

**REQUEST FOR AGENDA PLACEMENT FORM**

OCT 13 2017

Submission Deadline - Tuesday, 12:00 PM before Court Dates

SUBMITTED BY: Commissioner Larry Woolley  
TODAY'S DATE: October 3, 2017

DEPARTMENT: Precinct 4

SIGNATURE OF DEPARTMENT HEAD:

REQUESTED AGENDA DATE: October 13, 2017

SPECIFIC AGENDA WORDING: Consideration of County Road Cuts on CR 801C and Industrial Blvd (CR 700) to accommodate City of Cleburne Sewer Line Project in Johnson County, Texas – Precinct 4.

PERSON(S) TO PRESENT ITEM: Commissioner Larry Woolley

SUPPORT MATERIAL: (Must enclose supporting documentation)

TIME: 10 min

ACTION ITEM: X

WORKSHOP \_\_\_\_\_

(Anticipated number of minutes needed to discuss item)

CONSENT: \_\_\_\_\_

EXECUTIVE: \_\_\_\_\_

STAFF NOTICE:

COUNTY ATTORNEY: X

IT DEPARTMENT: \_\_\_\_\_

AUDITOR: \_\_\_\_\_

PURCHASING DEPARTMENT: \_\_\_\_\_

PERSONNEL: \_\_\_\_\_

PUBLIC WORKS: \_\_\_\_\_

BUDGET COORDINATOR: \_\_\_\_\_

OTHER: \_\_\_\_\_

\*\*\*\*\*This Section to be Completed by County Judge's Office\*\*\*\*\*

ASSIGNED AGENDA DATE: \_\_\_\_\_

REQUEST RECEIVED BY COUNTY JUDGE'S OFFICE \_\_\_\_\_

COURT MEMBER APPROVAL \_\_\_\_\_ Date \_\_\_\_\_



TAYLOR·OLSON·ADKINS·SRALLA·ELAM  
L.L.P.  
ATTORNEYS & COUNSELORS

6000 WESTERN PLACE, SUITE 200  
1-30 AT BRYANT IRVIN ROAD  
FORT WORTH, TEXAS 76107  
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TELEPHONE: (817) 332-2580  
TOLL FREE: (800) 318-3400  
FACSIMILE: (817) 332-4740  
WEBSITE: WWW.TOASE.COM

Fredrick "Fritz" Quast  
[fquast@toase.com](mailto:fquast@toase.com)  
Ext. 219  
Direct: (817) 806-5219

September 22, 2017

**Via Email: Steve.Polasek@cleburne.net**

Steve Polasek, City Manager  
City of Cleburne  
P.O. Box 677  
10 North Robinson Street  
Cleburne, Texas 76033

Re: Highway 174 North Sewer Interceptor; Aerial Creek Crossing

Dear Steve:

You have asked me to opine on an issue that has arisen concerning the above-referenced sanitary sewer line project. A relatively small portion of the line is located outside the City of Cleburne's limits in the extraterritorial jurisdiction (ETJ). A section of the line in the City's ETJ intersects a creek and the attendant floodplain. As designed, there is an aerial crossing of the creek by the proposed line.

Construction on the project has commenced, but Johnson County's public works director, Mr. Thomas Disheroon, has threatened to stop work on the project. He takes the position the county's and Federal Emergency Management Agency's (FEMA) floodplain regulations require all sanitary sewer lines located in a floodplain to be buried a minimum of four feet. I have been informed lowering the sewer line to this extent would require installing a lift station at considerable additional expense (as much as \$200,000.00) to the City's taxpayers.

I am quite familiar with the National Flood Insurance Program (NFIP) administered by FEMA and the regulations local jurisdictions must impose and enforce to participate in the program. In addition, I have performed considerable research of the current federal regulations and cases and administrative decisions interpreting them, and FEMA publications and other guidance documents under the NFIP. I have been unable to find any regulation or other document that even suggests burying sewer lines in a floodplain is required, much less at the depth suggested.

The NFIP regulations only generally require that: (1) new development is reviewed to ensure utilities are built in a manner to minimize or eliminate flood damage; (2) new sanitary sewer systems be designed to minimize or eliminate infiltration of flood waters into the sewer system and discharge from the system into flood waters. Specifically:

(4) If . . . proposed new development is in a flood-prone area, any such proposals shall be reviewed to assure that . . . all public utilities and facilities, such as sewer,

gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage.

....

(6) Require within flood-prone areas (i) new and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

44 C.F.R. § 60.3(a)(4)(ii) & (a)(6)(i). Consistent with these federal regulations, Johnson County has adopted regulations which essentially mimic these regulations.<sup>1</sup> There is nothing in the county's regulations which mandate what is now demanded by Mr. Disheroon. And there is no question the City's project can adhere to the FEMA and county regulations without burying the line.

It now appears the standard referenced by Mr. Disheroon was a standard the county imposed on *pressurized* gas pipelines, not gravity-driven sanitary sewer lines. If we are unable to have Mr. Disheroon reconsider his interpretation of the county's floodplain regulations, then the City has several options:

- (1) the City may appeal or seek a variance of the county floodplain regulations from the county commissioners court;
- (2) if relief is not granted by the commissioners court, further challenge the interpretation in district court; or
- (3) the City could avoid the county's floodplain regulations and Mr. Disheroon's interpretation of them by simply annexing the property where the crossing is located.

If you have any questions regarding this matter please do not hesitate to give me a call.

Sincerely,

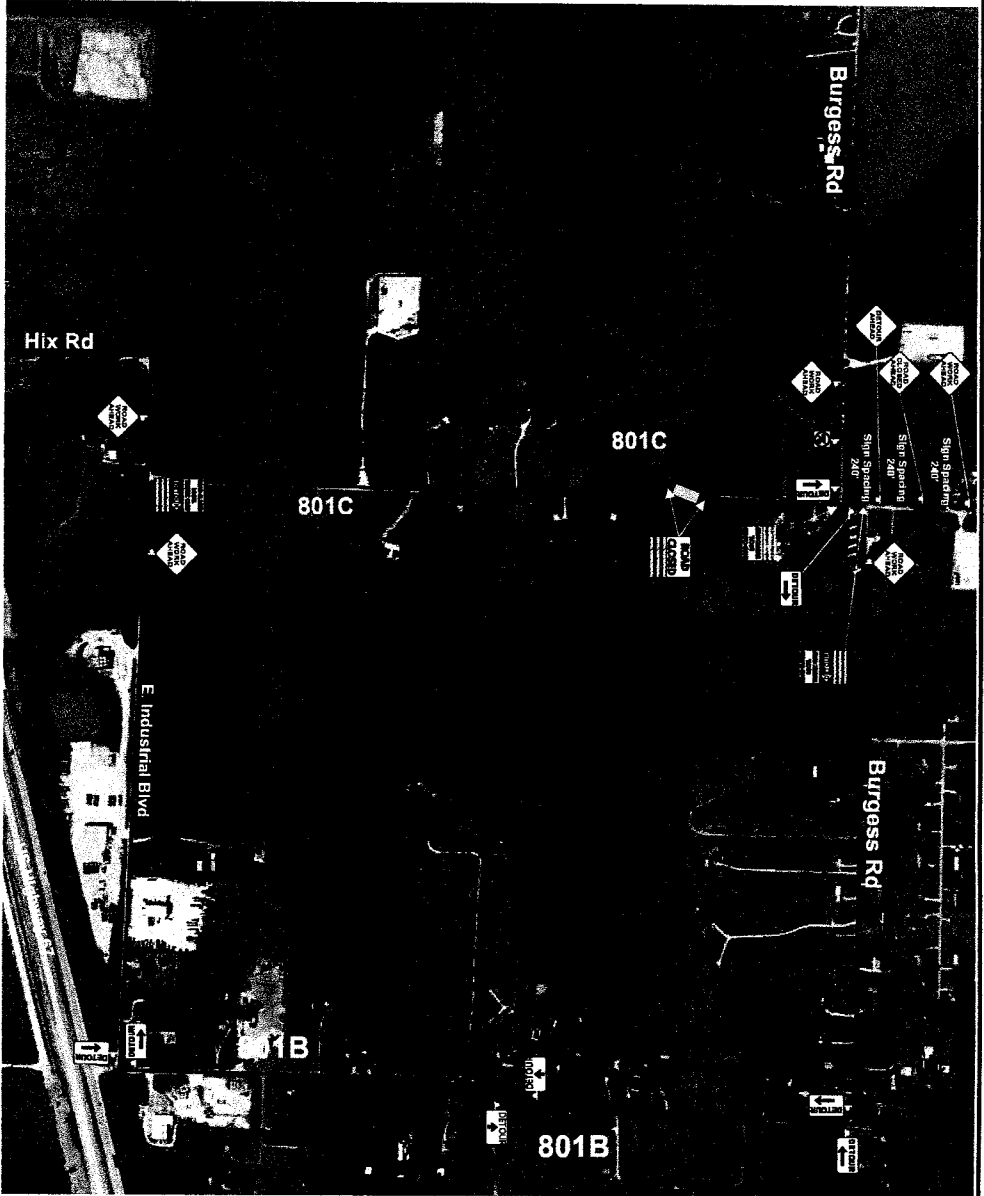


Fredrick "Fritz" Quast,  
City Attorney

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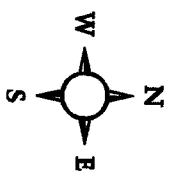
<sup>1</sup> See Johnson County Commissioners Court Order No. 2012-29, Johnson County Flood Damage Prevention Order of 2012 (passed November 26, 2012).

| Advance Warning Sign Grades for Construction Rightways |                   | Advance Warning Sign Grades for Construction Rightways |                   |
|--|-------------------|--|-------------------|
| Post Sign Spacing (ft)                                 | Sign Spacing (ft) | Post Sign Spacing (ft)                                 | Sign Spacing (ft) |
| 30   | 120               | 180  | 30                |
| 35   | 140               | 245  | 35                |
| 40   | 160               | 300  | 40                |
| 45   | 180               | 360  | 45                |
| 50   | 200               | 420  | 50                |
| 55   | 220               | 480  | 55                |
| 60   | 240               | 540  | 60                |
| 65   | 260               | 600  | 65                |
| 70   | 280               | 660  | 70                |
| 75   | 300               | 720  | 75                |
| 80   | 320               | 780  | 80                |
| 85   | 340               | 840  | 85                |
| 90   | 360               | 900  | 90                |
| 95   | 380               | 960  | 95                |
| 100  | 400               | 1020   | 100               |
| 105  | 420               | 1080   | 105               |
| 110  | 440               | 1140   | 110               |
| 115  | 460               | 1200   | 115               |
| 120  | 480               | 1260   | 120               |



**NOTICE**  
 THIS PLAN IS FOR ILLUSTRATIVE PURPOSES ONLY AND IS NOT INTENDED TO RELIEVE THE CONTRACTOR FROM THE REQUIREMENTS OF THE CONTRACT DOCUMENTS, THE MOST CURRENT VERSION OF THE TEXAS MUTCD AND ALL OTHER APPLICABLE REQUIREMENTS. ANY CHANGES TO THIS PLAN, WORK ZONE CONDITIONS, OR TRAFFIC CONDITIONS, ALSO DO NOT RELIEVE THE CONTRACTOR FROM MAINTAINING PROPER WORK ZONE SAFETY AND THE SAFETY OF THE GENERAL PUBLIC. ANY CHANGES SHALL MEET THE REQUIREMENTS OF THE CONTRACT DOCUMENTS, THE MOST CURRENT VERSION OF THE TEXAS MUTCD AND ALL OTHER APPLICABLE GUIDELINES AND SPECIFICATIONS.

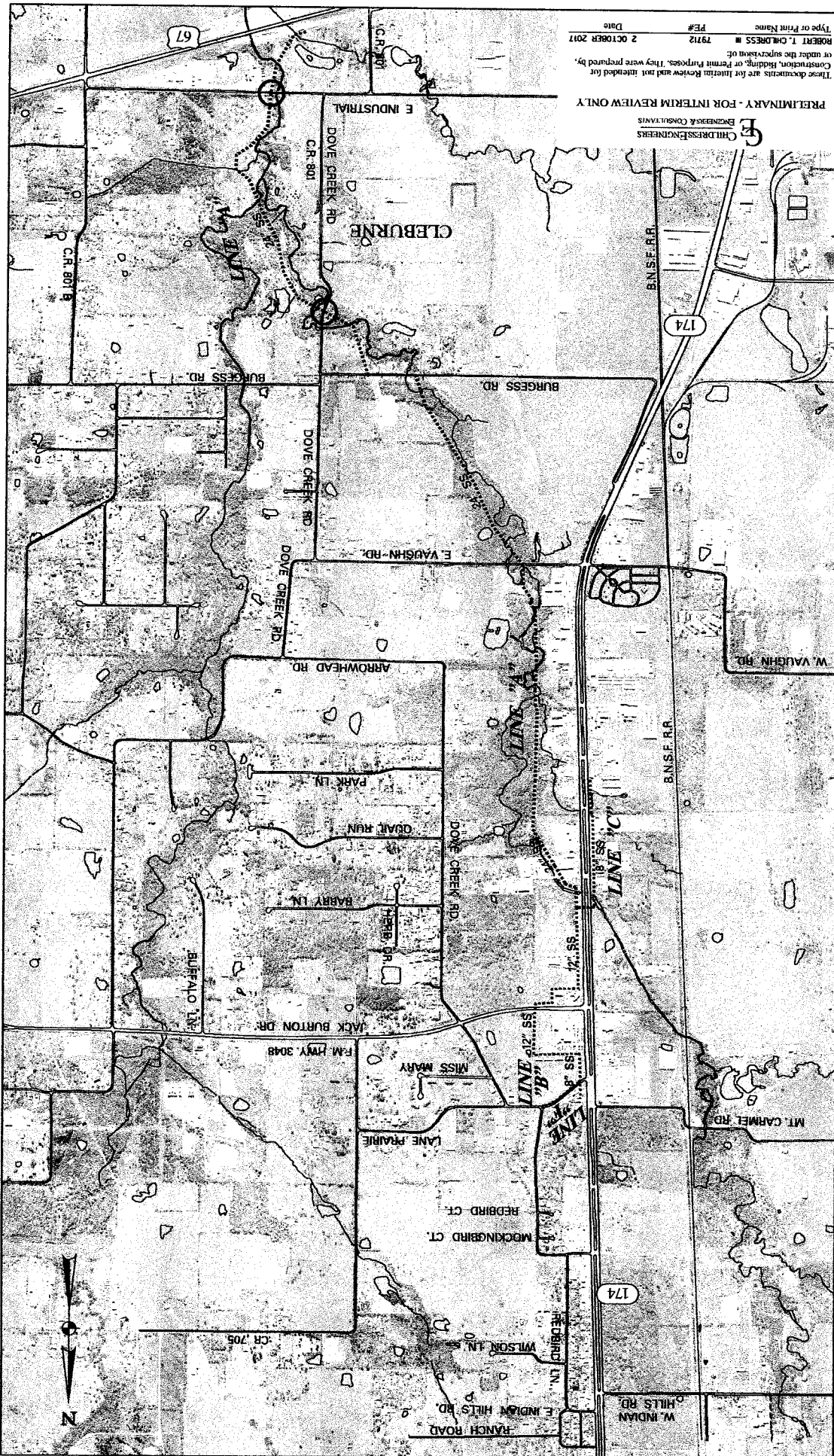
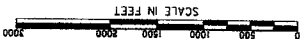
**Notes:**  
**1. Businesses and residents must have access at all times.**



= Work Zone  
 = Roadway

|                 |  |
|-----------------|--|
| Client          | City of Cleburne   |
| Project Name    | S-7 - Highway 174N Interceptor   |
| Main Contractor | Venus Construction   |
| Date            | 09/27/2017   |
| Drawn By        | CrossRoads, L.P.   |
| Checked By      | Michael A. York, State Registered Professional Engineer, No. 11718344004 |
| Scale           | 1" = 100'  |

ROAD CROSSING LOCATION EXHIBIT



These documents are for location Review and not intended for Construction, Bidding, or Permit Purposes. They were prepared by, or under the supervision of, Robert T. Chmurek, P.E. PE# 79712 Date 2 OCTOBER 2011

PRELIMINARY - FOR INTERIM REVIEW ONLY  
CHMUREK ENGINEERS  
ENGINEERS & CONSULTANTS

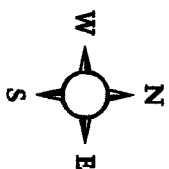
**Advance Warning Sign Spacing for Construction Signage**

| Sign Spacing (ft) | Sign Spacing (ft) | Sign Spacing (ft) | Spacing of Signs |          |
|-------------------|-------------------|-------------------|------------------|----------|
|                   |                   |                   | 1st Sign         | 2nd Sign |
| 30                | 120               | 180               | 30               | 30       |
| 35                | 140               | 210               | 35               | 70       |
| 40                | 160               | 240               | 40               | 80       |
| 45                | 180               | 270               | 45               | 90       |
| 50                | 200               | 300               | 50               | 100      |
| 55                | 220               | 330               | 55               | 110      |
| 60                | 240               | 360               | 60               | 120      |



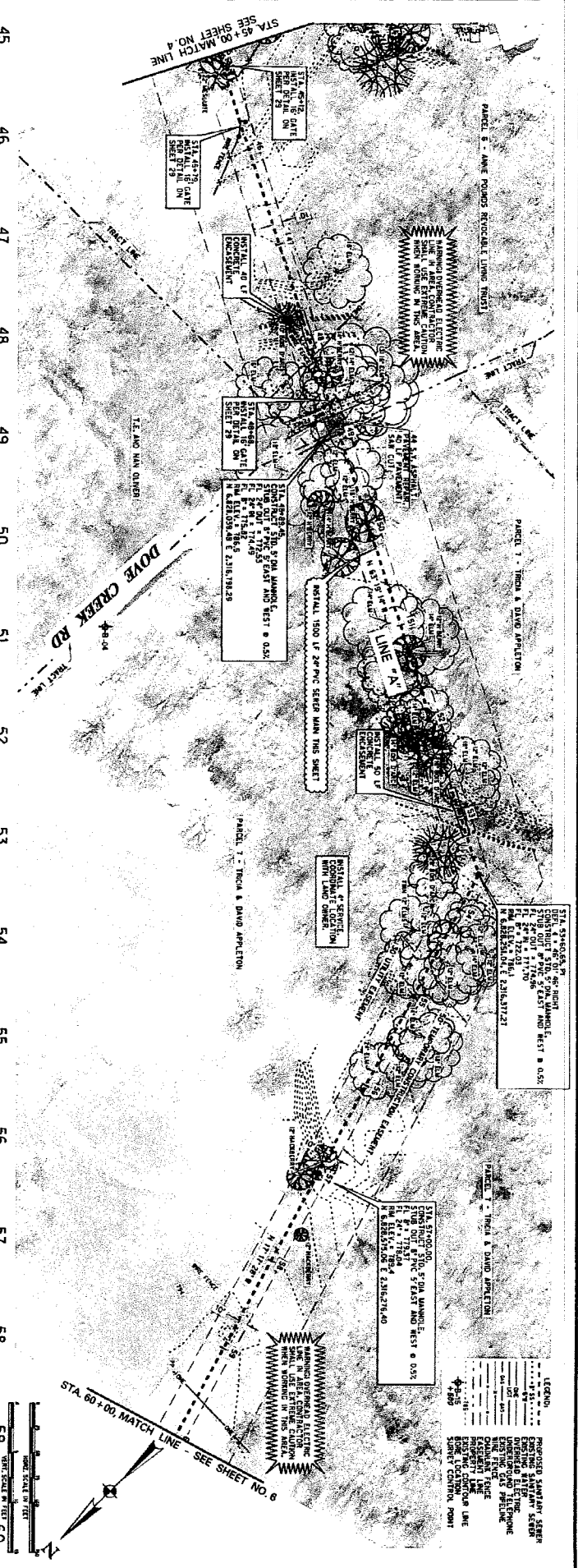
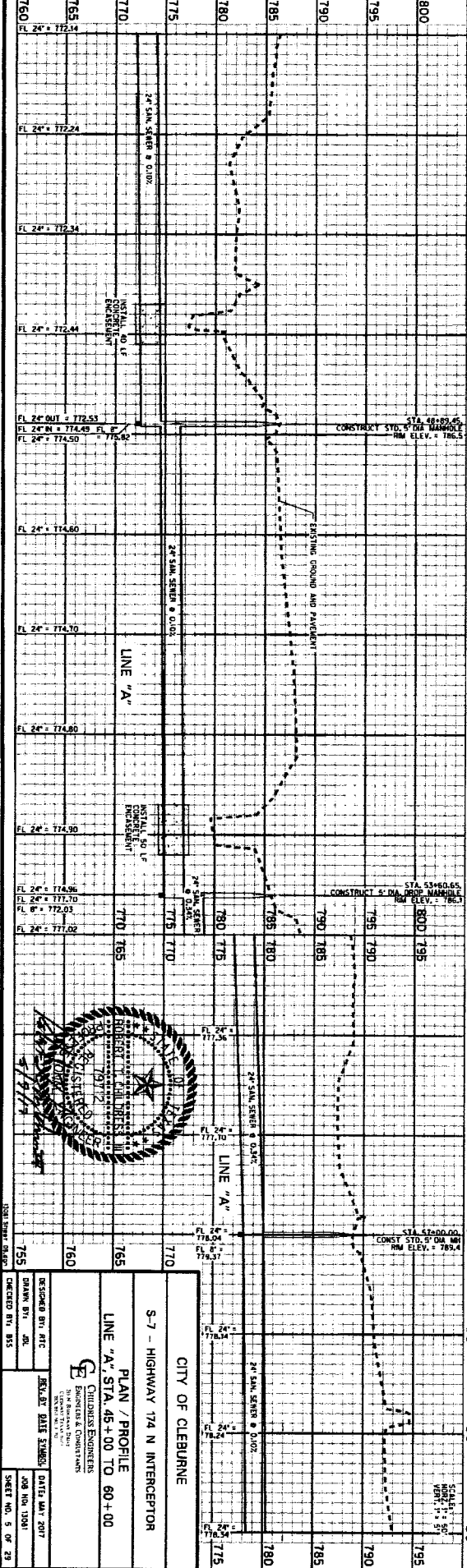
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**Notes:**  
 1. Businesses and residents must have access at all times.



= Work Zone  
 = Roadway

|              |  |
|--------------|--|
| Client       | City of Cleburne   |
| Project Name | S-7 - Highway 174N Interceptor   |
| Plan Number  | Venus Construction   |
| Date         | 09/19/2017   |
| Sheet No.    | 1  |
| Drawn By     | CrossRoads, L.P.   |
| Checked By   | 3012 David Stribling Rd<br>Ft Worth TX 76117<br>Phone: (817) 584-4044<br>Fax: (817) 584-4048 |



**CITY OF CLEBURNE**

S-7 - HIGHWAY 74 N INTERCEPTOR

**PLAN / PROFILE**

LINE "A", STA. 45+00 TO 60+00

**CHILDRESS ENGINEERS**  
ENGINEERS & CONSULTANTS

DESIGNED BY: ATC  
DRAWN BY: JBC  
CHECKED BY: BSS

ISSUED: DATE STAMPS, DATE: MAY 2017  
JOB NO: 10381  
SHEET NO. 5 OF 23

**LEGEND**

- PROPOSED SANITARY SEWER
- EXISTING SANITARY SEWER
- PROPOSED 15" DIA. WATER MAIN
- EXISTING 15" DIA. WATER MAIN
- PROPOSED 18" DIA. WATER MAIN
- EXISTING 18" DIA. WATER MAIN
- PROPOSED 24" DIA. WATER MAIN
- EXISTING 24" DIA. WATER MAIN
- PROPOSED 30" DIA. WATER MAIN
- EXISTING 30" DIA. WATER MAIN
- PROPOSED 36" DIA. WATER MAIN
- EXISTING 36" DIA. WATER MAIN
- PROPOSED 42" DIA. WATER MAIN
- EXISTING 42" DIA. WATER MAIN
- PROPOSED 48" DIA. WATER MAIN
- EXISTING 48" DIA. WATER MAIN
- PROPOSED 54" DIA. WATER MAIN
- EXISTING 54" DIA. WATER MAIN
- PROPOSED 60" DIA. WATER MAIN
- EXISTING 60" DIA. WATER MAIN
- PROPOSED 66" DIA. WATER MAIN
- EXISTING 66" DIA. WATER MAIN
- PROPOSED 72" DIA. WATER MAIN
- EXISTING 72" DIA. WATER MAIN
- PROPOSED 78" DIA. WATER MAIN
- EXISTING 78" DIA. WATER MAIN
- PROPOSED 84" DIA. WATER MAIN
- EXISTING 84" DIA. WATER MAIN
- PROPOSED 90" DIA. WATER MAIN
- EXISTING 90" DIA. WATER MAIN
- PROPOSED 96" DIA. WATER MAIN
- EXISTING 96" DIA. WATER MAIN
- PROPOSED 102" DIA. WATER MAIN
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- PROPOSED 108" DIA. WATER MAIN
- EXISTING 108" DIA. WATER MAIN
- PROPOSED 114" DIA. WATER MAIN
- EXISTING 114" DIA. WATER MAIN
- PROPOSED 120" DIA. WATER MAIN
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- PROPOSED 126" DIA. WATER MAIN
- EXISTING 126" DIA. WATER MAIN
- PROPOSED 132" DIA. WATER MAIN
- EXISTING 132" DIA. WATER MAIN
- PROPOSED 138" DIA. WATER MAIN
- EXISTING 138" DIA. WATER MAIN
- PROPOSED 144" DIA. WATER MAIN
- EXISTING 144" DIA. WATER MAIN
- PROPOSED 150" DIA. WATER MAIN
- EXISTING 150" DIA. WATER MAIN
- PROPOSED 156" DIA. WATER MAIN
- EXISTING 156" DIA. WATER MAIN
- PROPOSED 162" DIA. WATER MAIN
- EXISTING 162" DIA. WATER MAIN
- PROPOSED 168" DIA. WATER MAIN
- EXISTING 168" DIA. WATER MAIN
- PROPOSED 174" DIA. WATER MAIN
- EXISTING 174" DIA. WATER MAIN
- PROPOSED 180" DIA. WATER MAIN
- EXISTING 180" DIA. WATER MAIN
- PROPOSED 186" DIA. WATER MAIN
- EXISTING 186" DIA. WATER MAIN
- PROPOSED 192" DIA. WATER MAIN
- EXISTING 192" DIA. WATER MAIN
- PROPOSED 198" DIA. WATER MAIN
- EXISTING 198" DIA. WATER MAIN
- PROPOSED 204" DIA. WATER MAIN
- EXISTING 204" DIA. WATER MAIN
- PROPOSED 210" DIA. WATER MAIN
- EXISTING 210" DIA. WATER MAIN
- PROPOSED 216" DIA. WATER MAIN
- EXISTING 216" DIA. WATER MAIN
- PROPOSED 222" DIA. WATER MAIN
- EXISTING 222" DIA. WATER MAIN
- PROPOSED 228" DIA. WATER MAIN
- EXISTING 228" DIA. WATER MAIN
- PROPOSED 234" DIA. WATER MAIN
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- PROPOSED 240" DIA. WATER MAIN
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- PROPOSED 246" DIA. WATER MAIN
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- PROPOSED 252" DIA. WATER MAIN
- EXISTING 252" DIA. WATER MAIN
- PROPOSED 258" DIA. WATER MAIN
- EXISTING 258" DIA. WATER MAIN
- PROPOSED 264" DIA. WATER MAIN
- EXISTING 264" DIA. WATER MAIN
- PROPOSED 270" DIA. WATER MAIN
- EXISTING 270" DIA. WATER MAIN
- PROPOSED 276" DIA. WATER MAIN
- EXISTING 276" DIA. WATER MAIN
- PROPOSED 282" DIA. WATER MAIN
- EXISTING 282" DIA. WATER MAIN
- PROPOSED 288" DIA. WATER MAIN
- EXISTING 288" DIA. WATER MAIN
- PROPOSED 294" DIA. WATER MAIN
- EXISTING 294" DIA. WATER MAIN
- PROPOSED 300" DIA. WATER MAIN
- EXISTING 300" DIA. WATER MAIN

**SCALE**

1" = 30'

**VERTICAL SCALE**

1" = 5'

**STATIONING**

750 755 760 765 770 775 780 785 790 795 800

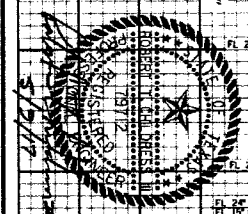
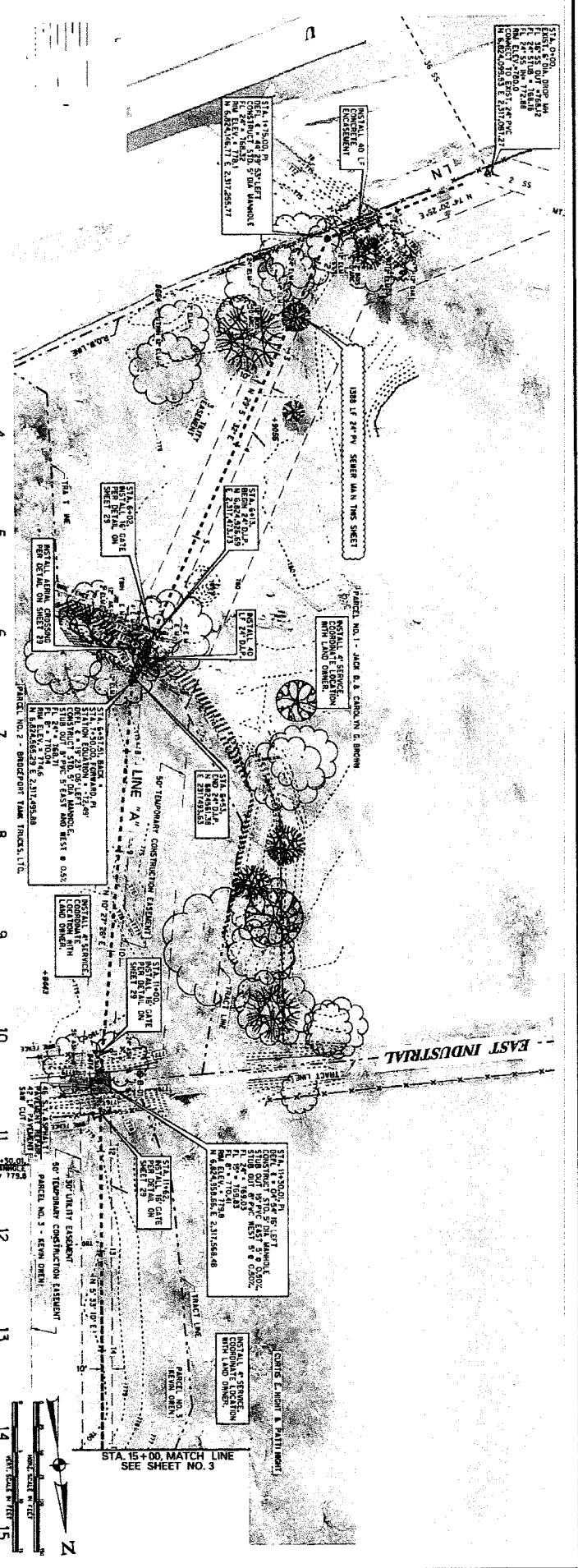
45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60

**NOTES**

- CONSTRUCT 30" DIA. WATER MAIN FROM STA. 45+00 TO STA. 57+00. RM ELEV. = 785.4.
- CONSTRUCT 30" DIA. WATER MAIN FROM STA. 57+00 TO STA. 60+00. RM ELEV. = 785.4.
- CONSTRUCT 30" DIA. WATER MAIN FROM STA. 60+00 TO STA. 66+00. RM ELEV. = 785.4.
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- CONSTRUCT 30" DIA. WATER MAIN FROM STA. 96+00 TO STA. 102+00. RM ELEV. = 785.4.
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- CONSTRUCT 30" DIA. WATER MAIN FROM STA. 282+00 TO STA. 288+00. RM ELEV. = 785.4.
- CONSTRUCT 30" DIA. WATER MAIN FROM STA. 288+00 TO STA. 294+00. RM ELEV. = 785.4.
- CONSTRUCT 30" DIA. WATER MAIN FROM STA. 294+00 TO STA. 300+00. RM ELEV. = 785.4.



|      |  |                               |
|------|--|-------------------------------|
| 745  | FL 24° 55' = 768.12, FL 24° 55' = 712.86 | STA. 0+00<br>ELEV. = 768.12   |
| 750  | FL 24° = 768.26                          | STA. 1+75.00<br>ELEV. = 778.1 |
| 755  | FL 24° = 768.32                          |                               |
| 760  | FL 24° = 768.34                          |                               |
| 765  | FL 24° = 768.42                          |                               |
| 770  | FL 24° = 768.50                          |                               |
| 775  | FL 24° = 768.58                          |                               |
| 780  | FL 24° = 768.66                          |                               |
| 785  | FL 24° = 768.70                          |                               |
| 790  | FL 24° = 768.71                          |                               |
| 795  | FL 24° = 768.77                          |                               |
| 800  | FL 24° = 768.85                          |                               |
| 805  | FL 24° = 768.93                          |                               |
| 810  | FL 24° = 769.01                          |                               |
| 815  | FL 24° = 769.09                          |                               |
| 820  | FL 24° = 769.17                          |                               |
| 825  | FL 24° = 769.25                          |                               |
| 830  | FL 24° = 769.33                          |                               |
| 835  | FL 24° = 769.41                          |                               |
| 840  | FL 24° = 769.49                          |                               |
| 845  | FL 24° = 769.57                          |                               |
| 850  | FL 24° = 769.65                          |                               |
| 855  | FL 24° = 769.73                          |                               |
| 860  | FL 24° = 769.81                          |                               |
| 865  | FL 24° = 769.89                          |                               |
| 870  | FL 24° = 769.97                          |                               |
| 875  | FL 24° = 770.05                          |                               |
| 880  | FL 24° = 770.13                          |                               |
| 885  | FL 24° = 770.21                          |                               |
| 890  | FL 24° = 770.29                          |                               |
| 895  | FL 24° = 770.37                          |                               |
| 900  | FL 24° = 770.45                          |                               |
| 905  | FL 24° = 770.53                          |                               |
| 910  | FL 24° = 770.61                          |                               |
| 915  | FL 24° = 770.69                          |                               |
| 920  | FL 24° = 770.77                          |                               |
| 925  | FL 24° = 770.85                          |                               |
| 930  | FL 24° = 770.93                          |                               |
| 935  | FL 24° = 771.01                          |                               |
| 940  | FL 24° = 771.09                          |                               |
| 945  | FL 24° = 771.17                          |                               |
| 950  | FL 24° = 771.25                          |                               |
| 955  | FL 24° = 771.33                          |                               |
| 960  | FL 24° = 771.41                          |                               |
| 965  | FL 24° = 771.49                          |                               |
| 970  | FL 24° = 771.57                          |                               |
| 975  | FL 24° = 771.65                          |                               |
| 980  | FL 24° = 771.73                          |                               |
| 985  | FL 24° = 771.81                          |                               |
| 990  | FL 24° = 771.89                          |                               |
| 995  | FL 24° = 771.97                          |                               |
| 1000 | FL 24° = 772.05                          |                               |

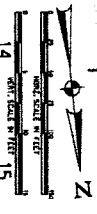


DESIGNED BY: ATC  
 DRAWN BY: JDI  
 CHECKED BY: BSS

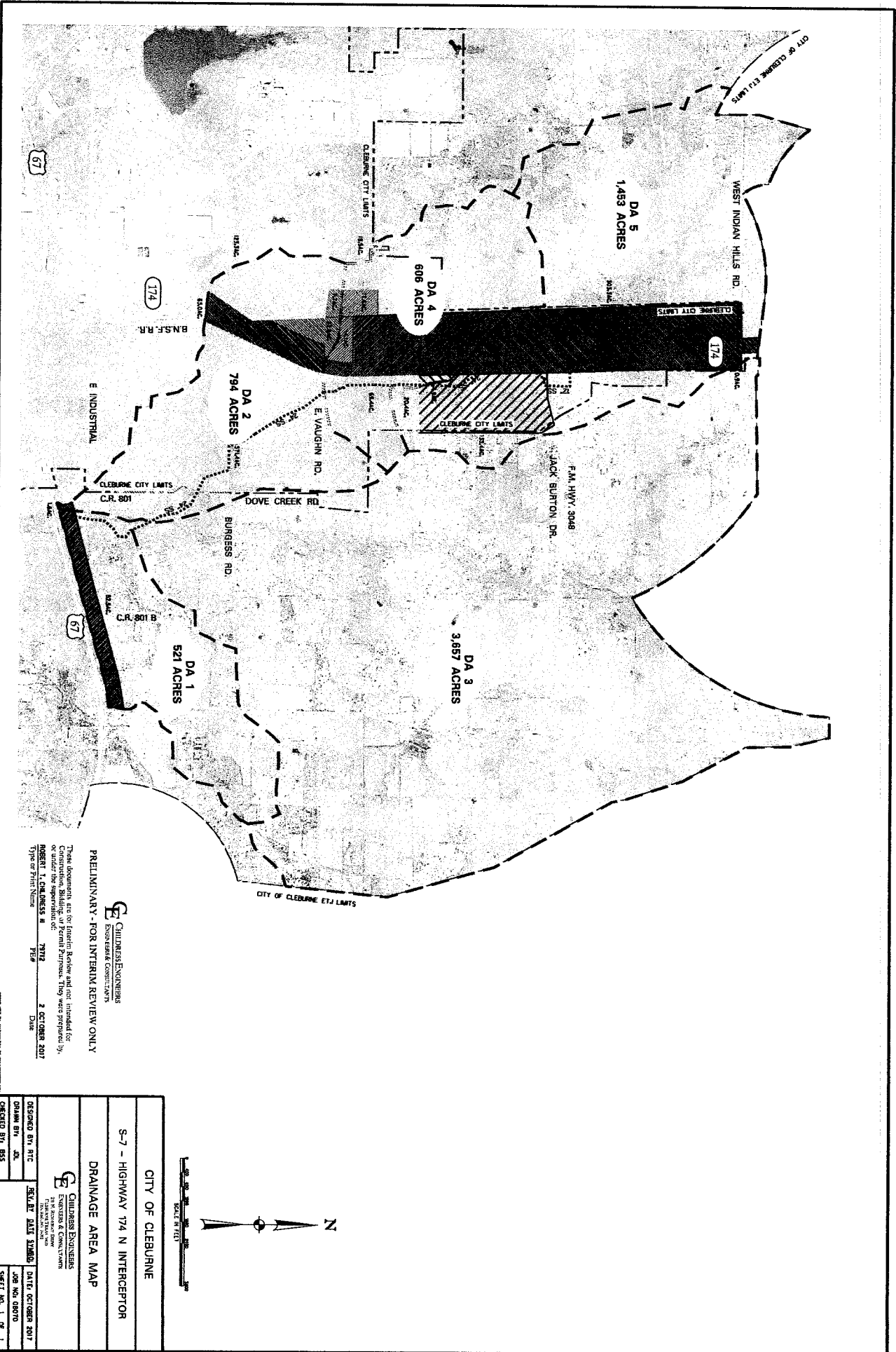
REV. BY: DATE  
 DATE: MAY 2017  
 JOB NO: 1301  
 SHEET NO. 2 OF 23


**CHAMBERS & ASSOCIATES, INC.**  
 ENGINEERS & ARCHITECTS  
 1111 RAYBURN DRIVE  
 SUITE 100  
 DALLAS, TEXAS 75207  
 (214) 343-1111


**CITY OF CLEBURNE**  
 S-7 - HIGHWAY 74 N INTERCEPTOR  
 PLAN / PROFILE  
 LINE "A", STA. 0+00 TO 15+00








**CHILDERS ENGINEERS**  
 ENGINEERS & CONSULTANTS  
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**ROBERT L. CHILDERS, II** PE# 79712  
 Date: 2 OCTOBER 2017  
 Type of Print Name: PE#

|   |                |  |                    |
|---|----------------|--|--------------------|
| <b>CITY OF CLEBURNE</b><br>S-7 - HIGHWAY 174 N INTERCEPTOR<br>DRAINAGE AREA MAP |                |  <b>CHILDERS ENGINEERS</b><br>ENGINEERS & CONSULTANTS<br><small>TELEPHONE: 817.251.1111</small> |                    |
| DESIGNED BY: RTC  | DATE: 08/15/17 | CHECKED BY: DATE: 08/15/17   | DATE: OCTOBER 2017 |
| DRAWN BY: JOK   |                | CHECKED BY: 8/5/17   | JOB NO. 08070      |
|   |                |  | SHEET NO. 1 OF 1   |