



PLANNING AND ZONING COMMISSION

City Hall Council Chambers, 298 W. Washington
Wednesday, January 18, 2023 at 5:30 PM

AGENDA

CALL TO ORDER

OATH OF OFFICE

ELECTION OF OFFICERS

CONSIDER APPROVAL OF MINUTES

1. Consider Approval of Minutes for December 21, 2022.

PUBLIC HEARING

2. **Case No.: FP2023-001**

Applicant Taylor Kanute, representing Bosque Clark, LLC is requesting approval of a final plat of property located at 110 Clark Lane, Parcel R63366 of the City Addition, being Block 85, Lots 1 and 2A (parts of) to the City of Stephenville, Erath County, Texas.

3. **Case Nos.: RZ2023-001 and RP2023-001**

Applicant Andrew Hansen of Swiss Management, LLC, representing John Wayland is requesting a rezone of property located at 3050 W Washington, Parcel R44948, being 13.836 acres out of 40.740 Acres, A0613 PEARSON HENRY of the City of Stephenville, Erath County, Texas from (B-2) Retail & Commercial Business to (R-3) Multi-Family Residential District with simultaneous platting.

4. **Case No.: AS2023-001**

Abandonment of Alley in the Cage Addition

REGULAR AGENDA

ADJOURN

In accordance with the Americans with Disabilities Act, persons who need accommodation to attend or participate in this meeting should contact City Hall at 254-918-1287 within 48 hours prior to the meeting to request such assistance.



PLANNING AND ZONING COMMISSION MEETING

City Hall Council Chambers, 298 W. Washington
 Wednesday, December 21, 2022 at 5:30 PM

MINUTES

The Planning and Zoning Commission of the City of Stephenville, Texas, convened on Wednesday, December 21, 2022 at 5:30 PM, in the Council Chambers at City Hall, 298 West Washington Street, for the purpose of a Regular Business Meeting, with the meeting being open to the public and notice of said meeting, giving the date, time, place and subject thereof, having been posted as prescribed by Chapter 551, Government Code, Vernon's Texas Codes Annotated, with the following members present, to wit:

COMMISSIONERS PRESENT: Lisa LaTouche, Chairperson
 Brian Lesley, Vice Chair
 Justin Allison
 Bruce Delater
 Tom Hines
 Mary Beach McGuire

COMMISSIONERS ABSENT: Nick Robinson
 Paul Ashby, Alternate 1

OTHERS ATTENDING: Steve Killen, Director of Development Services
 Tina Cox, Commission Secretary

CALL TO ORDER

Chairperson LaTouche called the meeting to order at 5:30 p.m.

Chairperson LaTouche presented the outgoing Planning and Zoning Commissioners, Bruce Delater and Tom Hines with certificates of appreciation for their time of service to the community as Commissioners.

MINUTES

1. **Consider Approval of Minutes – November 16, 2022**

MOTION by Bruce Delater, second by Brian Lesley to approve the minutes for November 16, 2022.
 MOTION CARRIED by unanimous vote.

PUBLIC HEARING

2. **Case No.: PP2022-001**

Applicant Gregory Hopcus, representing Emanuel Glockzin with Retirement Living for Seniors, LTD, is requesting approval of a preliminary plat of property located at W Lingleville Rd, Parcel R77868, 7.664 Acres of A0520 Menefee Jarrett, of the City of Stephenville, Erath County, Texas.

Development Services Director, Steve Killen briefed the Commission in regard to the preliminary plat that was being presented. Mr. Killen stated that the Commissioners could approve the preliminary plat with the following conditions:

1. *Preliminary and Other Types of Plans.* An Application for a Preliminary Plat shall be accompanied by the following:
 - a. Preliminary Drainage Plan;
 - b. Preliminary Storm Water Management Plan;
 - c. Preliminary Utility Plan;
2. *Current Title Commitments.* The Applicant shall furnish with the Application to the City a current title commitment issued by a title insurance company authorized to do business in Texas, a title opinion letter from an attorney licensed to practice in Texas, or some other acceptable proof of ownership, identifying all persons having an ownership interest in the property subject to the Preliminary Plat.

Emanuel Glockzin with Retirement Living for Seniors was present to answer any questions that the Commission may have.

Chairperson LaTouche opened the public hearing at 5:35 PM.

No one spoke in favor or against the rezone request.

The public hearing was closed at 5:35 PM.

MOTION by Mary Beach-McGuire, second by Bruce Delater to approve with conditions the preliminary plat of property located at located at W FM8, Parcel R22552, of Menefee Jarrett to the City of Stephenville, Erath County, Texas. MOTION CARRIED by unanimous vote.

3. Case No.: RZ2022-021

Applicant Ophelia Mosbey, representing Moways Communications LLC, is requesting a rezone of property located at 0 College Farm Rd, Parcel R77880, being 0.809 Acres of CITY ADDITION; BLOCK 91; LOT 1 (PT OF) of the City of Stephenville, Erath County Texas from Industrial District (I) to Multi-family Residential District (R-3).

Steve Killen, Development Services Director, updated the Commissioners on the rezone request of the property. Mr. Killen stated that the Planning and Zoning Commission convened on October 19, 2022, and by a vote of 4-1-1, recommended that the City Council approve the rezoning request. The property was acquired shortly after the Planning and Zoning Commission meeting and before review by City Council. As a result, the legal description was changed, negating the actions of the Commission. Now that the legal description has been corrected, the case is being resubmitted for consideration. Mr. Killen concluded his brief by informing the rezone is requested for a future multifamily project.

Ms. Ophelia Mosbey briefly addressed the Commission stating that she has a son attending Tarleton and would like to give back to the community through the development of the property.

Chairperson LaTouche opened the public hearing at 5:43 PM.

No one spoke in favor of the rezone request.

One letter of opposition was received.

Debra Mitchell, 620 College Farm Rd sent a letter and spoke in opposition to the rezone request.

The public hearing was closed at 5:45 PM.

MOTION by Mary Beach-McGuire, second by Brian Lesley to recommend approval to the City Council for the rezone of property located at 0 College Farm Rd, Parcel R77880, being 0.809 Acres of CITY ADDITION; BLOCK 91; LOT 1 (PT OF) of the City of Stephenville, Erath County Texas from Industrial District (I) to Multi-family Residential District (R-3). MOTION CARRIED by a 4-2 vote.

AYES: Justin Allison, Mary Beach-McGuire, Lisa LaTouche, Brian Lesley

NOES: Bruce Delater, Tom Hines

4. Case No.: RZ2022-026P and P2022-002

Applicant Casey Raitz, representing RF Land Holdings, LLC, is requesting a rezone with simultaneous approval of the Preliminary Plat for property located at 0 E Collins Street, Parcel R29629, being 5.29 acres of CITY ADDITION, BLOCK 65, LOT 1 (Pt. OF) of the City of Stephenville, Erath County, Texas from Neighborhood Business District (B-1) to Single Family Residential District (R-1).

Development Services Director, Steve Killen, informed the Commissioners that applicant Casey Raitz was requesting the rezone of the property with a simultaneous preliminary plat in order for Mr. Raitz to develop the property into a single-family development with an HOA. The rezone request coincides with the Comprehensive Plan for future land use of R-1 Single Family. Mr. Killen informed the Commission that Recent rezoning cases in the vicinity have been approved resulting in residential construction along Miller Street. The property has two 15" sanitary sewer lines traversing the property that will require easements remain dedicated to the city. Vertical construction within these easements will be prohibited. Mr. Killen reminded the board that if the rezone is denied, the preliminary plat will automatically be denied as well.

Mr. Casey Raitz was present to answer any questions that the Commissioners had.

Chairperson LaTouche opened the public hearing at 5:54 PM.

No one spoke in favor of the rezone request.

Tara Gwinn, 751 N Miller spoke in opposition to the request.

The public hearing was closed at 5:57 PM.

MOTION by Brian Lesley, second by Bruce Delater to recommend approval to the City Council for the rezone of property located at 0 E Collins Street, Parcel R29629, being 5.29 acres of CITY ADDITION, BLOCK 65, LOT 1 (Pt. OF) of the City of Stephenville, Erath County, Texas from Neighborhood Business District (B-1) to Single Family Residential District (R-1). MOTION CARRIED by unanimous vote.

MOTION by Brian Lesley, second by Bruce Delater to approve with conditions the preliminary plat of property located at 0 E Collins Street, Parcel R29629, being 5.29 acres of CITY ADDITION, BLOCK 65, LOT 1 (Pt. OF) of the City of Stephenville, Erath County, Texas. MOTION CARRIED by unanimous vote.

5. Proposed Revision to Chapter 154.05.8.D(C)(12) of the Zoning Ordinance Relating to the Deviation from Required Standards

Steve Killen, Development Services Director, briefed the Commission on the proposed revision. He reported that the City Council Development Services Committee convened November 15, 2022, to consider a proposed revision to Section 154.05.8.D(C)(12) of the Zoning Ordinance. The Committee, by a unanimous vote of 4/0, assigned the Planning and Zoning Commission to hold a public hearing to consider the proposed revisions as presented and make a recommendation to the City Council for adoption. Mr. Killen concluded by stating that City Ordinance 2021-0-28 was adopted in September 2021. Since that time, paragraph 12 of the adopted ordinance has been further reviewed and discussed with Legal Counsel. Repealing Paragraph 12 will require any deviations from the R-2.5 zoning requirements to be reviewed by the Board of Adjustments.

Sec. 154.05.8 Integrated housing district (R-2.5).

5.8.D Height, Area, Yard and Lot Coverage Requirements.

C. Townhouse/Condominium.

1. Minimum lot area: 3,000 ft² per unit.
2. Minimum average lot width and lot frontage: 30 feet.
3. Minimum lot depth: 100 feet.
4. Minimum depth of front setback: 15 feet.
5. Minimum depth of rear setback: 15 feet.
6. Minimum width of side setback:
 - a. Internal lot: five feet.
 - b. Corner lot: 15 feet from intersecting side street.
7. Building size:
 - a. Maximum building coverage as a percentage of lot area: 40%
 - b. Minimum area of each Townhouse dwelling unit: 800 ft².
 - c. Minimum area of each Condominium of each dwelling unit: 500 ft² for one bedroom or less, plus 125 ft² of floor area for each additional bedroom.
8. Accessory buildings:
 - a. Maximum accessory building coverage of rear yard: 20%.
 - b. Maximum area of each accessory building: 200 ft².
 - c. Maximum number of accessory buildings: one per unit.
 - d. Minimum depth of side setback: five feet.
 - e. Minimum depth of rear setback: five feet.
 - f. Minimum depth from the edge of the main building: 12 feet.
9. Maximum height of structures: 35 feet.
10. Public, semi-public or public service buildings, hospitals, institutions or schools may not exceed a height of 60 feet. Churches, temples and mosques may not exceed 75 feet, if the building is set back from each yard line at least one foot for each two feet additional height above the height limit in this district.
11. Maximum density of Townhome or Condominium Housing within the R-2.5 District shall not exceed 14 units per acres with each unit platted separately.
12. Deviations from the required standards within the R-2.5 district will be subject to site plan review by the Planning and Zoning Commission and subsequent approval by City Council.

Site plans should include renderings with elevations, a finish schedule and incorporate architectural designs that complement the existing structures of the area of integration.

Chairperson LaTouche opened the public hearing at 6:09 PM.

No one spoke in favor or against the amended ordinance.

Chairperson LaTouche closed the public hearing at 6:09 PM.

MOTION by Bruce Delater, second by Mary Beach-McGuire to recommend an approval to the City Council of the proposed revision to Section 154.05.8.D(C)(12) of the Zoning Ordinance as presented.

MOTION CARRIED by a unanimous vote.

ADJOURN

The meeting was adjourned at 6:10 PM.

APPROVED:

ATTEST:

Lisa LaTouche, Chair

Tina Cox, Commission Secretary



STAFF REPORT

SUBJECT: Case No.: FP2023-001

Applicant Taylor Kanute, representing Bosque Clark, LLC is requesting approval of a final plat of property located at 110 Clark Lane, Parcel R63366 of the City Addition, being Block 85, Lots 1 and 2A (parts of) to the City of Stephenville, Erath County, Texas.

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen, Director of Development Services

RECOMMENDATION:

The applicant has submitted a Final Plat which, outside minor revisions, conforms with the Preliminary Plat previously approved by the Commission. Staff recommends the Final Plat be approved subject to the following conditions:

1. Public Improvements be accepted by the City of Stephenville Public Works Department.
2. A maintenance bond be submitted to the City of Stephenville Public Works Department.
3. Ensure plat reflects the required city language for the owner's certificate section.
4. Clark lane will require additional land dedication to enable a 50' ROW. Note ROW is dedicated to the City of Stephenville and show Clark Lane as a 50' ROW.
5. Show Washington St. as a 100' ROW.
6. Add front, rear and side setbacks. R-2.5 zoning requires setbacks of 15' front and rear, 5' for side and 15' from intersecting streets.
7. Add a plat note that common areas are privately maintained.
8. Establish a HOA per requirements of Section 155.6.09 of the City of Stephenville Code of Ordinances.
9. Drainage study may require dedicated drainage easements to be reflected on final plat.
10. Label retaining wall note as privately maintained.
11. Verify the accuracy of the reference to Blk 85, Lot 1, being owned by the City of Stephenville.
12. Add a utility easement for all lots of 8' in width for sides and back.
13. Townhomes are to be individually platted – shared access drive not permitted. Establish as privately maintained street and adjust lot dimensions accordingly.
14. Add a plat note that "private streets are not provided city services, specifically, police patrols or accident reports, traffic or parking enforcement.
15. The Final Plat shall contain the following language:
 - a. Whereby the Homeowners' or Property Owners' Association, as owner of the private streets and appurtenances, agrees to release, indemnify, defend and hold harmless the City, any governmental entity and public utility:
 - b. For damages to the private street occasioned by the reasonable use of the private street by the City, governmental entity of public utility.
 - c. For damages and injury (including death) arising from the condition of said private street.
 - d. For damages and injury (including death) arising out of the use by the City, governmental entity or public utility of any restricted access gate or entrance; and e. For damages and injury

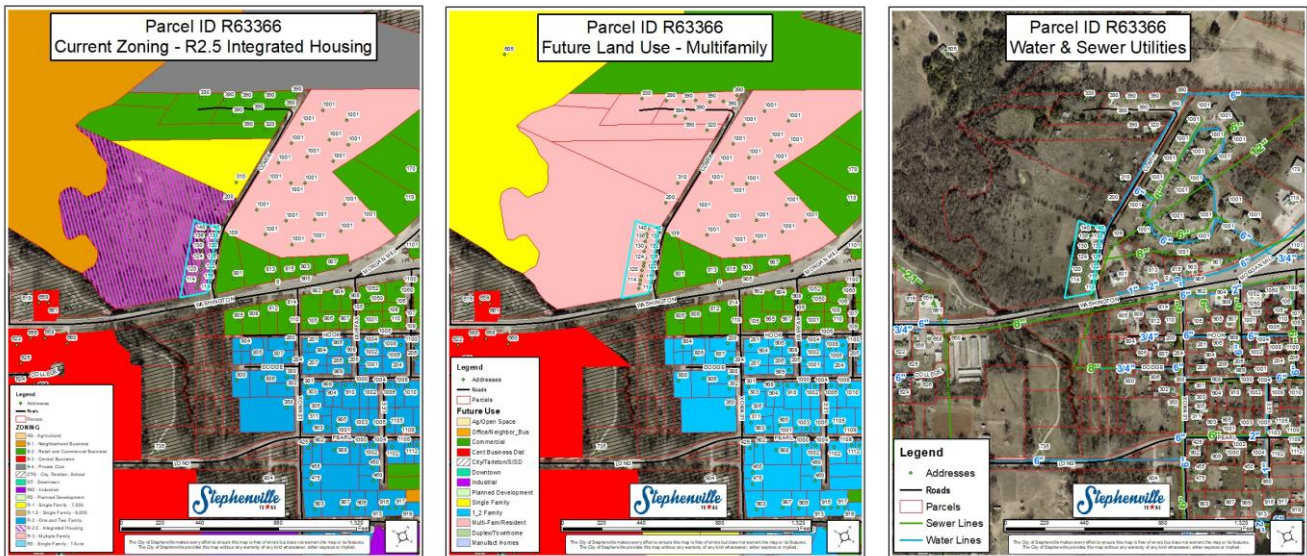
(including death) arising out of any use of the subdivision by the City, governmental entity or public utility.

- f. Lot owners shall release the City, governmental entities and public utilities for such damages and injuries, regardless of whether or not such damages and injury (including death) are caused by the negligent act or omission of the City, governmental entity or public utility, or their representative officers, employees or agents.

BACKGROUND:

A Preliminary Plat was approved with conditions in December 2021. The project is progressing, and applicant is requesting approval of Final Plat.

PROPERTY PROFILE:



Sec. 155.406. Final plat.

- A. *Purpose.* The purpose of a Final Plat is to ensure:
 1. That the proposed Subdivision and development of the land is consistent with all standards of this Subdivision Ordinance pertaining to the adequacy of public facilities,
 2. That Public Improvements to serve the Subdivision or development have been installed and accepted by the City, or that provision for such installation has been made, and
 3. That all other City requirements and conditions have been satisfied or provided for to allow the Final Plat to be recorded.
- B. *Applicability.* No subdivision of land shall be allowed without proper submittal, approval, and adoption of a Final Plat.
- C. *Exceptions.* A Final Plat is not required when a Minor Plat is submitted (See Section 4.07).
- D. *Ownership.*
 1. The Applicant shall furnish with the Application to the City a current title commitment issued by a title insurance company authorized to do business in Texas, a title opinion letter from an attorney licensed to practice in Texas, or some other acceptable proof of ownership, identifying all persons having an ownership interest in the property subject to the Final Plat.

2. The Final Plat shall be signed by each owner, or by the representative of the owners authorized to sign legal documents for the owners and lienholder, effectively denoting that they are consenting to the platting of the property and to the dedications and covenants that may be contained in the Final Plat.

E. *Accompanying Applications.*

1. An Application for a Final Plat may be accompanied by Construction Plans if also accompanied by a Development Agreement and appropriate surety in accordance with Section 5.05.
2. Approval of each shall be separate and in accordance with Section 5.05.

F. *Prior Approved Preliminary Plat.* The Final Plat and all accompanying data shall conform to the approved Preliminary Plat, or as the Preliminary Plat may have been amended subsequently, incorporating all conditions imposed or required, if applicable.

G. *Review by City Administrator.* The City Administrator shall:

1. Initiate review of the plat and materials submitted,
2. Make available Plats and reports to the Commission for review, and
3. Upon determination that the Application is ready to be acted upon, schedule the Final Plat for consideration on the agenda of the next available meeting of the Commission.

H. *Action by Planning and Zoning Commission.* The Commission shall:

1. Review the Final Plat Application, the findings of the City Administrator, and any other information available.
 - a. From all such information, the Commission shall determine whether the Final Plat conforms to the applicable regulations of this Subdivision Ordinance.
 - b. All Public Improvements have been installed (For exception, See Section 5.05)
2. Act within thirty (30) calendar days following the Official Submission Date, unless the Applicant submits a Waiver of Right to 30-Day Action.
 - a. If no decision is rendered by the Commission within the thirty (30) day period described above or such longer period as may have been agreed upon, the Final Plat, as submitted, shall be deemed to be approved by the Commission.
3. Take one of the following actions:
 - a. Approve the Final Plat;
 - b. Approve the Final Plat with conditions, which shall mean that the Final Plat shall be considered to have been approved once such conditions are fulfilled, and until the conditions are satisfied, it is considered denied; or
 - c. Deny the Final Plat.
4. A motion to approve a Final Plat shall be subject to the following conditions, whether or not stated in the motion to approve:
 - a. All required fees shall be paid.
 - b. All conditions required by ordinances have been reviewed and approved by the City.
 - c. On-site easements and rights-of-way have been dedicated and filed of record and properly described and noted on the proposed plat.
 - d. All required abandonments of public rights-of-way or easements that must be approved by the City Council and the abandonment ordinance numbers are shown on the plat.
 - e. Original tax certificates have been presented from each taxing unit with jurisdiction of the real property showing the current taxes are paid.

I. *Final Plat Criteria for Approval.* The following criteria shall be used by the Commission to determine whether the Application for a Final Plat shall be approved, approved with conditions, or denied.

1. *With Prior Approved Preliminary Plat.*

- a. The Final Plat conforms to the approved Preliminary Plat except for minor amendments that are authorized under Section 4.05.K.1 and that may be approved without the necessity of revising the approved Preliminary Plat;
 - b. All conditions imposed at the time of approval of the Preliminary Plat, as applicable, have been satisfied;
 - c. The Construction Plans conform to the requirements of Section 5 and have been approved by the City Administrator.
 - d. Where Public Improvements have been installed, the improvements conform to the approved Construction Plans and have been approved for acceptance by the City Administrator;
 - e. Where the City Administrator has authorized Public Improvements to be deferred, a Development Agreement has been executed and submitted by the property owner in conformity with Section 5.05;
 - f. The final layout of the Subdivision or development meets all standards for adequacy of public facilities contained in this Subdivision Ordinance;
 - g. The Plat conforms to design requirements and construction standards as set forth in the Engineering Standards Manual; and
 - h. A plat prepared by a registered public surveyor conforms to the City Administrator's subdivision Application checklists and Subdivision Ordinance regulations.
2. **Without Prior Approved Preliminary Plat.**
- a. The Final Plat conforms to all criteria for approval of a Preliminary Plat;
 - b. The Construction Plans conform to the requirements of Section 5 and have been approved by the City Administrator;
 - c. A Development Agreement with surety for installation of Public Improvements has been prepared and executed by the property owner in conformance with 5.05;
 - d. The final layout of the Subdivision or development meets all standards for adequacy of public facilities contained in this Subdivision Ordinance; and
 - e. The Final Plat conforms to the City's subdivision Application checklist and Subdivision Ordinance regulations.
- J. *Procedures for Final Plat Recordation upon Approval.* The Applicant shall supply to the City Administrator the required number of signed and executed copies of the Final Plat that will be needed to file the Plat, upon approval, with the County (in the County's required format) at least seven (7) calendar days prior to the meeting at which it will be considered for approval.
1. *General.*
 - a. Signatures. After approval of the Final Plat, the City Administrator shall procure the appropriate City signatures on the Final Plat.
 - b. Recording upon Performance. The Final Plat shall be recorded after:
 - i. The Final Plat is approved by the City;
 - ii. All required Public Improvements have been completed and accepted by the City or a Development Agreement has been executed and appropriate surety provided in accordance with Section 5.05; and
 - iii. All County filing requirements are met.
 2. *Submittal of Final Plat Where Improvements Installed.* Where all required Public Improvements have been installed prior to recording of the Final Plat, the Applicant shall meet all requirements in accordance with Section 4.06.I.
 3. *Submittal of Final Plat Where Improvements Have Not Been Installed.* Where some or all required Public Improvements are not yet completed in connection with an approved Final Plat, the Applicant shall submit the Final Plat as approved, revised to reflect any conditions imposed as part of approval.
 4. *Update of Proof of Ownership.* If there has been any change in ownership since the time of the Proof of Ownership provided under 4.05.D, the Applicant shall submit a new consent agreement executed

by each owner and lienholder consenting to the platting of the property and the dedications and covenants contained in the Plat.

- K. *Effect of Approval.* The approval of a Final Plat:
1. Supersedes any prior approved Preliminary Plat for the same land.
 2. If applicable, authorizes the Applicant to install any improvements in public Right-of-Way in conformance with approved Construction Plans and under a Development Agreement (refer to 5.05).
 3. Authorizes the Applicant to seek Construction Release and/or issuance of a Building Permit.
- L. *Revisions Following Recording/Recordation.* Revisions may only be processed and approved as a Replat, Minor Replat, or Amending Plat, as applicable.
- M. *Signature Blocks.* Unless otherwise modified by the City Administrator, the following signature blocks shall be used in conjunction with the Final Plat.
1. Certificate of Surveyor.
 2. Owner's Statement for Fire Lane Easement.
 3. Owner's Acknowledgement and Dedication.
 4. Lienholder's Ratification of Plat Dedication.
 5. Certificate of Final Plat Approval.
 6. Certificate of Completion and Authorization to File.
 7. County Authorization (If Applicable).
- N. *Expiration of Approved but not Filed Plat.*
1. *Two-Year Validity.*
 - a. The approval of a Final Plat shall remain in effect for a period of two (2) years following the date of approval, during which period the Applicant shall submit and receive approval for Construction Plans for the land area shown on the Final Plat.
 - b. If Construction Plans have not been approved within the two (2) year period, the Final Plat shall expire.
 2. *Relationship to Construction Plans.* A Final Plat shall remain valid for the period of time in which approved Construction Plans are valid (5.01.G Expiration Date for Construction Plans).
 3. *Void If Not Extended.* If the Final Plat is not extended as provided in 4.06.O Final Plat Extension for Approved but not Filed Plat, it shall expire and shall become null and void.
 4. *Approved Final Plat that have been Filed (Recorded with the County).* Approved plats that have been filed with the County shall not expire.
- O. *Final Plat Extension for Approved but not Filed Plat.* A Final Plat may be extended for a period not to exceed one (1) year beyond the Final Plat's initial expiration date. A request for extension shall be submitted to the City Administrator in writing at least thirty (30) calendar days prior to expiration of the Final Plat, and shall include reasons why the Final Plat should be extended.
1. *Decision by the City Administrator.*
 - a. The City Administrator will review the extension request and shall approve or deny the extension request within thirty (30) calendar days following the date of the request.
 - b. Should the City Administrator fail to act on an extension request within thirty (30) calendar days, the extension shall be deemed to be approved.
 2. *Considerations.* In considering an extension, the City Administrator shall consider whether the following conditions exist:
 - a. Construction Plans have been submitted and/or approved for any portion of the property shown on the Final Plat;
 - b. Construction, including the installation of public improvements, is occurring on the property;

- c. The Final Plat complies with new ordinances that impact the health, safety and general welfare of the community; and/or
 - d. If there is a need for a park, school or other public facility or improvement on the property.
3. *Conditions.*
- a. In granting an extension, the City Administrator may impose such conditions as are needed to ensure that the land will be developed in a timely fashion and that the public interest is served.
 - b. Any extension may be predicated upon compliance with new development regulations and/or the Applicant waiving any vested rights.
4. *Appeal of the Denial of a Final Plat Approval Extension.*
- a. Appeal of the City Administrator's Decision on a Final Plat Extension.
 - i. The denial of an extension by the City Administrator may be appealed to the Commission.
 - ii. A written request for such appeal shall be received by the City Administrator within fourteen (14) calendar days following the denial.
 - iii. The Commission shall hear and consider such an appeal within thirty (30) calendar days following receipt of the appeal request by the City Administrator.
 - b. Appeal of the Commission's Decision on a Final Plat Extension.
 - i. The denial of an extension by the Commission may be appealed to the City Council.
 - ii. A written request for such appeal shall be received by the City Administrator within fourteen (14) calendar days following the denial.
 - iii. The City Council shall hear and consider such an appeal within thirty (30) calendar days following receipt of the appeal request by the City Administrator.
 - iv. The decision of the City Council is final.

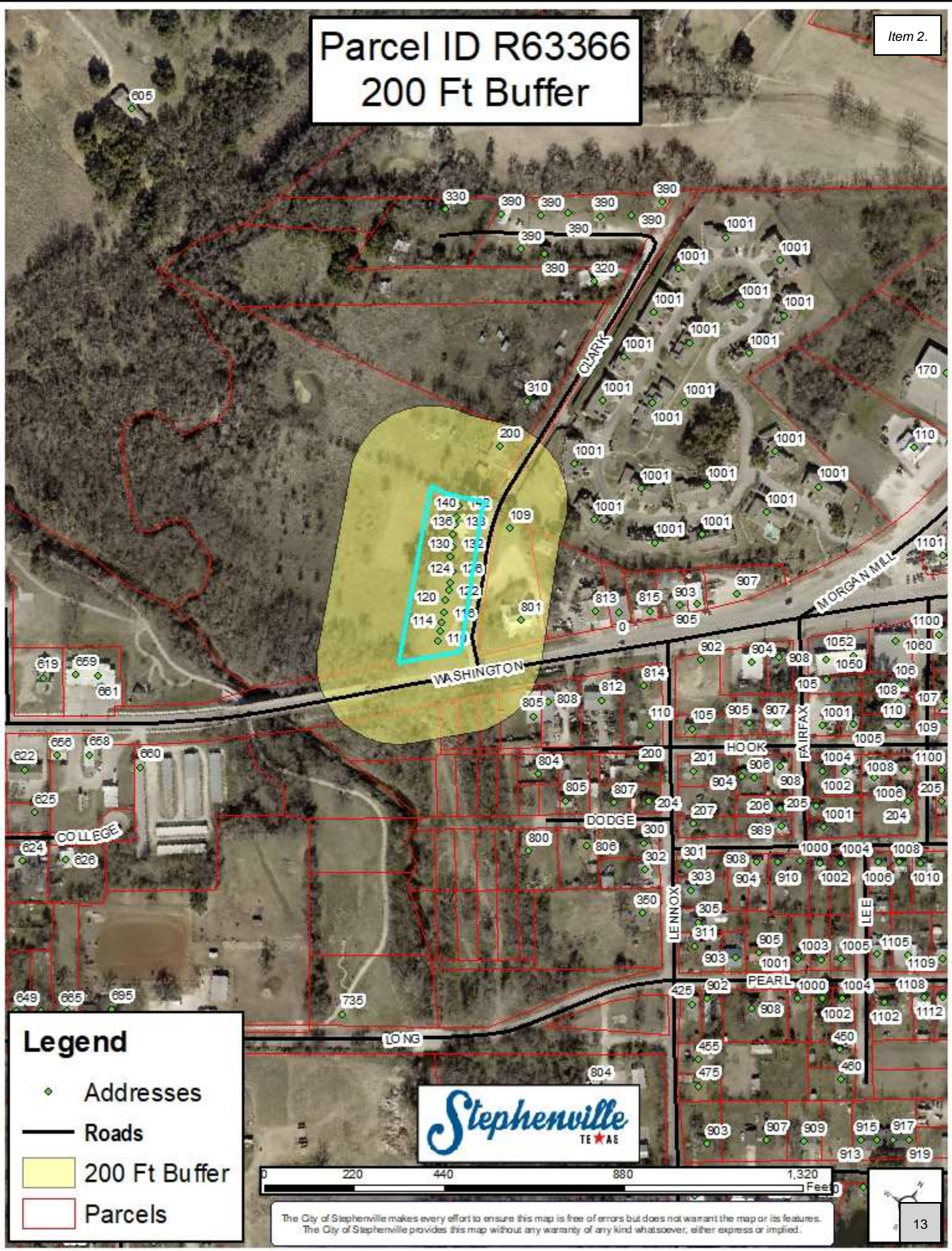
FACTORS TO CONSIDER:

- Compliance with Comprehensive Plan?
- Is application consistent with Plan?
- If not, have conditions changed or new information been offered to support change?
- Surrounding Zoning and Land Use
- Infrastructure Impacts
- Size and Location of Parcel – is land large enough and in property location for proposed use?
- Reasonable Use of Property – does proposed change provide reasonable use of property?
- Zoning has great discretion – deny if applicant has not proven it is in the best interest of City to approve

ALTERNATIVES:

- 1) Approve the Final Plat
- 2) Approve the Final Plat with conditions, which shall mean that the Final Plat shall be considered to have been approved once such conditions are fulfilled, and until the conditions are satisfied, it is considered denied; or
- 3) Deny the Final Plat

Parcel ID R63366 200 Ft Buffer



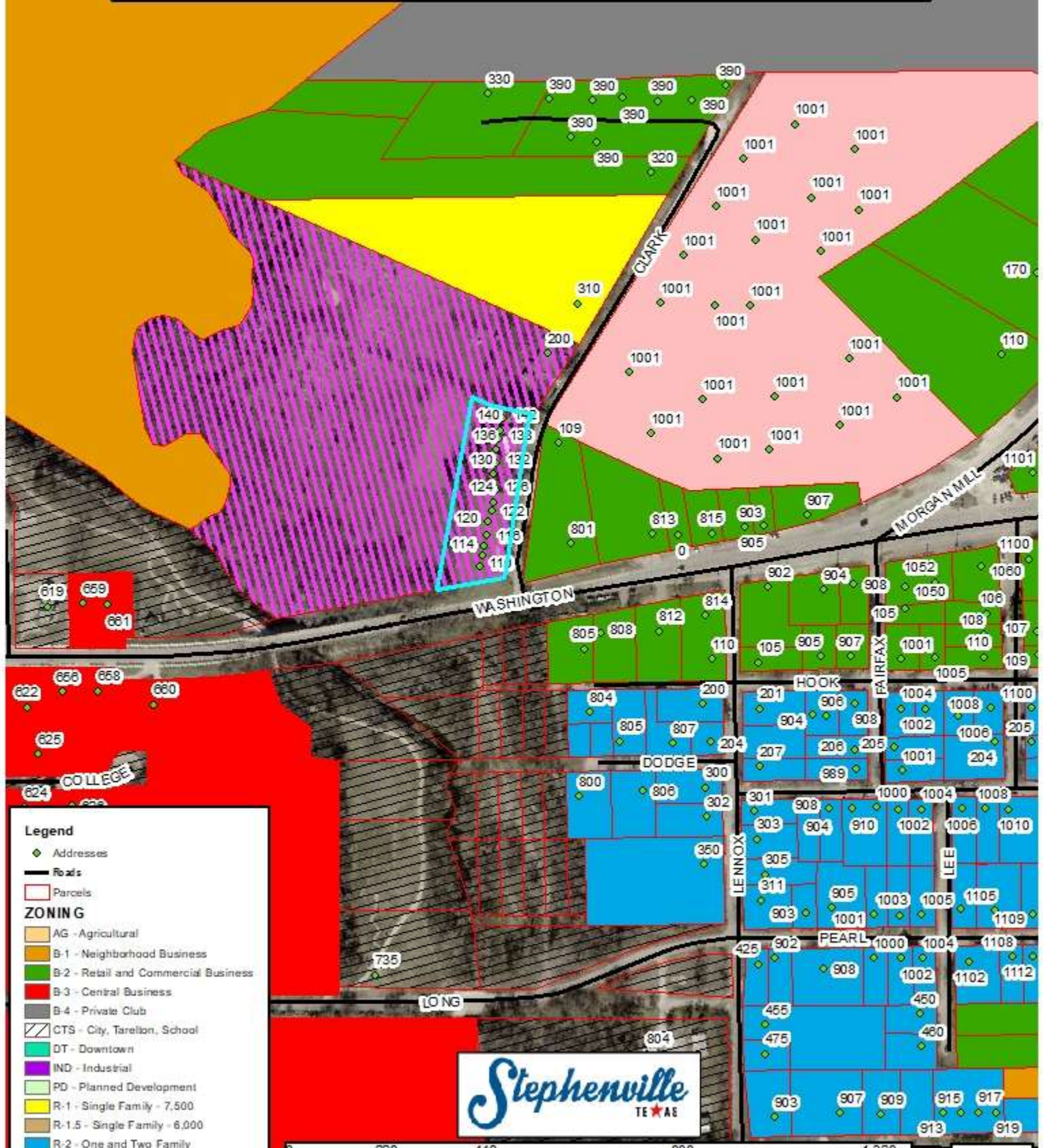
Legend

- ◆ Addresses
- Roads
- 200 Ft Buffer
- Parcels



The City of Stephenville makes every effort to ensure this map is free of errors but does not warrant the map or its features. The City of Stephenville provides this map without any warranty of any kind whatsoever, either express or implied.

Parcel ID R63366 Current Zoning - R2.5 Integrated Housing



Legend

- ◆ Addresses
- Roads
- ▭ Parcels

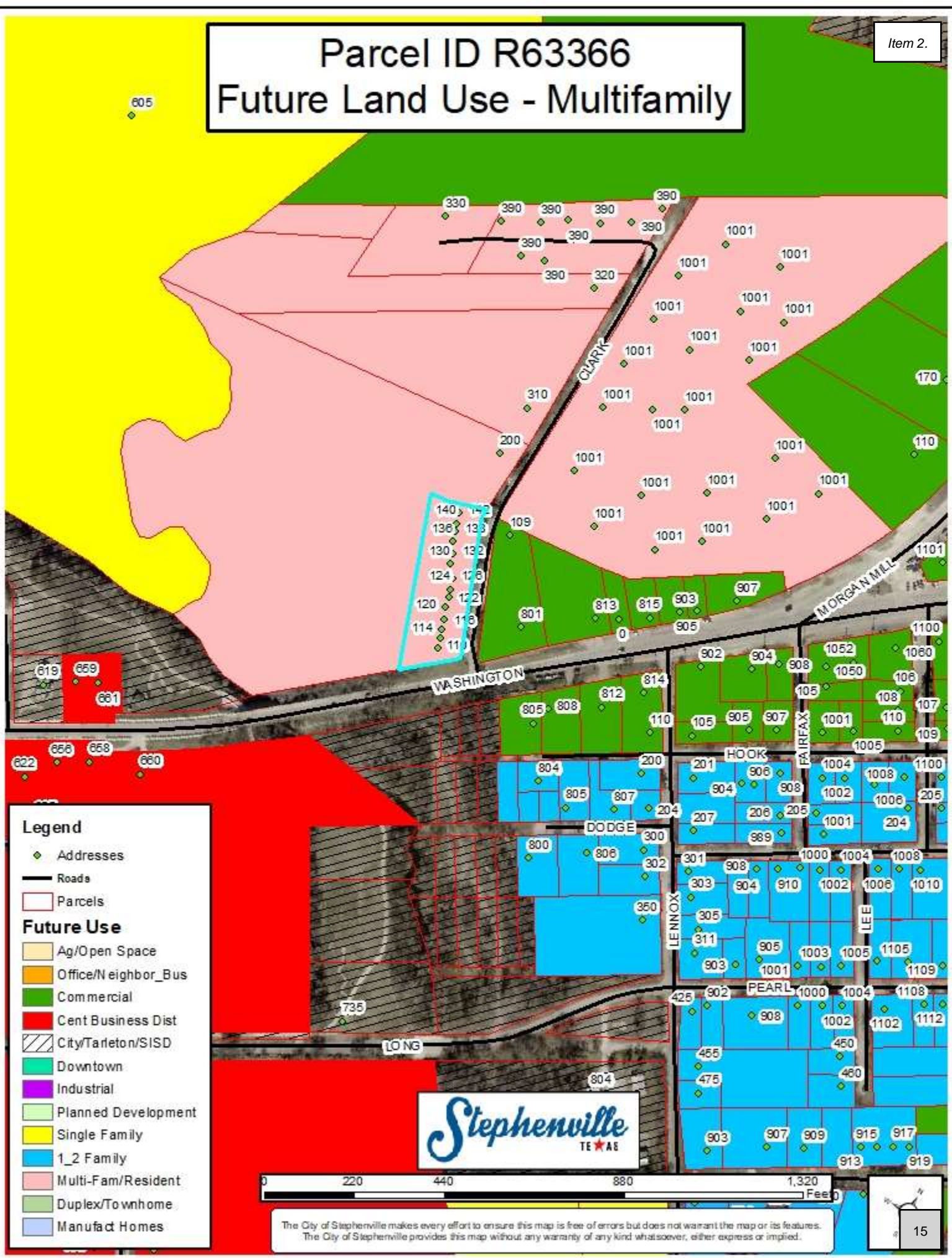
ZONING

- AG - Agricultural
- B-1 - Neighborhood Business
- B-2 - Retail and Commercial Business
- B-3 - Central Business
- B-4 - Private Club
- CTS - City, Tarellon, School
- DT - Downtown
- IND - Industrial
- PD - Planned Development
- R-1 - Single Family - 7,500
- R-1.5 - Single Family - 6,000
- R-2 - One and Two Family
- R-2.5 - Integrated Housing
- R-3 - Multiple Family
- RE - Single Family - 1 Acre



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Parcel ID R63366 Future Land Use - Multifamily



Legend

- ◆ Addresses
- Roads
- ▭ Parcels

Future Use

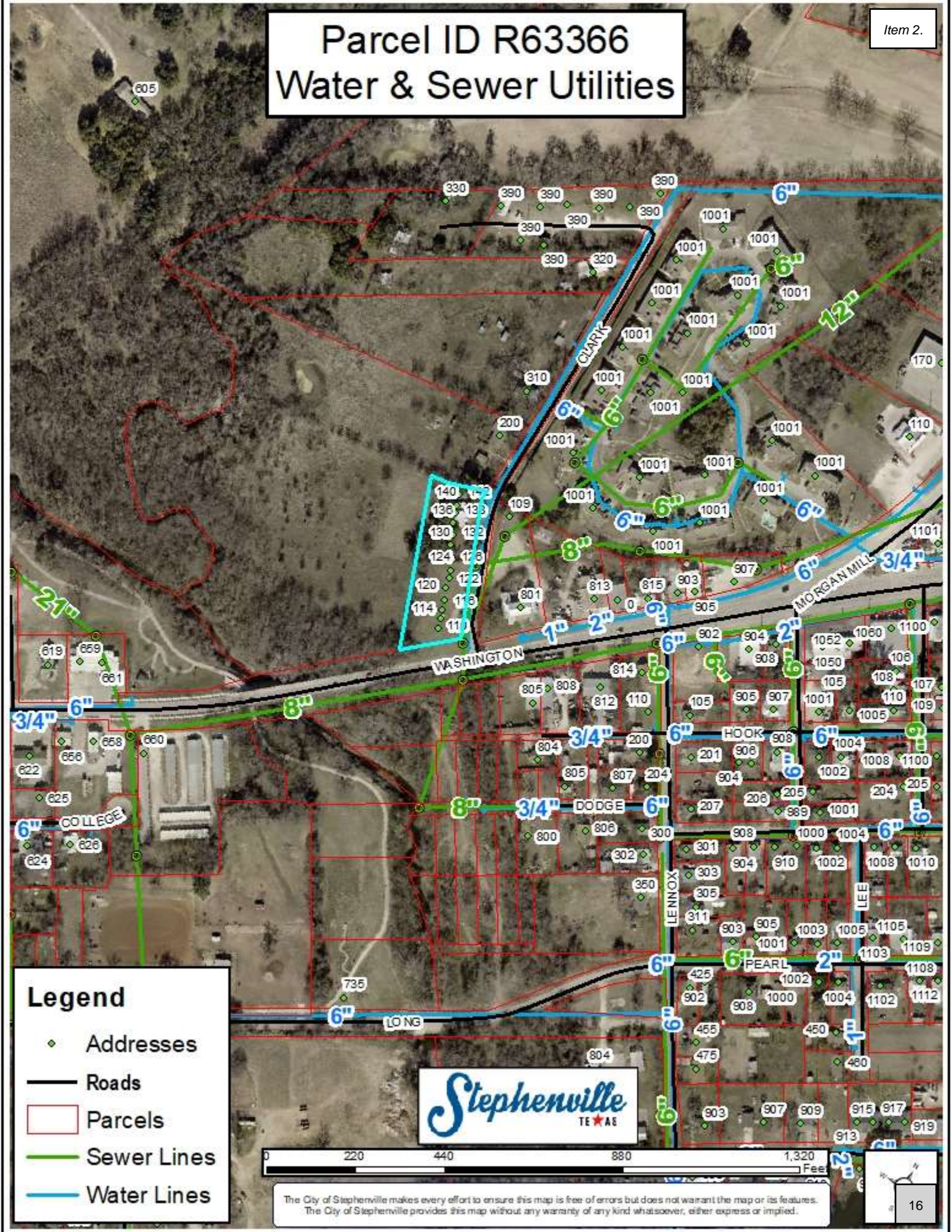
- Ag/Open Space
- Office/Neighbor_Bus
- Commercial
- Cent Business Dist
- City/Tarleton/SISD
- Downtown
- Industrial
- Planned Development
- Single Family
- 1_2 Family
- Multi-Fam/Resident
- Duplex/Townhome
- Manufact Homes



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Parcel ID R63366 Water & Sewer Utilities

Item 2.



Legend

- ◆ Addresses
- Roads
- ▭ Parcels
- Sewer Lines
- Water Lines



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Parcel R63366 200 ft Buffer Addresses

Parcel ID	Parcel Address	Parcel Owner	Owner Address	City	State	Zip Code
R000029896	801 E WASHINGTON	AMERICAN LEGION POST#240	PO BOX 184	STEPHENVILLE	TX	76401-0000
R000029903	1001 E WASHINGTON	AUGUSTA HILLS L P	15 LAKE DRIVE	ROUND ROCK	TX	78665
R000063366	110 CLARK LN	BOSQUE CLARK LLC	159 S GRAHAM	STEPHENVILLE	TX	76401
R000029910	310 CLARK LN	CHANDLER WILLIAM HOWARD & HEIDI N OLSEN	PO BOX 1923	STEPHENVILLE	TX	76401
R000028702	0 E WASHINGTON	CITY OF STEPHENVILLE	298 W WASHINGTON	STEPHENVILLE	TX	76401-4257
R000028700	0 E WASHINGTON	CITY OF STEPHENVILLE	298 W WASHINGTON	STEPHENVILLE	TX	76401-4257
R000028701	0 E WASHINGTON	CITY OF STEPHENVILLE	298 W WASHINGTON	STEPHENVILLE	TX	76401-4257
R000029895	0 E WASHINGTON	CITY OF STEPHENVILLE	298 W WASHINGTON	STEPHENVILLE	TX	76401-4257
R000029908	200 CLARK LN	FIFTH AVENUE PARTNERS LLC	819 OLD ANNETTA RD	ALEDO	TX	76008
R000028699	805 E HOOK	MONK JACKIE & CARLA	PO BOX 36	CARLTON	TX	76436
R000029898	813 E WASHINGTON	ROBITAILLE CHARLES & MARILYN	300 E SOUTH LOOP	STEPHENVILLE	TX	76401-0000

RIDHA BERRICHE & NEZIHA BERRICHE
11.87 ACRES
DOCUMENT NO. 2013-04401

CITY OF STEPHENVILLE
ERATH COUNTY, TEXAS

LAND DESCRIPTION

Of a 1.269 acres tract of land out of Lot 1 and Lot 2 in Block 85 of the City of Stephenville, Erath County, Texas, according to King's 1956 Map of Stephenville, adoption and dedication thereof recorded in Volume 381, Page 105 of the Deed Records of Erath County, Texas; being all of a certain 1.27 acres tract deeded to Kenneth W. Hayes and Lora A. Hayes in Volume 1317, Page 1135 of the Official Public Records of Erath County, Texas; and being further described by metes and bounds as follows:

Beginning at a found 1/2" iron pipe in the west line of Clark Lane, at the northeast corner of said Lot 1 and at the southeast corner of said Lot 2, for the beginning corner of this tract.
Thence along the west line of said Clark Lane, S. 20 deg. 37 min. 42 sec. E. 355.02 feet to a set 1/2" iron rod with cap (PRICE SURVEYING) in the northwest right of way line of East Washington Street and at the southeast corner of said Lot 1, for the southeast corner of this tract.
Thence with the northwest right of way line of said East Washington Street, S. 50 deg. 04 min. 49 sec. W. 150.00 feet to a found 3/8" iron rod in the south line of said Lot 1 and at the southerly southeast corner of a certain 11.87 acres tract deeded to Ridha Berriche and Neziha Berriche in Document No. 2013-04401 of said Official Public Records, for the southwest corner of this tract.
Thence leaving said East Washington Street, N. 19 deg. 32 min. 13 sec. W. 437.73 feet to a found 3/8" iron rod in the north line of said Lot 1, in the south line of said Lot 2 and at an inner corner of said 11.87 acres tract, for the northwest corner of this tract.
Thence with the common line of said Lot 1 and said Lot 2, N. 83 deg. 17 min. 29 sec. E. 42.41 feet to a found 1/2" iron rod with cap (ALS), for a corner of this and said 11.87 acres tract.
Thence N. 72 deg. 46 min. 11 sec. E. 99.61 feet to a found 3/8" iron rod in the east line of said Lot 2, in the west line of said Clark Lane and at the easterly southeast corner of said 11.87 acres tract, for the northeast corner of this tract.
Thence along the west line of said Clark Lane, S. 02 deg. 48 min. 50 sec. W. 18.50 feet to the place of beginning.

_____, Director of Development Services / Date of Approval
_____, City Secretary / Date

SURVEYOR'S CERTIFICATE

THIS is to certify that I, MATTHEW K. PRICE, A Registered Professional Land Surveyor of the State of Texas, have platted the above property from an actual survey on the ground and that all lot corners, angle points, and points of curve will be properly marked on the ground, and that this plat correctly represents that survey made by me or under my direct supervision during SEPTEMBER 2021.

Matthew K. Price, R.P.L.S. No. 6284
JN211654 15708.CRD

PROPERTY DEED
BOSQUE CLARK, LLC
1.27 ACRES
DOCUMENT NO. 2022-00881

LINE	BEARING	DISTANCE
L1	S 02°48'50" W	18.50'
L2	S 02°48'50" W	18.03'
L3	S 20°37'42" E	341.69'
L4	S 14°43'34" W	24.47'

OWNER'S CERTIFICATE

Now therefore know all men by these presents:

That, Bosque Clark, LLC, owner, does hereby adopt this replat designating the herein described property as Lots 4 thru 18 in Block 85 of the City of Stephenville, Erath County, Texas, and do hereby dedicate to the Public use forever, the streets and easements shown thereon. The streets are dedicated for street purposes. The easements, as shown, are dedicated for the public use forever, for the purposes indicated on this plat. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the Public's and City's use thereof. Any public utility, including the City, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths on any of the easements or Right-of-Way shown on the Plat (or filed by separate instrument that is associated with said property); and any public utility, including the City, shall have the right at all times of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone. Easements shall be maintained by property owners. The City can move trees or any other improvements and does not have the responsibility to replace them.

This plat approved, subject to all platting ordinances, rules, regulations and resolutions of The City of Stephenville, Erath County, Texas.

Witness my hand, This the _____ day of _____, 20____

STATE OF TEXAS

COUNTY OF _____

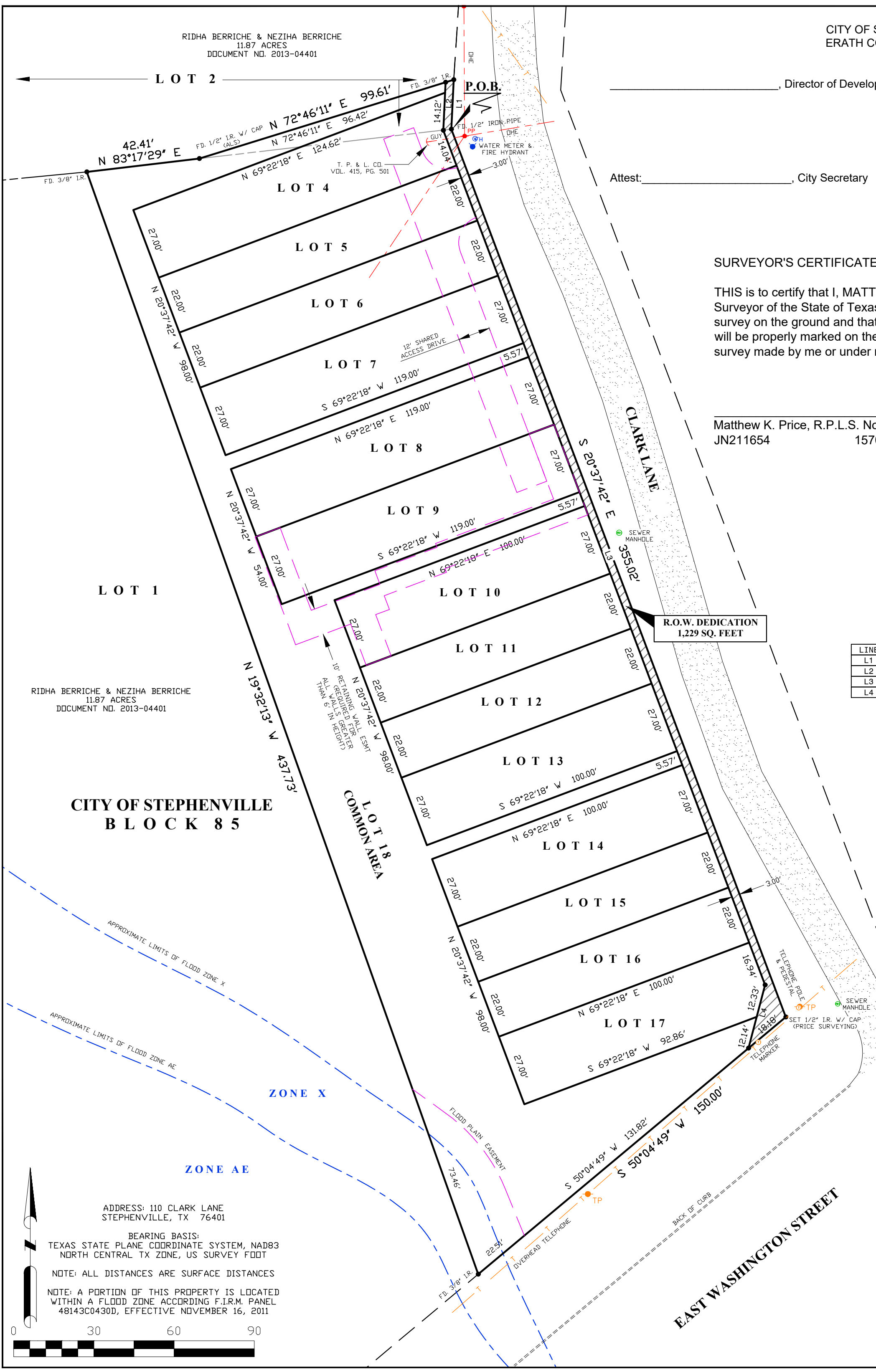
BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared _____, known to me to be the person(s) whose name(s) is(are) subscribed to the foregoing instrument, and acknowledged to me that he (she) (they) executed the same for the purposes and consideration therein expressed and in the capacity stated.

GIVEN under my hand and seal of office this _____ day of _____, 20____

Signature

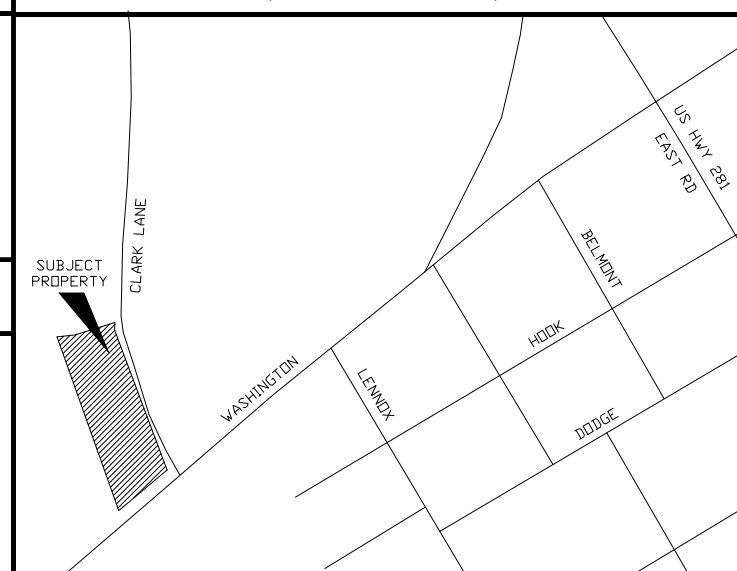
My Commission Expires On _____

LOT 1
RIDHA BERRICHE & NEZIHA BERRICHE
11.87 ACRES
DOCUMENT NO. 2013-04401
CITY OF STEPHENVILLE
BLOCK 85



EAST WASHINGTON STREET

VICINITY MAP (NOT TO SCALE)



OWNER

Bosque Clark, LLC
159 S. Graham
Stephenville, Tx 76401

SURVEYOR

Matthew K. Price
Price Surveying, LP
FIRM# 10194051
1100 E Washington Street
Stephenville, TX 76401
254-965-5489

FINAL PLAT

**LOTS 4 THRU 18, BLOCK 85
CITY OF STEPHENVILLE**

OF A 1.269 ACRES TRACT OF LAND OUT OF LOT 1 AND LOT 2 IN BLOCK 85 OF THE CITY OF STEPHENVILLE, ERATH COUNTY, TEXAS, ACCORDING TO KING'S 1956 MAP OF STEPHENVILLE, ADOPTION AND DEDICATION THEREOF RECORDED IN VOLUME 381, PAGE 105 OF THE DEED RECORDS OF ERATH COUNTY, TEXAS

ADDRESS: 110 CLARK LANE
STEPHENVILLE, TX 76401
BEARING BASIS:
TEXAS STATE PLANE COORDINATE SYSTEM, NAD83
NORTH CENTRAL TX ZONE, US SURVEY FOOT
NOTE: ALL DISTANCES ARE SURFACE DISTANCES
NOTE: A PORTION OF THIS PROPERTY IS LOCATED WITHIN A FLOOD ZONE ACCORDING F.I.R.M. PANEL 48143C0430D, EFFECTIVE NOVEMBER 16, 2011
0 30 60 90

Clark Lane Townhome Proposal

PROJECT LOCATION

Clark Lane

Lots 1 and 2 in Block 85 of the City of Stephenville, Erath County, Texas

1.27 Acre Tract on the West Corner of Clark Lane and E. Washington St

This property is both close to the square in Stephenville and is within a short drive to Tarleton State University

This property is located across the street from the American Legion Post 240

PROJECT OVERVIEW

Bosque Clark LLC, in conjunction with Keewaydin Developments, intends to utilize a 1.27-acre tract of land out of Lot 1 and Lot 2 in Block 85 of the City of Stephenville, Erath County, Texas to build Luxury Town homes. There will be fourteen units in four buildings and the entire project will be built in a one-year time frame. This development will allow for expanded access to living for professionals within Stephenville, Texas and will develop the land around Stephenville's historic square.

OVERHEAD OF THE PROPERTY



PROPOSED DESIGN



There will be fourteen, three story, 3000 sqft Townhomes. They will feature a rooftop patio, 3 bedroom/2.5 Bathroom, one and two car garages, and starting in the mid 400's.

TIMELINE

Phase	Build	Start	End
Phase 1	1 Building/4 Units	9/1/22	3/1/22
Phase 2	2 Buildings/6 Units	2/1/23	8/1/23
Phase 3	1 Building/4 Units	4/1/23	9/1/23

Economic Impact

These Townhomes will be built within the city limits of Stephenville, Texas offering luxury living to working professionals. This will expand the current property tax base of Stephenville. By keeping working professionals in Stephenville there will be a positive impact on the local economy such as: restaurants, retail, and other businesses. We will be including local vendors in our bidding process for all of the builds providing a positive economic impact for local trades and merchants.



STAFF REPORT

SUBJECT: Case Nos.: RZ2023-001 and RP2023-001

Applicant Andrew Hansen of Swiss Management, LLC, representing John Wayland is requesting a rezone of property located at 3050 W Washington, Parcel R44948, being 13.836 acres out of 40.740 Acres, A0613 PEARSON HENRY of the City of Stephenville, Erath County, Texas from (B-2) Retail & Commercial Business to (R-3) Multi-Family Residential District with simultaneous platting

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen, Director of Development Services

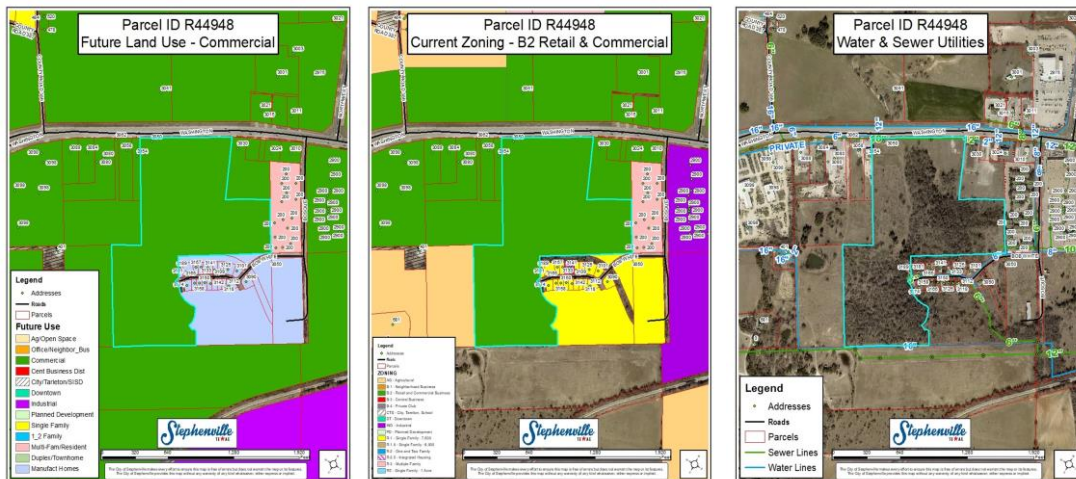
RECOMMENDATION:

The Comprehensive Plan for future land use designates this property to be Retail and Commercial Business. If zoning request is approved, the Conveyance Plat also be approved.

BACKGROUND:

Applicant is requesting the simultaneous consideration of the rezone and replat of the property.

PROPERTY PROFILE:



STAFF COMMENTS:

The Conveyance Plat has been reviewed by staff and meets conditions for recordation once the conveyance occurs.

Sec. 155.4.03. General subdivision and platting procedures.

- A. *Plats Required for Land Subdivision.* A Preliminary Plat or Minor Plat shall be approved prior to any land division that is subject to these regulations and prior to commencement of any new development.

B. *Replats and Amending Plats.*

1. *Replat.* A Replat, in accordance with State law, and the provisions of Section 4.08 shall be required any time a platted, recorded lot is further divided or expanded, thereby changing the boundary and dimensions of the property.
2. *Amending Plat.* In the case of minor revisions to recorded Plats or lots, an Amending Plat may also be utilized if in accordance with Section 4.09.

C. *Zoning.*

1. *Conformance with Existing Zoning.* All Applications shall be in conformance with the existing zoning on property inside the City Limits.
2. *Request to Rezone First.* If an Applicant seeks to amend the zoning for the property, the request to rezone the land shall be submitted and approved prior to acceptance of an Application for filing of a plat, unless as otherwise provided below.
 - a. The Applicant may request approval from the City Administrator to submit an application simultaneous with the zoning change request, in which case the Application for the zoning amendment shall be acted upon first, provided that the Application is accompanied by a properly executed Waiver of Right to 30-Day Action (due to the lengthier time frame necessary to advertise and process zoning Applications).
 - b. In the event that the requested zoning amendment is denied, the Plat Application shall also be rejected or denied.

Sec. 154.05.6. Multiple family residential district (R-3).

5.6.A Description. This residential district provides for medium to high-density city neighborhood development.

The primary land use allows for single-family dwellings, two-to-four family dwelling units, and multiple family housing buildings and complexes platted as one parcel and sole source management. All R-3 zoning will be appropriate to a city-style neighborhood. Recreational, religious and educational uses are also permitted so as to contribute to the natural elements of a convenient, balanced and attractive neighborhood.

Development within this district is intended to be protected from the encroachment of land activities that do not contribute to the esthetic and functional well-being of the intended district environment.

5.6.B Permitted Uses.

- (1) Single-family detached dwelling, limited to occupancy by a family having no more than three individuals who are unrelated by blood, legal adoption, marriage or conservatorship. The owner and any agent of the owner shall be legally responsible for directly or indirectly allowing, permitting, causing, or failing to prohibit residential use of a dwelling in this district by more than three unrelated individuals;
- (2) Two-to-four family dwellings, with each family limited as in division (1) above;
- (3) Multiple family dwellings, with each family limited as in division (1) above; Student living complexes will be subject to a variance request for units designed to occupy more than three unrelated students per unit;
- (4) Assisted living center;
- (5) Convalescent, nursing or long term-care facility;
- (6) Retirement housing complex;
- (7) Accessory buildings;
- (8) Churches, temples, mosques and related facilities;
- (9) Community home;
- (10) Park or playground;
- (11) SISD school—public;
- (12) Bed and breakfast/boarding house;

- (13) Group day care home;
- (14) Registered family home;
- (15) Day care center; and
- (16) Fraternity or sorority house.

5.6.C Conditional Uses.

- (1) Home occupation;
- (2) Common facilities as the principal use of one or more platted lots in a subdivision;
- (3) Adult and/or children's day care centers;
- (4) Foster group home; and
- (5) Residence hall.

5.6.D Height, Area, Yard and Lot Coverage Requirements.

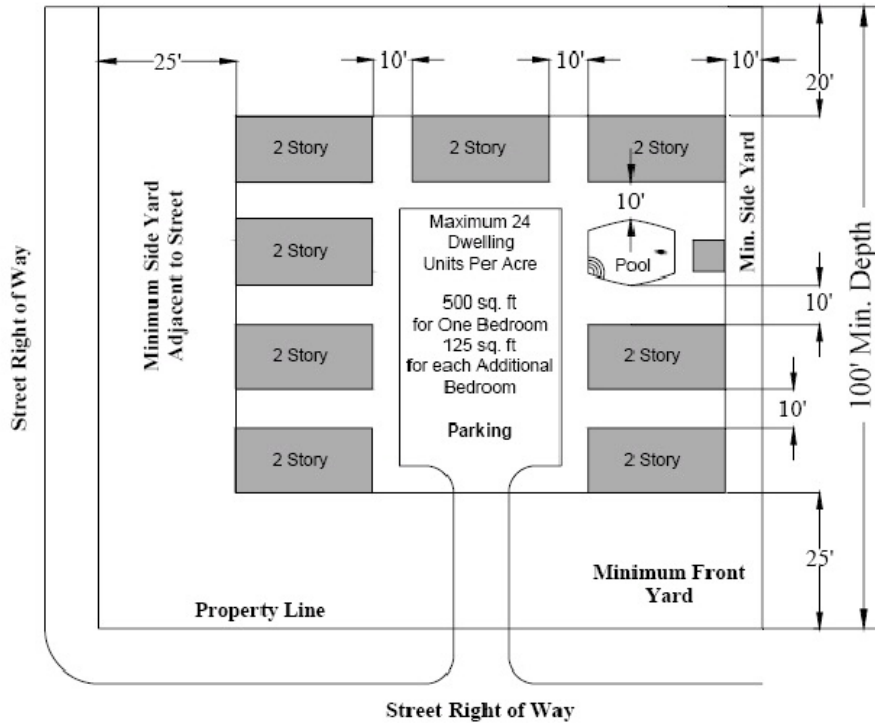
(D) Multiple family dwellings.

- (1) Minimum lot area: maximum density of 24 dwelling units per acre, which includes parking, access and all other area improvements.
- (2) Minimum lot depth: 100 feet.
- (3) Minimum depth of front setback: 25 feet.
- (4) Minimum depth of rear setback: 20 feet.
- (5) Minimum width of side setback:
 - (a) Internal lot: ten feet.
 - (b) Corner lot: 25 feet from intersecting side street.
- (6) Building size: Minimum area of each dwelling unit: 500 ft² for one bedroom or less plus 125 ft² of floor area for each additional bedroom.
- (7) Maximum height of structures: 35 feet.
- (8) Public, semi-public or public service buildings, hospitals, institutions or schools may not exceed a height of 60 feet. Churches, temples and mosques may not exceed 75 feet, if the building is set back from each yard line at least one foot for each two feet additional height above the height limit in this district.

Height, Area, Yard and Lot Coverage Requirements
Multiple-Family Dwelling

5.6.D Height, Area, Yard and Lot Coverage Requirements

Multiple Family Dwelling

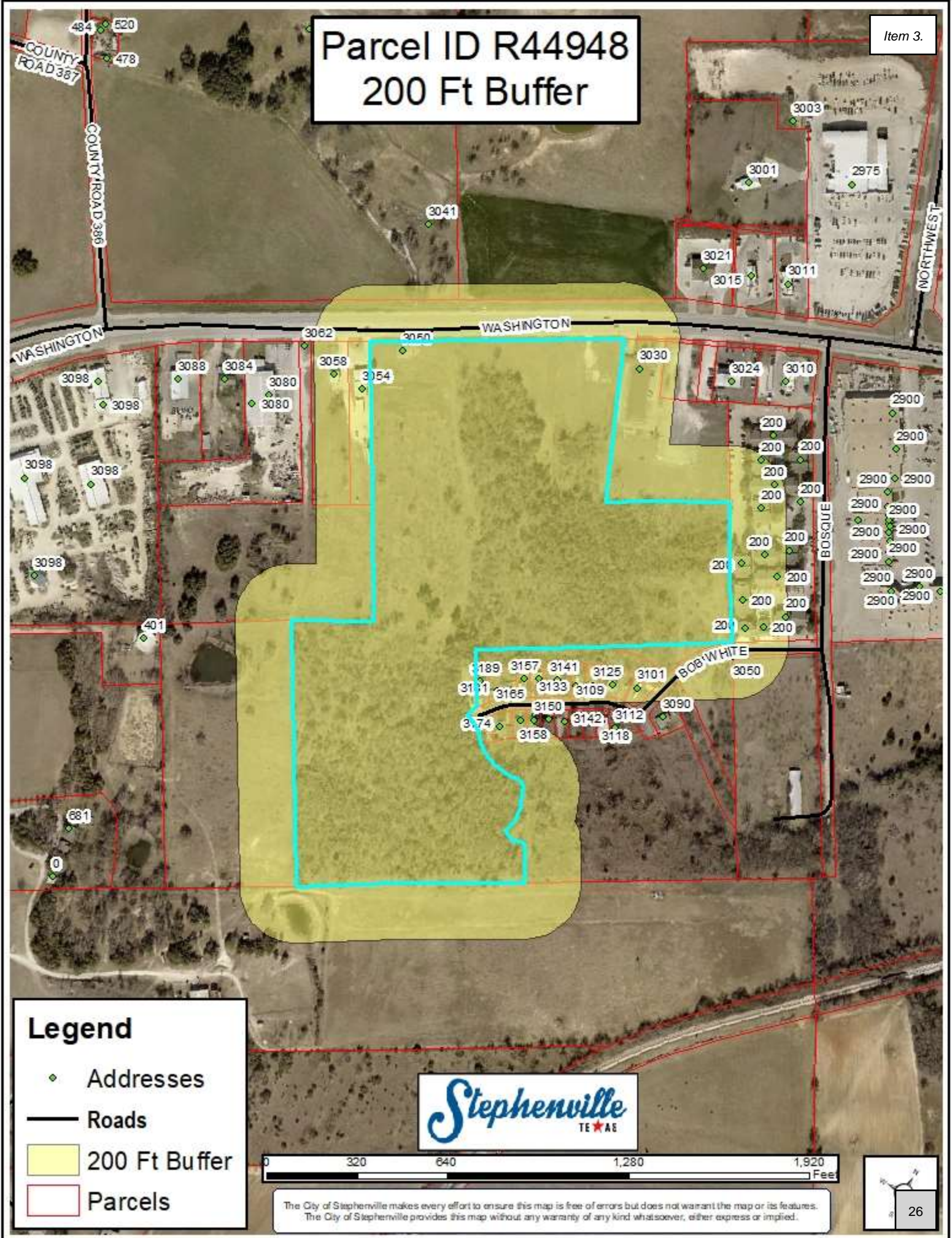


5.6.E Parking Regulations. Lots in this District shall provide a minimum of two vehicle parking spaces per dwelling unit, with a driveway connecting the parking spaces with a street or alley and meet all the pertinent requirements contained in Section 154.11 *Parking spaces for vehicles* of this ordinance. Student housing whereby individual rooms are leased by unit must require 1.5 spaces per rented bed.

ALTERNATIVES:

- 1) Recommend the City Council approve the rezoning request and the replat.
- 2) Recommend the City Council deny the rezoning request and the replat.

Parcel ID R44948 200 Ft Buffer



Legend

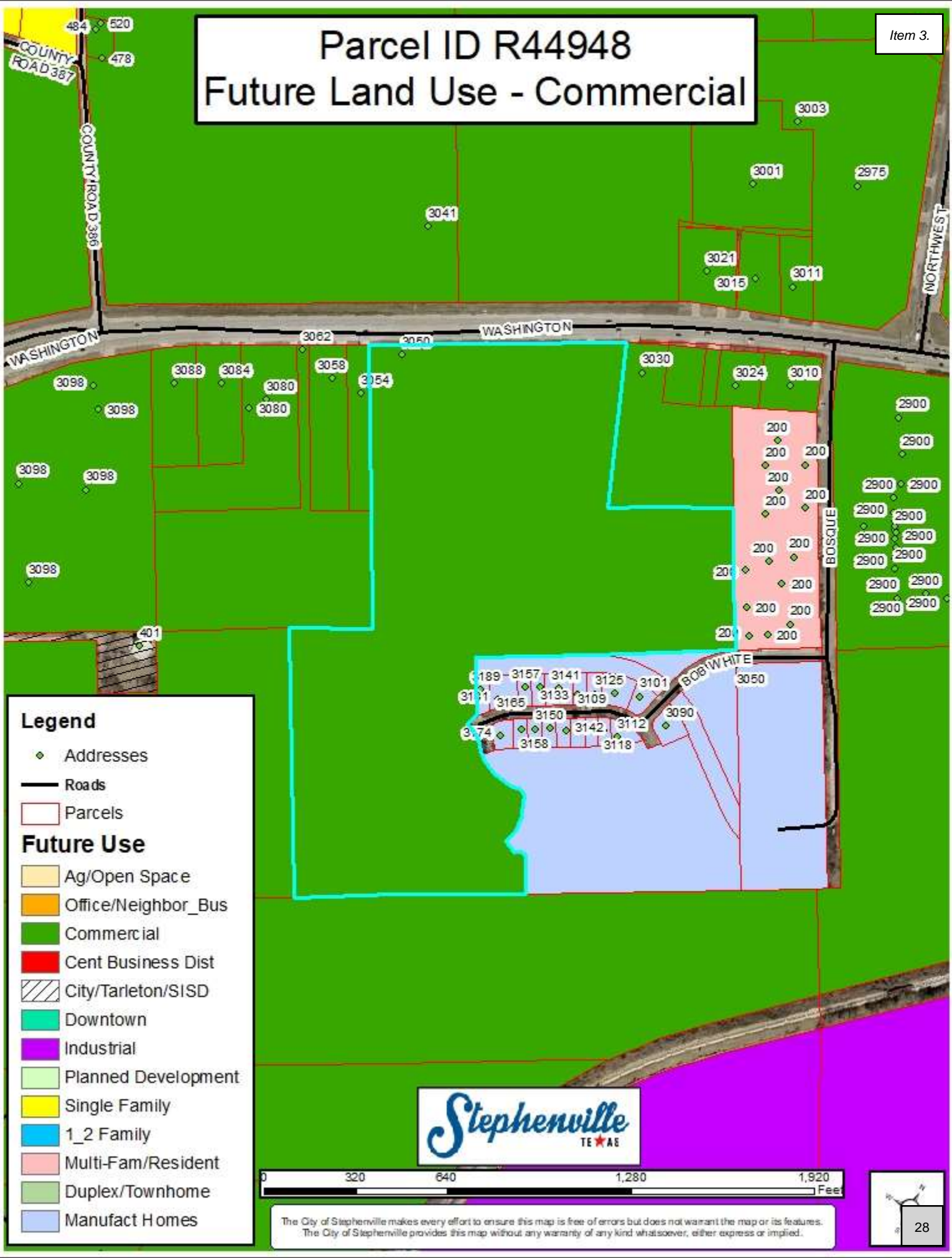
- ◆ Addresses
- Roads
- 200 Ft Buffer
- Parcels



The City of Stephenville makes every effort to ensure this map is free of errors but does not warrant the map or its features. The City of Stephenville provides this map without any warranty of any kind whatsoever, either express or implied.

Parcel ID R44948 Future Land Use - Commercial

Item 3.



Legend

- ◆ Addresses
- Roads
- ▭ Parcels
- Future Use**
- Ag/Open Space
- Office/Neighbor_Bus
- Commercial
- Cent Business Dist
- City/Tarleton/SISD
- Downtown
- Industrial
- Planned Development
- Single Family
- 1_2 Family
- Multi-Fam/Resident
- Duplex/Townhome
- Manufact Homes



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Parcel ID R44948 Water & Sewer Utilities

Item 3.



Legend

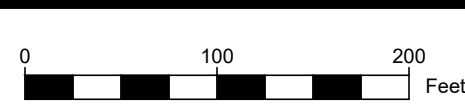
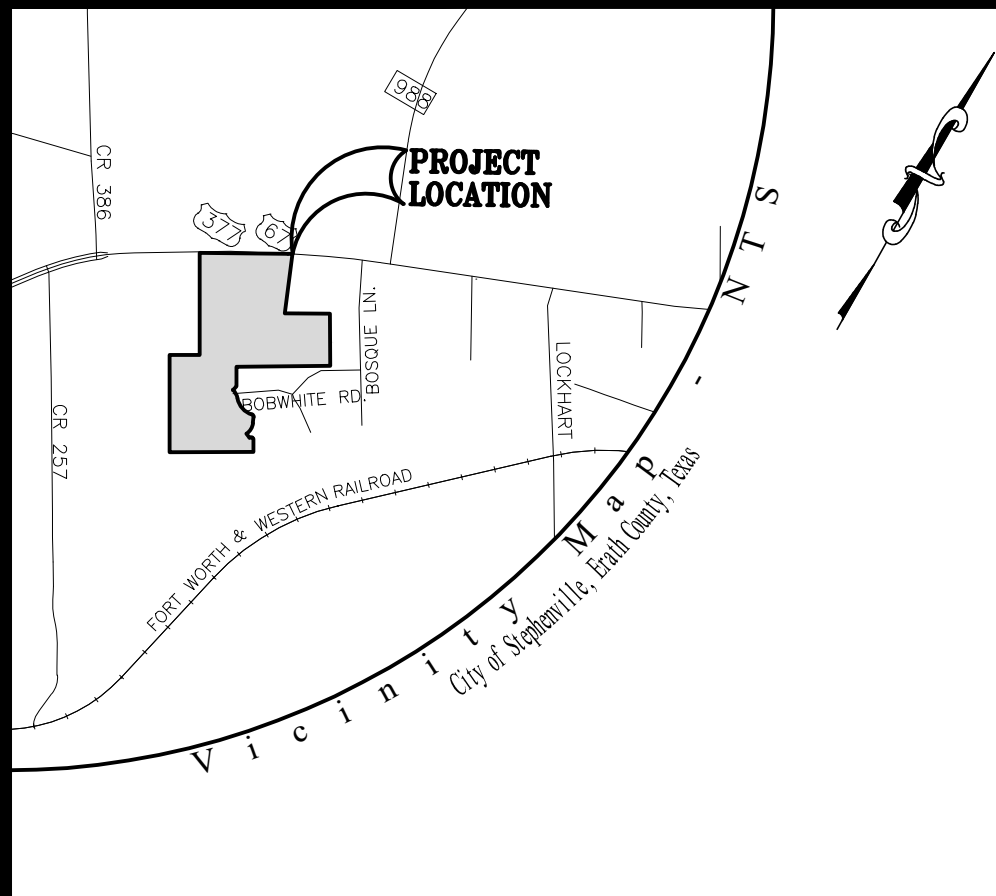
- ◆ Addresses
- Roads
- Parcels
- Sewer Lines
- Water Lines



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Parcel R44948 200 ft Buffer Addresses

Parcel ID	Parcel Address	Parcel Owner	Owner Address	City	State	Zip Code
R000061933	3030 W WASHINGTON	B D BAPS LLC	3030 W WASHINGTON	STEPHENVILLE	TX	76401
R000039992	3174 BOB WHITE RD	BARHAM JACI	1539 HILL VALLEY	STEPHENVILLE	TX	76401
R000023749	200 BOSQUE RD	BOSQUE RIVER APARTMENTS	PO BOX 1470	WACO	TX	76703
R000023750	0 BOB WHITE RD	BOSQUE RIVER APARTMENTS	PO BOX 1470	WACO	TX	76703
R000039989	3150 BOB WHITE RD	CIRCLE M REAL ESTATE LLC	PO BOX 441	GORDON	TX	76453
R000039990	3158 BOB WHITE RD	CIRCLE M REAL ESTATE LLC	PO BOX 441	GORDON	TX	76453
R000039988	3142 BOB WHITE RD	CIRCLE M REAL ESTATE LLC	PO BOX 441	GORDON	TX	76453
R000039977	3141 BOB WHITE RD	CIRCLE M REAL ESTATE LLC	PO BOX 441	GORDON	TX	76453
R000039983	3189 BOB WHITE RD	DURAN JOSE JORGE	3189 BOB WHITE	STEPHENVILLE	TX	76401
R000044320	0 CR257 (OFF)	FREELS RITA	681 PEACH ORCHARD RD	STEPHENVILLE	TX	76401
R000023876	0 CR257	FREELS RITA	681 PEACH ORCHARD RD	STEPHENVILLE	TX	76401
R000039979	3157 BOB WHITE RD	GONZALEZ ALVARO	1726 CR508	DUBLIN	TX	76446
R000054144	3054 W WASHINGTON	HORTON EDMOND ROBERT	2445-A NORTHWEST LOOP	STEPHENVILLE	TX	76401
R000039973	3109 BOB WHITE RD	MACIAS EDGAR	3109 BOB WHITE RD	STEPHENVILLE	TX	76401
R000057809	0 BOB WHITE RD	MILLS JAY	PO BOX 1669	STEPHENVILLE	TX	76401-0000
R000039995	0 BOB WHITE RD	MILLS JAY M	PO BOX 1669	STEPHENVILLE	TX	76401-0000
R000039994	0 BOB WHITE RD	MILLS JAY M	PO BOX 1669	STEPHENVILLE	TX	76401-0000
R000063284	3028 W WASHINGTON	PEACOCK INVESTMENTS LLC	1279 DIANA LANE	STEPHENVILLE	TX	76401
R000039980	3165 BOB WHITE RD	PIPER CADE	PO BOX 267	MORGAN MILL	TX	76465
R000023754	0 BOB WHITE RD	REF INVESTMENTS LLC	681 PEACH ORCHARD RD	STEPHENVILLE	TX	76401
R000075915	3062 W WASHINGTON	REF INVESTMENTS LLC	681 PEACH ORCHARD RD	STEPHENVILLE	TX	76401
R000050853	3058 W WASHINGTON	REF INVESTMENTS LLC	681 PEACH ORCHARD RD	STEPHENVILLE	TX	76401
R000039976	3133 BOB WHITE RD	RIOJAS RAFAEL & ROSA	3133 BOB WHITE	STEPHENVILLE	TX	76401-0000
R000039972	3101 BOB WHITE RD	RODRIGUEZ SANDRA ADELA	3101 BOB WHITE RD	STEPHENVILLE	TX	76401
R000039982	3181 BOB WHITE RD	SHERIDAN BECKY & DALTON SHERIDAN	PO BOX 219	BLUFF DALE	TX	76433
R000065368	0 W WASHINGTON	TEXAS DEPARTMENT OF TRANSPORTATION	PO BOX 6868	FORT WORTH	TX	76115-6868
R000039993	3090 BOB WHITE RD	TREVINO JANIE	3090 BOB WHITE RD	STEPHENVILLE	TX	76401
R000039991	3166 BOB WHITE RD	VEH SERIES, LLC	6413 MCCARTNEY LANE	GARLAND	TX	75043
R000044948	3050 W WASHINGTON	WAYLAND JOHN R ET AL	560 CR383	STEPHENVILLE	TX	76401-8796
R000067066	0 W WASHINGTON	WHITEFIELD DONNA & LINDA HARDIN LIVING TRUST	23002 RED RIVER DR	KATY	TX	77450
R000023827	3041 W WASHINGTON	WHITEFIELD DONNA & LINDA HARDIN LIVING TRUST	23002 RED RIVER DR	KATY	TX	77450
R000039975	3125 BOB WHITE RD	WILLIAMS RAY	1404 PRAIRIE WIND BLVD	STEPHENVILLE	TX	76401-5911



NOTES:

- Basis of bearing being U.S. State Plane Grid - Texas North Central Zone (4202) NAD83 as established using the AllTerra RTNNet Cooperative Network. Reference frame is NAD83(2011) Epoch 2010.0000. Distances shown are U.S. Survey feet displayed in surface values.
- Vertical Datum established using the AllTerra RTNNet Cooperative Network. All elevations shown are NAVD88.
- TBM #1 X-Cut set on top of concrete drainage inlet. Elevation = 1,394.68'
- TBM #2 X-Cut set in concrete at the west end of Bob White Rd. Elevation = 1,377.24'
- By scaled location of FEMA FIRM Map Nos. 48143C0430D and 48143C0425D, effective dates of November 16, 2011, the subject property lies within Zone X (unshaded) - Areas determined to be outside the 0.2% annual chance floodplain.
- This Survey Reflects the above ground indications of utilities. The surveyor makes no guarantee that the utilities shown comprise all such utilities in the area, either in service, or abandoned.
- This survey was prepared without the benefit of a current commitment for title insurance. Additional easements and/or restrictions may affect this property.
- All corners are 5/8 inch capped iron rods set marked "NATIVE CO., LLC" unless otherwise specified.

OWNERS CERTIFICATION:

§ STATE OF TEXAS
§ COUNTY OF ERATH

BEING a tract of land within the Henry Pearson Survey, Abstract No. 613, City of Stephenville, Erath County, Texas, and being all of that tract of land described in the deed to William Michael Wilson, et ux., as recorded in Document No. 2009-05685, Real Records, Erath County, Texas (RRECT), and being more particularly described by metes and bounds as follows: (Basis of bearing being U.S. State Plane Grid - Texas North Central Zone (4202) NAD83 as established using the AllTerra RTNNet Cooperative Network. Reference frame is NAD83(2011) Epoch 2010.0000. Distances shown are U.S. Survey feet displayed in surface values).

BEGINNING at a 5/8 inch capped iron rod found marked "BROOKES BAKER SURVEYORS" (BBS) in the south right-of-way line of U.S. Highway 377 for the northernmost northwest corner of said Wilson tract and the northeast corner of a tract of land described in the deed to Edmond Robert Horton, as recorded in Document No. 2012-06491, RRECT, from which a BBS for the northeast corner of Lot 2, Alpha & Omega Addition, an addition to the City of Stephenville, Erath County, Texas, as shown per plat recorded in Cabinet B, Slide 194B, Plat Records, Erath County, Texas (PRECT) bears South 59°37'44" West, a distance of 77.13 feet;

THENCE with the south right-of-way line of U.S. Highway 377 the following courses and distances:
North 59°37'44" East, a distance of 852.74 feet to a 5/8 inch capped iron rod set marked "NATIVE CO., LLC" (IRS), for the beginning of a curve to the right, with a radius of 5,679.58 feet, and a chord which bears North 59°52'04" East, a distance of 45.38 feet;

With said curve to the right, through a central angle of 00°27'28", an arc distance of 45.38 feet to a concrete monument found for the northernmost northeast corner of said Wilson tract and the northwest corner of Lot 2, Draper Addition, an addition to the City of Stephenville, Erath County, Texas;

THENCE with the common line of said Wilson tract and said Draper Addition the following courses and distances:
South 23°20'47" East, a distance of 581.43 feet to a 3/8 inch iron rod found;

North 59°36'52" East, passing a 3/8 inch capped iron rod found marked "RPLS 1529" at a distance of 147.24 feet, continuing for a total distance of 439.43 feet to a 5/8 inch iron rod found for the southeast corner of Lot 3 of said Draper Addition and being in the west line of a tract of land described as Tract 2 in the deed to Bosque River Joint Venture, as recorded in Volume 880, Page 441, Deed Records, Erath County, Texas;

THENCE South 31°09'37" East, with the common line of said Wilson tract and said Bosque River Joint Venture tract, a distance of 502.01 feet to an IRS for easternmost southeast corner of said Wilson tract and being in the north line of Quail Run, an addition to the City of Stephenville, Erath County, Texas, as shown per plat recorded in Volume 2, Page 50, PRECT;

THENCE with the common line of said Wilson tract and said Quail Run the following courses and distances:
South 58°24'34" West, a distance of 909.07 feet to a 3/8 inch iron rod found;

South 30°59'55" East, a distance of 189.68 feet to an IRS;
South 12°50'20" West, a distance of 50.00 feet to a 1/2 inch iron rod found for the beginning of a non-tangent curve to the right, with a radius of 152.94 feet, and a chord which bears South 59°30'49" East, a distance of 92.73 feet;

With said curve to the right, through a central angle of 35°17'41", an arc distance of 94.21 feet to an IRS for the beginning of a reverse curve to the left, with a radius of 202.92 feet, and a chord which bears South 72°49'53" East, a distance of 208.03 feet;

With said reverse curve to the left, through a central angle of 61°40'23", passing a 3/8 inch iron rod found for the southwest corner of said Quail Run and the northwest corner of a tract of land described in the deed to REF Investments, LLC, as recorded in Document No. 2016-06112, RRECT at an arc distance of 31.30 feet, continuing for a total arc distance of 218.42 feet to a 1/2 inch capped iron rod found marked "PRICE SURVEYING" (PSF) for the beginning of a reverse curve to the right, with a radius of 25.00 feet, and a chord which bears South 63°53'01" East, a distance of 32.20 feet;

THENCE with the common line of said Wilson tract and said REF Investments, LLC tract the following courses and distances:
With said reverse curve to the right, through a central angle of 80°11'40", an arc distance of 34.99 feet to an IRS;

South 23°53'04" East, a distance of 57.62 feet to a PSF for the beginning of a curve to the right, with a radius of 145.02 feet, and a chord which bears South 00°11'37" West, a distance of 118.53 feet;

With said curve to the right, through a central angle of 48°14'29", an arc distance of 122.10 feet to a PSF;

South 65°40'48" East, a distance of 50.00 feet to the beginning of a non-tangent curve to the right, with a radius of 25.00 feet, and a chord which bears North 59°42'52" East, a distance of 28.84 feet;

With said non-tangent curve to the right, through a central angle of 70°27'06", an arc distance of 30.74 feet to a PSF for the beginning of a reverse curve to the left, with a radius of 178.35 feet, and a chord which bears South 86°46'28" East, a distance of 12.52 feet;

With said reverse curve to the left, through a central angle of 04°01'23", an arc distance of 12.52 feet to a PSF;

South 31°03'02" East, a distance of 128.15 feet to a PSF for the southernmost southeast corner of said Wilson tract and being in the north line of a tract of land described in the deed to Rita Freels, as recorded in Volume 302, Page 62, DRECT.

THENCE South 58°56'58" West, with the common line of said Wilson tract and said Freels tract, a distance of 812.46 feet to an IRS for the southwest corner of said Wilson tract and the southeast corner of a tract of land described in the deed to Michael Freels and Rita Freels, as recorded in Volume 727 Page 352, DRECT;

THENCE North 30°54'51" West, with the common line of said Wilson tract and said Michael and Rita Freels tract, a distance of 939.41 feet to an IRS for the westernmost northwest corner of said Wilson tract and being in the south line of Lot 1 of the aforementioned Alpha & Omega Addition;

THENCE North 59°01'57" East, with the common line of said Wilson tract and said Lot 1, Alpha & Omega Addition, a distance of 291.09 feet to a 3/8 inch iron rod found for an inner corner of said Wilson tract and the southeast corner of said Lot 1, Alpha & Omega Addition;

THENCE North 30°51'25" West, passing a 3/8 inch iron rod found for the easternmost northeast corner of said Lot 1, Alpha & Omega Addition at a distance of 411.35 feet, continuing for a total distance of 988.37 feet to the **POINT OF BEGINNING** and containing 40.750 Acres of Land.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, XXXXXXX, acting by and through the undersigned, their duly authorized agent, does hereby adopt this plat designating the herein above described real property as **LOT 1, BLOCK 1, 3050 W. WASHINGTON ADDITION**, an addition to the City of Stephenville, Texas. The streets and easements shown thereon are hereby dedicated to the Public use forever. The streets are dedicated for street purposes. The easements, as shown, are dedicated for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed, reconstructed, or placed upon, over or across the easements shown. Said easements being hereby reserved for the mutual use and accommodation of all public utilities using or desiring to use the same. Any, and all public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective system on the easements and all public utilities shall at all times have full right of ingress and egress to or from and upon reconstructing, inspecting, patrolling, maintaining, respective systems without the necessity at any time of procuring the permission of anyone.

Any public utility shall have the right of ingress and egress to private property for the purpose of reading meters and/or for any maintenance and service required or ordinarily performed by that utility. The easements dedicated are for the specific use of installing and maintaining water, sewer, electrical, natural gas, telephone, fiber or cablevision lines, and are not intended to be used for garbage dumpsters, the collection of garbage, or for the use of garbage vehicles in any manner.

This plat does not alter or remove existing deed restrictions or covenants, if any, on this property.

Owner/Representative _____

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of said partnership.

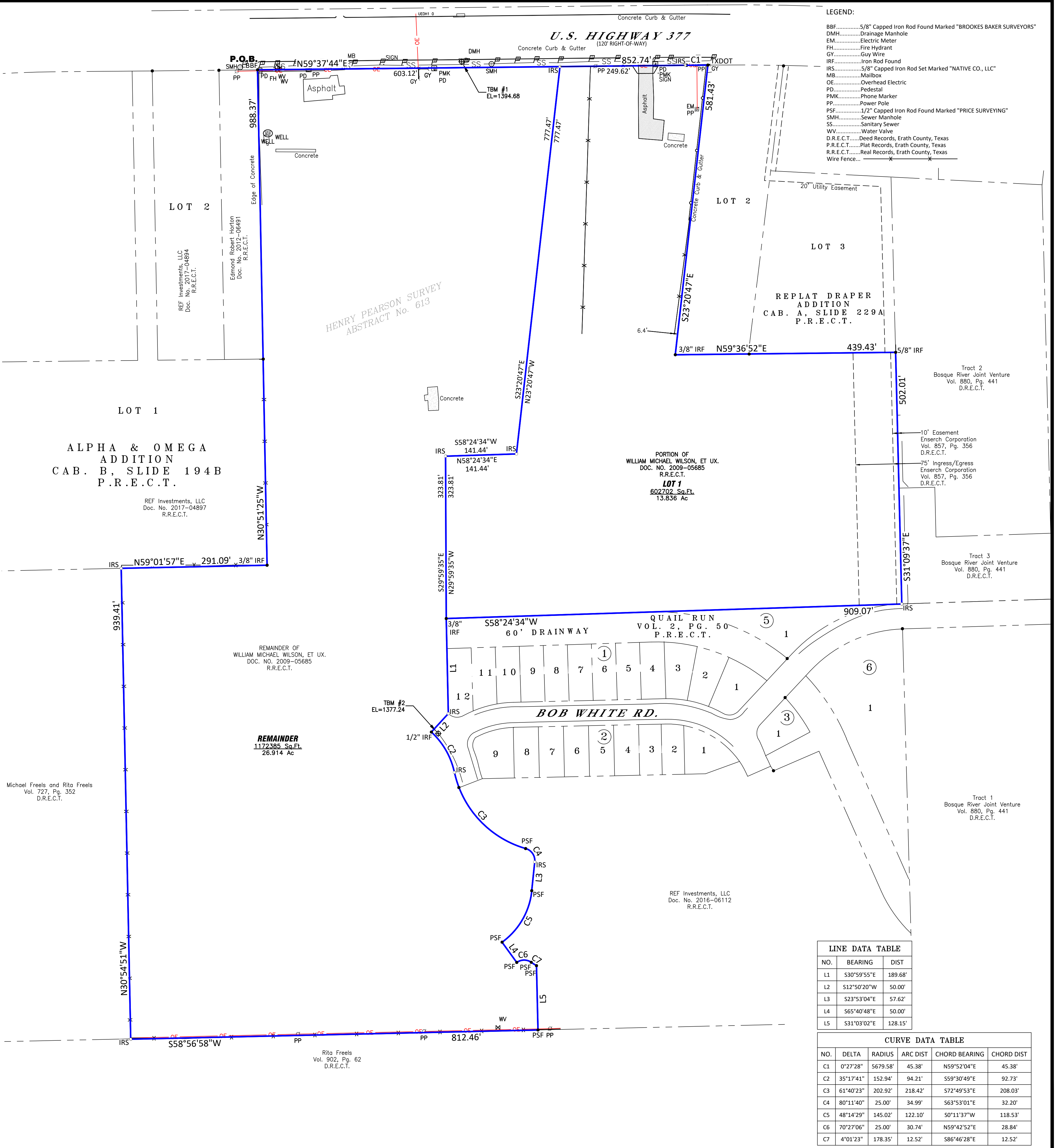
GIVEN UNDER MY HAND AND SEAL OF OFFICE on the _____ day of _____, 2023.

Notary Public in and for _____ My commission expires _____
the State of Texas

SURVEYOR'S CERTIFICATION:

I, N. Zane Griffin, do hereby certify that I prepared this plat from an actual on the ground survey of the land, and that the corner monuments shown hereon were properly placed under my personal supervision in accordance with the platting rules and regulations of the City of Stephenville, Erath County, Texas.

N. Zane Griffin, RPLS No. 6810
Date: January 10, 2023



- LEGEND:**
- BBF.....5/8" Capped Iron Rod Found Marked "BROOKES BAKER SURVEYORS"
 - DMH.....Drainage Manhole
 - EM.....Electric Meter
 - FH.....Fire Hydrant
 - GY.....Guy Wire
 - IRF.....Iron Rod Found
 - IRS.....5/8" Capped Iron Rod Set Marked "NATIVE CO., LLC"
 - MB.....Mailbox
 - OE.....Overhead Electric
 - PD.....Pedestal
 - PKM.....Phone Marker
 - PP.....Power Pole
 - PSF.....1/2" Capped Iron Rod Found Marked "PRICE SURVEYING"
 - SMH.....Sewer Manhole
 - SS.....Sanitary Sewer
 - WV.....Water Valve
 - D.R.E.C.T.....Deed Records, Erath County, Texas
 - P.R.E.C.T.....Plat Records, Erath County, Texas
 - R.R.E.C.T.....Real Records, Erath County, Texas
 - Wire Fence.....

LINE DATA TABLE

NO.	BEARING	DIST
L1	S30°59'55"E	189.68'
L2	S12°50'20"W	50.00'
L3	S23°53'04"E	57.62'
L4	S65°40'48"E	50.00'
L5	S31°03'02"E	128.15'

CURVE DATA TABLE

NO.	DELTA	RADIUS	ARC DIST	CHORD BEARING	CHORD DIST
C1	0°27'28"	5679.58'	45.38'	N59°52'04"E	45.38'
C2	35°17'41"	152.94'	94.21'	S59°30'49"E	92.73'
C3	61°40'23"	202.92'	218.42'	S72°49'53"E	208.03'
C4	80°11'40"	25.00'	34.99'	S63°53'01"E	32.20'
C5	48°14'29"	145.02'	122.10'	S0°11'37"W	118.53'
C6	70°27'06"	25.00'	30.74'	N59°42'52"E	28.84'
C7	4°01'23"	178.35'	12.52'	S86°46'28"E	12.52'

CONVEYANCE PLAT
(NOT INTENDED FOR CONSTRUCTION)

3050 W. WASHINGTON ADDITION

A SUBDIVISION OF A 40.750 ACRE TRACT IN THE HENRY PEARSON SURVEY, ABSTRACT NO. 613 CITY OF STEPHENVILLE, ERATH COUNTY, TEXAS

ACCEPTED AND APPROVED: _____
DIRECTOR OF PLANNING AND DEVELOPMENT

CITY SECRETARY

DATE

SLIDE

CABINET

LAYOUT

NATIVE CO. LAND SURVEYING

P.O. Box 2466 Stephenville, TX 76401
zane@nativesurveying.com - 254-434-6695
TBPLS Firm No. 10194572

10/2023 3:25PM D:\jobs\2021\0201\087 Wilson Hwy 377 Commercial, Erath Co - Pearson-613D\WG\Conveyance Plat\wg Layout

STAFF REPORT



SUBJECT: Case No.: AS2023-001
Abandonment of Alley in the Cage Addition

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen, Director of Development Services

RECOMMENDATION:

To recommend the City Council abandon a portion of a 20-foot alleyway in the Cage Addition. The portion of alleyway to be abandoned is East of Ivy, West of Bates and South of Elm.

BACKGROUND:

On January 3, 2023, the City Council initiated action to abandon an alleyway located East of Ivy, West of Bates and South of Elm. Consequently, the Planning and Zoning Commission is now charged to hold a public hearing and provide a recommendation for final action to the City Council.

Recently, several parcels were rezoned to R-3, Multifamily District by the property owner. One property owner owns each parcel surrounding the alley with exception to 380 Elm, Parcel R28924.

A 12" sanitary sewer line traverses the alley at 1273 Ivy, Parcel R28921. If approved, the property owner will be required to honor the existing easement.

Chapter 95 of the City of Stephenville Code of Ordinances allows for the abandonment of streets and alleys by petition or council initiative. If the City Council opts to pursue the abandonment, the matter will be forwarded to the Planning and Zoning Commission for a public hearing. The Commission will then make a recommendation to City Council regarding the abandonment. The applicable sections of the city code are as follows:

ARTICLE IV. - CLOSING STREETS AND ALLEYS

Sec. 95.50. - Reference to transportation code.

Provisions for the closing of streets and alleys are granted by the V.T.C.A. Transp. Code § 311.07. The procedures and regulations set out herein are consistent with the requirements of the Code and set out regulations to be followed in the closing of streets and alleys.
(Ord. 2015-11, passed 7-7-2015)

Sec. 95.51. - Public hearing generally.

The City Council, on its own initiative, may call a public hearing to determine whether or not any street or alley in the city, or any portion thereof, should be closed or abandoned as a public thoroughfare.
(Ord. 2015-11, passed 7-7-2015)

Sec. 95.54. - Recommendation of the planning and zoning commission.

Before City Council may take final action to adopt any ordinance to close a street or alley the Planning and Zoning Commission shall review the request from the point of view of impact on future traffic circulation in the city and shall make a recommendation on such matters to the City Council. The Planning and Zoning Commission shall be required to conduct a public hearing. (Ord. 2015-11, passed 7-7-2015)

DEPARTMENTAL COMMENTS:**Public Works Department**

Retain easement for existing 12" sanitary sewer main

Development Services

No additional comments.

Police Department

No additional comments.

Fire Department

No additional comments.

ADVANTAGES:

An advantage to closing the alley will allow for the development of multiple parcels. In doing so, three mobile homes and accessory structures will be removed to allow the construction of multifamily dwellings.

DISADVANTAGES:

No disadvantages have been identified at this time.

ESTIMATE OF VALUE:**ARTICLE IV. - CLOSING STREETS AND ALLEYS****Sec. 95.56. - Appraisal of real property required.**

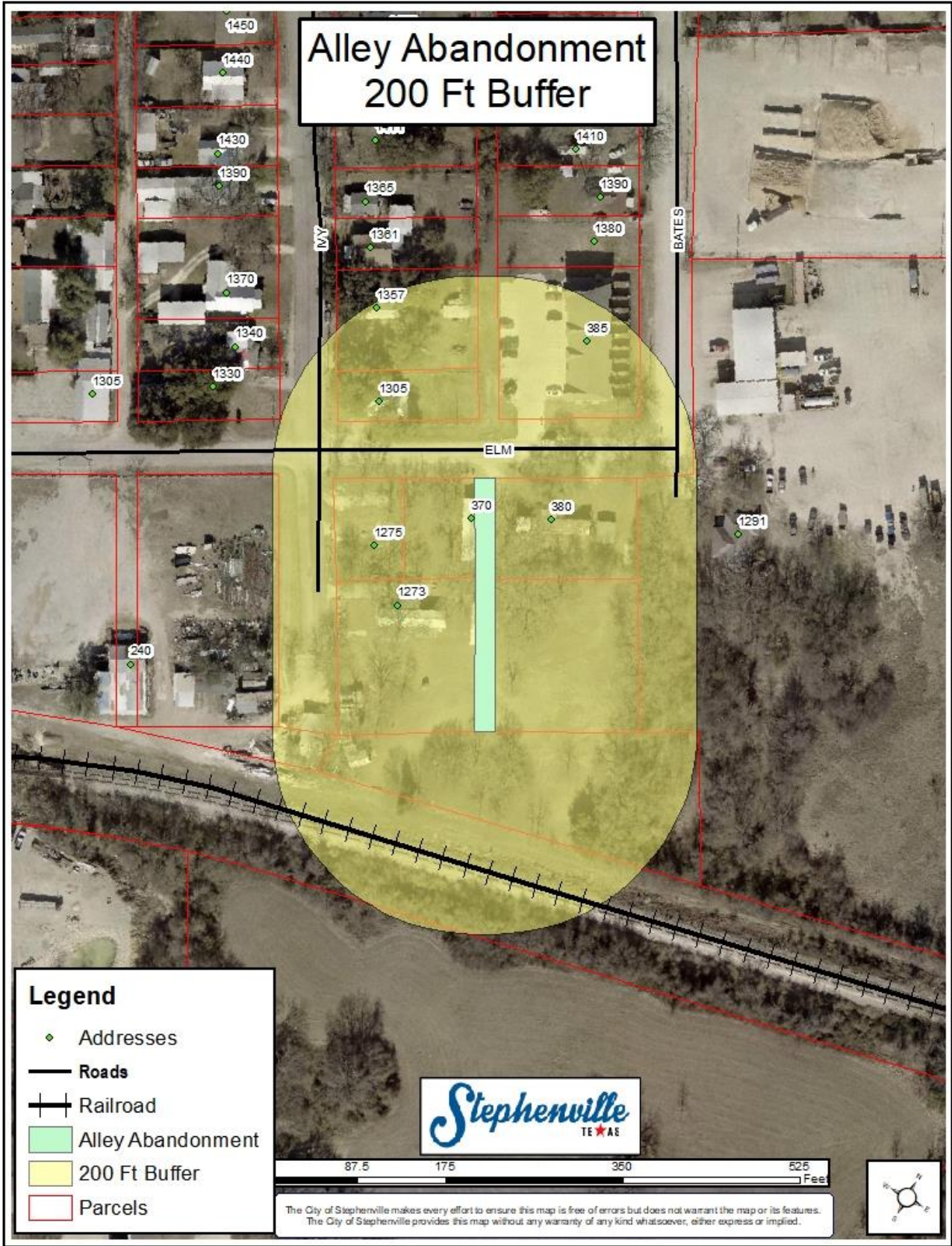
- A. Within 90 days after the City Council public hearing and Planning and Zoning Commission recommendation, but before City Council final action, the petitioner shall provide an appraisal by a certified appraiser of real property. The cost of the appraisal is to be paid in full by the petitioner. Upon written application by the petitioner stating the need therefor, this time period may be extended by the City Administrator. Such extension shall be in writing.
- B. As an alternative to the above, the petitioner may elect, in writing, to utilize the average appraised values of the land immediately adjacent to the street or alley to be closed as shown on the most recent approved municipal tax roll. Such average value shall be calculated by city staff.
- C. If the requested closure is approved by City Council, the actual selling price shall be determined solely by the City Council, but in no case shall the selling price be less than the appraised value as determined under this section.

(Ord. 2015-11, passed 7-7-2015)

ALTERNATIVES:

- 1) Recommend the City Council abandon the alley as initiated.
- 2) Recommend the City Council terminate the initiated action and not abandon.

Exhibit – Twenty-foot alleyway East of Ivy, West of Bates and South of Elm.



SURVEY PLAT

LEGEND:

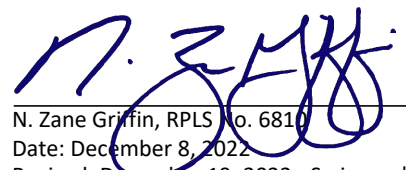
CNF.....Capped 100D Nail Found Marked "JRP 5959"
 "IRF.....Iron Rod Found
 IRS.....5/8" Capped Iron Rod Set Marked "NATIVE CO., LLC"
 PFC.....Point for Corner
 D.R.E.C.T.....Deed Records, Erath County, Texas
 R.R.E.C.T.....Real Records, Erath County, Texas

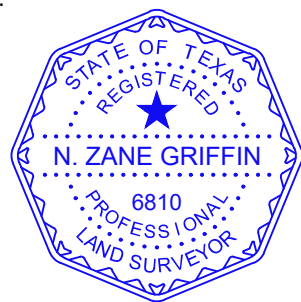
NOTES:

1. Basis of bearing being U.S. State Plane Grid - Texas North Central Zone (4202) NAD83 as established using the AllTerra RTKNet Cooperative Network. Reference frame is NAD83(2011) Epoch 2010.0000. Distances shown are U.S. Survey feet displayed in surface values.
2. According to the scaled location of FEMA Firm Map No. 48143C0430D, effective date November 16, 2011, the subject property lies within Zone X - Areas determined to be outside the 0.2% chance annual flood.
3. This survey was prepared without the benefit of a current commitment for title insurance. Additional easements and/or restrictions may affect the surveyed property.
4. See separate metes and bounds description prepared with this survey.

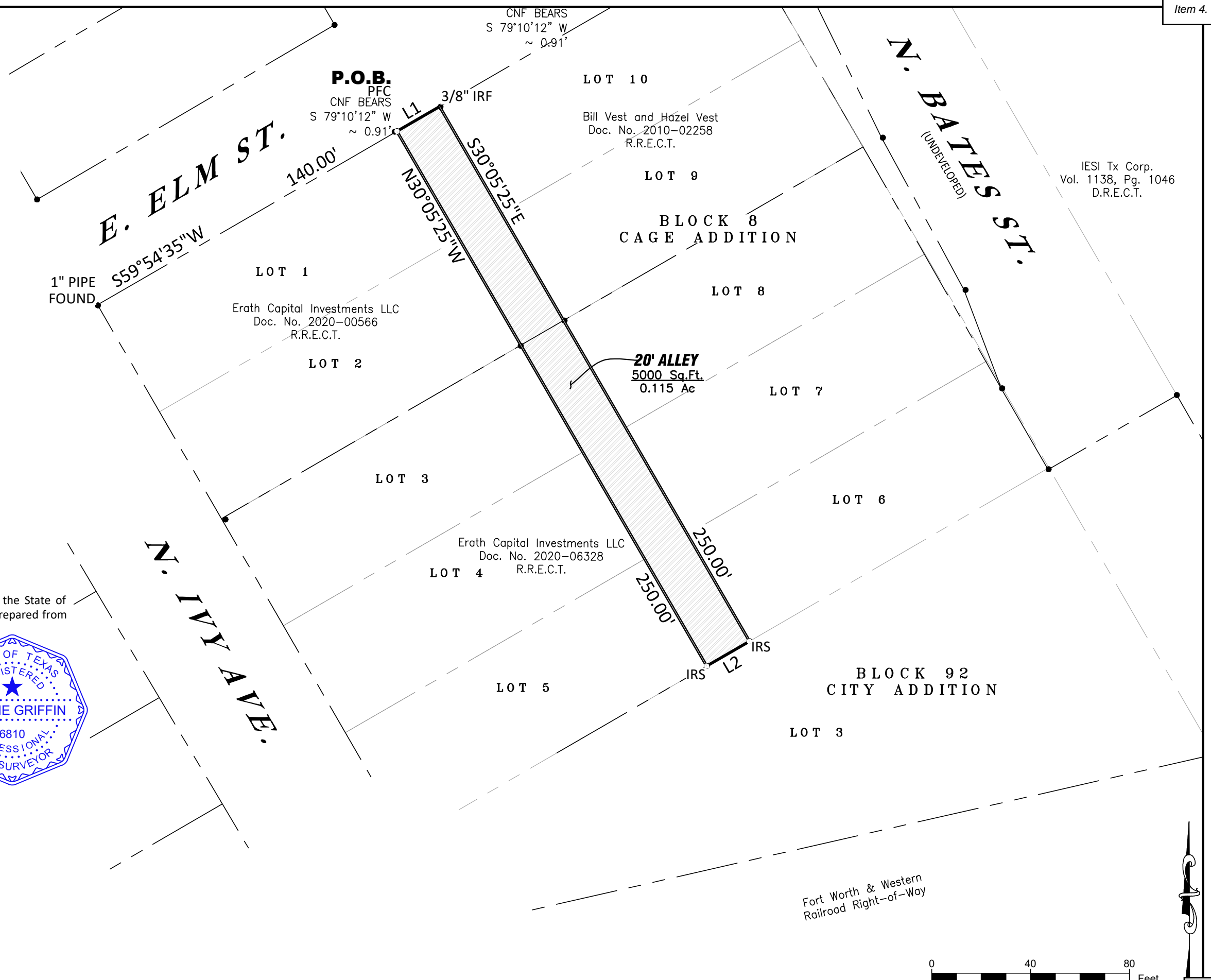
SURVEYOR'S CERTIFICATION

I, N. Zane Griffin, a Registered Professional Land Surveyor licensed in the State of Texas, do hereby declare that this survey is true and correct and was prepared from an actual survey made under my supervision on the ground.


 N. Zane Griffin, RPLS No. 6810
 Date: December 8, 2022
 Revised: December 19, 2022 - Scrivener's Error



P.O. Box 2465 Stephenville, Tx 76401
 zane@nativelandsurveying.com ~ 254-434-6695
 TBPELS Firm No. 10194572



METES AND BOUNDS DESCRIPTION:

Item 4.

BEING all of that 20 feet wide ally in Block 8, Cage Addition, an addition to the City of Stephenville, Erath County, Texas, as shown per King's 1956 Map of the City of Stephenville, as recorded in Volume 381, Page 105, Deed Records, Erath County, Texas (DIRECT), and being more particularly described by metes and bounds as follows: (Basis of bearing being U.S. State Plane Grid - Texas North Central Zone (4202) NAD83 as established using the AllTerra RTKNet Cooperative Network. Reference frame is NAD83(2011) Epoch 2010.0000. Distances shown are U.S. Survey feet displayed in surface values).

BEGINNING at a point at the intersection of the south right-of-way line of E. Elm St. and the west line of said 20 feet wide alley for the northeast corner of Lot 1 of said Block 8 and being the northwest corner of the herein described tract, from which a capped 100D nail found marked "JRP 5959" bears South 79°10'12" West, a distance of 0.91 feet and a 1 inch pipe found for the northwest corner of said Block 8 bears South 59°54'35" West, a distance of 140.00 feet;

THENCE North 59°54'35" East, with the south right-of-way line of E. Elm St., a distance of 20.00 feet to a 3/8 inch iron rod found at the intersection of the south right-of-way line of E. Elm St. and the east line of said 20 feet wide alley for the northwest corner of Lot 10 of said Block 8 and being the northeast corner of the herein described tract;

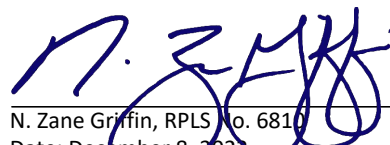
THENCE South 30°05'25" East, with the east line of said 20 feet wide alley, passing a 3/8 inch iron rod found for the southwest corner of Lot 9 and the northwest corner of Lot 8 of said Block 8 at a distance of 100.00 feet, continuing for a total distance of 250.00 feet to a 5/8 inch iron rod set marked "NATIVE CO., LLC" (IRS) at the southeast corner of said 20 feet wide alley and the southwest corner of Lot 6 of said Block 8, also being in the north line of Lot 3, Block 92, City Addition, an addition to the City of Stephenville as shown per said King Map;

THENCE South 59°54'35" West, with the north line of said Lot 3, Block 92, a distance of 20.00 feet to an IRS for the southwest corner of said 20 feet wide alley and the southeast corner of Lot 5 of said Block 8;

THENCE North 30°05'25" West, with the west line of said 20 feet wide alley, a distance of 250.00 feet to the **POINT OF BEGINNING** and containing 5,000 Square Feet or 0.115 of an Acre of Land.

SURVEYOR'S CERTIFICATION

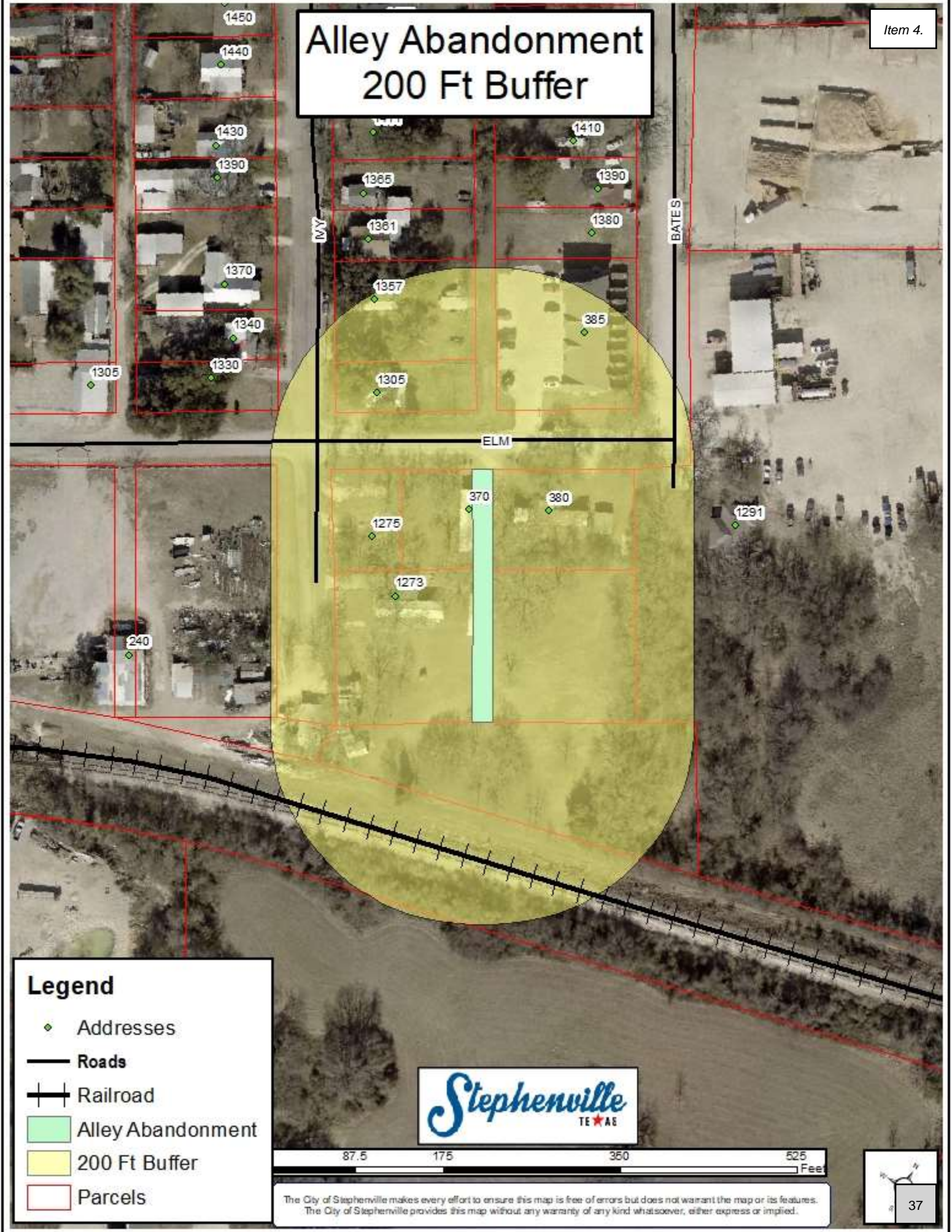
I, N. Zane Griffin, a Registered Professional Land Surveyor licensed in the State of Texas, do hereby declare that this survey is true and correct and was prepared from an actual survey made under my supervision on the ground.


N. Zane Griffin, RPLS No. 6810
Date: December 8, 2022
Revised: December 19, 2022 - Scrivener's Error



P.O. Box 2465 Stephenville, Tx 76401
zane@nativelandsurveying.com ~ 254-434-6695
TBPELS Firm No. 10194572

Alley Abandonment 200 Ft Buffer



Legend

- ◆ Addresses
- Roads
- +— Railroad
- Alley Abandonment
- 200 Ft Buffer
- Parcels



The City of Stephenville makes every effort to ensure this map is free of errors but does not warrant the map or its features. The City of Stephenville provides this map without any warranty of any kind whatsoever, either express or implied.

Alley Abandonment Area Zoning Map

Item 4.

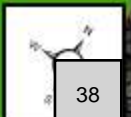


Legend

- ◆ Addresses
 - Roads
 - Railroad
 - ▭ Alley Abandonment
 - ▭ Parcels
- ZONING**
- ▭ AG - Agricultural
 - ▭ B-1 - Neighborhood Business
 - ▭ B-2 - Retail and Commercial Business
 - ▭ B-3 - Central Business
 - ▭ B-4 - Private Club
 - ▭ CTS - City, Tarranton, School
 - ▭ DT - Downtown
 - ▭ IND - Industrial
 - ▭ PD - Planned Development
 - ▭ R-1 - Single Family - 7,500
 - ▭ R-1.5 - Single Family - 6,000
 - ▭ R-2 - One and Two Family
 - ▭ R-2.5 - Integrated Housing
 - ▭ R-3 - Multiple Family
 - ▭ RE - Single Family - 1 Acre



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Alley Abandonment Area Future Land Use Map



Legend

- ◆ Addresses
- Roads
- ⊕ Railroad
- Alley Abandonment
- Parcels

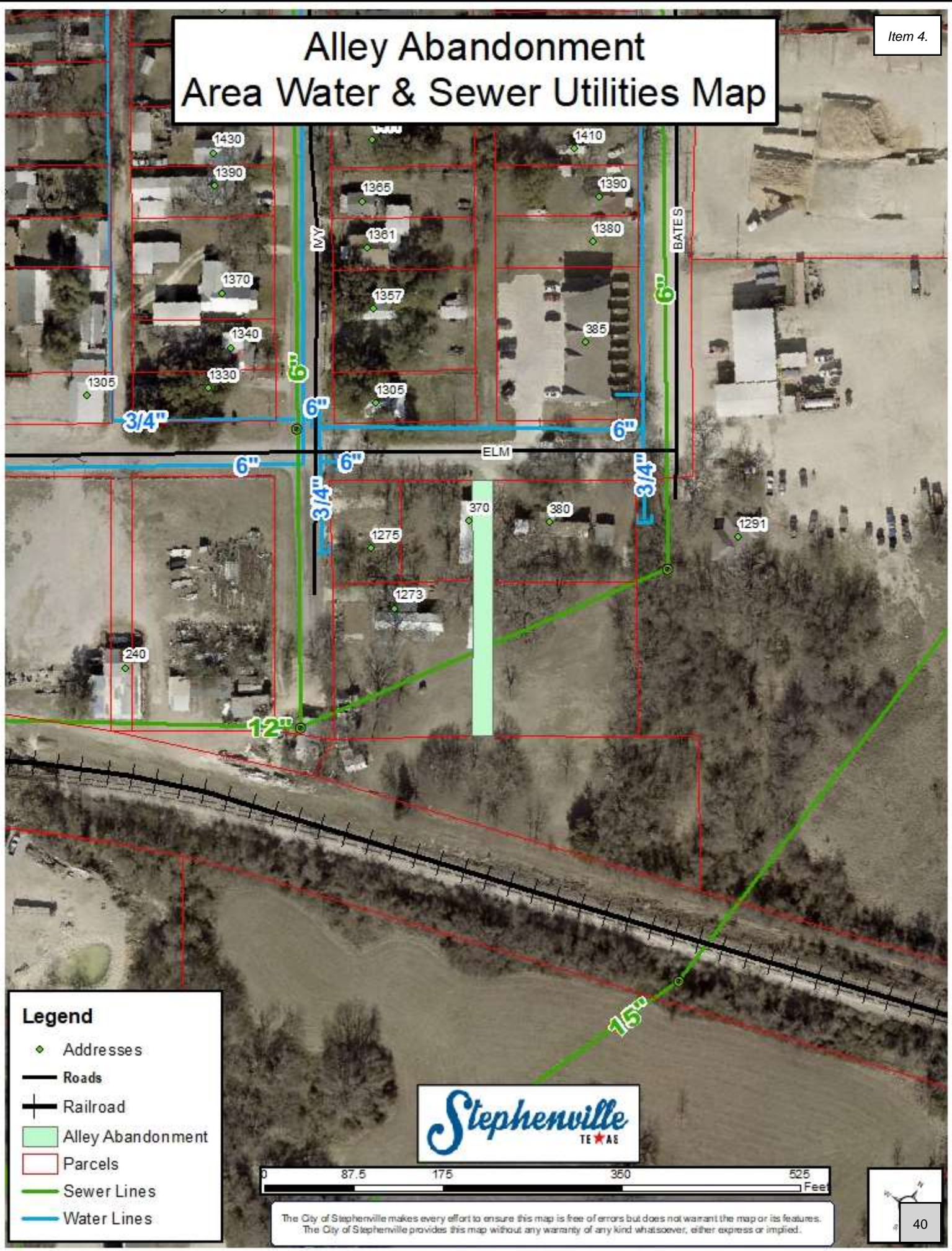
Future Use

- Ag/Open Space
- Office/Neighbor_Bus
- Commercial
- Cent Business Dist
- City/Tarleton/SISD
- Downtown
- Industrial
- Planned Development
- Single Family
- 1_2 Family
- Multi-Fam/Resident
- Duplex/Townhome
- Manufact Homes



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Alley Abandonment Area Water & Sewer Utilities Map



Legend

- ◆ Addresses
- Roads
- | Railroad
- Alley Abandonment
- Parcels
- Sewer Lines
- Water Lines



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Alley Abandonment South 200 ft Buffer Addresses

Parcel ID	Parcel Address	Parcel Owner	Owner Address	City	State	Zip Code
R000029966	205 E FREY	CTMS INC	PO BOX 1457	STEPHENVILLE	TX	76401
R000028919	1275 IVY	ERATH CAPITAL INVESTMENTS LLC	2699 CR223	STEPHENVILLE	TX	76401
R000028920	378 ELM	ERATH CAPITAL INVESTMENTS LLC	2699 CR223	STEPHENVILLE	TX	76401
R000029961	0 BATES	ERATH CAPITAL INVESTMENTS LLC	2699 CR223	STEPHENVILLE	TX	76401
R000028921	1273 IVY	ERATH CAPITAL INVESTMENTS LLC	2699 CR223	STEPHENVILLE	TX	76401
R000014966	0 N PADDOCK & VANDERBILT	FORT WORTH & WESTERN RAILROAD	6300 RIDGLEA PLACE STE 1200	FORT WORTH	TX	76116-5738
R000028860	240 E ELM	HALE BETTY RUTH	1248 N ESTES	STEPHENVILLE	TX	76401-0000
R000029962	0 IVY	HALE BETTY RUTH	1248 N ESTES	STEPHENVILLE	TX	76401-0000
R000029960	1291 BATES	IESI TX CORPORATION	PO BOX 819	IOWA PARK	TX	76367-0819
R000028908	1357 IVY	MITCHELL ROSE	497 RETA	STEPHENVILLE	TX	76401
R000028911	385 E ELM	TRAFALGAR HOMES OF TEXAS LLC	PO BOX 65	STEPHENVILLE	TX	76401
R000028924	380 E ELM	VEST HAZEL & BILLY RAY VEST JR	380 E ELM	STEPHENVILLE	TX	76401
R000028910	1305 IVY	VO LOI N	883 MIMOSA CT	STEPHENVILLE	TX	76401