

DALLAS CITY PLAN COMMISSION

IN THE MATTER OF THE APPORTIONMENT OF EXACTIONS APPEAL
BY SHADY HOLLOW DEVELOPMENT LLC

BRIEF OF APPELLANT

TO THE HONORABLE CITY PLAN COMMISSION:

Shady Hollow Development LLC (hereafter, “SHD”) submits this brief to assist the Dallas City Plan Commission in reviewing SHD’s appeal of the City of Dallas’ (hereafter “City”) apportionment determination of exactions regarding the Shady Hollow Estates development issued on December 22, 2022, and would show the Commission as follows:

I. INTRODUCTION

The preliminary plat for Shady Hollow Estates was approved by the Commission on September 6, 2018, to create 73 single-family residential lots with open space provision to allow for reduced size minimums. The Commission approval letter contained 37 conditions for approval.¹ The required conditions included a directive to dedicate a floodway easement or floodway management area; dedicate area to the existing surrounding alleys; construct required streets according to City standards; and construct water and wastewater mains according to City standards.

The improvements and dedications required for plat approval, which are not related to the needs created by the development and which benefit other property owners and the City, are exactions as defined by City code and state law.

In compliance with Dallas City Code Sec. 51A-1.109, SHD requested Lim & Associates, Inc. to provide an apportionment review of the project. Daniel Lim, P.E., and Guillermo Darce,

¹ Attached as document SHD001-SHD007

P.E., issued a letter on October 10, 2022.² SHD provided this letter to the City on October 10, 2022, and requested an application form, which is not publicly available.³ The apportionment application form was provided on October 17, 2022.⁴ To comply with the additional conditions listed on the form, SHD solicited construction bids, delaying the official complete apportionment application to November 11, 2022.⁵ The City issued an apportionment determination on December 22, 2022, more than 30 days after the complete application was provided.⁶ SHD has appealed the apportionment determination.⁷

II. FACTS

This appeal involves the property located at 4000 Shady Hollow Ln (hereafter, “Property”), which is located north of the current termination of Shady Hollow Ln and Wenatche Dr. The Property is currently owned by SHD. The area where the Property is located is primarily single-family neighborhoods, with a church, a school, and a park surrounding the Property.

A. Alley right-of-way dedications.

SHD followed the requirements of the City Plan Commission in items 15-18 to dedicate additional right-of-way and corner clips along the existing alleys bordering the Property on three sides, by instructing the surveyor to update the plat, and engineers to create engineering plans showing these dedications.⁸

To follow the requirements of the City Plan commission, SHD is required to dedicate 6,787SF of land area to the City to the existing alley right of way. The lots created by the Shady

² Attached as document SHD0008-SHD0010

³ Attached as document SHD0011

⁴ Attached as document SHD0012

⁵ Attached as document SHD0013-SHD0035

⁶ Attached as document SHD0036-SHD0039

⁷ Attached as document SHD0040

⁸ Attached as document SHD0041

Hollow Estates plat provide additional internal street width to comply with the Street Design Manual standard L-2-U (A), which do not require alley access. The land area to be dedicated to the alley right-of-way benefits property owners outside the plat and the City through the further facilitation of franchise fees and service provision.

The lot bordering this Property at 3818 Wenatche Dr is 10,000SF, and Dallas County Appraisal District values this lot at \$100,000, which implies a lot value of \$10 per square foot. In dedicating area, which would otherwise be lot area, to the alley right of way, SHD is entitled to an apportionment payment of \$67,787 in compensation for the exaction of alley right-of-way dedication.

B. Perimeter street construction of Los Angeles Boulevard.

SHD also followed the requirements of the City Plan Commission approval letter in item 14 to dedicate additional area to the unimproved Los Angeles Boulevard right-of-way bordering the Property to the west, by instructing the surveyor to update the plat, and subsequently by instructing engineers to prepare plans to construct this street in the right-of-way bordering the Property. In preparing this plan, SHD's engineers followed the directive of Dallas City Code Sec. 51A-8.602 (c)(D), which provides, in pertinent part, as follows:

(c) Streets.

(D) When substandard right-of-way exists based on this article for a perimeter minor street, sufficient right-of-way must be dedicated to meet one-half of the entire right-of-way width requirement.

Dallas, Tex., Code §51A-8.602 (c)(D)

SHD's engineers also followed the directive of Dallas City Code Sec. 51A-8.604 (c), which provides, in pertinent part, as follows:

(c) Minor street criteria. If additional right-of-way for a minor street has been waived by the commission in accordance with section 51A-8.602 (c)(3), the amount of street construction required for the streets on which the requirements have been waived is determined by the director of development services. Additional street construction may be required, if necessary, based on the existing condition or width of the streets, and if warranted by the expected traffic volumes, property access requirements, or truck, bus, and taxi loading. **If additional right-of-way has not been waived, minor streets must be designed and constructed to meet criteria given in the Street Design Manual of the city of Dallas.**

Dallas, Tex., Code § 51A-8.604 (c) (emphasis added)

SHD's engineers designed street plans for the unimproved portion of Los Angeles Boulevard bordering the project according to the Design Criteria of the Street Design Manual.⁹ This design requires subgrade preparation, stormwater inlet and round concrete pipe installation to accommodate off-site flows according to the volume calculations prescribed in the 2019 Drainage Design Manual.¹⁰

SHD solicited construction bids for construction to comply with the Apportionment Application form required by the City. The portion of the bids related to the construction of Los Angeles Boulevard includes 34,240SF of grading and road base preparation and 30,310SF of concrete pavement installation, which together are estimated to cost \$254,720.¹¹

SHD benefits partially from the construction of Los Angeles Boulevard along the perimeter of the Property by creating six lots with frontage onto this street. A similar street internal to the project would create approximately twenty-four lots, on which basis SHD should pay 25% of the street construction cost. SHD also proposes that 10% of the traffic to use this street will be generated by the Shady Hollow Estates development, and that 90% of the traffic to use this street on eventual completion will be for uses related to the existing park, school, and

⁹ Attached as document SHD0042

¹⁰ Attached as document SHD0043

¹¹ This calculation is detailed on document SHD0023

houses. SHD's portion of the street construction cost for Los Angeles Boulevard is 35%, and the City's portion is 65% of \$254,720, which is \$165,560.

The construction of Los Angeles Boulevard also requires stormwater drainage to comply with the 2019 Drainage Design Manual. This drainage infrastructure primarily accommodates stormwater runoff from the existing park, school, houses and undeveloped properties. The construction of the drainage infrastructure in Los Angeles Boulevard provides a public benefit to the surrounding property owners, and remediates conditions which are non-compliant with current design guidelines. The drainage infrastructure required to construct Los Angeles Boulevard is estimated to cost \$140,434.¹² The entire drainage infrastructure construction cost to facilitate the construction of Los Angeles Boulevard is an exaction which is not created by the needs of the project and primarily benefits surrounding property owners and the City. In total, SHD is entitled to an apportionment payment of \$305,994 for Los Angeles Boulevard street and drainage construction.

C. Stormwater drainage design and detention.

1. Background.

In a meeting on July 18, 2022, at City offices, attended by City representatives and a SHD representative,¹³ City representatives concluded several weeks of emails and discussions, and stated that the Shady Hollow Estates project must use the 2019 Drainage Design Manual, and could no longer use the 1993 Drainage Design Manual in use at the time of preliminary plat approval. In this meeting, City representatives presented Dallas City Code Sec. 51A-8.601 (c), which states:

¹² This calculation is detailed on document SHD0023

¹³ Attached as document SHD0044

(c) If the infrastructure construction is not included in a city-approved private development contract within two years from the preliminary plat approval date, then the infrastructure must be redesigned using the most current criteria.

Dallas, Tex., Code § 51A-8.601 (c)

In the July 18, 2022, meeting, an SHD representative identified specific site challenges in complying with this directive, as the surrounding areas were not designed with this criteria, and the requirements of the 2019 Drainage Design Manual required greatly increased runoff calculations which presented particular challenges for this project. City representatives repeated the decision that the project must use the 2019 Drainage Design Manual and could not use the 1993 Drainage Design Manual. This was also confirmed in an email on July 21, 2022.¹⁴

Also in the July 18, 2022, meeting, City representatives issued a final decision that the project could not use a floodway easement, which is in conflict with condition 21 of the preliminary plat approval letter. This condition required a detention area to be provided separately from the required unimproved open space, which created further challenges to the project engineering, and restricted the potential lot area and usability of the site. This decision was provided in written form on July 21, 2022.¹⁵

2. Stormwater detention.

The stormwater flowing through the Shady Hollow Estates project mostly flows from surrounding properties onto the Shady Hollow Estates project. Using the calculations required in the 2019 Drainage Design Manual, a map of undeveloped site runoff conditions shows that of the approximately 267 total cubic feet per second (“CFS”) in peak outfall flow of Shady Hollow Estates in a 1% annual chance storm event,¹⁶ approximately 219 CFS is from rain falling on

¹⁴ Attached as document SHD0045-SHD0047

¹⁵ Attached as document SHD0045-SHD0047

¹⁶ Calculated as the Q100 sum of areas A1, B1, B2 and B3 on attached document SHD0048

other sites and flowing onto the property.¹⁷ Using these calculations, approximately 82% of the peak outfall flow in a 1% annual chance storm originates off site.

The development of Sam Circle Estates to the north of Shady Hollow Estates was designed to accept approximately 208 CFS of peak outfall flow of a 1% annual chance storm event from Shady Hollow Estates with a developed runoff coefficient.¹⁸ This project was designed under the requirements of the 1993 Drainage Design Manual. The 1993 Drainage Design Manual required Sam Circle Estates to design a drainage plan to include the estimated peak outfall flow of a 1% annual chance storm event from the fully developed site of Shady Hollow Estates.¹⁹ If this requirement was fully followed and Shady Hollow Estates was also designed under the 1993 Drainage Design Manual, it is likely that no detention would be required in the Shady Hollow Estates project.

In order to follow the requirements of the 2019 Drainage Design Manual, SHD's engineers designed a plan which restricted the peak outfall flow of a 1% annual chance storm event to the stated allowable limit of the Sam Circle Estates project. This requires the construction of a large detention area on the Shady Hollow Estates site to reduce the peak flow rate of outfall from Shady Hollow Estates onto Sam Circle Estates.²⁰ The detention required on the site is necessary to slow stormwater originating off-site, to remediate the limited outfall condition created by the development of Sam Circle Estates, and to accommodate the increased runoff calculations required under the 2019 Drainage Design Plan. The construction of the detention area and the loss of use for other purposes is an exaction which primarily benefits other property owners and the public, and is required by City conditions for plat approval.

¹⁷ Calculated as the Q100 sum of areas B1, B2 and B3 on document SHD0048

¹⁸ Calculated as the Q,100 years (cfs) Developed sum of areas Off-1, Off-6, and Off-7 on document SHD0049

¹⁹ 1993 Drainage Design Manual, sec. 2.2.2

²⁰ Attached as SHD0050

The detention area plan for Shady Hollow Estates requires a land area of 46,000SF and the construction is estimated to cost \$123,496.²¹ This exaction is not created by the needs of this project, and primarily benefits other property owners. SHD is entitled to an apportionment payment of \$583,496 for the loss of land area use and construction costs of the detention area.

D. Off-site water and wastewater mains.

Condition 28 of the preliminary plat approval letter for Shady Hollow Estates requires the developer to provide plans for water and wastewater main construction. The City instructed SHD's engineers to design a plan which connects to two existing water mains of at least 8in in size. The existing water main in Shady Hollow Lane extends to the property and is 8in. The other water main extending to the site in Wenatche Dr is 6in. Because only one 8in or larger water main extends to the site, SHD's engineers were instructed by City representatives to connect the new water mains to a second 8in line in Blue Ridge Boulevard.

The preliminary plat of the neighboring development Sam Circle Estates was approved by the Commission on September 28, 2017, to create 20 lots. Subsequently, water and wastewater mains were constructed to serve the created lots on Sam Circle. Section 4.2 of the Development and Design Procedure and Policy Manual, titled "General Procedural Requirements - Preliminary Plat" specifies several development requirements for plats in the City. This section states (emphasis added) "When water and/or wastewater mains are to be constructed, **they shall extend the entire length of the property to be platted or developed regardless of the location of the water and/or wastewater services. This will ensure the neighboring properties can extend these mains when required.** The only exception will be if

²¹ This calculation is detailed on document SHD0024

surrounding property cannot be served by the extension of these mains, then the mains can end after the services.”

The City approved water and wastewater plans for Sam Circle Estates which did not extend the entire length of the property as required.²² Furthermore, the plat for Sam Circle Estates did not provide a water and wastewater utility easement in the floodway easement which extends to Shady Hollow Estates, which could have been used to access these mains.²³

Section 5.2 of the Development and Design Procedure and Policy Manual, titled “Off-site Extension” describes the procedure for reimbursement of water and sewer mains, and provides the following description (emphasis added): “**Offsite extensions are water or wastewater mains that reach outside the platted property’s boundary.**”

Additionally, Dallas City Code Sec. 49-62 (c) provides in pertinent part, as follows:

(c) Off-site extensions. The following rules govern the installation of and city participation in off- site extensions required to be constructed by a developer in order to adequately serve the development:

(1) **The developer shall construct any new off-site extension necessary to adequately serve the development**, if the city or another developer has not already commenced design or construction of the extension in connection with another development or project, subject to applicable city payments for participation in oversize cost under Subsection (a)

(2) Construction of an off-site extension shall be pursuant to a private development contract approved by the director and in accordance with Chapter 212, Subchapter C, Texas Local Government Code, as amended. The off-site extension construction may be included as a part of any private development contract for construction of on-site extensions or other infrastructure within the development, provided the rules of this article are complied with. **The city will participate in the cost of the off-site extension by purchasing the extension, after completion and acceptance by the city, for the total evaluated cost of the extension.**

²² Attached as document SHD0051

²³ Attached as document SHD0052

Dallas, Tex., Code § 49-62 (c) (emphasis added)

As a result of the City not requiring the water and wastewater mains constructed in Sam Circle Estates to extend to Shady Hollow Estates, and failure to require an easement facilitating water and wastewater connections to Sam Circle Estates, SHD is required to connect the mains from Shady Hollow Estates directly to mains in Blue Ridge Boulevard. This requires SHD to construct 571LF of wastewater line and three manholes in the alley from Shady Hollow Estates to Blue Ridge Boulevard,²⁴ and also requires SHD to construct 1331LF of water line in Los Angeles Boulevard from the termination of Shady Hollow Lane to the intersection of Los Angeles Boulevard and Blue Ridge Boulevard, outside the platted area boundary.²⁵

The wastewater line in Los Angeles Boulevard is also outside the platted area. This line is 421LF and requires a wastewater access device and a manhole. This line will partially benefit Shady Hollow Estates, and also provides economical future access options to the park and school properties.

The full amount of water and wastewater line construction off-site, and including the redundant line from the end of Wenatche Drive to the alley towards Blue Ridge Boulevard, is 1331LF of water main and 842LF of wastewater main. SHD benefits from required water and wastewater mains in Los Angeles Boulevard by servicing six lots from these lines. A typical water and wastewater line internal to the development serves one lot for every 25LF of length. SHD's portion of the water line in Los Angeles Boulevard is 150LF, and SHD's portion of the wastewater line in Los Angeles Boulevard is 150LF. The remaining exaction to construct 1181LF of water line and 842LF of wastewater line is not solely caused by the needs of the project, primarily benefits other property owners, and remediates non-compliant conditions

²⁴ Attached as document SHD0053

²⁵ Attached as document SHD0054

caused and/or allowed by the City. SHD is entitled to an apportionment payment of \$118,489.²⁶

E. Apportionment determination.

The City issued a Certificate of No Action regarding the Shady Hollow Estates on December 12, 2022.²⁷ The City failed to respond to engineering plans submitted on November 4, 2022 within 15 days as required by City code Sec. 51A-8.404 and Tex. Loc. Gov't Code Ann. § 212.0091. The certificate serves as official notice that the plans are approved and that the City has forfeited the right to additional plan reviews regarding this plat.

1. Los Angeles Boulevard street construction apportionment determination.

In the apportionment determination provided on December 22, 2022, the City stated that the construction of Los Angeles Boulevard along the perimeter of the site to the standards of the Street Design Manual is no longer required, and cited City code section 51A-8.604 (b)(2), which does not apply according to condition 14 of the plat approval letter, which states: “On the final plat, dedicate 28-feet of Right-of-Way (via Fee Simple) from the established center line of Los Angeles Boulevard. 51A 8.602(c)”

. The City issued the directive that Lost Angeles Boulevard does not need to be constructed to the standards of the Street Design Manual after previously requiring all streets to be constructed to the standards of the Street Design Manual on official engineering review comments provided under the directive of Tex. Loc. Gov't Code Ann. § 212.0091. The City determined that no apportionment payment for the construction of Los Angeles Boulevard is required. The attempted removal of these construction requirements in the apportionment

²⁶ This calculation is detailed on document SHD0023

²⁷ Attached as document SHD0055

determination were only made after SHD had submitted a full application for apportionment with cost determinations for the related exactions.

2. Alley right-of-way dedication apportionment determination.

In the apportionment determination provided on December 22, 2022, the City stated that no alley dedications are required, which does not follow the plat conditions 15-18, after previously also requiring this condition on official engineering review comments provided under the directive of Tex. Loc. Gov't Code Ann. § 212.0091. The City determined that no apportionment payment for alley right of way dedication is required. The attempted removal of these dedication requirements in the apportionment determination were only made after SHD had submitted a full application for apportionment with cost determinations for the related exactions.

3. Stormwater detention apportionment determination.

In the apportionment determination provided on December 22, 2022, the City stated that the 2019 Drainage Design Manual no longer applies to this project, after previously instructing SHD to follow this requirement in meetings and other official communication provided under the directive of Tex. Loc. Gov't Code Ann. § 212.0091, and after denying an application to review this directive with the Board of Adjustment.²⁸ The City determined that no apportionment payment for detention loss of land area use and construction is required. The attempted removal of these requirements in the apportionment determination were only made after SHD had submitted a full application for apportionment with cost determinations for the related exactions.

4. Off-site water and wastewater mains apportionment determination.

²⁸ Attached as document SHD0058

In the apportionment determination provided on December 22, 2022, the City stated that SHD may replace the existing 6in water line in Wenatche Drive currently extending to the site instead of connecting to the 8in line in Blue Ridge Boulevard, after previously instructing engineers to design the project to connect to the line in Los Angeles Boulevard. The City determined that an apportionment payment of \$95,170 is required upon completion of the water and wastewater mains construction. The City did not provide detail on how this cost is calculated and what portions of the water and wastewater mains are included in this amount.

The statements above were made after the City approved water and wastewater engineering plans, after approving a construction contract, after construction had started, and after a Certificate of No Action was issued. The attempted removal of these construction requirements in the apportionment determination were only made after SHD had submitted a full application for apportionment with cost determinations for the related exactions.

III. ARGUMENTS AND AUTHORITIES

A. Plans have been created based on conditions issued by the City and are considered approved.

The first determination this Commission must make is whether the City erred in the apportionment determination issued on December 22, 2022, by the attempted removal of conditions of platting which were imposed by the City prior to this date. SHD complied with the conditions issued on the preliminary plat approval, with additional conditions issued in engineering comment response letters, and in other directives issued by City representatives in meetings and emails. SHD objected to some of these requirements during the plan reviews, but the City refused to offer alternatives despite several requests.

The Texas Legislature enacted Sec. 212.0091 of the Texas Local Government Code which established procedures for conditional approval of a plan or plat. This statute requires that plans and plats be reviewed according to established code, and that written statements be provided on conditional approvals including a citation to the applicable law, statute, or municipal ordinance.

Section 212.0091 APPROVAL PROCEDURE: CONDITIONAL APPROVAL OR DISAPPROVAL REQUIREMENTS

(a) A municipal authority or governing body that conditionally approves or disapproves a plan or plat under this subchapter shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval.

(b) Each condition or reason specified in the written statement:

(1) Must:

(a) be directly related to the requirements under this subchapter; and

(b) include a citation to the law, including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval, if applicable; and

(2) may not be arbitrary.

Tex. Loc. Gov't Code Ann. § 212.0091. (emphasis added)

The preliminary plat approval issued on September 6, 2018, was a conditional approval of the plat to create Shady Hollow Estates. The conditions issued in the approval letter include citations to the municipal ordinance on which they are based. The attempt to remove these conditions upon a request for apportionment after the plans are approved does not follow Tex. Loc. Gov't Code Ann. § 212.0091. Furthermore, the attempted removal of these conditions, in the apportionment determination issued on December 22, 2022, is arbitrary.

The Texas Legislature enacted Sec. 212.905 of the Texas Local Government Code which established the procedures for approving or disapproving a response to a plan or plat.

Sec. 212.0095 Approval Procedure: Approval or Disapproval of Response

- (a) A municipal authority or governing body that receives a response under Section 212.0093 (Approval Procedure: Applicant Response to Conditional Approval or Disapproval) **shall determine whether to approve or disapprove the applicant's previously conditionally approved or disapproved plan or plat not later than the 15th day after the date the response was submitted.**
- (b) A municipal authority or governing body that conditionally approves or disapproves a plan or plat following the submission of a response under Section 212.0093 (Approval Procedure: Applicant Response to Conditional Approval or Disapproval):
 - (1) must comply with Section 212.0091 (Approval Procedure: Conditional Approval or Disapproval Requirements); and
 - (2) may disapprove the plan or plat only for a specific condition or reason provided to the applicant under Section 212.0091 (Approval Procedure: Conditional Approval or Disapproval Requirements).
- (c) A municipal authority or governing body that receives a response under Section 212.0093 (Approval Procedure: Applicant Response to Conditional Approval or Disapproval) shall approve a previously conditionally approved or disapproved plan or plat if the response adequately addresses each condition of the conditional approval or each reason for the disapproval.
- (d) **A previously conditionally approved or disapproved plan or plat is approved if:**
 - (1) the applicant filed a response that meets the requirements of Subsection (c); and
 - (2) **the municipal authority or governing body that received the response does not disapprove the plan or plat on or before the date required by Subsection (a) and in accordance with Section 212.0091** (Approval Procedure: Conditional Approval or Disapproval Requirements).

Tex. Loc. Gov't Code Ann. § 212.905.²⁹ (emphasis added)

²⁹ Section 51A-8.404 of the Dallas City Code codifies this provision into the Dallas City Code.

The City did not approve or disapprove the plans submitted on November 4, 2022, before the end of the 15th day after the plans were submitted. These plans are approved according to this statute. The City issued a Certificate of No Action on December 12, 2022, confirming this approval.

The attempt to remove previously issued conditions and requirements for the approved plans in the apportionment determination issued on December 22, 2022, does not follow this statute. The City's instruction in the apportionment determination to create new plans with reduced or changed requirements also does not follow this statute.

B. The City did not follow the instructions of the Texas Local Government Code Sec. 202.904 in the apportionment determination.

The Texas Legislature enacted Sec. 212.904 of the Texas Local Government Code which established the procedures for evaluating the portion of costs to be borne by the developer and the portion to be borne by the municipality. Sec. 212.904 (a) provides as follows:

Sec. 212.904.(a) APPORTIONMENT OF MUNICIPAL INFRASTRUCTURE COSTS.

(a) If a municipality requires, including under an agreement under Chapter 242 (Authority of Municipality and County to Regulate Subdivisions in and Outside Municipality's Extraterritorial Jurisdiction), **as a condition of approval for a property development project that the developer bear a portion of the costs of municipal infrastructure improvements by the making of dedications, the payment of fees, or the payment of construction costs, the developer's portion of the costs may not exceed the amount required for infrastructure improvements that are roughly proportionate to the proposed development** as approved by a professional engineer who holds a license issued under Chapter 1001 (Texas Board of Professional Engineers and Land Surveyors), Occupations Code, and is retained by the municipality. The municipality's determination shall be completed within thirty days following the submission of the developer's application for determination under this subsection. Tex. Loc. Gov't Code Ann. § 212.904.(a)³⁰ (emphasis added)

³⁰ Section 51A-1.109 of the Dallas City Code codifies this provision into the Dallas City Code.

The City has not followed the requirements of this statute by failing to have a professional engineer approve the costs, on the basis of the plans created to meet requirements provided by the City as a condition of the property development project. The City also failed to follow the requirement to provide the apportionment determination within thirty days of submission of the developer's application for apportionment. Instead, the City representative who is a Texas registered professional engineer has attempted to remove requirements and conditions which require that the City pay a portion of the cost, in violation of Texas Local Government Code Sec. 212.0091.

C. The Texas Constitution.

The Texas Constitution is clear that no property may be taken without adequate compensation.

Sec. 17. TAKING PROPERTY FOR PUBLIC USE; SPECIAL PRIVILEGES AND IMMUNITIES; CONTROL OF PRIVILEGES AND FRANCHISES.

(a) **No person's property shall be taken**, damaged, or destroyed for **or applied to public use without adequate compensation being made**, unless by the consent of such person, and only if the taking, damage, or destruction is for:

(1) the ownership, use, and enjoyment of the property, notwithstanding an incidental use, by:

(A) the State, a political subdivision of the State, or the public at large;
or

(B) an entity granted the power of eminent domain under law; or

(2) the elimination of urban blight on a particular parcel of property.

Tex. Const. art. I, § 17 (a)

For an exaction to be compensable, the Texas Supreme Court in *Stafford Estates* said it must be a cost that, in fairness and justice, should be borne by the public instead of the individual. To apply this sense of fairness and justice, the Texas Supreme Court has adopted a “rough proportionality” test to determine whether an exaction constitutes a compensable taking:

[C]onditioning government approval of a development of property on some exaction is a compensable taking unless the condition (1) bears an essential nexus to the substantial advancement of some legitimate government interest and (2) is roughly proportional to the projected impact of the proposed development.

Stafford Estates, 135 S.W.3d at 634.

The second determination this Commission must make is whether the exactions are roughly proportionate to the projected impact of the proposed development. The conditions and requirements imposed on SHD of alley right-of-way dedication, street construction and related drainage requirements of Los Angeles Boulevard, detention provision to follow the requirements of the 2019 Drainage Design Manual, and construction of off-site water and wastewater mains, in order to approve the development of Shady Hollow Estates, are not proportional to the impact of the proposed development.

D. Rough proportionality standard.

The rough proportionality test requires this Commission to determine whether the conditions imposed are proportionate to the impact of the development. When discussing whether a development’s impact can be assessed in relation to all of the streets within the town, the Texas Supreme Court in *Town of Flower Mound* stated,

“We agree that the Town can take the development's full impact into account

and is not limited to considering the impact on Simmons Road. But in so doing, the Town is nonetheless required to measure that impact in a meaningful, though not precisely mathematical, way, and must show how the impact, thus measured, is roughly proportional in nature and extent to the Required improvements.”

135 S.W.3d 620, 644 (Tex. 2004).

The conditions imposed by the Plan Commission in order to develop Shady Hollow Estates of dedicating additional alley right-of-way, constructing the perimeter minor street Los Angeles Boulevard to the standards of the Street Design Manual and providing stormwater drainage for off-site properties in Los Angeles Boulevard, constructing a detention area, and the construction of off-site water and wastewater mains are all remediating existing deficiencies which are not proportionate to the impact of the development.

The apportionment determination of \$95,170 for water and wastewater exactions, and \$0 for alley right-of-way, street construction, and detention loss-of-use and construction are not roughly proportionate to the impact of the development. The City has admitted that the conditions required for plat approval primarily benefit other property owners, by attempting to remove these conditions, after the plans and plat are approved, after construction has started, and after the City has issued a Certificate of No Action forfeiting the right to additional plan reviews.

The City’s apportionment determination acknowledges that these costs are not proportionate to the impact of the development by attempting to remove these conditions in violation of state law and City code. SHD is only asking the City to pay the portion of exactions which are not related to the needs of the development and which benefit the City and other property owners directly, following the guidelines of City code and state law.

E. The City will collect revenue to pay the required apportionment payments.

In a phone call on November 21, 2022, with Adrian Cole, President of SHD, the City representative, who is a Texas registered professional engineer, and who issued the apportionment determination, stated: “the City does not have money to pay for [the right-of-way dedications, street construction, and detention] items.” This conversation was summarized in an email sent to the City representative on the same day.³¹

The City collects revenue from several sources towards municipal improvements and maintenance, including property taxes, franchise fees, water and wastewater fees, and stormwater management fees.

SHD estimates that after houses are constructed on the 73 lots to be created by this project, the City will collect new revenue annually of approximately \$200,000 in property taxes,³² \$61,000 in water and wastewater service fees,³³ \$18,000 in franchise fees,³⁴ and \$8,000 in stormwater management fees.³⁵ Using an annual revenue increase projection of 5%, the fees listed above are estimated to generate approximately \$3,600,000 in new revenue to the City over the first 10 years after houses are constructed.

In addition to the new revenue to be created by this project, the City currently collects property taxes, water and wastewater service fees, franchise fees, and stormwater management fees from property owners in the immediate vicinity of the Shady Hollow Estates. These fees compensate the City for services provided, and the City invests a portion of these fees in municipal improvements similar to the non-proportionate exactions imposed on SHD. The City has an obligation to facilitate required improvements which benefit the public. The existing

³¹ Attached as document SHD0056-SHD0057

³² Estimated as \$370,000 property value multiplied by City tax rate of \$0.7458 per \$100 in value

³³ Estimated as \$70.19 per lot monthly; Source: City of Dallas FY 2023 Adopted Budget, Page 84

³⁴ Estimated as \$21.09 per lot monthly

³⁵ Estimated as \$9.22 per lot monthly; Source: City of Dallas FY 2023 Adopted Budget, Page 83

revenues collected in this area, and future revenue to be created by this project clearly exceed the City's required apportionment payment.

F. Summary of non-proportionate exactions

The following table summarizes the City's portion of the exactions to develop Shady Hollow Estates:

Exaction Item - City's Portion	Cost
Dedication of alley area	\$67,787.00
Construction of Los Angeles Boulevard Street	\$165,560.00
Construction of Los Angeles Boulevard Drainage	\$140,434.00
Detention loss-of-use and construction	\$583,496.00
Off-site water main	\$72,361.00
Off-site wastewater main	\$46,128.00
Total apportionment amount	\$1,075,766.00

IV. CONCLUSION

WHEREFORE, PREMISES CONSIDERED, SHD respectfully requests the Dallas City Plan Commission issue an apportionment determination regarding plat S178-288 Shady Hollow Estates finding that the City's portion of the exactions required for development require an apportionment payment of \$1,075,766.

Respectfully submitted,

Shady Hollow Development LLC
Adrian M. Cole
President

/s/ Adrian M. Cole
Adrian M. Cole
adrian@fastmail.com
214.918.4671

Shady Hollow Development LLC
2217 Yaupon Dr
Irving, Texas 75063

CERTIFICATE OF SERVICE

This is to certify that on this the 6th day of February, 2023, a true and correct copy of the above and foregoing was served upon the secretary of the City Plan Commission via e-mail.

/s/ Adrian M. Cole

Adrian M. Cole

FILE NUMBER: S178-288**SUBDIVISION ADMINISTRATOR:** Paul Nelson**LOCATION:** Los Angeles Boulevard if extended, south of Blue Ridge Boulevard**DATE FILED:** August 10, 2017**ZONING:** R-7.5 (A)**CITY COUNCIL DISTRICT:** 3 **SIZE OF REQUEST:** 17.858-Acres**MAPSCO:** 63A**APPLICANT/OWNER:** Centro Cristiano Para La Familia

REQUEST: An application to create 73 single family residential lots and 2 common area with lots ranging in size from 6,000-square feet to 11,637-square feet from a 17.858-acre tract of land in City Block 6960 as a Community Unit Development on property located on Los Angeles Boulevard if extended, south of Blue Ridge Boulevard.

SUBDIVISION HISTORY:

1. S167-275 was a request north of the present to replat a 5.695-acre tract of land containing all of Lot 3 in City Block 6960 to create 20 lots and one common area as a Community Unit Development on property located on Blue Ridge Boulevard west of Westmoreland. The request was approved September 2, 2017 and has not been recorded.

STAFF RECOMMENDATION: Section 51A-8.503(a) indicates that "...Lots must conform in width, depth, and area to the pattern already established in the adjacent areas, having due regard to the character of the area, its particular suitability for development, and taking into consideration the natural topography of the ground, drainage, wastewater facilities, and the proposed layout of streets...". The adjoining subdivisions to the east are developed with lots that are similar in size. The present request is creating the "established lot pattern for this 24-lot development".

The following chart provides the data for compliance with the Community Unit Development regulations for the proposed subdivision:

Total number of lots:	73
Total Lot Area	777,894 sq. ft.
Lot Area needed for 25% reduction	194,473 sq. ft.
Lot area reduction allowed [1,875 sq. ft./lot; (25%)]	78,660 sq. ft.
Open space provided	138,520 sq. ft.
R-7.5(A) lot area required:	7,500 sq. ft.
Allowed lot area reduction (25%) per lot	-1,875 sq. ft.
Minimum lot area allowed	6,000 sq. ft.
Smallest lots	6,000 sq. ft.

The proposed subdivision complies with the requirements of the community unit development regulations (51A-8.510) for the 25% lot size reduction, Section 51A-8.503, and the requirements of the R-7.5(A) Single Family District; therefore, staff recommends approval subject to compliance with the following conditions:

1. The final plat must conform to all requirements of the Dallas Development Code, Texas Local Government Code, Texas Land Surveying Practices Act and the General Rules and Regulations of the Texas Board of Land Surveying.
2. Department of Sustainable Development and Construction, Engineering Division must verify that the plat conforms with the water, wastewater, and easement requirements under the provisions of Chapter 49 of the Dallas City Code.
3. Compliance with all plans, contracts, ordinances, and requirements of the City of Dallas. Section 51A-8.102(a), (b), (c), and (d)
4. The number and location of fire hydrants, must comply with the Dallas Fire Code.
5. Any structure new or existing structure may not extend across new property lines. Section 51A-8.503(e)
6. On the final plat, all easement abandonments, and ROW abandonments must be by separate instrument with the recording information shown on the face of the plat. A release from the Real Estate Division is required prior to the plat being submitted to the Chairman for signature.
7. On the final plat, include two boundary corners tagged with these coordinates: "Texas State Plane Coordinate System, North Central Zone, North American Datum of 1983 on Grid Coordinate values, No Scale and no Projection."
8. On the final plat, monument all set corners per the Monumentation Ordinance. Prior to submittal of the final plat for the Chairman's signature the monuments must be verified by the Chief City Surveyors Office in the Public Works Department. Section 51A-8.617
9. Provide ALL supporting documentation (i.e. deeds, plats, ordinances, easements...etc.) with a completed Final Plat Checklist to the Survey Plat Review Group (**SPRG**) with the Final Plat Submittal after City Plan Commission Approval.
10. The number of lots permitted by this plat is 24 and one common area.
11. Submit a full set of Civil Engineering plans, prepared per City Standards by a licensed (TX) Professional Engineer, to Sustainable Development and Construction, Engineering Division, Room 200, Oak Cliff Municipal Center. (i.e. 311T) Additions and alterations to the public infrastructure require approval and may require private development contracts with bonds. Sections 51A-8.102(c) and Section 51A-8.601(b)(4), (5), (6), (7), (8), and (9).
12. Detention may be required if the capacity of available outfall is not adequate to carry the developed runoff. Section 51A-8.611(e).
13. Place a note on the final plat stating "Lot-to-lot drainage will not be allowed without proper City of Dallas Engineering Department approval". (Note must be on plat) Section 51A-8.611(e).
14. On the final plat, dedicate 28-feet of Right-of-Way (via Fee Simple) from the established center line of Los Angeles Boulevard. 51A 8.602(c)

15. On the final plat, dedicate 7.5-feet of Right-of-Way (via Fee Simple or Street Easement) from the established center line of all alleys. Sections 51A-8.602(c), 51A-8.604(c) and 51A-8.611(e).
16. On the final plat, dedicate a 10-feet by 10-feet corner clip (VIA Fee Simple or Street Easement) at Los Angeles Boulevard and all internal intersections. Section 51A 8.602(d)(1).
17. On the final plat, dedicate a 15-foot by 15-foot Alley Sight Easement at the intersection of Los Angeles Boulevard and the alley. Section 51A-8.602(e),
18. On the final plat, dedicate a 15-foot by 15-foot Alley Sight Easement at the intersection of Wenatche Court and the alley. Section 51A-8.602(e),
19. Provide a turn-around per the City of Dallas Standards at the end of alley to the north. Section 51A-8.506(b).
20. On the final plat, determine the 100-year water surface elevation across the plat. Section 51A-8.611(d) and Trinity Watershed Management.
21. On the final plat, dedicate floodway easement, floodway management area, or floodway easement (within common area) with the appropriate easement statement included on the face of the plat. Section 51A-8.611(d) and Trinity Watershed Management, Drainage Design Manual Addendum V.
22. On the final plat, show the correct recording information for the subject property. Platting Guidelines.
23. On the final plat, show how all adjoining right-of-way was created. Section 51A-8.403(a)(1)(A)(xxii).
24. On the final plat, show distances/width across all adjoining right-of-way. Platting Guidelines.
25. On the final plat, show recording information on all existing easements within 150 feet of the property.
26. On the final plat, all utility easement abandonments must be shown with the correct recording information. Platting Guidelines.
27. O the final plat, label original abstract line.
28. Engineer must furnish plans for water and sanitary sewer. Developer must furnish a contract for water and sanitary sewer. Sections 49-60(g)(1) and (2) and 49-62(b), (c), and (f).
29. Additional design information is required for assessment. Site plan must be submitted showing proposed development, building finished floor elevation, development, existing mains – including downstream manhole, and proposed water and wastewater service locations. Submit water/wastewater engineering plans to 320 E. Jefferson Blvd., Room 200, Attention: Water and Wastewater Engineering.

30. Water and wastewater main improvements are required by Private Development Contract. Submit water/wastewater engineering plans to 320 E. Jefferson Blvd., Room 200, Attention: Water and Wastewater Engineering.
31. Prior to final plat, provide conformation if easement area conveyed from CPI Pipe and Steel Inc. to Centro Cristiano Para La Familia in Instrument No. 200900300707 was ever abandoned by City of Dallas and provide copy of abandonment ordinance and recorded instruments. Real Estate release is required prior to recordation of plat.
32. On the final plat, specify if open space is unimproved, otherwise must comply with open space distance required. Development must comply with Section 51A-8.510
33. On the final plat, identify the property as Lots various and Common area "A" and "B" in City Block 1-4/6960. Ordinance 1A, Page 131 pages 131-148, Section 2 (passed August 13, 1872).
34. On the final plat, change "Wenatche Dr. and Wenatche Ct." to "Wenatche Drive". Section 51A-8.403(a)(1)(A)(xii)
35. On the final plat, change "Los Angles Blvd" to "Los Angles Boulevard". Section 51A-8.403(a)(1)(A)(xii)
36. On the final plat, label "Kimball Ridge Court" and "Kimball Ridge Circle". Section. 51A-8.403. (a) (1) (A) (xii)
37. On the final plat, add enough street labels to show what will end up as "Los Angles Boulevard". Section. 51A-8.403. (a) (1) (A) (xii)







& ASSOCIATES, inc.

engineering & surveying consultants

TBPE Firm F-3232 • TBPLS Firm 10123600

1112 N. Zang Boulevard, Suite 200, Dallas, Texas 75203 -1310

Tel. (214) 942-1888 • Fax (214) 942-9881 • E-mail: LimAssoc@aol.com

Civil Engineering
Municipal Engineering
Site Development
Land Surveying

To: City of Dallas Director of Engineering

From: Daniel S. Lim, PE, RPLS, CFM

Date: October 10, 2022

Re: Apportionment Determination as specified in SEC. 51A-1.109.

Background

Guillermo Darce, PE has analyzed the existing infrastructure surrounding the proposed development project Shady Hollow Estates at the street address of 4000 Shady Hollow Ln. Guillermo has also designed infrastructure improvements to facilitate the platting of this property into 73 residential lots under the approval and conditions of plat S178-288.

The developer of this project is Shady Hollow Development LLC. The developer has commissioned this report to request an apportionment determination of infrastructure improvements and land dedications required by the City of Dallas to approve this project.

Streets

The existing improved streets serving this project are adequate for traffic volume and have been extended to the site in accordance with City of Dallas development guidelines. The streets at the south of this project, Wenatche Dr and Shady Hollow Ln are in acceptable condition and size to serve this project.

The proposed design requires improvement of existing right-of-way of Los Angeles Blvd to the west of the project, extending from where Shady Hollow Lane ends to the south. This street improvement will also benefit future development and access to the park and school properties to the west, as well as benefit property to the north in the event of increased development density as allowed by current zoning.

The internal street designs and the improvement of Los Angeles utilize the L-2- (A) specification with 53' right-of-way and 33' pavement with sufficient access to the proposed lots from the improved streets, according to street design.

The developments to the south and east primarily utilize the L-2-U(B) specification with 50' right-of-way and 26' pavement streets with primary access via alleys.

The required alley dedications of 1.5' to the north, east, and south as determined by the City of Dallas will primarily benefit existing development and are not required to meet zoning and development requirements for the proposed plat.

Water

The existing water line stubs near the property in Wenatche Dr is 6-inch and in Shady Hollow Lane is 8-inch and appear to be in adequate condition, and were extended to the property in accordance with the City of Dallas development guidelines.

There are no accessible water lines to the north of the project, as the recent development of Blue Ridge Estates did not extend service to this property as required by the City of Dallas development guidelines. The nearest line to the north is in Blue Ridge Blvd, and is of relatively recent construction with adequate capacity to serve this project.

The proposed lines on the internal streets for this plat will be used primarily by the created lots.

The proposed water line in Los Angeles Blvd from Blue Ridge Blvd to Shady Hollow Ln will partially benefit the proposed project, and will also benefit potential development options of the properties to the west and north. This line will primarily benefit other properties and improve the function and resilience of water services in all surrounding areas.

Wastewater

There are no usable wastewater services near this property at an acceptable elevation to facilitate direct connection. The natural topography of this area requires wastewater service to flow downhill to the north. The recent development of Blue Ridge Estates did not extend service to this property as required by the City of Dallas development guidelines. The proposed wastewater service connection is in Blue Ridge Blvd.

The proposed lines on the internal streets for this plat will be used primarily by the created lots.

The proposed wastewater line in Los Angeles Blvd along the length of the property will also benefit future development of properties to the west and allow for economical redevelopment of those allowed by current zoning. The proposed wastewater line in the unimproved alley area to the north is unnecessary for service to this project, and only of possible benefit to the property to northwest. The proposed lines along the north of the property and extending through the alley to Blue Ridge Blvd do not directly serve this

project, but are required to remedy the lack of service provision due to inadequate connectivity options due to the development of Blue Ridge Estates.

Storm Drainage

The developed areas to the south and west drain onto the project and flow through the site to the recent Blue Ridge Estates development. The Blue Ridge Estates development used drainage calculations to facilitate development of the subject site using rainfall coefficients in line with the current zoning of R7.5 in a built-out condition. Under the 1991 Drainage Design Manual in use at the time, it is expected that the flow rates accepted by this site would not require reduced flow and/or detention.

Under the 2019 Drainage Design Manual now in place, higher rainfall coefficients require increased capacity to contain flow originating from offsite to the downstream outflow. This requires increased storm pipe capacity, larger inlets, and probable detention to reduce flows calculated under these conditions to the limits of the outflow capacity calculated under prior guidelines.

Most of the required storm drain improvements and all of the required detention will benefit surrounding properties to the south, west, and north. The improvements will be of particular value to properties on the west along Los Angeles Blvd, as well as many properties in the downstream area which will have lessened rainfall conditions and increased development potential under the 2019 Drainage Design Manual.

Fire Hydrants

The proposed development includes the installation of 7 new fire hydrants. 5 of these will primarily serve the lots in this project. The 2 fire hydrants proposed in Los Angeles Blvd will also provide benefit to the properties to the west as well as facilitate any future development with increased density allowed by zoning of these properties and the property to the north-west.

Respectfully,



Shady Hollow Development LLC

2217 Yaupon Dr
Irving, TX 75063
adrian@419builders.com
214.918.4671

October 10, 2022

To City of Dallas Director of Engineering

Regarding plat S178-288, we have engaged Lim & Associates, Inc. to perform an analysis of existing infrastructure around this project as provided by Sec. 51A-1.109 of the Dallas Development Code.

This section references an application form, which we have been unable to locate. Please provide this form if available, as well as any updates on the process at the contact below.

Regards,



Adrian Cole
214.918.4671
adrian@419builders.com

Shady Hollow Development - Analysis Application Form

From: Garza, Maricela <maricela.garza@dallas.gov>
To: adrian@419builders.com <adrian@419builders.com>
Cc: limassoc@aol.com <limassoc@aol.com>, Eskander, Mina <mina.eskander@dallas.gov>
Subject: Shady Hollow Development - Analysis Application Form
Date: Monday, October 17, 2022 5:33 PM
Size: 196 KB

Good afternoon Mr. Cole,

Per your hand delivered request (1st attachment) to the Director of Engineering, please find attached (2nd attachment) the Analysis Application form.

Thank you,



Maricela S. Garza
Administrative Specialist II
City of Dallas | DallasCityNews.net

Development Services
Engineering Division
320 E. Jefferson Blvd., Room 200
Dallas, TX 75203
O: 214-948-4063
Maricela.garza@dallas.gov



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[Please Take a Moment to Tell Us How We Are Doing](#)

Application Form Request .pdf 30 KB Application for Determination of Apportionment.pdf 22 KB

Shady Hollow Development - Analysis Application Form

From: [Adrian Cole <adrian@419builders.com>](mailto:adrian@419builders.com)
To: [Garza, Maricela <maricela.garza@dallas.gov>](mailto:maricela.garza@dallas.gov)
Cc: [Daniel Lim <limassoc@aol.com>](mailto:limassoc@aol.com), [Eskander, Mina <mina.eskander@dallas.gov>](mailto:mina.eskander@dallas.gov)
Subject: Re: Shady Hollow Development - Analysis Application Form
Date: Friday, November 11, 2022 11:49 AM
Size: 6.3 MB

Good morning all,

Attached is a completed Analysis Application form, 4 project bids, and apportionment request detail document.

Please confirm request of this submission and if any other information is needed. Thank you for your assistance.

Regards,
Adrian Cole
214.918.4671

Application for Determination of Apportionment.pdf 1.1 MB

Shady Hollow Estates Paving Proposal.pdf 2.8 MB Shady Hollow Estates Proposal.pdf 297 KB

22-1724; 221102; E-MAILED P Prop; Shady Hollow Estates.pdf 96 KB

Shady Hollow Estates - Site 19 Build Estimate.pdf 53 KB

Shady Hollow Estates - Development Apportionment Detail 2022-11-11.pdf 137 KB



Staff Use – Date Received _____

City of Dallas
APPLICATION FOR DETERMINATION OF APPORTIONMENT
(reference City of Dallas Code 51A-1.109)

1. Name of Project: Shady Hollow Estates
2. Plat No: S178-288 Building Permit Application No. _____
3. Paving/Drainage Project No. 311T-10059 Water/Wastewater Project No. WW22-231
4. Project Description: Plat 73 single family lots on undeveloped tract
5. Project Location (w/Lot & Blk): 3792 Wenatche Dr DCAD Mapsco
No. 63-A
6. Owner/Developer: Shady Hollow Development LLC
Mailing Address: 2217 Yaupon Dr
City: Irving State: TX Zip: 75063 Telephone: (214) 918-4671
Contact Person: Adrian Cole Email: adrian@419builders.com
6. Engineering Firm: Lim & Associates, Inc.
Mailing Address: 1112 N. Zang Boulevard Suite 200
City: Dallas State: TX Zip: 75203 Telephone: (214) 942-1888
Contact Person: Daniel Lim Email: limassoc@aol.com
7. Reason for Request (describe the perceived exaction): You may attach a supplemental document if more space is needed.
See attached documents
8. Submittals **REQUIRED:** (*incomplete submittals will be rejected.*)
 - ☒ Developer's Report (signed and sealed by active Licensed Civil Engineer);
Report should include items expressed in 51A-1.109, as well as, but is not limited to:
 - ☒ Preliminary Plat (existing recorded plat if no proposed plat); **and**
 - ☒ 24" x 36" set of most current Engineering Design plans; **and**
 - ☒ Project specific bid packages received from the contractors with itemized cost estimates of proposed project (total cost and public improvements costs) (min. of 3 bid estimates)

I certify that all information submitted are accurate and project specific. I have read Section 51A-1.109 of the City of Dallas code in its entirety and understand required deliverables and subsequent schedule upon a complete submittal.

DEVELOPER'S SIGNATURE: _____

DATE: 11-11-2022

Project Background

- September 6, 2018, City Plan Commission approves plat S178-288 with conditions:

The following chart provides the data for compliance Development regulations for the proposed

Subdivision with the Community Unit Development Regulations for the proposed subdivision:

Total number of lots: 73

Total Lot Area 777,894 sq.ft

Lot Area needed for 25% reduction 194,473 sq. ft.

Lot area reduction allowed [1,875 sq. ft.flat; (25%)] 78,660 sq. ft.

Open space provided 138,520 sq. ft.

R-7.5(A) lot area required: 7,500 sq. ft

Allowed lot area reduction (25%) per lot 1,875 sq. ft.

Minimum lot area allowed 6,000 sq. ft.

Smallest lots 6,000 sq ft.

- Condition 12 of CPC approval:**

Detention may be required if the capacity of available outfall is not adequate to carry the developed runoff. Section 51A-8.611(e).

Apportionment Basis - SEC. 51A-1.109.

(a) Exactions must be related and proportionate.

(1) No exactions may be imposed unless the exactions are:

(A) related to the needs created by the property development project; and

(B) roughly proportionate to the impact of the property development project.

(2) No precise mathematical calculation is required, but the city must make an individualized determination that the required exaction is related both in nature and extent to the impact of the property development.

Street apportionment

- Internal Streets
 - Wenatche Dr, Pierre St, Juneau Ave and Montpelier Ln area construction and dedication are roughly proportionate to needs created by development.
- External street Los Angeles Blvd
 - SEC. 51A-8.603 requires construction of a minor street and storm drainage along the perimeter of the proposed plat.
 - City did not require street construction and drainage during platting of school and church properties or creation of park, which places an unequal burden on the development of Shady Hollow Estates to resolve drainage & other issues

- City uses unimproved Los Angeles Blvd ROW for access to Doris Berry park and identifies park for access at Blue Ridge Blvd in the Los Angeles Blvd ROW. Park address with Dallas County Assessment District is on Cockrell Hill Rd, but no reasonable access is provided on Cockrell Hill Rd, with steep overgrown terrain and barbed wire fencing. Park was established in 1996. Dallas park master plan includes over \$1M in proposed improvements for park.
 - The Five Mile Creek Urban Greenbelt plan created in partnership with the City of Dallas Park and Recreation Department proposes to use the Los Angeles Blvd ROW frontage of Doris Berry Park to provide access to the Kiest greenbelt.
 - Park area has not been platted, but includes minor improvements and exists in a condition that uses Los Angeles Blvd ROW for drainage and access, with future use options likely to primarily use Los Angeles Blvd upon improvement, which will provide a large public benefit.
 - This street as designed partially benefits proposed development, but is outside platted area, and largely benefits City of Dallas park land access and future development. Proposed street area is approximately 31,310SF.
 - Proposed plat has been designed to incorporate this street to gain some benefit, but required construction largely benefits other properties. Construction of Los Angeles Blvd is further required due to no street connectivity provided by Blue Ridge Estates development to continue Wenatche Dr to the north and serve the development from multiple points
 - *Stafford Estates*, 135 S.W.3d at 631-34 has found that a general requirement to construct an abutting street as a general rule does not meet the rough proportionality requirement of apportionment rule, and City did not require this for other land fronting Los Angeles Blvd.
 - Shady Hollow Estates benefits at a minor level from street construction and does not have a reasonable option to avoid construction as other properties have/had due to code requirement and zoning limitations of double frontage and setbacks..
 - Construction of Los Angeles Blvd on City property also creates increased drainage requirements which should not be counted against any drainage needs created by the development, as the street is not part of the plat. The construction of this street in part also requires additional costs to facilitate drainage requirements at current standards to resolve issues left unresolved by other parcel development places an unequal burden and unequal requirement on construction of this street by Shady Hollow Estates.
 - Shady Hollow Estates will benefit from Los Angeles Blvd street construction by fronting 6 lots onto this street. The construction of the internal street Wenatche Blvd at a similar length allows for the service of 24 lots. As such Shady Hollow Estates benefits from street frontage area at 25% of typical internal street benefit.
 - Traffic usage for the street will predominantly serve outside traffic upon eventual completion of street improvement to Blue Ridge Blvd. Shady Hollow Estates will contribute less than 10% of traffic usage to street at eventual completion.
- Alleys

- City agreed to remove requirement to provide alley turn-around condition of plat approval item 18 due to loss of property flag portion at north-west corner of property due to improper conveyance at purchase.
- Code sections cited on CPC letter for approval item 15 (Sections 51A-8.602(c), 51A-8.604(c) and 51A-8.611 (e).) refer to minor streets, not alleys.
- City code SEC. 51A-8.507 (a) indicates alleys are only required based on street width and zoning. This plat does not require alleys due to wider street provisions internally.
- Dedication required to alley way at north of project of 3142sf is not required for proposed street type internal to project; required dedication is not related and proportionate to the impact of the plat.
- Dedication required to alley way at east of project of approximately 2044sf are not required for existing use or proposed use of platted property; required dedication is not related and proportional to the impact of the plat.
- Dedication required to alley way at south of project of approximately 1601sf is not required for existing use or proposed use of platted property; required dedication is not related and proportionate to the impact of the plat.
- Overall existing alleys were dedicated by previous platting and intended or required for use of other properties. Updated City of Dallas requirements for wide alley dedications are not created by this project and should be compensated accordingly due to loss of project land area.
- If previous platting had used different street and utility planning without alleys, additional dedication would not be required by this project. Required dedications are not proportionate to proposed plat and usage.
- Proposed project includes driveways and utilities at front of lots, with all resident and service traffic on internal streets. No effective addition to alley usage or traffic allows for current alley width to adequately serve reduced requirements. Proposed development does not create a need for additional alley width and dedication requirement is not proportional to needs of development.

Drainage apportionment

- In 2018, City of Dallas approved Blue Ridge Estates plat and engineering which provided for detention in open space. Blue Ridge Estates drainage plans allowed for built-out runoff of Shady Hollow Estates.
- In 2019, City of Dallas adopted the 2019 Drainage Design Manual. Updated manual requires increased runoff calculations which make downstream development to the north out of compliance with new drainage calculations both for existing and proposed conditions
- Compliance with new drainage calculations requires detention to be provided for in Shady Hollow Estates due to large amount of off-site rainfall which new regulations calculate to have greater flow requirements

- On July 20, 2022, Director of Engineering informs Shady Hollow Development that detention cannot be part of open space, and requires separate land area, which reduces development options for number and size of lots
- Effect of 2019 Drainage Plan and determination of Director of Engineering effect a reduction in land use potential and is a taking as described by case law. Under 1991 Drainage Design Manual in place at time on platting, this project would likely not have required detention due to adequate outfall condition. Blue Ridge Estates project to the north was developed after plat approval for Shady Hollow Estates and created a limited out-flow condition as calculated by current guidelines.
- Under the 2019 Drainage Design Manual, the existing conditions and outflow are not in compliance with updated runoff coefficient numbers. The City of Dallas is requiring Shady Hollow Estates to resolve existing outflow restrictions in Blue Ridge Estates which are insufficient for undeveloped or developed flow under current rainfall models, as well as to resolve increased runoff volume calculations for off-site rainfall.

City code regarding requirements of detention:

(c) Detention.

(1) Detention facilities required in this subsection must be designed to provide detention for the one-percent, two-percent, 10 percent, and 50 percent annual chance storm events.

Detention must be provided in the following instances:

(A) The property to be platted is in or drains through the escarpment zone or a geologically similar area as defined in Division [51A-5.200](#) of this chapter.

(B) The development of the platted area results in an increase to the existing rate of runoff due to a rezoning of the platted area that allows higher density. Detention will not be required if:

(i) the rezoned area is in the redeveloped area and there is no increase in impermeable surface;

(ii) the change in zoning results in less than a 20 percent increase in the runoff, and the area rezoned is less than 3 acres, or an adequate outfall exists to handle the developed discharge; or

(iii) the rezoned area is less than one acre in size and adds less than 5,000 square feet of additional impervious surface relative to existing conditions.

(C) The proposed development does not have adequate outfall to carry the one-percent annual chance storm event without damaging property downstream, or the owner of downstream property refuses to provide the needed easements to the city. Detention will not be required under this subparagraph if the owner funds and constructs the storm drainage system to provide a one-percent annual chance storm event runoff carrying capacity.

The City of Dallas approved the Blue Ridge Estates development and paid for the drainage infrastructure, which created an out-flow limit to the Shady Hollow Estates project, and subsequently adopted a new Drainage Design Manual requiring further detention based on

flows originating off-site and now created by the development. The requirement for detention on Shady Hollow Estates has been created by City actions and off-site conditions. The resulting requirement for detention provides primary benefit to off-site properties by bringing them into compliance with current drainage requirements in exchange for reduced development area and development quality in Shady Hollow Estates.

The City of Dallas approved plats of Zion Apostolic Church and Thomas A. Tolbert elementary school without construction of Los Angeles Blvd. along the plats. Construction of this street would likely have reduced drainage requirements on Shady Hollow Estates and provided additional options to facilitate runoff originating from park, school and other developed properties.

The City of Dallas approved a site plan for Thomas A Tolbert elementary school which allowed for drainage flow to cross onto the tract now proposed to be Shady Hollow Estates across the Los Angeles Blvd ROW. Drainage flow could have or should have been redirected north to Blue Ridge Blvd through the Los Angeles Blvd ROW, especially if this street had been constructed at that time.

The resulting conditions and requirements for remediation require much larger inlets and pipe to accept flow which generates from off-site areas. Much of the required inlets and conveyance resolve existing conditions on City of Dallas property, bringing it into compliance with new requirements.

The net impact of this development on existing drainage patterns is a small increase in drainage flows which could likely be provided for without detention or by utilizing other dedicated portions of the project to avoid the loss of land area that current requirements necessitate, especially if a reduced out-flow condition was not created by the development of Blue Ridge Estates.

The requirements of detention and higher-capacity storm drain infrastructure in order to complete the plat as originally approved in 2018 amount to an apportionment that is not related or proportionate, as it is caused by downstream development limitations, offsite runoff generation, and increased requirements by the City of Dallas. The following costs should be compensated:

- Storm drain inlets and underground pipe to convey off-site drainage across site
- Construction of detention area and outflow facilities
- Loss of land area required to be used exclusively by detention which cannot be considered open space, approximately 46,000SF of land area

Additionally, the City has determined that the land area required for detention on this project must be provided separately to the proposed open space to be dedicated on the plat. The loss of land area is unexpected and caused directly by City actions and determinations. This land could have been used for lots or natural space if the outside drainage conditions were separately resolved or if the City allowed regulations in place at the time of platting to be used in detention requirement determination. The result is an uncompensated taking by the City via

requirements for zoned development, which also negatively affects the desirability of the resulting development.

The land required to be used for detention requires grading and removal of existing trees, along with a prohibition of planting new trees. The City detention guidelines also require fencing, maintenance, and liability for the developer and future property owners. The resulting detention area reduces the value of surrounding properties significantly, and also reduces the community access to the remaining open space.

The imposed drainage and detention costs in addition to loss of land area for the benefit of other properties and the City amounts to the imposition of a burden on this property to benefit other landowners that is neither proportional or equally applied, and must be remediated through compensation for loss of land, reduced value of proposed lots, and development costs.

Surrounding lots recently valued by DCAD show lot values of \$100,000 for lots with a minimum size of 10,000SF. The lost land required by City dedications and detention could be used to create more lots or increase the size of the proposed lots under current zoning. The loss of land for detention and alleys should be valued at \$10/sf, or \$460,000..

Water and Wastewater Apportionment

SEC. 51A-1.109 (e) (5):

Cost sharing of municipal infrastructure additions or improvements between the developer and the city shall be documented in a cost sharing contract pursuant to Section [51A-8.614](#).

SEC. 51A-8.614 (a)

Generally. All funding requests for city cost sharing participation in municipal infrastructure additions or improvements must be approved by the city council. City participation is generally limited to items that benefit a broad population segment. The developer's apportioned share of any exaction pursuant to Section [51A-1.109](#) is the responsibility of the developer unless the developer, as documented in a cost sharing contract, volunteers to pay a greater proportion. If the developer volunteers to pay a greater proportion, the city has no obligation for the amount volunteered. All city participation is subject to the availability of funds. City participation must comply with Subchapter C of Chapter 212 and Chapter 252 of the Texas Local Government Code. (Ord. Nos. 20092; 20730; 21186; 23384; 25047; 26530)

SEC. 51A-8.612 (a)

“...Private development contracts for water and wastewater improvements, if needed, must comply with [Chapter 49](#) of the Dallas City Code. ...”

SEC. 49-62. RULES REGARDING THE CONSTRUCTION AND COST OF NEW MAINS IN A DEVELOPMENT.

(a) Oversize mains. The city will participate in the cost of any oversize main the developer is required to construct, by purchasing the excess capacity in the main at the oversize cost of the main. The director's determination of the size of main necessary to adequately serve the subdivision, and the necessary degree of oversizing, is final. Oversize cost will be based upon the evaluated cost tables of Section [49-18.11](#) and will be paid after acceptance of the oversize main by the city.

(b) On-site extensions. The developer must construct all new on-site extensions necessary to adequately serve the development, subject to applicable city payments for participation in oversize cost under Subsection (a). Construction of an on-site extension shall be pursuant to a private development contract approved by the director and in accordance with Chapter 212, Subchapter C, Texas Local Government Code, as amended.

(c) Off-site extensions. The following rules govern the installation of and city participation in off-site extensions required to be constructed by a developer in order to adequately serve the development:

(1) The developer shall construct any new off-site extension necessary to adequately serve the development, if the city or another developer has not already commenced design or construction of the extension in connection with another development or project, subject to applicable city payments for participation in oversize cost under Subsection (a).

(2) Construction of an off-site extension shall be pursuant to a private development contract approved by the director and in accordance with Chapter 212, Subchapter C, Texas Local Government Code, as amended. The off-site extension construction may be included as a part of any private development contract for construction of on-site extensions or other infrastructure within the development, provided the rules of this article are complied with. The city will participate in the cost of the off-site extension by purchasing the extension, after completion and acceptance by the city, for the total evaluated cost of the extension. City payment will be made in the manner provided in this subsection.

(3) The city will make payment for purchase of the off-site extension based upon new connections to the extension, at the applicable rate stated in Section [49-18.15\(a\)](#). The developer or other person entitled to payment under Subsection (c)(5) must request payment in writing, and provide addresses and lot and block numbers for new connections, on a semi-annual basis or on such other basis as prescribed by the director in order to better facilitate proper payment. However, if the development requiring the off-site extension and the surrounding property through which the extension is constructed are, at completion of construction, fully developed in a manner consistent with its zoning so that all or substantially all of the new connections to the extension capable of being made are actually made and no additional new connections are expected or required, the full amount of city payment owed to the developer will be made upon acceptance of the extension instead of the rated payment method described above.

The developer requests that full payment for off-site construction costs as requested, due to conditions created by other development which necessitate off-site construction and the fully developed area in which no new connections are expected.

Chapter 49 does not appear to allow for an apportionment process on off-site mains in a cost-sharing contract, or determines those through the code above. The private development contract for these mains has been approved and the developer requests compensation under the off-site main purchase process at full construction value after completion and acceptance of mains, including those in Los Angeles Blvd.

City of Dallas Development and Design Procedure and Policy Manual, Section 4.2:

When water and/or wastewater mains are to be constructed, they shall extend the entire length of the property to be platted or developed regardless of the location of the water and/or wastewater services. This will ensure the neighboring properties can extend these mains when required. The only exception will be if surrounding property cannot be served by the extension of these mains, then the mains can end after the services. This will be determined by the Sustainable Development and Construction Water / Wastewater Coordinator.

Summary of actions which result in extra costs to develop land

- Blue Ridge Estates did not provide adequate drainage outfall to meet current drainage outfall calculations
- Blue Ridge Estates did not provide water or wastewater extensions to site, and did not provide easements to allow any connection through property as required by the 2015 City of Dallas Development Design Procedure and Policy Manual in section 4.2.
- City of Dallas adopted 2019 Drainage Design Manual under which current undeveloped conditions exceed outfall capacity of existing infrastructure, and existing land surrounding property is not compliant with new requirements, causing an unequal burden to be placed on the development of Shady Hollow Estates
- City of Dallas did not require Los Angeles Blvd to be constructed at time of platting for church or school or provide water, wastewater or drainage improvements
- City of Dallas did not require drainage redirection from school property away from Shady Hollow Estates at time of platting and/or construction
- City of Dallas did not provide for drainage accommodation at time of park planning, dedication, or construction
- City of Dallas determined that required detention cannot be part of open space, and must be provided for by taking from land which could otherwise be used for lot area

Compensation Summary

The Shady Hollow Estates development has approval conditioned on several improvement requirements. Shady Hollow Development LLC requests compensation for improvements outside the platted area as follows:

Los Angeles Blvd - Paving and Drainage

- 65% of paving and grading costs for Los Angeles Blvd along west boundary of plat (25% for lot access of 6 lots and 10% for site traffic utilization):
 - 34,240SF of grading and road base preparation: 3,806SY at \$5/SY - \$19,030
 - 30,310SF of paving: 3,367SY at \$70/SF - \$235,690
 - Total: 65% of \$254,720 = **\$165,560**
- 100% of storm drain costs for Los Angeles Blvd:
 - Installation of 1 5ft storm manhole: \$8,120
 - Installation of 1 14ft storm drain inlet: \$9,120
 - Installation of 2 10ft storm drain inlets: \$7980/ea - \$15,960
 - Installation of 1 4x4 "Y" inlet: \$6,890/ea - \$6,890
 - Installation of 62LF of 21in RCP: \$131/LF - \$8,122
 - Installation of 29LF of 24in RCP: \$160/LF - \$4,650
 - Installation of 105LF of 30in RCP: \$182/LF - \$19,110
 - Installation of 26LF of 36in RCP: \$302/LF - \$7,852
 - Installation of 154LF of 42in RCP: \$329/LF - \$50,666
 - Installation of 22LF of 54in RCP: \$452/LF - \$9,944
 - Total: **\$140,434**

Water and Wastewater

Los Angeles Blvd - Water and Wastewater

- 1181LF of 8in DR14 water line in Los Angeles Blvd (subtract 25ft for each of 6 lots fronting onto Los Angeles Blvd from total length of 1331LF): \$43/LF - \$50,783
- Connect to existing water main in Blue Ridge: \$8,000
- 271LF of 8in SDR26 wastewater line in Los Angeles Blvd (subtract 25ft for each of 6 lots fronting onto Los Angeles Blvd from total length of 421LF): \$33.50/LF - \$9,078
- 1 4ft wastewater manhole: \$4,500

Alley - Wastewater

- 571LF of 8in SDR26 wastewater line: \$33.50/LF - \$19,128.50
- 2 4ft manholes: \$4,500/ea - \$9,000.00
- Connect to existing manhole: \$3,000.00
- Remove and replace pavement: \$15,000
- Total: **\$118,489**

In addition to the improvements above outside the platted area, the following requirements for dedications and construction inside the platted area are not proportional to the needs created by the development:

Alleys - Dedication

- Dedication of 6,787SF of alleys at \$10/sf, **\$67,870**

Detention - Loss of Lot Area and Construction

- Loss of lot area to detention space of 46,000SF at \$10/sf, \$460,000
- Construction of detention area:
 - Tree removal: \$5,000
 - Grading: \$20,000
 - 62LF of 18in RCP: \$108/LF - \$6,696
 - 2 TXDOT safety end treatment 18in: \$3,160/ea - \$6,320
 - 242LF of 30in RCP: \$182/lf - \$44,040
 - 6 TXDOT safety end treatments 30in: \$4,780/ea - \$28,680
 - 308LF of fencing: \$22/LF - \$6,760
 - Vegetation: \$5,000
 - Total: \$123,496
- **Total Detention Dedication and Construction: \$583,496**



Construction, LLC

RPM xConstruction, LLC.

5208 TENNYSON PKWY STE 130

PLANO, TEXAS 75024

SENIOR ESTIMATOR: JOSH VARILEK jvarilek@rpmconstruction.com

CELL: 469-929-1953 OR 214-577-2159

PROJECT: SHADY HOLLOW ESTATES

LOCATION: DALLAS, TX

BID DATE: November 2, 2022

PROPOSAL TO BE VALID FOR 30 DAYS

BASE PROPOSAL - PAVING SCOPE

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
PAVING SCOPE - SHADY HOLLOW ESTATES					
1	6" CONCRETE PAVEMENT (#3'S @ 24" OCEW)	14,245	SY	\$ 70.50	\$ 1,004,272.50
2	6" PROCESS & GRADE EXISTING SUBGRADE (NO FLEXBASE OR LIME STABILIZATION)	15,762	SY	\$ 3.75	\$ 59,107.50
3	16' DRIVE APPROACH	73	EA	-	NO BID
4	4' CONCRETE SIDEWALK (4")	5,400	LF	\$ 28.50	\$ 153,900.00
5	STREET SIGN POLES	5	EA	\$ 250.00	\$ 1,250.00
6	STOP SIGNS	5	EA	\$ 85.00	\$ 425.00
7	STREET SIGNS	5	EA	\$ 110.00	\$ 550.00
8	BARRIER FREE RAMPS	12	EA	\$ 2,400.00	\$ 28,800.00
SUBTOTAL PAVING - SHADY HOLLOW ESTATES =					\$ 1,248,305.00
ADDITIONAL PAVING SCOPE					
1	CONCRETE HEADER	34	LF	\$ 35.00	\$ 1,190.00
2	TYPE III BARRICADE	1	EA	\$ 3,250.00	\$ 3,250.00
3	REMOVE BARRICADE & CONNECT TO EXISTING	2	EA	\$ 1,600.00	\$ 3,200.00
4	MAINTENANCE BONDS	1	LS	\$ 25,000.00	\$ 25,000.00
SUBTOTAL ADDITIONAL PAVING SCOPE =					\$ 32,640.00
PAVING PROPOSAL TOTAL (SHADY HOLLOW ESTATES)					\$ 1,280,945.00

SUBSTANTIAL COMPLETION: 25 WORKING DAYS

FINAL COMPLETION: 15 WORKING DAYS

CLARIFICATIONS:

- ~ ANY ITEMS NOT SPECIFICALLY MENTIONED ABOVE ARE UNDERSTOOD TO BE EXCLUDED
- ~ PROPOSAL BASED ON PAVING PROJECT AT ONE TIME WITH ONE MOBILIZATION (NO MULTIPLE MOBILIZATIONS OR PHASING OF PAVING CREWS AND/OR BATCH PLANT)
- ~ THIS PROPOSAL IS BASED ON CURRENT FUEL RATES, IF FUEL COSTS INCREASE \$0.50 WE RESERVE THE RIGHT TO RENEGOTIATE
- ~ NO PERMITS, CITY FEES, IMPACT FEES OR FEES OF ANY KIND
- ~ PAVEMENT SUBGRADE TO BE PROCESSED WITH RPM STABILIZER EQUIPMENT WITH ONE PASS. NO LIME STABILIZATION OR FLEXBASE AT PAVEMENT SUBGRADE
- ~ PAVEMENT SUBGRADE TO BE +/- 0.1' BY OTHERS PRIOR TO RPM MOBILIZATION
- ~ CONCRETE POURING OF INLET THROATS BY OTHERS
- ~ PAVEMENT STEEL REINFORCEMENT TO BE #3'S @ 24 C-C
- ~ CONCRETE SIDEWALK IS CONSIDERED TO BE 4" THICK
- ~ NO MAINTENANCE OR REMOVAL OF EROSION CONTROL ITEMS
- ~ NO INLET PROTECTIONS
- ~ NO STREET LIGHTING OR CONDUITS
- ~ NO CONSTRUCTION STAKING
- ~ NO BRICK PAVERS
- ~ NO STAMPED OR STAINED CONCRETE
- ~ NO PAVEMENT STRIPING
- ~ NO MATERIAL TESTING
- ~ **NO TAXES ON PERMANENT MATERIALS**
- ~ EXCLUDES REMOVAL OF CONTAMINATED OR HAZARDOUS MATERIAL
- ~ NO ASPHALT TRANSITION PAVEMENT
- ~ NO GRAVEL TRANSITION PAVEMENT
- ~ NO SOD SEEDING, CURLEX, HYDROMULCH OR WATERING

CIVIL PLANS: SHADY HOLLOW ESTATES BY LIM & ASSOCIATES DATED OCTOBER 2022

GEOTECH: NA

ADDENDUM(S): NA

SHD0025

Site 19 Build LLC - Project Estimate

Site 19 Build LLC has prepared the following bid for paving and drainage construction of the Shady Hollow Estates project on 11-10-2022 based on plans from Lim & Associates dated 10-15-2022. This bid is valid for 30 days and subject to adjustment based on additional information provided.

Item	Quantity	Unit Cost	Total Cost
6" 4,000PSI Reinf. conc. pvmnt (#3x24" OCEW) w/ Curb (SY)	14280	\$70.00	\$999,600
Grade preparation (SY)	16380	\$5.00	\$81,900
16' Drive approach	73	\$1,700.00	\$124,100
4ft sidewalk (LF)	5400	\$24.00	\$129,600
Street Sign Poles	5	\$300.00	\$1,500
Stop Signs	5	\$120.00	\$600
Street Signs	5	\$120.00	\$600
Barrier Free Ramp	12	\$2,260.00	\$27,120
Bonding	1	\$30,000.00	\$30,000
			\$1,395,020
5ft Storm Manhole	1	\$8,120.00	\$8,120
72in RCP Storm Drain	73	\$782.00	\$57,086
66in RCP Storm Drain	236	\$681.00	\$160,716
54in RCP Storm Drain	171	\$452.00	\$77,292
42in RCP Storm Drain	154	\$329.00	\$50,666
36in RCP Storm Drain	26	\$302.00	\$7,852
30in RCP Storm Drain	347	\$182.00	\$63,154
24in RCP Storm Drain	65	\$160.00	\$10,400
21in RCP Storm Drain	700	\$131.00	\$91,700
18in RCP Storm Drain	62	\$108.00	\$6,696
Grouted Rip-Rap SY	42	\$100.00	\$4,200
14ft Inlet	2	\$9,120.00	\$18,240
10ft Inlet	9	\$7,980.00	\$71,820
4ft x 4ft "Y" Inlet	3	\$6,980.00	\$20,940

21in Type B Headwall	3	\$4,160.00	\$12,480
72in Type B Headwall	1	\$14,360.00	\$14,360
TXDot Safety End Treatment, 18in	2	\$3,160.00	\$6,320
TXDOT Safety End Treatment, 30in	6	\$4,780.00	\$28,680
Trench Safety LF	1600	\$2.00	\$3,200
Inspection & Testing	1600	\$2.00	\$3,200
Bonding	1	20000	\$20,000
			\$729,002
Detention tree clearing	1	\$5,000.00	\$5,000
Detention excavation/grading	2000	\$10.00	\$20,000
Vegetation	1	\$5,000.00	\$5,000
Inspection & Testing	1	\$5,000.00	\$5,000

EXHIBIT "A"

PROPOSAL

Adrian Cole
Shady Hollow Development LLC
1600 Sylvan Ave.
Sdallas, TX 75208
adrian@419builders.com

PROJECT: Shady Hollow Estates Paving

DATE: 11/10/22

LOCATION: Dallas, TX

PROPOSAL NO: 20-22.11.10-01

Ratliff Hardscape, Ltd. proposes to furnish equipment, materials, and labor to perform the following work for the referenced project.

All bid items and quantities included in the scope of work were based on plans dated, 10/1/22, by LIM & Associates, Inc.

ITEM NO.	ITEM DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE
01	Bonds	1	LS	24,988.00	\$ 24,988.00
02	Site Facilities	1	LS	1,250.00	\$ 1,250.00
03	6" Thick, 4,000PSI Reinforced Concrete Pavement (#3's @ 24" OCEW) w/ Curb & 7% Lime Treatment @ 6" Depth	13,768	SY	97.00	\$ 1,335,496.00
04	16' Drive Approach	73	EA	1,725.00	\$ 125,925.00
05	4'-0" Width Concrete Sidewalk (5,400 LF)	23,984	SF	6.50	\$ 155,896.00
06	Barrier Free ADA Ramps	20	EA	2,188.00	\$ 43,760.00
	TAX EXEMPT (No taxes required) Dallas, TX	8.25%	%		
				TOTAL	\$ 1,687,315.00

TERMS AND CONDITIONS

THIS PROPOSAL IS VALID FOR **THIRTY (30) DAYS** FROM THE DATE OF THIS PROPOSAL. THIS PROPOSAL AND ITS TERMS AND CONDITIONS OR ANY OTHER SPECIAL CONDITIONS (EXHIBIT "B") SHALL BECOME PART OF THE CONTRACT AS EXHIBIT "A". A CONTRACT SHALL BE PROVIDED BY THE OWNER, GENERAL CONTRACTOR, OR RATLIFF HARDSCAPE, LTD. AND EXECUTED PRIOR TO COMMENCEMENT OF ANY WORK. THE ABOVE QUANTITIES HAVE BEEN ESTIMATED; HOWEVER, THIS PROPOSAL IS A **UNIT PRICE** BASIS WITH PAYMENTS TO BE MADE BY THE HIRING OWNER OR GENERAL CONTRACTOR BY USING FIELD MEASURED QUANTITIES OF WORK COMPLETED. RATLIFF HARDSCAPE, LTD. SHALL SUBMIT BY THE **25th of EACH MONTH**, PARTIAL ESTIMATES, TO THE OWNER OR GENERAL CONTRACTOR WHICH INCLUDE ALL OF THE COMPLETED WORK PLUS ANY MATERIAL ON HAND FOR THE UNCOMPLETED PORTION. THE RETAINAGE AMOUNT TO BE WITHHELD FROM EACH MONTHLY INVOICE SHALL BE SPECIFIED BY THE HIRING OWNER OR GENERAL CONTRACTOR. IF NOT SPECIFIED, NO RETAINAGE WILL BE WITHHELD. PAYMENT TERMS ARE **NET FIFTEEN (15) DAYS** FROM THE DATE OF THE INVOICE. ALL INVOICES NOT RECEIVED IN FULL BY THE DUE DATE SHALL BEAR INTEREST FROM THE DUE DATE UNTIL THE DATE FULL PAYMENT IS RECEIVED AT RATE OF **15% PER ANNUM**. SALES TAX MUST BE APPLIED UNLESS MATERIAL USED FOR REALTY IMPROVEMENTS OF A TAX EXEMPT ENTITY OR BY RECEIPT OF A "**SALES TAX EXEMPT**" CERTIFICATE. **PLEASE REVIEW ALL THE SPECIAL CONDITIONS PROVIDED HEREIN AS EXHIBIT "B".**

PLEASE SIGN THIS PROPOSAL AND RETURN ONE (1) ORIGINAL TO OUR OFFICE. YOUR ACCEPTANCE OF THIS PROPOSAL SHALL CONSTITUTE THE INTENT TO ENGAGE INTO A CONTRACT WITH RATLIFF HARDSCAPE, LTD. TO PERFORM THE ABOVE REFERENCED WORK.

ACCEPTED:

(OWNER / GENERAL CONTRACTOR)

By: _____
Signature

Print Name _____

Its': _____
Title

RESPECTFULLY SUBMITTED:

Ratliff Hardscape, Ltd.

(CONTRACTOR / SUB-CONTRACTOR)

By: Paul M. White
Signature

Signature

Booder McWhorter

Print Name

Its': President & C.O.O.

Time

Adrian Cole
Shady Hollow Development LLC
1600 Sylvan Ave.
Sdallas, TX 75208
adrian@419builders.com



EXHIBIT "B"
**SPECIAL
CONDITIONS**

PROJECT: Shady Hollow Estates Paving

DATE: 11/10/22

LOCATION: Dallas, TX

PROPOSAL NO: 20-22.11.10-01

THIS FOLLOWING SPECIAL CONDITIONS PROVIDED BY RATLIFF HARDSCAPE, LTD. ARE SET FORTH TO ENSURE OUR SCOPE OF WORK HAS BEEN PROPERLY COMMUNICATED AND UNDERSTOOD BY THE OWNER, GENERAL CONTRACTOR, OTHER SUB-CONTRACTORS, ENGINEERS, MUNICIPALITY, OR OTHER GOVERNMENT ENTITIES. IT IS OUR FULL INTENT TO PROVIDE QUALITY WORKMANSHIP, JOB-SITE SAFETY, AND A LONG-LASTING WORKING RELATIONSHIP THROUGHOUT THE PROJECT. PLEASE REVIEW IN ITS' ENTIRETY ALL CONDITIONS SO THAT ANY DISCREPANCIES MAY BE RESOLVED PRIOR TO COMMENCEMENT OF WORK. IF THE "YES" BOX IS CHECKED THEN THE CONDITION DESCRIBED IS INCLUDED IN THE SCOPE OF WORK. IF CHECKED "NO", THEN THE CONDITION IS NOT INCLUDED IN THE SCOPE OF WORK. INITIAL BELOW THAT YOU HAVE READ AND FULLY UNDERSTAND THESE CONDITIONS.

	YES	NO	
01	☒	☐	STAKING (BY OWNER)
02	☒	☐	GEOTECHNICAL MATERIALS TESTING (BY OWNER)
03	☒	☐	IMPACT FEES, CONNECTION FEES, METER FEES OR DEPOSITS
04	☒	☐	STRUCTURAL ENGINEERING (FOR HARDSCAPE ONLY)
05	☒	☐	ENGINEERING (BY OWNER)
06	☒	☐	PERMIT FEES (FOR HARDSCAPE ONLY)
07	☒	☐	PAYMENT & PERFORMANCE BOND
08	☒	☐	MAINTENANCE BONDS
09	☒	☐	INSPECTION FEES
10	☒	☐	SALES TAX
11	☒	☐	INSURANCE REQUIREMENTS
12	☒	☐	TRAFFIC CONTROL
13	☒	☐	MOBILIZATION (1 TIME ONLY)
14	☒	☐	SWPPP DESIGN
15	☒	☐	SWPPP INSPECTIONS
16	☒	☐	BUFF MORTAR (HARDSCAPE SCREENWALLS, COLUMN, & MONUMENTS)
17	☒	☐	BUFF MORTAR (RETAINING WALLS)
18	☒	☐	TREE REMOVAL; ALL TREES TO BE TAGGED AND MARKED BY OWNER & CITY (CHIPPED AND HAULED OFFSITE)
19	☒	☐	ROCK & BOULDER REMOVAL
20	☒	☐	SEEDING, SODDING, OR HYDROMULCH
21	☒	☐	EROSION CONTROL AS NOTED IN PLANS
22	☒	☐	STAGING AREA (TO BE PROVIDED BY OWNER ON OR CONTIGUOUS TO SITE)
23	☒	☐	BACKFILL (ALL SCOPE OF WORK)
24	☒	☐	HAUL OFF OF EXISTING TRASH OR DEBRIS FOUND BURIED OR OTHERWISE HIDDEN FROM SITE OR NOT IN PLANS
25	☒	☐	HAUL OFF OF ANY UNSUITABLE MATERIAL
26	☒	☐	UNDERCUTTING, SELECT FILL, MOISTURE CONDITIONING
27	☒	☐	UNDERGROUND UTILITY CONFLICTS (TO BE RELOCATED BY OTHERS)
28	☒	☐	UTILITY INSTALLATION (BASED ON UTILITY WORK INSTALLED PRIOR TO GAS, ELECTRIC, PHONE, CABLE, OR OTHERS)
29	☒	☐	SPOILS TO BE STOCKED ON-SITE (APPROVED BY OWNER)
30	☒	☐	ROADWAY SUB-GRADE MUST BE +/- 0.20 FEET PRIOR TO UTILITY CONSTRUCTION AND WILL BE RETURNED TO GRADE
31	☒	☐	PAVING & PAD SUBGRADE SHALL NOT EXCEED +/- 0.10 FEET. FINE GRADING OR TRIMMING BY PAVING CREW
32	☒	☐	EXPORT OF ANY DIRT ON-SITE
33	☒	☐	DEWATERING OF SCOPE OF WORK
34	☒	☐	IF VACUUM TRUCK IS NEEDED FOR PIERS; ADD \$1500 PER PIER
35	☒	☐	ELECTRICAL POWER SOURCE FOR ENTRY LIGHTING
36	☒	☐	ELECTRICAL POWER SOURCE FOR IRRIGATION
37	☒	☐	FINAL CLEANUP
38	☒	☐	SUBJECT TO RATLIFF'S LIMITED WARRANTY (ATTACHED AS EXHIBIT "C")

NOTES:

- 01 Proposal excludes any excavation, moving and/or grinding of rock for all work.
02
03
04

IF THIS IS A REPAIR BID PROPOSAL OF WHICH RATLIFF DID NOT PERFORM THE CONCRETE UNDERGROUND PIER OR FOOTINGS, RATLIFF WILL NOT BE RESPONSIBLE FOR ANY SURFACE CRACKING AND WILL PROVIDE A ONE (1) YEAR LIMITED WARRANTY FROM THE COMPLETION DATE. SEE ATTACHED EXHIBIT "C".

I HAVE READ AND UNDERSTAND THE ABOVE CONDITIONS:

Initials Initials

EXHIBIT "C"

RATLIFF HARDSCAPE, LTD. ONE YEAR LIMITED WARRANTY

RATLIFF HARDSCAPE, LTD.'S WARRANTY OBLIGATIONS ARE LIMITED TO THE TERMS SET FORTH BELOW

THIS LIMITED WARRANTY: This Ratliff Hardscape, Ltd. One Year Limited Warranty shall be referred to as the "**Limited Warranty**" in this document.

WHAT IS COVERED: Ratliff Hardscape, Ltd.'s ("**Ratliff**") Work. "**Work**" shall mean that certain work and those services further described between Ratliff and Owner (the "**Agreement**") and this Limited Warranty is an exhibit to such Agreement.

WARRANTY: Ratliff warrants that the Work furnished will: (i) be provided in a professional manner; (ii) be performed by appropriately knowledgeable and skilled personnel; (iii) conform to the requirements of the Agreement; (iv) conform to standards generally observed in the industry for similar services and work; and (v) will meet all applicable municipal or other jurisdictional requirements and other applicable laws pertaining to the Work.

Ratliff warrants that except for any Shrink Cracks, any cracking, in excess of one-quarter inch and longer than 20% of all the joints and edges of the concrete flatwork, occurring during the curing process and resulting from poor workmanship or use of substandard materials shall be repaired or replaced, at the sole election of Ratliff. Ratliff makes no claim that hairline cracks might not develop, but insures that reasonable precautions are taken to minimize their occurrences by using industry tested methods and quality materials. It is acknowledged that color differences may result for repairs. Please see the section entitled "Shrink Cracks and Control Joints" for a further explanation of shrink crack and control joints.

EXCLUSIONS FROM COVERAGE: Ratliff's Limited Warranty for the Work excludes loss, damages and defects caused by any of the following:

1. Any work performed, services provided or material supplied in accordance with any plans or specifications supplied, prepared or requested by the Owner, or by anyone on behalf of the Owner other than Ratliff, or Ratliff's employees, agents, contractors or subcontractors acting under Ratliff's direction (collectively "**Ratliff's Employees**").
2. Any defects caused or made worse by the negligence, gross negligence, willful conduct, abusive use, improper maintenance, lack of regular maintenance or other action of anyone other than Ratliff, or Ratliff's Employees.
3. Defects in driveways, walkways, patios, boundary walls, retaining walls, bulkheads, fences, landscaping, including without limitation sodding, seeding, shrubs, trees and plantings, off-site improvements, or any other improvements not part of the Work itself.
4. Any damage to the extent it is caused or made worse by failure of the Owner or by anyone other than Ratliff's Employees, to comply with the warranty requirements, including without limitation the Manufacturer Warranties, of manufacturers of items used in accordance with the Work; or failure by the Owner to give notice to Ratliff of any defects within a reasonable time; or changes of the grading of the ground by anyone other than Ratliff, or Ratliff's Employees; or changes, alterations or additions made to the Work by anyone after the Effective Date; dryness, cracking, dampness, condensation or soil movements, due to the failure of the Owner to maintain adequate irrigation; seepage of water; or insect damage.
5. Loss or damage which the Owner has not taken timely action to minimize.
6. Any defect in, caused by, or resulting from, materials or work supplied by anyone other than Ratliff or Ratliff's Employees, including without limitations defects covered under any of the Manufacturer Warranties.
7. Normal wear and tear or normal deterioration.

8. Loss or damage not specifically covered under this Limited Warranty.
9. Loss or damage not caused by a defect in the Work completed by Ratliff or Ratliff's Employees.
10. Loss or damage caused by, or resulting from, accidents, riot and civil commotion, fire, explosion, smoke, water escape, falling objects, aircraft, vehicles, acts of God, adverse environmental conditions, lightning, windstorms, hail, flood, mudslide, earthquake, wind-driven water and changes in the underground water table which were not reasonably foreseeable.
11. Defects, which are the result of characteristics common to the materials used (such as but not limited to fading and minor cracking).
12. Notwithstanding any provisions in this Limited Warranty to the contrary, this Limited Warranty shall not apply to any loss or damage related to any Shrink Cracks.
13. Notwithstanding any provisions in this Limited Warranty to the contrary, this Limited Warranty shall not apply to any loss or damage caused directly or indirectly by any underground movement, including without limitation any surface cracking, unless Ratliff performed repairs to the concrete underground pier or footings as part of the Work.
14. Loss or damage caused or made worse pursuant to the provisions specified in the section entitled "Notice of Claim".
15. Loss or damage to any third party manufactured products.

TERM: The terms of the coverage of this Limited Warranty begin on the date of substantial completion of the Work (the "**Effective Date**") and continue until the one (1) year anniversary of the Effective Date (the "**Expiration Date**"). The Effective Date of the warranty period for all incomplete punch list items identified in writing as "punch list items" as of the date of substantial completion of the Work shall begin when the Owner and Ratliff have mutually and reasonably agreed that such incomplete punch list items are 100% complete, in which case the Expiration Date for the warranty period for such incomplete punch list items shall be one (1) year following the Effective Date assigned to such incomplete punch list items.

MANUFACTURERS' WARRANTIES: Ratliff assigns and passes through to Owner the manufacturers' warranties on all manufactured products (including, but not limited to, bricks, cinder blocks, and manufactured stone) and equipment (collectively, the "**Manufacturer Warranties**").

RATLIFF DOES NOT WARRANTY ANY THIRD PARTY MANUFACTURED PRODUCTS.

LIMITATIONS ON WARRANTY: RATLIFF'S LIABILITY TO THE OWNER OR ANY OTHER THIRD PARTY, FOR A CLAIM OF ANY KIND ARISING AS A RESULT OF, OR RELATED TO THE GOODS OR SERVICES PROVIDED HEREUNDER, WHETHER IN CONTRACT, IN TORT (INCLUDING NEGLIGENCE OR STRICT LIABILITY), UNDER ANY WARRANTY, OR OTHERWISE, SHALL BE LIMITED TO MONETARY DAMAGES AND THE AGGREGATE AMOUNT THEREOF FOR ALL CLAIMS SHALL IN NO EVENT EXCEED AN AMOUNT EQUAL TO THE AMOUNT PAID OR PAYABLE BY THE OWNER TO RATLIFF UNDER THE AGREEMENT. UNDER NO CIRCUMSTANCES SHALL RATLIFF BE LIABLE TO THE OWNER OR ANY THIRD PARTY FOR INDIRECT, SPECIAL OR CONSEQUENTIAL DAMAGES (INCLUDING

LOST PROFITS), EVEN IF OWNER HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES, OR FOR WARRANTIES GRANTED BY THE OWNER TO ANY THIRD PARTY. THE OWNER ACKNOWLEDGES AND AGREES THAT THESE LIMITATIONS SHALL APPLY NOTWITHSTANDING ANY FAILURE OF ESSENTIAL PURPOSE OF ANY LIMITED REMEDY. NO ACTION, REGARDLESS OF FORM, ARISING UNDER THE AGREEMENT OR THIS LIMITED WARRANTY MAY BE BROUGHT BY THE OWNER AFTER THE EXPIRATION DATE.

DISCLAIMER OF WARRANTIES

EXCEPT AS EXPRESSLY SET FORTH IN THIS LIMITED WARRANTY AND TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW, THE WARRANTY AND REMEDIES SET FORTH HEREIN ARE EXCLUSIVE AND IN LIEU OF ALL OTHER WARRANTIES, REMEDIES AND CONDITIONS, WHETHER ORAL OR WRITTEN, EXPRESS OR IMPLIED AND RATLIFF EXPRESSLY DISCLAIMS ALL OTHER WARRANTIES, CONDITIONS OR REPRESENTATIONS, EXPRESS OR IMPLIED, STATUTORY OR OTHERWISE, REGARDING THE GOODS OR OTHER SERVICES PROVIDED BY RATLIFF HEREUNDER, INCLUDING ANY IMPLIED WARRANTIES OR CONDITIONS OF MERCHANTABILITY, SATISFACTORY OR MERCHANTABLE QUALITY OR MERCHANTABILITY, DESIGN, QUANTITY, QUALITY, LAYOUT, FOOTAGE, PHYSICAL CONDITION, OPERATION, COMPLIANCE WITH SPECIFICATIONS, ABSENCE OF LATENT DEFAULTS OR COMPLIANCE WITH LAWS AND REGULATIONS (INCLUDING, WITHOUT LIMITATION, THOSE RELATING TO HEALTH, SAFETY AND THE ENVIRONMENT), FITNESS FOR A PARTICULAR PURPOSE, OR THOSE ARISING FROM A COURSE OF DEALING OR USAGE OF TRADE OR ANY OTHER MATTER AFFECTING THE WORK.

WARRANTY CLAIMS

NOTICE OF CLAIM: If the Owner believes a defect in the Work that is covered by this Limited Warranty arises, then Owner shall provide written notice to Ratliff, and Ratliff must receive such written notice, at Ratliff's current address of record, and such written notice shall include a detailed description of such defect (the "**Defect Notice**"). Ratliff must receive the Defect Notice on or before the *earlier of* the Expiration Date or thirty (30) days after the date Owner or any of Owner's shareholders, members, partners, owners, directors, managers, officers, employees, contractors, agents, or representatives discover the defect specified in such Defect Notice. Ratliff is not responsible for any loss or damage covered by this Limited Warranty if such loss or damage is caused or made worse by failure to give written notice to Ratliff of such defect within the time periods required pursuant to this paragraph.

RATLIFF'S PERFORMANCE: If a defect occurs in an item which is covered by this Limited Warranty, Ratliff, within 60 days after receipt of the related Defect Notice, will repair, replace, or pay Owner the reasonable cost of repairing or replacing the defective item. Ratliff's total liability under this Limited Warranty is limited pursuant to the provisions of the section entitled "Limitations on Warranty". Ratliff, in Ratliff's sole and absolute discretion, may choose among the repair, replacement or payment options specified in this paragraph. Steps taken by Ratliff to correct defects shall not act to extend the terms of this Limited Warranty.

INSURANCE: If Ratliff repairs, replaces, or pays the cost of repairing, any defect covered by this Limited Warranty for which Owner is covered by insurance, Owner must, upon request by Ratliff,

assign the proceeds of such insurance to Ratliff to the extent of the cost to Ratliff of such repair or replacement.

SETTLEMENT OF DISPUTES: All disputes between the parties may be resolved by litigation, in a court of competent jurisdiction, except that Ratliff may, at its sole option, require that any dispute be submitted to binding arbitration pursuant to the Construction Industry Rules of the American Arbitration Association. Each arbitrator selected by the American Arbitration Association shall be a licensed construction attorney with at least seven (7) years of experience. If the dispute is arbitrated, the award rendered by the arbitrator(s) shall be final, and the judgment may be entered upon it in accordance with the application law in any court having jurisdiction thereof. The arbitration election by Ratliff shall be made no later than thirty (30) days following receipt of service of process of any litigation from Owner or, if the claim is asserted by Ratliff, shall be made upon the filing of demand for arbitration by Ratliff. Notwithstanding the above, Ratliff shall not be deemed to have waived any right it may have to arbitrate its dispute with Owner by the filing of litigation against Owner and its surety. The demand for arbitration in no event shall be made after the date within institution of legal or equitable proceedings based upon such claim, dispute or other matter in question would be barred by the applicable statute of limitations. In the event of litigation or arbitration of any dispute between Ratliff and Owner, Ratliff (if it prevails in prosecution or defense) shall be awarded attorneys' fees, costs of court and such other damages as may be permitted by this Limited Warranty and applicable law. In the event of litigation or arbitration of any claim brought by Owner against Ratliff, the Owner (if it prevails) shall be awarded attorneys' fees and costs of court. Except as specifically provided in this Limited Warranty, Owner shall have no claim against Ratliff for any cause related to any defect in the Work whatsoever.

MISCELLANEOUS

GENERAL PROVISIONS: Should any provision of this Limited Warranty be deemed by a court of competent jurisdiction to be unenforceable, that determination will not affect the enforceability of the remaining provisions. Use of one gender in this Limited Warranty includes all other genders, and use of the plural includes the singular, all as may be appropriate. The section and subsection headings contained in this Limited Warranty are for reference purposes only and shall not effect in any way the meaning or interpretation of this Limited Warranty. This Limited Warranty is to be governed by and construed in accordance with the laws of the State of Texas. Capitalized terms not defined herein shall have the meaning set forth in the Agreement.

No Ratliff Employee is authorized to make any modification, extension, or addition to this Limited Warranty.

SHRINK CRACKS AND CONTROL JOINTS: Newly placed concrete can be expected to crack within the first few days of placement during the curing process. These cracks are often referred to as "**Shrink Cracks**". Shrink Cracks are, typically, narrow stress cracks in the surface of the concrete. Reinforcing steel and/or fiber will minimize the number and width of Shrink Cracks. "**Control Joints**" are saw cut or hand grooved joints in the concrete. Control Joints encourage the concrete to crack (there by relieving the natural stress of the curing process) along these predetermined cuts and grooves. Control Joints do not prevent Shrink Crack; however, they may assist in reducing and/or hiding the crack when they occur.

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DDM CONSTRUCTION PROPOSAL



DDM CONSTRUCTION CORP.

DDM Construction Corp.

4006 Bellline Rd. #230

Addison, TX 75001

Contact: Shane Roberts

Phone: 214-789-8816

Email: estimators@ddmcc.net

Quote To:

Shady Hollow Development LLC

Contact:

Adrian Cole

Phone:

214-918-4671

Email:

adrian@419builders.com

Fax:

Job Name:

Shady Hollow Estates - Paving & Drainage

Date of Plans:

October 2022

Revision Date:

November 2022

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
10	6" 4,000PSI REINF. CONC. PVMNT (#3X24" OCEW) W/ CU	12,640.00	SY	70.00	884,800.00
20	16' DRIVE APPROACH	73.00	EA	5,052.00	368,796.00
30	4FT SIDEWALK LF	5,400.00	LF	37.00	199,800.00
40	STREET SIGN POLES	5.00	EA	266.00	1,330.00
50	STOP SIGNS	5.00	EA	89.00	445.00
60	STREET SIGNS	5.00	EA	112.00	560.00
70	BARRIER FREE RAMP	12.00	EA	2,746.00	32,952.00
80	72IN RCP STORM DRAIN	30.00	LF	844.00	25,320.00
90	66IN RCP STORM DRAIN	248.00	LF	699.00	173,352.00
100	54IN RCP STORM DRAIN	176.00	LF	481.00	84,656.00
110	42IN RCP STORM DRAIN	240.00	LF	349.00	83,760.00
120	30IN RCP STORM DRAIN	308.00	LF	194.00	59,752.00
130	24IN RCP STORM DRAIN	49.00	LF	171.00	8,379.00
140	21IN RCP STORM DRAIN	324.00	LF	139.00	45,036.00
150	5FT STORM MANHOLE	1.00	EA	8,091.00	8,091.00
160	GROUTED RIP-RAP SY	172.00	SY	234.00	40,248.00
170	14FT INLET	1.00	EA	10,842.00	10,842.00
180	12FT INLET	1.00	EA	9,536.00	9,536.00
190	10FT INLET	9.00	EA	8,641.00	77,769.00
200	4FT X 4FT "Y" INLET	3.00	EA	7,167.00	21,501.00
210	21IN TYPE B HEADWALL	3.00	EA	4,408.00	13,224.00
220	42IN TYPE B HEADWALL	2.00	EA	9,007.00	18,014.00
230	72IN TYPE B HEADWALL	1.00	EA	20,432.00	20,432.00
240	TXDOT SAFETY END TREATMENT, 30IN	8.00	EA	5,291.00	42,328.00
260	TRENCH SAFETY LF	1,600.00	LF	2.00	3,200.00
270	INSPECTION & TESTING	1.00	LS	50,000.00	50,000.00
280	BONDING	1.00	LS	30,000.00	30,000.00
290	GRADE DETENTION POND & OUTFLOW	1.00	LS	114,000.00	114,000.00
300	TV INSPECTION FOR RCP	1,375.00		1.50	2,062.50

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
GRAND TOTAL					\$2,430,185.50

NOTES:

CLARIFICATION

- Final grading (crushing/processing base with reclaimer and compacting) for concrete placement NOT included in pricing
- Detention pond is bid assuming all fill material will be on site
- Includes 1 mobilization, additional mobilizations will be \$10,000
- Items and quantities are based on bid sheet provided.
- All material excavated will be stockpiled on site
- All grading to be completed withing tolerance (+/- 1/10") before concrete scope begins
- Concrete test and density test are only tests being provided
- Firm, flat, compacted subgrade 3' behind curb or edge of pavement will be required for slipform paver trackline
- DDM is not responsible for excessive yield loss due to subgrade issue (out of tolerance)
- Quote includes sawing and sealing of concrete
- DDM must have a 4 weeks notice prior to commencement of operation
- This quote is valid for 60 days from the bid date

EXCLUSIONS

- Permits and fees
- Traffic control
- SWPPP (Storm Water Pollution Protection Plan)
- Erosion Control
- Handling existing contaminated dirt/water
- Street sweeping caused by others
- Existing utility relocation
- Landscaping
- Pavement markings
- Temporary signs
- Backfilling curb
- Street Headers
- 2nd year maintenance bond
- Sales Tax
- Any items not explicitly detailed/ stated in the civil drawing packages
- Damage to existing unknown utilities not shown on the plans
- Removal of any unforeseen existing structures or buried pipes

Apportionment Determination



CITY OF DALLAS

DATE December 21, 2022

TO Adrian Cole, Developer

SUBJECT **Shady Hollow Estates - 311T-10059 / WW22-231**

This letter is in response to your request for a determination of apportionment that was submitted on November 11, 2022.

Street apportionment:

Per Section 51A-8.604(b)(2) of the Dallas City Code ("Code"): "When a minor street is along the perimeter of the proposed plat and the street is not improved with an approved all weather paving material to a width of 20 feet, the owner must improve the street to that standard along the length of the proposed plat."

According to your November 1, 2022 engineering plan, eight lots will have their driveway approaches taking access off Los Angeles Boulevard, which is an existing unimproved street with no pavement. Building Los Angeles Boulevard is necessary to access eight lots in the development that otherwise would not have street frontage. Building the minimum pavement width for Los Angeles Boulevard is therefore roughly and completely proportionate to the impact of the property development project.

Per Fire Code, a fire truck requires a minimum of 20 feet of pavement for emergency access. As long as the fire marshal approves, your engineer may revise the design for Los Angeles Boulevard to reduce the pavement width along the length of this street. The developer is responsible for the full amount of construction of Los Angeles Boulevard, which is solely related to the needs created by the project to serve the proposed development.

Alley apportionment:

The surrounding alleys were dedicated by a previous plat. No further alley dedications are necessary as long as the proposed development will not take access from the alleys.

Drainage apportionment:

Your initial plat application was filed in 2018. You may submit engineering plans using the 1993 drainage design manual which was in place when you initially submitted your plat application. We analyzed your project under the drainage requirements that were in place at the time of your initial plat application and disagree with your statement that this project would likely have not required detention due to the adequate outfall condition of Blue Ridge under the older design standards. We believe that the increased runoff from your development would have still required some detention or other downstream

DATE December 21, 2022
SUBJECT **Shady Hollow Estates - 311T-10059 / WW22-231**

infrastructure improvements. However, we have no way of knowing without your engineer's drainage report and calculations.

Per Section 51A-8.611(a)(1) of the Code: "Drainage systems, including all conveyances, inlets, conduits, structures, basins, or outlets used to drain storm water, must be designed and constructed to promote the health, safety, and welfare of the property owner and the public. Adequate provision must be made for the acceptance, collection, conveyance, detention, and discharge of storm water runoff drainage onto, through, and originating within the subdivision. No final plat release may be issued until proper provision has been made for drainage."

The engineer-of-record must show and prove that there will be no adverse impacts to any properties downstream due to this development. We believe that sizing the detention pond accordingly is related to the needs created by the property development project and is roughly proportionate to the impact of the property development project. The developer is responsible for the full construction cost of the detention pond which is needed to serve the proposed development.

The drainage infrastructure in Los Angeles Boulevard is related to the needs created by the property development project and is roughly proportionate to the impact of the property development project. The developer is responsible for the full amount of construction of the infrastructure which is solely needed to serve the proposed development.

A detention area is considered a dedicated area and not open space. Section 51A-8.201(17) of the Code defines detention area to mean an area which temporarily stores stormwater runoff and discharges that runoff at a reduced rate. Section 51A-8.611 of the Code, "Storm Drainage Design," states that drainage systems, including all conveyances, inlets, conduits, structures, basins, or outlets used to drain storm water, must be designed and constructed to promote the health, safety, and welfare of the property owner and the public. Moreover, per section 51A-8.611(c)(2) of the Code, detention facilities must be designed and constructed in conformance with the Drainage Design Manual of the city of Dallas.

Section 51A-2.102(101) of the Code defines open space to mean an area that is unobstructed to the sky and contains no structures except for ordinary projections of cornices and eaves. Chapter 51A, Article VIII of the Code goes further and defines improved open space to mean open space containing structures or improvements, including but not limited to hike and bike trails, and unimproved open space to mean open space containing no buildings, fences, or other structures above or below grade.

Because the detention area is used to temporarily store stormwater runoff and discharges that runoff, it appears that detention areas meet the definition and provisions of storm drainage facilities and not open space.

The platting process requirements in Section 51A-8.403(a)(1)(A)(xi) and (xii) of the Code require that the layout and dimensions of proposed storm drainage areas, storm drainage facilities, water and wastewater facilities be indicated on the preliminary plat. The Code makes a distinction between open space and dedications and does not lump open space with the provisions.

Furthermore, the dedications provision in Section 51A-8.602 of the Code states that the owner of the property to be platted must provide an easement or fee simple dedication of property needed for the construction of streets, sidewalks, storm drainage facilities, floodways, water mains, and any other property necessary to serve the plat and to implement the requirements of this article. The code requires that the detention area be a dedication.

Section 51A-8.101(29) of the Code defines infrastructure to mean all streets, alleys, sidewalks, storm drainage facilities, water and wastewater facilities, utilities, lighting, transportation, and any other facilities required by law to adequately serve and support development. If detention areas were to be considered open space, then the code would have included that in the definition of open space, but it was omitted and defined as infrastructure.

The engineer-of-record must submit a drainage report that shows that there will be no adverse impacts to any properties downstream due to this development. Sizing the detention pond accordingly is related to the needs created by the property development project and is roughly proportionate to the impact of the property development project. The developer is responsible for the full amount of construction of the detention pond which is solely needed to serve the proposed development.

Water and Wastewater Apportionment:

We believe that the offsite infrastructure improvements shown on your engineering design plans are necessary to serve your proposed development. Each developer is responsible for the necessary infrastructure that is needed to adequately serve their development. Pursuant to Section 49-62(c)(1), the developer shall construct any new off-site extension necessary to adequately serve the development, if the city or another developer has not already commenced design or construction of the extension in connection with another development or project, subject to applicable city payments for participation in oversize cost under Subsection (a). Since the offsite infrastructure improvements are needed to serve your development, the infrastructure improvements are related to the needs created by the property development project and are roughly proportionate to the impact of the property development project. Pursuant to Section 49-62(i) of the Code, the proportional refundable city payment calculated by the City is approximately \$95,170.00. The developer is responsible for the remaining cost of the infrastructure which is needed to serve the proposed development.

Upon further investigation of the water line improvement in Los Angeles Boulevard, between Juneau Avenue and Blue Ridge Boulevard, there could be an alternate solid standard size loop in Wenatche Drive down to Kimballdale Drive, which would require

DATE December 21, 2022
SUBJECT **Shady Hollow Estates - 311T-10059 / WW22-231**

upsizing the main from 6 inches to 8 inches. If this is an alternative solution that you would like to pursue, your engineer must submit a revision to the final WW22-231 engineering design plans.

Sam Eskander

M. Samuell Eskander, PE, CFM, LEED AP BD+C
Assistant Director
Development Services

c: Andrew Espinoza, CBO, MCP, CCEA, Director/Chief Building Official
Casey Burgess, Executive Assistant City Attorney
Guillermo R. Darce, PE, Engineer-of-Record, LIM & Associates, Inc.
Daniel Lim, PE, RPLS, CFM, LIM & Associates, Inc.

Shady Hollow Development LLC

2217 Yaupon Dr - Irving, TX 75063 - adrian@419builders.com - 214.918.4671

To: Andres Espinoza, Director
Sustainable Development and Construction, City of Dallas
CC: Sam Eskander

Re: Shady Hollow Estates Paving, Drainage and ROW Apportionment; S178-288

December 22, 2022

Per Section 51A-1.109(e)(2) of Dallas City Code, a developer may appeal the Director's apportionment determination to the City Plan Commission by filing written notice with the Director within 30 days after the date of the determination.

A completed application with the required documentation was sent via email on November 11, 2022. An apportionment determination was provided on December 22, 2022, after the 30 day period required by state law and city code.

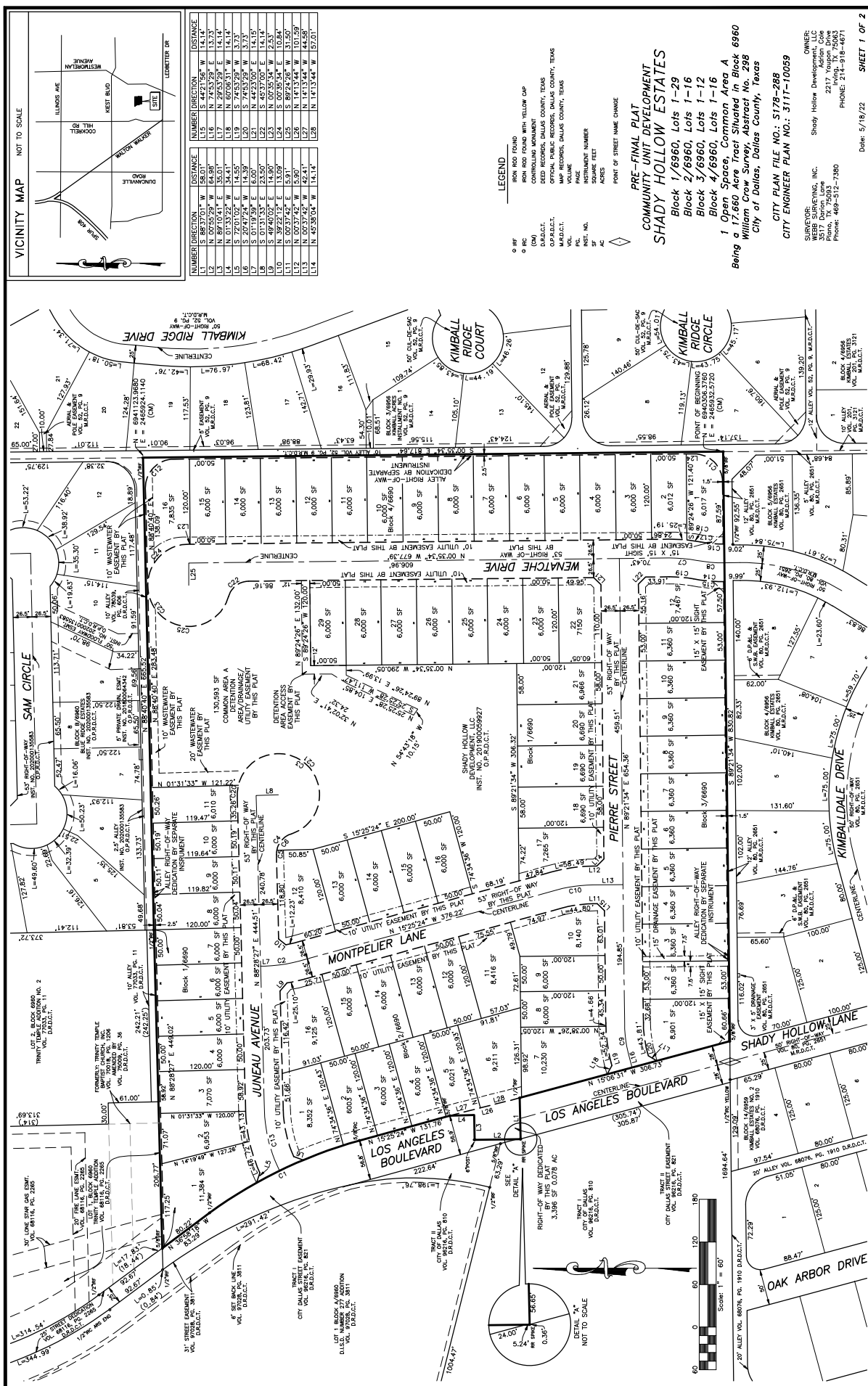
This letter shall serve as the filing of a written notice of appeal of the apportionment determination provided to Shady Hollow Development LLC for exactions imposed in regard to the plat request S178-288, Shady Hollow Estates for paving, drainage, ROW, and other relevant items. Per City Code section 51A-1.109(e)(2), the city plan commission shall hear the appeal within 60 days after the filing of the appeal.

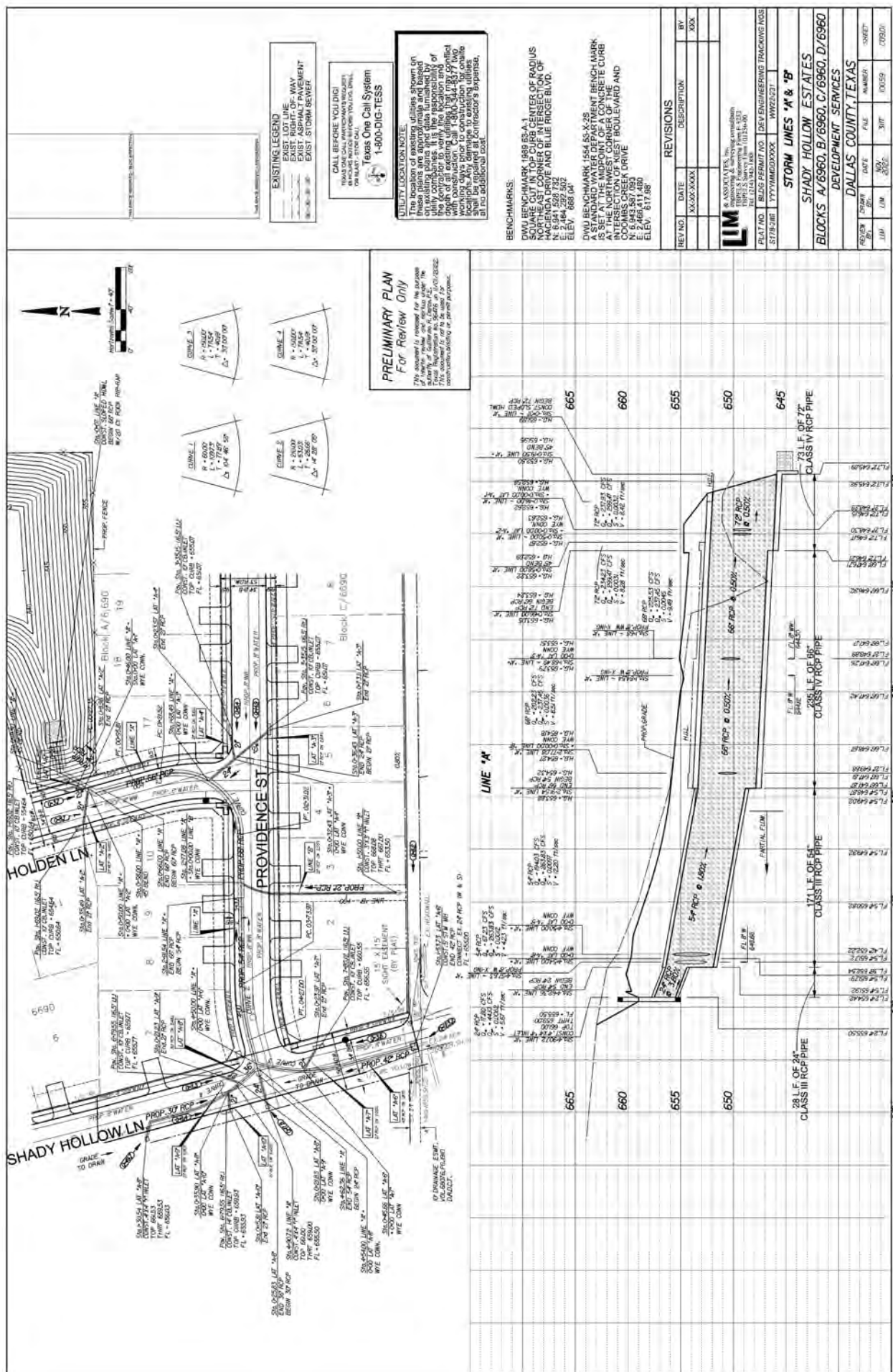
For the purpose of calculating the 60 days to hearing date, the date that the apportionment was due on December 11, 2022 shall serve as the date of this appeal.

Regards,



Adrian Cole
President, Shady Hollow Development LLC





311T-10059/S178-288 - Shady Hollow Estates (4000 Shady Hollow)

From: Garza, Maricela <maricela.garza@dallas.gov>
To: adrian@419builders.com <adrian@419builders.com>, Espinoza, Andres <andres.espinoza@dallas.gov>, Wimer, Megan <megan.wimer@dallas.gov>, Erwin, Philip <philip.erwin@dallas.gov>, Yi, Changho <changho.yi@dallas.gov>, Martinez, Evodio <evodio.martinez@dallas.gov>, Bordbar, Mohammad <mohammad.bordbar@dallas.gov>, Nelson, Paul <paul.nelson@dallas.gov>, Young, Vernon <vernon.young@dallas.gov>, Yumet, Carolina <carolina.yumet@dallas.gov>
Subject: 311T-10059/S178-288 - Shady Hollow Estates (4000 Shady Hollow)
Date: Thursday, July 07, 2022 3:04 PM
Size: 78 KB

Eskander, Mina invited you to this event.



311T-10059/S178-288 - Shady Hollow Estates (4000 Shady Hollow)

When Monday, July 18, 2022
10:30 AM – 11:30 AM CDT (1 hour)

Where 320 E. Jefferson Blvd., Dallas, Texas 75203 - Room 200 - Conference Room

Re: 311T-10059/S178-288 - Shady Hollow Estates (4000 Shady Hollow)

From: Eskander, Mina <mina.eskander@dallas.gov>
To: Adrian Cole <adrian@419builders.com>
Cc: Miller, Yolanda <yolanda.miller@dallas.gov>, Bordbar, Mohammad <mohammad.bordbar@dallas.gov>, Nelson, Paul <paul.nelson@dallas.gov>, Young, Vernon <vernon.young@dallas.gov>, Yumet, Carolina <carolina.yumet@dallas.gov>, Yi, Changho <changho.yi@dallas.gov>, Espinoza, Andres <andres.espinoza@dallas.gov>, Wimer, Megan <megan.wimer@dallas.gov>
Subject: RE: 311T-10059/S178-288 - Shady Hollow Estates (4000 Shady Hollow)
Date: Thursday, July 21, 2022 7:31 PM
Size: 658 KB

Adrian,

A detention area is considered a dedicated area and not open space.

Section 51A-8.201(17) defines detention area to mean an area which temporarily stores stormwater runoff and discharges that runoff at a reduced rate. Section 51A-8.611, "Storm Drainage Design," states that drainage systems, including all conveyances, inlets, conduits, structures, basins, or outlets used to drain storm water, must be designed and constructed to promote the health, safety, and welfare of the property owner and the public. Moreover, detention facilities must be designed and constructed in conformance with the Drainage Design Manual of the city of Dallas (51A-8.611(c)(2)).

The general definition of open space means an area that is unobstructed to the sky and contains no structures except for ordinary projections of cornices and eaves (51A-2.102(101)). Article VIII goes further and defines improved open space to mean open space containing structures or improvements, including but not limited to hike and bike trails, and unimproved open space to mean open space containing no buildings, fences, or other structures above or below grade.

Because the detention area is used to temporarily store stormwater runoff and discharges that runoff, it appears that detention areas meet the definition and provisions of storm drainage facilities and not open space.

The platting process requirements in Section 51A-8.403(a)(1)(A)(xi) and (xii) require that the layout and dimensions of proposed storm drainage areas, storm drainage facilities, water and wastewater facilities be indicated on the preliminary plat. Moreover, Romanette (xxv) of this section requires the preliminary plat to show the location of any open space required pursuant to Article XIII. The code makes a distinction between open space and dedications and does not lump open space with the dedications provisions.

Furthermore, the dedications provision in Section 51A-8.602 states that the owner of the property to be platted must provide an easement or fee simple dedication of property needed for the construction of streets, sidewalks, storm drainage facilities, floodways, water mains, and any other property necessary to serve the plat and to implement the requirements of this article. The code requires that the detention area be a dedication.

Lastly, the code defines infrastructure to mean all streets, alleys, sidewalks, storm drainage facilities, water and wastewater facilities, utilities, lighting, transportation, and any other facilities required by law to adequately serve and support development. (51A-8.201(29)) If detention areas were to be considered open space, then the code would have included that in the definition of open space, but it was omitted and defined as infrastructure.

Regarding the Blue Ridge Estates project (311T-9437):

- Attached is the 311T-9437 original approval letter dated 04/19/2018.
- Private Development Contract was executed on 11/14/2018 (see attached).

- Several revisions were approved after the private development contract was executed:
 - RTF1 – 01/17/2019
 - RTF2 – 09/16/2019
 - RTF3 – 11/19/2019

Section 51A-8.601(c) states: If the infrastructure construction is not included in a city-approved private development contract within two years from the preliminary plat approval date, then the infrastructure must be redesigned using the most current criteria.

Since the private development contract was executed prior to 10/01/2019 (effective date of 2019 Drainage Design Manual), this project did not have to follow the new manual which didn't exist at the time.

Please let us know if you have any additional questions.

Have a good evening,

Sam



M. Samuell Eskander, PE, CFM, LEED AP BD+C

Assistant Director (Interim)

Land Development Team

City of Dallas | www.dallascityhall.com

Development Services

320 E. Jefferson Blvd., Room 200

Dallas, TX 75203

O: (214) 948-4029 | C: (469) 953-0103

mina.eskander@dallas.gov



****OPEN RECORDS NOTICE:** This email and responses may be subject to the Texas Open Records Act and may be disclosed to the public upon request. Please respond accordingly.**

[Please Take a Moment to Tell Us How We Are Doing](#)

From: Eskander, Mina

Sent: Thursday, July 21, 2022 2:54 PM

To: Adrian Cole <adrian@419builders.com>

Cc: Miller, Yolanda <yolanda.miller@dallas.gov>; Bordbar, Mohammad <mohammad.bordbar@dallas.gov>;

Nelson, Paul <paul.nelson@dallas.gov>; Young, Vernon <vernon.young@dallas.gov>; Yumet, Carolina

<carolina.yumet@dallas.gov>; Yi, Changho <changho.yi@dallas.gov>; Espinoza, Andres

<andres.espinoza@dallas.gov>; Wimer, Megan <megan.wimer@dallas.gov>

Subject: RE: 311T-10059/S178-288 - Shady Hollow Estates (4000 Shady Hollow)

Adrian,

We received your email and will provide a response shortly.

Thank you,

Sam



M. Samuell Eskander, PE, CFM, LEED AP BD+C
Assistant Director (Interim)
Land Development Team
City of Dallas | www.dallascityhall.com
Development Services
320 E. Jefferson Blvd., Room 200
Dallas, TX 75203
O: (214) 948-4029 | C: (469) 953-0103
mina.eskander@dallas.gov



****OPEN RECORDS NOTICE:** This email and responses may be subject to the Texas Open Records Act and may be disclosed to the public upon request. Please respond accordingly.**

Please Take a Moment to Tell Us How We Are Doing

From: Adrian Cole <adrian@419builders.com>

Sent: Monday, July 18, 2022 12:58 PM

To: Eskander, Mina <mina.eskander@dallas.gov>

Cc: Miller, Yolanda <yolanda.miller@dallas.gov>; Bordbar, Mohammad <mohammad.bordbar@dallas.gov>;

Nelson, Paul <paul.nelson@dallas.gov>; Young, Vernon <vernon.young@dallas.gov>; Yumet, Carolina

<carolina.yumet@dallas.gov>; Yi, Changho <changho.yi@dallas.gov>; Espinoza, Andres

<andres.espinoza@dallas.gov>; Wimer, Megan <megan.wimer@dallas.gov>

Subject: Re: 311T-10059/S178-288 - Shady Hollow Estates (4000 Shady Hollow)

External Email!

Thank you all for your time today. This was a productive meeting to help us understand our options.

As a followup, would you please provide a written response describing the City's determination of whether detention is allowed in open space?

Also, would you please comment on the following?

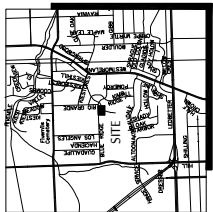
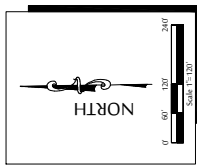
- S167-275, Blue Ridge Estates preliminary plat was approved on September 28, 2017
- 311T-9437 3rd addendum engineering plans are dated November 13, 2019
- Is there an explanation for why this project was not required to be re-designed to the 2019 Drainage Design Manual? I don't have the visibility you all do, but I don't believe the city council approved the public contracts for this project until sometime in 2020.

Thank you,
Adrian
214.918.4671

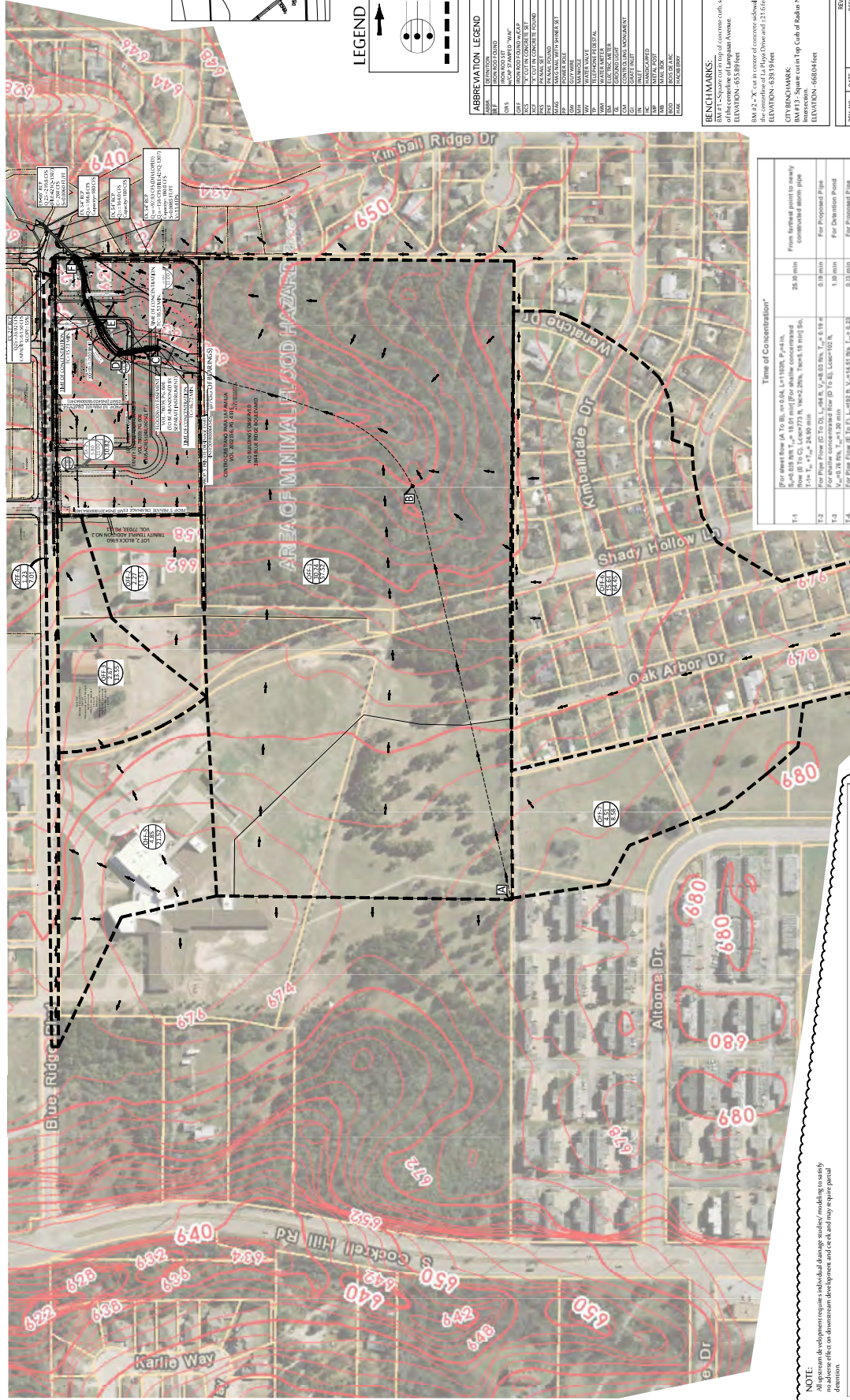
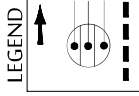
On Wed, Jul 6, 2022, at 4:43 PM, Adrian Cole wrote:

Thank you for the update and for expediting the approval of the grading permit.

SHD0047



SITE MAP (N.T.S.)



ABBREVIATION	LEGEND
AREA NO.	CLEARCUT
AREA AVERAGE	CONCRETE
FLOW Q FOR 100 YEARS	GRAVEL
OFFSITE DRAINAGE UNDER	ASPHALT
AREA NO.	GRAVEL
AREA AVERAGE	CONCRETE
FLOW Q FOR 100 YEARS	GRAVEL
OFFSITE DRAINAGE UNDER	ASPHALT
AREA NO.	GRAVEL
AREA AVERAGE	CONCRETE
FLOW Q FOR 100 YEARS	GRAVEL
OFFSITE DRAINAGE UNDER	ASPHALT

BENCHMARKS:
BM 11 - Square cut in top of concrete curb, south curb line of Blue Ridge Blvd. 135.5 feet west of the centerline of Lampasas Avenue.
ELEVATION: 633.91 feet
BM 12 - 'X' in center of concrete sidewalk, south side of Blue Ridge Blvd. 135.5 feet west of the centerline of Lampasas Avenue.
ELEVATION: 633.91 feet
BM 13 - Square cut in top of curb of Blue Ridge Blvd. at corner of Hacienda Dr. & Blue Ridge Blvd.
ELEVATION: 668.04 feet

2	01/18/19	Revised drawing 1517-275-2-7-C-2-7
---	----------	--

Time of Concentration*	
T1	From street flow (A to B), or B4, L=1700 ft, P=4 in, S=0.008 ft/ft, T _c =10.00 min (For shallow concentrated flow)
T2	For Pipe Flow (C to D), L=400 ft, V _a =48.00 ft/s, T _c =6.19 min, T _c =1+T ₁ =16.19 min
T3	For Pipe Flow (E to F), L=400 ft, V _a =48.00 ft/s, T _c =6.19 min, T _c =1+T ₂ =22.38 min
T4	For Pipe Flow (G to H), L=400 ft, V _a =48.00 ft/s, T _c =6.19 min, T _c =1+T ₃ =28.57 min
TOTAL	28.57 min

* For Overland Sheet Flow is calculated using the Manning Kinematic Equation
* For Pipe Flow is calculated using the Manning Kinematic Equation
* For Channel Flow is calculated using the Manning Equation

SS
09/13/19

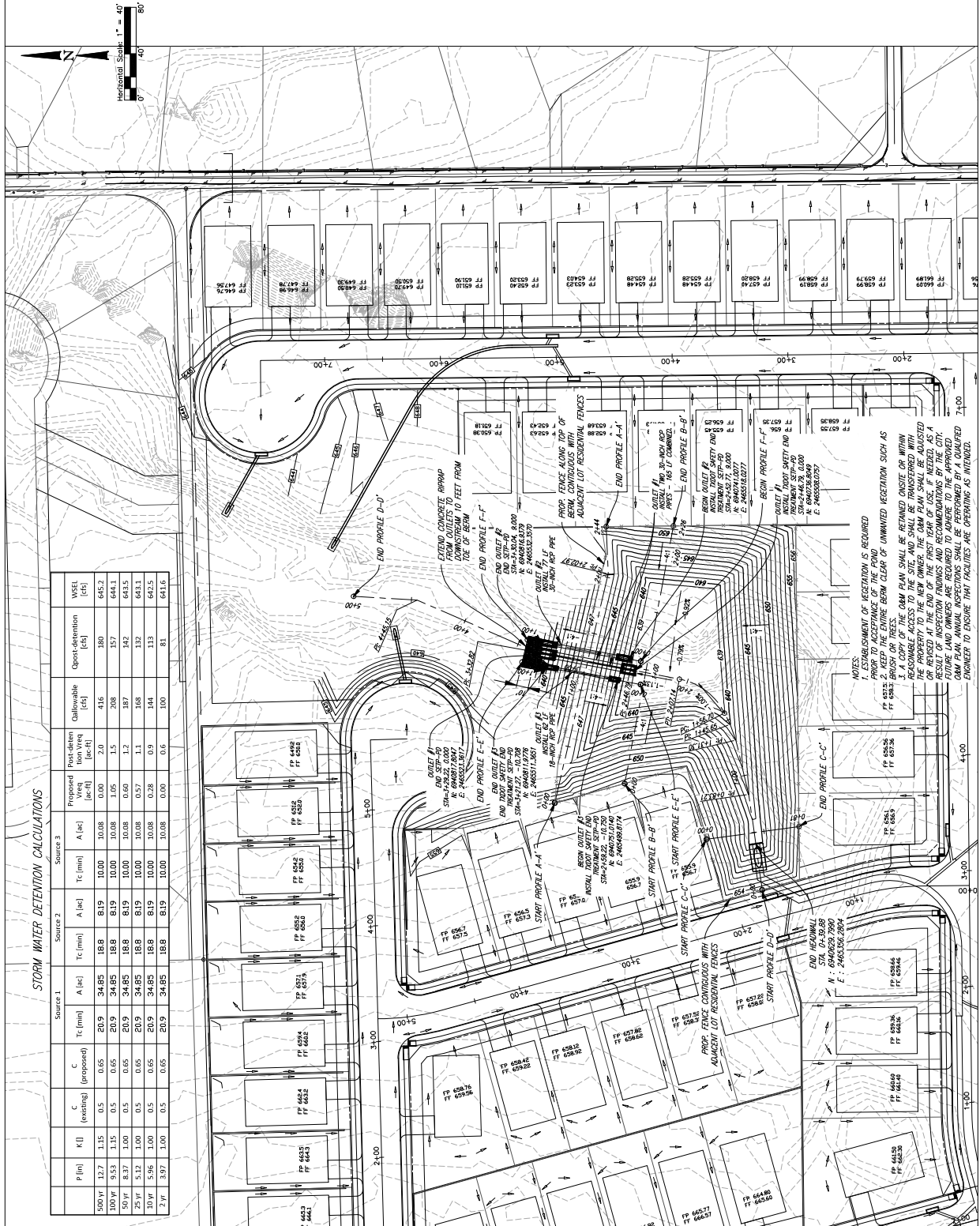
DESIGN DEVELOPMENT CONSULTANTS, INC.
1000 DALLAS STREET, SUITE 400, DALLAS, TX 75201
TEL: 214-868-2327 FAX: 214-868-51-4032, CMAA: ddc@ddc.com

Ex. Drainage Calculation (100 yrs) Storm For Proposed Development:									
L.D.	Area (Acres)	Area Usage	Runoff Coefficient, C _u	C _u	T ₁₀ (min)		Intensity, I ₁₀₀ (in/hr)	Q (cfs)	Remarks
					Calculated	Ass'd			
1	9.49	Unpaved Area	0.30	0.65	15.00	33.30	25.00	6.12	TO EX. 84" HEADWALL
2	20.24	Unpaved Area	0.30	0.65	15.00	24.49	33.00	25.00	TO EX. 84" HEADWALL
3	2.47	Church	0.30	0.65	15.00	18.00	33.00	6.12	TO EX. 84" HEADWALL
4	1.25	Blue Ridge Park	0.30	0.65	15.00	15.00	25.00	6.12	TO EX. 84" HEADWALL
5	15.44	Ex. Subdivision	0.30	0.65	15.00	23.50	25.00	6.12	TO EX. 84" HEADWALL
6	4.31	Open Space	0.30	0.65	15.00	25.00	25.00	6.12	TO EX. 84" HEADWALL

NOTE:
All upstream development requires individual damage studies modeling to satisfy no adverse effect on downstream development and creek and may require partial diversion.

STORM WATER DETENTION CALCULATIONS

			Source 1		Source 2		Source 3		Post detention vreq [ac-ft]	Outflowable [cfs]	Quasi detention [cfs]	WSR [cfs]			
P [in]	K [l]	C [exposed]	Tc [min]	A [ac]	Tc [min]	A [ac]	Tc [min]	A [ac]							
500	12.7	1.15	0.5	0.65	20.9	34.85	18.8	8.19	10.00	10.08	0.0	2.0	436	180	645.2
500	9.53	1.15	0.5	0.65	20.9	34.85	18.8	8.19	10.00	10.08	1.05	1.5	208	157	644.1
500	8.37	1.00	0.5	0.65	20.9	34.85	18.8	8.19	10.00	10.08	0.60	1.2	187	142	643.5
500	5.12	1.00	0.5	0.65	20.9	34.85	18.8	8.19	10.00	10.08	0.57	1.1	187	132	643.1
500	5.06	1.00	0.5	0.65	20.9	34.85	18.8	8.19	10.00	10.08	0.28	0.9	144	113	642.5
500	3.97	1.00	0.5	0.65	20.9	34.85	18.8	8.19	10.00	10.08	0.0	0.6	100	81	641.6



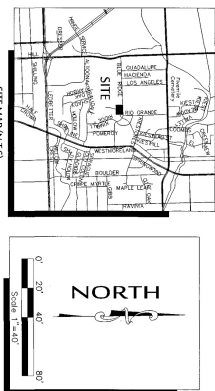
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AND ARE NOT INTENDED FOR CONSTRUCTION,
BIDDING, OR PERMIT PURPOSES.
O'Brien Engineering, Inc.
2440 East Trinity Ave. Suite 225, Carrollton, Texas 75006
Tel: (214) 242-1888
Fax: (214) 242-1889
www.obrieneng.com
Texas Registered Professional Engineer License No. 101234-001
DATE: 28 OCT. 2022

O'Brien Engineering, Inc.
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Tel: (214) 242-1888
Fax: (214) 242-1889
www.obrieneng.com
Texas Registered Professional Engineer License No. 101234-001

REV. NO.	DATE	DESCRIPTION	BY
001	XX/XX/XX	XXX	XXX

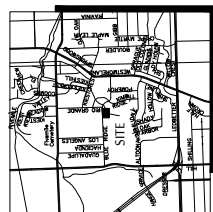
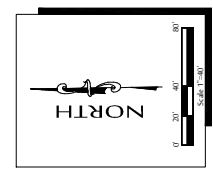
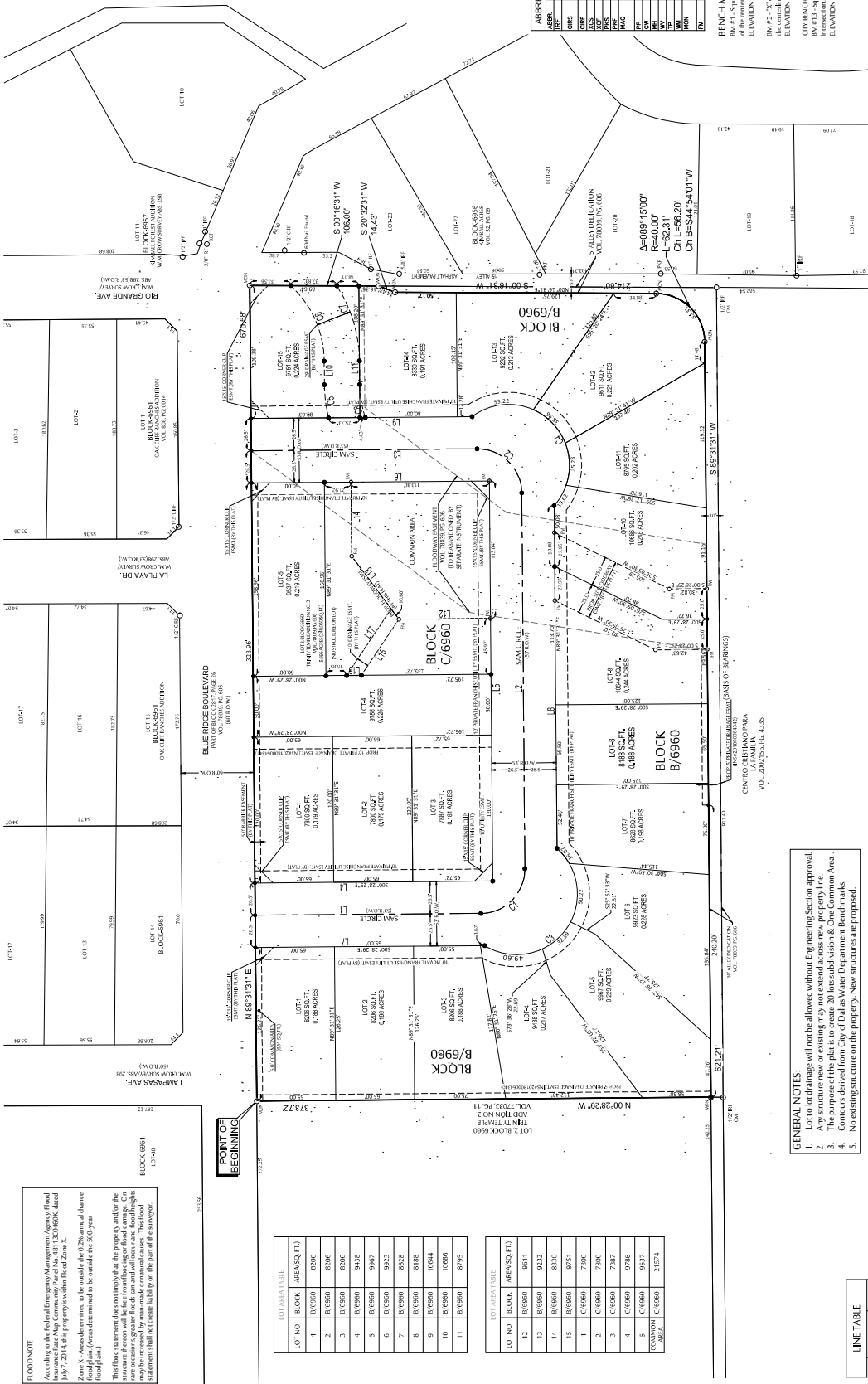
LM & ASSOCIATES, INC.
Engineering & Surveying Consultants
1100 West Loop West, Suite 1000
Houston, Texas 77027
Tel: (281) 242-1888
Fax: (281) 242-1889
www.lmassociates.com

PLAT NO.	BLDG PERMIT NO.	SOC ENGINEERING TRACKING NOS.			
5178-288	YYMMQDXXXX	WM22-231			
3117E-10059					
PROPOSED DRAINAGE POND AND OUTLET					
SHADY HOLLOW ESTATES					
BLOCKS A/6960, B/6960, C/6960, D/6960					
DEVELOPMENT SERVICES					
DALLAS COUNTY, TEXAS					
REVIEW	DRAWN BY	DATE	FILE	NUMBER	SHEET
LIM	ERB	OCT 2022	311T	10059	C09.04

[illegible]

REVIEWS			
BY	DESCRIPTION	DATE	REASON
5/4/2010	REVIEWED FOR CONSTRUCTION	5/4/2010	1
5/4/2010	REVIEWED FOR CONSTRUCTION	5/4/2010	2
 DESIGN DEVELOPMENT CONSULTANTS, INC. 10000 W. 10TH STREET, SUITE 1000 DALLAS, TEXAS 75243 TEL: 214-635-1000 FAX: 214-635-1001 WWW.DGC-INC.COM			
BLDG FEEDBACK P156-2763 WYNNWOODXXXXX SDC: PE ENGINEERING 317K-0437 8/1/10 3/16/2010			
WATER & WASTEWATER PLAN			
BLUE ESTATE 3844 BLUE RIDGE BOULEVARD, DALLAS, TX, 75238			
DALLAS WATER UTILITIES			
SHEET	NUMBER	DATE	REVISED
30	357	6/9/09	A.K.
CITY OF DALLAS, DALLAS COUNTY, TEXAS			

FLOODNOTE
According to the Texas Emergency Management Agency Flood Insurance Study, the area shown on this plat is within the 100-year flood zone of the San Antonio River. The flood zone is shown on the map as Zone X. Zone X is an area determined to be outside the 0.2% annual chance floodplain. (Area determined to be outside the 500-year floodplain.)
This flood statement does not imply that the property and/or the structures thereon are not subject to flooding. It only indicates that the property and/or the structures thereon are not within the 100-year flood zone. The flood zone may be determined by the Texas Emergency Management Agency. The flood zone may be determined by the Texas Emergency Management Agency. The flood zone may be determined by the Texas Emergency Management Agency.



SITE MAP (N.T.S.)

ABBREVIATION	LEGEND
1. TOTAL NUMBER OF LOTS	20
2. TOTAL LOT AREA	240,000 SQ. FT.
3. COMMON AREA	240,000 SQ. FT.
4. LOT AREA REQUIRED	10,000 SQ. FT.
5. ALLOWED LOT AREA REDUCTION (25% PER LOT)	2,500 SQ. FT.
6. UNALLOWED LOT AREA REDUCTION	7,500 SQ. FT.
7. TOTAL REDUCTION ALLOWED	15,000 SQ. FT.
8. TOTAL REDUCTION ALLOWED	15,000 SQ. FT.

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BENCH MARKS
BM #1 - "X" on the corner of concrete curb, south side of Blue Ridge Boulevard, 13.15 feet west of the centerline of Lampasas Avenue.
ELEVATION: 655.89 feet
BM #2 - "X" on the corner of concrete curb, south side of Blue Ridge Boulevard, 135.5 feet west of the centerline of Lampasas Avenue and 121.6 feet south of the centerline of Blue Ridge Boulevard.
ELEVATION: 654.19 feet
CITY BENCHMARK:
BM #3 - "X" on the corner of concrete curb, south side of Blue Ridge Boulevard, 13.15 feet west of the centerline of Lampasas Avenue.
ELEVATION: 655.89 feet
BM #4 - "X" on the corner of concrete curb, south side of Blue Ridge Boulevard, 135.5 feet west of the centerline of Lampasas Avenue and 121.6 feet south of the centerline of Blue Ridge Boulevard.
ELEVATION: 654.19 feet

BLUE RIDGE ESTATES

FINAL PLAT
BLOCK B/6960 LOTS 1-15
BLOCK C/6960 LOTS 1-5
A COMMUNITY UNIT DEVELOPMENT
5.695 ACRES IN THE W. M. CROW SURVEY,
ABSTRACT NO. 298
CITY OF DALLAS, DALLAS COUNTY, TEXAS.
CITY PLAT FILE NO. S167-275 1 OF 2

Developer:
AAA Pro Services
Principal, DCC, INC.
Tel: 214-868-9320
Fax: 1-866-531-8763
Email: aabed-ddc@gmail.com
aabed-ddc-engineering.com
FIRM REGISTRATION: 10790

Engineer: Leonard J. Lueker R.P.L.S.
Registered Professional Land Surveyor
Texas Registration No. 5714
Winkelman & Associates, Inc.
6750 Hillcrest Plaza Drive Suite 325
Dallas, Texas, 75230 TEL: 972-490-7090
FIRM REGISTRATION: 10086600

- NOTES:**
1. No concentrated drainage flow greater than 10 cfs will be allowed to enter the right of way at any location.
 2. All drainage shall be collected and conveyed to the street.
 3. All drainage shall be collected and conveyed to the street.
 4. All drainage shall be collected and conveyed to the street.
 5. All drainage shall be collected and conveyed to the street.
 6. All drainage shall be collected and conveyed to the street.
 7. All drainage shall be collected and conveyed to the street.
 8. All drainage shall be collected and conveyed to the street.
 9. All drainage shall be collected and conveyed to the street.
 10. All drainage shall be collected and conveyed to the street.

No.	Radius	Length	CHL	CIL
1	500.00'	36.50'	57.33'	51.62'
2	500.00'	36.50'	57.33'	51.62'
3	500.00'	36.50'	57.33'	51.62'
4	500.00'	36.50'	57.33'	51.62'
5	500.00'	36.50'	57.33'	51.62'
6	500.00'	36.50'	57.33'	51.62'
7	500.00'	36.50'	57.33'	51.62'
8	500.00'	36.50'	57.33'	51.62'
9	500.00'	36.50'	57.33'	51.62'
10	500.00'	36.50'	57.33'	51.62'

No.	Bearing	Length
1	S 89° 31' 31" W	19.48'
2	S 89° 31' 31" W	19.48'
3	S 89° 31' 31" W	19.48'
4	S 89° 31' 31" W	19.48'
5	S 89° 31' 31" W	19.48'
6	S 89° 31' 31" W	19.48'
7	S 89° 31' 31" W	19.48'
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8	S 89° 31' 31" W	19.48'
9	S 89° 31' 31" W	19.48'
10	S 89° 31' 31" W	19.48'

- GENERAL NOTES:**
1. Lot to be drainage will not be allowed without Engineering Section approval.
 2. Any structure new or existing may not extend across new property line.
 3. The purpose of this plat is to create 20 lots subdivided into 20 lots.
 4. The lots are derived from City of Dallas Water Department Benchmarks.
 5. No existing structure on the property. New structures are proposed.



Certificate of No Action



CITY OF DALLAS

DATE December 12, 2022

TO Adrian Cole, Developer

SUBJECT **Shady Hollow Estates - 311T-10059**

The paving and drainage engineering plans for the Shady Hollow Estates development, engineering file number 311T-10059, were submitted on November 4, 2022. The City failed to act on the plan review within the required timeframe as specified by Chapter 212 of the Texas Local Government Code.

This certificate does not allow you to violate City Code or State Law. The Department does not assume any liability for the engineering design nor does this certificate release the design engineer from liability for correcting errors and omissions in the design, both during and after the construction.

This certificate is effective in place of the endorsement required by Section 212.009(c) of the Texas Local Government Code.

Sam Eskander

M. Samuel Eskander, PE, CFM, LEED AP BD+C
Assistant Director
Development Services

c: Andrew Espinoza, CBO, MCP, CCEA, Director/Chief Building Official
Casey Burgess, Executive Assistant City Attorney
Guillermo R. Darce, PE, Engineer-of-Record, LIM & Associates, Inc.
Daniel Lim, PE, RPLS, CFM, LIM & Associates, Inc.

Shady Hollow Development - Analysis Application Form

From: Adrian Cole <adrian@419builders.com>
To: Eskander, Mina <mina.eskander@dallas.gov>
Cc: Daniel Lim <limassoc@aol.com>
Bcc: [REDACTED]
Subject: Re: Shady Hollow Development - Analysis Application Form
Date: Monday, November 21, 2022 4:14 PM
Size: 133 KB

Good afternoon Sam,

Following up on our conversation this morning, here is some additional information which you can hopefully use to expedite the apportionment determination for this project.

Background

First, I understand that you review many projects and have a lot of responsibilities in the development department, so here is a summary of our progress in the engineering review on this project.

- We were informed on June 13 that our plan for detention conflicted with a determination of required open space for our project
- We requested further consideration of the requirement that detention does not count as open space, and had an in-person meeting on July 18 in which we specifically requested flexibility to allow for detention in the required open space as well as to use the 1993 Drainage Design Manual which was in place at the time of the preliminary plat approval and under which the Sam Circle project was designed. Both requests were denied at this meeting.
- We requested a board of adjustment hearing for further review on these items, which was denied on the basis that no building permit had been applied for.

On the basis of clear direction from the City to use the 2019 Drainage Design Manual, and with the clear requirement that we provide adequate open space in addition to any required detention, we asked our engineering partners to work on a plan which met both of these requirements. While the calculations allowed under the 1993 Drainage Design Manual would have allowed this project to be developed without detention, multiple aspects of the Sam Circle development limit the allowable outflow from this project and effect a detention requirement.

Having exhausted all of our options for a different interpretation of these guidelines or any flexibility in application, the process to resolve these constraints has required a lot of engineering investment in order to create a reasonable detention plan that meets all of the current requirements. It has also delayed our project by many months. The plans we have submitted on November 1, 2022 meet the requirements we have been given, but also require a large amount of land area and construction cost which I believe to be unavoidable based on our constraints.

Current Objective

While operating in good faith to meet all City requirements and at considerable cost to our project, we have determined that the resulting plan disproportionately requires us to provide land and other costs which are not caused by this project and which are not relative to the needs created by this

SHD0056

project.

As a result, this project now clearly qualifies for an apportionment to compensate for these additional costs. Sec 51A-1.109 is clear in our right to have our project reviewed by a professional engineer retained by the City to make the determination of costs. On this requirement, as well as our good faith efforts to comply with all City guidelines and create community value with this project, please complete this determination as soon as you can.

On the subject of cost liability, I believe there are several ways to justify this cost in addition to the clear legal requirement for payment.

- **Los Angeles Blvd street and storm drain construction (\$305,994)** - I estimate that the 73 new houses to be constructed will result in approximately \$200,000 per year in new property taxes to the City of Dallas. Existing houses in the area which will benefit from this construction generate an additional large amount. This street will benefit park access and is easily classified as an investment which will facilitate economical park development.
- **Alley dedications (\$67,870)** - The City of Dallas collects approximately \$300,000,000 in franchise fees from utility and communication providers annually to compensate for the use of streets and alleys for these services. Using very limited information, I estimate that the new houses to be constructed in this development will generate approximately \$36,000 annually in new revenue, and the existing houses which use these alleys generate approximately \$21,000 annually in existing revenue.
- **Detention land use and construction cost (\$583,496)** - The City of Dallas collects approximately \$70,000,000 in stormwater management fees annually. I estimate the the new houses to be constructed will generate \$8,000 annually in new revenue, and that the existing properties to benefit from this (both upstream and downstream) generate approximately \$25,000 annually towards this. It is also quite clear that this investment resolves issues with park, school, and other potential property development and should be viewed as a catalyst to continued investment in the area.

Using the City's projections of 5% increases in revenue for these categories, I estimate that the **10 year total of new revenue to the City of Dallas from the proposed 73 houses is \$3.8M**, without any consideration of existing revenue as outlined above. This is a clear economic positive for the City of Dallas and entirely justifies any participation required to apportion the costs accurately.

Summary

Once again, please support us in this project by making the requested apportionment determination as required by city and state laws. While I strongly believe that the directives here are clear and that this project is easy to justify, I am willing to make this case and explain this perspective further if this can help expedite the process. I'm sure I have made clear how important this is to us, and I hope you can see how everyone benefits from quickly processing our request.

Regards,
Adrian Cole
214.918.4671

3792 Wenatche

From: Morrison, Laura <laura.morrison@dallas.gov>
To: adrian@419builders.com <adrian@419builders.com>
Subject: 3792 Wenatche
Date: Thursday, September 08, 2022 12:15 PM
Size: 51 KB

Good morning, Mr. Cole.

Chris Caso asked me to reach out to you about appealing decisions of the building official to the board of adjustment. Our office has been in contact with the assistant building official. In order to be able to appeal the building official's decision about the open space requirement, you must first apply for a building permit and have that permit denied on the basis of not meeting the open space requirement. Then you may appeal that denial to the board of adjustment. Without an official denial from the building official, there is nothing to appeal.

Please let me know if you have any further questions.



Laura Morrison
Assistant City Attorney
Municipal Regulatory
Deputy Chief
City of Dallas
Dallas City Attorney's
Office
1500 Marilla St., 7DN
Dallas, TX 75201
O: 214-670-5477
F: 214-670-0622
laura.morrison@dallas.gov

Please be advised that this email is subject to being disclosed pursuant to a request for public information under the Texas Public Information Act.

Please do not forward this email without my consent.

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