

JUN 24 2019

Approved

REQUEST FOR AGENDA PLACEMENT FORM

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

SUBMITTED BY: Carla Hester TODAY'S DATE: June 17, 2019

DEPARTMENT: County Judge's Office

SIGNATURE OF DEPARTMENT HEAD:

REQUESTED AGENDA DATE: June 24, 2019

**SPECIFIC AGENDA WORDING: Consideration of County Judge's Office
Sending a Letter of Support to City of Cleburne for Cleburne Ordinance No.
OR05-2019-25**

PERSON(S) TO PRESENT ITEM: County Judge Roger Harmon

SUPPORT MATERIAL: (Must enclose supporting documentation)

TIME: 5 mins.	ACTION ITEM: <u> x </u>
	WORKSHOP _____
(Anticipated number of minutes needed to discuss item)	CONSENT: _____
	EXECUTIVE: _____

STAFF NOTICE:

COUNTY ATTORNEY: <u> x </u>	IT DEPARTMENT: _____
AUDITOR: _____	PURCHASING DEPARTMENT: _____
PERSONNEL: _____	PUBLIC WORKS: <u> x </u> _____
BUDGET COORDINATOR: _____	OTHER: <u> Precinct #1 </u> _____

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

ASSIGNED AGENDA DATE: _____

REQUEST RECEIVED BY COUNTY JUDGE'S OFFICE _____

COURT MEMBER APPROVAL _____ Date _____

ROGER HARMON
JOHNSON COUNTY JUDGE

Carla Hester, Administrative Assistant
Rexann Knowles, Budget Coordinator



Abby Nino, Secretary
Amber Neathery, Receptionist

#2 Main St – Johnson County Courthouse, Cleburne, Texas 76033

June 17, 2019

Honorable Scott Cain
Mayor, City of Cleburne
10 N. Robinson
Cleburne, TX 76031

Mayor Cain,

It is the County's pleasure to write this letter of support for City of Cleburne Ordinance No. **OR05-2019-25**. This Ordinance grants an encroachment into the public right-of-way on the East/West alley abutting Lot 1B, 2B, 1A1, 2A1, Block 5, Original Cleburne, also known as 104 South Main Street. The purpose of the ordinance is for the Grantee's planned restaurant and the outdoor patio-seating area and grease-trap placement.

Section One of the above mentioned Ordinance requires a letter of support from Johnson County, the owner of the impacted parking lot located due south of the alley. The Commissioners Court of Johnson County met on June 24, 2019 and voted to approve **Ordinance No. OR05-2019-25** and this Letter of Support.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger Harmon".

Roger Harmon
Johnson County Judge

RH/ch

ORDINANCE

NO. OR05-2019-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLEBURNE, TEXAS GRANTING AN ENCROACHMENT INTO THE PUBLIC RIGHT-OF-WAY ON THE EAST/WEST ALLEY ABUTTING LOT 1B, 2B, 1A1, 2A1, BLOCK 5, ORIGINAL CLEBURNE, ALSO KNOWN AS 104 SOUTH MAIN STREET, AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN ENCROACHMENT AGREEMENT; AS REQUESTED BY FERNANDO RODRIGUEZ, PROPERTY OWNER; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Fernando Rodriguez ("Grantee"), has requested to encroach into the public alley right of way abutting the property located at 104 South Main Street. The applicant proposes to open a restaurant in the 104 South Main Street building with an outdoor patio area; and

WHEREAS, the original request was for the abandonment of the alley for construction of a grease trap. Staff contacted private utility companies and received information that both Atmos and AT&T have utilities located within the alley, as well as power poles owned by the electric provider. Because the full width of the alley is encumbered with city utilities as well as gas, electric and telephone easements, the applicant revised the request to an encroachment, as abandonment is not a viable option at this time; and

WHEREAS, there are four existing drive approaches that provide access to the Johnson County parking lot on the south side of the alley. Staff has recommended the applicant coordinate with Johnson County, the owner of the parking lot and the building abutting the western half of the alley regarding alternate ingress and egress for the parking lot. Traffic control will be required at either end of the proposed patio area for the safety of restaurant patrons.

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

SECTION ONE. The City Council hereby authorizes the City Manager to negotiate and enter into an Encroachment Agreement with Grantee that will grant an encroachment into the public right-of-way which is the east/west alley between South Main Street and South Mill Street, abutting Lot 1B, 2B, 1A1, 2A1, Block 5, Original Cleburne, also known as 104 South Main Street, as requested by Grantee, for the purpose of the restaurant's outdoor patio-seating area and grease-trap placement. The Agreement is to include provisions limiting the purpose of the encroachment; requiring a letter of support from Johnson County, who owns the impacted parking lot located due south of the alley; and requiring an approved Site Plan for the encroachment.

SECTION TWO. Cumulative Clause. That this Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance, Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on the date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION THREE. Severability Clause. That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

SECTION FOUR. Savings Clause. That all rights and remedies of the City of Cleburne are expressly saved as to any and all violations of the provisions of the Land Usage Ordinance which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION FIVE. Effective Clause. This Ordinance shall become effective immediately upon its passage.

PASSED AND APPROVED this the 14th day of May, 2019 at a Regular Meeting of the City Council of the City of Cleburne, Texas.

CITY OF CLEBURNE

BY: _____

Scott Cain, Mayor



Shelly Doty
Shelly Doty, City Secretary