



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: July 17, 2023

Re: Richland Estates Development Agreement - Scrivener's Error (Case #113-2023)

## Executive Summary

Approval of the attached legislation will correct a scrivener's error in the legal description contained within a development agreement between the City and Richland Olivet Farm, LLC, Charlotte Frazier, and Melissa Ussery (owners). The agreement is associated with a 103.73-acre parcel located southwest of the intersection Richland and Olivet Roads commonly address as 6800 Richland Road that was annexed, permanently zoned, and granted preliminary plat approval on June 20, 2023, by Ordinance # 025357. The proposed subdivision, "Richland Estates", will contain single-family and neighborhood commercial uses.

## Discussion

Crockett Engineering (agent), on behalf of Richland Olivet Farm, LLC, Charlotte Frazier, and Melissa Ussery (owners), requests the amendment of Ordinance # 025357 to correct a scrivener's error in the legal description that appeared in the associated development agreement establishing developer obligations and responsibilities for the improvement of a 103.73-acre parcel commonly addressed as 6800 Richland Road and to be developed with the "Richland Estates" subdivision. Correction of this error is necessary to ensure the boundary description contained within the agreement correctly describes the tracts of land the agreement is subject to and to ensure the City's legislative records are accurate.

The legal description used in development agreement approved as part of Ordinance # 025357 referenced an errant directional bearing along one of the property lines establishing the boundary of the eastern (Frazier & Ussery) tract of the overall acreage. The errant bearing has resulted in the boundary of that tract to not be properly described. The full description of the error is shown in the attached affidavit dated June 30, 2023, prepared by David W. Borden, PLS-20020000244, the licensed surveyor for Crockett Engineering who sealed the original legal descriptions contained within the development agreement approved by Ordinance # 025357.

Aside from this technical correction there are no substantive changes to the development agreement or the accompanying preliminary plat. The property depicted on the locator maps used during the preliminary plat approval process accurately depicted the subject property.

Locator maps, surveyor's affidavit, and the first amendment to the development agreement are attached for review.



## Fiscal Impact

Short-Term Impact: None.

Long-Term Impact: None.

## Strategic & Comprehensive Plan Impact

### [Strategic Plan Impacts:](#)

Primary Impact: Organizational Excellence, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

### [Comprehensive Plan Impacts:](#)

Primary Impact: Not Applicable, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable

## Legislative History

Date	Action
5/20/23	Approved preliminary plat of Richland Estates and authorized City Manager to execute a development agreement with the property owners. (Ord. 025357)

## Suggested Council Action

Approve the attached legislation to correct the legal description scrivener's error contained within the development agreement associated with the "Richland Estates" subdivision.