



City of La Vernia
REGULAR CITY COUNCIL MEETING
City Council Chambers of La Vernia City Hall
102 E. Chihuahua Street, La Vernia, Texas 78121

September 12, 2019
6:30 PM

AGENDA

1. Call to Order

2. Invocation, Pledge of Allegiance, and Texas Pledge (*Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.*)

3. Citizens to be Heard

(At this time, citizens who have filled out a registration form prior to the start of the meeting may speak on any topic they wish to bring to the attention of the governing body so long as that topic is not on the agenda for this meeting. Citizens may speak on specific agenda items when that item is called for discussion. During the Citizens to be Heard section no council action may take place and no council discussion or response is required to the speaker. A time limit of three minutes per speaker is permitted; the council may extend this time at their discretion)

4. Consent Agenda

(All consent agenda items are considered routine by City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember requests an item be removed and considered separately.)

- A. Minutes from the July 15, 2019 Joint Budget Workshop
- B. Minutes from the August 22, 2019 Joint Budget Workshop
- C. Minutes from the August 22, 2019 Regular City Council Meeting
- D. La Vernia Police Department – Reports, Traffic Violations & Arrests; and Number of Occurrences by Offense for the month of August 2019;
- E. Check Register and financial report for the month of August 2019

5. Proclamations

- A. Present a proclamation for the 36th Annual National Night Out on October 1st 2019

6. Development Public Hearing and Approval Consideration

- A. Public Hearing to receive public comments regarding the re-zoning of the 130.029 acres of undeveloped land located at FM 775 & FM 1346, lot 441H, La Vernia, TX 78121 from present classification of General Commercial (C-2) to Commercial Retail (C-1).
- B. Discuss and consider action on Ordinance No. 091219-05 to approve to change zoning district classification request from present classification of C-2 (General Commercial) to C-1 (Commercial Retail) for City of La Vernia, Lot 441H, located at FM 775 & FM 1346, La Vernia, Texas 78121.
- C. Public Hearing to receive public comments regarding the replat of Lot 441H, ninety acres more or less, out of the City of La Vernia subdivision plat and establishing the plat of Woodbridge Farms Subdivision, a proposed 3 phases 200 lot development located at FM 775 & FM 1346, La Vernia, Texas 78121.
- D. Discuss and consider action on the replat of Lot 441H, ninety acres more or less, out of the City of La Vernia subdivision plat and establishing the plat of Woodbridge Farms Subdivision,

a proposed 3 phases 200 lot development located at FM 775 & FM 1346, La Vernia, Texas 78121.

7. Public Hearing & Adoption of Budget & Tax Rate

- A. Public hearing regarding the 2019-2020 Fiscal Year Budget
- B. Discuss and consider approval of an Ordinance No. 091219-01 adopting the 2019-2020 Fiscal Year Budget
- C. Discuss and consider Resolution 091219-02 ratification of the property tax increase reflected in the 2019-2020 Fiscal Year Budget
- D. Public hearing regarding the 2019 Property Tax Rate.
- E. Discuss and consider approval of Ordinance No. 091219-02 adopting the 2019 Ad Valorem Tax Rate, consisting of Operation & Maintenance and Interest & Sinking (Debt Service) Tax Rate.

8. Ordinances

- A. Discuss and consider action on Ordinance No. 091219-03 to approve the Exterior Construction Standards.
- B. Discuss and consider action on Ordinance No. 091219-04 to approve adding swimming pools to Commercial Retail (C-1) in Section 38-302 – Permitted Uses Chart (d) Educational, Institutional and special uses.

9. Resolutions

- A. Discuss and consider action on Resolution No. 091219-01 to approve agreement with Texas Department of Transportation for the License Plate Readers.

10. Discussion/Action

- A. Discuss and consider installation of shade covers for police vehicles at City Hall.

11. Items Specific to Future Line Items on the Agenda

- Solid Waste Contract

12. Adjourn

DECORUM REQUIRED

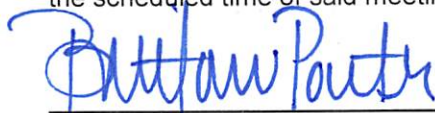
Any disruptive behavior, including shouting or derogatory statements or comments may be ruled out of order by the Presiding Officer. Continuation of this type of behavior could result in a request by the Presiding Officer that the individual leave the meeting, and if refused, an order of removal.

The City Council for the City of La Vernia reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Open Meetings Act, Texas Governmental Code §551.071 (Consultation with Attorney), §551.072 (Deliberations about Real Property), §551.073 (Deliberations about Gifts and Donations), §551.074 (Personnel Matters), §551.076 (Deliberations about Security Devices), and §551.086 (Economic Development), and any other provisions under Texas law that permits a governmental body to discuss a matter in closed executive session.

The City of La Vernia City Council meetings are available to all persons regardless of disability. This facility is wheelchair accessible parking spaces are available. Requests for accommodations, should you require special assistance, must be made 48 hours prior to this meeting. Braille is not available. Please contact the City Secretary at (830) 779-4541 or email bporter@lavernia-tx.gov.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of

the above named La Vernia City Council is a true and correct copy of said Notice and that I posted true and correct copy of said Notice on the bulletin boards, of the City Hall of said City of La Vernia, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on **September 9, 2019 at 10:30 A.M.** and remained so posted continuously for at least 72 hours proceeding the scheduled time of said meeting.



Brittani Porter, City Secretary



City of La Vernia

CITY COUNCIL & MUNICIPAL DEVELOPMENT DISTRICT JOINT BUDGET WORKSHOP

City Council Chambers of La Vernia City Hall
102 E. Chihuahua Street, La Vernia, Texas 78121

July 15, 2019
5:00 p.m.

Minutes

1. **Call to Order** – Mayor Pro Tem Cormier called the meeting to order at 5:01 PM and declared a quorum.
2. **Pledge of Allegiance and Invocation** – Invocation was led by Councilwoman Recker, all in attendance recited the Pledge of Allegiance and Texas Pledge.
3. **Discussion/Action**
 - A. **Discuss and consider action on the City of La Vernia and Municipal Development District 2019 - 2020 Fiscal Year budget.**

City Administrator presented the City of La Vernia and MDD 2019-2020 proposed Fiscal Year budget. City Administrator made handouts to include budget works sheets and personnel salary sheets.
 - B. **Discussion on Capital Improvement Projects.**

City Administrator advised current project taking place is the Water Tower and transmission line.
5. **Adjourn-** Councilman Poore made a motion to adjourn the meeting, seconded by Councilwoman Recker. Meeting was adjourned at 6:55 PM.

Robert Gregory, Mayor

Brittani Porter, City Secretary





City of La Vernia

CITY COUNCIL & MUNICIPAL DEVELOPMENT DISTRICT JOINT BUDGET WORKSHOP

City Council Chambers of La Vernia City Hall
102 E. Chihuahua Street, La Vernia, Texas 78121

August 22, 2019
5:30 p.m.

Minutes

1. **Call to Order** – Mayor Gregory called the meeting to order at 5:30. Members absent: Councilman Hennette.
2. **Pledge of Allegiance and Invocation**
3. **Discussion/Action**
 - A. **Discuss and consider action on the City of La Vernia and Municipal Development District 2019 - 2020 Fiscal Year budget.**

Went over proposed tax rate, updated changes on medical benefits and pay scale. City Administrator advised budget is balanced.
 - B. **Discussion on Capital Improvement Projects.**

No improvements to discuss at this time.
5. **Adjourn** – Councilman Poore made a motion to adjourn, seconded by Councilwoman Hutchinson. Meeting was adjourned at 6:04 PM.

Robert Gregory, Mayor

Brittani Porter, City Secretary



MOTION: Councilman Poore made a motion to approve partial funding for the sewer line at FM 775 & FM 1346, seconded by Councilwoman Recker. **Motion passed: 4-0.**

C. Discuss and consider action on funding bullet proof plates for the Courtroom dias. (Funding Court Security)

MOTION: Councilwoman Recker made a motion to approve funding bullet proof plates for the dias not to exceed \$4,800.00, seconded by Councilman Poore. **Motion passed: 4-0.**

7. Ordinances

A. Discuss and consider action on Ordinance No. 082219-01 for “Do Not Block Driveway” near the shed due to traffic congestion.

City Administrator advised we have received numerous complaints from the apartment complex due to customers blocking the driveway to San Antonio Apartments.

MOTION: Councilman Poore made a motion to approve Ordinance No. 082219-01 for “Do Not Block Driveway”, seconded by Councilwoman Hutchinson. **Motion passes: 4-0.**

8. Items Specific to Future Line Items on the Agenda

- Zoning Changes to include swimming pools, exterior construction standards & Shot Clock
- Public Hearing for Zoning Request & Plat approval
- Budget Hearing for tax rate
- Solid Waste Contract

9. Adjourn – Councilman Poore made a motion to adjourn the meeting, seconded by Councilwoman Hutchinson. Meeting was adjourned at 6:48 PM.

Robert Gregory, Mayor

Brittani Porter, City Secretary





A Proclamation by the Mayor

WHEREAS, the National Association of Town Watch is sponsoring a unique, nationwide crime, drug and violence prevention program on October 1st entitled "National Night Out"; and

WHEREAS, the "36th Annual National Night Out" provides a unique opportunity for La Vernia and Wilson County to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts; and

WHEREAS, La Vernia Police Department and La Vernia Fire Department through joint crime, drug, and violence prevention and fire prevention efforts in La Vernia and Wilson County and are supporting "National Night Out 2019" locally; and

WHEREAS, it is essential that all citizens of La Vernia be aware of the importance of crime prevention programs and the impact that their participation can have on reducing crime, drugs and violence in La Vernia; and

WHEREAS, police-community partnerships, neighborhood safety, awareness and cooperation are important themes of the "National Night Out" program; and

NOW, THEREFORE, I, ROBERT GREGORY, MAYOR, AND THE CITY COUNCIL OF LA VERNIA, do hereby call on all the citizens of La Vernia and Wilson County to join the Police Department, the Fire Department, and the National Association of Town Watch in supporting the "36th Annual National Night Out" on October 1st, 2019. I hereby proclaim Tuesday, October 1st, 2019 as "NATIONAL NIGHT OUT" in La Vernia.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the City of La Vernia, Texas to be affixed at City Hall in La Vernia this 12th day of September, 2019.

Mayor

City Secretary



TO: La Vernia City Council

FROM: Gordon Bake, P&Z

DATE: 09/03/2019

RE: Re-zoning and re-plating

The La Vernia Planning & Zoning Commission respectfully submits this recommendation for approval of the re-zoning of the 130.029 acres of undeveloped land located at FM 775 & FM 1346; lot 441H, La Vernia, Texas 78121 from the present classification of C-2 to C-1.

The Commission further recommends approval of the re-plating of Lot 441H, ninety acres more or less, out of the City of La Vernia subdivision plat and establishing the plat of Woodbridge Farms Subdivision, a proposed 3 phase, 200 lot development located at FM 775 & FM 1346, La Vernia, Texas 78121.

Sincerely,

Gordon Bake, Commission Chairman



APPLICATION FOR LAND SUBDIVISION (PLAT)

La Vernia Code Enforcement
102 E. Chihuahua Street/P.O. Box 225
La Vernia, TX 78121
(830) 253-1198 Ext. 6
codeenforcement@lavernia-tx.gov

CHECK ONE: Master Plan Prelim./Final Plat Prelim. Plat Final Plat Replat Amended Minor

1. PROPOSED SUBDIVISION NAME: Woodbridge Farms UNIT NO. _____

LOCATION DESCRIPTION/NEAREST INTERSECTION: Fm 1346 + Fm 775

ACREAGE: 90 NO OF LOTS: EXISTING 1 PROPOSED 200

REASON FOR PLATTING/REPLATTING Subdividing

2. OWNER/APPLICANT: MJS Development LLC

(* If applicant is person other than owner, a letter of authorization must be provided from owner.)*

ADDRESS: 4395 Fm 775 La Vernia TX 78121

Telephone: _____ Fax: 568-2889 Mobile: 508-8060 Email: jschoer1047@aol.com

3. LICENSED ENGINEER/SURVEYOR: Gonzales De La Garza

MAILING ADDRESS: 4800 Fredericksburg Rd Ste. 200SL

TELEPHONE: 208-9400 Fax: _____ Mobile: _____ Email: MGonzales@gd-us.com

LIST ANY VARIANCE REQUESTED: _____

REASON FOR REQUEST (List any hardships): _____

4. PRESENT USE OF THE PROPERTY Farm Land CURRENT ZONING: C2

5. CITY LIMITS: IN OUT IS ANY PART OF THE PROPERTY IN A FLOODPLAIN? YES NO

6. Is the property subject to any liens, encumbrances, or judgments? If so, give details. (Provide separate sheet if needed.) Permission from any lien holders and/or removal of any encumbrances or judgments will be necessary prior to filing of said plat with the County Clerk's office.

REQUIRED ITEMS FOR SUBMITTAL PACKAGE

- Completed application, including signature of owner/applicant and signed waiver.
- Copy of deed showing current ownership.
- 7 copies of the plat, collated and folded so that the subdivision name is visible. Staple plats with 2 or more pages.
- 2 copies of the preliminary plan of the water system showing the approximate location and size of onsite and offsite existing and proposed water lines and fire hydrants; sewer system; storm sewer and preliminary drainage plan.
- Current deed restrictions for Vacating Plats, Replats, and Townhouse and Zero Lot Line Subdivisions.
- Survey showing any existing structures on the subject property.
- List of street names approved by the appropriate county.

PLEASE READ "IMPORTANT NOTES" ON THE REVERSE SIDE OF THIS APPLICATION

I agree to comply with all platting and subdivision requirements of the City of La Vernia. I understand that the plat will NOT be forwarded to the Planning and Zoning Commission unless staff comments are satisfactorily addressed by the plat correction due date. I voluntarily waive my right to request a certificate stating the date the plat was filed and that the Planning and Zoning Commission failed to act on the plat within thirty days. I do not object to consideration of the plat on Aug. 13, 2019 (date of Planning and Zoning Commission meeting). This waiver expires after _____ (date of the Planning and Zoning Commission meeting). (The waiver statement is not applicable to Minor Plats.)

Leanne Schoerert Signature of Owner/Applicant Leanne Schoerert Printed Name of Owner/Applicant 7-11-19 Date

(If applicant is person other than owner, a letter of authorization must be provided from owner.)
Signature indicates authorization for plat application and acceptance of waiver statement.

APPLICATION FEES

Overall Development Concept Review Fee	\$50 + \$1.00 per lot, plus \$2.00 per acre or portion thereof for any land within the boundaries of the plat not divided into conventional single-family residential lots, but intended for apartments, townhouses, commercial and/or industrial use.
Preliminary Plat Review	\$50 + \$1.00 per lot, plus \$2.00 per acre or portion thereof for any land within the boundaries of the plat not divided into conventional single-family residential lots
Final Plat Review Fee	\$75 + \$1.00 per lot, plus \$2.00 per acre or portion thereof for any land within the boundaries of the plat not divided into conventional single-family residential lots.
Minor Subdivision Plat	\$75 + \$1.00 per lot, plus \$2.00 per acre or portion thereof for any land within the boundaries of the plat not divided into conventional single-family residential lots.
Vacating a Plat or Replatting	\$75 + \$1.00 per lot, plus \$2.00 per acre or portion thereof for any land within the boundaries of the plat not divided into conventional single-family residential lots.
Plat Amendment	\$100
Engineering Fees Review	To be paid by the developer or property owner before the final plat approval is made by the city.
Changes or request for further reviews from the developer or property owner by the City Engineer	Shall be paid by the developer or property owner at the standard rates charged by the City Engineer before the final plat approval is made by the City.
Legal Fees	Shall be paid by the City for legal fees incurred. The subdivider shall reimburse the City prior to the final plat approval by the City.
Variance Requesting Relief from the Subdivision Ordinance	\$50

IMPORTANT NOTES:

- All staff comments must be addressed by the plat correction due date. If not, the plat will NOT be forwarded to the Planning and Zoning Commission until all staff comments have been satisfied.
- For plats on TxDOT right-of-way, it is highly recommended that a permit be submitted to TxDOT prior to submitting the plat application.
- Engineering and legal fees shall be paid to the city prior to the final plat approval.
- The following items must be provided when submitting an approved plat for recordation.
 - Tax certificate showing that no taxes are currently due or delinquent against the property.
 - Three original mylars.
 - Twelve blue line copies for Wilson County 9-1-1 Addressing in 24 X 36 inch or 24 X 18 inch format.
 - One 11 X 17 inch blue line copy.
 - An electronic copy in .pdf in 24 X 36 inch or 24 X 18 inch format and in 11 X 17 inch format.
 - Recording fee. Checks should be made out to Wilson County Clerk.

FOR OFFICE USE ONLY:

Date Application Fee Received: 07-29-2019 Received By: hporter

Receipt No. _____ Cash/Check No. 10346 Amount Recd. \$ 455.00

7 copies street name appr. list _____ TxDOT approval letter

letter of authorization _____ proof of ownership _____ HOA document

Plat review meeting date: _____ Planning and Zoning Commission meeting date: Aug. 13, 2019

07/27/2019

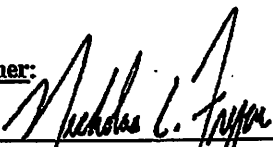
Chris Jacobs
10999 IH10 West, STE 175
San Antonio, TX 78230
ATTN: Jeanine Schoenert

To whom it may concern,

Please accept this Letter of Authorization by and between Jeanine Schoenert (referred to hereinafter as "Applicant") and Nick Fryar ("Owner") regarding the Application for Land Subdivision (Plat). This Letter is to serve as notification by the Owner of his intent to Authorize Applicant to move forward with the Plat on the Property located at the SE Corner of FM 775 and 344 of La Vernia, TX.

Thanks,

Owner:



SIGNED this 26 day of July 2019

38852

2251
Prepared by the State Bar of Texas for use by lawyers only.
Revised 10-85.
© 1983 by the State Bar of Texas

FORM 811 MAR 429

WARRANTY DEED
(Special Warranty reserving Life
Estate in Minerals)

Date: September 23, 1992

Grantor: CAMILLE FRANKLIN

Grantor's Mailing Address (including county): 4707 Walnut Hill Lane, Dallas, Dallas County,
Texas, 75229

Grantee: LOREN N. FRYAR

Grantee's Mailing Address (including county): 4211 Ball Park, San Antonio, Bexar County,
Texas, 78218

Consideration: TEN AND NO/100 DOLLARS AND OTHER VALUABLE CONSIDERATION

Property (including any improvements): An undivided one-fourth (1/4) interest in and to
the property described in Exhibit "A" attached
hereto and incorporated herein by reference.

Reservations from and Exceptions to Conveyance and Warranty:

Easements, rights of way, and prescriptive rights, whether of record or
not;

All presently outstanding, recorded, and valid oil, gas and/or other
mineral exceptions, rights of development, or leases, and/or other
instruments constituting oil, gas, or other mineral severances of any kind;

There is excepted from this conveyance and reserved unto Grantor and her
assigns, a life estate in all of the oil, gas and other minerals in and
under, and that may be produced from the above described property, which
Grantor owns at the time of this conveyance. Grantor and her assigns shall
have, during Grantor's natural life, the full possession, benefit and use
of said oil, gas and other minerals as well as the rents, revenues and
profits thereof.

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~~
which the claim is by, through or under Grantor but

not otherwise, except as to the reservations from and exceptions to conveyance
and warranty.

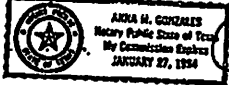
When the context requires, singular nouns and pronouns include the plural.

rn 81:1 nr 430

(Acknowledgment)

STATE OF TEXAS
COUNTY OF *Bexar*

This instrument was acknowledged before me on the *24* day of *Sept.* .19 *92*.
by *GAMILES FRANKLIN*



[Signature]
Notary Public, State of Texas
Notary's name (printed) *Anna M. Gonzales*
Notary's commission expires: *1-27-94*

(Corporate Acknowledgment)

STATE OF TEXAS
COUNTY OF

This instrument was acknowledged before me on the _____ day of _____ .19 ____
by _____
of _____
a _____ corporation, on behalf of said corporation.

Notary Public, State of Texas
Notary's name (printed):
Notary's commission expires:

AFTER RECORDING RETURN TO: *Loren H. Fryar*
4231 Hall Park
San Antonio, Texas 78218

PREPARED IN THE LAW OFFICE OF:

SITUATED in the County of Wilson, State of Texas, to-wit:
 A part of the Juan Delgado Grant No. 8 and a part of a 291 acre tract conveyed to C. Z. Canfield, et al by A. McClung, et ux by Deed recorded in Vol. 45, Page 167, Deed Records of Wilson County, Texas, and described as follows:
 BEGINNING at the southwest corner of Herman Vorpahl's 150 acre tract out of same survey, on the northwest line of a tract now owned by Mrs. Emil Lentz, at a stake and stone set in ground from which a black jack tree about 8 inches diameter marked X bears south 2 East 3 2/5 varas;
 THENCE SOUTH 61 West 1149 4/5 varas to the northwest corner of said Mrs. E. Lentz tract;
 THENCE NORTH 29 West 700 varas to northwest corner of the 291 acre tract;
 THENCE NORTH 61 East 1149 4/5 varas to Herman Vorpahl's northwest corner of the 150 acre tract;
 THENCE SOUTH 29 East 700 varas to the place of beginning, containing 141 acres of land, more or less.

Samuel Franklin

ANY PROVISION IN THIS INSTRUMENT WHICH VIOLATES THE SALE NEVINS, BY USE OF THE RECORDED AND PROPERTY RECORDS OF COLOR OR RACE IS HEREBY REPEALED UNDER OATHS UNDER FEDERAL LAW.
 THE STATE OF TEXAS
 COUNTY OF WILSON
 I hereby certify that this instrument was FILED in File Number _____
 Sequence on the date and at the time stamped herein by me,
 and was duly RECORDED in Official Public Records
 VOL. 811 PAGE 431-431
 OF WILSON COUNTY, TEXAS ON

SEP 24 1932



E. A. Martin
 COUNTY CLERK
 WILSON COUNTY, TEXAS

9-1-1 ADDRESSING ROAD NAME VERIFICATION

Name of Proposed Subdivision: Woodbridge Farms
 Developer Name: Jeanine Schoenert
 Address: 4395 Fm 775 Lavernia TX 78121
 Phone (Office): _____ (Cell): 210-508-8060
 Fax: 210-568-2889 E-mail: jschoe1047@aol.com

<u>Road Names</u>	<u>Length in Linear Ft.</u>
<u>Woodbridge Drive</u>	<u>1729'</u>
<u>Magnolia Circle</u>	<u>1655'</u>
<u>Red Bud Path</u>	<u>730'</u>
<u>Bayberry Court</u>	<u>1151'</u>
<u>Juniper Point</u>	<u>935'</u>
<u>Red Oak Trail</u>	<u>738'</u>
<u>Cedar Elm Place</u>	<u>600'</u>

Submitted by: Jeanine Schoenert Date: 7-26-19
 Printed Name

Jeanine Schoenert
 Signature

(DO NOT WRITE BELOW THIS LINE)

Approved by: _____ Date: _____

Wilson County 911 Addressing _____
 ESN: _____ Fire: _____
 EMS: _____
 Law Enforcement: _____

911 Addresses will be issued upon presentation of approved and filed Final Plat.

ATTACHMENT 8

9-1-1 ADDRESSING ROAD NAME VERIFICATION

Name of Proposed Subdivision: Woodbridge Farm
Developer Name: Jeanine Schoenert
Address: 4395 Fm 775 Lufkin TX 78121
Phone (Office): _____ (Cell): _____
Fax: _____ E-mail: _____

<u>Road Names</u>	<u>Length in Linear Ft.</u>
<u>Ash Parkway</u>	<u>1596'</u>
<u>Chinaberry Hill</u>	<u>919'</u>
<u>Mahogany Path</u>	<u>919'</u>
<u>Spruce Ridge</u>	<u>738'</u>
<u>Cree Myrtle Point</u>	<u>990'</u>
<u>Laurel Heights</u>	<u>738'</u>
<u>Woodbridge Heights</u>	<u>792'</u>

Submitted by: Jeanine Schoenert Date: 7-26-19
Printed Name

Jeanine Schoenert
Signature

(DO NOT WRITE BELOW THIS LINE)

Approved by: _____ Date: _____

Wilson County 911 Addressing

ESN: _____ Fire: _____
EMS: _____
Law Enforcement: _____

911 Addresses will be issued upon presentation of approved and filed Final Plat.



NOTICE OF PUBLIC HEARING

The City of La Vernia Planning & Zoning Commission will hold a public hearing at the request of Mr. Nick Fryar & MJS Development, LLC.

Property: 90 more or less acres described as Lot 441 H, City of La Vernia

Request: to replat Lot 441 H, ninety acres more or less, out of the City of La Vernia subdivision plat and establishing the plat of the Woodbridge Farms Subdivision, a proposed 3 phases 200 lot development

Because your property is located within 200 feet of the request, State Law requires that we notify you of the public hearing. **However, the zoning of your property will not be affected.** The public hearing process allows an opportunity to provide your written opinion of the request. This will aid the Commissioners in making their decision.

Public hearing for this request is scheduled before the Planning & Zoning Commission on Tuesday August 13, 2019 at 6:30 PM and the City Council on Thursday, August 22, 2019 in the City Hall Council Chambers, 102 E. Chihuahua St. and is open to the public. If you are unable to attend the hearing and desire to express an opinion in regard to the above petition, you may do so by completing the form below and return the form below, including your signature, and must be returned no later than 5:00 PM on Friday, August 9, 2019.

Mail: City of La Vernia
Brittani Porter
102 E. Chihuahua St.
La Vernia, Texas 78121

Email: bporter@lavernia-tx.gov

If you have questions, please call Brittani Porter at (830) 779-4541 ext. 3.

Brittani Porter, City Secretary

YOUR OPINION MATTERS – DETACH AND RETURN

Circle one

I am (in favor) (opposed to) the proposed re-plat at FM 775 / FM 1346 City of La Vernia Lot 441 H, La Vernia, Texas 78121.

Name: _____

Address: _____

Signature: _____

Date: _____

Comments: _____

By State Law – Unsigned submission cannot be counted as official comment.

Larry D & Shirley Lally
PO Box 718
La Vernia, Texas 78121-0718

Ryan L & Kellie L Doege
105 Woodcreek Dr.
La Vernia, Texas 78121

Lisa Barrientos
109 Woodcreek Dr.
La Vernia, Texas 78121

Camellia R & Jamie L Goldsping
113 Woodcreek Dr.
La Vernia, Texas 78121

Goerge B & Linda N
121 Woodcreek Dr.
La Vernia, Texas 78121

Goerge B & Linda N
121 Woodcreek Dr.
La Vernia, Texas 78121

Scott C & Susan G Reinhard
125 Woodcreek Dr.
La Vernia, Texas 78121

Frank A & Donna M
129 Woodcreek Dr.
La Vernia, Texas

G R Jr & Debra Morgan
PO Box 415
La Vernia, Texas 78121

Edward & Ellen L Banks
221 Bluffcreek Dr.
La Vernia, Texas 78121-9531

Edward & Ellen L Banks
221 Bluffcreek Dr.
La Vernia, Texas 78121-9531

Richard E & Laura G Mudd
229 Bluffcreek Dr.
La Vernia, Texas 78121-9531

James Roy Jr & Tracy L Johnson
243 Ranch Country Dr.
La Vernia, Texas 78121

Edward W III & Nancy D Russey
236 Meadowlakes Dr.
Meadowlakes, Texas 78654-6606

Richard & Diana Voigt
241 Bluffcreek Dr.
La Vernia, Texas 78121

Barry & Della J Poth
245 Bluffcreek Dr.
La Vernia, Texas 78121-9531

Richard W Denning
249 Bluffcreek Dr.
La Vernia, Texas 78121

Eloi R & Doris J Cormier
136 Country Gardens
La Vernia, Texas 78121

Andrew & Tamina Bomba
132 Country Gardens
La Vernia, Texas 78121

Larry R & Eva S Purcell
9614 Whitehall Blvd
Spotsylvania, VA 22553-4049

Dean L & Sue J Berry
124 Country Gardens
La Vernia, Texas 78121

Nickolis H & Katy E Breyer
120 Country Gardens
La Vernia, Texas 78121

Jon C & Elizabeth E Glass
116 Country Gardens
La Vernia, Texas 78121

Jeffrey Konop
112 Country Gardens
La Vernia, Texas 78121

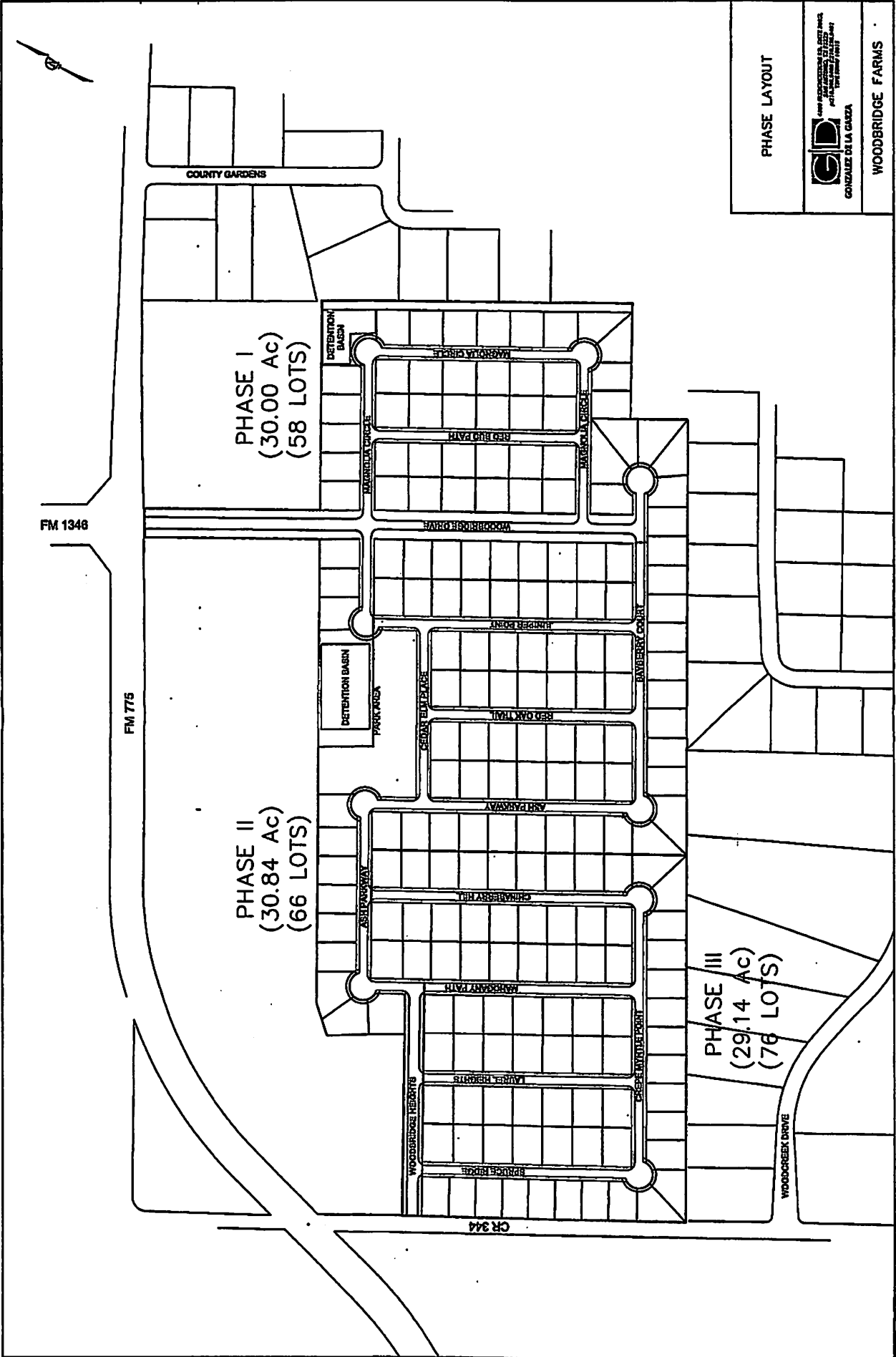
Lee F & Robin M Mangum
104 Country Gardens
La Vernia, Texas 78121

Mailed: Wed., July 31, 2019

Yes = ~~0~~

No = 4

*AS of 8/8/2019



PHASE LAYOUT



WOODBRIDGE FARMS

Request: Mr. Nick Fryar and MJS, LLC requests to replat the property located at FM 775/FM 1346
Reason: Make a residential subdivision
Current Acreage: 134 – 90 of it being replatted for homes

NOTE: LGC Sec.212.005. APPROVAL BY MUNICIPALITY REQUIRED. The municipal authority responsible for approving plats must approve a plat or replat that is required to be prepared under this subchapter and that satisfies all applicable regulations.

The following is taken from the code book:

Sec. 30-305. - Replatting.

- (a) *Replat required.* Unless otherwise expressly provided for herein, a property owner who proposes to replat any portion of an already approved and filed final plat, other than to amend or vacate the plat, must first obtain approval for the replat under the standards and procedures prescribed for the replatting of land by this chapter. All improvements shall be constructed in accordance with the same requirements as for a final plat as provided herein. The building official may waive or modify requirements for a preliminary replat under certain circumstances where the proposed replat does not involve a large land parcel or an existing structure or business on the subject property, and where the proposed plat revisions are relatively simple in nature.
- (b) *Replatting without vacating preceding plat.* A replat of a final plat or portion of a final plat may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:
- (1) Is signed and acknowledged by only the owners of the property being replatted;
Application submitted: 07-29-2018
 - (2) Is approved after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard by the commission; and
Public Hearing to be held August 13 at 6:30 PM
 - (3) Does not attempt to amend or remove any covenants or restrictions previously incorporated in the final plat.

This will not amend or remove any covenants

Notice of the public hearing required under this section shall be given before the 15th calendar day before the date of the hearing by publication in an official newspaper or a newspaper of general circulation in the county. Notice was in the La Vernia Newspaper (paper of record) on August 1, 2019. Notice of the public hearing shall also be given by written notice before the 15th calendar day before the date of the hearing, with a copy or description of any requested waivers and a copy of V.T.C.A., Local Government Code § 212.015(c), sent to the property owners, as documented on the most recently approved ad valorem tax roll of the city, of lots that are in the original subdivision and that are within 200 feet of the lot to be replatted. Letters were mailed to 25 property owners. City received back a total of response. 4 was no and 0 were yes. In the case of a subdivision in the extraterritorial jurisdiction, the most recently approved county tax roll shall be used. The written notice may be delivered by depositing the notice, properly addressed with appropriate postage paid, in a post office or postal depository within the boundaries of the city.

- (c) ***Residential replat.*** In addition to compliance with subsection (b) of this section, a replat without vacation of the preceding plat must conform to the requirements of this section if:
- (1) During the preceding five years any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or
 - (2) Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.

Date Received 8-14-19
Permit/Receipt No. /
Fee Paid _____

City of La Vernia
Zoning Change Application
102 E. Chihuahua Street
P.O. Box 225, La Vernia, TX 78121
(830) 779-4541 • Metro/Fax (830) 253-1198



Land ownership must be verified with a notarized statement. If the applicant is acting as the agent for the property owner, the property owner must provide a signed and notarized letter authorizing the agent to act on their behalf, and the letter must accompany the application.

Name MJS Development - D3D Custom Homes - Jeanine Schoenert
Mailing Address 4395 FM 775 La Vernia, Tx.

Telephone _____ Fax 210-568-2889 Mobile 210 508 8060 Email jschoe1047@aol.com

Property Address/Location (Southeast corner) FM 775 / FM 1346

Legal Description
Name of Subdivision City of La Vernia

Lot(s) 441H Block(s) _____ Acreage 130.029

Existing Use of Property C2 (farm use)

Proposed Use of Property (attach additional or supporting information if necessary) _____

Zoning Change Request: Current Zoning C2 Proposed Zoning C1

If "PDD Planned Development District", check if: Concept Plan _____ or Detail Plan _____

Reason for request (please explain in detail and attach additional pages if needed) _____

- Attachments:**
- Accurate metes and bounds description of the subject property (or other suitable legal description)
 - Survey exhibit and other appropriate exhibits as deemed necessary by the city including, but not limited to, site plans, maps, architectural elevations, and information about proposed uses.
 - Notarized statement verifying land ownership and if applicable, authorization of land owner's agent to file the zoning change request.

A denied application is ineligible for reconsideration for one year.

The undersigned hereby requests rezoning of the above described property as indicated:

Jeanine Schoenert
Signature of Owner(s)/Agent

8-14-19
Date

Date of Publication <u>8-29-19</u>	For Office Use Only	Date of P&Z Public Hearing <u>090319</u>
Date of 200 Ft Notices <u>08-26-19</u>		Date of Council Public Hearing <u>091219</u>
Ordinance No. <u>091219-</u>		Approved _____ Denied _____

Office of the
Secretary of the
Department of
Education
Washington, D.C.

U.S. DEPARTMENT OF
EDUCATION
OFFICE OF THE
SECRETARY

1. Name of the institution: _____

2. Address: _____

3. City: _____

4. State: _____

5. Zip: _____

6. Telephone: _____

7. Name of the person to whom correspondence should be sent: _____

8. Title: _____

9. Department: _____

10. Other: _____

11. Comments: _____

12. Date: _____

13. Signature: _____

14. Title: _____

15. Department: _____

16. Other: _____

07/27/2019

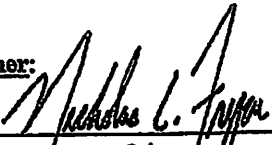
Chris Jacobs
10999 IH10 West, STB 175
San Antonio, TX 78230
ATTN: Jeanine Schoenert

To whom it may concern,

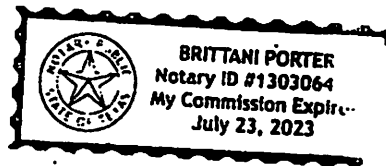
Please accept this Letter of Authorization by and between Jeanine Schoenert (referred to hereinafter as "Applicant") and Nick Fryar ("Owner") regarding the Application for Land Subdivision (Plat). This Letter is to serve as notification by the Owner of his intent to Authorize Applicant to move forward with the Plat on the Property located at the SE Corner of FM 775 and 344 of La Vernia, TX.

Thanks,

Owner:



SIGNED this 26 day of July 2019



38832

2011
Prepared by the State Bar of Texas for use by lawyers only.
Revised 10-25
© 1975 by the State Bar of Texas

WARRANTY DEED

(Special Warranty reserving Life Estate in Minerals)

Date: September 23, 1992

Grantor: CAYLIE FRANKLIN

Grantor's Mailing Address (including county): 1707 Walnut Hill Lane, Dallas, Dallas County, Texas, 75229

Grantee: LOREN N. FRYAR

Grantee's Mailing Address (including county): 4231 Hall Park, San Antonio, Bexar County, Texas, 78218

Consideration: TEN AND NO/100 DOLLARS AND OTHER VALUABLE CONSIDERATION

Property (including any improvements): An undivided one-fourth (1/4) interest in and to the property described in Exhibit "A" attached hereto and incorporated herein by reference.

Reservations from and Exceptions to Conveyance and Warranty: Easements, rights of way, and prescriptive rights, whether of record or not;

All presently outstanding, recorded, and valid oil, gas and/or other mineral exceptions, rights of development, or leases, and/or other instruments constituting oil, gas, or other mineral severances of any kind; There is excepted from this conveyance and reserved unto Grantor and her assigns, a life estate in all of the oil, gas and other minerals in and under, and that may be produced from the above described property, which Grantor owns at the time of this conveyance. Grantor and her assigns shall have, during Grantor's natural life, the full possession, benefit and use of said oil, gas and other minerals as well as the rents, revenues and profits thereof.

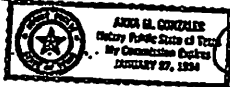
Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances hereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, ~~including the estate of Grantor and~~ ^{when the claim is by, through, or under Grantor and} not otherwise, except as to the reservations from and exceptions to conveyance and warranty, except as to the reservations from and exceptions to conveyance

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

(Acknowledgment)

STATE OF TEXAS
COUNTY OF Bexar

This instrument was acknowledged before me on the 24 day of Sept., 1992.
by GAMMA FRANKLIN



Anna M. Gonzales
Notary Public, State of Texas
Notary's name (printed): Anna M. Gonzales
Notary's commission expires: 1-27-94

(Corporate Acknowledgment)

STATE OF TEXAS
COUNTY OF

This instrument was acknowledged before me on the _____ day of _____, 19____.

by _____
a _____
corporation, on behalf of said corporation.

Notary Public, State of Texas
Notary's name (printed):
Notary's commission expires:

AFTER RECORDING RETURN TO: Loren H. Fryer
4231 Hall Park
San Antonio, Texas 78218

PREPARED IN THE LAW OFFICE OF:

SITUATED in the County of Wilson, State of Texas, to-wit:
 A part of the Juan Delgado Grant No. 8 and a part of a 291 acre tract conveyed to C. Z. Canfield, et al by A. McClung, et ux by Deed recorded in Vol. 45, Page 167, Deed Records of Wilson County, Texas, and described as follows:
 BEGINNING at the southwest corner of Herman Vorpahl's 150 acre tract out of same survey, on the northwest line of a tract now owned by Mrs. Emil Lentz, at a stake and stone set in ground from which a black jack tree about 8 inches diameter marked X bears south 2 East 3 2/5 varas;
 THENCE SOUTH 61 West 1149 4/5 varas to the northwest corner of said Mrs. E. Lentz tract;
 THENCE NORTH 29 West 700 varas to northwest corner of the 291 acre tract;
 THENCE NORTH 61 East 1149 4/5 varas to Herman Vorpahl's northwest corner of the 150 acre tract;
 THENCE SOUTH 29 East 700 varas to the place of beginning, containing 141 acres of land, more or less.

David L. Jenkins

ANY PROVISION HEREIN WHICH VIOLATES THE SALE, RENTAL, OR USE OF THE RECORDED REAL PROPERTY REGISTRY OF TEXAS BY RULE 10.04(b) AND (c) IS UNLAWFUL AND UNENFORCEABLE UNDER FEDERAL LAW.
 THE STATE OF TEXAS
 COUNTY OF WILSON
 I hereby certify that this instrument was FILED in File Number _____
 Sequence on the date and at the time stamped herein by me,
 and was duly RECORDED in Official Public Records
 VOL. 811 PAGE 431-431
 OF WILSON COUNTY, TEXAS ON

SEP 24 1992



Edgar A. Manning
 COUNTY CLERK
 WILSON COUNTY, TEXAS

To: City of La Vernia

From: Nicholas L. Fryar

Date: August 15, 2019

Re: Fryar Tract Rezoning

I am aware that the City normally requires a current survey of any property which is the subject of a rezoning application.

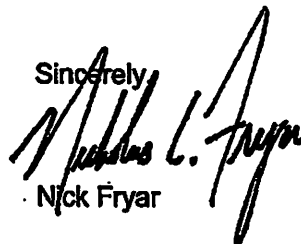
The approximately 134 acres that I own on FM 775 (which Jeanine Schoenert is now requesting to be rezoned to C-1) was last surveyed in late 2006. That survey was used to describe the property being annexed by the City on May 10, 2007.

There has been no change in the legal description of the tract since the date of the 2006 survey so the survey and legal description of the 134 acres stated in the survey and the annexation ordinance is accurate as of this date.

I respectfully request the City to allow Jeanine Schoenert to attach to her zoning application the survey dated November 11, 2006, as well as the legal description stated in annexation Ordinance No. 051007-01 in lieu of re-survey of the 134 acres.

Thank you for allowing us to attach the previous survey to the zoning application which will save us the time and expense of a duplicate survey.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicholas L. Fryar". The signature is stylized and written in a cursive-like font.

Nick Fryar

ORDINANCE NO. 051007-01

SCANNED

AN ORDINANCE ANNEXING THE HEREINAFTER DESCRIBED TERRITORY TO THE CITY OF LA VERNIA, WILSON COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY; AND ADOPTING A SERVICE PLAN

COMPARED

WHEREAS, Chapter 43 of the Texas Local Government Code of the City of La Vernia, Texas, an incorporated city, authorizes the annexation of territory, subject to the laws of this state.

WHEREAS, the procedures prescribed by the Texas Local Government Code of the City of La Vernia, Texas, and the laws of this state have been duly followed with respect to the following described territory, to wit:

DESCRIPTION OF MORE OR LESS 130.029 ACRES AS PER SURVEY

Being 130.029 acres of land out of the Juan Delgado Survey No. 8, Abstract No. 8, Wilson County, Texas, and a remaining portion of that 141 Acre Tract recorded in Volume 443, Page 648, Deed Records, Wilson County, Texas, said 130.029 acres is more particularly described by metes and bounds as follows:

Beginning at a point on the southeast right-of-way line of F.M. 775 (R.O. W.-Varies), the north corner of the remaining portion of said 141 acre tract as recorded in Volume 443, Page 648, Deed Records, Wilson County, Texas, and the west corner of the remainder of a 2.00 acre Tract of land described in Volume 62, Page 68, Deed Records, Wilson County, Texas;

THENCE, South 29°49'45" East, a distance of 194.20 feet to a point, an angle point;

THENCE, South 30°31'40" East, a distance of 74.94 feet to an angle point at the common corner of said 2.00 acre tract and Lot 1, Country Gardens Subdivision;

THENCE, South 30°01'21" East, along the southwest line of Country Gardens Subdivision, a distance of 1445.54 feet to a point for the east corner of this annexation and the north corner of the 1.84 acre annexation;

THENCE, South 60°18'45" West, a distance of 400.00 feet to the west corner of said 1.84 acre annexation tract;

THENCE, South 30°01'21" East, a distance of 200.00 feet to the south corner of said 1.84 acre annexation tract and a corner of this annexation on the northwest line of Woodcreek Subdivision;

THENCE, along the northwest line of Woodcreek Subdivision, the following courses:

South 60°18'45" West, a distance of 56.89 feet to an angle point;

South 59°14'25" West, a distance of 500.10 feet to an angle point;

South 59°45'14" West, a distance of 561.62 feet to an angle point;

South 58°52'12" West, a distance of 632.43 feet to an angle point;

South 59°21'52" West, a distance of 412.48 feet to an angle point;

South 60°37'02" West, a distance of 627.80 feet to a point on the northeast right-of-way line of County Road 344, the west corner of Woodcreek Subdivision, and the south corner of this annexation;

THENCE, North 29°39'19" West, along the northeast right-of-way line of County Road 344, a distance of 1295.84 feet to a point, for the west corner of this annexation, on the southeast right-of-way line of the aforementioned F.M. 775;

THENCE, along the right-of-way line of said F.M. 775, the following courses:

North 15°20'04" East, a distance of 318.53 feet to a point, for a point of curve of a curve to the right;

1060.71 feet along the arc of said curve, having a radius of 1372.40 feet, a central angle of 44°17'00", a chord bearing of North 37°28'34" East, and a chord distance of 1034.51 feet to a point, for a point of tangent;

North 59°37'04" East, a distance of 1242.28 feet to a point, an angle point;

North 56°45'19" East, a distance of 200.25 feet to a point, an angle point;

North 59°37'04" East, a distance of 46.00 feet to a point for the west corner of the C.E. Rayburn 2.821 acre annexation tract;

THENCE, departing said right-of-way line of F.M. 775 and along the common lines with the C.E. Rayburn 2.821 acre annexation tract the following courses:

South 29°10'37" East, a distance of 506.55 feet to a point being the south corner of said 2.821 acre tract;

North 16°02'53" East, a distance of 474.72 feet to an angle point;

North 03°30'26" West, a distance of 195.22 feet, to a point on the south right-of-way line of F.M. 775 for the north corner of said 2.821 acre annexation tract and a corner of this annexation tract being described;

THENCE, North 61°21'34" East, a distance of 90.66 feet to the **POINT OF BEGINNING**, and containing 130.029 acres if land, more or less.

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


1. That the heretofore described property is hereby annexed to the City of La Vernia, Wilson County, Texas, and that the boundary limits of the City of La Vernia be and the same are hereby extended to include the above described territory within the city limits of the City of La Vernia, and the same shall hereafter be included within the territorial limits of said city, and the inhabitants thereof

shall hereafter be entitled to all the rights and privileges of other citizens of the City of La Vernia and they shall be bound by the acts, ordinances, resolutions, and regulations of said city.

2. A Service Plan for the area is adopted and attached as Exhibit A.

The City Secretary is hereby directed to file with the County Clerk of Floresville, Wilson County, Texas, a certified copy of this Ordinance.

PASSED by an affirmative vote of all members of the La Vernia City Council, this the 10th day of May, 2007.



D. Bradford Beck, Mayor
City of La Vernia

ATTEST:


Nancy Hank, City Secretary
City of La Vernia

COPIES OF THIS DOCUMENT
NOT BE HELD RESPONSIBLE
WHICH REQUESTED FOR THIS

APPROVED AS TO FORM:

 FOR
Susan C. Rocha
City Attorney
City of La Vernia

STATE OF TEXAS

COUNTY OF WILSON

This instrument was acknowledged before me on May 10, 2007 by Nancy Hank.


Notary Public, State of Texas



[Faint, illegible stamp]

**EXHIBIT A
2007 ANNEXATION PROGRAM
CITY OF LA VERNIA, TEXAS**

SERVICE PLAN FOR 2007 ANNEXATION – FRYAR 130.029 ACRE TRACT

Upon annexation of the area identified above and as identified on Exhibit A, the City of La Vernia will provide City services utilizing methods by which it extends services to any other equivalent area of the City.

SERVICES PROVIDED BY THE EFFECTIVE DATE OF ANNEXATION

1. Police Protection

The City of La Vernia, Texas and its Police Department will provide police protection to newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and population density as those found within the newly annexed areas. The Police Department will have the responsibility to respond to all dispatched calls for service or assistance within the newly annexed areas.

2. Fire Protection and Emergency Medical Services

The City of La Vernia, Texas contracts with the La Vernia Volunteer Fire Department and will provide fire protection to newly annexed areas through that contract at the same or similar level of service now being provided to other areas of the City, with like topography, land use and population density as those found within the newly annexed areas.

The City of La Vernia, Volunteer Ambulance Service will provide EMS services through that contract to newly annexed areas at the same or similar level of service now being provided to other areas of the City, with like topography, land use and population density as those found within the newly annexed areas.

3. Maintenance of Water and Wastewater Facilities

All water and wastewater facilities owned or maintained by the City of La Vernia at the time of the proposed annexation shall continue to be maintained by the City of La Vernia. All wastewater facilities which may be acquired subsequent to the annexation of the proposed areas shall be maintained by the City of La Vernia to the extent of its ownership. The now existing wastewater mains at existing locations shall be available for the point of use extension based upon the City of La Vernia standard extension policy now existing or as may be amended. On-site sewerage systems may be maintained in accordance with the City's Code of Ordinances.

4. Solid Waste Collection

The City of La Vernia, Texas contracts for the collection of solid waste and refuse within the corporate limits of the City with Independent Environmental Services, Inc. (IESI). Waste collection will be provided to citizens in the newly annexed areas at the same or similar level of service now being provided to other areas of the City with like topography, land use and density as those found within the newly annexed areas. The City may negotiate with annexed areas to allow continued services with an existing solid waste management provider. After the second anniversary of the annexation date, the City will impose fees and provide the service.

If areas with private roads and/or gates are arranged so that garbage may be collected without creating a safety hazard, the City, at its discretion, may collect the garbage provided proper indemnification is received from the community association or individual property owners. The City will then impose fees and provide the service. Garbage collection locations shall be subject to the approval of the Sanitation

Manager. In the event the City does not collect garbage within the areas with private roads and/or gates, residents of these areas will not be billed for service after the two-year date.

5. **Maintenance of Roads and Streets**

Any and all public roads, streets or alleyways shall be maintained to the same degree and extent that other public roads, streets, and alleyways are maintained in areas of the City with like topography, land use and density as those found within the newly annexed areas. Private roads will remain under the ownership of the homeowners association and as such maintained by the association.

6. **Maintenance of Parks, Playgrounds, and Swimming Pools**

The City of La Vernia, Texas is not aware of the existence of any publicly owned parks, playgrounds or swimming pools now located in the proposed areas of annexation. In the event any such parks, playgrounds, or swimming pools do exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed areas. Private facilities will remain under the ownership of the homeowners association and as such maintained by the association.

7. **Maintenance of any Publicly owned Facility, Building or Municipal Service**

The City of La Vernia, Texas is not aware of the existence of any publicly owned facility, building, or other municipal service now located in the proposed areas of annexation. In the event any publicly owned facility, building, or other municipal service does exist and are public facilities, the City will maintain such areas and facilities to the extent and degree and to the same or similar level of service now being provided to other such areas and facilities within the corporate limits of the City with like topography, land use and density as those found within the newly annexed areas.

8. **Other Services**

The City of La Vernia, Texas finds and determines that such services as planning, code enforcement, parks and recreation, court and general administration will be made available after the effective date of annexation at the same or similar level of service now being provided to other areas of the City with similar topography, land use and density as those found within the newly annexed areas.

CONSTRUCTION OF ANY CAPITAL IMPROVEMENTS TO BE COMPLETED WITHIN 2 ½ YEARS

1. **Police and Fire Protection and Solid Waste Collection**

The City of La Vernia, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas for the purpose of providing police protection, fire protection, emergency medical services or solid waste collection. The City finds and determines that it has at the present time adequate facilities and other resources to provide the same type, kind and level of service and protection which is presently being administered to other areas already incorporated in the City of La Vernia, Texas with like topography, land use and population density as those found within the newly annexed areas.

2. **Wastewater Facilities**

For the next 2 ½ years, La Vernia finds and determines that there is sufficient capacity for wastewater to provide services to the annexed areas pursuant to the City of La Vernia's extension policies. The construction of any capital improvements necessary to extend water and wastewater services to an annexed area will be completed pursuant to Chapter 43 of the Texas Local Government Code, as amended and Chapter 130 of the City Code of Ordinances.

3. **Roads and Streets**

The City of La Vernia, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas.

4. **Maintenance of Parks, Playgrounds, and Swimming Pools and Any Other Publicly Owned Facility, Building, or Service**

The City of La Vernia, Texas, finds and determines it is not necessary to acquire or construct any capital improvements within 2 ½ years of the effective date of the annexation of the particular annexed areas for the purpose of parks maintenance, playgrounds, swimming pools and other publicly owned facility, building or service.

SPECIFIC FINDINGS

The City of La Vernia, Texas, finds and determines that this proposed service plan will not provide any fewer services and will not provide a lower level of service in the areas being considered for annexation that were in existence in the proposed areas at the time immediately preceding the annexation process. Given the proposed annexation areas' topography, land utilization and population density, the service levels to be provided in the newly annexed areas will be equivalent to those provided to other areas of the City with similar characteristics.

TERMS

This plan shall be valid for a term of ten (10) years. Renewal of the Service Plan is at the discretion of the City of La Vernia.

LEVEL OF SERVICE

Nothing in this plan shall require the City to provide a uniform level of full municipal services to each area of the City, including the annexed areas, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

AMENDMENTS

The plan shall not be amended unless public hearings are held in accordance with Chapter 43 of the Texas Local Government Code.

December 6, 2006
Job No. S0273801



CIVIL ENGINEERING CONSULTANTS
DON DURDEN, INC.
11550 IH 10 West, Suite 395
San Antonio, TX 78230-1037
T: 210-641-9999 F: 210-641-6440

DESCRIPTION FOR ANNEXATION OF 130.029 ACRES OF LAND

Being 130.029 acres of land out of the Juan Delgado Survey No. 8, Abstract No. 8, Wilson County, Texas, and a remaining portion of that 141 Acre Tract recorded in Volume 443, Page 648, Deed Records, Wilson County, Texas, said 130.029 acres is more particularly described by metes and bounds as follows:

BEGINNING at a point on the southeast right-of-way line of F.M. Highway 775 (R.O.W.-Varies), the north corner of the remaining portion of said 141 acre tract as recorded in Volume 443, Page 648, Deed Records, Wilson County, Texas, and the west corner of the remainder of a 2.00 acre Tract of land described in Volume 62, Page 68, Deed Records, Wilson County, Texas;

THENCE South 29°49'45" East, a distance of 194.20 feet to a point, an angle point;

THENCE South 30°31'40" East, a distance of 74.94 feet to a an angle point at the common corner of said 2.00 acre tract and Lot 1, Country Gardens Subdivision;

THENCE South 30°01'21" East, along the southwest line of Country Gardens Subdivision, a distance of 1445.54 feet to a point for the east corner of this annexation and the north corner of the 1.84 acre annexation;

THENCE South 60°18'45" West, a distance of 400.00 feet to the west corner of said 1.84 acre annexation tract;

THENCE South 30°01'21" East, a distance of 200.00 feet to the south corner of said 1.84 acre annexation tract and a corner of this annexation on the northwest line of Woodcreek Subdivision;

THENCE along the northwest line of Woodcreek Subdivision, the following courses:

South 60°18'45" West, a distance of 56.89 feet to an angle point;

South 59°14'25" West, a distance of 500.10 feet to an angle point;

South 59°45'14" West, a distance of 561.62 feet to an angle point;

South 58°52'12" West, a distance of 632.43 feet to an angle point;

South 59°21'52" West, a distance of 412.48 feet to an angle point;

South 60°37'02" West, a distance of 627.80 feet to a point on the northeast right-of-way line of County Road 344, the west corner of Woodcreek Subdivision, and the south corner of this annexation;

THENCE North 29°39'19" West, along the northeast right-of-way line of County Road 344, a distance of 1295.84 feet to a point, for the west corner of this annexation, on the southeast right-of-way line of the aforementioned F.M. 775;

THENCE along the right-of-way line of said F.M. 775, the following courses:

North 15°20'04" East, a distance of 318.53 feet to a point, for a point of curve of a curve to the right;

1060.71 feet along the arc of said curve, having a radius of 1372.40 feet, a central angle of 44°17'00", a chord bearing of North 37°28'34" East, and a chord distance of 1034.51 feet to a point, for a point of tangent;

North 59°37'04" East, a distance of 1242.28 feet to a point, an angle point;

North 56°45'19" East, a distance of 200.25 feet to a point, an angle point;

North 59°37'04" East, a distance of 46.00 feet to a point for the west corner of a the C.E. Rayburn 2.821 acre annexation tract;

THENCE departing said right-of-way line of F.M. 775 and along the common lines with the C.E. Rayburn 2.821 acre annexation tract the following courses:

South 29°10'37" East, a distance of 506.55 feet to a point being the south corner of said 2.821 acre tract;

North 16°02'53" East, a distance of 474.72 feet to an angle point;

North 03°30'26" West, a distance of 195.22 feet, to a point on the south right-of-way line of F.M. 775 for the north corner of said 2.821 acre annexation tract and a corner of this annexation tract being described;

THENCE North 61°21'34" East, a distance of 90.66 feet to the POINT OF BEGINNING, and containing 130.029 acres of land, more or less.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the

December 6, 2006

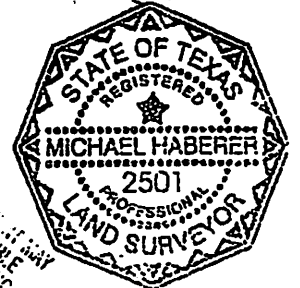
Job No. S0273801

130.029 acre tract

ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

The basis of bearings recited herein is Texas Department of Transportation right-of-way map of F.M. Highway 775. There is an exhibit plat with like job number.

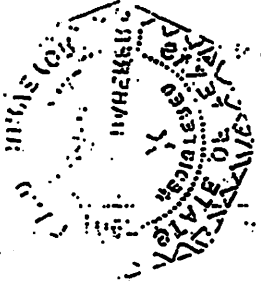
M. J. Haber
Michael Haberer RPLS# 2501



STATE OF TEXAS
DEPARTMENT OF AGRICULTURE
LAND RECORDS DIVISION
RECORDED FOR RECORDING

1952
1953
1954

When approved by the Board of Directors, the Board of Directors of the Corporation shall have the authority to issue and sell such securities as may be necessary to carry out the purposes of the Corporation.



The Board of Directors of the Corporation shall have the authority to issue and sell such securities as may be necessary to carry out the purposes of the Corporation.



NOTICE OF PUBLIC HEARING

The City of La Vernia Planning & Zoning Commission will hold a public hearing at the request of Mr. Nick Fryar & MJS, LLC (D & D Custom Homes, Jeanine Schoenert)

Property: 130.029 acres, located at FM 775 & FM 1346 La Vernia, Texas 78121.

Request: to change from current zoning General Commercial (C-2) to Commercial Retail (C-1)

Because your property is located within 200 feet of the request, State Law requires that we notify you of the public hearing. **However, the zoning of your property will not be affected.** The public hearing process allows an opportunity to provide your written opinion of the request. This will aid the Planning Commission in making a recommendation to City Council.

Public hearing for this request is scheduled before the Planning & Zoning Commission on Tuesday, September 3rd 2019, and tentatively before City Council on Thursday, September 12th, 2019. Both meetings will begin at 6:30 PM in the City Hall Council Chambers, 102 E. Chihuahua St. and are open to the public. To submit written comments please complete the information below, including your signature, and return by Tuesday, September 3rd 2019 to:

Mail: City of La Vernia
Brittani Porter
102 E. Chihuahua St.
La Vernia, Texas 78121

Email: bporter@lavernia-tx.gov

If you have questions, please call Brittani Porter at (830) 779-4541 ext.3.


Brittani Porter, City Secretary

YOUR OPINION MATTERS – DETACH AND RETURN

Circle one

I am (in favor) (opposed to) the proposed re-zone for the property described as FM 775 / FM 1346 , Lot 441H, La Vernia, Texas 78121.

Name: _____

Address: _____

Signature: _____

Date: _____

Comments: _____

By State Law – Unsigned submission cannot be counted as official comment.

CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C1	1060.71	11372.40	841°17'03"	1034.51	S37°28'54"E
C2	172.85	5679.58	D1°44'30"	172.30	N81°21'54"E

LINE	LENGTH	BEARING
L1	200.25	N58°45'19"E
L2	213.33	N58°27'24"E
L3	172.30	N81°21'54"E
L4	194.20	S28°49'45"E
L5	74.94	S30°31'40"E

LEGEND
 D.R. DENOTES DEED RECORDS, WILSON COUNTY, TEXAS
 P.R. DENOTES PLAT RECORDS, WILSON COUNTY, TEXAS



- ① 2.17 ACRE TRACT
VOL. 342, PG. 116, D.R.
C.E. RAYBURN
- ② 0.5 OF ONE ACRE TRACT
VOL. 344, PG. 224, D.R.
C.E. RAYBURN
- ③ 0.19 OF ONE ACRE TRACT
VOL. 378, PG. 452, D.R.
C.E. RAYBURN
- C.E. RAYBURN TOTAL 2.86 ACRES
LESS HIGHWAY DEDICATION - 0.629 OF AN ACRE
NET FOR ANNEXATION - 2.231 ACRES
- ④ 1.84 ACRE TRACT
VOL. 472, PG. 125, D.R.
CITY OF LAVERNA
- ⑤ 135.029 ACRES TRACT CUT OF
A 141 ACRE TRACT
VOL. 443, PG. 648, D.R.
CAMILE FRYAR FRANKLIN &
LOREN N. FRYAR



CEC
 CIVIL ENGINEERING CONSULTANTS
 DON BURDEN, INC.
 11809 L.H. 18 WEST, SUITE 805
 SAN ANTONIO, TEXAS 78230
 P) 210.641.9999
 F) 210.641.0440
 Email: cec@cectexas.com

ANNEXATION SURVEY
 SHEET 1 OF 1
 DRAWN BY: DD
 DATE: 11/01/2006
 JOB NO. S0273801

134.69 ACRES OF LAND,
 CUT OF THE JUAN DELGADO SURVEY NO. 8,
 ABSTRACT NO. 8, WILSON COUNTY, TEXAS.

THIS DOCUMENT WAS PREPARED UNDER 23 P.A.C. § 21.02, DOES NOT REFLECT THE RESULTS OF AN
 ON THE GROUND SURVEY, AND IS NOT TO BE USED TO ESTABLISH OR ESTABLISH INTERESTS IN REAL
 PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS SPECIFICALLY ESTABLISHED BY THE CREATION
 OR RECONSIDERATION OF THE BOUNDARIES OF THE POLITICAL JURISDICTION FOR WHICH IT WAS
 PREPARED.
 THIS 11TH DAY OF NOVEMBER, 2006 A.D.
 Michael Haberer, RPLS #2501

ORDINANCE NO. 091219-05

AN ORDINANCE OF THE CITY OF LA VERNIA, TEXAS AMENDING ZONING CODE CHAPTER 38 AND THE CITY'S OFFICIAL ZONING MAP PROVIDING FOR THE CHANGE OF ZONING DISTRICT CLASSIFICATION FROM PRESENT CLASSIFICATION OF GENERAL COMMERCIAL DISTRICT (C-2) TO COMMERCIAL RETAIL DISTRICT (C-1) FM 775 & FM 1346, CITY OF LA VERNIA, LOT 441H, LA VERNIA, TEXAS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 211 of the Vernon's Local Government Code empowers a city to enact zoning regulations and provide for their administration, enforcement and amendment; and

WHEREAS, the City has previously deemed it necessary and desirable to adopt zoning regulations to provide for the orderly development of property within the City in order to promote the public health, safety, morals and general welfare of the residents of the City, and

WHEREAS, Chapter 38 of the City of La Vernia Code of Ordinances which constitutes the City's zoning code requires property to be zoned in accordance with proper designations as defined by this ordinance; and

WHEREAS, application has been filed with the City of La Vernia Planning and Zoning Commission to re-zone properties as more particularly described herein ("Property"); and

WHEREAS, the Property has been zoned as Commercial Retail District; and

WHEREAS, the Planning and Zoning Commission of the City of La Vernia provided adequate notice and held a public hearing in accordance with Chapter 38 Zoning and has considered the application for the re-zoning of properties specified herein; and

WHEREAS, the Planning and Zoning Commission of the City of La Vernia has recommended approval of the application for the re-zoning of the designated property to Commercial Retail District (C-1) and has confirmed that the re-zoning is uniform and conforms to the plan and design of the City of La Vernia's Zoning code; and

WHEREAS, the City Council of the City of La Vernia has also held a public hearing regarding the re-zoning on affected properties and has issued adequate notice to all the affected parties; and

WHEREAS, the City Council of the City of La Vernia believes the re-zoning of affected properties will not adversely affect the character of the area of the neighborhood in which it is proposed to locate; will not substantially depreciate the value of adjacent or nearby properties; will be in keeping with the spirit and intent of the City's Zoning code; will comply with applicable standards of the district in which located; and will not adversely affect traffic, public health, public utilities, public safety and the general welfare of the residents of the City of La Vernia;

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

SECTION 1. That Chapter 38 and the City's Zoning Map of the City of La Vernia, Texas are hereby amended as follows:

Change of Zoning District Classification from present classification of General Commercial District (C-2) to Commercial Retail District (C-1) FM 775 & FM 1346, City of La Vernia Lot 441H, La Vernia, Texas 78121.

SECTION 2. The caption of this ordinance shall be published one (1) time in a newspaper having general circulation in the City of La Vernia, Texas.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LA VERNIA, TEXAS, ON THIS 12th DAY OF September, 2019.

Robert Gregory, Mayor
City of La Vernia

ATTEST:

Brittani Porter, City Secretary
City of La Vernia

APPROVED AS TO FORM:

City Attorney's Office



ORDINANCE NO. 091219-01

AN ORDINANCE OF THE CITY OF LA VERNIA, TEXAS ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020; AND OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, the City Administrator of the City of La Vernia, Texas (herein the "City") has submitted to the City Council a proposed budget of the revenues of said City and the expenditures/expenses of conducting the affairs thereof;

WHEREAS, the City Council has received said City Administrator's proposed budget, a copy of which proposed budget and all supporting schedules have been filed with the City Secretary pursuant to Local Government Code §102.005; and

WHEREAS, the Council set September 12, 2019 as the date for the public hearings thereon and caused notice of such public hearings to be given by the La Vernia News pursuant to LGC §102.006; and

WHEREAS, the public hearings were held on said dates and all persons were afforded an opportunity to appear and object to any or all items and estimates in the proposed budgets; and

WHEREAS, pursuant to LGC §102.007, the City Council, by passage of the Budget Ordinance shall adopt the budget for the ensuing fiscal year and appropriate such sums of money as the Council deems necessary to defray all expenditures of the City during the 2018 – 2019 budget year.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA VERNIA, TEXAS, THAT:

Section 1. Budget

A.) The City hereby approves and adopts the budget, attached as Exhibit A, in all respects as the City's annual budget for the fiscal year beginning October 1, 2019 and ending September 30, 2020.

B.) The City Administrator may move funds within departmental accounts but budget adjustments between departmental accounts must be approved by the City Council by Ordinance.

C.) In accordance to LGC §102.008(a), the adopted budget shall be filed with the City Secretary; and a copy of the adopted budget including the cover page shall be posted on the City's website.

Section 2. Severability

If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 3. Conflict of Ordinances

Ordinances or parts of Ordinances in conflict herewith are hereby repealed and are no longer of any force and effect.

Section 4. Effective Date

This ordinance shall take effect on the first day of October, 2019.

PASSED, APPROVED AND APPROVED this 12th day of September, 2019 and recorded as follows:

	FOR	AGAINST	ABSTAIN
Mayor Robert Gregory			
Councilman Eloi Cormier			
Councilman Jay Hennette			
Councilwoman Amanda Hutchinson			
Councilwoman Dianell Recker			
Councilman Martin Poore			

Robert Gregory
Mayor, City of La Vernia

ATTEST:

Brittani Porter,
City Secretary, City of La Vernia



ORDINANCE NO. 091219-02

**AN ORDINANCE LEVYING A TAX RATE
FOR THE CITY OF LA VERNIA FOR TAX YEAR 2019**

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

THE CITY COUNCIL OF LA VERNIA, TEXAS DOES HEREBY ADOPT THE FOLLOWING TAX RATE PER \$100 VALUATION FOR THE TAX YEAR 2018 AS FOLLOWS:

.1999 FOR THE PURPOSE OF MAINTENANCE AND OPERATION
.0000 FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON DEBT
.1999 TOTAL TAX RATE

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

THE WILSON COUNTY APPRAISAL DISTRICT IS HEREBY AUTHORIZED TO ASSESS AND COLLECT THIS TAX FOR THE CITY OF LA VERNIA ON THIS 12th DAY OF SEPTEMBER 2019.

PASSED, APPROVED AND APPROVED this 12th day of September, 2019 and recorded as follows:

	FOR	AGAINST	ABSTAIN
Mayor Robert Gregory			
Councilman Eloi Cormier			
Councilman Jay Hennette			
Councilwoman Amanda Hutchinson			
Councilwoman Dianell Recker			
Councilman Martin Poore			

Robert Gregory
Mayor, City of La Vernia

ATTEST:

Brittani Porter
City Secretary



RESOLUTION NO. 091219-02

A RESOLUTION OF THE CITY OF LA VERNIA, TEXAS TO RATIFY INCREASE OF \$20,421.77 IN PROPERTY TAX REVENUES FROM LAST YEAR'S OPERATING BUDGET AS REFLECTED IN THE 2019-2020 BUDGET.

WHEREAS, Section 102.007 (c) of the Texas Local Government Code provides that adoption of a budget that will require raising more revenue from property taxes than in the previous year requires a separate vote of the governing body to ratify the property tax increase reflected in the budget; and

WHEREAS, that a vote under Section 102.007 (c) is in addition to and separate from the vote to adopt the budget or a vote to set the tax rate;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF LA VERNIA, TEXAS, THAT:

The City Council ratifies the increase of \$5,867.00 in property tax revenues from last year's operating budget as reflected in the 2019-20 Proposed Budget.

PASSED AND APPROVED this 12th day of September 2019.

Robert Gregory
Mayor, City of La Vernia

ATTEST:

Brittani Porter,
City Secretary, City of La Vernia



ORDINANCE NO. 091219-03

AN ORDINANCE OF THE CITY OF LA VERNIA, TEXAS AMENDING LA VERNIA CODE OF ORDINANCES CHAPTER 38 ZONING, ARTICLE IV. SECTION 404 EXTERIOR CONSTRUCTION AND ARCHITECTURAL STANDARDS; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, Chapter 211 of the Vernon's Local Government Code empowers a city to enact zoning regulations and provide for their administration, enforcement and amendment; and

WHEREAS, the City has previously deemed it necessary and desirable to adopt zoning regulations to provide for the orderly development of property within the City in order to promote the public health, safety, morals and general welfare of the residents of the City, and

WHEREAS, the City of La Vernia Code or Ordinances Chapter 38 which constitutes the City's Zoning Ordinance requires property to be zoned in accordance with proper designations as defined by this ordinance; and

WHEREAS, the Planning and Zoning Commission of the City of La Vernia provided adequate notice and held a public hearing in accordance with Chapter 211 of the Vernon's Local Government Code and has considered the need to amend Chapter 38 Zoning of the La Vernia Code of Ordinances as specified herein; and

WHEREAS, the Planning and Zoning Commission of the City of La Vernia has recommended approval of the amendments to the Zoning Regulations and the proposed amendments are uniform and conforms to the plan and design of the City of La Vernia's Zoning Ordinance; and

WHEREAS, the City Council of the City of La Vernia has also held a public hearing regarding the need to amend Chapter 38 Zoning of the La Vernia Code of Ordinances as specified herein; and

WHEREAS, the City Council of the City of La Vernia believes the amendments will comply with the standards and purpose of the Zoning Ordinance and are in the best interests of the public safety and the general welfare of the residents of the City of La Vernia;

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

**Section 1.
Zoning Regulations Amended.**

Chapter 38 of the City of La Vernia's Code of Ordinances is hereby amended as reflected in the document attached hereto as **Exhibit "A"**.

**Section 2.
Severability**

If any section, subsection, paragraph, or sentence, clause, phrase, or word in this Ordinance, or application thereof, to any person or circumstance is held invalid such holding shall not affect the validity of the remaining portions of the same and the City Council hereby declares it would have passed such remaining portions despite such invalidity.

**Section 3
Cumulative**

This ordinance is cumulative of all other laws addressing land use regulations and any prohibitions and sanctions that may be imposed under other laws relating to the subjects covered hereunder.

**Section 4.
Effective Date**

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

PASSED, APPROVED, AND ADOPTED THIS 12th DAY OF SEPTEMBER 2019.

Robert Gregory, Mayor
City of La Vernia

ATTEST:

Brittani Porter, City Secretary
City of La Vernia

APPROVED AS TO FORM:

City Attorney
City of La Vernia



EXHIBIT "A"

Sec. 38-404. - Exterior construction and architectural standards.

- a. Building product or materials that are approved for use by a national model code published within the last three code cycles that applies to the construction, renovation, maintenance, or other alteration of the building.

~~(a) Purpose. It is the intent of this section to ensure the mutual compatibility and appearance of buildings and their surroundings within the city.~~

~~(b) Application review responsibility. The administrative official shall review all applications for compliance with this section.~~

~~(c) Commercial standards.~~

- ~~(1) The criteria of these commercial standards shall apply to all new building construction in the General Residence District R-2, Public Institutional PI, General Professional GP, Central Business District C-B, Retail District C-1, General Commercial District C-2, and Industrial District I. Additions made to commercial buildings existing at the time of the adoption of this ordinance are not required to comply with the requirements of the commercial standards if the addition will be attached to and become part of the existing building. If the addition is a separate facility, the new construction must comply with the masonry requirements set forth in the commercial standards.~~

~~_____ a. General Residence District R-2. All buildings and structures located in the zoning district General Residence R-2 shall be constructed of the following:~~

- ~~1. The exterior shall have 75 percent masonry of each wall of the building and on each story or floor of every building; or~~
- ~~2. A combination of masonry and stucco with a minimum of a three foot masonry beginning from the base plate of the ground floor level construction, exclusive windows, doors, fascia and soffit.~~

~~In addition, these design standards shall be followed for all structures located in these zoning districts:~~

- ~~1. The exterior area or sides of chimney flues on exterior walls that are visible from the street shall be enclosed in 100 percent masonry construction.~~
- ~~2. Gable ends, soffits, eaves, cornices or other visible accent features shall be constructed of cedar, redwood, or a cementitious fiber board.~~

~~_____ b. Central Business District C-B. All buildings and structures located in the Central Business District C-B shall be constructed of the following:~~

- ~~1. The exterior shall have 75 percent masonry of each wall of the building and on each story or floor of every building; or~~
- ~~2. A combination of masonry and stucco with a minimum of a three foot masonry beginning from the base plate of the ground floor level construction, exclusive windows, doors, fascia and soffit.~~

In addition, these design standards shall be followed for all structures located in these zoning districts:

- ~~1. The exterior area or sides of chimney flues on exterior walls that are visible from the street shall be enclosed in 100 percent masonry construction.~~
- ~~2. Gable ends, soffits, eaves, cornices or other visible accent features shall be constructed of cedar, redwood, or a cementitious fiber board.~~

~~c. General Professional District GP, Retail District C-1, General Commercial District C-2, and Public Institutional District PI. All buildings and structures located in the General Professional District GP, Retail District C-1, the General Commercial District C-2, and the Public Institutional District PI shall have at least 75 percent of the total exterior walls, excluding doors and windows be constructed of masonry or glass wall construction, in accordance with adopted building codes.~~

- ~~1. For the purposes of these four zoning districts, the following masonry list shall apply:
 - ~~(a) Stone, or brick;~~
 - ~~(b) Stucco;~~
 - ~~(c) Cultured stone or cast stone;~~
 - ~~(d) Concrete masonry units or concrete panel construction;~~
 - ~~(e) Architectural glass (less than 25 percent reflectance).~~~~
- ~~2. A maximum of 25 percent of the façade may include accent materials not listed on the approved masonry list above.~~
- ~~3. All buildings in GP, C-1, C-2, and PI shall comply with entryway features:
 - ~~(a) All ground floor entrances shall be covered or inset and shall not apply to loading areas.~~
 - ~~(b) Primary building entrances are to be defined and articulated with architectural elements such as pediments, columns, porticos, porches, and overhangs.~~~~
- ~~(b). Architectural Design Features:
 - ~~(a) All non-residential buildings shall be architecturally finished on all four sides with the same materials and detailing (e.g., tiles, moldings, cornices, wainscoting, etc.).~~
 - ~~(b) The rear façade of a building, which is not adjacent to or does not face a public right-of-way, park or residential district, shall not be required to comply with the above architecturally finished requirement.~~~~

~~d. Industrial Districts I.~~

- ~~1. All industrial buildings and structures, have the office portion of the facility having at least 75 percent of the total exterior walls, excluding doors and windows be constructed of masonry, stucco or glass wall construction in accordance with the adopted building code.~~
- ~~2. Excluding the office area, industrial buildings and structures shall be of exterior fire resistant construction utilizing masonry, concrete panel~~

~~construction, insulated architectural metal panels or metal walls as defined in Section 38-104.~~

~~3. Buildings or structures inside private developments containing 50 acres or more with no public access and located 500 or more feet from all public rights-of-way are not required to comply with the provisions of subsection (1) above but shall conform to adopted building codes.~~

~~(2) The following materials shall not qualify nor be defined as "masonry construction" in complying with the minimum requirements for exterior construction of buildings, unless specifically approved:~~

~~_____ a. Exterior insulation and finish systems (EIFS), acrylic matrix, synthetic plaster, or other similar synthetic material.~~

~~_____ b. Cementitious fiber board siding (such as "Hardie Plank" or "Hardie Board").~~

~~_____ c. Lightweight concrete block or cinder block construction.~~

~~_____ d. Brick applied as a veneer that is less than two and one-quarter inches in thickness.~~

~~_____ e. Stucco, exterior plaster, adobe or mortar wash surface material.~~

~~_____ f. Paint on smooth faced concrete panel construction.~~

~~(3) Single, uninterrupted surface planes shall be prohibited. All structures shall include articulation in the walls and roof design.~~

~~_____ a. No building wall shall extend for a horizontal distance equal to two times the wall's height, measured from the base plate of the wall to the top plate of the wall, without having an offset of at least two feet. The new plane shall extend for a minimum horizontal distance equal to at least 25 percent of the length of the first plane. Warehouse structures in Industrial District I shall be exempted from this requirement.~~

~~_____ b. The roof of a structure may be of a flat roof construction, but shall provide a variation of the roofline, which may include a pitched roof for architectural relief.~~

~~(4) Procedures for determining alternative exterior materials.~~

~~_____ a. Exceptions to the material requirements may be permitted on a case by case basis.~~

~~1. All requests for alternative exterior building materials shall be noted and described on a site plan with elevation drawings to be submitted to the Planning and Zoning Commission for approval.~~

~~2. If requested by the city, a sample of the material may be required to be submitted with the site plan.~~

~~_____ b. The Planning and Zoning Commission may approve an alternative exterior material if it is determined it is equivalent or better than masonry according to the criteria listed in Section 38-104, Definitions.~~

~~_____ c. Consideration for exceptions to the above requirements shall be based only on the following:~~

~~1. Architectural design and creativity of the structure, including but not limited to Gingerbread, Victorian, English Tudor, Log, or corporate branded designs.~~

- ~~2.—Compatibility with surrounding developed properties.~~
- ~~3.—Preservation of historic nature of the structure.~~
- ~~4.—Technological advances in construction materials and designs.~~

~~(d) Residential.~~

~~(1) Single family residential R-1. All principal buildings located in the zoning district Single Family Residential R-1 shall be constructed of the following:~~

~~_____ a.—The exterior shall have 85 percent masonry of each wall of the building and on each story or floor of every building; or~~

~~_____ b.—A combination of masonry and stucco with a minimum of a three-foot masonry beginning from the base plate of the ground floor level construction, exclusive of windows, doors, fascia and soffit.~~

~~_____ c.—The exterior area or sides of chimney flues on exterior walls that are visible from the street shall be enclosed in 100 percent masonry construction. Gable ends, soffits, eaves, cornices or other visible accent feature shall be constructed of cedar, redwood, or a cementitious fiber board approved by the administrative official or a designated representative.~~

~~(2) Manufactured Home District MH. The exterior and architectural standard requirements in Section 38-404 do not apply to mobile homes and manufactured homes. Mobile homes and manufactured homes are regulated in Section 38-411 of this Code. Accessory structures must comply with adopted building codes and Section 38-410 of this code.~~

~~(3) Single Family Agricultural District R-A. All new construction of single family residences located in Single Family Agricultural District shall be subject to the masonry requirements of Section 38-404(D)(1) except those neighborhoods as specified in 38-416.~~

~~(4) Exceptions for accessory structures.~~

~~_____ a.—As provided for in the La Veria Code of Ordinances, structures built primarily for housing allowable 4-H and FFA animal/fowl projects are exempted from the exterior masonry and architectural requirements of Section 38-404. All other accessory structures must comply with Section 38-410 of this code.~~

~~_____ b.—Portable accessory buildings less than 120 square feet which are not placed on a permanent foundation shall be exempt from the exterior masonry and architectural requirements of Section 38-404, but comply with deed restrictions if applicable.~~

~~_____ c.—All accessory structures not described by (a) and (b) require a minimum exterior coverage of 25 percent masonry on any portion of the walls visible from a public road or street, to include the columns in the calculations however, will exclude doors, windows and conform to all other exterior masonry and architectural requirements of Section 38-404.~~

~~(5) Procedures for determining alternative exterior materials.~~

~~_____ a.—Exceptions to the material requirements may be permitted on a case by case basis.~~

- ~~1.—All requests for alternative exterior building materials shall be noted and described on a site plan with elevation drawings to be submitted to the Planning and Zoning Commission for approval.~~

~~2. If requested by the city, a sample of the material may be required to be submitted with the site plan.~~

~~_____ b. The Planning and Zoning Commission may approve an alternative exterior material if it is determined it is equivalent or better than masonry according to the criteria listed in Section 38-104, Definitions.~~

~~_____ c. Consideration for exceptions to the above requirements shall be based only on the following:~~

~~1. Architectural design and creativity of the structure, including but not limited to Gingerbread, Victorian, English Tudor, or Log.~~

~~2. Compatibility with surrounding developed properties.~~

~~3. Preservation of historic nature of the structure.~~

~~4. Technological advances in construction materials and designs.~~

~~(Ord. No. 120910-01, § 1(ch. 5, § 4), 12-9-2010; Ord. No. 051211-02, § 1, 5-12-2011; Ord. No. 013014-01, § 1(Exh. A), 1-30-2014; Ord. No. 033017-01, § 1, 3-30-2017)~~

ORDINANCE NO. 091219-04

AN ORDINANCE OF THE CITY OF LA VERNIA, TEXAS AMENDING LA VERNIA CODE OF ORDINANCES CHAPTER 38 ZONING, ARTICLE III. SECTION 302 PERMITTED USES; ESTABLISH AUTHORITY OF THE CITY TO AMEND SWIMMING POOL PRIVATE OR HOA IN COMMERCIAL RETAIL (C-1), ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, Chapter 211 of the Vernon's Local Government Code empowers a city to enact zoning regulations and provide for their administration, enforcement and amendment; and

WHEREAS, the City has previously deemed it necessary and desirable to adopt zoning regulations to provide for the orderly development of property within the City in order to promote the public health, safety, morals and general welfare of the residents of the City, and

WHEREAS, the City of La Vernia Code of Ordinances Chapter 38 which constitutes the City's Zoning Ordinance requires property to be zoned in accordance with proper designations as defined by this ordinance; and

WHEREAS, the Planning and Zoning Commission of the City of La Vernia provided adequate notice and held a public hearing in accordance with Chapter 211 of the Vernon's Local Government Code and has considered the need to amend Chapter 38 Zoning of the La Vernia Code of Ordinances as specified herein; and

WHEREAS, the Planning and Zoning Commission of the City of La Vernia has recommended approval of the amendments to the Zoning Regulations and the proposed amendments are uniform and conforms to the plan and design of the City of La Vernia's Zoning Ordinance; and

WHEREAS, the City Council of the City of La Vernia has also held a public hearing regarding the need to amend Chapter 38 Zoning of the La Vernia Code of Ordinances as specified herein; and

WHEREAS, the City Council of the City of La Vernia believes the amendments will comply with the standards and purpose of the Zoning Ordinance and are in the best interests of the public safety and the general welfare of the residents of the City of La Vernia;

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

**Section 1.
Zoning Regulations Amended.**

Chapter 38 of the City of La Vernia's Code of Ordinances is hereby amended as reflected in the document attached hereto as **Exhibit "A"**.

**Section 2.
Severability**

If any section, subsection, paragraph, or sentence, clause, phrase, or word in this Ordinance, or application thereof, to any person or circumstance is held invalid such holding shall not affect

the validity of the remaining portions of the same and the City Council hereby declares it would have passed such remaining portions despite such invalidity.

**Section 3
Cumulative**

This ordinance is cumulative of all other laws addressing land use regulations and any prohibitions and sanctions that may be imposed under other laws relating to the subjects covered hereunder.

**Section 4.
Effective Date**

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

PASSED, APPROVED, AND ADOPTED THIS 12th DAY OF SEPTEMBER 2019.

Robert Gregory, Mayor
City of La Vernia

ATTEST:

Brittani Porter, City Secretary
City of La Vernia

APPROVED AS TO FORM:

City Attorney
City of La Vernia



EXHIBIT "A"

d Educational, institutional and special uses.

RA	R-1	R-2	MH	Type of Use:	GP	C-1	C-B	C-2	I	H	PI
----	-----	-----	----	--------------	----	-----	-----	-----	---	---	----

P	P	P	P	Swimming Pool Private or HOA	P	P					
---	---	---	---	---------------------------------	---	---	--	--	--	--	--

RESOLUTION NO. 091219-01

A RESOLUTION OF THE CITY OF LA VERNIA ACCEPTING THE MULTIPLE USE AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION OF FIXED LICENSE PLATE READERS ON FM 87; AND AUTHORIZING THE MAYOR TO ENTER INTO CONTRACT FOR SAID AGREEMENT.

WHEREAS, the City Staff has a Multiple Use Agreement with the Texas Department of Transportation; and

WHEREAS, City of La Vernia seeks agreement for the installation of Fixed License Plate readers with the Texas Department of Transportation; and

WHEREAS, the City Council of La Vernia authorizes the Mayor to sign the Multiple Use Agreement with Texas Department of Transportation, attachment 1

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

SECTION 1. City Council hereby authorizes the Mayor to execute all documents necessary to enter into a contractual agreement.

PASSED AND APPROVED, this 12th day of September 2019.

Robert Gregory, Mayor

ATTEST:

Brittani Porter, City Secretary

APPROVED AS TO FORM:

City Attorney
City of La Vernia



edoylevpd@lavernia-tx.gov

From: Jason Lambert <Jason.Lambert@txdot.gov>
Sent: Friday, September 06, 2019 7:19 AM
To: edoylevpd@lavernia-tx.gov
Subject: RE: MUA-US 87 La Vernia LPRs

Good morning Mr. Doyle,

The first two lines of our agreements aren't something that we alter because the final version of these forms are officially filed in Austin, Travis county by our division folks. All of our TxDOT agreements and contracts read County of Travis not the actual county the work is taking place in.

Thanks,

Jason Lambert, P.E.
State Forces Maintenance Engineer
(210) 615-6005 | (210) 287-8988

From: edoylevpd@lavernia-tx.gov [mailto:edoylevpd@lavernia-tx.gov]
Sent: Thursday, September 5, 2019 3:28 PM
To: Jason Lambert <Jason.Lambert@txdot.gov>
Subject: RE: MUA-US 87 La Vernia LPRs

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank You, One thing could you please change County of TRAVIS to County of Wilson on the agreement

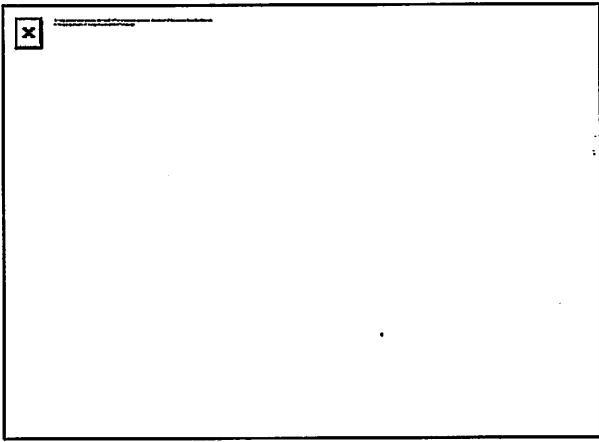
From: Jason Lambert <Jason.Lambert@txdot.gov>
Sent: Wednesday, September 04, 2019 4:02 PM
To: Erik Doyle (edoylevpd@lavernia-tx.gov) <edoylevpd@lavernia-tx.gov>
Subject: MUA-US 87 La Vernia LPRs

Mr. Doyle,

I have reviewed and discussed all of the attached information with our maintenance division folks, and it appears to have everything needed to move forward. Please complete, sign, and return the attached draft MUA form so I can proceed with getting final signatures.

Thanks,

Jason J. Lambert, P.E.
State Forces Maintenance Engineer
Texas Department of Transportation | San Antonio District
O: (210) 615-6005 | C: (210) 287-8988 | Jason.Lambert@TxDOT.gov



MULTIPLE USE AGREEMENT

STATE OF TEXAS §

COUNTY OF TRAVIS §

THIS AGREEMENT made by the State of Texas by and between the Texas Department of Transportation, hereinafter referred to as "State", party of the first part, and City of LaVernia _____, hereinafter called _____ City _____, party of the second part, is to become effective when fully executed by both parties.

WITNESSETH

WHEREAS, on the _____ day of _____, 20 19 _____, the governing body for the _____ City _____, entered into Resolution/Ordinance No. _____ hereinafter identified by reference, authorizing the _____ City _____'s participation in this agreement with the State; and

WHEREAS, the _____ City _____ has requested the State to permit the construction, maintenance and operation of a public _____ Fixed License Plate Reader _____ on the highway right of way, (ROADWAY _____ US 87 _____ CONTROL SECTION NO. 0143-03 _____). (General description of area including either the control number or GPS coordinates.)
Latitude: 29°20'34.85" Longitude 98° 6'14.40"W
shown graphically by the preliminary conceptual site plan in Exhibit "A" and being more specifically described by metes and bounds of Exhibit "B", which are attached and made a part hereof; and

WHEREAS, the State has indicated its willingness to approve the establishment of such facilities and other uses conditioned that the _____ City _____ will enter into agreements with the State for the purpose of determining the respective responsibilities of the _____ City _____ and the State with reference thereto, and conditioned that such uses are in the public interest and will not damage the highway facilities, impair safety, impede maintenance or in any way restrict the operation of the highway facility, all as determined from engineering and traffic investigations conducted by the State.

AGREEMENT

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto to be by them respectively kept and performed as hereinafter set forth, it is agreed as follows:

1. DESIGN AND CONSTRUCTION

 City will prepare or provide for the construction plans for the facility, and will provide for the construction work as required by said plans at no cost to the State. Said plans shall include the design of the access control, necessary horizontal and vertical clearances for highway structures, adequate landscape treatment, adequate detail to ensure compliance with applicable structural design standards, sufficient traffic control provisions, and general layout. They shall also delineate and define the construction responsibilities of both parties hereto. Completed plans will be submitted to State for review and approval and when approved shall be attached to the agreement and made a part thereof in all respects. Construction shall not commence until plans have been approved by the State. Any future revisions or additions shall be made after prior written approval of the State. Any sidewalks, curb ramps and other pedestrian elements to be constructed, either on site or off site, by the City shall be in accordance with the requirements of Title II of the Americans With Disabilities Act (ADA) and with the Texas Accessibility Standards (TAS). Elements constructed by the City and found not to comply with ADA or TAS shall be corrected at the entire expense of the City .

2. INSPECTION

Ingress and egress shall be allowed at all times to such facility for Federal Highway Administration personnel and State Forces and equipment when highway maintenance operations are necessary, and for inspection purposes; and upon request, all parking or other activities for periods required for such operations will be prohibited.

3. PARKING REGULATIONS

Parking regulations shall be established limiting parking to single unit motor vehicles of size and capacity no greater than prescribed for 1¹/₂ ton trucks, such vehicles to conform in size and use to governing laws. Parking shall be permitted only in marked spaces.

Parking shall be prohibited when a security threat, as determined by TxDOT, exists.

4. PROHIBITION/SIGNS

Regulations shall be established prohibiting the parking of vehicles transporting flammable or explosive loads and prohibiting use of the area in any manner for peddling, advertising or other purposes not in keeping with the objective of a public facility. The erection of signs other than those required for proper use of the area will be prohibited. All signs shall be approved by the State prior to the actual erection.

5. RESPONSIBILITIES

Timely maintenance, repair and operation of the facility shall be entirely the responsibility of the _____ City _____. Such responsibility shall not be transferred, assigned or conveyed to a third party without the advanced written approval of the State. These responsibilities expressly include the timely maintenance and repair of any portion of the facility necessary to comply with the Americans with Disabilities Act. Further, such responsibility shall include picking up trash, mowing and otherwise keeping the facility in a clean and sanitary condition, and surveillance by police patrol to eliminate the possible creation of a nuisance or hazard to the public. Hazardous or unreasonably objectionable smoke, fumes, vapor or odors shall not be permitted to rise above the grade line of the highway, nor shall the facility subject the highway to hazardous or unreasonably objectionable dripping, droppings or discharge of any kind, including rain or snow.

If the State determines that _____ City _____ has failed to comply with these responsibilities, it will perform the necessary work and charge _____ City _____ the actual cost of the work.

6. FEES

Any fees levied for use of the facilities in the area shall be nominal and no more than are sufficient to defray the cost of construction, maintenance and operations thereof, and shall be subject to State approval.

A. Retention Period. The _____ City _____ shall maintain all books, documents, papers, accounting records and other evidence pertaining to fees collected and costs (hereinafter called the Records). The _____ City _____ shall make the records available during the term of the Agreement and for four years from the date the Agreement is terminated, until completion of all audits, or until pending litigation has been completely and fully resolved, whichever occurs last.

B. Audit Report. If fees are collected by the _____ City _____ for the use of the facility under this agreement, the _____ City _____ will provide the State an annual audit report detailing the fees collected for the use of the facility and the costs associated with constructing, maintaining, and operating the facility within the same period. If the report shows more fees collected than expenses for the construction, operation, or maintenance of the facility the _____ City _____ must provide a multiple year plan detailing how the additional revenue will be used for construction, operation, or maintenance of the facility.

C. Availability. The State or any of its duly authorized representatives, the Federal Highway Administration, the United States Department of Transportation, Office of Inspector General, and the Comptroller General shall have access to the _____ City _____'s records that are directly pertinent to this Agreement for the purpose of making audits and examinations.

7. TERMINATION UPON NOTICE

This provision is expressly made subject to the rights herein granted to both parties to terminate this agreement upon notice, and upon the exercise of any such right by either party, all obligations herein to make improvements to said facility shall immediately cease and terminate and _____ City _____ shall be responsible for the facility's timely removal at no cost to the State. If the State determines that _____ City _____ has failed to timely remove the facility, it will perform the necessary work and charge _____ City _____ the actual cost of the work.

8. MODIFICATION/TERMINATION OF AGREEMENT

If in the sole judgment of the State it is found at any future time that traffic conditions have so changed that the existence or use of the facility is impeding maintenance, damaging the highway facility, impairing safety or that the facility is not being properly operated, that it constitutes a nuisance, is abandoned, or if for any other reason it is the State's judgment that such facility is not in the public interest, this agreement under which the facility was constructed may be: (1) modified if corrective measures acceptable to both parties can be applied to eliminate the objectionable features of the facility; or (2) terminated and the use of the area as proposed herein discontinued.

9. PROHIBITION OF STORAGE OF FLAMMABLE MATERIALS

All structures located or constructed within the area covered by the agreement shall be fire resistant. The storage of flammable, explosive or hazardous materials is prohibited. Operations deemed to be a potential fire hazard shall be subject to regulation by the State.

10. RESTORATION OF AREA

The _____ City _____ shall provide written notification to the State that such facility will be discontinued for the purpose defined herein. The _____ City _____ shall, within thirty (30) days from the date of said notification, clear the area of all facilities that were its construction responsibility under this agreement and restore the area to a condition satisfactory to the State.

11. PREVIOUS AGREEMENTS

It is understood that this agreement in no way modifies or supersedes the terms and provisions of any existing agreements between the parties hereto.

12. INDEMNIFICATION

City AGREES TO HOLD AND SAVE THE STATE OF TEXAS FREE FROM DAMAGES THAT MAY RESULT FROM CONSTRUCTION OF THE PROJECT DESCRIBED HEREIN. THE INDEMNIFICATION OF THE STATE SHALL EXTEND FOR A PERIOD OF TWO (2) YEARS BEYOND THE DATE OF TERMINATION OF THIS AGREEMENT.

DURING EACH YEAR WHILE THERE IS ANY LIABILITY BY REASON OF THE AGREEMENT CONTAINED IN THIS SUBSECTION OF THIS RESOLUTION, INCLUDING THE CALENDAR YEAR 2019, THE City of LaVernia (CITY) SHALL COMPUTE AND ASCERTAIN THE RATE AND AMOUNT OF AD VALOREM TAX, BASED ON THE LATEST APPROVED TAX ROLLS OF SAID ENTITY, WITH FULL ALLOWANCES BEING MADE FOR TAX DELINQUENCIES AND COSTS OF TAX COLLECTION, WHICH WILL BE SUFFICIENT TO RAISE AND PRODUCE THE MONEY REQUIRED TO PAY ANY SUMS WHICH MAY BE OR BECOME DUE DURING ANY SUCH YEAR, IN NO INSTANCE TO BE LESS THAN TWO (2%) PER CENT OF SUCH OBLIGATION, TOGETHER WITH INTEREST THEREON, BECAUSE OF THE OBLIGATION HEREIN ASSUMED.

SAID RATE AND AMOUNT OF AD VALOREM TAX IS HEREBY ORDERED TO BE LEVIED AND IS HEREBY LEVIED AGAINST ALL TAXABLE PROPERTY IN SAID ENTITY FOR EACH YEAR WHILE ANY LIABILITY EXISTS BY REASON OF THE OBLIGATION UNDERTAKEN BY THIS SUBSECTION OF THIS RESOLUTION, AND SAID AD VALOREM TAX SHALL BE ASSESSED AND COLLECTED EACH SUCH YEAR UNTIL ALL OF THE OBLIGATIONS HEREIN INCURRED SHALL HAVE BEEN DISCHARGED AND ALL LIABILITY HEREUNDER DISCHARGED.

No party to this agreement intends to waive, relinquish, limit or condition its general governmental immunity from liability in any way.

Each party agrees and acknowledges that it is not an agent, servant, or employee of the other party and that under this provision each party is responsible only for its own acts and for those of its agents, servants, independent contractors or employees. Such responsibility includes, but is not limited to any claims or amounts arising or recovered under the "Workers Compensation Law," the Texas Tort Claims Act, Chapter 101, Texas Civil Practice and Remedies Code; or any other applicable laws or regulations, all as time to time may be amended.

Nothing in this agreement shall be construed as creating any liability in favor of any third party against the State and the _____ City _____. Additionally, this agreement shall not ever be construed as relieving any third party from any liability against the State. Furthermore, the _____ City _____ shall become fully subrogated to the State's rights of recovery and shall be entitled to maintain any action over and against any third party who may be liable for damages. The State agrees to execute and deliver instruments and papers and to otherwise do that which is necessary to secure such rights.

13. INSURANCE

The _____ City _____, shall provide necessary safeguards to protect the public on State maintained highways including adequate insurance for payment of any damages which might result during the construction, maintenance, repair and operation of the facility. _____ City _____ shall include TxDOT as an additional insured by endorsement in _____ City _____'s commercial general liability insurance policy. Prior to beginning work on the State's right of way, the _____ City _____'s construction contractor shall submit to the State a completed insurance form (TxDOT Form No. 1560) or appropriate certificate of self-insurance and shall maintain the required coverage during the construction of the facility.

14. USE OF RIGHT OF WAY

It is understood that the State by execution of this agreement does not impair or relinquish the State's right to use such land for highway purposes when it is required for the construction or re-construction of the traffic facility for which it was acquired, nor shall use of the land under such agreement ever be construed as abandonment by the State of such land acquired for highway purposes, and the State does not purport to grant any interest in the land described herein but merely consents to such use to the extent its authority and title permits.

15. ADDITIONAL CONSENT REQUIRED

The State asserts only that it has sufficient title for highway purposes. The _____ City _____ shall be responsible for obtaining such additional consent, permits or agreement as may be necessary due to this agreement. This includes, but is not limited to, appropriate permits and clearances for environmental, ADA and public utilities.

16. FHWA ADDITIONAL REQUIREMENTS

If the Facility is located on the Federal-Aid Highway System, "ATTACHMENT A", which states additional requirements as set forth in the Federal Highway Administration's Title 23, Code of Federal Regulations, § 710, shall be attached to and become a part of this agreement.

17. CIVIL RIGHTS ASSURANCES

The _____ City _____, for itself, its personal representatives, successors and interests and

assigns, as part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that: (1) no persons, on the grounds of race, color, sex, age, national origin, religion or disabling condition, shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in the use of said facility; (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of race, color, sex, age, national origin, religion or disabling condition, shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination; (3) that the

 City shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-Assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

That if in the event of any breach of the above non-discrimination covenants, the State shall have the right to terminate the agreement and reenter and repossess said land and the facilities thereon, and hold the same as if said agreement had never been made or issued.

18. AMENDMENTS

Any changes in the time frame, character or responsibilities of the parties hereto shall be enacted by a written amendment executed by both parties hereto.

19. LEGAL CONSTRUCTION

In case one or more of the provisions contained in this agreement shall for any reason be held invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any provision hereof and this agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained in this agreement.

20. AUDIT

The State may conduct an audit or investigation of any aspect of this agreement. The City must provide the State with access to any information the State considers relevant to the investigation or audit. The audit can include, but is not limited to, any contract for construction or maintenance of any facility or structure authorized by this agreement or any contract to provide a service to the City if that service is authorized by this agreement.

21. AUTHORITY OF STATE AUDITOR

The state auditor may conduct an audit or investigation of any entity receiving funds from the state directly under the contract or indirectly through a subcontract under the contract. Acceptance of funds directly under the contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

22. NOTICES

All notices required under this agreement shall be mailed or hand delivered to the following respective addresses:

STATE (Mailing Address)	(Name of other party) (Mailing Address)
Texas Department of Transportation	City of LaVernia
Maintenance Division	City Administrator
125 East 11th Street	102 E. Chihuahua
Austin, Texas 78701-2483	La Vernia, TX 78121-0225

23. TIMELY PAYMENT

When required by any provision of this agreement requires a payment to be made to the State, the other party hereto shall within thirty (30) days from receipt of the State's written notification pay the State for the full cost of repairing any damages to the highway facility which may result from the other party's construction, maintenance, repair or operation of the facility.

24. WARRANTS

The signatories to this agreement warrant that each has the authority to enter into this agreement on behalf of the party represented.

List of Attached Exhibits:

- Exhibit A - General Layout
- Exhibit B - Metes and Bounds Description
- Exhibit C - Approved Construction Plans
- Exhibit D - Certificate of Insurance (TxDOT Form 1560)
- Exhibit E - Attachment A (FHWA Additional Requirements)

IN WITNESS WHEREOF, the parties have hereunto affixed their signature, the
City _____ on the _____ day of _____, 2019, and the
State on the _____ day of _____, 2019.

STATE OF TEXAS

Executed and approved for the Texas
Transportation Commission for the purpose and
effect of activating and/or carrying out the orders,
and established policies or work programs
heretofore approved and authorized by the Texas
Transportation Commission.

(Name of other party)

By: _____
Signature

Printed Name

By: _____
Director, Maintenance Division

Title

Printed Name

Agency

Date

Contact Office and Telephone No.

APPROVAL RECOMMENDED:

District Engineer

Printed Name

Date

ATTACHMENT A

Inasmuch as this project is on the Federal-Aid highway system, the following additional requirements as applicable with the Federal Highway Administration's Title 23, Code of Federal Regulations, § 710.105.

1. Any significant revision in the design or construction of the facility shall receive prior approval by the Texas Department of Transportation subject to concurrence by the FHWA.
2. Any change in the authorized use of real property interest shall receive prior approval by the Texas Department of Transportation subject to concurrence by the FHWA.
3. Real property interest shall not be transferred, assigned or conveyed to another party without prior Texas Department of Transportation approval subject to concurrence by the FHWA.
4. This agreement will be revocable in the event that the real property interest facility ceases to be used or is abandoned.

EXHIBIT E



13220 US Highway 87
Suite 8
Adkins, TX 78101
(210) 649-4400 Office
(210) 649-4403 Fax

Quote Contact:
Melissa Sanchez
suncovers@yahoo.com

Quote Number 3126
Quote Date: 8/28/2019
Quote Expires: 10/28/2019
Quotes valid for 60 days, unless otherwise noted.

SOLD TO:	PROJECT / INSTALLATION ADDRESS:
Name: <u>Lavernia Police Department</u>	Job Site Name: <u>Same</u>
Contact: <u>Donald Keil</u>	Job Site Contact: _____
Address: _____	Address: _____
City, State, Zip: <u>Lavernia TX</u>	City, State, Zip: _____
Phone: _____	Contact Phone: _____
Email: <u>dkeillvpd@lavernia-tx.gov</u>	Contact email: _____

Option	Scope of Project	Qty	Unit Price	Total
1	20 x 27 x 8 Double Post Cantilever 9 Spaces	3	\$4,500.00	\$13,500.00
Fabric Color: <u>Customer Choice</u>		Frame Color: <u>Customer Choice</u>		Access to Equip: <input checked="" type="checkbox"/> Y <input type="checkbox"/> N
Fabric Type: <u>Commercial 95-Stand</u>		Frame Type: <u>Powder Coat</u>		New Construction: <input type="checkbox"/> Y <input checked="" type="checkbox"/> N
				Soil Type: <u>Dirt</u>
				Equipment: <u>Standard</u>

Option	Scope of Project	Qty	Unit Price	Total
2	20 x 36 x 8 Double Post Cantilever 8 Spaces	2	\$5,400.00	\$10,800.00
Fabric Color: <u>Customer Choice</u>		Frame Color: <u>Customer Choice</u>		Access to Equip: <input checked="" type="checkbox"/> Y <input type="checkbox"/> N
Fabric Type: <u>Commercial 95 - Stand</u>		Frame Type: <u>Powder Coat</u>		New Construction: <input type="checkbox"/> Y <input checked="" type="checkbox"/> N
				Soil Type: <u>Dirt</u>
				Equipment: <u>Standard</u>

Option	Scope of Project	Qty	Unit Price	Total
3				
Fabric Color: _____		Frame Color: _____		Access to Equip: <input type="checkbox"/> Y <input type="checkbox"/> N
Fabric Type: _____		Frame Type: _____		New Construction: <input type="checkbox"/> Y <input type="checkbox"/> N
				Soil Type: _____
				Equipment: _____

Other Charges:

Out of Town Install - Region	Included
Equipment Fees	_____
Custom Production Fees	_____
Premium Concrete Fees	_____
Safety Pole Pads	_____
Drawings/Renderings	_____
Total Other Charges	\$0.00

Project Totals:	
Option 1	\$13,500.00
Option 2	\$10,800.00
Option 3	\$0.00
Other Charges	_____
Project Total	_____
Approved By: <u>Melissa Sanchez</u>	Deposit <u>50%</u>

***Prices do not include permit fees, engineer drawings, etc.
 ***Plus Tax where applicable
Price Includes manufacture, installation and warranty.

Notes: Price does not includes any costs for obtaining permits.
Sun Cover not liable for stop work orders.

***Any deviations and change orders from this quote will incur additional charges. All changes must be submitted in writing.

Acceptance of Proposal:

 Signature Date

PO / Contract Number: _____

Commercial[®]

95 340



Aquatic Blue

94% of UV Block



Natural

97%



Navy Blue

95%



Brunswick Green

95%



Cherry Red

89%



Steel Grey

93%



Yellow

97%



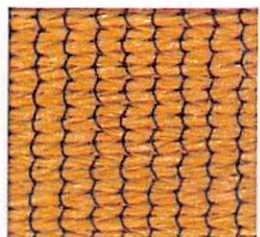
Deep Ochre

94%



Brown

95%



Cedar

95%



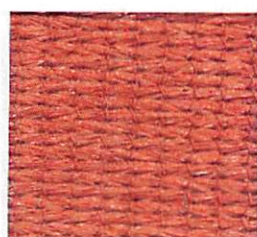
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97%



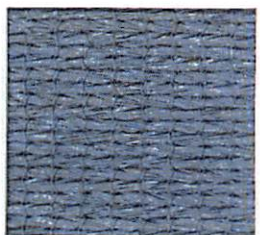
Gun Metal

98%



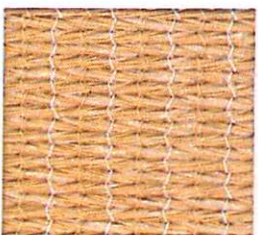
Cayenne

94%



Sky Blue

94%



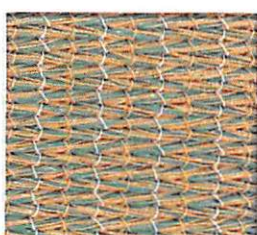
Desert Sand

96%



Turquoise

94%



Rivergum

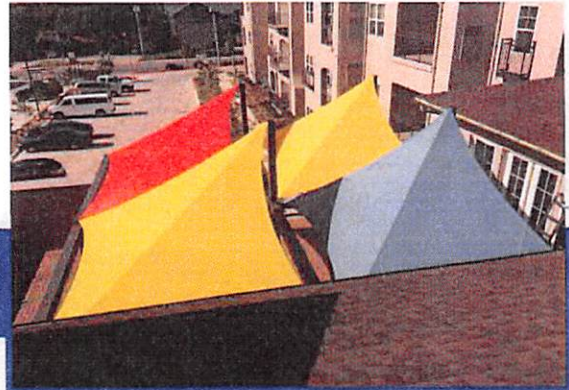
92%

Permanent Shade Structures

Melissa Sanchez
Operations Manager

13220 Highway 87 E
Suite 8
Adkins, TX 78101
(210) 649-4400 Office
(210) 649-4403 Fax
(210) 995-7242 Cell
suncovers@yahoo.com

SUN COVER



Quality Shade Structures



Please Call for
Pricing and Design
Options

Warranty



Manufacturing, Installation & Design
20 Years Experience

(210) 649-4400

Locally Owned & Operated

9,600⁰⁰ 6 CAR

10,800⁰⁰ 8 CAR

Permanent Shade Structures

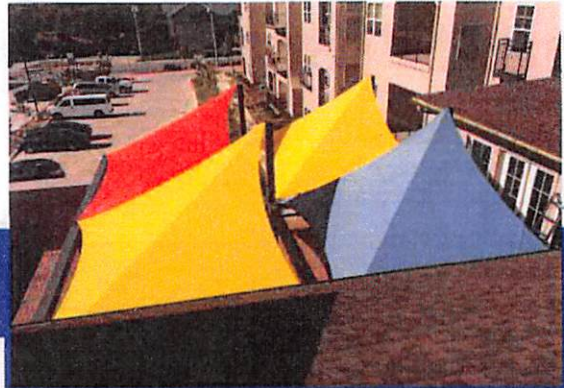
Melissa Sanchez
Operations Manager

13220 Highway 87 E
Suite 8
Adkins, TX 78101
(210) 649-4400 Office
(210) 649-4403 Fax
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