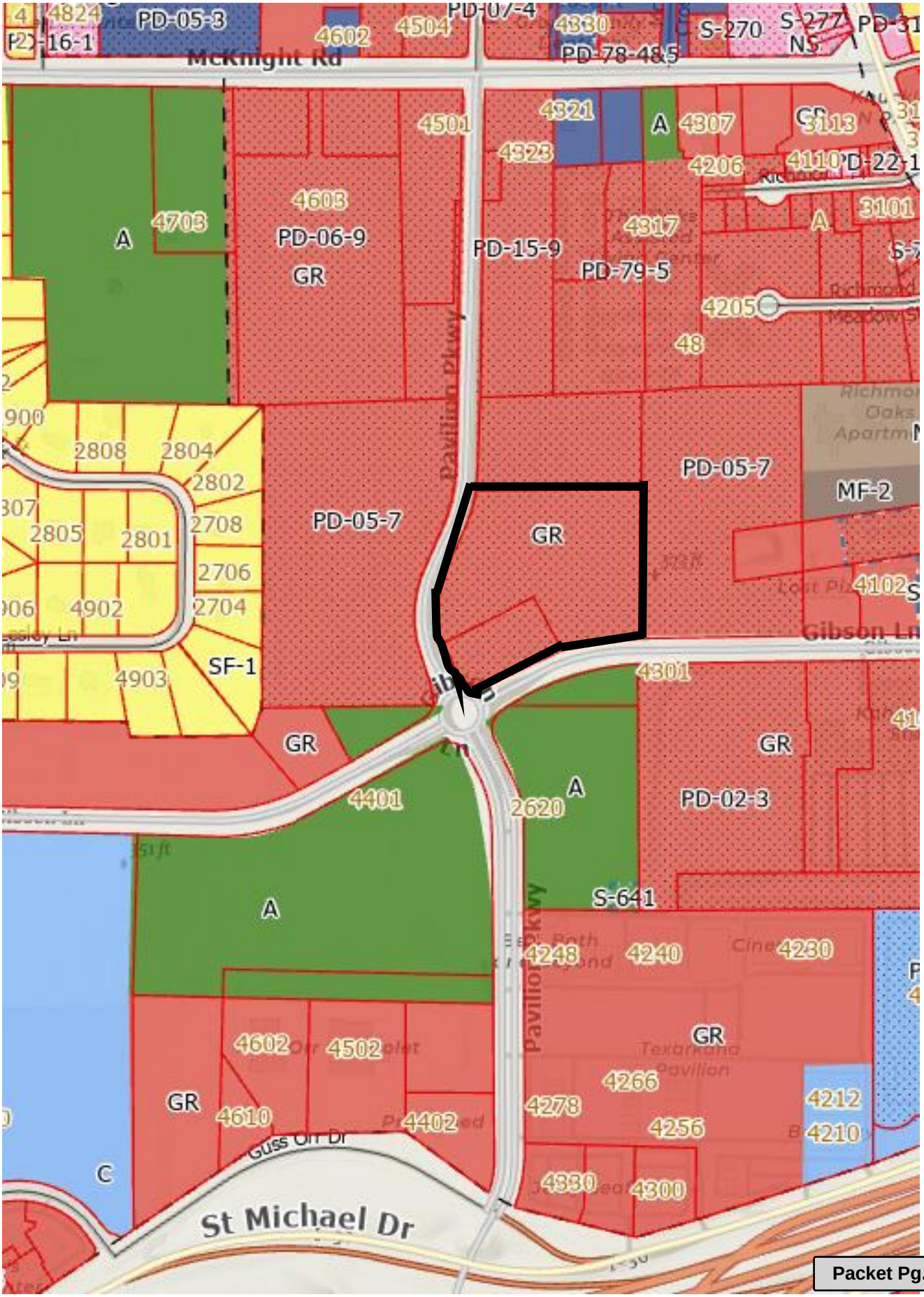
THENCE South 86 degrees 58 minutes 37 seconds West a distance of 75.59 feet along the North right-of-way line of the said Lane and the South line of the said 43.229 acre tract to a 1/2 inch steel rod found for a corner, at the beginning of a circular curve to the left;

THENCE in a Southwesterly direction along the arc of the said circular curve a distance of 217.77 feet, with a delta angle of 18 degrees 04 minutes 59 seconds, a radius of 690.00 feet, a chord bearing of South 77 degrees 53 minutes 13 seconds West, and a chord distance of 216.87 feet to the point of beginning and containing 7.760 acres of land, at the time of this survey.

Attachment: 2023-041 EXH 'B' (Legal Description) (3960 : 2023-041 ORD Amendment to PD-05-7(GR) for site plan approval 4250 Gibson Lane)

2023-041 ATTH 01
Amendment to PD-05-7

Northeast Corner of Pavilion Pkwy & Gibson Ln



Attachment: 2023-041 ATTH 01 (Maps) (3960 : 2023-041 ORD Amendment to PD-05-7(GR) for site plan approval 4250 Gibson Lane)

2023-041 ATTH 01
Amendment to PD-05-7

Northeast Corner of Pavilion Pkwy & Gibson Ln



Attachment: 2023-041 ATTH 01 (Maps) (3960 : 2023-041 ORD Amendment to PD-05-7(GR) for site plan approval 4250 Gibson Lane)

Floor Plan of Emergency ER

2023-041 ATTH 02



1/30/2023 6:08:29 AM

REVISION SCHEDULE

HARRIS-CR ARCHITECTS

NEW EMERGENCY CARE CENTER

CHRISTUS ST. MICHAE HEALTH SYSTEM

TEXARKANA, TEXAS

PRI

Attachment: 2023-041 ATTH 02 (FloorPlan) (3960 : 2023-041 ORD Amendment to PD-05-7(GR) for site plan approval 4250 Gibson Lane)

2023-041 ATTH 03



Attachment: 2023-041 ATTH 03 (Elevation) (3960 : 2023-041 ORD Amendment to PD-05-7(GR) for site plan approval 4250 Gibson Lane)

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:			

Attachment: 2023-041 Goals & Perspectives (3960 : 2023-041 ORD Amendment to PD-05-7(GR) for site plan approval 4250 Gibson Lane)

ORDINANCE NO. 2023-041

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING PD-05-7 (GR) FOR SITE PLAN APPROVAL ON AN APPROXIMATE 7.76-ACRE TRACT OF LAND (BEING LOT 1), PAVILION PARK, LOCATED AT 4250 GIBSON LANE, 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 requesting the approval of a **site plan (Exhibit 'A') on an approximate 7.76-acre tract of land (being Lot 1), Pavilion Park (Exhibit 'B'), located at 4250 Gibson Lane** in the City of Texarkana, Bowie County, Texas; and

WHEREAS, the subject property is zoned Planned Development-General Retail [PD-05-7 (GR)], and approval of the site plan **(Exhibit 'A')** would constitute an amendment to PD-05-7 (GR); and

WHEREAS, the proposed use is consistent with the listed uses in the Land Development Code for the zoning classification of Planned Development-General Retail; 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 this amendment, 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 by a vote of five (5) to zero (0) to recommend for approval of the petition for a site plan (Exhibit 'A')** to the City Council of the City 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 the approval of the site plan for the above described property 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 site plan **(Exhibit 'A') on an approximate 7.76-acre Tract of Land (being Lot 1), Pavilion Park (Exhibit 'B'), located at 4250 Gibson Lane** in the City of Texarkana, Texas, Bowie County, Texas, is hereby approved and hereby amends PD-05-7 (GR).

Attachment: 2023-041 ORD amnd PD 4250 Gibson Ln signed (3960 : 2023-041 ORD Amendment to PD-05-7(GR) for site plan approval 4250

SECTION 2: PD-05-7 (GR) is hereby amended by approval of the site plan (**Exhibit 'A'**), incorporated herein by reference for all purposes and includes the following:

1. The construction of 12,000 sq ft building.
2. The façade is brick.
3. The access driveway will be off Pavilion Parkway and the emergency access will be off Gibson Lane.
4. There will be 51 parking spaces and includes 5 handicapped spaces. All parking spaces shall be a minimum of 180 sq. ft. in size.
5. A monument style sign. No Electronic messaging will be allowed.
6. Development must meet drainage ordinance and stormwater manual design standards.
7. Sidewalk to be constructed by developer along Gibson Lane frontage.
8. Screened dumpster site.

SECTION 3: 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 4: All ordinances or parts of ordinances in conflict herewith are specifically 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 **10th day of April, 2023.**

ATTEST:

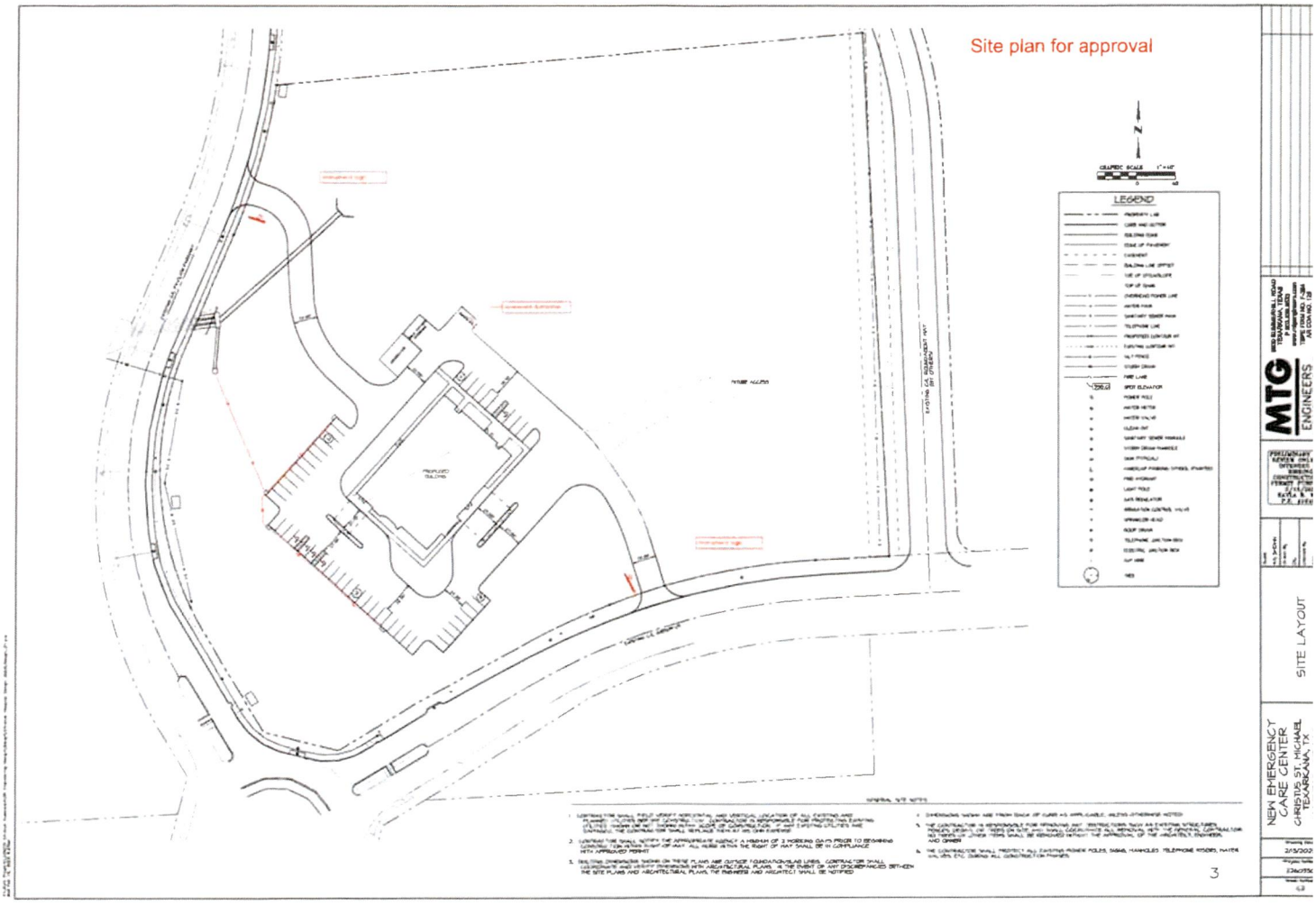
JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:23p.m.

Attachment: 2023-041 ORD amnd PD 4250 Gibson Ln signed (3960 : 2023-041 ORD Amendment to PD-05-7(GR) for site plan approval 4250

2023-041 EXH 'A'



Attachment: 2023-041 ORD amnd PD 4250 Gibson Ln signed (3960 : 2023-041 ORD Amendment to PD-05-7(GR) for site plan approval 4250

Legal Description of 7.760 Acres

2023-041 EXH 'B'

Property Description
7.760 Acres
Bowie County, Texas

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Attachment: 2023-041 ORD amnd PD 4250 Gibson Ln signed (3960 : 2023-041 ORD Amendment to PD-05-7(GR) for site plan approval 4250

City of Texarkana, Texas

Version:

Briefing Sheet

Update Date: 3/24/2023 9:35 AM

Lead Department: Parks, Recreation & Health **Action Officer:** Keith Beason,

Subject: Resolution No. 2023-042 approving proposed revisions to the Perot Theatre management contract made by the Perot Theatre Advisory Committee.

Briefing: 4/10/2023 **Public Hearing:** 4/10/2023 **Council Vote:** 4/10/2023

Item Schedule

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

Updates/History of Briefing:

03/27/2023

Proposed changes to the current Perot Theatre Management Contract with Texarkana Symphony Orchestra, as reviewed by the Perot Theatre Advisory Committee.

Executive Summary and Background Information:

All amendments to the contract, as stated in 2023-042 ATTH 1, are requested and recommended by the Perot Theatre Advisory Committee and retroactive to October 1, 2022. The Management Agreement will remain the same with the Addendum adding a Facilities Fee to each ticket with portions going to TSO, the City and ticketing costs, as well as TSO having the ability to add in Administrative Fees where necessary to ticket sales at their discretion. A one- time $50,000 payment is being made, with a portion already paid, to assist in Perot event expenses. Additionally, Theatre income is more specifically set out, and TSO's maintenance responsibility is being changed to a cap of $4,000 for routine maintenance. The remainder of the Management Agreement remains intact.

Potential Options:

- Approve
- Deny

Fiscal Implications:

Financial implications will include the cost of annual property insurance in the approximate amount of $16,000.00. A one- time $50,000 payment is being made, with $22,000.00 payment already made from Revolving fund to assist in Perot event expenses, leaving a remaining amount of $28,00.00. Finally, the difference in the 80% Texarkana Symphony Orchestra /20% City split for future rental income.

Staff Recommendation:

Approval

Advisory Board/Committee Review:

Perot Theatre Advisory Committee

City of Texarkana, Texas

Board/Committee Recommendation:

2/07/2023
Accept ammendments

Advisory Board/Committee Meeting Date and Minutes:

"NOT APPLICABLE"

Attachments

a. 2023-042 RES Amending Perot Theatre Management Contract (DOC)
b. 2023-042 ATTH 01 Updated Addendum (DOCX)
c. 2023-042 Goals & Perspectives (DOCX)
d. 2023-042 RES Perot Mgmt Contr Rev. 1 signed (PDF)

Staff Coordination

Parks, Recreation & Health		Robby Robertson	Department Head Review	Completed 03/22/2023 5:29 PM
Public Works Department		Amanda Freeland	Reviewer	Completed 03/23/2023 7:50 AM
City Manager	David Orr	City Manager Review	Completed	03/24/2023 12:51 PM
City Council	Jennifer Evans	Meeting	Completed	03/27/2023 6:00 PM

Meeting History

03/27/23 City Council MOVED FORWARD Next: 04/10/23
Mayor Bruggeman moved and considered this resolution first under this section. Keith Beason briefed this agenda item.

RESOLUTION NO. 2023-042

AN RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO AMEND THE PEROT THEATRE MANAGEMENT CONTRACT BETWEEN THE CITY AND TEXARKANA SYMPHONY ORCHESTRA; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Texarkana, Texas and the Perot Theatre Management Company Texarkana Symphony Orchestra (TSO) initiated a Perot Theatre Management Contract on June 9th, 2021; and

WHEREAS, the Perot Theatre Advisory Committee met with city staff and TSO to address amendment options to better serve the Perot Theatre and management company needs; and

WHEREAS, all amendments to the contract, as outlined in **ATTH 01**, incorporated herein by reference for all purposes, are recommended, and requested by the Perot Theatre Advisory Committee, and retroactive to October 1, 2022; and

WHEREAS, the management agreement will remain the same; the addendum will add a facilities fee to each ticket with said fee divided between TSO, the City, and ticketing costs. TSO will have the ability to add in administrative fees, where necessary, to ticket sales at its discretion; and

WHEREAS, the City shall deposit the remainder of a total one-time payment of **FIFTY THOUSAND DOLLARS ($50,000)** into the Perot Theatre maintenance fund, with **TWENTY-TWO THOUSAND DOLLARS ($22,000)** already deposited from revolving loan funds to assist in Perot event expenses; and

WHEREAS, the City shall pay the property insurance on the Perot Theatre. TSO shall continue to maintain and pay its own separate liability insurance on the Perot Theatre; and

WHEREAS, all Perot Theatre rental income (actual rental rates) shall be divided, from the first dollar, 20% to the City and 80% to the TSO/Perot. Rental income does not include the audience services fee and janitorial services fee, charged for each use of the Perot Theatre; and

WHEREAS, routine maintenance up to the first **FOUR THOUSAND DOLLARS ($4,000),** is the responsibility of the TSO.

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

SECTION 1: The City Council approves the addendum attached hereto as **ATTH 01,** amending the City's Perot Theatre Management Contract with TSO retroactive to October 1, 2022, and authorizes the City Manager to sign the addendum.

Attachment: 2023-042 RES Amending Perot Theatre Management Contract (3961 : 2023-042 RES Perot Theatre Management Contract

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

PASSED AND APPROVED in Regular Council Session on this the **10th day of April, 2023**.

ATTEST:

_____	_____
JENNIFER EVANS, CITY SECRETARY	BOB BRUGGEMAN, MAYOR

Attachment: 2023-042 RES Amending Perot Theatre Management Contract (3961 : 2023-042 RES Perot Theatre Management Contract

FIRST ADDENDUM TO PEROT THEATRE MANAGEMENT AGREEMENT

This is a First Addendum to Perot Theatre Management Agreement (the "First Addendum") to that certain Perot Theatre Management Agreement entered into by and between the City of Texarkana, Texas (the "City") and the Texarkana Symphony Orchestra ("TSO") on the 9th day of June, 2021 (the "Agreement") which such First Addendum shall be effective on October 1, 2022 (the "Effective Date").

WHEREAS the City and TSO wish to amend certain terms and conditions of the Agreement, and wish to enter into this First Addendum setting forth those amendments;

NOW THEREFORE, in consideration of the rights and obligations set forth in the Agreement and those set forth in this Addendum and for other good and valuable consideration, City and TSO agree as follows:

1. Paragraph 4.1.C shall be deleted in its entirety and shall be replaced with the following:

"C. Fees.

(1) TSO shall collect a $7.00 surcharge per ticket sold for all events held at the Theatre (the "Facilities Fee"). Of this Facilities Fee, for each ticket sold, $3.00 shall be deposited into the Building Maintenance account and shall be the property of the City; $3.00 shall be considered operational income for the Theatre managers; and $1.00 shall be used to offset the Etix Ticketing System costs. All funds in the Building Maintenance account shall be expended only with the approval of the City and only for enhancements to the Theatre.

(2) The Facilities Fee shall be added to all tickets sold for events to occur after April 10, 2023; save and except for the final TSO concert to be held April 15, 2023 which tickets have been open for sale since 2022. For this event, and for all upcoming events for which tickets were sold prior to April 10, 2023, the per ticket Facilities Fee is set at $5.00 per ticket and shall be divided with $2.00 to the City's Building Maintenance Fund, $2.00 to TSO, and $1.00 to offset Etix Ticketing System costs.

(3) TSO, as the manager, shall be allowed to set and collect fees in its sole discretion on a per ticket fee in addition to the Facilities Fee and processing fees ("Administrative Fees"). All Administrative Fees shall be deposited into TSO's account as TSO income."

Attachment: 2023-042 ATTH 01 Updated Addendum (3961 : 2023-042 RES Perot Theatre Management Contract Revisions)

2. Paragraph 4.2(a) shall be deleted in its entirety, and shall be replaced with the following:

"a. City shall deposit a minimum of $50,000 annually into the Perot Theatre Building Maintenance Fund maintained by the City. Additionally, as a one-time payment, the City shall render an additional payment in the total amount of $50,000, less any prior RLF payments made this fiscal year, after the effective date of this Addendum for use by TSO in the operations of the Perot."

3. Paragraph 4.2(d) shall be deleted in its entirety, and shall be replaced with the following:

"d. Theatre income shall include rental income (the actual rental rate paid to use the Theatre); provided, however, that revenue from the sale of concessions shall be and remain the sole income of TSO. Rental income does not include: the Audience Services Fee, and Janitorial Services Fee charged for each use of the Theatre. All Theatre income shall be divided between the City and TSO as follows: 20% to City and 80% to TSO."

4. Paragraphs 6.3 and 6.4 shall be deleted in their entirety, and shall be replaced with the following:

"6.3 Except as otherwise provided in this Agreement, TSO shall during the term of this Agreement be responsible for all routine maintenance up to the first Four Thousand and No/Dollars ($4,000.00) of expenditures. Routine maintenance shall include all expenditures for the regular upkeep of the Perot, including land, buildings, and equipment and including recurring, prevenative and on-going maintenance. All other maintenance shall be the responsibility of the City, including all necessary major expenses or upgrades agreed upon between the City and TSO which shall not be considered as routine maintenance."

6.4 "Intentionally deleted."

5. Paragraph 9.1 shall be deleted in its entirety, and shall be replaced with the following:

"9.1 City shall maintain property insurance on the Theatre and premises with coverages and limits reasonably determined by City."

Attachment: 2023-042 ATTH 01 Updated Addendum (3961 : 2023-042 RES Perot Theatre Management Contract Revisions)

All other provisions of the Perot Theatre Management Agreement shall remain in full force and effect and the above provisions shall be incorporated therein.

IN WITNESS WHEREOF, the parties hereto have caused this First Addendum to be executed in duplicate originals by their respective duly authorized officers and shall be effective on the Effective Date set forth herein.

CITY OF TEXARKANA, TEXAS

_____
David Orr, City Manager

ATTEST:

_____
Jennifer Evans, City Secretary

TEXARKANA SYMPHONY ORCHESTRA

_____
By: Mark Van Herpen, Board President

ATTEST:

_____
Lisa Sitterley, TSO Secretary

Attachment: 2023-042 ATTH 01 Updated Addendum (3961 : 2023-042 RES Perot Theatre Management Contract Revisions)

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:

Attachment: 2023-042 Goals & Perspectives (3961 : 2023-042 RES Perot Theatre Management Contract Revisions)

RESOLUTION NO. 2023-042

AN RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO AMEND THE PEROT THEATRE MANAGEMENT CONTRACT BETWEEN THE CITY AND TEXARKANA SYMPHONY ORCHESTRA; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Texarkana, Texas and the Perot Theatre Management Company Texarkana Symphony Orchestra (TSO) initiated a Perot Theatre Management Contract on June 9th, 2021; and

WHEREAS, the Perot Theatre Advisory Committee met with city staff and TSO to address amendment options to better serve the Perot Theatre and management company needs; and

WHEREAS, all amendments to the contract, as outlined in **ATTH 01**, incorporated herein by reference for all purposes, are recommended, and requested by the Perot Theatre Advisory Committee, and retroactive to October 1, 2022; and

WHEREAS, the management agreement will remain the same; the addendum will add a facilities fee to each ticket with said fee divided between TSO, the City, and ticketing costs. TSO will have the ability to add in administrative fees, where necessary, to ticket sales at its discretion; and

WHEREAS, the City shall deposit the remainder of a total one-time payment of **FIFTY THOUSAND DOLLARS ($50,000)** into the Perot Theatre maintenance fund, with **TWENTY-TWO THOUSAND DOLLARS ($22,000)** already deposited from revolving loan funds to assist in Perot event expenses; and

WHEREAS, the City shall pay the property insurance on the Perot Theatre. TSO shall continue to maintain and pay its own separate liability insurance on the Perot Theatre; and

WHEREAS, all Perot Theatre rental income (actual rental rates) shall be divided, from the first dollar, 20% to the City and 80% to the TSO/Perot. Rental income does not include the audience services fee and janitorial services fee, charged for each use of the Perot Theatre; and

WHEREAS, routine maintenance up to the first **FOUR THOUSAND DOLLARS ($4,000),** is the responsibility of the TSO.

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

SECTION 1: The City Council approves the addendum attached hereto as **ATTH 01,** amending the City's Perot Theatre Management Contract with TSO retroactive to October 1, 2022, and authorizes the City Manager to sign the addendum.

Attachment: 2023-042 RES Perot Mgmt Contr Rev. 1 signed (3961 : 2023-042 RES Perot Theatre Management Contract Revisions)

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

PASSED AND APPROVED in Regular Council Session on this the **10th day of April, 2023**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:24 p.m.

Attachment: 2023-042 RES Perot Mgmt Contr Rev. 1 signed (3961 : 2023-042 RES Perot Theatre Management Contract Revisions)

FIRST ADDENDUM TO PEROT THEATRE MANAGEMENT AGREEMENT

This is a First Addendum to Perot Theatre Management Agreement (the "First Addendum") to that certain Perot Theatre Management Agreement entered into by and between the City of Texarkana, Texas (the "City") and the Texarkana Symphony Orchestra ("TSO") on the 9th day of June, 2021 (the "Agreement") which such First Addendum shall be effective on October 1, 2022 (the "Effective Date").

WHEREAS the City and TSO wish to amend certain terms and conditions of the Agreement, and wish to enter into this First Addendum setting forth those amendments;

NOW THEREFORE, in consideration of the rights and obligations set forth in the Agreement and those set forth in this Addendum and for other good and valuable consideration, City and TSO agree as follows:

1. Paragraph 4.1.C shall be deleted in its entirety and shall be replaced with the following:

"C. Fees.

(1) TSO shall collect a $7.00 surcharge per ticket sold for all events held at the Theatre (the "Facilities Fee"). Of this Facilities Fee, for each ticket sold, $3.00 shall be deposited into the Building Maintenance account and shall be the property of the City; $3.00 shall be considered operational income for the Theatre managers; and $1.00 shall be used to offset the Etix Ticketing System costs. All funds in the Building Maintenance account shall be expended only with the approval of the City and only for enhancements to the Theatre.

(2) The Facilities Fee shall be added to all tickets sold for events to occur after April 10, 2023; save and except for the final TSO concert to be held April 15, 2023 which tickets have been open for sale since 2022. For this event, and for all upcoming events for which tickets were sold prior to April 10, 2023, the per ticket Facilities Fee is set at $5.00 per ticket and shall be divided with $2.00 to the City's Building Maintenance Fund, $2.00 to TSO, and $1.00 to offset Etix Ticketing System costs.

(3) TSO, as the manager, shall be allowed to set and collect fees in its sole discretion on a per ticket fee in addition to the Facilities Fee and processing fees ("Administrative Fees"). All Administrative Fees shall be deposited into TSO's account as TSO income."

Attachment: 2023-042 RES Perot Mgmt Contr Rev. 1 signed (3961 : 2023-042 RES Perot Theatre Management Contract Revisions)

2. Paragraph 4.2(a) shall be deleted in its entirety, and shall be replaced with the following:

"a. City shall deposit a minimum of $50,000 annually into the Perot Theatre Building Maintenance Fund maintained by the City. Additionally, as a one-time payment, the City shall render an additional payment in the total amount of $50,000, less any prior RLF payments made this fiscal year, after the effective date of this Addendum for use by TSO in the operations of the Perot."

3. Paragraph 4.2(d) shall be deleted in its entirety, and shall be replaced with the following:

"d. Theatre income shall include rental income (the actual rental rate paid to use the Theatre); provided, however, that revenue from the sale of concessions shall be and remain the sole income of TSO. Rental income does not include: the Audience Services Fee, and Janitorial Services Fee charged for each use of the Theatre. All Theatre income shall be divided between the City and TSO as follows: 20% to City and 80% to TSO."

4. Paragraphs 6.3 and 6.4 shall be deleted in their entirety, and shall be replaced with the following:

"6.3 Except as otherwise provided in this Agreement, TSO shall during the term of this Agreement be responsible for all routine maintenance up to the first Four Thousand and No/Dollars ($4,000.00) of expenditures. Routine maintenance shall include all expenditures for the regular upkeep of the Perot, including land, buildings, and equipment and including recurring, prevenative and on-going maintenance. All other maintenance shall be the responsibility of the City, including all necessary major expenses or upgrades agreed upon between the City and TSO which shall not be considered as routine maintenance."

6.4 "Intentionally deleted."

5. Paragraph 9.1 shall be deleted in its entirety, and shall be replaced with the following:

"9.1 City shall maintain property insurance on the Theatre and premises with coverages and limits reasonably determined by City."

Attachment: 2023-042 RES Perot Mgmt Contr Rev. 1 signed (3961 : 2023-042 RES Perot Theatre Management Contract Revisions)

All other provisions of the Perot Theatre Management Agreement shall remain in full force and effect and the above provisions shall be incorporated therein.

IN WITNESS WHEREOF, the parties hereto have caused this First Addendum to be executed in duplicate originals by their respective duly authorized officers and shall be effective on the Effective Date set forth herein.

CITY OF TEXARKANA, TEXAS

David Orr, City Manager

ATTEST:

Jennifer Evans, City Secretary

TEXARKANA SYMPHONY ORCHESTRA

By: Mark Van Herpen, Board President

ATTEST:

Lisa Sitterley, TSO Secretary

Attachment: 2023-042 RES Perot Mgmt Contr Rev. 1 signed (3961 : 2023-042 RES Perot Theatre Management Contract Revisions)