



City of Abilene City Council Agenda

Shane Price, Council Member
Bruce Kreidler, Council Member
Kyle McAlister, Council
Member
Robert Hanna, City Manager

Norm Archibald,
Mayor

Anthony Williams, Mayor Pro-tem
Vacant Place 4
Steve Savage, Council Member
Stanley Smith, City Attorney
Danette Dunlap, City Secretary

Notice is hereby given of a meeting of the City Council of City of Abilene to be held on Thursday, March 9, 2017 at 8:30 AM at 555 Walnut Street, 2nd Floor Council Chambers, for the purpose of considering the following agenda items. All agenda items are subject to action. The City Council reserves the right to meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1. CALL TO ORDER

2. INVOCATION

1. Mayor Norm Archibald

3. PLEDGE TO THE UNITED STATES FLAG AND THE TEXAS FLAG

4. PRESENTATIONS, RECOGNITIONS, PROCLAMATIONS AND ANNOUNCEMENTS

1. **Employee Service Awards**

Candelario Flores Jr	Deputy Fire Chief	25 Years
James Walker	Police Officer	30 Years
Billy Schulle	Fire Fighter	35 Years
David Standard	Fire Fighter	35 Years

2. **Proclamation:**

100th Anniversary - Volunteers of America Texas

Award Presentations:

Texas Recreation and Park Society Leisure and Aging Cool Idea Award
Texas Recreation and Park Society Gold Medal Award

5. MINUTES

1. Approval of the Minutes from the February 21 Workshop Meeting and the February 23 Regular Meeting of the City Council.

6. CONSENT AGENDA

All consent agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember or Citizen so requests, in which event the item will be removed from the Consent Agenda and considered separately.

1. **Oral Resolution:** Extended Term Street Use License Request by EE&G, Inc., on behalf of Skinny's, LLC. **(Michael Rice)**
2. **Resolution:** Purchase Replacement for Water Department Tractor 3377 through BuyBoard Cooperative Purchasing. **(Chris Taylor)**
3. **Resolution:** Supporting CityLink's Application for 5310 Grant Funds **(Don Green)**

7. REGULAR AGENDA - ORDINANCES AND PUBLIC HEARINGS - RESOLUTIONS

1. **Ordinance & Public Hearing:** *(Final Reading)* Amending Chapter 19 "Nuisances and Illegal Dumping," Article III, "Nuisance Enforcement," Section 19-34 "Administrative Procedure for Junked Vehicles" and Section 19-35 "Penalties, Costs and Fees for Section 19-1: Junked Vehicle". **(Dana Schoening)**
2. **Ordinance & Public Hearing:** *(Final Reading)* **TC-2016-03** A request from Abilene Independent School District, Agent Tal Fillingim, to abandon an unimproved L-shaped strip of land in center of block bounded by Industrial Blvd., Amarillo, Vine and South 36th Streets. **(Dana Schoening)**
3. **Ordinance & Public Hearing:** *(Final Reading)* **Z-2017-03** A request from Ramsey Leasing Inc., agent Enprotect/Hibbs & Todd, to rezone property from AO (Agricultural Open Space) to GC (General Commercial), being 60.29 acres, located at 302 E. Overland Trail. **(Dana Schoening)**
4. **Resolution:** Award of Bid **#CB-1730** - South of Downtown Area Roadway Improvements Phase I **(Michael Rice)**
5. **Financial Workshop:** Discussion and possible action on the following items:
 - a. Review and Acceptance of FY 2016 Comprehensive Annual Financial Report - Davis, Kinard & Co. **(Mike Rains)**
 - b. Approval of expenditure of funds in excess of the three month reserve and fire apparatus procurement process **(Mike Rains)**
 - c. Approval of the Investment Policy. **(Mike Rains)**

8. EXECUTIVE SESSION

The City Council of the City of Abilene reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed, as authorized by Texas Government Code Sections

- 1. 551.071 (Consultation with Attorney)**
 - A) Regional Water Supply

The following pending litigation subjects which may be discussed are:

1. City of Abilene, Texas v. Aurora Bumgarner; 104th Judicial District Court, Taylor County, Texas; filed November 17, 2011
2. Chad Carter v. City of Abilene, Texas; Cause No. 10138-D, In the 350th

- Judicial District Court, Taylor County, Texas, filed June 17, 2014
3. Gary Lee and Marilu Lee Corpian v. City of Abilene, Cause No. 48,766-A in the 42nd District Court, filed August 7, 2014
 4. Margarita Mitchell, et al. v. The City of Abilene, et al., filed in the 350th Judicial District Court, Taylor County, Texas, on October 21, 2015
 5. Susan Lewis King & Austin King MD vs Ken Paxton, Attorney General of Texas and the City of Abilene. Cause No. D-1-GN-16-001160, filed March 16, 2016
 6. Abilene Matera LLC v. Board of Building Standards for the City of Abilene and City of Abilene, Cause No. 10696-D. March 17, 2016.
 7. Ruby Flores and Cory Almanza v. Jesus Verastegui, Alfredo Verastegui, Rosalva Verastegui, and City of Abilene, Cause No. 49368-A, 42nd District Court, Abilene, Taylor County, Texas, filed April 13, 2016
 8. E.G., et al. v. Barry Bond, City of Abilene, and Abilene Independent School District, Case 1:16-cv-00068-BL, U.S. District Court, Northern District, Abilene Division, filed April 28, 2016
 9. Gary Corpian and Marilu Lee Corpian v. City of Abilene, Texas, Cause No. 49451-A, In the 42nd Judicial District Court, Taylor County, Texas, filed June 24, 2016
 10. Robert Steven Reitz v. City of Abilene, Texas, et al., Case No. 1:16-cv-00181-BL; In the U.S. District Court, Northern District of Texas, Abilene Division, filed October 10, 2016
 11. Cause No. 11018-D; City of Abilene and Development Corporation of Abilene v. Texas Municipal League Governmental Risk Pool, In the 350th Judicial District Court, Taylor County, Texas, filed January 9, 2017

2. 551.072 (Deliberations about Real Property)

- A) Regional Water Supply

3. 551.073 (Deliberations about Gifts and Donations)

4. 551.074 (Personnel Matters)

City Council may consider appointment, employment, reassignment, duties, discipline, or dismissal of public officers or employees, City Manager, City Attorney, Municipal Court Judge, City Secretary, and City Board and Commission Members.

The following Boards and Commissions may be discussed:

Abilene Economic Development Company, Inc.
Abilene Health Facilities Development Corp.
Abilene Higher Education Facilities Corporation
Abilene-Taylor County Events Venue District
Board of Adjustments
Board of Building Standards
Civic Abilene, Inc.
Civil Service Commission
Development Corporation of Abilene, Inc.
Firemen's Pension Fund Board
Friends of Safety City Board
Frontier Texas! Board of Directors
Abilene Housing Authority

Landmarks Commission
Library Board
Mechanical/Plumbing/Electrical & Swimming Pool Board of Appeals
Mental Health-Mental Retardation Board of Trustees
9-1-1 Emergency Communications District Board of Managers
Parks & Recreation Board
Planning and Zoning Commission
Taylor County Appraisal District
West Central Texas Municipal Water District
Tax Increment Reinvestment Zone Board

5. 551.087 (Business Prospect/Economic Development)

A) Hotel Proposals

6. 551.076 (Deliberations about Security Devices)

9. RECONVENE

1. Action if needed from Executive Session

10. REGULAR AGENDA

1. **Resolution:** Appointing members to various boards and commissions per the City Charter. **(Dunlap)**
 - *Airport Development Board*
2. **Resolution:** Approving Development Corporation Of Abilene, Inc.'s Additional Funding to Support the New Texas State Technical College - Abilene Campus **(Kent Sharp)**

11. ADJOURNMENT

In compliance with the Americans with Disabilities Act, the City of Abilene will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 48 hours prior to the meetings. Please contact Danette Dunlap, City Secretary, at 325-676-6202.

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board at the City Hall of the City of Abilene, Texas, on the _____ day of February, 2017, at _____.

Danette Dunlap, City Secretary



**City Council
Agenda Memo**

City Council Meeting Date: 3/9/2017

TO: Robert Hanna, City Manager

FROM: Michael G. Rice, Director of Public Works

SUBJECT: Oral Resolution: Extended Term Street Use License Request by EE&G, Inc., on behalf of Skinny's, LLC. (Michael Rice)

GENERAL INFORMATION

EE&G, Inc. (EE&G), on behalf of Skinny's, Inc. (Skinny's), has applied for an Extended Term Street Use License (SUL) to install one groundwater monitoring well in the right of way necessary in the area bounded by Erie Street to the east, Buffalo Gap Road to the west, South 39th Street to the north and South 41st Street on the south. EE&G, Inc. is conducting additional site assessment of the groundwater at and around the former Skinny's (7-Eleven) located at 4001 Buffalo Gap Road, pursuant to the Texas Commission on Environmental Quality (TCEQ) requirement._

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

The staff recommends that the City Council, by oral resolution, authorize the Mayor to execute the attached Extended Term Street Use License Agreement with EE&G, Inc.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description	Type
❑ Extended Term SUL	Cover Memo
❑ Presentation Slides	Presentation

THE STATE OF TEXAS

STREET USE LICENSE AGREEMENT
EXTENDED TERM

COUNTY OF TAYLOR

THIS STREET USE LICENSE AGREEMENT, hereinafter referred to as "License", executed this ____ day of _____, A.D., 2017, by and between the CITY OF ABILENE, a municipal corporation situated in Taylor and Jones Counties, Texas, hereinafter referred to as "City", and EE&G, Inc., hereinafter referred to as "Licensee".

WITNESSETH:

That City, pursuant to Chapter 29, "Streets and Sidewalks", Article V, "Street Use License", does hereby grant to Licensee the privilege of using the following described public property, to-wit:

Use of public right-of-way where necessary for the purpose described below, approximately 10 (ten) feet from the edge of South 40th Street to the north

for and in consideration of THREE HUNDRED AND NO/100 (\$300.00) DOLLARS, commencing the date of execution unless otherwise specified, and upon the conditions and covenants set forth in this License and in Exhibit A incorporated by reference for all purposes herein.

I. Purpose:

The purpose of this License is to permit Licensee to:

Install one ground water monitoring well: EE&G, Inc., on behalf of Skinny's LLC is conducting additional lateral assessment activities as required by Texas Commission on Environmental Quality (TCEQ) for Skinny's LLC formerly located at 4001 Buffalo Gap Road (#38).

II. Indemnity:

A. Definitions

For the purpose of this section the following definitions apply:

"City" shall mean all officers, agents and employees of the City of Abilene.

"Claims" shall mean all claims, liens, suits, demands, accusations, allegations, assertions, complaints, petitions, proceedings and causes of action of every kind and description brought for damages.

"Licensee" includes the corporation, company, partnership, or other entity, its owners, officers, and/or partners, and their agents, successors, and assigns.

"Licensee's employees" shall mean any employees, officers, agents, subcontractors, licensee and invitees of Licensee.

"Damages" shall mean each and every injury, wound, hurt, harm, fee, damage, cost, expense, outlay, expenditure or loss of any and every nature, including but not limited to:

injury or damage to any property or right

injury, damage, or death to any person or entity

attorneys fees, witness fees, expert witness fees and expenses, and

all other costs and expenses of litigation

"Premise Defects" shall mean any defect, real or alleged, which now exists or which may hereafter arise upon the premises.

"Proven" shall mean that a court of competent jurisdiction has entered a final unappealable judgment on a claim adjudging an entity or person liable for a monetary judgment.

"Sole negligence" shall mean negligence of a party that is unmixed with the fault of any other person or entity.

B. Indemnity

The Licensee agrees to indemnify, hold harmless, and defend the City from and against liability for any claims arising out of the Licensee's occupancy or use of the premises described above and/or activities conducted in connection with this License.

Licensee must at all times exercise reasonable precautions on behalf of, and be solely responsible for, the safety of Licensee's employees while in the vicinity where the work is being done. The City is not liable or responsible for the negligence or intentional acts or omissions of the Licensee or Licensee's employees.

The City assumes no responsibility or liability for damages which are directly or indirectly attributable to premise defects which may now exist or which may hereafter arise on the premises, whether or not caused in whole or in part by improvements constructed by the Licensee. Responsibility for all such defects is expressly assumed by the Licensee.

The City and Licensee must provide the other prompt and timely notice of any covered event which in any way affects or might affect the Licensee or City. The City has the right to compromise and defend the same to the extent of its own interests.

BOTH CITY AND LICENSEE EXPRESSLY INTEND THIS LICENSE'S INDEMNITY PROVISION TO REQUIRE LICENSEE TO INDEMNIFY AND

PROTECT THE CITY FROM THE CONSEQUENCES OF THE CITY'S OWN NEGLIGENCE WHILE CITY IS PARTICIPATING IN THIS CONTRACT, WHERE THAT NEGLIGENCE IS A CONCURRING CAUSE OF THE DAMAGES. THIS CONTRACT'S INDEMNITY PROVISION DOES NOT APPLY TO ANY CLAIM WHERE DAMAGE IS PROVEN TO RESULT FROM THE SOLE NEGLIGENCE OF THE CITY.

III. Insurance

Licensee agrees to secure and maintain the following types and amounts of insurance, for the term of this license:

<u>Type</u>	<u>Amount</u>
Comprehensive General Liability to include (but not limited to) the following:	\$250,000 -----Per Person
a) Premises/Operations Coverage	\$500,000 -----Per Occurrence for Bodily Injury, and
a) Contractual Liability Coverage	\$100,000 -----Per Occurrence for Property Damage

The preceding insurance requirements notwithstanding, the City reserves the right to revise the types and amounts of insurance required by this License prior to the approval of the License or if License is in effect, to be effective thirty (30) days after notice is sent to the address provided herein.

All insurance policies or certificates shall contain the following provisions:

- a. That the City of Abilene, Texas, is named as an additional insured.
- b. That such insurance shall not be cancelled or materially changed without a minimum of thirty (30) day's advance notice in writing to the City.

All insurance policies shall be subject to the examination and approval of the Office of Risk Management, City of Abilene, Texas, for their adequacy as to form and content, form of protection, and insurance company. Licensee shall furnish to City Secretary for her License file certificates or copies of the policies, plainly and clearly evidencing such insurance at the time of application, and thereafter new certificates prior to the expiration date of any prior certificate.

Licensee understands that it is its sole responsibility to provide this necessary information and that failure to timely comply with the requirements of this article shall be a cause for termination of this License.

IV. License Requirements and Restrictions:

1. During the term of this License, Licensee shall maintain the premises licensed herein in a good and safe condition at all times. If the street surface, parkway, or facilities in the parkway, including landscaping, are damaged or disturbed by any activity associated with this License, the Licensee shall at its expense, restore the same to as good a condition as before the activity, to the satisfaction of the Director of Public Works or designee.

2. The construction signing and barricading requirements of the Texas Manual On Uniform Traffic Control Devices shall be met for all work done in the public right-of-way.

3. The Licensee shall be responsible for locating, protecting, and repairing (if damaged) all utilities within the area permitted and shall pay all costs associated with adjustments to utilities including street lights that are necessitated by the permitted use.

4. Permitted facilities shall be installed in accordance with all applicable laws, regulations, and codes.

5. The Licensee shall relocate its facilities at its own expense to accommodate public improvements in the right-of-way.

6. In the performing or permitting of work consistent with its normal course of duty within the right-of-way, the City shall not be liable for any damages to the Licensee's facilities or equipment or injury to Licensee, all such claim for damage or injury being expressly waived by Licensee.

7. If Street Use License regulations change, the Licensee shall agree to any new requirements or shall remove all constructed facilities from the right-of-way.

8. Upon termination the Licensee shall restore the property at its expense, to a good workmanlike condition and in a manner satisfactory to the Director of Public Works or designee.

9. The City Manager, Police Chief, Fire Chief, or a designee of such officials, shall have the authority to order immediate removal of any objects or materials placed on the premises by Licensee if, in the City's opinion, removal is necessary to protect the health, safety, or welfare of the public. If the Licensee fails to comply with the order, the City shall remove the materials, and the Licensee shall reimburse the City for the cost of compliance. The Licensee may appeal the removal order to the Abilene City Council by filing written notice with the City Secretary within 5 days of the order; provided, however that ANY APPEAL SHALL NOT STAY THE OFFICIAL'S ORDER OR THE REMOVAL PROCEDURE.

V. Termination

1. This License shall automatically terminate 10 years from the date of execution.

2. The City shall have the right to cancel this License at any time by giving Licensee thirty (30) days notice of its cancellation. The notice shall be in writing delivered to Licensee by certified mail.

3. In the event Licensee shall permit any City of Abilene, Abilene Independent School District, West Central Texas Municipal Water District, or any other taxes assessed against it to become delinquent, this License shall automatically terminate and become null and void.

4. This License may not be assigned or conveyed; any attempt by Licensee to do either shall automatically terminate the License. In the event Licensee should sell the property adjacent to the area for which the License has been granted, this License shall automatically terminate.

CITY OF ABILENE, TEXAS

Mayor

ATTEST:

City Secretary

APPROVED:

City Attorney

NAME OF LICENSEE:

EEd G. Inc.

By:

Bruce Britten

Signature

Bruce Britten - Executive VP

Printed Name and Title

Business Address: 1632 Southeast Parkway

Abile, TX 76020

**STREET USE LICENSE AGREEMENT
WITH**

EE & G, INC

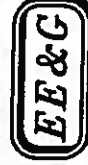
CONDITIONS AND COVENANTS

The Street Use License Agreement is subject to the following conditions and covenants:

1. The Licensee shall contact the city's Engineering Division (676-6281) prior to commencing any work in the right-of-way.
2. The Licensee shall submit a traffic control plan to the Traffic and Transportation Division (676-6281) for approval before beginning any work that will result in blocking traffic lanes.
3. The Licensee shall contact the Traffic Signal Shop (676-6066) or the Traffic Engineering office (676-6281) for location of traffic signal facilities and shall contact the Water Utilities Department (676-6425) for location of water and sewer lines before beginning excavation in the right-of-way.
4. The Licensee shall contact the city of Abilene Building Inspections (676-6232) regarding any necessary permits for the installation of the requested facility.
5. The Licensee shall ensure all underground utilities are identified and marked prior to any excavation.
6. The Licensee shall barricade any excavation in the right-of-way to prevent pedestrian and/or vehicular access while excavation is unattended. Any barricades left in the right-of-way overnight must be lighted.
7. The Licensee shall promptly repair all signs, pavement markings, and other traffic control devices damaged by its work in the right-of-way.
8. If the City determines that the subject right-of-way is needed for purposes that would be adversely impacted by the permitted facility, the Licensee shall remove the permitted facility within sixty (60) days notice of cancellation.

LEGEND

- - Monitor Well Locations
- - Proposed Monitor Well Locations



Skinnay's, LLC

Former Skinnay's #38
4001 Buffalo Gap Road
Arlene, Texas

Project No. 161430AT

Date: 1/20/2017

Site Plan Illustrating Proposed Well Locations

Scale: 1" = 40'

Single Family Residential

MW-4

South 40th Street

Asphalt

MW-2

MW-3

Former UST Field

Fence

Meridian Apartments

Former Skinnay's #38

Concrete

Sign

Property Boundary

Asphalt

MW-1

Concrete

Buffalo Gap Road

Master WashCar Wash

H2O to Go

Little Caesars Pizza

State Farm Insurance



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
1/24/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER TEI Insurance Agency, Inc. P. O. Box 850746 Mesquite TX 75185-0746		CONTACT NAME: Angela Barron PHONE (A/C No. Ex): (800) 727-7124 FAX (A/C No.): (972) 280-2600 E-MAIL ADDRESS:	
INSURED EE&G, Inc. 1632 Southeast Parkway Azle TX 76020		INSURER(S) AFFORDING COVERAGE INSURER A: Admiral Insurance Co. INSURER B: Travelers Casualty Ins. Co. INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES

CERTIFICATE NUMBER: 2016/2017

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDITIONAL SUBROGATION WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:	X	FEI-ECC-14278-03	4/10/2016	4/10/2017	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (EA occurrence) \$ 50,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
B	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS		BA69671393-16	4/10/2016	4/10/2017	COMBINED SINGLE LIMIT (EA accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ Uninsured motorists \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB DED / RETENTION \$	<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE	FEI-EXS-17218-03	4/10/2016	4/10/2017	EACH OCCURRENCE \$ 3,000,000 AGGREGATE \$ 3,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/> N/A				PER STATUTE E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Pollution Liability		FEI-ECC-14278-03	4/10/2016	4/10/2017	EACH OCCURRENCE \$2,000,000
A	Professional Liability		FEI-ECC-14278-03	4/10/2016	4/10/2017	AGGREGATE \$2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

City of Abilene is covered as additional insured in regards to general liability policy.

CERTIFICATE HOLDER

CANCELLATION

Public Works Dept.
City of Abilene
PO Box 60
Abilene, TX 79604

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Bret Jones *Bret Jones*

© 1988-2014 ACORD CORPORATION. All rights reserved.



STREET USE LICENSE AGREEMENT
EXTENDED TERM

APPLICATION

Applicant: Skinny's, LLC. Phone: 432-580-8850

Address: 4001 Penbrook, Suite 400, Odessa, TX 79762

Agent: EE&G, Inc., 1632 Southeast Pkwy., Azle, TX 76020 Phone: 972-383-0001

Description of Public Right-of-Way to be used: 2834 South 40th Street. Approximately 10 feet from the edge of South 40th Street to the north. Please see attached site map.

Owner of adjacent property: Earles Joe Bob & Patsy J

Proposed use of public right-of-way: Installation of one (1) environmental groundwater monitoring well.

Reasons for the request: To obtain soil and groundwater samples from the subsurface as directed by the Texas Commission on Environmental Quality (TCEQ).

Application is not complete unless all of the following are included:

- Application fee- \$300
- Certificate or other evidence of insurance
- A dimensioned drawing showing existing and proposed features in the public right-of-way and on adjacent property (sidewalks, curbs, fire hydrants, buildings, fences, etc.)

Justin Hunt
Signature of Applicant or Agent

1-24-17
Date

Return Application to:
Public Works Dept.
City of Abilene
PO Box 60
Abilene TX 79604

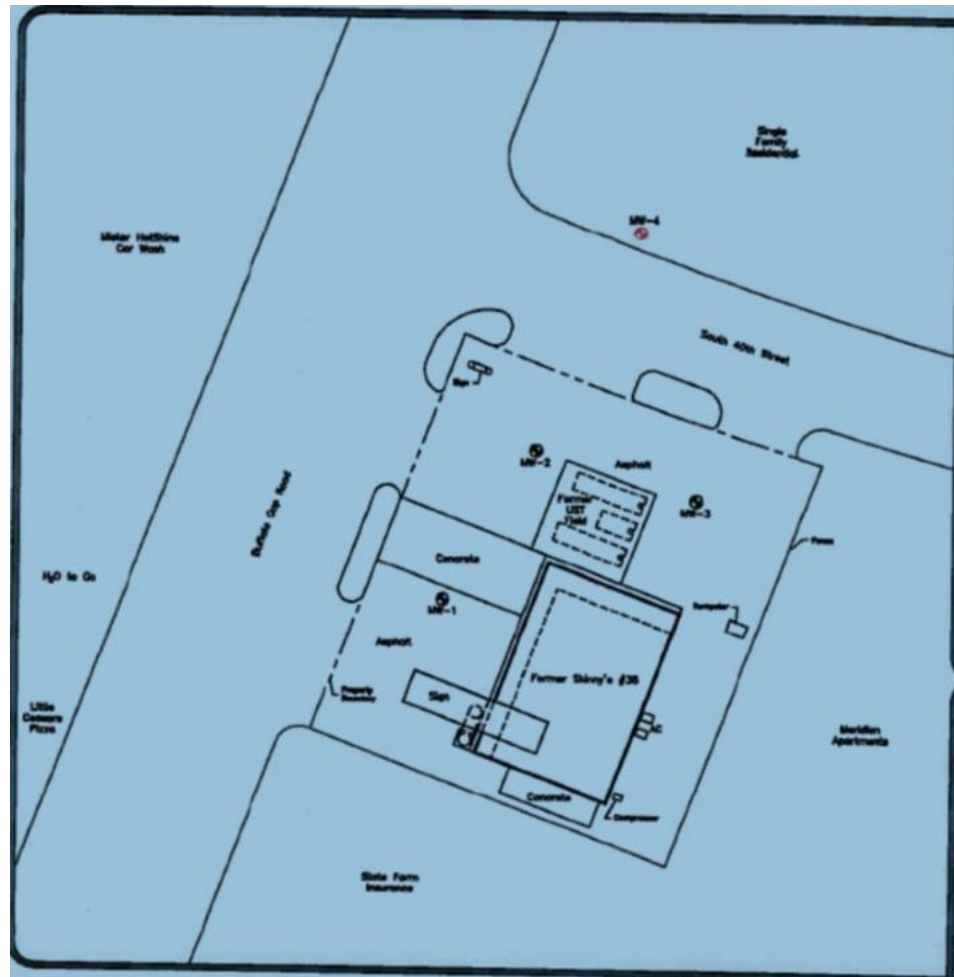
Street Use License Agreement

Extended Term

EE&G, Inc. for Skinny's, LLC

- EE&G, Inc. has submitted an application for an Extended Term Street Use License on behalf of Skinny's LLC. for the placement of one environmental groundwater monitoring well within the right-of-way.
- The application has been reviewed and found to be complete.
- Staff recommends approval of the Extended Term Street Use License.

Location Map





**City Council
Agenda Memo**

City Council Meeting Date: 3/9/2017

TO: Robert Hanna, City Manager

FROM: Chris Taylor, Director of Transportation Services

SUBJECT: Resolution: Purchase Replacement for Water Department Tractor 3377 through BuyBoard Cooperative Purchasing. (Chris Taylor)

GENERAL INFORMATION

Unit 3377 is a 2003 Case Tractor assigned to the Water Department. This tractor is utilized to mow and maintain Lake Ivie rights of way. The unit mows from the water plant south of Abilene to the lake. The unit exceeds the hour meter criteria but does not quite meet the useful life criteria of fifteen years. This unit is classified as a small tractor, but supports a 20' batwing mower, which causes the tractor to operate at or near its mechanical limits. This is the main factor for the high Miscellaneous Repair Costs and the reason for the one-year early recommendation to replace it.

The replacement unit is a Kubota 4WD Farm Tractor and is recommended to be purchased from BuyBoard Cooperative Purchasing at a price of \$71,203.24. It is 106.8 Horsepower compared to the 93 Horsepower of the current tractor.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

This purchase was budgeted for FY17 at \$95,000, so the BuyBoard cost is actually \$23,796.76 below budget.

STAFF RECOMMENDATION

Staff recommends approval to purchase the Kubota 4WD Farm Tractor.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description	Type
□ Resolution to Replace Tractor #3377	Resolution Letter

▣	Additional Information	Backup Material
▣	BuyBoard Price Sheet	Backup Material
▣	Unit 3377 Replacement Presentation	Backup Material

RESOLUTION NO _____

**A RESOLUTION OF THE CITY OF ABILENE, TEXAS REPLACING TRACTOR 3377 WITH A KUBOTA
FOUR-WHEEL DRIVE FARM-RATED TRACTOR PURCHASED THROUGH THE BUYBOARD
COOPERATIVE PURCHASING**

WHEREAS, the City of Abilene has the need to replace a tractor, Unit 3377, assigned to the Water Department, used for mowing pipeline right-of-way; and

WHEREAS, a Kubota M6-111DTC-F is a suitable replacement tractor and was found through BuyBoard Cooperative Purchasing in the amount of \$71,203.24; and

WHEREAS, Tractor 3377 will be sold at auction upon being replaced; and

WHEREAS, Staff recommends this purchase.

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

PART 1: That the city Council approves the purchase of the Kubota M6-111DTC-F in the amount of \$71,203.24.

PART 2: That this resolution shall take effect immediately from and after passage.

ADOPTED this 9th day of March, 2017

ATTEST:

Danette Dunlap, City Secretary

Norm Archibald, Mayor

APPROVED:

Stanley Smith, City Attorney

ADDITIONAL INFORMATION FOR COUNCIL MEETING ITEM
TRACTOR

Unit #	Assignment	Year	Make	Model	Mileage	Hours	Miscellaneous Repair Costs	PM Costs	Tire Costs	Total Maintenance Costs	Disposal Method
3377	Water Distribution	03	Case	JX95	--	2,234	\$44,181.39	\$1,273.48	\$4,866.20	\$50,321.07	Auction

Replcement Reasoning

This tractor is utilized to mow and maintain Lake Ivie right of ways. The unit mows from the water plant south of Abilene to the lake. The unit exceeds the hour meter criteria but does not quite meet the useful life criteria of fifteen years.



M6-111DTC-F WEB QUOTE #715935

Date: 1/27/2017 8:23:45 AM

-- Customer Information --

Carter, Cheri

City of Abilene

cheri.carter@abilenetx.com

(325) 676 6252

CE - #424-13, GM - #447-14

-- Standard Features --

-- Custom Options --



Kubota

Not Available in Nebraska

M Series

M6-111DTC-F

4WD FARM TRACTOR, ELECTRO-HYDRAULIC SHUTTLE
TRANSMISSION & CAB

*** EQUIPMENT IN STANDARD MACHINE & SPECIFICATIONS ***

DIESEL ENGINE

Kubota V3800 Direct Injection
3.8L (230 cu. In.) 4 Cyl
EPA Tier 4 Final Compliant
Common Rail Electronic Fuel Injection
Electronic Engine Management
Turbocharged
w/Wastegate and Intercooled
Fuel Tank Capacity: 50.2 Gal
130 Amp Alternator Cab
12V 900 CCA Battery
SAE Gross HP: 114.1
Engine Net HP: 106.8
Max . PTO HP: 92.0
@ 2600 Engine RPM

EXHAUST EMISSION CONTROL TYPE

DPF System (Diesel Particulate Filter)
SCR System
DEF Tank Capacity: 4.2 Gal

HYDRAULICS / HITCH / DRAWBAR

Open Center Gear Pump
Max. Flow @ Rated Engine Speed:
Power Steering: 16.1 gpm
Impl. Flow: 18.7 gpm
Total Flow: 34.8 gpm

REMOTE VALVES

(1) SCD (Self Canceling Detent) 1) FD (Float
Detent)
In-Cab Flow Control Adjustment

3 POINT HITCH & DRAWBAR

Cat II 3-point Hitch
@ Lift Points: 8598 lbs
@ 24" Behind: 6834 lbs
2 External Lift Cylinders
Electronic Position and Draft Control
Telescoping Lower Links
Stabilizers
Swinging Drawbar - Straight

POWER TAKE OFF (540)

Live-Independent Hyd. PTO
SAE 1 3/8" Six Spline
540 rpm @ 2405 Eng. rpm
SAE 1 3/8" Twenty-One Spline
1000 rpm @ 2389 Eng. rpm

LIGHTING

2 Headlights - Tail lights
4 Hazard Flasher Lights w/ Turn Signals
2 Grille Mounted Worklights
2 Front Cab Halogen Worklights
2 Rear Halogen Worklights

TRANSMISSION

24F/24R Intelli-Shift
Auto 4WD Function
Three Range, 8-Speed Semi-
Powershift
Auto Shift Mode - Field & Road
Auto 4WD Function
Electro-Hydraulic Shuttle Shift
Electro-Hydraulic Front & Rear Diff.
Lock
Clutch - Multi Plate Wet
Planetary Final Drives
Hydraulic Wet Disc Brakes

FRONT AXLE

Hydrostatic Power Steering
4WD: Cast Iron, Bevel Gear Type
Bi-Speed Turn Feature
Planetary Final Drives
Adj. (Rim) Tread Spacing

FLUID CAPACITY

Cooling System: 11.3 qts
Crankcase: 10.5 qts
Hydraulics/Trans: 17.2 gal

INSTRUMENTS

LCD readout for MPH and PTO rpm
26 Mode LCD Readout
Tachometer/Hour meter
Oil Pressure
Fuel Gauge
Coolant Temperature
Gear Speed Digital Light Indicator
Digital Light Indicator F/R Direction

GRAND-X CAB

4-post, ROPS Certified
RH & LH Doors
Tinted Glass Doors and Windows
In-roof window/vent
Tilt and Telescoping Steering Wheel
Deluxe Air Ride Seat
Dual Level Air Conditioning & Heater
Front and Rear Wiper/Washer
Front Sun Visor
Rear View Mirror
LH & RH Telescoping Side Mirrors
Radio Ready Cab
Steps, Left and Right Side
Interior Dome Light
12V - 30-Amp 2 Wire Coupler
12V - 3 Pin 30-Amp Coupler
12V - Outlet
Cup Holder
Instructor Seat Ready
Horn

SAFETY EQUIPMENT

Flip-Up PTO Shield
Safety Start Switches
Electric Key Shut Off
Parking Brake
Turn Signals
SMV Sign

M6-111DTC-F Base Price: \$83,658.00

Configured Price: \$83,658.00

BUY BOARD Discount: (\$18,404.76)

SUBTOTAL: \$65,253.24

Factory Assembly: \$250.00

Dealer Assembly: \$0.00

Freight Cost: \$450.00

PDI: \$250.00

Foam Fill Front Tires \$1,240.00

Foam Fill Rear Tires \$3,360.00

Installation of Foam (Per Dealer) \$200.00

Dealer Handling and Transfer (Per Dealer) \$200.00

Total Unit Price: \$71,203.24

Quantity Ordered: 1

Final Sales Price: \$71,203.24

**Purchase Order Must Reflect
the Final Sales Price**

**To order equipment – purchase orders must be
made out and returned to:**

**Kubota Tractor Corporation
1000 Kubota Drive
Grapevine, TX 76051
or email NA.Support@kubota.com
or call 817-756-1171 or fax 844-582-1581**

SELECTED TIRES

AMR8557 & AMR8514A AG TIRES
FRONT - 12.4R24 R1 Titan Hi Traction Lug WAF
REAR - 18.4R30 R1 Titan Hi Power Lug Cast

***All equipment specifications are as complete as possible as of the date on the quote. Additional attachments, options, or accessories may be added (or deleted) at the discounted price.** All specifications and prices are subject to change. Taxes are not included. The PDI fees and freight for attachments and accessories quoted may have additional charges added by the delivering dealer. These charges will be billed separately. Prices for product quoted are good for 60 days from the date shown on the quote. All equipment as quoted is subject to availability.

WATER DEPARTMENT TRACTOR PURCHASE

MARCH 9, 2017



- Unit 3377 is a 2003 Case Tractor assigned to the Water Department. This tractor is utilized to mow and maintain Lake Ivie rights of way. The unit mows from the water plant south of Abilene to the lake.
- The unit exceeds the hour meter criteria but does not quite meet the useful life criteria of fifteen years.
- This unit is classified as a small tractor, but supports a 20' batwing mower, which causes the tractor to operate at or near its mechanical limits. This is the main factor for the high Miscellaneous Repair Costs and the reason for the one-year early recommendation to replace it.
- The replacement unit is a Kubota 4WD Farm Tractor and is recommended to be purchased from BuyBoard Cooperative Purchasing at a price of \$71,203.24



										Total		
							Miscellaneous			Maintenance	Disposal	
Unit #	Assignment	Year	Make	Model	Mileage	Hours	Repair Costs	PM Costs	Tire Costs	Costs	Method	Replcement Reasoning
3377	Water Distribution	03	Case	JX95	--	2,234	\$44,181.39	\$1,273.48	\$4,866.20	\$50,321.07	Auction	This tractor is utilized to mow and maintain Lake Ivie right of ways. The unit mows from the water plant south of Abilene to the lake. The unit exceeds the hour meter criteria but does not quite meet the useful life criteria of fifteen years.





**City Council
Agenda Memo**

City Council Meeting Date: 3/9/2017

TO: Robert Hanna, City Manager

FROM: Don Green, Director of Transportation Services

SUBJECT: Resolution: Supporting CityLink's Application for 5310 Grant Funds (*Don Green*)

GENERAL INFORMATION

The City receives grant funding through Federal Transportation Administration (FTA) and Texas Department of Transportation (TXDOT) to help fund CityLink's capital and operating costs. The City also supports CityLink's operating costs through a General Fund subsidy.

TXDOT administers a grant program to assist with a transit system's operational costs under FTA's Section 5310. TXDOT now requires that the sponsoring agency (City of Abilene) demonstrate official support for the application of 5310 Grant funds and a City Council resolution is one of the accepted methods of support for CityLink's upcoming grant application.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

This support has no impact on the budget as the anticipated grant and grant match are included in this FY budget. However, not getting a resolution of support may result in denial of the grant funds.

STAFF RECOMMENDATION

Staff recommends support of the application.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description	Type
❑ Resolution Supporting CityLink's Section 5310 Grant Application	Resolution Letter
❑ Presentation	Cover Memo

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
SUPPORTING CITYLINK'S APPLICATION FOR A GRANT UNDER TEXAS
DEPARTMENT OF TRANSPORTATION'S 5310 TRANSIT GRANT PROGRAM**

WHEREAS, the City of Abilene (City) contracts for the operation of CityLink to provide transit services within the city; and

WHEREAS, the City receives grant funding through Federal Transportation Administration (FTA), as authorized by the Congress of the United States of America and Texas Department of Transportation (TXDOT) for capital and operating costs; and

WHEREAS, the City also supports CityLink's operating costs through a General Fund subsidy; and

WHEREAS, TXDOT administers a grant program to assist with a transit system's operational costs under Federal Transit Administration's Section 5310; and

WHEREAS, TXDOT requires that the sponsoring agency (City of Abilene) demonstrate official support for the application of 5310 Grant funds.

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

Part 1. That the City of Abilene and its elected officials of City Council fully support the application for grant funds under Section 5310.

Part 2. That this Resolution takes effect March 9, 2017.

ADOPTED this 9th day of March 2017.

ATTEST:

Danette Dunlap, City Secretary

Norman Archibald, Mayor

APPROVED:

Stanley Smith, City Attorney

RESOLUTION SUPPORTING TXDOT 5310 GRANT APPLICATION

MARCH 9, 2017



- The City receives grant funding through Federal Transportation Administration (FTA), as authorized by the Congress of the United States of America and Texas Department of Transportation (TXDOT) for capital and operating costs.
- TXDOT administers a grant program to assist with a transit system's operational costs under Federal Transit Administration's Section 5310 and requires that the sponsoring agency (City of Abilene) demonstrate official support for the application of 5310 Grant funds.



										Total		
							Miscellaneous			Maintenance	Disposal	
Unit #	Assignment	Year	Make	Model	Mileage	Hours	Repair Costs	PM Costs	Tire Costs	Costs	Method	Replcement Reasoning
3377	Water Distribution	03	Case	JX95	--	2,234	\$44,181.39	\$1,273.48	\$4,866.20	\$50,321.07	Auction	This tractor is utilized to mow and maintain Lake Ivie right of ways. The unit mows from the water plant south of Abilene to the lake. The unit exceeds the hour meter criteria but does not quite meet the useful life criteria of fifteen years.





**City Council
Agenda Memo**

City Council Meeting Date: 3/9/2017

TO: Robert Hanna, City Manager

FROM: Dana Schoening, Director of Planning and Development Services, and Stanley Smith, City Attorney

SUBJECT: Ordinance & Public Hearing: (Final Reading) Amending Chapter 19 "Nuisances and Illegal Dumping," Article III, "Nuisance Enforcement," Section 19-34 "Administrative Procedure for Junked Vehicles" and Section 19-35 "Penalties, Costs and Fees for Section 19-1: Junked Vehicle". (Dana Schoening)

GENERAL INFORMATION

State law provides a procedure that a city may adopt for the abatement of junked vehicles. Such procedures have previously been adopted in Section 19-34 of the Abilene Municipal Code. State law requires any adopted procedures to comply with Chapter 683 of the Texas Transportation Code and Chapter 54 of the Local Government Code. In order to ensure compliance with procedures established by state law, Code Enforcement and the Legal department have reviewed the notice and hearing provisions for the abatement of junked vehicles established in the City's Ordinances. In conjunction with such review, the following changes are proposed to Section 19-34 of the Municipal Code.

19-34(1) – The Texas Transportation Code requires that if an individual who receives notice of a junked vehicle violation requests a hearing, such hearing must be held *not earlier than the 11th day after the date of the service of notice*. § 683.076(b). The current City Ordinance requires that a hearing be held within ten (10) days of the date of citation, which conflicts with state law.

19-34(2) First Paragraph – In order to comply with the above State Law provision, the proposed change to the ordinance is for the hearing to be held within 21 calendar days after a request for hearing but not earlier than the 11th day after citation or notice to the alleged violator. *See* Tex. Loc. Gov't Code 54.044(b)(1); Tex. Trans. Code § 683.076.

19-34(2) Third Paragraph – This proposed change inserts a required State law provision that a junked vehicle may not be made operable again after code enforcement officers have removed the vehicle and provided notice to the state. *See* Tex. Trans. Code § 683.074.

19-34(2) Fourth Paragraph – This section inserts an optional provision allowed by State law that helps code enforcement officers with enforcement of junked vehicle regulations. Code enforcement officers sometimes encounter the problem where a junked vehicle owner, once he or she receives notice of violation, will move the junked vehicle to another location within the City. This proposed provision provides that a junked vehicle remains a public nuisance whether or not it is subsequently moved to another location in order to avoid enforcement. This section provides that the procedural timetables for enforcement are not reset if a vehicle is

moved to a new location. *See* Tex. Trans. Code § 683.074(g)

The above amendments are requested in order to update the current ordinance to comply with State law. These changes will streamline the junked vehicle enforcement procedures and ensure both citizens and code enforcement officers with procedural safeguards in enforcement of junked vehicle standards.

SPECIAL CONSIDERATIONS

None.

FUNDING/FISCAL IMPACT

There is no anticipated funding or fiscal impact.

STAFF RECOMMENDATION

Staff recommends approval of the amendments to the ordinance.

BOARD OR COMMISSION RECOMMENDATION

Not applicable.

ATTACHMENTS:

Description	Type
❑ Ordinance	Ordinance
❑ Ordinance Exhibit -redline	Exhibit
❑ Ordinance Exhibit Clean	Exhibit
❑ PowerPoint	Presentation

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 19, “NUISANCES AND ILLEGAL DUMPING,” ARTICLE III, “NUISANCE ENFORCEMENT,” SECTION 19-34, “ADMINISTRATIVE PROCEDURE FOR JUNKED VEHICLES,” AND SECTION 19-35, “PENALTIES, COSTS AND FEES FOR SECTION 19-1: JUNKED VEHICLE”, OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY

WHEREAS, the Texas Transportation Code, Chapter 683, provides for a procedure that a municipality may adopt for the abatement of junked vehicles; and

WHEREAS, the City has previously adopted an alternative procedure, in Section 19-34 of its ordinances, in compliance with Chapter 54 of the Texas Local Government Code, for the abatement of junked vehicles, as defined in by State Law; and

WHEREAS, in order to comply with requirements of State Law for the procedure for the abatement of junked vehicles, certain amendments to Section 19-34 are required; and

WHEREAS, the heading of section 19-35 references an incorrect previous section, which needs to be corrected, but otherwise the substance of section 19-35 will remain unchanged.

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

PART 1: That Chapter 19, “Nuisances and Illegal Dumping”, Sections 19-34 and 19-35 of the Abilene Municipal Code be amended as set out in Exhibit “A”, attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force or effect.

PART 3: That any persons, firm, or corporation violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than Two Hundred Dollars (\$200.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FIRST READING this 23rd day of February, A.D., 2017.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the __5__ day of March, 2017, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 9th day of March, 2017, to permit the public to be heard.

PASSED ON SECOND AND FINAL READING this 9th day of March, A.D., 2017.

ATTEST:

City Secretary

Mayor

APPROVED:

City Attorney

EXHIBIT “A”

Sec. 19-34. Administrative procedure for junked vehicles.

Pursuant to Chapter 683 of the Texas Transportation Code, the following alternative procedure for administrative hearings will be used.

(1) Notice. A person charged with violating [section 19-2](#) of this ordinance shall be entitled to [request](#) a hearing within ten (10) days of the date of citation [or notice to the person charged](#). A citation issued as part of a procedure adopted under this section must: (a) notify the person charged with violating the ordinance that the person has the right to a hearing and (b) provide information as to the time and place of the hearing.

(2) Hearing. [If timely requested in accordance with subsection \(1\), a hearing shall be held within 21 calendar days after such request, but not earlier than the 11th day after the date of citation or notice to the person charged.](#) The hearing will be conducted by a hearing officer appointed by the municipal court clerk with authority to administer oaths and issue orders compelling the attendance of witnesses and the production of documents. The original or a copy of the citation shall be kept as a record in the ordinary course of business of the municipality and is rebuttable proof of the facts it states. The person who issued the citation is not required to attend a hearing under this section.

The judge of the municipal court may enforce an order of a hearing officer compelling the attendance of a witness or the production of a document. A person charged with violating [section 19-2](#) of this chapter who fails to appear at a hearing authorized under this section is considered to admit liability for the violation charged.

The hearing officer shall issue an order stating: (1) whether the person charged with violating [section 19-2](#) of this chapter is liable for the violation and (2) the amount of a penalty, cost, or fee assessed against the person. A determination by the hearing officer that [section 19-2](#) of this chapter has been violated may result in the removal of the vehicle by the City of Abilene and the assessment of all related penalties, costs, and fees including towing charges. An order issued under this section will be filed with the municipal court clerk, and the order shall be kept in a separate index and file from other municipal court citations. [After removal, a vehicle is prohibited from being reconstructed or made operable. Notice identifying the vehicle or part of the vehicle shall be given to the department not later than the fifth day after the date of removal.](#)

[Relocation of a junked vehicle that is a public nuisance to another location within the City after a proceeding for the abatement and removal of the public nuisance has commenced has no effect on the proceeding if the junked vehicle constitutes a public nuisance at the new location.](#)

(3) Appeal. A person who is found by a hearing officer to have violated [section 19-2](#) of this chapter may appeal the determination by filing a petition in municipal court before the 31st day after the date the hearing officer's determination is filed. An appeal does not stay enforcement and collection of the judgment unless the person, before filing the appeal, posts a bond in the amount set forth in the hearing officer's order with the municipal court.

Sec. 19-35. Penalties, costs and fees for section 19-2: junked vehicles.

(a) Any person, firm, or corporation who violates any provision of this Code related to junked vehicles shall be assessed a civil penalty in an amount not exceeding five hundred dollars (\$500.00) for each offense, the amount to be determined by the hearing officer in his reasonable discretion, subject to review on appeal.

(b) Unless higher amounts are required by state law or a lesser amount is determined by the hearing officer or judge of the municipal court, the minimum penalties for junked vehicle violations shall be as follows:

(1) 1st offense of failure to abate each junked vehicle in authorized time limit . . . \$50.00

(2) 2nd offense of failure to abate each junked vehicle within a six (6) month period . . . 75.00

(3) 3rd and all subsequent offenses of failure to abate each junked vehicle within a six (6) month period . . . 100.00

(c) In addition to the minimum penalty, charges for towing of the vehicle shall be added.

(d) All penalties, costs, and fees shall be deposited in the proper account of the general fund of the city, unless otherwise directed by resolution of the city council.

EXHIBIT “A”

Sec. 19-34. Administrative procedure for junked vehicles.

Pursuant to Chapter 683 of the Texas Transportation Code, the following alternative procedure for administrative hearings will be used.

(1) Notice. A person charged with violating section 19-2 of this ordinance shall be entitled to request a hearing within ten (10) days of the date of citation or notice to the person charged. A citation issued as part of a procedure adopted under this section must: (a) notify the person charged with violating the ordinance that the person has the right to a hearing and (b) provide information as to the time and place of the hearing.

(2) Hearing. If timely requested in accordance with subsection (1), a hearing shall be held within 21 calendar days after such request, but not earlier than the 11th day after the date of citation or notice to the person charged. The hearing will be conducted by a hearing officer appointed by the municipal court clerk with authority to administer oaths and issue orders compelling the attendance of witnesses and the production of documents. The original or a copy of the citation shall be kept as a record in the ordinary course of business of the municipality and is rebuttable proof of the facts it states. The person who issued the citation is not required to attend a hearing under this section.

The judge of the municipal court may enforce an order of a hearing officer compelling the attendance of a witness or the production of a document. A person charged with violating section 19-2 of this chapter who fails to appear at a hearing authorized under this section is considered to admit liability for the violation charged.

The hearing officer shall issue an order stating: (1) whether the person charged with violating section 19-2 of this chapter is liable for the violation and (2) the amount of a penalty, cost, or fee assessed against the person. A determination by the hearing officer that section 19-2 of this chapter has been violated may result in the removal of the vehicle by the City of Abilene and the assessment of all related penalties, costs, and fees including towing charges. An order issued under this section will be filed with the municipal court clerk, and the order shall be kept in a separate index and file from other municipal court citations. After removal, a vehicle is prohibited from being reconstructed or made operable. Notice identifying the vehicle or part of the vehicle shall be given to the department not later than the fifth day after the date of removal.

Relocation of a junked vehicle that is a public nuisance to another location within the City after a proceeding for the abatement and removal of the public nuisance has commenced has no effect on the proceeding if the junked vehicle constitutes a public nuisance at the new location.

(3) Appeal. A person who is found by a hearing officer to have violated section 19-2 of this chapter may appeal the determination by filing a petition in municipal court before the 31st day after the date the hearing officer's determination is filed. An appeal does not stay enforcement and collection of the judgment unless the person, before filing the appeal, posts a bond in the amount set forth in the hearing officer's order with the municipal court.

Sec. 19-35. Penalties, costs and fees for section 19-2: junked vehicles.

(a) Any person, firm, or corporation who violates any provision of this Code related to junked vehicles shall be assessed a civil penalty in an amount not exceeding five hundred dollars (\$500.00) for each offense, the amount to be determined by the hearing officer in his reasonable discretion, subject to review on appeal.

(b) Unless higher amounts are required by state law or a lesser amount is determined by the hearing officer or judge of the municipal court, the minimum penalties for junked vehicle violations shall be as follows:

(1) 1st offense of failure to abate each junked vehicle in authorized time limit . . . \$50.00

(2) 2nd offense of failure to abate each junked vehicle within a six (6) month period . . . 75.00

(3) 3rd and all subsequent offenses of failure to abate each junked vehicle within a six (6) month period . . . 100.00

(c) In addition to the minimum penalty, charges for towing of the vehicle shall be added.

(d) All penalties, costs, and fees shall be deposited in the proper account of the general fund of the city, unless otherwise directed by resolution of the city council.

Amending Administrative Procedure for Junked Vehicles

March 9, 2017



- State law provides that a City may adopt an administrative procedure for the abatement of junked vehicles.
- The City of Abilene previously adopted such a procedure as Section 19-34, code of ordinances.
- The requested amendments to the City's administrative procedure are needed to mirror state law procedures.



- The first request is to amend the hearing provision of the ordinance to read that, if timely requested by the vehicle's owner, a hearing must be held "*not earlier than the 11th day after the date of the service of citation*". State law provides that the vehicle owner has 10 days from the date of service of the citation or notice to request a hearing.
- The ordinance currently reads that the hearing must be held within 10 days of the date of the citation, which conflicts with state law.



- The second request is to amend the hearing provision of the ordinance to require that a hearing be held within 21 days after the date the vehicle owner requests a hearing, but not earlier than the 11th day after the citation or notice is served on the vehicle owner.
- The ordinance currently reads that the hearing must be held within 10 days of the date of the citation, which conflicts with state law.



- The third request is to amend the ordinance to provide that a junked vehicle may not be made operable again after code enforcement officers have removed the vehicle and provided notice to the state. This would only occur after the hearing if one is timely requested by the vehicle owner.
- This provision is requested to comply with Section 683.074 of the Texas Transportation Code.



- The fourth request is to amend the ordinance to provide that once a vehicle owner receives a citation or notice of violation, if that owner then moves the vehicle to another location in the City, and the vehicle remains a junked vehicle at the new location, the time period for enforcement of the junked vehicle provisions continue and are not reset.
- This provision is allowed by Section 683.074(g) of the Texas Transportation Code and will assist code enforcement officers in enforcing the law.



- The final request is to amend the ordinance to reference section 19-2 in the heading of section 19-35 pertaining to civil penalties for violation of the junked vehicle ordinance.
- The civil penalty provisions of section 19-35 will remain the same.





**City Council
Agenda Memo**

City Council Meeting Date: 3/9/2017

TO: Mr. Robert Hanna, City Manager

FROM: Mr. Dana L. Schoening, Director of Planning and Development Services

SUBJECT: Ordinance & Public Hearing: (Final Reading) TC-2016-03 A request from Abilene Independent School District, Agent Tal Fillingim, to abandon an unimproved L-shaped strip of land in center of block bounded by Industrial Blvd., Amarillo, Vine and South 36th Streets. (Dana Schoening)

GENERAL INFORMATION

REQUESTED ACTION:

Abandon all of the unimproved L-shaped strip of land in center of block bounded by Industrial Blvd., Amarillo, Vine and South 36th Streets. Being R.O.W. dedicated with deed on Pg. 605 in Vol. 226 of Deed Records for Taylor County, Texas.

SITE CHARACTERISTICS:

An unimproved L-shaped strip of land in center of block bounded by Industrial Blvd., Amarillo, Vine and South 36th Streets. Located south of the Cooper High School bus lot.

REQUEST ANALYSIS:

The applicant is requesting to abandon the street right-of-way (ROW) area for future development. The street was dedicated to the public by a deed filed at the Courthouse is 1929 and has never been improved or platted. The abandonment will clean up the property records and allow the applicant to include the land into a replat of the surrounding properties they own. Additionally, the closure of this right-of way does not create any violations to the maximum block length in this area.

SPECIAL CONSIDERATIONS

Please note the property owner response forms do not have signature lines, as this item was originally brought to Planning and Zoning Commission when signature lines were not on the forms.

The attachment "Letter to the City Attorney" responds to questions related to property ownership if the street right-of-way easement is abandoned and whether individual tracts that currently abut the easement would be landlocked as a result of abandonment.

Based on Title Opinion of the applicant's legal counsel, upon abandonment the easement would be split 50% each to AISD and Eric White who are current owners of property abutting on the easement. In addition, Eric

White currently owns multiple tracts in common ownership abutting the easement. As tracts are owned in common ownership by Mr. White, the entire property holding of Mr. White along the easement would not be landlocked as property is accessible from Vine Street.

FUNDING/FISCAL IMPACT

N/A

STAFF RECOMMENDATION

Plat Review Committee:

The applicant must replat upon development of the properties.

Staff Recommendation:

Approval of abandonment request on condition abandonment does not remove legal access rights/requirements for abutting property tracts.

BOARD OR COMMISSION RECOMMENDATION

Mr. Bixby moved to approve this request per Plat Review Committee and staff recommendation, and Mr. Smith seconded the motion. The vote was approved by four (Famble, Smith, Bixby, and Calk) with none in opposition.

ATTACHMENTS:

Description	Type
❑ Ordinance Cover	Exhibit
❑ Ordinance Exhibit	Exhibit
❑ Property Owner Responses	Exhibit
❑ Letter to City Attorney	Cover Memo
❑ Opposition from Eric White	Cover Memo
❑ Deed Granting Public Road	Cover Memo
❑ Warranty Deed - Burley White to Eric White	Cover Memo
❑ Staff Report With Maps	Cover Memo
❑ PowerPoint Presentation	Presentation

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF PUBLIC RIGHT OF WAY; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH ABANDONMENT, AND CALLING A PUBLIC HEARING.

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

PART 1: That the following described portion of a Public Right of Way, as described on Exhibit "A," attached hereto and made a part of this ordinance for all purposes, be, and the same is hereby abandoned, vacated and closed insofar as the right, title or easement of the public is concerned, subject to conditions as stated in Exhibit A.

PART 2: That said portion of a Public Right of Way is not needed for public purposes and it is in the public interest of the City of Abilene to abandon said described portion of a Public Right of Way.

PART 3: That the abandonment provided for herein shall extend only to the public right, title and easement in and to the tracts of land described in Part 1 of this ordinance, and shall be construed only to that interest the governing body of the City of Abilene may legally and lawfully abandon.

PASSED ON FIRST READING this 23rd day of February A.D. 2017.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 21st day of October 2016, the same being more than twenty-four (24) hours prior to the time designated for said hearing. After such opportunity for the public to be heard, said ordinance was passed on second and final reading.

PASSED ON FINAL READING THIS 9th day of March, A.D. 2017.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

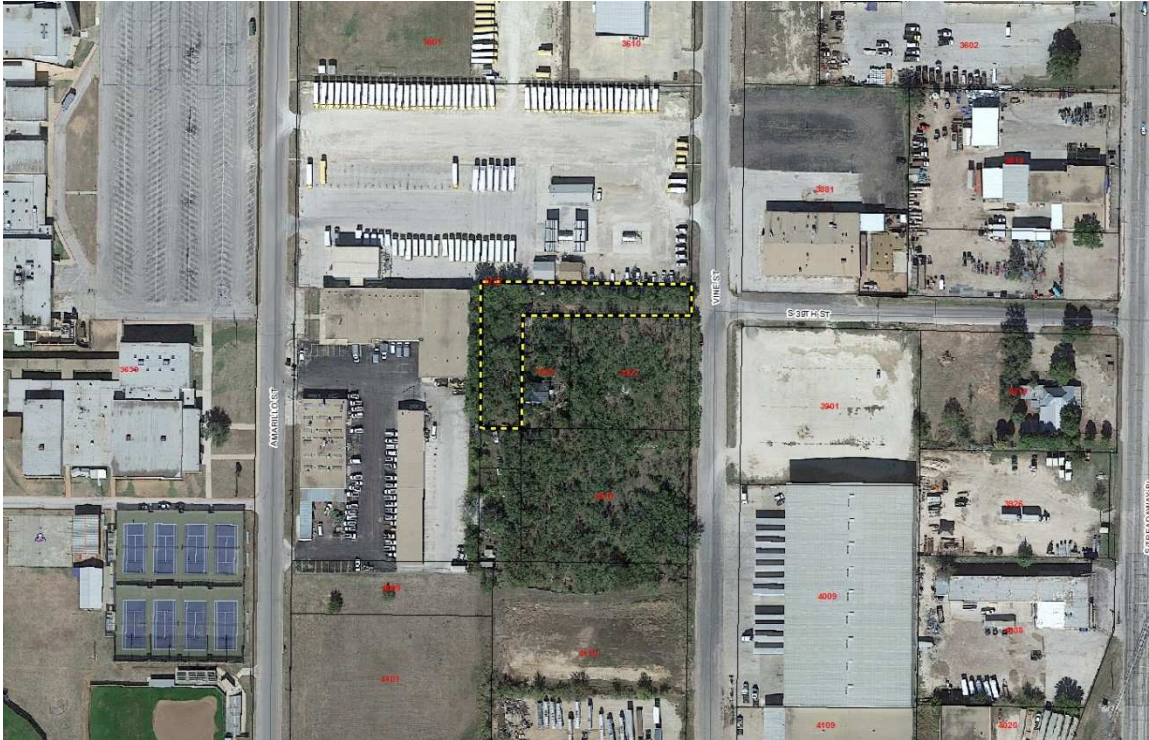
CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

The City of Abilene hereby abandons: all of an unimproved L-shaped strip of land in center of block bounded by Industrial Blvd., Amarillo, Vine and South 36th Streets. Legal description being R.O.W. dedicated with deed on Pg. 605 in Vol. 226 of the Deed Records for Taylor County.

All Public Right of Way as indicated and shown in the map below within the dashed area:



With the following conditions:

1. The applicant must replat at the time of development.

-END-

Rainbow, Zack

From: Tarrant, Kim
Sent: Friday, October 28, 2016 1:26 PM
To: Reports, Planning
Cc: Sharp, Kent
Subject: Notice of Public Hearing Case #TC-2016-03
Attachments: 0049_001.pdf

See attached.

Kim Tarrant

Chief Administrative Officer
Development Corporation of Abilene
325.676.6338
abilenedcoa.com





CITY OF
ABILENE



DEVELOPMENT CORP OF ABILENE INC
ATTN: KIM TARRANT
PO BOX 60
ABILENE TX 79604-0060

NOTICE OF PUBLIC HEARING

RE: Thoroughfare Closure Number TC- 2016-03

10/28/2016

The Planning and Zoning Commission will hold a public hearing on **Monday, November 7, 2016, at 1:30 PM**, in the City Council Chambers, 2nd Floor, City Hall, N. 5th and Walnut Streets, for the purpose of considering a request from Abilene Ind. School District, Agent Tal Fillingim, to abandon an unimproved L-shaped strip of land in center of block bounded by Industrial Blvd., Amarillo, Vine and South 36th Streets. Right-of Way dedicated with deed on Pg. 605 in Vol. 226 of Deed Records for Taylor County.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email or fax as listed below.

The attached map shows the area of the request. Only that area which is shaded or crosshatched on the map is being requested for abandonment. If approved by the Planning and Zoning Commission or if denied and appealed to the City Council within the specified ten day period, this case will be heard by the City Council for 2nd and Final Reading with a public hearing on **December 1, 2016 at 8:30 a.m.**, City Council Chambers, 2nd Floor, City Hall.

For the PLANNING & ZONING COMMISSION

Zack Rainbow, Planning Services Manager

Please call me at (325) 676-6234 if you have questions about this notice.

CASE #: TC - 2016-03

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also fax or email your position to the fax number or email address also listed below. All correspondence must include your name and address.

Name: DEVELOPMENT CORP OF ABILENE INC
Address: 3901 VINE ST

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604

Fax #: (325) 676-6242
email: planning@abilenetx.com

I am in favor ☒

I am opposed ☐

Additional Comments:



CITY OF
ABILENE

WHITE RALPH SHANE &
WHITE BURNEY DEWAYNE
11240 SOUTH BAY LN
AUSTIN TX 78739-1580

NOTICE OF PUBLIC HEARING

RE: Thoroughfare Closure Number TC- 2016-03

10/28/2016

The Planning and Zoning Commission will hold a public hearing on **Monday, November 7, 2016, at 1:30 PM**, in the City Council Chambers, 2nd Floor, City Hall, N. 5th and Walnut Streets, for the purpose of considering a request from Abilene Ind. School District, Agent Tal Fillingim, to abandon an unimproved L-shaped strip of land in center of block bounded by Industrial Blvd., Amarillo, Vine and South 36th Streets. Right-of Way dedicated with deed on Pg. 605 in Vol. 226 of Deed Records for Taylor County.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email or fax as listed below.

The attached map shows the area of the request. Only that area which is shaded or crosshatched on the map is being requested for abandonment. If approved by the Planning and Zoning Commission or if denied and appealed to the City Council within the specified ten day period, this case will be heard by the City Council for 2nd and Final Reading with a public hearing on **December 1, 2016** at 8:30 a.m., City Council Chambers, 2nd Floor, City Hall.

For the PLANNING & ZONING COMMISSION

Zack Rainbow, Planning Services Manager

Please call me at (325) 676-6234 if you have questions about this notice.

Property I.D. #
24489

CASE #: TC - 2016-03

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also fax or email your position to the fax number or email address also listed below. All correspondence must include your name and address.

Name: WHITE RALPH SHANE &

Address: 3902 VINE ST

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604

Fax #: (325) 676-6242
email: planning@abilenetx.com

I am in favor ☐

I am opposed ☒

NOV 2 PM 12:16

Additional Comments:

*I REQUEST ANY OR ALL PERTINENT DOCUMENTS
AND DUE PROCESS*
RSW & for BDN



CITY OF
ABILENE

WHITE RALPH SHANE &
WHITE BURNEY DEWAYNE
11240 SOUTH BAY LN
AUSTIN TX 78739-1580

NOTICE OF PUBLIC HEARING

RE: Thoroughfare Closure Number TC- 2016-03

10/28/2016

The Planning and Zoning Commission will hold a public hearing on **Monday, November 7, 2016, at 1:30 PM**, in the City Council Chambers, 2nd Floor, City Hall, N. 5th and Walnut Streets, for the purpose of considering a request from Abilene Ind. School District, Agent Tal Fillingim, to abandon an unimproved L-shaped strip of land in center of block bounded by Industrial Blvd., Amarillo, Vine and South 36th Streets. Right-of Way dedicated with deed on Pg. 605 in Vol. 226 of Deed Records for Taylor County.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email or fax as listed below.

The attached map shows the area of the request. Only that area which is shaded or crosshatched on the map is being requested for abandonment. If approved by the Planning and Zoning Commission or if denied and appealed to the City Council within the specified ten day period, this case will be heard by the City Council for 2nd and Final Reading with a public hearing on **December 1, 2016 at 8:30 a.m.**, City Council Chambers, 2nd Floor, City Hall.

For the PLANNING & ZONING COMMISSION

Zack Rainbow, Planning Services Manager

Please call me at (325) 676-6234 if you have questions about this notice.

I.D.
Property # 24621

CASE #: TC - 2016-03

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also fax or email your position to the fax number or email address also listed below. All correspondence must include your name and address.

Name: WHITE RALPH SHANE &

Address: 3902 VINE ST

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604

Fax #: (325) 676-6242
email: planning@abilenetx.com

I am in favor ☐

I am opposed ☒

Additional Comments:

NOV 2 PM 12:16

*I HEREBY REQUEST ALL DOCUMENTS
AND DUE PROCESS*

RSW & fn BDW



WHITE RALPH SHANE &
WHITE BURNEY DEWAYNE
11240 SOUTH BAY LN
AUSTIN TX 78739-1580

NOTICE OF PUBLIC HEARING

RE: Thoroughfare Closure Number TC- 2016-03

10/28/2016

The Planning and Zoning Commission will hold a public hearing on **Monday, November 7, 2016, at 1:30 PM**, in the City Council Chambers, 2nd Floor, City Hall, N. 5th and Walnut Streets, for the purpose of considering a request from Abilene Ind. School District, Agent Tal Fillingim, to abandon an unimproved L-shaped strip of land in center of block bounded by Industrial Blvd., Amarillo, Vine and South 36th Streets. Right-of Way dedicated with deed on Pg. 605 in Vol. 226 of Deed Records for Taylor County.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email or fax as listed below.

The attached map shows the area of the request. Only that area which is shaded or crosshatched on the map is being requested for abandonment. If approved by the Planning and Zoning Commission or if denied and appealed to the City Council within the specified ten day period, this case will be heard by the City Council for 2nd and Final Reading with a public hearing on **December 1, 2016 at 8:30 a.m.**, City Council Chambers, 2nd Floor, City Hall.

For the PLANNING & ZONING COMMISSION

Zack Rainbow, Planning Services Manager

Please call me at (325) 676-6234 if you have questions about this notice.

Property I.D.# 24755

CASE #: TC - 2016-03

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also fax or email your position to the fax number or email address also listed below. All correspondence must include your name and address.

Name: WHITE RALPH SHANE &
Address:

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604

Fax #: (325) 676-6242
email: planning@abilenetx.com

NOV 2 PM 12:16

I am in favor ☐

I am opposed ☒

Additional Comments:

*I REQUEST ANY OR ALL DOCUMENTS
AND ALL DUE PROCESS*

RSN & for BDW

BRADSHAW, MCCALL & WESTBROOK, PLLC

3417 Curry Lane
Abilene, Texas 79606

Grant Cunningham
Email: grant@firsttexasitle.com

Phone 325.794.2700
Fax 325.794.2727

March 1, 2017

Stanley Smith
PO Box 60
Abilene, Texas 79604

RE: Public road right of way adjacent to Abilene Independent
School District Bus Barn Property (the "Property")

Dear Mr. Smith:

The office of Bradshaw, McCall & Westbrook, PLLC ("BMW") assisted Abilene Independent School District ("AISD") in examining the records in the office of the County Clerk of Taylor County, Texas insofar as they pertain to the Property. After examination, BMW discovered that the Property appears to have been reserved from conveyance by C. A. Wilson and wife, Alice C. Wilson in a deed recorded in Volume 226, Page 604, Deed Records, Taylor County, Texas, and, by the same deed, dedicated by C. A. Wilson and Alice C. Wilson for public use as a street and roadway. It is BMW's understanding that the City of Abilene is now considering vacating the Property as a public roadway and is in need of clarification regarding the effects of the proposed vacation. This letter is intended to help clarify any questions regarding title to the Property should the city determine to vacate the public roadway.

The Property is located adjacent to several tracts of land: (i) a tract on its West and North boundaries which is owned by AISD, and (ii) multiple tracts on its East and South boundaries owned by Eric Neal White. It is unclear why the Property was ever dedicated as a public roadway. Although the property does not appear to have been used as a public roadway for many years, BMW was unable to find any other evidence that the Property was ever abandoned or otherwise conveyed to another party.

According to Texas law, public rights to a street can be conveyed either as a right of way (i.e., easement) or in fee. When a public street right of way is dedicated, the public rights are in the nature of an easement and the underlying fee interest is not transferred by the public street right of way dedication. *Lakeside Launches, Inc. v. Austin Yacht Club, Inc.*, 750 S.W.2d 868, 871 (Tex. App.—Austin, 1988, writ. denied), *Hidalgo County v. Pate*, 443 S.W.2d 80, 84 (Tex. Civ. App.—Corpus Christi, 1969, writ ref'd. n.r.e.).

After a public right of way is dedicated, the underlying fee title does not remain with the original owner so long as the land adjacent to the roadway has already been conveyed. Instead, the underlying fee title is implicitly conveyed based upon the "strips and gores" doctrine in equal

shares to the owners of each side of the public right of way. *Cantley v. Gulf Production Co.*, 143 S.W.2d 912, 915 (Tex. 1940). This rule applies whether or not the street has been improved or opened. *Id.* The principle behind this rule is a presumption that "a grantor has no intention of reserving a fee in a narrow strip of land adjoining the land conveyed when it ceased to be of use to him, unless such fee is clearly reserved." *Id.*

If a public roadway is held as an easement or right of way rather than in fee, then once the roadway is vacated, the fee title—which has already vested in the abutting owners pursuant to the "strips and gores" doctrine discussed above—is no longer encumbered by the rights of the public. That does not mean that the public conveys fee title to the roadway, but rather that the public's rights to the roadway are released. Consequently, fee title to the vacated roadway vests one-half to the owners of the property located on each side of the roadway as described above.

As for the Property, it appears the instrument referenced above dedicated the Property for public use as an easement rather than a conveyance of fee title. The dedication contains no language of conveyance which might indicate C. A. Wilson and wife, Alice C. Wilson intended to grant anything more than a right of way for public use. C. A. Wilson and Alice C. Wilson and their successors in interest conveyed fee title to the property adjacent on either side of the Property. AISD and Eric Neal White now appear to be the current owners of the underlying fee title to the Property given that they own fee title to the land on either side of the Property. Because the roadway is characterized as an easement and the adjacent property was already conveyed, it appears that upon vacation of the Property as a public roadway, record title to the roadway will be vested one-half each in AISD and Eric Neal White.

Please note that there is no indication that either AISD or Eric Neal White would be landlocked as a result of vacating the roadway. It appears that the property owned by AISD maintains the right of ingress and egress from a public road by way of both Amarillo Street and Vine Street, while the contiguous properties owned by Eric Neal White maintain the right of ingress and egress from a public road by way of Vine Street.

In preparing this letter, BMW has only examined the title to the surface estate of the property, and has not determined the existence of any outstanding interests or matters such as mineral rights, wind reservations, water reservations, easements, restrictions, or any other such instrument that would typically be listed as an exception in schedule B of a commitment for title insurance. This letter is for the benefit of AISD only and does not inure to the benefit of any third party. Further, this letter is not an assurance, guaranty, warranty nor opinion of title as to the Property. Any claim against BMW or its officers, employees, agents, or representatives arising because of an inaccuracy or omission in the information contained in this letter shall be limited to the amount paid for the production of this letter.

Sincerely,

Bradshaw, McCall & Westbrook, PLLC

By: 
Grant Cunningham, Attorney



RECEIVED

MAR - 1 2017

**CITY ATTORNEY'S OFFICE
ABILENE, TEXAS**

FORMAL
REQUEST
TO
CONSIDER
ALTERNATIVE
SOLUTION
TO
90 YEAR OLD
COUNTY ROAD
SURVEY

DANA SCHOENING
and
BOARD OF TRUSTEES P 1/2
December 1, 2016

PLANNING & ZONING, Board

"FORMAL PETITION"

REQUEST, TO, CONSIDER

★ ALTERNATIVE SOLUTION ★

TO THE MATTER OF THE
ABRUPT AND UNUSUAL,
REQUEST, OF THE ABILENE
SCHOOL SYSTEM ADMINIS-
TRATION, TO, "CLOSE OFF"
THE 90 YEAR-OLD COUNTY
ROAD, TOTALLY IN THEIR
"FAVOR"... FOR THE OBVIOUS?
AND APPARENT VERY ODD
"PURPOSE" BEING TO CAUSE
SIGNIFICANT PHYSICAL AND
FINANCIAL DAMAGE TO
THEY (THEMSELVES) WHOM
HAVE IN FACT ACTIVELY

"THE ROAD"
TAKEN CARE OF IT AND MAIN-
TAINED IT FOR OVER 64 YEARS
... EVEN TO ATTEMPT TO USE
ZONING AND PLANNING TO
DENY ENTRY AND EGRESS
RIGHT-OF-WAY, TO OUR
HOME, AND, FROM BOTH DIR-
CTIONS, THE ASSOCIATED
OLD BARN, WHICH THEY ARE
AND WERE AWARE THAT
WE HAD JUST BEGUN TO RE-
CONSTRUCT, TO BECOME OUR
ART STUDIO, AND, LATER
POSSIBLY THE CATALYST
"ARTS" SUCH CLASS ROOM,
IN ASSOCIATION WITH THE
SMALL NATURAL FOREST,
WHICH WE HAVE CON-
TINUOUSLY CARED FOR

FOR IN FACT SUCH 64 YEARS
ALSO ... WHICH THEY INTEND
TO ALSO DISASSOCIATE OUR-
SELVES FROM ... EVEN SO
"REINFORCED" TO EVEN EXCLUDE
THE KNOWLEDGE IN FULL
OF THIS MATTER, FROM THE
SCHOOL BOARD ! IT APPEARS !

THAT IS, "LEGALLY" SPEAKING
THERE IS NO REASON THAT
THE CITY, PLANNING AND ZONING,
CANNOT IN FACT, REJECT,
THESE PEOPLE'S HIGHLY SUS-
PECT "REASONING" AND REQUEST
WHICH IS, AGAIN, AIMED TOT-
ALLY AT ACTUALLY CAUSING
EXCEPTIONAL DIFFICULTY TO
OURSELVES AND FURTHER TO

ACTIVELY DAMAGE OR DESTROY
THE POTENTIAL FOR THE AREA
ENTIRE TO BE INTRODUCED
TO THE SCHOOL BOARD AS
POTENTIAL HIGHLY CREATIVE
SPECIAL "SPECIAL" ARTS AND
MUSICS AND SCIENCES, "CLASS-
ROOMS" SITUATED EXACTLY
UPON ALL THE AREA, THESE
PARTICULAR PEOPLE ARE
TRYING TO DISASSOCIATE AND
DESTROY THEMSELVES, ... AND
INSTEAD, ACT IN THE MOST
BENEFICIAL MANNER, AND
AWARD "THE ROAD" IN QUESTION,
ENTIRELY TO THEM, OURSELVES,
WHOM HAVE ACTIVELY AND
- 4 -
ACTUALLY, PHYSICALLY, CAUSED

FOR AND MAINTAINED AT OUR
OWN ACCOUNTING AND EXPENSE,
FOR ACTUALLY 64-YEARS ...
HAVING IN FACT, HAVING
BE "TOPPED" THE ROAD ITSELF,
IN RESPONSE TO THE ELE-
VATION OF THE "MAINTAINANCE"
SITOP BY ALMOST 2 FEET,
WHICH CAUSED SIGNIFICANT
FLOODING, UNTIL WE RAISED
THE ROAD, 3 TIMES, AND
THUS CREATED THE APPROP-
RIATE DRAINAGE FOR RAIN-
WATER THAT NOW WORKS
PERFECTLY.

THESE, WHATEVER THE
APPARENT REASON ... WHICH

THEY (HE) ARE GIVING AS,
"NO REASON (QUOTE) ... IT
IS OUR HEART-FELT, INTUI-
TIVE STRONG BELIEF, THAT
THE REAL "OBJECTIVE" HEREOF,
IS, TO CONSCIOUSLY APPLY PHY-
SICAL AND THUS PSYCHOLOGICAL
PRESSURE AS PER WICRD DE-
SIRE, TO PUT A FENCE DOWN
THE MIDDLE OF THE ROAD, WHICH
WE HAVE CARED FOR ("MAIN-
TAINED") FOR 64 YEARS, SUCH
THAT WE ARE, BASICALLY, MENTAL-
LY EXHAUSTED AND JUST FINALLY
"GIVE IN" TO THEIR CONTINUOUS
SUGGESTIONS THAT WE/I SELL
THE HOMESTEAD, TO THEM ...
AGAIN, WITH THE REASON FOR
THIS, GIVEN, AS, "NO REASON"!

ESSENTIALLY, WE WOULD SUB-
GEST THAT HE (THEY) ARE JUST

TRYING TO GET PLANNING AND ZONING, TO HELP THEM PERSUADE A GOOD AND CONSCIENTIOUS CITIZEN TO GIVE UP (THE ATTEMPTS TO MAKE, OR, LEAVE FOR, THE CHILDREN, A "SPECIAL NATURAL, FOREST-BASED, MUSIC OR ARTS OR OTHER, "THEATRE" AS-CLASSROOM) AND "GO AWAY"! INTIMATING, THAT "THERE'S NO WAY YOU CAN WIN," SUGGESTING THAT ZONING AND PLANNING "ALWAYS" JUST BASICALLY DO WHAT THE SCHOOL WANTS IT TO WHICH, I DON'T REALLY BELIEVE.

AT ANY RATE NOT TO BELABOR THIS MATTER TO INFINITY, I, AND WE, BELIEVE THAT

"THIS ACTION, IS DIRECTLY AGAINST THE MANDATE OF THE OFFICERS AND BOARD OF TRUSTEES

OF THE CITY PLANNING (AND ZON-
ING) OFFICE, WHICH IS TO SEE
TO THE BEST PEACE AND PROS-
PERITY OF ALL THE CITIZENS
OF ABILENE."

FURTHER, THAT THIS OFFICE, SHOULD
NOT BE "USED" TO ANYONE'S AD-
VANTAGE OVER ANOTHER, BUT
INSTEAD DETERMINE FOR THEM-
SELVES, WHAT THE BEST COURSE
OF ACTION IS, FOR THE CITY
AS A WHOLE, AND FOR EVERYONE
THAT'S INVOLVED.

WHICH, WE THIS CONCLUDE
BY SUGGESTING THAT, IF, THIS
ROAD NEEDS (WHY?) TO BE
"REALIZED" DIFFERENTLY, THEN
THE ABSOLUTELY (TO OUR WAY
OF THINKING OF COURSE) ONLY
TRULY JUSTICABLE AND CLEAR
SOLUTION, IS, TO ALLOW THOSE
(US, OURSELVES) WHO TRULY CARE

NICE, POSSIBLY "WONDERFUL"
LITTLE FOREST PRESERVE, WHERE
THE KIDS OF THE ENTIRE SCHOOL
SYSTEM, CAN PERCEIVE A
SIGNIFICANTLY MORE CREATIVE
IF I MAY BE SO BOLD, MANNER
OF LIVING IN AND WITH THE
BEAUTY OF THE NATURAL WORLD,
RATHER THAN SO MANY "PARK-
ING LOTS" WHICH IS WHAT WE
SERIOUSLY BELIEVE IS WHAT
THESE PARTICULAR PEOPLE WANT
... FOR "NO REASON".

LOOK AROUND COOPER, THERE
IS NOT ONE SINGLE TREE THERE
THAT WAS NOT PLANTED WHEN
MY UNCLE BUILT (AND DESIGNED)
THE AUDITORIUM AND LIBRARY
WHEN COOPER WAS BUILT.

IN CONTRAST (DRASTIC) TO
THIS AMBIENT "EFFICIENCY" IS

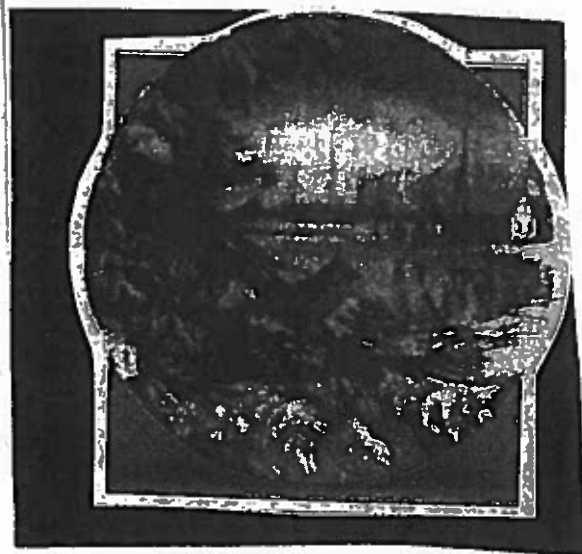
THE ABSOLUTELY GREAT RE-
CONSTRUCTION OF THE DOWN-
TOWN AREA AROUND THE
GRACE MUSEUM AND TRAIN
STATION . . . WHICH IS EXACT-
LY HOW WE WISH TO BUILD
THE ARTS AND MUSIC SCIENCES,
ETC, "SUPER CULTURAL" CLASS-
ROOM HERE IN THIS 100
PLUS YEAR OLD, SMALL, LITTLE
FORGOT "PRESERVE", WHICH COULD
USE A NICE 90 YEAR OLD ROAD,
TO EXCELLENT USE'.

THANK
YOU

ERIC CLARK

~~Dear to the~~ 1st, 2nd and
ad Sixteen

7.11



OLD
WHITE RANCH
NATURE PRESERVE
698 9705

MAYOR'S OFFICE & CITY ATTORNEY
NORM ALKIBALO STAN SMITH
[KELLY MESSER]
[CRAIG CHASE]

REQUEST TO
REVISIT AND FURTHER
DISCOVERY, AS PER

CONSIDERATIONS BY
THE CITY COUNCIL OF
THE MULTIPLE ASPECTS OF
A USUALLY SIMPLE
"ROAD CLOSING"
AT
3900 VINE, ABILENE
TEXAS

PRELIMINARY INFORMATION
("OBJECTIONS") FURTHER,
TO, POTENTIAL ARBITRATION
BY THE MAYOR.

WHITE ROSE ILX
INTERNATIONAL INTELL-
IGETUAL PROPERTIES,
(LAW)

AT THE
WHITERANCH NATURE PRESERVE
3000 VINE
ABILENE, TEXAS

REQUEST TO REVISIT

THE, CONSIDERATION,
BY THE PLANNING & ZONING
COUNCIL, TO "APPROVE" THE
OLD ROAD HEREOF, AND
THENCE DIVIDED, BETWEEN
THE TWO EFFECTED LAND-
HOLDERS ["WHITE RANCH" AND
"THE SCHOOL"]... AS PER:

I. THE ASSUMPTION THAT THE
DEED TO THE WHITE RANCH, HAD
BEEN MADE INTO ONE TRACT-
DEED, AND THAT THUS NONE
OF THE 4 (ACTUAL) TRACTS
WOULD THUS BE "LAND-LOCKED"

, I.E. DENIED ACCESS/RIGHT-OF-WAY ... IS, IN FACT, IN ERROR, AS, THE DEDDING, IS STILL EXACTLY AS WAS FOR 64 YEARS, RE: AS 4 Separated PARCELS ... AND THEREFOR, ARE, OR WOULD BE THUS DE FACTO LAND-LOCKED IF THIS ACTIVITY BY THE SCHOOL, WERE, APPROVED.

II, SECOND, WE ARE ENDEAVORING TO FIND ANY DOCUMENTATION AS TO THE REST OF "THE ROAD HAVING EVER BEEN ALSO SO "CLOSED". THEREFORE, IT IS QUITE POSSIBLE THAT OURSELVES 4TH TRACT (THE BARN) IS IN FACT DEDDED, WITHOUT EVER THE ROAD HAVING "CLOSED". ... ALSO THUS THE SMALL [60X60] AREA THAT THE SCHOOL ACQUIRED FROM

THE SAME (MR.) DAVIS PROPERTIES
WHAT DID MY GRANDFATHER
AND FATHER.... AND, WE THUS
SUGGEST THAT THIS FURTHER
PROBLEM/MATTER, MUST BE
CLEANED UP, SO THAT THE WHOLE
ROAD HEREOF CAN THERE BE
CLOSED OUT AT THE SAME
TIME, SINCE IT IS THE
SAME CONNECTING ROAD, AS
THE L-SHAPED PIECE THEREOF.

NOTE: I, HAVE FULLY RE-PUR-
CHASED "THE RANCH/HOMESTEAD"
FROM MY BROTHER AND COUSINS,
AND, WILL ATTEMPT TO HANDLE
THIS MATTER(S) MYSELF, AS PER
WHITE ROSE INTERNATIONAL INTEL-
LECTUAL PROPERTIES (LAW) AS THE
U.S. ORIGINATING CO. OF WHITE-
ROSE AND WULF - GENEVA, WHICH

ARE TOTALLY CONCERNED WITH
THE DEVELOPMENT OF VARIOUS
AEROSPACE AND NEW NUCLEAR AND
OTHER ADVANCED TECHNOLOGIES,
FOR, GENERATING CAPITAL AND
EXPERTISE, FOR THE WORLD
LIBRARY FOUNDATION, AND, NOW
ESPECIALLY, FOR THE WORLD
IVORY TRUST (FOUNDATION) AS
PER PUTTING UP A NEW SATE-
LLITE CONSTELLATION TO HELP
STOP THE PREDATION OF
MULTIPLE ENDANGERED WILD
CREATURES... ESPECIALLY THE
ELEPHANTS, RHINOS, HIPPOS,
SNOW LEOPARDS, TIGER AND
GORILLAS, AFRICA/INDIA/ETC,
... IF, HOWEVER, THIS MATTER
BECOMES TOO SPECIALIZED FOR
MY OWN GENERAL KNOWLEDGE,
OTHER, REPRESENTATION, IS AL-
READY ARRANGED.

A -

III. ALTHOUGH WE WOULD GREATLY PREFER NOT TO HAVE TO PRESENT A FURTHER DEFINITE OBJECTION, IT MUST BE SUGGESTED, THAT, THE ACTUAL "PURPOSE" OF THIS HIGHLY UNUSUAL ATTEMPT TO GAIN CONTROL OF THE SMALL ROAD, [WHICH THEY HAVE EVEN STATED, THEY HAVE "NO REAL USE FOR"] IS IN FACT, TO USE SUCH THREAT TO "PUT A FENCE DOWN THE MIDDLE OF YOUR DRIVEWAY", TO DE FACTO FORCE US TO LITERALLY GIVE THEM THE BARN/STUDIO AND STORAGE AREA.... THIS WAS ONLY BROUGHT TO MY ATTENTION BY DAN. FERGUS, OR I WOULD NEVER HAVE REALIZED THIS, AS, ALTHOUGH EVERY ATTORNEY I'VE TALKED TO (IN ABILENE) STRESSED THAT I SHOULD "NEVER" BE (5)

DIDN'T BELIEVE ANYTHING THAT THE
IN "FRIGAD" I WAS LED TO
BELIEVE, EVEN SAID ... AND
TO WHOM I HAD (UNWISELY
I NOW REALIZE) TOTALLY
CONFIDED, AS TO (FOR 12
PLUS YEARS) DESIRE TO FIN-
ALLY GET ENOUGH MONEY
TOGETHER TO INTRODUCE
TO THE SCHOOL THE RIDING
ACADEMY, OLYMPIC SWIMMING
POOL, AND, PROGRAMMING ARTS
"SPORT" CLASSES, WHERE THE
SCHOOL BUSES WERE FINALLY
REMOVED FROM, AND, THE
MAINTENANCE AREA, WHICH
I WAS (MIS) LED TO BELIEVE
WERE IMMINENTLY TO BE
ALSO SO REMOVED TO DEFER-
SON ... THE LAST SUCH CON-
VERSATION WITH J.H. THE
SCHOOL REP AND I THOUGHT
FRIEND ... BEING EXACTLY I

DAY AFTER THEY BEGAN TRY-
ING TO GET CONTROL OF THE
ROAD, TO THUS ACTUALLY
THREATEN TO SO CLOSE SUCH
TO GET THE BARR/STUDIO!

SUCH MUST BE IN SUNDY TO
HAVE TO SAY CONSIDERED
MISREPRESENTATION (BY A
GOVERNMENTAL ENTITY) FOR
THE PURPOSE OF TO DEFRAUD
OR DEPRIVE, OF, PROPERTY,
AND THENCE THE EXTREME
EMOTIONAL DISTRESS BOUND
TO BE EXISTENT WITH SUCH
A MATTER... WHICH IS, A
CIVIL RIGHTS VIOLATION AS
IS A GOVERNMENTAL BODY
INVOLVED... AND THERE
WOULD HAVE RIGHT TO STATE
AND FEDERAL ACTIVITY...
WHICH THIS COMMUNICATION
IS DESIGNED TO AVOID IF
AT ALL POSSIBLE,

I.E. THING IS ASSOCIATED DIRECTLY, VERY HIGH FINANCIAL DAMAGE OF WHICH WORK, IMPACTED, WAS DEFINITELY KNOWN BY THE SCHOOL BOB, AND THE DAMAGE, WHEN BROUGHT TO THEIR ATTENTION, WAS TOTALLY IGNORED, EVEN THOUGH THE STATE GENERAL COUNCIL'S OFFICE STATED THAT ALL GOVERNMENTAL BODIES MUST RESPOND TO ANY APPLICANT'S REQUEST FOR SURVEY. ALSO, THEIR REFUSAL TO EVEN ALLOW ME, THE DIRECTLY EFFECTED NEIGHBOR, TO HAVE ANY UNDERSTANDING AS TO THEIR INTENTIONS HEREOF ... WHICH SUCH PLANNING MUST BE MADE PUBLIC AND HAS NOT TO MY KNOWLEDGE SO BEEN.

REFERENCES

THE, ATTACHED, "BOOKLETS", ARE
ALL OF THE COMMUNICATIONS
I'VE ATTEMPTED TO GET THE
SCHOOL BOARD JUST TO TELL
ME WHAT THEY INTEND, SO,
I CAN THENCE PLAN MY LIFE
ONWARDS, ACCORDINGLY, BE
THAT "BAD" OR "GOOD"
AS IT IS NOW, I'VE ALREADY
LOST TWO OVER 100,000 TO
ME, CONTRACTS, AND PROBABLY
SEVERAL MILLION FROM THEIR
RESPECTIVE FOUNDATIONS TO
THE WILDLIFE PROTECTION
GUARDIAN SATELLITES . . . AND
I CANNOT GO ON LIKE THIS,
BE: TOTALLY "IN THE DARK"
AND UNABLE TO CONCENTRATE
ON ANYTHING WORK RELATED,

THUS, I MUST GET BACK TO
WORK AND, IF THERE IS
STILL NO RESPONSE FROM THE
SCHOOL, I WILL HAVE TO TURN
THIS MATTER OVER TO ATTORNEYS
IN AUSTIN (STATE ACTION) (AND
STATE BOARD OF EDUCATION), DALLAS
(FEDERAL) AND D.C. (CIVIL RIGHTS).
... AND, ALTHOUGH I'VE NEVER
"BROUGHT IN" ANYONE, I HAVE
SENT COPIES OF ALL OF THIS
TO FRIENDS IN L.A., S.F., N.Y.,
CHICAGO, BOSTON, AND OTHER
PLACES, AND WILL HAVE THIS
INTRODUCED TO THE NATIONAL
VENUE NEWSPAPERS AND SOCIAL
MEDIA THERE OF I.G.
I MUST FINALLY HAVE HELP
IN THIS, IF THE SCHOOL CON-
TINUES TO TOTALLY IGNORE MY
"PLEAS". ALL I NEED IS IN-
FORMATION FROM THEM!!

AT ANY RATE, I DO NOT MEAN
TO BE "AT ODDS" WITH ANY-
ONE HERE IN ABILCAR. I
HAVE HAD A LONG AND EX-
TREMELY VARIED LIFE, THUS
FAR, AND ALL I WANTED,
WAS TO FINALLY BE ABLE
TO FULLY REPAIR AND RESTORE
THIS MY GRANDFATHER'S AND
FATHER'S OLD HUNTERCRAFT "PAPA",
TO BECOME MY IN-U.S. OFFICE
TO DEVELOP SEVERAL SPECIAL
AEROSPACE SYSTEMS, ESPECIALLY
HAVING TO DO WITH THE
USE OF A REDESIGNED B1B
(X-5 - Extended Spine) AS A
PLATFORM FOR ENTIRELY NEW
"HYPER" ENGINES; WHICH WOULD
MAKE ORBITAL AND POSSIBLY
EVEN LUNAR, ACTIVITY, POS-
SIBLE, FOR THE U.S. and [11]

(WATO allies) Space Command.
... BUT, AFTER ALL IS SAID
AND DONE, IF, YOURSELVES
DO NOT WANT MYSELF
HORE, WHICH APPEARS TO BE
THE CASE ... AND YOU ALL
ALLOW THIS BIZARD AT-
TEMPT BY THE SCHOOL, TO
GO ON ... I WILL JUST
LEAVE ... I CANNOT CONTINUE
TO EXPEND UNHOLY AMOUNT
OF TIME, WRITING MISSIVES
TO THE SCHOOL WHICH THEY
TOTALLY IGNORE.

MY ONLY CONCERN HAS
BEEN (AND IS) THE SMALL
PUNY, WHICH COULD BECOME
THE CORE FOR REALLY GREAT
CLASSES AND A GARDEN-PARK
OR OTHER, FOR THE KIDS OF [12]

THE FUTURE . . . THUS, IF,
THE SCHEDULE WILL AGREE
TO NOT HARM EVOL, THE
FUNGIT, AND THEN ARE JUST
HOLD-FAST ON EXPANDING
THE MAINTAINANCE "STORAGE",
OR WHATEVER, THEN I WILL
LET THEM HAVE THIS, MY
HOMESTEAD, WHICH IS NOT
A NATURAL FUNGIT, BUT
HAS IN FACT BEEN GREAT-
LY MISLEADING BY EVOL-
ING I'VE EVER LET STAY
HERE, AND SO WILL BE
NOT THAT MUCH DAMAGE
TO THE EARTH IF THESE
PEOPLE JUST HAVE TO
HAVE SOME MORE EXOTIC
PARKING LOTS OR WHATEVER.

MY BETTER SUGGESTION IS, THAT,
THIS ENTIRE MATTER BE BROUGHT
TO THE MAYOR'S ATTENTION,
AND SOME KIND OF DISCUSSION
BE HAD, TO AVOID UN-CON-
TABLE LEGAL OR OTHER, ACTION.

I.E. AM REQUESTED ON THE
BASIS OF THESE (AND OTHER!)
OBJECTIONS, THAT THIS "ROAD
CLOSING" BE TABLED UNTIL
FURTHER DISCOVERY WORK
HAD, CONCERNING THE
MULTIPLE ASPECTS THEREOF,
HENCE... WITH MAYORIAL
REVIEW AND POTENTIAL JUST
ARBITRATION.

acknowledged to me that they each executed the same for the purposes and consideration therein expressed, and the said Robbie Williams wife of the said Van Williams having been examined by me privily and apart from her husband and having the same fully explained to her, she the said Robbie Williams acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed and that she did not wish to retract it.

Given under my hand and seal of office this 8th day of May 1930.

W. C. Hamilton Notary Public
Taylor County Texas.

(SEAL)

FILED FOR RECORD MAY 9, 1930 at 4:25 P M

RECORDED MAY 16, 1930 at 8:40 A M

W P Bounds County Clerk
By Jessie Green Deputy.

FILE NO. 2868.

THE STATE OF TEXAS I
COUNTY OF TAYLOR I KNOW ALL MEN BY THESE PRESENTS:

That we, C. A. Wilson and wife Alice C. Wilson of the County of Taylor State of Texas for and in consideration of the sum of Three Hundred and Eighty-five and no/100 Dollars to us paid and secured to be paid by Ernest W. Wilson as follows: The sum of One Hundred and Ninety Dollars cash, the receipt of which is hereby acknowledged and the execution by the grantee herein of one certain promissory note in the sum of One Hundred and Ninety-five Dollars payable to the order of C. A. Wilson bearing even date herewith due and payable on or before three years from this date, bearing interest from date until maturity at the rate of 8% per annum, interest payable annually as it accrues, with the usual attorney fee and acceleration clause, all past due interest and principal to bear interest at the rate of ten per cent per annum, said note being due and payable at Abilene Taylor County, Texas. The grantors herein to pay all taxes on said hereinafter described land down to the first day of January 1929, have Granted, Sold and Conveyed, and by these presents do Grant Sell and Convey unto the said Ernest W. Wilson of the County of Taylor State of Texas all that certain tract and parcel of land situated in Taylor County Texas, and being a tract 183 feet square out of that certain tract or parcel of land and being a $31\frac{1}{2}$ acre tract out of the north $\frac{1}{2}$ of the south $\frac{1}{2}$ of fractional Section No. 64, Blind Asylum land in Taylor County, Texas which said $31\frac{1}{2}$ acres of land is fully described in a certain deed dated September 5th 1925, and recorded in Taylor County Texas Deed Records Vol. 155, page 575 and executed by Almarine Wilson and wife M. E. Wilson to C. A. Wilson one of the grantors herein.

The particular portion of said $31\frac{1}{2}$ acre tract herein and hereby conveyed being described by metes and bounds as follows: Beginning at a point 825.575 feet from the south East corner of above described $31\frac{1}{2}$ acre tract of land at a stake in the south boundary line of said $31\frac{1}{2}$ acre tract of land, said stake being the south-west cor. of a 1.24 acre tract conveyed by the grantors herein to T. Wade Hedrick and Stewart Cooper by deed dated December 14th 1928, and recorded in Vol. 206, page 539; Deed Records of Taylor County, Texas reference being hereby made to same for a further description of said south-west corner; thence north 396 feet parallel with the east boundary line of said $31\frac{1}{2}$ acre tract to a stake for corner, said stake being the north west corner of said 1.24 acre tract conveyed as aforesaid to T. Wade Hedrick and Stewart Cooper; thence west 183 feet parallel with the south boundary line of said $31\frac{1}{2}$ acre tract to a stake for corner and being the north west corner of the tract herein conveyed; thence south 183 feet, parallel with the east boundary line of said $31\frac{1}{2}$ acre tract to a stake

for corner, said stake being the south-west corner of tract herein conveyed; thence 183 feet East parallel with the south boundary line of said $31\frac{1}{2}$ acre tract, to a stake in west boundary line of said 1.24 acre tract conveyed to T. Wade Hedrick and Stewart Cooper, said stake being the south east corner of tract herein conveyed; thence North 183, feet, parallel with the East boundary line of said $31\frac{1}{2}$ acre tract to the north west corner of said 1.24 acre tract conveyed to T. Wade Hedrick and Stewart Cooper and being the place of beginning of the tract herein conveyed.

And the grantors herein do hereby dedicate to the use of the public forever to be used as a street and roadway that certain certain strip of land on the north side and west side of the tract herein conveyed and running 60 feet wide on the West and 50 feet wide on the north entirely around said tract on the north and west to be used as a street and roadway and being described by metes and bounds as follows: Beginning at the north-west corner of said 1.24 acre tract of land conveyed to T. Wade Hedrick and Stewart Cooper by the Grantors herein and fully described herein above; thence north 50 feet parallel with the east boundary line of said hereinabove described $31\frac{1}{2}$ acre tract to a stake for corner and being the north west corner of a certain strip of land dedicated by the grantors herein by deed dated December 14th 1928 and recorded in Vol. 206, Page 540 Deed Records of Taylor County, Texas reference being here made to same for a further description of said north-west corner; thence west 243 feet, parallel with the south boundary line of said $31\frac{1}{2}$ acre tract to a stake for corner; thence south 233 feet parallel with the East boundary line of said $31\frac{1}{2}$ acre tract to a stake for corner; thence East 60 feet parallel with south boundary line of said $31\frac{1}{2}$ acre tract to a stake and being the south-west corner of a certain tract conveyed on this date and hereinabove described to Ernest W. Wilson; thence North 183 feet parallel with the East boundary line of said $31\frac{1}{2}$ acre tract to north west corner of tract conveyed to Ernest W. Wilson this date; thence east 183 feet, parallel with south boundary line of said $31\frac{1}{2}$ acre tract to place of beginning.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Ernest W. Wilson with the exception of above described streets which are dedicated to the use of the public forever as a street and roadway, his heirs and assigns forever; and we do hereby bind ourselves our heirs, executors and administrators to Warrant and Forever Defend all and singular the said premises unto the said Ernest W. Wilson, with the exception of above described streets which are dedicated to the use of the public forever as street and roadway, his heirs and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

But it is expressly agreed and stipulated that the Vendors Lien is retained against the above described property, premises and improvements until the above described note and all interest thereon are fully paid according to - face and tenor effect and reading when this deed shall become absolute. But no lien is retained against the above described streets which are dedicated to the use of the public forever.

Witness our hands at Abilene Texas this 16th day of March A D 1929.

C. A. Wilson,

THE STATE OF TEXAS)

Alice C. Wilson,

COUNTY OF TAYLOR) BEFORE ME, the undersigned authority a Notary Public in and for Taylor County Texas on this day personally appeared C. A. Wilson known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 16 day of March A D 1929.

(SEAL)

C. S. Cameron Notary Public in and for
Taylor County, Texas.

THE STATE OF TEXAS)

COUNTY OF TAYLOR) BEFORE ME, the undersigned authority a Notary Public in and for Taylor County Texas on this day personally appeared Alice C. Wilson wife of C. A. Wilson known to me to be the person whose name is subscribed to the foregoing instrument, and having been examined by me privily and apart from her husband and having the same fully explained to her, she, the said Alice C. Wilson acknowledged such instrument to be her act and deed and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 16 day of March A D 1929.

C. S. Cameron Notary Public in and
for Taylor County, Texas.

(SEAL)

FILED FOR RECORD MAY 10, 1930 at 4:10 P M

RECORDED MAY 16, 1930 at 9:30 A M

W P Bounds County Clerk
By Jessie Green Deputy.

FILE NO. 2872.

THE STATE OF TEXAS :

COUNTY OF TAYLOR : WHEREAS, On the 19th day of April A D 1928 J. M. Estes and wife Ethel Reagan Estes of the County of Taylor State of Texas did execute, acknowledge and deliver to J. V. Howerton Trustee of the County of Taylor State of Texas a certain deed of trust on the following described real estate situate lying and being in the County of Taylor in said State of Texas to wit: Being 108 1/2 feet by 140 feet out of the N. W. corner of Lot No: 2, Block No. 163, located in Abilene Taylor County Texas.

(The said deed of trust being recorded in the deed of trust records of Taylor County, Texas, in Volume No. 72, Page No. 217, to which reference is hereby made.) to secure the prompt payment of three certain promissory note executed by the said J M Estes and wife Ethel Reagan Estes and payable to the order of Central State Bank of Abilene Texas as follows:

Two notes for \$1666.00 each and one for \$1668.00 DOLLARS due 19th day of April A D 1929, 30, 31, respectfully had bearing interest from date at the rate of 8 per cent. per annum. AND WHEREAS, Said note with accrued interest thereon have been fully paid to Central State Bank, Abilene Texas the legal and equitable holder and owner of such notes.

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS: That said Central State Bank of Abilene acting by and through its President C T Hutchison of Taylor County, State of Texas in consideration of the premises and of the full and final payment of said notes the receipts of which is hereby acknowledged, have this day and do by these presents release, discharge and quitclaim unto the said J. M. Estes and wife Ethel Reagan Estes their heirs or assigns, all the right, title, interest estate in and to the property above described, which it has or may be entitled to by virtue of said notes and deed of trust and do hereby declare the same fully released and discharged from any and all liens created by virtue of said notes and deed of trust above mentioned.

WITNESS its hand this 1st day of May A D 1930.

CENTRAL STATE BANK, ABILENE TEXAS
By C. T. Hutchison, President.

(SEAL)

Attest:

R. Peters Cashier.



Taylor County
Larry G Bevill
Taylor County Clerk
Abilene, Texas 79602 (325)674-1202

Instrument Number: 2017-00002473

As

Recorded On: February 16, 2017

Recording Fee

Parties: WHITE BURNEY DEWAYNE

Billable Pages: 9

To WHITE ERIC NEAL

Number of Pages: 10

Comment: WD

(Parties listed above are for Clerks reference only)

**** Examined and Charged as Follows: ****

Recording Fee	58.00
Total Recording:	58.00

***** DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT *****

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY
because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 2017-00002473

Receipt Number: 404597

Recorded Date/Time: February 16, 2017 04:15:39P

User / Station: M Dick - CASH01

Record and Return To:

FERGUS & FERGUS

1049 NORTH 3RD STE 200

ABILENE TX 79601



State of Texas
County of Taylor

THIS IS NOT A BILL

I hereby certify that this instrument was FILED on the date and at the time stamped hereon by me and was duly
RECORDED in the OFFICIAL RECORDS of Taylor County, Texas as stamped hereon.

County Clerk
Taylor County, Texas

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER

GENERAL WARRANTY DEED

Date: February 3, 2017

Grantors: Burney DeWayne White, not joined by his wife since the property does not constitute our homestead, and
Ralph Shane White, not joined by his wife since the property does not constitute our homestead.

**Grantors' Mailing Address
(including county):** Burney DeWayne White
117 East Archer
Jacksboro, Jack County, Texas 76458

Ralph Shane White
11240 South Bay Lane
Austin, Travis County, Texas 78739

Grantee: Eric Neal White

**Grantee's Mailing Address
(including county):** 3902 South Vine Street
Abilene, Taylor County, Texas 79604

Consideration: TEN AND NO/100 DOLLARS (\$10.00) cash, and other good and valuable consideration the receipt and sufficiency of which is hereby fully acknowledged and confessed.

Property (including any improvements):

Attached hereto and incorporated herein for all purposes as Exhibit "A" and Exhibit "B."

Reservations from and Exceptions to Conveyance and Warranty:

This conveyance is given and accepted subject to any and all restrictions, reservations, covenants, conditions, rights of way, easements, municipal or other governmental zoning laws, regulations and ordinances, if any, affecting the herein described property.


Grantee herein assumes the taxes for the current year.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

This instrument may be executed in any number of counterparts, each of which shall be considered an original for all purposes.

When the context requires, singular nouns and pronouns include the plural.

GRANTORS:


Burney DeWayne White

Ralph Shane White

No title search has been performed by any lawyer or title company to determine if the Grantor has clear and marketable title to the property including any search pertaining to liens and encumbrances on the property. Grantee can have the title searched and can have a title policy issued before the conveyance of the property. However, once the property has been conveyed then any encumbrances on the property may not can be eliminated.

Grantee herein assumes the taxes for the current year.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

This instrument may be executed in any number of counterparts, each of which shall be considered an original for all purposes.

When the context requires, singular nouns and pronouns include the plural.

GRANTORS:

Burney DeWayne White



Ralph Shane White

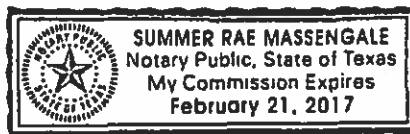
No title search has been performed by any lawyer or title company to determine if the Grantor has clear and marketable title to the property including any search pertaining to liens and encumbrances on the property. Grantee can have the title searched and can have a title policy issued before the conveyance of the property. However, once the property has been conveyed then any encumbrances on the property may not can be eliminated.

ACKNOWLEDGMENTS

STATE OF §
COUNTY OF §

"Before me, Summer Rae Massengale, a notary public, on this day personally appeared Burney DeWayne White, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

"Given under my hand and seal of office this 3 day of February, ²⁰¹⁷~~2016~~ ^{Bowl}~~Sen~~



Summer Rae Massengale
NOTARY PUBLIC, STATE OF

STATE OF §
COUNTY OF §

"Before me, _____, a notary public, on this day personally appeared Ralph Shane White, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

"Given under my hand and seal of office this _____ day of _____, 2016."

NOTARY PUBLIC, STATE OF

ACKNOWLEDGMENTS

STATE OF §
COUNTY OF §

"Before me, _____, a notary public, on this day personally appeared Burney DeWayne White, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

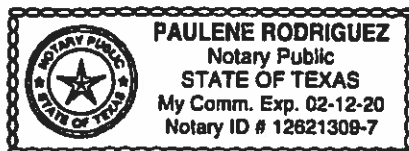
"Given under my hand and seal of office this _____ day of _____, 2016."

NOTARY PUBLIC, STATE OF

STATE OF TEXAS §
COUNTY OF TRAVIS §

"Before me, Paulette Rodriguez, a notary public, on this day personally appeared Ralph Shane White, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

"Given under my hand and seal of office this 3rd day of February, 2017 PM."



Paulette Rodriguez
NOTARY PUBLIC, STATE OF

AGREED AND ACCEPTED:

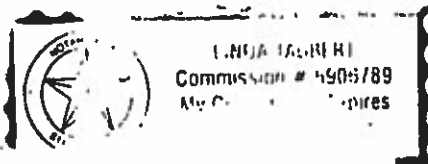
Eric Neal White DNA/SVD II
Eric Neal White

No title search has been performed by any lawyer or title company to determine if the Grantor has clear and marketable title to the property including any search pertaining to liens and encumbrances on the property. Grantee can have the title searched and can have a title policy issued before the conveyance of the property. However, once the property has been conveyed then any encumbrances on the property may not can be eliminated.

STATE OF TEXAS §
COUNTY OF TAYLOR §

"Before me, Eric Neal White, a notary public, on this day personally appeared Eric Neal White, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

"Given under my hand and seal of office this 15 day of February 2017."



Linda Taubert
NOTARY PUBLIC, STATE OF

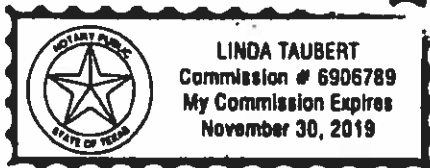


EXHIBIT "A"Tract No. 1:

Being the East 44 feet of the East 100 feet of that certain 183 ft. sq. tract of land out of a 31 1/4 acre tract out of Section 64, Blind Asylum Lands, Taylor County, Texas, which said 183 ft. sq. tract is described by metes and bounds in a warranty deed from W. T. Kelley and wife, Edna C. Kelley, dated December 20, 1941, recorded in Volume 306, Page 344, Deed Records, Taylor County, Texas.

Tract No. 2:

Being the North 183 feet of the following described property, being a part of a certain 31 1/4 acre tract of land out of Section 64, Blind Asylum Lands, Taylor County, Texas, described by metes and bounds as follows:

BEGINNING at a point of 690 feet West of a Southeast corner of said 31 1/4 acre tract and on the S.B.L. thereof, said beginning point being the Southwest corner of a certain 5.96 acre tract theretofore sold by C. A. Wilson, et ux, to N. W. King by deed dated February 17, 1927, and recorded in Taylor County, Texas, Deed Records, Volume 188, Page 18, reference to which is made, said beginning point also the Southeast corner of this tract;

THENCE North along the W.B.L. of said N. W. King tract 396 feet to a stake, the Northwest corner of the King tract, and the Northeast corner of this tract;

THENCE West parallel with the S.B.L. of said 31 1/4 acre tract, a distance of 135.575 feet to a stake the Northwest corner of this tract;

THENCE South parallel with the W.B.L. of said N.W. King tract 396 feet a stake in the S.B.L. of said 31 1/4 acre tract and the Southwest corner of this tract;

THENCE along the S.B.L. of said 31 1/4 acre tract 135.575 feet to the place of beginning, and containing 1/24 acres of land;

SAVE AND EXCEPT the East 37.3 feet heretofore conveyed to the County of Taylor for right-of-way purposes as shown by deed recorded in Volume 481, Page 446, Deed Records, Taylor County, Texas.

Tract No. 3:

Being the West 56 feet of the East 100 feet of that certain 183 ft. sq. tract of land out 31 1/4 acre tract of Section 64, Blind Asylum Lands, Taylor County, Texas, which said 183 ft. sq. tract is described by metes and bounds in warranty deed from W. T. Kelly and wife, Edna C. Kelley, dated December 20, 1941, recorded in Volume 306, Page 344, Deed Records, Taylor County, Texas.

Tract No. 4: Shown as Exhibit "B" attached.

Tract No. 5:

Being the following described tract of land, to-wit: Being a tract of land 83 feet East and West by 183 feet North and South out of 31 1/2 acre tract, and being a part of the North 1/2 of the South 1/2 of Section No. 64, Blind Asylum Lands in Taylor County, Texas, and said tract being more particularly described as follows:

BEGINNING at a point which is 923.575 feet West and 213 feet North of Southeast corner of said 31 1/2 acre tract;

THENCE North 183 feet to corner;

THENCE West 83 feet to corner;

THENCE South 183 feet to corner;

THENCE East 83 feet to the place of beginning, and being the West 83 feet of that tract of land conveyed by Ernest W. Wilson, et ux, to W. T. Kelly by deed dated September 1, 1941, and recorded [sic] in Volume 303, Page 581, Deed Records of Taylor County, Texas.

Tract No. 4:

0.2107 ACRE TRACT
SECTION 64, BLIND ASYLUM LAND
ABILENE, TAYLOR COUNTY, TEXAS

BEING 0.2107 acre of land, all of Tract No. 4 described in a General Warranty Deed to Ralph Shane White recorded in Instrument No. 2009-3195, Official Public Records, Taylor County, Texas, and out of the southerly portion of the North one-half of the South one-half of Section 64, Blind Asylum Land, Abstract No. 1370, Taylor County, Texas, and determined from other tract descriptions in said General Warranty Deed to be out of a 31-1/4 acre tract described in a deed to C. A. Wilson recorded in Volume 155, Page 575, Deed Records, Taylor County, Texas. Said 0.2107 acre tract is more particularly described in metes and bounds as follows:

COMMENCING at a point in the west right-of-way line of Vine Street and in the common south line of said North one-half of the South one-half of Section 64 and said 31-1/4 acre tract whence the common southeast corner of said North one-half of South one-half of Section 64 and said 31-1/4 acre tract is calculated from calls to bear East 727.3 feet, and further, said point of commencing being the northeast corner of Lot 1, Block A of the Penske Addition to the City of Abilene, Taylor County, Texas, as recorded in Plat Cabinet 3, Slide 337, Plat Records, Taylor County, Texas, and the southeast corner of a called 1.37 acre tract of land conveyed to Abilene Independent School District of Taylor County, Texas (henceforth referred to as AISD Tract) in a certain Quitclaim Deed recorded in Volume 1847, Page 456, Official Public Records of Taylor County, Texas; Thence West 280.7 feet (calculated from calls in the metes and bounds description of said Tract No. 4 in said General Warranty Deed) along the north line of said Penske Addition, same being the south line of said AISD Tract to the occupied southwest corner of said AISD Tract, same being the southeast corner and POINT OF BEGINNING of this described 0.2107 acre tract;

THENCE West along said north line of said Penske Addition and the south line of this described tract a called 60 feet to the southwest corner of this described tract, same being the most southerly southeast corner of a called 8.23 acre tract to Abilene Independent School District recorded in Volume 557, Page 505, Deed Records, Taylor County, Texas;

THENCE North along the most southerly east line of said 8.23 acre tract, same being the west line of this described tract, a called 153 feet to a point for the northwest corner of this described tract, same being the southwest corner of a 0.0826 acre tract described in a deed to Abilene Independent School District recorded in Volume 2015, Page 395, Official Public Records, Taylor County, Texas;

THENCE East along the south line of said 0.0826 acre tract, same being the north line of this described tract, a called 60 feet to a point in the occupied west line of said AISD Tract, same being the southeast corner of said 0.0826 acre tract, and the northeast corner of this described tract;

THENCE South along said occupied west line of said AISD Tract, same being the east line of this described tract, a called distance of 153 feet to the POINT OF BEGINNING with this described tract containing 0.2107 acre of land.

This date, January 31, 2017, the foregoing Metes and Bounds Description was prepared from calls found in the aforementioned General Warranty Deed recorded in Instrument No. 2009-3195, Official Public Records, Taylor County, Texas.

EXHIBIT "B"

THOROUGHFARE CLOSURE CASE TC-2016-03

STAFF REPORT

APPLICANT INFORMATION:

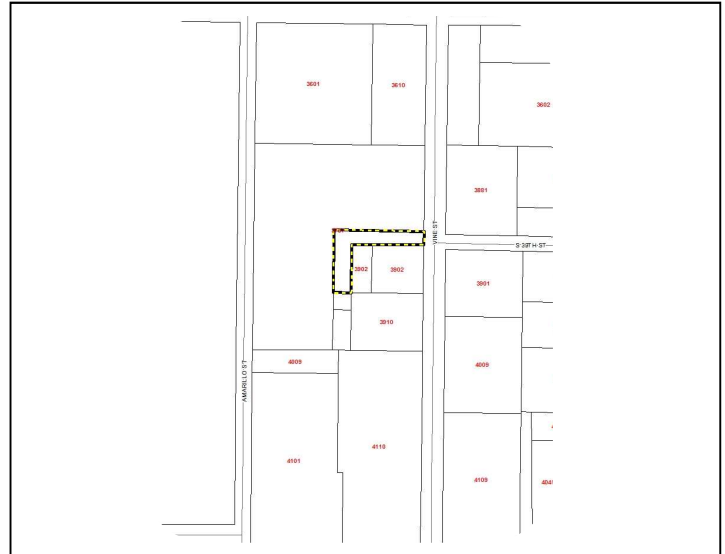
Abilene Independent School District
Agents: Tal Fillingim

HEARING DATES:

Planning & Zoning Commission: November 7, 2016
(*Tabled until December 5, 2016*)
Planning & Zoning Commission: December 5, 2016
(*Tabled until February 6, 2017*)
Planning & Zoning Commission: February 6, 2017
City Council 1st Reading: February 23, 2017
City Council 2nd Reading: March 9, 2017

REQUESTED ACTION:

Abandon: Abandon all of the unimproved L-shaped strip of land in center of block bounded by Industrial Blvd., Amarillo, Vine and South 36th Streets. Being R.O.W. dedicated with deed on Pg. 605 in Vol. 226 of D.R. for Taylor County



SITE CHARACTERISTICS:

An unimproved L-shaped strip of land in center of block bounded by Industrial Blvd., Amarillo, Vine and South 36th Streets. Located south of the Cooper High School bus lot.

REQUEST ANALYSIS:

The applicant is requesting to abandon the street right-of-way (ROW) area for future development. The street was dedicated to the public by a deed filed at the Courthouse is 1929 and has never been improved or platted. The abandonment will clean up the property records and allow the applicant to include the land into a replat of the surrounding properties they own. Additionally, the closure of this right-of way does not create any violations to the maximum block length in this area.

RECOMMENDATIONS:

Plat Review Committee: Approval of the requested street ROW closure with the following condition:

1. The applicant must replat upon development of the properties.

Staff Recommendation: Approval of abandonment request on condition abandonment does not remove legal access rights/requirements for abutting property tracts.

Planning and Zoning Commission Recommendation:

Mr. Bixby moved to approve this request per Plat Review Committee condition and staff recommendation, and Mr. Smith seconded the motion. The vote was approved by four (Famble, Smith, Bixby, and Calk) with none in opposition.

NOTIFICATION:

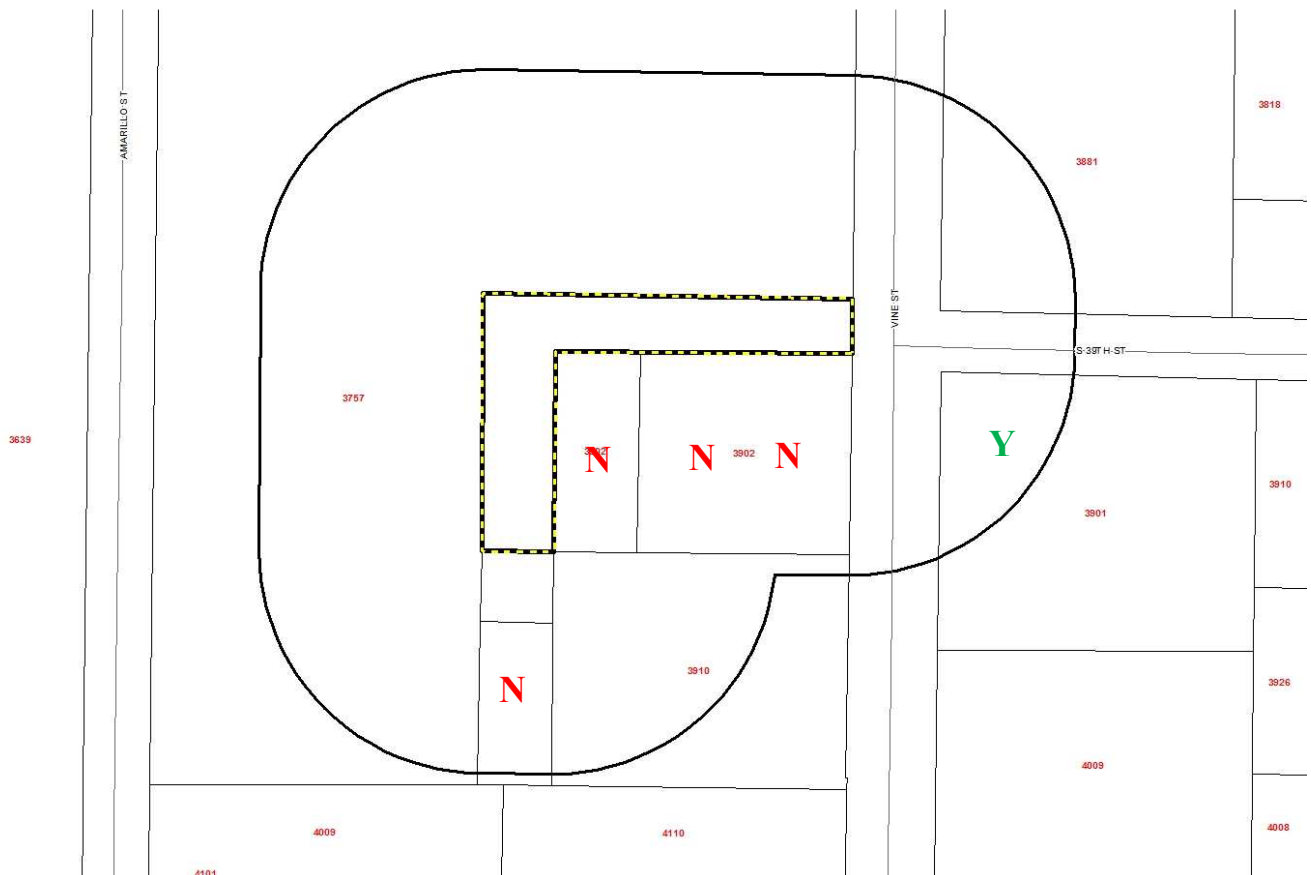
Property owners within the 200' of the subject rights-of-way were notified.

OWNER	SITUS	RESPONSE
ABILENE IND SCHOOL DIST	3910 VINE ST	
ABILENE IND SCHOOL DIST	3757 AMARILLO ST	
ABILENE ISD		
DEVELOPMENT CORP OF ABILENE INC	3901 VINE ST	IN FAVOR
MC CORD SAM PROPERTIES INC	3881 VINE ST	
** WHITE RALPH SHANE &		OPPOSED
** WHITE RALPH SHANE &	3902 VINE STREET	OPPOSED
** WHITE RALPH SHANE &	3902 VINE STREET	OPPOSED
WHITE ERIC		OPPOSED

** Property has been transferred to Eric White

PUBLIC NOTIFICATION MAP

1 In Favor- **Y**
4 Opposed- **N**



AERIAL VIEW



PROPERTY PARCEL MAP



TC-2016-03

Request: Abandon an unimproved L-shaped strip of land in center of block bounded by Industrial Blvd., Amarillo, Vine and South 36th Streets.

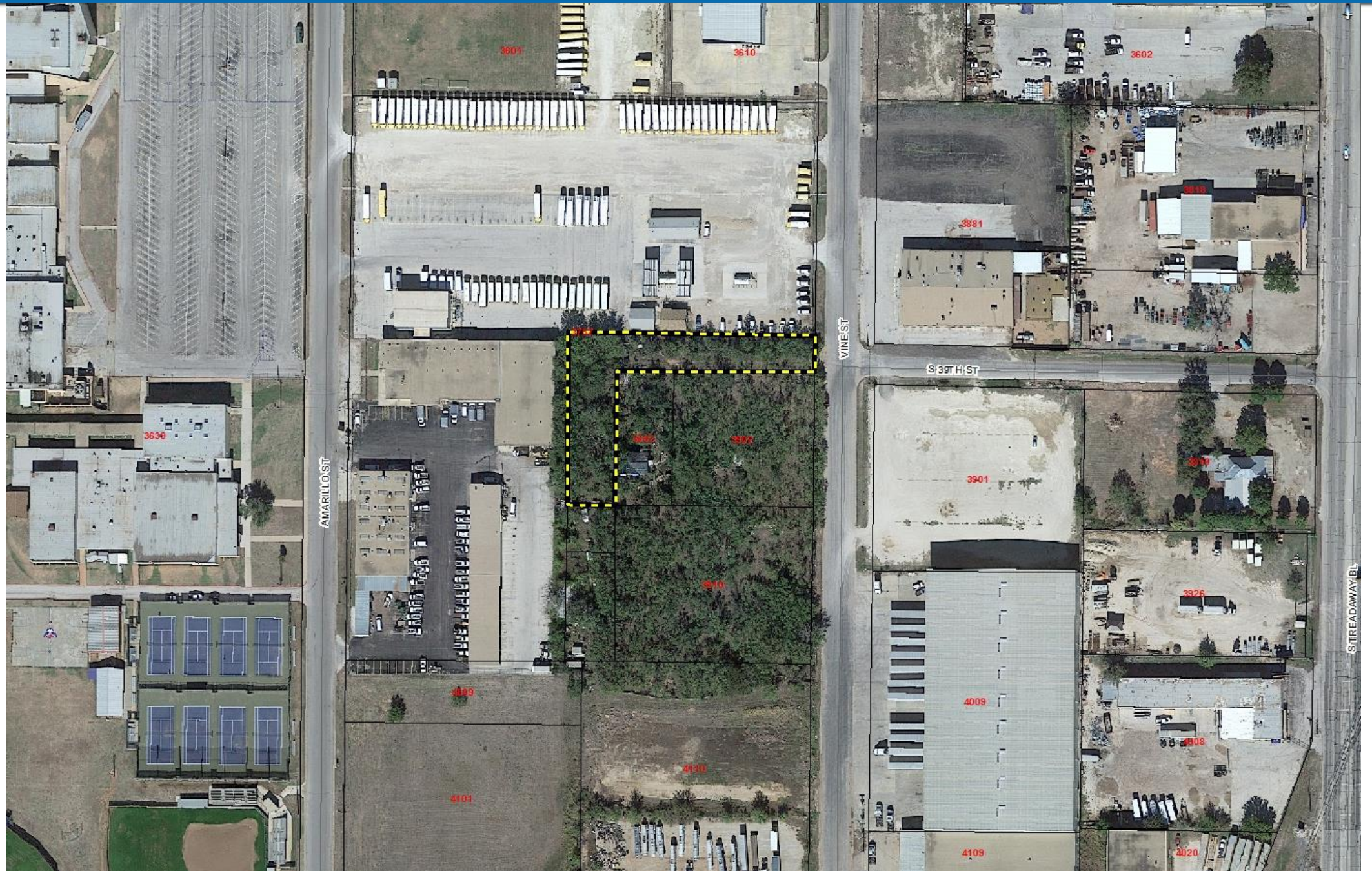
Notification: 1 in favor; 4 opposed

Plat Review Recommendation: Approval with conditions

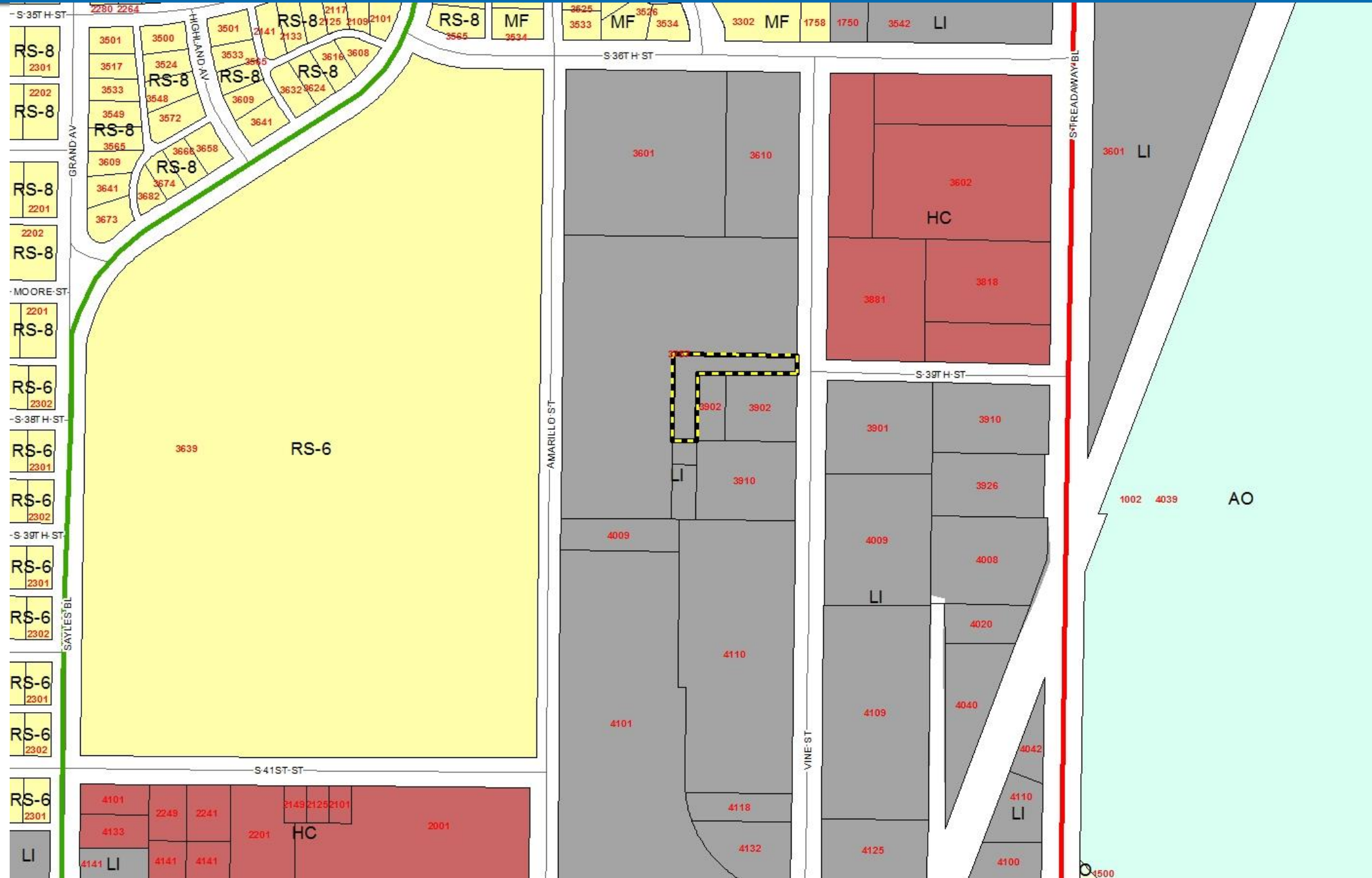
Staff Recommendation: Approval with conditions

Planning & Zoning Commission Recommendation: Approval per Plat Review Committee conditions













West View of property



West View













View from thoroughfare looking southeast



East View from thoroughfare





Recommendations

Plat Review Committee recommends approval of the requested closure with the following condition(s):

1. Replat at the time of proposed development.

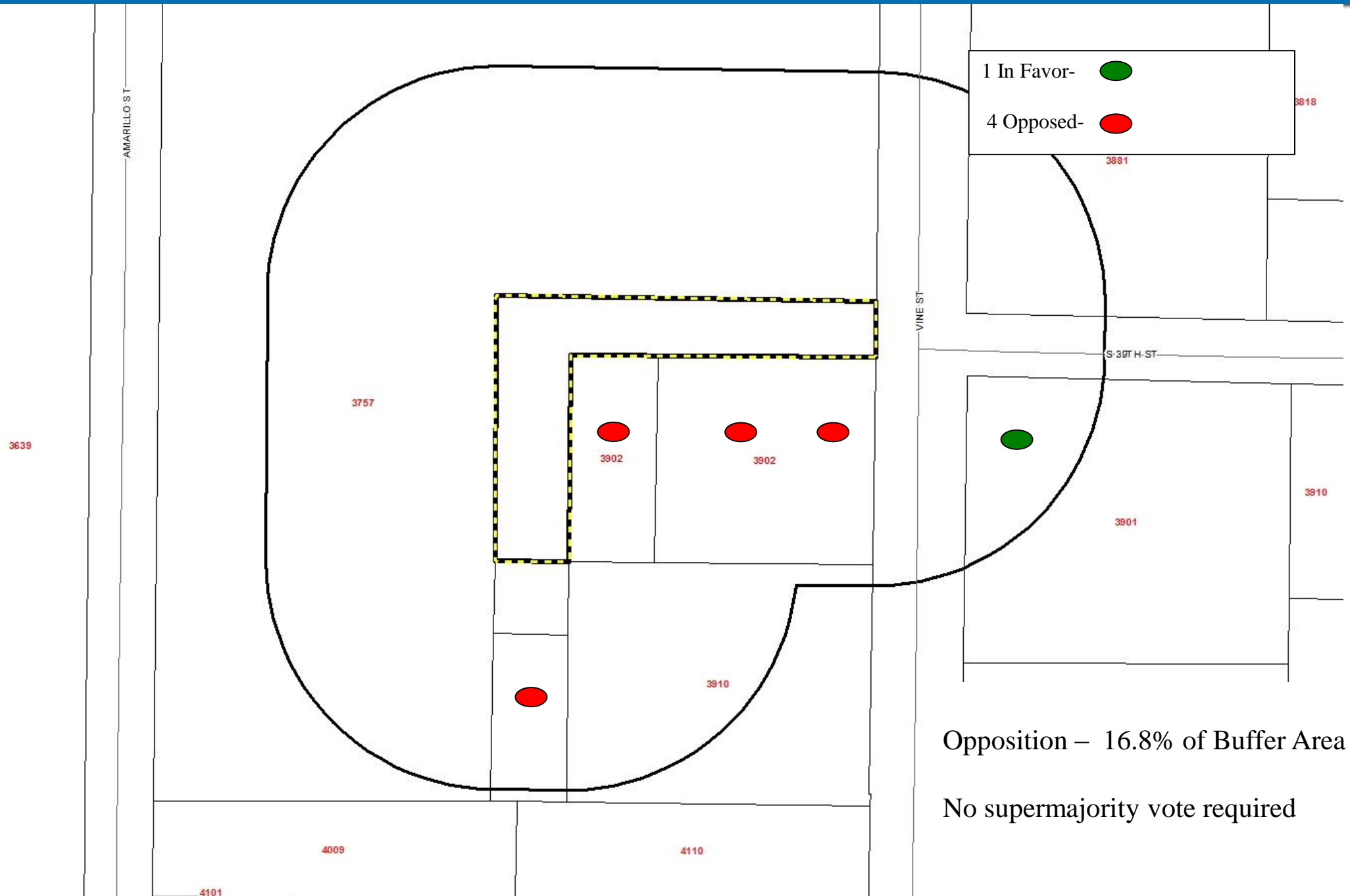
Staff recommendation:

Approval of abandonment request on condition abandonment does not remove legal access rights/requirements for abutting property tracts.

P & Z Commission recommendation:

Approve of request per Plat Review Committee condition and staff recommendation.







**City Council
Agenda Memo**

City Council Meeting Date: 3/9/2017

TO: Mr. Robert Hanna, City Manager

FROM: Mr. Dana L. Schoening, Director/Planning & Development Services

Ordinance & Public Hearing: (Final Reading) Z-2017-03 A request from Ramsey Leasing Inc., agent Enprotect/Hibbs & Todd, to rezone property from AO (Agricultural Open Space) to GC (General Commercial), being 60.29 acres, located at 302 E. Overland Trail. *(Dana Schoening)*

GENERAL INFORMATION

The subject parcel is up to 60.29 acres in size. (The legal description provided by the applicant's agent indicates a parcel size of 60.29 acres; the Taylor Central Appraisal District uses a figure of 52.43 acres in their appraisal of the property. The exact size of the parcel will not be known until a survey is completed on the property.) There is a single-family residence on the subject parcel, and a substantial portion of the property has been used for agricultural purposes. The parcel has approximately 1,000 feet of frontage along E. Overland Trail, which is a one-way, east-to-west Interstate 20 frontage road. The main channel of Cedar Creek flows through the eastern end of the subject parcel then re-enters the city-owned Cedar Creek flood channel. A substantial portion of the eastern half of the property is in the Cedar Creek 100-year floodway with additional area in the 100-year floodplain.

Current Planning Analysis

The Agricultural Open Space (AO) district is typically used as a "holding zone" for land annexed to the City of Abilene, until an applicant requests and the City considers a more intensive zoning district of the land. The applicant is requesting rezoning to the General Commercial (GC) zoning district to allow as-yet-undetermined commercial uses. The GC zoning district provides a wide range of retailing activities, personal and business services, commercial entertainment, and other commercial uses. The allowed uses include lodging, fast food and sit-down restaurants, movie theaters, indoor and outdoor retail sales, offices, and personal services. The allowed uses are similar to uses on the commercial projects already built to the west and commercial projects that will be built to the southeast.

The Land Development Code allows grading and development within the 100-year floodplain and floodways, but such grading and development are subject to special construction standards to ensure (a) the safety of buildings and occupants, (b) floodwaters are not impeded, and (c) floodplain elevations are not increased. For these reasons and other business and Federal regulatory requirements, developers of commercial projects generally avoid these areas. Approximately 40% of the site is located outside the 100-year floodplain with the remaining 60% of the parcel in the Cedar Creek floodplain or floodway. The subject parcel has an area of sufficient size and shape outside the 100-year floodplain (20-25 acres) and frontage along E. Overland Trail to accommodate major commercial development.

Future development on the subject parcel could create compatibility conflicts with residential uses to the north and northeast. However, these residential uses are on parcels of six (6) acres or greater in size, and the nearest single-family homes are at least 200 feet from the property line or near the northeast corner of the subject parcel where commercial development should not likely occur. It is staff's opinion that the requested rezoning and future development will not have substantial adverse effects on surrounding properties.

Comprehensive Planning Analysis

The *Future Land Use and Development Plan* map of the Comprehensive Plan designates this parcel as Low Density Residential and most of the surrounding area is Low Density Residential and Single Family Residential with a small Commercial node designated at the intersection of W. Lake Road and Overland Trail. As stated in Section 2.1.1.1(b)(3) of the Land Development Code, the Comprehensive Plan map is not to be construed as defining zoning district boundaries, but is to be used as a guide in making decisions regarding zoning. The Comprehensive Plan identifies those areas in the Cedar Creek floodway and 100-year floodplain as sensitive development areas.

Over the last twenty years, commercial development nodes have developed around the E. Overland Trail intersections with State Highway 351 and W. Lake Road (FM 600). The City has adopted commercial zoning on several large parcels between these two nodes, and new commercial development has resulted (Buffalo Wild Wings, Cinemark theater under construction) along E. Overland Trail. With this commercial zoning and new development, a commercial corridor is emerging along E. Overland Trail between SH 351 and W. Lake Road. It is staff's opinion that the uses permitted by the requested rezoning will be appropriate as part of this commercial corridor along E. Overland Trail.

In early 2016 the Planning & Zoning Commission and the City Council considered the rezoning application for the Cinemark theater development, which is located southeast of the subject parcel on the other side of Cedar Creek. Staff recommended that only the front 50 (approximate) acres of the property be rezoned to General Commercial (GC) and that the remaining rear portion of the property, which was mostly located in the 100-year floodplain, remain in the Agricultural Open Space zoning district. The Commission recommended and the Council approved the rezoning of the entire 103-acre Cinemark property to GC as requested by the property owner. Based on this previous action, staff recommends approval of the rezoning of the entire subject parcel to GC as requested by the applicant.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

N/A

STAFF RECOMMENDATION

Staff recommends approval of the requested rezoning.

BOARD OR COMMISSION RECOMMENDATION

Mr. Bixby made the motion to approve this rezoning request, and Mr. Smith seconded the motion. However, the motion was not approved due to a lack of four eligible votes. Three Commissioners voted to approve (Famble, Smith, and Bixby,) but Mr. Calk abstained from the vote.

ATTACHMENTS:

Description	Type
▣ Ordinance Cover	Ordinance
▣ Ordinance Exhibit	Exhibit
▣ Staff Report With Maps	Presentation
▣ Letter of Appeal	Exhibit
▣ Citizen Response	Backup Material
▣ PowerPoint Presentation	Presentation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 23, "LAND DEVELOPMENT CODE," OF THE ABILENE MUNICIPAL CODE, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES; CALLING A PUBLIC HEARING; PROVIDING A PENALTY AND AN EFFECTIVE DATE.

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

PART 1: That Chapter 23, part known as the Land Development Code of the City of Abilene, is hereby amended by changing the zoning district boundaries as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PART 3: That the Planning Director be, and is hereby authorized and directed to change the official Zoning Map of the City of Abilene to correctly reflect the amendments thereto.

PASSED ON FIRST READING this 23rd day of February, A.D. 2017.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 19th day of January, 2017, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 9th day of March, 2017 to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 9th day of March, A.D. 2017.

ATTEST:

CITY SECRETARY

MAYOR

APPROVED:

CITY ATTORNEY

ORDINANCE NO. _____

EXHIBIT "A"

Rezone property from AO (Agricultural Open Space) to GC (General Commercial).

Legal Description: The legal description for the property is set out in Exhibit "B", attached hereto.



Location: 302 E. Overland Trail.

-END-

EXHIBIT "B"

**FIELD NOTES
FOR
60.29 ACRES OUT OF
SECTIONS 83 AND 84, BLOCK 14
T. & P. RAILROAD COMPANY SURVEY
TAYLOR COUNTY, TEXAS**

Being 60.29 Acres out of Sections 83 and 84, Block 14, T. & P. Railroad Company Survey, Taylor County, Texas and being a remainder of those certain tracts described in Volume 2124, Page 495, Official Public Records of Taylor County, Texas and all of that certain 2.03 acre tract described in Volume 1088, Page 26, Deed Records of Taylor County, Texas. Said 60.29 acres being more particularly described by metes and bounds as follows:

BEGINNING at a point on the north right of way line of Interstate Highway 20 for the southeast corner of Ramsey Commercial Subdivision as shown on plat recorded in Plat Cabinet 2, Slide 88-D, Plat Records of Taylor County, Texas and for the southwest corner of this tract;

THENCE North 22 degrees 38 minutes 18 seconds East for a distance of 399.16 feet to the beginning of a curve to the left;

THENCE with said curve to the left having an arc length of 228.50 feet, a radius of 586.22 feet and a chord bearing of North 11 degrees 28 minutes 18 seconds East for a chord length of 227.06 feet to the end of said curve;

THENCE North 00 degrees 16 minutes 39 seconds East for a distance of 30.45 feet to the northeast corner of the aforesaid Ramsey Commercial Subdivision on the north line of that certain 75.73 acre tract as described in the aforesaid Volume 2124, Page 495, Official Public Records of Taylor County, Texas;

THENCE South 89 degrees 45 minutes 45 seconds East for a distance of 2262.24 feet to the northeast corner of said 75.73 acre tract and an interior corner of that certain 7.302 acre tract described in Document No. 2012-522, Official Public Records of Taylor County, Texas;

THENCE South 00 degrees 14 minutes 15 seconds West for a distance of 517.67 feet to the most southerly southwest corner of said 7.302 acre tract;

EXHIBIT "B"

THENCE North 73 degrees 31 minutes 24 seconds East for a distance of 308.29 feet to the southeast corner of said 7.302 acre tract on west line of a drainage channel as described in Volume 11, Page 166, Civil Court Minutes of Taylor County, Texas for the beginning of a curve to the right;

THENCE with said curve to the right having an arc length of 337.46 feet, a radius of 1792.76 feet and a chord bearing of South 33 degrees 46 minutes 01 seconds West for a chord length of 336.96 feet to the end of said curve;

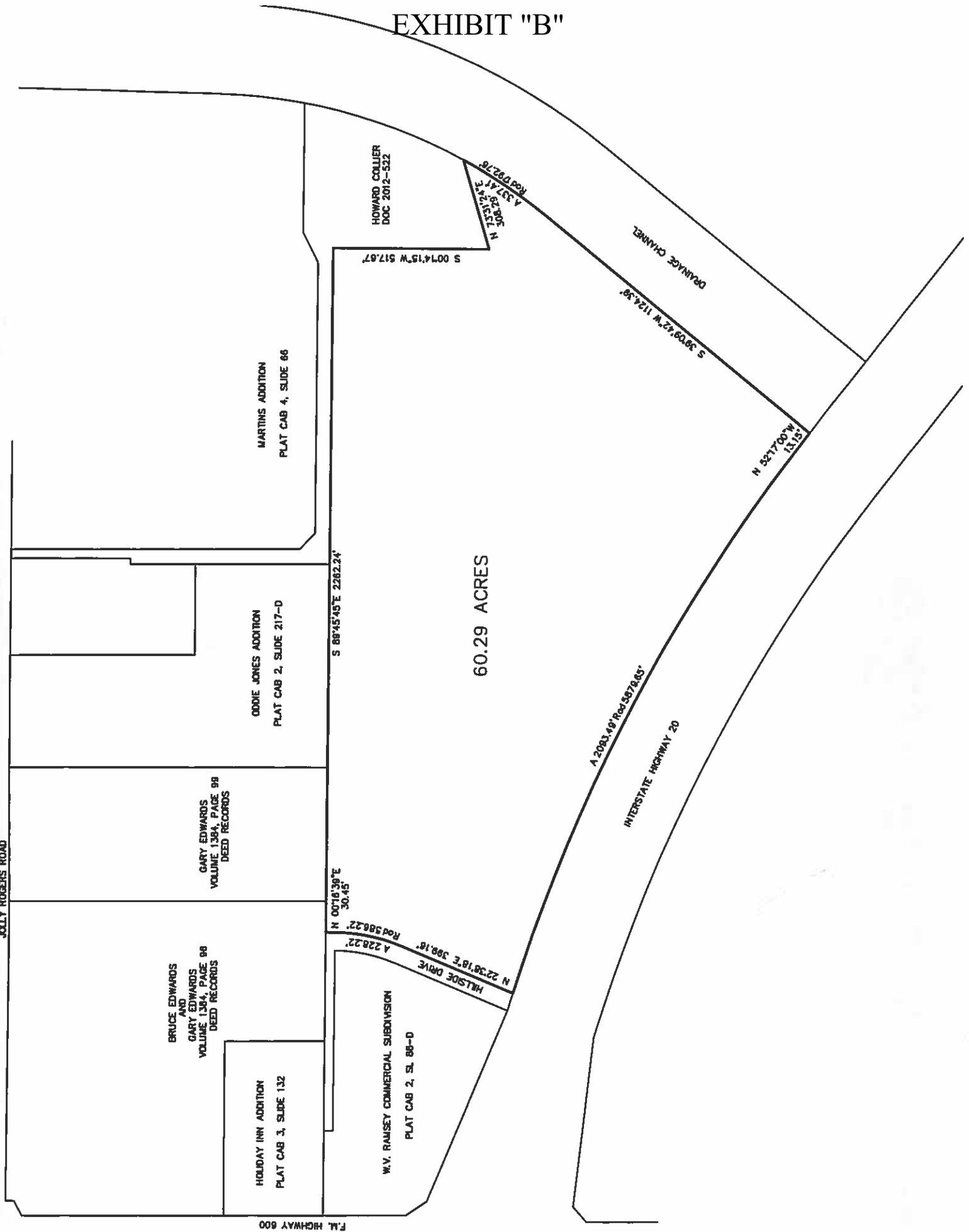
THENCE South 39 degrees 09 minutes 42 seconds West with the west line of said drainage channel for a distance of 1124.39 feet to a point on the north right of way line of Interstate Highway 20 for the southeast corner of this tract;

THENCE North 52 degrees 17 minutes 00 seconds West with said right of way line for a distance of 13.15 feet to the beginning of a curve to the left;

THENCE with said curve to the left having an arc length of 2093.51 feet, a radius of 5879.65 feet and a chord bearing of North 62 degrees 29 minutes 01 seconds West for a chord length of 2082.47 feet to the point of beginning and containing an area of 60.29 acres of land

This document does not reflect the results of an on the ground survey, and is to be used for zoning purposes only.

EXHIBIT "B"



ZONING CASE Z-2017-03

STAFF REPORT



APPLICANT INFORMATION:

Ramsey Leasing Inc.

Agent: David Todd, Enprotect / Hibbs & Todd

HEARING DATES:

P & Z Commission: February 6, 2017

City Council 1st Reading: February 23, 2017

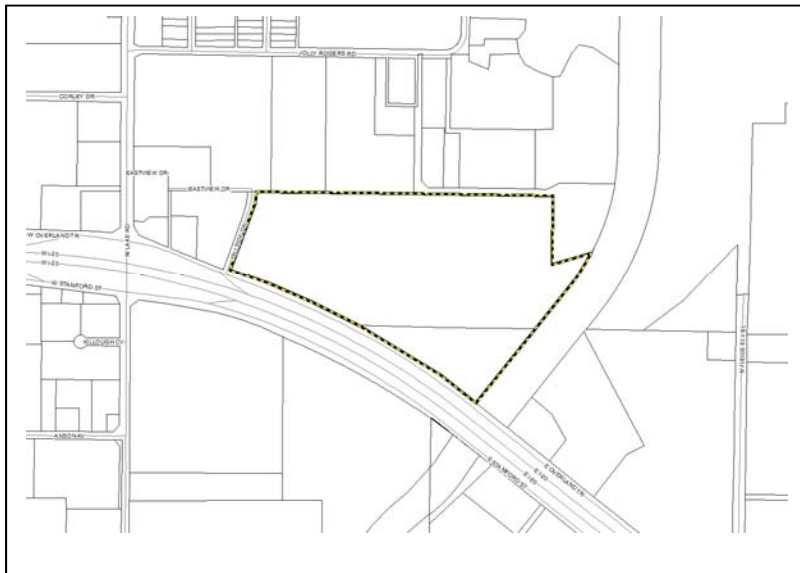
City Council 2nd Reading: March 9, 2017

LOCATION:

302 E. Overland Trail, on the north side of E. Overland Trail approx. 0.7 miles northwest of N. Judge Ely Blvd.

REQUESTED ACTION:

Rezone property from AO (Agricultural Open Space) to GC (General Commercial) zoning



SITE CHARACTERISTICS:

The subject property is 60.29 acres in size. There is a single-family residence on the property, and a substantial portion of the property has been used for agricultural purposes. The parcel has approximately 2,100 feet of frontage along E. Overland Trail with 700 feet of frontage outside the Cedar Creek 100-year floodplain. Overland Trail is a one-way, east-to-west frontage road on the north side of Interstate 20. The main channel of Cedar Creek flows through the eastern end of the subject parcel then re-enters the city-owned Cedar Creek flood channel. A substantial portion of the eastern half of the property is in the Cedar Creek 100-year floodway with additional area in the 100-year floodplain.

The surrounding properties are zoned Agricultural Open Space (AO) to the north, General Commercial (GC) to the west, GC to the south including properties south of Interstate 20, and GC to the east across the Cedar Creek natural flood channel (the flood channel is zoned AO). Current uses of the surrounding area are:

West:	Vacant commercial land and commercial uses including lodging, restaurant, and convenience stores with fuel pumps
South:	Interstate 20
Southeast:	Cedar Creek natural flood channel, vacant commercial land, Cinemark theater under construction
East:	Cedar Creek flood channel and single-family home on rural size parcel
North:	Single-family homes on rural size parcels

ZONING HISTORY:

The property was annexed in 1957 and 1959 and was zoned AO at its annexation. Approximately 2.6 acres in the south portion of the property is already zoned GC; it has been zoned GC for over 20 years.

ANALYSIS:

Current Planning Analysis

The Agricultural Open Space (AO) district is typically used as a "holding zone" for land annexed to the City of Abilene, until an applicant requests and the City considers a more intensive zoning district of the land. The applicant is requesting rezoning to the General Commercial (GC) zoning district to allow as-yet-undetermined commercial uses. The GC zoning district provides a wide range of retailing activities, personal and business services, commercial entertainment, and other commercial uses. The allowed uses include lodging, fast food and sit-down restaurants, movie theaters, indoor and outdoor retail sales, offices, and personal services. The allowed uses are similar to uses on the commercial projects already built to the west and commercial projects that will be built to the southeast.

The Land Development Code allows grading and development within the 100-year floodplain and floodways, but such grading and development are subject to special construction standards to ensure (a) the safety of buildings and occupants, (b) floodwaters are not impeded, and (c) floodplain elevations are not increased. For these reasons and other business and Federal regulatory requirements, developers of commercial projects generally avoid these areas. Approximately 40% of the site is located outside the 100-year floodplain with the remaining 60 percent of the parcel in the Cedar Creek floodplain or floodway. The subject parcel has an area of sufficient size and shape outside the 100-year floodplain (20-25 acres) and frontage along E. Overland Trail to accommodate major commercial development.

Future development on the subject parcel could create compatibility conflicts with residential uses to the north and northeast. However, these residential uses are on parcels of six (6) acres or greater in size, and the nearest single-family homes are at least 200 feet from the property line or near the northeast corner of the subject parcel where commercial development should not likely occur. It is staff's opinion that the requested rezoning and future development will not have substantial adverse effects on surrounding properties.

Comprehensive Planning Analysis

The *Future Land Use and Development Plan* map of the Comprehensive Plan designates this parcel as Low Density Residential and most of the surrounding area as Low Density Residential and Single Family Residential with a small Commercial node designated at the intersection of W. Lake Road and Overland Trail. As stated in Section 2.1.1.1(b)(3) of the Land Development Code, the Comprehensive Plan map is not to be construed as defining zoning district boundaries, but is to be used as a guide in making decisions regarding zoning. The Comprehensive Plan identifies those areas in the Cedar Creek floodway and 100-year floodplain as sensitive development areas.

Over the last twenty years, commercial development nodes have developed around the E. Overland Trail intersections with State Highway 351 and W. Lake Road (FM 600). The City has adopted commercial zoning on several large parcels between these two nodes, and new commercial development has resulted (Buffalo Wild Wings, Cinemark theater under construction) along E. Overland Trail. With this commercial zoning and new development, a commercial corridor is emerging along E. Overland Trail between SH 351 and W. Lake Road. It is staff's opinion that the uses permitted by the requested rezoning will be appropriate as part of this commercial corridor along E. Overland Trail.

In early 2016 the Planning & Zoning Commission and the City Council considered the rezoning application for the Cinemark theater development, which is located southeast of the subject parcel on the other side of Cedar Creek. Staff recommended that only the front 50 (approximate) acres of the property be rezone to General Commercial (GC) and that the remaining rear portion of the property, which was mostly located in the 100-year floodplain, remain in the Agricultural Open zoning district. The Commission recommended and the Council approved the rezoning of the entire 103-acre Cinemark property to GC as requested by the property owner. Based on this previous action, staff recommends approval of the rezoning of the entire subject parcel to GC as requested by the applicant.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval of the requested rezoning.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission considered this request at their February 6, 2017 meeting. The Commission had only four members in attendance at the meeting, and one member abstained from voting on this matter. The Commission, therefore, was unable to approve a motion on the application, which requires four affirmative votes. The Commission did not make a recommendation on this application.

Although the Commission did not deny the application, staff is processing an appeal by the applicant's agent so that processing of the application can continue. This will allow the Council to consider the application and make a final decision on the requested rezoning.

NOTIFICATION:

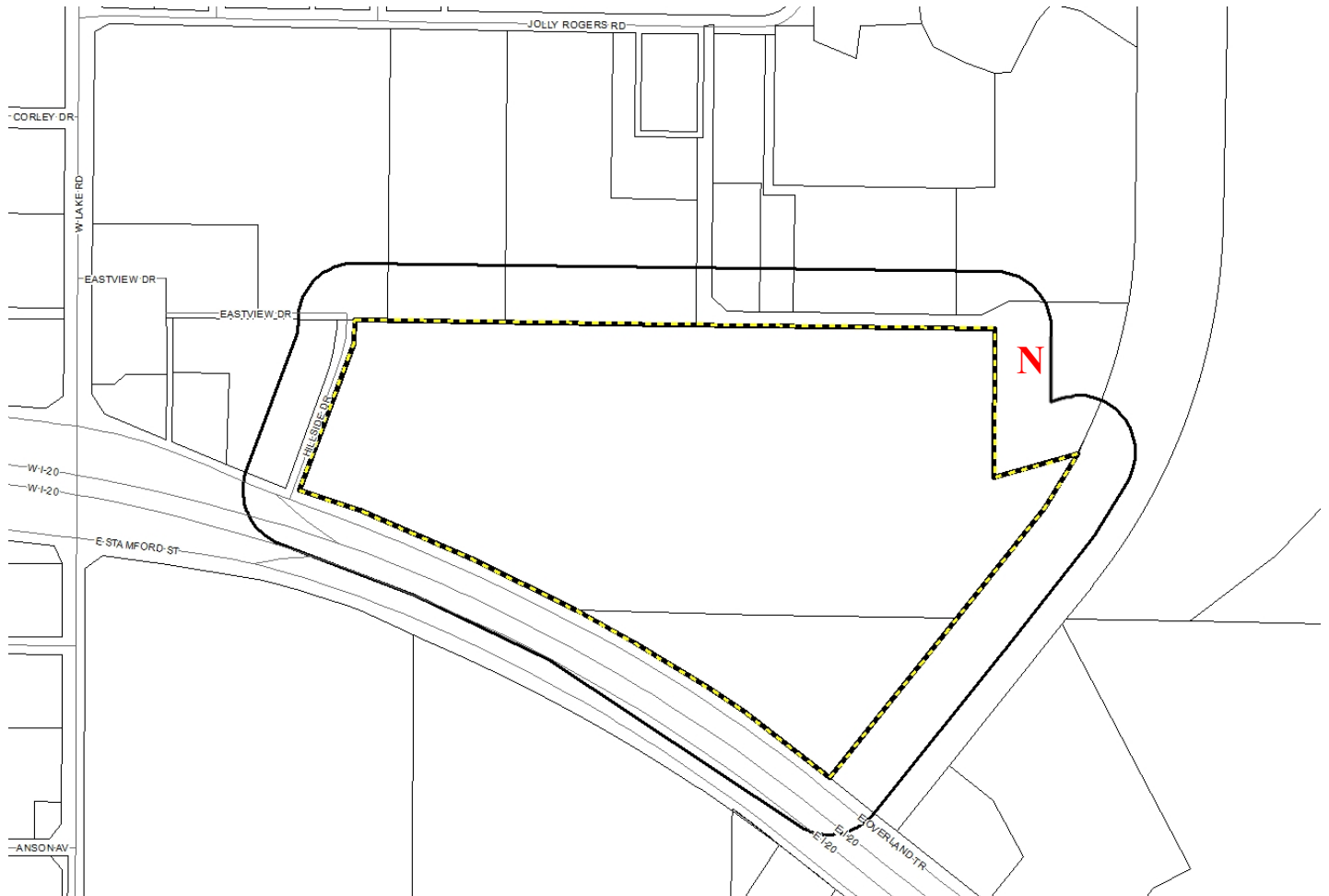
On January 26, 2017 the Planning Services Division sent, with certificate of mailing, public notices to the applicant and property owners within a 200-foot radius.

OWNER	SITUS	RESPONSE
BARDIN BRAD S & EMILY G	441 JOLLY ROGERS RD	
CITY OF ABILENE		
COLLIER HOWARD TAYLOR	581 JOLLY ROGERS RD	Opposed
EDWARDS BRUCE LYNN	JOLLY ROGERS RD	
EDWARDS GARY ESTATE	401 JOLLY ROGERS RD	
MARTIN JOSEPH B & SANDRA G	461 JOLLY ROGERS RD	
MORGAN THOMAS M	JOLLY ROGERS RD	
RAMSEY LEASING INC	142 E OVERLAND TR	
RAMSEY LEASING INC	302 E OVERLAND TR	
RAMSEY LEASING INC	OVERLAND TR	
SMITH PATRICIA MARTIN	465 JOLLY ROGERS RD	
SMITH PATRICIA MARTIN	JOLLY ROGERS RD	

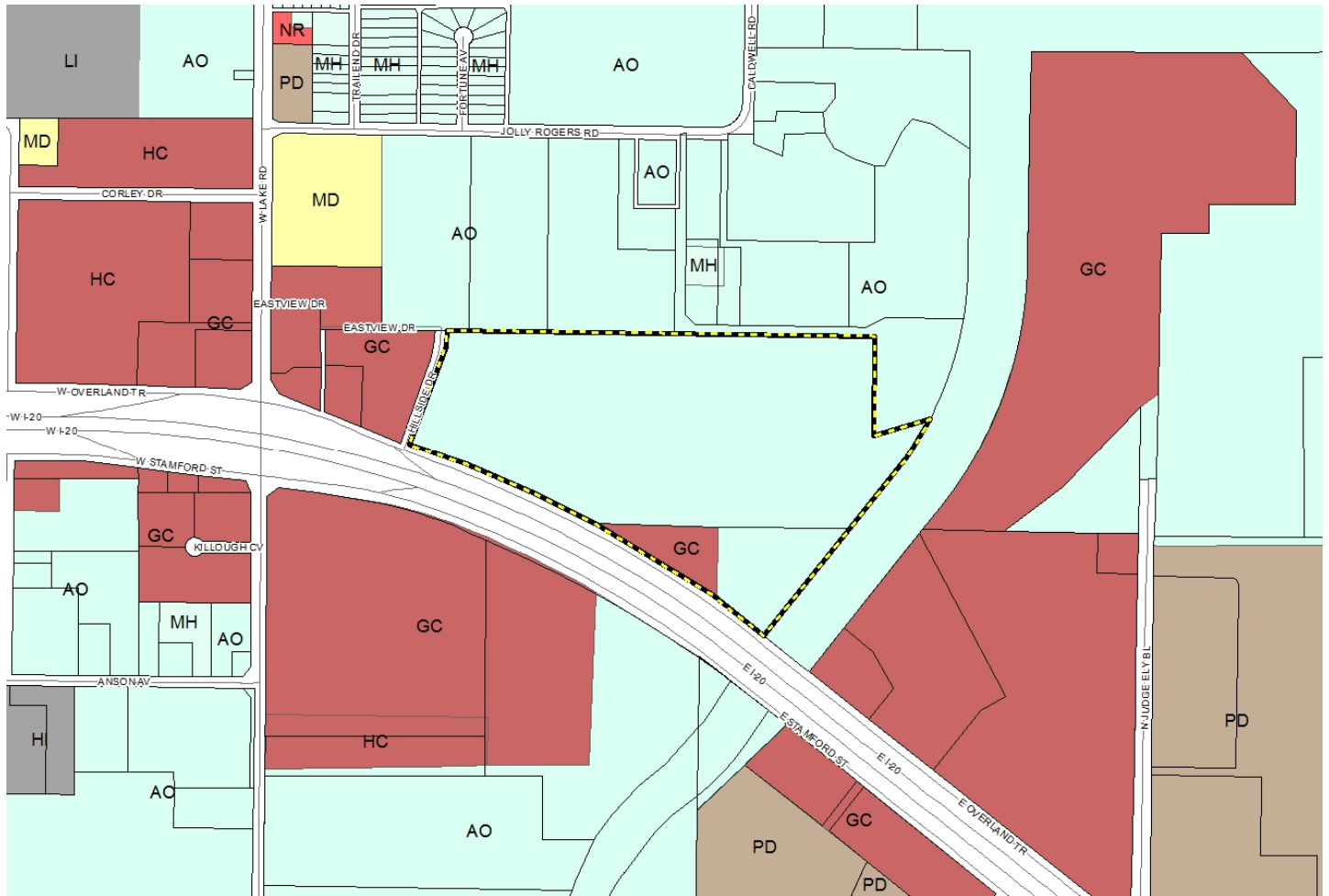
PROPERTY OWNER NOTIFICATION MAP

0 in Favor- **Y**
1 Opposed- **N**

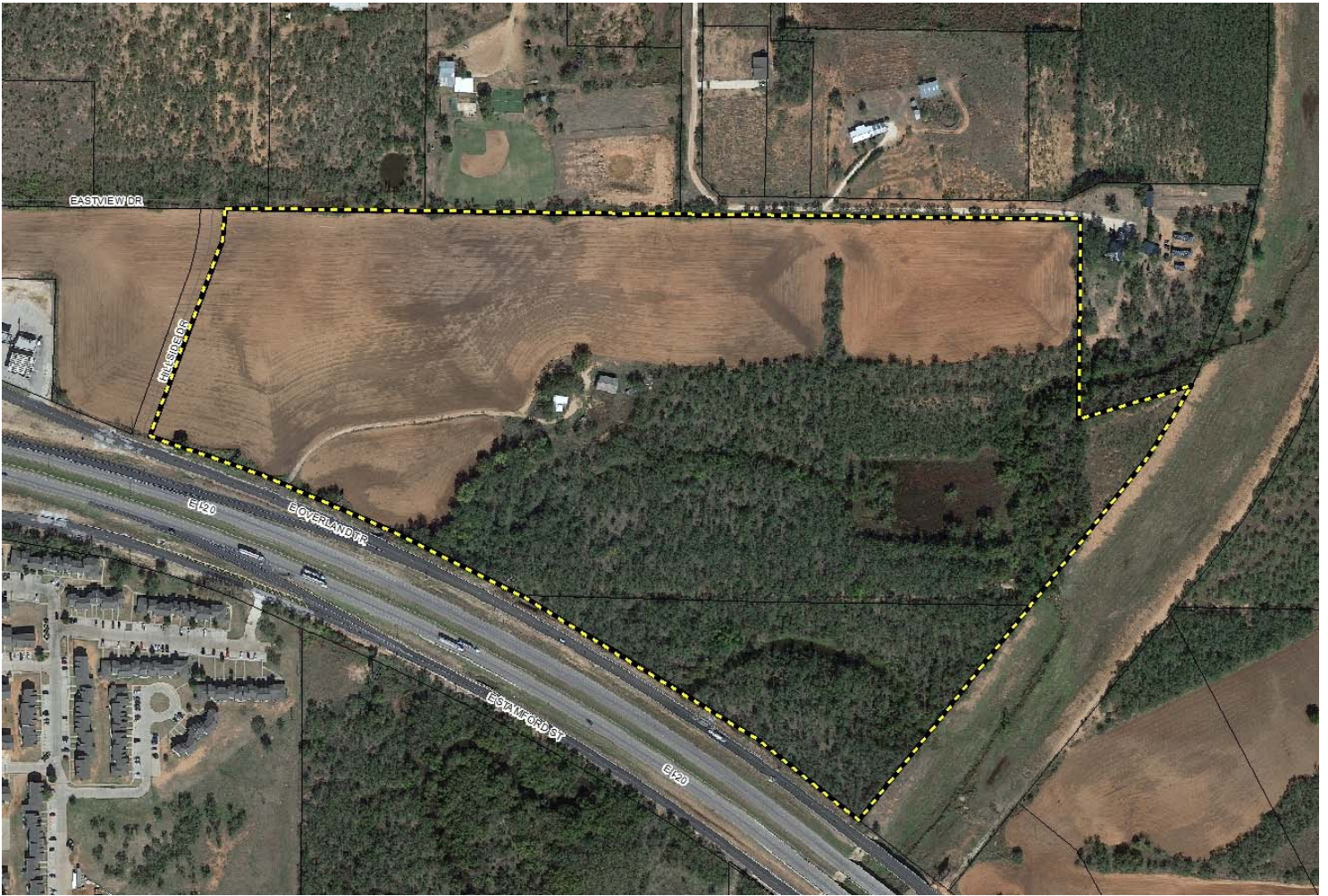
As of February 13, 2017



ZONING MAP



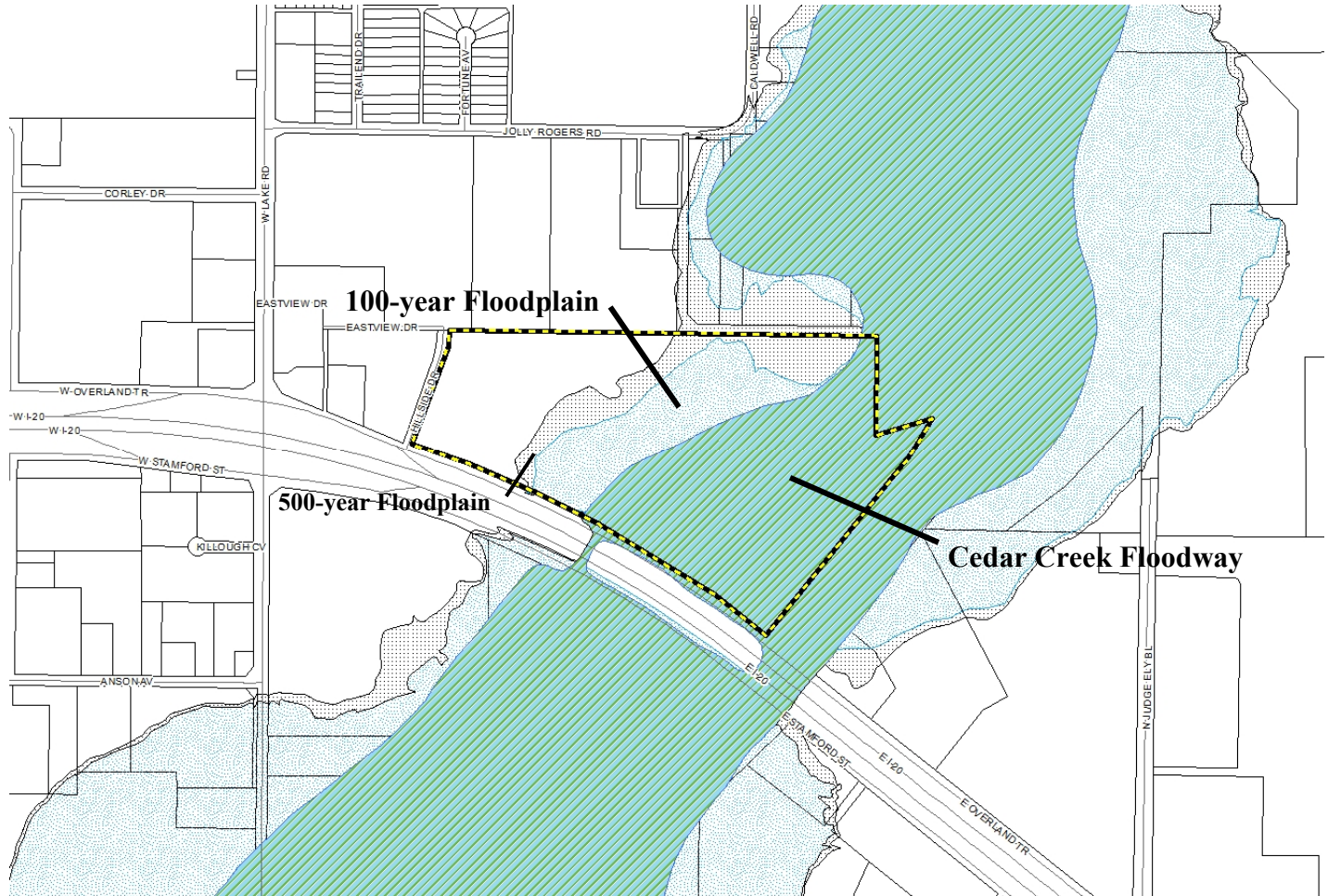
AERIAL IMAGERY OF SUBJECT PARCEL



AERIAL IMAGERY OF SURROUNDING AREA



FLOODPLAIN MAP



SUBJECT PARCEL



West side of property (outside 100-year floodplain)



View to east showing portion of property located in the Cedar Creek 100-year floodplain

SUBJECT PARCEL AND SURROUNDING AREA



Commercial development to the west



February 6, 2017

City of Abilene
P O Box 60
Abilene, Texas 79604
Attn: Mr. Zac Rainbow

Re: Z-2017-3

Dear Mr. Rainbow:

Please accept this letter as my client's appeal for denial at the February 6, 2017, Planning and Zoning Commission meeting. If you remember, there were only four (4) Planning and Zoning members present and the vote was three (3) in favor and one (1) abstention. Four (4) votes are required for approval by the Planning and Zoning Commission.

Please contact me if you should have any questions or need additional information.

Sincerely,


Enprotec / Hibbs & Todd, Inc.

David Todd, P.E.
Executive Vice President

DT/jd

c: Project File 6701

P:\Projects\Private Developers\2016 Projects\16-6701 Ramsey Leasing, Inc\020617 City Appeal Letter.docx

Environmental, Civil & Geotechnical Engineers

Abilene Office
402 Cedar
Abilene, Texas 79601
P.O. Box 3097
Abilene, Texas 79604
325.698.5560 | 325.691.0058 fax

Lubbock Office
6310 Genoa Avenue, Suite E
Lubbock, Texas 79424
806.794.1100 | 806.794.0778 fax
www.e-ht.com

Granbury Office
2901 Glen Rose Hwy, Suite 107
Granbury, Texas 76048
817.579.6791 | 817.579.8491 fax
PE Firm Registration No. 1151
PG Firm Registration No. 50103
RPLS Firm Registration Nos. 10011900 & 10007300



RECEIVED
FEB 06 2017
PLANNING

COLLIER HOWARD TAYLOR
581 JOLLY ROGERS RD
ABILENE, TX 79601-2709

NOTICE OF PUBLIC HEARING

RE: Rezoning Application Number Z-2017-03

01/25/2017

The Planning and Zoning Commission will hold a public hearing on **Monday, February 6, 2017**, at **1:30 PM**, in City Council Chambers, 2nd Floor, City Hall, N. 5th and Walnut Streets, for the purpose of considering a request from Ramsey Leasing Inc., agent Enprotect / Hibbs & Todd, to rezone 60.29 acres from AO (Agricultural Open Space) to GC (General Commercial), located at 302 E. Overland Trail.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email or fax as listed below. All responses must be signed.

The attached map shows the area of the request. Only that area which is bounded by the cross-hatched line on the map is being considered for rezoning. The solid boundary line around the subject area is only a notification area. If approved by the Planning and Zoning Commission or if denied and appealed to Abilene's City Council within the specified ten-day period, this case will be heard by City Council for 2nd and Final Reading with a public hearing on **March 9, 2017**, at 8:30 a.m. in Council Chambers on the second floor of City Hall, 555 Walnut Street.

If you have any questions, please contact Duane Hall, Planner II, at (325) 676-6230 or duane.hall@abilenetx.com.

For the PLANNING & ZONING COMMISSION

Please call (325) 676-6237 if you have any questions about this notice.

CASE #: Z-2017-03

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also fax or email your position to the fax number or email address also listed below. All correspondence must include your name and address.

Name: COLLIER HOWARD TAYLOR
Address: 581 JOLLY ROGERS RD

Mailing To: Planning and Development Services
P.O. Box 60, Abilene TX 79604-0060

Fax #: (325) 676-6288
email: planning@abilenetx.com

I am in favor ☐

I am opposed ☒

Additional Comments:

Signature

Howard Taylor Collier
581 Jolly Rogers Rd.
Abilene, Tx. 79601

Z-2017-03

Applicant: Ramsey Leasing Inc.

Agent: David Todd, Enprotect / Hibbs & Todd

Request: Rezone from AO to GC

Location: 302 E. Overland Trail

Notification: 0 in favor, 1 opposed

Staff Recommendation: Approval of AO to GC as requested

P & Z Commission Recommendation: Approval of AO to GC as requested

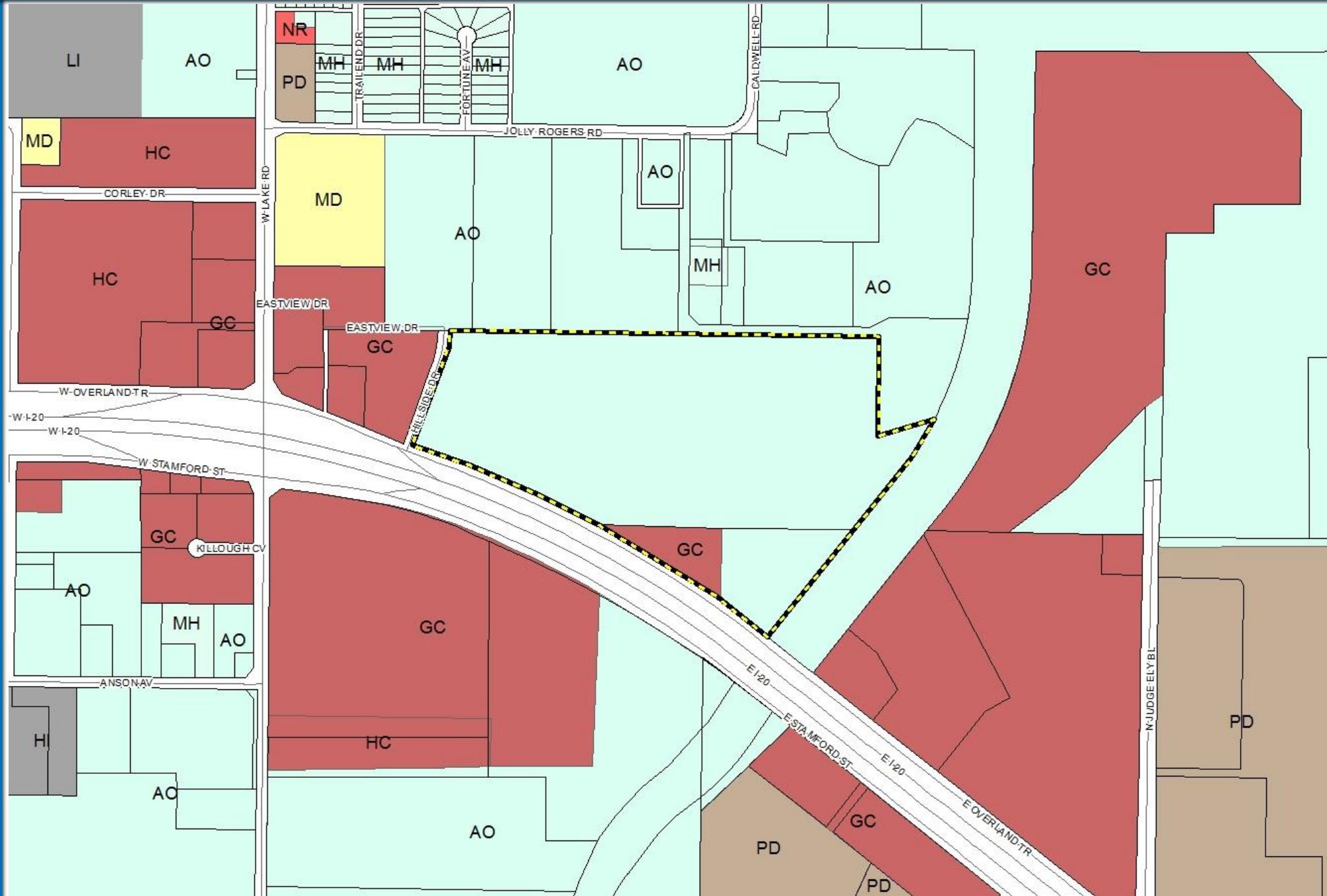


This aerial map shows a large, irregularly shaped property outlined in yellow. The property is situated in a suburban area with various surrounding features:

- North Boundary:** Eastview Dr.
- West Boundary:** W Lake Rd.
- East Boundary:** A creek or waterway.
- South Boundary:** The property extends south towards I-20 and Stamford St.
- Surrounding Roads:**
 - Jolly Rogers Rd (North)
 - Corley Dr (West)
 - Eastview Dr (North)
 - W Lake Rd (West)
 - W Overland Tr (West)
 - W Stamford St (West)
 - Kilgough Cv (West)
 - Anson Av (West)
 - I-20 (South)
 - Stamford St (South)
 - Overland Tr (South)
 - Nudgee Ln (East)
- Land Use:** The property itself is mostly undeveloped, with some trees and a small structure. Surrounding areas include residential lots, commercial buildings, and parking lots.

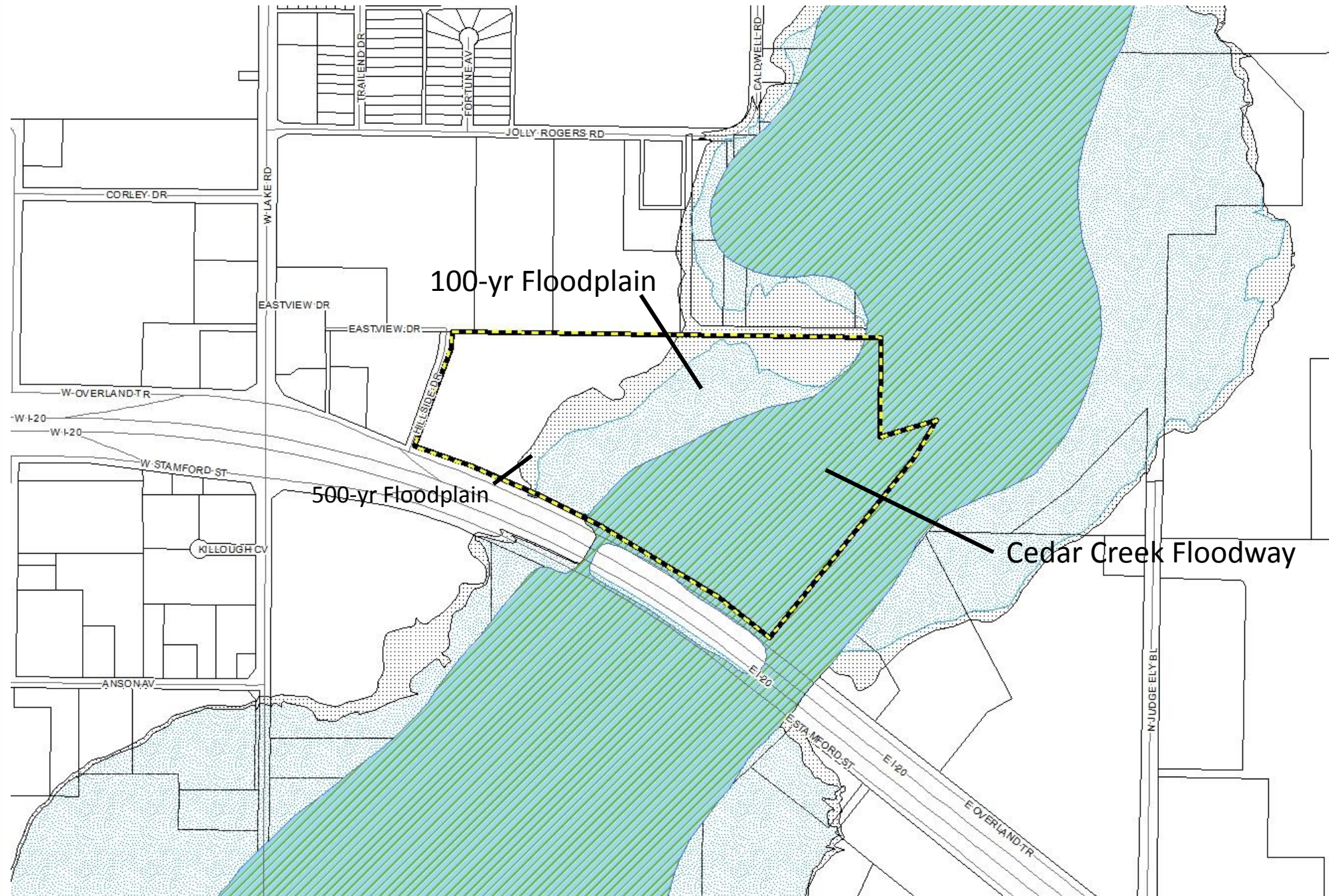


Z-2017-03 ZONING MAP





Z-2017-03 FLOOD MAP



View to Northwest Along E. Overland Trail











Permitted Uses in AO Zoning

RESIDENTIAL USES:

- C Bed & Breakfast
- P Dwelling– Industrialized Housing Unit
- P Dwelling – Single-Family Detached
- C Vacation Travel Trailer Park

ACCESSORY AND INCIDENTAL USES:

- P Accessory Structure (Also see Division 4 of this article)
- P Antenna, Non-Commercial/Amateur
- P Animal Lot
- P Day Care Operation – Home-Based
- P Dwelling – Accessory
- TP Field Office or Construction Office (temporary)
- P Garage Sale
- P Home Occupation
- C Mobile Home (permanent security residence)
- C Mobile Home (temporary security residence)
- TP Subdivision Sales Office (temporary)
- P Swimming Pool, Private (accessory to residential use)
- P Tennis Court, Private (accessory to residential use)

CULTURAL AND RECREATIONAL USES:

- p Civic, Social, and Fraternal Organization
- P Fairgrounds/Rodeo
- C Motorized Racing
- C Recreation – Outdoors (active)
- P Recreation – Outdoors (passive)
- P Zoo

LEGEND

- | | |
|-----------|---|
| P | Permitted as a Right-of-Use (may be subject to compliance with conditions described within Section 2.4.3 of the Land Development Code) |
| C | Permitted as a Conditional Use Permit, Requiring Approval by City Council |
| TP | Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment |

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Community Home
- C Correction, Detention, or Penal Facilities
- P Fire/Police Station
- C Military and Armed Forces Reserve Center
- C Sanitary Landfill

EDUCATIONAL AND RELIGIOUS USES:

- C Cemetery, Crematorium, and Mausoleum
- P Church or Place of Worship
- P School: Public/Private

SERVICE

- C Kennel (with outdoor pens)
- P Kennel (without outdoor pens)
- P Veterinary Service (all size animals)

TRADE – RETAIL USES

- C Liquor Store (on premises consumption) (Defined under Liquor Store)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- C Airport, Heliport and Flying Field Terminals – Commercial
- C Antenna Tower – Commercial
- P Public Utility Facility
- C Utility Generation, Production, Treatment

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Farming, Ranching & Livestock, Hatchery
- C Mining
- C Petroleum or Gas Well



Permitted Uses in GC Zoning

RESIDENTIAL USES:

- P Hotel/Motel
- C Vacation Travel Trailer Park

ACCESSORY AND INCIDENTAL USES:

- P Accessory Structure (Also see Division 4 of this article)
- P Antenna, Non-Commercial/Amateur
- P ATM's, Self-Serve Kiosks, and Similar Facilities
- P Drive-Thru Facility
- TP Field Office or Construction Office (temporary)
- C Freight Container
- P Fuel Sales
- TP Itinerant Business
- P Manufacturing (incidental)
- C Mobile Home (permanent security residence)
- TP Mobile Home (temporary security residence)
- C Mobile Home or Temporary Building (office for sales and service)
- P Recycling Collection Point
- C Travel Trailers (accessory to hospitals)
- P/SE Wind Energy Conversion Systems

CULTURAL AND RECREATIONAL USES:

- P Civic, Social, and Fraternal Organization
- P Cultural Facilities
- P Drive-in Theater
- P Recreation – Outdoors (active)
- P Recreation – Outdoors (passive)
- P Recreation and Commercial Entertainment – Indoor

GOVERNMENT, HEALTH, SAFETY AND WELFARE USES:

- P Ambulance Service
- P Fire/Police Station
- C Homeless/Emergency Shelter
- P Hospital
- P Medical/Dental Laboratory
- P Post Office
- C Rehabilitation Facility
- P Social Service Facility

EDUCATIONAL AND RELIGIOUS USES:

- P Arts School
- C Cemetery, Crematorium, and Mausoleum
- P Church or Place of Worship
- P Day-Care Operation - Center-Based
- P Educational and Scientific Research
- P School: Public/Private
- P Trade/Business School
- P University/College

SERVICE

- P/C Automobile Wash
- C Contractor Services
- P Funeral Home/ Mortuary/Morgue
- C Kennel (With Outdoor Pens)
- P Kennel (Without Outdoor Pens)
- P Laundry, Dry Cleaning, Dyeing, and Linen Service (no retail customers)
- P Laundry/Dry Cleaning Services & Facilities
- P Office (general, professional, financial)
- P Personal Services
- P Printing, Copying, Reproduction, Publishing
- C Recycling Collection and Processing Center
- P Repair and Maintenance Services - Automobile/Small Truck (major)
- P Repair and Maintenance Services - Automobile/Small Truck (minor)
- P Repair and Maintenance Services (indoor)
- C Repair and Maintenance Services (outdoors)
- P Storage - Self-Service Units
- P Tattoo Parlor
- P Taxidermist
- P Veterinary Service (small animals)

TRADE – RETAIL USES

- C Aircraft and Accessories
- P ATM's, Self-Serve Kiosks, and Similar Facilities
- P Fuel Sales
- P Liquor Store (Off Premises Consumption) (*Defined under Liquor Store*)
- P Liquor Store (On Premises Consumption) (*Defined under Liquor Store*)
- P Restaurant, Fast Food
- P Restaurant, Standard
- P Retail Sales/Rental (automobile/small truck)
- P Retail Sales/Rental (indoor)
- P Retail Sales/Rental (outdoors, non-vehicle)
- C Retail Sales/Rental (trucks and other large vehicles and equipment)

TRADE – WHOLESALE USES

- C Wholesaling and Storage (indoor)

TRANSPORTATION, COMMUNICATION AND UTILITIES:

- C Antenna Tower - Commercial
- P Automobile Parking Lot or Structure - Commercial
- P Broadcast Studio
- P Passenger Ground Transportation Terminal
- P Pressure Control Station
- P Public Utility Facility

RESOURCE PRODUCTION AND EXTRACTION USES:

- P Petroleum or Gas Well
- P Urban Garden

LEGEND

P

Permitted as a Right-of-Use (may be subject to compliance with conditions described within Section 2.4.3 of the Land Development Code)

C

Permitted as a Conditional Use Permit, Requiring Approval by City Council

TP

Permitted by Temporary Permit Only, Requiring Approval by Board of Adjustment

Current Planning Analysis

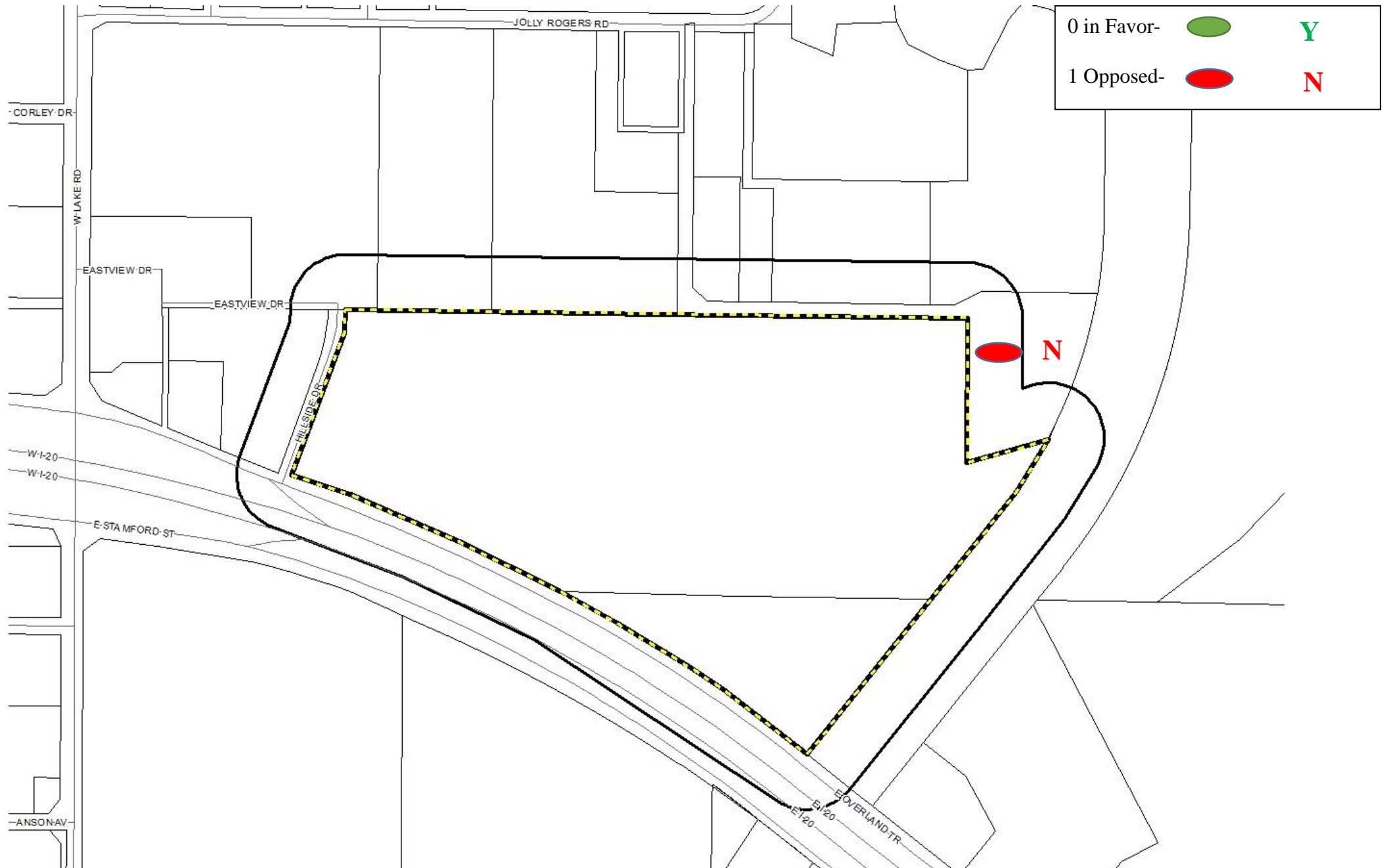
- Approx. 40% of site located outside 100-year floodplain
- Extensive frontage on E. Overland Trail
- Commercial uses to northwest
- Potential conflicts with residential areas to north and northeast
 - Residential uses on large parcels
 - Nearest residential uses at least 200 feet from property line or near northeast corner of property where commercial development should not likely occur
 - Commercial development will not have substantial adverse effects on these properties



Comprehensive Planning Analysis

- Property and surrounding area designated Residential with commercial node to northeast
- Commercial nodes at SH 351 / Overland Trail and W. Lake Rd / Overland Trail
- Commercial corridor emerging along E. Overland Trail between SH 351 and W. Lake Rd
- Planning Commission recommended and City Council approved GC zoning on land in 100-year floodplain for commercial property to southeast across Cedar Creek (Cinemark theater development)





Planning & Zoning Commission

- No recommendation
- Unable to approve a motion
- Only four members present, one member abstained from voting



Staff Recommendation

- Future development compatible with and will not substantially affect surrounding properties
- Commercial zoning on subject parcel appropriate as part of commercial corridor along E. Overland Trail
- Staff recommends the Council approve the rezoning to GC as requested





**City Council
Agenda Memo**

City Council Meeting Date: 3/9/2017

TO: Robert Hanna, City Manager

FROM: Michael G. Rice, P.E., Director of Public Works

Resolution: Award of Bid #CB-1730 - South of Downtown Area Roadway Improvements
SUBJECT: Phase I (*Michael Rice*)

GENERAL INFORMATION

This Project was advertised as a Public Notice on February 5th & 12th of 2017 with a bid opening dated February 21st 2017. This contract involves two different types of construction, the first type of construction is a mill and overlay on S. 2nd St. from Chestnut St. to Cherry St, S. 4th St. from Sycamore St. to Treadaway Blvd., S. 5th St. from Butternut St. to Willow St., Locust St. from S. 7th St. to S. 1st St., and Willow St. from S. 5th St. to S. 3rd St. The second type of construction is a rehabilitation on S. 2nd St. from butternut St. to Chestnut St., and on S. 4th St. from Butternut St. to Sycamore St. The contract will also include an underseal on all areas with a mill and overlay section.

The South of Downtown Area streets project is one of the streets projects scheduled for this year as part of Proposition 1 of the voter approved 2015 Bond Program.

The streets proposed in the construction contract are not located on the approved Bicycle Plan for the City of Abilene.

SPECIAL CONSIDERATIONS

The project has a contract completion time of 100 working days (approx. 5 months, weather permitting).

FUNDING/FISCAL IMPACT

Funding for this project is allocated through General Obligation funds.

STAFF RECOMMENDATION

Staff recommends bid award to Nobles Road Construction, Inc., of Abilene Texas in the amount of \$800,236.95.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description	Type
▣ Resolution	Resolution Letter
▣ Bid Tab	Backup Material
▣ Contract	Backup Material
▣ Project Location Map	Exhibit
▣ Presentation Slides	Presentation

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
AWARDING BID TO NOBLES ROAD CONSTRUCTION, INC., ABILENE, TEXAS**

WHEREAS, the City of Abilene duly advertised and gave such notice, as required by law, for bids for the South of Downtown Area Roadway Improvements Phase I; and

WHEREAS, the project involves two different types of construction, the first type of construction is a mill and overlay on S. 2nd St. from Chestnut St. to Cherry St., S. 4th St. from Sycamore St. to Treadaway Blvd., S. 5th St. from Butternut St. to Willow St., Locust St. from S. 7th St. to S. 1st St., and Willow St. from S. 5th St. to S. 3rd St. The second type of construction is a rehabilitation on S. 2nd St. from Butternut St. to Chestnut St., and on S. 4th St. from Butternut St. to Sycamore St. The contract will also include an underseal on all areas with a mill and overlay section: and

WHEREAS, the following bids were received and opened on the February 21, 2017:

Nobles Road Construction Inc., Abilene, Texas	\$800,236.95
Bontke Brothers Construction Co., Inc., Abilene, Texas	\$959,538.00
Epic Construction Co., Abilene, Texas	\$1,006,276.00
Contract Paving Co., Tye, Texas	\$1,391,365.00

WHEREAS, Nobles Road Construction, Inc., Abilene, Texas submitted the low bid in the amount of \$800,236.95 with the bid meeting specifications. Staff recommends awarding the bid to the low bidder, Nobles Road Construction, Inc., Abilene, Texas.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF ABILENE, TEXAS**

PART 1: That the City Council approves this bid in the amount of \$800,236.95.

PART 2: That this Resolution shall take effect immediately from and after passage.

ADOPTED this 9th day of March, 2017.

ATTEST:

Danette Dunlap, City Secretary

Norm Archibald, Mayor

APPROVED:

Stanley Smith, City Attorney

**CITY OF ABILENE
PURCHASING DIVISION
TABULATION OF BIDS**

PAGE
1 OF 1

DEPARTMENT: ENGINEERING
BID NO.: CB-1730
TIME OF OPENING: 11:00 A.M.
DATE OF OPENING: February 21, 2017

NOBLES ROAD
CONSTRUCTION
ABILENE, TX

BONTKE BROTHERS
CONSTRUCTION
ABILENE, TX

EPIC CONSTRUCTION CO.
ABILENE, TX

CONTRACT PAVING CO.
TYE, TX

ITEM	DESCRIPTION	QTY	UNIT	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1.	SOUTH OF DOWNTOWN AREA ROADWAY IMPROVEMENTS PHASE 1				*800,236.95		959,538.00		1,006,276.00		1,391,365.00				
BASE BID					*800,236.95		959,538.00		1,006,276.00		1,391,365.00				
DISCOUNT															
TOTAL BID					*800,236.95		959,538.00		1,006,276.00		1,391,365.00				

*NOTES: INDICATES RECOMMENDED AWARD

CONSTRUCTION CONTRACT

BACKGROUND

THIS CONTRACT, made March 9, 2017, is between the City of Abilene, a Municipal Corporation of Taylor and Jones Counties, Texas ("City"), and Nobles Road Construction, Inc. of the City of Abilene State of Texas. ("Contractor").

The City recognizes a need for high quality construction work; the Contractor agrees to complete the project in return for payment.

THE AGREEMENT

1. Work and Consideration.

The Contractor hereby agrees to commence and complete the construction of Work described as

SOUTH OF DOWNTOWN AREA ROADWAY IMPROVEMENTS PHASE 1

The Contractor must provide all Work required in the Contract Documents -- incorporated herein by reference -- labeled:

SOUTH OF DOWNTOWN AREA ROADWAY IMPROVEMENTS PHASE 1

All work shown or specified to be performed in accordance with Abilene Standard Specifications will be completed in conformance with the City of Abilene's Standard Specifications for Construction adopted September 2006.

In consideration of this Work, the City will pay the Contractor the sum of \$800,236.95 (Eight hundred thousand two hundred thirty-six dollars and ninety-five cents).

2. **Timely Work.** The Contractor must begin and fully complete Work in the days stated in the Notice to Proceed. The time allows for normal delays associated with weather conditions, crew coordination, etc. Time is of the essence, and liquidated damages as set forth in the General Conditions (Paragraph 16) apply for late Work.

3. **Payment.** If Performance and Payment Bonds are required, the City will pay Contractor according to the General Conditions (Paragraph 20). If Performance and Payment Bonds are not required, the City will pay Contractor according to the Instructions to Bidders.

4. **No liens.** No mechanic, contractor, subcontractor, supplier, or other person can or will contract for, or in any other manner have or acquire any lien upon the work of this Contract, or the land upon which it is situated. The laws of the State of Texas govern this Contract.

5. **Venue.** Venue for any legal proceeding is Taylor County, Texas.

6. **Indemnity.**

A. Definitions

For the purpose of this section the following definitions apply:

"City" shall mean all officers, agents and employees of the City of Abilene.

"Claims" shall mean all claims, liens, suits, demands, accusations, allegations, assertions, complaints, petitions, proceedings and causes of action of every kind and description brought for damages.

"Contractor" includes the corporation, company, partnership, or other entity, its owners, officers, and/or partners, and their agents, successors, and assigns.

"Contractor's employees" shall mean any employees, officers, agents, subcontractors, licensee and invitees of Contractor.

"Damages" shall mean each and every injury, wound, hurt, harm, fee, damage, cost, expense, outlay, expenditure or loss of any and every nature, including but not limited to:

injury or damage to any property or right

injury, damage, or death to any person or entity

attorney's fees, witness fees, expert witness fees and expenses, and

all other costs and expenses of litigation

"Premise Defects" shall mean any defect, real or alleged, which now exists or which may hereafter arise upon the premises.

"Proven" shall mean that a court of competent jurisdiction has entered a final unappealable judgment on a claim adjudging an entity or person liable for a monetary judgment.

"Sole negligence" shall mean negligence of a party that is unmixed with the fault of any other person or entity.

B. Indemnity

The Contractor must indemnify, hold harmless, and defend the City from and against liability for any claims arising out of the Contractor's work and activities conducted in connection with this Contract.

The Contractor is an independent contractor and is not, with respect to its acts or omissions, an agent or employee of the City.

Contractor must at all times exercise reasonable precautions on behalf of, and be solely responsible for, the safety of Contractor's employees while in the vicinity where the work is being done. The City is not liable or responsible for the negligence or intentional acts or omissions of the Contractor or Contractor's employees.

The City assumes no responsibility or liability for damages which are directly or indirectly attributable to premise defects. Responsibility for all such defects is expressly assumed by the Contractor.

The City and Contractor must provide the other prompt and timely notice of any covered event which in any way affects or might affect the Contractor or City. The City has the right to compromise and defend the same to the extent of its own interests.

BOTH CITY AND CONTRACTOR EXPRESSLY INTEND THIS CONTRACT'S INDEMNITY PROVISION TO REQUIRE CONTRACTOR TO INDEMNIFY AND PROTECT THE CITY FROM THE CONSEQUENCES OF THE CITY'S OWN NEGLIGENCE WHILE CITY IS PARTICIPATING IN THIS CONTRACT. WHERE THAT NEGLIGENCE IS A CONCURRING CAUSE OF THE DAMAGES. THIS CONTRACT'S INDEMNITY PROVISION DOES NOT APPLY TO ANY CLAIM WHERE DAMAGE IS PROVEN TO RESULT FROM THE SOLE NEGLIGENCE OF THE CITY.

7. **Insurance.** The Special Conditions contain specific insurance requirements.
8. **Overcharges.** The Contractor assigns to City any claims for overcharges related to this Contract which arise under antitrust laws of the United States, 15 U.S.C.A. Sec. 1 *et seq.*, as amended.
9. **Contract Interpretation.** Any dispute about the Contract's meaning or application will be interpreted fairly and reasonably, and neither more strongly for or against either party.
10. **Indebtedness to City.** Contractor agrees that no payments owed by him of any nature whatsoever to the City, including payment in advance for service charges or any sums of any character whatsoever, shall become delinquent or in arrears.

The City will not knowingly award contracts for goods or services to any Bidder in arrears to the City for any debt, claim, demand, or account whatsoever, including taxes, penalty or interest. Contractor is responsible for ensuring that no indebtedness exists.

Section 130 of the City Charter authorizes the City to counterclaim and offset any debt, claim, demand or account owed by the City to any person, firm or corporation in arrears to the City for any debt, claim, demand or account of any nature whatsoever, including taxes, penalty or interest.

11. **Contract Execution.** The Contractor must sign the Contract first, with any necessary attestation and seal. The City Attorney or designee must review the Contract, and approve or disapprove it. If approved, the City's authorized agent will then sign. The City Secretary must keep a signed original in the City Secretary's Office.
12. **Contract Copies.** Each of the two executed copies is an original.

IN WITNESS HERE OF, the parties hereto have executed this contract:

CONTRACTOR

Name of Contractor:

Nobles Road Construction

Business Address:

5401 South 1st
Abilene, Tx 79605

Signature

Araron Myers

Name - Typed or Printed

ARARON MYERS

Title - Typed or Printed

VICE PRES

Business Phone No.

325 677 6258

Federal Tax I.D.#

75-2218861

ATTEST: (If Corporation)

Corporate Secretary's Signature

Corporate Seal
(if none, write "None") |

CITY OF ABILENE

Authorized Signature

APPROVED:

City Attorney

Risk Manager

ATTEST:

City Secretary

Seal: |

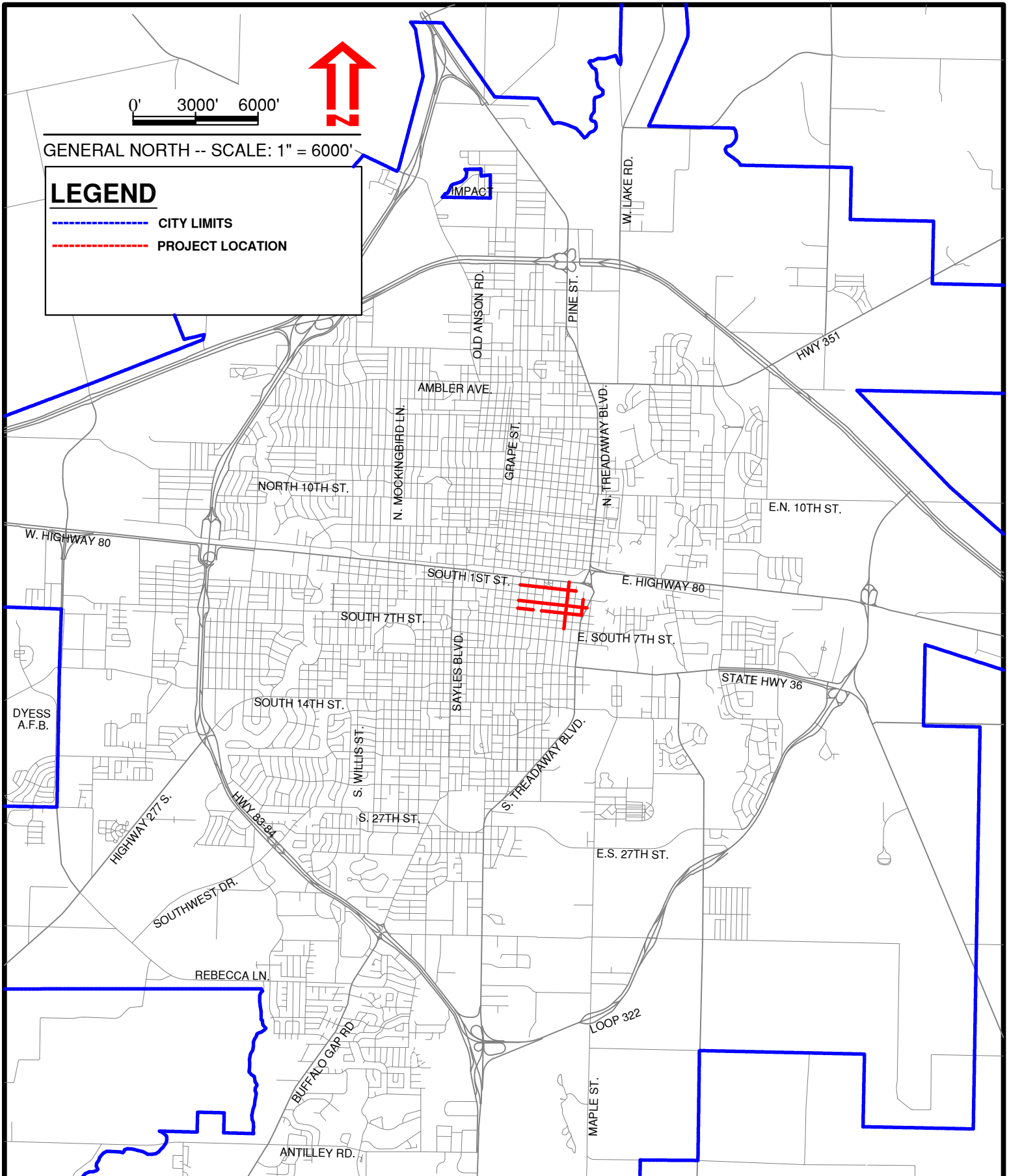
0' 3000' 6000'



GENERAL NORTH -- SCALE: 1" = 6000'

LEGEND

- CITY LIMITS
- PROJECT LOCATION



Sheet
1
of
1

CITY OF ABILENE, TEXAS
PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

SOUTH OF DOWNTOWN AREA PHASE I

Designed By: M. RICE

Drawn By: M. MILLER

Checked By: M. RICE

Horizontal Scale: 1"=6000'

Vertical Scale: N.T.S.

Folder: MISC.
PROJECTS

Computer File Name:
SODA PHASE I

Date: FEB. 2017

South of Downtown Area Roadway Improvements Phase I

**Resolution: Bid Award #CB-1730 South of Downtown Area Roadway
Improvements Phase I. (*Rice*)**



South of Downtown Area Roadway Improvements Phase I

- Construction Contract for the Overlay of the following street sections, S. 2nd St. from Chestnut St. to Cherry St., S. 4th St. from Sycamore St. to Treadaway Blvd., S. 5th St. from Butternut St. to Willow St., Locust St. from S. 7th St. to S. 1st St., and Willow St. from S. 5th St. to S. 3rd St. The project also includes the rehabilitation of the following street sections, S. 2nd St. from Butternut St. to Chestnut St., and S. 4th St. from Butternut St. to Sycamore St.
- Project Advertised February 5th & 12th, Bids Opened February 21st.
- Four bids were received.
- Staff recommends award of contract to Nobles Road Construction, Inc., in the amount of \$800,236.95.





**City Council
Agenda Memo**

City Council Meeting Date: 3/9/2017

TO: Robert Hanna, City Manager

FROM: Mike Rains, Director of Finance

Financial Workshop: Discussion and possible action on the following items:

a. Review and Acceptance of FY 2016 Comprehensive Annual Financial Report - Davis, Kinard & Co. *(Mike Rains)*

SUBJECT: b. Approval of expenditure of funds in excess of the three month reserve and fire apparatus procurement process *(Mike Rains)*

c. Approval of the Investment Policy. *(Mike Rains)*

GENERAL INFORMATION

The Comprehensive Annual Financial Report (CAFR) for FY 2016 has been completed and will be presented at the March 9, 2016 Council meeting. Some sections that you may wish to read are the Letter of Transmittal, Management's Discussion and Analysis, Basic Financial Statements (including notes to the financial statements) and General Fund Schedule of Revenues, Expenditures and Changes in Fund Balance - Budget and Actual - Budgetary Basis.

Staff will make a presentation of the CAFR and Davis, Kinard & Co., P.C. will make a presentation of the auditors reports and their comments regarding the CAFR and audit process.

A presentation of the FY 2016 excess fund balance and the Investment Policy will also be made.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

The expenditure of General Fund fund balance will come from funds in excess of the City's three month reserve requirement.

STAFF RECOMMENDATION

Staff recommends acceptance of the CAFR for the year ended September 30, 2016; approval of the expenditure of funds in excess of our three month reserve; and approval of the investment policy.

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description	Type
▣ Resolution Accepting FY 2016 CAFR	Resolution Letter
▣ Resolution Approving Expenditure of Excess Fund Balance	Resolution Letter
▣ Resolution Approving Investment Policy	Resolution Letter
▣ Auditor - SAS 114 Communication	Backup Material
▣ Investment Policy	Backup Material
▣ Powerpoint - Financial Workshop	Presentation

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
ACCEPTING THE COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FISCAL
YEAR ENDING SEPTEMBER 30, 2016.**

WHEREAS, City staff has completed the Comprehensive Annual Financial Report (CAFR) for the fiscal year ending September 30, 2016; and,

WHEREAS, the City Charter requires an annual audit to be made of the accounts, financial records, and transactions of all administrative departments of the City by a certified public accountant selected by the City Council; and,

WHEREAS, the independent public accounting firm of Davis, Kinard & Co. P.C. has audited the CAFR and has included their auditor's reports in the CAFR; and,

WHEREAS, staff recommends accepting the CAFR for the fiscal year ending September 30, 2016.

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

PART 1: That the City Council accepts the Comprehensive Annual Financial Report for the fiscal year ending September 30, 2016 as audited by Davis, Kinard & Co., P.C.

PART 2: That this Resolution shall take effect immediately from and after passage.

ADOPTED this 9th day of March, 2017.

ATTEST:

Danette Dunlap, City Secretary

Norm Archibald, Mayor

APPROVED:

Stanley Smith, City Attorney

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
APPROVING THE EXPENDITURE OF GENERAL FUND FY 2016 FUND BALANCE IN
EXCESS OF THE THREE MONTH RESERVE REQUIREMENT.**

WHEREAS, the City's Fund Balance policy requires a three month reserve to be maintained in the General Fund; and,

WHEREAS, City staff has completed a final accounting of the budget basis fund balance of the General Fund as of September 30, 2016; and,

WHEREAS, the budget basis fund balance exceeds the three month reserve requirement by \$1,749,447; and,

WHEREAS, the City's Revenues Collected in Excess of Revised Budget policy requires the excess revenues be expended according to a funding priority list or the City Manager may recommend a program that differs from the funding priority list if, in the opinion of the City Manager a business necessity exists; and,

WHEREAS, the current funding priority list is 50% to be set aside for street maintenance expenditures and 50% to be set aside for the Fire Apparatus Replacement Fund; and

WHEREAS, the Self Insurance Fund has suffered high claims expense and is close to being fully expended; and

WHEREAS, the construction of Fire Stations #3, #4, and #7 are in need of additional funds to supplement the bond funds; and

WHEREAS, staff recommends the approval of the expenditure of the excess fund balance reserve on:

Self Insurance Fund	\$1,000,000
Capital Project Costs for the construction of Fire Stations #3, #4, and #7	700,000

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

PART 1: That the City Council approves the expenditure of FY 2016 General Fund funds in excess of the three month reserve requirement in the following amounts: Self Insurance Fund - \$1,000,000 and Fire Stations #3, #4, and #7 - \$700,000.

PART 2: That this Resolution shall take effect immediately from and after passage.

ADOPTED this 9th day of March, 2017.

ATTEST:

Danette Dunlap, City Secretary

Norm Archibald, Mayor

APPROVED:

Stanley Smith, City Attorney

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
APPROVING THE INVESTMENT POLICY.**

WHEREAS, the State of Texas Public Funds Investment Act (Government Code Chapter 2256) requires that the governing body review and approve the Investment Policy not less than annually; and,

WHEREAS, the Investment Policy was last approved by the City Council on March 10, 2016; and,

WHEREAS, staff recommends the approval of the Investment Policy.

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

PART 1: That the City Council approves the Investment Policy.

PART 2: That this Resolution shall take effect immediately from and after passage.

ADOPTED this 9th day of March, 2017.

ATTEST:

Danette Dunlap, City Secretary

Norm Archibald, Mayor

APPROVED:

Stanley Smith, City Attorney

February 13, 2017

To the Honorable Mayor and
Members of the City Council of the
City of Abilene, Texas

We have audited the financial statements of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Abilene, Texas for the year ended September 30, 2016. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards, *Government Auditing Standards* and the Uniform Guidance, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated September 30, 2016. Professional standards also require that we communicate to you the following information related to our audit.

Significant Audit Findings

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the City are described in the notes to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during 2016. We noted no transactions entered into by the City during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimates affecting the City's financial statements were:

We believe that the estimate of future useful lives of capital assets is a particularly sensitive accounting estimate. Management's estimate is based on knowledge and experience about past and current events and assumptions about future events.

The net pension liabilities for Texas Municipal Retirement System (TMRS) and the Abilene Firemen's Relief and Retirement Fund (AFRRF) are significant sensitive estimates based on actuarial methods and assumptions provided by third party actuaries. The net pension liabilities reported by TMRS and AFRRF are based on actuarial valuations that utilize various assumptions including the remaining amortization period, discount rate, expected rates of investment return, salary increases, payroll growth rates and mortality rates. The financial statements of the TMRS plan and AFRRF were audited by KPMG, LLP and Davis Kinard & Co, PC, respectively. These financial statements received an unmodified opinion. We evaluated the audited financial statements, census data submitted by the City to each plan's actuary, and the City's controls over the census submission process that were used to develop the estimate of its net pension liability to determine that the estimates are reasonable in relation to the financial statements taken as a whole.

Management's estimates of health insurance claims payable, property claims payable, and workers' compensation claims payable are based on reports provided by third party administrators as well as knowledge and experience about past and current events and assumptions about future events.

We believe that the allowance for uncollectible receivables is a sensitive accounting estimate. Management's estimate is based on knowledge and experience with past collectability of these receivable accounts.

We evaluated the key factors and assumptions used to develop these estimates and determined that they were reasonable in relation to the financial statements taken as a whole.

Certain financial statement disclosures are particularly sensitive because of their significance to financial statement users. The most sensitive disclosures affecting the financial statements were:

Self-insurance – The City is self-insured for all insurance purposes other than the airport. As such, there are contingent legal claims as well as worker's compensation claims that are estimated as part of contingent liabilities for the City. These estimates are based on historical claims as well as legal estimates of claims.

Disclosures related to the defined benefit retirement plans with TMRS as well as the Abilene Firemen's Relief and Retirement Fund (AFRRF)- Information for these disclosures is based on the audited financial statements of each plan as well as information provided by each plan's actuary. The liability is based on actuarial estimates provided by the actuaries.

Disclosure of Deposit and Investment Risks and long-term obligations.

The financial statement disclosures are neutral, consistent, and clear.

Difficulties Encountered in Performing the Audit

We encountered no difficulties in dealing with management in performing and completing our audit. Management of the City did a commendable job in preparing for the audit. They prepared the requested schedules and documents in a timely manner and were available for questions at all times.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. We did not identify any misstatements during our audit that required adjustments. In addition, there were no uncorrected misstatements detected as a result of audit procedures that were material, either individually or in the aggregate, to each opinion unit's financial statements taken as a whole.

Disagreements with Management

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated February 13, 2017.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the governmental unit's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the City's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Other Matters

We applied certain limited procedures to management's discussion and analysis, budgetary comparison information of the general fund, and other required supplementary information, which are required supplementary information (RSI) that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

We were engaged to report on combining and individual major and nonmajor fund financial statements, schedules and the schedule of expenditures of federal and state awards, which accompany the financial statements but are not RSI. With respect to this supplementary information, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

We were not engaged to report on the introductory and statistical sections, which accompany the financial statements but are not RSI. We did not audit or perform other procedures on this other information and we do not express an opinion or provide any assurance on it.

Restriction on Use

This information is intended solely for the use of the Mayor and the City Council of the City of Abilene, Texas and is not intended to be, and should not be, used by anyone other than these specified parties.

Very truly yours,

Dan Kinard & Co., PC
Certified Public Accountants

City of Abilene, Texas, Investment Policy

The purpose of this investment policy is to aid the City of Abilene, Texas (“City”) in the administration of its funds and investment of those funds. These funds shall be handled at the highest public trust. The City will invest public funds in a way, which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the City. This policy serves to satisfy local law and the Texas Public Funds Investment Act, Chapter 2256, Texas Government Code (The “Act”).

I. SCOPE

This investment policy applies to all financial assets and funds held by the City.

- A. Pooling of Funds:** The City commingles its funds into one pooled investment fund for investment purposes for efficiency and maximum investment opportunity with the exception of the proceeds of general obligation and certificate of obligation bond funds which are invested separately. These funds are accounted for in the City’s Comprehensive Annual Financial Report (CAFR) and include:

General Fund	Enterprise Funds
Special Revenue Funds	Internal Service Funds
Debt Service Funds	Trust and Agency Funds
Capital Project Funds	

- B. Income Allocation:** Investment income will be allocated to the various funds based on their respective participation in the pool and in accordance with generally accepted accounting principles.
- C. Bond Funds:** The bond funds are accounted for in Capital Project Funds and Enterprise Funds. Proceeds from each bond issuance are deposited into separate accounts. Interest earned on these accounts are credited to the fund in which the interest is earned on.

II. INVESTMENT STRATEGY / OBJECTIVES STATEMENT

The City of Abilene investment strategy primary objective is to assure that anticipated cash flows are matched with adequate investment liquidity. The secondary objective is to create a portfolio structure, which will experience minimal volatility during economic cycles.

The objectives, in priority order, of investment activities shall be safety, liquidity, and yield:

A. Safety

Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate credit risk and interest rate risk.

1. Credit Risk The City will minimize credit risk, the risk of loss due to the failure of the security issuer or backer, by:

- Limiting investments to the safest types of securities
- Pre-qualifying the financial institutions, broker/dealers, intermediaries, and advisers with which the City will do business
- Diversifying the investment portfolio so that potential losses on individual securities will be minimized.

2. Interest Rate Risk The City will minimize the risk that the market value of securities in the portfolio will fall due to changes in general interest rates, by:

- Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity
- Investing operating funds primarily in shorter-term securities, money market mutual funds, or similar investment pools.

B. Liquidity

The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This is accomplished by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands (static liquidity). Furthermore, since all possible cash demands cannot be anticipated, the portfolio should consist largely of securities with active secondary or resale markets (dynamic liquidity). A portion of the portfolio also may be placed in money market mutual funds or local government investment pools, which offer same-day liquidity for short-term funds.

C. Yield

The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. "Market rate of return" may be defined as the average yield of the current three-month United States Treasury Bill. Return on investment is of secondary importance compared to the safety and liquidity objectives described above. The core of investments is limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being

assumed. Securities shall not be sold prior to maturity with the following exceptions:

- A security with declining credit may be sold early to minimize loss of principal.
- A security swap would improve the quality, yield, or target duration in the portfolio.
- Liquidity needs of the portfolio require that the security be sold.

III. STANDARDS OF CARE

A. Prudence: The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of this policy.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived. It should be noted that in a diversified portfolio occasional measured losses are inevitable and must be considered within the context of the overall portfolio's return.

B. Ethics and Conflicts of Interest: Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the City. An employee or investment officer who is related within the second degree of affinity or consanguinity to an individual seeking to sell an investment to the City shall file a statement with the Texas Ethics Commission disclosing this relationship.

C. Delegation of Authority: Authority to manage the investment program is granted to the Director of Finance and/or Assistant Director of Finance [designated officials, hereinafter referred to as investment officers], acting on behalf of the City Council. Responsibility for the operation of the investment program is hereby

delegated to the investment officers, who shall act in accordance with established written procedures and internal controls for the operation of the investment program consistent with this investment policy. Procedures should include references to: safekeeping, delivery vs. payment, investment accounting, repurchase agreements, wire transfer agreements, and collateral/depository agreements. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the investment officers. The investment officers shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

D. Investment Advisory Committee: There is hereby created an Investment Advisory Committee ("the Committee"), consisting of, the Director of Finance, the Assistant Director of Finance or other individual designated by the City Manager.

1. Meetings: Any member of the Committee shall have the power to call a meeting of the Committee. Meetings shall be called as necessary to review investment decisions, the investment report, and policies and procedures.
2. Responsibilities: It shall be the responsibility of the Committee to:
 - a) Approve the process of selecting authorized dealers, brokers, investment advisors, and safekeeping agents/custodians used by the City.
 - b) Immediately notify the Investment Officers in the event any information comes to their attention that may have a material adverse effect upon the portfolio or marketability of any of the investments purchased under the provisions of this policy.
 - c) Review the City's General Portfolio activity and performance for compliance with this policy and recommend any amendments to this policy to the City Council. Also review for actions necessary to bring the City into compliance with the scope of the investment policy of the Act.
 - d) Advise City Investment Staff as to recommendations relative to said portfolio activity/performance.
 - e) Inform the City Council of any concerns with the management of the City's investment portfolio.

E. Investment Training: In accordance with the Public Funds Investment Act, Chapter 2256, Texas Government Code, (the "Act"), investment training is required for the Investment Officer(s) of a local government. Training must be received

from an independent source approved by the investment committee and must include educations in investment controls, security risks, strategy risks, market risks, diversification of the investment portfolio, and compliance with the Act. Ten hours of training must be completed within 12 months of taking office or assuming duties. Thereafter, ten hours of training must be completed every two years.

F. Legal Limitations: Direct specific investment parameters for the investment of public funds in Texas are found in the Public Funds Investment Act, Chapter 2256, Texas Government Code, (the “Act”). The Interlocal Cooperation Act, Chapter 791, Texas Government Code, authorizes local governments in Texas to participate in an investment pool established thereunder. That statute and the reference to authorize investments in investment pools are the primary authorities for use of investment pools by political subdivisions of the State of Texas.

G. Internal Controls: The investment officers are responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived and (2) the valuation of costs and benefits requires estimates and judgments by management.

Accordingly, the investment officers shall establish a process for an annual independent review by an external auditor to assure compliance with policies and procedures. The internal controls shall address the following points:

- Control of collusion
- Separation of transaction authority from accounting and record keeping
- Custodial safekeeping
- Avoidance of physical delivery securities
- Clear delegation of authority to subordinate staff members
- Written confirmation of transactions for investments and wire transfers
- Development of a wire transfer agreement with the lead bank and third-party custodian

The Investment Advisory Committee shall establish additional controls as warranted.

IV. AUTHORIZED INVESTMENTS

The City’s investment authority is derived from the Public Funds Investment Act. The investments are to be chosen in a manner, which promotes diversity of market sector and maturity. The choice of high-grade government instruments and high-grade money market instruments is designed to assure the marketability of those investments should liquidity needs arise.

A. Investment Types Consistent with the Texas Public Funds Investment Act, Chapter 2256, Texas Government Code, (the “Act”), and the following investments will be permitted by this policy:

- Obligations of the United States Government, its agencies and instrumentalities, and government sponsoring enterprises, which have a liquid market with a readily determinable market value EXCEPT the investments prohibited in section V PROHIBITED INVESTMENTS
- Certificates of deposit issued by a depository institution that has its main office or a branch office in Texas that is:
 - (a) guaranteed or insured by the Federal Deposit Insurance Corporation, National Credit Union Share Insurance Fund or their successor;
 - (b) secured as described in section VI F.
- Money Market Mutual Funds may be invested in a no-load money market mutual fund which is regulated by the Securities and Exchange Commission. This fund must be rated “AAA” or its equivalent by at least one nationally recognized investment rating firm. The money market fund must also maintain a dollar-weighted average stated maturity of 90 days or fewer, and include in its investment objectives the maintenance of a stable net asset value of \$1.00. The City may not own more than 10% of the fund’s total assets; and
- Local government investment pools, as authorized by the Act.

In the event an investment is downgraded below the required rating all prudent measures will be taken to liquidate that investment in accordance with this policy.

V. PROHIBITED INVESTMENTS

The City of Abilene will not invest in any of the following investment instruments which are strictly prohibited:

- A.** Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal;
- B.** Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest;
- C.** Collateralized mortgage obligations that have a stated final maturity date of greater than 10 years; and
- D.** Collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

VI. POLICY GUIDELINES

A. Investment Administration

The City's Investment Program is divided into three portfolios: 1) Core; 2) Emergency/Liquidity; and 3) Discretionary

- 1) **CORE PORTFOLIO:** The core portfolio is specifically managed to achieve the first three objectives of safety, liquidity, and legality. This portfolio consists of instruments that have a stated maturity date covering a twelve (12) to eighteen (18) month period. The instruments are timed to meet payrolls, bond payments, accounts payable, and capital project schedules. Typical investments may include Treasury Bills, Treasury Notes, and other short-term obligations of agencies or instrumentalities of the United States. Derivatives are not purchased for core portfolio purposes.
- 2) **EMERGENCY/LIQUIDITY PORTFOLIO:** The emergency/liquidity portfolio is managed to not only achieve the objectives of the core portfolio but also to achieve better yields and flexibility. This portfolio consists of instruments with a stated maturity date that is not required to cover operations but is available for liquidity purposes, if necessary, or to take advantage of changes in the market. In addition, Local Government Investment Pools are maintained to provide immediate access to funds should conditions warrant. Derivatives are not purchased for emergency/liquidity purposes.
- 3) **DISCRETIONARY PORTFOLIO:** The discretionary portfolio is managed to achieve all of the objectives while allowing somewhat more flexibility including longer maturities. This portfolio is utilized to enhance the overall yield of the investment program by allowing flexibility in the type of instruments purchased from monies not needed in the immediate futures. Derivatives are allowed in this portfolio as allowed by the Act only after careful analysis. Any derivative within six (6) months of expected maturity is moved to the core portfolio for maturity balancing purposes only. Should market conditions extend the expected maturity beyond the six months, the investment is returned to the discretionary portfolio. *For the purpose of this Investment Policy, the definition of derivatives include instruments which have embedded features that alter their character or income stream or allow holders to hedge or speculate on a market or spreads between markets that are external to the issuer, or not correlated on a one-to-one basis to the associated index or market.*

B. Diversification

The investments shall be diversified by:

- limiting investments to avoid over concentration in securities from a specific issuer or business sector (excluding U.S. Treasury securities),
- limiting investment in securities that have higher credit risks,
- investing in securities with varying maturities, and
- continuously investing a portion of the portfolio in readily available funds.

Specific portfolio composition guidelines will be guided by the following general parameters:

<i>US Government Securities, Agencies and Instrumentalities</i>
The portfolio may be comprised of 100% direct government obligations. However, at all times at least twenty five percent (25%) of the portfolio will be invested in US governmental securities unless market conditions warrant otherwise.
<i>Local Government Investment Pools</i>
The portfolio may be comprised of 100% local government investment pools. The need for liquidity directs a high use of local government investment pools.
<i>Certificates of Deposit</i>
A maximum of fifty percent (50%) of the portfolio may be invested in fully collateralized certificates of deposit.
<i>Money Market Mutual Funds</i>
A maximum of fifteen percent (15%) of the portfolio may be invested in approved money market mutual funds.

C. Maximum Maturities To the extent possible, the City shall attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the City will not directly invest in securities maturing more than five (5) years from the date of purchase or in accordance with state and local statutes and ordinances. The City shall adopt weighted average maturity limitations (which often range from 90 days to 3 years), consistent with the investment objectives.

Reserve funds and other funds with longer-term investment horizons may be invested in securities exceeding five (5) years if the maturities of such investments are made to coincide as nearly as practicable with the expected use of funds.

Because of inherent difficulties in accurately forecasting cash flow requirements, a portion of the portfolio should be continuously invested in readily available funds to ensure that appropriate liquidity is maintained to meet ongoing obligations.

Specific portfolio maturity limitation guidelines will be guided by the following general parameters:

<i>US Government Securities, Agencies and Instrumentalities</i>
The maximum stated maturity on any US obligation, agency or instrumentality in the City's portfolio shall be limited to two (2) years in the core and emergency portfolio and not to exceed ten (10) years as stated by the Act in the discretionary portfolio.
<i>Certificates of Deposit</i>
The maximum maturity on certificates of deposit is one year.
<i>Money Market Mutual Funds</i>
Money market funds will have a weighted average maturity of ninety (90) days.

D. Competitive Bidding: It is the policy of the City to obtain competitive bidding on all security purchases with the exception of local government investment pools which are deemed to be made at prevailing market rates. The securities will be purchased or sold after a minimum of two (2) documented competitive bids/offers are obtained to verify that the City is paying or receiving fair market value/price for the investment. For those situations where it may be impractical or unreasonable to receive two bids for a transaction due to a rapidly changing market environment or to secondary market availability, documentation of a competitive market survey of comparable securities or an explanation of the specific circumstance must be noted.

E. Authorized Financial Dealers and Institutions: A list will be maintained of financial institutions authorized to provide investment services. In addition, a list also will be maintained of approved security broker/dealers selected. These may include "primary" dealers or regional dealers that are licensed and in good standing with the Texas Department of Securities, the Securities and Exchange Commission (SEC), the Financial Industry Regulatory Authority (FINRA) or other applicable self-regulatory organization. Every dealer with whom the City transacts business with will be provided a copy of the Investment Policy to assure that they are familiar with the goals and objectives of the investment program. The broker/dealer will be required to return a signed copy of the Certification form (Exhibit A) certifying that the policy has been received and reviewed.

All financial institutions and broker/dealers who desire to become qualified for investment transactions must supply the following as appropriate:

- Audited financial statements
- Proof of Financial Industry Regulatory Authority certification
- Proof of state registration
- Completed broker/dealer questionnaire

- Certification of having read and understood and agreeing to comply with the City of Abilene's investment policy

F. Collateralization and Safekeeping:

- 1) Securities will be held by a third party custodian designated by the City and evidenced by safekeeping receipts.
- 2) All uninsured demand, time deposits, and repurchase agreements will be fully collateralized with pledged securities or by letters of credit for both principal and accrued interest in accordance with Texas Government Code Chapter 2257, Collateral for Public Funds.
 - a) The pledged securities will be held by a third party banking institution as approved by the City or at the Federal Reserve Bank.
 - b) The City will accept as collateral any security that is directly allowed to be held in the City's portfolio as authorized under Section IV. In addition, obligations of states, agencies, counties, cities, and other political subdivisions of Texas rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent will be accepted.
 - c) Substitution or release of collateral is allowed with prior approval by one of the investment officers.
 - d) The value of the pledged investment securities shall be the market value as determined by a nationally recognized rating agency.

G. Delivery vs. Payment All trades where applicable will be executed by delivery vs. payment (DVP) to ensure that securities are deposited in an eligible financial institution prior to the release of funds. A third-party custodian as evidenced by safekeeping receipts will hold securities.

VII. REPORTING

A. Methods The investment officers shall prepare an investment report providing basic information regarding the City's investments. Reports shall be filed monthly, quarterly, and annually with the City Secretary's Office to be available to the City Council and citizens for review at least quarterly, including a management summary that provides an analysis of the status of the current investment portfolio and transactions made over the last quarter. This management summary will be prepared in a manner which will allow the City to ascertain whether investment activities during the reporting period have conformed to the investment policy. The report should be provided to the investment officers and the legislative body. The report will include the following:

- Listing of individual securities held at the end of the reporting period.
- Realized and unrealized gains or losses resulting from appreciation or depreciation by listing the cost and market value of securities.
- Average weighted yield to maturity of portfolio on investments as compared to applicable benchmarks.
- Listing of investment by maturity date.
- Percentage of the total portfolio that each type of investment represents.

B. Performance Standards The investment portfolio will be managed in accordance with the parameters specified within this policy. The portfolio should obtain a market average rate of return during a market/economic environment of stable interest rates. A series of appropriate benchmarks shall be established against which portfolio performance shall be compared on a regular basis.

C. Marking to Market The market value of the portfolio shall be calculated at least quarterly and a statement of the market value of the portfolio shall be issued at least quarterly. This will ensure that review of the investment portfolio, in terms of value and price volatility, has been performed. The market price shall be obtained from a nationally recognized rating agency that has been approved by the investment committee.

VIII. POLICY CONSIDERATIONS

A. Exemption Any investment currently held that does not meet the guidelines of this policy shall be exempted from the requirements of this policy. At maturity or liquidation, such monies shall be reinvested only as provided by this policy.

B. Amendments This policy shall be reviewed on an annual basis. Any changes must be approved by the investment officers and any other appropriate authority, as well as the individual(s) charged with maintaining internal controls.

IX. INVESTMENT POLICY ADOPTION

The investment policy of the City of Abilene shall be adopted by the City Council. This policy shall be reviewed on an annual basis.

FINANCIAL WORKSHOP

March 9, 2017



FINANCIAL WORKSHOP

- Overview of Comprehensive Annual Financial Report
– Year Ended September 30, 2016
Presentations by Staff & Davis, Kinard & Co.,P.C.
- Discussion of FY 2016 Excess Fund Balance
- Review and Approval of Investment Policy



Comprehensive Annual Financial Report Year Ended September 30, 2016

- Letter of Transmittal – pg I-3
- Independent Auditor's Report – pg 1
- Management's Discussion and Analysis – pg 3
- Basic Financial Statements:
 - Government-Wide Statements – pg 16
 - Fund Financial Statements – pg 19
 - Notes to Financial Statements – pg 28
- General Fund – Budgetary Basis – pg 58
- Combining & Individual Fund Statements – pg 63
- Statistical Section – pg 118
- Federal Financial Assistance – pg 164



Government-Wide Financial Statements

Exhibits A-1 & A-2

Composed of Statement of Net Position & Statement of Activities

Statements provide information about the City as a whole and present a longer-term view

Similar to how a for-profit organization would present their finances



Government-Wide Financial Statements

Statement of Net Position

September 30, 2016

	Governmental Activities 2016	Governmental Activities 2015	Business-Type Activities 2016	Business-Type Activities 2015	Total Primary Government 2016	Total Primary Government 2015
Current and other assets	\$120,367,167	\$102,730,377	\$73,343,757	\$113,663,174	\$193,710,924	\$216,393,551
Capital assets	237,537,769	215,683,121	368,698,411	335,091,282	606,236,180	550,774,403
Total Assets	<u>357,904,936</u>	<u>318,413,498</u>	<u>442,042,168</u>	<u>448,754,456</u>	<u>799,947,104</u>	<u>767,167,954</u>
Deferred outflow of resources	24,242,314	9,738,411	4,273,701	1,100,001	28,516,015	10,838,412
Other liabilities	13,165,955	8,994,855	12,376,719	22,506,068	\$25,542,674	31,500,923
Noncurrent liabilities	188,521,837	147,124,894	233,131,594	237,046,376	421,653,431	384,171,270
Total Liabilities	<u>201,687,792</u>	<u>156,119,749</u>	<u>245,508,313</u>	<u>259,552,444</u>	<u>447,196,105</u>	<u>415,672,193</u>
Deferred inflow of resources	213,666	-	-	-	213,666	-
Net Position:						
Net investment in capital assets	184,493,119	169,593,848	154,439,154	141,042,489	338,932,273	310,636,337
Restricted	5,964,816	6,289,487	703,327	714,753	6,668,143	7,004,240
Unrestricted	(10,212,143)	(3,851,175)	45,665,075	48,544,771	35,452,932	44,693,596
Total Net Position	<u>\$180,245,792</u>	<u>\$172,032,160</u>	<u>\$200,807,556</u>	<u>\$190,302,013</u>	<u>\$381,053,348</u>	<u>\$362,334,173</u>



Government-Wide Financial Statements
Statement of Activities
For the Year Ended September 30, 2016

			Net (Expense) Revenue and Changes in Net Position		
	Expenses	Program Revenues	Activities	Activities	Government
Governmental Activities:					
General Government	\$2,647,970	\$142,048	(\$2,505,922)		(\$2,505,922)
Administrative Services	3,141,605		(3,141,605)		(3,141,605)
Finance	9,135,461	1,791,219	(7,344,242)		(7,344,242)
Planning and Development Services	3,744,623	2,789,491	(955,132)		(955,132)
Economic Development	381,635		(381,635)		(381,635)
Public Works	9,932,350	1,293,490	(8,638,860)		(8,638,860)
Police	30,268,503	1,321,501	(28,947,002)		(28,947,002)
Fire	23,706,150	126,309	(23,579,841)		(23,579,841)
Transportation Services	5,198,433	15,384,474	10,186,041		10,186,041
Community Services	21,174,094	8,232,554	(12,941,540)		(12,941,540)
Interest and fees on long-term debt	3,198,611		(3,198,611)		(3,198,611)
Total Governmental Activities	112,529,435	31,081,086	(81,448,349)		(81,448,349)
Business Activities:					
Water and Sewer Services	39,557,921	49,037,595		\$9,479,674	9,479,674
Solid Waste Services	11,276,692	13,065,415		1,788,723	1,788,723
Transit Services	4,023,503	2,294,949		(1,728,554)	(1,728,554)
Stormwater Services	2,262,782	1,906,239		(356,543)	(356,543)
Total Business Activities	57,120,898	66,304,198		9,183,300	9,183,300
Total Primary Government	\$169,650,333	\$97,385,284			(72,265,049)
General Revenues:					
Property tax			39,768,063		39,768,063
Sales tax			30,388,148		30,388,148
Franchise/other tax			12,549,768		12,549,768
Other revenue			5,134,034	1,254,812	6,388,846
Transfers			715,757	(715,757)	0
Total General Revenues and Transfers			88,555,770	539,055	89,094,825
Change in Net Position			7,107,421	9,722,355	16,829,776
Net Position Beginning of Year			172,032,160	190,302,013	362,334,173
Prior Period Adjustment			1,106,211	783,188	1,889,399
Net Position End of Year			\$180,245,792	\$200,807,556	\$381,053,348



Fund Financial Statements

Exhibits B, C, D, E, F

Provides detailed information about the most significant funds of the City

Presented on a GAAP Basis (generally accepted accounting principles) in three fund groupings: Governmental Funds, Proprietary Funds and Fiduciary Funds

Major funds presented separately



Governmental Funds

Balance Sheet September 30, 2016

	General Fund	Debt Service Fund	General Obligation Bonds Capital Project Fund	Nonmajor Governmental	Total Governmental Funds 2016	Total Governmental Funds 2015
Cash and investments	\$23,237,826			\$16,874,684	\$40,112,510	\$39,190,866
Receivables	10,893,945			4,088,351	14,982,296	14,325,215
Other assets	31,980			5,249	37,229	27,609
Restricted assets		\$1,689,444	\$41,136,222	6,267,239	49,092,905	30,056,857
Total Assets	<u>\$34,163,751</u>	<u>\$1,689,444</u>	<u>\$41,136,222</u>	<u>\$27,235,523</u>	<u>\$104,224,940</u>	<u>\$83,600,547</u>
Accounts/retainage payable	\$1,067,471		\$2,123,916	\$2,163,328	\$5,354,715	\$3,379,533
Accrued expenses	2,609,929			277,402	2,887,331	2,328,042
Other liabilities	874,941	919		3,233,675	4,109,535	3,654,831
Total Liabilities	<u>4,552,341</u>	<u>919</u>	<u>2,123,916</u>	<u>5,674,405</u>	<u>12,351,581</u>	<u>9,362,406</u>
Deferred inflow of resources	<u>3,152,648</u>				<u>3,152,648</u>	<u>2,839,849</u>
Fund Balances:						
Non-spendable	31,980			5,249	37,229	27,609
Restricted		1,688,525	39,012,306	11,088,365	51,789,196	34,649,957
Assigned	2,971,485			10,519,288	13,490,773	12,376,857
Unassigned	<u>23,455,297</u>			<u>(51,784)</u>	<u>23,403,513</u>	<u>24,343,869</u>
Total Fund Balance	<u>26,458,762</u>	<u>1,688,525</u>	<u>39,012,306</u>	<u>21,561,118</u>	<u>88,720,711</u>	<u>71,398,292</u>
Total Liabilities, Deferred Inflow s, and Fund Balance	<u>\$34,163,751</u>	<u>\$1,689,444</u>	<u>\$41,136,222</u>	<u>\$27,235,523</u>	<u>\$104,224,940</u>	<u>\$83,600,547</u>



Governmental Funds

Statement of Revenues, Expenditures and Changes in Fund Balance September 30, 2016

	General Fund	Debt Service Fund	General Obligation Bonds Capital Project Fund	Nonmajor Governmental	Total Governmental Funds 2016	Total Governmental Funds 2015
Taxes	\$69,056,784	\$10,007,269		\$3,603,550	\$82,667,603	\$80,092,679
License and permits	1,531,658				1,531,658	1,548,832
Fines and forfeitures	1,461,971			126,727	1,588,698	1,931,566
Charges for services	4,035,974			778,638	4,814,612	4,639,516
Intergovernmental	107,864			17,361,760	17,469,624	8,978,675
Other	6,296,627	29,413	65,563	5,836,888	12,228,491	7,610,367
Total Revenues	82,490,878	10,036,682	65,563	27,707,563	120,300,686	104,801,635
Current	81,777,971		4,674	11,904,822	93,687,467	87,482,935
Debt service		10,482,304	275,408	170,751	10,928,463	9,842,045
Capital projects			11,377,117	17,636,169	29,013,286	7,850,008
Total Expenditures	81,777,971	10,482,304	11,657,199	29,711,742	133,629,216	105,174,988
Excess (Deficit) of Revenues over Expenditures	712,907	(445,622)	(11,591,636)	(2,004,179)	(13,328,530)	(373,353)
Debt issuance/refundings		149,313	28,716,566	2,053,887	30,919,766	25,660,739
Net transfers	(1,144,983)	496,770	(1,316,450)	1,695,846	(268,817)	259,003
Total Other Financing Sources (Uses)	(1,144,983)	646,083	27,400,116	3,749,733	30,650,949	25,919,742
Net Change in Fund Balance	(432,076)	200,461	15,808,480	1,745,554	17,322,419	25,546,389
Fund Balance Beginning of Year	26,890,838	1,488,064	23,203,826	19,815,564	71,398,292	45,851,903
Fund Balance End of Year	\$26,458,762	\$1,688,525	\$39,012,306	\$21,561,118	\$88,720,711	\$71,398,292



Proprietary Funds

Statement of Net Position

September 30, 2016

	Water and Sewer	Solid Waste Services	Nonmajor Enterprise Funds	Total Enterprise Funds 2016	Internal Service Funds
Cash and investments	\$37,326,500	\$3,105,236	\$1,676,965	\$42,108,701	\$15,240,536
Receivables	6,284,919	1,727,286	244,500	8,256,705	1,179,253
Other assets	31,706		788,849	820,555	1,253,771
Restricted assets	22,352,715			22,352,715	
Net capital assets	365,769,548		1,439,773	367,209,321	
Total Assets	431,765,388	4,832,522	4,150,087	440,747,997	17,673,560
Deferred outflow of resources	2,922,527	1,025,028	326,146	4,273,701	559,105
Current liabilities	19,387,250	873,091	111,737	20,372,078	5,465,822
Non-current liabilities	223,203,157	1,514,277	469,848	225,187,282	2,515,793
Total Liabilities	242,590,407	2,387,368	581,585	245,559,360	7,981,615
Net investment in capital assets	151,510,291	1,489,090	1,439,773	154,439,154	14,418,866
Restricted	703,327			703,327	
Unrestricted	39,883,890	3,470,182	2,454,875	45,808,947	10,251,050
Total Net Position	<u>\$192,097,508</u>	<u>\$4,959,272</u>	<u>\$3,894,648</u>	<u>\$200,951,428</u>	<u>\$24,669,916</u>



Proprietary Funds

Revenues, Expenses and Changes in Net Position

Year Ended September 30, 2016

	Water and Sewer	Solid Waste Services	Nonmajor Enterprise Funds	Total Enterprise Funds	Internal Service Funds
Operating Revenues	\$47,266,003	\$13,065,415	\$2,321,300	\$62,652,718	\$21,427,390
Operating Expenses	35,591,379	10,871,158	6,161,801	52,624,338	27,808,887
Operating Income (Loss)	11,674,624	2,194,257	(3,840,501)	10,028,380	(6,381,497)
Non-Operating Revenues (Expenses)	(2,385,959)	11,613	1,895,629	(478,717)	103,008
Income (Loss) Before Contributions and Transfers	9,288,665	2,205,870	(1,944,872)	9,549,663	(6,278,489)
Contributions and net transfers	1,771,592	(2,083,866)	1,796,553	1,484,279	984,574
Change in Net Position	11,060,257	122,004	(148,319)	11,033,942	(5,293,915)
Net Position Beginning of Year	180,254,063	4,837,268	4,042,967	189,134,298	28,857,620
Prior Period Adjustment	783,188			783,188	1,106,211
Net Position End of Year	<u>\$192,097,508</u>	<u>\$4,959,272</u>	<u>\$3,894,648</u>	<u>\$200,951,428</u>	<u>\$24,669,916</u>



Budget Basis Financial Statements

Exhibits C-1, D-3 – D-14

Presented based on a Budget Basis: the City's traditional basis for establishing the budget



GENERAL FUND
Revenues and Expenditures
Revised Budget vs Actual Budget Basis

	2016 Actual	2016 Budget	Variance
<i>Revenues</i>			
Property Taxes	\$ 29,176,055	\$ 28,959,880	\$ 216,175
Sales Taxes	30,482,298	30,225,080	257,218
Franchise Taxes	7,268,127	7,194,410	73,717
Penalties and interest	339,512	295,000	44,512
Miscellaneous Other Taxes	1,824,885	1,780,020	44,865
Licenses & Permits	1,531,658	1,438,610	93,048
Charges for Services	4,035,974	3,892,910	143,064
Intergovernmental Revenues	107,864	94,800	13,064
Fines & forfeitures	1,488,713	1,581,870	(93,157)
Interest & Miscellaneous	6,296,627	6,197,610	99,017
<i>Total Revenues</i>	<u>82,551,713</u>	<u>81,660,190</u>	<u>891,523</u>
<i>Expenses</i>			
General Government	2,298,529	2,302,490	3,961
Administrative Services	2,953,252	3,039,650	86,398
Finance	6,900,439	7,058,540	158,101
Planning & Development Services	2,268,770	2,273,970	5,200
Public Works	6,492,347	6,536,380	44,033
Police	25,853,926	26,199,720	345,794
Fire	18,720,694	19,069,600	348,906
Transportation Services	1,948,935	2,145,120	196,185
Community Services	13,349,591	13,849,679	500,088
<i>Total Expenses</i>	<u>80,786,483</u>	<u>82,475,149</u>	<u>1,688,666</u>
Transfers In	3,819,366	3,781,470	37,896
Transfers Out	(4,952,963)	(4,952,971)	8
	<u>(1,133,597)</u>	<u>(1,171,501)</u>	<u>37,904</u>
<i>Net Change in Fund Balance</i>	<u>\$ 631,633</u>	<u>\$ (1,986,460)</u>	<u>\$ 2,618,093</u>



General Fund

Revenues Exceeding Estimates:

▪ Property taxes	\$216,175
▪ Sales tax	257,218
▪ Charges for services	143,064
▪ Interest & miscellaneous	99,017
▪ All other revenue	269,206

Revenues Not Exceeding Estimates:

▪ Fines & forfeitures	<u>(93,157)</u>
-----------------------	-----------------

\$891,523



General Fund

Expenditures Below Estimates:

▪ Personnel services	\$561,744
▪ Supplies	314,469
▪ Maintenance	196,583
▪ Other services and charges	604,439
▪ Capital outlay	<u>11,431</u>

\$1,688,666



GENERAL FUND
2015 - 2016
Approved Revised Budget

	Approved Revised Budget	Final Budget	Difference
100 GENERAL GOVERNMENT	\$ 2,302,490	\$ 2,302,490	\$ -
150 ADMINISTRATIVE SERVICES	3,039,650	3,039,650	-
200 FINANCE	11,508,410	11,508,410	-
250 PLANNING & DEVELOPMENT SERVICES	2,273,970	2,273,970	-
305 PUBLIC WORKS	6,536,380	6,536,380	-
500 POLICE	26,199,720	26,199,720	-
550 FIRE	19,069,600	19,069,600	-
600 TRANSPORTATION SERVICES	2,602,690	2,602,690	-
700 COMMUNITY SERVICES	13,895,210	13,895,210	-
TOTAL EXPENDITURES INCLUDING TRANSFERS OUT	<u>\$ 87,428,120</u>	<u>\$ 87,428,120</u>	<u>\$ -</u>



Questions?



Audit Presentation by Davis, Kinard & Co., P.C.



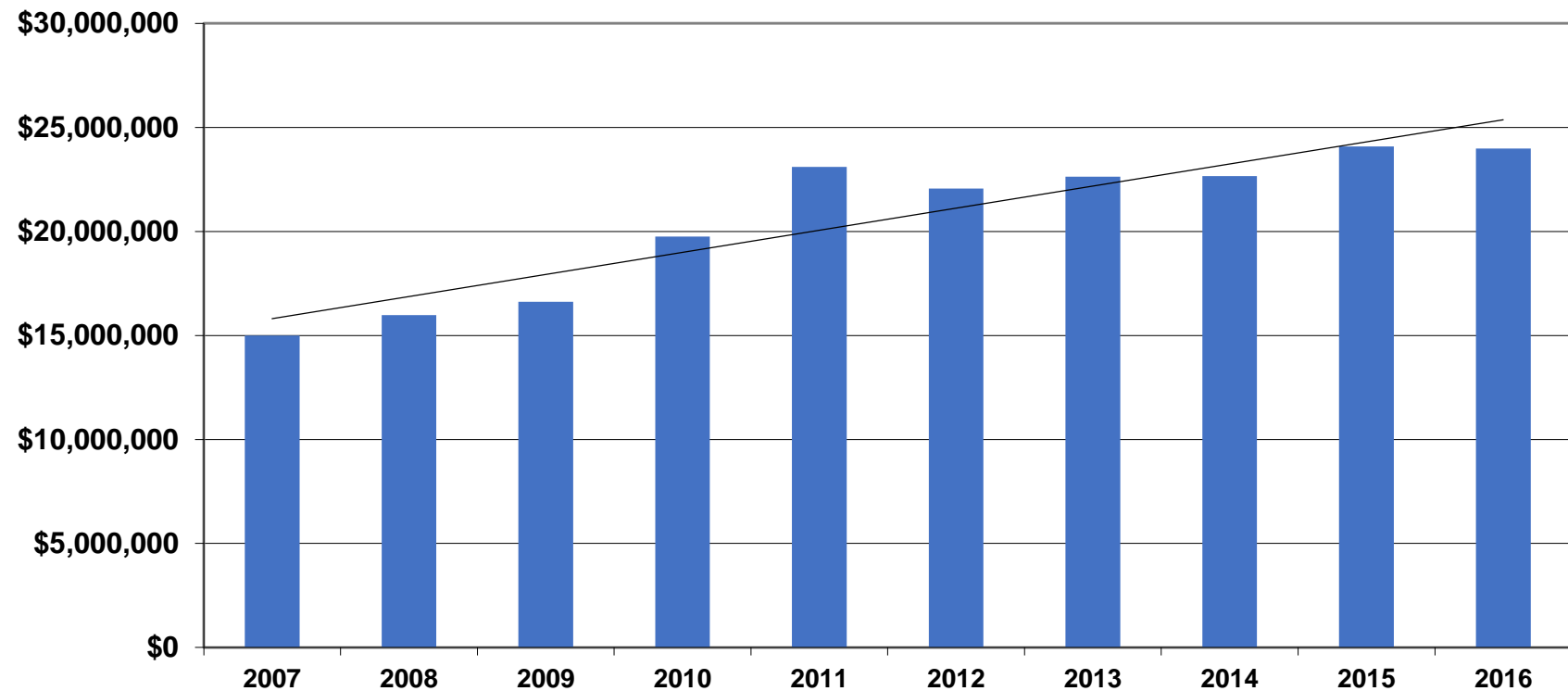
Discussion of FY 2016 Excess Fund Balance



General Fund

Fund Balance History – Budget Basis

Fiscal Years 2007-2016



General Fund Fund Balance – Budget Basis

FY 2012	3.5 months	22,055,148
FY 2013	3.4 months	22,632,845
FY 2014	3.3 months	22,655,269
FY 2015	3.3 months	24,080,840
FY 2016	3.2 months	23,977,597



General Fund

FY 2016 Fund Balance – Budget Basis
\$23,977,597 or 3.2 months

Per Policy FY 2016 Fund Balance
\$22,228,150 or 3.0 months

\$1,749,447



Recommendations for Addressing Fund Balance

Policy – 50% Street Maintenance/50% Fire
Apparatus Fund

Staff Recommendations:

- Self Insurance Fund
- Fire Stations #3, #4, #7



FY 2016 Fund Balance Excess \$1,749,447

- Self Insurance Fund \$1,000,000
- Fire Stations #3, #4, #7 700,000



Questions?



Investment Policy

Public Funds Investment Act (Government Code Chapter 2256)

Policy Requirements:

- Written investment policy
- Emphasize safety of principal and liquidity
- Address diversification, yield, and maturity and the quality and capability of investment management
- Include list of authorized investments, maximum allowable stated maturity, methods to monitor market price, requirement for settlement on a delivery versus payment basis, and procedures to monitor rating changes and liquidation of investments
- Must be reviewed and approved annually by the governing body





**City Council
Agenda Memo**

City Council Meeting Date: 3/9/2017

TO: Mayor & City Council

FROM: Danette Dunlap, City Secretary

SUBJECT: Resolution: Appointing members to various boards and commissions per the City Charter. (*Dunlap*)
• *Airport Development Board*

GENERAL INFORMATION

The Airport Development Board has had a member resign, this is a recommendation from the Airport Board to place Kathy Keane on the board.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

BOARD OR COMMISSION RECOMMENDATION

ATTACHMENTS:

Description	Type
❑ Resolution	Resolution Letter
❑ Resolution Exhibit A	Exhibit
❑ Appointment	Exhibit

RESOLUTION NO. _____-2017

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
APPOINTING MEMBERS TO VARIOUS BOARDS AND COMMISSIONS AS REQUIRED BY
THE CHARTER OF THE CITY OF ABILENE AND STATUTES OF THE STATE OF TEXAS**

WHEREAS, the Charter of the City of Abilene and the Statutes of the State of Texas require that certain Boards and Commissions be established with a portion of the memberships thereof to be filled by appointment each year; and

WHEREAS, the City Council is of the opinion that the following members should be appointed to the designated Boards and Commissions, and has requested the Mayor to appoint same with the approval of the Council.

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

PART 1: That the list of Members is attached hereto as Exhibit A, shall be in all things, approved.

PART 2: That this resolution shall take effect immediately from and after its passage.

PASSED this 9th day of March, A.D. 2017.

ATTEST:

Danette Dunlap, TRMC
City Secretary

Norm Archibald
Mayor

APPROVED:

Stanley Smith
City Attorney

RESOLUTION NO. _____

EXHIBIT "A"

Airport Development Board

Member	Appointment of the following:

- Kathy Keane Nov. 2017 (unexpired term)

New Appointment Form

MEMORANDUM

Date

TO: Danette Dunlap, City Secretary

FROM: Staff contact/Director

SUBJECT: Board **Appointment** Recommendation

Board: Airport Development Board (ADB). The ADB consists of 11 members that serve three-year terms. TX Midwest Communities Network has a seat on the board.

Synopsis of vacancies: Tammie Virden has served as the Texas Midwest Community Network's representative to the ADB, but has asked to resign from this position.

Board Chair: Larry Gill

Board Chair Recommendation: Mr. Gill recommends the appointment

Staff Contact: Don Green, Director of Transportation Services

Staff Recommendation: I recommend Kathy Keane's appointment.

Recommendation:

Appoint:

Name/Title: Kathy Keane

Place of Employment: Texas Midwest Community Network

Mailing Address: 3702 Loop 322, Abilene, TX 79602

Home Address: P O Box 3492, San Angelo, TX 76902

Home Phone: 325-869-0112

Business Phone: 325-795-8626

Race: Caucasian

Gender: Female

Position Previously Held by: Tammie Virden

Vacancy Due to: If due to resignation, state date of resignation. If due to being rotated off, state years/terms of service. **Resignation**

Service as Alternate: N/A

Date Potential Board Member was Contacted:

Comments: N/A



**City Council
Agenda Memo**

City Council Meeting Date: 3/9/2017

TO: Robert Hanna, City Manager

FROM: Kent Sharp, CEO of the Development Corporation of Abilene, Inc.

SUBJECT: Resolution: Approving Development Corporation Of Abilene, Inc.'s Additional Funding to Support the New Texas State Technical College - Abilene Campus (*Kent Sharp*)

GENERAL INFORMATION

Texas State Technical College (TSTC) was created in 1965 with a campus in Waco, Texas. Additional campuses were added over the years to include Sweetwater, McAllen, Breckenridge, Brownwood, Marshall, Fort Bend and Abilene, which was established in 1985. In 2013, the Texas Legislature established campuses in Ellis and Williamson Counties. In 2011, the West Texas campus was redefined as being the Sweetwater, Abilene, Breckenridge and Brownwood locations. Recently, all 10 campuses were integrated into a single organization, pursuing single accreditation from the Southern Association of Colleges and Schools Commission on Colleges. The programs are being aligned to better serve the state by providing a highly skilled, technically competent workforce.

The Abilene campus includes the main facility on E. Hwy 80, the Hangar 4 location, and the T&P Freight Warehouse. It serves just over 400 students studying Airframe & Powerplant Technologies, Chemical Dependency Technology, Computer Aided Drafting & Design, Computer Networking & Systems Administration, Database and Web Programming, Digital Arts, Digital Media Design, Emergency Medical Services, Food Service (Culinary Arts), Health Information Technology, Medical Office Specialist, and Software Accounting & Management.

In order to serve anticipated expanding growth in Abilene in the services, mining, manufacturing and trade industries, TSTC received in 2016 authorization from the state to issue \$12,000,000 in tuition revenue bonds to construct a new Abilene campus.

TSTC requested from the community \$6,000,000 in match grant funds over 10 years, including about 50 acres of land on Loop 322 in the NW quadrant of the Abilene Regional Airport. Phase I construction will consist of site development and Building One to house Industrial Maintenance and Welding. The site will be designed for multiple buildings and 13-15 technical programs.

On March 21, 2016, the Development Corporation of Abilene, Inc. (DCOA) approved resolution DCOA-2016.13 authorizing \$4,000,000 funded over 10 years to support operations of TSTC in light of construction of the new campus. The funding includes the cost of purchasing the approximately 50 acres of airport land. The remaining \$2,000,000 is being funded by the other local organizations. The first annual payment will be made upon receipt of the architect's Certificate of Substantial Completion for the new building, which is anticipated to occur in mid to late 2018. the City Council approved resolution No. 43-2016 on March 24, 2016, authorizing the DCOA's funding support.

SPECIAL CONSIDERATIONS

The actual amount of acreage being purchased by TSTC from the City's excess airport land is 51.891, which is located on the west side of the airport at the corner of Loop 322 frontage road and Navajo Trail. An appraisal performed in 2015 valued the land at \$3,000 per acre, or \$155,673. FAA required a second appraisal in 2016, which values the land at \$8,961.09 per acre, or \$465,000. A third appraisal received in February values the land at \$8,479.31 per acre, or \$440,000; however, FAA requires the highest value be applied to airport land being sold.

TSTC will increase its budget for land purchase to \$5,500 per acre, or \$285,400, and requested the DCOA provide the difference of \$3,461.09 per acre (\$8,961.09 - \$5,500.00), or \$179,600 total. The additional funds will be paid to TSTC upon approval by City Council and execution of a contract addendum in order for the funds to be made available for closing of the land purchase in March.

FUNDING/FISCAL IMPACT

DCOA's funding for purchase of 51.891 acres of land at \$3,461.09 per acre = \$179,600. There will be no fiscal impact on the City of Abilene.

STAFF RECOMMENDATION

Staff to the DCOA Board recommends approval of a resolution authorizing additional funding support for TSTC's new Abilene Campus.

City of Abilene staff further recommend approval of a resolution authorizing additional funding support for TSTC's new Abilene Campus.

BOARD OR COMMISSION RECOMMENDATION

The DCOA Board approved resolution DCOA-2017.06 during a regular board meeting on February 20, 2017, which authorizes the additional funding for TSTC contingent on approval by City Council.

ATTACHMENTS:

Description	Type
❑ Resolution	Resolution Letter
❑ Drawing of airport land being purchased by TSTC	Backup Material
❑ DCOA Resolution	Resolution Letter
❑ Power Point Presentation	Presentation

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS
APPROVING THE DEVELOPMENT CORPORATION OF ABILENE, INC. (“DCOA”)
ADDITIONAL FUNDING TO SUPPORT THE NEW TEXAS STATE TECHNICAL
COLLEGE (“TSTC”) ABILENE CAMPUS**

WHEREAS, the Abilene TSTC campus serves just over 400 students studying Airframe & Powerplant Technologies, Chemical Dependency Technology, Computer Aided Drafting & Design, Computer Networking & Systems Administration, Database and Web Programming, Digital Arts, Digital Media Design, Emergency Medical Services, Food Service (Culinary Arts), Health Information Technology, Medical Office Specialist, and Software Accounting & Management; and

WHEREAS, in order to serve anticipated expanding growth in Abilene in the services, mining, manufacturing and trade industries, TSTC recently received authorization from the state to issue \$12,000,000 in tuition revenue bonds to construct a new Abilene campus; and

WHEREAS, TSTC requested from the community \$6,000,000 in match grant funds for operations over 10 years, including the purchase of about 50 acres of land on Loop 322 in the NW quadrant of the Abilene Regional Airport; and

WHEREAS, on March 21, 2016, the DCOA authorized funding in the amount of \$4,000,000 over a ten year period to support operations of TSTC, including the purchase of land, and

WHEREAS, on March 24, 2016, by Resolution 43-2016, the City Council approved the DCOA funding in the amount of \$4,000,000 to TSTC over ten years to support operations of TSTC in light of construction of a new \$12,000,000 Abilene campus on approximately 50 acres of Abilene Regional Airport land; and

WHEREAS, such funding included the cost of TSTC to purchase the approximately 50 acres of land from the City of Abilene; and

WHEREAS, the actual amount of acreage being purchased by TSTC from the City’s excess airport land is 51.891, which is located on the west side of the airport at the corner of Loop 322 frontage road and Navajo Trail; and

WHEREAS, the Federal Aviation Administration rules and regulations require that the land be sold for fair market value; and

WHEREAS, the fair market value, as determined by an independent third party appraiser, is \$8,961.09 per acre, an amount significantly greater than the \$3,000.00 per acre amount anticipated by DCOA, TSTC, and the City of Abilene; therefore, additional funding is needed to cover this increased fair market value of the land; and

WHEREAS, TSTC will increase its budget for land purchase to \$5,500.00 per acre and requested the DCOA provide the difference of \$3,461.09 per acre or \$179,600 total; and

WHEREAS, on February 20, 2017, the Board of the DCOA authorized additional funding to TSTC in the amount of \$179,600.00 to cover a portion of the increased cost to purchase the 51.891 acres of excess airport land; and

WHEREAS, the DCOA Board requests the City Council approve DCOA's additional funding to TSTC in the amount of \$179,600.00 to support a new TSTC Abilene campus.

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

Part 1: That the Development Corporation of Abilene, Inc.'s additional funding to Texas State Technical College in the amount of \$179,600.00 to support a new Abilene Campus is authorized and approved.

Part 2. That this Resolution takes effect immediately upon its passage.

ADOPTED this 9th day of March, 2017.

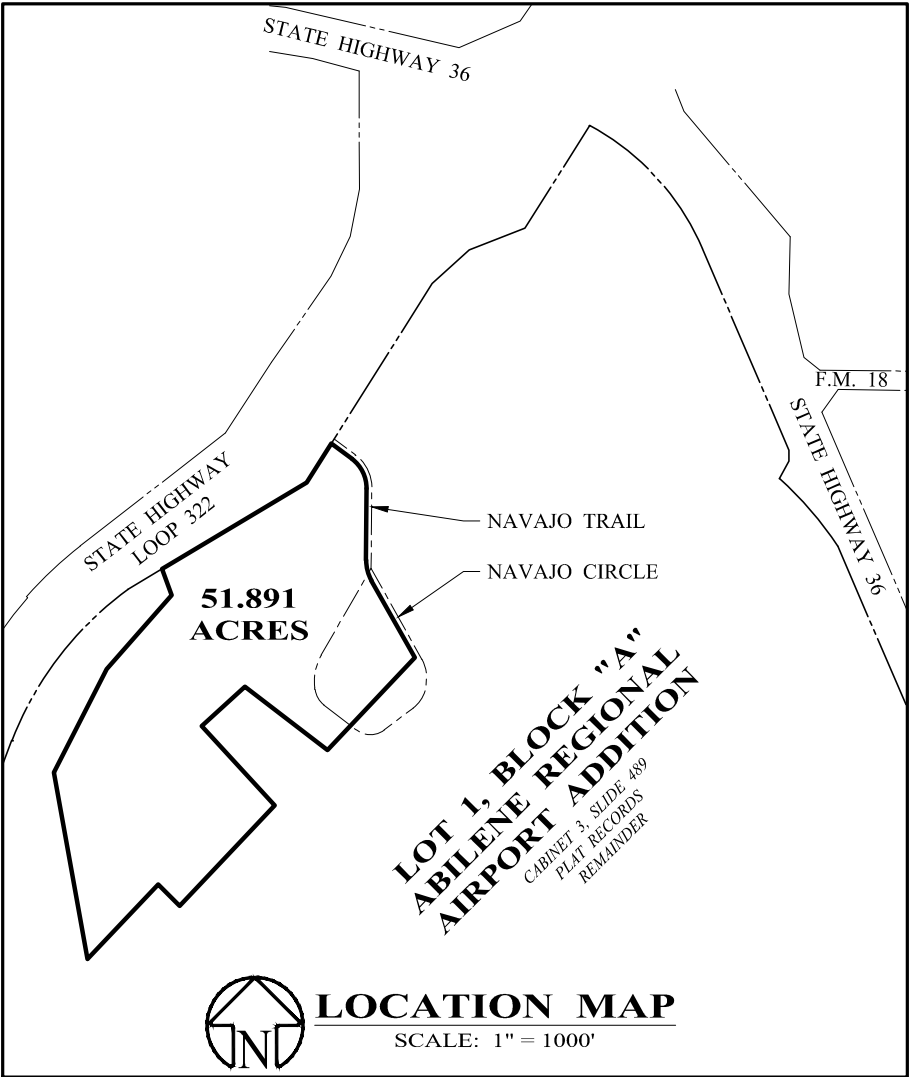
ATTEST:

Danette Dunlap, City Secretary

Norman Archibald, Mayor

APPROVED:

Stanley Smith, City Attorney



CURVE TABLE				
NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD
C-1	53°11'18"	191.00'	177.31'	S 26°08'59" E - 171.01'
C-2	29°59'30"	212.50'	111.23'	S 14°33'05" E - 109.97'

LINE TABLE		
NUMBER	DIRECTION	DISTANCE
L-1	N 32°13'03" E	240.95'
L-2	S 52°44'38" E	134.38'
L-3	S 00°26'40" W	373.76'
L-4	S 29°32'50" E	461.42'
L-5	S 43°27'30" W	662.74'
L-6	N 52°26'45" W	541.85'
L-7	S 47°23'10" W	303.90'
L-8	S 42°36'50" E	561.11'
L-9	S 43°27'30" W	721.13'
L-10	N 44°32'00" W	158.09'
L-11	S 43°22'30" W	535.99'
L-12	N 10°09'50" W	988.25'
L-13	N 27°02'30" E	603.06'
L-14	N 41°17'00" E	513.37'
L-15	N 20°25'30" W	145.56'
L-16	N 59°07'39" E	877.76'

A PLAT FOR
51.891 ACRES
OUT OF
LOT 1, BLOCK "A",
ABILENE REGIONAL AIRPORT ADDITION
ABILENE, TAYLOR COUNTY, TEXAS

RESOLUTION NO. DCOA-2017.06

A RESOLUTION OF THE DEVELOPMENT CORPORATION OF ABILENE, INC. ("DCOA"), ABILENE, TEXAS AUTHORIZING ADDITIONAL FUNDING SUPPORT FOR THE NEW TEXAS STATE TECHNICAL COLLEGE ("TSTC") ABILENE CAMPUS TO ASSIST WITH PURCHASE OF AIRPORT LAND NEEDED FOR CONSTRUCTION.

WHEREAS, TSTC was created in 1965 in Waco, Texas, with additional campuses added over the years to include Sweetwater, McAllen, Breckenridge, Brownwood, Marshall, Fort Bend and Abilene, which was established in 1985; and,

WHEREAS, in 2011, the West Texas campus was redefined as being the Sweetwater, Abilene, Breckenridge and Brownwood locations; and,

WHEREAS, in 2013, the Texas Legislature established campuses in Ellis and Williamson Counties; and,

WHEREAS, recently, all 10 campuses were integrated into a single organization, pursuing single accreditation from the Southern Association of Colleges and Schools Commission on Colleges, aligning programs to better serve the state by providing a highly skilled, technically competent workforce; and,

WHEREAS, DCOA has assisted the Abilene campus in various ways since 1990, including renovations to the current main campus building on E. Hwy 80, renovations to the airport hangar which houses the Airframe & Powerplant program, and kitchen equipment for the culinary arts program; and,

WHEREAS, the Abilene campus serves just over 400 students studying Airframe & Powerplant Technologies, Chemical Dependency Technology, Computer Aided Drafting & Design, Computer Networking & Systems Administration, Database and Web Programming, Digital Arts, Digital Media Design, Emergency Medical Services, Food Service (Culinary Arts), Health Information Technology, Medical Office Specialist, and Software Accounting & Management; and,

WHEREAS, in order to serve anticipated expanding growth in Abilene in the services, mining, manufacturing and trade industries, TSTC received in 2016 authorization from the state to issue \$12 million in tuition revenue bonds to construct a new Abilene campus; and,

WHEREAS, TSTC requested from the community \$6 million in match grant funds for operations over 10 years, including the purchase of about 50 acres of land on Loop 322 in the NW quadrant of the Abilene Regional Airport; and,

WHEREAS, on March 21, 2016, the DCOA approved resolution DCOA-2016.13 authorizing \$4 million funded over 10 years to support operations of TSTC, including the purchase of land, in light of construction of the new campus; and,

WHEREAS, the remaining \$2 million is being funded by the other local organizations; and,

WHEREAS, the actual amount of acreage being purchased by TSTC from the City's excess airport land is 51.891, which is located on the west side of the airport at the corner of Loop 322 frontage road and

Navajo Trail; and,

WHEREAS, an appraisal performed in 2015 valued the land at \$3,000 per acre, or \$155,673, and a second appraisal in 2016 values the land at \$8,961.09 per acre, or \$465,000; and,

WHEREAS, a third appraisal received this month values the land at \$8,479.31 per acre, or \$440,000; however FAA requires the highest value be applied to airport land being sold; and,

WHEREAS, TSTC will increase its budget for land purchase to \$5,500 per acre, or \$285,400, and is requesting the DCOA provide the difference of \$3,461.09 per acre (\$8,961.09 - \$5,500.00), or \$179,600 total.

NOW THEREFORE, BE IT RESOLVED BY THE DEVELOPMENT CORPORATION OF ABILENE, INC., ABILENE, TEXAS, THAT:

PART 1. DCOA hereby authorizes additional funding of One Hundred Seventy-Nine Thousand Six Hundred and no/100's Dollars (\$179,600.00) to assist TSTC with the purchase of 51.891 acres of airport land needed for construction of a new Abilene campus, located on the west side of the airport at the corner of Loop 322 frontage road and Navajo Trail. The additional funding hereby authorized is contingent upon approval by City Council and shall be paid upon such approval and execution by both parties of a contract addendum.

PART 2. Funding under this resolution is contingent upon execution of all necessary agreements. The funding commitment authorized under this resolution shall expire without notice 180 days from the date of adoption of same unless all required documents and agreements are executed prior to that expiration date or the commitment herein is extended in writing by the DCOA.

PART 3. The Chief Executive Officer of the Development Corporation of Abilene, Inc. is hereby authorized to negotiate, enter into and execute a final contract and all other related documents on behalf of the DCOA.

ADOPTED this the 20th day of February, 2017.

ATTEST:

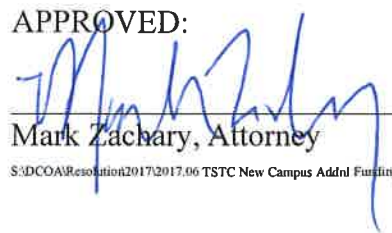


Jack Rich
Secretary/Treasurer



Dave Copeland
President

APPROVED:



Mark Zachary, Attorney

Texas State Technical College

Additional funding request for new Abilene campus



TSTC Abilene

Community Benefits

- New campus will help fill the need to train approximately **600** net new positions each year from now through 2030 and **500** net new positions each year from 2030 through 2040 (*Perryman Report*)
- High school students as well as post secondary students will be trained at new campus to help bridge the workforce need
- Training offered is scalable and adjustable to meet future needs of employers
- Approximately \$350,000 in new annual payroll generated by TSTC employees at the new campus



TSTC Abilene

Initial Request from DCOA and Community

- DCOA: \$400,000 per year over a 10 year period (NPV of \$3.09 Million)
- Community: \$200,000 per year over a 10 year period (NPV of \$1.54 Million)



Additional Request(Re: Purchase of Property)

- Initial appraisal of property included over 170 acres, much of which was undeveloped with regard to infrastructure access: roads, water and sewer, etc. Appraised value of \$3K per acre
- TSTC developed a budget based on need of 50 acres at \$3K per acre =\$150,000
- Subsequent appraisals narrowed the scope to ~52 acres of the 170+ first appraised. This land is much more easily developed with close proximity to infrastructure and thus appraised for \$8.96K per acre, for a total of \$465,000
- TSTC increased their budget amount to \$5,500 per acre on 51.891 acres = \$285,400
- $\$465,000 - \$285,400 = \$179,600$ requested additional amount from DCOA

