

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON AUTHORIZING THE CITY MANAGER TO ENTER INTO A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF DENTON AND FIRST TEXAS HOMES, INC., FOR THE DEDICATION OF PARK LAND FOR A CITY PARK, DEDICATION OF LAND FOR PUBLIC USE AT THE PARKSIDE DEVELOPMENT, AND DEDICATION OF RIGHT OF WAY ON HICKORY CREEK ROAD; AUTHORIZING ACCEPTANCE OF LAND; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, First Texas Homes, Inc., (the "Developer") of the Parkside Development has asked consideration for approval to development and dedicate land in lieu of Park Dedication and Development Fees; and

WHEREAS, the City Manager recommends, and the City Council deems it in the public interest that the City enter into the Development Agreement; NOW THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The findings and recitations contained in the preamble of this Ordinance are incorporated herein by reference.

SECTION 2. The City Manager is hereby authorized to execute on behalf of the City, a Development Agreement in substantially the form of the Agreement, which is attached hereto and incorporated by reference herein.

SECTION 3. The City Manager is hereby authorized to receive land and to undertake the obligations as set forth in the Agreement.

SECTION 4. This Ordinance shall become effective immediately upon its passage and approval.

The motion to approve this Ordinance was made by Gerard Hudspeth and seconded by Jesse Davis. This Ordinance was passed and approved by the following vote [7 - 0]:

	Aye	Nay	Abstain	Absent
Mayor Gerard Hudspeth:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vicki Byrd, District 1:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Beck, District 2:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jesse L. Davis, District 3:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alison Maguire, District 4:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Deb Armintor, At Large Place 5:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Paul Meltzer, At Large Place 6:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PASSED AND APPROVED this the 22nd day of March, 2022.




GERARD HUDSPETH, MAYOR

ATTEST:
ROSA RIOS, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY




BY: _____

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (this "Agreement") is entered into between First Texas Homes, Inc., a Texas corporation (the "Developer") and the City of Denton, a Texas home-rule municipal corporation (the "City") as of the Effective Date as provided below.

Introductory Provisions

Developer is the owner of and is currently developing a portion of a 62.397-acre, more or less, tract of land for residential use known as Parkside Development which is located in the Matthew Rogers Survey, Abstract 1080 and Nathaniel Britton Survey, Abstract 0051, City of Denton, Denton County, Texas (the "Project"). The Project consists of one hundred-fifty-six (156) residential lots and five (5) homeowners association ("HOA") open space lots, one (1) dedication of Right of Way on Hickory Creek Road totaling 4.6926 acres, one (1) park land dedication lot totaling 17.998 acres, and one (1) City of Denton Lot totaling 4.883 acres. The Right of Way dedication is labeled Parcel six (6) ("Proposed Right of Way") on Exhibit "G", The park land dedication lot is labeled Lot 35, Block B ("Park Land Dedication Lot") on Exhibit "D" and the City of Denton dedication lot is labeled Lot 36, Block B ("City of Denton Dedication Lot") on Exhibit "D", attached hereto; and

Developer will improve and dedicate 17.998 acres to the City of Denton as park land for public use. The Park Land Dedication Lot, more particularly depicted as Lot 35, Block B shown on Exhibit "D" attached hereto, will be dedicated as park land by Final Plat, and Special Warranty Deed, Exhibit "B" and shall be recorded in the Plat Records of Denton County, Texas upon approval by the City of Denton; and

Developer will dedicate 4.883 acres to the City of Denton, as land for public use. The City of Denton Dedication Lot depicted as Lot 36, Block B on Exhibit "D", will be dedicated as public use by Special Warranty Deed, Exhibit "B" and shall be recorded in the Plat Records of Denton County, Texas upon approval by the City of Denton; and

Developer will dedicate 4.6926 acres to the City of Denton as land for Right of Way on Hickory Creek as shown in Exhibit "G" to the City of Denton by Special Warranty Deed and shall be recorded in the Plat Records of Denton County, Texas upon approval by the City of Denton; and

Developer will grant a 0.3183-acre Temporary Construction Easement to the City of Denton as shown in Exhibit "K"; and

The amount of park land dedication required by Section 22-37 of the City's Code of Ordinances for the Project is 1.092 acres; and

The park development fees required by Section 22-39 of the City's Code of Ordinances for Parkside of the Project total \$45,396.00. The Developer will substantially complete the construction and installation of the Park Improvements and intends to dedicate the Park Improvements to the City, and the City intends to reimburse Developer for such Park

Improvements with park development fees assessed and collected by the City for the Project at the time of building permit applications in accordance with Section 22-39 of the City's Code of Ordinances ("Park Development Fees"); and

Developer intends to develop, construct, and install Park Improvements and dedicate the Park Land Lot to the City to satisfy both the park land dedication requirements (Denton Code of Ordinances Section 22-37) and the park development fee requirements for the Project (Denton Code of Ordinances Section 22-39); and

Developer and the City enter into this Agreement to confirm their agreement concerning (a) the Developer's dedication of the Park Land Dedication Lot to the City, (b) the City's acceptance of the Park Land Dedication Lot, to satisfy the park land dedication requirement in Section 22-37 of the City's Code of Ordinances, (c) the agreement to reimburse Developer with Park Development Fees received from the Project property for Developer's construction of Park Improvements, (d) the Developer's dedication of The City of Denton Dedication Lot for public use, (e) the Developer's dedication of the Proposed Right of Way lot, (f) the City's acceptance of both The City of Denton Dedication Lot and the Proposed Right of Way lot, and (g) the Developer's grant of a Temporary Construction Easement.

A. Agreements

For good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties agree as follows:

1. Dedication of the Park Land Lot. Developer will dedicate the Park Land Dedication Lot shown as Lot 35 Block B on Exhibit "D", to the City. The City and the Developer will work cooperatively to process Developer's dedication of the Park Land Dedication Lot. Instruments of dedication shall be by Special Warranty Deed, Exhibit "B", and upon Final Plat completion. The City and Developer shall prepare, execute, and record all documents related to the dedication and conveyance of the Park Land Dedication Lot at the Developer's sole expense. The dedication of the Park Land Dedication Lot fulfills Developer's total park land dedication requirements for the Development, in satisfaction of Section 22-37 of the City's Code of Ordinances.

Upon recording in the Plat Records of Denton County, Texas, the Developer shall complete the Special Warranty Deed, Exhibit "B", by filling in the document number, signing, notarizing, and returning to City of Denton Real Estate at 401 N. Elm Street, Denton, TX 76201.

The Developer's dedication of the Park Land Dedication Lot under this Agreement is based on the type of development (single family) and the anticipated number of residential units to be developed on the Project. The Park dedication required by this Agreement for the Project was determined with the formula $2.5 \text{ acres} \times 156 \text{ units} \times 2.8 \text{ persons} \div 1,000$ for 1.092 acres of land for residential property. Floodplain can be dedicated at 3 to 1 ratio. As the Park Dedication Parcel is floodplain the required dedication is 1.092×3 or 3.276 acres.

The City recognizes that the acreage of the Park Land Dedication Lot dedication of 17.998 acres is in excess of the required land dedication of 3.276 acres and accepts the additional 14.722 acres in satisfaction of the park dedication required for the Project, by 22-39 of the City's Code of Ordinances. Developer expressly acknowledges and agrees that both the execution of this Agreement and the transfer of the Park Land Dedication Lot is made voluntarily by the Developer and not as a requirement of the City under its Code of Ordinances, and Developer waives any claim related thereto that it may have under any theory of law against the City.

2. Dedication of Right of Way. Developer will dedicate 4.6926 acres of land for Right of Way on Hickory Creek Road and grant 0.3183-acre Temporary Construction Easement. The City and the Developer will work cooperatively to process Developer's dedication of the Right of Way. Instrument of dedication shall be by Special Warranty Deed, "Exhibit "C". The City and Developer shall prepare, execute, and record all documents related to the dedication and conveyance of the Right of Way Lot at the Developer's sole expense. The City acknowledges that the Developer desires to install a Monument within the Right of Way property via permit, referenced in Exhibit "D". The Developer acknowledges that a permit must be obtained for any monument and such monument must abide by the 2021 Denton Development Code standards and City of Denton Sign Ordinance (Ord. 2014-406) unless a variance is sought and obtained. The City of Denton will not be responsible for the maintenance of any such monument.
3. Public Utility Easement on Park Property. A thirty (30) foot Public Utility Easement (PUE) will be dedicated via Final Plat along the western portion of the Park Dedication Lot. The PUE is more accurately shown on Exhibit "H".
4. Park Development Fees & Reimbursement. Park development fees for the Project amount to \$45,396.00 for 156 homes at \$291.00 per single family unit, pursuant to Section 22-39 of the City's Code of Ordinances. Park development fees shall be imposed at the time of building permit application and shall be paid prior to issuance of building permits. The City shall reimburse Developer in an amount not to exceed FORTY FIVE THOUSAND THREE HUNDRED AND NINETY SIX DOLLARS (\$45,396.00) ("Reimbursement Amount"), without interest, for the Park Improvements in accordance with the terms of this Section. Actual Park Improvement Costs that exceed the Reimbursement Amount will be the sole cost of the Developer and Developer waives any claim to payment therefor that it may have under any theory of law against the City. The City shall reimburse the Developer up to the Reimbursement Amount solely with Park Development Fees paid to the City from the Project property. Once the Developer completes the construction of the Park Improvements on the Park Property, (Park Land Dedication Lot), as per agreed upon Conceptual Master Plan, Exhibit "E", within ninety (90) days, the City shall pay the Developer the Park Development Fees paid to the City from the Project property. In no event will Developer be entitled to reimbursement for Park Improvements in excess of the Reimbursement Amount or from any source of revenue other than Park

9. Waivers. The parties hereby agree:

- A. Nothing in this Agreement shall be considered an illegal impact fee or exaction. The Developer agrees and stipulates that all terms of Local Government Code Section 212.904 have been met by the City and that the requirement for Developer to dedicate the Park.
- B. Developer and its related entities, successors, and assigns release and discharge the City, its past and present employees, officers, council members, attorneys, and other agents, contractors, and representatives from any and all claims, demands, controversies, and causes of action for breach of contract, takings, exactions, claims under Texas Local Government Code Chapter 395, and claims under the Private Real Property Rights Preservation Act, Texas Government Code Chapter 2007, and all claims for reimbursements and monies that relate to this Agreement.
- C. Developer waives any right to appeal the requirement to construct and dedicate the Park in accordance with the terms of this Agreement pursuant to Section 22-42 of the City's Code of Ordinances.

10. Indemnification. DEVELOPER SHALL INDEMNIFY, SAVE, AND HOLD HARMLESS THE CITY, ITS ELECTED OFFICIALS, OFFICERS, AGENTS, ATTORNEYS, AND EMPLOYEES (COLLECTIVELY, THE "INDEMNITEES") FROM AND AGAINST: (I) ANY ADMINISTRATIVE OR INVESTIGATIVE PROCEEDING BY ANY GOVERNMENTAL AUTHORITY DIRECTLY OR INDIRECTLY RELATED TO A CLAIM, DEMAND, ACTION, OR CAUSE OF ACTION, ARISING FROM DEVELOPER'S PERFORMANCE OF ITS OBLIGATIONS HEREUNDER; (II) ANY CLAIM, DEMAND, ACTION, OR CAUSE OF ACTION WHICH DIRECTLY OR INDIRECTLY CONTESTS OR CHALLENGES THE LEGAL AUTHORITY OF THE CITY OR DEVELOPER TO ENTER INTO THIS AGREEMENT; (III) ANY CLAIM, DEMAND, ACTION, OR CAUSE OF ACTION BROUGHT BY AN ASSIGNEE OF DEVELOPER RELATED TO APPROVAL OF AN ASSIGNMENT BEING WITHHELD BY THE CITY; AND (IV) ANY AND ALL LIABILITIES, LOSSES, COSTS, OR EXPENSES (INCLUDING ATTORNEY'S FEES AND DISBURSEMENTS) THAT ANY INDEMNITEES SUFFER OR INCUR AS A RESULT OF ANY ACTION OR OMISSION OF INDEMNITEES PURSUANT TO THIS AGREEMENT; PROVIDED, HOWEVER, THAT DEVELOPER SHALL HAVE NO OBLIGATION UNDER THIS PARAGRAPH TO THE CITY WITH RESPECT TO ANY OF THE FOREGOING ARISING OUT OF THE GROSS NEGLIGENCE OR WILLFUL MISCONDUCT OF THE CITY OR THE BREACH BY THE CITY OF THIS AGREEMENT.

B. Miscellaneous

- 1. This Agreement contains the full and complete agreement of the parties hereto, and all prior negotiations and agreements pertaining to the subject matter hereof, are

Development Fees received by the City from development permits on properties located within the Project property.

5. Park Name. Naming of the Park will be directed by Resolution Number R20-1001, as amended, which outlines the naming policy guidelines for City buildings, facilities, land, or any portion thereof.
6. Park Master Plan. Developer has worked cooperatively with the City to produce an agreed-upon Master Plan for the Park. The agreed upon Conceptual Master Plan is herein attached as Exhibit "E". The Developer is expected to complete the items that are referenced in the Cost Estimate & Plan, Exhibit "F". If any changes occur, the Master Plan document must be approved by the Director of Parks and Recreation. The City of Denton will complete the remaining items in the Conceptual Master Plan, Exhibit "E" in future phases and when funding becomes available.
7. Construction and Location of Parks Improvements. Developer will complete the construction of the Park Improvements on the Park Property, (Park Land Dedication Lot), as per agreed upon Conceptual Master Plan, Exhibit "F", and which Park Improvements include: (a) grading and dirt work, (b) concrete walking trails, (c) site drainage, (d) landscaping, (e) pond dredging, sculpting and decorative fountain, (f) trees, (g) irrigation, (h) trash receptacles, (i) water fountain. The Developer will match the City of Denton Parks and Recreation irrigation specifications. Irrigation controller, flow meter, and drinking fountain will be provided to Developer for installation, by the City. If the Park Land Lot is dedicated prior to construction of the above items, the Developer will have the City's permission to enter the Park Land Dedication Lot to perform the construction of the items. The Developer will complete all agreed upon construction of the Park by July 31, 2024. If said park development is not completed prior to the deadline the Developer shall request an extension in writing to the Director of Parks and Recreation. The City of Denton Parks and Recreation will install the playground up to TWO-HUNDRED SIXTY THOUSAND DOLLARS (\$260,000), plus a maximum of THREE PERCENT (3%) in contingency cost. The playground will be installed within one hundred fifty (150) days when the Developer completes the agreed-upon construction depicted on Exhibit "F", to the maximum cost identified on Exhibit "F", and upon acceptance by the Director of Parks and Recreation.
8. Costs of the Park Improvements. Developer will commit to build the Park per the total cost and design identified on Exhibit "F". An estimate of the costs of the Park Improvements is contained on Exhibit "F" attached to this Agreement and incorporated herein by reference for all purposes. Upon written request therefore, Developer shall provide invoices to the City to establish the actual cost for the construction and installation of the Park Improvements (the "Actual Park Improvement Costs"). The City, in its sole discretion, will determine if the Actual Park Improvement Costs are reasonable; provided, however, any actual costs or invoice amounts which are no more than five percent (5%) above the amount for such item(s) shown on the estimate attached hereto as Exhibit "F" shall be deemed reasonable for purposes hereunder.

expressly merged in this Agreement. Each party hereto disclaims any reliance on any facts, promises, undertakings, or representations (oral or written) made by any other party, or his agent or attorneys, prior to or contemporaneous to the date of execution of this Agreement.

2. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representatives, successors, and assigns.
3. All parties acknowledge that this Agreement is the result of substantial negotiation between the parties. All parties further acknowledge that each party and its legal counsel have reviewed, revised, and contributed to this Agreement; so that the normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Agreement, nor any amendments or exhibits thereto.
4. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions thereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
5. All notices required to be given under this Agreement shall be given in writing and shall be effective when actually delivered or when deposited in the United States mail, first class, postage prepaid, addressed to the party to whom the notice is to be given at the addresses shown below. Any party may change its address for notices under this Agreement by giving written notice to the other parties, specifying that the purpose of the notice is to change the party's address. For notice purposes, each party agrees to keep the other informed at all times of its current address.

To City:
City Manager
City of Denton
City Hall
215 E. McKinney
Denton, Texas 76201

To Developer:
Keith Hardesty
First Texas Homes, Inc.
500 Crescent Court, Suite 350 Dallas, TX 75201

6. This Agreement shall be construed under the laws of the State of Texas and is fully performable in Denton County, Texas. Exclusive venue for any suit to enforce the

terms and conditions of this Agreement shall be a court of competent jurisdiction in Denton County, Texas.

7. This Agreement may be executed in multiple counterparts, by one or more signatories, separately and each of such counterparts shall be deemed an original for all purposes, and all such signed counterparts shall constitute but one and the same instrument.

Signed to be effective the 22 day of March, 2022 (the "Effective Date").

[signatures on following page]

DEVELOPER:
First Texas Homes, Inc.

By: [Signature]
Keith Hardesty

Title: Division President

CITY OF DENTON:

By: [Signature]
Sara Hensley
~~Interim~~ City Manager
215 E. McKinney
Denton, Texas 76201

ATTEST:
ROSA RIOS, CITY SECRETARY

By: [Signature]

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

By: [Signature]



THIS AGREEMENT HAS BEEN
BOTH REVIEWED AND APPROVED
as to financial and operational obligations
and business terms.

[Signature] GARY PACKAN
SIGNATURE PRINTED NAME

DIRECTOR
TITLE

PARKS AND RECREATION
DEPARTMENT

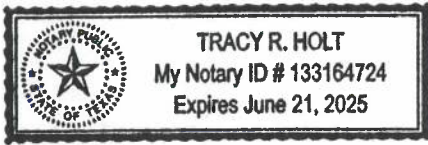
ACKNOWLEDGMENTS

STATE OF TEXAS }

COUNTY OF DENTON }

The foregoing Development Agreement was executed before me on the 24th day of March, 2022 by Sarah Hensley, ~~Interim~~ City Manager of the City of Denton, a Texas home-rule municipal corporation, on behalf of said municipal corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year before written.



Tracy R. Holt

Notary Public

Tracy R. Holt

Printed Name

My commission expires: June 21, 2025

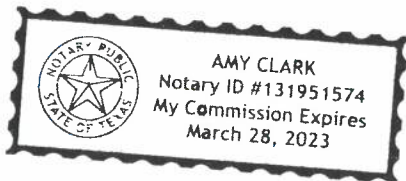
My commission is in Denton County.

STATE OF TEXAS }

COUNTY OF DENTON }

The foregoing Development Agreement was executed before me on the 11th day of March, 2022 by Keith Hardesty, the Division President of First Texas Homes, Inc., a Texas corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year before written.



Amy Clark

Notary Public

Amy CLARK

Printed Name

My commission expires: march 28, 2023

My commission is in Dallas County.

Exhibit "A"
Final Plat
(Will be attached when approved)

Exhibit "B"
Special Warranty Deed

EXHIBIT "B"

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED

STATE OF TEXAS §

COUNTY OF DENTON § KNOW ALL MEN BY THESE PRESENTS

That First Texas Homes, Inc. (herein called "Grantor"), for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), and other good and valuable consideration to Grantor in hand paid by the City of Denton, a Texas Home Rule Municipal Corporation (herein called "Grantee"), 215 E. McKinney, Denton, Texas 76201, the receipt and sufficiency of which are hereby acknowledged and confessed, has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY, unto Grantee all of that certain approximate 23.1 acre tract or parcel of real property, together with appurtenances thereon and improvements thereto, including all right, title and interest in all adjacent public streets and public rights-of-way (if any), more particularly described as:

Lot 35, Block B & Lot 36, Block B, of the Parkside Addition, according to the final plat thereof recorded as Document No. 2022-XX, Plat Records of Denton County, Texas (the "Property").

Grantor, subject to the limitation of such reservation made herein, reserves, for themselves, their heirs, devisees, successors, and assigns all oil, gas, and other minerals in, on, and under and that may be produced from the Property. Grantor, their heirs, devisees, successors, and assigns shall not have the right to use or access the surface of the Property, in any way, manner, or form, in connection with or related to the reserved oil, gas, and other minerals, and/or related to exploration and/or production of the oil, gas and other minerals reserved herein, including without limitation, use or access of the surface of the Property for the location of any well or drill sites, well bores, whether vertical or any deviation from vertical, water wells, pit areas, seismic activities, tanks or tank batteries, pipelines, roads, electricity or other utility infrastructure, and/or for subjacent or lateral support for any surface facilities or well bores, or any other infrastructure or improvement of any kind or type in connection with or related to the reserved oil, gas, and other minerals, and/or related to the exploration or production of same.

As used herein, the term "other minerals" shall include oil, gas, and all associated hydrocarbons and shall exclude (i) all substances that any reasonable extraction, mining, or other exploration and/or production method, operation, process, or procedure would consume, deplete, or destroy the surface of the Property; and (ii) all substances which are at or near the surface of the Property. The intent of the parties hereto is that the meaning of the term "other minerals" as

utilized herein, shall be in accordance with that set forth in *Reed v. Wylie*, 597 S.W.2d 743 (Tex. 1980).

As used herein, the term “surface of the Property” shall include the area from the surface of the earth to a depth of five hundred feet (500’) below the surface of the earth and all areas above the surface of the earth.

Grantor hereby assigns to Grantee, without recourse or representation, any and all claims and causes of action that Grantor may have for or related to any defects in, or injury to, the Property.

THIS CONVEYANCE is made and accepted subject to those matters set forth on exhibit “B” attached hereto and incorporated herein by reference (the “Permitted Exceptions”).

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantee and Grantee’s successors and assigns forever; and Grantor does hereby bind Grantor and Grantor’s successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee and Grantee’s successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise.

EXECUTED the 11 day of March, 2022.



<PRINT GRANTOR NAME>

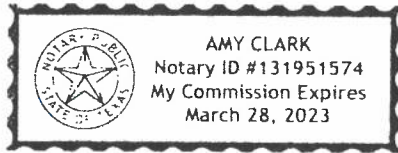
ACKNOWLEDGMENT

THE STATE OF Texas §

COUNTY OF Dallas §

This instrument was acknowledged before me on March 11, 2022 by

Keith Hardesty.



Amy Clark
Notary Public, State of Texas
My commission expires: 3-28-23

Upon Filing Return To:
City of Denton
Capital Projects – Real Estate
401 N. Elm St.
Denton, TX 76201
Exhibit "C"
ROW Special Warranty Deed

Property Tax Bills To:
City of Denton Finance Department
215 E. McKinney Street
Denton, Texas 76201

Exhibit A

PERMITTED EXCEPTIONS

The following, as set forth on plat recorded under Instrument No. 2022-___, Plat Records of Denton County, Texas:

Public Utility Easement 30 feet in width along the western boundary of the Park Land Dedication Lot as set forth in instrument filed for record in Document Number 2022-___, Deed Records of Denton County, Texas, and being described and located therein.

Exhibit "C"
Right of Way Special Warranty Deed

EXHIBIT "C"

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

SPECIAL WARRANTY DEED

STATE OF TEXAS §

COUNTY OF DENTON § KNOW ALL MEN BY THESE PRESENTS

That **First Texas Homes, Inc.** ("Grantor"), whose address is 500 Crescent Court, Ste. 350, Dallas, TX, 75201 for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), and other good and valuable consideration to Grantor in hand paid by the City of Denton, Texas, a Texas Home Rule Municipal Corporation (hereinafter called "Grantee"), 215 E. McKinney, Denton, Texas 76201, the receipt and sufficiency of which are hereby acknowledged and confessed, has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY, unto Grantee all the real property in Denton County, Texas being particularly described on Exhibit "A", attached hereto and made a part hereof for all purposes, and being located in Denton County, Texas, together with any and all rights or interests of Grantor in and to adjacent streets, alleys and rights of way and together with all and singular the improvements and fixtures thereon and all other rights and appurtenances thereto (collectively, the "Property").

Grantor, subject to the limitation of such reservation made herein, reserves, for themselves, their heirs, devisees, successors and assigns all oil, gas and other minerals in, on and under and that may be produced from the Property. Grantor, their heirs, devisees, successors and assigns shall not have the right to use or access the surface of the Property, in any way, manner or form, in connection with or related to the reserved oil, gas, and other minerals and/or related to exploration and/or production of the oil, gas and other minerals reserved herein, including without limitation, use or access of the surface of the Property for the location of any well or drill sites, well bores, whether vertical or any deviation from vertical, water wells, pit areas, seismic activities, tanks or tank batteries, pipelines, roads, electricity or other utility infrastructure, and/or for subjacent or lateral support for any surface facilities or well bores, or any other infrastructure or improvement of any kind or type in connection with or related to the reserved oil, gas and other minerals, and/or related to the exploration or production of same.

As used herein, the term "other minerals" shall include oil, gas and all associated hydrocarbons and shall exclude (i) all substances that any reasonable extraction, mining or other exploration and/or production method, operation, process or procedure would consume, deplete or destroy the surface of the Property; and (ii) all substances which are at or near the surface of the Property. The intent of the parties hereto is that the meaning of the term "other minerals" as

utilized herein, shall be in accordance with that set forth in *Reed v. Wylie*, 597 S.W.2d 743 (Tex. 1980).

As used herein, the term “surface of the Property” shall include the area from the surface of the earth to a depth of five hundred feet (500’) below the surface of the earth and all areas above the surface of the earth.

Grantor hereby assign to Grantee, without recourse or representation, any and all claims and causes of action that Grantor may have for or related to any defects in, or injury to, the Property.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantee and Grantee’s successors and assigns forever; and Grantor do hereby bind Grantor and Grantor’s successors and assigns to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee and Grantee’s successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise.

EXECUTED the 11 day of March, 2022.

Grantor:

First Texas Homes, Inc.
a Texas Corporation

By: [Signature]

Name

Division President

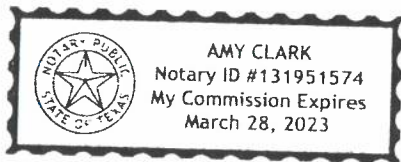
Title

ACKNOWLEDGMENT

THE STATE OF Texas §

COUNTY OF Dallas §

This instrument was acknowledged before me on March 11, 2022 by
Keith Hardesty.



Amy Clark
Notary Public, State of Texas
My commission expires: 3-28-23

Upon Filing Return To:
City of Denton-Real Estate
401 N. Elm Street
Denton, TX 76201
Attn: Deanna Cody

Property Tax Bills To:
City of Denton Finance Department
215 E. McKinney Street
Denton, TX 76201

EXHIBIT "A"

HICKORY CREEK ROAD
REVISION DATE: OCTOBER 12, 2021
OWNERSHIP CHANGE

PAGE 1 OF 6
ORIGINAL DATE: SEPTEMBER 20, 2021

PROPERTY DESCRIPTION FOR PARCEL 6

BEING A 4.6926 ACRE (204,409 SQUARE FEET) TRACT OF LAND IN THE M. ROGERS SURVEY, ABSTRACT NO. 1080, DENTON COUNTY, TEXAS, AND BEING A PART OF THAT CALLED 62.397 ACRE TRACT OF LAND DESCRIBED TO FIRST TEXAS HOMES, INC. EXECUTED AUGUST 9, 2021 RECORDED IN INSTRUMENT NUMBER 2021-145008 OF THE OFFICIAL PUBLIC RECORDS OF DENTON COUNTY, TEXAS (O.P.R.D.C.T.), SAID 4.6926 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 1/2 INCH CAPPED IRON ROD FOUND (CIRF) YELLOW PLASTIC CAP STAMPED "COLEMAN RPLS 4001" AT THE NORTHEAST CORNER OF A CALLED 5 ACRE TRACT OF LAND DESCRIBED IN DEED TO TOMMY CALVERT AND CONNIE CARDWELL RECORDED IN INSTRUMENT NO. 2011-36571 O.P.R.D.C.T., SAME BEING THE SOUTHEAST CORNER OF A CALLED 14.5923 ACRE TRACT OF LAND DESCRIBED AS TRACT 1 IN DEED TO TOMMIE DALE CALVERT RECORDED IN VOLUME 3318, PAGE 908 O.P.R.D.C.T., ALSO BEING IN THE WEST RIGHT-OF-WAY (ROW) LINE OF RIVERPASS (A VARIABLE WIDTH ROW), FURTHER BEING IN THE APPROXIMATE EAST LINE OF SAID M. ROGERS SURVEY, AND IN THE COMMON APPROXIMATE WEST LINE OF THE N. BRITTON SURVEY, ABSTRACT NO. 51;

THENCE, SOUTH 00 DEGREES 07 MINUTES 58 SECONDS WEST ALONG THE EAST LINE OF SAID 5 ACRE TRACT, SAME BEING A COMMON WEST ROW LINE OF RIVERPASS, ALSO BEING IN THE COMMON SAID APPROXIMATE SURVEY LINE, A DISTANCE OF 562.18 FEET TO THE SOUTHEAST CORNER OF SAID 5 ACRE TRACT, SAME BEING THE NORTHWEST CORNER OF A CALLED 1.788 ACRE TRACT OF LAND DESCRIBED IN DEED TO THE CITY OF DENTON, TEXAS RECORDED IN INSTRUMENT NUMBER 2003-95908 O.P.R.D.C.T., ALSO BEING THE NORTHERNMOST NORTHEAST CORNER OF A CALLED 26 ACRE TRACT OF LAND DESCRIBED IN DEED TO WALTER EDWARD LEATHERWOOD AND THOMAS JACK ROBERTSON RECORDED IN VOLUME 496, PAGE 241 O.P.R.D.C.T., FURTHER BEING THE APPROXIMATE SOUTHEAST CORNER OF SAID M. ROGERS SURVEY AND THE APPROXIMATE SOUTHWEST CORNER OF SAID N. BRITTON SURVEY AND IN THE NORTH LINE OF THE J. ROGERS SURVEY, ABSTRACT NO. 1084, FROM WHICH A 5/8 INCH CIRF YELLOW PLASTIC CAP "ILLEGIBLE" BEARS SOUTH 00 DEGREES 44 MINUTES 34 SECONDS EAST, A DISTANCE OF 55.00 FEET MARKING THE SOUTHWEST CORNER OF SAID 1.788 ACRE TRACT;

EXHIBIT "A"

HICKORY CREEK ROAD
REVISION DATE: OCTOBER 12, 2021
OWNERSHIP CHANGE

PAGE 2 OF 6
ORIGINAL DATE: SEPTEMBER 20, 2021

PROPERTY DESCRIPTION FOR PARCEL 6

THENCE, SOUTH 89 DEGREES 07 MINUTES 46 SECONDS WEST ALONG THE SOUTH LINE OF SAID 5 ACRE TRACT, SAME BEING THE NORTH LINE OF SAID 26 ACRE TRACT, AND ALONG THE SOUTH LINE OF A CALLED 0.3849 ACRE TRACT OF LAND DESCRIBED IN DEED TO TOMMIE DALE CALVERT RECORDED IN VOLUME 3318, PAGE 915 O.P.R.D.C.T., AND ALONG THE SOUTH LINE OF A CALLED 0.3847 ACRE TRACT OF LAND DESCRIBED IN DEED TO CONNIE ANN CARDWELL RECORDED IN VOLUME 3318, PAGE 919 O.P.R.D.C.T., AND ALONG THE SOUTH LINE OF A CALLED 2.61 ACRE TRACT OF LAND DESCRIBED AS TRACT ONE IN DEED TO E.D. CALVERT, JR. AND WILLIAM THOMAS CALVERT RECORDED IN VOLUME 1496, PAGE 921 O.P.R.D.C.T., ALSO BEING IN THE APPROXIMATE SOUTH LINE OF SAID M. ROGERS SURVEY AND THE COMMON APPROXIMATE NORTH LINE OF SAID J. ROGERS SURVEY, A DISTANCE OF 609.31 FEET TO A MAG NAIL FOUND AT THE SOUTHEAST CORNER OF SAID 62.397 ACRE TRACT, SAME BEING THE SOUTHWEST CORNER OF SAID 2.61 ACRE TRACT, ALSO BEING THE **POINT OF BEGINNING**, HAVING A COORDINATE OF NORTH 7,104,078.44 FEET, EAST 2,388,373.96 FEET;

- 1) **THENCE** SOUTH 89 DEGREES 07 MINUTES 46 SECONDS WEST ALONG THE SOUTH LINE OF SAID 62.397 ACRE TRACT AND THE COMMON NORTH LINE OF SAID 26 ACRE TRACT, SAME BEING THE COMMON APPROXIMATE SURVEY LINE, A DISTANCE OF 456.51 FEET TO THE SOUTHERNMOST SOUTHWEST CORNER OF SAID 62.397 ACRE TRACT, SAME BEING THE SOUTHEAST CORNER OF A CALLED 0.18 ACRE TRACT OF LAND DESCRIBED AS THE FOURTH TRACT TO GULF, COLORADO AND SANTA FE RAILWAY COMPANY RECORDED IN VOLUME 433, PAGE 250 O.P.R.D.C.T., ALSO BEING THE NORTHEAST CORNER OF A CALLED 0.15 ACRE TRACT OF LAND DESCRIBED AS THE SECOND TRACT TO GULF, COLORADO AND SANTA FE RAILWAY COMPANY RECORDED IN VOLUME 433, PAGE 152 O.P.R.D.C.T.;
- 2) **THENCE** NORTH 00 DEGREES 50 MINUTES 49 SECONDS EAST ALONG A WESTERLY LINE OF SAID 62.397 ACRE TRACT, SAME BEING THE COMMON EAST LINE OF SAID 0.18 ACRE TRACT, A DISTANCE OF 25.00 FEET TO AN INTERIOR ELL CORNER OF SAID 62.397 ACRE TRACT, SAME BEING THE NORTHEAST CORNER OF SAID 0.18 ACRE TRACT;
- 3) **THENCE** NORTH 84 DEGREES 25 MINUTES 46 SECONDS WEST ALONG A SOUTHERLY LINE OF SAID 62.397 ACRE TRACT, SAME BEING THE COMMON NORTH LINE OF SAID 0.18 ACRE TRACT, A DISTANCE OF 226.20 FEET TO THE NORTHWEST CORNER OF SAID 0.18 ACRE TRACT, SAME BEING IN THE EAST LINE OF A CALLED 2.82 ACRE TRACT OF LAND DESCRIBED AS THE THIRD TRACT TO GULF, COLORADO AND SANTA FE RAILWAY COMPANY RECORDED IN VOLUME 433, PAGE 150 O.P.R.D.C.T.;
- 4) **THENCE** NORTH 26 DEGREES 22 MINUTES 15 SECONDS WEST ALONG A WESTERLY LINE OF SAID 62.397 ACRE TRACT, SAME BEING THE COMMON EAST LINE OF SAID 2.82 ACRE TRACT, A DISTANCE OF 3.87 FEET TO A CIRS ON THE NORTHERLY PROPOSED ROW LINE OF HICKORY CREEK ROAD;

EXHIBIT "A"

HICKORY CREEK ROAD
REVISION DATE: OCTOBER 12, 2021
OWNERSHIP CHANGE

PAGE 3 OF 6
ORIGINAL DATE: SEPTEMBER 20, 2021

PROPERTY DESCRIPTION FOR PARCEL 6

- 5) **THENCE** OVER AND ACROSS SAID 62.397 ACRE TRACT AND ALONG NORTHERLY PROPOSED ROW LINE OF HICKORY CREEK ROAD AS FOLLOWS
 - 6) NORTH 89 DEGREES 54 MINUTES 19 SECONDS EAST, A DISTANCE OF 140.33 FEET TO A CIRS;
 - 7) NORTH 00 DEGREES 08 MINUTES 56 SECONDS WEST, A DISTANCE OF 158.44 FEET TO A CIRS;
 - 8) NORTH 89 DEGREES 51 MINUTES 04 SECONDS EAST, A DISTANCE OF 98.77 FEET TO A CIRS;
 - 9) NORTH 00 DEGREES 08 MINUTES 56 SECONDS EAST, A DISTANCE OF 330.48 FEET TO A CIRS;
 - 10) NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 285.40 FEET TO A CIRS;
 - 11) SOUTH 00 DEGREES 08 MINUTES 56 SECONDS EAST, A DISTANCE OF 329.73 FEET TO A CIRS;
 - 12) NORTH 89 DEGREES 51 MINUTES 04 SECONDS EAST, A DISTANCE OF 148.99 FEET TO A CIRS IN THE EAST LINE OF SAID 62.397 ACRE TRACT, SAME BEING IN THE COMMON WEST LINE OF SAID 2.61 ACRE TRACT;
- 13) **THENCE** SOUTH 02 DEGREES 46 MINUTES 28 SECONDS EAST ALONG SAID COMMON LINE, SAME BEING THE NORTHERLY PROPOSED ROW LINE OF HICKORY CREEK ROAD, PASSING A CIRS IN THE NORTHERLY PROPOSED ROW LINE OF HICKORY CREEK ROAD AT A DISTANCE OF 137.64 FEET, CONTINUING ALONG SAID COMMON LINE, A TOTAL DISTANCE OF 203.78 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 4.6926 ACRE (204,409 SQUARE FEET) OF LAND.

EXHIBIT "A"

HICKORY CREEK ROAD
REVISION DATE: OCTOBER 12, 2021
OWNERSHIP CHANGE

PAGE 4 OF 6
ORIGINAL DATE: SEPTEMBER 20, 2021

PROPERTY DESCRIPTION FOR PARCEL 6

A PARCEL PLAT OF EVEN SURVEY DATE HEREWITH ACCOMPANIES THIS PROPERTY DESCRIPTION.

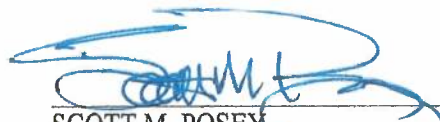
I HEREBY CERTIFY THAT THIS PLAT WAS MADE FROM AN ON THE GROUND SURVEY PERFORMED BY LAMB-STAR ENGINEERING FROM JUNE TO DECEMBER OF 2019, WITH THE SET ROW MONUMENTATION COMPLETED ON SEPTEMBER 20, 2021 UNDER MY DIRECT SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

BASIS OF BEARING: TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83 (2011), NORTH CENTRAL ZONE (4202), ALL DISTANCES AND COORDINATES SHOWN HEREON ARE SURFACE AND SCALED FROM 0,0 USING A TxDOT SURFACE ADJUSTMENT FACTOR OF 1.00015063.

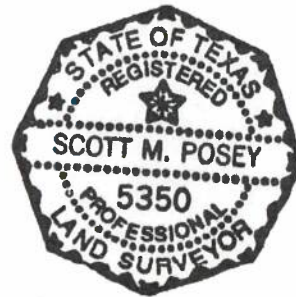
COORDINATE VALUES DERIVED USING THE LEICA SMARTNET NETWORK.

RESEARCH FOR PROPERTY RECORDING INFORMATION SHOWN HEREON WAS PERFORMED BY LAMB-STAR ENGINEERING IN APRIL 2019 TO FEBRUARY 2020.

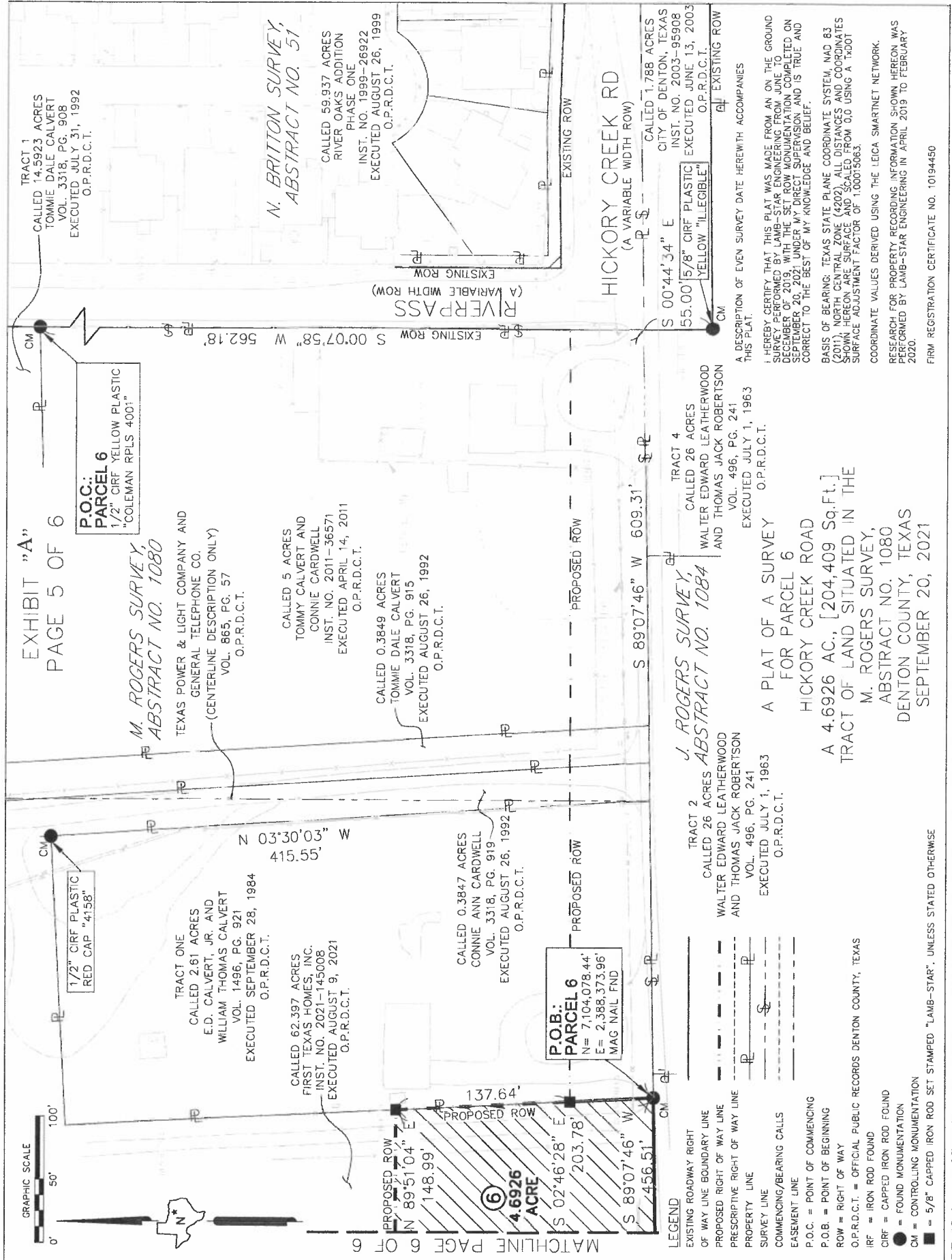
FIRM REGISTRATION CERTIFICATE NO. 10194450


SCOTT M. POSEY
TEXAS REGISTRATION NO. 5350

10/12/21
DATE



LAMB-STAR ENGINEERING, L.L.C.
5700 W. PLANO PARKWAY, SUITE 1000
PLANO, TEXAS 75093
PH. (214) 440-3600
TBPLS # 10048300
SEPTEMBER 2021



1/2" CIRF PLASTIC
RED CAP "4158"

P.O.C.:
PARCEL 6
1/2" CIRF YELLOW PLASTIC
"COLEMAN RPLS 4001"

P.O.B.:
PARCEL 6
N= 7,104,078.44'
E= 2,388,373.96'
MAG NAIL FND

- LEGEND**
- EXISTING ROADWAY RIGHT
 - OF WAY LINE BOUNDARY LINE
 - PROPOSED RIGHT OF WAY LINE
 - PREScriptive RIGHT OF WAY LINE
 - PROPERTY LINE
 - SURVEY LINE
 - COMINGING/BEARING CALLS
 - EASEMENT LINE
 - P.O.C. = POINT OF COMMENCING
 - P.O.B. = POINT OF BEGINNING
 - ROW = RIGHT OF WAY
 - O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS DENTON COUNTY, TEXAS
 - IRF = IRON ROD FOUND
 - CIRF = CAPPED IRON ROD FOUND
 - CM = CONTROLING MONUMENTATION
 - = 5/8" CAPPED IRON ROD SET STAMPED "LAMB-STAR", UNLESS STATED OTHERWISE

REVISION: OCTOBER 12, 2021 - OWNERSHIP CHANGE, NO ADDITIONAL FIELD WORK.

HICKORY CREEK ROAD

FIRM REGISTRATION CERTIFICATE NO. 10194450

EXHIBIT "A"
PAGE 6 OF 6

M. ROGERS SURVEY,
ABSTRACT NO. 1080



THIRD TRACT
CALLED 2.82 ACRES
GULF, COLORADO AND SANTA FE
RAILWAY COMPANY
VOL. 433, PG. 250
EXECUTED NOVEMBER 01, 1957
O.P.R.D.C.T.

TRACT 2
CALLED 15.7998 ACRES
TOMMIE DALE CALVERT
VOL. 331B, PG. 908
EXECUTED JULY 31, 1992
O.P.R.D.C.T.

CALLED 62.397 ACRES
FIRST TEXAS HOMES, INC.
INST. NO. 2021-145008
EXECUTED AUGUST 9, 2021
O.P.R.D.C.T.

APPROXIMATE LOCATION
5' UTILITY EASEMENT
EXPRESS TOWER, LLC
INST. NO. 2010-48337
O.P.R.D.C.T.

CALLED 62.397 ACRES
FIRST TEXAS HOMES, INC.
INST. NO. 2021-145008
EXECUTED AUGUST 9, 2021
O.P.R.D.C.T.

APPROXIMATE LOCATION
15' ACCESS EASEMENT
EXPRESS TOWER, LLC
INST. NO. 2010-48337
O.P.R.D.C.T.

FOURTH TRACT
CALLED 0.18 ACRES
GULF, COLORADO AND SANTA FE
RAILWAY COMPANY
VOL. 433, PG. 250
EXECUTED NOVEMBER 01, 1957
O.P.R.D.C.T.

SECOND TRACT
CALLED 0.15 ACRES
GULF, COLORADO AND SANTA
FE RAILWAY COMPANY
VOL. 433, PG. 152
EXECUTED OCTOBER 28, 1957
O.P.R.D.C.T.

- LEGEND**
- EXISTING ROADWAY RIGHT
 - EXISTING RAILROAD ROW
 - OF WAY LINE BOUNDARY LINE
 - PROPOSED RIGHT OF WAY LINE
 - PRESCRIPTIVE RIGHT OF WAY LINE
 - PROPERTY LINE
 - SURVEY LINE
 - COMMENCING/BEARING CALLS
 - EASEMENT LINE
 - P.O.C. = POINT OF COMMENCING
 - P.O.B. = POINT OF BEGINNING
 - ROW = RIGHT OF WAY
 - O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS DENTON COUNTY, TEXAS
 - IRF = IRON ROD FOUND
 - CIRF = CAPPED IRON ROD FOUND
 - = FOUND MONUMENTATION
 - CM = CONTROLLING MONUMENTATION
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J. ROGERS SURVEY,
ABSTRACT NO. 1084

A PLAT OF A SURVEY
FOR PARCEL 6
HICKORY CREEK ROAD

A 4.6926 AC., [204,409 Sq.Ft.]
TRACT OF LAND SITUATED IN THE
M. ROGERS SURVEY,
ABSTRACT NO. 1080
DENTON COUNTY, TEXAS
SEPTEMBER 20, 2021

A DESCRIPTION OF EVEN SURVEY DATE HEREWITH ACCOMPANIES
THIS PLAT.

I HEREBY CERTIFY THAT THIS PLAT WAS MADE FROM AN ON THE GROUND
SURVEY PERFORMED BY LAMB-STAR ENGINEERING FROM JUNE TO
DECEMBER 2021, WITH SUCH MONUMENTATION COMPLETED
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(2011), NORTH CENTRAL ZONE (4202). ALL DISTANCES AND
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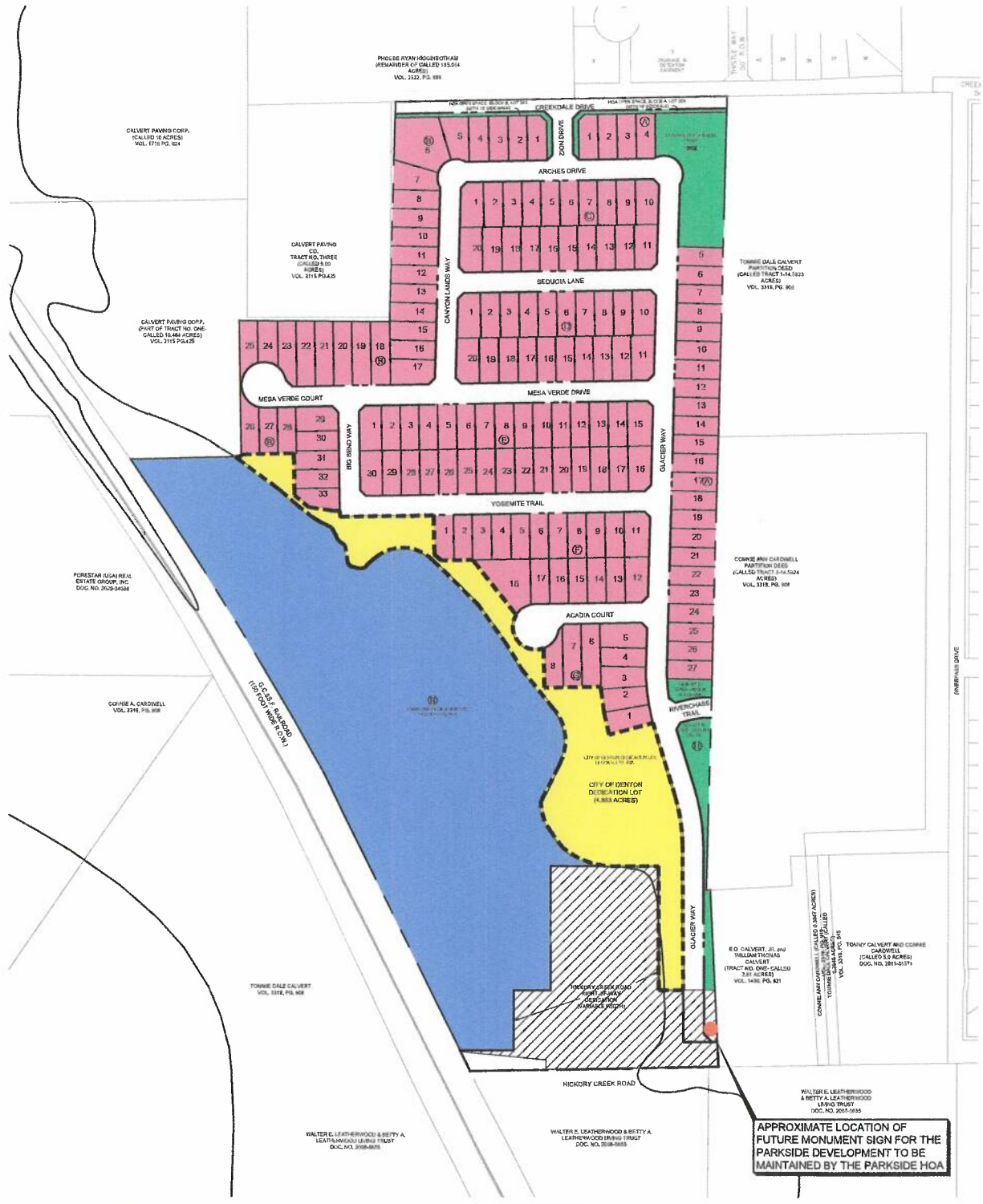
REVISION: OCTOBER 12, 2021 - OWNERSHIP CHANGE, NO ADDITIONAL FIELD WORK.

HICKORY CREEK ROAD

MATCHLINE PAGE 5 OF 6

Exhibit "D"
Dedication Lots

EXHIBIT D



- CITY OF DENTON DEDICATION LOT (4.883 ACRES)
- PARK LAND DEDICATION LOT BLOCK B LOT 35X (17.998 ACRES)
- PARKSIDE RESIDENTIAL LOTS (TOTAL 156)
- HOA OPEN SPACE LOTS (TOTAL 5)
- PROPOSED HICKORY CREEK ROAD R.O.W. DEDICATION.
- PARK LAND PURCHASE LOT BOUNDARY (4.88 ACRES)

APPROXIMATE LOCATION OF FUTURE MONUMENT SIGN FOR THE PARKSIDE DEVELOPMENT TO BE MAINTAINED BY THE PARKSIDE HOA

SCALE 1"=400'	DATE 01/18/2022	DRAWN CAW	PROJECT FTH027	2121 Midway Road Suite 300 Carrollton, Texas 75006 972.248.7676 TBPE No. F-438 TBPLS No. 10076000
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Exhibit "E"
Conceptual Master Plan

- LEGEND**
- 1 PLAYGROUND WITH SHADE STRUCTURE
 - 2 STONE BENCHES
 - 3 RAMP WITH RETAINING WALL
 - 4 OPEN SPACE
 - 5 BENCH & TRASH RECEPTACLE ON CONCRETE PAD
 - 6 WATER FOUNTAIN
 - 7 FISHING PIER
 - 8 YOUTH SOCCER FIELD AREA
 - 9 MOVABLE SOCCER GOAL
 - 10 YOUTH BASEBALL FIELD AREA
 - 11 BACKSTOP
 - 12 5' WIDE CONCRETE SIDEWALK
 - 13 10' WIDE CONCRETE SIDEWALK
 - 14 DRINKING FOUNTAIN



G.C. & S.F. RAILROAD

EXHIBIT "E"
CONCEPTUAL MASTER PARK PLAN

Exhibit "F"
Park Development Cost Estimate & Plan

EXHIBIT F

Preliminary Cost Estimate- Hardscape and Landscape Parkside Denton, Texas JB1 Project No. FTH027 Date: 9/27/2021 Prepared By: R. Graciano & COD Staff					<u>By Developer</u>
A.	Hardscape	Units	Cost	Quantity	Total
	1. Clearing and Grubbing	AC	\$ 6,000.00	3	\$ 15,000.00
	2. Fine Grading	LS	\$ 20,000.00	1	\$ 20,000.00
	4. Erosion Control	LF	\$ 2.50	2,100	\$ 5,250.00
	5. 5' Wide Concrete Sidewalk and Trail Connection	SF	\$ 5.00	4,257	\$ 21,285.00
	6. 10' Wide Concrete Trail	SF	\$ 6.50	8,717	\$ 56,660.50
	7. 8' Wide Concrete Sidewalk	SF	\$ 6.50	1,720	\$ 11,180.00
	8. 8' Wide Ramp	SF	\$ 8.00	640	\$ 5,120.00
	9. Retaining Wall	LF	\$ 135.00	322	\$ 43,470.00
	10. Guard Rail	LF	\$ 55.00	322	\$ 17,710.00
	11. Playground (Will be installed by COD after completion)	LS	\$ 260,000.00	1	\$ 0.00
	12. Park Bench	EA	\$ 2,000.00	4	\$ 8,000.00
	13. Trash Receptacle	EA	\$ 1,000.00	4	\$ 4,000.00
	14. Dog Waste Station	EA	\$ 500.00	2	\$ 1,000.00
	15. Electrical Service for Lights and Irrigation Controllers	LS	\$ 5,000.00	2	\$ 10,000.00
	16. Pond Fountain	EA	\$ 45,000.00	1	\$ 45,000.00
TOTAL					\$263,675.50
B.	Landscape	Units	Cost	Quantity	Total
	1. Solid Bermuda Sod	SY	\$ 3.75	3,420	\$ 12,825.00
	2. Grass seed	SF	\$ 0.15	79,045	\$ 11,856.75
	3. Automatic Irrigation Systems	SF	\$ 0.75	103,000	\$ 77,250.00
TOTAL					\$101,931.75

	<u>By Developer</u>
SUBTOTAL SECTION A - HARDSCAPE	\$263,675.50
SUBTOTAL SECTION B - LANDSCAPE	\$101,931.75
10% CONTINGENCY	\$62,560.73
TOTAL (ESTIMATE)	\$428,167.98

	<u>By City</u>
DENTON PARKS & REC - PLAYGROUND INSTALLATION (AFTER COMPLETION BY DEVELOPER)	\$260,000.00
IRRIGATION CONTROLLER - Motorial Irrinet Controller -AC Model. Price varies by size: 12 station - \$5,650.46 24 station - \$6,288.22 36 station - \$9,543.48 48 station - \$10,398.01	\$5,650.46 - \$10,398.01 (varies)
FLOW METER - Arad hydrometer/master valve. Price varies by size: 1.5" - \$670.74 2" - \$670.74 3" - \$1,133.00 4" - \$1,722.16	\$670.74 - \$1,722.16 (varies)
DRINKING FOUNTAIN- Models 10155 SM & 10155SMSS MDF with a bottle filler, handicap bowl, and dog fountain. Surface mount, stainless steel w/powder coat.	\$4,865.00

LEGEND

1	PLAYGROUND AREA
2	STONE BENCHES
3	RAMP WITH RETAINING WALL
4	OPEN SPACE
5	BENCH & TRASH RECEPTACLE ON CONCRETE PAD
6	WATER FOUNTAIN
7	5' WIDE CONCRETE SIDEWALK
8	10' WIDE CONCRETE SIDEWALK
9	DRINKING FOUNTAIN



NOTE:
THIS PLAN IS SCHEMATIC IN
NATURE AND IS SUBJECT CHANGE.

G.C. & S.F. RAILROAD

EXHIBIT "F"
DEVELOPER PARK IMPROVEMENTS

Exhibit "G"
Right of Way Hickory Creek Road Survey

EXHIBIT "G"

HICKORY CREEK ROAD
REVISION DATE: OCTOBER 12, 2021
OWNERSHIP CHANGE

PAGE 1 OF 6
ORIGINAL DATE: SEPTEMBER 20, 2021

PROPERTY DESCRIPTION FOR PARCEL 6

BEING A 4.6926 ACRE (204,409 SQUARE FEET) TRACT OF LAND IN THE M. ROGERS SURVEY, ABSTRACT NO. 1080, DENTON COUNTY, TEXAS, AND BEING A PART OF THAT CALLED 62.397 ACRE TRACT OF LAND DESCRIBED TO FIRST TEXAS HOMES, INC. EXECUTED AUGUST 9, 2021 RECORDED IN INSTRUMENT NUMBER 2021-145008 OF THE OFFICIAL PUBLIC RECORDS OF DENTON COUNTY, TEXAS (O.P.R.D.C.T.), SAID 4.6926 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

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EXHIBIT "G"

HICKORY CREEK ROAD
REVISION DATE: OCTOBER 12, 2021
OWNERSHIP CHANGE

PAGE 2 OF 6
ORIGINAL DATE: SEPTEMBER 20, 2021

PROPERTY DESCRIPTION FOR PARCEL 6

THENCE, SOUTH 89 DEGREES 07 MINUTES 46 SECONDS WEST ALONG THE SOUTH LINE OF SAID 5 ACRE TRACT, SAME BEING THE NORTH LINE OF SAID 26 ACRE TRACT, AND ALONG THE SOUTH LINE OF A CALLED 0.3849 ACRE TRACT OF LAND DESCRIBED IN DEED TO TOMMIE DALE CALVERT RECORDED IN VOLUME 3318, PAGE 915 O.P.R.D.C.T., AND ALONG THE SOUTH LINE OF A CALLED 0.3847 ACRE TRACT OF LAND DESCRIBED IN DEED TO CONNIE ANN CARDWELL RECORDED IN VOLUME 3318, PAGE 919 O.P.R.D.C.T., AND ALONG THE SOUTH LINE OF A CALLED 2.61 ACRE TRACT OF LAND DESCRIBED AS TRACT ONE IN DEED TO E.D. CALVERT, JR. AND WILLIAM THOMAS CALVERT RECORDED IN VOLUME 1496, PAGE 921 O.P.R.D.C.T., ALSO BEING IN THE APPROXIMATE SOUTH LINE OF SAID M. ROGERS SURVEY AND THE COMMON APPROXIMATE NORTH LINE OF SAID J. ROGERS SURVEY, A DISTANCE OF 609.31 FEET TO A MAG NAIL FOUND AT THE SOUTHEAST CORNER OF SAID 62.397 ACRE TRACT, SAME BEING THE SOUTHWEST CORNER OF SAID 2.61 ACRE TRACT, ALSO BEING THE **POINT OF BEGINNING**, HAVING A COORDINATE OF NORTH 7,104,078.44 FEET, EAST 2,388,373.96 FEET;

- 1) **THENCE** SOUTH 89 DEGREES 07 MINUTES 46 SECONDS WEST ALONG THE SOUTH LINE OF SAID 62.397 ACRE TRACT AND THE COMMON NORTH LINE OF SAID 26 ACRE TRACT, SAME BEING THE COMMON APPROXIMATE SURVEY LINE, A DISTANCE OF 456.51 FEET TO THE SOUTHERNMOST SOUTHWEST CORNER OF SAID 62.397 ACRE TRACT, SAME BEING THE SOUTHEAST CORNER OF A CALLED 0.18 ACRE TRACT OF LAND DESCRIBED AS THE FOURTH TRACT TO GULF, COLORADO AND SANTA FE RAILWAY COMPANY RECORDED IN VOLUME 433, PAGE 250 O.P.R.D.C.T., ALSO BEING THE NORTHEAST CORNER OF A CALLED 0.15 ACRE TRACT OF LAND DESCRIBED AS THE SECOND TRACT TO GULF, COLORADO AND SANTA FE RAILWAY COMPANY RECORDED IN VOLUME 433, PAGE 152 O.P.R.D.C.T.;
- 2) **THENCE** NORTH 00 DEGREES 50 MINUTES 49 SECONDS EAST ALONG A WESTERLY LINE OF SAID 62.397 ACRE TRACT, SAME BEING THE COMMON EAST LINE OF SAID 0.18 ACRE TRACT, A DISTANCE OF 25.00 FEET TO AN INTERIORELL CORNER OF SAID 62.397 ACRE TRACT, SAME BEING THE NORTHEAST CORNER OF SAID 0.18 ACRE TRACT;
- 3) **THENCE** NORTH 84 DEGREES 25 MINUTES 46 SECONDS WEST ALONG A SOUTHERLY LINE OF SAID 62.397 ACRE TRACT, SAME BEING THE COMMON NORTH LINE OF SAID 0.18 ACRE TRACT, A DISTANCE OF 226.20 FEET TO THE NORTHWEST CORNER OF SAID 0.18 ACRE TRACT, SAME BEING IN THE EAST LINE OF A CALLED 2.82 ACRE TRACT OF LAND DESCRIBED AS THE THIRD TRACT TO GULF, COLORADO AND SANTA FE RAILWAY COMPANY RECORDED IN VOLUME 433, PAGE 150 O.P.R.D.C.T.;
- 4) **THENCE** NORTH 26 DEGREES 22 MINUTES 15 SECONDS WEST ALONG A WESTERLY LINE OF SAID 62.397 ACRE TRACT, SAME BEING THE COMMON EAST LINE OF SAID 2.82 ACRE TRACT, A DISTANCE OF 3.87 FEET TO A CIRS ON THE NORTHERLY PROPOSED ROW LINE OF HICKORY CREEK ROAD;

EXHIBIT "G"

HICKORY CREEK ROAD
REVISION DATE: OCTOBER 12, 2021
OWNERSHIP CHANGE

PAGE 3 OF 6
ORIGINAL DATE: SEPTEMBER 20, 2021

PROPERTY DESCRIPTION FOR PARCEL 6

- 5) **THENCE** OVER AND ACROSS SAID 62.397 ACRE TRACT AND ALONG NORTHERLY PROPOSED ROW LINE OF HICKORY CREEK ROAD AS FOLLOWS
 - 6) NORTH 89 DEGREES 54 MINUTES 19 SECONDS EAST, A DISTANCE OF 140.33 FEET TO A CIRS;
 - 7) NORTH 00 DEGREES 08 MINUTES 56 SECONDS WEST, A DISTANCE OF 158.44 FEET TO A CIRS;
 - 8) NORTH 89 DEGREES 51 MINUTES 04 SECONDS EAST, A DISTANCE OF 98.77 FEET TO A CIRS;
 - 9) NORTH 00 DEGREES 08 MINUTES 56 SECONDS EAST, A DISTANCE OF 330.48 FEET TO A CIRS;
 - 10) NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 285.40 FEET TO A CIRS;
 - 11) SOUTH 00 DEGREES 08 MINUTES 56 SECONDS EAST, A DISTANCE OF 329.73 FEET TO A CIRS;
 - 12) NORTH 89 DEGREES 51 MINUTES 04 SECONDS EAST, A DISTANCE OF 148.99 FEET TO A CIRS IN THE EAST LINE OF SAID 62.397 ACRE TRACT, SAME BEING IN THE COMMON WEST LINE OF SAID 2.61 ACRE TRACT;
- 13) **THENCE** SOUTH 02 DEGREES 46 MINUTES 28 SECONDS EAST ALONG SAID COMMON LINE, SAME BEING THE NORTHERLY PROPOSED ROW LINE OF HICKORY CREEK ROAD, PASSING A CIRS IN THE NORTHERLY PROPOSED ROW LINE OF HICKORY CREEK ROAD AT A DISTANCE OF 137.64 FEET, CONTINUING ALONG SAID COMMON LINE, A TOTAL DISTANCE OF 203.78 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 4.6926 ACRE (204,409 SQUARE FEET) OF LAND.

EXHIBIT "G"

HICKORY CREEK ROAD
REVISION DATE: OCTOBER 12, 2021
OWNERSHIP CHANGE

PAGE 4 OF 6
ORIGINAL DATE: SEPTEMBER 20, 2021

PROPERTY DESCRIPTION FOR PARCEL 6

A PARCEL PLAT OF EVEN SURVEY DATE HERewith ACCOMPANIES THIS PROPERTY DESCRIPTION.

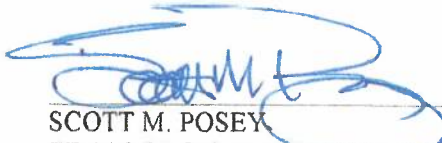
I HEREBY CERTIFY THAT THIS PLAT WAS MADE FROM AN ON THE GROUND SURVEY PERFORMED BY LAMB-STAR ENGINEERING FROM JUNE TO DECEMBER OF 2019, WITH THE SET ROW MONUMENTATION COMPLETED ON SEPTEMBER 20, 2021 UNDER MY DIRECT SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

BASIS OF BEARING: TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83 (2011), NORTH CENTRAL ZONE (4202), ALL DISTANCES AND COORDINATES SHOWN HEREON ARE SURFACE AND SCALED FROM 0,0 USING A TxDOT SURFACE ADJUSTMENT FACTOR OF 1.00015063.

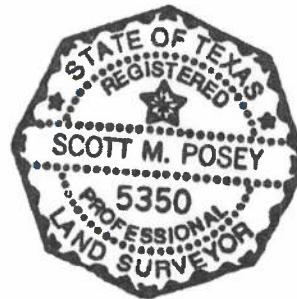
COORDINATE VALUES DERIVED USING THE LEICA SMARTNET NETWORK.

RESEARCH FOR PROPERTY RECORDING INFORMATION SHOWN HEREON WAS PERFORMED BY LAMB-STAR ENGINEERING IN APRIL 2019 TO FEBRUARY 2020.

FIRM REGISTRATION CERTIFICATE NO. 10194450


SCOTT M. POSEY
TEXAS REGISTRATION NO. 5350

10/12/21
DATE



LAMB-STAR ENGINEERING, L.L.C.
5700 W. PLANO PARKWAY, SUITE 1000
PLANO, TEXAS 75093
PH. (214) 440-3600
TBPLS # 10048300
SEPTEMBER 2021

GRAPHIC SCALE



EXHIBIT "G"
PAGE 5 OF 6

1/2" CIRF PLASTIC
RED CAP "4158"

P.O.C.:
PARCEL 6
1/2" CIRF YELLOW PLASTIC
"COLEMAN RPLS 4001"

M. ROGERS SURVEY,
ABSTRACT NO. 1080

TRACT ONE
CALLED 2.61 ACRES
E.D. CALVERT, JR. AND
WILLIAM THOMAS CALVERT
VOL. 1496, PG. 921
EXECUTED SEPTEMBER 28, 1984
O.P.R.D.C.T.

CALLLED 62.397 ACRES
FIRST TEXAS HOMES, INC.
INST. NO. 2021-145008
EXECUTED AUGUST 9, 2021
O.P.R.D.C.T.

CALLLED 5 ACRES
TOMMY CALVERT AND
CONNIE CARDWELL
INST. NO. 2011-36571
EXECUTED APRIL 14, 2011
O.P.R.D.C.T.

CALLLED 0.3849 ACRES
TOMMIE DALE CALVERT
VOL. 3318, PG. 915
EXECUTED AUGUST 26, 1992
O.P.R.D.C.T.

CALLLED 0.3847 ACRES
CONNIE ANN CARDWELL
VOL. 3318, PG. 919
EXECUTED AUGUST 26, 1992
O.P.R.D.C.T.

P.O.B.:
PARCEL 6
N = 7,104,078.44'
E = 2,388,373.96'
MAG NAIL FND

4.6926
ACRE

PROPOSED ROW

PROPOSED ROW

EXISTING ROW

EXISTING ROW

HICKORY CREEK RD
(A VARIABLE WIDTH ROW)

CALLLED 1.788 ACRES
CITY OF DENTON, TEXAS
INST. NO. 2003-95908
EXECUTED JUNE 13, 2003
O.P.R.D.C.T.

TRACT 4
CALLED 26 ACRES
WALTER EDWARD LEATHERWOOD
AND THOMAS JACK ROBERTSON
VOL. 496, PG. 241
EXECUTED JULY 1, 1963
O.P.R.D.C.T.

J. ROGERS SURVEY
ABSTRACT NO. 1084

TRACT 2
CALLED 26 ACRES
WALTER EDWARD LEATHERWOOD
AND THOMAS JACK ROBERTSON
VOL. 496, PG. 241
EXECUTED JULY 1, 1963
O.P.R.D.C.T.

A PLAT OF A SURVEY
FOR PARCEL 6
HICKORY CREEK ROAD

A 4.6926 AC., [204,409 Sq.Ft.]
TRACT OF LAND SITUATED IN THE
M. ROGERS SURVEY,
ABSTRACT NO. 1080
DENTON COUNTY, TEXAS
SEPTEMBER 20, 2021

LEGEND

- EXISTING ROADWAY RIGHT
- OF WAY LINE BOUNDARY LINE
- PROPOSED RIGHT OF WAY LINE
- PRESCRIPTIVE RIGHT OF WAY LINE
- PROPERTY LINE
- SURVEY LINE
- COMMENCING/BEARING CALLS
- EASEMENT LINE
- P.O.C. = POINT OF COMMENCING
- ROW = RIGHT OF WAY
- O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS DENTON COUNTY, TEXAS
- IRF = IRON ROD FOUND
- CIRF = CAPPED IRON ROD FOUND
- = FOUND MONUMENTATION
- = CONTROLLING MONUMENTATION
- = 5/8" CAPPED IRON ROD SET STAMPED "LAMB-STAR", UNLESS STATED OTHERWISE

A DESCRIPTION OF EVEN SURVEY DATE HEREWITH ACCOMPANIES THIS PLAT.

I HEREBY CERTIFY THAT THIS PLAT WAS MADE FROM AN ON THE GROUND SURVEY PERFORMED BY LAMB-STAR ENGINEERING FROM JUNE TO DECEMBER OF 2019, WITH THE SET ROW MONUMENTATION COMPLETED ON SEPTEMBER 20, 2021 UNDER MY DIRECT SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

BASIS OF BEARING: TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83 WITH CENTRAL ONE (4202), ALL DISTANCES AND COORDINATES SHOWN HEREON BEING MEASURED AND SCALED FROM DD USING A TxDOT SURFACE ADJUSTMENT FACTOR OF 1.000015065

COORDINATE VALUES DERIVED USING THE LEICA SMARTNET NETWORK. RESEARCH FOR PROPERTY RECORDING INFORMATION SHOWN HEREON WAS PERFORMED BY LAMB-STAR ENGINEERING IN APRIL 2019 TO FEBRUARY 2020.

FIRM REGISTRATION CERTIFICATE NO. 10194450

REVISION: OCTOBER 12, 2021 - OWNERSHIP CHANGE, NO ADDITIONAL FIELD WORK.

HICKORY CREEK ROAD

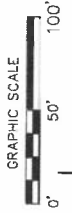


EXHIBIT "G"
PAGE 6 OF 6

M. ROGERS SURVEY,
ABSTRACT NO. 1080

THIRD TRACT
CALLED 2.82 ACRES
GULF, COLORADO AND SANTA FE
RAILWAY COMPANY
VOL. 433, PG. 250
EXECUTED NOVEMBER 01, 1957
O.P.R.D.C.T.

TRACT 2
CALLED 15.7998 ACRES
TOMMIE DALE CALVERT
VOL. 331B, PG. 908
EXECUTED JULY 31, 1992
O.P.R.D.C.T.

CALLLED 62.397 ACRES
FIRST TEXAS HOMES, INC.
INST. NO. 2021-145008
EXECUTED AUGUST 9, 2021
O.P.R.D.C.T.

APPROXIMATE LOCATION
5' UTILITY EASEMENT
EXPRESS TOWER, LLC
INST. NO. 2010-48337
O.P.R.D.C.T.

CALLLED 62.397 ACRES
FIRST TEXAS HOMES, INC.
INST. NO. 2021-145008
EXECUTED AUGUST 9, 2021
O.P.R.D.C.T.

APPROXIMATE LOCATION
15' ACCESS EASEMENT
EXPRESS TOWER, LLC
INST. NO. 2010-48337
O.P.R.D.C.T.

- LEGEND**
- EXISTING ROADWAY RIGHT
 - OF WAY LINE BOUNDARY LINE
 - PROPOSED RIGHT OF WAY LINE
 - PRESCRIPTIVE RIGHT OF WAY LINE
 - PROPERTY LINE
 - SURVEY LINE
 - COMMENCING/BEARING CALLS
 - EASEMENT LINE
 - P.O.C. = POINT OF COMMENCING
 - P.O.B. = POINT OF BEGINNING
 - ROW = RIGHT OF WAY
 - O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS DENTON COUNTY, TEXAS
 - IRF = IRON ROD FOUND
 - CIRF = CAPPED IRON ROD FOUND
 - = FOUND MONUMENTATION
 - CM = CONTROLLING MONUMENTATION
 - = 5/8" CAPPED IRON ROD SET STAMPED "LAMB-STAR", UNLESS STATED OTHERWISE

GULF, COLORADO AND SANTA FE RAILWAY COMPANY
VOL. 433, PG. 250
EXECUTED NOVEMBER 01, 1957
O.P.R.D.C.T.

SECOND TRACT
CALLED 0.15 ACRES
GULF, COLORADO AND SANTA FE RAILWAY COMPANY
VOL. 433, PG. 152
EXECUTED OCTOBER 28, 1957
O.P.R.D.C.T.

N 26°22'15" W
3.87'

N 89°54'19" E
140.33'

N 84°25'46" W
226.20'

N 00°50'49" E
225.00'

S 89°07'46" W
456.51'

N 89°51'04" E
148.99'

S 00°08'56" E
329.73'

N 90°00'00" E
285.40'

N 00°08'56" W
330.48'

N 89°51'04" E
98.77'

N 00°08'56" W
158.44'

N 89°51'04" E
148.99'

S 00°08'56" E
329.73'

N 90°00'00" E
285.40'

⑥
4.6926
ACRE

J. ROGERS SURVEY,
ABSTRACT NO. 1084
A PLAT OF A SURVEY
FOR PARCEL 6
HICKORY CREEK ROAD
A 4.6926 AC., [204,409 Sq.Ft.]
TRACT OF LAND SITUATED IN THE
M. ROGERS SURVEY,
ABSTRACT NO. 1080
DENTON COUNTY, TEXAS
SEPTEMBER 20, 2021

A DESCRIPTION OF EVEN SURVEY DATE HERewith ACCOMPANIES THIS PLAT

I HEREBY CERTIFY THAT THIS PLAT WAS MADE FROM AN ON THE GROUND SURVEY PERFORMED BY LAMB-STAR ENGINEERING FROM JUNE TO DECEMBER OF 2019, WITH THE SET ROW MONUMENTATION COMPLETED ON SEPTEMBER 20, 2021 UNDER MY DIRECT SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

BASIS OF BEARING: TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83 ZONE 14 NORTH-CENTRAL ZONE (4202). ALL DISTANCES AND COORDINATE VALUES SHOWN HEREON ARE SURFACE AND SCALED FROM 0.0 USING A TAQ01 SURFACE ADJUSTMENT FACTOR OF 1.00015063.

COORDINATE VALUES DERIVED USING THE LEICA SMARTNET NETWORK. RESEARCH FOR PROPERTY RECORDING INFORMATION SHOWN HEREON WAS PERFORMED BY LAMB-STAR ENGINEERING IN APRIL 2019 TO FEBRUARY 2020.

FIRM REGISTRATION CERTIFICATE NO. 10194450

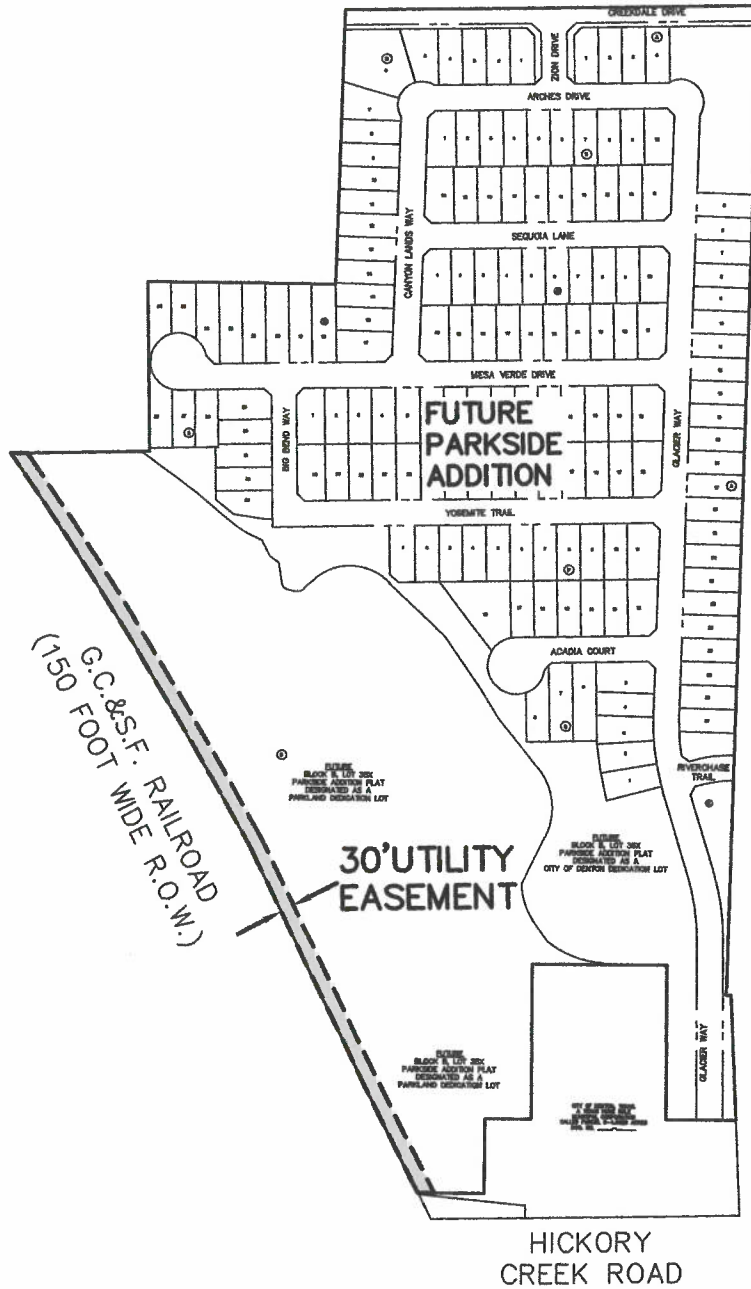
REVISION: OCTOBER 12, 2021 - OWNERSHIP CHANGE, NO ADDITIONAL FIELD WORK.

HICKORY CREEK ROAD

MATCHLINE PAGE 5 OF 6

Exhibit "H"
Public Utility Easement

**EXHIBIT H
30' UTILITY EASEMENT
PAGE 1 OF 1**



Drawing: H:\Projects\FTH027-Parkside\Phase 1\Surveying\dwg\ESMT -UE (agreement).dwg Saved By: mharp Save Time: 1/24/2022 2:30 PM

<p>SCALE: 1" = 400'</p>	<p>DATE 01/24/2022</p>	<p>DRAWN mwh</p>	<p>PROJECT FTH027</p>	<p>JBI PARTNERS 2121 Midway Road Suite 300 Carrollton, Texas 75006 972.248.7676 TBPE No. F-438 TBPLS No. 10076000</p>
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Exhibit "I"
Park Dedication Lot Boundary Survey

Exhibit "J"
City of Denton Dedication Lot Boundary Survey

Exhibit "K"
Temporary Construction Easement

Exhibit K

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

TEMPORARY CONSTRUCTION EASEMENT

**THE STATE OF TEXAS, §
 § **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF DENTON §**

That **First Texas Homes, Inc**, whose mailing address is 500 Crescent Court, Ste. 350, Dallas, TX, 75201, for and in consideration of the sum of Ten and No/100 Dollars (\$10.⁰⁰) and other good and valuable consideration in hand paid by the City of Denton, receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and does by these presents grant, bargain, sell and convey unto the City of Denton (“Grantee”) a temporary construction easement in, along, upon, under, over and across the following described property (the “Property”), owned by Grantor, and situated in Denton County, Texas, located in the M. Rogers survey, Abstract No. 1080.

**PROPERTY AREA DESCRIBED AND
DEPICTED IN EXHIBIT “A”**

ATTACHED HERETO AND MADE A PART HEREOF

It is agreed that the City of Denton, in consideration of the benefits above set out, will remove from the Property above described, such fences, signage, buildings and other obstructions as may now be found upon said Property, for the purpose of construction activities, grading activities and access in, along, upon, under and across said Property.

The City of Denton, its agents, employees, contractors, workmen, and representatives shall have the right of ingress, egress and regress in, along, upon, under and across said Property for the purpose of construction activities or any part thereof.

The term of this grant shall commence on _____, 2022 (the “Effective Date”) and shall expire two years from the Effective Date unless extended by written agreement of the parties, which consent shall not be unreasonably withheld.

TO HAVE AND TO HOLD unto the said City of Denton as aforesaid for the purposes aforesaid the premise above described.

Witness my hand, this the 11 day of March, 2022.

Grantor:

First Texas Homes, Inc.
a Texas Corporation

By: [Signature]
Name

Division President
Title

ACKNOWLEDGMENT

THE STATE OF Texas §
COUNTY OF Dallas §

This instrument was acknowledged before me on March 11, 2022, by Keith Hardisty (Name), Division President (Title), on behalf of said corporation, First Texas Homes, Inc. a Texas Corporation.

[Signature]
Notary Public, in and for the State of Texas
My commission expires: March 28, 2023

UPON FILING, RETURN TO:
City of Denton-Real Estate
401 North Elm. St.
Denton, TX 76201
Attn: Deanna Cody

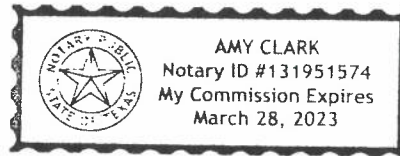


EXHIBIT "K"

HICKORY CREEK ROAD
REVISION DATE: OCTOBER 12, 2021
OWNERSHIP CHANGE

PAGE 1 OF 3
ORIGINAL DATE: SEPTEMBER 20, 2021

PROPERTY DESCRIPTION FOR PARCEL 6-TCE-1

BEING A 0.3183 ACRE (13,863 SQUARE FEET) TRACT OF LAND IN THE M. ROGERS SURVEY, ABSTRACT NO. 1080, DENTON COUNTY, TEXAS, AND BEING A PART OF THAT CALLED 62.397 ACRE TRACT OF LAND DESCRIBED TO FIRST TEXAS HOMES, INC. EXECUTED AUGUST 9, 2021 RECORDED IN INSTRUMENT NUMBER 2021-145008 OF THE OFFICIAL PUBLIC RECORDS OF DENTON COUNTY, TEXAS (O.P.R.D.C.T.), SAID 0.3183 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, AT A 5/8 INCH CAPPED IRON ROD SET STAMPED "LAMB-STAR" (CIRS) ON THE NORTHERLY PROPOSED RIGHT-OF-WAY (ROW) LINE OF HICKORY CREEK ROAD, SAME BEING IN THE WEST LINE OF SAID 62.397 ACRE TRACT, ALSO BEING IN THE COMMON EASTERLY LINE OF A CALLED 2.82 ACRE TRACT OF LAND DESCRIBED AS THE THIRD TRACT IN DEED TO GULF, COLORADO AND SANTA FE RAILWAY COMPANY RECORDED IN VOLUME 433, PAGE 250 O.P.R.D.C.T., FURTHER BEING THE **POINT OF BEGINNING**, HAVING A COORDINATE OF NORTH 7,104,121.93 FEET, EAST 2,387,691.02 FEET;

- 1) **THENCE**, NORTH 26 DEGREES 22 MINUTES 15 SECONDS WEST ALONG SAID COMMON LINE, A DISTANCE OF 95.65 FEET;
- 2) **THENCE**, NORTH 89 DEGREES 51 MINUTES 04 SECONDS EAST OVER AND ACROSS SAID 62.397 ACRE TRACT, A DISTANCE OF 182.59 FEET TO THE NORTHERLY PROPOSED ROW LINE OF HICKORY CREEK ROAD, FROM WHICH A CIRS BEARS NORTH 00 DEGREES 08 MINUTES 56 SECONDS WEST, A DISTANCE OF 72.50 FEET;
- 3) **THENCE**, SOUTH 00 DEGREES 08 MINUTES 56 SECONDS EAST ALONG THE NORTHERLY PROPOSED ROW LINE OF HICKORY CREEK ROAD, A DISTANCE OF 85.94 FEET TO A CIRS;
- 4) **THENCE**, SOUTH 89 DEGREES 54 MINUTES 19 SECONDS WEST ALONG THE NORTHERLY PROPOSED ROW LINE OF HICKORY CREEK ROAD, A DISTANCE OF 140.33 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 0.3183 ACRE (13,863 SQUARE FEET) OF LAND.

EXHIBIT "K"

HICKORY CREEK ROAD
REVISION DATE: OCTOBER 12, 2021
OWNERSHIP CHANGE

PAGE 2 OF 3
ORIGINAL DATE: SEPTEMBER 20, 2021

PROPERTY DESCRIPTION FOR PARCEL 6-TCE-1

A PARCEL PLAT OF EVEN SURVEY DATE HERewith ACCOMPANIES THIS PROPERTY DESCRIPTION.

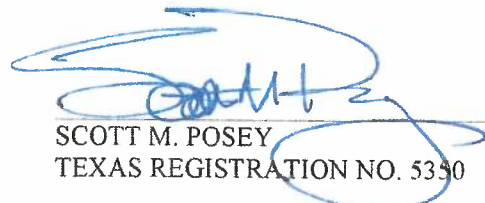
I HEREBY CERTIFY THAT THIS PLAT WAS MADE FROM AN ON THE GROUND SURVEY PERFORMED BY LAMB-STAR ENGINEERING FROM JUNE TO DECEMBER OF 2019, WITH THE SET ROW MONUMENTATION COMPLETED ON SEPTEMBER 20, 2021 UNDER MY DIRECT SUPERVISION AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

BASIS OF BEARING: TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83 (2011), NORTH CENTRAL ZONE (4202), ALL DISTANCES AND COORDINATES SHOWN HEREON ARE SURFACE AND SCALED FROM 0,0 USING A TxDOT SURFACE ADJUSTMENT FACTOR OF 1.00015063.

COORDINATE VALUES DERIVED USING THE LEICA SMARTNET NETWORK.

RESEARCH FOR PROPERTY RECORDING INFORMATION SHOWN HEREON WAS PERFORMED BY LAMB-STAR ENGINEERING IN APRIL 2019 TO FEBRUARY 2020.

FIRM REGISTRATION CERTIFICATE NO. 10194450


SCOTT M. POSEY
TEXAS REGISTRATION NO. 5350

10/12/21
DATE

LAMB-STAR ENGINEERING, L.L.C.
5700 W. PLANO PARKWAY, SUITE 1000
PLANO, TEXAS 75093
PH. (214) 440-3600
TBPLS # 10048300
SEPTEMBER 2021

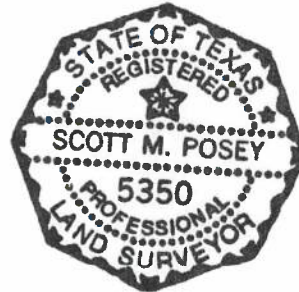


EXHIBIT "A"
PAGE 3 OF 3

M. ROGERS SURVEY,
ABSTRACT NO. 1080



THIRD TRACT
CALLED 2.82 ACRES
GULF, COLORADO AND SANTA FE
RAILWAY COMPANY
VOL. 433, PG. 250
EXECUTED NOVEMBER 01, 1957
O.P.R.D.C.T.

TRACT 2
CALLED 15.7998 ACRES
TOMMIE DALE CALVERT
VOL. 3318, PG. 908
EXECUTED JULY 31, 1992
O.P.R.D.C.T.

CALLLED 62.397 ACRES
FIRST TEXAS HOMES, INC.
INST. NO. 2021-145008
EXECUTED AUGUST 9, 2021
O.P.R.D.C.T.

APPROXIMATE LOCATION
5' UTILITY EASEMENT
EXPRESS TOWER, LLC
INST. NO. 2010-48337
O.P.R.D.C.T.

CALLLED 62.397 ACRES
FIRST TEXAS HOMES, INC.
INST. NO. 2021-145008
EXECUTED AUGUST 9, 2021
O.P.R.D.C.T.

APPROXIMATE LOCATION
15' ACCESS EASEMENT
EXPRESS TOWER, LLC
INST. NO. 2010-48337
O.P.R.D.C.T.

P.O.B.:
PARCEL 6-TCE-1
N= 7,104,121.93'
E= 2,387,691.02'

N 89°51'04" E 182.59'
N 26°22'15" W 95.63'
S 89°54'19" W 140.33'
S 00°08'56" W 85.94'
S 00°08'56" W 85.94'

SECOND TRACT
CALLED 0.15 ACRES
GULF, COLORADO AND SANTA
FE RAILWAY COMPANY
VOL. 433, PG. 152
EXECUTED OCTOBER 28, 1957
O.P.R.D.C.T.

FOURTH TRACT
CALLED 0.18 ACRES
COLORADO AND SANTA FE
RAILWAY COMPANY
VOL. 433, PG. 250
EXECUTED NOVEMBER 01, 1957
O.P.R.D.C.T.

TEXAS POWER & LIGHT COMPANY
(CENTERLINE DESCRIPTION ONLY)
VOL. 411, PG. 402
O.P.R.D.C.T.

- LEGEND**
- EXISTING ROADWAY RIGHT
 - OF WAY LINE BOUNDARY LINE
 - PROPOSED RIGHT OF WAY LINE
 - PRESCRIPTIVE RIGHT OF WAY LINE
 - PROPERTY LINE
 - SURVEY LINE
 - COMMENCING/BEARING CALLS
 - EASEMENT LINE
 - P.O.C. = POINT OF COMMENCING
 - P.O.B. = POINT OF BEGINNING
 - ROW = RIGHT OF WAY
 - O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS DENTON COUNTY, TEXAS
 - IRF = IRON ROD FOUND
 - CIRF = CAPPED IRON ROD FOUND
 - = FOUND MONUMENTATION
 - CM = CONTROLLING MONUMENTATION
 - = 5/8" CAPPED IRON ROD SET STAMPED "LAMB-STAR", UNLESS STATED OTHERWISE

A PLAT OF A SURVEY
FOR PARCEL 6-TCE-1
TEMPORARY CONSTRUCTION EASEMENT
HICKORY CREEK ROAD

A 0.3183 AC., [13,863 Sq.Ft.]
TRACT OF LAND SITUATED IN THE
M. ROGERS SURVEY,
ABSTRACT NO. 1080
DENTON COUNTY, TEXAS
SEPTEMBER 20, 2021

A DESCRIPTION OF EVEN SURVEY DATE HERewith ACCOMPANIES
THIS PLAT.

I HEREBY CERTIFY THAT THIS PLAT WAS MADE FROM AN ON THE GROUND
SURVEY PERFORMED BY LAMB-STAR ENGINEERING FROM JUNE TO
DECEMBER OF 2019, WITH THE SET ROW MONUMENTATION COMPLETED
ON SEPTEMBER 20, 2021 UNDER MY DIRECT SUPERVISION AND IS TRUE
AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

BASIS OF BEARING: TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83
(2011) NORTH CENTERLINE AREA (2021) PLACEMENT DISTANCES AND
COORDINATES SHOWN HEREON ARE FOR SCALAR DISTANCES AND
USING A TADOT SURFACE ADJUSTMENT FACTOR OF 1.0015663.

COORDINATE VALUES DERIVED USING THE LEICA SMARTNET NETWORK.
RESEARCH FOR PROPERTY RECORDING INFORMATION SHOWN HEREON
WAS PERFORMED BY LAMB-STAR ENGINEERING IN APRIL 2019 TO
FEBRUARY 2020.

FIRM REGISTRATION CERTIFICATE NO. 10194450

REVISION: OCTOBER 12, 2021 - OWNERSHIP CHANGE, NO ADDITIONAL FIELD WORK.

HICKORY CREEK ROAD