



## Town Council Meeting

Monday, December 13, 2021 at 6:00 PM  
102 W. Bailey Street, Ponder, TX 76259

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### NOTICE

**THE TOWN COUNCIL FOR THE TOWN OF PONDER, TEXAS, WILL CONVENE IN REGULAR SESSION AT 6:00 P.M. ON DECEMBER 13, 2021, IN PONDER TOWN HALL, AT 102 W. BAILEY STREET, PONDER.**

### REGULAR SESSION AGENDA

#### CALL TO ORDER

#### ROLL CALL

#### INVOCATION AND PLEDGE OF ALLEGIANCE

**OPEN FORUM FOR CITIZEN INPUT** (Please limit to 5 minutes per person and if you wish to speak on a particular agenda item, please list the agenda item next to your name).

*This is a time for the public to address the Town Council on any subject. However, the Texas Open Meetings Act prohibits the Town Council from discussing issues which the public has not been given seventy-two (72) hours' notice. Issues raised may be referred to Town Staff for research and possible future action.*

#### ITEMS OF BUSINESS

1. Consider and act on approval of an agreement between the Town of Ponder and Ponder Independent School District.
2. Consider and act on approval of a Preliminary Plat for tract 1G(2), 5.26 ac. on Moncrief Rd in the Ponder ETJ.

#### ITEMS FOR NEXT AGENDA

#### ADJOURN

The Town Council 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 Texas Government Code,

Section 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 551.087 (Economic Development)

**CERTIFICATION**

**I hereby certify that the above notice was posted on the bulletin board at the Ponder Town Hall at 102 W. Bailey Street, Ponder, Texas on the 10th day of December 2021, at 11:00 a.m.**

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**Sheri Clearman, Town Secretary**

*If you plan to attend this public meeting and you have a disability that requires special arrangements at the meeting, please contact our office at 940-479-7009. Reasonable accommodations will be made to assist your needs.*

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## Belcheff & Associates, Inc.

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Municipal Engineering & Management  
TBPE Reg. No. F-368

1660 Keller Parkway, Ste. 103  
Keller, Texas 76272

November 23, 2021

*Via e-mail to cfarmer@pondertx.com*

Matthew Poole, Mayor  
Staci Johnson, Chair, Planning & Zoning Commission  
Town of Ponder  
102 W Bailey St  
Ponder, TX 76259

**Re: Moncrief-Burns Addition (Ponder ETJ) (Amended review)**

Dear Mayor and Chair:

Concerning the “Minor” Preliminary Plat by CBG Surveying Texas, LLC, Dallas, Texas, dated October 29, 2021, representing owners Kyle Burns and Stephanie Burns, Individuals, of Fort Worth, Texas, as received by the Town on November 9, 2021, the following comments are provided:

**Location** – within Ponder Extraterritorial Jurisdiction (ETJ), Denton County, Texas, adjacent to north side private Moncrief Road

**Comprehensive Plan**

1. Future Land Use Plan – not addressed
2. Thoroughfare Plan –
  - a) Ponder – not addressed
  - b) Denton Co. – not addressed
3. Sewer Master Plan – not addressed; no Ponder service exists
4. Water Master Plan – not addressed; no Ponder service exists

**Zoning** – not applicable (ETJ)

**Proposed Use**

Single Family Residential

**Final Plat Analysis**

This proposed Preliminary Plat is located within the Town’s ETJ, confirmed with Denton County’s online GIS mapping and is therefore subject to the Town’s Subdivision Ordinance (as amended) and an Inter-Cooperative Agreement with Denton County that essentially states that the Town has exclusive jurisdiction to regulate all subdivision plats within the Town’s ETJ. However, plats within the Town’s ETJ within Denton County remain subject to both entity’s rules and regulations, while the more stringent of the two shall apply.

Mayor Mathew Poole  
Chair Staci Johnson  
November 23, 2021  
Page 2 of 3

The plat is comprised of one tract of 5.257 acre tract north and adjacent to Moncrief Road which is indicated as a private road by Denton County GIS Landmark mapping system. *(The surveyor should indicate so on the Plat subject to his verification.)* The tract is to be subdivided into two lots. Both lots are at least 2.00 acres – 2.627 and 2.630 acres.

The applicant has indicated the proposed use for the resulting lots as Single-Family in which any potential impacts and resulting exactions to offset such impacts have been based.

The Town does not provide water or sewer service in this area and the properties are not within a Water or Sewer CCN service area. Extending either service appears to be cost prohibitive. Since proposed lot sizes exceed County requirements (minimum 2 acres), on-site water well service with onsite sewer service, such as an aerobic system should be possible pending permitting by Denton County. Proposed method of service should be stated on the plat.

Fire protection will be subject to County permitting without a sufficient water system for fire flows. Emergency vehicle access configuration is also subject to Denton County Fire Code requirements.

The submittal does not include a preliminary drainage study. A review of existing drainage patterns indicates the potential for significant stormwater flows from the upstream drainage area, which also includes an existing pond, possibly for agricultural uses. Any construction on these proposed lots should allow for conveyance of these flows across the subdivision.

Storm water runoff from the proposed lots generally flows to the south and appears to be discharged to the existing roadway ditch; however, without benefit of a submitted drainage study, this should be verified by the applicant. Insignificant onsite increases are expected from limited Single-Family type uses within the proposed subdivision.

A drainage easement is recommended across the proposed subdivision, most probably straddling the center common lot line to encourage continued conveyance of upstream stormwater runoff through the property. [It is strongly suggested that the owners obtain appropriate engineering analysis prior to any onsite construction and review such with the County Engineering department.)

Access to both platted areas is shown to be via connections to existing Moncrief Road, which appears to be a private local roadway, not specified for ROW dedication on the County's Master Thoroughfare Plan as shown on its Feb. 4, 2021 GIS map.

Preliminary Plat deficiencies are therefore found as follows:

1. Surveyor should verify property access rights to private Moncrief Road and note on Plat
2. Plat should include an "Improvements Statement" consistent with County rules
3. Plat should include those applicable items as listed on the Denton County Final Plat/Replat Completed Plat Application Checklist dated 10/25/2021
4. Approval block should be corrected to be consistent with Town of Ponder requirements

Mayor Mathew Poole  
Chair Staci Johnson  
November 23, 2021  
Page 3 of 3

5. 20' drainage easement is recommended to be provided straddling common lot line

**Rough Proportionality Certification**

The Town Engineer certifies that the exaction requirements of the Town of Ponder Subdivision Ordinance, as applied to the proposed subdivision or development, do not impose costs on the applicant for public infrastructure improvements that exceed those roughly proportionate to the impact of the proposed subdivision or development with the following conditions:

1. none

**Town Engineer's Recommendation –**

Although this Preliminary Plat could be considered administratively incomplete, it is recommended it be approved with the following conditions:

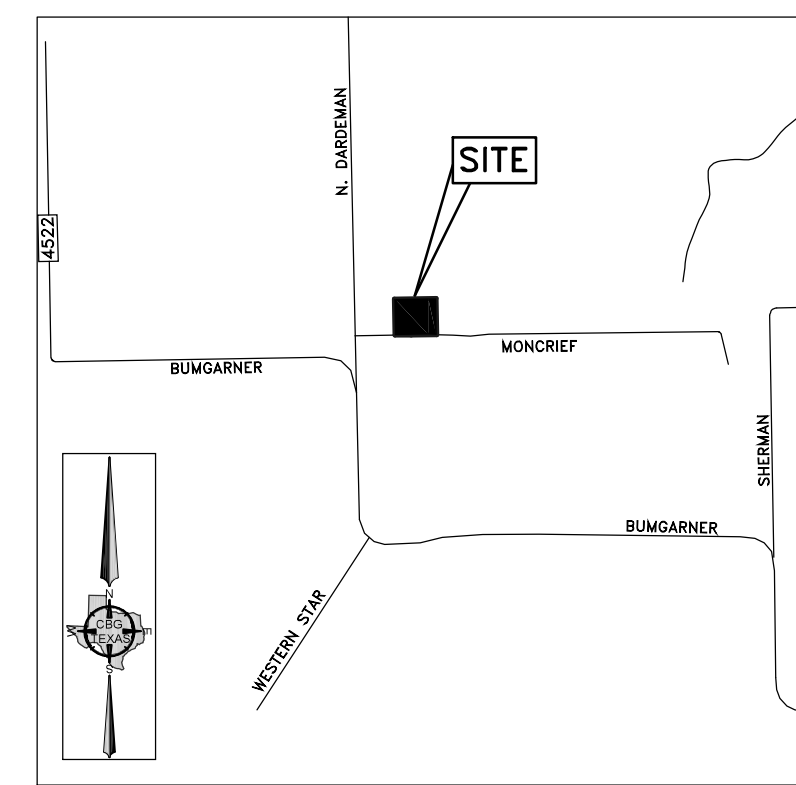
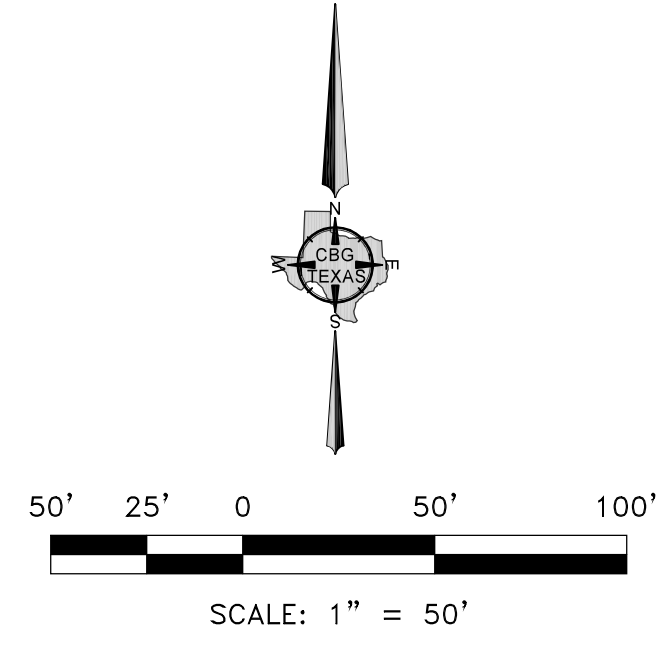
1. satisfactory resolution of the above listed deficiencies prior to approval of a Final Plat

Sincerely,

o/s

George Belcheff, P.E.  
Town Engineer for Ponder

cc: Planning & Zoning Commission/Town Council Members *via meeting packets*  
Sheri Clearman, Town Secretary *via e-mail*  
Gary Morris, Director of Public Works *via e-mail*  
Carolyn Farmer, Planning & Zoning Director *via e-mail*  
Applicant  
Surveyor



VICINITY MAP NOT TO SCALE

STATE OF TEXAS:  
 COUNTY OF DENTON:

WHEREAS, Kyle Burns and Stephanie Burns are the owners of a tract of land situated in the J. B. Sanderson Survey, Abstract No. 1680, Denton County, Texas, being a tract of land conveyed to Jessie Moncrief, by General Warranty Deed recorded in Instrument Number 84392, Official Public Records, Denton County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for corner, said corner being the Southeast corner of that tract of land conveyed to Phillip Gwin, an unmarried man, by deed recorded in Volume 4585, Page 2707, Deed Records of Denton County, Texas, and being in the North right-of-way line of Moncrief Road (public right-of-way);

THENCE North 00 degrees 02 minutes 26 seconds West, along the East line of said Gwin tract, a distance of 445.40 feet to a 1/2 inch iron rod found for corner, said corner being the Northeast corner of said Gwin tract, and being the South line of a tract of land conveyed to Thomas W. Hobbs and Katie L. Hobbs, recorded in Instrument Number 20161122000623, Official Public Records, Denton County, Texas;

THENCE North 89 degrees 52 minutes 29 seconds East, along the South line of said Hobbs Tract, a distance of 512.48 feet to a 1/2 inch iron rod found for corner, said corner being the Northwest corner of a tract of land conveyed to Richard L. Webb, a single person, (Tract 1 & 2) recorded in Instrument Number 2006-79461, Official Public Records, Denton County, Texas, from which a 1/2 inch iron rod found for witness, bears South 89 degrees 52 minutes 29 seconds East, a distance of 210.20 feet;

THENCE South 00 degrees 29 minutes 04 seconds East, along the West line of said Webb tract, a distance of 446.22 feet to a 1/2 inch iron rod found for corner, said corner being the Southwest corner of said Webb tract (Tract 2), and being the North right-of-way line of said Moncrief Road ;

THENCE North 89 degrees 36 minutes 55 seconds West, along the North right-of-way line of said Moncrief Road, a distance of 313.61 feet to a 1/2 inch iron rod found for corner;

THENCE South 89 degrees 56 minutes 51 seconds West, along the North right-of-way line of said Moncrief Road, a distance of 202.34 feet to the POINT OF BEGINNING and containing 228,991 square feet or 5.257 acres of land.

OWNER'S STATEMENT:

I, do hereby certify that Kyle Burns and Stephanie Burns, are the owners and developers of Lot 1, shown hereon and do accept this as its plan for the subdivision into lots and blocks and do hereby dedicate to the public forever the streets and easement shown hereon.

By: \_\_\_\_\_  
 Kyle Burns

WITNESS MY HAND AT Denton, TEXAS this \_\_\_\_ day of \_\_\_\_\_, 2021.

STATE OF TEXAS  
 COUNTY OF DALLAS:

BEFORE ME, the undersigned, a Notary Public in and for said County and State on this day personally appeared Kyle Burns, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge tome that he executed the same for the purposes and considerations therein expresses and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_ day of \_\_\_\_\_, 2021.

NOTARY PUBLIC  
 STATE OF TEXAS  
 MY COMMISSION EXPIRES: \_\_\_\_\_

OWNER'S STATEMENT:

I, do hereby certify that Kyle Burns and Stephanie Burns, are the owners and developers of Lot 1, shown hereon and do accept this as its plan for the subdivision into lots and blocks and do hereby dedicate to the public forever the streets and easement shown hereon.

By: \_\_\_\_\_  
 Stephanie Burns

WITNESS MY HAND AT Denton, TEXAS this \_\_\_\_ day of \_\_\_\_\_, 2021.

STATE OF TEXAS  
 COUNTY OF DALLAS:

BEFORE ME, the undersigned, a Notary Public in and for said County and State on this day personally appeared Stephanie Burns, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge tome that he executed the same for the purposes and considerations therein expresses and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_ day of \_\_\_\_\_, 2021.

NOTARY PUBLIC  
 STATE OF TEXAS  
 MY COMMISSION EXPIRES: \_\_\_\_\_

STATE OF TEXAS:

That, I Bryan Connally, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that I have prepared this plat from an actual survey of the land and that the corner monuments shown thereon were found and/or properly placed under supervision in accordance with the platting rules and regulations of the City of Denton, Denton County, Texas.

WITNESS MY HAND AT Dallas, TEXAS this \_\_\_\_ day of \_\_\_\_\_, 2021.

**RELEASED FOR REVIEW 10/29/2021 PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSES AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.**

By: \_\_\_\_\_  
 Bryan Connally, RPLS No. 5513

STATE OF TEXAS  
 COUNTY OF DALLAS:

BEFORE ME, the undersigned, a Notary Public in and for said County and State on this day personally appeared Bryan Connally, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge tome that he executed the same for the purposes and considerations therein expresses and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_ day of \_\_\_\_\_, 2021.

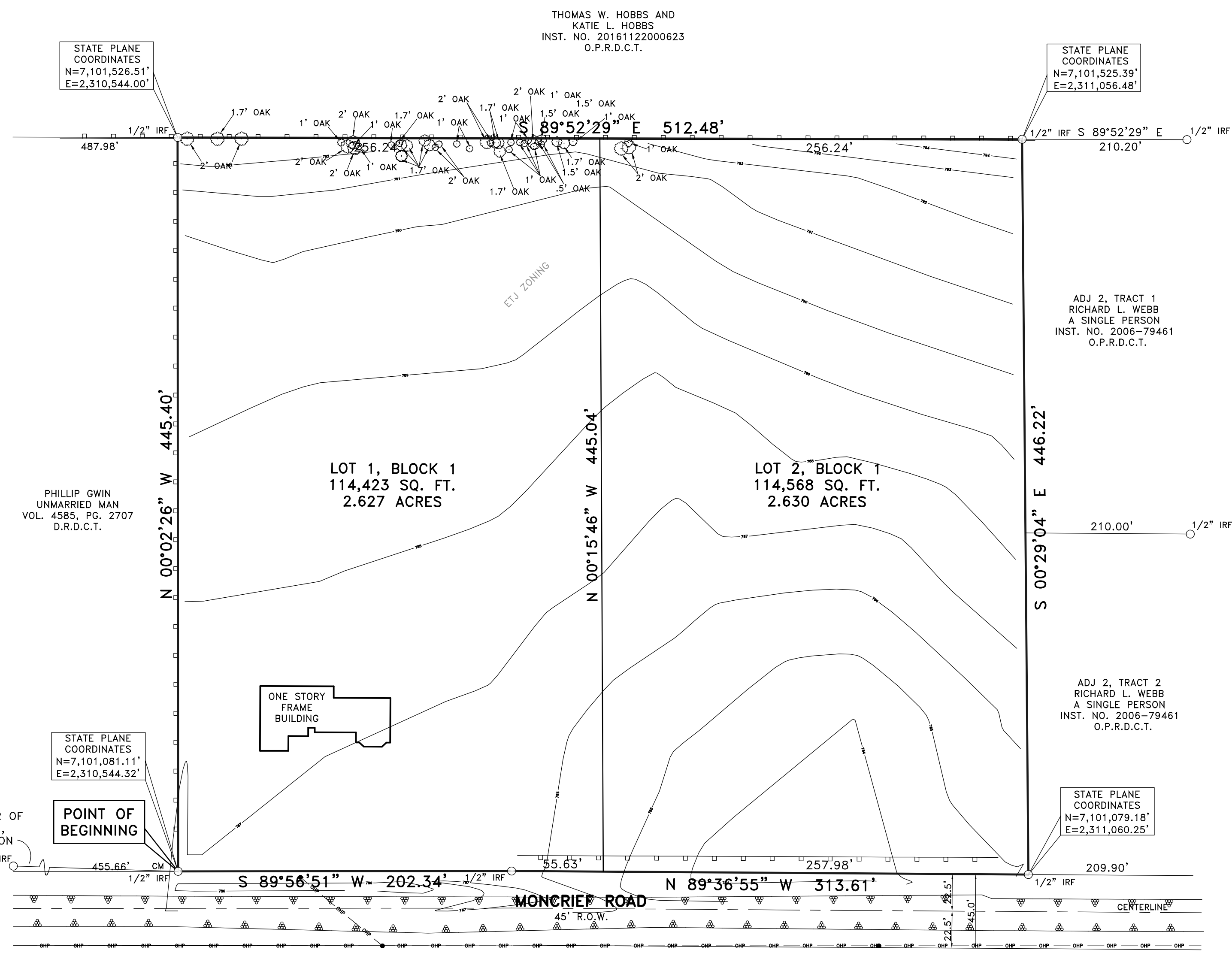
NOTARY PUBLIC  
 STATE OF TEXAS  
 MY COMMISSION EXPIRES: \_\_\_\_\_

OWNER: KYLE BURNS and  
 STEPHANIE BURNS  
 6249 PEDEN ROAD  
 FORT WORTH, TEXAS, 76179  
 817-915-8494  
 steph@emeraldcustom\_pools.com

PRELIMINARY PLAT  
**MONCRIEF-BURNS ADDITION**  
 228,991 SQ.FT. / 5.257 ACRES  
 OUT OF THE  
 J.B. SANDERSON SURVEY, ABSTRACT NO. 1680  
 TOWN OF PONDER ETJ, DENTON COUNTY, TEXAS  
 CITY CASE NO. MP00-0000



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 www.cbgtxllc.com



**GENERAL NOTES**

- 1) BEARINGS ARE REFERENCED TO GRID NORTH, BASED ON GPS OBSERVATIONS AND CONFORM TO THE TEXAS COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE.
- 2) THE PURPOSE OF THIS PLAT IS TO CREATE 2 LOT.
- 3) ANY STRUCTURE NEW OR EXISTING MAY NOT EXTEND ACROSS NEW PROPERTY LINES.
- 4) SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF THE TOWN ORDINANCE AND STATE LAW AND SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
- 5) NO INFORMATION HAS BEEN PROVIDED THAT THE PROPERTY CAN BE SEWERED CONVENTIONALLY.
- 6) NO PROPOSED LAND USE HAS BEEN DETERMINED FOR THIS PROPERTY AT THIS TIME.
- 7) THERE ARE NO GAS OR PETROLEUM EASEMENTS ON THIS PROPERTY.
- 8) FLOOD NOTE: ACCORDING TO THE F.I.R.M. NO. 48121C0320G, THIS PROPERTY DOES LIE IN ZONE X AND DOES NOT LIE WITHIN THE 100 YEAR FLOOD ZONE.

CERTIFICATE OF APPROVAL:

Approved this \_\_\_\_ day of \_\_\_\_\_, 2021, by the DRC Administrator, City of Denton.

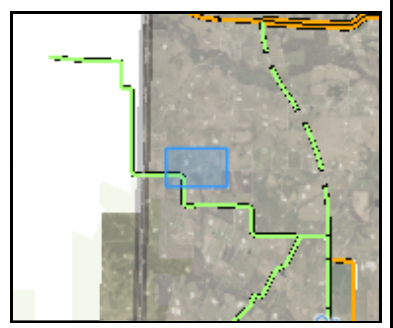
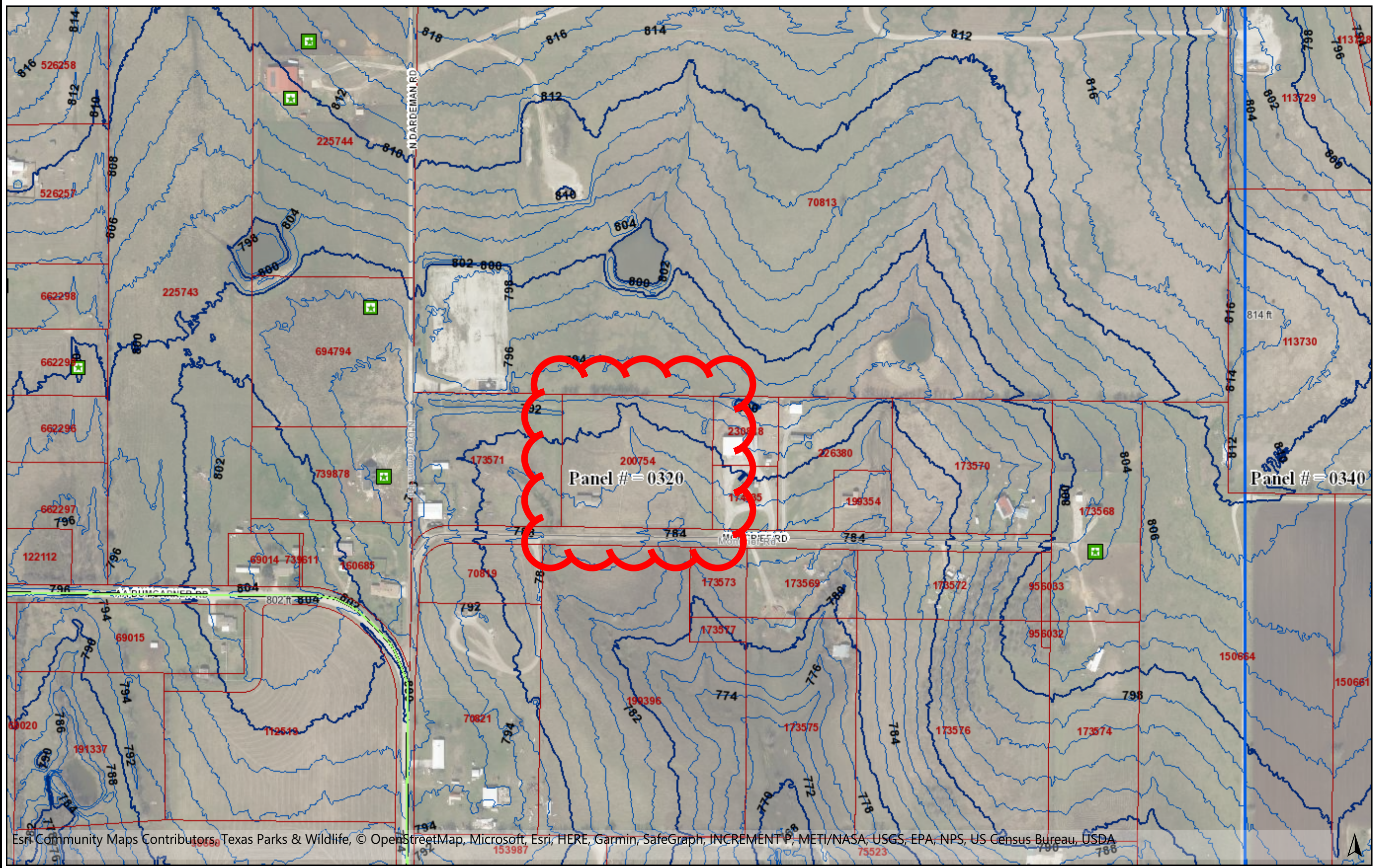
By: \_\_\_\_\_  
 DRC Administrator

Attest: \_\_\_\_\_  
 City Secretary (Jennifer Walter)

**LEGEND**

- 1/2" IRON ROD FOUND
- CM CONTROLLING MONUMENT
- ESMT. EASEMENT
- CAB. CABINET
- VOL., PG. VOLUME, PAGE
- INST. NO. INSTUMENT NUMBER
- R.O.W. RIGHT-OF-WAY
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS, DENTON COUNTY, TEXAS
- D.R.D.C.T. DEED RECORDS, DENTON COUNTY, TEXAS

# Denton County Landmark Map



### Legend

- 911 Addresses
- Development Permits
- Parcels

### Floodplain

- Cross Section Location
- Base Flood Elevation
- FEMA Floodway
- Flood Grid
- FEMA 100yr Flood Zone A
- FEMA 100yr Flood Zone AE
- FEMA 500yr Flood Zone
- Levee Protected

### Notes

Esri Community Maps Contributors, Texas Parks & Wildlife, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

0 1000 2000 ft

<https://gis.dentoncounty.gov>  
11/17/2021 3:54:01 PM

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

Denton County does not guarantee the correctness or accuracy of any features on this product and assumes no responsibility in connection therewith. This product may be revised at any time without notification to any user.