ALEJANDRO GALAVIZ
Mayor
TERESA HOFFMAN
Council Member, Place 1
TONY BOVINICH
Mayor Pro Tem/
Council Member, Place 2

SHERYL KISER
Council Member, Place 3
MICHELLE HAMM
Council Member, Place 4
DREW WILSON
Council member, Place 5

VENUS REGULAR COUNCIL MEETING

Venus Civic Center
210 S. Walnut Street
Venus, Texas 76084
Monday, August 12, 2024 at 6:30 pm.

Page

1. Call to Order, Roll Call, Invocation, Pledge of Allegiance, Pledge to Texas Flag:

2. Announcements from Mayor:

Cell phones are to be placed on vibrate/silent only. No conversation or comment from the audience is permitted unless specifically called upon by the Mayor. Please remain respectfully quiet.

3. Citizen Public Comment Period:

Thank you for your participation in tonight's Public Comments Session. This segment is a crucial component of our local government meetings, where each speaker is allotted 4 minutes. While the City Council and I consider all input, the Texas Open Meetings Act mandates that this be a time for us to listen rather than engage in dialogue. Rest assured, our City Administrator and City Secretary are diligently recording notes should any actions be necessary. When you are ready, you may begin, and your time will start.

4. Consent Agenda:

All matters listed under consent agenda have been previously discussed, require little or no deliberation, or are routine by the council. If discussion is desired, then an item will be removed from the consent agenda and considered separately. Otherwise, approval of the consent agenda authorizes the City Administrator to implement each item in accordance with staff's recommendation.

4.1 Approval of meeting minutes for City Council regular meeting on July 22, 2024.

4.2 Authorize the City Administrator to execute the Engagement Letter with Pattillo, Brown & Hill, LLP, for the 2022-2023 Annual Audit. 9 - 19

COV - Agenda Item Report - Audit Engagement.pdf Audit Engagement Letter 2023.pdf

I make a motion to approve/deny the consent agenda.

5. Presentations and Proclamations:

5.1 Budget Workshop: Discuss the Proposed Budget for FY 2024-2025.

6. Public Hearings and Consideration Items:

6.1 Conduct Public Hearing amending the City of Venus Comprehensive Plan from C-2 (General Commercial) District to I-2 (Heavy Industrial) District, 124.1805 Acres out of the Radford Berry Survey, Abstract 26, (Johnson County) & Abstract 42 (Ellis County) Texas; 1115 E C.R. 109, Venus Texas 76084. 20 - 25

Open Public Hearing:

Close Public Hearing:

Discuss and consider amending the City of Venus Comprehensive Plan from C-2 (General Commercial) District to I-2 (Heavy Industrial) District, 124.1805 Acres out of the Radford Berry Survey, Abstract 26, (Johnson County) & Abstract 42 (Ellis County) Texas; 1115 E C.R. 109, Venus Texas 76084.

1-ASTA~1.PDF 1.- B Aerial Map_ 1115 E C. R. 109.pdf

1-CCOM~1.PDF

I make a motion to approve/deny an Ordinance amending the City of Venus Comprehensive Plan from C-2 (General Commercial) District to I-2 (Heavy Industrial) District, 124.1805 Acres out of the Radford Berry Survey, Abstract 26, (Johnson County) & Abstract 42 (Ellis County) Texas; 1115 E C.R. 109,

6.2 Conduct Public Hearing amending the City of Venus Comprehensive Plan from R-1 (Single-Family Residential) District to I-2 (Heavy Industrial) District, 216.971 Acres out of the Radford Berry Survey, Abstract 26 (Johnson County) & Abstract 42 (Ellis County) Texas; 900 E C.R. 109, Venus Texas 76084. 26 - 31

Open Public Hearing:

Close Public Hearing:

Discuss and consider amending the City of Venus Comprehensive Plan from R-1 (Single-Family Residential) District to I-2 (Heavy Industrial) District, 216.971 Acres out of the Radford Berry Survey, Abstract 26 (Johnson County) & Abstract 42 (Ellis County) Texas; 900 E C.R. 109, Venus Texas 76084.

2-A900~1.PDF 2.- B Aerial Map_ 900 E C. R. 109.pdf

2-CCOM~1.PDF

I make a motion to approve/deny Ordinance amending the City of Venus Comprehensive Plan from R-1 (Single-Family Residential) District to I-2 (Heavy Industrial) District, 216.971 Acres out of the Radford Berry Survey, Abstract 26 (Johnson County) & Abstract 42 (Ellis County) Texas; 900 E C.R. 109, Venus Texas 76084.

6.3 Conduct Public Hearing amending the City of Venus Comprehensive Plan from MHS (Manufactured Home Division) District to R-1 (Single-Family Residential) District, Lots 7 & 8, Block 10, Venus Land & Improvement Addition, Johnson County, Texas; 701 S. Main St., Venus Texas 76084. 32 - 37

Open Public Hearing:

Close Public Hearing:

Discuss and consider amending the City of Venus Comprehensive Plan from MHS (Manufactured Home Division) District to R-1 (Single-Family Residential) District, Lots 7 & 8, Block 10, Venus Land & Improvement Addition, Johnson County, Texas; 701 S. Main St., Venus Texas 76084.

3-A701~1.PDF 3.- B Aerial Map_ 701 S Main St.pdf

3-CCOM~1.PDF

I make a motion to approve/deny an Ordinance amending the City of Venus Comprehensive Plan from MHS (Manufactured Home Division) District to R-1 (Single-Family Residential) District, Lots 7 & 8, Block 10, Venus Land & Improvement Addition, Johnson County, Texas; 701 S. Main St., Venus Texas 76084.

6.4 Conduct Public Hearing to amending Chapter 34 "Zoning Ordinance", Article I, "In General", Section 34-3, "Definitions" by adding definitions for "Data Center" 38 - 44

Open Public Hearing:
Close Public Hearing:

Discuss and consider an Ordinance amending Chapter 34 "Zoning Ordinance", Article 1, "In General", Section 34-3, "Definitions" by adding definitions for "Data Center"

Data Center Text Amendment.pdf

I make a motion to approve/deny an Ordinance amending Chapter 34 "Zoning Ordinance", Article 1, "In General", Section 34-3, "Definitions" by adding definitions for "Data Center".

6.5 Conduct Public Hearing regarding a Voluntary Annexation Petition of 216.971 acres out of the Radford Berry Survey, Abstract 26, (Johnson County) & Abstract 42, (Ellis County), Texas; 900 E C.R. 109, Venus Texas 76084. (ANX2024-0002) 45 - 56

Open Public Hearing:

Close Public Hearing:

Discuss and consider an Ordinance for Voluntary Annexation Petition of 216.971 acres out of the Radford Berry Survey, Abstract 26, (Johnson County) & Abstract 42, (Ellis County), Texas; 900 E C.R. 109, Venus Texas 76084.

ANX2024-002 Ordinance_900 E C. R. 109.pdf

I make a motion to approve/deny an Ordinance Ordinance for Voluntary Annexation Petition of 216.971 acres out of the Radford Berry Survey, Abstract 26, (Johnson County) & Abstract 42, (Ellis County), Texas; 900 E C.R. 109, Venus Texas 76084.

6.6 Conduct Public Hearing rezoning from R-1 (Single-Family Residential) District to R-2 (Two-Family Residential) District: Lots 7 & 8, Block 10, Venus Land & Improvement Addition, Johnson County, Texas; 701 S Main St., Venus Texas 76084. (REZ2024-0002) 57 - 65

Open Public Hearing:

Close Public Hearing:

Discuss and consider rezoning from R-1 (Single-Family Residential) District to R-2 (Two-Family Residential) District: Lots 7 & 8, Block 10, Venus Land & Improvement Addition, Johnson County, Texas; 701 S Main St., Venus Texas 76084.

4.- A REZ2024-0002 Staff Report.pdf

4.- B Aerial Map.pdf

4.- C Zoning Map.pdf

4.- D Neighbor Notice.pdf

4.- E Picture.pdf

REZ2024-0002_Zoning Ordinance.pdf

I make a motion to approve/deny an Ordinance rezoning from R-1 (Single-Family Residential) District to R-2 (Two-Family Residential) District: Lots 7 & 8, Block 10, Venus Land & Improvement Addition, Johnson County, Texas; 701 S Main St., Venus Texas 76084.

6.7 Conduct Public Hearing rezoning from AG (Agricultural) District to I-1 (Heavy Industrial) District, 216.971 Acres out of the Radford Berry Survey, Abstract 26, (Johnson County) & Abstract 42, (Ellis County), Texas; 900 E C.R. 109, Venus Texas 76084. (REZ2024-0003) 66 - 75

Open Public Hearing:

Close Public Hearing:

Discuss and consider rezoning from AG (Agricultural) District to I-2 (Heavy Industrial) District, 216.971 Acres out of the Radford Berry Survey, Abstract 26, (Johnson County) & Abstract 42, (Ellis County), Texas; 900 E C.R. 109, Venus Texas 76084.

5.- A REZ2024-0003 Staff Report.pdf 5.- B Aerial Map.pdf

5.- C Zoning.pdf 5.- D NeighborNotice.pdf

5.- E Site Picture.pdf REZ2024-0003 Zoning Ordinance.pdf

I make a motion to approve/deny an Ordinance rezoning from AG (Agricultural) District to I-2 (Heavy Industrial) District, 216.971 Acres out of the Radford Berry Survey, Abstract 26, (Johnson County) & Abstract 42, (Ellis County), Texas; 900 E C.R. 109, Venus Texas 76084.

7. Discussion and Consideration items:

7.1 Discuss and consider appointing a qualified individual to Place 1 on the Planning and Zoning Commission. 76

Agenda Item Cover sheet- P&Z vacancy.pdf

I make a motion to appoint ____ to Place 1 on the Planning and Zoning Commission.

7.2 Discuss and consider setting the FY 2024-2025 property tax rate and schedule a public hearing. (Jones)

I make a motion to propose FY 2024-2025 property tax rate _____ and to schedule a public hearing regarding the property tax rate on September 9, 2024.

7.3 Discuss and consider calling a public hearing on September 9, 2024 for the Fiscal Year 2024-2025 Proposed Budget. (Jones)

I make a motion to approve/deny calling a public hearing on September 9, 2024 for the FY 24-25 Proposed Budget.

7.4 Discuss and consider a Resolution amending authorized representatives with Texpool. (Wilkins) 77 - 79

Agenda Item Cover sheet-TexPool Resolution.pdf texpool Resolution+Amending+Authorized+Rep.pdf

I make a motion to approve/deny a Resolution amending the authorized users with Texpool.

7.5 Discuss and consider amending the Code of Ordinance Chapter 12, " Environment", Article II, "Junked vehicles", by repealing same in its entirety and replacing it with a new Chapter 12, "Environment", Article II, "Junked or Abandoned vehicles". (Groom) 80 - 87

COV - Agenda Item Report - Junked and Abandonded Vehicles.docx

VENUS exhibit a junked vehicle revised.docx

VENUS ord JUNKED VEH Amended AUG 2024.docx

I make a motion to approve/deny an Ordinance amending Chapter 12 to "Environment", Article II, "Junked or Abandoned vehicles".

8. Executive Session:

IN ACCORDANCE WITH TEXAS GOVERNMENT CODE, SECTION 551.071(2), ET SEQ. THE CITY COUNCIL WILL RECESS INTO EXECUTIVE SESSION (CLOSED MEETING) TO DISCUSS THE FOLLOWING:

8.1 Discuss Development Agreement with Logistics Land Investments, LLC generally located at 900 E C.R. 109, in the Extraterritorial Jurisdiction, Venus Texas.

8.2 Discuss the organizational chart for City staff and the corresponding roles, duties and responsibilities as they relate to Type A General Law Municipalities.

8.3 Reconvene into Open Session:

9. Adjournment:

The City Council reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, pursuant to authorization by the Texas Open Meetings Act TEXAS GOVERNMENT CODE, Chapter 551.071 (Private consultation with attorney for the city), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), 551.087 (economic development), 418.183 (homeland security).

This is to certify that a copy of this Notice of Meeting was posted on the bulletin board at City Hall, 700 W. Hwy 67 Venus, Texas and at a place readily accessible to the general

public at all times and to the City's website www.cityofvenus.org**, August 7, 2024 on or before 5:30 pm..**

_____

Callie Green, TRMC

City Secretary

For more information or a copy of the Open Meetings Act, please contact the Attorney General of Texas at 1-800-252-8011. This building is wheelchair accessible. Any requests for Interpretive Services must be made 48 hours in advance of the scheduled meeting. To make arrangements please call 972-366-3348 .

Removed:_____

Time:_____

AGENDA ITEM REPORT

MEETING DATE:	August 12, 2024
MEETING TYPE:	City Council
SUBMITTED BY:	Joshua Jones, City Administrator
THROUGH:	N/A
ITEM NO.	4.2
AGENDA CAPTION:	*Authorize the City Administrator to execute the Engagement Letter with Pattillo, Brown & Hill, LLP for the 2022-2023 Annual Audit.".*
MOTION LANGUAGE:	*"I make a motion to authorize the City Administrator to execute the Engagement Letter with Pattillo, Brown & Hill, LLP for the 2022-2023 Annual Audit."*

Background Information

An annual audit – sometimes referred to as a "comprehensive annual financial report", or "CAFR" – is a set of financial statements that most government bodies publish annually to detail their financial status. Audits are different from regular, internal annual reports from an organization because they provide a wider range of information. They must comply with accounting requirements set by the Governmental Accounting Standards Board (GASB) and be audited by an independent auditor. The reports focus on an organization's fiscal year, which for the City of Venus ("City"), like almost all cities in Texas, is October 1st – September 30th.

Typically, the auditing process begins soon after the fiscal year ends, and, in most cases is completed and the results submitted to the governing body around March-April of the next calendar year for acceptance. For unspecified reasons, the City fell behind in the process and is attempting to "catch up". The FY 2021-2022 annual audit was recently accepted by the city council and so now the City needs to forge ahead to complete the FY 2022-2023 audit so audit for the current fiscal year, 2023-2024, can begin on time.

Pattillo, Brown & Hill, LLP, (PBH) has served has the independent auditor for the City of Venus for several years. conducted the city's annual financial audit — for several years. This item is required to formally engage to conduct the city's fiscal year 2022-2023 annual audit and authorize the city administrator to sign the letter on behalf of the city.

Budget Implications

The cost for the audit professional service will not exceed $41,000.00.

Operational Impact
None

Legal Review
N/A

Staff Recommendation
Approval.

PATTILLO, BROWN & HILL, L.L.P.
401 West State Highway 6
Waco, Texas 76710
254.772.4901 | pbhcpa.com

July 22, 2024

City of Venus, Texas
700 W. Hwy 67
Venus, Texas 76084

City Council and City Manager:

The following represents our understanding of the services we will provide the City of Venus, Texas.

You have requested that we audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of City of Venus, Texas, as of September 30, 2023, and for the year then ended and the related notes to the financial statements, which collectively comprise City of Venus, Texas's basic financial statements as listed in the table of contents. We are pleased to confirm our acceptance and our understanding of this audit engagement by means of this letter. Our audit will be conducted with the objective of expressing an opinion on each opinion unit applicable to those basic financial statements.

Accounting principles generally accepted in the United States of America, (U.S. GAAP), as promulgated by the Governmental Accounting Standards Board (GASB) require that require that the management's discussion and analysis, budgetary comparison information, and pension related information be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the GASB, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the required supplementary information (RSI) in accordance with auditing standards generally accepted in the United States of America (U.S. GAAS). These limited procedures will consist primarily of inquiries of management regarding their methods of measurement and presentation and comparing the information for consistency with management's responses to our inquiries. We will not express an opinion or provide any form of assurance on the RSI. The following RSI is required by U.S. GAAP. This RSI will be subjected to certain limited procedures but will not be audited:

- Management's Discussion and Analysis.
- Budgetary Comparison Information.
- Schedule of Changes in Net Pension Liability and Related Ratios.
- Schedule of Pension Contributions.

Supplementary information other than RSI will accompany City of Venus's basic financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the basic financial statements and perform certain additional procedures, including comparing and reconciling the supplementary information to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and additional procedures in accordance with U.S. GAAS. We intend to provide an opinion on the following supplementary information in relation to the financial statements as a whole:

- Combining Statements and Schedules.

Auditor Responsibilities

We will conduct our audit in accordance with U.S. GAAS and, the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the basic financial statements are free from material misstatement. An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the basic financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the basic financial statements, whether due to fraud or error, misappropriation of assets, or violations of laws, governmental regulations, grant agreements, or contractual agreements.

An audit also includes evaluating the appropriateness of accounting policies used, and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the basic financial statements. If appropriate, our procedures will therefore include tests of documentary evidence that support the transactions recorded in the accounts, tests of the physical existence of inventories, and direct confirmation of cash, investments, and certain other assets and liabilities by correspondence with creditors and financial institutions. As part of our audit process, we will request written representations from your attorneys, and they may bill you for responding. At the conclusion of our audit, we will also request certain written representations from you about the basic financial statements and related matters.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements (whether caused by errors, fraudulent financial reporting, misappropriation of assets, detected abuse, or violations of laws or governmental regulations) may not be detected exists, even though the audit is properly planned and performed in accordance with U.S. GAAS and *Government Auditing Standards*. Please note that the determination of abuse is subjective, and *Government Auditing Standards* does not require auditors to detect abuse.

In making our risk assessments, we consider internal control relevant to the entity's preparation and fair presentation of the basic financial statements in order to design audit procedures that are appropriate in the circumstances but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. However, we will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the basic financial statements that we have identified during the audit. Our responsibility as auditors is, of course, limited to the period covered by our audit and does not extend to any other periods.

We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs or withdraw from the engagement. If our opinions on the basic financial statements are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

Compliance with Laws and Regulations

As previously discussed, as part of obtaining reasonable assurance about whether the basic financial statements are free of material misstatement, we will perform tests of City of Venus, Texas's compliance with the provisions of applicable laws, regulations, contracts, and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance, and we will not express such an opinion.

Non-audit Services

We will also assist in preparing the financial statements and related notes of City of Venus, Texas in conformity with U.S. GAAP. These non-audit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards.* These services are limited to assisting in the preparation of the financial statements and related notes of City of Venus, Texas. Our firm, in its sole professional judgement, reserves the right to refuse to do any procedure or take any action that could be construed as making management decisions or assuming management responsibilities, including determining account coding and approving journal entries. Our firm will advise City of Venus, Texas with regard to financial preparation, but City of Venus, Texas must make all decisions with regard to those matters.

We will not assume management responsibilities on behalf of City of Venus, Texas. However, we will provide advice and recommendations to assist management of City of Venus, Texas in performing its responsibilities.

City of Venus, Texas's management is responsible for (a) making all management decisions and performing all management functions; (b) assigning a competent individual to oversee the services; (c) evaluating the adequacy of the services performed; (d) evaluating and accepting responsibility for the results of the services performed; and (e) establishing and maintaining internal controls, including monitoring ongoing activities.

Our responsibilities and limitations of the engagement is limited to our preparation of the financial statements and related note disclosures previously outlined. Our firm in its sole professional judgment, reserves the right to do any procedure or take any action that could be construed as making management decisions or assuming management responsibilities, including determining account coding and approving journal entries.

Government Auditing Standards require that we document an assessment of the skills, knowledge, and experience of management, should we participate in any form of preparation of the basic financial statements and related schedules or disclosures as these actions are deemed a non-audit service.

Management Responsibilities

Our audit will be conducted on the basis that management and, when appropriate, those charged with governance acknowledge and understand that they have responsibility:

1. For the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America;

2. For the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to error, fraudulent financial reporting, misappropriation of assets, or violations of laws, governmental regulations, grant agreements, or contractual agreements; and

3. To provide us with:

    i. Access to all information of which management is aware that is relevant to the preparation and fair presentation of the financial statements such as records, documentation, and other matters;

    ii. Additional information that we may request from management for the purpose of the audit; and

    iii. Unrestricted access to persons within the entity from whom we determine it necessary to obtain audit evidence.

4. For including the auditor's report in any document containing financial statements that indicates that such financial statements have been audited by the entity's auditor;

5. For identifying and ensuring that the entity complies with the laws and regulations applicable to its activities;

6. For adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the current year period(s) under audit are immaterial, both individually and in the aggregate, to the financial statements as a whole;

7. For acceptance of non-attest services, including identifying the proper party to oversee non-attest work;

8. For informing us of any known or suspected fraud affecting the entity involving management, employees with significant role in internal control and others where fraud could have a material effect on the financials;

9. For the accuracy and completeness of all information provided; and

10. For maintaining adequate records, selecting and applying accounting principles, and safeguarding assets.

With regard to the supplementary information referred to above, you acknowledge and understand your responsibility: (a) for the preparation of the supplementary information in accordance with the applicable criteria; (b) to provide us with the appropriate written representations regarding supplementary information; (c) to include our report on the supplementary information in any document that contains the supplementary information and that indicates that we have reported on such supplementary information; and (d) to present the supplementary information with the audited financial statements, or if the supplementary information will not be presented with the audited financial statements, to make the audited financial statements readily available to the intended users of the supplementary information no later than the date of issuance by you of the supplementary information and our report thereon.

As part of our audit process, we will request from management and, when appropriate, those charged with governance, written confirmation concerning representations made to us in connection with the audit.

If you intend to publish or otherwise reproduce the financial statements and make reference to our firm, you agree to provide us with printers' proofs or masters for our review and approval before printing. You also agree to provide us with a copy of the final reproduced material for our approval before it is distributed.

Reporting

We will issue a written report upon completion of our audit of City of Venus, Texas's basic financial statements. Our report will be addressed to the governing body of City of Venus, Texas. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions, add an emphasis-of-matter or other-matter paragraph(s), or withdraw from the engagement.

In accordance with the requirements of *Government Auditing Standards*, we will also issue a written report describing the scope of our testing over internal control over financial reporting and over compliance with laws, regulations, and provisions of grants and contracts, including the results of that testing. However, providing an opinion on internal control and compliance will not be an objective of the audit and, therefore, no such opinion will be expressed.

Engagement Administration, Timing and Fees

We will schedule the engagement based in part on deadlines, working condition, and the availability of your key personnel. We will plan the engagement based on the assumption that your personnel will cooperate and provide assistance by performing tasks such as preparing requested schedules, retrieving supporting documents, and preparing confirmations. If for whatever reason your personnel are unavailable to provide the necessary assistance in a timely manner, it may substantially increase the work we have to do to complete the engagement within the established deadlines, resulting in an increase in fees over our original fee estimate.

The timing of our audit will be scheduled as follows:

Document internal control and preliminary tests	August/September 2024
Mail confirmations	August 2024
Perform year-end audit procedures	August/September 2024
Issue audit reports	October/November 2024

Paula Lowe is the engagement partner for the audit services specified in this letter. Her responsibilities include supervising Pattillo, Brown & Hill, L.L.P.'s services performed as part of this engagement and signing or authorizing another qualified firm representative to sign the audit report.

Our fees for these services will be at our standard hourly rates plus out-of-pocket cost (such as reports reproduction, word processing, postage, travel, copies, telephone, etc.) except that we agree that our gross fee, including expenses, will not exceed $41,000. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 30 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report(s). You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional cost.

Other Matters

During the course of the engagement, we may communicate with you or your personnel via fax or email, and you should be aware that communication in those mediums contains a risk of misdirected or intercepted communications. In addition to fax and email, our firm also exchanges date over the internet using other methods (such as portals) or store electronic data via software applications hosted remotely through a third-party vendor's secured portal and/or cloud.

Regarding the electronic dissemination of audited financial statements, including financial statements published electronically on your Internet website, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

Professional standards prohibit us from being the sole host and/or the sole storage for your financial and non-financial data. As such, it is your responsibility to maintain your original data and records and we cannot be responsible to maintain such original information. By signing this engagement letter, you affirm that you have all the data and records required to make your books and records complete.

Our firm may transmit confidential information that you provided us to third parties in order to facilitate delivering our services to you. For example, such transmissions might include, but not be limited to, investment information. We have obtained confidentiality agreements with all our service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have the appropriate procedures in place to prevent the unauthorized release of confidential information to others. We will remain responsible for the work provided by any third-party service providers used under this agreement. By your signature below, you consent to having confidential information transmitted to entities outside the firm. Please feel free to inquire if you would like additional information regarding the transmission of confidential information to entities outside the firm.

The audit documentation for this engagement is the property of Pattillo, Brown & Hill, L.L.P. and constitutes confidential information. However, we may be requested to make certain audit documentation available to federal or state agencies and the U.S. Government Accountability Office pursuant to authority given to it by law or regulation, or to peer reviewers. If requested, access to such audit documentation will be provided under the supervision of Pattillo, Brown & Hill, L.L.P.'s personnel. Furthermore, upon request, we may provide copies of selected audit documentation to these agencies and regulators. The regulators and agencies may intend, or decide, to distribute the copies of information contained therein to others, including other governmental agencies. We agree to retain our audit documentation or work papers for a period of at least five years from the date of our report.

Further, we will be available during the year to consult with you on financial management and accounting matters of a routine nature.

During the course of the audit we may observe opportunities for economy in, or improved controls over, your operations. We will bring such matters to the attention of the appropriate level of management, either orally or in writing.

You agree to inform us of facts that may affect the basic financial statements of which you may become aware during the period from the date of the auditor's report to the date the financial statements are issued.

At the conclusion of our audit engagement, we will communicate to those charged with governance the following significant findings from the audit:

- Our view about the qualitative aspects of the entity's significant accounting practices;
- Significant difficulties, if any, encountered during the audit;
- Uncorrected misstatements, other than those we believe are trivial, if any;
- Disagreements with management, if any;
- Other findings or issues, if any, arising from the audit that are, in our professional judgment, significant and relevant to those charged with governance regarding their oversight of the financial reporting process;
- Material, corrected misstatements that were brought to the attention of management as a result of our audit procedures;
- Representations we requested from management;
- Management's consultations with other accountants, if any; and
- Significant issues, if any, arising from the audit that were discussed, or the subject of correspondence, with management.

In accordance with the requirements of *Government Auditing Standards*, we have attached a copy of our latest external peer review report of our firm for your consideration and files

Please sign and return the attached copy of this letter to indicate your acknowledgment of, and agreement with, the arrangements for our audit of the financial statements including our respective responsibilities.

We appreciate the opportunity to be your financial statement auditors and look forward to working with you and your staff.

Respectfully,
Pattillo, Brown & Hill, L.L.P.

Paula Lowe

Paula Lowe, CPA
Waco, Texas

RESPONSE:

This letter correctly sets forth our understanding.

Acknowledged and agreed on behalf of City of Venus, Texas by:

Name: _____

Title: _____

Date: _____

Report on the Firm's System of Quality Control

December 9, 2022

To the Partners of Pattillo Brown & Hill, LLP
and the National Peer Review Committee

We have reviewed the system of quality control for the accounting and auditing practice of Pattillo Brown & Hill, LLP (the firm) in effect for the year ended May 31, 2022. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at www.aicpa.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported on in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing and complying with a system of quality control to provide the firm with reasonable assurance of performing and reporting in conformity with the requirements of applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported on in conformity with the requirements of applicable professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of and compliance with the firm's system of quality control based on our review.

Required Selections and Considerations

Engagements selected for review included engagements performed under *Government Auditing Standards*, including compliance audits under the Single Audit Act; an audit of an employee benefit; and an audit performed under FDICIA.

As a part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of Pattillo Brown & Hill, LLP in effect for the year ended May 31, 2022, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass, pass with deficiency(ies)* or *fail*. Pattillo Brown & Hill, LLP has received a peer review rating of *pass*.

Ericksen Krentel, LLP

Certified Public Accountants

Planning Department

STAFF REPORT

TO: City Council

FROM: Planning Staff

DATE: August 7, 2024

SUBJECT: **AN ORDINANCE OF THE CITY OF VENUS, JOHNSON AND ELLIS COUNTIES, TEXAS AMENDING THE CITY OF VENUS COMPREHENSIVE PLAN FROM C-2 (GENERAL COMMERCIAL) DISTRICT TO I-2 (HEAVY INDUSTRIAL) DISTRICT. 124.1805 ACRES OUT OF THE RADFORD BERRY SURVEY, ABSTRACT, 26, (JOHNSON COUNTY) & ABSTRACT 42 (ELLIS COUNTY) TEXAS; 1115 E C. R. 109, VENUS, TEXAS 76084.**

COMPREHENSIVE PLAN: a) The governing body of a municipality may adopt a comprehensive plan for the long-range development of the municipality. A municipality may define the content and design of a comprehensive plan; b) A comprehensive plan may: 1) include but is not limited to provisions on land use, transportation, and public facilities; 2) consist of a single plan or coordinated set of plans organized by subject and geographic area; and 3) be used to coordinate and guide the establishment of development regulations; c) A municipality may define, in its charter or by ordinance , the relationship between a comprehensive plan and development regulations and may provide standards for determining the consistency required between a plan and development regulations; d) Land use assumptions adopted in a manner that complies with Subchapter C, Chapter 395, may be incorporated in a comprehensive plan. L.G.C. Section 213.002.

ADOPTION OF AMENDMENT OF COMPREHENSIVE PLAN: a) A comprehensive plan may be adopted or amended by ordinance following: 1) a hearing at which the public is given opportunity to give testimony and present written evidence; and 2) review by the municipality's planning commission or department if one exists. b) A municipality may establish, in its charter or by ordinance, procedures for adopting and amending a comprehensive plan.

LOCATION: The tract is located on the north side of E. C. R. 109, approximately 0.44 miles east of S FM 157. The tract has approximately 2,251 ft. of frontage along E. C. R. 109 with a depth of approximately 2,073 ft. for a tract size of 140.16194 acres.

LAND USE: The property is vacant. Surrounding land uses are a concrete plant, Rival Redi-Mix, and vacant land.

ANALYSIS: Planning staff considers the current comprehensive land use plan for the subject property does not align with commercial uses due to the railroad track.

BACKGROUND: On July 25th, 2024. The Planning and Zoning Commission recommended approval.

RECOMMENDATION: Staff recommends approval of the amendment from C-2 (General Commercial) District to I-2 (Heavy Industrial) District because property is better suited for industrial uses.


Hancock St
Adams Ave
Jefferson Dr
Lone Star Ave
Dollar General
Liquor Depot
Chevron
E Henderson St
E Henderson St
E Highway 67
West Soap Creek
E County Road 109
West Soap

Aerial Map

ORDINANCE NO. ___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VENUS, JOHNSON AND ELLIS COUNTIES, TEXAS, AMENDING THE CITY OF VENUS COMPREHENSIVE PLAN FROM C-2 (GENERAL COMMERCIAL) DISTRICT TO I-2 (HEAVY INDUSTRIAL) DISTRICT. 124.1805 ACRES OUT OF THE RADFORD BERRY SURVEY, ABSTRACT 26, (JOHNSON COUNTY) & ABSTRACT 42, (ELLIS COUNTY), TEXAS; 1115 E C. R. 109, VENUS, TEXAS 76084. PROVIDING FOR THE REPEAL OF ALL OTHER ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION; PROVIDING FOR PUNISHMENT; PROVIDING FOR NO VESTED RIGHTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Venus, Texas ("City"), is a Type A General Law Municipality located in both Johnson County, and Ellis County Texas, created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City, as a Type A general law municipality, is empowered under the Texas Local Government Code, Section 51.001, to adopt an ordinance or rule that is for the good government of the City; and

WHEREAS, pursuant to Chapter 213 of the Texas Local Government Code, a municipality may adopt or amend a comprehensive plan for the long-range development of the community in order to promote sound development; and

WHEREAS, the City Council of the City of Venus, Texas ("City Council"), directed the Planning and Zoning Commission of the City of Venus to provide guidance and forward a recommendation to the City for a revised comprehensive plan; and

WHEREAS, the Planning and Zoning Commission has reviewed and revised the City's previous Comprehensive Plan, and has amended the City's Comprehensive Plan; and

WHEREAS, the Planning and Zoning Commission conducted a public hearing, and after all persons were given an opportunity to present testimony, did consider and make recommendations to the City Council to revise the comprehensive plan; and

WHEREAS, the City Council, has carefully reviewed and considered the merits of the Comprehensive Plan after having received input and recommendations from the Planning and Zoning Commission, and after holding a public hearing; and

WHEREAS, the City Council has found and determined that all meetings were duly noticed and held in accordance with law; and

WHEREAS, the City Council has determined that amending the comprehensive plan is necessary for the government, interest, welfare, or good order of the City of Venus.

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

SECTION 1. INCORPORATION OF PREMISES. The above and foregoing premises are true and correct legislative determinations and are incorporated herein and made a part hereof for all purposes.

SECTION 2. AMENDMENT OF THE CITY OF VENUS COMPREHENSIVE PLAN. The Venus Comprehensive Plan, including the Future Land Use Plan, attached hereto and incorporated herein as if set forth in full as Exhibit "A," is hereby adopted by the City Council of the City of Venus as a long-range planning guide for the City, and it shall supersede any previously existing comprehensive plan.

SECTION 3. PURPOSE OF THE COMPREHENSIVE PLAN. The City of Venus Comprehensive Plan is intended to constitute the Comprehensive, or Master Plan of the City of Venus, Texas, for all matters related to long-range guidance relative to zoning decisions, land subdivision, thoroughfare construction, and growth management.

SECTION 4. REVIEW BY PLANNING AND ZONING COMMISSION. The Planning and Zoning Commission shall conduct a comprehensive review of this Comprehensive Plan. The Planning and Zoning Commission may review the comprehensive plan should a need arise and make recommendations to the City Council concerning any proposed amendments.

SECTION 5. MAYOR'S SIGNATURE. The Mayor of the City of Venus shall affix his signature on an appropriate page of the Comprehensive Plan, that page to be determined by him, below the words "Official Plan" below which will be placed the seal of the City.

SECTION 6. REPEAL OF CONFLICTING ORDINANCES. This Ordinance shall be cumulative of all provisions of Ordinances of the City except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the conflicting provisions of such Ordinances are hereby repealed.

SECTION 7. SEVERABILITY. It is hereby declared to be the intention of the City Council of the City of Venus, Texas, that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without incorporation in this Ordinance of such unconstitutional phrases, clause, sentence, paragraph, or section.

SECTION 8. SAVINGS. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the City of Venus Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 9. ENGROSS AND ENROLL. The City Secretary of the City of Venus hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the City Council of the City of Venus and by filing this Ordinance in the Ordinance records of the City.

SECTION 10. PUBLICATION. The City Secretary of the City of Venus is hereby directed to publish in the Official Newspaper of the City of Venus the Caption and the Effective Date of this Ordinance for two (2) days.

SECTION 11. PUNISHMENT. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Venus Zoning Ordinance as previously amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars ($2,000.00) for each offense.

SECTION 12. NO VESTED RIGHTS. No person or entity shall acquire any vested right in this Ordinance, or any specific regulations contained herein. This Ordinance and any regulations may be amended or repealed by the City Council of the City of Venus, Texas in the manner provided by law.

SECTION 13. This Ordinance shall become effective from and after the date of its final passage and publication as provided by law, and it is accordingly so ordained.

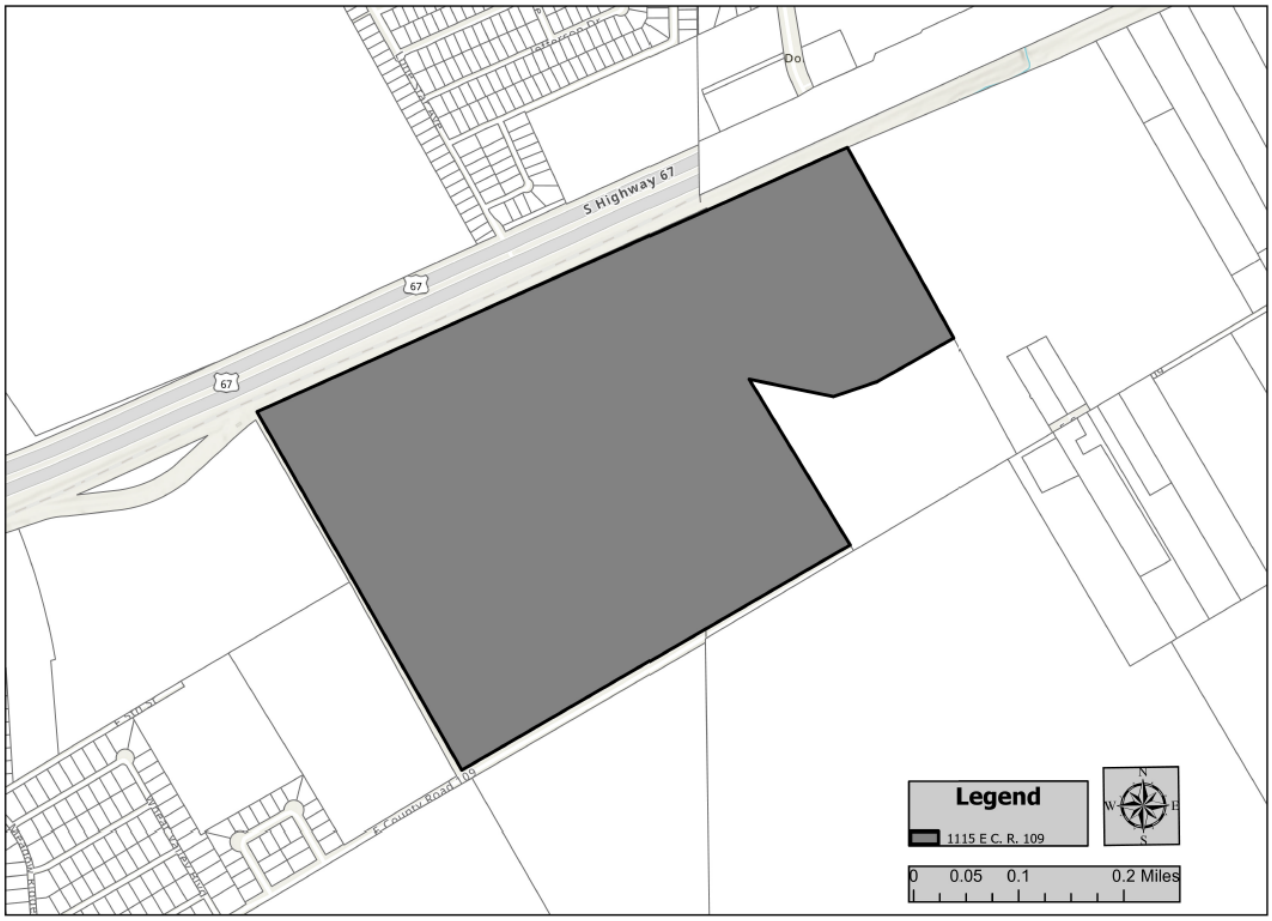
DULY PASSED and approved by the City Council of the City of Venus, Texas, on this the ____ day of _____, 2024.

ATTEST: **APPROVED:**

CALLIE GREEN, CITY SECRETARY ALEJANDRO GALAVIZ, MAYOR

EXHIBIT “A”

1115 E C. R. 109



I-2 (Heavy Industrial) District

Planning Department

STAFF REPORT

TO: City Council

FROM: Planning Staff

DATE: August 7, 2024

SUBJECT: **AN ORDINANCE OF THE CITY OF VENUS, JOHNSON AND ELLIS COUNTIES, TEXAS AMENDING THE CITY OF VENUS COMPREHENSIVE PLAN FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO I-2 (HEAVY INDUSTRIAL) DISTRICT. 216.971 ACRES OUT OF THE RADFORD BERRY SURVEY, ABSTRACT, 26, (JOHNSON COUNTY) & ABSTRACT 42 (ELLIS COUNTY) TEXAS; 900 E C. R. 109, VENUS, TEXAS 76084.**

COMPREHENSIVE PLAN: a) The governing body of a municipality may adopt a comprehensive plan for the long-range development of the municipality. A municipality may define the content and design of a comprehensive plan; b) A comprehensive plan may: 1) include but is not limited to provisions on land use, transportation, and public facilities; 2) consist of a single plan or coordinated set of plans organized by subject and geographic area; and 3) be used to coordinate and guide the establishment of development regulations; c) A municipality may define, in its charter or by ordinance , the relationship between a comprehensive plan and development regulations and may provide standards for determining the consistency required between a plan and development regulations; d) Land use assumptions adopted in a manner that complies with Subchapter C, Chapter 395, may be incorporated in a comprehensive plan. L.G.C. Section 213.002.

ADOPTION OF AMENDMENT OF COMPREHENSIVE PLAN: a) A comprehensive plan may be adopted or amended by ordinance following: 1) a hearing at which the public is given opportunity to give testimony and present written evidence; and 2) review by the municipality's planning commission or department if one exists. b) A municipality may establish, in its charter or by ordinance, procedures for adopting and amending a comprehensive plan.

LOCATION: The tract is located on the south side of E. C. R. 109, approximately 0.45 miles east of S FM 157. The tract has approximately 3,147.83 ft. of frontage along E. C. R. 109 with a depth of approximately 2,505.47 ft. for a tract size of 216.971 acres.

LAND USE: The property is vacant. Surrounding land uses are to the north vacant land, to the east residential uses, to the south vacant land and to the west the residential Stallion Ranch Planned Development.

ANALYSIS: Planning staff considers the current comprehensive land use plan for the subject property does not align with commercial uses due to the railroad track.

BACKGROUND: On July 25, 2024. The Planning and Zoning Commission recommended approval.

RECOMMENDATION: Staff recommends approval of the amendment from R-1 (Single-Family Residential) District to I-2 (Heavy Industrial) District because property is better suited for industrial uses.



Aerial Map

ORDINANCE NO. ___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VENUS, JOHNSON AND ELLIS COUNTIES, TEXAS, AMENDING THE CITY OF VENUS COMPREHENSIVE PLAN FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO I-2 (HEAVY INDUSTRIAL) DISTRICT. 216.971 ACRES OUT OF THE RADFORD BERRY SURVEY, ABSTRACT 26, (JOHNSON COUNTY) & ABSTRACT 42, (ELLIS COUNTY), TEXAS; 900 E C. R. 109, VENUS, TEXAS 76084. PROVIDING FOR THE REPEAL OF ALL OTHER ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION; PROVIDING FOR PUNISHMENT; PROVIDING FOR NO VESTED RIGHTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Venus, Texas ("City"), is a Type A General Law Municipality located in both Johnson County, and Ellis County Texas, created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City, as a Type A general law municipality, is empowered under the Texas Local Government Code, Section 51.001, to adopt an ordinance or rule that is for the good government of the City; and

WHEREAS, pursuant to Chapter 213 of the Texas Local Government Code, a municipality may adopt or amend a comprehensive plan for the long-range development of the community in order to promote sound development; and

WHEREAS, the City Council of the City of Venus, Texas ("City Council"), directed the Planning and Zoning Commission of the City of Venus to provide guidance and forward a recommendation to the City for a revised comprehensive plan; and

WHEREAS, the Planning and Zoning Commission has reviewed and revised the City's previous Comprehensive Plan, and has amended the City's Comprehensive Plan; and

WHEREAS, the Planning and Zoning Commission conducted a public hearing, and after all persons were given an opportunity to present testimony, did consider and make recommendations to the City Council to revise the comprehensive plan; and

WHEREAS, the City Council, has carefully reviewed and considered the merits of the Comprehensive Plan after having received input and recommendations from the Planning and Zoning Commission, and after holding a public hearing; and

WHEREAS, the City Council has found and determined that all meetings were duly noticed and held in accordance with law; and

WHEREAS, the City Council has determined that amending the comprehensive plan is necessary for the government, interest, welfare, or good order of the City of Venus.

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

SECTION 1. INCORPORATION OF PREMISES The above and foregoing premises are true and correct legislative determinations and are incorporated herein and made a part hereof for all purposes.

SECTION 2. AMENDMENT OF THE CITY OF VENUS COMPREHENSIVE PLAN. The Venus Comprehensive Plan, including the Future Land Use Plan, attached hereto and incorporated herein as if set forth in full as Exhibit "A," is hereby adopted by the City Council of the City of Venus as a long-range planning guide for the City, and it shall supersede any previously existing comprehensive plan.

SECTION 3. PURPOSE OF THE COMPREHENSIVE PLAN. The City of Venus Comprehensive Plan is intended to constitute the Comprehensive, or Master Plan of the City of Venus, Texas, for all matters related to long-range guidance relative to zoning decisions, land subdivision, thoroughfare construction, and growth management.

SECTION 4. REVIEW BY PLANNING AND ZONING COMMISSION. The Planning and Zoning Commission shall conduct a comprehensive review of this Comprehensive Plan. The Planning and Zoning Commission may review the comprehensive plan should a need arise and make recommendations to the City Council concerning any proposed amendments.

SECTION 5. MAYOR'S SIGNATURE. The Mayor of the City of Venus shall affix his signature on an appropriate page of the Comprehensive Plan, that page to be determined by him, below the words "Official Plan" below which will be placed the seal of the City.

SECTION 6. REPEAL OF CONFLICTING ORDINANCES. This Ordinance shall be cumulative of all provisions of Ordinances of the City except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the conflicting provisions of such Ordinances are hereby repealed.

SECTION 7. SEVERABILITY. It is hereby declared to be the intention of the City Council of the City of Venus, Texas, that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without incorporation in this Ordinance of such unconstitutional phrases, clause, sentence, paragraph, or section.

SECTION 8. SAVINGS. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the City of Venus Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 9. ENGROSS AND ENROLL. The City Secretary of the City of Venus hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the City Council of the City of Venus and by filing this Ordinance in the Ordinance records of the City.

SECTION 10. PUBLICATION. The City Secretary of the City of Venus is hereby directed to publish in the Official Newspaper of the City of Venus the Caption and the Effective Date of this Ordinance for two (2) days.

SECTION 11. PUNISHMENT. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Venus Zoning Ordinance as previously amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars ($2,000.00) for each offense.

SECTION 12. NO VESTED RIGHTS. No person or entity shall acquire any vested right in this Ordinance, or any specific regulations contained herein. This Ordinance and any regulations may be amended or repealed by the City Council of the City of Venus, Texas in the manner provided by law.

SECTION 13. This Ordinance shall become effective from and after the date of its final passage and publication as provided by law, and it is accordingly so ordained.

DULY PASSED and approved by the City Council of the City of Venus, Texas, on this the ____ day of _____, 2024.

ATTEST: **APPROVED:**

CALLIE GREEN, CITY SECRETARY ALEJANDRO GALAVIZ, MAYOR

EXHIBIT "A"

900 E C. R. 109



I-2 (Heavy Industrial) District

Planning Department

STAFF REPORT

TO: City Council

FROM: Planning Staff

DATE: August 7, 2024

SUBJECT: **AN ORDINANCE OF THE CITY OF VENUS, JOHNSON AND ELLIS COUNTIES, TEXAS AMENDING THE CITY OF VENUS COMPREHENSIVE PLAN FROM MHS (MANUFACTURED HOME SUBDIVISION) DISTRICT TO R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT. LOTS 7 & 8, BLOCK 10, VENUS LAND & IMPROVEMENT ADDITION, JOHNSON COUNTY, TEXAS; 701 S MAIN ST, VENUS, TEXAS 76084.**

COMPREHENSIVE PLAN: a) The governing body of a municipality may adopt a comprehensive plan for the long-range development of the municipality. A municipality may define the content and design of a comprehensive plan; b) A comprehensive plan may: 1) include but is not limited to provisions on land use, transportation, and public facilities; 2) consist of a single plan or coordinated set of plans organized by subject and geographic area; and 3) be used to coordinate and guide the establishment of development regulations; c) A municipality may define, in its charter or by ordinance , the relationship between a comprehensive plan and development regulations and may provide standards for determining the consistency required between a plan and development regulations; d) Land use assumptions adopted in a manner that complies with Subchapter C, Chapter 395, may be incorporated in a comprehensive plan. L.G.C. Section 213.002.

ADOPTION OF AMENDMENT OF COMPREHENSIVE PLAN: a) A comprehensive plan may be adopted or amended by ordinance following: 1) a hearing at which the public is given opportunity to give testimony and present written evidence; and 2) review by the municipality's planning commission or department if one exists. b) A municipality may establish, in its charter or by ordinance, procedures for adopting and amending a comprehensive plan.

LOCATION: The tract is located on the southwest corner of the intersection of S Main St. and W 7th St. The tract has approximately 100 ft. of frontage along S Main St. with a depth of approximately 140 ft. for a lot size of 0.321 acres (14,000 sq. ft.)

LAND USE: The property has a manufactured home that is inhabitable. Surrounding land uses are residential in all directions.

ANALYSIS: Planning staff found out the current comprehensive land use plan for the subject property does not align with the adjacent zoning use.

BACKGROUND: On July 25th, 2024. The Planning and Zoning Commission recommended approval.

RECOMMENDATION: Staff recommends approval of the amendment from MHS (Manufactured Home Subdivision) District to R-1 (Single-Family Residential) District because the current comprehensive plan is inaccurate.



Aerial Map

ORDINANCE NO. ___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VENUS, JOHNSON AND ELLIS COUNTIES, TEXAS, AMENDING THE CITY OF VENUS COMPREHENSIVE PLAN FROM MHS (MANUFACTURED HOME SUBDIVISION) DISTRICT TO R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT. LOTS 7 & 8, BLOCK 10, VENUS LAND & IMPROVEMENT ADDITION, JOHNSON COUNTY, TEXAS; 701 S MAIN ST, VENUS, TEXAS 76084. PROVIDING FOR THE REPEAL OF ALL OTHER ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION; PROVIDING FOR PUNISHMENT; PROVIDING FOR NO VESTED RIGHTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Venus, Texas ("City"), is a Type A General Law Municipality located in both Johnson County, and Ellis County Texas, created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City, as a Type A general law municipality, is empowered under the Texas Local Government Code, Section 51.001, to adopt an ordinance or rule that is for the good government of the City; and

WHEREAS, pursuant to Chapter 213 of the Texas Local Government Code, a municipality may adopt or amend a comprehensive plan for the long-range development of the community in order to promote sound development; and

WHEREAS, the City Council of the City of Venus, Texas ("City Council"), directed the Planning and Zoning Commission of the City of Venus to provide guidance and forward a recommendation to the City for a revised comprehensive plan; and

WHEREAS, the Planning and Zoning Commission has reviewed and revised the City's previous Comprehensive Plan, and has amended the City's Comprehensive Plan; and

WHEREAS, the Planning and Zoning Commission conducted a public hearing, and after all persons were given an opportunity to present testimony, did consider and make recommendations to the City Council to revise the comprehensive plan; and

WHEREAS, the City Council, has carefully reviewed and considered the merits of the Comprehensive Plan after having received input and recommendations from the Planning and Zoning Commission, and after holding a public hearing; and

WHEREAS, the City Council has found and determined that all meetings were duly noticed and held in accordance with law; and

WHEREAS, the City Council has determined that amending the comprehensive plan is necessary for the government, interest, welfare, or good order of the City of Venus.

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

SECTION 1. INCORPORATION OF PREMISES The above and foregoing premises are true and correct legislative determinations and are incorporated herein and made a part hereof for all purposes.

SECTION 2. AMENDMENT OF THE CITY OF VENUS COMPREHENSIVE PLAN. The Venus Comprehensive Plan, including the Future Land Use Plan, attached hereto and incorporated herein as if set forth in full as Exhibit "A," is hereby adopted by the City Council of the City of Venus as a long-range planning guide for the City, and it shall supersede any previously existing comprehensive plan.

SECTION 3. PURPOSE OF THE COMPREHENSIVE PLAN. The City of Venus Comprehensive Plan is intended to constitute the Comprehensive, or Master Plan of the City of Venus, Texas, for all matters related to long-range guidance relative to zoning decisions, land subdivision, thoroughfare construction, and growth management.

SECTION 4. REVIEW BY PLANNING AND ZONING COMMISSION. The Planning and Zoning Commission shall conduct a comprehensive review of this Comprehensive Plan. The Planning and Zoning Commission may review the comprehensive plan should a need arise and make recommendations to the City Council concerning any proposed amendments.

SECTION 5. MAYOR'S SIGNATURE. The Mayor of the City of Venus shall affix his signature on an appropriate page of the Comprehensive Plan, that page to be determined by him, below the words "Official Plan" below which will be placed the seal of the City.

SECTION 6. REPEAL OF CONFLICTING ORDINANCES. This Ordinance shall be cumulative of all provisions of Ordinances of the City except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the conflicting provisions of such Ordinances are hereby repealed.

SECTION 7. SEVERABILITY. It is hereby declared to be the intention of the City Council of the City of Venus, Texas, that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without incorporation in this Ordinance of such unconstitutional phrases, clause, sentence, paragraph, or section.

SECTION 8. SAVINGS. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the City of Venus Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 9. ENGROSS AND ENROLL. The City Secretary of the City of Venus hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the City Council of the City of Venus and by filing this Ordinance in the Ordinance records of the City.

SECTION 10. PUBLICATION. The City Secretary of the City of Venus is hereby directed to publish in the Official Newspaper of the City of Venus the Caption and the Effective Date of this Ordinance for two (2) days.

SECTION 11. PUNISHMENT. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Venus Zoning Ordinance as previously amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars ($2,000.00) for each offense.

SECTION 12. NO VESTED RIGHTS. No person or entity shall acquire any vested right in this Ordinance, or any specific regulations contained herein. This Ordinance and any regulations may be amended or repealed by the City Council of the City of Venus, Texas in the manner provided by law.

SECTION 13. This Ordinance shall become effective from and after the date of its final passage and publication as provided by law, and it is accordingly so ordained.

DULY PASSED and approved by the City Council of the City of Venus, Texas, on this the ____ day of _____, 2024.

ATTEST:

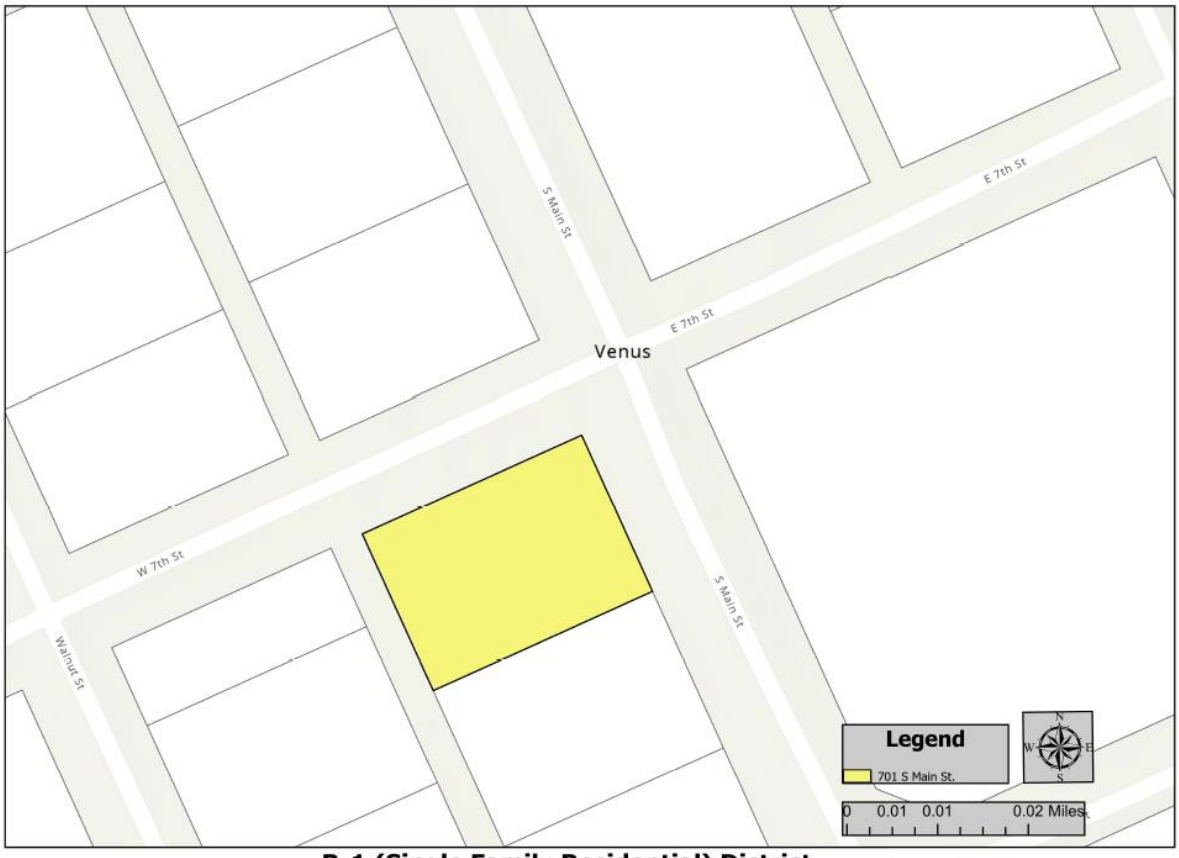
CALLIE GREEN, CITY SECRETARY

APPROVED:

ALEJANDRO GALAVIZ, MAYOR

EXHIBIT “A”

701 S Main St



R-1 (Single Family Residential) District

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF VENUS, TEXAS AMENDING CHAPTER 34 "ZONING ORDINANCE", ARTICLE I, "IN GENERAL", SECTION 34-3, "DEFINITIONS" BY ADDING A DEFINITION FOR "DATA CENTER" AND AMENDING SAID ZONING ORDINANCE BY REPEALING IN ITS ENTIRETLY APPENDIX B "TABLE OF COMMON USES" AND REPLACING IT WITH A NEW APPEENDIX B "TABLE OF COMMON USES", WHICH IS ATTACHED TO THIS ORDINANCE AS EXHIBIT "A" AND FULLY INCORPORATED HEREIN, TO INCLUDE DATA CENTER AS A PERMITTED USE; PROVIDING THAT THIS ORDINANCE BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has a substantial interest in protecting the health, safety, welfare, convenience, and enjoyment of the public and has adopted zoning regulations to further this interest; and

WHEREAS, the City Council deems in the best interest of the public health, safety, morals, and general welfare of the City to have a textual amendment that includes data centers as permitted uses; and

WHEREAS, the City considers necessary to have an appendix for definitions and terms that clarifies uses permitted; and

WHEREAS, a public hearing was held in accordance with the requirements of the Local Government Code after proper notice of this hearing was given in accordance with said Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENUS, TEXAS, AS FOLLOWS:

SECTION 1.

That Chapter 34 "Zoning" Article I. - "In General," Section 34-3, "Definitions" is hereby amended and which shall read as follows:

"…

Definitions

…

Data Center. A Data Center is a structure that houses a large grouping of network computer servers typically used by businesses, governments, and organizations for remote storage, processing, and distribution of large amounts of data. This definition may include additional electrical substation requirements to be considered and allowed as a component of the primary Data Center use.

…"

SECTION 2.

That Chapter 34 "Appendix B. - Table of Common Uses" is hereby repealed in its entirety and replaced with a new Appendix B – Table of Common Uses" which is attached to this Ordinance as Exhibit "A" and fully incorporated herein for all purposes as if fully recited.

SECTION 3.

This Ordinance shall be cumulative of all other ordinances of the City of Venus and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 4.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5.

Any person, firm or corporation who violates, disobeys, omits neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than two-thousand dollars ($2,000.00) for each violation of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6.

The City Secretary of the City of Venus, Texas is hereby directed to publish at least once in the official newspaper of the City of Venus, the caption, and the penalty clause of this ordinance in accordance with Section 52.011(a) of the Local Government Code.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VENUS, TEXAS ON THIS THE 12th DAY OF AUGUST 2024.

CITY OF VENUS, TEXAS

_____
Alejandro Galaviz, Mayor

ATTEST:

_____
Callie Green, City Secretary

Exhibit "A"

APPENDIX B. TABLE OF COMMON USES

Use	AG	R-1L	R-1	R-1S	R-2	R-3	R-4	C-1	C-2	CB	I-1	I-2	MH
Livestock	X	X*											
Dairies	X												
Churches	X	X*	X*	X*	X*	X	X	X	X	X			X*
Data Center											X	X	
Parks	X	X	X	X	X	X	X			X			X
Single-family unit	X	X	X	X									
Schools	X	X*	X*	X*	X	X	X	X	X	X			X*
Hospital	X*						X						
Radio tower	X*	X*						X	X	X	X	X	
Public utilities	X	X*						X	X	X			
Athletic fields	X	X	X	X	X	X	X						X
Private water station		X*	X*	X*	X*	X*	X*	X	X	X			X*
Electric substation		X*	X*	X*	X*	X*	X*				X	X	X*
Two-family residential					X	X							
Multiple-family units						X	X						
Day care						X	X						
Multiple-family (high density)							X						
Manufactured home													X
Libraries and museums							X	X	X	X			
Hotel/motel							X	X*	X*	X*			
Professional offices							X	X	X	X			
Medical and dental clinic								X	X	X			
Bakery, restaurant, cafe, ice cream shops								X	X	X			
Parking lots								X	X	X			
Candy shop								X	X	X			

Printer								X	X	X			
Antiques								X	X	X			
Art gallery								X	X	X			
Financial institutions								X	X	X			
Camera, photography stores								X	X	X			
Coin, philatelic stores								X	X	X			
Department stores								X	X	X			
Florist								X	X	X			
Furniture store								X	X	X			
Furriers								X	X	X			
Appliances								X	X	X			
Leather, luggage								X	X	X			
Loan office								X	X	X			
Locksmith								X	X	X			
Musical instruments								X	X	X			
Reducing salons								X	X	X			
Sporting goods								X	X	X			
Tailor								X	X	X			
Telegraph office								X	X	X			
Theater								X	X	X			
Tobacco shop								X	X	X			
Travel bureau								X	X	X			
Cleaning and dyeing facility									X				
Ice plant									X				
Laundries and automobile washes									X	X			
Mortuary									X	X			
Pumping station									X	X			
Radio/TV broadcast station									X	X			
Repair and storage garage									X				
Telephone exchange									X		X	X	

Tire repair shop									X				
Auto body operations									X	X*			
Spray-paint operations									X				
Auction room									X	X			
Automobile service station									X	X*			
Blueprinting									X	X			
Floor covering									X	X			
Research lab									X				
Interior decorator									X	X			
Meat market									X	X			
Upholstery									X	X			
Taxidermist									X	X			
Advertising products											X	X	
Ambulance, bus, train, yard											X	X	
Awnings, blinds, shades											X	X	
Pharmaceutical products											X	X	
Electrical appliances											X	X	
Electrical instruments, supplies											X	X	
Furniture refinishing											X	X	
Jewelry											X	X	
Medical supplies											X	X	
Machine shop											X	X	
Metal finishing											X	X	
Metal stamping											X	X	
Machinery repair											X	X	
Orthopedic appliances											X	X	
Scientific instruments											X	X	
Sheet metal shop											X	X	
Silverware											X	X	
Shell egg business											X	X	
Bus station, terminal											X	X	

Radar installation											X	X	
Radio/TV station											X	X	
Trade schools											X	X	
Stadiums, auditoriums											X	X	
Warehouse											X	X	
Factory outlet store											X	X	
Amusement											X*	X*	
Asphalt, concrete plant											X*	X	
Gasoline/oil storage											X*	X	
Restaurant											X*	X*	
Milk processing											X	X	
Paper products												X	
Railroad freight terminals												X	
Feed mixing and grinding												X	
Foundry or metal fabrication												X	
Meat processing												X	
Cartage establishment												X	
Tire manufacturing												X	
Automobile, airplane assembly												X	

Note: * Indicates a conditional use or a restricted use. Please refer to the district regulations.

This table does not list every use within each district and is for information only. Please refer to the district regulations for uses not listed, or for further clarification.

(Ord. No. 242-2001, app. B, 2-19-2001; Ord. No. 711-2020-10 , § 17, 10-12-2020)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF VENUS, TEXAS, ANNEXING THE HEREINAFTER DESCRIBED TERRITORY LEGALLY DESCRIBED AS BEING ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND BEING A PART THE RADFORD BERRY SURVEY, ABSTRACT NUMBER 26, (JOHNSON COUNTY) & ABSTRACT NUMBER 42, (ELLIS COUNTY), TEXAS; A 216.971 ACRE TRACT OF LAND DESCRIBED AS A TRACT ONE AND TRACT TWO IN DEED TO ANDREIA LYNN MCGREGOR, JEFF DUNAWAY MCGREGOR, JR., JOHN DOW MCGREGOR, AND SHELLY ANN SANDERS, RECORDED IN COUNTY CLERK'S INSTRUMENT NUMBER 2156334, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (OPRECT) AND RECORDED IN COUNTY CLERK'S INSTRUMENT NUMBER 2022-002337, OF THE OFFICIAL PUBLIC RECORDS OF JOHNSON COUNTY, TEXAS (OPRJCT) AND BEING ALL OF A CALLED 216.971 ACRE TRACT OF LAND INTO THE CITY OF VENUS. JOHNSON AND ELLIS COUNTIES, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE THE DESCRIBED PROPERTY WITHIN THE CITY LIMITS, AND GRANTING TO ALL THE INHABITANTS OF THE PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING THE INHABITANTS BY ALL OF THE ORDINANCES, RESOLUTIONS, ACTS AND REGULATIONS OF THE CITY; ADOPTING A SERVICE PLAN; FINDING AND DETERMINING THAT ALL REQUIREMENTS FOR ANNEXATION INCLUDING PUBLIC HEARINGS, NOTICES, AND OPEN MEETINGS HAVE BEEN MET ACCORDING TO LAW; PROVIDING INSTRUCTIONS FOR FILING THIS ORDINANCE AND FOR CORRECTING THE OFFICIAL MAP AND BOUNDARIES OF SAID CITY; PROVIDING SEVERABILITY AND CUMULATIVE CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Venus, Texas ("City") is authorized, pursuant to Chapter 43.0671 of the Texas Local Government Code to annex territory and extend the corporate limits of the City, subject to state law (the "Property"); and

WHEREAS, on or about May 8, 2024, the property owner ("Applicant") submitted a Petition for Voluntary Annexation to the City of Venus; and

WHEREAS, the City desires to approve said petition and annex certain territory described herein (the "Property"); and

WHEREAS, all of the Property described herein is contiguous to and within the exclusive extra territorial jurisdiction of the City; and

WHEREAS, all required notices, all public hearings, and all requirements for such annexation have been provided, held, and met in accordance with applicable law; and

WHEREAS, in accordance with Sections 43.0672 and 212.172 of the Texas Local Government Code, a Service Plan Agreement between the City and the Applicant was entered into for the area to be annexed, made available to the public and entered into previously with the owner of said Property, and is attached hereto and incorporated herein; and

WHEREAS, the City Council of the City of Venus, Texas finds and determines that annexation of the Property hereinafter described is in the best interests of the citizens of the City of Venus and the owners and residents of the area.

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

SECTION 1. **Findings.** It is hereby officially determined that the findings and recitations contained above in the preamble of this ordinance are true and correct and are legislative findings and are incorporated herein by reference.

SECTION 2. **Annexation.** That the following described territory, to wit:

All that certain tract of land being all that certain lot, tract or parcel of land, being 216.971 total acres, more or less, and situated in the Radford Berry Survey, Abstract Number 26, Johnson County, Texas and Abstract Number 42, Ellis County, Texas and being all that certain called 216.971 acre tract of land (9,451,256.76 square feet), described in Deed to Andreia McGregor, Jeff Dunaway McGregor, Jr., John Dow McGregor, and Shelly Ann Sanders and recorded in County Clerk's Instrument Number 2156334, real property records of Ellis County, Texas and recorded in County Clerk's Instrument Number 2022-002337, real property records of Johnson County, Texas and more particularly described by metes and bounds in Exhibit A, and depicted in Exhibit B, which are incorporated herein by reference in this Ordinance as if fully recited.

Be and the same is hereby annexed into the City of Venus, Johnson and Ellis Counties Texas, and that the boundary limits of the City of Venus, Texas, be and the same are hereby extended to include the above-described territory within the city limits of Venus, and that the same shall hereafter be included within the territorial limits of said City and said land and the inhabitants thereof shall be hereafter entitled to all rights and privileges of all other citizens of the City of Venus, Texas, and shall be bound by the ordinances, resolutions, acts and regulations of the City.

SECTION 3. **Service Plan.** A written Service Plan is prepared in accordance with applicable provisions of State law pertaining to annexation is attached hereto as Exhibit C and is hereby incorporated herein by reference and adopted as part of this ordinance and the same shall govern the delivery of municipal services to the annexed territory.

SECTION 4. **Official Map.** The official map and boundaries of the City, previously adopted, are hereby amended to include the Property as part of the City of Venus. The City Secretary is directed and authorized to perform or cause to be performed all acts necessary to correct the official map of the City to add the annexed Property as required by applicable law.

SECTION 5. **Severability Clause**. It is hereby declared by the City Council of the City of Venus that if any of the sections, paragraphs, sentences, clauses, phrases, words or provisions of this ordinance should be declared unconstitutional or otherwise invalid for any reason, such event shall not affect any remaining sections, paragraphs, sentences, clauses, phrases, words or provisions of this ordinance.

SECTION 6. **Cumulative Clause**. This ordinance shall be cumulative if all provisions of ordinances of the City of Venus except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 7. **Public Meeting**. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

SECTION 8. **Filing Instructions.** The City Secretary is hereby directed to file a certified copy of this ordinance with the County Clerk of Johnson County and the County Clerk of Ellis County, Texas and with other appropriate officials and agencies as required by state and federal law.

SECTION 9. **Effective Date.** This ordinance shall be in full force and effect immediately upon its passage and approval by the City Council of the City of Venus, Texas.

DULY PASSED by the City Council of the City of Venus, Texas, on the ___day of August 2024.

APPROVED:

_____
Alejandro Galaviz, Mayor

ATTEST:

_____
Callie Green, City Secretary

EXHIBIT A
METES AND BOUNDS
216.971 ACRES

LEGAL DESCRIPTION:

BEING a tract of land situated in the Radford Berry Survey, Abstract No. 42, Ellis County, Texas and in the Radford Berry Survey, Abstract No. 26, Johnson County, Texas and being a portion of those tracts of land described as tract one and tract two in deed to Andreia Lynn McGregor, Jeff Dunaway McGregor Jr., John Dow McGregor, and Shelly Ann Sanders, recorded in instrument No. 2156334, of the Official Public Records of Ellis County, Texas (OPRECT) and being a portion of those tracts of land described as tract one and tract two in deed to Andreia Lynn McGregor, Jeff Dunaway McGregor Jr., John Dow McGregor, and Shelly Ann Sanders, recorded in instrument No. 2022-002337, of the official public records of Johnson County, Texas (OPRJCT) and being more particularly described as follows:

BEGINNING at a point for the northwest corner of said McGregor Tract, the common northeast corner of a tract of land described in deed to LGI Homes-Texas LLC, recorded in instrument number 2021-42520, of the official public records of Johnson County, Texas (OPRJCT) and in the south line of that tract of land described in deed to Fulson Venus140, LP, recorded in volume 2304, page 1023, (OPRECT) and in the approximate centerline of east County Road 109 (a variable width unrecorded right-of-way), from which a nail with shiner stamped "KHA" found for the southwest corner of said Fulson Venus 140 tract, bears S 59º 41' 52" W, a distance of 31.56 feet;

THENCE N 59º 41' 52" E, along the north line of said McGregor tract and the common south line of said Fulson Venus 140 tract and the approximate centerline of said east County Road 109, passing at an approximate distance of 1390.13 feet, the Ellis/Johnson County line, passing at a distance of 2172.38 feet to the southeast corner of said Fulson Venus 140 tract and the common southwest corner of tract land described in deed to Chisholm Trail Redi-Mix, LLC, recorded in instrument number 1933710, (OPRECT) from which a 5/8" iron rod found for witness, bears N 31º 09' 34" W, a distance of 4.51 feet, continuing along the north line of said McGregor tract and the common south line of said Chisholm Trail Redi-Mix tract and the approximate centerline of said east County Road 109, passing at a distance of 3118.24 feet to the southeast corner of said Chisholm Trail Redi-Mix tract and the common southwest corner of that tract of land described in deed to Chaparral Steel Midlothian, LP, recorded in volume 1235, page 820, (OPRECT), from which a ½" iron rod found for witness, bears N 29º 32' 05" W, a distance of 29.94 feet, continuing along the north line of said McGregor tract and the common south line of said Chaparral Steel Midlothian tract and the approximate centerline of said east County Road 109, a total distance of 3147.83 feet to a point for the northeast corner of said McGregor tract and the common northwest corner of that tract of land described in deed to Darren Lynn Halbert and Teresa Horton Halbert, recorded volume 1405, page 594, (OPRECT);

THENCE S 30º 31' 29" E, along the east line of said McGregor tract and the common west line of said Halbert tract, passing at a distance of 30.00 feet a 5/8" iron rod with a cap stamped

“TXRCS” set for witness, a total distance of 1206.59 feet to a 5/8” iron rod with cap stamped “TXRCS” set for an interior ell corner of said McGregor tract and the common southwest corner of said Halbert tract;

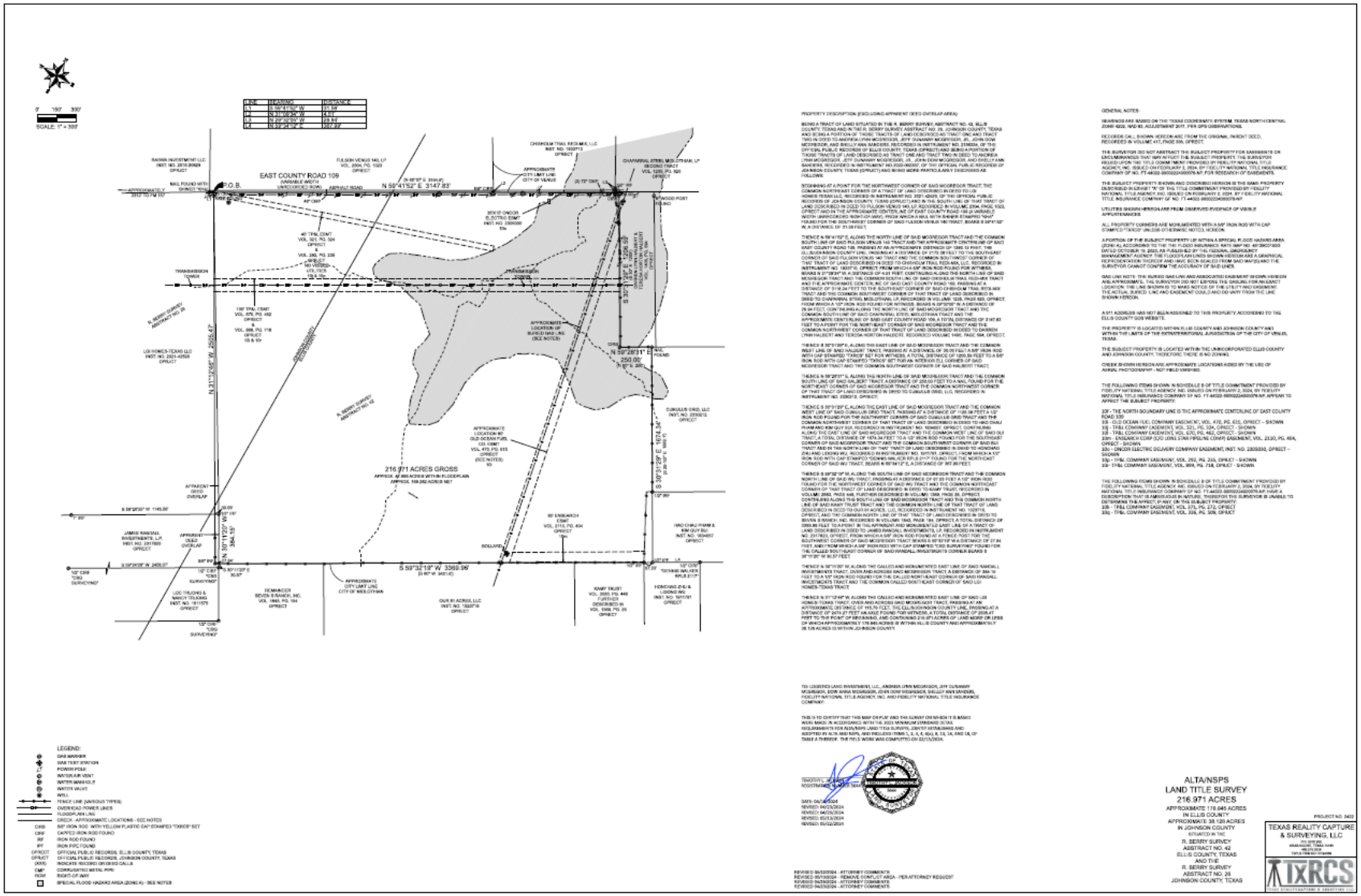
THENCE N 59º 28’ 31” E, along the north line of said McGregor tract and the common south line of said Halbert tract, a distance of 250.00 feet to a nail found for the northeast corner of said McGregor tract and the common northwest corner of that tract of land described in deed to Cumulus Grid, LLC, recorded in instrument number 2330212, (OPRECT);

THENCE S 30º 31’ 29” E, along the east line of said McGregor tract and the common west line of said Cumulus Grid tract, passing at a distance of 1126.38 feet a ½” iron rod found for the southwest corner of said Cumulus Grid tract and the common northwest corner of that tract of land described in deed to Hao Chau Pham and Kim Quy Bui, recorded in instrument number 1834057, (OPRECT), continuing along the east line of said McGregor tract and the common west line of said Bui tract, a total distance of 1674.34 feet to a ½” iron rod found for the southeast corner of said McGregor tract and the common southwest corner of said Bui tract and in the north line of that tract of land described in deed to Honchao Zhu and Lidong Wu, recorded in instrument number 1911797, (OPRECT), from which a ½” iron rod with a cap stamped “Dennis Walker RPLS 2117” found for the northeast corner of said Wu tract, bears N 59 34’ 12” E, a distance of 367.99 feet;

THENCE S 59º 32’ 19” W, along the south line of said McGregor tract and the common north line of said Wu tract, passing at a distance of 67.03 feet a ½” iron rod found for the northwest corner of said Wu tract and the common northeast corner of that tract of land described in deed to Kamy Trust, recorded in volume 2683, page 448, further described in volume 1369, page 26, (OPRECT), continuing along the south line of said McGregor tract and the common north line of said Kamy Trust tract and the common north line of that tract of land described in deed to our 81 acres, LLC, recorded in instrument number 1523718, (OPRECT), and the common north line of that tract described in deed to Seven S Ranch, Inc, recorded in volume 1843, page 154, (OPRECT), a total distance of 3369.96 feet to a point in the apparent and monumented east line of a tract of land described in deed to James Randall Investments, LP, recorded in instrument number 2317820, (OPRECT), from which a 5/8” iron rod found at a fence post for the southwest corner of said McGregor tract bears S 59º 32’ 19” W, a distance of 27.84 feet, and from which a 5/8” iron rod with cap stamped “CBG Surveying” found for the called southeast corner of said Randall Investments corner bears S 30º 11’ 20” W, 30.57 feet;

THENCE N 30º 11’ 20” W, along the called and monumented east line of said Randall Investments tract, over and across said McGregor tract, a distance of 348.15 feet to a ½” iron rod found for the called southeast corner of said LGI Homes-Texas tract;

THENCE N 31º 12’ 46” W, along the called and monumented east line of said LGI Homes-Texas tract, over and across said McGregor tract, passing at an approximate distance of 115.79 feet, the Ellis/Johnson county line, passing at a distance of 2474.27 feet an axle found for witness, a total distance of 2505.47 feet to the point of beginning, and containing 216.971 acres of land more or less of which approximately 178.845 acres is within Ellis County and approximately 38.126 acres is within Johnson County.



LINE	BEARING	DISTANCE
L1	S 59°41'52" W	21.58'
L2	N 31°00'26" W	8.01'
L3	N 29°35'59" W	28.86'
L4	N 59°28'31" E	267.00'

PROPERTY DESCRIPTION (FIELD NOTES APPARENT DEED OVERLAP AREA):

BEING A TRACT OF LAND SITUATED IN THE R. BERRY SURVEY, ABSTRACT NO. 42, ELLIS COUNTY, TEXAS AND IN THE R. BERRY SURVEY, ABSTRACT NO. 26, JOHNSON COUNTY, TEXAS AND BEING A PORTION OF THOSE TRACTS OF LAND DESCRIBED AS TRACT ONE AND TRACT TWO IN DEED TO ANDREA LYNN MCGREGOR, JEFF DUNAWAY MCGREGOR, JR., JOHN DOW MCGREGOR, AND SHELLY ANN SANDERS, RECORDED IN INSTRUMENT NO. 2185804, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (OPRECT) AND BEING A PORTION OF THOSE TRACTS OF LAND DESCRIBED IN DEED TO ANDREA LYNN MCGREGOR, JEFF DUNAWAY MCGREGOR, JR., JOHN DOW MCGREGOR, AND SHELLY ANN SANDERS, RECORDED IN INSTRUMENT NO.2020-2602557, OF THE OFFICIAL PUBLIC RECORDS OF JOHNSON COUNTY, TEXAS (OPRJCT) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FOR THE NORTHWEST CORNER OF SAID MCGREGOR TRACT, THE COMMON NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO LGI HOMES-TEXAS LLC, RECORDED IN INSTRUMENT NO. 2021-43509, OF THE OFFICIAL PUBLIC RECORDS OF JOHNSON COUNTY, TEXAS (OPRJCT) LYING IN THE SOUTH LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO FULSON VENUS 140, LP, RECORDED IN VOLUME 2594, PAGE 1023, OPRJCT, AND THE APPROXIMATE CENTERLINE OF EAST COUNTY ROAD 109 (A VARIABLE WIDTH - UNRECORDED WORTHWAY), FROM WHICH A WAL WITH SHINER STAMPED "WAL" FOUND FOR THE SOUTHWEST CORNER OF SAID FULSON VENUS 140 TRACT, BEARS S 89°41'52" W, A DISTANCE OF 21.58 FEET;

THENCE N 59°41'52" E, ALONG THE NORTH LINE OF SAID MCGREGOR TRACT AND THE COMMON SOUTH LINE OF SAID FULSON VENUS 140 TRACT AND THE APPROXIMATE CENTERLINE OF SAID EAST COUNTY ROAD 109, PASSING AT AN APPROXIMATE DISTANCE OF 1990.10 FEET THE LL; ELLIS-JOHNSON COUNTY LINE, PASSING AT 2,031 DISTANCE OF 2170.38 FEET TO THE SOUTH-EAST CORNER OF SAID FULSON VENUS 140 TRACT AND THE COMMON SOUTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO CHISHOLM TRAIL RESI-MIX, LLC, RECORDED IN INSTRUMENT NO. 1933716, OPRECT, FROM WHICH A 5/8" IRON ROD FOUND FOR WITNESS BEARS N 31°00'26" W, A DISTANCE OF 8.01 FEET, CONTINUING ALONG THE NORTH LINE OF SAID MCGREGOR TRACT AND THE SOUTH LINE OF SAID CHISHOLM TRAIL RESI-MIX TRACT AND THE APPROXIMATE CENTERLINE OF SAID EAST COUNTY ROAD 109, PASSING AT A DISTANCE OF 3118.24 FEET TO THE SOUTHEAST CORNER OF SAID CHISHOLM TRAIL RESI-MIX TRACT AND THE COMMON SOUTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN 2868 TO CHAPARRAL STEEL MIDLOTHIAN, LP, RECORDED IN VOLUME 1228, PAGE 820, OPRECT, FROM WHICH A 1/2" IRON ROD FOUND FOR WITNESS, BEARS N 29°35'59" W A DISTANCE OF 28.86 FEET, CONTINUING ALONG THE NORTH LINE OF SAID MCGREGOR TRACT AND THE COMMON SOUTH LINE OF SAID CHAPARRAL STEEL MIDLOTHIAN TRACT AND THE APPROXIMATE CENTERLINE OF SAID EAST COUNTY ROAD 109, A TOTAL DISTANCE OF 3147.83 FEET TO A POINT FOR THE NORTH-EAST CORNER OF SAID MCGREGOR TRACT AND THE COMMON NORTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO DARREN LYNN HALBERT AND TERESA NORTON HALBERT, RECORDED VOLUME 1486, PAGE 1994, OPRECT;

THENCE S 30°31'29" E, ALONG THIS EAST LINE OF SAID MCGREGOR TRACT AND THE COMMON WEST LINE OF SAID HALBERT TRACT, PASSING AT A DISTANCE OF 1205.39 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR WITNESS, A TOTAL DISTANCE OF 1205.39 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR AN INTERIOR ELL CORNER OF SAID MCGREGOR TRACT AND THE COMMON SOUTHWEST CORNER OF SAID HALBERT TRACT;

THENCE N 59°28'31" E, ALONG THIS NORTH LINE OF SAID MCGREGOR TRACT AND THE COMMON SOUTH LINE OF SAID HALBERT TRACT A DISTANCE OF 250.00 FEET TO A NAIL FOUND FOR THE NORTHEAST CORNER OF SAID MCGREGOR TRACT AND THE COMMON NORTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO CUMULUS GRID, LLC, RECORDED IN INSTRUMENT NO. 2330013, OPRECT;

THENCE S 30°31'29" E, ALONG THE EAST LINE OF SAID MCGREGOR TRACT AND THE COMMON WEST LINE OF SAID CUMULUS GRID TRACT, PASSING AT A DISTANCE OF 1126.38 FEET A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID CUMULUS GRID TRACT AND THE COMMON NORTHWEST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO HAO CHAU PHAM AND KIM GUY BUI, RECORDED IN INST FUSION NO. 1934657, OPRECT, CONTINUING ALONG THE EAST LINE OF SAID MCGREGOR TRACT AND THE COMMON WEST LINE OF SAID BUI TRACT, A TOTAL DISTANCE OF 1674.34 FEET TO A 1/2" IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID MCGREGOR TRACT AND THE COMMON SOUTH WEST CORNER OF SAID BUI TRACT AND IN THE NORTH LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO HONDMO ZHI AND LIEKANG WU, RECORDED IN INSTRUMENT NO. 1917781, OPRECT, FROM WHICH A 1/2" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID ZHI AND WU TRACT, BEARS N 59°34'12" E, A DISTANCE OF 367.89 FEET;

THENCE S 59°32'18" W, ALONG THE SOUTH LINE OF SAID MCGREGOR TRACT AND THE COMMON NORTH LINE OF SAID BUI TRACT, PASSING AT A DISTANCE OF 67.93 FEET A 1/2" IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID BUI TRACT AND THE COMMON NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO MARY TRUST, RECORDED IN VOLUME 2650, PAGE 448, FURTHER DESCRIBED IN VOLUME 1368, PAGE 86, OPRECT, CONTINUING ALONG THE SOUTH LINE OF SAID MCGREGOR TRACT AND THE COMMON NORTH LINE OF SAID MARY TRUST TRACT AND THE COMMON NORTH LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO OUR 91 ACRES, LLC, RECORDED IN INSTRUMENT NO. 1928718, OPRECT, FROM WHICH A 1/2" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID TO BOWEN RANCH, INC., RECORDED IN VOLUME 1940, PAGE 184, OPRECT, A TOTAL DISTANCE OF 3369.96 FEET TO A POINT IN THE APPARENT AND MONUMENTED EAST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO JAMES RANDALL INVESTMENTS, LP, RECORDED IN INSTRUMENT NO. 2017803, OPRECT, FROM WHICH A 5/8" IRON ROD FOUND AT A FENCE POST FOR THE SOUTHWEST CORNER OF SAID MCGREGOR TRACT BEARS S 59°32'18" W A DISTANCE OF 27.84 FEET, AND FROM WHICH A 5/8" IRON ROD WITH CAP STAMPED "CBG SURVEYING" FOUND FOR THE CALLED SOUTHEAST CORNER OF SAID RANDALL INVESTMENTS TRACT BEARS S 36°11'20" W 80.57 FEET;

THENCE N 30°31'29" W, ALONG THE CALLED AND MONUMENTED EAST LINE OF SAID RANDALL INVESTMENTS TRACT, OVER AND ACROSS SAID MCGREGOR TRACT, A DISTANCE OF 394.19 FEET TO A 1/2" IRON ROD FOUND FOR THE CALLED NORTHEAST CORNER OF SAID RANDALL INVESTMENTS TRACT AND THE COMMON CALLED SOUTHEAST CORNER OF SAID LGI HOMES-TEXAS TRACT;

THENCE N 31°12'45" W, ALONG THE CALLED AND MONUMENTED EAST LINE OF SAID LGI HOMES-TEXAS TRACT, OVER AND ACROSS SAID MCGREGOR TRACT, PASSING AT AN APPROXIMATE DISTANCE OF 115.79 FEET THE ELLIS-JOHNSON COUNTY LINE, PASSING AT A DISTANCE OF 2474.27 FEET AN AXLE FOUND FOR WITNESS, A TOTAL DISTANCE OF 2505.47 FEET TO THE POINT OF BEGINNING, AND CONTAINING 216.971 ACRES OF LAND MORE OR LESS OF WHICH APPROXIMATELY 178.845 ACRES IS WITHIN ELLIS COUNTY AND APPROXIMATELY 38.126 ACRES IS WITHIN JOHNSON COUNTY.

GENERAL NOTES:

BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE 4202, NAD 83, ADJUSTMENT 2011, FAR GPS OBSERVATIONS.

RECORDS CALL SHOWN HEREON ARE FROM THE ORIGINAL PARENT DEED, RECORDED IN VOLUME 417, PAGE 556, OPRECT.

THE SURVEYOR DID NOT ABSTRACT THE SUBJECT PROPERTY FOR EASEMENTS OR ENCUMBRANCES THAT MAY AFFECT THE SUBJECT PROPERTY. THE SURVEYOR RELIED UPON THE TITLE COMMITMENT PROVIDED BY FIDELITY NATIONAL TITLE AGENCY, INC. ISSUED ON FEBRUARY 2, 2024, BY FIDELITY NATIONAL TITLE INSURANCE COMPANY OF NO. FT-44022-2600222400007A-NF, FOR RESEARCH OF EASEMENTS.

THE SUBJECT PROPERTY SHOWN AND DESCRIBED HEREON IS THE SAME PROPERTY DESCRIBED IN SURVEY "A" OF THIS TITLE COMMITMENT PROVIDED BY FIDELITY NATIONAL TITLE AGENCY INC. ISSUED ON FEBRUARY 2, 2024, BY FIDELITY NATIONAL TITLE INSURANCE COMPANY OF NO. FT-44022-2600222400007A-NF.

UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF VISIBLE APPURTENANCES.

ALL PROPERTY CORNERS ARE MONUMENTED WITH A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" UNLESS OTHERWISE NOTED, HEREON.

A PORTION OF THE SUBJECT PROPERTY LIE WITHIN A SPECIAL FLOOD HAZARD AREA (ZONE A) ACCORDING TO THE THE FLOOD INSURANCE RATE MAP NO. 48139C0150G DATED JUNE 3, 2013, FOR ELLIS COUNTY, TEXAS AND INCORPORATED AREAS, AND THE FLOOD INSURANCE RATE MAP NO. 48251C0150G DATED DECEMBER 4, 2012, FOR JOHNSON COUNTY, TEXAS AND INCORPORATED AREAS. THE FLOOD ZONE LINES SHOWN HEREON ARE A GRAPHICAL REPRESENTATION THEREOF AND HAVE BEEN SCALED FROM SAID MAPS AND THE SURVEYOR CANNOT CONFIRM THE ACCURACY OF SAID LINES.

GAS LINE NOTE: THE BURIED GAS LINE AND ASSOCIATED EASEMENT SHOWN HEREON ARE APPROXIMATE. THE SURVEYOR DID NOT EXPOSE THE GAS LINE FOR AN EXACT LOCATION. THE LINE SHOWN IS TO MAKE NOTICE OF THE UTILITY AND EASEMENT. THE ACTUAL BURIED LINE AND EASEMENT COULD AND DO VARY FROM THE LINE SHOWN HEREON.

A 911 ADDRESS HAS NOT BEEN ASSIGNED TO THIS PROPERTY, ACCORDING TO THE ELLIS COUNTY GIS WEBSITE.

THE PROPERTY IS LOCATED WITHIN ELLIS COUNTY AND JOHNSON COUNTY AND WITHIN THE LIMITS OF THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF VENUS, TEXAS.

THE SUBJECT PROPERTY IS LOCATED WITHIN THE UNINCORPORATED ELLIS COUNTY AND JOHNSON COUNTY, THOROTONIC THERE IS NO ZONING.

CREEK SHOWN HEREON ARE APPROXIMATE LOCATIONS ADDED BY THE USE OF AERIAL PHOTOGRAPHY - NOT FIELD VERIFIED.

THE FOLLOWING ITEMS SHOWN IN SCHEDULE B OF TITLE COMMITMENT PROVIDED BY FIDELITY NATIONAL TITLE AGENCY, INC. ISSUED ON FEBRUARY 2, 2024, BY FIDELITY NATIONAL TITLE INSURANCE COMPANY OF NO. FT-44022-2600222400007A-NF, APPEARS TO AFFECT THE SUBJECT PROPERTY:

32F - THE NORTH BOUNDARY LINE IS THE APPROXIMATE CENTERLINE OF EAST COUNTY ROAD 109.
33 - OLD OCEAN FUEL COMPANY EASEMENT, VOL. 470, PG. 615, OPRECT – SHOWN
33 - TP&L COMPANY EASEMENT, VOL. 321, PG. 534, OPRECT - SHOWN
33 - TP&L COMPANY EASEMENT, VOL. 670, PG. 462, OPRECT - SHOWN
33H - ENGAGEN CORP (LOI LONG LONG PIPELINE COMPANY EASEMENT, VOL. 2130, PG. 464, OPRECT - SHOWN
33I - ONCOR ELECTRIC DELIVERY COMPANY EASEMENT, INST. NO. 2305930, OPRECT – SHOWN
33J - TP&L COMPANY EASEMENT, VOL. 292, PG. 233, OPRJCT - SHOWN
33K - TP&L COMPANY EASEMENT, VOL. 859, PG. 718, OPRJCT - SHOWN

THE FOLLOWING ITEMS SHOWN IN SCHEDULE B OF TITLE COMMITMENT PROVIDED BY FIDELITY NATIONAL TITLE AGENCY, INC. ISSUED ON FEBRUARY 2, 2024, BY FIDELITY NATIONAL TITLE INSURANCE COMPANY OF NO. FT-44022-2600222400007A-NF, HAVE A DESCRIPTION THAT IS AMBIGUOUS IN NATURE, THEREFOR THE SURVEYOR IS UNABLE TO DETERMINE THAT AFFECT, IF ANY, ON THE SUBJECT PROPERTY:
32B - TP&L COMPANY EASEMENT, VOL. 272, PG. 272, OPRECT
33G - TP&L COMPANY EASEMENT, VOL. 336, PG. 509, OPRJCT

TO: LOGISTICS LAND INVESTMENT, LLC., ANDREA LYNN MCGREGOR, JEFF DUNAWAY MCGREGOR, EDW ANNA MCGREGOR, JOHN DOW MCGREGOR, SHELLY ANN SANDERS, FIDELITY NATIONAL TITLE AGENCY, INC. AND FIDELITY NATIONAL TITLE INSURANCE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2023 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(a), 6, 7(a), 8, 13, AND 18, OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON 02/13/2024.

TIMOTHY C. BOWLES
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS
6777

DATE: 04/16/2024
REVISED: 04/23/2024
REVISED: 04/25/2024
REVISED: 05/13/2024
REVISED: 05/22/2024

REVISED 05/22/2024 - ATTORNEY COMMENTS
REVISED 05/13/2024 - REMOVE CONFLICT AREA - PER ATTORNEY REQUEST
REVISED 04/25/2024 - ATTORNEY COMMENTS
REVISED 04/23/2024 - ATTORNEY COMMENTS

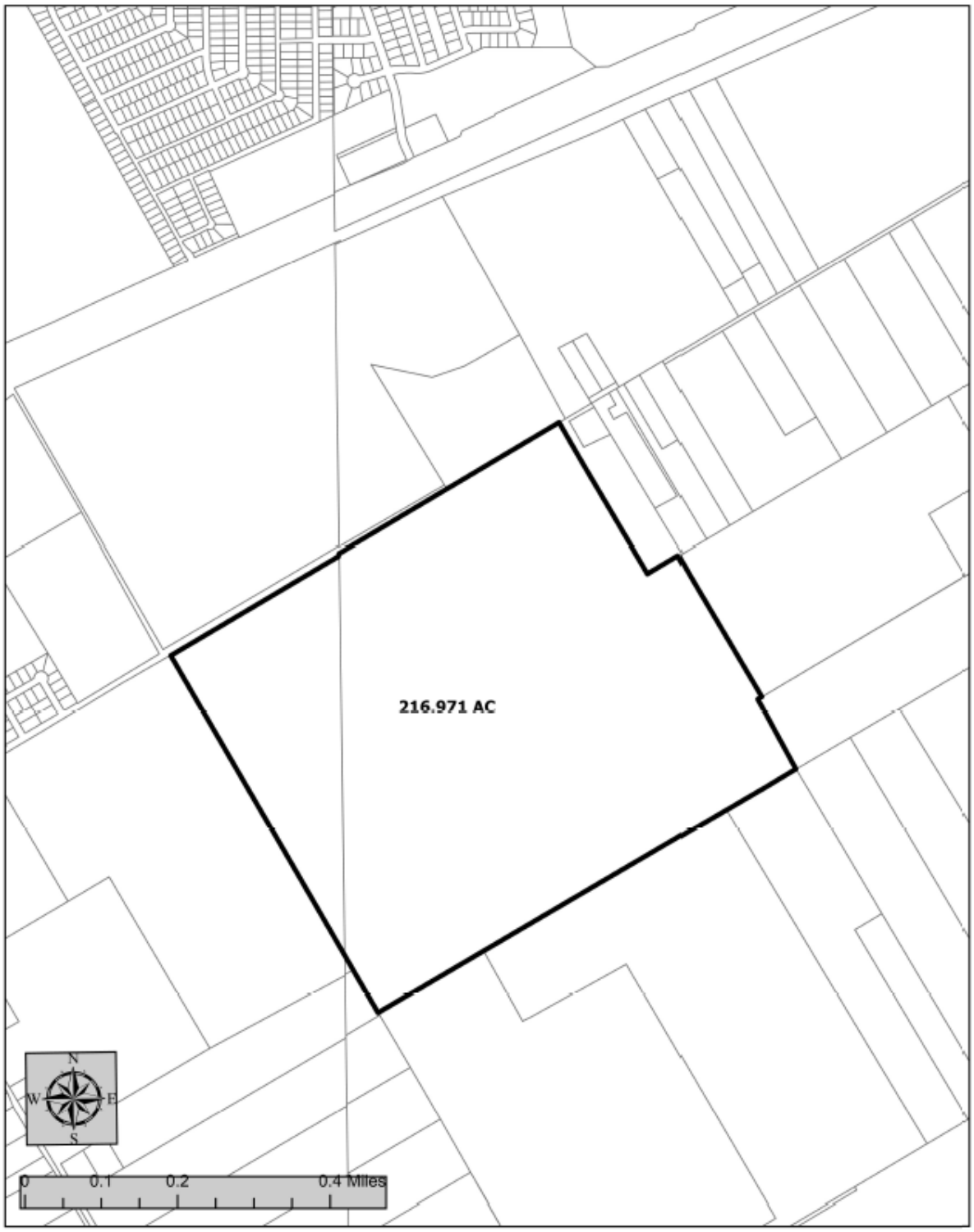
ALTA/NSPS LAND TITLE SURVEY
216.971 ACRES

APPROXIMATE 178.845 ACRES IN ELLIS COUNTY
APPROXIMATE 38.126 ACRES IN JOHNSON COUNTY
SITUATED IN THE
R. BERRY SURVEY
ABSTRACT NO. 42
ELLIS COUNTY, TEXAS
AND THE
R. BERRY SURVEY
ABSTRACT NO. 26
JOHNSON COUNTY, TEXAS

PROJECT NO. 3409

TEXAS REALITY CAPTURE & SURVEYING, LLC
1000 CENTRAL PARK DRIVE
ANNA-MCKINNEY, TEXAS 75409
TBPELS 10194
TBPLS 10194-10
TxRCS

EXHIBIT B
DEPICTION



900 E C. R. 109

EXHIBIT C
AERIAL



900 E C. R. 109

EXHIBIT E
CITY OF VENUS, TEXAS
SERVICE PLAN AGREEMENT

Property Owner(s): _____

All that certain tract of land being all that certain lot, tract or parcel of land, being 216.971 total acres, more or less, and situated in the Radford Berry Survey, Abstract Number 26, Johnson County, Texas and Abstract Number 42, Ellis County, Texas and being all that certain called 216.971 acre tract of land (9,451,256.76 square feet), described as a tract one and tract two in deed to Andreia Lynn McGregor, Jeff Dunaway McGregor Jr., John Dow McGregor, and Shelly Ann Sanders recorded in County Clerk's Instrument Number 2156334, of the official public records of Ellis County, Texas (OPRECT) and recorded in County Clerk's Instrument Number 2022-002337, of the official public records of Johnson County, Texas (OPRJCT).

CODE COMPLIANCE

Existing City Services: Yes.

City Services to be provided: The City will also provide Code Compliance services upon annexation to the area, at a level consistent with current methods and procedures presently provided to similar areas, on the effective date of this ordinance.

POLICE

Existing City Services: Yes.

City Services to be provided: The City's Police Department will patrol the area, at a level consistent with current methods and procedures presently provided to similar areas, on the effective date of this ordinance.

FIRE

Existing City Services: Yes.

City Services to be provided: The City's Fire Department will provide services upon annexation to the area, at a level consistent with current methods and procedures presently provided to similar areas, on the effective date of this ordinance.

EMERGENCY MEDICAL SERVICES

Existing City Services: The area is in the current service area of the City under an Inter Local Agreement with Johnson County ESD #1.

City Services to be provided: Emergency medical services shall continue to be provided to the area of annexation at a level consistent with current methods and procedures presently provided to similar areas, on the effective date of this ordinance.

SOLID WASTE SERVICES

Existing City Services: Yes.

City Services to be provided: The City will also provide solid waste services through a franchise with Frontier Waste Solutions upon annexation to the area, at a level consistent with current methods and procedures presently provided to similar areas, on the effective date of this ordinance.

WATER SERVICE AND MAINTENANCE

Existing City Services: No.

Property will be served by Mountain Peak Special Utility District (MPSUD).

SANITARY SEWER SERVICE AND MAINTENANCE

Existing City Services: Yes.

City Services to be provided: Sanitary sewer service to the area will be provided by the City of Venus upon installation of a lift station and sewer lines by the developer. Maintenance to sanitary sewer service will be provided by the City upon acceptance by the City in accordance with the standard extension ordinances, regulations, and rules, subject to and consistent with Texas Commission on Environmental Quality (TCEQ).

MAINTENANCE OF ROADS AND STREETS

Existing City Services: Yes.

City Services to be provided: The applicant will be responsible for road improvements on E C. R. 109. Then, upon final acceptance; the City will maintain streets in accordance with the City's ordinances, regulations and rules.

STREET LIGHTING

Existing City Services: No.

City Services to be provided: The City will coordinate any request for improved street lighting with the local electric provider in accordance with the standard ordinances, regulations, and rules, subject to and consistent with the City's participation policies.

BUILDING INSPECTION

Existing City Services: Yes.

City Services to be provided: The City of Venus and its designees will provide Building Inspection services upon annexation. This includes issuing building, mechanical, electrical and plumbing permits for any new construction and remodeling and enforcing all other applicable codes which regulate building construction within the City of Venus.

PLANNING AND ZONING

Existing City Services: Yes.

City Services to be provided: The City is responsible for regulating development and land use through the administration of the City's Zoning Ordinance and this service will extend to this area on the effective date of the annexation. The area will also continue to be regulated under the requirements of the City's Subdivision Ordinance.

PARKS AND RECREATION FACILITIES

Existing City Services: Yes.

City Services to be provided: Upon the effective date of annexation, residents within the annexes area may utilize all park and recreation facilities of the City.

PUBLICLY OWNED FACILITIES

Existing City Services: Yes.

City Services to be provided: Upon the effective date of annexation, any publicly owned facility, building or service located within the annexed area, and not otherwise owned or maintained by another governmental entity, shall maintained by the City of Venus.

MISCELLANEOUS

All other applicable municipal services will be provided to the area in accordance with the City's established policies governing extension of municipal services to newly annexed areas.

Nothing in this agreement shall require the City to provide a uniform level of full municipal services to each area of the City, including annexed area, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

Executed by each party herein below:

Passed and approved by the City of Venus, Texas, and executed by the Parties on this the ___ day of August 2024.

_____
Alejandro Galaviz, Mayor
City of Venus

STATE OF TEXAS)

COUNTY OF JOHNSON AND ELLIS)

This instrument was acknowledged before me on August __, 2024, by Alejandro Galaviz as Mayor for the City of Venus, Texas.

_____

Notary Public, State of Texas

My commission expires: _____

Applicant: _____
_____
_____

STATE OF TEXAS)

COUNTY OF JOHNSON)

This instrument was acknowledged before me on August __, 2024, by _____ for _____.

_____

Notary Public, State of Texas

My commission expires: _____

Planning Department

STAFF REPORT

TO: City Council

FROM: Planning Staff

DATE: August 7, 2024

SUBJECT: **REZONE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO R-2 (TWO-FAMILY RESIDENTIAL) DISTRICT: LOTS 7 & 8, BLOCK 10, VENUS LAND & IMPROVEMENT ADDITION, JOHNSON COUNTY, TEXAS; 701 S MAIN ST. (REZ2024-0002)**

GOAL: Zoning regulations must be adopted in accordance with the *Comprehensive Plan* and designed to 1) lessen congestion in the streets; 2) secure safety from fire, panic, and other dangers; 3) promote health and general welfare; 4) provide adequate light and air; 5) prevent the overcrowding of land; 6) avoid undue concentration of population; 7) facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements. L.G.C. Section 211.004.

LOCATION: The tract is located on the southwest corner of the intersection of S Main St. and W 7th St. The tract has approximately 100 ft. of frontage along S Main St. with a depth of approximately 140 ft. for a lot size of 0.321 acres (14,000 sq. ft.)

PROPOSAL: The applicant is requesting R-2 (Two-Family Residential) District in order to construct one residential duplex building with one-car garage for each dwelling.

ADJACENT ZONING: Adjacent zoning is R-1 (Single-Family Residential) District to the south; and R-1 (Single-Family Residential) District to west.

LAND USE: The property has a manufactured home that is inhabitable. Surrounding land uses are a residential in all directions.

COMPREHENSIVE PLAN: The City of Venus Comprehensive Plan designates the future land use as Residential. S Main St. is designated as a minor arterial with 80 ft. of ROW and approximately 30 ft. of pavement. It is currently a road with two lanes, no shoulders, no sidewalks and has a posted speed limit of 30 miles per hour. The Texas Department of Transportation (TxDOT) has plans to widen the street to include sidewalks and one turn lane.

DEVELOPMENT TRENDS: The development trend for this area along S Main St. is residential uses.

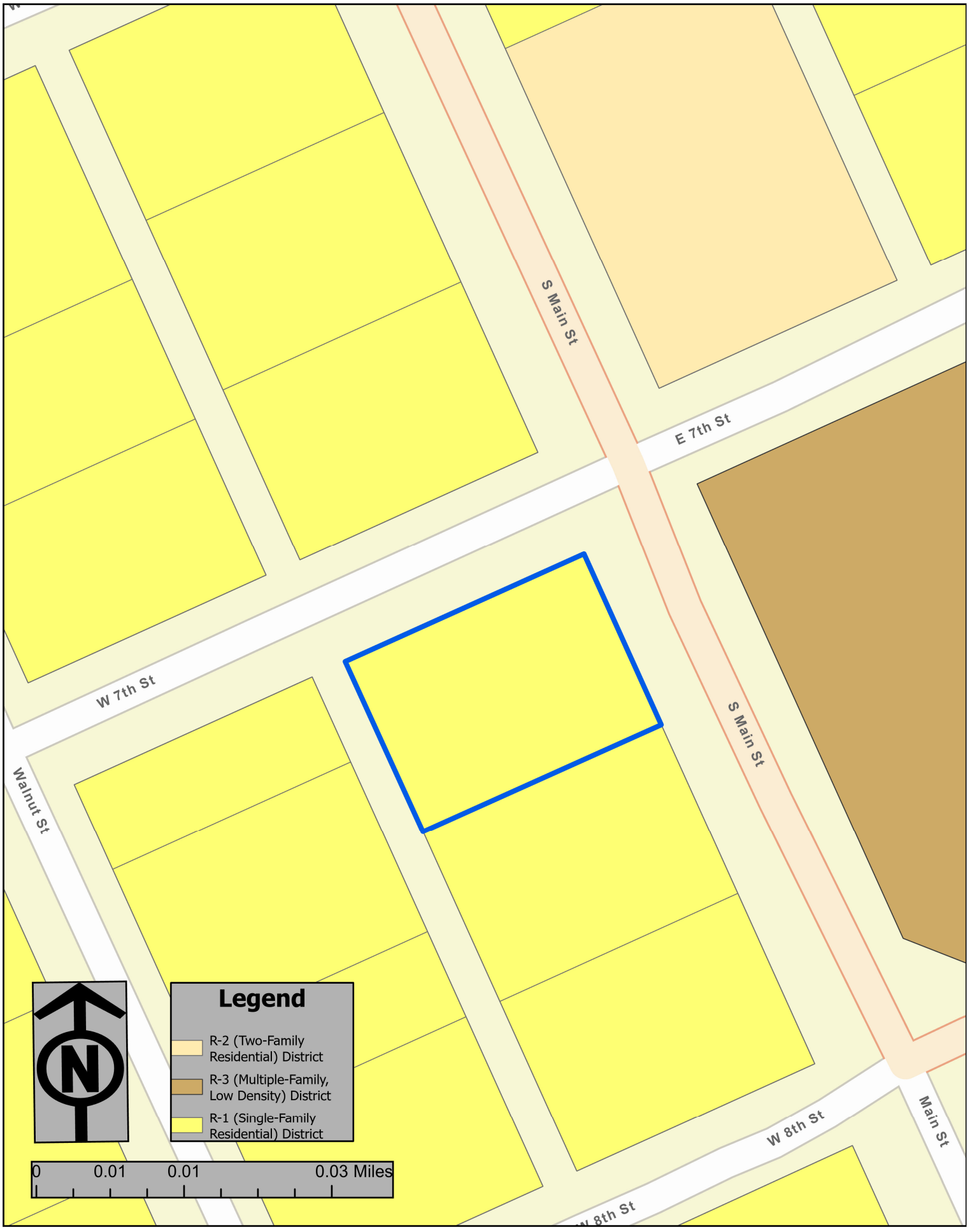
ANALYSIS: The requested zoning does not conform to the Residential land use designation as indicated on the City of Venus' Comprehensive Plan. A Site Plan is required prior to the issuance of any building permit.

BACKGROUND: On March 28, 2024. The Planning and Zoning Commission recommended approval. On April 15, 2024. The City Council took no action on this item.

RECOMMENDATION: Staff recommends disapproval of the rezoning request because this is considered spot zoning.



Aerial Map


S Main St
E 7th St
W 7th St
S Main St
Walnut St
W 8th St
Main St
Legend
R-2 (Two-Family Residential) District
R-3 (Multiple-Family, Low Density) District
R-1 (Single-Family Residential) District
N
0
0.01
0.01
0.03 Miles

Zoning Map

March 18, 2024

Dear Property Owner:

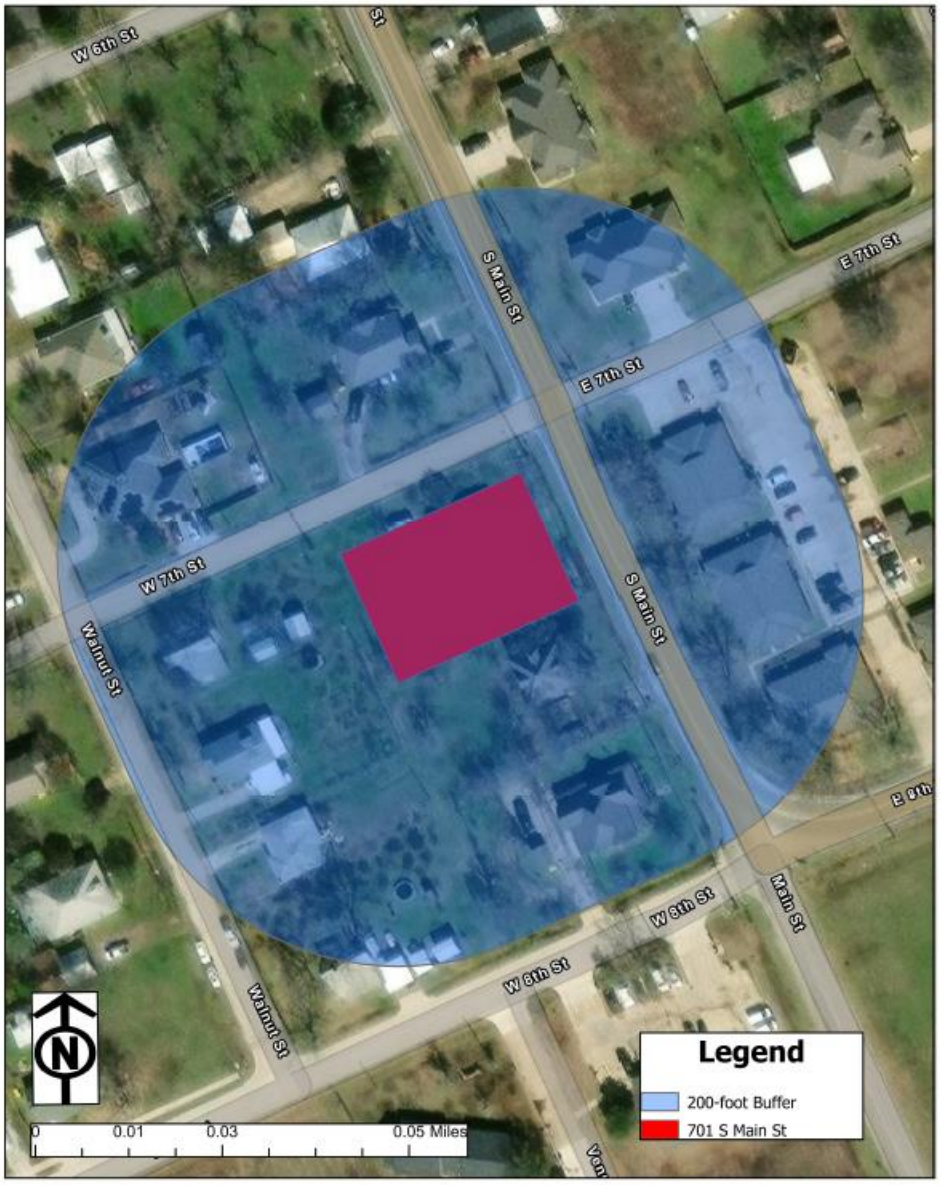
I am writing this letter to inform you of an upcoming public hearing, which you may be inclined to attend. The hearing provides residents specially neighboring landowners such as yourself, the opportunity to voice an opinion on the proposed project to the Planning & Zoning Commission. The input and opinions of residents and neighboring property owners provide valuable feedback to the Planning & Zoning Commission, City staff, and the applicant.

Application Type:	**Zone Change**: A request to change the zoning designation pertaining to use for a property.
Summary:	**Request:** Request for approval of a zone change for an approximately 0.321-acre parcel of land, known as 701 S Main St., from the R-1 (Single-Family Residential) District to the R-2 (Two-Family Residential) District. The purpose of this request is to allow the construction of a residential duplex.
Location/Site Plan:	Generally located on the southwest corner of the intersection of S Main St. and W 7th St. – *See the reverse side for vicinity map.*
Reviewing Body:	The Planning & Zoning Commission will make a recommendation to City Council on the zone change request.
Public Hearing:	**March 28, 2024 at 6:00 pm** The hearing will take place at the Venus Civic Center, 210 S Walnut St. Venus, TX 76084.
Official Notice Publication:	March 19, 2024 on the Cleburne Times.
City Staff:	Oscar Ortiz, *City Planner* (972) 366-3348 extension 206 oortiz@cityofvenus.org
Applicant:	Harley Home Buyer, Red Top Homes, LLC Attention: Jeffrey Robinson 3540 Jaycee Dr. Midlothian, TX 76065 scott@redtophomes.net
Property Owner:	Same as above
Additional Info:	This review process allows the Planning Commission to determine the completeness of the application, and its adherence to City Codes and policies. The request and application will go to the City Council after the Planning & Zoning Commission hearing at a later date for a final decision.

Please do not hesitate to contact me if you have any questions on this application. Comments can be summited by email or in writing into the record. Thank you for your time.

Best regards,
Oscar Ortiz, City Planner

Vicinity Map



701 S Main St


NOTICE

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF VENUS, TEXAS AMENDING CHAPTER 34 "ZONING ORDINANCE", BY PROVIDING THAT LOTS 7 & 8, BLOCK 10, VENUS LAND & IMPROVEMENT ADDITION, JOHNSON COUNTY, TEXAS; 701 S MAIN ST., VENUS, TEXAS 76084 SHALL BE REZONED FROM R-1 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO R-2 (TWO-FAMILY RESIDENTIAL) DISTRICT; AMENDING THE ZONING MAP TO CONFORM TO THESE CHANGES.

WHEREAS, the City has a substantial interest in protecting the health, safety, welfare, convenience, and enjoyment of the public and has adopted zoning regulations to further this interest; and

WHEREAS, a public hearing was held in accordance with the requirements of the Local Government Code after proper notice of this hearing was given in accordance with said Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENUS, TEXAS, AS FOLLOWS:

SECTION 1:

The following tract of land which is located within the city limits of the City of Venus, Texas R-1 (Single-Family Residential) District to R-2 (Two-Family Residential) District:

> Lots 7 & 8, Block 10, Venus Land & Improvement Addition as recorded in Volume 156, Page 639, Map of Records of Johnson County, Texas.

SECTION 2:

This Ordinance shall become effective immediately upon its passage and publication in accordance with the law.

SECTION 3:

If any part of this Ordinance is found to be invalid or unconstitutional by court having competent jurisdiction, then such invalidity or unconstitutionality shall not affect the remaining parts hereof and such remaining parts shall remain in full force and effect, and to the extent this Ordinance is considered severable.

SECTION 4.

This Ordinance shall be cumulative of all other ordinances of the City of Venus and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 5.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 7.

Any person, firm or corporation who violates, disobeys, omits neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than two-thousand dollars ($2,000.00) for each violation of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6.

The City Secretary of the City of Venus, Texas is hereby directed to publish at least once in the official newspaper of the City of Venus, the caption, and the penalty clause of this ordinance in accordance with Section 52.011(a) of the Local Government Code.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VENUS, TEXAS ON THIS THE 12th DAY OF AUGUST 2024.

CITY OF VENUS, TEXAS

_____
Alejandro Galaviz, Mayor

ATTEST:

_____
Callie Green, City Secretary

Planning Department

STAFF REPORT

TO: City Council

FROM: Planning Staff

DATE: August 7, 2024

SUBJECT: **REZONE FROM AG (AGRICULTURAL) DISTRICT TO I-2 (HEAVY INDUSTRIAL) DISTRICT: 216.971 ACRES OUT OF THE RADFORD BERRY SURVEY,ABSTRACT 26, (JOHNSON COUNTY) & ABSTRACT 42, (ELLIS COUNTY), TEXAS; 900 E C. R. 109, VENUS, TEXAS 76084 (REZ2024-0003)**

GOAL: Zoning regulations must be adopted in accordance with the *Comprehensive Plan* and designed to 1) lessen congestion in the streets; 2) secure safety from fire, panic, and other dangers; 3) promote health and general welfare; 4) provide adequate light and air; 5) prevent the overcrowding of land; 6) avoid undue concentration of population; 7) facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements. L.G.C. Section 211.004.

LOCATION: The tract is located on the south side of C. R. 109. The tract has approximately 3,147.83 ft. of frontage along E C. R. 109 with a depth of approximately 2,505.47 ft. for a tract size of 216.971 acres (9,451,256.76 sq. ft.)

PROPOSAL: The applicant is requesting I-2 (Heavy Industrial) zoning District in order to construct a data center consistent of four buildings approximately 1.4 million sq. ft., a parking lot, and estimated 80-120 jobs.

ADJACENT ZONING: Adjacent zoning to the east is unincorporated Ellis County, single-family homes, to the south unincorporated Ellis County, vacant land; and to the west, Stallion Ranch (Planned Development).

LAND USE: The property is vacant.

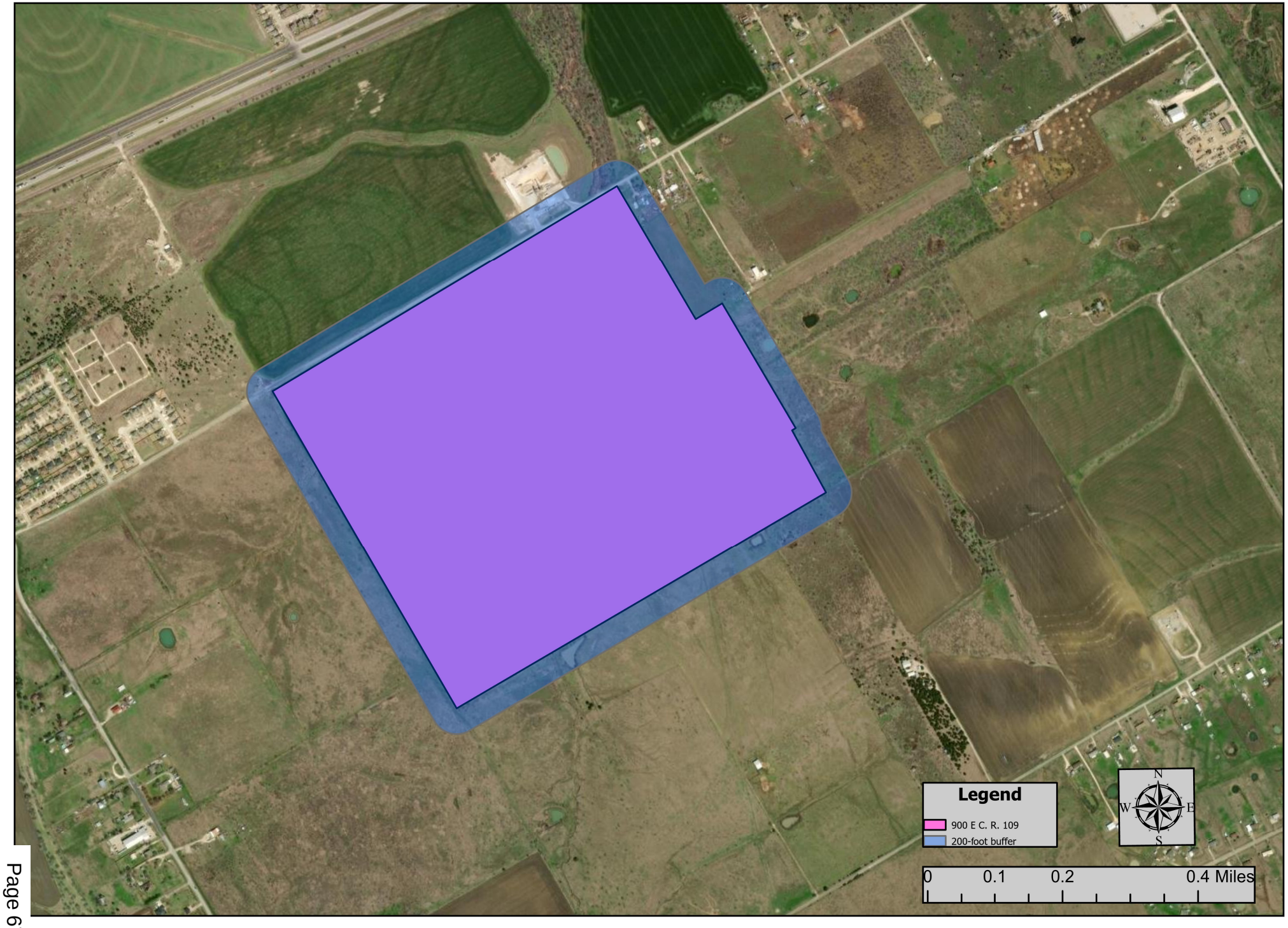
COMPREHENSIVE PLAN: The City of Venus Comprehensive Plan designates the future land use as I-2 (Heavy Industrial) District. E C. R. 109 is not included on the Master Thoroughfare Plan; currently E C. R. 109 has 60 ft. of ROW. It is currently a road with two lanes, no shoulders, no sidewalks and has a posted speed limit of 30 miles per hour.

DEVELOPMENT TRENDS: The development trends for this area along E C. R. are industrial uses.

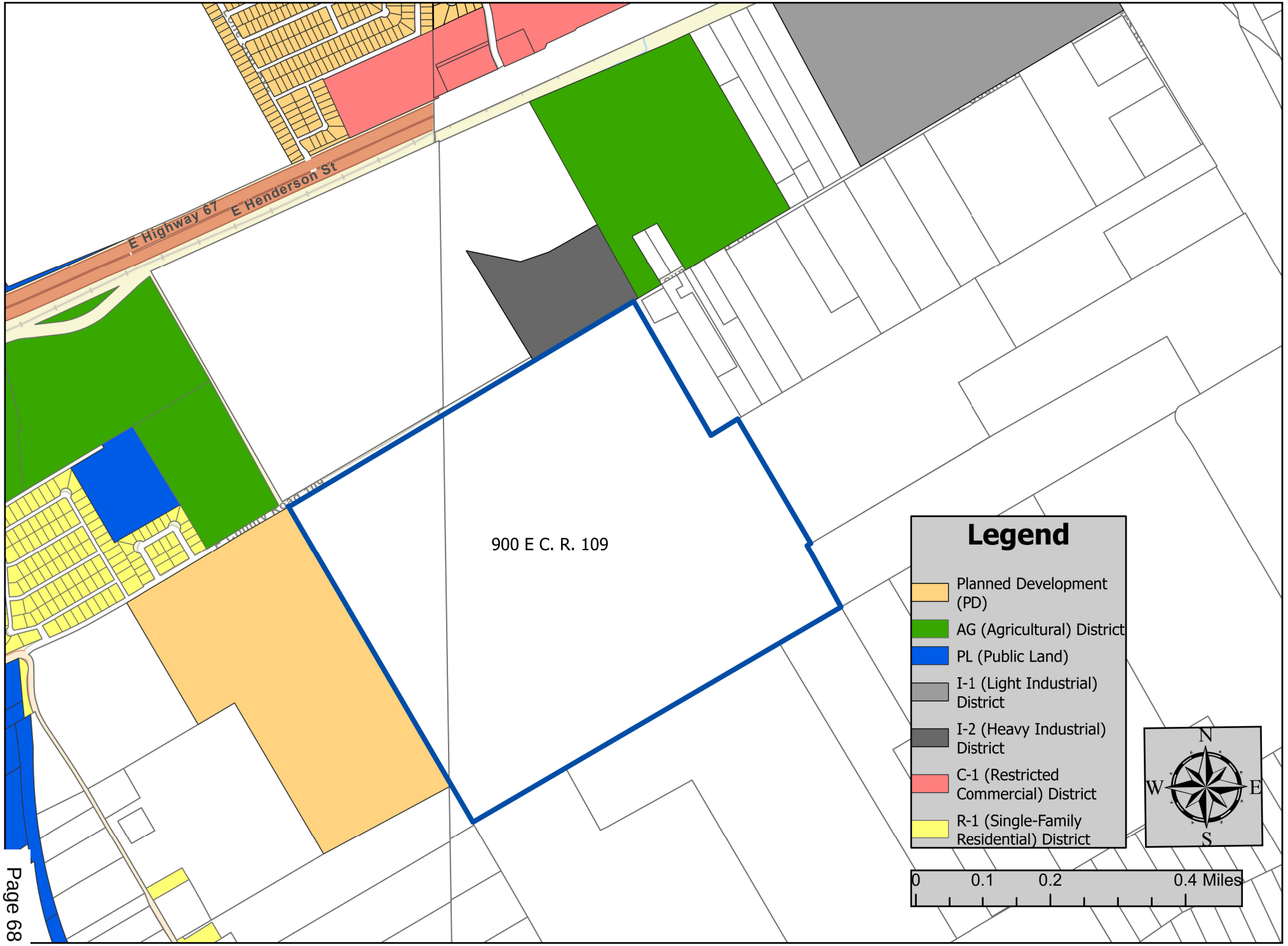
ANALYSIS: The requested zoning does conform to the Industrial land use designation as indicated on the City of Venus' Comprehensive Plan.

BACKGROUND: On July 25, 2024. The Planning and Zoning Commission recommended approval.

RECOMMENDATION: Staff recommends approval of the rezoning request because it aligns with the Comprehensive Plan.



900 E C. R. 109


E Highway 67
E Henderson St
900 E C. R. 109
Legend
Planned Development (PD)
AG (Agricultural) District
PL (Public Land)
I-1 (Light Industrial) District
I-2 (Heavy Industrial) District
C-1 (Restricted Commercial) District
R-1 (Single-Family Residential) District
N
W
E
S
0
0.1
0.2
0.4 Miles

Zoning Map

July 17, 2024

Dear Property Owner:

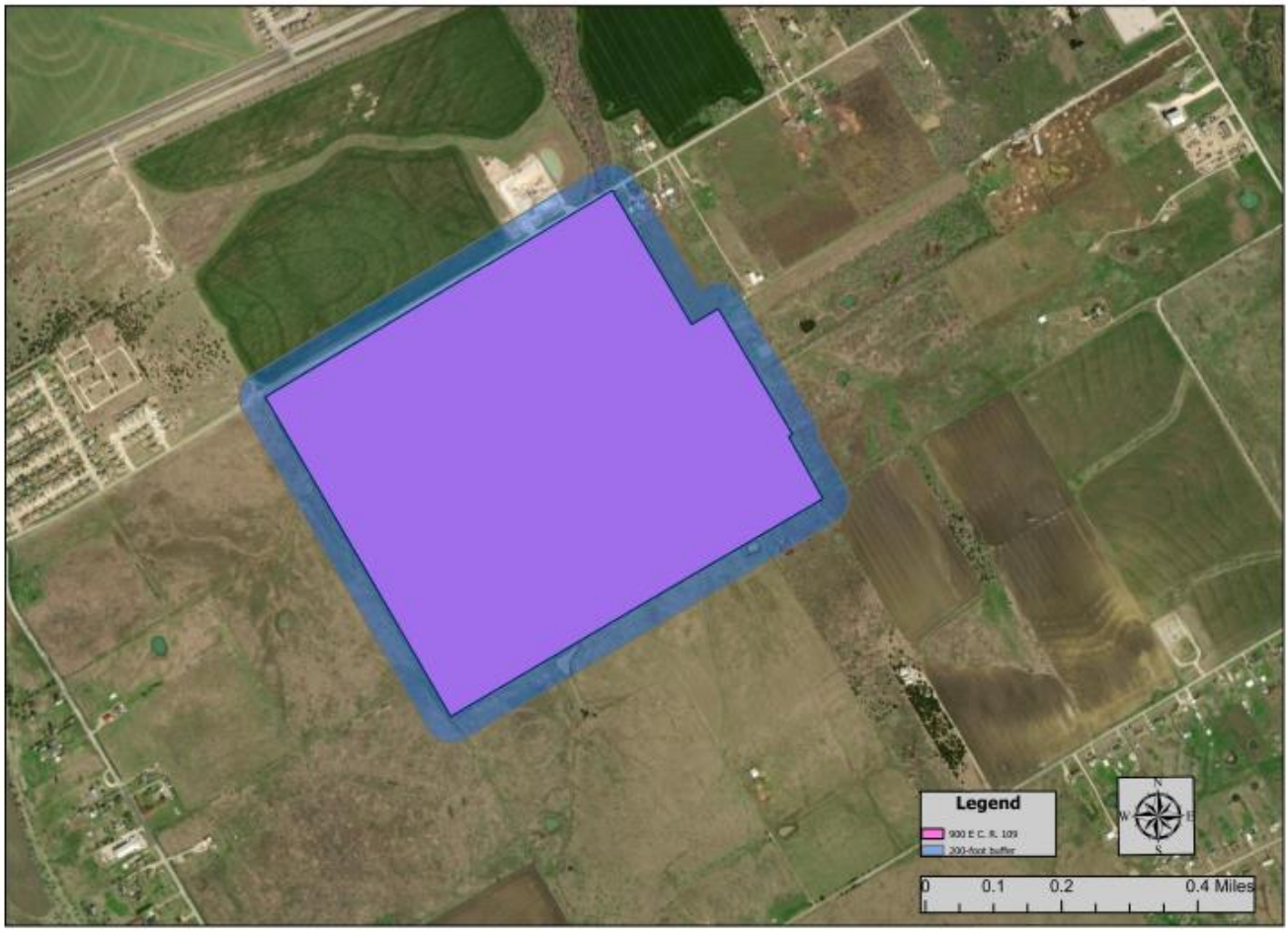
I am writing this letter to inform you of an upcoming public hearing, which you may be inclined to attend. The hearing provides residents specially neighboring landowners such as yourself, the opportunity to voice an opinion on the proposed project to the Planning & Zoning Commission. The input and opinions of residents and neighboring property owners provide valuable feedback to the Planning & Zoning Commission, City staff, and the applicant.

Application Type:	**Zone Change**: A request to change the zoning designation pertaining to use for a property.
Summary:	**Request:** Request for approval of a zone change for approximately 216.97- acre parcel of land, known as 900 E C. R. 109, from AG (Agriculture) District to I-2 (Heavy Industrial) District. The purpose of this request is to allow the construction of a data center.
Location/Site Plan:	Generally located on the south side of E C. R. 109 – *See the reverse side for vicinity map.*
Reviewing Body:	The Planning & Zoning Commission will make a recommendation to City Council on the zone change request.
Public Hearing:	**July 25, 2024 at 6:00 pm** The hearing will take place at the Venus Civic Center, 210 S Walnut St. Venus, TX 76084.
Official Notice Publication:	July 15, 2024 on the Cleburne Times.
City Staff:	Oscar Ortiz, *City Planner* (972) 366-3348 extension 206 oortiz@cityofvenus.org
Applicant:	Logistics Land Investment, LLC, a Delaware limited liability company Attention: Nick Holbeck 1776 Peachtree St. NW, Suite 100 Atlanta, GA 30309 nholbeck@robriner.com
Property Owner:	Same as above
Additional Info:	This review process allows the Planning Commission to determine the completeness of the application, and its adherence to City Codes and policies. The request and application will go to the City Council after the Planning & Zoning Commission hearing at a later date for a final decision.

Please do not hesitate to contact me if you have any questions on this application. Comments can be summited by email or in writing into the record. Thank you for your time.

Best regards,
Oscar Ortiz, City Planner

Vicinity Map



900 E C. R. 109

NOTICE

PUBLIC HEARING
REZONING FOR THIS
PROPERTY
REZ2024-0003

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF VENUS, TEXAS; 216.971 ACRES OUT OF THE RADFORD BERRY SURVEY, ABSTRACT 26, (JOHNSON COUNTY) & ABSTRACT 42, (ELLIS COUNTY), TEXAS; 900 E C. R. 109, VENUS, TEXAS 76084 SHALL BE INITIALLY ZONED TO I-2 (HEAVY INDUSTRIAL) DISTRICT.

WHEREAS, the City has a substantial interest in protecting the health, safety, welfare, convenience, and enjoyment of the public and has adopted zoning regulations to further this interest; and

WHEREAS, a public hearing was held in accordance with the requirements of the Local Government Code after proper notice of this hearing was given in accordance with said Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENUS, TEXAS, AS FOLLOWS:

SECTION 1:

The following tract of land which is located within the city limits of the City of Venus, Texas AG (Agricultural) District to I-2 (Heavy Industrial) District:

METES AND BOUNDS
216.971 ACRES

LEGAL DESCRIPTION:

BEING a tract of land situated in the Radford Berry Survey, Abstract No. 42, Ellis County, Texas and in the Radford Berry Survey, Abstract No. 26, Johnson County, Texas and being a portion of those tracts of land described as tract one and tract two in deed to Andreia Lynn McGregor, Jeff Dunaway McGregor Jr., John Dow McGregor, and Shelly Ann Sanders, recorded in instrument No. 2156334, of the Official Public Records of Ellis County, Texas (OPRECT) and being a portion of those tracts of land described as tract one and tract two in deed to Andreia Lynn McGregor, Jeff Dunaway McGregor Jr., John Dow McGregor, and Shelly Ann Sanders, recorded in instrument No. 2022-002337, of the official public records of Johnson County, Texas (OPRJCT) and being more particularly described as follows:

BEGINNING at a point for the northwest corner of said McGregor Tract, the common northeast corner of a tract of land described in deed to LGI Homes-Texas LLC, recorded in instrument number 2021-42520, of the official public records of Johnson County, Texas (OPRJCT) and in the south line of that tract of land described in deed to Fulson Venus140, LP, recorded in volume 2304, page 1023, (OPRECT) and in the approximate centerline of east County Road 109 (a variable width unrecorded right-of-way), from which a nail with shiner stamped "KHA" found for the southwest corner of said Fulson Venus 140 tract, bears S 59º 41' 52" W, a distance of 31.56 feet;

THENCE N 59º 41’ 52” E, along the north line of said McGregor tract and the common south line of said Fulson Venus 140 tract and the approximate centerline of said east County Road 109, passing at an approximate distance of 1390.13 feet, the Ellis/Johnson County line, passing at a distance of 2172.38 feet to the southeast corner of said Fulson Venus 140 tract and the common southwest corner of tract land described in deed to Chisholm Trail Redi-Mix, LLC, recorded in instrument number 1933710, (OPRECT) from which a 5/8” iron rod found for witness, bears N 31º 09’ 34” W, a distance of 4.51 feet, continuing along the north line of said McGregor tract and the common south line of said Chisholm Trail Redi-Mix tract and the approximate centerline of said east County Road 109, passing at a distance of 3118.24 feet to the southeast corner of said Chisholm Trail Redi-Mix tract and the common southwest corner of that tract of land described in deed to Chaparral Steel Midlothian, LP, recorded in volume 1235, page 820, (OPRECT), from which a ½” iron rod found for witness, bears N 29º 32’ 05” W, a distance of 29.94 feet, continuing along the north line of said McGregor tract and the common south line of said Chaparral Steel Midlothian tract and the approximate centerline of said east County Road 109, a total distance of 3147.83 feet to a point for the northeast corner of said McGregor tract and the common northwest corner of that tract of land described in deed to Darren Lynn Halbert and Teresa Horton Halbert, recorded volume 1405, page 594, (OPRECT);

THENCE S 30º 31’ 29” E, along the east line of said McGregor tract and the common west line of said Halbert tract, passing at a distance of 30.00 feet a 5/8” iron rod with a cap stamped “TXRCS” set for witness, a total distance of 1206.59 feet to a 5/8” iron rod with cap stamped “TXRCS” set for an interior ell corner of said McGregor tract and the common southwest corner of said Halbert tract;

THENCE N 59º 28’ 31” E, along the north line of said McGregor tract and the common south line of said Halbert tract, a distance of 250.00 feet to a nail found for the northeast corner of said McGregor tract and the common northwest corner of that tract of land described in deed to Cumulus Grid, LLC, recorded in instrument number 2330212, (OPRECT);

THENCE S 30º 31’ 29” E, along the east line of said McGregor tract and the common west line of said Cumulus Grid tract, passing at a distance of 1126.38 feet a ½” iron rod found for the southwest corner of said Cumulus Grid tract and the common northwest corner of that tract of land described in deed to Hao Chau Pham and Kim Quy Bui, recorded in instrument number 1834057, (OPRECT), continuing along the east line of said McGregor tract and the common west line of said Bui tract, a total distance of 1674.34 feet to a ½” iron rod found for the southeast corner of said McGregor tract and the common southwest corner of said Bui tract and in the north line of that tract of land described in deed to Honchao Zhu and Lidong Wu, recorded in instrument number 1911797, (OPRECT), from which a ½” iron rod with a cap stamped “Dennis Walker RPLS 2117” found for the northeast corner of said Wu tract, bears N 59 34’ 12” E, a distance of 367.99 feet;

THENCE S 59º 32’ 19” W, along the south line of said McGregor tract and the common north line of said Wu tract, passing at a distance of 67.03 feet a ½” iron rod found for the northwest corner of said Wu tract and the common northeast corner of that tract of land described in deed to Kamy Trust, recorded in volume 2683, page 448, further described in volume 1369, page 26, (OPRECT), continuing along the south line of said McGregor tract and the common north line of said Kamy Trust tract and the common north line of that tract of land described in deed to our 81 acres, LLC, recorded in instrument number 1523718, (OPRECT), and the common north line of

that tract described in deed to Seven S Ranch, Inc, recorded in volume 1843, page 154, (OPRECT), a total distance of 3369.96 feet to a point in the apparent and monumented east line of a tract of land described in deed to James Randall Investments, LP, recorded in instrument number 2317820, (OPRECT), from which a 5/8" iron rod found at a fence post for the southwest corner of said McGregor tract bears S 59º 32' 19" W, a distance of 27.84 feet, and from which a 5/8" iron rod with cap stamped "CBG Surveying" found for the called southeast corner of said Randall Investments corner bears S 30º 11' 20" W, 30.57 feet;

THENCE N 30º 11' 20" W, along the called and monumented east line of said Randall Investments tract, over and across said McGregor tract, a distance of 348.15 feet to a ½" iron rod found for the called southeast corner of said LGI Homes-Texas tract;

THENCE N 31º 12' 46" W, along the called and monumented east line of said LGI Homes-Texas tract, over and across said McGregor tract, passing at an approximate distance of 115.79 feet, the Ellis/Johnson county line, passing at a distance of 2474.27 feet an axle found for witness, a total distance of 2505.47 feet to the point of beginning, and containing 216.971 acres of land more or less of which approximately 178.845 acres is within Ellis County and approximately 38.126 acres is within Johnson County.

SECTION 2:

This Ordinance shall become effective immediately upon its passage and publication in accordance with the law.

SECTION 3:

If any part of this Ordinance is found to be invalid or unconstitutional by court having competent jurisdiction, then such invalidity or unconstitutionality shall not affect the remaining parts hereof and such remaining parts shall remain in full force and effect, and to the extent this Ordinance is considered severable.

SECTION 4.

This Ordinance shall be cumulative of all other ordinances of the City of Venus and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 5.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance, since the same would have been

enacted by the City Council without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 7.

Any person, firm or corporation who violates, disobeys, omits neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than two-thousand dollars ($2,000.00) for each violation of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6.

The City Secretary of the City of Venus, Texas is hereby directed to publish at least once in the official newspaper of the City of Venus, the caption, and the penalty clause of this ordinance in accordance with Section 52.011(a) of the Local Government Code.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VENUS, TEXAS ON THIS THE 12th DAY OF AUGUST 2024.

CITY OF VENUS, TEXAS

_____
Alejandro Galaviz, Mayor

ATTEST:

_____
Callie Green, City Secretary

City Council Agenda Item Report
August 12, 2024

Callie Green, City Secretary
972-366-3348 ext. 207
cgreen@cityofvenus.org

Discuss and consider appointing a qualified individual for Place 1 on the Planning and Zoning Commission.

1. **BACKGROUND/HISTORY: There is currently a vacancy on P&Z, Place 1.**

2. **FINDINGS / CURRENT ACTIVITY: Place 1 is appointed by City Council Place 1.**

3. **RECOMMENDATIONS: No recommendations.**

4. **ATTACHMENTS: N/A.**

City Council Agenda Item Report
August 12, 2024

Becky Wilkins, Finance Director
972-366-3348 ext. 208
bwilkins@cityofvenus.org

Discuss and consider a Resolution Amending Authorized Representatives for TexPool

1. **BACKGROUND/HISTORY: TexPool requires a resolution to add authorized representatives in order to transmit/withdraw funds from the City of Venus accounts.**

2. **FINDINGS / CURRENT ACTIVITY: Mayor is only authorized representative.**

3. **RECOMMENDATIONS: Recommend adding City Administrator and Finance Director to list of authorized representatives.**

4. **ATTACHMENTS: TexPool Resolution Amending Authorized Representatives**

Print Form Clear Form

Resolution Amending Authorized Representatives

Please complete this form to amend or designate Authorized Representatives. *This document supersedes all prior Authorized Representative forms.*

*** Required Fields**

1. Resolution

WHEREAS,

City of Venus
Participant Name*

Location Number*

("**Participant**") is a local government of the State of Texas and is empowered to delegate to a public funds investment pool the authority to invest funds and to act as custodian of investments purchased with local investment funds; and

WHEREAS, it is in the best interest of the Participant to invest local funds in investments that provide for the preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act; and

WHEREAS, the Texas Local Government Investment Pool ("**TexPool / Texpool Prime**"), a public funds investment pool, were created on behalf of entities whose investment objective in order of priority are preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act.

NOW THEREFORE, be it resolved as follows:

A. That the individuals, whose signatures appear in this Resolution, are Authorized Representatives of the Participant and are each hereby authorized to transmit funds for investment in TexPool / TexPool Prime and are each further authorized to withdraw funds from time to time, to issue letters of instruction, and to take all other actions deemed necessary or appropriate for the investment of local funds.

B. That an Authorized Representative of the Participant may be deleted by a written instrument signed by two remaining Authorized Representatives provided that the deleted Authorized Representative (1) is assigned job duties that no longer require access to the Participant's TexPool / TexPool Prime account or (2) is no longer employed by the Participant; and

C. That the Participant may by Amending Resolution signed by the Participant add an Authorized Representative provided the additional Authorized Representative is an officer, employee, or agent of the Participant;

List the Authorized Representative(s) of the Participant. Any new individuals will be issued personal identification numbers to transact business with TexPool Participant Services.

1. Joshua Jones — Name
City Administrator — Title
9 7 2 3 6 6 3 3 4 8 — Phone
9 7 2 3 6 6 3 8 2 4 — Fax
jjones@cityofvenus.org — Email
Signature

2. Becky Wilkins — Name
Finance Director — Title
9 7 2 3 6 6 3 3 4 8 — Phone
9 7 2 3 6 6 3 8 2 4 — Fax
bwilkins@cityofvenus.org — Email
Signature

3. Alejandro Galaviz — Name
Mayor — Title
9 7 2 3 6 6 3 3 4 8 — Phone
9 7 2 3 6 6 3 8 2 4 — Fax
Email
Signature

Form Continues on Next Page

1. Resolution (continued)

4.

Name | Title

Phone | Fax | Email

Signature

List the name of the Authorized Representative listed above that will have primary responsibility for performing transactions and receiving confirmations and monthly statements under the Participation Agreement.

Becky Wilkins

Name

In addition and at the option of the Participant, one additional Authorized Representative can be designated to perform only inquiry of selected information. *This limited representative cannot perform transactions.* If the Participant desires to designate a representative with inquiry rights only, complete the following information.

Brooke Malicoat | Finance Assistant

Name | Title

9 7 2 3 6 6 3 3 4 8 | 9 7 2 3 6 6 3 8 2 4 | bmalicoat@cityofvenus.org

Phone | Fax | Email

D. That this Resolution and its authorization shall continue in full force and effect until amended or revoked by the Participant, and until TexPool Participant Services receives a copy of any such amendment or revocation. This Resolution is hereby introduced and adopted by the Participant at its regular/special meeting held on the ____ day of _____, 20__.

Note: Document is to be signed by your Board President, Mayor or County Judge and attested by your Board Secretary, City Secretary or County Clerk.

Name of Participant*

SIGNED

Signature*

Alejandro Galaviz

Printed Name*

Mayor

Title*

ATTEST

Signature*

Callie Green

Printed Name*

City Secretary

Title*

2. Delivery Instructions

Please return this document to **TexPool Participant Services**:

Email: texpool@dstsystems.com

Fax: 866-839-3291

1-866-TEXPOOL (839-7665) • TexPool.com
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AGENDA ITEM REPORT

MEETING DATE:	**7/12/2024**
MEETING TYPE:	**City Council**
SUBMITTED BY:	**Chief Groom, Police Department**
THROUGH:	**Joshua Jones, City Administrator**
AGENDA CAPTION:	*Discuss and consider amending the Code of Ordinance Chapter 12, " Environment", Article II, "Junked vehicles", by repealing same in its entirety and replacing it with a new Chapter 12, "Environment", Article II, "Junked or Abandoned vehicles".*
MOTION LANGUAGE:	I make a motion to approve/deny an Ordinance amending Chapter 12 to "Environment", Article II, "Junked or Abandoned vehicles".

Background Information

Chapter 12 Article II of the City of Venus Code of Ordinances currently includes language about how to abate junked vehicles but does not address abandoned vehicles. Staff has been requested to update this ordinance to include procedures for identifying and abating abandoned vehicles. This new ordinance updates the Junked Vehicles portion to mirror state law and includes language mirroring state law for abandoned vehicles.

The abandoned vehicles section allows for towing of inoperable vehicles from city streets but is constrained by state law. To remove an abandoned vehicle from a city street that is otherwise legally parked, it must be more than five years old, left unattended for more than 48 hours, and either cannot be moved under its own power or is not currently registered for operation.

Budget Implications

There are no identified budget implications for this ordinance.

Operational Impact

This ordinance provides better guidance to staff with two different paths to follow depending on which definition the vehicle meets, junked or abandoned.

Legal Review

Mr. Halla provided the ordinance and the exhibit with staff's input.

Staff Recommendation

Approval of the amendments to the ordinance.

"…

ARTICLE II. JUNKED OR ABANDONED VEHICLES.

Sec. 12-19. *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED MOTOR VEHICLE. A vehicle is abandoned if the motor vehicle:

(a) Is inoperable, is more than five years old, and has been left unattended on public property for more than 48 hours;

(b) Has remained illegally on public property for more than 48 hours;

(c) Has remained on private property without the consent of the owner or person in charge of the property for more than 48 hours;

(d) Has been left unattended on the right-of-way of a designated county, state, or federal highway for more than 48 hours;

(e) Has been left unattended for more than 24 hours on the right-of-way of a turnpike project constructed and maintained by the Texas Turnpike Authority division of the Texas Department of Transportation of a controlled access highway; or

(f) Is considered an abandoned vehicle under § 644.153(r) of the Tex. Transportation Code which applies to commercial motor vehicles.

ANTIQUE CAR A passenger car or truck that is at least 35 years old.

DEMOLISHER. Any person whose business is to convert a motor vehicle into processed scrap or scrap metal or otherwise to wreck or dismantle motor vehicles.

***INOPERABLE VEHICLE*.** means any motor vehicle designed to be operated on a public roadway that cannot be moved under its own power, or which is not currently registered for operation

JUNKED VEHICLE.

(a) Means a vehicle that:

(1) is self-propelled; and

(2) is:

(A) wrecked, dismantled or partially dismantled, or discarded; or

(B) inoperable and has remained inoperable for more than:

(i) 72 consecutive hours, if the vehicle is on public property; or

(ii) 30 consecutive days, if the vehicle is on private property.

(b) For purposes of this subchapter, "junked vehicle" includes a motor vehicle, aircraft, or watercraft. This subchapter applies only to:

(1) a motor vehicle that displays an expired license plate or does not display a license plate;

(2) an aircraft that does not have lawfully printed on the aircraft an unexpired federal aircraft identification number registered under Federal Aviation Administration aircraft registration regulations in 14 C.F.R. Part 47; or

(3) a watercraft that:

(A) does not have lawfully on board an unexpired certificate of number; and

(B) is not a watercraft described by Section 31.055, Parks and Wildlife Code.

Sec. 12-20. *Declaration of nuisance; violations.*

(1) An abandoned vehicle, junked vehicle or vehicle part that is located in a place where it is visible from a public place or public right-of-way is detrimental to the safety and welfare of the general public, tends to reduce the value of private property, invites vandalism, creates fire hazards, constitutes an attractive nuisance creating a hazard to the health and safety of minors, and is detrimental to the economic welfare of the city by producing urban blight adverse to the maintenance and continuing development of the city, and is hereby declared to be a public nuisance.

(2) Any person commits an offense if that person maintains a public nuisance as determined under this section.

(3) A complaint concerning a public nuisance shall be filed in the Municipal Court of the city if the public nuisance, as provided under this section, is not removed and abated and a hearing is not requested within the ten-day period provided by section 12-22 below.

Sec. 12-21. *Responsibility for administration; right of entry; abatement policy.* The Fire Marshal, or a city employee under his or her direction, shall administer the provisions of this section; except that, the removal of vehicles or vehicle parts from property may be by any other authorized person. The Fire Marshal, his or her designee, or a city employee under his or her direction, shall have authority to enter upon any private property for the purposes specified in this section, to examine vehicles or vehicle parts, obtain information as to the identity of the vehicle, and remove or cause the removal of a vehicle or vehicle part that constitutes a nuisance. It is the policy of the city to abate and remove abandoned vehicles, junk vehicles or vehicle parts as public nuisances from private property, public property or public rights-of-way and to implement the abatement and removal by the use of the procedures established in this section.

Sec. 12-22. *Order to remove; hearing; removal and disposition by city.* Whenever it shall be determined that an abandoned vehicle, junked vehicle or vehicle part is located in a place where it is visible from a public place or public right-of-way, thereby constituting a public nuisance:

(1) For a nuisance on private property, the Fire Marshal, his or her designee, or a city employee under his or her direction, shall give not less than a ten-day notice, stating the nature of the public nuisance on private property, that it must be removed and abated within ten days, and that a request for a hearing must be made to the Venus Municipal Court before expiration of the ten-day period. The notice must be mailed by certified mail, with a five-day return requested, to the owner or occupant of the private premises on which the public nuisance exists, and to the last known registered owner of the nuisance and each lienholder of record of the nuisance. If the notice is returned undelivered by the United States Post Office, official action to abate the nuisance shall be continued to a date not earlier than the eleventh day from the date of such return;

(2) For a nuisance on public property, the Fire Marshal, or a city employee under his or her direction, shall give not less than a ten-day notice, stating the nature of the public nuisance on public property or on a public right-of-way, that it must be removed and abated within ten days, and that a request for a hearing must be made to the Venus Municipal Court before expiration of the ten-day period. The notice must be mailed by certified mail, with a five-day return requested, to the owner or occupant of the public premises or to the owner or occupant of the premises adjacent to the public right-of-way on which such public nuisance exists, and to the last known registered owner of the nuisance and each lienholder of record of the nuisance. If the notice is returned undelivered by the United States Post Office, official action to abate the nuisance shall be continued to a date not earlier than the eleventh day from the date of such return;

(3) A public hearing is required before the removal of the vehicle or vehicle part as a public nuisance. If a public hearing is requested by the owner or occupant of the public or private premises, or by the owner or occupant of the premises adjacent to the public right-of-way on which the vehicle is located, it shall be held before the Venus Municipal Court, prior to the removal of the vehicle or vehicle part as a public nuisance, at a time to be set by him or her, but not earlier than the eleventh day after the date of the service of notice to abate the nuisance. An order of the Texas Municipal Court requiring the removal of the vehicle or vehicle part must include a description of the vehicle and the correct identification number and license number of the vehicle, if the information is available at the site;

(4) When no public hearing is requested by the owner or occupant of the premises where the public nuisance exists, upon the expiration of the period of time set forth in subsections (1) and (2) above, the Venus Municipal Court shall

enter an order requiring the removal of the vehicle or vehicle part, the order to include a description of the vehicle or vehicle part and the correct identification number and license number of the vehicle, if available at the site;

(5) Within five days after the date of the removal, notice shall be given to the State Department of Highways and Public Transportation identifying the vehicle or vehicle part; and

(6) A junked vehicle or vehicle part may be disposed of by removal to a scrap yard or demolisher for processing as scrap or salvage.

(7) The relocation of a previously noticed junked vehicle or vehicle part under this section to another location, where it remains in violation of this section, shall be considered an unlawful continuance and shall remain subject to the abatement proceedings.

Sec. 12-23. *Reconstruction of removed vehicles prohibited.* After removal of any such junked vehicle, it shall not thereafter be reconstructed or made operable.

Sec. 12-24. *Exemptions.* The provisions of this section shall not apply to:

(1) A vehicle or vehicle part which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property;

(2) A vehicle or vehicle part which is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or a junkyard; and

(3) Unlicensed operable or inoperable antique or special interest vehicles stored by a collector on the collector's property; provided that, the vehicles and the outdoor storage areas are maintained in such a manner that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery or other appropriate means.

Sec. 12-25. *Administrative personnel; persons authorized to remove vehicles.* The administration of the procedures provided by this section shall be accomplished by regular, salaried, full-time employees of the city; except that, the removal of vehicles or vehicle parts from property may be by any other duly authorized person.

Sec. 12-26. *Open storage of abandoned vehicles.* It shall be unlawful for the owner or occupant of any building, structure or property within the city, regardless of how zoned by the City's Comprehensive Zoning Ordinance, to utilize the premises of the property for the open storage of any abandoned motor vehicle. It shall be the duty and responsibility of every owner or occupant to remove from the premises all abandoned motor vehicles upon notice from the designated official of the city. For the purpose of this section, an ***ABANDONED MOTOR VEHICLE*** is defined as one that does not have attached to it

a valid license plate duly issued to the, is in a state of disrepair, or is incapable of being removed under its own power. The provisions of this section shall not apply to any duly licensed junk dealer operating under and in compliance with the City of Venus code of ordinances.

…”

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF VENUS, TEXAS, AMENDING THE CODE OF ORDINANCES CHAPTER 12, "ENVIRONMENT", ARTICLE II, "JUNKED VEHICLES", BY REPEALING SAME IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 12, "ENVIRONMENT", ARTICLE II, "JUNKED OR ABANDONED VEHICLES"; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE PROVIDING A PENALTY CLAUSE ESTABLISHING A FINE NOT TO EXCEED $200.00 FOR VIOLATION OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Council of the City serves as the elected governing body of the City directly responsible for the promotion and protection of the public health and safety of its citizens and inhabitants; and

WHEREAS, the City is authorized and empowered to adopt and enforce ordinances, not inconsistent with state law, that are necessary to protect the safety of its inhabitants (Texas Local Government Code§ 51.012); and

WHEREAS, the City is authorized by Chapter 683 of the Texas Transportation to regulate inoperable, abandoned and junked vehicles and to ensure conformity with said laws.

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

SECTION 1. That Chapter 12, "Environment", Article II, "Junked Vehicles", is hereby repealed in its entirety and replaced with an entirely new Chapter 12, "Environment", Article II, "Junked or Abandoned Vehicles", which is attached as Exhibit "A" and fully incorporated herein to this ordinance as if fully recited.

SECTION 2: PENALTY. Any person violating any provisions of this Ordinance shall be deemed guilty of a misdemeanor, and, upon conviction, shall be subject to a fine of not more than two-hundred dollars ($200).

SECTION 2: SEVERABILITY. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are separable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional or invalid by the judgment or decree of any court of competent jurisdiction, such unconstitutionality of invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in

this Ordinance of unconstitutional or invalid phrases, clauses, sentences, paragraphs, or sections.

SECTION 3: RECITALS. The Council hereby adopts the Recitals and finding set forth in the preamble hereof as if fully incorporated.

SECTION 4. PUBLICATION. The City Secretary of the City of Venus is hereby directed to publish this ordinance, or its caption and penalty clause, in one issue of the official City newspaper as required by the laws of the State of Texas.

SECTION 5. EFFECTIVE DATE. This ordinance shall become effective immediately from and after its passage and publication in accordance with Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED THIS ___ DAY OF ____ 2024.

_____
Alejandro Galaviz, Mayor

ATTEST:

_____
Callie Green, City Secretary