

ELLIS COUNTY COMMISSIONERS COURT
OFFICIAL MINUTES – OCTOBER 29, 2024

THE ELLIS COUNTY COMMISSIONERS COURT MET ON TUESDAY, OCTOBER 29, 2024, AT 2:00 P.M., IN THE HISTORIC ELLIS COUNTY COURTHOUSE, COMMISSIONERS COURTROOM (2ND FLOOR) 101 W. MAIN STREET, WAXAHACHIE, TEXAS AT WHICH TIME THE FOLLOWING WAS DISCUSSED AND CONSIDERED, TO-WIT:

MEMBERS PRESENT:

COUNTY JUDGE TODD LITTLE

COUNTY CLERK: KRYSTAL VALDEZ

COMMISSIONERS:

PRECINCT 1 COMMISSIONER RANDY STINSON

PRECINCT 2 COMMISSIONER LANE GRAYSON

PRECINCT 3 COMMISSIONER LOUIS PONDER

PRECINCT 4 COMMISSIONER KYLE BUTLER

OPENING COURT:

COUNTY JUDGE CALLS MEETING TO ORDER, DECLARES QUORUM AND DECLARES NOTICES LEGALLY POSTED PURSUANT TO OPEN MEETINGS ACT.

MOTION TO OPEN COURT BY COMMISSIONER GRAYSON, SECONDED BY COMMISSIONER PONDER, MOTION CARRIED

INVOCATION AND PLEDGE OF ALLEGIANCE: *PRECINCT 1 COMMISSIONER RANDY STINSON*

RESOLUTIONS:

R.1 RESOLUTION RECOGNIZING OPERATION GREEN LIGHT IN SUPPORT OF OUR VETERANS.

CONSENT AGENDA: MINUTE ORDER 495.24 WITHOUT AGENDA ITEM F.1

ADMINISTRATIVE:

A.1 APPROVING REGULAR BILLS, PAYROLL AND OFFICER'S REPORTS. – *COUNTY TREASURER CHERYL CHAMBERS*

A.2 APPROVING OF COMMISSIONERS' COURT REGULAR MEETING MINUTES FROM OCTOBER 15, 2024. –
COUNTY CLERK KRYSTAL VALDEZ

A.3 ACCEPTING OF THE SEPTEMBER 2024 CASH AUDIT REPORTS, PURSUANT TO TEXAS LOCAL GOVERNMENT
CODE §115.002. – *COUNTY AUDITOR STACI PARR*

A.4 ACCEPTING OF THE COUNTY AUDITOR'S MONTHLY REPORT FOR SEPTEMBER 2024, PURSUANT TO TEXAS
LOCAL GOVERNMENT CODE §114.025. – *COUNTY AUDITOR STACI PARR*

A.5 ACCEPTING OF A TABULATED REPORT OF THE COUNTY'S RECEIPTS AND DISBURSEMENTS OF FUNDS FROM
SEPTEMBER 21, 2024 – OCTOBER 19, 2024, PURSUANT TO LOCAL GOVERNMENT CODE §114.024. –
COUNTY AUDITOR STACI PARR

A.6 APPROVING OF THE ENGINEERING DEPARTMENT MONTHLY FINANCIAL REPORT FOR SEPTEMBER 2024,
PURSUANT TO LOCAL GOVERNMENT CODE §114.044. – *DoD DIRECTOR ALBERTO MARES*

A.7 APPROVING TO MOVE OFFICE OF CONSTABLE, PCT. 3, AND THE DEPARTMENTS OF BEHAVIORAL HEALTH,
EMERGENCY MANAGEMENT, INFORMATION TECHNOLOGY, AND MAINTENANCE AS OUTLINED IN THE
SUPPLEMENTAL DOCUMENT. – *COUNTY JUDGE TODD LITTLE*

FINANCIAL CONSENT:

- F.1 **MOVED TO REGULAR AGENDA BY COMMISSIONER GRAYSON**
- F.2 APPROVING TO PAY A \$50,000.00 INVOICE TO THE ELLIS COUNTY MUSEUM FOR THE FISCAL YEAR 2025 YEARLY CONTRIBUTION. – *COUNTY JUDGE TODD LITTLE*
- F.3 APPROVING FOR THE COUNTY JUDGE TO OBTAIN A MEMBERSHIP FOR ELLIS COUNTY FROM THE TEXAS CONFERENCE OF URBAN COUNTIES FOR FISCAL YEAR 2025 IN THE AMOUNT OF \$10,074.00. – *COUNTY JUDGE TODD LITTLE*
- F.4 FY2024 LINE-ITEM TRANSFER – *THE HONORABLE JACKIE MILLER, JR., JUSTICE OF THE PEACE, PCT. 3*
DECREASE 001-0520-508730 (MAINT-RPS OFC EQUIP) BY \$202.78
INCREASE 001-0520-508680 (CONTRACT SERVICES) BY \$202.78
- F.5 FY2024 LINE-ITEM TRANSFER – *THE HONORABLE WILLIAM WALLACE, 378TH DISTRICT COURT*
DECREASE 001-0190-508880 (COMPUTER SOFTWARE) BY \$2,800.00
INCREASE 001-0190-508050 (CONFERENCE) BY \$2,613.00
INCREASE 001-0190-506980 (LAW BOOKS/DUES) BY \$126.00
INCREASE 001-0190-507030 (TELEPHONE) BY \$61.00

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECONDED BY COMMISSIONER STINSON, MOTION CARRIED

MINUTE ORDER 496.24 (F.1) APPROVING OF THE YEARLY CONTRIBUTION TO THE ELLIS COUNTY CHILDREN’S ADVOCACY CENTER FOR FISCAL YEAR 2025 IN THE AMOUNT OF \$70,000.00. FUNDING WILL COME FROM THE COMMUNITY SUPPORT BUDGET LINE. – *COUNTY JUDGE TODD LITTLE*

MOTION TO APPROVE BY COMMISSIONER STINSON, SECONDED BY COMMISSIONER GRAYSON, MOTION CARRIED

REGULAR AGENDA – DISCUSSION, CONSIDERATION AND ACTION:

DEPARTMENT OF DEVELOPMENT

- MINUTE ORDER 497.24** (1.1) APPROVING A VARIANCE REQUEST TO VOLUME I, SECTION IV(A) OF THE SUBDIVISION & DEVELOPMENT STANDARDS REGARDING THE MINIMUM PUBLIC ROAD FRONTAGE REQUIREMENTS FOR PARCEL ID 189402. THIS ± 2.59-ACRE SITE IS LOCATED ± 2,025 FEET NORTHEAST OF THE INTERSECTION OF COX ROAD AND CROWNOVER ROAD, LOCATED IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF WAXAHACHIE, ROAD AND BRIDGE PRECINCT 3, SUBJECT TO THE FOLLOWING CONDITIONS:
- 1. ANY FURTHER SUBDIVISION OF THIS PROPERTY SHALL REQUIRE A PLAT MEETING THOSE REGULATIONS IN EFFECT AT THE TIME OF PLATTING.
 - 2. APPROVAL OF THIS VARIANCE REQUEST DOES NOT EXTEND TO MULTI-TENANT, MULTI-UNIT, OR ANY OTHER COMMERCIAL STRUCTURES OR BUSINESSES WITHOUT MEETING THE REQUIREMENTS IN EFFECT AT THAT TIME.

MOTION TO APPROVE BY COMMISSIONER PONDER, SECONDED BY COMMISSIONER BUTLER, MOTION CARRIED

MINUTE ORDER 498.24 (1.2) ACCEPTING A PERFORMANCE BOND FOR THE PROPOSED CUNNINGHAM ESTATES PHASE 2. THE ± 153.126-ACRE SITE IS LOCATED ± 1,590 FEET WEST OF THE INTERSECTION OF OLD MAYPEARL ROAD AND CUNNINGHAM MEADOWS ROAD, SITUATED IN THE W. LOCKWOOD SURVEY, ABSTRACT NO. 647 & THE A. FERGUSON SURVEY, ABSTRACT NO. 350, WAXAHACHIE, ROAD AND BRIDGE PRECINCT NO. 3.

MOTION TO APPROVE BY COMMISSIONER PONDER, SECONDED BY COMMISSIONER BUTLER, MOTION CARRIED

MINUTE ORDER 499.24 (1.3) APPROVING TO RELEASE A LETTER OF CREDIT IN THE AMOUNT OF \$811,699.85 AND ACCEPT INFRASTRUCTURE FOR SAGEBRUSH ADDITION. THE ± 92.217-ACRE SITE IS LOCATED AT THE INTERSECTION OF LONGBRANCH ROAD & HAYES ROAD, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF MIDLOTHIAN, ROAD AND BRIDGE PRECINCT NO. 4.

MOTION TO APPROVE BY COMMISSIONER BUTLER, SECONDED BY COMMISSIONER PONDER, MOTION CARRIED

MINUTE ORDER 500.24 (1.4) RATIFYING STAFF ACTION ON A PLAT OF JCG RANCH. THE ± 1.663-ACRE SITE IS LOCATED ± 165 FEET SOUTH OF THE INTERSECTION OF PARKSVILLE DRIVE AND FM 983, SITUATED IN THE M. PHELPS SURVEY, ABSTRACT NO. 824, FERRIS, ROAD AND BRIDGE PRECINCT NO. 1.

MOTION TO APPROVE BY COMMISSIONER STINSON, SECONDED BY COMMISSIONER GRAYSON, MOTION CARRIED

MINUTE ORDER 501.24 (1.5) RATIFYING STAFF ACTION ON A PLAT OF LANGER – FM 1181 ADDITION, LOTS 1R, 2 & 3, BLOCK A BEING A REPLAT OF LANGER – FM 1181 ADDITION, LOT 1, BLOCK A. THE ± 15.109-ACRE SITE IS LOCATED AT THE INTERSECTION OF LOG CABIN ROAD AND OLD TELICO ROAD, ENNIS, ROAD AND BRIDGE PRECINCT NO. 2.

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECONDED BY COMMISSIONER STINSON, MOTION CARRIED

MINUTE ORDER 502.24 (1.6) RATIFYING STAFF ACTION ON A PLAT OF GA MORGAN ESTATES. THE ± 1.41-ACRE SITE IS LOCATED ± 1,775 FEET WEST OF THE INTERSECTION OF HOYT ROAD AND ANGUS ROAD, SITUATED IN THE W.C. MOODY SURVEY, ABSTRACT NO. 747, WAXAHACHIE, ROAD AND BRIDGE PCT. 3, SUBJECT TO THE FOLLOWING CONDITIONS:

1. REMOVE CITY OF WAXAHACHIE AND THE CASE SUB # FROM THE PLAT TITLE BLOCK
2. REMOVE CITY OF WAXAHACHIE APPROVAL BLOCK
3. UPDATE THE COUNTY APPROVAL BLOCK TO MATCH THE ATTACHED SAMPLE PLAT.
4. UPDATE THE OWNER'S CERTIFICATE TO REFLECT GA MORGAN ESTATES AND UPDATE THE OWNERS ACCORDING TO THE DEED.
5. REMOVE "VARIANCE NEEDED" FROM THE PLAT DRAWING.
6. ADD A PLAT NOTE REGARDING THE REMOVAL FROM THE ETJ AND REFERENCE ORDINANCE NO. 3550 ON SEPTEMBER 9, 2024

7. ADD A PLAT NOTE REGARDING THE ENCROACHMENT VARIANCE MINUTE ORDER 317.24 ON JUNE 25, 2024.
8. PROVIDE TAX CERTIFICATE FOR 304027
9. SHOW THE ETJ LINES ON THE PLAT DRAWING

MOTION TO APPROVE BY COMMISSIONER PONDER, SECONDED BY COMMISSIONER BUTLER, MOTION CARRIED

MINUTE ORDER 503.24 (1.7) RATIFYING STAFF ACTION ON A PLAT OF LAWSON ESTATES. THE ± 1.239-ACRE SITE IS LOCATED SOUTHEAST OF THE INTERSECTION OF THUNDER ROAD AND FM 308, SITUATED IN THE JOHN C. LOGAN SURVEY, ABSTRACT NO. 649, MILFORD, ROAD AND BRIDGE PRECINCT NO. 3, SUBJECT TO THE FOLLOWING CONDITION:

1. UPDATE THE BUILDING LINE SETBACK ALONG THUNDER ROAD.

MOTION TO APPROVE BY COMMISSIONER PONDER, SECONDED BY COMMISSIONER BUTLER, MOTION CARRIED

(TO AGENDA ITEM 1.11)

MINUTE ORDER 504.24 (1.11) RATIFYING STAFF ACTION ON A PLAT OF HENSON ADDITION. THE ± 10.004-ACRE SITE IS LOCATED ± 850 FEET SOUTH OF THE INTERSECTION OF WEST HIGHLAND ROAD AND BRYSON LANE, SITUATED IN PART OF ASA R. NEWTON SURVEY, ABSTRACT NO. 793, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF MIDLOTHIAN, ROAD AND BRIDGE PRECINCT NO. 4.

MOTION TO APPROVE BY COMMISSIONER BUTLER, SECONDED BY COMMISSIONER PONDER, MOTION CARRIED

PURCHASING

MINUTE ORDER 505.24 (2.1) APPROVING THE PURCHASE AND INSTALLATION OF THREE WASHER/EXTRACTORS FOR THE ELLIS COUNTY DETENTION CENTER, USING BUYBOARD CONTRACT 682-22, IN AN AMOUNT OF \$117,235.20

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECONDED BY COMMISSIONER PONDER, MOTION CARRIED

MINUTE ORDER 506.24 (2.2) APPROVING TO ADVERTISE AND SOLICIT A REQUEST FOR BIDS FOR CONVENIENCE STORE FUEL.

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECONDED BY COMMISSIONER PONDER, MOTION CARRIED

MINUTE ORDER 507.24 (2.3) APPROVING TO SURPLUS NINE (9) HANDHELD RADIOS TO THE TEXAS STATE GUARD HAM RADIO UNIT: FIVE (5) KENWOOD TK-5520's, TWO (2) KENWOOD TK-2170's, AND TWO (2) KENWOOD TK-5410's.

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECONDED BY COMMISSIONER BUTLER, MOTION CARRIED

MINUTE ORDER 508.24 (2.4) APPROVING TO AWARD RFB-2024-012-FLEX BASE, TYPE A, GRADE 1-2 COMBINATION MIX AND THE AUTHORIZATION FOR THE COUNTY JUDGE TO EXECUTE THE CONTRACTS WITH THE FOLLOWING VENDORS: ALVARADO SAND & GRAVEL, LLC; J&K EXCAVATION, LLC; VULCAN CONSTRUCTION MATERIALS, LLC; AND KNIFE RIVER-SOUTH.

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECONDED BY COMMISSIONER PONDER, MOTION CARRIED

MINUTE ORDER 509.24 (2.5) APPROVING TO ADVERTISE AND SOLICIT A REQUEST FOR BIDS FOR FLEX BASE, TYPE A, GRADE 2.

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECONDED BY COMMISSIONER BUTLER, MOTION CARRIED

MINUTE ORDER 510.24 (2.6) APPROVING TO RENEW MICROSOFT 365 SOFTWARE LICENSES FOR SHERIFF'S OFFICE USING DIR-CPO-5091 WITH SHI GOVERNMENT SOLUTIONS, LLC IN THE AMOUNT OF \$120,526.56.

MOTION TO APPROVE BY COMMISSIONER PONDER, SECONDED BY COMMISSIONER GRAYSON, MOTION CARRIED

MINUTE ORDER 511.24 (2.7) APPROVING TO RENEW MICROSOFT 365 SOFTWARE LICENSES FOR COUNTY OFFICES USING DIR-CPO-5237 WITH SHI GOVERNMENT SOLUTIONS, LLC IN THE AMOUNT OF \$150,266.88.

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECONDED BY COMMISSIONER BUTLER, MOTION CARRIED

MINUTE ORDER 512.24 (2.8) APPROVING TO PURCHASE A NUTANIX VIRTUALIZATION PLATFORM FOR THE I.T. DEPARTMENT, INCLUDING HARDWARE, SOFTWARE, AND SUPPORT SERVICES FROM SAFARI MICRO, USING THE TIPS COOPERATIVE CONTRACT #240101 IN THE AMOUNT OF \$184,226.62.

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECONDED BY COMMISSIONER PONDER, MOTION CARRIED

ADMINISTRATIVE

NO ACTION (3.1) PRESENTATION BY THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS AGENCY ON THE AGING ADVISORY COMMITTEE FOR THE 2024 STATUS UPDATE. – *DONI GREEN, NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS DIRECTOR OF AGING PROGRAMS*

NO ACTION (3.2) PRESENTATION REGARDING SUCCESSION PLANNING FOR THE ELLIS COUNTY RURAL HERITAGE FARM. – *LU ANN ADAY, PRESIDENT OF ELLIS COUNTY RURAL HERITAGE FARM, INC.*

MINUTE ORDER 513.24 (3.3) APPROVING TO AMEND AND ASSIGN THE ARPA GRANT AGREEMENT WITH THE EAGLE OAK RETREAT FOUNDATION TO THE BOULDER CREST FOUNDATION. – *COUNTY JUDGE TODD LITTLE*

MOTION TO APPROVE BY COUNTY JUDGE LITTLE, SECONDED BY COMMISSIONER PONDER, MOTION CARRIED

MINUTE ORDER 514.24 (3.4) APPROVING THE APPOINTMENT OF THE AMENDED LISTING OF PRESIDING, ALTERNATE JUDGES, AND CENTRAL COUNTING STATION PERSONNEL FOR THE UPCOMING TWO-YEAR TERM (SEPTEMBER 1, 2024 THROUGH AUGUST 31, 2026), AS SUBMITTED BY THE REPUBLICAN AND DEMOCRATIC PARTIES. – *ELECTIONS ADMINISTRATOR JANA ONYON*

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECONDED BY COMMISSIONER PONDER, MOTION CARRIED

MINUTE ORDER 515.24 (3.5) APPROVING FOR THE COUNTY JUDGE TO SIGN THE RESOLUTION FOR THE FY2025 TEXAS INDIGENT DEFENSE COMMISSION FORMULA GRANT. – *COUNTY AUDITOR STACI PARR*

MOTION TO APPROVE BY COMMISSIONER GRAYSON, SECONDED BY COMMISSIONER STINSON, MOTION CARRIED

RECESS TO EXECUTIVE SESSION **3:15 P.M.**

MOTION TO RECESS BY COMMISSIONER PONDER, SECONDED BY COMMISSIONER BUTLER, MOTION CARRIED

EXECUTIVE SESSION

THE COMMISSIONERS COURT OF ELLIS COUNTY RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME DURING THE COURSE OF THIS MEETING TO DISCUSS ANY OF THE MATTERS LISTED IN THIS AGENDA, IN THE ORDER DEEMED APPROPRIATE, AS AUTHORIZED BY TEXAS GOVERNMENT CODE 551, OR TO SEEK THE ADVICE OF ITS ATTORNEY AND/OR OTHER ATTORNEYS REPRESENTING ELLIS COUNTY ON ANY MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE COMMISSIONERS COURT UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH TEXAS GOVERNMENT CODE CHAPTER 551 OR AS OTHERWISE MAY BE PERMITTED UNDER 551.

- 4.1 PURSUANT TO GOVERNMENT CODE §551.071(1), CONSULTATION WITH LEGAL COUNSEL REGARDING PENDING OR CONTEMPLATED LITIGATION CONCERNING TCEQ MATTERS, SPECIFICALLY PENDING TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEMS PERMITS (TPDES) AND PENDING PETITIONS FOR THE CREATION OF MUNICIPAL UTILITY DISTRICTS (MUDs).
- 4.2 PURSUANT TO GOVERNMENT CODE §551.072, DELIBERATE THE PURCHASE, EXCHANGE, LEASE, OR VALUE OF REAL PROPERTY IF THE DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE GOVERNMENTAL BODY IN NEGOTIATIONS WITH A THIRD PERSON.
- 4.3 PURSUANT TO TEXAS GOVERNMENT CODE §551.074, TO HEAR A COMPLAINT OR CHARGE AGAINST AN OFFICER OR EMPLOYEE OF THE COUNTY ATTORNEY'S OFFICE.

RECONVENED TO REGULAR SESSION 4:45 P.M.

MOTION TO RECONVENE BY COMMISSIONER PONDER, SECONDED BY COMMISSIONER GRAYSON, MOTION CARRIED

(TO AGENDA ITEM 1.8)

MINUTE ORDER 516.24 (1.8) DENYING A PLAT OF HEIRLOOM, PHASE 1A. THE ± 27.461-ACRE SITE IS LOCATED ± 4,000 FEET EAST OF THE INTERSECTION OF S. 14TH STREET AND FM 875, SITUATED IN THE R. ROWLES SURVEY, ABSTRACT No. 938, AND THE S. SMITH SURVEY, ABSTRACT No. 973, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF MIDLOTHIAN, ROAD AND BRIDGE PRECINCT No. 3.

MOTION TO DENY THIS PLAT APPLICATION BASED ON THE REASONS BELOW MADE BY COMMISSIONER PONDER, SECONDED BY COMMISSIONER BUTLER, MOTION CARRIED UNANIMOUSLY

REASON No. 1:

TLGC § 232.00285 STATES: DEVELOPMENT PLAN REVIEW. (A) IN THIS SECTION, "DEVELOPMENT PLAN" INCLUDES A PRELIMINARY PLAT, PRELIMINARY SUBDIVISION PLAN, SUBDIVISION CONSTRUCTION PLAN, SITE PLAN, GENERAL PLAN, LAND DEVELOPMENT APPLICATION, OR SITE DEVELOPMENT PLAN.(B) UNLESS EXPLICITLY AUTHORIZED BY ANOTHER LAW OF THIS STATE, A COUNTY MAY NOT REQUIRE A PERSON TO SUBMIT A DEVELOPMENT PLAN DURING THE PLAT APPROVAL PROCESS BY THIS SUBCHAPTER. IF A COUNTY IS AUTHORIZED UNDER ANOTHER LAW OF THIS STATE TO REQUIRE APPROVAL OF A DEVELOPMENT PLAN, THE COUNTY MUST COMPLY WITH THE APPROVAL PROCEDURES UNDER THIS SUBCHAPTER DURING THE APPROVAL PROCESS.

ANALYSIS No. 1:

IN AN EFFORT TO ENSURE THAT THE LOCAL GOVERNMENT CODE IS ADHERED TO AND TO PRESERVE THE MINIMAL TIME AFFORDED FOR REVIEW UNDER LGC § 247.002, COUNTY REGULATIONS STATE THAT CIVIL PLANS MUST BE REVIEWED AND APPROVED BY THE COUNTY ENGINEER'S OFFICE PRIOR TO APPLYING FOR A FINAL PLAT APPLICATION. THE COUNTY'S PROCESS IS IN ACCORDANCE WITH LGC § 232.0025 – TIMELY APPROVAL OF PLATS. SUBMITTING CIVIL PLANS DIRECTLY TO THE COUNTY ON SEPTEMBER 16, 2024, AND FINAL PLAT APPLICATIONS FOR REVIEW THROUGH THE CITY ON SEPTEMBER 13, 2024, CREATES A CONFLICT IN THE PROCESSING AND REVIEW OF THE CIVIL PLANS FOR THE SUBDIVISION AND THE FINAL PLAT APPLICATIONS.

REASON NO. 2:

ADDITIONALLY, LGC § 232. 0021 (c) STATES THAT THE OWNER OF THE TRACT MUST PAY THE APPLICATION FEE PRIOR TO THE TIME OF REVIEW.

ANALYSIS NO. 2:

PAYMENT WAS OFFICIALLY RECEIVED BY THE COUNTY ON OCTOBER 16, 2024, WELL AFTER THE CITY SENT THE PLAT APPLICATION OVER FOR REVIEW.

REASON NO. 3:

VOL. I ELLIS COUNTY QUALITY GROWTH INITIATIVES SEC III – PLATS STATES:

E. ENGINEERING PLANS & CONSTRUCTION:

- (1) ENGINEERING, CONSTRUCTION, DRAINAGE PLANS, AND OTHER DOCUMENTS REQUIRED BY THE COUNTY ENGINEER SHALL BE SUBMITTED FOR REVIEW AND SHALL MEET ALL THE REQUIREMENTS AND BE APPROVED PRIOR TO THE ACCEPTANCE OF A FINAL PLAT APPLICATION.
- (2) UPON APPROVAL OF THE ENGINEERING PLANS, A PRE-CONSTRUCTION MEETING WITH COUNTY STAFF IS REQUIRED, AND THE DEVELOPER SHALL CONTACT THE COUNTY DEVELOPMENT OFFICE TO SCHEDULE SUCH A MEETING.
- (3) AT THE TIME OF THE PRE-CONSTRUCTION MEETING, ALL APPLICABLE SUBDIVISION AND INSPECTION FEES AND BONDS SHALL BE DUE. (SEE SECTION VII FOR MORE INFORMATION).
- (4) UPON ACCEPTANCE OF APPLICABLE BONDS, PAYMENT OF APPLICABLE FEES, AND MEETING ANY OTHER CONDITIONS SET FORTH, THE DEVELOPER CAN BEGIN CONSTRUCTION OF THE ROADS AND NECESSARY INFRASTRUCTURE, AS SHOWN ON THE APPROVED ENGINEERING, CONSTRUCTION, AND DRAINAGE PLANS.
- (5) UPON COMPLETION AND APPROVAL OF THE INFRASTRUCTURE BY STAFF, THE DEVELOPER SHALL SIGN A FORM INDICATING THAT IT MEETS COUNTY REQUIREMENTS, AND A MAINTENANCE BOND SHALL BE SUBMITTED FOR COMMISSIONERS' COURT APPROVAL. THE APPLICANT SHALL ALSO PROCEED TO FILE A PLAT APPLICATION AS OUTLINED IN SECTION II (C) AND SECTION III (F).

(F). FINAL PLAT

- (1) THE PRIMARY PURPOSE OF A FINAL PLAT IS TO COMPLETE THE LAST STAGE OF APPROVAL OF A SUBDIVISION OR ADDITION AS A CONDITION OF RECORDING A DIVISION OF LAND OR PROPERTY, DEDICATING RIGHT-OF-WAY AND EASEMENTS BEFORE RECORDING IT IN THE ELLIS COUNTY CLERK'S OFFICE.
 - (i) IF APPLICABLE, A FINAL PLAT SUBMITTED FOR REVIEW SHALL CLOSELY MATCH THE LAYOUT OF THE PRELIMINARY PLAT AND CIVIL PLANS AND SHALL NOT EXCEED THE NUMBER OF LOTS APPROVED IN THE PRELIMINARY PLAT STAGE.
 - (ii) PRIOR TO THE SUBMITTAL OF A FINAL PLAT, ALL REQUIRED APPROVALS FROM ENGINEERING IS REQUIRED.
- (2) UPON REVIEW OF THE RELATED DOCUMENTS AND MEETING THE COUNTY'S REQUIREMENTS FOUND IN VOLUMES I, II, AND III OF THE QUALITY GROWTH INITIATIVES, ALONG WITH THE APPROVAL OF THE ENGINEERING PLANS, THE DIRECTOR SHALL TAKE ACTION TO APPROVE, APPROVE WITH CONDITIONS OR DISAPPROVE THE FINAL PLAT, IN ACCORDANCE WITH THE APPROVED REGULATIONS, AND AS REQUIRED BY STATE LAW, WITH RATIFICATION AT THE NEXT AVAILABLE COMMISSIONERS COURT PRIOR TO FILING THE PLAT WITH THE CLERK'S OFFICE.
- (3) ADDITIONAL STEPS MAY BE REQUIRED BY STAFF TO FINALIZE THE FINAL PLAT APPROVAL PROCESS AND WILL BE PROVIDED AS EXPEDIENTLY AS POSSIBLE WHEN NECESSARY.
- (4) APPROVAL OF A FINAL PLAT DOES NOT CONSTITUTE ACCEPTANCE OF PUBLIC INFRASTRUCTURE UNTIL IT MEETS THE COUNTY'S REQUIREMENTS AND THE COMMISSIONERS' COURT ACCEPTS IT AS A COUNTY ROAD.

ANALYSIS NO. 3:

THE FINAL PLAT APPLICATION DOES NOT MEET THE FOLLOWING REQUIREMENTS SET FORTH IN THE FOLLOWING COUNTY'S ADOPTED REGULATIONS.

REASON NO. 4:

VOL. I ELLIS QGI, SEC. VII – PERFORMANCE GUARANTEES, (B) CONSTRUCTION OR PERFORMANCE BOND STATES:

- (1) PRIOR TO CONSTRUCTION AND TO ENSURE ROADS, STREETS, SIGNS, AND REQUIRED DRAINAGE AND DRAINAGE STRUCTURES ARE CONSTRUCTED IN A TIMELY MANNER, AND IN ACCORDANCE WITH THE TERMS AND SPECIFICATIONS CONTAINED IN THESE REGULATIONS, THE OWNER/DEVELOPER OR THEIR PROJECT CONTRACTORS SHALL FILE A CONSTRUCTION BOND, EXECUTED BY A SURETY COMPANY AUTHORIZED TO DO BUSINESS IN THE STATE OF TEXAS, OR IRREVOCABLE LETTER OF CREDIT AND MADE PAYABLE TO THE COUNTY JUDGE OF ELLIS COUNTY, TEXAS OR THEIR SUCCESSOR IN OFFICE. AN AFFIDAVIT OF A BUSINESS RELATIONSHIP OR SIMILAR SHALL BE PRESENTED AT THE TIME THE CONSTRUCTION BOND IS SUBMITTED.
- (2) THE BOND AMOUNT SHALL BE EQUAL TO ONE HUNDRED PERCENT (100%) OF ANY AND ALL CONTRACTS, AGREEMENTS, AND BIDS FOR THE CONSTRUCTION OF ROADS, STREETS, STREET SIGNS, REQUIRED DRAINAGE STRUCTURES, EROSION CONTROL, AND ALL OTHER AREAS TO BE MAINTAINED BY THE COUNTY.
 - (i) THE BOND(S), CONTRACTS, AGREEMENTS, BIDS, AND ROAD FEES SHALL BE PRESENTED TO THE ELLIS COUNTY DEPARTMENT OF DEVELOPMENT BEFORE THE FINAL PLAT SUBMITTAL AT THE TIME OF THE PRECONSTRUCTION MEETING.
- (3) THE CONSTRUCTION BOND SHALL BE IN FULL FORCE AND EFFECT UNTIL ONE (1) SET OF RECORD AS-BUILT CONSTRUCTION PLANS OF ALL UNDERGROUND UTILITIES, ROADS, STREETS, AND REQUIRED DRAINAGE AND DRAINAGE STRUCTURES IN THE SUBDIVISION HAS BEEN FILED WITH THE COUNTY ENGINEER AND APPROVAL OF RELEASE BY THE COMMISSIONERS' COURT.
 - (i) THE CONSTRUCTION BOND WILL BE RELEASED BY A COURT ORDER FROM THE COMMISSIONERS' COURT AFTER INSPECTION BY THE DEPARTMENT OF DEVELOPMENT AND/OR COUNTY ENGINEER, AND CORRECTIONS OF DEFICIENCIES NOTED.

ANALYSIS NO. 4:

THE APPLICANT HAS NOT PROVIDED A PERFORMANCE BOND AS REQUIRED.

REASON NO. 5:

STAFF COMMENT REGARDING ADDITIONAL REGULATION(S): SINCE THIS APPLICATION IS COMPRISED OF HIGHLAND LAKES MUD No. 1, ELLIS QGI VOL. I SEC V – SPECIAL DISTRICT REGULATIONS, STATE THAT THE FOLLOWING MUST BE SUPPLIED AT THE TIME OF APPLICATION:

- (3) PROOF OF CREATION.
 - (i) APPROVAL AND CERTIFICATION OF THE SPECIAL DISTRICT'S CREATION SHALL BE SUBMITTED PRIOR TO ANY CIVIL ENGINEERING OR PLAT APPLICATION AND REVIEW PROCESS.
- (4) ADEQUATE WATER AND WASTEWATER COLLECTION AND TREATMENT.
 - (i) THE DEVELOPER SHALL SUBMIT A PLAN AND DOCUMENTATION FROM THE TCEQ-APPROVED WATER PROVIDER FOR PROVIDING ADEQUATE WATER AND SEWER SERVICE WITHIN THE PROPOSED SUBDIVISION.
- (5) VOLUNTARY DEVELOPER AGREEMENTS
 - (i) COUNTY RECOMMENDS A SIGNED AND EXECUTED DEVELOPMENT AGREEMENT WITH THE CITY IF LOCATED IN THE EXTRATERRITORIAL JURISDICTION (ETJ), OR A SIGNED AGREEMENT BETWEEN THE DEVELOPER AND THE COUNTY THAT IS FILED IN THE CLERK'S OFFICE PRIOR TO ANY CIVIL ENGINEERING OR PLAT APPLICATION AND REVIEW PROCESS.

- (ii) THIS AGREEMENT MAY INCLUDE BUT NOT LIMITED TO ITEMS SUCH AS DEVELOPMENT STANDARDS, LANDSCAPING REQUIREMENTS, UTILITIES, FENCE/SCREENING REQUIREMENTS, BUILDING MATERIAL, AMENITIES PROVIDED, ROOF PITCH, SETBACKS, HOUSE SIZES, PAVING STANDARDS, TERMS OF ANNEXATION, PERMITS, AND INSPECTIONS, ETC.
- (6) VOLUNTARY SERVICE AGREEMENTS.
 - (i) COUNTY RECOMMENDS A SIGNED AND EXECUTED AGREEMENT FOR GOVERNMENT-RELATED SERVICES WITH THE COUNTY OR ADJACENT MUNICIPAL GOVERNMENT PRIOR TO ANY CIVIL ENGINEERING OR PLAT APPLICATION AND REVIEW PROCESS. THESE SERVICES MAY INCLUDE BUT NOT LIMITED TO THE FOLLOWING: (A) (B) (C) (D) (E) (F) POLICE-RELATED SERVICES; FIRE-RELATED SERVICES; EMS-RELATED SERVICES; TRASH AND RECYCLING-RELATED SERVICES; EDUCATION-RELATED SERVICES (I.E. SCHOOL SITE DEDICATIONS, ETC.); HEALTHCARE-RELATED SERVICES.
- (7) FLOODPLAIN.
 - (i) IF PROPERTY IS LOCATED IN THE FLOODPLAIN AND THE APPLICANT WISHES TO RECLAIM THAT FOR DEVELOPMENT PURPOSES, THEN A CONDITIONAL LETTER OF MAP REVISION (“CLOMR”) FROM FEMA MAY BE REQUIRED PRIOR TO ANY CIVIL ENGINEERING OR PLAT APPLICATION AND REVIEW PROCESS.
- (8) DEVELOPMENT FINANCIAL PLAN.
 - (i) ESTIMATED COSTS OF INFRASTRUCTURE AND PROPOSED TAX RATE OR ASSESSMENT FOR THE DISTRICT.
- (9) MAINTENANCE DEDICATION.
 - (i) PLAT SHALL INCLUDE A DEDICATION STATEMENT THAT MAINTENANCE OF PAVED ROADS, DRAINAGE, AND INFRASTRUCTURE NECESSARY (I.E., SEWER, WATER, ETC.) SHALL EXCLUSIVELY BE THE RESPONSIBILITY OF THE DISTRICT, SUBJECT TO THE TERMS OF ANY DEVELOPMENT AGREEMENT.
- (10) PHASING REQUIREMENT.
 - (i) THE DEPARTMENT OF DEVELOPMENT, COUNTY ENGINEERING DEPARTMENT, OR TCEQ MAY REQUIRE THE PHASING OF DEVELOPMENT AND/OR IMPROVEMENTS TO MAINTAIN ADEQUATE WATER OR SEWER CAPACITY.

ANALYSIS No. 5:

TO DATE STAFF CAN CONFIRM THAT ITEM NO. 3-10 HAS NOT BEEN RECEIVED.

ANALYSIS No. 6:

VOL. I SECTION III PLATS OF THE ELLIS QGI STATES:

- B. ALL PLAT SUBMITTAL REQUIREMENTS SHALL BE FOUND IN THE PLAT APPLICATION CHECKLIST AND SHALL INCLUDE A GROUNDWATER AVAILABILITY CERTIFICATION AS REQUIRED IN SECTION 232.0032 OF THE TEXAS LOCAL GOVERNMENT CODE AND IN CONSULTATION WITH PRAIRIELANDS GROUNDWATER CONSERVATION DISTRICT (PGCD) FOR ANY PROPOSED USE OF GROUNDWATER THAT FALLS WITHIN THEIR JURISDICTION, BASED ON THE APPROVED INTERLOCAL AGREEMENT (ORDER No. 530.22). PLEASE REFER TO THE TABLE BELOW, AS INDICATED BY SB 2440 (88TH TEXAS STATE LEGISLATURE), EFFECTIVE JANUARY 1, 2024.

NO. OF LOTS - MORE THAN 10 LOTS - GROUNDWATER CERTIFICATION REQUIRED

ANALYSIS No. 6:

STAFF CAN CONFIRM THAT A GROUNDWATER CERTIFICATION HAS NOT BEEN RECEIVED FOR THIS APPLICATION.

REASON No. 7:

INTERLOCAL AGREEMENT REGULATION:

IN ACCORDANCE WITH THE EXECUTED INTERLOCAL WITH THE CITY OF MIDLOTHIAN ON MARCH 31, 2008:

THE COMMISSIONERS COURT SHALL CONSIDER AND TAKE APPROPRIATE ACTION ON THE APPLICATION FOR PLAT APPROVAL ON OR BEFORE 21 DAYS AFTER THE PLANNING AND ZONING COMMISSION'S OR THE STAFFS DECISION ON THE PLAT, WHICH SHALL BE PROMPTLY COMMUNICATED TO THE RESPONSIBLE OFFICE. IF THE COMMISSIONERS COURT DENY THE PLAT APPLICATION, THE CITY'S APPROVAL OF THE APPLICATION SHALL BE DEEMED VOID.

ANALYSIS NO. 7:

STAFF RECOMMENDS THAT THE COURT DENY THE PLAT APPLICATION IN ACCORDANCE WITH THE EXECUTED INTERLOCAL REFERENCED ABOVE AND LGC § 232.0025.

MINUTE ORDER 517.24 (1.9) **DENYING** A PLAT OF HEIRLOOM PHASE 1B. THE ± 77.047-ACRE SITE IS LOCATED ± 4,000 FEET EAST OF THE INTERSECTION OF S. 14TH STREET AND FM 875, SITUATED IN THE R. ROWLES SURVEY, ABSTRACT NO. 938, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF MIDLOTHIAN, ROAD AND BRIDGE PRECINCT NO. 3.

MOTION TO DENY THIS PLAT APPLICATION BASED ON THE REASONS BELOW MADE BY COMMISSIONER PONDER, SECONDED BY COMMISSIONER BUTLER, MOTION CARRIED UNANIMOUSLY

REASON NO. 1:

TLGC § 232.00285 STATES: DEVELOPMENT PLAN REVIEW. (A) IN THIS SECTION, "DEVELOPMENT PLAN" INCLUDES A PRELIMINARY PLAT, PRELIMINARY SUBDIVISION PLAN, SUBDIVISION CONSTRUCTION PLAN, SITE PLAN, GENERAL PLAN, LAND DEVELOPMENT APPLICATION, OR SITE DEVELOPMENT PLAN.(B) UNLESS EXPLICITLY AUTHORIZED BY ANOTHER LAW OF THIS STATE, A COUNTY MAY NOT REQUIRE A PERSON TO SUBMIT A DEVELOPMENT PLAN DURING THE PLAT APPROVAL PROCESS BY THIS SUBCHAPTER. IF A COUNTY IS AUTHORIZED UNDER ANOTHER LAW OF THIS STATE TO REQUIRE APPROVAL OF A DEVELOPMENT PLAN, THE COUNTY MUST COMPLY WITH THE APPROVAL PROCEDURES UNDER THIS SUBCHAPTER DURING THE APPROVAL PROCESS.

ANALYSIS NO. 1:

IN AN EFFORT TO ENSURE THAT THE LOCAL GOVERNMENT CODE IS ADHERED TO AND TO PRESERVE THE MINIMAL TIME AFFORDED FOR REVIEW UNDER LGC § 247.002, COUNTY REGULATIONS STATE THAT CIVIL PLANS MUST BE REVIEWED AND APPROVED BY THE COUNTY ENGINEER'S OFFICE PRIOR TO APPLYING FOR A FINAL PLAT APPLICATION. THE COUNTY'S PROCESS IS IN ACCORDANCE WITH LGC § 232.0025 – TIMELY APPROVAL OF PLATS. SUBMITTING CIVIL PLANS DIRECTLY TO THE COUNTY ON SEPTEMBER 16, 2024, AND FINAL PLAT APPLICATIONS FOR REVIEW THROUGH THE CITY ON SEPTEMBER 13, 2024, CREATES A CONFLICT IN THE PROCESSING AND REVIEW OF THE CIVIL PLANS FOR THE SUBDIVISION AND THE FINAL PLAT APPLICATIONS.

REASON NO. 2:

ADDITIONALLY, LGC § 232. 0021 (c) STATES THAT THE OWNER OF THE TRACT MUST PAY THE APPLICATION FEE PRIOR TO THE TIME OF REVIEW.

ANALYSIS NO. 2:

PAYMENT WAS OFFICIALLY RECEIVED BY THE COUNTY ON OCTOBER 16, 2024, WELL AFTER THE CITY SENT THE PLAT APPLICATION OVER FOR REVIEW.

REASON NO. 3:

VOL. I ELLIS COUNTY QUALITY GROWTH INITIATIVES SEC III – PLATS STATES:

E. ENGINEERING PLANS & CONSTRUCTION:

- (1) ENGINEERING, CONSTRUCTION, DRAINAGE PLANS, AND OTHER DOCUMENTS REQUIRED BY THE COUNTY ENGINEER SHALL BE SUBMITTED FOR REVIEW AND SHALL MEET ALL THE REQUIREMENTS AND BE APPROVED PRIOR TO THE ACCEPTANCE OF A FINAL PLAT APPLICATION.
- (2) UPON APPROVAL OF THE ENGINEERING PLANS, A PRE-CONSTRUCTION MEETING WITH COUNTY STAFF IS REQUIRED, AND THE DEVELOPER SHALL CONTACT THE COUNTY DEVELOPMENT OFFICE TO SCHEDULE SUCH A MEETING.
- (3) AT THE TIME OF THE PRE-CONSTRUCTION MEETING, ALL APPLICABLE SUBDIVISION AND INSPECTION FEES AND BONDS SHALL BE DUE. (SEE SECTION VII FOR MORE INFORMATION).
- (4) UPON ACCEPTANCE OF APPLICABLE BONDS, PAYMENT OF APPLICABLE FEES, AND MEETING ANY OTHER CONDITIONS SET FORTH, THE DEVELOPER CAN BEGIN CONSTRUCTION OF THE ROADS AND NECESSARY INFRASTRUCTURE, AS SHOWN ON THE APPROVED ENGINEERING, CONSTRUCTION, AND DRAINAGE PLANS.
- (5) UPON COMPLETION AND APPROVAL OF THE INFRASTRUCTURE BY STAFF, THE DEVELOPER SHALL SIGN A FORM INDICATING THAT IT MEETS COUNTY REQUIREMENTS, AND A MAINTENANCE BOND SHALL BE SUBMITTED FOR COMMISSIONERS' COURT APPROVAL. THE APPLICANT SHALL ALSO PROCEED TO FILE A PLAT APPLICATION AS OUTLINED IN SECTION II (C) AND SECTION III (F).

(F). FINAL PLAT:

- (1) THE PRIMARY PURPOSE OF A FINAL PLAT IS TO COMPLETE THE LAST STAGE OF APPROVAL OF A SUBDIVISION OR ADDITION AS A CONDITION OF RECORDING A DIVISION OF LAND OR PROPERTY, DEDICATING RIGHT-OF-WAY AND EASEMENTS BEFORE RECORDING IT IN THE ELLIS COUNTY CLERK'S OFFICE.
 - (i) IF APPLICABLE, A FINAL PLAT SUBMITTED FOR REVIEW SHALL CLOSELY MATCH THE LAYOUT OF THE PRELIMINARY PLAT AND CIVIL PLANS AND SHALL NOT EXCEED THE NUMBER OF LOTS APPROVED IN THE PRELIMINARY PLAT STAGE.
 - (ii) PRIOR TO THE SUBMITTAL OF A FINAL PLAT, ALL REQUIRED APPROVALS FROM ENGINEERING IS REQUIRED.
- (2) UPON REVIEW OF THE RELATED DOCUMENTS AND MEETING THE COUNTY'S REQUIREMENTS FOUND IN VOLUMES I, II, AND III OF THE QUALITY GROWTH INITIATIVES, ALONG WITH THE APPROVAL OF THE ENGINEERING PLANS, THE DIRECTOR SHALL TAKE ACTION TO APPROVE, APPROVE WITH CONDITIONS OR DISAPPROVE THE FINAL PLAT, IN ACCORDANCE WITH THE APPROVED REGULATIONS, AND AS REQUIRED BY STATE LAW, WITH RATIFICATION AT THE NEXT AVAILABLE COMMISSIONERS COURT PRIOR TO FILING THE PLAT WITH THE CLERK'S OFFICE.
- (3) ADDITIONAL STEPS MAY BE REQUIRED BY STAFF TO FINALIZE THE FINAL PLAT APPROVAL PROCESS AND WILL BE PROVIDED AS EXPEDIENTLY AS POSSIBLE WHEN NECESSARY.
- (4) APPROVAL OF A FINAL PLAT DOES NOT CONSTITUTE ACCEPTANCE OF PUBLIC INFRASTRUCTURE UNTIL IT MEETS THE COUNTY'S REQUIREMENTS AND THE COMMISSIONERS' COURT ACCEPTS IT AS A COUNTY ROAD.

ANALYSIS NO. 3:

THE FINAL PLAT APPLICATION DOES NOT MEET THE FOLLOWING REQUIREMENTS SET FORTH IN THE FOLLOWING COUNTY'S ADOPTED REGULATIONS.

REASON NO. 4:

VOL. I ELLIS QGI, SEC. VII – PERFORMANCE GUARANTEES, (B) CONSTRUCTION OR PERFORMANCE BOND STATES:

- (1) PRIOR TO CONSTRUCTION AND TO ENSURE ROADS, STREETS, SIGNS, AND REQUIRED DRAINAGE AND DRAINAGE STRUCTURES ARE CONSTRUCTED IN A TIMELY MANNER, AND IN ACCORDANCE WITH THE TERMS AND SPECIFICATIONS CONTAINED IN THESE REGULATIONS, THE OWNER/DEVELOPER OR THEIR PROJECT CONTRACTORS SHALL FILE A CONSTRUCTION BOND, EXECUTED BY A SURETY COMPANY AUTHORIZED TO DO BUSINESS IN THE STATE OF TEXAS, OR IRREVOCABLE LETTER OF CREDIT AND MADE PAYABLE TO THE COUNTY

JUDGE OF ELLIS COUNTY, TEXAS OR THEIR SUCCESSOR IN OFFICE. AN AFFIDAVIT OF A BUSINESS RELATIONSHIP OR SIMILAR SHALL BE PRESENTED AT THE TIME THE CONSTRUCTION BOND IS SUBMITTED.

- (2) THE BOND AMOUNT SHALL BE EQUAL TO ONE HUNDRED PERCENT (100%) OF ANY AND ALL CONTRACTS, AGREEMENTS, AND BIDS FOR THE CONSTRUCTION OF ROADS, STREETS, STREET SIGNS, REQUIRED DRAINAGE STRUCTURES, EROSION CONTROL, AND ALL OTHER AREAS TO BE MAINTAINED BY THE COUNTY.
 - (i) THE BOND(S), CONTRACTS, AGREEMENTS, BIDS, AND ROAD FEES SHALL BE PRESENTED TO THE ELLIS COUNTY DEPARTMENT OF DEVELOPMENT BEFORE THE FINAL PLAT SUBMITTAL AT THE TIME OF THE PRECONSTRUCTION MEETING.
- (3) THE CONSTRUCTION BOND SHALL BE IN FULL FORCE AND EFFECT UNTIL ONE (1) SET OF RECORD AS-BUILT CONSTRUCTION PLANS OF ALL UNDERGROUND UTILITIES, ROADS, STREETS, AND REQUIRED DRAINAGE AND DRAINAGE STRUCTURES IN THE SUBDIVISION HAS BEEN FILED WITH THE COUNTY ENGINEER AND APPROVAL OF RELEASE BY THE COMMISSIONERS' COURT.
 - (i) THE CONSTRUCTION BOND WILL BE RELEASED BY A COURT ORDER FROM THE COMMISSIONERS' COURT AFTER INSPECTION BY THE DEPARTMENT OF DEVELOPMENT AND/OR COUNTY ENGINEER, AND CORRECTIONS OF DEFICIENCIES NOTED.

ANALYSIS NO. 4:

THE APPLICANT HAS NOT PROVIDED A PERFORMANCE BOND AS REQUIRED.

REASON NO. 5:

STAFF COMMENT REGARDING ADDITIONAL REGULATION(S): SINCE THIS APPLICATION IS COMPRISED OF HIGHLAND LAKES MUD No. 1, ELLIS QGI VOL. I SEC V – SPECIAL DISTRICT REGULATIONS, STATE THAT THE FOLLOWING MUST BE SUPPLIED AT THE TIME OF APPLICATION:

- (3) PROOF OF CREATION.
 - (i) APPROVAL AND CERTIFICATION OF THE SPECIAL DISTRICT'S CREATION SHALL BE SUBMITTED PRIOR TO ANY CIVIL ENGINEERING OR PLAT APPLICATION AND REVIEW PROCESS.
- (4) ADEQUATE WATER AND WASTEWATER COLLECTION AND TREATMENT.
 - (i) THE DEVELOPER SHALL SUBMIT A PLAN AND DOCUMENTATION FROM THE TCEQ-APPROVED WATER PROVIDER FOR PROVIDING ADEQUATE WATER AND SEWER SERVICE WITHIN THE PROPOSED SUBDIVISION.
- (5) VOLUNTARY DEVELOPER AGREEMENTS
 - (i) COUNTY RECOMMENDS A SIGNED AND EXECUTED DEVELOPMENT AGREEMENT WITH THE CITY IF LOCATED IN THE EXTRATERRITORIAL JURISDICTION (ETJ), OR A SIGNED AGREEMENT BETWEEN THE DEVELOPER AND THE COUNTY THAT IS FILED IN THE CLERK'S OFFICE PRIOR TO ANY CIVIL ENGINEERING OR PLAT APPLICATION AND REVIEW PROCESS.
 - (ii) THIS AGREEMENT MAY INCLUDE BUT NOT LIMITED TO ITEMS SUCH AS DEVELOPMENT STANDARDS, LANDSCAPING REQUIREMENTS, UTILITIES, FENCE/SCREENING REQUIREMENTS, BUILDING MATERIAL, AMENITIES PROVIDED, ROOF PITCH, SETBACKS, HOUSE SIZES, PAVING STANDARDS, TERMS OF ANNEXATION, PERMITS, AND INSPECTIONS, ETC.
- (6) VOLUNTARY SERVICE AGREEMENTS.
 - (i) COUNTY RECOMMENDS A SIGNED AND EXECUTED AGREEMENT FOR GOVERNMENT-RELATED SERVICES WITH THE COUNTY OR ADJACENT MUNICIPAL GOVERNMENT PRIOR TO ANY CIVIL ENGINEERING OR PLAT APPLICATION AND REVIEW PROCESS. THESE SERVICES MAY INCLUDE BUT NOT LIMITED TO THE FOLLOWING: (A) (B) (C) (D) (E) (F) POLICE-RELATED SERVICES; FIRE-RELATED SERVICES; EMS-RELATED SERVICES; TRASH AND RECYCLING-RELATED SERVICES; EDUCATION-RELATED SERVICES (I.E. SCHOOL SITE DEDICATIONS, ETC.); HEALTHCARE-RELATED SERVICES.
- (7) FLOODPLAIN.

- (i) IF PROPERTY IS LOCATED IN THE FLOODPLAIN AND THE APPLICANT WISHES TO RECLAIM THAT FOR DEVELOPMENT PURPOSES, THEN A CONDITIONAL LETTER OF MAP REVISION (“CLOMR”) FROM FEMA MAY BE REQUIRED PRIOR TO ANY CIVIL ENGINEERING OR PLAT APPLICATION AND REVIEW PROCESS.
- (8) DEVELOPMENT FINANCIAL PLAN.
 - (i) ESTIMATED COSTS OF INFRASTRUCTURE AND PROPOSED TAX RATE OR ASSESSMENT FOR THE DISTRICT.
- (9) MAINTENANCE DEDICATION.
 - (i) PLAT SHALL INCLUDE A DEDICATION STATEMENT THAT MAINTENANCE OF PAVED ROADS, DRAINAGE, AND INFRASTRUCTURE NECESSARY (I.E., SEWER, WATER, ETC.) SHALL EXCLUSIVELY BE THE RESPONSIBILITY OF THE DISTRICT, SUBJECT TO THE TERMS OF ANY DEVELOPMENT AGREEMENT.
- (10) PHASING REQUIREMENT.
 - (i) THE DEPARTMENT OF DEVELOPMENT, COUNTY ENGINEERING DEPARTMENT, OR TCEQ MAY REQUIRE THE PHASING OF DEVELOPMENT AND/OR IMPROVEMENTS TO MAINTAIN ADEQUATE WATER OR SEWER CAPACITY.

ANALYSIS NO. 5:

TO DATE STAFF CAN CONFIRM THAT ITEM NO. 3-10 HAS NOT BEEN RECEIVED.

ANALYSIS NO. 6:

VOL. I SECTION III PLATS OF THE ELLIS QGI STATES:

- B. ALL PLAT SUBMITTAL REQUIREMENTS SHALL BE FOUND IN THE PLAT APPLICATION CHECKLIST AND SHALL INCLUDE A GROUNDWATER AVAILABILITY CERTIFICATION AS REQUIRED IN SECTION 232.0032 OF THE TEXAS LOCAL GOVERNMENT CODE AND IN CONSULTATION WITH PRAIRIELANDS GROUNDWATER CONSERVATION DISTRICT (PGCD) FOR ANY PROPOSED USE OF GROUNDWATER THAT FALLS WITHIN THEIR JURISDICTION, BASED ON THE APPROVED INTERLOCAL AGREEMENT (ORDER NO. 530.22). PLEASE REFER TO THE TABLE BELOW, AS INDICATED BY SB 2440 (88TH TEXAS STATE LEGISLATURE), EFFECTIVE JANUARY 1, 2024.

NO. OF LOTS - MORE THAN 10 LOTS - GROUNDWATER CERTIFICATION REQUIRED

ANALYSIS NO. 6:

STAFF CAN CONFIRM THAT A GROUNDWATER CERTIFICATION HAS NOT BEEN RECEIVED FOR THIS APPLICATION.

REASON NO. 7:

INTERLOCAL AGREEMENT REGULATION:

IN ACCORDANCE WITH THE EXECUTED INTERLOCAL WITH THE CITY OF MIDLOTHIAN ON MARCH 31, 2008:

THE COMMISSIONERS COURT SHALL CONSIDER AND TAKE APPROPRIATE ACTION ON THE APPLICATION FOR PLAT APPROVAL ON OR BEFORE 21 DAYS AFTER THE PLANNING AND ZONING COMMISSION'S OR THE STAFFS DECISION ON THE PLAT, WHICH SHALL BE PROMPTLY COMMUNICATED TO THE RESPONSIBLE OFFICE. IF THE COMMISSIONERS COURT DENY THE PLAT APPLICATION, THE CITY'S APPROVAL OF THE APPLICATION SHALL BE DEEMED VOID.

ANALYSIS NO. 7:

STAFF RECOMMENDS THAT THE COURT DENY THE PLAT APPLICATION IN ACCORDANCE WITH THE EXECUTED INTERLOCAL REFERENCED ABOVE AND LGC § 232.0025.

MINUTE ORDER 518.24 (1.10) **DENYING** A PLAT OF HEIRLOOM, PHASE 1C. THE ± 63.997-ACRE SITE IS LOCATED ± 4,000 FEET EAST OF THE INTERSECTION OF S. 14TH STREET AND FM 875, SITUATED IN THE R.

ROWLES SURVEY, ABSTRACT NO. 938 AND THE M.H. DAVIS SURVEY, ABSTRACT NO. 314, IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF MIDLOTHIAN, ROAD AND BRIDGE PRECINCT NO. 3.

MOTION TO DENY THIS PLAT APPLICATION BASED ON THE REASONS BELOW MADE BY COMMISSIONER PONDER, SECONDED BY COMMISSIONER BUTLER, MOTION CARRIED UNANIMOUSLY

REASON NO. 1:

TLGC § 232.00285 STATES: DEVELOPMENT PLAN REVIEW. (A) IN THIS SECTION, "DEVELOPMENT PLAN" INCLUDES A PRELIMINARY PLAT, PRELIMINARY SUBDIVISION PLAN, SUBDIVISION CONSTRUCTION PLAN, SITE PLAN, GENERAL PLAN, LAND DEVELOPMENT APPLICATION, OR SITE DEVELOPMENT PLAN.(B) UNLESS EXPLICITLY AUTHORIZED BY ANOTHER LAW OF THIS STATE, A COUNTY MAY NOT REQUIRE A PERSON TO SUBMIT A DEVELOPMENT PLAN DURING THE PLAT APPROVAL PROCESS BY THIS SUBCHAPTER. IF A COUNTY IS AUTHORIZED UNDER ANOTHER LAW OF THIS STATE TO REQUIRE APPROVAL OF A DEVELOPMENT PLAN, THE COUNTY MUST COMPLY WITH THE APPROVAL PROCEDURES UNDER THIS SUBCHAPTER DURING THE APPROVAL PROCESS.

ANALYSIS NO. 1:

IN AN EFFORT TO ENSURE THAT THE LOCAL GOVERNMENT CODE IS ADHERED TO AND TO PRESERVE THE MINIMAL TIME AFFORDED FOR REVIEW UNDER LGC § 247.002, COUNTY REGULATIONS STATE THAT CIVIL PLANS MUST BE REVIEWED AND APPROVED BY THE COUNTY ENGINEER'S OFFICE PRIOR TO APPLYING FOR A FINAL PLAT APPLICATION. THE COUNTY'S PROCESS IS IN ACCORDANCE WITH LGC § 232.0025 – TIMELY APPROVAL OF PLATS. SUBMITTING CIVIL PLANS DIRECTLY TO THE COUNTY ON SEPTEMBER 16, 2024, AND FINAL PLAT APPLICATIONS FOR REVIEW THROUGH THE CITY ON SEPTEMBER 13, 2024, CREATES A CONFLICT IN THE PROCESSING AND REVIEW OF THE CIVIL PLANS FOR THE SUBDIVISION AND THE FINAL PLAT APPLICATIONS.

REASON NO. 2:

ADDITIONALLY, LGC § 232.0021 (c) STATES THAT THE OWNER OF THE TRACT MUST PAY THE APPLICATION FEE PRIOR TO THE TIME OF REVIEW.

ANALYSIS NO. 2:

PAYMENT WAS OFFICIALLY RECEIVED BY THE COUNTY ON OCTOBER 16, 2024, WELL AFTER THE CITY SENT THE PLAT APPLICATION OVER FOR REVIEW.

REASON NO. 3:

VOL. I ELLIS COUNTY QUALITY GROWTH INITIATIVES SEC III – PLATS STATES:

E. ENGINEERING PLANS & CONSTRUCTION:

- (1) ENGINEERING, CONSTRUCTION, DRAINAGE PLANS, AND OTHER DOCUMENTS REQUIRED BY THE COUNTY ENGINEER SHALL BE SUBMITTED FOR REVIEW AND SHALL MEET ALL THE REQUIREMENTS AND BE APPROVED PRIOR TO THE ACCEPTANCE OF A FINAL PLAT APPLICATION.
- (2) UPON APPROVAL OF THE ENGINEERING PLANS, A PRE-CONSTRUCTION MEETING WITH COUNTY STAFF IS REQUIRED, AND THE DEVELOPER SHALL CONTACT THE COUNTY DEVELOPMENT OFFICE TO SCHEDULE SUCH A MEETING.
- (3) AT THE TIME OF THE PRE-CONSTRUCTION MEETING, ALL APPLICABLE SUBDIVISION AND INSPECTION FEES AND BONDS SHALL BE DUE. (SEE SECTION VII FOR MORE INFORMATION).
- (4) UPON ACCEPTANCE OF APPLICABLE BONDS, PAYMENT OF APPLICABLE FEES, AND MEETING ANY OTHER CONDITIONS SET FORTH, THE DEVELOPER CAN BEGIN CONSTRUCTION OF THE ROADS AND NECESSARY INFRASTRUCTURE, AS SHOWN ON THE APPROVED ENGINEERING, CONSTRUCTION, AND DRAINAGE PLANS.
- (5) UPON COMPLETION AND APPROVAL OF THE INFRASTRUCTURE BY STAFF, THE DEVELOPER SHALL SIGN A FORM INDICATING THAT IT MEETS COUNTY REQUIREMENTS, AND A MAINTENANCE BOND SHALL BE SUBMITTED FOR

COMMISSIONERS' COURT APPROVAL. THE APPLICANT SHALL ALSO PROCEED TO FILE A PLAT APPLICATION AS OUTLINED IN SECTION II (C) AND SECTION III (F).

(F). FINAL PLAT

- (1) THE PRIMARY PURPOSE OF A FINAL PLAT IS TO COMPLETE THE LAST STAGE OF APPROVAL OF A SUBDIVISION OR ADDITION AS A CONDITION OF RECORDING A DIVISION OF LAND OR PROPERTY, DEDICATING RIGHT-OF-WAY AND EASEMENTS BEFORE RECORDING IT IN THE ELLIS COUNTY CLERK'S OFFICE.
 - (i) IF APPLICABLE, A FINAL PLAT SUBMITTED FOR REVIEW SHALL CLOSELY MATCH THE LAYOUT OF THE PRELIMINARY PLAT AND CIVIL PLANS AND SHALL NOT EXCEED THE NUMBER OF LOTS APPROVED IN THE PRELIMINARY PLAT STAGE.
 - (ii) PRIOR TO THE SUBMITTAL OF A FINAL PLAT, ALL REQUIRED APPROVALS FROM ENGINEERING IS REQUIRED.
- (2) UPON REVIEW OF THE RELATED DOCUMENTS AND MEETING THE COUNTY'S REQUIREMENTS FOUND IN VOLUMES I, II, AND III OF THE QUALITY GROWTH INITIATIVES, ALONG WITH THE APPROVAL OF THE ENGINEERING PLANS, THE DIRECTOR SHALL TAKE ACTION TO APPROVE, APPROVE WITH CONDITIONS OR DISAPPROVE THE FINAL PLAT, IN ACCORDANCE WITH THE APPROVED REGULATIONS, AND AS REQUIRED BY STATE LAW, WITH RATIFICATION AT THE NEXT AVAILABLE COMMISSIONERS COURT PRIOR TO FILING THE PLAT WITH THE CLERK'S OFFICE.
- (3) ADDITIONAL STEPS MAY BE REQUIRED BY STAFF TO FINALIZE THE FINAL PLAT APPROVAL PROCESS AND WILL BE PROVIDED AS EXPEDIENTLY AS POSSIBLE WHEN NECESSARY.
- (4) APPROVAL OF A FINAL PLAT DOES NOT CONSTITUTE ACCEPTANCE OF PUBLIC INFRASTRUCTURE UNTIL IT MEETS THE COUNTY'S REQUIREMENTS AND THE COMMISSIONERS' COURT ACCEPTS IT AS A COUNTY ROAD.

ANALYSIS NO. 3:

THE FINAL PLAT APPLICATION DOES NOT MEET THE FOLLOWING REQUIREMENTS SET FORTH IN THE FOLLOWING COUNTY'S ADOPTED REGULATIONS.

REASON NO. 4:

VOL. I ELLIS QGI, SEC. VII – PERFORMANCE GUARANTEES, (B) CONSTRUCTION OR PERFORMANCE BOND STATES:

- (1) PRIOR TO CONSTRUCTION AND TO ENSURE ROADS, STREETS, SIGNS, AND REQUIRED DRAINAGE AND DRAINAGE STRUCTURES ARE CONSTRUCTED IN A TIMELY MANNER, AND IN ACCORDANCE WITH THE TERMS AND SPECIFICATIONS CONTAINED IN THESE REGULATIONS, THE OWNER/DEVELOPER OR THEIR PROJECT CONTRACTORS SHALL FILE A CONSTRUCTION BOND, EXECUTED BY A SURETY COMPANY AUTHORIZED TO DO BUSINESS IN THE STATE OF TEXAS, OR IRREVOCABLE LETTER OF CREDIT AND MADE PAYABLE TO THE COUNTY JUDGE OF ELLIS COUNTY, TEXAS OR THEIR SUCCESSOR IN OFFICE. AN AFFIDAVIT OF A BUSINESS RELATIONSHIP OR SIMILAR SHALL BE PRESENTED AT THE TIME THE CONSTRUCTION BOND IS SUBMITTED.
- (2) THE BOND AMOUNT SHALL BE EQUAL TO ONE HUNDRED PERCENT (100%) OF ANY AND ALL CONTRACTS, AGREEMENTS, AND BIDS FOR THE CONSTRUCTION OF ROADS, STREETS, STREET SIGNS, REQUIRED DRAINAGE STRUCTURES, EROSION CONTROL, AND ALL OTHER AREAS TO BE MAINTAINED BY THE COUNTY.
 - (i) THE BOND(S), CONTRACTS, AGREEMENTS, BIDS, AND ROAD FEES SHALL BE PRESENTED TO THE ELLIS COUNTY DEPARTMENT OF DEVELOPMENT BEFORE THE FINAL PLAT SUBMITTAL AT THE TIME OF THE PRECONSTRUCTION MEETING.
- (3) THE CONSTRUCTION BOND SHALL BE IN FULL FORCE AND EFFECT UNTIL ONE (1) SET OF RECORD AS-BUILT CONSTRUCTION PLANS OF ALL UNDERGROUND UTILITIES, ROADS, STREETS, AND REQUIRED DRAINAGE AND DRAINAGE STRUCTURES IN THE SUBDIVISION HAS BEEN FILED WITH THE COUNTY ENGINEER AND APPROVAL OF RELEASE BY THE COMMISSIONERS' COURT.

- (i) THE CONSTRUCTION BOND WILL BE RELEASED BY A COURT ORDER FROM THE COMMISSIONERS' COURT AFTER INSPECTION BY THE DEPARTMENT OF DEVELOPMENT AND/OR COUNTY ENGINEER, AND CORRECTIONS OF DEFICIENCIES NOTED.

ANALYSIS NO. 4:

THE APPLICANT HAS NOT PROVIDED A PERFORMANCE BOND AS REQUIRED.

REASON NO. 5:

STAFF COMMENT REGARDING ADDITIONAL REGULATION(S): SINCE THIS APPLICATION IS COMPRISED OF HIGHLAND LAKES MUD No. 1, ELLIS QGI VOL. I SEC V – SPECIAL DISTRICT REGULATIONS, STATE THAT THE FOLLOWING MUST BE SUPPLIED AT THE TIME OF APPLICATION:

- (3) PROOF OF CREATION.
 - (i) APPROVAL AND CERTIFICATION OF THE SPECIAL DISTRICT'S CREATION SHALL BE SUBMITTED PRIOR TO ANY CIVIL ENGINEERING OR PLAT APPLICATION AND REVIEW PROCESS.
- (4) ADEQUATE WATER AND WASTEWATER COLLECTION AND TREATMENT.
 - (i) THE DEVELOPER SHALL SUBMIT A PLAN AND DOCUMENTATION FROM THE TCEQ-APPROVED WATER PROVIDER FOR PROVIDING ADEQUATE WATER AND SEWER SERVICE WITHIN THE PROPOSED SUBDIVISION.
- (5) VOLUNTARY DEVELOPER AGREEMENTS
 - (i) COUNTY RECOMMENDS A SIGNED AND EXECUTED DEVELOPMENT AGREEMENT WITH THE CITY IF LOCATED IN THE EXTRATERRITORIAL JURISDICTION (ETJ), OR A SIGNED AGREEMENT BETWEEN THE DEVELOPER AND THE COUNTY THAT IS FILED IN THE CLERK'S OFFICE PRIOR TO ANY CIVIL ENGINEERING OR PLAT APPLICATION AND REVIEW PROCESS.
 - (ii) THIS AGREEMENT MAY INCLUDE BUT NOT LIMITED TO ITEMS SUCH AS DEVELOPMENT STANDARDS, LANDSCAPING REQUIREMENTS, UTILITIES, FENCE/SCREENING REQUIREMENTS, BUILDING MATERIAL, AMENITIES PROVIDED, ROOF PITCH, SETBACKS, HOUSE SIZES, PAVING STANDARDS, TERMS OF ANNEXATION, PERMITS, AND INSPECTIONS, ETC.
- (6) VOLUNTARY SERVICE AGREEMENTS.
 - (i) COUNTY RECOMMENDS A SIGNED AND EXECUTED AGREEMENT FOR GOVERNMENT-RELATED SERVICES WITH THE COUNTY OR ADJACENT MUNICIPAL GOVERNMENT PRIOR TO ANY CIVIL ENGINEERING OR PLAT APPLICATION AND REVIEW PROCESS. THESE SERVICES MAY INCLUDE BUT NOT LIMITED TO THE FOLLOWING: (A) (B) (C) (D) (E) (F) POLICE-RELATED SERVICES; FIRE-RELATED SERVICES; EMS-RELATED SERVICES; TRASH AND RECYCLING-RELATED SERVICES; EDUCATION-RELATED SERVICES (I.E. SCHOOL SITE DEDICATIONS, ETC.); HEALTHCARE-RELATED SERVICES.
- (7) FLOODPLAIN.
 - (i) IF PROPERTY IS LOCATED IN THE FLOODPLAIN AND THE APPLICANT WISHES TO RECLAIM THAT FOR DEVELOPMENT PURPOSES, THEN A CONDITIONAL LETTER OF MAP REVISION ("CLOMR") FROM FEMA MAY BE REQUIRED PRIOR TO ANY CIVIL ENGINEERING OR PLAT APPLICATION AND REVIEW PROCESS.
- (8) DEVELOPMENT FINANCIAL PLAN.
 - (i) ESTIMATED COSTS OF INFRASTRUCTURE AND PROPOSED TAX RATE OR ASSESSMENT FOR THE DISTRICT.
- (9) MAINTENANCE DEDICATION.
 - (i) PLAT SHALL INCLUDE A DEDICATION STATEMENT THAT MAINTENANCE OF PAVED ROADS, DRAINAGE, AND INFRASTRUCTURE NECESSARY (I.E., SEWER, WATER, ETC.) SHALL EXCLUSIVELY BE THE RESPONSIBILITY OF THE DISTRICT, SUBJECT TO THE TERMS OF ANY DEVELOPMENT AGREEMENT.
- (10) PHASING REQUIREMENT.

- (i) THE DEPARTMENT OF DEVELOPMENT, COUNTY ENGINEERING DEPARTMENT, OR TCEQ MAY REQUIRE THE PHASING OF DEVELOPMENT AND/OR IMPROVEMENTS TO MAINTAIN ADEQUATE WATER OR SEWER CAPACITY.

ANALYSIS No. 5:

TO DATE STAFF CAN CONFIRM THAT ITEM NO. 3-10 HAS NOT BEEN RECEIVED.

ANALYSIS No. 6:

VOL. I SECTION III PLATS OF THE ELLIS QGI STATES:

- B. ALL PLAT SUBMITTAL REQUIREMENTS SHALL BE FOUND IN THE PLAT APPLICATION CHECKLIST AND SHALL INCLUDE A GROUNDWATER AVAILABILITY CERTIFICATION AS REQUIRED IN SECTION 232.0032 OF THE TEXAS LOCAL GOVERNMENT CODE AND IN CONSULTATION WITH PRAIRIELANDS GROUNDWATER CONSERVATION DISTRICT (PGCD) FOR ANY PROPOSED USE OF GROUNDWATER THAT FALLS WITHIN THEIR JURISDICTION, BASED ON THE APPROVED INTERLOCAL AGREEMENT (ORDER No. 530.22). PLEASE REFER TO THE TABLE BELOW, AS INDICATED BY SB 2440 (88TH TEXAS STATE LEGISLATURE), EFFECTIVE JANUARY 1, 2024.

NO. OF LOTS - MORE THAN 10 LOTS - GROUNDWATER CERTIFICATION REQUIRED

ANALYSIS No. 6:

STAFF CAN CONFIRM THAT A GROUNDWATER CERTIFICATION HAS NOT BEEN RECEIVED FOR THIS APPLICATION.

REASON No. 7:

INTERLOCAL AGREEMENT REGULATION:

IN ACCORDANCE WITH THE EXECUTED INTERLOCAL WITH THE CITY OF MIDLOTHIAN ON MARCH 31, 2008: THE COMMISSIONERS COURT SHALL CONSIDER AND TAKE APPROPRIATE ACTION ON THE APPLICATION FOR PLAT APPROVAL ON OR BEFORE 21 DAYS AFTER THE PLANNING AND ZONING COMMISSION'S OR THE STAFFS DECISION ON THE PLAT, WHICH SHALL BE PROMPTLY COMMUNICATED TO THE RESPONSIBLE OFFICE. IF THE COMMISSIONERS COURT DENY THE PLAT APPLICATION, THE CITY'S APPROVAL OF THE APPLICATION SHALL BE DEEMED VOID.

ANALYSIS No. 7:

STAFF RECOMMENDS THAT THE COURT DENY THE PLAT APPLICATION IN ACCORDANCE WITH THE EXECUTED INTERLOCAL REFERENCED ABOVE AND LGC § 232.0025.

(TO AGENDA ITEM 3.6)

NO ACTION (3.6) DISCUSSION, CONSIDERATION, AND ACTION TO ENGAGE LITTLER MENDELSON P.C. FOR UPDATING, AMENDING, AND DRAFTING NEW EMPLOYMENT POLICIES & PROCEDURES FOR ELLIS COUNTY. – COUNTY JUDGE TODD LITTLE

ADJOURNMENT **5:00 P.M.**

MOTION TO ADJOURN BY COMMISSIONER PONDER, SECONDED BY COMMISSIONER STINSON, MOTION CARRIED

THE OFFICIAL MINUTES OF THE ELLIS COUNTY COMMISSIONERS' COURT ON OCTOBER 29, 2024
ARE HEREBY APPROVED.

PRESIDING OFFICER:



TODD LITTLE, COUNTY JUDGE



RANDY STINSON, COMMISSIONER, PCT 1



LOUIS PONDER, COMMISSIONER, PCT 3

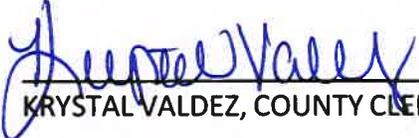


LANE GRAYSON, COMMISSIONER, PCT 2



KYLE BUTLER, COMMISSIONER, PCT 4

WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE THIS 12TH DAY OF NOVEMBER 2024.



KRYSTAL VALDEZ, COUNTY CLERK

