



## PROCLAMATION

**WHEREAS**, THE VOLUNTEER SPIRIT THAT HELPED TO BUILD *KEEP FULSHEAR BEAUTIFUL* FOR THE LAST 5 YEARS IS ALIVE AND STRONG TODAY AND KEEPING OUR YOUTH INVOLVED IN “GIVING BACK” TO OUR COMMUNITY; AND

**WHEREAS**, EACH YEAR MANY CITIZENS COMMIT THEIR TIME AND TALENTS TO IMPROVE THE QUALITY OF LIFE FOR OUR ENTIRE COMMUNITY, AND **BOY SCOUT TROOP 106** HAS BEEN CONSTANT WITH THEIR TIME AND SPIRIT; AND

**WHEREAS**, THE ENTIRE COMMUNITY BENEFITS FROM THE VALUABLE CONTRIBUTIONS THAT THE VOLUNTEERS FROM **BOY SCOUT TROOP 106** MAKE TO IMPROVING THE FULSHEAR COMMUNITY; AND

**THEREFORE**, ON BEHALF OF *KEEP FULSHEAR BEAUTIFUL*, MAYOR AARON GROFF OF THE CITY OF FULSHEAR, DOES HEREBY PROCLAIM THE WEEK OF DECEMBER 17<sup>TH</sup>, 2018 AS

**“BOY SCOUT TROOP 106 WEEK”**

**PROCLAIMED AND SIGNED this 15<sup>th</sup> day of January, 2019.**

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**Aaron Groff, Mayor**

ATTEST:

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**Kimberly Kopecky, City Secretary**

**AGENDA MEMO**  
**BUSINESS OF THE CITY COUNCIL**  
**CITY OF FULSHEAR, TEXAS**

<b>AGENDA OF:</b>	January 15, 2019	<b>ITEM:</b>	BUS-B
<b>DATE SUBMITTED:</b>	January 7, 2019	<b>DEPARTMENT:</b>	Planning and Development
<b>PREPARED BY:</b>	Sharon Valiante, Public Works Director; Brant Gary, Assistant City Manager Kerry Sigler, Chief Building Official	<b>PRESENTER:</b>	Brant Gary Assistant City Manager Sharon Valiante, Public Works Director Kerry Sigler, Chief Building Official
<b>SUBJECT:</b>	<b>CONSIDERATION AND POSSIBLE ACTION TO APPROVE A SPECIAL USE PERMIT FOR AN EXERCISE AND BALLET ESTABLISHMENT TO BE LOCATED AT 8418 HARRIS STREET, FULSHEAR, TEXAS 77441.</b>		
<b>ATTACHMENTS:</b>	1.) Completed SUP Application 2.) Owner Affidavit 3.) Vicinity Map 4.) Context Map 5.) Survey 6.) Compliance with the Comprehensive Plan 7.) Preliminary Site Plan 8.) Landscape Plan		9.) Grading & Drainage Plan 10.) Lighting Plan 11.) Elevations 12.) Traffic Impact Study 13.) Signage 14.) Notification to the Public 15.) Sign Notification on the Property 16.) P&Z Recommendation

**EXECUTIVE SUMMARY**

The lessee of the property located at 8418 Harris Street is requesting a Special Use Permit for the property' indicated. The property' is within the Downtown District and is currently a vacant house previously approved for commercial use. The lessee is requesting an SUP to operate a Ballet/Pilates business. This particular building most recently was occupied by Sampica's Antiques, Gifts, and More.

They have provided the following documents as required by Sec. 1-283 of the City's Zoning Ordinance (2012-1069) which include the attached items referenced:

- **Completed Special Use Application:** Completed Application from the Owner/Owner's Representative. The owner and buyer have submitted a letter authorizing the submission of the Special Use Permit as well as a letter of intent regarding the proposed use and operational specifics. (See Item 1)
- **Owner Affidavit:** FBCAD records show ownership information. The documentation does include a completed Letter of Authorization establishing an agent. Finally, a letter authorizing submittal of the application for the requested SUP. The proposed business owner is requesting the SUP as a condition of the property lease. (See Item 2)
- **Vicinity Map:** A map was provided that shows the location of the property in relation to the surrounding areas. (See Item 3)
- **Context Map:** Map shows existing layout, pavement, and access points. Staff accepts this document as there will be no new buildings allowed without further approval via Special Use Permit(s) and/or Building Permit(s). (See Item 4)

- **Survey:** A document was provided which shows the existing lot and the buildings that sit on it. However, the document does not have the seal of a surveyor and does not show metes and bounds for the property. A condition to this SUP has been proposed to allow for the submission of the required survey prior to the issuance of a Certificate of Occupancy (See Item 5)
- **Compliance with the Comprehensive Plan:** After review of the request from the applicant, City Staff finds that the requested use is an approved and desired use within the Downtown District per Section 5.7 of the Plan. (See Item 6)
- **Site Plan:** The site plan shows the building layout and existing/previously approved parking areas. Proposed parking meets current requirements for number of spaces. A condition to this SUP has been proposed to allow for the use of crushed granite for parking surfaces. Staff accepts this document as there will be no new buildings allowed without further approval via Special Use Permit(s) and/or Building Permit(s). (See Item 7)
- **Landscape Plan:** The applicant provided a site plan with a rough sketch of the current landscaping and a letter indicating that no modifications, just preservation, are planned at this time. (See Item 8)
- **Grading and Drainage Plan:** The applicant provided an overview of the current drainage flows and indicated that no modifications were planned at this time that would affect the grading and/or drainage of the area. (See Item 9)
- **Lighting Plan:** The applicant provided an overview of existing lighting and a letter indicating that the current lighting will be modified to meet Dark Sky Ordinance. (See Item 10)
- **Elevations:** The applicant provided drawings of the current building elevations and indicated that no exterior modifications were planned at this time. (See Item 11)
- **Traffic Impact Study:** This requirement is waived based on the determination of the City Engineer. (See Item 12)
- **Signage:** The applicant provided information for future signage and indicated they will comply with the sign ordinance for the Downtown District. (See Item 13)
- **Notification to the Public:** This has been completed. Notice was published in an approved newspaper and a notice was also sent by the City to a verified listing of adjacent property owners as required by ordinance. (See Item 14)
- **Sign Notification on the Property:** The sign has been duly posted by the applicant and verified by Staff. (See Item 15)
- **Planning & Zoning Commission Recommendation:** The P&Z Commission met on 1/4 to discuss this item. A motion to recommend approval was approved. The motion included the following special conditions:
  - The allowance of crushed granite as an allowable surface for parking areas. These areas will still be subject to all other applicable requirements.
  - The allowance of the submission of the required survey documents prior to the issuance of a Certificate of Occupancy.
 (See Item 16)

City Staff would also like to note a couple of items regarding the request and information provided. First, the existing parking spaces identified show a mix of concrete and granite surfaces, with the concrete area designated being cracked and potentially in need of replacement. The concrete areas for parking would need to meet inspection requirements. In addition, all spaces would need to be clearly designated and properly signed per normal requirements. The applicant has requested approval to utilize crushed granite as an approved parking surface. The Planning & Zoning Commission has included this request as a condition in their recommendation of approval.

Finally, the applicant was not able to provide a survey stamped by a registered surveyor at this time. Typically, this has been a requirement even if it was from prior development. The Planning & Zoning Commission has included a condition in their recommendation of approval that the survey be provided to the City prior to the issuance of a Certificate of Occupancy.

## RECOMMENDATION

City Staff would recommend the City Council approve the request for a Special Use Permit to allow for Office/Retail use, specifically an Exercise and Ballet Establishment, to be located at 8418 Harris Street with the inclusion of the following conditions:

- 1.) The allowance of crushed granite as an allowable surface for parking areas. These areas will still be subject to all other applicable requirements.
- 2.) The allowance of the submission of the required survey documents prior to the issuance of a Certificate of Occupancy.

It is Staff's understanding that any conditions placed on the approval of this SUP must be met before a Certificate of Occupancy would be issued by City Staff. This would include any requirements for further documentation. In addition, this SUP does not address any building code requirements/improvements necessary to obtain a Certificate of Occupancy for the proposed use.



# **Completed Special Use Application**



# CITY OF FULSHEAR

PO Box 279 / 30603 FM 1093  
Fulshear, Texas 77441  
Phone: 281-346-8860 ~ Fax: 281-346-8237  
www.fulsheartexas.gov

## ZONING SPECIAL USE APPLICATION

Date of Application: 11/9/18  
Property Address: 8418 Harris  
Legal Description of the property: Block 5, Lot 1, 4, 5 Town of Fulshear  
Property Owner Name(s): Carole McCann  
Address: PO Box 33 Fulshear TX 77441-0033  
Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

Applicant/Agent: Jessica P. Cherubini Attach  
letter of authorization along with this application

Address: 7002 Oak Ln Richmond TX 77406  
Phone Number: 832 428-1058 Email Address: jpcherubini@hotmail.com

Zoning District: town town District Current use of property: Commercial

Requested use of the property: Commercial

Land Uses of Adjoining Property:  
(Agricultural, Single Family, Industrial, Business)

North	<u>Commercial</u>
South	<u>Commercial</u>
East	<u>Commercial</u>
West	<u>Commercial</u>

Is the proposed special use allowable in the current zoning designation? \_\_\_\_\_

Application Fees: \$150.00 for Residential Use  
\$500.00 for Commercial Use

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REGISTRATION & PERMIT DEPT

NOV 09 2018

CITY OF FULSHEAR  
FULSHEAR, TX 77441

## Letter of Intent

1. Adjacent land uses consist of residential and commercial to Easterly residential to the North and Northwesterly, large commercial development to the West and South.  
Therefore; granting of the Special Use Permit would allow prevailing land use in the district.
2. The granting of the Special Use Permit (SUP) will not be injurious to the public health, safety or welfare.
3. The granting of the SUP would not confer on the applicant any special privilege that is denied by the ordinance to other lands. The granting of the SUP would allow a commercial/residential mix-use that would be in character with the traditional small town, commercial/residential mix-use that would be in character with downtown use.
4. Intent and general purposes of this chapter will be preserved and maintained; The intent and general purpose of the Downtown District Zone will be preserved and maintained due to the following considerations:
  - a. The business will be housed in a structure that has been used by two prior business, and currently adheres to the Down town district zoning requirements.
  - b. There will be no structural changes to the building and sign placement leveraging past approved location and position.
5. No nonconforming use of neighboring land, structures, or buildings in the same district and no use of lands, structures or buildings on other districts shall be considered grounds for the issuance of the SUP.

We will comply with existing ordinances. SUP requested would be granted on the basis of a reasonable assessment of existing conditions and general compliance of the Downtown district zoning.

We hope this submittal meets with your approval. Please let me know if you have any questions of if I can be of further assistance.

Truly,

Jessica Cherubini

Owner of Fulshear Ballet and Pilates

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FULSHEAR, TX 77441



## Fulshear Ballet and Pilates

Fulshear Ballet and Pilates is boutique dance and fitness studio featuring classical dance education as well as pilates, yoga, and barre conditioning classes to the community in the form of small group classes. With modern equipment, a beautiful facility, the latest fitness information, and nutritional and health workshops being delivered from expert professionals, Fulshear Ballet and Pilates will be a compliment to the downtown district.

Hours of operation will be 7 days a week:

Monday thru Friday 6 am-noon, 4pm-9pm

Saturday 9am- 5pm

Sundays By appointment only

Fulshear Ballet and Pilates will be closed all major holidays, Fourth of July, Thanksgiving, Christmas, New Years.

The studio is an established Elite Pilates LLC that originated in Richmond, Texas in 2006 by Jessica Pohorilla Cherubini. She is an American ballet dancer of the Houston Ballet. Upon her exit from the stage trained in the Authentic Method of Pilates with pilates masters, Dorothea Van DeWalle and Romana Kryzanowska. She has been training and coaching students throughout Houston for more than thirteen years in dance and pilates.

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REGISTRATION & PERMIT DEPT

NOV 09 2018

CITY OF FULSHEAR  
FULSHEAR, TX 77441

# Owner Affidavit

Property Owner Property Address 2018 Assessed Value  
 R65716 STEPHENS, JOHN 8418 HARRIS ST, FULSHEAR, TX 77441 \$427,300

**2018 GENERAL INFORMATION**

Property Status Active  
 Property Type Real Residential  
 Legal Description FULSHEAR, BLOCK 5, LOT 1,4,5  
 Neighborhood Fulshear  
 Account 3380-00-005-0010-901  
 Related Properties P344588  
 Map Number A-027-N

**2018 VALUE INFORMATION**

Improvement Homesite Value \$157,300  
 Improvement Non-Homesite Value \$0  
 Total Improvement Market Value \$157,300  
 Land Homesite Value \$270,000  
 Land Non-Homesite Value \$0  
 Land Agricultural Market Value \$0  
 Total Land Market Value \$270,000  
 Total Market Value \$427,300  
 Agricultural Use  
 Total Appraised Value \$427,300  
 Homestead Cap Loss -\$0  
 Total Assessed Value \$427,300

**2018 OWNER INFORMATION**

Owner Name Stephens, John  
 Owner ID O0551322  
 Exemptions  
 Percent Ownership 100%  
 Mailing Address c/o Carole McCann PO Box 33 Fulshear, TX 77441-0033  
 Agent -

property information

**2018 ENTITIES & EXEMPTIONS**

TAXING ENTITY	EXEMPTIONS	EXEMPTIONS AMOUNT	TAXABLE VALUE	TAX RATE PER 100	TAX CEILING
C04- City of Fulshear		\$0	\$427,300	0.16251	0
<input checked="" type="checkbox"/> CAD- Fort Bend Central Appraisal District		\$0	\$427,300	0	0
D01- Ft Bend Drainage		\$0	\$427,300	0.019	0
G01- Ft Bend Co Gen		\$0	\$427,300	0.445	0
R05- Ft Bend Co ESD 4		\$0	\$427,300	0.1	0
S01- Lamar CISD		\$0	\$427,300	1.39	0
<b>TOTALS</b>				<b>2.11651</b>	

**2018 IMPROVEMENTS**

Improvement #1 State Code Homesite Total Main Area (Exterior Measured) Market Value  
 - A1 - Residential Single Family Houses Yes 2,176 Sq. Ft \$157,300 ⌵ Expand/Collapse All

RECORD	TYPE	YEAR BUILT	SQ. FT	VALUE	ADD'L INFO
1	Main Area	1966	1,576	\$111,110	⌵ Details
2	Additional MA	1966	600	\$43,140	⌵ Details
3	Open Porch	1966	80	\$1,640	⌵ Details
4	Patio concrete slab	2014	240	\$1,410	⌵ Details

**2018 LAND SEGMENTS**

LAND SEGMENT TYPE	STATE CODE	HOMESITE	MARKET VALUE	AG USE	LAND SIZE
1 - Commercial Primary	A1 - Residential Single Family Houses	Yes	\$270,000	\$0	22,500 Sq. ft
<b>TOTALS</b>					<b>22,500 Sq. ft / 0.516529 acres</b>

**VALUE HISTORY**

YEAR	IMPROVEMENT	LAND	MARKET	AG MARKET	AG LOSS	APPRAISED	HS CAP LOSS	ASSESSED
2017	\$151,890	\$270,000	\$421,890	\$0	\$0	\$421,890	\$0	\$421,890
2016	\$155,820	\$270,000	\$425,820	\$0	\$0	\$425,820	\$0	\$425,820
2015	\$135,100	\$205,290	\$340,390	\$0	\$0	\$340,390	\$0	\$340,390
2014	\$135,680	\$205,290	\$340,970	\$0	\$0	\$340,970	\$0	\$340,970
2013	\$128,600	\$205,290	\$333,890	\$0	\$0	\$333,890	\$0	\$333,890



## SALES HISTORY

DEED DATE	SELLER	BUYER	INSTR #	VOLUME/PAGE
3/8/2012	Peck, Alfred Lee, Jr	Stephens, John	2012029339	
	GIBSON, MINNIE B	Peck, Alfred Lee, Jr	9530267	
	GIBSON, P O	GIBSON, MINNIE B	-	

## DISCLAIMER

Every effort has been made to offer the most current and correct information possible on these pages. The information included on these pages has been compiled by County staff from a variety of sources, and is subject to change without notice. The Fort Bend Central Appraisal District makes no warranties or representations whatsoever regarding the quality, content, completeness, accuracy or adequacy of such information and data. The Fort Bend Central Appraisal District reserves the right to make changes at any time without notice. Original records may differ from the information on these pages. Verification of information on source documents is recommended. By using this application, you assume all risks arising out of or associated with access to these pages, including but not limited to risks of damage to your computer, peripherals, software and data from any virus, software, file or other cause associated with access to this application. The Fort Bend Central Appraisal District shall not be liable for any damages whatsoever arising out of any cause relating to use of this application, including but not limited to mistakes, omissions, deletions, errors, or defects in any information contained in these pages, or any failure to receive or delay in receiving information.said or implied.

**LETTER OF AUTHORIZATION FOR SPECIAL USE APPLICATION REPRESENTATION**

AUTHORITY IS HEREBY GRANTED TO: Jason Guidry

ACTING ON MY BEHALF AS THE OWNER OF THIS PROPERTY AS INDICATED AT THE APPRAISAL DISTRICT, TO FILE AND PRESENT AN APPLICATION TO THE CITY OF FULSHEAR, TEXAS, TO REQUEST A CHANGE IN ZONING CLASSIFICATION FOR THE FOLLOWING PROPERTY:

(CERTIFIED Downtown District, Fulshear, Block 5, lots 1, 4, 5 LEGAL DESCRIPTION)  
8418 Harris Street, Fulshear, Tx 77441

**ACKNOWLEDGEMENTS:**

I certify that the above information is correct and complete to the best of my knowledge and ability and that I authorize Jason Guidry to represent my interest as the owner of the property. I further certify that I have read and understand the information provided, concerning the policies and procedures regarding consideration of my zoning request.

I understand that all recommendations of the Planning & Zoning Commission will be forwarded to the City Council for final determination, normally scheduled for the third Tuesday of the month. I further understand that any actions of the Planning & Zoning Commission are considered recommendations to the City Council and that I may be heard by the City Council at the prescribed Council hearing date where a final decision will be made.

I further understand that if I am not present nor duly represented at the Commission's public hearing, the Planning & Zoning Commission may dismiss my request, which constitutes a recommendation that the request be denied. I further understand that if I am not present, or duly represented, at the City Council public hearing, the City Council may deny my request.

I reserve the right to **withdraw** this proposal at any time, upon written request filed with the City Secretary. Such withdrawal shall immediately stop all proceedings thereon; provided, however, case withdrawal, shall constitute a denial by the Commission and City Council. I understand my filing fee is not refundable upon withdrawal of my case application after public notice, nor following denial by the Commission or Council of my case. I / We respectfully request approval and adoption of the proposed zoning / land use of property, within the City of Fulshear, as identified in this application.

**THIS AUTHORIZATION WILL REMAIN IN FORCE UNLESS REVOKED BY WRITTEN NOTICE.**

OWNER'S SIGNATURE of the above described property: Carole McCann

OWNER'S NAME (printed) Carole McCann

ADDRESS: PO Box 33, Fulshear, Tx 77441

TELEPHONE: 713-875-0800 EMAIL: jguidry@hardeeguidry.com



Planning Commission  
City of Fulshear  
30603 FM 1093  
Fulshear, Texas 77441

Fulshear Ballet and Pilates  
8418 Harris St  
Fulshear, Texas 77441

To Whom It May Concern:

This letter is to inform you that Carole McCann owner of property at 8418 Harris St. are entering into a lease with Fulshear Ballet and Pilates. Fulshear Ballet and Pilates is submitting a Special Use Permit for the Space at 8418 Harris Street. This space was twice occupied by businesses prior to this submittal. The building will not undergo any structural changes. The building aligns with current code and is ready for the addition of Fulshear Ballet and Pilates to the Downtown suite of offerings.

Please also let us know if you have any questions or if we may be off further assistance.

Regards,  
Jason Guidry



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CITY OF FULSHEAR  
FULSHEAR, TX 77441

# Vicinity Map

# Google Maps

8418 Harris St  
VICINITY MAP



# Context Map



# 8418 Harris St. Context Map

United Methodist Church

Residential Lot

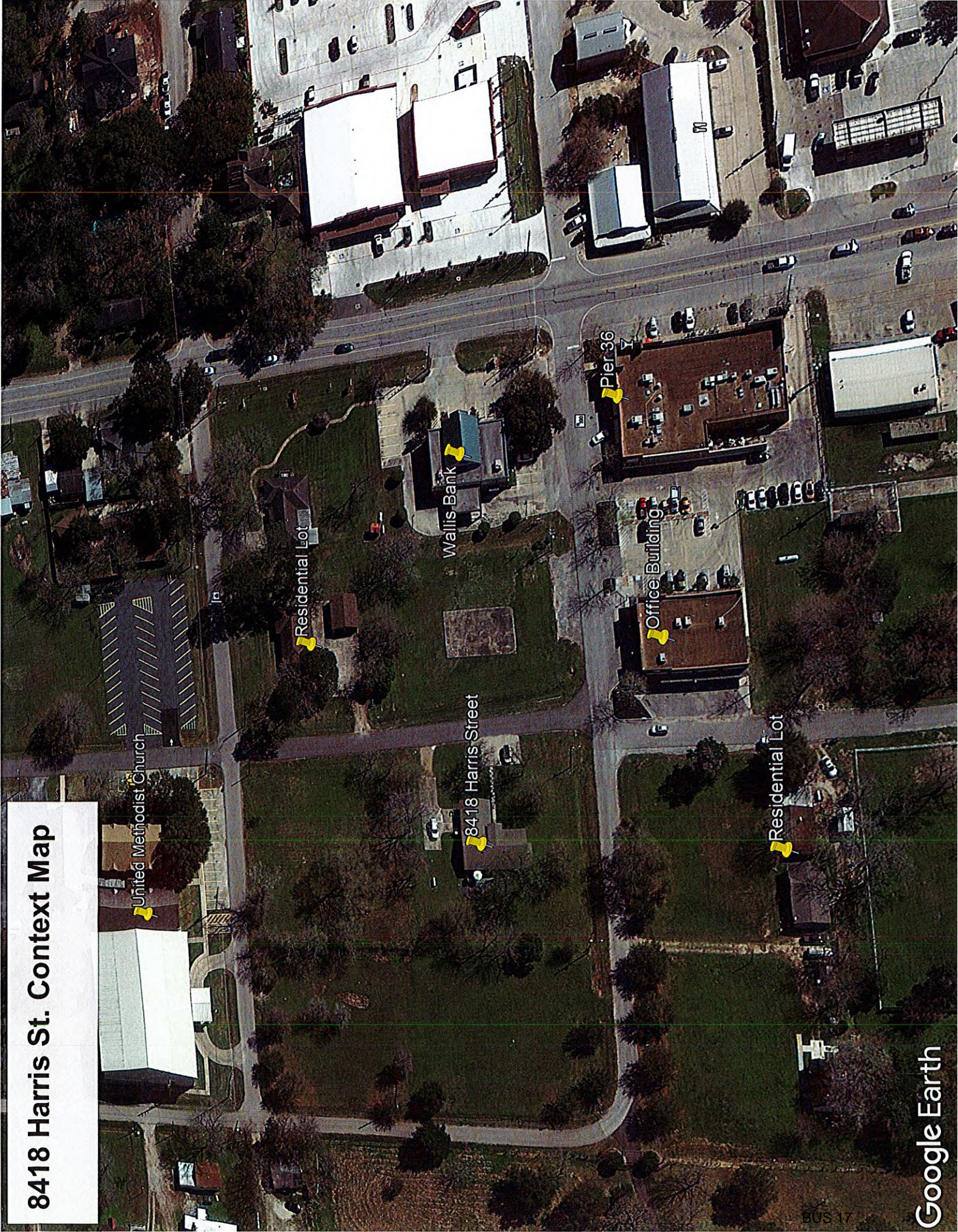
Wallis Bank

8418 Harris Street

Office Building

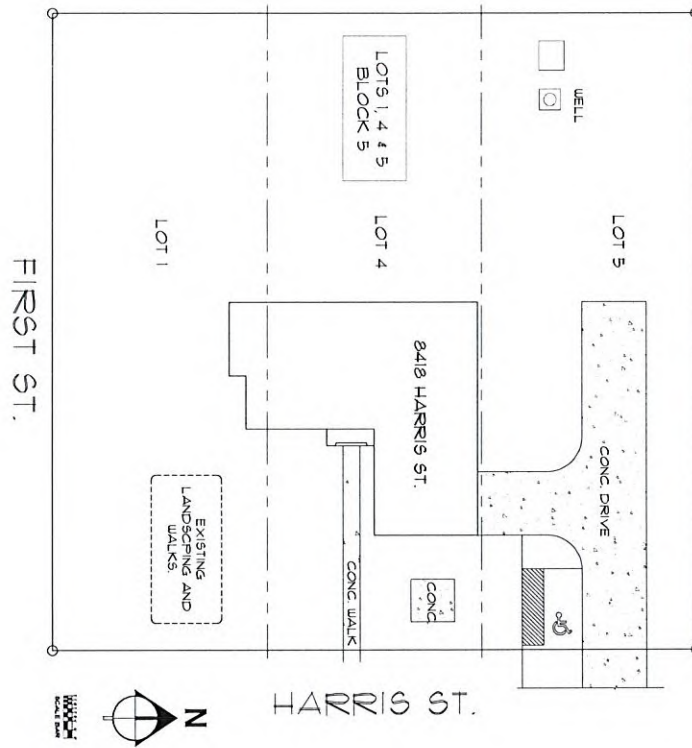
Pier 36

Residential Lot





# Survey



**Sullivan**  
**STEELE**  
**PEAK**  
 ARCHITECTS  
 SCALE: 1"=10'-0"  
 (1/120XP)

THESE PLANS WERE NOT PREPARED BY A PROFESSIONAL ARCHITECT OR ENGINEER. PLANS ARE FOR CONCEPT AND ESTIMATING PURPOSE ONLY. IF PLANS ARE USED FOR CONSTRUCTION AND NO PROFESSIONAL SEAL IS APPLIED THEN OWNER/BUILDER ASSUMES ALL RESPONSIBILITY FOR THE DESIGN, DETAILS, SPECIFICATIONS, AND APPLICABLE CODES PER JURISDICTION WHEN REQUIRED.

DATE	06/15/12
DESIGN BY	MINNIE WESTON
CHECKED	
APPROVED	
PROJECT NO.	GUIDRY-01
SHEET NO.	0

**encore**  
*Builders*

COVER SHEET

**ENCORE/ GUIDRY**  
**PROPERTY REMODEL**  
 8418 HARRIS STREET  
 FULSHEAR, TEXAS

# **Compliance with the Comprehensive Plan**





### Residential

1. Residential areas should not be located next to industrial areas.
2. Residential and commercial areas may be adjacent if separated by a buffer.
3. Schools, parks and community facilities should be located close to or within residential neighborhoods.
4. Houses should have direct access to local residential streets but not to arterial streets.
5. Houses should not be adjacent to major highways.
6. New residential development should be buffered from arterial streets.
7. Residential developments should include adequate area for parks and recreation facilities, schools and places of worship.

### Retail / Office

1. Neighborhood retail and service uses should be located at intersections of arterial or collector streets or at the edge of logical neighborhood areas unless appropriately placed within a planned development.
2. Retail development should be clustered throughout the city and convenient to residential areas.
3. Buffers should separate retail/office uses and residential areas.
4. Downtown should be a major focus for office, retail and service activities, particularly through adaptive re-use of existing structures or redevelopment of vacant properties and sites with heavy commercial or industrial uses.
5. Office and professional uses should be compatible with nearby residential areas and other uses through appropriate building height limitations and adequate buffering and landscaping.
6. Low-intensity office and professional uses should provide a transition between more intense uses and residential areas.

### Heavy Commercial

1. Commercial uses with more intensive operational or traffic characteristics should be located away from most residential areas.
2. Heavy commercial development should be concentrated in nodes at intersections and along major thoroughfares that are designed and constructed to accommodate higher traffic volumes.

3. Buffers should separate heavy commercial uses from any adjacent residential areas, especially where the commercial use involves visible display or outdoor storage of merchandise or materials.

### Industrial

1. Industrial development should not be directly adjacent to residential areas.
2. Industrial uses should be located in dedicated industrial development areas.
3. Industrial development should be separated from other uses by buffers.
4. Industrial development should have good access to major streets and highways.
5. Industrial development involving trucking operations should have good access to truck routes, designated hazardous material routes, and railroads.

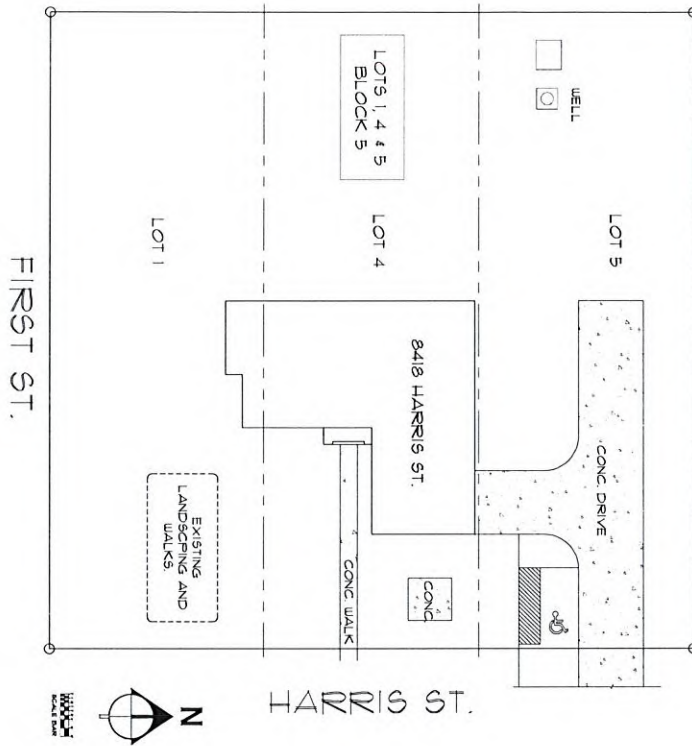
### Parks and Open Space

1. Parks should be evenly distributed throughout the city and include larger community parks and smaller neighborhood parks.
2. Pedestrian connections should be provided between parks, schools, residential areas, and employment centers.
3. Parks are a desirable use for floodplain areas.
4. Parks and open space should be used to buffer incompatible land uses.
5. Natural features should be used as buffers or preserved open space between or around developed areas.

### Community Facilities

1. Community facilities should be located in easily accessible areas within the community.
2. Community facilities, depending on their scale and level of activity, should be located adjacent to major streets to accommodate traffic.
3. Community facilities should be well buffered from nearby residential areas.
4. Downtown should continue to be enhanced as a preferred location for civic, cultural, entertainment and tourism activities.

# Site Plan



**SITE PLAN**  
 SCALE: 1"=10'-0"  
 (1/120XP)

THESE PLANS WERE NOT PREPARED BY A PROFESSIONAL ARCHITECT OR ENGINEER. PLANS ARE FOR CONCEPT AND ESTIMATING PURPOSE ONLY. IF PLANS ARE USED FOR CONSTRUCTION AND NO PROFESSIONAL SEAL IS APPLIED, THEN OWNER/BUILDER ASSUMES FULL RESPONSIBILITY FOR THE DESIGN, DETAILS, SPECIFICATIONS, AND APPLICABLE CODES PER MUNICIPALITY WHEN REQUIRED.

DATE	06/15/12
DRAWN BY	WETSON
CHECKED	
APPROVED	
PROJ. NO.	GUIDRY-01
SHEET NO.	0



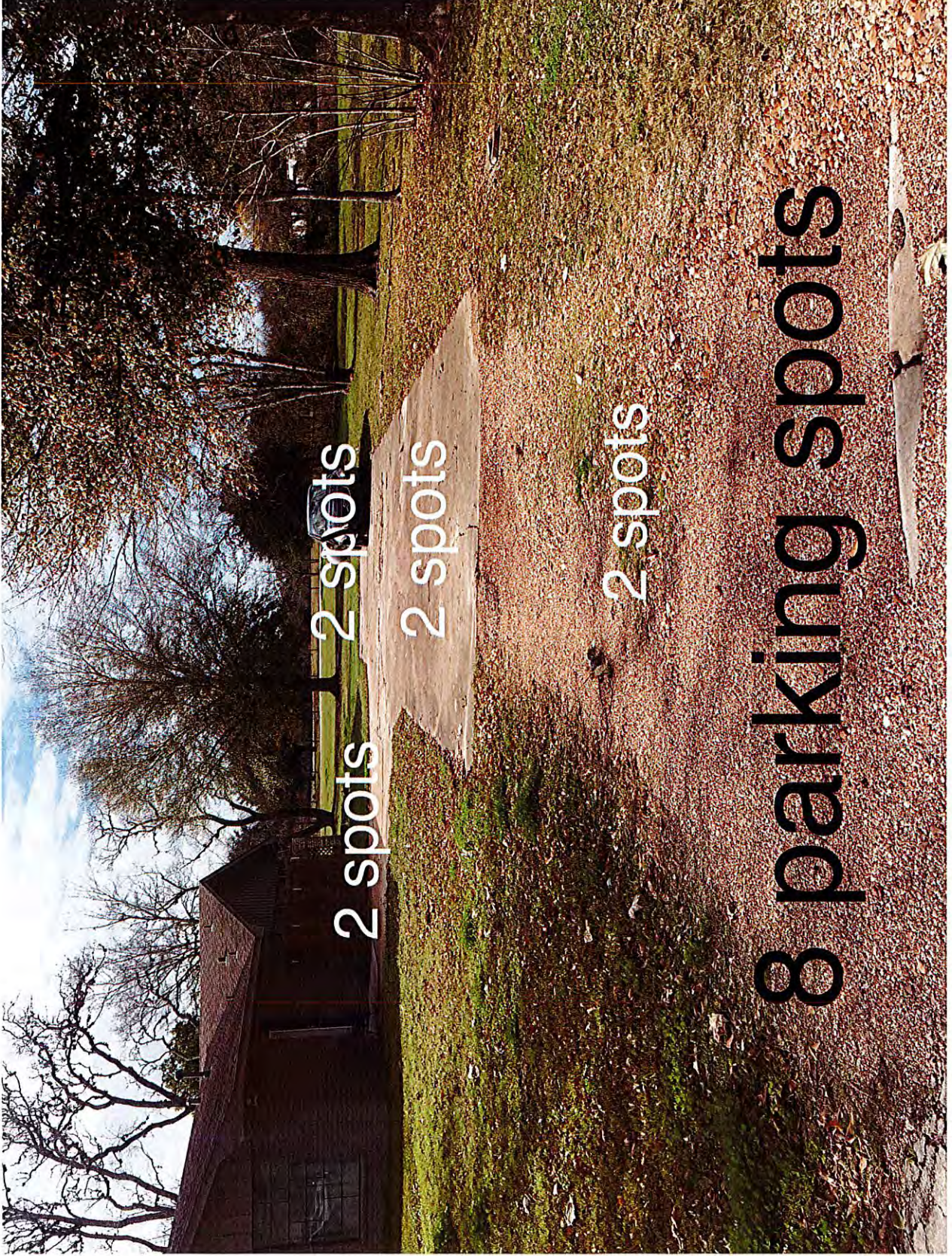
COVER SHEET

**ENCORE/ GUIDRY  
 PROPERTY REMODEL**  
 8418 HARRIS STREET  
 FULSHEAR, TEXAS









2 spots

2 spots

2 spots

8 parking spots



# Landscape Plan



## Existing landscape

**Landscape Plan:** There will be no change to the current layout of the existing landscape.





**Landscape Plan:** There will be no change to the current layout of the existing landscape.



# Grading and Drainage Plan



Existing drainage

**Grading and Drainage Plan:** The current drainage patterns are shown above. No modifications are planned that would affect the drainage patterns





Existing drainage

**Grading and Drainage Plan:** The current drainage patterns are shown above. No modifications are planned that would affect the drainage patterns





**Grading and Drainage Plan:** The current drainage patterns are shown above. No modifications are planned that would affect the drainage patterns

# Lighting Plan





**Lighting Plan:** Existing lighting around the building will be maintained. No changes are currently planned. Any Future lighting modifications will comply with any applicable City Ordinances.



**Lighting Plan:** Existing lighting around the building will be maintained. No changes are currently planned. Any Future lighting modifications will comply with any applicable City Ordinances.

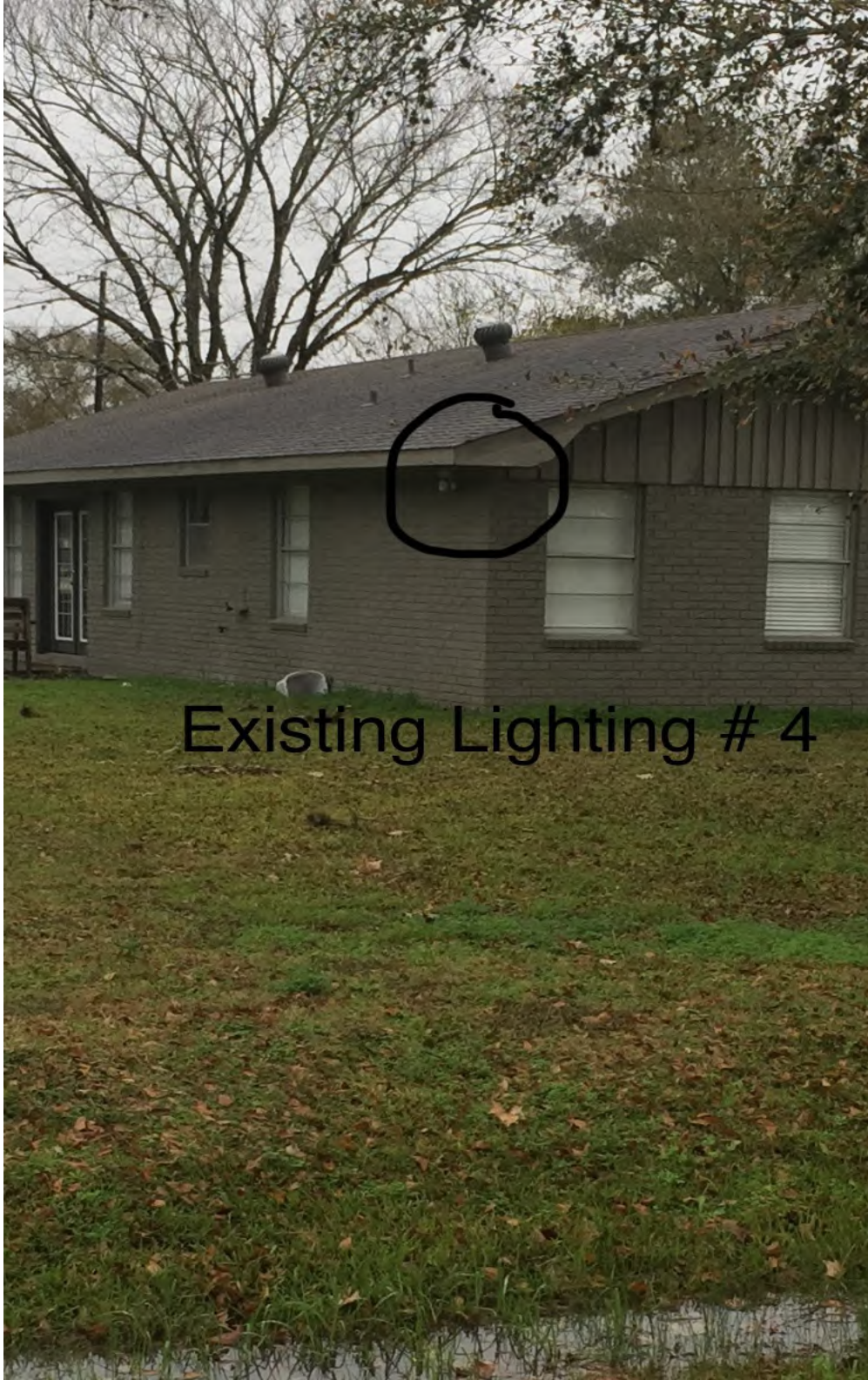




Existing lighting  
#3

**Lighting Plan:** Existing lighting around the building will be maintained. No changes are currently planned. Any Future lighting modifications will comply with any applicable City Ordinances.





Existing Lighting # 4

**Lighting Plan:** Existing lighting around the building will be maintained. No changes are currently planned. Any Future lighting modifications will comply with any applicable City Ordinances.





Existing light location #5

**Lighting Plan:** Existing lighting around the building will be maintained. No changes are currently planned. Any Future lighting modifications will comply with any applicable City Ordinances.



# Elevations





# Traffic Impact Study

January 2, 2019

Kerry Sigler, Building Official  
City of Fulshear  
P.O. Box 279  
Fulshear, TX 77441

Re: Proposed Dance Studio  
8418 Harris Street  
Fulshear, Texas

Dear Kerry:

I have reviewed the proposed Dance Studio located at 8418 Harris Street. With the existing building having a total square footage of 1950 square foot I would expect a maximum of 40 Trip Ends per day for this use.

With the uses described as above the Traffic Impact will not be sufficient to require a Traffic Impact Study. If you have any questions or if you need additional information please feel free to contact me.

Very truly yours,



David Leyendecker, P.E., R.P.L.S.  
Engineer for the City of Fulshear

DL/pe



# Signage



**Signage Plan:** Existing sign location will be utilized. No other changes are currently planned. All signage modifications will comply with any applicable City ordinances.



# **Notification to the Public**

## **Notice of Public Hearings**

In compliance with the City of Fulshear Ordinance Number 2012-1069, the City will hold two Public Hearings; the first Public Hearing will be held by the Planning and Zoning Commission on January 4, 2019 at 8:30AM. The hearing will be held at City Hall located at 30603 FM 1093. The second hearing will be held by the City Council on January 15, 2019 at 7:00PM. The hearing will be held at the Irene Stern Center located at 6920 Katy Fulshear Road. Both hearings will allow all interested persons an opportunity to be heard.

The location of the premises in question is in the Downtown District, Fulshear, Block 5, Lots 1, 4, 5, specifically the address is 8418 Harris Street, Fulshear, Texas 77441.

The applicant is seeking a Special Use Permit pursuant to the Ordinance # 2012-1069, Section 1-193, (c), (2), (f), (g), if approved in the process outlined in Section 1-283.

The applicant reserves the right to supplement this application and/or seek at the time of the hearing, such other approvals, interpretations, and/or waivers as may be requested or required by the applicant or the Board/Council.

A copy of said application and documents is on file at the City of Fulshear City Hall located at 30603 FM 1093 Fulshear, Texas 77441 on Monday through Thursdays from 8:00 a.m. to 5 p.m. and Fridays from 8:00 a.m. to 3 p.m. in the City Secretary's office for all interested parties prior to said hearing.

**If you have any questions regarding this request please call the City Secretary's office at 281 -346-1796.**

Posted: \_\_\_\_\_

*Date:*





8418 Harris Street

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# **Sign Notification on the Property**



## **PUBLIC HEARING - SPECIAL USE PERMIT**

The property owner's agent is seeking a Special Use Permit to allow for the use of this property as a retail office space within the Northtown Historic zoning classification.

The City will hold two Public Hearings. The first Public Hearing will be held by the Planning and Zoning Commission on January 4, 2019 at 8:30 a.m. at City Hall located at 305623 FM 1952. The second Public Hearing will be held by the City Council on January 15, 2019 at 7:00 p.m. at the Irene Stern Community Center located at 69220 Katy Fritchman Rd.

Both hearings will allow all interested persons an opportunity to be heard. If you have any questions regarding this request, please call the City of Frisco City Secretary's office at 201-345-1735.

City Secretary's office at 201-345-1735



# **Planning & Zoning Commission Recommendation**





# Special Use Request

APPLICANT/OWNER: Jessica Cherubini / Carole McCann

ADDRESS OF PREMISES: 8418 Harris Street

REQUESTING: \_\_\_\_\_

HEARING DATE: January 4, 2019  
January 15, 2019

## PLANNING AND ZONING COMMISSION REVIEW

GRANTED

DENIED

RETURNED FOR ADDITIONAL DATA

COMMENTS/CONDITIONS: 1. SURVEY MUST BE COMPLETED BEFORE CERTIFICATE OF OCCUPANCY. 2. CRUSHED GRANITE IS ALLOWED FOR PARKING AND DRIVEWAY SURFACES, WITHIN CODE PARAMETERS

CHAIRMAN SIGNATURE: [Signature] DATE: 1-4-19

*"The Planning and Zoning Commission finds that granting the Special Use Permit will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, nor impair adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public health, safety and well-being, or substantially diminish or impair property values within the neighborhood."*

## CITY COUNCIL REVIEW

GRANTED

DENIED

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

**AGENDA MEMO  
BUSINESS OF THE CITY COUNCIL  
CITY OF FULSHEAR, TEXAS**

<b>AGENDA OF:</b>	January 15, 2019	<b>AGENDA ITEM:</b>	BUS- C
<b>DATE SUBMITTED:</b>	January 3, 2019	<b>DEPARTMENT:</b>	Administration
<b>PREPARED BY:</b>	Jack Harper	<b>PRESENTER:</b>	Jack Harper
<b>SUBJECT:</b> Solicitation Permit Request			
<b>ATTACHMENTS:</b> Redacted Application			
<b>EXPENDITURE REQUIRED:</b>	N/A		
<b>AMOUNT BUDGETED:</b>	N/A		
<b>ACCOUNT NO.:</b>	N/A		
<b>ADDITIONAL APPROPRIATION REQUIRED:</b>	N/A		
<b>ACCOUNT NO.:</b>	N/A		

**EXECUTIVE SUMMARY**

Article IV, Itinerant Vendors, includes Sections 10:97-114 of the City of Fulshear Municipal Code and allows for the administrative issuance of permits for Solicitation. The applicant must pay the appropriate permit fee, provide a \$2,500 bond, undergo a criminal background check, and agree to only solicit between the hours of 9 am and 9 pm. Once all administrative items have been accepted and approved the application must go to the next regular City Council meeting for City Council approval. This application has been received from Stephen Mount of Edward Jones for the purpose of soliciting financial services and retirement planning.

**RECOMMENDATION**

Staff has reviewed this application, and all items have been completed per Ordinance requirements. Staff is therefore recommending approval of this Solicitation Permit Application to the applicant.





# CITY OF FULSHEAR

## BUILDING SERVICES

PO Box 279 / 29255 FM 1093 #12C  
Fulshear, Texas 77441  
Phone: 281-346-8860 ~ Fax: 281-346-8237  
[www.fulsheartexas.gov](http://www.fulsheartexas.gov)

### Solicitation Permit Application

Date: 1-3-19

Permit No.: 9-0002

Solicitation Permit Fee: \$85.00 (an application is required for each individual person)

Name: Stephen Mount Address: [REDACTED]

Katy, TX 77494

Mobile #: [REDACTED] Phone #: [REDACTED] Driver's License #: [REDACTED]

Vehicle Make: Toyota Model: Tundra

Vehicle Model Year: 2013 Color: Silver

Vehicle License plate number: [REDACTED] State issued by: TX

Business name: Edward Jones

Address: 22316 Grand Corner Dr

Office #: 832-913-3430 Email: stephen.mount@edwardjones.com

Type and description of product, good or service sold: Financial Planning Services

Please list any previous City where you have solicited in the previous 180 days: Katy, TX

RECEIVED  
REGISTRATION & PERMIT DEPT

JAN 03 2019

CITY OF FULSHEAR  
FULSHEAR, TX 77441

The following items **MUST BE ATTACHED** to this application for it to be considered complete:

Security bond in the amount of \$2500.00 payable to the City of Fulshear for each applicant Copy of Driver's License or Social Security Card and a government issued picture I.D. card

I hereby state the information above is true and willingly submit to the City of Fulshear authorization to conduct criminal background check, I understand that the City of Fulshear may revoke my permit at any time upon documented complaint or violation of law. I understand that this permit is for only the person listed above and is nontransferable. I understand that this permit is good for 120 days once it is issued and solicitation can only be done in the City of Fulshear city limits between the hours of 9 AM to 7 PM. Additionally, I understand that it is a violation of the Ordinance to attempt to solicit at a place or in an area where a sign prohibiting such activities is clearly posted. Further, I understand that this application will be considered at the next Regular City Council meeting following the administrative review for completion and that I may not conduct any activities until such time as my application is approved and a Permit issued. My signature below indicates that I have read and understand the provisions of the City's Ordinance on Solicitation.

Stephen Mount  
Signature of Applicant

\_\_\_\_\_  
Authorized City Official

\_\_\_\_\_  
Title of Authorized Official

\_\_\_\_\_  
Date Received

**ANY PERSON, FIRM, OR CORPORATION VIOLATING ANY PROVISION OF THE ORDINANCE OR FAILING TO OBSERVE ANY PROVISIONS THEREOF SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION MAY BE FINED A SUM OF UP TO \$500.00 AND EACH AND EVERY DAY OR FRACTION OF A DAY DURING WHICH THIS ORDINANCE, OR ANY PART THEREOF, SHALL BE VIOLATED.**

**To be completed by Staff:**

Application Administratively Complete: RR  Yes  No

If "No", date rejection notice issued: \_\_\_\_\_

Date reviewed for administrative completeness: 1/3/19 RR

Date of next Regular City Council Meeting: 1/15/19

Council approval:  Yes  No

Date of Council approval: \_\_\_\_\_

\_\_\_\_\_  
Signature and Title of Issuing Authority

\_\_\_\_\_  
Date



**AGENDA MEMO**  
**BUSINESS OF THE CITY COUNCIL**  
**CITY OF FULSHEAR, TEXAS**

<b>AGENDA OF:</b>	January 15, 2019	<b>AGENDA ITEMS:</b>	BUS- D
<b>DATE SUBMITTED:</b>	January 2, 2019	<b>DEPARTMENT</b>	Economic Development
<b>PREPARED BY:</b>	Angela Fritz, Economic Development Director	<b>PRESENTER:</b>	Mayor
<b>SUBJECTS:</b>	<b>Appointment of Steering Committee for Economic Development Strategic Plan</b>		
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"> <li>1. Resolution 2019-414</li> <li>2. December 18, 2018 City Council Agenda Item Memo</li> </ol>		
<b>EXPENDITURE REQUIRED:</b>			N/A
<b>AMOUNT BUDGETED:</b>			
<b>FUNDING ACCOUNT:</b>			
<b>ADDITIONAL APPROPRIATION REQUIRED:</b>			N/A
<b>FUNDING ACCOUNT:</b>			

**EXECUTIVE SUMMARY**

City Council approved the composition of the Steering Committee for the Economic Development Strategic Plan at the December Council meeting. Each EDC is set to consider nominations for their respective positions at their upcoming January 7 (A Corporation) and January 14 (B Corporation) meetings. A project kick-off meeting with this group is scheduled for January 22, 2019.

The City's Charter does not require formal appointment of this group by City Council, however due to the nature of the consolidated planning process and the Economic Development Corporation's participation in the plan's development and implementation alongside City Council, staff recommends Council do so.

This item is included to allow City Council the ability to confirm the slate of appointees as presented by Mayor Groff. Please find Resolution 2019-414 attached, which provides for same.

**RECOMMENDATION**

Approval of Resolution No. 2019-414 appointing the Steering Committee for the Economic Development Strategic Plan.

**RESOLUTION NO. 2019-414**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS APPOINTING A STEERING COMMITTEE FOR THE ECONOMIC DEVELOPMENT STRATEGIC PLAN**

**WHEREAS**, Fulshear is undertaking an economic development strategic planning process under the guidance of TIP Strategies; and

**WHEREAS**, the process calls for creation of a Steering Committee to provide significant input into the process and help guide its general development; and

**WHEREAS**, the Steering Committee is an ad hoc committee expected to meet a total of five (5) times between January 2019 and the completion of the project in July 2019; and

**WHEREAS**, the City’s Charter does not require said committee to be formally established by City Council, however due to the nature of the consolidated planning process and the Economic Development Corporation’s participation in the plan’s development and implementation, it is prudent for City Council to formally appoint the Committee members; and

**WHEREAS**, City Council established and approved the composition of the Steering Committee at its December 18, 2018, meeting to consist of two members each from the City of Fulshear Development Corporation (Type A), the Fulshear Development Corporation (Type B), and the City Council; and

**WHEREAS**, City Council of the City of Fulshear, Texas wishes to approve the Mayor’s nominations for appointments to the Steering Committee so the planning process may commence timely;

**NOW, THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS** that appointments for the Steering Committee for the Economic Development Strategic Plan are as follows:

***City of Fulshear Development Corporation (Type A)***

\_\_\_\_\_

***Fulshear Development Corporation (Type B)***

\_\_\_\_\_

***City Council***

\_\_\_\_\_



**This Resolution duly passed this 15<sup>th</sup> day of January, 2019.**

---

Aaron Groff, Mayor  
City of Fulshear, Texas

ATTEST:

---

Kimberly Kopecky, City Secretary  
City of Fulshear, Texas

**AGENDA MEMO**  
**BUSINESS OF THE CITY COUNCIL**  
**CITY OF FULSHEAR, TEXAS**

<b>AGENDA OF:</b>	December 18, 2018	<b>AGENDA ITEMS:</b>	CON- N
<b>DATE SUBMITTED:</b>	December 12, 2018	<b>DEPARTMENT</b>	Economic Development
<b>PREPARED BY:</b>	Angela Fritz, Economic Development Director	<b>PRESENTER:</b>	Same
<b>SUBJECTS:</b>	<b>Economic Development Strategic Plan Steering Committee Composition</b>		
<b>ATTACHMENTS:</b>			
<b>EXPENDITURE REQUIRED:</b>	N/A		
<b>AMOUNT BUDGETED:</b>			
<b>FUNDING ACCOUNT:</b>			
<b>ADDITIONAL APPROPRIATION REQUIRED:</b>	N/A		
<b>FUNDING ACCOUNT:</b>			

**EXECUTIVE SUMMARY**

Staff held the official kick-off meeting with TIP Strategies on December 11 for the Economic Development Strategic Plan project, the contract for which was approved by City Council on November 20. The project will be guided by a Steering Committee, and one of the first orders of business is the appointment of the same, with a full project kick-off meeting with this group scheduled for the week of January 22, 2019.

The project Steering Committee’s purpose is to assist in guiding the process via significant inputs provided at five meetings during the course of the project. These meetings will occur at key stages. The Steering Committee’s input, coupled with that of the general public through the engagement process outlined below, the City Council and EDCs through a joint workshop, and the Executive Committee (core group that are heavily involved in the process including responsibility for draft review and attending all meetings), will play a key role in engaging the community, and garnering stakeholder support, buy-in, and guidance for the plan.

In addition to the Steering Committee, the project has been designed to include many other forms of input from the community, key constituencies, and stakeholder groups including a community survey, project website, roundtables and interviews, media outreach, a joint workshop of the City Council and EDCs, and a Town Hall meeting. This process will be initiated in early 2019, with additional details on the project provided in a press release once the project website has been completed.

In order to help streamline the project, and based on discussions with the consultant, it is staff’s recommendation that the Steering Committee consist of six (6) total members – two (2) from each of the following groups: City Council, the City of Fulshear Development Corporation (Type A), and the Fulshear Development Corporation (Type B). Once the composition is approved by City Council, the EDCs would provide their respective nominations at their upcoming January meetings, in order that City Council may consider a slate of appointments presented by the Mayor at the regular January 15 City Council meeting.

**RECOMMENDATION**

Staff recommends Council consent to creation of economic development strategic plan project Steering Committee in the manner and composition outlined above.



**AGENDA MEMO**  
**BUSINESS OF THE CITY COUNCIL**  
**CITY OF FULSHEAR, TEXAS**

<b>AGENDA OF:</b>	January 15, 2019	<b>AGENDA ITEM:</b>	BUS E
<b>DATE SUBMITTED:</b>	January 9, 2019	<b>DEPARTMENT</b>	Public Works
<b>PREPARED BY:</b>	Sharon Valiante Director of Public Works	<b>PRESENTER:</b>	Sharon Valiante, Director of Public Works
<b>SUBJECT:</b>	<b>Proposed Drainage Easement to establish maintenance capabilities for City staff to maintain</b>		
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"> <li>1. Location Map</li> <li>2. Proposed Scope of Easement needed</li> <li>3. City Engineer's Total Project Cost Estimate</li> </ol>		
<b>EXPENDITURE ESTIMATED:</b>	\$ 1,820, Surveying;	\$1,450 Admin (Engr/Legal)	
<b>AMOUNT BUDGETED:</b>	\$10,000		
<b>FUNDING ACCOUNT:</b>	300-5-000-5810-01		
<b>ADDITIONAL APPROPRIATION REQUIRED:</b>	N/A		
<b>FUNDING ACCOUNT:</b>			

**EXECUTIVE SUMMARY**

**BACKGROUND:** Shady Lane, a local residential street in the W. J. Walker Estate Land, 70-acre tract, David Random and I. Pennington League, Abstract 75, Fort Bend County Texas, appears to be a private road as shown in a recorded deed restriction document. The private road is within a 30-foot easement and has a maintenance responsibility assigned to the owner of the 70-acre tract at time of conveyance, J. B Whitworth Jr, Trustee, heirs, executors, administrators or assigns, which is funded by an assessment to the adjacent land owners at time maintenance/repair is determined.

Current historical knowledge and documentation is limited regarding maintenance history, except that historical information indicates Fort Bend County has performed various types of road and drainage maintenance within the 30' foot private road easement.

**PURPOSE of PROPOSED EASEMENT:** Within the past year, a drainage issue has become apparent on Shady Lane. The roadside ditch drainage has experienced some ponding/slow drainage. The areas where the ponding is evident, was brought to the City's attention by the adjacent property owners. Staff and the City Engineer were asked to consider assisting with the issue. A preliminary site investigation indicates the roadside drainage collects in the area of ponding and flows east across the property at 6606 Shady Ln (see map/scope) through a shallow ditch and culverts into a private pond.

The residents most impacted by the ponding and/or slow drainage are asking the City to provide maintenance and/or repair of the drainage way to provide a more positive flow for the roadside ditches.

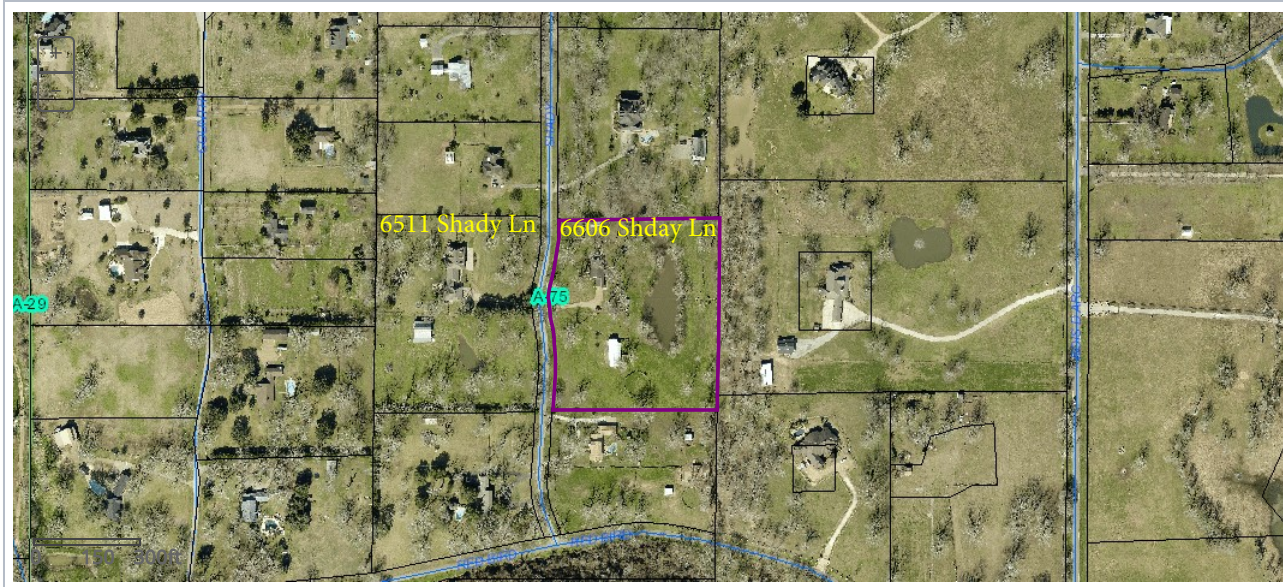
**ADDITIONAL INFORMATION:** Staff estimate \$3,270 (\$1,820 + \$1,450) for preparing easement documents.

### **RECOMMENDATION**

Staff is requesting direction from City Council on next steps forward:

1. Council's desire to establish a public easement for maintenance of a drainage way for Shady Lane
2. Staff authorization to proceed with preparing the documents necessary to bring forward a formal easement dedication for consideration of acceptance

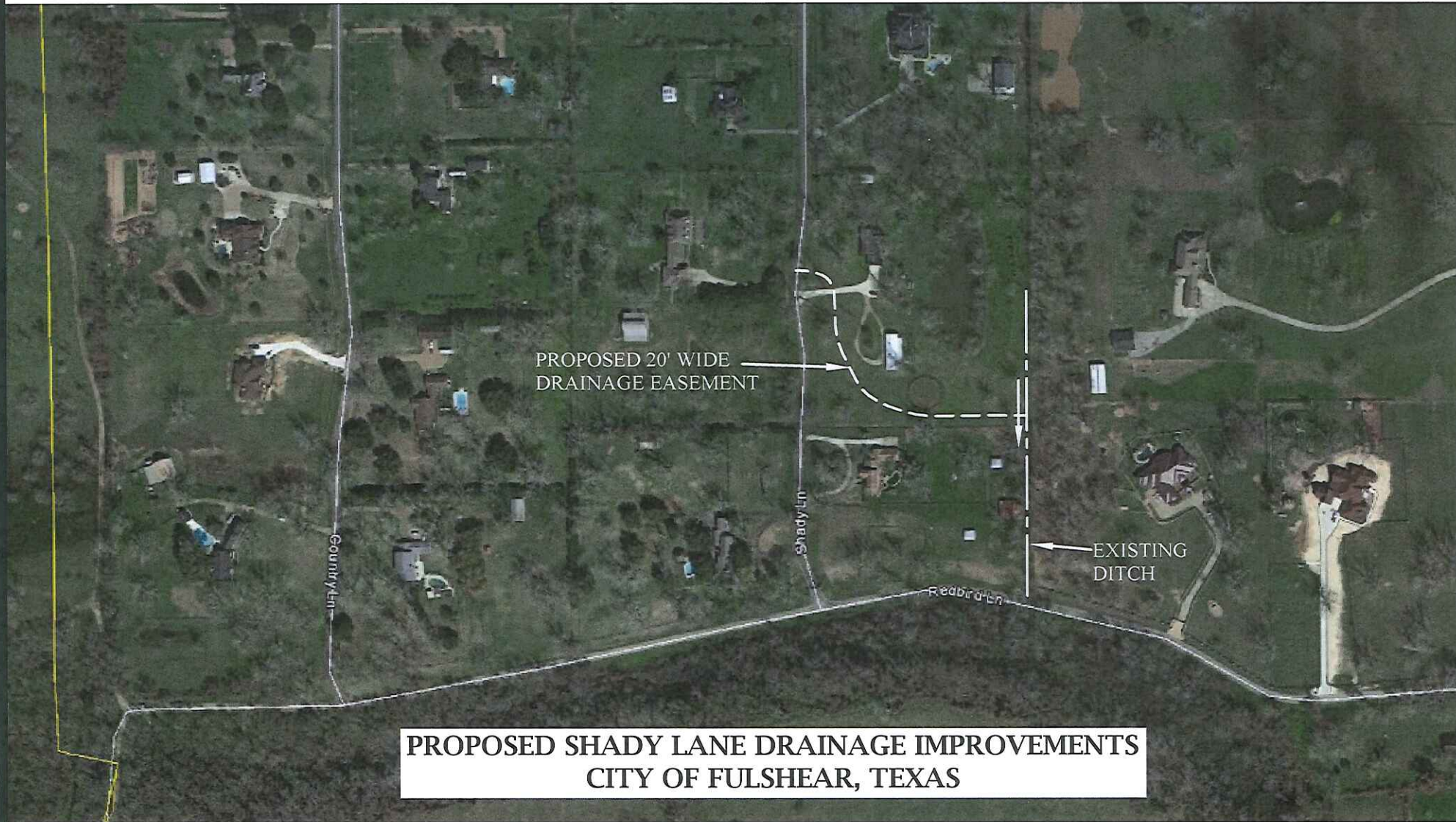




#### DISCLAIMER

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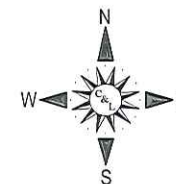




Scale: 1" = 300' (APPROX.)  
Date: 1-9-19  
Dwn. By: BR  
File No.: 19-003

## Clay & Leyendecker, Inc.

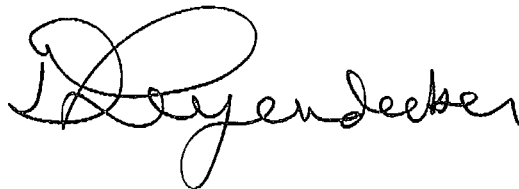
Consulting Engineers & Surveyors  
1350 Ave. D, Katy, Texas 77493 / (281) 391-0173  
Texas Registered Engineering Firm F-2309 / Texas Land Surveying Firm No. 10044600



January 9, 2019

**ENGINEERING COST ESTIMATE**  
**SHADY LANE DRAINAGE IMPROVEMENTS**  
**CITY OF FULSHEAR, TEXAS**

	QTY	COST	AMOUNT
Ditch excavation	600 L.F. @	\$15.00 L.F.	\$9,000.00
24-inch H.D.P.E. Storm Sewer backfilled with cement stabilized sand	30 L.F. @	\$65.00 L.F.	\$1,950.00
Concrete Rip Rap	1 Lump Sum		\$5,000.00
Solid Bermuda Sod	1 Lump Sum		<u>\$3,800.00</u>
	<b>Subtotal -----</b>		<b>\$19,750.00</b>
Contingencies (10%)			\$1,975.00
Engineering			\$1,950.00
Easement Doc Preparation			\$1,450.00
Surveying			\$1,820.00
A) For Easement Preparation			
B) For Storm Sewer Design.			\$1,600.00
Inspection (2%)			<u>\$395.00</u>
			<u><b>TOTAL ESTIMATED PROJECT COST-----</b></u>
			<u><b>\$28,940.00</b></u>





**AGENDA MEMO**  
**BUSINESS OF THE CITY COUNCIL**  
**CITY OF FULSHEAR, TEXAS**

<b>AGENDA OF:</b>	January 15, 2019	<b>ITEM:</b>	BUS-F
<b>DATE SUBMITTED:</b>	January 7, 2019	<b>DEPARTMENT:</b>	Planning and Development
<b>PREPARED BY:</b>	Brant Gary Assistant City Manager	<b>PRESENTER:</b>	Brant Gary Assistant City Manager
<b>SUBJECT:</b>	<b>DISCUSSION AND POSSIBLE ACTION RELATED TO PROPOSED AMENDMENTS TO THE UTILITY AGREEMENT BETWEEN THE CITY OF FULSHEAR, TEXAS, AND FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 174, AND THE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FULSHEAR, TEXAS, AND THE SUCCESSORS IN INTEREST TO FULSHEAR INVESTMENTS, INC., FULSHEAR EQUINE, LLC, MASON EQUEST INVESTMENT, INC., AND LOUIS A. WATERS</b>		
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"> <li>1.) Summary of Proposed Capital Recovery Fee Changes &amp; Financing Assumptions</li> <li>2.) December 2018 Proposal from Century Communities</li> <li>3.) Amendment to Utility Agreement</li> <li>4.) Second Amendment to Development Agreement</li> </ol>		

**EXECUTIVE SUMMARY**

As previously discussed, the City has been working with a property owner/developer at the northwest corner of FM 359 and Rogers Road on the annexation process and the extension of utilities to facilitate the proposed commercial development at this location. The annexation is proceeding and will be presented to Council for various action items in the upcoming months. Part of the agreement to bring this commercial development into the City involves the extension of utility lines to the property.

The extension of the utilities, however, is more difficult to accomplish as the City doesn't have traditional financing mechanisms available for such projects. The project to extend utilities north along FM 359 to the property line is estimated to cost approximately \$1.6 million. Originally, the City was discussing a possible partnership with a potential developer that would need utilities for a development just south of the property to be annexed. However, that arrangement did not come to fruition. As a result, the City needed to look at alternate possibilities to finance this utility extension project.

In the FY19 Budget & CIP, the following items relative to this project were included for a total funding amount of \$400,000:

Project Code & Name	Funding Source	Description
W18K Water Master Plan (Years 1-5) Project 2	Fund 250-CAD/ EDC Requests	12/16-inch FM 359/North Fulshear Transmission Line - Phase 1 <i>(Estimated FY19 cost split will be \$50k-Fund 250-CAD &amp; \$50k-EDC Requests)</i>
WW18E Wastewater Master Plan (Years 1-5) Project 3	Fund 250-CAD/ EDC Requests	24/27/30/36-inch FM 359 Interceptor - Phase I <i>(Estimated FY19 cost split will be \$150k-Fund 250-CAD &amp; \$150k-EDC Requests)</i>

In an attempt to address the additional \$1.2 million needed, the City approached Century Communities for a possible partnership to secure funds for the utility extension project in FY19. The previous development and utility agreements for Polo Ranch specifically outlined utility extension responsibilities for the City and per unit Capital Recovery Fees to secure capacity and access to the City's system.

As noted in the December 2018 letter from Century Communities, the following are the main items discussed for this proposed partnership:

- **Capital Recovery Fee Reduction and Payment Timeline Change:** The per lot Capital Recovery Fee is being proposed to be reduced from \$3,641 per lot to \$2,891 per lot (\$750 reduction). \$1.2 million would be paid in two installments. The first installment of \$433,650 would be paid by January 31<sup>st</sup>. The second installment of \$766,350 would be paid by March 31<sup>st</sup>. Payments made for lots beyond what has already been platted will be credited towards future platted lots. (See attachments for more details)
- **Location of Temporary Sales Trailer:** The Developer requested the ability to locate the sales trailer on the part of the development fronting FM 1093 designated as future commercial (still owned by Mr. Waters). As this area was included in the acreage included in the development and utility agreements, the City Attorney agreed that this would be allowable subject to the normal requirements for temporary sales trailers.
- **Approval of “Early Starts” for 2 Model Homes and 12 Production Homes:** Other development agreements have had terms that allowed for some homes to begin (but not be sold/occupied) prior to the completion of all necessary utilities. The Developer has requested the ability to begin work on two model homes and twelve production homes after the installation of fire protection (main water lines) and paved roadways. This is being proposed through definitions added to the agreements specific to existing ordinance requirements. If approved, despite the early starts, no home will receive a final inspection without the completion of all infrastructure necessary for residential use.

After working with the Developer on the above items, there were several other areas that have been discussed which are proposed to be documented through these amendments. A summary of those items is as follows:

- **Language for Maintenance Responsibility of Cemetery Property:** During the platting process for sections 1,2, and 3, it was determined that future maintenance responsibility of the Cemetery Reserve identified needed to be formally documented. While it was noted on the plat, language is included to add this to the agreements.
- **Utility Extension Timelines:** The City has completed a portion of the required utility extensions along FM 1093, but has not completed the extensions along FM 359. A revised timeline has been included for the completion of those utilities along FM 359 (same project being discussed).
- **Allowance for a Master Sign Plan:** In the original development agreement, no Master Sign Plan was proposed or anticipated. The City’s Sign Ordinance does, however, allow for master planned communities to have a Master Sign Plan approved by the City to provide for various types of signs that may be needed for such a community. Several existing developments in the City have these plans in place. The Developer has indicated a desire to submit a Master Sign Plan to the City. While that would be allowed, the current agreements do not speak to that. The proposed amendment simply recognizes that the terms of a Master Sign Plan may be utilized if one is approved by the City.

City Staff has included some analysis of the potential effects of these changes for both the Developer and the City. The Developer sees value in the early start allowances and will obviously benefit from the reduced Capital Recovery Fees. The City needs the ability/funding to complete the FM 359 utility extension project and would save money over traditional bond financing options. City Staff believes the proposed amendments represent terms that are mutually beneficial to both parties and ultimately provide a benefit to the entire community.

### **RECOMMENDATION**

City Staff would recommend the City Council approve the proposed amendments to the Polo Ranch/MUD 174 development and utility agreements.

## Summary of Proposed Capital Recovery Fee Changes & Financing Assumptions

### Breakout of Polo Ranch Capital Recovery Fee Scenarios

Maximum Number of SF units:	781
(includes 10% increase allowed)	
Original Per Unit Capital Recovery Fee:	\$ 3,641
Total Possible Fees Collected:	\$ 2,843,621
Maximum Number of SF units:	781
(includes 10% increase allowed)	
Proposed Per Unit Capital Recovery Fee:	\$ 2,891
Total Possible Fees Collected:	\$ 2,257,871
<b>Difference between Original &amp; Proposed:</b>	<b>\$ 585,750</b>

### City Financing Scenario for Project Funds Needed

Est. Additional Project Funds Needed:	\$ 1,200,000
Term:	20 years
Est. Interest Rate:	3.5% - 4%
Est. Reserve & Issuance Costs:	\$ 160,000
Total Bond Issuance:	\$ 1,360,000
Est. Monthly Debt Service Payment:	\$ 8,000
Est. Annual Debt Service Payments:	\$ 96,000
Est. Total Debt Service Paid-20 yrs.:	\$ 1,920,000
<b>Est. Cost of Bond Financing Over Term :</b>	<b>\$ 720,000</b>





December 18, 2018

Brant Gary  
Assistant City Manager  
City of Fulshear  
30603 FM 1093 West  
Fulshear, TX 77441

Re: Memorandum of Understanding – Advanced Impact Fee Payments and Adjustments for Polo Ranch

Dear Mr. Gary,

This Memorandum of Understanding serves as documentation of our communications regarding Polo Ranch Capital Recovery Fees due to the City of Fulshear and the possibility of advance payments of a portion of those fees to the City of Fulshear in exchange for consideration to Century Communities.

The Development and Utility Agreement governing the Polo Ranch project includes a \$3,641 per lot Capital Recovery Fee to be paid at plat. At the projected 781 total lots, total fees to be paid for the Polo Ranch project to the City of Fulshear are \$2,843,621.

As a source of funds to pay for utility extensions along FM 359, the City of Fulshear and Century Communities have proposed that Century Communities, as the Developer of Polo Ranch, advance \$1,200,000 of the Capital Recovery Fees to the City of Fulshear, in exchange for consideration.

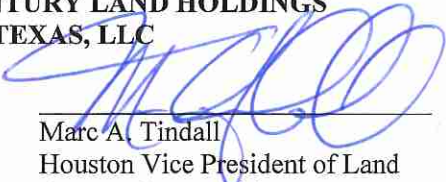
The proposed consideration from Century Communities includes the following:

1. A reduction in the Capital Recovery Fee from \$3,641 per lot to \$2,891 per lot
2. Phase 1 Plats include Section 1, Section 2, and Section 3, which total 150 lots. Phase 1 fees due to the City of Fulshear would be \$433,650, assuming adjusted fees of \$2,891 per lot. Accordingly, of the \$1,200,000 needed by the City of Fulshear to fund the utility extension, \$433,650 is due for Phase 1 Plat and \$766,350 would be paid to the City of Fulshear as advance fee payments to be credited at a rate of \$2,891 per lot applied to future Capital Recovery Fees due to the City of Fulshear for future Plats. The \$433,650 due for Phase 1 Plats shall be paid to the City of Fulshear in January 2019. The \$766,350 in advance fee payments shall be paid to the City of Fulshear in March 2019.
3. As additional consideration for the advance Impact Fee payments from Century Communities to the City of Fulshear, the City of Fulshear shall approve the implementation of a Residential Home Sales Trailer on the Commercial Tract owned by Mr. Lou Waters and related entities. The Sales Trailer shall comply with the building codes and standards of the City of Fulshear for Sales Trailers. Refer to Exhibit "A" Sales Trailer location. The Sales Trailer shall be approved to be implemented for the period February 1, 2019 to December 31, 2019.

4. As additional consideration for the advance Impact Fee payments from Century Communities to the City of Fulshear, the City of Fulshear shall approve “early starts” to include the construction of 2 models in Section 1, as well as 12 “early start” production homes in Sections 1, 2, and 3. Early starts are defined as the commencement of construction of homes prior to full acceptance of the development improvements for each section. Typically, stabilized road base and fire protection are minimum standards in many municipalities allowing early starts. Century Communities agrees that early starts would require paved (but not fully accepted) streets. Century Communities acknowledges that further discussion and definition of “early starts” by the City of Fulshear is required. Century Communities agrees to comply with the requirements of the City of Fulshear for early start models and production homes. Refer to Exhibit “B” for early start models and production homes.

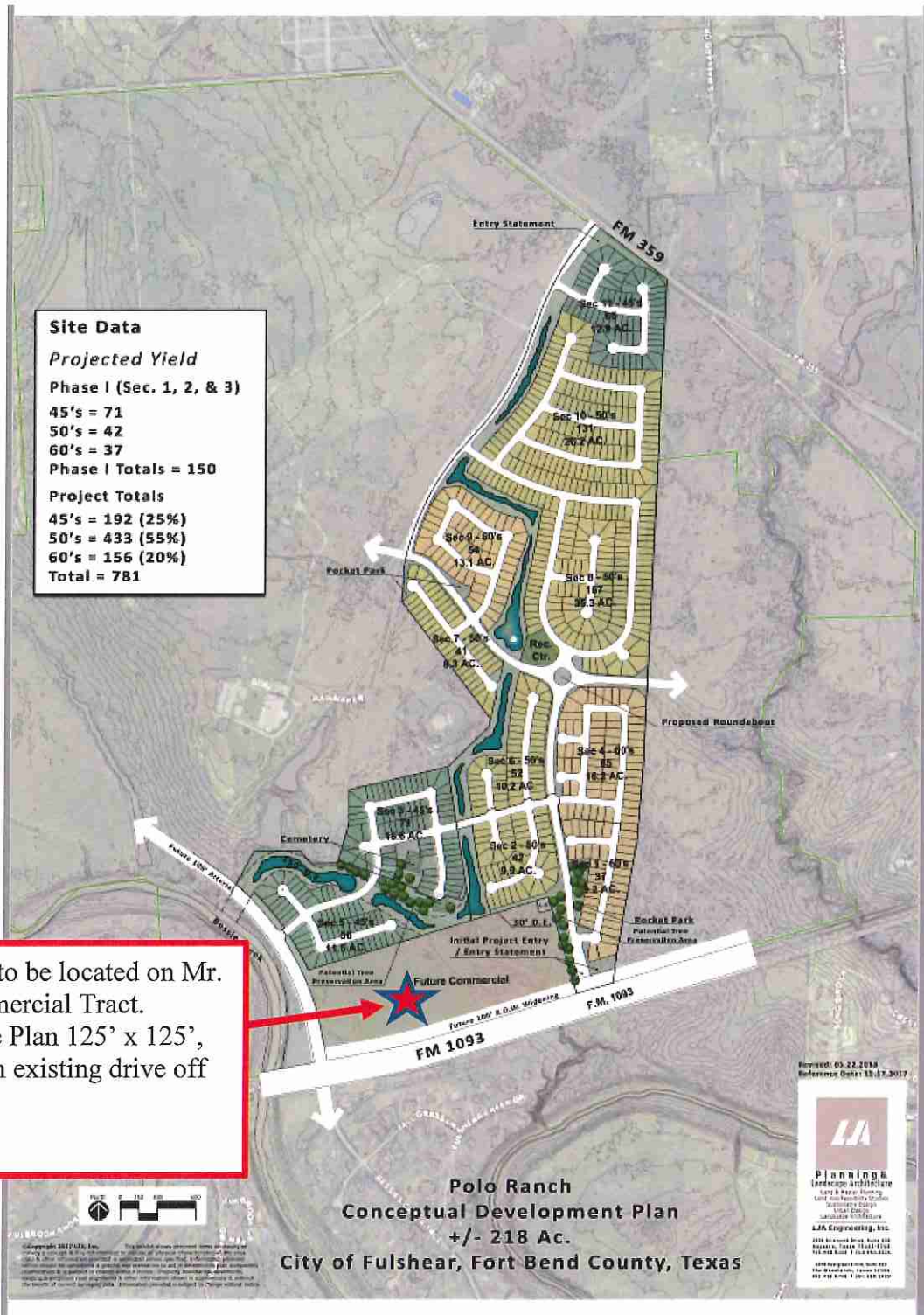
**CENTURY LAND HOLDINGS  
OF TEXAS, LLC**

By: \_\_\_\_\_



Marc A. Tindall  
Houston Vice President of Land  
Century Communities

**EXHIBIT "A" – SALES TRAILER LOCATION**



**Site Data**

*Projected Yield*

**Phase I (Sec. 1, 2, & 3)**

45's = 71  
 50's = 42  
 60's = 37  
**Phase I Totals = 150**

**Project Totals**

45's = 192 (25%)  
 50's = 433 (55%)  
 60's = 156 (20%)  
**Total = 781**

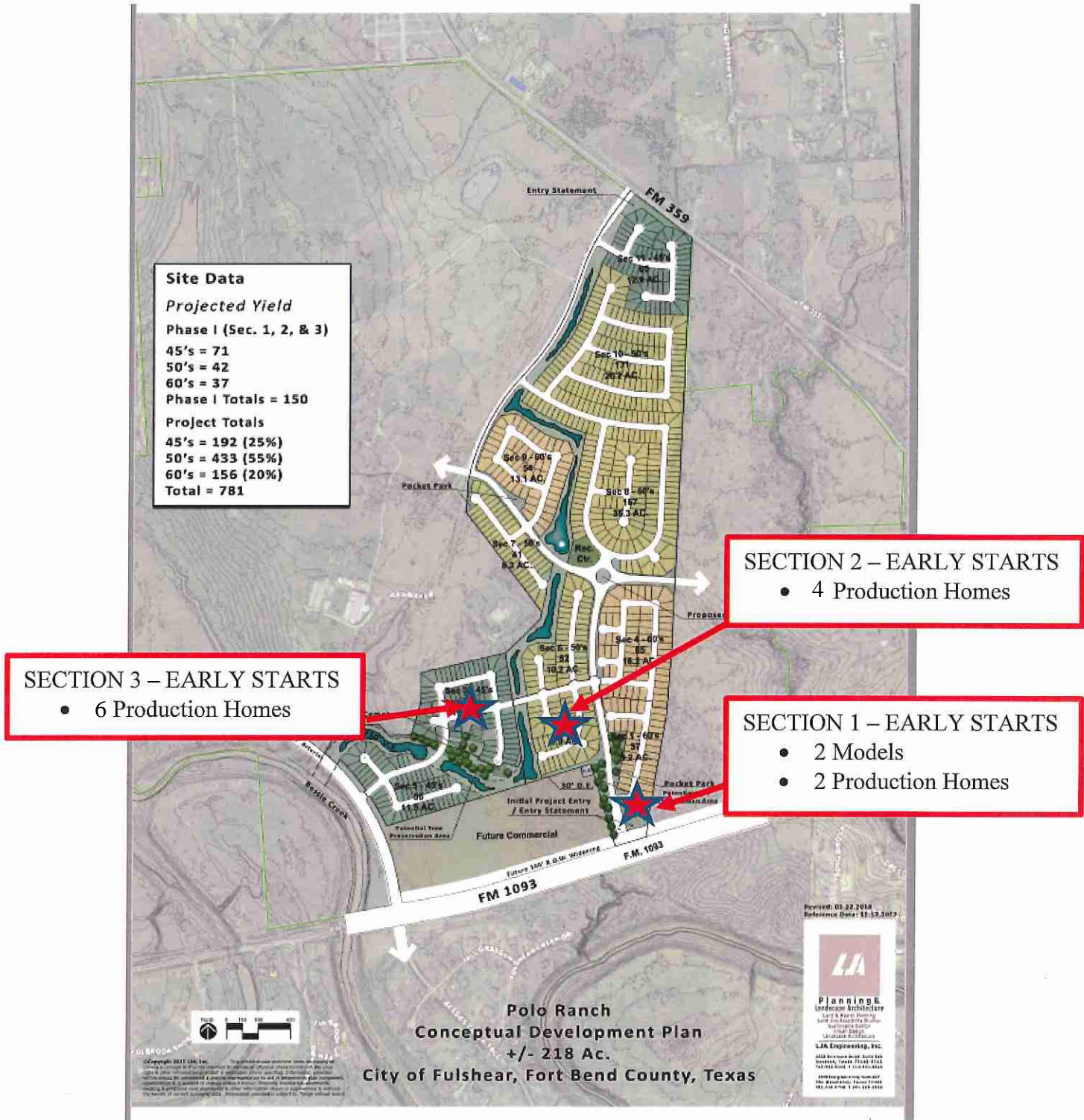
Sales Trailer to be located on Mr. Waters Commercial Tract. Proposed Site Plan 125' x 125', accessed from existing drive off FM 1093.

Revised: 03.22.2018  
 Reference Date: 11.17.2017

**Planning & Landscape Architecture**  
 LJA & Partners  
 LJA Engineering, Inc.  
 4800 West Loop South, Suite 100  
 Houston, TX 77056  
 Phone: 281-410-1100  
 Fax: 281-410-1101  
 www.lja.com



**EXHIBIT "B" – PROPOSED EARLY STARTS – MODELS AND PRODUCTION**



FIRST AMENDMENT TO  
UTILITY AGREEMENT  
BETWEEN THE CITY OF FULSHEAR, TEXAS,  
AND FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 174

This First Amendment to Utility Agreement between the City of Fulshear, Texas, and Fort Bend County Municipal Utility District No. 174 (this "Amendment"), is made and entered into as of the 15th day of January, 2019, by THE CITY OF FULSHEAR, TEXAS (the "City"), a home rule municipality in Fort Bend County, Texas, acting by and through its governing body the City Council of Fulshear, Texas; and FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 174 (the "District"), a political subdivision.

RECITALS

The City, Fulshear Investments, Inc., Fulshear Equine, LLC, and Johnson Development Services, LLC, on behalf of the District (Fulshear Investments, Inc., Fulshear Equine, LLC, and Johnson Development Services, LLC are collectively referred to as "Developer"), entered into a Utility Agreement dated as of January 5, 2016 (the "Agreement"), with regard to approximately 270.482 acres of land in Fort Bend County, Texas, described by metes and bounds in Exhibit A (the "Property"). Pursuant to the Agreement, the District automatically assumes all rights, duties and obligations of Developer under the Agreement upon creation and confirmation of the District.

The City has requested that the District agree to maintain the Cemetery Reserve to be shown on the recorded plat of Section 3, Polo Ranch, and, upon dissolution of the District, convey the Cemetery Reserve to the Polo Ranch homeowner's association for ownership and maintenance.

The City and the District have agreed that if the District advances capital recovery fees in accordance with an adjusted payment schedule, the City will reduce the capital recovery fees owed per ESFC (as defined in the Agreement).

The City and the District desire to amend the Agreement.

The City is authorized to enter into this Amendment pursuant to Section 212.172 of the Texas Local Government Code and the City of Fulshear Home Rule Charter. The City and the District are proceeding in reliance on the enforceability of this Amendment.

NOW, THEREFORE, for and in consideration of the mutual agreements, covenants, and conditions contained herein, and other good and valuable consideration, the City and Landowners agree as follows:

1. Section 2.16 of the Agreement is hereby deleted in its entirety and replaced with the following:

Section 2.16 Detention Ponds and Parks. The District may design, finance, construct, own and operate a system of public parks and open spaces (including, without limitation, the Open Space dedicated to the District in accordance with Section 3.06 of the Development Agreement), and detention ponds and drainage channels, in the community. The District shall maintain this public park system, including, without limitation, the Cemetery Reserve to be shown on the recorded plat of Section 3, Polo Ranch (the "Cemetery Reserve"), and such detention ponds and drainage channels, at its sole cost and expense unless and until the City dissolves the District, in which case such facilities owned by the District will become the property of the City. Notwithstanding anything to the contrary set forth herein, prior to dissolution of the District, the District will convey the Cemetery Reserve to the Polo Ranch homeowner's association (the "HOA") for ownership and maintenance. Further, the District agrees to maintain or cause to be maintained the Cemetery Reserve in a condition that does not endanger the public health, safety, comfort or welfare, and Century Land Holdings of Texas, LLC agrees to include a provision in the restrictive covenants for Polo Ranch whereby the HOA agrees, upon conveyance of the Cemetery Reserve by the District to the HOA, to maintain the Cemetery Reserve in a condition that does not endanger the public health, safety, comfort or welfare.

2. Section 3.01 of the Agreement is hereby deleted in its entirety and replaced with the following:

Section 3.01 Capacity. The City shall provide water and wastewater treatment services to the Property as needed by Developer, and shall expand its water and wastewater treatment facilities from time to time so that it may timely provide such services to the Property. To provide such services, the City shall, no later than June 30, 2020, complete construction of a water distribution line connecting from the end of the current City water distribution line along FM 359 to the District's entrance on the Property along FM 359 (the "Water Line Extension"). The City and the District confirm that the City has completed construction of (i) a water distribution line connecting the Water Plant to the District's entrance on the Property along FM 1093, and (ii) a wastewater collection line connecting the Sanitary Sewer Treatment Plant to the District's entrance on the Property along FM 1093.



3. Section 3.02 of the Agreement is hereby deleted in its entirety and replaced with the following:

Section 3.02 Capital Recovery Fees. To expedite the construction of the Water Line Extension, the District and Developer have agreed to advance to the City combined capital recovery fees for water supply and wastewater supply services (the "Capital Recovery Fees") for a portion of the Project that are owed or will be owed to the City in the amount of \$1,200,000. As consideration for such advancement of the Capital Recovery Fees by the District, the City has agreed to reduce the Capital Recovery Fees to \$2,891 per ESFC for the Project. The Capital Recovery Fees will be paid by the District in accordance with the following schedule:

<b>Due Date</b>	<b>Amount Due</b>
January 31, 2019	\$433,650 for Capital Recovery Fees owed for 150 ESFCs for Polo Ranch, Section 1; Polo Ranch, Section 2; and Polo Ranch, Section 3
March 31, 2019	\$766,350 for Capital Recovery Fees owed for 265.08 ESFCs for future plats in the District (the "Capital Recovery Fee Deposit")

The Capital Recovery Fee Deposit will be credited to the City's Capital Recovery Fees attributable to the Project when due and owing by the District or Developer until the Capital Recovery Fee Deposit is utilized in full. When ESFCs in excess of 415.08 ESFCs are needed for the Project, the District or Developer agree to pay the City the Capital Recovery Fees in the amount of \$2,891 per ESFC for such future stages of the Project, and such Capital Recovery Fees for each stage of development will be due from the District or Developer at the time a plat for the applicable stage of development is submitted to the City for approval.

In the event that payments for the Capital Recovery Fees are not advanced in accordance with the schedule set forth above, the reduced Capital Recovery Fee set forth above shall no longer apply, the District or Developer will pay the City Capital Recovery Fees in the amount of \$3,641 per ESFC for the Project, and such Capital Recovery Fees for each stage of development will be due from the District or Developer at the time a plat for the applicable stage of development is submitted to the City for approval.

No Capital Recovery Fees will be modified for purposes of this Agreement until the Project is complete.

4. Section 7.17 is added as follows:

Section 7.17 Model Homes. As consideration for the advancement of Capital Recovery Fees in accordance with Section 3.02, the City finds that, for purposes of construction of up to fourteen (14) model homes in Polo Ranch, Section 1; Polo Ranch, Section 2; and Polo Ranch, Section 3:

- (a) "all required improvements" under Section 1.226(5)(a) of the City's Code of Ordinances means a paved roadway and fire protection; and
- (b) "public improvements" under Section 1.226(5)(c) of the City's Code of Ordinances means a paved roadway and fire protection.

Developer agrees to comply with all other requirements found in Section 1-226(5)(a-j) of the City's Code of Ordinances.

5. Section 7.18 is added as follows:

Section 7.18 Temporary Sales Trailer. The City agrees that Developer may place a temporary trailer for the sale of residential homes within the District (the "Sales Trailer") on any property within the District, whether or not such property is owned by Developer. The Sales Trailer may remain in place from February 1, 2019, through December 31, 2019, and shall comply with all building codes and standards for such types of sales trailers.

6. The Agreement as amended hereby shall remain in full force and effect.

[EXECUTION PAGES FOLLOW]

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement to be effective as of the Effective Date.

CITY OF FULSHEAR, TEXAS

By: \_\_\_\_\_  
Aaron Groff, Mayor

Date: \_\_\_\_\_

ATTEST

By: \_\_\_\_\_  
Kim Kopecky, City Secretary

THE STATE OF TEXAS           §  
  §  
COUNTY OF FORT BEND       §

This instrument was acknowledged before me on the \_\_\_\_\_ day of January, 2019, by Aaron Groff, Mayor of the City Fulshear, Texas.

\_\_\_\_\_  
Notary Public, State of Texas

[Official Notary Stamp]



FORT BEND COUNTY MUNICIPAL  
UTILITY DISTRICT NO. 174

By: \_\_\_\_\_  
President, Board of Directors

ATTEST:

By: \_\_\_\_\_  
Secretary, Board of Directors

(SEAL)

THE STATE OF TEXAS           §  
  §  
COUNTY OF HARRIS           §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2019, by \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ of Fort Bend County Municipal Utility District No. 174.

\_\_\_\_\_  
Notary Public, State of Texas

[Official Notary Stamp]

EXECUTED on the \_\_\_\_\_ day of January, 2019, to confirm agreement with Section 2.16 of the Agreement.

POLO RANCH RESIDENTIAL COMMUNITY,  
INC.

By: \_\_\_\_\_  
Mike Shuping, Director

THE STATE OF TEXAS           §  
  §  
COUNTY OF HARRIS         §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2019, by Mike Shuping, Director of Polo Ranch Residential Community, Inc., a Texas non-profit corporation, on behalf of such non-profit corporation.

\_\_\_\_\_  
Notary Public, State of Texas

[Official Notary Stamp]

EXECUTED on the \_\_\_\_\_ day of January, 2019, to confirm agreement with Sections 3.02, 7.17, and 7.18 of the Agreement.

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

By: \_\_\_\_\_  
Marc A. Tindall  
Vice President of Land

THE STATE OF TEXAS           §  
  §  
COUNTY OF HARRIS           §

This instrument was acknowledged before me on the \_\_\_\_ day of January, 2019, by Mark A. Tindall, Vice President of Land of Century Land Holdings of Texas, LLC, a Colorado limited liability company, on behalf of such limited liability company.

\_\_\_\_\_  
Notary Public, State of Texas

[Official Notary Stamp]



Exhibit A

September 25, 2015  
Job Number 1406-3607

DESCRIPTION OF  
270.482 ACRES  
BOUNDARY OF  
FORT BEND COUNTY MUNICIPAL  
UTILITY DISTRICT NO. 174

Being 270.4820 acres of land located in the Churchill Fulshear League, Abstract 29, and in the John Randon League, Abstract 76, Fort Bend County, Texas, being a portion of that certain called 131.863 acre tract conveyed to Fulshear Equine, LLC. by an instrument of record in File Number 2012149212 of the Official Public Records of said Fort Bend County, Texas (F.B.C.O.P.R.), said 131.863 acres described in File Number 2006025582, F.B.C.O.P.R., a portion of that certain called 27.806 acre tract conveyed to Fulshear Equine, LLC. by an instrument of record in File Number 2008115118, F.B.C.O.P.R., a portion of that certain called 50.0 acre tract conveyed to Fulshear Equine, LLC. by an instrument of record in File Number 2012149212, F.B.C.O.P.R., a portion of that certain called 125.380 acre tract conveyed to Fulshear Investments by an instrument of record in Volume 2519, Page 212, Official Records of Fort Bend County, Texas (F.B.C.O.R.), and a portion of that certain called 41.2 acre tract conveyed to Fulshear Investments by an instrument of record in File Number 9573103, F.B.C.O.R., said 270.482 acres being more particularly described by metes and bounds as follows (all bearings referenced to said 131.863 acre tract);

COMMENCING for reference at the most northerly corner of aforementioned 131.863 acre tract, same being on the southwesterly right-of-way line of State Farm Market Road No. 359, (FM 359);

Thence, South 48° 48' 30" East, along the common line of said 131.683 acre tract and said FM 359, 148.26 feet to the POINT OF BEGINNING of the herein described tract;

270.482 acres

September 25, 2015  
Job Number 1406-3607

Thence, South 48° 48' 30" East, continuing along said common line, 682.94 feet to a point for corner, same being the northwesterly corner of that certain called 14.456 acre tract conveyed to Corporron Investment, Inc. by an instrument of record in File No. 2005099822, F.B.C.O.P.R., same being the northeasterly corner of said 131.863 acre tract, and the northeasterly corner of the herein described tract;

Thence, with the common line of said 14.456 acre tract and said 131.863 acre tract, the following two (2) courses:

1. South 06° 47' 20" West, 1,089.06 feet to a point for corner;
2. South 05° 25' 19" West, 307.50 feet to a point for corner, same being the southwesterly corner of said 14.456 acre tract, and the northwesterly corner of that certain called 101 acre tract conveyed to McCann Brothers by an instrument of record in File No. 2005014004, F.B.C.O.P.R.,

Thence, with the westerly line of said 101 acre tract, the following eight (8) courses:

1. South 07° 03' 25" West, with the easterly line of said 131.863 acre tract, 114.33 feet to a point for corner;
2. South 06° 21' 40" West, continuing with said easterly line, at 2,121.70 feet pass the southeasterly corner of said 131.863 acre tract and the northeasterly corner of aforementioned 50.0 acre tract, in all, 2,353.35 feet to a point for corner;
3. South 08° 30' 29" West, with the easterly line of said 50.0 acre tract, 600.35 feet to a point for corner;
4. South 14° 02' 12" West, continuing with the easterly line of said 50.0 acre tract, and the easterly line of aforementioned 125.380 acre tract, 600.22 feet to a point for corner;

270.482 acres

September 25, 2015  
Job Number 1406-3607

5. South  $12^{\circ} 19' 09''$  West, continuing with the easterly line of said 125.380 acre tract, 118.50 feet to a point for corner;
6. South  $14^{\circ} 55' 39''$  West, continuing with said easterly line, 139.54 feet to a point for corner;
7. South  $10^{\circ} 59' 01''$  West, continuing with said easterly line, 146.20 feet to a point for corner;
8. South  $10^{\circ} 29' 18''$  West, continuing with said easterly line, 120.87 feet to a point for corner on in the northwesterly line of the Metropolitan Transit Authority tract as described in Volume 2478, Page 1664, F.B.C.O.R., also being the southeasterly corner of said 125.380 acre tract, and the southwesterly corner of said 101 acre tract;

Thence, South  $77^{\circ} 06' 50''$  West, along the common line of said Metropolitan Transit Authority tract and said 125.380 acre tract, 1,323.00 feet to a point for corner, the beginning of a curve;

Thence, continuing with said common line, in a southwesterly direction, 663.60 feet along the arc of a tangent curve to the right, having a radius of 5,679.58 feet, a central angle of  $06^{\circ} 41' 40''$  and a chord which bears South  $80^{\circ} 27' 40''$  West, 663.22 feet to a point for corner;

Thence, South  $83^{\circ} 48' 30''$  West, along said common line, 286.18 feet to a point for corner, same being the most southerly southwesterly corner of the herein described tract;

Thence, North  $06^{\circ} 11' 30''$  West, a distance of 20.00' to a point for corner;

Thence, North  $61^{\circ} 37' 10''$  West, a distance of 100.41' to a point for corner, the beginning of a curve;



270.482 acres

September 25, 2015  
Job Number 1406-3607

Thence, in a northwesterly direction 167.43 feet along the arc of a non-tangent curve to the left, having a radius of 1105.83 feet, a central angle of  $08^{\circ} 40' 31''$  and a chord which bears North  $14^{\circ} 31' 10''$  West, 167.28 feet to a point for corner;

Thence, North  $18^{\circ} 51' 31''$  West, 117.44 feet to a point for corner, the beginning of a curve;

Thence, in a northwesterly direction, 162.27 feet along the arc of a tangent curve to the right, having a radius of 930.10 feet, a central angle of  $09^{\circ} 59' 46''$  and a chord which bears North  $13^{\circ} 51' 38''$  West, 162.07 feet to a point for corner;

Thence, North  $08^{\circ} 51' 45''$  West, 126.54 feet to a point for corner, the beginning of a curve;

Thence, in a northwesterly direction, 552.56 feet along the arc of a tangent curve to the left, having a radius of 1,070.00 feet, a central angle of  $29^{\circ} 35' 17''$  and a chord which bears North  $23^{\circ} 35' 17''$  West, 546.44 feet to a point for corner;

Thence, North  $38^{\circ} 27' 02''$  West, 291.57 feet to a point for corner;

Thence, North  $38^{\circ} 03' 56''$  East, 265.79 feet to a point for corner;

Thence, South  $71^{\circ} 51' 49''$  East, 503.00 feet to a point for corner;

Thence, South  $78^{\circ} 03' 11''$  East, 128.07 feet to a point for corner;

Thence, North  $02^{\circ} 23' 11''$  West, 431.71 feet to a point for corner;

Thence, North  $19^{\circ} 08' 08''$  East, 1,025.72 feet to a point for corner;

Thence, South  $85^{\circ} 41' 53''$  East, 31.23 feet to a point for corner, the beginning of a curve;

270.482 acres

September 25, 2015  
Job Number 1406-3607

Thence, in a northeasterly direction, 305.99 feet along the arc of a non-tangent curve to the left, having a radius of 720.00 feet, a central angle of  $24^{\circ} 21' 00''$  and a chord which bears North  $82^{\circ} 07' 37''$  East, 303.69 feet to a point for corner;

Thence, North  $69^{\circ} 57' 05''$  East, 119.66 feet to a point for corner;

Thence, North  $20^{\circ} 02' 55''$  West, 278.75 feet to a point for corner, the beginning of a curve;

Thence, in a northwesterly direction, 738.80 feet along the arc of a tangent curve to the right, having a radius of 1,200.00 feet, a central angle of  $35^{\circ} 16' 30''$  and a chord which bears North  $02^{\circ} 24' 40''$  West, 727.18 feet to a point for corner;

Thence, in a northeasterly direction, 1,079.50 feet along the arc of a tangent curve to the right, having a radius of 2,010.00 feet, a central angle of  $30^{\circ} 46' 17''$  and a chord which bears North  $30^{\circ} 36' 44''$  East, 1,066.57 feet to a point for corner;

Thence, North  $45^{\circ} 59' 52''$  East, 165.84 feet to a point for corner, the beginning of a curve;

Thence, in a northeasterly direction, 799.91 feet along the arc of a tangent curve to the left, having a radius of 2,000.00 feet, a central angle of  $22^{\circ} 54' 57''$  and a chord which bears North  $34^{\circ} 32' 24''$  East, 794.59 feet to a point for corner;

Thence, North  $23^{\circ} 04' 55''$  East, 80.28 feet to a point for corner, the beginning of a curve;

Thence, in a northeasterly direction, 632.15 feet along the arc of a tangent curve to the right, having a radius of 2,000.00 feet, a central angle of  $18^{\circ} 06' 35''$  and a chord which bears North  $32^{\circ} 08' 12''$  East, 629.52 feet to a point for corner;

270.482 acres

September 25, 2015  
Job Number 1406-3607

Thence, North 41° 11' 30" East, 362.48 feet to the POINT OF BEGINNING and containing 270.482 acres of land.

"This document, prepared under 22 TAC § 663.21, does not reflect the results of an on the ground survey and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared. It was also updated with an on-the-ground survey to remove some of the tract on 9-21-15.



*Heather L. Sides*  
92575

LJA Engineering, Inc.



**SECOND AMENDMENT TO DEVELOPMENT AGREEMENT  
BETWEEN THE CITY OF FULSHEAR, TEXAS, FULSHEAR INVESTMENTS, INC.,  
FULSHEAR EQUINE, LLC, AND JOHNSON DEVELOPMENT SERVICES, LLC**

This Second Amendment to Development Agreement between the City of Fulshear, Texas, Fulshear Investments, Inc., Fulshear Equine, LLC, and Johnson Development Services, LLC (this "Second Amendment"), is made and entered into as of January \_\_\_\_, 2019 (the "Effective Date"), by THE CITY OF FULSHEAR, TEXAS (the "City"), a home rule municipality in Fort Bend County, Texas, acting by and through its governing body, the City Council of Fulshear, Texas; FULSHEAR INVESTMENTS, INC., a Texas corporation ("Fulshear Investments"); and FULSHEAR EQUINE, LLC, a Texas limited liability company ("Fulshear Equine") (Fulshear Investments and Fulshear Equine are collectively referred to herein as "Landowners").

**RECITALS**

The City, Landowners, and Johnson Development Services, LLC, entered into a Development Agreement dated as of January 5, 2016 (the "Agreement"), with regard to approximately 270.482 acres of land in Fort Bend County, Texas, described by metes and bounds in Exhibit A (the "Property"). Johnson Development Services, LLC did not close on the purchase of the Property and is no longer a party to the Agreement.

The City and the Landowners entered into that certain Amendment to Development Agreement dated as of June 20, 2017 (the "First Amendment"), amending certain portions of the Agreement.

The City and the Landowners now desire to further amend the Agreement.

The City is authorized to enter into this Amendment pursuant to Section 212.172 of the Texas Local Government Code and the City of Fulshear Home Rule Charter. The City and the Landowners are proceeding in reliance on the enforceability of this Second Amendment.

NOW, THEREFORE, for and in consideration of the mutual agreements, covenants, and conditions contained herein, and other good and valuable consideration, the City and the Landowners agree as follows:

1. Section 3.12 of the Agreement is hereby deleted and replaced with the following:

Section 3.12 Signs. All signs within the Property shall be designed and constructed in accordance with the Sign Ordinance; provided that (1) in the event that the City amends the Sign Ordinance (the "Amended Sign

Ordinance”) before construction of signs within the Property begins, Developer may elect to apply the Amended Sign Ordinance to signs within the Property by providing written notice to the City, and (2) if Developer submits a master sign plan (“Master Sign Plan”) to the City and the City approves such Master Sign Plan, Developer shall comply with the terms and conditions of such Master Sign Plan.

2. The Agreement, including the First Amendment, as amended hereby, shall remain in full force and effect.

[ SIGNATURE PAGES FOLLOW ]

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement to be effective as of the Effective Date.

CITY OF FULSHEAR, TEXAS

\_\_\_\_\_  
Aaron Groff, Mayor

ATTEST:

\_\_\_\_\_  
Kimberly Kopecky, City Secretary

STATE OF TEXAS           §  
  §  
COUNTY OF FORT BEND   §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2019, by Aaron Groff, Mayor of the City of Fulshear, Texas.

\_\_\_\_\_  
Notary Public, State of Texas



FULSHEAR INVESTMENTS, INC.,  
a Texas corporation

By: \_\_\_\_\_  
Louis A. Waters, Director

STATE OF TEXAS           §  
                                      §  
COUNTY OF HARRIS           §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2019, by Louis A. Waters, Director of Fulshear Investments, Inc., a Texas corporation, on behalf of said corporation.

\_\_\_\_\_  
Notary Public, State of Texas

FULSHEAR INVESTMENTS, INC.,  
a Texas corporation

By: \_\_\_\_\_  
Louis A. Waters, Director

STATE OF TEXAS           §  
                                      §  
COUNTY OF HARRIS           §

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2019, by Louis A. Waters, Director of Fulshear Investments, Inc., a Texas corporation, on behalf of said corporation.

\_\_\_\_\_  
Notary Public, State of Texas

**Exhibit A**

September 25, 2015  
Job Number 1406-3607

**DESCRIPTION OF  
270.482 ACRES  
BOUNDARY OF  
FORT BEND COUNTY MUNICIPAL  
UTILITY DISTRICT NO. 174**

Being 270.4820 acres of land located in the Churchill Fulshear League, Abstract 29, and in the John Randon League, Abstract 76, Fort Bend County, Texas, being a portion of that certain called 131.863 acre tract conveyed to Fulshear Equine, LLC. by an instrument of record in File Number 2012149212 of the Official Public Records of said Fort Bend County, Texas (F.B.C.O.P.R.), said 131.863 acres described in File Number 2006025582, F.B.C.O.P.R., a portion of that certain called 27.806 acre tract conveyed to Fulshear Equine, LLC. by an instrument of record in File Number 2008115118, F.B.C.O.P.R., a portion of that certain called 50.0 acre tract conveyed to Fulshear Equine, LLC. by an instrument of record in File Number 2012149212, F.B.C.O.P.R., a portion of that certain called 125.380 acre tract conveyed to Fulshear Investments by an instrument of record in Volume 2519, Page 212, Official Records of Fort Bend County, Texas (F.B.C.O.R.), and a portion of that certain called 41.2 acre tract conveyed to Fulshear Investments by an instrument of record in File Number 9573103, F.B.C.O.R., said 270.482 acres being more particularly described by metes and bounds as follows (all bearings referenced to said 131.863 acre tract);

COMMENCING for reference at the most northerly corner of aforementioned 131.863 acre tract, same being on the southwesterly right-of-way line of State Farm Market Road No. 359, (FM 359);

Thence, South 48° 48' 30" East, along the common line of said 131.683 acre tract and said FM 359, 148.26 feet to the POINT OF BEGINNING of the herein described tract;



270.482 acres

September 25, 2015  
Job Number 1406-3607

Thence, South  $48^{\circ} 48' 30''$  East, continuing along said common line, 682.94 feet to a point for corner, same being the northwesterly corner of that certain called 14.456 acre tract conveyed to Corporron Investment, Inc. by an instrument of record in File No. 2005099822, F.B.C.O.P.R., same being the northeasterly corner of said 131.863 acre tract, and the northeasterly corner of the herein described tract;

Thence, with the common line of said 14.456 acre tract and said 131.863 acre tract, the following two (2) courses:

1. South  $06^{\circ} 47' 20''$  West, 1,089.06 feet to a point for corner;
2. South  $05^{\circ} 25' 19''$  West, 307.50 feet to a point for corner, same being the southwesterly corner of said 14.456 acre tract, and the northwesterly corner of that certain called 101 acre tract conveyed to McCann Brothers by an instrument of record in File No. 2005014004, F.B.C.O.P.R.,

Thence, with the westerly line of said 101 acre tract, the following eight (8) courses:

1. South  $07^{\circ} 03' 25''$  West, with the easterly line of said 131.863 acre tract, 114.33 feet to a point for corner;
2. South  $06^{\circ} 21' 40''$  West, continuing with said easterly line, at 2,121.70 feet pass the southeasterly corner of said 131.863 acre tract and the northeasterly corner of aforementioned 50.0 acre tract, in all, 2,353.35 feet to a point for corner;
3. South  $08^{\circ} 30' 29''$  West, with the easterly line of said 50.0 acre tract, 600.35 feet to a point for corner;
4. South  $14^{\circ} 02' 12''$  West, continuing with the easterly line of said 50.0 acre tract, and the easterly line of aforementioned 125.380 acre tract, 600.22 feet to a point for corner;

270.482 acres

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5. South  $12^{\circ} 19' 09''$  West, continuing with the easterly line of said 125.380 acre tract, 118.50 feet to a point for corner;
6. South  $14^{\circ} 55' 39''$  West, continuing with said easterly line, 139.54 feet to a point for corner;
7. South  $10^{\circ} 59' 01''$  West, continuing with said easterly line, 146.20 feet to a point for corner;
8. South  $10^{\circ} 29' 18''$  West, continuing with said easterly line, 120.87 feet to a point for corner on in the northwesterly line of the Metropolitan Transit Authority tract as described in Volume 2478, Page 1664, F.B.C.O.R., also being the southeasterly corner of said 125.380 acre tract, and the southwesterly corner of said 101 acre tract;

Thence, South  $77^{\circ} 06' 50''$  West, along the common line of said Metropolitan Transit Authority tract and said 125.380 acre tract, 1,323.00 feet to a point for corner, the beginning of a curve;

Thence, continuing with said common line, in a southwesterly direction, 663.60 feet along the arc of a tangent curve to the right, having a radius of 5,679.58 feet, a central angle of  $06^{\circ} 41' 40''$  and a chord which bears South  $80^{\circ} 27' 40''$  West, 663.22 feet to a point for corner;

Thence, South  $83^{\circ} 48' 30''$  West, along said common line, 286.18 feet to a point for corner, same being the most southerly southwesterly corner of the herein described tract;

Thence, North  $06^{\circ} 11' 30''$  West, a distance of 20.00' to a point for corner;

Thence, North  $61^{\circ} 37' 10''$  West, a distance of 100.41' to a point for corner, the beginning of a curve;

270.482 acres

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Thence, in a northwesterly direction 167.43 feet along the arc of a non-tangent curve to the left, having a radius of 1105.83 feet, a central angle of  $08^{\circ} 40' 31''$  and a chord which bears North  $14^{\circ} 31' 10''$  West, 167.28 feet to a point for corner;

Thence, North  $18^{\circ} 51' 31''$  West, 117.44 feet to a point for corner, the beginning of a curve;

Thence, in a northwesterly direction, 162.27 feet along the arc of a tangent curve to the right, having a radius of 930.10 feet, a central angle of  $09^{\circ} 59' 46''$  and a chord which bears North  $13^{\circ} 51' 38''$  West, 162.07 feet to a point for corner;

Thence, North  $08^{\circ} 51' 45''$  West, 126.54 feet to a point for corner, the beginning of a curve;

Thence, in a northwesterly direction, 552.56 feet along the arc of a tangent curve to the left, having a radius of 1,070.00 feet, a central angle of  $29^{\circ} 35' 17''$  and a chord which bears North  $23^{\circ} 35' 17''$  West, 546.44 feet to a point for corner;

Thence, North  $38^{\circ} 27' 02''$  West, 291.57 feet to a point for corner;

Thence, North  $38^{\circ} 03' 56''$  East, 265.79 feet to a point for corner;

Thence, South  $71^{\circ} 51' 49''$  East, 503.00 feet to a point for corner;

Thence, South  $78^{\circ} 03' 11''$  East, 128.07 feet to a point for corner;

Thence, North  $02^{\circ} 23' 11''$  West, 431.71 feet to a point for corner;

Thence, North  $19^{\circ} 08' 08''$  East, 1,025.72 feet to a point for corner;

Thence, South  $85^{\circ} 41' 53''$  East, 31.23 feet to a point for corner, the beginning of a curve;



270.482 acres

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Thence, in a northeasterly direction, 305.99 feet along the arc of a non-tangent curve to the left, having a radius of 720.00 feet, a central angle of 24° 21' 00" and a chord which bears North 82° 07' 37" East, 303.69 feet to a point for corner;

Thence, North 69° 57' 05" East, 119.66 feet to a point for corner;

Thence, North 20° 02' 55" West, 278.75 feet to a point for corner, the beginning of a curve;

Thence, in a northwesterly direction, 738.80 feet along the arc of a tangent curve to the right, having a radius of 1,200.00 feet, a central angle of 35° 16' 30" and a chord which bears North 02° 24' 40" West, 727.18 feet to a point for corner;

Thence, in a northeasterly direction, 1,079.50 feet along the arc of a tangent curve to the right, having a radius of 2,010.00 feet, a central angle of 30° 46' 17" and a chord which bears North 30° 36' 44" East, 1,066.57 feet to a point for corner;

Thence, North 45° 59' 52" East, 165.84 feet to a point for corner, the beginning of a curve;

Thence, in a northeasterly direction, 799.91 feet along the arc of a tangent curve to the left, having a radius of 2,000.00 feet, a central angle of 22° 54' 57" and a chord which bears North 34° 32' 24" East, 794.59 feet to a point for corner;

Thence, North 23° 04' 55" East, 80.28 feet to a point for corner, the beginning of a curve;

Thence, in a northeasterly direction, 632.15 feet along the arc of a tangent curve to the right, having a radius of 2,000.00 feet, a central angle of 18° 06' 35" and a chord which bears North 32° 08' 12" East, 629.52 feet to a point for corner;

270.482 acres

September 25, 2015  
Job Number 1406-3607

Thence, North 41° 11' 30" East, 362.48 feet to the POINT OF BEGINNING and containing 270.482 acres of land.

"This document, prepared under 22 TAC § 663.21, does not reflect the results of an on the ground survey and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared. It was also updated with an on-the-ground survey to remove some of the tract on 9-21-15.



*Heather L. Sides*  
9/25/15

LJA Engineering, Inc.

**AGENDA MEMO  
BUSINESS OF THE CITY COUNCIL  
CITY OF FULSHEAR, TEXAS**

<b>AGENDA OF:</b>	January 15, 2019	<b>AGENDA ITEM:</b>	BUS- G
<b>DATE SUBMITTED:</b>	January 4, 2019	<b>DEPARTMENT:</b>	Administration
<b>PREPARED BY:</b>	Kimberly Kopecky	<b>PRESENTER:</b>	Kimberly Kopecky
<b>SUBJECT: Consideration and possible action approving Ordinance No. 2019-1289, ordering an election on May 4, 2019</b>			
<b>ATTACHMENTS:</b> 1) Ordinance No. 2019-1289 2) Important Dates- Election Calendar			
<b>EXPENDITURE REQUIRED:</b>	N/A		
<b>AMOUNT BUDGETED:</b>	N/A		
<b>ACCOUNT NO.:</b>	N/A		
<b>ADDITIONAL APPROPRIATION REQUIRED:</b>	N/A		
<b>ACCOUNT NO.:</b>	N/A		

**EXECUTIVE SUMMARY**

The City of Fulshear will conduct a General Election on Saturday, May 4, 2019 to elect four Council Members – one each from **District 1, District 4, District 5, and an At-Large position**. The City contracts with the Fort Bend County Elections Office to administer the election. Kimberly Kopecky will be present to answer any questions.

**RECOMMENDATION**

Staff recommends that the City Council approve Ordinance No. 2019-1289 ordering the election for the City of Fulshear.



**ORDINANCE NO. 2019-1289**

**AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, ORDERING AN ELECTION TO BE HELD ON SATURDAY, THE 4TH DAY OF MAY, 2019, FOR THE PURPOSE OF ELECTING CITY OFFICIALS; APPOINTING AN EARLY VOTING CLERK; STATING THE EARLY VOTING CLERK'S OFFICIAL MAILING ADDRESS; DESIGNATING AN EMAIL ADDRESS FOR RECEIPT OF AN APPLICATION FOR A BALLOT TO BE VOTED BY MAIL; STATING THE MAIN EARLY VOTING POLLING LOCATION AND THE REGULAR DATES AND HOURS THAT EARLY VOTING WILL BE CONDUCTED; AND PROVIDING FOR SEVERABILITY.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS:**

**SECTION 1.0** That an election is hereby ordered to be held on Saturday, the 4th day of May 2019, for the purpose of electing city officials of the City of Fulshear, Texas, and to-wit:

**Council Member At-Large;**

**Council Member, District 1;**

**Council Member, District 4; and**

**Council Member, District 5**

**SECTION 2.0** That John W. Oldham, Elections Administrator of Fort Bend County, Texas, is hereby appointed as the early voting clerk for the election.

**SECTION 3.0** That applications for ballot by mail shall be mailed to:

John W. Oldham  
301 Jackson St.  
Richmond, TX 77469-3108  
[vote@fortbendcountytexas.gov](mailto:vote@fortbendcountytexas.gov)

**SECTION 4.0** Those applications for ballots by mail must be received no later than the close of business on April 23, 2019.

**SECTION 5.0** That early voting by personal appearance will be conducted each weekday at the main early voting polling place, the Irene Stern Community Center, 6920 Fulshear-Katy Road, Fulshear, Texas, between the hours of 8AM-5PM beginning on April 22, 2019, and ending on April 26, 2019, and between the hours of 7AM- 7PM beginning on April 29, 2019 and ending on April 30, 2019.

**SECTION 6.0** That in full compliance with the *Texas Election Code*, Section 4.002, the Mayor of the City of Fulshear shall have authority and is required to give notice of this election; and such notice shall be given by publishing the notice at least once, not earlier than the 30th day or later than the 10th day before the election, in a newspaper of general circulation or the official newspaper of the City.

**SECTION 7.0** That in addition to the notice as herein previously provided, not later than the 21st day before the election, the Mayor of the City shall post a copy of the notice of the election on the bulletin board used for posting notices of the meetings of the governing body of the City and on the City website, and shall forward the election notice to the County Clerk/Election Administrator and Voter Registrar.

**SECTION 8.0** That the notice as herein required shall provide a statement as to the nature and date of the election, the location of each polling place and the hours the polls will be open, and shall be signed by the Mayor; and an appropriate record of the notice signed by the Mayor and an appropriate record of the notice requirements shall be maintained in accordance with the *Texas Election Code*, Section 4.005.

**SECTION 9.0** That voting at the election, including early voting, shall be by the use of equipment necessary for operating a voting system acquired by the City pursuant to the standards provided for in Sections 123.032 and 123.035 of the *Texas Election Code*.

**SECTION 10.0** That the City Council of the City of Fulshear authorizes and directs appropriate officers of the City to take such appropriate action as shall be deemed necessary to ensure that all persons qualified to vote are afforded the opportunity to do so and that all election judges or alternate election judges are assisted in any manner that they may request.

**SECTION 11.0** That in the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Fulshear, Texas declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

**SECTION 12.0** Pursuant to Section 63.0013, Election Code, an election officer may give voting order priority to individuals with a mobility problem that substantially impairs the person's ability to move around.

[SIGNATURES APPEAR ON NEXT PAGE]

**PASSED, APPROVED AND ADOPTED** this the 15th day of January, 2019.

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Aaron Groff,  
Mayor

ATTEST:

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Kimberly Kopecky  
City Secretary



**ORDENANZA NO. 2019-1289 (Spanish version)**

**UNA ORDENANZA DE LA CIUDAD DE FULSHEAR, TEXAS, ORDENANDO UNA ELECCION QUE SE REALIZARA EL SABADO, EL 4th DIA DE MAYO DE 2019 PARA EL PROPOSITO DE ELEGIR FUNCIONARIOS DE LA CIUDAD: EL NOMBRAMIENTO DE SECRETARIO DE VOTACION ANTICIPADA: DECLARAR LA DIRECCION DE CORREO OFICIAL DE SECRETARIO DE VOTACION TEMPRANA; DESIGNACION DE CORREO ELECTRONICO PARA RECIBIR UNA SOLICITUD DE VOTACION PARA SER VOTADA POR CORREO; INDICANDO EL LUGAR DE VOTACION PRINCIPAL DE VOTACION TEMPRANA Y LAS FECHAS Y HORAS REGULARES QUE LA VOTACION ANTICIPADA SE LLEVARA A CABO; Y PROPORCIONANDO LA DIVISIBILIDAD.**

**SE ORDENE POR EL CONSEJO DE CIUDAD DE LA CIUDAD DE FULSHEAR, TEXAS:**

**SECCION 1.0** Que se ordena una eleccion que se realizara el sabado, el 4th dia de Mayo, 2019, para el proposito de elegir funcionarios de la Ciudad de Fulshear, Texas, esto es: Miembro del consejo en grande; Miembro del consejo, Distrito No.2; Miembro del consejo, Distrito No.3; Miembro del consejo, Distrito No.4; y Alcalde Nota: Por Carta Uno (1) de la Ciudad de Fulshear, Miembro del Consejo elegido de un distrito con mienmbro i'.mico en el afio 2019 debera cumplir un termino de un ano. El miembro del consejo que sirve tal termino de un afio se determinara por sorteo en la primera reunion regular del Consejo de la Ciudad celebrada despues de las elecciones.

**SECCION 2.0** Que John W. Oldham, Administrador de Elecciones del Condado de Fort Bend, Texas, ha sido declarado como el secretario de votacion anticipada de la eleccion.

**SECCION 3.0** Que las solicitudes de boletas por correo se enviaran por correo o por correo electronico ha:

John W Oldham 301 Jackson St.  
Richmond, TX 77469-3108  
vote@fortbendcountytexas.gov

**SECCION 4.0**

Las solicitudes de boleta por correo deben ser recibidas sin mas tardar que el cierre de negocio el 23 de Abril del 2019.

**SECCION 5.0** Que la votacion anticipada por comparecencia personal se llevara a cabo cada dia de la semana en el lugar de votacion principal de votacion temprana, Irene Stern Community Center, 6920 Fulshear-Katy Road, Fulshear, Texas, entre las horas de 8AM-5PM empezando

Abril 22, 2019 y terminando April 26, 2019 y entre las horas de 7AM-7PM empezando Abril 29, 2019 y terminando Abril 30, 2019.

**SECCION 6.0** Que en pleno cumplimiento con el Codigo de Elecciones de Texas, Seccion 4.002, el alcalde de la ciudad de Fulshear tendra autoridad y esta obligado a dar aviso sobre esta eleccion y dicha notificacion se dara publicando el pedido al menos una vez, No antes de los 30 dias o mas tarde del dia 10, de la eleccion. En un periodico general o el periodico oficial de la ciudad.

**SECCION 7.0** Que ademas de la notificacion prevista en el presente, No mas tarde del dia 21 de la eleccion, el alcalde de la ciudad debera publicar una copia del aviso de la eleccion en el tablon de anuncios utilizado para publicar avisos de las reuniones del cuerpo gobernante de la ciudad, y en el sitio web de la ciudad y enviara el aviso de eleccion al secretario de estado.

**SECCION 8.0** Que este aviso como se requiere en este documento debera proveer una declaracion en cuanto a la naturaleza y fecha de la eleccion, la ubicacion de cada lugar de votacion y las horas en que las urnas estaran abiertas y sera firmado por el alcalde; Y un registro apropiado del notado firmado por el alcalde y un registro apropiado de los requisitos de aviso se mantendran de acuerdo con el Codigo de Elecciones de Texas, seccion 4.005.

**SECCION 9.0** Que la votacion en la eleccion, incluyendo la votacion anticipada, sera por el uso del equipo necesario para operar un sistema de votacion adquirido por la ciudad de acuerdo con los estandares previstos en las secciones 123.032 y 123.035 del Codigo Electoral de Texas.

**SECCION 10.0** Que los miembro del consejo de la Ciudad de Fulshear autorice y dirija a los oficiales apropiados de la ciudad a tomar las acciones apropiadas que se consideren necesarias para asegurar que todas las personas calificadas para votar tengan la oportunidad de hacerlo y que todos los jueces electorales o Los jueces alternos son asistidos de cualquier manera que ellos puedan solicitar.

**SECCION 11.0** Que en caso de que cualquier clausula, frase, disposicion, oracion o parte de esta ordenanza o la aplicacion de la misma a cualquier persona o circunstancias por cualquier razon sea declarada invalida o inconstitucional por un tribunal de jurisdiccion competente, noafectara, Menoscabar o invalidar esta ordenanza en su conjunto o cualquier parte o disposicion del presente documento que no sea la parte declarada invalida o inconstitucional; y los miembros de consejo de la Ciudad de Fulshear, Texas declara que habria pasado por todas y cada una de las partes de la misma a pesar de la omision de cualquier parte asi declarada invalida o unconstitucional, o si hubiese una o mas partes.

**SECCION 12.0** De conformidad con la seccion 63.0013, codigo de eleccion, un oficial electoral puede otorgar prioridad de orden de votacion a las personas con un problema de movilidad que afecta sustancialmente la capacidad de la persona para desplazarse .

**PASADO y APROBADO**, el dia de 15, January 2019.

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Aaron Groff,  
Alcalde de Ciudad de Fulshear, Texas

Dar fe:

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Kimberly Kopeke  
Secretaria de la Cuidad de Fulshear, Texas

**May 4, 2019 - Uniform Election Date**

<b>Authority conducting elections</b>	<b>Local political subdivisions and counties</b>
Deadline to post notice of candidate filing deadline <sup>1</sup>	Monday, December 17, 2018 for local political subdivisions that have a first day to file for their candidates <sup>1</sup>
First Day to Apply for Ballot by Mail	Tuesday, January 1, 2019*  <i>*First day to file does not move because of New Year's Day holiday. An "Annual ABBM" or FPCA for a January or February 2019 election may be filed earlier, but not earlier than the 60th day before the date of the January or February election.</i>
First Day to File Application for Place on Ballot, Local General Election (This is the 30 <sup>th</sup> day before the filing deadline)	Wednesday, January 16, 2019
Last Day for Filing Application for Place on Ballot, Local General Election	Friday, February 15, 2019 by 5:00 p.m.
Last Day to Order General Election or Election on a Measure	Friday, February 15, 2019
Last Day to Register to Vote	Thursday, April 4, 2019
First Day of Early Voting By Personal Appearance	Monday, April 22, 2019
Last Day to Accept Application by Mail for a Ballot to be voted by mail, by 12 noon or close of business, whichever is later. ( <b>Received</b> , not Postmarked)	Tuesday, April 23, 2019
Last Day of Early Voting By Personal Appearance	Tuesday, April 30, 2019
Last day to Receive Ballot by Mail	Monday, May 6, 2019 (Election Day) at 7:00 p.m. (unless overseas deadline applies)