

AGENDA

CITY OF PEARLAND ♦ CITY COUNCIL

December 15, 2014

5:30 p.m.

MAYOR
Tom Reid

Keith Ordeneaux
Mayor Pro-Tem
Position No. 4

COUNCIL MEMBERS

Tony Carbone
Position No. 1

Scott Sherman
Position No. 2



Gary Moore
Position No. 3

Greg Hill
Position No. 5

Jon R. Branson
Deputy City Manager

Clay Pearson
City Manager

Trent Epperson
Assistant City Manager

Darrin Coker
City Attorney

Young Lorfing
City Secretary

In accordance with the Texas Open Meeting Act the Agenda is posted for public information, at all times, for at least 72 hours preceding the scheduled time of the meeting on the bulletin board located at the front entrance of the City Hall, 3519 Liberty Drive.



CITY COUNCIL AGENDA
CITY OF PEARLAND
REGULAR COUNCIL MEETING
MONDAY, DECEMBER 15, 2014 | 5:30 P.M.
COUNCIL CHAMBERS | PEARLAND CITY HALL | 3519 LIBERTY DRIVE
281.652.1600

- I. **CALL TO ORDER**
- II. **INVOCATION AND THE PLEDGE OF ALLEGIANCE TO THE UNITED STATES OF AMERICA FLAG AND TEXAS FLAG**
- III. **ROLL CALL:** Mayor Reid, Mayor Pro-Tem Ordeneaux, Councilmembers Carbone, Sherman, Moore, and Hill.
- IV. **CITIZEN COMMENTS:** In order to hear all citizen comments at a reasonable hour, the City Council requests that speakers respect the three-minute time limit for individual comments and the five-minute time limit for an individual speaking on behalf of a group. This is not a question-answer session, however, it is an opportunity to voice your thoughts with City Council.
- V. **PUBLIC HEARING** – None
- VI. **CONSENT AGENDA:**

All items listed under the “Consent Agenda” are considered to be routine and require little or no deliberation by the City Council. These items will be enacted/approved by one motion unless a councilmember requests separate action on an item, in which event the item will be removed from the Consent Agenda and considered by separate action (*VI. matters removed from Consent Agenda*). Approval of the Consent Agenda enacts the items of legislation.

- A. **Consideration And Possible Action – Approval Of Minutes:**
 - 1. Minutes of the November 24, 2014, Regular Meeting, held at 6:30 p.m.
 - 2. Minutes of the November 17, 2014, Public Hearing, held at 6:30 p.m.
- B. **Consideration and Possible Action – Second and Final Reading of Ordinance No. 2000M-127** - An ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas, for the purpose of changing the classification of certain real property, being 1.385 acres of land out of called 14.0513 acres of land, said 14.135 being all of Lots 9 and 12 and Part of Lot 7 of partition of the East ½ of Northwest ¼ of Section 15, HT&B RR Co. Survey, A-241, Brazoria County, Texas and being the South 183.60 feet of Lot 8, and a portion of Lot 7 out of a called 14.0513 acre tract being all of Lots 9 and 12 and Part of Lot 7 of partition of the East ½ of Northwest ¼ of Section 15, HT&B RR Co. Survey, A-241, Brazoria County, Texas. According to the Plat recorded in Vol. 441, Page 265 of the Deed

Records of Brazoria County, Texas, (**located at 6906 Broadway Street**), **Zone Change 2014-19Z**, a request of Chad Thuman, applicant; on behalf of Wayne Thuman, owner; for approval of a change in zoning from the General Commercial (GC) and General Business (GB) zoning districts to the General Business (GB) and Single Family - 1 (R-1) zoning districts; on approximately 2.734 acres of land, providing for an amendment of the zoning district map; containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

- C. Consideration and Possible Action – Second and Final Reading of Ordinance No. 1506-1** – An Ordinance of the City Council of the City of Pearland, Texas, Amending Ordinance No. 1506–1, the 2014-2015 annual budget Ordinance, by; authorizing the City Manager or his designee to take all actions necessary to facilitate the changes identified herein without further approval of City Council; providing a savings clause, a severability clause, a repealer clause, and an effective date.
- D. Consideration and Possible Action – Resolution No. R2014-161** – A Resolution of the City Council of the City of Pearland, Texas, approving a revised bike route for the Shadow Creek Ranch Triathlon.

VII. MATTERS REMOVED FROM CONSENT AGENDA

VIII. NEW BUSINESS:

- 1. Consideration and Possible Action – First Reading of Ordinance No. 2000M-128** – An ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas, for the purpose of changing the classification of certain real property, being 1.749 acres (currently 0.9 acres due to right-of-way dedication, etc.) acres of land being a certain parcel of ground together with all the buildings and improvements being a portion of No. 2 Southern Trails Commercial No. 1, H.T. and B.R.R Company Survey, Section 84, A-538, City of Pearland, Brazoria County, Texas (**generally located on the south side of Broadway Street, between Windward Bay Drive to the west and Kinglsey Drive to the east**), **Zone Change 2014-20Z**; a request of BGE Kerry R. Gilbert and Associates, applicant; on behalf of CL Ashton Woods, LP., owner; for approval of a change in zoning to amend the Southern Trails Planned Development (PD), from an overlay zoning district which allows for Civic/Church uses to General Business (GB) uses, with restrictions on permitted uses; on approximately 0.9 acres of land of the total 522.62 acres, providing for an amendment of the zoning district map; containing a savings clause, a severability clause and an effective date and other provisions related to the subject, providing for an amendment of the zoning district map; containing a savings clause, a severability clause and an effective date and other provisions related to the subject.
- 2. Consideration and Possible Action – Resolution No. R2014-153** – A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to submit five project applications to the Houston-Galveston Area Council for inclusion in the 2015-2018 Transportation Improvement Plan, and allocating matching funds for the construction of each project.

3. **Consideration and Possible Action – Resolution No. R2014-159** – A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to participate in an interlocal cooperative pricing arrangement with the Texas Buy Board for the purchase of lighting, in the amount of \$883,259.00, for the Shadow Creek Ranch Sports Complex.
4. **Consideration and Possible Action – Resolution No. R2014-160** – A Resolution of the City Council of the City of Pearland, Texas, awarding a lease/purchase bid for the purchase of a pumper truck with Clayton Holdings, LLC, in the amount of \$612,295.46.

OTHER BUSINESS: None.

IX. MAYOR/COUNCIL ISSUES

X. ADJOURNMENT

This site is accessible to disabled individuals. For special assistance, please call Young Lorfin at 281.652.1840 prior to the meeting so that appropriate arrangements can be made. **All agenda supporting documents are available at pearlandtx.gov**

Consent Agenda Item A

A. Consideration And Possible Action – Approval Of Minutes:

1. Minutes of the November 24, 2014, Regular Meeting, held at 6:30 p.m.
2. Minutes of the November 17, 2014, Public hearing, held at 6:30 p.m.

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, NOVEMBER 24, 2014, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

Mayor Reid called the meeting to order at 6:30 p.m. with the following present:

Mayor	Tom Reid
Mayor Pro-Tem	Keith Ordeneaux
Councilmember	Tony Carbone
Councilmember	Scott Sherman
Councilmember	Gary Moore
City Manager	Clay Pearson
City Attorney	Darrin Coker
Deputy City Secretary	Maria Rodriguez

Absent: Councilmember Greg Hill.

Others in attendance: Clair Bogard Director of Finance; Jon Branson Deputy City Manager; Roland Garcia Fire Marshal; Bonita Hall Director of Human Resource and Safety Management; Lata Krishnarao Director of Community Development; Richard Mancilla Interim Deputy Director/City Engineer; John McCarter Management Assistant; Kim Sinistore Executive Director of the Convention/Visitors Bureau; Eric Wilson Public Works Director; Sparkle Anderson Communications Manager; Skipper Jones Assistant Director of Capital Projects; Bob Pearce Purchasing Officer; Les Saberniak Project Manager; Michael Leech Assistant Director of Public Works; Chris Orlea Assistant Director of Parks and Recreation.

The invocation was given by Councilmember Carbone and the Pledge of Allegiance was led by Deputy City Manager Jon Branson.

Mayor Reid thanked the Youth Action Council (YAC) for attending the Council Meeting.

CALL TO ORDER

ROLL CALL: Mayor Reid, Mayor Pro-Tem Ordeneaux, Councilmembers Carbone, Sherman, and Moore.

CITIZEN COMMENTS:

Kenneth Carter, 3607 East Orange Street, addressed Council regarding the construction on Orange Street, Highway 35 and concerns of safety issues regarding handicapped and the sidewalks.

PUBLIC HEARING: None.

CONSENT AGENDA:

A. Consideration and Possible Action – Approval Of Minutes:

1. Minutes of the October 27, 2014, Regular Meeting, held at 6:30 p.m.
2. Minutes of the November 3, 2014, Special Meeting, held at 6:00 p.m.

B. Consideration and Possible Action – Second and Final Reading of Ordinance No. 2000M-124 – An Ordinance of the City Council of the City of Pearland, Texas,

amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas, for the purpose of changing the classification of certain real property, being Tract No. 26 of Westchester Estates, according to the Jack C. McKnight Survey thereof dated April 6, 1962, a partition in the H.T. & B. Railroad Survey, Abstract 242, Brazoria County, Texas, located at **2701 Westchester Circle, Zone Change 2014-17Z**, a request of Sergio Guzman, owner/applicant; for approval of a change in zoning from Single Family Residential-1 (R-1) to General Business (GB) on approximately 0.90 acres of land, providing for an amendment of the zoning district map; containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

- C. Consideration and Possible Action – Second and Final Reading of Ordinance No. Ordinance No. 220-11** – An Ordinance of the City Council of the City of Pearland, Texas, amending Article 2, Rates and Charges, of Chapter 30, Utilities, of the City of Pearland Code of Ordinances, as it may have been, from time to time, amended, relating to water and sewer extensions, pro rata charges, and other charges established on certain properties in the vicinity of Hawk Road and Cullen Parkway; providing a penalty for violation; having a savings clause, a severability clause, and a repealer clause; providing for codification, publication and an effective date.
- D. Consideration and Possible Action – Resolution No. R2014-143** – A Resolution of the City Council of the City of Pearland, Texas, authorizing a professional services contract with Brown and Gay Engineers, in the amount of \$68,998.00, for design services associated with the Tom Bass Park Waterline Loop Project.
- E. Consideration and Possible Action – Resolution No. R2014-149** – A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a Business Support Services Agreement with PST Services, Inc., associated with the City’s participation in the Texas Ambulance Supplemental Payment Program, in the estimated amount of \$50,000.00 annually.
- F. Consideration and Possible Action – Resolution No. R2014-142** – A Resolution of the City Council of the City of Pearland, Texas, accepting the City’s Investment Report for the quarter ending September 2014.
- G. Consideration and Possible Action – Resolution No. R2014-145** – A Resolution of the City Council of the City of Pearland, Texas, renewing a bid for the purchase of fire bunker gear from Dooley Tackaberry, Inc., in the estimated amount of \$111,696.00, for the period of December 10, 2014 through December 9, 2015.

Councilmember Carbone asked that Consent Agenda Item E be removed from the Consent Agenda for further discussion.

Councilmember Carbone made the motion, seconded by Councilmember Sherman to adopt Consent Agenda Items A through G with the exception of item E as presented on the Consent Agenda.

Voting “Aye” Councilmembers Carbone, Sherman, Ordeneaux, and Moore.

Voting “No” None.

Motion Passed 4 to 0, with Councilmember Hill absent.

MATTERS REMOVED FROM CONSENT AGENDA

As requested by Councilmember Carbone Consent Agenda item E was removed for further discussion.

- E. Consideration and Possible Action – Resolution No. R2014-149** – A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to enter into a Business Support Services Agreement with PST Services, Inc., associated with the City’s participation in the Texas Ambulance Supplemental Payment Program, in the estimated amount of \$50,000.00 annually.

Councilmember Carbone made the motion, seconded by Councilmember Sherman, to approve Resolution No. R2014-149.

City Manager Clay Pearson reported Council is being asked to enter into a Business Support Services Agreement with PST Services, Inc., associated with the City’s participation in the Texas Ambulance Supplemental Payment Program in the estimated amount of \$50,000. annually.

Discussion ensued between Council and Director of Finance Claire Bogard regarding the projected revenues, and the 2009 change in Legislation.

Voting “Aye” Councilmembers Moore, Ordeneaux, Sherman, and Carbone.

Voting “No” None.

Motion Passed 4 to 0, with Councilmember Hill absent.

VIII. NEW BUSINESS:

Council Action – Resolution No. R2014-132 – A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to renew a Software Maintenance Contract with Sungard HTE/OSSI for estimated cost of \$238,291.24 for the period of October 1, 2014 through September 30, 2015.

Councilmember Sherman made the motion, seconded by Mayor Pro-Tem Ordeneaux, to approving Resolution No. R2014-132.

City Manager Clay Pearson reported Council is being asked to renew the SunGard H.T.E./OSSI software maintenance for \$238,291.24 for the period of October 1, 2014 through September 30, 2015.

Councilmember Carbone asked for clarification regarding the write-up of the summary of invoices with a total cost of \$260,000. that showed some amounts paid. He further stated he does not mind approving this Resolution, but if Staff would get back with him regarding the invoices of amounts paid.

Voting “Aye” Councilmembers Carbone, Sherman, Ordeneaux, and Moore.

Voting “No” None.

Motion Passed 4 to 0, with Councilmember Hill absent.

Council Action – Resolution No. R2014-146 – A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for construction services in the amount of \$3,669,000.00 to the Crain Group, LLC., for the construction of Fire Station No .2.

Mayor Pro-Tem Ordeneaux made the motion, seconded by Councilmember Sherman to approve Resolution No. R2014-146.

Clay Pearson City Manager stated the contract tonight is for the new Fire Station No. 2. At this point we are right on budget, but with the increase of construction cost, materials, and labor Staff may have to come back to Council requesting to add to the budget.

Councilmember Carbone stated he is pleased when the City can award a contract of this size to a local company that is already performing work for the City.

Voting “Aye” Councilmembers Moore, Ordeneaux, Sherman, and Carbone.

Voting “No” None.

Motion Passed 4 to 0, with Councilmember Hill absent.

Council Action – Resolution No. R2014-147 – A Resolution of the City Council of the City of Pearland, Texas, appointing one (1) representative and one (1) alternate to the Houston-Galveston Area Council 2015 General Assembly and Board of Directors.

Councilmember Moore made the motion, seconded by Councilmember Sherman, to approve Resolution No. R2014-147.

Mayor Reid stated he is on the nominating committee for the Board of Directors for Houston-Galveston Area Council (HGAC). He would like to ask Council to consider himself as the representative, and Councilmember Sherman as the alternate.

Councilmember Sherman stated he appreciates the nomination, but he reminded everyone that his term will be expiring soon.

Councilmember Carbone stated he would like to nominate Councilmember Hill as the alternate.

Mayor Pro-Tem Ordeneaux stated for Councilmembers that are not up for election in May 2015 Councilmember Hill would be the senior Councilmember to nominate as the alternate.

Councilmember Sherman made a motion, seconded by Mayor Pro-Tem Ordeneaux to appoint Mayor Reid as the Representative and Councilmember Hill as the alternate to Houston-Galveston Area Council (HGAC).

Voting "Aye" Councilmembers Carbone, Sherman, Ordeneaux, and Moore.

Voting "No" None.

Motion Passed 4 to 0, with Councilmember Hill absent.

First Reading of Ordinance No. 2000M-126 – An Ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas, for the purpose of changing the classification of certain real property, being 26.524 acres of land located in the Thomas J. Green Survey, Abstract No. 198, Brazoria County, Texas, more particularly being a portion of the residue of that certain called 140.6899 acre tract conveyed to Martha Alexander Crouch by instrument of record in Volume 1595, Page 422 of the Deed Records of said Brazoria County (B.C.D.R.) and a portion of the residue of that certain called 172.0566 acre tract conveyed to Robert L. Alexander by instrument of record in Volume 1725, Page 193 (B.C.D.R.), Brazoria County, Texas (generally **located at the southeast corner of Pearland Pkwy. and Barry Rose Rd., Pearland, Texas**), **Zone Change 2014-11Z**; a request of Salim Obeid, LJA Engineering, applicant; on behalf of Robert Lee Alexander, owner; by his attorney A.G.Crouch; for approval of a change in zoning from Office Professional (OP), General Business (GB) and Single Family Residential 2 (R2) to a non-residential Planned Development (PD) known as Pearland Marketplace on approximately 26.5 acres of land, providing for an amendment of the zoning district map; containing a savings clause, a severability clause and an effective date and other provisions related to the subject.

Councilmember Carbone made the motion, seconded by Councilmember Sherman, to approve Ordinance No. 2000M-126 on its First Reading.

Mayor Reid read into the record the Planning & Zoning Commission's recommendation to forward to Council for approval of Zone Change 2014-11Z with conditions.

Director of Community Development Lata Krishnarao gave an overview of the zone change of the planned development and conditions.

Voting "Aye" Councilmembers Moore, Ordeneaux, Sherman, and Carbone.

Voting "No" None.

Motion Passed 4 to 0, with Councilmember Hill absent.

Council Action – Resolution No. R2014-144 – A Resolution of the City Council of the City of Pearland, Texas, awarding a bid for the purchase of eighteen (18) fleet vehicles from Caldwell Country Chevrolet in the amount of \$523,961.00 through the TASB Buyboard, and one (1) ambulance body remount from Sterling McCall Ford in the amount of \$83,100.00 through the HGAC cooperative purchasing contract.

Councilmember Sherman made the motion, seconded by Councilmember Carbone, to approve Resolution No. R2014-44.

City Manager Clay Pearson reported City departments require the annual purchase of new and replacement vehicles to facilitate performance of essential City services, pursuant to City Council approval of the recommended vehicle budget.

Voting "Aye" Councilmembers Carbone, Sherman, Ordeneaux, and Moore.

Voting "No" None.

Motion Passed 4 to 0, with Councilmember Hill absent.

OTHER BUSINESS: None.

MAYOR/COUNCIL ISSUES: None.

ADJOURNMENT

Meeting was adjourned at 7:49 p.m.

Minutes approved as submitted and/or corrected this the ____ day of _____, A.D., 2014.

Tom Reid
Mayor

ATTEST:

Maria Rodriguez
Deputy City Secretary

MINUTES OF A PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, HELD ON MONDAY, NOVEMBER 17, 2014, AT 6:30 P.M. IN THE COUNCIL CHAMBERS, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

Mayor Reid called the meeting to order at 7:20 p.m. with the following present:

Mayor	Tom Reid
Mayor Pro-Tem	Keith Ordeneaux
Councilmember	Tony Carbone
Councilmember	Scott Sherman
Councilmember	Gary Moore
Councilmember	Greg Hill
City Manager	Clay Pearson
City Attorney	Darrin Coker
City Secretary	Young Lorfing

Others in attendance: Jon Branson Deputy City Manager; Matt Buchanan President of Pearland Economic Development Corporation; Lata Krishnarao Director of Community Development; Sparkle Anderson Communications Manager; Johnna Matthews City Planner.

Purpose of Hearing – Proposed annexation of approximately 11.448 acres.

Staff review of the Feasibility Plan and Service Plan:

City Planner Johnna Matthews gave an overview of the voluntary annexation of approximately 11.448 acres located on the west side of County Road 48, west of Southern Trails Subdivision and south of Broadway Street.

Alan Mueller stated as the applicant; on behalf of the owners, John McMahan and Joe Laney petitioned the City of Pearland to annex approximately 11.448 into its corporate city limits. Upon approval of the annexation of the subject property, he proposes to combine it with the 20 acres to the west and rezone to Single Family Residential 1 (R-1) for a Cluster Plan Development. He further stated he will also be seeking annexation into Municipal Utility District No. 34, who will finance and extend water and wastewater infrastructure.

Citizen Comments: None.

Council/Staff Discussion: None.

Meeting was adjourned at 7:33 p.m.

Minutes approved as submitted and/or corrected this the ____ day of _____,
A.D., 2014.

Tom Reid
Mayor

ATTEST:

Young Lorfing, TRMC
City Secretary

Consent Agenda Item B

- B. Consideration and Possible Action – Second and Final Reading of Ordinance No. 2000M-127** - An ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas, for the purpose of changing the classification of certain real property, being 1.385 acres of land out of called 14.0513 acres of land, said 14.135 being all of Lots 9 and 12 and Part of Lot 7 of partition of the East ½ of Northwest ¼ of Section 15, HT&B RR Co. Survey, A-241, Brazoria County, Texas and being the South 183.60 feet of Lot 8, and a portion of Lot 7 out of a called 14.0513 acre tract being all of Lots 9 and 12 and Part of Lot 7 of partition of the East ½ of Northwest ¼ of Section 15, HT&B RR Co. Survey, A-241, Brazoria County, Texas. According to the Plat recorded in Vol. 441, Page 265 of the Deed Records of Brazoria County, Texas, **(located at 6906 Broadway Street), Zone Change 2014-19Z**, a request of Chad Thuman, applicant; on behalf of Wayne Thuman, owner; for approval of a change in zoning from the General Commercial (GC) and General Business (GB) zoning districts to the General Business (GB) and Single Family - 1 (R-1) zoning districts; on approximately 2.734 acres of land, providing for an amendment of the zoning district map; containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

**AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS**

AGENDA OF: December 15, 2014	ITEM NO.: Ordinance No. 2000M-127
DATE SUBMITTED: December 1, 2014	DEPT. OF ORIGIN: Planning
PREPARED BY: Ian Clowes	PRESENTOR: Lata Krishnarao
REVIEWED BY: Lata Krishnarao	REVIEW DATE: December 2, 2014
<p>SUBJECT: Ordinance No. 2000M-127 - An ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas, for the purpose of changing the classification of certain real property, being 1.385 acres of land out of called 14.0513 acres of land, said 14.135 being all of Lots 9 and 12 and Part of Lot 7 of partition of the East ½ of Northwest ¼ of Section 15, HT&B RR Co. Survey, A-241, Brazoria County, Texas and being the South 183.60 feet of Lot 8, and a portion of Lot 7 out of a called 14.0513 acre tract being all of Lots 9 and 12 and Part of Lot 7 of partition of the East ½ of Northwest ¼ of Section 15, HT&B RR Co. Survey, A-241, Brazoria County, Texas. According to the Plat recorded in Vol. 441, Page 265 of the Deed Records of Brazoria County, Texas, located at 6906 Broadway Street, Zone Change 2014-19Z, a request of Chad Thuman, applicant; on behalf of Wayne Thuman, owner; for approval of a change in zoning from the General Commercial (GC) and General Business (GB) zoning districts to the General Business (GB) and Single Family - 1 (R-1) zoning districts; on approximately 2.734 acres of land, providing for an amendment of the zoning district map; containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.</p>	
<p>ATTACHMENTS: Ordinance No. 2000M-127 and Exhibits (Exhibit A – Legal Description; Exhibit B – Vicinity Map Description; Exhibit C - Legal Ad; Exhibit D- Planning and Zoning Commission Recommendation Letter) 11.17.14 Joint Public Hearing Packet</p>	
To be completed by Department:	
Finance	Legal
Ordinance	Resolution

EXECUTIVE SUMMARY

The subject property includes approximately 2.743 acres of land, of which the applicant is requesting a change in zoning from the General Commercial (GC) and General Business (GB) zoning districts to the General Business (GB) and Single Family Residential – 1 (R-1) zoning districts. According to the applicant's letter of intent, the purpose of the requested change is to allow for a mixed use subdivision with property fronting Broadway Street having a zoning designation of GB and a single family residential subdivision to the south zoned R-1.

PUBLIC NOTIFICATION: Public notices, comment forms, and a vicinity map were mailed to the applicant as well as property owners within 200 feet of the subject property under consideration for the zone change. Staff has not received any returned notices regarding the request.

PLANNING AND ZONING COMMISSION DISCUSSION: At the regular meeting of the Planning and Zoning Commission on November 17, 2014, Commissioner Mary Starr made a motion to approve the zone change request located at 6906 Broadway Street. The motion was seconded by Commissioner Derrick Reed. The motion passed 7-0.

STAFF RECOMMENDATION:

Staff recommends approval of the request to change the zoning of the approximately 2.743 acre site from GB and GC to GB and R-1 for the following reasons:

1. The change in zoning will result in conformance with the Comprehensive Plan, as the requested zoning of GB and R-1 complies with the Business Commercial Land Use Designation along Broadway and the Low Density Residential Land Use Designation adjacent to the south.
2. The subject parcel has frontage on Broadway, a major thoroughfare and is surrounded by residential on its southern portion. A zone change to GB along Broadway and R-1 to the south would be in compliance with the surrounding land uses and zoning designations.
3. The existing residential adjacency standards and the COD regulations will ensure that any proposed non-residential use has no major impact on any existing or future single family homes.
4. All requirements of the UDC will be met upon development of the site.

Ordinance No. 2000M-127

An ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas, for the purpose of changing the classification of certain real property, being 1.385 acres of land out of called 14.0513 acres of land, said 14.135 being all of Lots 9 and 12 and Part of Lot 7 of partition of the East $\frac{1}{2}$ of Northwest $\frac{1}{4}$ of Section 15, HT&B RR Co. Survey, A-241, Brazoria County, Texas and being the South 183.60 feet of Lot 8, and a portion of Lot 7 out of a called 14.0513 acre tract being all of Lots 9 and 12 and Part of Lot 7 of partition of the East $\frac{1}{2}$ of Northwest $\frac{1}{4}$ of Section 15, HT&B RR Co. Survey, A-241, Brazoria County, Texas. According to the Plat recorded in Vol. 441, Page 265 of the Deed Records of Brazoria County, Texas, located at **6906 Broadway Street**, Zone Change 2014-19Z, a request of Chad Thuman, applicant; on behalf of Wayne Thuman, owner; for approval of a change in zoning from the General Commercial (GC) and General Business (GB) zoning districts to the General Business (GB) and Single Family - 1 (R-1) zoning districts; on approximately 2.734 acres of land, providing for an amendment of the zoning district map; containing a savings clause, a severability clause, and an effective date and other provisions related to the subject.

WHEREAS, Chad Thuman, applicant; on behalf of Wayne Thuman, owner; is requesting approval of a change in zoning from General Commercial (GC) and General Business (GB) zoning districts to the General Business (GB) and Single Family - 1 (R-1) on approximately 2.734 acres of land; said property being legally described in the legal description attached hereto and made a part hereof for all purposes as Exhibit "A," and more graphically depicted in the vicinity map attached hereto and made a part hereof for all purposes as Exhibit "B," and

WHEREAS, on the 17th day of November, 2014, a Joint Public Hearing was held before the Planning and Zoning Commission and the City Council of the City of Pearland, Texas, notice being given by publication in the official newspaper of the City, the affidavit of publication being attached hereto and made a part hereof for all purposes as Exhibit "C," said call and notice being in strict conformity with provisions of Section 1.2.2.2 of Ordinance No. 2000T; and

WHEREAS, on the 17th day of November, 2014, the Planning and Zoning Commission submitted its report and recommendation to the City Council regarding the proposed zone change application of Chad Thuman, applicant; on behalf of Wayne Thuman, owner; for approval of a change in zoning from General Commercial (GC) and General Business (GB) zoning districts to the General Business (GB) and Single Family - 1 (R-1) on approximately 2.743 acres of land, said recommendation attached hereto and made a part hereof for all purposes as Exhibit "D"; and

WHEREAS, upon receipt of the report from the Planning and Zoning Commission, City Council considered this application and the recommendation of the Planning and Zoning Commission at regular meetings on the 8th day of December 2014 and the 15th day of December 2014; and

WHEREAS, the City Council having fully heard the testimony and argument of all interested parties, and having been fully advised in the premises, finds that in the case of the application of Chad Thuman, applicant; on behalf of Wayne Thuman, owner; for approval of a change in zoning from General Commercial (GC) and General Business (GB) zoning districts to the General Business (GB) and Single Family - 1 (R-1) on approximately 2.743 acres of land, presented which, in the judgment of the City Council, would justify the approval of said application; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

Section I. The following described property located within the corporate City Limits of the City of Pearland, Texas, and presently classified as General Commercial (GC) and General Business (GB), is hereby granted a change in zoning to General Business (GB) and Single Family - 1 (R-1), in accordance with all conditions and requirements of the current Unified Development Code and incorporated for all purposes, such property being more particularly described as:

LEGAL DESCRIPTION: Being 1.385 acres of land out of called 14.0513 acres of land, said 14.135 being all of Lots 9 and 12 and Part of Lot 7 of partition of the East ½ of Northwest ¼ of Section 15, HT&B RR Co. Survey, A-241, Brazoria County, Texas and being the South 183.60 feet of Lot 8, and a portion of Lot 7 out of a called 14.0513 acre tract being all of Lots 9 and 12 and Part of Lot 7 of partition of the East ½ of Northwest ¼ of Section 15, HT&B RR Co. Survey, A-241, Brazoria County, Texas. According to the Plat recorded in Vol. 441, Page 265 of the Deed Records of Brazoria County, Texas

GENERAL LOCATION: 6906 Broadway Street, Pearland, TX

Section II. The City Council of the City of Pearland finds and determines that the recitations in the preamble hereof are true and that all necessary prerequisites of law have been accomplished and that no valid protest of the proposed change has been made. The City Council further finds and determines that there has been compliance with the mandates of law in the posting and presentation of this matter to the Planning and Zoning Commission and to the City Council for consideration and decision.

Section III. The City Council of the City of Pearland finds and determines that the amendment adopted herein promotes the health, safety, and general welfare of the public and is a proper valid exercise of the City's police powers.

Section IV. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section V. All rights and remedies, which have accrued in the favor of the City under this Ordinance and its amendments thereto, shall be and are preserved for the benefit of the City.

Section VI. The City Secretary is hereby directed to cause to be prepared an amendment to the official Zoning District Map of the City, pursuant to the provisions of Section 2.3.2.2 of Ordinance No. 2000-M and consistent with the approval herein granted for the reclassification of the herein above described property

Section VII. This Ordinance shall become effective after its passage and approval on second and final reading.

PASSED, APPROVED, and ADOPTED on First Reading this 8th day of Decemberr, 2014.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

PASSED, APPROVED, and ADOPTED on Second and Final Reading this 15th day of December, 2014.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC

CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

Exhibit A
Legal Description

Being 1.385 acres of land out of called 14.0513 acres of land, said 14.135 being all of Lots 9 and 12 and Part of Lot 7 of partition of the East $\frac{1}{2}$ of Northwest $\frac{1}{4}$ of Section 15, HT&B RR Co. Survey, A-241, Brazoria County, Texas and being the South 183.60 feet of Lot 8, and a portion of Lot 7 out of a called 14.0513 acre tract being all of Lots 9 and 12 and Part of Lot 7 of partition of the East $\frac{1}{2}$ of Northwest $\frac{1}{4}$ of Section 15, HT&B RR Co. Survey, A-241, Brazoria County, Texas. According to the Plat recorded in Vol. 441, Page 265 of the Deed Records of Brazoria County, Texas

Exhibit B Vicinity Map



**Exhibit C
Legal Ad**

**NOTICE OF A JOINT PUBLIC HEARING
OF THE CITY COUNCIL**

AND

**THE PLANNING AND ZONING COMMISSION
OF THE CITY OF PEARLAND, TEXAS**

ZONE CHANGE APPLICATION NUMBER: 2014-19Z

Notice is hereby given that on November 17, 2014 at 6:30 p.m., the City Council and Planning and Zoning Commission of the City of Pearland, in Brazoria, Harris and Fort Bend Counties, Texas, will conduct a joint public hearing in the Council Chambers of City Hall, located at 3519 Liberty Drive, Pearland, Texas, at the request of Chad Thuman, applicant; on behalf of Wayne Thuman, owner; for approval of a change in zoning from the General Commercial (GC) and General Business (GB) zoning districts to the General Business (GB) and Single Family - 1 (R-1) zoning districts; on approximately 2.734 acres of land, to wit:

Being 1.385 acres of land out of called 14.0513 acres of land, said 14.135 being all of Lots 9 and 12 and Part of Lot 7 of partition of the East $\frac{1}{2}$ of Northwest $\frac{1}{4}$ of Section 15, HT&B RR Co. Survey, A-241, Brazoria County, Texas and being the South 183.60 feet of Lot 8, and a portion of Lot 7 out of a called 14.0513 acre tract being all of Lots 9 and 12 and Part of Lot 7 of partition of the East $\frac{1}{2}$ of Northwest $\frac{1}{4}$ of Section 15, HT&B RR Co. Survey, A-241, Brazoria County, Texas. According to the Plat recorded in Vol. 441, Page 265 of the Deed Records of Brazoria County, Texas.

General Location: 6906 Broadway Street, Pearland, TX

At said hearing, all interested parties shall have the right and opportunity to appear and be heard on the subject. For additional information, please contact the Planning Department at 281-652-1765.

Ian Clowes
Senior Planner

Exhibit D
Planning and Zoning Commission Recommendation Letter



Planning & Zoning Commission

Recommendation Letter

November 18, 2014

Honorable Mayor and City Council Members
3519 Liberty Drive
Pearland, TX 77581

Re: Recommendation on Zone Change Application No. 2014-19Z

Honorable Mayor and City Council Members:

At their regular meeting on November 17, 2014, the Planning and Zoning Commission considered the following:

A request Chad Thuman, applicant; on behalf of Wayne Thuman, owner; for approval of a change in zoning from the General Commercial (GC) and General Business (GB) zoning districts to the General Business (GB) and Single Family - 1 (R-1) zoning districts; on approximately 2.734 acres of land, on the following described property:

LEGAL DESCRIPTION: Being 1.385 acres of land out of called 14.0513 acres of land, said 14.135 being all of Lots 9 and 12 and Part of Lot 7 of partition of the East $\frac{1}{2}$ of Northwest $\frac{1}{4}$ of Section 15, HT&B RR Co. Survey, A-241, Brazoria County, Texas and being the South 183.60 feet of Lot 8, and a portion of Lot 7 out of a called 14.0513 acre tract being all of Lots 9 and 12 and Part of Lot 7 of partition of the East $\frac{1}{2}$ of Northwest $\frac{1}{4}$ of Section 15, HT&B RR Co. Survey, A-

241, Brazoria County, Texas. According to the Plat recorded in Vol. 441, Page 265 of the Deed Records of Brazoria County, Texas.

GENERAL LOCATION: 6906 Broadway Street, Pearland, TX

P&Z Commissioner Mary Starr made a motion to recommend approval of the Zone Change request. The motion was seconded by P&Z Commissioner Derrick Reed. The vote was 7-0 and the motion was approved. Commissioners Reed, Starr, McLane, McFadden, Fuentes, Tunstall, and Duncan all voted in favor of the requested zone change.

Sincerely,



Ian Clowes
Senior Planner
On behalf of the Planning and Zoning Commission



JOINT PUBLIC HEARING
THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF
THE CITY OF PEARLAND, TEXAS,
MONDAY, NOVEMBER 17, 2014, AT 6:30 P.M.
COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

I. CALL TO ORDER

II. PURPOSE OF HEARING

Zone Change Application No. 2014-19Z

A request of Chad Thumann, applicant; on behalf of Wayne Thumann, owner; for approval of a change in zoning from the General Commercial (GC) and General Business (GB) zoning districts to the General Business (GB) and Single Family - 1 (R-1) zoning districts; on approximately 2.734 acres of land, to wit:

Legal Description: Being 1.385 acres of land out of called 14.0513 acres of land, said 14.135 being all of Lots 9 and 12 and Part of Lot 7 of partition of the East $\frac{1}{2}$ of Northwest $\frac{1}{4}$ of Section 15, HT&B RR Co. Survey, A-241, Brazoria County, Texas and being the South 183.60 feet of Lot 8, and a portion of Lot 7 out of a called 14.0513 acre tract being all of Lots 9 and 12 and Part of Lot 7 of partition of the East $\frac{1}{2}$ of Northwest $\frac{1}{4}$ of Section 15, HT&B RR Co. Survey, A-241, Brazoria County, Texas. According to the Plat recorded in Vol. 441, Page 265 of the Deed Records of Brazoria County, Texas

General Location: 6906 Broadway Street, Pearland, TX

III. APPLICATION INFORMATION AND CASE SUMMARY

- A. STAFF REPORT
- B. APPLICANT PRESENTATION
- C. STAFF WRAP UP

IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

This site is accessible to disabled individuals. For special assistance, please call Young Lorfing, City Secretary, at 281-652-1655 prior to the meeting so that appropriate arrangements can be made.



Memo

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: November 17, 2014

Re: Zone Change Application Number 2014-19Z

A request of Chad Thuman, applicant; on behalf of Wayne Thuman, owner; for approval of a change in zoning from the General Commercial (GC) and General Business (GB) zoning districts to the General Business (GB) and Single Family - 1 (R-1) zoning districts; on approximately 2.734 acres of land, located at 6906 Broadway Street, Pearland, TX

Proposal

The subject property includes approximately 2.743 acres of land, of which the applicant is requesting a change in zoning from the General Commercial (GC) and General Business (GB) zoning districts to the General Business (GB) and Single Family Residential – 1 (R-1) zoning districts. According to the applicant's letter of intent, the purpose of the requested change is to allow for a mixed use subdivision with property fronting Broadway Street having a zoning designation of GB and a single family residential subdivision to the south zoned R-1.

Public Notification/Comment

Staff sent public notices, comment forms and a vicinity map to the applicant, owner of the property, and to property owners within 200 feet of the site. Additionally, a legal notice of public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant.

As of the date of this writing, staff has not received any returned notices from property owners within 200 feet of the site in favor or in opposition to the request.

Recommendation

Staff recommends approval of the request to change the zoning of the approximately 2.743 acre site from GB and GC to GB and R-1 for the following reasons:

1. The change in zoning will result in conformance with the Comprehensive Plan, as the requested zoning of GB and R-1 complies with the Business Commercial Land Use Designation along Broadway and the Low Density Residential Land Use Designation adjacent to the south.
2. The subject parcel has frontage on Broadway, a major thoroughfare and is surrounded by residential on its southern portion. A zone change to GB along Broadway and R-1 to the south would be in compliance with the surrounding land uses and zoning designations.
3. The existing residential adjacency standards and the COD regulations will ensure that any proposed non-residential use has no major impact on any existing or future single family homes.
4. All requirements of the UDC will be met upon development of the site.

Exhibits

1. Staff Report
2. Aerial Map
3. Zoning Map
4. Future Land Use Map
5. Notification Map
6. Notification List
7. Applicant Packet



Exhibit 1 Staff Report

Summary of Request

The subject property includes approximately 2.743 acres of land, of which the applicant is requesting a change in zoning from the General Business (GB) and General Commercial (GC) zoning districts to the General Business (GB) and Single Family Residential – 1 (R-1) zoning districts. According to the applicant’s letter of intent, the purpose of the requested change is to allow for a mixed use subdivision with property fronting Broadway Street having a zoning designation of GB and a single family residential subdivision to the south zoned R-1.

Site History

The subject property includes a total of 16.55 acres of mostly undeveloped land. Approximately 2.5 acres of land fronting on Broadway recently was utilized as a landscaping business. All existing structures on site will be removed prior to further development.

The site is surrounded by commercial zoning (GB and GC) to the north, northwest and east, with R-1 abutting the property to the south and southeast. Across Broadway, to the north, are developed commercial parcels with existing auto repair, commercial retail, and medical offices.

The below table identifies surrounding uses and zoning districts:

	Zoning	Land Use
North	General Business (GB), General Commercial (GC)	General Retail, Auto Repair, Medical Office
South	Single Family Residential -1 (R-1)	Undeveloped Residential
East	General Business (GB)	Undeveloped Commercial
West	General Business (GB), Single Family Residential – 1 (R-1)	Air Strip, Dry Cleaners, Single Family Subdivision

Conformance with the Unified Development Code

The property is currently undeveloped with a small portion along Broadway previously being used for a landscaping business. The proposed site dimensions of 320 feet by 573 feet exceed the requirements of the GB and R-1 zones. All other requirements of the UDC will need to be met upon development of the site including the requirements of the Corridor Overlay District.

A comparison of the existing GB and GC zones and the proposed R-1 and GB zoning districts follow as it relates to the site in terms of the general regulations:

		R-1 Zoning District Requirements	GB/GC Zoning Requirements	Site
Minimum Area	Lot	8,800 square feet	22,500 square feet	119,354 square feet (2.743 acres)
Minimum Width	Lot	80 feet	150 feet	320 feet
Minimum Depth	Lot	90 feet	125 feet	573 feet
Minimum Front Yard	Front	25 feet	25 feet	25 feet (30 feet if parking is up front)
Minimum Side Yard	Side	7.5 feet	10 feet	10 feet/25 feet (where adjacent to residential)
Minimum Rear Yard	Rear	20 feet	25 feet	20 feet in R-1, 25 feet in GB
Residential Adjacency		N/A	30 foot with hedge or 25 foot with masonry wall	30 foot with hedge or 25 foot with masonry wall (where applicable)

Conformance with the Comprehensive Plan

The proposed change in zoning from GB and GC to R-1 and GB on the subject property is in conformance with the future land use designation of the Comprehensive Plan which is "Business Commercial." Property adjacent to the south has a land use designation of "Low Density Residential," which is in compliance with the proposed R-1 zone change adjacent to the north.

Conformance with the Thoroughfare Plan

The property has frontage on Broadway Street; a major thoroughfare of sufficient width which requires 120 feet of right-of-way. A road, constructed to city standards, will be built by the developer in order to access the residential subdivision to the south. The proposed road will require a minimum right-of-way of 50 feet.

Platting Status

The property has not been platted. A Preliminary and Final plat will be required prior to the issuance of any building permits for the site.

Availability of Utilities

The subject property has access to public infrastructure. According to GIS records, there is an existing 16 inch water line on the south side of Broadway. Additionally, there is an existing 8 inch sewer line along the south side of Broadway. At the time of development, the developer will be required to tap into the provided services and payment of impact fees will be required.

Impact on Existing and Future Development

The GB zone is considered to be appropriate for this section of Broadway due to the existing surrounding uses. The subject property to the south, to be zoned R-1 will be in conformance with the existing R-1 property that is adjacent to it on the south, east and west. The applicant is proposing to construct a road with direct access to Broadway for the residential portion of the property. The lots fronting Broadway will be developed as commercial outparcels, with a 29 lot single family subdivision to the south. The proposed plan is in conformance with the surrounding land uses and is not anticipated to have a negative impact on the general area.

Additional Comments

The request has been reviewed by the City's Development Review Committee (DRC), and there were no additional comments from other departments at the time of this report.

Public Notification

Staff sent public notices, comment forms and a vicinity map to the applicant, the owner of the property and to property owners within 200 feet of the subject property under consideration for the zone change. Additionally, a legal notice of the public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant.

Opposition to or Support of Proposed Request

As of the date of this writing, staff has not received any comments either in opposition to or in support of the proposed change in zoning request.

Recommendation

Staff recommends approval of the request to change the zoning of the approximately 2.743 acre site from GB and GC to GB and R-1 for the following reasons:

1. The change in zoning will result in conformance with the Comprehensive Plan, as the requested zoning of GB and R-1 complies with the Business Commercial Land Use Designation along Broadway and the Low Density Residential Land Use Designation adjacent to the south.
2. The subject parcel has frontage on Broadway, a major thoroughfare and is surrounded by residential on its southern portion. A zone change to GB along Broadway and R-1 to the south would be in compliance with the surrounding land uses and zoning designations.
3. The existing residential adjacency standards and the COD regulations will ensure that any proposed non-residential use has no major impact on any existing or future single family homes.
4. All requirements of the UDC will be met upon development of the site.

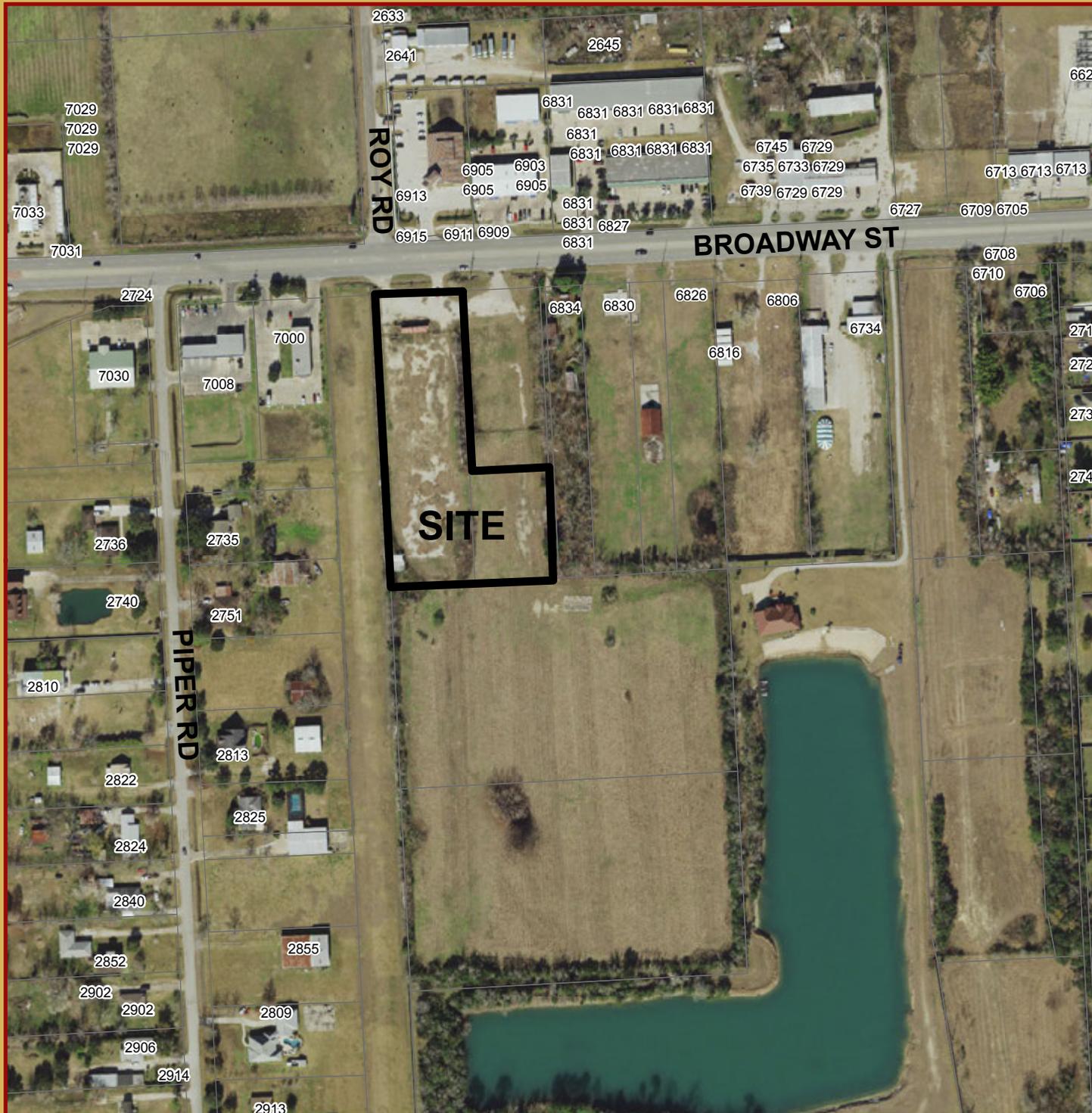


Exhibit 2

AERIAL MAP

Zone Change 2014-19Z

6906 Broadway St.



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 283 feet

OCTOBER 2014
PLANNING DEPARTMENT



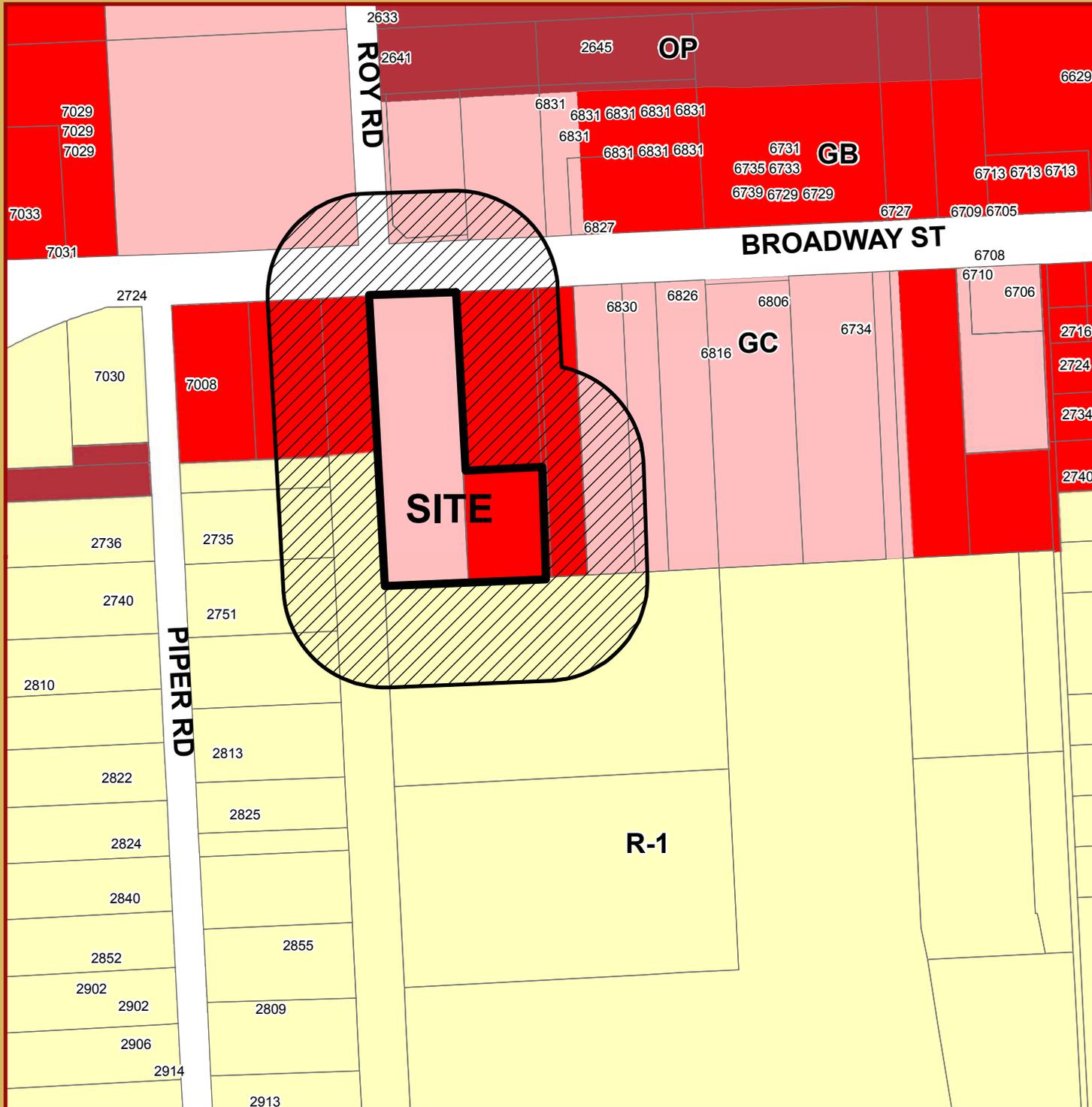


Exhibit 5

NOTIFICATION MAP

Zone Change 2014-19Z

6906 Broadway St.



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 283 feet

OCTOBER 2014
PLANNING DEPARTMENT



Exhibit 6**Zone Change 2014-19Z****Notification List**

Owner	Address	City	State	Zip
II CB LP % ELLIS MANAGEMENT	2825 WILCREST DR STE 300	HOUSTON	TX	77042
DAVID V BLOCK INVESTMENTS LLC	3500 DALROCK RD	ROWLETT	TX	75088
SCHANK SYBIL M	2751 PIPER RD	PEARLAND	TX	77584
PEARLAND DENTAL LABORTARY	PO BOX 740	PEARLAND	TX	77588
ADAMS FRANCES P FAMILY INT				
PARTNERSHIP LTD	3305 CHURCHILL ST	PEARLAND	TX	77581
PILGRIM WEST LLC	7600 JOPLIN ST	HOUSTON	TX	77087
SKYWAY MANOR AIRCRAFT OWNR	2913 PIPER RD	PEARLAND	TX	77584
K & T DRYCLEAN CORPORATION	7000 BROADWAY ST	PEARLAND	TX	77581
WEBSTER MYRTLE LEE	3901 BLUEBIRD WAY	PEARLAND	TX	77584
RODRIGUEZ ANA E & ESTEBAN V	PO BOX 84110	PEARLAND	TX	77584
PATSCHKE ALLEN G ET UX	16911 COUNTY ROAD 831	PEARLAND	TX	77584



APPLICATION FOR A CHANGE IN ZONING

City of Pearland
Community Development
3523 Liberty Drive
(Community Center)
Pearland, Texas 77581
281-652-1765
281-652-1702 fax
www.cityofpearland.com



Current Zoning District: GC + GB

Proposed Zoning District: Parcel R1 + GB

Property Information:

Address or General Location of Property: 6906 Broadway

Tax Account No. 166334 + 166324

Subdivision: MAHANAY Lot: 7+8 Block: 1241 HT+B 15

A complete application must include all information shown on the Application Checklist attached to this application.

PROPERTY OWNER INFORMATION:

NAME WAYNE THOMANN
ADDRESS 3823 FM 1128
CITY PEARLAND STATE TX ZIP 77584
PHONE (281) 914-5202
FAX () _____
E-MAIL ADDRESS Chad@rwestdevelopment.com

APPLICANT/AGENT INFORMATION:

NAME CHAD THOMANN
ADDRESS 3823 FM 1128
CITY PEARLAND STATE TX ZIP 77584
PHONE (281) 914-5202
FAX () _____
E-MAIL ADDRESS Chad@rwestdevelopment.com

*Property owner must be the current owner of the property at the time of submittal of the application, and not the party that has the property under contract.

As owner and applicant, I hereby request approval of the above described request as provided for by the Unified Development Code of the City of Pearland.

Owner's Signature: Wayne Thomann Date: 9-15-14

Agent's/Applicant's Signature: Chad Thomann Date: 9-15-14

OFFICE USE ONLY:

FEE PAID: \$ <u>800.00</u>	DATE PAID: <u>15 Sept. 14</u>	RECEIVED BY: <u>JM</u>	RECEIPT NUMBER: <u>361847</u>
----------------------------	-------------------------------	------------------------	-------------------------------

Application No. 2014-197

APPLICATION CHECKLIST FOR THE FOLLOWING

- **Zone Changes**
- **Planned Development Districts (PD)**

- Application, filled out completely, and signed by the owner of the property to be considered for the conditional use permit.
- If the applicant is the designated agent, the application shall include a written statement from the property owner authorizing the agent to file the application on his behalf. **Section 1.2.1.1 (a) of the Unified Development Code.**
- Metes and Bounds Description, (Survey, or a Plat of the property that provides or contains the metes and bounds description).
- Parcel map, printed from the City of Pearland website, indicating the location and boundaries of the subject property.
- Letter of Intent, explaining the zone change request in detail and why the zoning is being requested to be changed, and state the uses being proposed

*Letter of Intent is not required for a PD.

- Application fee, as determined below, by cash, check made payable to the City of Pearland, or credit card (Visa and MasterCard only)
 - **Zero (0) to less than 25 acres:**
 - \$ 750.00, plus \$25.00 per each type of zoning district requested; or
 - \$ 800.00 if requesting a Planned Development (PD)
 - **25 to less than 50 acres:**
 - \$ 800.00, plus \$25.00 per each type of zoning district requested; or
 - \$ 850.00 if requesting a Planned Development (PD)
 - **50 to less than 75 acres:**
 - \$ 850.00, plus \$25.00 per each type of zoning district requested; or
 - \$ 900.00 if requesting a Planned Development (PD)
 - **75 to less than 100 acres:**
 - \$ 900.00, plus \$25.00 per each type of zoning district requested; or
 - \$ 950.00 if requesting a Planned Development (PD)
 - **100 acres and above:**
 - \$ 9450.00, plus \$25.00 per each type of zoning district requested; or
 - \$ 1000.00 if requesting a Planned Development (PD)

- For PD's Only: the proposed PD document in electronic form by date of application (either emailed or on a CD) (see PD Format for guidelines on how to prepare the PD).

- Acknowledgement of the sign to be posted on the property 10 days prior to the public hearing.
- Provide evidence or proof that all taxes and obligations have been paid regarding the subject property.
- Application packets that are not **complete** will not be accepted. **When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, it may be necessary to postpone the proposed CUP/Zone Change and remove it from the scheduled agenda and place it on a future agenda date according to Section 1.2.1.2. of the Unified Development Code.**

Additional Information:

- Upon making an application for a zoning change or conditional use permit, the applicant shall place sign(s) as required. The City shall inspect such sign(s) to ensure compliance as required by the UDC.
- After the zoning change or conditional use permit request is approved by the City Council, denied by the City Council, or withdrawn by the applicant, the applicant shall remove the sign from the area of the request within ten (10) days of such event.
- It shall be unlawful for anyone to remove, destroy, deface or obstruct the view of a sign which gives notice that a zoning change or conditional use permit has been requested.
- In the event the applicant shall fail to erect and/or maintain signs in accordance with this section, then the public hearing before the Planning and Zoning Commission/City Council shall be postponed to a date in the future, which would allow time for compliance.
- The erection of any sign required by this section shall not require a permit under Section 4.1.2.6 of this UDC.
- The owner or applicant shall promptly notify the Planning Department of any sign required by this section, which becomes lost, stolen or vandalized. The Planning and Zoning Commission shall have the power to decide whether or not there has been substantial compliance with the posting requirements in the case of lost, stolen or vandalized signs.

**POSTING OF ZONING NOTIFICATION SIGNS
ON PROPERTY UNDER CONSIDERATION
FOR A ZONE CHANGE (OR CONDITIONAL USE PERMIT)**

Any person, firm or corporation requesting a zoning change, a conditional use permit (CUP), or a variance shall be required to erect and maintain a sign(s), to be inspected by the City, upon the property for which a variance or zoning change has been requested.

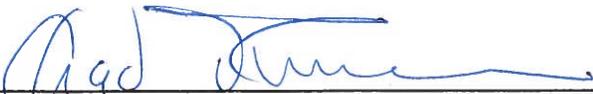
Such sign(s) shall be located as follows:

- (1) One (1) sign per street frontage shall be located within thirty feet (30') of the abutting street, or as determined by the City.
- (2) So as to be clearly visible and readable from the public right-of-way and not obstructed in any manner.
- (3) So as not to create a hazard to traffic on the public rights-of-way abutting the property.
- (4) On the subject property at least ten (10) days prior to the hearing of such zoning change request by the Planning and Zoning Commission, and to remain continuously on said property until final action by the City Council or withdrawal of the case by the applicant. Removal of the sign by the applicant prior to a recommendation by the Planning and Zoning Commission and/or a final decision by the City Council shall constitute a withdrawal of the request.
- (5) The signs shall be as follows:
 - A minimum sign size of 2 feet by 3 feet, but no larger than 4 feet by 4 feet
 - At least 2 feet above the ground
 - Blue or black lettering that is a minimum of 3 inches by 1/2 inch, on a white background
 - Message content as follows:

PROPOSED (SPECIFY REQUEST)
Contact City of Pearland
281-652-1765

***Signs must be professionally made; handwritten signs are not allowed.**

***Signs must be freestanding and cannot be attached to a tree, fence, or building.**



Acknowledgement signature

9-24-14
Date

ZONE CHANGE/ VARIANCE/ PLAT/ RECORDATION

(circle one)
\$ 200 **BA** or **PF** or **FE**

Description: Input who the check is from

COMMENTS/DESCRIPTION (F10):

Location or Address 6906 Broadway

Applicant Chad Thumann

Owner Wayne Thumann

City of Pearland Building Permits
3519 Liberty Dr
Pearland, TX 77581
Telephone: 281-652-1638

*** SALES SLIP ***

Oper: AGONZALES Type: OC Drawer: 1
Date: 9/24/14 01 Receipt no: 361847
Seq no. 3598589
Merch ID #: 0002
Cross ref#: 762993

Card no: *****4555
Card type: DISCOVER CARD

Auth code: 02439B
Date: 9/24/14 Time: 14:00:00

Payment total: \$800.00

CARDHOLDER ACKNOWLEDGES RECEIPT OF GOODS AND/OR SERVICES IN THE AMOUNT OF THE TOTAL SHOWN HEREON AND AGREES TO PERFORM THE OBLIGATIONS SET FORTH IN THE CARDHOLDER'S AGREEMENT WITH THE ISSUER.

Signatures: CHAD A. THUMANN

CUSTOMER COPY

CITY OF PEARLAND
*** CUSTOMER RECEIPT ***
Oper: AGONZALES Type: OC Drawer: 1
Date: 9/24/14 01 Receipt no: 361847
Description Quantity Amount
BA BOARD OF ADJUSTMENTS 1.00 \$800.00
Trans number: 4604291
BOARD OF ADJ FOR:
6906 BROADWAY
CHAD THUMANN FOR WAYNE THUMANN
Tender detail
BR CREDIT CARD \$800.00
Total tendered \$800.00
Total payment \$800.00
Trans date: 9/24/14 Time: 14:00:00

Wayne Thumann
3823 FM 1128
Pearland, TX 77584

9-15-14

City of Pearland P&Z
Ian Clowes
3523 Liberty Dr
Pearland, TX 77584

Re: 6906 Broadway Zoning

MR Clowes,

In Regards to 6906 Broadway (Bacd properties 166334 and 166324), I would like to designate Chad Thumann to act on my behalf as acting agent in all matters concerning zoning.

Please process our application and put us on the next P&Z zoning agenda. Feel free to contact me with any concerns or questions.

Best Regards,



Wayne Thumann

9-15-14

City of Pearland P&Z
Ian Clowes
3523 Liberty Dr
Pearland, TX 77584

Re: 6906 Broadway Zoning

MR Clowes,

In Regards to 6906 Broadway (Bacd properties 166334 and 166324), we would like to request a zone change. We would like to have the front of the property zoned as GB to accommodate future commercial property. We would also like to have the rear of the property zoned to R1 to accommodate single family dwellings (see attached subdivision layout).

We would also like to request a variance on the commercial lot width. Our proposed commercial lot widths would be 135ft instead of the required 150ft.

Please process our application and put us on the next P&Z zoning agenda. Feel free to contact me with any concerns or questions.

Best Regards,



Chad Thumann

LEGEND * ITEMS THAT MAY APPEAR IN *
DRAWING BELOW

M.U.E. = MUNICIPAL UTILITY EASEMENT
 U.E. = UTILITY EASEMENT
 A.E. = AERIAL EASEMENT
 D.E. = DRAINAGE EASEMENT
 S.S.E. = SANITARY SEWER EASEMENT
 S.W.E. = STORM SEWER EASEMENT
 W.L.E. = WATER LINE EASEMENT

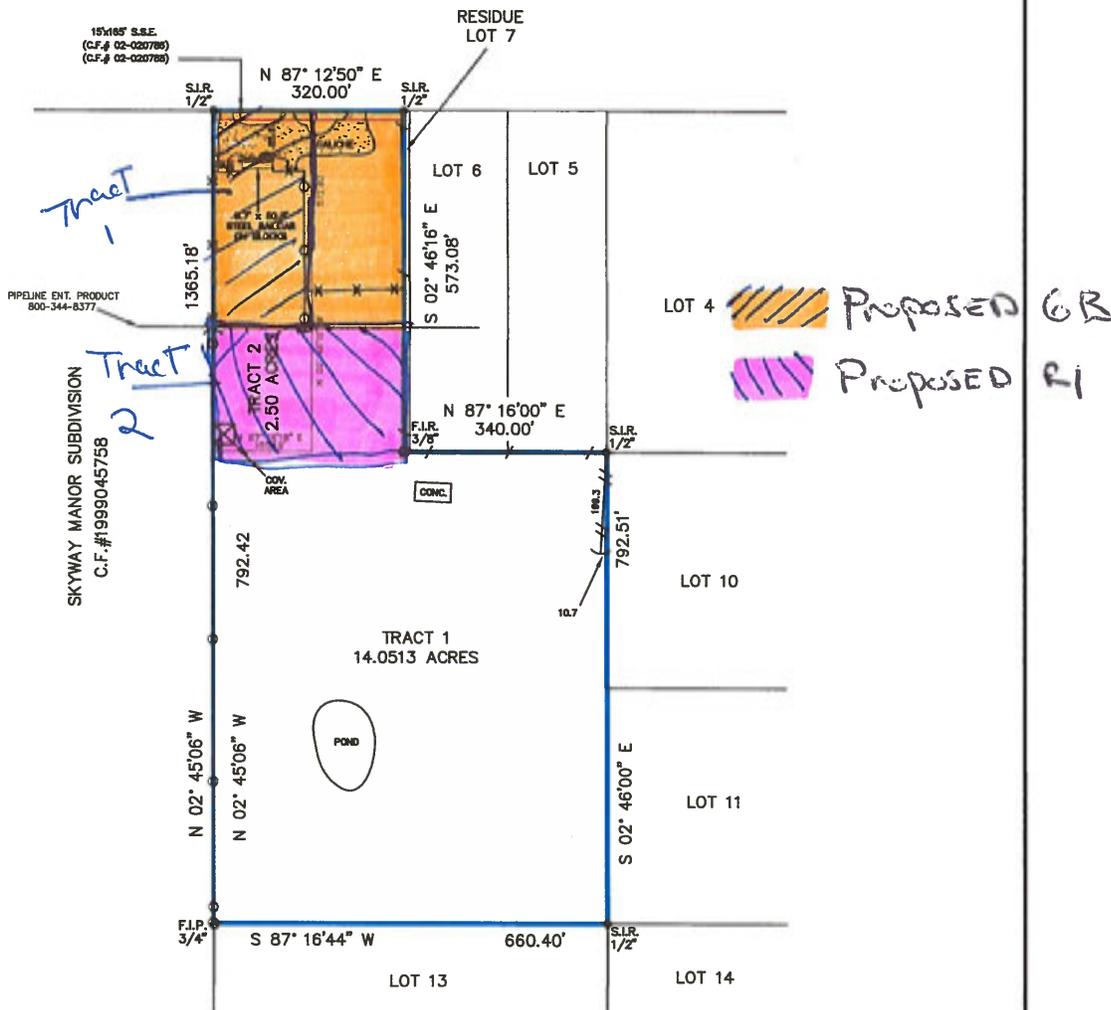
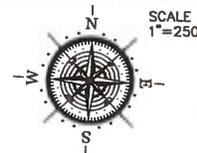
F.I.R. = FOUND IRON ROD
 F.I.P. = FOUND IRON PIPE
 S.I.R. = SET IRON ROD
 W.P. = WOODEN POST
 M.P. = METAL POST
 C.F.# = CLERK'S FILE NUMBER
 P.O.C. = POINT OF COMMENCING
 P.O.B. = POINT OF BEGINNING
 B.L. = BUILDING LINE
 F.M. = FOUND
 S.F. = SET

P.A.E. = PERMANENT ACCESS EASEMENT
 P.U.E. = PUBLIC UTILITY EASEMENT
 W.E. = WATER & SEWER EASEMENT
 E.E. = ELECTRIC EASEMENT
 P.C. = POINT OF CURVATURE
 P.T. = POINT OF TANGENCY
 P.R.C. = POINT OF REVERSE CURVATURE
 P.C.C. = POINT OF COMPOUND CURVATURE
 P.P. = POWER POLE
 S.F.M.F. = SEARCHED FOR, NOT FOUND
 U.T.S. = UNABLE TO SET

⊙ CONTROL MONUMENT
 ——— PROPERTY LINE
 ——— EASEMENT LINE
 ——— BUILDING SETBACK LINE
 ——— BUILDING WALL

— / — WOODEN FENCE
 — X — CHAIN LINK FENCE
 ○ SHEET METAL FENCE
 — V — WIRE FENCE
 — V — VINYL FENCE

6906 BROADWAY
 F.M. 518



Reviewed & Accepted by: _____ Date _____ / _____ / _____ Date _____

NOTES:
 - BEARING BASIS: C.F.# 09-044577
 - SUBJECT TO ANY AND ALL RECORDED AND UNRECORDED EASEMENTS
 - SURVEYOR HAS NOT INDEPENDENTLY ABSTRACTED PROPERTY
 - UNDERGROUND UTILITY INSTALLATIONS, UNDERGROUND IMPROVEMENTS, FOUNDATIONS AND/OR OTHER UNDERGROUND STRUCTURES WERE NOT LOCATED BY THIS SURVEY
 - THIS SURVEY IS CERTIFIED FOR THIS TRANSACTION ONLY, IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS
 - SUBJECT TO RESTRICTIVE COVENANTS AS PER TITLE COMMITMENT
 - SUBJECT TO ZONING AND BUILDING ORDINANCES ENFORCED BY LOCAL MUNICIPALITIES
 - A PIPELINE EASEMENT TO HOUSTON PIPE LINE COMPANY WAS FILED IN VOL. 381, PG. 98, D.R.B.C. (SIZE NOT GIVEN), SAID EASEMENT WAS PARTIALLY RELEASED BY VOL. 1285, PG. 213, D.R.B.C.

LEGAL DESCRIPTION
 TRACT 1: 14.0513 ACRES OF LAND, BEING ALL OF LOTS 9 & 12 AND PART OF LOT 7 OF THE PARTITION OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 15, H.T.88, R.R. CO. SURVEY, A-241, BRAZORIA COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOL. 441, PG. 285 OF THE DEED RECORDS OF BRAZORIA COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED IN METES AND BOUNDS AS ATTACHED
 TRACT 2: LOT 8, CONTAINING 2.50 ACRES, OUT OF THE T.P. MAHANAY 80 ACRE TRACT, BEING THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 15, H.T.88, R.R. CO. SURVEY, A-241, BRAZORIA COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOL. 441, PG. 285 OF THE DEED RECORDS OF BRAZORIA COUNTY, TEXAS.

CLIENT CHAD THUMANN **ADDRESS** 6906 BROADWAY



I DO HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON (OR ON ATTACHED SHEET), AND THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN, AND WAS DONE BY ME OR UNDER MY SUPERVISION, AND CONFORMS TO OR EXCEEDS THE CURRENT STANDARDS AS ADOPTED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING.

JOB # 1403234
DATE 03/27/2014
GF# 1900581-H109

PRO-SURV
 P.O. BOX 1366, FRIENDSWOOD, TX 77549
 PHONE- 281-996-1113 FAX - 281-996-0112
 EMAIL: orders@prosurv.net

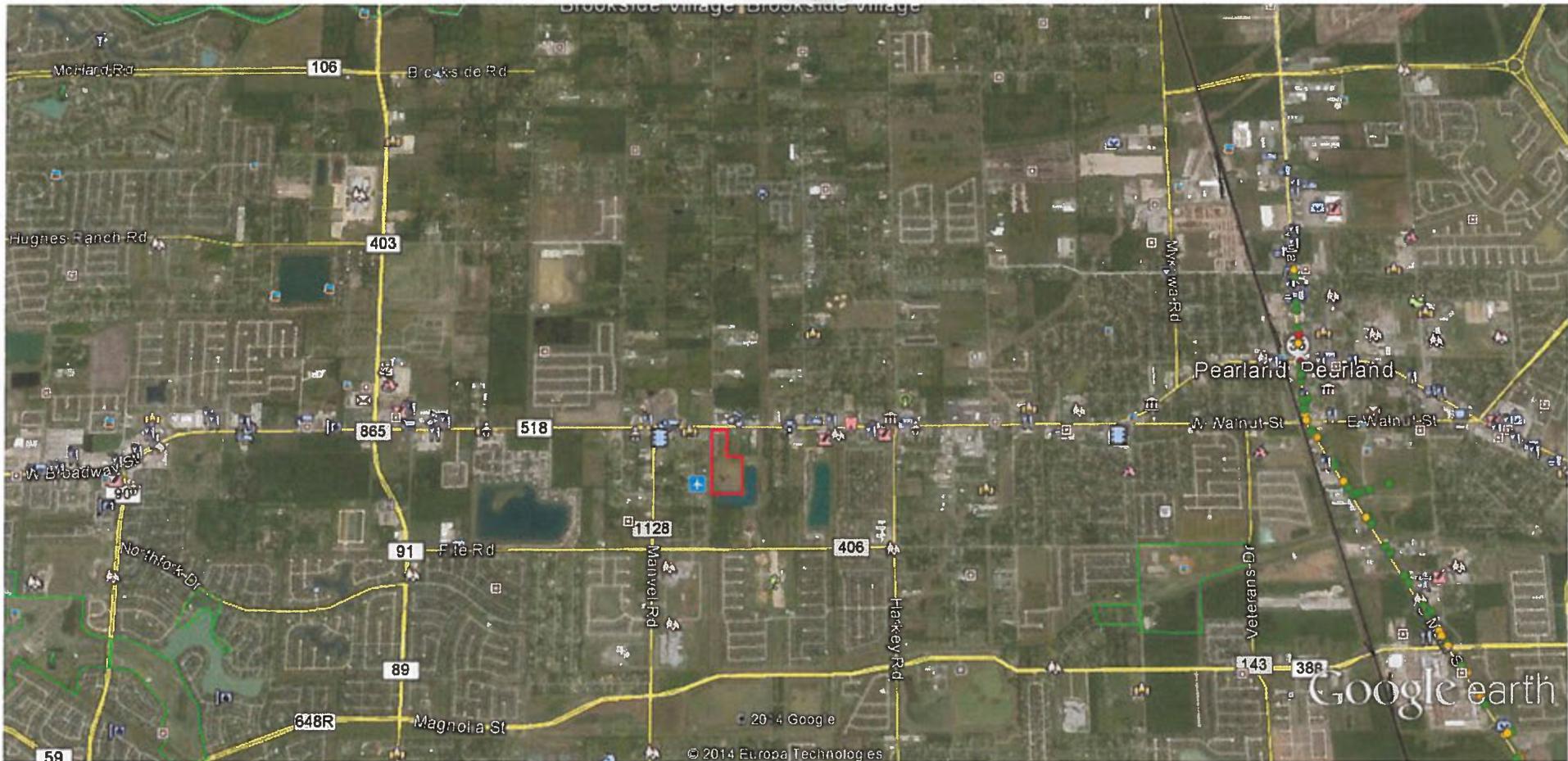
ONLY SURVEY MAPS WITH THE SURVEYOR'S ORIGINAL SIGNATURE ARE GENUINE TRUE AND CORRECT COPIES OF THE SURVEYOR'S ORIGINAL WORK AND OPINION.
 ©2014 PRO-SURV - ALL RIGHTS RESERVED



Google earth

feet
meters

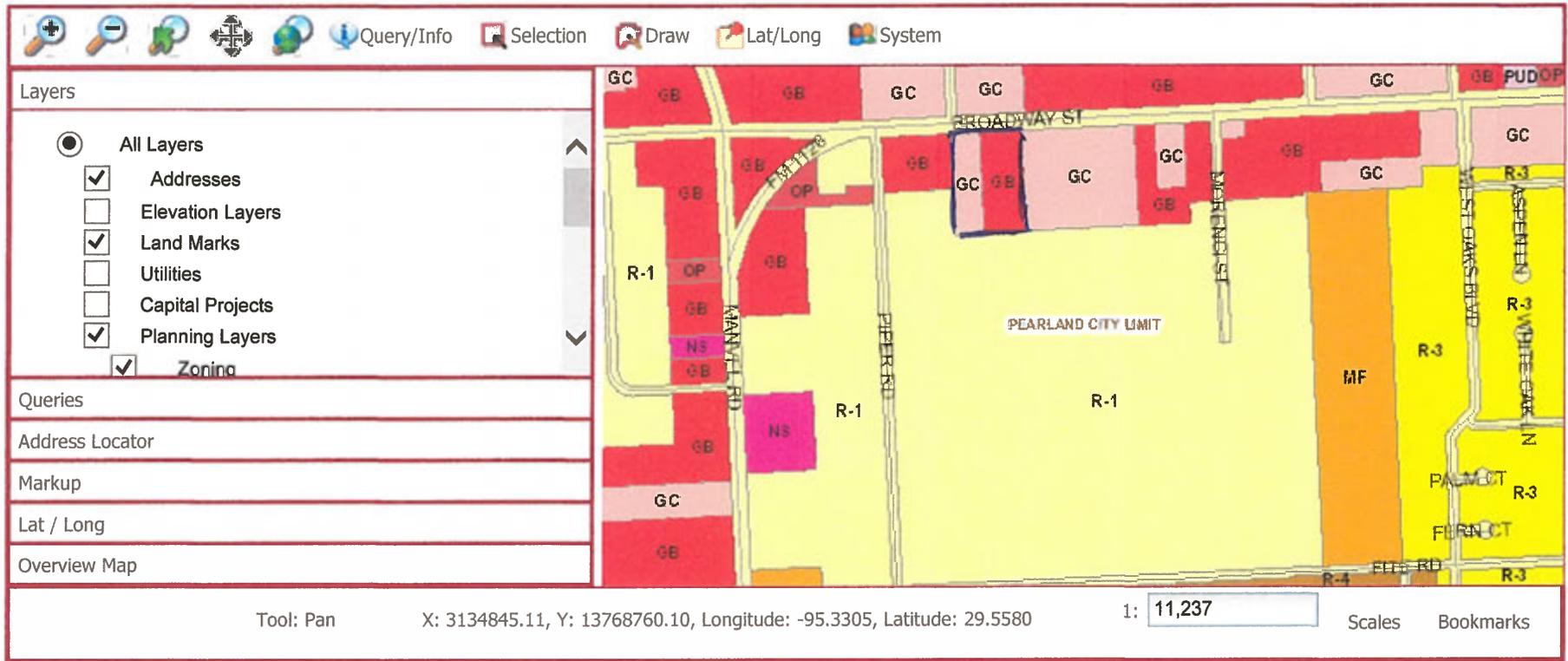




Google earth

miles
km





2013 TAX STATEMENT



RO'VIN GARRETT, PCC
 BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
 111 E. LOCUST
 ANGLETON, TEXAS 77515

Certified Owner:
 THUMANN WAYNE
 4002 QUAIL RUN DR
 PEARLAND, TX 77584

Legal Description:
 MAHANAY LT 7 241 H T & B 15, ACRES 2.039

Account No: 0241-0014-000

Appr. Dist. No.: 166324

Legal Acres: 2.0390

Parcel Address: 6906 BROADWAY FM 518

As of Date: 09/16/2014

Print Date: 09/16/2014

Market Value		Appraised Value	Assessed Value	Capped Value	Homesite Value	Agricultural Market Value	Non-Qualifying Value
Land	Improvement						
\$261,290	\$1,170	\$262,460	\$262,460	\$0	\$0	\$0	\$262,460

Taxing Unit	Assessed Value (100%)	Exemptions		Taxable Value	Tax Rate	Tax
		Code	Amount			
BRAZORIA COUNTY <i>Amount saved by additional sales tax revenue \$248.08</i>	\$262,460		\$0.00	\$262,460	0.4320200	\$1,133.88
SPECIAL ROAD & BRIDGE	\$262,460		\$0.00	\$262,460	0.0600000	\$157.48
PEARLAND ISD	\$262,460		\$0.00	\$262,460	1.4157000	\$3,715.65
BRAZORIA DRAINAGE DIST 4	\$262,460		\$0.00	\$262,460	0.1560000	\$409.44
CITY OF PEARLAND	\$262,460		\$0.00	\$262,460	0.7051000	\$1,850.61

Total Tax: \$7,267.06
Total Tax Paid to date: \$7,267.06
Total Tax Remaining: \$0.00

Exemptions:

AMOUNT DUE IF PAID BY THE END OF:

SEP 2014 20%	OCT 2014 21%	NOV 2014 22%	DEC 2014 23%	JAN 2015 24%	FEB 2015 25%
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
MAR 2015 26%	APR 2015 27%	MAY 2015 28%	JUN 2015 29%	JUL 2015 30%	AUG 2015 31%
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

School Information:

PEARLAND ISD 2013 M&O 1.0400000 I&S .37570000 Total 1.4157000 2012 M&O 1.0400000 I&S .37940000 Total 1.4194000

PLEASE CUT AT THE DOTTED LINE AND RETURN THIS PORTION WITH YOUR PAYMENT.

4.1.51

Print Date: 09/16/2014

PLEASE NOTE YOUR ACCOUNT NUMBER ON YOUR CHECK AND MAKE CHECKS PAYABLE TO:

RO'VIN GARRETT, PCC
 BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
 111 E. LOCUST
 ANGLETON, TEXAS 77515
 (979) 864-1320, (979) 388-1320, (281) 756-1320



* 0 2 4 1 0 0 1 4 0 0 0 *

0241-0014-000
 THUMANN WAYNE
 4002 QUAIL RUN DR
 PEARLAND, TX 77584

AMOUNT PAID:

\$ _____

02410014000 2013 092014 00000000000 00000000000 00000000000 3

FIELD NOTES

TRACT 1:
PROPOSED GB ZONING (1.385 ACRES)

1.385 acres of land out of a called 14.0513 acres of land, said 14.135 acres being all of Lots 9 & 12 and Part of Lot 7 of partition of the East 1/2 of the Northwest 1/4 of Section 15, HT&B RR Co. Survey, A-241, Brazoria County, Texas, according to the Plat recorded in Vol. 441, Page 265 of the Deed Records of Brazoria County, Texas, and said 1.385 acres being more particularly described as follows:

BEGINNING at a found 3/4 inch iron pipe for the Southwest corner of said Lot 12 and the Southwest corner of the herein described tract;

THENCE N 02 deg. 45 min. 06 sec. W along the West lines of Lot 12 and 9 a distance of 792.42 feet to a point for the Northwest corner of Lot 9;

THENCE N 87 deg. 16 min. 16 sec. E along the North line of Lot 9 and the South line of Lot 8 a distance of 165.19 feet to a point for the Southwest corner of Lot 7;

THENCE N 02 deg. 46 min. 16 sec. W along the West line of Lot 7 a distance of 183.67 feet to the POINT OF BEGINNING of the herein described proposed 1.385 acre tract to be rezoned GB1;

THENCE continuing along said line of Lot 7, a distance of 389.25 feet to a point for corner in the South R.O.W. line of Broadway (F.M. 518);

THENCE N 87 deg. 12 min. 50 sec. E along the South R.O.W. line of F.M. 518 a distance of 155.00 feet to a set 1/2 inch iron rod for corner;

THENCE S 02 deg. 46 min. 16 sec. E a distance of 389.31 feet to a point for corner for the Southeast corner of the herein described 1.385 acre tract;

THENCE S 87 deg. 14 min. 01 sec. W along the South line of Lot 7 a distance of 155.00 feet to the PLACE OF BEGINNING and containing 1.385 acres of land, more or less.

TRACT TWO:
PROPOSED R1 ZONING (1.349 ACRES)

The South 183.60 feet of Lot 8, and a portion of Lot 7 out of a called 14.0513 are tract being all of Lots 9 & 12 and Part of Lot 7 of partition of the East 1/2 of the Northwest 1/4 of Section 15, HT&B RR Co. Survey, A-241, Brazoria County, Texas, according to the Plat recorded in Vol. 441, Page 265 of the Deed Records of Brazoria County, Texas, and said 1.349 acres being more particularly described as follows:

BEGINNING at The Southwest corner of the aforementioned Lot 8;

THENCE North 02°45'06" West, a distance of 183.60 feet to a point for corner in the West line of Lot 8;

THENCE North 87°14'01" East, a distance of 320.13 feet to a point for corner;

THENCE S 02 deg. 46 min. 16 sec. E a distance of 183.77 feet to a point for corner for the Southeast corner of the herein described 1.385 acre tract in the North line of Lot 9;

THENCE South 87°16'00" West, a distance of 320.19 feet to the POINT OF BEGINNING of the herein described tract and containing 1.349 acres of land, more or less.

Consent Agenda Item C

- C. Consideration and Possible Action – Second and Final Reading of Ordinance No. 1506-1** – An Ordinance of the City Council of the City of Pearland, Texas, Amending Ordinance No. 1506–1, the 2014-2015 annual budget Ordinance, by; authorizing the City Manager or his designee to take all actions necessary to facilitate the changes identified herein without further approval of City Council; providing a savings clause, a severability clause, a repealer clause, and an effective date.

**AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS**

AGENDA OF:	December 15, 2014	ITEM NO.:	Ordinance No. 1506-1
DATE SUBMITTED:	December 1, 2014	DEPT. OF ORIGIN:	Finance
PREPARED BY:	Bobby Pennington	PRESENTOR:	Claire Bogard
REVIEWED BY:	Jon R. Branson	REVIEW DATE:	December 2, 2014
SUBJECT: Ordinance No. 1506-1, An Ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 1506, the 2014-2015 Annual Budget Ordinance, by; authorizing the City Manager or his designee to take all actions necessary to facilitate the changes identified herein without further approval of City Council; providing a savings clause, a severability clause, a repealer clause, and an effective date.			
EXHIBITS: Ordinance No. 1506-1; Exhibit A			
FUNDING:			
<input type="checkbox"/> Grant <input type="checkbox"/> Developer/Other <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Bonds To Be Sold <input type="checkbox"/> Bonds- Sold <input type="checkbox"/> L/P – Sold <input type="checkbox"/> L/P – To Be Sold			
EXPENDITURE REQUIRED: N/A		AMOUNT BUDGETED: N/A	
AMOUNT AVAILABLE: N/A		PROJECT NO.: N/A	
ACCOUNT NO.: N/A			
ADDITIONAL APPROPRIATION REQUIRED: \$4,090,759			
ADDITIONAL REVENUES REQUIRED: \$1,123,811			
ACCOUNT NO.: AS SHOWN IN EXHIBIT A			
PROJECT NO.: N/A			
To be completed by Department:			
X	Finance	Legal	Ordinance Resolution

EXECUTIVE SUMMARY

BACKGROUND

The City's 2013-14 fiscal year ended September 30, 2014. At that time there were contracts, purchases of goods and services and other items that were approved and budgeted in fiscal year 2013-2014, but the actual expenditure and receipt of revenue will be incurred in the 2014-2015 fiscal year. The carryover for those expenditures are being requested, and the budget for those items to be re-established in this fiscal year. These expenditures were originally included in the projections for fiscal year 2014, and estimated ending balances assumed that these funds would be spent. All carryover items will be funded from available balances as of 9/30/2014.

POLICY/GOAL CONSIDERATION

One of Council's Strategic Directions was to ensure sound financial policies. Amending the budget for projects and expenditures still in progress from last year will ensure funding is available to complete these projects as well as assist us in projecting correct revenues and expenditures for fiscal year 2015. The City will continue to exceed the policy of maintaining an unrestricted fund balance of two months recurring operating expenditures in the General Fund as well as cash reserve and bond coverage in the Water/Sewer Fund.

CURRENT AND FUTURE FUNDING/FINANCIAL IMPACTS

General Fund carryovers total \$574,000 for revenues and \$1,902,267 for expenditures for a net carryover amount (expenditures less revenues) of \$1,328,267. The actual fund balance for the General Fund at 9/30/2014 is \$19,454,500, \$3,922,372 more than the amended budget fund balance of \$15,532,128. Therefore, after net carryovers, the General Fund balance is \$18,126,232, or 27% of FY 2014/15 budgeted expenditures. Fiscal Year 2014 numbers reflected herein are the latest numbers after all year-end entries have been made but before completion of the fiscal audit by the auditors.

General Fund fiscal year 2014 total actual revenues of \$63,289,709 are slightly higher than the amended budget of \$63,247,053 by \$42,656, (0.07%). Capital lease for the funding of a fire truck budgeted and ordered in 2014 but to be delivered in fiscal year 2015 in 2014 is still outstanding and the funding is being requested to be carried over.

Fiscal year 2014 expenditures of \$62,458,326 are under the amended budget by \$3,877,716, (5.85%). Program expenditures remaining at fiscal year-end include \$423K for Business Center Drive Library Expansion, \$311K for Pierce Quantum Pumper and equipment; \$198K for migration of new radio system; \$139K for police vehicle replacements; \$79K for finalization of the Comprehensive Plan Update; \$78K for the school zone flasher system; \$60K for the R.O.W. Assessment Project and \$69K for Parks and Recreation Master Plan Development. Of the \$3.9 million in expenditure savings, \$1,902,267 is being requested for carryover, resulting in a true savings of \$2.0 million. This savings is made up of various line-items through-out the departments, including \$700K in salary savings, \$110K in Software maintenance savings, and \$337K in fuel and repairs.

Using the actual General Fund ending fund balance for 9/30/2014, of \$19,454,500, (25.3% over the projected); the fiscal year 2015 adopted budget shows an estimated fund balance at 9/30/2015 of \$15,627,022, which is \$5,188,609 over the \$10,438,413 reserve policy of 2 months. Including the recommended carryovers, the General Fund fund balance is reduced by the net of \$1,328,267 and the General Fund would be budgeted to end the 2015 fiscal year at \$3,860,342 over policy with an estimated fund balance at 9/30/2015 of \$14,298,755 versus the \$11,704,650 originally budgeted.

	FY2015 Adopted Budget <i>Projected Beginning Fund Balance</i>	FY2015 Adopted Budget <i>Actual Beginning Fund Balance</i>	FY2015 Revised Budget <i>with Proposed Carryovers</i>
Beginning Fund Balance	\$15,532,128	\$19,454,500	\$19,454,500
Total Revenues	\$63,692,881	\$63,692,881	\$64,266,881
Total Expenditures	\$67,520,359	\$67,520,359	\$69,422,626
Ending Fund Balance	\$11,704,650	\$15,627,022	\$14,298,755
Policy - 2 months Recurring Oper. Fund Balance over Policy	\$10,438,413 \$1,266,236	\$10,438,413 \$5,188,609	\$10,438,413 \$3,860,342

Recommendations will be made during the FY2016 budget process on how these funds might be spent on non-recurring expenditures keeping in mind the City’s fund balance policy and the economy, including use of cash versus capital lease proceeds for the purchase of a new ERP software system.

The Water and Sewer fund balance on a cash basis at 9/30/2014 was projected at \$12,145,202 million. The actual available fund balance is \$13,292,945; \$1,147,743, or 9.5%, more than budgeted. Revenues are under budget by \$723,180, or 2.2%, due to lower than projected water sales. Expenses are under budget by \$1,870,923, or 5.9%, mainly in water production; purchase of surface water, and in Utility Billing, purchase of meters. Recommended carryovers total net \$820,386 leaving an estimated balance at 9/30/2014 of approximately \$12.5M, still \$327K over FY2014 projections. Fiscal year 2015 ending fund balance is now estimated at \$10.8 million versus the \$10.4 million projected during the budget process, including the carryovers.

	FY2015 Adopted Budget <i>Projected Beginning Fund Balance</i>	FY2015 Adopted Budget <i>Actual Beginning Fund Balance</i>	FY2015 Revised Budget <i>with Proposed Carryovers</i>
Beginning Cash Equiv.	\$14,074,705	\$15,373,775	\$15,373,775
Total Revenues	\$35,583,118	\$35,583,118	\$35,583,118
Total Expenses	\$37,017,108	\$37,017,108	\$37,837,494
Reserve for Debt Service	\$2,278,256	\$2,278,256	\$2,278,256
Ending Cash Equiv.	\$10,362,459	\$11,661,529	\$10,841,143

Other carryover requests for other funds are listed in Exhibit A and funded from available balances as of 9/30/2014.

Exhibit A shows the carryover request by fund. The carryovers for PEDC totaling \$645,354 will be contingent upon the board approval on December 10, 2015, but before the second reading of the Ordinance.

O&M IMPACT INFORMATION

No additional O&M impact on City’s financials as these funds were projected to be spent in last fiscal year.

RECOMMENDED ACTION

Consideration and approval of Ordinance 1506-1 an Ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 1506, the 2014-2015 Annual Budget Ordinance, by; authorizing the City Manager or his designee to take all actions necessary to facilitate the changes identified herein without further approval of City Council; providing a savings clause, a severability clause, a repealer clause, and an effective date.

ORDINANCE NO.1506-1

An Ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 1506, the 2014-2015 Annual Budget Ordinance, by; authorizing the City Manager or his designee to take all actions necessary to facilitate the changes identified herein without further approval of City Council; providing a savings clause, a severability clause, a repealer clause, and an effective date.

WHEREAS, the City Council is authorized by law to make changes in the City budget for municipal purposes and for emergency appropriations to meet a pressing need for public expenditure to protect the public health, safety, and welfare as a result of unusual and unforeseen conditions; and

WHEREAS, said amendments are necessary to reflect additional appropriations for fiscal year 2014 carryovers for revenue and expenses; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

Section 1. That the City Manager or his designee is authorized to make appropriations for fiscal year 2014 carryovers as set out in Exhibit A, attached hereto and incorporated herein by reference for all purposes, as authorized by law for municipal purposes.

Section 2. That final approval of the PEDC carryovers referenced in Exhibit A shall be contingent upon approval of said carryovers by the PEDC Board of Directors.

Section 3. That the City Manager or his designee is authorized to take all actions necessary to facilitate the changes identified herein without further approval of City Council.

Section 4. Savings. All rights and remedies which have accrued in favor of the City under this Chapter and amendments thereto shall be and are preserved for the benefit of the City.

ORDINANCE NO. 1506-1

Section 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 6. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed, but only to the extent of such conflict.

Section 7. Effective Date. This Ordinance shall become effective immediately upon its passage and approval by the City Council.

PASSED and APPROVED ON FIRST READING this the _____ day of _____, A. D., 2014.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

PASSED and APPROVED ON SECOND AND FINAL READING this the _____ day of _____, A. D., 2014.

TOM REID
MAYOR

ORDINANCE NO. 1506-1

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

FY2014 CARRYOVER RECOMMENDATION

Department	Revenue \$	Expenditure \$	Description	Account #	PO #	Notes
General Fund						
Human Resources		\$6,015	Conference room chairs; scanners for HR staff	010-1040-542.23-00	142493	Purchase order for conference room chairs only -- received 11/03/14. Scanners were not purchased due to laserfiche project being moved to FY15.
Human Resources		\$14,704	Benefit administration fees.	010-1040-555.10-01		Continuing reconciliation of FY 2014 invoices, multiple vendors with invoices still coming in.
Human Resources		\$24,806	Performance audit of benefit plans.	010-1040-555.11-00		Due to the dependent audit ending later as planned, the performance audit was delayed. Start date is November 2014.
City Manager		\$24,750	Goodman Corp.	010-1020-555.11-00	150676	Transit Study - FY 2014 project, but not invoiced and paid in FY 2014.
Information Systems		\$9,656	BerryDunn	010-1085-555.11-00	141317	ERP Consulting.
Information Systems		\$52,000	Closed Network Ring/Loop and Internet Connectivity/Redundancy	010-1085-565.83-00 (formerly 010-1250)		Projects and invoices not completed in FY 2014.
Information Systems		\$15,000	BerryDunn	010-1085-555.11-00	141317	Additional Asset Management Piece.
Information Systems		\$15,000	Sciens	010-1085-555.11-00	142627	IT Master Plan Update.
Police Dept		\$41,000	SecuraDyne maintenance for door access, cameras, servers	010-2215-554.31-00		Maintenance invoices received FY 2014.
Police Dept		\$102,673	Replacements for 3 wrecked vehicles	010-2212-565.80-00	150871	Replacements for 3 wrecked vehicles - approved for purchase November 2014.
Police Dept		\$4,550	Extreme Tactical, Inc.	00-2212-542.37-01	142430	SWAT Vest equipment.
Police Dept		\$36,555	Equipment for replacement vehicles	010-2212-2213 & 2214-565.81-00	part of above	Equipment/radios for wrecked vehicles.
Library		\$80,000	FFE for Business Center Drive Library Expansion	010-1380-564-01-00		Expenditures budgeted for in FY 14 for the design, construction, furnishings/fitings, and necessary contingencies associated with the expansion of the Business Center Drive Library (West Side). (1 of 3 Requests)
Library		\$12,668	Design/Engineering - Bus. Center Drive Library Expansion	010-1380-565-01-00	142075	Expenditures budgeted for in FY 14 for the design, construction, furnishings/fitings, and necessary contingencies associated with the expansion of the Business Center Drive Library (West Side). (2 of 3 Requests)
Library		\$330,000	Construction - Bus. Center Drive Library Expansion	010-1380-565-03-00 010-1380-565-45-00		Expenditures budgeted for in FY 14 for the design, construction, furnishings/fitings, and necessary contingencies associated with the expansion of the Business Center Drive Library (West Side). (3 of 3 Requests)
Fire		\$297,125	Pierce Quantum Pumper	2320-565.80-00	141589	New fire engine for Fire Station 3, anticipated delivery March 2015. Remaining payment on Acceptance.
Fire		\$9,839	Tools & Equipment	2320-542.23-00	142532	Firefighting tools and equipment to outfit new fire engine. Dooley Tackaberry Inc.
Fire		\$3,850	Wireless Headsets	2320-554.08-00	142436	Wireless headsets to interface with radio and intercom system on new fire engine. Municipal Emergency Service.
Fire		\$1,500	Engineering Services	2320-554.03-00	141323	Engineering services for installation of new antenna on tower at 2703 Veterans Dr. Crown Castle USA.
Fire		\$197,988	COH Radio System	2320-565.81-00	131268	P25 radio system migration, portable radios, dispatch consoles and related equipment.
Fire		\$2,920	NFFPA Physicals	2320-555.33-09	142555	NFFPA physicals conducted in Sept. for remaining three former EMS employees to cross-train.
Fire		\$8,555	EMS Training Equipment	2320-555.33-00	142531	Repair and upgrade of ALS patient simulator mannequin and related equipment.
Fire		\$5,000	Vehicle Striping	2320-554.20-02		High visibility striping of code enforcement vehicles moved to Fire Department.
Parks & Recreation		\$69,136	Master plan development	010-3395-555.11-00	142230	GreenPlay - Master Plan Development
Parks & Recreation		\$2,296	Playground repairs at Southdown Park	010-3390-553.01-00 PKSD	142463	Lone Star Recreation - Playground Repairs at Southdown Park
Parks & Recreation		\$3,680	Scanner stations @ Sr Center & Kidz Korner	010-3394-542.35-00 SHAF	142529	Axess/North America - Scanner Stations
Parks & Recreation		\$17,341	Fees for upgrading and data migration from CLASS to Active	010-3395-554.30-00	142516	The Active Network - Upgrading, Data Migration, and Purchasing New Credit Card Readers
Parks & Recreation		\$18,450	Money to cover purchase of mowing equipment	010-3390-565.73-00		The request was originally approved to be purchased in FY15 however we realized we had funds in the FY14 budget that could cover that so the funding was removed from the FY15 budget supplemental list. We were able to purchase a portion of the equipment and have it delivered in time for the year end but need the remaining funds to proceed with other equipment purchases. Equipment removed included a 6' mower deck replacement, a 10' mower and 60' mower.

FY2014 CARRYOVER RECOMMENDATION

Parks & Recreation		\$13,300	Signage for various parks	010-3390-565.23-00		The supplemental from last year was funded partially through zone money and partially in the general fund. The design process changed and therefore we have not been able to make the purchases for these signs as of yet.
Parks & Recreation		\$21,053	Unfinished improvements approved for Corrigan, Centennial and Woody parks	010-3390-565.73-00		Signs for Parks - in design phase.
Engineering		\$3,499	Engineering Service	010-1420-556.10-00	131912	Engineering Contract with Cobb Fendley for Industrial/SH 35 intersection alignment - Project TR1305. The study is being finalized and we should be receiving a final invoice.
Engineering		\$2,150	Engineering Service	010-1420-556.10-00	131922	Engineering Contract with EPIC Transportation Group for Engineering Design and inspection for Garden Road Traffic Signal - Project TR1306. Project has had construction delays but appears to be back on track. The construction project should be complete in a couple of months. A partial invoice was recently received.
Engineering		\$783	Engineering Service	010-1420-556.10-00	141567	Engineering Contract with Freese Nichols for Storm Water Management Plan Phase II review.
Engineering		\$12,449	Engineering Service	010-1420-556.10-00	141731	Engineering Contract with Interfield Group for Design and Inspection services for Hillhouse Sanitary Sewer Line. Scheduled to begin construction.
Engineering		\$2,614	Engineering Service	010-1420-556.10-00	141977	Engineering Contract with Cobb Fendley for Business Center Dr. Access Management Study. This is for a study that is still ongoing.
Engineering		\$17,210	Engineering Service	010-1420-556.10-00	142561	Engineering Contract with Dannenbaum for Modeling Mapping update of Mary's Creek. Engineering analysis that was recently completed and awaiting final invoice.
Engineering		\$7,412	Engineering Service	010-1420-556.10-00	142626	Engineering Contract with Cobb Fendley for Pearland Parkway Corridor Improvements. Project at 80% completion.
Community Development Administration		\$79,322	Special Services	010-1605-555.11-00	132298	Original budget of \$181,204 for the Comprehensive Plan Update, began FY'13, continued through FY'14. Contract re-negotiations in process and will resume November FY'15
Permits/Inspections		\$6,560	Special Services	010-1610.555.11-00	131918	To continue use of Bureau Veritas in absence of Building Official, and for any unexpected overflow of inspections (invoices pending from September 2014) \$440. PO 131918 in amount of \$6560 is encumbered). Need both carried over.
Planning		\$7,830	Special Services	010-1650-555.11-00	142447	Carryover funds for Freese & Nichols - 1 outstanding invoice in amount of \$5,900 and anticipate retaining contract help until positions are filled; planning assistance.
GF - PW Admin		\$60,084	Special Services	010-3520-555.11-00	142171	R.O.W. Assessment Project - Contract with Infrastructure Management Services is partially complete with the balance of the work to be completed this fiscal year. Rolling the fund and keeping the purchase order open would allow us to complete the contract.
Facilities Maintenance		\$2,328	Buildings & Grounds	010-3522-553.01-00	141895	Rimkus Consulting - Consultation for evaluation of mechanical equipment and structural elements inspection of pearland's Natatoriums HVAC system. Funds to be moved from 010-3321-553.01-00. Does not take into account cost of repairs.
Facilities Maintenance		\$93,294	Buildings & Grounds	010-3522-553.01-00	142308	Fire Station #4 Roofing Contract with Garland/DBS. Funds to be moved from 010-3321-553.01-00
Traffic		\$5,880	Maintenance of Streets	010-3540-553.04-00	142564	Batterson, LLP - Dixie Farm Striping. Funds to be moved from 010-1425-553.04-00
Traffic		\$33,775	Maintenance of Streets	010-3540-553.04-00	142481	Gerry DeCamp - This purchase Order is for the timing adjustment for the ITS project and new intersections along SH 35. Funds to be moved from 010-1425-553.04-00
Traffic		\$14,300	Special Services	010-3540-555.11-00	121425	CDM Smith change order for Traffic Management Plan. Funds to be moved from 010-1425-555.11-00
Traffic		\$77,520	School Zone Flasher Program	010-3540-565.73-00	None	Resolution # R2014-111 Passed on 9-15-2014. Funds to be moved from 010-1425-565.73-00
Streets & Drainage		\$11,350	Survey Services	010-3570-555.11-00		C.L. Davis & Co. to complete survey services of Hoang Tract final plat.
Streets & Drainage		\$18,297	Survey Services	010-3570-555.11-01	142472	PO is for WTC, Inc. to complete survey/engr. services of 3 roadside ditch locations.
Service Center		\$4,200	Special Services	010-3590-555.11-00	141926	Faster Asset Solutions - The fuel interface had not been completed until October 2014. Invoice to be processed in November.
Lease/Purchase	\$574,000					Lease/Purchase of Fire Truck.
GENERAL FUND TOTAL	\$574,000	\$1,902,267				
Net Carryover		\$1,328,267				
Amount Available		\$3,922,372				
Available Balance		\$2,594,105				
Water/Sewer Fund						
Wastewater		\$30,250	Lift Station Cleaning	030-4042-555.11-00	142521	This purchase Order is for cleaning Lift Stations at SWEC and Far Northwest WWTP. Magana Flow has completed the job's, but has not sent the invoice yet.

FY2014 CARRYOVER RECOMMENDATION

Water Production		\$233,000	GCWA	030-4043-542-01-04		Rights to 10 MGD contract through GCWA
Water Production		\$49,000	analog at seven facilities	030-4033-554.04-00		\$49,000 is budgeted for purchase of flow meters and the analogs .These two components that work together to make sure the correct amount of chemical is being feed with the amount of water flow. This eliminates wasted chemicals. This was not completed in FY due to transition with the new contractor.
Water Production		\$15,000	Electrical Panel T Green Tee Facility	030-4043-554.04-00	142130	\$15,000 is budgeted for the panel that is being built Boyer. The existing panel is in deplorable condition and was not designed to run all equipment at the facility. This was not completed in FY due to new contractor transition.
Water Production		\$17,000	Consultant fee from Dunham Engineering and inspections for the interior lining project	030-4043-554.04-00	142148	The budgeted balance of \$17,000 is the consulting fee for Dunham Engineering on the project for Cullen, McLean, & 518.
Water Production		\$15,000	Spool piece for South down header pipe	030-4043-554.04-00		\$15,000 budgeted is needed for the header pipe at Southdown that is in deplorable condition. This pipe consists of flanges and valves of different shapes. The contactor (STP) is working on locating replacement parts.
Water Production		\$7,500	External Receptacles	030-4043-554.04-00		The balance that is needing to be rolled over is \$7,500. This is for receptacles that either need replacement from being out dated or new external receptacles to run different equipment at the facilities. This was not taken care of in FY 14 due to a transition from a new contactor.
Water Production		\$52,000	Flow meters at seven facilities	030-4043-554.04-00		\$52,000 is the balance needing to be rolled over for purchase of flow meters and the analogs .These two components that work together to make sure the correct amount of chemical is being feed with the amount of water flow. This eliminates wasted chemicals. This was not completed in FY due to transition with the new contractor.
Water Production		\$34,326	Special Services	030-4043-555.11-00	112667	\$34,326 is the balance that needs to be carried over for the consulting fee from Freese and Nichols for Phase 4 in the UDF (uni directional flushing) program.
Water Production		\$57,019	Special Services	030-4043-555.11-00	122255	\$57,019. is the balance that needs to be carried over for the consulting fee from Freese and Nichols for Phase 5 in the UDF (uni directional flushing) program
Water Production		\$6,113	Special Services	030-4043-555.11-00	131848	\$6,113 is the remaining balance on a water quality study that has been conducted by the help of Freese and Nichols.
Water Production		\$300,000	518, Cullen, McLean GST internal Lining Project	030-4043-565.73-00	150578	This project started on Nov.3, 2014 with Cullen being first. This will help improve water quality and extend infrastructure life.
Finance		\$1,178	Cobb Fendley	030-4246-555.11-00	131796	Bed & Banks Permit MUD 4. FY 2014 project, but not invoiced and paid in FY 2014.
Finance		\$3,000	Texas Water Foundation	030-4246-555.11-00	132212	Goldwater Project Pledge Participation. FY 2014 project, but not invoiced and paid in FY 2014.
WATER/SEWER FUND TOTAL	\$0	\$820,386				
Amount Available		\$1,147,743				
Available Balance		\$327,357				
Municipal Court - 017-1540						
Municipal Court - 017		\$10,000	SecuraDyne maintenance for door access, cameras, servers	017-1540-554.30-00		FY 2014 maintenance.
Municipal Court 017 GRAND TOTAL	\$0	\$10,000				
Amount Available		\$11,624				
Available Balance		\$1,624				
Donation Fund - Animal Services 018						
Animal Services 018		\$9,869	A/C for Van Cages	018-1520-565.80-00	140855	PO was for van and equipment. A/C was not installed in cage section before delivery - dept manager has been working with purchasing to complete the installation.
Animal Services 018		\$10,675	9 cages for van	018-1520-542.23-00		No PO at this time - holding until A/C is installed, a part of PO 140855 purchase.
Donation Fund - Animal Services 018 GRAND TOTAL	\$0	\$20,544				
Balance Available		\$49,667				
Fund 19 - Municipal Court Technology						
Municipal Court Technology		\$15,951	Tyler Technologies	019-1540-565.73-00	132609	Training on new software.
Fund 19 - Municipal Court Technology GRAND TOTAL	\$0	\$15,951				

FY2014 CARRYOVER RECOMMENDATION

Amount Available		\$42,746				
Available Balance		\$26,795				
CVB - 045-1350						
CVB		\$11,000	CVB Website Visitpearland.com	045-1350-555.07-00	150852	In 2014, the CVB could not complete the redesign and upgrade to the website, visitpearland.com, due to contractor inability. The CVB requests use of leftover funds from various accounts to assist with website.
CVB		\$6,800	Taste of Pearland special event	045-1350 various		In 2014, the CVB could not complete the coordination of a culinary event. Partners agreed to then preview this culinary event during another event. Currently, restaurants and HEB are interested in moving forward with launching this event as a stand alone for 2015. As a result, the CVB requests use of leftover funds from various accounts to assist with event.
CVB	\$2,478		Revenue from Art Show and Packaging Workshop	045-0000-358.99-05 \$2,435 & 045-0000-358.99-00 \$43		Revenue collected from Packaging Workshop and Art & Crafts show. This revenue assists in offsetting event expenses of approximately \$1187 and a donation of \$1000 to Pearland Arts League.
CVB - 045-1350 GRAND TOTAL	\$2,478	\$17,800				
Amount Available		\$78,244				
Available Balance		\$62,922				
Parks Donations - 046						
Parks Donations - 046		\$16,653	Design service for signage for facilities and parks	046-0000-542.35-00	142302	Clark Condon Associates - Design service for signage. Parks has been funded to replace signs in the parks, however, in an effort to standardize signage for both parks & facilities in a professional manner, the department has contracted for design services prior to purchasing the signs.
Parks Donations - 046 GRAND TOTAL	\$0	\$16,653				
Amount Available		\$15,475				
Available Balance		\$1,178				
Parks Development - 047						
Parks Development - 047		\$48,700	Signage for various parks	047-0000-565.76-02,07,08,09,10,11		The design process changed and therefore we have not been able to make the purchases for these signs as of yet.
Parks Development - 047		\$31,935	Max Road Soccer Complex FF&E	047-0000-565.76-06		Max Road Soccer Complex FF&E
Parks Donations - 046 GRAND TOTAL	\$0	\$80,635				
Amount Available		\$215,174				
Available Balance		\$134,539				
Grant Fund -101						
Fund 101	\$8,464		Bulletproof Vest Partnership - Department of Justice	101-0000-346.02-05		Ballistic Vests Grant Revenue - Half the Expense
Fund 101		\$16,928		101-2212-542.04-02	141959	Ballistic Vests - Officers (unspent in Fy 14 for use in Fy 15)
Fund 101			TCLEOSE	101-0000-346.01-04		Police/Fire Marshal Training Grant Revenue (rec. all that was budgeted)
Fund 101		\$5,372		101-2212-555.34-00		Police/Fire Marshal Training
Fund 101	\$2,704		SAFER Grant	101-0000-346.02-11		Turnout Gear Grant Revenue
Fund 101		\$2,704		101-2320-542.04-00		Turnout Gear (unspent in Fy 14 for use in Fy 15)
Fund 101	\$5,656		SAFER Grant	101-0000-346.02-11		Printing/Marketing Grant Revenue
Fund 101		\$5,656		101-2320-555.24-00		Printing/Marketing (unspent in Fy 14 for use in Fy 15)
Fund 101	\$7,114		TIFMAS	101-0000-346.01-17		Fire Training Grant Revenue
Fund 101		\$7,114		101-2320-555.33-00		Fire Training
Fund 101	\$4,625		HGAC Solid Waste Recycling	101-0000-346.01-09		Glass Crusher Grant Revenue
Fund 101		\$4,625		101-3351-565.73-00		Glass Crusher: This money is remaining for installation, PPE, and other supplies/materials. Grant period of performance cuts across multiple fiscal years (2014 and 2015).
Fund 101	\$200,000		Texas Parks & Wildlife	101-0000-346.01-14		Recreational Trails Grant Revenue
Fund 101		\$200,000		101-8600-556.30-00		Recreational Trails - Phase II (pending construction).
CDBG FUND 101 TOTAL	\$228,563	\$242,399				
CDBG Fund -108						
Fund 108	\$48		HUD CDBG Revenue	108-0000-357.01-05		Grant Revenue Fiscal Year 2011
Fund 108		\$48	HUD CDBG - Infrastructure/Construction	108-9000-556.03-34		Unspent funds from Adult Reading Center - ADA Compliant Railing/Deck. Carryover from multiple years.

FY2014 CARRYOVER RECOMMENDATION

CDBG FUND 108 TOTAL	\$48	\$48			
CDBG Fund -109					
Fund 109	\$62,995		HUD CDBG Revenue	109-0000-357.01-05	Grant Revenue Fiscal Year 2012
Fund 109		\$62,995	HUD CDBG - Infrastructure/Construction	109-9000-556.03-34	Unspent funds
CDBG FUND 108 TOTAL	\$62,995	\$62,995			
CDBG Fund -110					
Fund 110	\$172,699		HUD CDBG Revenue	110-0000-357.01-05	Grant Revenue Fiscal Year 2013
Fund 110		\$27,437	HUD CDBG - Infrastructure/Construction	110-9000-556.03-34	De-obligated Adult Reading Center - Subject to re-allocation for infrastructure use only
Fund 110		\$145,262	HUD CDBG - Infrastructure/Construction	110-9000-565.03-00	East Orange/North Houston sidewalks (ineligible) - Subject to re-allocation for infrastructure use only
CDBG FUND 110 TOTAL	\$172,699	\$172,699			
CDBG Fund -111					
Fund 111	\$83,028		HUD CDBG Revenue	111-0000-357.01-05	Grant Revenue Fiscal Year 2014
Fund 111		\$10,225	HUD CDBG - Infrastructure/Construction	111-9000-556.03-34	Construction (Re-allocates to FY 2015 Infrastructure Use Only)
Fund 111		\$26,044	HUD CDBG - Infrastructure/Construction	111-9000-556.03-34	Construction (Re-allocated to Forgotten Angels Day Hab - Outdoor Flat Surface/ADA)
Fund 111		\$46,759	HUD CDBG - Infrastructure/Construction	111-9000-556.30-00	141928 Construction (FM518/Broadway - Garden Road Signal: Traffic Sys. Construct., Inc.)
CDBG FUND 111 TOTAL	\$83,028	\$83,028			
Total Grants	\$547,333	\$561,169			
TOTAL	\$1,123,811	\$3,445,405			
Net Carryover		\$2,321,594			

REQUESTING CARRYOVER APPROVAL FROM THE PEDC BOARD					
Fund 15 - PEDC					
PEDC - Contingent on Board & Council Approval		\$29,354	Business Center Drive	015-5000-555.75-01	multiple Business Center Drive – outstanding PO's totaling
PEDC - Contingent on Board & Council Approval		\$89,000	Kirby Drive	015-5000-555.45-00	142584 LK Electrical (includes PO to LJA for Kirby Duct Bank - \$73,744
PEDC - Contingent on Board & Council Approval		\$27,000	Hooper Road	015-5000-555.75-01	Hooper Road Water and SS (PER/Design)
PEDC - Contingent on Board & Council Approval		\$500,000	Max Road Soccer Complex	015-5000-555.75-01	Max Road Soccer Complex (\$451,000 encumbered+some extra to cover any change orders).
Fund 15 - PEDC GRAND TOTAL		\$645,354			
Amount Available		\$1,836,911			
Available Balance		\$1,191,557			
TOTAL (with PEDC)	\$1,123,811	\$4,090,759			
Net Carryover (W/ PEDC)		\$2,966,948			

Consent Agenda Item D

- D. Consideration and Possible Action– Resolution No. R2014-161– A**
Resolution of the City Council of the City of Pearland, Texas, approving
a revised bike route for the Shadow Creek Ranch Triathlon.

**AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS**

AGENDA OF: 12-15-14	ITEM NO.: Resolution No. R2014-161
DATE SUBMITTED: 12-8-14	DEPARTMENT OF ORIGIN: P&R
PREPARED BY: Colene Cabezas	PRESENTOR: Michelle Graham
REVIEWED BY: MG/Jon R. Branson REVIEW DATE: December 10, 2014	
SUBJECT: Shadow Creek Ranch Triathlon – Bike route update	
EXHIBITS: R2014-161; Shadow Creek Ranch Route Map, Safety Plan, Event Application	
EXPENDITURE REQUIRED: N/A	AMOUNT BUDGETED: \$ N/A
AMOUNT AVAILABLE:	PROJECT NO.:
ACCOUNT NO.:	
ADDITIONAL APPROPRIATION REQUIRED:	
ACCOUNT NO.:	
PROJECT NO.:	
To be completed by Department:	
<input type="checkbox"/> Finance	<input checked="" type="checkbox"/> Legal
<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution

EXECUTIVE SUMMARY

The Shadow Creek Ranch Triathlon first took place in Pearland in July of 2011 with 400 participants. It has since grown, now nearing 1,000 entries. Each participant bikes 14.5 miles, run 3.2 miles, and swims 500 meters in open water. This event is held annually each July within Pearland city limits.

In 2012 City Council permitted this event allowing it to take place for an additional five years. The upcoming event is scheduled for July 12, 2015. The event host has requested that a modification be made to the bike route in order to provide a safer passage for the riders. The new route limits the rider's time on FM 518 and reduces left turns requiring more right turns which are safer. The new route will also allow for use of a shoulder lane whereas the old route did not allow for that and required a lane closure. PPD has reviewed the new route and agrees that the route is a safer option.

Background

The Shadow Creek Ranch Triathlon is a triathlon that takes place in the Shadow Creek Ranch Subdivision. This event was first held in Pearland in 2011. In 2012 the event was permitted for an additional five years.

This event is a USA Triathlon sanctioned event, meaning that it is backed by the national governing body. Full insurance coverage is provided through this sanctioning. This event hosts 800 athletes as they swim, bike and run their way around Shadow Creek Ranch. It is an excellent opportunity to showcase the City of Pearland to people from all over Texas and even parts of Louisiana. Start time of the event, will be 6:45am. The event will be wrapped up by 11:00am at the Shadow Creek Ranch site. They have a full contingency of police officers, lifeguards and other safety personnel on site. The swim waves will begin promptly at 6:45am, with the first athletes getting on their bikes around 6:55am. The last biking athlete will be off of the bike course by 9:30am and the last athlete should cross the finish line around 10:00am.

The Diamond Bay water park/pool parking lot is used for the transition area. They will use the lake that is immediately adjacent to this water park for the swim portion of the event. The bike course has been adjusted for the safety of the riders. The new bike route is attached. The run course is the same as in years past and follows the sidewalks within the subdivision. It is also attached. The roads are reduced to a single lane of traffic flow to allow for a runners lane from 6:30am – 9:30am. This request is supported by PPD who assist with traffic flow at major intersections. Troika Productions reimburses the PPD for their assistance.

RECOMMENDED ACTION

Staff recommends approval of the revised bike route based on a safer ride for the participants.

RESOLUTION NO. R2014-161

A Resolution of the City Council of the City of Pearland, Texas, approving a revised bike route for the Shadow Creek Ranch Triathlon.

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

Section 1. That the City Council hereby approves a revised bike route, attached hereto as Exhibit "A," for the Shadow Creek Ranch Triathlon.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, A.D., 2014.

TOM REID
MAYOR

ATTEST:

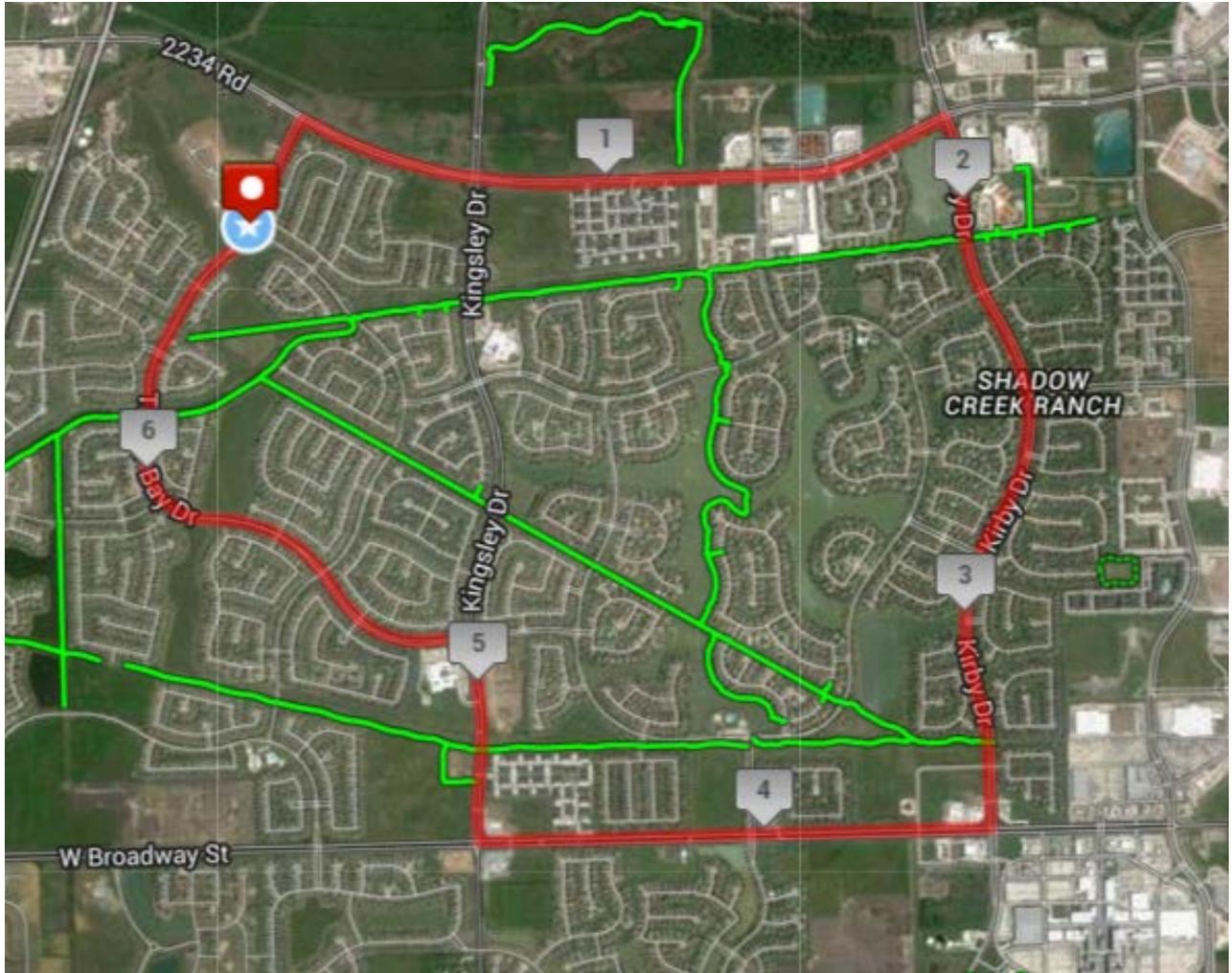
YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY



2015





Shadow Creek Ranch Triathlon Safety Plan 2015

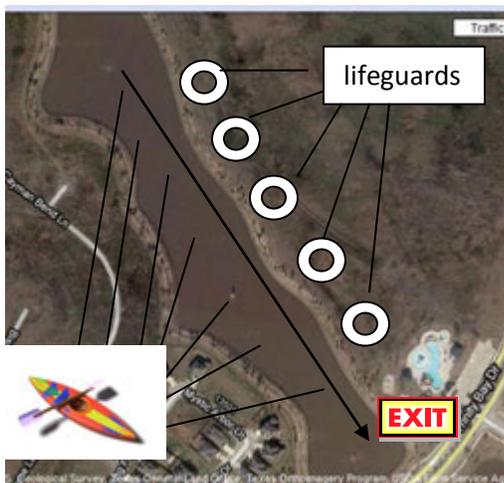
The following plan will outline the safety plan for all three legs of the race as well as at the main event site.

Safety Director:

Bryan Kraham and Colette Kraham

Swim course:

The swim portion of this triathlon will be 500 meters. USA Triathlon requires one (1) lifeguard per 75 athletes in the water. We will have 10 shore based lifeguards and between 7 and 10 kayaks and stand up paddle boarders in the water



Bike course:

The bike course has changed for 2015 and it will provide for a much safer route with less turns, less time on the course and limited time on West Broadway.

The bike course will be an 6.6 mile loop style course that athletes will be required to do two times. The following is the detailed plan:

All officers and volunteers will be wearing hi-visibility traffic vests. At least one officer assigned to each intersection with a traffic light should and will have a traffic box key. The intersections that have traffic lights will be turned to a flashing red.

Police:

- Two (2) officers at Shadow Creek Parkway and Trinity Bay

- ATHLETES WILL BE RIDING ON THE SHOULDER on Shadow Creek Parkway
- Two (2) officers at Shadow Creek Pkwy and Kingsley Dr
- One (1) officer at each of two (2) entrances/exits to the Carroll Apts on Shadow Creek Pkwy
- Two (2) officers at Shadow Creek and Reflection Bay
- One (1) officer at the entrance to the shopping center with Second Baptist on Shadow Creek
- One (1) officer at each of two (2) entrances to the Alexan Apts on Shadow Creek
- Two (2) officers at Shadow Creek and Kirby Drive
- Two (2) officers at Kirby drive and Emerald Bay/Enclave Lake Ln
- One (1) officer at Kirby Dr and discovery Bay*
- One (1) officer at Kirby Dr and Bare Sky Dr*
- One (1) officer at Kirby Dr and Skymist St*
- Two (2) officers at Kirby Dr and Sapphire Bay
- One (1) officer at Kirby Dr and Sagobay Dr*
- One (1) officer at Kirby Dr and Crosswind
- One (1) officer at Kirby Dr and Cherry Creek*
- One (1) officer at Kirby Dr and Kirby Commons
- One (1) officer at Kirby at business entrance just prior to West Broadway
- Two (2) officers at Kirby Dr and West Broadway
- One (1) officer at West Broadway and Broadway Bend
- NO officers at the kids are kids entrance (Closed business)
- Two (2) officers at West Broadway and Half Moon Bay
- One (1) officer at the entrance to the Apts on West Broadway just east of Kingsley
- One (1) officer at entrance to the gas station / Einstein bagels on West Broadway just east of Kingsley
- Two (2) officers at West Broadway and Kingsley
- One (1) officer to the back exit of the gas station on Kingsley
- One (1) officer at the back exit to the Apt complex on Kingsley
- Two (2) officers at Kingsley and Trinity Bay (left turn)
- One (1) officer at Park Springs and Trinity Bay
- One (1) officer at Biscayne Bay and Trinity Bay (south intersection)
- One (1) officer at Indigo Bay and Trinity Bay
- NO (0) officer at Arcadia Bay and Trinity Bay since bikes will be on far right side along the curb and in a coned lane and this entrance is in the far left
- One (1) officer at Shadowmere and Trinity Bay
- One (1) officer at Trinity Bay at Twilight Bay
- One (1) officer at Pebble Bay Drive and Trinity Bay
- Two (2) at Trinity Bay and Biscayne bay at bike course start

THOSE MARKED WITH THE * DO NOT OFFICIALLY NEED A POLICE OFFICER PER USA TRIATHLON AS THE RIDERS ARE RIDING IN A CONED OFF LANE ON THE RIGHT SIDE OF A FOUR LANE STREET WITH ESPLANDE AND THE INTERSECTION IS ON THE OPPOSITE SIDE OF THE RIDERS AND WOULD NOT CROSS OVER.

Coning:

We will be using 24 inch tall cones to provide a course marker on all roads with two or more lanes. These cones will be placed 30 feet apart (unless otherwise directed by Pearland PD). The course will be coned so that the far right hand lane will be used for the cyclists and the left hand lane will be used for motorized traffic . At all turns, additional cones will be placed in a tighter grouping to better outline the turn (3-5 feet apart) but not to close that traffic is not permitted. Riders are NOT to expect police

personnel, volunteers and or Marshalls to point them in the right direction. They are on the course only for traffic control and at key intersections. All riders sign a waiver that they understand that they are to follow all traffic laws unless otherwise directed by a uniformed police officer.

Signage:

There will be temporary signage (A-frame style) placed along the bike course at all turns giving riders ample warning for the pending turn. Example: Right turn in 500 feet, right turn in 100 feet etc.

Run course:

The run course is a 3.23 mile course that follows Trinity Bay on the road for ¾ mile, then sidewalks and running paths for the remainder of the run. Runners will however cross over streets and or entrances to neighborhoods a total of six (6) times. Two (2) of those they will cross going out and coming back. Four (4) of these intersections will already have police officers in place who are controlling traffic for the bike route. In all triathlons that we have participated in, there has not been uniformed police at these “minor” crossings, only volunteers. We are open to having one (1) more police at each of the following locations: Biscayan Bay at Eagle Cove, Windward Bay at entrance to neighborhood, and Jogging Trail at Arcadia Bay.

Aid Stations:

We will have aid stations at the following locations with water and isotonic:

1. Swim exit leading to transition area
2. Start of the run course
3. Mile 1 of run course
4. Mile 2 of run course

EMS:

We will have EMS on site near the transition area with ambulance

Race Radios:

The Race Director, Assistant Race Director, volunteer captains, PPD, Lt. Gaithe and EMS will each be provided with a race day radio.



Special Event Permit Application

To apply for a Special Event Permit, complete this application. Submit this application form, in both a hard copy and on disk or email along with an Event site plan and a \$50.00 Application Fee payable to the City of Pearland, c/o the Recreation Superintendent. **This Application must be received at least sixty (60) days prior to your event to be considered for approval.**

Event Name	Shadow Creek Ranch Triathlon		
Event Start Date	July 12, 2015	Event End Date	July 12, 2015
Annual Event	yes	1st Time Event	no
		Longevity of Event	4 years
		Alcohol Served	no
Event Category (check all that apply)	Community Festival	Concert	Circus
	Run / Walk	Parade	Athletic Event
	Other (specify)		Triathlon
	Bike Race/Tour		
	Carnival / Fair		
Event Organizer	Troika Promotions LLC (Bryan & Colette Kraham)		Corporate ID#
Street Address	15119 Camelback Court		Non-Profit Corp.
City	Houston	State	TX
		Zip	77079
Primary Contact	bryan kraham	Email Address	bryan@troikapromotions.com
Phone	832.882.8469	Fax Phone	
		Cellular / Page #	
Additional Event Partner			
Primary Contact	Colette Kraham		
Phone	281.216.4866	Cellular / Page #s	
Additional Event Partner			
Primary Contact			
Phone		Cellular / Page #s	
Event Sponsors	Christian Brothers Automotive, ChiroHealth, Texas Orthopedic Hospital, Dr Pepper, Deja Blue Water, Bike barn, Swim Shops of the Southwest Pearland, Wild Pear Running, Hilton Garden Inn Houston/Pearland, Aztec Events and Tents, Cytomax,		
Description of Event (Provide thorough details of event activities, programs and schedule)	The Shadow Creek Ranch Triathlon is a triathlon that takes place in the Shadow Creek Ranch Subdivision. This is a USA Triathlon sanctioned event, meaning that it is backed by the national governing body. Full insurance coverages are provided through this sanctioning and additional insurance policies will be purchased as in the past two years. This event will host a maximum of 900 athletes as they swim, bike and run their way around Shadow Creek Ranch. It is an excellent opportunity to showcase the City of Pearland to people from all over Texas and even parts of Louisiana. Start time of the event will be 7:45		
Event Venue / Site(s) (Explain what sites will used and the activities at each)	The Diamond Bay waterpark / pool parking lot will be used for the transition area as was in each year. We will use the lake that is immediately adjacent to this water park for the swim portion of the event as was in each year. The bike course has been adjusted for 2015 to provide a safer route and is included in the safety plan. The bike starts on Trinity Bay drive heading north		
Admission / Entry Fee	In Advance: 70.00 - 75.00	Day of:	no day of registration
Overall Attendance Estimate	1,500	Largest One-time Attendance Estimate	1,000

Event Start Date	12-Jul-15	Time Open to Public	5:30 AM	Time Closed to Public	11:00 AM
		Actual Event Start Time	6:45 AM	Actual Event End Time	11:00 AM
		Music / Sound Start Time (inc. sound checks)	9:00 AM	Music / Sound End Time	11:00 AM
		Alcohol Service Start Time	none	Alcohol Service End Time	none
2nd Event Date		Time Open to Public		Time Closed to Public	
		Actual Event Start Time		Actual Event End Time	
		Music / Sound Start Time (inc. sound checks)		Music / Sound End Time	
		Alcohol Service Start Time		Alcohol Service End Time	
3rd Event Date		Time Open to Public		Time Closed to Public	
		Actual Event Start Time		Actual Event End Time	
		Music / Sound Start Time (inc. sound checks)		Music / Sound End Time	
		Alcohol Service Start Time		Alcohol Service End Time	
4th Event Date		Time Open to Public		Time Closed to Public	
		Actual Event Start Time		Actual Event End Time	
		Music / Sound Start Time (inc. sound checks)		Music / Sound End Time	
		Alcohol Service Start Time		Alcohol Service End Time	
5th Event Date		Time Open to Public		Time Closed to Public	
		Actual Event Start Time		Actual Event End Time	
		Music / Sound Start Time (inc. sound checks)		Music / Sound End Time	
		Alcohol Service Start Time		Alcohol Service End Time	

Event Merchants & Vendors Information

Food Served/Sold at Event	yes	# of Vendors	2	# of Non-Profit Vendors	2	# of For-Profit Vendors		
		# of Food Vendors Needing Electricity		# of Food Vendors Needing Water				
Cooking Method -	Charcoal	Gas/Propane		Electric		Other	already prepared foods	
	(check all that apply)							
Merchandise Sold at Event		# of Vendors		# of Non-Profit Vendors		# of For-Profit Vendors	1	
		# of Merch. Vendors Needing Electricity		# of Merch. Vendors Needing Water				
Other Items / Services Sold	yes	Describe Items/Services	Bike parts for those that forgot items					
		# of Vendors		# of Non-Profit Vendors		# of For-Profit Vendors		
		# of Vendors Needing Electricity		# of Vendors Needing Water				

Event Venue Set-up & Break-down Information

Event Venue Set-up Date(s)	July 11/12 2015	Set-up Start Time	7:00 AM	Set-up Finish Time	8:00 PM
Venue Break-down Date(s)	July 12 2014	Break-down Start Time	11:00 AM	Break-down Finish Time	12:30 PM
Additional Venue(s) or Site(s) required for Event Set-up or Staging of equipment	Shadow Creek Ranch Subdivision. Diamond Bay Pool / waterpark				
Requested Street(s) To Be Closed	NO full street closures, only partial lane coning to allow for a safe path for the cyclists to ride on as was the case each year. All interseptions will have Police officers present. Maps are attached to show each course and the streets				
Proposed Date(s) & Times of Street Closures	7/12/15 from 7:00 am until 9:30 am. Again this is just partial lane coning and all traffic has access.				

**City of Pearland
Special Event Permit Application**

Will you be supplying any of the following items or elements at your Event?

(Check & complete all that apply)

Dumpsters	yes	Quantity	1	Stage, bleachers or other structures	yes	Quantity	1	Describe	finish line structure
Portable Toilets	yes	Quantity	23	Event web site or hot-line phone	yes	URL or Phone #	www.shadowcreekkranchtriath		
Trash cans	yes	Quantity	30	Fireworks, fires or pyrotechnics	no	Describe			
Recycling Containers	yes	Quantity	20	Name of Fireworks Contractor			Phone #		
Banners or signs	yes	Quantity	12	Booths, exhibits or displays	yes	Quantity	10	Describe	10 x 10 team tents
Fencing, barricades	yes	Type	crowd control at the transition	Tents or canopies	yes	Quantity	1	Describe	Size - Sq. Ft. 40 x 40
Special Lighting	no	Describe		Vehicles / trailers	no	Quantity		Describe	
Shuttle Services	no	Describe		Animals	no	Quantity		Describe	
Site Decorations	no	Describe		VIP Area	no	Describe			
Catered Food	yes	Describe	kolache factory, bananas for	Amplified	yes	Describe	dj for post race music, and PA for athlete announcements		
Live Entertainment	yes	Describe	DJ for athletes	Music/Sound					
Security	yes	Describe	for transition area	Rides, inflatables other amusement items	no	Quantity		Describe	
Traffic control	yes	Describe	use of PPD and HPD for bike						

Are you requesting that the City of Pearland provide any of the following items or elements for your event?

(Check and complete all that apply)

Electrical Service	no	Describe			
Water Service	no	Describe			
First Aid Service	yes	Describe	EMT's as we have had on site for two years		
Crowd-control Barricades	no	Describe			
Unique Grounds Preparation Needs	no	Describe			
Traffic Control	yes	Describe	PPD on the bike and run course, paid the per hour rate and minimums		
Security	no	Describe			
Event-day staff	no	Quantity		Duties	
		Hours			
Other City Services	no	Describe			

Describe your anticipated needs for crowd control, Police, Event security, First Aid Services and Disabled Parking.

as in each year, we will need approximately 42 police officers from various departments to cover the bike and run course for full safety.

We also had a city of Pearland ambulance on site and they acted as our first responders to injuries and accidents.

Outline in detail the duties your Event-staff will perform during the Event, include such items as staffing entry and exits points, beer/wine garden area(s), stage area(s), clean up of debris and litter during and post-event, supervision of parking areas, etc.. How many Event staff members will you have on site during the Event, and how are will you obtain these event staff?

We will have approximately 100 volunteers on site during race day. We get these individuals or groups through local clubs or philanthropic entities. We had over 35 volunteers from the Shadow Creek Ranch subdivision in each year. The day begins with a small group that is assisting with parking and athlete body marking. We have some who help out on the swim course with swim exit. The majority help with the aid stations providing athletes with isotonic beverages and or water. They also assist in the complete breakdown of the event including the removal of all recyclables and waste. Others are helping with athlete information booths

Describe your plans for notifying residents and businesses whose traffic patterns and operations are affected by your Special Event.

As in 2011, 2012, 2013 and 2014 the Shadow Creek Ranch community was notified through the community bulletin, on their websites, social media, word of mouth (this is how we also got several volunteers for the race).

Outline your plans for marketing and promoting your Special Event, include information on all media and other sources of promotion.

As in each year, we will use social media extensively. Houston has one of the largest triathlete communities in the country, yet they are very tied into social media and we are all part of clubs etc. We plan to host a radio promotion where one of the on air talent, will do their first ever triathlon, thus giving the city of Pearland and Shadow Creek some very valuable exposure. We also will provide press releases and try to get stories written in the neighborhood newspapers.

Liability Insurance Information

A Certificate of Insurance for this Event must be presented to the City of Pearland (c/o Recreation Superintendent) no later than 15 calendar days prior to the Start Date of the Event. If the information requested below is not available when this Application is submitted, it can be added later, but not later than the 15 day deadline previously noted.

Insurance Agency	Liberty Mutual (policies issued annually closer to event date)	Agent's Name	USA Triathlon		
Business Phone		Policy #	Policy \$ Limits		
Address		City		State	Zip

Indemnity Agreement: *Shadow Creek Ranch Triathlon*

In consideration for the City of Pearland granting the undersigned Event Organizer representative permission to hold the proposed event on public property and to display, sell or offer for sale wares, services, and/or food or merchandise within the perimeters of their event venue, the undersigned agrees to assume the defense of and indemnify and save harmless the City, it's employees, offices and agents against any and all claims, liabilities, judgements, costs, causes of action, damages, expenses, and shall pay all attorney's fees, court costs and other costs incurred in defending such claims, which may accrue against, be charged to, be recovered from or sought to be removed from the City, its employees, officers and agents by reason of or on account of any personal injury or death or damage to property arising from the undersigned's event and associated activities, if such personal injury or death or damage of property is caused by the acts or omissions or negligence of the undersigned, or the undersigned's employees and agents or by such acts, omissions or negligence of any other person subject to the undersigned's control.

The City, its employees, officers and agents shall not have to give the undersigned any specific types of notice of such claims.

Witness the following signature (Event Organizer signature):

Troika Promotions LLC (Bryan & Colette Kraham)

bryan kraham

(Signature)

Witnessed by:

Affidavit of Applicant: *Shadow Creek Ranch Triathlon*

I certify that the information contained in this Special Event Permit Application is true and correct to the best of my knowledge and belief, that I understand, and agree to abide by the all regulations, provisions and rules governing Special Events as set forth by the City of Pearland. That I understand that this Application is made subject to the rules and regulations established by the Pearland City Council. I agree to abide by these rules and further certify that, on behalf of the organization, I am authorized to commit that organization, and therefore agree to be financially responsible for any cost and fees that may be incurred by or on behalf of the Event to the City of Pearland.

Applicant

bryan kraham

Title (Print of type)

Owner

Signature of Applicant (Event Organizer)

Date of Application

May 23, 2014

A signed hard copy of the Indemnity Agreement and Affidavit of Applicant portions of this Special Event Permit Application must be provided to the City before an Application will be considered fully executed. Submit a hard copy and an electronic version (either email or disk) of this Special Event Permit Application to Colene Cabezas, Recreation Superintendent, City of Pearland Parks & Recreation.

Pearland Parks & Recreation

4141 Bailey Rd., Pearland, TX 77584

Phone: 281-412-8916

Fax: 281-412-8911

Email: ccabezas@ci.pearland.tx.us

**City of Pearland
Special Event Permit Application**

New Business Item No. 1

1. **Consideration and Possible Action – First Reading of Ordinance No. 2000M-128** – An ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas, for the purpose of changing the classification of certain real property, being 1.749 acres (currently 0.9 acres due to right-of-way dedication, etc.) acres of land being a certain parcel of ground together with all the buildings and improvements being a portion of No. 2 Southern Trails Commercial No. 1, H.T. and B.R.R Company Survey, Section 84, A-538, City of Pearland, Brazoria County, Texas (**generally located on the south side of Broadway Street, between Windward Bay Drive to the west and Kinglsey Drive to the east**), **Zone Change 2014-20Z**; a request of BGE Kerry R. Gilbert and Associates, applicant; on behalf of CL Ashton Woods, LP., owner; for approval of a change in zoning to amend the Southern Trails Planned Development (PD), from an overlay zoning district which allows for Civic/Church uses to General Business (GB) uses, with restrictions on permitted uses; on approximately 0.9 acres of land of the total 522.62 acres, providing for an amendment of the zoning district map; containing a savings clause, a severability clause and an effective date and other provisions related to the subject, providing for an amendment of the zoning district map; containing a savings clause, a severability clause and an effective date and other provisions related to the subject.

**AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS**

AGENDA OF: December 15, 2014	ITEM NO.: Ordinance No. 2000M-128
DATE SUBMITTED:	DEPT. OF ORIGIN: Planning
PREPARED BY: Johnna Matthews	PRESENTOR: Lata Krishnarao
REVIEWED BY: Lata Krishnarao	REVIEW DATE: December 9, 2014
<p>SUBJECT: Ordinance No. 2000M-128 - An ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas, for the purpose of changing the classification of certain real property, being 1.749 acres (currently 0.9 acres due to right-of-way dedication, etc.) acres of land being a certain parcel of ground together with all the buildings and improvements being a portion of No. 2 Southern Trails Commercial No. 1, H.T. and B.R.R Company Survey, Section 84, A-538, City of Pearland, Brazoria County, Texas (generally located on the south side of Broadway Street, between Windward Bay Drive to the west and Kinglsey Drive to the east), Zone Change 2014-20Z; a request of BGE Kerry R. Gilbert and Associates, applicant; on behalf of CL Ashton Woods, LP., owner; for approval of a change in zoning to amend the Southern Trails Planned Development (PD), from an overlay zoning district which allows for Civic/Church uses to General Business (GB) uses, with restrictions on permitted uses; on approximately 0.9 acres of land of the total 522.62 acres, providing for an amendment of the zoning district map; containing a savings clause, a severability clause and an effective date and other provisions related to the subject, providing for an amendment of the zoning district map; containing a savings clause, a severability clause and an effective date and other provisions related to the subject.</p>	
<p>ATTACHMENTS: Ordinance No. 2000M- 128 and Exhibits (Exhibit A – Legal Description; Exhibit B – Location Map; Exhibit C - Legal Ad; Exhibit D- Planning and Zoning Commission Recommendation Letter; Exhibit E – Southern Trails PD Amendment) Joint Public Hearing Packet (11.17.14)</p>	
<p>EXPENDITURE REQUIRED: N/A AMOUNT AVAILABLE: N/A ACCOUNT NO.: N/A</p>	<p>AMOUNT BUDGETED: N/A PROJECT NO.: N/A</p>

ADDITIONAL APPROPRIATION REQUIRED: N/A
ACCOUNT NO.: N/A
PROJECT NO.: N/A

To be completed by Department:

Finance

Legal

Ordinance

Resolution

EXECUTIVE SUMMARY

PROJECT SUMMARY: The applicant proposes to change the zoning of an approximately 1.4-acre tract, originally designated for a civic use; specifically for a Fire Station; to General Business (GB). It is important to note that due to an increase in right-of-way and detention, the original 1.4 – acre civic parcel now includes approximately 0.9 acres.

As part of the proposed amendment, the applicant also proposes to update the land use summary to reflect the proposed change, include a metes and bounds description and proposed plat for the new 3.6 acre GB site; and update Exhibits D (Conceptual Plan), Exhibit E (Trail System Plan) and Exhibit F (Monumentation Plan).

PUBLIC NOTIFICATION: Public notices, comment forms, and a vicinity map were mailed to the applicant as well as property owners within 200 feet of the subject property under consideration for the zone change. At the time of this writing, staff has not received any returned notices from property owners within 200 feet of the site.

PLANNING AND ZONING COMMISSION DISCUSSION: At the regular meeting of the Planning and Zoning Commission on November 17, 2014, Planning and Zoning Commissioner Mary Starr amended her original motion of a recommendation approval, to a recommendation of approval with conditions. The motion was seconded by Commissioner Ginger McFadden. The motion passed 7/0, with all commissioners present and all commissioners in favor of the amended motion.

The recommended conditions of the Planning and Zoning Commission are as follows. The red text indicates how the applicant has addressed the conditions:

1. The following uses shall be prohibited:
 - Automobile and Automobile-Service Related Uses
 - Animal/Pet- Related Uses
 - Big Box Retail/Department Stores
 - Stand-Alone Restaurants
 - Drive-Thru Restaurants

The applicant included 28 prohibited uses on page 10 of the PD document. However, the above mentioned five (5) specific uses recommended by the Planning and Zoning Commission are not listed as prohibited uses in the PD.

2. Screening to buffer the proposed non-residential development from the existing single family subdivisions to the west and south, shall be consistent in design, including height, material, color, etc., with the existing screening wall provided by CVS to buffer against adjacent single family subdivisions.

The proposed PD amendment includes the following text regarding residential screening:

J. Screening

For development within the General Business zone, screening must be provided in order to buffer the proposed non-residential development from the existing single family subdivision to the west and south. All required screening shall be consistent in design. All new screening must match the height, material and color of any existing screening within the General Business zone.

STAFF RECOMMENDATION: Staff recommends approval of the amendment to the Southern Trails PD, to reallocate the 0.9 acres from a civic use to a GB use, for the following reasons:

1. The subject property was originally designated as a non-residential use; civic use for a Fire Station and will continue to be designated for non-residential uses allowed within the GB zoning district.
2. The PD and the proposed amendment generally meet the intent of the future land use designation of “Retail, Offices and Services” by providing non-residential uses to serve the surrounding single family subdivisions; with limited general business strip centers, as recommended by the “Minor Node” future land use designation.

Additionally, staff recommends that the above mentioned five uses recommended as prohibited uses by the Planning and Zoning Commission, be listed as such in the PD document.

Ordinance No. 2000M-128

An ordinance of the City Council of the City of Pearland, Texas, amending Ordinance No. 2000M, the zoning map of the City of Pearland, Texas, for the purpose of changing the classification of certain real property, being 1.749 acres (currently 0.9 acres due to right-of-way dedication, etc.) acres of land being a certain parcel of ground together with all the buildings and improvements being a portion of No. 2 Southern Trails Commercial No. 1, H.T. and B.R.R Company Survey, Section 84, A-538, City of Pearland, Brazoria County, Texas (generally located on the south side of Broadway Street, between Windward Bay Drive to the west and Kinglsey Drive to the east), Zone Change 2014-20Z; a request of BGE Kerry R. Gilbert and Associates, applicant; on behalf of CL Ashton Woods, LP., owner; for approval of a change in zoning to amend the Southern Trails Planned Development (PD), from an overlay zoning district which allows for Civic/Church uses to General Business (GB) uses, with restrictions on permitted uses; on approximately 0.9 acres of land of the total 522.62 acres, providing for an amendment of the zoning district map; containing a savings clause, a severability clause and an effective date and other provisions related to the subject, providing for an amendment of the zoning district map; containing a savings clause, a severability clause and an effective date and other provisions related to the subject.

WHEREAS, BGE Kerry R. Gilbert and Associates, applicant; on behalf of CL Ashton Woods, LP., owner; is requesting approval of a change in zoning to amend the Southern Trails Planned Development (PD), from an overlay zoning district which allows for Civic/Church uses to General Business (GB) uses; on approximately 1.749 acres of land (now 0.9 acres of land, due to right-of-way dedication, detention, etc.) of the total 522.62 acres included within the Southern Trails Planned Development; said property being legally described in the legal description attached hereto and made a part hereof for all purposes as Exhibit "A," and more graphically depicted in the vicinity map attached hereto and made a part hereof for all purposes as Exhibit "B," and

WHEREAS, on the 11th day of November 2014, a Joint Public Hearing was held before the Planning and Zoning Commission and the City Council of the City of Pearland, Texas, notice being given by publication in the official newspaper of the City, the affidavit of publication being attached hereto and made a part hereof for all purposes as Exhibit "C," said call and notice being in strict conformity with provisions of

Section 1.2.2.2 of Ordinance No. 2000T; and

WHEREAS, on the 11th day of November, 2014, the Planning and Zoning Commission submitted its report and recommendation to the City Council regarding the proposed PD amendment to change the zoning of an approximately 1.749 acre tract (now 0.9 acres) from a civic use, specifically for a fire station to General Business (GB), with conditions, said recommendation attached hereto and made a part hereof for all purposes as Exhibit “D”; said amended PD attached hereto as Exhibit E; and

WHEREAS, upon receipt of the report from the Planning and Zoning Commission, City Council considered this application and the recommendation of the Planning and Zoning Commission at regular meetings on the 15th day of December 2014 and the 22nd day of December 2014; and

WHEREAS, the City Council having fully heard the testimony and argument of all interested parties, and having been fully advised in the premises, finds that in the case of the application of BGE Kerry R. Gilbert and Associates, applicant; for approval of a change in zoning to amend the Southern Trails Planned Development (PD), from an overlay zoning district which allows for Civic/Church uses to General Business (GB) uses; on approximately 1.749 acres of land (now 0.9 acres of land, due to right-of-way dedication, detention, etc.) of the total 522.62 acres included within the Southern Trails Planned Development, presented which, in the judgment of the City Council, would justify the approval of said application; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

Section I. The following described property located within the corporate City Limits of the City of Pearland, Texas, and presently classified as Southern Trails Planned Development (PD), and designated for a Civic/Church use, specifically for a

fire station, is hereby granted a change in zoning to Southern Trails Planned Development (PD), with an overlay district of General Business (GB), in accordance with all conditions and requirements of the current Unified Development Code and incorporated for all purposes, such property being more particularly described as:

LEGAL DESCRIPTION: A certain parcel of ground together with all the buildings and improvements being a portion of No. 2 Southern Trails Commercial No. 1, H.T. and B.R.R. Company Survey, Section 84, A-538, City of Pearland, Brazoria County, Texas

GENERAL LOCATION: South side of Broadway Street, between Windward Bay Drive to the west and Kinglsey Drive to the east, Pearland, TX

Section II. The City Council of the City of Pearland finds and determines that the recitations in the preamble hereof are true and that all necessary prerequisites of law have been accomplished and that no valid protest of the proposed change has been made. The City Council further finds and determines that there has been compliance with the mandates of law in the posting and presentation of this matter to the Planning and Zoning Commission and to the City Council for consideration and decision.

Section III. The City Council of the City of Pearland finds and determines that the amendment adopted herein promotes the health, safety, and general welfare of the public and is a proper valid exercise of the City's police powers.

Section IV. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section V. All rights and remedies, which have accrued in the favor of the City

under this Ordinance and its amendments thereto, shall be and are preserved for the benefit of the City.

Section VI. The City Secretary is hereby directed to cause to be prepared an amendment to the official Zoning District Map of the City, pursuant to the provisions of Section 2.3.2.2 of Ordinance No. 2000-M and consistent with the approval herein granted for the reclassification of the herein above described property

Section VII. This Ordinance shall become effective after its passage and approval on second and final reading.

PASSED, APPROVED, and ADOPTED on First Reading this 15th day of December, 2014.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

PASSED, APPROVED, and ADOPTED on Second and Final Reading this 22nd day of December, 2014.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

Exhibit A
Legal Description

A certain parcel of ground together with all the buildings and improvements being a portion of No. 2 Southern Trails Commercial No. 1, H.T. and B.R.R. Company Survey, Section 84, A-538, City of Pearland, Brazoria County, Texas

**Exhibit B
Vicinity Map**



**Exhibit C
Legal Ad**

**NOTICE OF A JOINT PUBLIC HEARING
OF THE CITY COUNCIL**

AND

**THE PLANNING AND ZONING COMMISSION
OF THE CITY OF PEARLAND, TEXAS**

ZONE CHANGE APPLICATION NUMBER: 2014-20Z

Notice is hereby given that on November 17, 2014 at 6:30 p.m., the City Council and Planning and Zoning Commission of the City of Pearland, in Brazoria, Harris and Fort Bend Counties, Texas, will conduct a joint public hearing in the Council Chambers of City Hall, located at 3519 Liberty Drive, Pearland, Texas, at the request of BGE/Kerry R. Gilbert and Associates, applicant; on behalf of CL Ashton Woods, LP., owner; for approval of a change in zoning to amend the Southern Trails Planned Development (PD) to remove the Fire Station designation to allow for General Business (GB) non-residential uses on approximately 1.4 acres of the total 522.63 acres of land, to wit:

Being 1.4 acres, a certain parcel of ground together with all the buildings and improvements begin a portion of No. 2 Southern Trails Commercial No. 1, H.T. and B.R.R. Company Survey, Section 84, A-538, City of Pearland, Brazoria County, Texas, containing an area of 3.55 acres (154,859 square feet).

General Location: Southwest corner of Broadway Street and Kingsley Drive, Pearland, TX

At said hearing, all interested parties shall have the right and opportunity to appear and be heard on the subject. For additional information, please contact the Planning Department at 281-652-1765.

**Johnna Matthews
City Planner**

Exhibit D
Planning and Zoning Commission Recommendation Letter



Planning & Zoning Commission

November 18, 2014

Honorable Mayor and City Council Members
3519 Liberty Drive
Pearland, TX 77581

Re: Recommendation on Zone Change Application No. 2014-20Z, Southern Trails
Planned Development (PD) Amendment

Honorable Mayor and City Council Members:

At their meeting on November 17, 2014, the Planning and Zoning Commission considered the following:

A request of BGE Kerry R. Gilbert and Associates, applicant; on behalf of CL Ashton Woods, LP., owner; for approval of a change in zoning to amend the Southern Trails Planned Development (PD), from an overlay zoning district which allows for Civic/Church uses to General Business (GB) uses; on approximately 0.9 acres of land of the total 522.62 acres, to wit:

Legal Description: A certain parcel of ground together with all the buildings and improvements being a portion of No. 2 Southern Trails Commercial No. 1, H.T. and B.R.R. Company Survey, Section 84, A-538, City of Pearland, Brazoria County, Texas

General Location: South side of Broadway Street, between Windward Bay Drive to the west and Kinglsey Drive to the east, Pearland, TX

Commissioner Mary Starr made a motion to amend her original motion of a recommendation of approval of Zone Change Application Number 2014-20Z to amend the Southern Trails Planned Development, to a recommendation of approval with, conditions. The motion was seconded by Commissioner Ginger McFadden.

The motion passed 7/0, with all commissioners present and all commissioners in favor of the amended motion.

The recommended conditions of the Planning and Zoning Commission are as follows:

The recommended conditions of the Planning and Zoning Commission are as follows, and how the applicant addressed the conditions:

1. The following uses shall be prohibited:
 - Automobile and Automobile-Service Related Uses
 - Animal/Pet- Related Uses
 - Big Box Retail/Department Stores
 - Stand-Alone Restaurants
 - Drive-Thru Restaurants

2. Screening to buffer the proposed non-residential development from the existing single family subdivisions to the west and south, shall be consistent in design, including height, material, color, etc., with the existing screening wall provided by CVS to buffer against adjacent single family subdivisions.

Sincerely,

Johnna Matthews

A handwritten signature in cursive script that reads "Johnna Matthews".

City Planner
On behalf of the Planning and Zoning Commission

Exhibit E
Southern Trails Planned Development (Amended)

See Following Pages

**SOUTHERN TRAILS PLANNED UNIT DEVELOPMENT
AMENDMENT**

CITY OF PEARLAND, TEXAS

PREPARED FOR:

CL ASHTON WOODS, LP

PREPARED BY:

BGE| KERRY R. GILBERT & ASSOCIATES

NOVEMBER 2014

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	AMENDMENT TO SOUTHERN TRAILS PUD (2011).....	1
III.	AMENDMENT TO SOUTHERN TRAILS PUD (2014).....	1
IV.	EXISTING CONDITIONS	2
	A. Site Description	
	B. Surrounding Land Use	
V.	GOALS AND OBJECTIVES	3
VI.	PLAN OF DEVELOPMENT	3
	A. Project Description	
	B. Current Land Use	
	C. Proposed Land Use	
	D. Land Use Changes	
	E. Parks and Recreation	
	F. Street Circulation	
	G. Utilities	
	H. Project Phasing / Development Schedule	
	I. Signage	
	J. Screening	
VII.	EXHIBITS	7
	APPENDIX A	8

I. INTRODUCTION TO SOUTHERN TRAILS

The Southern Trails planned unit development application was prepared on behalf of Conifer Development, Ltd. in accordance with the City of Pearland Zoning ordinance related to a planned Unit Development (“PUD”). It is the intent of the Developer to utilize a Planned Unit Development to establish a comprehensive land use plan and zoning guideline for the entire development project that will govern the future improvements, signage, landscaping, and use of open space.

Southern Trails is a 522.63 acre master planned community located west of SH 288 and south of Broadway in the eastern portion of the city limits of Pearland, Texas. The property has frontage on and is bordered by Broadway to the north, C.R. 48 to the west, C.R. 59 to the south, and future extension of Kirby to the east.

All of the property is within the Pearland City Limits. At the core of the community's identity is an extensive recreational trail network service as a link to the various neighborhoods and focal points throughout the community. The development plan consists of residential, church, and general business uses, including facilities such as a parks, lakes and trails and significant open space.

II. AMENDMENT TO THE SOUTHERN TRAILS PUD (2011)

This application was prepared on behalf of CL Ashton Woods, LP and Taylor Morrison of Texas, Inc., pursuant to the City of Pearland ordinances related to the Planned Unit Development (PUD). The Southern Trails PUD was originally approved and codified under Ordinance Number 509-695 on February 9, 2004.

Currently, approximately 60% of the project has been developed. The intent of this amendment to the original PUD is to update exhibits to reflect current activity and propose revisions to the Trails System Plan Exhibit.

Southern Trails has been divided into two distinct developments divided by Kingsley Drive: Southern Trails and Southern Trails West. The current owner for Southern Trails is C.L. Ashton Woods, LP and the current owner for Southern Trails West is Taylor Morrison of Texas, Inc.

The revisions to the Trails System Plan Exhibit are described in detail in this document in Section IV.(E) Parks and Recreation.

III. AMENDMENT TO THE SOUTHERN TRAILS PUD (2014)

This application was prepared on behalf of CL Ashton Woods, LP, pursuant to the City of Pearland ordinances related to the Planned Unit Development (PUD). The Southern Trails PUD was originally approved and codified under Ordinance Number 509-695 on February 9, 2004.

Currently, approximately 85% of the project has been developed. The intent of this amendment to the original PUD is to update exhibits to reflect current activity and propose revisions to the overall land use acreages to reflect said revisions. Additionally, the proposed Fire Station site, which has decreased in size due to an increase in right of way

and detention requirements, is being reallocated to the General Business designation. Exhibit C.1 shows the property subject to the proposed amendment.

All of Southern Trails West has been developed and is privately owned. For Southern Trails, with the exception of the privately owned lots, the current owner is C.L. Ashton Woods, LP.

The revisions to the land use acreages are noted on Table 1: Acreage per Land Use Summary and can be seen on Exhibits D, E and F.

IV. EXISTING CONDITIONS

A. Site Description

The property was a compilation of fifteen tracts of various sizes and was vacant and unimproved at the time of acquisition and approval of the PUD. The property was used as farmland for growing milo and grain sorghum for generations. As shown on the Exhibit A-Area Map Exhibit aerial photograph, some of the development issues affecting the project were:

- Kingsley Drive (C.R. 48) divides the project
- There is a regional east-west drainage ditch bisecting the property which is owned and maintained by Brazoria County Drainage District #4. The improvements required for this ditch will be beyond the needs of this project in order to serve the region.
- A secondary north-south drainage ditch bisects much of the Property.
- The drainage outfall constraints increase the amount of land required for detention.
- The irregular shape of the property (See Exhibit A-Area Map Exhibit) impacts the public street design as well as the lot design/layout.
- The updated *Conceptual Plan* illustrates the platted lots that have been platted thus far.

B. Surrounding Land Use

The surrounding vicinity is characterized by recent residential development and a scattered mix of permanent residences and mobile homes. Recent residential activity illustrated in Exhibit A-Area Map Exhibit is:

- Shadow Creek Ranch to the north, as 3,300 acre master planned community, is immediately across and north of Broadway.
- Southgate, a 185 acre development, is located immediately to the east and across the future extension of Kirby Drive.
- Southfork, a 330 acre residential development, is located south of C.R. 59 and to the east in the City of Manvel.
- A proposed Alvin ISD High School west of Kirby Drive, between Southern Trails and Broadway.

There is a new school adjacent to Southern Trails on the east side of Kirby. (See *Exhibit D Conceptual Development Plan*).

V. GOALS AND OBJECTIVES

The proposed Planned Unit Development will have its own guidelines and restrictions in addition to those imposed by the City of Pearland. The Southern Trails Planned Unit Development will establish a comprehensive land use plan and zoning regulations to guide future improvements, including signage, landscape architecture, and generous open space. The Planned Unit Development provisions will guarantee the long-term aesthetic quality and continuity of the development and preserve the character of the community over time.

Southern Trails residents will immediately know that they are within their community; however, the sense of place will not be conveyed by monumentation as much as the tone set by the design of the streetscape and orientation around pedestrian activity.

The recreational trails are designed to be highly visible, with proposed below grade (below the road) crossings for safety, accessibility, and ease of use.

Main arterial roads (minor collectors) through the project will be enhanced with street trees and additional landscaping.

Detention facilities for Southern Trails will be consolidated and constructed in such a manner as to provide usable open space incorporating the trails, parks, and other recreational facilities.

Open spaces will be designed with the goal of encouraging social interaction among residents, thus adding to the safety of the community as a whole.

VI. PLAN OF DEVELOPMENT

A. Project Description

The 522.63 Planned Unit Development is entirely single family residential development with the exception of a 9.3 acre church parcel and a general business parcel totaling 3.6 acres at the southwest corner of Kingsley Drive (C.R. 48) and Broadway.

There will be approximately 110 acres of open space and park areas within Southern Trails. The trail system will link lakes, recreational facilities, and residential neighborhoods creating a pedestrian friendly community.

Southern Trails design offers accessible water features that can be enjoyed by the entire community; this is accomplished through the strategic location of lakes in park areas, thereby abandoning the conventional development practices of completely surrounding lakes with waterfront homes.

B. Current Land Use

Southern Trails is located west of SH 288 and south of Broadway in the western portion of the city limits of Pearland, Texas. The property has frontage on and is bordered by Broadway to the north, Kingsley Drive (C.R. 48) to the west, C.R. 59 to the south and the future extension of Kirby to the east.

The property is a compilation of 17 tracts ranging in size from 1 acre to 120 acres, and is currently vacant and unimproved, consisting of flat coastal plain used farming row

crops. The surrounding vicinity is characterized by vacant tracts of land, subdivision, and a scattered mix of rural residences and mobile homes.

The property lies within the city limits of Pearland. The current zoning designation of the surrounding properties are a mixture of medium and low density residential (R1, R2, R3) with scattered commercial uses. The subject property is currently zoned in mixed classifications of SD, RE, R1, and R2.

C. Proposed Land Use

The City of Pearland’s Comprehensive Plan indicates this portion of the planning area as medium and low density residential with appropriate commercial uses. The proposed Conceptual Development Plan presents a low density master planned community with a wide range of attractive housing in well defined neighborhoods.

The *Conceptual Development Plan* complies with the intent of the Comprehensive Plan with an overall density not to exceed 3.6 dwelling units per net acre based on a maximum of 1390 homes on 381.5 residential use acres. Gross calculations yield 2.7 lots per acre based on 522.6 acres as shown in the Land Use Plan.

TABLE 1: ACREAGE PER LAND USE SUMMARY

USE	ACRES	MIX
Single Family Residential (SFR)*	381.5	73%
Multi Family Residential	0	0.00%
Light Industrial	0	0.00%
General Business ***	3.6	1%
Civic/Church	9.3	2%
Parks/Recreation/Open Spaces**	112.5	22%
Major Thoroughfare Rights-of-Way	15.7	3%
Total	522.6	100.00%

*Single family residential encompasses R-1 (180 acres); R-2 (145 acres); and R-3 (56.5 acres) single family dwelling districts as presented in Appendix “A” hereto. Any district may, increase in acreage by up to 15%. The total increase in SFR is defined in the *Land Use Changes* section below.

**Parks, recreation and open space includes public and private parks, community recreation centers, linear parks and greenbelts, and open space, lakes, bayous and drainage ways.

***Development of the western 0.9 Acre of the commercial tract is subject to the General Business regulations as stated in the current Unified Development Code. See Exhibit C.1 for the exact location of the 0.9 Acres. This 0.9 Acres is also subject to the prohibited Uses listed in Appendix “A” under General Business.

D. Land Use Changes

Land use shall be regulated on a total acreage basis illustrated in Table 1 and by a finite cap on the number of dwelling units. Each land use category may be increased in acreage by up to 15% as long as the total number of dwelling units does not exceed 1390. This flexibility is required to ensure the overall success of the development. If a proposed land use is requested to be an increase in an area by more than 15%, an amendment to this Planned Unit Development must be requested and approved by the City of Pearland. Land uses may be interchanged within the boundaries of the project provided they are in compliance with the acreage defined in Table 1, subject to the 15% allowable increase.

E. Parks and Recreation

The focal point of the Southern Trails Planned Unit Development is its proliferation of trails and lakes throughout the community. The comprehensive trail system is designed to be highly visible, with proposed below grade (below the road) crossings for safety, accessibility, and ease of use.

The Exhibit E *Trail System* illustrates the location of the proposed amenities. Some of the features of the development plan are:

- A continuous and easily accessible trail system with natural open space;
- Fitness stations and water fountains on the trail network;
- Passive use recreation facilities such as picnic areas;
- Common areas strategically lighted for nighttime enjoyment;
- Vantage points that offer visitors and residents beautiful views;
- A minimum of 6.7 acres of pedestrian trail system. (9,800 ft x 30 ft)
- Two of the four lakes totaling 7.3 acres will serve primarily as amenities intentionally designed with limited detention capacity creating nearly constant water levels in a park like setting;
- The third and largest lake (approximately 16.6 acres) is located in the center of the project and acts as a “hub” for the trail network;
- A fourth lake, located within one of the single family sections, serves to provide additional amenities to the larger lots.
- In order to increase accessibility and enjoyment of the principals lake for the entire community, there will be a 3.0 acres lakeside recreational facility;
- An additional ± 1.0 acre neighborhood park;
- An additional ± 0.6 acre neighborhood park;
- Three additional parks being ± 0.5 acre each.

At this time, all of the above stated amenities are constructed. In addition to the parks, there is a trail system connecting the entire Southern Trails community. Exhibit E Trail System has been updated to depict revisions to the underground pedestrian tunnels

and sidewalks. The following revisions are shown on the revised Exhibit E Trail System and are listed below:

Southern Trails

- The proposed below grade pedestrian crossing located on Southern Trails Drive south of Broadway, will not be constructed. Instead, the existing six (6) foot sidewalks along each side of Southern Trail Drive coupled with the signal controlled intersection with two-way ramps and crosswalks located at Broadway eliminate the need for the proposed crossing.
- A six (6) foot sidewalk was constructed along the east side of Kingsley Drive, extending from Southern Trails Drive north to the northern property edge of the Southern Trails development and to install handicap ramps at each intersection.

Southern Trails West

- Construct a six (6) foot sidewalk along the westside of Kingsley Drive from Southern Trails Drive north to the Commercial site (option for developer to construct or pay City of Pearland in lieu of construction).
- Install crosswalk at grade on Kingsley with appropriate signage and striping, in lieu of a below grade pedestrian crossing (under Kingsley Drive).
- Not to construct a trail along the drainage easement on the southern boundary between Kingsley Drive and Trail Hollow Drive. The sidewalk along Southern Valley Drive provides a pedestrian pathway parallel to the drainage easement.

Construction of sidewalks interior to the development adjacent to the lots will be completed in conjunction with the home construction. Also, the construction of the sidewalks in front of the model homes will occur at the time of conversion from a model home to home ownership. The construction of fencing internal to the project will be constructed at the time of home construction.

The Parks Department has agreed to accept a cash payment in lieu of acreage dedication; however, the Developer and the City are currently discussing alternatives

F. Street Circulation

The Southern Trails 90-foot boulevard entrances (*see Exhibit F Project Monumentation*) will merge into the main arteries which adhere to the City of Pearland Comprehensive Plan and shall be 60-foot rights-of-ways with two 10-foot utility easement as required by City ordinance. The street design of the community is such that no home shall front the minor collectors, eliminating the need for direct access (driveways) and on-street parking. These streets will have 28-foot paving sections (*see Exhibit G Typical Collector Street Cross Section*) and 6' sidewalks will be constructed on both sides of the right-of-way. Local streets serving development pods will be a minimum of 50-foot rights-of-way with 28-foot paving.

G. Utilities

Southern Trails shall have over 78 acres of drainage and detention facilities. The drainage facilities include a network of landscaped linear detention systems throughout the development. The drainage plan was prepared by Brown and Gay Engineers, Inc.

All drainage plans will comply with Brazoria County Drainage District #4 and the City of Pearland's requirements.

H. Project Phasing / Development Schedule

The first phase of the Southern Trails will contain \pm 20 acres at an expense of approximately \$12.9 million. Future sections are illustrated in the *Conceptual Development Plan*.

The completion of the proposed Southern Trails Planned Unit Development was originally anticipated in 2012, projecting a 9 year build out, with an estimated total cost of approximately \$65 million. However, the competition is now estimated to occur in 2018, resulting in a 15 year build out.

I. Signage

The *Project Monumentation Exhibit* illustrates the proposed entry monument. Except as otherwise provided for in the Planned Unit Development, the signage is the Planned Unit Development will comply with the City of Pearland signage regulations.

J. Screening

For development within the General Business zone, screening must be provided in order to buffer the proposed non-residential development from the existing single family subdivision to the west and south. All required screening shall be consistent in design. All new screening must match the height, material and color of any existing screening within the General Business zone.

VII. Exhibits

- A – Area Map
- B – Survey
- C – Metes & bounds description
- C.1- Metes & bounds description (Amendment)
- D – Conceptual Plan Exhibit – **Revised**
- E – Trail System Plan Exhibit
- F – Project Monumentation Exhibit
- G – Typical Collector Street Cross Section

APPENDIX “A”

R-1 SINGLE FAMILY DWELLING DISTRICT

Purpose of District

The R-1 Dwelling District provides for large lot, single family detached dwellings. The district is the most restrictive of all residential districts, requiring large lots, and encourages a grouping of dwelling units to achieve larger open space area and community recreational uses. This district will follow the provisions provided in the City of Pearland Land Use and Urban Development Ordinance applicable to the R-1 PUD district, and amendments thereto.

R-2 SINGLE FAMILY DWELLING DISTRICT

Purpose of District

The R-2 Dwelling District is intended to permit the low density residential development of detached, single family dwelling units, and encourages a grouping of dwelling units to achieve larger open space area and community recreational uses. This district will follow the provisions provided in the City of Pearland Land Use and Urban Development Ordinance applicable to the R-2 PUD district, and amendments thereto.

R-3 SINGLE FAMILY DWELLING DISTRICT

Purpose of District

The R-3 Dwelling District provides for medium density lot, single family detached dwelling units, an appropriate grouping of dwelling units to achieve larger open space areas and community recreational uses. This district will follow the provisions provided in the City of Pearland Land Use and Urban Development Ordinance applicable to the R-1 PUD district, and amendments thereto.

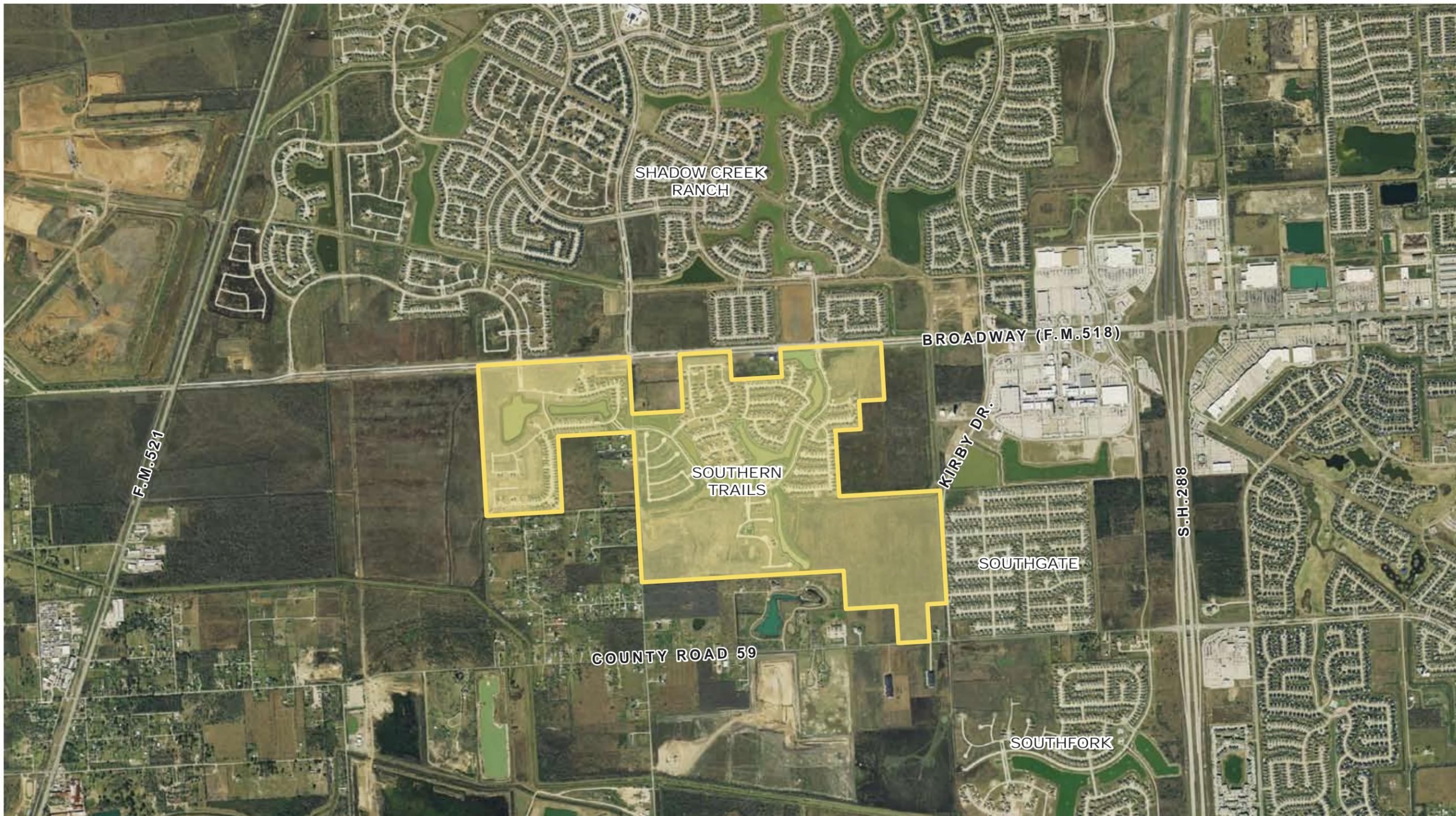
GB GENERAL BUSINESS DISTRICT

Purpose of District

The General Business district is intended to permit an extensive variety of commercial uses including retail trade, personal and business service establishments, offices and commercial recreational uses of limited scope. However, this district shall be restricted from sexually oriented businesses (i.e. modeling studios, bath houses, adult movie rentals, etc.). This district will follow the provisions provided in the City of Pearland Land Use and Urban Development Ordinance applicable to the GB PUD district, and amendments thereto.

In addition to the previously mentioned uses, the following uses are prohibited within the western 0.9 Acre of the General Business district (See Exhibit C.1):

- Health and beauty Aids Retailer
- Greeting Card Store
- Sale of alcoholic beverages for off premise consumption
- Discount store/ 99 cent store/ dollar store
- Pinball, Video game or any form of entertainment arcade
- Gambling or betting office other than sale of lottery tickets
- Massage Parlor
- Cinema, theatre, video store or bookstore selling, renting or exhibiting primarily material of pornographic or adult nature
- Adult entertainment bar or club (excluding comedy club)
- Bowling alley
- Roller skating or ice skating rink
- Billiard parlor or pool hall (unless ancillary use to a restaurant or similar)
- Firearms shooting range
- Cinema or theatre
- Health club or exercise salon over 2500 s.f.
- Educational or vocational institution
- Flea market
- Warehouse
- Gas station
- Facility with on-site dry cleaning
- Facility with on-site auto-repair
- Office except as incidental to a permitted retail uses such as offices customarily in commercial retail centers (i.e. brokerage/investment type office, real estate, insurance or similar)



**EXHIBIT
"A"**

an area map for

SOUTHERN TRAILS

± 522.63 ACRES OF LAND

prepared for

**C.L. ASHTON WOODS, L.P.
TAYLOR MORRISON OF TEXAS, INC.**

KERRY R. GILBERT & ASSOCIATES, INC.

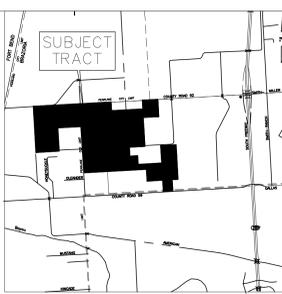
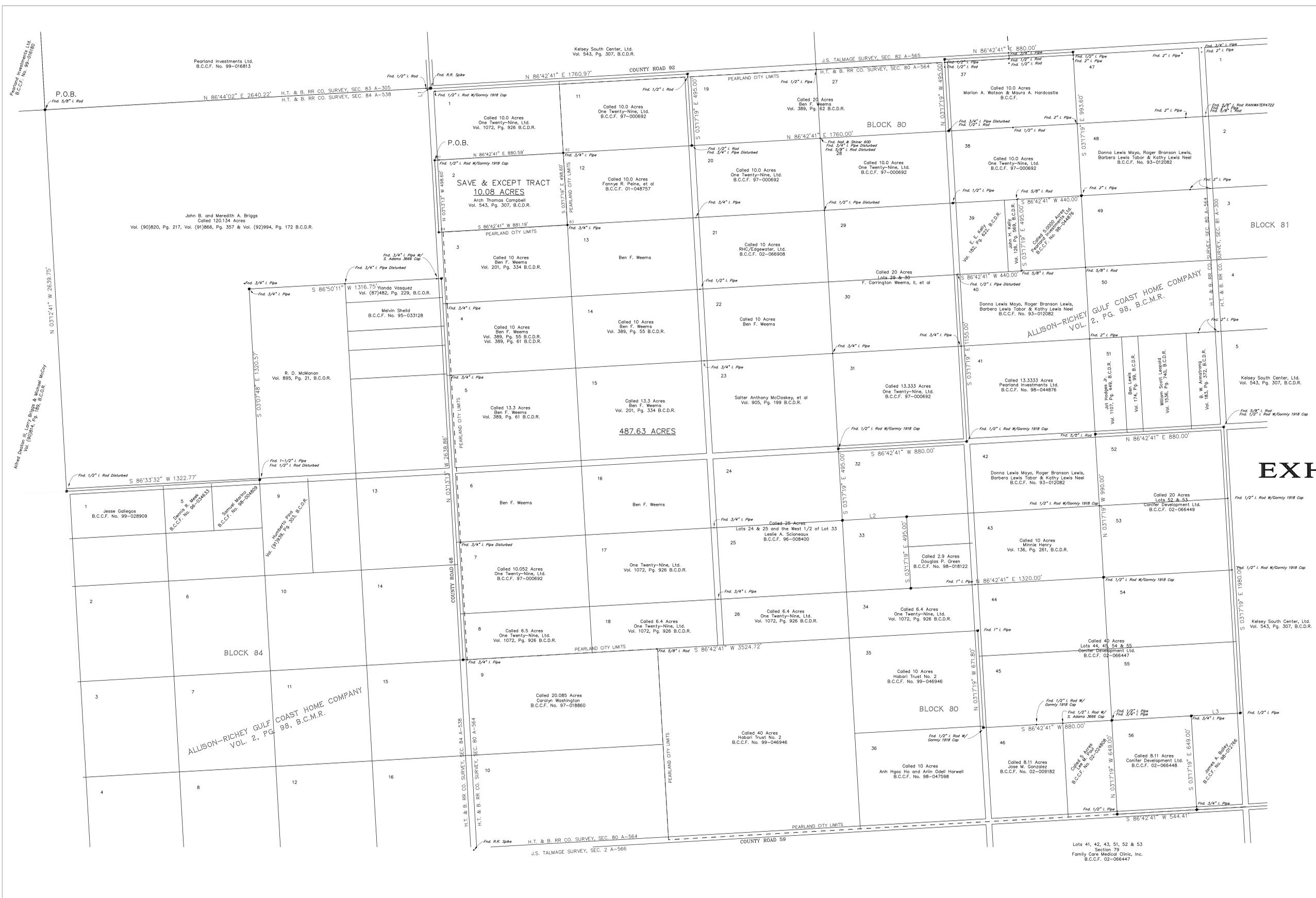
Land Planning Consultants

23501 Cinco Ranch Blvd.
Suite A-250
Katy, Texas 77494
(281) 579-0340
Fax (281) 579-8212

NOT TO SCALE

JANUARY 14, 2011
KGA #06101

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LEGEND

D.E.	Drainage Easement
Fnd.	Found
B.C.C.F.	Brazoria County Clerk's File
B.C.D.R.	Brazoria County Deed Records
B.C.M.R.	Brazoria County Map Records
I.	Iron
R.O.W.	Right-of-Way
U.E.	Utility Easement
W.L.E.	Water Line Easement

LINE DATA

NUMBER	BEARING	DISTANCE
L1	S 03°11'26" E	4.56'
L2	N 86°42'41" E	440.00'
L3	S 86°42'41" W	335.59'

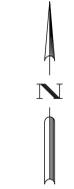


EXHIBIT "B"

497.71 ACRES
Less 10.08 ACRES
487.63 ACRES

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE

Notes:
1. Bearing orientation is based on monumentation found on the west line of a called 120.134 acre tract of land described in a deed recorded in Volume (90)820, Page 217 of the Brazoria County Deed Records.

This map or plat was prepared under 22 Texas Annotated Code § 663.21 and reflects the results of a survey completed on the ground, and the assembly of instruments of record to describe and draw the political boundary limits of the Harris County Municipal Utility District No. 157; and is not to be used to convey or establish interests in real property except those rights and interest implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Surveyed this the 23rd day of May, 2003.

Revised: June 24, 2003
BROWN & GAY CIVIL ENGINEERS & SURVEYORS HOUSTON, TEXAS



Richard Fussell, RPLS No. 4148
Brown & Gay Engineers, Inc.
11490 Westheimer, Suite 700
Houston, Texas 77077
Telephone: (281) 558-8700

SOUTHERN PINES M.U.D. A 487.63 ACRE TRACT OF LAND SITUATED IN THE H.T. & B RR CO. SUR. SEC. 80, A-564 & H.T.&B RR CO. SUR., SEC 84, A-538 CITY OF PEARLAND BRAZORIA COUNTY, TEXAS

P.C.	B.G.	Date:	JUNE, 2003	Sheet	1
TECH:	S.T.	Scale:	1" = 250'		
R.P.L.S.:	R.F.	Job No.:	1504-ST		
Coordinate File:	\\PROJECTS\SERVER\PROJECTS\BASE.DWG				

522.62 ACRES

DECEMBER 1, 2003
JOB NO. TER04-5T

DESCRIPTION OF A 522.62 ACRE TRACT OF LAND
SITUATED IN THE
H.T. & B. RR COMPANY SURVEY, SECTION 80, ABSTRACT 564 AND
THE H.T. & B. RR COMPANY SURVEY, SECTION 84, ABSTRACT 538
CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS

BEING a 522.62 acre tract of land situated in the H.T. & B. RR Co. Survey, Section 80, Abstract 564 and the H.T. & B. RR Co. Survey, Section 80, Abstract 538, City of Pearland, Brazoria County, Texas; being all of a called 120.134 acre tract of land described in a deed recorded Volume (90) 820, Page 217, Volume (91) 866, Page 357 and Volume (92) 994, Page 172 all of the Brazoria County Deed Records, and Lots 3 through 8, 11 through 18, 20 through 26, 27 through 34, Lots 37 & 38 and the west 1/2 of Lot 39, all of Lots 42, 43, 44, 45, 52 through 55 and 8.11 acres of Lot 56 of the Allison-Richey Gulf Coast Home Company subdivision recorded in Volume 2, Page 98 of the Brazoria County Map Records; said 522.62 acre tract of land being more particularly described as follows:

BEGINNING at 5/8-inch iron rod found at the northwest corner of said called 120.134 acre tract being the common corner of a tract of land recorded in Volume (90) 814, Page 189 of the Brazoria County Deed Records, a tract of land described in a deed recorded under Brazoria County Clerk's File Number 99-016180 and a tract of land described in a deed recorded under Brazoria County Clerk's File Number 99-016813 for the northwest corner of the herein described tract;

THENCE N 86°44'02" E, a distance of 2640.22 feet to the intersection of County Roads 92 and 48 being the northeast corner of said called 120.134 acre tract for a corner of the herein described tract from which a found RR spike bears N 86°45'10" E, 7.70 feet and a found 1/2-inch iron rod bears S 86°31'02" W, 29.70 feet;

THENCE S 03°17'01" E, a distance of 4.56 feet with the centerline of said County Road 48 (based on original 40' width) to a point for corner from which a found 1/2-inch iron rod bears S 60°00'12" E, 35.94 feet;

THENCE N 86°42'41" E, a distance of 0.96 feet with the centerline of said County Road 92 (based on original 40' width) and the north line of said Section 80 to a point for corner;

THENCE S 03°13'13" E, a distance of 993.60 feet with the center line of said County Road 48 (original 40.00 foot width) and the west line of said Lots 2 and 1 to a point for corner;

THENCE N 86°42'41" E, a distance of 881.19 feet to a found 3/4-inch iron pipe for corner;

THENCE N 03°17'19" W, a distance of 993.60 feet to a point in the centerline of said County Road 92 (based on original 40' width) for corner;

THENCE N 86°42'41" E, a distance of 880.00 feet with the centerline of said County Road 92 (based on original 40' width) to a point for corner;

THENCE S 03°17'19" E, at a distance of 20.00 feet pass a 1/2-inch iron rod, in all a total distance of 495.00 feet to a 1/2-inch iron rod found for corner;

THENCE N 86°42'41" E, a distance of 880.00 feet to a point for corner from which a found 60d nail with shiner;

THENCE N 03°17'19" W, at 475.00 feet pass a found 1/2-inch iron rod, in all a total distance of 495.00 feet to a point for corner;

THENCE N 86°42'41" E, a distance of 1760.00 feet with the centerline of said County Road 92 (based on original 40' width) to a point for corner;

THENCE S 03°17'19" E, along the East line of said Lot 37 and 38, passing at 19.74 feet and East 1.41 foot a 1/2-inch iron pipe, at 48.09 feet pass a 2-inch iron pipe and East 1.22', a total distance of 993.60 feet to a found 2-inch iron pipe;

THENCE S 86°42'41" W, a distance of 440.00 feet to a point for corner from which a found 5/8-inch iron rod bears S 72°58" W, 0.6 feet;

THENCE S 03°17'19" E, a distance of 495.00 feet to a found 5/8-inch iron rod bears S 86°23'W, 0.5 feet for corner;

THENCE S 86°42'41" W, a distance of 440.00 feet to a point for corner from which a found 1/2-inch iron pipe bears S 67°22' W, 0.40 feet;

THENCE S 03°17'19" E, a distance of 1155.00 feet to a 1/2-inch iron rod with a cap stamped "Gormly 1918" found for corner;

THENCE N 86°42'41" E, a distance of 1760.00 feet to a point for corner from which a found a 1/2-inch iron rod with a cap stamped "Gormly 1918" bears N 13°12'20" W, 1.22 feet and a found 5/8-inch iron rod bears N 15°42'41" W, 1.34 feet;

THENCE S 03°17'19" E, a distance of 1980.00 feet to a point for corner from which a found 1/2-inch iron pipe bears N 02°22'32" E, 1.82 feet;

THENCE S 86°42'41" W, a distance of 335.59 feet to a point for corner from which a found 3/4-inch iron pipe bears N 07°31'57" E, 1.79 feet;

THENCE S 03°17'19" E, a distance of 649.00 feet to a point in the centerline of County Road 59 (based on original 40' width) from which a found 3/4-inch iron pipe bears N 01°45'50" W, 21.56 feet;

THENCE S 86°42'41" W, a distance of 544.41 feet to a point in the centerline of County Road 59 (based on original 40' width) from which a found 1/2-inch iron pipe bears N 02°04'04" W, 21.38 feet;

4
THENCE N 03°17'19" W, a distance of 649.00 feet to a point for corner from which a found 1/2-inch iron pipe and a 3/4-inch iron pipe bear N 07°04'14" E, 1.49 feet;

THENCE S 86°42'41" W, a distance of 880.00 feet to a point for corner from which a 1/2-inch iron

rod with a cap stamped "Gormly 1918" bears N 22°04'06" E, 0.99 feet;

THENCE N 03°17'19" W, a distance of 671.80 feet to a 1-inch iron pipe found for corner;

THENCE S 86°42'41" W, a distance of 3524.72 feet to a point in the centerline of said County Road 48 (based on original 40' width) from which a found 3/4-inch iron pipe bears N 87°42'35" E, 28.47 feet;

THENCE N 03°13'13" W, a distance of 2638.86 feet with the centerline of said County Road 48 (based on original 40' width) to a point from which a found 3/4-inch iron pipe with cap stamped "S. Adams 3666" bears S 87°06'43" W, 31.63 feet;

THENCE S 86°50'11" W, a distance of 1316.75 feet to a point for corner from which a found 3/4-inch iron pipe bears S 12°34'15" E, 5.57 feet and a found 3/4-inch iron pipe bears N 40°37'46" W, 49.20 feet;

THENCE S 03°07'48" E, a distance of 1320.57 feet to a 1 1/2-inch iron pipe found for corner from which a found 1/2-inch iron rod bears S 18°37'20" W, 6.28 feet;

THENCE S 86°33'32" W, a distance of 1322.77 feet to a 1/2-inch iron rod found for corner;

THENCE N 03°12'41" W, a distance of 2639.75 feet to the **POINT OF BEGINNING** and containing 497.71 acres of land.

In conclusion, the herein described 522.621 acre tract comprises a **TOTAL ACREAGE** of **522.62 ACRES**.

Bearing orientation is based on monumentation found on the west line of a called 120.134 acre tract of land described in a deed recorded in Volume (90)820, Page 217 of the Brazoria County Deed Records.

This metes and bounds description was prepared under 22 Texas Annotated Code # 663.21 and reflects the results of a survey completed on the ground, and the assembly of instruments of record to describe the political boundary limits of the Brazoria County MUD No. 34; and is not to be used to convey or establish interests in real property except those rights and interest implied or established by the creation or reconfiguration of the boundary of the political subdivision for which is was prepared.




Richard Fussell RPLS No. 4148
Brown & Gay Engineers, Inc.
11490 Westheimer Road, Suite 700
Houston, Texas 77077
Telephone: (281) 558-8700

Exhibit C-1

LEGEND		
	EXIST. GUY WIRE	EXIST.
	EXIST. CONC. AREA	SMH
	EXIST. BOUNDARY LINE	EXIST. SEWER MANHOLE
	CONC.	EXIST. SEWER MANHOLE
	WATER METER	EXIST. DRAIN MANHOLE
	GAS METER	EXIST. SIGN
	GAS VALVE	EXIST. POWER OR TELEPHONE POLE
	WATER VALVE	HOSE BIB
	DENOTES IRON ROD FOUND	EXIST. STREET LIGHT
	DENOTES 1/2" IRON ROD SET	EXIST. DITCH
	DENOTES CROSS CUT SET	EXIST. TRAFFIC LIGHT
	LINE NOT TO SCALE	EXIST. FIRE HYDRANT
	TITLE	EXIST. DROP INLET
		DENOTES CROSS CUT
		ACTUAL

PLAT NOTES:

- THIS PLAT HAS BEEN PREPARED TO MEET THE REQUIREMENTS OF THE STATE OF TEXAS, BRAZORIA COUNTY AND THE CITY OF PEARLAND. THIS PLAT WAS PREPARED FROM INFORMATION PROVIDED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, G.F. NO. 1017002997, EFFECTIVE DATE: MAY 31, 2013. ISSUE DATE: JUNE 5, 2013.
- ALL BEARING REFERENCES ARE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE.
- ALL SUBDIVISION COMMON AREAS INCLUDING BUT NOT LIMITED TO DETENTION FACILITIES, EASEMENTS, AND OPEN SPACE WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE MAINTAINED BY A HOMEOWNERS ASSOCIATION, COMMERCIAL PROPERTY ASSOCIATION OR OTHER ENTITY AND SHALL NOT BE THE RESPONSIBILITY OF THE CITY OF PEARLAND OR BRAZORIA COUNTY.
- CITY OF PEARLAND GPS #9 WITH A PUBLISHED ELEVATION OF 59.03 1987 ADJUSTMENT.
- ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) MAP NO. 480338200202B, WITH THE EFFECTIVE DATE OF JUNE 5, 1989, THE PROPERTY IS LOCATED IN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE OF THE 100 YEAR FLOODPLAIN.) ALL FLOODPLAIN INFORMATION NOTED IN THE PLAT REFLECTS THE STATUS PER THE FEMA FIRM MAP THAT IS EFFECTIVE AT THE TIME THAT THE PLAT IS RECORDED. FLOODPLAIN STATUS IS SUBJECT TO CHANGE AS FEMA FIRM MAPS ARE UPDATED.
- ANY CONSTRUCTION PROPOSED TO BE INSTALLED WITHIN A PROPERTY EASEMENT WITH PRESCRIBED RIGHTS TO A PRIVATE ENTITY MAY REQUIRE THE PERMISSION OF THE PRIVATE ENTITY PRIOR TO THE START OF CONSTRUCTION. FAILURE TO SECURE SUCH PERMISSION MAY RESULT IN THE RIGHT HOLDER(S) OF THE EASEMENT REMOVING ANY UNAPPROVED PAVEMENT, STRUCTURES, UTILITIES, OR OTHER FACILITIES LOCATED WITHIN THE EASEMENT. THE RESPONSIBILITY OF SECURING APPROVAL FROM THE PRIVATE ENTITIES TO BUILD WITHIN AN EASEMENT IS SOLELY THAT OF THE PROPERTY OWNER.
- ACCESS RIGHTS TO PARKING AREAS AND DRIVEWAYS ARE HEREBY GRANTED TO ALL ADJOINING COMMERCIAL PROPERTIES.
- THE MINIMUM SLAB ELEVATION FOR ALL BUILDINGS LOCATED WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE THE HIGHER OF (1) EITHER 12 INCHES ABOVE THE TOP OF CURB ELEVATION FOR A CURB STREET OR 12 INCHES ABOVE THE ELEVATION OF THE EDGE OF THE ROADWAY IF NO CURB EXISTS, OR (2) 12 INCHES ABOVE THE 100 YEAR FLOODPLAIN WATER SURFACE ELEVATION FOR STRUCTURES TO BE LOCATED WITHIN THE 100 YEAR FLOODPLAIN.
- ANY PROPOSED DRAINAGE SYSTEM FOR THIS SUBDIVISION SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE CITY OF PEARLAND AND/OR BRAZORIA DRAINAGE DISTRICT #4. LOT LINES SHALL BE THE CENTER OF A 6 FOOT WIDE DRAINAGE EASEMENT.
- THIS PROPERTY IS LOCATED WHOLLY WITHIN MUNICIPAL UTILITY DISTRICT NO. 34.
- ALL LANDSCAPING AND STRUCTURES, INCLUDING FENCES AT INTERSECTIONS SHALL CONFORM TO THE CITY OF PEARLAND AND ASHTO SITE DISTANCE REQUIREMENTS FOR MOTORISTS.
- DRIVEWAY REQUIREMENTS FOR THE LOCATION, WIDTHS AND OFFSETS FROM AN INTERSECTION AND ANY EXISTING DRIVEWAY OR PROPOSED DRIVEWAYS, SHALL CONFORM TO THE REQUIREMENTS OF THE CITY OF PEARLAND ENGINEERING DESIGN CRITERIA MANUAL AND UNIFIED DEVELOPMENT CODE.
- BUILDINGS NOT SHOWN FOR CLARITY.

STATE OF TEXAS
COUNTY OF BRAZORIA:

WE, FIRST HARTFORD REALTY CORPORATION, A LIMITED PARTNERSHIP, ACTING BY AND THROUGH NEIL ELLIS, PRESIDENT, OWNERS OF THE PROPERTY SUBDIVIDED IN THIS PLAT OF AMENDING PLAT NO. 2 SOUTHERN TRAILS COMMERCIAL NO. 1, 1.749 ACRES OUT OF THE H.T. AND B.R.R. COMPANY SURVEY, SECTION 84, A-538, BRAZORIA COUNTY, TEXAS, DO HEREBY MAKE SUBDIVISION OF SAID PROPERTY FOR AND ON BEHALF OF SAID FIRST HARTFORD REALTY CORP., ACCORDING TO THE LINES, LOTS, STREETS, ALLEYS, RESERVES, PARKS, AND EASEMENTS AS SHOWN HEREON AND DEDICATE FOR PUBLIC USE AS SUCH THE STREETS, ALLEYS, PARKS, AND EASEMENTS SHOWN HEREON FOREVER, AND DO HEREBY WAIVE ALL CLAIMS FOR DAMAGES OCCASIONED BY THE ESTABLISHMENT OF GRADES AS APPROVED FOR THE STREETS AND DRAINAGE EASEMENTS DEDICATED, OR OCCASIONED BY THE ALTERATION OF THE SURFACE, OR ANY PORTION OF THE STREETS OR DRAINAGE EASEMENTS TO CONFORM TO SUCH GRADES, AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND DEFEND THE TITLE TO THE LAND SO DEDICATED.

IN TESTIMONY HERETO, FIRST HARTFORD REALTY CORPORATION, A LIMITED PARTNERSHIP, HAS CAUSED THESE PRESENTS TO BE SIGNED BY NEIL ELLIS, PRESIDENT, THIS _____ DAY OF _____, 2014.

OWNER: FIRST HARTFORD REALTY CORPORATION A LIMITED PARTNERSHIP

BY: _____
NEIL ELLIS, PRESIDENT

STATE OF TEXAS
COUNTY OF _____:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED NEIL ELLIS, PRESIDENT OF FIRST HARTFORD REALTY CORPORATION, A LIMITED PARTNERSHIP, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ OF _____, 2014.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES _____

STATE OF TEXAS
COUNTY OF BRAZORIA:

WE, CL ASHTON WOODS, L.P., A LIMITED PARTNERSHIP, ACTING BY AND THROUGH _____ MANAGING MEMBER, OWNER OF THE PROPERTY SUBDIVIDED IN THIS PLAT OF AMENDING PLAT NO. 2 SOUTHERN TRAILS COMMERCIAL NO. 1, 1.749 ACRES OUT OF THE H.T. AND B.R.R. COMPANY SURVEY, SECTION 84, A-538, BRAZORIA COUNTY, TEXAS, DO HEREBY MAKE SUBDIVISION OF SAID PROPERTY FOR AND ON BEHALF OF SAID FIRST HARTFORD REALTY CORPORATION, ACCORDING TO THE LINES, LOTS, STREETS, ALLEYS, RESERVES, PARKS, AND EASEMENTS AS SHOWN HEREON AND DEDICATE FOR PUBLIC USE AS SUCH THE STREETS, ALLEYS, PARKS, AND EASEMENTS SHOWN HEREON FOREVER, AND DO HEREBY WAIVE ALL CLAIMS FOR DAMAGES OCCASIONED BY THE ESTABLISHMENT OF GRADES AS APPROVED FOR THE STREETS AND DRAINAGE EASEMENTS DEDICATED, OR OCCASIONED BY THE ALTERATION OF THE SURFACE, OR ANY PORTION OF THE STREETS OR DRAINAGE EASEMENTS TO CONFORM TO SUCH GRADES, AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND DEFEND THE TITLE TO THE LAND SO DEDICATED.

IN TESTIMONY HERETO, CL ASHTON WOODS, L.P., A LIMITED PARTNERSHIP, HAS CAUSED THESE PRESENTS TO BE SIGNED BY _____ MANAGING MEMBER, THIS _____ DAY OF _____, 2014.

OWNER: CL ASHTON WOODS, L.P., A LIMITED PARTNERSHIP

BY: _____
_____ MANAGING MEMBER

STATE OF TEXAS
COUNTY OF _____:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED _____ MANAGING MEMBER OF CL ASHTON WOODS, L.P., A LIMITED PARTNERSHIP, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ OF _____, 2014.

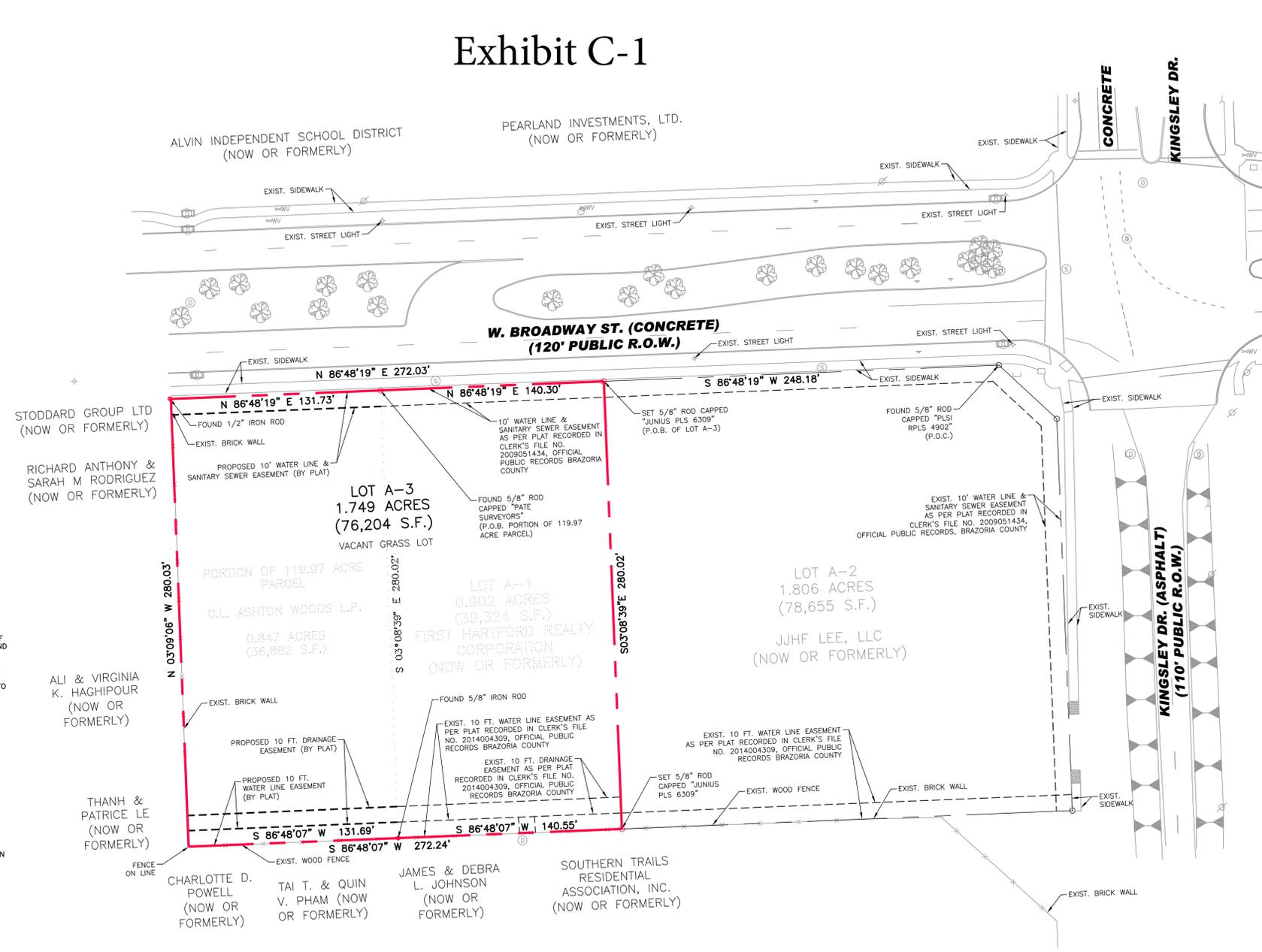
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES _____

STATE OF TEXAS
COUNTY OF BRAZORIA:

I, NATHAN J. JUNIUS, P.E., R.P.L.S., REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6309, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE UNDER MY SUPERVISION ON THE GROUND IN ACCORDANCE WITH THE INFORMATION PROVIDED ME AND CORRECTLY REPRESENTS THE FACTS AS FOUND AT THE TIME OF SURVEY AND IS TRUE AND CORRECT AND THAT ALL BOUNDARY CORNERS, LOT CORNERS, ANGLE POINTS, AND POINTS OF CURVATURE ARE PROPERLY MARKED WITH 5/8 INCH DIAMETER IRON RODS THREE FEET LONG OR AS SHOWN ON THE PLAT.

NATHAN J. JUNIUS, P.E., R.P.L.S.
TEXAS REGISTRATION NO. 6309

DEPUTY _____ COUNTY CLERK OF BRAZORIA COUNTY, TEXAS



THIS IS TO CERTIFY THAT THE CITY PLANNER OF THE CITY OF PEARLAND, TEXAS HAS APPROVED THIS AMENDING PLAT NO. 2 SOUTHERN TRAILS COMMERCIAL NO. 1 AND SUBDIVISION OF THE H.T. AND B.R.R. COMPANY SURVEY SECTION 84, A-538, AND IS IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF PEARLAND AS SHOWN HEREON AND AUTHORIZES THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2014.

JOHNNA MATTHEWS
CITY PLANNER
CITY OF PEARLAND, TEXAS

APPROVED FOR THE CITY OF PEARLAND, TEXAS THIS _____ DAY OF _____, 2014.

DARRIN COCKER
CITY ATTORNEY

ANDREA BROUGHTON, P.E.
CITY ENGINEER

STATE OF TEXAS
COUNTY OF BRAZORIA:

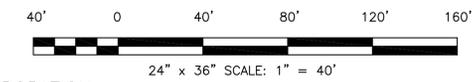
I, _____ COUNTY CLERK, BRAZORIA COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WAS DULY RECORDED ON _____, 2014, AT _____ O'CLOCK, _____ M. IN VOLUME _____, PAGE _____ OF THE BRAZORIA COUNTY PLAT RECORDS.

WITNESS MY HAND AND SEAL OF OFFICE, AT BRAZORIA COUNTY, TEXAS, THE DAY AND DATE LAST ABOVE WRITTEN.

DEPUTY _____ COUNTY CLERK OF BRAZORIA COUNTY, TEXAS

AMENDING PLAT NO. 2 SOUTHERN TRAILS COMMERCIAL NO. 1 H.T. AND B.R.R. COMPANY SURVEY, SECTION 84, A-538 CITY OF PEARLAND, BRAZORIA COUNTY TEXAS

ONE (1) LOT ONE (1) BLOCK
REASON FOR PLAT AMENDMENT: COMBINE TWO (2) EXISTING LOTS INTO 1 LOT OF RECORD

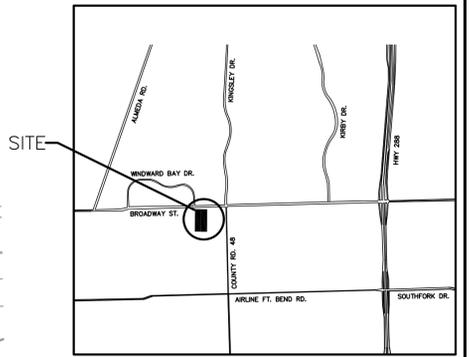


OWNER -- LOT A-1:
FIRST HARTFORD REALTY CORPORATION
149 COLONIAL RD.
MANCHESTER, CT 06042
(860) 646-6555

OWNER -- PORTION OF 119.97 ACRE PARCEL
CL ASHTON WOODS, L.P.
3355 W. ALABAMA, SUITE 1240
HOUSTON, TX 77098
PH: (713) 255-7401

LINFIELD, HUNTER & JUNIUS, INC.
PROFESSIONAL ENGINEERS, ARCHITECTS
AND SURVEYORS
3608 18th Street, Suite 200
Metairie, Louisiana 70002
T.X.L.S. FIRM NO. 10193767
T.B.P.E. FIRM NO. 11654
© 2011 by Linfield, Hunter & Junius, Inc.

DATE OF LAST FIELD WORK: JULY 25, 2014
DATE OF PLAT MAP: AUGUST 25, 2014
LH&J JOB NO. 14-90
PRELIMINARY



GENERAL NOTES:

- THE LOCATIONS OF UNDERGROUND AND OTHER NONVISIBLE UTILITIES SHOWN HAVE BEEN PLOTTED BASED UPON DATA EITHER FURNISHED BY THE AGENCIES CONTROLLING SUCH DATA AND/OR OBTAINED FROM RECORDS MADE AVAILABLE TO US BY THE AGENCIES CONTROLLING SUCH RECORDS. WHERE FOUND, THE SURFACE FEATURES OF UTILITIES ARE SHOWN. THE ACTUAL NONVISIBLE LOCATIONS MAY VARY FROM THOSE SHOWN HEREON. EACH AGENCY SHOULD BE CONTACTED RELATIVE TO THE PRECISE LOCATION OF ITS UNDERGROUND INSTALLATIONS PRIOR TO ANY RELIANCE UPON THE ACCURACY OF SUCH LOCATIONS SHOWN HEREON. PRIOR TO EXCAVATION AND DIGGING CALL TX. ONE CALL (1-800-545-6005).
- BEARINGS SHOWN ARE BASED UPON REFERENCE PLAT NO. 1.

METS & BOUNDS DESCRIPTION:
LOT A-3:
A CERTAIN PARCEL OF GROUND TOGETHER WITH ALL THE BUILDINGS AND IMPROVEMENTS LOCATED THEREON KNOWN AS LOT A-3, AMENDING PLAT NO. 2 SOUTHERN TRAILS COMMERCIAL NO. 1, H.T. AND B.R.R. COMPANY SURVEY, SECTION 84, A-538, CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH RIGHT OF WAY LINE OF W. BROADWAY ST. AND THE WEST RIGHT OF WAY LINE OF KINGSLEY DR. AT A FOUND 5/8" IRON ROD CAPPED "PLS RPLS 4902"; THENCE CONTINUING WESTERLY ALONG THE SOUTH RIGHT OF WAY LINE OF W. BROADWAY ST. SOUTH 86 DEGREES 48 MINUTES 19 SECONDS WEST A DISTANCE OF 248.18 FEET TO A 5/8" IRON ROD SET AND CAPPED "JUNIUS PLS 6309", ALSO KNOWN AS THE POINT OF BEGINNING OF LOT A-3;
THENCE LEAVING SAID RIGHT OF WAY SOUTH 03 DEGREES 08 MINUTES 39 SECONDS EAST A DISTANCE OF 280.02 FEET TO A 5/8" IRON ROD SET AND CAPPED "JUNIUS PLS 6309"; THENCE SOUTH 86 DEGREES 48 MINUTES 07 SECONDS WEST A DISTANCE OF 272.24 FEET TO A WOOD FENCE FOUND ON LINE;
THENCE NORTH 03 DEGREES 09 MINUTES 06 SECONDS WEST A DISTANCE OF 280.03 FEET TO A 5/8" IRON ROD FOUND ON THE SOUTH RIGHT OF WAY LINE OF W. BROADWAY ST.; THENCE CONTINUING EASTERLY ALONG THE SOUTH RIGHT OF WAY LINE NORTH 86 DEGREES 48 MINUTES 19 SECONDS EAST A DISTANCE OF 272.03 FEET TO THE POINT OF BEGINNING; CONTAINING AN AREA OF 1.749 ACRES (76,204 SQUARE FEET), ALL AS SHOWN ON A SURVEY BY LINFIELD, HUNTER & JUNIUS, INC., DATED AUGUST 25, 2014.

REFERENCE PLATS:

- "AMENDING PLAT NO. 1, SOUTHERN TRAILS COMMERCIAL NO. 1, H.T. AND B.R.R. COMPANY SURVEY, SECTION 84, A-538, CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS", PREPARED BY LINFIELD, HUNTER & JUNIUS, INC., RECORDED UNDER CLERK'S FILE NO. 2014004309 OF THE OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS.
- "FINAL PLAT OF SOUTHERN TRAILS WEST, SEC. 1, BEING A TOTAL OF 39.3506 ACRES OUT OF THE H.T. AND B.R.R. CO. SURVEY, SEC. 84, A-538, IN THE CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS", PREPARED BY EDWINSTER-HINSHAW-RUSS, RECORDED UNDER CLERK'S FILE NO. 2006041142 OF THE OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS.
- "FINAL PLAT OF SOUTHERN TRAILS WEST, SEC. 2, BEING A SUBDIVISION OF 40.8148 ACRES OUT OF THE H.T. AND B.R.R. CO. SURVEY, SEC. 84, A-538, IN THE CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS", PREPARED BY EDWINSTER-HINSHAW-RUSS AND DATED OCTOBER 8, 2008.
- "PLAT NUMBER P-6120-2009-0002, 12800 BLOCK OF BROADWAY, MINOR SUBDIVISION PLAT, SOUTHERN TRAILS COMMERCIAL NO. 1, A SUBDIVISION OF 2.7208 ACRES OF LAND OUT OF AND PART OF THAT CERTAIN CALLED 3.89 ACRES LOCATED IN H.T. AND B.R.R. COMPANY SURVEY, SECTION 84, A-538, CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS", PREPARED BY GILBERT PRADA, STATE OF TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR, DATED OCTOBER 2009, RECORDED UNDER COUNTY CLERK'S FILE NO. 2009051434 OF THE OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS.

Exhibit C-1

METES & BOUNDS DESCRIPTION:

OVERALL PARCEL:

A CERTAIN PARCEL OF GROUND TOGETHER WITH ALL THE BUILDINGS AND IMPROVEMENTS LOCATED BEING A PORTION OF NO. 2 SOUTHERN TRAILS COMMERCIAL NO. 1, H.T. AND B.R.R. COMPANY SURVEY, SECTION 84, A-538, CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH RIGHT OF WAY LINE OF W. BROADWAY ST. AND THE WEST RIGHT OF WAY LINE OF KINGSLEY DR. AT A FOUND 5/8 INCH IRON ROD CAPPED "PLSI RPLS 4902";

THENCE SOUTH 48 DEGREES 10 MINUTES 35 SECONDS EAST A DISTANCE OF 49.48 FEET TO A 5/8 INCH IRON ROD SET AND CAPPED "JUNIUS PLS 6309" ON THE WEST RIGHT OF WAY LINE OF KINGSLEY DR.;

THENCE CONTINUING ALONG SAID RIGHT OF WAY SOUTH 03 DEGREES 09 MINUTES 29 SECONDS EAST A DISTANCE OF 245.00 FEET TO A 5/8 INCH IRON ROD SET AND CAPPED "JUNIUS PLS 6309";

THENCE LEAVING SAID RIGHT OF WAY SOUTH 86 DEGREES 48 MINUTES 07 SECONDS WEST A DISTANCE OF 283.00 FEET TO A 5/8 INCH IRON ROD SET AND CAPPED "JUNIUS PLS 6309";

THENCE SOUTH 86 DEGREES 48 MINUTES 07 SECONDS WEST A DISTANCE OF 140.55 FEET TO A 5/8 INCH IRON ROD FOUND;

THENCE SOUTH 86 DEGREES 48 MINUTES 07 SECONDS WEST A DISTANCE OF 131.69 FEET TO A WOOD FENCE FOUND ON LINE;

THENCE NORTH 03 DEGREES 09 MINUTES 06 SECONDS WEST A DISTANCE OF 280.03 FEET TO A 1/2 INCH IRON ROD FOUND ON THE SOUTH RIGHT OF WAY LINE OF W. BROADWAY ST.;

THENCE CONTINUING EASTERLY ALONG THE SOUTH RIGHT OF WAY LINE OF W. BROADWAY ST. NORTH 86 DEGREES 48 MINUTES 19 SECONDS EAST A DISTANCE OF 131.73 FEET TO A 5/8 INCH IRON ROD FOUND AND CAPPED "PATE SURVEYORS";

THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 86 DEGREES 48 MINUTES 19 SECONDS EAST A DISTANCE OF 140.30 FEET TO A 5/8 INCH IRON ROD SET AND CAPPED "JUNIUS PLS 6309";

THENCE NORTH 86 DEGREES 48 MINUTES 19 SECONDS EAST A DISTANCE OF 248.18 FEET TO
THE POINT OF BEGINNING;

CONTAINING AN AREA OF 3.555 ACRES (154,859 SQUARE FEET).

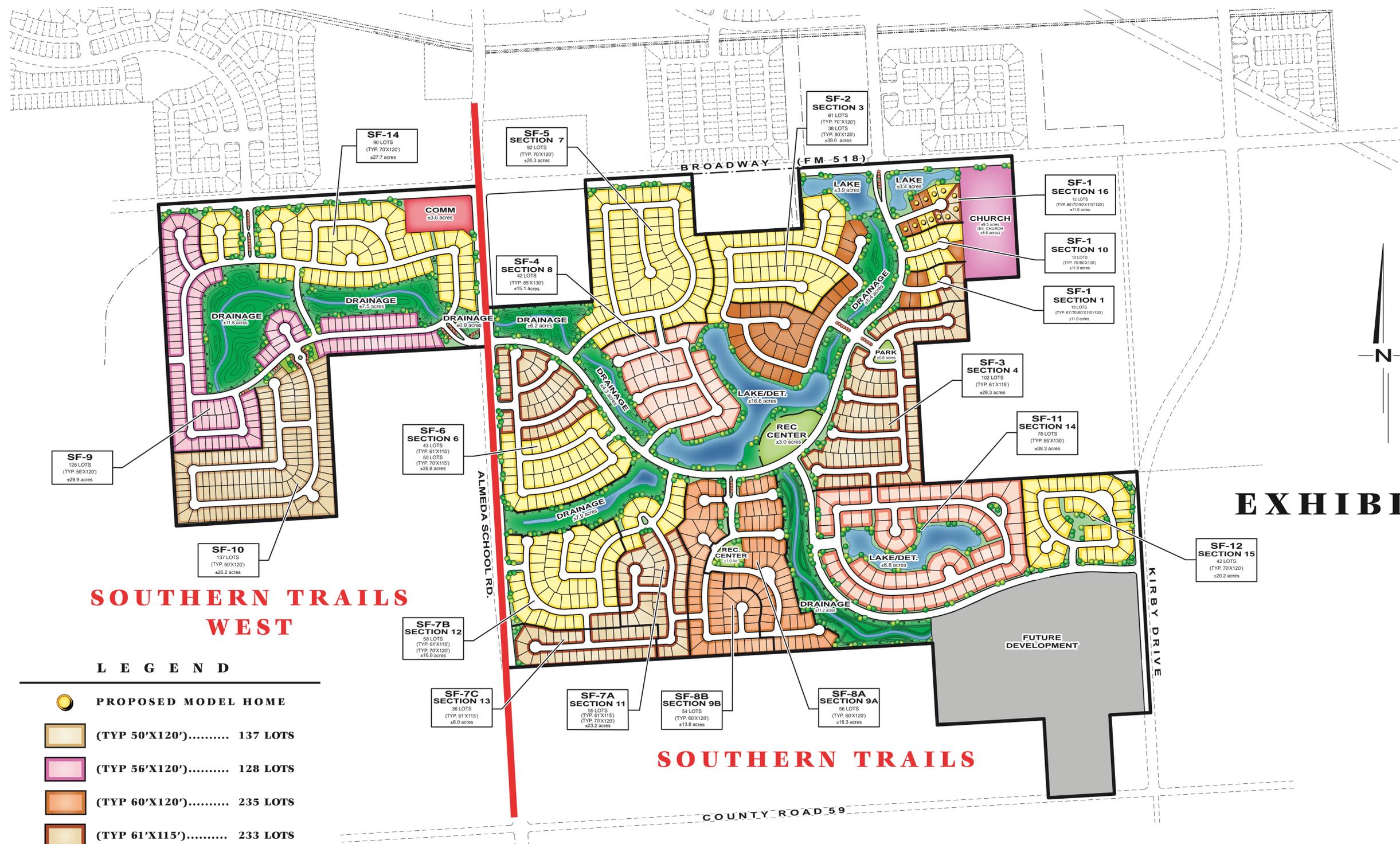


EXHIBIT "D"

SOUTHERN TRAILS WEST

LEGEND

- PROPOSED MODEL HOME
- (TYP 50'X120')..... 137 LOTS
- (TYP 56'X120')..... 128 LOTS
- (TYP 60'X120')..... 235 LOTS
- (TYP 61'X115')..... 233 LOTS
- (TYP 70'X115'/120')... 445 LOTS
- (TYP 80'X120')..... 47 LOTS
- (TYP 85'X130')..... 120 LOTS

Note:
Per the 2015 PD Amendment, development of the western 0.9 Acre of the commercial tract is subject to the General Business regulations as stated in the current Unified Development Code. See Exhibit C.1 for the exact location of the 0.9 Acres.

THIS DRAWING IS A PICTORIAL REPRESENTATION FOR PRESENTATION PURPOSES ONLY AND IS SUBJECT TO CHANGE. FURTHER, SAID DRAWING IS A SCANNED IMAGE ONLY AND IS NOT FOR COMPUTATION OR CONSTRUCTION PURPOSES. THIS DRAWING MAY OR MAY NOT INCORPORATE INFORMATION AND/OR DATA PROVIDED TO KERRY R. GILBERT & ASSOCIATES, INC. BY OTHER CONSULTANTS RELATIVE TO ENGINEERING AND DRAINAGE, FLOOD PLAINS AND ENVIRONMENTAL ISSUES AND SHOULD NOT BE RELIED UPON FOR ANY PURPOSE. NO WARRANTIES, EXPRESS OR IMPLIED, CONCERNING THE ACTUAL DESIGN, LOCATION, AND CHARACTER OF THE FACILITIES SHOWN ON THIS MAP ARE INTENDED. ADDITIONALLY, NO WARRANTY IS MADE TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

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SOUTHERN TRAILS

a conceptual plan for
SOUTHERN TRAILS
 + 522.63 Acres of land

prepared for
C.L. ASHTON WOODS, LP.

KERRY R. GILBERT & ASSOCIATES, INC. Land Planning Consultants

23501 Cinco Ranch Blvd. Suite A-250
 Katy, Texas 77494
 (281) 579-0340
 Fax (281) 579-8212



NOVEMBER 24, 2014
 KGA# 06101B



EXHIBIT "E"

LEGEND

-  Pedestrian Trail System
-  Pedestrian Underpass
-  Pedestrian at Grade Crossing
-  Recreation Park
-  Tot Lot / Park

SOUTHERN TRAILS

+ 522.63 Acres of land

prepared for
C.L. ASHTON WOODS, LP.

KERRY R. GILBERT & ASSOCIATES, INC. Land Planning Consultants

23501 Cinco Ranch Blvd.
Suite A-250
Katy, Texas 77494
(281) 579-0340
Fax (281) 579-8212



OCTOBER 01, 2014
KGA# 06101B

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EXHIBIT "F"

LEGEND

-  PRIMARY ENTRY MONUMENT
-  SECONDARY IDENTIFIER MONUMENT
-  SECONDARY IDENTIFIER MONUMENT FOR SOUTHERN TRAILS WEST

a master development plan for SOUTHERN TRAILS

+ 522.63 Acres of land

prepared for
C.L. ASHTON WOODS, LP.

KERRY R. GILBERT & ASSOCIATES, INC. Land Planning Consultants

SCALE
0 200 400 800

OCTOBER 01, 2014
KGA# 06101B

23501 Cinco Ranch Blvd.
Suite A-250
Katy, Texas 77494
(281) 579-0340
Fax (281) 579-8212

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JOINT PUBLIC HEARING

THE CITY COUNCIL CITY AND THE PLANNING AND ZONING COMMISSION OF
THE CITY OF PEARLAND, TEXAS,

MONDAY, NOVEMBER 17, 2014 AT 6:30 P.M.

COUNCIL CHAMBERS - CITY HALL-3519 LIBERTY DRIVE

I. CALL TO ORDER

II. PURPOSE OF HEARING

Zone Change Application No. 2014-20Z

A request of BGE Kerry R. Gilbert and Associates, applicant; on behalf of CL Ashton Woods, LP., owner; for approval of a change in zoning to amend the Southern Trails Planned Development (PD), from an overlay zoning district which allows for Civic/Church uses to General Business (GB) uses; on approximately 0.9 acres of land of the total 522.62 acres, to wit:

Legal Description: A certain parcel of ground together with all the buildings and improvements being a portion of No. 2 Southern Trails Commercial No. 1, H.T. and B.R.R. Company Survey, Section 84, A-538, City of Pearland, Brazoria County, Texas

General Location: South side of Broadway Street, between Windward Bay Drive to the west and Kinglsey Drive to the east, Pearland, TX

III. APPLICATION INFORMATION AND CASE SUMMARY

- A. STAFF REPORT
- B. APPLICANT PRESENTATION
- C. STAFF WRAP UP

IV. PERSONS WISHING TO SPEAK FOR OR AGAINST THE PROPOSED REQUEST

V. COUNCIL/PLANNING COMMISSION/STAFF DISCUSSION

VI. ADJOURNMENT

This site is accessible to disabled individuals. For special assistance, please call Young Lorfing, City Secretary, at 281-652-1655 prior to the meeting so that appropriate arrangements can be made.



Memo

To: City Council and Planning and Zoning Commission

From: Planning Department

Date: November 17, 2014

Re: Zone Change Application Number 2014-20Z

A request of BGE Kerry R. Gilbert and Associates, applicant; on behalf of CL Ashton Woods, LP., owner; for approval of a change in zoning to amend the Southern Trails Planned Development (PD), from an overlay zoning district which allows for Civic/Church uses to General Business (GB) uses; on approximately 0.9 acres of land of the total 522.62 acres of land.

Proposal

The Southern Trails Planned Development (PD) includes approximately 522.62 acres of land located on the south side of Broadway Street; east and west sides of Kingsley Drive and west of Kirby Drive.

The applicant proposes to add the original 1.4-acre civic parcel designated for a Fire Station to the adjacent GB parcel. It is important to note that due to an increase in right-of-way and detention, the original 1.4 – acre civic parcel now includes 0.9 acres.

As part of the proposed amendment, the applicant also proposes to update the land use summary to reflect the proposed change, include a metes and bounds description and proposed plat for the new 3.6 acre GB site; and update Exhibits D (Conceptual Plan), Exhibit E (Trail System Plan) and Exhibit F (Monumentation Plan).

Public Notification/Comment

Staff sent public notices, comment forms and a vicinity map to the applicant, the owner of the property and to property owners within 200 feet of the subject property under consideration for the amendment to the Southern Trails PD. Additionally, a legal notice of the public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant. As of the date of this writing, staff has not received any returned notices from property owners within 200 feet of the site.

Recommendation

Staff recommends approval of the proposed amendment to the Southern Trails PD, as identified above, and in detail within the attached Staff Report, identified as Exhibit 1; for the following reasons, and with the following condition:

1. The subject property was originally designated as a non-residential use; civic use for a Fire Station and will continue to be designated for non-residential uses allowed within the GB zoning district.
2. The PD and the proposed amendment general meet the intent of the future land use designation of “Retail, Offices and Services” by providing non-residential uses to serve the surrounding single family subdivisions; with limited general business strip centers, as recommended by the “Minor Node” future land use designation.
3. The base zoning district for the subject property is proposed to be GB and will comply with the requirements of the GB zoning district in the Unified Development Ordinance. This will ensure that the current requirements on side yards, lot coverage, and height will apply to development on this site.
4. When originally approved, the PD required landscaping along Broadway Street, which has not been planted. The street trees and landscaping needs to be planted along Broadway Street, as approved in the PD. This needs to be addressed in the PD prior to first reading.
5. Add a note on Exhibit E – Conceptual Development, stating that the subject 0.9 acre parcel will comply with all the regulations of the GB zoning district in the current Unified Development Code, prior to first reading.

Exhibits

1. Staff Report
2. Southern Trails Boundary Map
3. Aerial Map
4. Future Land Use Map
5. Notification Map
6. Notification List
7. Amendment # 2: Red-lined Southern Trails PD



Exhibit 1 Staff Report

Summary of Request

The Southern Trails Planned Development includes approximately 522.62 acres of land and was originally approved in February, 2004 to allow for mostly single family developments, with the exception of a 9.5 acre church parcel, a 2.7-acre General Business (GB) parcel and a 1.4 acre- civic use adjacent to the GB parcel; specifically for a Fire Station, and various amenities. As a result of right-of-way dedication and detention within the development, the original 1.4 – acre civic use site has decreased to 0.9 acres.

The applicant proposes to add the remaining 0.9 acres allocated for civic uses to the 2.7-acre GB site, for a total of 3.6 acres allocated to GB uses. As part of the proposed amendment, the applicant also proposes to update various exhibits and the Land Use Summary to reflect current acreages for all land uses within the development, as the PD allowed for an increase in acreage by up to 15%, as long as the total number of dwelling units did not exceed 1,506 units.

Site History

The subject property known as the Southern Trails Planned Development was annexed into the City of Pearland at various times. The PD is divided by Kingsley Drive. The property on the east side of Kingsley Drive was annexed into the City in 1999; and the property on the west side of Kingsley Drive was annexed into the City in 2001. To date, one (1) amendment to the PD was approved in April, 2011 to promote pedestrian safety, accessibility and ease of use. Specifically the 2011 amendment added a lit crossing at Kingsley Drive and Southern Trails Drive; modified the pedestrian trails; reduced sidewalk width from 8 feet to 6 feet along minor streets; notation was added regarding the construction of sidewalks on internal streets as development occurs; and finally the originally approved third “Tot Lot” was added to Exhibit E, as it was inadvertently not shown on the exhibit.

Approximately 85% of the project is developed. All amenities have been constructed, which include a trail system with natural open space, fitness stations and water fountains; picnic areas; lit common areas for nighttime enjoyment; 4 lakes totaling 7.3 acres; a 16.6 acre lake located within the center of the project; and parks.

The PD is surrounded by mostly single family subdivisions and PDs to the north, west and east; and unincorporated land to the south. The below table identifies surrounding uses and zoning districts:

	Zoning	Land Use
North	Shadow Creek Ranch PD	Single Family Undeveloped
South	Single Family Estate (RE) Extra-territorial Jurisdiction (ETJ)	Single Family
East	Ridge Rock PD	Undeveloped
West	Shadow Creek Ranch PD	Single Family

Conformance with the Thoroughfare Plan

The subject 0.9 acres has frontage on Broadway Street and will be combined with the GB tract located at the southeast corner of Broadway Street and Kingsley Drive. According to the Thoroughfare Plan, both Broadway Street and Kingsley Drive are Major Thoroughfares and require 120 feet of right-of-way. Broadway Street is of sufficient width and County Road 48 will be widened.

Conformance with the Unified Development Code

The Southern Trails PD was originally approved in 2004 under the Land Use and Urban Development Ordinance. The base zoning district for the subject property is proposed to be GB and will comply with the requirements of the GB zoning district in the Unified Development Ordinance. This is significant in light of the fact that the previous Land Use and Urban Development Ordinance did not have restrictions on side yards, lot coverage, and height. The GB district is intended to permit an extensive variety of commercial uses including retail trade, personal and business service establishment, offices and commercial recreational uses of limited scope. The district will follow the provisions provided within the Unified Development Code for GB zoning district.

Conformance with the Comprehensive Plan

The Southern Trails PD is located in various future land use designations, including Retail, Offices and Services; Minor Nodes; Low Density, Parks, etc. However, specific

to the 0.9 acres, the future land use designation is Retail, Offices and Services; and Minor Nodes. The proposed GB zoning district conforms to characteristics of the proposed GB overlay zoning district. Major characteristics of each of the two future land use designations follows:

Retail, Office and Services

- Neighborhood or convenience shopping centers , or developed as separate uses
- Preferably located at major intersections
- Limited outdoor retail activities
- Buffer from neighboring single family residential
- Appropriate zoning districts include Office & Professional (OP); Neighborhood Service (NS) and selected uses within the General Business (GB) zoning district

Minor Nodes

- Broadway Street-Kingsley Road intersection is designated as a minor node which are intended to comprise less than 25 acres of non-residential uses, including retail, office and services uses, with limited strip development for general business uses along Broadway Street.

Platting Status

The 0.9 acre subject property is not platted. Upon approval of the amendment, the applicant proposes to combine the subject property with the adjacent 2.7 acres which is currently platted as Block 1, Tract A, Southern Trails Commercial No. 1.

Availability of Utilities

The subject property has access to public water and sewer. According to GIS records, there is an existing 24 inch and 30-inch sewer line along the south side of Broadway Street and Kingsley Drive, respectively; and a 16 inch water line along the north side of Broadway Street. Utilities and the extension of utilities will be assessed at the time of platting.

Impact on Existing and Future Development

It is not anticipated that the proposed amendment to the Southern Trails PD to reallocate the 0.9 from a civic use (fire stations) to a GB use will have any significant impact on existing or future developments. The 0.9 acres will be combined with the adjacent property to the east, which is currently developed with a non-residential use, CVS. The subject property was designated as a non-residential use when the PD was originally adopted in 2004, and will continue to allow for non-residential uses permitted within the GB zoning district.

Additional Comments

The request has been reviewed by the Development Review Committee (DRC), and there are no further comments.

Public Notification

Staff sent public notices, comment forms and a vicinity map to the applicant, the owner of the property and to property owners within 200 feet of the subject property under consideration for amendment to the Southern Trails PD. Additionally, a legal notice of the public hearing was published in the local newspaper, and a notification sign was placed on the property by the applicant.

Opposition to or Support of Proposed Request

As of the date of this writing, staff has not received any comments either in opposition to or in support of the proposed change in zoning request to amend the PD.

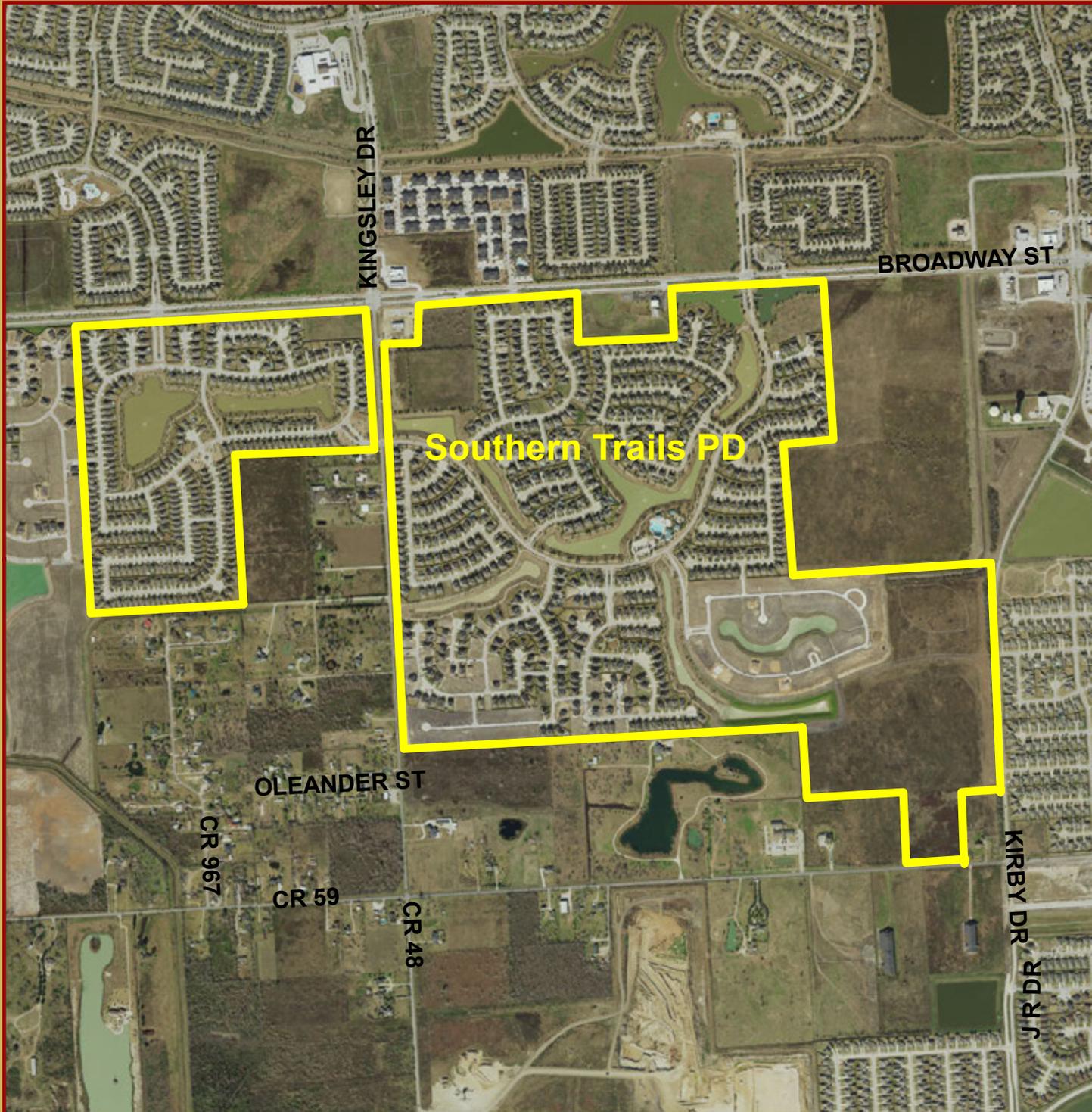
Recommendation

Staff recommends approval of the amendment to the Southern Trails PD, to reallocate the 0.9 acres from a civic use to a GB use, for the following reasons:

1. The subject property was originally designated as a non-residential use; civic use for a Fire Station and will continue to be designated for non-residential uses allowed within the GB zoning district.
2. The PD and the proposed amendment general meet the intent of the future land use designation of “Retail, Offices and Services” by providing non-residential uses to serve the surrounding single family subdivisions; with limited general business strip centers, as recommended by the “Minor Node” future land use designation.
3. The base zoning district for the subject property is proposed to be GB and will comply with the requirements of the GB zoning district in the Unified Development Ordinance. This will ensure that the current requirements on side yards, lot coverage, and height will apply to development on this site.
4. When originally approved, the PD required landscaping along Broadway Street, which has not been planted. The street trees and landscaping needs to be planted along Broadway Street, as approved in the PD. This needs to be addressed in the PD prior to first reading.
5. Add a note on Exhibit E – Conceptual Development, stating that the subject 0.9 acre parcel will comply with all the regulations of the GB zoning district in the current Unified Development Code, prior to first reading.

AERIAL MAP

ZONE CHANGE 2014-20Z



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 1,274 feet

22 MAY 2014
PLANNING DEPARTMENT





AERIAL MAP

**ZONE CHANGE
2014-20Z**



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

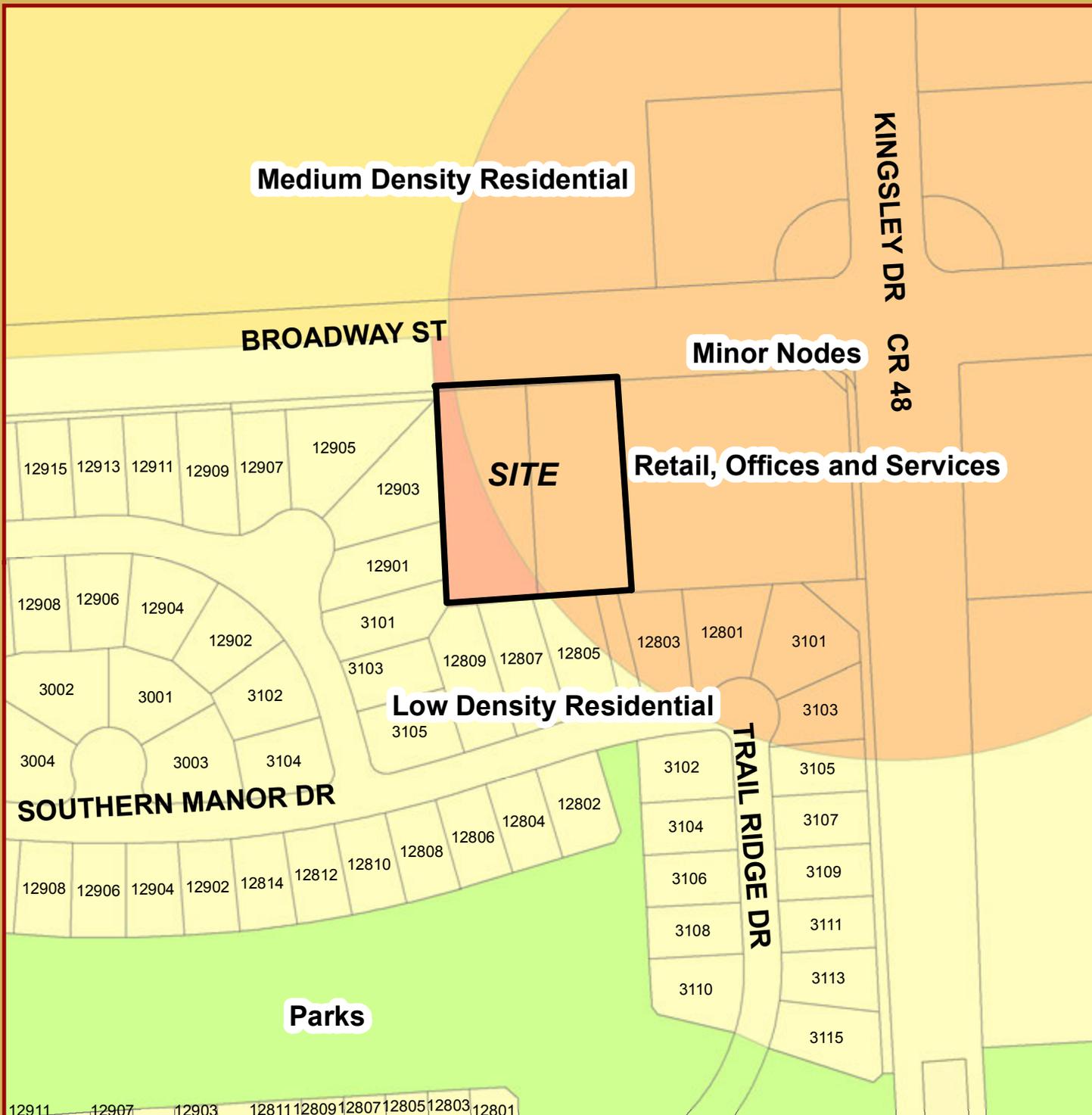
1 inch = 191 feet

22 MAY 2014
PLANNING DEPARTMENT



FLUP MAP

ZONE CHANGE 2014-202Z



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 191 feet

22 MAY 2014
PLANNING DEPARTMENT



NOTIFICATION MAP

ZONE CHANGE

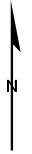
2014-20Z



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 inch = 191 feet

22 MAY 2014
PLANNING DEPARTMENT



**Zone Change 2014-20Z
Notification List**

Owner	Address	SUITE
ASHTON HOUSTON RESIDENTIAL LLC	11375 S SAM HOUSTON PKWY W	STE 100
AYYAGARI SRINIVAS & SUNEETHA	3102 MOSSY TRAIL LN	
BIGI MARINUS A & AMANDA L	3008 MASON GROVE LN	
CHUNDRU GHOWTHAM & APARNA KAJA	3002 MASON GROVE LN	
DAVIS DARREL & DONNA MURRAY	12215 WILLOW BROOK LN	
DINH TUAN	12314 SHADY BROOK DR	
DONNELLY PAUL & DAWN	12213 WILLOW BROOK LN	
GAUVAIN TAGGART T & ERIN B	12406 SHADY BROOK DR	
GREEN BRIAN H & LISA M	3105 MASON GROVE LN	
HARRIS SHEILA H & STACY L	12211 WILLOW BROOK LN	
HEAD ANGELA	12416 SHADY BROOK DR	
JOSEPH JOSHY	3010 MASON GROVE LN	
KONGO DANIEL H	12312 SHADY BROOK DR	
LINVILLE CAIN & ERIKA SATO	3003 MASON GROVE LN	
LLAMAS RENATO L & IMELDA	3102 MASON GROVE LN	
NGUYEN CLIFF & TRACY T	3101 MASON GROVE LN	
NIEVE FERNANDO A & LETICIA	12216 WILLOW BROOK LN	
ORTEGA JESUS	12219 WILLOW BROOK LN	
PEARLAND NEW HARVEST	PO BOX 1966	
PERRY HOMES	PO BOX 34306	
POLAR MARTIN K & TIFFANY J	3103 MASON GROVE LN	
POPP CHARLES M & AMY J	12412 SHADY BROOK DR	
RAEZER SHERYL	3001 MASON GROVE LN	
RAVIKOYY LLC	15414 PALM GRASS CT	
RIGGINS CHELSIE	12410 SHADY BROOK DR	
SCHNITZER ALAN	12217 WILLOW BROOK LN	

SHADOW CREEK RANCH MAINTENANCE ASSOCIATION	12234 SHADOW CREEK PKWY	BLDG 3
SOUTHERN TRAILS RESIDENTIAL ASSOC INC	2500 LEGACY DR	STE 220
SPARKS KEITH	12318 SHADY BROOK DR	
THOMAS BINOY C & BINDHU M CHERIAN	3006 MASON GROVE LN	
THOMPSON FREDRICK & LOCKETT- THOMPSON KATRINA	12408 SHADY BROOK DR	
TILLMAN JASON A & WYKENA M LIPSCOMB	12401 CLOVER CREEK LN	
UNGER WILLIAM L & YOLAND	12414 SHADY BROOK DR	
WARREN RONALD P JR	3005 MASON GROVE LN	
WEYRICH STEVEN A JR	12404 SHADY BROOK DR	
BGE KERRY R GILBERT & ASSOCIATES BELTWAY 23, LTD CL ASHTON WOODS, L.P.	23501 CINCO RANCH BLVD 5855 SOVEREIGN DR. 10110 W. SAM HOUSTON PKWY N.	SUITE A-250 SUITE B SUITE A-200

PEARLAND	TX	77584
FRISCO	TX	75034
PEARLAND	TX	77584
KATY	TX	77494
HOUSTON	TX	77036
HOUSTON	TX	77064

**SOUTHERN TRAILS PLANNED UNIT DEVELOPMENT
AMENDMENT**

CITY OF PEARLAND, TEXAS

PREPARED FOR:

CL ASHTON WOODS, LP

PREPARED BY:

BGE| KERRY R. GILBERT & ASSOCIATES

OCTOBER 2014

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	AMENDMENT TO SOUTHERN TRAILS PUD (2011).....	1
III.	AMENDMENT TO SOUTHERN TRAILS PUD (2014).....	1
IV.	EXISTING CONDITIONS	2
	A. Site Description	
	B. Surrounding Land Use	
V.	GOALS AND OBJECTIVES	3
VI.	PLAN OF DEVELOPMENT	3
	A. Project Description	
	B. Current Land Use	
	C. Proposed Land Use	
	D. Land Use Changes	
	E. Parks and Recreation	
	F. Street Circulation	
	G. Utilities	
	H. Project Phasing / Development Schedule	
	I. Signage	
VII.	EXHIBITS	8
	APPENDIX A	9

I. INTRODUCTION TO SOUTHERN TRAILS

The Southern Trails planned unit development application was prepared on behalf of Conifer Development, Ltd. in accordance with the City of Pearland Zoning ordinance related to a planned Unit Development (“PUD”). It is the intent of the Developer to utilize a Planned Unit Development to establish a comprehensive land use plan and zoning guideline for the entire development project that will govern the future improvements, signage, landscaping, and use of open space.

Southern Trails is a 522.63 acre master planned community located west of SH 288 and south of Broadway in the eastern portion of the city limits of Pearland, Texas. The property has frontage on and is bordered by Broadway to the north, C.R. 48 to the west, C.R. 59 to the south, and future extension of Kirby to the east.

All of the property is within the Pearland City Limits. At the core of the community’s identity is an extensive recreational trail network service as a link to the various neighborhoods and focal points throughout the community. The development plan consists of residential, ~~civic~~, church, and general business uses, including facilities such as a ~~fire station~~, parks, lakes and trails and significant open space.

II. AMENDMENT TO THE SOUTHERN TRAILS PUD (2011)

This application was prepared on behalf of CL Ashton Woods, LP and Taylor Morrison of Texas, Inc., pursuant to the City of Pearland ordinances related to the Planned Unit Development (PUD). The Southern Trails PUD was originally approved and codified under Ordinance Number 509-695 on February 9, 2004.

Currently, approximately 60% of the project has been developed. The intent of this amendment to the original PUD is to update exhibits to reflect current activity and propose revisions to the Trails System Plan Exhibit.

Southern Trails has been divided into two distinct developments divided by Kingsley Drive: Southern Trails and Southern Trails West. The current owner for Southern Trails is C.L. Ashton Woods, LP and the current owner for Southern Trails West is Taylor Morrison of Texas, Inc.

The revisions to the Trails System Plan Exhibit are described in detail in this document in Section IV.(E) Parks and Recreation.

III. AMENDMENT TO THE SOUTHERN TRAILS PUD (2014)

This application was prepared on behalf of CL Ashton Woods, LP, pursuant to the City of Pearland ordinances related to the Planned Unit Development (PUD). The Southern Trails PUD was originally approved and codified under Ordinance Number 509-695 on February 9, 2004.

Currently, approximately 85% of the project has been developed. The intent of this amendment to the original PUD is to update exhibits to reflect current activity and propose revisions to the overall land use acreages to reflect said revisions. Additionally, the proposed Fire Station site, which has decreased in size due to an increase in right of way

and detention requirements, is being reallocated to the General Business designation. Exhibit C.1 shows the property subject to the proposed amendment.

All of Southern Trails West has been developed and is privately owned. For Southern Trails, with the exception of the privately owned lots, the current owner is C.L. Ashton Woods, LP.

The revisions to the land use acreages are noted on Table 1: Acreage per Land Use Summary and can be seen on Exhibits D, E and F.

III IV. EXISTING CONDITIONS

A. Site Description

The property ~~is was~~ a compilation of fifteen tracts of various sizes and ~~is was~~ ~~currently~~ vacant and unimproved ~~at the time of acquisition and approval of the PUD~~. The property ~~has been was~~ used as farmland for growing milo and grain sorghum for generations. As shown on the Exhibit A-Area Map Exhibit aerial photograph, some of the development issues affecting the project ~~are were~~:

- Kingsley Drive (C.R. 48) divides the project
- There is a regional east-west drainage ditch bisecting the property which is owned and maintained by Brazoria County Drainage District #4. The improvements required for this ditch will be beyond the needs of this project in order to serve the region.
- A secondary north-south drainage ditch bisects much of the Property.
- The drainage outfall constraints increase the amount of land required for detention.
- The irregular shape of the property (See Exhibit A-Area Map Exhibit) impacts the public street design as well as the lot design/layout.
- The updated *Conceptual Plan* illustrates the platted lots that have been platted thus far.

B. Surrounding Land Use

The surrounding vicinity is characterized by recent residential development and a scattered mix of permanent residences and mobile homes. Recent residential activity illustrated in Exhibit A-Area Map Exhibit is:

- Shadow Creek Ranch to the north, as 3,300 acre master planned community, is immediately across and north of Broadway.
- Southgate, a 185 acre development, is located immediately to the east and across the future extension of Kirby Drive.
- Southfork, a 330 acre residential development, is located south of C.R. 59 and to the east in the City of Manvel.
- A proposed Alvin ISD High School west of Kirby Drive, between Southern Trails and Broadway.

There ~~are two proposed school sites (elementary and junior high)~~ is a new school adjacent to Southern Trails on the ~~east side of Kirby north side of Broadway~~. (See Exhibit D Conceptual Development Plan). ~~The developer has been in contact with representatives of Alvin ISD and is prepared to assist the school district should the need arise for an additional school site.~~

IV V. GOALS AND OBJECTIVES

The proposed Planned Unit Development will have its own guidelines and restrictions in addition to those imposed by the City of Pearland. The Southern Trails Planned Unit Development will establish a comprehensive land use plan and zoning regulations to guide future improvements, including signage, landscape architecture, and generous open space. The Planned Unit Development provisions will guarantee the long-term aesthetic quality and continuity of the development and preserve the character of the community over time.

Southern Trails residents will immediately know that they are within their community; however, the sense of place will not be conveyed by monumentation as much as the tone set by the design of the streetscape and orientation around pedestrian activity.

The recreational trails are designed to be highly visible, with proposed below grade (below the road) crossings for safety, accessibility, and ease of use.

Main arterial roads (minor collectors) through the project will be enhanced with street trees and additional landscaping.

Detention facilities for Southern Trails will be consolidated and constructed in such a manner as to provide usable open space incorporating the trails, parks, and other recreational facilities.

Open spaces will be designed with the goal of encouraging social interaction among residents, thus adding to the safety of the community as a whole.

V VI. PLAN OF DEVELOPMENT

A. Project Description

The 522.63 Planned Unit Development is entirely single family residential development with the exception of a ~~9.5~~ 9.3 acre church parcel ~~and~~ a general business parcel totaling ~~2.7~~ 3.6 acres at the southwest corner of Kingsley Drive (C.R. 48) and Broadway. ~~and a 1.4 acre civic use site on Broadway, adjacent to the commercial site.~~

There will be approximately ~~80 acres~~ 110 acres of open space and park areas within Southern Trails. The trail system will link lakes, recreational facilities, and residential neighborhoods creating a pedestrian friendly community.

Southern Trails design offers accessible water features that can be enjoyed by the entire community; this is accomplished through the strategic location of lakes in park areas, thereby abandoning the conventional development practices of completely surrounding lakes with waterfront homes.

B. Current Land Use

Southern Trails is located west of SH 288 and south of Broadway in the western portion of the city limits of Pearland, Texas. The property has frontage on and is bordered by Broadway to the north, Kingsley Drive (C.R. 48) to the west, C.R. 59 to the south and the future extension of Kirby to the east.

The property is a compilation of 17 tracts ranging in size from 1 acre to 120 acres, and is currently vacant and unimproved, consisting of flat coastal plain used farming row crops. The surrounding vicinity is characterized by vacant tracts of land, subdivision, and a scattered mix of rural residences and mobile homes.

The property lies within the city limits of Pearland. The current zoning designation of the surrounding properties are a mixture of medium and low density residential (R1, R2, R3) with scattered commercial uses. The subject property is currently zoned in mixed classifications of SD, RE, R1, and R2.

C. Proposed Land Use

The City of Pearland's Comprehensive Plan indicates this portion of the planning area as medium and low density residential with appropriate commercial uses. The proposed Conceptual Development Plan presents a low density master planned community with a wide range of attractive housing in well defined neighborhoods.

The *Conceptual Development Plan* complies with the intent of the Comprehensive Plan with an overall density not to exceed 3.6 dwelling units per net acre based on a maximum of ~~1,506~~ 1390 homes on ~~418.4~~ 381.5 residential use acres. Gross calculations yield ~~2.88~~ 2.7 lots per acre based on 522.6~~3~~ acres as shown in the Land Use Plan.

TABLE 1: ACREAGE PER LAND USE SUMMARY

USE	ACRES	MIX
Single Family Residential (SFR)*	418.4 381.5	80.06% 73%
Multi Family Residential	0	0.00%
Light Industrial	0	0.00%
General Business	2.7 3.6	0.52% 1%
Civic/Church	10.9 9.3	2.08% 2%
Parks/Recreation/Open Spaces**	78.3 112.5	14.98% 22%
Major Thoroughfare Rights-of-Way	12.33 15.7	2.36% 3%
Total	522.63 522.6	100.00%

*Single family residential encompasses R-1 (~~158 acres~~ 180 acres); R-2 (~~158 acres~~ 145 acres); and R-3 (~~102.4 acres~~ 56.5 acres) single family dwelling districts as presented in Appendix "A" hereto.

Any district may, increase in acreage by up to 15%. The total increase in SFR is defined in the *Land Use Changes* section below.

**Parks, recreation and open space includes public and private parks, community recreation centers, linear parks and greenbelts, and open space, lakes, bayous and drainage ways.

D. Land Use Changes

Land use shall be regulated on a total acreage basis illustrated in Table 1 and by a finite cap on the number of dwelling units. Each land use category may be increased in acreage by up to 15% as long as the total number of dwelling units does not exceed ~~1,506~~ 1390. This flexibility is required to ensure the overall success of the development. If a proposed land use is requested to be an increase in an area by more than 15%, an amendment to this Planned Unit Development must be requested and approved by the City of Pearland. Land uses may be interchanged within the boundaries of the project provided they are in compliance with the acreage defined in Table 1, subject to the 15% allowable increase.

E. Parks and Recreation

The focal point of the Southern Trails Planned Unit Development is its proliferation of trails and lakes throughout the community. The comprehensive trail system is designed to be highly visible, with proposed below grade (below the road) crossings for safety, accessibility, and ease of use.

The Exhibit E *Trail System* illustrates the location of the proposed amenities. Some of the features of the development plan are:

- A continuous and easily accessible trail system with natural open space;
- Fitness stations and water fountains on the trail network;
- Passive use recreation facilities such as picnic areas;
- Common areas strategically lighted for nighttime enjoyment;
- Vantage points that offer visitors and residents beautiful views;
- A minimum of 6.7 acres of pedestrian trail system. (9,800 ft x 30 ft)
- Two of the ~~three~~ four lakes totaling ~~6.3~~ 7.3 acres will serve primarily as amenities intentionally designed with limited detention capacity creating nearly constant water levels in a park like setting;
- The third and largest lake (approximately ~~11.8~~ 16.6 acres) is located in the center of the project and acts as a "hub" for the trail network;

- A fourth lake, located within one of the single family sections, serves to provide additional amenities to the larger lots.
- In order to increase accessibility and enjoyment of the principals lake for the entire community, there will be a ~~2.8~~ 3.0 acres lakeside recreational facility;
- An additional ~~±0.9~~ 1.0 acre neighborhood park;
- An additional ~~±0.5~~ 0.6 acre neighborhood park;
- Three additional “~~tot lot parks~~” parks being ± 0.5 acre each.

At this time, ~~many~~ all of the above stated amenities are constructed. ~~However,~~ In addition to the parks, there is a trail system connecting the entire Southern Trails community. ~~the~~ Exhibit E Trail System has been updated to depict revisions to the underground pedestrian tunnels and sidewalks. The following revisions are shown on the revised Exhibit E Trail System and are listed below:

Southern Trails

- The proposed below grade pedestrian crossing located on Southern Trails Drive south of Broadway, will not be constructed. Instead, the existing six (6) foot sidewalks along each side of Southern Trail Drive coupled with the signal controlled intersection with two-way ramps and crosswalks located at Broadway eliminate the need for the proposed crossing.
- ~~Construct~~ A six (6) foot sidewalk ~~was constructed~~ along ~~the~~ east side of Kingsley Drive, extending from Southern Trails Drive north to the northern property edge of the Southern Trails development and to install handicap ramps at each intersection.

Southern Trails West

- Construct a six (6) foot sidewalk along the westside of Kingsley Drive from Southern Trails Drive north to the Commercial site (option for developer to construct or pay City of Pearland in lieu of construction).
- Install crosswalk at grade on Kingsley with appropriate signage and striping, in lieu of a below grade pedestrian crossing (under Kingsley Drive).
- Not to construct a trail along the drainage easement on the southern boundary between Kingsley Drive and Trail Hollow Drive. The sidewalk along Southern Valley Drive provides a pedestrian pathway parallel to the drainage easement.

Construction of sidewalks interior to the development adjacent to the lots will be completed in conjunction with the home construction. Also, the construction of the sidewalks in front of the model homes will occur at the time of conversion from a model home to home ownership. The construction of fencing internal to the project will be constructed at the time of home construction.

The Parks Department has agreed to accept a cash payment in lieu of acreage dedication; however, the Developer and the City are currently discussing alternatives

F. Street Circulation

The Southern Trails 90-foot boulevard entrances (see *Exhibit F Project Monumentation*) will merge into the main arteries which adhere to the City of Pearland Comprehensive Plan and shall be 60-foot rights-of-ways with two 10-foot utility easement as required by City ordinance. The street design of the community is such that no home shall front the minor collectors, eliminating the need for direct access (driveways) and on-street parking. These streets will have 28-foot paving sections (see *Exhibit G Typical Collector Street Cross Section*) and 6' sidewalks will be constructed on both sides of the right-of-way. Local streets serving development pods will be a minimum of 50-foot rights-of-way with 28-foot paving.

G. Utilities

Southern Trails shall have over 78 acres of drainage and detention facilities. The drainage facilities include a network of landscaped linear detention systems throughout the development. The drainage plan was prepared by Brown and Gay Engineers, Inc.

All drainage plans will comply with Brazoria County Drainage District #4 and the City of Pearland's requirements.

H. Project Phasing / Development Schedule

The first phase of the Southern Trails will contain \pm 20 acres at an expense of approximately \$12.9 million. Future sections are illustrated in the *Conceptual Development Plan*.

The completion of the proposed Southern Trails Planned Unit Development ~~is~~ **was originally** anticipated in 2012, projecting a 9 year build out, with an estimated total cost of approximately \$65 million. **However, the competition is now estimated to occur in 2018, resulting in a 15 year build out.**

I. Signage

The *Project Monumentation Exhibit* illustrates the proposed entry monument. Except as otherwise provided for in the Planned Unit Development, the signage is the Planned Unit Development will comply with the City of Pearland signage regulations.

~~V~~ VII. Exhibits

A – Area Map

B – Survey

C – Metes & bounds description

C.1- Metes & bounds description (Amendment) – New

D – Conceptual Plan Exhibit – **Revised**

E – Trail System Plan Exhibit - **Revised**

F – Project Monumentation Exhibit – **Revised**

G – Typical Collector Street Cross Section

APPENDIX “A”

R-1 SINGLE FAMILY DWELLING DISTRICT

Purpose of District

The R-1 Dwelling District provides for large lot, single family detached dwellings. The district is the most restrictive of all residential districts, requiring large lots, and encourages a grouping of dwelling units to achieve larger open space area and community recreational uses. This district will follow the provisions provided in the City of Pearland Land Use and Urban Development Ordinance applicable to the R-1 PUD district, and amendments thereto.

R-2 SINGLE FAMILY DWELLING DISTRICT

Purpose of District

The R-2 Dwelling District is intended to permit the low density residential development of detached, single family dwelling units, and encourages a grouping of dwelling units to achieve larger open space area and community recreational uses. This district will follow the provisions provided in the City of Pearland Land Use and Urban Development Ordinance applicable to the R-2 PUD district, and amendments thereto.

R-3 SINGLE FAMILY DWELLING DISTRICT

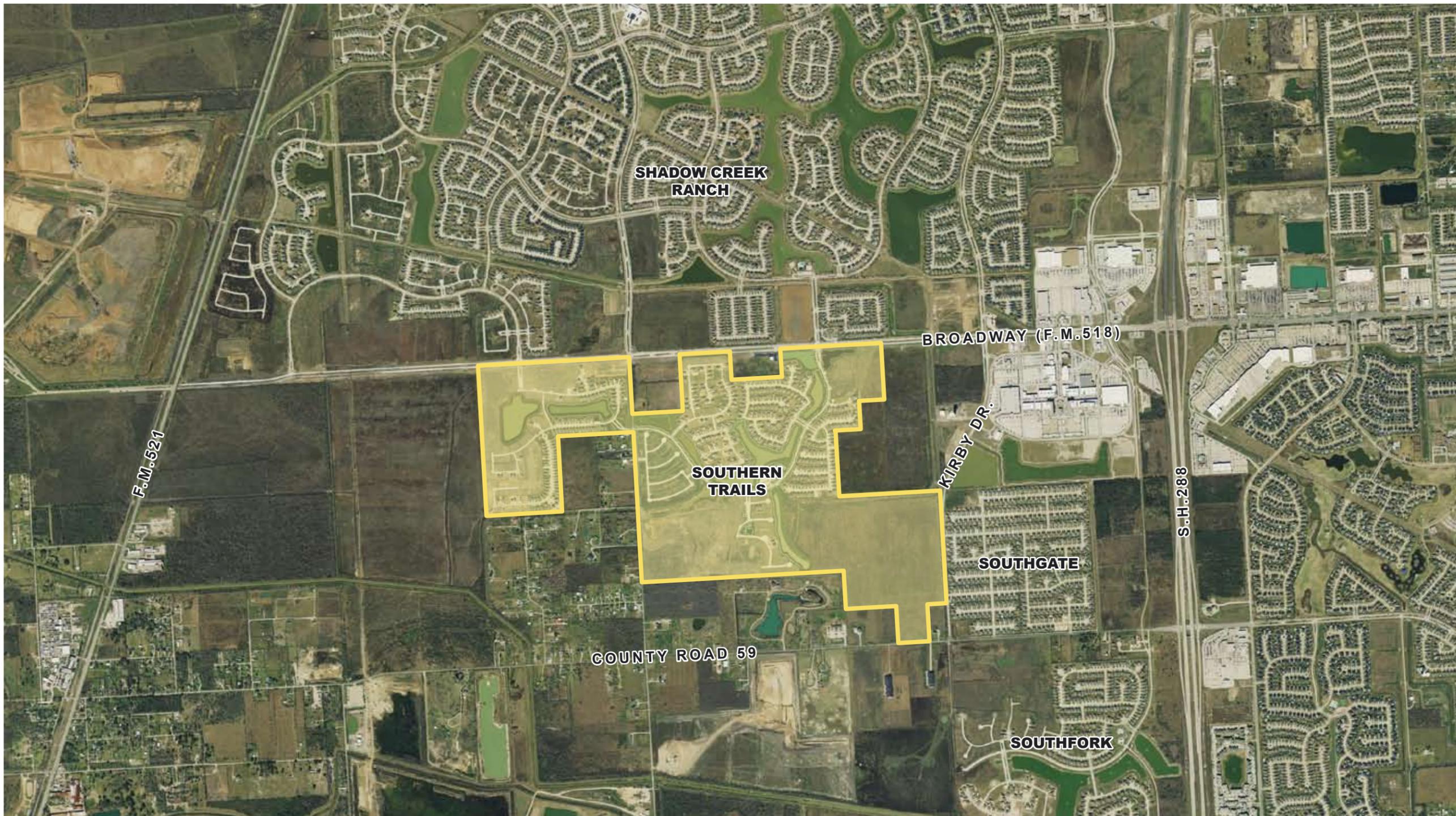
Purpose of District

The R-3 Dwelling District provides for medium density lot, single family detached dwelling units, an appropriate grouping of dwelling units to achieve larger open space areas and community recreational uses. This district will follow the provisions provided in the City of Pearland Land Use and Urban Development Ordinance applicable to the R-1 PUD district, and amendments thereto.

GB GENERAL BUSINESS DISTRICT

Purpose of District

The General Business district is intended to permit an extensive variety of commercial uses including retail trade, personal and business service establishments, offices and commercial recreational uses of limited scope. However, this district shall be restricted from sexually oriented businesses (i.e. modeling studios, bath houses, adult movie rentals, etc.). This district will follow the provisions provided in the City of Pearland Land Use and Urban Development Ordinance applicable to the GB PUD district, and amendments thereto.



**EXHIBIT
"A"**

an area map for

SOUTHERN TRAILS

± 522.63 ACRES OF LAND

prepared for

**C.L. ASHTON WOODS, L.P.
TAYLOR MORRISON OF TEXAS, INC.**

KERRY R. GILBERT & ASSOCIATES, INC.

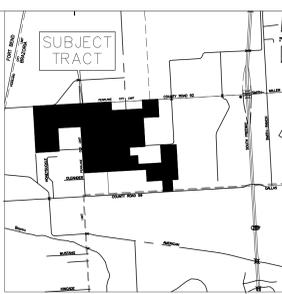
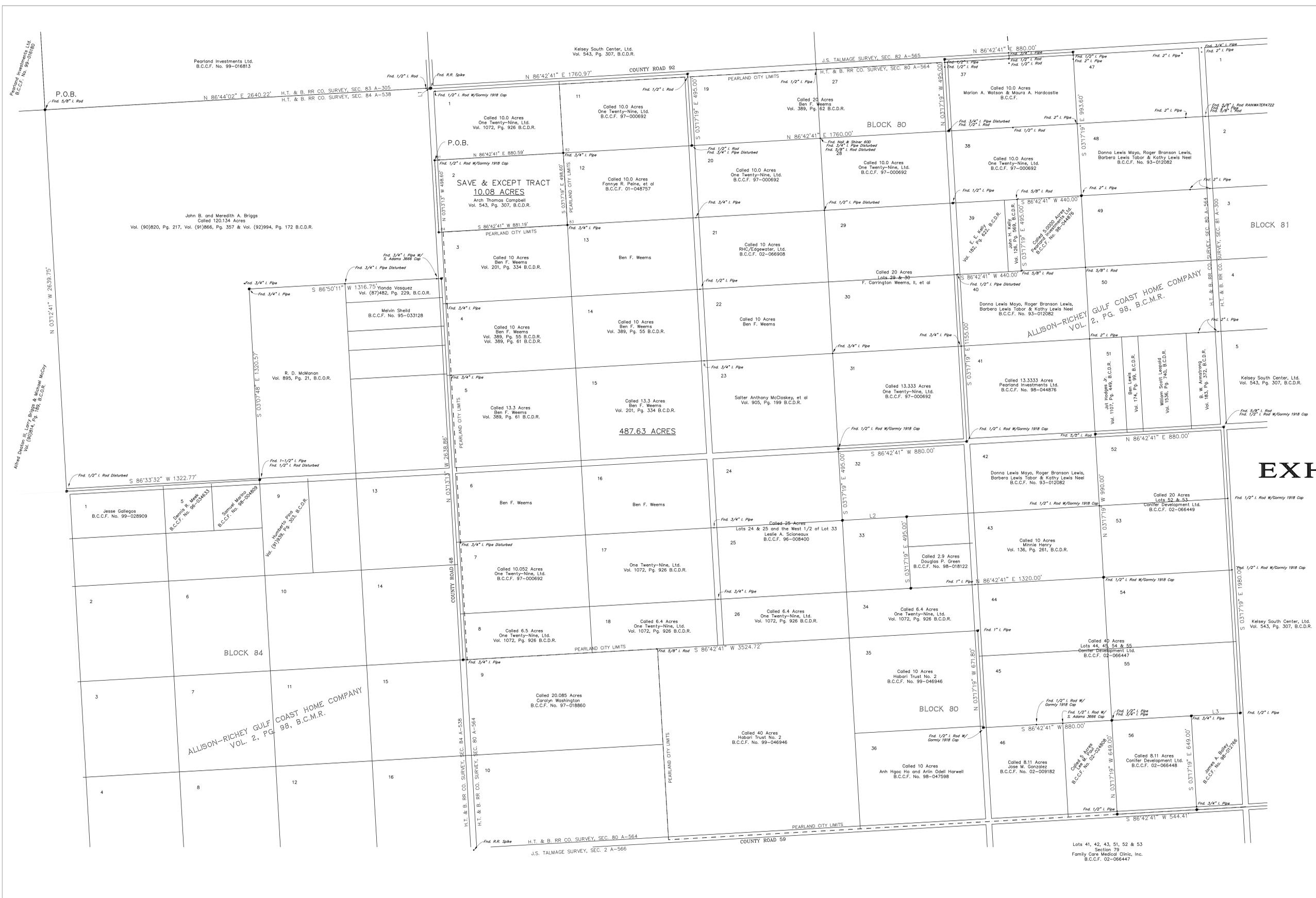
Land Planning Consultants

23501 Cinco Ranch Blvd.
Suite A-250
Katy, Texas 77494
(281) 579-0340
Fax (281) 579-8212

NOT TO SCALE

JANUARY 14, 2011
KGA #06101

THIS DRAWING IS A PICTORIAL REPRESENTATION FOR PRESENTATION PURPOSES ONLY AND IS SUBJECT TO CHANGE. FURTHER, SAID DRAWING IS A SCANNED IMAGE ONLY AND IS NOT FOR COMPUTATION OR CONSTRUCTION PURPOSES. THIS DRAWING MAY OR MAY NOT INCORPORATE INFORMATION AND/OR DATA PROVIDED TO KERRY R. GILBERT & ASSOCIATES, INC. BY OTHER CONSULTANTS RELATIVE TO ENGINEERING AND DRAINAGE, FLOOD PLAINS AND ENVIRONMENTAL ISSUES AND SHOULD NOT BE RELIED UPON FOR ANY PURPOSE. NO WARRANTIES, EXPRESS OR IMPLIED, CONCERNING THE ACTUAL DESIGN, LOCATION, AND CHARACTER OF THE FACILITIES SHOWN ON THIS MAP ARE INTENDED. ADDITIONALLY, NO WARRANTY IS MADE TO THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.



LEGEND

D.E.	Drainage Easement
Fnd.	Found
B.C.C.F.	Brazoria County Clerk's File
B.C.D.R.	Brazoria County Deed Records
B.C.M.R.	Brazoria County Map Records
I.	Iron
R.O.W.	Right-of-Way
U.E.	Utility Easement
W.L.E.	Water Line Easement

LINE DATA

NUMBER	BEARING	DISTANCE
L1	S 03°11'26" E	4.56'
L2	N 86°42'41" E	440.00'
L3	S 86°42'41" W	335.59'

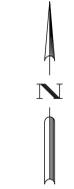


EXHIBIT "B"

497.71 ACRES
Less 10.08 ACRES
487.63 ACRES

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE

Notes:
1. Bearing orientation is based on monumentation found on the west line of a called 120.134 acre tract of land described in a deed recorded in Volume (90)820, Page 217 of the Brazoria County Deed Records.

This map or plat was prepared under 22 Texas Annotated Code § 663.21 and reflects the results of a survey completed on the ground, and the assembly of instruments of record to describe and draw the political boundary limits of the Harris County Municipal Utility District No. 157; and is not to be used to convey or establish interests in real property except those rights and interest implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Surveyed this the 23rd day of May, 2003.

Revised: June 24, 2003
BROWN & GAY CIVIL ENGINEERS & SURVEYORS HOUSTON, TEXAS



Richard Fussell, RPLS No. 4148
Brown & Gay Engineers, Inc.
11490 Westheimer, Suite 700
Houston, Texas 77077
Telephone: (281) 558-8700

SOUTHERN PINES M.U.D. A 487.63 ACRE TRACT OF LAND SITUATED IN THE H.T. & B RR CO. SUR. SEC. 80, A-564 & H.T.&B RR CO. SUR., SEC 84, A-538 CITY OF PEARLAND BRAZORIA COUNTY, TEXAS

P.C.	B.G.	Date:	JUNE, 2003	Sheet	1
TECH:	S.T.	Scale:	1" = 250'		
R.P.L.S.:	R.F.	Job No.:	1504-ST		
Coordinate File:	\\PROJECTS\SERVER\CALC\BASE.DWG				

522.62 ACRES

DECEMBER 1, 2003
JOB NO. TER04-5T

DESCRIPTION OF A 522.62ACRE TRACT OF LAND
SITUATED IN THE
H.T. & B. RR COMPANY SURVEY, SECTION 80, ABSTRACT 564 AND
THE H.T. & B. RR COMPANY SURVEY, SECTION 84, ABSTRACT 538
CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS

BEING a 522.62 acre tract of land situated in the H.T. & B. RR Co. Survey, Section 80, Abstract 564 and the H.T. & B. RR Co. Survey, Section 80, Abstract 538, City of Pearland, Brazoria County, Texas; being all of a called 120.134 acre tract of land described in a deed recorded Volume (90) 820, Page 217, Volume (91) 866, Page 357 and Volume (92) 994, Page 172 all of the Brazoria County Deed Records, and Lots 3 through 8, 11 through 18, 20 through 26, 27 through 34, Lots 37 & 38 and the west 1/2 of Lot 39, all of Lots 42, 43, 44, 45, 52 through 55 and 8.11 acres of Lot 56 of the Allison-Richey Gulf Coast Home Company subdivision recorded in Volume 2, Page 98 of the Brazoria County Map Records; said 522.62 acre tract of land being more particularly described as follows:

BEGINNING at 5/8-inch iron rod found at the northwest corner of said called 120.134 acre tract being the common corner of a tract of land recorded in Volume (90)814, Page 189 of the Brazoria County Deed Records, a tract of land described in a deed recorded under Brazoria County Clerk's File Number 99-016180 and a tract of land described in a deed recorded under Brazoria County Clerk's File Number 99-016813 for the northwest corner of the herein described tract;

THENCE N 86°44'02" E, a distance of 2640.22 feet to the intersection of County Roads 92 and 48 being the northeast corner of said called 120.134 acre tract for a corner of the herein described tract from which a found RR spike bears N 86°45'10" E, 7.70 feet and a found 1/2-inch iron rod bears S 86°31'02" W, 29.70 feet;

THENCE S 03°17'01" E, a distance of 4.56 feet with the centerline of said County Road 48 (based on original 40' width) to a point for corner from which a found 1/2-inch iron rod bears S 60°00'12" E, 35.94 feet;

THENCE N 86°42'41" E, a distance of 0.96 feet with the centerline of said County Road 92 (based on original 40' width) and the north line of said Section 80 to a point for corner;

THENCE S 03°13'13" E, a distance of 993.60 feet with the center line of said County Road 48 (original 40.00 foot width) and the west line of said Lots 2 and 1 to a point for corner;

THENCE N 86°42'41" E, a distance of 881.19 feet to a found 3/4-inch iron pipe for corner;

THENCE N 03°17'19" W, a distance of 993.60 feet to a point in the centerline of said County Road 92 (based on original 40' width) for corner;

THENCE N 86°42'41" E, a distance of 880.00 feet with the centerline of said County Road 92 (based on original 40' width) to a point for corner;

THENCE S 03°17'19" E, at a distance of 20.00 feet pass a 1/2-inch iron rod, in all a total distance of 495.00 feet to a 1/2-inch iron rod found for corner;

THENCE N 86°42'41" E, a distance of 880.00 feet to a point for corner from which a found 60d nail with shiner;

THENCE N 03°17'19" W, at 475.00 feet pass a found 1/2-inch iron rod, in all a total distance of 495.00 feet to a point for corner;

THENCE N 86°42'41" E, a distance of 1760.00 feet with the centerline of said County Road 92 (based on original 40' width) to a point for corner;

THENCE S 03°17'19" E, along the East line of said Lot 37 and 38, passing at 19.74 feet and East 1.41 foot a 1/2-inch iron pipe, at 48.09 feet pass a 2-inch iron pipe and East 1.22', a total distance of 993.60 feet to a found 2-inch iron pipe;

THENCE S 86°42'41" W, a distance of 440.00 feet to a point for corner from which a found 5/8-inch iron rod bears S 72°58" W, 0.6 feet;

THENCE S 03°17'19" E, a distance of 495.00 feet to a found 5/8-inch iron rod bears S 86°23'W, 0.5 feet for corner;

THENCE S 86°42'41" W, a distance of 440.00 feet to a point for corner from which a found 1/2-inch iron pipe bears S 67°22' W, 0.40 feet;

THENCE S 03°17'19" E, a distance of 1155.00 feet to a 1/2-inch iron rod with a cap stamped "Gormly 1918" found for corner;

THENCE N 86°42'41" E, a distance of 1760.00 feet to a point for corner from which a found a 1/2-inch iron rod with a cap stamped "Gormly 1918" bears N 13°12'20" W, 1.22 feet and a found 5/8-inch iron rod bears N 15°42'41" W, 1.34 feet;

THENCE S 03°17'19" E, a distance of 1980.00 feet to a point for corner from which a found 1/2-inch iron pipe bears N 02° 22'32" E, 1.82 feet;

THENCE S 86°42'41" W, a distance of 335.59 feet to a point for corner from which a found 3/4-inch iron pipe bears N 07°31'57" E, 1.79 feet;

THENCE S 03°17'19" E, a distance of 649.00 feet to a point in the centerline of County Road 59 (based on original 40' width) from which a found 3/4-inch iron pipe bears N 01° 45' 50" W, 21.56 feet;

THENCE S 86°42'41" W, a distance of 544.41 feet to a point in the centerline of County Road 59 (based on original 40' width) from which a found 1/2-inch iron pipe bears N 02°04'04" W, 21.38 feet;

4
THENCE N 03°17'19" W, a distance of 649.00 feet to a point for corner from which a found 1/2-inch iron pipe and a 3/4-inch iron pipe bear N 07°04'14" E, 1.49 feet;

THENCE S 86°42'41" W, a distance of 880.00 feet to a point for corner from which a 1/2-inch iron

rod with a cap stamped "Gormly 1918" bears N 22°04'06" E, 0.99 feet;

THENCE N 03°17'19" W, a distance of 671.80 feet to a 1-inch iron pipe found for corner;

THENCE S 86°42'41" W, a distance of 3524.72 feet to a point in the centerline of said County Road 48 (based on original 40' width) from which a found 3/4-inch iron pipe bears N 87°42'35" E, 28.47 feet;

THENCE N 03°13'13" W, a distance of 2638.86 feet with the centerline of said County Road 48 (based on original 40' width) to a point from which a found 3/4-inch iron pipe with cap stamped "S. Adams 3666" bears S 87°06'43" W, 31.63 feet;

THENCE S 86°50'11" W, a distance of 1316.75 feet to a point for corner from which a found 3/4-inch iron pipe bears S 12°34'15" E, 5.57 feet and a found 3/4-inch iron pipe bears N 40°37'46" W, 49.20 feet;

THENCE S 03°07'48" E, a distance of 1320.57 feet to a 1 1/2-inch iron pipe found for corner from which a found 1/2-inch iron rod bears S 18°37'20" W, 6.28 feet;

THENCE S 86°33'32" W, a distance of 1322.77 feet to a 1/2-inch iron rod found for corner;

THENCE N 03°12'41" W, a distance of 2639.75 feet to the **POINT OF BEGINNING** and containing 497.71 acres of land.

In conclusion, the herein described 522.621 acre tract comprises a **TOTAL ACREAGE of 522.62 ACRES.**

Bearing orientation is based on monumentation found on the west line of a called 120.134 acre tract of land described in a deed recorded in Volume (90)820, Page 217 of the Brazoria County Deed Records.

This metes and bounds description was prepared under 22 Texas Annotated Code # 663.21 and reflects the results of a survey completed on the ground, and the assembly of instruments of record to describe the political boundary limits of the Brazoria County MUD No. 34; and is not to be used to convey or establish interests in real property except those rights and interest implied or established by the creation or reconfiguration of the boundary of the political subdivision for which is was prepared.



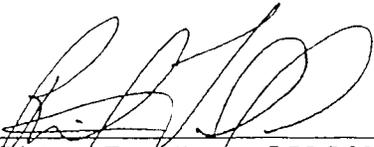

Richard Fussell RPLS No. 4148
Brown & Gay Engineers, Inc.
11490 Westheimer Road, Suite 700
Houston, Texas 77077
Telephone: (281) 558-8700

Exhibit C-1

LEGEND		
	EXIST. GUY WIRE	EXIST.
	EXIST. CONC. AREA	SMH
	EXIST. BOUNDARY LINE	EXISTING
	CONC.	SEWER MANHOLE
	WATER METER	EXIST. SEWER MANHOLE
	GAS METER	EXIST. DRAIN MANHOLE
	GAS VALVE	EXIST. SIGN
	WATER VALVE	EXIST. POWER OR TELEPHONE POLE
	DENOTES IRON ROD FOUND	HOSE BIB
	DENOTES 1/2" IRON ROD SET	EXIST. STREET LIGHT
	DENOTES CROSS CUT SET	EXIST. DITCH
	LINE NOT TO SCALE	EXIST. TRAFFIC LIGHT
	TITLE	EXIST. FIRE HYDRANT
		EXIST. DROP INLET
		DENOTES CROSS CUT
		ACTUAL

PLAT NOTES:

- THIS PLAT HAS BEEN PREPARED TO MEET THE REQUIREMENTS OF THE STATE OF TEXAS, BRAZORIA COUNTY AND THE CITY OF PEARLAND. THIS PLAT WAS PREPARED FROM INFORMATION PROVIDED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, G.F. NO. 1017002997, EFFECTIVE DATE: MAY 31, 2013. ISSUE DATE: JUNE 5, 2013.
- ALL BEARING REFERENCES ARE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE.
- ALL SUBDIVISION COMMON AREAS INCLUDING BUT NOT LIMITED TO DETENTION FACILITIES, EASEMENTS, AND OPEN SPACE WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE MAINTAINED BY A HOMEOWNERS ASSOCIATION, COMMERCIAL PROPERTY ASSOCIATION OR OTHER ENTITY AND SHALL NOT BE THE RESPONSIBILITY OF THE CITY OF PEARLAND OR BRAZORIA COUNTY.
- CITY OF PEARLAND GPS #9 WITH A PUBLISHED ELEVATION OF 59.03 1987 ADJUSTMENT.
- ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) MAP NO. 480338200202B, WITH THE EFFECTIVE DATE OF JUNE 5, 1989, THE PROPERTY IS LOCATED IN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE OF THE 100 YEAR FLOODPLAIN.) ALL FLOODPLAIN INFORMATION NOTED IN THE PLAT REFLECTS THE STATUS PER THE FEMA FIRM MAP THAT IS EFFECTIVE AT THE TIME THAT THE PLAT IS RECORDED. FLOODPLAIN STATUS IS SUBJECT TO CHANGE AS FEMA FIRM MAPS ARE UPDATED.
- ANY CONSTRUCTION PROPOSED TO BE INSTALLED WITHIN A PROPERTY EASEMENT WITH PRESCRIBED RIGHTS TO A PRIVATE ENTITY MAY REQUIRE THE PERMISSION OF THE PRIVATE ENTITY PRIOR TO THE START OF CONSTRUCTION. FAILURE TO SECURE SUCH PERMISSION MAY RESULT IN THE RIGHT HOLDER(S) OF THE EASEMENT REMOVING ANY UNAPPROVED PAVEMENT, STRUCTURES, UTILITIES, OR OTHER FACILITIES LOCATED WITHIN THE EASEMENT. THE RESPONSIBILITY OF SECURING APPROVAL FROM THE PRIVATE ENTITIES TO BUILD WITHIN AN EASEMENT IS SOLELY THAT OF THE PROPERTY OWNER.
- ACCESS RIGHTS TO PARKING AREAS AND DRIVEWAYS ARE HEREBY GRANTED TO ALL ADJOINING COMMERCIAL PROPERTIES.
- THE MINIMUM SLAB ELEVATION FOR ALL BUILDINGS LOCATED WITHIN THE BOUNDARIES OF THIS PLAT SHALL BE THE HIGHER OF (1) EITHER 12 INCHES ABOVE THE TOP OF CURB ELEVATION FOR A CURB STREET OR 12 INCHES ABOVE THE ELEVATION OF THE EDGE OF THE ROADWAY IF NO CURB EXISTS, OR (2) 12 INCHES ABOVE THE 100 YEAR FLOODPLAIN WATER SURFACE ELEVATION FOR STRUCTURES TO BE LOCATED WITHIN THE 100 YEAR FLOODPLAIN.
- ANY PROPOSED DRAINAGE SYSTEM FOR THIS SUBDIVISION SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE CITY OF PEARLAND AND/OR BRAZORIA DRAINAGE DISTRICT #4. LOT LINES SHALL BE THE CENTER OF A 6 FOOT WIDE DRAINAGE EASEMENT.
- THIS PROPERTY IS LOCATED WHOLLY WITHIN MUNICIPAL UTILITY DISTRICT NO. 34.
- ALL LANDSCAPING AND STRUCTURES, INCLUDING FENCES AT INTERSECTIONS SHALL CONFORM TO THE CITY OF PEARLAND AND ASHTO SITE DISTANCE REQUIREMENTS FOR MOTORISTS.
- DRIVEWAY REQUIREMENTS FOR THE LOCATION, WIDTHS AND OFFSETS FROM AN INTERSECTION AND ANY EXISTING DRIVEWAY OR PROPOSED DRIVEWAYS, SHALL CONFORM TO THE REQUIREMENTS OF THE CITY OF PEARLAND ENGINEERING DESIGN CRITERIA MANUAL AND UNIFIED DEVELOPMENT CODE.
- BUILDINGS NOT SHOWN FOR CLARITY.

STATE OF TEXAS
COUNTY OF BRAZORIA:

WE, FIRST HARTFORD REALTY CORPORATION, A LIMITED PARTNERSHIP, ACTING BY AND THROUGH NEIL ELLIS, PRESIDENT, OWNERS OF THE PROPERTY SUBDIVIDED IN THIS PLAT OF AMENDING PLAT NO. 2 SOUTHERN TRAILS COMMERCIAL NO. 1, 1.749 ACRES OUT OF THE H.T. AND B.R.R. COMPANY SURVEY, SECTION 84, A-538, BRAZORIA COUNTY, TEXAS, DO HEREBY MAKE SUBDIVISION OF SAID PROPERTY FOR AND ON BEHALF OF SAID FIRST HARTFORD REALTY CORP., ACCORDING TO THE LINES, LOTS, STREETS, ALLEYS, RESERVES, PARKS, AND EASEMENTS AS SHOWN HEREON AND DEDICATE FOR PUBLIC USE AS SUCH THE STREETS, ALLEYS, PARKS, AND EASEMENTS SHOWN HEREON FOREVER, AND DO HEREBY WAIVE ALL CLAIMS FOR DAMAGES OCCASIONED BY THE ESTABLISHMENT OF GRADES AS APPROVED FOR THE STREETS AND DRAINAGE EASEMENTS DEDICATED, OR OCCASIONED BY THE ALTERATION OF THE SURFACE, OR ANY PORTION OF THE STREETS OR DRAINAGE EASEMENTS TO CONFORM TO SUCH GRADES, AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND DEFEND THE TITLE TO THE LAND SO DEDICATED.

IN TESTIMONY HERETO, FIRST HARTFORD REALTY CORPORATION, A LIMITED PARTNERSHIP, HAS CAUSED THESE PRESENTS TO BE SIGNED BY NEIL ELLIS, PRESIDENT, THIS _____ DAY OF _____, 2014.

OWNER: FIRST HARTFORD REALTY CORPORATION A LIMITED PARTNERSHIP

BY: _____
NEIL ELLIS, PRESIDENT

STATE OF TEXAS
COUNTY OF _____:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED NEIL ELLIS, PRESIDENT OF FIRST HARTFORD REALTY CORPORATION, A LIMITED PARTNERSHIP, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ OF _____, 2014.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES _____

STATE OF TEXAS
COUNTY OF BRAZORIA:

WE, CL ASHTON WOODS, L.P., A LIMITED PARTNERSHIP, ACTING BY AND THROUGH _____ MANAGING MEMBER, OWNER OF THE PROPERTY SUBDIVIDED IN THIS PLAT OF AMENDING PLAT NO. 2 SOUTHERN TRAILS COMMERCIAL NO. 1, 1.749 ACRES OUT OF THE H.T. AND B.R.R. COMPANY SURVEY, SECTION 84, A-538, BRAZORIA COUNTY, TEXAS, DO HEREBY MAKE SUBDIVISION OF SAID PROPERTY FOR AND ON BEHALF OF SAID FIRST HARTFORD REALTY CORPORATION, ACCORDING TO THE LINES, LOTS, STREETS, ALLEYS, RESERVES, PARKS, AND EASEMENTS AS SHOWN HEREON AND DEDICATE FOR PUBLIC USE AS SUCH THE STREETS, ALLEYS, PARKS, AND EASEMENTS SHOWN HEREON FOREVER, AND DO HEREBY WAIVE ALL CLAIMS FOR DAMAGES OCCASIONED BY THE ESTABLISHMENT OF GRADES AS APPROVED FOR THE STREETS AND DRAINAGE EASEMENTS DEDICATED, OR OCCASIONED BY THE ALTERATION OF THE SURFACE, OR ANY PORTION OF THE STREETS OR DRAINAGE EASEMENTS TO CONFORM TO SUCH GRADES, AND DO HEREBY BIND OURSELVES, OUR HEIRS, SUCCESSORS AND ASSIGNS TO WARRANT AND DEFEND THE TITLE TO THE LAND SO DEDICATED.

IN TESTIMONY HERETO, CL ASHTON WOODS, L.P., A LIMITED PARTNERSHIP, HAS CAUSED THESE PRESENTS TO BE SIGNED BY _____ MANAGING MEMBER, THIS _____ DAY OF _____, 2014.

OWNER: CL ASHTON WOODS, L.P., A LIMITED PARTNERSHIP

BY: _____
_____ MANAGING MEMBER

STATE OF TEXAS
COUNTY OF _____:

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED _____ MANAGING MEMBER OF CL ASHTON WOODS, L.P., A LIMITED PARTNERSHIP, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS _____ OF _____, 2014.

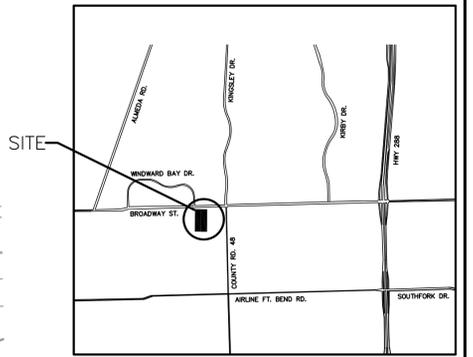
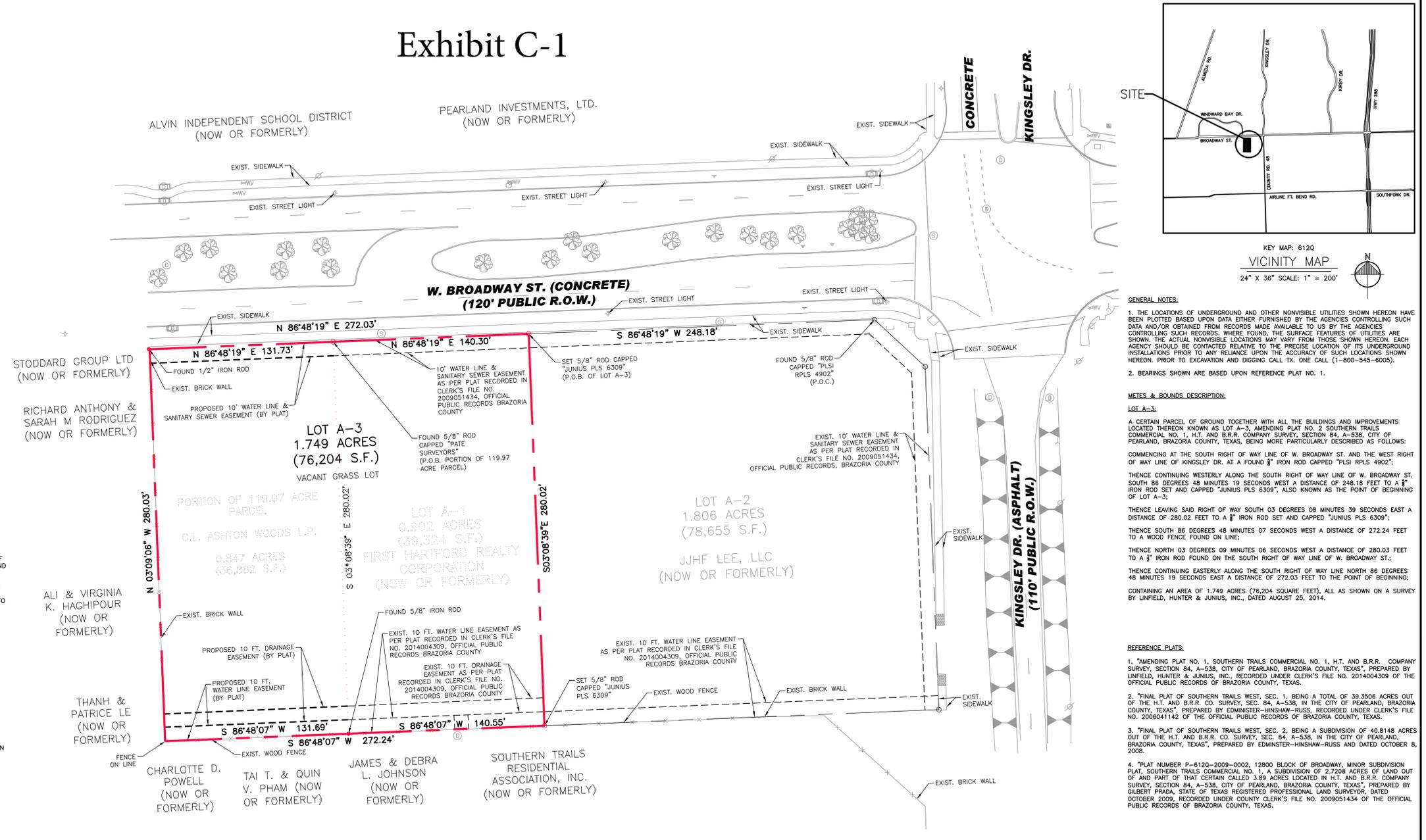
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
MY COMMISSION EXPIRES _____

STATE OF TEXAS
COUNTY OF BRAZORIA:

I, NATHAN J. JUNIUS, P.E., R.P.L.S., REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6309, DO HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE UNDER MY SUPERVISION ON THE GROUND IN ACCORDANCE WITH THE INFORMATION PROVIDED ME AND CORRECTLY REPRESENTS THE FACTS AS FOUND AT THE TIME OF SURVEY AND IS TRUE AND CORRECT AND THAT ALL BOUNDARY CORNERS, LOT CORNERS, ANGLE POINTS, AND POINTS OF CURVATURE ARE PROPERLY MARKED WITH 5/8 INCH DIAMETER IRON RODS THREE FEET LONG OR AS SHOWN ON THE PLAT.

NATHAN J. JUNIUS, P.E., R.P.L.S.
TEXAS REGISTRATION NO. 6309

DEPUTY _____ COUNTY CLERK OF BRAZORIA COUNTY, TEXAS



KEY MAP: 6120
VICINITY MAP
24" X 36" SCALE: 1" = 200'

- GENERAL NOTES:**
- THE LOCATIONS OF UNDERGROUND AND OTHER NONVISIBLE UTILITIES SHOWN HEREON HAVE BEEN PLOTTED BASED UPON DATA EITHER FURNISHED BY THE AGENCIES CONTROLLING SUCH DATA AND/OR OBTAINED FROM RECORDS MADE AVAILABLE TO US BY THE AGENCIES CONTROLLING SUCH RECORDS. WHERE FOUND, THE SURFACE FEATURES OF UTILITIES ARE SHOWN. THE ACTUAL NONVISIBLE LOCATIONS MAY VARY FROM THOSE SHOWN HEREON. EACH AGENCY SHOULD BE CONTACTED RELATIVE TO THE PRECISE LOCATION OF ITS UNDERGROUND INSTALLATIONS PRIOR TO ANY RELIANCE UPON THE ACCURACY OF SUCH LOCATIONS SHOWN HEREON. PRIOR TO EXCAVATION AND DIGGING CALL TX. ONE CALL (1-800-545-6005).
 - BEARINGS SHOWN ARE BASED UPON REFERENCE PLAT NO. 1.

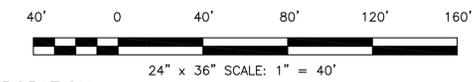
METS & BOUNDS DESCRIPTION:

LOT A-3:
A CERTAIN PARCEL OF GROUND TOGETHER WITH ALL THE BUILDINGS AND IMPROVEMENTS LOCATED THEREON KNOWN AS LOT A-3, AMENDING PLAT NO. 2 SOUTHERN TRAILS COMMERCIAL NO. 1, H.T. AND B.R.R. COMPANY SURVEY, SECTION 84, A-538, CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH RIGHT OF WAY LINE OF W. BROADWAY ST. AND THE WEST RIGHT OF WAY LINE OF KINGSLEY DR. AT A FOUND 1/2" IRON ROD CAPPED "PLS RPLS 4902"; THENCE CONTINUING WESTERLY ALONG THE SOUTH RIGHT OF WAY LINE OF W. BROADWAY ST. SOUTH 86 DEGREES 48 MINUTES 19 SECONDS WEST A DISTANCE OF 248.18 FEET TO A 1/2" IRON ROD SET AND CAPPED "JUNIUS PLS 6309", ALSO KNOWN AS THE POINT OF BEGINNING OF LOT A-3; THENCE LEAVING SAID RIGHT OF WAY SOUTH 03 DEGREES 08 MINUTES 39 SECONDS EAST A DISTANCE OF 280.02 FEET TO A 1/2" IRON ROD SET AND CAPPED "JUNIUS PLS 6309"; THENCE SOUTH 86 DEGREES 48 MINUTES 07 SECONDS WEST A DISTANCE OF 272.24 FEET TO A WOOD FENCE FOUND ON LINE; THENCE NORTH 03 DEGREES 09 MINUTES 06 SECONDS WEST A DISTANCE OF 280.03 FEET TO A 1/2" IRON ROD FOUND ON THE SOUTH RIGHT OF WAY LINE OF W. BROADWAY ST.; THENCE CONTINUING EASTERLY ALONG THE SOUTH RIGHT OF WAY LINE NORTH 86 DEGREES 48 MINUTES 19 SECONDS EAST A DISTANCE OF 272.03 FEET TO THE POINT OF BEGINNING; CONTAINING AN AREA OF 1.749 ACRES (76,204 SQUARE FEET), ALL AS SHOWN ON A SURVEY BY LINFIELD, HUNTER & JUNIUS, INC., DATED AUGUST 25, 2014.

- REFERENCE PLATS:**
- AMENDING PLAT NO. 1, SOUTHERN TRAILS COMMERCIAL NO. 1, H.T. AND B.R.R. COMPANY SURVEY, SECTION 84, A-538, CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS, PREPARED BY LINFIELD, HUNTER & JUNIUS, INC., RECORDED UNDER CLERK'S FILE NO. 2014004309 OF THE OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS.
 - "FINAL PLAT OF SOUTHERN TRAILS WEST, SEC. 1, BEING A TOTAL OF 39.3506 ACRES OUT OF THE H.T. AND B.R.R. CO. SURVEY, SEC. 84, A-538, IN THE CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS, PREPARED BY EDWINSTER-HINSHAW-RUSS, RECORDED UNDER CLERK'S FILE NO. 2006041142 OF THE OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS.
 - "FINAL PLAT OF SOUTHERN TRAILS WEST, SEC. 2, BEING A SUBDIVISION OF 40.8148 ACRES OUT OF THE H.T. AND B.R.R. CO. SURVEY, SEC. 84, A-538, IN THE CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS, PREPARED BY EDWINSTER-HINSHAW-RUSS AND DATED OCTOBER 8, 2008.
 - "PLAT NUMBER P-6120-2009-0002, 12800 BLOCK OF BROADWAY, MINOR SUBDIVISION PLAT, SOUTHERN TRAILS COMMERCIAL NO. 1, A SUBDIVISION OF 2.7208 ACRES OF LAND OUT OF AND PART OF THAT CERTAIN CALLED 3.89 ACRES LOCATED IN H.T. AND B.R.R. COMPANY SURVEY, SECTION 84, A-538, CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS, PREPARED BY GILBERT PRADA, STATE OF TEXAS REGISTERED PROFESSIONAL LAND SURVEYOR, DATED OCTOBER 2009, RECORDED UNDER COUNTY CLERK'S FILE NO. 2009051434 OF THE OFFICIAL PUBLIC RECORDS OF BRAZORIA COUNTY, TEXAS.

AMENDING PLAT NO. 2 SOUTHERN TRAILS COMMERCIAL NO. 1 H.T. AND B.R.R. COMPANY SURVEY, SECTION 84, A-538 CITY OF PEARLAND, BRAZORIA COUNTY TEXAS

ONE (1) LOT ONE (1) BLOCK
REASON FOR PLAT AMENDMENT: COMBINE TWO (2) EXISTING LOTS INTO 1 LOT OF RECORD



OWNER -- LOT A-1:
FIRST HARTFORD REALTY CORPORATION
149 COLONIAL RD.
MANCHESTER, CT 06042
(860) 646-6555

OWNER -- PORTION OF 119.97 ACRE PARCEL
CL ASHTON WOODS, L.P.
3355 W. ALABAMA, SUITE 1240
HOUSTON, TX 77098
PH: (713) 255-7401

LINFIELD, HUNTER & JUNIUS, INC.
PROFESSIONAL ENGINEERS, ARCHITECTS
AND SURVEYORS
3608 18th Street, Suite 200
Metairie, Louisiana 70002
T.X.L.S. FIRM NO. 10193767
T.B.P.E. FIRM NO. 11654
© 2011 by Linfield, Hunter & Junius, Inc.

DATE OF LAST FIELD WORK: JULY 25, 2014
DATE OF PLAT MAP: AUGUST 25, 2014
LH&J JOB NO. 14-90
PRELIMINARY

THIS IS TO CERTIFY THAT THE CITY PLANNER OF THE CITY OF PEARLAND, TEXAS HAS APPROVED THIS AMENDING PLAT NO. 2 SOUTHERN TRAILS COMMERCIAL NO. 1 AND SUBDIVISION OF THE H.T. AND B.R.R. COMPANY SURVEY SECTION 84, A-538, AND IS IN CONFORMANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE ORDINANCES OF THE CITY OF PEARLAND AS SHOWN HEREON AND AUTHORIZES THE RECORDING OF THIS PLAT THIS _____ DAY OF _____, 2014.

JOHNNA MATTHEWS
CITY PLANNER
CITY OF PEARLAND, TEXAS

APPROVED FOR THE CITY OF PEARLAND, TEXAS THIS _____ DAY OF _____, 2014.

DARRIN COCKER
CITY ATTORNEY

ANDREA BROUGHTON, P.E.
CITY ENGINEER

STATE OF TEXAS
COUNTY OF BRAZORIA:

I, _____ COUNTY CLERK, BRAZORIA COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WAS DULY RECORDED ON _____, 2014, AT _____ O'CLOCK, _____M. IN VOLUME _____, PAGE _____ OF THE BRAZORIA COUNTY PLAT RECORDS.

WITNESS MY HAND AND SEAL OF OFFICE, AT BRAZORIA COUNTY, TEXAS, THE DAY AND DATE LAST ABOVE WRITTEN.

DEPUTY _____ COUNTY CLERK OF BRAZORIA COUNTY, TEXAS

Exhibit C-1

METES & BOUNDS DESCRIPTION:

OVERALL PARCEL:

A CERTAIN PARCEL OF GROUND TOGETHER WITH ALL THE BUILDINGS AND IMPROVEMENTS LOCATED BEING A PORTION OF NO. 2 SOUTHERN TRAILS COMMERCIAL NO. 1, H.T. AND B.R.R. COMPANY SURVEY, SECTION 84, A-538, CITY OF PEARLAND, BRAZORIA COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH RIGHT OF WAY LINE OF W. BROADWAY ST. AND THE WEST RIGHT OF WAY LINE OF KINGSLEY DR. AT A FOUND 5/8 INCH IRON ROD CAPPED "PLSI RPLS 4902";

THENCE SOUTH 48 DEGREES 10 MINUTES 35 SECONDS EAST A DISTANCE OF 49.48 FEET TO A 5/8 INCH IRON ROD SET AND CAPPED "JUNIUS PLS 6309" ON THE WEST RIGHT OF WAY LINE OF KINGSLEY DR.;

THENCE CONTINUING ALONG SAID RIGHT OF WAY SOUTH 03 DEGREES 09 MINUTES 29 SECONDS EAST A DISTANCE OF 245.00 FEET TO A 5/8 INCH IRON ROD SET AND CAPPED "JUNIUS PLS 6309";

THENCE LEAVING SAID RIGHT OF WAY SOUTH 86 DEGREES 48 MINUTES 07 SECONDS WEST A DISTANCE OF 283.00 FEET TO A 5/8 INCH IRON ROD SET AND CAPPED "JUNIUS PLS 6309";

THENCE SOUTH 86 DEGREES 48 MINUTES 07 SECONDS WEST A DISTANCE OF 140.55 FEET TO A 5/8 INCH IRON ROD FOUND;

THENCE SOUTH 86 DEGREES 48 MINUTES 07 SECONDS WEST A DISTANCE OF 131.69 FEET TO A WOOD FENCE FOUND ON LINE;

THENCE NORTH 03 DEGREES 09 MINUTES 06 SECONDS WEST A DISTANCE OF 280.03 FEET TO A 1/2 INCH IRON ROD FOUND ON THE SOUTH RIGHT OF WAY LINE OF W. BROADWAY ST.;

THENCE CONTINUING EASTERLY ALONG THE SOUTH RIGHT OF WAY LINE OF W. BROADWAY ST. NORTH 86 DEGREES 48 MINUTES 19 SECONDS EAST A DISTANCE OF 131.73 FEET TO A 5/8 INCH IRON ROD FOUND AND CAPPED "PATE SURVEYORS";

THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 86 DEGREES 48 MINUTES 19 SECONDS EAST A DISTANCE OF 140.30 FEET TO A 5/8 INCH IRON ROD SET AND CAPPED "JUNIUS PLS 6309";

THENCE NORTH 86 DEGREES 48 MINUTES 19 SECONDS EAST A DISTANCE OF 248.18 FEET TO
THE POINT OF BEGINNING;

CONTAINING AN AREA OF 3.555 ACRES (154,859 SQUARE FEET).



EXHIBIT "D"

SOUTHERN TRAILS WEST

SOUTHERN TRAILS

LEGEND

-  PROPOSED MODEL HOME
-  (TYP 50'X120')..... 137 LOTS
-  (TYP 56'X120')..... 128 LOTS
-  (TYP 60'X120')..... 235 LOTS
-  (TYP 61'X115')..... 233 LOTS
-  (TYP 70'X115'/120')... 445 LOTS
-  (TYP 80'X120')..... 47 LOTS
-  (TYP 85'X130')..... 120 LOTS

a master development plan for
SOUTHERN TRAILS

+ 522.63 Acres of land

prepared for
C.L. ASHTON WOODS, LP.

KERRY R. GILBERT & ASSOCIATES, INC.

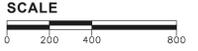
Land Planning Consultants

23501 Cinco Ranch Blvd.
Suite A-250

Katy, Texas 77494

(281) 579-0340

Fax (281) 579-8212



OCTOBER 01, 2014
KGA# 06101B

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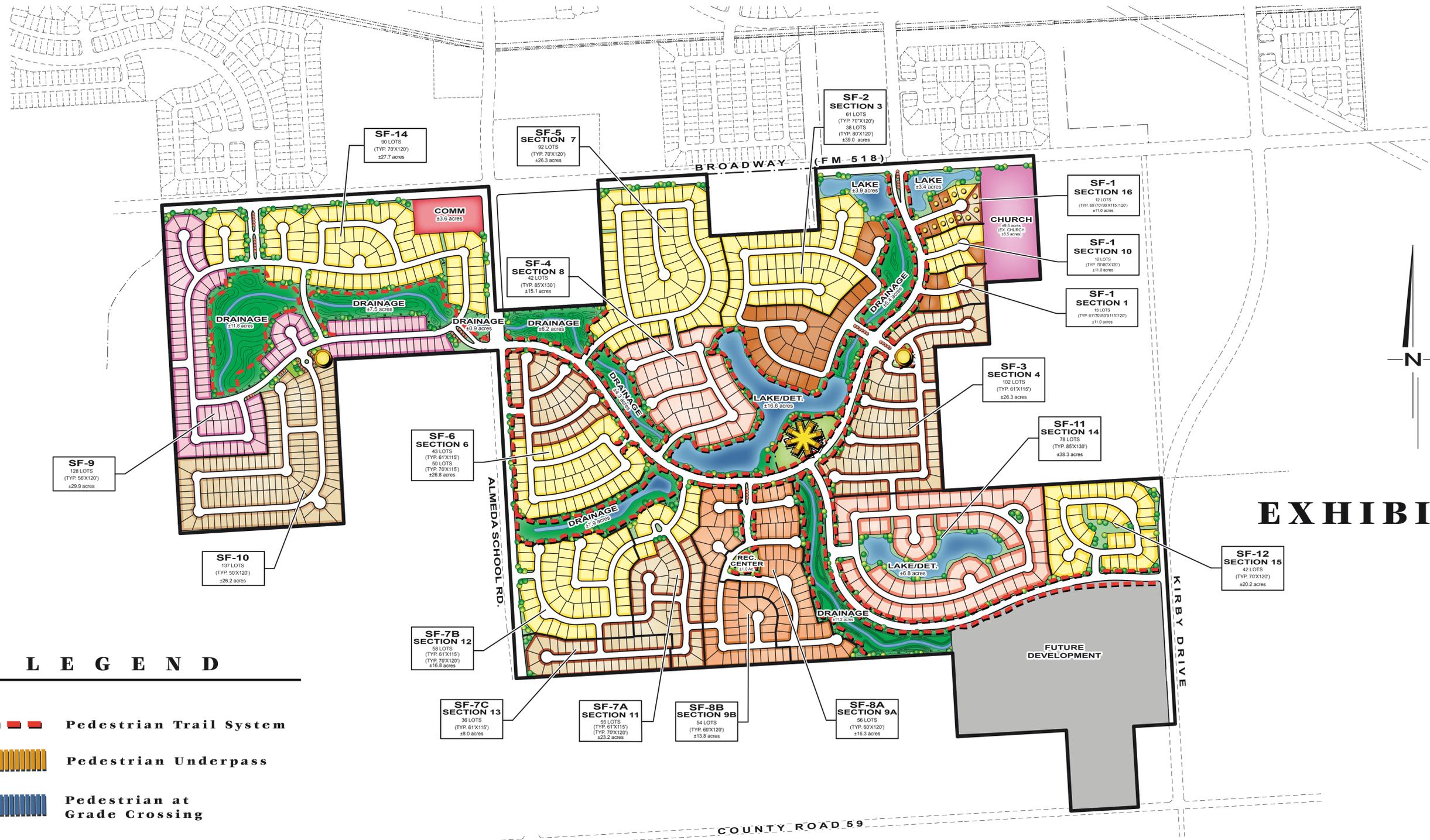


EXHIBIT "E"

LEGEND

-  Pedestrian Trail System
-  Pedestrian Underpass
-  Pedestrian at Grade Crossing
-  Recreation Park
-  Tot Lot / Park

SOUTHERN TRAILS

+ 522.63 Acres of land

prepared for
C.L. ASHTON WOODS, LP.

KERRY R. GILBERT & ASSOCIATES, INC. Land Planning Consultants

23501 Cinco Ranch Blvd.
Suite A-250
Katy, Texas 77494
(281) 579-0340
Fax (281) 579-8212



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EXHIBIT "F"

LEGEND

-  PRIMARY ENTRY MONUMENT
-  SECONDARY IDENTIFIER MONUMENT
-  SECONDARY IDENTIFIER MONUMENT FOR SOUTHERN TRAILS WEST

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a master development plan for

SOUTHERN TRAILS

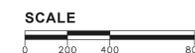
+ 522.63 Acres of land

prepared for
C.L. ASHTON WOODS, LP.

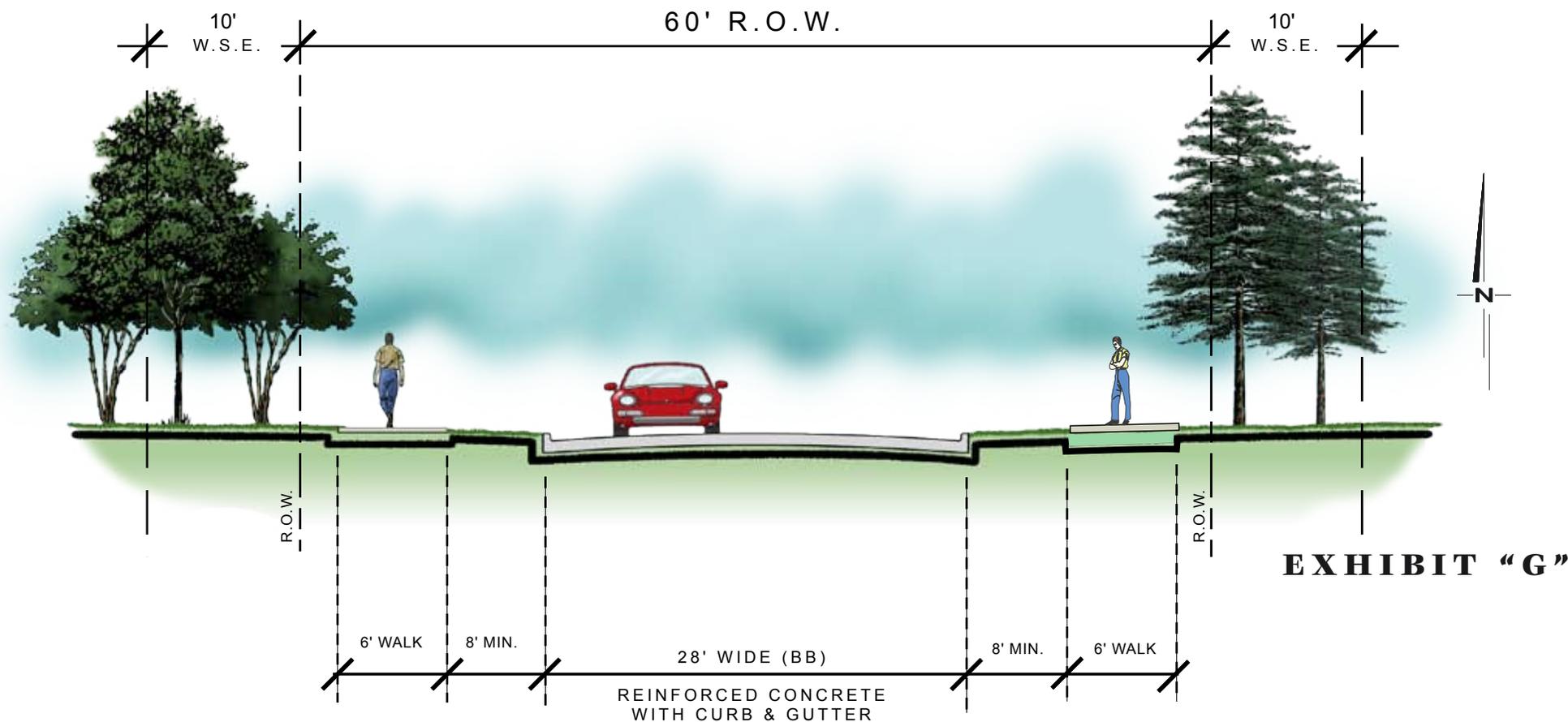
KERRY R. GILBERT & ASSOCIATES, INC.

Land Planning Consultants

23501 Cinco Ranch Blvd.
 Suite A-250
 Katy, Texas 77494
 (281) 579-0340
 Fax (281) 579-8212



OCTOBER 01, 2014
 KGA# 06101B



- * W.S.E. - WATER LINE/SANITARY SEWER EASEMENT
- * 6' SIDEWALK MEANDERS BETWEEN THE RIGHT-OF-WAY AND THE RESERVES.

an 28' cross section exhibit for

SOUTHERN TRAILS COLLECTOR STREETS

± 522.63 ACRES OF LAND

prepared for

**C.L. ASHTON WOODS, L.P.
TAYLOR MORRISON OF TEXAS, INC.**

KERRY R. GILBERT & ASSOCIATES, INC.

Land Planning Consultants
23501 Cinco Ranch Blvd.
Suite A-250
Katy, Texas 77494
(281) 579-0340
Fax (281) 579-8212

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New Business Item No. 2

2. **Consideration and Possible Action – Resolution No. R2014-153** – A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to submit five project applications to the Houston-Galveston Area Council for inclusion in the 2015-2018 Transportation Improvement Plan, and allocating matching funds for the construction of each project.

**AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS**

AGENDA OF: Dec. 15, 2014	ITEM NO.: Resolution No. R2014-153								
DATE SUBMITTED: Dec. 2,	DEPT. OF ORIGIN: Projects								
2014 PREPARED BY: S Jones	PRESENTOR: S Jones								
REVIEWED BY: Trent Epperson	REVIEW DATE: December 10, 2014								
<p>SUBJECT: Resolution No. R2014-153 - A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to submit five project applications to the Houston-Galveston Area Council for inclusion in the 2015-2018 Transportation Improvement Plan, and allocating matching funds for the construction of each project.</p>									
EXHIBITS: Resolution R2014-153 , Exhibit A- Project Maps									
<p>FUNDING:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 25%;"><input type="checkbox"/> Bonds To Be Sold</td> <td style="width: 25%;"><input type="checkbox"/> Grant</td> <td style="width: 25%;"><input type="checkbox"/> Developer/Other</td> <td style="width: 25%;"><input type="checkbox"/> Cash</td> </tr> <tr> <td><input type="checkbox"/> Bonds- Sold</td> <td><input type="checkbox"/> L/P – Sold</td> <td><input type="checkbox"/> L/P – To Be Sold</td> <td></td> </tr> </table>		<input type="checkbox"/> Bonds To Be Sold	<input type="checkbox"/> Grant	<input type="checkbox"/> Developer/Other	<input type="checkbox"/> Cash	<input type="checkbox"/> Bonds- Sold	<input type="checkbox"/> L/P – Sold	<input type="checkbox"/> L/P – To Be Sold	
<input type="checkbox"/> Bonds To Be Sold	<input type="checkbox"/> Grant	<input type="checkbox"/> Developer/Other	<input type="checkbox"/> Cash						
<input type="checkbox"/> Bonds- Sold	<input type="checkbox"/> L/P – Sold	<input type="checkbox"/> L/P – To Be Sold							
<p>EXPENDITURE REQUIRED: AMOUNT AVAILABLE: ACCOUNT NO.: ADDITIONAL APPROPRIATION REQUIRED: ACCOUNT NO.: PROJECT NO.:</p>	<p>AMOUNT BUDGETED: PROJECT NO.:</p>								
<p>To be completed by Department:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 25%; text-align: center;">Finance</td> <td style="width: 25%; text-align: center;">Legal</td> <td style="width: 25%; text-align: center;">Ordinance</td> <td style="width: 25%; text-align: center;">Resolution</td> </tr> </table>		Finance	Legal	Ordinance	Resolution				
Finance	Legal	Ordinance	Resolution						

RECOMMENDED ACTION

Consideration and approval of a resolution providing for funding of the City's 20% cost-share for the following TIP Projects.

EXECUTIVE SUMMARY

City Staff is preparing submittals to the Houston-Galveston Area Council (H-GAC) for the 2015-2018 Transportation Improvement Program (TIP) "Call for Projects". This year's TIP identifies four years of priority projects and will include identification of viable projects to receive funding beyond the four year period. The process will select projects ready for implementation to receive federal or state 80% funding. Four funding categories exist for new projects to be added to the TIP this year: the Metropolitan and Urban Corridors Projects; the Congestion Mitigation/Air Quality Program (CMAQ); the Surface Transportation Program – Metropolitan Mobility (STP-MM) program and the Transportation Alternatives Program (TAP). Each of these programs have specific eligibility requirements for sponsors seeking funding through these sources.

Project eligibility requirements include: inclusion in H-GAC's Regional Transportation Plan (RTP), inclusion in the Air Quality Conformity year in 2019 or earlier, funding support from the City or sponsoring agency, and the ability to meet Environmental Clearance and PS&E deadlines established by HGAC Transportation Policy Council (TPC). The Projects included here and proposed for submittal, meet these eligibility requirements.

The City is an eligible project sponsor and has designated three (3) roadway projects, Mykawa Road, County Road 403 and State Highway 288 Northbound Frontage Road; one (1) trail project, Clear Creek Trail; and the Safe Routes to School project that includes improvements at three schools: the Jr High South, Cockrell and Carlestone Elementary. The projects are listed below in priority order, and are eligible for funding from the STP-MM category for streets or the TAP category for the trail project and the safe routes to school projects. (See attached exhibits for locations and limits). Both City roadway projects are part of the City's Master Thoroughfare Plan as Secondary Thoroughfares, (adopted March 2014) and both are listed in the current Five Year Capital Improvement program.

PROJECT DETAILS

Hughes Ranch (CR403) is scheduled to become one of the local access points to the SH288 toll lanes. Prior County efforts to sponsor this project produced 90% plans and completed the Environmental process resulting in the issuance of a Finding of No Significant Impact (FONSI) Staff are negotiating a contract with the designers to complete the plans, making alterations to bring them up to current City & federal standards and final Right of Way survey and parcel mapping is being completed at this time. Right of Way acquisition will move forward upon with the completion of that surveying effort. Under these circumstances this will literally be a shovel ready project and so we believe it has a very good chance of being selected to receive funding in conjunction with that regional project. The pending application includes a request for construction phase funding only in this instance.

Mykawa Road designs are less developed and contain some gaps. A preliminary Engineering Report was completed in December 2007 and included planning for roadway from the Beltway frontage road to FM518. While there are partial plans included in that report, much of this would need to be updated. Approximately 1250 feet of the roadway will be outside of the city limit, equating to about \$2,4 million of the

estimated total project cost. Additionally, a complete Environmental Assessment (EA) would need to be performed for this project since that was not included in the previous scope. This is usually a twelve to fifteen month effort and must be approved before Right of Way acquisition can begin. There are substantial right of way acquisitions required as well. Staff intends to apply for Design and Right of Way funding as well as Construction funding in this instance.

The NB Frontage Road project is a new project with only rudimentary plans and cost estimates. Because the project will take place within existing TxDOT right of way it could be eligible for a Categorical Exclusion which would reduce the design schedule. However, because that has not been determined at this stage the City's cost estimate includes a full EA. This project would require full design services but would require right of way acquisition only for a detention pond if required by the hydraulic analysis performed in design. Staff have included a budget for land acquisition for a pond in the estimate along with full design services.

Previous TIP Applications have resulted in successfully garnering State and federal funding for five City transportation projects, including Bailey Road Expansion, Fite Road Extension, Max Road Expansion, McHard Road Extension and Pearland Parkway as well as the city-wide Intelligent Traffic Systems project accounting for a contribution to the City's CIP projects of slightly more than \$77.5 million dollars. If selected, TIP funding for these projects will provide 80% of the funding for all of the selected projects, two of which are projects from the 2007 Bond Program, (Mykawa & Hughes Ranch Road) reducing the need to debt finance the entire cost of these projects.

Staff is requesting Council approve a resolution to provide funding in the amount of the 20% share for each these projects as a requirement of the TIP application for funding.

SCHEDULE

On May 23, 2014, the Transportation Policy Council authorized the 2015-2018 "Call for Projects". HGAC set the original final acceptance date for submittals to be December 15th. However, due to difficulties implementing the electronic submittal system this date has been delayed until January 12, 2015. The Transportation Policy Council was originally scheduled to approve the project selections in January 2015. This approval date will likely be delayed as well.

POLICY/GOAL CONSIDERATION

Council Goal - Continue to build relationships with all stakeholders and actively lobby elected officials/TxDOT to ensure Pearland's priority transportation interest/needs are met.

PROJECT DESCRIPTION/ LIMITS, FUNDING YEAR AND FUNDING SHARES

Project Name	Limits	Funding Year	Total Project Cost	City Contribution	TxDOT Contribution
CR 403 Expansion	CR94 to Cullen	2016	\$25,329,387	\$5,065,877	\$20,263,510
Mykawa Road	Clear Creek to Broadway	2017	\$31,695,370	\$6,339,074	\$25,356,296
Safe Routes to School	Jr. High South	2016	\$581,007	\$116,201	\$464,806
	Cockrell Elementary		\$ 500,004	\$100,001	\$ 400,003
	Carleston Elementary		\$1,298,411	\$ 259,682	\$1,038,729
	Totals		\$2,379,422	\$ 475,884	\$1,903,538
Clear Creek Trail	North of Riverstone to U of H Campus	2017	\$6,246,888	\$1,249,378	\$4,997,510
SH288 NB Feeder	FM518 to CR59	2017	\$10,922,101	\$2,184,420	\$8,737,681
Total			\$76,573,168	\$15,314,634	\$61,258,534

Current CIP Funding Available by Year and Project (Matching Funds)

Project	Fiscal Year				Total
	2016	2017	2018	2019	
Hughes Ranch (CR403)	3,970,710	-	-	-	3,970,710
Mykawa Road		2,706,177	10,262,032	5,125,995	18,094,204
Safe Routes to School	180,000	180,000	180,000	180,000	720,000
Clear Creek Trail	-	525,000		-	525,000
SH288 NB Feeder	-	-	-	-	-
Total	4,150,710	3,411,177	10,442,032	5,305,995	23,309,914

O&M IMPACT INFORMATION

Year	2015	2016	2017	2018	2019
Operation and Maintenance Costs			\$ 10,697	\$ 109,244	\$ 157,460

RESOLUTION NO. R2014-153

A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to submit five project applications to the Houston-Galveston Area Council for inclusion in the 2015-2018 Transportation Improvement Plan, and allocating matching funds for the construction of each project.

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

Section 1. That the City Manager or his designee is hereby authorized to submit nine project applications, described in Exhibit "A" attached hereto, to the Houston-Galveston Area Council for inclusion in the 2015-2018 Transportation Improvement Plan.

Section 2. That the City's proposed share of the local match for each project is described in Exhibit "A".

PASSED, APPROVED and ADOPTED this the _____ day of _____,
A.D., 2014.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY



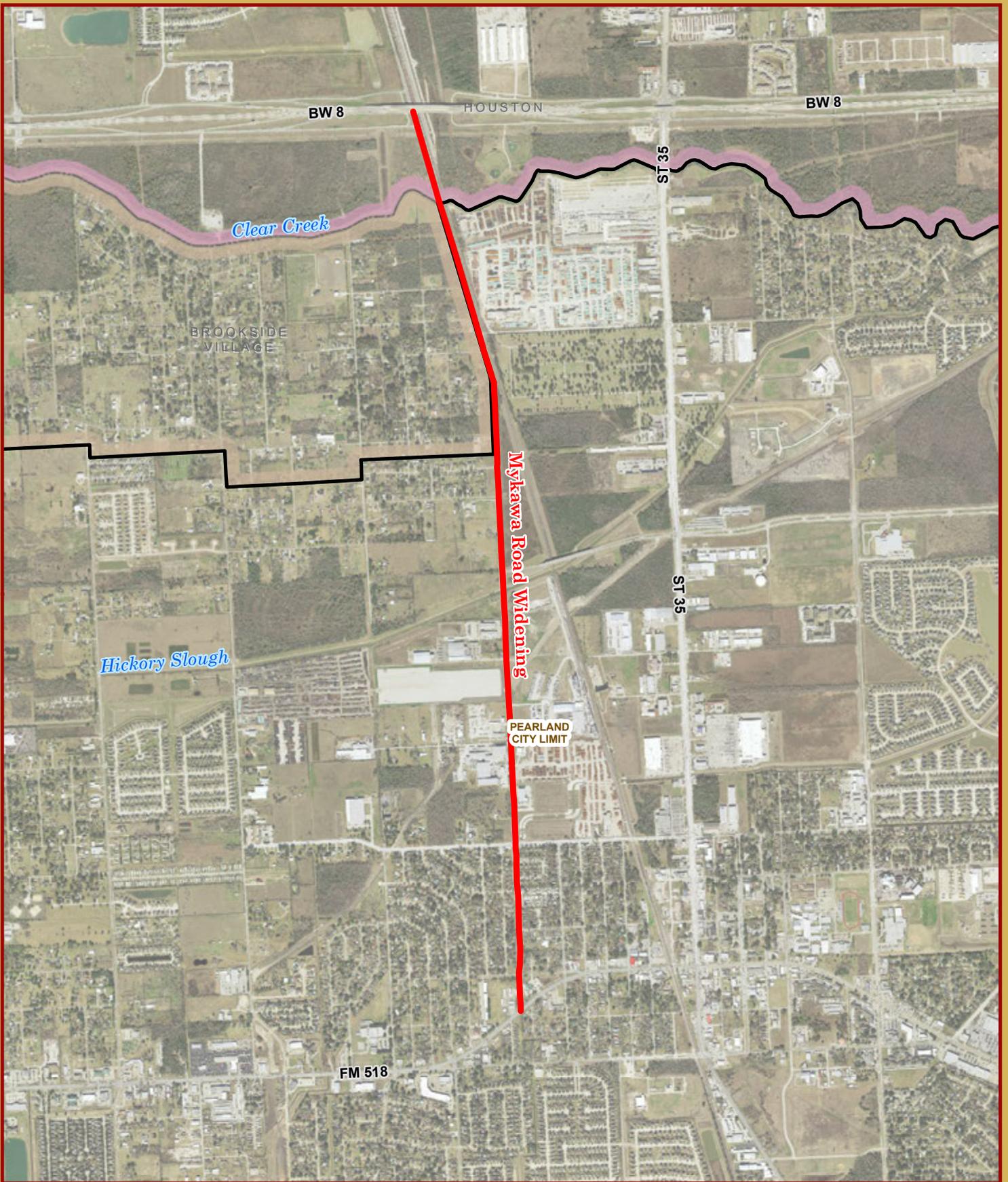
PEARLAND TIP SUBMITTAL
Hughes Ranch Road
(Formerly CR 403)



1 inch = 2,000 feet

OCT 2014
 GIS DEPARTMENT

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



PEARLAND TIP SUBMITTAL
Mykawa Road Widening



1 inch = 2,000 feet

OCT 2014
 GIS DEPARTMENT

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



PEARLAND TIP SUBMITTAL
SH 288 Northbound Frontage Road



1 inch = 1,000 feet

OCT 2014
 GIS DEPARTMENT

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

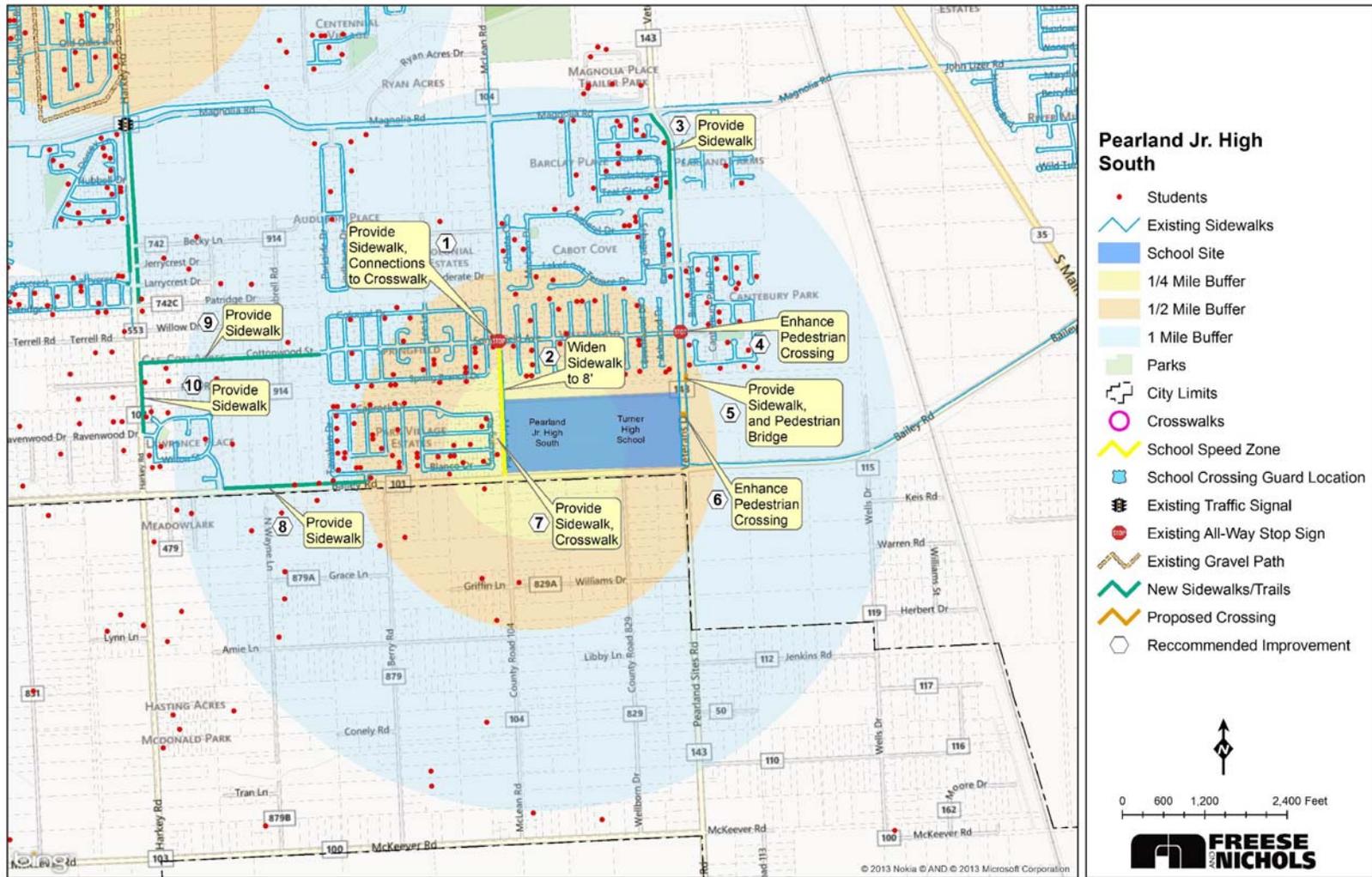


Figure 8B. Pearland JH South Proposed SRTS Enhancements

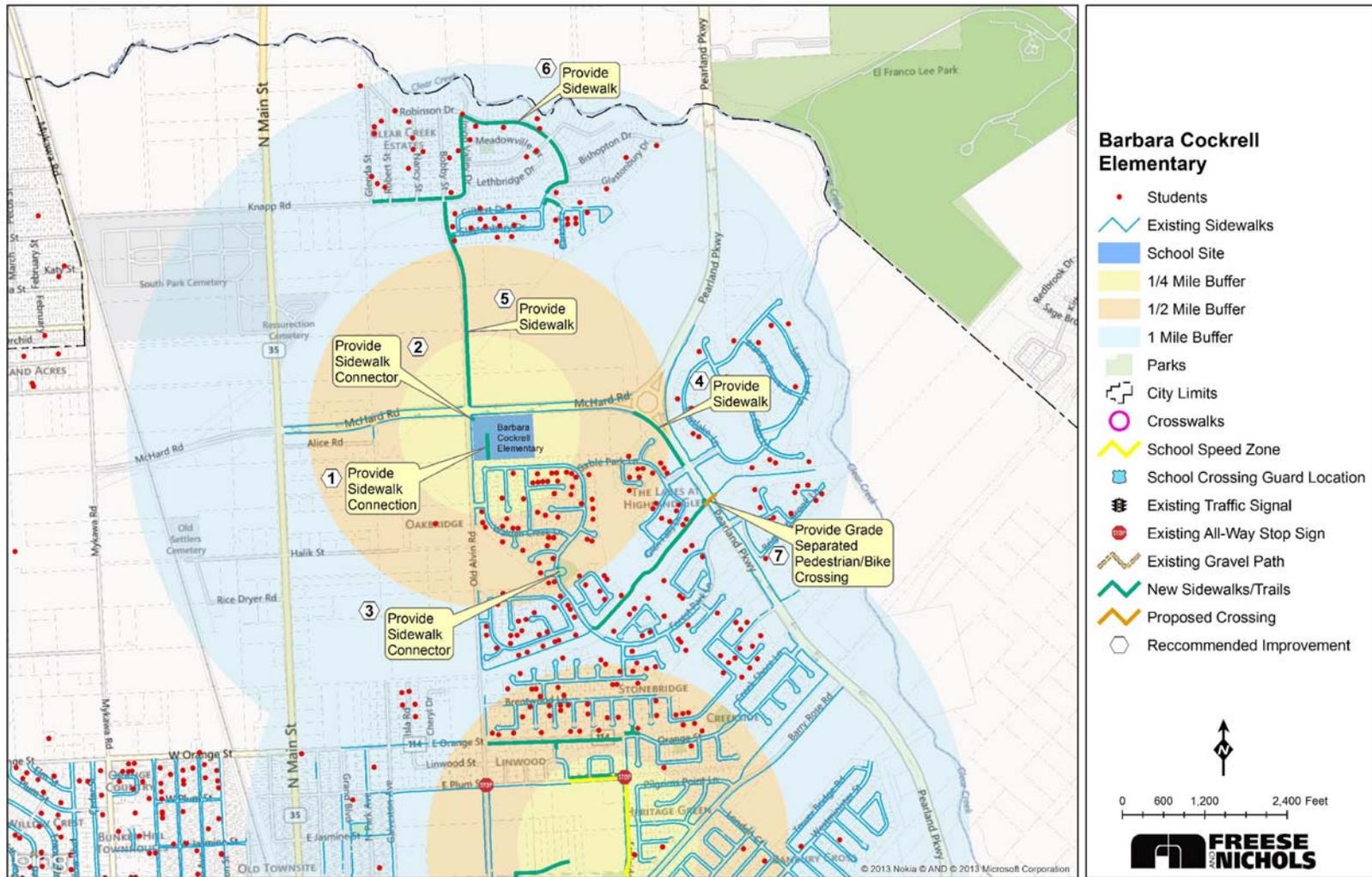


Figure 4B. Cockrell Elementary Proposed SRTS Enhancements

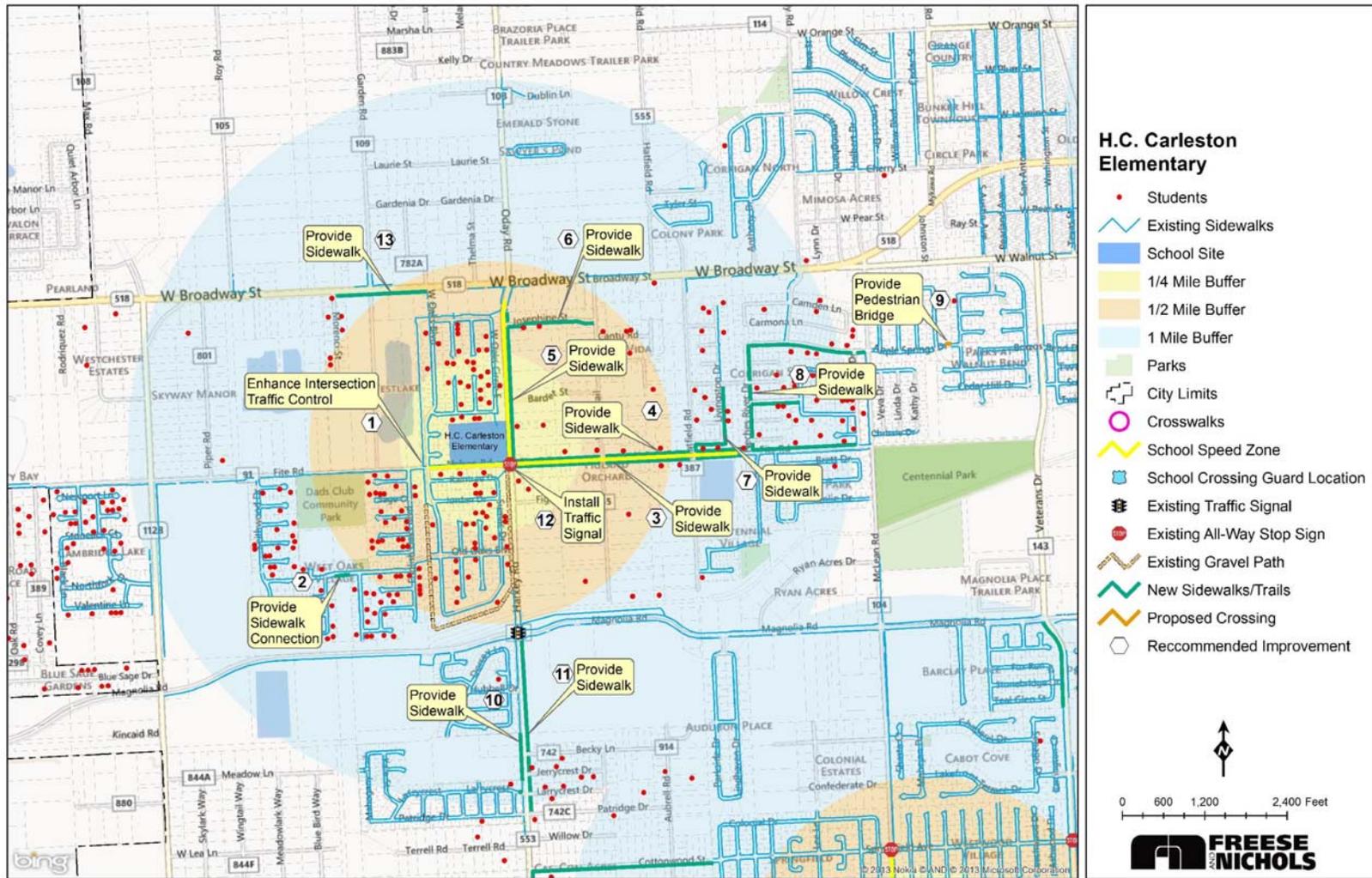


Figure 2B. Carleson Elementary Proposed SRTS Enhancements

SAFE ROUTES TO SCHOOL SELECTION PROCESS

1. Freese and Nichols Engineering submitted a Safe Routes to School (SRTS) Plan report, identifying seven (7) schools within the Pearland and Alvin school districts that it recommended for the SRTS program.
2. City of Pearland Projects staff made site visits and created aerial maps in GIS of all identified locations.
3. Areas of pavement to be installed or replaced were measured, and the location of bridges and ADA ramps to be installed was determined based on GIS data.
4. The number of trees and driveways to be removed and replaced were counted based on GIS data.
5. The number of traffic signals, flashers, signs, crosswalks, and traffic warrant studies was identified based on the recommendations.
6. Unit costs were applied to all items using City of Pearland standard specifications and details; an average of TxDOT's 12-month average costs, Public Works' paving contract, BNI Costbook, and Capital Projects engineer's estimates; information from the Assistant Director of Projects, ROW Manager, City Engineer, and Traffic Manager.
7. Based on the units of work identified, a raw cost was assigned to each improvement. An additional 45% was added for easement acquisition and drainage construction (if either condition existed), 5% of raw cost plus easement and drainage cost for CMT, and 15% of the total for design.
8. The top five (5) improvements for each school recommended in Freese and Nichols' report were then selected for further prioritization.
9. The number of single-family households within a two-mile radius of each school was identified in GIS, with the number of units in multi-family complexes identified by direct phone contact with the complex management.
10. Crash data for the past three (3) years was obtained from the City of Pearland Police Dept. Dispatch OSSl.
11. Street categorization and speed limit was obtained from the City of Pearland Thoroughfare Plan. For improvements within school zones, the school zone speed limit was used.
12. The traffic count per street segment was obtained from a 2010 Daily Model Volumes study by CDM Smith for the Engineering Dept.
13. All data was compiled in a spreadsheet matrix and ratings of 1-5 were assigned to each category. The ratings were weighted so that safety factors (street category, traffic level, speed limit, crash data) comprised 50% and were inversely proportional to cost factors (cost per household, drainage, ROW/easement acquisition) which comprised the other 50%.
14. Average Cost Per Household By School and Average Weighted Score By School were calculated, and the three (3) schools with the highest average weighted scores were selected.
15. Challenger was not selected because the majority of improvements will be done as part of another project.

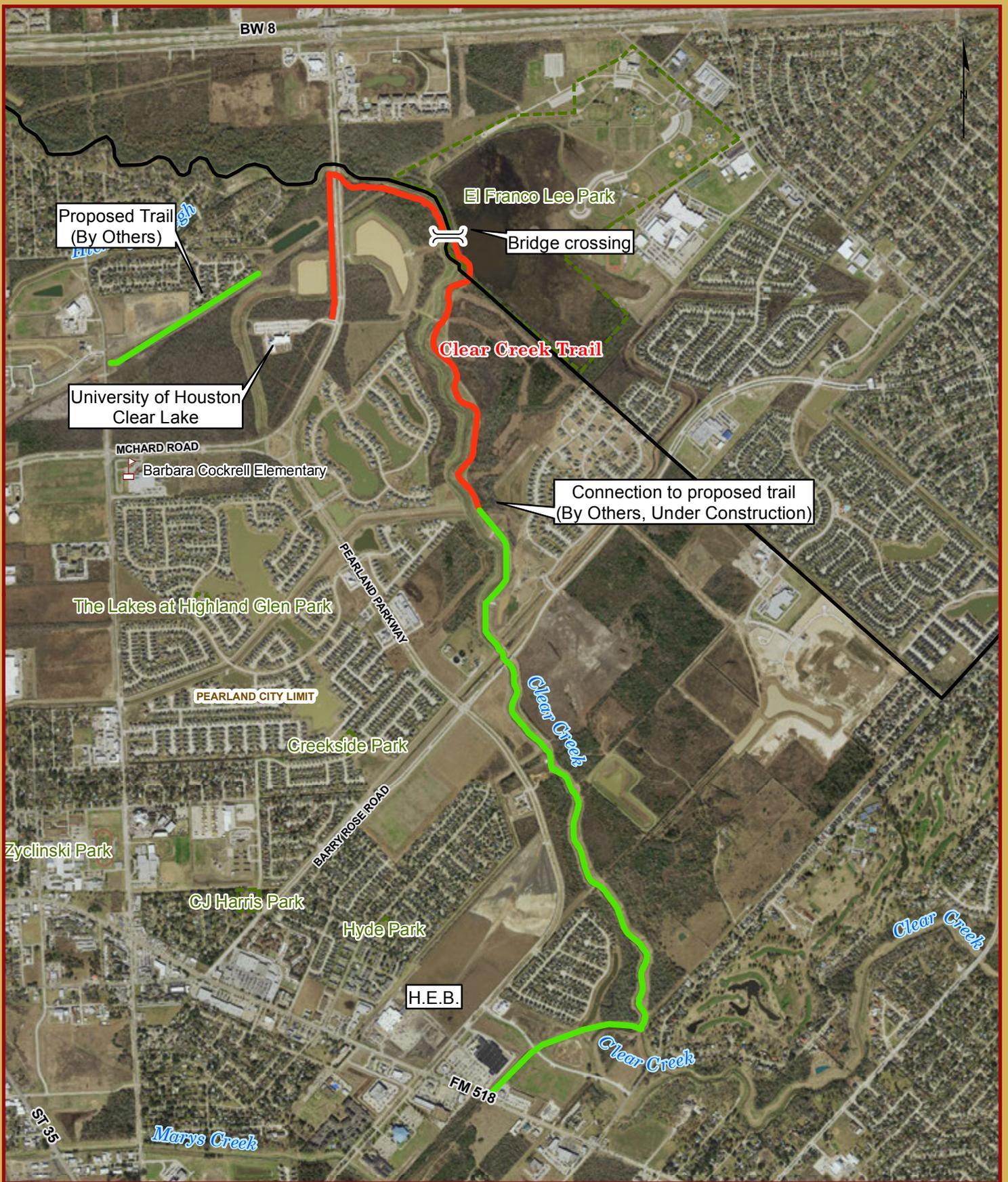
SRTS Prioritization June 2014

		Carleston					Challenger					Cockrell					Harris					Lawhon					Pearland JHS					York						
	Weighting	Carleston 1	Carleston 2	Carleston 3	Carleston 4	Carleston 5	Challenger 1	Challenger 2	Challenger 3	Challenger 4	Challenger 5	Cockrell 1	Cockrell 2	Cockrell 3*	Cockrell 4	Cockrell 5	Harris 1	Harris 2	Harris 3	Harris 4	Harris 5	Lawhon 1	Lawhon 2	Lawhon 3	Lawhon 4	Lawhon 5	PJHS 1	PJHS 2	PJHS 3	PJHS 4	PJHS 5	York 1	York 2	York 3	York 4**	York 5**		
Safety Factors																																						
Street Level (Thoroughfare Plan)	0.25	3.00	1.00	3.00	3.00	4.00	4.00	4.00	4.00	4.00	4.00	1.00	5.00	0.00	5.00	3.00	2.00	1.00	2.00	2.00	1.00	3.00	0.00	3.00	1.00	1.00	2.00	3.00	4.00	4.00	4.00	5.00	5.00	1.00	0.00	0.00		
Traffic Level (Engineering Study Data)	0.25	4.00	1.00	3.00	2.00	2.00	4.00	4.00	4.00	4.00	4.00	1.00	4.00	0.00	5.00	3.00	1.00	1.00	1.00	1.00	1.00	2.00	2.00	1.00	1.00	1.00	1.00	2.00	4.00	4.00	3.00	2.00	2.00	1.00	0.00	0.00		
Speed Limit	0.25	3.00	2.00	3.00	3.00	3.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.00	5.00	3.00	1.00	1.00	3.00	3.00	1.00	4.00	2.00	4.00	1.00	1.00	2.00	1.00	4.00	4.00	1.00	2.00	2.00	1.00	0.00	0.00		
Crash Data (Reported for 3-Yr. Period)	0.25	2.00	1.00	5.00	5.00	4.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.00	2.00	2.00	1.00	2.00	5.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	4.00	4.00	2.00	1.00	3.00	3.00	1.00	0.00	0.00		
Subtotals		3.00	1.25	3.50	3.25	3.25	2.50	2.50	2.50	2.50	2.50	1.00	2.75	0.00	4.25	2.75	1.25	1.25	2.75	1.75	1.00	2.50	1.25	2.25	1.00	1.00	1.50	2.50	4.00	3.50	2.25	3.00	3.00	1.00	0.00	0.00		
Cost Factors																																						
Drainage Construction	0.33	5.00	5.00	5.00	1.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	0.00	4.00	1.00	5.00	1.00	4.00	5.00	5.00	5.00	4.00	5.00	5.00	5.00	4.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	0.00	0.00		
ROW/Easement Acquisition	0.33	5.00	5.00	5.00	1.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	0.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	1.00	5.00	1.00	1.00	5.00	5.00	5.00	1.00	5.00	1.00	5.00	5.00	5.00	0.00	0.00		
Cost Per Household	0.33	5.00	1.00	2.00	2.00	1.00	5.00	4.00	3.00	3.00	5.00	4.00	5.00	0.00	3.00	3.00	3.00	1.00	1.00	5.00	2.00	1.00	1.00	3.00	4.00	5.00	4.00	4.00	2.00	5.00	3.00	2.00	4.00	4.00	0.00	0.00		
Subtotals		5.00	3.67	4.00	1.33	3.67	5.00	4.67	4.33	4.33	5.00	4.67	5.00	0.00	4.00	3.00	4.33	2.33	3.33	5.00	4.00	2.33	3.33	3.00	3.33	5.00	4.33	4.67	2.67	5.00	3.00	4.00	4.67	4.67	0.00	0.00		
Total Weighted Score		8.00	4.92	7.50	4.58	6.92	7.50	7.17	6.83	6.83	7.50	5.67	7.75	0.00	8.25	5.75	5.58	3.58	6.08	6.75	5.00	4.83	4.58	5.25	4.33	6.00	5.83	7.17	6.67	8.50	5.25	7.00	7.67	5.67	0.00	0.00		
Households Served		448	31	148	513	29	1414	624	176	347	249	309	158	0	75	506	383	89	89	236	91	50	10	278	221	135	303	514	157	676	162	91	265	187	0	0		
Total Cost		\$ 9,720.00	\$ 47,659.00	\$ 218,110.00	\$ 617,331.00	\$ 131,265.00	\$ 40,409.00	\$ 44,362.00	\$ 50,820.00	\$ 155,412.00	\$ 1,389,000.00	\$ 18,996.00	\$ 896.00	\$ -	\$ 27,545.00	\$ 346,927.00	\$ 191,797.00	\$ 157,986.00	\$ 357,838.00	\$ 9,972.00	\$ 65,622.00	\$ 188,627.00	\$ 221,741.00	\$ 166,920.00	\$ 17,606.00	\$ 7,882.00	\$ 47,197.00	\$ 124,749.00	\$ 172,026.00	\$ 12,498.00	\$ 101,783.00	\$ 80,124.00	\$ 56,239.00	\$ 42,922.00	\$ -	\$ -		
Cost Per Household		\$ 21.70	\$ 1,537.39	\$ 1,473.72	\$ 1,203.37	\$ 4,526.38	\$ 28.58	\$ 71.09	\$ 288.75	\$ 447.87	\$ 5.58	\$ 61.48	\$ 5.67	\$ -	\$ 367.27	\$ 685.63	\$ 500.78	\$ 1,775.12	\$ 4,020.65	\$ 42.25	\$ 721.12	\$ 3,772.54	\$ 22,174.10	\$ 600.43	\$ 79.67	\$ 58.39	\$ 155.77	\$ 242.70	\$ 1,095.71	\$ 18.49	\$ 628.29	\$ 880.48	\$ 212.22	\$ 229.53	\$ -	\$ -		
Average Cost Per Household By School		\$ 876.04					\$ 104.05					\$ 376.30					\$ 882.00					\$ 868.55					\$ 252.90					\$ 330.17						
Average Weighted Score By School		\$ 6.38					\$ 7.17					\$ 5.48					\$ 5.40					\$ 5.00					\$ 6.68					\$ 4.07						

*Unable to locate.

** Completed.

Street Category	Rank	Traffic Count	Rank	Speed Limit	Rank	3-Yr. Crash Data	Rank	Drainage	Rank	ROW/Easement	Rank	Cost per Household	Rank
Major Thoroughfare	5	10,000+	5	45+	5	8+	5	None	5	No	5	\$0-\$60	5
Secondary Thoroughfare	4	7,500-9,999	4	40	4	6-7	4	Simple	4			\$61-\$250	4
Major Collector	3	5,000-7,499	3	35	3	4-5	3	Medium	3			\$251-\$700	3
Minor Collector	2	2,500-4,999	2	30	2	2-3	2					\$701-\$1,500	2
Neighborhood	1	0-2,499	1	<30	1	0-1	1	Complex	1	Yes	1	>\$1,500	1



PEARLAND TIP SUBMITTAL
Clear Creek Trail



1 inch = 2,000 feet

OCT 2014
 GIS DEPARTMENT

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

New Business Item No. 3

- 3. Consideration and Possible Action – Resolution No. R2014-159 – A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to participate in an interlocal cooperative pricing arrangement with the Texas Buy Board for the purchase of lighting, in the amount of \$883,259.00, for the Shadow Creek Ranch Sports Complex.**

**AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS**

AGENDA OF: December 15, 2014	ITEM NO.: Resolution No. R2014-159												
DATE SUBMITTED: December 4, 2014	DEPT. OF ORIGIN: Capital Projects												
PREPARED BY: Cara Davis	PRESENTOR: Skipper Jones												
REVIEWED BY: Trent Epperson	REVIEW DATE: December 9, 2014												
<p>SUBJECT: Resolution No. R2014-159 - A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to participate in an interlocal cooperative pricing arrangement with the Texas Buy Board for the purchase of lighting, in the amount of \$883,259.00, for the Shadow Creek Ranch Sports Complex.</p>													
<p>EXHIBITS: R2014-159; A – Musco Sports Lighting Proposal & Lighting Layout</p>													
<p>FUNDING:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 25%;"><input type="checkbox"/> Grant</td> <td style="width: 25%;"><input type="checkbox"/> Developer/Other</td> <td style="width: 25%;"><input type="checkbox"/> Cash</td> <td style="width: 25%;"></td> </tr> <tr> <td><input type="checkbox"/> Bonds To Be Sold</td> <td><input checked="" type="checkbox"/> Bonds- Sold</td> <td><input type="checkbox"/> L/P – Sold</td> <td><input type="checkbox"/> L/P – To Be Sold</td> </tr> </table>		<input type="checkbox"/> Grant	<input type="checkbox"/> Developer/Other	<input type="checkbox"/> Cash		<input type="checkbox"/> Bonds To Be Sold	<input checked="" type="checkbox"/> Bonds- Sold	<input type="checkbox"/> L/P – Sold	<input type="checkbox"/> L/P – To Be Sold				
<input type="checkbox"/> Grant	<input type="checkbox"/> Developer/Other	<input type="checkbox"/> Cash											
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<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">EXPENDITURE REQUIRED: \$883,259.00</td> <td style="width: 50%;">AMOUNT BUDGETED: \$8,755,051</td> </tr> <tr> <td>AMOUNT AVAILABLE: \$1,455,868</td> <td>PROJECT NO.: P20002</td> </tr> <tr> <td colspan="2">ACCOUNT NO.: 203-0000-565-03-00</td> </tr> <tr> <td colspan="2">ADDITIONAL APPROPRIATION REQUIRED:</td> </tr> <tr> <td colspan="2">ACCOUNT NO.:</td> </tr> <tr> <td colspan="2">PROJECT NO.:</td> </tr> </table>		EXPENDITURE REQUIRED: \$883,259.00	AMOUNT BUDGETED: \$8,755,051	AMOUNT AVAILABLE: \$1,455,868	PROJECT NO.: P20002	ACCOUNT NO.: 203-0000-565-03-00		ADDITIONAL APPROPRIATION REQUIRED:		ACCOUNT NO.:		PROJECT NO.:	
EXPENDITURE REQUIRED: \$883,259.00	AMOUNT BUDGETED: \$8,755,051												
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ADDITIONAL APPROPRIATION REQUIRED:													
ACCOUNT NO.:													
PROJECT NO.:													
<p>To be completed by Department:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 25%;"><input checked="" type="checkbox"/> Finance</td> <td style="width: 25%;"><input checked="" type="checkbox"/> Legal</td> <td style="width: 25%;"><input type="checkbox"/> Ordinance</td> <td style="width: 25%;"><input checked="" type="checkbox"/> Resolution</td> </tr> </table>		<input checked="" type="checkbox"/> Finance	<input checked="" type="checkbox"/> Legal	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution								
<input checked="" type="checkbox"/> Finance	<input checked="" type="checkbox"/> Legal	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution										

RECOMMENDED ACTION

Consideration and approval of a resolution approving the purchase of the Sports Field Lighting from Musco Sports Lighting LLC through the Buy Board cooperative purchasing program for the Sports Complex at Shadow Creek Ranch Project and authorizing the City Manager to execute the contract.

EXECUTIVE SUMMARY

BACKGROUND

The Fiscal Year 2012 Capital Improvement Program Budget included funding for the design of the Shadow Creek Ranch Community Park, which was part of the 2007 Bond election. Construction funding was contained in the 2013 and 2014 CIP. As originally conceived, the project included eight lighted softball/baseball fields, a restroom/concession building with a pavilion, one soccer field, parking, a hike and bike trail around the fields and a lawn amphitheater for special events.

The project was packaged as a Competitive Sealed Proposal (CSP), which enables the City to select the proposal that presents the best value to the City based on the published selection criteria. After selection of the firm with the best value proposal, the City can negotiate scope and schedule modifications with the selected firm that can beneficially influence the proposed cost of the work.

The revised project scope from the second round of bids removed the following items from the bid package: Traffic signal modifications, Kingsley Drive turn lane, site landscaping, ball field lighting, and the off-site water line extension. It was more cost effective to have the ball field lighting installed directly with the vendor through the buy board. We also reduced the number of lighted fields from eight to seven to decrease the cost of the project.

SCOPE OF CONTRACT/AGREEMENT

The Musco Sports Lighting was not proposed to be awarded in the sports complex construction package contract due to a lower cost being available via the City's participation in the TASB Buy Board cooperative contract. The Buy Board contract offers substantially discounted pricing on the required equipment, and meets all municipal competitive bidding requirements of Texas Local Government Code, Chapter 252.

The Musco Sports Lighting LLC (Musco) Light Structure Green System proposal includes 34 light poles and associated appurtenances to light seven (7) fields and associated parking, and 5 light poles to illuminate the walkways between fields. The system is designed to provide energy savings and fifty percent (50%) less light spill and glare outside of the lighted field areas. The system also includes a 25 year warranty program, remote control and monitoring system, and system installation. The City has decided to standardize sports lighting to this vendor due to superior maintenance and management, communication and response times.

BID AND AWARD

The Musco Lighting proposal cost is \$883,259.00 and includes an additional discount off the buyboard pricing.

Musco has performed work in the greater Houston area on numerous projects. Also they have provided lighting for Centennial Park and the new Max Road Sports Complex here in Pearland.

SCHEDULE

The Musco lights require a four to six week lead time, and a two to three week installation time. This work will be scheduled with the Sports Complex at Shadow Creek Ranch work and coordinated with the general contractor.

POLICY/GOAL CONSIDERATION

Construction of this park will provide a multipurpose sports complex in this area of the community as called for in the Parks and Recreation Master Plan and originally identified in the 2007 bond program.

CURRENT AND FUTURE CIP FUNDING /FINANCIAL IMPACTS/DEBT SERVICE

Year	To Date	2015	2016	2017	2018	Total
Budget	\$ 8,755,051					\$ 8,755,051
Prior Expenditures						
PER	37,051					37,051
Land/ROW						-
Design/Survey	649,749					649,749
Construction	6,569,576					6,569,576
FF&E						-
Current Request						
Construction		883,259				883,259
Future Expenditures						
PER						-
Land/ROW						-
Design/Survey						-
Construction		614,400				614,400
FF&E						-
Total Expenditures	\$ 7,256,376	\$ 1,497,659	\$ -	\$ -	\$ -	\$ 8,754,035
Remaining Balance	\$ 1,498,675	\$ 1,016	\$ 1,016	\$ 1,016	\$ 1,016	\$ 1,016

Debt Sold	3,950,000					
Debt to Be Sold		2,116,000				
Annual Debt Service		264,650	406,425	406,425	406,425	

O&M IMPACT INFORMATION

Year	2014	2015	2016	2017	2018
Operation and Maintenance Costs		\$ 150,000	\$ 524,616	\$ 540,659	\$ 551,838

RESOLUTION NO. R2014-159

A Resolution of the City Council of the City of Pearland, Texas, authorizing the City Manager or his designee to participate in an interlocal cooperative pricing arrangement with the Texas Buy Board for the purchase of lighting, in the amount of \$883,259.00, for the Shadow Creek Ranch Sports Complex.

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

Section 1. That contract pricing has been obtained through interlocal cooperative partner Texas Buy Board for the purchase of lighting to serve the Shadow Creek Ranch Sports Complex.

Section 2. That the City Manager or his designee is hereby authorized to participate in an interlocal cooperative pricing arrangement with the Texas Buy Board for the purchase of lighting in the amount of \$883,259.00 from Musco Sports Lighting, LLC.

PASSED, APPROVED and ADOPTED this the _____ day of _____,
A.D., 2014.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY



Shadow Creek Ranch
Pearland, Texas
Date: 7-8-14

Park/Rec & Field Lighting #346-10
Buy Board Vendor # 528

Quotation Price

Musco's Light Structure Green™ lighting system as described below, delivered to the job site and installed per the scope of work below:

Large Wagon Wheel:.....	\$656,635.00
Deduct (5% Discount off Buy Board Price).....	(\$32,832.00)
Total Price.....	\$623,803.00
Deduct (Field #2, Associated Parking Lot and Amphitheater Lighting):.....	(\$155,950.00)
Total Price (Including Deduct).....	\$467,853.00
Small Wagon Wheel.....	\$437,269.00
Deduct (5% Discount off Buy Board Price).....	(\$21,863.00)
Total Price.....	\$415,406.00

Equipment Description

Light Structure Green™ System delivered to your site in Five Easy Pieces™

- (34) Pre-cast concrete bases
- (8) 80', (14) 70' & (12) 60' Galvanized steel (A, B & C poles)
- (5) 30' Softsquare steel poles (P poles)
- Electrical component enclosures as required
- Pole length wire harnesses as required
- (291) Factory-aimed and assembled luminaires (270- Metal Halide & 21-LED)
- (5) 24 x 72 & (1) 24 x 48 Control Link control and monitoring cabinets as required

Also Includes:

- Energy savings of more than 50% over a standard lighting system
- 50% less spill and glare light than Musco's prior industry leading technology
- Musco Constant 25™ product assurance and warranty program that eliminates 100% of your maintenance costs for 25 years, including labor and materials
- Guaranteed constant light level of 50 footcandles infield and 30 footcandles outfield for 25 years or 10,000 hours
- One group re-lamp for the 1500 watt sports field fixtures at the end of the lamps' rated life, 5000 hours, (2) group relamps for the 1000 watt parking lot fixtures, playground and amphitheater security fixtures
- Control Link® Control & Monitoring System for flexible control and solid management of your lighting system
- Lighting Contactors sized for 480 voltage and 3 phase

Sales tax and or use tax if required is **not included** in this quote.

***Pricing furnished is effective for 60 days unless otherwise noted and is considered confidential.
Divulging technical or pricing information to competitive vendors will result in removal from the bid list.***

Payment Terms

Payment of 25% of the contract price is required with order. The contract balance is due upon terms to be determined with the Musco Credit Department

Late payment will be subject to service charges of 1 ½% per month (18% APR).

Musco will make every effort to coordinate shipment so that delivery corresponds with the customer's payment schedule. We will expect payment within the terms described above unless there is a written statement from Musco's corporate headquarters stating the acceptance of different terms.

Delivery to the job site from the time of order, submittal approval, and confirmation of order details including voltage and phase, pole locations is approximately 30-45 days. Due to the built-in custom light control per luminaire, pole locations need to be confirmed prior to production. Changes to pole locations after the product is sent to production could result in additional charges.

"Pole in the Air" Scope of Work

General Contractor/Electrical Contractor Responsibilities:

1. Complete access to the site for construction utilizing 2 wheel drive rubber tired equipment.
2. Locate existing underground utilities not covered under the "One Call", mark irrigation systems, sprinkler heads, Musco or Subcontractor will not be responsible for repairs to unmarked utilities.
3. Locate and mark field boundary lines per Musco supplied layout.
4. Extra costs associated with foundation excavation in non-standard soils (rock, caliche, high water table, collapsing holes, etc.). Standard soils are defined as soils that can be excavated using standard earth auguring equipment.
5. Owner responsible for any power company fees and requirements. **(If necessary).**
6. Provide area on site for disposal of spoils from foundation excavation.
7. Electrical design & installation.
8. Provide materials and equipment to mount the Musco Supplied Surge Protection Device to the distribution panel and terminate necessary wiring.
9. Provide dedicated breaker in distribution panel (Voltage to be determined) for surge protection device.
10. Provide step down transformer for 120v control circuit if not available.
11. Provide equipment and materials to install (6) new Lighting Contactor Cabinets and terminate all necessary wiring. Contactor cabinets will be delivered with poles and fixtures.
12. Contractor will commission Control Link by contacting Control Link Central at (877-347-3319) and going through the following steps:
13. Check all Zones to make sure they work in both auto and manual mode.
14. 1 hour comprehensive burn of all lights on each zone.
15. Set base line for the DAS (Diagnostic Acquisition System)

Musco Responsibilities:

1. Provide required poles, fixtures, and foundations.
2. Provide layout of pole locations and aiming diagram.
3. Provide Project Management assistance as needed.
4. Provide stamped foundation designs based on soils report dated 7/19/13.
5. Musco shall provide Performance and Payment Bonds in an amount equal to the total amount of bid. **(Only if Required, Not included in quote)**

Musco Subcontractor Responsibilities:

1. Provide equipment and materials to off load equipment at jobsite per scheduled delivery. (6) Lighting Contactor Cabinets and (2) surge suppressor will need to be given to on-site customer representative.
2. Provide storage containers for materials (including ballast boxes) as needed and waste disposal.

3. Provide adequate security to protect Musco delivered products from theft, vandalism or damage during the installation.
4. Obtain required permitting.
5. Confirm the existing underground utilities and irrigation systems have been located and are clearly marked so as to avoid damage from construction equipment. Repair any such damage during construction.
6. Provide materials and equipment to install (34) LSS and (5) Softsquare foundations as specified on Layout.
7. Remove spoils to owner designated location at jobsite.
8. Provide materials and equipment to assemble (270) LSG fixtures which includes (21) 24 LED
9. Provide equipment and materials to assemble and erect (34) LSS Poles and 5 Softsquare LED Poles
10. Keep all heavy equipment off of playing fields when possible. Repair damage to grounds which exceeds that which would be expected. Indentations caused by heavy equipment traveling over dry ground would be an example of expected damage. Ruts and sod damage caused by equipment traveling over wet grounds would be an example of damage requiring repair.

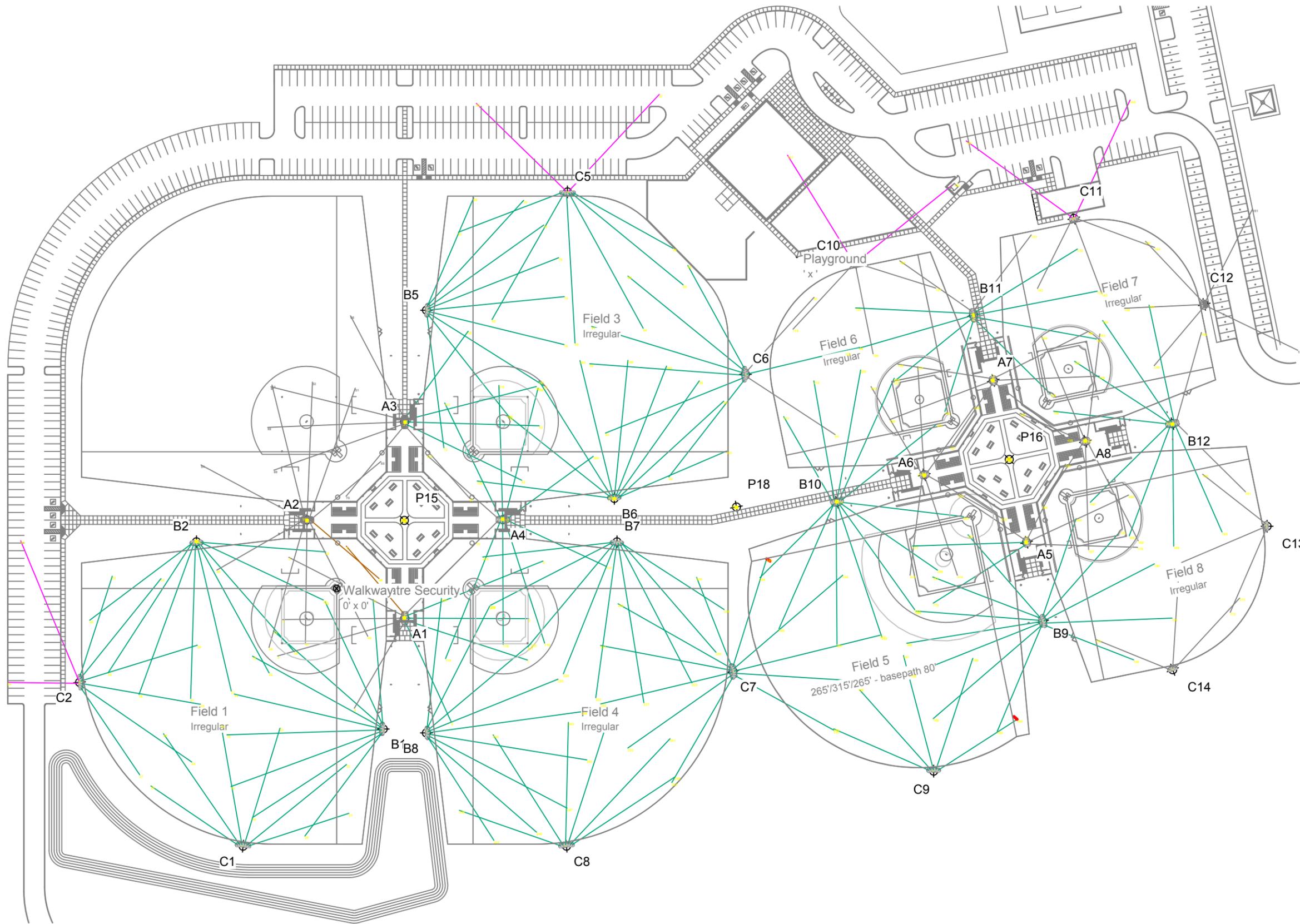
Notes

Quote is based on:

- Shipment of entire project together to one location
- Field sizes are per Musco Design 135653B3 for the sports complex
- Structural code and wind speed = 2009 IBC, 110 MPH exposure C.
- Confirmation of pole locations prior to production

Thank you for considering Musco for your sports lighting needs. Please contact me with any questions.

Jeff Omer
Sales Representative
Musco Sports Lighting, LLC
PO Box 260
2107 Stewart Road
Muscatine, Iowa 52761
Phone: 281-465-8385
E-mail: Jeff.Omer@Musco.com
Fax: 800-374-6402



MY PROJECT
Name: Shadow Creek Ranch Project
Location: Pearland, TX

EQUIPMENT LAYOUT

INCLUDES:

- Amphitheatre Security
- Field 1
- Field 3
- Field 4
- Field 5
- Field 6
- Field 7
- Field 8
- Parking
- Playground
- Walkway

Electrical System Requirements: Refer to Amperage Draw Chart and/or the "Musco Control System Summary" for electrical sizing.

Installation Requirements: Results assume +/- 3% nominal voltage at line side of the ballast and structures located within 3 feet (1m) of design locations.

EQUIPMENT LIST FOR AREAS SHOWN

QTY	LOCATION	Pole		Luminaires			QTY / POLE
		CLASS	GRADE ELEVATION	MOUNTING HEIGHT	LAMP TYPE		
2	A1, A4	LSS70D	-	30'	LED 4500K - 75 CRI	1	1
				70'	1500W MZ	5/5*	
2	A2-A3	LSS70D	-	70'	FUTURE	5*	
				30'	LED 4500K - 75 CRI	1	
				70'	1500W MZ	5	
4	A5-A8	LSS60B	-	30'	LED 4500K - 75 CRI	1	
				60'	1500W MZ	3/3*	
4	B1, B5 B7-B8	LSS80B	-	80'	1500W MZ	9	
2	B2, B6	LSS80B	-	30'	LED 4500K - 75 CRI	1	
				80'	1500W MZ	9	
1	B9	LSS70D	-	70'	1500W MZ	7/5*	
1	B10	LSS70D	-	30'	LED 4500K - 75 CRI	1	
				70'	1500W MZ	7/5*	
2	B11-B12	LSS60D	-	30'	LED 4500K - 75 CRI	1	
				60'	1500W MZ	5/5*	
2	C1, C8	LSS70D	-	70'	1500W MZ	6	
1	C2	LSS70D	-	65'	1000W MZ	2	
				70'	1500W MZ	6	
1	C5	LSS70D	-	65'	1000W MZ	2	
				70'	1500W MZ	6	
1	C6	LSS70D	-	70'	1500W MZ	6/3*	
1	C7	LSS70D	-	70'	1500W MZ	6/5*	
1	C9	LSS60B	-	60'	1500W MZ	5	
2	C10-C11	LSS60B	-	60'	1000W MZ	2*	
				60'	1500W MZ	3	
1	C12	LSS60B	-	60'	FUTURE	2*	
				60'	1500W MZ	3	
2	C13-C14	LSS60A	-	60'	1500W MZ	3	
2	P15-P16		-	30'	LED 4500K - 75 CRI	1/1*	
1	P18		-	30'	LED 4500K - 75 CRI	1	
33	TOTALS						254

* This structure utilizes a back-to-back mounting configuration

SINGLE LUMINAIRE AMPERAGE DRAW CHART

Ballast Specifications (.90 min power factor)	Line Amperage Per Luminaire (max draw)					
	208 (60)	220 (60)	240 (60)	277 (60)	347 (60)	480 (60)
1500 watt MZ	8.6	8.3	7.5	6.5	5.1	4.7
Future	-	-	-	-	-	-
1000 watt MZ	6.5	6.4	5.8	4.9	4.0	3.6
Other	-	-	-	-	-	-

ENGINEERED DESIGN
By: Joel Stout
 File # / Date: 135653B4 08-Dec-14

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SCALE IN FEET 1 : 120



Pole location(s) ⊕ dimensions are relative to 0,0 reference point(s) ⊗

New Business Item No. 4

4. **Consideration and Possible Action – Resolution No. R2014-160 – A** Resolution of the City Council of the City of Pearland, Texas, awarding a lease/purchase bid for the purchase of a pumper truck with Clayton Holdings, LLC, in the amount of \$612,295.46.

**AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF PEARLAND, TEXAS**

AGENDA OF:	December 15, 2014	ITEM NO.:	Resolution No. R2014-160
DATE SUBMITTED:	December 8, 2014	DEPT. OF ORIGIN:	Finance
PREPARED BY:	Bob Pearce	PRESENTOR:	Claire Bogard
REVIEWED BY:	Jon R. Branson	REVIEW DATE:	December 8, 2014
SUBJECT: A Resolution of the City Council of the City of Pearland, Texas, awarding a lease/purchase bid for the purchase of a pumper truck with Clayton Holdings, LLC, in the amount of \$612,295.46.			
EXHIBITS: Resolution #R2014-160 Bid Tabulation Amortization Schedule			
FUNDING:			
<input type="checkbox"/> Grant <input type="checkbox"/> Developer/Other <input type="checkbox"/> Cash <input type="checkbox"/> Bonds To Be Sold <input type="checkbox"/> Bonds- Sold <input type="checkbox"/> L/P – Sold <input checked="" type="checkbox"/> L/P – To Be Sold			
EXPENDITURE REQUIRED: \$612,295.46 (total repayment over 7 year maturity)			
AMOUNT BUDGETED: \$87,470.78 (Annual payments)			
AMOUNT AVAILABLE: \$102,000.00			
ACCOUNT NO.: 010-1270-555-55-00; 010-1270-555-56-00 PROJECT NO.: N/A			
ADDITIONAL APPROPRIATION REQUIRED: N/A			
ACCOUNT NO.:			
PROJECT NO.:			
To be completed by Department:			
X Finance X Legal Ordinance X Resolution			

EXECUTIVE SUMMARY

BACKGROUND

The fiscal year 2014 operating budget included the purchase of a Pierce Quantum pumper truck, anticipated at that time to be financed through tax-exempt municipal lease proceeds in an estimated total of \$625,000. The truck was ordered February,

2014, with anticipated delivery in March, 2015, and will be deployed at Fire Station No. 3.

The City Council approved a Notice of Intent to reimburse itself from future capital lease proceeds on October 22, 2013 in an amount not to exceed \$901,825. Please note it was anticipated at that time that the lease financing sought would include the purchase of a new and replacement ambulance, which were determined to be more advantageously funded from cash upon review of FY2014 projections and fund balances, in order to avoid future interest charges.

SCOPE OF CONTRACT

Clayton Holdings, LLC of St. Louis, Missouri will provide lease purchase financing for the Pierce pumper truck referenced above. This will be the City's first engagement with Clayton Holdings, but references provided were contacted and reported positive experiences with the firm. Clayton Holdings, LLC will obtain a security interest in the subject equipment, an interest which will be released upon final payment, resulting in the City retaining full ownership rights to the Pierce unit.

BID AND AWARD

The City published a public notice in its newspaper of record, posted the bid on the City's e-bid system with email notification to 79 vendors, in accordance with City Purchasing policy and state law.

The City received four (4) bids, with award recommended to the lowest bidder, the 2.02% rate submitted by Clayton Holdings, LLC for a seven (7) year term. Fire Trucks typically serve in front-line status for ten (10) years and in reserve capacity for five (5) years. Clayton Holdings' point of contact responsible for submission of its bid is unable to attend the meeting due to a scheduling conflict, but expressed his availability and willingness for a conference call if Council desired.

CURRENT AND FUTURE CIP FUNDING /FINANCIAL IMPACTS/DEBT SERVICE

The lease amortization schedule is attached for Council review. The first semi-annual payment is due in January, 2015 in the amount of \$43,735.39 with the final semi-annual payment due in July, 2021 in the same amount. The total repayment amount for the seven (7) year lease term will be \$612,295.46; \$574,049.00 principal, and \$38,246.46 interest. There is no pre-payment penalty for early payoff if using City funds.

RECOMMENDED ACTION

City Council approval of a Resolution of the City Council of the City of Pearland, Texas, awarding a lease/purchase bid for the purchase of a pumper truck with Clayton Holdings, LLC, in the amount of \$612,295.46, and further authorizing the City Manager or his designee to execute all pertinent lease agreements.

RESOLUTION NO. R2014-160

A Resolution of the City Council of the City of Pearland, Texas, awarding a lease/purchase bid for the purchase of a pumper truck with Clayton Holdings, LLC, in the amount of \$612,295.46.

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

Section 1. That the City opened bids for lease/purchase financing of a pumper truck, and such bids have been reviewed and tabulated.

Section 2. That the City Council hereby awards the bid to Clayton Holdings, LLC, to finance up to \$612,295.46 at a fixed rate of 2.02% for seven (7) years.

Section 3. The City Manager or his designee is hereby authorized to execute any necessary documents for the Lease/Purchase of a pumper truck.

PASSED, APPROVED and ADOPTED this the _____ day of _____, A.D., 2014.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING, TRMC
CITY SECRETARY

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

Bid No. 1015-05 Fixed Interest Rate Lease Purchase Financing
Closing Date: November 21, 2014

				Clayton Holdings, LLC		JPMorgan Chase Equipment Finance		U.S. Bancorp Government Leasing and Finance, Inc.		Holman Capital Corporation	
Line	Description	UOM	QTY	Unit	Extended	Unit	Extended	Unit	Extended	Unit	Extended
1	Seven (7) Year Lease Term Rate	EA	1	2.02%		2.21%		2.14%		2.62%	
2	Semi-Annual Payment on Seven (7) Year Lease Term	EA	14	\$43,735.39	\$612,295.46	\$44,009.89	\$616,138.46	\$43,989.47	\$615,852.58	\$45,145.63	\$632,038.82
3	Ten (10) Year Lease Term Rate	EA	1	2.41%		2.54%		2.55%		2.96%	
4	Semi-Annual Payment on Ten (10) Year Lease Term	EA	20	\$32,085.02	\$641,700.40	\$32,284.24	\$645,684.80	\$32,372.65	\$647,453.00	\$33,370.02	\$667,400.40

Compound Period: Semiannual

Nominal Annual Rate: 2.020%

CASH FLOW DATA

Event	Date	Amount	Number	Period	End Date
1 Loan	1/5/2015	574,049.00	1		
2 Payment	1/5/2015	43,735.39	14	Semiannual	7/5/2021

AMORTIZATION SCHEDULE - Normal Amortization, 360 Day Year

	Date	Payment	Interest	Principal	Balance
Loan	1/5/2015				574,049.00
1	1/5/2015	43,735.39	0.00	43,735.39	530,313.61
2	7/5/2015	43,735.39	5,356.17	38,379.22	491,934.39
2015 Totals		87,470.78	5,356.17	82,114.61	
3	1/5/2016	43,735.39	4,968.54	38,766.85	453,167.54
4	7/5/2016	43,735.39	4,576.99	39,158.40	414,009.14
2016 Totals		87,470.78	9,545.53	77,925.25	
5	1/5/2017	43,735.39	4,181.49	39,553.90	374,455.24
6	7/5/2017	43,735.39	3,782.00	39,953.39	334,501.85
2017 Totals		87,470.78	7,963.49	79,507.29	
7	1/5/2018	43,735.39	3,378.47	40,356.92	294,144.93
8	7/5/2018	43,735.39	2,970.86	40,764.53	253,380.40
2018 Totals		87,470.78	6,349.33	81,121.45	
9	1/5/2019	43,735.39	2,559.14	41,176.25	212,204.15
10	7/5/2019	43,735.39	2,143.26	41,592.13	170,612.02
2019 Totals		87,470.78	4,702.40	82,768.38	
11	1/5/2020	43,735.39	1,723.18	42,012.21	128,599.81
12	7/5/2020	43,735.39	1,298.86	42,436.53	86,163.28
2020 Totals		87,470.78	3,022.04	84,448.74	
13	1/5/2021	43,735.39	870.25	42,865.14	43,298.14
14	7/5/2021	43,735.39	437.25	43,298.14	0.00
2021 Totals		87,470.78	1,307.50	86,163.28	
Grand Totals		612,295.46	38,246.46	574,049.00	