

**MINUTES OF THE SPECIAL MEETING
OF THE OAK LEAF CITY COUNCIL
HELD ON JULY 29, 2014
AT 7:00 P.M.
AT OAK LEAF CITY HALL**

I. CALL TO ORDER & ROLL CALL:

Council Members Present:

Mayor Craig Wilson

Councilman Bob Rader

Councilman Matthew Gardner

Mayor Pro Tem James Pierce

Councilman Joyce Liptak

Councilman Mark Bounds

City Staff Present:

City Secretary Ronda Quintana

MAYOR WILSON CALLED THE SPECIAL CITY COUNCIL MEETING TO ORDER AT 7:05 P.M. AND ANNOUNCED A QUORUM PRESENT.

A. INVOCATION:

Mayor Wilson gave the invocation.

B. PLEDGE OF ALLEGIANCE:

It was followed by the declaration of the Pledge of Allegiance by the City Council and audience members.

II. AUDIENCE PARTICIPATION:

All audience members deferred their comments until discussion of Special Agenda Item A.

III. SPECIAL AGENDA ITEM:

A. Discussion and Possible Approval of a Plat Request to Subdivide a 7.765 Acre Tract Owned by David Dewberry Located in the Center of Lariat Circle into Two Lots (4.742 Acres and 3.023 Acres)

Mayor Wilson invited Mr. Derick Singleton to speak on behalf of his father-in-law, Mr. David Dewberry. Mr. Singleton indicated the 7.765 acre tract had been purchased four or five years ago with the intention of building on the property after Mr. Dewberry retired. But that has changed and he is not going to build. For the last sixteen months, he has tried to sell the property as one lot, but there had been no legitimate offers for the entire lot. Because of its odd shape, Mr. Dewberry has decided to divide the property and sell it as two lots. Mr. Singleton also commented on the accumulating expenses associated with ownership of the property and the benefit of dividing the tract to promote development of the property.

Councilman Liptak voiced her concern regarding the southeast corner of proposed Lot 12 and the close proximity of a utility pole, fire hydrant and water lines if it were used as a point of access. Mr. Singleton responded by stating City Code dictates the approach of a driveway is sixteen feet, and that particular location the width is nineteen feet, so there would be three feet to play with. Councilman Liptak then inquired if there is a utility easement in that corner of the lot, to which Mr. Singleton replied that the potential buyer would have to determine if there was one. After that, Councilman Liptak made a remark about the possibility of an alternative point of access for Lot 12. Mayor Wilson mentioned a driveway approach is sixteen feet, but the width of a driveway is only ten feet.

Councilman Liptak then verified that City Council was only discussing the division of the tract into two lots, and she received an affirmative response from Mayor Wilson. Mayor Pro Tem Pierce inquired why the property was being divided in such a manner, and Mr. Singleton stated they tried to create a sense of space and privacy.

Mayor Wilson invited Mr. Ray Choate, citizen at 1002 Lariat Circle, to speak, and he asked about the original plat for the property, which had a road going into the center of the property. He stated that his grandfather, Leslie C. Hackler, had owned and platted the Lariat Circle area years ago, and he wanted to know why his grandfather's subdivision design had not been incorporated into Mr. Dewberry's plat. Mayor Wilson replied that Mr. Dewberry's surveyor had researched Ellis County records before submitting the proposed plat and had found no record of Mr. Hackler's original plat being filed with the county.

Ms. Nancy Barker, citizen at 1103 Lariat Circle, was then recognized, and she asked about the city's ability to control the location and size of the road/driveway into Lot 12. Mayor Wilson indicated the city was not at a point to develop the property or install roads, just subdivide the tract. Ms. Barker then mentioned she has lived on her property for twenty-five years, and during that time, she had suffered damage from rain water runoff because of the natural contour of Mr. Dewberry's property. Ms. Barker indicated she had taken measures to route the water away from her house. However, if a driveway or road was installed at the southeast corner of Lot 12, it could cause future damage to her property.

Mr. Barry Young, citizen at 1003 Lariat Circle, supported the idea of using the original Leslie C. Hackler plat to determine the placement of a road as it was originally planned rather than accessing proposed Lot 11 from Lot 12. Mr. Young then stated he understood splitting the tract into two lots, but the potential road should be made apparent.

Mr. Tim Henry, citizen at 1006 Lariat Circle, asked if it would be possible for the two proposed lots to be divided again. Mayor Wilson indicated it may be possible, but it would be a matter for discussion at another time and that the residents would be given the opportunity to voice their opinions if it came about.

Councilman Rader indicated Mr. Dewberry should create a situation to make property more saleable. He then asked how a road installed at the southeast corner of Lot 12 would affect the property. Mr. Singleton reiterated that Mr. Dewberry was only trying to divide and sell the property in smaller portions, not determine where a future driveway or road would be located. Mr. Singleton then pointed out that the city would benefit if the property owner paid residential taxes instead of agricultural exempt taxes.

Councilman Rader commented about some of the houses along Red Oak Creek Road being built a long distance from the road and how they affect the salability of the other properties in the area. Mr. Singleton agreed. Councilman Liptak verified again that the council members were only voting to divide the tract into two lots.

Councilman Rader then made a motion to approve the plat as presented. Councilman Bounds seconded the motion. There was no further discussion of the item, so Mayor Wilson called for a vote.

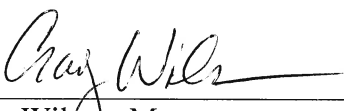
Ayes: All
Nays: None
The motion passed.

IV. ADJOURNMENT:

Mayor Pro Tem Pierce motioned to adjourn at 7:41 p.m., and it was seconded by Councilman Liptak. Mayor Wilson called for a vote.

Ayes: All
Nays: None
The motion passed.

PASSED THIS 9th DAY OF September, 2014



Craig Wilson, Mayor

ATTEST: 
Ronda Quintana, City Secretary