



City Council Agenda 05/02/2017

Notice is hereby given of a regular meeting of the City Council of City of San Angelo to be held on May 2, 2017 at 8:30 AM at the McNease Convention Center – South Meeting Room, 501 Rio Concho Drive, San Angelo, Texas, for the purpose of considering the following agenda items.

1. Call to Order

2. Prayer and Pledge

3. Proclamations/Recognitions

- a. Recognition of Margaret Blaneck for her contributions to the community
- b. Recognition of Live Design and Print Shop for winning gold and silver awards at the American Advertising Federation's Tenth District competition and for advancing to the national contest.
- c. Proclamation declaring May 2017 as "Historic Preservation Month"
- d. Proclamation declaring May 2017 as "Mental Health Awareness Month"
- e. Proclamation declaring May 2017 as "Building Safety Month"
- f. Proclamation declaring May 7-13, 2017, as "National Travel & Tourism Week"
- g. Proclamation declaring May 12-13, 2017 as "Director's Choice Days"
- h. Proclamation declaring May 14-20, 2017 as "Police Week"

4. Public Comment

Issues or items that are not on the agenda may be raised by the public at this time. Citizens should speak from the podium, begin by stating their name and limit remarks to less than three minutes. Council members may request that a discussed item be placed on a future agenda. The Council takes public comment on all Regular Agenda items during the discussion of those items.

5. Consent Agenda

- a. Consider approving the April 18, 2017 City Council regular meeting minutes (B.Kendrick)
- b. Consider authorizing the sale of the following Lake Nasworthy properties to current residential lot lease holders for the appraised value (C. Preas):
 - 1. 1570 S. Concho Dr.; Lake Nasworthy; \$111,239
 - 2. 1609 Canal Road; Lake Nasworthy Addition; \$25,400
 - 3. 2686 Sleepy Hollow Rd; Lake Nasworthy Addition; \$98,262
 - 4. 2706 Red Bluff Ramp Rd; Lake Nasworthy; \$86,800
 - 5. 2734 Red Bluff Ramp Rd; Lake Nasworthy; \$96,700
 - 6. 3121 Red Bluff Rd E; Lake Nasworthy; \$73,341

- c. Consider a resolution authorizing a tax resale deed (Quitclaim) to be executed by the Mayor on behalf of the city and all taxing units in the Tax Foreclosure Judgment or Tax Warrant to the following property (C. Preas): 108 W. 10th (\$2,000)
- d. Consider approving the purchase of 4.047 acre tract out of William Nevels Survey 2 and J. McNease Survey 176 1/4 from the Texas Southwest Council Boy Scouts of America, for use by the Public Works Department, Stormwater Division, for a price not to exceed \$7,500 (S. Kelton)
- e. Consider awarding RFB SB-02-17 HD-5 Propane to Schneider Distributing as the primary vendor and Concho Propane as the secondary vendor in the amount of \$600,000, budgeted annually, and authorizing the City Manager or designee to execute any related documents (S.Kelton)
- f. Consider awarding WU-05-17 Caustic Soda to DPC Industries in the amount of \$176,100 annually for one (1) year with three (3) additional one (1) year term extensions, budgeted for purchase FY2017, FY2018, FY2019, and FY2020 and authorizing the City Manager or designee to execute any related documents (B. Riley)
- g. Consider a resolution authorizing the Mayor to sign a letter of support for the U.S. Department of Veterans Affairs accreditation of Texas Veterans for Veterans (B.Kendrick)
- h. Consider a resolution authorizing the City Manager, or designee, to execute five easement appurtenant approvals for various encroachments of buildings and awnings located at 109 West Beauregard Avenue (Turner Building) and 113 West Beauregard Avenue (Judge Edd B. Keyes Building) as follows: A 56-square foot building wall encroachment and 420-square foot aerial encroachment for the Turner Building; and a 606-square foot wall encroachment, a 268-square foot entry element encroachment, and 1852-square foot aerial encroachment for the Edd B. Keyes Building (J. James)
- i. Consider a resolution authorizing the City Manager, or designee, to execute a Temporary Nonexclusive Sidewalk Use License to allow for a modified 248.75-square foot wood-framed metal canopy attached to the existing buildings at 12 and 14 North Chadbourne Street to be located within the public right-of-way of Chadbourne Street (J. James)
- j. Second reading for Case Z17-01, an ordinance approving a request for a rezoning from the Ranch and Estate Zoning District (R&E) to the Single-family Residential (RS-1) Zoning District, generally located west of Willeke and Pinon Ridge Drives, west of the Prestonwood residential development, on 17.192 acres (J. James)
- k. Second reading for Case Z17-02, an ordinance approving a request for a rezoning from the Single-Family Residence (RS-1) Zoning District to the Neighborhood Commercial (CN) Zoning District, generally located at the north/northwest corner of West 17th Street and North Bryant Boulevard (U.S. 87), on 0.345 acres (J. James)
- l. Second reading for Case SU17-02, an ordinance approving a request for a Special Use to allow for Retail Sales and Service; Industrial Service; and Wholesale Trade, in the Neighborhood Commercial (CN) Zoning District, generally located at the southeast corner of the Houston Harte Expressway Frontage Road (Ellis Street) and Montague Avenue, on 4.651 acres (J. James)

- m. Second reading for Case SU17-01, an ordinance approving a request for a Special Use to allow for an Automobile and Boat Dealer (Automobile and Light Truck Sales Only) within the Neighborhood Commercial (CN) Zoning District, generally located at the north/northwest corner of West 17th Street and North Bryant Boulevard (U.S. 87), on 0.345 acres (J. James)
- n. Second reading of an ordinance approving a request for the vacation and abandonment of all of the east-to-west public alley located in Block 1, Rio Vista Addition, consisting of approximately 0.064 acres (2,794 square feet), generally located 124 feet north of Paint Rock Road, emanating westward from the west right-of-way line of Jordan Street (J. James)
- o. Second reading of an ordinance amending the Land Development and Subdivision Ordinance to allow for the submittal of plat applications in accordance with a published schedule and to allow for variances to two provisions that are currently not variable regarding street access to a Manufactured Home Park, Mobile Home Park, and Recreational Vehicle Park and regarding the restriction of dead-end streets not providing exclusive frontage to more than 40 lots or tracts of land (J. James)
- p. Second reading of an ordinance amending the Zoning Ordinance, Article 5, Sections 501 and 804 establishing a definition and creating development standards for Industrialized Housing (i.e. Modular Homes) - (J. James)

6. Regular Agenda

- a. Consider approving the design of a set of three sculptures regarding the "Historic Beginnings of San Angelo" project and its placement at Bart DeWitt Park - (Presentation by Parks and Recreation Director Carl White)
- b. Consider first reading and public hearing of an ordinance amending Chapter 9 "Parks, Lakes, and Other Public Places" of the Code of Ordinances by adding Article 9.05 "Camping on Municipal Facility or Public Property" and amending Section 9.05.005 "Recreational Activities" which would prohibit camping on or at a municipal facility or public right-of-way - (Presentation by Neighborhood Services Director Bob Salas)
- c. Second reading and consider adopting an ordinance amending Chapter 7 "Health and Sanitation" Sections 7.05.006 "Prohibition of Smoking in Outdoor Sports Areas" and 7.05.008 "Where Smoking not Regulated" - (Presentation by Parks & Recreation Director Carl White)
- d. Consider first public hearing of an ordinance deleting and replacing Chapter 2, "Administration and Personnel", Article 2.07 "Boards, Committees and Commissions", Division 15 "Museum Board" of the Code of Ordinances - (Presentation by Fort Concho Manager Robert Bluthardt)
- e. Consider first public hearing of an ordinance amending chapter 10, "Traffic Controls", Article 10.01 "general provisions", Section 10.01.019 "commercial vehicles prohibited from using certain streets" of the code of ordinances adding North Browning Street between Culwell Street and Hughes Street; Hughes Street between North Pope Street and North Browning Street; Hillside Drive; and Gun Club Road - (Presentation by Traffic Operations Superintendent Ryan Ward)

- f. Consider first public hearing of an ordinance amending Chapter 10, "Traffic Controls", Article 10.03 "Operation of Motor Vehicles", Section 10.03.033 "school zones" of the code of ordinances, City of San Angelo Texas, providing for severability, and providing for an effective date - (Presentation by Traffic Operations Superintendent Ryan Ward)
- g. Consider first public hearing of an ordinance amending Chapter 10, "Traffic controls", Article 10.03 "Operation of motor vehicles", Section 10.03.091 "One-way streets and alleys" of the code of ordinances adding the alley east of Bonham Elementary School and west of Southern Oak Lane, from Southland Boulevard to Laurel Oak Drive (south to north) - (Presentation by Traffic Operations Superintendent Ryan Ward)

7. Closed Session

Executive Session under the provision of Government Code, Title 5. Open Government; Ethics, Subtitle A. Open Government, Chapter 551. Open Meetings, Subchapter D. Exceptions to Requirement that Meetings be Open under the following sections:

- a. Section 551.071(1)(A) consult with attorney when the governmental body seeks the advice of its attorney about pending or contemplated litigation regarding:
 - 1. 2013 Sealcoating Program Contract
 - 2. Templeton Construction, Inc.
 - 3. Alsay, Inc.
 - 4. City of San Angelo v. Spillman Technologies, Inc.
- b. Section 551.072 Deliberations about Real Property regarding:
 - 1. 703 S. Chadbourne
 - 2. Property located on river frontage

8. Follow Up and Administrative Issues

- a. Consider items discussed in Executive Session, if needed
- b. Announcements and consideration of Future Agenda Items

9. Adjournment

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board at the City Hall of the City of San Angelo, Texas, on the 25th day of April 2017, at 5:00 p.m.

Bryan Kendrick, City Clerk

All agenda items are subject to action. All contracts/agreements may be subject to further negotiation prior to execution. The City Council reserves the right to consider business out of posted order and/or meet in a closed

session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

In compliance with the Americans with Disabilities Act, the City of San Angelo will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 48 hours prior to the meetings. Please contact the City Clerk's Office at 325-657-4405.

City Council meetings are broadcast on Channel 17-Government Access at 10:30 A.M. and 7:00 P.M. every day for two weeks beginning on the Thursday after each meeting.

Recognition

After being built by John Barrows and John Duncan, the Dunbar opened in 1959, with 40 rooms, restaurant and private club.

Joe BlaneK was brought in to run and get the place in tip-top shape, planning to only stay for a month

*And here we are 58 years later and still family owned and operated.
With probably the oldest liquor license and health permit in San Angelo*

Joe BlaneK along with wife Margaret lived in Sterling City and drove back and forth to San Angelo, while Margaret was a school nurse, and raising five children

Since the Dunbar opened in 1959 all of Joe and Margaret's kids and grandkids have all lent a helping hand in keeping this one of a kind restaurant going strong here in San Angelo.

***NOW, THEREFORE,** I, Dwain Morrison, Mayor of the City of San Angelo, Texas, on behalf of the City Council, do hereby recognize and applaud*

MARGARET BLANEK

***In Witness Whereof,** I have hereunto set my hand and have caused the Official Seal of the City of San Angelo to be affixed this 2nd day of April, 2017.*

Dwain Morrison
Mayor of the City of San Angelo

Recognition

Live Design & Print Shop struck gold at the American Advertising Federation's 2017 Tenth District Awards.

The downtown San Angelo business won a coveted Gold ADDY Award at the regional competition after winning Best of Show, the top award, for the second time at the local ADDY Awards. Live Design's winning entry was crafted by Chrys Forbes and Christina Lee. The duo hand-crafted wedding shower invitations that look like tiny Japanese robes in keeping with the event's theme of "Komonos Encouraged." The design now advances to the National American Advertising Awards in New Orleans in June.

Live Design also won a Silver ADDY Award at the regional competition for a New Year's Eve Wedding Celebration invitation that Forbes and Lee designed for Chrys' nuptials to her husband Colin. Mrs. Forbes is the co-president of the local AAF chapter. She is an active community volunteer and a former 20 Under 40 honoree who, since earning her degree from Angelo State University, has grown Live Design & Print Shop into a thriving and award-winning business.

Therefore, I, Dwain Morrison, Mayor of the City of San Angelo, on behalf of the City Council, do hereby recognize and applaud

***Live Design & Print Shop
Chrys Forbes and Christina Lee***

for their achievement and positive determination to make a difference in our community.

In Witness Whereof, I have hereunto set my hand and have caused the Official Seal of the City of San Angelo to be affixed this 2nd day of May, 2017.

***Dwain Morrison
Mayor of the City of San Angelo***

Proclamation

The month of May is National Historic Preservation Month.

The National Trust for Historic Preservation established this year theme "Together We're Saving Places"

Downtown San Angelo, Inc. has been a vital organization promoting the preservation of history, culture and significant structures in Historic Downtown San Angelo, Texas, and has partnered with Fort Concho, one of the oldest preservation projects of its kind in the nation.

The City of San Angelo has supported the efforts of Downtown San Angelo, Inc. in its endeavors which have fostered economic development, preserved its history through promotional activities and preserved the integrity of its historic structures and architectural integrity.

Downtown San Angelo, Inc. has been an integral partner with the City of San Angelo in advocating tourism in the central business district.

Downtown San Angelo, Inc. has received 2017 National Main Street accreditation for the tenth year in a row a mark of success of this communities commitment to Preservation.

NOW, THEREFORE, I, Dwain Morrison, Mayor of the City of San Angelo, Texas, on behalf of the City Council, do hereby proclaim the month of May, 2017 as

"NATIONAL HISTORIC PRESERVATION MONTH"

In Witness Whereof, I have hereunto set my hand and have caused the Official Seal of the City of San Angelo to be affixed this 2nd day of May, 2017.

Dwain Morrison
Mayor of the City of San Angelo

Proclamation

Mental health is essential to everyone's overall health and well-being.

All Americans experience times of difficulty and stress in their lives.

Prevention is an effective way to reduce the burden of mental health conditions.

There is a strong body of research that supports specific tools that all Americans can use to better handle challenges, and protect their health and well-being.

Mental health conditions are real and prevalent in our nation.

With effective treatment, those individuals with mental health conditions can recover and lead full, productive lives.

Each business, school, government agency, healthcare provider, organization and citizen shares the burden of mental health problems and has a responsibility to promote mental wellness and support prevention efforts.

NOW, THEREFORE, I, Dwain Morrison, Mayor of the City of San Angelo, Texas, on behalf of the City Council, do hereby proclaim the month of May 2017 as

"Mental Health Awareness Month"

in San Angelo and Tom Green County. As the Mayor of San Angelo, I also call upon the citizens, government agencies, public and private institutions, businesses and schools in San Angelo and Tom Green County to recommit our community to increasing awareness and understanding of mental illnesses, the steps our citizens can take to protect their mental health, and the need for appropriate and accessible services for all people with mental health conditions before they reach stage 4.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City to be affixed this 2nd day of May, 2017.

Dwain Morrison, Mayor

Proclamation

The City of San Angelo is committed to recognizing our growth and strength depends on the safety and economic value of the homes, buildings and infrastructure that serve our citizens, both in everyday life and in times of natural disaster.

Our confidence in the structural integrity of these buildings that make up our community is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers and others in the construction industry—who work year-round to ensure the safe construction of buildings.

Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities' largely unknown guardians of public safety—our local code officials—who assure us of safe, efficient and livable buildings that are essential to keep America great.

Therefore, I, Dwain Morrison, Mayor of the City of San Angelo, Texas, on behalf of the City Council, do hereby proclaim the month of May 2016 as

"Building Safety Month"

in San Angelo, Texas

In Witness Whereof, I have hereunto set my hand and have caused the Official Seal of the City of San Angelo to be affixed this 2nd day of May, 2017.

Dwain Morrison
Mayor of the City of San Angelo

Proclamation

The week of May 7-13, 2017, is National Travel & Tourism Week. An annual tradition, Travel & Tourism Week was established by Congressional Resolution in 1983 and first celebrated the following year.

Travel & Tourism generated \$196 million in total direct travel spending in San Angelo in 2015 and generated 3,500 San Angelo jobs. If not for visitor spending in San Angelo, every household would pay an additional \$379 per year in taxes.

The travel and tourism industry is an economic driver that improves the quality of life for all Texans. With a direct economic impact of \$69 billion, travel and tourism supports more than 1.1 million jobs in Texas. State and local tax revenues generated by the industry represent almost 5.5% of all state and local tax revenues in Texas.

Therefore, I, Dwain Morrison, Mayor of the City of San Angelo, Texas, on behalf of the City Council, do hereby proclaim the week of May 7-13, 2017 as

“NATIONAL TRAVEL & TOURISM WEEK”

In San Angelo, Texas,

In Witness Whereof, I have hereunto set my hand and have caused the Official Seal of the City of San Angelo to be affixed this 2nd day of May, 2017

Dwain Morrison
Mayor of the City of San Angelo

Proclamation

Ballet San Angelo has for nearly 34 years brought to our community the artistic expression of dance.

Ballet San Angelo has, over its decades of service to the community, staged innumerable performances and encouraged hundreds of students to move in creative and beautiful ways.

Ballet San Angelo last summer moved into larger, more functional and aesthetically pleasing spaces within the elegant and impressive San Angelo Performing Arts Center, thus allowing the dance company to greatly expand the number of performances and of offerings to the community, including Pilates, Zumba, yoga, salsa dancing and dance for Parkinson's.

Ballet San Angelo successfully rebranded itself with a new name that is both a nod to the past and a glimpse into its bright future, and has welcomed Sandra Miller as its new Artistic Director.

Ballet San Angelo on the evenings of May 12th and May 13th will host its Director's Choice event, featuring contemporary and classical new works from experienced choreographers and specially selected students.

The performance will be preceded by a tour of the Murphey Performance Hall by the Director's Choice presenting sponsor, Lee Lewis Construction.

The Director's Choice event will feature artwork created by Angelo State University students and other local artists in the lobby of the Performing Arts Center.

Therefore, I, Dwain Morrison, Mayor of the City of San Angelo, Texas, on behalf of the City Council, do hereby proclaim May 12th and 13th, 2017, as

"Director's Choice Days"

In San Angelo, Texas, and call upon all in the city of San Angelo to support Ballet San Angelo by attending Director's Choice and the Ballet's many other efforts to make dance and the performing arts accessible to all in our community.

In Witness Whereof, I have hereunto set my hand and have caused the Official Seal of the City of San Angelo to be affixed this 4th day of April, 2017.

Dwain Morrison
Mayor of the City of San Angelo

Proclamation

In 1962, President John F. Kennedy signed a proclamation which designated May 15 as Peace Officers Memorial Day, and the week in which it falls as Police Week

This week is dedicated to pay tribute to those officers who have died in the line of duty and the San Angelo Police Department will have a number of planned events to honor those who have made the ultimate sacrifice

The members of the law enforcement agencies of San Angelo and Tom Green county unceasingly provide vital public services and play an essential role in safeguarding the rights and freedoms of the citizens of San Angelo and Tom Green County

It is important all citizens know and understand the problems, duties, and responsibilities of their law enforcement agencies, and that members of our law enforcement agencies recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression or intimidation

NOW, THEREFORE, I, Dwain Morrison, Mayor of the City of San Angelo, Texas on behalf of the City Council, do hereby proclaim May 14 through May 20, 2017, as

"POLICE WEEK"

and call upon all citizens and organizations of San Angelo to observe this memorial occasion with appropriate ceremonies in which all of our people may join in commemorating law enforcement officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service of their communities

I FURTHER call upon all citizens of San Angelo to observe May 15, 2017, as

"PEACE OFFICERS MEMORIAL DAY"

in honor of those Peace Officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty

In Witness Whereof, I have hereunto set my hand and have caused the Official Seal of the City of San Angelo to be affixed this 2nd day of May, 2017.

Dwain Morrison
Mayor of the City of San Angelo

City of San Angelo, Texas
Regular City Council Meeting
Tuesday, April 18, 2017

Present:

Mayor Dwain Morrison
Mayor Pro tem Charlotte Farmer, SMD 6
Council Member Marty Self, SMD 2
Council Member Harry Thomas, SMD 3
Council Member Lucy Gonzales, SMD 4
Council Member Lane Carter, SMD 5

1. Call to Order

With a quorum of the City Council Members present, Mayor Morrison called the regular session of the San Angelo City Council to order at 8:33 a.m. on Tuesday, April 18, 2017, in the San Angelo McNease Convention Center, 501 Rio Concho Drive, San Angelo, Texas 76903.

2. Prayer and Pledge

An invocation was provided by Bill Wright, Chaplin at Emmanuel Episcopal Church; and the pledges were led by Macy Laudermilk and Kayse Hood, students from TLCA Middle School.

As part of Mayor Morrison's program to showcase local musician talent Ellen Meyer and Kevin Brown performed three songs.

3. Proclamations/Recognitions

Ashley Dyches was recognized for being named the Texas Basketball Association's Class 6A Middle School Coach of the Year

The San Angelo River Walk was recognized for being named a "Great Place in Texas" by the State Chapter of the American Planning Association

The Concho Valley Transit District was recognized for receiving the Outstanding Rural Transit System Award

April 2017 was proclaimed "Sexual Assault Awareness & Prevention Month"

April 27, 2017 was proclaimed "Beta Sigma Phi Day"

May 19, 2017 was proclaimed "Put on Purple Day"

4. Public Comment

Chamber of Commerce President Dan Koenig introduced Diane Bayes, the newly named Vice President of the Convention & Visitors Bureau.

Chris Giroux requested the council pull item 5h for a separate discussion.

5. Consent Agenda

- a. Approval of the April 4, 2017 City Council regular meeting minutes
- b. Adoption of a resolution authorizing applicant, Simply Texas Blues Festival Committee, to hold a special event downtown, known as, "Simply Texas Blues Festival," permitting specified activities;

imposing requirements on applicant; and granting variances relating to rules and regulations of ordinances

- c. Approval of authorizing the City Manager or his designee to execute a month to month airport lease and license agreement and related documents with Ranger Aviation Enterprises, Inc. in the amount of \$3,301 monthly/\$39,612 annually
- d. Adoption of a resolution authorizing a tax resale deed (Quitclaim) to be executed by the Mayor on behalf of the city and all taxing units in the Tax Foreclosure Judgment or Tax Warrant to the following properties:
 - 1. 2105 Lillie St; N85.5' of S225' of Block 8, E S Kirby Addition; Chavez (\$2,150)
 - 2. 1710 McGlothlin; Lot 13, Block 2, Summit Heights Addition; Martinez (\$3,000)
- e. Approval of declaring the remnant of Lot 1, Block 4, Ben Ficklin Addition No. 1, purchased for roadway use, surplus for the purpose of disposing of surplus property for the fair market value and authorizing the City Manager to execute all documents necessary to convey the surface estate only in the surplus property by Special Warranty Deed to the adjacent property owner, reserving unto the City of San Angelo all mineral interests, surface and ground water rights
- f. Adoption of a resolution conditionally approving assignment of the lease agreement pertaining to 28 acres of City owned land and meat processing facility by San Angelo Packing Company, Inc. to Robinson Premium Beef, LLC dated July 18, 2014; authorizing the City Manager to execute an amendment to the lease agreement
- g. Approval of annual recertification for Galilee Community Development Corporation as a Community Housing Development Organization(CHDO)
- h. Approval of second reading and adoption of an ordinance amending Appendix A "Fee Schedule", Article A6.000, "Parks Use Fees"; by renaming said Article "Parks and Recreation Fees"; adding Section A6.005 "Park Facility and Activity Fees"
- i. Approval of second reading and adoption of an ordinance amending the 2016-2017 budget for capital projects

Motion: Council Member Farmer made a motion, seconded by Council Member Self, to approve the consent agenda with the exception of item 5h. The motion carried unanimously (6) ayes to (0) nays.

Motion: Council Member Self made a motion, seconded by Council Member Farmer, to approve item 5h, adopting the ordinance as presented. The motion carried unanimously (6) ayes to (0) nays.

6. Regular Agenda

- a. Denial of an appeal of the denial of a City Taxi Permit - (Appeal by Lola Luthe)

Information was provided by representatives from the San Angelo Police Department, Goodfellow Air Force Base, and the San Angelo Regional Airport.

Motion: Council Member Thomas made a motion, seconded by Council Member Farmer, to deny the appeal and uphold the denial of the permit. The motion carried unanimously (6) ayes to (0) nays.

- b. Annual Presentation was made by San Angelo Community Medical Center on the state of the Employee Wellness Program - (Presentation was made by Sheryl Pfluger, Janet Charlesworth and Mary Solomon)

No action was taken on this item

- c. Approval of first reading and consider adopting an ordinance amending Chapter 7 "Health and Sanitation" Sections 7.05.006 "Prohibition of Smoking in Outdoor Sports Areas" and 7.05.008 "Where Smoking not Regulated", providing for severability and an effective date - (Presentation was made by Parks & Recreation Director Carl White)

Motion: Council Member Farmer made a motion, seconded by Council Member Thomas, to approve the ordinance, as presented. The motion carried (5) ayes to (1) nays, with Mayor Morrison casting the dissenting vote.

- d. Approval of public hearing and second reading adopting an ordinance regarding the voluntary annexation of 17.192 acres generally located south of U.S. Highway 67 and west of Southland Boulevard at the end of Willeke Drive and Pinon Ridge Drive - (Presentation was made by Planning & Development Services Director Jon James)

Motion: Council Member Farmer made a motion, seconded by Council Member Self, to adopt the ordinance, as presented. The motion carried unanimously (6) ayes to (0) nays.

- e. Approval of first reading and public hearing for Case Z17-01, an Ordinance approving a request for a rezoning from the Ranch and Estate Zoning District (R&E) to the Single-family Residential (RS-1) Zoning District, generally located west of Willeke and Pinon Ridge Drives, west of the Prestonwood residential development, on 17.192 acres - (Presentation was made by Planning & Development Services Director Jon James)

Motion: Council Member Farmer made a motion, seconded by Council Member Carter, to approve the ordinance, as presented. The motion carried unanimously (6) ayes to (0) nays.

- f. Approval of first reading and public hearing for Case SU17-02, an Ordinance approving a request for a Special Use to allow for Retail Sales and Service; Industrial Service; and Wholesale Trade, in the Neighborhood Commercial (CN) Zoning District, generally located at the southeast corner of the Houston Harte Expressway Frontage Road (Ellis Street) and Montague Avenue, on 4.651 acres - (Presentation was made by Planning & Development Services Director Jon James)

Motion: Council Member Carter made a motion, seconded by Council Member Thomas, to approve the ordinance, as presented with the addition of allowing RV repair, outdoor storage of other equipment, and requiring 220 ft distance between the workshop and any residence. The motion carried (5) ayes to (1) nays, with Council Member Gonzales casting the dissenting vote.

- g. Approval of first reading and public hearing for Case Z17-02, an Ordinance approving a request for a rezoning from the Single-Family Residence (RS-1) Zoning District to the Neighborhood Commercial (CN) Zoning District, generally located at the north/northwest corner of West 17th Street and North Bryant Boulevard (U.S. 87), on 0.345 acres - (Presentation was made by Planning & Development Services Director Jon James)

Motion: Council Member Gonzales made a motion, seconded by Council Member Thomas, to approve the ordinance, as presented. The motion carried unanimously (6) ayes to (0) nays.

- h. Approval of first reading and public hearing for Case SU17-01, an Ordinance approving a request for a Special Use to allow for an Automobile and Boat Dealer (Automobile and Light Truck Sales Only) within the Neighborhood Commercial (CN) Zoning District, generally located at the

north/northwest corner of West 17th Street and North Bryant Boulevard (U.S. 87), on 0.345 acres - (Presentation was made by Planning & Development Services Director Jon James)

Motion: Council Member Gonzales made a motion, seconded by Council Member Thomas, to approve the item, as presented. The motion carried unanimously (6) ayes to (0) nays.

- i. Approval of first reading and public hearing of an ordinance approving a request for the vacation and abandonment of all of the east-to-west public alley located in Block 1, Rio Vista Addition, consisting of approximately 0.064 acres (2,794 square feet), generally located 124 feet north of Paint Rock Road, emanating westward from the west right-of-way line of Jordan Street - (Presentation was made by Planning & Development Services Director Jon James)

Motion: Council Member Thomas made a motion, seconded by Council Member Self, to approve the ordinance, as presented. The motion carried unanimously (6) ayes to (0) nays.

- j. Approval of first public hearing and consideration of an ordinance amending the Land Development and Subdivision Ordinance to allow for the submittal of plat applications in accordance with a published schedule and to allow for variances to two provisions that are currently not variable regarding street access to a Manufactured Home Park, Mobile Home Park, and Recreational Vehicle Park and regarding the restriction of dead-end streets not providing exclusive frontage to more than 40 lots or tracts of land - (Presentation was made by Planning & Development Services Director Jon James)

Motion: Council Member Self made a motion, seconded by Council Member Farmer, to approve the ordinance, as presented. The motion carried unanimously (6) ayes to (0) nays.

- k. Approval of first public hearing and consideration of an Ordinance amending the Zoning Ordinance, Article 5, Sections 501 and 804 establishing a definition and creating development standards for Industrialized Housing (i.e. Modular Homes) - (Presentation was made by Planning & Development Services Director Jon James)

Motion: Council Member Self made a motion, seconded by Council Member Farmer, to approve the ordinance, as presented. The motion carried unanimously (6) ayes to (0) nays.

- l. Presentation and update on the development review process and software implementation – (Presentation was made by Planning & Development Services Director Jon James)

No action was taken on this item.

Council Member Self left the meeting at 12:01 p.m.

- m. Discussion on water fund performance including:
 - 1. Update of the five year rate plan; and
 - 2. Denial of issuing rebates of water fees – (Presentation was made by Budget Manager Morgan Chegwiddden)

Motion: Council Member Farmer made a motion, seconded by Council Member Self, not to issue rebates at this time. The motion carried (4) ayes to (1) nays, with Mayor Dwain Morrison casting the dissenting vote.

- n. Update on Sales Tax revenue performance - (Presentation was made by Finance Director Tina Dierschke)

No action was taken on this item.

7. Closed Session

Executive Session under the provision of Government Code, Title 5. Open Government; Ethics, Subtitle A. Open Government, Chapter 551. Open Meetings, Subchapter D. Exceptions to Requirement that Meetings be Open under the following sections:

- a. ~~Section 551.071(1)(A) consult with attorney when the governmental body seeks the advice of its attorney about pending or contemplated litigation regarding:~~
 - 1. ~~2013 Sealcoating Program Contract~~
 - 2. ~~Templeton Construction, Inc.~~
 - 3. ~~Alsay, Inc.~~
 - 4. ~~City of San Angelo v. Spillman Technologies, Inc.~~

8. Follow Up and Administrative Issues

- a. Consider items discussed in Executive Session, if needed

No action was taken on this item, no executive session was held.

- b. Approval of various Board nominations:

Animal Shelter Advisory Committee: Mo Soupiset (SMD5) to a 1st full term ending in January 2019; Bradley Petty (SMD6) to a 2nd full term ending in January 2019; and Victor Schulze (Mayor) to a 1st full term ending in January 2019

Civic Events Board: Tim Condon (SMD2) to a 2nd full term ending October 2019; and Donald Barnhardt (SMD6) to a 1st full term ending October 2019.

Construction Board: Bill Ford (SMD2/Commercial Building Contractor) to a 1st full term ending February 2019; and Lyndon Butler (SMD6) to a 1st full term ending February 2019,

COSADC: Tommy Hiebert (SMD2) to a 2nd full term ending February 2019

Design and Historic Review Commission: Henry Schmidt (SMD6) to a first full term ending September 2019

Park & Recreation Advisory Board: Michael Perry (SMD4) to a 1st full term ending December 2018

Zoning Board: David Morales (SMD4) to a first full term ending January 2019

Items 8a and 8b were considered out of posted order, after item 6L.

Motion: Council Member Self made a motion, seconded by Council Member Gonzales, to approve the nominations, as presented. The motion carried unanimously (6) ayes to (0) nays.

- c. Announcements and consideration of Future Agenda Items

Council Member Carter mentioned the possibility of working with West Texas Water Partnership to clear out Mesquite, Salt Cedar and Juniper.

Council Member Thomas asked for a Public Information Video on instructions related to the Bulk Pickup

9. Adjournment

Motion: Council Member Farmer made a motion, seconded by Council Member Carter, to adjourn the meeting. The motion carried unanimously (5) ayes to zero (0) nays.

There being no further business, the meeting was adjourned at 12:23 p.m.

THE CITY OF SAN ANGELO

Dwain Morrison, Mayor

ATTEST:

Bryan Kendrick, City Clerk

In accordance with Chapter 2, Article 2.300, of the Official Code of the City of San Angelo, the minutes of this meeting consist of the preceding Minute Record and the Supplemental Minute Record. Details on Council meetings may be obtained from the City Clerk's Office or a video of the entire meeting may be purchased from the Public Information Officer at 481-2727. (Portions of the Supplemental Minute Record video tape recording may be distorted due to equipment malfunction or other uncontrollable factors.)

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Cynthia Preas, Real Estate Manager, Real Estate, 325-657-4212

Meeting Date: May 2, 2017

Item type: Consent Item

Caption:

Consider authorizing the sale of the following Lake Nasworthy properties to current residential lot lease holders for the appraised value (C. Preas):

1. 1570 S. Concho Dr.; Lake Nasworthy; \$111,239
2. 1609 Canal Road; Lake Nasworthy Addition; \$25,400
3. 2686 Sleepy Hollow Rd; Lake Nasworthy Addition; \$98,262
4. 2706 Red Bluff Ramp Rd; Lake Nasworthy; \$86,800
5. 2734 Red Bluff Ramp Rd; Lake Nasworthy; \$96,700
6. 3121 Red Bluff Rd E; Lake Nasworthy; \$73,341

Summary/History:

If the sales are approved at the appraised values, title examinations will be performed and legal staff will prepare Real Estate Contracts of Sale, Special Warranty Deeds and Surrenders of Leases.

Sale of the surface estate of city-owned Lake Nasworthy residential lots is governed by City of San Angelo Code of Ordinances, Article 9.03, Sec. 9.03.004.

Financial Impact:

Upon approval, proceeds from the sale of residential lots will be placed in the Lake Nasworthy Trust Fund.

Other Information/Recommendation:

Staff recommends approval.

Attachments:

- | | |
|---|---|
| 1. Summary Appraisal 1609 Canal Rd | 1609 Canal Road - Summary Appraisal.pdf |
| 2. Summary Appraisal 2686 Sleepy Hollow Rd | 2686 Sleepy Hollow Road - Summary Appraisal.pdf |
| 3. Summary Appraisal 1570 S Concho | 1570 S. Concho -Summary Appraisal.pdf |
| 4. Summary Appraisal 2706 Red Bluff Ramp Rd | 2706 Red BLuff Ramp Rd. - Summary Appraisal.pdf |
| 5. Summary Appraisal 2734 Red Bluff Ramp Rd | 2734 Red Bluff Ramp Rd. - Summary Appraisal.pdf |
| 6. Summary Appraisal 3121 Red Bluff Rd E | 3121 Red Bluff Rd. E. - Summary Appraisal.pdf |

Presentation:

Approvals/Reviews:

Cynthia Preas	Created/Initiated
Cynthia Preas	Approved
Theresa James	Approved
Anthony Wilson	Approved
Julia Antilley	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Bryan Kendrick	Final Approval

APPRAISAL OF REAL PROPERTY

LOCATED AT

1609 Canal Rd
San Angelo, TX 76904
Lot 126, Block 6, Section 1, Group Shady Point, Lake Nasworthy Addition

FOR

City of San Angelo
72 W. College Ave
San Angelo, TX 76903

AS OF

02/23/2017

BY

Kevin J. Halfmann
Crystal N. Bancroft
Halfmann Appraisals
133 W Concho Ave Ste 208
San Angelo, TX 76903-6462
(325) 655-1278
www.halfmannrealty.com

Halfmann Appraisals
133 W Concho Ave Ste 208
San Angelo, TX 76903-6462
(325) 655-1278
www.halfmannrealty.com

03/10/2017

City of San Angelo
Real Estate Division
72 W. College Ave
San Angelo, TX 76903

Re: Property: 1609 Canal Rd
San Angelo, TX 76904
Borrower: Grant Odom, Trustee
File No.: R17-0070

Opinion of Value: \$ 25,400
Effective Date: 02/23/2017

In accordance with your request, we have appraised the above referenced property. The report of that appraisal is attached.

The purpose of the appraisal is to develop an opinion of market value for the property described in this appraisal report, as improved, in unencumbered fee simple title of ownership (surface only).

This report is based on a physical analysis of the site only, a locational analysis of the neighborhood and city, and an economic analysis of the market for properties such as the subject. The appraisal was developed and the report was prepared in accordance with the Uniform Standards of Professional Appraisal Practice.

The opinion of value reported above is as of the stated effective date and is contingent upon the certification and limiting conditions attached.

It has been a pleasure to assist you. Please do not hesitate to contact me or any of my staff if we can be of additional service to you.

Respectfully Submitted,



Crystal N. Bancroft
Appraiser Trainee
License or Certification #: 1340109
State: TX Expires: 05/31/2018
niki@halfmannrealty.com



Kevin J. Halfmann
License or Certification #: 1320469-G
State: TX Expires: 04/30/2017
(325)655-1278
kevin@halfmannrealty.com

APPRAISAL OF REAL PROPERTY

LOCATED AT

2686 Sleepy Hollow Rd
San Angelo, TX 76904
Lot 56, Block 1, Section 1, Group Fishermans Rd, Lake Nasworthy Addition

FOR

City of San Angelo
72 W. College Ave
San Angelo, TX 76903

AS OF

03/29/2017

BY

Kevin J. Halfmann
Crystal N. Bancroft
Halfmann Appraisals
133 W Concho Ave Ste 208
San Angelo, TX 76903-6462
(325) 655-1278
www.halfmannrealty.com

Halfmann Appraisals
133 W Concho Ave Ste 208
San Angelo, TX 76903-6462
(325) 655-1278
www.halfmannrealty.com

04/12/2017

City of San Angelo
Real Estate Division
72 W. College Ave
San Angelo, TX 76903

Re: Property: 2686 Sleepy Hollow Rd
San Angelo, TX 76904
Borrower: Laurie Johansen
File No.: R17-0220

Opinion of Value: \$ 98,262
Effective Date: 03/29/2017

In accordance with your request, we have appraised the above referenced property. The report of that appraisal is attached.

The purpose of this appraisal is to estimate the market value of the property described in this appraisal report, as unimproved, in Leased Fee ownership per the hypothetical condition given by the City of San Angelo stated in the Addenda.

This report is based on a physical analysis of the site only, an analysis of the neighborhood and city, and an economic analysis of the market for properties such as the subject. The appraisal was developed and the report was prepared in accordance with the Real Estate Uniform Standards of Professional Appraisal Practice.

The value conclusions reported, are as of the effective date stated in the body of the report. This is contingent upon the certification and limiting conditions, as well as the hypothetical condition given by the City of San Angelo.

It has been a pleasure to assist you. Please do not hesitate to contact me or any of my staff if we can be of additional service to you.

Respectfully Submitted,



Crystal N. Bancroft
Appraiser Trainee
License or Certification #: 1340109
State: TX Expires: 05/31/2018
niki@halfmannrealty.com



Kevin J. Halfmann
License or Certification #: 1320469-G
State: TX Expires: 04/30/2017
(325)655-1278
kevin@halfmannrealty.com

APPRAISAL OF REAL PROPERTY

LOCATED AT

1570 S Concho Dr
San Angelo, TX 76904
Lot 7, Block 1, Group South Concho, Lake Nasworthy Addition

FOR

City of San Angelo
72 W. College Ave
San Angelo, TX 76903

AS OF

03/29/2017

BY

Kevin J. Halfmann
Crystal N. Bancroft
Halfmann Appraisals
133 W Concho Ave Ste 208
San Angelo, TX 76903-6462
(325) 655-1278
www.halfmannrealty.com

Halfmann Appraisals
133 W Concho Ave Ste 208
San Angelo, TX 76903-6462
(325) 655-1278
www.halfmannrealty.com

04/13/2017

City of San Angelo
Real Estate Division
72 W. College Ave
San Angelo, TX 76903

Re: Property: 1570 S Concho Dr
San Angelo, TX 76904
Borrower: Jim & Erma Defee
File No.: R17-0230

Opinion of Value: \$ 111,239
Effective Date: 03/29/2017

In accordance with your request, we have appraised the above referenced property. The report of that appraisal is attached.

The purpose of this appraisal is to estimate the market value of the property described in this appraisal report, as unimproved, in Leased Fee ownership per the hypothetical condition given by the City of San Angelo stated in the Addenda.

This report is based on a physical analysis of the site only, an analysis of the neighborhood and city, and an economic analysis of the market for properties such as the subject. The appraisal was developed and the report was prepared in accordance with the Real Estate Uniform Standards of Professional Appraisal Practice.

The value conclusions reported, are as of the effective date stated in the body of the report. This is contingent upon the certification and limiting conditions, as well as the hypothetical condition given by the City of San Angelo.

It has been a pleasure to assist you. Please do not hesitate to contact me or any of my staff if we can be of additional service to you.

Respectfully Submitted,



Crystal N. Bancroft
Appraiser Trainee
License or Certification #: 1340109
State: TX Expires: 05/31/2018
niki@halfmannrealty.com



Kevin J. Halfmann
License or Certification #: 1320469-G
State: TX Expires: 04/30/2017
(325)655-1278
kevin@halfmannrealty.com

APPRAISAL OF REAL PROPERTY

LOCATED AT

2706 Red Bluff Ramp Rd
San Angelo, TX 76904
Lot 2, Block 1, Section 1, Group Red Bluff, Lake Nasworthy Addition

FOR

City of San Angelo
72 W. College Ave
San Angelo, TX 76903

AS OF

03/29/2017

BY

Kevin J. Halfmann
Crystal N. Bancroft
Halfmann Appraisals
133 W Concho Ave Ste 208
San Angelo, TX 76903-6462
(325) 655-1278
www.halfmannrealty.com

Halfmann Appraisals
133 W Concho Ave Ste 208
San Angelo, TX 76903-6462
(325) 655-1278
www.halfmannrealty.com

04/13/2017

City of San Angelo
Real Estate Division
72 W. College Ave
San Angelo, TX 76903

Re: Property: 2706 Red Bluff Ramp Rd
San Angelo, TX 76904
Borrower: Federal Home Loan Mortgage Corp
File No.: R17-0180

Opinion of Value: \$ 86,800
Effective Date: 03/29/2017

In accordance with your request, we have appraised the above referenced property. The report of that appraisal is attached.

The purpose of the appraisal is to develop an opinion of market value for the property described in this appraisal report, as improved, in unencumbered fee simple title of ownership (surface only).

This report is based on a physical analysis of the site only, a locational analysis of the neighborhood and city, and an economic analysis of the market for properties such as the subject. The appraisal was developed and the report was prepared in accordance with the Uniform Standards of Professional Appraisal Practice.

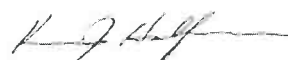
The opinion of value reported above is as of the stated effective date and is contingent upon the certification and limiting conditions attached.

It has been a pleasure to assist you. Please do not hesitate to contact me or any of my staff if we can be of additional service to you.

Respectfully Submitted,



Crystal N. Bancroft
Appraiser Trainee
License or Certification #: 1340109
State: TX Expires: 05/31/2018
niki@halfmannrealty.com



Kevin J. Halfmann
License or Certification #: 1320469-G
State: TX Expires: 04/30/2017
(325)655-1278
kevin@halfmannrealty.com

APPRAISAL OF REAL PROPERTY

LOCATED AT

2734 Red Bluff Ramp Rd
San Angelo, TX 76904
Lot 9, Block 1, Section 1, Group Red Bluff, Lake Nasworthy Addition

FOR

City of San Angelo
72 W. College Ave
San Angelo, TX 76903

AS OF

03/29/2017

BY

Kevin J. Halfmann
Crystal N. Bancroft
Halfmann Appraisals
133 W Concho Ave Ste 208
San Angelo, TX 76903-6462
(325) 655-1278
www.halfmannrealty.com

Halfmann Appraisals
133 W Concho Ave Ste 208
San Angelo, TX 76903-6462
(325) 655-1278
www.halfmannrealty.com

04/13/2017

City of San Angelo
Real Estate Division
72 W. College Ave
San Angelo, TX 76903

Re: Property: 2734 Red Bluff Ramp Rd
San Angelo, TX 76904
Borrower: Matthew & Gretchen Goldman
File No.: R17-0320

Opinion of Value: \$ 96,700
Effective Date: 03/29/2017

In accordance with your request, we have appraised the above referenced property. The report of that appraisal is attached.

The purpose of the appraisal is to develop an opinion of market value for the property described in this appraisal report, as improved, in unencumbered fee simple title of ownership (surface only).

This report is based on a physical analysis of the site only, a locational analysis of the neighborhood and city, and an economic analysis of the market for properties such as the subject. The appraisal was developed and the report was prepared in accordance with the Uniform Standards of Professional Appraisal Practice.

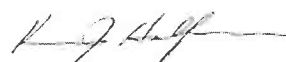
The opinion of value reported above is as of the stated effective date and is contingent upon the certification and limiting conditions attached.

It has been a pleasure to assist you. Please do not hesitate to contact me or any of my staff if we can be of additional service to you.

Respectfully Submitted,



Crystal N. Bancroft
Appraiser Trainee
License or Certification #: 1340109
State: TX Expires: 05/31/2018
niki@halfmannrealty.com



Kevin J. Halfmann
License or Certification #: 1320469-G
State: TX Expires: 04/30/2017
(325)655-1278
kevin@halfmannrealty.com

APPRAISAL OF REAL PROPERTY

LOCATED AT

3121 Red Bluff Rd E
San Angelo, TX 76904
Lot 85, Block 4, Section 4, Group Red Bluff, Lake Nasworthy Addition

FOR

City of San Angelo
72 W. College Ave
San Angelo, TX 76903

AS OF

03/29/2017

BY

Kevin J. Halfmann
Crystal N. Bancroft
Halfmann Appraisals
133 W Concho Ave Ste 208
San Angelo, TX 76903-6462
(325) 655-1278
www.halfmannrealty.com

Halfmann Appraisals
133 W Concho Ave Ste 208
San Angelo, TX 76903-6462
(325) 655-1278
www.halfmannrealty.com

04/13/2017

City of San Angelo
Real Estate Division
72 W. College Ave
San Angelo, TX 76903

Re: Property: 3121 Red Bluff Rd E
San Angelo, TX 76904
Borrower: Bryan & Janell Knowlton
File No.: R17-0170

Opinion of Value: \$ 73,341
Effective Date: 03/29/2017

In accordance with your request, we have appraised the above referenced property. The report of that appraisal is attached.

The purpose of this appraisal is to estimate the market value of the property described in this appraisal report, as unimproved, in Leased Fee ownership per the hypothetical condition given by the City of San Angelo stated in the Addenda.

This report is based on a physical analysis of the site only, an analysis of the neighborhood and city, and an economic analysis of the market for properties such as the subject. The appraisal was developed and the report was prepared in accordance with the Real Estate Uniform Standards of Professional Appraisal Practice.

The value conclusions reported, are as of the effective date stated in the body of the report. This is contingent upon the certification and limiting conditions, as well as the hypothetical condition given by the City of San Angelo.

It has been a pleasure to assist you. Please do not hesitate to contact me or any of my staff if we can be of additional service to you.

Respectfully Submitted,



Crystal N. Bancroft
Appraiser Trainee
License or Certification #: 1340109
State: TX Expires: 05/31/2018
niki@halfmannrealty.com



Kevin J. Halfmann
License or Certification #: 1320469-G
State: TX Expires: 04/30/2017
(325)655-1278
kevin@halfmannrealty.com

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Cynthia Preas, Real Estate Manager, Real Estate, 325-657-4212

Meeting Date: May 2, 2017

Item type: Consent Item

Caption:

Consider a resolution authorizing a tax resale deed (Quitclaim) to be executed by the Mayor on behalf of the city and all taxing units in the Tax Foreclosure Judgment or Tax Warrant to the following property (C. Preas): 108 W. 10th (\$2,000)

Summary/History:

The Subject property was auctioned at Sheriff's Sale. No offers were received causing subject property to be struck-off to the City, as Trustee for itself and other taxing entities.

Financial Impact:

Upon approval: (1) The City will retain a \$500 Administration fee; (2) The balance will be distributed according to the judgment or tax warrant on the Sheriff's Return; (3) Property will be reinstated back onto tax roll. Savings to the City includes minimum \$90 per year in maintenance charges.

Other Information/Recommendation:

Staff recommends approval.

Attachments:

- | | |
|-------------------------------------|--------------------------------------|
| 1. Map 108 W. 10th St | Map 108 W. 10th St.pdf |
| 2. Property Analysis 108 W. 10th St | Property Analysis 108 W. 10th St.pdf |
| 3. Tax Resale Resolution | Resolution Tax Resale.docx |

Presentation:

None

Approvals/Reviews:

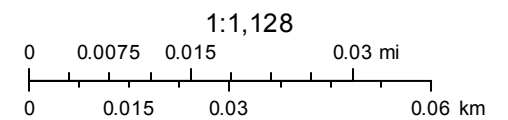
Cynthia Preas	Created/Initiated
Cynthia Preas	Approved
Theresa James	Approved
Anthony Wilson	Approved
Julia Antilley	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Bryan Kendrick	Final Approval

108 W. 10th Street



April 19, 2017

 Tax Parcels



PROPERTY ANALYSIS

For Tax Resale Property

Legal Description: Lot 11, Block 76, Miles Addition, City of San Angelo, Tom Green County, Texas, as described in deed recorded in Instrument No. 649542, Official Public Records, Tom Green County, Texas.

Improved/Unimproved Unimproved

Tax Suit Number: B-14-0236-TAX

Location: 108 W. 10th Street

City of San Angelo, et al. Saul Sanchez Lopez, Individually and dba Sanchez Handyman
vs.

Tax ID Number: Acct #19-34200-0076-011-00

Judgment Date: August 31, 2015

Date of Sheriff's Sale: March 7, 2017

Sheriff's Deed Recorded: March 14, 2017

Years Held in Trust

1 month

Adjudge Value: \$ 2,682.84

Urban Redevelopment Program?

No

Amount of Offer: \$ 2,000.00

Purchaser: Galilee Community Development Corporation

	Amounts Due		Priority Allocations	% of Remainder	Pro Rata Allocations	Amounts Distributed
	Fees	Judgment				
Administration Fee	\$500.00		\$500.00	0.00%		\$500.00
Maintenance Fee	\$0.00		\$0.00	100.00%		\$0.00
District Clerk	\$298.00		\$298.00	100.00%		\$298.00
Sheriff's Fee	\$100.00		\$100.00	100.00%		\$100.00
Attorney Fee	\$402.00		\$402.00	100.00%		\$402.00
Municipal Liens		\$775.22		37.18%		\$288.21
Taxes		\$1,107.62		37.18%		\$411.79
Total	\$1,300.00	\$1,882.84	\$1,300.00		\$0.00	\$2,000.00
Actual Total Amt Due		\$3,182.84				
Amount Remaining						

Offer will satisfy a portion of the court costs and Taxes, according to the Judgment.

**A RESOLUTION OF THE CITY OF SAN ANGELO AUTHORIZING THE
MAYOR TO EXECUTE A TAX-RESALE (QUITCLAIM) DEED
CONVEYING ALL RIGHT, TITLE AND INTEREST OF THE CITY OF
SAN ANGELO, AND ALL OTHER TAXING UNITS INTERESTED IN THE
TAX FORECLOSURE JUDGMENT**

WHEREAS, by Sheriff's Sale, the properties described below were struck-off to the City of San Angelo, Trustee, pursuant to a delinquent tax foreclosure decree of the 119th Judicial District, Tom Green County, Texas; and

WHEREAS, offers have been made for the purchase of said properties pursuant to Section 34.05, Texas Tax Code Ann.(Vernon, 1982); and

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANGELO that its Mayor, Dwain Morrison, is hereby authorized to execute a Tax-Resale (quitclaim) Deed conveying all of the right, title, and interest of the City of San Angelo, and all other taxing units interested in the below described real properties to the named individuals or entities:

Conveying to:

Galilee Community Development Corporation (\$2,000)

Lot 11, Block 76, Miles Addition, City of San Angelo, Tom Green County Texas, as described in deed recorded in Instrument No. 649542, Official Public Records, Tom Green County, Texas, described in Judgment foreclosing tax lien entered August 31, 2015, 119th District Court, Tom Green County, Cause No. B-14-0236-TAX, and conveyed by Sheriff's Deed dated March 13, 2017, recorded as Instrument No. 201703230.
Acct. #15-30200-0008-002-00

APPROVED AND ADOPTED ON THE _____ DAY OF _____, 2017.

THE CITY OF SAN ANGELO

Attest:

Dwain Morrison, Mayor

Bryan Kendrick, City Clerk

Approved As to Content:

Approved As to Form:

Cindy S. Preas, Real Estate Manager

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Cynthia Preas, Real Estate Manager, Operations, 325-657-4212

Meeting Date: May 2, 2017

Item type: Consent Item

Caption:

Consider approving the purchase of 4.047 acre tract out of William Nevels Survey 2 and J. McNease Survey 176 1/4 from the Texas Southwest Council Boy Scouts of America, for use by the Public Works Department, Stormwater Division, for a price not to exceed \$7,500 (S. Kelton)

Summary/History:

The subject property is located adjacent to and south of an alley that runs behind residences in the 3100 Block of Oxford Avenue, and is in the flood plain for the Red Arroyo.

The property was acquired by the Concho Valley Council of the Boy Scouts of America, n/k/a Texas Southwest Council Boy Scouts of America, on November 26, 1974. The property remains vacant; the only access is from an alley; and a large portion of the property lies within a flood plain.

The City currently maintains a portion of the property abutting the Red Arroyo.

The appraised value of the property is \$22,000. Due to the limited access and a large portion of the property being in the flood plain, the Southwest Council Boy Scouts of America and staff from the Operations Department have negotiated a purchase price, including costs, not to exceed \$7,500.

Financial Impact:

Purchase price, including closing cost, not to exceed \$7,500

Other Information/Recommendation:

Staff recommends approval.

Attachments:

- | | |
|---------------------|----------------------|
| 1. Map 4.0470 Acres | Map 4.0470 Acres.pdf |
|---------------------|----------------------|

Presentation:

None

Approvals/Reviews:

Cynthia Preas	Created/Initiated
Shane Kelton	Approved
Theresa James	Approved
Anthony Wilson	Approved
Julia Antilley	Approved

Tina Dierschke
Theresa James
Becky Dunn
Bryan Kendrick

Approved
Approved
Approved
Final Approval

AERIAL PHOTOGRAPH OF SUBJECT PROPERTY



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Paul Hathaway, Street & Bridge Superintendent, Street and Bridge, 325-657-4377

Meeting Date: May 2, 2017

Item type: Regular Item

Caption:

Consider awarding RFB SB-02-17 HD-5 Propane to Schneider Distributing as the primary vendor and Concho Propane as the secondary vendor in the amount of \$600,000, budgeted annually, and authorizing the City Manager or designee to execute any related documents (S.Kelton)

Summary/History:

The City solicited bids for the purchase and on-site delivery of bulk HD-5 propane, purchase and rental pricing for 100 gallon propane containers, and the servicing of such containers. These products will primarily be for use by the Street and Bridge Division in the street recycling and trench repair services.

Six local vendors were solicited with two responses received by the City. Council approval will allow Schneider Distributing to be used as the primary vendor with Concho Propane awarded as the secondary vendor. Award to multiple vendors is requested at this time due to the unfamiliar circumstances surrounding the new street rehabilitation methods by both the City and the respondents.

Bid pricing will be contracted for a one-year term with the option to renew for one additional year.

Financial Impact:

Funds are budgeted annually and available in the Street and Bridge operating fund.

Other Information/Recommendation:

Staff recommends award to Schneider Distributing, San Angelo, TX. as the primary vendor and Concho Propane, San Angelo, TX as the secondary supplier.

Attachments:

- | | | |
|----|--------------|----------------------|
| 1. | HD-5 Propane | SB-02-17 Bid Tab.pdf |
|----|--------------|----------------------|

Presentation:

Approvals/Reviews:

Paul Hathaway	Created/Initiated
Shane Kelton	Approved
Theresa James	Approved
Anthony Wilson	Approved
Julia Antilley	Approved
Tina Dierschke	Approved

Theresa James
Becky Dunn
Bryan Kendrick

Approved
Approved
Final Approval



CITY OF SAN ANGELO

RFB Bid Tabulation * SB-02-17/ HD-5 Propane

April 4, 2017 at 2:00 p.m.

		Concho Propane	Schneider Distributing
FUELING LOCATION	PRICING TYPE	COST	COST
Bulk Delivery	Additional Cost:	\$ 1.00 /Gallon	\$ 0.59 /Gallon
Container Delivery			
Leased Containers	Lease Price:	\$ 20.00/month /Container	\$ 72.00/year/Container
	Refill & Delivery Price:	\$ 4.00 /Gallon	\$ 1.39 /Gallon
Purchased Containers	Selling Price:	\$ 180.00 /Container	\$ 180.00 /Container
	Refill & Delivery Price:	\$ 4.00 /Gallon	\$ 1.39 /Gallon
Vendor Location 1 (list address):	Additional Cost:	\$ 2.60 /Gallon	\$ 1.39 /Gallon
		8750 N. US Hwy 87	1 S. Abe

Piggy-back	No	Yes
Cooperative	No	No
P-Card	No	Yes, 0% discount
Payment Terms/Discount	No	Net 30

Mailed to:

1	Concho Propane	
2	Schneider Distributing	
3	Sunoco	returned
4	Fox Propane	
5	Hurricane Propane	returned
6	WTG Fuels, Inc.	no bid

NOTE: Include this form with your Agenda Memo

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Allison Strube, Water Utilities Assistant Director, Water Utilities, 325-657-4209

Meeting Date: May 2, 2017

Item type: Consent Item

Caption:

Consider awarding WU-05-17 Caustic Soda to DPC Industries in the amount of \$176,100 annually for one (1) year with three (3) additional one (1) year term extensions, budgeted for purchase FY2017, FY2018, FY2019, and FY2020 and authorizing the City Manager or designee to execute any related documents (B. Riley)

Summary/History:

Bids have been received from four (4) suppliers for the purchase of caustic soda for use at the water treatment plant. The low bid was submitted by DPC Industries, Inc. of Sweetwater, Texas.

Caustic Soda is used to control the pH of the treated drinking water at the city's water treatment plant.

Financial Impact:

Total estimated annual expenditure of \$176,100 budgeted within the Water Treatment Plant operating budget.

Other Information/Recommendation:

Staff recommends the low bid be accepted and the City Manager be authorized to execute the contract documents.

Attachments:

- | | | |
|----|------------------|----------------------|
| 1. | WU-05-17 Bid Tab | WU-05-17 Bid Tab.pdf |
|----|------------------|----------------------|

Presentation:

Approvals/Reviews:

Allison Strube	Created/Initiated
Bill Riley	Approved
Theresa James	Approved
Anthony Wilson	Approved
Julia Antilley	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Bryan Kendrick	Final Approval



CITY OF SAN ANGELO
RFB Bid Tabulation * WU-05-17/ Caustic Soda
3/28/2017 at 2:00 p.m.

Description:	Quantity (dry tons)	Univar		Brenntag Southwest		Olin		DPC Industries	
		Unit Price per Ton	Extended Price	Unit Price per Ton	Extended Price	Unit Price per Ton	Extended Price	Unit Price per Ton	Extended Price
Caustic Soda 50% Soltuion	300	694	\$ 208,200.00	648	\$ 194,400.00	735	\$ 220,500.00	587	\$ 176,100.00

Delivery Days	N/A	2-3 days ARO	1-2 days ARO	*Price based on min 3600 gal per load	7 days
Piggy-back	No	No	No		Yes
Cooperative	No	No	No		No
P-Card	Yes	Yes	No		Yes
Payment Terms/Discount	Net 30	Net 30	Net 30		Net 30

Mailed to:

1	DPC Industries
2	Brenntag
3	KA Steel
4	Brenntag Southwest

NOTE: Include this form with your Agenda Memo

**A RESOLUTION OF THE CITY OF SAN ANGELO AUTHORIZING THE
MAYOR TO SIGN A LETTER OF SUPPORT FOR THE TEXAS
VETERANS FOR VETERANS ORGANIZATION TO BECOME
ACCREDITED BY THE U.S. DEPARTMENT OF VETERANS AFFAIRS.**

WHEREAS, the City of San Angelo has been made aware of the need for the local organization Texas Veterans for Veterans to become accredited by the U.S. Department of Veterans Affairs;

WHEREAS, Texas Veterans for Veterans provides much needed assistance in the form of assistance in filing Claims, Transportation Services, Scholarships, and Community Outreach; and

WHEREAS, the City Council of the City of San Angelo desires to offer a letter of support to Texas Veterans for Veterans; and

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANGELO that its Mayor, Dwain Morrison, is hereby authorized to execute a letter of support for Texas Veterans for Veterans in substantially the attached form set out as "Exhibit B" to this resolution;.

APPROVED AND ADOPTED ON THE 2nd DAY OF MAY, 2017.

THE CITY OF SAN ANGELO

ATTEST:

Dwain Morrison, Mayor

Bryan Kendrick, City Clerk

Approved As to Form & Content:

Theresa James, City Attorney



April 20, 2017

The Honorable David Shulkin
Secretary of Veterans Affairs
U.S. Department of Veterans Affairs
810 Vermont Avenue NW
Washington, DC 20420

Dear Secretary Shulkin,

It is without hesitation, the City of San Angelo gladly supports the mission of Texas Veterans for Veterans. Since Goodfellow Air Force Base is located in San Angelo, our citizens are extraordinarily aware of the sacrifice the members of our armed forces make and we are all continually grateful for their service.

Veterans serve our country proudly, and yet we are keenly aware that sometimes they need a little bit of help themselves. Texas Veterans for Veterans provides assistance including but not limited to services such as assistance in filing Claims, across state and interstate Transportation Services, awarding Scholarships, and Community Outreach.

Furthermore, the City of San Angelo supports Texas Veterans for Veterans, their commander Bill Murray and their staff in their efforts to become accredited to be responsible in the caring for and assistance of our Veterans.

I thank you for your consideration of my request.

Sincerely,

Dwain Morrison
Mayor

Bill Murray
Commander

Albert Harris
Chief of staff

Joe Milioni
Senior Vice

Gus Hinojosa
Junior Vice

Michael Dyess
Treasurer

Doug Miller
Sergeant-At-Arms

Jack Jones
Chaplain

Dee Murray
Adjutant

Bill Murray
Albert Harris
Joe Miloni
Trustees



Service Officers

Bill Murray, Doug Miller, Julie Koskovich, Alfred Branch,
Wesley Hall, Frank Lieber

1905 Pulliam-San Angelo, Texas 76905 - 325-227-8524

Fax-325-277-8525 tvfvs@gmail.com

www.TexasVeteransforVeterans.com

Dear Sir or Madam,

I would like to share with you some information about our organization. We want to inform you that our organization is tax exempt from Federal income tax under section 501 (c) (19) of The Internal Revenue Code. Our DLN number is 17053305302040 with Employer Identification number 61-1622382. We also have Contribution Deductibility from the Department of Treasury.

TVFV is also exempt from State franchise tax and from Texas sales and use tax as a 501 (c) (19) organization. We have been assigned a Texas taxpayer number of 32042592009 for our organization.

The Secretary of State has issued a certificate of filing for a Domestic Non-profit Corporation with the number given: 80131456.

TVFV's mission statement is also enclosed with testimonials of active charity work by our organization's members. We have included letters from the IRS and the State of Texas in reference to our tax status.

Sincerely,

Bill Murray, Commander

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **DEC 21 2010**

TVFV
4006 N CHADBOURNE
SAN ANGELO, TX 76903

Employer Identification Number:
61-1622382
DLN:
17053305302040
Contact Person:
BRAD S FLETCHER ID# 31669
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Form 990 Required:
Yes
Effective Date of Exemption:
September 7, 2010
Contribution Deductibility:
Yes

Dear Applicant:

We are pleased to inform you that upon review of your application for tax-exempt status we have determined that you are exempt from Federal income tax under section 501(c)(19) of the Internal Revenue Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Please see enclosed Publication 4221-NC, Compliance Guide for Tax-Exempt Organizations (Other than 501(c)(3) Public Charities and Private Foundations), for some helpful information about your responsibilities as an exempt organization.

Sincerely,



Robert Choi
Director, Exempt Organizations
Rulings and Agreements

Enclosure: Publication 4221-NC

Letter 948 (DO/CG)

S U S A N

C O M B S

TEXAS COMPTROLLER of PUBLIC ACCOUNTS

WWW.WINDOW.STATE.TX.US



December 28, 2010

William Murray
T.V.F.V.
4006 North Chadbourne
San Angelo, Texas 76903

Dear Mr. Murray:

(bill@tacre.com)

We received your application. Our records have been updated with the exemption. After our system update tonight, vendors that require verification of the exemption may use our search located online at http://window.state.tx.us/taxinfo/exempt/exempt_search.html.

T.V.F.V. is exempt from the Texas franchise tax effective Sept. 7, 2010, and from the Texas sales and use tax effective Dec. 28, 2010, as a 501(c)(19) organization. The exemption does not extend to the hotel occupancy tax.

We have assigned Texas taxpayer number 32042592009 to the organization. Please reference this number in correspondence with us. The assignment of the taxpayer number does not mean the organization is permitted to collect or remit Texas taxes. Exempt organizations must collect taxes on most of their sales. Please give our Tax Assistance section a call at (800) 252-5555 if you need a sales tax permit.

The sales tax exemption extends to goods and services purchased for use by your organization. The exemption does not apply if the purchase is for the personal benefit of an individual or private party, or is not related to the organization's exempt purpose. For more information, please see our publication # 96-122, *Exempt Organizations – Sales and Purchases*.

A valid exemption certificate (form 01-339/Back) can be issued instead of paying tax when buying taxable items necessary to the exempt purpose of the organization. The exemption certificate does not need a taxpayer number to be valid, but you may provide your taxpayer number if the seller requests it. The exemption certificate can be obtained online at <http://www.cpa.state.tx.us/taxinfo/taxforms/01-339.pdf>.

Changes to the organization's registered agent and registered office address must be filed with the Texas Secretary of State. The changes can be made online at <http://www.sos.state.tx.us/corp/sosda/index.shtml> or you can download the forms and instructions from http://www.sos.state.tx.us/corp/forms_option.shtml. You can also contact them at corpinfo@sos.state.tx.us or by calling (512) 463-5582. It is important to maintain current registered agent information, because this is how we will contact you if we have reason to believe that your organization no longer qualifies for exemption.

Our goal is to provide you with prompt, professional service. Please take a moment to complete our on-line survey at <http://aixtcp.cpa.state.tx.us/surveys/tpsuv2/index.html>.

William Murray
December 28, 2010
Page 2

Sign up for ongoing e-mail updates for any tax or subject you are interested in. Join an e-mail group online at <http://www.window.state.tx.us/subscribe>.

If you have any questions, write to us at exempt.orgs@cpa.state.tx.us or P. O. Box 13528, Austin, Texas 78711-3528, or call us toll-free at (800) 531-5441, ext. 3-3189. The fax number is (512) 475-5862. Also, our publications and other helpful information are online at <http://www.window.state.tx.us/taxinfo/exempt>.

Sincerely,



Lucinda Vinton
Exempt Organizations Section

Corporations Section
P.O. Box 13647
Austin, Texas 78711-3697



Hope Andrade
Secretary of State

Office of the Secretary of State

CERTIFICATE OF FILING OF

T.V.F.V.

File Number: 801315456

The undersigned, as Secretary of State of Texas, hereby certifies that a Certificate of Formation for the above named Domestic Nonprofit Corporation has been received in this office and has been found to conform to the applicable provisions of law.

ACCORDINGLY, the undersigned, as Secretary of State, and by virtue of the authority vested in the secretary by law, hereby issues this certificate evidencing filing effective on the date shown below.

The issuance of this certificate does not authorize the use of a name in this state in violation of the rights of another under the federal Trademark Act of 1946, the Texas trademark law, the Assumed Business or Professional Name Act, or the common law.

Dated: 09/07/2010

Effective: 09/07/2010



A handwritten signature in cursive script, appearing to read "Hope Andrade".

Hope Andrade
Secretary of State

T.V.F.V. MISSION STATEMENT

WHAT THE T.V.F.V. ORGANIZATION IS ALL ABOUT IS SIMPLE; VETERANS AND THEIR FAMILIES.

T.V.F.V. PROVIDES PROFESSIONAL GUIDANCE AND ASSISTANCE FOR VETERANS TO OBTAIN THEIR COMPENSATION OR PENSION AT NO COST TO THE VETERAN. THIS MAY BE AN AGENCY OF THE STATE OR LOCAL GOVERNMENT OR THE VETERAN'S ADMINISTRATION WHICH RULES ON ALL MILITARY RELATED COMPENSATION OR PENSION.

SINCE IT'S FOUNDING IN 2007, THE T.V.F.V. (TEXAS VETERANS FOR VETERANS) HAS ASSISTED VETERANS AND THEIR FAMILIES WITH FILING OF CLAIMS TO BETTER HIS OR HER LIVES IN THE STATE OF TEXAS.

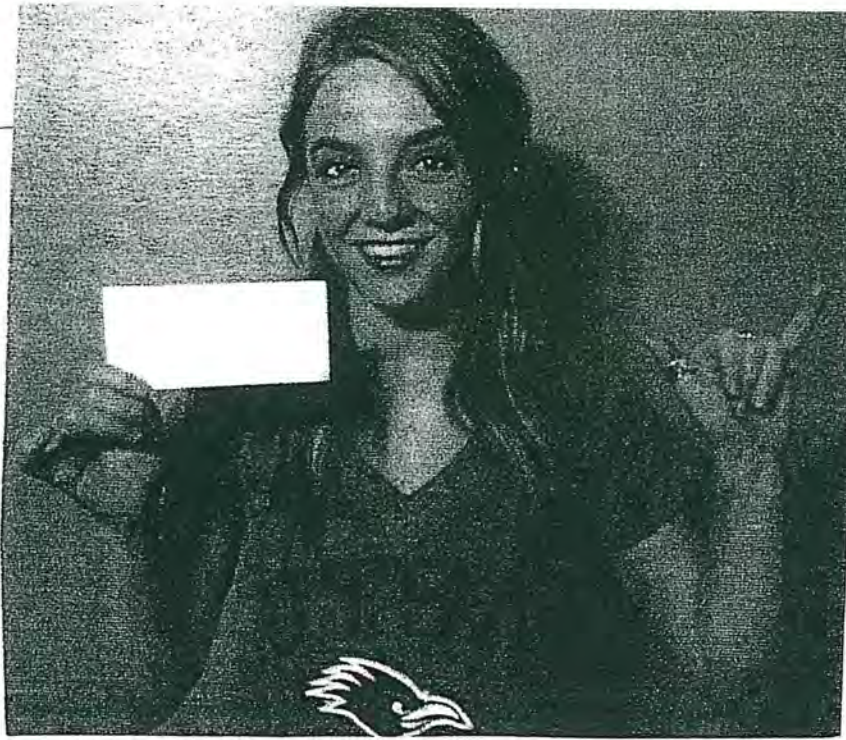
WITH THE STRUCTURE OF THE T.V.F.V. AND VOLUNTEER PROGRAMS, THE VETERANS AND THEIR FAMILIES CAN EXPRESS KINDNESS AND CONSIDERATION FOR THEIR FELLOW COMRADES.

Texas Veterans for Veterans
1905 Pulliam
San Angelo TX. 76905

Testimonials

Schloarships 2014 \$1,000.00 Each

- 1 Payton Beggs
- 2 Heather Cunningham
- 3 Christina Valadez
- 4 Joshua M Mcada
- 5 Randi Nicole Mcada
- 6 Carley Chenee Glass
- 7 Katy Murray
- 8 Zan Gassiot
- 9 Heath Gassiot
- 10 Sarah Michelle West
- 11 Robert Moorehead Jr.



Big thanks to the TVFV for their
generous scholarship contribution.
It was with your assistance that
I was able to purchase the
required books and materials
for my Fall semester at UTSA.
Thank you for your service to
our country and your support in
helping me achieve my dreams.
You all are greatly appreciated!

Yours truly, *Christiana Valadez*

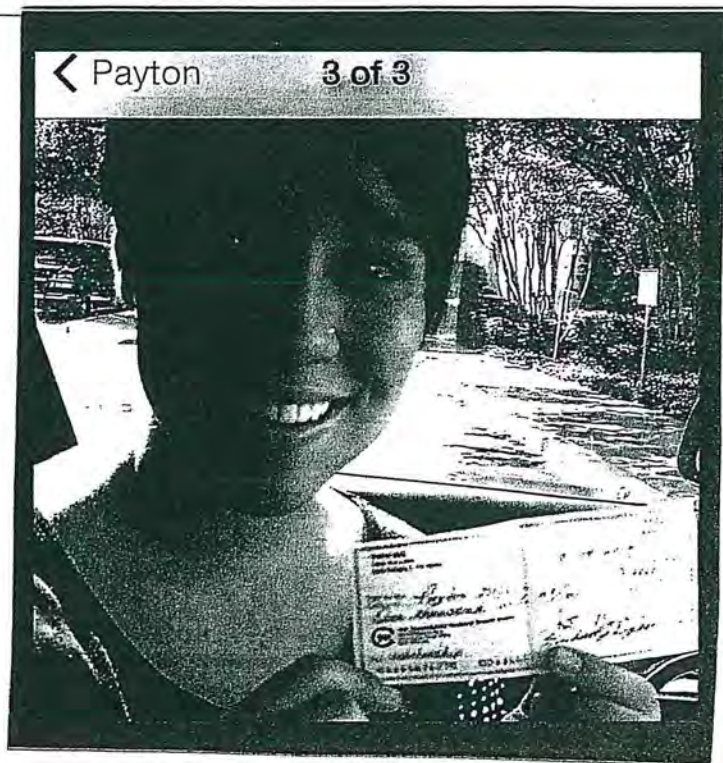
Sept. 2, 2014

Thank you for the scholarship money! I appreciate and thank you for choosing to award me a scholarship. I am looking forward to my Sophomore year, and I am very grateful to have some of the financial burden lifted.

Thank you again!

Randi McAda
(Randi McAda)



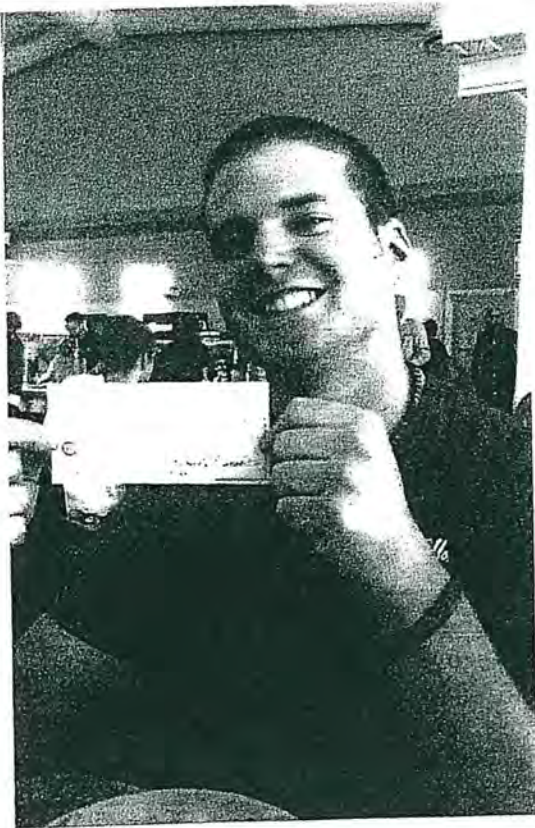


Mr. Harris & Mr. Miloni,

Thank you for awarding
me the Texas Veterans for
Veterans \$1,000.00 scholarship.
It will be a tremendous
help.

God bless!
Payton Beggs

August 30, 2014



Thank you for offering and awarding me a scholarship for the 2014/2015 school year. The \$2,000.00 scholarship helped cover some additional expenses with room and board. I know y'all work hard to raise money, and I do appreciate being awarded this scholarship.

Thank you again, and thank you for all you do for veterans and their families.

Sincerely,

Joshua McAda

Joshua McAda

thank you for the Scholarship money
of \$1000.00 for the upcoming School
Semester. I appreciate it &
will be using it towards books
& tuition.

Thanks
Heatherson

Thank you all very
much for the academic
scholarship. I am
grateful that the VA
granted me this money
for textbooks and supplies
this semester. It was
extremely helpful.

Thank you again,

Zon Dussan

Thank you soooooo
much for the Scholar-
ship of \$1000.00. It
has helped with my
tuition & books & will
help next spring
semester also.

Thanks,
Katy Murray



Dear Texas Veterans;

I was very happy to learn that I was a recipient of the Texas Veteran's Scholarship. I am writing to thank you for generous, financial support towards my higher education.

By awarding me this scholarship I am able to concentrate on what is important for me, education. Your financial generosity has allowed me to be one step closer to my goal and has inspired me to help others by giving back to the community. I hope one day I will be able to help other students achieve their goal just as you have helped me.

Thank you for your support.

Sincerely,

A handwritten signature of Carley Glass in cursive script.

Carley Glass

Dear Sirs,

Thank you!

...you really
made
a difference.!

Words can not express how grateful I am to be chosen for this honor by you. My grand father Mitchell West would be so happy that he helped to receive this special scholarship because of his service.

Thank you again for helping me achieve my goal of becoming a vet at A+M.

Sincerely,
Sarah West

404 E

My husband, Marvin Hugh Smith,
also sends his great appreciation. He
has been at Budner Baptist Retirement
since 2002, moving here from Missouri.

My husband and I wish
to express our gratitude to you
and your group for the Rescue
electric chair. You've rescued
me from being a pusher! He
now has much more independence,
which gives me a bit more time.
He has been diagnosed with ataxia,
atrial fibrillation, peripheral
neuropathy, degenerative
arthritis, and some brain cell
loss - and being 86 years old!

He is a W.W.II vet and
we are in the process of seeing if
he can purchase his truck
through VA, so if you have any
hints, let me know. He filed
the forms several weeks ago, so
we may hear soon.

Blessings on you (all).

Joila Smith

Dear TVA,

Thank you so much for
the scholarship money. I
have put it to good use.
It has been very handy.

Sincerely,

Harrison Hambricht

You do the nicest things

for people!

And you're appreciated

more than you know!

Thanks so much,

Jade, Judi, Holt &
Harrison Hambricht

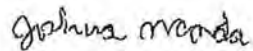
August 29, 2013

Texas Veterans for Veterans
1905 Pulliam
San Angelo, TX 76905

The Membership of the Texas Veterans for Veterans,

I wanted to thank you for awarding me a scholarship from your organization. I certainly appreciate you thinking of me and helping me with my education. I was able to use the scholarship money to help pay for my books this semester. Thank you again!

Sincerely,

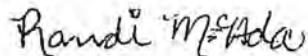


Joshua McAda
North Greenville University
Outdoor Leadership Major

The Membership of the Texas Veterans for Veterans,

I wanted to thank you for awarding me a scholarship. I most certainly appreciate you thinking of me and helping me with my education. I had enough scholarship awarded to pay for tuition and most of my room and board, but not enough for books. So, I was fortunate enough to receive this money from y'all and able to pay for my books - what a blessing!! Thank you so much! And, thank you for what you are doing for veterans and their families.

Sincerely,



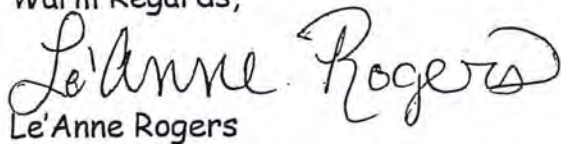
Randi McAda
North Greenville University
Psychology Major

May 2, 2012

To Whom It May Concern:

From all of us at Myrtlewood Estates we would like to thank you for supplying our residents with such a generous donation of Dearfoams slippers. They were more than thrilled to receive them. It was a very nice and delightful surprise. We appreciate you thinking of Myrtlewood Estates as a distribution site for your gifts to the elderly.

Warm Regards,


Le'Anne Rogers

Interim ED/Community Relations Director



EMERITUS
—Senior Living—

Our Family is Committed to Yours.®

To: Membership of the Texas Veterans for Veterans

Thank you very much for the scholarship of \$1,000. It is greatly appreciated. The money will be used this year to help me with my college expenses at Texas State Technical College in Waco.

Sincerely,

A handwritten signature in black ink, consisting of a stylized 'K' followed by a horizontal line and a small flourish.

Kelly Eckerle

Fort Stockton Nursing Center

10/20/2011

Texas Veterans for Veterans Affairs
4006 North Chadbourne
San Angelo, TX 76903

Re: Donation

Thank you for the generous donation of four cases of Dear foams slippers that were delivered by Bill Murray and friends on October 20, 2011.

Many of our residents have very little or no funds for such items or have family members that can provide the little extras. Donations such as yours make their stay here more comfortable and enjoyable.

On behalf of the residents and staff of Fort Stockton Nursing Center, Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "David A. Solem", followed by a long horizontal line.

David A. Solem
Administrator

Maggie Johnson Nursing Center

December 21, 2010

Texas Veterans for Veterans
ATTN: Commander John H. Wall
1909 Pulliam St.
San Angelo, TX 76903

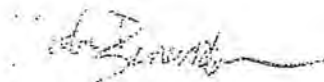
Dear Commander Wall,

Please express to the wonderful members of your organization our sincere thanks and appreciation for the house slippers donated to the residents of Maggie Johnson Nursing Home. In some cases, the residents have just a few possessions of their own and no family or personal funds to speak of, to assist them with their care. This gift, just in time for Christmas, was very meaningful to them and brought them great joy!

As it says in Ephesians 6:7 "Serve wholeheartedly, as if you were serving the Lord, not people," I have seen God at work through you and your organization in the service of our residents' needs and in service of our country.

Bless your organization for reaching out to those in need and serving them with your thoughtful generosity!

Sincerely,



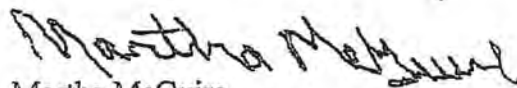
Viola Benevides
Activities Director

September 9, 2009

TO WHOM IT MAY CONCERN:

I want to take this opportunity to inform to persons interested that William Murray, Texas Veterans For Veterans has been assisting veterans with their needs such as transportation, and any other needs for many years. Mr. Murray did transport my husband, Charles McGuire to Waco and Temple about September, 2007 and used his own money to do so. Any time Mr. Murray has a chance to assist a Texas Veteran in any way he is there to do so. He is a trusted friend of the Texas Veterans.

Sincerely,



Martha McGuire
(Mrs. Charles McGuire)
P. O. Box 562
Miles, Texas 76861

FIN 61-1622582



October 28, 2008

Wichita Falls Campus
P.O. Box 300
Wichita Falls, TX
76307-0300

Texas Veterans for Veterans

To Whom It May Concern:

(940) 689-5238
FAX (940) 689-5870

The Volunteer Services Council for North Texas State Hospital and the patients of NTSB thank you for your generous donation of house shoes. Your donation of hundreds of house shoes has enabled us to give our patients warm feet for the winter.

Vernon Campus
P.O. Box 2231
Vernon, TX
76385-2231

Thank you so much for thinking of us with your donations. It means a lot to us and our patients at the state hospital. Those we serve are special to us and you have helped us make their lives better.

(940) 552-4185
FAX (940) 552-4183

Sincerely,

Tonye Shirey, Volunteer Coordinator
North Texas State Hospital
940-689-5238



Mary E. Hankins, Director

February 13, 2008

Rev. Michael K. Bell, Chairperson
Jetty Davis, Vice Chairperson

Dear Members,

Secretary
Susan Woods
Treasurer
Jim Mohler
Vol. Coordinator
Ola McCorkle

*Wesley "Daily Bread Program", a non-Profit,
501(c)(3) organization, gratefully acknowledge your
most generous donations Slippers.*

Franklin DeVore Sr.
Rev. Barbara Dyke
Helen Franks
Sarah Holbert
Joan Hoglund
Rev. Craig Meyers
Diane Mobley
Nancy Rowan
Carol Santry
Minnie Savage
Fr. Maurice Voity
Dr. Marcus Young

*Loving and Caring people such as you enable us to
make a difference in the lives of those in need. You will
always be remembered and appreciated for your
kindness and generosity. And we thank God for creating
the thoughtful and generous people of this community.*

*May God continue to shower His Blessings upon you and
your love ones.*

Grace, Peace and Justice,

Mary

*Mary Hankins, Director
Wesley Daily Bread Program*



*Thank you so much for
our new home.
We are unbelievably
blessed and forever
grateful for your generous
and heartfelt support of
Operation FINALLY
HOME and all you did for
our family.*

thank you.

♥ The Marley's

2210 Howard
San Angelo, TX.
325-944-0561

Thank you for your generous donation of house shoes to our facility. It is amazing how often we need to have them for our residents. The kind you sent are ideal for them.

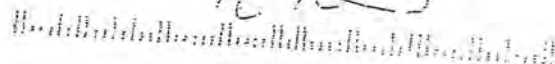
Park Plaza

SEAFAR PLAZA, NURSING CENTER, INC
2210 HOWARD
SAN ANGELO, TEXAS 76901

TLFV
4516 North Charleston
Summerville, SC

1/6-7-3

7503+1622



To the Texas Veterans Commission,

I want to start off by saying thank you. What you have done for me is something that will stay dear to me for the rest of my life. Without you I would have struggled to buy my school books and pay for the rest of my tuition. I am able to do my school work with all of the crucial things and I need and have a huge weight off my shoulders. As I have mentioned besides family, school is the most important thing to me and I cannot wait to see what all the hard work and your help will bring to my future. I also want to take a moment to thank all of the veterans who have fought for our country because without you none of this would have happened and without you we would not be America. Your selfless acts are what make this country great and will never go unappreciated.

Thank you always.

A handwritten signature in cursive script that reads "Mariah Fernandez". The ink is dark and the writing is fluid, with a large initial "M" and a long, sweeping "F".

Mariah Fernandez

CARLEY GLASS

1501 CR 342
GONZALES, TX 78629
(830)203-8475



Dear Members,

I would like to thank you for your continued support in furthering my education through the Texas Veteran's Scholarship you provided so graciously. I am sincerely grateful for the support you as veterans not only for our country through your service but now by your financial support for the young adults of this wonderful country. I will continue to make sure my dreams of becoming a Pharmacist will become a reality by hard work.

Thank you once again for your generosity. I promise I will work hard to prove myself worthy of this opportunity you have given me. I am looking forward to the day I am able to help other students just as you have helped me.

With Sincere Thanks,

Carley Glass

Dear Friend,

You are a true friend of the many families in need in our community. I appreciate all you do!

Through your compassionate spirit and generous heart, we are able to embrace people who are facing hardship this season. After all, they should be able to celebrate this special time of year, too.

Last Christmas, so many hardworking people relied on us and your generosity for food, clothing, and toys for their children. This year, the need is still great. We want to make sure that everyone who needs help gets it. That's why I'm asking you to please mail a contribution today.

Another generous gift like your last one would really help!

Thank you!

\$500.⁰⁰

Major Tim Dolder



People like ^{you'll} you,
who naturally go
above and beyond,
make this world
a better place
for all of us.

Thank You So Much
I Just wanted to take the
opportunity to thank you'll for
your support and the scholarships.
It really helped.

Thank you

Robert Morehead

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Rebeca Guerra, Planning Manager, Planning and Development Services, 325-657-4210

Meeting Date: May 2, 2017

Item type: Consent Item

Caption:

Consider a resolution authorizing the City Manager, or designee, to execute five easement appurtenant approvals for various encroachments of buildings and awnings located at 109 West Beauregard Avenue (Turner Building) and 113 West Beauregard Avenue (Judge Edd B. Keyes Building) as follows: A 56-square foot building wall encroachment and 420-square foot aerial encroachment for the Turner Building; and a 606-square foot wall encroachment, a 268-square foot entry element encroachment, and 1852-square foot aerial encroachment for the Edd B. Keyes Building (J. James)

Summary/History:

On February 16, 2016, City Council adopted a Resolution, authorizing the City Manager to execute a temporary, non-exclusive sidewalk use license agreement with Tom Green County for encroachments in the public right-of-way in front of their two buildings on West Beauregard Avenue, the Turner Building at 109 W. Beauregard Avenue, and the Edd B. Keyes Building, at 113 W. Beauregard Avenue. The colors, materials, and designs of the proposed new encroachments were previously approved by the Design and Historic Review Commission (RCC15-09) in May 21, 2015, and included:

- A 518-square foot wood trellis structure with external LED lighting, above the east entrance of the E.B. Keyes Building, projecting 9'-10" into the sidewalk right-of-way along West Beauregard Avenue;
- 381 square feet of polycarbonate paneling with external LED lighting, above the Turner Building entrance, projecting 3'-10" into the sidewalk right-of-way along West Beauregard Avenue;
- An existing canopy constructed in 1981 that projects 8 feet in front of the E.B. Keyes Building into the sidewalk right-of-way and extending a length of 185.62 feet;
- An expanse of the original north wall of the E.B. Keyes and Turner buildings which projects between 1.05 feet on the westerly most portion and 1.37 feet on the easterly most portion.
- One (1) new sign, "JUDGE E.B. KEYES BUILDING," that would be located on the existing canopy near the entrance of the E.B. Keyes Building;; and,
- One (1) new sign, "TOM GREEN COUNTY," that would be attached to the wood trellis structure.

Prior to execution of the temporary sidewalk use license agreement for the encroachments, the City Attorney's Office advised the County that "appurtenant easements" would be preferred over encroachments given that the projections were going to be permanent (building walls and structures). The County agreed, and the purpose of this request is to implement the previous approval authorized and ratified by Council in November 2016, to allow the building and aerial structure projections into the right-of-way by easement instead of encroachment. The County's Attorney has submitted field notes and surveys prepared by SKG Engineering for the five appurtenant easements as follows:

109 West Beauregard Avenue (Turner Building)

- A 56-square foot building wall encroachment to allow the existing wall that encroaches into the public right-of-way on West Beauregard Avenue; and
- A 420-square foot aerial encroachment to allow polycarbonate paneling.

113 West Beauregard Avenue (Judge Edd B. Keyes Building)

- A 606-square foot wall encroachment to allow the existing wall that encroaches into the public right-of-way on West Beauregard Avenue;
- A 268-square foot entry element encroachment to allow the trellis structure; and,
- An 1852-square foot aerial encroachment for the Edd B. Keyes Building to allow any overhanging portions of the building and canopy.

Financial Impact:

N/A

Other Information/Recommendation:

Staff recommends APPROVAL of a Resolution authorizing five easement appurtenant approvals for various encroachments of buildings and awnings.

Attachments:

- | | | |
|----|------------------------|---|
| 1. | Draft Aerial Easements | PL__Easements (109 & 113 W. Beauregard Ave)(R).docx |
| 2. | Draft Resolution | PL_Resolution (109 and 113 W. Beauregard Ave)(R).docx |

Presentation:

Jon James

Approvals/Reviews:

Rebeca Guerra	Created/Initiated
Jon James	Approved
Theresa James	Approved
Anthony Wilson	Approved
Jon James	Approved
Tina Dierschke	Approved
Theresa James	Approved
Theresa James	Approved
Becky Dunn	Approved
Bryan Kendrick	Final Approval

Draft Easement Appurtenant for Encroachment of Building Wall

(Turner Building, 109 W. Beauregard Ave)

EASEMENT APPURTENANT FOR ENCROACHMENT OF BUILDING WALL

Date: _____, 2017

Grantor: CITY OF SAN ANGELO, a Texas home rule municipal corporation

Grantor's Mailing Address: 72 W College Avenue, San Angelo, Tom Green County,
Texas 76903

Grantee: TOM GREEN COUNTY, a legal and political subdivision of the State of Texas

Grantee's Mailing Address: 113 West Beauregard Avenue, San Angelo, Tom Green
County, Texas 76903

Dominant Estate Property: The West Forty feet (W. 40') of the North One Hundred Ten Feet (N. 110') of Lot eighteen (18), in Block 9, Main Part of the City of San Angelo, Tom Green County Texas, as described in that certain Warranty Deed with Vendor's Lien, recorded in Tom Green County Real Property Records as Instrument Number 282108.

Easement Property: Being 56 square feet located within West Beauregard Avenue and adjacent to Block 9, Miles Addition to the City of San Angelo, Tom Green County, Texas, as more particularly described by metes and bounds and depicted in **Exhibit "A"** attached hereto and incorporated herein by reference for all purposes (hereinafter "Easement Property").

Easement Purpose: For purpose of permitting the continued maintenance, repair, upgrade, removal and/or replacement of an existing building perimeter wall for a building located on the Dominant Estate Property, generally known as the Turner Building, 111 W. Beauregard Avenue, San Angelo, Texas.

Consideration: Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by Grantor.

Grant of Easement: Grantor, for the Consideration and subject to the Reservations from Conveyance and Exceptions to Warranty, grants, sells, and conveys to Grantee and Grantee's successors and assigns for the Easement Purpose and for the benefit of the Dominant Estate Property, together with all and singular the rights and appurtenances thereto in any way belonging (collectively the "Appurtenant Easement") to have and to hold the Easement to Grantee and Grantee's successors and assigns forever. Grantor binds Grantor and Grantor's successors and assigns against every person whomsoever lawfully claiming or to claim the Easement over or any part thereof, to the

extent that such claim arises by, through or under Grantor but not otherwise.

IN WITNESS WHEREOF, this instrument is executed this ____ day of _____, 2017.

GRANTOR:

CITY OF SAN ANGELO

ATTEST:

By: _____

Daniel Valenzuela, City Manager

Bryan Kendrick, City Clerk

STATE OF TEXAS §

COUNTY OF TOM GREEN §

This instrument was acknowledged before me on the ____ day of _____, 2017, by **DANIEL VALENZUELA**, City Manager of the City of San Angelo, a Texas home rule municipal corporation, on behalf of said corporation by authority of its governing body.

Notary Public, State of Texas

GRANTEE:

TOM GREEN COUNTY

ATTEST:

BY: _____

Elizabeth 'Liz' McGill,
Tom Green County Clerk

By: _____

Stephen C. Floyd, Tom Green County
Judge, acting in his official capacity
but not individually

STATE OF TEXAS §

COUNTY OF TOM GREEN §

 This instrument was acknowledged before me this _____ day of _____ 2017, by STEPHEN C. FLOYD, personally known to me (or proved to me on the basis of satisfactory evidence), to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as Tom Green County Judge, on behalf of Tom Green County, a legal and political subdivision of the State of Texas, for the purposes and considerations therein expressed.

Notary Public, State of Texas

EXHIBIT "A"

1 OF 2 Pages

FIELD NOTES

56 Square Feet

September 23, 2016
15-S-0897_turner

Being 56 square feet located within W. Beauregard Avenue and adjacent to Block 9, Miles Addition to the City of San Angelo, Tom Green County, Texas, recorded in Cabinet F, Slide 77, Plat Records of Tom Green County, Texas, said 56 square feet tract being more particularly described by metes and bounds as follows:

Beginning at a point in the southeast right-of-way line of W. Beauregard Avenue and the northwest line of said Block 9, for the southwest corner of this herein described 56 square feet tract, from which an aluminum monument in concrete found for the southwest corner of Block 16, said Miles Addition bears S. 70°13'40" W., 348.55 feet and N. 19°46'20" W., 100.00 feet;

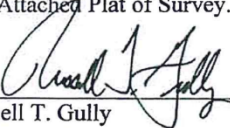
Thence N. 19° 46' 20" W., 1.31 feet to the northwest corner of this herein described 56 square feet tract;

Thence N. 70° 09' 11" E., 42.00 feet to the northeast corner of this herein described 56 square feet tract;

Thence S. 19° 46' 20" E., 1.37 feet to a point in the southeast right-of-way line of W. Beauregard Avenue and the northwest line of said Block 9, for the southeast corner of this herein described 56 square feet tract;

Thence along the southeast right-of-way line of said W. Beauregard Avenue and the northwest line of said Block 9, S. 70°13'40" W., 42.00 feet to the place of beginning and containing 56 square feet.

See Attached Plat of Survey.



Russell T. Gully
Registered Professional Land Surveyor No. 5636
SKG Engineering, LLC
Firm No. 10102400

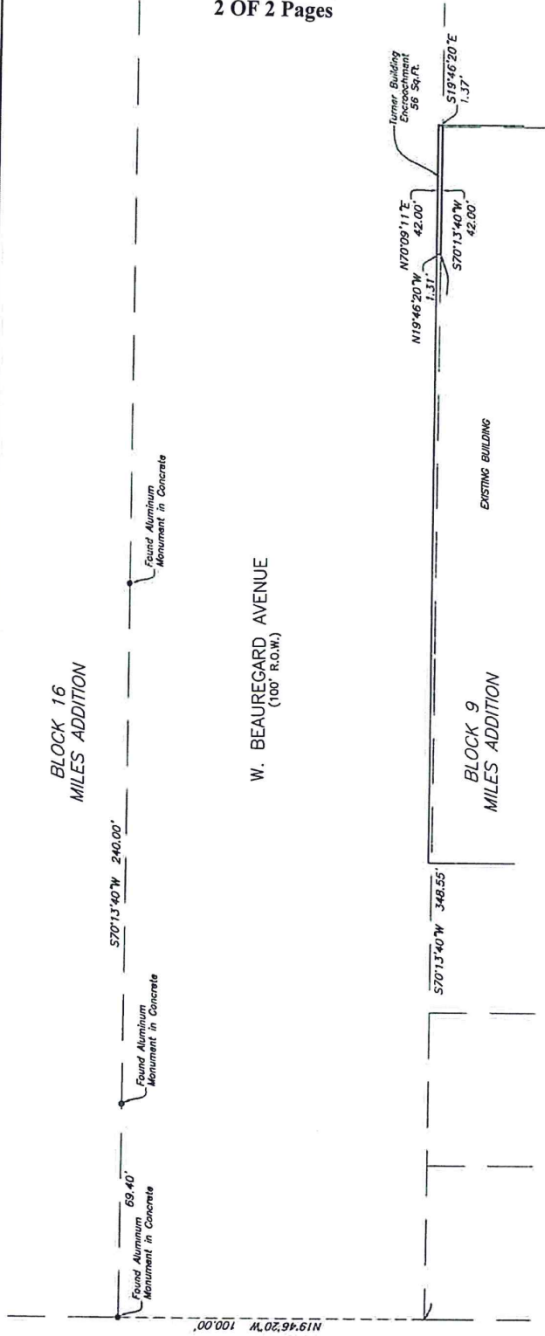


EXHIBIT "A"
2 OF 2 Pages

BLOCK 16
MILES ADDITION

W. BEAUREGARD AVENUE
(100' R.O.W.)

BLOCK 9
MILES ADDITION



PLAT SHOWING A SURVEY OF A 56 SQUARE FEET EXISTING ENCROACHMENT BY THE TURNER BUILDING INTO THE PUBLIC RIGHT-OF-WAY OF W. BEAUREGARD AVENUE AND ADJACENT TO BLOCK 9, MILES ADDITION TO THE CITY OF SAN ANGELO, TOM GREEN COUNTY, TEXAS, RECORDED IN CABINET F, SLIDE 77, PLAT RECORDS OF TOM GREEN COUNTY, TEXAS.
See attached field notes.

Certification is hereby made that a survey was made on the ground under my personal supervision and in accordance with the minimum standards of the Professional Land Surveying Act and the General Rules and Regulations and Practices set forth by the Texas Board of Professional Land Surveying.

Surveyor on the ground prior to September 23, 2016.

Russell L. Gully
RUSSELL L. GULLY
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5536



SCALE: 1" = 30'
GRAPHIC SCALE: FEET
0 15 30 45 60
THIS SURVEY WAS MADE AND
BASED ON THE TEXAS COORDINATE SYSTEM
NAD83 - TEXAS CENTRAL ZONE BY
GPS OBSERVATION.

SKG

ENGINEERING, LLC
SURVEYING • ENVIRONMENTAL • LAB/CMT

706 SOUTH ABE STREET
SAN ANGELO, TEXAS 76903
PHONE: 325.655.1288
FAX: 325.657.8189
FIRM NO.: 10102400
www.skg.com

15-S-0897_Turner_ExistEncr

Draft Easement Appurtenant for Encroachment to allow Polycarbonate Paneling

(Turner Building, 109 W. Beauregard Ave)

AERIAL EASEMENT APPURTENANT FOR ENCROACHMENT OF BUILDING AWNING

Date: _____, 2016

Grantor: CITY OF SAN ANGELO, a Texas home rule municipal corporation

Grantor's Mailing Address: 72 W College Avenue, San Angelo, Tom Green County,
Texas 76903

Grantee: TOM GREEN COUNTY, a legal and political subdivision of the STATE OF TEXAS

Grantee's Mailing Address: 113 West Beauregard Avenue, San Angelo, Tom Green
County, Texas 76903

Dominant Estate Property: The West Forty feet (W. 40') of the North One Hundred Ten Feet (N. 110') of Lot eighteen (18), in Block 9, Main Part of the City of San Angelo, Tom Green County Texas, as described in that certain Warranty Deed with Vendor's Lien, recorded in Tom Green County Real Property Records as Instrument Number 282108.

Subservient Property: Being 420 square feet located within West Beauregard Avenue and adjacent to Block 9, Miles Addition to the City of San Angelo, Tom Green County, Texas, recorded in Cabinet F, Slide 77, Plat Records of Tom Green County, Texas, as more particularly described by metes and bounds and depicted in **Exhibit "A"** attached hereto and incorporated herein by reference for all purposes (hereinafter "Easement Property").

Aerial Easement: That certain vertical air space having a bottom plane to be eight feet above the paved surface of the Subservient Property and continuing upward and encompassing all the airspace above the Subservient Property to a top plane of thirty-three feet above the paved surface of the Subservient Property.

Easement Purpose: For purpose of permitting construction, maintenance, repair and replacement of an overhang and awning located on the Dominant Estate Property, generally known as the Turner Building, 111 W. Beauregard Avenue, San Angelo, Texas.

Consideration: Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by Grantor.

Grant of Easement: Grantor, for the Consideration and subject to the Reservations from Conveyance and Exceptions to Warranty, grants, sells, and conveys to Grantee and Grantee's successors and assigns for the Easement Purpose and for the benefit of the Dominant Estate Property, together with all and singular the rights and appurtenances thereto in any way belonging (collectively the "nonexclusive, appurtenant aerial Easement") to have and to hold the Easement to Grantee and Grantee's successors and assigns forever. Grantor binds Grantor and Grantor's successors and

assigns against every person whomsoever lawfully claiming or to claim the Easement over or any part thereof, to the extent that such claim arises by, through or under Grantor but not otherwise.

IN WITNESS WHEREOF, this instrument is executed this ____ day of _____, 2016.

GRANTOR:

CITY OF SAN ANGELO

ATTEST:

By: _____

Daniel Valenzuela, City Manager

Bryan Kendrick, City Clerk

STATE OF TEXAS §

COUNTY OF TOM GREEN §

This instrument was acknowledged before me on the ____ day of _____, 2016, by **DANIEL VALENZUELA**, City Manager of the City of San Angelo, a Texas home rule municipal corporation, on behalf of said corporation by authority of its governing body.

Notary Public, State of Texas

GRANTEE:

TOM GREEN COUNTY

ATTEST:

By: _____

BY: Elizabeth 'Liz' McGill

Tom Green County Clerk

Stephen C. Floyd, Tom Green County

Judge, acting in his official capacity but
not individually

STATE OF TEXAS §

COUNTY OF TOM GREEN §

This instrument was acknowledged before me this _____ day of _____ 2016, by STEPHEN C. FLOYD, personally known to me (or proved to me on the basis of satisfactory evidence), to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as Tom Green County Judge, on behalf of Tom Green County, a legal and political subdivision of the State of Texas, for the purposes and considerations therein expressed.

Notary Public, State of Texas

Exhibit "A"
1 of 2 pages

FIELD NOTES

420 Square Feet (Encroachment Turner Building)

May 6, 2016
16-S-0440tbe

Being 420 square feet located within W. Beauregard Avenue and adjacent to Block 9, Miles Addition to the City of San Angelo, Tom Green County, Texas, recorded in Cabinet F, Slide 77, Plat Records of Tom Green County, Texas, said 420 square feet tract being more particularly described by metes and bounds as follows:

Beginning at a point in the southeast right-of-way line of W. Beauregard Avenue and the northwest line of said Block 9, for the southwest corner of this herein described 420 square feet tract, from which an aluminum monument in concrete found for the southwest corner of Block 16, said Miles Addition bears S. 70°13'40" W., 348.55 feet and N. 19°46'20" W., 100.00 feet;

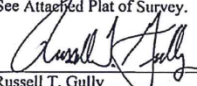
Thence N. 19° 46' 20" W. 10.00 feet to the northwest corner of this herein described 420 square feet tract;

Thence N. 70° 13' 40" E. 42.00 feet to the northeast corner of this herein described 420 square feet tract;

Thence S. 19° 46' 20" E. 10.00 feet to the southeast right-of-way line of W. Beauregard Avenue and the northwest line of said Block 9, for the southeast corner of this herein described 420 square feet tract;

Thence along the southeast right-of-way line of said W. Beauregard Avenue and the northwest line of said Block 9, S. 70° 13' 40" W. 42.00 feet to the place of beginning and containing 420 square feet of land.

See Attached Plat of Survey.



Russell T. Gully
Registered Professional Land Surveyor No. 5636
SKG Engineering, LLC
Firm No. 10102400



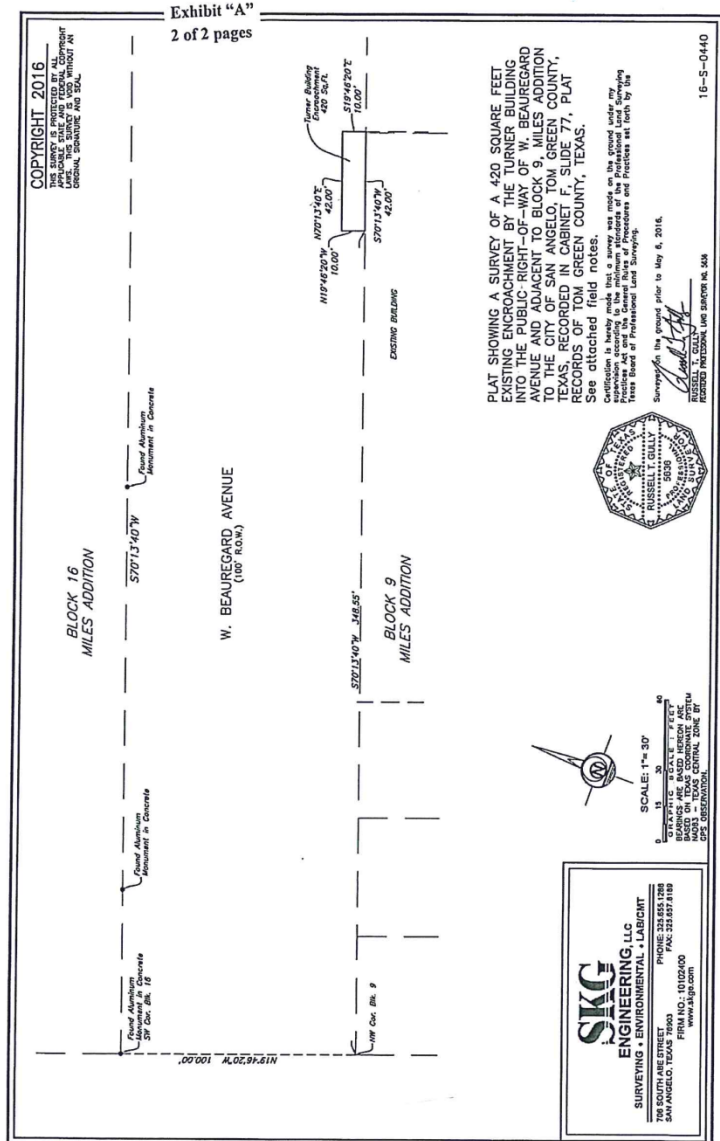


Exhibit "A"
2 of 2 pages

Draft Easement Appurtenant for Encroachment of Building Wall

(Edd B. Keyes Building, 113 W. Beauregard Ave)

EASEMENT APPURTENANT FOR ENCROACHMENT OF BUILDING WALL

Date: _____, 2016

Grantor: CITY OF SAN ANGELO, a Texas home rule municipal corporation

Grantor's Mailing Address: 72 W College Avenue, San Angelo, Tom Green County,
Texas 76903

Grantee: TOM GREEN COUNTY, a legal and political subdivision of the State of Texas

Grantee's Mailing Address: 113 West Beauregard Avenue, San Angelo, Tom Green
County, Texas 76903

Dominant Estate Property: Lots 4, 5, 6,7,8, 13, 14, 15, 16 and 17 of Block 9, Main Part of the City of San Angelo, Tom Green County, Texas, as described in that certain Deed, recorded in Tom Green County Real Property Records as Instrument Number 146725.

Easement Property: Being 606 square feet located within West Beauregard Avenue and adjacent to Block 9, Miles Addition to the City of San Angelo, Tom Green County, Texas, as more particularly described by metes and bounds and depicted in **Exhibit "A"** attached hereto and incorporated herein by reference for all purposes (hereinafter "Easement Property").

Easement Purpose: For purpose of permitting the continued maintenance, repair, upgrade, removal and/or replacement of an existing building perimeter wall for a building located on the Dominant Estate Property, generally known as the Edd B. Keyes Building, 113 W. Beauregard Avenue, San Angelo, Texas.

Consideration: Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by Grantor.

Grant of Easement: Grantor, for the Consideration and subject to the Reservations from Conveyance and Exceptions to Warranty, grants, sells, and conveys to Grantee and Grantee's successors and assigns for the Easement Purpose and for the benefit of the Dominant Estate Property, together with all and singular the rights and appurtenances thereto in any way belonging (collectively the "Appurtenant Easement") to have and to hold the Easement to Grantee and Grantee's successors and assigns forever. Grantor binds Grantor and Grantor's successors and assigns against every person whomsoever lawfully claiming or to claim the Easement over or any part thereof, to the extent

that such claim arises by, through or under Grantor but not otherwise.

IN WITNESS WHEREOF, this instrument is executed this ____ day of _____, 2016.

GRANTOR:

CITY OF SAN ANGELO

ATTEST:

By: _____

Daniel Valenzuela, City Manager

Bryan Kendrick, City Clerk

STATE OF TEXAS §

COUNTY OF TOM GREEN §

This instrument was acknowledged before me on the ____ day of _____, 2016, by **DANIEL VALENZUELA**, City Manager of the City of San Angelo, a Texas home rule municipal corporation, on behalf of said corporation by authority of its governing body.

Notary Public, State of Texas

GRANTEE:

TOM GREEN COUNTY

ATTEST:

By: _____

BY: Elizabeth 'Liz' McGill

Tom Green County Clerk

Stephen C. Floyd, Tom Green County

Judge, acting in his official capacity but

Not individually.

STATE OF TEXAS §

COUNTY OF TOM GREEN §

 This instrument was acknowledged before me this _____ day of _____ 2016, by STEPHEN C. FLOYD, personally known to me (or proved to me on the basis of satisfactory evidence), to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as Tom Green County Judge, on behalf of Tom Green County, a legal and political subdivision of the State of Texas, for the purposes and considerations therein expressed.

Notary Public, State of Texas

EXHIBIT "A"

1 OF 2 Pages

FIELD NOTES

606 Square Feet

June 23, 2015
15-S-0897_606SF

Being 606 square feet located within W. Beauregard Avenue and adjacent to Block 9, Miles Addition to the City of San Angelo, Tom Green County, Texas, recorded in Cabinet F, Slide 77, Plat Records of Tom Green County, Texas, said 606 square feet tract being more particularly described by metes and bounds as follows:

Beginning at a point in the southeast right-of-way line of W. Beauregard Avenue and the northwest line of said Block 9, for the southwest corner of this herein described 606 square feet tract, from which an aluminum monument in concrete found for the southwest corner of Block 16, said Miles Addition bears S. $70^{\circ}13'40''$ W., 148.00 feet and N. $19^{\circ}46'20''$ W., 100.00 feet;

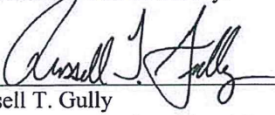
Thence N. $19^{\circ}46'20''$ W., 2.50 feet to an angle corner of this herein described 606 square feet tract;

Thence N. $70^{\circ}13'40''$ E., 242.55 feet to an angle corner of this herein described 606 square feet tract from which an "X" cut in concrete bears N. $19^{\circ}46'20''$ W. 3.86 feet;

Thence S. $19^{\circ}46'20''$ E., 2.50 feet to a point in the southeast right-of-way line of W. Beauregard Avenue and the northwest line of said Block 9, for the southeast corner of this herein described 606 square feet tract;

Thence along the southeast right-of-way line of said W. Beauregard Avenue and the northwest line of said Block 9, S. $70^{\circ}13'40''$ W., 242.55 feet to the place of beginning and containing 606 square feet.

See Attached Plat of Survey.



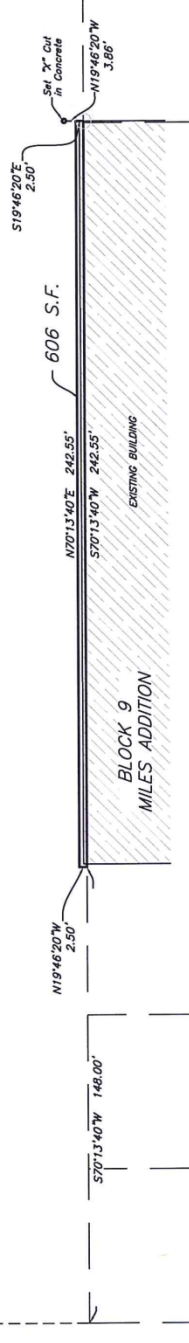
Russell T. Gully
Registered Professional Land Surveyor No. 5636
SKG Engineering, LLC
Firm No. 10102400



EXHIBIT "A"
2 OF 2 Pages

BLOCK 16
 MILES ADDITION

W. BEAUREGARD AVENUE
 (100' R.O.W.)



SURVEY OF A 606 SQUARE FEET AREA
 LOCATED WITHIN W. BEAUREGARD AVENUE
 AND ADJACENT TO BLOCK 9, MILES ADDITION
 TO THE CITY OF SAN ANGELO, TOM GREEN
 COUNTY, TEXAS, RECORDED IN CABINET F,
 SLIDE 77, PLAT RECORDS OF TOM GREEN
 COUNTY, TEXAS.
 SEE ATTACHED FIELD NOTES.



Certification is hereby made that a survey was made on the ground under my
 supervision according to the professional standards and rules of practice set forth by the
 Texas Board of Professional Land Surveying.

Surveyed on the ground June 23, 2015.



SCALE: 1"= 30'
 GRAPHIC SCALE : FEET
 BEARINGS ARE BASED UPON
 THE PLAT OF RECORD.

SKG
 ENGINEERING, LLC
 SURVEYING • ENVIRONMENTAL • LAB/CMT
 708 SOUTH ABE STREET
 SAN ANGELO, TEXAS 76903
 PHONE: 325.655.1288
 FAX: 325.657.8189
 FIRM NO.: 10102400
 www.skg.com

15-S-0897_606SF

RUSSELL T. GULLY
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5636

Draft Easement Appurtenant for Encroachment of Entry Element (Trellis Structure)

(Edd B. Keyes Building, 113 W. Beauregard Ave)

AERIAL EASEMENT APPURTENANT FOR ENCROACHMENT OF BUILDING AWNING

Date: _____, 2016

Grantor: CITY OF SAN ANGELO, a Texas home rule municipal corporation

Grantor's Mailing Address: 72 W College Avenue, San Angelo, Tom Green County,
Texas 76903

Grantee: TOM GREEN COUNTY, a legal and political subdivision of the STATE OF TEXAS

Grantee's Mailing Address: 113 West Beauregard Avenue, San Angelo, Tom Green
County, Texas 76903

Dominant Estate Property: Lots 4, 5, 6, 7, 8, 13, 14, 15, 16 and 17 of Block 9, Main Part of the City of San Angelo, Tom Green County, Texas, as described in that certain Deed, recorded in Tom Green County Real Property Records as Instrument Number 146725.

Subservient Property: Being 268 square feet located within West Beauregard Avenue and adjacent to Block 9, Miles Addition to the City of San Angelo, Tom Green County, Texas, RECORDED IN Cabinet F, Slide 77, Plat Records of Tom Green County, Texas, as more particularly described by metes and bounds and depicted in **Exhibit "A"** attached hereto and incorporated herein by reference for all purposes (hereinafter "Easement Property").

Aerial Easement: That certain vertical air space having a bottom plane to be eight feet above the paved surface of the Subservient Property and continuing upward and encompassing all the airspace above the Subservient Property to a top plane of thirty-three feet above the paved surface of the Subservient Property.

Easement Purpose: For purpose of permitting construction, maintenance, repair and replacement of a structural extension of the second floor of the building and incorporated overhang and awning located on the Dominant Estate Property, generally known as the Edd B. Keyes Building, 113 W. Beauregard Avenue, San Angelo, Texas.

Consideration: Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by Grantor.

Grant of Easement: Grantor, for the Consideration and subject to the Reservations from Conveyance and Exceptions to Warranty, grants, sells, and conveys to Grantee and Grantee's successors and assigns for the Easement Purpose and for the benefit of the Dominant Estate Property, together with all and singular the rights and appurtenances thereto in any way belonging (collectively the "nonexclusive, appurtenant aerial Easement") to have and to hold the Easement to Grantee and Grantee's successors and assigns forever. Grantor binds Grantor and Grantor's successors and

assigns against every person whomsoever lawfully claiming or to claim the Easement over or any part thereof, to the extent that such claim arises by, through or under Grantor but not otherwise.

IN WITNESS WHEREOF, this instrument is executed this ____ day of _____, 2016.

GRANTOR:

CITY OF SAN ANGELO

ATTEST:

By: _____

Daniel Valenzuela, City Manager

Bryan Kendrick, City Clerk

STATE OF TEXAS §

COUNTY OF TOM GREEN §

This instrument was acknowledged before me on the ____ day of _____, 2016, by **DANIEL VALENZUELA**, City Manager of the City of San Angelo, a Texas home rule municipal corporation, on behalf of said corporation by authority of its governing body.

Notary Public, State of Texas

GRANTEE:

TOM GREEN COUNTY

ATTEST:

By: _____

BY: Elizabeth 'Liz' McGill

Tom Green County Clerk

Stephen C. Floyd, Tom Green County

Judge, acting in his official capacity but
not individually

STATE OF TEXAS §

COUNTY OF TOM GREEN §

This instrument was acknowledged before me this _____ day of _____ 2016, by STEPHEN C. FLOYD, personally known to me (or proved to me on the basis of satisfactory evidence), to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as Tom Green County Judge, on behalf of Tom Green County, a legal and political subdivision of the State of Texas, for the purposes and considerations therein expressed.

Notary Public, State of Texas

Exhibit "A"

1 of 2 pages

FIELD NOTES

268 Square Feet (Edd B. Keys Building Entry Element Encroachment)

May 6, 2016
16-S-0440kbee

Being 268 square feet located within W. Beauregard Avenue and adjacent to Block 9, Miles Addition to the City of San Angelo, Tom Green County, Texas, recorded in Cabinet F, Slide 77, Plat Records of Tom Green County, Texas, said 268 square feet tract being more particularly described by metes and bounds as follows:

Beginning at a point in the southeast right-of-way line of W. Beauregard Avenue and the northwest line of said Block 9, for the southwest corner of this herein described 268 square feet tract, from which an aluminum monument in concrete found for the southwest corner of Block 16, said Miles Addition bears S. 70°13'40" W. 202.04 feet and N. 19°46'20" W., 100.00 feet;

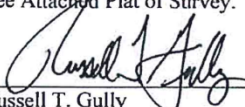
Thence N. 19° 46' 20" W. 11.16 feet to an "x" cut in concrete for the northwest corner of this herein described 268 square feet tract;

Thence N. 70° 13' 40" E. 24.00 feet to an "x" cut in concrete for the northeast corner of this herein described 268 square feet tract;

Thence S. 19° 46' 20" E. 11.16 feet to the southeast right-of-way line of W. Beauregard Avenue and the northwest line of said Block 9, for the southeast corner of this herein described 268 square feet tract;

Thence along the southeast right-of-way line of said W. Beauregard Avenue and the northwest line of said Block 9, S. 70° 13' 40" W. 24.00 feet to the place of beginning and containing 268 square feet of land.

See Attached Plat of Survey.



Russell T. Gully
Registered Professional Land Surveyor No. 5636
SKG Engineering, LLC
Firm No. 10102400



COPYRIGHT 2016

THIS SURVEY IS PROTECTED BY ALL APPLICABLE STATE AND FEDERAL COPYRIGHT LAWS. THIS SURVEY IS VOID WITHOUT AN ORIGINAL SIGNATURE AND SEAL.

BLOCK 16
MILES ADDITION

Found Aluminum
Monument in Concrete

S70°13'40"W

Found Aluminum
Monument in Concrete

Found Aluminum
Monument in Concrete
SW Cor. Blk. 16

W. BEAUREGARD AVENUE
(100' R.O.W.)

Proposed Edd B. Keyes
Building 268 Sq.Ft. Entry
Element Encroachment

Set 3" x 3" Cut
in Concrete

N70°13'40"E

24.00'

S19°46'20"E

11.16'

S70°13'40"W 202.04'

NW Cor. Blk. 9

BLOCK 9
MILES ADDITION

EXISTING BUILDING

S70°13'40"W

24.00'

Exhibit "A"
2 of 2 pages

PLAT SHOWING A SURVEY OF A 268 SQUARE FEET PROPOSED ENCROACHMENT BY THE EDD B. KEYES BUILDING ENTRY ELEMENT INTO THE PUBLIC RIGHT-OF-WAY OF W. BEAUREGARD AVENUE AND ADJACENT TO BLOCK 9, MILES ADDITION TO THE CITY OF SAN ANGELO, TOM GREEN COUNTY, TEXAS, RECORDED IN CABINET F, SLIDE 77, PLAT RECORDS OF TOM GREEN COUNTY, TEXAS.

See attached field notes.

Certification is hereby made that a survey was made on the ground under my supervision according to the minimum standards of the Professional Land Surveying Act of 1921, as amended, and the Rules and Regulations of the Texas Board of Professional Land Surveying.

Surveyed on the ground prior to May 6, 2016.



SCALE: 1"= 30'
GRAPHIC SCALE: 0 15 30 45
BEARINGS ARE BASED HEREON ARE
BASED ON TEXAS COORDINATE SYSTEM
NAD 83, ZONE 14N, CENTRAL ZONE BT
GPS OBSERVATION

SKG
ENGINEERING, LLC
SURVEYING • ENVIRONMENTAL • LAB/CMT
708 SOUTH AIRE STREET
SAN ANGELO, TEXAS 76903
PHONE 325.855.1288
FAX 325.857.8108
FIRM NO.: 10102400
www.skg.com

RUSSELL T. GULLY
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5636

16-S-0440

Draft Easement Appurtenant for Encroachment overhanging portions of building and canopy
(Edd B. Keyes Building, 113 W. Beauregard Ave)

AERIAL EASEMENT APPURTENANT FOR ENCROACHMENT OF BUILDING AWNING

Date: _____, 2016

Grantor: CITY OF SAN ANGELO, a Texas home rule municipal corporation

Grantor's Mailing Address: 72 W College Avenue, San Angelo, Tom Green County,
Texas 76903

Grantee: TOM GREEN COUNTY, a legal and political subdivision of the STATE OF TEXAS

Grantee's Mailing Address: 113 West Beauregard Avenue, San Angelo, Tom Green
County, Texas 76903

Dominant Estate Property: Lots 4, 5, 6, 7, 8, 13, 14, 15, 16 and 17 of Block 9, Main Part of the City of San Angelo, Tom Green County, Texas, as described in that certain Deed, recorded in Tom Green County Real Property Records as Instrument Number 146725.

Subservient Property: Being 1,852 square feet located within West Beauregard Avenue and adjacent to Block 9, Miles Addition to the City of San Angelo, Tom Green County, Texas, RECORDED IN Cabinet F, Slide 77, Plat Records of Tom Green County, Texas, as more particularly described by metes and bounds and depicted in **Exhibit "A"** attached hereto and incorporated herein by reference for all purposes (hereinafter "Easement Property").

Aerial Easement: That certain vertical air space having a bottom plane to be eight feet above the paved surface of the Subservient Property and continuing upward and encompassing all the airspace above the Subservient Property to a top plane of thirty-three feet above the paved surface of the Subservient Property.

Easement Purpose: For purpose of permitting construction, maintenance, repair and replacement of a structural extension of the second floor of the building and incorporated overhang and awning located on the Dominant Estate Property, generally known as the Edd B. Keyes Building, 113 W. Beauregard Avenue, San Angelo, Texas.

Consideration: Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by Grantor.

Grant of Easement: Grantor, for the Consideration and subject to the Reservations from Conveyance and Exceptions to Warranty, grants, sells, and conveys to Grantee and Grantee's successors and assigns for the Easement Purpose and for the benefit of the Dominant Estate Property, together with all and singular the rights and appurtenances thereto in any way belonging (collectively the "nonexclusive, appurtenant aerial Easement") to have and to hold the Easement to Grantee and Grantee's successors and assigns forever. Grantor binds Grantor and Grantor's successors and

assigns against every person whomsoever lawfully claiming or to claim the Easement over or any part thereof, to the extent that such claim arises by, through or under Grantor but not otherwise.

IN WITNESS WHEREOF, this instrument is executed this ____ day of _____, 2016.

GRANTOR:

CITY OF SAN ANGELO

ATTEST:

By: _____

Daniel Valenzuela, City Manager

Bryan Kendrick, City Clerk

STATE OF TEXAS §

COUNTY OF TOM GREEN §

This instrument was acknowledged before me on the ____ day of _____, 2016, by **DANIEL VALENZUELA**, City Manager of the City of San Angelo, a Texas home rule municipal corporation, on behalf of said corporation by authority of its governing body.

Notary Public, State of Texas

GRANTEE:

TOM GREEN COUNTY

ATTEST:

By: _____

BY: Elizabeth 'Liz' McGill

Tom Green County Clerk

Stephen C. Floyd, Tom Green County

Judge, acting in his official capacity but
not individually

STATE OF TEXAS §

COUNTY OF TOM GREEN §

This instrument was acknowledged before me this _____ day of _____ 2016, by STEPHEN C. FLOYD, personally known to me (or proved to me on the basis of satisfactory evidence), to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as Tom Green County Judge, on behalf of Tom Green County, a legal and political subdivision of the State of Texas, for the purposes and considerations therein expressed.

Notary Public, State of Texas

Exhibit "A"

1 of 2 pages

FIELD NOTES

1852 Square Feet (Encroachment Edd B. Keys Building)

May 6, 2016
16-S-0440kbe

Being 1852 square feet located within W. Beauregard Avenue and adjacent to Block 9, Miles Addition to the City of San Angelo, Tom Green County, Texas, recorded in Cabinet F, Slide 77, Plat Records of Tom Green County, Texas, said 1852 square feet tract being more particularly described by metes and bounds as follows:

Beginning at a point in the southeast right-of-way line of W. Beauregard Avenue and the northwest line of said Block 9, for the southwest corner of this herein described 1852 square feet tract, from which an aluminum monument in concrete found for the southwest corner of Block 16, said Miles Addition bears S. 70°13'40" W., 149.02 feet and N. 19°46'20" W., 100.00 feet;

Thence N. 19° 46' 20" W. 1.05 feet to an angle corner of this herein described 1852 square feet tract;

Thence N. 70° 09' 11" E. 15.98 feet to an angle corner of this herein described 1852 square feet tract;

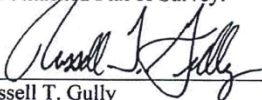
Thence N. 19° 46' 20" W. 8.92 feet to an angle corner of this herein described 1852 square feet tract;

Thence N. 70° 13' 40" E. 183.55 feet to the northeast corner of this herein described 1852 square feet tract;

Thence S. 19° 46' 20" E. 10.00 feet to the southeast right-of-way line of W. Beauregard Avenue and the northwest line of said Block 9, for the southeast corner of this herein described 1852 square feet tract;

Thence along the southeast right-of-way line of said W. Beauregard Avenue and the northwest line of said Block 9, S. 70° 13' 40" W. 199.53 feet to the place of beginning and containing 1852 square feet of land.

See Attached Plat of Survey.



Russell T. Gully
Registered Professional Land Surveyor No. 5636
SKG Engineering, LLC
Firm No. 10102400



COPYRIGHT 2016

THIS SURVEY IS PROTECTED BY ALL APPLICABLE COPYRIGHT LAWS. THIS SURVEY IS VOID WITHOUT AN ORIGINAL SIGNATURE AND SEAL.

BLOCK 16
MILES ADDITION

Found Aluminum
Monument in Concrete

S70°13'40"W

Found Aluminum
Monument in Concrete

Found Aluminum
Monument in Concrete
SW Cor. Blk. 16

W. BEAUREGARD AVENUE
(100' R.O.W.)

Exhibit "A"
2 of 2 pages

N17°45'20"W 8.92'
N70°09'11"E 15.98'
N19°46'20"W 1.05'

N70°13'40"E 183.55'

Edd B. Keyes Building Encroachment - 1852 Sq. Ft.

S70°13'40"W 199.53'

EXISTING BUILDING

BLOCK 9
MILES ADDITION

S70°13'40"W 149.02'

NW Cor. Blk. 9

S19°46'20"E 10.00'

PLAT SHOWING A SURVEY OF A 1852 SQUARE FEET EXISTING ENCROACHMENT BY THE EDD B. KEYES BUILDING INTO THE PUBLIC RIGHT-OF-WAY OF W. BEAUREGARD AVENUE AND ADJACENT TO BLOCK 9, MILES ADDITION TO THE CITY OF SAN ANGELO, TOM GREEN COUNTY, TEXAS, RECORDED IN CABINET F, SLIDE 77, PLAT RECORDS OF TOM GREEN COUNTY, TEXAS.
See attached field notes.

Certification is hereby made that a survey was made on the ground under my supervision according to the minimum standards of the Professional Land Surveying laws of the State of Texas and the General Rules of Procedure and Practices set forth by the Texas Board of Professional Land Surveying.

Surveyed on the ground prior to May 6, 2016.



SCALE: 1"= 30'
GRAPHIC SCALE: FEET
0 15 30 45 60
BEARINGS ARE BASED HEREON ARE
BASED ON TEXAS COORDINATE SYSTEM
NAD 83, ZONE 14N, CENTRAL ZONE BY
GPS OBSERVATION

SKG
ENGINEERING, LLC
SURVEYING • ENVIRONMENTAL • LAB/CMT
705 SOUTH ARIZONA STREET
SAN ANGELO, TEXAS 76903
PHONE 325.852.1215
FAX 325.857.8188
FIRM NO.: 10102400
www.skg.com

16-S-0440

Draft Easement Appurtenant for Encroachment of Building Wall
(Turner Building, 109 W. Beauregard Ave)

EASEMENT APPURTENANT FOR ENCROACHMENT OF BUILDING WALL

Date: _____, 2017

Grantor: CITY OF SAN ANGELO, a Texas home rule municipal corporation

Grantor's Mailing Address: 72 W College Avenue, San Angelo, Tom Green County,
Texas 76903

Grantee: TOM GREEN COUNTY, a legal and political subdivision of the State of Texas

Grantee's Mailing Address: 113 West Beauregard Avenue, San Angelo, Tom Green
County, Texas 76903

Dominant Estate Property: The West Forty feet (W. 40') of the North One Hundred Ten Feet (N. 110') of Lot eighteen (18), in Block 9, Main Part of the City of San Angelo, Tom Green County Texas, as described in that certain Warranty Deed with Vendor's Lien, recorded in Tom Green County Real Property Records as Instrument Number 282108.

Easement Property: Being 56 square feet located within West Beauregard Avenue and adjacent to Block 9, Miles Addition to the City of San Angelo, Tom Green County, Texas, as more particularly described by metes and bounds and depicted in **Exhibit "A"** attached hereto and incorporated herein by reference for all purposes (hereinafter "Easement Property").

Easement Purpose: For purpose of permitting the continued maintenance, repair, upgrade, removal and/or replacement of an existing building perimeter wall for a building located on the Dominant Estate Property, generally known as the Turner Building, 111 W. Beauregard Avenue, San Angelo, Texas.

Consideration: Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by Grantor.

Grant of Easement: Grantor, for the Consideration and subject to the Reservations from Conveyance and Exceptions to Warranty, grants, sells, and conveys to Grantee and Grantee's successors and assigns for the Easement Purpose and for the benefit of the Dominant Estate Property, together with all and singular the rights and appurtenances thereto in any way belonging (collectively the "Appurtenant Easement") to have and to hold the Easement to Grantee and Grantee's successors and assigns forever. Grantor binds Grantor and Grantor's successors and assigns against every person whomsoever lawfully claiming or to claim the Easement over or any part thereof, to the

extent that such claim arises by, through or under Grantor but not otherwise.

IN WITNESS WHEREOF, this instrument is executed this ____ day of _____, 2017.

GRANTOR:

CITY OF SAN ANGELO

ATTEST:

By: _____

Daniel Valenzuela, City Manager

Bryan Kendrick, City Clerk

STATE OF TEXAS §

COUNTY OF TOM GREEN §

This instrument was acknowledged before me on the ____ day of _____, 2017, by **DANIEL VALENZUELA**, City Manager of the City of San Angelo, a Texas home rule municipal corporation, on behalf of said corporation by authority of its governing body.

Notary Public, State of Texas

GRANTEE:

TOM GREEN COUNTY

ATTEST:

BY: _____

Elizabeth 'Liz' McGill,
Tom Green County Clerk

By: _____

Stephen C. Floyd, Tom Green County
Judge, acting in his official capacity
but not individually

STATE OF TEXAS §

COUNTY OF TOM GREEN §

 This instrument was acknowledged before me this _____ day of _____ 2017, by STEPHEN C. FLOYD, personally known to me (or proved to me on the basis of satisfactory evidence), to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as Tom Green County Judge, on behalf of Tom Green County, a legal and political subdivision of the State of Texas, for the purposes and considerations therein expressed.

Notary Public, State of Texas

EXHIBIT "A"

1 OF 2 Pages

FIELD NOTES

56 Square Feet

September 23, 2016
15-S-0897_turner

Being 56 square feet located within W. Beauregard Avenue and adjacent to Block 9, Miles Addition to the City of San Angelo, Tom Green County, Texas, recorded in Cabinet F, Slide 77, Plat Records of Tom Green County, Texas, said 56 square feet tract being more particularly described by metes and bounds as follows:

Beginning at a point in the southeast right-of-way line of W. Beauregard Avenue and the northwest line of said Block 9, for the southwest corner of this herein described 56 square feet tract, from which an aluminum monument in concrete found for the southwest corner of Block 16, said Miles Addition bears S. $70^{\circ}13'40''$ W., 348.55 feet and N. $19^{\circ}46'20''$ W., 100.00 feet;

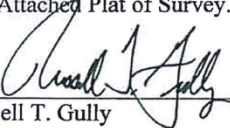
Thence N. $19^{\circ}46'20''$ W., 1.31 feet to the northwest corner of this herein described 56 square feet tract;

Thence N. $70^{\circ}09'11''$ E., 42.00 feet to the northeast corner of this herein described 56 square feet tract;

Thence S. $19^{\circ}46'20''$ E., 1.37 feet to a point in the southeast right-of-way line of W. Beauregard Avenue and the northwest line of said Block 9, for the southeast corner of this herein described 56 square feet tract;

Thence along the southeast right-of-way line of said W. Beauregard Avenue and the northwest line of said Block 9, S. $70^{\circ}13'40''$ W., 42.00 feet to the place of beginning and containing 56 square feet.

See Attached Plat of Survey.



Russell T. Gully
Registered Professional Land Surveyor No. 5636
SKG Engineering, LLC
Firm No. 10102400

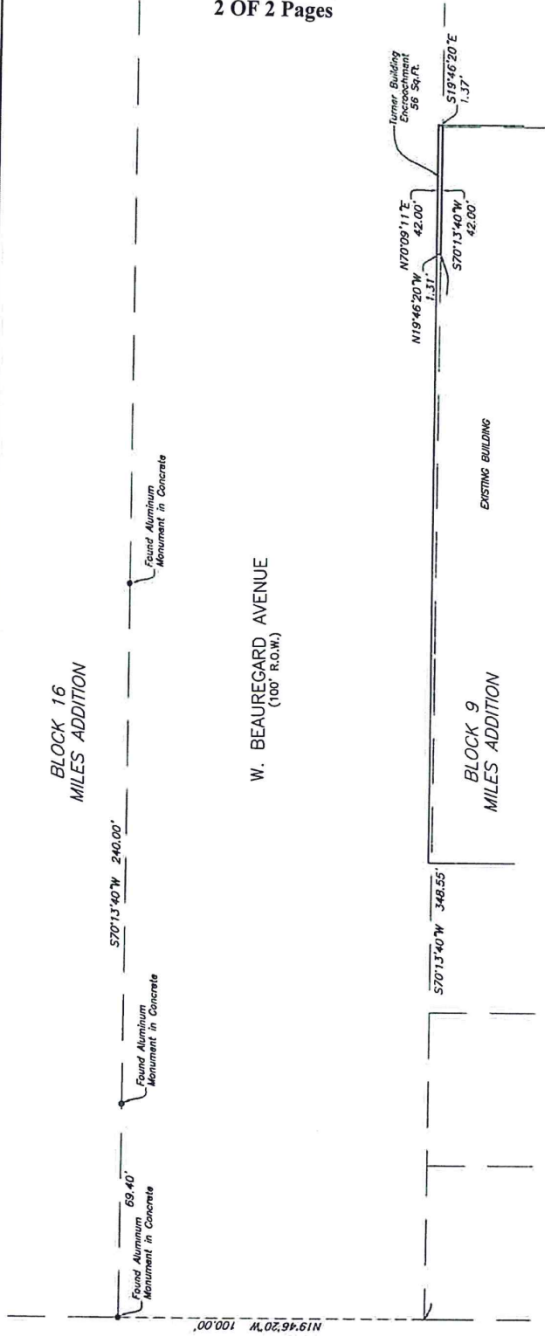


EXHIBIT "A"
2 OF 2 Pages

BLOCK 16
MILES ADDITION

W. BEAUREGARD AVENUE
(100' R.O.W.)

BLOCK 9
MILES ADDITION



PLAT SHOWING A SURVEY OF A 56 SQUARE FEET EXISTING ENCROACHMENT BY THE TURNER BUILDING INTO THE PUBLIC RIGHT-OF-WAY OF W. BEAUREGARD AVENUE AND ADJACENT TO BLOCK 9, MILES ADDITION TO THE CITY OF SAN ANGELO, TOM GREEN COUNTY, TEXAS, RECORDED IN CABINET F, SLIDE 77, PLAT RECORDS OF TOM GREEN COUNTY, TEXAS.
See attached field notes.

Certification is hereby made that a survey was made on the ground under my supervision and in accordance with the minimum standards of the Professional Land Surveying Act and the General Rules and Regulations and Practices set forth by the Texas Board of Professional Land Surveying.

Surveyor On the ground prior to September 23, 2016.

Russell L. Gully
RUSSELL L. GULLY
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5536



SCALE: 1" = 30'
GRAPHIC SCALE: FEET
0 15 30 45 60
BASED ON THE 1983 TEXAS COORDINATE SYSTEM
NAD83 - TEXAS CENTRAL ZONE BY
GPS OBSERVATION.

SKG

ENGINEERING, LLC
SURVEYING • ENVIRONMENTAL • LAB/CMT

706 SOUTH ABE STREET
SAN ANGELO, TEXAS 76903
PHONE: 325.655.1288
FAX: 325.657.8189
FIRM NO.: 10102400
www.skg.com

15-S-0897_Turner_ExistEncr

Draft Easement Appurtenant for Encroachment to allow Polycarbonate Paneling

(Turner Building, 109 W. Beauregard Ave)

AERIAL EASEMENT APPURTENANT FOR ENCROACHMENT OF BUILDING AWNING

Date: _____, 2016

Grantor: CITY OF SAN ANGELO, a Texas home rule municipal corporation

Grantor's Mailing Address: 72 W College Avenue, San Angelo, Tom Green County,
Texas 76903

Grantee: TOM GREEN COUNTY, a legal and political subdivision of the STATE OF TEXAS

Grantee's Mailing Address: 113 West Beauregard Avenue, San Angelo, Tom Green
County, Texas 76903

Dominant Estate Property: The West Forty feet (W. 40') of the North One Hundred Ten Feet (N. 110') of Lot eighteen (18), in Block 9, Main Part of the City of San Angelo, Tom Green County Texas, as described in that certain Warranty Deed with Vendor's Lien, recorded in Tom Green County Real Property Records as Instrument Number 282108.

Subservient Property: Being 420 square feet located within West Beauregard Avenue and adjacent to Block 9, Miles Addition to the City of San Angelo, Tom Green County, Texas, recorded in Cabinet F, Slide 77, Plat Records of Tom Green County, Texas, as more particularly described by metes and bounds and depicted in **Exhibit "A"** attached hereto and incorporated herein by reference for all purposes (hereinafter "Easement Property").

Aerial Easement: That certain vertical air space having a bottom plane to be eight feet above the paved surface of the Subservient Property and continuing upward and encompassing all the airspace above the Subservient Property to a top plane of thirty-three feet above the paved surface of the Subservient Property.

Easement Purpose: For purpose of permitting construction, maintenance, repair and replacement of an overhang and awning located on the Dominant Estate Property, generally known as the Turner Building, 111 W. Beauregard Avenue, San Angelo, Texas.

Consideration: Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by Grantor.

Grant of Easement: Grantor, for the Consideration and subject to the Reservations from Conveyance and Exceptions to Warranty, grants, sells, and conveys to Grantee and Grantee's successors and assigns for the Easement Purpose and for the benefit of the Dominant Estate Property, together with all and singular the rights and appurtenances thereto in any way belonging (collectively the "nonexclusive, appurtenant aerial Easement") to have and to hold the Easement to Grantee and Grantee's successors and assigns forever. Grantor binds Grantor and Grantor's successors and

assigns against every person whomsoever lawfully claiming or to claim the Easement over or any part thereof, to the extent that such claim arises by, through or under Grantor but not otherwise.

IN WITNESS WHEREOF, this instrument is executed this ____ day of _____, 2016.

GRANTOR:

CITY OF SAN ANGELO

ATTEST:

By: _____

Daniel Valenzuela, City Manager

Bryan Kendrick, City Clerk

STATE OF TEXAS §

COUNTY OF TOM GREEN §

This instrument was acknowledged before me on the ____ day of _____, 2016, by **DANIEL VALENZUELA**, City Manager of the City of San Angelo, a Texas home rule municipal corporation, on behalf of said corporation by authority of its governing body.

Notary Public, State of Texas

GRANTEE:

TOM GREEN COUNTY

ATTEST:

By: _____

BY: Elizabeth 'Liz' McGill

Tom Green County Clerk

Stephen C. Floyd, Tom Green County

Judge, acting in his official capacity but
not individually

STATE OF TEXAS §

COUNTY OF TOM GREEN §

This instrument was acknowledged before me this _____ day of _____ 2016, by STEPHEN C. FLOYD, personally known to me (or proved to me on the basis of satisfactory evidence), to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as Tom Green County Judge, on behalf of Tom Green County, a legal and political subdivision of the State of Texas, for the purposes and considerations therein expressed.

Notary Public, State of Texas

Exhibit "A"
1 of 2 pages

FIELD NOTES

420 Square Feet (Encroachment Turner Building)

May 6, 2016
16-S-0440tbe

Being 420 square feet located within W. Beauregard Avenue and adjacent to Block 9, Miles Addition to the City of San Angelo, Tom Green County, Texas, recorded in Cabinet F, Slide 77, Plat Records of Tom Green County, Texas, said 420 square feet tract being more particularly described by metes and bounds as follows:

Beginning at a point in the southeast right-of-way line of W. Beauregard Avenue and the northwest line of said Block 9, for the southwest corner of this herein described 420 square feet tract, from which an aluminum monument in concrete found for the southwest corner of Block 16, said Miles Addition bears S. 70°13'40" W., 348.55 feet and N. 19°46'20" W., 100.00 feet;

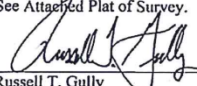
Thence N. 19° 46' 20" W. 10.00 feet to the northwest corner of this herein described 420 square feet tract;

Thence N. 70° 13' 40" E. 42.00 feet to the northeast corner of this herein described 420 square feet tract;

Thence S. 19° 46' 20" E. 10.00 feet to the southeast right-of-way line of W. Beauregard Avenue and the northwest line of said Block 9, for the southeast corner of this herein described 420 square feet tract;

Thence along the southeast right-of-way line of said W. Beauregard Avenue and the northwest line of said Block 9, S. 70° 13' 40" W. 42.00 feet to the place of beginning and containing 420 square feet of land.

See Attached Plat of Survey.



Russell T. Gully
Registered Professional Land Surveyor No. 5636
SKG Engineering, LLC
Firm No. 10102400



Draft Easement Appurtenant for Encroachment of Building Wall

(Edd B. Keyes Building, 113 W. Beauregard Ave)

EASEMENT APPURTENANT FOR ENCROACHMENT OF BUILDING WALL

Date: _____, 2016

Grantor: CITY OF SAN ANGELO, a Texas home rule municipal corporation

Grantor's Mailing Address: 72 W College Avenue, San Angelo, Tom Green County,
Texas 76903

Grantee: TOM GREEN COUNTY, a legal and political subdivision of the State of Texas

Grantee's Mailing Address: 113 West Beauregard Avenue, San Angelo, Tom Green
County, Texas 76903

Dominant Estate Property: Lots 4, 5, 6,7,8, 13, 14, 15, 16 and 17 of Block 9, Main Part of the City of San Angelo, Tom Green County, Texas, as described in that certain Deed, recorded in Tom Green County Real Property Records as Instrument Number 146725.

Easement Property: Being 606 square feet located within West Beauregard Avenue and adjacent to Block 9, Miles Addition to the City of San Angelo, Tom Green County, Texas, as more particularly described by metes and bounds and depicted in **Exhibit "A"** attached hereto and incorporated herein by reference for all purposes (hereinafter "Easement Property").

Easement Purpose: For purpose of permitting the continued maintenance, repair, upgrade, removal and/or replacement of an existing building perimeter wall for a building located on the Dominant Estate Property, generally known as the Edd B. Keyes Building, 113 W. Beauregard Avenue, San Angelo, Texas.

Consideration: Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by Grantor.

Grant of Easement: Grantor, for the Consideration and subject to the Reservations from Conveyance and Exceptions to Warranty, grants, sells, and conveys to Grantee and Grantee's successors and assigns for the Easement Purpose and for the benefit of the Dominant Estate Property, together with all and singular the rights and appurtenances thereto in any way belonging (collectively the "Appurtenant Easement") to have and to hold the Easement to Grantee and Grantee's successors and assigns forever. Grantor binds Grantor and Grantor's successors and assigns against every person whomsoever lawfully claiming or to claim the Easement over or any part thereof, to the extent

that such claim arises by, through or under Grantor but not otherwise.

IN WITNESS WHEREOF, this instrument is executed this ____ day of _____, 2016.

GRANTOR:

CITY OF SAN ANGELO

ATTEST:

By: _____

Daniel Valenzuela, City Manager

Bryan Kendrick, City Clerk

STATE OF TEXAS §

COUNTY OF TOM GREEN §

This instrument was acknowledged before me on the ____ day of _____, 2016, by **DANIEL VALENZUELA**, City Manager of the City of San Angelo, a Texas home rule municipal corporation, on behalf of said corporation by authority of its governing body.

Notary Public, State of Texas

GRANTEE:

TOM GREEN COUNTY

ATTEST:

By: _____

BY: Elizabeth 'Liz' McGill

Tom Green County Clerk

Stephen C. Floyd, Tom Green County
Judge, acting in his official capacity but
Not individually.

STATE OF TEXAS §

COUNTY OF TOM GREEN §

 This instrument was acknowledged before me this _____ day of _____ 2016, by STEPHEN C. FLOYD, personally known to me (or proved to me on the basis of satisfactory evidence), to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as Tom Green County Judge, on behalf of Tom Green County, a legal and political subdivision of the State of Texas, for the purposes and considerations therein expressed.

Notary Public, State of Texas

EXHIBIT "A"

1 OF 2 Pages

FIELD NOTES

606 Square Feet

June 23, 2015
15-S-0897_606SF

Being 606 square feet located within W. Beauregard Avenue and adjacent to Block 9, Miles Addition to the City of San Angelo, Tom Green County, Texas, recorded in Cabinet F, Slide 77, Plat Records of Tom Green County, Texas, said 606 square feet tract being more particularly described by metes and bounds as follows:

Beginning at a point in the southeast right-of-way line of W. Beauregard Avenue and the northwest line of said Block 9, for the southwest corner of this herein described 606 square feet tract, from which an aluminum monument in concrete found for the southwest corner of Block 16, said Miles Addition bears S. 70°13'40" W., 148.00 feet and N. 19°46'20" W., 100.00 feet;

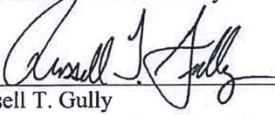
Thence N. 19° 46' 20" W., 2.50 feet to an angle corner of this herein described 606 square feet tract;

Thence N. 70° 13' 40" E., 242.55 feet to an angle corner of this herein described 606 square feet tract from which an "X" cut in concrete bears N. 19° 46' 20" W. 3.86 feet;

Thence S. 19° 46' 20" E., 2.50 feet to a point in the southeast right-of-way line of W. Beauregard Avenue and the northwest line of said Block 9, for the southeast corner of this herein described 606 square feet tract;

Thence along the southeast right-of-way line of said W. Beauregard Avenue and the northwest line of said Block 9, S. 70° 13' 40" W., 242.55 feet to the place of beginning and containing 606 square feet.

See Attached Plat of Survey.



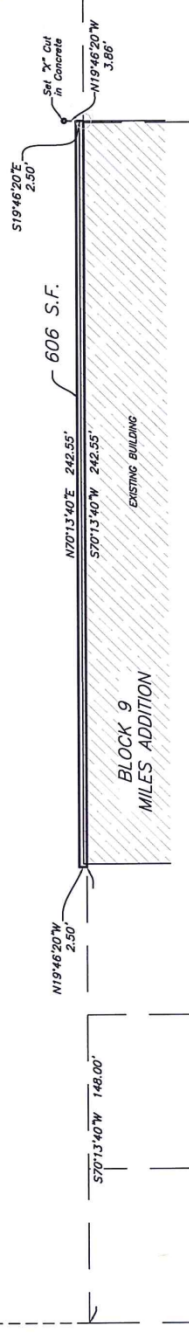
Russell T. Gully
Registered Professional Land Surveyor No. 5636
SKG Engineering, LLC
Firm No. 10102400



EXHIBIT "A"
2 OF 2 Pages

BLOCK 16
 MILES ADDITION

W. BEAUREGARD AVENUE
 (100' R.O.W.)



SURVEY OF A 606 SQUARE FEET AREA
 LOCATED WITHIN W. BEAUREGARD AVENUE
 AND ADJACENT TO BLOCK 9, MILES ADDITION
 TO THE CITY OF SAN ANGELO, TOM GREEN
 COUNTY, TEXAS, RECORDED IN CABINET F,
 SLIDE 77, PLAT RECORDS OF TOM GREEN
 COUNTY, TEXAS.
 SEE ATTACHED FIELD NOTES.



Certification is hereby made that a survey was made on the ground under my
 supervision according to the laws of the State of Texas and the Rules and Regulations
 of the Texas Board of Professional Land Surveying.

Surveyed on the ground June 23, 2015.



SCALE: 1"= 30'
 GRAPHIC SCALE : FEET
 BEARINGS ARE BASED UPON
 THE PLAT OF RECORD.

SKG
 ENGINEERING, LLC
 SURVEYING • ENVIRONMENTAL • LAB/CMT
 708 SOUTH ABE STREET
 SAN ANGELO, TEXAS 76903
 PHONE: 325.655.1288
 FAX: 325.657.8189
 FIRM NO.: 10102400
 www.skg.com

15-S-0897_606SF

RUSSELL T. GULLY
 REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5636

Draft Easement Appurtenant for Encroachment of Entry Element (Trellis Structure)

(Edd B. Keyes Building, 113 W. Beauregard Ave)

AERIAL EASEMENT APPURTENANT FOR ENCROACHMENT OF BUILDING AWNING

Date: _____, 2016

Grantor: CITY OF SAN ANGELO, a Texas home rule municipal corporation

Grantor's Mailing Address: 72 W College Avenue, San Angelo, Tom Green County,
Texas 76903

Grantee: TOM GREEN COUNTY, a legal and political subdivision of the STATE OF TEXAS

Grantee's Mailing Address: 113 West Beauregard Avenue, San Angelo, Tom Green
County, Texas 76903

Dominant Estate Property: Lots 4, 5, 6, 7, 8, 13, 14, 15, 16 and 17 of Block 9, Main Part of the City of San Angelo, Tom Green County, Texas, as described in that certain Deed, recorded in Tom Green County Real Property Records as Instrument Number 146725.

Subservient Property: Being 268 square feet located within West Beauregard Avenue and adjacent to Block 9, Miles Addition to the City of San Angelo, Tom Green County, Texas, RECORDED IN Cabinet F, Slide 77, Plat Records of Tom Green County, Texas, as more particularly described by metes and bounds and depicted in **Exhibit "A"** attached hereto and incorporated herein by reference for all purposes (hereinafter "Easement Property").

Aerial Easement: That certain vertical air space having a bottom plane to be eight feet above the paved surface of the Subservient Property and continuing upward and encompassing all the airspace above the Subservient Property to a top plane of thirty-three feet above the paved surface of the Subservient Property.

Easement Purpose: For purpose of permitting construction, maintenance, repair and replacement of a structural extension of the second floor of the building and incorporated overhang and awning located on the Dominant Estate Property, generally known as the Edd B. Keyes Building, 113 W. Beauregard Avenue, San Angelo, Texas.

Consideration: Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by Grantor.

Grant of Easement: Grantor, for the Consideration and subject to the Reservations from Conveyance and Exceptions to Warranty, grants, sells, and conveys to Grantee and Grantee's successors and assigns for the Easement Purpose and for the benefit of the Dominant Estate Property, together with all and singular the rights and appurtenances thereto in any way belonging (collectively the "nonexclusive, appurtenant aerial Easement") to have and to hold the Easement to Grantee and Grantee's successors and assigns forever. Grantor binds Grantor and Grantor's successors and

assigns against every person whomsoever lawfully claiming or to claim the Easement over or any part thereof, to the extent that such claim arises by, through or under Grantor but not otherwise.

IN WITNESS WHEREOF, this instrument is executed this ____ day of _____, 2016.

GRANTOR:

CITY OF SAN ANGELO

ATTEST:

By: _____

Daniel Valenzuela, City Manager

Bryan Kendrick, City Clerk

STATE OF TEXAS §

COUNTY OF TOM GREEN §

This instrument was acknowledged before me on the ____ day of _____, 2016, by **DANIEL VALENZUELA**, City Manager of the City of San Angelo, a Texas home rule municipal corporation, on behalf of said corporation by authority of its governing body.

Notary Public, State of Texas

GRANTEE:

TOM GREEN COUNTY

ATTEST:

By: _____

BY: Elizabeth 'Liz' McGill

Tom Green County Clerk

Stephen C. Floyd, Tom Green County

Judge, acting in his official capacity but
not individually

STATE OF TEXAS §

COUNTY OF TOM GREEN §

This instrument was acknowledged before me this _____ day of _____ 2016, by STEPHEN C. FLOYD, personally known to me (or proved to me on the basis of satisfactory evidence), to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as Tom Green County Judge, on behalf of Tom Green County, a legal and political subdivision of the State of Texas, for the purposes and considerations therein expressed.

Notary Public, State of Texas

Exhibit "A"

1 of 2 pages

FIELD NOTES

268 Square Feet (Edd B. Keys Building Entry Element Encroachment)

May 6, 2016
16-S-0440kbee

Being 268 square feet located within W. Beauregard Avenue and adjacent to Block 9, Miles Addition to the City of San Angelo, Tom Green County, Texas, recorded in Cabinet F, Slide 77, Plat Records of Tom Green County, Texas, said 268 square feet tract being more particularly described by metes and bounds as follows:

Beginning at a point in the southeast right-of-way line of W. Beauregard Avenue and the northwest line of said Block 9, for the southwest corner of this herein described 268 square feet tract, from which an aluminum monument in concrete found for the southwest corner of Block 16, said Miles Addition bears S. 70°13'40" W. 202.04 feet and N. 19°46'20" W., 100.00 feet;

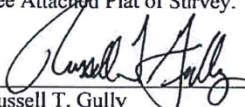
Thence N. 19° 46' 20" W. 11.16 feet to an "x" cut in concrete for the northwest corner of this herein described 268 square feet tract;

Thence N. 70° 13' 40" E. 24.00 feet to an "x" cut in concrete for the northeast corner of this herein described 268 square feet tract;

Thence S. 19° 46' 20" E. 11.16 feet to the southeast right-of-way line of W. Beauregard Avenue and the northwest line of said Block 9, for the southeast corner of this herein described 268 square feet tract;

Thence along the southeast right-of-way line of said W. Beauregard Avenue and the northwest line of said Block 9, S. 70° 13' 40" W. 24.00 feet to the place of beginning and containing 268 square feet of land.

See Attached Plat of Survey.



Russell T. Gully
Registered Professional Land Surveyor No. 5636
SKG Engineering, LLC
Firm No. 10102400



COPYRIGHT 2016

THIS SURVEY IS PROTECTED BY ALL APPLICABLE STATE AND FEDERAL COPYRIGHT LAWS. THIS SURVEY IS VOID WITHOUT AN ORIGINAL SIGNATURE AND SEAL.

BLOCK 16
MILES ADDITION

Found Aluminum
Monument in Concrete

S70°13'40"W

Found Aluminum
Monument in Concrete

Found Aluminum
Monument in Concrete
SW Cor. Blk. 16

N19°46'20"W 100.00'

W. BEAUREGARD AVENUE
(100' R.O.W.)

Proposed Edd B. Keyes
Building 268 Sq.Ft. Entry
Element Encroachment

Set 3" x 3" Cut
in Concrete

N70°13'40"E

24.00'

Set 3" x 3" Cut
in Concrete

N19°46'20"W

11.16'

S19°46'20"E

11.16'

S70°13'40"W

24.00'

Set 3" x 3" Cut
in Concrete

N70°13'40"E

24.00'

Set 3" x 3" Cut
in Concrete

N19°46'20"W

11.16'

S19°46'20"E

11.16'

S70°13'40"W

24.00'

Set 3" x 3" Cut
in Concrete

N70°13'40"E

24.00'

BLOCK 9
MILES ADDITION

EXISTING BUILDING

S70°13'40"W 202.04'

NW Cor. Blk. 9

Exhibit "A"
2 of 2 pages

PLAT SHOWING A SURVEY OF A 268 SQUARE FEET PROPOSED ENCROACHMENT BY THE EDD B. KEYES BUILDING ENTRY ELEMENT INTO THE PUBLIC RIGHT-OF-WAY OF W. BEAUREGARD AVENUE AND ADJACENT TO BLOCK 9, MILES ADDITION TO THE CITY OF SAN ANGELO, TOM GREEN COUNTY, TEXAS, RECORDED IN CABINET F, SLIDE 77, PLAT RECORDS OF TOM GREEN COUNTY, TEXAS.

See attached field notes.

Certification is hereby made that a survey was made on the ground under my supervision according to the minimum standards of the Professional Land Surveying Act of 1901, as amended, and the Rules and Regulations of the Texas Board of Professional Land Surveying.

Surveyed on the ground prior to May 6, 2016.

RUSSELL T. GULLY

REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5636

16-S-0440



SCALE: 1"= 30'

GRAPHIC SCALE: FEET
0 10 20 30 40
BEARINGS ARE BASED HEREON ARE
BASED ON TEXAS COORDINATE SYSTEM
NAD 83, ZONE 14N, CENTRAL ZONE BT
GPS OBSERVATION

SKG
ENGINEERING, LLC
SURVEYING • ENVIRONMENTAL • LAB/CMT

708 SOUTH AIRE STREET
SAN ANGELO, TEXAS 76903
PHONE 325.855.1288
FAX 325.857.8108
FIRM NO.: 10102400
www.skg.com

Draft Easement Appurtenant for Encroachment overhanging portions of building and canopy
(Edd B. Keyes Building, 113 W. Beauregard Ave)

AERIAL EASEMENT APPURTENANT FOR ENCROACHMENT OF BUILDING AWNING

Date: _____, 2016

Grantor: CITY OF SAN ANGELO, a Texas home rule municipal corporation

Grantor's Mailing Address: 72 W College Avenue, San Angelo, Tom Green County,
Texas 76903

Grantee: TOM GREEN COUNTY, a legal and political subdivision of the STATE OF TEXAS

Grantee's Mailing Address: 113 West Beauregard Avenue, San Angelo, Tom Green
County, Texas 76903

Dominant Estate Property: Lots 4, 5, 6, 7, 8, 13, 14, 15, 16 and 17 of Block 9, Main Part of the City of San Angelo, Tom Green County, Texas, as described in that certain Deed, recorded in Tom Green County Real Property Records as Instrument Number 146725.

Subservient Property: Being 1,852 square feet located within West Beauregard Avenue and adjacent to Block 9, Miles Addition to the City of San Angelo, Tom Green County, Texas, RECORDED IN Cabinet F, Slide 77, Plat Records of Tom Green County, Texas, as more particularly described by metes and bounds and depicted in **Exhibit "A"** attached hereto and incorporated herein by reference for all purposes (hereinafter "Easement Property").

Aerial Easement: That certain vertical air space having a bottom plane to be eight feet above the paved surface of the Subservient Property and continuing upward and encompassing all the airspace above the Subservient Property to a top plane of thirty-three feet above the paved surface of the Subservient Property.

Easement Purpose: For purpose of permitting construction, maintenance, repair and replacement of a structural extension of the second floor of the building and incorporated overhang and awning located on the Dominant Estate Property, generally known as the Edd B. Keyes Building, 113 W. Beauregard Avenue, San Angelo, Texas.

Consideration: Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by Grantor.

Grant of Easement: Grantor, for the Consideration and subject to the Reservations from Conveyance and Exceptions to Warranty, grants, sells, and conveys to Grantee and Grantee's successors and assigns for the Easement Purpose and for the benefit of the Dominant Estate Property, together with all and singular the rights and appurtenances thereto in any way belonging (collectively the "nonexclusive, appurtenant aerial Easement") to have and to hold the Easement to Grantee and Grantee's successors and assigns forever. Grantor binds Grantor and Grantor's successors and

assigns against every person whomsoever lawfully claiming or to claim the Easement over or any part thereof, to the extent that such claim arises by, through or under Grantor but not otherwise.

IN WITNESS WHEREOF, this instrument is executed this ____ day of _____, 2016.

GRANTOR:

CITY OF SAN ANGELO

ATTEST:

By: _____

Daniel Valenzuela, City Manager

Bryan Kendrick, City Clerk

STATE OF TEXAS §

COUNTY OF TOM GREEN §

This instrument was acknowledged before me on the ____ day of _____, 2016, by **DANIEL VALENZUELA**, City Manager of the City of San Angelo, a Texas home rule municipal corporation, on behalf of said corporation by authority of its governing body.

Notary Public, State of Texas

GRANTEE:

TOM GREEN COUNTY

ATTEST:

By: _____

BY: Elizabeth 'Liz' McGill

Tom Green County Clerk

Stephen C. Floyd, Tom Green County

Judge, acting in his official capacity but
not individually

STATE OF TEXAS §

COUNTY OF TOM GREEN §

This instrument was acknowledged before me this _____ day of _____ 2016, by STEPHEN C. FLOYD, personally known to me (or proved to me on the basis of satisfactory evidence), to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same as Tom Green County Judge, on behalf of Tom Green County, a legal and political subdivision of the State of Texas, for the purposes and considerations therein expressed.

Notary Public, State of Texas

Exhibit "A"

1 of 2 pages

FIELD NOTES

1852 Square Feet (Encroachment Edd B. Keys Building)

May 6, 2016
16-S-0440kbe

Being 1852 square feet located within W. Beauregard Avenue and adjacent to Block 9, Miles Addition to the City of San Angelo, Tom Green County, Texas, recorded in Cabinet F, Slide 77, Plat Records of Tom Green County, Texas, said 1852 square feet tract being more particularly described by metes and bounds as follows:

Beginning at a point in the southeast right-of-way line of W. Beauregard Avenue and the northwest line of said Block 9, for the southwest corner of this herein described 1852 square feet tract, from which an aluminum monument in concrete found for the southwest corner of Block 16, said Miles Addition bears S. $70^{\circ}13'40''$ W., 149.02 feet and N. $19^{\circ}46'20''$ W., 100.00 feet;

Thence N. $19^{\circ}46'20''$ W. 1.05 feet to an angle corner of this herein described 1852 square feet tract;

Thence N. $70^{\circ}09'11''$ E. 15.98 feet to an angle corner of this herein described 1852 square feet tract;

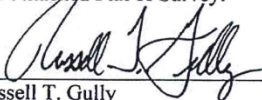
Thence N. $19^{\circ}46'20''$ W. 8.92 feet to an angle corner of this herein described 1852 square feet tract;

Thence N. $70^{\circ}13'40''$ E. 183.55 feet to the northeast corner of this herein described 1852 square feet tract;

Thence S. $19^{\circ}46'20''$ E. 10.00 feet to the southeast right-of-way line of W. Beauregard Avenue and the northwest line of said Block 9, for the southeast corner of this herein described 1852 square feet tract;

Thence along the southeast right-of-way line of said W. Beauregard Avenue and the northwest line of said Block 9, S. $70^{\circ}13'40''$ W. 199.53 feet to the place of beginning and containing 1852 square feet of land.

See Attached Plat of Survey.



Russell T. Gully
Registered Professional Land Surveyor No. 5636
SKG Engineering, LLC
Firm No. 10102400



COPYRIGHT 2016

THIS SURVEY IS PROTECTED BY ALL APPLICABLE COPYRIGHT LAWS. THIS SURVEY IS VOID WITHOUT AN ORIGINAL SIGNATURE AND SEAL.

BLOCK 16
MILES ADDITION

Found Aluminum
Monument in Concrete

S70°13'40"W

Found Aluminum
Monument in Concrete

Found Aluminum
Monument in Concrete
SW Cor. Blk. 16

W. BEAUREGARD AVENUE
(100' R.O.W.)

Exhibit "A"
2 of 2 pages

N17°45'20"W 8.92'
N70°09'11"E 15.98'
N19°46'20"W 1.05'

N70°13'40"E 183.55'

Edd B. Keyes Building Encroachment - 1852 Sq. Ft.

S70°13'40"W 199.53'

EXISTING BUILDING

BLOCK 9
MILES ADDITION

S70°13'40"W 149.02'

NW Cor. Blk. 9

S19°46'20"E 10.00'

PLAT SHOWING A SURVEY OF A 1852 SQUARE FEET EXISTING ENCROACHMENT BY THE EDD B. KEYES BUILDING INTO THE PUBLIC RIGHT-OF-WAY OF W. BEAUREGARD AVENUE AND ADJACENT TO BLOCK 9, MILES ADDITION TO THE CITY OF SAN ANGELO, TOM GREEN COUNTY, TEXAS, RECORDED IN CABINET F, SLIDE 77, PLAT RECORDS OF TOM GREEN COUNTY, TEXAS.
See attached field notes.

Certification is hereby made that a survey was made on the ground under my supervision according to the minimum standards of the Professional Land Surveying Laws of the State of Texas and the General Rules of Procedures and Practices set forth by the Texas Board of Professional Land Surveying.

Surveyed on the ground prior to May 6, 2016.



SCALE: 1"= 30'
GRAPHIC SCALE: FEET
0 15 30 45 60
BEARINGS ARE BASED HEREON ARE
BASED ON TEXAS COORDINATE SYSTEM
NAD 83, ZONE 14N, CENTRAL ZONE BY
GPS OBSERVATION

SKG
ENGINEERING, LLC
SURVEYING • ENVIRONMENTAL • LAB/CMT
705 SOUTH ARLINE STREET
SAN ANGELO, TEXAS 76903
PHONE 325.852.1215
FAX 325.857.8188
FIRM NO.: 10102400
www.skg.com

16-S-0440

**A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS
DESIGNEE, TO EXECUTE FIVE EASEMENT APPURTENANT
APPROVALS FOR VARIOUS ENCROACHMENTS OF BUILDINGS
AND AWNINGS LOCATED AT 109 WEST BEAUREGARD AVENUE
(TURNER BUILDING) AND 113 WEST BEAUREGARD AVENUE
(JUDGE EDD B. KEYES BUILDING) AS FOLLOWS: A 56-SQUARE
FOOT BUILDING WALL ENCROACHMENT AND 420-SQUARE
FOOT AERIAL ENCROACHMENT FOR THE TURNER
BUILDING; AND A 606-SQUARE FOOT WALL ENCROACHMENT,
268-SQUARE FOOT ENTRY ELEMENT ENCROACHMENT, AND
1852-SQUARE FOOT AERIAL ENCROACHMENT FOR THE EDD B.
KEYES BUILDING**

WHEREAS, Tom Green County, the applicant for the requested five easement appurtenances is the owner of certain real property commonly known as 109 and 113 West Beauregard Avenue, San Angelo, Tom Green County, Texas; and,

WHEREAS, the City Council of the San Angelo has authorized and ratified on February 16, 2016, approval for these encroachments into the public right-of-way of 109 and 113 West Beauregard Avenue; and,

WHEREAS, applicant would like to utilize a designated portion of the sidewalk right-of-way along the south side of 109 and 113 West Beauregard Avenue for purposes of constructing a new wood trellis structure with external lighting, polycarbonate paneling with external lighting, new signage, and legalizing an existing canopy and portions of the existing building wall that project over said Licensed Premises; and,

WHEREAS, use of a designated portion of the sidewalk right-of-way along the south side of West Beauregard Avenue for purposes of constructing a new wood trellis structure with external lighting, polycarbonate paneling with external lighting, new signage, and legalizing an existing canopy and portions of the existing building wall that project over said Licensed Premises would be beneficial to the development area of downtown and the development of the subject block of West Beauregard Avenue; and,

WHEREAS, the proposed new wood trellis structure with external lighting, polycarbonate paneling with external lighting, and new signage, would serve as an architectural element to the existing buildings which are mainly comprised of a masonry façade; and,

WHEREAS, views from either direction of this portion of West Beauregard Avenue are relatively flat in elevation, devoid of vegetation and other visual obstructions; and,

WHEREAS, the pavement width of West Beauregard Avenue, an arterial street, measures 64 feet, and whereas there are no plans to widen this street given the existing buildings project up to 2.5 feet into the public sidewalk right-of-way; and,

WHEREAS, the City Council has determined that the granting of the application for approval of five easement appurtenances for purposes of constructing a new wood trellis structure with external lighting, polycarbonate paneling with external lighting, new signage, and legalizing an existing canopy and portions of the existing building wall that project over the sidewalk area as described more particularly in **Exhibits “A” and “B”** attached hereto, would be in the public interest and benefit:

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

All of the recitals hereinabove stated are found to be true and correct and are incorporated herein and made a part of this resolution.

The City Council of the City of San Angelo, Texas, hereby determines that there is a public necessity for, and the public welfare and convenience will be served by granting of the application made by Tom Green County for a five easement appurtenances for purposes of constructing a new wood trellis structure with external lighting, polycarbonate paneling with external lighting, new signage, and legalizing an existing canopy and portions of the existing building wall that project over the sidewalk area in compliance with all applicable state law and City ordinances, at 109 and 113 West Beauregard Avenue, applicable to a portion of the sidewalk area as described more particularly in **Exhibits "A"** and **"B"** attached hereto and made a part hereof for all purposes.

The City Manager or his designee is hereby authorized to negotiate and execute on behalf of the City of San Angelo five easement appurtenances with Tom Green County for purposes of constructing a new wood trellis structure with external lighting, polycarbonate paneling with external lighting, new signage, and legalizing an existing canopy and portions of the existing building wall that project over the sidewalk area at 109 and 113 West Beauregard Avenue, applicable to a portion of the sidewalk area as described more particularly in **Exhibits "A,"** and **"B"** attached hereto, and such other instruments as may be necessary or convenient for carrying out such purposes.

PASSED and APPROVED THIS _____ DAY OF _____, 2017.

THE CITY OF SAN ANGELO

Dwain Morrison, Mayor

Attest:

Bryan Kendrick, City Clerk

Approved As to Form:

Approved As to Content:

Theresa James, City Attorney

Jon James, AICP, Director of Planning and Development Services

EXHIBIT "A"

1 OF 2 Pages

FIELD NOTES

56 Square Feet

September 23, 2016

15-S-0897_turner

Being 56 square feet located within W. Beauregard Avenue and adjacent to Block 9, Miles Addition to the City of San Angelo, Tom Green County, Texas, recorded in Cabinet F, Slide 77, Plat Records of Tom Green County, Texas, said 56 square feet tract being more particularly described by metes and bounds as follows:

Beginning at a point in the southeast right-of-way line of W. Beauregard Avenue and the northwest line of said Block 9, for the southwest corner of this herein described 56 square feet tract, from which an aluminum monument in concrete found for the southwest corner of Block 16, said Miles Addition bears S. 70°13'40" W., 348.55 feet and N. 19°46'20" W., 100.00 feet;

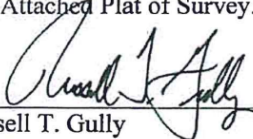
Thence N. 19° 46' 20" W., 1.31 feet to the northwest corner of this herein described 56 square feet tract;

Thence N. 70° 09' 11" E., 42.00 feet to the northeast corner of this herein described 56 square feet tract;

Thence S. 19° 46' 20" E., 1.37 feet to a point in the southeast right-of-way line of W. Beauregard Avenue and the northwest line of said Block 9, for the southeast corner of this herein described 56 square feet tract;

Thence along the southeast right-of-way line of said W. Beauregard Avenue and the northwest line of said Block 9, S. 70°13'40" W., 42.00 feet to the place of beginning and containing 56 square feet.

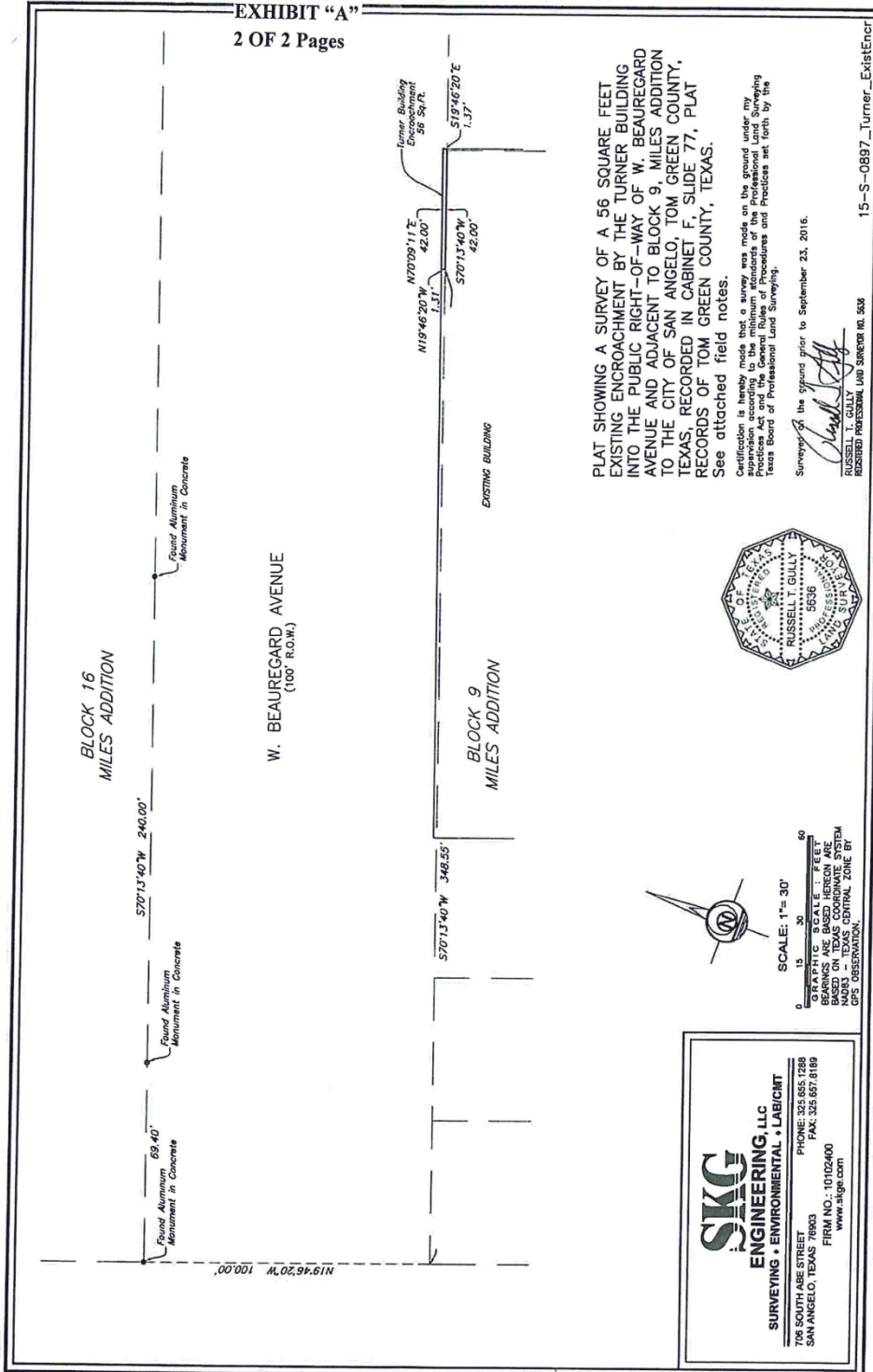
See Attached Plat of Survey.



Russell T. Gully
Registered Professional Land Surveyor No. 5636
SKG Engineering, LLC
Firm No. 10102400



EXHIBIT "A"
2 OF 2 Pages



15-S-0897_Turner_ExistEncr

Exhibit "A"
1 of 2 pages

FIELD NOTES

420 Square Feet (Encroachment Turner Building)

May 6, 2016
16-S-0440tbe

Being 420 square feet located within W. Beauregard Avenue and adjacent to Block 9, Miles Addition to the City of San Angelo, Tom Green County, Texas, recorded in Cabinet F, Slide 77, Plat Records of Tom Green County, Texas, said 420 square feet tract being more particularly described by metes and bounds as follows:

Beginning at a point in the southeast right-of-way line of W. Beauregard Avenue and the northwest line of said Block 9, for the southwest corner of this herein described 420 square feet tract, from which an aluminum monument in concrete found for the southwest corner of Block 16, said Miles Addition bears S. 70°13'40" W., 348.55 feet and N. 19°46'20" W., 100.00 feet;

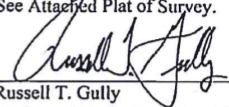
Thence N. 19° 46' 20" W. 10.00 feet to the northwest corner of this herein described 420 square feet tract;

Thence N. 70° 13' 40" E. 42.00 feet to the northeast corner of this herein described 420 square feet tract;

Thence S. 19° 46' 20" E. 10.00 feet to the southeast right-of-way line of W. Beauregard Avenue and the northwest line of said Block 9, for the southeast corner of this herein described 420 square feet tract;

Thence along the southeast right-of-way line of said W. Beauregard Avenue and the northwest line of said Block 9, S. 70° 13' 40" W. 42.00 feet to the place of beginning and containing 420 square feet of land.

See Attached Plat of Survey.


Russell T. Gully
Registered Professional Land Surveyor No. 5636
SKG Engineering, LLC
Firm No. 10102400



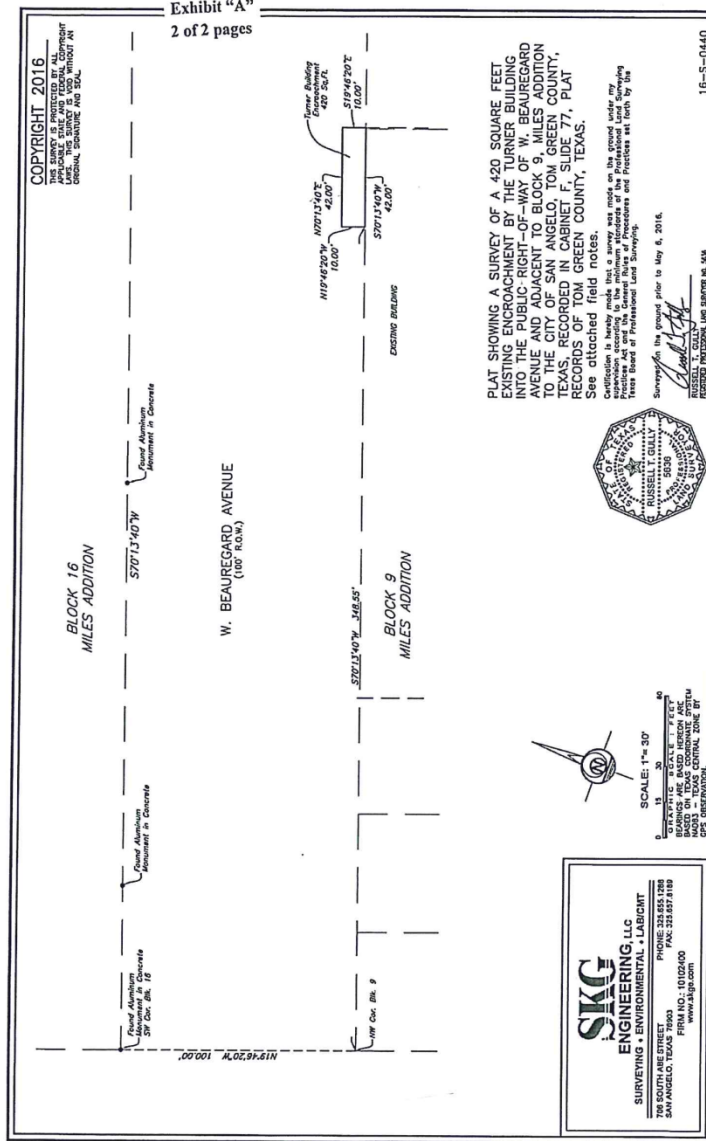


EXHIBIT "A"

1 OF 2 Pages

FIELD NOTES

606 Square Feet

June 23, 2015
15-S-0897_606SF

Being 606 square feet located within W. Beauregard Avenue and adjacent to Block 9, Miles Addition to the City of San Angelo, Tom Green County, Texas, recorded in Cabinet F, Slide 77, Plat Records of Tom Green County, Texas, said 606 square feet tract being more particularly described by metes and bounds as follows:

Beginning at a point in the southeast right-of-way line of W. Beauregard Avenue and the northwest line of said Block 9, for the southwest corner of this herein described 606 square feet tract, from which an aluminum monument in concrete found for the southwest corner of Block 16, said Miles Addition bears S. $70^{\circ}13'40''$ W., 148.00 feet and N. $19^{\circ}46'20''$ W., 100.00 feet;

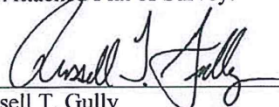
Thence N. $19^{\circ}46'20''$ W., 2.50 feet to an angle corner of this herein described 606 square feet tract;

Thence N. $70^{\circ}13'40''$ E., 242.55 feet to an angle corner of this herein described 606 square feet tract from which an "X" cut in concrete bears N. $19^{\circ}46'20''$ W. 3.86 feet;

Thence S. $19^{\circ}46'20''$ E., 2.50 feet to a point in the southeast right-of-way line of W. Beauregard Avenue and the northwest line of said Block 9, for the southeast corner of this herein described 606 square feet tract;

Thence along the southeast right-of-way line of said W. Beauregard Avenue and the northwest line of said Block 9, S. $70^{\circ}13'40''$ W., 242.55 feet to the place of beginning and containing 606 square feet.

See Attached Plat of Survey.


Russell T. Gully
Registered Professional Land Surveyor No. 5636
SKG Engineering, LLC
Firm No. 10102400

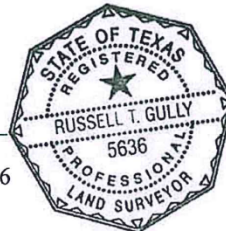


EXHIBIT "A"
2 OF 2 Pages

BLOCK 16
MILES ADDITION

W. BEAUREGARD AVENUE
(100' R.O.W.)

BLOCK 9
MILES ADDITION

606 S.F.

EXISTING BUILDING

S19°46'20"E
2.50'

S19°46'20"W
3.86'

N27°13'40"E 242.55'

S70°11'40"W 242.55'

N19°46'20"W
2.50'

S70°11'40"W 148.00'

Found Aluminum
Monument in Concrete

N19°46'20"W 100.00'

SURVEY OF A 606 SQUARE FEET AREA
LOCATED WITHIN W. BEAUREGARD AVENUE
AND ADJACENT TO BLOCK 9, MILES ADDITION
TO THE CITY OF SAN ANGELO, TOM GREEN
COUNTY, TEXAS, RECORDED IN CABINET F,
SLIDE 77, PLAT RECORDS OF TOM GREEN
COUNTY, TEXAS.
SEE ATTACHED FIELD NOTES.

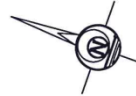


Certification is hereby made that a survey was made on the ground under my
personal supervision and in accordance with the minimum standards of the Professional Land Surveying
Practice Act and the General Rules of Procedures and Practices set forth by the
Texas Board of Professional Land Surveying.

Surveyed on the ground June 23, 2015.

RUSSELL T. GULLY
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5636

15-S-0897_606SF



SCALE: 1"= 30'

GRAPHIC SCALE - FEET

BEARINGS ARE BASED UPON
THE PLAT OF RECORD.



ENGINEERING, LLC
SURVEYING • ENVIRONMENTAL • LAB/CMT

706 SOUTH ABE STREET
SAN ANGELO, TEXAS 76903
PHONE: 325.555.1888
FAX: 325.557.8188
FIRM NO.: 10102400
WWW.SKG.COM

Exhibit "A"

1 of 2 pages

FIELD NOTES

268 Square Feet (Edd B. Keys Building Entry Element Encroachment)

May 6, 2016
16-S-0440kbee

Being 268 square feet located within W. Beauregard Avenue and adjacent to Block 9, Miles Addition to the City of San Angelo, Tom Green County, Texas, recorded in Cabinet F, Slide 77, Plat Records of Tom Green County, Texas, said 268 square feet tract being more particularly described by metes and bounds as follows:

Beginning at a point in the southeast right-of-way line of W. Beauregard Avenue and the northwest line of said Block 9, for the southwest corner of this herein described 268 square feet tract, from which an aluminum monument in concrete found for the southwest corner of Block 16, said Miles Addition bears S. 70°13'40" W. 202.04 feet and N. 19°46'20" W., 100.00 feet;

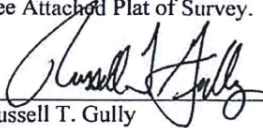
Thence N. 19° 46' 20" W. 11.16 feet to an "x" cut in concrete for the northwest corner of this herein described 268 square feet tract;

Thence N. 70° 13' 40" E. 24.00 feet to an "x" cut in concrete for the northeast corner of this herein described 268 square feet tract;

Thence S. 19° 46' 20" E. 11.16 feet to the southeast right-of-way line of W. Beauregard Avenue and the northwest line of said Block 9, for the southeast corner of this herein described 268 square feet tract;

Thence along the southeast right-of-way line of said W. Beauregard Avenue and the northwest line of said Block 9, S. 70° 13' 40" W. 24.00 feet to the place of beginning and containing 268 square feet of land.

See Attached Plat of Survey.



Russell T. Gully
Registered Professional Land Surveyor No. 5636
SKG Engineering, LLC
Firm No. 10102400



COPYRIGHT 2016

THIS SURVEY IS PROTECTED BY ALL APPLICABLE STATE AND FEDERAL COPYRIGHT LAWS. THIS SURVEY IS VOID WITHOUT AN ORIGINAL SIGNATURE AND SEAL.

BLOCK 16
MILES ADDITION

Found Aluminum
Monument in Concrete

S70°13'40"W

Found Aluminum
Monument in Concrete

Found Aluminum
Monument in Concrete
SW Cor. Blk. 16

N19°46'20"W 100.00'

W. BEAUREGARD AVENUE
(100' R.O.W.)

Proposed Edd B. Keyes
Building 268 Sq. Ft. Entry
Encroachment
Set 3" Cut
in Concrete
N70°13'40"E
24.00'
N19°46'20"W
11.16'

S19°46'20"E
11.16'

S70°13'40"W
24.00'

BLOCK 9
MILES ADDITION

EXISTING BUILDING

Exhibit "A"
2 of 2 pages

PLAT SHOWING A SURVEY OF A 268 SQUARE FEET PROPOSED ENCROACHMENT BY THE EDD B. KEYES BUILDING ENTRY ELEMENT INTO THE PUBLIC RIGHT-OF-WAY OF W. BEAUREGARD AVENUE AND ADJACENT TO BLOCK 9, MILES ADDITION TO THE CITY OF SAN ANGELO, TOM GREEN COUNTY, TEXAS, RECORDED IN CABINET F, SLIDE 77, PLAT RECORDS OF TOM GREEN COUNTY, TEXAS.
See attached field notes.

Certification is hereby made that a survey was made on the ground under my supervision according to the minimum standards of the Professional Land Surveying Practice Act of the State of Texas, and that the survey was conducted in accordance with the Texas Board of Professional Land Surveying.

Surveyed the ground, prior to May 6, 2016.

RUSSELL J. GILLY
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5638

16-S-0440



SCALE: 1"= 30'

GRAPHIC SCALE - FEET
0 15 30 45 60
BEARINGS ARE BASED HEREON ARE
BASED ON TEXAS COORDINATE SYSTEM
NAD 83 - NORTH CENTRAL ZONE BY
GPS OBSERVATION

SKG
ENGINEERING, LLC
SURVEYING • ENVIRONMENTAL • LAB/CMT
708 SOUTH ABE STREET
SAN ANGELO, TEXAS 76903
PHONE: 325.655.1288
FAX: 325.657.8169
FIRM NO.: 10102400
www.skg.com

Exhibit "A"

1 of 2 pages

FIELD NOTES

1852 Square Feet (Encroachment Edd B. Keys Building)

May 6, 2016
16-S-0440kbe

Being 1852 square feet located within W. Beauregard Avenue and adjacent to Block 9, Miles Addition to the City of San Angelo, Tom Green County, Texas, recorded in Cabinet F, Slide 77, Plat Records of Tom Green County, Texas, said 1852 square feet tract being more particularly described by metes and bounds as follows:

Beginning at a point in the southeast right-of-way line of W. Beauregard Avenue and the northwest line of said Block 9, for the southwest corner of this herein described 1852 square feet tract, from which an aluminum monument in concrete found for the southwest corner of Block 16, said Miles Addition bears S. $70^{\circ}13'40''$ W., 149.02 feet and N. $19^{\circ}46'20''$ W., 100.00 feet;

Thence N. $19^{\circ}46'20''$ W. 1.05 feet to an angle corner of this herein described 1852 square feet tract;

Thence N. $70^{\circ}09'11''$ E. 15.98 feet to an angle corner of this herein described 1852 square feet tract;

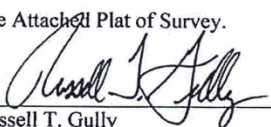
Thence N. $19^{\circ}46'20''$ W. 8.92 feet to an angle corner of this herein described 1852 square feet tract;

Thence N. $70^{\circ}13'40''$ E. 183.55 feet to the northeast corner of this herein described 1852 square feet tract;

Thence S. $19^{\circ}46'20''$ E. 10.00 feet to the southeast right-of-way line of W. Beauregard Avenue and the northwest line of said Block 9, for the southeast corner of this herein described 1852 square feet tract;

Thence along the southeast right-of-way line of said W. Beauregard Avenue and the northwest line of said Block 9, S. $70^{\circ}13'40''$ W. 199.53 feet to the place of beginning and containing 1852 square feet of land.

See Attached Plat of Survey.



Russell T. Gully
Registered Professional Land Surveyor No. 5636
SKG Engineering, LLC
Firm No. 10102400



COPYRIGHT 2016

THIS SURVEY IS PROTECTED BY ALL APPLICABLE STATE AND FEDERAL COPYRIGHT LAWS. ANY REPRODUCTION WITHOUT AN ORIGINAL SIGNATURE AND SEAL

BLOCK 16
MILES ADDITION

S70°13'40"W

Found Aluminum Monument in Concrete

W. BEAUREGARD AVENUE
(100' R.O.W.)

N19°46'20"W 100.00'

Found Aluminum Monument in Concrete SW Cor. Blk. 16

N19°46'20"W 8.92'
N70°09'11"E 5.08'
N19°46'20"W 1.05'

N70°13'40"E 183.55'

Edd B. Keyes Building Encroachment - 1852 Sq.ft.

S70°13'40"W 199.53'

S19°46'20"E 10.00'

BLOCK 9
MILES ADDITION

S70°13'40"W 149.02'

NW Cor. Blk. 9

EXISTING BUILDING

Exhibit "A"
2 of 2 pages

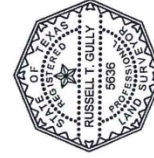
PLAT SHOWING A SURVEY OF A 1852 SQUARE FEET EXISTING ENCROACHMENT BY THE EDD B. KEYES BUILDING INTO THE PUBLIC RIGHT-OF-WAY OF W. BEAUREGARD AVENUE AND ADJACENT TO BLOCK 9, MILES ADDITION TO THE CITY OF SAN ANGELO, TOM GREEN COUNTY, TEXAS, RECORDED IN CABINET F, SLIDE 77, PLAT RECORDS OF TOM GREEN COUNTY, TEXAS. See attached field notes.

Certification is hereby made that a survey was made on the ground under my personal supervision and in accordance with the provisions of the Professional Land Surveying Practice Act and the General Rule of Procedure and Practice set forth by the Texas Board of Professional Land Surveying.

Surveyed on the ground prior to May 6, 2016.

RUSSELL T. GULLY
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 9536

16-S-0440



SCALE: 1"= 30'

GRAPHIC SCALE: FEET
0 15 30 45 60 75 90
BEARINGS ARE BASED HEREON ARE
NAD83 - TEXAS CENTRAL ZONE BY
GPS OBSERVATION.

SKG
ENGINEERING, LLC
SURVEYING • ENVIRONMENTAL • LAB/CMT
706 SOUTH ABE STREET
SAN ANGELO, TEXAS 76903
PHONE: 325.655.1288
FAX: 325.657.8189
FIRM NO.: 10102400
www.skg.com

**EXHIBIT B
PLAN VIEW**

**Plan View of Easement Appurtenance Areas
109 and 113 West Beauregard Avenue**



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Rebeca Guerra, Planning Manager, Planning and Development Services, 325-657-4210

Meeting Date: May 2, 2017

Item type: Consent Item

Caption:

Consider a resolution authorizing the City Manager, or designee, to execute a Temporary Nonexclusive Sidewalk Use License to allow for a modified 248.75-square foot wood-framed metal canopy attached to the existing buildings at 12 and 14 North Chadbourne Street to be located within the public right-of-way of Chadbourne Street (J. James)

Summary/History:

On March 28, 2017, the applicant submitted an application for a Right-Of-Way Encroachment to allow a modified wood-framed, metal canopy that will encroach five feet into the public sidewalk right-of-way in front of 12 and 14 North Chadbourne Street. The canopy will be painted black and look similar to the encroaching canopies approved by City Council in November 2016 for 38 North Chadbourne Street. The owners of 12 and 14 North Chadbourne Street have recently made exterior improvements to their building facades which included reconstruction of the existing canopy by: removing the support posts; adding a metal exterior façade; removing the front 5'-6" of the canopy; and realigning the existing stanchion support wires on top of the canopy. The original canopy was constructed along with the original building between 1908 and 1913. The Permits and Inspections Division had indicated to the owners and applicant that permits are required for the new improvements, including an engineering feasibility study for the removal or realignment of the stanchion wires. To date, permit applications for these alterations have not been submitted, and this will be required as a condition of approval of this request, prior to recordation of an associated Encroachment License Agreement.

Both owners have submitted associated River Corridor Applications for their exterior improvements as well. The owner of 12 North Chadbourne Street received approval from the Design and Historic Review Commission (DHRC) on October 20, 2016, for exterior remodeling of his building which included modifying the exterior canopy by replacing the existing support posts with new posts, removing the stanchion wires, and repainting the canopy (RCC16-23). The owner then submitted a request for an administrative amendment to this approval (Amendment to RCC16-23), which includes the current canopy (no posts, removal of the front 5'-6", metal cover) which is now pending final review by the Planning Division, and the owner obtaining the required permits from the Permits and Inspections Division. The owner of 14 North Chadbourne Street has also submitted a request for an administrative approval for their façade improvements which include the modifications to the existing canopy (RCC17-03), also pending final review and the requirement to obtain permits.

The metal-covered canopy extends the full length of both properties along the Chadbourne Street frontage. As indicated above, the posts have been removed leaving an unobstructed clearance along the sidewalk for pedestrians on Chadbourne Street. The canopy maintains an 8'-7 1/2" clearance above grade in compliance with Section 3202.2 of the International Building Code which requires that the "vertical clearance from the public right-of-way to the lowest part of any awning, including variances, shall be 7 feet minimum." The 124.25-square foot portion of the canopy in front of 12 North Chadbourne Street and the 124.5-square foot canopy in front of 14 N. Chadbourne Street will maintain 4'-6" to back of curb.

Planning Staff has circulated the application to Engineering Services, the Fire Marshall, and the Building Official for review. There were no objections to approval of this request. As indicated previously, the applicant will require a building permit for the modified canopy, including an engineering feasibility study for the modifications and the realignment of the stanchion wires.

Financial Impact:

N/A

Other Information/Recommendation:

Staff recommends APPROVAL with three Conditions of Approval:

1. The applicant/owners shall enter into a temporary non-exclusive sidewalk use license agreement with the City of San Angelo for the encroachments;
2. The applicant/owners shall obtain building permit(s) and approval of an engineering feasibility study from the Permits and Inspections Division for the canopy modifications prior to recordation of a temporary non-exclusive sidewalk use license agreement; and,
3. The applicant/owners shall obtain approval from the Director of Planning and Development Services for the associated River Corridor applications (Amendment to RCC16-23 and RCC17-03) prior to recordation of a temporary non-exclusive sidewalk use license agreement.

This item does not require Planning Commission review.

Attachments:

- | | | |
|----|------------------|---|
| 1. | Draft Agreement | PL__Agreement (12 & 14 N Chadbourne St).docx |
| 2. | Draft Resolution | PL__Resolution (12 & 14 N Chadbourne St).docx |

Presentation:

Jon James

Approvals/Reviews:

Rebeca Guerra	Created/Initiated
Jon James	Approved
Theresa James	Approved
Anthony Wilson	Approved
Jon James	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Bryan Kendrick	Final Approval

TEMPORARY NONEXCLUSIVE SIDEWALK USE LICENSE AGREEMENT

THE STATE OF TEXAS

§

TOM GREEN COUNTY

§

THIS REVOCABLE LICENSE AGREEMENT FOR ENCROACHMENTS, hereinafter referred to as ("License"), is entered into by and between the City of San Angelo, a municipal corporation of the State of Texas, hereinafter referred to as ("Licensor" or "City"), **Brian and Jim Raymond and Blue Burro, LLC** hereinafter referred to as ("Licensees"), with an Effective Date of the _____ day of _____, 2017.

WITNESSETH:

That Licensor, for consideration of ten dollars (\$10.00) and other good and valuable consideration the receipt of which is hereby acknowledged, does hereby grant to Licensees the non-exclusive, temporary, revocable right, privilege and license to use two areas of property within sidewalk rights-of-way adjacent to the westerly boundaries of Lots 3 and 4, Harris Block, of the Main Part of San Angelo, Tom Green County, Texas, being +/- 124.5 square feet, and +/-124.25 square feet respectively, as more particularly described in **Exhibit "A"**, attached hereto and made a part hereof for all purposes (hereinafter collectively referred to as the "Licensed Premises"), and as depicted in **Exhibit "B"**.

The "Licensed Use" as set forth herein, commencing from the foregoing effective date, is subject to the conditions, restrictions, covenants and exceptions hereinafter set forth:

1. Interest Conferred by this License: This License confers no exclusive possession or tenancy of Licensed Premises. The Licensees cannot exclude City from Licensed Premises. This License solely authorizes Licensee to the temporary use of Licensed Premises for the limited purposes set forth herein and for no other purpose. The parties hereby agree that the provisions of this License do not constitute a lease. The rights of Licensee hereunder are not those of a tenant, but are a mere personal privilege to do certain acts of a temporary character on Licensed Premises and to use Licensed Premises, subject to the terms of this License. City retains dominion, possession and control of the Licensed Premises. Therefore, no lease interest in Licensed Premises is conferred upon Licensee under the provisions hereof. Licensee does not and shall not claim at any time any interest or estate of any kind or extent whatsoever in Licensed Premises

by virtue of this License or its use of Licensed Premises hereunder. Additionally, Licensee does not and shall not claim at any time any interest or estate of any kind or extent whatsoever in Licensed Premises by virtue of any expenditure of funds by Licensee for improvements, construction, repairs, partitions, or alterations to Licensed Premises which may be authorized by City.

2. Licensed Use: Licensed Premises shall be used for the limited purpose of allowing the construction and maintenance of a 248.75-square foot, wood-framed metal canopy attached to the existing buildings at 12 and 14 North Chadbourne Street, within the North Chadbourne Street public rights-of-way, including all support structures, and maintaining a minimum clearance from surface of the sidewalk area of at least eight feet, substantially as described and depicted and described in **Exhibits “A” and “B”**, attached hereto and made a part hereof for all purposes. Any design construction or installation shall be in accordance with approval from the Design and Historic Review Commission and required building permits issued by the City of San Angelo Community & Economic Development Department, Permits and Inspections Division.

3. Term: This License shall commence on the effective date set forth herein above and if not earlier terminated as herein provided, continue for a period of forty (40) years to _____, 2057, at which time this License shall automatically extend annually until terminated as herein provided.

4. Non-exclusive License: This license is non-exclusive and is made expressly subject and subordinate to the reserved right of the City to use or permit the use of the Licensed Premises for public sidewalk area, utility right-of-way or any other public purpose.

5. Right of Termination:

- (a) The City reserves the right to terminate and cancel this License by resolution passed by its Governing Body upon a finding that the License is inconsistent or incompatible with the reserved right of the City to use or permit the use of the Licensed Premises or whenever the purpose or use of the License is or has become a nuisance as determined in the discretion of the City Council, and all rights granted hereunder shall thereupon be considered fully terminated and canceled and the City shall not be held liable by reason thereof. The parties hereto concur that said resolution shall be final and shall not be subject to review by the Courts.
- (b) Upon termination or cancellation by City or Licensee, this License shall become null and void and Licensee or anyone claiming any rights under this instrument shall remove, to the extent required by City, any or all improvements, appurtenances and

encroachments owned by Licensee from the Licensed Premises at Licensee's expense, and shall restore the Licensed Premises to its condition at the effective date of this License at the sole cost of the Licensee. In the event that Licensee shall fail to remove its improvements, appurtenances and encroachments as required and to restore the Licensed Premises, City shall have the right to do the necessary work to remove said improvements, appurtenances and encroachments and to restore the Licensed Premises to its condition at the effective date of this License, or to cause such work to be done, and to assess reasonable allocated costs or the incurred cost of all such work against Licensee and premises of which Licensed Premises is a part.

6. Fixtures: Licensee may construct and maintain a 248.75-square foot, wood-framed metal canopy attached to the existing buildings at 12 and 14 North Chadbourne Street, within the North Chadbourne Street public rights-of-way, extending from the existing building and maintaining a minimum clearance from surface of the sidewalk area of at least eight feet (8'), as more particularly described and depicted on **Exhibits "A" and "B"** attached. Licensee shall not install any additional permanent fixtures on the Licensed Premises without first securing the written permission of City.

7. Codes, Ordinances and Regulations: Licensee shall comply with all applicable codes, ordinances and regulations of local, state and federal governments in the exercise of its use of the Licensed Premises. This requirement shall include, but not be limited to, compliance at all times with the Texas Architectural Barriers Act, Texas Accessibility Standards, Americans with Disabilities Act, as well as local ordinances and regulations relating to occupancy loads, unobstructed passage ways, entrances and exits, and signage.

8. Improvements and Maintenance: It is further understood that if and when the City, in the exercise of its discretion, shall determine that the grade of any street or sidewalk should be modified or changed, or that any other work should be done in connection with any public improvement which will affect the Licensed Premises, Licensee's improvements or appurtenances thereon, or the use thereof by Licensee, City may proceed with such improvement or work without liability to Licensee. Further, any modifications or changes to Licensee's facilities in the licensed area or in construction or reconstruction of any public improvement attributable to Licensee's use of the licensed area and/or its installations and improvements shall be made at the sole expense of Licensee and to the satisfaction of City.

9. Insurance and Indemnification: At such time as this license is granted, it is agreed that Licensee shall hold harmless and indemnify City and procure and keep in full force and effect Insurance coverage of the kind and in the minimum amounts, all as set forth in Exhibit "C",

attached and made a part hereof for all purposes, which provisions shall survive termination or expiration of the term of this License Agreement.

10. Reservations: This License is subject to any existing utilities or communication facilities, including drainage, presently located within or about the Licensed Premises, owned or operated by the City or any utility or communications company, public or private, and to any vested rights presently owned by any utility or communications company, public or private, for the use of the Licensed Premises for facilities presently located within the boundaries of said Licensed Premises. No improvement or appurtenance shall be constructed or placed upon, over or across the Licensed Premises in such a manner as to interfere with the operation of any utilities or communication facilities. All and any communication company and utility, both public and private, shall have the right to remove and keep removed all or parts of any improvement or appurtenance which may in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems within the Licensed Premises. All communication companies and utilities, both public and private, shall have the full right to remove and keep removed all parts of any improvements or appurtenances which in any way may endanger or interfere with the construction, maintenance and efficiency of its respective system and shall at all times have the full right of ingress and egress to or from and upon the Licensed Premises for the purpose of constructing, relocating, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of Licensee.

11. Successors and Assigns: The terms of this License shall be binding upon the Licensee and Licensee's successors and assigns.

12. Non-assignable: This License may not be assigned by Licensee without the prior written approval from the City. The assignee shall deliver a copy of the assignment, along with the assignee's written acceptance of the provisions of this License, to the Director of Community and Economic Development for the City of San Angelo, or his designee, within ten (10) days of such assignment. Should Licensee fail to obtain prior written approval for assignment of this License or fail to provide the City with the required written acceptance and a copy of the assignment as provided, the Director of Community and Economic Development, or his designee, may terminate this License.

IN WITNESS WHEREOF, the parties hereto have caused License to be executed in duplicate and intend to be legally bound thereby.

LICENSOR:
CITY OF SAN ANGELO

BY: _____
Daniel Valenzuela, City Manager

Date: _____, 2017

ATTEST:

Bryan Kendrick, City Clerk

LICENSEE:
BRIAN RAYMOND

BY: _____
Brian Raymond
Date: _____, 2017

LICENSEE:
BLUE BURRO LLC

BY: _____
Val Hague, Managing Member
Date: _____, 2017

LICENSEE:
JIM RAYMOND, LLC

BY: _____
Jim Raymond, Managing Member
Date: _____, 2017

STATE OF TEXAS §

COUNTY OF TOM GREEN §

This instrument was acknowledged before me on the _____ day of _____, 2017 by
BRIAN RAYMOND.

Notary Public, State of Texas

This instrument was acknowledged before me on the _____ day of _____, 2017 by
JIM RAYMOND.

Notary Public, State of Texas

This instrument was acknowledged before me on the ____ day of _____, 2016, by **VAL HAGUE** as Managing Member of **BLUE BURRO, LLC**, a Texas limited liability company, on behalf of said company.

Notary Public, State of Texas

**TEMPORARY NONEXCLUSIVE SIDEWALK USE LICENSE AGREEMENT
BETWEEN CITY OF SAN ANGELO, BRIAN AND JIM RAYMOND, AND BLUE BURRO,
LLC**

APPROVED AS TO INSURANCE
REQUIREMENTS:

Charles Hagen,
Risk Manager

APPROVED AS TO FORM:

Dan T. Saluri,
Deputy City Attorney

APPROVED AS TO CONTENT:

Jon James, AICP
Director of Planning and Development Services

EXHIBIT "A"
Page 1 of 3
LEGAL DESCRIPTION OF LICENSED PREMISES
12 N. Chadbourne Street
San Angelo, TX 76903

FIELD NOTES

The Licensed Premises shall consist of that portion of the plat showing a survey(s) of:

That portion of the 12 N. Chadbourne St. sidewalk right-of-way described as follows:

COMMENCING along the property line, at the northwest corner of Lot 3, Harris Block of Main Part of San Angelo; San Angelo, Tom Green County, Texas;

Proceeding westerly within the right-of-way of North Chadbourne Street, for a distance of 5 feet;

Proceeding southerly within the right-of-way of North Chadbourne Street, for a distance of 24.85 feet;

Proceeding easterly within the right-of-way of North Chadbourne Street for a distance of 5 feet;

THENCE continuing north along the property line to said point of beginning, at a distance of 24.85 feet and comprising 124.25 square feet as depicted on Exhibit "A" attached.

EXHIBIT "A"
Page 2 of 3
LEGAL DESCRIPTION OF LICENSED PREMISES
14 N. Chadbourne Street
San Angelo, TX 76903

FIELD NOTES

That portion of the 14 N. Chadbourne St. sidewalk right-of-way described as follows:

COMMENCING along the property line, at the southwest corner of Lot 4, Harris Block of Main Part of San Angelo; San Angelo, Tom Green County, Texas;

Proceeding westerly within the right-of-way of North Chadbourne Street, for a distance of 5 feet;

Proceeding northerly within the right-of-way of North Chadbourne Street, for a distance of 24.9 feet;

Proceeding easterly within the right-of-way of North Chadbourne Street for a distance of 5 feet;

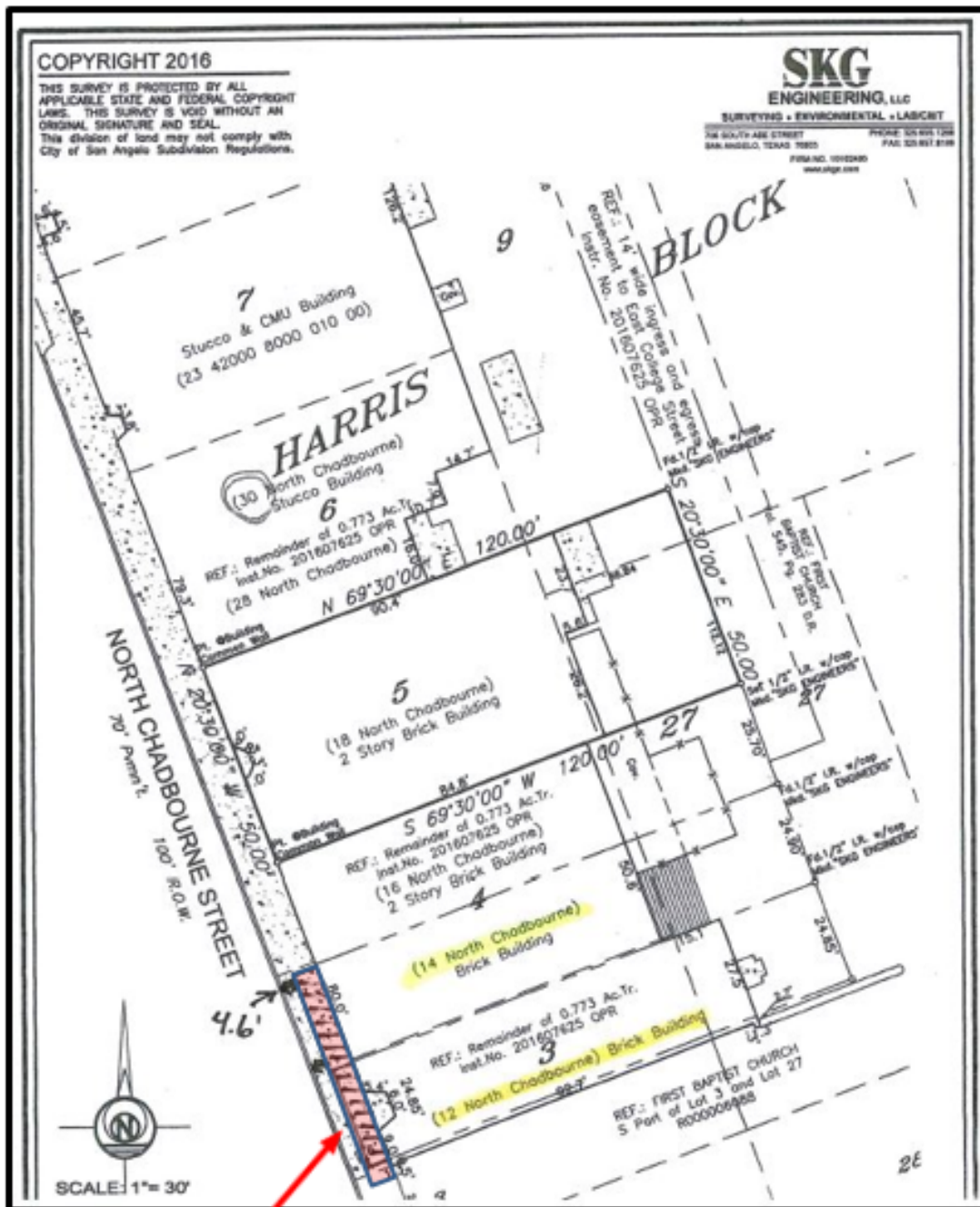
THENCE continuing south along the property line to said point of beginning, at a distance of 24.9 feet and comprising 124.5 square feet as depicted on Exhibit "A" attached.

EXHIBIT "A"

12 & 14 N. Chadbourne Street, San Angelo, Texas

Page 3 of 3

Survey Plat



canopy encroachment area
(request for approval)

EXHIBIT “B”

ELEVATION VIEWS OF LICENSED PREMISES

12 and 14 N. Chadbourne St.

San Angelo, TX 76903

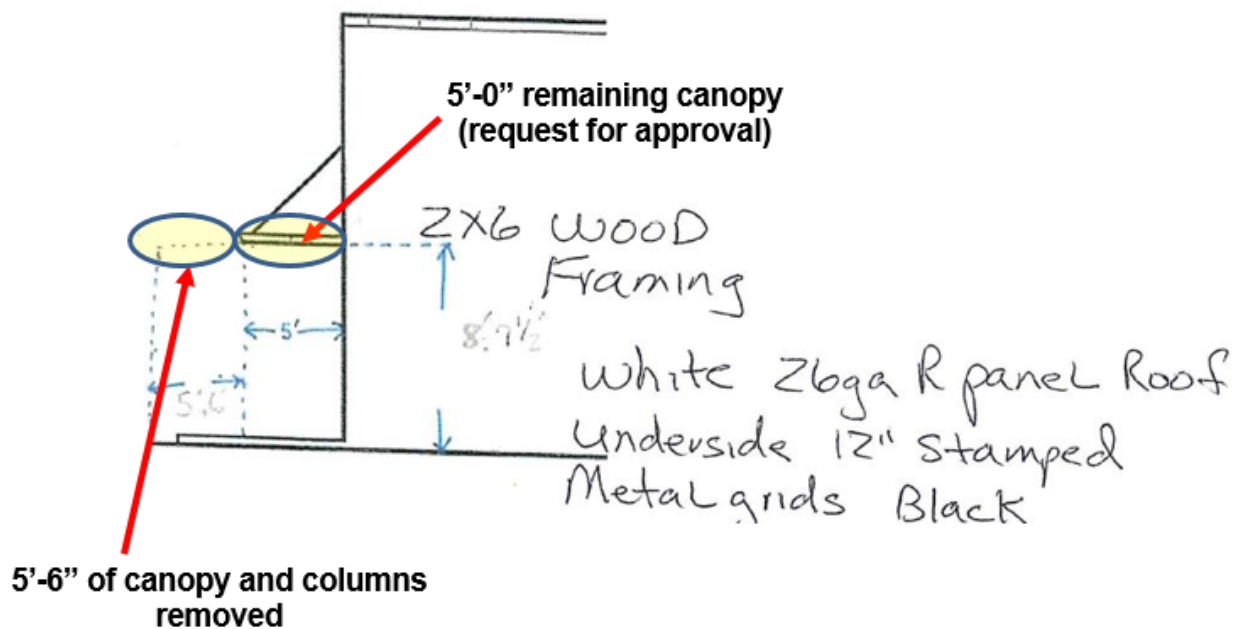
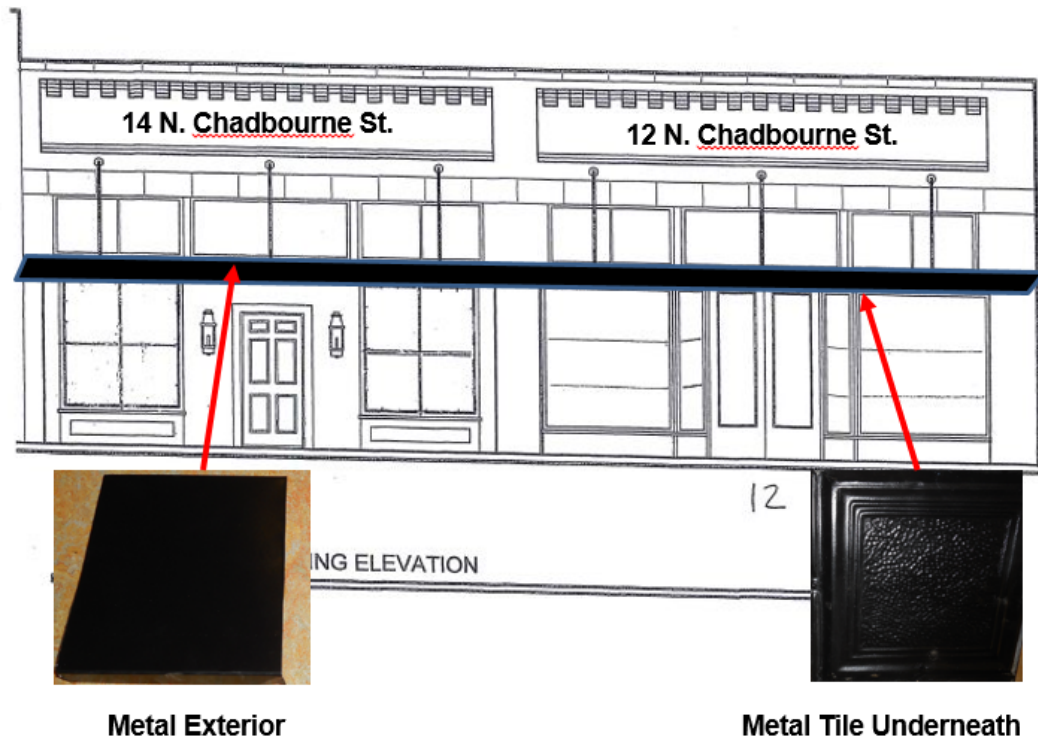


EXHIBIT "C"

TEMPORARY NONEXCLUSIVE SIDEWALK USE LICENSE AGREEMENT INSURANCE REQUIREMENTS

1. INDEMNIFICATION.

1.1 GENERAL INDEMNIFICATION. LICENSEE AGREES TO INDEMNIFY, DEFEND, AND HOLD CITY, ITS COUNCIL MEMBERS, BOARD AND COMMISSION MEMBERS, OFFICIALS, AGENTS, GUESTS, INVITEES, CONSULTANTS AND EMPLOYEES FREE AND HARMLESS FROM AND AGAINST ANY AND ALL CLAIMS, DEMANDS, PROCEEDINGS, SUITS, JUDGMENTS, COSTS, PENALTIES, FINES, DAMAGES, LOSSES, ATTORNEYS' FEES AND EXPENSES ASSERTED BY ANY PERSON OR PERSONS, INCLUDING AGENTS OR EMPLOYEES OF LICENSEE OR CITY, BY REASON OF DEATH OR INJURY TO PERSONS, OR LOSS OR DAMAGE TO PROPERTY, RESULTING FROM OR ARISING OUT OF, THE VIOLATION OF ANY LAW OR REGULATION OR IN ANY MANNER ATTRIBUTABLE TO ANY ACT OF COMMISSION, OMISSION, NEGLIGENCE OR FAULT OF LICENSEE, ITS AGENTS OR EMPLOYEES, OR THE JOINT NEGLIGENCE OF LICENSEE AND ANY OTHER ENTITY, AS A CONSEQUENCE OF ITS EXECUTION OR PERFORMANCE OF THIS CONTRACT OR SUSTAINED IN OR UPON THE PREMISES, OR AS A RESULT OF ANYTHING CLAIMED TO BE DONE OR ADMITTED TO BE DONE BY LICENSEE HEREUNDER. THIS INDEMNIFICATION SHALL SURVIVE THE TERM OF THIS CONTRACT AS LONG AS ANY LIABILITY COULD BE ASSERTED. NOTHING HEREIN SHALL REQUIRE LICENSEE TO INDEMNIFY, DEFEND OR HOLD HARMLESS ANY INDEMNIFIED PARTY FOR THE INDEMNIFIED PARTY'S OWN GROSS NEGLIGENCE OR WILLFUL MISCONDUCT.

1.3 PROSPECTIVE APPLICATION. ANY AND ALL INDEMNITY PROVIDED FOR IN THIS CONTRACT SHALL SURVIVE THE EXPIRATION OF THIS CONTRACT AND THE DISCHARGE OF ALL OTHER OBLIGATIONS OWED BY THE PARTIES TO EACH OTHER HEREUNDER AND SHALL APPLY PROSPECTIVELY NOT ONLY DURING THE TERM OF THIS CONTRACT BUT THEREAFTER SO LONG AS ANY LIABILITY (INCLUDING BUT NOT LIMITED TO LIABILITY FOR CLOSURE AND POST CLOSURE COSTS) COULD BE ASSERTED IN REGARD TO ANY ACTS OR OMISSIONS OF LICENSEE IN PERFORMING UNDER THIS CONTRACT.

2. Insurance.

2.1 General Conditions. The following conditions shall apply to all insurance policies obtained by Licensee for the purpose of complying with this Contract.

2.1.1 Satisfactory Companies. Coverage shall be maintained with insurers and under forms of policies satisfactory to City and with insurers licensed to do business in Texas.

2.1.2 Named Insureds. All insurance policies required herein shall be drawn in the name of Licensee, with City, its council members, board and commission members, officials, agents, guests, invitees, consultants and employees named as additional insureds, except on Workers' Compensation coverage.

2.1.3 Waiver of Subrogation. Licensee shall require its insurance carrier(s), with respect to all insurance policies, to waive all rights of subrogation against City, its council members, board and commission members, officials, agents, guests, invitees, consultants and employees.

2.1.4 Certificates of Insurance. At or before the time of execution of this Contract, Licensee shall furnish City's Risk Manager with certificates of insurance as evidence that all of the policies required herein are in full force and effect and provide the required coverages and limits of insurance. All certificates of insurance shall clearly state that all applicable requirements have been satisfied. The certificates shall provide that any company issuing an insurance policy shall provide to City not less than thirty (30) days advance notice in writing of cancellation, non-renewal or material change in the policy of insurance. In addition, Licensee and insurance company shall immediately provide written notice to City's Risk Manager upon receipt of notice of cancellation of any insurance policy, or of a decision to terminate or alter any insurance policy. Copies of required endorsements will be attached to the certificates to confirm the required endorsements are in effect. Certificates of insurance and notices of cancellations, terminations or alterations shall be furnished to City's Risk Manager at City Hall, 52 W College Avenue, San Angelo, Texas 76903.

2.1.5 Licensee's Liability. The procurement of such policy of insurance shall not be construed to be a limitation upon Licensee's liability or as a full performance on its part of the indemnification provisions of this Contract. Licensee's obligations are, notwithstanding any policy of insurance, for the full and total amount of any damage, injury or loss caused by or attributable to its activities conducted at or upon the premises. Failure of Licensee to maintain adequate coverage shall not relieve Licensee of any contractual responsibility or obligation.

2.1.6 Sub-Licensees' Insurance. Licensee shall cause each Sub-Licensee and Sub-Sub-Licensee of Licensee to purchase and maintain insurance of the types and in the amounts specified below. Licensee shall require Sub-Licensees and Sub-sub-Licensees to furnish copies of certificates of insurance to Licensee's Risk Manager evidencing coverage for each Sub-Licensee and Sub-Sub-Licensee.

2.2 Types and Amounts of Insurance Required. Licensee shall obtain and continuously maintain in effect at all times during the term hereof, at Licensee's sole expense, insurance coverages as follows with limits not less than those set forth below:

2.2.1 Commercial General Liability. This policy shall be an occurrence-type policy and shall protect the Licensee and additional insureds against all claims arising from bodily injury, sickness, disease or death of any person (other than the Licensee's employees) and damage to property of the City or others arising out of the act or omission of the Licensee or its agents and employees. This policy shall also include protection against claims for the contractual liability assumed by Licensee under the paragraph of this Contract entitled "Indemnification." Coverage shall not be less than:

\$ 1,000,000.00 General Aggregate

\$ 1,000,000.00 Each Occurrence

**A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS
DESIGNEE, TO EXECUTE A TEMPORARY NONEXCLUSIVE
SIDEWALK USE LICENSE AGREEMENT TO ALLOW FOR A
MODIFIED, +/- 248.75-SQUARE FOOT, WOOD-
FRAMED METAL CANOPY ATTACHED TO THE EXISTING
BUILDINGS AT 12 AND 14 NORTH CHADBOURNE STREET TO BE
LOCATED WITHIN THE PUBLIC RIGHT-OF-WAY OF
CHADBOURNE STREET, AND SUCH OTHER INSTRUMENTS AS
MAY BE NECESSARY OR CONVENIENT FOR CARRYING OUT
SUCH PURPOSES; AND, FINDING A PUBLIC PURPOSE AND
BENEFIT THEREIN**

WHEREAS, Brian and Jim Raymond, the applicants for license are the owners of certain real property commonly known as 12 North Chadbourne Street; San Angelo, Tom Green County, Texas, and WHEREAS, Blue Burro, LLC, the applicant for license is the owner of certain real property commonly known as 14 North Chadbourne Street; San Angelo, Tom Green County, Texas; and,

WHEREAS, the applicants would like to utilize a designated portion of the sidewalk right-of-way along the west side of an existing building at 12 and 14 North Chadbourne Street for purposes of constructing and maintaining a 248.75-square foot, wood-framed metal canopy, within the North Chadbourne Street public right-of-way, extending from the existing building, including all support structures, the Licensed Premises and canopies as more particularly described and depicted in **Exhibits “A” and “B”**, attached hereto and made a part hereof for all purposes (hereinafter “Canopies”); and,

WHEREAS, use of designated portions of the sidewalk rights-of-way for purposes of constructing and maintaining the canopy that project over said Licensed Premises would serve as architectural elements to the existing building having a masonry and stucco façade, and would be beneficial to the development area of the subject block of North Chadbourne Street and downtown development in general; and,

WHEREAS, construction of the canopy will not result in view obstructions from street rights-of way as views from either direction of this block of North Chadbourne Street and East College Avenue are relatively flat in elevation, devoid of vegetation and other visual obstructions; and,

WHEREAS, the pavement width of North Chadbourne Street, an arterial street, measures 70 feet, and whereas there are no plans to widen this street given the existing building projects to these property lines; and,

WHEREAS, the City Council has determined that the granting of the application for a temporary nonexclusive sidewalk use license for purposes of constructing and maintaining a canopy over the sidewalk right-of-way as described and depicted more particularly in **Exhibits “A” and “B”**, would be in the public interest and benefit for the reasons stated:

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

All of the foregoing recitals are found to be true and correct and are incorporated herein and made a part of this resolution.

The City Council of the City of San Angelo, Texas, hereby determines that there is a public necessity for, and the public welfare and convenience will be served by granting of the application made by **Brian and Jim Raymond and Blue Burro, LLC**, for a temporary nonexclusive sidewalk use license for purposes of constructing and maintaining a 248.75-square foot, wood-framed metal canopy, within the North Chadbourne Street public right-of-way, extending from the existing building at 12 and 14 North Chadbourne Street, including all support structures, the Licensed Premises and canopies as more particularly described and depicted in **Exhibits "A" and "B"**.

The City Manager or his designee is hereby authorized to negotiate and execute on behalf of the City of San Angelo a Temporary Nonexclusive Sidewalk Use License Agreement with **Brian and Jim Raymond and Blue Burro, LLC**, in substantially the attached form for purposes of permitting construction and maintenance of a canopy over the described sidewalk right-of-way attached to an existing building located at 12 and 14 North Chadbourne Street, in compliance with all applicable state law and City ordinances as described and depicted more particularly in **Exhibits "A" and "B"** attached hereto, and to execute such other instruments as may be necessary or convenient for carrying out such purposes.

PASSED and APPROVED THIS _____ DAY OF _____, 2017.

THE CITY OF SAN ANGELO

Dwain Morrison, Mayor

Attest:

Bryan Kendrick, City Clerk

Approved As to Form:

Theresa James, City Attorney

Approved As to Content:

Jon James, AICP, Director of Planning
and Development Services

EXHIBIT A
LEGAL DESCRIPTION
Page 1 of 3 pages

The Licensed Premises shall consist of that portion of the plat showing a survey(s) of:

That portion of the 12 N. Chadbourne St. sidewalk right-of-way described as follows:

COMMENCING along the property line, at the northwest corner of Lot 3, Harris Block of Main Part of San Angelo; San Angelo, Tom Green County, Texas;

Proceeding westerly within the right-of-way of North Chadbourne Street, for a distance of 5 feet;

Proceeding southerly within the right-of-way of North Chadbourne Street, for a distance of 24.85 feet;

Proceeding easterly within the right-of-way of North Chadbourne Street for a distance of 5 feet;

THENCE continuing north along the property line to said point of beginning, at a distance of 24.85 feet and comprising 124.25 square feet as depicted on **Exhibit "A"** attached.

EXHIBIT A
LEGAL DESCRIPTION
Page 2 of 3 pages

That portion of the 14 N. Chadbourne St. sidewalk right-of-way described as follows:

COMMENCING along the property line, at the southwest corner of Lot 4, Harris Block of Main Part of San Angelo; San Angelo, Tom Green County, Texas;

Proceeding westerly within the right-of-way of North Chadbourne Street, for a distance of 5 feet;

Proceeding northerly within the right-of-way of North Chadbourne Street, for a distance of 24.9 feet;

Proceeding easterly within the right-of-way of North Chadbourne Street for a distance of 5 feet;

THENCE continuing south along the property line to said point of beginning, at a distance of 24.9 feet and comprising 124.5 square feet as depicted on **Exhibit "A"** attached.

EXHIBIT A
PLAN VIEW
Page 3 of 3 pages

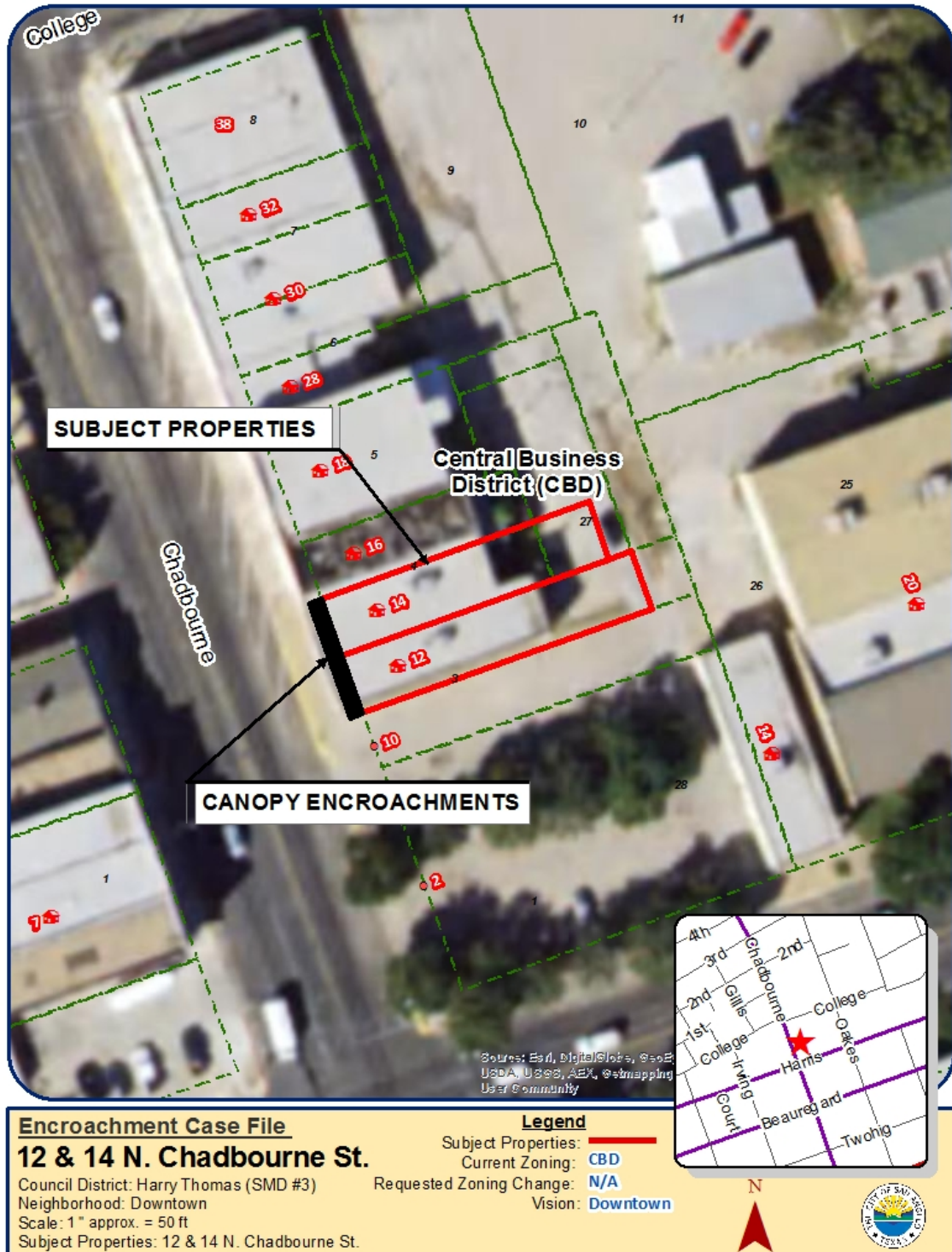
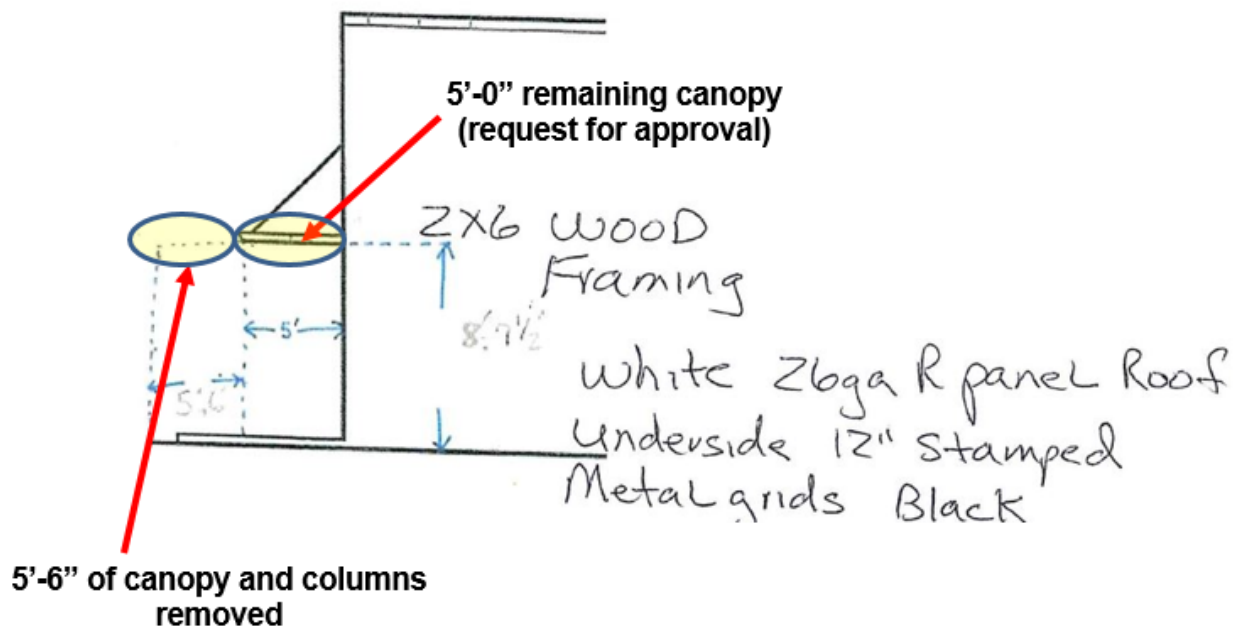
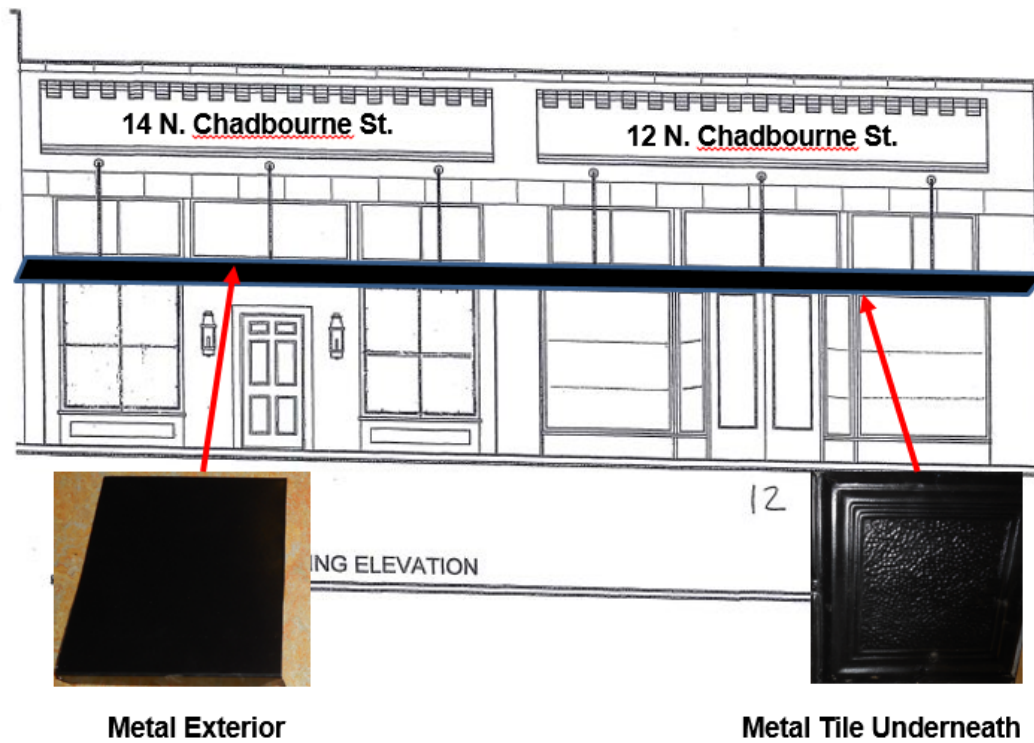


EXHIBIT B

ELEVATION VIEW OF LICENCE PREMISES



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Rebeca Guerra, Planning Manager, Planning and Development Services, 325-657-4210

Meeting Date: May 2, 2017

Item type: Consent Item

Caption:

Second reading for Case Z17-01, an ordinance approving a request for a rezoning from the Ranch and Estate Zoning District (R&E) to the Single-family Residential (RS-1) Zoning District, generally located west of Willeke and Pinon Ridge Drives, west of the Prestonwood residential development, on 17.192 acres (J. James)

Summary/History:

The vacant 17.192-acre subject property is part of the Deaf and Dumb Asylum Lands annexation which will have its fifth and final public hearing on April 18, 2017. As part of the annexation, the subject area will be initially zoned Ranch and Estate (R&E), in accordance with Section 302 of the Zoning Ordinance, to function as a holding or reserve zone. The owner now seeks approval of an application to rezone the subject property from the Ranch and Estate (R&E) Zoning District to the Single-family Residential (RS-1) Zoning District to facilitate the westward expansion of the adjacent Prestonwood residential development.

Financial Impact:

N/A

Other Information/Recommendation:

The Planning Commission heard this item on March 20, 2017. Commissioner Smith made a Motion to APPROVE the request, and Commissioner Farmer seconded the Motion. The Motion passed unanimously, 6-0. On April 18, 2017, City Council voted unanimously to APPROVE on First Reading the proposed Rezoning.

Attachments:

- | | | |
|----|-----------------|--------------------------------------|
| 1. | Staff Report | Z17-01_Staff_Report_CityCouncil.docx |
| 2. | Draft Ordinance | Z17-01_Ordinance_FINAL.docx |

Presentation:

Jon James

Approvals/Reviews:

Rebeca Guerra	Created/Initiated
Jon James	Approved
Theresa James	Approved
Anthony Wilson	Approved
Jon James	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved

Bryan Kendrick

Final Approval

STAFF REPORT



Meetings: April 18, 2017
May 2, 2017

To: San Angelo City Council

From: Jon James, AICP
Director of Planning and Development Services

Through: Rebeca A. Guerra, AICP, LEED-AP, CPD
Planning Manager

Case: Z17-01: Mills Development

Request: A request for approval of a Zone Change from the Ranch and Estate Zoning District (R&E) to the Single-family Residential (RS-1) Zoning District

Location: An unaddressed site, generally located west of Willeke and Pinon Ridge Drives, west of the Prestonwood residential development

Legal

Description: Part of the Deaf and Dumb Asylums Survey No. 2, Abstract 8211, Tom Green County, Texas.

Size: 17.192 acres

General Information

Future Land Use:	Neighborhood
Current Zoning:	Pending – Ranch and Estate (R&E) Zoning District

Existing Land Use: Vacant

Surrounding Zoning / Land Use:

North:	General Commercial (CG)	Vacant
West:	ETJ (no zoning)	Vacant
South:	ETJ (no zoning)	Vacant
East:	Single-family Residential (RS-1)	Residential

District: SMD #6 – Farmer

Neighborhood: Bonham

Thoroughfares/Streets:

Pinion Ridge Drive is defined as an “Urban Minor Collector” roadway in the City’s Master Thoroughfare Plan (MTP). Minor Collectors are designed to collect traffic from residential or local streets and discharge it into a Major Collector Street. They typically require a minimum ROW width of 60’ and a minimum paving width of 50’.

Willeke Drive is defined as an “Urban Local Road” in the City’s Master Thoroughfare Plan (MTP). Local or Minor Roads are designed to collect traffic from a localized area and discharge it into a larger distribution system. This type of roadway is used primarily for access to abutting properties, and they generally consist of a minimum ROW width of 50’ and a minimum pavement width of 36’ to 40’.

Background:

The vacant 17.192-acre subject property is part of the Deaf and Dumb Asylum Lands annexation. On January 10, 2017, the Planning Division received a “Petition to Annex” the subject property from the property owner, Rocky Templin. City Council unanimously voted on February 7, 2017, to accept the Petition. The first public hearing on this annexation was conducted by the San Angelo City Council on March 7. As part of the annexation, the subject area will be initially zoned Ranch and Estate (R&E), in accordance with Section 302 of the Zoning Ordinance, to function as a holding or reserve zone until such time when the Planning Commission recommends a zoning plan of the property to the City Council. The owner now seeks approval of an application to rezone the subject property from the Ranch and Estate

(R&E) Zoning District to the Single-family Residential (RS-1) Zoning District to facilitate the westward expansion of the adjacent Prestonwood residential development.

Analysis:

Zoning: The subject property will be initially zoned Ranch and Estate (R&E) under a pending annexation, in accordance with Section 302 of the Zoning Ordinance. This zoning district is intended to provide opportunities for development of low density, detached single-family residences on lots of at least one acre in a suburban or rural setting. This zoning district is also intended to serve as a holding zone for vacant land areas annexed to the City.

The Petitioner is seeking a rezoning to Single-family Residential (RS-1). This zoning district is intended to provide opportunities for the development of detached single-family residences at medium densities. At 17.192 acres, the rezoning could accommodate a net density of 8.71 units per acre, or a potential yield of roughly 119 dwelling units.

Comprehensive Plan: This update to the original 2003 Comprehensive Plan was adopted by City Council in 2009. The subject area currently has a Future Land Use designation of "Neighborhood." This designation is intended to reserve and reinforce the stability and diversity of local neighborhoods while allowing for increased density in order to attract and retain long-term residents...and ensure the City's residential quality and economic vitality. The proposed rezoning is consistent the present Future Land Use, therefore no amendments to the Future Land Use map will be necessary.

Criteria: Section 212(G) of the Zoning Ordinance requires that the Planning Commission and City Council consider, at minimum, seven (7) factors in determining the appropriateness of any Rezoning request.

1. **Compatible with Plans and Policies.** *Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.*

As previously stated, the subject area currently has a Future Land Use designation of "Neighborhood." The petition for rezoning is being sought to facilitate the westward expansion of the adjacent Prestonwood residential development to the east. The proposed rezoning is consistent the present Future Land Use, therefore no amendments to the Future Land Use map will be necessary.

2. **Consistent with Zoning Ordinance.** *Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.*

Under the pending annexation, the subject property will be initially zoned Ranch and Estate (R&E), in accordance with Section 302 of the Zoning Ordinance, to function as a

holding or reserve zone until such time when the Planning Commission recommends a zoning plan of the property to the City Council. Should that classification maintain, ultimate net residential density would be roughly 13 - 14 dwelling units per acre, which is inconsistent with nearby residential development patterns. The proposed rezoning would facilitate a net density of 8.71 dwelling units per acre, which reflects nearby residential development patterns.

3. **Compatible with Surrounding Area.** *Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.*

Given that both the pending R&E zoning and the proposed RS-1 zoning facilitate single-family detached residential development, either appear to be compatible with the underlying Future Land Use designation of "Neighborhood." The pending R&E zoning, however, allows for a development pattern that is inconsistent with area residential patterns. The proposed zoning should facilitate a reasonable expansion of existing residential development, the Prestonwood subdivision, to the immediate east.

4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.*

The voluntary and uncontested annexation of the subject property constitutes a change in conditions that would warrant the zone change. The annexation was sought to facilitate the expansion of the Prestonwood residential development to the immediate east. The pending R&E zoning functions more of a holding zone until such a time as when the annexed area becomes ripe for development and a suitable zoning category is adopted.

5. **Effect on Natural Environment.** *Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.*

No appreciable adverse impact on the natural environment appears likely as a result of the rezoning. There are no known environmentally sensitive areas or archaeological sites contained within the subject property. Issues of storm water management as a result of any development of the property will be addressed during the platting process.

6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.*

There does not appear to be a shortfall in current local residential housing inventory. There are also no indications that the proposed zone change will lead to an increase in local affordable housing stock. Conversely, the local market appears stable enough to absorb additional single-family housing stock and will most likely not result in either a

housing glut or a development stall, barring unforeseen circumstances. Additionally, the proposed zoning will address future residential need as the local economy begins to grow and new users migrate into the area as a result of that growth.

7. **Development Patterns.** *Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.*

Single-family residential uses are generally viewed as low traffic generators and are suitable within a neighborhood context. The land uses allowed under the proposed zoning category is consistent with similar neighborhood-type land use patterns that exist in the immediate area.

Notification:

On February 27, 2017, sixty-one notifications were mailed out to property owners of record within a 200-foot radius of the subject area, including a separate written notice that was mailed out to the local school district, in accordance with Section 211.007, Texas Local Government Code. As of the date of this publication, Staff has received one response in favor of, and zero responses in opposition to, the request.

Planning Commission Action:

This request was scheduled for review and consideration on the March 20, 2017, Planning Commission docket as Regular Agenda Item *III.2.A*. Below is an excerpt from the meeting's unofficial minutes:

David Stallworth, Principal Planner, provided a brief synopsis of the case. Mr. Stallworth indicated the location for the subject area and showed existing site conditions as well as various perspectives of the surrounding area. Mr. Stallworth concluded his presentation with a recommendation of APPROVAL of the zone change, along with his basis for the recommendation.

Barring further Staff further input, Chairperson Priess opened the public hearing. Rocky Templin of Mills Development, Owner/Petitioner, approached the podium, identified himself, and made himself available for questions. He briefly explained the nature of the request, explained that he owned several of the lots that were notified, and that he believed the ultimate density to be closer to 3.6 dwelling units per acre, which differed from the staff report, which indicated that the new zoning could facilitate up to 8.71 dwelling units per acre.

Barring further public input, Chairperson Priess closed the public hearing and entertained further deliberations and possible motions.

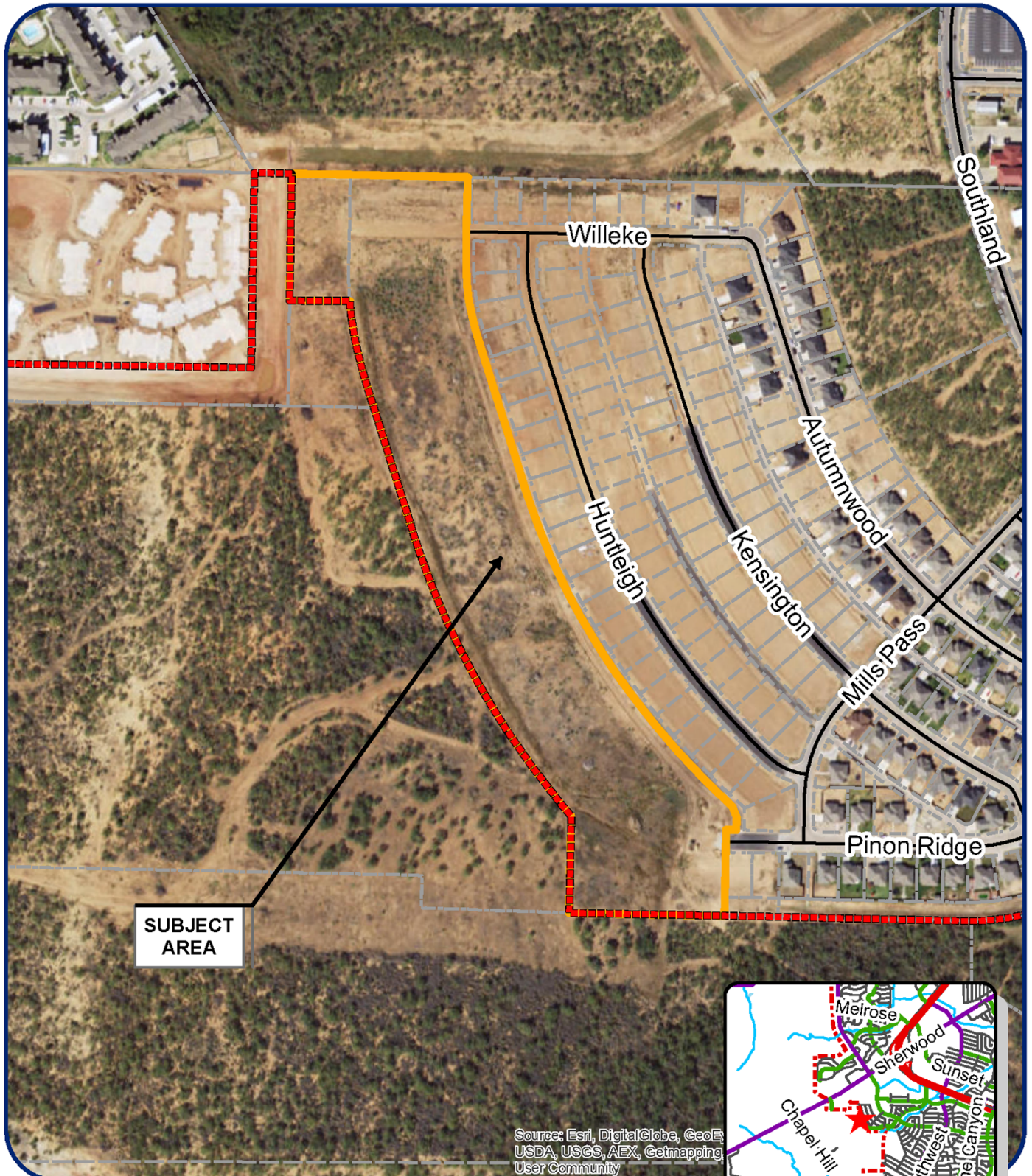
Commissioner Smith made a Motion to **APPROVE** the request. Commissioner Farmer seconded the Motion. The Motion passed unanimously, 6-0.

Staff Recommendation:

Staff recommends that City Council **APPROVE** a Zone Change from the Ranch and Estate (R&E) Zoning District to the Single-family Residential (RS-1) Zoning District.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Major Thoroughfare Plan
Notification Information
Application
Petitioner Justification
Site Photographs



Zone Change Case File

Case Z17_01; Mills Development

Council District: District 6 (Farmer)

Neighborhood: Bonham

Scale: 1 Inch :: 400 Feet

Legal Description: 17.192 ac out of the Deaf & Dumb Asylum Lands, Surv. no. 2, ABS 8211

Legend

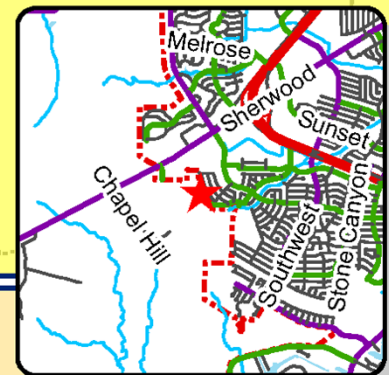
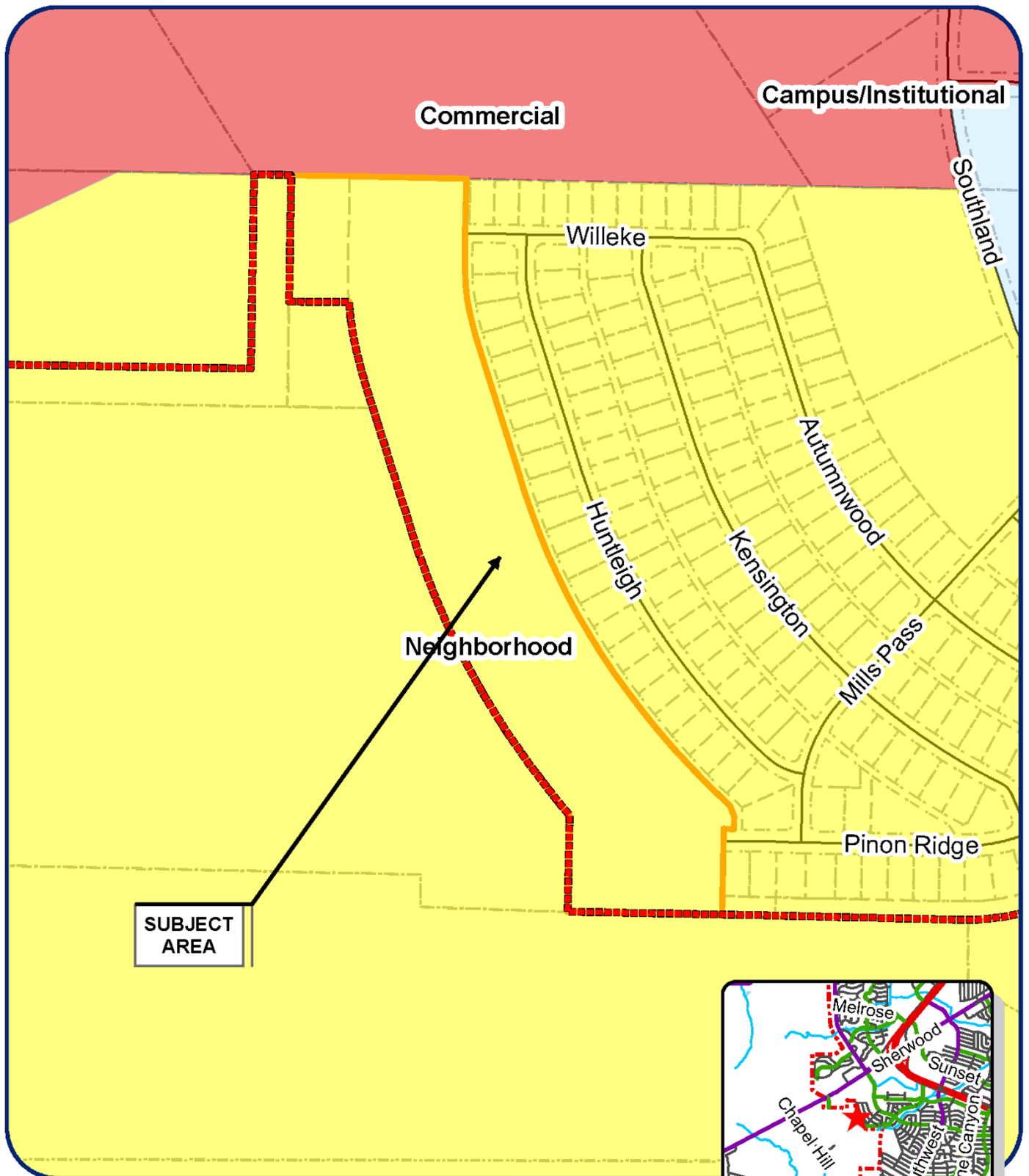
Subject Properties:

Current Zoning: **R&E**

Requested Zoning Change: **RS-1**

Vision: **Neighborhood**





Zone Change Case File

Case Z17_01; Mills Development

Council District: District 6 (Farmer)

Neighborhood: Bonham

Scale: 1 Inch :: 400 Feet

Legal Description: 17.192 ac out of the Deaf & Dumb Asylum Lands, Surv. no. 2, ABS 8211

Legend

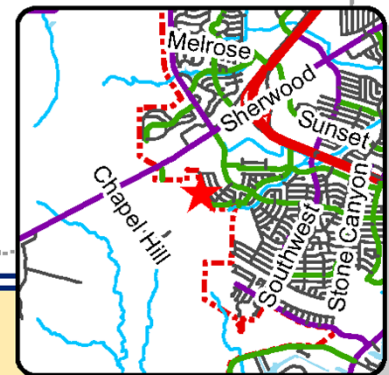
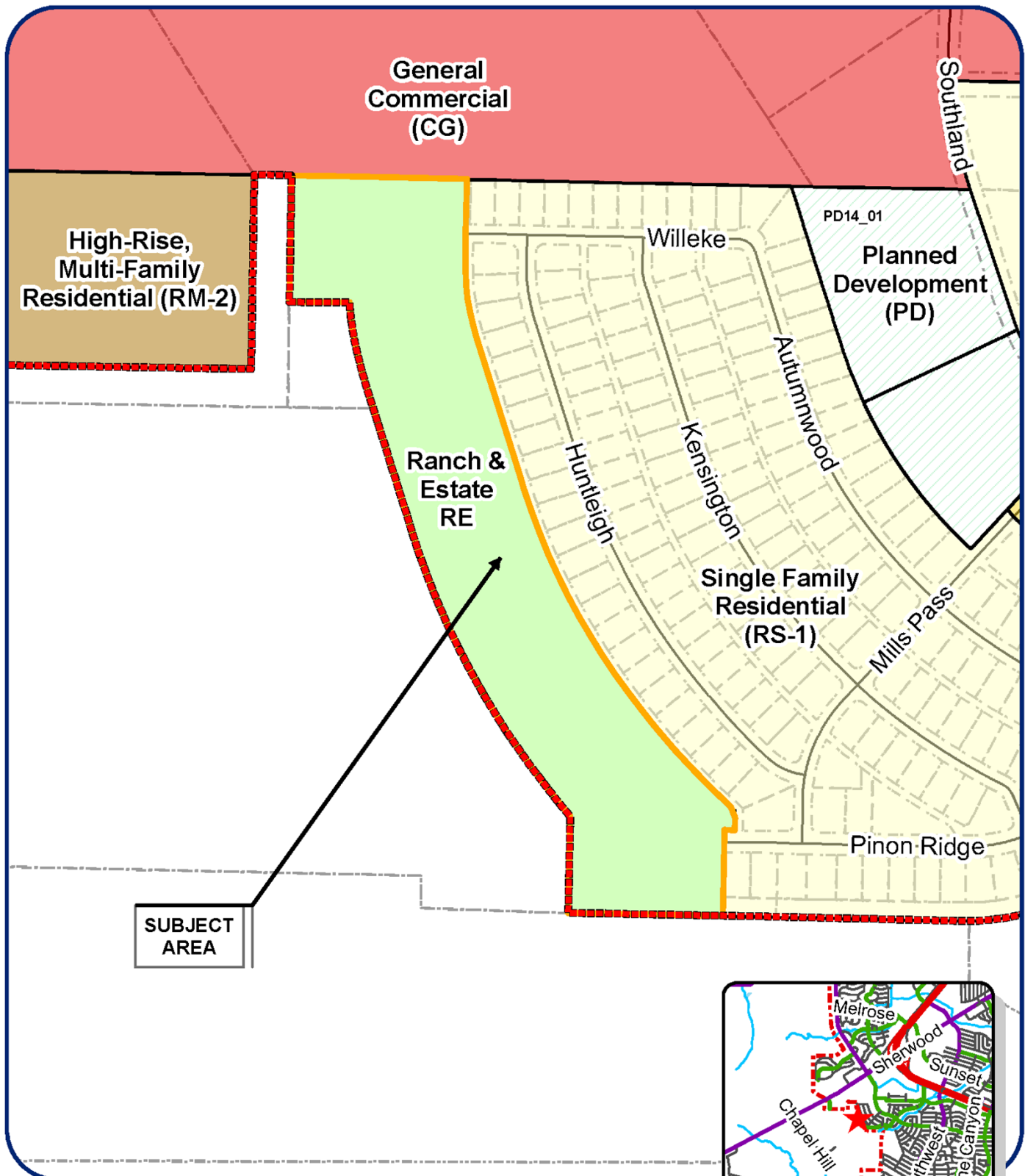
Subject Properties:

Current Zoning: **R&E**

Requested Zoning Change: **RS-1**

Vision: **Neighborhood**





Zone Change Case File

Case Z17_01; Mills Development

Council District: District 6 (Farmer)

Neighborhood: Bonham

Scale: 1 Inch :: 400 Feet

Legal Description: 17.192 ac out of the Deaf & Dumb Asylum Lands, Surv. no. 2, ABS 8211

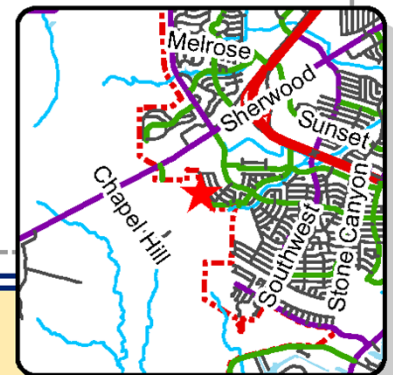
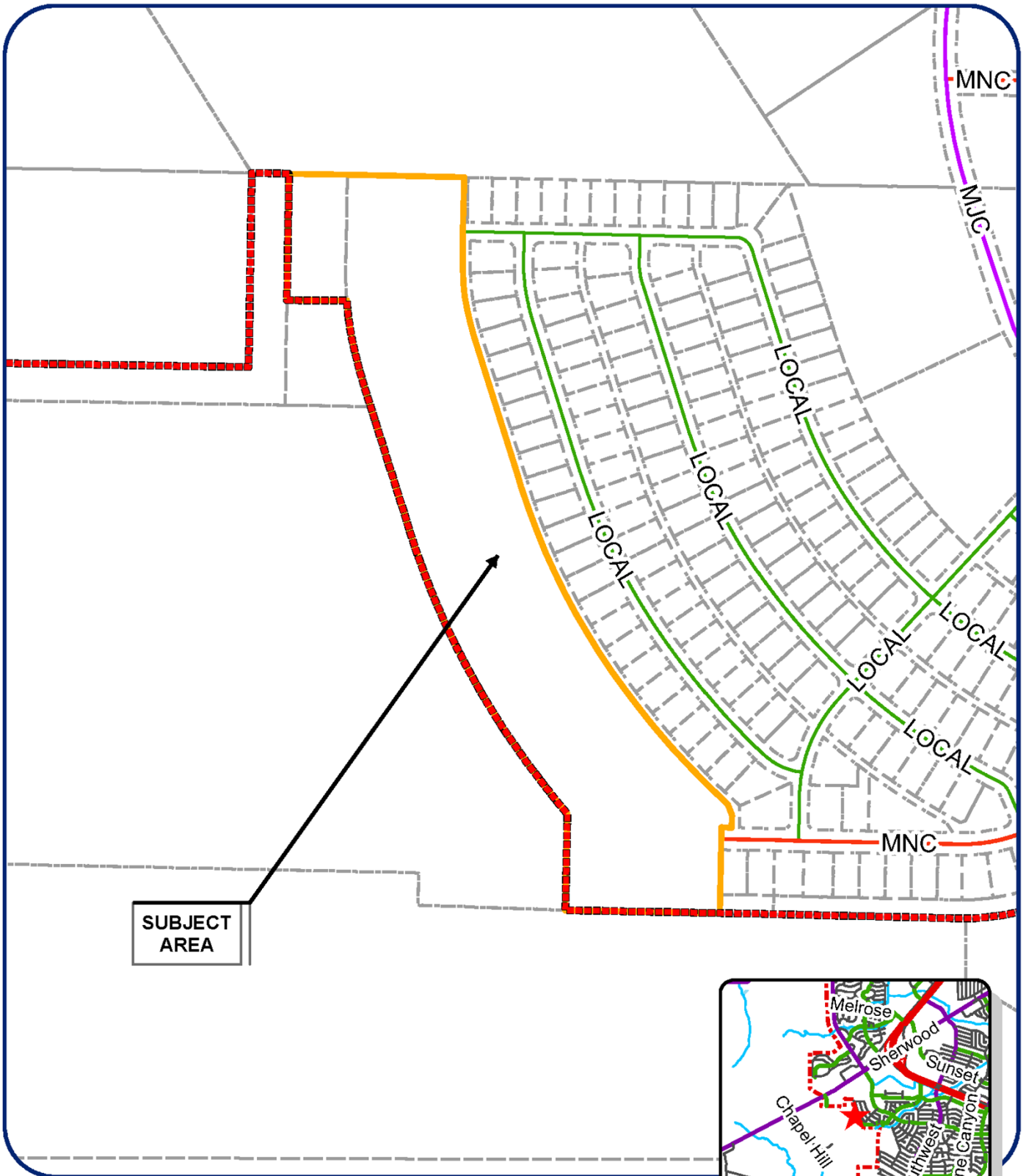
Legend

Subject Properties:

Current Zoning: **R&E**

Requested Zoning Change: **RS-1**

Vision: **Neighborhood**



Zone Change Case File

Case Z17_01; Mills Development

Council District: District 6 (Farmer)

Neighborhood: Bonham

Scale: 1 Inch :: 400 Feet

Legal Description: 17.192 ac out of the Deaf & Dumb Asylum Lands, Surv. no. 2, ABS 8211

Legend

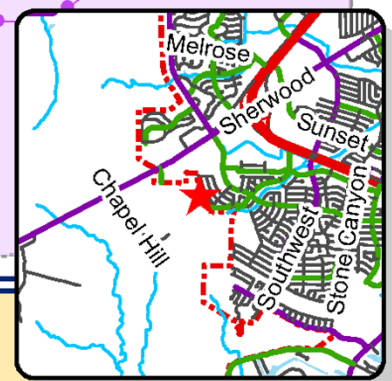
Subject Properties:

Current Zoning: **R&E**

Requested Zoning Change: **RS-1**

Vision: **Neighborhood**





Case Z17_01; Mills Development

Legal Description: 17.192 ac out of the Deaf & Dumb Asylum Lands, Surv. no. 2, ABS 8211

Vision: **Neighborhood**



Z17-01: MILLS DEVELOPMENT

Total Notices: 60

vm_id	vm_name	vm_incare	vm_line1	vm_city	vm_vm_zip
1	PROPERTY OWNER		4165 HUNTLEIGH DR	SAN ANGELO	TX 76904
2	PROPERTY OWNER		4809 PINON RIDGE DR	SAN ANGELO	TX 76904
3	PROPERTY OWNER		4805 PINON RIDGE DR	SAN ANGELO	TX 76904
4	PROPERTY OWNER		4121 HUNTLEIGH DR	SAN ANGELO	TX 76904
5	PROPERTY OWNER		4101 HUNTLEIGH DR	SAN ANGELO	TX 76904
6	PROPERTY OWNER		4105 HUNTLEIGH DR	SAN ANGELO	TX 76904
7	PROPERTY OWNER		4113 HUNTLEIGH DR	SAN ANGELO	TX 76904
8	PROPERTY OWNER		4117 HUNTLEIGH DR	SAN ANGELO	TX 76904
9	PROPERTY OWNER		4109 HUNTLEIGH DR	SAN ANGELO	TX 76904
10	PROPERTY OWNER		4165 HUNTLEIGH DR	SAN ANGELO	TX 76904
11	PROPERTY OWNER		5906 WILLEKE DR	SAN ANGELO	TX 76904
12	PROPERTY OWNER		4153 HUNTLEIGH DR	SAN ANGELO	TX 76904
13	PROPERTY OWNER		4122 HUNTLEIGH DR	SAN ANGELO	TX 76904
14	PROPERTY OWNER		4149 HUNTLEIGH DR	SAN ANGELO	TX 76904
15	PROPERTY OWNER		4134 HUNTLEIGH DR	SAN ANGELO	TX 76904
16	PROPERTY OWNER		5902 WILLEKE DR	SAN ANGELO	TX 76904
17	PROPERTY OWNER		4130 HUNTLEIGH DR	SAN ANGELO	TX 76904
18	PROPERTY OWNER		4146 HUNTLEIGH DR	SAN ANGELO	TX 76904
19	PROPERTY OWNER		4110 HUNTLEIGH DR	SAN ANGELO	TX 76904
20	PROPERTY OWNER		4102 HUNTLEIGH DR	SAN ANGELO	TX 76904
21	PROPERTY OWNER		4129 HUNTLEIGH DR	SAN ANGELO	TX 76904
22	PROPERTY OWNER		4133 HUNTLEIGH DR	SAN ANGELO	TX 76904
23	PROPERTY OWNER		4137 HUNTLEIGH DR	SAN ANGELO	TX 76904
24	PROPERTY OWNER		4118 HUNTLEIGH DR	SAN ANGELO	TX 76904
25	PROPERTY OWNER		5818 WILLEKE DR	SAN ANGELO	TX 76904
26	PROPERTY OWNER		4138 HUNTLEIGH DR	SAN ANGELO	TX 76904
27	PROPERTY OWNER		4150 HUNTLEIGH DR	SAN ANGELO	TX 76904
28	PROPERTY OWNER		4114 HUNTLEIGH DR	SAN ANGELO	TX 76904
29	PROPERTY OWNER		4142 HUNTLEIGH DR	SAN ANGELO	TX 76904
30	PROPERTY OWNER		4145 HUNTLEIGH DR	SAN ANGELO	TX 76904
31	PROPERTY OWNER		4106 HUNTLEIGH DR	SAN ANGELO	TX 76904
32	PROPERTY OWNER		4141 HUNTLEIGH DR	SAN ANGELO	TX 76904
33	PROPERTY OWNER		4125 HUNTLEIGH DR	SAN ANGELO	TX 76904

Z17-01: MILLS DEVELOPMENT

Total Notices: 60

34	PROPERTY OWNER		5814 WILLEKE DR	SAN ANGELO	TX	76904
35	ARROYO LOPEZ FERNANDO J & COLON CARDONA LILLIVETTE		4186 HUNTLEIGH DR	SAN ANGELO	TX	76904-9999
36	BUITRON DAVID S & DORA		2953 RANCH ROAD 864	SONORA	TX	788405110
37	CITY OF SAN ANGELO	PLANNING DIVISION	72 W COLLEGE AVE	SAN ANGELO	TX	76903-5814
38	CLIFTON CHRISTOPHER & KELLY		5902 MILL PASS DRIVE	SAN ANGELO	TX	76904-9999
39	CN BOULEVARD SAN ANGELO II LP		420 SOUTHFORK DR	LEWISVILLE	TX	75201-3081
40	EDWARDS RHEBA DENEE		4177 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-9999
41	FLOYD GARY		2199 COYOTE BEND	SAN ANGELO	TX	76903-0135
42	FOSTER JOHN & JANA		4190 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-9999
43	GAMMONS ROGER D & JOYCE A		4166 HUNTLEIGH DR	SAN ANGELO	TX	76904-1405
44	HEIL STEVEN G & BRANDI S		4801 PINON RIDGE DR	SAN ANGELO	TX	76904-9999
45	HENRY CHRISTOPHER & WELA		4158 HUNTLEIGH DR	SAN ANGELO	TX	76904-1405
46	HERON JOSEPH W & AUDREY B		4189 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-9999
47	KAMALAPUR RAJ & SEEMA		4182 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-1405
48	KEMP CHARLOTTE		4181 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-9999
49	KENNEDY JOSEPHINE M & JOHN D		4193 HUNTLEIGH DR	SAN ANGELO	TX	76904-9999
50	LEWIS EDWARD EUGENE & KIMBERLY ANN		4169 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-9999
51	LYNCH JEAN		4161 HUNTLEIGH DR	SAN ANGELO	TX	76904-0000
52	MERRY WILLIAM CARLETON & PAMELA		4174 HUNTLEIGH DR	SAN ANGELO	TX	76904-9999
53	MILLS DEVELOPMENT INC	ROCKY TEMPLIN	3845 LAKE RIDGE DR	SAN ANGELO	TX	76904-5918
54	MILLS DEVELOPMENT INC		PO BOX 60831	SAN ANGELO	TX	76906-0831
55	RICH TIMOTHY S & ANGELA D		4157 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-9999
56	RIDGECREST INC		3845 LAKE RIDGE DR	SAN ANGELO	TX	76904-0000
57	SAMS EAST INC	0555	PO BOX 8050	BENTONVILLE	AR	72712-8050
58	TWIN BUTTES APARTMENTS LLC		420 SOUTHFORK DR	LEWISVILLE	TX	75201-3081
59	WAGNER DAVID L & STEFANIE D		4173 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-9999
60	WILLEKE HUDSON LP	INDUSTRY CONSULTING GROUP	PO BOX 810490	DALLAS	TX	75381-0490

City of San Angelo, Texas
Planning Division

Application for Approval of a ZONE CHANGE

Name of Applicant(s): Mills Development, Inc

☒ Owner – Authorized Representative (Affidavit required)

Mailing Address: 3845 Lake Ridge Dr.

Telephone: 656.7814

City/State/Zip: San Angelo, Texas

Fax/other: _____

Subject Property Address and/or Location*:

West of the extension of Willeke Drive and Pinon Ridge Drive

Legal Description*:

17.192 acres out of Deaf & Dumb Asylums, Survey No. 2, Abstract No. 8211, COSA, Tom Green County, Texas

Zoning: R&E

Vision Plan Map Designation: Neighborhood

Existing Use of Property: Vacant

Proposed Use of Property: Residential

Requested Zone Change: RS-1

* use attachment, if necessary

I/We the undersigned acknowledge that the information provided above is true and correct.

Rocky Geylin
Signature

2-17-17
Date

NOTE: Please also read information and sign on back of page.

OFFICE USE ONLY

Case no.: Z 17 - 01

L

R

M

Date of application: 2/17/2017

Received by: [Signature]

– walk-in

– by mail

Nonrefundable application fee: \$ 500

Date paid: _____

Sign deposit: \$ 37.50

Date paid: _____

Affidavit attached? – yes – no – N/A Applicant's signature on information sheet? –

Previous Zone Change Inquiry? – yes – no

If yes, ZCI case no.: _____

River Corridor Commission? – yes – no

If yes, RCC meeting date: _____

Planning Commission hearing date: 3/20/17 (?)

Date notifications due: _____

City Council hearing date: _____

Packets due date: _____

Publication date: _____

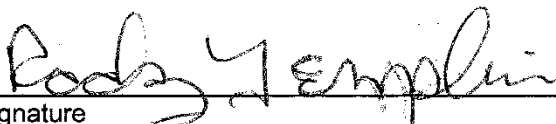
City of San Angelo, Texas
Department of Planning

Important Information Regarding Zone Change Requests

Please read the following and sign below.

1. An application for a zone change on a property may only be made by the owner of that property, an authorized representative of the property owner, the Planning Director, the Planning Commission or City Council. An authorized representative shall present a notarized affidavit from the property owner.
2. No application will be processed if a zoning violation exists on the property, unless such processing is authorized by City Council. Use of the subject property for any new activity (not allowed by present zoning) cannot occur before City Council's approval of the requested zone change. Any such unauthorized use of the subject property is subject to prosecution in Municipal Court.
3. If approved, **a zone change is applied to the property, not the property owner.**
4. The Planning Commission makes recommendations to City Council. If the Planning Commission recommends approval of a zone change request, the case must still go before City Council for final action.
5. If a zone change request is granted by City Council, permits for building construction and/or utility connection may be obtained from the City's Permits and Inspections Department.
6. Certain minimum building setbacks from some or all property lines must be maintained, and room for a minimum number of off-street parking spaces must be reserved on a subject property, based on that property's zoning classification and the nature of its proposed use. A privacy fence may also be required between more restrictive and less restrictive zoning districts. These requirements are outlined in San Angelo's Zoning Ordinance. It is to the applicant's benefit to make sure that any proposed development will fit onto the subject property, in compliance with these and other applicable requirements of the City's Code of Ordinances.
7. One or more notice sign(s) will be placed on the subject property by the Planning Department. However, it is the applicant's responsibility to ensure that the notice sign(s) has/have been posted at least ten (10) days prior to the Planning Commission meeting. If notice sign(s) is/are not posted accordingly, City Council may delay a request. The Planning Department will also notify, in writing, owners of property within 200-feet of the subject property of the zone change request.
8. If the Planning Commission recommends denial of a request, the applicant will have ten (10) days to appeal this decision, in writing, to City Council. If an appeal is made within three (3) days from the Planning Commission meeting, no re-notification fee will be required. Otherwise, there will be a nonrefundable \$35 fee to re-notify owners of nearby property of City Council's public hearing date. If the Planning Commission's recommendation of denial is not appealed, it will be the final action on a request.
9. The applicant or an authorized representative should attend public hearing(s) pertaining to his/her request, prepared to present his/her case and to answer any relevant questions from Planning Commission or City Council members.

I/We have read and understand the preceding information.

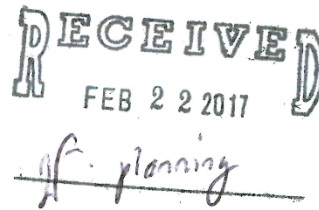

Signature

2-17-17
Date

OFFICE USE ONLY

Case no.: Z _____ - _____ Date of application: _____ Received by: _____

Planning Manager
City of San Angelo- Planning Division
52 West College Avenue
San Angelo, Texas 76903



Dear Sir or Madame:

I am requesting a zone change for an approximate 18-acre site that is under annexation and is located west of Willeke and Pinion Ridge Drives, west of the Prestonwood residential development. The subject property was incorporated into the City under a Rural and Estate (R&E) zoning category, as required by Code. I respectfully request that the property be rezoned in its entirety to Single-family Residential (RS-1) for the following reasons, per Section 212.G of the San Angelo Zoning Ordinance:

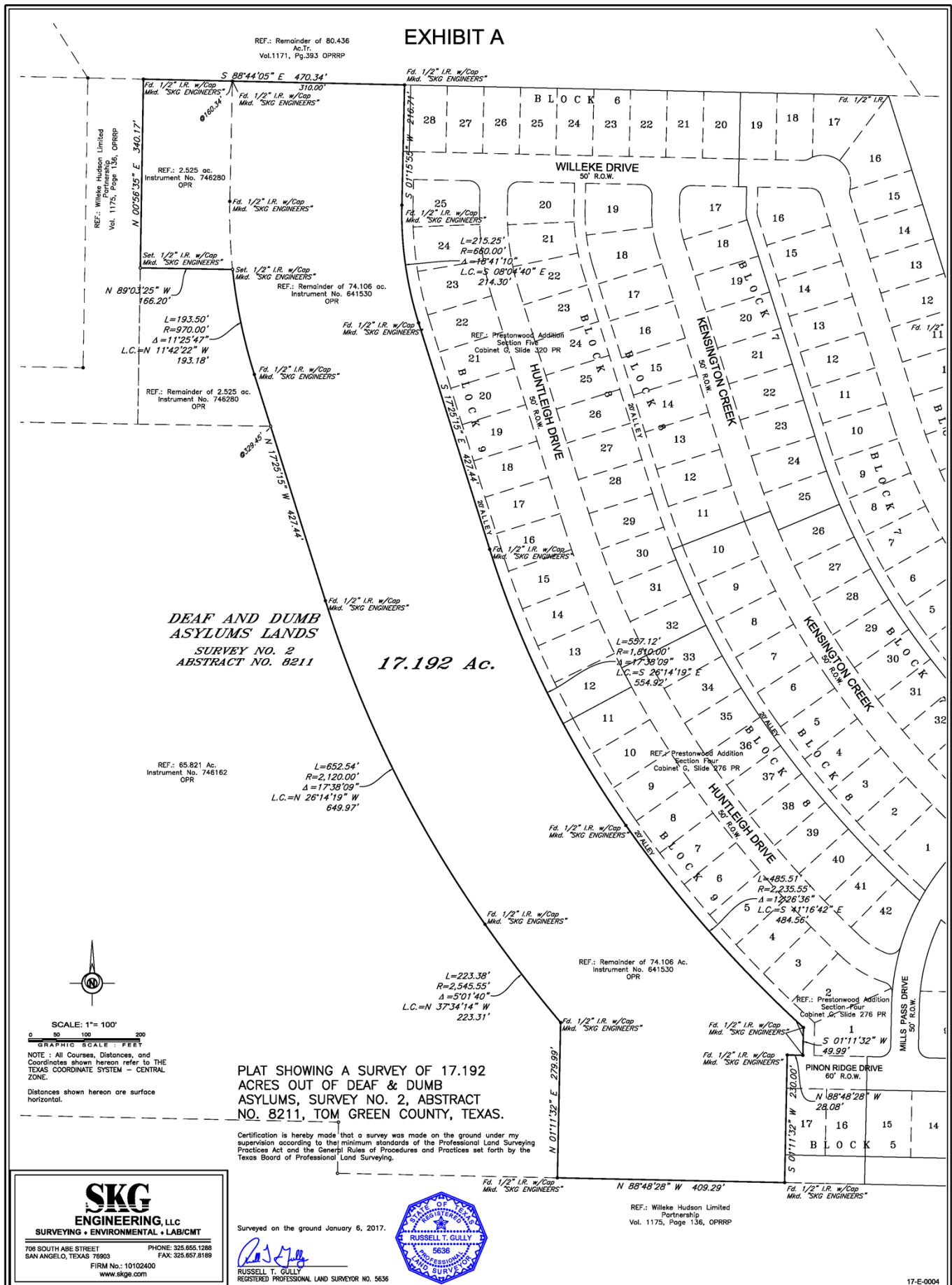
1. I believe the proposed is consistent with the Comprehensive Plan as to guide community growth in a sustainable way providing opportunities for growth both now and in the future.
2. This area is occurring next to similar development and away from incompatibly zoned areas. This zone change will ensure consistent predictable growth both now and in the future.
3. The envisioned growth for this area is Neighborhood. The proposed subdivisions that tie into the existing subdivisions there by establishing single family home sites are consistent with growth patterns.
4. Annexation with R&E zoning is triggering this zone change. If I could annex with RS-1 I would have.
5. I do not anticipate any adverse environmental impact from this zone change. RS-1 is a very low impact type of zoning when compared to other more dense residential zoning categories and commercial designations.
6. The community has been growing in a steady fashion for 6 years. Demand for more housing opportunities for families is needed. Single family residences are one way this demand can be meet. This isolated location from highway will provide a relatively quiet area for the future development of home sites.
7. This subdivision will help to fill a community need while ensuring that development patterns remain consistent. This area has access to thoroughfares capable carrying future residents to and from home; the area is also located within a mile of retail opportunities that will help future residents meet their needs. Families and children who locate in the area may enjoy walking to and from a nearby school which not only saves natural resources and minimizes area traffic but also provides exercise.

No future land use category amendment should be necessary for this request. Come out and take a look if you are not familiar with Prestonwood. Your favorable consideration of this request shall be greatly appreciated. Thank you.

Respectfully,

A handwritten signature in blue ink that reads "Bob Taylor". The signature is written in a cursive, flowing style.

REF.: Remainder of 80.436
Ac.Tr.
Vol.1171, Pg.393 OPRRP



FIELD NOTES

17.192 Acres

January 6, 2017
17-E-0004_17ac

Being an area of 17.192 acres of land out of Deaf and Dumb Asylums, Survey No. 2, Abstract No. 8211, Tom Green County, Texas and said 17.192 acre tract also being out of that certain 2.525 acre tract described and recorded in Instrument No. 746280, Official Public Records of Tom Green County, Texas and out of that certain 74.106 acre tract described and recorded in Instrument No. 641530, Official Public Records of Tom Green County, Texas and said 17.192 acre tract being more particularly described by metes and bounds as follows:

Beginning at a ½" iron rod with cap marked "SKG ENGINEERS" found for the northeast corner of this tract in the north line of said 74.106 acre tract and in the south line of certain remainder of an 80.436 acre tract described and recorded in Volume 1171, Page 393, Official Public Records of Real Property of Tom Green County, Texas and said beginning corner also being the northwest corner of Lot 28, Block 6, Prestonwood Addition, Section Five as per plat recorded in Cabinet G, Slide 320, Plat Records of Tom Green County, Texas;

Thence with the east line of this tract and the west line of said Section Five, S. 01° 15' 55" W. 216.71 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the beginning of a curve to the left;

Thence with said curve to the left, having a radius of 660.00 feet, central angle of 18° 41' 10", arc length of 215.25 feet and whose long chord bears S. 08° 04' 40" E. 214.30 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the end of this curve;

Thence continuing with the east or northeast line of this tract and the west or southwest line of said Section Five, S. 17° 25' 15" E. 427.44 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the beginning of a curve to the left;

Thence with said curve to the left, having a radius of 1810.00 feet, central angle of 17° 38' 09", arc length of 557.12 feet and whose long chord bears S. 26° 14' 19" E. 554.92 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the end of this curve and the beginning of another curve to the left;

Thence with said curve to the left, having a radius of 2235.55 feet, central angle of 12° 26' 36", arc length of 485.51 feet and whose long chord bears S. 41° 16' 42" E. 484.56 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for an angle corner of this tract and certain Prestonwood Addition, Section Four, as per plat recorded in Cabinet G, Slide 276, Plat Records of Tom Green County, Texas;

Thence with the east line of this tract and the west line of said Section Four, S. 01° 11' 32" W. 49.99 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for an ell corner of this tract and said Section Four, N. 88° 48' 28" W. 28.08 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for an ell corner of this tract and said Section Four, S. 01° 11' 32" W. 230.00 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the southeast corner of this tract in the south line of said 74.106 acre tract;

Thence with the south line of this tract and said 74.106 acre tract, N. 88° 48' 28" W. 409.29 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the southwest corner of this tract and said 74.106 acre tract and the southeast corner of a certain 65.821 acre tract described and recorded in Instrument No. 746162, Official Public Records of Tom Green County, Texas;

Thence with the west line of this tract and said 74.106 acre tract and the east line of said 65.821 acre tract, N. 01° 11' 32" E. 279.99 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for angle corner of this tract and said 74.106 acre tract and said 65.821 acre tract;

Thence continuing with the west line of this tract and said 74.106 acre tract and east line of said 65.821 acre tract with a curve to the right, having a radius of 2545.55 feet, central angle of 05° 01' 40", arc length of 223.38 feet and whose long chord bears N. 37° 34' 14" W. 223.31 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the end of this curve and the beginning of another curve to the right;

Thence with said curve to the right, having a radius of 2120.00 feet, central angle of 17° 38' 09", arc length of 652.54 feet and whose long chord bears N. 26° 14' 19" W. 649.97 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the end of this curve;

Thence continuing with the west line of this tract and said 74.106 acre tract and east line of said 65.821 acre tract, N. 17° 25' 15" W. at 329.45 feet pass the northeast corner of said 65.821 acre tract and southeast corner of a certain 2.525 acre tract described and recorded in Instrument No. 746280, Official Public Records of Tom Green County, Texas, in all a total distance of 427.44 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the beginning of curve to the right;

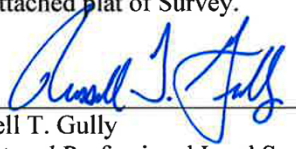
Thence with said curve to the right, having a radius of 970.00 feet, central angle for this part traversed of 11° 25' 47", arc length of 193.50 feet and whose long chord bears N. 11° 42' 22" W. 193.18 feet to a ½" iron rod with cap marked "SKG ENGINEERS" set for angle corner;

Thence across said 2.525 acre tract, N. 89° 03' 25" W. 166.20 feet to a ½" iron rod with cap marked "SKG ENGINEERS" set for the west southwest corner of this tract in the west line of said 2.525 acre tract;

Thence with the most westerly line of this tract and west line of said 2.525 acre tract, N. 00° 56' 35" E. 340.17 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the northwest corner of this tract and said 2.525 acre tract and being in the south line of said 80.436 acre tract;

Thence with the north line of this tract and said 2.525 acre tract and south line of said 80.436 acre tract, S. 88° 44' 05" E. at 160.34 feet pass the northeast corner of said 2.525 acre tract and the northwest corner of said 74.106 acre tract, in all a total distance of 470.34 feet to the place of beginning and containing an area of 17.192 acres of land.

See attached plat of Survey.

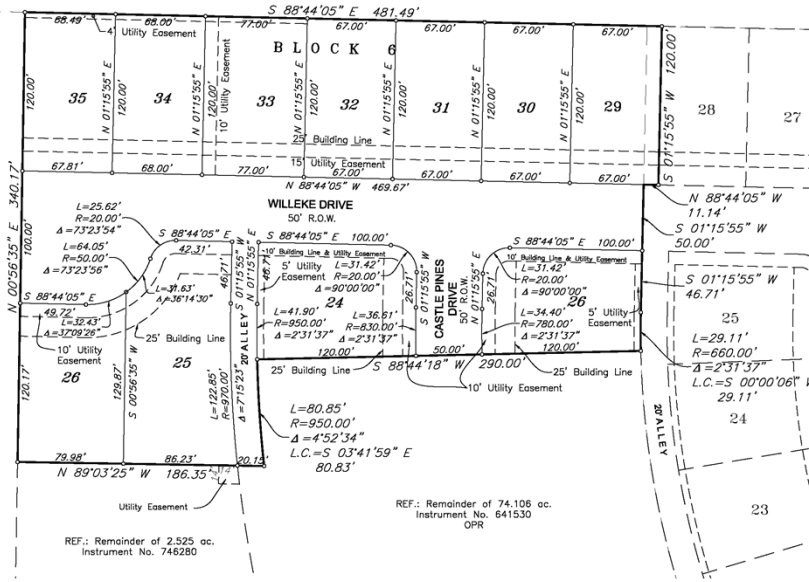


Russell T. Gully
Registered Professional Land Surveyor No. 5636
SKG Engineering, LLC
Firm No. 10102400



REF.: Remainder of 80.436 Ac.Tr.
Vol.1171, Pg.393 OPRRP

REF.: Wilkie Hudson Limited Partnership
Vol. 1175, Page 136, OPRRP



REF.: Remainder of 74.106 ac.
Instrument No. 641530
OPR

REF.: Remainder of 2.525 ac.
Instrument No. 746280



SCALE: 1"= 60'

GRAPHIC SCALE: FEET
NOTE: Bearings shown hereon are based on the Texas Coordinate System - Central Zone. Distances shown are surface horizontal.

LEGEND:

- Found $\frac{1}{2}$ " Iron Pipe or Rod (unless otherwise noted)
- Set $\frac{1}{2}$ " Iron Rod with Cap Marked "SKG ENGINEERS"

PLANNING COMMISSION
Approved for recording this _____ day
of _____, 20____ City Planning
Commission of San Angelo, Texas.

By _____
Chairman
Secretary

DEPARTMENT OF WATER UTILITIES
Approved for recording this _____ day
of _____, 20____

By _____
Director of Water Utilities

DEPARTMENT OF PUBLIC WORKS
Approved for recording this _____ day
of _____, 20____

By _____
Director of Public Works

COUNTY CLERK
Filed for record this _____ day of
20____
County Clerk of Tom Green Co., Tx.

This Plat is Filed in Cabinet _____ Slide _____
Plat Records of Tom Green County, Texas.

Field Notes are filed as Instrument No. _____
Official Public Records of Real Property, Tom Green
County, Texas.

SKG
ENGINEERING, LLC

SURVEYING • ENVIRONMENTAL • LAB/CMT
706 SOUTH ABE STREET PHONE: 325.655.1288
SAN ANGELO, TEXAS 76903 FAX: 325.657.8189
Firm No. 10102400
www.skg.com

STATE OF TEXAS
COUNTY OF TOM GREEN
This instrument was acknowledged before
me on _____
by Rocky Templin in the capacity shown.

Notary Public, State of Texas

OWNER/DEVELOPER: MILLS DEVELOPMENT, INC.

DESCRIPTION: Being 5.773 acres out of the South 1/2,
Deaf & Dumb Asylum, Survey No. 2, Abstract No. 8211, City
of San Angelo, Tom Green County, Texas and being out of
that certain 74.106 ac tract described in Instrument No.
641530, Official Public Records, Tom Green County, Texas.

ACKNOWLEDGEMENT/DEDICATION

We, Mills Development, Inc., do hereby adopt this plat as
the subdivision of our property and dedicate for the use of
the public the streets and easements shown hereon.

Rocky Templin
President

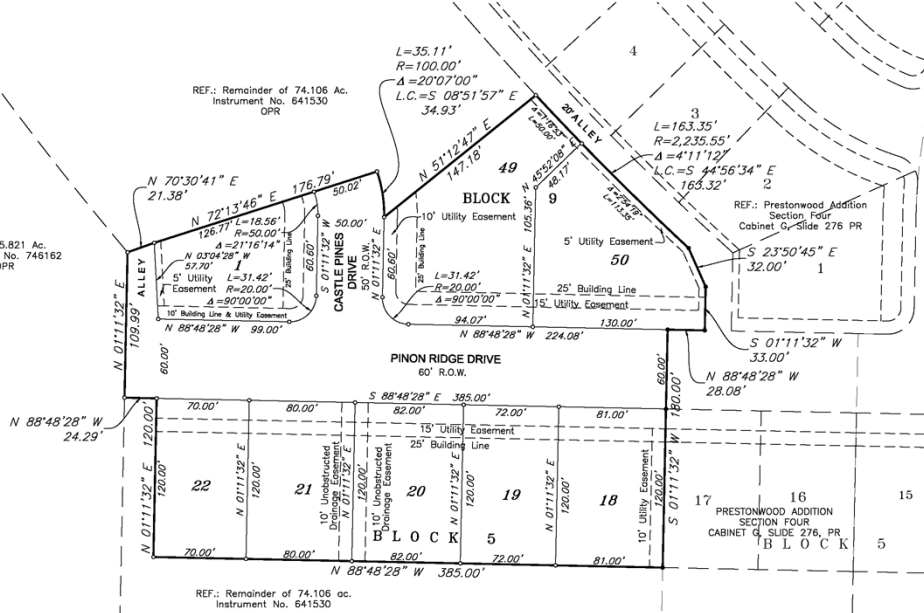
Preliminary, this document
shall not be recorded for any
purpose and shall not be used
or viewed or relied upon as a
final survey document.

SURVEYOR'S CERTIFICATE

Know all men by these presents that I,
Russell T. Galy RPLS, do hereby certify that I
prepared this plat from an actual and
accurate survey of the land and that corner
monuments shown hereon were properly
placed, under my supervision, in accordance
with the rules for land subdivision by the City
Council of the City of San Angelo, and I
further certify that the tract of land herein
platted lies within the city limits of the City of
San Angelo, Texas.

17-E-0004

PRESTONWOOD ADDITION SECTION SIX City of San Angelo, Tom Green County, Texas.

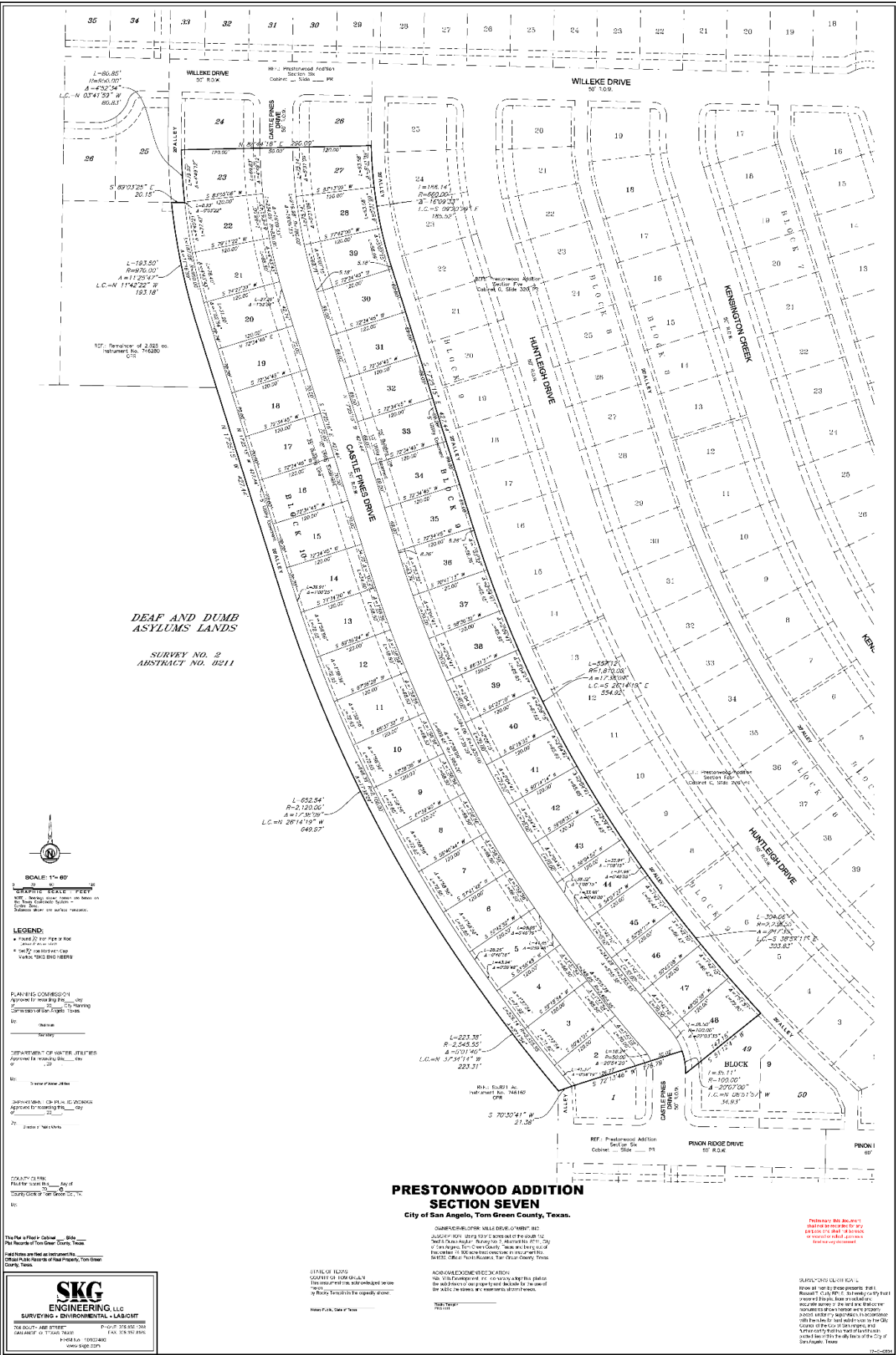


REF.: Remainder of 74.106 ac.
Instrument No. 641530

REF.: 65.821 Ac.
Instrument No. 746162
OPR

REF.: Remainder of 74.106 Ac.
Instrument No. 641530
OPR

REF.: Prestonwood Addition
Section Four
Cabinet G, Slide 276 PR



SKG ENGINEERING, LLC
SURVEYING & ENVIRONMENTAL LAB/CMT
708 SOUTH ABBE STREET
SAN ANGELO, TEXAS 76901
P.O. BOX 100000
SAN ANGELO, TEXAS 76901
TEL: 337-500-1000
FAX: 337-500-1001
WWW.SKG.COM

**PRESTONWOOD ADDITION
SECTION SEVEN**
City of San Angelo, Tom Green County, Texas.

OWNER: CITY OF SAN ANGELO, TEXAS
SURVEYOR: SKG ENGINEERING, LLC
DATE: 10/10/2018
PROJECT: PRESTONWOOD ADDITION SECTION SEVEN

STATE OF TEXAS
COUNTY OF TOM GREEN
I, the undersigned, a duly qualified and licensed surveyor in the State of Texas, do hereby certify that the foregoing is a true and correct copy of the original survey as the same appears in my records.

Surveyor's Seal: [Signature]

Prestonwood Addition
Section Seven
City of San Angelo, Texas

SURVEYOR'S CERTIFICATE
I, the undersigned, a duly qualified and licensed surveyor in the State of Texas, do hereby certify that the foregoing is a true and correct copy of the original survey as the same appears in my records.

LOOKING WEST FROM PINON RIDGE DR
(Panoramic View)



LOOKING WEST FROM WILLEKE DR



LOOKING SOUTH FROM WILLKE DRIVE



AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH ADOPTS ZONING REGULATIONS, USE DISTRICTS AND A ZONING MAP, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING PROPERTY: **An unaddressed site, generally located west of Willeke and Pinon Ridge Drives, west of the Prestonwood residential development, and being 17.192 acres out of the Deaf and Dumb Asylums Survey No. 2, Abstract 8211, Tom Green County, Texas,** FROM THE RANCH AND ESTATE (R&E) ZONING DISTRICT TO THE SINGLE-FAMILY RESIDENTIAL (RS-1) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Planning Commission and the City Council for the City of San Angelo, in compliance with the City Charter and state law regarding zoning regulations and zoning map, having given requisite notice of public hearing by publication and otherwise, and having afforded a full and fair hearing to all property owners and persons interested, including persons situated in the vicinity of the affected area, being of the opinion that zoning changes should be made as set out herein;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SAN ANGELO:

SECTION 1: Chapter 12 of the Code of Ordinances of the City of San Angelo, the basic Zoning Ordinance for the City adopted on January 4, 2000, and the Zoning Map be and the same are hereby amended as follows:

An unaddressed site, generally located west of Willeke and Pinon Ridge Drives, west of the Prestonwood residential development, and being 17.192 acres out of the Deaf and Dumb Asylums Survey No. 2, Abstract 8211, Tom Green County, Texas, more particularly described and depicted on Exhibit "A" to this ordinance, zoned Ranch and Estate (R&E) Zoning District shall henceforth be permanently zoned Single-Family Residential (RS-1) Zoning District.

SECTION 2: The Director of the Planning and Development Services Department is hereby authorized and directed to correct Zoning District Maps in the Office of the Director of the Planning and Development Services Department, to reflect the herein described changes in zoning.

SECTION 3: In all other respects, the use of the hereinabove described property shall be subject to all applicable regulations contained in Chapter 12 of the Code of Ordinances for the City of San Angelo, as amended.

SECTION 4. The remaining provisions of Chapter 12 of the Code of Ordinances of the City of San Angelo, Texas, not amended under Sections 1 and 2 of this Ordinance shall remain in full force and effect.

SECTION 5 The terms and provisions of this Ordinance shall be deemed to be severable in that, if any portion of this Ordinance shall be declared to be invalid, the same shall not affect the validity of the other provisions of this Ordinance.

SECTION 6: This Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED on the **18th day of April, 2017**, and finally PASSED, APPROVED AND ADOPTED on this, the **2nd day of May, 2017**.

THE CITY OF SAN ANGELO

Dwain Morrison, Mayor

ATTEST:

APPROVED AS TO FORM:

Bryan Kendrick, City Clerk

Theresa James, City Attorney

REF.: Remainder of 80.436
Ac.Tr.
Vol.1171, Pg.393 OPRRP



FIELD NOTES

17.192 Acres

January 6, 2017
17-E-0004_17ac

Being an area of 17.192 acres of land out of Deaf and Dumb Asylums, Survey No. 2, Abstract No. 8211, Tom Green County, Texas and said 17.192 acre tract also being out of that certain 2.525 acre tract described and recorded in Instrument No. 746280, Official Public Records of Tom Green County, Texas and out of that certain 74.106 acre tract described and recorded in Instrument No. 641530, Official Public Records of Tom Green County, Texas and said 17.192 acre tract being more particularly described by metes and bounds as follows:

Beginning at a ½" iron rod with cap marked "SKG ENGINEERS" found for the northeast corner of this tract in the north line of said 74.106 acre tract and in the south line of certain remainder of an 80.436 acre tract described and recorded in Volume 1171, Page 393, Official Public Records of Real Property of Tom Green County, Texas and said beginning corner also being the northwest corner of Lot 28, Block 6, Prestonwood Addition, Section Five as per plat recorded in Cabinet G, Slide 320, Plat Records of Tom Green County, Texas;

Thence with the east line of this tract and the west line of said Section Five, S. 01° 15' 55" W. 216.71 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the beginning of a curve to the left;

Thence with said curve to the left, having a radius of 660.00 feet, central angle of 18° 41' 10", arc length of 215.25 feet and whose long chord bears S. 08° 04' 40" E. 214.30 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the end of this curve;

Thence continuing with the east or northeast line of this tract and the west or southwest line of said Section Five, S. 17° 25' 15" E. 427.44 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the beginning of a curve to the left;

Thence with said curve to the left, having a radius of 1810.00 feet, central angle of 17° 38' 09", arc length of 557.12 feet and whose long chord bears S. 26° 14' 19" E. 554.92 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the end of this curve and the beginning of another curve to the left;

Thence with said curve to the left, having a radius of 2235.55 feet, central angle of 12° 26' 36", arc length of 485.51 feet and whose long chord bears S. 41° 16' 42" E. 484.56 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for an angle corner of this tract and certain Prestonwood Addition, Section Four, as per plat recorded in Cabinet G, Slide 276, Plat Records of Tom Green County, Texas;

Thence with the east line of this tract and the west line of said Section Four, S. 01° 11' 32" W. 49.99 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for an ell corner of this tract and said Section Four, N. 88° 48' 28" W. 28.08 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for an ell corner of this tract and said Section Four, S. 01° 11' 32" W. 230.00 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the southeast corner of this tract in the south line of said 74.106 acre tract;

Thence with the south line of this tract and said 74.106 acre tract, N. 88° 48' 28" W. 409.29 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the southwest corner of this tract and said 74.106 acre tract and the southeast corner of a certain 65.821 acre tract described and recorded in Instrument No. 746162, Official Public Records of Tom Green County, Texas;

Thence with the west line of this tract and said 74.106 acre tract and the east line of said 65.821 acre tract, N. 01° 11' 32" E. 279.99 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for angle corner of this tract and said 74.106 acre tract and said 65.821 acre tract;

Thence continuing with the west line of this tract and said 74.106 acre tract and east line of said 65.821 acre tract with a curve to the right, having a radius of 2545.55 feet, central angle of 05° 01' 40", arc length of 223.38 feet and whose long chord bears N. 37° 34' 14" W. 223.31 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the end of this curve and the beginning of another curve to the right;

Thence with said curve to the right, having a radius of 2120.00 feet, central angle of 17° 38' 09", arc length of 652.54 feet and whose long chord bears N. 26° 14' 19" W. 649.97 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the end of this curve;

Thence continuing with the west line of this tract and said 74.106 acre tract and east line of said 65.821 acre tract, N. 17° 25' 15" W. at 329.45 feet pass the northeast corner of said 65.821 acre tract and southeast corner of a certain 2.525 acre tract described and recorded in Instrument No. 746280, Official Public Records of Tom Green County, Texas, in all a total distance of 427.44 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the beginning of curve to the right;

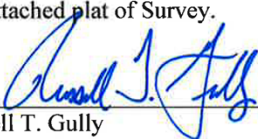
Thence with said curve to the right, having a radius of 970.00 feet, central angle for this part traversed of 11° 25' 47", arc length of 193.50 feet and whose long chord bears N. 11° 42' 22" W. 193.18 feet to a ½" iron rod with cap marked "SKG ENGINEERS" set for angle corner;

Thence across said 2.525 acre tract, N. 89° 03' 25" W. 166.20 feet to a ½" iron rod with cap marked "SKG ENGINEERS" set for the west southwest corner of this tract in the west line of said 2.525 acre tract;

Thence with the most westerly line of this tract and west line of said 2.525 acre tract, N. 00° 56' 35" E. 340.17 feet to a ½" iron rod with cap marked "SKG ENGINEERS" found for the northwest corner of this tract and said 2.525 acre tract and being in the south line of said 80.436 acre tract;

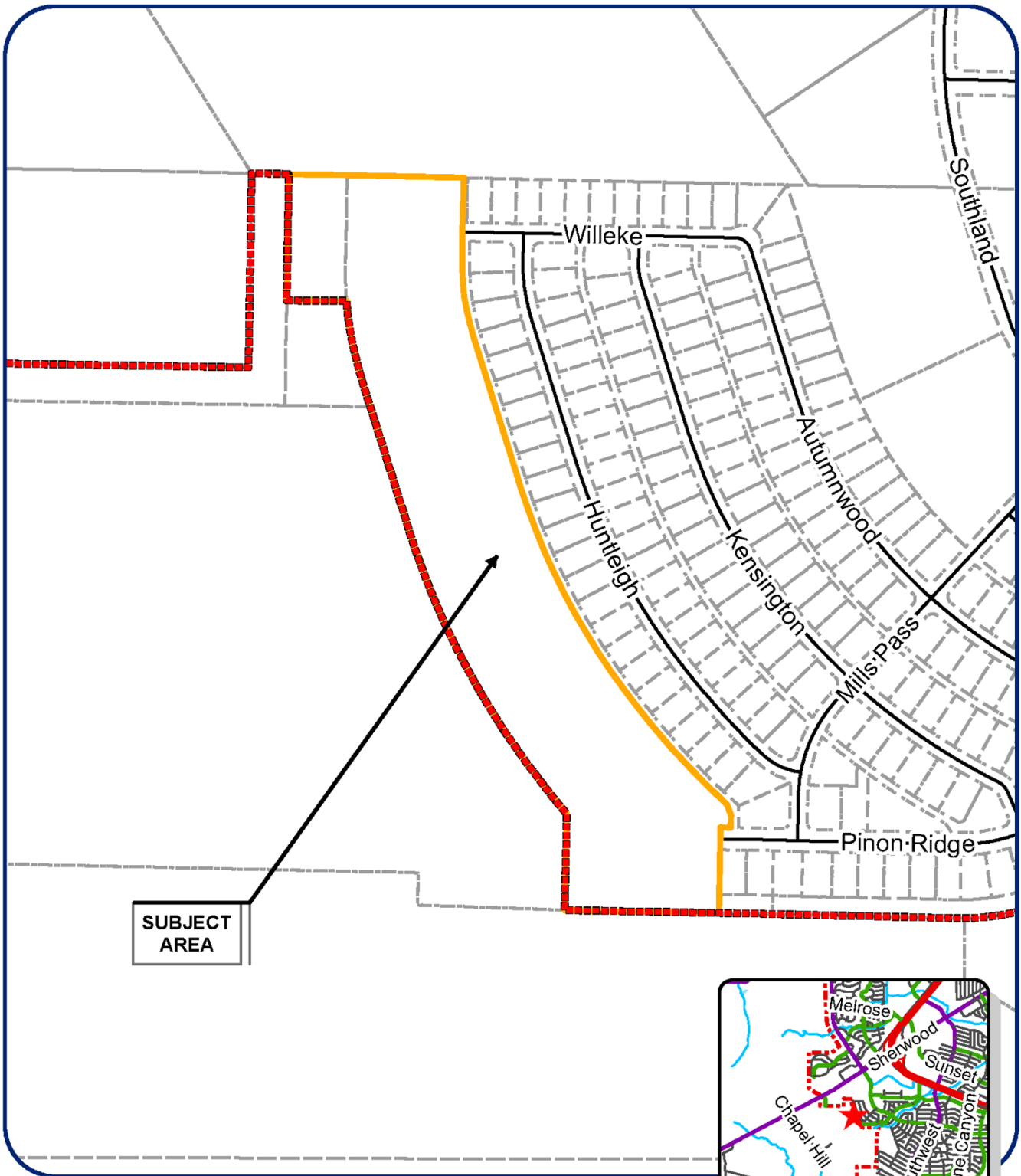
Thence with the north line of this tract and said 2.525 acre tract and south line of said 80.436 acre tract, S. 88° 44' 05" E. at 160.34 feet pass the northeast corner of said 2.525 acre tract and the northwest corner of said 74.106 acre tract, in all a total distance of 470.34 feet to the place of beginning and containing an area of 17.192 acres of land.

See attached plat of Survey.

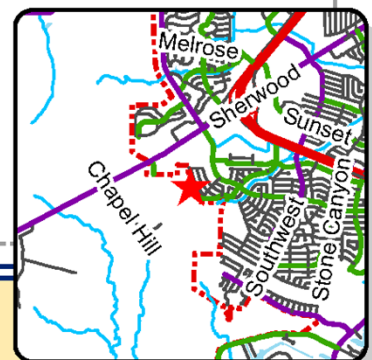


Russell T. Gully
Registered Professional Land Surveyor No. 5636
SKG Engineering, LLC
Firm No. 10102400





SUBJECT
AREA



Zone Change Case File

Case Z17_01; Mills Development

Council District: District 6 (Farmer)

Neighborhood: Bonham

Scale: 1 Inch :: 400 Feet

Legal Description: 17.192 ac out of the Deaf & Dumb Asylum Lands, Surv. no. 2, ABS 8211

Legend

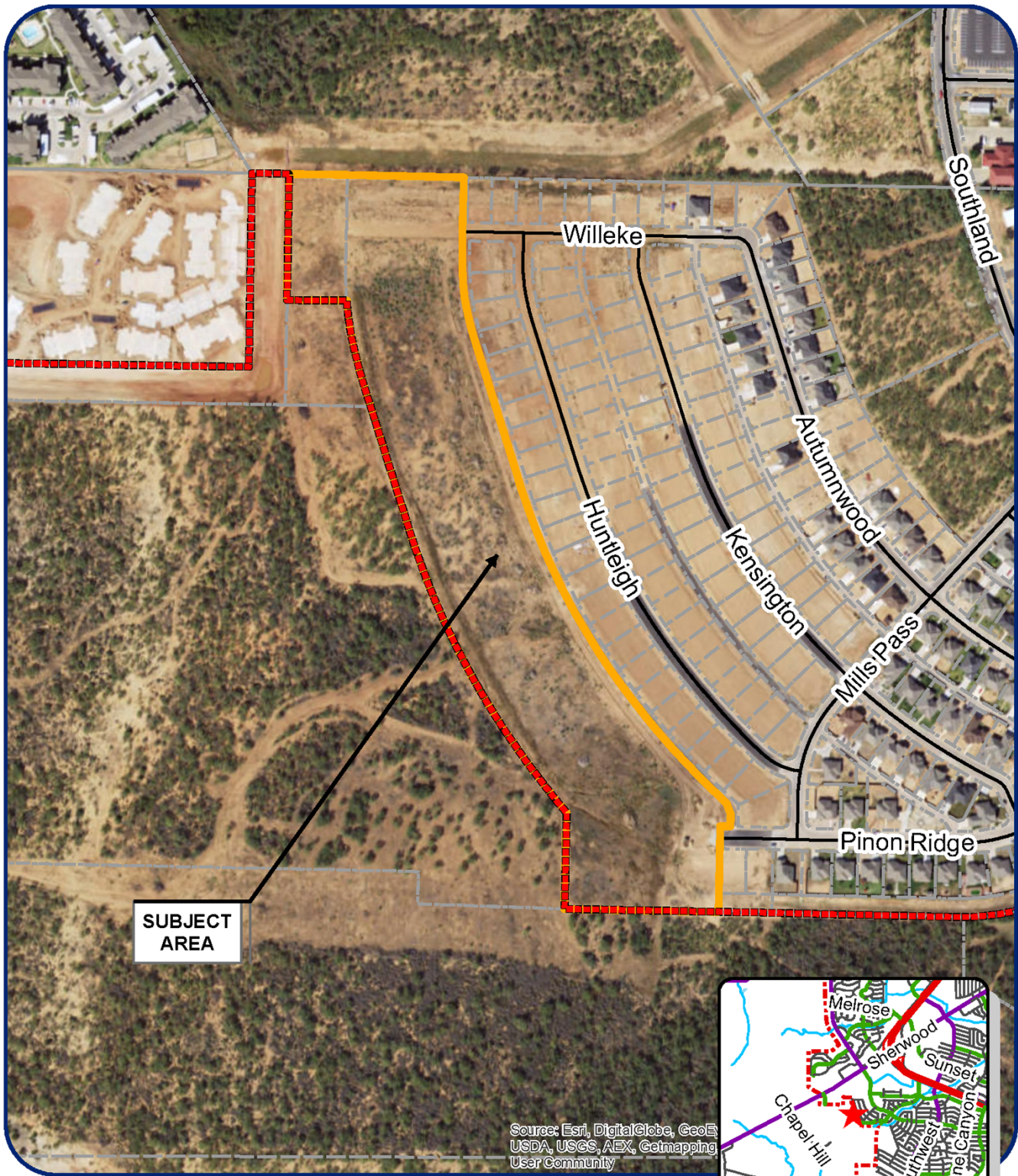
Subject Properties: —

Current Zoning: **R&E**

Requested Zoning Change: **RS-1**

Vision: **Neighborhood**





Source: Esri, DigitalGlobe, GeoEye,
USDA, USGS, AEX, Getmapping
User Community



Zone Change Case File

Case Z17_01; Mills Development

Council District: District 6 (Farmer)

Neighborhood: Bonham

Scale: 1 Inch :: 400 Feet

Legal Description: 17.192 ac out of the Deaf & Dumb Asylum Lands, Surv. no. 2, ABS 8211

Legend

Subject Properties:

Current Zoning:

Requested Zoning Change:

Vision:

R&E

RS-1

Neighborhood



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Rebeca Guerra, Planning Manager, Planning and Development Services, 325-657-4210

Meeting Date: May 2, 2017

Item type: Consent Item

Caption:

Second reading for Case Z17-02, an ordinance approving a request for a rezoning from the Single-Family Residence (RS-1) Zoning District to the Neighborhood Commercial (CN) Zoning District, generally located at the north/northwest corner of West 17th Street and North Bryant Boulevard (U.S. 87), on 0.345 acres (J. James)

Summary/History:

The subject property consists of two contiguous platted lots, one of which contains an abandoned dilapidated residence while the other property is currently vacant, having had a residence prior to 2008. The property is presently classified as Single-family Residential (RS-1). The Petitioner is seeking a rezoning to Neighborhood Commercial (CN). This particular zoning district is intended to provide opportunities for development of commercial development that serves and is supported by a relatively small surrounding area - a neighborhood. Case number SU17-01, a request to approve a Special Use to allow for an Automobile and Boat Dealer (Automobile and Light Truck Sales Only) within the Neighborhood Commercial (CN) Zoning District corresponds to this request.

Financial Impact:

N/A

Other Information/Recommendation:

The Planning Commission heard this item on March 20, 2017. Commissioner Farmer made a Motion to APPROVE the request, and Commissioner Jackson seconded the Motion. The Motion passed unanimously, 6-0. On April 18, 2017, City Council voted unanimously to APPROVE on First Reading the proposed Rezoning.

Attachments:

- | | | |
|----|-----------------|---------------------------------------|
| 1. | Staff Report | Z17-02_Staff_Report_City Council.docx |
| 2. | Draft Ordinance | Z17-02_Ordinance_FINAL.docx |

Presentation:

Jon James

Approvals/Reviews:

Rebeca Guerra	Created/Initiated
Jon James	Approved
Theresa James	Approved
Anthony Wilson	Approved
Jon James	Approved
Tina Dierschke	Approved
Theresa James	Approved

Becky Dunn
Bryan Kendrick

Approved
Final Approval

STAFF REPORT



Meetings: April 18, 2017
May 2, 2017

To: San Angelo City Council

From: Jon James, AICP
Director of Planning and Development Services

Through: Rebeca A. Guerra, AICP, LEED-AP, CPD
Planning Manager

Case: Z17-02: Hargraves

Request: A request for approval of a Zone Change from the Single-Family Residence (RS-1) Zoning District to the Neighborhood Commercial (CN) Zoning District

Location: 508-510 W. 17th Street; generally located at the N/NW corner of West 17th Street and North Bryant Boulevard (U.S. 87)

Legal

Description: Lots 16 and 17, Block 1, Mineola Addition.

Size: 0.345 acres

General Information

Future Land Use: Transitional

Current Zoning: RS-1 Single-Family Residence

Existing Land Use: Residential and Vacant Lot

Surrounding Zoning / Land Use:

North:	Low Rise Multi-Family Residence (RM-1)	Vacant
West:	Single-Family Residence (RS-1)	Residential
South:	Single-Family Residence (RS-1)	Residential
East:	General Commercial/Heavy Commercial (CG/CH)	Auto Sales

District: SMD #4 – Lucy Gonzales

Neighborhood: Blackshear

Thoroughfares/Streets:

North Bryant Blvd is defined as a “Major Arterial” roadway in the City’s Master Thoroughfare Plan (MTP) and is under TX-DOT jurisdiction. Major Arterial Roads are designed to connect Collector Streets to freeways and other arterials that carry large volumes of traffic at high speeds and typically require a minimum right-of-way width of 80 feet and a minimum paving width of 64 feet.

West 17th Street is defined as an “Urban Local Road” in the City’s Master Thoroughfare Plan (MTP). Local or Minor Roads are designed to collect traffic from a localized area and discharge it into a larger distribution system. This type of roadway is used primarily for access to abutting properties, and they generally consist of a minimum ROW width of 50 feet and a minimum pavement width of 36 feet to 40 feet.

Background:

The partially vacant subject property was platted in 1928 as part of the Mineola Addition (Volume 1, Pages 90 and 91, Official Plat Records). The subject property consists of two contiguous platted lots, one of which contains an abandoned dilapidated residence while the other property is currently vacant, having had a residence prior to 2008. cursory research appears to indicate that it has historically been zoned for single-family use. The subject property is rectilinear, oriented north-to-south, and has approximately 150 feet of frontage along North Bryant Boulevard and 100 feet of frontage along West 17th Street. A 20-foot public alley runs along the subject property’s north lot line. Case number SU17-01, a request to approve a Special Use to allow for an Automobile and Boat Dealer (Automobile and Light

Truck Sales Only) within the Neighborhood Commercial (CN) Zoning District corresponds to this request.

Analysis:

Zoning: The undeveloped subject property is presently classified as Single-family Residential (RS-1). This zoning district is intended to provide opportunities for the development of detached single-family residences at medium densities. The Petitioner is seeking a rezoning to Neighborhood Commercial (CN). This particular zoning district is intended to provide opportunities for development of commercial development that serves and is supported by a relatively small surrounding area - a neighborhood.

Allowable commercial uses include a wide variety of office activities, as well as a more limited range of retail trade and services aimed toward meeting the routine needs of residents in that neighborhood. Commercial development should be low intensity with small floor areas and limited traffic generation and trade area. The character of commercial development is compatible with the surrounding residential neighborhood. This District is also intended for commercial establishments whose activity, materials and merchandise are housed entirely inside the building, except as may be allowed by the General Development Standards of this Zoning Ordinance. Auto and boat dealerships are not permitted outright in this zoning district, which is the reason that this application is accompanied by a separate Special Use application (cross-referencing SU17-01 [Hargraves]).

Comprehensive Plan: This update to the original 2003 Comprehensive Plan was adopted by City Council in 2009. The subject area currently has a Future Land Use designation of "Transitional." According to the Comprehensive Plan, there are two types of Transitional areas, the first involving conversions of commercial corridor frontage from CG/CH zoning and related strip-style development, and the second involving the logical and proportional bridging between Neighborhood Centers or other Commercial areas and nearby neighborhoods. In either case, Transitional areas should provide for a progressive scaling of activity from more intense areas to neighborhoods which should be more passive in character. In general, Transition Areas imply increased density and greater mix of uses than neighborhoods, but not as much as in Neighborhood Centers, Downtown, or other Commercial areas. This is further expressed in Goal number two, which seeks to "...blend intensive commercial areas into neighborhoods seamlessly." The Comprehensive Plan recognizes that "commercial areas often do not make for compatible neighbors for residential uses, but rather than completely turning their back on neighborhoods, Transition Areas should be used to graduate density and intensity of activity to maintain connectivity, improve pedestrian experience, and provide areas for increased housing and nonresidential options not currently being met." In short, the current Future Land Use designation of "Transitional" appears, at least in this instance, to be furthered by a Neighborhood Commercial zoning classification rather than a conventional General Commercial classification, particularly if the accompanying Special Use were to be replaced with a different non-residential use adjacent to existing single-family residential uses.

Criteria: Section 212(G) of the Zoning Ordinance requires that the Planning Commission and City Council consider, at minimum, seven (7) factors in determining the appropriateness of any Rezoning request.

1. **Compatible with Plans and Policies.** *Whether the proposed amendment is compatible with the Comprehensive Plan and any other land use policies adopted by the Planning Commission or City Council.*

As previously stated, the subject area currently has a Future Land Use designation of “Transitional.” The proposed rezoning is consistent the present Future Land Use, therefore no amendments to the Future Land Use map will be necessary. The application for rezoning is being sought to facilitate the development of an automobile and light truck dealership, which is not permitted under the CN zoning category. The Petitioner is also seeking Special Use approval in conjunction with this application to facilitate the proposed use. Additional conditions may need to be imposed through the Special Use, should the Special Use be deemed appropriate for the site, in order to remain in keeping with both the spirit of the Zoning Ordinance and the intent of the Comprehensive Plan.

2. **Consistent with Zoning Ordinance.** *Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.*

Both the current and proposed zoning categories appear to be appropriate for the subject property, and the site appears suitable for either residential or non-residential purposes. Other than close proximity to both a major arterial and primary corridor into the city (North Bryant Boulevard [US-87]), there is nothing to suggest that single-family residential is not appropriate for the subject property; low marketability is not a credible metric. Conversely, close proximity to both a major arterial and primary corridor into the city may not properly indicate that the site is ripe for non-residential development, taking into account current development patterns in the surrounding area.

3. **Compatible with Surrounding Area.** *Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.*

Transitional areas can accommodate both RS-1 and CN zoning categories, therefore both the current and proposed zoning categories appear to be appropriate for the subject property. The site appears suitable for either residential or non-residential purposes. The 2009 Comprehensive Plan update designated this property as “Transitional,” presumably to accommodate the logical and proportional bridging between Neighborhood Centers or other Commercial areas and nearby neighborhoods. In light of this, the proposed zoning should provide for a progressive scaling of activity from more intense areas to nearby residential neighborhoods.

Because the proposed use requires Special Use approval, additional conditions may be necessary to ensure compatibility with surrounding environs and keep within the spirit of the Zoning Ordinance.

4. **Changed Conditions.** *Whether and the extent to which there are changed conditions that require an amendment.*

The surrounding area appears to have historically contained single-family residential neighborhoods both before and after the realignment and expansion of US 87 (North Bryant Boulevard). Additionally, a portion of the subject property contains an abandoned residence, while the remaining portion may have contained a residence prior to 2008. Based on these observations, there is nothing to indicate that single-family residential is no longer appropriate for this location. On the other hand, there may be evidence to suggest that corridor redevelopment along this segment of North Bryant may be imminent; to what extent and direction, however, is yet to be determined.

5. **Effect on Natural Environment.** *Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.*

No appreciable adverse impact on the natural environment appears likely as a result of the rezoning. There are no known environmentally sensitive areas or archaeological sites contained within the subject property. Issues of storm water management and site access as a result of any development of the property will be addressed during the permitting process.

6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.*

There may appear to be a deficit in current local residential housing opportunities, as well as affordable housing opportunities, as a result of the proposed rezoning. Conversely, local market conditions do not appear to indicate that a housing shortage currently exists. The Petitioner does not offer any compelling arguments to suggest either a shortfall in existing local office/commercial inventories, let alone the need for more automobile dealerships in the community. Equally, however, new commercial opportunities could expand the local tax base and generate much needed revenue, as well as provide for additional employment opportunities within the immediate area. Ironically, the proposed zoning may not satisfy future residential need as the local economy begins to grow and new users migrate into the area as a result of economic growth.

7. **Development Patterns.** *Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.*

The surrounding area has a wide array of uses and zoning patterns, including single-family residential to the south and west, vacant multi-family to the north, various commercial further north and to the east (restaurants, convenience retail, used car dealerships, etc.), and institutional to the southeast (church). As previously stated, the areas to the south, west and northwest appear to have historically contained single-family residential neighborhoods both before and after the realignment and expansion of US 87 (North Bryant Boulevard). Additionally, a portion of the subject property contains an abandoned residence, while the remaining portion may have contained a residence prior to 2008. Based on these observations, there is nothing to indicate that single-family residential is no longer appropriate for this location. On the other hand, there may be evidence to suggest that corridor redevelopment along this segment of North Bryant may be imminent; to what extent and direction, however, is yet to be determined. By and large, there is no compelling evidence to suggest that either zoning category is antiquated or would be in conflict with current patterns.

Notification:

On February 24, 2017, fourteen notifications were mailed out to property owners of record within a 200-foot radius of the subject area, including a separate written notice that was mailed out to the local school district, in accordance with Section 211.007, Texas Local Government Code. As of the date of this publication, Staff has received one response in favor of, and zero responses in opposition to the request.

Planning Commission Action:

This request was scheduled for review and consideration on the March 20, 2017, Planning Commission docket as Regular Agenda Item *III.2.C*. Below is an excerpt from the meeting's unofficial minutes:

Staff requested that Regular Agenda Items *III.2.B* (Zone Change [Z]17-02, Hargraves) and *III.2.C* (Special Use [SU]17-01, Hargraves) be heard concurrently as they are interrelated.

Chairperson Priess introduced Regular Agenda Items *III.2.B* and *III.2.C* and read each project description into the record. David Stallworth, Principal Planner, provided a brief synopsis of each case. Mr. Stallworth indicated the location for the subject area, showed existing site conditions as well as various perspectives of the surrounding area. Mr. Stallworth proceeded to recommend APPROVAL of the zone change, along with his basis for the recommendation. Mr. Stallworth concluded his presentation with a recommendation of APPROVAL of the Special Use, subject to Conditions, along with his basis for the recommendation.

Barring further Staff further input, Chairperson Priess opened the public hearing. Mr. Robby Hargraves, owner/petitioner, approached the podium, identified himself, and made himself available for questions. Barring further public input, Chairperson Priess closed the public hearing and entertained further deliberations and possible motions.

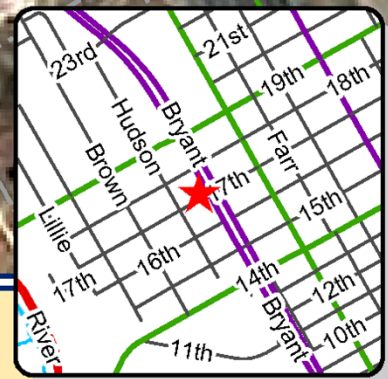
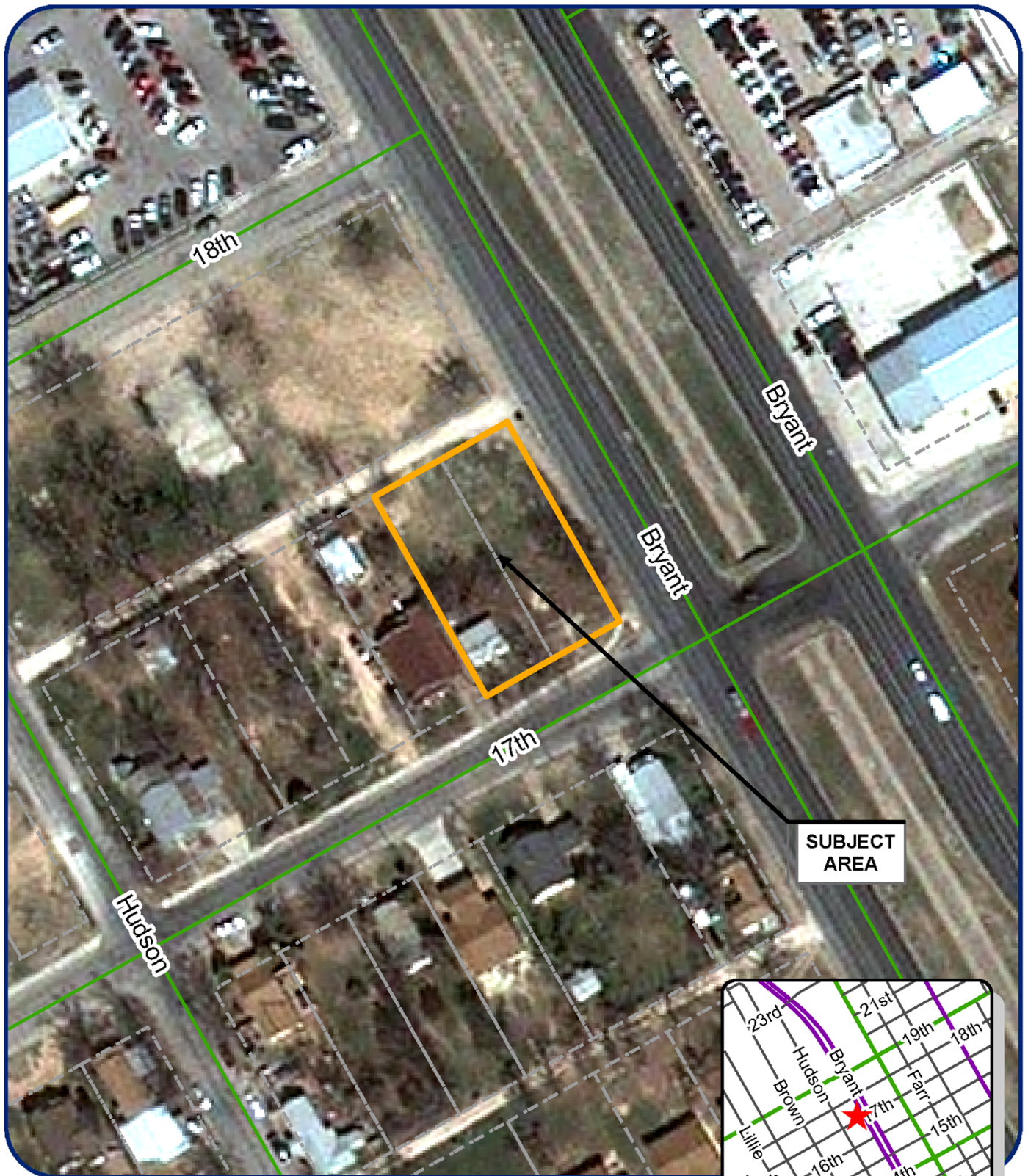
Commissioner Farmer made a Motion to APPROVE the Zone Change request. Commissioner Jackson seconded the Motion. The Motion passed unanimously, 6-0.

Staff Recommendation:

Staff recommends that City Council **APPROVE** Case Z17-02, a request for a Zone Change from the Single-Family Residence (RS-1) Zoning District to the Neighborhood Commercial (CN) Zoning District.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Major Thoroughfare Plan
Application
Petitioner Justification
Site Photographs



Multiple Case Files

Z17-02/SU17-01; Hargraves

Council District: District 4 (Gonzales)

Neighborhood: Blackshear

Scale: 1 Inch :: 100 Feet

Legal Description: Lots 16 and 17, Blk 1, Minneola Add'n

Legend

Subject Properties:

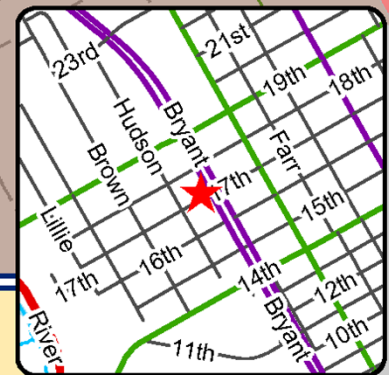
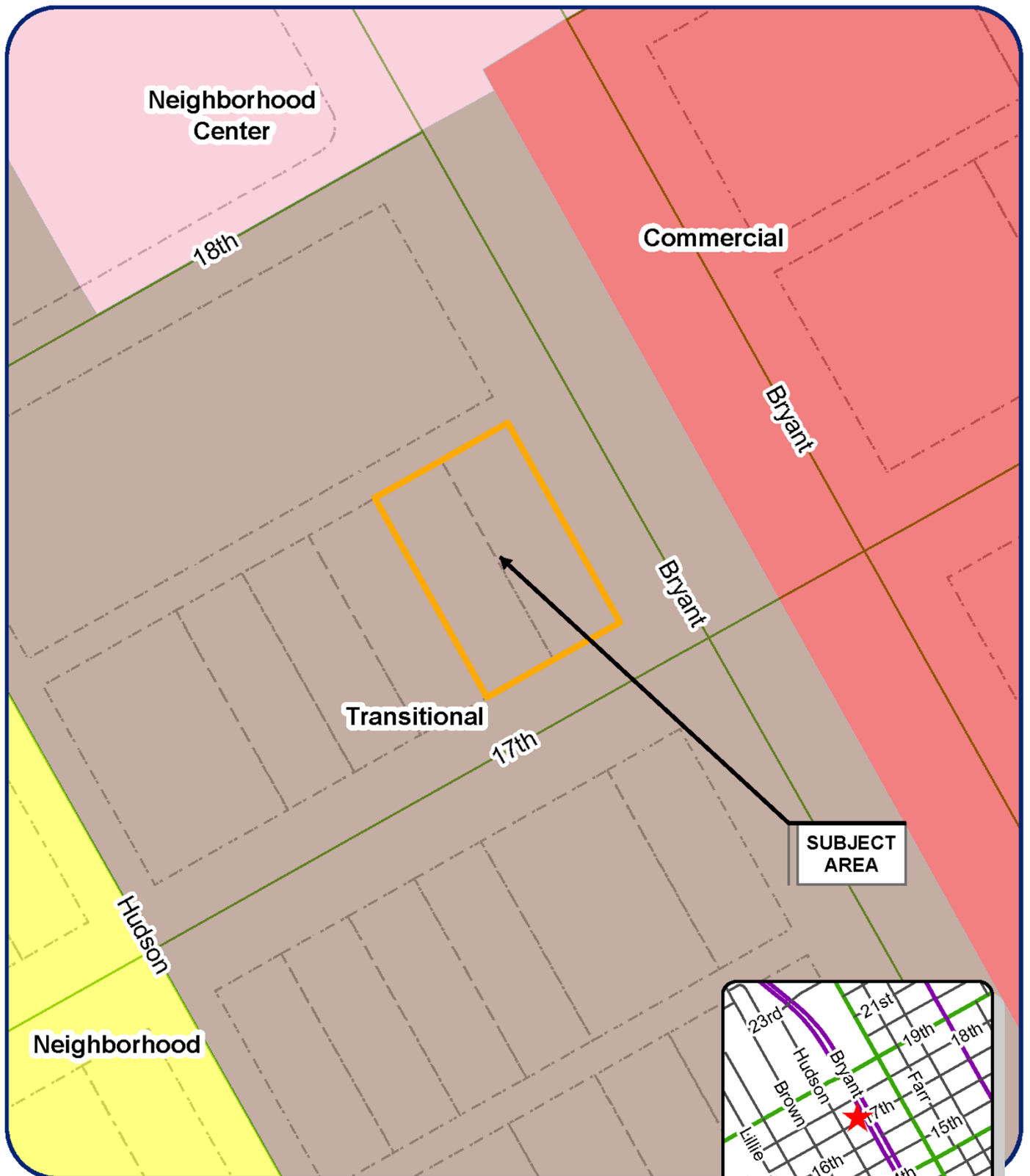
Current Zoning: **RS 1**

Requested Zoning Change: **CN/SU**

Vision: **Transitional**

N





Multiple Case Files

Z17-02/SU17-01; Hargraves

Council District: District 4 (Gonzales)

Neighborhood: Blackshear

Scale: 1 Inch :: 100 Feet

Legal Description: Lots 16 and 17, Blk 1, Minneola Add'n

Legend

Subject Properties:

RS 1

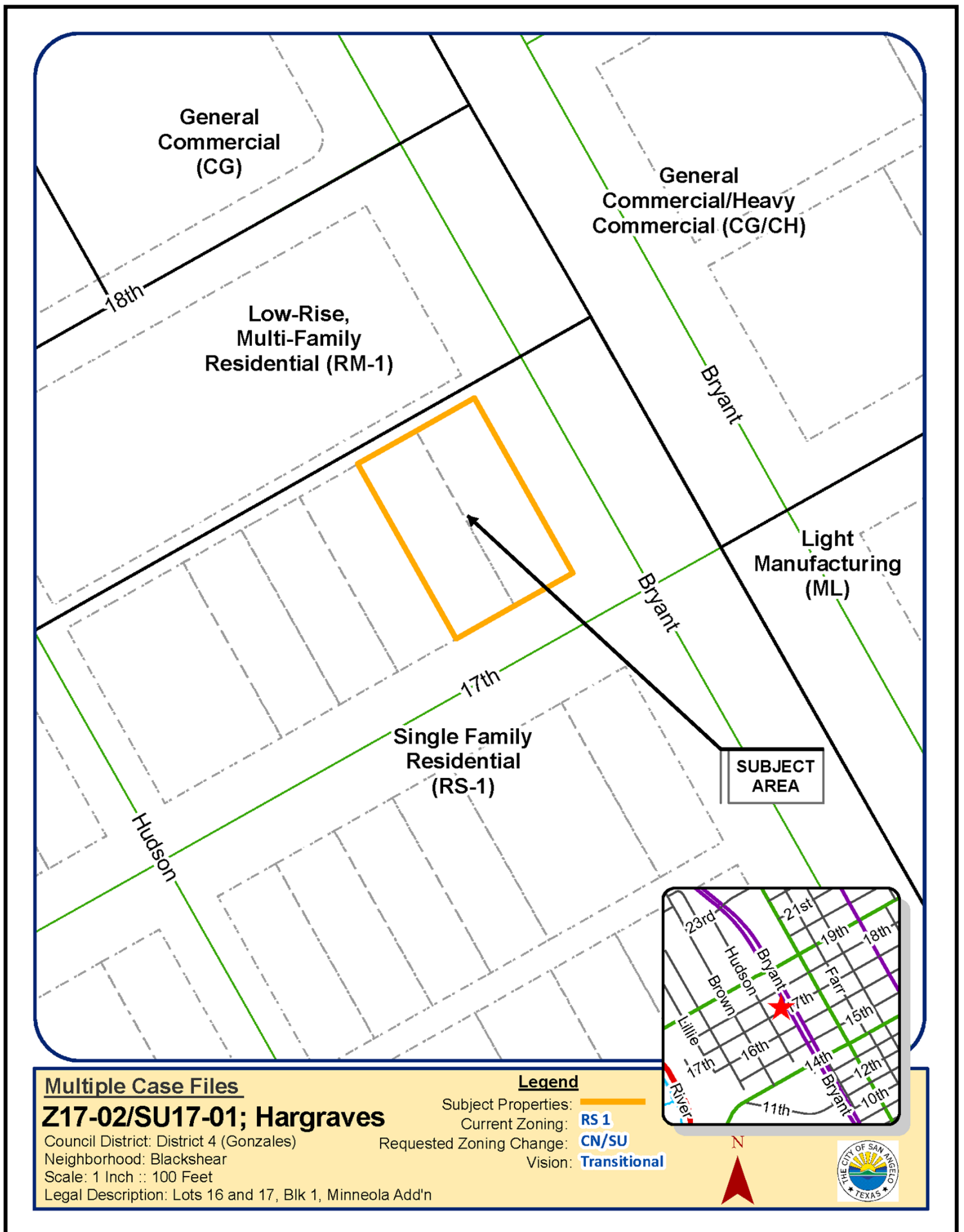
Current Zoning:

CN/SU

Requested Zoning Change:

Vision: Transitional





Multiple Case Files

Z17-02/SU17-01; Hargraves

Council District: District 4 (Gonzales)

Neighborhood: Blackshear

Scale: 1 Inch :: 100 Feet

Legal Description: Lots 16 and 17, Blk 1, Minneola Add'n

Legend

Subject Properties:

Current Zoning:

Requested Zoning Change:

Vision:

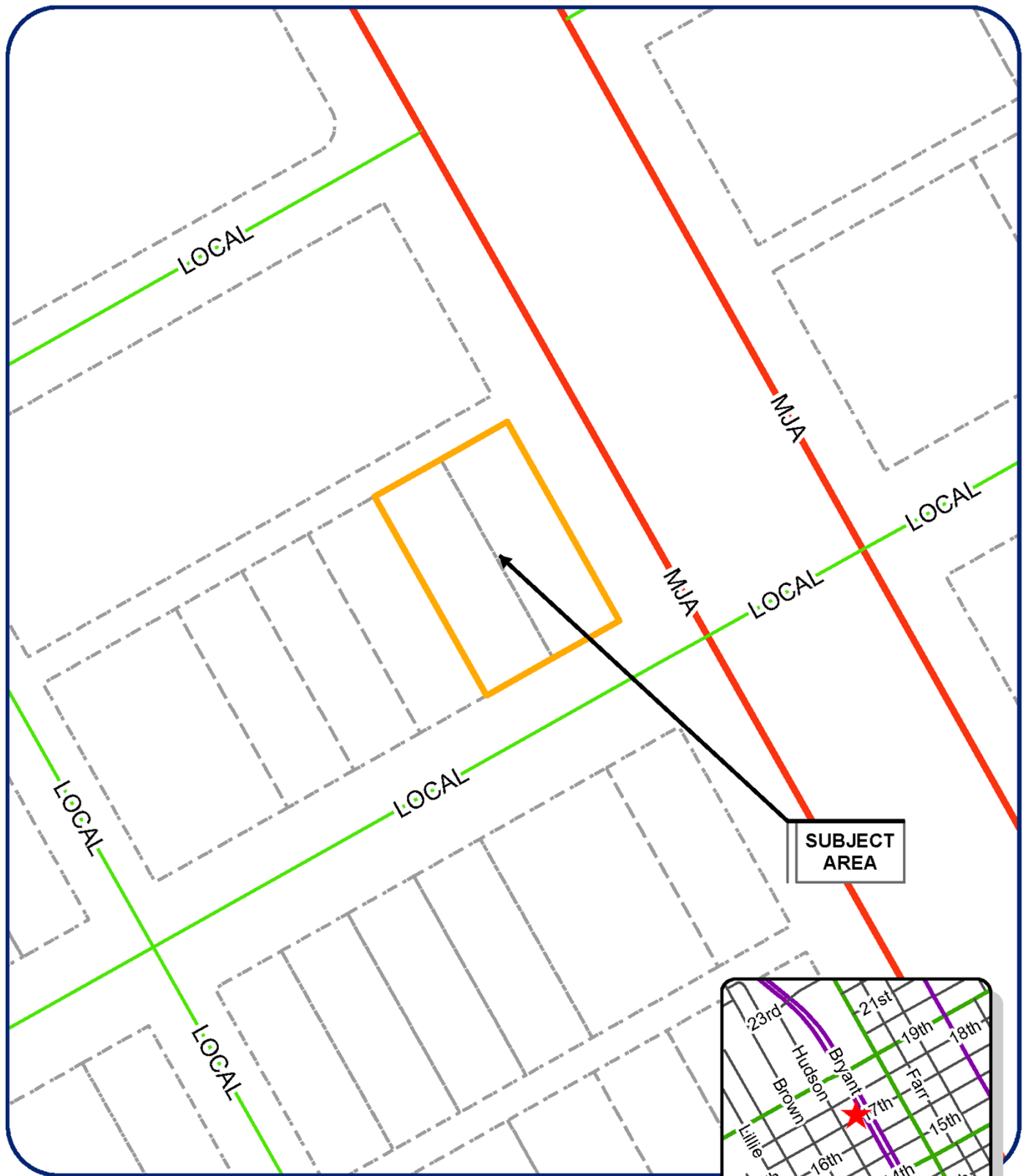
RS 1

CN/SU

Transitional

N





Multiple Case Files

Z17-02/SU17-01; Hargraves

Council District: District 4 (Gonzales)

Neighborhood: Blackshear

Scale: 1 Inch :: 100 Feet

Legal Description: Lots 16 and 17, Blk 1, Minneola Add'n

Legend

Subject Properties:

RS 1

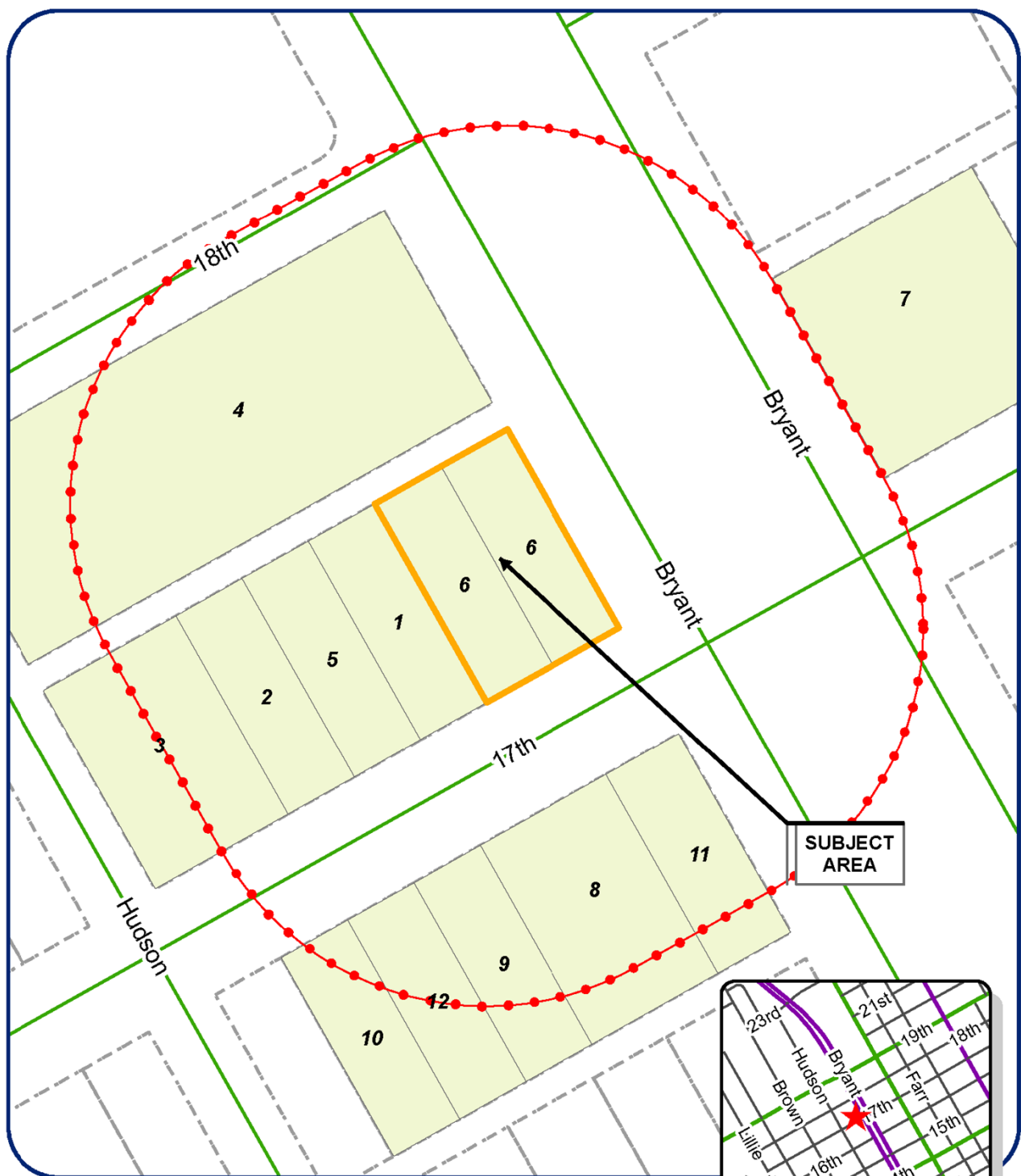
Current Zoning: CN/SU

Requested Zoning Change:

Vision: Transitional

N





Multiple Case Files

Z17-02/SU17-01; Hargraves

Council District: District 4 (Gonzales)

Neighborhood: Blackshear

Scale: 1 Inch :: 100 Feet

Legal Description: Lots 16 and 17, Blk 1, Minneola Add'n

Legend

Subject Properties:

Current Zoning:

Requested Zoning Change:

Vision:

RS 1

CN/SU

Transitional



IND	vm_name	vm_incare	vm_line1	vm_city	vm_state	vm_zip
0	CITY OF SAN ANGELO	PLANNING DIVISION	52 W COLLEGE AVE	SAN ANGELO	TX	76903
1	ACEVEDO PEDRO R & LETICIA GARCIA		512 W 17TH ST	SAN ANGELO	TX	76903-4502
2	ACEVEDO SAUL		512 W 17TH ST	SAN ANGELO	TX	76903-4502
3	CARDENAS ISMAEL - DECEASED		520 W 17TH ST	SAN ANGELO	TX	76903-4502
4	DE WITT DE LARNCE		1117 ASHFORD DRIVE	SAN ANGELO	TX	76901-5305
5	DE WITT LANGSTON - DECEASED	DORETHEA DEWITT	3810 SOUTHLAND BLVD	SAN ANGELO	TX	76904-7241
6	HARGRAVES R W		1716 ELLIS	SAN ANGELO	TX	76905-4314
6	HARGRAVES R W		1716 ELLIS	SAN ANGELO	TX	76905-4314
7	HARRIS WALT		8750 WREN RD	SAN ANGELO	TX	76901-7436
8	MARTINEZ BEATRIZ		814 N VAN BUREN	SAN ANGELO	TX	76901-2518
9	NOAH ESTATES PROPERTIES I LP		1404 S OAKES ST	SAN ANGELO	TX	76903-7506
10	OWENS LEARY		521 W 17TH ST	SAN ANGELO	TX	76903-4501
11	REED CHARLES		401 KENNEDY DR	SAN ANGELO	TX	76905-7715
12	VIGIL SAMUEL & JULIE Z		817 E 18TH ST	SAN ANGELO	TX	76903-3568

Z17-01: MILLS DEVELOPMENT

Total Notices: 60

34	PROPERTY OWNER		5814 WILLEKE DR	SAN ANGELO	TX	76904
35	ARROYO LOPEZ FERNANDO J & COLON CARDONA LILLIVETTE		4186 HUNTLEIGH DR	SAN ANGELO	TX	76904-9999
36	BUITRON DAVID S & DORA		2953 RANCH ROAD 864	SONORA	TX	788405110
37	CITY OF SAN ANGELO	PLANNING DIVISION	72 W COLLEGE AVE	SAN ANGELO	TX	76903-5814
38	CLIFTON CHRISTOPHER & KELLY		5902 MILL PASS DRIVE	SAN ANGELO	TX	76904-9999
39	CN BOULEVARD SAN ANGELO II LP		420 SOUTHFORK DR	LEWISVILLE	TX	75201-3081
40	EDWARDS RHEBA DENEE		4177 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-9999
41	FLOYD GARY		2199 COYOTE BEND	SAN ANGELO	TX	76903-0135
42	FOSTER JOHN & JANA		4190 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-9999
43	GAMMONS ROGER D & JOYCE A		4166 HUNTLEIGH DR	SAN ANGELO	TX	76904-1405
44	HEIL STEVEN G & BRANDI S		4801 PINON RIDGE DR	SAN ANGELO	TX	76904-9999
45	HENRY CHRISTOPHER & WELA		4158 HUNTLEIGH DR	SAN ANGELO	TX	76904-1405
46	HERON JOSEPH W & AUDREY B		4189 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-9999
47	KAMALAPUR RAJ & SEEMA		4182 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-1405
48	KEMP CHARLOTTE		4181 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-9999
49	KENNEDY JOSEPHINE M & JOHN D		4193 HUNTLEIGH DR	SAN ANGELO	TX	76904-9999
50	LEWIS EDWARD EUGENE & KIMBERLY ANN		4169 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-9999
51	LYNCH JEAN		4161 HUNTLEIGH DR	SAN ANGELO	TX	76904-0000
52	MERRY WILLIAM CARLETON & PAMELA		4174 HUNTLEIGH DR	SAN ANGELO	TX	76904-9999
53	MILLS DEVELOPMENT INC	ROCKY TEMPLIN	3845 LAKE RIDGE DR	SAN ANGELO	TX	76904-5918
54	MILLS DEVELOPMENT INC		PO BOX 60831	SAN ANGELO	TX	76906-0831
55	RICH TIMOTHY S & ANGELA D		4157 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-9999
56	RIDGECREST INC		3845 LAKE RIDGE DR	SAN ANGELO	TX	76904-0000
57	SAMS EAST INC	0555	PO BOX 8050	BENTONVILLE	AR	72712-8050
58	TWIN BUTTES APARTMENTS LLC		420 SOUTHFORK DR	LEWISVILLE	TX	75201-3081
59	WAGNER DAVID L & STEFANIE D		4173 HUNTLEIGH DRIVE	SAN ANGELO	TX	76904-9999
60	WILLEKE HUDSON LP	INDUSTRY CONSULTING GROUP	PO BOX 810490	DALLAS	TX	75381-0490



City of San Angelo, Texas – Planning Division
52 West College Avenue
Application for Approval of a Zone Change

**Section 1: Basic Information**

Name of Applicant(s): Robby W. HARGRAVES
☒ Owner ☐ Representative (Notarized Affidavit Required)
 Mailing Address: 1218 KENWOOD DR. SAN ANGELO, TX 76904
 City State Zip Code
 Contact Phone Number: 325 277 9636 Contact E-mail Address: rwhargraves@msn.com
 Subject Property Address: 508 & 510 W. 17th SAN ANGELO, TX 76903
 City State Zip Code
 Legal Description (can be found on property tax statement or at www.tamgreencad.com): LOTS SIXTEEN AND SEVENTEEN BLOCK ONE MINERLA ADDITION
508 & 510 West 17th St
 Existing Zoning: RS-1 Proposed Zoning: CG Lot size: ± 15066 ft²
FLU - Transitional CN 0.345 ac
 (Zoning Map available on [City Maps](#))

Section 2: Site Specific Details

Existing Use of Property: Vacant
 *Proposed Use of Property: FOR Auto & Light Truck dealerships (Sales) only
 *Use separate attachment if necessary

Section 3: Applicant(s) Acknowledgement

(By checking the boxes you indicate that you understand below rules and regulations for the Planning Commissions case.)

- ☒ An application for a zone change on a property may only be made by the owner of that property, an authorized representative of the property owner, the Planning Director, the Planning Commission or City Council. An authorized representative shall present a notarized affidavit from the property owner;
- ☒ No application will be processed if a zoning violation exists on the property, unless such processing is authorized by City Council. Use of the subject property for any new activity (not allowed by present zoning) cannot occur before City Council's approval of the requested zone change. Any such unauthorized use of the subject property is subject to prosecution in Municipal Court.
- ☒ If approved, a zone change is applied to the property, not the property owner.
- ☒ The Planning Commission makes recommendations to City Council. If the Planning Commission recommends approval of a zone change request, the case must still go before City Council for final action.
- ☒ If a zone change request is granted by City Council, permits for building construction and/or utility connection may be obtained from the City's Permits and Inspections Department.
- ☒ Certain minimum building setbacks from some or all property lines must be maintained, and room for a minimum number of off-street parking spaces must be reserved on a subject property, based on that property's zoning classification and the nature of its proposed use. A privacy fence may also be required between more restrictive and less restrictive zoning districts. These requirements are outlined in San Angelo's Zoning Ordinance. It is to the applicant's benefit to make sure that any proposed development will fit onto the subject property, in compliance with these and other applicable requirements of the City's Code of Ordinances.
- ☒ One or more notice sign(s) will be placed on the subject property by the Planning Department. However, it is the applicant's responsibility to ensure that the notice sign(s) has/have been posted at least ten (10) days prior to the Planning Commission meeting. If notice sign(s) is/are not posted accordingly, City Council may delay a request. The Planning Department will also notify, in writing, owners of property within 200-feet of the subject property of the zone change request.
- ☒ If the Planning Commission recommends denial of a request, the applicant will have ten (10) days to appeal this decision, in writing, to the City Council. If an appeal is made within three (3) days from the Planning Commission meeting, no re-notification fee will be required. Otherwise, there will be a nonrefundable \$35 fee to re-notify owners of nearby property of City Council's public hearing date. If Planning Commission's recommendation of denial is not appealed, it will be the final action on a request.

Section 3 continued : Applicant(s) Acknowledgement

☒ The applicant or an authorized representative should attend public hearing(s) pertaining to his/her request, prepared to present his/her case and to answer any relevant questions from Planning Commission or City Council members.

I/We the undersigned acknowledge that the information provided above is true and correct.

ROBBY W. HARGRAVES R.W. Hargraves 2.22.17
 Owner Name (Print) Signature Company/Organization (If Applicable) Date

 Representative Name (Print) Signature Company/Organization Date

FOR OFFICE USE ONLY:

☐ Verified Complete ☐ Verified Incomplete

Date of Application: ____/____/____

Case No.: Z 17 -- 02

Fully-dimensioned site plan: ☐

Nonrefundable fee: \$ 500

Receipt #: _____ Date paid: ____/____/____

Sign Deposit \$37.50

Receipt #: _____ Date paid: ____/____/____

Affidavit attached? ☐ Yes ☐ No ☐ N/A Applicant's signature on information sheet? ☐ Yes ☐ No

Previous Zone Change Inquiry? ☐ Yes ☐ No If yes, ZCI case no.: ____ -- ____

River Corridor Commission? ☐ Yes ☐ No If yes, RCC meeting date: ____/____/____

Planning Commission hearing date: ____/____/____ Date notifications due: ____/____/____

City Council hearing date: ____/____/____ Packets due date: ____/____/____

Publication date: ____/____/____

Reviewed/Accepted by: _____ Date: ____/____/____

February 21, 2017

Planning Manager
City of San Angelo Planning Division
512 West College Ave.
San Angelo, TX 76903

I am requesting a zone change for
properties 508 & 510 West 17th St (Legal
Description, Lots 16 & 17, Block 1, Mineola
addition, City of San Angelo, Tom Green County.

Both properties currently zoned R1. and
Join Bryant thruway South & 17th St.
Both properties have not been in use for a
number of years. Previous owner seems to
have had a real struggle complying with
City weed & brush control. We have cleaned
the brush & mesquite off. I respectfully request
a change to accommodate the use for a used
motor vehicle sales lot, with a small 16x30
office, with the balance to be paved.

There are four other like business on either
side of Bryant, with the rest being predominantly
commercial. I believe this to be the best use
for this property, I would create more taxes
and 2 to 4 more jobs

My Plan will conform with the
other business that are in this area,
and also enhance the value of
the surrounding property.

I pray that you will favor my
request.

I thank you very respectfully

R. W. Hargraves

IMAGES OF THE SUBJECT PROPERTY (Looking north along West 17th)



IMAGES OF THE SUBJECT PROPERTY (Looking south from rear alley)



AREA CONDITIONS SOUTH OF THE SITE



AREA CONDITIONS WEST OF THE SITE



AREA CONDITIONS NORTH OF THE SITE



AREA CONDITIONS EAST OF THE SITE



AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH ADOPTS ZONING REGULATIONS, USE DISTRICTS AND A ZONING MAP, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING PROPERTY: **508 – 510 West 17th Street; generally located at the north-northwest corner of West 17th Street and North Bryant Boulevard (US Highway 87), and being Lots 16 and 17, Block One, Mineola Addition, an addition to the City of San Angelo, Tom Green County, Texas**, FROM THE SINGLE-FAMILY RESIDENTIAL (RS-1) ZONING DISTRICT TO THE NEIGHBORHOOD COMMERCIAL (CN) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Planning Commission and the City Council for the City of San Angelo, in compliance with the City Charter and state law regarding zoning regulations and zoning map, having given requisite notice of public hearing by publication and otherwise, and having afforded a full and fair hearing to all property owners and persons interested, including persons situated in the vicinity of the affected area, being of the opinion that zoning changes should be made as set out herein;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SAN ANGELO:

SECTION 1: Chapter 12 of the Code of Ordinances of the City of San Angelo, the basic Zoning Ordinance for the City adopted on January 4, 2000, and the Zoning Map be and the same are hereby amended as follows:

508 – 510 West 17th Street; generally located at the north-northwest corner of West 17th Street and North Bryant Boulevard (US Highway 87), and being Lots 16 and 17, Block One, Mineola Addition, an addition to the City of San Angelo, Tom Green County, Texas, as recorded in Volume 1, Pages 90-91, Official Plat Records, Tom Green County, Texas, zoned Single-Family Residential (RS-2) Zoning District shall henceforth be permanently zoned Neighborhood Commercial (CN) Zoning District.

Comment [d1]: The record information should be for the subject plat filed in TGC Official Records

SECTION 2: The Director of the Planning and Development Services Department is hereby authorized and directed to correct Zoning District Maps in the Office of the Director of the Planning and Development Services Department, to reflect the herein described changes in zoning.

SECTION 3: In all other respects, the use of the hereinabove described property shall be subject to all applicable regulations contained in Chapter 12 of the Code of Ordinances for the City of San Angelo, as amended.

SECTION 4. The remaining provisions of Chapter 12 of the Code of Ordinances of the City of San Angelo, Texas, not amended under Sections 1 and 2 of this Ordinance shall remain in full force and effect.

SECTION 5 The terms and provisions of this Ordinance shall be deemed to be severable in that, if any portion of this Ordinance shall be declared to be invalid, the same shall not affect the validity of the other provisions of this Ordinance.

SECTION 6: This Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED on the **18th day of April, 2017**, and finally PASSED, APPROVED AND ADOPTED on this, the **2nd day of May, 2017**.

THE CITY OF SAN ANGELO

Dwain Morrison, Mayor

ATTEST:

APPROVED AS TO FORM:

Bryan Kendrick, City Clerk

Theresa James, City Attorney

MINEOLA

AN ADDITION TO SAN ANGELO, TEXAS
 SURVEYED AND PLATTED MARCH 1928 BY
 H.L. GEORGE - CIVIL ENGINEER
 SCALE 1"=100'

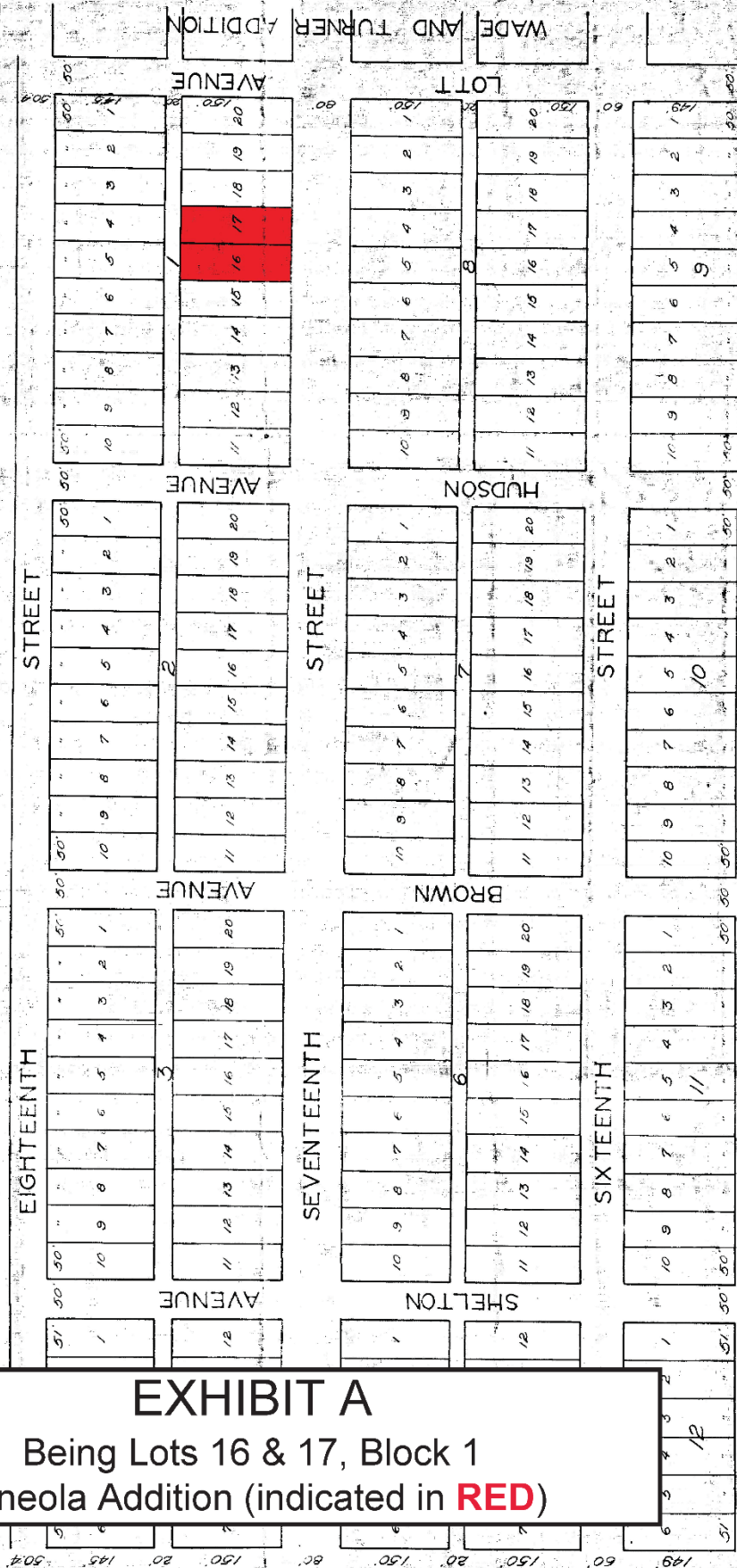
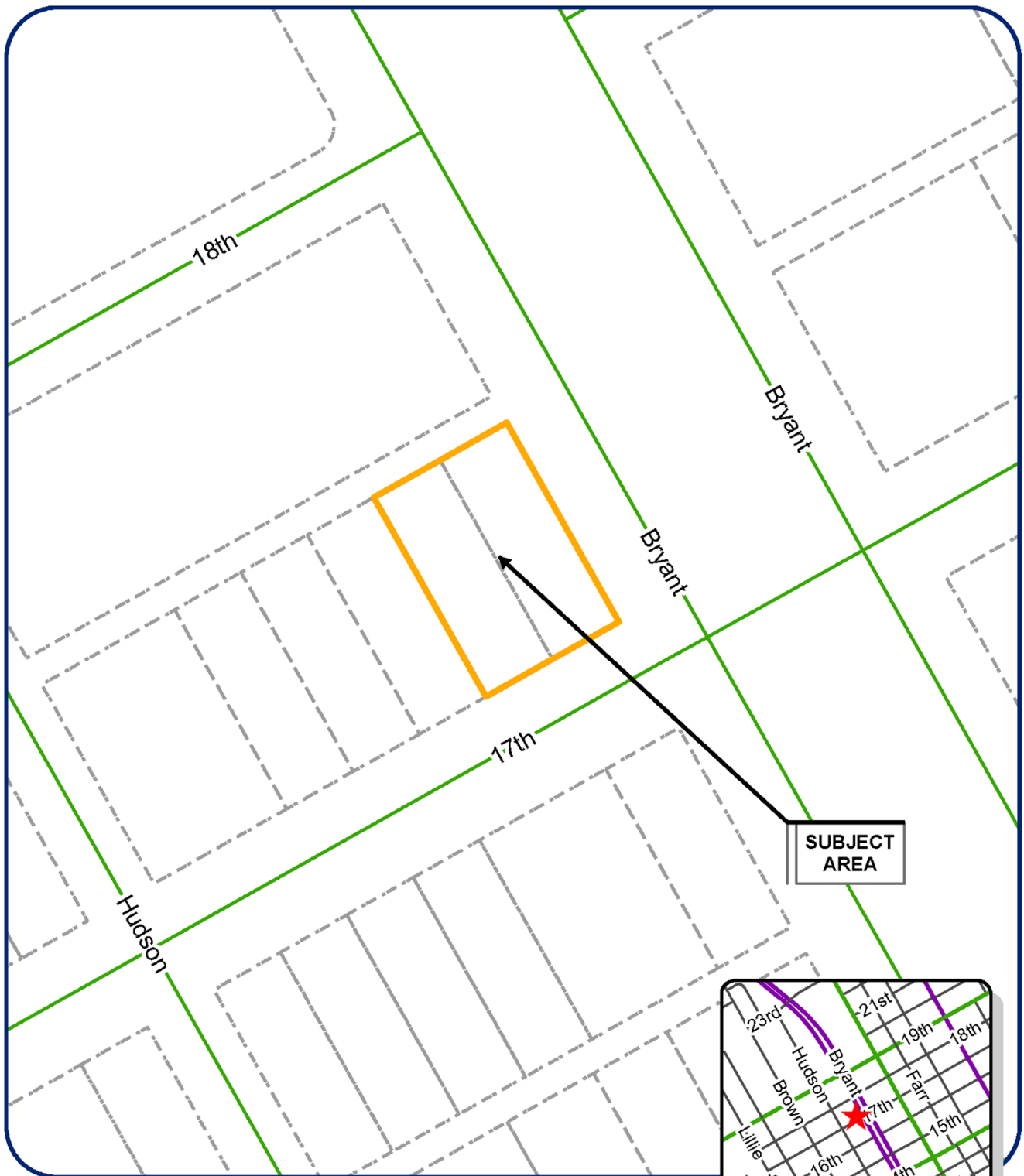


EXHIBIT A
 Being Lots 16 & 17, Block 1
 Mineola Addition (indicated in **RED**)



Multiple Case Files

Z17-02/SU17-01; Hargraves

Council District: District 4 (Gonzales)

Neighborhood: Blackshear

Scale: 1 Inch :: 100 Feet

Legal Description: Lots 16 and 17, Blk 1, Minneola Add'n

Legend

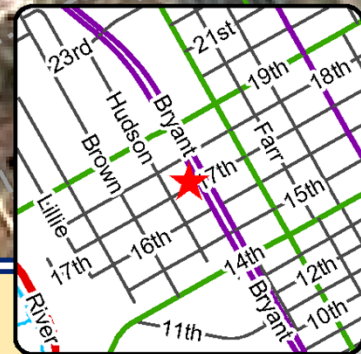
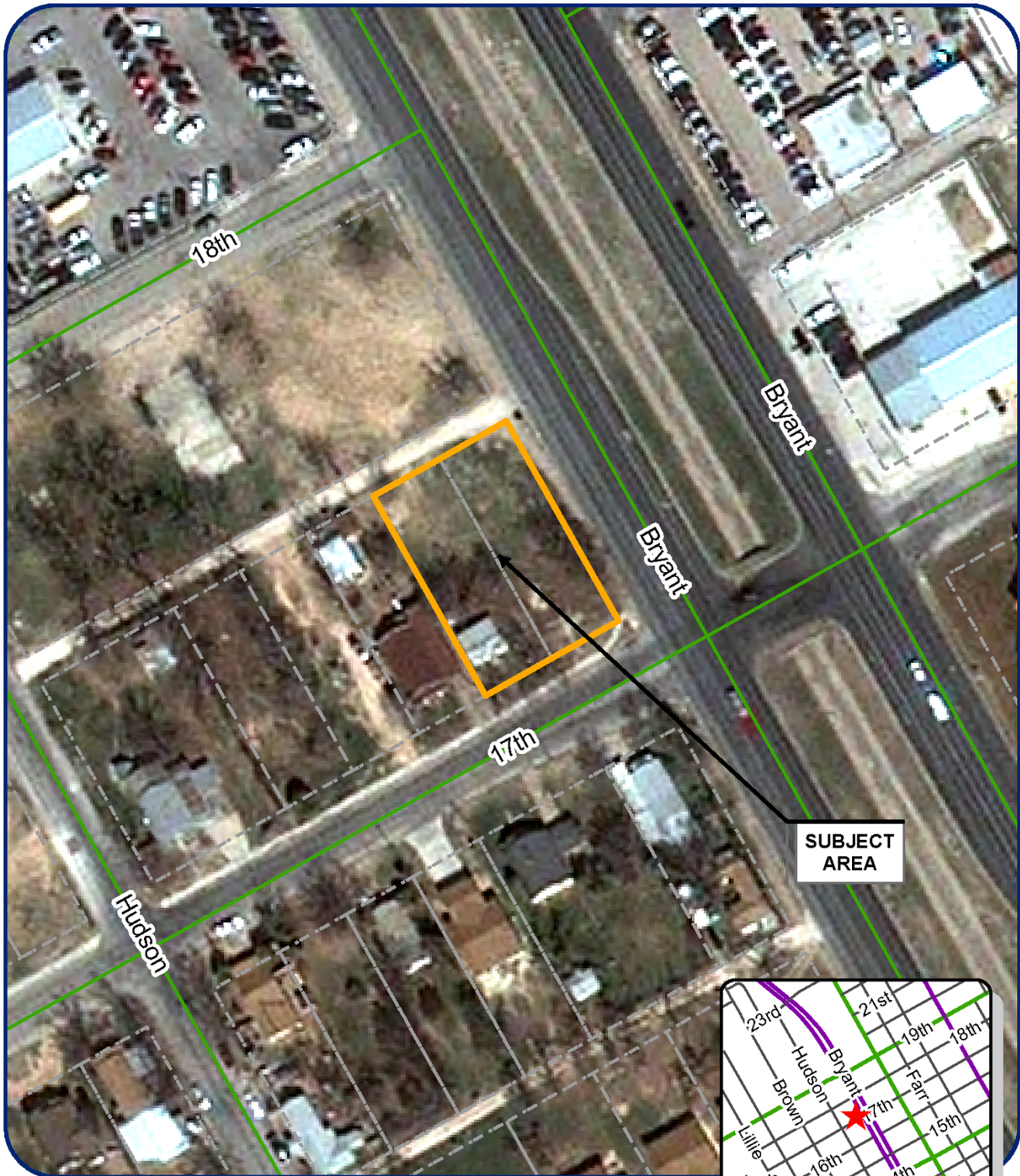
Subject Properties: 

Current Zoning: **RS 1**

Requested Zoning Change: **CN/SU**

Vision: **Transitional**





Multiple Case Files

Z17-02/SU17-01; Hargraves

Council District: District 4 (Gonzales)

Neighborhood: Blackshear

Scale: 1 Inch :: 100 Feet

Legal Description: Lots 16 and 17, Blk 1, Minneola Add'n

Legend

Subject Properties:

Current Zoning: **RS 1**

Requested Zoning Change: **CN/SU**

Vision: **Transitional**



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Rebeca Guerra, Planning Manager, Planning and Development Services, 325-657-4210

Meeting Date: May 2, 2017

Item type: Consent Item

Caption:

Second reading for Case SU17-02, an ordinance approving a request for a Special Use to allow for Retail Sales and Service; Industrial Service; and Wholesale Trade, in the Neighborhood Commercial (CN) Zoning District, generally located at the southeast corner of the Houston Harte Expressway Frontage Road (Ellis Street) and Montague Avenue, on 4.651 acres (J. James)

Summary/History:

The purpose of this Special Use request is to allow the sale of farm and ranch supplies and equipment from the properties, including a sales office and the welding and light construction of trailers. The site plan for Phase I of the development is located on the northerly 1.861 acres at the southeast corner of Montague Avenue and the East Houston Harte Expressway Frontage Road (Ellis Street). The proposed industrial service uses (i.e. welding), and wholesale trade uses (i.e. light construction of trailers, sale of farm and ranch supplies and/or equipment) are generally allowed in the Heavy Commercial (CH) Zoning District, but not the Neighborhood Commercial (CN) District.

Financial Impact:

N/A

Other Information/Recommendation:

The Planning Commission heard this item on March 20, 2017. Commissioner Farmer made a Motion to APPROVE the request for only the northerly 1.861-acre property, adding a new Condition #10 that required all welding and construction to be done inside an enclosed building. Commissioner Smith seconded the motion. The Motion passed 4-1, with Commissioners Priess, Farmer, Smith, and Spano voting in favor, and Commissioner Stribling dissenting.

On April 18, 2017, City Council voted 5-1 to APPROVE WITH MODIFICATIONS on First Reading the proposed Special Use. The modifications to the Condition of Approval were as follows:

7. No recreational vehicles or mobile homes shall be placed on the premises, nor shall there be any salvage or junk vehicles maintained on the premises.

AND TWO NEW CONDITIONS:

11. No building or structure on the property shall be erected within 220 feet of a residential use or district boundary.

12. Outdoor display and storage of merchandise, material or equipment is allowed on the property.

Attachments:

- | | | |
|----|----------------|--|
| 1. | Staff Report | PL_SU17-02+report(2).docx |
| 2. | Drat Ordinance | PL_SU17-02_Ordinance (REVISED & FINAL)(2).docx |

Presentation:

Approvals/Reviews:

Rebeca Guerra	Created/Initiated
Jon James	Approved
Theresa James	Approved
Anthony Wilson	Approved
Jon James	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Bryan Kendrick	Final Approval

STAFF REPORT



**City Council
Meeting:**

May 2, 2017

To:

City Council

From:

Jon James, AICP
Director

Through:

Rebeca A. Guerra, AICP, LEED-AP, CPD
Planning Manager

Case:

SU17-02

Request:

A request for a Special Use to allow for Retail Sales and Service; Industrial Service; and Wholesale Trade, in the Neighborhood Commercial (CN) Zoning District

Location:

2025 Ellis Avenue and 428 Montague Avenue; generally located at the southeast corner of the Houston Harte Expressway Frontage Road (Ellis Street) and Montague Avenue

Legal

Description:

Being 1.861 acres and 2.79 acres respectively in the G. Schubitz Survey #326, Abstract A-1854

Acreage:

4.651 acres

General Information

Future Land Use: Transitional

Current Zoning: Neighborhood Commercial (CN)

Existing Land Use: Vacant Land

Surrounding Zoning / Land Use:

North:	Single-Family Residence (RS-1) Office Warehouse (OW)	Houston Harte Expressway, Vacant Office Warehouse (OW) zoned land
West:	Single-Family Residence (RS-1)	Single-family residences
South:	Single-Family Residence (RS-1)	Vacant residential land, single-family residences
East:	General Commercial (CG)	Vacant commercial zoned land

District: SMD #4 – Lucy Gonzales

Neighborhood: Paulann

Thoroughfares/Streets:

The East Houston Harte Expressway Frontage Road (Ellis Street) is classified as a Freeway in the Master Thoroughfare Plan (MTP) as a TXDOT right-of-way. Because it is not a city-owned and maintained road, no specifications are listed in the MTP.

Montague Avenue is classified as a “Local Street” in the Master Thoroughfare Plan (MTP). A Local Street carries light neighborhood traffic at low speeds, and requires a minimum right-of-way width of 50 feet and a minimum paving width of 40 feet with no sidewalk, or 36 feet with a sidewalk. Montague Avenue has an existing right-of-way of 50 feet in compliance with the MTP, and a paving width of approximately 30 feet, which is substandard. The properties are presently unplatted, and will require a subdivision

plat approval, which may require future street improvements and sidewalk construction.

Background:

On March 2, 2017, the applicant submitted this application for a Special Use to allow for the use categories “Retail Sales and Service,” “Industrial Services,” and “Wholesale Trade” on the property which is zoned “Neighborhood Commercial” (CN). The purpose of the Special Use is to allow the sale of farm and ranch supplies and equipment from the properties, including a sales office and the welding and light construction of trailers. The applicant has submitted a site plan for Phase I of the development on the northerly 1.861 acres at the southeast corner of Montague Avenue and the East Houston Harte Expressway Frontage Road (Ellis Street). The site plan delineates an 800-square foot sales/office area, a 2,400-square foot workshop, and a 1,200-square foot storage building. The site plan also delineates eight parking spaces, and an additional 23 spaces for the parking of trailers for sale. The applicant is proposing to erect a 6-foot high metal privacy fence along the west and north property lines to provide additional screening and security for the proposed use. It is noted that the applicant currently operates this business on a smaller scale at 1024 North Bell Street.

The applicant originally applied for a Planned Development (PD) Zone Change on February 15, 2017, to allow the above uses. However, Planning Staff recommended to the applicant at that time that a Special Use would be the correct application to make in order to allow the proposed uses. A PD is not the correct means to allow the proposed uses given that the area was designated “Transitional” in the City’s Comprehensive Plan and that there is not a transitional zoning category that would designate a transition between Single-Family Residential (RS-1) neighborhood to the west and south, and lower intensity General Commercial (CG) to the east. Moreover, a PD is not a tool meant to be used to allow for a Use Category that is not currently allowed in the existing zoning district.

Planning Staff recommended that a Special Use was the correct type of planning application given that unlike a traditional zone change, the existing underlying zone category, in this case, Neighborhood Commercial (CN), could remain on the property, and a Special Use would essentially allow the uses that the CN does not allow, in this case, the proposed industrial service uses (i.e. welding), and wholesale trade uses (i.e. light construction of trailers, sale of farm and ranch supplies and/or equipment). However, Staff also communicated to the applicant that there was no guarantee that a Special Use application would be approved, as the applicant would have to demonstrate “an effective transition between restrictive and more restrictive zoning districts,” as per the Use Table in Section 310 of the Zoning Ordinance. Planning Staff does not believe that the applicant has demonstrated an effective transition, and provides the following analysis of the proposed Special Use as follows:

Analysis:

Criteria: Section 209(H) of the Zoning Ordinance requires that the Planning Commission and City Council consider, at minimum, seven (7) factors in determining the appropriateness of any Special Use request:

1. **Impacts Minimized.** *Whether and the extent to which the site plan minimizes adverse effects, including adverse visual impacts, on adjacent properties.*

The proposed development, except for the proposed privacy fencing, does not appear to minimize any potential adverse impacts on the surrounding residential properties to the west and south. The City's Comprehensive Plan designates this area as "Transitional" which calls for "a scaling back of activity from more intense areas to neighborhoods which should be more passive in character," as well as allowing for "more appropriate uses such as office, live-work, mixed-use, and residential activity along these corridors." The proposed industrial service uses (i.e. welding), and wholesale trade uses (i.e. light construction of trailers, sale of farm and ranch supplies and/or equipment) are generally allowed in the Heavy Commercial (CH) Zoning District which would not provide a transition or scaling back of activities between the Single-Family Residential (RS-1) neighborhood to the west and south, and the General Commercial (CG) zoned properties to the east. Welding and wholesale trade uses do not conform to the Transitional Policies of office, live-work, or mixed-uses which are focused on retail commercial uses and residential type development. This was the same reason that City Council supported Planning Staff and the Planning Commission's recommendation and approved a Zone Change on this property on March 2015 from the original Office Warehouse (OW) zoning to Neighborhood Commercial (CN) but not to General Commercial (CG) as an effective transition could not be established. The proposed uses would be even more intense and as Heavy Commercial uses would simply not be appropriate in this area.

2. **Consistent with Zoning Ordinance.** *Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.*

The proposed development would not be consistent with the Zoning Ordinance as the proposed industrial service uses (i.e. welding), and wholesale trade uses (i.e. light construction of trailers, sale of farm and ranch supplies and/or equipment) are not permitted in the CN zoning on the property are do not provide an effective transition between the residential areas to the west and south, and retail commercial uses to the east, for the reasons mentioned above. The Transitional policies in the Comprehensive Plan also call to "replace all CG/CH" zoning on commercial corridors with better-specified zoning classifications that prohibit incompatible land uses and focus on built form." The proposed development is essentially attempting to fit CH land uses in a CN zoning district between CG and RS-1 zoning which Staff believes is inappropriate and inconsistent with the Zoning Ordinance. While the above policy discusses existing dual-zoned CG/CH properties, CH-type land uses in this location are also "incompatible land uses," consistent with the above policy. In addition,

should the Special Use be approved, the proposed 6-foot high privacy fence along the front property lines of Montague Avenue and Ellis Street will require a variance from the Zoning Board of Adjustment (ZBA), as per Section 509 of the Zoning Ordinance, which does not allow a fence higher than 4 feet in a front yard and both of these streets are deemed front yards. Any proposed outdoor storage, with the exception of the sale of equipment which would be allowed as Wholesale Trade, would also require a variance from the ZBA as the underlying CN zone only allows Type 1 outdoor storage which is limited to within 5 feet from the building wall. These requests serve to further the notion that Heavy Commercial uses, and their underlying development standards, are being made to fit an area clearly designated for transitional zoning and uses more in line with those that are light commercial and neighborhood in scale.

3. **Compatible with Surrounding Area.** *Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.*

The proposed wholesale trade and industrial service uses are not compatible with the surrounding area for the above stated reasons. Moreover, the established residential area to the west and south would be immediately next to intense heavy commercial development if this Special Use is approved. Even with a 6-foot high privacy fence installed along Montague Avenue, noise, dust, odor, and vibrations could all emanate from the facility, and could be potentially heard across the street which is only 50 feet away. City Council envisioned a zoning district that was Transitional in nature, in essence, providing for a scaling down in intensity between the long-established residential area and the General Commercial zoning along the Houston Harte frontage road. It was, in fact, that very reason why Council voted against General Commercial on the site in 2015 and instead voted to approve Neighborhood Commercial.

4. **Traffic Circulation.** *Whether and the extent to which the proposed special use is likely to result in extraordinarily prolonged or recurrent congestion of surrounding streets, especially minor residential streets.*

The subject property is located next to a predominantly residential area. While much of the future traffic is anticipated to enter from the East Houston Harte Expressway (Ellis Street), additional commercial traffic may access the site northbound from Montague Avenue which extends south to Pulliam Street, an Arterial Street. This would be considerable strain on Montague Avenue, which is designed as a local street and which already appears to have a substandard paving width of only 30 feet.

5. **Effect on Natural Environment.** *Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.*

The proposed development covers a 4.651-acre area of land. It is difficult to determine the effects on the natural environment at this time given that the applicant's site plan does not show any development plan for Phase 2 to the south. Any potential grading, drainage, and stormwater issues will be reviewed as part of the subdivision platting process which is required before a building permit for new construction can be issued.

6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.*

The applicant indicates that because their current operation at 1024 North Bell Street is thriving, there is a community need for a new location at the subject site. Staff does not believe that a demand for a new location means that this particular location is appropriate. The Bell Street location is surrounded by intense industrial uses and Light Manufacturing (ML) and Heavy Manufacturing (MH) zoning. The proposed location is much different and includes much less intense residential and retail commercial uses and zoning. Community need must be demonstrated not merely by a desire to expand a successful business, by also providing evidence that this specific area has a clear need for these particular uses.

7. **Development Patterns.** *Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.*

Planning Staff does not believe the proposed development will result in logical or orderly development. As indicated above, the proposed development is located next to a well-established residential neighborhood on one side and will increase the traffic in the area, particularly on Montague Avenue, a substandard local street. Moreover, the applicant has not provided plans for Phase 2 which comprises 2.79 acres to the south, over half of the proposed developable area. Approval of this Special Use could allow a potential doubling or even tripling of the developable area across from a residential neighborhood.

Notification:

On March 9, 2017, nine notifications were mailed out within a 200-foot radius of the properties, as required. As of April 19, 2017, there was one response in favor and zero in opposition of the request.

Staff Recommendation:

Staff's recommendation is for City Council to **DENY** Case SU17-02, a request for a Special Use to allow for Retail Sales and Service; Industrial; and Wholesale Trade, in the Neighborhood Commercial (CN) Zoning District on the subject properties.

If however, City Council decides to approve the Special Use, then Staff recommends the following **ten Conditions of Approval**:

1. All new site lighting on the premises shall be shielded, downward emitting and configured in such as manner as to satisfactorily minimize or eliminate light trespass onto adjacent residential uses or lands.
2. The owner shall require approval of a Variance from the Zoning Board of Adjustment (ZBA) to allow 6-foot high privacy fencing within the front yards adjacent to Montague Avenue and Ellis Street, as well as a Variance to allow any outdoor storage greater than 5 feet from a building wall. The proposed fence shall not contain any barbed wire, razor wire, or similar.
3. The applicant shall be required to plant six drought-resistant trees along the City right-of-way adjacent to Montague Avenue, to provide additional screening from the residential neighborhood to the west. The trees shall have a minimum of 3 inches in caliper and 6 feet in height, at the time of planting. Should there be insufficient room for the trees within the City right-of-way, they shall be planted on private property.
4. There shall be no commercial traffic, off-loading, or on-loading of vehicles from Montague Avenue.
5. Hours of operation shall be limited between 7:00 a.m. and 10:00 p.m. and any proposed illuminated signage be turned off between 10:00 p.m. and 7:00 a.m.
6. No loud speakers, paging systems, or other auditory devices, with the exception of security alarms, shall be permitted on the premises.
7. No recreational vehicles or mobile homes shall be placed on the premises, nor shall there be any salvage or junk vehicles maintained on the premises.
8. The City reserves the right to periodically inspect the property to verify compliance to terms and conditions of the Special Use or to investigate alleged public nuisances resulting from business-related activities. Any adverse findings by City Staff shall constitute sufficient grounds to seek a revocation of the Special Use approval.
9. This approval shall be limited to the 1.861-acre property to the north (Phase I). The applicant shall require an Amendment to this Special Use Application including a new site plan to allow any development on the southerly 2.79-acre property (Phase II).
10. All welding and construction shall be done inside an enclosed building.

Planning Commission Recommendation:

On March 20, 2017, the Planning Commission recommended **APPROVAL** of the applicant's request for a Special Use **on only the northerly 1.861-acre property** to allow for Retail Sales and Service as defined in Section 315.H. of the Zoning Ordinance; Industrial Service as defined in Section 316.A of the Zoning Ordinance; and Wholesale Trade as defined in Section 316.E of the Zoning Ordinance, in the Neighborhood Commercial (CN) Zoning District for the reasons mentioned above.

The following is the complete excerpt of the Minutes from the March 20, 2017, meeting for this case:

Planner Jeff Fisher presented the case, stating that the proposed Special Use was for a farm and ranch supplies and equipment business which is not permitted in the current Neighborhood Commercial (CN) Zoning District. He indicated that the proposed Special Use, which includes various use categories outlined in the Zoning Ordinance, would allow each of the components of the applicant's business. The sale of farm supplies and equipment would be classified as retail sales and service; the welding component would be classified as industrial service; and the light construction of trailers and equipment storage would be classified as wholesale trade. Mr. Fisher then outlined Staff's rationale for recommending denial on the grounds that the proposed use did not provide an effective transition nor mitigate impacts on the nearby residential neighborhood; that the use was a heavy commercial use and was not compatible with the underlying CN zoning; and that traffic would increase on Montague Avenue, a local street, particularly if Phase II was approved, which would add more potential development.

Planning Manager Rebeca Guerra reminded the Commission that in 2015 an applicant had applied for the property to be rezoned General Commercial (CG), but that the Commission believed that this was too intense and instead recommended Neighborhood Commercial (CN) which was later approved by City Council.

Chairperson Priess opened the hearing for public comments.

Russell Gully with SKG Engineering, representing the applicant, indicated that he believed that the previous and current request were similar, and that there was a letter received in support from a resident on the west side of Montague Avenue. Mr. Gully indicated that he would be willing to move the privacy fence back outside of the front yard to provide a further buffer from the surrounding area.

Commissioner Farmer indicated that the likelihood for residential development to expand in this area was minimal and that he believed this development will improve the neighborhood.

Commissioner Stribling expressed concerns of a welding shop being this close to a residential neighborhood. Mr. Gully indicated this was not a large-scale facility like Hirschfield Steel, or an intense operation.

Jon James, Director of Planning and Development Services, asked the applicant if the manufacturing and welding will be done completely inside the building. The applicant, Nick Kolster, confirmed that these components will be done exclusively indoors. He also indicated that the business hours will be from 8-5 pm, and that he has no intent to build on the southerly lot at this time.

Mr. James suggested to the Commission that a Condition of Approval could be added which would require that all welding and construction be done inside a building.

Commissioner Farmer made a Motion to APPROVE the request for only the northerly 1.861-acre property, adding a Condition #10 that all welding and construction shall be done inside an enclosed building. Commissioner Smith seconded the motion. The Motion passed 4-1, with Commissioners Priess, Farmer, Smith, and Spano voting in favor, and Commissioner Stribling dissenting.

City Council Recommendation:

On April 18, 2017, City Council made a motion to **APPROVE WITH MODIFICATIONS** the applicant's request for a Special Use **on only the northerly 1.861-acre property** to allow for Retail Sales and Service as defined in Section 315.H. of the Zoning Ordinance; Industrial Service as defined in Section 316.A of the Zoning Ordinance; and Wholesale Trade as defined in Section 316.E of the Zoning Ordinance, in the Neighborhood Commercial (CN) Zoning District. **The Motion was passed by a vote of 5-1 with all Council Members voting in favor except for Council Member Gonzales. This item is scheduled for a**

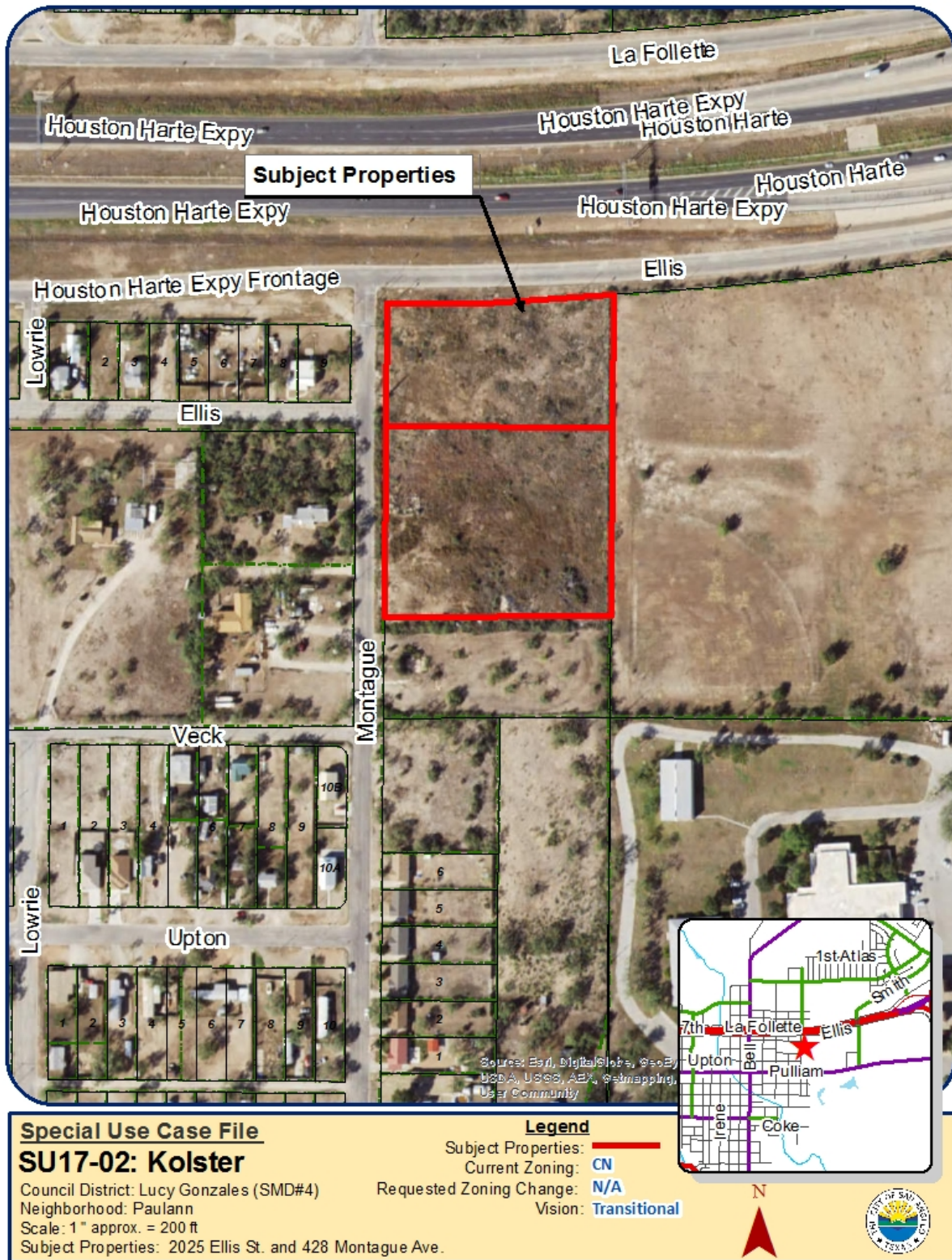
second hearing on May 2, 2017. The full minute record is being prepared by the City Clerk, but the original conditions by the Planning Commission, and modifications recommended by Council (in bold), are as follows:

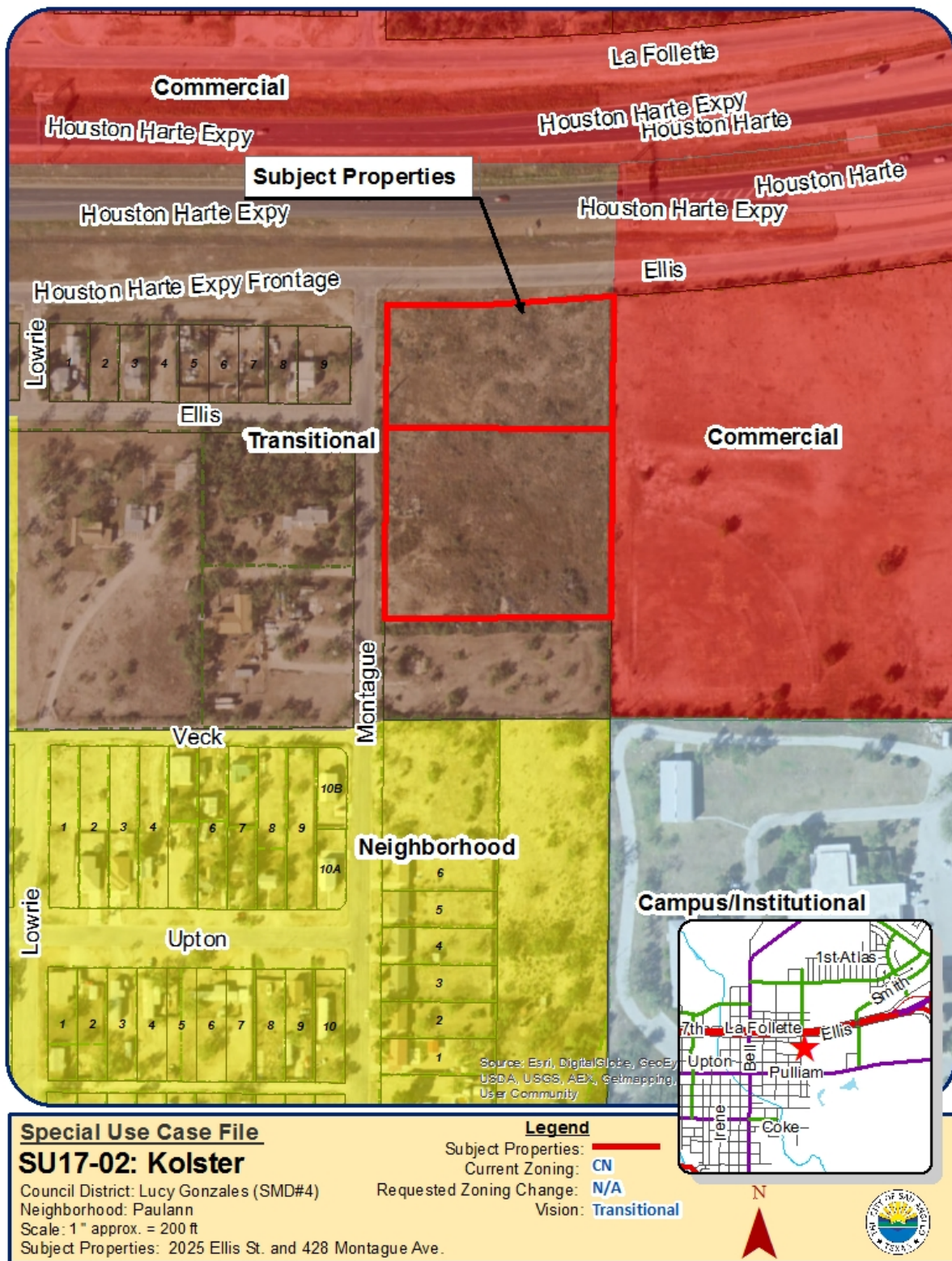
1. All new site lighting on the premises shall be shielded, downward emitting and configured in such as manner as to satisfactorily minimize or eliminate light trespass onto adjacent residential uses or lands.
2. The owner shall require approval of a Variance from the Zoning Board of Adjustment (ZBA) to allow 6-foot high privacy fencing within the front yards adjacent to Montague Avenue and Ellis Street, as well as a Variance to allow any outdoor storage greater than 5 feet from a building wall. The proposed fence shall not contain any barbed wire, razor wire, or similar.
3. The applicant shall be required to plant six drought-resistant trees along the City right-of-way adjacent to Montague Avenue, to provide additional screening from the residential neighborhood to the west. The trees shall have a minimum of 3 inches in caliper and 6 feet in height, at the time of planting. Should there be insufficient room for the trees within the City right-of-way, they shall be planted on private property.
4. There shall be no commercial traffic, off-loading, or on-loading of vehicles from Montague Avenue.
5. Hours of operation shall be limited between 7:00 a.m. and 10:00 p.m. and any proposed illuminated signage be turned off between 10:00 p.m. and 7:00 a.m.
6. No loud speakers, paging systems, or other auditory devices, with the exception of security alarms, shall be permitted on the premises.
7. No ~~recreational vehicles or~~ mobile homes shall be placed on the premises, nor shall there be any salvage or junk vehicles maintained on the premises.
8. The City reserves the right to periodically inspect the property to verify compliance to terms and conditions of the Special Use or to investigate alleged public nuisances resulting from business-related activities. Any adverse findings by City Staff shall constitute sufficient grounds to seek a revocation of the Special Use approval.
9. This approval shall be limited to the 1.861-acre property to the north (Phase I). The applicant shall require an Amendment to this Special Use Application including a new site plan to allow any development on the southerly 2.79-acre property (Phase II).
10. All welding and construction shall be done inside an enclosed building.
11. **No building or structure on the property shall be erected within 220 feet of a residential use or district boundary.**

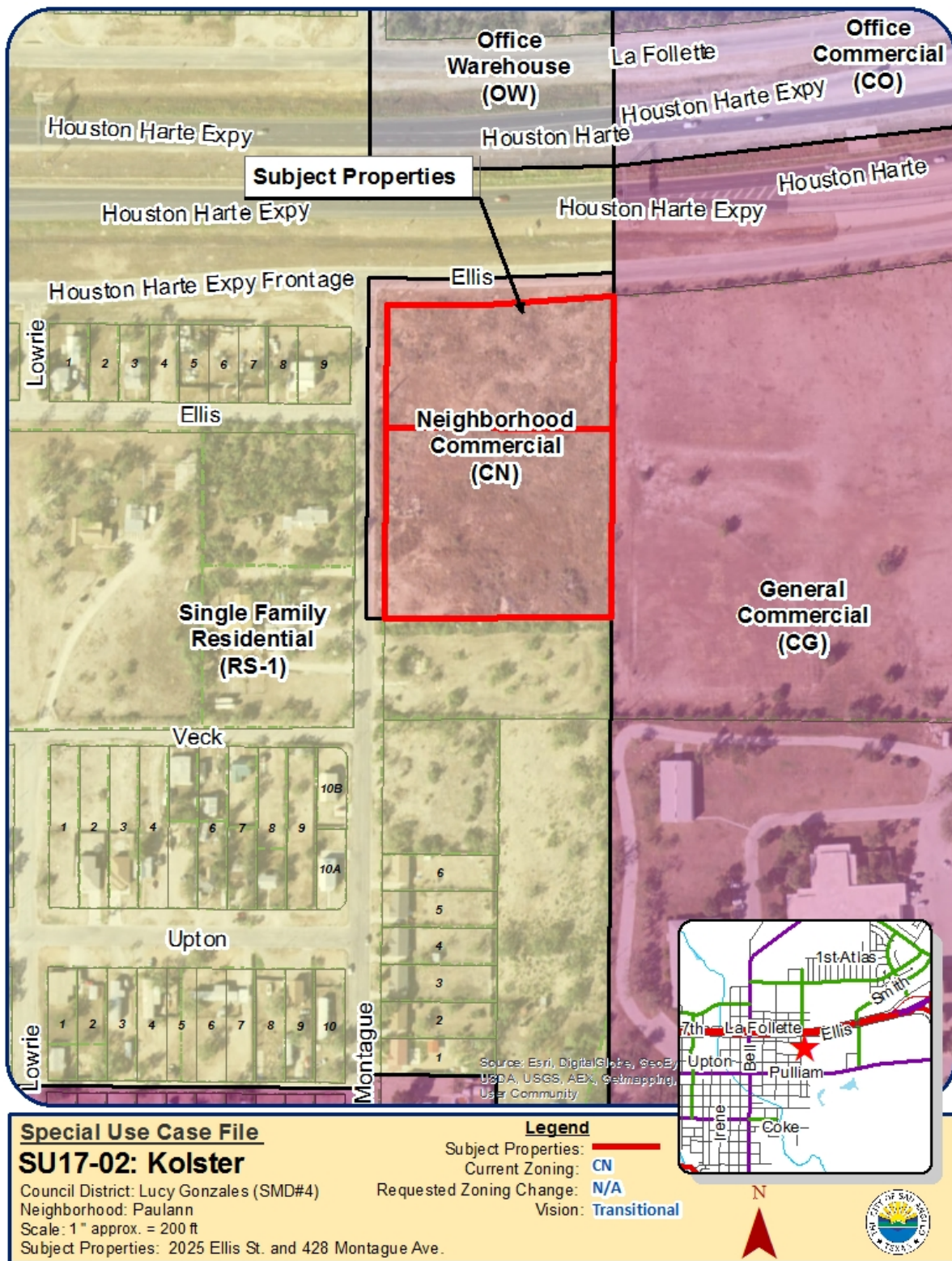
12. Outdoor display and storage of merchandise, material or equipment is allowed on the property.

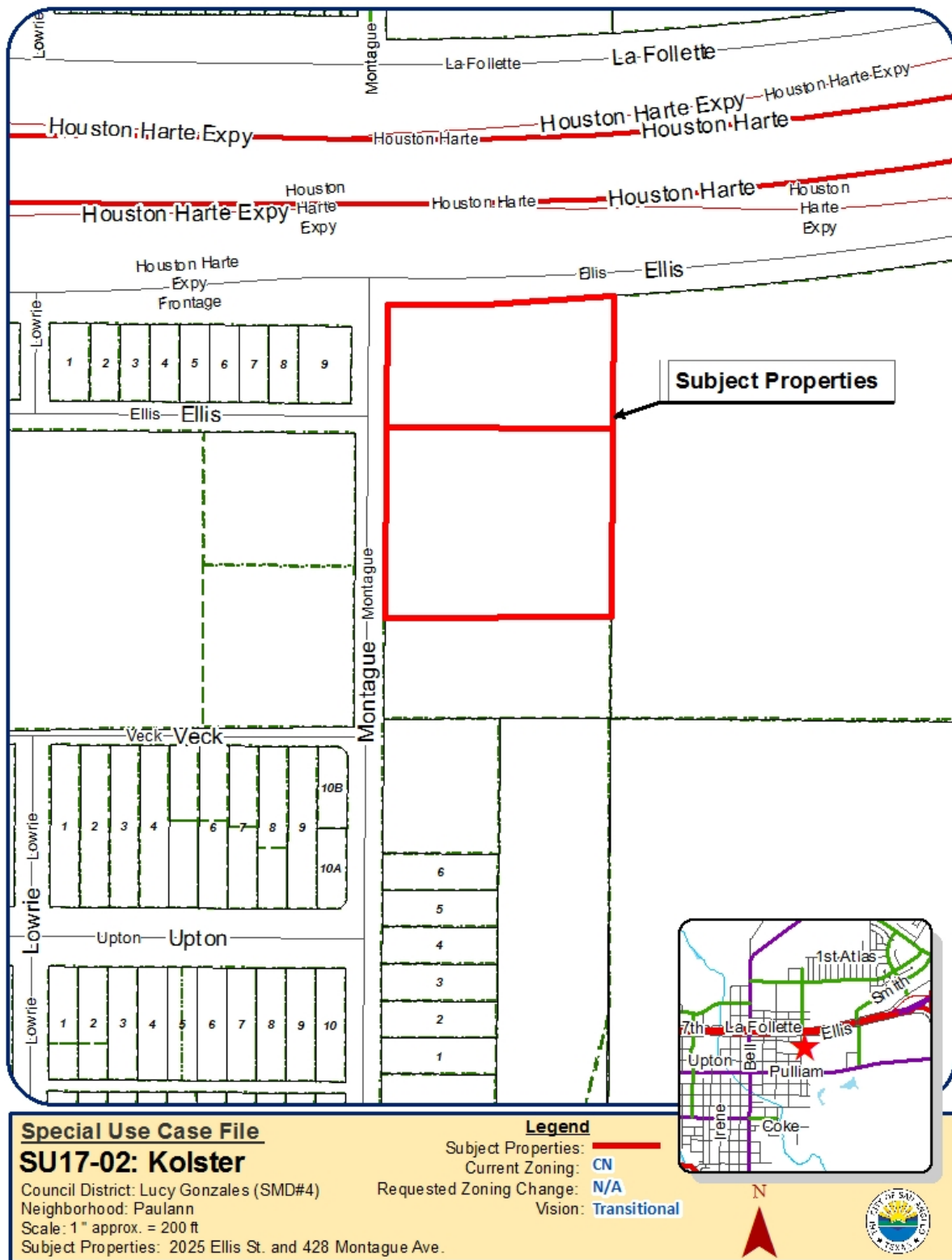
Attachments:

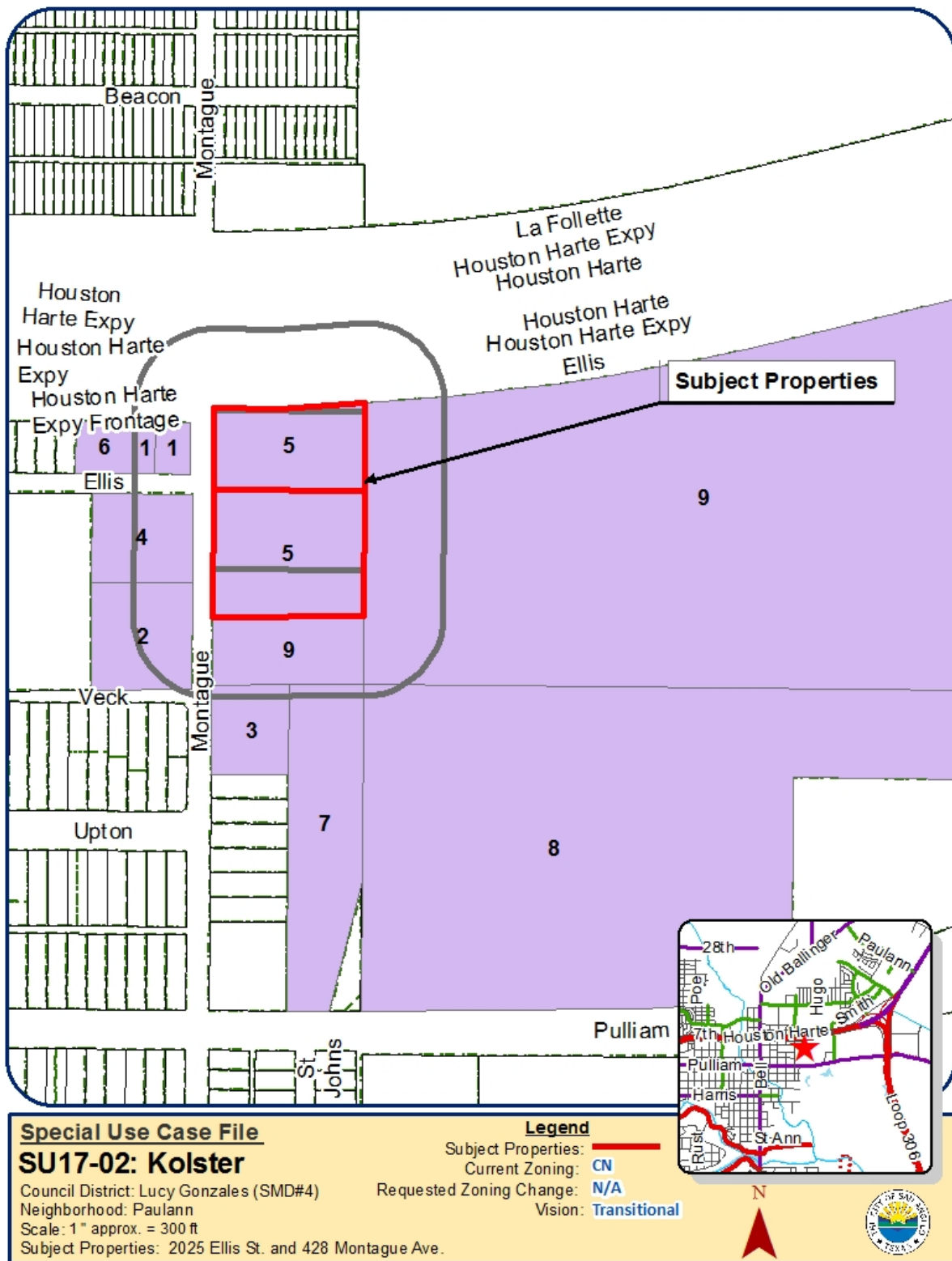
Aerial Map
Future Land Use Map
Zoning Map
Major Thoroughfare Plan
Notification Map
Photographs
Site Plan
Company Description
Response Letter
Application











Photos of Site and Surrounding Area

South at property



East at property



North



East



South



West



Site Plan

2098

Houston Harte Expy

Kolster Welding

Farm & Ranch Supply Specialists

Overhead Feed Bins • Custom Trailers • Gate Operators • Trailer Repair & More

1024 N. Bell St. • San Angelo, TX 76903

325-895-1949

HOME PAGE

OUR SERVICES

OVERHEAD FEED BINS

PROJECT PHOTO GALLERY

LOCATION MAP

CONTACT US

OUR SERVICES INCLUDE:

- Welding Services
- Fabrication Services
- Gates & Entry Ways
- Gate Operators
- Handrails
- Rail & Pipe Fence
- Farm & Ranch Fence Construction

In-Shop Or At
Your Location!

TO BE FORMALLY ON RECORD IN FAVOR OR AGAINST THIS REQUEST, YOU MAY ALSO FILL OUT THIS FORM, SIGN IT AND MAIL IT BACK TO THE PLANNING DIVISION AT 52 W COLLEGE STREET IN SAN ANGELO, TEXAS 76903.

(☒) IN FAVOR () IN OPPOSITION

REASON(S)

Please remove 429 Montague also.

If possible Thank you

Roy D. Henry

RECEIVED
MAR 14 2017

Jeff Fisher Planning

NAME:

Roy D. Henry

ADDRESS:

8000 CR 572

Brownwood, TX 76801

SIGNATURE:

Roy D. Henry

SU17-02: Kolster

property owner number:

4

If you have any questions about these proceedings, please call Mr. Jeff Fisher, Planner, with the City of San Angelo's Planning Division at telephone number 325-657-4210. The Planning Division staff may also be reached by email at jeff.fisher@cosatx.us.



City of San Angelo, Texas – Planning Division
52 West College Avenue
Application for Approval of a Special Use



Section 1: Basic Information

Name of Applicant(s): Nick and Tina Kolster

☐ Owner

☐ Representative (Affidavit Required)

1024 North Bell

San Angelo

Texas

76903

Mailing Address

City

State

Zip Code

325-895-1949

erica@skge.com

Contact Phone Number

Contact E-mail Address

428 Montague Street and the property to the north without an address San Angelo, Texas 7601

Subject Property Address

City

State

Zip Code

Lot Size: 1.8610 & 2.7900 acres

Zoning: CN

Future Land Use designation (Comprehensive Plan): Transitional

Section 2: Site Specific Details (Use attachment if necessary)

Existing Use of Property: Vacant

Proposed Use of Property: _____

Proposed Special Use: Trailer Sales, Sales of farm and ranch supplies and/or equipment (Wholesale Trade)

Sales office (retail sales and service)

Welding and light construction of trailers (Industrial service)

I understand that this Commission is required by law to make decisions based on the following criteria, and I assert that my request meets all of the required criteria based on my explanation(s) below:

Impacts Minimized. Whether and the extent to which the proposed special use creates adverse effects, including adverse visual impacts, on adjacent properties.

Explanation: At present, the property is used as a dumping area. The north part of the site will be covered in base and the property line across from the residential area will have a nice metal fence along it.

Consistent with Zoning Ordinance. Whether and the extent to which the proposed special use would conflict with any portion of this Zoning Ordinance, including the applicable zoning district intent statement.

Explanation: The area is transitional on the vision plan and sits between a commercial area and across the street from a residential area.

Compatible with Surrounding Area. Whether and the extent to which the proposed special use is compatible with the existing and anticipated uses surrounding the subject land.

Explanation: The use is compatible to the commercial zoning directly adjacent to it.

Section 2 continued: Site Specific Details

Effect on Natural Environment. Whether and the extent to which the proposed special use would result in significant adverse impacts on the natural environment, including but not limited to , adverse impacts on water and air quality, noise, storm-water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.

Explanation: The owners will do whatever needs to be done to ensure the surrounding environment is not impacted adversely. They moved the building closer to the residential area so the trailers displayed will abutt the commercial zoned area.

Community Need. Whether and the extent to which the proposed special use addresses a demonstrated community need.

Explanation: This business is thriving at it's current location which represents a community need for it.

Development Patterns. Whether and the extent to which the proposed special use would result in a logical and orderly pattern of urban development in the community.

Explanation: This business will provide an orderly pattern of urban development along Loop 306.

Section 3: Applicant(s) Acknowledgement

Please initial the following:

tak If approved, a Special Use is applied to the property, not the property owner.

tak The Planning Commission makes recommendations on Special Use requests. City Council has final approval.

tak Approval of this Special Use request does not constitute approval of permits, site plans, or other processes that require separate approval.

tak If a permit is not sought within one year of the approval date of this Special Use, it will expire and requires another application.

I/We the undersigned acknowledge that the information provided above is true and correct.

Tina Kolster
Signature of licensee or authorized representative

3-1-17
Date

Tina Kolster
Printed name of licensee or authorized representative

Name of business/Entity of representative

FOR OFFICE USE ONLY:

Case No.: SU 17 - 02 Date of application: 3 / 2 / 2017
Planning Commission Date: 3 / 20 / 17 City Council Date: 4 / 18 / 17
Nonrefundable application fee: \$ 437.50 Receipt #: _____ Date paid: 3 / 2 / 17
Reviewed/Accepted by: Jeff Fisher Date: 3 / 2 / 17



City of San Angelo, Texas – Planning Division
52 West College Avenue



AFFIDAVIT
Owner Permission-To-Named-Representative

STATE OF TEXAS
COUNTY OF TOM GREEN

Section 1: Owner, Property, and Representative Information

I, Nick & Tina Kolster, make this affidavit and hereby on oath state the following:
Print Property Owner Name

I, being the ☒ sole ☐ partial owner of the following property:

428 Montague	San Angelo	Texas	76901	325-655-1288	erica@skge.com
Property Address	City	State	Zip Code	Contact Number	E-mail Address

Legal Description of Location (can be found on property tax statement or at www.tomgreencad.com) :

Abst: A-1854 S-0326, Survey: G SCHUBITZ, 1.8610 ACRES &

Abst: A-1854 S-0326, Survey: G SCHUBITZ, 2.7900 ACRES

give my permission to below named representative, to apply for approval of a Planning application (e.g. Zone Change, Special Use, Conditional Use, etc.) on the above-described property.

SKG Engineering, LLC.

(Please print) Representative's Organization or Entity

Signed this the 1 day of March, 2017.

Tina Kolster

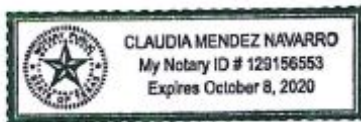
Signature of the Property Owner

Section 2: Notary Public Information

BEFORE ME, the undersigned authority, this day personally appeared Tina Kolster and
Name

on oath stated that the facts hereinabove stated are true to the best of her knowledge or belief.
His/Her

SWORN TO AND SUBSCRIBED before me on this the 1st day of March, 2017.



Claudia Mendez Navarro
Notary Public, State of Texas

AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH ADOPTS ZONING REGULATIONS, USE DISTRICTS AND A ZONING MAP, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING PROPERTY IN THE NEIGHBORHOOD COMMERCIAL (CN) ZONING DISTRICT: **2025 Ellis Avenue; generally located at the southeast corner of the Houston Harte Expressway Frontage Road (Ellis Street) and Montague Avenue; being 1.861 acres in the G. Schubitz Survey #326, Abstract A-1854, City of San Angelo, Tom Green County, Texas,** AUTHORIZING A SPECIAL USE TO ALLOW IN ADDITION TO RETAIL SALES AND SERVICE AS DEFINED IN SECTION 315.H. OF THE ZONING ORDINANCE, INDUSTRIAL SERVICE AS DEFINED IN SECTION 316.A OF THE ZONING ORDINANCE AND WHOLESALE TRADE AS DEFINED IN SECTION 316.E OF THE ZONING ORDINANCE, SUBJECT TO CONDITIONS STATED; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Planning Commission for the City of San Angelo, in compliance with the City Ordinances and state law regarding zoning regulations and zoning map, having afforded a full and fair hearing on the subject zoning change and made its recommendation to City Council for Approval of the Special Use subject to conditions stated; and,

WHEREAS, notice has been duly published of the time and place of a public hearing before the City Council regarding the subject zoning changes, which public hearing was held on the 18th day of April, 2017; and,

WHEREAS, the City Council has determined that the amendment to the Comprehensive Plan and Zoning Ordinance herein made is in the best interest of the health, safety and general welfare of the citizens of the City of San Angelo;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SAN ANGELO:

SECTION 1: Chapter 12 of the Code of Ordinances of the City of San Angelo, the basic Zoning Ordinance for the City adopted on January 4, 2000, and the Zoning Map be and the same are hereby amended as follows:

2025 Ellis Avenue; generally located in the Neighborhood Commercial (CN) Zoning District at the southeast corner of the Houston Harte Expressway Frontage Road (Ellis Street) and Montague Avenue; being 1.861 acres in the G. Schubitz Survey #326, Abstract A-1854, City of San Angelo, Tom Green County, Texas, as depicted in Exhibit "A," zoned Neighborhood Commercial (CN) Zoning District, shall henceforth permanently have a Special Use to allow, in addition to Retail Sales and Service as defined in Section 315.H. of the Zoning Ordinance, Industrial Service as defined in Section 316.A of the Zoning Ordinance and Wholesale Trade as defined in Section 316.E of the Zoning Ordinance,.

SECTION 2: The Director of the Planning and Development Services Department is hereby authorized and directed to correct Zoning District Maps in the Office of the Director of the Planning and Development Services Department, to reflect the herein described changes in zoning.

SECTION 3: In all other respects, the use of the hereinabove described property shall be subject to all applicable regulations contained in Chapter 12 of the Code of Ordinances for the City of San Angelo, as amended. The Special Use, as hereby authorized, shall have no fundamental effect upon the subject property's underlying or base zoning classification.

SECTION 4: The Special Use, as hereby authorized, shall be subject to the following Conditions:

1. All new site lighting on the premises shall be shielded, downward emitting and configured in such as manner as to satisfactorily minimize or eliminate light trespass onto adjacent residential uses or lands.
2. The owner shall require approval of a Variance from the Zoning Board of Adjustment (ZBA) to allow 6-foot high privacy fencing within the front yards adjacent to Montague Avenue and Ellis Street, as well as a Variance to allow any outdoor storage greater than 5 feet from a building wall. The proposed fence shall not contain any barbed wire, razor wire, or similar.
3. The applicant shall be required to plant six drought-resistant trees along the City right-of-way adjacent to Montague Avenue, to provide additional screening from the residential neighborhood to the west. The trees shall have a minimum of 3 inches in caliper and 6 feet in height, at the time of planting. Should there be insufficient room for the trees within the City right-of-way, they shall be planted on private property.
4. There shall be no commercial traffic, off-loading, or on-loading of vehicles from Montague Avenue.
5. Hours of operation shall be limited between 7:00 a.m. and 10:00 p.m. and any proposed illuminated signage be turned off between 10:00 p.m. and 7:00 a.m.
6. No loud speakers, paging systems, or other auditory devices, with the exception of security alarms, shall be permitted on the premises.
7. No mobile homes shall be placed on the premises, nor shall there be any salvage or junk vehicles maintained on the premises.
8. The City reserves the right to periodically inspect the property to verify compliance to terms and conditions of the Special Use or to investigate alleged public nuisances

resulting from business-related activities. Any adverse findings by City Staff shall constitute sufficient grounds to seek a revocation of the Special Use approval.

9. This approval shall be limited to the 1.861-acre property to the north (Phase I). The applicant shall require an Amendment to this Special Use Application including a new site plan to allow any development on the southerly 2.79-acre property (Phase II).
10. All welding and construction shall be done inside an enclosed building.
11. No building or structure on the property shall be erected within 220 feet of a residential use or district boundary.
12. Outdoor display and storage of merchandise, material or equipment is allowed on the property.

SECTION 5 This special use approval is subject to the requirement that the property for which the approval is issued must actually acquire a building permit for the approved use within 12 months from the granting of the special use approval, provided that the Planning Director, with significant evidence that the designated use cannot be realistically implemented with due diligence within that time period, may grant a longer period of time, but in no event shall such extension period exceed an additional 12 months.

SECTION 6. The remaining provisions of Chapter 12 of the Code of Ordinances of the City of San Angelo, Texas, not amended under Sections 1 and 2 of this Ordinance shall remain in full force and effect.

SECTION 7 The terms and provisions of this Ordinance shall be deemed to be severable in that, if any portion of this Ordinance shall be declared to be invalid, the same shall not affect the validity of the other provisions of this Ordinance.

SECTION 8: This Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED on the **18th day of April, 2017**, and finally PASSED, APPROVED
AND ADOPTED on this, the **2nd day of May, 2017**.

THE CITY OF SAN ANGELO

Dwain Morrison, Mayor

ATTEST:

APPROVED AS TO FORM:

Bryan Kendrick, City Clerk

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Rebeca Guerra, Planning Manager, Planning and Development Services, 325-657-4210

Meeting Date: May 2, 2017

Item type: Consent Item

Caption:

Second reading for Case SU17-01, an ordinance approving a request for a Special Use to allow for an Automobile and Boat Dealer (Automobile and Light Truck Sales Only) within the Neighborhood Commercial (CN) Zoning District, generally located at the north/northwest corner of West 17th Street and North Bryant Boulevard (U.S. 87), on 0.345 acres (J. James)

Summary/History:

The subject property consists of two contiguous platted lots, one of which contains an abandoned dilapidated residence while the other property is currently vacant, having had a residence prior to 2008. The property is presently classified as Single-family Residential (RS-1), but the Petitioner is seeking a rezoning to Neighborhood Commercial (CN) as part of an earlier case, Z17-02. Commercial development in the CN District should be low intensity, with small floor areas and limited traffic generation and trade area. Auto and boat dealerships are not permitted outright in this zoning district, which is the impetus behind this Special Use application.

Financial Impact:

N/A

Other Information/Recommendation:

The Planning Commission heard this item on March 20, 2017. Commissioner Smith made a Motion to APPROVE the request, and Commissioner Jackson seconded the Motion. The Motion passed unanimously, 6-0. On April 18, 2017, City Council voted unanimously to APPROVE on First Reading the proposed Special Use.

Attachments:

- | | | |
|----|-----------------|--|
| 1. | Staff Report | SU17-01_Staff_Report_CityCouncil.docx |
| 2. | Draft Ordinance | SU17-01_Ordinance_REVISED & FINAL.docx |

Presentation:

Jon James

Approvals/Reviews:

Rebeca Guerra	Created/Initiated
Jon James	Approved
Theresa James	Approved
Anthony Wilson	Approved
Jon James	Approved
Tina Dierschke	Approved
Theresa James	Approved

Becky Dunn
Bryan Kendrick

Approved
Final Approval

STAFF REPORT



Meetings: April 18, 2017
May 2, 2017

To: San Angelo City Council

From: Jon James, AICP
Director of Planning and Development Services

Through: Rebeca A. Guerra, AICP, LEED-AP, CPD
Planning Manager

Case: SU17-01: Hargraves

Request: A request for approval of a Special Use to allow for an Automobile and Boat Dealer (Automobile and Light Truck Sales Only) within the Neighborhood Commercial (CN) Zoning District

Location: 508-510 W. 17th Street; generally located at the N/NW corner of West 17th Street and North Bryant Boulevard (U.S. 87)

Legal

Description: Lots 16 and 17, Block 1, Mineola Addition.

Size: 0.345 acres

General Information

Future Land Use: Transitional

Current Zoning: RS-1 Single-Family Residence

Existing Land Use: Residential and Vacant Lot

Surrounding Zoning / Land Use:

North:	Low Rise Multi-Family Residence (RM-1)	Vacant
West:	Single-Family Residence (RS-1)	Residential
South:	Single-Family Residence (RS-1)	Residential
East:	General Commercial/Heavy Commercial (CG/CH)	Auto Sales

District: SMD #4 – Lucy Gonzales

Neighborhood: Blackshear

Thoroughfares/Streets:

North Bryant Blvd is defined as a “Major Arterial” roadway in the City’s Master Thoroughfare Plan (MTP) and is under TX-DOT jurisdiction. Major Arterial Roads are designed to connect Collector Streets to freeways and other arterials that carry large volumes of traffic at high speeds and typically require a minimum right-of-way width of 80 feet and a minimum paving width of 64 feet.

West 17th Street is defined as an “Urban Local Road” in the City’s Master Thoroughfare Plan (MTP). Local or Minor Roads are designed to collect traffic from a localized area and discharge it into a larger distribution system. This type of roadway is used primarily for access to abutting properties, and they generally consist of a minimum ROW width of 50 feet and a minimum pavement width of 36 feet to 40 feet.

Background:

The partially vacant subject property was platted in 1928 as part of the Mineola Addition (Volume 1, Pages 90 and 91, Official Plat Records). The subject property consists of two contiguous platted lots, one of which contains an abandoned dilapidated residence while the other property is currently vacant, having had a residence prior to 2008. cursory research appears to indicate that it has historically been zoned for single-family use. The subject property is rectilinear, oriented north-to-south, and has approximately 150 feet of frontage along North Bryant Boulevard and 100 feet of frontage along West 17th Street. A 20-foot public alley runs along the subject property’s north lot line. Approval of this application is predicated on the approval of corresponding case number Z17-02, a request for approval of

a Zone Change from the Single-Family Residence (RS-1) Zoning District to the Neighborhood Commercial (CN) Zoning District.

Analysis:

Zoning: The undeveloped subject property is presently classified as Single-family Residential (RS-1). This zoning district is intended to provide opportunities for the development of detached single-family residences at medium densities. The Petitioner is seeking a rezoning to Neighborhood Commercial (CN). This particular zoning district is intended to provide opportunities for development of commercial development that serves and is supported by a relatively small surrounding area - a neighborhood.

Allowable commercial uses include a wide variety of office activities, as well as a more limited range of retail trade and services aimed toward meeting the routine needs of residents in that neighborhood. Commercial development should be low intensity with small floor areas and limited traffic generation and trade area. Auto and boat dealerships are not permitted outright in this zoning district, which is the impetus behind this Special Use application. Approval of this application, however, is predicated on the approval of a corresponding rezoning application from the Single-Family Residence (RS-1) Zoning District to the Neighborhood Commercial (CN) Zoning District (RE: Z17-02; Hargraves).

Comprehensive (Vision) Plan: This update to the original 2003 Comprehensive Plan was adopted by City Council in 2009. The subject area currently has a Future Land Use designation of "Transitional." According to the Comprehensive Plan, there are two types of Transitional areas, the first involving conversions of commercial corridor frontage from CG/CH zoning and related strip-style development, and the second involving the logical and proportional bridging between Neighborhood Centers or other Commercial areas and nearby neighborhoods. In either case, Transitional areas should provide for a progressive scaling of activity from more intense areas to neighborhoods which should be more passive in character. In general, Transition Areas imply increased density and greater mix of uses than neighborhoods, but not as much as in Neighborhood Centers, Downtown, or other Commercial areas. This is further expressed in Goal number two, which seeks to "...blend intensive commercial areas into neighborhoods seamlessly." The Comprehensive Plan recognizes that "commercial areas often do not make for compatible neighbors for residential uses, but rather than completely turning their back on neighborhoods, Transition Areas should be used to graduate density and intensity of activity to maintain connectivity, improve pedestrian experience, and provide areas for increased housing and nonresidential options not currently being met." The Special Use, if deemed appropriate, may include conditions deemed necessary and appropriate to achieving this end. Special Uses are generally considered suitable in transitional areas.

Criteria: Section 209(H) of the Zoning Ordinance requires that the Planning Commission and City Council consider, at minimum, seven (7) factors in determining the appropriateness of any Special Use request.

1. **Impacts Minimized.** *Whether and the extent to which the site plan minimizes adverse effects, including adverse visual impacts, on adjacent properties.*

Both the zone change from RS-1 to CN and the corresponding Special Use application are made to facilitate the development of an automobile and light truck dealership. The proposed use may be considered to be non-intense enough to be located next to single-family residential because of the nature of the business and the infrequency and level of activity that may be associated with such a business, activities that are comparatively different to those stemming from such permitted uses as offices and general retail. Furthermore, even though there are other similar uses within close proximity to the subject property, the present size of the property is considerably smaller than that enjoyed by nearby contemporaries, therefore the extent of inventory coverage and visual impact would be comparatively less. It would therefore be reasonable to mitigate the Special Use with respect to residential adjacency, site operations and aesthetics to ensure that the use neither intrudes upon, nor inconveniences nearby residences.

2. **Consistent with Zoning Ordinance.** *Whether and the extent to which the proposed amendment would conflict with any portion of this Zoning Ordinance.*

Per Section 209.A of the Zoning Ordinance, the Special Use process allows for the review of larger-scale uses that may be appropriate in designated areas, as subject to determinations as allowed under Section 310. The Special Use mechanism helps to ensure that substantive consideration is given to conditions that will minimize any negative impacts of the use. This mechanism acknowledges the potential suitability of a site for a particular use which may be considered special due to infrequent occurrence, its effect on surrounding property, or its possible impacts on safety and quality of life. Lastly, this mechanism looks at the appropriateness of the use in relation to a specific location and its dependency on the character of site design.

3. **Compatible with Surrounding Area.** *Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.*

Again, the Special Use mechanism helps to ensure that substantive consideration is given to conditions that will minimize any negative impacts of the use. This mechanism acknowledges the potential suitability of a site for a particular use which may be considered special due to infrequent occurrence, its effect on surrounding property, or its possible impacts on safety and quality of life. Lastly, this mechanism looks at the appropriateness of the use in relation to a specific location and its dependency on the character of site design. Any matters of potential incompatibility between the Special Use and the surrounding neighborhood could be adequately mitigated through the imposition of conditions deemed necessary and appropriate. Careful consideration should therefore be given to such matters as site landscaping, perimeter screening,

site access and layout and site lighting to ensure that new non-residential development is harmonious with surrounding residential development and that divergent land uses in close proximity to each other otherwise appear as seamless and environmentally cohesive as possible.

4. **Traffic Circulation.** *Whether and the extent to which the proposed special use is likely to result in extraordinarily prolonged or recurrent congestion of surrounding streets, especially minor residential streets.*

There may be some appreciable level of business-related traffic generated by the proposed Special Use. The extent of this impact may depend upon the location of site access, however. It is not anticipated that traffic generated by the Special Use will require increases in road capacity along either West 17th or North Bryant. Conditions may be imposed, however, to address possible customer parking along West 17th to ensure that potential nuisances may be averted.

5. **Effect on Natural Environment.** *Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment, including but not limited to water and air quality, noise, storm water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.*

No appreciable adverse impact on the natural environment appears likely as a result of Special Use approval. There are no known environmentally sensitive areas or archaeological sites contained within the subject property. Issues of storm water management and site access as a result of any development of the property will be addressed during the permitting process. Any anticipated adverse impacts resulting from the Special Use could be adequately mitigated through the imposition of conditions deemed necessary and appropriate. With respect to recommended conditions involving landscaping, plantings ideally should be drought-tolerant, hardy and non-allergen-producing. Streetscape should be provided to add both aesthetic and shade value to the project site. To this end, examples of suitable tree species may include, but are not limited to, Mexican or Texas Redbud, Desert Willow, Shumard Oak, Chinese Pistache or Pinyon Pine.

6. **Community Need.** *Whether and the extent to which the proposed amendment addresses a demonstrated community need.*

The Petitioner does not offer any arguments to suggest a compelling need for more automobile dealerships in the community. On the other hand, new commercial opportunities could expand the local tax base and generate much needed revenue, as well as provide for additional employment opportunities within the immediate area.

7. **Development Patterns.** *Whether and the extent to which the proposed amendment would result in a logical and orderly pattern of urban development in the community.*

The surrounding area has a wide array of uses and zoning patterns, including single-family residential to the south and west, vacant multi-family to the north, various commercial further north and to the east (restaurants, convenience retail, used car dealerships, etc.), and institutional to the southeast (church). Although there is preponderance of historic single-family residential development within the surrounding area, there may also be evidence to suggest that corridor redevelopment along this segment of North Bryant may be imminent; to what extent and direction, however, is yet to be determined.

Notification:

On February 24, 2017, fourteen notifications were mailed out to property owners of record within a 200-foot radius of the subject area, including a separate written notice that was mailed out to the local school district, in accordance with Section 211.007, Texas Local Government Code. As of the date of this publication, Staff has received one response in favor of, and zero responses in opposition to the request.

Planning Commission Action:

This request was scheduled for review and consideration on the March 20, 2017, Planning Commission docket as Regular Agenda Item *III.2.C*. Below is an excerpt from the meeting's unofficial minutes:

Staff requested that Regular Agenda Items *III.2.B* (Zone Change [Z]17-02, Hargraves) and *III.2.C* (Special Use [SU]17-01, Hargraves) be heard concurrently as they are interrelated.

Chairperson Priess introduced Regular Agenda Items *III.2.B* and *III.2.C* and read each project description into the record. David Stallworth, Principal Planner, provided a brief synopsis of each case. Mr. Stallworth indicated the location for the subject area, showed existing site conditions as well as various perspectives of the surrounding area. Mr. Stallworth proceeded to recommend APPROVAL of the zone change, along with his basis for the recommendation. Mr. Stallworth concluded his presentation with a recommendation of APPROVAL of the Special Use, subject to Conditions, along with his basis for the recommendation.

Barring further Staff further input, Chairperson Priess opened the public hearing. Mr. Robby Hargraves, owner/petitioner, approached the podium, identified himself, and made himself available for questions. Barring further public input, Chairperson Priess closed the public hearing and entertained further deliberations and possible motions.

Commissioner Smith made a Motion to APPROVE the Special Use request. Commissioner Jackson seconded the Motion. The Motion passed unanimously, 6-0.

Staff Recommendation:

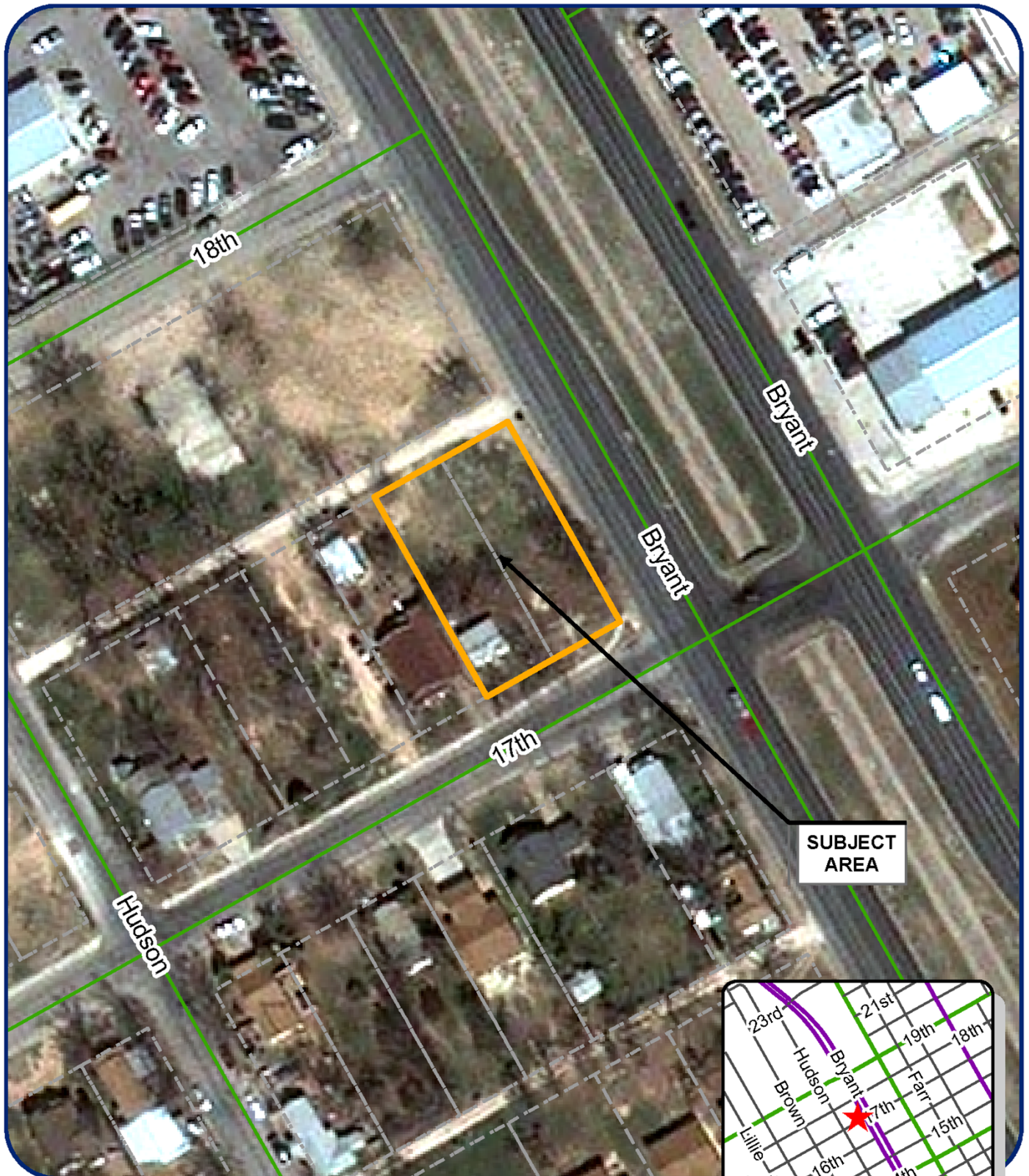
Staff recommends that the City Council **APPROVE** Case SU17-01, a request for a Special Use to allow for an Automobile and Boat Dealer (Automobile and Light Truck Sales Only) within the Neighborhood Commercial (CN) Zoning District, subject to the following fourteen Conditions of Approval:

1. All business activities shall be limited to the sale of passenger automobiles, light and medium trucks and motorcycles only. Both lots that comprise the subject property shall be replatted into a single lot, and an approved and recorded plat shall be provided prior to the application for a building permit.
2. All site lighting on the premises, both existing and new, shall be shielded, downward emitting and configured in such as manner as to satisfactorily minimize or eliminate light trespass onto adjacent residential uses or lands and is suitably engineered for night-sky purposes. No new site lighting or building lighting shall be upward emitting. New site lighting shall utilize light emitting diode (LED) illumination.
3. The property owner shall be responsible for the construction of new sidewalk and replacement of any existing, substandard sidewalk abutting the subject property.
4. A minimum of 2 non-allergenic trees, with a minimum of 3 inches in caliper and 6 feet in height at time of planting, shall be placed along each street frontage. Examples of suitable tree species may include, but are not limited to, Mexican or Texas Redbud, Desert Willow, Shumard Oak, Chinese Pistache or Pinyon Pine. A landscape strip with a minimum width of 10 feet, in conjunction with required street trees, shall also be provided along both street frontages. This landscape strip may include landscaped portions of the street right-of-way. All site landscaping shall be subject to the approval of the Planning and Development Services Director, or designee.
5. Off- and on-loading activities are prohibited within the public right-of-way of West 17th Street, North Bryant Boulevard and the abutting service alley to the north of the subject property. Site access from West 17th Street shall be prohibited.
6. No vehicular inventory shall utilize a required parking space. All parking, circulation and vehicle display areas on the premises shall be paved in accordance with minimum City standards. The property owner shall ensure that any business-related parking does not intrude upon, or inconvenience nearby residents.

7. No vehicle repair, maintenance or vehicle body repair shall be permitted on the premises. No salvage or junk vehicles shall be maintained on the premises, nor shall any debris, vehicle parts, tires, lubricants or other toxic and caustic materials be stored on the premises.
8. All incidental outdoor storage shall be allowed adjacent to a principal building wall and extending to a distance no greater than 5 feet from the wall. Incidental outdoor storage shall not be permitted to block windows, entrances or exits, and shall not impair the ability of pedestrians to use the building.
9. No portable signage shall be allowed on the premises. All illuminated signage on the premises shall be turned off between the hours of 10:00 PM and 7:00 AM the following day.
10. No loud speakers, paging systems or other auditory devices, with the exception of security alarms, shall be permitted on the premises.
11. No intermodal storage containers, boxcars, recreational vehicles or mobile homes shall be placed on the premises.
12. Solid screening or a suitable vegetative alternative shall be utilized along the west and north property lines for matters of residential adjacency. Chain-link fencing with vinyl slats may not be used for screening purposes.
13. All fencing along West 17th Street and North Bryant Boulevard shall consist of any of the following: (a) low-post, split-rail metal fencing, painted in either earth-tone or black; (b) green or black vinyl-clad, chain-link fencing (4-ft maximum height); (c) decorative wrought-iron fencing (4-ft maximum height); or (d) reinforced bollards, painted in either earth-tone or black, concrete or decorative metal. No barbed or concertina (razor) wire fencing shall be permitted.
14. If the approved Special Use is inactive or discontinued for a period exceeding 360 consecutive days, or if the approved Special Use does not become active within a period of six months following the date of City Council approval, then the Special Use shall be declared null and void.

Attachments:

Aerial Map
Future Land Use Map
Zoning Map
Major Thoroughfare Plan
Application
Petitioner Justification
Site Photographs



Multiple Case Files

Z17-02/SU17-01; Hargraves

Council District: District 4 (Gonzales)

Neighborhood: Blackshear

Scale: 1 Inch :: 100 Feet

Legal Description: Lots 16 and 17, Blk 1, Minneola Add'n

Legend

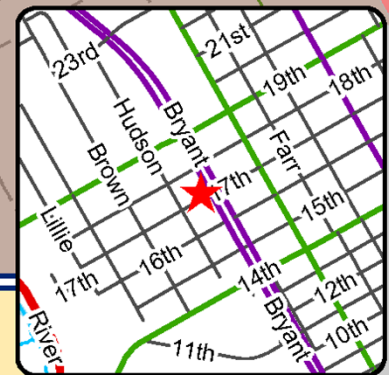
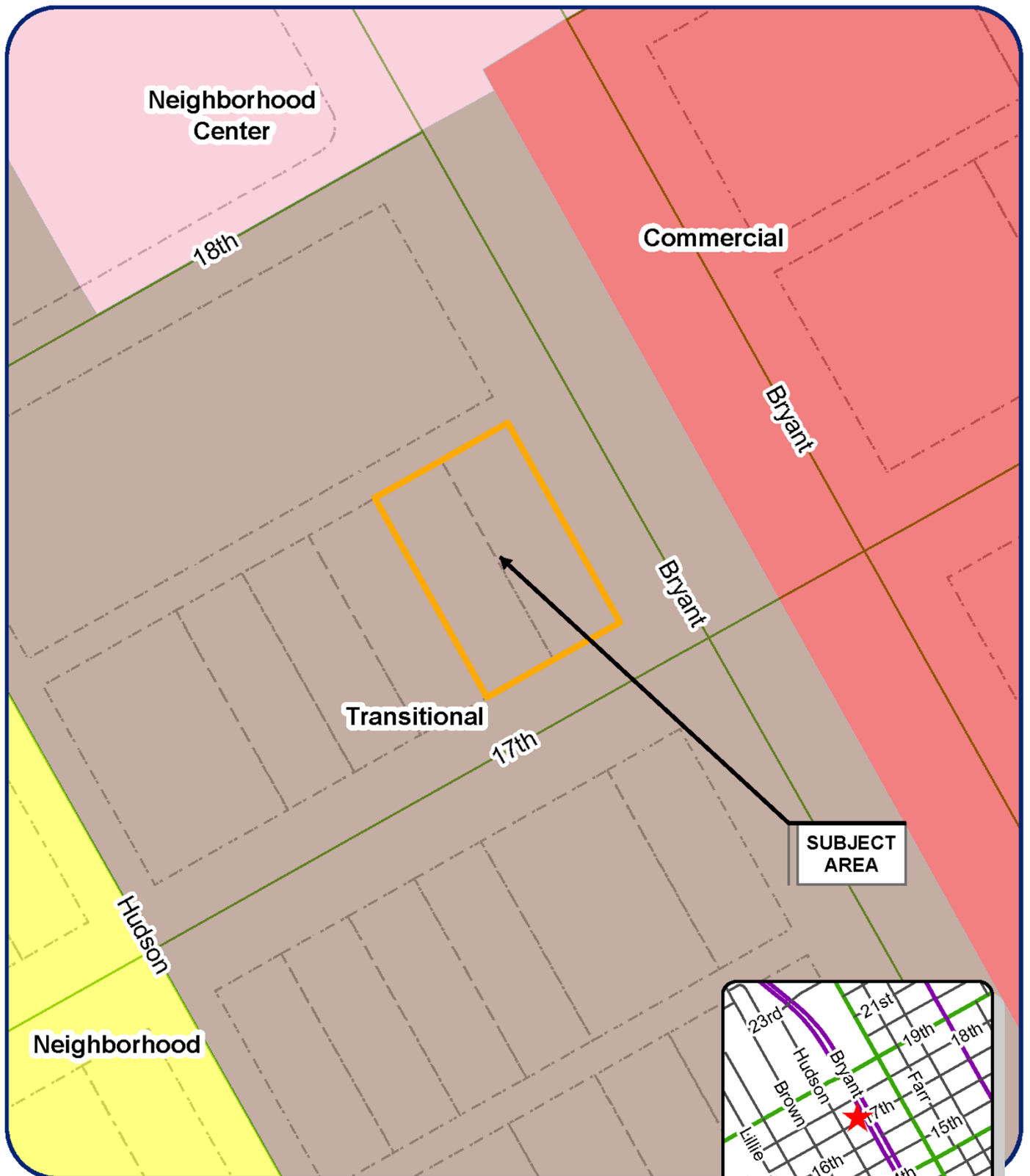
Subject Properties:

Current Zoning: **RS 1**

Requested Zoning Change: **CN/SU**

Vision: **Transitional**





Multiple Case Files

Z17-02/SU17-01; Hargraves

Council District: District 4 (Gonzales)

Neighborhood: Blackshear

Scale: 1 Inch :: 100 Feet

Legal Description: Lots 16 and 17, Blk 1, Minneola Add'n

Legend

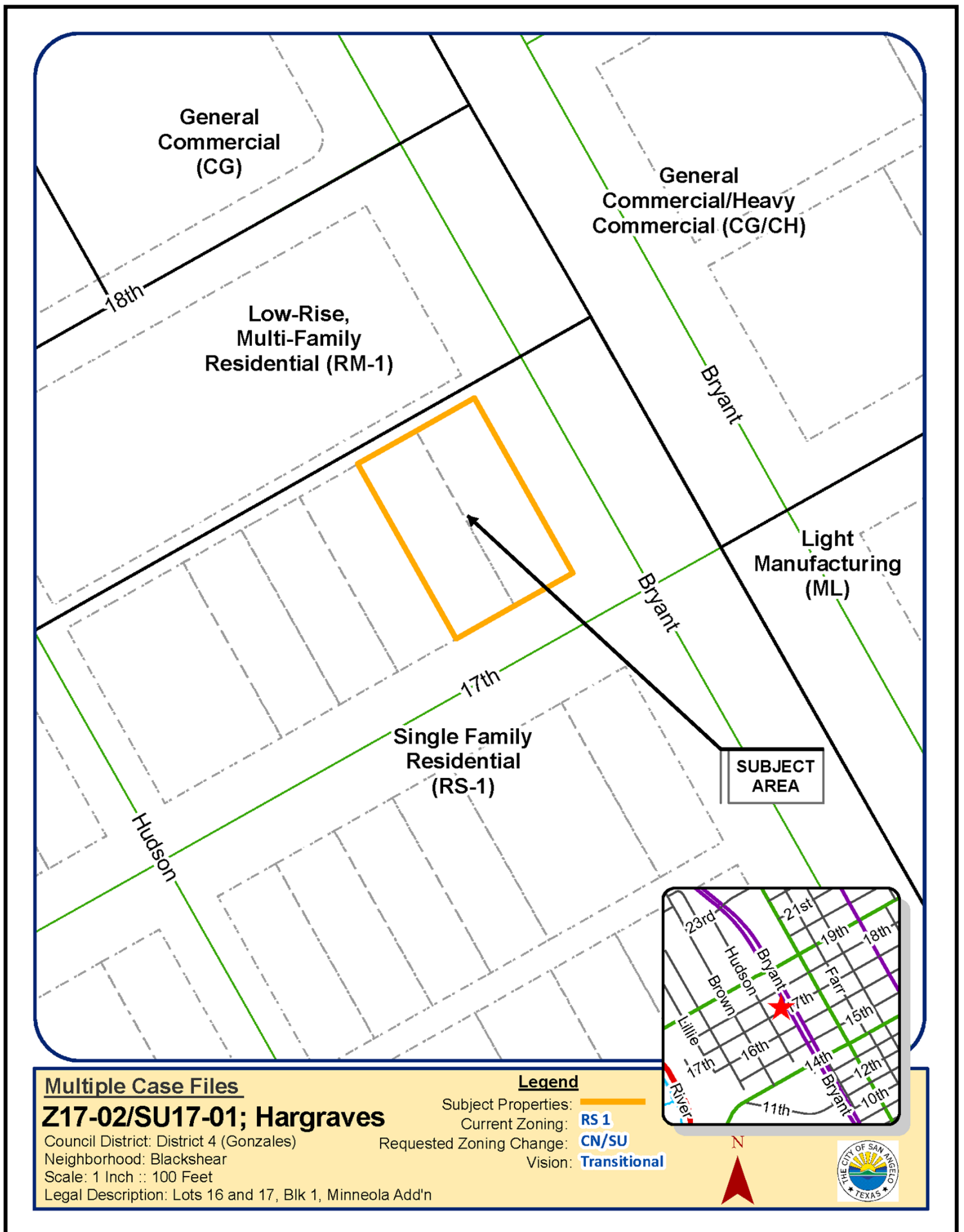
Subject Properties:

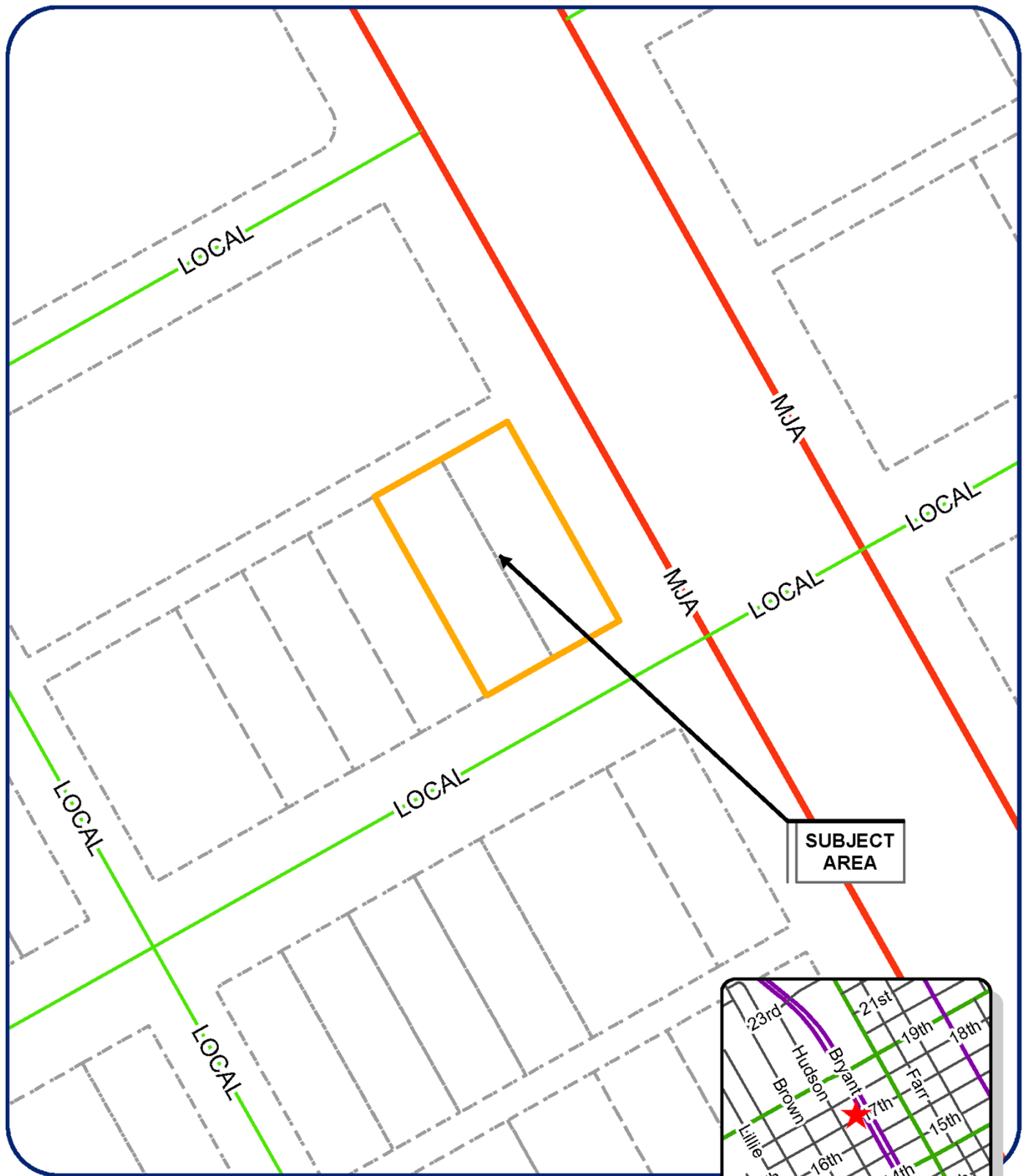
Current Zoning: **RS 1**

Requested Zoning Change: **CN/SU**

Vision: **Transitional**







Multiple Case Files

Z17-02/SU17-01; Hargraves

Council District: District 4 (Gonzales)

Neighborhood: Blackshear

Scale: 1 Inch :: 100 Feet

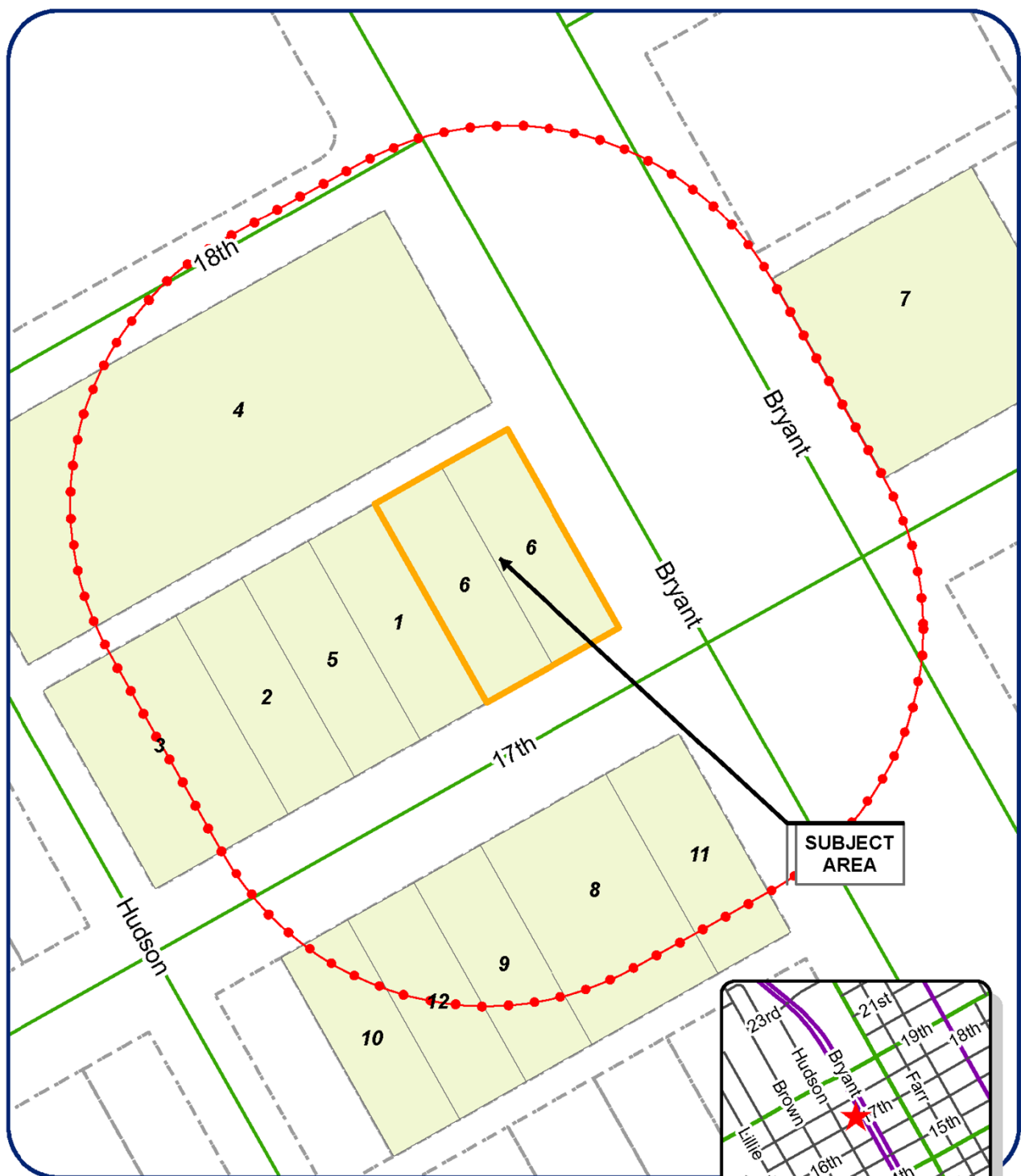
Legal Description: Lots 16 and 17, Blk 1, Minneola Add'n

Legend

Subject Properties:

Current Zoning: **RS 1**
Requested Zoning Change: **CN/SU**
Vision: **Transitional**





Multiple Case Files

Z17-02/SU17-01; Hargraves

Council District: District 4 (Gonzales)

Neighborhood: Blackshear

Scale: 1 Inch :: 100 Feet

Legal Description: Lots 16 and 17, Blk 1, Minneola Add'n

Legend

Subject Properties:

Current Zoning:

Requested Zoning Change:

Vision:

RS 1

CN/SU

Transitional



IND	vm_name	vm_incare	vm_line1	vm_city	vm_state	vm_zip
0	CITY OF SAN ANGELO	PLANNING DIVISION	52 W COLLEGE AVE	SAN ANGELO	TX	76903
1	ACEVEDO PEDRO R & LETICIA GARCIA		512 W 17TH ST	SAN ANGELO	TX	76903-4502
2	ACEVEDO SAUL		512 W 17TH ST	SAN ANGELO	TX	76903-4502
3	CARDENAS ISMAEL - DECEASED		520 W 17TH ST	SAN ANGELO	TX	76903-4502
4	DE WITT DE LARNCE		1117 ASHFORD DRIVE	SAN ANGELO	TX	76901-5305
5	DE WITT LANGSTON - DECEASED	DORETHEA DEWITT	3810 SOUTHLAND BLVD	SAN ANGELO	TX	76904-7241
6	HARGRAVES R W		1716 ELLIS	SAN ANGELO	TX	76905-4314
6	HARGRAVES R W		1716 ELLIS	SAN ANGELO	TX	76905-4314
7	HARRIS WALT		8750 WREN RD	SAN ANGELO	TX	76901-7436
8	MARTINEZ BEATRIZ		814 N VAN BUREN	SAN ANGELO	TX	76901-2518
9	NOAH ESTATES PROPERTIES I LP		1404 S OAKES ST	SAN ANGELO	TX	76903-7506
10	OWENS LEARY		521 W 17TH ST	SAN ANGELO	TX	76903-4501
11	REED CHARLES		401 KENNEDY DR	SAN ANGELO	TX	76905-7715
12	VIGIL SAMUEL & JULIE Z		817 E 18TH ST	SAN ANGELO	TX	76903-3568



City of San Angelo, Texas – Planning Division
52 West College Avenue
Application for Approval of a Special Use

**Section 1: Basic Information**

Name of Applicant(s): Robby W. Hargraves
☒ Owner ☐ Representative (Affidavit Required)
 Mailing Address: 1218 Kenwood City: SA Tx State: TX Zip Code: 76904
 Contact Phone Number: 325.277.9636 Contact E-mail Address: rwargraves@msn.com
 Subject Property Address: 508-510 W. 17th St. City: SA State: TX Zip Code: 76903
 Lot Size: 0.345 ac Zoning: RS-1 Future Land Use designation (Comprehensive Plan): Transition
Pending Δ to CN

Section 2: Site Specific Details (Use attachment if necessary)

Existing Use of Property: Vacant
 Proposed Use of Property: Auto Sales
 Proposed Special Use: Special Use for Auto + Light Truck Sales

I understand that this Commission is required by law to make decisions based on the following criteria, and I assert that my request meets all of the required criteria based on my explanation(s) below:

Impacts Minimized. Whether and the extent to which the proposed special use creates adverse effects, including adverse visual impacts, on adjacent properties.

Explanation: See attached letter

Consistent with Zoning Ordinance. Whether and the extent to which the proposed special use would conflict with any portion of this Zoning Ordinance, including the applicable zoning district intent statement.

Explanation: See attached letter

Compatible with Surrounding Area. Whether and the extent to which the proposed special use is compatible with the existing and anticipated uses surrounding the subject land.

Explanation: See attached letter

Section 2 continued: Site Specific Details

Effect on Natural Environment. Whether and the extent to which the proposed special use would result in significant adverse impacts on the natural environment, including but not limited to, adverse impacts on water and air quality, noise, storm-water management, wildlife, vegetation, wetlands and the practical functioning of the natural environment.

Explanation: See attached letter

Community Need. Whether and the extent to which the proposed special use addresses a demonstrated community need.

Explanation: See attached letter

Development Patterns. Whether and the extent to which the proposed special use would result in a logical and orderly pattern of urban development in the community.

Explanation: See attached letter

Section 3: Applicant(s) Acknowledgement

Please initial the following:

☐ If approved, a Special Use is applied to the property, not the property owner.

☐ The Planning Commission makes recommendations on Special Use requests, City Council has final approval.

☐ Approval of this Special Use request does not constitute approval of permits, site plans, or other processes that require separate approval.

☐ If a permit is not sought within one year of the approval date of this Special Use, it will expire and requires another application.

I/We the undersigned acknowledge that the information provided above is true and correct.

Signature of licensee or authorized representative

Date

2-22-17

Printed name of licensee or authorized representative

Name of business/Entity of representative

FOR OFFICE USE ONLY:

Case No.: SU 17 -- 01

Date of application: 2 / 22 / 17

Planning Commission Date: 3 / 20 / 17 City Council Date: / /

Nonrefundable application fee: \$ 400 Receipt #: Date paid: / /

Reviewed/Accepted by: Date: / /

February 21, 2017

Planning Manager
City of San Angelo Planning Division
512 West College Ave.
San Angelo, TX 76903

I am requesting a zone change for
properties 508 & 510 West 17th St (Legal
Description, Lots 16 & 17, Block 1, Mineola
addition, City of San Angelo, Tom Green County.

Both properties currently zoned R1. and
Join Bryant thruway South & 17th St.
Both properties have not been in use for a
number of years. Previous owner seems to
have had a real struggle complying with
City weed & brush control. We have cleaned
the brush & mesquite off. I respectfully request
a change to accommodate the use for a used
motor vehicle sales lot, with a small 16x30
office, with the balance to be paved.

There are four other like business on either
side of Bryant, with the rest being predominantly
commercial. I believe this to be the best use
for this property, & would create more taxes
and 2 to 4 more jobs

My Plan will conform with the
other business that are in this area,
and also enhance the value of
the surrounding property.

I pray that you will favor my
request.

I thank you very respectfully

R.W. Hargraves

IMAGES OF THE SUBJECT PROPERTY (Looking north along West 17th)



IMAGES OF THE SUBJECT PROPERTY (Looking south from rear alley)



AREA CONDITIONS SOUTH OF THE SITE



AREA CONDITIONS WEST OF THE SITE



AREA CONDITIONS NORTH OF THE SITE



AREA CONDITIONS EAST OF THE SITE



AN ORDINANCE AMENDING CHAPTER 12, EXHIBIT "A" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO, TEXAS, WHICH ADOPTS ZONING REGULATIONS, USE DISTRICTS AND A ZONING MAP, IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING PROPERTY WITHIN THE NEIGHBORHOOD COMMERCIAL (CN) ZONING DISTRICT: **508 – 510 West 17th Street; generally located at the north-northwest corner of West 17th Street and North Bryant Boulevard (US Highway 87), and being Lots 16 and 17, Block One, Mineola Addition, an addition to the City of San Angelo, Tom Green County, Texas,** AUTHORIZING A SPECIAL USE TO ALLOW AN AUTOMOBILE AND BOAT DEALER (AUTOMOBILE AND LIGHT TRUCK SALES ONLY) SUBJECT TO CONDITIONS STATED; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Planning Commission for the City of San Angelo, in compliance with the City Ordinances and state law regarding zoning regulations and zoning map, having afforded a full and fair hearing on the subject zoning change and made its recommendation to City Council for Approval of the Special Use subject to conditions stated; and,

WHEREAS, notice has been duly published of the time and place of a public hearing before the City Council regarding the subject zoning changes, which public hearing was held on the 18th day of April, 2017; and,

WHEREAS, the City Council has determined that the amendment to the Comprehensive Plan and Zoning Ordinance herein made is in the best interest of the health, safety and general welfare of the citizens of the City of San Angelo;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SAN ANGELO:

SECTION 1: Chapter 12 of the Code of Ordinances of the City of San Angelo, the basic Zoning Ordinance for the City adopted on January 4, 2000, and the Zoning Map be and the same are hereby amended as follows:

508 – 510 West 17th Street; generally located within the Neighborhood Commercial (CN) Zoning District at the north-northwest corner of West 17th Street and North Bryant Boulevard (US Highway 87), and being Lots 16 and 17, Block One, Mineola Addition, an addition to the City of San Angelo, Tom Green County, Texas, as depicted in Exhibit “A,” zoned Neighborhood Commercial (CN) Zoning District, shall henceforth permanently have a **Special Use to allow for an Automobile and Boat Dealer (Automobile and Light Truck Sales Only).**

SECTION 2: The Director of the Planning and Development Services Department is hereby authorized and directed to correct Zoning District Maps in the Office of the Director of the Planning and Development Services Department, to reflect the herein described changes in zoning.

SECTION 3: In all other respects, the use of the hereinabove described property shall be subject to all applicable regulations contained in Chapter 12 of the Code of Ordinances for the City of San Angelo, as amended. The Special Use, as hereby authorized, shall have no fundamental effect upon the subject property’s underlying or base zoning classification.

SECTION 4: The Special Use, as hereby authorized, shall be subject to the following Conditions:

1. All business activities shall be limited to the sale of passenger automobiles, light and medium trucks and motorcycles only. Both lots that comprise the subject property shall be replatted into a single lot, and an approved and recorded plat shall be provided prior to the application for a building permit.

2. All site lighting on the premises, both existing and new, shall be shielded, downward emitting and configured in such a manner as to satisfactorily minimize or eliminate light trespass onto adjacent residential uses or lands and is suitably engineered for night-sky purposes. No new site lighting or building lighting shall be upward emitting. New site lighting shall utilize light emitting diode (LED) illumination.
3. The property owner shall be responsible for the construction of new sidewalk and replacement of any existing, substandard sidewalk abutting the subject property.
4. A minimum of two non-allergenic trees, with a minimum of three inches in caliper and 6 feet in height at time of planting, shall be placed along each street frontage. Examples of suitable tree species may include, but are not limited to, Mexican or Texas Redbud, Desert Willow, Shumard Oak, Chinese Pistache or Pinyon Pine. A landscape strip with a minimum width of 10 feet, in conjunction with required street trees, shall also be provided along both street frontages. This landscape strip may include landscaped portions of the street right-of-way. All site landscaping shall be subject to the approval of the Planning and Development Services Director, or designee.
5. Off- and on-loading activities are prohibited within the public right-of-way of West 17th Street, North Bryant Boulevard and the abutting service alley to the north of the subject property. Site access from West 17th Street shall be prohibited.
6. No vehicular inventory shall utilize a required parking space. All parking, circulation and vehicle display areas on the premises shall be paved in accordance with minimum City standards. The property owner shall ensure that any business-related parking does not intrude upon, or inconvenience nearby residents.
7. No vehicle repair, maintenance or vehicle body repair shall be permitted on the premises. No salvage or junk vehicles shall be maintained on the premises, nor shall

any debris, vehicle parts, tires, lubricants or other toxic and caustic materials be stored on the premises.

8. All incidental outdoor storage shall be allowed adjacent to a principal building wall and extending to a distance no greater than 5 feet from the wall. Incidental outdoor storage shall not be permitted to block windows, entrances or exits, and shall not impair the ability of pedestrians to use the building.
9. No portable signage shall be allowed on the premises. All illuminated signage on the premises shall be turned off between the hours of 10:00 PM and 7:00 AM the following day.
10. No loud speakers, paging systems or other auditory devices, with the exception of security alarms, shall be permitted on the premises.
11. No intermodal storage containers, boxcars, recreational vehicles or mobile homes shall be placed on the premises.
12. Solid screening or a suitable vegetative alternative shall be utilized along the west and north property lines for matters of residential adjacency. Chain-link fencing with vinyl slats may not be used for screening purposes.
13. All fencing along West 17th Street and North Bryant Boulevard shall consist of any of the following: (a) low-post, split-rail metal fencing, painted in either earth-tone or black; (b) green or black vinyl-clad, chain-link fencing (4-ft maximum height); (c) decorative wrought-iron fencing (4-ft maximum height); or (d) reinforced bollards, painted in either earth-tone or black, concrete or decorative metal. No barbed or concertina (razor) wire fencing shall be permitted.

14. If the approved Special Use is inactive or discontinued for a period exceeding 360 consecutive days, or if the approved Special Use does not become active within a period of six months following the date of City Council approval, then the Special Use shall be declared null and void.

SECTION 5. This special use approval is subject to the requirement that the property for which the approval is issued must actually acquire a building permit for the approved use within 12 months from the granting of the special use approval, provided that the Planning Director, with significant evidence that the designated use cannot be realistically implemented with due diligence within that time period, may grant a longer period of time, but in no event shall such extension period exceed an additional 12 months.

SECTION 6. The remaining provisions of Chapter 12 of the Code of Ordinances of the City of San Angelo, Texas, not amended under Sections 1 and 2 of this Ordinance shall remain in full force and effect.

SECTION 7 The terms and provisions of this Ordinance shall be deemed to be severable in that, if any portion of this Ordinance shall be declared to be invalid, the same shall not affect the validity of the other provisions of this Ordinance.

SECTION 8: This Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED on the **18th day of April, 2017**, and finally PASSED, APPROVED AND ADOPTED on this, the **2nd day of May, 2017**.

THE CITY OF SAN ANGELO

Dwain Morrison, Mayor

ATTEST:

Bryan Kendrick, City Clerk

APPROVED AS TO FORM:

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Rebeca Guerra, Planning Manager, Planning and Development Services, 325-657-4210

Meeting Date: May 2, 2017

Item type: Consent Item

Caption:

Second reading of an ordinance approving a request for the vacation and abandonment of all of the east-to-west public alley located in Block 1, Rio Vista Addition, consisting of approximately 0.064 acres (2,794 square feet), generally located 124 feet north of Paint Rock Road, emanating westward from the west right-of-way line of Jordan Street (J. James)

Summary/History:

The purpose of this request is to revert otherwise unutilized and platted alley right-of-way into useable area. There is an existing 30-foot sewer easement that runs diagonally across the property that turns and encompasses a portion of the alley way that is not being shown on any of the provided diagrams. It is an active sewer easement with multiple large 42-inch and 30-inch sewer lines. Although City Engineering can support the abandonment of alley, it will not support any release of easements, and those areas must remain accessible.

Financial Impact:

N/A

Other Information/Recommendation:

The Planning Commission heard this item on March 20, 2017. Commissioner Smith made a Motion to APPROVE the request, and Commissioner Stribling seconded the Motion. The Motion passed unanimously, 5-0. On April 18, 2017, City Council voted unanimously to APPROVE on First Reading the proposed vacation and abandonment of the public alley.

Attachments:

- | | | |
|----|-----------------|--|
| 1. | Staff Report | Alley Abandonment (Rio_Vista) Report_City Council.docx |
| 2. | Draft Ordinance | Alley Abandonment (Rio_Vista)_Ordinance_FINAL.docx |

Presentation:

Jon James

Approvals/Reviews:

Rebeca Guerra	Created/Initiated
Jon James	Approved
Theresa James	Approved
Anthony Wilson	Approved
Jon James	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved

Bryan Kendrick

Final Approval

STAFF REPORT



Meetings: April 18, 2017
May 2, 2017

To: San Angelo City Council

From: Jon James, AICP
Director of Planning and Development Services

Through: Rebeca A. Guerra, AICP, LEED-AP, CPD
Planning Manager

Request: A request to approve the vacation and abandonment of all of the east-to-west public alley located in Block 1, Rio Vista Addition

Location: Generally located approximately 124 feet north of Paint Rock Road, emanating westward from the west right-of-way line of Jordan Street

Size: Approximately 0.064 acres (2,794 square feet)

General Information

Future Land Use:	Neighborhood Center
Zoning:	General-to-Heavy Commercial (CG/CH)
Existing Land Use:	Public Alley Right-of-Way

Surrounding Zoning/Land Use:

North:	General-to-Heavy Commercial (CG/CH)	Vacant
West:	General Commercial (CG)	Residential
South:	General-to-Heavy Commercial (CG/CH)	Retail Sales/Service
East:	Single-family Residential (RS-1)	School District Maintenance Offices

District: SMD#3 – Harry Thomas

Neighborhood: Glenmore

Background:

The subject alley was platted in 1928 (Rio Vista Addition, Volume 1, pages 106 and 107) with an approximate 233-ft length and 12-foot width through Block One, which yields seven platted lots. Upon subsequent assembly, the overall site will be comprised of approximately 57,190 square feet, or 1.31 acres. The purpose of this request is to revert otherwise unutilized and platted alley right-of-way into useable area. Planning Staff circulated the application to other City departments and private utility companies in the area. The City's Engineering Services and Water Utilities Departments offer no objection. It is noted, however, that there is an existing 30' sewer easement that runs diagonally across the property that turns and encompasses a portion of the alley way that is not being shown on any of the provided diagrams. It is an active sewer easement with multiple large 42" and 30" sewer lines. Although City Engineering can support the abandonment of alley, City Engineering will not support any release of easements, and those areas must remain accessible. This matter should be satisfactorily addressed through the subsequent and mandatory land assembly by replat. No opposition or special requests from the utility companies were received.

Notification:

On March 3, 2017, two public notices were mailed to abutting property owners. The petition is also subject to notice through publication in a newspaper of record.

Planning Commission Action:

This request was scheduled for review and consideration on the March 20, 2017, Planning Commission docket as Regular Agenda Item *III.4.A*. Below is an excerpt from the meeting's unofficial minutes:

David Stallworth, Principal Planner, outlined the request. Mr. Stallworth indicated the location of the subject area, and he also showed existing site conditions as well as various perspectives of the surrounding area. Mr. Stallworth concluded his presentation with a recommendation of approval, subject to Conditions, along with the basis for his recommendation.

Barring further Staff input, Chairperson Preiss opened the public hearing. As there was no public comment on this matter, Chairperson Preiss closed the public hearing and entertained further deliberation and possible motions.

Commissioner Smith Motioned to approve the proposed vacation and abandonment, subject to conditions. Commissioner Stribling seconded the Motion. The Motion passed unanimously, 5-0.

Staff Recommendation:

Staff's recommendation is for City Council to **APPROVE** the request for a vacation and abandonment of all of the east-to-west public alley located in Block 1, Rio Vista Addition, **subject to the following three Conditions of Approval:**

Proposed Conditions:

1. Per the Code of Ordinances, Section A9.008, payment per the assessment formula outlined in the fee schedule shall be remitted for all of the abandoned right-of-way, should the vacation and abandonment be approved.
2. Verification of the recordation of quit claim deed(s) officially abandoning the City's claim to the entirety of the abandoned alley shall be provided.
3. The Petitioner shall record an approved replat that assembles all platted lands and reversions to acreage associated with the overall property into a single lot within a period not to exceed twelve months from the effective date of this approval.

Attachments:

Aerial Map
Location Map
Descriptions of Vacation / Abandonment
Public Notice Information
Existing Sewer Main Locations



Alley Abandonment Case File

Alley - Block 1, Rio Vista Add'n

Council District: District 3 (Thomas)

Neighborhood: Glenmore

Scale: 1 Inch :: 100 Feet

Legal Description: Alley, Block 1, Rio Vista Add'n

Legend

Subject Area:

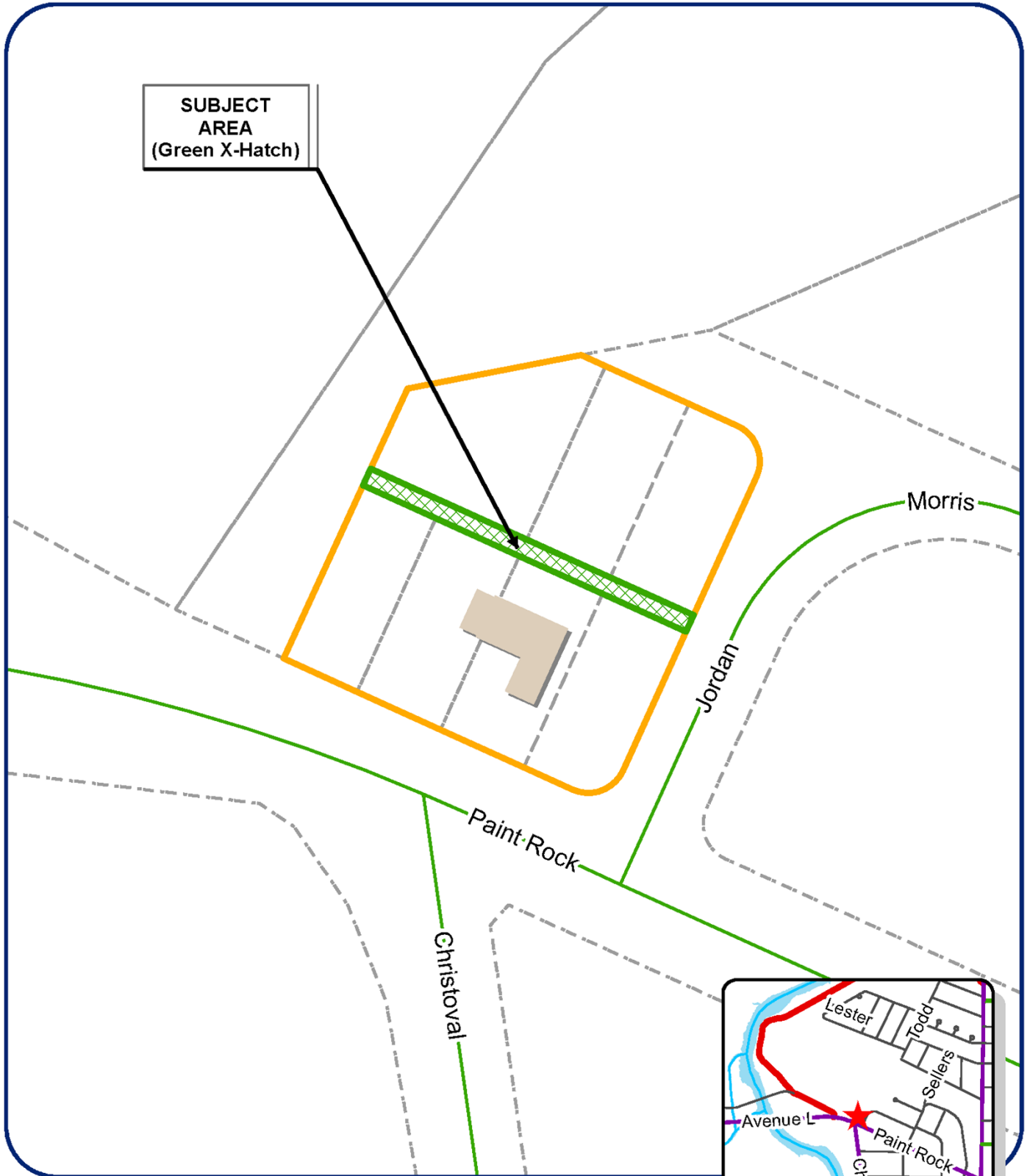
Current Zoning: CG/CH

Requested Zoning Change: N/A

Vision: Neighborhood Ctr



SUBJECT
AREA
(Green X-Hatch)



Alley Abandonment Case File

Alley - Block 1, Rio Vista Add'n

Council District: District 3 (Thomas)

Neighborhood: Glenmore

Scale: 1 Inch :: 100 Feet

Legal Description: Alley, Block 1, Rio Vista Add'n

Legend

Subject Area:

Current Zoning: **CG/CH**

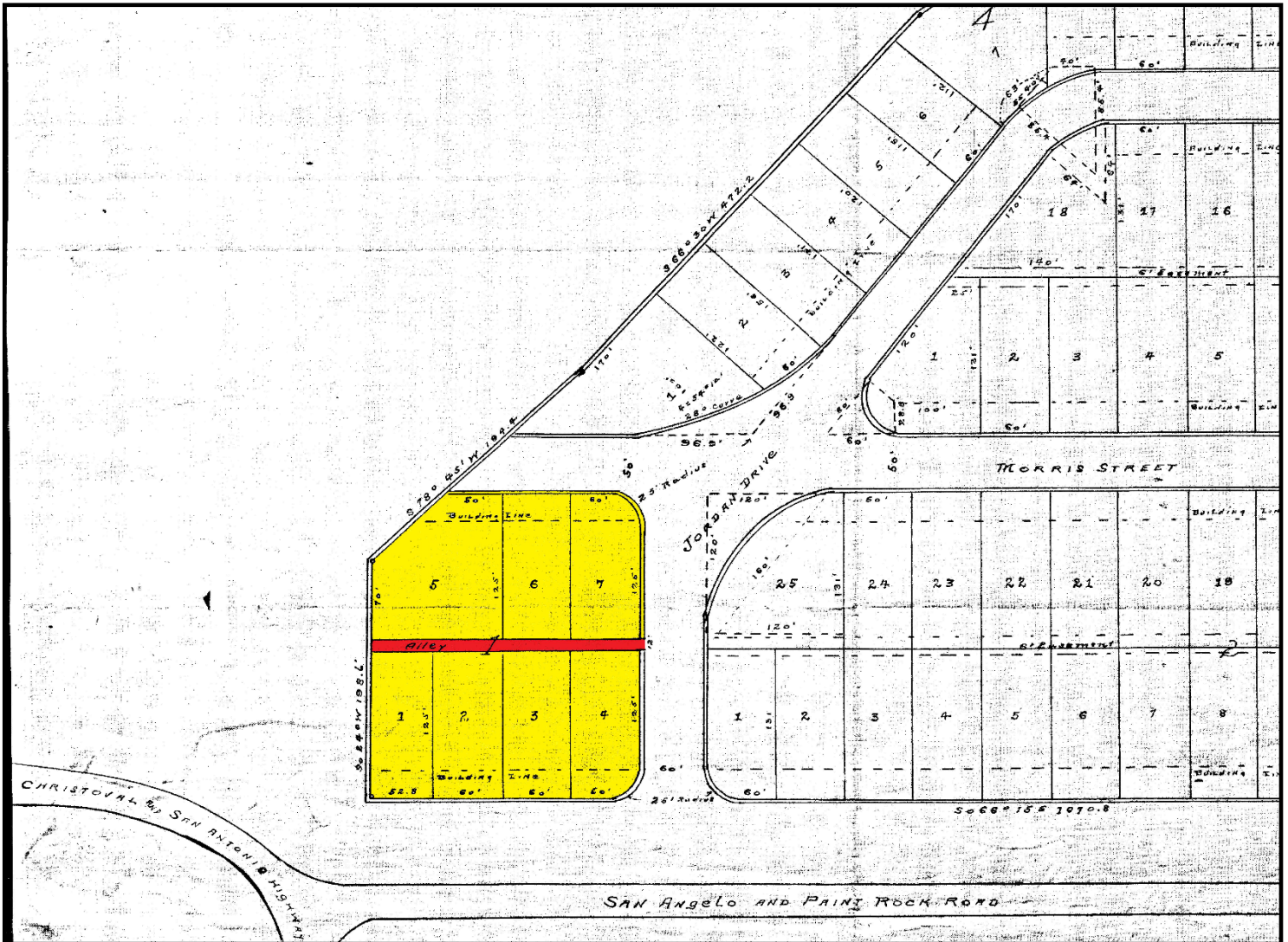
Requested Zoning Change: **N/A**

Vision: **Neighborhood Ctr**

N

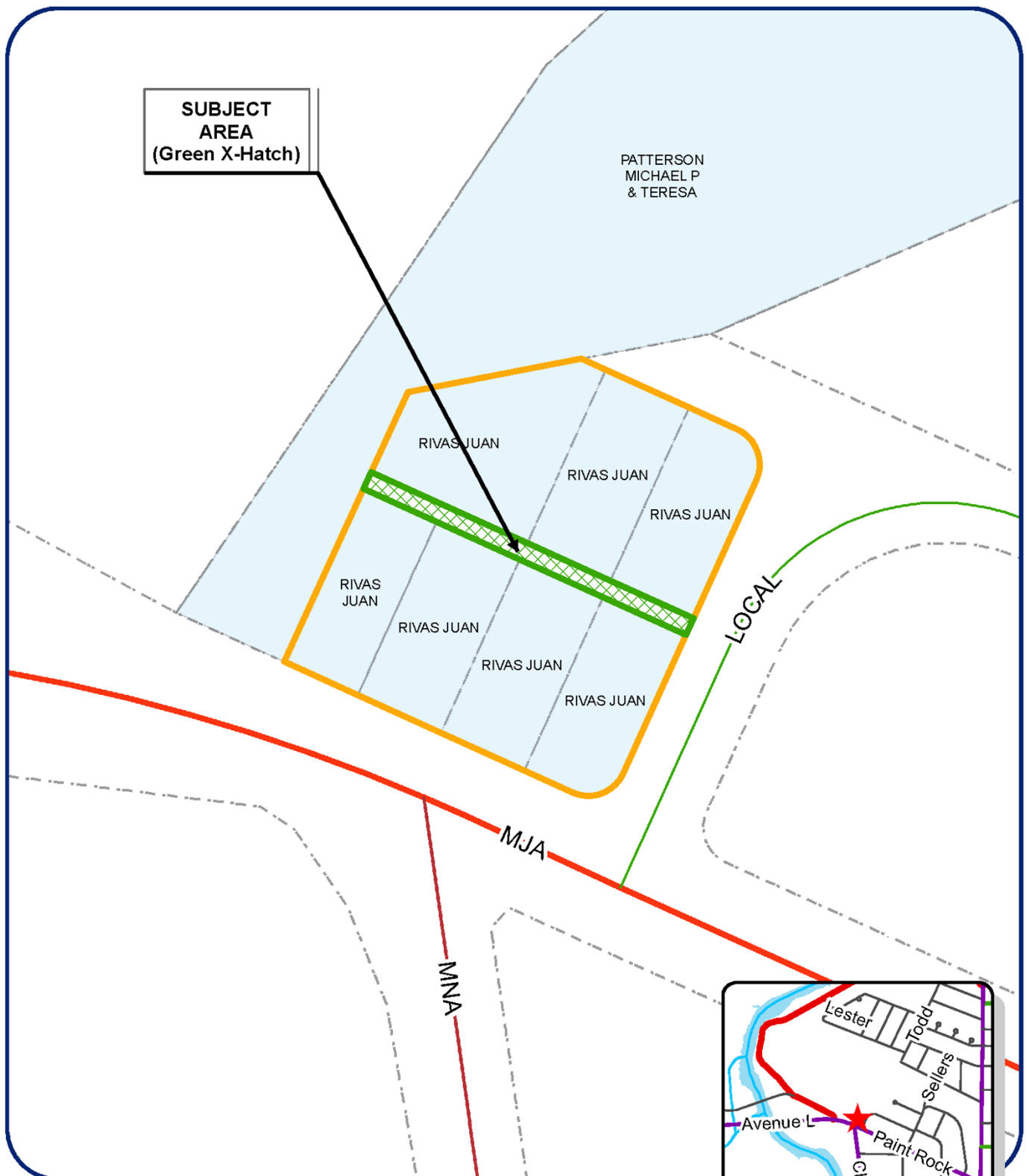


EXHIBIT – A



LOCATION MAP; PROJECT AREA DESCRIPTION

An east-to-west alley right-of-way, being approximately 232.8 feet in length by 12 feet in width, situated in Block One, Rio Vista Additon, as recorded under Volume 1, Pages 106 and 107, Official Plat Records, Tom Green County, TX, and consisting of approximately 2,794 square feet, or 0.064 acres



Alley Abandonment Case File

Alley - Block 1, Rio Vista Add'n

Council District: District 3 (Thomas)

Neighborhood: Glenmore

Scale: 1 Inch :: 100 Feet

Legal Description: Alley, Block 1, Rio Vista Add'n

Legend

Subject Area: —

Current Zoning: CG/CH

Requested Zoning Change: N/A

Vision: Neighborhood Ctr

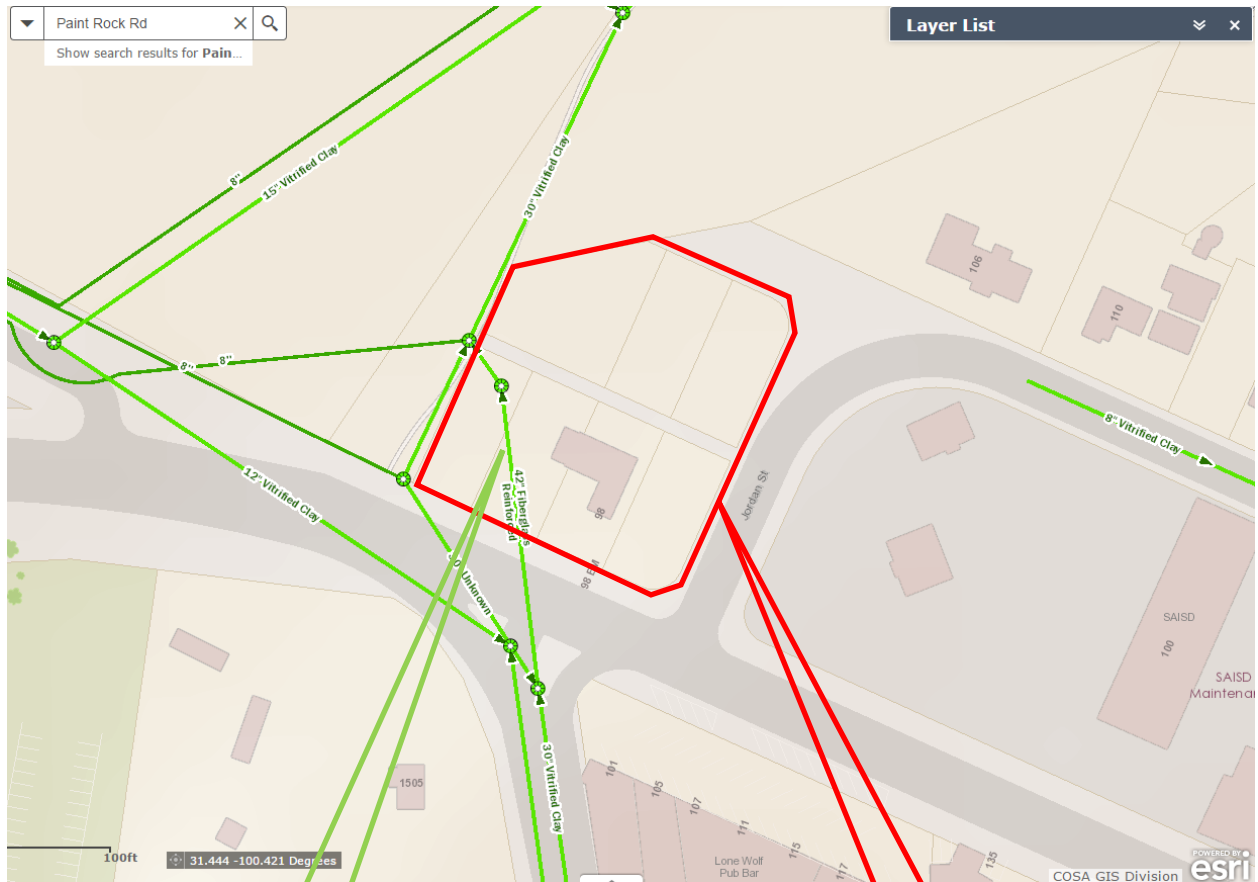


ALLEY ABANDONMENT - BLK 1, RIO VISTA ADD'N

Total Recipients: 2

vm_name	vm_line1	vm_city	vm_state	vm_zip
RIVAS JUAN	98 PAINT ROCK RD	SAN ANGELO	TX	76903-7924
RIVAS JUAN	98 PAINT ROCK RD	SAN ANGELO	TX	76903-7924
RIVAS JUAN	98 PAINT ROCK RD	SAN ANGELO	TX	76903-7924
RIVAS JUAN	98 PAINT ROCK RD	SAN ANGELO	TX	76903-7924
RIVAS JUAN	98 PAINT ROCK RD	SAN ANGELO	TX	76903-7924
RIVAS JUAN	98 PAINT ROCK RD	SAN ANGELO	TX	76903-7924
RIVAS JUAN	98 PAINT ROCK RD	SAN ANGELO	TX	76903-7924
PATTERSON MICHAEL P & TERESA	92 PAINT ROCK RD	SAN ANGELO	TX	76903-7924

LOCATION OF EXISTING SEWER MAINS TO BE PRESERVED THROUGH REPLAT OF THE PROPERTY



EXISTING
SEWER MAINS
(in GREEN)

PROPERTY
BOUNDARY
(in RED)

ALLEY TO BE VACATED AND ABANDONED





GENERAL LOCATION OF WESTWARD EXTENSION, MORRIS ST.
(Platted and Unimproved)



RIVAS PROPERTY (Looking south)



RIVAS PROPERTY (Looking west)



PATTERSON PROPERTY ENTRANCE FROM PAINT ROCK RD



AN ORDINANCE PROVIDING FOR THE CLOSURE, VACATION AND ABANDONMENT OF THE FOLLOWING UNIMPROVED ALLEY, TO WIT: (A) ALL OF THE EAST-TO-WEST, 12-FOOT-WIDE BY 233-FOOT-LONG PUBLIC ALLEY THROUGH BLOCK ONE OF THE RIO VISTA ADDITION (VOLUME 1, PAGE 106, OPRTGCTX), CONSISTING OF APPROXIMATELY 2,794 SQUARE FEET (0.064 ACRES) IN SAN ANGELO, TOM GREEN COUNTY, TEXAS; AUTHORIZING CONVEYANCE THEREOF BY QUITCLAIM DEED TO ABUTTING PROPERTY OWNERS; AND PROVIDING TERMS AND CONDITIONS OF ABANDONMENT AND CONVEYANCE.

WHEREAS, the City Council of the City of San Angelo, acting pursuant to law, deems it advisable to abandon and convey the herein described tract of land to the abutting property owner and is of the opinion that said land is not needed for public use, and that same should be abandoned and quit claimed to the abutting property owner as hereinafter provided; and

WHEREAS, the City Council of the City of San Angelo is of the opinion that the best interest and welfare of the public will be served by abandoning and conveying said tract of land to the abutting property owner(s), subject to the conditions and restrictions contained herein;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF SAN ANGELO:

SECTION 1: That the public alley right-of-way (hereafter referred to as “subject tract of land”) located in the City of San Angelo, Tom Green County, Texas, described and depicted in **Exhibit “A,”** attached hereto and made a part hereof for all purposes, be and the same are hereby closed, vacated and abandoned insofar as the right, title and easement of the public are concerned; subject however, to the conditions and restrictions hereinafter more fully set out.

SECTION 2: That the abandonment and conveyance provided for herein is made and accepted subject to all present zoning and deed restrictions, if the latter exist, and all existing easements, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

SECTION 3: That the abandonment and conveyance provided for herein shall extend only to the public right, title, easement and interest and shall be construed to extend only to the interest which the governing body for the City of San Angelo may legally and lawfully abandon and vacate.

SECTION 4: That as a condition of the abandonment and as part of the consideration for the quitclaim deed authorized under this Ordinance, the Grantee shall:

- a) Pay all recording fees related to the abandonment and authorized conveyances;
- b) Pay the applicable fee per square foot for the sum of square feet of abandoned right-of-way pursuant to Ordinance; and
- c) Before the passing of one year from the effective date of this Ordinance, the Grantee shall secure and record an approved replat with the Official Public Records of Real Property, Tom Green County Clerk, that assembles the subject tract of land with any immediately abutting lands as owned by the Grantee, as depicted on **Exhibit "A."**

SECTION 5: That the terms and conditions contained in this Ordinance shall be binding upon Grantee and Grantees' heirs, successors and assigns.

SECTION 6: That the Mayor of the City of San Angelo is hereby authorized to execute and, upon receipt of the consideration provided for at Section 4, herein, deliver a quit claim deed conveying the subject tract of land as described in **Exhibit "A,"** to the abutting property owner.

SECTION 7: That the City Clerk is hereby authorized and directed to certify a copy of this adopted Ordinance for recordation in the Official Real Property Records of Tom Green County, Texas, wherein the subject tract of land is located.

INTRODUCED on the **18th day of April, 2017**, and finally PASSED, APPROVED AND ADOPTED on this the **2nd day of May, 2017**.

THE CITY OF SAN ANGELO

Dwain Morrison, Mayor

ATTEST:

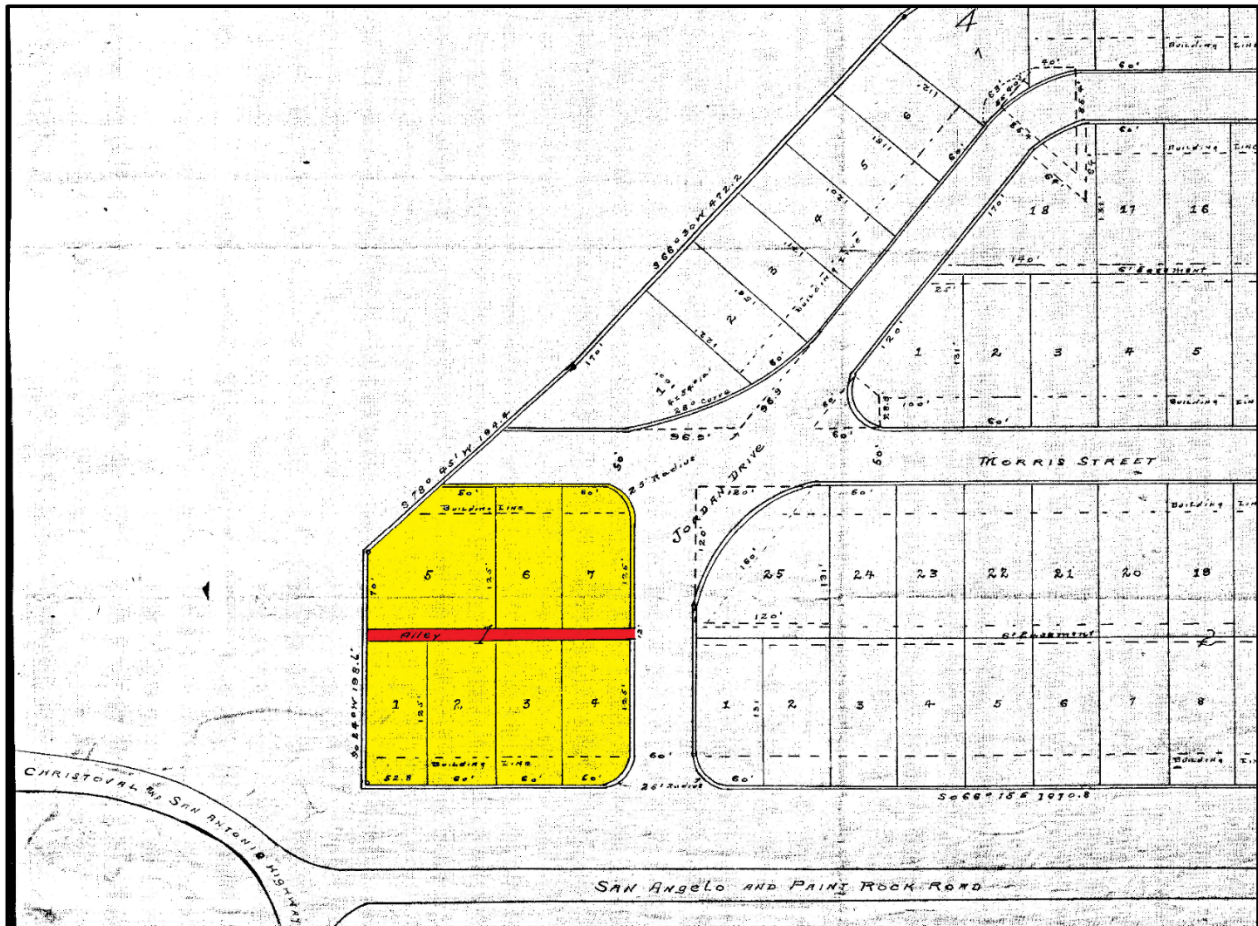
APPROVED AS TO FORM:

Bryan Kendrick, City Clerk

Theresa James, City Attorney

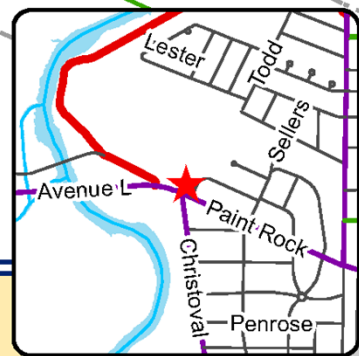
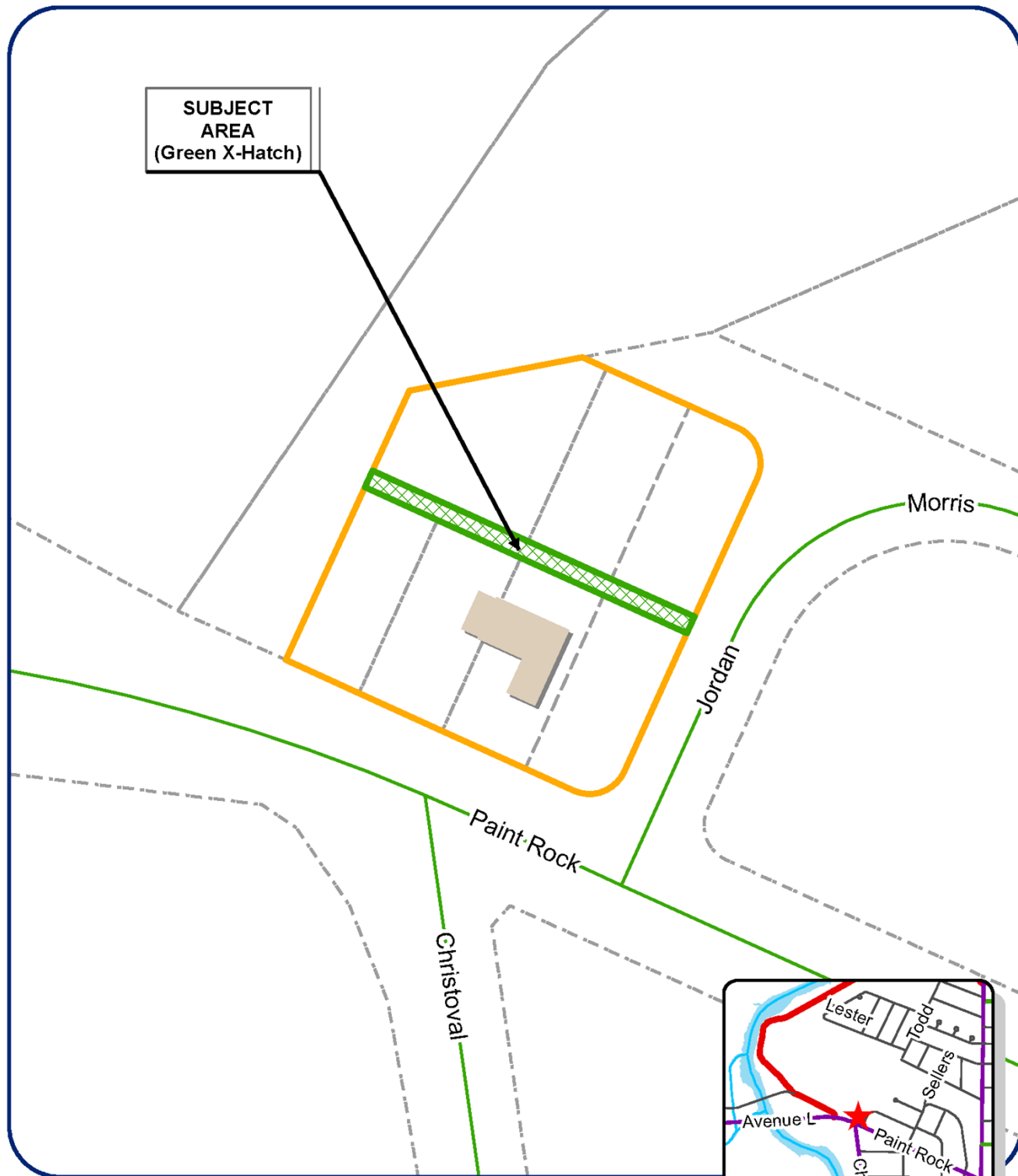
EXHIBIT – A

LOCATION MAP; PROJECT AREA DESCRIPTION



An east-to-west alley right-of-way, being approximately 232.8 feet in length by 12 feet in width, situated in Block One, Rio Vista Addition, as recorded under Volume 1, Pages 106 and 107, Official Plat Records, Tom Green County, TX, and consisting of approximately 2,794 square feet, or 0.064 acres

SUBJECT
AREA
(Green X-Hatch)



Alley Abandonment Case File

Alley - Block 1, Rio Vista Add'n

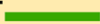
Council District: District 3 (Thomas)

Neighborhood: Glenmore

Scale: 1 Inch :: 100 Feet

Legal Description: Alley, Block 1, Rio Vista Add'n

Legend

Subject Area: 
Current Zoning: **CG/CH**
Requested Zoning Change: **N/A**
Vision: **Neighborhood Ctr**





Alley Abandonment Case File

Alley - Block 1, Rio Vista Add'n

Council District: District 3 (Thomas)

Neighborhood: Glenmore

Scale: 1 Inch :: 100 Feet

Legal Description: Alley, Block 1, Rio Vista Add'n

Legend

Subject Area:
 Current Zoning: **CG/CH**
 Requested Zoning Change: **N/A**
 Vision: **Neighborhood Ctr**



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Rebeca Guerra, Planning Manager, Planning and Development Services, 325-657-4210

Meeting Date: May 2, 2017

Item type: Consent Item

Caption:

Second reading of an ordinance amending the Land Development and Subdivision Ordinance to allow for the submittal of plat applications in accordance with a published schedule and to allow for variances to two provisions that are currently not variable regarding street access to a Manufactured Home Park, Mobile Home Park, and Recreational Vehicle Park and regarding the restriction of dead-end streets not providing exclusive frontage to more than 40 lots or tracts of land (J. James)

Summary/History:

This item makes two general changes to the City's subdivision ordinance. The first amendment allows staff to establish a published schedule for plat submittals consistent with the timeline and requirements established in State statute. The second set of amendments allow for an applicant to seek a variances from two provisions, which currently cannot be varied, as requested by the Council at its March 7, 2017, meeting.

Financial Impact:

N/A

Other Information/Recommendation:

The Planning Commission heard this item on March 20, 2017. Commissioner Farmer made a Motion to APPROVE the text amendment, and Commissioner Spano seconded the Motion. The Motion passed unanimously, 5-0. On April 18, 2017, City Council voted unanimously to APPROVE on First Reading the proposed Text Amendment.

Attachments:

- | | |
|--------------------|--|
| 1. Staff Report | Memo_Chapter 9 Chapter 5_City Council.docx |
| 2. Draft ORdinance | Ord_Chapter 5 Chapter 9_City Council.docx |

Presentation:

Jon James

Approvals/Reviews:

Rebeca Guerra	Created/Initiated
Jon James	Approved
Theresa James	Approved
Anthony Wilson	Approved
Jon James	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved

Bryan Kendrick

Final Approval

MEMO

**Meeting**

Dates: April 18, 2017
May 2, 2017

To: City Council

From: Jon C. James, AICP
Director

Request: Text Amendment to the Land Development and Subdivision Ordinance, Chapter 5, Procedural Requirements for Processing Subdivisions, Section III Stages of Development Review, A.2.a. and A.3.a. and Chapter 9 Subdivision Design Policies, Section III Streets and Roads, A.7.b. and C.2.

Background:

The attached are amendments to the Land Development and Subdivision Ordinance. The first amendment is in Chapter 5, Procedural Requirements for Processing Subdivisions, Section III Stages of Development Review, A.2.a. and A.3.a. in order to allow for the submittal of plat applications consistent with State statute and in accordance with the published schedule for plat submittals.

Additionally, there are also amendments to Chapter 9 Subdivision Design Policies, Section III Streets and Roads to allow for an applicant to seek a variances from two provisions, which currently cannot be varied. First, in subsection A.7.b. in order to allow for an applicant to seek a variance from the prohibition of Manufactured Home Park, Mobile Home Park and Recreational Vehicle Park developments to have primary access to the site from a local street and from and also in subsection C.2 to allow a variance from the restriction of dead-end streets not providing exclusive frontage to more than 40 lots or tracts of land.

The Ordinance currently allows applicants to submit their plat applications no later than 5:00 p.m. on the third Monday before the City Planning Commission meeting. State statute requires municipalities to process plat requests within 30 days of their acceptance. The Ordinance effectively removes one week of staff review from the process and has led to several instances where applicants have had to provide corrections or explanations with one or two days of lead time. Additionally, the Ordinance currently requires 13 copies of the proposed plat to be submitted. Staff believes that such a high number of copies is no longer necessary, especially given that the majority of plats today can, and have been, submitted electronically. This amendment seeks to minimize the waste of superfluous paper copies and reduce the burden on both staff and the applicant.

The Ordinance currently also prohibits applicants from seeking variances from two subsections of Chapter 9 Subdivision Design Policies, Section III Streets and Roads (A.7.b. and C.2.). These sections include the verbiage “shall not be allowed under any circumstance” and “in no circumstance, though, shall any.” The City’s Legal Department has determined that these sections have the effect of denying an applicant the ability to obtain variance relief from the Planning Commission and City Council. Therefore, at the request of City Council at its March 7, 2017, meeting, the second part of the proposed amendment eliminates the above-referenced language and replaces it with simple verbiage that maintains the individual sections’ requirements while still providing for the opportunity for an applicant to seek a variance.

Planning Commission Action:

This request was scheduled for review and consideration on the March 20, 2017, Planning Commission docket as Regular Agenda Item V.B. Below is an excerpt from the meeting’s unofficial minutes:

Planning Director Jon James presented a text amendment to change the deadline of a plat from no later than the third Monday before a Planning Commission Meeting to the State deadline of no more than 30 days. The text would change to read “in accordance with the published schedule for plat submittals.” Staff will also be implementing a pre-application process. This will be an optional application that will be put in place to help avoid some of the issues that have arisen and have caused applications to take longer than usual.

The second piece of this text amendment was to remove the wording of “under no circumstance” from the ordinance, so that

Planning Commission has the ability to review variances from these instances.

There were no public comments or discussion.

A Motion to approve the proposed text amendment was made by Commissioner Farmer and seconded by Commissioner Spano. The motion carried unanimously, 5-0.

Attachment:

Proposed Land Development and Subdivision Ordinance Amendments

CHAPTER 5 PROCEDURAL REQUIREMENTS FOR PROCESSING SUBDIVISIONS

SECTION III: STAGES OF DEVELOPMENT REVIEW

A. Major Subdivisions

2. Preliminary Plat. The preliminary plat shall be submitted to the City Planning Commission for approval before consideration of a final plat intended for future recording with the Tom Green County Clerk. Preliminary plats will not be reviewed by the City Planning Commission, until such plats are officially accepted by the Planning Department. Plats not accompanied by an official application and not containing all proper information will not be accepted for review. Either the preliminary plat itself or an accompanying map shall illustrate the total contiguous tract(s) of land owned by or under the control of the subdivider, even if only a portion of the tract is intended for subdivision by a final plat. A boundary survey will not be required, but the boundaries of land intended to be submitted as a final plat shall be dimensioned and accurately drawn to scale, and so shall the boundaries of all land owned by, or under the control of, the subdivider (if more extensive than the area intended for final subdivision). Boundary data from recorded deeds shall be used, whenever appropriate. The preliminary plat shall be prepared by a qualified professional, trained and experienced in subdivision design.

- a. Deadline for submission. ~~Thirteen paper copies of~~ An application and copy of the preliminary plat must be submitted to the Planning Department ~~no later than 5:00 p.m. on the third Monday before the City Planning Commission meeting at which the applicant desires to have the Plat reviewed~~ in accordance with the published schedule for plat submittals.

3. Final Plat. A subdivider shall be responsible for filing an application for final plat review of a major subdivision, after a preliminary plat thereof has been approved. A final plat may be submitted for all or any portion of the preliminary plat, unless the City Planning Commission determines that final platting is necessary for additional land covered by the preliminary plat. A final plat will not be considered by the City Planning Commission, until an approved preliminary plat incorporating all changes or corrections required by the City Planning Commission is on file with the Planning Department. A revised preliminary plat may be submitted to the Planning Department at the same time an application is made for a final plat. The final plat shall generally conform to the preliminary subdivision plat as approved by the City Planning Commission. A final plat that does not conform with the preliminary may require submission of a revised preliminary plat, for review by the City Planning Commission. This requirement will be determined by the Planning Director; however, this determination may be appealed to the City Planning Commission.
 - a. ~~Deadline for submission. Thirteen copies of the~~ An application and copy of the final plat must be submitted to the Planning Department no later than 5:00 p.m. on the third Monday before the City Planning Commission meeting at which the applicant desires to have the plat reviewed in accordance with the published schedule for plat submittals.

CHAPTER 9

SUBDIVISION DESIGN POLICIES

Section III: STREETS AND ROADS

- A. General Design Guidelines. All streets shall be improved to the minimum standards as defined in Chapter 10, for the type of subdivision proposed, and shall be properly integrated with the existing and proposed system of streets, roads and other dedicated rights-of-way.
- 7. Manufactured Home Park, Mobile Home Park and Recreational Vehicle Park developments:
 - b. Primary access to the site shall not be allowed ~~under any circumstance~~ from a local street as indicated in the City of San Angelo Thoroughfare Plan.
- C. Dead End Streets
 - 2. Maximum Length Allowed. The length of any dead-end street shall be a maximum of 750 feet, measured along the centerline of such street right-of-way, from the point at which that centerline intersects the alignment of an intersecting street's right-of-way, to a point at the center of the turnaround terminating said dead-end street. ~~In no circumstance, though, shall any~~ A dead-end street shall not provide exclusive frontage to more than 40 lots or tracts of land.

AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF SAN ANGELO, CHAPTER 12 “PLANNING AND DEVELOPMENT,” EXHIBIT “C,” “LAND DEVELOPMENT AND SUBDIVISION ORDINANCE” BY: AMENDING CHAPTER 5 “PROCEDURAL REQUIREMENTS FOR PROCESSING SUBDIVISIONS,” SECTION III “STAGES OF DEVELOPMENT REVIEW,” SUBPART “A” “MAJOR SUBDIVISIONS,” PARAGRAPHS 2. a. AND 3. a. “DEADLINE FOR SUBMISSION,” PROVIDING FOR SUBMISSION OF APPLICATION, PRELIMINARY PLAT AND FINAL PLAT IN ACCORDANCE WITH THE PUBLISHED SCHEDULE THEREFORE; REDUCING THE NUMBER OF COPIES THAT MUST BE SUBMITTED; AND BY AMENDING CHAPTER 9 “SUBDIVISION DESIGN POLICIES,” SECTION III “STREETS AND ROADS,” AMENDING: SUBPART “A” “GENERAL DESIGN GUIDELINES,” PARAGRAPH 7. “MANUFACTURED HOME PARK, MOBILE HOME PARK AND RECREATIONAL VEHICLE PARK DEVELOPMENTS,” SUBPARAGRAPH b., RELATING TO PRIMARY ACCESS; AND, SUBPART “C” “DEAD-END STREETS,” PARAGRAPH 2. “MAXIMUM LENGTH ALLOWED” RELATING TO NUMBER OF LOTS OR TRACTS ON A DEAD-END STREET; PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF SAN ANGELO, TEXAS, THAT:

Section 1. Chapter 12, “Planning and Development,” Exhibit “C” “Land Development and Subdivision Ordinance,” Chapter 5 “Procedural Requirements for Processing Subdivisions,” Section III “Stages of Development Review,” Subpart “A: “Major Subdivisions,” part 2. “Preliminary Plat,” a. “Deadline for Submission” is amended to read as follows:

“a. Deadline for submission. An application and copy of the preliminary plat must be submitted to the Planning Department in accordance with the published schedule for plat submittals.”

Section 2. Chapter 12, “Planning and Development,” Exhibit “C” “Land Development and Subdivision Ordinance,” Chapter 5 “Procedural Requirements for Processing Subdivisions,” Section III “Stages of Development Review,” Subpart “A: “Major Subdivisions,” part 3. “Final Plat,” a. “Deadline for Submission” is amended to read as follows:

“a. Deadline for submission. An application and copy of the final plat must be submitted to the Planning Department in accordance with the published schedule for plat submittals.”

Section 3. Chapter 12, Exhibit “C” “Land Development and Subdivision Ordinance,” Chapter 9 “Subdivision Design Policies,” Section III “Streets and Roads,” Subpart “A: “General Design Standards,” part 7. “Manufactured Home Park, Mobile Home Park and Recreational Vehicle Park Developments,” subparagraph b. is amended to read as follows:

“b. Primary access to the site shall not be allowed from a local street as indicated in the City of San Angelo Thoroughfare Plan.”

Section 4. Chapter 12, Exhibit “C” “Land Development and Subdivision Ordinance,” Chapter 9 “Subdivision Design Policies,” Section III “Streets and Roads,” Subpart “C: “Dead End Streets,” part 2. “Maximum Length Allowed” is amended to read as follows:

“2. Maximum Length Allowed. The length of any dead-end street shall be a maximum of 750 feet, measured along the centerline of such street right-of-way, from the point at which that centerline intersects the alignment of an intersecting street’s right-of-way, to a point at the center of the turnaround terminating said dead-end street. A dead-end street shall not provide exclusive frontage to more than 40 lots or tracts of land.”

Section 5. If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, or for any reason unenforceable, the validity of the remaining provisions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision, or regulation of this Ordinance. This ordinance will be reviewed and revised periodically to accommodate any changes in State or Federal requirements that may be necessary.

Section 6. That this Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED on the 18th day of April, 2017, and finally PASSED, APPROVED AND ADOPTED on this the 2nd day of May, 2017.

ATTEST

THE CITY OF SAN ANGELO

Bryan Kendrick, City Clerk

Dwain Morrison, Mayor

APPROVED AS TO FORM

APPROVED AS TO CONTENT

Dan T. Saluri, Deputy City Attorney

Jon James, Director of Planning &
Development Services

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Rebeca Guerra, Planning Manager, Planning and Development Services, 325-657-4210

Meeting Date: May 2, 2017

Item type: Consent Item

Caption:

Second reading of an ordinance amending the Zoning Ordinance, Article 5, Sections 501 and 804 establishing a definition and creating development standards for Industrialized Housing (i.e. Modular Homes) - (J. James)

Summary/History:

Staff has drafted a text amendment that seeks to provide architectural conformity with the single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located, require all industrialized housing to be securely fixed to a permanent foundation and comply with City building setbacks, subdivision control, square footage, and other site requirements applicable, mandate that before an industrial housing unit is constructed, erected, installed, or moved onto a site, an application to the Building Official shall be submitted, provide for a means of requiring that any industrial housing have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the outer boundaries of the lot on which the industrialized housing is proposed to be located; and create a definition for "Industrial Housing" that is consistent with the Texas Department of Licensing and Regulation's standards.

Financial Impact:

N/A

Other Information/Recommendation:

The Planning Commission heard this item on March 20, 2017. A Motion to approve the proposed text amendment with a change to the first subsection from "conformity with the single-family dwellings located within 100 feet of the lot on which the industrialized housing will be located" to "conformity with the single-family dwellings located within 500 feet from the outer boundaries of the lot on which the industrialized housing is proposed to be located," was made by Commissioner Smith and seconded by Commissioner Stribling. The motion carried unanimously, 5-0. On April 18, 2017, City Council voted unanimously to APPROVE on First Reading the proposed Text Amendment.

Attachments:

- | | | |
|----|-----------------|--------------------------------------|
| 1. | Staff Report | Memo_Modular Homes_City Council.docx |
| 2. | Draft Ordinance | Ord_Modular Homes_City Council.docx |

Presentation:

Jon James

Approvals/Reviews:

Rebeca Guerra	Created/Initiated
Jon James	Approved
Theresa James	Approved

Anthony Wilson
Jon James
Tina Dierschke
Theresa James
Becky Dunn
Bryan Kendrick

Approved
Approved
Approved
Approved
Approved
Final Approval

MEMO

**Meeting**

Dates: April 18, 2017
May 2, 2017

To: City Council

From: Jon C. James, AICP
Director

Request: Text Amendment to Chapter 12, Exhibit "A" Zoning Ordinance, Article 5, Section 501 Residential District Standards) and Article 8, Section 804 (Defined Terms)

Background:

The attached is an amendment to Chapter 12, Exhibit "A" Zoning Ordinance, Article 5, Section 501, to create standards for Industrialized Housing (i.e. Modular Homes) and an amendment to Article 8, Section 804 to create a definition for "Industrialized Housing."

Industrialized housing is not a mobile home; it is simply a residence that is built off-site, as opposed to on-site. These residences are often called factory-built, system-built, or prefab (short for prefabricated). The Texas Department of Licensing and Regulation defines "Industrial Housing" in Title 7, Subtitle C., Chapter 1202, Subchapter A, Section 1202.002:

Sec. 1202.002. DEFINITION OF INDUSTRIALIZED HOUSING.

- (a) Industrialized housing is a residential structure that is:
- (1) designed for the occupancy of one or more families;
 - (2) constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site; and

- (3) designed to be used as a permanent residential structure when the module or the modular component is transported to the permanent site and erected or installed on a permanent foundation system.
- (b) Industrialized housing includes the structure's plumbing, heating, air conditioning, and electrical systems.
- (c) Industrialized housing does not include:
- (1) a residential structure that exceeds four stories or 60 feet in height;
 - (2) housing constructed of a sectional or panelized system that does not use a modular component; or
 - (3) a ready-built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location.

Because the State mandates that “single-family...industrialized housing must have all local permits and licenses that are applicable to other single-family...dwellings,” the Planning & Development Services Department treats single-family industrialized housing (i.e. single-family modular homes) as Single-Family Detached Dwellings. The Zoning Ordinance defines these as:

DWELLING, SINGLE-FAMILY: A detached building having accommodations for and occupied by not more than one family or housekeeping unit, and which occupies a lot or tract of land on which no other dwelling unit (except an accessory apartment where explicitly allowed by this Zoning Ordinance) is situated. Separate guest quarters which do not include facilities for both cooking and sanitation are allowed to occupy a detached accessory structure on the same lot as a single-family dwelling.

Moreover, in the Zoning Districts where the Zoning Ordinance allows Single-Family Detached Dwellings, the Planning & Development Services Department has interpreted this allowance to also convey applicability to industrialized housing. This means that industrialized housing is permitted, by right, in the R&E, RS-1, RS-2, RM-1, and MHS Zoning District.

Based on its research, Staff has drafted a text amendment that seeks to:

- Provide architectural conformity with the single-family dwellings located within 100 feet of the lot on which the industrialized housing will be located;
- Require all industrialized housing to be securely fixed to a permanent foundation and comply with City building setbacks, subdivision control, square footage, and other site requirements applicable;
- Mandates that before an industrial housing unit is constructed, erected, installed, or moved onto a site, an application to the Building Official shall be submitted;

- Provides for a means of requiring that any industrial housing have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the outer boundaries of the lot on which the industrialized housing is proposed to be located; and
- Creates a definition for “Industrial Housing” that is consistent with the Texas Department of Licensing and Regulation’s standards.

Planning Commission Action:

This request was scheduled for review and consideration on the March 20, 2017, Planning Commission docket as Regular Agenda Item V.A. Below is an excerpt from the meeting’s unofficial minutes:

Planning Manager Rebeca Guerra discussed the proposed text amendment for modular homes. She indicated that the State defines these types of homes as “industrialized housing,” not mobile or manufactured homes. She also indicated that these homes were built off-site, and were allowed today in the R&E, RS-1, RS-2, RM-1, and MHS Zoning Districts.

Ms. Guerra indicated that the State allowed municipalities to regulate modular housing by the appraisal values of single-family dwellings within 500 feet, and that they could also be regulated in terms of roof, permanent foundation, size, and in terms of other properties that were within 500 feet of the proposed modular home.

Ms. Guerra outlined the main sections of the proposed text amendment for industrialized (modular) housing. One of the proposed stipulations was that all industrialized housing have exterior siding, roof pitch, foundation, and fenestration compatible with the Single Family Dwellings located within 100 feet of the lot on which the industrialized housing will be located. Ms. Guerra believed that this clause would ensure that the industrialized housing looked similar to existing principal dwellings within 100 feet. Another stipulation, she indicated, was that if the industrialized home was intended to be the principal dwelling on the site, then it should have an equal or greater value to the median taxable value for single family dwellings located within 500 feet of the lot, and that this would not apply if there were no single-family dwellings within 500 feet of the lot.

Chairperson Priess asked if the above provision could be extended beyond 100 feet, per State guidelines. Ms. Guerra indicated that this could be possible.

The Commission then had a discussion where they proposed to change the text of the first subsection from 100 feet to 500 feet on the basis of compatibility with State guidelines. Russell Gully from SKG was asked to come forth and give his opinion. He expressed concern about how median values and appearances would be regulated. Ms. Guerra explained the process, which also followed State guidelines.

A Motion to approve the proposed text amendment with a change to the first subsection from “conformity with the single-family dwellings located within 100 feet of the lot on which the industrialized housing will be located” to “conformity with the single-family dwellings located within 500 feet from the outer boundaries of the lot on which the industrialized housing is proposed to be located,” was made by Commissioner Smith and seconded by Commissioner Stribling. The motion carried unanimously, 5-0.

Attachment: Proposed Zoning Ordinance Amendment

Article 5
General Development Standards

Section 501. Residential District Standards

E. Additional Standards for Industrialized Housing

1. All industrialized housing shall have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the outer boundaries of the lot on which the industrialized housing is proposed to be located.
2. All industrialized housing shall comply with City building setbacks, subdivision control, square footage, and other site requirements applicable.
3. All industrialized housing shall be securely fixed to a permanent foundation.
4. Any property owner or authorized agent who intends to construct, erect, install, or move any industrialized housing into the City shall first make application to the Building Official and obtain the required permits.
5. If the industrialized housing is the principal single-family dwelling on a lot:
 - a. It shall have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the outer boundaries of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll for the County. For purposes of this subsection, "value" shall mean the taxable value of the industrialized housing and lot after installation of the housing.
 - b. If no single-family dwellings exist within 500 feet of the outer boundaries of the lot, the property owner shall not be required to demonstrate comparable value.

- c. If there are existing single-family dwellings, the Planning Director shall determine compliance with comparable value after the property owner has provided a list of the addresses and current tax valuations of all existing single-family dwellings within 500 feet of the lot on which the industrialized housing will be located and a statement from the tax assessor or a competent appraiser of the taxable value that the lot and industrialized housing will have after installation.

Article 8 Definitions

Section 804. Defined Terms

INDUSTRIAL HOUSING: A residential structure that is designed for the use and occupancy of one or more families, that is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent residential site, and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site and are erected or installed on a permanent foundation system as specified in this Ordinance. The term includes the plumbing, heating, air conditioning, and electrical systems. The term does not include any residential structure that is in excess of four stories or 60 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof. The term shall not mean nor apply to (i) housing constructed of sectional or panelized systems not utilizing modular components; or (ii) any ready built home which is constructed so that the entire living area is purposed of selling it moving it to another location. Also known as a Modular Home.

AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF SAN ANGELO, CHAPTER 12 EXHIBIT "A," "ZONING ORDINANCE" BY AMENDING ARTICLE 5 "GENERAL DEVELOPMENT STANDARDS," SECTION 501 "RESIDENTIAL DISTRICT STANDARDS" REDESIGNATING SUBPART "E" AS SUBPART "F," AND ADDING A NEW SUBPART "E" "ADDITIONAL STANDARDS FOR INDUSTRIALIZED HOUSING;" AMENDING ARTICLE 8 "DEFINITIONS, SECTION 804 "DEFINED TERMS" BY ADDING A DEFINITION FOR "INDUSTRIALIZED HOUSING;" PROVIDING A SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF SAN ANGELO, TEXAS, THAT:

Section 1. Chapter 12, Exhibit "A" "Zoning Ordinance," Article 5 "General Development Standards," Section 501 "Residential District Standards," redesignating subpart "E" as subpart "F" and adding a new subpart "E" "Additional Standards for Industrialized Housing" to read as follows:

"E. Additional Standards for Industrialized Housing

1. All industrialized housing shall have exterior siding, roofing, roof pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the outer boundaries of the lot on which the industrialized housing is proposed to be located.
2. All industrialized housing shall comply with City building setbacks, subdivision control, square footage, and other site requirements applicable.
3. All industrialized housing shall be securely fixed to a permanent foundation.
4. Any property owner or authorized agent who intends to construct, erect, install, or move any industrialized housing into the City shall first make application to the Building Official and obtain the required permits.
5. If the industrialized housing is the principal single-family dwelling on a lot:
 - a. It shall have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the outer boundaries of the lot on which the industrialized housing is proposed to

be located, as determined by the most recent certified tax appraisal roll for the County. For purposes of this subsection, "value" shall mean the taxable value of the industrialized housing and lot after installation of the housing.

- b. If no single-family dwellings exist within 500 feet of the outer boundaries of the lot, the property owner shall not be required to demonstrate comparable value.
- c. If there are existing single-family dwellings, the Planning Director shall determine compliance with comparable value after the property owner has provided a list of the addresses and current tax valuations of all existing single-family dwellings within 500 feet of the lot on which the industrialized housing will be located and a statement from the tax assessor or a competent appraiser of the taxable value that the lot and industrialized housing will have after installation.”

Section 2. Chapter 12, Exhibit “A” “Zoning Ordinance,” Article 8 “Definitions,” Section 804 “Defined Terms” is amended by adding a definition for “Industrialized Housing” to read as follows:

“INDUSTRIAL HOUSING: A residential structure that is designed for the use and occupancy of one or more families, that is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent residential site, and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site and are erected or installed on a permanent foundation system as specified in this Ordinance. The term includes the plumbing, heating, air conditioning, and electrical systems. The term does not include any residential structure that is in excess of four stories or 60 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof. The term shall not mean nor apply to (i) housing constructed of sectional or panelized systems not utilizing modular components; or (ii) any ready built

home which is constructed so that the entire living area is purposed of selling it and moving it to another location. Industrialized Housing is also known as a Modular Home.”

Section 3. If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, or for any reason unenforceable, the validity of the remaining provisions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision, or regulation of this Ordinance. This ordinance will be reviewed and revised periodically to accommodate any changes in State or Federal requirements that may be necessary.

Section 4. That this Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED on the 18th day of April, 2017, and finally PASSED, APPROVED AND ADOPTED on this the 2nd day of May, 2017.

ATTEST

THE CITY OF SAN ANGELO

Bryan Kendrick, City Clerk

Dwain Morrison, Mayor

APPROVED AS TO FORM

APPROVED AS TO CONTENT

Dan T. Saluri, Deputy City Attorney

Jon James, Director of Planning &
Development Services

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Carl White, Parks and Recreation Director, Parks and Recreation, 325-657-4450

Meeting Date: May 2, 2017

Item type: Regular Item

Caption:

Consider approving the design of a set of three sculptures regarding the "Historic Beginnings of San Angelo" project and its placement at Bart DeWitt Park - (Presentation by Parks and Recreation Director Carl White)

Summary/History:

City Council is being asked to consider approval for the design of a set of three sculptures regarding the "Historic Beginnings of San Angelo" project and its placement at Bart DeWitt Park, telling the story of the "Lady in Blue" and the Jumanos Indians.

City Council approved the conceptual design of the proposal at its meeting on July 12, 2016.

If approved the committee will move forward to execute this project which will likely take up to 2 years to implement.

This project has a pledge from a single donor, at present, of \$500,000. The City is not being asked to fund development or maintenance.

Attached is information about the artist, Vic Payne.

Financial Impact:

There is no cost to the City for approval of this item. Fundraisers have pledged to raise money for an endowment to cover the cost of future maintenance, estimated between \$10-15,000 annually.

Other Information/Recommendation:

Attachments:

- | | |
|---------------------------------|---|
| 1. Bio of artist, Vic Payne | Bio of Artist Payne Vic as of November 2016.pdf |
| 2. Letter from artist Vic Payne | Letter from Artist Vic Payne.pdf |
| 3. Report from Tilly Chandler | Report from Tilly Chandler.pdf |
| 4. Presentation Lady in Blue | Lady in Blue May 2, 2017.pptx |

Presentation:

Approvals/Reviews:

Carl White
Rick Weise

Created/Initiated
Approved

Theresa James
Becky Dunn
Bryan Kendrick

Approved
Approved
Final Approval

❧VIC PAYNE BIOGRAPHY❧



Noted western sculptor and artist, Vic Payne was born on February 23, 1960 and has been sculpting for over 38 years. Vic's artistic approach to sculpting and his attention to detail has been nationally and internationally recognized as being imaginative and innovative, chronicling the life and era of our nation's history.

A sculptor of various sizes, including monumental bronzes, Vic's mission is to lead the viewer through an emotional journey telling a story with his art. Whether he is creating wildlife, Native American or Western sculpture his passion is to capture the spirit of the West evoking the pioneering, independent, mystical spirit of the land and its people.

Studying and drawing inspiration from Master teachers such as Bruno Luccesi, Lincoln Fox, Fritz White and the impressive artistic works of European Master Michelangelo has had a significant impact in his work. By incorporating his passion to preserve the history of the West to what he studies and creates has proven to be a successful marriage in Vic's career.

Over the past 22 years, Vic has been commissioned to create numerous monumental bronze sculptures for corporations, municipalities and private collectors. Commissioned by Cabela's, Vic has had the honor to sculpt several monuments for their stores in Pennsylvania, West Virginia, Texas, Illinois and Louisiana. Other monuments and smaller bronze sculptures are placed in the permanent collection of Artesia MainStreet Foundation, Booth Western Art Museum, Buffalo Bill Center of the West, Embry-Riddle Aeronautical University, Odessa Chris Kyle Memorial Park, Raymond James Financial Institutions, and Western Spirit Scottsdale's Museum of the West, Yates Petroleum, and Mack Energy in New Mexico.

Payne was awarded the 2016 People's Choice Quick Draw Award & the 2013 Buffalo Bill Art Show & Sale Premier Platinum Award for his historical sculpture titled "The Gift." Today, Vic and his wife, Angie and family now make their home in the Cody/Powell Wyoming area, the home of legendary Buffalo Bill and the Buffalo Bill Center of the West.

The West - A Passion in Bronze!





VIC PAYNE STUDIO, INC.

986 Rd. 20

Powell, WY 82435

307-527-9095

www.vicpaynestudio.com

BRONZE SCULPTURE & MONUMENTS

April 6, 2017

San Angelo Sculpture Committee
San Angelo, TX 76903

Dear San Angelo Sculpture Committee,

It has been a great honor to have been considered as one of the sculptors for your Historic Beginnings of San Angelo Project. I would like to thank each of you and am grateful for this unique opportunity.

I have brought you three Studies; one of Maria – Lady in Blue with a Jumano child (girl) and the third work-in-progress features a Jumano Brave, the child's father, who has just returned from a successful turkey hunt and is looking on at his daughter and Maria De Jesus De Agreda. After speaking with various Native Jumanos during my last visit, I chose to pattern my sculpture after the historical figure of Captain Tuerto who was blind in one eye.

Please keep in mind that these works-in-progress are in the preliminary stages of creation. During this stage, I have completed about 75 % of the work. This will allow you as the committee to provide me with any suggestions regarding composition or any details that you would like me to incorporate in these sculptures. For example, I can make the Jumano Brave's anatomy to be more or less muscular depending on your input.

By bringing you these works in clay, I can then take everyone's input and suggestions and integrate them in the sculptures bringing your vision to life. I will then focus on completing the last 25 % of the work by placing the final fine details on each sculpture. I will focus on the hands, feet, folds in the fabric, placing the pictographs on the rock Maria is sitting on, fine tuning their faces, placing the veins in their bodies, wrinkles in the skin... basically bringing the sculpture to life.

Working with the Committee during the creative stage, allows me as the artist the unique ability to modify any part of the sculpture while in the clay format; this would be impossible if the sculptures were already cast in bronze. Throughout my years of sculpting for various Corporations, Municipalities and Committees, I have found that this is the best way for me to make your vision come to life and at the same time allows the Committee to be an integral part of the sculpture's creative development.

I look forward to hearing your thoughts and suggestions and await your decision on your Artist selection. Once again, thank you for considering me to be a part of the history of San Angelo's earliest inhabitants who dwelled along the Concho River, the heart of the Jumano nation forever linking Maria and the Jumano tribe historically and spiritually.

Sincerely,

Victor L. Payne

Report from Tilly Chandler
Artist and proposal selection process
“Historic Beginnings of San Angelo”

Report as of April 25, 2017

1. Took recommendations from:
 - Committee members
 - Jumanos
 - Local artists (including Glenna Goodacre)
 - Museum directors or Asst. directors in Fort Worth, Dallas, Houston, Washington, New York, San Francisco (including Becky . . Duval Reese (retired director from El Paso and Austin))
2. Researched list of names (we had about 21 suggestions)
3. Checked to see who was available and/or in the country
4. Checked galleries for prices of their works for sale
5. Committee reviewed sculptor info and pictures and narrowed it down to 7
6. Contacted the 7 and sent full information and pictures on project
7. Sent prospectus to each artist which was filled out and sent back
8. Narrowed it down to: Lincoln Fox, Jay Hall Carpenter, Vic Payne, Sonny Rivera, John Noelke, and alternate Garland Weeks
9. All artists were flown in one at a time all expenses paid (travel, hotel, meals) for 5 days. They met architect, city personnel, Lady in Blue and Jumano historians, general committee members, and interviewed twice by sculpture committee
10. We had small groups everyday for lunch and dinner and a reception for each. They presented their ideas and sketches to sculpture committee. Committee met several times to discuss their ideas. Five artists were asked to do a clay maquette which they brought down in person (Jay sent a slide show.)
11. At the exhibit, we had about 500 people vote, just to get an idea of their opinions. (Vic got 83% of public vote)
12. Sculpture reviewed all research, notes, personal meetings, and maquettes. They voted by secret ballot 9-0 for Vic.



City Council

May 2, 2017



“Historic Beginnings of San Angelo”

- Conceptual approval by City Council July 12, 2016.
- Artist and proposal selected.

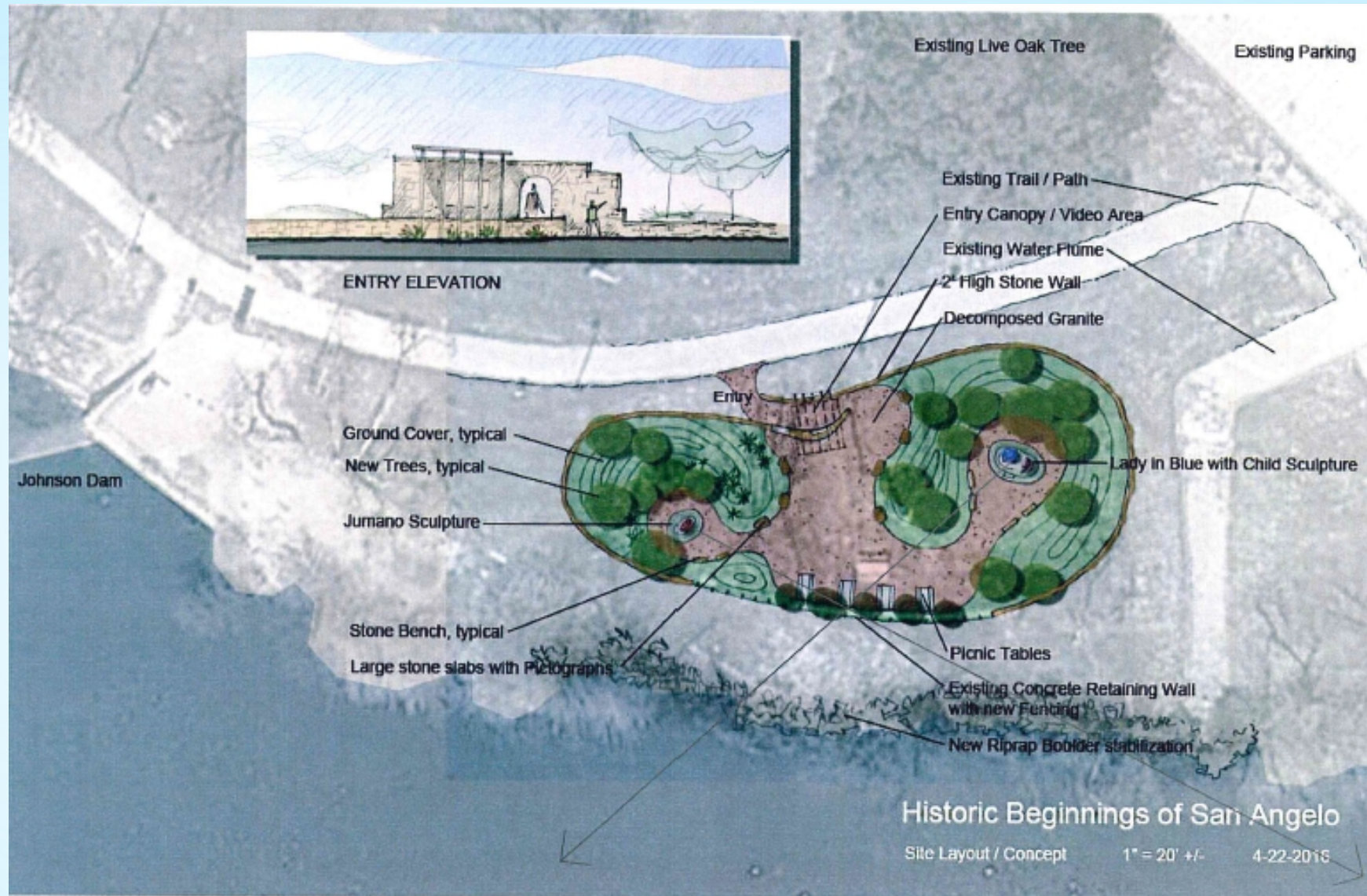






Looking towards Oakes St.













Estimated Budget

• Artist selection process	\$25,000
• Sculptures, landscaping & utilities	\$278,000
• Plaques	\$14,000
• Interpretive display	\$18,000
• Project administration	\$35,000
• Maintenance endowment	\$50,000
• Contingency	\$80,000
• Total	\$500,000



“Historic Beginnings”

- Public Art Commission’s recommendation.
- Implementation.
- Future maintenance.
- Committee seeks approval of the proposed art.





City Council

May 2, 2017



REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Bob Salas, Neighborhood Services Director, Neighborhood and Family Services, 325-655-0824

Meeting Date: May 2, 2017

Item type: Regular Item

Caption:

Consider first reading and public hearing of an ordinance amending Chapter 9 "Parks, Lakes, and Other Public Places" of the Code of Ordinances by adding Article 9.05 "Camping on Municipal Facility or Public Property" and amending Section 9.05.005 "Recreational Activities" which would prohibit camping on or at a municipal facility or public right-of-way - (Presentation by Neighborhood Services Director Bob Salas)

Summary/History:

There has been a recent increase in unsheltered individuals camping on public property not meant for camping which is creating unsanitary, unsafe, and unhealthy conditions in these camping areas. Staff is recommending an amendment to Chapter 9 to prohibit camping in, upon, or at a Municipal Facility or in, upon, or at a public right-of-way including sidewalks, streets, alleys, highways, culverts, or any other public property.

There are community resources available to accommodate those that require shelter and or case management to help obtain and maintain sheltering if individuals are willing to adhere to regulations, policies, and rules set by agencies offering resources.

Financial Impact:

There are no financial impacts associated with this item.

Other Information/Recommendation:

Attachments:

1. Ordinance 17-472 camping ordinance First Reading.docx

Presentation:

Robert Salas

Approvals/Reviews:

Bob Salas	Created/Initiated
Theresa James	Approved
Anthony Wilson	Approved
Julia Antilley	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Bryan Kendrick	Final Approval

AN ORDINANCE AMENDING CHAPTER 9, "PARKS, LAKES AND OTHER PUBLIC PLACES", BY ADDING ARTICLE 9.05 "CAMPING ON MUNICIPAL FACILITY OR PUBLIC PROPERTY" AND AMENDING SECTION 9.02.005 "RECREATIONAL ACTIVITIES" OF THE CITY OF SAN ANGELO TEXAS CODE OF ORDINANCES, DECLARING A PENALTY, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of San Angelo has designated camping facilities within the City of San Angelo for the recreational use of the citizens and visitors of the City of San Angelo; and

WHEREAS, camping outside those facilities leads to issues with trash, human waste and other debris that causes health and safety concerns in the community; and

WHEREAS, the City of San Angelo works closely with non-profit organizations in the community to ensure adequate low cost and emergency housing options for citizens who are in need of those services; and

WHEREAS, it has been determined by the City of San Angelo Department of Family and Neighborhood services that there are currently sufficient housing options available to meet the needs of our community; and

WHEREAS, the City of San Angelo finds it necessary for the protection of the health, safety and welfare of the community to regulate camping on public property within the City of San Angelo.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF SAN ANGELO:

- 1) **THAT**, Chapter 9 of the San Angelo Code of Ordinances be amended by adding Article 9.05 "Camping on Municipal Facility or Public Property" as follows:

"Article 9.05 Camping on Municipal Facility or Public property.

9.05.001 Definitions. The following term shall have the meaning shown.

(a)

Camp or *Camping* means and includes to stay or sleep in, on, or a property overnight (during the hours between 10:00 pm to 6:00 am). There is no required or minimum equipment or supplies necessary to constitute the act of camping.

(b)

Municipal Facility shall mean and include, for purposes of this section, every structure, building, or land owned by the City of San Angelo for the purposes of conducting any business or operation of municipal government, and includes all accessory areas such as but not limited to porch, steps, ramps, grounds, walks, lawn, yard, plaza, parking lot. It includes but is not limited to city hall, libraries, police

and fire stations, civic/convention center complex; fleet service center, water towers, water and sewage treatment plants, and parks.

(c)

Public property means such places as are described in (b) above, but which are owned or controlled by another governmental entity.

9.05.002 Offense. Except as provided in Section 9.05.004 of the Article, it is hereby declared to be a class C misdemeanor offense for a person to Camp:

(a)

In, upon, or at a Municipal Facility; excluding designated sleeping quarters provided for public employees or volunteers for their use within the scope of their duties; or

(b)

In, upon, or at a public right-of-way including a sidewalk, street, alley, highway, culvert, or any other Public property.

9.05.003 Abatement. Camping in, upon, or at a Municipal Facility or Public property in violation of this Article is a nuisance that may be abated by removal of tents, bedding, and other personal belongings or equipment.

9.05.004 Exceptions. It is an affirmative defense to prosecution that a person was Camping:

(a)

By temporarily parking a recreational vehicle, bus, pick-up camper, travel trailer, or similar vehicle or trailer in a lawful manner, time, and place on a public street in accordance with applicable state law and City ordinance.

(b)

With the written permission of the City of San Angelo or the public entity that owns or controls the property.

(c)

In any areas of a park designated as camping areas in strict compliance with the rules of such areas.

(d)

At such times it has been determined by the City Department Family and Neighborhood Services that there are not a sufficient number of emergency or affordable housing options to meet the needs of the community.

9.05.005 Intent. This Article is not intended to deny or to unduly restrict any person's temporary use of a public sidewalk or other traditional public forum for demonstrations, pickets, marches, and other lawful expressive activity, provided that such person does not Camp in violation of this section, obstruct passage to other persons or vehicles, or otherwise violate applicable state law or ordinance.

9.05.006 Annual Review. This Article shall be reviewed on an annual basis beginning October 1, 2018 to determine whether the number of available emergency and affordable housing options are sufficient to meet the current needs of the community."

2) **THAT**, Section 9.02.005 of the San Angelo Code of Ordinances is hereby amended as follows:

“Sec. 9.02.005 Recreational activities

It shall hereafter be unlawful for any person in a park to:

(1) Picnic or lunch in a place other than those designated for that purpose. Park attendants shall have, for the purposes of this section, the authority to regulate the activities in such areas when necessary to prevent congestion and secure the maximum use of such areas for the comfort and convenience of all; it shall be unlawful for any person to fail to comply with any direction given to achieve the ends of this section.

(2) Set up any priority on use of fireplaces, picnic tables and benches other than a “first come, first served” basis.

(3) Use any portion of the picnic area or any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, or use any area or facility for an unreasonable time if facilities are crowded.

(4) Leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, paper, cans, bottles, garbage and other refuse is placed in a trash receptacle, if provided. If no such trash receptacles are available, it shall be unlawful to fail to carry away trash and refuse from the park area to be properly disposed of elsewhere by the picnicker.

(5) ~~set up tents, shacks, or any other temporary shelter with the purpose of camping overnight, or~~ Leave in a park overnight any movable structure or special vehicle ~~to be used or that could be used for such purpose,~~ such as a tent, shack, temporary shelter, house trailer, camp trailer, camp wagon or the like unless such structure or vehicle is within a designated camping area.

(6) Ride a horse except on designated bridle paths; where such riding is permitted, it shall be unlawful to ride other than a thoroughly broken and properly trained horse, or to allow said horse to graze or otherwise go unattended.

(7) Take part in or abet playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins or model airplanes except in areas set apart for such forms of recreation; it shall be unlawful to play rough or comparatively dangerous games such as football or baseball in a park area except on the fields or courts provided therefor; play or practice golf in any manner whatsoever, except in such areas as may be so designated by the superintendent.

(8) Deleted

3) **THAT** any person, firm or corporation violating any provisions of this article shall be guilty of a misdemeanor and upon conviction shall be subject to a fine as provided for in Section 1.01.009 of this Code. Each day of such violation shall constitute a separate offense.

4) **THAT** the terms and provisions of this Ordinance shall be deemed to be severable in that, if any portion of this Ordinance shall be declared to be invalid, the same shall not affect the validity of the other provisions of this Ordinance.

5) THAT this Ordinance shall take effect and be in full force and effect from and after the date of its passage and publication as required by law.

6) THAT enforcement of this ordinance shall be delayed until June 1, 2017 to allow for sufficient education and removal of personal property in areas in violation.

INTRODUCED with public hearing on the 2nd day of May, 2017 and finally **PASSED, APPROVED AND ADOPTED** on this the 16th day of May, 2017.

THE CITY OF SAN ANGELO

ATTEST:

Dwain Morrison, Mayor

Bryan Kendrick, City Clerk

APPROVED AS TO FORM

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Carl White, Parks and Recreation Director, Parks and Recreation, 325-657-4450

Meeting Date: May 2, 2017

Item type: Regular Item

Caption:

Second reading and consider adopting an ordinance amending Chapter 7 "Health and Sanitation" Sections 7.05.006 "Prohibition of Smoking in Outdoor Sports Areas" and 7.05.008 "Where Smoking not Regulated" - (Presentation by Parks & Recreation Director Carl White)

Summary/History:

Smoking Ordinance Amendment – At the City Council meeting on February 21, 2017, the Council pointed out the difficulty in trying to determine exactly where someone could smoke at a park if smoking is prohibited within 50 feet of park amenities. In the end, Council approved the amendment with a 4-2 vote. Council indicated to staff that the language needed to be fine tuned to better define amenities and their boundaries.

The difficulty comes in not being able to clearly define where some amenities are, in terms of their boundaries, practice fields, for instance. After the meeting, staff sat down to look at different parks using the 50 foot rule and tried to see how this would map out. If all amenities are used, it is true; very little park area would be available for smoking.

Following this, on March 9, 2017, we presented this proposed ordinance amendment to the Leadership San Angelo class in a mock Council meeting. They really got into the discussion and, in the end, voted against the amendment, but gave staff direction to look at designating areas within parks where smoking could be allowed.

Staff returned to the Parks and Recreation Advisory Board on March 23 for some advice. At the meeting we considered several options:

- 1) drop the proposed amendment,
- 2) look at whether we'd like to opt for designating areas for smoking,
- 3) look at better defining what amenities are included in the prohibition,
- 4) look at a complete prohibition of smoking on park property,
- 5) look at limiting the prohibition to only playgrounds and pavilions and maybe a few key locations like "El Bosque.

After a long discussion, the Board recommended modifying the language of the proposed ordinance amendment slightly to read generally as, "to prohibit smoking within 50 feet of park playgrounds, pavilions and facilities designated as 'no smoking' areas with signage." (This is a modification from the proposed ordinance amendment of prohibiting smoking "within 50 feet of park amenities including but not limited to tennis courts, playgrounds, restrooms, volleyball courts and miniature golf courses")

The reason why the new proposed language is better is because it limits the prohibition of smoking to playground and pavilions that are clearly identifiable and have distinct boundaries and to other park facilities where “no smoking” signs are posted. If adopted by City Council, our intention is to place the “no smoking” signs at key locations like “The Bosque.”

Financial Impact:

There is nominal financial impact for adopting this ordinance. Adoption will require us to post some additional signage at an estimated total cost of about \$800.

Other Information/Recommendation:

Attachments:

- | | | |
|----|--|--|
| 1. | Presentation on Smoking Ordinance proposed amendment | Smoking Ordinance re Parks Council Presentation.pptx |
| 2. | Smoking ordinance amendment proposed | 17-069_PARKS_OUTDOOR_SMOKE_ORD(4-10-17).docx |

Presentation:

PowerPoint

Approvals/Reviews:

Carl White	Created/Initiated
Rick Weise	Approved
Theresa James	Approved
Anthony Wilson	Approved
Julia Antilley	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Bryan Kendrick	Final Approval



City Council

April 18, 2017



Smoking ordinance amendment

- Previous Council discussion
- Leadership San Angelo
- Parks and Recreation Advisory Board revisited
- Why the revised version is better
- What areas intended to be signed as “no smoking”



Smoking ordinance amendment

- Recommended amendments:
 - Smoking to be prohibited within 50 ft. of park playgrounds and pavilions and other locations where “no smoking” signs are posted.
 - Smoking to be prohibited within the fenced/enclosed areas around swimming pools,
 - Smoking not prohibited at city parks and outdoor amenities located at Lake Nasworthy.
- Enforcement.



Producers Park





City Council

April 18, 2017



AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING CHAPTER 7 “HEALTH AND SANITATION” SECTIONS 7.05.006 “PROHIBITION OF SMOKING IN OUTDOOR SPORTS AREAS” AND 7.05.008 “WHERE SMOKING NOT REGULATED” OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO TEXAS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in 2011 the City of San Angelo enacted an ordinance banning smoking in many public places; and

WHEREAS, under the 2011 ordinance, it is still possible to smoke in many areas of City parks where children congregate; and

WHEREAS, the City Council wishes to expand the prohibition on smoking in outdoor areas where children congregate to protect the health, safety and welfare of the citizens of the City of San Angelo.

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

1) THAT the Code of Ordinances of the City of San Angelo, Texas Chapter 7 “HEALTH AND SANITATION”, SECTION 7.05.006 “Prohibition of smoking in outdoor sports areas” is hereby amended to read in its entirety as follows:

“Sec. 7.05.006 Prohibition of smoking in City owned or operated outdoor areas

Smoking is prohibited in the following outdoor areas owned or operated by the City of San Angelo:

- (1) seating areas of all outdoor sports arenas, stadiums, and amphitheaters
- (2) seating areas of golf courses and public parks where people are assembled to witness sports or other events
- (3) Within 50 feet of park playgrounds and pavilions and other locations designated by the Parks and Recreation Director where “no smoking” signs are posted.
- (4) Within the fenced or enclosed areas around swimming pools.”

2) THAT the Code of Ordinances of the City of San Angelo, Texas Chapter 7 “HEALTH AND SANITATION” 7.05.008 “Where Smoking Not Regulated” is amended to read in its entirety as follows:

“Sec. 7.05.008 Where smoking not regulated

Notwithstanding any other provision of this article to the contrary, the following areas shall be exempt from the provisions of this article:

- (1) Private clubs that have no employees, except when members of the public are present.
- (2) This exemption shall not apply if the smoke from such clubs infiltrates into an area where smoking is prohibited under the provisions of this article. This exemption also shall not apply to any organization that is established for the purpose of avoiding compliance with this article.
- (3) Hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided, however, that not more than twenty-five percent (25%) of rooms rented to guests in a hotel or motel may be so designated.
- (4) A retail tobacco store that as of the date of enactment of this article was operating as a retail tobacco store, if all of the following requirements are met:
 - (A) Smoke from the retail tobacco store does not migrate into an enclosed area where smoking is prohibited pursuant to this article;
 - (B) The retail tobacco store satisfactorily reports on an annual basis to the environmental health department, on a form prescribed by the environmental health department, the revenue generated from the sale of tobacco products as a percentage of quarterly gross revenue. The environmental health department shall determine whether any additional documentation is required of the retail tobacco store to authenticate or verify the revenue data submitted; and
 - (C) The retail tobacco store does not expand in size or change its location after the date of enactment of this article.
- (5) Patios and outdoor seating and serving areas attached to a restaurant or bar in compliance with [section 7.05.007](#). This exemption shall not apply to any business that is established for the purpose of avoiding compliance with this article.
- (6) A designated smoking area in a bingo hall or bingo parlor that:
 - (A) Is a separate room closed off from the remainder of the facility;
 - (B) Has ingress and egress to the outside of the facility, separate from ingress and egress to non-smoking parts of the facility; and
 - (C) Has an air handling HVAC system separate from the system for non-smoking parts of the facility
- (7) City parks and outdoor park amenities located at Lake Nasworthy.”

3) THAT all remaining provisions not amended by this ordinance remain in full force and effect.

4) THAT the terms and provisions of this Ordinance shall be deemed to be severable in that if any portion of this Ordinance shall be declared to be invalid, the same shall not affect the validity of the other provisions of this Ordinance.

5) THAT this Ordinance shall be effective on, from and after the date of its passage and publication as required by law.

INTRODUCED with public hearing on the 18th day of April, 2017, and finally PASSED, APPROVED and ADOPTED on this the 2nd day of May, 2017.

CITY OF SAN ANGELO

ATTEST:

Dwain Morrison, Mayor

Bryan Kendrick, City Clerk

Approved as to Form:

Theresa James, City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Robert Bluthardt, Fort Concho Manager, Fort Concho, 325-487-2730

Meeting Date: May 2, 2017

Item type: Regular Item

Caption:

Consider first public hearing of an ordinance deleting and replacing Chapter 2, "Administration and Personnel", Article 2.07 "Boards, Committees and Commissions", Division 15 "Museum Board" of the Code of Ordinances - (Presentation by Fort Concho Manager Robert Bluthardt)

Summary/History:

The Fort Concho Museum Board has one position reserved by ordinance for the Army Commander at Goodfellow AFB, but sometimes that commander may not be able to serve in accordance with the city and board requirements

This change to the ordinance permits the commander an option to serve or to designate someone in his/her place who, in turn, would be approved by Council.

Also, The additional language clarifies eligibility for service on the Fort Concho Museum Board and specifies the talents and interests the board requires to effectively promote board and Fort policies and goals.

The Fort Concho Museum board reviewed this ordinance change and approved it at its April 18 regular meeting

Financial Impact:

N/A

Other Information/Recommendation:

Staff recommends approval of first hearing of this ordinance.

Attachments:

1. Ordinance 17-372 Ord Change Ft concho museum board first reading.docx

Presentation:

Robert Bluthardt

Approvals/Reviews:

Robert Bluthardt
Carl White
Theresa James
Anthony Wilson

Created/Initiated
Approved
Approved
Approved

Julia Antilley
Tina Dierschke
Theresa James
Becky Dunn
Bryan Kendrick

Approved
Approved
Approved
Approved
Final Approval

**AN ORDINANCE DELETING AND REPLACING CHAPTER 2,
“ADMINISTRATION AND PERSONNEL”, ARTICLE 2.07
“BOARDS, COMMITTEES AND COMMISSIONS”, DIVISION 15
“MUSEUM BOARD” OF THE CODE OF ORDINANCES, CITY
OF SAN ANGELO TEXAS, PROVIDING FOR SEVERABILITY,
AND PROVIDING FOR AN EFFECTIVE DATE**

BE IT ORDAINED BY THE CITY OF SAN ANGELO:

1) THAT, Chapter 2, Article 2.07, Division 15 “Museum Board” of the Code of Ordinances, City of San Angelo, Texas, is hereby deleted and replaced as follows:

“Division 15. Fort Concho Museum Board

Sec. 2.07.441 Creation

There is hereby created a Fort Concho Museum board of the city, which board shall be composed of fifteen (15) members. Fourteen (14) members shall be appointed by the city council. The remaining position shall be filled by the Army Commander at Goodfellow Air Force Base or designee.

Sec. 2.07.442 Terms

The term of office for each member shall be three (3) years or until a successor has been appointed and qualified, whether by expiration of term or for other reasons. No person may be appointed more than two (2) full consecutive terms. Vacancies on the board, whether by expiration of term or for other reason, shall be filled by the city council upon recommendation by the remaining board members, provided that the city council can reject any nomination and request additional nominations for any reason. Board members shall receive no compensation for their service.

Sec. 2.07.443 Duties

The board shall act as an advisory board to the city in the operation and administration of all the Fort Concho Museum properties of the city. The authority and responsibility of the board expressly includes:

- (1) Establishing goals, objectives and operational policies for the fort which are consistent with city council policies and objectives.
- (2) Approving all budget proposals made to the city manager’s office and the city council.
- (3) Establishing guidelines for acquisition, restoration, preservation and maintenance of Fort Concho and museum property so long as those procedures do not conflict with existing objectives and policies of the city council.
- (4) Determining regulations, guidelines, and procedures for staffing, operation and programs for Fort Concho.

Sec. 2.07.444 Officers

The board shall elect a chairman and such other officers as it may determine to be necessary and is empowered to make its own rules and regulations for its government.

Sec. 2.07.445 Qualifications

All members of the board shall meet the following qualifications.

- a. Shall be residents of the City.
- b. Shall be twenty-one years of age or older at the time of appointment; and
- c. Shall have demonstrated experience or interest in heritage education, historic preservation, and community service and/or tourism promotion.

Secs. 2.07.446–2.07.470 Reserved ”

2) THAT all remaining provisions not amended by this ordinance remain in full force and effect.

3) THAT, the following severability clause is hereby adopted with this amendment:

SEVERABILITY:

That the terms and provisions of this Ordinance shall be deemed to be severable in that if any portion of this Ordinance shall be declared to be invalid, the same shall not affect the validity of the other provisions of this Ordinance.

4) THAT, this Ordinance shall be effective on, from and after the date of its passage and publication as required by law.

INTRODUCED on the 2nd day of May, 2017, and finally PASSED, APPROVED and ADOPTED on this the 16th day of May, 2017.

CITY OF SAN ANGELO

ATTEST:

Dwain Morrison, Mayor

Bryan Kendrick, City Clerk

Approved as to Form:

Theresa James
City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Ryan Ward, Traffic Operations Superintendent, Traffic Operations, (325) 657-4377

Meeting Date: May 2, 2017

Item type: Regular Item

Caption:

Consider first public hearing of an ordinance amending chapter 10, "Traffic Controls", Article 10.01 "general provisions", Section 10.01.019 "commercial vehicles prohibited from using certain streets" of the code of ordinances adding North Browning Street between Culwell Street and Hughes Street; Hughes Street between North Pope Street and North Browning Street; Hillside Drive; and Gun Club Road - (Presentation by Traffic Operations Superintendent Ryan Ward)

Summary/History:

The streets named herein have limited ROW widths, pavement widths, with vertical and horizontal curves that are not conducive to truck traffic. North Browning and Hughes Street intersect at a 90 degree curve, with North Browning Street having an approximate pavement width of 15'. Both Hillside Drive and Gun Club Road have narrow pavement widths varying from approximately 15' to 28'. These two streets contain numerous vertical and horizontal curves, as well as high volumes of pedestrian traffic.

Financial Impact:

N/A

Other Information/Recommendation:

Attachments:

1. 17-436 TR Ordinance Change 17-436_TR_Ordinance+Change+10.01.019(c)+Updated.docx

Presentation:

Approvals/Reviews:

Ryan Ward	Created/Initiated
Theresa James	Approved
Anthony Wilson	Approved
Julia Antilley	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Bryan Kendrick	Final Approval

AN ORDINANCE AMENDING CHAPTER 10, "TRAFFIC CONTROLS", ARTICLE 10.01 "GENERAL PROVISIONS", SECTION 10.01.019 "COMMERCIAL VEHICLES PROHIBITED FROM USING CERTAIN STREETS" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO TEXAS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY OF SAN ANGELO:

1) THAT, Chapter 10, Article 10.01, Section 10.01.019(c) is amended as follows:

“(c) When signs are erected giving notice thereof, no person shall operate a commercial vehicle, except as provided under the following subsection, on any of the following streets or parts of streets:

(41) North Browning Street between Culwell Street and Hughes Street.

(42) Hughes Street between North Pope Street and North Browning Street.

(43) Hillside Drive.

(44) Gun Club Road.”

2) THAT all remaining provisions not amended by this ordinance remain in full force and effect.

3) THAT, the following severability clause is hereby adopted with this amendment:

SEVERABILITY:

That the terms and provisions of this Ordinance shall be deemed to be severable in that if any portion of this Ordinance shall be declared to be invalid, the same shall not affect the validity of the other provisions of this Ordinance.

4) THAT, this Ordinance shall be effective on, from and after the date of its passage and publication as required by law.

INTRODUCED on the 2nd day of May, 2017, and finally PASSED, APPROVED and ADOPTED on this the 16th day of May, 2017.

CITY OF SAN ANGELO

ATTEST:

Dwain Morrison, Mayor

Bryan Kendrick, City Clerk

Approved as to Form:

Theresa James
City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Ryan Ward, Traffic Operations Superintendent, Traffic Operations, (325) 657-4377

Meeting Date: May 2, 2017

Item type: Regular Item

Caption:

Consider first public hearing of an ordinance amending Chapter 10, "Traffic Controls", Article 10.03 "Operation of Motor Vehicles", Section 10.03.033 "school zones" of the code of ordinances, City of San Angelo Texas, providing for severability, and providing for an effective date - (Presentation by Traffic Operations Superintendent Ryan Ward)

Summary/History:

This ordinance change is to accommodate various existing school zones that are on TXDOT roadways within the city limits where speeds are posted higher than 20 MPH in school zones. The intent is to base the enforceable speed limit as assigned by the prima facie value posted.

Financial Impact:

N/A

Other Information/Recommendation:

Attachments:

1. Ordinance 17-436_TR_Ordinance%2bChange%2b10+03+033+(1).docx

Presentation:

Approvals/Reviews:

Ryan Ward	Created/Initiated
Theresa James	Approved
Anthony Wilson	Approved
Julia Antilley	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Bryan Kendrick	Final Approval

AN ORDINANCE AMENDING CHAPTER 10, "TRAFFIC CONTROLS", ARTICLE 10.03 "OPERATION OF MOTOR VEHICLES", SECTION 10.03.033 "SCHOOL ZONES" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO TEXAS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY OF SAN ANGELO:

1) THAT, Chapter 10, Article 10.03, Section 10.03.033 is amended as follows:

"It is hereby determined upon the basis of engineering and traffic investigation that the speed permitted by state law in school zones is greater than is reasonable or safe, and it is hereby declared that the prima facie speed limits in school zones shall be **as posted on signs** clearly showing the speed. A school zone is any street that is **immediately adjacent** to any school within the city. Should a conflict exist at any location between the speeds set out in this division and school zone speeds, then the speeds listed for school zones shall control.

2) THAT all remaining provisions not amended by this ordinance remain in full force and effect.

3) THAT, the following severability clause is hereby adopted with this amendment:

SEVERABILITY:

That the terms and provisions of this Ordinance shall be deemed to be severable in that if any portion of this Ordinance shall be declared to be invalid, the same shall not affect the validity of the other provisions of this Ordinance.

4) THAT, this Ordinance shall be effective on, from and after the date of its passage and publication as required by law.

INTRODUCED on the 2nd day of May, 2017, and finally PASSED, APPROVED and ADOPTED on this the 16th day of May, 2017.

CITY OF SAN ANGELO

ATTEST:

Dwain Morrison, Mayor

Bryan Kendrick, City Clerk

Approved as to Form:

Theresa James
City Attorney

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Ryan Ward, Traffic Operations Superintendent, Traffic Operations, (325) 657-4377

Meeting Date: May 2, 2017

Item type: Regular Item

Caption:

Consider first public hearing of an ordinance amending Chapter 10, "Traffic controls", Article 10.03 "Operation of motor vehicles", Section 10.03.091 "One-way streets and alleys" of the code of ordinances adding the alley east of Bonham Elementary School and west of Southern Oak Lane, from Southland Boulevard to Laurel Oak Drive (south to north) - (Presentation by Traffic Operations Superintendent Ryan Ward)

Summary/History:

Due to Bonham Elementary pick-up and drop-off access for parents and students, this alley is used as one-way alley currently. There is also teacher parking on the west side of this alley, with it also being the only ingress - egress access point as well.

Financial Impact:

N/A

Other Information/Recommendation:

Attachments:

- | | | |
|----|---------------------------------------|---|
| 1. | 17-161 Ordinance Change One-Way Alley | 17-161+ORD+One-way+Southland Alley.docx |
|----|---------------------------------------|---|

Presentation:

Approvals/Reviews:

Ryan Ward	Created/Initiated
Theresa James	Approved
Anthony Wilson	Approved
Julia Antilley	Approved
Tina Dierschke	Approved
Theresa James	Approved
Becky Dunn	Approved
Bryan Kendrick	Final Approval

AN ORDINANCE AMENDING CHAPTER 10, "TRAFFIC CONTROLS", ARTICLE 10.03 "OPERATION OF MOTOR VEHICLES", SECTION 10.03.091 "ONE-WAY STREETS AND ALLEYS" OF THE CODE OF ORDINANCES, CITY OF SAN ANGELO TEXAS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY OF SAN ANGELO:

2) THAT, Chapter 10, Article 10.03, Section 10.03.091(44) is added as follows:

“(c) One-way alleys. The following alleys or parts of alleys are hereby declared to be one-way:

“(6) The alley east of Bonham Elementary School and west of Southern Oak Lane, from Southland Boulevard to Laurel Oak Drive (south to north).”

3) THAT all remaining provisions not amended by this ordinance remain in full force and effect.

4) THAT, the following severability clause is hereby adopted with this amendment:

SEVERABILITY:

That the terms and provisions of this Ordinance shall be deemed to be severable in that if any portion of this Ordinance shall be declared to be invalid, the same shall not affect the validity of the other provisions of this Ordinance.

5) THAT, this Ordinance shall be effective on, from and after the date of its passage and publication as required by law.

INTRODUCED on the 17th day of January, 2017, and finally PASSED, APPROVED and ADOPTED on this the 7th day of February, 2017.

CITY OF SAN ANGELO

ATTEST:

Dwain Morrison, Mayor

Bryan Kendrick, City Clerk

Approved as to Form:

Theresa James
City Attorney