



Memorandum

May 3, 2016

TO: Town Council
Julie Couch, Town Manager

FROM: Israel B. Roberts, AICP
Planning Manager

**SUBJECT: PUBLIC HEARING ON A REPLAT FOR THE OAKWOOD ESTATES
ADDITION, PHASE 3 (CASE #RP2016-01)**

BACKGROUND: This is a request for approval of a replat of Lot 1, Block E of the Oakwood Estates Addition, Phase III into two (2) lots. The 2.002-acre site is located at 870 St. James Road; at the southeast corner of Hart Road and St. James Road, and is zoned for the (RE-1) One-acre Ranch Estate District.

STATUS OF ISSUE: The purpose of the replat is to create one (1) additional lot in order to construct a new home on proposed Lot 1R-B.

The proposed replat conforms with all Town zoning and subdivision regulations. In accordance with State Law, the plat approval is a “ministerial,” meaning if the submitted plat conforms with established zoning and subdivision regulations, the plat is required to be approved.

Vehicle Access and Right-of-Way Requirements

Each proposed lot has direct access to St. James Road. No additional right-of-way dedication is required.

Utilities, Drainage, and Environmental Concerns

The applicant currently has an existing home on the property and is connected to public water utility and utilizes an on-site sanitary sewer system. The proposed new development lot will also be required to an on-site sanitary sewer system.

Parks, Open Space and Trails

Consistent with the Town's parkland dedication ordinance, the town is permitted to require the developer to dedicate a total of 0.029-acres (1,303 square feet) of parkland as a result of the provision of one (1) new residential lot being created with this development. Cash-in-lieu of parkland dedication for this proposed development will be required prior to filing with the county.

Notification

In accordance with State and Town requirements, seven (7) adjacent property owners within 500' of the site located within the Oakwood Estates Phase 3 subdivision, and LoveJoy ISD, were notified of the request. To date, staff has received eleven (11) letters of opposition, including three (3) from within the notification area.

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the proposed replat.

P&Z ACTION: Recommended **APPROVAL** of the replat (5-0; Commissioners Hagar and Flood absent) as presented.

BUDGET: N/A

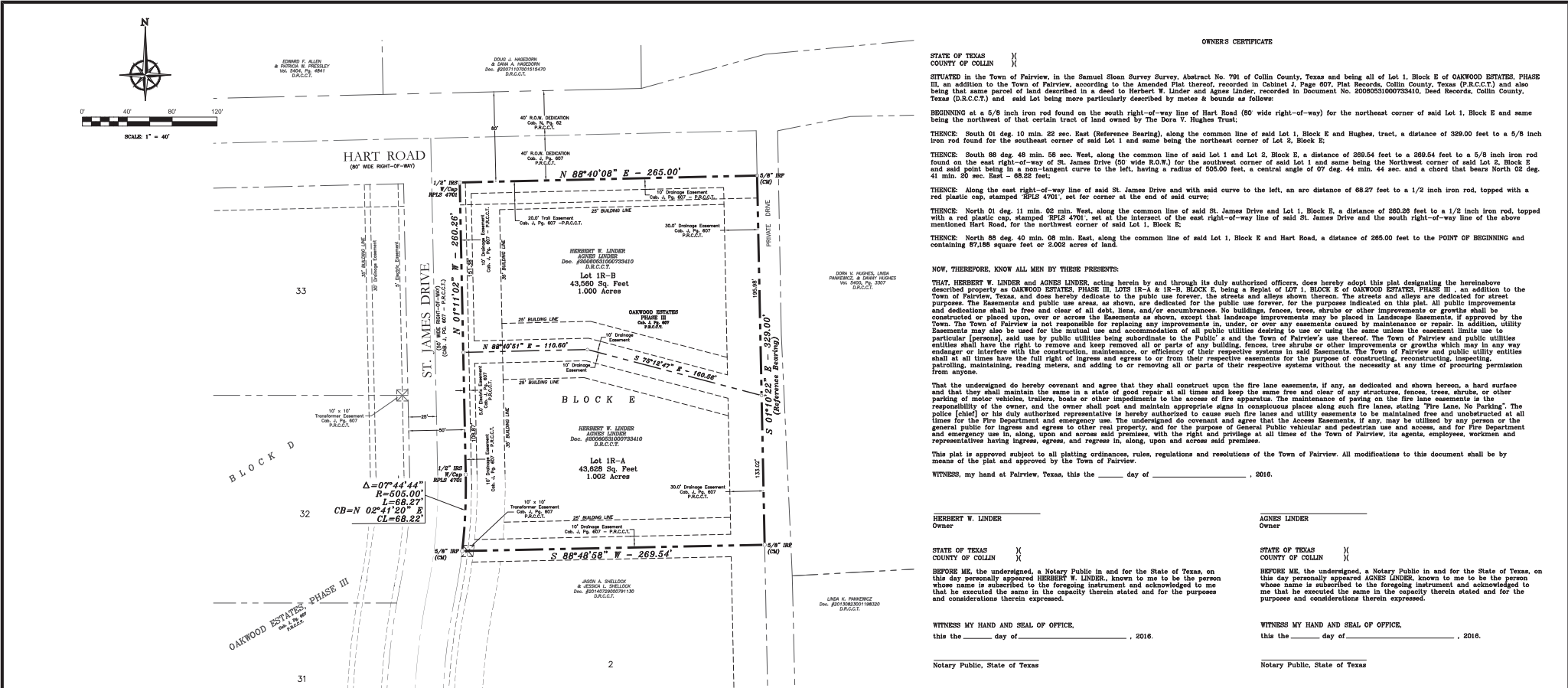
ATTACHMENTS:

- Locator
- Proposed replat
- Correspondence



Lot 1, Block E
Oakwood Estates, Phase 3

Case No. RP2016-1



OWNERS CERTIFICATE

STATE OF TEXAS)
COUNTY OF COLLIN)

SITUATED in the Town of Fairview, in the Samuel Sloan Survey Survey, Abstract No. 791 of Collin County, Texas and being all of Lot 1, Block E of OAKWOOD ESTATES, PHASE III, in addition to the amended Plat thereof, recorded in Cabinet J, Page 607, Plat Records, Collin County, Texas (P.R.C.C.T.) and also being that same parcel of land described in a deed to Herbert W. Linder and Agnes Linder, recorded in Document No. 2006053100073410, Deed Records, Collin County, Texas (D.R.C.C.T.) and said Lot being more particularly described by metes & bounds as follows:

BEGINNING at a 5/8 inch iron rod found on the south right-of-way line of Hart Road (60 wide right-of-way) for the northeast corner of said Lot 1, Block E and same being the northeast of that certain tract of land owned by The Dora V. Hughes Trust;

THENCE South 01 deg. 10 min. 22 sec. East (Reference Bearing), along the common line of said Lot 1, Block E and Hughes, tract, a distance of 329.00 feet to a 5/8 inch iron rod found for the southeast corner of said Lot 1 and same being the northeast corner of Lot 2, Block E;

THENCE South 86 deg. 46 min. 58 sec. West, along the common line of said Lot 1 and Lot 2, Block E, a distance of 289.54 feet to a 5/8 inch iron rod found on the east right-of-way of St. James Drive (50 wide R.O.W.) for the southwest corner of said Lot 1 and same being the Northwest corner of said Lot 2, Block E and said point being in a non-tangent curve to the left, having a radius of 505.00 feet, a central angle of 07 deg. 44 min. 44 sec. and a chord that bears North 02 deg. 41 min. 20 sec. East - 68.22 feet;

THENCE Along the east right-of-way line of said St. James Drive and with said curve to the left, an arc distance of 68.27 feet to a 1/2 inch iron rod, topped with a red plastic cap, stamped "RPLS 4701", set for corner at the end of said curve;

THENCE North 01 deg. 11 min. 02 min. West, along the common line of said St. James Drive and Lot 1, Block E, a distance of 280.38 feet to a 1/2 inch iron rod, topped with a red plastic cap, stamped "RPLS 4701", set at the intersect of the east right-of-way line of said St. James Drive and the south right-of-way line of the above mentioned Hart Road, for the northwest corner of said Lot 1, Block E;

THENCE North 88 deg. 40 min. 06 min. East, along the common line of said Lot 1, Block E and Hart Road, a distance of 265.00 feet to the POINT OF BEGINNING and containing 87,188 square feet or 2.006 acres of land.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, HERBERT W. LINDER and AGNES LINDER, acting herein by and through its duly authorized officers, does hereby adopt this plat designating the hereinabove described property as OAKWOOD ESTATES, PHASE III, LOTS 1R-A & 1R-B, BLOCK E, being a replat of LOT 1, BLOCK E of OAKWOOD ESTATES, PHASE II, an addition to the Town of Fairview, Texas, and does hereby dedicate to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The Easements and public use areas, as shown, are dedicated for the public use forever, for the purposes indicated on this plat. All public improvements and dedications shall be free and clear of all debt, liens, and/or encumbrances. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, across the Easements as shown, except that landscape improvements may be placed in Landscape Easements if approved by the Town. The Town of Fairview is not responsible for replacing any improvements in, under, or over any easements caused by maintenance or repair. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits use to particular persons, said use by public utilities being subordinate to the Public's and the Town of Fairview's use thereof. The Town of Fairview and public utilities entities shall have the right to remove and keep removed all or parts of any building, fences, tree shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, efficiency of their respective systems in said Easements. The Town of Fairview and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time of procuring permission from anyone.

That the undersigned do hereby covenant and agree that they shall construct upon the fire lane easements, if any, as dedicated and shown hereon, a hard surface and that they shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other parking of motor vehicles, trailers, boats or other impediments to the access of fire apparatus. The maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs in conspicuous places along such fire lanes, stating "Fire Lane, No Parking." The police [chief] or his duly authorized representative is hereby authorized to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for the Fire Department and emergency use. The undersigned do covenant and agree that the Access Easements, if any, may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of General Public vehicular and pedestrian use and access, and for Fire Department and emergency use in, along, upon and across said premises, with the right and privilege at all times of the Town of Fairview, its agents, employees, workmen and representatives having ingress, egress, and regress in, along, upon and across said premises.

This plat is approved subject to all platting ordinances, rules, regulations and resolutions of the Town of Fairview. All modifications to this document shall be by means of the plat and approved by the Town of Fairview.

WITNESS, my hand at Fairview, Texas, this the _____ day of _____, 2016.

HERBERT W. LINDER
Owner

AGNES LINDER
Owner

STATE OF TEXAS)
COUNTY OF COLLIN)

STATE OF TEXAS)
COUNTY OF COLLIN)

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared HERBERT W. LINDER, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same in the capacity therein stated and for the purposes and considerations therein expressed.

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared AGNES LINDER, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same in the capacity therein stated and for the purposes and considerations therein expressed.

WITNESS MY HAND AND SEAL OF OFFICE,
this the _____ day of _____, 2016.

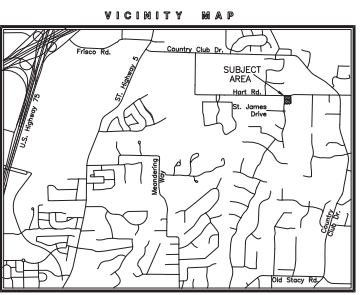
Notary Public, State of Texas

WITNESS MY HAND AND SEAL OF OFFICE,
this the _____ day of _____, 2016.

Notary Public, State of Texas

LEGEND

Cab. = Cabinet
Vol. = Volume
Pg. = Page
Doc. # = Document Number
D.R.C.C.T. = Deed Records, Collin County, Texas
P.R.C.C.T. = Plat Records, Collin County, Texas
IRP = Iron Rod Found
RPLS = Registered Professional Land Surveyor



PURPOSE STATEMENT:

This purpose of this replat is to subdivide Lot 1, Block E of Oakwood Estates, Phase III, Cab. J, Pg. 607, Plat Records of Collin County, Texas, into two (2) lots.

GENERAL NOTES:

- The area (acres) shown hereon is based on the mathematical closure of the courses and distances reflected on this Survey. It does not include the tolerances that may be present due to positional accuracy of the boundary monuments in place.
- Reference Bearing: The bearings shown hereon are referenced to South 01 deg. 10 min. 22 sec. East, along the east line of Lot 1, Block E of Oakwood Estates, Phase III, according to the plat thereof recorded in Cabinet J, Page 607, Plat Records of Collin County, Texas.
- All proposed lots situated in whole or in part within the Town's corporate limits comply with the minimum site requirements of the governing zoning district and the requirements of the subdivision ordinance.

FLOOD ZONE NOTE:

This Surveyor has reviewed Flood Insurance Rate Map No. 48065C02901 (effective date June 2, 2006) published by the Federal Emergency Management Administration for Collin County, Texas and based upon said scaled map and graphic plotting, such review indicates that No Part of the subject parcel shown hereon lies within the 100 Year Flood Plain.

SURVEYOR'S CERTIFICATE

That I, Lawrence H. Ringley, do hereby certify that I have prepared this plat and the field notes shown hereon from an on ground survey of that land, and this plat is a true, correct and accurate representation of the physical evidence found at the time of the survey; that the corner monuments shown hereon were found and/or placed under my personal supervision. This plat was prepared in accordance with the platting rules and regulations of the Town of Fairview, Texas.

DATED this the _____ day of _____, 2016.

PRELIMINARY

RELEASED 04/28/16 FOR REVIEW PURPOSES ONLY. THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE.

Lawrence H. Ringley
State of Texas, No. 4701

STATE OF TEXAS)
COUNTY OF COLLIN)

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared LAWRENCE H. RINGLEY, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same in the capacity therein stated and for the purposes and considerations therein expressed.

WITNESS MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 2016.

Notary Public, State of Texas

OWNER

HERBERT & AGNES LINDER
870 St. James Drive
Fairview, Texas 75069
214-551-2385
Email: Herbert.W.Linder@USD01.gov

SURVEYOR

RINGLEY & ASSOCIATES, INC.
701 S. Tennessee - McKinney, Texas 75069
972-542-1266
Email: LHR@Ringley.com

ADDRESS

Lot 1R-A: 870 St. James Drive
Lot 1R-B: 860 St. James Drive

PLAT APPROVAL CERTIFICATE FOR REVIEW PURPOSES ONLY

APPROVED _____, 2016.
By: _____
Chairperson, Planning and Zoning Commission
Town of Fairview, Texas

APPROVED _____, 2016.
By: _____
Mayor, Town of Fairview, Texas

The undersigned, the Town Secretary of the Town of Fairview, Texas, hereby certifies that the foregoing final plat of the Subdivision or Addition to the Town of Fairview was submitted to the Town Council on the _____ day of _____, 2016, and the Council, by formal action, then and there approved the plat and authorized the Mayor to note such approval by signing his/her name as hereinabove subscribed to which I hereby attest.

Witness my hand this _____ day of _____, 2016.

Town Secretary
Town of Fairview, Texas

REPLAT

OAKWOOD ESTATES, PHASE III
LOTS 1R-A and 1R-B, BLOCK E
2.002 Acres
Being A Replat of
LOT 1, BLOCK E
of
OAKWOOD ESTATES, PHASE III
Cabinet J, Page 607
Plat Records, Collin County, Texas
situated in the
Samuel Sloan Survey, Abstract No. 791
Town of Fairview
Collin County, Texas

CITY CASE No. RP2016-01

| | | | | |
|--|----------|----------|-------|--------------|
| RINGLEY & ASSOCIATES, INC. | | | | |
| SURVEYING/MAPPING/PLANNING | | | | |
| 701 S. Tennessee - McKinney, Texas 75069 | | | | |
| (972) 542-1266 | | | | |
| Texas Firm Registration No. 10061300 | | | | |
| Drawn by | Date | Scale | Job | Title |
| <i>Hand</i> | 03/15/16 | 1" = 40' | 16013 | 16013-AP-DWG |
| | | | | Sheet |
| | | | | 1 of 1 |

Israel Roberts

From: Ashley Steed <asteed76@gmail.com>
Sent: Wednesday, April 13, 2016 4:02 PM
To: Israel Roberts
Subject: 870 St. James Drive -

I am writing to express my opposition to the replat of 870 St. James Drive in Oakwood Estates, Phase 3. Dividing the existing lot into two will not be functional, or in keeping with the aesthetic of Oakwood Estates. I am concerned for the safety and convenience of Fairview residents if the lot is divided and new construction commences at the corner of St. James Drive and Hart Road, especially while major reconstruction of Stacy Road is in process.

Thank you for your consideration -

Ashley

Israel Roberts

From: Amy York <amyeyork@gmail.com>
Sent: Thursday, April 14, 2016 9:46 AM
To: Israel Roberts
Subject: Opposition to replat of 870 St. James Drive

I received a letter from the town of Fairview a few days ago stating that the owners of the house at [870 St. James Drive](#) have submitted a request to replat their lot. They own one of the two-acre lots in Oakwood Estates, Phase 3. All of the homes on that side of St. James Drive sit on two-acre lots, per the developer's plan.

The owner's goal is to subdivide his lot into two 1-acre lots, and build another house on the acre that butts up against Hart Road. Because of the way the existing home is positioned on the two acres, any new construction would be directly across the street from my home. This would compromise my family's privacy (and safety during construction), and change the feel of Oakwood Estates at the back entrance to our neighborhood.

Traffic will also be an issue for any Fairview residents that regularly use St. James and/or Hart Road. Given the construction that is underway on Stacy Rd, and all of the residents using Hart as an alternate route, construction at the back entrance to Oakwood Estates would create a huge traffic problem.

We opted to buy an existing home in an established neighborhood when we moved to Fairview ten years ago because we didn't want to live in a construction zone. I never dreamed that all these years later, this would be an issue.

I respectfully and adamantly oppose the replat of 870 St. James Drive.

Amy York
861 St. James Drive
214.208.5251

Israel Roberts

From: Bethany Eckols <beth_joey@sbcglobal.net>
Sent: Wednesday, April 13, 2016 4:28 PM
To: Israel Roberts
Subject: Opposition to the Replat of 870 St. James Dr. In Oakwood Estates, Phase 3.

I am writing to express my opposition to the replat of [870 St. James Drive in Oakwood Estates](#), Phase 3. Dividing the existing lot into two will not be functional, or in keeping with the aesthetic of Oakwood Estates. I am concerned for the safety and convenience of Fairview residents if the lot is divided and new construction commences at the corner of St. James Drive and Hart Road, especially while major reconstruction of Stacy Road is in process.

Kind Regards,

Bethany Eckols (Fairview Resident)
501 Hackberry Dr.
Fairview, TX 75069

Sent from my iPhone

Israel Roberts

From: Britt Berrett <berrettgarden@yahoo.com>
Sent: Sunday, April 10, 2016 10:53 PM
To: Israel Roberts
Cc: Frank O'Reilly; Frank O'Reilly
Subject: 870 St. James Road, Fairview, Texas

I have received notification that there is a request to replat to two lots at 870 St. James Drive. Unfortunately I will not be able to attend but would like to express my most sincere and adamant opposition to this request. We reside at 901 St. James Drive (for 16 years), and have most certainly lived here longer than anyone on this street. For the life of me, I can't imagine why or how this could ever be considered! Not only that, I can't imagine how rezoning this 2 acre lot into single acre lots would be functional.

I would be delighted to visit regarding this issue and appreciation your attention to my sincerest opposition.

warmest regards,

Britt Berrett
214-529-0512
901 St. James Drive
Fairview, TX 75069

Israel Roberts

From: jennifer williams <jennifer.r.williams@me.com>
Sent: Wednesday, April 13, 2016 9:01 PM
To: Israel Roberts
Subject: Opposition to replat 870 St James Drive

I am writing to express my opposition to the replat of 870 St. James Drive in Oakwood Estates, Phase 3. Dividing the existing lot into two will not be functional, or in keeping with the aesthetic of Oakwood Estates. I am concerned for the safety and convenience of Fairview residents if the lot is divided and new construction commences at the corner of St. James Drive and Hart Road, especially while major reconstruction of Stacy Road is in process.

Thank you,
Jennifer Williams
640 Maple Creek Drive, Fairview

Israel Roberts

From: Lori Willard <lori.willard@gmail.com>
Sent: Wednesday, April 13, 2016 3:25 PM
To: Israel Roberts
Subject: 870 St James Drive

I am writing to express my opposition to the replat of 870 St. James Drive in Oakwood Estates, Phase 3. Dividing the existing lot into two will not be functional, or in keeping with the aesthetic of Oakwood Estates. I am concerned for the safety and convenience of Fairview residents if the lot is divided and new construction commences at the corner of St. James Drive and Hart Road, especially while major reconstruction of Stacy Road is in process.

Thanks,

Lori Willard

Israel Roberts

From: Nicole Hathaway <jnhathaway7@att.net>
Sent: Thursday, April 14, 2016 9:19 AM
To: Israel Roberts
Subject: St James Dr

Dear Mr. Roberts,

I am writing to express my opposition to the replat of [870 St. James Drive in Oakwood Estates](#), Phase 3. Dividing the existing lot into two will not be functional, or in keeping with the aesthetic of Oakwood Estates. I do not believe approval of this replat would be in the best interest of the town and the majority of those who live here or may want to live here in the future. To approve the replat would also give cause to those in the town who have been denied a replat previously, to take action to have their requests reconsidered.

I am also concerned for the safety and convenience of Fairview residents if the lot is divided and new construction commences at the corner of St. James Drive and Hart Road, especially while major reconstruction of Stacy Road is in process.

Lastly, please carefully consider how approval of this proposed replat would set a precedent for future requests. Dividing existing properties like the lovely ones in Oakwood Estates is not in keeping with our town culture and community values.

Thank you for your time and your service to our beautiful town.

Sincerely,
Nicole Hathaway
971 Hart Rd
Fairview, TX

Israel Roberts

From: emichal6@gmail.com
Sent: Thursday, April 14, 2016 11:40 AM
To: Israel Roberts
Subject: Opposition of replat

I am writing to express my opposition to the replat of [870 St. James Drive in Oakwood Estates](#), Phase 3. Dividing the existing lot into two will not be functional, or in keeping with the aesthetic of Oakwood Estates. I live across the street and I am concerned for the safety and convenience of Fairview residents if the lot is divided and new construction commences at the corner of St. James Drive and Hart Road. This is a high traffic corner at certain times of the day and will be more so while the construction on Stacy Road is in process.

Thank you for taking this into consideration.

Eleanor and Scott Michal

Sent from my iPhone

Israel Roberts

From: Staci Myatt <stacimyatt@yahoo.com>
Sent: Thursday, April 14, 2016 2:50 PM
To: Israel Roberts
Subject: Replat of 870 St. James

Isreal:

I am writing to express my opposition to the replat of 870 St. James Drive in Oakwood Estates, Phase 3. Dividing the existing lot into two will not be functional, or in keeping with the aesthetic of Oakwood Estates. I am concerned for the safety and convenience of Fairview residents if the lot is divided and new construction commences at the corner of St. James Drive and Hart Road, especially while major reconstruction of Stacy Road is in process.

Thanks,
Staci Myatt

Israel Roberts

From: Wynne Allen <pressleyallen@sbcglobal.net>
Sent: Wednesday, April 13, 2016 10:34 PM
To: Israel Roberts
Subject: Opposition to RP2016-01, 870 Oakwood

Dear Mr. Roberts,

We live across the street from 870 Oakwood and oppose re-platting the existing 2 acre lot into 2 homesites. This goes against the character developed and maintained on St. James Road, as every lot on the east side is platted 2 acres. In addition, a house and driveway so close to the intersection of St. James and Hart Road will impair traffic and safety.

As an example, please take a drive down Hart Road, and note the house that was "crammed in" on the corner of Hart Road and Country Club, 1160 Hart Road. Placing a home on a bare minimum acre, without taking it's surroundings or proximity to traffic into account has led to a mess at the end of Hart Road. This driveway, the placing of the homeowner's trash each week, and visiting cars have often interfered with the flow of traffic. And to counter these issues, the town has erected several "No Parking" signs, severely impacting the country look and feel of Hart Road.

This has been a very disappointing and impactful outcome of poor planning and site context, and I am concerned the same issues will occur on Hart and St. James if this re-platting is approved.

Thank you for your consideration,
Wynne & Ed Allen
1021 Hart Road

Israel Roberts

From: Richard Connelly <rconnelly980@sbcglobal.net>
Sent: Monday, April 11, 2016 10:29 AM
To: Israel Roberts
Subject: Re: 870 St. James Road, Fairview, Texas
Attachments: Developers agreement 1995.pdf

Mr. Roberts,

Following on to the email thread below:

There is a general consensus among the Board members of the Oakwood Homeowners Association and the members of its Covenant Committee that lots within Oakwood Estates I, II & III should not be subdivided. In addition, the HOA Board expects the Town to honor item #1 in the letter agreement approved by Town Council on May 9, 1995 which limits the number of residences to be built in Oakwood Phase III to 66. Having met that limit, no additional homes can be built in Phase III thereby making the measure to split the lot at 870 St James before P&Z on April 14, 2016 meaningless.

Regards,

Rich Connelly
President
Oakwood Homeowners Association

From: Frank O'Reilly <foreilly41@gmail.com>
To: iroberts@fairviewtexas.org
Cc: iroberts@fairviewtexas.org; Frank O'Reilly <foreilly@sbcglobal.net>; Julie Couch <JCouch@fairviewtexas.org>; Richard Connelly <rconnelly980@sbcglobal.net>; Cheryl Connelly <blacklab3452@sbcglobal.net>
Sent: Monday, April 11, 2016 9:30 AM
Subject: Re: 870 St. James Road, Fairview, Texas

Not sure as a Council Member I can voice my opposition but I did get the letter and do oppose. The town needs to review the Oakwood Estates Monument and the Fense along Hart Road that has been there before the house and is considered HOA common area and the HOA responsibility for maintaining. The flags for his Property are shown outside both. I believe this was given to the HOA by the Developer over 20 + years back. This should/could change the Zoning requirements.

With Best Wishes
Frank O'Reilly
972-567-5678

> On Apr 10, 2016, at 10:52 PM, Britt Berrett <berrettgarden@yahoo.com> wrote:

>

> I have received notification that there is a request to replat to two lots at 870 St. James Drive. Unfortunately I will not be able to attend but would like to express my most sincere and adamant opposition to this request. We

reside at 901 St. James Drive (for 16 years), and have most certainly lived here longer than anyone on this street. For the life of me, I can't imagine why or how this could ever be considered! Not only that, I can't imagine how rezoning this 2 acre lot into single acre lots would be functional.

>

> I would be delighted to visit regarding this issue and appreciation your attention to my sincerest opposition.

>

> warmest regards,

>

> Britt Berrett

> 214-529-0512

> 901 St. James Drive

> Fairview, TX 75069

Israel Roberts

From: Richard Connelly <rconnelly980@sbcglobal.net>
Sent: Monday, April 11, 2016 12:54 PM
To: Israel Roberts
Subject: Re: 870 St. James Road, Fairview, Texas

Mr. Roberts,

In looking at the replat survey attached to the Town Staff's report I noticed that it does not contain the same restrictions and notes that are on the plat of Oakwood Estates Phase III. My understanding is that a replat cannot amend or remove a covenant or restriction. The HOA Board would like some assurances that all of the covenants, restrictions and notes in the Oakwood Phase III plat on file in the Collin County Property Records are incorporated by reference into any replat. In addition, the HOA Board would like that the Monument referenced by Frank O'Reilly below cannot be modified, replaced or removed by the current or future owner of the property.

Best regards,

Rich Connelly
President
Oakwood Homeowners Association

From: Frank O'Reilly <foreilly41@gmail.com>
To: iroberts@fairviewtexas.org
Cc: iroberts@fairviewtexas.org; Frank O'Reilly <foreilly@sbcglobal.net>; Julie Couch <JCouch@fairviewtexas.org>; Richard Connelly <rconnelly980@sbcglobal.net>; Cheryl Connelly <blacklab3452@sbcglobal.net>
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With Best Wishes
Frank O'Reilly
972-567-5678

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> Britt Berrett

> 214-529-0512

> 901 St. James Drive

> Fairview, TX 75069