



DISTRICT PROPOSAL APPLICATION

City Secretary
418 W. Main
City of Gunter, Texas

APPLICATION FEES: FEES ARE NON REFUNDABLE

\$2,500 Development agreement (fee)

\$25,000 Financial Analysis (fee)

\$5,000 Legal review (deposit)

\$5,000 Engineering review (deposit)

Check all that apply each item is \$15,000

- ☐ **TIRZ - \$15,000**
- ☐ **PID- \$15,000**
- ☐ **MMD- \$15,000 (Requires additional \$50,000 fee for legislative representation)**
- ☐ **MUD- \$15,000**
- ☐ **WCID- \$15,000**
- ☐ **FWSD- \$15,000**

PROFESSIONAL FEES: All reasonable costs incurred by the city for professional review shall be borne by the applicant and payable to the city with the development agreement application. **A deposit of \$5,000.00 each for Legal and Engineering reviews shall be paid for the services at the time the application is filed.**

Professional fees shall include, but not necessarily be limited to:

- | | | |
|-----------------------|-----------------------------------|----------------------|
| • Civil Engineering | • Expenses for Related Legal Fees | • Plat Applications |
| • Traffic Engineering | • Land Planning | • Site Plans |
| • Concept Plans | • Development Agreements | • Flood Study Review |
| • Zoning Applications | • Planned Developments | |

Gunter Code of Ordinances, Sec. 14.01.001(j), Professional fees for review of land use related permit.

Note: Once an agreement has been placed on a City Council agenda, a \$1,000 fee is required to move it to another agenda.

Agreement Checklist

A pre-application meeting with staff is required prior to submittal.

[] **Complete** application submitted a minimum of **90 days** prior to the anticipated city council meeting in which an application is to be considered by Council. **PIECEMEAL AND INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED AND WILL BE CONSIDERED INCOMPLETE. APPLICATIONS SUBMITTED WITHOUT PAYMENT OF REQUIRED FEES ARE INCOMPLETE. COURIER DELIVERIES WILL NOT BE ACCEPTED.**

Once a complete application has been accepted staff will formulate a proposed council consideration schedule.

[] Four (4) copies of the below information prepared in three (3) inch binders, with labeled tabs delivered to City Hall.

[] One (1) copy of the below information prepared in three (3) inch binders with labeled tabs delivered to the following individuals:

- Julie Fort
Messer, Rockefeller & Fort, P.L.L.C.
6351 Preston Rd., Ste. 350
Frisco, Texas 75034

- Jim Sabonis
First Southwest
325 North St. Paul Street, Suite 800,
Dallas, Texas 75201

☐ Letter providing a statement of intent, incorporating the following items: (2 Hard Copies and 1 PDF Copy & 1 MS Word Copy)

1. Explanation of your proposal and the reasons that you cannot complete your project using traditional development procedures.
2. Explanation of how your proposed development agreement will be a benefit to the city.
3. Details of how your proposal is consistent with the comprehensive plan.
4. Proposed schedule of development.

☐ Proposed development agreement, and an outline of the terms of the agreement. (1 Hard Copy, 1 PDF Copy & 1 MS Word Copy)

☐ Tax Certificate/Proof of Land Ownership(s).

☐ Written authorization from the property owner(s) enabling the applicant to represent their behalf, identifying the tract and extent of authority. (If applicable)

☐ One 24" x 36" hard copy, one 11" x 17" Hard copy and 1 PDF copy of a conceptual plan for development of the property on sheets, including but not limited to the following elements:

1. The number of dwelling units by type of residential use, and square footage of non-residential uses by category of use. (Retail, Industrial, Public Institution etc.)
2. Land use density figures by use.
3. Current and/or proposed zoning classifications.
4. Estimated population and/or employment growth expected from the development.
5. Phases of Development and expected timeframes.
6. Thoroughfares and road networks, and identify compliance with or modifications to the City's thoroughfare plan.
7. Design and development standards anticipated for the development.
8. Any additional Items discussed at the pre-application meeting, and any items you feel will help promote your proposal.

☐ A preliminary analysis of the need for public facilities to serve the development, including water, wastewater, roadways, drainage, easement's & R.O.W. and a plan for providing or financing such facilities and the schedule of their installation.

☐ A description of any reservation or dedication of land for public purposes.

☐ A description of any proposed variances from the standards that are applicable to developments within Gunter's city limits or its extraterritorial jurisdiction.

☐ Anticipated schedule for annexation into the City.

☐ Application fee (\$2,500) (City delivery only)

☐ Application fee for TIRZ, PID, MMD, MUD, WCID, FWSD (\$15,000) (each) (City delivery only).

☐ Professional fee deposits (\$10,000) (City delivery only).

☐ Financial review fee (\$25,000) (City delivery only).

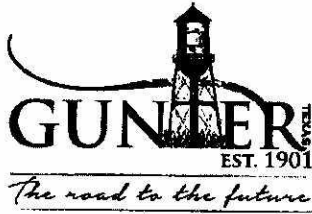
☐ Legislative consultant fee (\$50,000) (Legislative districts only) (City delivery only)

☐ Unaltered and executed agreement for payment of review and development expenses (3 copies - City delivery only).

☐ Numbered Pages, and table of contents.

☐ Completed copy of Checklist.

Revisions and new items must be submitted in person; Email submittals will not be accepted.



DISTRICT PROPOSAL APPLICATION

City Secretary
418 W. Main
City of Gunter, Texas

Piecemeal applications will not be accepted and will be considered incomplete.

Application must be submitted a minimum of **90 days** prior to the anticipated City Council meeting in which a decision is to be considered. Late applications will be placed on the following City Council Meeting, if complete.

Once a complete application has been accepted staff will formulate a proposed City Council consideration schedule.

Application fee:

\$2,500 Development agreement (fee)

\$25,000 required for Financial Analysis

\$5,000 Legal review (deposit)

\$5,000 Engineering review (deposit)

Check all that apply each item is \$15,000

- ☐ TIRZ - \$15,000
- ☐ PID- \$15,000
- ☐ MMD- \$15,000 (Requires additional \$50,000 fee for legislative representation)
- ☐ MUD- \$15,000
- ☐ WCID- \$15,000
- ☐ FWSD- \$15,000

PROPERTY INFORMATION

Project Name:		County: ☐ Grayson
Project Address/Location:		
Zoning District(s):		
Tax Assessor's Parcel Number(s):		
Legal Description:		
Utility Districts:		
Acreage:		

APPLICANT INFORMATION

First Name:		Last Name:	
Mailing Address:		Apt / Suite #:	
City:	State:	Zip:	
Phone Number:	Ext:	Fax Number:	
Email address:			

PROPERTY OWNER(S)

First Name:		Last Name:	
Mailing Address:		Apt / Suite #:	
City:	State:	Zip:	

Phone Number:	Ext:	Fax Number:
Email Address:		
<u>REPRESENTATIVE / ATTORNEY</u>		
First Name:	Last Name:	
Company Name:	Position:	
Mailing Address:	Apt / Suite #:	
City:	State:	Zip:
Phone Number:	Ext:	Fax Number:

I certify that I am the owner of the property for which this application is made, or that I have the permission of the owner(s) of the property to represent their behalf and have included their written authorization.

I understand that the application fees are non-refundable and are compensation for the time that City staff and their consultants spend on an application. I also understand that the submittal of an application and fees in no way guarantees approval of my proposal.

Print Name: _____ Date: _____
Applicant Signature: _____ Date: _____

Print Property Owners Name: _____ Property Owners Signature: _____

The State of _____
County of _____
Before me _____
(notary)

(Property Owner)

known to me (or proved to me on the oath of card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, _____ A.D.

(seal)

Notary In and For State Of Texas

ORDINANCE NO. 2014-09-10-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNTER, TEXAS; AMENDING CHAPTER 14 (ZONING), ARTICLE 14.01 (GENERAL PROVISIONS), SECTION 14.01.001 (ZONING FEES – ORDINANCE 060213-7) BY ADDING AND AMENDING ZONING FEES; ADDING SUBSECTION 3.01.002(F) (DEVELOPMENT AGREEMENT APPLICATION) TO SECTION 3.01.002 (PROJECTS INVOLVING EXTENSION OR ALTERATION OF CITY UTILITIES ROADS) OF CHAPTER 3 (BUILDING REGULATIONS) (ORDINANCE NO. 02-08-99-6), ARTICLE 3.01 (GENERAL PROVISIONS) BY ADDING DEVELOPMENT AGREEMENT APPLICATION AND FEES; AMENDING APPENDIX OF CHAPTER 10 (SUBDIVISION REGULATIONS) (ORDINANCE NO. 030609-3), ARTICLE 10.02 (SUBDIVISION ORDINANCE), EXHIBIT A, BY ADDING AND AMENDING SUBDIVISION FEES; AMENDING PARAGRAPH 5.11(C) OF CHAPTER 10 (SUBDIVISION REGULATIONS) (ORDINANCE NO. 030609-3), ARTICLE 10.02 (SUBDIVISION ORDINANCE), EXHIBIT A, SECTION 5 (REQUIREMENTS FOR PUBLIC IMPROVEMENT AND DESIGN), SUBSECTION 5.11 (PUBLIC LAND REQUIREMENTS) BY AMENDING PARK DEDICATION FEES; AMENDING SUBSECTION 3.05.003(C) (ESTABLISHMENT OF DEVELOPMENT PERMIT) OF CHAPTER 3 (BUILDING REGULATIONS) (ORDINANCE NO. 2010-09-27-02, ART. 3), ARTICLE 3.05 (FLOOD DAMAGE PREVENTION), SECTION 3.05.003 (GENERAL PROVISION) BY AMENDING FLOOD PERMIT FEES; PROVIDING FOR A SAVINGS AND REPEALING CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR THE PUBLICATION OF THIS CAPTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Gunter, Texas ("City Council") has determined it is in the best interest of the citizens to amend the regulations related to development fees.

WHEREAS, the City incurs certain costs related to planning, zoning, subdivision and/or development services provided in the daily course of municipal business; and

WHEREAS, the City seeks to recover a portion of those costs from the beneficiaries of such services; and

WHEREAS, the City periodically reviews the costs of such services for the purpose of assuring its fees are fair, reasonable, and consistent with the actual costs; and

WHEREAS, the City Council has determined that the adjustment of certain planning, zoning, subdivision and/or development fees are necessary to cover costs incurred by the city.

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

SECTION 1: FINDINGS INCORPORATED. The findings set forth above are incorporated as if fully set forth herein.

SECTION 2: Amendment to Chapter 14 Zoning, Article 14.01 General Provisions, Section 14.01.001 Zoning Fees (Ordinance 060213-7) of the Code of Ordinances. Chapter 14 Zoning, Article 14.01 General Provisions, Section 14.01.001 Zoning Fees of the Code of Ordinances is hereby amended to read in its entirety as follows:

Sec. 14.01.001 Zoning fees

- (a) Zoning application fees - standard zoning. Standard zoning application fees on a tract of land shall be \$750.00 for zero (0) to fifty (50) acres and \$1,200.00 for over fifty (50) acres, to be paid at the time such application is submitted to the city secretary.
- (b) Zoning application fees - planned development. Planned development zoning application fees on a tract of land shall be \$1,200.00 for the first acre and \$10.00 for each acre or portion thereof, to cover the costs of mailing notices and public postings, to be paid at the time such application is submitted to the city secretary.
- (c) Specific use permit fees. Specific use permit application fees shall \$500.00 plus \$10.00 per acre of land covered by the application, per request, to be paid at the time such application is submitted to the city secretary.
- (d) Variances and appeals to board of adjustments. The fee for an appeal or variance request shall be \$250.00 per consideration, to be paid at the time the appeal or variance request is filed with the city secretary.
- (e) Site plan review. The fee for review of site plans shall be \$500.00, plus \$10.00 per acre, to be paid at the time the site plan is filed with the city secretary.
- (f) Zoning verification letter. The fee for a zoning verification letter is \$100.00.
- (g) Zoning compliance inspection. The fee for a zoning compliance inspection shall be \$200.00.
- (h) Landscape inspection. The fee for a landscape inspection shall be \$100.00.

(i) Submission of comprehensive plan amendment. The fee for submission of a comprehensive plan amendment shall be \$200.00, to be paid at the time the amendment is requested and filed with the city secretary.

(j) Professional fees for review of land use related permits. All reasonable costs incurred by the city for professional review of concept plans, zoning applications, site plans, planned developments, plat applications, development agreements, and other land use related permits shall be borne by the applicant and payable to the city prior to final approval of the zoning or plat as the case may be. The professional fees shall include, but not necessarily be limited to, civil engineering, traffic engineering, expenses for related legal fees, land planning and financial analysis in order that the application can be properly evaluated to achieve compliance with the city's comprehensive plan, thoroughfare plan, facilities plan, comprehensive zoning ordinance, subdivision regulations and other city regulations.

(1) The city secretary shall require a deposit in the amount of \$5,000.00 for each service at the time the initial development application is filed. The actual costs will be determined prior to final approval and either an additional sum will be due from the applicant or a reimbursement made if the actual cost is less than the deposit.

(2) The applicant shall be provided with documentation detailing actual costs of development review.

The city manager or his or her designee may refuse to issue any building permits to the applicant or his or her successor or assigns if the fees are not paid.

SECTION 3: Amendment to Section 3.01.002 (Projects involving extension or alteration of city utilities roads) of Chapter 3 (Building Regulations) (Ordinance No. 02-08-99-6), Article 3.01 (General Provisions) of the Code of Ordinances. Chapter 3 Building Regulations, Article 3.01 General Provisions, Section 3.01.002 Projects involving extension or alteration of city utilities roads, of the Code of Ordinances is hereby amended by the addition of Subsection 3.01.002(f) to read in its entirety as follows:

(f) Development Agreement Application.

(1) A \$2,500.00 fee, plus the cost of fees for professional review, including but not limited to legal, engineering, land planning, and financial analysis shall be paid at the time of request for each development agreement application and amendments.

(2) For development agreements requiring an additional city council meeting for consideration and action an additional fee of \$1,000.00 will be required.

(3) For development agreements requesting consideration and action on of a special district including but not limited to a MUD, MMD, PID, WCID, or FWSD a fee of \$15,000.00 plus the cost of fees for professional review including but not limited to legal,

engineering, land planning, financial analysis, and legislative representation shall be paid at the time of request for each development agreement application and/or amendments.

(4) For development agreements requesting consideration and action on of a tax incremental reinvestment zone or other form of tax financing agreement a fee of \$15,000.00 plus the cost of fees for professional review including but not limited to legal, engineering, land planning, and financial analysis shall be paid at the time of request for each development agreement application and/or amendments.

(5) For development agreements requiring a legislative consultant a fee of \$50,000.00 is required for applicable development agreement considerations.

(6) Requests for memorandums of understanding require a fee of \$1,500.00 plus the cost of fees for professional review, including but not limited to legal, engineering, land planning, and financial analysis shall be paid at the time of request.

(7) All applications shall be accompanied by a deposit of \$5,000.00 as required by section 14.01.001(j) of this Code.

SECTION 4: Amendment to Appendix of Chapter 10 (Subdivision Regulations) (Ordinance No. 030609-3), Article 10.02 (Subdivision Ordinance), Exhibit A, of the Code of Ordinances. Chapter 10 Subdivision Regulations, Article 10.02 Subdivision Ordinance, Exhibit A, Appendix, of the Code of Ordinances is hereby amended to read in its entirety as follows:

APPENDIX A

SURVEYOR'S CERTIFICATE

That I, _____, Registered Professional Land Surveyor, do hereby certify that this plat was prepared from an actual and accurate survey of the land made on the ground and that the corner monuments shown thereon were properly placed under my personal supervision in accordance with the platting rules and regulations of the City of Gunter, Texas.

Name

Registered Professional Land Surveyor

RPLS No. _____

STATE OF TEXAS

COUNTY OF GRAYSON

Before me, _____, a Notary Public in and for Grayson County, Texas, on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, A.D. 20____.

Notary Public in and for Grayson County, Texas

My commission expires: _____

FILING FEES AND CHARGES

The following schedule of fees and charges shall be paid to the City when any plat or annexation petition is tendered to the Planning and Zoning Commission, City Council, or any other authorized board or agency of the City. No application is complete unless all of the information required by the city and all application materials required by the City are included, and all required fees section are paid. An application is not considered filed until it is complete.

Each of the fees and charges provided herein shall be paid in advance, and no action of the Commission, the City Council or any other board or agency shall be valid until the fee or fees shall have been paid to the officer designated therein.

These fees shall be charged on all plats, regardless of the action taken by the Planning and Zoning Commission and the City Council, and whether the plat is approved or denied.

The subdivider shall cause a check to be made payable to the City of Gunter to cover all recording fees involved in finishing the platting process and have this delivered to the City Secretary prior to the submission for approval.

The City shall calculate the fees and charges, in accordance with the following schedule.

Preliminary Plats

\$300.00 per plat, plus \$15.00 per lot.

Final Plats

\$400.00 per plat, plus \$10.00 per lot.

Combination Preliminary and Final Plats

\$400.00 per plat, plus \$10.00 per lot.

Multiple Dwelling, Commercial, or Industrial Areas

For approval of multiple dwelling areas, commercial or industrial areas not subdivided into lots, the preliminary plats shall carry a fee of \$300.00 per plat, plus \$5.00 per acre. The fee for the final plat shall be \$400.00 per plat, plus \$5.00 per acre.

Modular Homes

\$200.00 per plat, plus \$3.00 per lot.

Manufactured Home Subdivision

\$200.00 per plat, plus \$3.00 per lot or mobile home space.

Manufactured Home Parks

\$200.00 per plat, plus \$3.00 per mobile home space.

Replat and Amended Plat

\$300.00 per plat, plus \$15.00 per lot.

Annexation

The annexation fee is associated with the annexation by petition. This fee is set at a minimum of \$250.00 or actual costs of public notice and publications in addition to a review by contract or professional personnel. The fee may be waived at the discretion of the council for forced annexation.

Street Name Change

\$200.00, plus the cost of the new street name blades.

SECTION 5: Amendment to Paragraph 5.11(c) of Chapter 10 (Subdivision Regulations) (Ordinance No. 030609-3), Article 10.02 (Subdivision Ordinance), Exhibit A, Section 5 (Requirements for Public Improvement and Design), Subsection 5.11 (Public Land Requirements) of the Code of Ordinances. Chapter 10 Subdivision Regulations, Article 10.02 Subdivision Ordinance, Exhibit A, Section 5 Requirements for Public Improvement and Design, Subsection 5.11 Public Land Requirements, Paragraph 5.11(c) of the Code of Ordinances is hereby amended to read in its entirety as follows:

(c) Parks, School Sites, Public Areas. Preliminary subdivision plats shall provide sites for schools, parks, or other public areas as set out in the City's Comprehensive Plan. A dedication of five percent (5%) of the total tract acreage shall be required and used as parkland. In lieu of the dedication, the subdivider may pay to the City an amount of \$1,500 per residential lot or the value of five percent (5%) of the total tract acreage for nonresidential uses. Said value shall be determined by an independent certified property appraiser, to be selected by the City, in the event that subdivider and City cannot agree on the value of the property. It shall be the City's decision on whether dedication of acreage or cash payment or a combination thereof shall be required. The dedication and/or payment shall be made upon approval of the final plat and prior to the construction of any infrastructure improvements.

SECTION 6: Amendment to Subsection 3.05.003(c) (Establishment of Development Permit) of Chapter 3 (Building Regulations) (Ordinance No. 2010-09-27-02, Art. 3), Article 3.05 (Flood Damage Prevention), Section 3.05.003 (General Provision) of the Code of Ordinances. Chapter 3 Building Regulations, Article 3.05 Flood Damage Prevention, Section 3.05.003 General Provisions, Subsection 3.05.003(c) Establishment of Development Permit, of the Code of Ordinances is hereby amended to read in its entirety as follows:

(c) Establishment of development permit. A floodplain development permit shall be required to ensure conformance with the provisions of this article. There shall be a fee charged for all permits issued under this Article. The fee shall be \$300.00 for three (3) to twenty (20) acres, and \$500.00 above twenty (20) acres.

SECTION 7: SAVINGS/REPEALING: All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

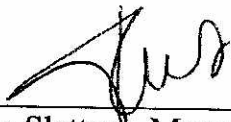
SECTION 8: SEVERABILITY: Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional, illegal or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Gunter hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 9: PENALTY: Any person, firm, corporation or business entity violating this Ordinance, the Zoning Ordinance, or any portions thereof shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding five hundred dollars and no/100 (\$500.00) per day, but if related to public safety, zoning, public health or sanitation then two thousand dollars and no/100 (\$2000.00). Each continuing days' violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Gunter from filing suit to enjoin the violation. Gunter retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 10: EFFECTIVE DATE: This Ordinance shall take effect immediately upon and after its passage.

PASSED AND ADOPTED by the City Council of the City of Gunter, Grayson County, Texas, on this 10th day of September, 2015.

Approved:



Tim Slattery, Mayor

Attest:



Tena A. Brown, City Secretary



**AGREEMENT FOR PAYMENT OF REVIEW AND DEVELOPMENT
EXPENSES INCURRED BY THE CITY DEVELOPMENT REVIEW PROCESS**

THIS AGREEMENT ("the Agreement") is entered into this ____ day of _____, 201__, by and between the City of Gunter, Texas ("the City"), and _____, ("the Applicant") (collectively herein referred to as "the Parties").

WHEREAS, the Applicant owns or is the authorized agent of the owner of certain property situated in the Grayson County, Texas described on **Exhibit A**, attached hereto and incorporated herein by reference ("the Property");

WHEREAS, the development review process includes review of all aspects of land use including, but not limited to annexation, subdivision, zoning development agreements, change of land use, site plan review, installation of public improvements, dedication of lands and the availability of and feasibility of providing utility services;

WHEREAS, the Applicant desires to develop the Property and has made application to the City for _____;

WHEREAS, Section 14.01.001 of the Code of Ordinances provides for certain development related fees;

WHEREAS, the Parties desire to memorialize their intent regarding the payment of said fees by the Applicant;

WHEREAS, the Parties hereto recognize that the City will continue to incur expenses through the entire development review process until final completion of the development including but not limited to: legal publications, notices, reproduction of materials, public hearing expenses, recording of documents, planning fees, engineering fees, attorney fees, special constant fees, and fees for administrative time of City staff, security, permits and easements; and

WHEREAS, the City has customarily incurred significant expenses associated with ensuring an applicant's compliance with design and construction specifications for public improvements, such as roads, drainage improvements, and water and sanitary sewer improvements, and these expenses oftentimes exceed the land use fees paid by the applicant as part of the customary review processes.

NOW, THEREFORE, for and in consideration of the foregoing premises and of the mutual promises and conditions hereinafter contained, it is hereby agreed as follows:

1. For purposes of this Agreement, "Application" shall mean and include all documentation, data, and information submitted to the City in order to seek or obtain approval of development of or land use approval for the Property, including but not limited to site plans, engineering and surveying documentation,

engineering and other professional reports and studies, and any construction documentation required to authorize the construction of public or other improvements within the Property. The Parties acknowledge that Applicant has paid the deposits required in Section 14.01.001(j)-(k) of the Code of Ordinances.

2. Applicant shall pay all invoices submitted by the City within ten (10) days of the City's delivery of such invoice. Failure by the Applicant to pay any invoice within the specified time shall be cause for the City to cease processing the Application, cease development of the Property, deny approval of the Application, withhold the issuance of building permits or certificates of occupancy and for the City to exercise such rights and remedies as otherwise available to it in law or equity or under the applicable provisions of the City Code.

3. Except where the law of an agreement with the City provides otherwise, the Applicant may terminate its application at any time by giving written notice to the City. The City shall take all reasonable steps necessary to terminate the accrual of costs to the Applicant and file such notices as are required by the City's regulations. The Applicant shall be liable to all costs incurred by the City in terminating the processing of the Application.

4. If the Applicant fails to pay the fees and costs required herein when due, the City may take those steps necessary and authorized by law to collect the fees and costs due, in addition to exercising those remedies set forth in Section 2 above. The City shall be entitled to recover from the Applicant all court costs and attorneys' fees incurred in collection of the balance due, including interest on the amount due from its due date at the rate of 18% per annum.

5. The City will account for all funds expended and fees and expenses incurred by the City as a result of the development review of the Application throughout the development process. The City will make statements of expenses incurred available to the Applicant. Expenses to be charged to the Applicant's account shall include, but shall not be limited to legal publications, notices, reproduction of materials, public hearing expenses, recording of documents, planning fees, engineering fees, attorney fees, special consultant fees, fees for administrative time of City staff, security, permits and easements. Within sixty (60) days after the completion of the processing of the application by the City, the City will provide the Applicant with a statement of account and will refund to the Applicant any funds paid by the Applicant that were not expended by the City, except where the Parties expressly agree to the contrary.

6. Applicant's obligation to pay the costs and expenses provided for in this Agreement shall exist and continue independent of whether the Application, or any part thereof, is approved, approved with conditions, denied, withdrawn, or terminated by the City or the Applicant prior to a final decision in the process. The Applicant agrees to pay all expenses regardless of whether the City approves or denies the Application. The City shall not be stopped or otherwise limited or

precluded from denial or conditional approval of the Application by the terms, conditions, or obligations of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

APPLICANT:

By : _____ Date : _____

- ☐ Owner of Property
☐ Authorized Agent of Owner

Printed Name: _____

Title: _____

STATE OF TEXAS)
COUNTY OF GRAYSON)

SIGNED under oath before me on this ____ day of _____, 2015.

My Commission Expires: _____

Notary Public, State of Texas

CITY OF GUNTER:

By : _____ Date : _____
Tim Slattery, Mayor

ATTEST:

By : _____ Date : _____
Tena Brown, City Secretary

**ATTACHMENT A
TASK ORDER**

MASTER SERVICE AGREEMENT (MSA), Task Order No. 7

Pursuant and subject to the above captioned MSA dated September 22, 2014 between City of Gunter (Client) and CobbFendley & Associates, Inc. (Consultant). CLIENT hereby requests that CONSULTANT performs the work described below upon the terms set forth:

CLIENT PROVIDED INFORMATION:

Work Site: City of Gunter
Work to Be Performed: Perform various City Engineering services for the City of Gunter
Drawings, plans, specifications (are) (are not) attached: None
Date and Time to Commence: October 1, 2014
Date and Time to Complete: September 30, 2015
Equipment, vehicles, tools, materials, supplies to be furnished or obtained through third parties by CLIENT (if any): None
Invoice Mailing Instructions: Monthly per the Master Service Agreement
Other Requirements or Variance from MSA (if any): None.

CONSULTANT PROVIDED INFORMATION:

Compensation: \$10,000.
This allocation will allow CobbFendley to act as the City Engineer and perform minor engineering services. This allocation does not provide sufficient funds to perform this service for the contract duration. As this allocation is used, CobbFendley will notify the City and request additional funding authorization to continue this service.

Scope of Work:
Attend City meetings and perform miscellaneous engineering tasks as requested and approved by the City Secretary.

ACCEPTANCE:

The foregoing TASK ORDER is accepted on the terms set forth as indicated by the signatures below.

CONSULTANT

COBB, FENDLEY & ASSOCIATES, INC.

By: Ted Sugg

Printed Name: Ted B. Sugg, P.E.

Title: Principal, Regional Municipal Manager

Date: 7-9-15

CLIENT

By: [Signature]

Printed Name: Tom Slattery

Title: Mayor

Date: 9/10/15

**ATTACHMENT A
WORK ORDER**

MASTER SERVICE AGREEMENT (MSA), Work Order No. 6

Pursuant and subject to the above captioned MSA dated September 22, 2014 between City of Gunter (Client) and CobbFendley & Associates, Inc. (Consultant). CLIENT hereby requests that CONSULTANT performs the work described below upon the terms set forth:

CLIENT PROVIDED INFORMATION:

Work Site: City of Gunter
Work to Be Performed: Development of Design Manual and Standard Details
Drawings, plans, specifications (are) (are not) attached: None
Date and Time to Commence: November 1, 2014
Date and Time to Complete: December 1, 2015 (Will extend into the 2015 MSA)
Equipment, vehicles, tools, materials, supplies to be furnished or obtained through third parties by CLIENT (if any): None
Invoice Mailing Instructions: Monthly per the Master Service Agreement
Other Requirements or Variance from MSA (if any): None.

CONSULTANT PROVIDED INFORMATION:

Compensation: \$20,000.

The total estimated fee for this task is not to exceed \$40,000. At the request of the City Council on October 27, 2014, this effort was split into two task orders, the first being an authorization for \$20,000 executed as Task Order No. 3 on 10-31-14. This request for the remaining \$20,000 is to complete the task.

Scope of Work:

Review and update the City Subdivision Ordinance and design standards to be consistent with area regulations and to meet the needs of the City. The design standards will ensure the City is receiving quality design and construction for projects within the City. The standards will also provide a way for the City to enforce minimum design requirements on new developments and rehabilitations.

ACCEPTANCE:

The foregoing TASK ORDER is accepted on the terms set forth as indicated by the signatures below.

CONSULTANT

COBB, FENDLEY & ASSOCIATES, INC.

By: Ted Sugg

Printed Name: Ted B. Sugg, P.E.

Title: Principal Regional Municipal Manager

Date: 7-9-15

CLIENT

By: [Signature]

Printed Name: Tim Slaten

Title: Mayor

Date: 9/10/15

**ATTACHMENT A
WORK ORDER**

MASTER SERVICE AGREEMENT (MSA), Work Order No. 6

Pursuant and subject to the above captioned MSA dated September 22, 2014 between City of Gunter (Client) and CobbFendley & Associates, Inc. (Consultant). CLIENT hereby requests that CONSULTANT performs the work described below upon the terms set forth:

CLIENT PROVIDED INFORMATION:

Work Site: City of Gunter
Work to Be Performed: Development of Design Manual and Standard Details
Drawings, plans, specifications (are) (are not) attached: None
Date and Time to Commence: November 1, 2014
Date and Time to Complete: December 1, 2015 (Will extend into the 2015 MSA)
Equipment, vehicles, tools, materials, supplies to be furnished or obtained through third parties by CLIENT (if any): None
Invoice Mailing Instructions: Monthly per the Master Service Agreement
Other Requirements or Variance from MSA (if any): None.

CONSULTANT PROVIDED INFORMATION:

Compensation: \$20,000.

The total estimated fee for this task is not to exceed \$40,000. At the request of the City Council on October 27, 2014, this effort was split into two task orders, the first being an authorization for \$20,000 executed as Task Order No. 3 on 10-31-14. This request for the remaining \$20,000 is to complete the task.

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CONSULTANT

COBB, FENDLEY & ASSOCIATES, INC.

By: Ted Sugg

Printed Name: Ted B. Sugg, P.E.

Title: Principal Regional Municipal Manager

Date: 7-9-15

CLIENT

By: Tim Slattery

Printed Name: Tim Slattery

Title: Mayor

Date: 9/10/15