



CITY OF FULSHEAR

PO Box 279 / 30603 FM 1093
Fulshear, Texas 77441
Phone: 281-346-1796 ~ Fax: 281-346-2556
www.fulsheartexas.gov

Invitation to the City of Fulshear Request for Proposals RFP 2019-04 Section House Project

required for use by:

City of Fulshear – Administration Department

issued by:

City of Fulshear – Procurement Division Office
29255 FM 1093 Rd, #12 A, Fulshear, Texas 77441
Phone: 281-346-8802

You can also access the RFP packet at the City of Fulshear Website:

http://www.fulsheartexas.gov/current_rfq_s_and_rfp_s/

City of Fulshear Contact: Crystal Mikes – SectionHouseRFP@fulsheartexas.gov



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1. RFP OVERVIEW

The City of Fulshear (COF) is seeking proposals to enter into a contract with an organization/group regarding a proposal for the rehabilitation/restoration/re-use along with the operation and management of the Section House, currently located at Frances Smart Park (7926 FM 359). The City's desire is to accept a proposal from an organization/group to renovate, restore or otherwise re-use materials from the Section House in a manner that can incorporate as many historic features of the existing building into a new development available for a specific public or private use. At the same time, the historic features of this facility should be considered to attract customers, residents, visitors, and/or guests. The City is committed to finding a way to utilize the Section House in a means that is purposeful, historical, useful and beneficial. The City will review and consider all proposals received.

The two-story, five-room Section House is an original building providing a reminder how the development of the railroad influenced the overall development of the City of Fulshear. It is a historically significant structure (re-located from its original location) to many area residents across Fort Bend County but is not on any historical register. The Section House is a wood framed structure on a raised pier foundation with wood siding cladding and corrugated metal roofing. It is approximately 1,483 square feet. The original construction is believed to have been done around 1886 (not including the back addition), and it is estimated to be one of the oldest buildings in Fort Bend County.

The City has received various pieces of information regarding the current condition of the structure along with varying opinions regarding its future use. These items are being provided for your information but should not necessarily be the primary basis for any proposal. (See Appendices)

Through this Request for Proposals (RFP), The City of Fulshear is seeking a proposer(s) which can make a significant capital investment in exchange for a long-term Agreement. Proposals should include the management and operation of recreation, arts and cultural, or environmental programming that will be open to the public. While no specific funds from the City are currently dedicated to this project, a financial partnership can be considered. Proposals should also include a well-defined funding plan for restoration, re-creation, or reuse of materials along with a defined approach for the operation of the finished structure.

The successful proposer(s) will be invited to negotiate an agreement under which the proposer(s) will operate and manage the resulting structure for the approved use(s) and programming subject to mutually agreeable lease or purchase conditions. Specific terms and conditions for a final agreement are negotiable. Fair market rent or purchase terms may be partially offset by a combination of capital improvement costs and measurable public benefit services.

Table 1 - RFP Schedule

The City reserves the right to modify this schedule at its discretion. Notification of changes will be posted on the City's website or as otherwise stated. All inquiries regarding this RFP must be directed to the designated City contact listed on the first page through email or other written communication.

Event	Date	Location
RFP Package Available	July 31, 2019	
Site Tours & Pre-Submittal Meetings Tours and meetings will be provided by City staff to be scheduled upon request. All visitors will be required to sign-in and all questions and answers asked during the tour/meeting not already addressed will be published on the RFP web site as an addendum.	TBD To be scheduled with City Staff on a day/time between 8/7/19 and 8/21/19	Section House Site Frances Smart Park 7926 FM 359 Fulshear, TX 77411
Deadline for Written Questions to COF	8/21/19	
Questions (including request for tours/meetings) can be sent to: SectionHouseRFP@fulsheartexas.gov		
Proposals Due to the City All proposals must be submitted and received by 2 p.m.	8/23/19, 2pm	
RFP Evaluations During this time-period, Proposer(s) may receive questions with a response timeline from the COF evaluation team. Proposer(s) may also be invited by the evaluation team for an in-person interview.	8/26/19 Through 9/13/19	
Evaluations Team makes award recommendation to the City Council	9/17/19	
Award Announced	9/17/19 or TBD	
Anticipated Contract Negotiation Schedule	Following award announcement	
Submit Agreement for City Council Approval	Following conclusions of negotiations	
Anticipated Contract Execution	Following City Council approval	

2. DESCRIPTION OF PROJECT AND SELECTION PROCESS

Description of Project:

The City of Fulshear is seeking Proposals for capital investment and a plan dedicated to the re-development/restoration/re-use and future operation of the Section House as a public or private facility which may include consideration of a variety of options regarding the current structure and location.

The City seeks to negotiate an agreement with the successful Proposer(s) for the redevelopment and programming and operation of the Section House. Proposals should address existing gaps in public recreation, arts and cultural, and environmental programs or represent a specific private use; preferably within the City of Fulshear. Specific terms may be considered that would offset capital improvement and/or operating costs by measurable, public benefit provided.

While the City of Fulshear is encouraging interested groups to work in partnership to develop a comprehensive proposal, the intention is to select one lead organization/business and negotiate a master agreement. This entity or organization shall be responsible for all aspects of the intended contract, including but not limited to:

- Financing
- Architectural and engineering design
- Construction
- Operation of services and programs
- Historic preservation requirements
- Land and Building use permitting

To be selected, Proposer(s) must demonstrate the ability and necessary experience to fund, develop and manage:

1. Building and site improvements
2. All public or private programming/operations described in the submitted proposal
3. Availability of capital and/or other resources demonstrating a capacity to finance the submitted plans with limited reliance on public funding.

The Proposer(s) will also be responsible for all permitting costs as well as the terms agreed to regarding operation and ongoing internal maintenance costs associated with the resulting structure throughout the negotiated term. The City will maintain its responsibility for any maintenance or other contractual obligations as required per the agreement during the negotiated term.

In terms of the proposed building use, the successful Proposer(s) will:

- Align construction/operating plans in the proposal with City goals, Comprehensive Plan, Parks & Pathways Master Plan, Livable Centers Study Plan, and other related policy documents. These documents are all available on the City's website or by request.
- Operate with competitive pricing as compared to similar public programming/private operations.
- Communicate and coordinate with the City, regarding construction and on-going operations in a timely and complete manner.

Basis of Selection:

Selection of a firm or firms for the provision of these services will be based on the demonstrated ability and expertise of the organization/group to implement the approved proposal either through its own forces or through the identified use of project teams that may include sub-consultants, contractors, and other interested parties willing to formally commit to such activities. The final scope of work for this project will be negotiated and included in the final Agreement prior to award. Dependent upon the funding involved, the City may include additional terms that are required by other agencies/governmental entities.

The City will use an evaluation panel comprised of City personnel to review Request for Proposals (RFPs). From that review, the City intends to provide a recommendation of award or additional action to the City Council. This information provided to the City Council may also include a separate recommendation from the Parks & Recreation Commission and/or the Historical & Museum Commission. As a reminder, there should be absolutely no attempts to lobby, influence or otherwise affect this RFP process through independent contact with any member of City Staff, City Council, or any City Commission. Should the City choose to interview the short-listed firms, those firms will receive notification of the date and time of the interview.

The City will then attempt to negotiate an agreement with the recommended organization/group. The City of Fulshear reserves the right to negotiate final terms and conditions of the agreement as needed with any and all persons, firms, groups/organizations. As a result, if a contract cannot be successfully negotiated with that organization/group, the City will discontinue those negotiations and move on with other short-listed organizations/groups, following the same process until an agreement can be negotiated. Please note the City of Fulshear will not provide compensation or defray any cost incurred by any firm related to the response to this request.

The successful respondent(s) will be required to enter into an agreement approved by the City (to include specific review and approval by the City Attorney). This RFP and the successful respondents' response, or any part thereof, may be incorporated into and made a part of the final agreement. The City also retains the right to revise the agreement based on a review of laws passed by the Texas Legislature, recent case law, or other similar considerations.

The City of Fulshear reserves the right to reject any or all RFP(s), accept any RFP deemed most advantageous, waive any irregularities or informalities in the RFP received, and to revise the process schedule as circumstances require if the City believes that it would not be in the best interest of the Project to make an award to that Respondent, whether because the RFP is not responsive or the Respondent is unqualified or of doubtful financial ability or fails to meet any other pertinent standard or criteria established by the RFP.

Evaluation Criteria:

The criteria used to evaluate the responses may include, but not be limited to, the following:

- Responsiveness to RFP requirements
- Overall approach of the submitted proposal
- Experience and qualifications of the organization/group to include specifics for key personnel and other dedicated partners
- Similar projects completed by the respondent(s) along with example projects completed by others demonstrating prior success of the proposed approach

- Alignment with City goals, plans, and/or identification of other public/private benefits
- Dedication and ability to address the specific needs and unique attributes of the City of Fulshear
- Feasibility of implementation
- Demonstrated financial security
- References

3. SECTION HOUSE PROPOSAL SUBMITTAL INSTRUCTIONS

A signed original, two hard copies and one digital copy of each response is required.

- A. Sealed submittals are required. Proposals must be clearly marked as RFP 2019-04, Section House Project. Submittals shall be delivered to:

City of Fulshear City Hall
 C/O Office of the City Secretary
 30603 FM 1093 Rd
 Fulshear, Texas 77441

on or before 2:00 p.m. Central Standard Time, August 23, 2019.

- B. The submitted proposal may be hand-delivered or be received via delivery service by a COF staff member at the address provided, by the submittal deadline.
- C. All submittals must be labeled on the outside with the Respondent's name and the name of the Project. Late submittals will not be considered.
- D. All pages are to be numbered sequentially, and follow the prescribed format outlined in the following section.
- E. The Proposer(s) has/have the full responsibility to ensure their proposal arrives at COF by the deadline. A response delivered after the deadline may not be considered.

PROPOSER RESPONSIBILITY TO PROVIDE FULL RESPONSE

It is each Proposer's responsibility to provide responses which do not require interpretation or clarification by the City and to ensure that all requested materials, forms and information are included. Each Proposer is responsible for ensuring the materials are submitted properly. During scoring and evaluation (prior to interviews, if any), the City will rely upon the submitted materials and shall not accept any unsolicited materials from the Proposer(s) after the RFP deadline. The failure to provide complete responses which conform to the requirements of this RFP may result in the rejection of the Proposal. However, the City reserves the right to seek clarifications as needed, and to waive immaterial variations or defects in proposals.

4. SECTION HOUSE PROPOSAL REQUIREMENTS

Each response shall be submitted as outlined in this section. Responses received that are not in this prescribed format may not be evaluated. The response shall include an outside cover and/or first page, displaying the following information:

**Organization/Group Name
Request for Proposals for
RFP 2019-04
Section House Project
City of Fulshear**

Proposals are to include specifics of the detailed items below. Additional information can supplement the proposal that may best demonstrate the capacity of the submitter to complete the project. Please keep responses to the following items. We will require 2 hard copies and 1 electronic copy (on a flash drive or equivalent) to be submitted. These responses will contain important criteria that will be considered in evaluation of correctly submitted proposals.

1. Cover Letter and Executive Summary:

Provide a 1-2-page summary of the following items:

- a. Introductory statement
- b. Name of Group/Organization
- c. Contact person(s) & contact information
- d. Any appropriate legal business description(s) (locations, individual, corporation, joint venture, etc.)
- e. Statement of interest and commitment including a narrative and unique qualifications
- f. Signature of authority/primary contact authorized to enter into a contract

2. Sponsoring Organization/Group Background & Experience: Provide an overview of the organization/group along with a resume or bio for the key individuals involved in the project including any professional firms/consultants involved.

3. Overview of Similar Projects: Include at least 4 similar projects involving members of the organization/group that demonstrate the ability to implement the proposed approach. Two of the required projects may be references to specific examples of projects completed by others utilizing a similar approach.

4. Overview of Approach: Present an overview of the proposed construction (i.e. restoration, re-creation, new building using reclaimed materials, etc.) and operational (public/private) approaches and their feasibility. Be specific as to the uses being proposed. Describe the project's overall compatibility and consistency with the goals of the City and its commitment to historic preservation.

5. Planned Building Improvements/Exterior Uses: Provide a description of the improvements and any alterations/modifications/re-use of materials that will be initiated to the interior/exterior of the proposed structure. Provide a draft rendering of the proposed improvements.

- 6. Location/Site Layout:** Scenarios may include keeping the Section House in its current City park location or other options for moving it to another location. Please provide a basic site plan for the structure at the proposed location.
- 7. Proposed Operating Plan:** Include operation plan and goals, staffing, and scope of public/private services to be provided. This should also include hours of operation and any anticipated requests to the City regarding the land uses proposed. Outline any scaling of operations anticipated.
- 8. Budgetary & Financial Plans:** Provide a verifiable estimate of the construction plan and operating plan costs on an initial and ongoing basis along with how those activities will be funded. Include information that shows how initial/ongoing financing will be secured and evidence of capacity to obtain financing for the project. Please also include any requested financial participation by the City.
- 9. City Participation:** Detail the City's participation levels in design, construction, staffing, funding and operations. This should include a summary of the City-related requests in Item 8 above.
- 10. Anticipated Time Frame:** Present a detailed time line indicating proposed time frame for completing major milestones of the project and anticipated completion. Include a time frame of when operations would begin.
- 11. Historic Preservation:** It is the desire of the City to maintain the historic nature of the Section House and incorporate as many historic features into the new structure as possible. At the same time, there are other ways that may be proposed to promote the history of the City. Please describe how you will address this within your project plans.
- 12. Feasibility/Financial Assurance:** How would this proposal assure performance and success? Please also express the ability/willingness of the organization to provide a performance bond or some comparable financial surety to ensure completion of the project.
- 13. Complete and include the Conflict of Interest Disclosure Requirements Acknowledgement:** Chapter 176 of the Texas Local Government Code requires that any person, who enters or seeks to enter into a contract for the sale or purchase of property, goods or services with a local government entity and who has an employment or other business relationship with a local government officer or a family member of the officer, as described by Texas Local Government Code Section 176.006, shall file a completed conflict of interest questionnaire with the City within 7 business days after the latter of: 1) the date the person begins discussions or negotiations to enter into a contract, including submission of a bid or proposal, or 2) the date the person becomes aware of facts that require the statement to be filed. The Conflict of Interest Questionnaire is available from the Texas Ethics Commission at www.ethics.state.us. The City's Identification Number under Item No. 3 on Form 1295 for this RFP will be **TXE2017-39**.
- 14. Complete and include the Certification of No Collusion:** Respondents are required to include a signed certification with the proposal.

All background documents provided by COF are provided on an informational basis only to assist Proposer(s) but are not intended to be a substitute for each Proposer(s)' own due diligence. COF disclaims any warranties or representations that the information is complete for any Proposer(s) intended uses, and Proposer(s) are encouraged to seek additional information as appropriate for their proposal.

5. ADDITIONAL INSTRUCTIONS, NOTIFICATIONS, AND INFORMATION:

1. **No Gratuities/Lobbying-** Respondents shall not offer gratuities, favors or anything of monetary value to or lobby any official or employee of the City for the purposes of influencing this selection. Any attempt by the Respondent to influence the selection process by any means, other than disclosure of qualifications and credentials through the proper channels, shall be considered a violation of the procedures of this procurement process and grounds for exclusion from the selection process and possible legal action.
2. **All Information True-** Respondents represent and warrant to the City that all information provided in the response shall be true, correct and complete. Respondents who provide false, misleading, or incomplete information, whether intentional or not, shall be subject to exclusion from the selection process.
3. **Contract Negotiations-** This RFP is not to be construed as a contract or as a commitment of any kind. If this RFP does result in an agreement, the specific scope of work, associated fees, and other contractual matters will be determined during contract negotiations. To ensure appropriate staff is assigned to the Project, the City may include “key persons” clause in contract negotiations.
4. **No Obligation-** The City reserves the sole right to (1) evaluate the responses submitted;(2) waive any irregularities therein; (3) select candidates for the submittal of more detailed or alternate proposals (4) accept any submittal or portion of submittal; (5) reject any or all Respondents submitting responses, should it be deemed in the City of Fulshear’s best interest; or (6) cancel the entire process.
5. **Insurance-** The organization/group shall have the appropriate Workman’s Compensation, liability, and errors and omissions insurance coverage’s, written by an insurer to transact insurance in the State of Texas.
6. **Inquiries-** All questions regarding this RFP shall be submitted by email to the following City contact and email address: Crystal Mikes, SectionHouseRFP@fulsheartexas.gov . Please note RFP name and number for reference.
7. **Addendum-** Any addendum(s) to this RFP shall be published at www.fulsheartexas.gov.
8. **Public Information Disclosures-** All materials submitted to the City in response to a competitive solicitation, upon receipt by the City become public property, and are subject to the Texas Government Code Chapter 552 (Texas Public Information Act). There will be no disclosure of contents to competing teams and all responses will be kept confidential during the selection process to the degree permitted by law. The City is subject to the Texas Public Information Act (Texas Government Code 552). In accordance with the provisions of Texas Government Code 552.110, trade secrets, commercial or financial information that may be privileged or confidential by statute or judicial decision, are exempt from required public disclosure. All submissions shall be opened in a manner that avoids disclosure of the contents to competing respondents and keeps the responses secret during negotiations, in accordance to the statutory provisions of Texas Government Code 552.104.
9. **Proprietary Information-** If a Respondent does not desire proprietary information in the proposal to be disclosed, each page must be identified and marked “proprietary” at the time of submittal. The City will, to the extent provided by law, endeavor to protect such information from disclosure. The final decision as to what information must be disclosed, however, lies with the Texas Attorney General. Failure to identify proprietary information will result in all unmarked sections being deemed non-proprietary and available upon public request. Respondents shall not be permitted to mark entire Proposal as proprietary. All information, documentation, and other materials not marked “confidential” shall be subject to public disclosure, after award of the contract.

Conflict of Interest Disclosure Requirements Acknowledgement

**Please consult your own legal advisor if you have questions regarding this form.*

Acknowledgment of Texas Local Government Code Chapter 176 Requirements

A complete text of the law may be found at the following link:
<http://www.statutes.legis.state.tx.us/Docs/LG/htm/LG.176.htm>.

BY DOING BUSINESS OR SEEKING TO DO BUSINESS WITH THE CITY OF FULSHEAR, YOU ACKNOWLEDGE THAT YOU HAVE BEEN NOTIFIED OF THE REQUIREMENT OF CHAPTER 176 OF THE TEXAS LOCAL GOVERNMENT CODE AND THAT YOUR ARE SOLELY RESPONSIBLE FOR COMPLYING WITH THEM.

ACKNOWLEDGEMENT:

Vendor Name	
Signature	
Printed Name	
Title	
Date	

Certification of No Collusion Form

Certification of No Collusion:

The undersigned affirms that they are duly authorized to execute this contract, that this Proposal has not been prepared in collusion with any other firm, and that the contents of this document have not been communicated to any other firm prior to the official opening. Further the undersigned affirms that the firm agrees to all terms and conditions contained in the Request for Qualifications issued by the City of Fulshear, Texas on the _____ day of _____, 2019.

Firm: _____ TIN: _____

Signed By: _____ Date: _____

Printed Name: _____ Title: _____

Phone Number: _____ Fax Number: _____

Email: _____ Website: _____

Mailing Address: _____

City/State/Zip _____

Delivery Address: _____

City/State/Zip _____

City of Fulshear

Historic Station House

December 18, 2018



FULSHEAR
HISTORIC SWITCH HOUSE
ONGOING PRESERVATION
PROJECT

Basis of Report

- › Site Visits in March and April 2018
- › Visual Inspection of Structure
- › Code Review of Existing Conditions



Site – Frances Smart Park



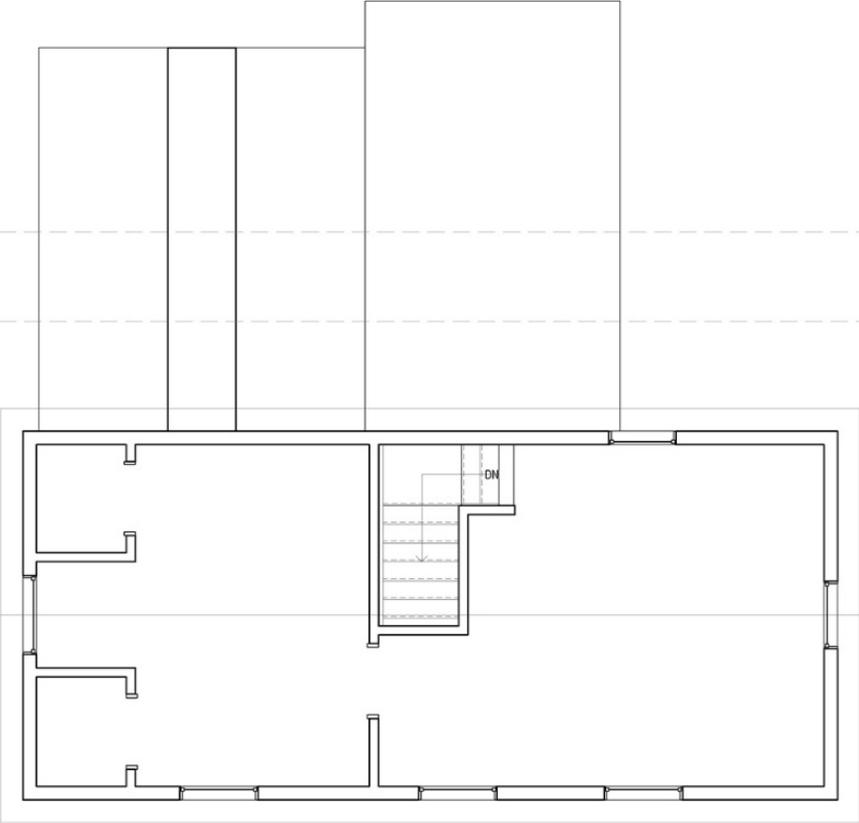
- 1. Frances Smart Park
- 2. Existing Gazebo
- 3. Existing Parking Lot
- 4. FM 359

Building Facts

- › Original Station House from Fulshear Railroad Station
- › Date of Construction is Unknown
- › Moved from Original Site to Frances Smart Park in 2016
- › Historically Significant Structure to City but Not on Historical Register
- › Two Story Five Room Building
- › Total of Approximately 1,483 SF
- › Wood Framed Structure on Raised CMU Pier Foundation
- › Wood Siding Cladding with Corrugated Metal Roofing
- › Gable Roof

Building Condition

- › Severely Decayed Structure including Walls, Floors and Roof
- › Failing Floor and Roof Joists
- › Decayed Wood Cladding
- › Rusted Roofing
- › Decayed Interior Finishes
- › Active Water Infiltration
- › Active Bug Infestation
- › No Functioning MEP Systems
- › No Life Safety Systems
- › No Electrical Service
- › ADA Deficiencies



Second Level Floor Plan | 1/4" = 1'-0" 2



First Level Floor Plan | 1/4" = 1'-0" 1

Exterior Condition



Exterior Condition



Exterior Condition



Exterior Condition



Exterior Condition



Exterior Condition



Interior Condition



Interior Condition



Interior Condition



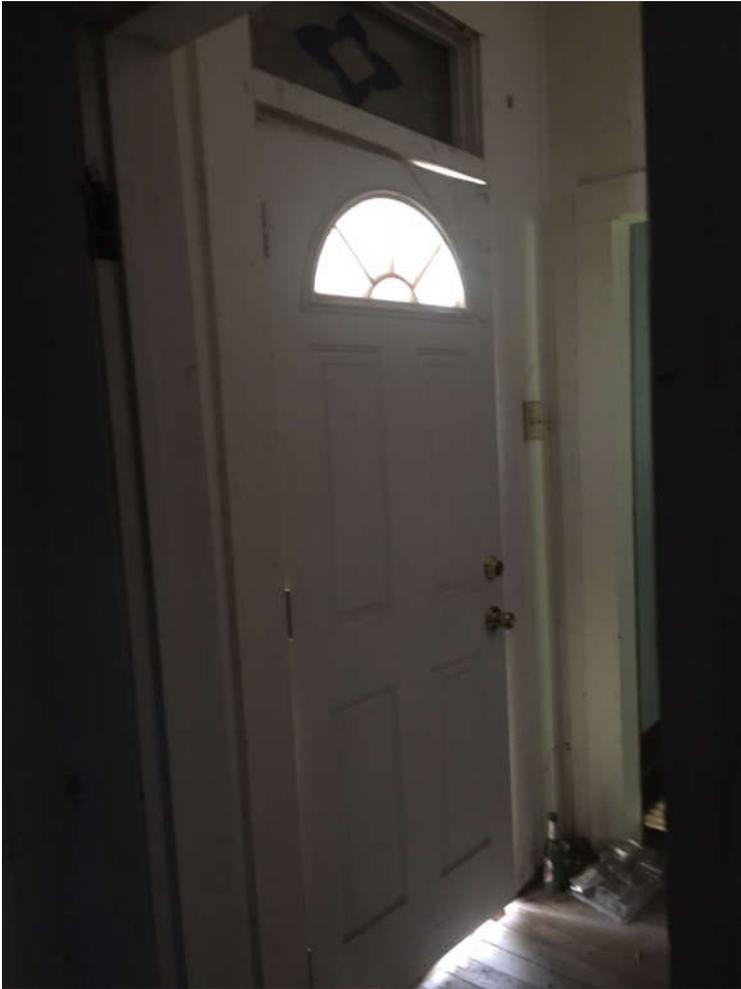
Interior Condition



Interior Condition



Interior Condition



Interior Condition



Interior Condition



Interior Condition



Interior Condition



Restoration of Building to Original Condition

- › Restore the Building to Original Exterior Configuration and Size
 - › Surgical Demolition and Replacement in Place of all Structural Members of Floor, Walls and Roof
 - › \$783,000 (Cost excludes interior buildout)
- › Initial Creation of a Non-habitable Building with No Intended Occupants
- › Building will be Sealed
- › Recladding of Exterior Walls and Roof
- › No Interior Finishes
- › No Interior MEP Systems

Re-Creation of Building to Match Original Condition

- › Total Demolition of Existing Building
 - › Salvageable Items to be Saved for Future Use
- › Complete Rebuilding to Match Original Size, Configuration and Exterior Condition
 - › Options range from \$180,000 to \$380,000
 - › Costs Vary due to Scope and Site-work options
 - › Initial Project Recommendation Estimated Between \$180,000 – \$200,000
- › Initial Creation of a Non-habitable Building with No Intended Occupants
- › Building will be Sealed
- › Cladding of Exterior Walls and Roof to Match Original Building
- › No Interior Finishes
- › No Interior MEP Systems

Possible Funding Strategies

- › Funding of Full Construction Cost
- › Donation of Construction Materials
- › Community Give Back Project for Labor

Revised Approach

Concerns have been expressed regarding the viability/justification for the re-creation project. As a result, after additional discussions with the Parks and Recreation Commission, the following clarification for the project goals and next steps is proposed:

- › The goal of the project is to preserve the role of the railroad in the history and development of Fulshear
- › In lieu of the re-creation project, an initial step can be the dismantling of the existing structure to include salvaging of usable materials
 - › A future project would make use of the salvaged materials.
- › The specific scope for a historic preservation/re-creation project or other park amenity can be determined in the near future as the dismantling of the existing structure occurs.
- › Specific programming/uses of the structure/amenity constructed could include a museum, welcome center, or other City presence in the park.

City of Fulshear

Historic Station House

December 18, 2018

PGAL



This conveyance is made subject to the following:

- a. In the event the CITY OF FULSHEAR, TEXAS, shall cease to be a body politic or shall be dissolved voluntarily or by operation of law or pursuant to a Court Order, or
- b. In the event the subject real property or any part thereof shall cease to be exclusively used as a park, or
- c. In the event the subject property or any part thereof shall be sold or attempted to be sold, or made the subject of a contract for sale or made the subject of an option to buy agreement or made the subject of an earnest money contract or made the subject of judicial or non-judicial foreclosure proceedings, or
- d. In the event the subject property or any part thereof should be made the subject of a rental agreement or lease agreement regardless of whether such agreement be written or oral, or
- e. In the event the GRANTEE or any purported successors or purported assigns should commit an act of bankruptcy, or authorize the filing of a voluntary petition in bankruptcy be committed and involuntary proceedings instituted or threatened, or should the property hereinabove described be taken over by a Trustee or Receiver for GRANTEE or any purported successors or purported assigns.
- f. The park shall be known as FRANCES SMART PARK.

IT IS EXPRESSLY UNDERSTOOD that in the event of the occurrence of any one or combination of paragraphs a, b, c, d, e, and f, above the subject real property shall REVERT to GRANTOR or her heirs, successors, administrators, executors, or assigns and this Deed shall become thereafter NULL, VOID, and INOPERATIVE without notice, title to the subject property shall automatically reinvest "GRANTOR" or her heirs, successors, executors, administrators, or assigns with full title.

It being further understood that such reverter shall become effective without any action required on the part of GRANTOR, her heirs, successors, executors, administrators, or assigns.

It being further understood that failure to notify GRANTEE of the occurrence of an event set out in any of paragraphs, a, b, c, d, e, and f, or reverter shall not constitute a waiver of the reverter provision.

It being further understood that the GRANTEE waives all forms of demand, notice, diligence either before or after reverter without prejudice to GRANTOR, her heirs, successors, administrators, or assigns.

In the event any reverter of the subject property shall occur GRANTEE or whomever is in possession of the subject property or any part thereof shall forthwith upon the occurrence of such reverter surrender and deliver possession of the property to GRANTOR or her heirs, successors, executors, administrators, or assigns and in the event of their failure to do so they shall thereupon from and after the reverter be and continue as tenants at will of GRANTOR or her heirs, successors, executors, administrators, or assigns, and in the event of their failure to surrender possession of said property upon demand, the administrators or assigns shall be entitled to institute and maintain an action for forcible detainer of such property in the

Justice of the Peace Court in the Justice Precinct in which such property or any part thereof is situated and recover any attorney fees and Court costs incurred.

TO HAVE AND TO HOLD the above described premises together with all and singular the right and appurtenances thereto in any way belonging unto the said GRANTEE, and subject only to the mineral reservations and exceptions and conditions and easements appearing of record in the office of the County Clerk of Fort Bend County, Texas. Ad Valorem taxes for the year 1993 and prior years, if any, are assumed by GRANTEE.

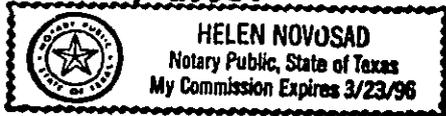
EXECUTED at Fulshear, Texas on this the 18 day of October 1993.

Sethora Nott West
SETHORA NOTT WEST

THE STATE OF TEXAS
COUNTY OF FORT BEND

BEFORE ME, the undersigned authority, a Notary Public, in and for said County and State on this day personally appeared SETHORA NOTT WEST, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 18 day of October, 1993.



Helen Novosad
Notary Public in and for
The State of Texas

ACCEPTED:

THE CITY OF FULSHEAR, TEXAS

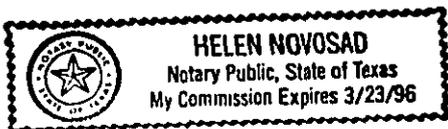
By: *Viola Randle*
VIOLA RANDLE
Mayor Pro-Tem

ATTEST:
By: *Carolyn Smith*
CAROLYN SMITH
City Secretary

THE STATE OF TEXAS)
)
COUNTY OF FORT BEND)

BEFORE ME, the undersigned authority, a Notary Public, in and for said County and State on this day personally appeared VIOLA RANDLE, Mayor Pro-Tem of the CITY OF FULSHEAR, TEXAS, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed same for the purposes and considerations therein expressed, in the capacity therein stated and as the act and deed of said City.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 20 day of October, 1993.



Helen Novosad
Notary Public in and for
The State of Texas

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STATE OF TEXAS COUNTY OF FORT BEND
I, hereby certify that this instrument was filed on the
date and time stamped hereon by me and was duly
recorded in the volume and page of the Official
Records of Fort Bend County, Texas as stamped by
me.

OCT 29 1993

Diame Nelson
COUNTY CLERK
FORT BEND COUNTY, TEXAS



Diame Nelson
County Clerk, Fort Bend Co., Tex.

UNRECORDED INSTRUMENT

ATTN:
CAROLYN
SMITH

CITY OF FULSHEAR
P.O. BOX 279
FULSHEAR, TX
77441-0279



CITY OF FULSHEAR

PO Box 279 / 30603 FM 1093
Fulshear, Texas 77441
Phone: 281-346-8860 ~ Fax: 281-346-8237
www.fulsheartexas.gov

SWITCH HOUSE PROJECT QUESTIONNAIRE

NAME/BUSINESS NAME:

[Redacted]

ADDRESS:

[Redacted]

PHONE #:

[Redacted]

EMAIL:

[Redacted]

WEBSITE:

[Redacted]

1.) Please provide a summary of your background in preservation and restoration of historic buildings.

We have been working in the realm of public construction projects for over 10 years, most recently we finished a project for City of LaPorte, which was a recreation of the original first integrated school building in town using elements of the original building.

2.) Have you restored similar houses? If so, please describe one or two projects.

Yes – City of LaPorte Colored School. The original building was carefully torn down to save as much of material intact as possible. The reconstruction of the new building was designed to meet all ICC and TAS codes while at the same time re-using elements of the old building.



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- 3.) What % of the current interior sq footage is original/historic in nature versus modern/recent materials?

From my estimation the two story building is original and the back house has been added. Also all windows, doors, trim, and lighting are not original.

- a. What % of the interior original/historic materials can be used for a restoration project? Please list some of those items.

I would suggest reusing the T&G flooring in some manner or locations.

- b. What % of the interior original/historic materials can be salvaged and used for a re-creation/rebuild project? Please list some of those items.

80% of flooring

- c. Any special challenges/observations regarding the interior?

n/a

- 4.) What % of the current exterior sq footage is original/historic in nature versus modern/recent materials?

Same as above, it appears the original part is only the two story and the rear has been added. On the two story section I would suspect a majority of the 12" siding boards are original.



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- a. What % of the external original/historic materials can be used for a restoration project? Please list some of those items.

75-85% of exterior siding would be my only recommendation.

- b. What % of the external original/historic materials can be salvaged and used for a re-creation/rebuild project? Please list some of those items.

same as above

- c. Any special challenges/observations regarding the exterior?

Removing any wood materials would be very dependent of the amount of damage caused over the years by termites and rot. It is impossible at this time to tell if siding would be reusable.

- 5.) Please briefly describe what would be needed to restore the building to its original design? (This should also include minor ADA improvements as this will be a public building)

In order to restore this building at minimum restroom's would need to be added, water fountain, ramps, walkways and widen some doorways to meet ADA. Also, there needs to be additional research concerning use of the second floor and what is required for ADA.

- 6.) What percentage of building materials would be new versus original in implementing this approach?

Restoration would not seem to be a viable option due to the condition of this building, one would need to consider replacing about 85% or more of the original building with new components. Again though the bigger challenge is making the footprint of the existing building ADA code compliant.



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- a. What is a good cost estimate (with a separate contingency) for the restoration process as you described?

There are many factors in determining this value, so this value should only be taken as an estimate. Addition of air conditioning, plumbing, electrical, framing repairs, siding repairs, recondition flooring and walls, re-roof, new windows, new doors. Upwards of \$250 per SF.

- b. Any special challenges/observations regarding a restoration?

Meeting both ICC (international Construction Code) and TAS (Texas Accessibility Standards)

- 7.) Please briefly describe an approach to tear down the existing building, salvage usable items, and rebuild it to its original design? (This should also include minor ADA improvements as this will be a public building)

This process would include working with an architect to recreate the original footprint of the building while integrating components such as restrooms and ramps to meet code. Salvage items to be re-used could include tongue & groove flooring planks, and exterior siding.

- a. What percentage of building materials would be new versus original in implementing this approach?

95% new building materials.

- b. What is a good cost estimate (with a separate contingency) for the re-creation/rebuild process as you described?

\$250 to \$300 per SF of air conditioned space.



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- c. Any special challenges/observations regarding a re-creation/rebuild?

None Known at this time.

- 8.) From a structural standpoint, what limitations/opportunities do you see with the existing support structures?

There has been some wood rot throughout existing joists, as well as wall studs. A majority of the wall studs would need to be replaced. At this time the building would not meet the building energy code, but using the most up to date methods and technologies would be more beneficial than trying to retrofit the existing space.

- a. Assuming an eventual use of two stories, what % of the existing supporting framework would need to be replaced or otherwise modified?

50% or more

- b. Any other structural observations?

n/a

- 9.) Finally, please give an additional observation from a construction standpoint that may provide some additional insight/information for the City when considering a restoration versus a re-creation/rebuild project that would provide for a building suitable for public use?

It is my belief that working with a qualified design and construction team the most efficient course for moving forward in relation to time and money would be to have this building deconstructed and salvage all finish elements in a container. These items in particular such as wood floors, and exterior sheathing could be reused as decorative pieces on the new building. Once a safe new building with proper insulation, roofing, doors, windows, and functioning MEP components are in place the public would get more use than trying to establish these priorities with the current state of subject.



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SWITCH HOUSE PROJECT QUESTIONNAIRE

NAME/BUSINESS NAME:

ADDRESS:

PHONE #:

EMAIL:

WEBSITE:

1.) Please provide a summary of your background in preservation and restoration of historic buildings.

1. OWN A 15,000 FT² DOWNTOWN BUILDING 3 STORY BUILT IN 1874
2. OWN A 6,000 FT² RESIDENCE @ 1426 STACY BUILT IN 1875 (ON WEBSITE)
3. HAVE RECEIVED NUMEROUS RESTORATION AWARDS FROM CITY OF GALVESTON
4. RECEIVED NUMEROUS RESTORATION AWARDS FROM GALVESTON HISTORICAL FOUNDATION
5. RECEIVED AWARDS FROM GABA PRISM AWARDS FOR BEST CUSTOM HOMES
6. RECEIVED STAR AWARDS FOR BEST STATE RESTORATION.

2.) Have you restored similar houses? If so, please describe one or two projects.

WEBSITE SHOWS 1426 STACY AND FINISHED WORK INCLUDES FOUNDATION, FLOORS, WIRING, PLUMBING, PLASTER, SHUTTERS, WINDOWS, AND ROOF.

HAVE RESTORED MANY HOMES FROM DERELICT STAGE TO LIKE NOW.



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3.) What % of the current interior sq footage is original/historic in nature versus modern/recent materials?

80% OF MAIN FRONT BUILDING IS ORIGINAL OR ANTIQUE REPLACEMENT,
WINDOWS AND FRAMES AND DOORS ARE NEWER
UPSTAIRS PARTITION WALL BUILDOUT AND CLOSETS NEWER
DOWNSTAIRS RIGHT SIDE PLYWOOD FLOORING NEWER

a. What % of the interior original/historic materials can be used for a restoration project? Please list some of those items.

90% . FLOORING T&G PINE
BOARD BOARD WALLS
BOARD BOARD CEILINGS
STAIR WAY AND TREADS .

b. What % of the interior original/historic materials can be salvaged and used for a re-creation/rebuild project? Please list some of those items.

80% . SEE a ABOVE,
EXCEPT 2nd FLOOR JOISTS TOO SMALL.

c. Any special challenges/observations regarding the interior?

2nd FLOOR JOISTS NEED TO BE DOUBLED OR REPLACED. ANTIQUE PINE FLOORING NEEDS TO BE MILLED FOR REPLACING SOME 1ST FLOOR TORMITON AND MISSING FLOORING. ATTIC FLOOR AND RAFTERS NEED TO BE SET UP OR REPLACED.

4.) What % of the current exterior sq footage is original/historic in nature versus modern/recent materials?

100% OF MAIN FRONT BUILDING SQ FOOTAGE IS ORIGINAL
ROOF ADDITIONS NEWER.



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- a. What % of the external original/historic materials can be used for a restoration project? Please list some of those items.

75%. SIDING
FASCIA BOARD

- b. What % of the external original/historic materials can be salvaged and used for a re-creation/rebuild project? Please list some of those items.

WOULDN'T RECOMMEND USING EXISTING SIDING FOR NEW CONSTRUCTION.

- c. Any special challenges/observations regarding the exterior?

USED OLD PHOTOS TO DETERMINE WINDOW PATTERN AND FRONT DOOR DESIGN, OTHERWISE USE PERIOD APPROPRIATE DESIGN. WE USUALLY USE ANTIQUE WINDOWS AND DOORS.

- 5.) Please briefly describe what would be needed to restore the building to its original design? (This should also include minor ADA improvements as this will be a public building)

C ABOVE, PLUS REMOVE REAR ADDITIONS, REBUILD ENGINEERED FOUNDATION, REPLACE EXTERIOR LOWER BATMS, STRIP OFF METAL ROOF AND WOOD SHINGLES. ROOFER WITH NEW RAFTERS OR REINFORCED EXISTING RAFTERS. NEW SIDING ON FRONT OR BACK, SALVAGING GOOD PIECES REMOVED TO FIX REMAINING 3 WALLS. RECOMMEND PERIOD APPROPRIATE STANDING SOME METAL ROOF. BUILD FRONT PORCH AND STEPS, ADD BACK DOOR WITH HANDICAPPED RAMP AND RAIL OR INSTAL LIFT.

- 6.) What percentage of building materials would be new versus original in implementing this approach?

A WINDSTORM EXEMPTION CERTIFICATE (WEA-1) IS REQUIRED TO REBUILD EXISTING STRUCTURE. THIS WAY EXISTING CONSTRUCTION AS WELL AS REPLACEMENT WINDOWS AND DOORS DON'T NEED TO BE WINDSTORM. NEW FOUNDATION, BATMS, TIE DOWNS TO PIERS, AND ROOFING COVER WILL BE WINDSTORM DESIGNED AND INSPECTED AS REQUIRED FOR WINDSTORM INSURABILITY. ESTIMATE 70% ORIGINAL WITH THIS APPROACH.



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- a. What is a good cost estimate (with a separate contingency) for the restoration process as you described?

\$ 250,000 TO \$ 300,000. 10% CONTINGENCY DUE TO NOT HAVING FOUNDATION OR RAFTER DESIGN, THIS IS FOR EXTERIOR. INCLUDES INTERIOR FLOOR JOISTS WORK, AND REPLACEMENT OF FLOORING AND EXISTING BATH BOARD.

- b. Any special challenges/observations regarding a restoration?

NO

- 7.) Please briefly describe an approach to tear down the existing building, salvage usable items, and rebuild it to its original design? (This should also include minor ADA improvements as this will be a public building)

WOULDN'T BE INTERESTED IN TEARING DOWN A HISTORICAL BUILDING IN REPAIRABLE CONDITION.

- a. What percentage of building materials would be new versus original in implementing this approach?

N/A

- b. What is a good cost estimate (with a separate contingency) for the re-creation/rebuild process as you described?

N/A



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- c. Any special challenges/observations regarding a re-creation/rebuild?

N/A

- 8.) From a structural standpoint, what limitations/opportunities do you see with the existing support structures?

NEEDS NEW FOUNDATION, PIERES, EXTERIOR FOUNDATION BOTTOMS, CORNER STUDS, SOME EXTERIOR FRAMING, 2ND FLOOR JOIST SUPPORT, AND RAFTER-CEILING JOIST ATTIC WORK WITH NEW 5/8" DECKING.

- a. Assuming an eventual use of two stories, what % of the existing supporting framework would need to be replaced or otherwise modified?

Above (8).

- b. Any other structural observations?

NO

- 9.) Finally, please give an additional observation from a construction standpoint that may provide some additional insight/information for the City when considering a restoration versus a re-creation/rebuild project that would provide for a building suitable for public use?

DEPENDS ON THE PUBLIC USE. 100% ACCESSIBLE USE REQUIRES ADA COMPLIANCE INCLUDING ELEVATOR. EXTERIOR ELEVATOR COULD BE ADDED ON BACK, REMOVING A WINDOW AND REPLACING WITH A DOOR. ~~OR~~ A SEPARATE BATHROOM BUILDING MIGHT BE MORE APPROPRIATE FOR A PARK SETTING.

SWITCH HOUSE PROJECT QUESTIONNAIRE

NAME/BUSINESS NAME:

ADDRESS:

PHONE #:

EMAIL:

WEBSITE:

1.) Please provide a summary of your background in preservation and restoration of historic buildings.

At the George Ranch Historical Park I restored the George Ranch house, The Old Praire Home, and The Black Smith Shop; I helped my father restore the JHP Davis Home, the Jane Long House, the Guy Lodge Hall, The Old Baptist Church, The Schendel House, The Bramblewood Log Cabin complex, The Needville Rail-Road Depot, and The Old Robinson House. For the Fort Bend County Museum I restored The Moore Home, The Long/Smith Cottage, and The Grandma's Kitchen; I repaired the McFarland House, The McNabb House and The Rail-Road Depot. At the Winedale Historical Park I repaired the McGregor/Grimm House

2.) Have you restored similar houses? If so, please describe one or two projects.

See above ,Item #1. Sorry, I didn't want to retype all that, suffice it to say I have had a lot of experience in restoration of old buildings. Worked many years for my father restoring buildings at The George Ranch. I have been restoring buildings on my own since 1985.

3.) What % of the current interior sq footage is original/historic in nature versus modern/recent materials?

Interior walls, ceiling and ½ floor down stair is original, the walls, ceiling and floor upstairs is original under a layer of acoustic tile. The back addition is not original. The windows and door are all recent materials. Maybe 75% original, 25% not original.

- a. What % of the interior original/historic materials can be used for a restoration project?
Please list some of those items.

.100%..All original materials on walls, ceiling and floors are in fair shape and can be saved.

- b. What % of the interior original/historic materials can be salvaged and used for a re-creation/rebuild project? Please list some of those items.

Maybe 50% depending on how careful one removes beaded ceiling and wall material and flooring.

- c. Any special challenges/observations regarding the interior?

The north down stair room has a plywood floor which is not original, so one might wish to purchase used flooring to match south room and entry. The upstairs ceiling had acoustic tile applied over original beaded ceiling. The termites mostly destroyed these tiles but minor damage to old beaded ceiling.

- 4.) What % of the current exterior sq footage is original/historic in nature versus modern/recent materials?

Board and batten material is mostly original, but rotten on the bottom and in spots. Windows and door are not original. Metal roof is not original. Addition on back is not original. Need old photos to guide us. Maybe 50% original – 50% not original

- a. What % of the external original/historic materials can be used for a restoration project?
Please list some of those items.

50% - 75% depending on carpenters care and time.
Some termite damage on floor joist, but mostly saddle up new ones next to them. Front and maybe side beams replace. Board and batten siding would need much repair or replacement.

- b. What % of the external original/historic materials can be salvaged and used for a re-creation/rebuild project? Please list some of those items.

20-30% . You will destroy most all of the boards and battens when pulling the off. The wood is too old, dry and brittle. It depends on quality of labor.

- c. Any special challenges/observations regarding the exterior?

The front beam at least will have to be replaced along with the entire front wall of board and battens. I would use the ones I remove to repair the other three sides. It would be a challenge to find all windows complete and in good condition. We may have to build the frames and use salvaged window sash. The front door is relatively easy to replace, though a challenge to weather tight. Need old pictures!

- 5.) Please briefly describe what would be needed to restore the building to its original design? (This should also include minor ADA improvements as this will be a public building)

I think you would add a back door and ADA compliant ramp there. I think you might get by without giving ADA access to upstairs but further research needed. Maybe upstairs only for storage and offices. To restore the building I would strip off back addition and recent interior modifications, secure front wall and remove all B&B siding, salvaging to use on other three sides, replace rotten beams and floor joist, replace front wall B&B wall with new treated material, remove all roofing and go back with wood shingles, replace/repair windows and doors, repair front porch, add steps, replace all exposed cinder block piers with brick, add lattice panels between them, power wash and paint; repair interior flooring, walls, and ceiling, paint walls and ceiling, sand and finish floors.(A/C, Electric, Insulation?)

- 6.) What percentage of building materials would be new versus original in implementing this approach?

40% new
60% original

- a. What is a good cost estimate (with a separate contingency) for the restoration process as you described?

\$150,000 - \$ 250,000 I would suggest you hire me under a cost/plus system of payment. All material and labor would be on spread sheet and I would add 25% plus on top of that. This is the most honest and fair system of restoration. No one knows exactly what timbers will need to be replaced or repaired. You don't know until you strip it all down. How can one put a contract price on that? A lot of fat to cover my unexpected cost. You should not have to pay for that

- b. Any special challenges/observations regarding a restoration?

Quality of work depends of quality of labor and oversight. Experience is key. Cost/plus is better than contract, if you are after quality and honest billing. You can call Claire Rogers, director of the Fort Bend County Museum for reference. 281 342-6478

7.) Please briefly describe an approach to tear down the existing building, salvage usable items, and rebuild it to its original design? (This should also include minor ADA improvements as this will be a public building)

Remove roofing and roof framing, remove all interior boards, remove wall framing, remove flooring and floor framing. You would salvage about 20-30% of lumber, but lose its value in trying to salvage it by the time it takes to gently take off a board and remove the nails as opposed to simply knocking it down and buying all new lumber.

a. What percentage of building materials would be new versus original in implementing this approach?

70-80%

b. What is a good cost estimate (with a separate contingency) for the re-creation/rebuild process as you described?

\$ 3-500,000. All kinds of contingencies to consider here. Slab, pier and beam, look like old or look like new, plumbing, a/c, electric, ADA compliant, bathrooms, kitchen, conference hall, architect cost, landscaping, ect,ect,ect. Just to say you used old lumber is noble but not very cost efficient.

c. Any special challenges/observations regarding a re-creation/rebuild?

See Item #7, It would take more money in labor to salvage the old than you make up with in cost of new lumber minus what you salvaged in old.

8.) From a structural standpoint, what limitations/opportunities do you see with the existing support structures?

Floor framing (beams and bottom floor joist) needs much attention. South room and entry floors are in good shape but north floor needs all new (used) flooring. Termites have had their way with this building but not beyond repair. Here is an example of where a contract price type job is inferior to a cost/plussystem of payment. Contract means blow and go and get it done approach, where as cost/plus means slow down and get it right and I state here that cost/plus is cheaper and better quality of work thancontract. The Fort Bend County Museum and The George Foundation hired me at cost/plus on their big projects.

a. Assuming an eventual use of two stories, what % of the existing supporting framework would need to be replaced or otherwise modified?

50%

b. Any other structural observations?

Only that in this type of restoration involving termite damage, we will find more repair needed than what is apparent. It is hard to put a contract price on this kind of work.

9.) Finally, please give an additional observation from a construction standpoint that may provide some additional insight/information for the City when considering a restoration versus a re-creation/rebuild project that would provide for a building suitable for public use?

I do not recommend the recreation/rebuild trying to salvage the old material. I can restore this building cheaper than a rebuild. A tear down rebuild should be a contract price where as a true restoration should be cost/plus. You may consider converting back addition to a public restroom with restored museum in front. If you restore, you need to consider installing A/C, insulation, electric, (maybe plumbing if restrooms are added), security lighting, sidewalks, shutters, brick piers with lattice panels, landscaping, signage, and temporary power pole; ie: you need a general plan and outline of operation to get a contract price or restore under a cost/plus system. Under a cost/plus system, 2-3 bids can be gathered for A/C, electric, floor sanding, and brick pier work, but general labor like carpentry, painting, clean-up, roofing, and their material cost would be billed per day and per receipt. A 25% overhead and profit charge would then be added to all cost. This is the method I prefer.

Please call anytime if you have any questions.

Thank-you





Fort Bend County Historical Commission

Chris Godbold, Chairman
Charles Kelly, Vice Chairman
Claire Rogers, Secretary
Don Brady, Treasurer

June 17, 2019

City Council
City of Fulshear
30603 FM 1093 West/PO Box 279
Fulshear, TX 77441

Dear Mayor Groff and Members of the City Council:

A major function of the Fort Bend County Historical Commission is to promote historic preservation throughout Fort Bend County and work with county groups to seek solutions to save examples of our shared heritage.

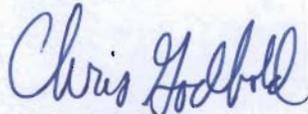
One such example is the section house located in and owned by your city. It is the oldest building in your community and is an important reminder of the importance of the railroad to the founding of Fulshear. In 1888, Churchill Fulshear granted a right of way through his land to the San Antonio & Aransas Pass Railroad to extend its railroad through the area as it made its way from Houston to Kenedy and eventually as far south as Corpus Christi and Falfurrias. Soon families started settling in the area attracted by the railroad. The town was laid out, platted and granted a post office in 1890. The section house is an important symbol of Fulshear's railroad origins.

The Fort Bend County Historical Commission encourages the Fulshear City Council to seek alternatives to preserve the section house as a museum/historic site or as an adaptive reuse project that would create unique office, commercial, or retail space in Fulshear with a historical character. Heritage tourism is a \$7.3 billion dollar industry in Texas and accounts for more than 10.5% of all travel in the Lone Star State. Heritage tourism and historic preservation promote job growth, increased investment and greater revenue for Texas cities. If Fulshear invests in its history it will be richly rewarded.

The Rosenberg Railroad Museum and Old Foster Community Museum join us in recognizing the importance of the section house and supporting its preservation.

Thank you for your consideration. Please feel free to contact me or the museums listed above if you have any questions.

Sincerely,



Chris Godbold
Chair, Fort Bend County Historical Commission

Tracy Hobby
Executive Director
Rosenberg Railroad Museum
1921 Avenue F; PO Box 369
Rosenberg, TX 77471
281-633-2846

Vicki Tonn
President
Old Foster Community Museum
7720 FM 359
Richmond, TX 77406
281-239-2178

MEMORANDUM



Date: July 19, 2019
To: Whom It May Concern
From: City of Fulshear Administration
Topic: Texas Accessibility Standards
Section House Project

The City of Fulshear recently consulted with the Architectural Barriers Program of the Texas Department of Licensing and Regulation regarding accessibility standards for historical structures. Below are the results:

202.5 Alterations to Qualified Historic Buildings and Facilities. Alterations to a qualified historic building or facility shall comply with 202.3 and 202.4. *Alterations to buildings or facilities that are eligible for listing in the National Register of Historic Places or are designated as a Recorded Texas Historic Landmark or State Archeological Landmark shall comply to the maximum extent feasible with this part. If it is determined that it is not feasible to provide physical access to an historic property that is a place of public accommodation in a manner that will not threaten or destroy the historic significance of the building or the facility, alternative methods of access shall be provided pursuant to these requirements.*

EXCEPTION: Where the **State Historic Preservation Officer or Advisory Council on Historic Preservation** determines that compliance with the requirements for accessible routes, entrances, or toilet facilities would threaten or destroy the historic significance of the building or facility, the exceptions for alterations to qualified historic buildings or facilities for that element shall be permitted to apply *when approved by the Department in accordance with the variance procedures contained in Chapter 68, Texas Administrative Code.*

Advisory 202.5 Alterations to Qualified Historic Buildings and Facilities Exception. State Historic Preservation Officers are State appointed officials who carry out certain responsibilities under the National Historic Preservation Act. State Historic Preservation Officers consult with Federal and State agencies, local governments, and private entities on providing access and protecting significant elements of qualified historic buildings and facilities. There are exceptions for alterations to qualified historic buildings and facilities for accessible routes (206.2.1 Exception 1 and 206.2.3 Exception 7); entrances (206.4 Exception 2); and toilet facilities (213.2 Exception 2). When an entity believes that compliance with the requirements for any of these elements would threaten or destroy the historic significance of the building or facility, the entity should consult with the State Historic Preservation Officer. If the State Historic Preservation Officer agrees that compliance with the requirements for a specific element would threaten or destroy the historic significance of the building or facility, use of the exception is permitted *when approved by the Department in accordance with the variance procedures contained in Chapter 68, Texas Administrative Code.*

Based on [AB Rule 68.20](#), the project would be subject to compliance with the [2012 Texas Accessibility Standards](#) where applicable.

Any deviations from the standards can be reviewed through our variance process. A request for a variance, waiver, or modification of the Texas Accessibility Standards must provide proof of one or more of the following conditions as grounds for the request:

- TAS 106.5.25- Disproportionality (alteration)

- TAS 103- Equivalent Facilitation

- TAS 106.5.66- Structural Impracticability (new construction)

- TAS 106.5.68- Technically Infeasible (renovation/alteration)

- TAS 202.5 Exception- Alterations to Qualified Historic Buildings and Facilities

- TAS 232.2 Exception- General Holding Cells and General Housing Cells

We will need confirmation that the building is a qualified historical landmark per 202.5. To utilize TAS 202.5 through the variance process, we will need confirmation that the building is a qualified historical landmark by providing supporting documentation from the Texas Historical Commission that the proposed alterations will destroy the building's historical significance.