



## **CITY COUNCIL COMMUNICATION**

February 24, 2009

**SUBJECT:** AUTHORIZE THE CITY MANAGER TO ENTER INTO A DEVELOPMENT AGREEMENT WITH VILLAGES OF BEAR CREEK PROPERTY OWNERS ASSOCIATION FOR THE INSTALLATION AND MAINTENANCE OF A MEDIAN IN PUBLIC RIGHT-OF-WAY ALONG MID-CITIES BOULEVARD EAST OF BEAR CREEK PARKWAY.

**SUBMITTED BY:** Chris Barker, Assistant Director of Planning and Development

**REFERENCE NO:** 09-03-CC

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### **ACTION REQUESTED:**

Motion to approve authorization for the City Manager to enter into a Development Agreement with the Villages of Bear Creek Property Owners Association.

### **ALTERNATIVES:**

1. Approve the request – *simple majority*
2. Approve the request with modifications – *simple majority*
3. Deny the request – *simple majority*

### **SUMMARY OF SUBJECT:**

The Property Owners Association of the Villages of Bear Creek (POA) is in the process of enhancing the identity and branding of their developments on the east side of the City. A significant part of that process is the installation of an entryway feature within the median of Mid-Cities Boulevard between the southbound frontage road of S.H. 360 and Bear Creek Parkway.

Currently the median contains regularly mowed grass, a City of Euless identification monument sign and two light poles which illuminate the roadway at night. The POA proposes to install three (3) engineered identification pylons of variable heights ranging from eighteen feet (18') to seven feet (7') in height. The largest of the pylons will have "Villages of Bear Creek" engraved into stone near the top with the bear and fish logo of the community below.

Surrounding the pylons will be landscaping to include bushes, grasses and ornamental trees. The POA will install and maintain the irrigation system to sustain the landscaping.

Because of the nature of this type of construction, the City has thoroughly reviewed the proposed plans for the median improvements. Engineering, planning and development, parks and recreation, fire and police departments worked in coordination to review sight visibility, plant choice, and safety issues.

Development Agreements are regularly utilized between private developers and public entities to ensure that modifications to publically owned property made by private developers will be maintained by the developers, as well as establishing the liability that developer will assume for those improvements. In addition to the Development Agreement, the Association has completed the required engineering studies for a Right-of-Way Use Agreement which will cover the specifics of construction within the median, including the installation of electrical power and the irrigation system.

Staff recommends that authorization be granted for the City Manager to execute a Developers Agreement with the Property Owners Association of the Villages of Bear Creek.

**FINANCIAL CONSIDERATIONS:**

Revenue Sources:

Expenditure Accounts:

Budgeted Fiscal Year(s):

Estimated Expenditure:

Over/Under Projection By:

Other Comments:

**SUPPORTING DOCUMENTS:**

- Development Agreement
- Exhibit "A" Median Development Plan
- Landscape Plan Detail

**APPROVED BY:**

\_\_\_\_\_ **LG** \_\_\_\_\_

City Manager's Office

\_\_\_\_\_ **SC** \_\_\_\_\_

City Secretary's Office