



**NOTICE OF
CITY COUNCIL REGULAR MEETING
CELINA COUNCIL CHAMBERS 112 N. COLORADO ST., CELINA, TX 75009
Tuesday, July 10, 2018 AT 5:00 PM**

AGENDA

I. CALL TO ORDER AND ANNOUNCE A QUORUM PRESENT:

II. WORKSESSION/COMMITTEE REPORTS/STAFF REPORTS:

- A. Tax rate/budget adoption schedule review (Toutounchian)
- B. Discussion of Proposed Downtown Plaza (Brawner)
- C. Old Celina Park Update (Brawner)
- D. Rehabilitation of Downtown Elevated Storage Tank (Brawner)
- E. Discussion regarding any and/or all agenda items

III. EXECUTIVE SESSION:

The Celina City Council will convene into Executive Session pursuant to Texas Government Code 551.071, Consultation with Attorney, on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this Chapter.

- A. Discussion regarding a resolution of the City Council of the City of Celina, Texas, hereby authorizing the Mayor to execute a CCN purchase agreement by and between the City of Celina and Marilee Special Utility District ("MSUD").
- B. Discussion regarding a resolution of the City Council of the City of Celina, Texas, hereby authorizing the Mayor to execute an interlocal agreement by and between the City of Celina and Mustang Special Utility District ("MSUD") governing water and sewer service area and the expansion of the Sandbrock Wastewater Treatment Plant.
- C. Discussion regarding a facilities agreement with CTMG Frontier 80 LLC, CADG Frontier 192 LLC, and First Texas Homes Inc. (Creeks of Legacy).
- D. Discussion regarding city's regulations and obligations regarding the Gigabit City project.

Reconvene Into Open Session:

- E. Consider and act upon item A.

- F. Consider and act upon item B.
- G. Consider and act upon item C.
- H. Consider and act upon item D.

IV. PLEDGE OF ALLEGIANCE/INVOCATION:

V. PROCLAMATIONS/PRESENTATIONS/OATHS OF OFFICE:

VI. OPEN FORUM:

Open Forum is for information only. If you wish to speak, please sign the "Speaker List" with the City Secretary. Speakers are limited to three (3) minutes. The Council can take no action. No charges and/or complaints will be heard against any elected official or employee of the city.

Please note Anyone wishing to furnish the City Council with copies/handouts regarding their item of interest must provide 9 copies and present them to the City Secretary for distribution to the City Council.

VII. CONSENT AGENDA: Items are considered self-explanatory and will be enacted with one motion. No separate discussion of these items will occur unless so requested by at least one member of the City Council.

A. Minutes Approval:

1. City Council - Regular Meeting - Jun 12, 2018 5:00 PM

- B. Consider and act upon a Chapter 43 and Chapter 212 Pre-Annexation Agreement by and between the City of Celina, Texas and Timothy Martgan regarding an approximately 29.9897 acre tract of land situated in the Robert Cowan Survey, Tract 23. (Martgan Pre-Annexation Agreement) (Jackson)
- C. Consider and act upon an ordinance of the City Council of Celina, Texas, disannexing land; an approximately 29.9897 acre tract situated in the Robert Cowan Survey, Tract 23. (Martgan Deannexation) (Jackson)
- D. Consider and act upon an ordinance of the City Council of the City of Celina, Texas, amending the City's code of ordinances, Appendix A: Fee Schedule, to adopt revised fees for building permits and engineering permits; providing for incorporation of premises. (Fee Update) (Hernandez)
- E. Consider and act upon a resolution of the City of Celina, Texas determining the costs of certain public improvements to be financed by the Cambridge Crossing Public Improvement District; approving a preliminary service plan and assessment plan, including proposed assessment rolls; directing the filing of the proposed assessment rolls with the City Secretary to make available for public inspection; noticing a public hearing for August 14, 2018 to consider an ordinance levying assessments on property located within the Cambridge Crossing Public Improvement District; directing city staff to publish and mail notice of said public hearing. (Cambridge Crossing PID CDR & SAP approval) (DeBuff)

- F. Consider and act upon a resolution authorizing and directing appropriate City officials, consultants, and advisors to proceed with the preparation of financing documents relating to the Cambridge Crossing Public Improvement District and resolving matters incident and related thereto. (DeBuff)
- G. Consider and act to authorize the City Manager to apply for Grant funds, enter into a contract and commit local matching funds for the Texas Water Development Board (TWDB) 2018 Flood Protection Grant. (Brawner)
- H. Consider and act upon a construction plat for Sutton Fields Phase 2A, being an approximately 22.782 acre tract of land situated in the Freeman Wilkerson Survey, Abstract No. 1411, the Carrol Jackson Survey, Abstract No. 1546, Thomas B. Cox Survey, Abstract No. 309, and the Jacob Rue Survey, Abstract No. 1109 in Denton County, containing 103 residential lots and two (2) common area lots, and generally located north of Parvin Road and east of FM 1385. (Sutton Fields Phase 2A Construction Plat) (Jackson)
- I. Consider and act upon a construction plat for Sutton Fields Phase 2B, being an approximately 50.579 acre tract of land situated in the Freeman Wilkerson Survey, Abstract No. 1411, the Carrol Jackson Survey, Abstract No. 1546, and the Jacob Rue Survey, Abstract No. 1109, Denton County, Texas; containing 265 residential lots and four (4) common area lots, and generally located north of Parvin Road and east of FM 1385 (Sutton Fields Phase 2B Construction Plat) (Jackson)
- J. Consider and act upon a Construction Plat for Frontier Retail Partners; being an approximately 10.36 acre tract of land situated in the Johnathan Westover Survey, Abstract No. 1030, Collin County, Texas, and generally located at the northeast corner of County Road 83 (Coit Road) and FM 1461 (Frontier Parkway). (Lilyana/Frontier Retail Construction Plat) (Jackson)
- K. Consider and act to authorize and execute a contract amendment between the City of Celina and Upper Trinity Regional Water District for regional wastewater treatment capacity at the Doe Branch Reclamation Facility. (Fourmentin)
- L. Consider and act upon a Long Term Capital Plan and Long Term Financial Plan. (Toutounchian)

VIII. PUBLIC HEARING/ACTION:

- A. The Celina City Council will conduct a public hearing to consider testimony and act upon an ordinance of the City Council of the City of Celina, Texas accepting and approving a Wells South Public Improvement Service and Assessment Plan Update, including the Assessment Rolls, as the annual service plan update for the Wells South Public Improvement District; making a finding of Special Benefit to the assessed property in the District, levying special assessments against a portion of the property within Neighborhood Improvement Area #2 of the District as shown on the Neighborhood Improvement Area #2 Assessment Roll; and, establishing a lien on such property. (Wells South) (DeBuff)

- B. The Celina City Council will conduct a public hearing to consider proposed assessments to be levied against the assessable property within the Glen Crossing Public Improvement District pursuant to the provisions of Chapter 372 of the Texas Local Government Code, as amended. The boundaries of the District include approximately 109.090 acres of land generally located in the area encompassed directly south of CR 55, north of CR 53, directly adjacent to the west of CR 1117, and east of Private Road 5281 and CR 52. (Glen Crossing Public Hearing) (DeBuff)
- C. The Celina City Council will conduct a public hearing to consider and act upon a commercial replat for Mobility Credit Union being a replat of lots 1A, 1B, & 1C of the Central Business Park Addition, an approximately 0.517 acre of land situated in the John Willock Survey, Abstract No. 975, Collin County, Texas, and generally located on the south side of Walnut Street and west of Louisiana Street. The plat is comprised of one commercial lot. (Mobility Credit Union Replat) (Jackson)
- D. The Celina City Council will conduct a Public Hearing to consider testimony and act upon an ordinance amending the City's Code of Ordinances, Chapter 10: Subdivision Regulations, Article 10.03, Subdivision Ordinance. (Subdivision Ordinance Amendments) (Jackson)
- E. The Celina City Council will conduct a public hearing to consider testimony and act upon an ordinance amending the City's Code of Ordinances, Chapter 3: Building Regulations, Article 3.09, Driveways and Parking Lots, to modify the requirements for parking lots for non-profit organizations and to bring certain driveway and parking lot construction standards into compliance with the adopted Engineering Design Standards. (Parking Lot Standards) (Brawner)
- F. The Celina City Council will conduct a public hearing to consider testimony and act upon an ordinance amending the City's Comprehensive Plan, Ordinance 2013-06; to amend the City's Master Thoroughfare documents and exhibits. (Thoroughfare Plan Amendments) (Brawner)
- G. The Celina City Council will conduct a public hearing to consider testimony and act upon an ordinance amending PD-46, Planned Development Zoning District No. 46; being an approximately 368 acre tract of land situated in the Wm. Davenport Survey, Abstract No. 262 and the F.D. Gray Survey, Abstract Number 361, Collin County, Texas and the J. McKinn Survey, Abstract No. 889, the Wm. Phillips Survey, Abstract No. 1029 and the A. Thomasson Survey, Abstract No. 1265, Denton County, Texas; the property is generally located on the west and east sides of N. Legacy Drive and north of Frontier Parkway (CR 5). (Creeks of Legacy PD Amendment) (Jackson)

IX. ACTION ITEM:

- A. Consider and act upon a resolution authorizing the Mayor Pro-Tem to execute a letter agreement mutually terminating a facilities agreement between the City of Celina, Texas and CTMG Frontier 80 LLC, CADG Frontier 192 LLC, and First Texas Homes Inc. (Creeks of Legacy) (Jackson)
- B. Consider and act upon an ordinance of the City Council of the City of Celina, Texas, accepting and approving a revised Engineering Design Standards, Specifications and Standard Details and allowing the City Manager or his designee to make modifications/revisions as necessary. (Brawner)

- C. Consider and act to adopt the Strategic Plan through Fiscal Year 2020 for the City of Celina.
(Jackson)

X. ADJOURNMENT:

City Council Chambers is wheelchair accessible. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf, or hearing impaired, or readers of large print, are requested to contact the City Secretary's Office at 972-382-2682, or fax 972-382-3736 at least two (2) working days prior to the meeting so that appropriate arrangements can be made.

The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Government Code, Chapter 551. "I, the undersigned authority do hereby certify that the Notice of Meeting was posted on the bulletin board at City Hall of the City of Celina, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: _____ at ____ p.m. and remained so posted continuously for at least 72 hours prior to the scheduled time of said meeting."



Vicki Faulkner, TRMC
City Secretary, City of Celina, TX

Date Notice Removed



Engineering
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
From: Kim Brawner, Director of Engineering
CC: Jason Laumer, City Manager
Date: July 10, 2018
Re:

Action Requested:

Discussion of Proposed Downtown Plaza (Brawner)

Staff Recommendation:

N/A



-  PEDESTRIAN NODE
-  PRIMARY PEDESTRIAN ACCESS
-  SECONDARY PEDESTRIAN ACCESS
-  CORE PUBLIC ZONE
-  PATIOS
-  UTILITY

Attachment: celina plaza_052418 (Downtown Plaza Update)







SCALE: 1" = 30'-0"

Attachment: celina plaza_052418 (Downtown Plaza Update)





Attachment: celina plaza_052418 (Downtown Plaza Update)





Attachment: celina plaza_052418 (Downtown Plaza Update)



Celina Downtown Plaza

Celina, Texas

SD Opinion of Probable Cost - Option B**18-Jun-18**

description	quantity	unit	unit cost	sub-total	remarks
Construction Cost					
Demolition	15,772	sf	\$ 1.50	\$ 23,658.00	removal and haul-off of exist. misc. concrete and gravel
ATT / Electrical relocation	1	ls	\$ 150,000.00	\$ 150,000.00	allowance for relocation of existing ATT / Electrical lines
Misc. MEP	1	ls	\$ 30,000.00	\$ 30,000.00	allowance for clean-up, relocation of existing meters, panels, etc.
Site Grading	1	ls	\$ 7,500.00	\$ 7,500.00	allowance for bobcat / mini-ex surface grading
Water Tap & Meter	1	ls	\$ 5,000.00	\$ 5,000.00	irrigation meter, tap and service line
Flatwork - Brick Pavers	4,637	sf	\$ 12.00	\$ 55,644.00	brick pavers to match existing, on 4" concrete sub-base
Decomposed Granite	10,212	sf	\$ 5.50	\$ 56,166.00	4" compacted layer with soil stabilizer
Entry Markers	2	ea	\$ 1,500.00	\$ 3,000.00	brick/cut stone vertical monument
Planters	106	lf	\$ 60.00	\$ 6,360.00	allowance for linear steel planters, 24" min. ht.
Screens (Utility/Service Areas)	83	lf	\$ 75.00	\$ 6,225.00	allowance for wood or cementitious board screen, 6' ht.
Lighting	1	ls	\$ 25,000.00	\$ 25,000.00	allowance for bollards, overhead festoon lights
Specimen Trees	5	ea	\$ 2,000.00	\$ 10,000.00	specimen trees, 6" caliper
Canopy Trees	5	ea	\$ 650.00	\$ 3,250.00	65 gal. container grown
Planting Beds	1,140	sf	\$ 5.00	\$ 5,700.00	includes bed-prep, 6" compost, 2" mulch, planting
Planting Bed Irrigation	1,140	sf	\$ 1.75	\$ 1,995.00	drip tubing
Irrigation Controller / DCA	1	ls	\$ 2,500.00	\$ 2,500.00	allowance for irrigation controller, DCA, rain & freeze sensors
Landscape Drainage	1	ls	\$ 7,500.00	\$ 7,500.00	allowance for landscape area drains / pvc piping to storm
Site Furnishings	1	ls	\$ 25,000.00	\$ 25,000.00	allowance for benches, litter receptacles, furniture
Sub-total				\$ 424,498.00	
General Conditions (20%)				\$ 84,899.60	allowance for bonding, insurance, GC fees, etc.
Construction Cost Sub-total			\$	509,397.60	
Survey					
Topo Survey	1	ls	\$ 5,000.00	\$ 5,000.00	allowance for survey of existing conditions / topo
Survey Sub-total			\$	5,000.00	
Professional Fees					
Landscape Architecture / Prime Consultant	1	ls	\$ 21,000.00	\$ 21,000.00	hardscape / landscape / lighting / furnishings
Civil Engineering	1	ls	\$ 10,000.00	\$ 10,000.00	grading / drainage / utilities
Irrigation Design	1	ls	\$ 1,200.00	\$ 1,200.00	irrigation
MEP Engineering	1	ls	\$ 7,500.00	\$ 7,500.00	elec. site plan / fixture schedule / relocation spec's
Professional Fees Sub-total			\$	39,700.00	
Total Project Cost			\$	554,097.60	

Attachment: opc_celina plaza 2_061818 (Downtown Plaza Update)



Engineering
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
From: Kim Brawner, Director of Engineering
CC: Jason Laumer, City Manager
Date: July 10, 2018
Re:

Action Requested:

Old Celina Park Update (Brawner)

Staff Recommendation:

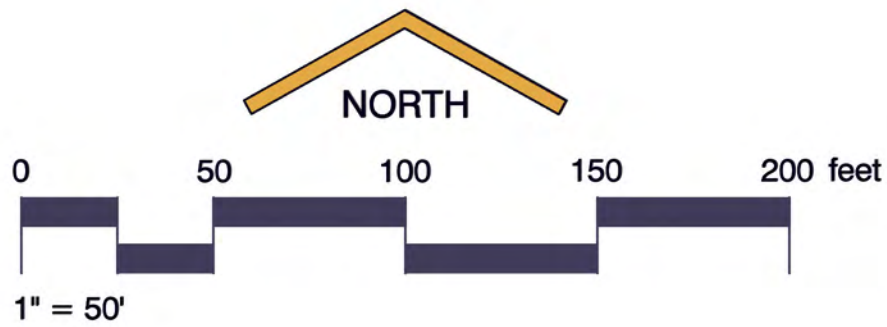
N/A



Master Plan

Project:

Old Celina Park Expansion



Date of Issue:
June 18, 2018



Opinion of Probable Cost
OLD CELINA PARK EXPANSION - PHASE I
Master Plan

July 3, 2018

DUNKIN
SIMS
STOFFELS
INC.

ITEM			
Infrastructure			\$ 587,200.00
Soccer Field & Common Area			\$ 829,000.00
Lighting Soccer Fields			\$ 1,360,000.00
Parking Area / Sidewalks / Walking Trails			\$ 1,297,775.00
4-Plex Softball Complex			\$ 3,075,000.00
Miscellaneous			\$ 625,000.00
SUB TOTAL:			\$ 7,773,975.00
Pre-Design Contingency (10%):			\$ <u>777,397.50</u>
ESTIMATED CONSTRUCTION TOTAL:			\$ 8,551,372.50
A & E Fees: (10%):			\$ <u>855,137.25</u>
GRAND TOTAL:			\$ 9,406,509.75

A & E Fees Include: Topographic Survey, Geotechnical, ADA Fees, Printing Reimbursables, Design Fees, Bidding, Construction Observation, and Project Closeout.

Earthwork is Based on Aerial Topographic and Estimated Finish Grades.

Attachment: Old Celina Park Exp. Master Plan 7-3-2018 (Old Celina Park Update)



Engineering
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Kim Brawner, Director of Engineering
 CC: Alan Fourmentin, Director of Public Works
 Date: July 10, 2018
 Re: <Insert Subject/RE Here>

Action Requested:

Rehabilitation of Downtown Elevated Storage Tank (Brawner)

Background Information:

As part of the downtown initiative, staff has been looking for opportunities that will enhance the feel of downtown and encourage citizens to consider the Celina Square a destination location. The downtown elevated storage tank was initially constructed in 1925 to serve the water needs of the residents of Celina. Since that time, the tank has been a landmark that has been utilized by multiple generations to identify downtown Celina. The existing structure has been removed from service, is dilapidated and is in need of repair and repainting. However, the structure can be repaired and remain a beacon for existing and future residents and businesses.

Staff proposes to repair the structure and repaint the exterior of the elevated storage. The tower will be repainted and the attached exhibits provide council an opportunity to determine what the final logo will be on the tower. The downtown community has expressed their support of the project and the Celina ISD quarterback club has agreed to provide funding so that the newly painted logo can be illuminated which will increase the visibility of the tower. As part of the reconstruction process, the existing paint will be tested for lead. The project is expected to take approximately three months. The goal of the project will be to have the project completed before the first home football game on September 14, 2018.

Board Review/Citizen Input:

The Celina ISD Quarterback club supports the rehabilitation of this tower. The club has committed to funding the lighting.

Alternatives:

City Council could direct staff to not proceed with the project.

Financial Considerations:

The funding for the rehabilitation is available within existing water funding.

Legal Review:

N/A

Supporting Documents:

Logo Images

Staff Recommendation:











**NOTICE OF
CITY COUNCIL REGULAR MEETING
CELINA COUNCIL CHAMBERS 112 N. COLORADO ST., CELINA, TX 75009
Tuesday, June 12, 2018 AT 5:00 PM**

MINUTES

I. CALL TO ORDER AND ANNOUNCE A QUORUM PRESENT:

Attendee Name	Organization	Title	Status	Arrived
Bill Webber	City of Celina	Place 1	Present	
Wayne Nabors	City of Celina	Place 2	Present	
Andy Hopkins	City of Celina	Place 3	Present	
Carmen Roberts	City of Celina	Place 4	Present	
Mindy Koehne	City of Celina	Place 5	Present	
Chad Anderson	City of Celina	Place 6	Present	
Sean Terry	City of Celina	Mayor	Present	

Mayor Terry called the meeting to order at 5:03 p.m.

II. WORKSESSION/COMMITTEE REPORTS/STAFF REPORTS:

A. New employee introductions. (DeBuff, Jackson)

New Receptionist Brooke Flemming and new Planner Raja Pouladi were introduced.

B. Discussion regarding the development of a Trails Master Plan. (Jackson)

Rick Leisner with Norris Design presented the workplan for designing the Trails Master Plan.

C. Presentation regarding Strategic Plan draft. (Jackson)

Abra Nusser with Ideation Planning presented a draft of the City's Strategic Plan to the City Council.

D. Discussion regarding any and/or all agenda items.

No other items were discussed.

III. EXECUTIVE SESSION:

The Celina City Council adjourned into Executive Session at 5:30 p.m. with City Attorney Lance Vanzant, City Manager Jason Laumer and Director of Engineering Kim Brawner.

Minutes Acceptance: Minutes of Jun 12, 2018 5:00 PM (Minutes Approval)

The Celina City Council will convene into Executive Session pursuant to Texas Government Code 551.071, Consultation with Attorney, on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this Chapter, and Texas Government Code 551.072, Deliberations Regarding Real Property, to deliberate the purchase, exchange, lease or value of real property.

- A. Discussion regarding a resolution of the City Council of the City of Celina, Texas finding that a public necessity exists to acquire a public wastewater utility easement in real property as a portion of a tract of land generally described as being located in the Richard Alderson survey, abstract number 7, Collin County, Texas, generally located south of FM 428 and north of Carey Road; providing notice of an official determination to acquire real property for a public utility easement

accepting the appraisal report and acknowledging prior bona fide offers of just compensation made for the easement; authorizing legal counsel to institute eminent domain proceedings on behalf of the City for the acquisition of an easement on said tract as negotiations were unsuccessful; appropriating funds from an effective date.

- B. Discussion regarding Amendment #1 to the Old Celina Reimbursement Agreement. (Laumer)
- C. Discussion regarding a resolution of the City of Celina, Texas, approving and authorizing the city manager to execute an agreement related to the acquisition of real property by the city; authorizing the city manager to negotiate and execute all documents necessary for the City to acquire real estate property for the City of Celina, Texas to serve a municipal purpose; and providing for an effective date.
- D. Discussion regarding Dynavest Joint Venture filing of Petition for Consent to Include Land in a Municipal Utility District. (approximately 1808.10 acres located in Celina's extraterritorial jurisdiction).
- E. Discussion regarding a resolution approving an official annexation policy for the City of Celina. (Laumer)

Reconvene Into Open Session

The City Council reconvened into Open Session at 6:04 p.m.

- F. Consider and act upon item A.

(2018-18R) Councilman Hopkins moved to adopt item A.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Andy Hopkins, Place 3
SECONDER:	Carmen Roberts, Place 4
AYES:	Webber, Nabors, Hopkins, Roberts, Koehne, Anderson

- G. Consider and act upon item B.

Councilman Nabors moved to approve item B.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Wayne Nabors, Place 2
SECONDER: Chad Anderson, Place 6
AYES: Webber, Nabors, Hopkins, Roberts, Koehne, Anderson

H. Consider and act upon item C.

(2018-19R) Councilman Webber moved to adopt item C.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Bill Webber, Place 1
SECONDER: Chad Anderson, Place 6
AYES: Webber, Nabors, Hopkins, Roberts, Koehne, Anderson

I. Consider and act upon item D.

No action taken.

J. Consider and act upon item E.

(2018-20R) Councilman Hopkins moved to adopt item E.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Andy Hopkins, Place 3
SECONDER: Chad Anderson, Place 6
AYES: Webber, Nabors, Hopkins, Roberts, Koehne, Anderson

IV. PLEDGE OF ALLEGIANCE/INVOCATION:

Mayor Terry led the pledges of allegiance. Pastor Kevin Lykins gave the invocation.

V. PROCLAMATIONS/PRESENTATIONS/OATHS OF OFFICE:

A. Oaths of Office - City Council

City Secretary Vicki Faulkner gave Oaths of Office to Place 2 Councilman Wayne Nabors and, Place 3 Councilman Andy Hopkins.

B. Needum Proclamations

Mayor Terry and Mayor Pro Tem Anderson presented a proclamation to Julie and Tommy Needum as upstanding citizens and parents, and a Hometown Hero proclamation to Firefighter/Paramedic Andrew Needum for his bravery and actions during the accident aboard Southwest Airlines Flight 1380 from New York to Dallas in April. A key to the city was also presented to Julie and Tommy Needum and Stephanie and Andrew Needum.

C. Sons of the American Revolution Presentation to Andrew Needum

Nathan White and David Kinzey with the local chapter of the Sons of the American Revolution presented a medal to Firefighter/Paramedic Andrew Needum.

Jason Browning with the Collin County Fire Marshal's Office representing the Collin County Commissioner's Court presented a proclamation to Firefighter/Paramedic Andrew Needum.

VI. OPEN FORUM:

Philip Ferguson of 1344 Bateman, representing the Heritage Subdivision HOA, asked that the city consider placing basketball courts at the Old Celina Park as there seemed to be a lot of interest in the sport among young citizens. He stated that many come to play on their neighborhood's court that do not live in the neighborhood causing a situation where they are asked to leave.

VII. CONSENT AGENDA:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bill Webber, Place 1
SECONDER:	Chad Anderson, Place 6
AYES:	Webber, Nabors, Hopkins, Roberts, Koehne, Anderson

A. Minutes Approval:

1. City Council - Regular Meeting - May 8, 2018 5:00 PM
2. City Council - Canvass - May 16, 2018 12:00 PM

B. Consider and act upon a resolution of the City Council of the City of Celina, Texas, changing the name of portions of County Road 84 to "Wells Road." (County Road Name Change) (Jackson)

(2018-21R)

- C. Consider and act upon a Construction Plat for Mustang Lakes Phase 3A and an Amended Plat of Lot 3X, Block J of Mustang Lakes Phase 2B being an approximately 108.700 acre tract of land situated in the Coleman Watson Survey, Abstract No. 946, Collin County, Texas, generally located west of FM 2478 (Custer Road) and north of FM 1461 (Frontier Parkway). The plat is comprised of 251 residential lots and thirteen (13) open space lots. (Mustang Lakes Phase 3A) (Jackson)
- D. Consider and act upon a Construction Plat for Mustang Lakes Phase 3B being an approximately 25.679 acre tract of land situated in the Coleman Watson Survey, Abstract No. 946, Collin County, Texas, generally located west of FM 2478 (Custer Road), north of FM 1461 (Frontier Parkway), south of County Road 88, and east of County Road 84. The plat is comprised of 109 residential lots, and seven (7) open space lots. (Mustang Lakes Phase 3B) (Jackson)
- E. Consider and act upon a Final Plat for Light Farms The Sweetwater Neighborhood, being an approximately 38.40 acre tract of land situated in the John Ragsdale Survey, Abstract No. 734, Collin County, Texas, generally located north of Frontier Parkway, south of County Road 51, west of the BNSF Railroad, and east of Dallas North Parkway, containing 179 residential lots, and five (5) open space lots. (Light Farms Sweetwater) (Jackson)
- F. Consider and act upon a Final Plat for Creeks of Legacy West Phase 1 being an approximately 54.260 acre tract of land situated in the J McKinn Survey, Abstract No. 889, the W. Phillips Survey, Abstract No. 1029 and the A. Thomasson Survey, Abstract No. 1265, Collin County, Texas, and generally located at the northwest corner of Frontier Parkway and Legacy Drive. The plat is comprised of 188 residential lots, and nine (9) open space lots. (Creeks of Legacy West Phase 1) (Jackson)

Minutes Acceptance: Minutes of Jun 12, 2018 5:00 PM (Minutes Approval)

- G. Consider and act upon a Construction Plat for Phase 1 of Greenway 63, being an approximately 35.900 acre tract of land in the I. C. Williamson Survey, Abstract No. 943, Collin County, Texas. The property is generally located east of County Road 52 west of BNSF Rail Road and north of County Road 51, south of FM 428. The plat is comprised of 130 residential lots and twenty-four (24) common area/HOA lots. (Greenway 63) (Jackson)
- H. Consider and act upon a Final Plat for Buffalo Ridge Phase 2 being an approximately 29.661 acre tract of land situated in the L. M. Boyd Survey, Abstract No. 48, Collin County, Texas, generally located north of County Road 100, east of Preston Road, west of County Road 99, and south of County Road 134. The plat is comprised of 98 residential lots, and four (4) open space lots. (Buffalo Ridge Phase 2) (Jackson)
- I. Consider and act to authorize the City Manager to negotiate and execute an agreement by and between the City of Celina and Norris Design to develop a Trails Master Plan for a not to exceed amount of \$59,980. (Jackson)
- J. Consider and act to authorize the City Manager to negotiate and execute an agreement by and between the City of Celina and E.L. Marks to waive fees related to water meter installation. (E.L. Marks Fee Waiver) (Laumer)
- K. Consider and act to authorize the City Manager to negotiate and execute an agreement by and between the City of Celina and Lucky Q Investments, LLC to allow temporary gravel parking. (Frontier Golf Carts Parking Waiver) (Laumer)
- L. Consider and act upon increasing authorized demand of purchased water from the Upper Trinity Water District. (Fourmentin)
- M. Consider and act to authorize the City Manager to negotiate and execute a lease agreement by and between the City of Celina and T-Mobile West, LLC (T-Mobile) located at the Light Farms elevated storage tower. (Fourmentin)
- N. Consider and act to authorize the City Manager to execute a contract between the City of Celina and Prime Source Construction in the amount of \$115,700 for roof replacement at City Hall, Senior Center, Library and Police Department. (Fourmentin)
- O. Consider and act upon a Master Services Agreement (MSA) contract by and between the City of Celina and Specialty Land Services LLC for Professional Consulting Services. (Brawner)
- P. Consider and act upon a resolution of the City Council of the City of Celina, Texas, hereby authorizing the city manager of the City of Celina, Texas to execute a License, Indemnification and Hold Harmless Agreement by and between the City of Celina and Rex and Sherese Glendenning for setting up and launching a fireworks display for Celina and its guests, patrons and invitees. (Matehuala)

(2018-22R)

VIII. PUBLIC HEARING/ACTION:

Minutes Acceptance: Minutes of Jun 12, 2018 5:00 PM (Minutes Approval)

- A. The Celina City Council will conduct a public hearing to consider, and act upon an ordinance of the City of Celina, Texas, adopting the annexation of certain territory contiguous to and adjoining the City of Celina, Texas, to wit: being an approximately 4.70 acre tract of land located in the M.E.P. and P. Ry. Co. Survey, Abstract No. 653, Tract 12, Collin County, Texas, and being more particularly described by metes and bounds in Exhibit "A" and graphically depicted in Exhibit "B" attached hereto and incorporated herein; such tract is generally located on the west side of Preston Road (SH 289), and approximately 300 feet north of Mark Alexander Court. (GG&S Annexation) (Jackson)

(2018-27) Mayor Terry opened the hearing at 6:24 p.m. No public comment was received. The hearing was closed at 6:26 p.m.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bill Webber, Place 1
SECONDER:	Chad Anderson, Place 6
AYES:	Webber, Nabors, Hopkins, Roberts, Koehne, Anderson

- B. The Celina City Council will conduct a public hearing to consider testimony and act upon an ordinance amending Ordinance No. 2006-57, as heretofore amended, the same being the Comprehensive Zoning Ordinance, and amending the official zoning map of the City by designating the zoning an approximately 4.70 acre tract of land situated in the M.E.P. and C.Ry.Co. Survey, Abstract No. 653, Collin County, Texas, from AG, Agricultural zoning district to PD, Planned Development zoning district with an underlying zoning designation of RO, Retail Office zoning district, and the Preston Road Overlay. The tract is located on the west side of Preston Road approximately 300 feet north of Mark Alexander Court. (GG&S Zoning) (Jackson)

(2018-28) Mayor Terry opened the hearing at 6:26 p.m. No public comment was received. The hearing was closed at 6:30 p.m.

- C. The Celina City Council will conduct a public hearing to consider proposed assessments to be levied against the assessable property within the Glen Crossing Public Improvement District pursuant to the provisions of Chapter 372 of the Texas Local Government Code, as amended. The boundaries of the District include approximately 109.090 acres of land generally located in the area encompassed directly south of CR 55, north of CR 53, directly adjacent to the west of CR 1117, and east of Private Road 5281 and CR 52. (Glen Crossing Public Hearing) (DeBuff)

Mayor Terry opened the hearing at 6:31 p.m. No public comment was received. Councilwoman Koehne moved to continue the public hearing until July 10th at 5 p.m.

RESULT:	TABLED [UNANIMOUS]
MOVER:	Mindy Koehne, Place 5
SECONDER:	Carmen Roberts, Place 4
AYES:	Webber, Nabors, Hopkins, Roberts, Koehne, Anderson

- D. The Celina City Council will conduct a public hearing to consider proposed assessments to be levied against the assessable property within the Wells South Public Improvement District pursuant to the provisions of Chapter 372 of the Texas Local Government Code, as amended. The boundaries of the District include approximately 400.524 acres of land generally located in the area encompassed by the northeast corner of the intersection of FM 1461 and Coit Road, northwest intersection of FM 1461 and CR 84, and the southwest corner of CR 84 as it turns west. (Lilyana PID Public Hearing) (DeBuff)

Mayor Terry opened the hearing at 6:34 p.m. No public comment was received. Councilman Hopkins moved to continue the hearing until July 10th at 5 p.m.

RESULT: TABLED [UNANIMOUS]
MOVER: Andy Hopkins, Place 3
SECONDER: Chad Anderson, Place 6
AYES: Webber, Nabors, Hopkins, Roberts, Koehne, Anderson

IX. ACTION ITEM:

- A. Consider and act upon acceptance of a bid for a delinquent property tax parcel at 204 S. Arkansas Street from Real Deal International Group, LLC. (Toutounchian)

RESULT: DEFEATED [UNANIMOUS]
MOVER: Wayne Nabors, Place 2
SECONDER: Bill Webber, Place 1
AYES: Webber, Nabors, Hopkins, Roberts, Koehne, Anderson

- B. Consider and act to authorize the City Manager to execute a contract between the City of Celina and Willco Underground in the amount of \$283,364.40 for the Ownsby Parkway East Sanitary Sewer project. (Brawner)

RESULT: APPROVED [UNANIMOUS]
MOVER: Andy Hopkins, Place 3
SECONDER: Chad Anderson, Place 6
AYES: Webber, Nabors, Hopkins, Roberts, Koehne, Anderson

- C. Consider and act to authorize the City Manager to negotiate and execute an agreement by and between the City of Celina and TRC Solutions to provide preliminary engineering design for Glendenning Parkway from Preston Road (SH 289) to FM 423. (Brawner)

RESULT: APPROVED [UNANIMOUS]
MOVER: Bill Webber, Place 1
SECONDER: Chad Anderson, Place 6
AYES: Webber, Nabors, Hopkins, Roberts, Koehne, Anderson

- D. Consider and act to authorize the City Manager to negotiate and execute an agreement by and between the City of Celina and Dunkin Sims Stoffels Inc. to provide concept design for the expansion of Old Celina Park. (Brawner)

RESULT: APPROVED [UNANIMOUS]
MOVER: Bill Webber, Place 1
SECONDER: Andy Hopkins, Place 3
AYES: Webber, Nabors, Hopkins, Roberts, Koehne, Anderson

X. ADJOURNMENT:

There being no further comment Mayor Terry adjourned the meeting at 6:38 p.m.

Minutes Acceptance: Minutes of Jun 12, 2018 5:00 PM (Minutes Approval)

Sean Terry, Mayor

Vicki Faulkner, TRMC
City Secretary, City of Celina, Texas

Date Minutes Approved

Minutes Acceptance: Minutes of Jun 12, 2018 5:00 PM (Minutes Approval)



Development Services
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
From: Ben Rodriguez, Planning Manager
CC: Jason Laumer, City Manager
Date: July 10, 2018
Re: Martgan Pre-Annexation Agreement

Action Requested:

Consider and act upon a Chapter 43 and Chapter 212 Pre-Annexation Agreement by and between the City of Celina, Texas and Timothy Martgan regarding an approximately 29.9897 acre tract of land situated in the Robert Cowan Survey, Tract 23. (Martgan Pre-Annexation Agreement) (Jackson)

Background Information:

The owner has asked the City to deannex their property for consideration of entering into a pre-annexation agreement for the property. The pre-annexation agreement will place the property back into the City's Extraterritorial Jurisdiction for a period of up to 15 years.

Legal Review:

The City attorney has reviewed the proposed ordinance.

Supporting Documents:

- Proposed Ordinance

Staff Recommendation:

Staff recommends approval.

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 SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

STATE OF TEXAS)
)
COUNTY OF DENTON)

**CHAPTER 43 AND CHAPTER 212 TEXAS LOCAL GOVERNMENT CODE
DEVELOPMENT AND SERVICES AGREEMENT**

This Agreement is entered into pursuant to Sections 43.016 and 212.172 of the Texas Local Government Code by and between the City of Celina, Texas (the "City") and the undersigned property owner(s) (the "Owner"). The term "Owner" includes all owners of the Property.

WHEREAS, the Owner owns a parcel of real property (the "Property") in Denton County, Texas, legally described as Abstract No. 0211A in the Robert Cowan Survey, Tract 23, containing 29.9897 acres, more or less, formerly known as old Denton County Appraisal District Sheet 1, Tract 11, Denton County, Texas and more particularly described on Exhibit "A" attached hereto; and

WHEREAS, the City intends to begin the process to institute annexation proceedings on all or portions of Owner's Property in the near future; and

WHEREAS, the Owner desires to have the Property remain in the City's extraterritorial jurisdiction, in consideration for which the Owner agrees to enter into this Agreement; and

WHEREAS, this Agreement is entered into pursuant to Sections 43.016 and 212.172 of the Texas Local Government Code, in order to address the desires of the Owner and the procedures of the City; and

WHEREAS, the Owner has submitted a petition to the City in accordance with Section 43.0671 of the Texas Local Government Code, attached hereto as Exhibit "B"; and

WHEREAS, the parties intend for this to be, pursuant to Section 43.0672 of the Texas Local Government Code, an agreement for municipal services with the specific services described in Exhibit "C" attached hereto; and

WHEREAS, the Owner requests and the parties desire the Property to be annexed at a future date; and

WHEREAS, the Owner and the City acknowledge that this Agreement is binding upon the City and the Owner and their respective successors and assigns for the term (defined below) of this Agreement; and

WHEREAS, this Development Agreement is to be recorded in the Real Property Records of Denton County.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

Section 1. The City guarantees the continuation of the extraterritorial status of the Owner's Property, its immunity from annexation by the City, and its immunity from City property taxes, for the term of this Agreement, subject to the provisions of this Agreement. Except as provided in this Agreement, the City agrees not to annex the Property, agrees not to involuntarily institute proceedings to annex the Property, and further agrees not to include the Property in a statutory annexation plan for the Term of this Agreement. However, if the Property is annexed pursuant to the terms of this Agreement, then the City shall provide services to the Property pursuant to Chapter 43 of Texas Local Government Code.

Section 2. The Owner covenants and agrees not to use the Property for any use other than for agriculture, wildlife management, and/or timber land consistent with Chapter 23 of the Texas Tax Code without the prior written authority of the City Council.

The Owner covenants and agrees that the Owner will not file any type of subdivision plat or related development document for the Property, which includes but is not limited to seeking to create any special district (including but not limited to a Municipal Utility District, Fresh Water Supply District, Water Control and Improvement District, Municipal Management District, Public Improvement District, or any similar special district) within any part of the Property within the City's extraterritorial jurisdiction ("ETJ") including by seeking to file, or filing, any legislation or any application with the Texas Commission on Environmental Quality ("TCEQ") to create any such special district (a "Development Document"), until the Property has been annexed into, and zoned by, the City.

The Owner covenants and agrees not to construct, or allow to be constructed, any improvements or buildings on the Property that would require a permit or building permit if the Property were in the City limits, until the Property has been annexed into, and zoned by, the City; provided, however, the Owner may make improvements to the Property with the prior written consent of the City. The Owner also covenants and agrees that the City's AG—Agricultural District zoning requirements apply to the Property, and that the Property shall be used only for AG—Agricultural District zoning uses that exist on that Property at the time of the execution of this Agreement, unless otherwise provided in this Agreement. However, the Owner may maintain the two barns including an open porch totaling approximately 4,280 square feet, an arena being approximately 15,000 square feet, and a stable being approximately 3,444 square feet on the 29.9897 acres designated as "Improved Pasture I" by Denton County Appraisal District.

The Owner acknowledges that each and every owner of the Property must sign this Agreement in order for the Agreement to take full effect, and **the Owner who signs this Agreement covenants and agrees, jointly and severably, to indemnify, hold harmless, and defend the City against any and all legal claims, by any person claiming an ownership interest in the Property who has not signed the Agreement, arising in any way from the City's reliance on this Agreement.**

Section 3. The Owner acknowledges and stipulates that if any plat or Development Document is filed in violation of this Agreement, or if the Owner commences construction on or development of the Property in violation of this Agreement, then in addition to the City's other remedies, such act will constitute Owner's consent to proceed with public hearings and annexation of the Property. The Owner agrees and stipulates that such annexation shall be voluntary, and the Owner hereby consents to such annexation through a petition attached hereto as Exhibit "B". If annexation proceedings begin pursuant to this Section, the Owner acknowledges that this Agreement serves as an exception to Local Government Code Section 43.052, as applicable, requiring a municipality to use certain statutory procedures under an annexation plan. Owner further agrees that this Agreement fulfills requirements of Local Government Code Section 43.0672 and the municipal services shall be provided upon annexation as set forth in Exhibit "C" attached hereto. Furthermore, the Owner hereby waives any and all vested rights and claims that they may have under Section 43.002(a)(2) and Chapter 245 of the Texas Local Government Code that would otherwise exist by virtue of any actions Owner has taken in violation of Section 2 herein. Owner acknowledges and stipulates that this Development Agreement is not a permit, as defined in Texas Local Government Code, Section 245.001(1), required by the City and was not required by City for Owner to develop the Property.

Section 4. Pursuant to Sections 43.016(b) of the Texas Local Government Code, Owner agrees that the City is authorized to enforce all of the City's regulations, permit requirements and planning authority applicable in its City limits to future improvements on the Property that do not materially interfere with the use of the Property for agriculture, wildlife management, or timber, in the same manner the regulations are enforced within the City's boundaries. The City states and specifically reserves its authority pursuant to Chapter 251 of the Texas Local Government Code to exercise eminent domain over property that is subject to a Chapter 43 and/or Chapter 212 development agreement. City regulations that apply in its extraterritorial jurisdiction will continue to apply to the Property.

Section 5. The term of this Agreement (the "Term") is fifteen (15) years from the date that the City Manager's signature to this Agreement is acknowledged by a public notary. The Owner, and all of the Owner's heirs, successors and assigns shall be deemed to have filed a petition for voluntary annexation before the end of the Term, for annexation of the Property to be completed on or after the end of the Term. The City may, but is not required, commence the voluntary annexation of the Property prior to the end of the Term. In connection with annexation pursuant to this section, the Owner hereby waives any vested rights they may have under Section 43.002(a)(2) and Chapter 245 of the Texas Local Government Code that would otherwise exist by virtue of any plat or construction any of the Owners may initiate during the time between the expiration of this Agreement and the institution of annexation proceedings by the City.

Section 6. Property annexed pursuant to this Agreement will initially be zoned AG – Agricultural pursuant to the City's Code of Ordinances, pending determination of the property's permanent zoning in accordance with the provisions of applicable law and the City's Code of Ordinances.

Section 7. Any person who sells or conveys any portion of the Property shall, no later than 14 days prior to such sale or conveyance, give written notice of this Agreement to the prospective purchaser or grantee, and shall give written notice of the sale or conveyance to the City. Furthermore, the Owner and the Owner's heirs, successor, and assigns shall give the City written notice within 14 days of any change in the agricultural exemption status of the Property. A copy of either notice required by this section shall be forwarded to the City at the following address:

City of Celina
Attn: City Manager
142 N. Ohio
Celina, Texas 75009

Section 8. A certified copy of this Agreement shall be recorded in the real property records of Denton County, Texas, and this Agreement shall constitute a covenant that runs with the Property that may only be released with the City's written consent.

Section 9. If a court of competent jurisdiction determines that any covenant of this Agreement is void or unenforceable, including the covenants regarding involuntary annexation, then the remainder of this Agreement shall remain in full force and effect.

Section 10. This Agreement may be enforced by any Owner or the City by any proceeding at law or in equity. Failure to do so shall not be deemed a waiver to enforce the provisions of this Agreement thereafter. Notwithstanding the preceding terms of this section, the City does not waive immunity from suit or liability.

Section 11. Owner and City acknowledge and expressly agree that no subsequent change in the law regarding annexation shall affect the enforceability of this Agreement or the City's ability to annex the properties covered herein pursuant to the terms of this Agreement.

Section 12. The validity of this Agreement and any of its terms and provisions, as well as the rights and duties of the parties, shall be governed by the laws of the State of Texas; and venue for any action concerning this Agreement shall be only in Denton County, Texas.

Section 13. This Agreement may be separately executed in individual counterparts and, upon execution, shall constitute one and same instrument.

Section 14. This Agreement shall survive its termination to the extent necessary for the implementation of the provisions of Sections 2, 3, 4 and 11 herein.

Section 15. This Agreement embodies the complete agreement of the parties hereto, superseding all oral or written, previous and contemporary agreements between the parties and relating to the matters in this Agreement and except as otherwise provided herein, cannot be modified without written agreement of the parties to be attached to and made a part of this Agreement.

Section 16. The determinations recited and declared in the preambles to this Agreement are hereby incorporated herein as part of this Agreement.

Section 17. All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.

Entered into this ____ day of _____, 2018.

CITY OF CELINA

By: _____

Name: Jason Laumer

Title: City Manager

Date: _____

THE STATE OF TEXAS §

§

COUNTY OF COLLIN §

This instrument was acknowledged before me on _____, 2018, by Jason Laumer, City Manager of the City of Celina, Texas on behalf of said City.

Notary Public in and for the State of TEXAS

OWNER: TIMOTHY M. MARTGAN

By: Timothy M. Martgan

Name: Timothy M. Martgan

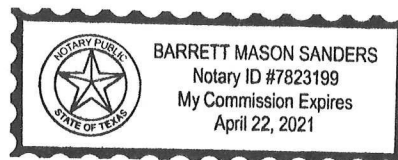
Title: Owner

Date: 6/14/2018

THE STATE OF TEXAS §

§

COUNTY OF Dallas §



This instrument was acknowledged before me on June 14, 2018, by Timothy M. Martgan, owner of said Property.

Barrett Mason Sanders

Notary Public in and for the State of TEXAS

EXHIBIT "A"

Property Description and Depiction

BEING all of that certain lot, tract or parcel of land situated in the R. COWAN SURVEY, ABSTRACT NO. 211, Denton County, Texas, and being a part of a 208.105 acre tract of land conveyed to P. D. Harris et ux to C.W. Chilcoat and wife, on June 16, 1947, recorded in Volume 334, page 609, of the Deed Records of Denton County, Texas, and being the same tract of land conveyed to Ronald Morin and wife, Karen Morin, recorded in Volume 1080, Page 969 of the Deed Records of Denton County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found at the Northwest corner of said Morin Tract, and the Northeast corner of Lot 3 of Meadow View Estates, an Addition to Denton County, Texas, according to the Map or Plat thereof recorded in Cabinet M, Page 161 of the Plat Records of Denton County, Texas, said corner also lying in the South line of Celina Road (Variable width right-of-way);

THENCE South 89 degrees 47 minutes 59 seconds East, along the South line of said Celina Road, a distance of 792.94 feet to a 5/8 inch iron rod set at the Northwest corner of a tract of land conveyed to David B. Burch and wife, Peggy L. Burch, recorded in Volume 1253, Page 223 of the Deed Records of Denton County, Texas;

THENCE South 00 degrees 25 minutes 21 seconds West, along the West line of said Burch Tract, and passing at a distance of 400.00 feet the Southwest corner of said Burch Tract, and the Northwest corner of a tract of land conveyed to Marvin L. Russell, Henry D. Perry, and F. E. McNeely, recorded in Volume 1133, Page 138 of the Deed Records of Denton County, Texas, and continuing along the West line of said Henry, Perry, McNeely Tract, and passing at a distance of 654.14 feet the Southwest corner of said Henry, Perry, McNeely Tract, and the most Northerly, Northwest corner of a tract of land conveyed to Daula R. Aggarwal, recorded in Volume 2537, Page 373 of the Deed Records of Denton County, Texas, and continuing along said West line, a total distance of 1,639.91 feet to a 5/8 inch iron rod set, said corner lying at the Northwest corner of said Aggarwal Tract;

THENCE North 89 degrees 35 minutes 01 seconds west, along the North line of said Aggarwal Tract, a distance of 801.24 feet to a 1/2 inch iron rod found for corner, said corner being at the most Westerly, Northwest corner of said Aggarwal Tract, and the Northeast corner of a tract of land conveyed to Stuart Lane Smirl, a single person, recorded in Volume 2273, Page 901 of the Deed Records of Denton County, Texas, said corner also being at the Southeast corner of a tract of land conveyed to Michael Roberts, a single man, recorded in Volume 4070, Page 1740 of the Deed Records of Denton County, Texas;

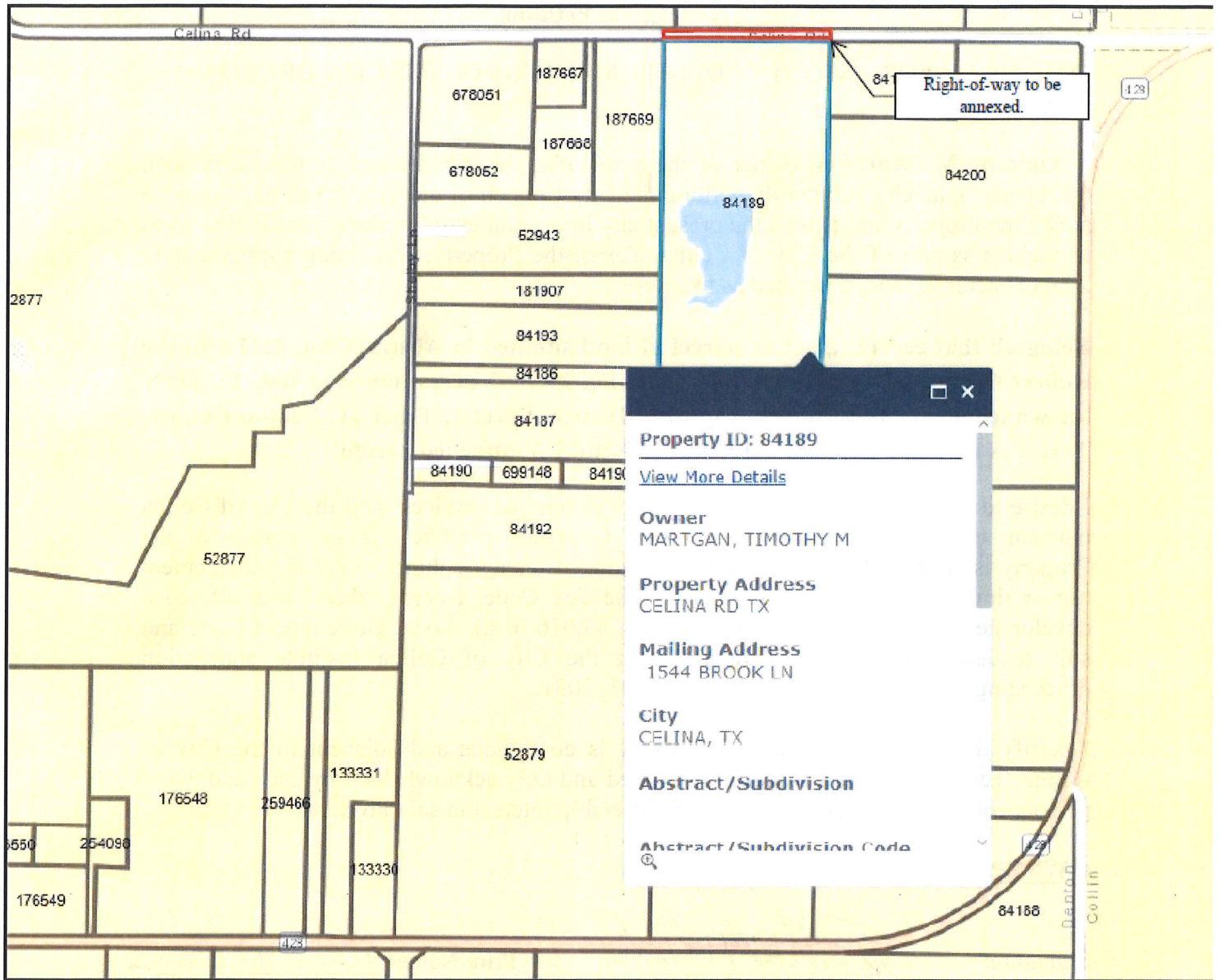
THENCE North 00 degrees 36 minutes 05 seconds East, along the East line of said Roberts Tract, a distance of 313.59 feet to a 5/8 inch iron rod set at the Northeast corner of said Roberts tract, and the Southeast corner of a tract of land conveyed to J. Bruce Cole and wife, Amy Lynn Cole, recorded in File No. 95-057707 of the Deed Records of Denton County, Texas;

THENCE North 00 degrees 47 minutes 12 seconds East, along the East line of said Cole Tract, a distance of 158.32 feet to a 5/8 inch iron rod set at the Northeast corner of said Cole Tract, and the Southeast corner of a tract of land conveyed to Fredy Chandler and wife, Vikki Chandler, recorded in Volume 4209, Page 00704 of the Deed Records of Denton County, Texas;

THENCE North 00 degrees 54 minutes 48 seconds East, along the East line of said Chandler Tract, a distance of 372.18 feet to a 5/8 inch iron rod set at the Northeast corner of said Chandler Tract, and the Southeast corner of said Lot 3;

THENCE North 00 degrees 00 minutes 23 seconds East, along the East line of said Lot 3, a distance of 148.82 feet to a 5/8 inch iron rod set in the East line of said Lot 3;

THENCE North 00 degrees 47 minutes 50 seconds East, along the East line of said Lot 3, a distance of 644.05 feet to the POINT OF BEGINNING, and CONTAINING, 1,306,350.82 square feet or 29.9897 acres of land, more or less.



Attachment: 1161_001 (Martgan Pre-Annexation Agreement)

EXHIBIT "B"
Annexation Petition

TO: THE MAYOR AND CITY COUNCIL MEMBERS OF THE CITY OF CELINA,
TEXAS:

I, **Timothy M. Martgan**, owner of the hereinafter described tracts or parcels of land ("Property"), hereby voluntarily petition the City Council of the City of Celina, Texas, to annex the Property and extend the present city limits and extraterritorial jurisdiction so as to include as part of the City of Celina, Texas, the Property, containing approximately 29.9897 acres of land, described as follows:

Being all that certain tract or parcel of land situated in Abstract No. 0211A in the Robert Cowan Survey, Tract 23, containing 29.9897 acres, more or less, formerly known as old Denton County Appraisal District Sheet 1, Tract 11, Denton County, Texas, as more particularly described in Exhibit 1, attached hereto.

I desire to enter into a written agreement for municipal services with the City of Celina pursuant to Section 43.0672 of the Local Government Code. If any portion of the Property is appraised for ad valorem tax purposes as agricultural, wildlife management use or timber land under Chapter 23 of the Tax Code, I certify that I was offered a development agreement pursuant to Section 43.016 of the Local Government Code and still requested annexation. I request that the City of Celina institute annexation proceedings at any time prior to December 31, 2031.

I certify that the above-described Property is contiguous and adjacent to the City of Celina, Texas, and that this petition is signed and duly acknowledged by each and every person, corporation, or entity having an ownership interest in said Property.

OWNER(S):

Signature:



Print Name:

Timothy M. Martgan

Acknowledgement Follows

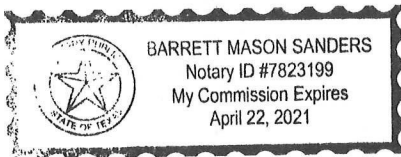
NOTARY ACKNOWLEDGEMENT

STATE OF TEXAS §
COUNTY OF Dallas §

BEFORE ME, the undersigned authority, on this day personally appeared Timothy M. Martgan, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 14th day of June, 2018.

(SEAL)



Barrett Mason Sanders
NOTARY PUBLIC in and for the
STATE OF TEXAS

Barrett Mason Sanders
Printed Name
My commission expires: 4-22-21

FOR OFFICE USE ONLY:

Date of filing with City: _____

Received by: _____

EXHIBIT 1

Property Description and Depiction

BEING all of that certain lot, tract or parcel of land situated in the R. COWAN SURVEY, ABSTRACT NO. 211, Denton County, Texas, and being a part of a 208.105 acre tract of land conveyed to P. D. Harris et ux to C.W. Chilcoat and wife, on June 16, 1947, recorded in Volume 334, page 609, of the Deed Records of Denton County, Texas, and being the same tract of land conveyed to Ronald Morin and wife, Karen Morin, recorded in Volume 1080, Page 969 of the Deed Records of Denton County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found at the Northwest corner of said Morin Tract, and the Northeast corner of Lot 3 of Meadow View Estates, an Addition to Denton County, Texas, according to the Map or Plat thereof recorded in Cabinet M, Page 161 of the Plat Records of Denton County, Texas, said corner also lying in the South line of Celina Road (Variable width right-of-way);

THENCE South 89 degrees 47 minutes 59 seconds East, along the South line of said Celina Road, a distance of 792.94 feet to a 5/8 inch iron rod set at the Northwest corner of a tract of land conveyed to David B. Burch and wife, Peggy L. Burch, recorded in Volume 1253, Page 223 of the Deed Records of Denton County, Texas;

THENCE South 00 degrees 25 minutes 21 seconds West, along the West line of said Burch Tract, and passing at a distance of 400.00 feet the Southwest corner of said Burch Tract, and the Northwest corner of a tract of land conveyed to Marvin L. Russell, Henry D. Perry, and F. E. McNeely, recorded in Volume 1133, Page 138 of the Deed Records of Denton County, Texas, and continuing along the West line of said Henry, Perry, McNeely Tract, and passing at a distance of 654.14 feet the Southwest corner of said Henry, Perry, McNeely Tract, and the most Northerly, Northwest corner of a tract of land conveyed to Daula R. Aggarwal, recorded in Volume 2537, Page 373 of the Deed Records of Denton County, Texas, and continuing along said West line, a total distance of 1,639.91 feet to a 5/8 inch iron rod set, said corner lying at the Northwest corner of said Aggarwal Tract;

THENCE North 89 degrees 35 minutes 01 seconds west, along the North line of said Aggarwal Tract, a distance of 801.24 feet to a 1/2 inch iron rod found for corner, said corner being at the most Westerly, Northwest corner of said Aggarwal Tract, and the Northeast corner of a tract of land conveyed to Stuart Lane Smirl, a single person, recorded in Volume 2273, Page 901 of the Deed Records of Denton County, Texas, said corner also being at the Southeast corner of a tract of land conveyed to Michael Roberts, a single man, recorded in Volume 4070, Page 1740 of the Deed Records of Denton County, Texas;

THENCE North 00 degrees 36 minutes 05 seconds East, along the East line of said Roberts Tract, a distance of 313.59 feet to a 5/8 inch iron rod set at the Northeast corner of said Roberts tract, and the Southeast corner of a tract of land conveyed to J. Bruce Cole and wife, Amy Lynn Cole, recorded in File No. 95-057707 of the Deed Records of Denton County, Texas;

THENCE North 00 degrees 47 minutes 12 seconds East, along the East line of said Cole Tract, a distance of 158.32 feet to a 5/8 inch iron rod set at the Northeast corner of said Cole Tract, and the Southeast corner of a tract of land conveyed to Fredy Chandler and wife, Vikki Chandler, recorded in Volume 4209, Page 00704 of the Deed Records of Denton County, Texas;

THENCE North 00 degrees 54 minutes 48 seconds East, along the East line of said Chandler Tract, a distance of 372.18 feet to a 5/8 inch iron rod set at the Northeast corner of said Chandler Tract, and the Southeast corner of said Lot 3;

THENCE North 00 degrees 00 minutes 23 seconds East, along the East line of said Lot 3, a distance of 148.82 feet to a 5/8 inch iron rod set in the East line of said Lot 3;

THENCE North 00 degrees 47 minutes 50 seconds East, along the East line of said Lot 3, a distance of 644.05 feet to the POINT OF BEGINNING, and CONTAINING, 1,306,350.82 square feet or 29.9897 acres of land, more or less.

EXHIBIT "C"
Agreement for Municipal Services (Service Plan)

A) MUNICIPAL SERVICES GENERALLY

- 1) This agreement for municipal services has been prepared in accordance with the Texas Local Government Code ("LGC"), Section Sec. 43.0672. Municipal facilities and services to the annexed area will be provided or made available on behalf of the City of Celina in accordance with this agreement. The City of Celina shall provide the annexed tract the levels of service, infrastructure, and infrastructure maintenance that are comparable to the levels of service, infrastructure, and infrastructure maintenance available in other parts of the City of Celina with similar topography, land use, and population density.
- 2) For purposes of this service plan, to "provide" services includes having services provided by any method or means by which the City provides municipal services to any other areas of the City, and may include causing or allowing private utilities, governmental entities and other public service organizations to provide such services by contract or right, in whole or in part, and may include duties on part of the private landowner with regard to such services.

B) EMERGENCY SERVICES

- 1) Police Protection
 - a) Police protection from the City of Celina Police Department shall be provided to the annexed area at a level consistent with current methods and procedures presently provided to similar areas on the effective date of the annexation ordinance. Some of these services include:
 - i) Normal patrol and responses;
 - ii) Handling of complaints and incident reports;
 - iii) Special units, such as traffic enforcement and investigations; and
 - iv) Coordination with other public safety support agencies.
 - b) *As development commences in these areas, sufficient police protection, including personnel and equipment will be provided to furnish these areas with the level of police services consistent with the characteristics of topography, land utilization and population density of the areas.*
 - c) Upon ultimate development, police protection will be provided at a level consistent with other similarly situated areas within the city limits.
- 2) Fire Protection
 - a) The Celina Fire Department will provide emergency and fire prevention services to the annexed area. These services include:
 - i) Fire suppression and rescue;
 - ii) Pre-hospital medical services including triage, treatment and transport by Advanced Life Support (ALS) fire engines, trucks and ambulances;
 - iii) Hazardous materials response and mitigation;
 - iv) Emergency prevention and public education efforts;
 - v) Technical rescue response; and
 - vi) Constriction Plan Review and required inspections.

- b) Fire protection from the City of Celina shall be provided to the annexed area at a level consistent with current methods and procedures presently provided to similar areas of the City of Celina on the effective date of the annexation ordinance.
 - c) As development commences in these areas, sufficient, fire protection, including personnel and equipment will be provided to furnish these areas with the level of services consistent with the characteristics of topography, land utilization and population density of the areas. It is anticipated that fire stations planned to service areas currently with the City of Celina will be sufficient to serve the annexed area.
 - d) Upon ultimate development, fire protection will be provided at a level consistent with similarly situated areas within the city limits.
- 3) Emergency Medical Services
- a) The Celina Fire Department will provide emergency and safety services to the annexed area. These services include:
 - i) Emergency medical dispatch and pre-arrival First Aid instructions;
 - ii) Pre-hospital emergency Advanced Life Support (ALS) response; and transport; and
 - iii) Medical rescue services.
 - b) Emergency Medical Services (EMS) from the City of Celina shall be provided to the annexed area at a level consistent with current methods and procedures presently provided to similar areas of the City of Celina on the effective date of the annexation ordinance.
 - c) As development commences in these areas, sufficient EMS, including personnel and equipment, will be provided to furnish these areas with the level of services consistent with the characteristics of topography, land utilization and population density of the areas.
 - d) Upon ultimate development, EMS will be provided at a level consistent with similarly situated areas within the city limits.

C) SOLID WASTE

- 1) Solid Waste and Recycling Collection Services will be provided to the annexed area immediately upon the effective date of the annexation at a level consistent with current methods and procedures presently provided to similar areas within the City. Private solid waste collection service providers operating in the affected area immediately prior to annexation and currently providing customers with service may continue to provide their existing service for up to two (2) years.

D) WASTEWATER FACILITIES

- 1) As development commences in these areas, sanitary sewer mains as defined by the Certificate of Convenience and Necessity (CCN) Number 20764, as issued by the Texas Commission on Environmental Quality (TCEQ) will be extended in accordance with the provisions of the City's codes, ordinances, regulations and policies. City participation in the costs of these extensions shall be in accordance with applicable City codes, ordinances, regulations and policies. Capacity and extensions shall be provided consistent with the characteristics of topography, land utilization and population density of the areas. If the annexed area is in the CCN of another provider, wastewater service shall be provided in accordance with the policies of the CCN holder. In some instances, the City might acquire the CCN rights and become the new wastewater provider, in time.
- 2) Sanitary sewer mains and lift stations installed or improved to City standards, and accepted by the City, within the annexed area which are located within dedicated

easement, rights-of-way, or any other acceptable location approved by the City Manager or his designee, shall be maintained by the City on the effective date of this ordinance.

- 3) Operation and maintenance of wastewater facilities in the annexed area that are within the certificated service area of another wastewater utility will be the responsibility of that utility. Operation and maintenance of private wastewater facilities in the annexed area will be the responsibility of the owner.

E) WATER FACILITIES

- 1) Connections to existing City of Celina water distribution mains for water service as defined by Certificate of Convenience and Necessity (CCN) Number 12667, as issued by the Texas Commission on Environmental Quality (TCEQ) will be provided in accordance with existing City codes, ordinances, regulations and policies. Upon connection to existing distribution mains, water service will be provided at rates established by city ordinance. If the annexed area is in the CCN of another provider, water service shall be provided in accordance with the policies of the CCN holder. In some instances, the City might acquire the CCN rights and become the new water provider, in time.
- 2) As development commences in these areas, water distribution mains will be extended in accordance with City of Celina codes, ordinances, regulations and policies. City participation in the costs of these extensions shall be in accordance with the City of Celina's codes, ordinances, regulations and policies. Water service extensions and capacity shall be provided consistent with the characteristics of topography, land utilization and population density of the area.
- 3) Operation and maintenance of existing water facilities in the annexed area that are within the service area of another water utility will be the responsibility of that utility. Operation and maintenance of private water facilities in the annexed area will be the responsibility of the owner.

F) ROAD AND STREETS

- 1) Emergency roadway/street maintenance shall be provided within the annexed area on the effective date of the applicable ordinance of acceptance. Routine maintenance will be provided within the annexed area and will be scheduled as part of the City's annual program and in accordance with the City's current codes, ordinances, regulations, policies and procedures defined therein and/or as established by the City Council. Private roads/streets and drives shall remain private and not be improved, reconstructed, maintained or serviced by the City.
- 2) Any construction or reconstruction will be considered within the annexed area on a City-wide basis and within the context of the City's Capital Improvement Plan and/or yearly fiscal budgetary allotments by the City Council. As development, improvement or construction of roads/streets to City standards commences within the annexed area, the policies of the City of Celina with regard to participation in the costs thereof, acceptance upon completion and maintenance after completion shall apply.
- 3) Roadway/street signage and associated posts will be replaced in priority of importance starting with regulatory signs, then warning signs, then informational signs and in conformance with fiscal allotments by the City Council. If a sign remains, it will be reviewed and placed on the City's inventory listed for routine re-placement. All existing signs will be reviewed for applicability and based upon an engineering study. New signs will be installed when necessary and based upon an engineering study.
- 4) Routine maintenance of road/street markings will be placed on a priority listing and scheduled within the yearly budgetary allotments by the City Council.
- 5) The City will coordinate any request for improved road and street lighting with the local

electric provider. Any and all road and street lighting will be pursuant to the rules, regulations and fees of such electric utility and shall be maintained by the applicable utility company.

G) ENVIRONMENTAL HEALTH, INSPECTIONS AND CODE ENFORCEMENT SERVICES

- 1) Enforcement of the City's environmental health ordinances and regulations, including but not limited to, weed and brush ordinances, junked and abandoned vehicle ordinances and animal control ordinances, shall be provided within this area sixty (60) days of the effective date of the annexation ordinance. These ordinances and regulations will be enforced through the use of existing personnel.
- 2) Inspection services including the review of building plans, the issuance of permits and the inspection of all buildings, plumbing, mechanical and electrical work to ensure compliance with City codes and ordinances will be continued to be provided after the effective date of the annexation ordinance. Existing personnel will be used to provide these services.
- 3) The City's zoning, subdivision, sign and other ordinances shall be enforced in this area beginning upon the effective date of the annexation.
- 4) All inspection services furnished by the City of Celina, but not mentioned above, will be provided to this area beginning within sixty (60) days of the effective date of the annexed ordinance.
- 5) As development and construction commence in this area, sufficient personnel will be provided to furnish this area the same level of environmental health, inspection and code enforcement services as are furnished throughout the City.

H) PLANNING AND ZONING SERVICES

- 1) The Planning and zoning jurisdiction of the City will extend to this area upon the effective date of the annexation ordinance. City planning will thereafter encompass this property, and it shall be entitled to consideration for zoning in accordance with the City's Zoning Ordinance and Comprehensive Plan.

I) PARKS, PLAYGROUNDS, LIBRARIES, SWIMMING POOLS

- 1) Residents within the annexed area may utilize all existing park and recreation facilities, on the effective date of this ordinance. Fees for such usage shall be in accordance with current fees established by ordinance.
- 2) As development commences in the area, additional park and recreation facilities shall be constructed based on park policies defined in the Park Master Plan and as specified in the Park Dedication Ordinance. The general planned locations and classifications of parks will ultimately serve residents from the current City limits and residents from areas being considered for annexation.

J) PUBLICLY OWNED FACILITIES

- 1) Any publicly owned facility, building, or service located within the annexed area, and not otherwise owned or maintained by another governmental entity, shall be maintained by the City of Celina on the effective date of the annexation ordinance.

K) OTHER SERVICES

- 1) Other services that may be provided by the City of Celina, such as municipal and general administration will be made available on the effective date of the annexation. The City of Celina shall provide levels of service, infrastructure, and infrastructure maintenance that are comparable to the levels of services, infrastructure, and infrastructure maintenance available in other parts of the City of Celina with similar topography, land use, and

population density similar to those reasonably contemplated or projected in the area.

L) UNIFORM LEVEL OF SERVICES IS NOT REQUIRED

- 1) Nothing in this Service Plan shall require the City of Celina to provide a uniform level of full municipal services to each area of the City, including the annexed areas, if different characteristics of topography, land use, and population density are considered a sufficient basis for provided different levels of service. The City Council finds and determines that this Service Plan will not provide any fewer services, and it will not provide a lower level of services, than were in existence in the annexed area at the time immediately preceding the annexation process.
- 2) The City of Celina's codes, ordinances, regulations and policies that apply throughout the City may be reviewed at City Hall and at <http://www.franklinlegal.net/codes.html>.

M) TERM

- 1) This Service Plan shall be valid for a term of ten (10) years. Renewal of the Service Plan shall be at the discretion of the City Council and must be approved by ordinance.

N) AMENDMENTS

- 1) This Service Plan may be amended if the City Council determines at a public hearing that changed conditions or subsequent occurrences make this Service Plan unworkable or obsolete. The City Council may amend the Service Plan to conform to the changed conditions, subsequent occurrences or any other legally sufficient circumstances exist pursuant to the LGC or other Texas or Federal laws that make this service plan unworkable, obsolete or unlawful.



Development Services
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
From: Alexis Jackson, Director of Development Services
CC: Jason Laumer, City Manager
Date: July 10, 2018
Re: Martgan Deannexation Ordinance

Action Requested:

Consider and act upon an ordinance of the City Council of Celina, Texas, disannexing land; an approximately 29.9897 acre tract situated in the Robert Cowan Survey, Tract 23. (Martgan Deannexation) (Jackson)

Background Information:

The owner has asked the City to deannex their property for consideration of entering into a pre-annexation agreement for the property. The pre-annexation agreement will place the property back into the City's Extraterritorial Jurisdiction for a period of up to 15 years.

Legal Review:

The City attorney has reviewed the proposed ordinance.

Supporting Documents:

- Proposed Ordinance

Staff Recommendation:

Staff recommends approval

ORDINANCE NO. 2018-__

**AN ORDINANCE OF THE CITY OF CELINA, TEXAS DISANNEXING LAND;
PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, the City of Celina is a home rule municipality with authority to disannex land pursuant to its Home Rule Charter and State law; and

WHEREAS, the City desires to disannex the property described on Exhibit "A" (the "Property") attached hereto and incorporated herein for all purposes; and

WHEREAS, the Property is contiguous to the City's present boundaries, and upon disannexation, will be located in the City's extraterritorial jurisdiction; and

WHEREAS, the City acknowledges that the Landowner has entered into an agreement with the City dictating the future annexation of the property; and

WHEREAS, the City Council has found and determined it to be in the best interest of the City to disannex the Property, as provided herein; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS:

- Section 1. That the findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.
- Section 2. That the Property be disannexed from the City of Celina corporate limits on the Effective Date defined in Section 5 below. The property will retain its extraterritorial jurisdiction status and be subject to all rules and regulations applicable in Celina's extraterritorial jurisdiction
- Section 3. That should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect.
- Section 4. That this Ordinance shall take effect immediately upon the purchase of the Property by the Future Landowner (the "Effective Date").

PASSED AND APPROVED by the City Council of the City of Celina, Texas on the 10th day of July, 2018.

Exhibit "A"
Legal Description of the Property to be Disannexed

Attachment: Martgan deannexation (Martgan Deannexation Ordinance)

BEING all of that certain lot, tract or parcel of land situated in the R. COWAN SURVEY, ABSTRACT NO. 211, Denton County, Texas, and being a part of a 208.105 acre tract of land conveyed to P. D. Harris et ux to C.W. Chilcoat and wife, on June 16, 1947, recorded in Volume 334, page 609, of the Deed Records of Denton County, Texas, and being the same tract of land conveyed to Ronald Morin and wife, Karen Morin, recorded in Volume 1080, Page 969 of the Deed Records of Denton County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found at the Northwest corner of said Morin Tract, and the Northeast corner of Lot 3 of Meadow View Estates, an Addition to Denton County, Texas, according to the Map or Plat thereof recorded in Cabinet M, Page 161 of the Plat Records of Denton County, Texas, said corner also lying in the South line of Celina Road (Variable width right-of-way);

THENCE South 89 degrees 47 minutes 59 seconds East, along the South line of said Celina Road, a distance of 792.94 feet to a 5/8 inch iron rod set at the Northwest corner of a tract of land conveyed to David B. Burch and wife, Peggy L. Burch, recorded in Volume 1253, Page 223 of the Deed Records of Denton County, Texas;

THENCE South 00 degrees 25 minutes 21 seconds West, along the West line of said Burch Tract, and passing at a distance of 400.00 feet the Southwest corner of said Burch Tract, and the Northwest corner of a tract of land conveyed to Marvin L. Russell, Henry D. Perry, and F. E. McNeely, recorded in Volume 1133, Page 138 of the Deed Records of Denton County, Texas, and continuing along the West line of said Henry, Perry, McNeely Tract, and passing at a distance of 654.14 feet the Southwest corner of said Henry, Perry, McNeely Tract, and the most Northerly, Northwest corner of a tract of land conveyed to Daula R. Aggarwal, recorded in Volume 2537, Page 373 of the Deed Records of Denton County, Texas, and continuing along said West line, a total distance of 1,639.91 feet to a 5/8 inch iron rod set, said corner lying at the Northwest corner of said Aggarwal Tract;

THENCE North 89 degrees 35 minutes 01 seconds west, along the North line of said Aggarwal Tract, a distance of 801.24 feet to a 1/2 inch iron rod found for corner, said corner being at the most Westerly, Northwest corner of said Aggarwal Tract, and the Northeast corner of a tract of land conveyed to Stuart Lane Smirl, a single person, recorded in Volume 2273, Page 901 of the Deed Records of Denton County, Texas, said corner also being at the Southeast corner of a tract of land conveyed to Michael Roberts, a single man, recorded in Volume 4070, Page 1740 of the Deed Records of Denton County, Texas;

THENCE North 00 degrees 36 minutes 05 seconds East, along the East line of said Roberts Tract, a distance of 313.59 feet to a 5/8 inch iron rod set at the Northeast corner of said Roberts tract, and the Southeast corner of a tract of land conveyed to J. Bruce Cole and wife, Amy Lynn Cole, recorded in File No. 95-057707 of the Deed Records of Denton County, Texas;

THENCE North 00 degrees 47 minutes 12 seconds East, along the East line of said Cole Tract, a distance of 158.32 feet to a 5/8 inch iron rod set at the Northeast corner of said Cole Tract, and the Southeast corner of a tract of land conveyed to Fredy Chandler and wife, Vikki Chandler, recorded in Volume 4209, Page 00704 of the Deed Records of Denton County, Texas;

THENCE North 00 degrees 54 minutes 48 seconds East, along the East line of said Chandler Tract, a distance of 372.18 feet to a 5/8 inch iron rod set at the Northeast corner of said Chandler Tract, and the Southeast corner of said Lot 3;

THENCE North 00 degrees 00 minutes 23 seconds East, along the East line of said Lot 3, a distance of 148.82 feet to a 5/8 inch iron rod set in the East line of said Lot 3;

THENCE North 00 degrees 47 minutes 50 seconds East, along the East line of said Lot 3, a distance of 644.05 feet to the POINT OF BEGINNING, and CONTAINING, 1,306,350.82 square feet or 29.9897 acres of land, more or less.

Sean Terry, Mayor
City of Celina, Texas

ATTEST:

Vicki Faulkner, City Secretary
City of Celina, Texas

[SEAL]

APPROVED AS TO FORM:

City Attorney
City of Celina, Texas

Attachment: Martgan deannexation (Martgan Deannexation Ordinance)



Administration
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
From: Paul DeBuff, Assistant to the City Manager
CC: Jason Laumer, City Manager
Date: July 10, 2018
Re: Commercial Fee update ordinance

Action Requested:

Consider and act upon an ordinance of the City Council of the City of Celina, Texas, amending the City's code of ordinances, Appendix A: Fee Schedule, to adopt revised fees for building permits and engineering permits; providing for incorporation of premises. (Fee Update) (Hernandez)

Background Information:

This ordinance amends the new construction commercial Multi-Family permit fee calculation for the City.

Board Review/Citizen Input:

N/A

Alternatives:

N/A

Financial Considerations:

N/A

Legal Review:

This ordinance has been reviewed by the City Attorney.

Supporting Documents:

- Proposed ordinance

Staff Recommendation:

Staff recommends approval.

CITY OF CELINA, TEXAS

ORDINANCE 2018-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS, AMENDING THE CITY'S CODE OF ORDINANCES, APPENDIX A: FEE SCHEDULE RELATED TO BUILDING PERMITS AND INSPECTIONS; PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FINDINGS; PROVIDING FOR AMENDMENT TO THE CODE OF ORDINANCES; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTY, PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Celina is a home rule municipality located in Collin County and Denton County, Texas created in accordance with the provisions of the Texas Local Government Code, the Texas Constitution and operating pursuant to the enabling legislation of the state of Texas; and

WHEREAS, the City Council of the City of Celina, Texas is empowered under Local Government Code 54.001 to do all acts and make all regulations which may be necessary or expedient for the promotion of the public health, safety and general welfare; and

WHEREAS, the City has enacted a schedule of fees in order to enact a comprehensive update of such fees; and

WHEREAS, the City has determined it is in the public interest to set a permit fee for multi-family construction.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS

SECTION 1**INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2**FINDINGS**

After due deliberations the City Council has concluded that the adoption of this Ordinance is in the best interest of the City of Celina, Texas and of the public health, safety and welfare

SECTION 3 **AMENDMENTS**

- 3.01 That the City of Celina Code of Ordinances, Appendix A: Fee Schedule; Article A3.000 Building Related Fees; Section A3.001 Building Permits and Inspections; Contractor Registration shall be amended to add a new subsection (d)(7) which shall read as follows:

“(d) Commercial building permits:

(7) New Construction Commercial Multi-Family permit fee: Current ICC Square Foot Construction Costs Table Fee for Construction Types - (Gross Area X Square Foot Construction Cost X Permit Fee Multiplier 75 % (.0075) = Permit Fee).”

- 3.02 All other articles, chapters, divisions, sections, paragraphs, sentences, phrases and words are not amended but are hereby ratified and affirmed.

SECTION 4 **CUMULATIVE REPEALER CLAUSE**

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on this date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 5 **SAVINGS CLAUSE**

All rights and remedies of the City of Celina, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting fees which have secured at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

SECTION 6 **SEVERABILITY**

The provisions of the Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the City shall promptly promulgate new revised provisions in compliance with the authority's decisions or enactment.

SECTION 7
PENALTY

Any person, firm or corporation violating any of the provisions or terms of this ordinance or of the Code of Ordinances as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Celina, and upon conviction shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000) for each offense, and a separate offense shall be deemed committed upon each day during or on which a violation occurs and continues.

If the governing body of the City of Celina determines that a violation of this Ordinance has occurred, the City of Celina may bring suit in district court to enjoin the person, firm, partnership, corporation, or association from engaging in the prohibited activity.

SECTION 8
PUBLICATION CLAUSE

The City Secretary of the City of Celina is hereby directed to publish in the Official Newspaper of the City of Celina the Caption, and Effective Date Clause of this Ordinance as required by Section 52.013 of the Local Government Code.

SECTION 9
ENGROSSMENT AND ENROLLMENT

The City Secretary is hereby directed to engross and enroll this Ordinance by copying the descriptive Caption in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

SECTION 10
EFFECTIVE DATE

This Ordinance shall become effective from and after its date of passage in accordance with law.

AND IT IS SO ORDAINED.

PASSED AND APPROVED by the City Council of the City of Celina, Texas this ____ day of _____, 2018.

Sean Terry, Mayor
City of Celina, Texas

ATTEST:

Vicki Faulkner, City Secretary
City of Celina, Texas
City of Celina, Ordinance No. 2018-_____

[SEAL]

APPROVED AS TO FORM:

City Attorney
City of Celina, Texas

Attachment: 2018 0702 accepted chngs Celina Fee Ordinance 2018_Multi-family_earthwork (Commercial Fee update ordinance)



Administration
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Paul DeBuff, Assistant to the City Manager
 CC: Jason Laumer, City Manager
 Date: July 10, 2018
 Re: Cambridge Crossing CDR, SAP approval

Action Requested:

Consider and act upon a resolution of the City of Celina, Texas determining the costs of certain public improvements to be financed by the Cambridge Crossing Public Improvement District; approving a preliminary service plan and assessment plan, including proposed assessment rolls; directing the filing of the proposed assessment rolls with the City Secretary to make available for public inspection; noticing a public hearing for August 14, 2018 to consider an ordinance levying assessments on property located within the Cambridge Crossing Public Improvement District; directing city staff to publish and mail notice of said public hearing. (Cambridge Crossing PID CDR & SAP approval) (DeBuff)

Background Information:

Celina City Council authorized the establishment of the Cambridge Crossing Public Improvement District on February 28, 2017, with authorization of up to \$80,000,000 in bonds for the District to finance certain public improvements to benefit the property in the District. This item outlines the costs for Phase I improvements to be financed by the District, and approves a preliminary Service and Assessment Plan.

Board Review/Citizen Input:

N/A

Alternatives:

N/A

Financial Considerations:

N/A

Legal Review:

This resolution has been reviewed by the City Attorney.

Supporting Documents:

- Proposed Cost Determining Resolution
- Preliminary Service and Assessment Plan

Staff Recommendation:
Staff recommends approval.

**CITY OF CELINA, TEXAS
RESOLUTION NO. _____**

A RESOLUTION OF THE CITY OF CELINA, TEXAS DETERMINING THE COSTS OF CERTAIN PUBLIC IMPROVEMENTS TO BE FINANCED BY THE CAMBRIDGE CROSSING PUBLIC IMPROVEMENT DISTRICT; APPROVING A PRELIMINARY SERVICE PLAN AND ASSESSMENT PLAN, INCLUDING PROPOSED ASSESSMENT ROLLS; DIRECTING THE FILING OF THE PROPOSED ASSESSMENT ROLLS WITH THE CITY SECRETARY TO MAKE AVAILABLE FOR PUBLIC INSPECTION; NOTICING A PUBLIC HEARING FOR AUGUST 14, 2018 TO CONSIDER AN ORDINANCE LEVYING ASSESSMENTS ON PROPERTY LOCATED WITHIN THE CAMBRIDGE CROSSING PUBLIC IMPROVEMENT DISTRICT; DIRECTING CITY STAFF TO PUBLISH AND MAIL NOTICE OF SAID PUBLIC HEARING; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO.

RECITALS

WHEREAS, the Public Improvement District Assessment Act, Texas Local Government Code, Chapter 372, as amended (the “**Act**”) authorizes the governing body (the “**City Council**”) of the City of Celina, Texas (the “**City**”), to create a public improvement district; and

WHEREAS, on January 10, 2017, the City Council approved Resolution No. 2017-03R accepting a petition received by the City on January 3, 2017 titled “Petition for the Creation of a Public Improvement District Within the City of Celina, Texas, for the Cambridge Crossing Development” requesting the creation of a public improvement district and calling a public hearing on the creation of such public improvement district for February 14, 2017; and

WHEREAS, on February 14, 2017, after due notice, the City Council opened a public hearing in the manner required by law on the advisability of the public improvements described in the petition as required by Section 372.009 of the Act and continued the public hearing to February 28, 2017; and

WHEREAS, on February 28, 2017, the City Council continued the public hearing on the advisability of the public improvements described in the petition as required by Section 372.009 of the Act and after all persons were given an opportunity to be heard in support of or in opposition to the creation of the proposed public improvement district and on the advisability of the public improvement described in the petition, the City Council closed the public hearing; and

WHEREAS, on February 28, 2017, the City Council approved Resolution No. 2017-10R (the “**Authorization Resolution**”), authorizing, establishing and creating the Cambridge Crossing Public Improvement District (the “**District**”) to include the approximately 484.074 acres depicted in Exhibit A and described by metes and bounds in Exhibit B attached to the Authorization Resolution; and

WHEREAS, the Authorization Resolution was published in the *Celina Record* on March 3, 2017 to give notice of the creation of the District; and

WHEREAS, a scrivener's error in Section 3(d) of the Authorization Resolution incorrectly stated that the property within the proposed district was to include approximately 551.945 acres of land which did not match the 484.074 acres depicted in Exhibit A and described by metes and bounds in Exhibit B attached to the Authorization Resolution; and

WHEREAS, the City wishes to confirm the property within the District created by the Authorization Resolution contains the 484.074 acres depicted in Exhibit A and described by metes and bounds in Exhibit B attached to the Authorization Resolution; and

WHEREAS, the Authorization Resolution authorizes the issuance of up to \$80,000,000.00 in bonds for the District to finance certain public improvements authorized by the Act for the benefit of the property within the District (the "Authorized Improvements"); and

WHEREAS, the City Council and the City staff have been presented a "Cambridge Crossing Public Improvement District Preliminary Service and Assessment Plan", including the proposed assessment rolls attached thereto (the "**Proposed Assessment Rolls**"), dated July 10, 2018 (collectively, the "**Preliminary SAP**"), a copy of which is attached hereto as **Exhibit A** and is incorporated herein for all purposes; and

WHEREAS, the Preliminary SAP sets forth the estimated total costs of certain Authorized Improvements to be financed by the District at this time and the Proposed Assessment Rolls state the assessments proposed to be levied against each parcel of land in the District as determined by the method of assessment chosen by the City; and

WHEREAS, the Act requires that the Proposed Assessment Rolls be filed with the City Secretary of the City (the "**City Secretary**") and be subject to public inspection; and

WHEREAS, the Act requires that a public hearing (the "**Assessment Hearing**") be called to consider proposed assessments and requires the City Council to hear and pass on any objections to the proposed assessments at, or on the adjournment of, the Assessment Hearing; and

WHEREAS, the Act requires that notice of the Assessment Hearing be mailed to property owners liable for assessment and published in a newspaper of general circulation in the City before the tenth (10th) day before the date of the Assessment Hearing.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS AS FOLLOWS:

SECTION 1. THAT the recitals set forth above in this Resolution are true and correct and are hereby adopted as findings of the City Council and are incorporated into the body of this Resolution as if fully set forth herein.

SECTION 2. THAT the City Council does hereby confirm the property within the District created by the Authorization Resolution contains the 484.074 acres depicted in Exhibit A and described by metes and bounds in Exhibit B attached to the Authorization Resolution

SECTION 3. THAT the City Council does hereby accept the Preliminary SAP for the District, including the Proposed Assessment Rolls, a copy of which is attached hereto as **Exhibit A** and is incorporated herein for all purposes. All capitalized terms not otherwise defined herein shall have the meanings given to such terms in the Preliminary SAP.

SECTION 4. THAT the City Council hereby determines that the total costs of the Phase #1 Projects (as defined in the Preliminary SAP) to be financed by the District are as set forth in Exhibit E of the Preliminary SAP and the total costs of the Major Improvement Area Projects (as defined in the Preliminary SAP) to be financed by the District are as set forth in Exhibit F of the Preliminary SAP.

SECTION 5. THAT the City Council's final determination and approval of the costs of the Phase #1 Projects and the Major Improvement Area Projects, or any portion thereof, shall be subject to and contingent upon City Council approval of a final Service and Assessment Plan which will include final Assessment Rolls, after the properly noticed and held Assessment Hearing.

SECTION 6. THAT the Proposed Assessment Rolls state the assessment proposed to be levied against each parcel of land in the District as determined by the method of assessment chosen by the City in the Authorization Resolution and as more fully described in the Preliminary SAP.

SECTION 7. THAT the City Council expressly defers the levy of assessments against property within future phases within the Major Improvement Area for phase-specific improvements that will benefit only the property within each subsequent phase until such time as the costs of such phase-specific improvements can be determined with certainty as referenced in the Preliminary SAP.

SECTION 8. THAT the City Council hereby authorizes and directs the filing of the Proposed Assessment Rolls with the City Secretary and the same shall be available for public inspection.

SECTION 9. THAT the City Council hereby authorizes, and calls, a public hearing (the Assessment Hearing as defined above) to be held on **August 14, 2018 at or after 5:00 p.m.** at Celina City Council Chambers, 112 N. Colorado Street, Celina, Texas 75009, at which the City Council shall, among other actions, hear and pass on any objections to the proposed assessments; and, upon the adjournment of the Assessment Hearing, the City Council will consider one ordinance levying the assessments as special assessments on property within Phase #1 of the the District (which ordinance shall specify the method of payment of the assessments) and a separate ordinance levying the assessments as special assessments on property within the Major Improvement Area of the District (which ordinance shall specify the method of payment of the assessments).

SECTION 10. THAT the City Council hereby authorizes and directs the City Secretary to publish notice of the Assessment Hearing to be held on August 14, 2018, in substantially the form attached hereto as **Exhibit B** and incorporated herein for all purposes, in the *Celina Record*, a newspaper of general circulation in the City, on or before August 3, 2018 as required by Section 372.016(b) of the Act.

SECTION 11. THAT when the Proposed Assessment Rolls are filed with the City Secretary, the City Council hereby authorizes and directs the City Secretary, on or before August 3, 2018, to mail to owners of property liable for assessment notice of the Assessment Hearing in substantially the form attached hereto as **Exhibit B** to be held on August 14, 2018 as required by Section 372.016(c) of the Act.

SECTION 12. THAT City staff is authorized and directed to take such other actions as are required (including, but not limited to, notice of the public hearing as required by the Texas Open Meetings Act) to place the public hearing on the agenda for the August 14, 2018 meeting of the City Council.

SECTION 13. THAT this Resolution shall become effective from and after its date of passage in accordance with law.

[Remainder of page left blank intentionally.]

PASSED AND APPROVED on this the 10th day of July, 2018.

CITY OF CELINA, TEXAS,

Sean Terry, Mayor

ATTEST:

Vicki Faulkner, City Secretary

EXHIBIT A

PRELIMINARY SERVICE AND ASSESSMENT PLAN

Attachment: v2-Celina_Cambridge_Crossing_PID_2018_-_Resolution_Determining_Costs_and_Approving_PSAP_(Cambridge_Crossing_CDR,

EXHIBIT B

CITY OF CELINA, TEXAS

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT a public hearing will be conducted by the City Council of Celina, Texas on **August 14, 2018 at or after 5:00 p.m.** at 112 N. Colorado Street, Celina, Texas 75009. The public hearing will be held to consider proposed assessments to be levied against the assessable property within the Cambridge Crossing Public Improvement District (the “**District**”) pursuant to the provisions of Chapter 372 of the Texas Local Government Code, as amended (the “**Act**”).

The proposed Authorized Improvements to be undertaken at this time (“**Phase #1 Projects and the Major Improvement Area Projects**”) street and roadway improvements, including related sidewalks, drainage, utility relocation, signalization, landscaping, lighting, signage, off-street parking and right-of-way; acquisition, construction, and improvement of water, wastewater and drainage improvements and facilities; and other projects authorized by the Act, including similar off-site projects that provide a benefit to the property within the District; payment of costs associated with developing and financing the public improvements listed above; and payment of costs of establishing, administering, and operating the District.

The total costs of the Phase #1 Projects and the Major Improvement Area Projects, including the costs of creating the District and issuing the bonds, is [\$_____] and the total amount proposed to be levied against the property within the District benefitting from the Phase #1 Projects and the Major Improvement Area Projects is [\$_____]. The total costs of Authorized Improvements to benefit future phases within the District cannot be determined with certainty at this time, but shall not exceed an additional [\$_____].

The boundaries of the District include approximately 484.074 acres of land generally located directly north of County Road 7, directly east of County Road 6, south of FM 428, and west of Dallas Parkway, and as more particularly described by a metes and bounds description available at Celina City Hall located at 142 N. Ohio Street, Celina, Texas 75009 and available for public inspection.

All written or oral objections on the proposed assessment within the District will be considered at the public hearing.

A copy of the Phase #1 Assessment Roll relating to the Phase #1 Projects and a copy of the Major Improvement Area Assessment Roll relating to the Major Improvement Area Projects (collectively, the “**Assessment Rolls**”), which include the assessments to be levied against each parcel in the District, are available for public inspection at the office of the City Secretary, 142 N. Ohio Drive, Celina, Texas 75009.

**CAMBRIDGE CROSSING
PUBLIC IMPROVEMENT DISTRICT**

PRELIMINARY SERVICE AND ASSESSMENT PLAN

June 28, 2018

Attachment: Cambridge Crossing PID - Draft PSAP - v1.0 (Cambridge Crossing CDR, SAP approval)

CAMBRIDGE CROSSING PUBLIC IMPROVEMENT DISTRICT
PRELIMINARY SERVICE AND ASSESSMENT PLAN

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Appendix C	Diagrams of the Authorized Improvements
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Appendix F	Phase #1 Assessment Roll

Section I PLAN DESCRIPTION AND DEFINED TERMS

A. Introduction

On February 28, 2017 (the “Creation Date”) the City Council of the City of Celina, Texas (the “City”) passed and approved Resolution No. 2017-10R approving and authorizing the creation of the Cambridge Crossing Public Improvement District (the “PID”) to finance the costs of certain public improvements for the benefit of property in the PID (the “Authorized Improvements”), all of which is located within the City of Celina.

The property in the PID is proposed to be developed in approximately seven phases, and the PID will finance public improvements for each phase as each phase is developed. Assessments will be imposed on the all property in the PID for the public improvements that benefit the entire PID and on the property in each phase for the public improvements to be provided for that phase.

Chapter 372 of the Texas Local Government Code, the “Public Improvement District Assessment Act” (as amended, the “PID Act”), governs the creation and operation of public improvement districts within the State of Texas. The Cambridge Crossing Public Improvement District Service and Assessment Plan (the “Service and Assessment Plan”) has been prepared in accordance with the PID Act and specifically Sections 372.013, 372.014, 372.015 and 372.016, which address the requirements of a service and assessment plan and the assessment roll. According to Section 372.013 of the PID Act, a service plan “must cover a period of at least five years and must also define the annual indebtedness and the projected costs for improvements. The plan shall be reviewed and updated annually for the purpose of determining the annual budget for improvements.” The service plan is described in Section IV of this Service and Assessment Plan.

Section 372.014 of the PID Act requires that “an assessment plan must be included in the annual service plan.” The assessment plan is described in Section V of this Service and Assessment Plan.

Section 372.015 of the PID Act requires that “the governing body of the municipality or county shall apportion the cost of an improvement to be assessed against property in an improvement district.” The method of assessing the costs of the Authorized Improvements and apportionment of such costs to the property in the PID is included in Section V of this Service and Assessment Plan.

Section 372.016 of the PID Act requires that “after the total cost of an improvement is determined, the governing body of the municipality or county shall prepare a proposed assessment roll. The roll must state the assessment against each parcel of land in the district, as determined by the method of assessment chosen by the municipality or county under this subchapter.” The Assessment Rolls for the PID are included as Appendix E and F of this Service and Assessment Plan. The Assessments as shown on each Assessment Roll are based on the method of assessment and apportionment of costs described in Section V of this Service and Assessment Plan.

B. Definitions

Capitalized terms used herein shall have the meanings ascribed to them as follows:

“Actual Cost(s)” means, with respect to an Authorized Improvement, the demonstrated, reasonable, allocable, and allowable costs of constructing such Authorized Improvement, as specified in a Certification for Payment that has been reviewed and approved by the City. Actual Cost may include (a) the costs for the design, planning, financing, administration, management, acquisition, installation, construction and/or implementation of such Authorized Improvement, including general contractor construction management fees, if any, (b) the costs of preparing the construction plans for such Authorized Improvement, (c) the fees paid for obtaining permits, licenses or other governmental approvals for such Authorized Improvement, (d) the costs for external professional costs associated with such Authorized Improvement, such as engineering, geotechnical, surveying, land planning, architectural landscapers, advertising, marketing and research studies, appraisals, legal, accounting and similar professional services, taxes (property and franchise) (e) the costs of all labor, bonds and materials, including equipment and fixtures, incurred by contractors, builders and material men in connection with the acquisition, construction or implementation of the Authorized Improvements, (f) all related permitting, zoning and public approval expenses, architectural, engineering, legal, and consulting fees, financing charges, taxes, governmental fees and charges (including inspection fees, County permit fees, development fees), insurance premiums, miscellaneous expenses, and all advances and payments for Administrative Expenses.

Actual Costs include general contractor’s fees in an amount up to a percentage equal to the percentage of work completed and accepted by the City or construction management fees in an amount up to five percent of the eligible Actual Costs described in a Certification for Payment. The amounts expended on legal costs, taxes, governmental fees, insurance premiums, permits, financing costs, and appraisals shall be excluded from the base upon which the general contractor and construction management fees are calculated.

“Administrative Expenses” mean the administrative, organization, maintenance and operation costs associated with, or incident to, the administration, organization, maintenance and operation of the PID, including, but not limited to, the costs of: (i) creating and organizing the PID, including conducting hearings, preparing notices and petitions, and all costs incident thereto, including engineering fees, legal fees and consultant fees, (ii) the annual administrative, organization, maintenance, and operation costs and expenses associated with, or incident and allocable to, the administration, organization, and operation of the PID, (iii) computing, levying, billing and collecting Assessments or the Annual Installments thereof, (iv) maintaining the record of installments of the Assessments and the system of registration and transfer of the Bonds, (v) paying and redeeming the Bonds, (vi) investing or depositing of monies, (vii) complying with the PID Act and other laws applicable to the Bonds, (viii) the Trustee fees and expenses relating to the Bonds, including reasonable fees, (ix) legal counsel, engineers, accountants, financial advisors, investment bankers or other consultants and advisors, and (x) administering the construction of the Authorized Improvements. Administrative Expenses do not include payment of the actual principal of, redemption premium, if any, and interest on the Bonds. Administrative Expenses collected and not expended for actual Administrative Expenses shall be carried forward and applied to reduce Administrative Expenses in subsequent years to avoid the over-collection of amounts to pay Administrative Expenses.

“Administrator” means the employee or designee of the City, identified in any indenture of trust relating to the Bonds or in any other agreement approved by the City Council, who shall have the responsibilities provided for herein.

“Annual Installment” means, with respect to each Parcel, each annual payment of: (i) the Assessments including interest, as shown on the Assessment Rolls attached hereto as Appendix E and Appendix F, as applicable, or in an Annual Service Plan Update, and calculated as provided in Section VI of this Service and Assessment Plan, (ii) the Prepayment and Delinquency Reserve described in Section V of this Service and Assessment Plan, and (iii) the Administrative Expenses.

“Annual Service Plan Update” has the meaning set forth in the second paragraph of Section IV of this Service and Assessment Plan.

“Assessed Property” means the property that benefits from the Authorized Improvements to be provided by the PID on which Assessments have been imposed as shown in each Assessment Roll, as each Assessment Roll is updated each year by the Annual Service Plan Update. Assessed Property includes Parcels within the PID other than Non-Benefited Property.

“Assessment” means an assessment levied against a Parcel imposed pursuant to an Assessment Ordinance and the provisions herein, as shown on any Assessment Roll, subject to reallocation upon the subdivision of such Parcel or reduction according to the provisions herein and the PID Act. An Assessment for a Parcel consists of the Annual Installments to be collected in all years and includes the Assessments including those collected to pay Administrative Expenses and interest on all Assessments.

“Assessment Ordinance” means an Assessment Ordinance adopted by the City Council approving the Service and Assessment Plan (including amendments or supplements to the Service and Assessment Plan) and levying the Assessments.

“Assessment Revenues” mean the revenues actually received by or on behalf of the City from the collection of Assessments.

“Assessment Roll” means, as applicable, the Phases #2 - 7 Major Improvement Assessment Roll, the Phase #1 Assessment Roll, an Assessment Roll for Phases #2 - 7 of development or any other Assessment Roll in an amendment or supplement to this Service and Assessment Plan or in an Annual Service Plan Update.

“Authorized Improvements” mean those public improvements described in Appendix B of this Service and Assessment Plan and Section 372.003 of the PID Act, constructed and installed in accordance with this Service and Assessment Plan, and any future updates and/or amendments.

“Bonds” mean any bonds issued by the City in one or more series and secured in whole or in part by the Assessment Revenues.

“Certification for Payment” means the certificate to be provided by the Developer, or his designee, to substantiate the Actual Cost of one or more Authorized Improvements. “

“City” means the City of Celina, Texas.

“City Council” means the duly elected governing body of the City.

“Delinquent Collection Costs” mean interest, penalties and expenses incurred or imposed with respect to any delinquent installment of an Assessment in accordance with the PID Act and the costs related to pursuing collection of a delinquent Assessment and foreclosing the lien against the Assessed Property, including attorney’s fees.

“Developer” means Tollway/Outer Loop, L.P., a Texas limited partnership, and any successor owner of the Property or any portion thereof.

“Equivalent Units” mean, as to any Parcel the number of dwelling units by lot type expected to be built on the Parcel multiplied by the factors calculated and shown in Appendix D attached hereto.

“Future Phases” means Phases that are fully developed after Phase #1, as such areas are generally depicted and described in Appendix A. The Future Phases are subject to adjustment and are shown for example only.

“Homeowner Association” means a homeowner’s association or property owners’ association established for the benefit of property owners within the boundaries of the PID.

“Homeowner Association Property” means property within the boundaries of the PID that is owned by or irrevocably offered for dedication to, whether in fee simple or through an exclusive use easement, a homeowner’s association.

“Lot” means a tract of land described as a “lot” in a subdivision plat recorded in the official public records of Collin County, Texas.

“Lot Type” means a classification of final building lots with similar characteristics (e.g. commercial, light industrial, multifamily residential, single family residential, etc.), as determined by the Administrator and confirmed by the City Council. In the case of single family residential lots, the Lot Type shall be further defined by classifying the residential lots by the estimated final average home value for each lot as of the date of the recorded subdivision plat, considering factors such as density, lot size, proximity to amenities, view premiums, location, and any other factors that may impact the average home value on the lot, as determined by the Administrator and confirmed by the City Council.

“Maximum Assessment Per Unit” mean the Assessment amount per Lot shown in Section V.E.

“Major Improvements” or “MI” mean the Authorized Improvements which benefit all Assessed Property within the PID and are described in Section III.B.

“Non-Benefited Property” means Parcels that accrue no special benefit from the Authorized Improvements, including Homeowner Association Property, Public Property and easements that create an exclusive use for a public utility provider. Property identified as Non-Benefited Property at the time the Assessments (i) are imposed or (ii) are reallocated pursuant to a subdivision of a Parcel, is not assessed. Assessed Property converted to Non-Benefited Property, if the Assessments may not be reallocated pursuant to the provisions herein, remains subject to the Assessments and requires the Assessments to be prepaid as provided for in Section VI. E.

“Parcel” or “Parcels” means a parcel or parcels within the PID identified by either a tax map identification number assigned by the Collin Central Appraisal District for real property tax purposes or by lot and block number in a final subdivision plat recorded in the real property records of Collin County.

“Phase” means one or more Parcels within the PID that will be developed in the same general time period. The Parcels within a Phase will be assessed in connection with the issuance of Phased PID Bonds for Authorized Improvements (or the portion thereof) designated in an update to this Service and Assessment Plan that specially benefit the Parcels within the Phase.

“Phase #1” means the initial Phase to be developed, identified as “Phase #1” and generally shown in Appendix A, as specifically depicted and described as the sum of all Parcels shown in Appendix F.

“Phase #1 Assessed Property” means all Parcels within Phase #1 other than Non-Benefited Property and shown in the Phase #1 Assessment Roll against which an Assessment relating to the Phase #1 Improvements is levied.

“Phases #1 Assessment Revenues” mean the actual revenues received by or on behalf of the City from the collection of Assessments levied against Phase #1 Assessed Property, or the Annual Installments thereof, for the Phase #1 Improvements.

“Phase #1 Assessment Roll” means the document included in this Service and Assessment Plan as Appendix F, as updated, modified or amended from time to time in accordance with the procedures set forth herein and in the PID Act, including updates prepared in connection with the issuance of Bonds or in connection with any Annual Service Plan Update.

“Phase #1 Bonds” mean those certain "City of Celina, Texas, Special Assessment Revenue Bonds, Series 2018 (Cambridge Crossing Public Improvement District Phase #1 Project)" that are secured primarily by Phase #1 Assessment Revenues.

“Phase #1 Improvements” mean (i) the pro rata portion of the Major Improvements allocable to Phase #1, and (ii) the Authorized Improvements which only benefit Phase #1 Assessed Property, which are described in Section III.C.

“Phased PID Bonds” mean bonds issued to fund Authorized Improvements (or a portion thereof) in a Phase. In connection with the Phased PID Bonds, Assessments will be levied only on Parcels located within the Phase in question.

“Phases #2 - 7” mean the property within the PID excluding Phase #1 which is to be developed subsequent to Phase #1 and generally depicted in Appendix A of this Service and Assessment Plan or any Annual Service Plan Update.

“Phases #2 - 7 Major Improvements” mean the pro rata portion of the Major Improvements allocable to Phases #2 - 7, which are described in Section III.

“Phases #2 - 7 Major Improvement Assessment Revenues” mean the revenues actually received by or on behalf of the City from the collection of Assessments levied against Phases #2 - 7 Major

Improvement Assessed Property, or the Annual Installments thereof, for the Major Improvements.

“Phases #2 - 7 Major Improvement Assessed Property” means, for any year, all Parcels within the PID other than (a) Non-Benefited Property, and (b) Parcels within Phase #1.

“Phases #2 - 7 Major Improvement Assessment Roll” means the document included in this Service and Assessment Plan as Appendix E, as updated, modified or amended from time to time in accordance with the procedures set forth herein and in the PID Act, including updates prepared in connection with the issuance of Bonds or in connection with any Annual Service Plan Update.

“Phases #2 - 7 Major Improvement Bonds” mean those certain "City of Celina, Texas, Special Assessment Revenue Bonds, Series 2018 (Cambridge Crossing Public Improvement District Phases #2 - 7 Major Improvement Project)" that are secured primarily by Phases #2 - 7 Major Improvement Assessment Revenues.

“PID” has the meaning set forth in Section I.A of this Service and Assessment Plan.

“PID Act” means Texas Local Government Code Chapter 372, Public Improvement District Assessment Act, Subchapter A, Public Improvement Districts, as amended.

“Prepayment and Delinquency Reserve” has the meaning set forth in Section V.G of this Service and Assessment Plan.

“Prepayment Costs” mean interest and expenses to the date of prepayment, plus any additional expenses related to the prepayment, reasonably expected to be incurred by or imposed upon the City as a result of any prepayment of an Assessment.

“Public Property” means property within the boundaries of the PID that is owned by or irrevocably offered for dedication to the federal government, the State of Texas, Collin County, the City, a school district or any other public agency, whether in fee simple or through an exclusive use easement.

“Service and Assessment Plan” means this Service and Assessment Plan prepared for the PID pursuant to the PID Act, as the same may be amended from time to time.

“Trust Indenture” means an indenture of trust, ordinance or similar document setting forth the terms and other provisions relating to the Bonds, as modified, amended, and/or supplemented from time to time.

“Trustee” means the fiscal agent or trustee as specified in the Trust Indenture, including a substitute fiscal agent or trustee.

“Zoning Ordinance” means Ordinance No. 2016-32 adopted by the City Council on April 12, 2016, which ordinance establishes the permitted uses of, and standards for the development of the property within the PID.

Section II PROPERTY INCLUDED IN THE PID

A. Property Included in the PID

The PID is presently located within the City and contains approximately 484.074 acres of land, generally located directly north of County Road 7, directly east of County Road 6, south of FM 428, and west of Dallas Parkway. A map of the property within the PID is shown on Appendix A to this Service and Assessment Plan.

At completion, the PID is expected to consist of approximately 1,528 single family residential units, landscaping, and infrastructure necessary to provide roadways, drainage, and utilities to the PID. The estimated number of lots (1,528) is based upon the proposed development plan.

B. Property Included in Phase #1 and Phases #2 - 7

Phase #1 consists of approximately 108.523 acres and is projected to consist of 330 single family residential units, to be developed as Phase #1, as further described in Section III. Phases # 2 - 7 consist of approximately 334.675 acres and are projected to consist of approximately 1,198 residential units. A map of the property within Phase #1 and Phases #2 - 7 and depicting the boundaries of each proposed Phase is shown in Appendix A.

C. Property Included in Future Phases

As Future Phases are developed, Phased PID Bonds may be issued for each new phase. In connection with the issuance of each new Phased PID Bonds, this Service and Assessment Plan will be updated to add additional details of each new Phase(s) as shown for Phase #1 in Section II.B. A map of the projected property within each Future Phase is shown in Appendix A. The Future Phases are shown for illustrative purposes only and are subject to adjustment. The current Parcels in the PID are shown on the Assessment Rolls included as Appendix E and Appendix F.

The estimated number of units at the build-out of the PID is based on the land use approvals for the property, the anticipated subdivision of property in the PID, and the Developer's estimate of the highest and best use of the property within the PID.

Section III DESCRIPTION OF THE AUTHORIZED IMPROVEMENTS

A. Authorized Improvement Overview

Section 372.003 of the PID Act defines the improvements that may be undertaken by a municipality or county through the establishment of a public improvement district, as follows:

372.003. Authorized Improvements

- (a) If the governing body of a municipality or county finds that it promotes the interests of the municipality or county, the governing body may undertake an improvement project that confers a special benefit on a definable part of the municipality or county or the municipality's extraterritorial jurisdiction. A project may be undertaken in the municipality or county or the municipality's extraterritorial jurisdiction.
- (b) A public improvement may include:
 - (i) landscaping;
 - (ii) erection of fountains, distinctive lighting, and signs;
 - (iii) acquiring, constructing, improving, widening, narrowing, closing, or rerouting of sidewalks or of streets, any other roadways, or their rights-of way;
 - (iv) construction or improvement of pedestrian malls;
 - (v) acquisition and installation of pieces of art;
 - (vi) acquisition, construction, or improvement of libraries;
 - (vii) acquisition, construction, or improvement of off-street parking facilities;
 - (viii) acquisition, construction, improvement, or rerouting of mass transportation facilities;
 - (ix) acquisition, construction, or improvement of water, wastewater, or drainage facilities or improvements;
 - (x) the establishment or improvement of parks;
 - (xi) projects similar to those listed in Subdivisions (i)-(x);
 - (xii) acquisition, by purchase or otherwise, of real property in connection with an authorized improvement;
 - (xiii) special supplemental services for improvement and promotion of the district, including services relating to advertising, promotion, health and sanitation, water and wastewater, public safety, security, business recruitment, development, recreation, and cultural enhancement; and

- (xiv) payment of expenses incurred in the establishment, administration and operation of the district.

After analyzing the public improvement projects authorized by the PID Act, the City has determined that the Authorized Improvements as described in Appendix B and shown on the diagram included as Appendix C should be undertaken by the City for the benefit of the property within the PID.

B. Description of Estimated Costs of Major Improvements

The Major Improvements benefit the entire PID. The costs of the Major Improvements are allocated proportionally throughout the entire PID, excluding Non-Benefited Property, in a manner that anticipates planned development of the PID based on the anticipated number of lots.

The Major Improvements descriptions are presented below as provided by the project engineer. The costs of the Major Improvements are shown in Table III-A. The costs shown in Table III-A are estimates and may be revised in Annual Service Plan Updates, including such other improvements as deemed necessary to further improve the properties within the PID.

Road Improvements:

The major roadway improvements within the PID include construction of perimeter road and thoroughfare improvements, including related paving, drainage, curbs, gutters, sidewalks, retaining walls, signage, and traffic control devices. All roadway projects will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City.

Water Distribution System Improvements:

The major water distribution system improvements within the PID consist of construction and installation of water lines, mains, pipes, valves and appurtenances necessary for the water distribution system, as well as related testing, trench safety and erosion protection, necessary to service the Assessed Property. The water distribution system improvements will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City.

Sanitary Sewer Collection System Improvements:

The major sanitary sewer collection system improvements within consist of construction and installation of pipes, service lines, manholes, encasements and appurtenances necessary to provide sanitary sewer service to the Assessed Property. The sanitary sewer improvements will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City.

Storm Drainage Collection System Improvements

The major storm drainage collection system improvements consist of reinforced concrete pipes, reinforced concrete boxes, and multi-reinforced box culverts. The storm drainage collection system improvements will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City.

Table III-A
Estimated Major Improvement Costs

Authorized Improvements	Total Estimated Major Improvement Costs
Road improvements including Right-of-Way	\$9,727,340
Water distribution system improvements	\$1,020,500
Sanitary sewer collection system improvements	\$1,422,020
Storm drainage collection system improvements	\$1,047,000
Soft costs including PID creation, City, professional and miscellaneous soft costs	\$704,140
Total – Estimated Major Improvement Costs	\$13,921,000

The costs shown in Table III-A are current estimates and may be revised in Annual Service Plan Updates.

C. Description of Estimated Costs of Phase #1 Improvements

The Phase #1 Improvements descriptions are presented below as provided by the project engineer. The costs of the Phase #1 Improvements are shown in Table III-B. The costs shown in Table III-B are estimates and may be revised in Annual Service Plan Updates, including such other improvements as deemed necessary to further improve the properties within the PID.

Road Improvements:

The Phase #1 roadway improvements within the PID include construction of perimeter road and thoroughfare improvements, including related paving, drainage, curbs, gutters, sidewalks, retaining walls, signage, and traffic control devices. All roadway projects will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City.

Water Distribution System Improvements:

The Phase #1 water distribution system improvements within the PID consist of construction and installation of water lines, mains, pipes, valves and appurtenances necessary for the water distribution system, as well as related testing, trench safety and erosion protection, necessary to service the Assessed Property. The water distribution system improvements will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City.

Sanitary Sewer Collection System Improvements:

The Phase #1 sanitary sewer collection system improvements within consist of construction and installation of pipes, service lines, manholes, encasements and appurtenances necessary to provide sanitary sewer service to the Assessed Property. The sanitary sewer improvements will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City.

Table III-B
Estimated Phase #1 Improvement Costs

Authorized Improvements	Total Estimated Phase #1 Improvement Costs
Road improvements including Right-of-Way	\$3,228,000
Water distribution system improvements	\$1,097,000
Sanitary sewer collection system improvements	\$1,003,000
Soft costs including PID creation, City, professional and miscellaneous soft costs	\$482,500
<i>Subtotal – Estimated Phase #1 Improvement Costs</i>	<i>\$5,810,500</i>
Add: Proportional share of estimated Major Improvement Costs ¹	\$3,055,071
Total Estimated Phase #1 Improvement Costs	\$8,865,571

¹ See Section V(C) for allocation of Major Improvement costs to Phase #1.

Additional details of the Phase #1 Improvements are shown in Appendix B attached to this Service and Assessment Plan. The method of cost allocation is explained in Section V (C).

The costs shown in Tables III-A and III-B are estimates and may be revised in Annual Service Plan Updates. The detailed costs of the Authorized Improvements are shown in Appendix B to this Service and Assessment Plan. Savings from one line item may be applied to a cost increase in another line item. These savings may be applied only to increases in costs of the Authorized Improvements (i.e., the improvements for the benefit of property within the PID).

D. Future Phase Authorized Improvements

As Phases are developed, additional Bonds for Future Phases will be issued to finance Authorized Improvements for each Future Phase. As Phased PID Bonds are issued for each Future Phase, this Service and Assessment Plan will be updated to identify the specific Authorized Improvements financed by such Phased PID Bonds that benefit each Phase (e.g., a Table III-C will be added to show the estimated costs for phase #2 Authorized Improvements, etc.).

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Section IV SERVICE PLAN

A. Sources and Uses of Funds

The PID Act requires the service plan to cover a period of at least five years. The service plan is required to define the annual projected costs and indebtedness for the Authorized Improvements undertaken within the PID during the five-year period. It is anticipated that it will take approximately 18 months to construct the Major Improvements and approximately 18 months for the Phase #1 Improvements to be constructed. At some point after all or a portion of the Major Improvements and Phase #1 Improvements are constructed, phase #2 will begin development. After phase #2 is developed, it is anticipated that Phase #3 will begin development, with each Future Phase to be subsequently developed corresponding to the Service and Assessment Plan to be updated with that development.

The estimated costs for Major Improvements and Phase #1 Improvements plus costs related to the issuance of the Bonds, in one or more series, for the Major Improvements and Phase #1 Improvements and payment of expenses incurred in the establishment, administration and operation of the PID is \$26,833,000 as shown in Table IV-A. The service plan shall be reviewed and updated at least annually for the purpose of determining the annual budget for Administrative Expenses, updating the estimated Authorized Improvement costs, and updating the Assessment Roll(s). Any update to this Service and Assessment Plan is herein referred to as an “Annual Service Plan Update.”

Table IV-A summarizes the sources and uses of funds required to construct the Major Improvements and Phase #1 Improvements, establish the PID, and issue the Phase #1 Bonds and Phases #2 - 7 Major Improvement Bonds. The sources and uses of funds shown in Table IV-A shall be updated each year in the Annual Service Plan Update to reflect any budget revisions and Actual Costs.

As Future Phases are developed in connection with the issuance of Phased PID Bonds, this Service and Assessment Plan will be amended (e.g. Table IV-A will be amended to add phase #2, etc.).

Bonds are being issued starting in 2018 to finance the Major Improvements and Phase #1 Improvements. Table IV-A shows the sources and uses of the Bonds. The Phase #1 Bonds are being issued to finance a portion of the Phase #1 Improvements, including costs to issue the Phase #1 Bonds, as shown in Table IV-A. Proceeds of the Phase #1 Bonds will be used to construct or acquire a portion of the Phase #1 Improvements.

Table IV-A
Estimated Sources and Uses

Sources of Funds	Phases #2 – 7 Major Improvement Bonds		Total
	Phase #1 Bonds		
Par amount	\$13,000,000	\$10,350,000	\$23,350,000
Other funding sources	\$1,930,929	\$1,552,071	\$3,483,000
Total Sources	\$14,930,929	\$11,902,071	\$26,833,000
Uses of Funds			
<u>Major Improvements</u>			
Road improvements including Right-of-Way	\$7,592,601	\$2,134,739	\$9,727,340
Water distribution system improvements	\$796,543	\$223,957	\$1,020,500
Sanitary sewer improvements	\$1,109,947	\$312,073	\$1,422,020
Storm drainage improvements	\$817,228	\$229,772	\$1,047,000
Other soft and miscellaneous costs	\$549,610	\$154,530	\$704,140
Subtotal	\$10,865,929	\$3,055,071	\$13,921,000
<u>Phase #1 Improvements</u>			
Road improvements including Right-of-Way	\$0	\$3,228,000	\$3,228,000
Water distribution system improvements	\$0	\$1,097,000	\$1,097,000
Sanitary sewer improvements	\$0	\$1,003,000	\$1,003,000
Storm drainage improvements	\$0	\$0	\$0
Other soft and miscellaneous costs	\$0	\$482,500	\$482,500
Subtotal	\$0	\$5,810,500	\$5,810,500
Estimated Bond issue costs	\$4,065,000	\$3,036,500	\$7,101,500
Total Uses	\$14,930,929	\$11,902,071	\$26,833,000

Notes: Phase #1 Improvements include the Authorized Improvements listed under this heading plus the estimated \$3,006,500 Pro rata share of the Major Improvements allocated to Phase #1.

The Phases #2 - 7 Major Improvement Bonds shown in Table IV-A are anticipated to be issued in 2018. The Phases #2 - 7 Major Improvement Bonds to be issued in 2018 will be used to pay and/or reimburse the Developer for a portion of the costs of Phases #2 - 7 Major Improvements.

The Phase #1 Improvement Bonds shown in Table IV-A are anticipated to be issued in 2018. The Phase #1 Improvement Bonds to be issued in 2018 will be used to pay and/or reimburse the Developer for a portion of the costs of the Phase #1 Improvements and the pro rata share of the Major Improvements.

As Future Phases are developed, additional Bonds will be issued for each new future phase improvements. phase #2 bonds will be issued to finance the Authorized Improvements required for phase #2 and phase #3 bonds will be issued to finance the Authorized Improvements required for Phase #3 as each future phase is developed. Each Phased PID Bond may also be issued in one or more series of Bonds.

The annual projected costs and annual projected indebtedness is shown by Table IV-B. The annual projected costs and indebtedness is subject to revision and each shall be updated in the Annual Service Plan Update to reflect any changes in the costs or indebtedness expected for each year.

Table IV-B
Annual Projected Costs, Annual Projected Indebtedness and Five Year Projected Service Plan

Year	Annual Projected Cost	Annual Projected Indebtedness	Sources other than PID Bonds	Projected Five Year Annual Installments - Phase #1 ¹	Projected Five Year Annual Installments - Phases #2 - 7²
2018	\$26,833,000	\$23,350,000	\$3,483,000	\$656,000	\$945,000
2019	\$0	\$0	\$0	\$656,700	\$945,700
2020	\$0	\$0	\$0	\$807,414	\$1,136,414
2021	\$0	\$0	\$0	\$809,142	\$1,133,842
2022	\$0	\$0	\$0	\$810,285	\$1,135,585
Total	\$26,833,000	\$23,350,000	\$3,483,000	\$3,739,541	\$5,296,541

1 – See Appendix E for detail breakdown of the Phases #2 – 7 Major Improvement Annual Installments for each year. 2 - See Appendix F for detail breakdown of the Phase #1 Annual Installments for each year.

The annual projected costs shown in Table IV-B are the annual expenditures relating to the Major Improvements shown in Table III-A, the Phase #1 Improvements shown in Table III-B, and the costs associated with setting up the PID and bond issuance costs including reserves shown in Table IV-A. The difference between the total projected cost and the total projected indebtedness, if any, is the amount contributed by the Developer. As Future Phases are developed, in association with issuing Phased PID Bonds for each Future Phase, this Table IV-B will be updated to identify the Authorized Improvements to be financed by each new series of the Phased PID Bonds and the projected indebtedness resulting from each additional series of the Phased PID Bonds.

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Section V ASSESSMENT PLAN

A. Introduction

The PID Act requires the City Council to apportion the costs of the Authorized Improvements on the basis of special benefits conferred upon the property because of the Authorized Improvements. The PID Act provides that the costs of the Authorized Improvements may be assessed: (i) equally per front foot or square foot; (ii) according to the value of the property as determined by the governing body, with or without regard to improvements on the property; or (iii) in any other manner that results in imposing equal shares of the cost on property similarly benefited. The PID Act further provides that the governing body may establish by ordinance or order reasonable classifications and formulas for the apportionment of the cost between the municipality and the area to be assessed and the methods of assessing the special benefits for various classes of improvements.

The proposed bond issuance program entails a series of bond financings that are intended to finance the public infrastructure required for the development. This financing will necessarily be undertaken in phases to coincide with the private investment and development of the Authorized Improvements. Following the initial Phase #1 Bonds and the Phases #2 - 7 Major Improvement Bonds to be issued in 2018, subsequent financings are to be issued over the upcoming decade as the subsequent phases (Phases #2 and #3) of the development are gradually constructed.

The purpose of this gradual issuance of bonds in phases is to mirror the actual private development of the Authorized Improvements. The Bonds to be issued are most prudently and efficiently utilized when directly coinciding with construction of public infrastructure needed for private development that is to occur once the infrastructure is completed; it is most effective to issue the Bonds when the infrastructure is needed, not before. Furthermore, there is no economic advantage, and several disadvantages, to issuing debt and encumbering property within the PID prior to the need for the Authorized Improvements.

Additionally, phased issuance of debt will maintain a prudent value to lien ("VtL") within the financing program. In order to maintain a prudent VtL, the initial issuance of bonds for a specific set of Authorized Improvements may not fund the entire desired level of public infrastructure because the property value is not high enough to support the entire debt load at the VtL chosen for the development. In that case, the Developer will need to fund the additional infrastructure costs with cash at closing. This cash investment by the Developer for certain Authorized Improvements can be reimbursed by a subsequent parity lien bond financing, secured by the same special assessments, once the assessed property is partially or fully developed and the value has increased sufficiently to permit the issuance of the additional bonds in a prudent fashion.

For purposes of this Service and Assessment Plan, the City Council has determined that the costs of the Major Improvements and Phase #1 Improvements shall be allocated as described below:

1. The Major Improvement and Phase #1 Improvement costs shall be allocated on the basis of the relative value of Parcels once such property is developed, and that such method of allocation will result in the imposition of equal shares of the costs of the Authorized Improvements to Parcels similarly benefited.
2. The City Council has concluded that larger more expensive homes are likely to be built on the larger lots, and that larger more expensive homes are likely to make greater use of and receive greater benefit from the Authorized Improvements. In determining the relative

values of Parcels, the City Council has taken into consideration (i) the type of development (i.e., residential, commercial, etc.), (ii) single-family lot sizes and the size of homes likely to be built on lots of different sizes, (iii) current and projected home process provided by the Developer, (iv) the Authorized Improvements to be provided and the estimated costs, and (v) the ability of different property types to utilize and benefit from the Authorized Improvements.

3. The Assessed Property is classified into different Lot Types as described in Appendix D based on the type and size of proposed development on each Parcel.
4. Equivalent Units are calculated for each Lot Type based on the relative value of each Lot Type.
5. The Major Improvement costs are proportionally allocated to the Phases #2 - 7 Major Improvement Assessed Property and the Phase #1 Assessed Property based on the ratio of total Equivalent Units for the Phases #2 - 7 Major Improvement Assessed Property and the Phase #1 Assessed Property.
6. The Phases #2 - 7 Major Improvement Assessed Property's proportional share of the costs for the Major Improvements is allocated to each Parcel within the Phases #2 - 7 Major Improvement Assessed Property based on the total Equivalent Units for each Parcel.
7. The Phase #1 Improvement costs (including Phase #1 Assessed Property's proportional share of the costs of the Major Improvements) are allocated to each Parcel within the Phase #1 Assessed Property based on the total Equivalent Units for each Parcel.

Table V-A provides the estimated allocation of costs of the Authorized Improvements constituting Major Improvements and Phase #1 Improvements.

At this time, it is impossible to determine with absolute certainty the amount of special benefit each Parcel within Future Phases will receive from the direct Authorized Improvements that will benefit each individual phase and that are to be financed with Phased PID Bonds. Therefore, Parcels will only be assessed for the special benefits conferred upon the Parcel at this time because of the Major Improvements and Phase #1 Improvements.

In connection with the issuance of Phased PID Bonds and/or execution of related reimbursement agreements, this Service and Assessment Plan will be updated to reflect the special benefit each Parcel of Assessed Property within a Future Phase receives from the specific Authorized Improvements funded with those Phased PID Bonds issued with respect to that Future Phase. Prior to assessing Parcels located within Future Phases in connection with issuance of Phased PID Bonds, each owner of the Parcels to be assessed must acknowledge that the Authorized Improvements to be financed confer a special benefit on their Parcel and must consent to the imposition of the Assessments to pay for the Actual Costs of such Authorized Improvements.

This section of this Service and Assessment Plan currently (i) describes the special benefit received by each Parcel within the PID as a result of the Major Improvements and Phase #1 Improvements, (ii) provides the basis and justification for the determination that this special benefit exceeds the amount of the Assessments to be levied on the Phase #1 Assessed Property and Phases #2 - 7 Major Improvement Assessed Property for such improvements, and (iii) establishes the methodologies by which the City Council allocates and reallocates the special benefit of the Major Improvements and Phase #1 Improvements to Parcels in a manner that results in equal shares of the Actual Costs of such improvements being apportioned to Parcels similarly benefited. The determination by the City Council of the assessment methodologies set forth below is the result of the discretionary exercise by the City Council of its legislative authority and governmental powers and is conclusive

and binding on the Developer and all future owners and developers of the Assessed Property.

As Future Phases are developed, in connection with the issuance of Phased PID Bonds this Service and Assessment Plan will be updated based on the City's determination of the assessment methodology for each Future Phase.

B. Special Benefit

Assessed Property must receive a direct and special benefit from the Authorized Improvements, and this benefit must be equal to or greater than the amount of the Assessments. The Authorized Improvements are provided specifically for the benefit of the Assessed Property. The Authorized Improvements (more particularly described in line-item format in Appendix B to this Service and Assessment Plan) and the costs of issuance and payment of costs incurred in the establishment of the PID shown in Table IV-A are authorized by the PID Act. These improvements are provided specifically for the benefit of the Assessed Property.

Each owner of the Assessed Property has acknowledged that the Authorized Improvements confer a special benefit on the Assessed Property and has consented to the imposition of the Assessments to pay for the Actual Costs associated therewith. Each of the owners is acting in its interest in consenting to this apportionment and levying of the Assessments because the special benefit conferred upon the Assessed Property by the Authorized Improvements exceeds the amount of the Assessments.

The Authorized Improvements provide a special benefit to the Assessed Property as a result of the close proximity of these improvements to the Assessed Property and the specific purpose of these improvements of providing infrastructure for the Assessed Property. In other words, the Assessed Property could not be used in the manner proposed without the construction of the Authorized Improvements. The Authorized Improvements are being provided specifically to meet the needs of the Assessed Property as required for the proposed use of the property.

The Assessments are being levied to provide the Authorized Improvements that are required for the highest and best use of the Assessed Property (i.e., the use of the property that is most valuable, including any costs associated with that use). Highest and best use can be defined as "the reasonably probable and legal use of property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value." (*Dictionary of Real Estate Appraisal, Third Edition.*) The Authorized Improvements are expected to be required for the proposed use of the Assessed Property to be physically possible, appropriately supported, financially feasible, and maximally productive.

The Developer has evaluated the potential use of the property and has determined that the highest and best use of the property is the use intended and the legal use for the property as described in Section II of this Service and Assessment Plan. The use of the Assessed Property as described herein will require the construction of the Authorized Improvements.

The special assessments will repay financing that is on advantageous terms, as the Bonds issued to finance the Authorized Improvements will pay interest that is exempt from federal income tax. As a result, all other terms being equal (e.g., maturity, fixed vs. variable rate, credit quality), the tax-exempt bonds will have a lower interest rate than debt that is not tax-exempt. The Bonds also have a longer term than other available financings and may either be repaid or assumed by a buyer at the buyer's option. As a result of these advantageous terms, the financing provided by the PID is the most beneficial means of financing the Authorized Improvements.

Each owner of the Assessed Property will ratify, confirm, accept, agree to and approve: (i) the determinations and finding by the City Council as to the special benefits described in this Service and Assessment Plan and the Assessment Ordinance; (ii) the Service and Assessment Plan and the Assessment Ordinance, and (iii) the levying of Assessments on the Assessed Property. Use of the Assessed Property as described in this Service and Assessment Plan and as authorized by the PID Act requires that Authorized Improvements be acquired, constructed, installed, and/or improved. Funding the Actual Costs of the Authorized Improvements through the PID has been determined by the City Council to be the most beneficial means of doing so. As a result, the Assessments result in a special benefit to the Assessed Property, and this special benefit exceeds the amount of the Assessment. This conclusion is based on and supported by the evidence, information, and testimony provided to the City Council.

In summary, the Assessments result in a special benefit to the Assessed Property for the following reasons:

1. The Authorized Improvements are being provided specifically for the use of the Assessed Property, are necessary for the proposed best use of the property and provide a special benefit to the Assessed Property as a result;
2. The Developer has consented to the imposition of the Assessments for the purpose of providing the Authorized Improvements and the Developer is acting in its interest by consenting to this imposition;
3. The Authorized Improvements are required for the highest and best use of the property;
4. The highest and best use of the Assessed Property is the use of the Assessed Property that is most valuable (including any costs associated with the use of the Assessed Property);
5. Financing of the costs of the Authorized Improvement through the PID is determined to be the most beneficial means of providing for the Authorized Improvements; and,
6. As a result, the special benefits to the Assessed Property from the Authorized Improvements will be equal to or greater than the Assessments.

C. Allocation of Costs to Assessed Property

The Major Improvements will provide a special benefit to all property in the PID. Accordingly, the estimated Major Improvement costs must be allocated throughout all Assessed Property in the District. Table V-A summarizes the allocation of estimated costs for each Major Improvement. The costs shown in Table V-A are estimates and may be revised in Annual Service Plan Updates, but the related Assessment may not be increased.

As shown in Appendix D, Phase #1 is projected to contain 330 residential units representing 254.02 total Equivalent Units. Phases #2 - 7 are projected to contain 1,198 residential units representing total Equivalent Units of 903.47, resulting in total Equivalent Units of 1,157.49 within the PID. As a result, 21.95 percent of the estimated costs of Major Improvements (i.e. $254.02 \div 1,157.49 = 21.95\%$) are allocated to the Phase #1 Assessed Property and 78.05 percent of the estimated costs of Major Improvements (i.e., $903.47 \div 1,157.49 = 78.05\%$) are allocated to the Phases #2 - 7 Major Improvement Assessed Property. The Phases #2 - 7 Major Improvement Bonds will fund the proportionate share of the estimated costs of the Major Improvements allocated to Phases #2 - 7 and Phase #1 Bonds will fund Phase #1's proportionate share of the estimated costs of the Major

Improvements and the remaining Phase #1 Improvements. One hundred percent (100%) of the Phase #1 Improvements are allocated to the Phase #1 Assessed Property.

Table V-A
Allocation of Major Improvement Costs

Major Improvement Estimated Costs	
Authorized Improvement	Estimated Costs
Road Improvements including Right-of-Way	\$9,727,340
Water Improvements	\$1,020,500
Sanitary Sewer Improvements	\$1,422,020
Storm Drainage Improvements	\$1,047,000
Other soft and miscellaneous costs	\$704,140
Total Major Improvements	\$13,921,000
Phase #1	
Projected total Equivalent Units	254.02
% of total units	21.95%
Proportionate Share of Costs	\$3,055,071
Phases #2 - 7	
Projected total Equivalent Units	903.47
% of total units	78.05%
Proportionate Share of Costs	\$10,865,929

D. Assessment Methodology

The costs of the Authorized Improvements may be assessed by the City Council against the Assessed Property so long as the special benefit conferred upon the Assessed Property by the Authorized Improvements equals or exceeds the Assessments. The costs of the Authorized Improvements may be assessed using any methodology that results in the imposition of equal shares of the Actual Costs on Assessed Property similarly benefited.

1. Assessment Methodology for the Major Improvements for Phases #2 - 7

For purpose of this Service and Assessment Plan, the City Council determined that the portion of the Major Improvement costs to be allocated to Phases #2 - 7 shall be allocated to the Phases #2 - 7 Major Improvement Assessed Property by spreading the entire Assessment across the Parcels based on the estimated Equivalent Units anticipated to be developed on each Parcel as calculated and shown in Appendix D using the types and number of lots anticipated to be developed on each Parcel within Phases #2 - 7. As part of the determination as to the ability of different Lot Types to utilize and benefit from the Authorized Improvements, the City Council has taken into consideration that larger, more expensive homes, on average, will create more vehicle trips and greater demands for water and wastewater consumption, and larger, more expensive homes are likely to be built on larger, more valuable lots placing greater demand on the Authorized

Improvements.

Based on the estimates of the costs of the Major Improvements, as set forth in Table III-A, the City Council has determined that the benefit to Phases #2 - 7 Major Improvement Assessed Property of the Phases #2 - 7 proportional share of the Major Improvements is at least equal to the Assessments levied on the Phases #2 – 7 Major Improvement Assessed Property.

Upon subsequent divisions of any Parcel, the Assessment applicable to it will then be apportioned pro rata based on the estimated Equivalent Units of each newly created Parcel. For residential Lots, when final residential building sites are platted, Assessments will be apportioned proportionately among each Parcel based on the ratio of the estimated Equivalent Units at the time residential Lots are platted to the total estimated Equivalent Units of all Lots in the platted Parcel, as determined by the Administrator and confirmed by the City Council.

The Assessment and Annual Installments for each Parcel or Lot located within Phases #2 - 7 is shown on the Phases #2 - 7 Major Improvement Assessment Roll, attached as Appendix E, and no Assessment shall be changed except as authorized by this Service and Assessment Plan or the PID Act.

2. *Assessment Methodology for Phase #1*

For purpose of this Service and Assessment Plan, the City Council has determined that the Actual Costs of the Phase #1 Improvements, including the portion of the Major Improvements to be financed with the Phase #1 Bonds, shall be allocated to the Phase #1 Assessed Property by spreading the entire Assessment across the Parcels based on the estimated Equivalent Units anticipated to be developed on each Parcel as calculated and shown in Appendix D using the types and number of lots anticipated to be developed on each Parcel within Phase #1. As part of the determination as to the ability of different Lot Types to utilize and benefit from the Authorized Improvements, the City Council has taken into consideration that larger, more expensive homes, on average, will create more vehicle trips and greater demands for water and wastewater consumption, and larger, more expensive homes are likely to be built on larger, more valuable lots placing greater demand on the Authorized Improvements.

Based on the estimates of the costs of the Phase #1 Improvements, as set forth in Table III-B, the City Council has determined that the benefit to Phase #1 Assessed Property of the Phase #1 Improvements (including Phase #1's proportional share of the Major Improvements) is at least equal to the Assessments levied on the Phase #1 Assessed Property.

Upon subsequent divisions of any Parcel, the Assessment applicable to it will then be apportioned pro rata based on the estimated Equivalent Units of each newly created Parcel. For residential Lots, when final residential building sites are platted, Assessments will be apportioned proportionately among each Parcel based on the ratio of the estimated Equivalent Units at the time residential Lots are platted to the total estimated Equivalent Units of all Lots in the platted Parcel, as determined by the Administrator and confirmed by the City Council.

The Assessment and Annual Installments for each Parcel or Lot located within Phase #1 is shown on the Phase #1 Assessment Roll, attached as Appendix F, and no Assessment shall be changed except as authorized by this Service and Assessment Plan or the PID Act.

3. *Assessment Methodology for Future Phases*

When any given Future Phase is developed, and Phased PID Bonds for that Future Phase are to be issued, this Service and Assessment Plan will be amended to determine the assessment methodology that results in the imposition of equal shares of the Actual Costs on Assessed Property similarly benefited within that Phase.

E. Assessments

The Assessments for the Phases #2 - 7 Major Improvement Bonds and the Phase #1 Bonds will be levied on each Parcel according to the Phases #2 - 7 Major Improvement Assessment Roll and the Phase #1 Assessment Roll, attached hereto as Appendix E and Appendix F, respectively.

As shown in Section IV of this Service and Assessment Plan, the total amount of the Phase #1 Bonds, which represents the total Assessment to be allocated on all Parcels within Phase #1, is \$10,350,000. As shown in Appendix D, there are a total of 330 residential units representing a total of 254.02 estimated Equivalent Units for the residential development in Phase #1, resulting in a Maximum Assessment per Equivalent Unit of \$40,744.82 for Phase #1.

The Assessment per dwelling unit is calculated as the product of (i) \$40,744.82 multiplied by (ii) the applicable Equivalent Unit value for each Lot Type. For example, the Assessment for a Lot Type 1 (74 Ft Lot) dwelling unit is \$40,744.82 (i.e. $\$40,744.82 \times 1.00$). The Assessment for a Lot Type 2 (60 Ft Lot) dwelling unit is \$33,003.31 (i.e. $\$40,744.82 \times 0.81$). Table V-1 sets forth the Assessment per dwelling unit for each of the three Lot Types in Phase #1.

Table V-1
Maximum Assessment per Unit - Phase #1

Type	Planned No. of Units	Assessment per Equivalent Unit	Equivalent Unit Factor ¹	Assessment per Unit	Total Assessments
Lot Type 1 (74' Lot)	43	\$40,745	1.00	\$40,745 per dwelling unit	\$1,752,027
Lot Type 2 (60' Lot)	122	\$40,745	1.00	\$33,003 per dwelling unit	\$4,026,403
Lot Type 3 (50' Lot)	165	\$40,745	0.83	\$27,706 per dwelling unit	\$4,571,569
Total	330				\$10,350,000

1 – See Appendix D for the calculation of the Equivalent Unit Factors

The projected leverage calculated based on the estimated land values, finished lot values and home values for each Lot Type is shown in Table V-2 below.

Table V-2
Projected Leverage – Phase #1

Lot Type	Planned No. of Units	Estimated Finished Lot Value per unit	Projected Home Value per unit	Assessment per Unit	Leverage (Lot Value)	Leverage (Home Value)
Lot Type 1 (74' Lot)	43	\$118,400	\$592,000	\$40,745	2.91	14.53
Lot Type 2 (60' Lot)	122	\$96,000	\$480,000	\$33,003	2.91	14.54
Lot Type 3 (50' Lot)	165	\$80,000	\$400,000	\$27,706	2.89	14.44
Total	330					

The projected tax rate equivalent per unit calculated based on the estimated land values, finished

lot values and home values for each Lot Type is shown in Table V-3 below.

Table V-3
Estimated Tax Rate Equivalent per unit – Phase #1

Lot Type	Planned No. of Units	Estimated Finished Lot Value per unit	Projected Home Value per unit	Projected Average Annual Installment per unit	Tax Rate Equivalent (per \$100 Lot Value)	Tax Rate Equivalent (per \$100 Home Value)
Lot Type 1 (74' Lot)	43	\$118,400	\$592,000	\$3,188	\$2.69	\$0.54
Lot Type 2 (60' Lot)	122	\$96,000	\$480,000	\$2,582	\$2.69	\$0.54
Lot Type 3 (50' Lot)	165	\$80,000	\$400,000	\$2,168	\$2.71	\$0.54
Total	330					

As shown in Section IV of this Service and Assessment Plan, the total amount of the Phases #2 - 7 Major Improvement Bonds, which represents the total Assessment to be allocated on all Parcels within Phases #2 - 7, is \$13,000,000. As shown in Appendix D, there are a total of 1,198 residential units representing a total of 903.47 estimated Equivalent Units for the residential development in Phases #2 - 7, resulting in an Assessment per Equivalent Unit of \$14,388.97 for Phases #2 - 7.

The Assessment per dwelling unit is calculated as the product of (i) \$14,388.97 multiplied by (ii) the applicable Equivalent Unit value for each Lot Type. For example, the Assessment for a Lot Type 1 (74 Ft Lot) dwelling unit is \$14,388.97 (i.e. \$14,388.97 $\times$ 1.00). The Assessment for a Lot Type 2 (60 Ft Lot) dwelling unit is \$11,655.06 (i.e. \$14,388.97 $\times$ 0.81). Table V-4 sets forth the Assessment per dwelling unit for each of the three Lot Types in Phases #2 - 7.

Table V-4
Assessment per Unit - Phases #2 - 7

Type	Planned No. of Units	Assessment per Equivalent Unit	Equivalent Unit Factor ¹	Assessment per Unit	Total Assessments
Lot Type 1 (74' Lot)	109	\$14,388.97	1.00	\$14,389 per dwelling unit	\$1,568,397
Lot Type 2 (60' Lot)	415	\$14,388.97	1.00	\$11,655 per dwelling unit	\$4,836,851
Lot Type 3 (50' Lot)	674	\$14,388.97	0.83	\$9,785 per dwelling unit	\$6,594,751
Total	1,198				\$13,000,000

1 – See Appendix D for the calculation of the Equivalent Unit Factors

The projected leverage calculated based on the estimated land values, finished lot values and home values for each Lot Type is shown in Table V-5 below.

Table V-5
Projected Leverage – Phases #2 - 7

Lot Type	Planned No. of Units	Estimated Finished Lot Value per unit	Projected Home Value per unit	Assessment per Unit	Leverage (Lot Value)	Leverage (Home Value)
Lot Type 1 (74' Lot)	43	\$118,400	\$592,000	\$14,388.97	8.23	41.14
Lot Type 2 (60' Lot)	122	\$96,000	\$480,000	\$11,655.06	8.24	41.18
Lot Type 3 (50' Lot)	165	\$80,000	\$400,000	\$9,784.50	8.18	40.88
Total	330					

The projected tax rate equivalent per unit calculated based on the estimated land values, finished lot values and home values for each Lot Type is shown in Table V-6 below.

Table V-6
Estimated Tax Rate Equivalent per unit – Phases #2 - 7

Lot Type	Planned No. of Units	Estimated Finished Lot Value per unit	Projected Home Value per unit	Projected Average Annual Installment per unit	Tax Rate Equivalent (per \$100 Lot Value)	Tax Rate Equivalent (per \$100 Home Value)
Lot Type 1 (74' Lot)	43	\$118,400	\$592,000	\$1,208	\$1.02	\$0.20
Lot Type 2 (60' Lot)	122	\$96,000	\$480,000	\$979	\$1.02	\$0.20
Lot Type 3 (50' Lot)	165	\$80,000	\$400,000	\$822	\$1.03	\$0.20
Total	330					

The Annual Installments for the Phases #2 - 7 Major Improvement Bonds and the Phase #1 Bonds will be collected at the time and in the amounts shown on the Phases #2 - 7 Major Improvement Assessment Roll and the Phase #1 Assessment Roll, respectively, subject to any revisions made during an Annual Service Plan Update.

F. Administrative Expenses

The cost of administering the PID and collecting the Annual Installments shall be paid for on a pro rata basis by each Parcel based on the amount of Assessment levied against the Parcel. The Administrative Expenses shall be collected as part of and in the same manner as Annual Installments in the amounts shown on each Assessment Roll, which may be revised based on actual costs incurred in Annual Service Plan Updates.

G. Prepayment and Delinquency Reserve

Pursuant to the PID Act, the interest rate for Assessments may exceed the actual interest rate per annum paid on the related Bonds by no more than one half of one percent (0.50%) (the “Additional Interest”). The interest rate used to determine the Assessments is one half of one percent (0.50%) per annum higher than the actual rate paid on the Bonds, with the Additional Interest component of the Annual Installments allocated to fund a reserve to be used for paying prepayment and delinquency related costs (the “Prepayment and Delinquency Reserve”). The Prepayment and Delinquency Reserve shall be funded until it reaches 5.50% of the outstanding Bonds as stipulated in the Bond documents. Once the Prepayment and Delinquency Reserve is funded in full, the City

may allocate the Additional Interest component of the Annual Installments as provided in the Trust Indenture.

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Section VI TERMS OF THE ASSESSMENTS

A. Amount of Assessments and Annual Installments for Parcels Located within Phases #2 - 7

The Assessment and Annual Installments for each Assessed Property located within Phases #2 - 7 are shown on the Phases #2 - 7 Major Improvement Assessment Roll, attached as Appendix E, and no Assessment shall be changed except as authorized by this Service and Assessment Plan and the PID Act.

The Phases #2 - 7 Annual Installments shall be collected in an amount sufficient to pay (i) principal and interest on the Phases #2 - 7 Major Improvement Bonds, (ii) to fund the Prepayment and Delinquency Reserve described in Section V, and (iii) to pay Administrative Expenses related to the PID. The Annual Installment for each Parcel shall be calculated by taking into consideration any available capitalized interest and other available funds.

B. Amount of Assessments and Annual Installments for Parcels Located Within Phase #1

The Assessment and Annual Installments for each Assessed Property located within Phase #1 is shown on the Phase #1 Assessment Roll, attached as Appendix F, and no Assessment shall be changed except as authorized by this Service and Assessment Plan and the PID Act.

The Phase #1 Annual Installments shall be collected in an amount sufficient to pay (i) principal and interest on the Phase #1 Bonds, (ii) to fund the Prepayment and Delinquency Reserve described in Section V, and (iii) to pay Administrative Expenses related to the PID. The Annual Installment for each Parcel shall be calculated by taking into consideration any available capitalized interest and other available funds.

C. Amount of Assessments and Annual Installments for Parcels Located Within Future Phases

As Future Phases are developed, this Service and Assessment Plan will be amended to determine the Assessment and Annual Installments for each Assessed Property located within Future Phases (e.g., an Appendix will be added as the Assessment Roll for phase #2, etc.). The Assessments shall not exceed the benefit received by the Assessed Property.

D. Reallocation of Assessments

1. Subdivision

Upon the subdivision of any Parcel, the Assessment for the Parcel prior to the subdivision shall be reallocated among the new subdivided Parcels according to the following formula:

$$A = B \times (C \div D)$$

Where the terms have the following meanings:

- A = the Assessment for each new subdivided Parcel
- B = the Assessment for the Parcel prior to subdivision
- C = the estimated total Equivalent Units to be built on each new subdivided Parcel
- D = the sum of the estimated total Equivalent units to be built on all of the new subdivided Parcels

The calculation of the estimated Equivalent Units to be built on a Parcel shall be performed by the Administrator and confirmed by the City Council based on the information available regarding the use of the Parcel. The estimate as confirmed shall be conclusive. The number of Equivalent Units to be built on a Parcel may be estimated by net land area and reasonable density ratios.

The sum of the Assessments for all newly subdivided Parcels shall equal the Assessment for the Parcel prior to subdivision. The calculation shall be made separately for each newly subdivided Parcel. The reallocation of an Assessment for a Parcel that is a homestead under Texas law may not exceed the Assessment prior to the reallocation and to the extent the reallocation would exceed such amount, it shall be prepaid by such amount by the party requesting the subdivision of the Parcels. Any reallocation pursuant to this section shall be reflected in an Annual Service Plan Update approved by the City Council.

2. Consolidation

Upon the consolidation of two or more Parcels, the Assessment for the consolidated Parcel shall be the sum of the Assessments for the Parcels prior to consolidation. The reallocation of an Assessment for a Parcel that is a homestead under Texas law may not exceed the Assessment prior to the reallocation and to the extent the reallocation would exceed such amount, it shall be prepaid by such amount by the party requesting the consolidation of the Parcels. Any reallocation pursuant to this section shall be reflected in an Annual Service Plan Update approved by the City Council.

E. Mandatory Prepayment of Assessments

1. If a Parcel subject to Assessments is transferred to a party that is exempt from the payment of the Assessment under applicable law, or if an owner causes a Parcel subject to Assessments to become Non-Benefited Property, the owner of such Parcel shall pay to the City the full amount of the principal portion of the Assessment on such Parcel, plus all Prepayment Costs, prior to any such transfer or act.
2. If at any time the Assessment per Unit on a Parcel exceeds the applicable Maximum Assessment per Unit calculated in this Service and Assessment Plan as a result of any changes in land use, subdivision, consolidation or reallocation of the Assessment authorized by this Service and Assessment Plan and initiated by the owner of the Parcel, then such owner shall pay to the City prior to the recordation of the document subdividing the Parcel the amount calculated by the Administrator by which the Assessment per Unit for the Parcel exceeds the applicable Maximum Assessment per Unit calculated in this Service and Assessment Plan.
3. The payments required above shall be treated the same as any Assessment that is due and owing under the PID Act, the Assessment Ordinance, and this Service and Assessment Plan, including the same lien priority, penalties, procedures, and foreclosure specified by the PID Act.

F. Reduction of Assessments

1. If after all Authorized Improvements to be funded with a series of Bonds have been completed and Actual Costs for such Authorized Improvements are less than the estimated costs of the Authorized Improvements used to calculate the Assessments securing such series of Bonds, resulting in excess Bond proceeds being available to redeem Bonds of such series, then the Assessment securing such series of Bonds for each Parcel of Assessed Property shall be reduced by the City Council pro rata such that the sum of the resulting reduced Assessments for all Assessed Properties equals the actual reduced Actual Costs and such excess Bond proceeds shall applied to redeem Bonds of such series. The Assessments shall not be reduced to an amount less than the related outstanding series of Bonds. If all of the Authorized Improvements are not completed, the City may reduce the Assessments in another method if it determines such method would better reflect the benefit received by the Parcels from the Authorized Improvements completed.

2. If all the Authorized Improvements are not undertaken, resulting in excess Bond proceeds being available to redeem Bonds, then the Assessments and Annual Installments for each Parcel shall be appropriately reduced by the City Council to reflect only the amounts required to repay the Bonds, including interest on the Bonds and Collection Costs, and such excess Bond proceeds shall be applied to redeem Bonds. The City Council may reduce the Assessments and the Annual Installments for each Parcel (i) in an amount that represents the Authorized Improvements provided for each Parcel or (ii) by an equal percentage calculated based on number of units, if determined by the City Council to be the most fair and practical means of reducing the Assessments for each Parcel, such that the sum of the resulting reduced Assessments equals the amount required to repay the Bonds, including interest on the Bonds and Collection Costs. The Principal Portion of the Assessment for each Parcel shall be reduced pro rata to the reduction in the Assessments for each Parcel such that the sum of the resulting reduced Principal Portion of the Bonds is equal to the outstanding principal amount of the Bonds.

G. Payment of Assessments

1. Payment in Full

(a) The Assessment for any Parcel may be paid in full at any time. Such payment shall include all Prepayment Costs. If prepayment in full will result in redemption of Bonds, the payment amount shall be reduced by the amount, if any, of interest through the date of redemption of Bonds and reserve funds applied to the redemption under the Trust Indenture, net of any other costs applicable to the redemption of Bonds.

(b) If an Annual Installment has been billed prior to payment in full of an Assessment, the Annual Installment shall be due and payable and shall be credited against the payment-in-full amount.

(c) Upon payment in full of the Assessment and all Prepayment Costs, the City shall deposit the payment in accordance with the Trust Indenture; whereupon, the Assessment shall be reduced to zero, and the owner's obligation to pay the Assessment and Annual Installments thereof shall automatically terminate.

(d) At the option of the owner, the Assessment on any Parcel plus Prepayment Costs may be

paid in part in an amount sufficient to allow for a convenient redemption of Bonds as determined by the Administrator. Upon the payment of such amounts for a Parcel, the Assessment for the Parcel shall be reduced, the Assessment Roll shall be updated to reflect such partial payment, and the obligation to pay the Annual Installment for such Parcel shall be reduced to the extent the partial payment is made.

2. Payment in Annual Installments

The PID Act provides that an Assessment for a Parcel may be paid in full at any time. If not paid in full, the PID Act authorizes the Assessment to be paid in installments and additionally allows the City to collect interest, administrative expenses and other authorized charges in installments. An Assessment for a Parcel that is not paid in full will be collected in Annual Installments each year in the amounts shown on the Assessment Rolls, as updated as provided for herein, which include interest, Administrative Expenses, and payments required for the Prepayment Reserve and Delinquency Reserve. Payment of the Annual Installments shall commence with tax bills mailed after the initial issuance of Bonds.

Each Assessment shall be paid with interest of no more than the lesser of (i) the actual interest rate paid on the Bonds. The Phases #2 - 7 Major Improvement Assessment Roll sets forth for each year the Annual Installment for each Parcel based on an estimated interest rate of 5.75% and additional interest at the rate of 0.5% for Administrative Expenses or the Prepayment and Delinquency Reserve. The Phase #1 Assessment Roll sets forth for each year the Annual Installment for each Parcel based on an estimated interest rate of 5.50%, and an additional interest at the rate of 0.5% for Prepayment and Delinquency Reserve. Furthermore, the Annual Installments may not exceed the amounts shown on the Assessment Rolls. The Assessment Rolls will be updated with the actual interest rates on the Bonds, as shown as Appendix E and Appendix F.

The Annual Installments shall be reduced to equal the actual costs of repaying the Bonds and actual Administrative Expenses (as provided for in the definition of such term), taking into consideration any other available funds for these costs, such as interest income on account balances.

The City reserves and shall have the right and option to refund the Bonds in accordance with Section 372.027 of the PID Act. In the event of such refunding, the Administrator shall recalculate the Annual Installments, and if necessary, may adjust, or decrease, the amount of the Annual Installments so that total Annual Installments of Assessments will be produced in annual amounts that are required to pay the refunding bonds when due and payable as required by and established in the ordinance and/or the indenture authorizing and securing the refunding bonds, and such refunding bonds shall constitute Bonds for purposes of this Service and Assessment Plan.

H. Collection of Annual Installments

No less frequently than annually, the Administrator shall prepare, and the City Council shall approve, an Annual Service Plan Update to allow for the billing and collection of Annual Installments. Each Annual Service Plan Update shall include an updated Assessment Roll and a calculation of the Annual Installment for each Parcel. Administrative Expenses shall be allocated among Parcels in proportion to the amount of the Annual Installments for the Parcels. Each Annual Installment shall be reduced by any credits applied under the applicable Trust Indenture, such as capitalized interest, interest earnings on any account balances, and any other funds available to the Trustee for such purpose, including any existing deposits for a prepayment reserve. Annual

Installments shall be collected by the City in the same manner and at the same time as ad valorem taxes and shall be subject to the same penalties, procedures, and foreclosure sale in case of delinquencies as are provided for ad valorem taxes of the City. The City Council may provide for other means of collecting the Annual Installments to the extent permitted under the PID Act. The Assessments shall have lien priority as specified in the PID Act.

Any sale of property for nonpayment of the Annual Installments shall be subject to the lien established for the remaining unpaid Annual Installments against such property and such property may again be sold at a judicial foreclosure sale if the purchaser thereof fails to make timely payment of the non-delinquent Annual Installments against such property as they become due and payable.

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Section VII THE ASSESSMENT ROLL

A. Major Improvement Area Assessment Roll

Each Parcel within Phases #2 - 7 has been evaluated by the City Council (based on the concept plan, developable area, proposed Homeowner Association Property and Public Property, the Major Improvements, best and highest use of land, and other development factors deemed relevant by the City Council) to determine the Assessed Property within each Parcel.

Phases #2 - 7 Major Improvement Assessed Property will be assessed for the special benefits conferred upon the property as a result of the Major Improvements. Table IV-A summarizes the \$14,930,929 in special benefit received by Phases #2 - 7 from a portion of the Major Improvements, the pro rata costs of the PID formation, and bond issuance costs for the proposed Phases #2 - 7 Major Improvement Bonds. The amount of Phases #2 - 7 Major Improvement Bonds is \$13,000,000, which is less than the benefit received by Phases #2 - 7 Major Improvement Assessed Property, and as such the total Assessment for all Assessed Property within Phases #2 - 7 is \$13,000,000 plus annual Administrative Expenses and other authorized charges. The Assessment for each Parcel of Assessed Property within the Phases #2 - 7 is calculated based on the allocation methodologies described in Section V.D of this Service and Assessment Plan. The Phases #2 - 7 Major Improvement Assessment Roll is attached hereto as Appendix E.

B. Phase #1 Assessment Roll

Phase #1 Assessed Property will be assessed for the special benefits conferred upon the property as a result of the Phase #1 Improvements that benefit Phase #1, which include a proportionate share of the Major Improvements allocable to Phase #1. Table IV-A summarizes the \$11,902,071 in special benefit received by Phase #1 Assessed Property from the Phase #1 Improvements that benefit Phase #1, including the proportionate share of the Major Improvements allocable to Phase #1, the pro rata costs of the PID formation, and bond issuance costs for the proposed Phase #1 Bonds. The total amount of Phase #1 Bonds is \$10,350,000, which is less than the benefit received by Phase #1 Assessed Property, and as such the total Assessment for all Assessed Property within Phase #1 is \$10,350,000 plus annual Administrative Expenses and other authorized charges. The Assessment for each Parcel of Assessed Property within Phase #1 is calculated based on the allocation methodologies described in Section V.D of this Service and Assessment Plan. The Phase #1 Assessment Roll is attached hereto as Appendix E.

C. Future Phase Assessment Roll

As Future Phases are developed, this Service and Assessment Plan will be updated to determine the Assessment for each Parcel located within Future Phases (e.g., an Appendix will be added as the Assessment Roll for phase #2, etc.).

D. Annual Assessment Roll Updates

The Administrator shall prepare, and shall submit to the City Council for approval, annual updates to the Phases #2 - 7 Major Improvement Assessment Roll and Phase #1 Assessment Roll in conjunction with the Annual Service Plan Update to reflect the following matters, together with

any other changes helpful to the Administrator or the City and permitted by the PID Act: (i) the identification of each Parcel (ii) the Assessment for each Parcel of Assessed Property, including any adjustments authorized by this Service and Assessment Plan or in the PID Act; (iii) the Annual Installment for the Assessed Property for the year (if the Assessment is payable in installments); and (iv) payments of the Assessment, if any, as provided by Section VI.G of this Service and Assessment Plan.

Once Bonds are issued, the Assessment Rolls shall be updated, which update may be done in the next Annual Service Plan Update, to reflect any changes resulting from the issuance of the Bonds. This update shall reflect the actual interest on the Bonds on which the Annual Installments shall be paid, any reduction in the Assessments, and any revisions in the Actual Costs to be funded by the Bonds and Developer funds.

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Section VIII MISCELLANEOUS PROVISIONS

A. Administrative Review

The City may elect to designate a third party to serve as Administrator. The City shall notify Developer in writing at least thirty (30) days in advance before appointing a third party Administrator.

To the extent consistent with the PID Act, an owner of an Assessed Parcel claiming that a calculation error has been made in the Assessment Roll(s), including the calculation of the Annual Installment, shall send a written notice describing the error to the City not later than thirty (30) days after the date any amount which is alleged to be incorrect is due prior to seeking any other remedy. The Administrator shall promptly review the notice, and if necessary, meet with the Assessed Parcel owner, consider written and oral evidence regarding the alleged error and decide whether, in fact, such a calculation error occurred.

If the Administrator determines that a calculation error has been made and the Assessment Roll should be modified or changed in favor of the Assessed Parcel owner, such change or modification shall be presented to the City Council for approval to the extent permitted by the PID Act. A cash refund may not be made for any amount previously paid by the Assessed Parcel owner (except for the final year during which the Annual Installment shall be collected or if it is determined there are sufficient funds to meet the expenses of the PID for the current year), but an adjustment may be made in the amount of the Annual Installment to be paid in the following year. The decision of the Administrator regarding a calculation error relating to the Assessment Roll may be appealed to the City Council. Any amendments made to the Assessment Roll(s) pursuant to calculation errors shall be made pursuant to the PID Act.

The decision of the Administrator, or if such decision is appealed to the City Council, the decision of the City Council shall be conclusive as long as there is a reasonable basis for such determination. This procedure shall be exclusive and its exhaustion by any property owner shall be a condition precedent to any other appeal or legal action by such owner.

B. Termination of Assessments

Each Assessment shall be extinguished on the date the Assessment is paid in full, including unpaid Annual Installments and Delinquent Collection Costs, if any. After the extinguishment of an Assessment and the collection of any delinquent Annual Installments and Delinquent Collection Costs, the City shall provide the owner of the affected Parcel a recordable "Notice of the PID Assessment Termination".

C. Amendments

Amendments to the Service and Assessment Plan can be made as permitted or required by the PID Act and under Texas law.

The City Council reserves the right to the extent permitted by the PID Act to amend this Service and Assessment Plan without notice under the PID Act and without notice to property owners of Parcels:

(i) to correct mistakes and clerical errors; (ii) to clarify ambiguities; and (iii) to provide procedures for the collection and enforcement of Assessments, Prepayment Costs, Collection Costs, and other charges imposed by the Service and Assessment Plan.

D. Administration and Interpretation of Provisions

The City Council shall administer the PID, this Service and Assessment Plan, and all Annual Service Plan Updates consistent with the PID Act, and shall make all interpretations and determinations related to the application of this Service and Assessment Plan unless stated otherwise herein or in the Trust Indenture, such determination shall be conclusive.

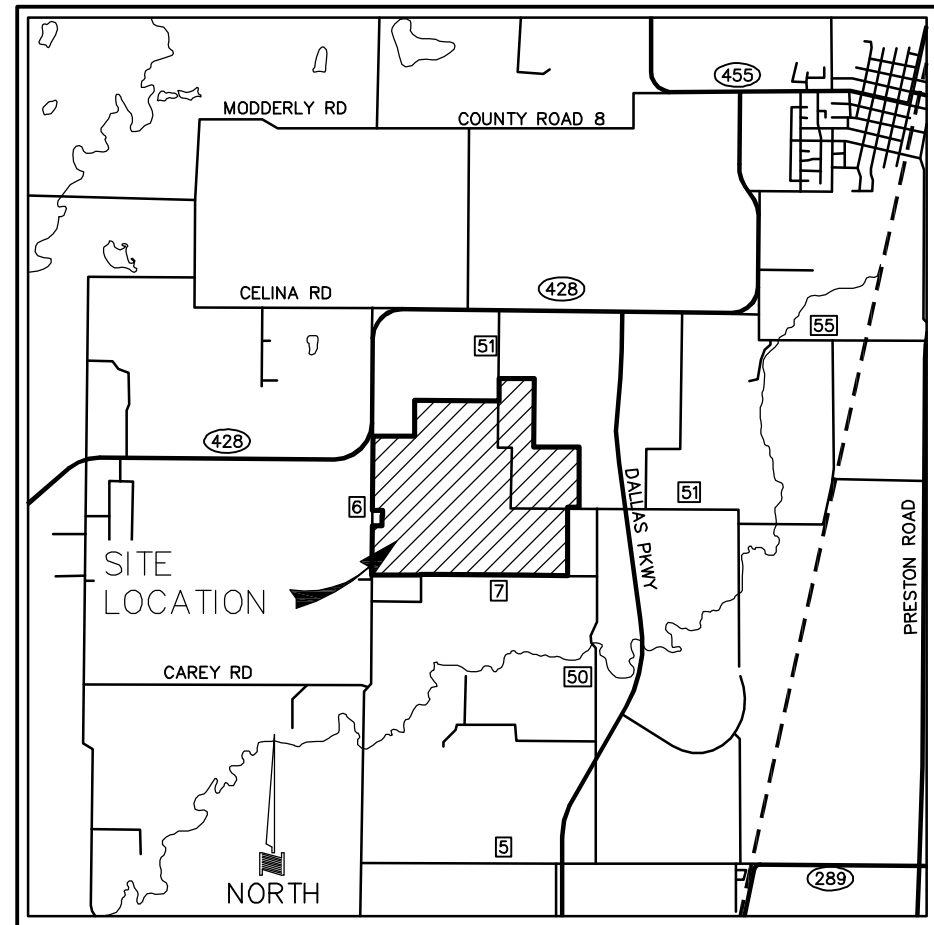
E. Severability

If any provision, section, subsection, sentence, clause or phrase of this Service and Assessment Plan or the application of same to an Assessed Parcel or any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Service and Assessment Plan or the application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Service and Assessment Plan that no part hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other part hereof, and all provisions of this Service and Assessment Plan are declared to be severable for that purpose.

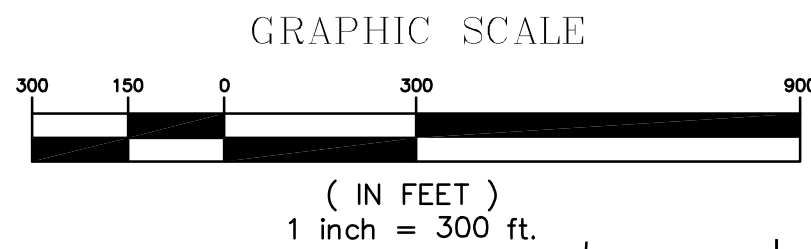
If any provision of this Service and Assessment Plan is determined by a court to be unenforceable, the unenforceable provision shall be deleted from this Service and Assessment Plan and the unenforceable provision shall, to the extent possible, be rewritten to be enforceable and to give effect to the intent of the City.

Appendix A

The PID MAP AND LEGAL DESCRIPTIONS



LOCATION MAP
NOT TO SCALE



LOT TYPE	PHASES							LOT TYPE SUMMARY	LOT TYPE %
	1	2	3	4	5	6	7		
50'	165	125	157	53	82	73	184	839	54.9
60'	122	9	67	111	121	107	0	537	35.1
74'	43	0	33	28	10	38	0	152	10.0
SUMMARY BY PHASE	330	134	257	192	213	218	184	1,528	-

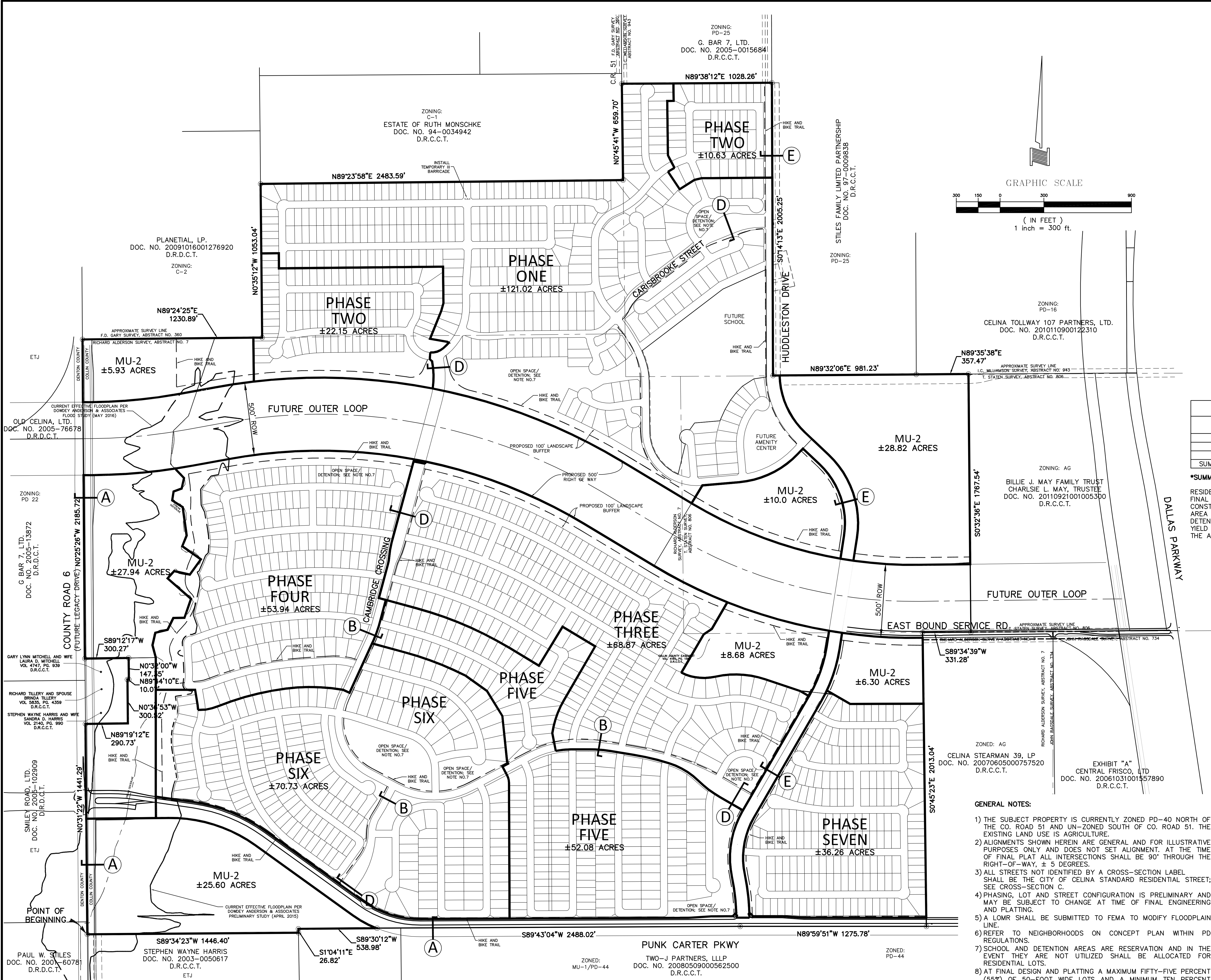
***SUMMARY NOTE:**
RESIDENTIAL LOT TOTALS ARE APPROXIMATE AND ARE SUBJECT TO CHANGE AT FINAL ENGINEERING AND PLATTING BASED ON CURRENT MARKET DEMANDS AND CONSTRUCTION; IN THE EVENT THE FUTURE SCHOOL SITE IS NOT UTILIZED THIS AREA SHALL BE PERMITTED TO YIELD ±50 RESIDENTIAL LOTS; IN THE EVENT THE DETENTION AREAS ARE NOT UTILIZED THESE AREAS SHALL BE PERMITTED TO YIELD ±15 RESIDENTIAL LOTS; THE ULTIMATE DEVELOPMENT SHALL COMPLY WITH THE APPROVED ZONING PD.

GENERAL DEVELOPMENT PLAN EXHIBIT
CAMBRIDGE CROSSING

±455.29 ACRES RESIDENTIAL
AN ADDITION TO THE CITY OF CELINA
F.D. GARY SURVEY, ABST. 360
I.C. WILLIAMSON SURVEY, ABST. 943
RICHARD ALDERSON SURVEY, ABST. 7
AND T STATEN SURVEY, ABST. 806
COLLIN COUNTY, TEXAS

APRIL, 2016 SCALE: 1"=300'
OWNER/DEVELOPER
TOLLWAY/OUTER LOOP, L.P.
8750 N. CENTRAL EXPRESSWAY
STE. 1735
DALLAS, TEXAS 75231
214-691-2556
CONTACT: MATT ALEXANDER P.E.

ENGINEER/SURVEYOR
DOWDEY, ANDERSON & ASSOCIATES, INC.
5225 Village Creek Drive, Suite 200 Plano, Texas 75093 972-931-0694
STATE REGISTRATION NUMBER: F-399
SURVEY FIRM REGISTRATION NUMBER: 10077800
CONTACT : MICHAEL DOWDEY P.E.



- GENERAL NOTES:**
- 1) THE SUBJECT PROPERTY IS CURRENTLY ZONED PD-40 NORTH OF THE CO. ROAD 51 AND UN-ZONED SOUTH OF CO. ROAD 51. THE EXISTING LAND USE IS AGRICULTURE.
 - 2) ALIGNMENTS SHOWN HEREIN ARE GENERAL AND FOR ILLUSTRATIVE PURPOSES ONLY AND DOES NOT SET ALIGNMENT. AT THE TIME OF FINAL PLAT ALL INTERSECTIONS SHALL BE 90° THROUGH THE RIGHT-OF-WAY, ± 5 DEGREES.
 - 3) ALL STREETS NOT IDENTIFIED BY A CROSS-SECTION LABEL SHALL BE THE CITY OF CELINA STANDARD RESIDENTIAL STREET; SEE CROSS-SECTION C.
 - 4) PHASING, LOT AND STREET CONFIGURATION IS PRELIMINARY AND MAY BE SUBJECT TO CHANGE AT TIME OF FINAL ENGINEERING AND PLATTING.
 - 5) A LOMR SHALL BE SUBMITTED TO FEMA TO MODIFY FLOODPLAIN LINE.
 - 6) REFER TO NEIGHBORHOODS ON CONCEPT PLAN WITHIN PD REGULATIONS.
 - 7) SCHOOL AND DETENTION AREAS ARE RESERVATION AND IN THE EVENT THEY ARE NOT UTILIZED SHALL BE ALLOCATED FOR RESIDENTIAL LOTS.
 - 8) AT FINAL DESIGN AND PLATTING A MAXIMUM FIFTY-FIVE PERCENT (55%) OF 50-FOOT WIDE LOTS AND A MINIMUM TEN PERCENT (10%) OF 70-FOOT WIDE LOTS SHALL BE ALLOTTED.

LEGAL DESCRIPTION

BEING a tract of land situated in the RICHARD ALDERSON SURVEY, ABSTRACT NO. 7, F.D. GARY SURVEY, ABSTRACT NO. 360, T. STATEN SURVEY, ABSTRACT NO. 806, and the I.C. WILLIAMSON SURVEY, ABSTRACT NO. 943, Collin County, Texas, and being all of that tract of land conveyed to Godwin Investments, LTD., according to the document filed of record in Document Number 20070205000163510 and 20130401000422650, Deed Records, Collin County, Texas, and being all of that tract of land conveyed to Jerry Glen Hansel and wife, Sally Haggard Hansel, according to the document filed of record in Document Number 92-0077846, Deed Records, Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with a red plastic cap found in the approximate center line of Legacy Drive, a variable width right-of-way, (also known as County Road No. 6) for the southwest corner of said Godwin Investments, LTD. tract, recorded in Document 20130401000422650, same being the northwest corner of a tract of land conveyed to Stephen Wayne Harris, according to the document filed of record in Document Number 2003-0050617, Deed Records, Collin County, Texas, same being the northeast corner of a tract of land conveyed to Paul W. Stiles, according to the document filed of record in Document Number 2001-60781, Deed Records, Denton County, same being the southeast corner of a tract of land conveyed to Smiley Road, LTD., according to the document filed of record in Document Number 2005-102909, Deed Records, Denton County, Texas;

THENCE North 00° 31' 22" West, with the common west line of said Godwin tract and east line of said Smiley Road tract, a distance of 1,441.29 feet to a 1/2 inch iron rod with a red plastic cap found for the southwest corner of a tract of land conveyed to Stephen W. Harris and wife, Sandra D. Harris, according to the document filed of record in Volume 3399, Page 27, Deed Records, Collin County, Texas;

THENCE North 89° 19' 12" East, with the south line of said Harris tract, a distance of 290.73 feet to a 1/2 inch iron rod with a yellow plastic cap stamped DAA set for the southeast corner of said Harris tract;

THENCE North 00° 36' 53" West, a distance of 300.52 feet to a 1/2 inch iron rod found in the south line of a tract of land conveyed to Gary Lynn Mitchell and wife, Laura D. Mitchell, according to the document filed of record in Volume 4747, Page 939, Deed Records, Collin County, and being the northeast corner of a tract of land conveyed to Richard Tillery and Spouse, Brinda Tillery, as recorded Volume 5835, Page 4358, Deed Records, Collin County, Texas;

THENCE North 89° 44' 10" East, with the south line of said Mitchell tract, a distance of 10.07 feet to a 1/2 inch iron rod with an orange plastic cap found for the southeast corner of said Mitchell tract;

THENCE North 00° 32' 00" West, with the east line of said Mitchell tract, a distance of 147.35 feet to a 1/2 inch iron rod with an orange plastic cap found in the south line of the above mentioned Godwin tract recorded in Document Number 20070205000163510 and being the common northeast corner of said Mitchell tract and northwest corner of said Godwin tract recorded in Document Number 20130401000422650;

THENCE South 89° 12' 17" West, leaving said common corner and with the north line of said Mitchell tract, passing at a distance of 270.26 feet, a 1/2 inch iron rod with an orange plastic cap found for reference and continuing for a total distance of 300.27 feet to a 3/8 inch iron rod found in the east line of a tract of land conveyed to G Bar 7, LTD., according to the document filed of record in Document Number 2005-13872, Deed Records, Collin County, Texas, and being the common southwest corner of said Godwin tract recorded in Document Number 20070205000163510 and the northwest corner of said Mitchell tract;

THENCE North 00° 25' 26" West, leaving said common corner and with the common west line of said Godwin tract and east line of said G Bar 7, LTD. tract, a distance of 2,185.72 feet to a 3/8 inch iron rod found for the common most westerly northwest corner of said Godwin tract and southwest corner of a tract of land conveyed to Planetal, LP, according to the document filed of record in Document Number 20091016001276920, Deed Records, Collin County, Texas;

THENCE North 89° 24' 25" East, leaving said common corner and with the south line of said Planetal, LP tract, a distance of 1,230.89 feet to a 5/8 inch iron rod with a yellow plastic cap found for the southeast corner of said Planetal, LP tract;

THENCE North 00° 35' 12" West, with the east line of said Planetal, LP tract, a distance of 1,053.04 feet to a 1/2 inch iron rod found for the common northwest corner of the said Godwin tract and southwest corner of a tract of land conveyed to Hardy Burke, according to the document filed of record in Document Number 94-0034942, Deed Records, Collin County, Texas;

THENCE North 89° 23' 58" East, leaving said east line and with the common north line of said Godwin tract and south line of said Hardy Burke tract, a distance of 2,483.59 feet to a 1/2 inch iron rod found with a yellow plastic cap found for the southeast corner of said Hardy Burke tract;

THENCE North 00° 45' 41" West, with the east line of said Hardy Burke tract, a distance of 659.70 feet to a 1/2 inch iron rod with a yellow plastic cap found for the southwest corner of a tract of land conveyed to G Bar 7, LTD, according to the document filed of record in Document Number 2005-0015684, Deed Records, Collin County, Texas;

THENCE North 89° 38' 12" East, leaving said east line and with the common north line of said Godwin tract and south line of said G Bar 7, LTD tract, a distance of 1,028.26 feet to a 1/2 inch iron rod found in the west line of a tract of land conveyed to Stiles Family Limited Partnership, according to the document filed of record in Document Number 97-0009838, Deed Records, Collin County, Texas, same being the common northeast corner of said Godwin tract and southeast corner of said G Bar 7, LTD tract;

THENCE South 00° 14' 13" East, leaving said common corner and with the common east line of said Godwin Tract and west line of said Stiles Family Limited Partnership tract, a distance of 2,005.25 feet to a 1/2 inch iron rod with a yellow plastic cap found for the southwest corner of said Stiles tract;

THENCE North 89° 32' 06" East, with the south line of said Stiles tract, a distance of 981.23 feet to a 1/2 iron rod found for the common southeast corner of said Stiles tract and southwest corner of a tract of land conveyed to Celina Tollway 107 Parntership, LTD, according to the document filed of record in Document Number 2010110900122310, Deed Records, Collin County, Texas;

THENCE North 89° 35' 38" East, leaving said common corner and with the south line of said Celina Tollway 107 Partnership, LTD tract, a distance of 357.47 feet to a 1/2 inch iron rod found for the common northeast corner of said Godwin tract and northeast corner of a tract of land conveyed to Billie J. May Family Trust, according to the document filed of record in Document Number 20110921001005300, Deed Records, Collin County, Texas;

THENCE South 00° 32' 36" East, leaving said common corner and with the common east line of said Godwin tract and west line of said Billie J. May Family Trust tract, a distance of 1,767.54 feet to a 1/2 inch iron rod found in the north line of a tract of land conveyed to Celina Stearman 39, LP, according to the document filed of record in Document Number 20070605000757520, Deed Records, Collin County, Texas, same being the common most easterly corner of said Godwin tract and the southwest corner of said Billie J. May Family Trust tract;

THENCE South 89° 34' 39" West, leaving said common corner and with the common south line of said Godwin tract and north line of said Celina Stearman 39, LP tract, a distance of 331.28 feet to a 1/2 inch iron rod with a yellow plastic cap found for the northwest corner of said Celina Stearman 39, LP tract, and being a common corner of said Godwin tract;

THENCE South 00° 45' 23" East, with the common east line of said Godwin tract and west line of said Celina Stearman 39, LP tract, a distance of 2,013.04 feet to a point for corner from which a 1/2 inch iron rod found in the north line of a tract of land conveyed to Two-J Partners, LLLP, according to the document filed of record in Document Number 20080509000562500, Deed Records, Collin County, Texas, bears North 83°12'48" West, 0.58 feet, said point being the common southeast corner of said Godwin tract and southwest corner of said Celina Stearman 39, LP tract;

THENCE North 89° 59' 51" West, leaving said common corner and with the common south line of said Godwin tract and north line of said Two-J Partners, LLP tract, a distance of 1,275.78 feet to a point for corner from which a 1/2 inch bolt found bears South 89°40'46" West, 0.40 feet, said point being the common southwest corner of said Godwin tract and southeast corner of the above mentioned Jerry Glen Hansel & Wife Sally Haggard Hansel tract;

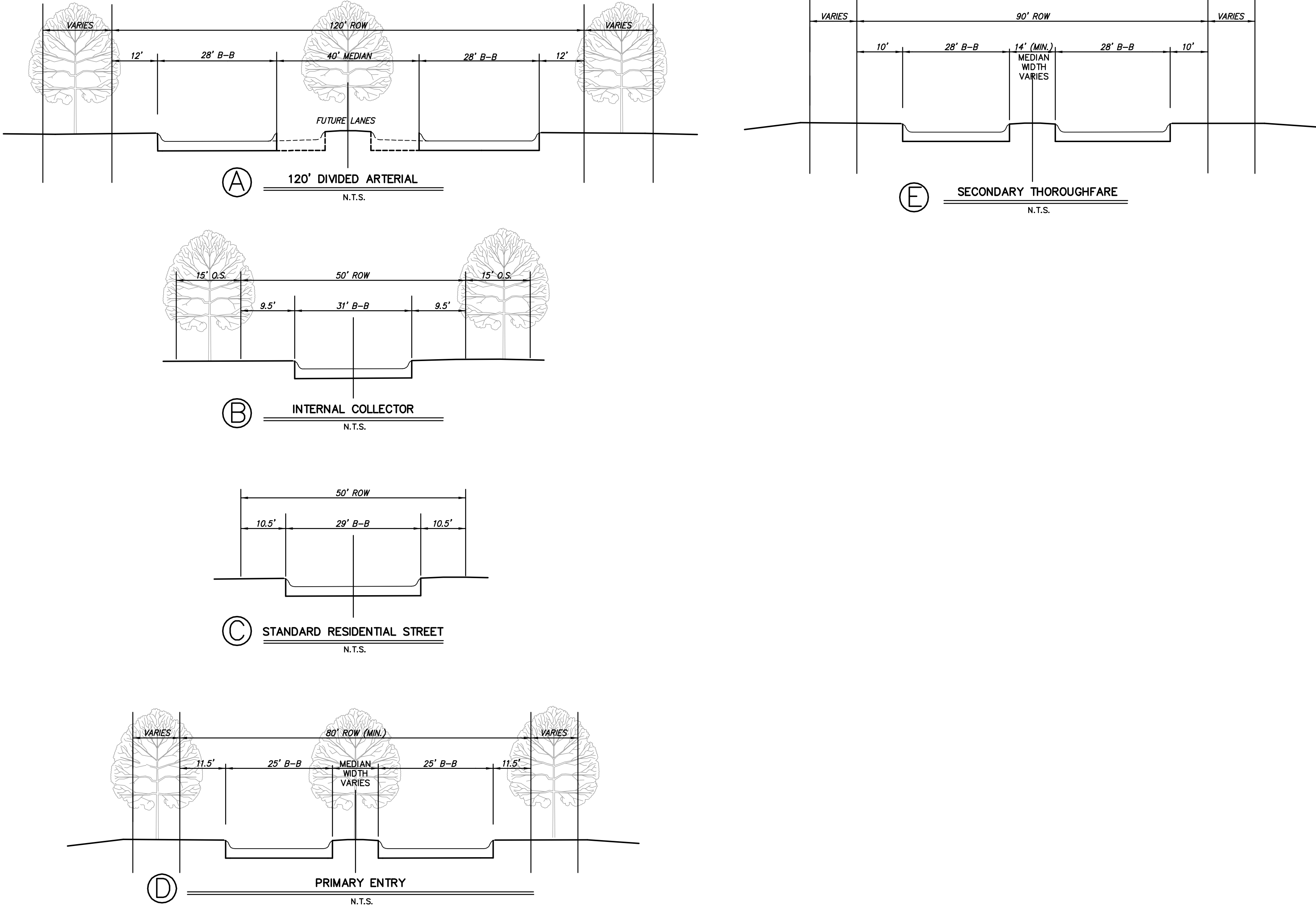
THENCE South 89° 43' 04" West, leaving said common corner and with the common south line of said Hansel tract and north line of said Two-J Partners, LLLP tract, passing at a distance of 2,477.60 feet a 5/8 inch iron rod with a red plastic cap found, continuing for a total a distance of 2,488.02 feet, for the common southwest corner of said Hansel tract and the southeast corner of the above mentioned Godwin Investments, LTD tract, recorded in Document Number 20130401000422650;

THENCE South 89° 30' 12" West, leaving said common corner and with the common south line of said Godwin tract, recorded in Document Number 20130401000422650 and north line of said Two-J Partners, LLLP tract, a distance of 538.98 feet to a 1/2 inch iron rod with a red plastic cap found for the northwest corner of said Two-J Partners, LLLP tract;

THENCE South 01° 04' 11" East, with the west line of said Two-J Parnters, LLLP tract, a distance of 26.82 feet to a 1/2 inch iron rod found for the northeast corner of the above mentioned Stephen Wayne Harris tract, for the most southerly southeast corner of said Godwin tract;

THENCE South 89° 34' 23" West, leaving said west line and with the common south line of the above mentioned Godwin tract and north line of said Harris tract, a distance of 1,446.40 feet to the POINT OF BEGINNING and containing 639.617 acres of land, more or less.

STREET CROSS SECTIONS



GENERAL DEVELOPMENT PLAN EXHIBIT

CAMBRIDGE CROSSING

±455.29 ACRES RESIDENTIAL

AN ADDITION TO THE CITY OF CELINA
F.D. GARY SURVEY, ABST. 360
I.C. WILLIAMSON SURVEY, ABST. 943
RICHARD ALDERSON SURVEY, ABST. 7
AND T STATEN SURVEY, ABST. 806
COLLIN COUNTY, TEXAS

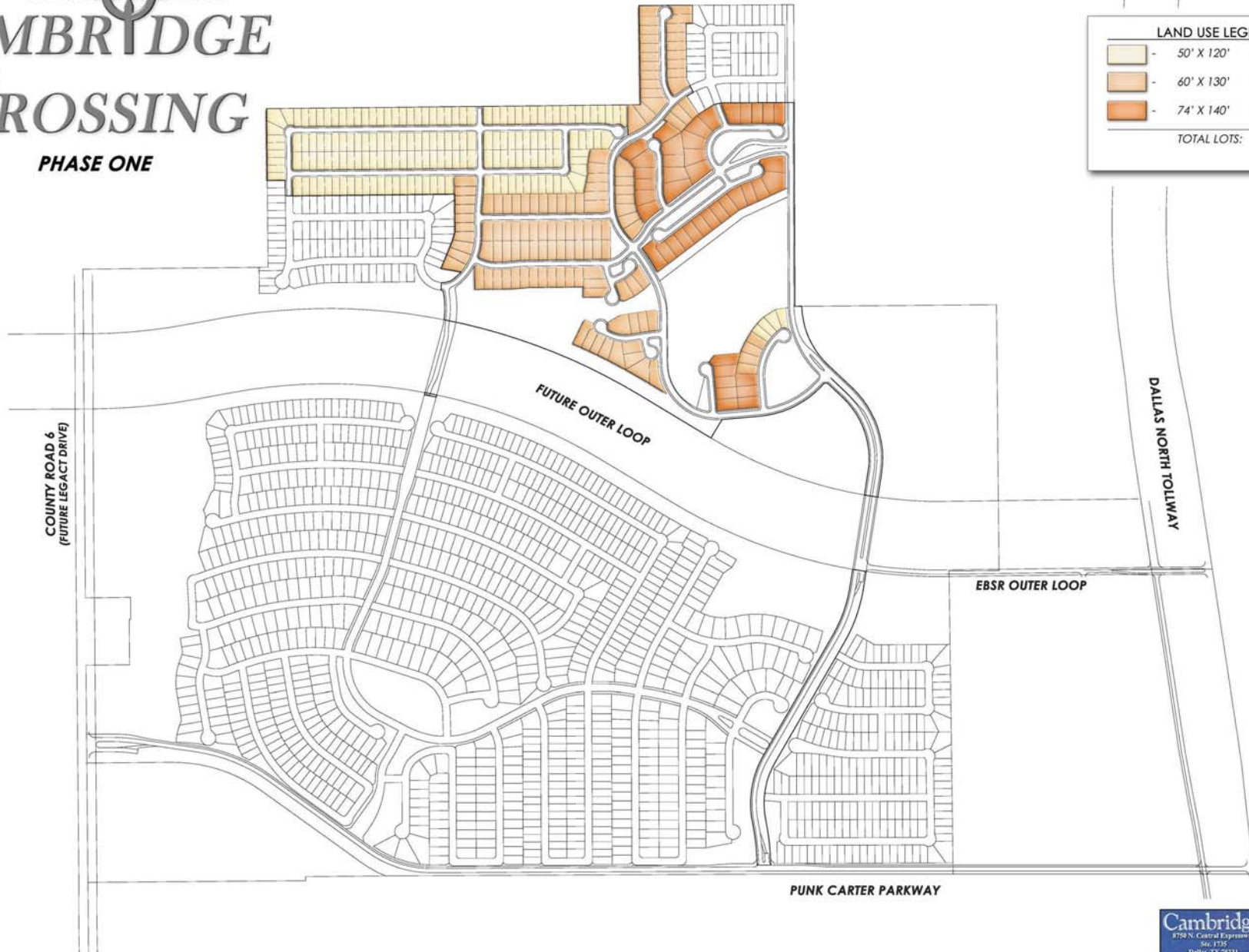
APRIL, 2016 SCALE: 1"=300'

OWNER/DEVELOPER
TOLLWAY/OUTER LOOP LP
8750 N. CENTRAL EXPRESSWAY
STE. 1735
DALLAS, TEXAS 75231
214-691-2556
CONTACT: MATT ALEXANDER P.E.



ENGINEER/SURVEYOR
DOWDEY, ANDERSON & ASSOCIATES, INC.
5225 Village Creek Drive, Suite 200 Plano, Texas 75093 972-931-0694
STATE REGISTRATION NUMBER: F-399
SURVEY FIRM REGISTRATION NUMBER: 10077800
CONTACT : MICHAEL DOWDEY P.E.

CELINA TEXAS
CAMBRIDGE
CROSSING
 PHASE ONE



Attachment: Cambridge Crossing PID - Draft PSAP - v1.0 (Cambridge Crossing CDR, SAP approval)



NEE/PLANNER
 WDEY, ANDERSON
 ASSOCIATES, INC.
 8750 N. Central Expressway
 Suite 1100
 Dallas, TX 75231
 Tel: 972.351.1000 Fax: 972.351.1001



NOTE:

- 1) THE STREET PATTERN AND OPEN SPACE AREAS ARE FOR ILLUSTRATIVE PURPOSES AND ARE SUBJECT TO FUTURE ALTERATION DURING THE DESIGN PROCESS.
- 2) LOTS ADJACENT TO THE FLOODPLAIN MAY EXTEND INTO THE FLOODPLAIN; THE LIMITS OF THE FLOODPLAIN WILL BE DEFINED WITH FUTURE ENGINEERING PLANS.
- 3) FOR ADDITIONAL INFORMATION ON DESIGN REGULATIONS FOR EACH TYPE OF USE, PLEASE REFER TO THE PLANNED DEVELOPMENT STANDARDS.
- 4) THE OVERALL MAXIMUM NUMBER OF RESIDENTIAL LOTS SHALL BE 2000. THE MAXIMUM NUMBER OF TYPE 3 LOTS WITHIN THE "SF-R" AREA SHOWN SHALL BE 55%. THE MINIMUM NUMBER OF TYPE 1 LOTS WITHIN THE "SF-R" AREA SHOWN SHALL BE 10%.

PROPOSED LAND USE SUMMARY

SINGLE FAMILY	±376 AC (59%)
MU-2	±78 AC (12%)
OPEN SPACE	±89 AC (14%)
RIGHT-OF-WAY	±97 AC (15%)
TOTAL LAND AREA	±639 AC

NOTE:

THE ACREAGES SHOWN ABOVE ARE APPROXIMATE BASED ON THE CONCEPT PLAN AND ARE SUBJECT TO CHANGE WITH FUTURE PLATS.

LAND USE LEGEND:

- SF-R SINGLE-FAMILY RESIDENCE
- MU-2 MIXED USE
- Future Elementary School
- Open Space

— PID BOUNDARY

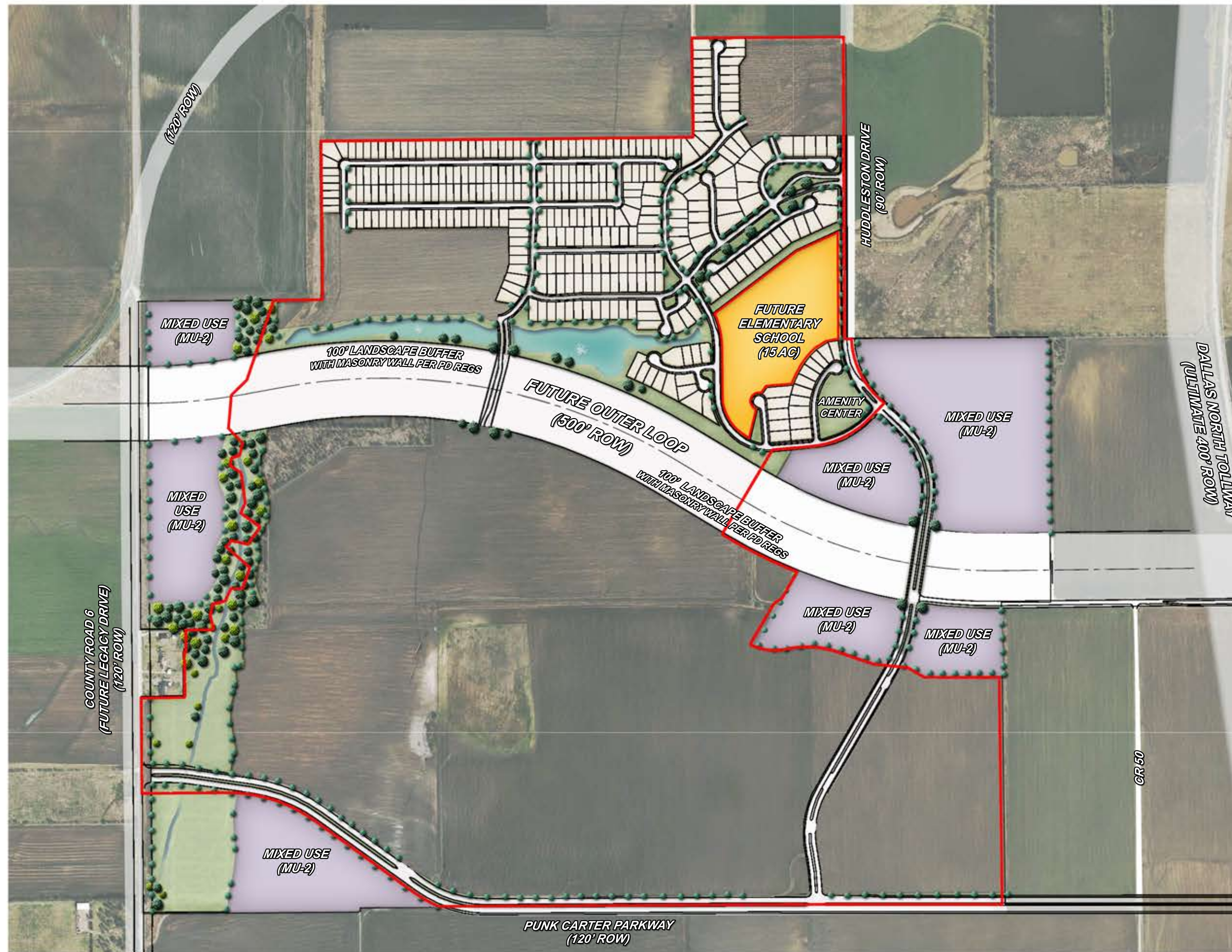
Overall
CONCEPT PLAN

CELINA TEXAS
CAMBRIDGE
CROSSING

Cambridge
8750 N. Central Expressway
Ste. 1735
Dallas, TX 75231

ENGINEER/PLANNER
DOWDEY, ANDERSON & ASSOCIATES, INC.
3225 Village Creek Drive, Suite 200 - Plano, Texas 75093
Phone: 972.931-0094 Fax: 972.931-9538

This is a conceptual layout and does not necessarily depict the project as it shall finally be developed.

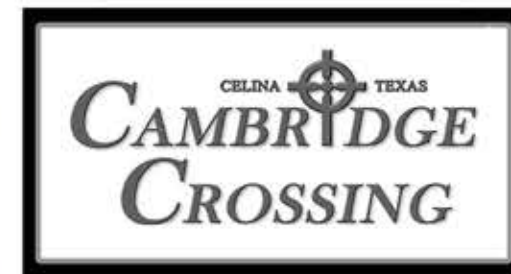


This is a conceptual layout and does not necessarily depict the project as it shall finally be developed.

PID BOUNDARY

Phase One

CONCEPT PLAN



Cambridge
8750 N. Central Expressway
Ste. 1735
Dallas, TX 75231

ENGINEER/PLANNER
DOWDEY, ANDERSON & ASSOCIATES, INC.
3225 Village Creek Drive, Suite 200 - Plano, Texas 75093
Phone 972.931.6004 Fax 972.931.9538

Appendix B

ESTIMATED COSTS OF AUTHORIZED IMPROVEMENTS

CAMBRIDGE CROSSING PID ~ PHASE ONE COSTS

City of Celina, Collin County, Texas

Construction Plan Set: 04-18-2018

Total Lots: **330**

Total Acres: **107.675**

Prepared: **06/06/18**

Revised: **_**

Opinion of Probable Cost Summary

SUMMARY	TOTAL
MAJOR IMPROVEMENTS	
WATER ~ MAJOR IMPROVEMENTS	1,020,500.00
SANITARY SEWER ~ MAJOR IMPROVEMENTS	1,422,020.00
DRAINAGE ~ MAJOR IMPROVEMENTS	1,047,000.00
ROADWAY ~ MAJOR IMPROVEMENTS	7,252,339.00
CITY, PROFESSIONAL & MISC. FEES ~ MAJOR	364,333.00
TOTAL ~ MAJOR IMPROVEMENTS	11,106,192.00
DIRECT IMPROVEMENTS	
WATER ~ DIRECT	1,097,000.00
SANITARY SEWER ~ DIRECT	1,003,000.00
ROADWAYS ~ DIRECT	2,543,000.00
CITY, PROFESSIONAL & MISC. FEES ~ DIRECT	194,000.00
TOTAL ~ DIRECT IMPROVEMENTS	4,837,000.00
GRAND TOTAL	15,943,192.00

GENERAL NOTES:

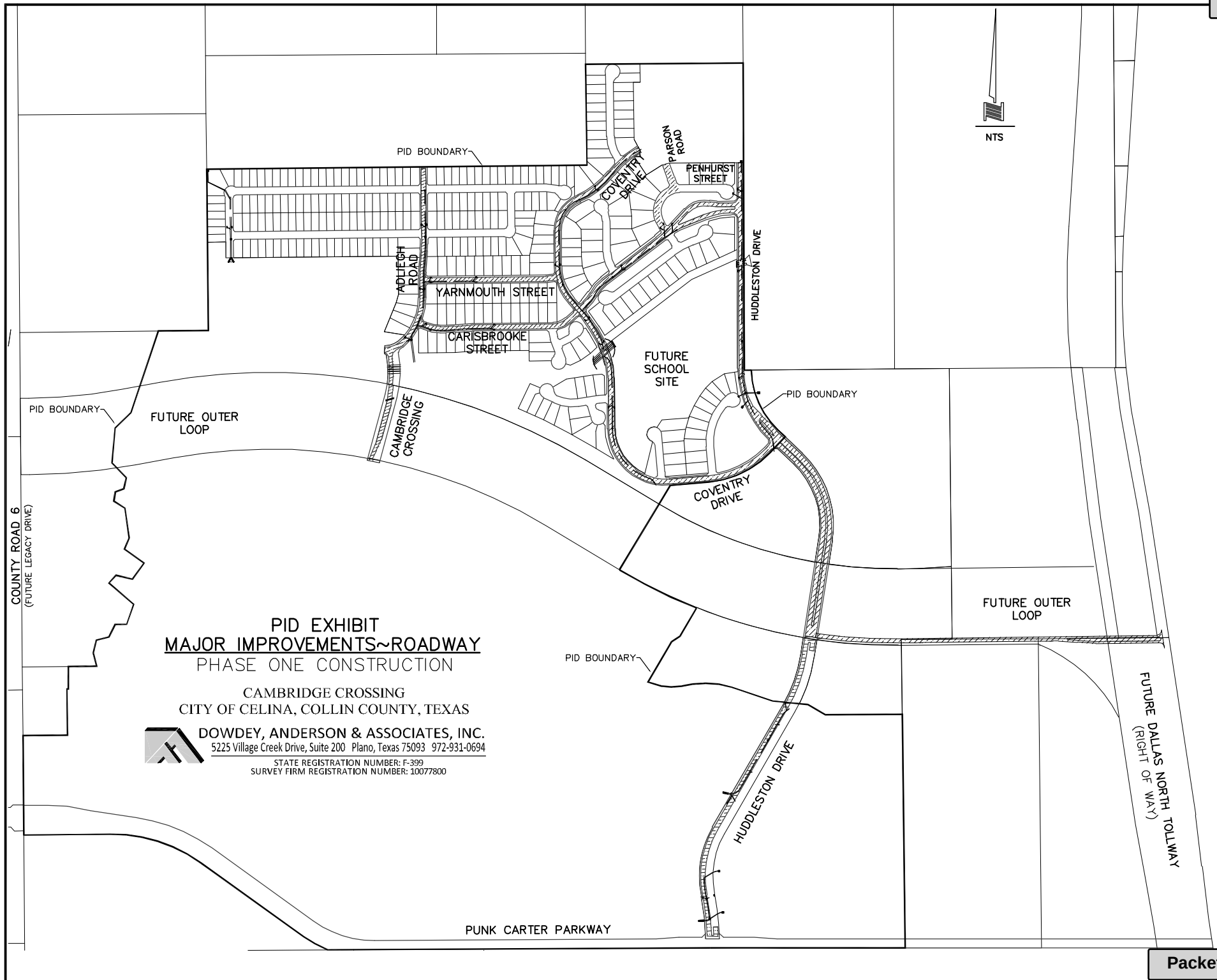
- UNIT PRICES ARE BASED ON SIMILAR PROJECTS BID IN 2015, HOWEVER SHOULD BE VERIFIED WITH A CONTRACTOR DUE TO THE VOLATILITY OF PRICES TODAY.

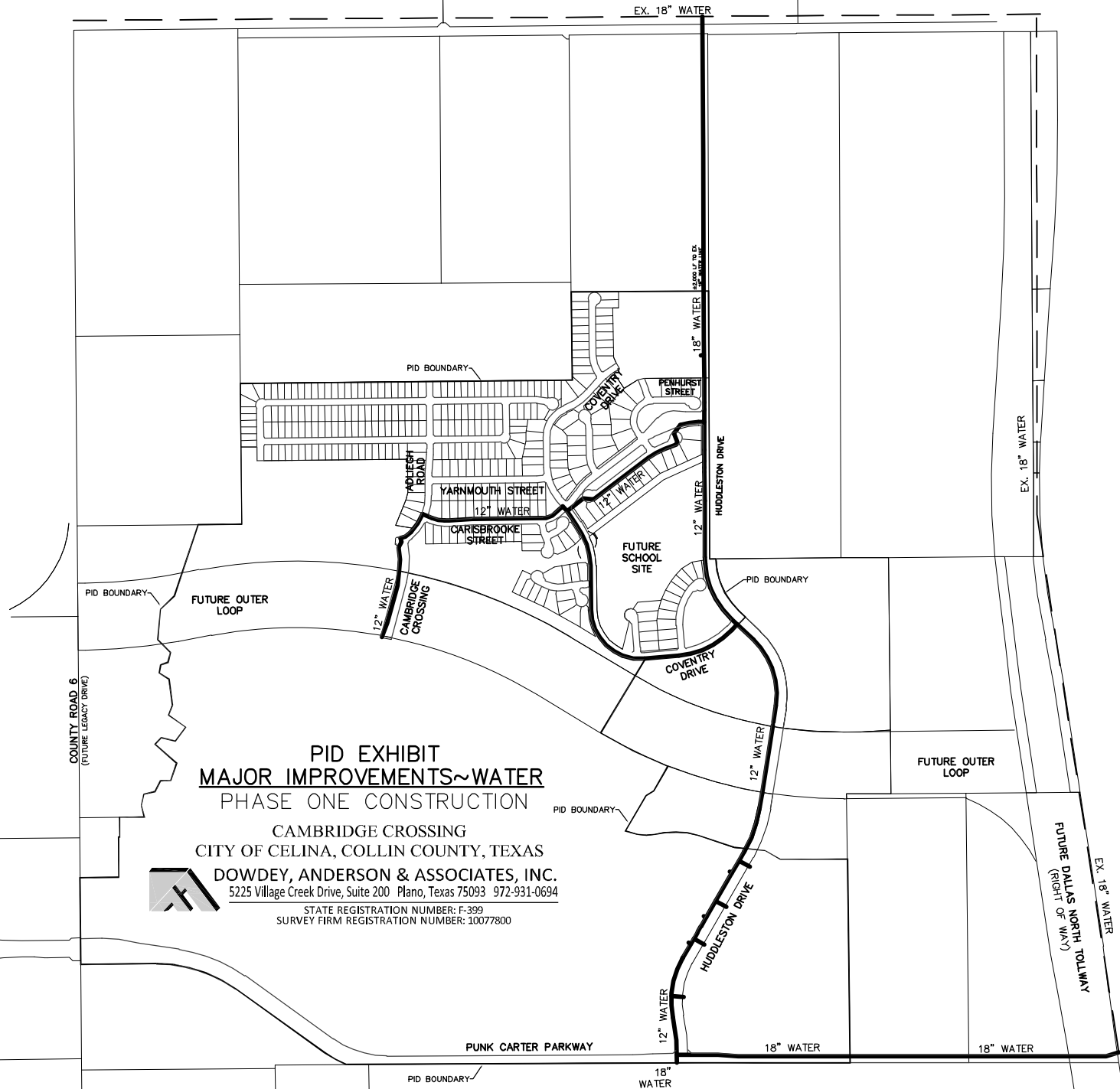
ESTIMATE EXCLUDES:

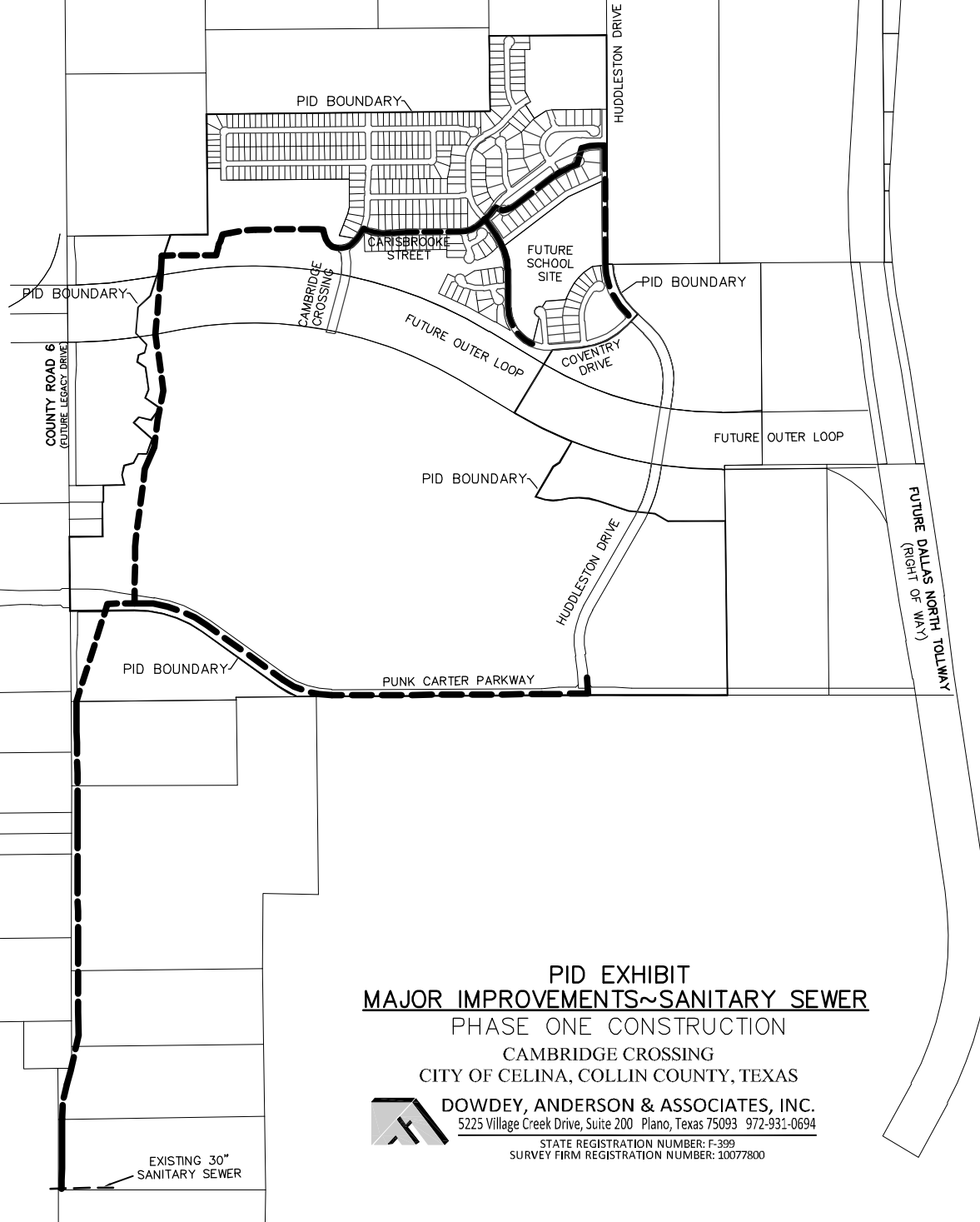
- FRANCHISE UTILITY RELOCATION AND/OR OFFSITE COSTS TO BRING SERVICE TO SITE
- ROCK EXCAVATION
- DEMOLITION OF EXISTING STRUCTURES
- REMOVAL OF EXISTING WATER WELLS OR SEPTIC SYSTEMS
- CORPS/WETLANDS MITIGATION
- EASEMENT ACQUISITION
- RIGHT-OF-WAY ACQUISITION FOR PERIMETER ROADS
- COST UNDERBRUSHING/PRUNING OF EXISTING TREES

Appendix C

DIAGRAMS OF THE AUTHORIZED IMPROVEMENTS





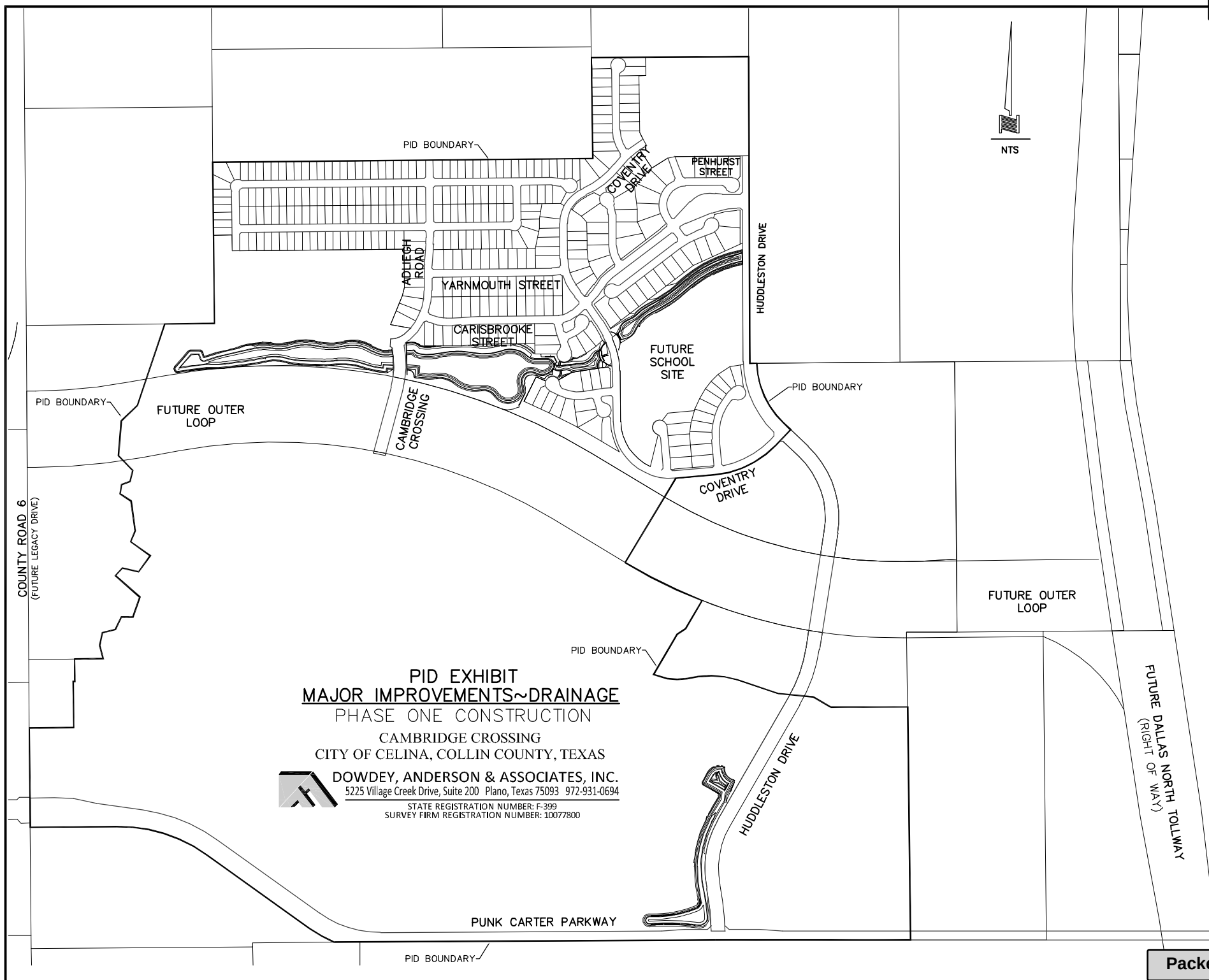


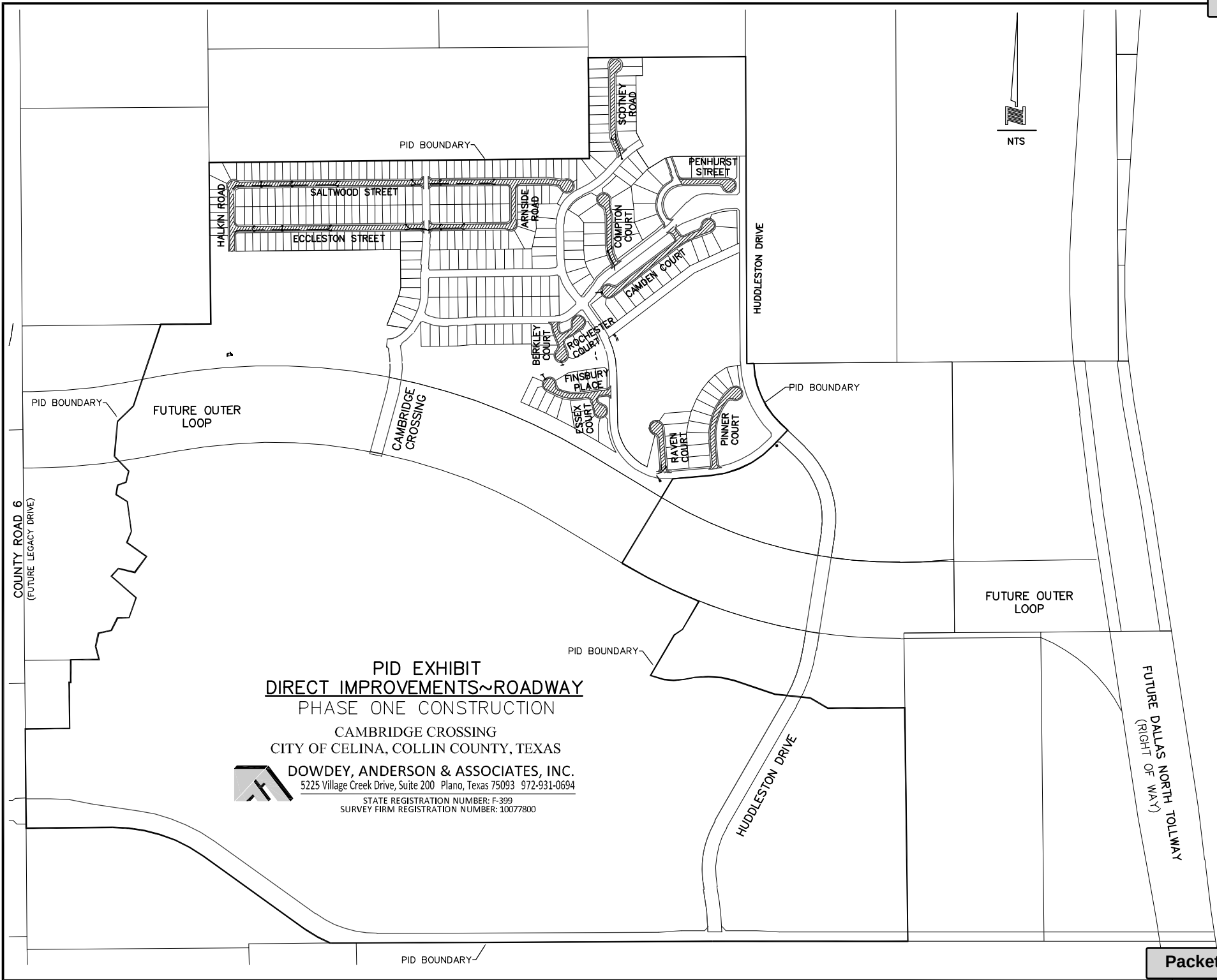
**PID EXHIBIT
MAJOR IMPROVEMENTS~SANITARY SEWER
PHASE ONE CONSTRUCTION**

CAMBRIDGE CROSSING
CITY OF CELINA, COLLIN COUNTY, TEXAS

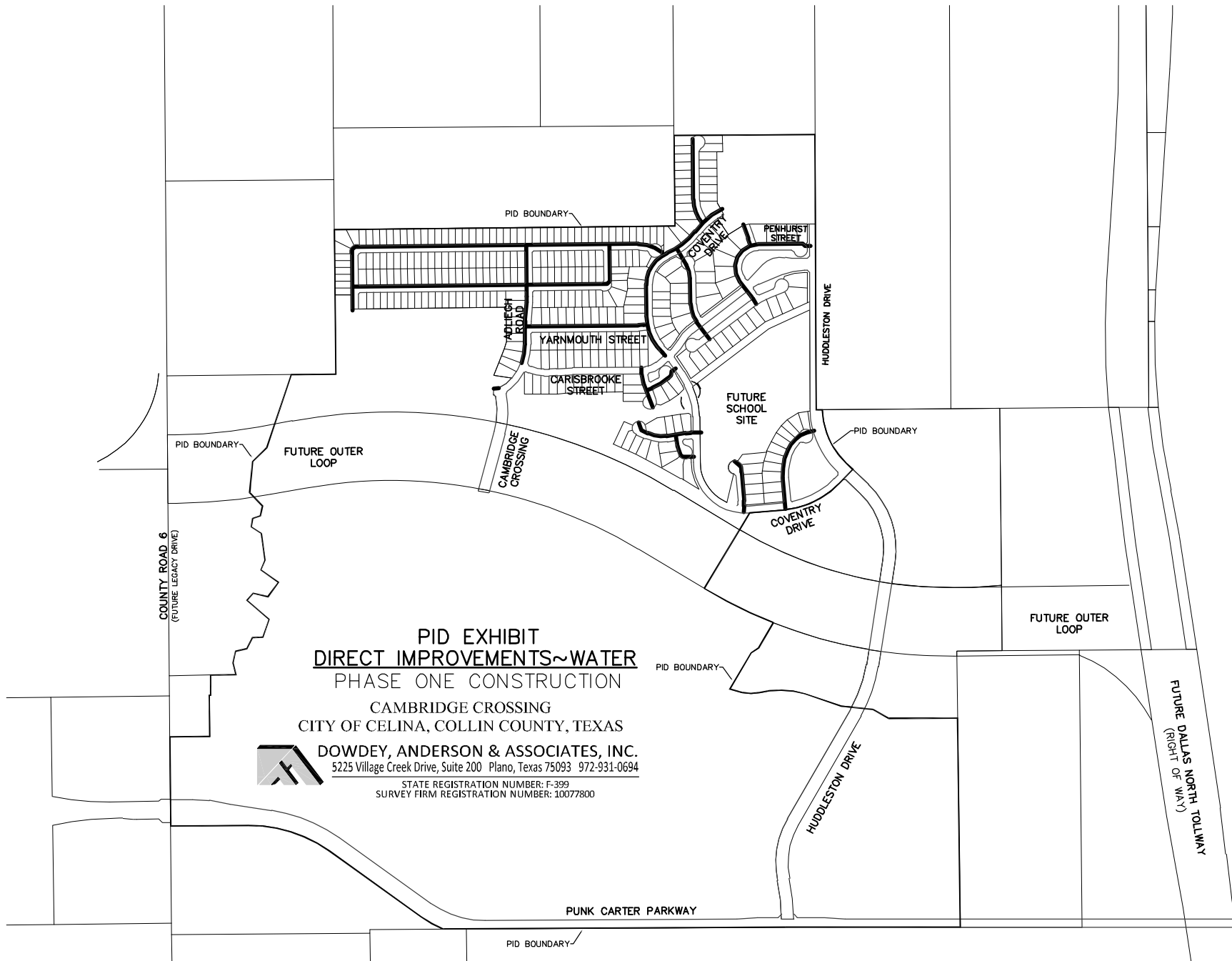


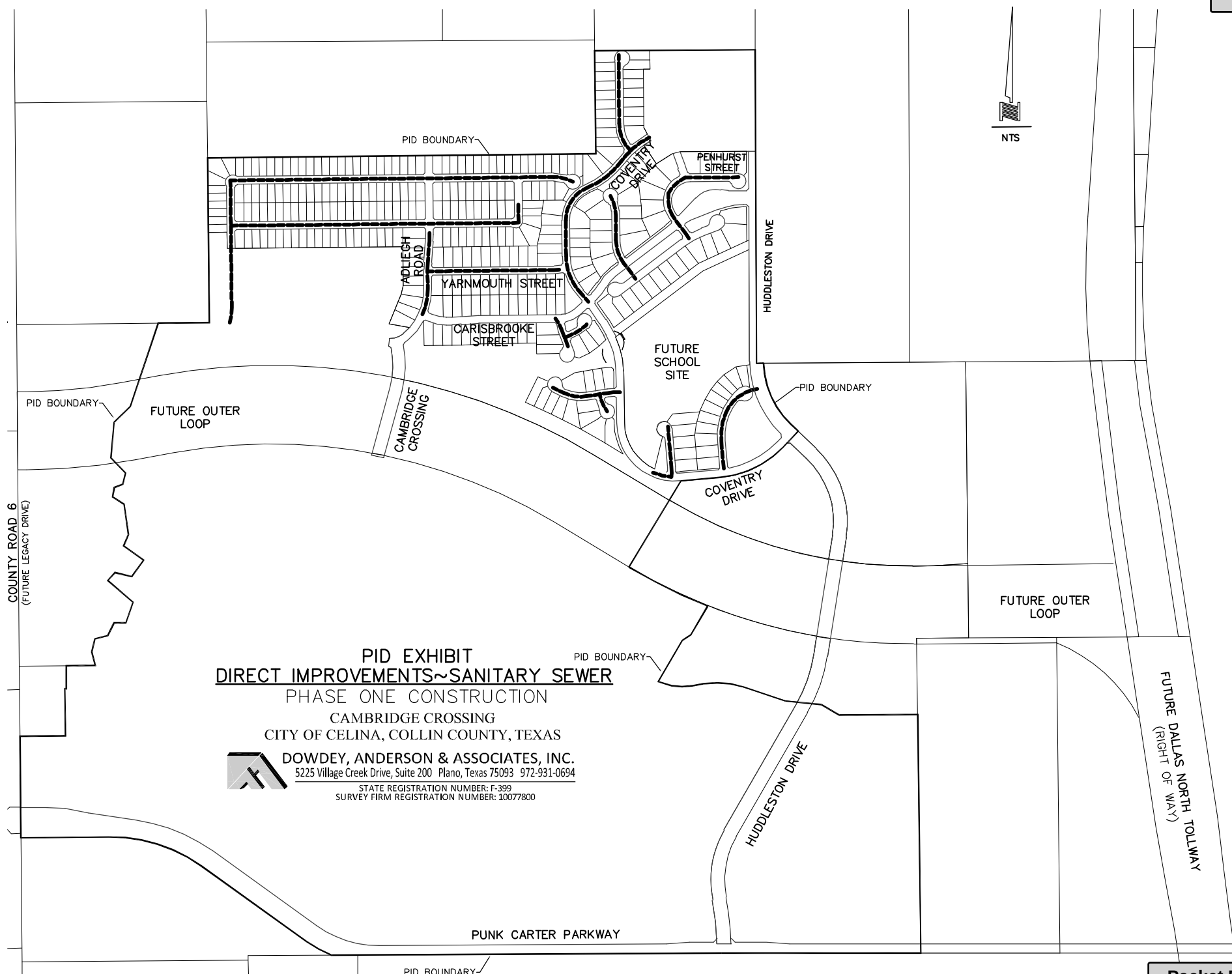
DOWDEY, ANDERSON & ASSOCIATES, INC.
5225 Village Creek Drive, Suite 200 Plano, Texas 75093 972-931-0694
STATE REGISTRATION NUMBER: F-399
SURVEY FIRM REGISTRATION NUMBER: 10077800



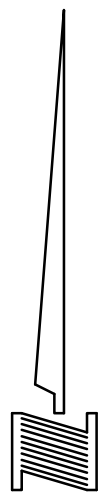
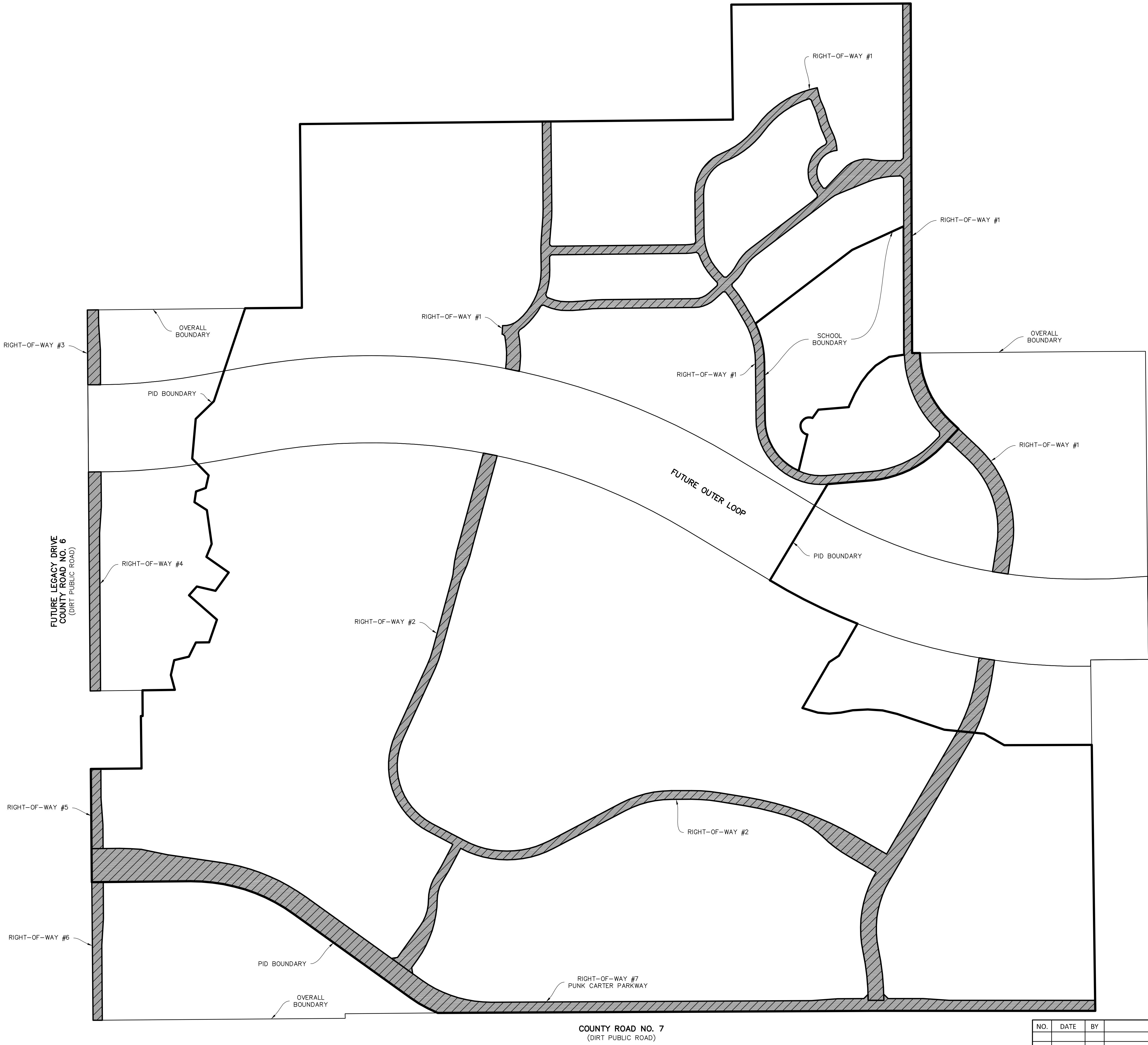


NTS



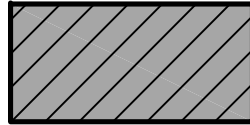


S:\PROJECTS C3D14037\dwg\PID\14037-EX-RIGHTS-OF-WAY-ACQUISITION.dwg, 4037EX-PID RIGHTS-OF-WAY, 6/18/2018 2:46:32 PM, mbshesher, Dowdey, Anderson & Associates, Inc., M.L.B



LEGEND

RIGHT-OF-WAY



RIGHTS-OF-WAY AREA TABLE	
NAME	NET AREA (ACRES/SQ.FT.)
RIGHT-OF-WAY #1	16.098 ACRES (701,240 SQ.FT.)
RIGHT-OF-WAY #2	12.504 ACRES (544,680 SQ.FT.)
RIGHT-OF-WAY #3	0.692 ACRES (30,131 SQ.FT.)
RIGHT-OF-WAY #4	1.818 ACRES (79,190 SQ.FT.)
RIGHT-OF-WAY #5	0.646 ACRES (28,146 SQ.FT.)
RIGHT-OF-WAY #6	1.043 ACRES (45,451 SQ.FT.)
RIGHT-OF-WAY #7	12.289 ACRES (535,292 SQ.FT.)
OVERALL TOTAL:	45.090 ACRES (1,964,130 SQ.FT.)

NOTE:

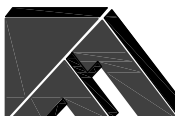
OF THE 45.090 ACRES OF ROW BEING ACQUIRED, 38.779 ACRES IS WITHIN THE PID AND 6.311 ACRES IS OUTSIDE THE PID.

NO.	DATE	BY	REVISION

**PID MAJOR IMPROVEMENTS
ROW ACQUISITION**

CAMBRIDGE CROSSING

CITY OF CELINA, COLLIN COUNTY, TEXAS

**DOWDEY, ANDERSON & ASSOCIATES, INC.**
5225 Village Creek Drive, Suite 200 Plano, Texas 75093 972-931-0694
STATE REGISTRATION NUMBER: F-399
SURVEY FIRM REGISTRATION NUMBER: 10027800

DESIGN	DRAWN	CHECKED	DATE	SCALE	JOB	SHEET
DAA	DAA	DAA	2018-06-18	N.T.S.	14037	1 / 1

Appendix D

LOT TYPES AND EQUIVALENT UNITS

Draft

Appendix D Lot Types and Equivalent Units

For purposes of calculating and allocating the Assessments, the Assessed Property has been classified in one of three Lot Types.

“Lot Type 1” means lots identified as such on the Assessment Roll, being lots typically with approximately _____ square feet size and a lot width of 74 feet, which may be referred to as such in the Zoning Ordinance.

“Lot Type 2” means lots identified as such on the Assessment Roll, being lots typically with approximately _____ square feet size and a lot width of 60 feet, which may be referred to as such in the Zoning Ordinance.

“Lot Type 3” means lots identified as such on the Assessment Roll, being lots typically with approximately _____ square feet size and a lot width of 50 feet, which may be referred to as such in the Zoning Ordinance.

The following table shows the proposed residential Lot Types within the PID.

**Table D-1
Proposed Development within the PID**

Lot Type	Description	Proposed Development
<u>Residential</u>		
Lot Type 1	74 Ft Lots	152 units
Lot Type 2	60 Ft Lots	537 units
Lot Type 3	50 Ft Lots	839 units
Total		1,528 units

Table D-2 below shows the proposed residential Lot Types within Phase #1.

**Table D-2
Proposed Development – Phase #1**

Lot Type	Description	Proposed Development
<u>Residential</u>		
Lot Type 1	74 Ft Lots	43 units
Lot Type 2	60 Ft Lots	122 units
Lot Type 3	50 Ft Lots	165 units
Total		330 units

Draft

Table D-3 below shows the proposed residential Lot Types within Phases #2 - 7.

Table D-3
Proposed Development – Phases #2 - 7

Lot Type	Description	Proposed Development
<u>Residential</u>		
Lot Type 1	74 Ft Lots	109 units
Lot Type 2	60 Ft Lots	415 units
Lot Type 3	50 Ft Lots	674 units
Total		1,198 units

As explained under Section V-C, for purpose of this Service and Assessment Plan, the City Council has determined that the Actual Costs of the Phase #1 Improvements to be financed with the Phases #1 Bonds shall be allocated to the Phases #1 Assessed Property by spreading the entire Assessment across the Parcels based on the estimated Equivalent Units and the Actual Costs of the Phases #2 - 7 share of the Major Improvements to be financed with the Phases #2 – 7 Major Improvement Bonds shall be allocated to the Phases #2 Assessed Property by spreading the entire Assessment across the Parcels based on the estimated Equivalent Units.

For purposes of this Service and Assessment Plan, the City Council has determined that the Assessments shall be allocated to the Phases #1 Assessed Property on the basis of the average home value of each Lot Type, and that such method of allocation will result in the imposition of equal shares of the Assessments on Parcels similarly benefited. In determining the average home value of each Lot Type, the City Council has taken into consideration (i) the type of lots (i.e., 74 Ft, 60 Ft, 50 Ft etc.); (ii) current and projected home prices; (iii) the costs of the Authorized Improvements, and (iv) the ability of different property types to utilize and benefit from the Authorized Improvements.

Having taken into consideration the matters described above, the City Council has determined that allocating the Assessments among Parcels based on average home value is best accomplished by creating classifications of benefited Parcels based on the “Lot Types” defined above. These classifications (from Lot Type 1 (74 Ft Lots) representing the highest value to Lot Type 3 (50 Ft Lot) representing the lowest value for residential lots are set forth in Table D-4 below. Assessments are allocated to each Lot Type on the basis of the average home value for each class of lots. This is accomplished by giving each Lot Type an Equivalent Unit factor. Equivalent Units are the ratio of the average value of lots within each assessment class, setting the Equivalent Unit factor for Lot Type 1 (74 Ft Lots) to 1.0.

Draft

Table D-4
Equivalent Unit Factors

Lot Type	Estimated Average Unit Value	Equivalent Unit Factor¹
Lot Type 1 (74 Ft Lot)	\$592,000	1.00 per dwelling unit
Lot Type 2 (60 Ft Lot)	\$480,000	0.81 per dwelling unit
Lot Type 3 (50 Ft Lot)	\$400,000	0.68 per dwelling unit

¹ – The Equivalent Unit Factors are rounded to two decimal places.

The total estimated Equivalent Units for Phase #1 are shown in Table D-5 below as calculated based on the Equivalent Unit factors shown above, estimated Lot Types and number of units estimated to be built within Phase #1.

Table D-5
Estimated Equivalent Units - Phase #1

Lot Type	Planned No. of units	Equivalent Unit Factor	Total Equivalent Units
Lot Type 1 (74 Ft Lot)	43	1.00	43.00
Lot Type 2 (60 Ft Lot)	122	0.81	98.82
Lot Type 3 (50 Ft Lot)	165	0.68	112.20
Total Equivalent Units	330		254.02

The total estimated Equivalent Units for Phases #2 - 7 are shown in Table D-6 below as calculated based on the Equivalent Unit factors shown above, estimated Lot Types and number of units estimated to be built within Phases #2 - 7.

Table D-6
Estimated Equivalent Units - Phases #2 - 7

Lot Type	Planned No. of units	Equivalent Unit Factor	Total Equivalent Units
Lot Type 1 (74 Ft Lot)	109	1.00	109.00
Lot Type 2 (60 Ft Lot)	415	0.81	336.15
Lot Type 3 (50 Ft Lot)	674	0.68	458.32
Total Equivalent Units	1,198		903.47

Attachment: Cambridge Crossing PID - Draft PSAP - v1.0 (Cambridge Crossing CDR, SAP approval)

Appendix E

**PROPOSED ASSESSMENT ROLL –Phases #2-3 Major Improvement Assessed
Property**

Attachment: Cambridge Crossing PID - Draft PSAP - v1.0 (Cambridge Crossing CDR, SAP approval)

Appendix D
Phase #2 - 3 Major Improvement Assessment Roll

Parcel	All Parcels
Assessment	\$13,000,000
Total Estimated Units	903.47

Year	Principal¹	Interest¹	Administrative Expenses²	Total Annual Installment
1	\$0	\$910,000	\$35,000	\$945,000
2	\$0	\$910,000	\$35,700	\$945,700
3	\$190,000	\$910,000	\$36,414	\$1,136,414
4	\$200,000	\$896,700	\$37,142	\$1,133,842
5	\$215,000	\$882,700	\$37,885	\$1,135,585
6	\$225,000	\$867,650	\$38,643	\$1,131,293
7	\$240,000	\$851,900	\$39,416	\$1,131,316
8	\$255,000	\$835,100	\$40,204	\$1,130,304
9	\$270,000	\$817,250	\$41,008	\$1,128,258
10	\$285,000	\$798,350	\$41,828	\$1,125,178
11	\$300,000	\$778,400	\$42,665	\$1,121,065
12	\$320,000	\$757,400	\$43,518	\$1,120,918
13	\$340,000	\$735,000	\$44,388	\$1,119,388
14	\$360,000	\$711,200	\$45,276	\$1,116,476
15	\$380,000	\$686,000	\$46,182	\$1,112,182
16	\$405,000	\$659,400	\$47,105	\$1,111,505
17	\$430,000	\$631,050	\$48,047	\$1,109,097
18	\$455,000	\$600,950	\$49,008	\$1,104,958
19	\$480,000	\$569,100	\$49,989	\$1,099,089
20	\$510,000	\$535,500	\$50,988	\$1,096,488
21	\$540,000	\$499,800	\$52,008	\$1,091,808
22	\$575,000	\$462,000	\$53,048	\$1,090,048
23	\$610,000	\$421,750	\$54,109	\$1,085,859
24	\$645,000	\$379,050	\$55,191	\$1,079,241
25	\$685,000	\$333,900	\$56,295	\$1,075,195
26	\$725,000	\$285,950	\$57,421	\$1,068,371
27	\$770,000	\$235,200	\$58,570	\$1,063,770
28	\$815,000	\$181,300	\$59,741	\$1,056,041
29	\$865,000	\$124,250	\$60,936	\$1,050,186
30	\$910,000	\$63,700	\$62,155	\$1,035,855
Total	\$13,000,000	\$18,330,550	\$1,419,883	\$32,750,433

1 - The principal and interest amounts are estimated using 6% per annum and includes 0.5% additional interest.

2 - The Administrative Expenses shown include the estimated PID administration and assessment collection costs and will be updated in Annual Service Plan Updates.

Attachment: Cambridge Crossing PID - Draft PSAP - v1.0 (Cambridge Crossing CDR, SAP approval)

Projected Annual Installment per Equivalent Unit

Lot Type	Lot Type 1 (74' Lot)
Assessment	\$14,389
Equivalent Units	1.00

Year	Principal¹	Interest¹	Administrative Expenses²	Total Annual Installment
1	\$0	\$1,007	\$39	\$1,046
2	\$0	\$1,007	\$40	\$1,047
3	\$210	\$1,007	\$40	\$1,258
4	\$221	\$993	\$41	\$1,255
5	\$238	\$977	\$42	\$1,257
6	\$249	\$960	\$43	\$1,252
7	\$266	\$943	\$44	\$1,252
8	\$282	\$924	\$44	\$1,251
9	\$299	\$905	\$45	\$1,249
10	\$315	\$884	\$46	\$1,245
11	\$332	\$862	\$47	\$1,241
12	\$354	\$838	\$48	\$1,241
13	\$376	\$814	\$49	\$1,239
14	\$398	\$787	\$50	\$1,236
15	\$421	\$759	\$51	\$1,231
16	\$448	\$730	\$52	\$1,230
17	\$476	\$698	\$53	\$1,228
18	\$504	\$665	\$54	\$1,223
19	\$531	\$630	\$55	\$1,217
20	\$564	\$593	\$56	\$1,214
21	\$598	\$553	\$58	\$1,208
22	\$636	\$511	\$59	\$1,207
23	\$675	\$467	\$60	\$1,202
24	\$714	\$420	\$61	\$1,195
25	\$758	\$370	\$62	\$1,190
26	\$802	\$317	\$64	\$1,183
27	\$852	\$260	\$65	\$1,177
28	\$902	\$201	\$66	\$1,169
29	\$957	\$138	\$67	\$1,162
30	\$1,007	\$71	\$69	\$1,147
Total	\$14,389	\$20,289	\$1,572	\$36,250

1 - The principal and interest amounts are estimated using 6% per annum and includes 0.5% additional interest.

2 - The Administrative Expenses shown include the estimated PID administration and assessment collection costs and will be updated in Annual Service Plan Updates.

Attachment: Cambridge Crossing PID - Draft PSAP - v1.0 (Cambridge Crossing CDR, SAP approval)

Appendix F
PROPOSED ASSESSMENT ROLL – Phase #1 Assessed Property

Attachment: Cambridge Crossing PID - Draft PSAP - v1.0 (Cambridge Crossing CDR, SAP approval)

Appendix F
Phase #1 Proposed Assessment Roll

Parcel	All Parcels
Assessment	\$10,350,000
Total Estimated Units	254.02

Year	Principal¹	Interest¹	Administrative Expenses²	Total Annual Installment
1	\$0	\$621,000	\$35,000	\$656,000
2	\$0	\$621,000	\$35,700	\$656,700
3	\$150,000	\$621,000	\$36,414	\$807,414
4	\$160,000	\$612,000	\$37,142	\$809,142
5	\$170,000	\$602,400	\$37,885	\$810,285
6	\$180,000	\$592,200	\$38,643	\$810,843
7	\$190,000	\$581,400	\$39,416	\$810,816
8	\$200,000	\$570,000	\$40,204	\$810,204
9	\$215,000	\$558,000	\$41,008	\$814,008
10	\$225,000	\$545,100	\$41,828	\$811,928
11	\$240,000	\$531,600	\$42,665	\$814,265
12	\$255,000	\$517,200	\$43,518	\$815,718
13	\$270,000	\$501,900	\$44,388	\$816,288
14	\$285,000	\$485,700	\$45,276	\$815,976
15	\$305,000	\$468,600	\$46,182	\$819,782
16	\$320,000	\$450,300	\$47,105	\$817,405
17	\$340,000	\$431,100	\$48,047	\$819,147
18	\$360,000	\$410,700	\$49,008	\$819,708
19	\$385,000	\$389,100	\$49,989	\$824,089
20	\$405,000	\$366,000	\$50,988	\$821,988
21	\$430,000	\$341,700	\$52,008	\$823,708
22	\$455,000	\$315,900	\$53,048	\$823,948
23	\$485,000	\$288,600	\$54,109	\$827,709
24	\$515,000	\$259,500	\$55,191	\$829,691
25	\$545,000	\$228,600	\$56,295	\$829,895
26	\$575,000	\$195,900	\$57,421	\$828,321
27	\$610,000	\$161,400	\$58,570	\$829,970
28	\$650,000	\$124,800	\$59,741	\$834,541
29	\$685,000	\$85,800	\$60,936	\$831,736
30	\$745,000	\$44,700	\$62,155	\$851,855
Total	\$10,350,000	\$12,523,200	\$1,419,883	\$24,293,083

1 - The principal and interest amounts are estimated using 5.5% per annum and includes 0.5% additional interest.

2- The Administrative Expenses shown include the estimated PID administration and assessment collection costs and will be updated in Annual Service Plan Updates.

Attachment: Cambridge Crossing PID - Draft PSAP - v1.0 (Cambridge Crossing CDR, SAP approval)

Projected Annual Installment per Equivalent Unit

Lot Type
Assessment
Equivalent Units

Lot Type 1 (74' Lot)
 \$40,745
 1.00

Year	Principal ¹	Interest ¹	Administrative Expenses ²	Total Annual Installment ³
1	\$0	\$2,445	\$138	\$2,582
2	\$0	\$2,445	\$141	\$2,585
3	\$591	\$2,445	\$143	\$3,179
4	\$630	\$2,409	\$146	\$3,185
5	\$669	\$2,371	\$149	\$3,190
6	\$709	\$2,331	\$152	\$3,192
7	\$748	\$2,289	\$155	\$3,192
8	\$787	\$2,244	\$158	\$3,190
9	\$846	\$2,197	\$161	\$3,205
10	\$886	\$2,146	\$165	\$3,196
11	\$945	\$2,093	\$168	\$3,206
12	\$1,004	\$2,036	\$171	\$3,211
13	\$1,063	\$1,976	\$175	\$3,213
14	\$1,122	\$1,912	\$178	\$3,212
15	\$1,201	\$1,845	\$182	\$3,227
16	\$1,260	\$1,773	\$185	\$3,218
17	\$1,338	\$1,697	\$189	\$3,225
18	\$1,417	\$1,617	\$193	\$3,227
19	\$1,516	\$1,532	\$197	\$3,244
20	\$1,594	\$1,441	\$201	\$3,236
21	\$1,693	\$1,345	\$205	\$3,243
22	\$1,791	\$1,244	\$209	\$3,244
23	\$1,909	\$1,136	\$213	\$3,258
24	\$2,027	\$1,022	\$217	\$3,266
25	\$2,146	\$900	\$222	\$3,267
26	\$2,264	\$771	\$226	\$3,261
27	\$2,401	\$635	\$231	\$3,267
28	\$2,559	\$491	\$235	\$3,285
29	\$2,697	\$338	\$240	\$3,274
30	\$2,933	\$176	\$245	\$3,353
Total	\$40,745	\$49,300	\$5,590	\$95,635

1 - The principal and interest amounts are estimated using 5.5% per annum and includes 0.5% additional interest.

2- The Administrative Expenses shown include the estimated PID administration and assessment collection costs and will be updated in Annual Service Plan Updates.

Attachment: Cambridge Crossing PID - Draft PSAP - v1.0 (Cambridge Crossing CDR, SAP approval)



Administration
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
From: Paul DeBuff, Assistant to the City Manager
CC: Jason Laumer, City Manager
Date: July 10, 2018
Re: Cambridge Crossing Resolution to Proceed

Action Requested:

Consider and act upon a resolution authorizing and directing appropriate City officials, consultants, and advisors to proceed with the preparation of financing documents relating to the Cambridge Crossing Public Improvement District and resolving matters incident and related thereto. (DeBuff)

Background Information:

This resolution authorizes and directs staff to begin the preparation of financial documents for the Cambridge Crossing Public Improvement District (PID).

Board Review/Citizen Input:

N/A

Alternatives:

N/A

Financial Considerations:

N/A

Legal Review:

This resolution has been reviewed by the City Attorney.

Supporting Documents:

- Proposed resolution

Staff Recommendation:

Staff recommends approval.

**CITY OF CELINA, TEXAS
RESOLUTION _____**

A RESOLUTION AUTHORIZING AND DIRECTING APPROPRIATE CITY OFFICIALS, CONSULTANTS, AND ADVISORS TO PROCEED WITH THE PREPARATION OF FINANCING DOCUMENTS RELATING TO THE CAMBRIDGE CROSSING PUBLIC IMPROVEMENT DISTRICT AND RESOLVING MATTERS INCIDENT AND RELATED THERETO.

WHEREAS, the Public Improvement District Assessment Act, Texas Local Government Code, Chapter 372, as amended (the “**Act**”) authorizes the governing body (the “**City Council**”) of the City of Celina, Texas (the “**City**”), to create a public improvement district; and

WHEREAS, on January 10, 2017, the City Council approved Resolution No. 2017-03R accepting a petition received by the City on January 3, 2017 titled “Petition for the Creation of a Public Improvement District Within the City of Celina, Texas, for the Cambridge Crossing Development” requesting the creation of a public improvement district and calling a public hearing on the creation of such public improvement district for February 14, 2017; and

WHEREAS, on February 14, 2017, after due notice, the City Council opened a public hearing in the manner required by law on the advisability of the public improvements described in the petition as required by Section 372.009 of the Act and continued the public hearing to February 28, 2017; and

WHEREAS, on February 28, 2017, the City Council continued the public hearing on the advisability of the public improvements described in the petition as required by Section 372.009 of the Act and after all persons were given an opportunity to be heard in support of or in opposition to the creation of the proposed public improvement district and on the advisability of the public improvement described in the petition, the City Council closed the public hearing; and

WHEREAS, on February 28, 2017, the City Council approved Resolution No. 2017-10R (the “**Authorization Resolution**”), authorizing, establishing and creating the Cambridge Crossing Public Improvement District (the “**District**”) to include the approximately 484.074 acres depicted in Exhibit A and described by metes and bounds in Exhibit B attached to the Authorization Resolution; and

WHEREAS, the Authorization Resolution was published in the Celina Record on March 3, 2017 to give notice of the creation of the District; and

WHEREAS, Tollway/Outer Loop, L.P., a Texas limited partnership (the “**Developer**”), as the developer of the “Cambridge Crossing” development (the “**Project**”), is requesting that the City Council of the City authorize and direct appropriate City officials, including the City Manager, the City Attorney, the City's Special Counsel for land use, the City's Financial Advisor, the City's PID Administrator and the City's bond counsel (collectively, the “**Financing Team**”), to proceed on behalf of the City and at the sole expense of the Developer with actions necessary

to move forward with the Project which may include, but are not limited to, determining the feasibility and scope of the Project, developing a financing structure and plan for the Project, and preparing the documents necessary for the public offering of special assessment revenue bonds for the District (the “**Bonds**”); and

WHEREAS, the City Council of the City hereby finds and determines such request to authorize and direct the Financing Team to proceed on behalf of the City and at the sole expense of the Developer as described immediately above should be granted; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS:

SECTION 1. AUTHORIZATION OF DOCUMENTS. The City Council hereby authorizes and directs the Financing Team to proceed on behalf of the City and at the sole expense of the Developer with actions necessary to proceed with the Project which may include, but are not limited to, determining the feasibility and scope of the Project, developing a financing structure and plan for the Project, and preparing the documents necessary for the public offering of special assessment revenue bonds for the District. The City Council hereby approves and directs the preparation by the Financing Team of all financing documents necessary or convenient for the issuance and sale of the Bonds.

SECTION 2. SEVERABILITY. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

SECTION 3: OPEN MEETING. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Texas Government Code, Chapter 551, as amended.

SECTION 4: EFFECTIVE DATE. This Resolution shall be in force and effect from and after its passage on the date shown below.

[Remainder of page left blank intentionally.]

PASSED AND APPROVED on this the 10th day of July, 2018.

CITY OF CELINA, TEXAS,

Sean Terry, Mayor

ATTEST:

Vicki Faulkner, City Secretary

Attachment: Celina_Cambridge_Crossing_PID_2018_-_Resolution_to_Proceed_(7_10_18) (Cambridge Crossing Resolution to Proceed)



Engineering
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Kim Brawner, Director of Engineering
 CC: Catherine Oduro, Engineer
 Date: July 10, 2018
 Re:

Action Requested:

Consider and act to authorize the City Manager to apply for Grant funds, enter into a contract and commit local matching funds for the Texas Water Development Board (TWDB) 2018 Flood Protection Grant. (Brawner)

Background Information:

The Doe Branch Creek is located in the Doe Branch-Little Elm Reservoir Sub-watershed of the Lewisville Lake Watershed - a 968-square mile watershed that drains into Lewisville Lake. Each development that has occurred in Celina along the creek has evaluated their portion of the creek as a stand-alone project. Engineering staff has determined that the Doe Branch Creek needs to be evaluated as a holistic hydrology and hydraulic (H&H) study. The H&H Study will establish the limits of the floodplain and Base Flood Elevations (BFEs) for the entire length of the Creek and the 7 tributaries within the City limits and ETJ.

The cost of the complete H&H Study is approximately \$400,000.00. The City is applying for the TWDB's 2018 Flood Protection Grant. If awarded, the grant will provide 50% match of the total cost of the Study.

The results of the study will be a water model which will be used by all future developers along Doe Branch Creek in their flood studies/analysis.

Board Review/Citizen Input:

N/A

Alternatives:

N/A

Financial Considerations:

Matching funds will be provided from the Storm water Utility Fees

Legal Review:

N/A

Supporting Documents:

See attached

Staff Recommendation:
Review and Sign

RESOLUTION NO. _____**AUTHORIZATION TO APPLY FOR GRANT FUNDS, ENTER INTO A CONTRACT, AND
COMMIT LOCAL MATCHING FUNDS FOR THE TEXAS WATER DEVELOPMENT
BOARD 2018 FLOOD PROTECTION GRANT**

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS, AUTHORIZING A REPRESENTATIVE TO APPLY FOR GRANT FUNDS, GRANTING AUTHORITY FOR THE CITY TO ENTER INTO A CONTRACT, AND STATING THE INTENT TO COMMIT LOCAL MATCHING FUNDS IN CASH OR IN-KIND SERVICES FOR THE TEXAS WATER DEVELOPMENT BOARD 2018 FLOOD PROTECTION GRANT.

WHEREAS, the Texas Water Development Board published a Request for Applications for the Flood Protection Grant on May 10, 2018. The Texas Water Development Board requests applications for the possible award of grants for flood protection planning, flood early warning systems, or the implementation of local strategies for alerting and responding to floods. The TWDB will accept applications that include political subdivisions in Texas that have the authority to plan for and implement projects related to flood protection; and

WHEREAS, the City of Celina, Texas has the authority to plan for and implement projects related to flood protection and wishes to apply for grant funding under the Flood Protection Grant program to conduct a flood planning study of the Doe Branch Creek Basin; and

WHEREAS, the Texas Water Development Board Flood Protection Program requires a resolution from the governing body of each applicant and/or participant:

- Indicating the entity's representative is authorized to apply for a grant from the Texas Water Development Board;
- Granting authority for the entity to enter into a contract with the Texas Water Development Board; and
- Stating the intent to commit local matching funds in cash and/or in-kind services.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS, AS FOLLOWS:

The City Manager or his designee be authorized to apply for a grant from the Texas Water Development Board.

The City of Celina is authorized to enter into a contract with the Texas Water Development Board.

The City of Celina intends to commit local matching funds in cash and/or in-kind services as required by the Texas Water Development Board.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS on July____, 2018.

Sean Terry, Mayor

Attest:

Vicki Faulkner, City Secretary

Attachment: Celina_TWDB_Resolution_071018 (TWDB Flood Protection Planning Grant)



Development Services
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Alexis Jackson, Director of Development Services
 CC: Jason Laumer, City Manager
 Date: July 10, 2018
 Re: Sutton Fields Phase 2A Construction Plat

Action Requested:

Consider and act upon a construction plat for Sutton Fields Phase 2A, being an approximately 22.782 acre tract of land situated in the Freeman Wilkerson Survey, Abstract No. 1411, the Carrol Jackson Survey, Abstract No. 1546, Thomas B. Cox Survey, Abstract No. 309, and the Jacob Rue Survey, Abstract No. 1109 in Denton County, containing 103 residential lots and two (2) common area lots, and generally located north of Parvin Road and east of FM 1385. (Sutton Fields Phase 2A Construction Plat) (Jackson)

Owner:

CADG Sutton Fields, LLC
 1800 Valley View Lane, Suite 300
 Farmers Branch, TX 75234

Background Information:

Staff has reviewed the proposed construction plat for Sutton Fields Phase 2B, and has determined that the plat meets all the requirements of the Subdivision Ordinance.

Board Review/Citizen Input:

At the Planning and Zoning Commission meeting on June 19, 2018 the Commission recommended their unanimous approval of the proposed plat subject to all the outstanding comments being addressed prior to being heard by the City Council.

Alternatives:

N/A

Financial Considerations:

N/A

Legal Review:

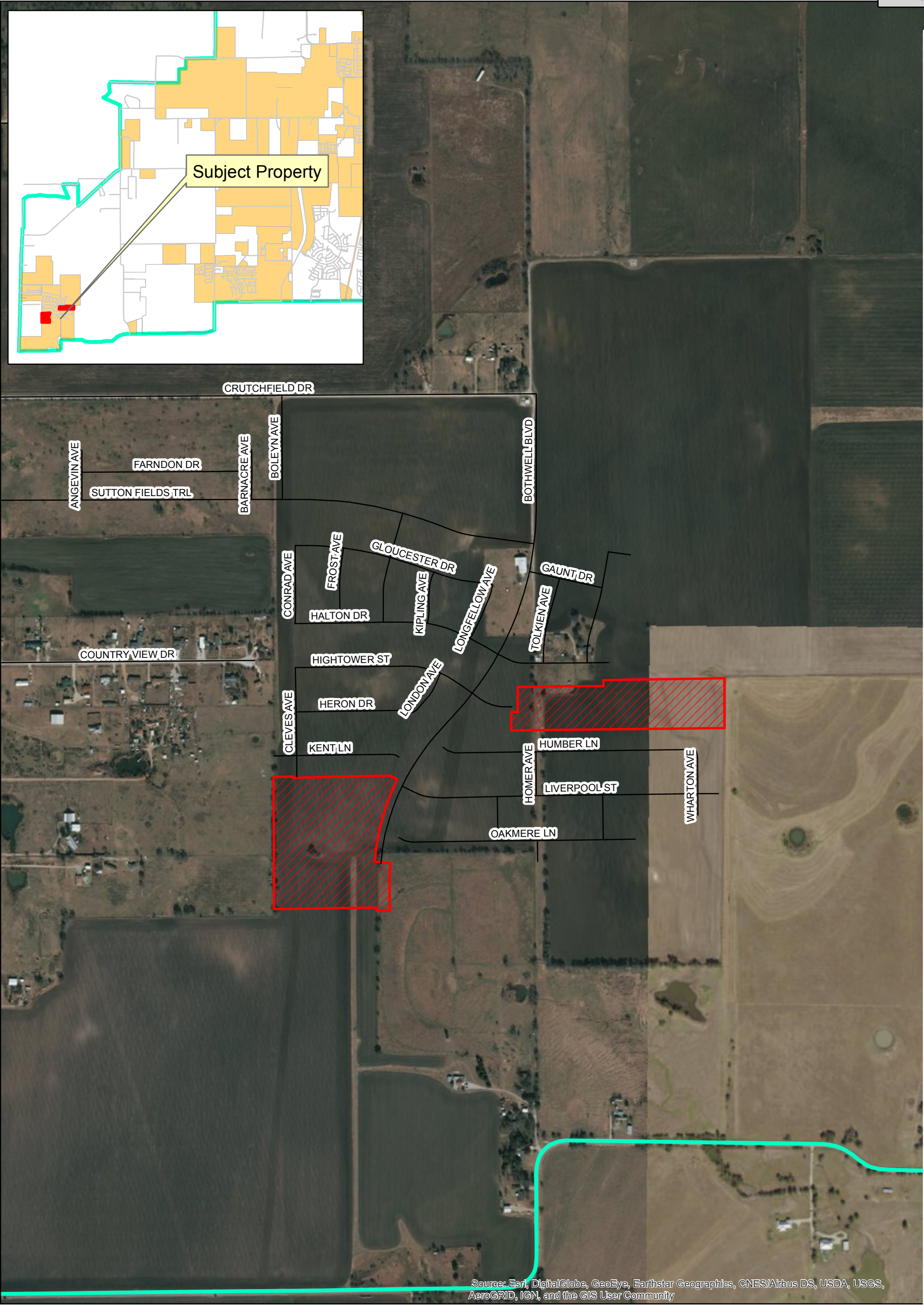
N/A

Supporting Document:

- Location Map
- Proposed Construction Plat.

Staff Recommendation:

Staff recommends approval.



Attachment: Sutton Fields Phase 2A Location Map (Sutton Fields Phase 2A Construction Plat)



Location Map Sutton Fields Phase 2A

Date: 5/22/2018

Legend

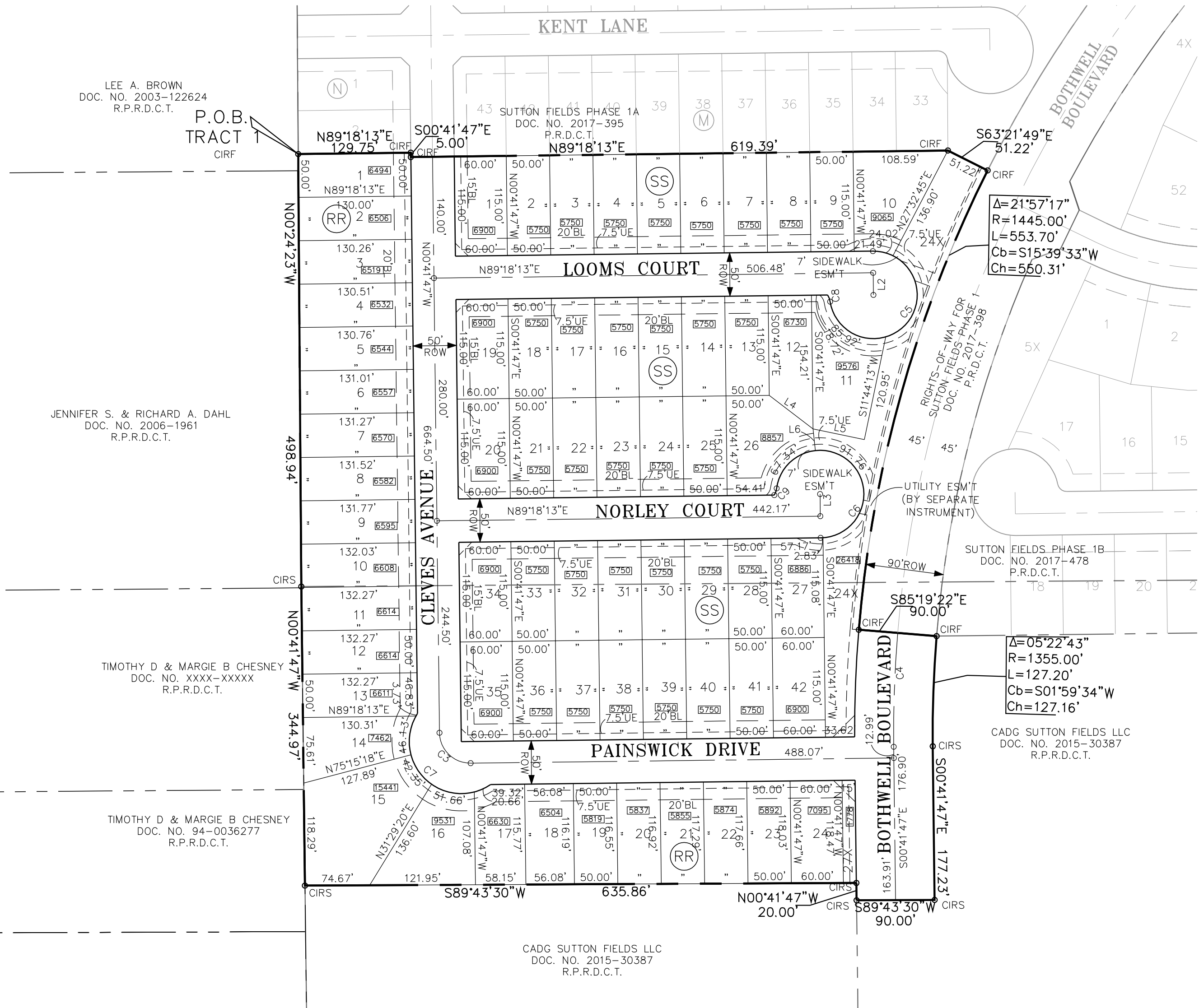
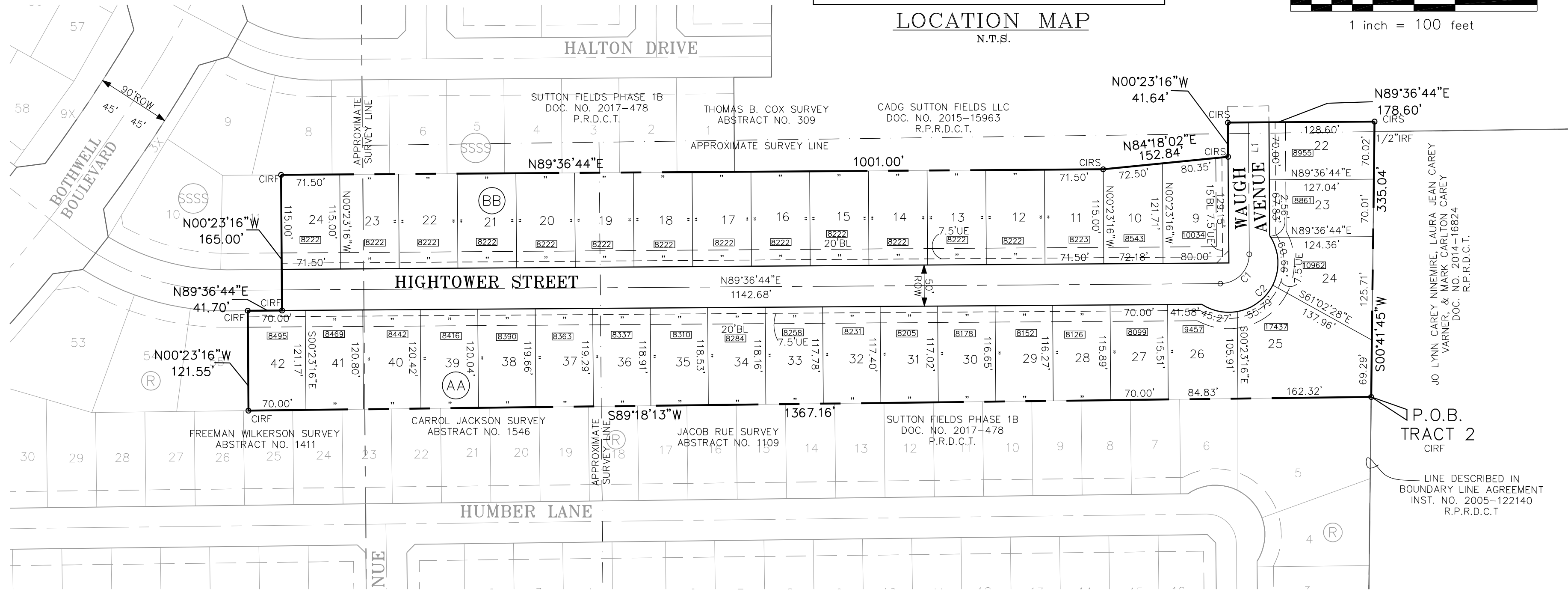
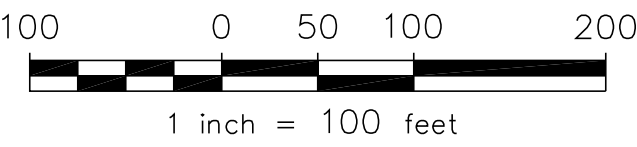
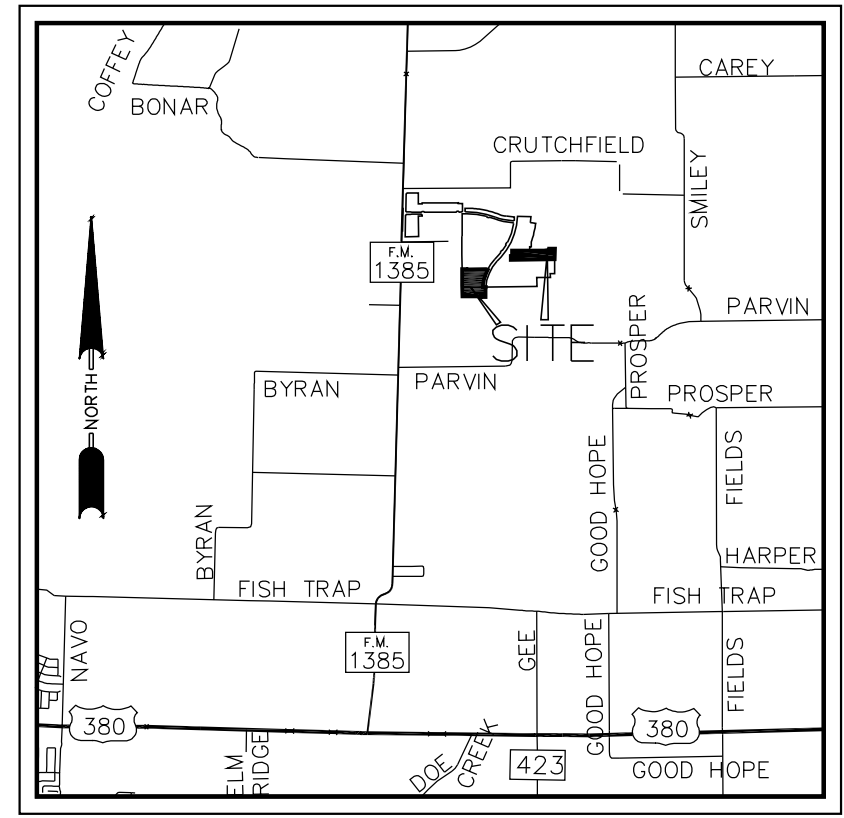
- Roads
- Sutton Fields Phase 2A
- ETJ Limits

A north arrow pointing up and a scale bar showing 0, 425, and 850 feet.

Packet Pg. 138

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°23'16"E	160.29
L2	S00°41'47"W	25.50
L3	N00°41'47"W	25.50
L4	S62°35'26"E	63.54
L5	S78°15'47"E	60.48
L6	S06°08'13"E	25.13

CURVE TABLE						
CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD LENGTH
C1	90°00'00"	35.50	55.76	35.50	N44°36'44"E	50.20
C2	156°52'50"	60.00	164.28	293.34	N44°43'45"E	117.57
C3	90°00'00"	35.50	55.76	35.50	N45°41'47"W	50.20
C4	05°22'43"	1400.00	131.42	65.76	S01°59'34"W	131.37
C5	261°50'43"	50.50	230.78	58.25	N40°13'26"E	76.31
C6	261°50'43"	50.50	230.79	58.25	N41°37'09"W	76.32
C7	157°06'53"	60.00	164.53	296.43	S45°41'47"E	117.61
C8	23°30'44"	20.00	8.21	4.16	N20°38'31"W	8.15
C9	23°30'49"	20.00	8.21	4.16	N19°12'54"E	8.15



LEGEND	
SWE	SIDEWALK EASEMENT
UE	UTILITY EASEMENT
DE	DRAINAGE EASEMENT
WLE	WATER LINE EASEMENT
BL	BUILDING SETBACK LINE
CIRS	5/8-INCH IRON ROD W/CAP MARKED "PETITT-RPLS 4087" SET
CIRF	CAPPED IRON ROD FOUND
IRF	IRON ROD FOUND
R.O.W.	RIGHT-OF-WAY
P.O.C.	POINT OF COMMENCING
P.O.B.	POINT OF BEGINNING
57.5'R (RP)	57.5-FOOT RADIUS (RADIUS POINT)
RPRDCT	REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS
PRDCT	PLAT RECORDS, DENTON COUNTY, TEXAS
Ⓐ	DESIGNATES SUBDIVISION BLOCK
⬆	DENOTES STREET NAME CHANGE
9999	LOT AREA (SQUARE FEET)
▲	DENOTES KEY LOT

THIS PROPERTY IS LOCATED IN THE CORPORATE LIMITS OF THE CITY OF CELINA, DENTON COUNTY, TEXAS.

SIGNATURE OF MAYOR _____ DATE OF APPROVAL _____

ATTEST: _____

CITY SECRETARY _____ DATE _____

CONSTRUCTION PLAT
SUTTON FIELDS PHASE 2A

TRACT 1 ~ 13.792 ACRES
TRACT 2 ~ 8.990 ACRES
22.782 ACRES TOTAL
103 RESIDENTIAL LOTS
2 NON-RESIDENTIAL LOTS
SITUATED IN THE
FREEMAN WILKERSON SURVEY ~ ABSTRACT NO. 1411,
CARROL JACKSON SURVEY ~ ABSTRACT NO. 1546,
JACOB RUE SURVEY ~ ABSTRACT NO. 1109, &
THOMAS B. COX SURVEY ~ ABSTRACT NO. 309
CITY OF CELINA
DENTON COUNTY, TEXAS

RECOMMENDED BY: Planning and Zoning Commission
City of Celina, Texas

Signature of Chairperson _____ Date of Recommendation _____

APPROVED BY: City Council
City of Celina, Texas

Signature of Mayor _____ Date of Approval _____

ATTEST: _____

City Secretary _____ Date _____

RPLS OF RECORD: JIMMIE D. NICHOLS
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5184

OWNER: CADG SUTTON FIELDS, LLC.
1800 VALLEY VIEW LANE, SUITE 300
FARMERS BRANCH, TX 75234
PHONE (469) 892-7200

PETITT BARRAZA
ENGINEERING PLANNING SURVEYING
TBPE FIRM REGISTRATION NO. 1488
TBPLS FIRM REGISTRATION NO. 101068
1651 N. Glenville Dr. Ste. 212
Richardson, Texas 75081
Tel. No. (214) 221-9955
Fax No. (214) 340-3550
DATE: MAY 2018
JNICHOLS@PETITTBARRAZA.COM
SCALE: 1"=100'
JOB NO. 1401302B

OWNER'S DEDICATION

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT CADG SUTTON FIELDS, LLC, A TEXAS LIMITED LIABILITY COMPANY, ACTING HEREIN BY AND THROUGH HIS/HER(ITS) DULY AUTHORIZED OFFICER(S), DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS SUTTON FIELDS PHASE 2A, AN ADDITION TO THE CITY OF CELINA, TEXAS, AND DOES HEREBY DEDICATE, IN FEE SIMPLE TO THE PUBLIC USE FOREVER, THE STREETS, RIGHTS-OF-WAY, AND OTHER PUBLIC IMPROVEMENTS SHOWN THEREON. THE STREETS AND ALLEYS, IF ANY, ARE DEDICATED FOR STREET PURPOSES. THE EASEMENTS AND PUBLIC USE AREAS, AS SHOWN, ARE DEDICATED, FOR THE PUBLIC USE FOREVER, FOR THE PURPOSES INDICATED ON THIS PLAT. NO BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS SHALL BE CONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE EASEMENTS AS SHOWN, EXCEPT THAT LANDSCAPE IMPROVEMENTS MAY BE PLACED ON LANDSCAPE EASEMENTS, IF APPROVED BY THE CITY COUNCIL OF THE CITY OF CELINA. IN ADDITION, UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR USING THE SAME UNLESS THE EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES, SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLIC'S AND CITY OF CELINA'S USE THEREOF. THE CITY OF CELINA AND PUBLIC UTILITY ENTITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS WHICH MAY IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS IN SAID EASEMENTS. THE CITY OF CELINA AND PUBLIC UTILITY ENTITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF INGRESS AND EGRESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, READING METERS, AND ADDING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME PROCURING PERMISSION FROM ANYONE.

THIS PLAT APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS AND RESOLUTIONS OF THE CITY OF CELINA, TEXAS.

WITNESS, MY HAND THIS THE ____ DAY OF _____, 2018.

CADG SUTTON FIELDS, LLC,
A TEXAS LIMITED LIABILITY COMPANY

BY: CADG HOLDINGS, LLC,
A TEXAS LIMITED LIABILITY COMPANY,
ITS SOLE MANAGING MEMBER

BY: MMM VENTURES, LLC,
A TEXAS LIMITED LIABILITY COMPANY,
ITS MANAGER

BY: 2M VENTURES, LLC,
A DELAWARE LIMITED LIABILITY COMPANY,
ITS MANAGER

BY: _____
NAME: MEHRDAD MOAYEDI
ITS: MANAGER

STATE OF TEXAS §

COUNTY OF DALLAS §

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE ____ DAY OF _____, 2017, BY MEHRDAD MOAYEDI, MANAGER OF 2M VENTURES, LLC, AS MANAGER OF MMM VENTURES, LLC, AS MANAGER OF CADG HOLDINGS, LLC, AS SOLE MANAGING MEMBER OF CADG SUTTON FIELDS, LLC, A TEXAS LIMITED LIABILITY COMPANY ON BEHALF OF SAID COMPANY.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS ____ DAY OF _____, 2018.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES: _____

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

THAT I, JIMMIE D. NICHOLS, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON AS "SET" WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE OF THE CITY OF CELINA.

AS SUBMITTED FOR SIGNATURES

JIMMIE D. NICHOLS
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5184

STATE OF TEXAS

COUNTY OF DALLAS

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED JIMMIE D. NICHOLS, REGISTERED PROFESSIONAL LAND SURVEYOR, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY AND SEAL OF OFFICE, THIS __ DAY OF _____, 2018.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

MY COMMISSION EXPIRES ON:

STATE OF TEXAS §

COUNTY OF DENTON §

TRACT 1

WHEREAS CADG SUTTON FIELDS, LLC IS THE OWNER OF THAT CERTAIN TRACT OF LAND SITUATED IN THE FREEMAN WILKERSON SURVEY, ABSTRACT NUMBER 1411 IN DENTON COUNTY, TEXAS, SAID TRACT BEING PART OF A TRACT OF LAND DESCRIBED IN DEEDS TO CADG SUTTON FIELDS, LLC, RECORDED IN DOCUMENT NUMBER 2015-30387 AND DOCUMENT NUMBER 2015-15963, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS (RPRDCT), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" FOUND FOR THE SOUTHWEST CORNER OF LOT 2, BLOCK N OF SUTTON FIELDS PHASE 1A, AN ADDITION TO THE CITY OF CELINA, RECORDED IN DOCUMENT NUMBER 2017-395, PLAT RECORDS, DENTON COUNTY, TEXAS (PRDCT), SAID IRON ROD ALSO BEING IN THE EAST LINE OF A TRACT OF LAND DESCRIBED IN A DEED TO LEE A. BROWN, RECORDED IN DOCUMENT NUMBER 2003-122624 (RPRDCT), AND BEING THE SOUTHWEST CORNER OF SAID SUTTON FIELDS PHASE 1A, AND BEING IN THE WEST LINE OF SAID CADG SUTTON FIELDS, LLC TRACT RECORDED IN DOCUMENT NUMBER 2015-15963 (RPRDCT);

THENCE NORTH 89°18'13" EAST WITH THE SOUTH LINE OF SUTTON FIELDS PHASE 1A, A DISTANCE OF 129.75 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" FOUND FOR CORNER, SAID IRON ROD ALSO BEING IN THE WEST RIGHT-OF-WAY LINE OF CLEVES AVENUE (CALLED 50-FOOT RIGHT-OF-WAY);

THENCE SOUTH 00°41'47" EAST, CONTINUING WITH THE SOUTH LINE OF SAID SUTTON FIELDS PHASE 1A AND WEST RIGHT-OF-WAY LINE OF CLEVES AVENUE, A DISTANCE OF 5.00 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" FOUND FOR CORNER;

THENCE NORTH 89°18'13" EAST, CONTINUING WITH SAID SOUTH LINE AND DEPARTING SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 619.39 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" FOUND FOR CORNER;

THENCE SOUTH 63°21'49" EAST, CONTINUING WITH SAID SOUTH LINE, A DISTANCE OF 51.22 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" FOUND FOR CORNER, SAID IRON ROD ALSO BEING IN THE WEST RIGHT-OF-WAY LINE OF BOTHWELL BOULEVARD ACCORDING TO THE RIGHTS-OF-WAY FOR SUTTON FIELDS PHASE 1 FINAL PLAT, RECORDED IN DOCUMENT NUMBER 2017-398 (PRDCT), AND BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT;

THENCE SOUTHWESTERLY ALONG SAID CURVE TO THE LEFT AND WITH SAID WEST RIGHT-OF-WAY LINE, WHICH HAS A CHORD THAT BEARS SOUTH 15°39'33" WEST FOR 550.31 FEET, A CENTRAL ANGLE OF 21°57'17", AND A RADIUS OF 1445.00 FEET, FOR AN ARC DISTANCE OF 553.70 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" FOUND FOR CORNER, SAID IRON ROD ALSO BEING A SOUTHWEST CORNER OF SAID RIGHTS-OF-WAY FOR SUTTON FIELDS PHASE 1 PLAT;

THENCE SOUTH 85°19'22" EAST DEPARTING SAID WEST RIGHT-OF-WAY LINE AND WITH A SOUTH LINE OF SAID RIGHT-OF-WAY PLAT, A DISTANCE OF 90.00 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" FOUND FOR CORNER, SAID IRON ROD ALSO BEING A SOUTHEAST CORNER OF SAID RIGHT-OF-WAY PLAT AND BEING IN THE EAST RIGHT-OF-WAY LINE OF SAID BOTHWELL BOULEVARD, AND BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT;

THENCE SOUTHWESTERLY, DEPARTING SAID SOUTH LINE AND WITH SAID CURVE TO THE LEFT, WHICH HAS A CHORD THAT BEARS SOUTH 01°59'34" WEST FOR 127.16 FEET, A CENTRAL ANGLE OF 05°22'43", AND A RADIUS OF 1355.00 FEET, FOR AN ARC DISTANCE OF 127.20 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" SET FOR CORNER;

THENCE SOUTH 00°41'47" EAST, A DISTANCE OF 177.23 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" SET FOR CORNER;

THENCE SOUTH 89°43'30" WEST, A DISTANCE OF 90.00 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" SET FOR CORNER;

THENCE NORTH 00°41'47" WEST, A DISTANCE OF 20.00 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" SET FOR CORNER;

THENCE SOUTH 89°43'30" WEST, A DISTANCE OF 635.86 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" SET FOR CORNER, SAID IRON ROD ALSO BEING IN THE WEST LINE OF SAID CADG SUTTON FIELDS TRACT AND EAST LINE OF A TRACT OF LAND DESCRIBED IN A DEED TO TIMOTHY D. AND MARGIE B. CHESNEY, RECORDED IN DOCUMENT NUMBER 94-R0036277 (RPRDCT);

THENCE NORTH 00°41'47" WEST, WITH THE COMMON LINE OF SAID CADG SUTTON FIELDS AND CHESNEY TRACTS, A DISTANCE OF 344.97 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" SET FOR CORNER, SAID IRON ROD ALSO BEING THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN A DEED TO JENNIFER S. AND RICHARD A. DAHL, RECORDED IN DOCUMENT NUMBER 2006-1961 (RPRDCT);

THENCE NORTH 00°24'23" WEST, WITH THE COMMON LINE OF SAID CADG SUTTON FIELDS AND DAHL TRACTS, A DISTANCE OF 498.94 TO THE POINT OF BEGINNING, AND CONTAINING 13.792 ACRES OF LAND, MORE OR LESS.

TRACT 2

WHEREAS CADG SUTTON FIELDS, LLC IS THE OWNER OF THAT CERTAIN TRACT OF LAND SITUATED IN THE FREEMAN WILKERSON SURVEY, ABSTRACT NUMBER 1411, CARROL JACKSON SURVEY, ABSTRACT NUMBER 1546, JACOB RUE SURVEY, ABSTRACT NUMBER 1109, AND THOMAS B. COX SURVEY, ABSTRACT NUMBER 309 IN DENTON COUNTY, TEXAS, SAID TRACT BEING PART OF A TRACT OF LAND DESCRIBED IN A DEED TO CADG SUTTON FIELDS, LLC, RECORDED IN DOCUMENT NUMBER 2015-15963, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS (RPRDCT), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" FOUND FOR THE NORTHEAST CORNER OF LOT 5, BLOCK R OF SUTTON FIELDS PHASE 1B, AN ADDITION TO THE CITY OF CELINA, RECORDED IN DOCUMENT NUMBER 2017-478 (PRDCT), SAID IRON ROD ALSO BEING LOCATED ON A LINE DESCRIBED IN BOUNDARY LINE AGREEMENT RECORDED IN INSTRUMENT NUMBER 2005-122140 (RPRDCT);

THENCE SOUTH 89°18'13" WEST, WITH THE NORTH LINE OF SAID LOT 5, A DISTANCE OF 1367.16 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" FOUND FOR THE SOUTHEAST CORNER OF LOT 55, BLOCK R OF SAID SUTTON FIELDS PHASE 1B, AND BEING IN THE NORTH LINE OF LOT 25, BLOCK R;

THENCE NORTH 00°23'16" WEST, WITH THE EAST LINE OF SAID LOT 55, A DISTANCE OF 121.55 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" FOUND FOR THE NORTHEAST CORNER OF SAID LOT 55, AND BEING IN THE SOUTH RIGHT-OF-WAY LINE OF HIGHTOWER STREET (CALLED 50-FOOT RIGHT-OF-WAY);

THENCE NORTH 89°36'44" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 41.70 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" FOUND FOR CORNER;

THENCE NORTH 00°23'16" WEST, DEPARTING SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 165.00 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" FOUND FOR THE NORTHEAST CORNER OF LOT 11, BLOCK SSSS OF SAID SUTTON FIELDS PHASE 1B, AND BEING IN THE SOUTH LINE OF LOT 8, BLOCK SSSS;

THENCE NORTH 89°36'44" EAST, WITH THE SOUTH LINE OF SAID BLOCK SSSS, A DISTANCE OF 1001.00 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" SET FOR CORNER;

THENCE NORTH 84°18'02" EAST, A DISTANCE OF 152.84 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" SET FOR CORNER;

THENCE NORTH 00°23'16" WEST, A DISTANCE OF 41.64 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" SET FOR CORNER;

THENCE NORTH 89°36'44" EAST, A DISTANCE OF 178.60 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" SET FOR CORNER;

THENCE SOUTH 00°41'45" WEST, PASSING AT A DISTANCE OF 12.21 FEET, A 1/2-INCH IRON ROD FOUND, AND CONTINUING WITH SAID LINE DESCRIBED IN BOUNDARY LINE AGREEMENT IN ALL A DISTANCE OF 335.04 FEET TO THE POINT OF BEGINNING, AND CONTAINING 8.990 ACRES OF LAND, MORE OR LESS.

CONTAINING IN ALL A TOTAL OF 22.782 ACRES OF LAND, MORE OR LESS.

NOTES:

1. THE SUBJECT PROPERTY IS LOCATED WITHIN ZONE "X" (UNSHADED) ON THE FLOOD INSURANCE RATE MAP, MAP NO. 48121C0270G, REVISION DATE APRIL 18, 2011. ZONE X (UNSHADED) IS DEFINED THEREON AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN."
2. ALL PERIMETER PROPERTY CORNERS ARE 5/8-INCH IRON ROD WITH CAPS MARKED "PETITT-RPLS 4087" SET, UNLESS NOTED OTHERWISE.
3. LOTS ENDING WITH AN "X" ARE NON-RESIDENTIAL LOTS. MAINTENANCE OF "X" LOTS SHALL NOT BE THE RESPONSIBILITY OF DENTON COUNTY OR THE CITY OF CELINA. SAID NON-RESIDENTIAL LOTS ARE TO BE MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.
4. THE BEARINGS SHOWN AND RECITED HEREON ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM - NAD 83 (CORS TEXAS NORTH CENTRAL ZONE NO. 4202). ALL DISTANCES ARE SURFACE DISTANCES WITH A SURFACE TO GRID SCALE FACTOR OF 0.999849392677.
5. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF CITY ORDINANCE AND STATE LAW, AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
6. THE UNDERSIGNED DOES HEREBY COVENANT AND AGREE THAT HE OR SHE OR THEY SHALL CONSTRUCT UPON THE FIRE LANE EASEMENTS, AS DEDICATED AS SHOWN HEREON, A HARD SURFACE IN ACCORDANCE WITH THE CITY OF CELINA'S PAVING STANDARDS FOR FIRE LANE, AND THAT HE OR SHE OR THEY SHALL MAINTAIN THE SAME IN A STATE OF GOOD REPAIR AT ALL TIMES AND KEEP HE SAME FREE AND CLEAR OF ANY STRUCTURES, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS OR OBSTRUCTION, INCLUDING BUT NOT LIMITED TO THE PARKING OF MOTOR VEHICLES, TRAILERS, BOATS, OR OTHER IMPEDIMENTS TO THE ACCESSIBILITY OF FIRE APPARATUS. THE MAINTENANCE OF PAVING ON THE FIRE LANE EASEMENTS IS THE RESPONSIBILITY OF THE OWNER, AND THE OWNER SHALL POST AND MAINTAIN APPROPRIATE SIGNS IN CONSPICUOUS PLACES ALONG SUCH FIRE LANES, STATING "FIRE LANE, NO PARKING." THE LOCAL LAW ENFORCEMENT AGENCY(S) IS HEREBY AUTHORIZED TO ENFORCE PARKING REGULATIONS WITHIN THE FIRE LANES, AND TO CAUSE SUCH FIRE LANES AND UTILITY EASEMENTS TO BE MAINTAINED FREE AND UNOBSTRUCTED AT ALL TIMES FOR FIRE DEPARTMENT AND EMERGENCY USE.
7. THE UNDERSIGNED DOES HEREBY COVENANT AND AGREE THAT THE ACCESS EASEMENT MAY BE UTILIZED BY ANY PERSON OR THE GENERAL PUBLIC FOR INGRESS AND EGRESS TO PUBLIC VEHICULAR AND PEDESTRIAN USE AND ACCESS, AND FOR FIRE DEPARTMENT AND EMERGENCY USE IN, ALONG, UPON, AND ACROSS SAID PREMISES, WITH THE RIGHT AND PRIVILEGE AT ALL TIMES OF THE CITY OF CELINA, ITS AGENTS, EMPLOYEES, WORKMEN, AND REPRESENTATIVES HAVING INGRESS, EGRESS, AND REGRESS IN, ALONG, UPON AND ACROSS SAID PREMISES.
8. THE AREA OR AREAS SHOWN ON THE PLAT AS "VAM" (VISIBILITY, ACCESS, AND MAINTENANCE) EASEMENT(S) ARE HEREBY GIVEN AND GRANTED TO THE CITY, ITS SUCCESSORS AND ASSIGNS, AS AN EASEMENT TO PROVIDE VISIBILITY, RIGHT OF ACCESS FOR MAINTENANCE UPON AND ACROSS SAID VAM EASEMENT. SHOULD THE CITY EXERCISE THIS MAINTENANCE RIGHT, THEN IT SHALL BE PERMITTED TO REMOVE AND DISPOSE OF ANY AND ALL LANDSCAPING IMPROVEMENTS, INCLUDING WITHOUT LIMITATION, ANY TREES, SHRUBS, FLOWERS, GROUND COVER AND FIXTURES. THE CITY MAY WITHDRAW MAINTENANCE OF THE VAM EASEMENT AT ANY TIME. THE ULTIMATE MAINTENANCE RESPONSIBILITY FOR THE VAM EASEMENT SHALL REST WITH THE OWNERS. NO BUILDING, FENCE, SHRUB, TREE, OR OTHER IMPROVEMENTS OR GROWTHS, WHICH IN ANY WAY MAY ENDANGER OR INTERFERE WITH THE VISIBILITY, SHALL BE CONSTRUCTED IN, ON, OVER, OR ACROSS THE VAM EASEMENT. THE CITY SHALL ALSO HAVE THE RIGHT BUT NOT THE OBLIGATION TO ADD ANY LANDSCAPE IMPROVEMENTS TO THE VAM EASEMENT, TO ERECT ANY TRAFFIC CONTROL DEVICES, OR SIGNS ON THE VAM EASEMENT AND TO REMOVE ANY OBSTRUCTION THEREON. THE CITY, ITS SUCCESSORS, ASSIGNS, OR AGENTS SHALL HAVE THE RIGHT AND PRIVILEGE AT ALL TIMES TO ENTER UPON THE VAM EASEMENT OR ANY PART THEREOF FOR THE PURPOSES AND WITH ALL RIGHTS AND PRIVILEGES SET FORTH HEREIN.
9. DETENTION PONDS ARE TO BE MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.

CONSTRUCTION PLAT
SUTTON FIELDS PHASE 2A

TRACT 1 ~ 13.792 ACRES
TRACT 2 ~ 8.990 ACRES
22.782 ACRES TOTAL
103 RESIDENTIAL LOTS
2 NON-RESIDENTIAL LOTS

SITUATED IN THE
FREEMAN WILKERSON SURVEY ~ ABSTRACT NO. 1411,
CARROL JACKSON SURVEY ~ ABSTRACT NO. 1546,
JACOB RUE SURVEY ~ ABSTRACT NO. 1109, &
THOMAS B. COX SURVEY ~ ABSTRACT NO. 309
CITY OF CELINA
DENTON COUNTY, TEXAS

RPLS OF RECORD: JIMMIE D. NICHOLS
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5184

OWNER: CADG SUTTON FIELDS, LLC.
1800 VALLEY VIEW LANE, SUITE 300
FARMERS BRANCH, TX 75234
PHONE (469) 892-7200



TBPE FIRM REGISTRATION NO. 1488
TBPLS FIRM REGISTRATION NO. 101068

1651 N. Glenville Dr. Ste. 212
Richardson, Texas 75081
Tel. No. (214) 221-9955
Fax No. (214) 340-3550
DATE: MAY 2018
JNICHOLS@PETITTBARRAZA.COM
SCALE: 1"=100'
JOB NO. 1401302B



Development Services
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Alexis Jackson, Director of Development Services
 CC: Jason Laumer, City Manager
 Date: July 10, 2018
 Re: Sutton Fields Phase 2B Construction Plat

Action Requested:

Consider and act upon a construction plat for Sutton Fields Phase 2B, being an approximately 50.579 acre tract of land situated in the Freeman Wilkerson Survey, Abstract No. 1411, the Carrol Jackson Survey, Abstract No. 1546, and the Jacob Rue Survey, Abstract No. 1109, Denton County, Texas; containing 265 residential lots and four (4) common area lots, and generally located north of Parvin Road and east of FM 1385 (Sutton Fields Phase 2B Construction Plat) (Jackson)

Owner:

CADG Sutton Fields, LLC
 1800 Valley View Lane, Suite 300
 Farmers Branch, TX 75234

Background Information:

Staff has reviewed the proposed construction plat for Sutton Fields Phase 2B and has determined that plat meets all the requirements of the Subdivision Ordinance.

Board Review/Citizen Input:

At the Planning and Zoning Commission meeting on June 19, 2018, the Commission recommended their unanimous approval of the proposed plat.

Alternatives:

N/A

Financial Considerations:

N/A

Legal Review:

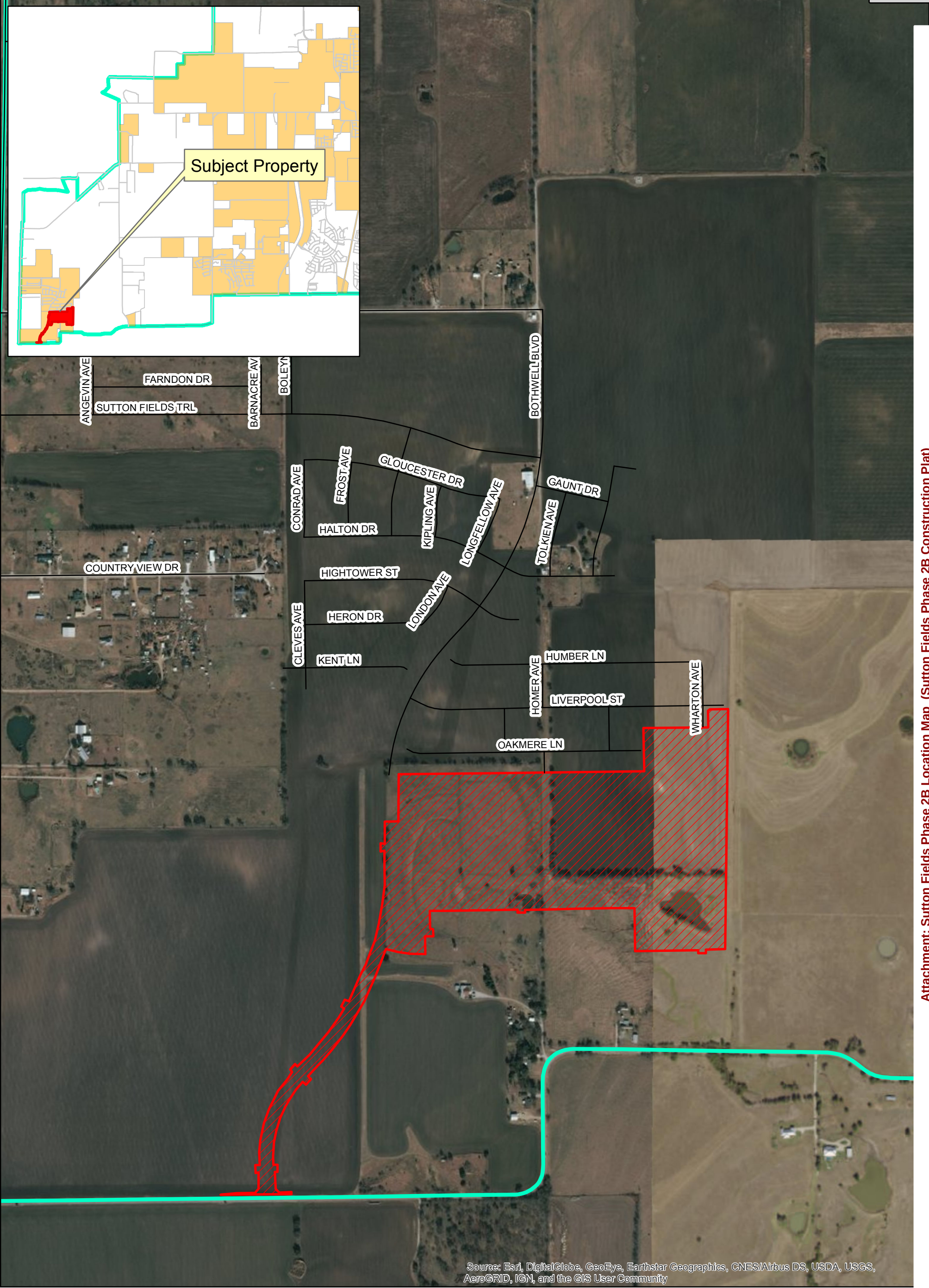
N/A

Supporting Document:

- Location Map
- Proposed Construction Plat

Staff Recommendation:

Staff recommends approval.



Attachment: Sutton Fields Phase 2B Location Map (Sutton Fields Phase 2B Construction Plat)



Location Map Sutton Fields Phase 2B

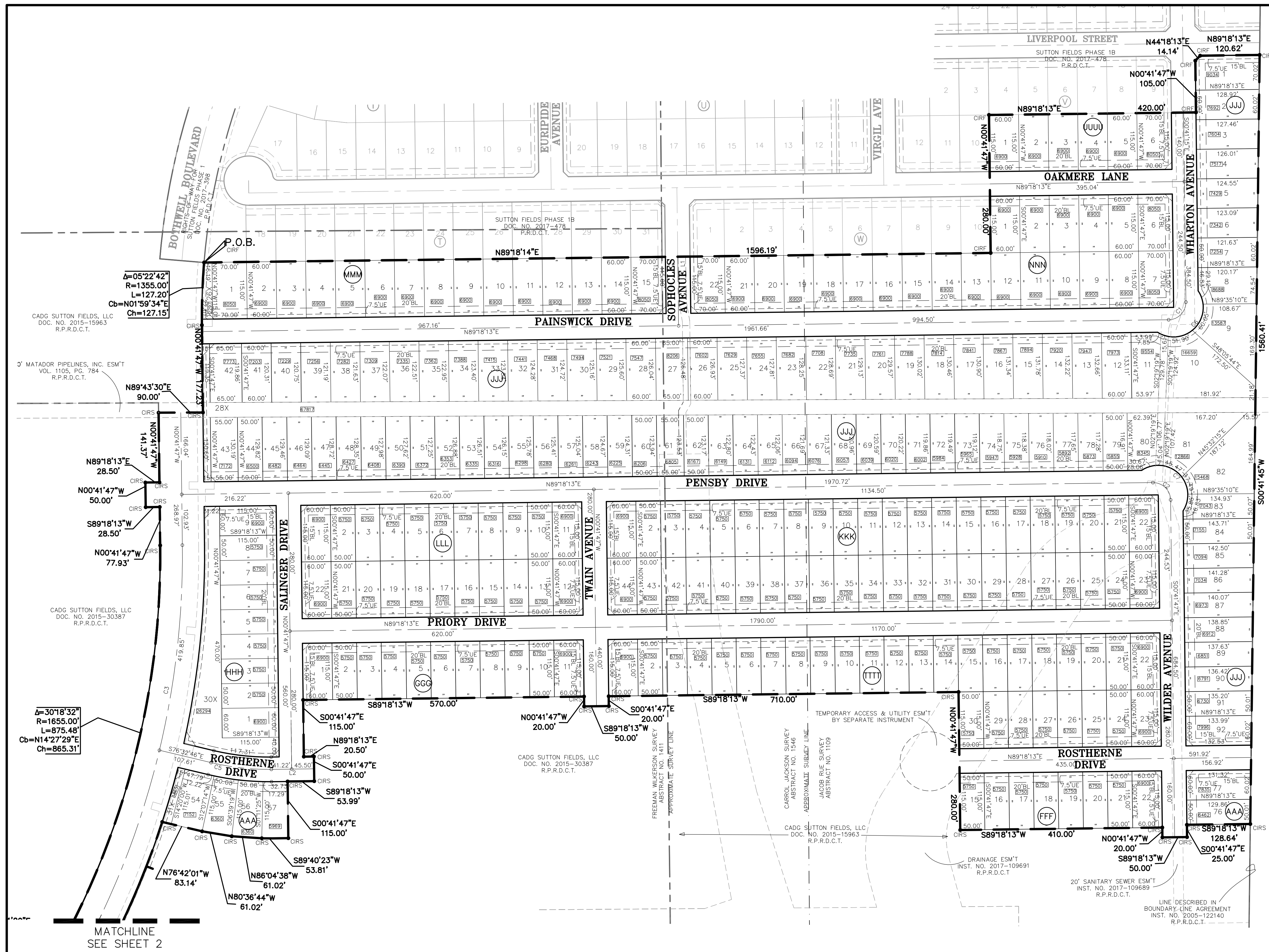
Date: 5/22/2018

Legend

- Roads
- Sutton Fields Phase 2B
- ETJ Limits

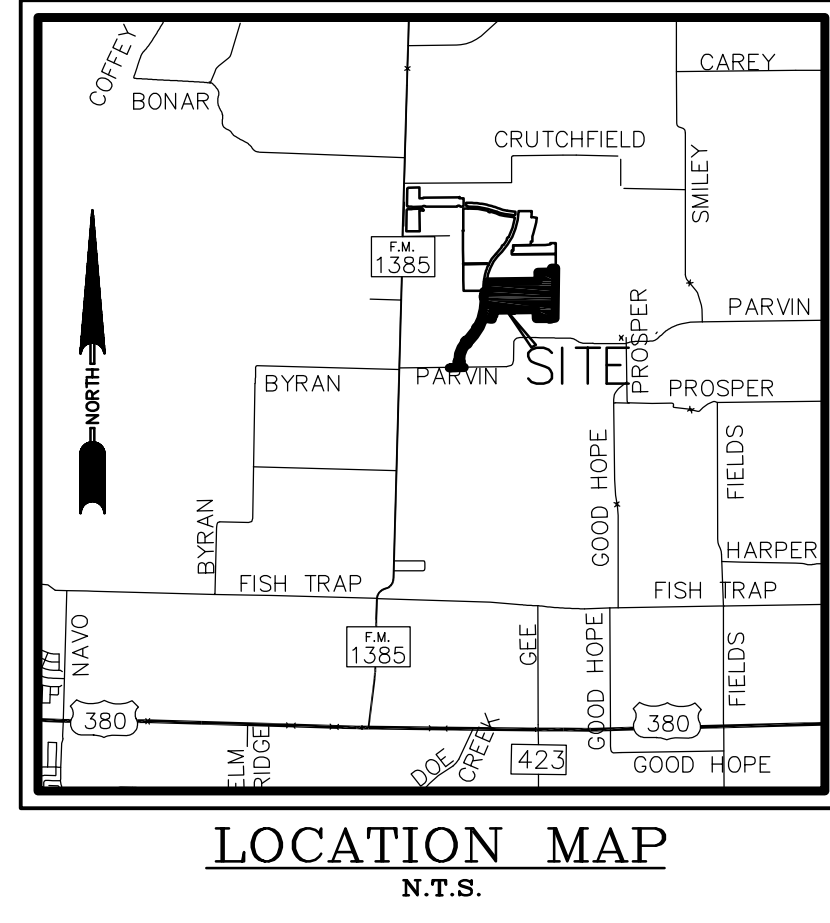
0 425 850 Feet

Packet Pg. 143



LEGEND

SWE	SIDEWALK EASEMENT
UE	UTILITY EASEMENT
DE	DRAINAGE EASEMENT
WLE	WATER LINE EASEMENT
BL	BUILDING SETBACK LINE
CIRS	5/8-INCH IRON ROD W/CAP MARKED "PETITT-RPLS 4087" SET
CIRF	CAPPED IRON ROD FOUND
IRF	IRON ROD FOUND
R.O.W.	RIGHT-OF-WAY
P.O.C.	POINT OF COMMENCING
P.O.B.	POINT OF BEGINNING
57.5'R (RP)	57.5-FOOT RADIUS (RADIUS POINT)
RPRDCT	REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS
PRDCT	PLAT RECORDS, DENTON COUNTY, TEXAS
(A)	DESIGNATES SUBDIVISION BLOCK
(S)	DENOTES STREET NAME CHANGE
9999	LOT AREA (SQUARE FEET)
(A)	DENOTES KEY LOT



RECOMMENDED BY: Planning and Zoning Commission
City of Celina, Texas

SIGNATURE OF Chairperson _____ **Date of Recommendation** _____

APPROVED BY: City Council
City of Celina, Texas

SIGNATURE OF Mayor _____ **Date of Approval** _____

ATTEST: _____

City Secretary _____ **Date** _____

THIS PROPERTY IS LOCATED IN THE CORPORATE LIMITS OF THE CITY OF CELINA, DENTON COUNTY, TEXAS.

SIGNATURE OF MAYOR _____ **DATE OF APPROVAL** _____

ATTEST: _____

CITY SECRETARY _____ **DATE** _____

CONSTRUCTION PLAT
SUTTON FIELDS PHASE 2B
58.579 ACRES
265 RESIDENTIAL LOTS
4 NON-RESIDENTIAL LOTS
SITUATED IN THE
FREEMAN WILKERSON SURVEY ~ ABSTRACT NO. 1411,
CARROL JACKSON SURVEY ~ ABSTRACT NO. 1546, &
JACOB RUE SURVEY ~ ABSTRACT NO. 1109
CITY OF CELINA
DENTON COUNTY, TEXAS

PETITT BARRAZA
ENGINEERING PLANNING SURVEYING

TBPE FIRM REGISTRATION NO. 1488
TBPLS FIRM REGISTRATION NO. 101068

OWNER: CADG SUTTON FIELDS, LLC.
1800 VALLEY VIEW LANE, SUITE 300
FARMERS BRANCH, TX 75234
PHONE (469) 892-7200

1651 N. Glenville Dr. Ste. 212
Richardson, Texas 75081
Tel. No. (214) 221-9955
Fax No. (214) 340-3550
DATE: MAY 2018
JNICHOLS@PETITTBARRAZA.COM
JOB NO. 1401302B

SCALE: 1"=100'

LINE TABLE

LINE	BEARING	DISTANCE
L1	N00°41'47"W	140.00
L2	S89°18'13"W	86.72

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD LENGTH
C1	90°00'00"	35.50	55.76	35.50	N44°18'13"E	50.20
C2	90°00'00"	35.50	55.76	35.50	S45°41'47"E	50.20
C3	45°02'51"	1700.00	1336.58	704.99	N21°49'38"E	1308.42
C4	45°04'06"	800.00	629.27	331.93	S21°49'00"W	613.18
C5	14°09'01"	500.00	123.48	62.06	S83°37'17"E	123.17
C6	157°06'53"	60.00	164.53	296.43	N44°18'13"E	117.61
C7	157°06'53"	60.00	164.53	296.43	N45°41'47"W	117.61

STATE OF TEXAS §

COUNTY OF DENTON §

WHEREAS CADG SUTTON FIELDS, LLC IS THE OWNER OF THAT CERTAIN TRACT OF LAND SITUATED IN THE FREEMAN WILKERSON SURVEY, ABSTRACT NUMBER 1411, CARROL JACKSON SURVEY, ABSTRACT NUMBER 1546, AND JACOB RUE SURVEY, ABSTRACT NUMBER 1109 IN DENTON COUNTY, TEXAS, SAID TRACT BEING PART OF THOSE TRACTS OF LAND DESCRIBED IN DEEDS TO CADG SUTTON FIELDS, LLC, RECORDED IN DOCUMENT NUMBER 2015-30387, DOCUMENT NUMBER 2015-15963, AND DOCUMENT NUMBER 2015-30204, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS (RPRDCT), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" FOUND FOR THE SOUTHWEST CORNER OF SUTTON FIELDS PHASE 1B, AN ADDITION TO THE CITY OF CELINA ACCORDING TO THE PLAT THEREOF RECORDED IN DOCUMENT NUMBER 2017-478, PLAT RECORDS, DENTON COUNTY, TEXAS (PRDCT), SAID IRON ROD ALSO BEING IN THE EASTERLY RIGHT-OF-WAY LINE OF BOTHWELL BOULEVARD ACCORDING TO THE RIGHTS-OF-WAY FOR SUTTON FIELDS PHASE 1 PLAT RECORDED IN DOCUMENT NUMBER 2017-398 (PRDCT);

THENCE ALONG THE SOUTHERLY LINE OF SAID SUTTON FIELDS PHASE 1B AND DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE, THE FOLLOWING BEARINGS AND DISTANCES TO 5/8-INCH IRON RODS WITH CAPS MARKED "PETITT-RPLS 4087" FOUND FOR CORNERS:

- NORTH 89°18'14" EAST, A DISTANCE OF 1596.19 FEET;
- NORTH 00°41'47" WEST, A DISTANCE OF 280.00 FEET;
- NORTH 89°18'13" EAST, A DISTANCE OF 420.00 FEET;
- NORTH 00°41'47" WEST, A DISTANCE OF 105.00 FEET
- NORTH 44°18'13" EAST, A DISTANCE OF 14.14 FEET;

AND NORTH 89°18'13" EAST, A DISTANCE OF 120.62 FEET, SAID IRON ROD BEING LOCATED ON A LINE DESCRIBED IN BOUNDARY LINE AGREEMENT RECORDED IN INSTRUMENT NUMBER 2005-122140 (RPRDCT);

THENCE SOUTH 00°41'45" WEST WITH SAID BOUNDARY AGREEMENT LINE, A DISTANCE OF 1560.41 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" SET FOR CORNER;

THENCE, DEPARTING THE WEST LINE OF SAID BOUNDARY AGREEMENT LINE, OVER AND ACROSS SAID CADG SUTTON FIELDS TRACT THE FOLLOWING COURSES AND DISTANCES TO 5/8-INCH IRON RODS WITH CAPS MARKED "PETITT-RPLS 4087" SET FOR CORNERS:

- SOUTH 89°18'13" WEST, A DISTANCE OF 128.64 FEET;
- SOUTH 00°41'47" EAST, A DISTANCE OF 25.00 FEET;
- SOUTH 89°18'13" WEST, A DISTANCE OF 50.00 FEET;
- NORTH 00°41'47" WEST, A DISTANCE OF 20.00 FEET;
- SOUTH 89°18'13" WEST, A DISTANCE OF 410.00 FEET;
- NORTH 00°41'47" WEST, A DISTANCE OF 280.00 FEET;
- SOUTH 89°18'13" WEST, A DISTANCE OF 710.00 FEET;
- SOUTH 00°41'47" EAST, A DISTANCE OF 20.00 FEET;
- SOUTH 89°18'13" WEST, A DISTANCE OF 50.00 FEET;
- NORTH 00°41'47" WEST, A DISTANCE OF 20.00 FEET;
- SOUTH 89°18'13" WEST, A DISTANCE OF 570.00 FEET;
- SOUTH 00°41'47" EAST, A DISTANCE OF 115.00 FEET;
- NORTH 89°18'13" EAST, A DISTANCE OF 20.50 FEET;
- SOUTH 00°41'47" EAST, A DISTANCE OF 50.00 FEET;
- SOUTH 89°18'13" WEST, A DISTANCE OF 53.99 FEET;
- SOUTH 00°41'47" EAST, A DISTANCE OF 115.00 FEET;
- SOUTH 89°40'23" WEST, A DISTANCE OF 53.81 FEET;
- NORTH 86°04'38" WEST, A DISTANCE OF 61.02 FEET;
- NORTH 80°36'44" WEST, A DISTANCE OF 61.02 FEET;
- NORTH 76°42'01" WEST, A DISTANCE OF 83.14 FEET, SAID IRON ROD ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;

SOUTHWESTERLY, ALONG SAID CURVE TO THE RIGHT, WHICH HAS A CHORD THAT BEARS SOUTH 31°12'14" WEST FOR 793.79 FEET, A CENTRAL ANGLE OF 26°17'37", AND A RADIUS OF 1745.00 FEET, FOR AN ARC DISTANCE OF 800.80 FEET;

- SOUTH 44°21'03" WEST, A DISTANCE OF 121.52 FEET;
- SOUTH 45°38'57" EAST, A DISTANCE OF 29.52 FEET;
- SOUTH 44°21'03" WEST, A DISTANCE OF 61.02 FEET;

NORTH 45°38'57" WEST, A DISTANCE OF 29.30 FEET, SAID IRON ROD ALSO BEING THE BEGINNING OF A TANGENT CURVE TO THE LEFT;

SOUTHWESTERLY, ALONG SAID CURVE TO THE LEFT, WHICH HAS A CHORD THAT BEARS SOUTH 21°07'28" WEST FOR 561.79 FEET, A CENTRAL ANGLE OF 43°41'03", AND A RADIUS OF 755.00 FEET, FOR AN ARC DISTANCE OF 575.63 FEET;

- SOUTH 00°43'03" EAST, A DISTANCE OF 25.75 FEET;
- NORTH 89°16'57" EAST, A DISTANCE OF 28.50 FEET;
- SOUTH 00°43'03" EAST, A DISTANCE OF 50.00 FEET;
- SOUTH 89°16'57" WEST, A DISTANCE OF 18.50 FEET;
- SOUTH 00°43'04" EAST, A DISTANCE OF 109.31 FEET;
- SOUTH 45°43'03" EAST, A DISTANCE OF 35.36 FEET;
- AND NORTH 89°16'57" EAST, A DISTANCE OF 81.24 FEET;

THENCE SOUTH 00°41'47" EAST, A DISTANCE OF 11.19 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" FOUND FOR THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN A DEED TO THE CITY OF CELINA, TEXAS RECORDED IN DOCUMENT NUMBER 2008-62468 (RPRDCT);

THENCE SOUTH 89°18'56" WEST, WITH THE NORTH LINE OF SAID CITY OF CELINA TRACT (PARVIN ROAD), A DISTANCE OF 476.25 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT-RPLS 4087" SET FOR CORNER;

THENCE, DEPARTING SAID NORTH LINE, OVER AND ACROSS SAID CADG SUTTON FIELDS TRACT, THE FOLLOWING COURSES AND DISTANCE TO 5/8-INCH IRON RODS WITH CAPS MARKED "PETITT-RPLS 4087" SET FOR CORNERS:

- NORTH 84°07'16" EAST, A DISTANCE OF 110.45 FEET;
- NORTH 89°18'56" EAST, A DISTANCE OF 125.01 FEET;
- NORTH 44°17'56" EAST, A DISTANCE OF 35.35 FEET;
- NORTH 00°43'03" WEST, A DISTANCE OF 110.38 FEET;
- SOUTH 89°16'57" WEST, A DISTANCE OF 18.50 FEET;
- NORTH 00°43'03" WEST, A DISTANCE OF 50.00 FEET;
- NORTH 89°16'57" EAST, A DISTANCE OF 28.50 FEET;

NORTH 00°43'03" WEST, A DISTANCE OF 25.75 FEET, SAID IRON ROD ALSO BEING THE BEGINNING OF A TANGENT CURVE TO THE RIGHT;

NORTHEASTERLY, ALONG SAID CURVE TO THE RIGHT, WHICH HAS A CHORD THAT BEARS NORTH 21°11'53" EAST FOR 630.78 FEET, A CENTRAL ANGLE OF 43°49'53", AND A RADIUS OF 845.00 FEET, FOR AN ARC DISTANCE OF 646.43 FEET;

RPLS OF RECORD: JIMMIE D. NICHOLS
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5184

OWNER: CADG SUTTON FIELDS, LLC.
1800 VALLEY VIEW LANE, SUITE 300
FARMERS BRANCH, TX 75234
PHONE (469) 892-7200

PETITT BARRAZA
ENGINEERING PLANNING SURVEYING
TBPE FIRM REGISTRATION NO. 1488
TBPLS FIRM REGISTRATION NO. 101068
1651 N. Glenville Dr., Ste. 212
Richardson, Texas 75081
Tel. No. (214) 221-9955
Fax No. (214) 340-3550
DATE: MAY 2018
JNICHOLS@PETITTBARRAZA.COM
SCALE: 1"=100'
JOB NO. 1401302B

(CONT'D):

- NORTH 45°38'57" WEST, A DISTANCE OF 28.70 FEET;
- NORTH 44°21'03" EAST, A DISTANCE OF 50.00 FEET;
- SOUTH 45°38'57" EAST, A DISTANCE OF 28.50 FEET;

NORTH 44°21'03" EAST, A DISTANCE OF 121.52 FEET, SAID IRON ROD ALSO BEING THE BEGINNING OF A TANGENT CURVE TO THE LEFT;

NORTHEASTERLY, ALONG SAID CURVE TO THE LEFT, WHICH HAS A CHORD THAT BEARS NORTH 37°50'50" EAST FOR 374.92 FEET, A CENTRAL ANGLE OF 13°00'27", AND A RADIUS OF 1655.00 FEET, FOR AN ARC DISTANCE OF 375.72 FEET;

- NORTH 59°31'20" WEST, A DISTANCE OF 28.94 FEET;
- NORTH 30°28'40" EAST, A DISTANCE OF 50.00 FEET;

SOUTH 59°31'20" EAST, A DISTANCE OF 28.94 FEET, SAID IRON ROD ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT;

NORTHEASTERLY, ALONG SAID CURVE TO THE LEFT, WHICH HAS A CHORD THAT BEARS NORTH 14°27'29" EAST FOR 865.31 FEET, A CENTRAL ANGLE OF 30°18'32", AND A RADIUS OF 1655.00 FEET FOR AN ARC DISTANCE OF 875.48 FEET;

- NORTH 00°41'47" WEST, A DISTANCE OF 77.93 FEET;
- SOUTH 89°18'13" WEST, A DISTANCE OF 28.50 FEET;
- NORTH 00°41'47" WEST, A DISTANCE OF 50.00 FEET;
- NORTH 89°18'13" EAST, A DISTANCE OF 28.50 FEET;
- NORTH 00°41'47" WEST, A DISTANCE OF 141.37 FEET;
- NORTH 89°43'30" EAST, A DISTANCE OF 90.00 FEET;

AND NORTH 00°41'47" WEST, A DISTANCE OF 177.23 FEET, SAID IRON ROD ALSO BEING THE BEGINNING OF A TANGENT CURVE TO THE RIGHT;

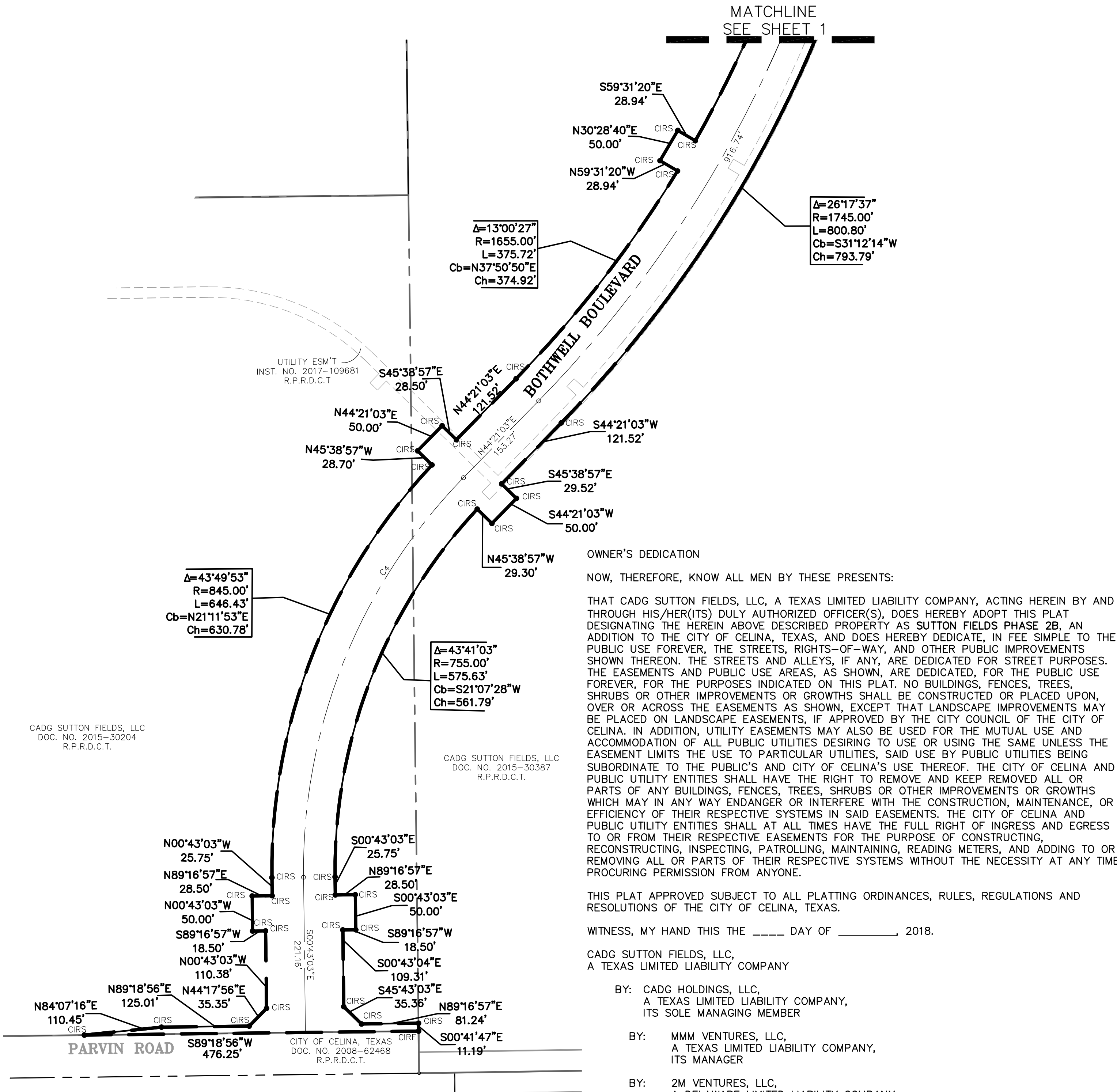
THENCE NORTHEASTERLY, ALONG SAID CURVE TO THE RIGHT, WHICH HAS A CHORD THAT BEARS NORTH 01°59'34" EAST FOR 127.15 FEET, A CENTRAL ANGLE OF 05°22'42", AND A RADIUS OF 1355.00 FEET, FOR AN ARC DISTANCE OF 127.20 FEET TO THE POINT OF BEGINNING, AND CONTAINING 58.579 ACRES OF LAND, MORE OR LESS.

NOTES:

- THE SUBJECT PROPERTY IS LOCATED WITHIN ZONE "X" (UNSHADED) ON THE FLOOD INSURANCE RATE MAP, MAP NO. 4812IC02706, REVISION DATE APRIL 18, 2011. ZONE X (UNSHADED) IS DEFINED THEREON AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN."
- ALL PERIMETER PROPERTY CORNERS ARE 5/8-INCH IRON ROD WITH CAPS MARKED "PETITT-RPLS 4087" SET, UNLESS NOTED OTHERWISE.
- LOTS ENDING WITH AN "X" ARE NON-RESIDENTIAL LOTS. MAINTENANCE OF "X" LOTS SHALL NOT BE THE RESPONSIBILITY OF DENTON COUNTY OR THE CITY OF CELINA. SAID NON-RESIDENTIAL LOTS ARE TO BE MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.
- THE BEARINGS SHOWN AND RECITED HEREON ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM - NAD 83 (CORS TEXAS NORTH CENTRAL ZONE NO. 4202). ALL DISTANCES ARE SURFACE DISTANCES WITH A SURFACE TO GRID SCALE FACTOR OF 0.999849392877.
- SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF CITY ORDINANCE AND STATE LAW, AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
- THE UNDERSIGNED DOES HEREBY COVENANT AND AGREE THAT HE OR SHE OR THEY SHALL CONSTRUCT UPON THE FIRE LANE EASEMENTS, AS DEDICATED AS SHOWN HEREON, A HARD SURFACE IN ACCORDANCE WITH THE CITY OF CELINA'S PAVING STANDARDS FOR FIRE LANE, AND THAT HE OR SHE OR THEY SHALL MAINTAIN THE SAME IN A STATE OF GOOD REPAIR AT ALL TIMES AND KEEP HE SAME FREE AND CLEAR OF ANY STRUCTURES, FENCES, TREES, SHRUBS, OR OTHER IMPROVEMENTS OR OBSTRUCTION, INCLUDING BUT NOT LIMITED TO THE PARKING OF MOTOR VEHICLES, TRAILERS, BOATS, OR OTHER IMPEDIMENTS TO THE ACCESSIBILITY OF FIRE APPARATUS. THE MAINTENANCE OF PAVING ON THE FIRE LANE EASEMENTS IS THE RESPONSIBILITY OF THE OWNER, AND THE OWNER SHALL POST AND MAINTAIN APPROPRIATE SIGNS IN CONSPICUOUS PLACES ALONG SUCH FIRE LANES, STATING "FIRE LANE, NO PARKING." THE LOCAL LAW ENFORCEMENT AGENCY(S) IS HEREBY AUTHORIZED TO ENFORCE PARKING REGULATIONS WITHIN THE FIRE LANES, AND TO CAUSE SUCH FIRE LANES AND UTILITY EASEMENTS TO BE MAINTAINED FREE AND UNOBSTRUCTED AT ALL TIMES FOR FIRE DEPARTMENT AND EMERGENCY USE.
- THE UNDERSIGNED DOES HEREBY COVENANT AND AGREE THAT THE ACCESS EASEMENT MAY BE UTILIZED BY ANY PERSON OR THE GENERAL PUBLIC FOR INGRESS AND EGRESS TO PUBLIC VEHICULAR AND PEDESTRIAN USE AND ACCESS, AND FOR FIRE DEPARTMENT AND EMERGENCY USE IN, ALONG, UPON, AND ACROSS SAID PREMISES, WITH THE RIGHT AND PRIVILEGE AT ALL TIMES OF THE CITY OF CELINA, ITS AGENTS, EMPLOYEES, WORKMEN, AND REPRESENTATIVES HAVING INGRESS, EGRESS, AND REGRESS IN, ALONG, UPON AND ACROSS SAID PREMISES.
- THE AREA OR AREAS SHOWN ON THE PLAT AS "VAM" (VISIBILITY, ACCESS, AND MAINTENANCE) EASEMENT(S) ARE HEREBY GIVEN AND GRANTED TO THE CITY, ITS SUCCESSORS AND ASSIGNS, AS AN EASEMENT TO PROVIDE VISIBILITY, RIGHT OF ACCESS FOR MAINTENANCE UPON AND ACROSS SAID VAM EASEMENT. SHOULD THE CITY EXERCISE THIS MAINTENANCE RIGHT, THEN IT SHALL BE PERMITTED TO REMOVE AND DISPOSE OF ANY AND ALL LANDSCAPING IMPROVEMENTS, INCLUDING WITHOUT LIMITATION, ANY TREES, SHRUBS, FLOWERS, GROUND COVER AND FIXTURES. THE CITY MAY WITHDRAW MAINTENANCE OF THE VAM EASEMENT AT ANY TIME. THE ULTIMATE MAINTENANCE RESPONSIBILITY FOR THE VAM EASEMENT SHALL REST WITH THE OWNERS. NO BUILDING, FENCE, SHRUB, TREE, OR OTHER IMPROVEMENTS OR GROWTHS, WHICH IN ANY WAY MAY ENDANGER OR INTERFERE WITH THE VISIBILITY, SHALL BE CONSTRUCTED IN, ON, OVER, OR ACROSS THE VAM EASEMENT. THE CITY SHALL ALSO HAVE THE RIGHT BUT NOT THE OBLIGATION TO ADD ANY LANDSCAPE IMPROVEMENTS TO THE VAM EASEMENT TO ERECT ANY TRAFFIC CONTROL DEVICES, OR SIGNS ON THE VAM EASEMENT AND TO REMOVE ANY OBSTRUCTION THEREON. THE CITY, ITS SUCCESSORS, ASSIGNS, OR AGENTS SHALL HAVE THE RIGHT AND PRIVILEGE AT ALL TIMES TO ENTER UPON THE VAM EASEMENT OR ANY PART THEREOF FOR THE PURPOSES AND WITH ALL RIGHTS AND PRIVILEGES SET FORTH HEREIN.
- DETENTION PONDS ARE TO BE MAINTAINED BY THE HOMEOWNER'S ASSOCIATION.

CONSTRUCTION PLAT SUTTON FIELDS PHASE 2B

58.579 ACRES
265 RESIDENTIAL LOTS
4 NON-RESIDENTIAL LOTS
SITUATED IN THE
FREEMAN WILKERSON SURVEY ~ ABSTRACT NO. 1411,
CARROL JACKSON SURVEY ~ ABSTRACT NO. 1546, &
JACOB RUE SURVEY ~ ABSTRACT NO. 1109
CITY OF CELINA
DENTON COUNTY, TEXAS





Development Services
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Alexis Jackson, Director of Development Services
 CC: Jason Laumer, City Manager
 Date: July 10, 2018
 Re: Frontier Retail Construction Plat (Lilyana)

Action Requested:

Consider and act upon a Construction Plat for Frontier Retail Partners; being an approximately 10.36 acre tract of land situated in the Johnathan Westover Survey, Abstract No. 1030, Collin County, Texas, and generally located at the northeast corner of County Road 83 (Coit Road) and FM 1461 (Frontier Parkway). (Lilyana/Frontier Retail Construction Plat) (Jackson)

Owner:

Frontier Retail Partners
 1201 N. Riverfront Boulevard
 Dallas, TX 75207

Background Information:

Frontier Retail Partners is proposing to develop the northeast corner of Coit Road and Frontier Parkway into a mixed-use retail/commercial center. The approximately 10.36 acre tract will be developed in phases, with a daycare center being developed in the first phase.

The retail development will follow the standards set in Planned Development No. 58 (PD-58 - Wells South/Lilyana), adopted on December 7, 2015, and as amended. The PD standards call for an earthen berm along Frontier Parkway and masonry screening walls to be constructed between the mixed-use development and the future single-family residential development within the Lilyana community.

Board Review/Citizen Input:

At the Planning and Zoning Commission meeting on June 19, 2018, the Commission recommended their unanimous approval of the proposed plat.

Alternatives:

N/A

Financial Considerations:

N/A

Legal Review:

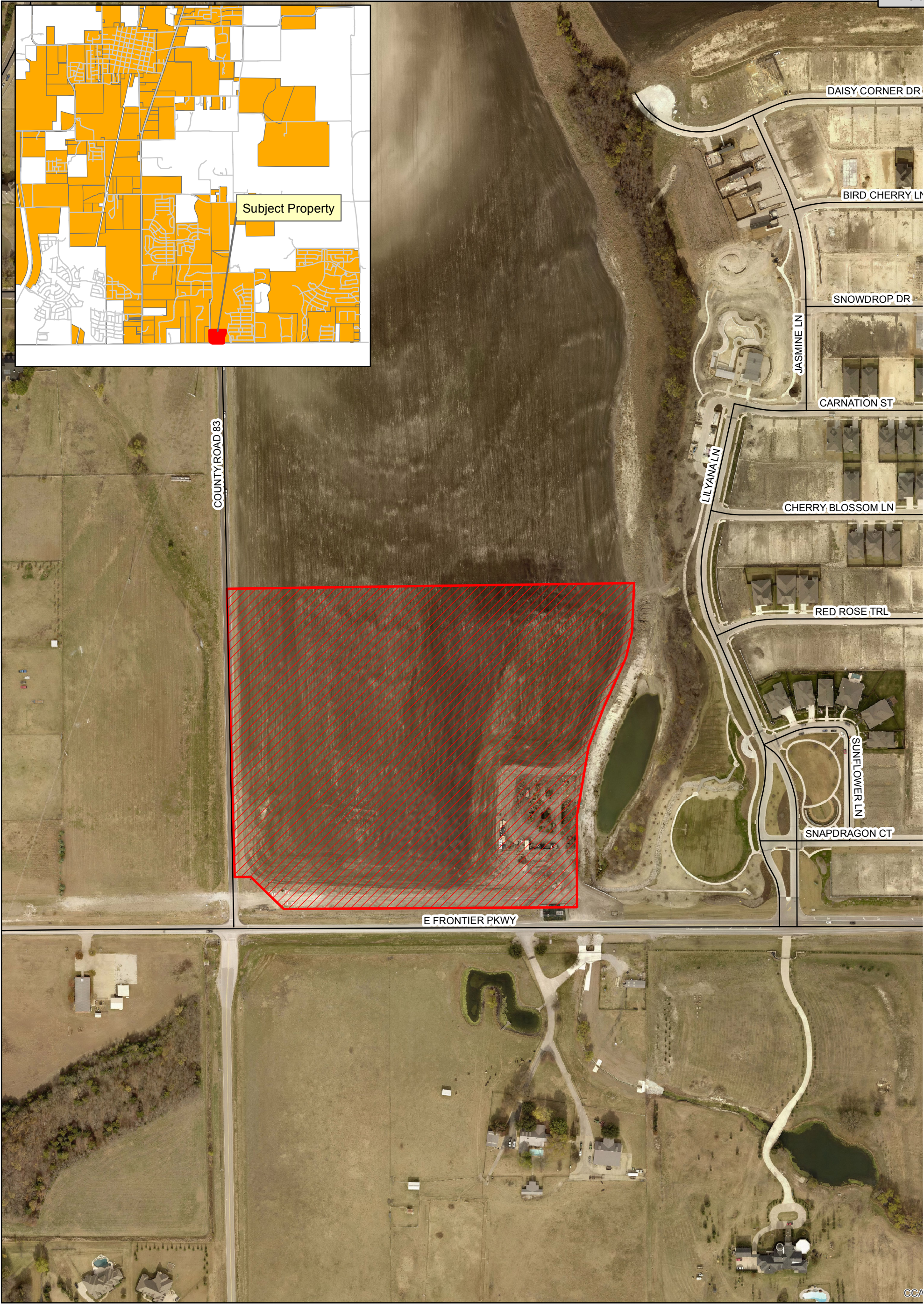
N/A

Supporting Documents:

- Location Map
- Proposed Construction Plat

Staff Recommendation:

Staff recommends approval.



Attachment: Frontier Retail Location Map (Frontier Retail Construction Plat (Lilyana))



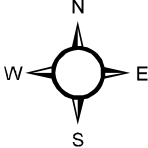
Frontier Retail CP

Date: 6/14/2018

Legend

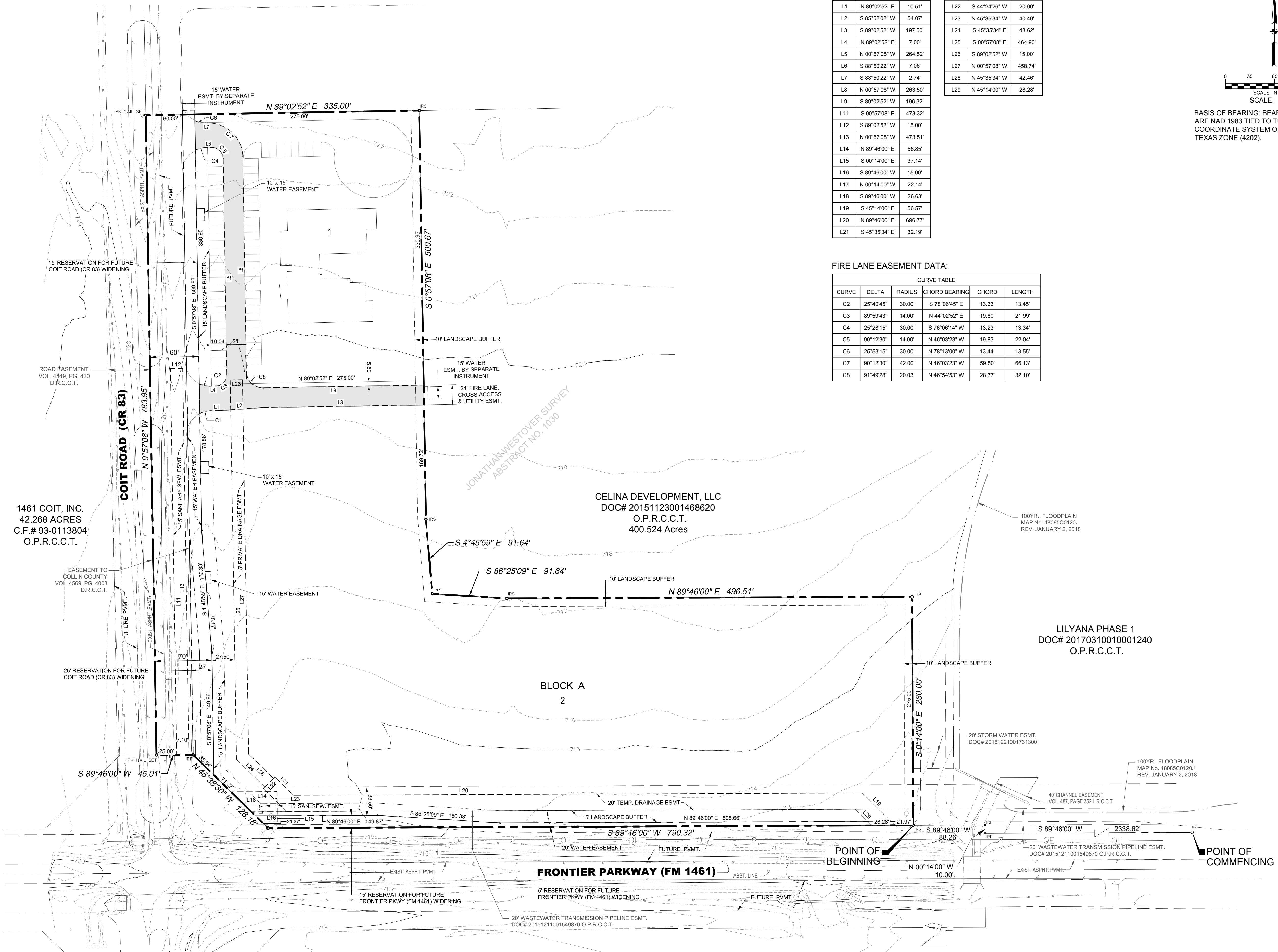
— Roads

 Frontier Retail



0 180 360 Feet

Packet Pg. 148

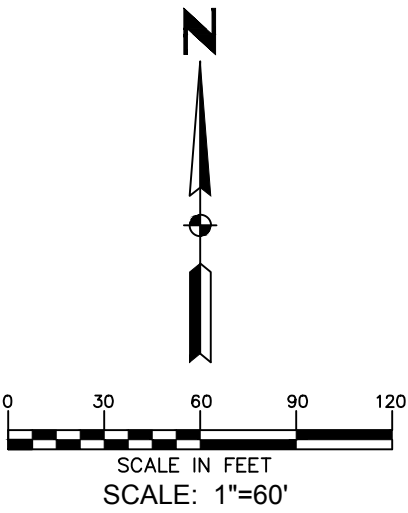


FIRE LANE EASEMENT DATA:

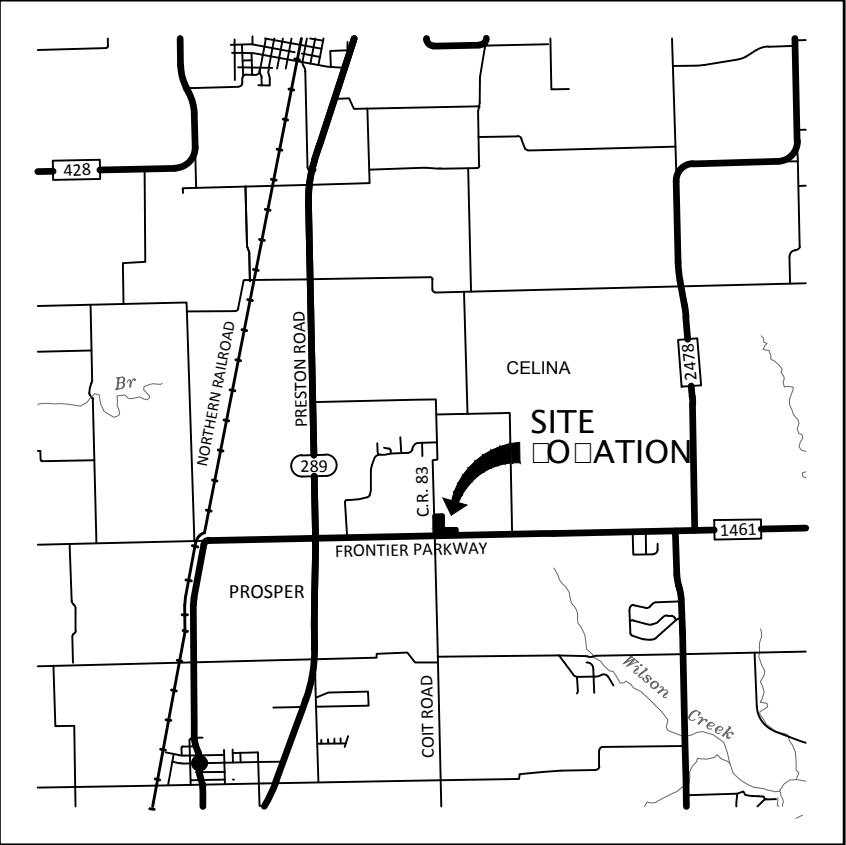
LINE TABLE			LINE TABLE		
LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L1	N 89°02'52" E	10.51'	L22	S 44°24'28" W	20.00'
L2	S 85°52'02" W	54.07'	L23	N 45°35'34" W	40.40'
L3	S 89°02'52" W	197.50'	L24	S 45°35'34" E	48.62'
L4	N 89°02'52" E	7.00'	L25	S 00°57'08" E	464.90'
L5	N 00°57'08" W	264.52'	L26	S 89°02'52" W	15.00'
L6	S 88°50'22" W	7.06'	L27	N 00°57'08" W	458.74'
L7	S 88°50'22" W	2.74'	L28	N 45°35'34" W	42.46'
L8	N 00°57'08" W	263.50'	L29	N 45°14'00" W	28.28'
L9	S 89°02'52" W	196.32'			
L11	S 00°57'08" E	473.32'			
L12	S 89°02'52" W	15.00'			
L13	N 00°57'08" W	473.51'			
L14	N 89°46'00" E	56.85'			
L15	S 00°14'00" E	37.14'			
L16	S 89°46'00" W	15.00'			
L17	N 00°14'00" W	22.14'			
L18	S 89°46'00" W	26.63'			
L19	S 45°14'00" E	56.57'			
L20	N 89°46'00" E	696.77'			
L21	S 45°35'34" E	32.19'			

FIRE LANE EASEMENT DATA:

CURVE TABLE					
CURVE	DELTA	RADIUS	CHORD BEARING	CHORD	LENGTH
C2	25°40'45"	30.00'	S 78°06'45" E	13.33'	13.45'
C3	89°59'43"	14.00'	N 44°02'52" E	19.80'	21.99'
C4	25°28'15"	30.00'	S 76°06'14" W	13.23'	13.34'
C5	90°12'30"	14.00'	N 46°03'23" W	19.63'	22.04'
C6	25°53'15"	30.00'	N 78°13'00" W	13.44'	13.55'
C7	90°12'30"	42.00'	N 46°03'23" W	59.50'	66.13'
C8	91°49'28"	20.03'	N 46°54'53" W	28.77'	32.10'



BASIS OF BEARING: BEARINGS SHOWN HEREON ARE NAD 1983 TIED TO THE TEXAS STATE PLANE COORDINATE SYSTEM OF 1983, NORTH CENTRAL TEXAS ZONE (4202).



LOCATION MAP (NOT TO SCALE)

LEGEND

- IRF — IRON ROD FOUND
- IRS — IRON ROD SET
- UE — UTILITY EASEMENT
- B.L. — BUILDING LINE
- O.P.R.C.C.T. — OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TX
- P.R.C.C.T. — PLAT RECORDS, COLLIN COUNTY, TEXAS
- FIRE LANE EASEMENT
- EXIST. OVERHEAD ELECTRIC LINE

LOT AREA

LOT 1	2.089 AC
LOT 2	7.007 AC
TOTAL:	9.096 AC

NOTE:

- SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF CITY ORDINANCE AND STATE LAW, AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
- THIS TRACT OF LAND LIES WITHIN ZONE "X" UNSHADED (AREAS DETERMINED TO BE OUTSIDE 0.2% ANNUAL CHANCE FLOODPLAIN) AND ZONE "AE" (BASE FLOOD ELEVATIONS DETERMINED) ACCORDING TO F.E.M.A. FLOOD INSURANCE RATE MAP No. 48085C0120J OF COLLIN COUNTY, TEXAS WITH AN EFFECTIVE DATE OF JANUARY 2, 2018.

LILYANA PHASE 1
DOC# 20170310010001240
O.P.R.C.C.T.

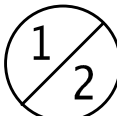
CONSTRUCTION PLAT
FRONTIER RETAIL

LOTS 1 & 2, BLOCK A
A 10.372 ACRE TRACT OF LAND
SITUATED IN THE
JONATHAN WESTOVER SURVEY, ABST No. 1030
COLLIN COUNTY, TEXAS
MAY, 2018

FRONTIER RETAIL PARTNERS, LP
1201 N. RIVERFRONT BLVD., Dallas, Texas 75207
Phone (214) 526-6554 Fax (214) 692-6655

PREPARED BY:

HUNT-ZOLLARS
Dallas
1717 McKinney Avenue, Suite 1400, Dallas, TX 75202
Phone (214) 871-3311 Fax (214) 871-0757



LAND DESCRIPTION

Being a tract of land situated in the Johnathan Westover Survey, Abstract No. 1030, Collin County, Texas, and being a portion of a tract of land described in instrument to Celina Development, LLC as recorded under Document No. 20151123001468620 of the Official Public Records of Collin County, Texas (O.P.R.C.C.T.), and being more particularly described as follows:

BEGINNING at a "PK" nail found at the southeast corner of said Celina Development tract, and the intersection of the north line of F.M. 1461/Frontier Parkway (a 90 foot wide right of way) as described to the State of Texas in Volume 484, Page 275 of the Land Records of Collin County Texas(L.R.C.C.T.), and the west line of a 40 foot wide right of way dedication for County Road No.84 as shown on the final plat of Twelve Oaks, an addition to the City of Celina, Texas, as recorded in Cabinet N, Slide 755 of the Plat Records of Collin County(P.R.C.C.T.), from which the southeast corner of said Jonathan Westover Survey bears South 00 degrees 07 minutes 47 seconds East, a distance of 45.00 feet;

THENCE, South 89 degrees 46 minutes 00 seconds West, along the south line of said Celina Development tract, and along the north right of way line of said F.M. 1461/Frontier Parkway, a distance of 2,338.62 feet to a 5/8 inch iron rod found with plastic cap stamped "KHA";

THENCE, North 00 degrees 14 minutes 00 seconds West, continuing along the south line of said Celina Development tract, and along the north right of way line of said F.M. 1461/Frontier Parkway, a distance of 10.00 feet to a 5/8 inch iron rod found with plastic cap stamped "KHA ";

THENCE, South 89 degrees 46 minutes 00 seconds West, continuing along the south line of said Celina Development tract, and along the north right of way line of said F.M. 1461/Frontier Parkway, a distance of 88.26 feet to a 5/8 inch iron rod set with plastic cap stamped "Huitt-Zollars" at the POINT OF BEGINNING;

THENCE, along the south line of said Celina Development tract, and along the north right of way line of said F.M. 1461/Frontier Parkway the following;

South 89 degrees 46 minutes 00 seconds West a distance of 790.32 feet to a 5/8 inch iron rod found with plastic cap stamped "KHA";

North 45 degrees 38 minutes 30 seconds West a distance of 128.18 feet to a 5/8 inch iron rod found with plastic cap stamped "KHA";

South 89 degrees 46 minutes 00 seconds West a distance of 45.01 feet to a PK Nail set in the approximate centerline of CR 83, said point being on the easterly line of a variable width Road Easement as recorded in Volume 4549, Page 420 of the Deed Records, Collin County, Texas (D.R.C.C.T.);

THENCE, along the easterly line of said Road Easement and the approximate centerline of said CR 83, North 00 degrees 57 minutes 08 seconds West a distance of 783.95 feet to a PK Nail set in the approximate centerline of said CR 83;

THENCE, departing the easterly line of said Road Easement and the approximate centerline of said CR 83, North 89 degrees 02 minutes 52 seconds East a distance of 335.00 feet to a 5/8 inch iron rod set with plastic cap stamped "Huitt-Zollars";

THENCE, South 00 degrees 57 minutes 08 seconds East a distance of 500.67 feet to a 5/8 inch iron rod set with plastic cap stamped "Huitt-Zollars";

THENCE, South 04 degrees 45 minutes 59 seconds East a distance of 91.64 feet to a 5/8 inch iron rod set with plastic cap stamped "Huitt-Zollars";

THENCE, South 86 degrees 25 minutes 09 seconds East a distance of 91.64 feet to a 5/8 inch iron rod set with plastic cap stamped "Huitt-Zollars";

THENCE, North 89 degrees 46 minutes 00 seconds East a distance of 496.51 feet to a 5/8 inch iron rod set with plastic cap stamped "Huitt-Zollars";

THENCE, South 00 degrees 14 minutes 00 seconds East a distance of 280.00 feet to the POINT OF BEGINNING and containing 451, 782 Square Feet or 10.372 Acres of land, more or less.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That FRONTIER RETAIL PARTNERS, LP, acting herein by and through its duly authorized officer, does hereby adopt this plat designating the herein above described property as **FRONTIER RETAIL** addition an addition to the City of Celina, Texas, and does hereby dedicate, in fee simple to the public use forever, the streets, rights-of-way, and other public improvements shown thereon. The streets and alleys, if any, are dedicated for street purposes. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed on landscape easements, if approved by the City Council of the City of Celina. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Celina's use thereof. The City of Celina and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Celina and public utility entities shall at all times have the full right ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Celina, Texas,

WITNESS, my hand, this the day of, 2018.

FRONTIER RETAIL PARTNERS, LP, a Texas limited liability company

By:

By:

Authorized Signature of FRONTIER RETAIL PARTNERS, LP, Owner

.....

STATE OF TEXAS
COUNTY OF COLLIN

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this day of, 2018.

.....
Notary Public in and for the State of Texas

My Commission Expires On:

PREPARER'S CERTIFICATE:
KNOW ALL MEN BY THESE PRESENTS:

THAT, I, Mitchell S. Pillar do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the subdivision regulations of the City of Celina, Texas.

.....
Mitchell S. Pillar, Registered Professional Land Surveyor
Texas Registration No. 5491
HUITT-ZOLLARS, Inc.
Firm Registration No. 10025600

STATE OF TEXAS
COUNTY OF DALLAS

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Mitchell S. Pillar, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this day of, 2018.

.....
Notary Public in and for the State of Texas

My Commission Expires On:

PROPERTY LOCATION STATEMENT
This property is located in the extraterritorial jurisdiction of the City of Celina, Collin County, Texas.

.....
Signature of Mayor
.....
Date of approval

ATTEST:

.....
City Secretary
.....
Date

Approved for preparation of final plat following construction of all public improvements (or appropriate sureties thereof) necessary for the subdivision shown on the plat.

RECOMMENDED BY:

Planning and Zoning Commission
City of Celina, Texas

Signature of Chairperson

Date of Recommendation

APPROVED BY:

City Council
City of Celina, Texas

Signature of Mayor

Date of Approval

ATTEST:

City Secretary

CONSTRUCTION PLAT
FRONTIER RETAIL
LOTS 1-7, BLOCK A
A 10.372 ACRE TRACT OF LAND
SITUATED IN THE
JONATHAN WESTOVER SURVEY, ABST No. 1030
COLLIN COUNTY, TEXAS
MARCH, 2018

FRONTIER RETAIL PARTNERS, LP
1201 N. RIVERFRONT BLVD., Dallas, Texas 75207
Phone (214) 526-6564 Fax (214) 692-6655

PREPARED BY:
HUITT-ZOLLARS
Huitt-Zollars, Inc. Dallas
1717 McKinney Avenue, Suite 1400, Dallas, TX 75202
Phone (214) 871-3311 Fax (214) 871-0757





Public Works
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
From: Alan Fourmentin, Director of Public Works
CC: Jason Laumer, City Manager
Date: July 10, 2018
Re: UTRWD Contract Amendment

Action Requested:

Consider and act to authorize and execute a contract amendment between the City of Celina and Upper Trinity Regional Water District for regional wastewater treatment capacity at the Doe Branch Reclamation Facility. (Fourmentin)

Background Information:

Current and estimated growth has placed an increase on the demand for Wastewater flow and treatment capacity at the Doe Branch Plant by 2.0 million gallons per day. This increased demand has resulted in an expansion project that will allow for our split (0.7 mgd) to be funded via District bonds or up-front cash.

Board Review/Citizen Input:

Alternatives:

Financial Considerations:

Legal Review:

Attorney has reviewed

Supporting Documents:

Contract

Staff Recommendation:

Approve

**UPPER TRINITY REGIONAL WATER DISTRICT
NORTHEAST REGIONAL WATER RECLAMATION SYSTEM**

**AMENDMENT TO
PARTICIPATING MEMBER CONTRACT
WITH
CITY OF CELINA**

**THE STATE OF TEXAS §
 §
COUNTY OF DENTON §**

This **AMENDMENT** (the “Amendment”) to the **NORTHEAST REGIONAL WATER RECLAMATION SYSTEM CONTRACT** is made and entered into this _____ day of _____, 2018 (“Effective Date”), by and between **UPPER TRINITY REGIONAL WATER DISTRICT** (the “District”), and **CITY OF CELINA** (“Celina”), to amend the Participating Member Contract dated December 7, 2006, as amended, (the “Contract”), which Contract provides for Celina to participate in the District’s Doe Branch Water Reclamation Plant (“Doe Branch Plant”) of the Northeast Regional Water Reclamation (“System”).

WITNESSETH:

WHEREAS, continued growth within Celina’s service area is causing an increase in its Wastewater flow and is creating a need for additional wastewater treatment service; and

WHEREAS, Celina has requested that additional Doe Branch Plant capacity be made available for the future needs of its service area; and

WHEREAS, to accommodate an expected increase in Wastewater flow and to provide the treatment capacity desired by Celina and other participants in the Doe Branch Plant, the District proposes to expand the treatment capacity of the Doe Branch Plant from 2.0 to 4.0 million gallons per day, referred to herein as the “Project”; and

Attachment: 0710 UTRWD Contract (UTRWD Participating Member Contract)

WHEREAS, Celina currently has a subscribed capacity of 0.665 MGD and has requested 0.7 MGD of additional capacity as part of the Project to meet its wastewater needs through 2023, which is the planning horizon for the Project; and

WHEREAS, funds for the Project are expected to be provided in part by the participants and in part by issuance of Bonds by the District; and

WHEREAS, Celina will be responsible for paying its pro rata share of the capital costs associated with the Project; and

WHEREAS, both parties desire to amend the Contract to enable the design, funding and construction of the Project according to the provisions of the Contract and this Amendment.

NOW, THEREFORE, the District and Celina, in consideration of the terms, conditions and covenants contained in this Amendment, agree as follows:

Section 1. Adoption of Preamble. All the matters stated in the Preamble of this Amendment are true and correct and are hereby incorporated into the body of this Amendment as though fully set forth in their entirety herein.

Section 2. Definitions. Capitalized terms not otherwise defined herein shall have the same meanings as those set forth in the Contract.

Section 3. Increase in Subscribed Capacity. Exhibit B of the Contract is hereby amended to increase Celina's subscribed capacity in the Doe Branch Plant from 0.665 MGD to 1.365 MGD (an additional 0.7 MGD of capacity).

Section 4. Payment of Capital Costs.

In general, capital cost for the Project shall be allocated among the Participants according to their respective subscribed capacities and use, and in conformance with the Contract, as amended. Funding for the Project is expected to be provided in part by the participants and in part by

issuance of District Bonds, or use of other financial assistance that may be available through programs offered by TWDB. The District will use its best efforts to issue its Bonds and to arrange for other financing as necessary to provide for the capital costs to design, construct and manage the Project. Celina hereby agrees to pay as part of its Annual Requirement a pro rata share of the capital costs associated with the Project, including annual debt service payments and other costs (both fixed and variable costs) associated with the Project. If Celina elects to provide funds for the Project, Celina shall deliver said funds promptly on the schedule established by the District. District shall not award the proposed construction contract until Celina has deposited its share of Project funds, or has otherwise made arrangements with District for full payment of its share of Project cost pursuant to the Contract and this Amendment. In the unlikely event that the District is unable to issue its Bonds or to arrange alternative financing in sufficient amount to finance the entire cost of the Project, it is mutually agreed that Celina will deposit the remaining funds (if any) required by Celina's share of the proposed Project. Upon completion of construction and when the Project is in operation, the District will prepare and provide to Celina an accounting of all applicable Project costs, and will conduct a settle-up for said costs. Any excess funds will be reimbursed on a pro rata basis to those participants who deposited said funds with the District; and, if there is a shortfall, Celina agrees to promptly pay its pro rata share upon notice of the District.

Section 5. Contract Provisions. All other provisions of the Contract, shall continue in full force and effect.

IN WITNESS WHEREOF, the parties hereto acting under authority of their respective governing bodies have caused this Amendment to be fully executed in several counterparts, each of which shall constitute an original, all as of the day and year first above written, which is the Effective Date of this Amendment.

UPPER TRINITY REGIONAL WATER DISTRICT

By: _____
Kevin Mercer, President, Board of Directors

ATTEST:

Mike Fairfield, Secretary, Board of Directors

(DISTRICT SEAL)

APPROVED AS TO FORM:

John F. Boyle, Jr., Counsel for the District

Attachment: 0710 UTRWD Contract (UTRWD Participating Member Contract)

CITY OF CELINA

By: _____
Sean Terry, Mayor

ATTEST:

Vicki Faulkner, City Secretary

(CITY OF CELINA SEAL)

APPROVED AS TO FORM:

General Council

Attachment: 0710 UTRWD Contract (UTRWD Participating Member Contract)



Finance Department
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
From: Jay Toutounchian, Finance Director
CC: Jason Laumer, City Manager
Date: July 10, 2018
Re:

Action Requested:

Consider and act upon a Long Term Capital Plan and Long Term Financial Plan. (Toutounchian)

Background Information:

The City's Long Term Capital Plan is designed to help the City anticipate and project future capital needs. The City's Long Term Financial Plan is designed to help the City anticipate and project future revenues and expenditures in the General Fund. City Council Reviews and approves both the Long Term Capital Plan and Long Term Financial Plan on an annual basis during the budget process.

Board Review/Citizen Input: N/A

Alternatives: N/A

Financial Considerations: N/A

Legal Review: N/A

Supporting Documents:

Staff Recommendation:

Approve



City of Celina

Long-Term Capital Plan

Objective: The City's Long-Term Capital Plan is designed to help the City anticipate and project future capital needs, including construction, renovation and repairs, and providing equipment to various City departments. The Long-Term Capital Plan covers a period of five years.

Review: City Council will review and approve the Long-Term Capital Plan every year during the budget process. However, review of and changes to the Long-Term Capital Plan may be made during the fiscal year as needed.

Assumptions: City Staff will review and update the assumptions at least annually. Following is the basis for certain assumptions:

- Debt will only be issued for projects that have at least a five year average life, and in the vast majority of cases the average life will be substantially longer.
- The City will amortize debt at least as quickly as the average life of the asset that is being funded.
- It is the City's intent to fund capital items with fixed rate debt.
- The City's financial advisor will provide updated debt schedules at least annually based on the projects included in the Long-Term Capital Plan in order to forecast the aggregate amount of debt service and the associated I&S tax rate and/or water and sewer rates needed to service the debt.
- The Long-Term Capital Plan will cover funding for projects anticipated to be repaid with I&S taxes, as well as project funding anticipated to be repaid

with water, sewer and/or drainage revenues. In certain instances, debt may be repaid with other sources and will be notated as such.



City of Celina

Long-Term Financial Plan

Objective: The City's Long-Term Financial Plan is designed to help the City anticipate and project future revenues and expenditures in the General Fund, and serve as a guide/management tool for City Management when evaluating financial decisions that affect the City. It is meant to address maintenance and operations, and when combined with the Long-Term Capital Plan, capital improvements as well. To this point, the M&O and I&S tax rates necessary to cover the day-to-day operations of the City and to cover the City's debt payments are projected. The Long-Term Financial Plan covers a period of five years.

Review: City Council will review and approve the Long-Term Financial Plan every year during the budget process. However, review of and changes to the Long-Term Financial Plan may be made during the fiscal year as needed.

Assumptions: City Staff will review and update the assumptions at least annually. Following is the basis for certain assumptions:

Revenues

- Projected future taxable assessed valuations will be based on conservative growth rates, taking into account factors such as building permits, development agreements put in place, commercial and retail growth, etc.
- Sales tax projections will be based on historical trends, as well as new commercial and retail activity generated within the City.
- Other revenue growth rates will be based on historical trends, as well as conservative growth rates.
- One-time revenues are matched with one-time expenses
- Fund reserve requirements for cash balances

Expenses

- Expenditure growth rates will be based on historical trends, as well as taking into account inflation rates.
- Projections will take into account potential future personnel costs
- Projections will take into account potential cash funded (Non Debt) capital costs

Taxable Assessed Valuation	\$	1,108,101,685	\$	1,218,911,854	\$	1,310,330,243	\$	1,375,846,755	\$	1,444,639,092
TAV Growth Rate				10.0%		7.5%		5.0%		5.0%
Collection Percentage		99.0%		99.0%		99.0%		99.0%		99.0%
Target M&O Rate		\$0.4278		\$0.4278		\$0.4278		\$0.4278		\$0.4278
Annual Sales Tax Growth Rate		5.0%		0.0%		0.0%		0.0%		0.0%
Other Revenue Growth Rate		1.0%		1.0%		1.0%		1.0%		1.0%
Expenditure Growth Rate		3.0%		3.0%		3.0%		3.0%		3.0%



FIVE YEAR CAPITAL IMPROVEMENT PROJECTS PLAN

	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>Total</u>
Streets	\$ 6,419,060	\$ -	\$ 10,100,000	\$ 5,900,000	\$ -	\$ 22,419,060
Building/Structures	5,855,000	-	-	30,000,000	-	35,855,000
Downtown Development	1,500,000	-	-	-	-	1,500,000
Fire/EMS	-	7,500,000	1,500,000	7,500,000	7,500,000	24,000,000
Police	-	-	2,400,000	13,410,000	-	15,810,000
Parks	-	-	-	250,000	1,000,000	1,250,000
Other	-	-	-	-	-	-
Cash/Impact Fee Funded Projects	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Net I&S Tax-Supported Projects	<u>\$ 13,774,060</u>	<u>\$ 7,500,000</u>	<u>\$ 14,000,000</u>	<u>\$ 57,060,000</u>	<u>\$ 8,500,000</u>	<u>\$ 100,834,060</u>
Water/Wastewater Projects	\$ 20,700,000	\$ 12,095,000	\$ 34,224,962	\$ 63,100,036	\$ 39,756,884	\$ 169,876,882
Cash/Impact Fee Funded Projects	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Net Water/Wastewater Debt Projects	<u>\$ 20,700,000</u>	<u>\$ 12,095,000</u>	<u>\$ 34,224,962</u>	<u>\$ 63,100,036</u>	<u>\$ 39,756,884</u>	<u>\$ 169,876,882</u>
Total Projects	<u>\$ 34,474,060</u>	<u>\$ 19,595,000</u>	<u>\$ 48,224,962</u>	<u>\$ 120,160,036</u>	<u>\$ 48,256,884</u>	<u>\$ 270,710,942</u>
Total Cash/Impact Fee Funded	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Debt Funded	\$ 34,474,060	\$ 19,595,000	\$ 48,224,962	\$ 120,160,036	\$ 48,256,884	\$ 270,710,942



Administration
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Paul DeBuff, Assistant to the City Manager
 CC: Jason Laumer, City Manager
 Date: July 10, 2018
 Re: Lilyana Public Hearing & SAP approval

Action Requested:

The Celina City Council will conduct a public hearing to consider testimony and act upon an ordinance of the City Council of the City of Celina, Texas accepting and approving a Wells South Public Improvement Service and Assessment Plan Update, including the Assessment Rolls, as the annual service plan update for the Wells South Public Improvement District; making a finding of Special Benefit to the assessed property in the District, levying special assessments against a portion of the property within Neighborhood Improvement Area #2 of the District as shown on the Neighborhood Improvement Area #2 Assessment Roll; and, establishing a lien on such property. (Wells South) (DeBuff)

Background Information:

Celina City Council authorized the establishment of the Wells South Public Improvement District on July 14, 2015, with authorization of up to \$42,450,000 in bonds for the District to finance certain public improvements to benefit the property in the District. To date, \$13,830,000 in bonds have been issued. This item proposes a public hearing to consider an additional \$2.7 million in bond financing for the District, which leaves approximately \$26 million in assessments remaining to be levied to benefit future phases within the District.

Board Review/Citizen Input:

N/A

Alternatives:

N/A

Financial Considerations:

N/A

Legal Review:

The ordinance has been reviewed by the City Attorney.

Supporting Documents:

- Proposed ordinance
- Final Service and Assessment Plan

Staff Recommendation:

Staff recommends approval.

ORDINANCE NO. 2018-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS ACCEPTING AND APPROVING A FINAL WELLS SOUTH PUBLIC IMPROVEMENT DISTRICT SERVICE AND ASSESSMENT PLAN – UPDATED FOR NEIGHBORHOOD IMPROVEMENT AREA #2, INCLUDING AN ASSESSMENT ROLL FOR NEIGHBORHOOD IMPROVEMENT AREA #2; MAKING A FINDING OF SPECIAL BENEFIT TO PROPERTY WITHIN THE NEIGHBORHOOD IMPROVEMENT AREA #2A PORTION OF NEIGHBORHOOD IMPROVEMENT AREA #2; LEVYING SPECIAL ASSESSMENTS AGAINST SUCH PROPERTY AND ESTABLISHING A LIEN ON SUCH PROPERTY; PROVIDING FOR THE METHOD OF ASSESSMENT AND THE PAYMENT OF THE NEIGHBORHOOD IMPROVEMENT AREA #2A SPECIAL ASSESSMENTS IN ACCORDANCE WITH CHAPTER 372, TEXAS LOCAL GOVERNMENT CODE, AS AMENDED, PROVIDING PENALTIES AND INTEREST ON DELINQUENT ASSESSMENTS, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Public Improvement District Assessment Act, Texas Local Government Code, Chapter 372, as amended (the "Act") authorizes the governing body (the "City Council") of the City of Celina, Texas (the "City"), to create a public improvement district; and

WHEREAS, on July 14, 2015 the City Council conducted a public hearing to consider a petition received by the City on May 21, 2015 titled "Petition for the Creation of a Public Improvement District Within the ETJ of the City of Celina, Texas, for the Wells South Development" requesting the creation of a public improvement district; and

WHEREAS, on July 14, 2015, the City Council approved Resolution No. 2015-34R (the "Authorization Resolution"), authorizing, establishing and creating the Wells South Public Improvement District (the "District"); and

WHEREAS, the District is now located entirely within the corporate limits of the City; and;

WHEREAS, the City authorized the creation of the District and the issuance of up to \$42,450,000.00 in bonds for the District to finance certain public improvements authorized by the Act for the benefit of the property within the District (the "Public Improvements"); and

WHEREAS, the City has issued \$8,040,000 City of Celina, Texas Special Assessment Revenue Bonds, Series 2015 (Wells South Public Improvement District Major Improvement Area Project) (the "Major Improvement Area Bonds") that are secured by Special Assessments levied on Major Improvement Area Assessed Property (as defined in the Service and Assessment Plan related to the District); and

WHEREAS, the City has issued \$5,790,000 City of Celina, Texas Special Assessment Revenue Bonds, Series 2015 (Wells South Public Improvement District Neighborhood Improvement Area #1 Project) (the "Neighborhood Improvement Area #1 Bonds") that are secured by Special Assessments levied on Neighborhood Improvement Area #1 Assessed Property (as defined in the Service and Assessment Plan related to the District); and

WHEREAS, on May 8, 2018, the Council adopted a resolution approving the *Preliminary Wells South Public Improvement District Service and Assessment Plan Updated for Neighborhood Improvement Area #2*, including a proposed assessment roll for Neighborhood Improvement Area #2; calling for a public hearing to consider an ordinance levying assessments (the "Neighborhood Improvement Area #2A Special Assessments") on a portion of the property within Neighborhood Improvement Area #2 of the District; authorizing and directing the City Secretary of the City to file the proposed assessment roll for Neighborhood Improvement Area #2 and make such roll available for public inspection; authorizing and directing the publication of notice of a public hearing to consider the levying of the Neighborhood Improvement Area #2A Special Assessments against the benefitted property within Neighborhood Improvement Area #2 of the District (the "Levy and Assessment Hearing"); authorizing and directing the mailing of notice of the Levy and Assessment Hearing to owners of property liable for assessment; and directing related action; and

WHEREAS, on May 9, 2018, the City Secretary filed the Neighborhood Improvement Area #2 Assessment Roll (defined below) and made the same available for public inspection; and

WHEREAS, the City Secretary, pursuant to Section 372.016(b) of the PID Act, published notice of the Levy and Assessment Hearing on _____, 20____ in *The Celina Record*, a newspaper of general circulation in the City; and

WHEREAS, the City Secretary, pursuant to Section 372.016(c) of the PID Act, mailed the notice of the Levy and Assessment Hearing to the last known address of the owners of the property liable for the Neighborhood Improvement Area #2A Special Assessments; and

WHEREAS, the City Council convened the Levy and Assessment Hearing on June 12, 2018 and then recessed and continued it to July 10, 2018, at which all persons who appeared, or requested to appear, in person or by their attorney, were given the opportunity to contend for or contest the Neighborhood Improvement Area #2 Assessment Roll, and the proposed Neighborhood Improvement Area #2 Special Assessments against the benefitted property in Neighborhood Improvement Area #2A (defined below), and to offer testimony pertinent to any issue presented on the amount of the Neighborhood Improvement Area #2A Special Assessments, the allocation of the Actual Costs of the Neighborhood Improvement Area #2 Improvements to be undertaken for the Neighborhood Improvement Area #2A Assessed Property (defined below) within Neighborhood Improvement Area #2 of the District, the purposes of the Neighborhood Improvement Area #2A Special Assessments to be levied against the Neighborhood Improvement Area #2A Assessed Property (defined below), the special benefits of the Neighborhood Improvement Area #2 Improvements to the Neighborhood Improvement Area #2A Assessed Property (defined below), and the penalties and interest on annual installments and on delinquent annual installments of the Neighborhood Improvement Area #2A Special Assessments; and

WHEREAS, the City Council finds and determines that the Neighborhood Improvement Area #2 Assessment Roll and the *Wells South Public Improvement District Service and Assessment Plan – Updated for Neighborhood Improvement Area #2*, dated July 10, 2018 in a form substantially similar to the attached **Exhibit A**, which final form shall be approved by the

City Manager and the City's land use attorney prior to execution (the "NIA #2 Service and Assessment Plan Update"), and which is incorporated herein for all purposes, should be approved and that the Neighborhood Improvement Area #2A Special Assessments should be levied as provided in this Ordinance and the NIA #2 Service and Assessment Plan Update and the Neighborhood Improvement Area #2 Assessment Roll attached thereto as Appendix D (the "Neighborhood Improvement Area #2 Assessment Roll"); and

WHEREAS, the City Council further finds that there were no written objections or evidence submitted to the City Secretary in opposition to the Service and Assessment Plan, the allocation of the Actual Costs of the Neighborhood Improvement Area #2 Improvements, the Neighborhood Improvement Area #2 Assessment Roll, and the levy of the Neighborhood Improvement Area #2A Special Assessments against the Neighborhood Improvement Area #2A Assessed Property (defined below); and

WHEREAS, the City Council closed the hearing, and, after considering all written and documentary evidence presented at the hearing, including all written comments and statements filed with the City, determined to proceed with the adoption of this Ordinance in conformity with the requirements of the PID Act.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS:

Section 1. Terms.

Terms not otherwise defined herein are defined in the NIA #2 Service and Assessment Plan Update.

Section 2. Findings.

The findings and determinations set forth in the preambles hereof are hereby incorporated by reference and made a part of this Ordinance for all purposes as if the same were restated in full in this Section. The City Council hereby finds, determines, and ordains, as follows:

(a) The apportionment of the Actual Costs of the Neighborhood Improvement Area #2 Improvements (as reflected in the NIA #2 Service and Assessment Plan Update, and the Administrative Expenses set forth in such update) is fair and reasonable, reflects an accurate presentation of the special benefit each assessed Parcel of Neighborhood Improvement Area #2A Assessed Property (as defined in the NIA #2 Service and Assessment Plan Update) within Neighborhood Improvement Area #2 will receive from the construction of the Neighborhood Improvement Area #2 Improvements identified in the NIA #2 Service and Assessment Plan Update, and is hereby approved;

(b) The Service and Assessment Plan Update covers a period of at least five years and defines the annual indebtedness and projected costs for the Public Improvements (as defined in the NIA #2 Service and Assessment Plan Update), including the Neighborhood Improvement Area #2 Improvements to be constructed for the benefit of the Neighborhood Improvement Area #2A Assessed Property;

(c) The NIA #2 Service and Assessment Plan Update apportions the Actual Costs of the Neighborhood Improvement Area #2 Improvements benefitting the Neighborhood Improvement Area #2A Assessed Property to be assessed against such property and such apportionment is made on the basis of special benefits accruing to the Neighborhood Improvement Area #2A Assessed Property because of such Neighborhood Improvement Area #2 Improvements;

(d) All of the real property in the NIA #2A portion of Neighborhood Improvement Area #2 of the District which is being assessed in the amounts shown in the Neighborhood Improvement Area #2 Assessment Roll will be benefited by the Neighborhood Improvement Area #2 Improvements proposed to be constructed as described in the NIA #2 Service and Assessment Plan Update, and each assessed Parcel of Neighborhood Improvement Area #2A Assessed Property will receive special benefits in each year equal to or greater than each annual Neighborhood Improvement Area #2A Special Assessments against such property and will receive special benefits during the term of the Neighborhood Improvement Area #2A Special Assessments against the Neighborhood Improvement Area #2A Assessed Property equal to or greater than the total amount assessed;

(e) The method of apportionment of the Actual Costs of the Neighborhood Improvement Area #2 Improvements benefitting the Neighborhood Improvement Area #2A Assessed Property and Administrative Expenses set forth in the NIA #2 Service and Assessment Plan Update results in imposing equal shares of the Actual Costs of the Neighborhood Improvement Area #2 Improvements and Administrative Expenses on property similarly benefited, and results in a reasonable classification and formula for the apportionment of the Actual Costs;

(f) The NIA #2 Service and Assessment Plan Update should be approved as the service plan and assessment plan for the District as described in Sections 372.013 and 372.014 of the PID Act;

(g) The Neighborhood Improvement Area #2 Assessment Roll reflecting the Neighborhood Improvement Area #2A Special Assessments levied against the Neighborhood Improvement Area #2A Assessed Property should be approved as the Neighborhood Improvement Area #2 Assessment Roll for the District;

(h) The Neighborhood Improvement Area #2 Assessment Roll will be updated in the future after a properly noticed public hearing as required by the PID Act when the Actual Costs of the Neighborhood Improvement Area #2 Improvements to be constructed for the benefit of property within the Neighborhood Improvement Area #2B portion of Neighborhood Improvement Area #2 can be determined with certainty;

(i) The provisions of the NIA #2 Service and Assessment Plan Update relating to due and delinquency dates for the Neighborhood Improvement Area #2A Special Assessments, interest on Annual Installments, interest and penalties on delinquent Neighborhood Improvement Area #2 Special Assessments and delinquent Annual Installments, and procedures in connection with the imposition and collection of Neighborhood Improvement Area #2A Special Assessments should be approved and

will expedite collection of the Neighborhood Improvement Area #2A Special Assessments in a timely manner in order to provide the services and improvements needed and required for the area within the District; and

(j) A written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public for the time required by law preceding this meeting, as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter hereof has been discussed, considered, and formally acted upon.

Section 3. Service and Assessment Plan.

The NIA #2 Service and Assessment Plan Update is hereby accepted and approved pursuant to Sections 372.013 and 372.014 of the PID Act as the updated service plan and the updated assessment plan for the District.

Section 4. Neighborhood Improvement Area #2 Assessment Roll.

The Neighborhood Improvement Area #2 Assessment Roll is hereby accepted and approved pursuant to Section 372.016 of the PID Act as the Neighborhood Improvement Area #2 Assessment Roll of the District. As set forth in the NIA #2 Service and Assessment Plan Update, the Neighborhood Improvement Area #2 Assessment Roll is only for the Neighborhood Improvement Area #2A portion of Neighborhood Improvement Area #2 and will be updated in the future to include the Neighborhood Improvement Area #2B portion of Neighborhood Improvement Area #2 when the Actual Costs of the Neighborhood Improvement Area #2 Improvements that will benefit the Neighborhood Improvement Area #2B portion of Neighborhood Improvement Area #2 can be determined with certainty.

Section 5. Levy and Payment of Neighborhood Improvement Area #2A Special Assessments for Costs of the Neighborhood Improvement Area #2 Improvements benefitting Neighborhood Improvement Area #2A Assessed Property.

(a) The City Council hereby levies an assessment on each Parcel of property (excluding Non-Benefitted Property) located within the Neighborhood Improvement Area #2A portion of Neighborhood Improvement Area #2 of the District, as shown and described in the NIA #2 Service and Assessment Plan Update and the Neighborhood Improvement Area #2 Assessment Roll, in the respective amounts shown on the Neighborhood Improvement Area #2 Assessment Roll as a special assessment on the properties set forth in the Neighborhood Improvement Area #2 Assessment Roll.

(b) The levy of the Neighborhood Improvement Area #2A Special Assessments against the Neighborhood Improvement Area #2A Assessed Property shall be effective on the date of execution of this Ordinance levying Neighborhood Improvement Area #2A Special Assessments and strictly in accordance with the terms of the NIA #2 Service and Assessment Plan and the PID Act.

(c) The collection of the Neighborhood Improvement Area #2A Special Assessments levied against the Neighborhood Improvement Area #2A Assessed Property shall be as described in the NIA #2 Service and Assessment Plan and the PID Act.

(d) Each Neighborhood Improvement Area #2A Special Assessment levied against the Neighborhood Improvement Area #2A Assessed Property may be paid in a lump sum at any time or may be paid in Annual Installments pursuant to the terms of the NIA #2 Service and Assessment Plan Update.

(e) Each Neighborhood Improvement Area #2A Special Assessment shall bear interest at the rate or rates specified in the NIA #2 Service and Assessment Plan Update.

(f) Each Annual Installment of Special Assessments shall be collected each year in the manner set forth in the NIA #2 Service and Assessment Plan Update.

(g) The Administrative Expenses for Assessed Property shall be calculated pursuant to the terms of the NIA #2A Service and Assessment Plan.

(h) The levy of Special Assessments against property in the Neighborhood Improvement Area #2B portion of Neighborhood Improvement Area #2 is expressly deferred until the Actual Costs of the Neighborhood Improvement Area #2 Improvements benefitting such property can be determined with certainty as described in the NIA #2 Service and Assessment Plan Update.

Section 6. Method of Assessment.

The method of apportioning the Actual Costs of the Neighborhood Improvement Area #2 Improvements and Administrative Expenses are set forth in the Service and Assessment Plan Update.

Section 7. Penalties and Interest on Delinquent Neighborhood Improvement Area #2A Special Assessments.

Delinquent Neighborhood Improvement Area #2A Special Assessments shall be subject to the penalties, interest, procedures, and foreclosure sales set forth in the NIA #2 Service and Assessment Plan Update and as allowed by law.

Section 8. Prepayments of Neighborhood Improvement Area #2A Special Assessments.

As provided in Section VI of the Service and Assessment Plan, the owner of any Neighborhood Improvement Area #2A Assessed Property may prepay, in whole or in part, the Neighborhood Improvement Area #2A Special Assessments levied by this Ordinance without penalty.

Section 9. Lien Priority.

The City Council and the Landowners intend for the obligations, covenants and burdens on the landowners of Neighborhood Improvement Area #2A Assessed Property, including without limitation such Landowners' obligations related to payment of the Neighborhood

Improvement Area #2A Special Assessments and the Annual Installments thereof, to constitute covenants that shall run with the land. The Neighborhood Improvement Area #2A Special Assessments and the Annual Installments thereof which are levied hereby shall be binding upon the Assessed Parties, as the owners of Neighborhood Improvement Area #2A Assessed Property, and their respective transferees, legal representatives, heirs, devisees, successors and assigns in the same manner and for the same period as such parties would be personally liable for the payment of ad valorem taxes under applicable law. Neighborhood Improvement Area #2A Special Assessments shall have lien priority as specified in the NIA #2 Service and Assessment Plan and the PID Act.

Section 10. Applicability of Tax Code.

To the extent not inconsistent with this Ordinance, and not inconsistent with the PID Act or the other laws governing public improvement districts, the provisions of the Texas Tax Code shall be applicable to the imposition and collection of Neighborhood Improvement Area #2A Special Assessments against the Neighborhood Improvement Area #2A Assessed Property by the City.

Section 11. Filing in Land Records. The City Secretary is directed to cause a copy of this Ordinance, including the Service and Assessment Plan Update, to be recorded in the real property records of Collin County.

Section 12. Severability.

If any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance or the application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council that no portion hereof, or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness, or invalidity or any other portion hereof, and all provisions of this ordinance are declared to be severable for that purpose.

Section 13. Effective Date.

This Ordinance shall take effect, and the levy of the Neighborhood Improvement Area #2 Special Assessments against the Neighborhood Improvement Area #2A Assessed Property, and the provisions and terms of the Service and Assessment Plan Update shall be and become effective upon passage and execution hereof.

[Remainder of Page Intentionally Left Blank; Signatures to Follow]

PASSED AND ADOPTED, this July 10, 2018.

CITY OF CELINA, TEXAS

Sean Terry, Mayor

ATTEST:

City Secretary

(City Seal)

Attachment: v2-Celina_Wells_South_(Lilyana)_PID_2018_-_NIA_#2_-_Assessment_Ordinance_(Lilyana_Public_Hearing_&_SAP_approval)

STATE OF TEXAS §
 §
 COUNTY OF COLLIN §

This instrument was acknowledged before me on the ____ day of _____, 2018 by Sean Terry and Vicki Faulkner, Mayor and Secretary, respectively, of the City of Celina, Texas on behalf of said City.

(SEAL)

 Notary Public, State of Texas

 Name printed or typed

Commission Expires:_____

Attachment: v2-Celina_Wells_South_(Lilyana)_PID_2018_-_NIA_#2_-_Assessment_Ordinance_(Lilyana_Public_Hearing_&_SAP_approval)

EXHIBIT A

NIA #2 Service and Assessment Plan Update

Attachment: v2-Celina_Wells_South_(Lilyana)_PID_2018_-_NIA_#2_-_Assessment_Ordinance_(Lilyana_Public_Hearing_&_SAP_approval)

Wells South Public Improvement District

Service and Assessment Plan
Updated for Neighborhood Improvement Area #2

Attachment: WellsSouth PID-Updated SAP for NIA 2-v2.2 (Lilyana Public Hearing & SAP approval)

Section I

PLAN DESCRIPTION AND DEFINED TERMS

A. Introduction

On July 14, 2015, (the "**Creation Date**"), the City Council (the "**City Council**") of the City of Celina, Texas (the "**City**") approved Resolution No. 2015-34R, which authorized the creation of the Wells South Public Improvement District (the "**PID**") to finance the Actual Costs of the Public Improvements for the benefit of certain property in the PID, all of which is currently located within the corporate limits of the City.

Chapter 372 of the Texas Local Government Code (as amended, the "**PID Act**"), governs the creation and operation of public improvement districts within the State of Texas. This Service and Assessment Plan (this "**SAP**") was prepared pursuant to the PID Act. The PID Act requires that a service plan "cover a period of at least five years and must also define the annual indebtedness and the projected costs for improvements." The PID Act also requires a service plan "be reviewed and updated annually for the purpose of determining the annual budget for improvements." The service plan for the PID is described in more detail in **Section V** herein.

The Assessment Rolls for the PID are attached hereto as **Appendix A**, **Appendix B**, **Appendix C**, and **Appendix D** and are addressed in **Section VII** of this SAP. The Special Assessments as shown on the Assessment Rolls are based on the method for establishing and levying the Special Assessments described in **Sections IV** and **VI** of this SAP.

B. Definitions

Capitalized terms shall have the meanings ascribed to them as follows:

"**Actual Cost(s)**" means, with respect to a Public Improvement, the demonstrated, reasonable, allocable, and allowable costs of constructing such Public Improvement as specified in a payment request in a form that has been reviewed and approved by the City. Actual Cost may include (a) the costs incurred for the design, planning, financing, administration, management, acquisition, installation, construction and/or implementation of such Public Improvement, (b) the costs incurred in preparing the construction plans for such Public Improvement, (c) the fees paid for obtaining permits, licenses or other governmental approvals for such Public Improvement, (d) the costs incurred for external professional costs, such as engineering, geotechnical, surveying, land planning, architectural landscapers, advertising, marketing and research studies, appraisals, legal, accounting and similar professional services, taxes (property and franchise) related to such Public Improvement (e) all labor, bonds and materials, including equipment and fixtures, incurred by contractors, builders and materialmen in connection with the acquisition, construction or implementation of such Public Improvement, (f) all related permitting, zoning and public approval expenses, architectural, engineering, legal and consulting fees,

financing charges, taxes, governmental fees and charges, insurance premiums, and miscellaneous expenses, and (g) all payments for Administrative Expenses.

“Administrative Expenses” means the administrative, organization, maintenance and operation costs and expenses associated with, or incident to, the administration, organization, maintenance and operation of the PID, including, but not limited to, the costs of (i) legal counsel, engineers, accountants, financial advisors, investment bankers or other consultants and advisors, (ii) creating and organizing the PID and preparing the Assessment Rolls, (iii) computing, levying, collecting and transmitting the Special Assessments or the Annual Installments thereof, (iv) maintaining the record of Special Assessments, including payments, reallocations and/or cancellations of the Special Assessments or Annual Installments thereof, (v) issuing, paying, and redeeming the PID Bonds, (vi) investing or depositing the Special Assessments or other monies, (vii) complying with the PID Act with respect to the PID Bonds, (viii) paying the paying agent/registrar’s and trustee’s fees and expenses (including the fees and expenses of its legal counsel) related to the PID Bonds, and (ix) administering the construction of the Public Improvements.

“Administrator” means an employee of the City or third party designee of the City who shall have the responsibilities provided for herein, in an Indenture relating to PID Bonds or in any other agreement approved by the City Council.

“Annual Installment” means, with respect to the Assessed Property, each annual payment of: (i) the Special Assessment (including the principal of and interest on), as shown on the Assessment Rolls attached hereto as **Appendix A, Appendix B, Appendix C, or Appendix D**, as applicable, or in an Annual Service Plan Update, and calculated as provided in **Section VI** of this SAP, (ii) Administrative Expenses, (iii) the portion of the interest on the Special Assessment designated for the Prepayment Reserve described in **Section IV** of this SAP, and (iv) the portion of the interest on the Special Assessment designated for the Delinquency Reserve described in **Section IV** of this SAP.

“Annual Installment Allocable to the City Contributed Major Improvements” means, with respect to each Parcel, each annual payment of: (i) that portion of each Special Assessment, or Annual Installment thereof, allocable to the City Contributed Major Improvements including interest, as shown on the Assessment Rolls attached hereto as **Appendix A, Appendix B, Appendix C, or Appendix D**, as applicable, or in an Annual Service Plan Update, and calculated as provided in **Section VI** of this SAP. In no event shall the Annual Installment Allocable to the City Contributed Major Improvements exceed 8.25% of the debt service on the City Certificates of Obligation financing the City Contributed Major Improvements.

“Annual Service Plan Update” has the meaning set forth in **Section V** of this SAP.

“Assessed Property” or **“Assessed Properties”** means property on which Special Assessments have been levied as shown on the Assessment Rolls attached hereto as **Appendix A**, **Appendix B**, **Appendix C**, or **Appendix D** (as each may be updated each year by the Annual Service Plan Update) and which includes any and all Parcels within the PID other than Non-Benefited Property.

“Assessment Ordinance” means each ordinance adopted by the City Council approving this SAP (or amendments or supplements to the SAP) and levying the Special Assessments.

“Assessment Roll” or **“Assessment Rolls”** means collectively or separately as applicable, the Major Improvement Area Assessment Roll, the Neighborhood Improvement Area #1 Assessment Roll, and the City Contributed Major Improvement Assessment Roll included in this SAP as **Appendix A**, **Appendix B**, **Appendix C**, or **Appendix D**, respectively, as each may be updated, modified or amended from time to time in accordance with the procedures set forth herein and in the PID Act, including updates prepared in connection with the issuance of PID Bonds or in connection with any Annual Service Plan Update.

“Authorized Improvements” means improvements authorized by Section 372.003 of the PID Act including those listed in **Section III.A** of this SAP.

“City” means the City of Celina, Texas.

“City Certificates of Obligation” has the meaning set forth in **Section IV.G** of this SAP

“City Contributed Major Improvement Assessment Roll” means the document included in this SAP as **Appendix C**, as updated, modified or amended from time to time in accordance with the procedures set forth herein and in the PID Act, including updates prepared in connection with the issuance of City Certificates of Obligation or in connection with any Annual Service Plan Update.

“City Contributed Major Improvement Credit Amount” means, with respect to each Parcel of Assessed Property, the amount of unencumbered and lawfully available funds equal to ad valorem taxes collected by the City from the Assessed Property during the previous year, as applicable, to be used for reducing the Annual Installment Allocable to the City Contributed Major Improvements in an Annual Service Plan Update, and calculated as provided in **Section VI** of this SAP. Such payments are not pledged to the Major Improvement Area Bonds, the Neighborhood Improvement Area #1 Bonds, or the Neighborhood Improvement Area #2 Bonds and will not be pledged to future PID Bonds.

“City Contributed Major Improvements” mean those water and sewer improvements described in **Section III.C** of this SAP which benefit all Assessed Property within the PID, constructed and installed in accordance with this SAP, as the same may be amended from time to time, and any Annual Service Plan Update.

“City Council” means the duly elected governing body of the City.

“Commercial Parcel” means a Parcel located within the PID which has been designated at the time of the adoption of the initial Assessment Rolls and approval of this SAP for the future development of commercial uses such as, but not limited to, office buildings, retail shopping centers, and multi-family residential projects.

“County” means Collin County, Texas.

“Delinquency Reserve” has the meaning set forth in **Section IV.M** of this SAP.

“Delinquent Collection Costs” means interest, penalties and expenses incurred or imposed with respect to any delinquent Special Assessment, or an Annual Installment thereof, in accordance with the PID Act which includes the costs related to pursuing collection of such delinquent Special Assessment, or an Annual Installment thereof, and the costs related to foreclosing the lien against the Assessed Property, including attorney’s fees.

“Developer” means Celina Development, LLC, a Texas limited liability company, including its successors and assigns.

“Development Agreement” means that certain "Development Agreement" by and between the City, the Owner and the George White Family Limited Partnership and related to the Property entered into as of April 28, 2015, as amended by that certain "Amended and Restated Development Agreement" by and between the City, the Owner and the George White Family Limited Partnership and related to the Property and approved by the City Council on September 8, 2015, as further amended by that certain "First Amendment to Amended and Restated Development Agreement" by and between the City and the Owner and related to the Property and approved by the City Council on February 13, 2018, and any future amendments thereto.

“Future Neighborhood Improvement Areas” means those Neighborhood Improvement Areas to be defined and developed after Neighborhood Improvement Area #1 and Neighborhood Improvement Area #2, and within the boundaries of the PID but which are not subject to development at this time.

“Future Neighborhood Improvement Area Bonds” means bonds issued to fund Future Neighborhood Improvement Area Improvements (or a portion thereof) in a Future Neighborhood Improvement Area that are secured by Special Assessments levied on Assessed Property within such Future Neighborhood Improvement Area. In connection with Future Neighborhood Improvement Area Bonds, Special Assessments related to such Future Neighborhood Improvement Area Bonds will be levied only on property located within the applicable Future Neighborhood Improvement Area to finance Public Improvements which will only benefit such Future Neighborhood Improvement Area.

“Future Neighborhood Improvement Area Improvements” means those Public Improvements which will confer a special benefit on the related Future Neighborhood Improvement Area.

“Indenture” means an indenture of trust, trust agreement, ordinance or similar document between the City and Trustee setting forth the terms and other provisions relating to a series of PID Bonds, as modified, amended, and/or supplemented from time to time.

“Lot” means (i) for any portion of the Property for which a subdivision plat has been recorded in the official public records of the County, a tract of land described as a “lot” in such subdivision plat, and (ii) for any portion of the Property for which a subdivision plat has not been recorded in the official public records of the County, a tract of land anticipated to be described as a “lot” in a final recorded subdivision plat.

“Lot Type” means a classification of final building Lots with similar characteristics (e.g. commercial, light industrial, multifamily residential, single family residential, or other uses), as determined by the Administrator and confirmed by the City Council. In the case of single family residential Lots, the Lot Type shall be further defined by classifying the residential Lots based on the front footage of the Lot, as determined by the Administrator and confirmed by the City Council.

“Major Improvements” means the Public Improvements which benefit all Assessed Property within the PID and are described in **Section III.B.**

“Major Improvement Area” means the property within the PID not within Neighborhood Improvement Area #1, as generally shown on **Table II-B** and described as the Property legally described in Appendix E save and accept for the approximately 93.2 acres within Neighborhood Improvement Area #1 legally described in Appendix E-2.

“Major Improvement Area Assessed Property” means, for any year, all Parcels within the Major Improvement Area other than Non-Benefited Property and listed in the Major Improvement Area Assessment Roll against which Special Assessments relating to the Major Improvement Area Projects are levied.

“Major Improvement Area Assessment Roll” means the document included in this SAP as **Appendix A**, as updated, modified or amended from time to time in accordance with the procedures set forth herein and in the PID Act, including updates prepared in connection with the issuance of the Major Improvement Area Bonds or in connection with any Annual Service Plan Update.

“Major Improvement Area Bonds” means those certain City of Celina, Texas Special Assessment Revenue Bonds, Series 2015 (Wells South Public Improvement District Major Improvement Area Project) that are secured by Special Assessments levied on Major Improvement Area Assessed Property.

“Major Improvement Area Projects” means the Major Improvement Area's proportionate share of the Major Improvements.

“Neighborhood Improvement Area” means one or more Parcels within the PID that are anticipated to be developed in the same general time period. The Parcels within a Neighborhood Improvement Area other than the Non-Benefited Property will be assessed in connection with the issuance of PID Bonds for the Public Improvements (or the portion thereof) designated in an update to the Assessment Plan that specially benefit the Assessed Property within said Neighborhood Improvement Area, but any Parcels outside of the Neighborhood Improvement Area will not be assessed.

“Neighborhood Improvement Area #1” means the property within the PID as depicted on the map on Table II.B consisting of approximately 93.2 acres within the PID and as specifically described in Appendix E-2 and as depicted in Appendix F.

“Neighborhood Improvement Area #1 Assessed Property” means, for any year, all Parcels within Neighborhood Improvement Area #1 other than Non-Benefited Property and listed in the Neighborhood Improvement Area #1 Assessment Roll against which Special Assessments relating to the Neighborhood Improvement Area #1 Improvements are levied.

“Neighborhood Improvement Area #1 Assessment Roll” means the Assessment Roll covering Neighborhood Improvement Area #1 included in this SAP as Appendix B, as updated, modified or amended from time to time in accordance with the procedures set forth herein and in the PID Act.

“Neighborhood Improvement Area #1 Bonds” means those certain City of Celina, Texas Special Assessment Revenue Bonds, Series 2015 (Wells South Public Improvement District Neighborhood Improvement Area #1 Project) that are secured by Special Assessments levied on the Neighborhood Improvement Area #1 Assessed Property.

“Neighborhood Improvement Area #1 Improvements” means those Public Improvements that confer a special benefit solely on Neighborhood Improvement Area #1 and are described in **Section III.C**; and, that are to be financed with Neighborhood Improvement Area #1 Bonds.

“Neighborhood Improvement Area #1 Projects” means the Neighborhood Improvement Area #1 Improvements and the portion of the Major Improvements described in **Section III.B** allocable to Neighborhood Improvement Area #1.

“Neighborhood Improvement Area #2” means the property within the PID as depicted on the map on **Table II.B** consisting of approximately 85.448 acres within the PID and as specifically described in Appendix E-3. Neighborhood Improvement Area #2 consists of Neighborhood Improvement Area #2A (“NIA #2A”) and Neighborhood Improvement Area #2B (“NIA #2B”) as described in **Section II.B**.

“Neighborhood Improvement Area #2 Assessed Property” means, for any year, all Parcels within Neighborhood Improvement Area #2 other than Non-Benefited Property and listed in the Neighborhood Improvement Area #2 Assessment Roll against which

Special Assessments relating to the Neighborhood Improvement Area #2 Improvements are levied. Neighborhood Improvement Area #2 Assessed Property consists of Neighborhood Improvement Area #2A Assessed Property and Neighborhood Improvement Area #2B Assessed Property.

“Neighborhood Improvement Area #2 Assessment Roll” means the Assessment Roll covering Neighborhood Improvement Area #2, as the same may be updated, modified or amended from time to time in accordance with the procedures set forth herein and in the PID Act. **At this time, the Assessment Roll included in this SAP as Appendix D is only for the NIA #2A portion of Neighborhood Improvement Area #2. This SAP will be updated in the future to include the Assessment Roll for the NIA #2B portion of Neighborhood Improvement Area #2 when the Actual Costs of the Neighborhood Improvement Area #2 Improvements that will benefit the NIA #2B portion are known.**

“Neighborhood Improvement Area #2 Bonds” means those certain City of Celina, Texas Special Assessment Revenue Bonds, Series 20__ (Wells South Public Improvement District Neighborhood Improvement Area #2 Project) that are secured by Special Assessments levied on the Neighborhood Improvement Area #2 Assessed Property, if and when issued by the City.

“Neighborhood Improvement Area #2 Improvements” means those Public Improvements that confer a special benefit solely on Neighborhood Improvement Area #2 and are described in **Section III.E**; and, that are to be financed with a PID Reimbursement Agreement and/or Neighborhood Improvement Area #2 Bonds.

“Non-Benefited Property” means Parcels within the boundaries of the PID that accrue no special benefit from the Public Improvements as determined by City Council, which may include Public Property. Property identified as Non-Benefited Property at the time the Special Assessments (i) are levied or (ii) are reallocated pursuant to a subdivision of a Parcel is not assessed. Assessed Property converted to Non-Benefited Property, if the Special Assessments may not be reallocated pursuant to **Section VI.E** or **Section VI.F**, remains subject to the Special Assessments and requires the Special Assessments to be prepaid as provided for in **Section VI.G**.

“Owner” means Hillwood Enterprises, L.P., a Texas limited partnership, or other entity affiliated with Hillwood Enterprises, L.P.

“Owner’s Association” means a homeowner’s association or property owner’s association.

“Owner’s Association Special Assessment Allocation” means 1% of the total Special Assessment for a specific Parcel or Neighborhood Improvement Area that is allocated to cover the PID benefit received by the Owner’s Association from the Public Improvements benefitting the Owner’s Association Property.

“Owner’s Association Property” means property within the boundaries of the PID that is owned by or irrevocably offered for dedication to, whether in fee simple or through an easement, to an owners’ association established for the benefit of a group of homeowners or property owners within the PID.

“Parcel” means a property identified by either a tax map identification number assigned by the Collin County Appraisal District for real property tax purposes, by metes and bounds description, by lot and block number in a final subdivision plat recorded in the official public records of the County, or by any other means determined by the City.

“PID” means the Wells South Public Improvement District created by the City pursuant to Resolution No. 2015-34R approved July 14, 2015.

“PID Act” means Chapter 372 of the Texas Local Government Code, as amended.

“PID Bonds” means the Major Improvement Area Bonds, the Neighborhood Improvement Area #1 Bonds, the Neighborhood Improvement Area #2 Bonds, and any Future Neighborhood Improvement Area Bonds which may be issued to finance Public Improvements in the Major Improvement Area, Neighborhood Improvement Area #1, Neighborhood Improvement Area #2, or in the Future Neighborhood Improvement Areas.

“PID Reimbursement Agreement” means that certain PID Reimbursement Agreement – Wells South, dated December 7, 2015, by and between the City and the Developer in which the Developer agrees to fund certain Actual Costs of Authorized Improvements and the City agrees to reimburse the Developer for a portion of such Actual Costs funded by the Developer with interest as permitted by the PID Act.

“Prepayment Costs” mean interest and Administrative Expenses, to the extent not paid in an Annual Installment, plus any additional amounts due pursuant to the Indenture related to the PID Bonds, if any, reasonably expected to be incurred by or imposed upon the City as a result of any prepayment of an Assessment and the PID Bonds secured by such Assessment, each to the date of prepayment and to the extent each is allowable by law.

“Prepayment Reserve” has the meaning set forth in **Section IV.L** of this SAP.

“Property” means the approximately 400.524 acres of property depicted and described by metes and bounds on Exhibit B to Resolution No. 2015-34R as adopted by City Council on July 14, 2015 and is legally described in **Appendix E-1** to this SAP and is depicted in **Table II.A** of this SAP.

“Public Improvements” mean the Authorized Improvements designed, constructed, and installed in accordance with this SAP for which Special Assessments are levied against the Assessed Property that receives a special benefit from such improvement.

“Public Property” means real property, right-of-way and easements located within the boundaries of the PID owned by or irrevocably offered for dedication to the federal government, the State of Texas, the County, the City, a school district, a public utility provider or any other political subdivision or public agency, whether in fee simple, through an easement, prescription, or by plat.

“Residential Parcel” means a Parcel located within the PID which has been designated at the time of the approval of this SAP for the future development of single family residential homes.

“Service and Assessment Plan” or **“SAP”** means this Wells South Public Improvement District Service and Assessment Plan (as such plan is amended, supplemented or updated from time to time) approved by the City Council in the first Assessment Ordinance.

“Special Assessment” means the assessment levied against a Parcel imposed pursuant to an Assessment Ordinance and the provisions herein, as shown on any Assessment Roll, subject to reallocation upon the subdivision of such Parcel created by such subdivision or reduction according to the provisions hereof and the PID Act.

“Trustee” means the trustee as specified in an Indenture, and any successor thereto permitted under such Indenture.

Section II

PROPERTY INCLUDED IN THE PID

A. Property Included in the PID

The PID is comprised of the Property. The PID is currently located entirely within the City's corporate limits. The PID contains approximately 400.524 gross acres of which approximately 375.2 are developable acres planned for development to include a combination of residential and commercial development as well as the associated rights-of-way, landscaping, and infrastructure necessary to provide roadways, drainage, and utilities to the PID.

A map of the property within the PID is shown in Table II-A. Legal descriptions for all Parcels within the PID are included in Appendix E.



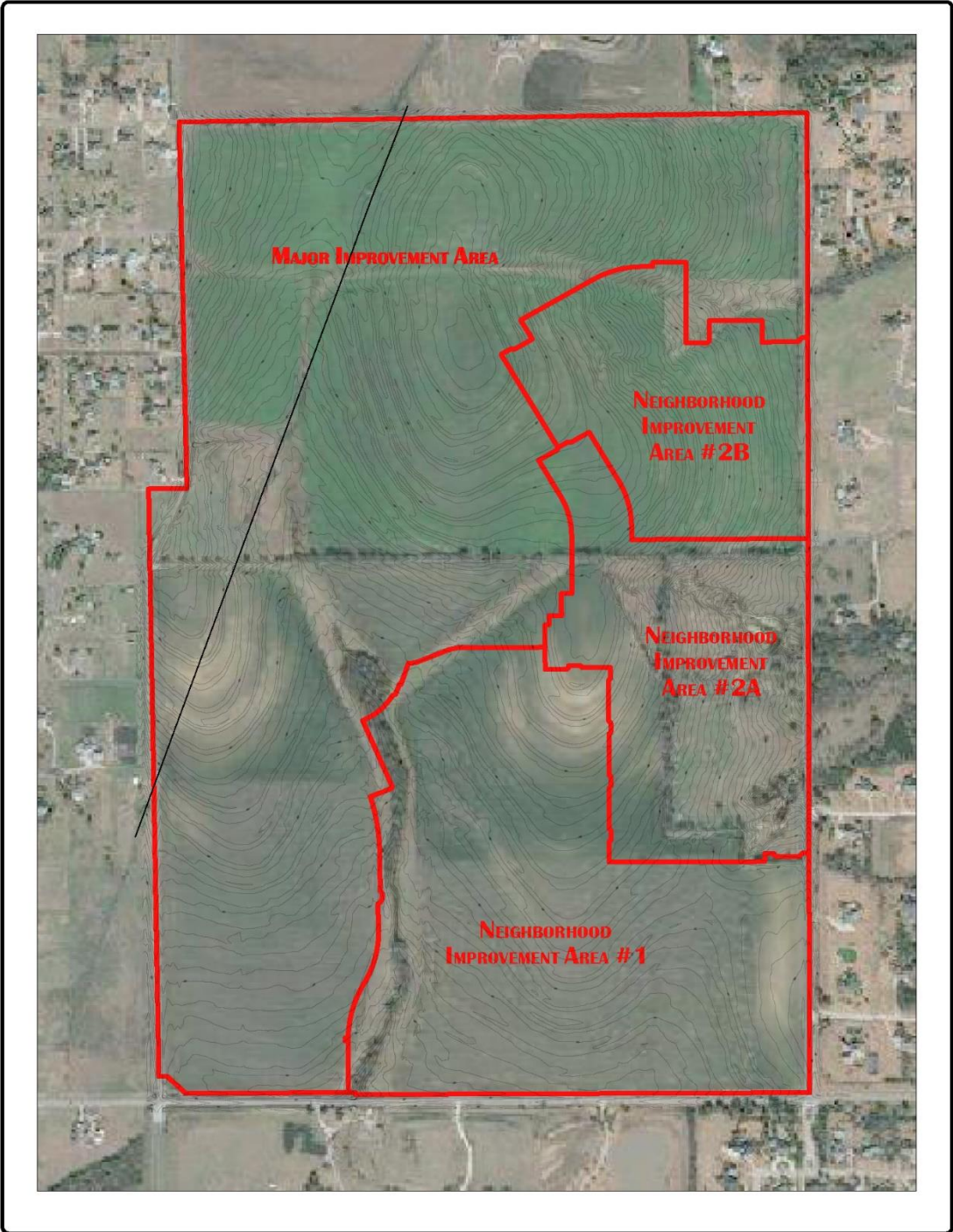
B. Property Located in the Major Improvement Area, Neighborhood Improvement Area #1 and Neighborhood Improvement Area #2

The Property within the PID is approximately 400.524 gross acres of which approximately 375.2 will be developed. Neighborhood Improvement Area # 1 consists of approximately 93.2 acres projected to consist of 293 single family residential units, to be developed in one phase and which will be specially benefitted by the Public Improvements described in **Section III.C**. Neighborhood Improvement Area # 2 consists of approximately 85.448 acres that will be developed in two subphases: (i) "Neighborhood Improvement Area #2A" (NIA #2A) consisting of approximately 48.72 acres currently projected to consist of 207 single family residential units to be developed, and (ii) "Neighborhood Improvement Area #2B" (NIA #2B) consisting of approximately 36.728 acres currently projected to consist of 135 single family residential units. The NIA #2A portion of Neighborhood Improvement Area #2 will be specially benefitted by the Public Improvements described in **Section III.D**. This SAP will be updated when the Actual Costs of the Neighborhood Improvement Area #2 Improvements that benefit the NIA #2B portion of Neighborhood Improvement Area #2 can be determined.

The Major Improvement Area consists of all of the property within the PID excluding the property within Neighborhood Improvement Area #1. Property at the time of the levy of the Special Assessments securing the Major Improvement Bonds. Neighborhood Improvement Area #2 lies within the Major Improvement Area.

A map of the property within the PID, Neighborhood Improvement Area #1 and Neighborhood Improvement Area #2 is shown in **Table II-B**. The legal description for all property within the PID is included in **Appendix E-1**. The legal description for all property within Neighborhood Improvement Area #1 is included in Appendix E-2. The legal description for all property within the NIA #2A portion of Neighborhood Improvement Area #2 is included in Appendix E-3.

TABLE II-B	
Neighborhood Improvement Area Boundaries	

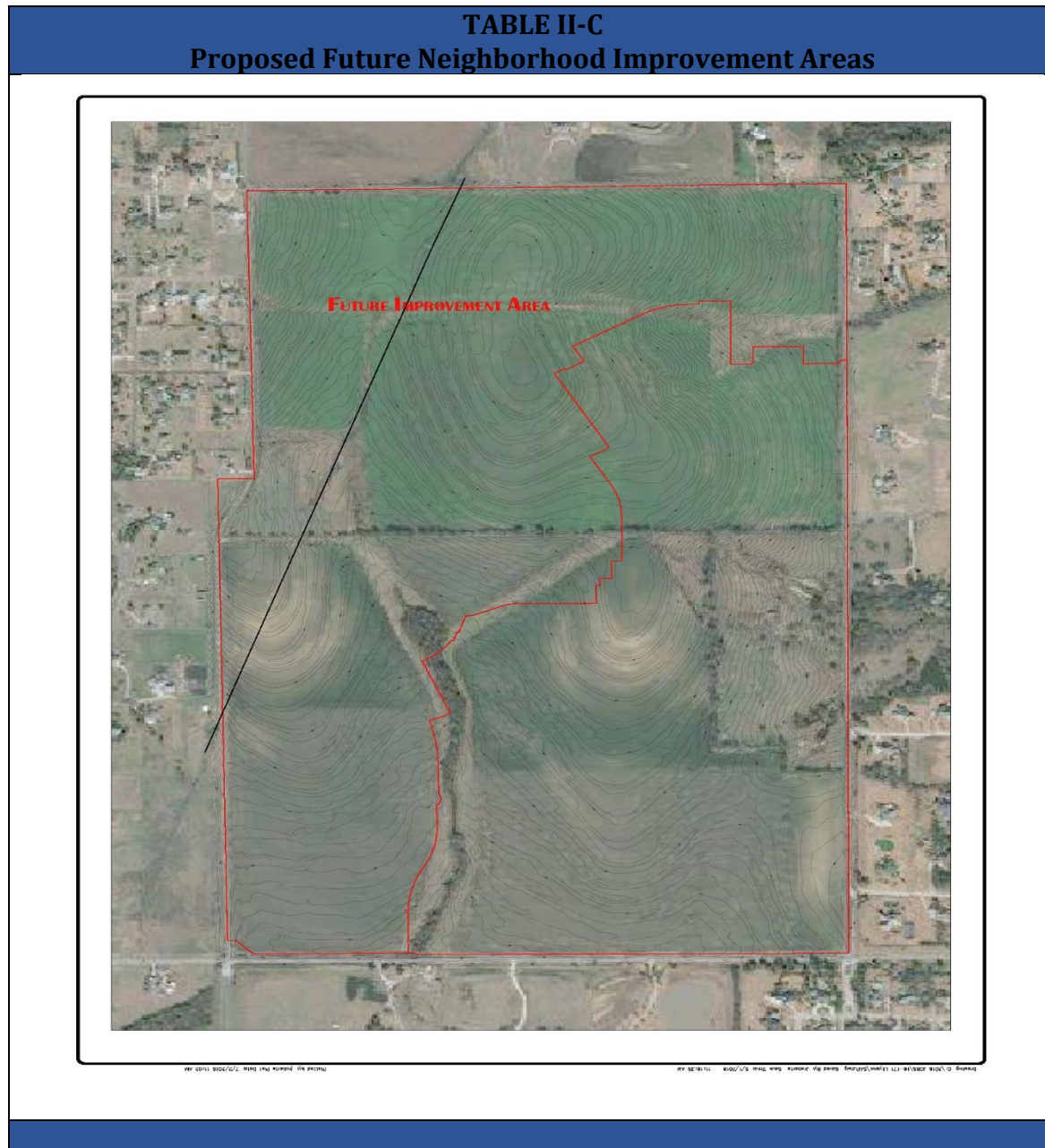


Attachment: WellsSouth PID-Updated SAP for NIA 2-v2.2 (Lilyana Public Hearing & SAP approval)

C. Property Included in Future Neighborhood Improvement Areas

As Future Neighborhood Improvement Areas are developed and in connection with the issuance of any Future Neighborhood Improvement Area Bonds, this Service and Assessment Plan will be amended to revise the table shown in **Section II.B** above (e.g. **Table II-B** will be revised to show the addition of such Future Neighborhood Improvement Area).

A map of the projected property within each Future Neighborhood Improvement Area is shown in **Table II-C**. The Future Neighborhood Improvement Area is shown for illustrative purposes only and is subject to adjustment in the future.



Section III

DESCRIPTION OF THE PUBLIC IMPROVEMENTS

A. Authorized Improvement Overview

Section 372.003 of the PID Act identifies the authorized improvements that a City may choose to undertake with the establishment of a PID. The Authorized Improvements identified in the PID Act include:

- (i) landscaping;
- (ii) erection of fountains, distinctive lighting, and signs;
- (iii) acquiring, constructing, improving, widening, narrowing, closing, or rerouting of sidewalks or of streets, any other roadways, or their rights-of-way;
- (iv) construction or improvement of pedestrian mall;
- (v) acquisition and installment of pieces of art;
- (vi) acquisition, construction or improvement of libraries;
- (vii) acquisition, construction or improvement of off-street parking facilities;
- (viii) acquisition, construction or improvement of rerouting of mass transportation facilities;
- (ix) acquisition, construction or improvement of water, wastewater, or drainage facilities or improvements;
- (x) the establishment or improvement of parks;
- (xi) projects similar to those listed in Subdivisions (i)-(x)
- (xii) acquisition, by purchase or otherwise, of real property in connection with an authorized improvement;
- (xiii) special supplemental services for improvement and promotion of the district, including services relating to advertising, promotion, health and sanitation, water and wastewater, public safety, security, business recruitment, development recreation and cultural enhancement;
- (xiv) payment of expenses incurred in the establishment, administration and operation of the district; and
- (xv) the development, rehabilitation, or expansion of affordable housing.

The City has determined that of the improvements authorized under the PID Act, it will undertake at this time only those Public Improvements more particularly described in **Section III.B**, **Section III.C** and **Section III.D**. Any change to the list of Public Improvements, including any Future Neighborhood Improvement Area Improvements as described in **Section III.D**, will require the approval of the City.

B. Descriptions and Costs of Major Improvements

The Major Improvements benefit the entire PID. However, Major Improvement Area Assessed Property does not include Neighborhood Improvement Area #1 Assessed Property; therefore, the costs of the Major Improvements are allocated proportionally between Major Improvement Area Assessed Property and the Neighborhood Improvement Area #1 Assessed Property based on the costs of neighborhood improvements planned within their respective boundaries. Major Improvement Area Bonds will fund the Major Improvement Area's proportionate share of the costs of the Major Improvements (the "Major Improvement Area Projects"); and, Neighborhood Improvement Area #1 Bonds will fund both Neighborhood Improvement Area #1's proportionate share of the costs of the Major Improvements as well as the Neighborhood Improvement Area #1 Improvements (collectively, the "Neighborhood Improvement Area #1 Projects"). This cost allocation between the Major Improvement Area and Neighborhood Improvement Area #1 is shown in more detail on **Table IV-C**.

The Major Improvements are described below. **Table III-B** shows the updated Actual Costs of the Major Improvements. The Actual Cost to construct the Major Improvements is \$6,777,952. The costs shown in **Table III-B** may be revised in Annual Service Plan Updates.

The Actual Costs for Major Improvements are to be funded from (i) the proceeds of the Major Improvement Area Bonds, (ii) a portion of the proceeds of the Neighborhood Improvement Area #1 Bonds, and (iii) from funds contributed by the Developer, all as described herein.

A description of the Major Improvements follows:

- *Road Improvements*
 - The road improvement portion of the Major Improvements consists of the construction of perimeter road and thoroughfare improvements, including related paving, sidewalks, retaining walls, signage, and traffic control devices, and the acquisition of related rights-of-way, as described in the Development Agreement and which benefit the Major Improvement Area Assessed Property. The City has determined that the acquisition of rights-of-way related to road improvements as described in the Development Agreement meets the requirements of its current policy on the financing of roadway rights-of-way through public improvement district assessments. The road improvements will be constructed according to City standards. The cost of the road improvements to be allocated to the Major Improvement Area is \$3,586,681. The cost of the road improvements to be allocated to the Neighborhood Improvements Area #1 is \$291,826.

- *Storm Drainage*
 - The storm drainage improvement portion of the Major Improvements consists of the construction of two detention ponds and appurtenances thereto to appropriately control and convey storm water. The storm drainage improvements will be constructed according to City standards. The cost of storm drainage improvements to be allocated to the Major Improvement Area is \$712,575. The cost of storm drainage improvements to be allocated to the Neighborhood Improvement Area #1 is \$89,128.
- *Wastewater*
 - The wastewater improvement portion of the Major Improvements consists of construction and installation of pipes, service lines, manholes, encasements and appurtenances necessary to provide sanitary sewer service to the Major Improvement Area Assessed Property. The wastewater improvements will be constructed according to City standards. The cost of the wastewater improvements to be allocated to the Major Improvement Area is \$391,877. The cost of the wastewater improvements, to be allocated to the Neighborhood Improvement Area #1 is \$49,695.
- *Water*
 - The water improvement portion of the Major Improvements consists of construction and installation of waterlines, mains, pipes, valves and appurtenances, necessary for the water distribution system that will service the Assessed Property. The water improvements will be constructed according to City standards. The cost of the water improvements to be allocated to the Major Improvement Area is \$430,735. The cost of the water improvements to be allocated to the Neighborhood Improvement Area #1 is \$54,130.
- *Open Space/Trail System*
 - The open space and trail system improvement portion of the Major Improvements consists of certain public open space and trail systems as described in the Development Agreement. The public open space and trail system improvements will be constructed according to City standards. The cost of the open space/trail system improvements to be allocated to the Major Improvement Area is \$188,000. The cost of the open space/trail system improvements to be allocated to the Neighborhood Improvement Area #1 is \$43,385.

**Table III-B
Updated Major Improvement Costs**

Description	NIA #1	MIA	Total
<i>Authorized Improvements</i>			
Road Improvements	\$ 291,826	\$ 3,586,681	\$ 3,878,507
Storm Drainage	89,128	712,575	801,703
Wastewater	49,695	391,877	441,572
Water	54,130	430,735	484,865
Open Space/Trail System	0	188,000	188,000
Soft Costs	103,422	836,500	939,922
Total Authorized Improvements	\$ 588,200	\$ 6,146,368	\$ 6,734,568

Note: Original cost estimates provided by Huitt-Zollars Engineering and updates provided by the Developer as of March 30, 2018. The figures shown in Table III-B may be revised in Annual Service Plan Updates, and may be reallocated between line items so long as the Total Authorized Improvements amount does not change.

C. Descriptions and Costs of City Contributed Major Improvements

The costs of the City Contributed Major Improvements are shown in **Table III-C**. The costs shown in **Table III-C** may be revised in an Annual Service Plan Updates. The total costs for the water and sewer improvements described in this Section III-C is \$24,665,630 and the prorated amount of \$2,433,262 of such costs are allocated to the PID as the City Contributed Major Improvements are provided by the City.

Section IV describes the allocation of the Actual Costs of the City Contributed Major Improvements and the assessment methodology for the determining the Special Assessments related to the City Contributed Major Improvements. **Table V-C** shows the updated amount of funds to be spent by the City on the City Contributed Major Improvements. As provided in the Development Agreement and described in more detail in **Section VI.C**, the City Contributed Major Improvements will be financed by the City and the City will be reimbursed for such expenditures with the sum of each Annual Installment Allocable to the City Contributed Major Improvements as offset by applicable credits.

A description of the City Contributed Major Improvements follows:

- *Wastewater*
 - The wastewater system portion of the City Contributed Major Improvements based on wastewater system models consists of a combination of sanitary sewer trunk mains of various diameters that are generally PVC pipe, a lift station, force mains, manholes and other sewer main appurtenances. The wastewater system improvements will be constructed according to City standards. The total cost of the City wastewater system improvements is \$10,867,000. The cost of the wastewater system portion of the City Contributed Major Improvements allocated to the Assessed Property is \$1,125,925.
- *Water*

- The water distribution system portion of the City Contributed Major Improvements based on the water models consists of a combination of trunk main of various diameters that are generally PVC pipe, matching gate valves, fire hydrants, a possible booster pump station, and associated water main appurtenances. The water distribution system improvements will be constructed according to City standards. The total cost of the City water system improvements is \$9,182,000. The cost of the water distribution system portion of the City Contributed Major Improvements allocated to the Assessed Property is \$1,045,401.

Table III-C				
Updated City Contributed Major Improvement Costs				
Description	NIA #1		MIA	Total
PID Benefit of Authorized Improvements				
Wastewater	\$	264,273	\$ 861,652	\$ 1,125,925
Water		245,572	799,829	1,045,401
Contingency		87,395	284,541	371,936
Total Authorized Improvements	\$	597,239	\$ 1,946,023	\$ 2,543,262

Note: Cost estimates provided by City Staff. The figures shown in Table III-C may be revised in Annual Service Plan Updates.

D. Descriptions and Costs of Neighborhood Improvement Area #1 Improvements

The Neighborhood Improvement Area #1 Improvements are described below. **Table III-D** shows the updated Actual Costs to construct the Neighborhood Improvement Area #1 Improvements as \$4,557,502, which are distinct from Neighborhood Improvement Area #1's allocable share of the Major Improvements described above in **Section III.B**. The proceeds of the Neighborhood Improvement Area #1 Bonds will only fund the Neighborhood Improvement Area #1 Projects which benefit Neighborhood Improvement Area #1 Assessed Property. The Actual Costs shown in **Table III-D** may be revised through Annual Service Plan Updates.

The Actual Costs for Neighborhood Improvement Area #1 Improvements are to be funded both from the proceeds of the Neighborhood Improvement Area #1 Bonds as described herein and from funds contributed by the Developer.

A description of the Neighborhood Improvement Area #1 Improvements follows:

- *Road Improvements*
 - The road improvement portion of the Neighborhood Improvement Area #1 Improvements consists of the construction of road and thoroughfare improvements, including related paving, sidewalks, retaining walls, signage,

and traffic control devices, and the acquisition of related rights-of-way, as described in the Development Agreement and which benefit the Neighborhood Improvement Area #1 Assessed Property. The City has determined that the acquisition of rights-of-way related to road improvements as described in the Development Agreement meets the requirements of its current policy on the financing of roadway rights-of-way through public improvement district assessments. The road improvements will be constructed according to City standards. The cost of these road improvements is \$2,741,495.

- *Storm Drainage*
 - The storm drainage improvement portion of the Neighborhood Improvement Area #1 Improvements consists of construction of detention ponds and appurtenances thereto to appropriately control and convey storm water. The storm drainage improvements will be constructed according to City standards. The cost of these storm drainage improvements is \$557,644.
- *Wastewater*
 - The wastewater improvement portion of the Neighborhood Improvement Area #1 Improvements consists of construction and installation of pipes, service lines, manholes, encasements and appurtenances necessary to provide sanitary sewer service to Neighborhood Improvement Area #1 Assessed Property. The wastewater improvements will be constructed according to City standards. The cost of these wastewater improvements is \$444,583.
- *Water*
 - The water improvement portion of the Neighborhood Improvement Area #1 Improvements consists of construction and installation of a looped water main network, waterlines, mains, pipes, valves and appurtenances, necessary for the portion of the water distribution system that will service the Neighborhood Improvement Area #1 Assessed Property. The water improvements will be constructed according to City standards. The cost of these water improvements is \$587,046.

**Table III-D
Updated Costs of Neighborhood Improvement Area #1 Projects**

Description	Major	Onsite	Total
<i>Authorized Improvements</i>			
Road Improvements	\$ 291,826	\$ 2,449,669	\$ 2,741,495
Storm Drainage	89,128	468,516	557,644
Wastewater	49,695	394,888	444,583
Water	54,130	532,916	587,046
Soft Costs	103,422	711,513	814,934
Total Authorized Improvements	\$ 588,200	\$ 4,557,502	\$ 5,145,702

Note: Initial cost estimates provided by Huitt-Zollars Engineering and updated by the Developer as of March 30, 2018. The figures shown in Table III-D may be revised in Annual Service Plan Updates, and may be reallocated between line items so long as the Total Authorized Improvements amount does not change.

E. Descriptions and Costs of Neighborhood Improvement Area #2 Improvements

The Neighborhood Improvement Area #2 Improvements are described below. **Table III-E** shows the estimated Actual Costs to construct the Neighborhood Improvement Area #2 Improvements for only the benefit of the NIA #2A portion of Neighborhood Improvement Area #2 are \$6,914,376 and are distinct from Neighborhood Improvement Area #2's allocable share of the Major Improvements. The proceeds of the Neighborhood Improvement Area #2 Bonds will only fund the Neighborhood Improvement Area #2 Improvements which benefit Neighborhood Improvement Area #2 Assessed Property. The Actual Costs shown in **Table III-D** may be revised through Annual Service Plan Updates and will be updated to add the Actual Costs of the Neighborhood Improvement Area #2 Improvements that will benefit the NIA #2B portion of Neighborhood Improvement Area #2.

The Actual Costs for Neighborhood Improvement Area #2 Improvements are to be funded initially with the PID Reimbursement Agreement and from funds contributed by the Developer. The PID Reimbursement Agreement is anticipated to be replaced with from the proceeds of the Neighborhood Improvement Area #2 Bonds as described herein.

A description of the Neighborhood Improvement Area #2 Improvements benefitting the NIA #2A portion of Neighborhood Improvement Area #2 follows:

- *Road Improvements*
 - The road improvement portion of the Neighborhood Improvement Area #2 Improvements consists of the construction of road and thoroughfare improvements, including related paving, sidewalks, retaining walls, signage, and traffic control devices, and the acquisition of related rights-of-way, as described in the Development Agreement and which benefit the Neighborhood Improvement Area #2A Assessed Property. The City has

determined that the acquisition of rights-of-way related to road improvements as described in the Development Agreement meets the requirements of its current policy on the financing of roadway rights-of-way through public improvement district assessments. The road improvements will be constructed according to City standards. The cost of these road improvements is \$3,541,302.

- *Storm Drainage*
 - The storm drainage improvement portion of Neighborhood Improvement Area #2 Improvements consists of the construction of detention ponds and appurtenances thereto to appropriately control and convey storm water for the benefit of Neighborhood Improvement Area #2A Assessed Property. The storm drainage improvements will be constructed according to City standards. The cost of storm drainage improvements is \$816,439.
- *Wastewater*
 - The wastewater improvement portion of the Neighborhood Improvement Area #2 Improvements consists of construction and installation of pipes, service lines, manholes, encasements and appurtenances necessary to provide sanitary sewer service to Neighborhood Improvement Area #2A Assessed Property. The wastewater improvements will be constructed according to City standards. The cost of these wastewater improvements is \$495,362.
- *Water*
 - The water improvement portion of the Neighborhood Improvement Area #2 Improvements consists of construction and installation of a looped water main network, waterlines, mains, pipes, valves and appurtenances, necessary for the portion of the water distribution system that will service the Neighborhood Improvement Area #2A Assessed Property. The water improvements will be constructed according to City standards. The cost of these water improvements is \$627,281.

Table III-E
Costs of Authorized Improvements for Neighborhood Improvement Area #2A

Description	Phase 2A-1	Phase 2A-2	Total
<i>Authorized Improvements</i>			
Road Improvements	\$ 2,310,808	\$ 1,230,494	\$ 3,541,302
Storm Drainage	422,768	393,671	\$ 816,439
Wastewater	196,602	298,760	\$ 495,362
Water	273,555	353,726	\$ 627,281
Soft Costs	976,811	457,181	1,433,992
Total Authorized Improvements	\$ 4,180,544	\$ 2,733,832	\$ 6,914,376

Note: Cost estimates provided by _____. The figures shown in Table III-D may be revised in Annual Service Plan Updates, and may be reallocated between line items so long as the Total Authorized Improvements amount does not change.

F. Future Neighborhood Improvement Area Improvements

As Future Neighborhood Improvement Areas are developed and Future Neighborhood Improvement Area Bonds are issued, this SAP will be amended to identify the specific Future Neighborhood Improvement Area Improvements that confer a special benefit to the property inside each Future Neighborhood Improvement Area (e.g. a **Table III-F** will be added to show the costs for the specific Future Neighborhood Improvement Area Improvements financed within the specific Future Neighborhood Improvement Area being developed.)

Section IV

ASSESSMENT PLAN

A. Introduction

The PID Act requires the City Council to apportion the cost of the Public Improvements based on the special benefits conferred to each Parcel from the Public Improvements. The PID Act provides that the Actual Costs may be assessed: (i) equally per front foot or square foot; (ii) according to the value of the property as determined by the governing body, with or without regard to improvements on the property; or (iii) in any other manner that results in imposing equal shares of the cost on property similarly benefited. The PID Act further provides that the City Council may establish the methods of assessing the special benefits for various classes of improvements.

Table IV-C details the allocation of costs of the Major Improvements between the Major Improvement Area Assessed Property and the Neighborhood Improvement Area #1 Assessed Property. **Table IV-D** details the allocation of costs of the City Contributed Major Improvements between the Major Improvement Area Assessed Property and the Neighborhood Improvement Area #1 Assessed Property. The Annual Installments Allocable to the City Contributed Major Improvements are allocated to the Major Improvement Area Assessed Property and the Neighborhood Improvement Area #1 Assessed Property in the same manner using the allocation percentages calculated in **Table IV-C**. **Table IV-E** details the allocation of costs of the Neighborhood Improvement Area #1 Projects which consist of Neighborhood Improvement Area #1's proportionate share of the costs of the Major Improvements and all of the costs of the Neighborhood Improvement Area #1 Improvements. **Table IV-F** details the allocation of costs of the Neighborhood Improvement Area #2 Improvements benefitting the NIA #2A portion of Neighborhood Improvement Area #2.

This section of this Service and Assessment Plan is intended to describe the special benefit conferred to each Parcel within the PID as a result of the Major Improvements, the City Contributed Major Improvements, the Neighborhood Improvement Area #1 Improvements and the Neighborhood Improvement Area #2 Improvements, to provide the basis and justification for the determination that this special benefit exceeds the amount of the Special Assessments, and to explain the methodologies by which the City Council allocates and reallocates the special benefit of the Major Improvements, the City Contributed Major Improvements, the Neighborhood Improvement Area #1 Improvements and Neighborhood Improvement Area #2 Improvements to Parcels or Lots so that there is an equal share of the Actual Cost being apportioned to Parcels or Lots similarly benefited. The determination by the City Council of the assessment methodology set forth below is the result of the discretionary exercise by the City Council of its legislative authority and governmental powers and is conclusive and binding on the Owners and all future owners and developers of any Assessed Property.

The timetable for the development of Future Neighborhood Improvement Areas are difficult to establish at this time and, as such, the special benefit conferred by Future Neighborhood Improvement Area Improvements, if any, cannot be determined with absolute certainty. Accordingly, it is hereby understood and acknowledged by the City and the Owner that the Special Assessments associated with the Major Improvement Area Bonds, and the Neighborhood Improvement Area #1 Bonds have been levied and will not change. The Special Assessments associated with the Neighborhood Improvement Area #2 Improvements benefitting the property in the NIA #2A portion of Neighborhood Improvement Area #2 are the only Special Assessments that can be addressed with reasonable certainty in this SAP update. As a result, this SAP will be amended by the City Council, when the Special Assessments associated with the Neighborhood Improvement Area #2 Improvements benefitting the property in the NIA #2B portion of Neighborhood Improvement Area #2 can be determined as well as if and when a Future Neighborhood Improvement Area is developed and Future Neighborhood Improvement Area Bonds, if any, are issued.

B. Special Benefit

The Assessed Property must receive a direct and special benefit from the Public Improvements, which must be equal to or greater than the amount of the Special Assessments. The Major Improvements are provided for the benefit of the Major Improvement Area Assessed Property and the Neighborhood Improvement Area #1 Assessed Property. The Neighborhood Improvement Area #1 Improvements are provided solely for the benefit of the Neighborhood Improvement Area #1 Assessed Property. The Neighborhood Improvement Area #2 Improvements described at this time are provided solely for the benefit of the Neighborhood Improvement Area #2A Assessed Property.

When the City Council approved the initial SAP, the Owner owned 100% of the Major Improvement Area Assessed Property and Neighborhood Improvement Area #1 Assessed Property. At that time, the Owner acknowledged that the Major Improvements and Neighborhood Improvement Area #1 Improvements confer a special benefit on the Assessed Property and consented to the imposition of the Special Assessments to pay for the Actual Costs associated therewith. When the City Council approved this updated SAP, the Owner owned 100% of the Neighborhood Improvement Area #2A Assessed Property. The Owner acknowledged that the Neighborhood Improvement Area #2 Improvements confer a special benefit on the Neighborhood Improvement Area #2A Assessed Property and consented to the imposition of the Special Assessments to pay for the Actual Costs associated therewith. The Owner has ratified, confirmed, accepted, agreed to and approved: (i) the determinations and findings by the City Council as to the special benefits described herein and the Assessment Ordinance; (ii) this SAP update and the Assessment Ordinance, and (iii) the levying of Special Assessments on the Major Improvement Area Assessed Property, the Neighborhood Improvement Area #1 Assessed Property and the Neighborhood Improvement Area #2A Assessed Property.

The City Council determined that funding the Actual Costs for the Major Improvements, including the portion of the City Contributed Major Improvements that benefit the

Assessed Property, the Neighborhood Improvement Area #1 Improvements and the Neighborhood Improvement Area #2 Improvements through the PID is beneficial to the City and the Assessed Property. Accordingly, the Major Improvements, including the portion of the City Contributed Major Improvements that benefit the Assessed Property, the Neighborhood Improvement Area #1 Improvements and the Neighborhood Improvement Area #2 Improvements confer a special benefit to the respective Assessed Property, and such special benefit exceeds the amount of the Special Assessment levied on the Major Improvement Area Assessed Property, the Neighborhood Improvement Area #1 Assessed Property, and the Assessed Property within the NIA #2A portion of Neighborhood Improvement Area #2, as applicable. This conclusion is supported by the evidence, information, and testimony provided to the City Council.

C. Allocation of Actual Costs of Major Improvements

The Major Improvements will provide a special benefit to the Property, other than the Non-Benefited Property, in the Major Improvement Area and the Property, other than the Non-Benefited Property, in the Neighborhood Improvement Area #1. The Actual Costs of the Major Improvements are, therefore, allocated to the Major Improvement Area Assessed Property and the Neighborhood Improvement Area #1 Assessed Property, as shown in **Table IV-C**. The costs detailed in **Table IV-C** are subject to revision through the Annual Service Plan Updates, but may not result in increased Special Assessments except as authorized under this SAP or the PID Act.

Table IV-C Updated Cost Allocation of Major Improvements					
Authorized Improvement	Total Cost (a)	NIA #1 Major Improvements		Improvements	
		% Allocation	Share of Costs	Alloc	Share of Costs
Road Improvements	\$ 3,878,507	8%	\$ 291,826	92%	\$ 3,586,681
Storm Drainage	801,703	11%	89,128	89%	712,575
Wastewater	441,572	11%	49,695	89%	391,877
Water	484,865	11%	54,130	89%	430,735
Open Space/Trail System	188,000	0%	0	100%	188,000
Subtotal	\$ 5,794,646		\$ 484,778		\$ 5,309,868
Soft Costs	\$ 939,922	11%	\$ 103,422	89%	\$ 836,500
Total Authorized Improvements	\$ 6,734,568		\$ 588,200		\$ 6,146,368

(a) See Table III-B for details.

D. Allocation of Actual Costs of City Contributed Major Improvements

The City Contributed Major Improvements will provide a special benefit to the Property, other than the Non-Benefited Property, in the Major Improvement Area and to the Property, other than the Non-Benefited Property, in the Neighborhood Improvement Area #1. The Actual Costs of the City Contributed Major Improvements have been calculated by the City and are allocated to the Major Improvement Area Assessed Property and the Neighborhood Improvement Area #1 Assessed Property, as shown in **Table IV-D**. The costs detailed in **Table IV-D** represent only estimates and are subject to revision through the

Annual Service Plan Updates, but may not result in increased Special Assessments except as authorized under this SAP or the PID Act.

Table IV-D Updated Cost Allocation of City Contributed Major Improvements					
Authorized Improvement	Total Cost (a)	MIA Major Improvements		NIA #1 Major	
		% Allocation	Share of Costs	Alloc	Share of Costs
Wastewater	\$ 1,125,925	77%	\$ 861,652	23%	\$ 264,273
Water	1,045,401	77%	799,829	23%	245,572
Contingency and costs of issuance	371,936	77%	284,541	23%	87,395
Total Authorized Improvements	\$ 2,543,262		\$ 1,946,023		\$ 597,239

(a) See Table III-C for details.

E. Allocation of Actual Costs of Neighborhood Improvement Area #1 Projects

The Neighborhood Improvement Area #1 Projects include the Neighborhood Improvement Area #1 Improvements which will provide a special benefit only to the Property, other than the Non-Benefited Property, in Neighborhood Improvement Area #1, plus an allocable share of the Major Improvements as described in **Section IV.C** above. The Actual Costs of the Neighborhood Improvement Area #1 Projects are, therefore, allocated entirely to Neighborhood Improvement Area #1 Assessed Property, as shown in **Table IV-E**. The costs detailed in **Table IV-E** are subject to revision through the Annual Service Plan Updates, but may not result in increased Special Assessments except as authorized under this SAP or the PID Act.

Table IV-E Updated Cost Allocation of Neighborhood Improvement Area #1 Projects					
Authorized Improvement	Total Cost (a)	NIA #1 Major Improvements		Improvements	
		% Allocation	Share of Costs	Alloc	Share of Costs
Road Improvements	\$ 2,741,495	11%	\$ 291,826	89%	\$ 2,449,669
Storm Drainage	557,644	16%	89,128	84%	468,516
Wastewater	444,583	11%	49,695	89%	394,888
Water	587,046	9%	54,130	91%	532,916
Subtotal	\$ 4,330,768		\$ 484,778		\$ 3,845,990
Soft Costs	\$ 814,934	13%	\$ 103,422	87%	\$ 711,513
Total Authorized Improvements	\$ 5,145,702		\$ 588,200		\$ 4,557,502

(a) See Table III-D for details. Any Public Improvement that is allocated 100% to the Assessed Property would be required to be built on a stand-alone basis.

F. Allocation of Actual Costs of Neighborhood Improvement Area #2 Improvements

The Neighborhood Improvement Area #2 Improvements shown below will provide a special benefit only to the Property, other than the Non-Benefited Property, in the NIA #2A portion of Neighborhood Improvement Area #2 and Table IV-F will be updated in the

future with the Actual Costs of the Neighborhood Improvement Area #2 Improvements that provide a special benefit to the Property within the NIA #2B portion of Neighborhood Improvement Area #2. The Actual Costs of the Neighborhood Improvement Area #2 Improvements below are, therefore, allocated entirely to Neighborhood Improvement Area #2A Assessed Property, as shown in **Table IV-F**. The costs detailed in **Table IV-F** are subject to revision through the Annual Service Plan Updates, but may not result in increased Special Assessments except as authorized under this SAP or the PID Act.

Table IV-F Cost Allocation of Neighborhood Improvement Area #2 Improvements to Neighborhood Improvement Area #2A Assessed Property			
Authorized Improvement	Total Cost (a)	NIA #2 Onsite Improvements	
		% Allocation	Share of Costs
Road Improvements	\$ 3,541,302	100%	\$ 3,541,302
Storm Drainage	\$ 816,439	100%	\$ 816,439
Wastewater	\$ 495,362	100%	\$ 495,362
Water	627,281	100%	\$ 627,281
<i>Subtotal</i>	\$ 5,480,384		\$ 5,480,384
Soft Costs	\$ 1,433,992	100%	\$ 1,433,992
Total Authorized Improvements	\$ 6,914,376		\$ 6,914,376

(a) See Table III-E for details.

G. Allocation of Actual Costs of Future Improvement Area Improvements

As Future Neighborhood Improvement Areas are developed and Future Neighborhood Improvement Area Bonds are issued, this SAP will be amended to identify the specific Future Neighborhood Improvement Area Improvements that confer a special benefit to the property inside such Future Neighborhood Improvement Areas (e.g. **Table IV-G** will be created and amended to show the allocation of Actual Costs for Future Neighborhood Improvement Area Improvements.)

H. Special Assessment Methodology

The City Council may assess Actual Costs against Assessed Property so long as the special benefit conferred upon the Assessed Property by the Public Improvements equals or exceeds the amount of the Special Assessments. The Actual Costs may be assessed using any methodology that results in the imposition of equal shares of the Actual Costs on Assessed Property similarly benefited.

- *Assessment Methodology for Major Improvement Area*

For purpose of this SAP, the City Council has determined that the Actual Costs of the Major Improvement Area Projects to be financed with the Major Improvement Area Bonds shall be allocated to the Major Improvement Area Assessed Property by spreading the entire Special Assessment across all Parcels and Lots within the Major Improvement Area based on the ratio of the estimated build out value of each Lot to the total build out value for all Parcels. **Table IV-G.1** summarizes the updated allocation of the Special Assessments relating to the Major Improvement Area Bonds for the Assessed Property.

Based on the costs provided by the Owner for the Public Improvements, the City Council has determined that the benefit to the Assessed Property from the Public Improvements is at least equal to the Special Assessments levied on the Assessed Property.

The Special Assessments and Annual Installments for each Parcel or Lot located in the Major Improvement Area is shown on the Assessment Roll, attached as **Appendix A**, and no Special Assessment shall be changed except as authorized by this SAP or the PID Act. **Table IV-G.1** summarizes the updated allocation of the Special Assessment relating to the Major Improvement Area Bonds for the Major Improvement Area Assessed Property. This SAP will be modified by the City Council as appropriate based on the actual Lot count and other applicable inputs as each Future Improvement Area is developed.

**Table IV-G.1
Major Improvement Area
Updated Special Assessment Allocation**

	Lot Size	Units/SF	Estimated Build Out Value	Total Special Assessment	Annual Installment (1 st Full Year After Cap I)	Special Assessment Per Unit/SF	Annual Installment Per Unit/SF	Equivalent Tax Rate (per \$100/AV)
Phase 2A	50'	102	\$ 33,660,000	\$ 675,574	\$ 63,391	\$ 6,623	\$ 621	\$ 0.19
	60'	90	\$ 34,200,000	\$ 686,412	\$ 64,408	\$ 7,627	\$ 716	\$ 0.19
	70'	15	\$ 6,450,000	\$ 129,455	\$ 12,147	\$ 8,630	\$ 810	\$ 0.19
	HOA			\$ 15,065	\$ 1,414			
	Subtotal	207	\$ 74,310,000	\$ 1,506,506	\$ 141,359			
Phase 2B	50'	47	\$ 15,510,000	\$ 311,294	\$ 29,209	\$ 6,623	\$ 621	\$ 0.19
	60'	32	\$ 12,160,000	\$ 244,058	\$ 22,901	\$ 7,627	\$ 716	\$ 0.19
	70'	56	\$ 24,080,000	\$ 483,298	\$ 45,349	\$ 8,630	\$ 810	\$ 0.19
	HOA			\$ 10,491	\$ 984			
	Subtotal	135	\$ 51,750,000	\$ 1,049,141	\$ 98,444			
Phase 3	50'	141	\$ 46,530,000	\$ 933,882	\$ 87,628	\$ 6,623	\$ 621	\$ 0.19
	60'	131	\$ 49,780,000	\$ 999,111	\$ 93,749	\$ 7,627	\$ 716	\$ 0.19
	70'	47	\$ 20,210,000	\$ 405,625	\$ 38,061	\$ 8,630	\$ 810	\$ 0.19
	HOA			\$ 23,622	\$ 2,217			
	Subtotal	319	\$ 116,520,000	\$ 2,362,240	\$ 221,655			
Phase 4	50'	221	\$ 72,930,000	\$ 1,463,744	\$ 137,347	\$ 6,623	\$ 621	\$ 0.19
	60'	53	\$ 20,140,000	\$ 404,220	\$ 37,929	\$ 7,627	\$ 716	\$ 0.19
	70'	49	\$ 21,070,000	\$ 422,886	\$ 39,680	\$ 8,630	\$ 810	\$ 0.19
	TH	135	\$ 33,750,000	\$ 677,380	\$ 63,560	\$ 5,018	\$ 471	\$ 0.19
	Area F	53,143	\$ 6,111,468	\$ 122,660	\$ 11,510	\$ 2.31	\$ 0.22	\$ 0.19
	HOA			\$ 31,221	\$ 2,930			
	Subtotal	458	\$ 154,001,468	\$ 3,122,112	\$ 292,955			
Total		984	\$ 396,581,468	\$ 8,040,000	\$ 754,413			

Note: Estimates are based on updated Lot counts and estimated buildout values provided by the Developer as part of this SAP update. Although the actual unit counts and estimated unimproved land value may vary from the estimates shown above, the initial assessment allocation for each Lot Type will not change unless modified in a Service Plan Update approved by the City Council, subject to the terms of this SAP, the PID Act, and any other documents associated with PID Bonds. The above allocations are calculated based on 7.50% interest rate and a 30 year term for the PID Bonds and an annual administrative expense of \$30,000 increasing at 2.0% per year.

- Assessment Methodology for City Contributed Major Improvements*

For purpose of this SAP, the City Council has determined that the Actual Costs of the City Contributed Major Improvements to be financed with the Annual Installment Allocable to the City Contributed Major Improvements shall be allocated to the Major Improvement Area Assessed Property and the Neighborhood Improvement Area #1 Assessed Property by spreading the entire Special Assessment across all Parcels and Lots within the Major Improvement Area and Neighborhood Improvement Area #1 based on the ratio of the estimated build out value of each Lot to the total build out value for all Parcels. The Annual Installment Allocable to the City Contributed Major Improvements is part of the Annual Installment of the Special Assessment levied against the Assessed Property. In no event will the Annual Installment Allocable to the City Contributed Major Improvements exceed 8.25% of the debt service on the City Certificates of Obligation financing the City Contributed Major Improvements.

Based on the costs for the City Contributed Major Improvements, the City Council has determined that the benefit to the Assessed Property from the City Contributed Major Improvements is at least equal to the Special Assessments related to City Contributed Major Improvements levied on the Assessed Property.

As provided in the Development Agreement, the City will finance the Actual Costs, as estimated in **Table III-C**, of the City Contributed Major Improvements from a portion of the proceeds from the issuance and sale of its “City of Celina, Texas, Tax and Waterworks and Sewer System (Limited Pledge) Revenue Certificates of Obligation, Series 2015” and any other certificates of obligation issued from time to time by the City to the extent a portion of the proceeds of such certificates of obligation are dedicated to fund a portion of the costs of the City Contributed Major Improvements (collectively, the “**City Certificates of Obligation**”). The City will be reimbursed for such Actual Costs of the City Contributed Major Improvements from the collection of the Annual Installments Allocable to the City Contributed Major Improvements. In accordance with the Development Agreement, the Annual Installment Allocable to the City Contributed Major Improvements will be offset each year by the City Contributed Major Improvement Credit Amount. The offset credit provided by the City Contributed Major Improvement Credit Amount will be calculated as described below in **Section VI.C**.

The Special Assessments and Annual Installments, including the Annual Installment Allocable to the City Contributed Major Improvements, for each Parcel or Lot is shown on the Assessment Roll, attached as **Appendix C**, and no Special Assessment shall be changed except as authorized by this SAP or the PID Act.

- *Assessment Methodology for Neighborhood Improvement Area #1*

For purpose of this SAP, the City Council has determined that the Actual Costs of the portion of the Neighborhood Area #1 Projects to be financed with the Neighborhood Improvement Area #1 Bonds shall be allocated to the Neighborhood Improvement Area #1 Assessed Property by spreading the entire Special Assessment across all Lots within the Neighborhood Improvement Area #1 based on the ratio of the estimated build out value of each Lot to the total build out value for the Neighborhood Improvement Area #1. **Table IV-G.2** summarizes the allocation of the Special Assessments relating to PID Bonds for the Neighborhood Area #1 Assessed Property.

Based on the costs provided by the Owner for the Neighborhood Area #1 Projects, the City Council has determined that the benefit to the Neighborhood Area #1 Assessed Property from the Neighborhood Area Public Projects is at least equal to the Special Assessments levied on the Neighborhood Improvement Area #1 Assessed Property.

The Special Assessments and Annual Installments for each Parcel or Lot located in Neighborhood Improvement Area #1 are shown on the Assessment Roll, attached as **Appendix B**, and no Special Assessment shall be changed except as authorized by this SAP or the PID Act. **Table IV-G.2** summarizes the initial allocation of the Special Assessment relating to the Neighborhood Improvement Area #1 Bonds for the Neighborhood Improvement Area #1 Assessed Property at the time the Assessment Ordinance relating to the Neighborhood Improvement Area #1 Bonds was adopted by the City Council. This SAP will be modified by the City Council as appropriate based on the actual amount of Neighborhood Improvement Area #1 Bonds that are sold.

Table IV-G.2 Neighborhood Improvement Area #1 Updated Special Assessment Allocation									
	Lot Size	Units/SF	Estimated	Total Special	Annual	Special	Annual	Equivalent	
			Build Out Value	Assessment	Installment (1 st Full Year After Cap I)	Assessment Per Unit/SF	Installment Per Unit/SF	Tax Rate (per \$100/AV)	
Phase 1	50'	97	\$ 33,920,027	\$ 1,566,997	\$ 134,517	\$ 16,155	\$ 1,387	\$ 0.40	
	60'	111	\$ 46,411,431	\$ 2,144,060	\$ 184,055	\$ 19,316	\$ 1,658	\$ 0.40	
	70'	85	\$ 43,748,565	\$ 2,021,044	\$ 173,495	\$ 23,777	\$ 2,041	\$ 0.40	
	HOA			\$ 57,900	\$ 4,970				
	Total	293	\$ 124,080,023	\$ 5,790,000	\$ 497,037				

Note: Estimates based on information available as the date the original SAP was adopted by the City Council. Although the actual unit counts and estimated unimproved land value may vary from the estimates shown above, the initial assessment allocation for each Lot Type will not change unless modified in a Service Plan Update approved by the City Council, subject to the terms of this SAP, the PID Act, and any other documents associated with PID Bonds. The above allocations are calculated using 6.25% interest rate and a 30 year term for the PID Bonds and an annual administrative expense of \$30,000 increasing at 2.0% per year.

- *Assessment Methodology for Neighborhood Improvement Area #2*

For purpose of this SAP, the City Council has determined that the Actual Costs of the portion of the Neighborhood Area #2 Projects to be financed with the Neighborhood Improvement Area #2 Bonds shall be allocated to the Neighborhood Improvement Area #2 Assessed Property by spreading the entire Special Assessment across all Lots within the Neighborhood Improvement Area #2 based on the ratio of the estimated build out value of each Lot to the total build out value for the Neighborhood Improvement Area #2. **Table IV-G.3** summarizes the allocation of the Special Assessments relating to PID Bonds for the Neighborhood Area #2A Assessed Property.

Based on the costs provided by the Owner for the Neighborhood Area #2 Projects benefitting the NIA #2A portion of Neighborhood Area #2, the City Council has determined that the benefit to the Neighborhood Area #2A Assessed Property from the Neighborhood Area #2 Projects is at least equal to the Special Assessments levied on the Neighborhood Improvement Area #2A Assessed Property.

The Special Assessments and Annual Installments for each Parcel or Lot located in the NIA #2A portion of Neighborhood Improvement Area #2 are shown on the Assessment Roll, attached as **Appendix D**, and no Special Assessment shall be changed except as authorized by this SAP or the PID Act. **Table IV-G.3** summarizes the initial allocation of the Special Assessment relating to the Neighborhood Improvement Area #2A Assessed Property at the time the Assessment Ordinance approving this Service and Assessment Plan update was adopted by the City Council. This SAP will be updated in the future by the City Council as appropriate to include Special Assessments levied against Neighborhood Improvement Area #2B Assessed Property and for the issuance of Neighborhood Improvement Area #2 Bonds.

Table IV-G.3 Neighborhood Improvement Area #2A Special Assessment Allocation (Neighborhood Improvement Area #2A Special Assessments only)								
	Lot Size	Units/SF	Estimated Build Out Value	Total Special Assessment	Average Annual Installment	Special Assessment Per Unit/SF	Annual Installment Per Unit/SF	Equivalent Tax Rate (per \$100/AV)
Phase 2	50'	102	\$ 33,660,000	\$ 952,930	\$ 86,228	\$ 9,342	\$ 845	\$ 0.26
	60'	90	\$ 34,200,000	\$ 968,218	\$ 87,611	\$ 10,758	\$ 973	\$ 0.26
	70'	15	\$ 6,450,000	\$ 182,602	\$ 16,523	\$ 12,173	\$ 1,102	\$ 0.26
	HOA	-	\$ -	\$ 21,250	\$ 1,923	\$ -	\$ -	\$ -
	Total	207	\$ 74,310,000	\$ 2,125,000	\$ 192,285			\$ 0.26

Note: Estimates based on updated information provided by the Developer as part of this update to the SAP. Although the actual unit counts and estimated unimproved land value may vary from the estimates shown above, the initial assessment allocation for each Lot Type will not change unless modified in a Service Plan Update approved by the City Council, subject to the terms of this SAP, the PID Act, and any other documents associated with PID Reimbursement Agreement or PID Bonds. The above estimate assumes an interest rate of 5.75%, a 30 year term for the applicable PID Reimbursement Agreement or PID Bonds, and an annual administrative expense of \$30,000 increasing at 2.0% per year.

Neighborhood Improvement Area #2A Assessed Property is part of the Major Improvement Area Assessed Property. As shown in **Table IV-G.1**, the Special Assessments related to the Major Improvement Area Bonds have been allocated to Neighborhood Improvement Area #2, representing Neighborhood Improvement Area #2 Assessed Property, and the remaining Future Improvement Areas. The Special Assessments related to the Neighborhood Improvement Area #2 Improvements for the benefit of the Neighborhood Improvement Area #2A Assessed Property are shown in **Table IV-G.3**. As a result, the combined Special Assessment on the Neighborhood Improvement Area #2A Assessed Property, representing the proportional share of the Special Assessments for Major Improvement Bonds and the Special Assessments for the Neighborhood Improvement Area #2 Improvements or the benefit of the Neighborhood Improvement Area #2A Assessed Property is shown in **Table IV-G.4**.

Table IV-G.4 Neighborhood Improvement Area #2A Special Assessment Allocation (combined)								
	Lot Size	Units/SF	Estimated Build Out Value	Total Special Assessment	Total Average Annual Installment	Combined Special Assessment Per Unit/SF	Combined Annual Installment Per Unit/SF	Equivalent Tax Rate (per \$100/AV)
Phase 2	50'	102	\$ 33,660,000	\$ 1,628,504	\$ 149,618	\$ 15,966	\$ 1,467	\$ 0.44
	60'	90	\$ 34,200,000	\$ 1,654,630	\$ 152,019	\$ 18,385	\$ 1,689	\$ 0.44
	70'	15	\$ 6,450,000	\$ 312,057	\$ 28,670	\$ 20,804	\$ 1,911	\$ 0.44
	HOA	-	\$ -	\$ 36,315	\$ 3,336	\$ -	\$ -	\$ -
	Total	207	\$ 74,310,000	\$ 3,631,506	\$ 333,644			\$ 0.44

Note: The combined amounts show the Phase 2 proportional share of the Special Assessment for Major Improvement Assessments shown in Table IV-G.1 and the Special Assessments for Neighborhood Improvement Area #2A shown in Table IV-G-3 above. Estimates based on updated information provided by the Developer as part of this update to the SAP.

- *Assessment Methodology for Future Neighborhood Improvement Areas*

When and if the Future Neighborhood Improvement Areas are developed and the issuance of Future Neighborhood Improvement Area Bonds are contemplated, this SAP will be amended to determine the assessment methodology necessary to apply equal shares of the Actual Costs of Future Neighborhood Improvement Area Improvements

on Assessed Property similarly benefited within that Future Neighborhood Improvement Area.

I. Special Assessment and Annual Installments

The Special Assessments for the Major Improvement Area Bonds, the Neighborhood Improvement Area #1 Bonds, the City Contributed Major Improvements, and the Neighborhood Improvement Area #2 Improvements will be levied on each Parcel or Lot according to the Major Improvement Area Assessment Roll, the Neighborhood Improvement Area #1 Assessment Roll, and the Neighborhood Improvement Area #2 Assessment Roll, as applicable. The Annual Installments for the Major Improvement Area Bonds, the Neighborhood Improvement Area #1 Bonds, the Neighborhood Improvement Area #2 Improvements as well as the Annual Installments Allocable to the City Contributed Major Improvements will be collected on the dates and in the amounts shown on the Major Improvement Area Assessment Roll, the Neighborhood Improvement Area #1 Assessment Roll, and the Neighborhood Improvement Area #2 Assessment Roll subject to revisions made during an Annual Service Plan Update.

J. Administrative Expenses

The cost of administering the PID and collecting the Annual Installments shall be paid for on a pro rata basis by each Parcel or Lot based on the amount of outstanding assessment remaining on the Parcel or Lot. The Administrative Expenses shall be collected as part of and in the same manner as Annual Installments in the amounts shown on the Major Improvement Area Assessment Roll, the Neighborhood Improvement Area #1 Assessment Roll, the City Contributed Major Improvement Assessment Roll, and the Neighborhood Improvement Area #2 Assessment Roll shown on **Appendix A, Appendix B, Appendix C** and **Appendix D**, respectively, which are subject to revision through Annual Service Plan Updates.

K. Excess Interest Rate

Pursuant to the PID Act, the interest rate for Special Assessments may exceed the actual interest rate per annum paid on bonds issued by a PID by no more than one half of one percent (0.50%) per annum, (the "Excess Interest Rate"). Forty percent (40.0%) of the funds generated by the Excess Interest Rate (i.e. 0.20%) per annum will be dedicated to fund the Prepayment Reserve as described in **Section IV.L** below. The remaining sixty percent (60.0%) balance of the funds generated by the Excess Interest Rate (i.e. 0.30%) per annum is dedicated to the Delinquency Reserve as described in **Section IV.M** below.

L. Prepayment Reserve

As described above, a portion of the funds generated by the Excess Interest Rate will be allocated to fund the associated interest charged between the date of prepayment of a Special Assessment and the date on which related PID Bonds are actually redeemed (the "**Prepayment Reserve**"). The Prepayment Reserve shall be funded each year until it

reaches 1.5% of the par amount of the related PID Bonds, but in no event will the annual collections be more than 0.20% per annum higher than the actual interest rate paid on the related PID Bonds. If the PID Act is subsequently amended to allow a prepayment of a Special Assessment to include all applicable interest from the date of prepayment through and including the date of the regularly scheduled PID Bond payments to be charged upon the prepayment of the Special Assessment, the 0.20% per annum allocated to fund the associated interest charged between the date of prepayment of the Special Assessment and the date on which PID Bonds are actually prepaid may be eliminated at the election of the City. If the Prepayment Reserve requirement is so eliminated or in a given year the additional reserve is fully funded at 1.5% of the par amount of the PID Bonds, the City can allocate the Prepayment Reserve component of the Excess Interest Rate collected during that year to the Delinquency Reserve or to pay Administrative Expenses as set forth in the Indenture.

M. Delinquency Reserve

As described above, a portion of the funds generated by the Excess Interest Rate will be allocated to offset any possible delinquent payments. This additional reserve (the "**Delinquency Reserve**") shall be funded each year up to 4.0% of the par amount of the related PID Bonds, but in no event will the annual collection of the Delinquency Reserve be more than 0.30% per annum higher than the actual interest rate paid on the related PID Bonds. If in a given year the additional reserve is fully funded at 4.0% of the par amount of the related PID Bonds, the City can allocate the Delinquency Reserve component of the Excess Interest Rate collected during that year to redeem PID Bonds as set forth in the Indenture.

Section V

SERVICE PLAN

The PID Act requires the Service Plan (i) cover a period of at least five years, and (ii) define the annual projected costs and indebtedness for the Public Improvements undertaken within the PID during the five year period. The Major Improvement Area Projects and the Neighborhood Improvement Area #1 Projects have been constructed and accepted by the City. It is anticipated that it will take approximately [**18 months**] for the Neighborhood Improvement Area #2 Improvements benefitting the NIA #2A portion of Neighborhood Improvement Area #2 to be constructed.

The Actual Costs for the Major Improvement Area Projects plus costs related to the issuance of the Major Improvement Area Bonds, and payment of expenses incurred in the establishment, administration and operation of the PID is \$8,040,000 as shown in **Table V-A**. The Actual Costs for the Neighborhood Improvement Area #1 Projects plus costs related to the issuance of the Neighborhood Improvement Area #1 Bonds, and payment of expenses incurred in the establishment, administration and operation of the PID is \$5,790,000 as shown in **Table V-B**. The Actual Costs for the City Contributed Major Improvements plus costs related to the financing of the City Contributed Major Improvements is \$2,543,262 as shown in **Table V-C**. The Actual Costs for the Neighborhood Improvement Area #2 Improvements that will benefit Neighborhood Improvement Area # 2A Assessed Property plus costs related to financing such improvements, and payment of expenses incurred in the administration and operation of the PID is \$6,914,376 as shown in **Table V-B-2**. The Service Plan shall be reviewed and updated at least annually for purposes of determining the annual budget for Administrative Expenses, updating the estimated costs of the Public Improvements, and updating Assessment Roll shown on **Appendix A, Appendix B, Appendix C** and **Appendix D**. Any update to this SAP is herein referred as an “Annual Service Plan Update.”

Table V-A summarizes the sources and uses of funds required to construct the Major Improvement Area Projects, establish the PID, and issue the Major Improvement Area Bonds. The sources and uses of funds shown in **Table V-A** shall be updated each year in the Annual Service Plan Update to reflect any revisions to the Actual Costs and additional PID Bond issues, if any.

Table V-B summarizes the sources and uses of funds required to construct the Neighborhood Improvement Area #1 Projects, establish the PID, and issue the Neighborhood Improvement Area #1 Bonds. The sources and uses of funds shown in **Table V-B** shall be updated each year in the Annual Service Plan Update to reflect any revisions to the Actual Costs and additional PID Bond issues, if any.

Table V-B-2 summarizes the sources and uses of funds required to construct the Neighborhood Improvement Area #2 Improvements that will benefit the Neighborhood Improvement Area #2A Assessed Property, pay a portion of the costs related to the administration and operation of the PID and to finance such improvements. The sources

and uses of funds shown in **Table V-B2** shall be updated each year in the Annual Service Plan Update to reflect any revisions to the Actual Costs, to add the costs of Neighborhood Improvement Area #2 Improvements that will benefit the Neighborhood Improvement Area #2B Assessed Property, and if and when Neighborhood Improvement Area #2 Bonds are issued.

Table V-C summarizes the sources and uses of funds required to construct the City Contributed Major Improvements allocable to the PID. The sources and uses of funds shown in **Table V-C** shall be updated each year in the Annual Service Plan Update to reflect any revisions to the Actual Costs.

Table V-A Major Improvement Area Bonds Sources and Uses of Funds	
Sources of Funds	
Gross Bond Amount	\$ 8,040,000
Owner Contribution (a)	-
	<u><u>\$ 8,040,000</u></u>
Uses of Funds	
Project Fund Deposits:	
Authorized Improvements (b)	\$ 5,715,000
Developer's Counsel/SAP/Appraisal	98,829
	<u><u>\$ 5,813,829</u></u>
Other Fund Deposits:	
Debt Service Reserve Fund (c)	\$ 653,930
Capitalized Interest (d)	1,020,075
Additional Proceeds	2,448
	<u><u>\$ 1,676,453</u></u>
Cost of Issuance:	<u><u>\$ 336,598</u></u>
Underwriter's Discount/Underwriter' Counsel (e):	<u><u>\$ 213,121</u></u>
	<u><u>\$ 8,040,000</u></u>
(a) Owners will fund all costs not covered by the PID Bonds.	
(b) See Table III-B and Table IV-C for details.	
(c) The PID Bonds will include a debt service reserve fund equal to the average annual debt service.	
(d) The PID Bonds will include 18 months of capitalized interest.	
(e) The PID Bonds will have a 2.58% Underwriter's Discount and Underwriter's Counsel Fee.	

Table V-B Neighborhood Improvement Area #1 Bonds Sources and Uses of Funds	
Sources of Funds	
Gross Bond Amount	\$ 5,790,000
Owner Contribution (a)	-
	<u><u>\$ 5,790,000</u></u>
Uses of Funds	
Project Fund Deposits:	
Authorized Improvements (b)	\$ 4,545,000
Developer's Counsel/SAP/Appraisal	71,171
	<u><u>\$ 4,616,171</u></u>
Other Fund Deposits:	
Debt Service Reserve Fund (c)	\$ 412,100
Capitalized Interest (d)	357,247
Additional Proceeds	-
	<u><u>\$ 769,347</u></u>
Cost of Issuance:	<u><u>\$ 251,002</u></u>
Underwriter's Discount/Underwriter' Counsel (e):	<u><u>\$ 153,479</u></u>
	<u><u>\$ 5,790,000</u></u>
(a) Owners will fund all costs not covered by the PID Bonds.	
(b) See Table III-D and Table IV-E for details.	
(c) The PID Bonds will include a debt service reserve fund equal to the average annual debt service.	
(d) The PID Bonds will include 18 months of capitalized interest.	
(e) The PID Bonds will have a 2.58% Underwriter's Discount and Underwriter's Counsel Fee.	

Table V-B-2	
Neighborhood Improvement Area #2A Assessments	
Estimated Sources and Uses of Funds	
Sources of Funds	
Assessments	\$ 2,125,000
Owner Contribution (a)	4,789,376
	<u>\$ 6,914,376</u>
Uses of Funds	
Project Fund Deposits:	
Authorized Improvements (b)	\$ 6,914,376
Developer's Counsel/SAP/Appraisal	-
	<u>\$ 6,914,376</u>
(a) Owners will fund all costs not covered by the Assessments being levied on the Neighborhood Improvement Area #2A Assessed Property	
(b) See Table III-E for details.	

Table V-C	
City Contributed Major Improvements	
Sources and Uses of Funds	
Sources of Funds	
Gross Share of City Certificates of Obligation	<u>\$ 2,543,262</u>
Uses of Funds	
Authorized Improvements (a)	<u>\$ 2,433,262</u>
Financing Costs:	\$ 110,000
	<u>\$ 2,543,262</u>
(a) See Table III-C and IV-D for details.	

The projected Annual Installments for the first five years after the approval of this SAP update for the Major Improvement Area Bonds are presented in **Table V-D**. The projected Annual Installments are subject to revision and shall be updated in the Annual Service Plan Update to reflect any change expected for each year.

Table V-D
Major Improvement Area Bonds
Updated Projected Annual Installments

Period Ending Sept. 1	Principal Payments	Interest Expense	Administrative Expenses	Prepayment Reserve	Delinquency Reserve	Debt Service Reserve Transfer	Debt Service Reserve Fund	Capitalized Interest	Annual PID Installments
2016	\$ -	\$ 417,075	\$ 30,000	\$ -	\$ -	\$ 27,805	\$ -	\$ (417,075)	\$ 57,805
2017	\$ -	\$ 603,000	\$ 30,600	\$ -	\$ -	\$ 40,200	\$ -	\$ (603,000)	\$ 70,800
2018	\$ 80,000	\$ 603,000	\$ 31,212	\$ 16,080	\$ 24,120	\$ -	\$ -	\$ -	\$ 754,412
2019	\$ 85,000	\$ 597,000	\$ 31,836	\$ 15,920	\$ 23,880	\$ -	\$ -	\$ -	\$ 753,636
2020	\$ 95,000	\$ 590,625	\$ 32,473	\$ 15,750	\$ 23,625	\$ -	\$ -	\$ -	\$ 757,473
2021	\$ 100,000	\$ 583,500	\$ 33,122	\$ 15,560	\$ 23,340	\$ -	\$ -	\$ -	\$ 755,522
2022	\$ 105,000	\$ 576,000	\$ 33,785	\$ 15,360	\$ 23,040	\$ -	\$ -	\$ -	\$ 753,185
2023	\$ 115,000	\$ 568,125	\$ 34,461	\$ 15,150	\$ 22,725	\$ -	\$ -	\$ -	\$ 755,461
Total	\$ 580,000	\$ 4,538,325	\$ 257,490	\$ 93,820	\$ 140,730	\$ 68,005	\$ -	\$ (1,020,075)	\$ 4,658,294

Note: The Annual Projected Debt Service and Administrative Expenses are the expenditures associated with the formation of the PID, the costs of issuance and repayment of the PID Bonds and the administration of the PID. The debt service amounts are based on 7.50% interest rate and a 30 year term for the applicable PID Bonds. Administrative expenses are estimated to increase at a rate of 2.0% per year.

The projected Annual Installments for the first five years after the approval of this SAP update for the Neighborhood Improvement Area #1 Bonds are presented in **Table V-E**. The projected Annual Installments are subject to revision and shall be updated in the Annual Service Plan Update to reflect any change expected for each year.

Table V-E
Neighborhood Improvement Area #1
Updated Projected Annual Installments

Period Ending Sept. 1	Principal Payments	Interest Expense	Administrative Expenses	Prepayment Reserve	Delinquency Reserve	Debt Service Reserve Transfer	Debt Service Reserve Fund	Capitalized Interest	Annual PID Installments
2016	\$ -	\$ 250,297	\$ 30,000	\$ -	\$ -	\$ 20,024	\$ -	\$ (250,297)	\$ 50,024
2017	\$ -	\$ 361,875	\$ 30,600	\$ -	\$ -	\$ 28,950	\$ -	\$ (106,951)	\$ 314,474
2018	\$ 75,000	\$ 361,875	\$ 31,212	\$ 11,580	\$ 17,370	\$ -	\$ -	\$ -	\$ 497,037
2019	\$ 80,000	\$ 357,188	\$ 31,836	\$ 11,430	\$ 17,145	\$ -	\$ -	\$ -	\$ 497,599
2020	\$ 85,000	\$ 352,188	\$ 32,473	\$ 11,270	\$ 16,905	\$ -	\$ -	\$ -	\$ 497,836
2021	\$ 90,000	\$ 346,875	\$ 33,122	\$ 11,100	\$ 16,650	\$ -	\$ -	\$ -	\$ 497,747
2022	\$ 95,000	\$ 341,250	\$ 33,785	\$ 10,920	\$ 16,380	\$ -	\$ -	\$ -	\$ 497,335
2023	\$ 100,000	\$ 335,313	\$ 34,461	\$ 10,730	\$ 16,095	\$ -	\$ -	\$ -	\$ 496,599
Total	\$ 525,000	\$ 2,706,861	\$ 257,490	\$ 67,030	\$ 100,545	\$ 48,974	\$ -	\$ (357,248)	\$ 3,348,651

Note: The Annual Projected Debt Service and Administrative Expenses are the expenditures associated with the formation of the PID, the costs of issuance and repayment of the PID Bonds and the administration of the PID. The debt service amounts are based on 6.25% interest rate and a 30 year term for the applicable PID Bonds. Administrative expenses are estimated to increase at a rate of 2.0% per year.

The projected Annual Installment Allocable to the City Contributed Major Improvements for the first five years after the approval of this SAP update for the City Contributed Major Improvements is presented in **Table V-F**.

**Table V-F
City Contributed Major Improvements
Projected Annual Installments**

Period Ending Sept. 1	Principal Payments	Interest Expense	Annual PID Installments
2016	\$ -	\$ 102,552	\$ 102,552
2017	\$ 80,000	\$ 90,483	\$ 170,483
2018	\$ 85,000	\$ 88,520	\$ 173,520
2019	\$ 85,000	\$ 86,189	\$ 171,189
2020	\$ 90,000	\$ 83,617	\$ 173,617
2021	\$ 100,000	\$ 80,603	\$ 180,603
2022	\$ 100,000	\$ 77,001	\$ 177,001
2023	\$ 105,000	\$ 73,188	\$ 178,188
Total	\$ 645,000	\$ 682,153	\$ 1,327,153

Note: The Annual Projected Debt Service and Administrative Expenses are the expenditures associated with the formation of the PID, the costs of issuance and repayment of the debt obligations related to the City Contributed Major Improvements and the administration of the PID.

The projected Annual Installments for the first five years after the approval of this SAP update for the Neighborhood Improvement Area #2 Improvements that benefit Neighborhood Improvement Area #2A Assessed Property are presented in **Table V-G**. The projected Annual Installments are subject to revision and shall be updated in the Annual Service Plan Update to reflect any change expected for each year.

**Table V-G
Neighborhood Improvement Area #2
Projected Annual Installments**

Period Ending Sept. 1	Principal Payments	Interest Expense	Administrative Expenses	Prepayment Reserve	Delinquency Reserve	Debt Service Reserve Transfer	Debt Service Reserve Fund	Capitalized Interest	Annual PID Installments
2019	\$ 25,000	\$ 122,188	\$ 30,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 177,188
2020	\$ 25,000	\$ 120,750	\$ 30,600	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 176,350
2021	\$ 25,000	\$ 119,313	\$ 31,212	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 175,525
2022	\$ 25,000	\$ 117,875	\$ 31,836	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 174,711
2023	\$ 25,000	\$ 116,438	\$ 32,473	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 173,910
2024	\$ 25,000	\$ 115,000	\$ 33,122	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 173,122
Total	\$ 150,000	\$ 711,563	\$ 189,244	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,050,806

Note: The Annual Projected Debt Service and Administrative Expenses are the expenditures associated with the formation of the PID and the administration of the PID. The debt service estimates are based on an average 5.75% interest rate and a 30 year term for the applicable Assessments. Administrative expenses are estimated to increase at a rate of 2.0% per year.

Section VI

TERMS OF THE SPECIAL ASSESSMENTS

A. Amount of Special Assessments and Annual Installments for Parcels Located Within the Major Improvement Area

The Special Assessments and Annual Installments for the Major Improvement Area Assessed Property are shown on the Major Improvement Area Assessment Roll in **Appendix A**. The Special Assessment and Annual Installments shall not be changed except as authorized under the terms of this SAP and the PID Act. The Annual Installments shall be collected in an amount sufficient to pay (i) the principal and interest on the Major Improvement Area Bonds, (ii) the Major Improvement Area's portion of the Annual Installment Allocable to the City Contributed Major Improvements after application of the City Contributed Major Improvement Credit Amount, (iii) to fund the Prepayment Reserve for the Major Improvement Area Bonds, (iv) to fund the Delinquency Reserve for the Major Improvement Area Bonds, and (v) to cover the Administrative Expenses of the Major Improvement Area.

B. Amount of Special Assessments and Annual Installments for Parcels Located Within Neighborhood Improvement Area #1 and Neighborhood Improvement Area #2

The Special Assessments and Annual Installments for each Lot of Neighborhood Improvement Area #1 Assessed Property are shown on the Neighborhood Improvement Area #1 Assessment Roll in **Appendix B**. The Special Assessments and Annual Installments for each Parcel of Neighborhood Improvement Area #2A Assessed Property are shown on the Neighborhood Improvement Area #2 Assessment Roll in **Appendix D**. The Special Assessment and Annual Installments shall not be changed except as authorized under the terms of this SAP and the PID Act. The Annual Installments for each Improvement Area shall be collected in an amount sufficient to pay (i) the principal and interest on PID Bonds secured by such Special Assessments, as applicable (ii) the costs of the Public Improvements under the terms of the Development Agreement not being financed by PID Bonds, as applicable (iii) the portion of the Annual Installment Allocable to the City Contributed Major Improvements after application of the City Contributed Major Improvement Credit Amount, as applicable, (iv) to fund the Prepayment Reserve for PID Bonds, as applicable (v) to fund the Delinquency Reserve for the PID Bonds, as applicable, and (vi) to cover a proportional share of the Administrative Expenses for the PID allocable to the Assessed Property within each Neighborhood Improvement Area.

C. Amount of Assessments and Annual Installments Reduced by City Contributed Major Improvement Credit Amount

The Special Assessments and Annual Installments for the Assessed Property related to the City Contributed Major Improvements are shown on the City Contributed Major Improvement Assessment Roll in **Appendix D**. The Annual Installments for each Parcel

shall be calculated by taking into consideration any credit to the Annual Installment Allocable to the City Contributed Major Improvements owed to a Parcel for a particular year representing the annual City Contributed Major Improvement Credit Amount applied first on a Parcel-by-Parcel basis then for multiple parcels owned by a single developer or ownership group as further described below. In no event shall the Annual Installment Allocable to City Contributed Major Improvements exceed eight percent of the debt service on the City Certificates of Obligation funding such improvements.

In a given year, the City Contributed Major Improvement Credit Amount prevents the Owner of Assessed Property from paying both ad valorem taxes on the Assessed Property, which supports the payment of debt service on the City Certificates of Obligation including the portion used to initially finance the City Contributed Major Improvements, and an Annual Installment Allocable to the City Contributed Major Improvements for the Actual Costs of the City Contributed Major Improvements. The City Council has determined that financing the City Contributed Major Improvements with the City Certificates of Obligation, rather than solely through PID Bonds, will provide an overall cost-savings for the City Contributed Major Improvements.

The annual City Contributed Major Improvement Credit Amount shall be calculated as follows:

- 1) If the aggregate annual City Contributed Major Improvement Credit Amount available to offset the Annual Installment Allocable to the City Contributed Major Improvements is equal to or greater than the Annual Installment Allocable to the City Contributed Major Improvements, the net Annual Installment Allocable to the City Contributed Major Improvements amount to be included as part of the total Annual Installments for the year shall be reduced to zero and no Annual Installment Allocable to the City Contributed Major Improvements shall be included as part of the Annual Installments to be collected from each Parcel.
- 2) If the aggregate annual City Contributed Major Improvement Credit Amount available to offset the Annual Installment Allocable to the City Contributed Major Improvements is less than the Annual Installment Allocable to the City Contributed Major Improvements, the annual City Contributed Major Improvement Credit Amount to be applied as a credit to each Parcel will be calculated based on the amount of City ad valorem taxes generated by each Parcel. The net Annual Installment Allocable to the City Contributed Major Improvements amount to be included as part of the total Annual Installments for the year shall be allocated to each Parcel based on the actual amount of City ad-valorem taxes generated by each Parcel. Such offset credit will first be applied on a Parcel-by-Parcel basis then excess collections will be pooled and applied on a pro-rata basis to each Annual Installment Allocable to the City Contributed Major Improvements that has not been reduced to zero from the Parcel-by-Parcel offset or credit. The pooled City Contributed Major Improvement Credit Amount will be allocated on a pro-rata basis amongst

multiple parcels owned by a single developer or ownership group of property within the PID with any one owner's share of the pooled amount calculated as a fraction the numerator of which is that owner's Annual Installment Allocable to the City Contributed Major Improvements and the denominator of which is the aggregate amount of all Annual Installments Allocable to the City Contributed Major Improvements not reduced to zero by the Parcel-by-Parcel credit.

- 3) If in a consecutive two-year period the ad valorem taxes collected on all Parcels within the PID in each year of such consecutive two-year period equals or exceeds one hundred fifty percent (150%) of the Annual Installment Allocable to the City Contributed Major Improvements based on a confirming audit, then the Annual Installment Allocable to the City Contributed Major Improvements will be permanently reduced to zero.

D. Amount of Special Assessments and Annual Installments for Parcels Located Within Future Neighborhood Improvement Areas

When and if Future Neighborhood Improvement Areas are developed, this SAP will be amended to determine the Special Assessment and Annual Installments associated with the costs of Future Neighborhood Improvement Area Improvements for each Parcel or Lot located within a Future Neighborhood Improvement Area. The Special Assessment shall not exceed the benefit received by the Assessed Property.

E. Reallocation of Assessments for Parcels Located Within the Major Improvement Area, Neighborhood Improvement Area #1 and Neighborhood Improvement Area #2

- *Upon Division Prior to Recording of Subdivision Plat*

The Special Assessments for each initial Parcel are based on the estimated build out value for the number and type of expected Lots within that Parcel shown on the parcel map attached hereto as **Appendix E** ("the Parcel Map"). The number of each type of Lot contained in each Parcel was counted and the amount of Special Assessments shown on **Table IV-G.1** and **Table IV-G.2** for each Lot type was added up to calculate the amount of the Special Assessment for each Parcel. For example, as shown for Phase 3 on **Table IV-G.1**, it includes 141 50' Lots, 131 60' Lots and 47 70' Lots, as well as the Owner's Association Special Assessment Allocation. Accordingly, the Special Assessment for the Phase 3 Parcel is \$2,362,240, (\$933,882 + \$999,111 + \$405,625 + \$23,622). As Lots are platted in accordance with the Parcel Map, each Lot will be assessed the Special Assessment that it was assigned pursuant to **Table IV-G.1, Table IV-G.2 and Table IV-G.3.**

If Lots are not platted in accordance with the Parcel Map, the Special Assessments for each affected Lot will be allocated in an equitable manner, but in no event will such new

allocation increase the total Special Assessment for each Lot as identified in **Table IV-G.1, Table IV-G.2, Table IV-G.3 and Table IV-G.4**, as applicable.

- *Upon Subdivision by a Recorded Subdivision Plat*

Once a Lot has a Special Assessment applied to it, as shown in **Table IV-G.1, Table IV-G.2, Table IV-G.3 and Table IV-G.4**, and then proceeds to be subdivided again, in no event will the new subdivision cause the sum of the Special Assessments for the subdivided Lots to be greater than the Special Assessment for the Lot prior to its subdivision.

The allocation method used above is to insure there will not be an increase in the Special Assessment for each specific Parcel. If Lots are not platted in accordance with the Parcel Map, the Special Assessments for each affected Lot will be allocated in an equitable manner, but in no event will such new allocation increase the total Special Assessment for each Lot as identified in **Table IV-G.1, Table IV-G.2, Table IV-G.3 and Table IV-G.4**.

- *Upon Consolidation*

Upon the consolidation of two or more Assessed Properties, the Special Assessment for the consolidated Assessed Property shall be the sum of the Special Assessments for the Assessed Properties prior to consolidation. The reallocation of a Special Assessment for an Assessed Property that is a homestead under Texas law may not exceed the Special Assessment prior to the reallocation. Any reallocation pursuant to this section shall be calculated by the Administrator and reflected in an update to this SAP approved by the City Council. The consolidation of any Assessed Property as described herein shall be considered an administrative action and will not require any notice or public hearing (as defined in the PID Act) by the City Council.

- *Upon Change from a Commercial Parcel to a Residential Parcel*

Should an owner of an Assessed Property choose to change the intended land use for all or a portion of a Commercial Parcel to a Residential Parcel, the owner will, upon approval for the initial single family residential home building permit from the City, be required to pay down the Special Assessment and all Prepayment Costs for each Lot on the affected Assessed Property to a level equal to the average Special Assessment that a Lot within its similar Lot type is assessed.

F. Reallocation of Assessments for Parcels Located Within Future Neighborhood Improvement Areas

As Future Neighborhood Improvement Areas are developed, this SAP will be amended to determine the assessment reallocation methodology that results in the imposition of equal

shares of the Actual Costs on Assessed Property similarly benefited within each Future Neighborhood Improvement Area.

G. Mandatory Prepayment of Assessments

If Assessed Property or a portion thereof is transferred to a party that is exempt from the payment of the Special Assessment under applicable law, or if an owner causes a Parcel or portion thereof to become Non-Benefited Property, the owner of such Parcel or portion thereof shall pay to the City the full amount of the Special Assessment, including the Annual Installment Allocable to the City Contributed Major Improvements, plus all Prepayment Costs, for such Parcel, Lot or portion thereof prior to any such transfer or act.

H. Reduction of Special Assessments

If after all Public Improvements to be funded with a series of PID Bonds have been completed and the Actual Costs for the Public Improvements are less than the Actual Costs used to calculate the Special Assessments securing such PID Bonds, resulting in excess PID Bond proceeds, then the City shall, at its discretion and in accordance with the Indenture related to such series of PID Bonds, reduce the Special Assessment securing the series of PID Bonds for each Assessed Property pro rata such that the sum of the resulting reduced Special Assessments for all Assessed Properties equals the reduced Actual Costs and such excess PID Bond proceeds shall be applied to redeem PID Bonds of such series. The Special Assessments shall not be reduced to an amount less than the principal amount of the related outstanding series of PID Bonds.

Similarly, if the City does not undertake some of the Public Improvements to be funded with a series of PID Bonds resulting in excess PID Bond proceeds then the City shall, at its discretion and in accordance with the Indenture related to such series of PID Bonds, reduce the Special Assessment securing the PID Bonds for each Assessed Property pro-rata to reflect only the Actual Costs that were expended and apply such excess PID Bond proceeds as described in the paragraph immediately above. The Special Assessments shall not be reduced to an amount less than the principal amount of the related outstanding series of PID Bonds.

I. Payment of Special Assessments

- *Payment in Full*
 - The Special Assessment, including the Annual Installment Allocable to the City Contributed Major Improvements, for any Parcel or Lot may be paid in full at any time in accordance the PID Act. The Payment shall include all Prepayment Costs, if any. If prepayment in full will result in redemption of PID Bonds, the payment amount shall be reduced by the applicable portion of the proceeds from a debt service reserve fund applied to the redemption pursuant to the Indenture, net of any other costs applicable to the redemption of PID Bonds.

- If an Annual Installment, including the Annual Installment Allocable to the City Contributed Major Improvements, has been billed prior to payment in full of a Special Assessment, the Annual Installment shall be due and payable and shall be credited against the payment-in-full amount upon payment.
- Upon payment in full of a Special Assessment, including the Annual Installment Allocable to the City Contributed Major Improvements, and all Prepayment Costs, the City shall deposit the payment in accordance with the related Indenture; whereupon, the Special Assessment for the Parcel or Lot shall be reduced to zero, and the Parcel or Lot owner's obligation to pay the Special Assessment and Annual Installments, including the Annual Installment Allocable to the City Contributed Major Improvement, thereof shall automatically terminate. The City shall provide the owner of the affected Assessed Property a recordable "Notice of PID Assessment Termination."
- At the option of a Parcel or Lot owner, the Special Assessment, which includes the Annual Installment Allocable to the City Contributed Major Improvements, on any Parcel or Lot may be paid in part in an amount equal to the amount of prepaid Special Assessments plus Prepayment Costs, if any, with respect thereto. Upon the payment of such amount for a Parcel or Lot, the Special Assessment for the Parcel or Lot shall be reduced by the amount of such partial payment, the Assessment Roll shall be updated to reflect such partial payment, and the obligation to pay the Annual Installment for such Parcel or Lot shall be reduced to the extent the partial payment is made.
- *Payment of Annual Installments*
 - If a Special Assessment is not paid in full, the PID Act authorizes the City to collect interest and collection costs on the outstanding Special Assessment. A Special Assessment for a Parcel or Lot that is not paid in full will be collected in Annual Installments, which include Annual Installments Allocable to the City Contributed Major Improvements, each year in the amounts shown in the applicable Assessment Roll and which includes interest on the outstanding Special Assessment and Administrative Expenses.
 - The Annual Installments, including Annual Installments Allocable to the City Contributed Major Improvements, as listed on the Major Improvement Area Assessment Roll, the Neighborhood Improvement Area #1 Assessment Roll, and the City Contributed Major Improvement Assessment Roll, have been calculated assuming the interest rate on the Major Improvement Area Bonds of 7.5%, the interest rate on the Neighborhood Improvement Area #1 Bonds of 6.25%, an estimated weighted average interest rate on the Assessments levied on Neighborhood Improvement Area #2 Improvements for Neighborhood Improvement Area #2A Assessed Property of __%, and assumed interest rates on the City Certificates of Obligation. The Annual

Installments may not exceed the amounts shown on the Major Improvement Area Assessment Roll, the Neighborhood Improvement Area #1 Assessment Roll, the Neighborhood Improvement Area #2 Assessment Roll, and the City Contributed Major Improvement Assessment Roll, except pursuant to any amendment or update to this SAP.

- The Annual Installments shall be reduced to equal the actual costs of repaying the related series of PID Bonds or City Certificates of Obligation and actual Administrative Expenses (as provided for in the definition of such term), taking into consideration any other available funds for these costs, such as interest income on account balances. The Annual Installments shall be further reduced by application of any applicable City Contributed Major Improvement Credit Amount.
- The City reserves and shall have the right and option to refund PID Bonds in accordance with Section 372.027 of the PID Act and the Indenture related to such PID Bonds. In the event of issuance of refunding bonds, the Administrator shall recalculate the Annual Installments, and if necessary, may adjust, or decrease, the amount of the Annual Installment so that total Annual Installments of Special Assessments will be produced in annual amounts that are required to pay the debt service on the refunding bonds when due and payable as required by and established in the ordinance and/or the indenture authorizing and securing the refunding bonds, and such refunding bonds shall constitute "PID Bonds" for purposes of this SAP.

J. Collection of Annual Installments

The Administrator shall, no less frequently than annually, prepare and submit to the City for its approval, an Annual Service Plan Update to allow for the billing and collection of Annual Installments. Each Annual Service Plan Update shall include an updated Assessment Roll and a calculation of the Annual Installment for each Assessed Property. Administrative Expenses shall be allocated among Assessed Properties in proportion to the amount of the Annual Installments before Administrative Expenses for the Assessed Property. Each Annual Installment shall be reduced by any credits applied under the applicable Indenture, such as capitalized interest, interest earnings on any account balances, and any other funds available to the Trustee for such purpose, and existing deposits for a Prepayment Reserve. Annual Installments may be collected by the City (or such entity to whom the City directs) in the same manner and at the same time as ad valorem taxes. Annual Installments shall be subject to the penalties, procedures, and foreclosure sale in case of delinquencies as set forth in the PID Act. The Assessments shall have lien priority as specified in the PID Act.

Any sale of Assessed Property for nonpayment of the delinquent Annual Installments shall be subject to the lien established for the remaining unpaid Special Assessment against such Assessed Property and such Assessed Property may again be sold at a judicial foreclosure sale if the purchaser thereof fails to make timely payment of the non-delinquent Annual Installments against such Assessed Property as they become due and payable.

Each Annual Installment, including the interest on the unpaid amount of a Special Assessment, shall be updated annually. Each Annual Installment together with interest thereon shall be delinquent if not paid prior to February 1 of the following year. The initial Annual Installments relating to the Major Improvement Area Bonds and the Neighborhood Improvement Area #1 Bonds will be due when billed, and will be delinquent if not paid prior to February 1, 2017. Collection of the initial Annual Installments relating to the Neighborhood Improvement Area #2 Improvements that benefit the Neighborhood Improvement Area #2A Assessed Property will be due when billed, and will be delinquent if not paid prior to the first February 1 following the earlier of (i) the recording of a final subdivision plat in the official public records of the County for the Neighborhood Improvement Area #2A Assessed Property, (ii) upon issuance of the Neighborhood Improvement Area #2 Bonds, or (iii) the second anniversary of the date of Assessment levy.

K. Surplus Funds Remaining in the Major Improvement Area Bond Account

If proceeds from the Major Improvement Area Bonds still remain after all of the Major Improvement Area Projects are constructed and accepted by the City, the proceeds may be utilized in accordance with the Indenture related to the Major Improvement Area Bonds.

L. Surplus Funds Remaining in the Neighborhood Improvement Area # 1 Bond Account

If proceeds from the Neighborhood Improvement Area # 1 Bonds still remain after all of the Neighborhood Improvement Area #1 Projects are constructed and accepted by the City, the proceeds may be utilized in accordance with the Indenture related to the Neighborhood Improvement Area #1 Bonds.

Section VII

THE ASSESSMENT ROLL

A. Major Improvement Area Assessment Roll

The City Council has evaluated each Parcel in the Major Improvement Area (based on numerous factors such as the applicable zoning for developable area, the use of proposed Owners Association Property, the Public Property, the types of Public Improvements, and other development factors deemed relevant by the City Council) to determine the amount of Assessed Property within the Parcel.

The Major Improvement Area Assessed Property was assessed for the special benefits conferred upon the property resulting from the Major Improvement Area Projects. **Table VII-A** summarizes the \$8,040,000 in special benefit received by the Major Improvement Area Assessed Property from the Major Improvements Area Projects, a portion of the costs of the PID formation and administration, and the Major Improvement Area Bond issuance costs. The par amount of the Major Improvement Area Bonds is \$8,040,000, which is less than the benefit received by the Major Improvement Area Assessed Property. Accordingly, the total Special Assessment to be applied to all the Major Improvement Area Assessed Property is \$8,040,000 plus annual Administrative Expenses. The Special Assessment for each Major Improvement Area Assessed Property is calculated based on the allocation methodologies described in **Section IV-H**. The Major Improvement Area Assessment Roll is attached hereto as **Appendix A**.

Table VII-A Major Improvement Area Bonds Special Benefit Summary	
Authorized Improvement	Total Cost (a)
<i>Major Improvement Area Projects</i>	
Total Authorized Improvements	\$ 5,715,000
<i>PID Formation/Bond Cost of Issuance</i>	
Developer's Counsel/SAP/Appraisal	\$ 98,829
Reserve Fund	653,930
Capitalized Interest	1,020,075
Additional Proceeds	2,448
Underwriter's Discount/Financial Advisor Fee	213,121
Cost of Issuance	336,598
PID Formation/Bond Cost of Issuance	\$ 2,325,000
Total Special Benefit	\$ 8,040,000
<i>Special Benefit</i>	
Total Special Benefit	\$ 8,040,000
Projected Special Assessment	8,040,000
Excess Benefit	\$ -
(a) See Table III-B for details.	

B. Neighborhood Improvement Area #1 Assessment Roll

The City Council has evaluated each Parcel in Neighborhood Improvement Area #1 (based on numerous factors such as the applicable zoning for developable area, the use of proposed Owner's Association Property, the Public Property, the types of Public Improvements, and other development factors deemed relevant by the City Council) to determine the amount of Assessed Property within the Parcel.

The Neighborhood Improvement Area #1 Assessed Property was assessed for the special benefits conferred upon the property resulting from the Neighborhood Improvement Area #1 Projects. **Table VII-B** summarizes the \$5,790,000 in special benefit received by the Neighborhood Improvement Area #1 Property from the Neighborhood Improvement Area #1 Projects, a portion of the costs of the PID formation and administration, and the Neighborhood Improvement Area #1 Bond issuance costs. The par amount of the Neighborhood Improvement Area #1 Bonds is \$5,790,000, which is less than the benefit received by the Neighborhood Improvement Area #1 Assessed Property. Accordingly, the total Special Assessment to be applied to all the Neighborhood Improvement Area #1 Assessed Property is \$5,790,000 plus annual Administrative Expenses. The Special Assessment for each Neighborhood Improvement Area #1 Assessed Property is calculated based on the allocation methodologies described in **Section IV-H**. The Neighborhood Improvement Area #1 Assessment Roll is attached hereto as **Appendix B**.

Table VII-B Neighborhood Improvement Area #1 Bonds Special Benefit Summary	
Authorized Improvement	Total Cost (a)
<i>Neighborhood Improvement Area #1 Projects</i>	
Total Authorized Improvements	\$ 4,545,000
<i>PID Formation/Bond Cost of Issuance</i>	
Developer's Counsel/SAP/Appraisal	\$ 71,171
Reserve Fund	412,100
Capitalized Interest	357,247
Additional Proceeds	-
Underwriter's Discount/Financial Advisor Fee	153,479
Cost of Issuance	251,002
PID Formation/Bond Cost of Issuance	\$ 1,245,000
Total Special Benefit	\$ 5,790,000
<i>Special Benefit</i>	
Total Special Benefit	\$ 5,790,000
Projected Special Assessment	5,790,000
Excess Benefit	\$ -
(a) See Table III-D for details.	

C. Neighborhood Improvement Area #2 Assessment Roll

The City Council has evaluated each Parcel in the NIA #2A portion of Neighborhood Improvement Area #2 (based on numerous factors such as the applicable zoning for developable area, the use of proposed Owner's Association Property, the Public Property, the types of Public Improvements, and other development factors deemed relevant by the City Council) to determine the amount of Assessed Property within the Parcel.

The Neighborhood Improvement Area #2 Assessed Property will be assessed for the special benefits conferred upon the property resulting from the Neighborhood Improvement Area #2 Improvements that benefit the Neighborhood Improvement Area #2A Assessed Property. **Table VII-C** summarizes the \$6,914,376 in special benefit received by the Neighborhood Improvement Area #2A Assessed Property from the Neighborhood Improvement Area #2 Improvements, a portion of the costs of the PID administration, and costs related to financing the Neighborhood Improvement Area #2 Improvements. The amount of the Neighborhood Improvement Area #2 Improvements to be financed by Special Assessments levied against the Neighborhood Improvement Area #2A Assessed Property is \$2,125,000, which is less than the benefit received by the Neighborhood Improvement Area #2A Assessed Property. Accordingly, the total Special Assessment to be applied to all the Neighborhood Improvement Area #2 Assessed Property is \$6,914,376 plus annual Administrative Expenses. The Special Assessment for each Neighborhood Improvement Area #2 Assessed Property is calculated based on the allocation methodologies described in **Section IV-G**. The Neighborhood Improvement Area #2 Assessment Roll is attached hereto as **Appendix D**

Table VII-C Neighborhood Improvement Area #2 Improvements for Neighborhood Improvement Area #2A Special Benefit Summary	
Authorized Improvement	Total Cost (a)
<i>Neighborhood Improvement Area #2 Improvements</i>	
Total Authorized Improvements	\$ 6,914,376
Total Special Benefit	\$ 6,914,376
<i>Special Benefit</i>	
Total Special Benefit	\$ 6,914,376
Projected Special Assessment	\$ 2,125,000
Excess Benefit	\$ 4,789,376
(a) See Table III-E for details.	

D. City Contributed Major Improvement Assessment Roll

The City Council has evaluated each Parcel benefited by the City Contributed Major Improvements (based on numerous factors such as the applicable zoning for developable area, the use of proposed Owner's Association Property, the Public Property, the types of Public Improvements, and other development factors deemed relevant by the City Council) to determine the amount of Assessed Property within the Parcel.

Table VII-C summarizes the \$2,543,262 in special benefit received by the Major Improvement Area from the City Contributed Major Improvement funds, the costs of the formation, and the issuance costs. The City Contributed Major Improvement Area Assessment Roll is attached hereto as **Appendix C**.

Table VII-D City Contributed Major Improvement Updated Special Benefit Summary	
Authorized Improvement	Total Cost (a)
<i>City Contributed Improvements</i>	
Total Authorized Improvements	\$ 2,433,262
<i>PID Formation/Bond Cost of Issuance</i>	
Financing Costs	\$ 110,000
PID Formation/Bond Cost of Issuance	\$ 110,000
Total Special Benefit	\$ 2,543,262
<i>Special Benefit</i>	
Total Special Benefit	\$ 2,543,262
Projected Special Assessment	\$ 2,120,000
Excess Benefit	\$ 423,262
(a) See Table III-C for details.	

E. Future Neighborhood Improvement Area Assessment Roll

As Future Neighborhood Improvement Areas are developed, this SAP will be amended to determine the Assessment for each Parcel or Lot located within such Future Neighborhood Improvement Areas (e.g. an appendix will be added as the Assessment Roll for Future Improvement Areas).

F. Annual Assessment Roll Updates

The Administrator shall prepare, and shall submit to the City for approval, updates to the Assessment Roll and the Annual Service Plan Update to reflect changes such as (i) the identification of each Parcel (ii) the Special Assessment for each Assessed Property, including any adjustments authorized by this SAP and in the PID Act; (iii) the Annual Installment for the Assessed Property for the year (if the Special Assessment is payable in

installments); (iv) the credits or offsets of the Annual Installments Allocable to the City Contributed Major Improvements by the City Contributed Major Improvement Credit Amount applied as described in **Section VI.C**; (iv) a listing of the major property owners within the PID; and (v) payments of the Special Assessment, if any, as provided by **Section VI.I** of this SAP.

The Annual Service Plan Update shall reflect the actual interest on the Major Improvement Area Bonds, the Neighborhood Improvement Area #1 Bonds, the Neighborhood Improvement Area #2 Improvements, and the City Certificates of Obligation on which the Annual Installments shall be paid, any reduction in the Major Improvement Area Special Assessments, Neighborhood Improvement Area #1 Special Assessments or Neighborhood Improvement Area #2 Special Assessments, and any revisions in the Actual Costs to be funded by the Major Improvement Area Bonds, the Neighborhood Improvement Area #1 Bonds, the Neighborhood Improvement Area #2 Improvements, and the City Certificates of Obligation and Owner funds.

Section IX

MISCELLANEOUS PROVISIONS

A. Administrative Review

The City may elect to designate a third party to serve as Administrator of the PID. The City shall notify the Owners in writing upon appointing a third party Administrator.

To the extent consistent with the PID Act, if an owner of the Assessed Property claims that a calculation error has been made in the Assessment Roll, including the calculation of the Annual Installment, that owner must send a written notice describing the error to the Administrator no later than thirty (30) days after the date the invoice or other bill for the Annual Installment is received. If the owner fails to give such notice, such owners shall be deemed to have accepted the calculation of the Assessment Roll (including the Annual Installments) and to have waived any objection to the calculation. The Administrator shall promptly review the notice, and if necessary, meet with the Assessed Property owner, consider written and oral evidence regarding the alleged error and decide whether, in fact, such a calculation error occurred.

If the Administrator determines that a calculation error has been made and the Assessment Roll should be modified or changed in favor of the Assessed Property owner, such change or modification shall be presented to the City for approval, to the extent permitted by the PID Act. A cash refund may not be made for any amount previously paid by the Assessed Property owner (except for the final year during which the Annual Assessment shall be collected), but an adjustment may be made in the amount of the Annual Installment to be paid in the following year. The decision of the Administrator regarding a calculation error relating to the Assessment Roll may be appealed to City Council. Any amendments made to the Assessment Roll pursuant to calculation errors shall be made pursuant to the PID Act.

B. Termination of Assessments

Each Special Assessment shall terminate on the date the Special Assessment is paid in full, including payment of any unpaid Annual Installments and Delinquent Collection Costs, if any. After the termination of the Special Assessment, and the collection of any delinquent Annual Installments and Delinquent Collection Costs, the City shall provide the owner of the affected Parcel a recordable "Notice of the PID Assessment Termination."

C. Amendments

Amendments to the Service and Assessment Plan may be made as permitted or required by the PID Act and Texas law.

D. Administration and Interpretation of Provisions

The City Council shall administer (or cause the administration of) the PID, this SAP, and all Annual Service Plan Updates consistent with the PID Act.

E. Severability

If any provision, section, subsection, sentence, clause or phrase of this SAP, or the application of same to an Assessed Parcel or any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this SAP or the application to all or any portion of the Property or other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this SAP that no part thereof, or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other part hereof, and all provisions of this SAP are declared to be severable for that purpose.

If any provision of this SAP is determined by a court to be unenforceable, the unenforceable provision shall be deleted from this SAP and the unenforceable provision shall, to the extent possible, be rewritten to be enforceable and to give effect to the intent of the City.

Appendix A

Major Improvement Area Assessment Roll

Attachment: WellsSouth PID-Updated SAP for NIA 2-v2.2 (Lilyana Public Hearing & SAP approval)

Appendix B

Neighborhood Improvement Area #1 Assessment Roll

Attachment: WellsSouth PID-Updated SAP for NIA 2-v2.2 (Lilyana Public Hearing & SAP approval)

Appendix C

City Contributed Major Improvement Assessment Roll

Appendix C Special Assessment by Area			
Area	Area % Share of Special Assessment	Special Assessment	
MIA	77%	\$	1,622,589
NIA#1	23%	\$	497,411
Totals	100%	\$	2,120,000
Note: Preliminary and subject to change			

Attachment: WellsSouth PID-Updated SAP for NIA 2-v2.2 (Lilyana Public Hearing & SAP approval)

Appendix C-1
Annual Installments - All Areas

Year (a)	PID Bonds		
	Principal	Interest (b)	Net Debt Service
09/30/16	\$ -	\$ 85,791	\$ 85,791
09/30/17	\$ -	\$ 102,552	\$ 102,552
09/30/18	\$ 80,000	\$ 90,483	\$ 170,483
09/30/19	\$ 85,000	\$ 88,520	\$ 173,520
09/30/20	\$ 85,000	\$ 86,189	\$ 171,189
09/30/21	\$ 90,000	\$ 83,617	\$ 173,617
09/30/22	\$ 100,000	\$ 80,603	\$ 180,603
09/30/23	\$ 100,000	\$ 77,001	\$ 177,001
09/30/24	\$ 105,000	\$ 73,188	\$ 178,188
09/30/25	\$ 110,000	\$ 69,047	\$ 179,047
09/30/26	\$ 115,000	\$ 64,539	\$ 179,539
09/30/27	\$ 115,000	\$ 59,637	\$ 174,637
09/30/28	\$ 120,000	\$ 54,506	\$ 174,506
09/30/29	\$ 125,000	\$ 49,018	\$ 174,018
09/30/30	\$ 130,000	\$ 43,213	\$ 173,213
09/30/31	\$ 140,000	\$ 37,116	\$ 177,116
09/30/32	\$ 145,000	\$ 30,458	\$ 175,458
09/30/33	\$ 150,000	\$ 23,470	\$ 173,470
09/30/34	\$ 155,000	\$ 16,130	\$ 171,130
09/30/35	\$ 170,000	\$ 8,469	\$ 178,469
Totals	\$ 2,120,000	\$ 1,223,543	\$ 3,343,543

(a) The 9/30/XX dates represent the fiscal year end for the Bonds.
(b) Gross of Capitalized Interest

Appendix C-2
Annual Installments - MIA

Year (a)	PID Bonds		
	Principal	Interest (b)	Net Debt Service
09/30/16	\$ -	\$ 65,662	\$ 65,662
09/30/17	\$ -	\$ 78,490	\$ 78,490
09/30/18	\$ 61,230	\$ 69,253	\$ 130,483
09/30/19	\$ 65,057	\$ 67,750	\$ 132,807
09/30/20	\$ 65,057	\$ 65,966	\$ 131,023
09/30/21	\$ 68,883	\$ 63,998	\$ 132,882
09/30/22	\$ 76,537	\$ 61,691	\$ 138,229
09/30/23	\$ 76,537	\$ 58,934	\$ 135,472
09/30/24	\$ 80,364	\$ 56,016	\$ 136,380
09/30/25	\$ 84,191	\$ 52,847	\$ 137,038
09/30/26	\$ 88,018	\$ 49,396	\$ 137,414
09/30/27	\$ 88,018	\$ 45,645	\$ 133,662
09/30/28	\$ 91,845	\$ 41,717	\$ 133,562
09/30/29	\$ 95,672	\$ 37,517	\$ 133,188
09/30/30	\$ 99,498	\$ 33,074	\$ 132,572
09/30/31	\$ 107,152	\$ 28,407	\$ 135,559
09/30/32	\$ 110,979	\$ 23,311	\$ 134,290
09/30/33	\$ 114,806	\$ 17,963	\$ 132,769
09/30/34	\$ 118,633	\$ 12,345	\$ 130,978
09/30/35	\$ 130,113	\$ 6,482	\$ 136,595
Totals	\$ 1,622,589	\$ 936,466	\$ 2,559,055

(a) The 9/30/XX dates represent the fiscal year end for the Bonds.
(b) Gross of Capitalized Interest

Appendix C-3
Annual Installments - NIA

Year (a)	PID Bonds		
	Principal	Interest (b)	Net Debt Service
09/30/16	\$ -	\$ 20,129	\$ 20,129
09/30/17	\$ -	\$ 24,061	\$ 24,061
09/30/18	\$ 18,770	\$ 21,230	\$ 40,000
09/30/19	\$ 19,943	\$ 20,769	\$ 40,713
09/30/20	\$ 19,943	\$ 20,222	\$ 40,166
09/30/21	\$ 21,117	\$ 19,619	\$ 40,735
09/30/22	\$ 23,463	\$ 18,912	\$ 42,374
09/30/23	\$ 23,463	\$ 18,067	\$ 41,529
09/30/24	\$ 24,636	\$ 17,172	\$ 41,808
09/30/25	\$ 25,809	\$ 16,200	\$ 42,009
09/30/26	\$ 26,982	\$ 15,143	\$ 42,125
09/30/27	\$ 26,982	\$ 13,993	\$ 40,975
09/30/28	\$ 28,155	\$ 12,789	\$ 40,944
09/30/29	\$ 29,328	\$ 11,501	\$ 40,829
09/30/30	\$ 30,502	\$ 10,139	\$ 40,640
09/30/31	\$ 32,848	\$ 8,708	\$ 41,556
09/30/32	\$ 34,021	\$ 7,146	\$ 41,167
09/30/33	\$ 35,194	\$ 5,507	\$ 40,701
09/30/34	\$ 36,367	\$ 3,785	\$ 40,152
09/30/35	\$ 39,887	\$ 1,987	\$ 41,874
Totals	\$ 497,411	\$ 287,077	\$ 784,488

(a) The 9/30/XX dates represent the fiscal year end for the Bonds.
(b) Gross of Capitalized Interest

Appendix D

Neighborhood Improvement Area #2 Proposed Assessment Roll

Attachment: WellsSouth PID-Updated SAP for NIA 2-v2.2 (Lilyana Public Hearing & SAP approval)

Appendix D
Assessment Roll - Neighborhood Improvement Area #2A

Parcel			All Parcels
Assessment			\$2,125,000
Total Units			207

Year	Principal and Interest¹	Administrative Expenses²	Total Annual Installment
2019	\$147,188	\$30,000	\$177,188
2020	\$145,750	\$30,600	\$176,350
2021	\$144,313	\$31,212	\$175,525
2022	\$142,875	\$31,836	\$174,711
2023	\$141,438	\$32,473	\$173,910
2024	\$140,000	\$33,122	\$173,122
2025	\$163,563	\$33,785	\$197,347
2026	\$160,688	\$34,461	\$195,148
2027	\$157,813	\$35,150	\$192,962
2028	\$154,938	\$35,853	\$190,790
2029	\$152,063	\$36,570	\$188,632
2030	\$149,188	\$37,301	\$186,489
2031	\$146,313	\$38,047	\$184,360
2032	\$143,438	\$38,808	\$182,246
2033	\$140,563	\$39,584	\$180,147
2034	\$162,688	\$40,376	\$203,064
2035	\$158,375	\$41,184	\$199,559
2036	\$154,063	\$42,007	\$196,070
2037	\$149,750	\$42,847	\$192,597
2038	\$145,438	\$43,704	\$189,142
2039	\$141,125	\$44,578	\$185,703
2040	\$161,813	\$45,470	\$207,282
2041	\$156,063	\$46,379	\$202,442
2042	\$150,313	\$47,307	\$197,619
2043	\$144,563	\$48,253	\$192,816
2044	\$163,813	\$49,218	\$213,031
2045	\$156,625	\$50,203	\$206,828
2046	\$149,438	\$51,207	\$200,644
2047	\$142,250	\$52,231	\$194,481
2048	\$185,063	\$53,275	\$238,338
Total	\$4,551,500	\$1,217,042	\$5,768,542

1 - The principal and interest amounts are estimated using 5.75% per annum. The Assessments shown above are being levied on the Neighborhood Improvement Area #2A Assessed Property only.

2- The Administrative Expenses shown include the estimated PID administration and assessment collection costs and will be updated in Annual Service Plan Updates.

Attachment: Wellsouth PID-Updated SAP for NIA 2-v2.2 (Lilyana Public Hearing & SAP approval)

Appendix E-1

Legal Description for All Property Within the PID

PROPERTY METES AND BOUNDS DESCRIPTION

(400.524 Acres)

BEING a tract of land situated in the W. Wilhite Survey, Abstract No. 1002 and the Jonathan Westoven Survey, Abstract No. 1030, Collin County, Texas, being all of a called 18.531 acre tract of land described in a Special Warranty Deed to The George White Limited Partnership recorded in Volume 5834, page 478, all of a called 127.069 acre tract of land and a called 26.99 acre tract of land described in a Special Warranty Deed to The George White Limited Partnership recorded in Volume 5834, page 461, and all of a called 214.659 acre tract of land described in Special Warranty Deeds to The George White Limited Partnership recorded in Volume 5834, page 483, Volume 5834, Page 488, Volume 5834, Page 493, Volume 5834, Page 498, Volume 5834, Page 503 and Volume 5946, Page 693, all of the Official Public Records of Real Property of Collin County, Texas, and being more particularly described as follows:

BEGINNING at a PK nail set at the intersection of County Road No. 84, County Road No. 83 and Quail Hollow; said point being the southwest corner of a tract of land described in General Warranty Deed to William K. Wood and Kathy D. Wood recorded in Instrument No. 20071029001470070, Official Public Records of Collin County, Texas; from said point a PK nail found bears North 54°13' East, a distance of 13.4 feet, a PK nail with yellow washer bears North 89°09' East, a distance of 13.7 feet, a 1/2" iron rod found bears North 48°25' West, a distance of 41.2 feet, a 1/2" iron rod found bears South 53°06' West, a distance of 37.0 feet;

THENCE North 89°09'29" East, along the south line of said Wood tract and generally along said County Road No. 84, at a distance of 360.27 feet, passing a PK nail with white washer found, at a distance of 702.60 feet, passing a PK nail with white washer found, at a distance of 1045.10 feet, passing a PK nail with white washer found, in all a total distance of 1387.45 feet to a PK nail with yellow washer found for corner at the intersection of said County Road No. 84 and County Road No. 86; said point being the southeast corner of said Wood tract and the southwest corner of a tract of land described in Special Warranty Deed to Christopher Wesson Bosh and Adrienne Bosh recorded in Instrument No. 20131001001373380, Official Public Records of Real Property of Collin County, Texas; from said point a PK nail with white washer found bears North 15°18' West, a distance of 4.3 feet;

THENCE North 89°05'03" East, along the south line of said Bosh tract and generally along said County Road No. 84, a distance of 1270.15 feet to a PK nail found for corner at the southeast corner of said Bosh tract and the southwest corner of a tract of land described in Warranty Deed to Donald L. Vest recorded in Volume 1344, Page 88 of the Deed Records of Collin County, Texas;

THENCE North 89°04'33" East, along the south line of said Vest tract and generally along said County Road No. 84, a distance of 580.02 feet to a 5/8" iron rod with "KHA" cap set for corner at the southeast corner of said Vest tract; said point being in the west right-of-way line of said County Road No. 84;

Attachment: WellsSouth PID-Updated SAP for NIA 2-v2.2 (Lilyana Public Hearing & SAP approval)

THENCE along said west right-of-way line of County Road No. 84, the following courses and distances:

South 00°08'06" East, a distance of 3039.07 feet to a PK nail set for corner; from said point a 1/2" iron rod found bears South 89°24' East, a distance of 30.0 feet;

South 00°07'47" East, a distance of 2245.96 feet to a PK nail set for corner in the north right-of-way line of F.M. 1461 (a variable width right-of-way, 90 feet wide at this point); from said point a 1/2" iron rod with "RPLS 4084" cap bears North 89°46'00" East, a distance of 40.00 feet;

THENCE along the said north right-of-way line of F.M. 1461, the following courses and distances:

South 89°46'00" West, a distance of 2338.62 feet (Deed calls 2329.27 feet) to a 5/8" iron rod with "KHA" cap set at a re-entrant corner;

North 00°14'00" West, a distance of 10.00 feet to a 5/8" iron rod with "KHA" cap set at a re-entrant corner;

South 89°46'00" West, a distance of 878.58 feet (Deed calls 877.70 feet) to a 5/8" iron rod with "KHA" cap set for corner at the southernmost end of a right-of-way corner clip at the intersection of the said north right-of-way line of F.M. 1461 and County Road No. 83;

THENCE North 45°38'30" West, along said right-of-way corner clip, a distance of 128.18 feet (Deed calls 163.70 feet) to a 5/8" iron rod with "KHA" cap set for corner at the northernmost end of said right-of-way corner clip;

THENCE South 89°46'00" West, along the north right-of-way line of said F.M. 1461, a distance of 45.00 feet (Deed calls 35.93 feet) to a PK nail set for corner in said County Road No. 83 at the easternmost southeast corner of a tract of land described in Special Warranty Deed to 1461 Coit, Inc. recorded in Clerk's File No. 93-0113804, Official Public Records of Real Property of Collin County, Texas;

THENCE North 00°57'08" West, departing the north right-of-way line of F.M. 1461, along the east line of said 1461 Coit, Inc. tract and generally along said County Road No. 83, at a distance of 1125.29 feet, passing the northeast corner of said 1461 Coit, Inc. tract, continuing along the east right-of-way line of said County Road No. 83, in all a total distance of 3170.10 feet to a 1" iron rod found for corner in the south line of Lot 8, Block A, Preston Hills II Addition, an addition to Collin County, according to the plat recorded in Cabinet F, Page 678, Map Records of Collin County, Texas;

THENCE North 89°11'16" East, along the south line of said Lot 8, at a distance of 11.59 feet, passing the southernmost southeast corner of said Lot 8 and the west right-of-way line of said County Road No. 83, continuing along the south right-of-way line of said County Road No. 83,

in all a total distance of 197.43 feet (Deed calls 178.2 feet) to a 5/8" iron rod with "KHA" cap set for corner; from said point a 1" iron pipe found bears North 88°40' East, a distance of 8.5 feet;

THENCE along the east right-of-way line of said County Road No. 83, the following courses and distances:

North 01°09'33" West, a distance of 1044.51 feet to a PK nail set at an angle point;

North 01°10'48" West, a distance of 932.07 feet to the POINT OF BEGINNING and containing 400.524 acres (17,446,820 square feet) of land, more or less.

Bearing system of this survey is based on the Texas State Plane Coordinate System, North American Datum of 1983, North Central Zone 4202.

Appendix E-2

Legal Description for Property Within Neighborhood Improvement Area #1

Attachment: WellsSouth PID-Updated SAP for NIA 2-v2.2 (Lilyana Public Hearing & SAP approval)

Appendix E-3

Legal Description for Property Within Neighborhood Improvement Area #2A

Attachment: WellsSouth PID-Updated SAP for NIA 2-v2.2 (Lilyana Public Hearing & SAP approval)

Appendix F

Parcel (POD) Map



Attachment: WellsSouth PID-Updated SAP for NIA 2-v2.2 (Lilyana Public Hearing & SAP approval)



Administration
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
From: Paul DeBuff, Assistant to the City Manager
CC: Jason Laumer, City Manager
Date: July 10, 2018
Re: Glen Crossing PID Public Hearing

Action Requested:

The Celina City Council will conduct a public hearing to consider proposed assessments to be levied against the assessable property within the Glen Crossing Public Improvement District pursuant to the provisions of Chapter 372 of the Texas Local Government Code, as amended. The boundaries of the District include approximately 109.090 acres of land generally located in the area encompassed directly south of CR 55, north of CR 53, directly adjacent to the west of CR 1117, and east of Private Road 5281 and CR 52. (Glen Crossing Public Hearing) (DeBuff)

Background Information:

Celina City Council authorized the establishment of the Glen Crossing Public Improvement District on April 12, 2016, with authorization of up to \$15,000,000 in bonds for the District to finance certain public improvements to benefit the property in the District. This item proposes a public hearing to consider \$8.8 million in bond financing for the District for Phase #2 improvements.

Board Review/Citizen Input:

N/A

Alternatives:

N/A

Financial Considerations:

N/A

Legal Review:

N/A

Supporting Documents:

- Preliminary Service and Assessment plan

Staff Recommendation:

Staff recommends that Council re-open public hearing, and continue to August 14th, 5pm.

GLEN CROSSING
PUBLIC IMPROVEMENT DISTRICT
PRELIMINARY SERVICE AND ASSESSMENT PLAN

JULY 12, 2016
UPDATED FOR PHASE #2 ON
APRIL 27, 2018

GLEN CROSSING PUBLIC IMPROVEMENT DISTRICT
PRELIMINARY SERVICE AND ASSESSMENT PLAN

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Appendix D	Lot Types and Equivalent Units
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Section I PLAN DESCRIPTION AND DEFINED TERMS

A. Introduction

On April 12, 2016 (the “Creation Date”) the City Council (the “City Council”) of the City of Celina, Texas (the “City”) passed and approved Resolution No. 2016-24R approving and authorizing the creation of the “G Bar 7 Public Improvement District” to finance the costs of certain public improvements for the benefit of property in such public improvement district (the “Authorized Improvements”), all of which is located within the City of Celina. On June 14, 2016 the City passed and approved Resolution No. 2016- 31R changing the name of the “G Bar 7 Public Improvement District” to the “Glen Crossing Public Improvement District” (the “PID”).

The property in the PID is proposed to be developed in approximately two phases, and the PID will finance public improvements for each phase as each phase is developed. Assessments will be imposed on the property in each phase for the public improvements to be provided for that phase.

Chapter 372 of the Texas Local Government Code, the “Public Improvement District Assessment Act” (as amended, the “PID Act”), governs the creation and operation of public improvement districts within the State of Texas. This Glen Crossing Public Improvement District Preliminary Service and Assessment Plan (the “Service and Assessment Plan”) has been prepared in accordance with the PID Act and specifically Sections 372.013, 372.014, 372.015 and 372.016, which address the requirements of a service and assessment plan and the assessment roll. According to Section 372.013 of the PID Act, a service plan “must cover a period of at least five years and must also define the annual indebtedness and the projected costs for improvements. The plan shall be reviewed and updated annually for the purpose of determining the annual budget for improvements.” The service plan is described in Section IV of this Service and Assessment Plan.

Section 372.014 of the PID Act requires that “an assessment plan must be included in the annual service plan.” The assessment plan is described in Section V of this Service and Assessment Plan.

Section 372.015 of the PID Act requires that “the governing body of the municipality or county shall apportion the cost of an improvement to be assessed against property in an improvement district.” The method of assessing the Authorized Improvement Costs and apportionment of such costs to the property in the PID is included in Section V of this Service and Assessment Plan.

Section 372.016 of the PID Act requires that “after the total cost of an improvement is determined, the governing body of the municipality or county shall prepare a proposed assessment roll. The roll must state the assessment against each parcel of land in the district, as determined by the method of assessment chosen by the municipality or county under this subchapter.” The Assessment Roll for the PID is included in this Service and Assessment Plan. The Assessments as shown on the Assessment Roll are based on the method of assessment and apportionment of costs described in Section V of this Service and Assessment Plan.

B. Definitions

Capitalized terms used herein shall have the meanings ascribed to them as follows:

“Actual Cost(s)” means, with respect to an Authorized Improvement, the demonstrated, reasonable, allocable, and allowable costs of constructing such Authorized Improvement. Actual Cost may include (a) the costs for the design, planning, financing, administration, management, acquisition, installation, construction and/or implementation of such Authorized Improvement, including general contractor construction management fees, if any, (b) the costs of preparing the construction plans for such Authorized Improvement, (c) the fees paid for obtaining permits, licenses or other governmental approvals for such Authorized Improvement, (d) the costs for external professional costs associated with such Authorized Improvement, such as engineering, geotechnical, surveying, land planning, architectural landscapers, advertising, marketing and research studies, appraisals, legal, accounting and similar professional services, taxes (property and franchise) (e) the costs of all labor, bonds and materials, including equipment and fixtures, incurred by contractors, builders and material men in connection with the acquisition, construction or implementation of the Authorized Improvements, (f) all related permitting, zoning and public approval expenses, architectural, engineering, legal, and consulting fees, financing charges, taxes, governmental fees and charges (including inspection fees, County permit fees, development fees), insurance premiums, miscellaneous expenses, and all advances and payments for Administrative Expenses.

Actual Costs may include general contractor’s fees in an amount up to a percentage equal to the percentage of work completed and accepted by the City or construction management fees in an amount up to five percent of the eligible Actual Costs described in a Certification for Payment. The amounts expended on legal costs, taxes, governmental fees, insurance premiums, permits, financing costs, and appraisals shall be excluded from the base upon which the general contractor and construction management fees are calculated.

“Administrative Expenses” mean the administrative, organization, maintenance and operation costs associated with, or incident to, the administration, organization, maintenance and operation of the PID, including, but not limited to, the costs of: (i) creating and organizing the PID, including conducting hearings, preparing notices and petitions, and all costs incident thereto, including engineering fees, legal fees and consultant fees, (ii) the annual administrative, organization, maintenance, and operation costs and expenses associated with, or incident and allocable to, the administration, organization, and operation of the PID, (iii) computing, levying, billing and collecting Assessments or the Annual Installments thereof, (iv) maintaining the record of installments of the Assessments and the system of registration and transfer of the Bonds, (v) issuing, paying and redeeming the Bonds, (vi) investing or depositing of monies, (vii) complying with the PID Act and codes with respect to the Bonds, (viii) the Trustee fees and expenses relating to the Bonds, including reasonable fees, (ix) legal counsel, engineers, accountants, financial advisors, investment bankers or other consultants and advisors, and (x) administering the construction of the Authorized Improvements. Administrative Expenses do not include payment of the actual principal of, redemption premium, if any, and interest on the Bonds. Administrative Expenses collected and not expended for actual Administrative Expenses shall be carried forward and applied to reduce Administrative Expenses in subsequent years to avoid the over-collection of amounts to pay Administrative Expenses.

“Administrator” means the employee or designee of the City, identified in any indenture of trust

relating to a series of Bonds or identified in any other agreement approved by the City Council, who shall have the responsibilities provided for herein.

“Annual Installment” means, with respect to each Parcel, each annual payment of: (i) the Assessments, as shown on the Assessment Rolls attached hereto as Appendix E and Appendix F, as applicable, or in an Annual Service Plan Update, and calculated as provided in Section VI of this Service and Assessment Plan, (ii) the Administrative Expenses, (iii) the prepayment reserve described in Section V(F) of this Service and Assessment Plan, and (iv) the delinquency reserve described in Section V(G) of this Service and Assessment Plan.

“Annual Service Plan Update” has the meaning set forth in the second paragraph of Section IV of this Service and Assessment Plan.

“Assessed Property” means any property that benefits from the Authorized Improvements within the PID on which Assessments have been imposed as shown in the Assessment Roll, as the Assessment Roll is updated each year by the Annual Service Plan Update. Assessed Property includes Parcels within the PID other than Non-Benefited Property.

“Assessment” means an assessment levied against a Parcel imposed pursuant to an Assessment Ordinance and the provisions herein, as shown on any Assessment Roll, subject to reallocation upon the subdivision of such Parcel or reduction according to the provisions herein and the PID Act. An Assessment for a Parcel consists of the Annual Installments to be collected in all years and amounts collected to pay Administrative Expenses and interest on all Assessments.

“Assessment Ordinance” means an Assessment Ordinance adopted by the City Council approving the Service and Assessment Plan (including amendments or supplements to the Service and Assessment Plan) and levying the Assessments.

“Assessment Revenues” mean the revenues actually received by or on behalf of the City from the collection of Assessments.

“Assessment Roll” or **“Assessment Rolls”** means collectively or separately, as applicable, the Phase #1 Assessment Roll included in this SAP as Appendix E, the Phase #2 Assessment Roll included in this SAP as Appendix F, or any other Assessment Roll in an amendment or supplement to this Service and Assessment Plan or in an Annual Service Plan Update, as each may be updated, modified, or amended from time to time in accordance with the procedures set forth in this SAP and in the PID Act.

“Authorized Improvements” mean those public improvements described in Appendix B of this Service and Assessment Plan and Section 372.003 of the PID Act, acquired, constructed and installed in accordance with this Service and Assessment Plan, and any future updates and/or amendments.

“Authorized Improvement Costs” mean the actual or budgeted costs, as applicable, of all or any portion of the Authorized Improvements, as shown in Appendix B.

“Bonds” mean any bonds issued by the City, including the Phase #1 Bonds and the Phase #2 Bonds, in one or more series and secured in whole or in part by the Assessment Revenues.

“Budgeted Cost(s)” means the amounts budgeted to construct the Authorized Improvements as used in the preparation of this Service and Assessment Plan.

“Certification for Payment” means the certificate to be provided by the Developer, or his designee, to substantiate the Actual Cost of one or more Authorized Improvements, which may be in segments or sections.

“City” means the City of Celina, Texas.

“City Council” means the duly elected governing body of the City.

“City Improvements” means the additional public improvements to be constructed as part of the agreement between the City and the Developer under the Development Agreement as discussed in Section III(B).

“County” means Collin County, Texas.

“Delinquency Reserve” has the meaning set forth in Section V(G) of this Service and Assessment Plan.

“Delinquent Collection Costs” mean interest, penalties and expenses incurred or imposed with respect to any delinquent installment of an Assessment in accordance with the PID Act and the costs related to pursuing collection of a delinquent Assessment and foreclosing the lien against the Assessed Property, including attorney’s fees.

“Developer” means Wynne Jackson, Inc., a Texas corporation or other entity affiliated with Wynne Jackson, Inc. responsible for the development of all or a portion of the property within the PID.

“Development Agreement” means that certain "Amended and Restated Development Agreement" relating to the PID executed by and between the Developer and the City effective June 14, 2016, as the same may be amended from time to time.

“Equivalent Units” mean, as to any Parcel the number of dwelling units by lot type expected to be built on the Parcel multiplied by the factors calculated and shown in Appendix D attached hereto.

“Homeowner Association” means a homeowners’ association or property owners’ association established for the benefit of property owners within the PID.

“Homeowners’ Association Special Assessment Allocation” means 1% of the total Assessment that will be reallocated to cover the benefit received by the Homeowner’s Association from the Authorized Improvements benefitting the Homeowner Association Property once the Homeowner Association is created within the PID.

“Homeowner Association Property” or **“(HOA Property)”** means property within the PID

owned by or irrevocably offered for dedication to, whether in fee simple or through an easement, a homeowners' association established for the benefit of a group of homeowners or property owners.

“Lot” means a tract of land described as a “lot” in a subdivision plat recorded in the official public records of Collin County, Texas.

“Lot Type” means a classification of final building lots with similar characteristics (e.g. commercial, light industrial, multifamily residential, single family residential, etc.), as determined by the Administrator and confirmed by the City Council. In the case of single family residential lots, the Lot Type shall be further defined by classifying the residential lots by the estimated final average home value for each lot as of the date of the recorded subdivision plat, considering factors such as density, lot size, proximity to amenities, view premiums, location, and any other factors that may impact the average home value on the lot, as determined by the Administrator and confirmed by the City Council.

“Lot type 1” means lots identified as such on the Assessment Roll, being lots typically with approximately 7,500 square feet size and a lot width of 60 feet, which may be referred to as such in the Planned Development District.

“Lot type 2” means lots identified as such on the Assessment Roll, being lots typically with approximately 6,000 square feet size and a lot width of 50 feet, which may be referred to as such in the Planned Development District.

“Non-Benefited Property” means Parcels that accrue no special benefit from the Authorized Improvements, including Public Property and easements that create an exclusive use for a public utility provider. Property identified as Non-Benefited Property at the time the Assessments (i) are imposed or (ii) are reallocated pursuant to a subdivision of a Parcel, is not assessed. Assessed Property converted to Non-Benefited Property, if the Assessments may not be reallocated pursuant to the provisions herein, remains subject to the Assessments and requires the Assessments to be prepaid as provided for in Section VI(D).

“Parcel” or “Parcels” means a parcel or parcels within the PID identified by either a tax map identification number assigned by the Collin Central Appraisal District for real property tax purposes or by lot and block number in a final subdivision plat recorded in the official public records for real property in Collin County.

“Phase” means one or more Parcels within the PID that will be developed in the same general time period. The Parcels within a Phase will be assessed in connection with the issuance of Phased PID Bonds for Authorized Improvements (or the portion thereof) designated in an update to this Service and Assessment Plan that specially benefit the Parcels within the Phase.

“Phase #1” means the initial Phase to be developed within the PID, identified as “Phase #1” and generally shown in Appendix A, as specifically depicted and described as the sum of all Parcels shown in Appendix E.

“Phase #1 Assessed Property” means all Parcels within Phase #1 other than Non-Benefited Property and shown on the Phase #1 Assessment Roll against which an Assessment relating to the Phase #1 Improvements is levied.

“Phase #1 Assessment Revenues” mean the actual revenues received by or on behalf of the City from the collection of Assessments levied against Phase #1 Assessed Property, or the Annual Installments thereof, for the Phase #1 Improvements.

“Phase #1 Assessment Roll” means the document included in this Service and Assessment Plan as Appendix E, as updated, modified or amended from time to time in accordance with the procedures set forth herein and in the PID Act, including updates prepared in connection with the issuance of Bonds or in connection with any Annual Service Plan Update.

"Phase #1 Bonds" mean collectively the \$3,550,000 City of Celina, Texas, Special Assessment Revenue Bonds, Series 2016 (Glen Crossing Public Improvement District Phase #1 Project) (the "Phase #1A Bonds") issued by the City to finance a portion of the Phase #1 Improvements, and any additional bonds, if any, to be issued by the City and secured by Phase #1 Assessment Revenues to finance a portion of the costs of the Phase #1 Improvements.

“Phase #1 Improvements” mean the Authorized Improvements which only benefit Phase #1 Assessed Property and are described in Section III.B.

“Phase #2” means the second Phase to be developed within the PID, identified as “Phase #2” and generally shown in Appendix A, as specifically depicted and described as the sum of all Parcels shown in Appendix F.

“Phase #2 Assessed Property” means all Parcels within Phase #2 other than Non-Benefited Property and shown on the Phase #2 Assessment Roll against which an Assessment relating to the Phase #2 Improvements is levied.

“Phase #2 Assessment Revenues” mean the actual revenues received by or on behalf of the City from the collection of Assessments levied against Phase #2 Assessed Property, or the Annual Installments thereof, for the Phase #2 Improvements.

“Phase #2 Assessment Roll” means the document included in this Service and Assessment Plan as Appendix F, as updated, modified or amended from time to time in accordance with the procedures set forth herein and in the PID Act, including updates prepared in connection with the issuance of Bonds or in connection with any Annual Service Plan Update.

"Phase #2 Bonds" mean the \$_____ City of Celina, Texas, Special Assessment Revenue Bonds, Series 2018 (Glen Crossing Public Improvement District Phase #2 Project) secured by Phase #2 Assessment Revenues and issued by the City to finance a portion of the Phase #2 Improvements, and any additional bonds, if any, to be issued by the City and secured by the Phase #2 Assessment Revenues.

“Phase #2 Improvements” mean the Authorized Improvements which only benefit Phase #2 Assessed Property and are described in Section III.B.

“Phased PID Bonds” mean bonds issued to fund Authorized Improvements (or a portion thereof) in a Phase. In connection with the Phased PID Bonds, Assessments will be levied only on Parcels, other than Non-Benefited Property, located within the respective Phase.

“PID” has the meaning set forth in Section I(A) of this Service and Assessment Plan.

“PID Act” means Texas Local Government Code Chapter 372, Public Improvement District Assessment Act, Subchapter A, Public Improvement Districts, as amended.

“PID Reimbursement Agreement” means that certain PID Reimbursement Agreement, dated July 12, 2016, by and between the City and the Developer in which the Developer agrees to fund certain Actual Costs of Authorized Improvements and the City agrees to reimburse the Developer for a portion of such Actual Costs funded by the Developer with interest as permitted by the PID Act.

“Planned Development District” means the zoning classification established as PD – Planned Development District #23 pursuant to Ordinance No 2015-13 adopted by the City Council designating the zoning and development standards.

“Prepayment Costs” mean interest and expenses to the date of prepayment, plus any additional expenses related to the prepayment allowed by applicable law, reasonably expected to be incurred by or imposed upon the City as a result of any prepayment of an Assessment.

“Prepayment Reserve” has the meaning set forth in Section V(F) of this Service and Assessment Plan.

“Public Property” means property within the boundaries of the PID that is owned by or irrevocably offered for dedication to the federal government, the State of Texas, Collin County, the City, a school district or any other public agency, whether in fee simple or through an exclusive use easement.

“Service and Assessment Plan” means this Service and Assessment Plan prepared for the PID pursuant to the PID Act, as the same may be amended from time to time.

“TIRZ No. 6” means the Tax Increment Reinvestment Zone No. 6, City of Celina, Texas.

“TIRZ Annual Credit Amount” means, for each Parcel, such Parcel’s prorated amount of TIRZ Revenues calculated pursuant to Section VI (A) of this Service and Assessment Plan.

“TIRZ Ordinance” means an ordinance adopted by the City Council authorizing the use of TIRZ Revenues for project costs under the Tax Increment Financing Act, Texas Tax Code, Chapter 311, as amended, relating to certain public improvements as provided for in the Tax Increment Reinvestment Zone No. Project Plan and Financing Plan (including amendments or supplements thereto).

“TIRZ Revenues” mean, for each year, the amounts paid by the City from the TIRZ No. 6 tax increment fund pursuant to the TIRZ Ordinance to reduce an Annual Installment, as calculated each year by the Administrator in collaboration with the City, in accordance with Section VI(A) of this Service and Assessment Plan.

“Trust Indenture” means an indenture of trust, ordinance or similar document setting forth the terms and other provisions relating to the Bonds, as modified, amended, and/or supplemented from

time to time.

“Trustee” means the fiscal agent or trustee as specified in a Trust Indenture, including a substitute fiscal agent or trustee.

Section II PROPERTY INCLUDED IN THE PID

A. Property Included in the PID

The PID is presently located within the City and contains approximately 109 acres of land. Phase #1 consists of approximately 41.5 acres and is projected to consist of 159 single family residential units as further described in Section III. Phase #2 consists of approximately 67.5 acres and is projected to consist of approximately 197 residential units. A map of the property within the PID and depicting the boundaries of Phase #1 and Phase #2 is shown on Appendix A to this Service and Assessment Plan.

At completion, the PID is expected to consist of approximately 356 single family residential units, landscaping, and infrastructure necessary to provide roadways, drainage, and utilities to the PID. The estimated number of lots (356) and the classification of each lot are based upon the proposed development plan.

The property within the PID is proposed to be developed as follows:

Table II-A
Updated Proposed Development

Proposed Development Type	Quantity	Measurement
Single Family Residential – 60 Feet	149	units
Single Family Residential – 50 Feet	207	units
Total	356	units

The estimated number of units at the build-out of the PID is based on the land use approvals for the property, the anticipated subdivision of property in the PID, and the Developer's estimate of the highest and best use of the property within the PID.

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Section III DESCRIPTION OF THE AUTHORIZED IMPROVEMENTS

A. Authorized Improvement Overview

Section 372.003 of the PID Act defines the improvements that may be undertaken by a municipality or county through the establishment of a public improvement district, as follows:

372.003. Authorized Improvements

- (a) If the governing body of a municipality or county finds that it promotes the interests of the municipality or county, the governing body may undertake an improvement project that confers a special benefit on a definable part of the municipality or county or the municipality's extraterritorial jurisdiction. A project may be undertaken in the municipality or county or the municipality's extraterritorial jurisdiction.
- (b) A public improvement may include:
 - (i) landscaping;
 - (ii) erection of fountains, distinctive lighting, and signs;
 - (iii) acquiring, constructing, improving, widening, narrowing, closing, or rerouting of sidewalks or of streets, any other roadways, or their rights-of way;
 - (iv) construction or improvement of pedestrian malls;
 - (v) acquisition and installation of pieces of art;
 - (vi) acquisition, construction, or improvement of libraries;
 - (vii) acquisition, construction, or improvement of off-street parking facilities;
 - (viii) acquisition, construction, improvement, or rerouting of mass transportation facilities;
 - (ix) acquisition, construction, or improvement of water, wastewater, or drainage facilities or improvements;
 - (x) the establishment or improvement of parks;
 - (xi) projects similar to those listed in Subdivisions (i)-(x);
 - (xii) acquisition, by purchase or otherwise, of real property in connection with an authorized improvement;
 - (xiii) special supplemental services for improvement and promotion of the district, including services relating to advertising, promotion, health and sanitation, water and wastewater, public safety, security, business recruitment, development, recreation, and cultural enhancement; and
 - (xiv) payment of expenses incurred in the establishment, administration and operation of the district.

B. Description of the Authorized Improvements

Phase #1 Improvements:

The Phase #1 Improvements are the Authorized Improvements that will benefit the Phase #1 Assessed Property. The descriptions of the Phase #1 Improvements are presented below and the Budgeted Costs of the Phase #1 Improvements are shown in Table III-A. The Budgeted Costs shown in Table III-A may be revised in an Annual Service Plan Update as needed.

- ***Road Improvements:***

- The road improvements within Phase #1 include construction of perimeter road and thoroughfare improvements, including related paving, drainage, curbs, gutters, sidewalks, retaining walls, signage, and traffic control devices. The road improvements will provide street access to each lot within Phase #1 as well as access to community roadways and state highways. All roadway projects will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City.

- ***Water Distribution System Improvements:***

- The water distribution system improvements within Phase #1 consist of construction and installation of on-site and off-site water lines, mains, pipes, valves and appurtenances, necessary for the water distribution system, as well as related testing, trench safety and erosion protection, necessary to service the Phase #1 Assessed Property. The water distribution system improvements will extend water service to the boundaries of Phase #1 and to all lots within Phase #1. The water distribution system improvements will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City.

- ***Sanitary Sewer Improvements:***

- The sanitary sewer improvements within Phase #1 consist of construction and installation of on-site and off-site pipes, service lines, manholes, encasements and appurtenances necessary to provide sanitary sewer service to the Phase #1 Assessed Property. The sanitary sewer improvements will extend wastewater service to the boundaries of Phase #1 and to all lots within Phase #1. The sanitary sewer improvements will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City.

- ***Storm Drainage Improvements:***

- The storm drainage improvements within Phase #1 consist of construction and installation of pipes, inlets, manholes, detention ponds and appurtenances necessary to provide storm drainage to the Phase #1 Assessed Property. The storm drainage improvements will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City.

- ***Park and Open Space Improvements:***

- The park and open space improvements within Phase #1 consist of construction and installation of landscaping, walls, and entries. The park and open space improvements will be designed and constructed in accordance with City standards and specifications and will be owned by the City either by fee or through a public

use easement and maintained by the Homeowners' Association.

Additional details of the Phase #1 Improvements are shown in Appendix B attached to this Service and Assessment Plan. The method of cost allocation is explained in Section V (C).

The Budgeted Costs shown in Tables III-A may be revised in Annual Service Plan Updates. The detailed costs of the Phase #1 Improvements are shown in Appendix B to this Service and Assessment Plan. Savings from one line item may be applied to a cost increase in another line item. These savings may be applied only to increases in costs of the Authorized Improvements (i.e., the improvements for the benefit of property within the PID).

Table III-A
Phase #1 Improvement Costs

Roadway improvements	\$ 1,501,138
Water distribution system improvements	\$572,950
Sanitary sewer improvements	\$691,366
Storm drainage improvements	\$1,377,040
Park and open space improvements	\$512,950
Other soft, contingency and miscellaneous costs	\$1,303,524
Total	\$ 5,958,968

Other Improvements:

Additional public improvements are contemplated to be constructed as part of the agreement between the Developer and the City under the Development Agreement. Such public improvements ("City Improvements") will be designed by the City. The City Improvements include roadway improvements, water distribution system improvements and sanitary sewer collection system improvements. The estimated costs of the City Improvements are excluded from the Authorized Improvements shown in Table III-A and will not be paid for by Assessment Revenues. The estimated costs of the City Improvements are included herein solely to establish the basis for the TIRZ Annual Credit Amount described in Section VI (A) of this Service and Assessment Plan.

Roadway improvements: The road improvements part of the City Improvements includes construction of perimeter road and thoroughfare improvements, including related paving, drainage, curbs, gutters, sidewalks, retaining walls, signage, and traffic control devices. The road improvements will provide street access to the PID as well as access to community roadways and state highways. All roadway projects will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City.

Water distribution system improvements: The water distribution system improvements part of the City Improvements consists of construction and installation of off-site water lines, mains, pipes, valves and appurtenances, necessary for the water distribution system, as well as related testing, trench safety and erosion protection. These water distribution system improvements will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City.

Sanitary sewer collection system improvements: The sanitary sewer improvements part of

the City Improvements consists of construction and installation of off-site pipes, service lines, manholes, encasements and appurtenances. The sanitary sewer improvements will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City.

Table III-B below shows the estimated costs of the City Improvements anticipated to be constructed in accordance with the Development Agreement.

Table III-B
City Improvement Costs

Description	City Improvements to be constructed as part of		
	Phase #1	Phase #2	Total
Roadway improvements including ROW acquisition	\$160,000	\$902,970	\$1,062,970
Water distribution system improvements	\$280,060	\$0	\$280,060
Sanitary sewer improvements	\$753,258	\$389,729	\$1,142,987
Other soft, contingency and miscellaneous costs	\$289,330	\$361,956	\$651,2864
Total	\$1,482,648	\$ 1,654,655	\$ 3,137,303

Additionally, concurrently with the construction of the Phase #1 Improvements, the Developer began constructing certain improvements within the PID including grading, water and sewer services, franchise utility services, landscaping and other miscellaneous items related to the Private Improvements; a pool and related facilities, fencing and landscaping (collectively, the “Private Improvements”) to serve the entire PID. The Private Improvements are expected to be complete by the end of May 2018. The costs of such Private Improvements have been or will be paid entirely by the Developer without any reimbursement through the PID.

Phase #2 Improvements:

The Phase #2 Improvements are the Authorized Improvements that will benefit the Phase #2 Assessed Property. The descriptions of the Phase #2 Improvements are presented below and the Budgeted Costs of the Phase #2 Improvements are shown in Table III-B. The Budgeted Costs shown in Table III-B may be revised in an Annual Service Plan Update as needed.

- ***Road Improvements:***

- The road improvements within Phase #2 include construction of perimeter road and thoroughfare improvements, including related paving, drainage, curbs, gutters, sidewalks, retaining walls, signage, and traffic control devices. The road improvements will provide street access to each lot within Phase #2 as well as access to community roadways and state highways. All roadway projects will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City.

- ***Water Distribution System Improvements:***

- The water distribution system improvements within Phase #2 consist of construction and installation of on-site, mains, pipes, valves and appurtenances, necessary for the water distribution system, as well as related testing, trench safety and erosion

protection, necessary to service the Phase #2 Assessed Property. The water distribution system improvements will extend water service to the boundaries of Phase #1 and to all lots within Phase #2. The water distribution system improvements will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City.

- ***Sanitary Sewer Improvements:***

- The sanitary sewer improvements within Phase #2 consist of construction and installation of on-site and off-site pipes, service lines, manholes, encasements and appurtenances necessary to provide sanitary sewer service to the Phase #2 Assessed Property. The sanitary sewer improvements will extend wastewater service to the boundaries of Phase #2 and to all lots within Phase #2. The sanitary sewer improvements will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City.

- ***Storm Drainage Improvements:***

- The storm drainage improvements within Phase #2 consist of construction and installation of pipes, inlets, manholes, detention ponds and appurtenances necessary to provide storm drainage to the Phase #2 Assessed Property. The storm drainage improvements will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City.

- ***Park and Open Space Improvements:***

- The park and open space improvements within Phase #2 consist of construction and installation of trails, landscaping, walls, and entries. The park and open space improvements will be designed and constructed in accordance with City standards and specifications and will be owned by the City either by fee or through a public use easement and maintained by the Homeowners' Association.

Additional details of the Phase #2 Improvements are shown in Appendix B attached to this Service and Assessment Plan. The method of cost allocation is explained in Section V (C).

The Budgeted Costs shown in Tables III-B may be revised in Annual Service Plan Updates. The detailed costs of the Phase #2 Improvements are shown in Appendix B to this Service and Assessment Plan. Savings from one line item may be applied to a cost increase in another line item. These savings may be applied only to increases in costs of the Authorized Improvements (i.e., the improvements for the benefit of property within the PID).

Table III-C
Phase #2 Improvement Costs

Roadway improvements	\$2,392,525
Water distribution system improvements	\$416,871
Sanitary sewer improvements	\$340,350
Storm drainage improvements	\$1,520,957
Park and open space improvements	\$914,801
Other soft, contingency and miscellaneous costs	\$1,563,940
Total	\$7,149,444

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Section IV SERVICE PLAN

A. Sources and Uses of Funds

The PID Act requires the service plan to cover a period of at least five years. The service plan is required to define the annual projected costs and indebtedness for the Authorized Improvements undertaken within the PID during the five year period.

The Budgeted Costs for the Phase #1 Improvements plus costs related to the issuance of the Bonds, in one or more series, and payment of expenses incurred in the establishment, administration and operation of the PID are \$6,845,468 as shown in Table IV-A. The service plan shall be reviewed and updated at least annually for the purpose of determining the annual budget for Administrative Expenses, updating the Actual Costs of the Authorized Improvements, and updating the Assessment Rolls. Any update to this Service and Assessment Plan is herein referred to as an "Annual Service Plan Update."

Table IV-A summarizes the sources and uses of funds required to construct the Phase #1 Improvements to be financed with the proceeds from the Phase #1A Bonds and PID Reimbursement Agreement, including Budgeted Costs related to establishing the PID and issuing the Phase #1 Bonds. The sources and uses of funds shown in Table IV-A shall be updated each year in the Annual Service Plan Update to reflect any budget revisions and changes in Actual Costs.

The Phase #1A Bonds were issued to finance a portion of the Phase #1 Improvements, including costs to issue the Phase #1A Bonds, as shown in Table IV-A below. A portion of the remaining costs of Phase #1 Improvements will be financed through the PID Reimbursement Agreement. A second series of Phase #1 Bonds ("Phase #1B Bonds") may, subject to the approval of the City Council and compliance with the applicable provisions in the Trust Indenture, be issued in 2018 or 2019; and, to the extent provided by law, the proceeds from the Phase #1B Bonds will be used to reimburse certain Actual Costs paid by the Developer under the terms of the PID Reimbursement Agreement and to pay any unpaid Actual Costs of Phase #1 Improvements required to be paid under the PID Reimbursement Agreement.

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Table IV-A
Sources and Uses – Phase #1

Sources of Funds	Authorized Improvements (PID)	Other Improvements (Non-PID)	Total Amounts
Bond par amount	\$3,550,000	\$0	\$3,550,000
PID Reimbursement Agreement	\$2,175,000	\$0	\$2,175,000
<i>Subtotal</i>	<i>\$5,725,000</i>	<i>\$0</i>	<i>\$5,725,000</i>
Other funding sources - Phase #1 Improvements	\$1,120,468	\$0	\$1,120,468
Total Sources for Phase #1 Improvements	\$6,845,468	\$0	\$6,845,468
Other funding sources - City Improvements	\$0	\$1,482,648	\$1,482,648
Other funding sources – Private Improvements and Ag reserve	\$0	\$1,271,213	\$1,271,213
Total Sources	\$6,845,468	\$2,753,861	\$9,599,329
Uses of Funds			
Authorized Improvements - Phase #1 Improvements			
Road improvements	\$1,501,138	\$0	\$1,501,138
Water distribution system improvements	\$572,950	\$0	\$572,950
Sanitary sewer improvements	\$691,366	\$0	\$691,366
Storm drainage improvements	\$1,377,040	\$0	\$1,377,040
Parks and open space improvements	\$512,950	\$0	\$512,950
Other soft and miscellaneous costs	\$1,303,524	\$0	\$1,303,524
<i>Subtotal</i>	<i>\$5,958,968</i>	<i>\$0</i>	<i>\$5,958,968</i>
City Improvements			
Road improvements	\$0	\$160,000	\$160,000
Water distribution system improvements	\$0	\$280,060	\$280,060
Sanitary sewer improvements	\$0	\$753,258	\$753,258
Other soft and miscellaneous costs	\$0	\$289,330	\$289,330
<i>Subtotal</i>	<i>\$0</i>	<i>\$1,482,648</i>	<i>\$1,482,648</i>
Private Improvements			
City debt issuance fee	\$0	\$226,850	\$226,850
NonBQ fee	\$0	\$40,310	\$40,310
Other private improvements	\$0	\$999,053	\$999,053
<i>Subtotal</i>	<i>\$0</i>	<i>\$1,266,213</i>	<i>\$1,266,213</i>
Costs of issuance			
Capitalized interest	\$181,785	\$0	\$181,785
Reserve fund	\$237,195	\$0	\$237,195
Ag exemption foreclosure reserve	\$0	\$5,000	\$5,000
PID establishment/ operation and other costs of issuance	\$361,020	\$0	\$361,020
Underwriter's discount	\$106,500	\$0	\$106,500
<i>Subtotal</i>	<i>\$886,500</i>	<i>\$5,000</i>	<i>\$891,500</i>
Total Uses	\$6,845,468	\$2,753,861	\$9,599,329

The Budgeted Costs for the Phase #2 Improvements plus costs related to the issuance of the Bonds,

in one or more series, and payment of expenses incurred in the establishment, administration and operation of the PID are \$ _____ as shown in Table IV-A-1. The service plan shall be reviewed and updated at least annually for the purpose of determining the annual budget for Administrative Expenses, updating the Actual Costs of the Authorized Improvements, and updating the Assessment Rolls. Any update to this Service and Assessment Plan is herein referred to as an “Annual Service Plan Update.”

Table IV-A-1 summarizes the sources and uses of funds required to construct the Phase #2 Improvements to be financed with the proceeds from the Phase #2 Bonds, including Budgeted Costs related to establishing the PID and issuing the Phase #2 Bonds. The sources and uses of funds shown in Table IV-A-1 shall be updated each year in the Annual Service Plan Update to reflect any budget revisions and changes in Actual Costs.

The Phase #2 Bonds are being issued to finance a portion of the Phase #2 Improvements, including costs to issue the Phase #2 Bonds, as shown in Table IV-A-1 below.

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Table IV-A-1
Sources and Uses – Phase #2

Sources of Funds	Authorized Improvements (PID)	Other Improvements (Non-PID)	Total Amounts
Bond par amount	\$7,325,000	\$0	\$7,325,000
<i>Subtotal</i>	<i>\$7,325,000</i>	<i>\$0</i>	<i>\$7,325,000</i>
Other funding sources - Phase #2 Improvements	\$1,429,186	\$0	\$1,429,186
Total Sources for Phase #2 Improvements	\$8,754,186	\$0	\$8,754,186
Other funding sources - City Improvements	\$0	\$1,654,655	\$1,654,655
Other funding sources – Private Improvements	\$0	\$0	\$0
Total Sources	\$8,754,186	\$1,654,655	\$10,408,841
Uses of Funds			
Authorized Improvements - Phase #2 Improvements			
Road improvements	\$2,392,525	\$0	\$2,392,525
Water distribution system improvements	\$416,871	\$0	\$416,871
Sanitary sewer improvements	\$340,350	\$0	\$340,350
Storm drainage improvements	\$1,520,957	\$0	\$1,520,957
Parks and open space improvements	\$914,801	\$0	\$914,801
Other soft and miscellaneous costs	\$1,563,940	\$0	\$1,563,940
<i>Subtotal</i>	<i>\$7,149,444</i>	<i>\$0</i>	<i>\$7,149,444</i>
City Improvements			
Road improvements	\$0	\$902,970	\$902,970
Water distribution system improvements	\$0	\$0	\$0
Sanitary sewer improvements	\$0	\$389,729	\$389,729
Other soft and miscellaneous costs	\$0	\$361,956	\$361,956
<i>Subtotal</i>	<i>\$0</i>	<i>\$1,654,655</i>	<i>\$1,654,655</i>
Private Improvements			
City debt issuance fee	\$0	\$0	\$0
NonBQ fee	\$0	\$0	\$0
Other private improvements	\$0	\$0	\$0
<i>Subtotal</i>	<i>\$0</i>	<i>\$0</i>	<i>\$0</i>
Costs of issuance			
Capitalized interest	\$402,875	\$0	\$402,875
Reserve fund	\$237,195	\$0	\$237,195
Ag exemption foreclosure reserve	\$0	\$0	\$0
PID establishment/ operation and other costs of issuance	\$744,922	\$0	\$744,922
Underwriter's discount	\$219,750	\$0	\$219,750
<i>Subtotal</i>	<i>\$1,604,742</i>	<i>\$0</i>	<i>\$1,604,742</i>
Total Uses	\$8,754,186	\$1,654,655	\$10,408,841

As described in Sections V(I) and VI(A) the City has agreed to use TIRZ Revenues generated from each Parcel to offset a portion of such Parcel's PID assessments. The total Phase #1A Bond par amount to be repaid with the TIRZ Annual Credit Amounts (the "TIRZ Credit Funded Portion") is

projected to be \$2,182,855 as calculated based on the projected TIRZ Annual Credit Amounts anticipated to be used for offsetting the Annual Installments to be collected from the Phase #1A Assessed Property. The balance of the Phase #1A Bonds to be repaid with the net Annual Installments (the "Net Assessment Funded Portion") is calculated to be \$1,367,145 (i.e. \$3,550,000 - \$2,182,855 = \$1,367,145). Accordingly, the Phase #1A Bonds are allocated between the TIRZ Credit Funded Portion and the Net Assessment Funded Portion as shown in Table IV-B below. The detailed breakdown of the estimated Phase #1A Bond debt service amounts is in the schedule included in Appendix E.

Table IV-B
Estimated Sources and Uses
Phase #1 Bonds – TIRZ Credit Funded Portion

Sources of Funds	Phase #1A Bonds		
	TIRZ Credit Funded Portion	Net Assessment Funded Portion	Total
Bond par amounts	\$2,182,855	\$1,367,145	\$3,550,000
Total Sources	\$2,182,855	\$1,367,145	\$3,550,000
Uses of Funds			
<u>Improvements</u>			
Road improvements	\$412,571	\$258,398	\$670,969
Water distribution system improvements	\$157,469	\$98,624	\$256,093
Sanitary sewer improvements	\$190,014	\$119,008	\$309,022
Storm drainage improvements	\$378,464	\$237,036	\$615,500
Parks and open space improvements	\$140,979	\$88,296	\$229,275
Other soft and miscellaneous costs	\$358,259	\$224,381	\$582,640
Subtotal	\$1,637,756	\$1,025,744	\$2,663,500
Estimated Bond issue costs			
Capitalized interest	\$111,777	\$70,007	\$181,785
Reserve fund	\$145,849	\$91,346	\$237,195
PID establishment/ operation and other costs of issuance	\$221,987	\$139,033	\$361,020
Underwriter's discount	\$65,486	\$41,014	\$106,500
Subtotal	\$545,099	\$341,401	\$886,500
Total Uses	\$2,182,855	\$1,367,145	\$3,550,000

The City reserves the right to issue additional parity bonds secured by the Phase #1 Assessment Revenues to finance (or refinance) a portion of Phase #1 Improvements not paid with proceeds of the Phase #1A Bonds. The issuance of such additional bonds will be subject to the conditions and provisions set forth in the Trust Indenture relating to the Phase #1 Bonds. The Phase #1 Bonds may also, subject to the approval of the City Council, be refunded pursuant to the refunding provisions

of the Trust Indenture relating to the Phase #1 Bonds. If the debt service on the Series 2016 Phase #1A Bonds is reduced as the result of an economic refunding of those PID bonds, then there would be a corresponding reduction in both TIRZ Annual Credit Amounts and the Annual Installments (i.e., Annual Installments shall be permanently reduced by the same amount the TIRZ Annual Credit Amounts are reduced) which will result in a permanent reduction in the Assessments.

The annual projected costs and annual projected indebtedness is shown by Table IV-C. The annual projected costs and indebtedness is subject to revision and each shall be updated in the Annual Service Plan Update to reflect any changes in the costs or indebtedness expected for each year.

Table IV-C
Annual Projected Costs and Annual Projected Indebtedness – All Phases

Year	Annual Projected Cost	Annual Projected Indebtedness (Phase #1A Bonds and Phase #1 Reimbursement Agreement, Phase #2 Bonds)	Sources other than Phase #1A Bonds, Phase #1 Reimbursement Agreement and Phase #2 Bonds
2016	\$6,845,468	\$5,725,000	\$1,120,468
2017	\$0	\$0	\$0
2018	\$8,754,186	\$7,325,000	\$1,429,186
2019	\$0	\$0	\$0
2020	\$0	\$0	\$0
Total	\$15,599,654	\$13,050,000	\$2,549,654

The annual projected costs shown in Table IV-C are the annual expenditures relating to the Phase #1 Improvements shown in Table III-A, the costs associated with creating the PID and costs of issuing the Phase #1A Bonds, including reserves shown in Table IV-A, and costs related to the PID Reimbursement Agreement. The difference between the annual projected cost and the annual projected indebtedness, and between the annual projected indebtedness and the principal amount of the bonds each represent an amount funded by the Developer, which may be reimbursed with future bond proceeds to the extent available.

Section V ASSESSMENT PLAN

A. Introduction

The PID Act requires the City Council to apportion the costs of the Authorized Improvements on the basis of special benefits conferred upon the property because of the Authorized Improvements. The PID Act provides that the costs of the Authorized Improvements may be assessed: (i) equally per front foot or square foot; (ii) according to the value of the property as determined by the governing body, with or without regard to improvements on the property; or (iii) in any other manner that results in imposing equal shares of the cost on property similarly benefited. The PID Act further provides that the governing body may establish by ordinance or order reasonable classifications and formulas for the apportionment of the cost between the municipality and the area to be assessed and the methods of assessing the special benefits for various classes of improvements.

The proposed bond issuance program anticipates a series of bond financings that are intended to finance the public infrastructure required for the development. This financing will necessarily be undertaken in phases to coincide with the private investment and development of the Authorized Improvements. Following the initial Phase #1A Bonds, subsequent financings may be issued over the upcoming years as the subsequent phase(s) of the development are gradually constructed.

The purpose of this anticipated gradual issuance of bonds in phases is to mirror the actual private development of the Authorized Improvements. The Phased PID Bonds to be issued are most prudently and efficiently utilized when directly coinciding with construction of public infrastructure needed for private development that is to occur once the infrastructure is completed; it is most effective to issue the Phased PID Bonds when the infrastructure is needed, not before. Furthermore, there is no economic advantage, and several disadvantages, to issuing debt and encumbering property within the PID prior to the need for the Authorized Improvements.

Additionally, phased issuance of debt will maintain a prudent value to lien ("VtL") within the financing program. In order to maintain a prudent VtL, the initial issuance of Bonds for a specific set of Authorized Improvements may not fund the entire desired level of public infrastructure because the property value is not high enough to support the entire debt burden at the VtL chosen for the development. In that case, the Developer will need to fund the additional infrastructure costs with cash at closing. This cash investment by the Developer for certain Authorized Improvements may be reimbursed by a subsequent parity lien bond financing and /or a reimbursement agreement, such as the PID Reimbursement Agreement. For example, the Phase #1A Bonds to be issued to finance a portion of the Phase #1 Improvements may, subject to the initial bond issuance requirements in the Development Agreement and approval by the City Council, be followed by a second parity lien issuance of Phased PID Bonds (the Phase #1B Bonds) to finance Actual Costs of Phase #1 Improvements not financed by the Phase #1A Bonds.

For purposes of this Service and Assessment Plan, the City Council has determined that the costs of the Phase #1 Improvements and the Phase #2 Improvements shall be allocated as described below:

1. The Authorized Improvement Costs shall be allocated on the basis of the relative value of Parcels once such property is developed, and that such method of allocation will result in the imposition of equal shares of the costs of the Authorized Improvements to Parcels similarly

benefited.

2. The City Council has concluded that larger more expensive homes are likely to be built on the larger lots, and that larger more expensive homes are likely to make greater use of and receive greater benefit from the Authorized Improvements. In determining the relative values of Parcels, the City Council has taken into consideration (i) the type of development (i.e., residential, commercial, etc.), (ii) single-family lot sizes and the size of homes likely to be built on lots of different sizes, (iii) current and projected home process provided by the Developer, (iv) the Authorized Improvements to be provided and the estimated costs, and (v) the ability of different property types to utilize and benefit from the Authorized Improvements.
3. The Assessed Property is classified into different Lot Types as described in Appendix D based on the type and size of proposed development on each Parcel.
4. Equivalent Units are calculated for each Lot Type based on the relative value of each Lot Type.
5. The Phase #1 Improvement costs less the Homeowner Association Special Assessment Allocation are allocated to each Parcel within the Phase #1 Assessed Property based on the total Equivalent Units estimated for each Parcel.
6. The Phase #2 Improvement costs less the Homeowner Association Special Assessment Allocation are allocated to each Parcel within the Phase #2 Assessed Property based on the total Equivalent Units estimated for each Parcel.

This section of this Service and Assessment Plan currently (i) describes the special benefit received by (a) each Parcel within the Phase #1 Assessed Property as a result of the Phase #1 Improvements and (b) each Parcel within the Phase #2 Assessed Property as a result of the Phase #2 Improvements,, (ii) provides the basis and justification for the determination that this special benefit exceeds the amount of the Assessments to be levied on the Phase #1 Assessed Property and the Phase #2 Assessed Property, and (iii) establishes the methodologies by which the City Council allocates and reallocates the special benefit within Phase #1 of the Phase #1 Improvements to Phase #1 Assessed Property and Phase #2 of the Phase #2 Improvements to Phase #2 Assessed Property in a manner that results in equal shares of the Actual Costs of such improvements being apportioned to Phase #1 Assessed Property similarly benefited and the Phase #2 Assessed Property similarly benefited. The determination by the City Council of the assessment methodologies set forth below is the result of the discretionary exercise by the City Council of its legislative authority and governmental powers and is conclusive and binding on the Developer and all future owners and developers of the Assessed Property.

B. Special Benefit

Assessed Property must receive a direct and special benefit from the Authorized Improvements, and this benefit must be equal to or greater than the amount of the Assessments. The Authorized Improvements are provided specifically for the benefit of the Assessed Property. The Authorized Improvements (more particularly described in line-item format in Appendix B to this Service and Assessment Plan) and the costs of issuance and payment of costs incurred in the establishment of the PID shown in Table IV-A are authorized by the PID Act. These Authorized Improvements are provided specifically for the benefit of the Assessed Property.

Each owner of the Assessed Property has acknowledged that the Authorized Improvements confer

a special benefit on the Assessed Property and has consented to the imposition of the Assessments to pay for the Actual Costs associated therewith. Each of the owners is acting in its interest in consenting to this apportionment and levying of the Assessments because the special benefit conferred upon the Assessed Property by the Authorized Improvements exceeds the amount of the Assessments.

The Authorized Improvements provide a special benefit to the Assessed Property as a result of these improvements being constructed on the Assessed Property or in close proximity to the Assessed Property and the specific purpose of these Authorized Improvements of providing infrastructure for the Assessed Property. In other words, the Assessed Property could not be used in the manner proposed without the construction of the Authorized Improvements. The Authorized Improvements are being provided specifically to meet the needs of the Assessed Property as required for the proposed use of the property.

The Assessments are being levied to provide the Authorized Improvements that are required for the highest and best use of the Assessed Property (i.e., the use of the property that is most valuable, including any costs associated with that use). Highest and best use is defined as “the reasonably probable and legal use of property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value.” (*Dictionary of Real Estate Appraisal, Third Edition.*) The Authorized Improvements are required for the proposed use of the Assessed Property to be physically possible, appropriately supported, financially feasible, and maximally productive.

The Developer has evaluated the potential use of the property and has determined that the highest and best use of the property is the use intended and the legal use for the property as described in Section II of this Service and Assessment Plan. The use of the Assessed Property as described herein will require the construction of the Authorized Improvements.

Each owner of the Assessed Property will ratify, confirm, accept, agree to and approve; (i) the determinations and finding by the City Council as to the special benefits described in this Service and Assessment Plan and the Assessment Ordinance; and (ii) the levying of Assessments on the Assessed Property. Use of the Assessed Property as described in this Service and Assessment Plan and as authorized by the PID Act requires that Authorized Improvements be acquired, constructed, installed, and/or improved. Funding the Actual Costs of the Authorized Improvements through the PID has been determined by the City Council to be beneficial to the City and the PID. As a result, the Authorized Improvements result in a special benefit to the Assessed Property, and this special benefit exceeds the amount of the Assessment. This conclusion is based on and supported by the evidence, information, and testimony provided to the City Council.

In summary, the Authorized Improvements result in a special benefit to the Assessed Property for the following reasons:

1. The Authorized Improvements are being provided specifically for the use of the Assessed Property, are necessary for the proposed best use of the property and provide a special benefit to the Assessed Property as a result;
2. The Developer has consented to the imposition of the Assessments for the purpose of providing the Authorized Improvements and the Developer is acting in its interest by consenting to this imposition;
3. The Authorized Improvements are required for the highest and best use of the property;

4. The highest and best use of the Assessed Property is the use of the Assessed Property that is most valuable (including any costs associated with the use of the Assessed Property);
5. Financing of the costs of the Authorized Improvement through the PID is determined to be beneficial; and,
6. As a result, the special benefits to the Assessed Property from the Authorized Improvements will be equal to or greater than the Assessments.

C. Assessment Methodology

The Actual Costs may be assessed by the City Council against the Assessed Property so long as the special benefit conferred upon the Assessed Property by the Authorized Improvements equals or exceeds the Assessments. The Actual Costs may be assessed using any methodology that results in the imposition of equal shares of the Actual Costs on Assessed Property similarly benefited.

1. Assessment Methodology for Phase #1

For purpose of this Service and Assessment Plan, the City Council has determined that the Actual Costs of the Phase #1 Improvements shall be allocated to the Phase #1 Assessed Property by spreading the entire Assessment across the Parcels based on the estimated Equivalent Units as calculated and shown in Appendix D using the types and number of lots anticipated to be developed on each Parcel within Phase #1. As part of the determination as to the ability of different Lot Types to utilize and benefit from the Authorized Improvements, the City Council has taken into consideration that larger, more expensive homes, on average, will create more vehicle trips and greater demands for water and wastewater consumption, and larger, more expensive homes are likely to be built on larger, more valuable lots placing greater demand on the Authorized Improvements.

Based on the Actual Costs of the Phase #1 Improvements provided by the Developer working with the City's engineers, as set forth in Table III-A, the City Council has determined that the benefit to Phase #1 Assessed Property resulting from the Phase #1 Improvements is at least equal to the Assessments levied on the Phase #1 property.

Upon subsequent divisions of any Parcel, the Assessment applicable to it will then be apportioned pro rata based on the Equivalent Units of each newly created Parcel. For residential Lots, when final residential building sites are platted, Assessments will be apportioned proportionately among each Lot Type based on the ratio of the Equivalent Unit applicable to each Lot Type at the time residential Lots are platted to the total Equivalent Units of all Lots in the platted Parcel, as determined by the Administrator and confirmed by the City Council. The result of this approach is that each final residential Lot within a recorded subdivision plat with similar values will have the same Assessment, with larger, more valuable Lots having a proportionately larger share of the Assessments than smaller, less valuable Lots. As part of the determination as to the ability of different Lot Types to utilize and benefit from the Authorized Improvements, the City Council has taken into consideration that larger, more expensive homes, on average, will create more vehicle trips and greater demands for water and wastewater consumption, and larger, more expensive homes are likely to be built on larger, more valuable lots placing greater demand on the Authorized Improvements.

Allocation of Assessments to Lot Types in Phase #1

As shown in Section IV of this Service and Assessment Plan, the total amount of the Phase #1 Bonds, which represents the total Assessment to be allocated on all Parcels within Phase #1, is \$5,725,000. As shown in Appendix D, there are a total of 143.33 estimated Equivalent Units for the residential development in Phase #1, resulting in an Assessment per Equivalent Unit of \$39,941.86.

The Assessment per dwelling unit or acre is calculated as the product of (i) \$39,941.86 multiplied by (ii) the applicable Equivalent Unit value for each Lot Type. For example, the Assessment for a Lot Type 1 (60 Ft Lot) dwelling unit is \$39,941.86 (i.e. $\$39,941.86 \times 1.00$). The Assessment for a Lot Type 2 (50 Ft Lot) dwelling unit is \$33,284.88 (i.e. $\$39,941.86 \times 0.83$). Table E-2 sets forth the Assessment per dwelling unit for each of the two Lot Types in Phase #1.

Table V-1
Assessment per Unit - Phase #1

Type	Planned No. of Units	Assessment per Equivalent Unit	Equivalent Unit Factor ¹	Assessment per Unit	Total Assessments
Lot Type 1	65	\$39,941.86	1.00	\$39,941.86 per dwelling unit	\$2,596,221
Lot Type 2	94	\$39,941.86	0.83	\$33,284.88 per dwelling unit	\$3,128,779
Total	159				\$5,725,000

1 – See Appendix D for the calculation of the Equivalent Unit Factors

The projected leverage calculated based on the estimated land values, finished lot values and home values for each Lot Type is shown in Table V-2 below.

Table V-2
Projected Leverage – Phase #1

Lot Type	Planned No. of Units	Estimated Land Value per unit	Estimated Finished Lot Value per unit	Projected Home Value per unit	Assessment per Unit ¹	Leverage (Land Value)	Leverage (Lot Value)	Leverage (Home Value)
Lot Type 1	65	\$30,000	\$81,000	\$405,000	\$39,942	0.75	2.03	10.14
Lot Type 2	94	\$25,000	\$67,500	\$337,500	\$33,285	0.75	2.03	10.14
Total	159							

1 – Amounts are rounded to the nearest dollar amount.

The projected tax rate equivalent per unit calculated based on the estimated land values, finished lot values and home values for each Lot Type is shown in Table V-3 below.

Table V-3
Estimated Tax Rate Equivalent per unit – Phase #1

Lot Type	Planned No. of Units	Estimated Land Value per unit	Estimated Finished Lot Value per unit	Projected Home Value per unit	Projected Maximum Annual Installment per unit	Tax Rate Equivalent (per \$100 Land Value)	Tax Rate Equivalent (per \$100 Lot Value)	Tax Rate Equivalent (per \$100 Home Value)
Lot Type 1	65	\$30,000	\$81,000	\$405,000	\$3,017	\$10.06	\$3.72	\$0.745
Lot Type 2	94	\$25,000	\$67,500	\$337,500	\$2,514	\$10.06	\$3.72	\$0.745
Total	159							

The Assessment and Annual Installments for each Parcel or Lot located within Phase #1 is shown on the Phase #1 Assessment Roll, attached as Appendix E, and no Assessment shall be changed except as authorized by this Service and Assessment Plan and the PID Act.

Appendix D shows the detailed calculation of the Assessment per Equivalent Unit and the Assessment for each Lot type.

2. *Assessment Methodology for Phase #2*

For purpose of this Service and Assessment Plan, the City Council has determined that the Actual Costs of the Phase #2 Improvements shall be allocated to the Phase #2 Assessed Property by spreading the entire Assessment across the Parcels based on the estimated Equivalent Units as calculated and shown in Appendix D using the types and number of lots anticipated to be developed on each Parcel within Phase #2. As part of the determination as to the ability of different Lot Types to utilize and benefit from the Authorized Improvements, the City Council has taken into consideration that larger, more expensive homes, on average, will create more vehicle trips and greater demands for water and wastewater consumption, and larger, more expensive homes are likely to be built on larger, more valuable lots placing greater demand on the Authorized Improvements.

Based on the Actual Costs of the Phase #2 Improvements provided by the Developer working with the City's engineers, as set forth in Table III-B, the City Council has determined that the benefit to Phase #2 Assessed Property resulting from the Phase #1 Improvements is at least equal to the Assessments levied on the Phase #1 property.

Upon subsequent divisions of any Parcel, the Assessment applicable to it will then be apportioned pro rata based on the Equivalent Units of each newly created Parcel. For residential Lots, when final residential building sites are platted, Assessments will be apportioned proportionately among each Lot Type based on the ratio of the Equivalent Unit applicable to each Lot Type at the time residential Lots are platted to the total Equivalent Units of all Lots in the platted Parcel, as determined by the Administrator and confirmed by the City Council. The result of this approach is that each final residential Lot within a recorded subdivision plat with similar values will have the same Assessment, with larger, more valuable Lots having a proportionately larger share of the Assessments than smaller, less valuable Lots. As part of the determination as to the ability of different Lot Types to utilize and benefit from the Authorized Improvements, the City Council has taken into consideration that larger, more expensive homes, on average, will create more vehicle trips and greater demands for water and wastewater consumption, and larger, more expensive homes are likely to be built on larger, more valuable lots placing greater demand on the Authorized Improvements.

Allocation of Assessments to Lot Types in Phase #2

As shown in Section IV of this Service and Assessment Plan, the total amount of the Phase #2 Bonds, which represents the total Assessment to be allocated on all Parcels within Phase #2, is \$41,113.95. As shown in Appendix D, there are a total of 178.17 estimated Equivalent Units for the residential development in Phase #2, resulting in an Assessment per Equivalent Unit of \$41,113.95.

The Assessment per dwelling unit or acre is calculated as the product of (i) \$41,113.95 multiplied by (ii) the applicable Equivalent Unit value for each Lot Type. For example, the Assessment for a Lot Type 1 (60 Ft Lot) dwelling unit is \$41,113.95 (i.e. $\$41,113.95 \times 1.00$). The Assessment for a Lot Type 2 (50 Ft Lot) dwelling unit is \$34,260.99 (i.e. $\$41,113.95 \times 0.83$). Table V-4 sets forth the Assessment per dwelling unit for each of the two Lot Types in Phase #1.

Table V-4
Assessment per Unit - Phase #2

Type	Planned No. of Units	Assessment per Equivalent Unit	Equivalent Unit Factor ¹	Assessment per Unit	Total Assessments
Lot Type 1	84	\$41,113.19	1.00	\$41,113.19 per dwelling unit	\$3,453,508
Lot Type 2	113	\$41,113.19	0.83	\$34,260.99 per dwelling unit	\$3,871,492
Total	197				\$7,325,000

1 – See Appendix D for the calculation of the Equivalent Unit Factors

The projected leverage calculated based on the estimated land values, finished lot values and home values for each Lot Type is shown in Table V-5 below.

Table V-5
Projected Leverage – Phase #2

Lot Type	Planned No. of Units	Estimated Land Value per unit	Estimated Finished Lot Value per unit	Projected Home Value per unit	Assessment per Unit ¹	Leverage (Land Value)	Leverage (Lot Value)	Leverage (Home Value)
Lot Type 1	84		\$87,900	\$439,500	\$41,113		2.14	10.69
Lot Type 2	113		\$73,250	\$366,250	\$34,261		2.14	10.69
Total	197							

1 – Amounts are rounded to the nearest dollar amount.

The projected tax rate equivalent per unit calculated based on the estimated land values, finished lot values and home values for each Lot Type is shown in Table V-3 below.

Table V-6
Estimated Tax Rate Equivalent per unit – Phase #2

Lot Type	Planned No. of Units	Estimated Land Value per unit	Estimated Finished Lot Value per unit	Projected Home Value per unit	Projected Maximum Annual Installment per unit	Tax Rate Equivalent (per \$100 Land Value)	Tax Rate Equivalent (per \$100 Lot Value)	Tax Rate Equivalent (per \$100 Home Value)
Lot Type 1	84		\$87,900	\$439,500	\$3,306		\$3.76	\$0.752
Lot Type 2	113		\$73,250	\$366,250	\$2,755		\$3.76	\$0.752
Total	197							

The Assessment and Annual Installments for each Parcel or Lot located within Phase #2 is shown on the Phase #2 Assessment Roll, attached as Appendix F, and no Assessment shall be changed except as authorized by this Service and Assessment Plan and the PID Act.

Appendix D shows the detailed calculation of the Assessment per Equivalent Unit and the Assessment for each Lot type.

D. Assessments

The Assessments for Phase #1 will be levied on each Parcel according to the Phase #1 Assessment Roll, attached hereto as Appendix E. The Annual Installments for the Phase #1 Bonds will be collected at the time and in the amounts shown on the Phase #1 Assessment Roll, respectively, subject to any revisions made during an Annual Service Plan Update.

The Assessments for Phase #2 will be levied on each Parcel according to the Phase #2 Assessment Roll, attached hereto as Appendix F. The Annual Installments for the Phase #2 Bonds will be collected at the time and in the amounts shown on the Phase #2 Assessment Roll, respectively, subject to any revisions made during an Annual Service Plan Update.

E. Administrative Expenses

The cost of administering the PID and collecting the Annual Installments shall be paid for on a pro rata basis by each Parcel based on the amount of Assessment levied against the Parcel. The Administrative Expenses shall be collected as part of and in the same manner as Annual Installments in the amounts shown on the Assessment Roll, which may be revised based on actual costs incurred in Annual Service Plan Updates.

F. Prepayment Reserve

Pursuant to the PID Act, the interest rate for Assessments may exceed the actual interest rate per annum paid on the related Bonds by no more than one half of one percent (0.50%). The interest rate used to determine the Assessments is one half of one percent (0.50%) per annum higher than the actual rate paid on the Bonds, with up to 0.20% of the interest rate component of the Annual Installments allocated to fund the associated interest charged between the date of prepayment of an Assessment and the date on which Bonds are prepaid and up to 0.30% of the interest rate component of the Annual Installments allocated to fund a delinquency reserve account as described below. The prepayment reserve shall be funded until it reaches 1.50% of the outstanding Bonds as stipulated in the Bond documents. Once the prepayment reserve is funded in full, any additional interest collected shall be allocated to fund delinquent payments as described in Section V(H) below.

G. AG Exemption Foreclosure Reserve

Concurrently with the issuance of the Phase #1A Bonds, the Developer deposited \$5,000 into a reserve account the ("Ag Exemption Foreclosure Reserve") held under the Trust Indenture relating to the Phase #1A Bonds. Such amount is estimated to be two years of ad valorem taxes levied by all taxing units on the portion of the Property subject to agricultural valuation. Such amount may be used for the payment of costs of foreclosure proceedings, if any, related to the changes in the agricultural exemption status of the Assessed Property.

H. Delinquency Reserve

The City has allocated up to 0.30% of the additional interest rate component of the Annual Installments to offset any possible delinquent payments. This additional reserve shall be funded up to 4% of the outstanding Bonds, but in no event will the annual collection, together with the prepayment reserve, total more than 0.50% of the outstanding Bonds. Once the delinquency reserve is funded in full, the City may allocate up to 0.50% of the additional interest rate component of the Annual Installments to pay for Administrative Expenses, improvement costs, any other use that benefits the Assessed Property or reduce the Assessments, as determined by the City Council.

I. TIRZ Annual Credit Amount

Pursuant to the TIRZ Ordinance, the City has agreed to use TIRZ Revenues generated from each Parcel to offset a portion of such Parcel's PID assessments (the "TIRZ Annual Credit Amount"). The Annual Installment for each Parcel shall be calculated by taking into consideration any TIRZ Annual Credit Amount applicable to the Parcel then on deposit in the TIRZ No. 6 tax increment fund. The TIRZ Annual Credit Amount applicable to each Parcel shall be calculated as described under Section VI (A) of this Service and Assessment Plan.

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Section VI TERMS OF THE ASSESSMENTS

A. Amount of Assessments and Annual Installments for Parcels Located Within Phase #1

The Assessments, and Annual Installments thereof, for each Parcel of Phase #1 Assessed Property is shown on the Phase #1 Assessment Roll, attached as Appendix E, and no Assessment shall be changed except as authorized by this Service and Assessment Plan and the PID Act.

The Annual Installments shall be collected in an amount sufficient to pay (i) principal and interest on the Phase #1A Bonds, (ii) principal and interest required by the PID Reimbursement Agreement, (iii) to fund the prepayment reserve described in Section V, (iv) delinquency reserve described in Section V, and (v) to cover Administrative Expenses of Phase #1. The Annual Installment for each Parcel shall be calculated by taking into consideration any available capitalized interest and TIRZ Annual Credit Amount applicable to the Parcel. The TIRZ Annual Credit Amount shall be calculated separately for each Parcel and such TIRZ Annual Credit Amount shall be applied on a Parcel-by-Parcel basis.

As described in Section V-I, the TIRZ Revenues attributable to each Parcel of Assessed Property collected in any given year shall be used to calculate each Parcel's TIRZ Annual Credit Amount for such Parcel in the following year (i.e., TIRZ Revenues collected in 2016 shall be used to calculate the TIRZ Annual Credit Amount applicable to Annual Installments to be collected in 2017). TIRZ Annual Credit Amounts shall be calculated for those Parcels that are subject to Assessments in the PID. The Equivalent Units to be used for the calculation of the TIRZ Annual Credit Amount, if applicable, shall be determined by the Administrator based on the information available to the Administrator at the time of such calculations.

B. Amount of Assessments and Annual Installments for Parcels Located Within Phase #2

The Assessments, and Annual Installments thereof, for each Parcel of Phase #2 Assessed Property is shown on the Phase #2 Assessment Roll, attached as Appendix F, and no Assessment shall be changed except as authorized by this Service and Assessment Plan and the PID Act.

The Annual Installments shall be collected in an amount sufficient to pay (i) principal and interest on the Phase #2 Bonds, (ii) principal and interest required by the PID Reimbursement Agreement, (iii) to fund the prepayment reserve described in Section V, (iv) delinquency reserve described in Section V, and (v) to cover Administrative Expenses of Phase #2. The Annual Installment for each Parcel shall be calculated by taking into consideration any available capitalized interest and TIRZ Annual Credit Amount applicable to the Parcel. The TIRZ Annual Credit Amount shall be calculated separately for each Parcel and such TIRZ Annual Credit Amount shall be applied on a Parcel-by-Parcel basis.

As described in Section V-I, the TIRZ Revenues attributable to each Parcel of Assessed Property collected in any given year shall be used to calculate each Parcel's TIRZ Annual Credit Amount for such Parcel in the following year (i.e., TIRZ Revenues collected in 2018 shall be used to calculate the TIRZ Annual Credit Amount applicable to Annual Installments to be collected in 2019). TIRZ Annual Credit Amounts shall be calculated for those Parcels that are subject to

Assessments in the PID. The Equivalent Units to be used for the calculation of the TIRZ Annual Credit Amount, if applicable, shall be determined by the Administrator based on the information available to the Administrator at the time of such calculations.

C. Reallocation of Assessments

1. Subdivision

Upon the subdivision of any Parcel, the Assessment for the Parcel prior to the subdivision shall be reallocated among the new subdivided Parcels according to the following formula:

$$A = B \times (C \div D)$$

Where the terms have the following meanings:

- A = the Assessment for each new subdivided Parcel
- B = the Assessment for the Parcel prior to subdivision
- C = the estimated Equivalent Units to be built on each new subdivided Parcel
- D = the sum of the estimated Equivalent Units to be built on all of the new subdivided Parcels

The calculation of the estimated number of units to be built on a Parcel shall be performed by the Administrator and confirmed by the City Council based on the information available regarding the use of the Parcel. The estimate as confirmed shall be conclusive. The number of units to be built on a Parcel may be estimated by net land area and reasonable density ratios.

The sum of the Assessments for all newly subdivided Parcels shall equal the Assessment for the Parcel prior to subdivision. The calculation shall be made separately for each newly subdivided Parcel. The reallocation of an Assessment for a Parcel that is a homestead under Texas law may not exceed the Assessment prior to the reallocation and to the extent the reallocation would exceed such amount, it shall be prepaid by such amount by the party requesting the subdivision of the Parcels.

The total Assessment initially allocated to the Phase #1 Assessed Property and the Phase #2 Assessed Property does not include any allocation of Assessments to the HOA Property. Once a Homeowner Association is created in the PID and Parcel(s) that are owned by the Homeowner's Association appear on the Collin Central Appraisal District ("Collin CAD") records, 1% of the initial total Assessment allocated to the Phase #1 Assessed Property and the Phase #2 Assessed Property shall be reallocated to such HOA Property.

Any reallocation pursuant to this section shall be reflected in an Annual Service Plan Update approved by the City Council.

2. Consolidation

Upon the consolidation of two or more Parcels, the Assessment for the consolidated Parcel shall be the sum of the Assessments for the Parcels prior to consolidation. The reallocation of an Assessment for a Parcel that is a homestead under Texas law may not exceed the Assessment prior to the reallocation and to the extent the reallocation would exceed such amount, it shall be prepaid by such amount by the party requesting the consolidation of the Parcels. Any reallocation pursuant to this section shall be reflected in an Annual Service Plan Update approved by the City Council.

D. Mandatory Prepayment of Assessments

1. If a Parcel subject to Assessments is transferred to a party that is exempt from the payment of the Assessment under applicable law, or if an owner causes a Parcel subject to Assessments to become Non-Benefited Property, the owner of such Parcel shall pay to the City the full amount of the principal portion of the Assessment on such Parcel, plus all Prepayment Costs, prior to any such transfer or act.
2. The payments required above shall be treated the same as any Assessment that is due and owing under the PID Act, the Assessment Ordinance, and this Service and Assessment Plan, including the same lien priority, penalties, procedures, and foreclosure specified by the Act.

E. Reduction of Assessments

1. If after all Authorized Improvements to be funded with a series of Bonds have been completed and Actual Costs for such Authorized Improvements are less than the Authorized Improvement Costs used to calculate the Assessments securing such series of Bonds, resulting in excess Bond proceeds being available to redeem Bonds of such series, then the Assessment securing such series of Bonds for each Parcel of Assessed Property shall be reduced by the City Council pro rata such that the sum of the resulting reduced Assessments for all Assessed Properties equals the actual reduced Actual Costs and such excess Bond proceeds shall applied to redeem Bonds of such series. The Assessments shall not be reduced to an amount less than the related outstanding series of Bonds. If all of the Authorized Improvements are not completed, the City may reduce the Assessments in another method if it determines such method would better reflect the benefit received by the Parcels from the Authorized Improvements completed.
2. If after all Authorized Improvements to be funded with a series of Bonds have been completed and a portion of the Bonds have been redeemed using the TIRZ Annual Credit Amounts or other funds available to the City, then the Assessment securing such series of Bonds for each Parcel of Assessed Property shall be reduced by the City Council pro rata such that the sum of the resulting reduced Assessments for all Assessed Properties equals the remaining outstanding amount(s) of the Bonds after such redemptions. The Assessments shall not be reduced to an amount less than the related outstanding series of Bonds.
3. If all the Authorized Improvements are not undertaken, resulting in excess Bond proceeds being available to redeem Bonds, then the Assessments and Annual Installments for each Parcel shall be appropriately reduced by the City Council to reflect only the amounts required to repay the Bonds, including interest on the Bonds and Collection Costs, and such excess Bond proceeds shall be applied to redeem Bonds. The City Council may reduce the Assessments and the Annual Installments for each Parcel (i) in an amount that represents the Authorized Improvements provided for each Parcel or (ii) by an equal percentage calculated based on Equivalent Units, if determined by the City Council to be the most fair and practical means of reducing the Assessments for each Parcel, such that the sum of the resulting reduced Assessments equals the amount required to repay the Bonds, including interest on the Bonds and Collection Costs. The Principal Portion of the Assessment for each Parcel shall be reduced pro rata to the reduction in the Assessments for each Parcel such that the sum of the resulting reduced Principal Portion of the Bonds is equal to the outstanding principal amount of the Bonds.

F. Payment of Assessments

1. Payment in Full

- (a) The Assessment for any Parcel may be paid in full at any time. Such payment shall include all Prepayment Costs. If prepayment in full will result in redemption of Bonds, the payment amount shall be reduced by the amount, if any, of interest through the date of redemption of Bonds and reserve funds applied to the redemption under the Trust Indenture, net of any other costs applicable to the redemption of such Bonds.
- (b) If an Annual Installment has been billed prior to payment in full of an Assessment, the Annual Installment shall be due and payable and shall be credited against the payment-in-full amount.
- (c) Upon payment in full of the Assessment and all Prepayment Costs, the City shall deposit the payment in accordance with the Trust Indenture; whereupon, the Assessment shall be reduced to zero, and the owner's obligation to pay the Assessment and Annual Installments thereof shall automatically terminate.
- (d) At the option of the owner, the Assessment on any Parcel plus Prepayment Costs may be paid in part in an amount sufficient to allow for a convenient redemption of Bonds as determined by the Administrator. Upon the payment of such amounts for a Parcel, the Assessment for the Parcel shall be reduced, the Assessment Roll shall be updated to reflect such partial payment, and the obligation to pay the Annual Installment for such Parcel shall be reduced to the extent the partial payment is made.

2. Payment in Annual Installments

The PID Act provides that an Assessment for a Parcel may be paid in full at any time. If not paid in full, the PID Act authorizes the Assessment to be paid in installments and additionally allows the City to collect interest, administrative expenses and other authorized charges in installments. An Assessment for a Parcel that is not paid in full will be collected in Annual Installments each year in the amounts shown on the Assessment Roll, as updated as provided for herein, which include interest, Administrative Expenses, and payments required for the Prepayment Reserve and Delinquency Reserve. Payment of the Annual Installments shall commence with tax bills mailed after the levy of the Assessments.

Each Assessment shall be paid with interest of no more than the lesser of (i) the actual interest rate paid on the Bonds and (ii) 8.18 percent per annum. The Phase #1 Assessment Roll sets forth for each year the Annual Installment for each Parcel based on interest rates of 3.4%, 4.2%, 4.8% and 5.25% for the Phase #1 Bonds maturing in 2020, 2027, 2037 and 2046, respectively, (and an additional interest at the rate of 0.5% for Administrative Expenses, Prepayment Reserve and Delinquency Reserve) and an interest rate of 3.75% for the PID Reimbursement Agreement. The Phase #2 Assessment Roll sets forth for each year the Annual Installment for each Parcel based on an estimated interest rate of 5.5% for the Phase #2 Bonds maturing in, 2048, (and an additional interest at the rate of 0.5% for Administrative Expenses, Prepayment Reserve and Delinquency Reserve). Furthermore, the Annual Installments may not exceed the amounts shown on the Assessment Rolls. The Assessment Rolls, shown as Appendix E and Appendix F, have been updated with the actual interest rates on the Phase #1 Bonds and the Phase #2 Bonds, respectively.

The Annual Installments shall be reduced to equal the actual costs of repaying the obligations and actual Administrative Expenses (as provided for in the definition of such term), taking into consideration any other available funds for these costs, such as interest income on account balances.

The City reserves and shall have the right and option to refund the Bonds in accordance with Section 372.027 of the PID Act and Chapter 1207 of the Texas Government Code. In the event of such refunding, the Administrator shall recalculate the Annual Installments, and if necessary, may adjust, or decrease, the amount of the Annual Installments so that total Annual Installments of Assessments will be produced in annual amounts that are required to pay the refunding bonds when due and payable as required by and established in the ordinance and/or the indenture authorizing and securing the refunding bonds, and such refunding bonds shall constitute Bonds for purposes of this Service and Assessment Plan.

G. Collection of Annual Installments

No less frequently than annually, the Administrator shall prepare, and the City Council shall approve, an Annual Service Plan Update to allow for the billing and collection of Annual Installments. Each Annual Service Plan Update shall include an updated Assessment Roll and a calculation of the Annual Installment for each Parcel. Administrative Expenses shall be allocated among Parcels in proportion to the amount of the Annual Installments for the Parcels. Each Annual Installment shall be reduced by any credits applied under the applicable Trust Indenture, such as capitalized interest, interest earnings on any account balances, and any other funds available to the Trustee for such purpose, including any existing deposits to a prepayment reserve. Annual Installments shall be collected by the City in the same manner and at the same time as ad valorem taxes and shall be subject to the same penalties, procedures, and foreclosure sale in case of delinquencies as are provided for ad valorem taxes of the City. The City Council may provide for other means of collecting the Annual Installments to the extent permitted under the PID Act. The Assessments shall have lien priority as specified in the Act.

Any sale of Assessed Property for nonpayment of the Annual Installments shall be subject to the lien established for the remaining unpaid Annual Installments against such Assessed Property and such Assessed Property may again be sold at a judicial foreclosure sale if the purchaser thereof fails to make timely payment of the non-delinquent Annual Installments against such Assessed Property as they become due and payable.

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Section VII THE ASSESSMENT ROLL

A. Phase #1 Assessment Roll

Phase #1 Assessed Property will be assessed for the special benefits conferred upon such property as a result of the Phase #1 Improvements. Table IV-A summarizes the \$6,845,468 in special benefit received by Phase #1 Assessed Property from the Phase #1 Improvements, costs associated with the PID formation, and costs related to the issuance of the Phase #1A Bonds. The total amount of Phase #1A Bonds and PID Reimbursement Agreement is \$5,725,000 which is less than the benefit received by Phase #1 Assessed Property, and as such the total Assessment for all Assessed Property within Phase #1 is \$5,725,000 plus annual Administrative Expenses, and other authorized charges. The Assessment for each Parcel of Assessed Property within Phase #1 is calculated based on the allocation methodologies described in Section V.C of this Service and Assessment Plan. The Phase #1 Assessment Roll is attached hereto as Appendix E.

B. Phase #2 Assessment Roll

Phase #2 Assessed Property will be assessed for the special benefits conferred upon such property as a result of the Phase #2 Improvements. Table IV-A-1 summarizes the \$8,754,186 in special benefit received by Phase #2 Assessed Property from the Phase #2 Improvements, costs associated with the PID formation, and costs related to the issuance of the Phase #2 Bonds. The total amount of Phase #2 Bonds is \$7,325,000 which is equal to or less than the benefit received by Phase #2 Assessed Property, and as such the total Assessment for all Assessed Property within Phase #2 is \$7,325,000 plus annual Administrative Expenses, and other authorized charges. The Assessment for each Parcel of Assessed Property within Phase #2 is calculated based on the allocation methodologies described in Section V.C of this Service and Assessment Plan. The Phase #2 Assessment Roll is attached hereto as Appendix F.

C. Annual Assessment Roll Updates

The Administrator shall prepare, and shall submit to the City Council for approval, annual updates to the Phase #1 Assessment Roll and the Phase #2 Assessment Roll in conjunction with the Annual Service Plan Update to reflect the following matters, together with any other changes helpful to the Administrator or the City and permitted by the PID Act: (i) the identification of each Parcel (ii) the Assessment for each Parcel of Phase #1 Assessed Property and Phase #2 Assessed Property, including any adjustments authorized by this Service and Assessment Plan and in the PID Act; (iii) the Annual Installment for the Phase #1 Assessed Property and the Phase #2 Assessed Property for the year (if the Assessment is payable in installments); and (iv) payments of the Phase #1 Assessment and the Phase #2 Assessment, if any, as provided by Section VI(F) of this Service and Assessment Plan.

The Assessment Rolls shall be updated, which update may be done in the next Annual Service Plan Update, to reflect the issuance of additional Phase #1 Bonds and/or Phase #2 Bonds, if any, and any obligations owed pursuant to a reimbursement agreement.

Section VIII MISCELLANEOUS PROVISIONS

A. Administrative Review

The City may elect to designate a third party to serve as Administrator. The City shall notify Developer in writing at least thirty (30) days in advance before appointing a third party Administrator.

To the extent consistent with the PID Act, an owner of an Assessed Parcel claiming that a calculation error has been made in the Assessment Rolls, including the calculation of the Annual Installment, shall send a written notice describing the error to the City not later than thirty (30) days after the date any amount which is alleged to be incorrect is due prior to seeking any other remedy. The Administrator shall promptly review the notice, and if necessary, meet with the Assessed Parcel owner, consider written and oral evidence regarding the alleged error and decide whether, in fact, such a calculation error occurred.

If the Administrator determines that a calculation error has been made and the Assessment Roll should be modified or changed in favor of the Assessed Parcel owner, such change or modification shall be presented to the City Council for approval to the extent permitted by the PID Act. A cash refund may not be made for any amount previously paid by the Assessed Parcel owner (except for the final year during which the Annual Installment shall be collected or if it is determined there are sufficient funds to meet the expenses of the PID for the current year), but an adjustment may be made in the amount of the Annual Installment to be paid in the following year. The decision of the Administrator regarding a calculation error relating to the Assessment Roll may be appealed to the City Council. Any amendments made to the Assessment Rolls pursuant to calculation errors shall be made pursuant to the PID Act.

The decision of the Administrator, or if such decision is appealed to the City Council, the decision of the City Council shall be conclusive as long as there is a reasonable basis for such determination. This procedure shall be exclusive and its exhaustion by any property owner shall be a condition precedent to any other appeal or legal action by such owner.

B. Termination of Assessments

Each Assessment shall be extinguished on the date the Assessment is paid in full, including unpaid Annual Installments and Delinquent Collection Costs, if any. After the extinguishment of an Assessment and the collection of any delinquent Annual Installments and Delinquent Collection Costs, the City shall provide the owner of the affected Parcel a recordable "Notice of the PID Assessment Termination".

C. Amendments

Amendments to the Service and Assessment Plan can be made as permitted or required by the PID Act and under Texas law.

To the extent permitted by the PID Act, the City Council reserves the right to amend this Service and Assessment Plan without notice under the PID Act and without notice to property owners of Parcels:

(i) to correct mistakes and clerical errors; (ii) to clarify ambiguities; (iii) to provide procedures for the collection and enforcement of Assessments, Prepayment Costs, Collection Costs, and other charges imposed by the Service and Assessment Plan, and (iv) as may be required by the Attorney General of Texas in connection with the issuance of any series of Bonds.

D. Administration and Interpretation of Provisions

The City Council shall administer the PID, this Service and Assessment Plan, and all Annual Service Plan Updates consistent with the PID Act, and shall make all interpretations and determinations related to the application of this Service and Assessment Plan unless stated otherwise herein or in the Trust Indenture; such interpretations and determinations shall be conclusive.

E. Severability

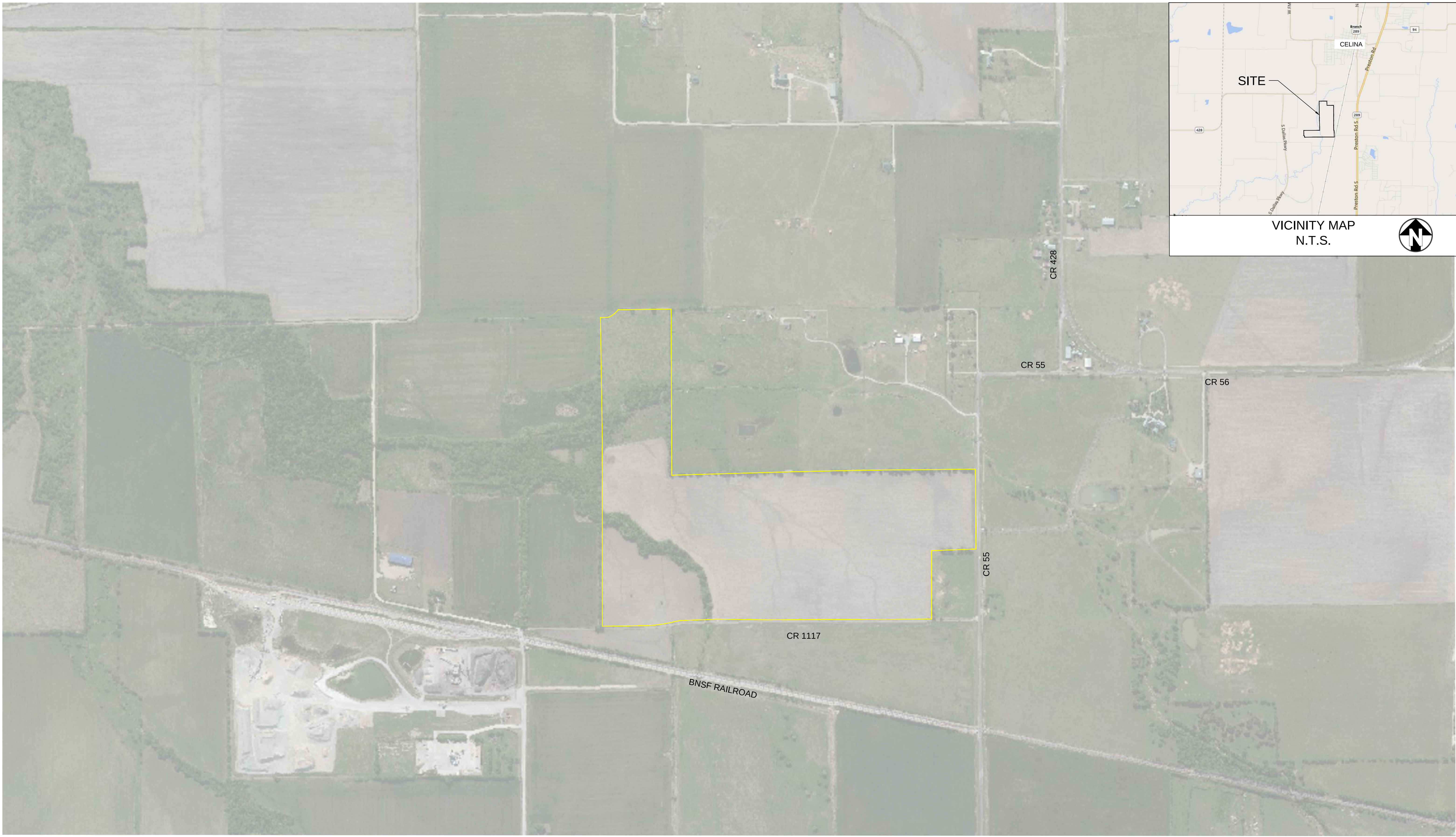
If any provision, section, subsection, sentence, clause or phrase of this Service and Assessment Plan or the application of same to an Assessed Parcel or any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Service and Assessment Plan or the application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Service and Assessment Plan that no part hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other part hereof, and all provisions of this Service and Assessment Plan are declared to be severable for that purpose.

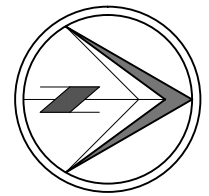
If any provision of this Service and Assessment Plan is determined by a court to be unenforceable, the unenforceable provision shall be deleted from this Service and Assessment Plan and the unenforceable provision shall, to the extent possible, be rewritten to be enforceable and to give effect to the intent of the City.

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Appendix A

THE PID MAP





Appendix B
AUTHORIZED IMPROVEMENT COSTS

Attachment: Glen Crossing PID-Draft PSAP for Ph 2- v2.3 (Glen Crossing PID Public Hearing)

GLEN CROSSING IMPROVEMENT COST ESTIMATES

PHASE 1	PID COSTS			NON-PID COSTS			TOTAL COST
	On-site	Off-site	Total	Onsite & Fees	TIRZ	Total	
Lot Grading	\$ -	\$ -	\$ -	\$ 292,560	\$ -	\$ 292,560	\$ 292,560
Franchise Utilities	\$ -	\$ -	\$ -	\$ 238,500	\$ -	\$ 238,500	\$ 238,500
Roadway improvements	\$ 1,225,231	\$ 275,907	\$ 1,501,138	\$ -	\$ -	\$ -	\$ 1,501,138
Water distribution system improvements	\$ 377,810	\$ 195,140	\$ 572,950	\$ 128,700	\$ 280,060	\$ 408,760	\$ 981,710
Sanitary sewer improvements	\$ 396,468	\$ 294,898	\$ 691,366	\$ 120,750	\$ 753,258	\$ 874,008	\$ 1,565,374
Storm drainage improvements	\$ 1,377,040	\$ -	\$ 1,377,040	\$ -	\$ -	\$ -	\$ 1,377,040
Park and open space improvements	\$ 512,950	\$ -	\$ 512,950	\$ -	\$ -	\$ -	\$ 512,950
SUBTOTAL	\$ 3,889,499	\$ 765,945	\$ 4,655,444	\$ 780,510	\$ 1,033,318	\$ 1,813,828	\$ 6,469,272
Other soft costs and contingency	\$ 1,089,059	\$ 214,464	\$ 1,303,524	\$ 218,543	\$ 289,330	\$ 507,873	\$ 1,811,396
Offsite Easement / ROW acquisition	\$ -	\$ -	\$ -	\$ -	\$ 160,000	\$ 160,000	\$ 160,000
Celina Parks Fee	\$ -	\$ -	\$ -	\$ 226,850	\$ -	\$ 226,850	\$ 226,850
NonBQ Fee	\$ -	\$ -	\$ -	\$ 42,998	\$ -	\$ 42,998	\$ 42,998
TOTAL	\$ 4,978,558	\$ 980,409	\$ 5,958,968	\$ 1,268,901	\$ 1,482,648	\$ 2,751,549	\$ 8,710,516
Capitalized Interest			\$ 181,785				\$ (181,785)
Debt Service Reserve Fund - Ph 1A			\$ 237,195				\$ (237,195)
Debt Service Reserve Fund - Ph 1B			\$ 64,531				
Costs of Issuance - PH 1A			\$ 361,020				\$ (361,020)
Costs of Issuance - PH 1B			\$ 195,750				
Underwriter's Discount - PH 1A			\$ 106,500				\$ (106,500)
Underwriter's Discount - PH 1B			\$ 62,250				
Total Bond Costs			\$ 1,209,031				
Par Amount of Bonds - PH 1A			\$ 3,550,000				\$ 3,550,000
Par Amount of Bonds - PH 1B			\$ 2,175,000				
Excess Eligible PID Costs over Par Amount of Bonds			\$ 1,442,999	ESCROW FROM PID BOND PROCEEDS		\$ 2,663,500	
				DEVELOPER CASH		\$ 6,047,016	

Attachment: Glen Crossing PID-Draft PSAP for Ph 2- v2.3 (Glen Crossing PID Public Hearing)

GLEN CROSSING IMPROVEMENT COST ESTIMATES

			Ph 1		Ph 2		Ph 3		Total	
	Unit	Unit \$	Units	Ph \$	Units	Ph \$	Units	Ph \$	Units	Ph \$
ROADWAY IMPROVEMENTS (PID)										
Clear, Strip, Grub	Ac	\$ 2,500.00	42.0	\$ 105,000.00	37.00	\$ 92,500.00	10.00	\$ 25,000.00	89.00	\$ 222,500.00
Import Material	CY	\$ 8.50	-	\$ -	62,000	\$ 527,000.00	-	\$ -	62,000	\$ 527,000.00
Material Testing	LOT	\$ 500.00	159	\$ 79,500.00	145	\$ 72,500.00	45	\$ 22,500.00	349	\$ 174,500.00
Geotech	AC	\$ 168.54	89	\$ 15,000.00	-	\$ -	-	\$ -	89	\$ 15,000.00
6" Concrete Paving (31' B-B)	SY	\$ 33.00	25,300	\$ 834,900.00	23,500	\$ 775,500.00	5,340	\$ 176,220.00	54,140	\$ 1,786,620.00
6" Lime Subgrade	SY	\$ 3.00	27,830	\$ 83,490.00	25,850	\$ 77,550.00	5,874	\$ 17,622.00	59,554	\$ 178,662.00
Hydrated Lime (36#/SY)	TONS	\$ 150.00	500.94	\$ 75,141.00	465.30	\$ 69,795.00	105.73	\$ 15,859.80	1,072	\$ 160,795.80
End of Road Barricade	EA	\$ 2,000.00	1	\$ 2,000.00	1	\$ 2,000.00	-	\$ -	2	\$ 4,000.00
Street Signs	EA	\$ 300.00	26	\$ 7,800.00	16	\$ 4,800.00	3	\$ 900.00	45	\$ 13,500.00
Barrier Free Ramps	EA	\$ 1,400.00	16	\$ 22,400.00	15	\$ 21,000.00	6	\$ 8,400.00	37	\$ 51,800.00
Total			\$ 1,225,231.00		\$ 1,642,645.00		\$ 266,501.80		\$ 3,134,377.80	
Water (PID)										
8" PVC	LF	\$ 35.00	7,016	\$ 245,560.00	5,340	\$ 186,900.00	1,300	\$ 45,500.00	13,656	\$ 477,960.00
12" PVC (CR 1117) - Ph 2/3 portion	LF	\$ 35.00	-	\$ -	-	\$ -	-	\$ -	-	\$ -
8" Gate Value & Box	EA	\$ 1,400.00	24	\$ 33,600.00	15	\$ 21,000.00	4	\$ 5,600.00	43	\$ 60,200.00
12" Gate Value & Box	EA	\$ 2,000.00	-	\$ -	-	\$ -	-	\$ -	-	\$ -
Connect to Existing	EA	\$ 2,500.00	2	\$ 5,000.00	1	\$ 2,500.00	1	\$ 2,500.00	4	\$ 10,000.00
Fire Hydrant	EA	\$ 3,500.00	16	\$ 56,000.00	10	\$ 35,000.00	4	\$ 14,000.00	30	\$ 105,000.00
Cast Iron Fittings	TON	\$ 4,150.00	5	\$ 20,750.00	4	\$ 16,600.00	1	\$ 4,150.00	10	\$ 41,500.00
Concrete Blocking	CY	\$ 98.00	3	\$ 294.00	3	\$ 294.00	1	\$ 98.00	7	\$ 686.00
2" Water Service - Irrigation	EA	\$ 480.00	6	\$ 2,880.00	2	\$ 960.00	1	\$ 480.00	9	\$ 4,320.00
Air Release Valve	EA	\$ 2,500.00	1	\$ 2,500.00	-	\$ -	-	\$ -	1	\$ 2,500.00
Trench Safety	LF	\$ 1.00	7,016	\$ 7,016.00	5,340	\$ 5,340.00	1,300	\$ 1,300.00	13,656	\$ 13,656.00
Testing	LF	\$ 0.60	7,016	\$ 4,209.60	5,340	\$ 3,204.00	1,300	\$ 780.00	13,656	\$ 8,193.60
Total			\$ 377,809.60		\$ 271,798.00		\$ 74,408.00		\$ 724,015.60	
SANITARY SEWER (PID)										
8" MAIN - SDR-26	LF	\$ 35.00	8,630	\$ 302,050.00	2,500	\$ 87,500.00	1,870	\$ 65,450.00	13,000	\$ 455,000.00
4' Manhole	EA	\$ 2,000.00	25	\$ 50,000.00	7	\$ 14,000.00	6	\$ 12,000.00	38	\$ 76,000.00
Steel Encasement	LF	\$ 250.00	100	\$ 25,000.00	-	\$ -	-	\$ -	100	\$ 25,000.00
Trench Safety	LF	\$ 1.00	8,630	\$ 8,630.00	2,500	\$ 2,500.00	1,870	\$ 1,870.00	13,000	\$ 13,000.00
Post Construction CCTV	LF	\$ 1.25	8,630	\$ 10,787.50	2,500	\$ 3,125.00	1,870	\$ 2,337.50	13,000	\$ 16,250.00
Total			\$ 396,467.50		\$ 107,125.00		\$ 81,657.50		\$ 585,250.00	

GLEN CROSSING IMPROVEMENT COST ESTIMATES

			Ph 1		Ph 2		Ph 3		Total	
	Unit	Unit \$	Units	Ph \$	Units	Ph \$	Units	Ph \$	Units	Ph \$
STORM DRAIN (PID)										
Excavation - Pond	CY	\$ 3.00	261,000	\$ 783,000.00	25,000.00	\$ 75,000.00	6,600	\$ 19,800.00	292,600	\$ 877,800.00
R Walls	LF	\$ 50.00	-	\$ -	2,650	\$ 132,500.00	-	\$ -	2,650	\$ 132,500.00
18" RCP	LF	\$ 47.00	925	\$ 43,475.00	650	\$ 30,550.00	240	\$ 11,280.00	1,815	\$ 85,305.00
21" RCP	LF	\$ 53.00	1,700	\$ 90,100.00	750	\$ 39,750.00	450	\$ 23,850.00	2,900	\$ 153,700.00
24" RCP	LF	\$ 61.00	910	\$ 55,510.00	615	\$ 37,515.00	100	\$ 6,100.00	1,625	\$ 99,125.00
27" RCP	LF	\$ 66.00	290	\$ 19,140.00	725	\$ 47,850.00	-	\$ -	1,015	\$ 66,990.00
30" RCP	LF	\$ 70.00	-	\$ -	350	\$ 24,500.00	-	\$ -	350	\$ 24,500.00
33" RCP	LF	\$ 80.00	-	\$ -	100	\$ 8,000.00	-	\$ -	100	\$ 8,000.00
36" RCP	LF	\$ 97.00	170	\$ 16,490.00	100	\$ 9,700.00	-	\$ -	270	\$ 26,190.00
42" RCP	LF	\$ 130.00	340	\$ 44,200.00	-	\$ -	-	\$ -	340	\$ 44,200.00
54" RCP	LF	\$ 175.00	165	\$ 28,875.00	-	\$ -	-	\$ -	165	\$ 28,875.00
10' Std Inlet	EA	\$ 3,500.00	34	\$ 119,000.00	31	\$ 108,500.00	7	\$ 24,500.00	72	\$ 252,000.00
15' Std Inlet	EA	\$ 4,000.00	2	\$ 8,000.00	2	\$ 8,000.00	-	\$ -	4	\$ 16,000.00
4' x 4' Drop Inlet	EA	\$ 4,000.00	1	\$ 4,000.00	-	\$ -	-	\$ -	1	\$ 4,000.00
24" Headwall	EA	\$ 3,000.00	1	\$ 3,000.00	2	\$ 6,000.00	1	\$ 3,000.00	4	\$ 12,000.00
30" Headwall	EA	\$ 3,375.00	-	\$ -	3	\$ 10,125.00	-	\$ -	3	\$ 10,125.00
33" Headwall	EA	\$ 3,500.00	-	\$ -	1	\$ 3,500.00	-	\$ -	1	\$ 3,500.00
36" Headwall	EA	\$ 3,750.00	-	\$ -	2	\$ 7,500.00	-	\$ -	2	\$ 7,500.00
54" Headwall	EA	\$ 5,000.00	2	\$ 10,000.00	-	\$ -	-	\$ -	2	\$ 10,000.00
36" Culvert with Headwalls	EA	\$ 15,000.00	2	\$ 30,000.00	1	\$ 15,000.00	2	\$ 30,000.00	5	\$ 75,000.00
Grade to Drain Offsite	LF	\$ 12.00	700	\$ 8,400.00	700	\$ 8,400.00	-	\$ -	1,400	\$ 16,800.00
4' X 4' Junction Box	EA	\$ 4,250.00	-	\$ -	1	\$ 4,250.00	-	\$ -	1	\$ 4,250.00
Pond Outfall Structure	EA	\$ 15,000.00	1	\$ 15,000.00	1	\$ 15,000.00	-	\$ -	2	\$ 30,000.00
Trench Safety	LF	\$ 1.00	4,500	\$ 4,500.00	3,290	\$ 3,290.00	790	\$ 790.00	8,580	\$ 8,580.00
Total			\$ 1,282,690.00		\$ 594,930.00		\$ 119,320.00		\$ 1,996,940.00	
STORM DRAINAGE - EROSION CONTROL (PID)										
Silt Fence	LF	\$ 1.40	5,000	\$ 7,000.00	5,000	\$ 7,000.00	2,800	\$ 3,920.00	12,800	\$ 17,920.00
Construction Entrance	EA	\$ 5,000.00	1	\$ 5,000.00	1	\$ 5,000.00	1	\$ 5,000.00	3	\$ 15,000.00
Drainage Erosion Control	LS	\$ 10,000.00	1	\$ 10,000.00	1	\$ 10,000.00	1	\$ 10,000.00	3	\$ 30,000.00
Curlex	LF	\$ 1.50	14,100	\$ 21,150.00	13,640	\$ 20,460.00	3,130	\$ 4,695.00	30,870	\$ 46,305.00
Seeding	AC	\$ 300.00	5	\$ 1,500.00	3	\$ 900.00	1	\$ 300.00	9	\$ 2,700.00
SWPPP	LS	\$ 5,000.00	4	\$ 20,000.00	1	\$ 5,000.00	1	\$ 5,000.00	6	\$ 30,000.00
SWPPP Book/Inspection	LS	\$ 5,000.00	1	\$ 5,000.00	1	\$ 5,000.00	1	\$ 5,000.00	3	\$ 15,000.00
ENVIRONMENTAL MIT - Onsite	LS	\$ 10,000.00	1	\$ 10,000.00	1	\$ 10,000.00	1	\$ 10,000.00	3	\$ 30,000.00
Inlet Protection	EA	\$ 200.00	36	\$ 7,200.00	33	\$ 6,600.00	7	\$ 1,400.00	76	\$ 15,200.00
Conduit-2"	LF	\$ 10.00	750	\$ 7,500.00	500	\$ 5,000.00	250	\$ 2,500.00	1,500	\$ 15,000.00
Total			\$ 94,350.00		\$ 74,960.00		\$ 47,815.00		\$ 217,125.00	

Attachment: Glen Crossing PID-Draft PSAP for Ph 2- v2.3 (Glen Crossing PID Public Hearing)

GLEN CROSSING IMPROVEMENT COST ESTIMATES

			Ph 1		Ph 2		Ph 3		Total	
	Unit	Unit \$	Units	Ph \$	Units	Ph \$	Units	Ph \$	Units	Ph \$
AMENITIES, ENTRYS, OPEN SP (PID)										
Screening Wall	LF	\$ 100.00	1,785	\$ 178,500.00	820	\$ 82,000.00	900	\$ 90,000.00	3,505	\$ 350,500.00
Landscaping - Wall	LF	\$ 170.00	1,085	\$ 184,450.00	1,520	\$ 258,400.00	760	\$ 129,200.00	3,365	\$ 572,050.00
Entry	EA	\$ 75,000.00	2	\$ 150,000.00	-	\$ -	-	\$ -	2	\$ 150,000.00
6' Hike/Bike Trail	SF	\$ 5.00	-	\$ -	27,984	\$ 139,920.00	-	\$ -	27,984	\$ 139,920.00
Dog Park	LS	\$ 20,000.00	-	\$ -	1	\$ 20,000.00	-	\$ -	1	\$ 20,000.00
Passive Recreational Field	LS	\$ 35,000.00	-	\$ -	1	\$ 35,000.00	-	\$ -	1	\$ 35,000.00
Outdoor Meeting Space	LS	\$ 50,000.00	-	\$ -	1	\$ 50,000.00	-	\$ -	1	\$ 50,000.00
Landscape/Irrigation - Trail	LS	\$ 75,000.00	-	\$ -	1	\$ 75,000.00	-	\$ -	1	\$ 75,000.00
Total			\$	512,950.00	\$	660,320.00	\$	219,200.00	\$	1,392,470.00
PID Sub Total			\$	3,889,498.10	\$	3,351,778.00	\$	808,902.30	\$	8,050,178.40

Lot Grading (Non-PID)										
Moisture Conditioning	Lot	\$ 1,500.00	159	\$ 238,500.00	145	\$ 217,500.00	45	\$ 67,500.00	349	\$ 523,500.00
Rough Lot Grading	Lot	\$ 200.00	159	\$ 31,800.00	145	\$ 29,000.00	45	\$ 9,000.00	349	\$ 69,800.00
Final Lot Grading	Lot	\$ 140.00	159	\$ 22,260.00	145	\$ 20,300.00	45	\$ 6,300.00	349	\$ 48,860.00
Total			\$	292,560.00	\$	266,800.00	\$	82,800.00	\$	642,160.00
FRANCHISE UTILITIES (Non-PID)										
Street Lights	EA	\$ 4,000.00	-	\$ -	-	\$ -	-	\$ -	-	\$ -
Electric	LOT	\$ 1,000.00	159	\$ 159,000.00	145	\$ 145,000.00	45	\$ 45,000.00	349	\$ 349,000.00
Gas	LOT	\$ 500.00	159	\$ 79,500.00	145	\$ 72,500.00	45	\$ 22,500.00	349	\$ 174,500.00
Total			\$	238,500.00	\$	217,500.00	\$	67,500.00	\$	523,500.00
Water (Non-PID)										
1" Water Service-Resident	EA	\$ 800.00	159	\$ 127,200.00	145	\$ 116,000.00	45	\$ 36,000.00	349	\$ 279,200.00
1" Water Service-Amenity	EA	\$ 1,500.00	1	\$ 1,500.00	-	\$ -	-	\$ -	1	\$ 1,500.00
Total			\$	128,700.00	\$	116,000.00	\$	36,000.00	\$	280,700.00
Sewer (Non-PID)										
1" Water Service-Resident	EA	\$ 750.00	159	\$ 119,250.00	145	\$ 108,750.00	45	\$ 33,750.00	349	\$ 261,750.00
1" Water Service-Amenity	EA	\$ 1,500.00	1	\$ 1,500.00	-	\$ -	-	\$ -	1	\$ 1,500.00
Total			\$	120,750.00	\$	108,750.00	\$	33,750.00	\$	263,250.00
AMENITIES (Non-PID)										
Amenity Center	LS	\$ 750,000.00	-	\$ -	-	\$ -	-	\$ -	-	\$ -
Landscaping/Irrig - Amenity Cntr	LS	\$ 50,000.00	-	\$ -	-	\$ -	-	\$ -	-	\$ -
Total			\$	-	\$	-	\$	-	\$	-
NON-PID Sub Total			\$	780,510.00	\$	709,050.00	\$	220,050.00	\$	1,709,610.00
Grand Total			\$	4,670,008.10	\$	4,060,828.00	\$	1,028,952.30	\$	9,759,788.40

DIAGRAMS OF THE AUTHORIZED IMPROVEMENTS

DEVELOPER/OWNER

WYNNE JACKSON

JOB NUMBER: WYN14001_GBar7

DESIGNED BY: CEN

DRAWN BY: CEN

CHECKED BY: PCF

ISSUE DATE: 05-17-16

REV:

Kirkman Engineering
Texas Firm No: 15874

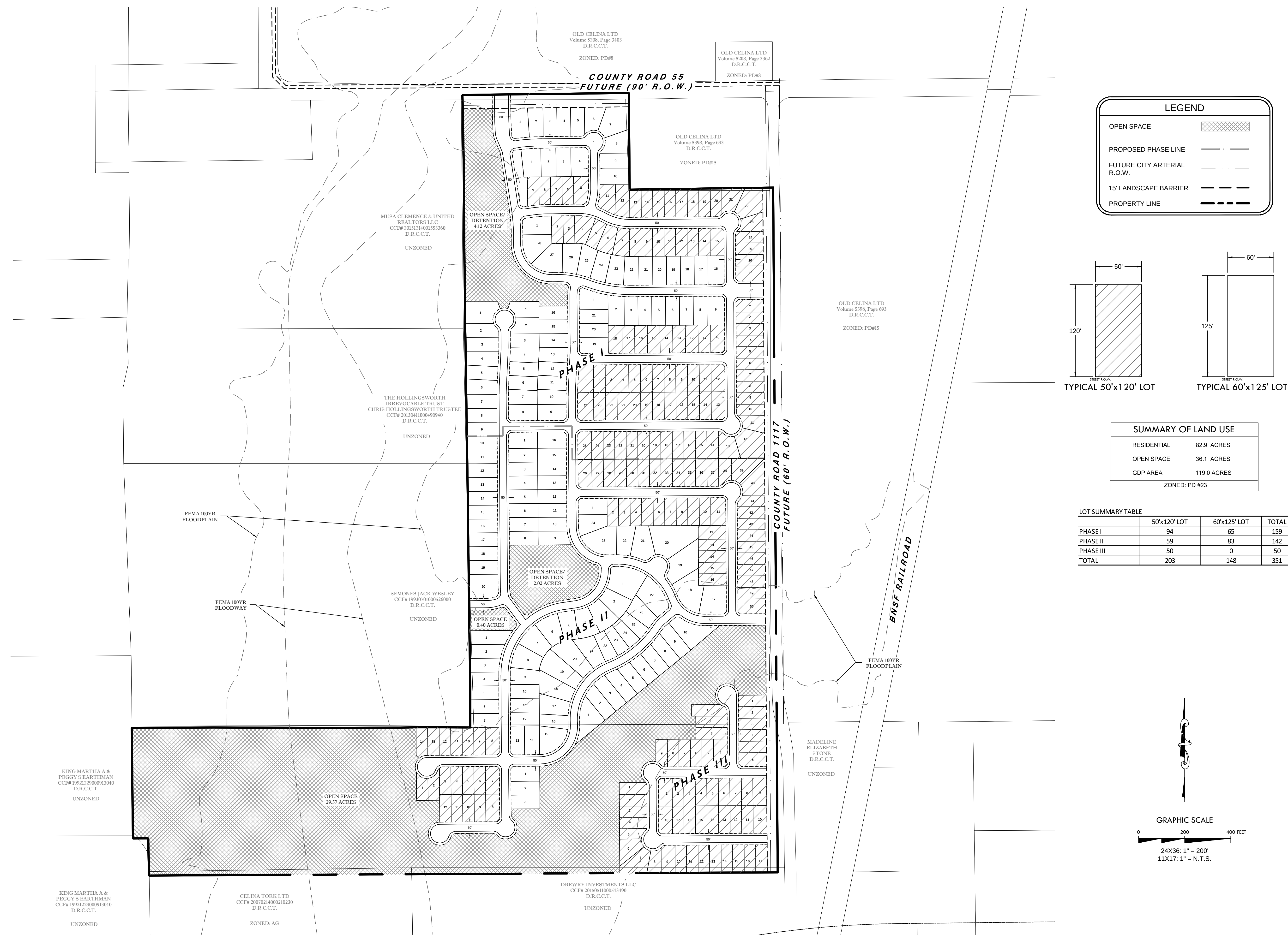
GLEN CROSSING

CELINA
TEXAS

**GDP
PLAN**

SHEET:

2.0





4821 Merlot Avenue, Suite 210
Grapevine, Texas 76051
Phone: 817-488-4960

DEVELOPER/OWNER

WYNNE JACKSON

600 North Pearl Street, Suite 650
Dallas, TX 75201
Phone: 214-880-8600



JOB NUMBER: WYN14001_GBar7

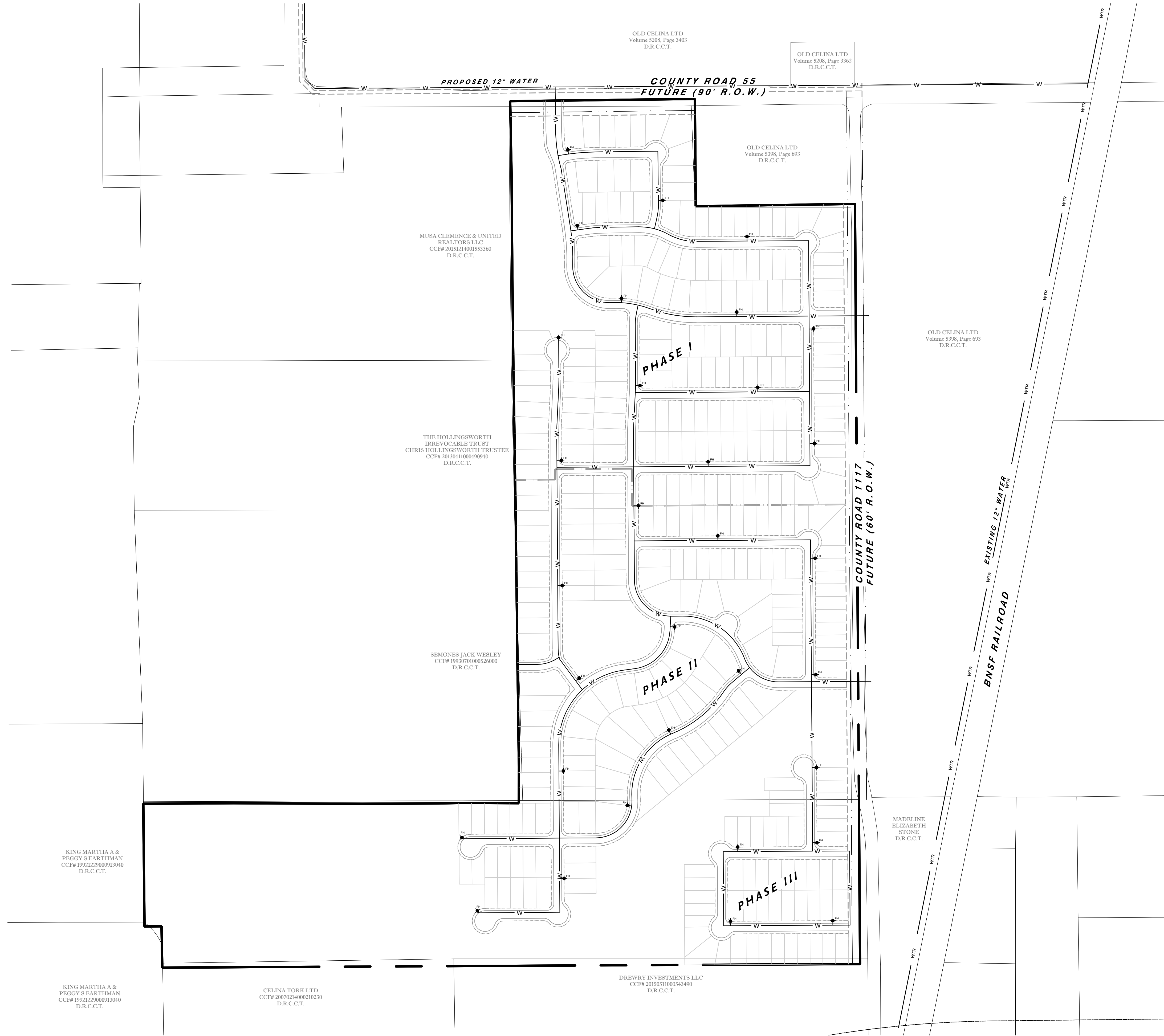
DESIGNED BY: CEN

DRAWN BY: CEN

CHECKED BY: PCF

ISSUE DATE: 05-17-16

REV:



LEGEND

PROPOSED 8" WATER LINE (UNLESS OTHERWISE NOTED) — W —

EXISTING 12" WATER LINE — WTR —

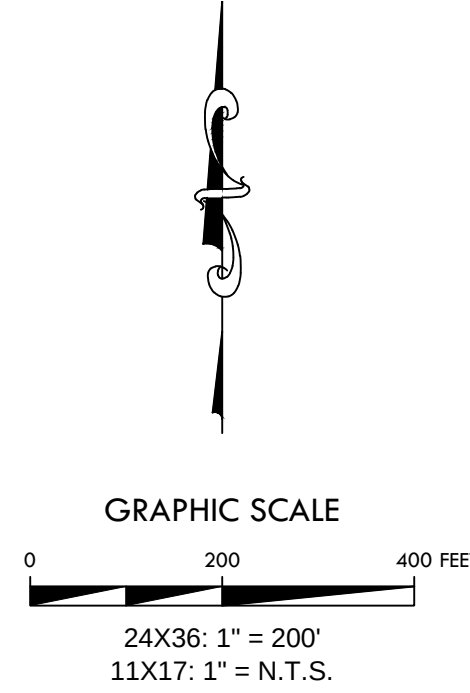
PROPOSED FIRE HYDRANT — FH —

PROPOSED PHASE LINE — — — —

FUTURE CITY ARTERIAL R.O.W. — — — —

15' LANDSCAPE BARRIER — — — —

PROPERTY LINE — — — —





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DEVELOPER/OWNER

WYNNE JACKSON

600 North Pearl Street, Suite 650
Dallas, TX 75201
Phone: 214-880-8600



JOB NUMBER: WYN14001_GBar7

DESIGNED BY: CEN

DRAWN BY: CEN

CHECKED BY: PCF

ISSUE DATE: 05-17-16

REV:

Kirkman Engineering

Texas Firm No: 15874

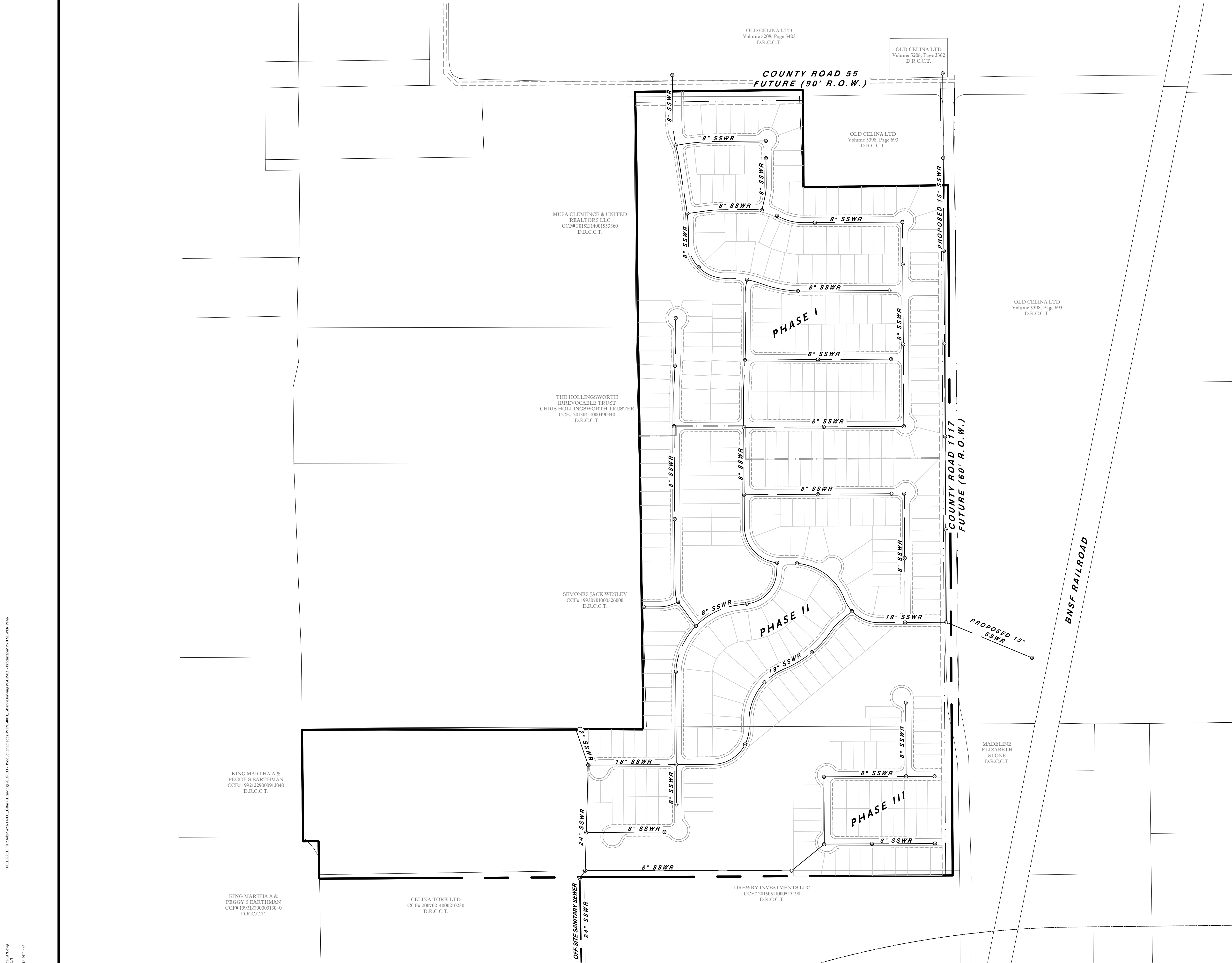
GLEN
CROSSING

CELINA
TEXAS

SEWER
PLAN

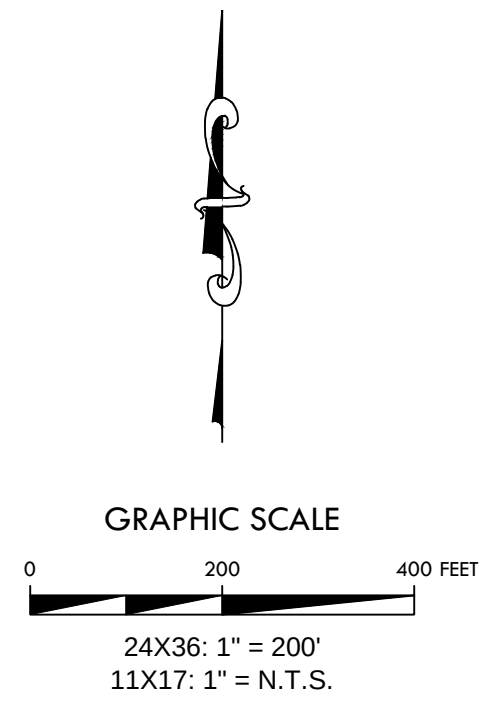
SHEET:

6.0



LEGEND

- PROPOSED SANITARY SEWER
- PROPOSED SANITARY MANHOLE
- PROPOSED PHASE LINE
- FUTURE CITY ARTERIAL R.O.W.
- 15' LANDSCAPE BARRIER
- PROPERTY LINE





4821 Merlot Avenue, Suite 210
Grapevine, Texas 76051
Phone: 817-488-4960

DEVELOPER/OWNER

WYNNE JACKSON

600 North Pearl Street, Suite 650
Dallas, TX 75201
Phone: 214-880-8600



JOB NUMBER: WYN14001_GBar7

DESIGNED BY: CEN

DRAWN BY: CEN

CHECKED BY: PCF

ISSUE DATE: 05-17-16

REV:

Kirkman Engineering

Texas Firm No: 15874

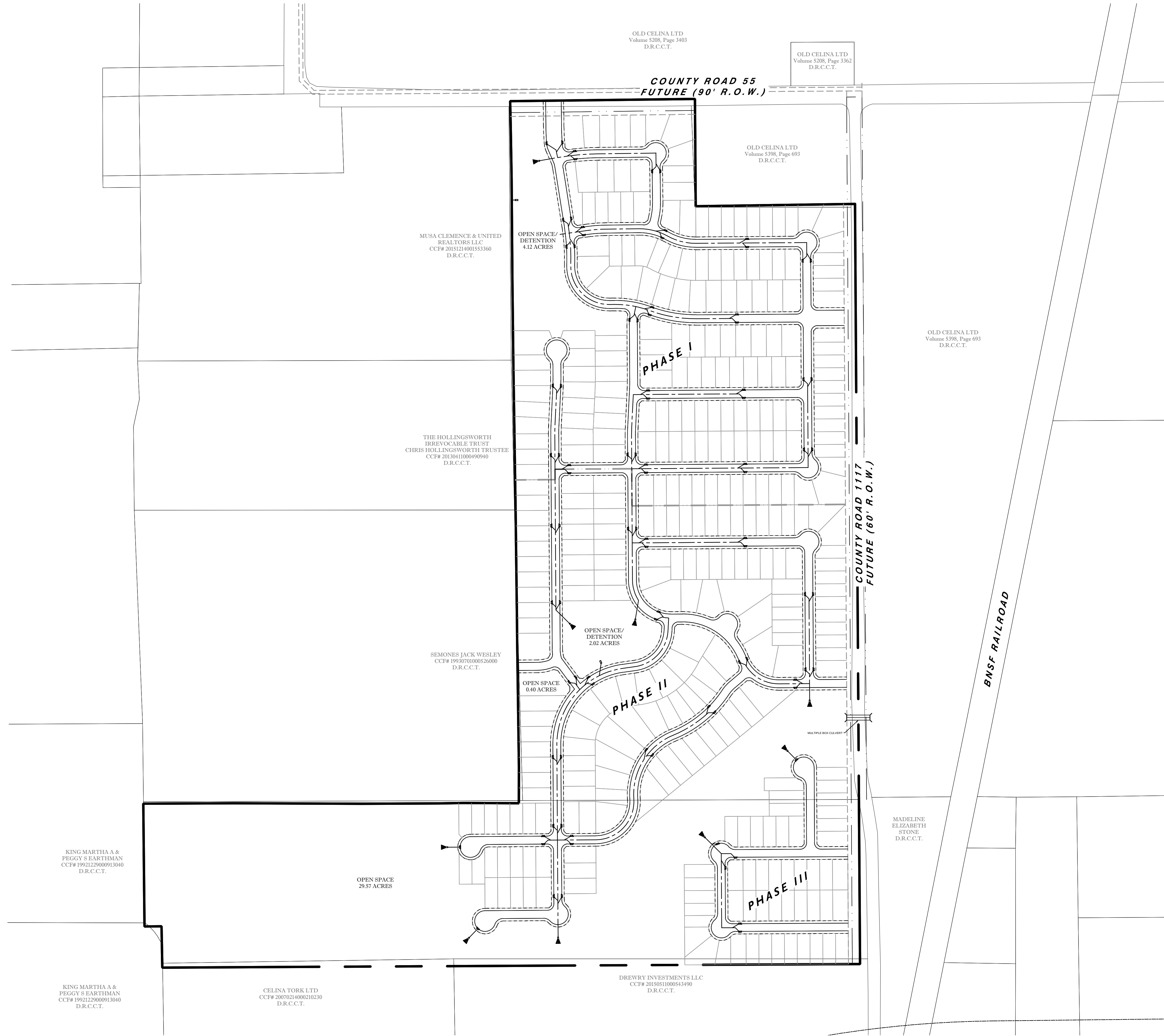
GLEN
CROSSING

CELINA
TEXAS

STORM
PLAN

SHEET:

4.0



LEGEND

PROPOSED STORM DRAIN SYSTEM

PROPOSED PHASE LINE

FUTURE CITY ARTERIAL R.O.W.

15' LANDSCAPE BARRIER

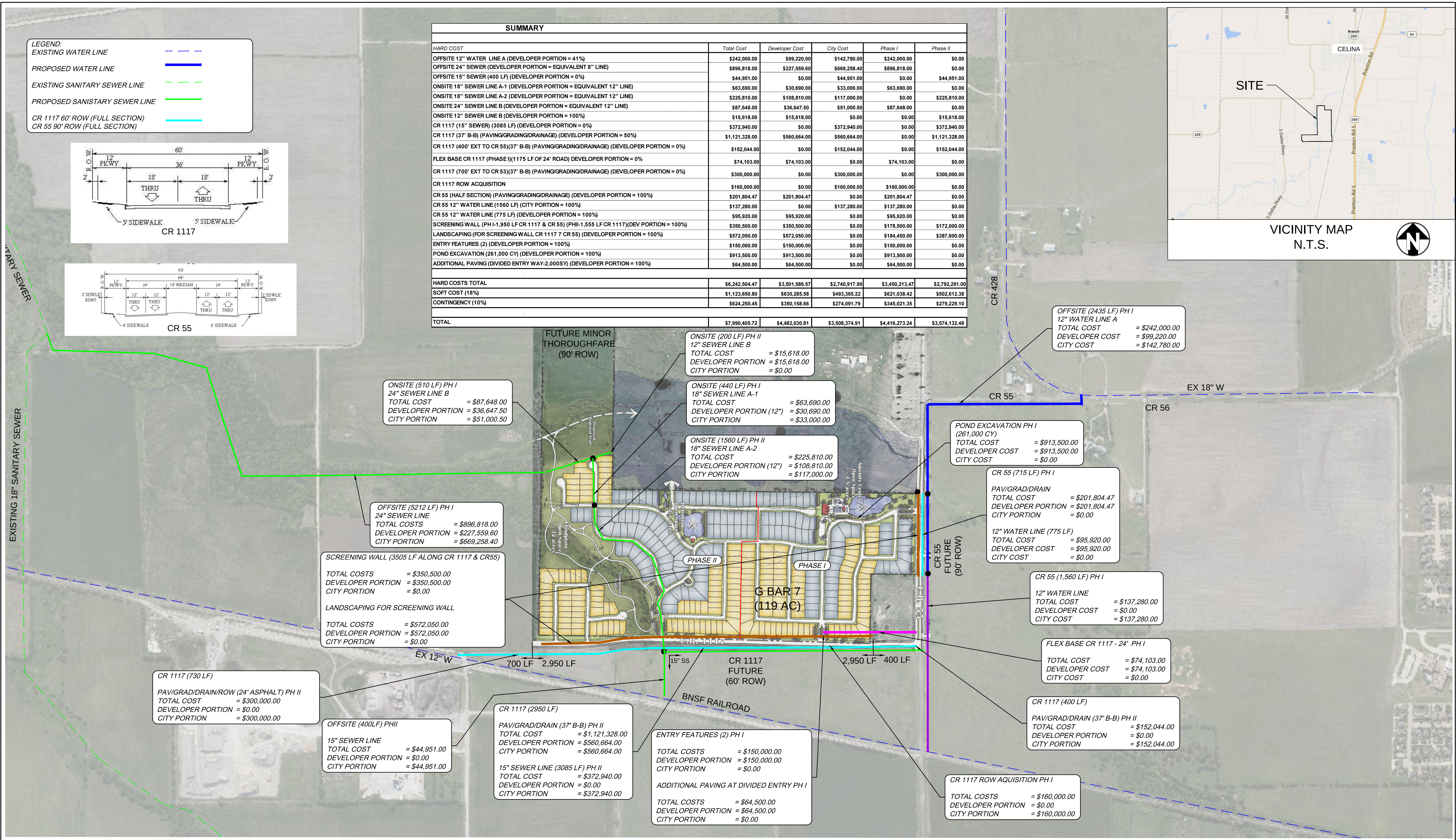
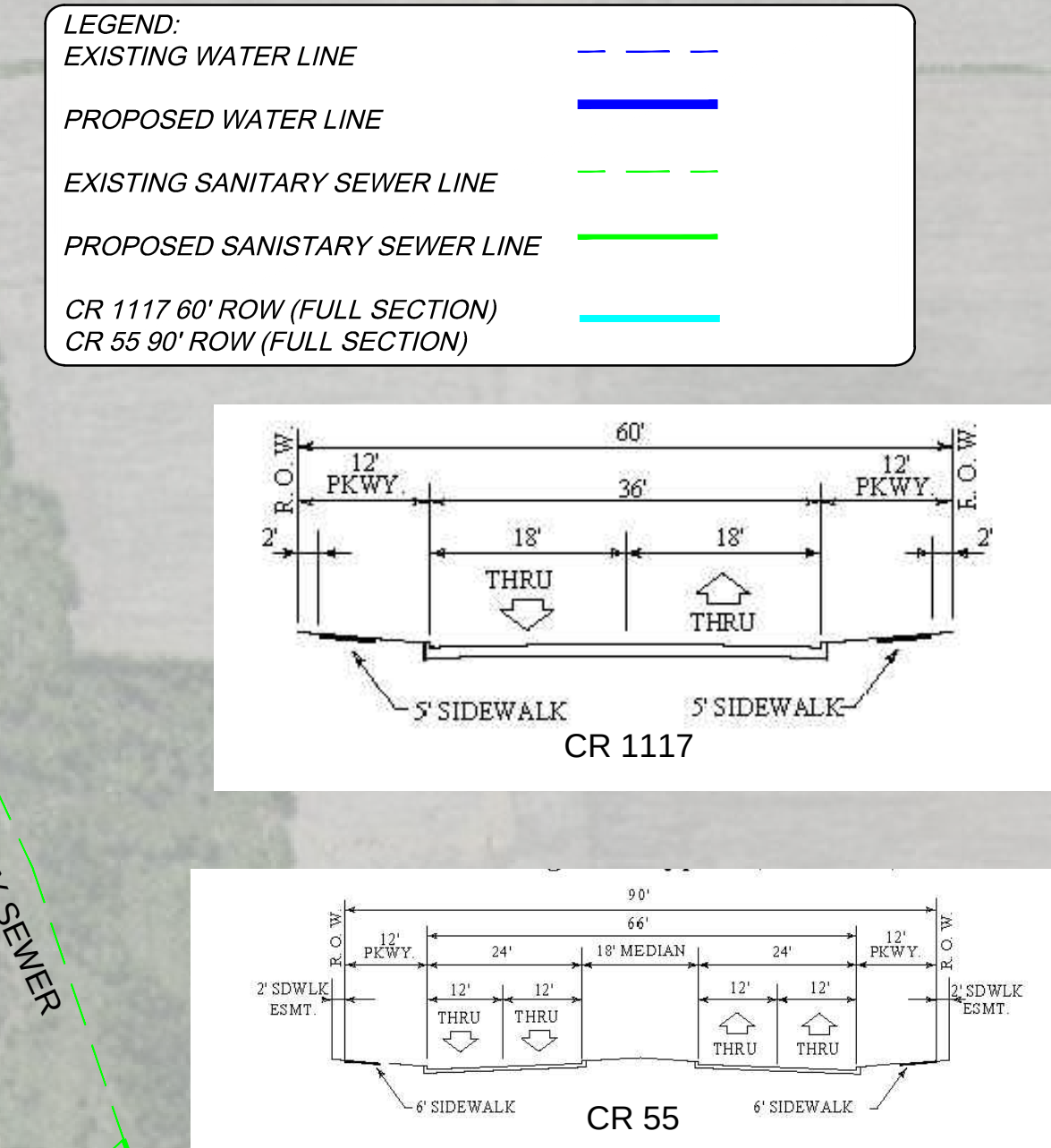
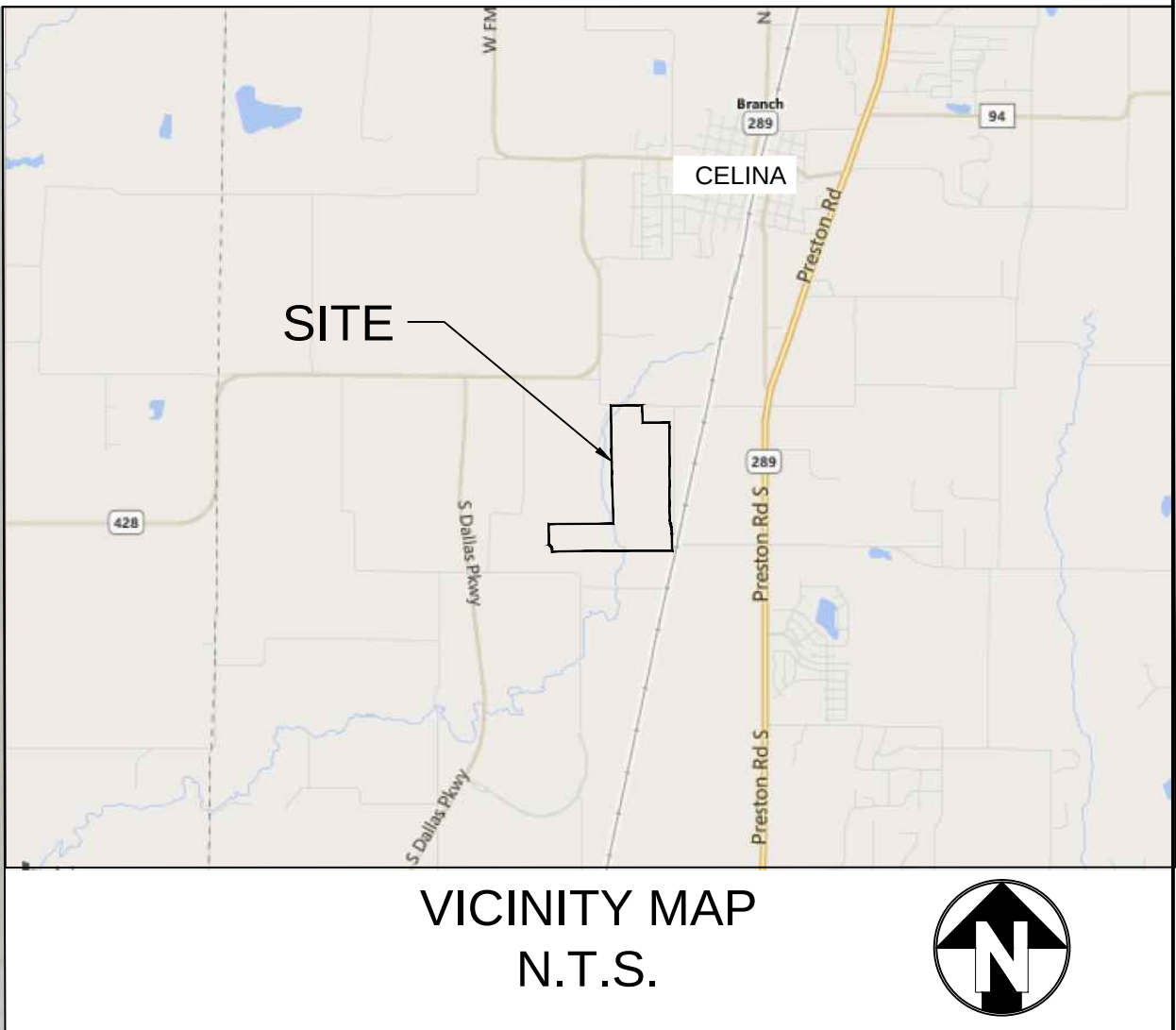
PROPERTY LINE

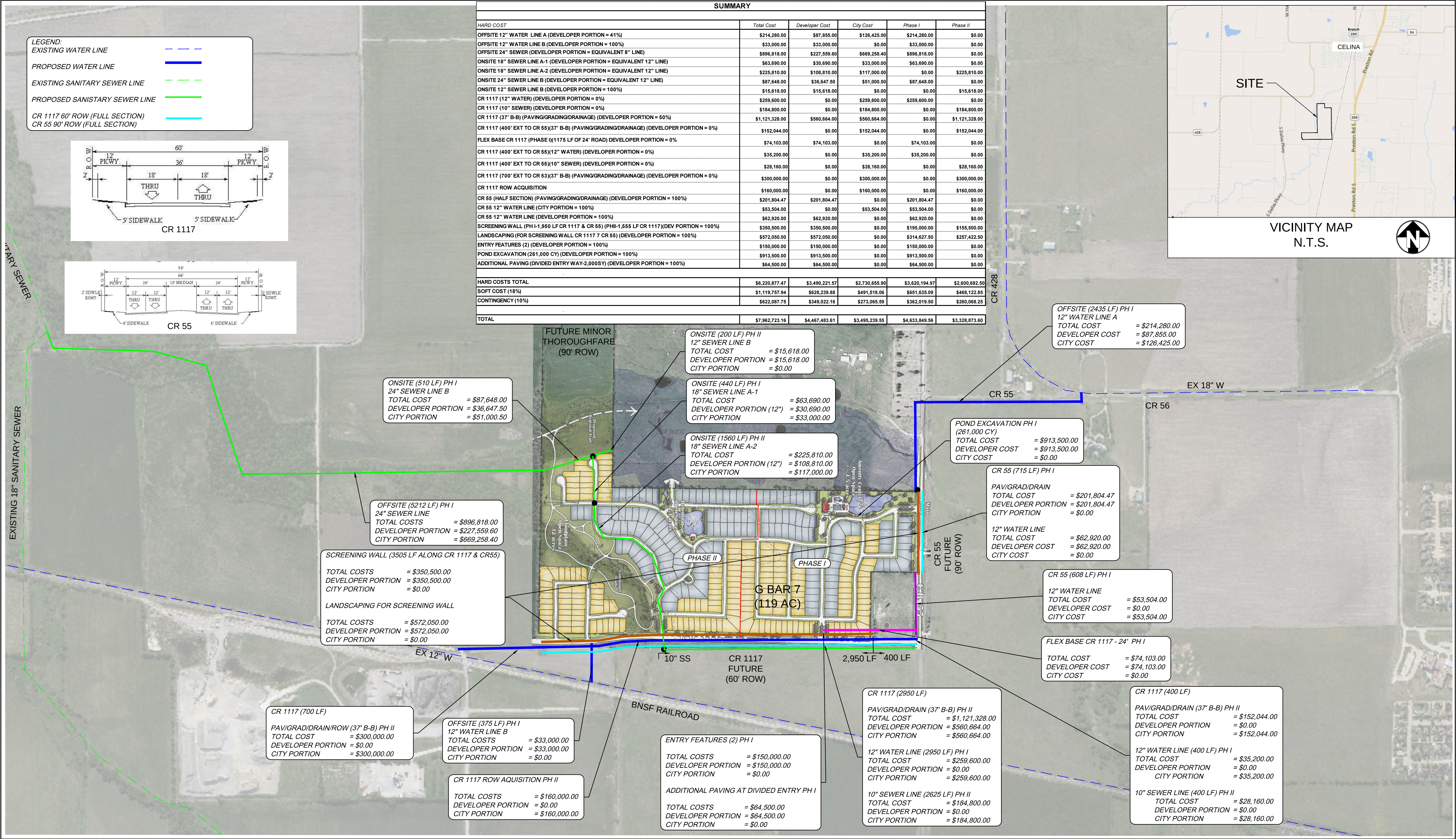
GRAPHIC SCALE

0 200 400 FEET

24X36: 1" = 200'
11X17: 1" = N.T.S.

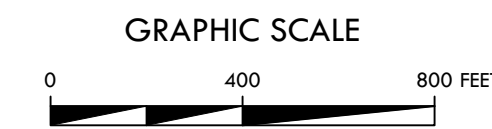
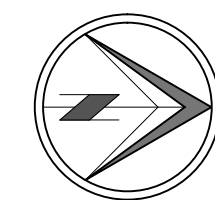
SUMMARY					
HARD COST	Total Cost	Developer Cost	City Cost	Phase I	Phase II
OFFSITE 12" WATER LINE A (DEVELOPER PORTION = 41%)	\$242,000.00	\$99,220.00	\$142,780.00	\$242,000.00	\$0.00
OFFSITE 24" SEWER (DEVELOPER PORTION = EQUIVALENT 8" LINE)	\$896,818.00	\$227,559.60	\$669,258.40	\$896,818.00	\$0.00
OFFSITE 15" SEWER (400 LF) (DEVELOPER PORTION = 0%)	\$44,951.00	\$0.00	\$44,951.00	\$0.00	\$44,951.00
ONSITE 18" SEWER LINE A-1 (DEVELOPER PORTION = EQUIVALENT 12" LINE)	\$63,690.00	\$30,690.00	\$33,000.00	\$63,690.00	\$0.00
ONSITE 18" SEWER LINE A-2 (DEVELOPER PORTION = EQUIVALENT 12" LINE)	\$225,810.00	\$108,810.00	\$117,000.00	\$0.00	\$225,810.00
ONSITE 24" SEWER LINE B (DEVELOPER PORTION = EQUIVALENT 12" LINE)	\$87,648.00	\$36,647.50	\$51,000.50	\$87,648.00	\$0.00
ONSITE 12" SEWER LINE B (DEVELOPER PORTION = 100%)	\$15,618.00	\$15,618.00	\$0.00	\$0.00	\$15,618.00
CR 1117 (15" SEWER) (3085 LF) (DEVELOPER PORTION = 0%)	\$372,940.00	\$0.00	\$372,940.00	\$0.00	\$372,940.00
CR 1117 (37" B-B) (PAVING/GRADING/DRAINAGE) (DEVELOPER PORTION = 50%)	\$1,121,328.00	\$560,664.00	\$560,664.00	\$0.00	\$1,121,328.00
CR 1117 (400' EXT TO CR 55)(37" B-B) (PAVING/GRADING/DRAINAGE) (DEVELOPER PORTION = 0%)	\$152,044.00	\$0.00	\$152,044.00	\$0.00	\$152,044.00
FLEX BASE CR 1117 (PHASE I)(1175 LF OF 24' ROAD) DEVELOPER PORTION = 0%	\$74,103.00	\$74,103.00	\$0.00	\$74,103.00	\$0.00
CR 1117 (700' EXT TO CR 53)(37" B-B) (PAVING/GRADING/DRAINAGE) (DEVELOPER PORTION = 0%)	\$300,000.00	\$0.00	\$300,000.00	\$0.00	\$300,000.00
CR 1117 ROW ACQUISITION	\$160,000.00	\$0.00	\$160,000.00	\$160,000.00	\$0.00
CR 55 (HALF SECTION) (PAVING/GRADING/DRAINAGE) (DEVELOPER PORTION = 100%)	\$201,804.47	\$201,804.47	\$0.00	\$201,804.47	\$0.00
CR 55 12" WATER LINE (1560 LF) (CITY PORTION = 100%)	\$137,280.00	\$0.00	\$137,280.00	\$137,280.00	\$0.00
CR 55 12" WATER LINE (775 LF) (DEVELOPER PORTION = 100%)	\$95,920.00	\$95,920.00	\$0.00	\$95,920.00	\$0.00
SCREENING WALL (PH I-1,950 LF CR 1117 & CR 55) (PH I-1,555 LF CR 1117)(DEV PORTION = 100%)	\$350,500.00	\$350,500.00	\$0.00	\$178,500.00	\$172,000.00
LANDSCAPING FOR SCREENING WALL CR 1117 7 CR 55) (DEVELOPER PORTION = 100%)	\$572,050.00	\$572,050.00	\$0.00	\$184,450.00	\$387,600.00
ENTRY FEATURES (2) (DEVELOPER PORTION = 100%)	\$150,000.00	\$150,000.00	\$0.00	\$150,000.00	\$0.00
POND EXCAVATION (261,000 CY) (DEVELOPER PORTION = 100%)	\$913,500.00	\$913,500.00	\$0.00	\$913,500.00	\$0.00
ADDITIONAL PAVING (DIVIDED ENTRY WAY-2,000SY) (DEVELOPER PORTION = 100%)	\$64,500.00	\$64,500.00	\$0.00	\$64,500.00	\$0.00
HARD COSTS TOTAL	\$6,242,504.47	\$3,501,586.57	\$2,740,917.90	\$3,450,213.47	\$2,792,291.00
SOFT COST (16%)	\$1,123,650.80	\$630,285.58	\$493,365.22	\$621,038.42	\$502,612.38
CONTINGENCY (10%)	\$624,250.45	\$350,158.66	\$274,091.79	\$345,021.35	\$279,229.10
TOTAL	\$7,990,405.72	\$4,482,030.81	\$3,508,374.91	\$4,416,273.24	\$3,574,132.48





G Bar 7

MAJOR IMPROVEMENTS
CELINA, TX
04.08.16



Appendix D

LOT TYPES AND EQUIVALENT UNITS

Draft

Appendix D Lot Types and Equivalent Units

For purposes of calculating and allocating the Assessments, the Assessed Property has been classified in one of two Lot Types. The following table shows the updated proposed residential Lot Types within the PID.

**Table D-1
Updated Proposed Development within the PID**

Lot Type	Description	Proposed Development
<u>Residential</u>		
Lot Type 1	60 Ft Lots	149 units
Lot Type 2	50 Ft Lots	207 units
<i>Total</i>		356 units

Table D-2 below shows the residential Lot Types being developed within Phase #1.

**Table D-2
Phase #1 Development**

Type	Description	Proposed Development
<u>Residential</u>		
Lot Type 1	60 Ft Lots	65 units
Lot Type 2	50 Ft Lots	94 units
<i>Total</i>		159 units

As explained under Section V-C, for purpose of this Service and Assessment Plan, the City Council has determined that the Actual Costs of the Phase #1 Improvements to be financed with the Phases #1 Bonds and the PID Reimbursement Agreement shall be allocated to the Phases #1 Assessed Property by spreading the entire Assessment across the Parcels based on the estimated Equivalent Units.

For purposes of this Service and Assessment Plan, the City Council has determined that the Assessments shall be allocated to the Phases #1 Assessed Property on the basis of the average home value of each Lot Type, and that such method of allocation will result in the imposition of equal shares of the Assessments on Parcels similarly benefited. In determining the average home value of each Lot Type, the City Council has taken into consideration (i) the type of lots (i.e., 60 Ft, 50 Ft, etc.); (ii) current and projected home prices; (iii) the costs of the Authorized Improvements, and (iv) the ability of different property types to utilize and benefit from the Authorized Improvements.

Draft

Having taken into consideration the matters described above, the City Council has determined that allocating the Assessments among Parcels based on average home value is best accomplished by creating classifications of benefited Parcels based on the “Lot Types” defined above. These classifications (from Lot Type 1 (60 Ft Lots) representing the highest value to Lot Type 2 (50 Ft Lot) representing the lowest value for residential lots are set forth in Table D-3 below. Assessments are allocated to each Lot Type on the basis of the average home value for each class of lots. This is accomplished by giving each Lot Type an Equivalent Unit factor. Equivalent Units are the ratio of the average value of lots within each assessment class, setting the Equivalent Unit factor for Lot Type 1 (60 Ft Lots) to 1.0.

Table D-3
Equivalent Unit Factors

Lot Type	Estimated Average Unit Value	Equivalent Unit Factor
Lot Type 1 (60 Ft Lot)	\$405,000	1.00 per dwelling unit
Lot Type 2 (50 Ft Lot)	\$337,500	0.83 per dwelling unit

The total estimated Equivalent Units for Phase #1 are shown in Table D-4 below as calculated based on the Equivalent Unit factors shown above, estimated Lot Types and number of units estimated to be built within Phase 1.

Table D-4
Estimated Equivalent Units - Phase #1

Lot Type	Planned No. of units	Equivalent Unit Factor	Total Equivalent Units
Lot Type 1 (60 Ft Lot)	65	1.00	65.00
Lot Type 2 (50 Ft Lot)	94	0.83	78.33
Total Equivalent Units	159		143.33

As explained under Section V-C, for purpose of this Service and Assessment Plan, the City Council has determined that the Actual Costs of the Phase #2 Improvements to be financed with the Phases #2 Bonds and the PID Reimbursement Agreement shall be allocated to the Phases #2 Assessed Property by spreading the entire Assessment across the Parcels based on the estimated Equivalent Units.

The total estimated Equivalent Units for Phase #1 are shown in Table D-4 below as calculated based on the Equivalent Unit factors shown above, estimated Lot Types and number of units estimated to be built within Phase 1.

*Draft***Table D-5****Estimated Equivalent Units - Phase #2**

Lot Type	Planned No. of units	Equivalent Unit Factor	Total Equivalent Units
Lot Type 1 (60 Ft Lot)	84	1.00	84.00
Lot Type 2 (50 Ft Lot)	113	0.83	94.17
Total Equivalent Units	197		178.17

Attachment: Glen Crossing PID-Draft PSAP for Ph 2- v2.3 (Glen Crossing PID Public Hearing)

Appendix E

ASSESSMENT ROLL – Phase #1 Assessed Property

Appendix E
Phase #1 Assessment Roll Summary – 2017-18

Parcel	Estimated No. of units	Total Equivalent Units	Total Assessment	Annual Assessment	Administrative Expenses	Annual Installment
2739465	159	143.33	\$5,725,000	\$346,952.50	\$44,268.00	\$391,220.50
Total	159	143.33	\$5,725,000	\$346,952.50	\$44,268.00	\$391,220.50

Attachment: Glen Crossing PID-Draft PSAP for Ph 2- v2.3 (Glen Crossing PID Public Hearing)

Appendix F

PROPOSED ASSESSMENT ROLL – Phase #2 Assessed Property

Appendix F
Proposed Phase #2 Assessment Roll

Parcel	All Parcels
Assessment	\$7,325,000
Total Equivalent Units	178.17

Year	Principal and Interest ¹	Administrative Expenses ²	Total Annual Installment ³
2018	\$439,500	\$40,000	\$479,500
2019	\$439,500	\$40,800	\$480,300
2020	\$554,500	\$41,616	\$596,116
2021	\$552,600	\$42,448	\$595,048
2022	\$555,400	\$43,297	\$598,697
2023	\$552,600	\$44,163	\$596,763
2024	\$554,500	\$45,046	\$599,546
2025	\$550,800	\$45,947	\$596,747
2026	\$551,800	\$46,866	\$598,666
2027	\$552,200	\$47,804	\$600,004
2028	\$552,000	\$48,760	\$600,760
2029	\$551,200	\$49,735	\$600,935
2030	\$549,800	\$50,730	\$600,530
2031	\$547,800	\$51,744	\$599,544
2032	\$545,200	\$52,779	\$597,979
2033	\$542,000	\$53,835	\$595,835
2034	\$543,200	\$54,911	\$598,111
2035	\$543,500	\$56,010	\$599,510
2036	\$542,900	\$57,130	\$600,030
2037	\$541,400	\$58,272	\$599,672
2038	\$539,000	\$59,438	\$598,438
2039	\$535,700	\$60,627	\$596,327
2040	\$536,500	\$61,839	\$598,339
2041	\$531,100	\$63,076	\$594,176
2042	\$529,800	\$64,337	\$594,137
2043	\$527,300	\$65,624	\$592,924
2044	\$528,600	\$66,937	\$595,537
2045	\$523,400	\$68,275	\$591,675
2046	\$522,000	\$69,641	\$591,641
2047	\$514,100	\$71,034	\$585,134
Total	16,049,900	\$1,622,723	\$17,672,623

1 - The principal and interest amounts are estimated based on 5.5% interest rate. The interest amounts shown include the 0.5% additional interest amount to be collected for Prepayment and Delinquency Reserves.

2 - The estimated district administration expenses shown will be updated each year in the Annual Service Plan Updates.

3 - The Annual Installments shown do not include any capitalized interest or TIRZ Annual Credit Amount.

Attachment: Glen Crossing PID-Draft PSAP for Ph 2- v2.3 (Glen Crossing PID Public Hearing)

Appendix F
Proposed Phase #2 Assessment Roll

Lot Type
Assessment
Equivalent Units

Lot Type 1 (60' Lot)
 \$41,113
 1.00

Year	Principal and Interest ¹	Administrative Expenses ²	Total Annual Installment ³
2018	\$2,467	\$225	\$2,691
2019	\$2,467	\$229	\$2,696
2020	\$3,112	\$234	\$3,346
2021	\$3,102	\$238	\$3,340
2022	\$3,117	\$243	\$3,360
2023	\$3,102	\$248	\$3,349
2024	\$3,112	\$253	\$3,365
2025	\$3,091	\$258	\$3,349
2026	\$3,097	\$263	\$3,360
2027	\$3,099	\$268	\$3,368
2028	\$3,098	\$274	\$3,372
2029	\$3,094	\$279	\$3,373
2030	\$3,086	\$285	\$3,371
2031	\$3,075	\$290	\$3,365
2032	\$3,060	\$296	\$3,356
2033	\$3,042	\$302	\$3,344
2034	\$3,049	\$308	\$3,357
2035	\$3,051	\$314	\$3,365
2036	\$3,047	\$321	\$3,368
2037	\$3,039	\$327	\$3,366
2038	\$3,025	\$334	\$3,359
2039	\$3,007	\$340	\$3,347
2040	\$3,011	\$347	\$3,358
2041	\$2,981	\$354	\$3,335
2042	\$2,974	\$361	\$3,335
2043	\$2,960	\$368	\$3,328
2044	\$2,967	\$376	\$3,343
2045	\$2,938	\$383	\$3,321
2046	\$2,930	\$391	\$3,321
2047	\$2,886	\$399	\$3,284
Total	\$90,084	\$9,108	\$99,192

1 - The principal and interest amounts are estimated based on 5.5% interest rate. The interest amounts shown include the 0.5% additional interest amount to be collected for Prepayment and Delinquency Reserves.

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3 - The Annual Installments shown do not include any capitalized interest or TIRZ Annual Credit Amount.

Attachment: Glen Crossing PID-Draft PSAP for Ph 2- v2.3 (Glen Crossing PID Public Hearing)

Appendix F
Proposed Phase #2 Assessment Roll

Lot Type	Lot Type 2 (50' Lot)
Assessment	\$34,261
Equivalent Units	0.83

Year	Principal and Interest ¹	Administrative Expenses ²	Total Annual Installment ³
2018	\$2,056	\$187	\$2,243
2019	\$2,056	\$191	\$2,246
2020	\$2,594	\$195	\$2,788
2021	\$2,585	\$199	\$2,783
2022	\$2,598	\$203	\$2,800
2023	\$2,585	\$207	\$2,791
2024	\$2,594	\$211	\$2,804
2025	\$2,576	\$215	\$2,791
2026	\$2,581	\$219	\$2,800
2027	\$2,583	\$224	\$2,806
2028	\$2,582	\$228	\$2,810
2029	\$2,578	\$233	\$2,811
2030	\$2,572	\$237	\$2,809
2031	\$2,562	\$242	\$2,804
2032	\$2,550	\$247	\$2,797
2033	\$2,535	\$252	\$2,787
2034	\$2,541	\$257	\$2,798
2035	\$2,542	\$262	\$2,804
2036	\$2,539	\$267	\$2,807
2037	\$2,532	\$273	\$2,805
2038	\$2,521	\$278	\$2,799
2039	\$2,506	\$284	\$2,789
2040	\$2,509	\$289	\$2,799
2041	\$2,484	\$295	\$2,779
2042	\$2,478	\$301	\$2,779
2043	\$2,466	\$307	\$2,773
2044	\$2,472	\$313	\$2,785
2045	\$2,448	\$319	\$2,767
2046	\$2,442	\$326	\$2,767
2047	\$2,405	\$332	\$2,737
Total	75,070	\$7,590	\$82,660

1 - The principal and interest amounts are estimated based on 5.5% interest rate. The interest amounts shown include the 0.5% additional interest amount to be collected for Prepayment and Delinquency Reserves.

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3 - The Annual Installments shown do not include any capitalized interest or TIRZ Annual Credit Amount.

Attachment: Glen Crossing PID-Draft PSAP for Ph 2- v2.3 (Glen Crossing PID Public Hearing)

Appendix F
Proposed Phase #2 Assessment Roll

Lot Type
Assessment
Equivalent Units

HOA Property
 \$0

Year	Principal and Interest ¹	Administrative Expenses³	Total Annual Installment⁴
2018	\$0	\$0	\$0
2019	\$0	\$0	\$0
2020	\$0	\$0	\$0
2021	\$0	\$0	\$0
2022	\$0	\$0	\$0
2023	\$0	\$0	\$0
2024	\$0	\$0	\$0
2025	\$0	\$0	\$0
2026	\$0	\$0	\$0
2027	\$0	\$0	\$0
2028	\$0	\$0	\$0
2029	\$0	\$0	\$0
2030	\$0	\$0	\$0
2031	\$0	\$0	\$0
2032	\$0	\$0	\$0
2033	\$0	\$0	\$0
2034	\$0	\$0	\$0
2035	\$0	\$0	\$0
2036	\$0	\$0	\$0
2037	\$0	\$0	\$0
2038	\$0	\$0	\$0
2039	\$0	\$0	\$0
2040	\$0	\$0	\$0
2041	\$0	\$0	\$0
2042	\$0	\$0	\$0
2043	\$0	\$0	\$0
2044	\$0	\$0	\$0
2045	\$0	\$0	\$0
2046	\$0	\$0	\$0
2047	\$0	\$0	\$0
Total	\$0	\$0	\$0

1 - The principal and interest amounts are estimated based on 5.5% interest rate. The interest amounts shown include the 0.5% additional interest amount to be collected for Prepayment and Delinquency Reserves.

2 - The estimated district administration expenses shown will be updated each year in the Annual Service Plan Updates.

3 - The Annual Installments shown do not include any capitalized interest or TIRZ Annual Credit Amount.

Attachment: Glen Crossing PID-Draft PSAP for Ph 2- v2.3 (Glen Crossing PID Public Hearing)



Development Services
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Alexis Jackson, Director of Development Services
 CC: Jason Laumer, City Manager
 Date: July 10, 2018
 Re: Mobility Credit Union Downtown Replat

Action Requested:

The Celina City Council will conduct a public hearing to consider and act upon a commercial replat for Mobility Credit Union being a replat of lots 1A, 1B, & 1C of the Central Business Park Addition, an approximately 0.517 acre of land situated in the John Willock Survey, Abstract No. 975, Collin County, Texas, and generally located on the south side of Walnut Street and west of Louisiana Street. The plat is comprised of one commercial lot. (Mobility Credit Union Replat) (Jackson)

Owner:

Mobility Credit Union
 8384 N. Belt Line Road
 Irving, TX 75063

Background Information:

Staff has reviewed the proposed Replat for Mobility Downtown and determined that the plat meets all the requirements of the Subdivision Ordinance.

Board Review/Citizen Input:

Commercial replats require a public hearing, although no public noticing is required.

At the Planning and Zoning Commission meeting on June 19, 2018 the Commission recommended their unanimous approval of the proposed replat.

Alternatives:

N/A

Financial Considerations:

N/A

Legal Review:

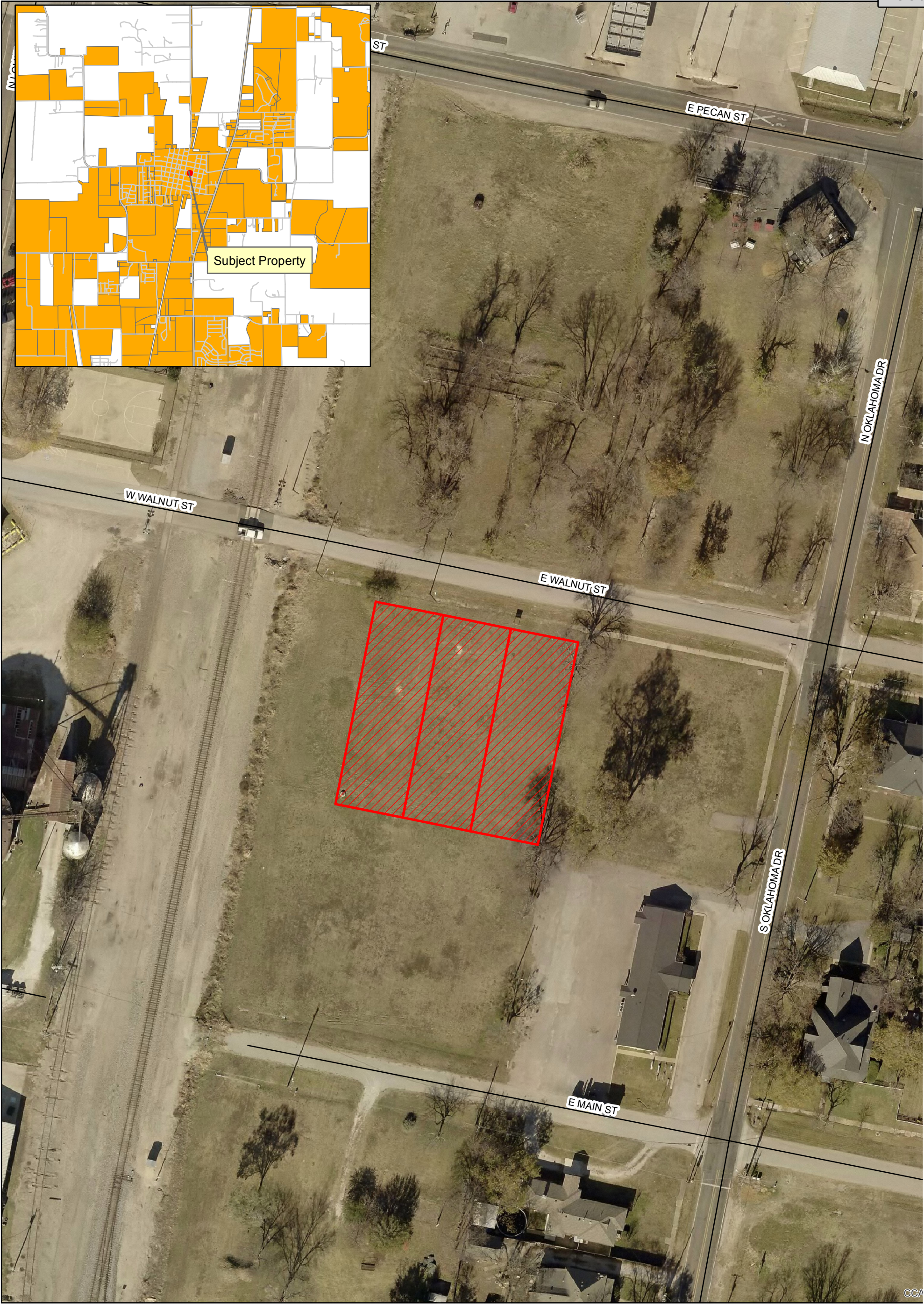
N/A

Supporting Documents:

- Location Map

- Proposed Replat

Staff Recommendation:
Staff recommends approval.



Attachment: MobilityCreditUnion_Replat_LocationMap (Mobility Credit Union Replat)

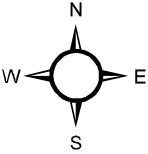


Mobility Credit Union Replat

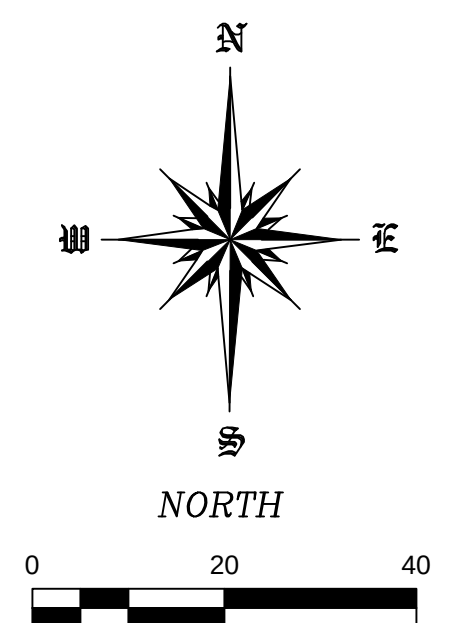
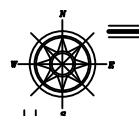
Date: 6/14/2018

Legend

- Roads
-  Vilbig Walnut St



0 45 90 Feet



LEGEND

C.M. - CONTROLLING MONUMENT
IRF - IRON ROD FOUND
CIRS - 1/2" IRON ROD SET WITH CAPPED "4613"
CIRF - 1/2" IRON ROD FOUND WITH CAPPED "4613"

ST LOUIS, SAN FRANCISCO & TEXAS RAILROAD
VARIABLE WIDTH ROW



PURPOSE OF THIS PLAT:
The purpose of the plat is to replat this remaining portion of Lot 10 into 1 Lot.

FLOOD NOTE:
This tract does falls within Zone X (unshaded) according to the Flood Insurance Rate Map, Panel No. 48085c0110J, revised June 2, 2009 as published by the Federal Emergency Management Agency.

STANDARD NOTES:
1) Selling a portion of this addition by metes and bounds is a violation of city ordinance and state law, and is subject to fines and withholding of utilities and building permits.

STATE OF TEXAS
COUNTY OF COLLIN

WHEREAS Mobility Credit Union is the Owner of a tract of land situated in the John Willock Survey, Abstract No. 975, City of Celina, Collin County, Texas and being all of a tract conveyed to Mobility Credit Union as recorded in Instrument No. 20180103000012280, Deed Records of Collin County, Texas, and also being Lots 1A, 1B, and 1C of Block 45, Wilcox Addition, an Addition to the City of Celina, Collin County, Texas according to the Plat thereof recorded in Volume G, Page 459 of the Plat Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:
BEGINNING at a 1/2" iron rod found for corner at the intersection of the South Right-Of-Way line of Walnut Street (a 60' ROW) and the East Right-Of-Way line of the St. Louis, San Francisco, and Texas Railroad, said iron rod being the Northwest corner of said Lot 1A;
THENCE S 78°40'01" E following the South ROW line of said Walnut Street a distance of 150.00' to a 1/2" iron rod found for corner;
THENCE S 11°19'59" W a distance of 150.00' to a 1/2" iron rod found for corner;
THENCE N 78°40'01" W a distance of 150.00' to 1/2" iron rod with a yellow plastic cap stamped "4613", set for corner in the East ROW of said railroad;
THENCE N 11°19'59" E following the East ROW line of said railroad a distance of 150.00' to the POINT OF BEGINNING and containing 22,500 Square Feet or 0.517 Acres of land.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That Mobility Credit Union acting herein, does hereby adopt this plat designating the herein above described property as **CENTRAL BUSINESS PARK, LOT 1A-R, BLOCK 45**, being a Replat of Lots 1, 2, and 3, Block 45 of the Central Business Park, an addition to the City of Celina, Texas, and does hereby dedicate, in fee simple to the public use forever, the streets, rights-of-way, and there public improvements shown thereon. The streets and alleys, if any, are dedicated for street purposes. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed on landscape easements, if approved by the City Council of the City of Celina. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Celina's use thereof. The City of Celina and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Celina and public utility entities shall at all times have the full right ingress and egress to or from their respective easements for the purpose of constructing, constructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone. This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Celina, Texas.

WITNESS, my hand this the ____ day of _____, 2018.

BY: _____, CEO
MOBILITY CREDIT UNION

STATE OF TEXAS
COUNTY OF COLLIN

Before me, the undersigned authority, a Notary public in and for the State of Texas, on this day personally appeared _____, CEO, MOBILITY CREDIT UNION known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my and seal of office, this ____ day of _____, 2018.

Notary Public in and for the State of Texas

My Commission Expires On: _____
KNOW ALL MEN BY THESE PRESENTS:

That I, David J. Surdukan, do hereby certify that I prepared this plat from an actual accurate survey of the land and that the corner monuments shown thereon as "set" were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Celina.

DAVID J. SURDUKAN
R.P.L.S. NO. 4613

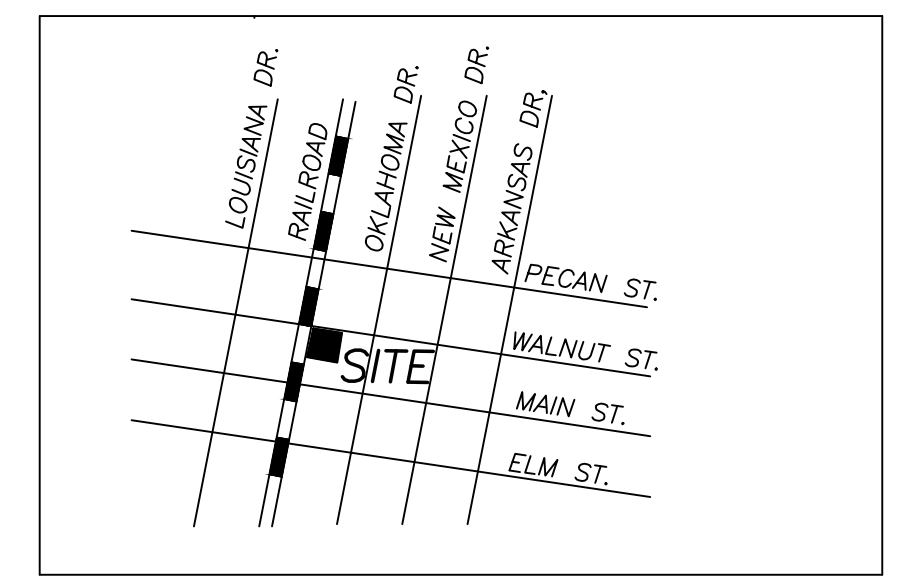
STATE OF TEXAS
COUNTY OF COLLIN

Before me, the undersigned authority, a notary public in and for the State of Texas, on this day personally appeared David J. Surdukan, Registered Professional Land Surveyor, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he executed the same for the purpose and considerations therein expressed.

Given under my seal of office, this ____ day of _____, 2018.

Notary Public in and for the State of Texas

My Commission Expires On: _____



LOCATION MAP
NOT TO SCALE

**REPLAT
CENTRAL BUSINESS PARK
LOT 1A-R, BLOCK 45
BEING REPLAT OF PART OF
LOTS 1A, 1B, & 1C, BLOCK 45
OF THE CENTRAL BUSINESS PARK
BEING 0.517 ACRES OUT OF THE
JOHN WILLOCK SURVEY
ABSTRACT NO. 975
CITY OF CELINA
COLLIN COUNTY, TEXAS**

OWNER
MOBILITY CREDIT UNION
8384 N. BELT LINE ROAD
IRVING, TEXAS 75063-6006

SURVEYOR
SURDUKAN SURVEYING, INC.
P.O. BOX 126
ANNA, TEXAS 75409
(972) 924-8200

CITY OF CELINA CASE NO. _____

RECOMMENDED BY: _____
PLANNING AND ZONING COMMISSION
CITY OF CELINA, TEXAS

SIGNATURE OF CHAIRPERSON _____
DATE OF RECOMMENDATION _____

APPROVED BY: _____
CITY COUNCIL CITY OF CELINA, TEXAS

SIGNATURE OF MAYOR _____
DATE OF APPROVAL _____

ATTEST: _____

CITY SECRETARY _____
DATE _____



Development Services
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Alexis Jackson, Director of Development Services
 CC: Jason Laumer, City Manager
 Date: July 10, 2018
 Re: Subdivision Ordinance Revision

Action Requested:

The Celina City Council will conduct a Public Hearing to consider testimony and act upon an ordinance amending the City's Code of Ordinances, Chapter 10: Subdivision Regulations, Article 10.03, Subdivision Ordinance. (Subdivision Ordinance Amendments) (Jackson)

Background Information:

The major changes to the current Subdivision Ordinance are as follows:

1. Planning & Zoning Commission to Approve Plats. The State of Texas has determined the rules and regulations by which a home-ruled city may process plats and subdivide land. One of the key regulations listed in Section 212.006 of the Texas Local Government Code states that "the municipal authority responsible for approving plats is the municipal planning commission." Therefore, in following the State regulations, the proposed Subdivision Ordinance places the approval authority for all plats with the Planning & Zoning Commission. This will expedite the approval process and relieve the City Council of approving plats, for which there is no discretion of approval by the governing body.
2. Propose Replacing "Construction Plat" with "Preliminary Plat." The second major revision is to replace the Construction Plat/Final Plat process with the more widely used Preliminary Plat/Final Plat process. The main difference is that the current Construction Plat requires full civil plans, even though the area to be developed in the near future includes only a small portion of the Construction Plat area. The Final Plat that follows the Construction Plat is more like an "as-built" plan. Most cities use the Preliminary Plat to lay down the concepts necessary to ensure that adequate facilities are (or will be) available without preparing costly civil plans until ready to develop the tract. The Final Plat following the Preliminary Plat may be one or more lots out of the original lot layout shown on the Preliminary Plat. Both the Construction Plat and the Preliminary Plat are used only internally. No actual development may occur until the Final Plat is approved and filed for record. The proposed system is believed to be more advantageous for developers as it reduces up-front costs and places the majority of the design costs closer to the time of actual development. In addition, in certain cases that meet the State criteria (such as a tract with four or fewer lots), a Minor Plat may substitute for both the Preliminary and Final Plats, simplifying the submittal and approval processes.
3. Full Descriptions of Plats. The third major revision is to describe each plat type, along with the purpose and use of each plat type, staff review, limitations, the standards for approval, approval

authority, and effects of approval. This format is designed to assist the applicant in choosing the appropriate plat type.

4. *Include Park Land Dedication and Improvements.* The proposed park land dedication begins with the current requirement (5% of total developed land) and the fees-in-lieu of land dedication and expands this article with more detail describing suitable land for dedication, credits, timing, calculation of land value, and penalties. A park improvement fee based per unit has been added to furnish existing and new park properties with facilities and equipment. The current Park Plan is undergoing a revision and the new Park Plan will be referenced in the Subdivision Ordinance.
5. *Incorporate Engineering Design Standards.* Another revision is citing the *Engineering Design Standards* as a part of the Subdivision Ordinance. The *Engineering Design Standards* may be amended from time-to-time, as new techniques for quantification are created or improved “best practices” are adopted by the Engineering Department. Celina’s *Engineering Design Standards* were adopted by City Council on March 8, 2016. The Subdivision Ordinance therefore can eliminate some of the tedious calculations originally included by referring to the *Engineering Design Standards* and incorporating its content into the Subdivision Ordinance by reference.
6. *Paperless Submittals.* The City of Celina has been accepting all-electronic submittals for some time, but with the adoption of the proposed Subdivision Ordinance, only paperless submittals will be accepted. The City Staff has streamlined the review process so that each reviewer sees the plans on their computer screens and makes comments directly onto the PDF exhibit. The development coordinator then compiles all the comments and sends them to the applicant and owner of the project. This not only saves time and natural resources, but ensures accountability for comments from each department.
7. *Street Lighting.* Added a comprehensive list of required subdivision lighting for new and existing residential subdivisions, which includes design and placement.

Board Review/Citizen Input:

A notice of the Public Hearing was published in *The Celina Record* on June 1, 2018. At the time of packet preparation, staff had received no comments either for or against the proposed amendments to the Subdivision Ordinance.

At the Planning and Zoning Commission meeting on June 19, 2018 the Commission recommended their unanimous approval of the proposed changes to the Subdivision Ordinance.

Alternatives:

N/A

Financial Considerations:

N/A

Legal Review:

The City’s land use attorney has reviewed the proposed ordinance and deemed it acceptable.

Supporting Documents:

Proposed Ordinance

Attachment A - Subdivision Ordinance

Current Subdivision Ordinance

Staff Recommendation:

Staff recommends approval as presented.

CITY OF CELINA, TEXAS
ORDINANCE NO. 2018 _____
SUBDIVISION ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS, AMENDING NO. 1997-07, AS HERETOFORE AMENDED, THE SAME BEING CHAPTER 10, SUBDIVISION REGULATIONS, ARTICLE 10.03, SUBDIVISION ORDINANCE, REPLACING THE CURRENT ARTICLE 10.03 WITH A NEW ARTICLE 10.03, ENTITLED “SUBDIVISION ORDINANCE;” PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FINDINGS; PROVIDING FOR AMENDMENT TO THE CODE OF ORDINANCES; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTY, PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Celina is a home rule municipality located in Collin County and Denton County, Texas created in accordance with the provisions of the Texas Local Government Code, the Texas Constitution and operating pursuant to the enabling legislation of the state of Texas; and

WHEREAS, the City Council of the City of Celina, Texas is empowered under Local Government Code 54.001 to do all acts and make all regulations which may be necessary or expedient for the promotion of the public health, safety and general welfare; and

WHEREAS, Title 7 Chapter 211.003 of the Texas Local Government Code, empowers a municipality to, among other things, establish an orderly provision of adequate public facilities to serve new development in the city and enhance the aesthetics of the city as a whole; and

WHEREAS, the City Council of the City of Celina, Texas (“City Council”) desires to regulate the landscaping of medians in the City of Celina (“City”); and

WHEREAS, the City Council, has determined that regulating the development of median landscaping is necessary to promote responsible land and economic development, and to protect the public health and safety.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS:

SECTION 1
INCORPORATION OF PREMISES

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2
FINDINGS

After due deliberations the City Council has concluded that the adoption of this Ordinance is in the best interest of the City of Celina, Texas and of the public health, safety and welfare.

SECTION 3
AMENDMENTS

3.01. That the Celina Code of Ordinances, Chapter 10: Subdivision Regulation, Article 10.03, Subdivision Ordinance is hereby revoked and replaced with a new Article 10.03, Subdivision Ordinance, Attachment A.

Attachment: Ordinance - Subdivision Ordinance (Subdivision Ordinance Revision)

SECTION 4
CUMULATIVE REPEALER CLAUSE

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on this date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 5
SAVINGS CLAUSE

All rights and remedies of the City of Celina, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting hotels and motels which have secured at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

SECTION 6
SEVERABILITY

The provisions of the Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the City shall promptly promulgate new revised provisions in compliance with the authority's decisions or enactment.

SECTION 7
PENALTY

Any person, firm or corporation violating any of the provisions or terms of this ordinance or of the Code of Ordinances as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Celina, and upon conviction shall be punished by a fine not to exceed Two Thousand Dollars (\$2000) for each offense.

If the governing body of the City of Celina determines that a violation of this Ordinance has occurred, the City of Celina may bring suit in district court to enjoin the person, firm, partnership, corporation, or association from engaging in the prohibited activity.

SECTION 8
PUBLICATION CLAUSE

The City Secretary of the City of Celina is hereby directed to publish in the Official Newspaper of the City of Celina the Caption, and Effective Date Clause of this Ordinance as required by Section 52.013 of the Local Government Code.

SECTION 9
ENGROSSMENT AND ENROLLMENT

The City Secretary is hereby directed to engross and enroll this Ordinance by copying the descriptive Caption in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

SECTION 10
EFFECTIVE DATE

This Ordinance shall become effective from and after its date of passage in accordance with law.

AND IT IS SO ORDAINED.

PASSED AND APPROVED by the City Council of the City of Celina, Texas this 10th day of July, 2018.

Sean Terry, Mayor
City of Celina, Texas

ATTEST:

Vicki Faulkner, City Secretary
City of Celina, Texas

[SEAL]

APPROVED AS TO FORM:

City Attorney
City of Celina, Texas

Attachment: Ordinance - Subdivision Ordinance (Subdivision Ordinance Revision)

ATTACHMENT A

SUBDIVISION

ORDINANCE



City of Celina

Ordinance Number	Date of Adoption	Summary
2018-__	7/10/2018	New Subdivision Ordinance; repealed all previous Subdivision Ordinances and amendments

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ARTICLE 10.03.000GENERAL SUBDIVISION AUTHORITY OF THE CITY

Sec. 10.03.001AUTHORITY, PURPOSE & APPLICABILITY.

- (a) **Authority.** The regulations of this Subdivision Ordinance are authorized under the TEXAS LOCAL GOVERNMENT CODE, CHAPTER 212 (including Subchapter B) and the City's charter. The provisions of this Subdivision Ordinance expressly extend to all areas inside the City limits and throughout the City's extraterritorial jurisdiction (ETJ), as either may be adjusted in the future, and as provided in the City's interlocal agreement with Denton and Collin Counties, in accordance with CHAPTER 242 of the TEXAS LOCAL GOVERNMENT CODE.
- (b) **Purpose.**
- (1) The development and subdivision of land, as they affect a community's quality of life, are activities for which regulation is a valid function of municipal government. The regulations contained within this Subdivision Ordinance are intended to protect the interests of the public and of private parties by granting certain rights, privileges and obligations. The requirements in this Ordinance are also intended to establish a fair and rational procedure for developing and subdividing land such that land will be developed in accordance with existing physical, social, economic, and environmental conditions.
 - (2) The provisions of this Ordinance are intended to implement standards and requirements provided for herein, and shall be requirements for the platting and developing of subdivisions within the City and its ETJ.
 - (3) The provisions of this Ordinance are intended to implement the following objectives:
 - i. Promote the development and the utilization of land in a manner that provides an attractive and high-quality community environment in accordance with the *Comprehensive Plan*, the *Zoning Ordinance*, and other development-related ordinances of the City;
 - ii. Assist orderly, efficient, and coordinated development within the City's limits and its ETJ;
 - iii. Guide and assist property owners and applicants in the correct procedures to be followed, and to inform them of the required standards;
 - iv. Protect the public interest by having standards for, but not limited to, the location, design, class and type of streets, sidewalks, trails, alleys, utilities and essential public services;
 - v. Integrate the development of various tracts of land into the community, and coordinate the future development of adjoining tracts;
 - vi. Promote the most efficient and beneficial provision of public facilities and services for each tract being subdivided;
 - vii. Provide for compatible relationships between land uses and buildings;
 - viii. Provide for efficient traffic circulation throughout the municipality;
 - ix. Provide for pedestrian and bicyclist movement that is appropriate within the context of various uses of land and buildings;
 - x. Minimize pollution of the air, streams, bodies of water, and aquifers; promote the adequacy of storm drainage facilities; minimize erosion; safeguard both surface and groundwater supplies, as well as natural resources and endangered or threatened plant and animal life; and encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land;
 - xi. Preserve the natural beauty and topography of public and private properties by encouraging where possible that natural features and land forms are incorporated into developments as amenities;
 - xii. Establish accurate records of land subdivision;

- xiii. Provide for necessary infrastructure that will have sufficient capacity to serve existing and future developments as well as current and future citizens within the City and its ETJ;
- xiv. Provide for adequate light, air and privacy; safety from fire, flood, and other dangers; and prevent overcrowding of the land and undue congestion of population;
- xv. Encourage the development of residential areas that incorporate a range of housing and lifestyle choices.

(c) **Applicability.**

- (1) The provisions of this Subdivision Ordinance apply to any non-exempt (see Section 10.03.031(d), *Exemptions*) division of land, combination of separate land parcels, and/or development of land within the corporate boundaries of the City and within its ETJ.
- (2) No permit shall be issued for any building or structure on a property until a plat has been approved unless specifically exempted herein.

(d) **Subdivision Rules.** The provisions of this Subdivision Ordinance, the standards governing constructed facilities applicable to plats in other portions of the Celina Code of Ordinances, and the technical standards contained in the *Engineering Design Standards*, constitute the subdivision rules of the City, which apply to applications for plat approval inside City limits and within the City's ETJ.

(e) **Engineering Design Standards.** The City of Celina has adopted *Engineering Design Standards* and these standards, as they exist or may be amended, shall remain in force of law and effect and are herein incorporated into the Subdivision Ordinance. The *Engineering Design Standards* may be drafted or revised, from time to time, at the discretion and determination of the Director of Engineering, with approval by the City Council. As revised *Engineering Design Standards* are approved and adopted by the City Council, said standards shall be included and substituted for the existing *Engineering Design Standards*, and shall thereafter have the same force of law and effect as if originally adopted hereby. Any individual may request to receive written notice of any new or amended provision to the *Engineering Design Standards* by providing said request in writing to the Director of Engineering. A copy of the current *Engineering Design Standards* shall be kept on file and available for review with the Director of Engineering's office and on the City's website.

(f) **Compliance with City Plans and Ordinances Required.** Compliance with all City ordinances pertaining to the subdivision and development of land, and the *Comprehensive Plan* (where applicable), shall be required prior to approval of any application pursuant to this Ordinance. All such ordinances and the *Comprehensive Plan* shall be construed to mean those documents as they exist or may be amended. It is the applicant's responsibility to be familiar with, and to comply with, City ordinances, the *Comprehensive Plan*, and the provisions of this Ordinance. Applicable City ordinances and plans with which all applications must comply include, but are not limited to, the following:

- (1) *Comprehensive Plan* (Ordinance No. 2013-06), and as amended.
- (2) *Zoning Ordinance* (Ordinance No. 2006-57), and as amended.
- (3) *Engineering Design Standards*
- (4) *International Building, Residential, and Fire Codes*
- (5) *National Electrical Code*
- (6) *International Energy Conservation Code*
- (7) *Impact Fee Ordinance for Water* (Ord. No. 2003-75), and as amended.
- (8) *Impact Fee Ordinance for Thoroughfares* (Ord. No. 2015-06), and as amended.
- (9) *Drainage Design Manual*
- (10) Federal, State and Local Environmental Regulations.
- (11) Other applicable portions of the Celina Code of Ordinances.

(g) **Governmental Agency Design Standards.**

The City of Celina, Celina Independent School District, and Prosper Independent School District, City departments, and any county governmental organization, when developing within the city limits, will be required to make best efforts to meet the City's development regulations related to City infrastructure. However, when the overall benefit to the City is reduced due to full compliance with adopted development standards, modified development standards may be administratively approved. This administrative approval shall be conditioned on meeting the overall intent of the subject ordinance as determined by the City Manager, or his designee, whose decision may be appealed to City Council. (Ordinance 2017-59, adopted 10/10/17)

(h) **Special Provisions.**

- (1) The City of Celina does not issue permits for the installation of septic tanks in the ETJ but may issue permits for installation of septic tanks within the corporate city limits. Permits for septic tanks are limited to lots that are greater than one (1) acre in size exclusive of the house footprint and not located within 100 feet of a City sewer line. Citizens may elect to connect to a sewer line that is greater than 100 feet from the property, but must individually bear the cost of the installation that is in excess of 100 feet. A septic system may not be installed upon any lot in a subdivision for which a Final Plat has not been approved and filed for record, or upon any lot in a subdivision in which the standards contained herein or referred to herein have not been complied with in full.
- (2) No building, repair, plumbing or electrical permit shall be issued by the City for any structure on a lot in a subdivision for which a Final Plat has not been approved, nor for any structure on a lot within a subdivision in which the standards contained herein or referred to herein have not been complied with in full.
- (3) The City Manager and the Director of Engineering may allow sectional development (i.e. phased development) of an approved Final Plat provided that the section of the Final Plat meets all the requirements of this Ordinance in full as though it were a subdivision within itself.
- (4) The City shall not authorize any other person, nor shall the City itself repair, maintain, install or provide any streets or public utility services in any subdivision for which the standards contained herein or referred to herein have not been complied with in full.
- (5) The City shall not authorize any other person nor shall the City itself sell or supply any water, gas, electricity or sewerage service within a subdivision for which a Final Plat has not been approved, nor in which the standards contained herein or referred to herein have not been complied with in full.
- (6) On behalf of the City, the City Attorney shall, when directed by the City Council, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this ordinance or the standards referred to herein with respect to any violation thereof which occurs within the City, within the extraterritorial jurisdiction (ETJ) of the City as such jurisdiction is determined under the Municipal Annexation Act, or within any area subject to all or a part of the provisions of this ordinance.
- (7) If any subdivision exists for which a Final Plat has not been approved or in which the standards contained herein or referred to herein have not been complied with in full, the City Council shall pass a resolution reciting the fact that such noncompliance or failure to secure Final Plat approval, and reciting the fact that the provisions of paragraphs (1), (2), (4) and (5) of this section will apply to the subdivision and the lots therein. The City Secretary shall, when directed by the City Council, cause a certified copy of such resolution under the corporate seal of the City to be filed in the Deed Records of Denton or Collin County in which such subdivision or part thereof lies. If full compliance and Final Plat approval are secured after the filing of such resolution, the City

Secretary shall forthwith file an instrument, in the Deed Records of the county stating that paragraphs (1), (2), (4) and (5) no longer apply.

- (8) The provisions of this section shall not be construed to prohibit the issuance of permits to any lots upon which a residential building exists and was in existence prior to passage of this Subdivision Ordinance, or to prohibit the repair, maintenance or installation of any street or public utility services for any residential building, or abutting any sale lot, the last recorded conveyance of which prior to passage of this ordinance was by metes and bounds, and/or any subdivision, or lot therein, recorded or unrecorded, which subdivision was in existence prior to the passage of this ordinance.

Sec. 10.03.002.....ENFORCEMENT.

(a) **Observation of Construction.**

- (1) The Director of Engineering, or his duly authorized representatives, shall make periodic observation of the construction of improvements for subdivision. Inspection of improvements by the Director of Engineering or his representative, is not intended to and does not relieve the subdivider or his contractor, from ensuring that the improvements are constructed in accordance with the accepted plans and specifications. The subdivider or his contractor, shall maintain contact with the Director of Engineering or his representative during construction of improvements.
- (2) No sanitary sewer, water or storm sewer pipe shall be covered without approval of the Director of Engineering or his representative. No flexible base material, subgrade material or stabilization shall be applied to the street subgrade without said approval. No concrete shall be poured nor asphaltic surface applied to the base without said approval of Director of Engineering.
- (3) The Director of Engineering or his representative, may at any time cause any construction, installation, maintenance or location of improvements to cease when, in his judgment, the requirements of this article or the standards and specifications as hereinbefore provided have been violated. Any violation may require such reconstruction or other work as may be necessary to correct any such violation at the expense of the developer. The cost of materials testing shall be borne by the developer. (2004 Code, sec. 159.81)

- (b) **Maintenance bond.** The subdivider shall furnish a good and sufficient maintenance bond in the amount of ten percent (10%) of the contract price of all public improvements, with a reputable and solvent corporate surety in favor of the City, to indemnify the City against any repairs which may become necessary to any part of the construction of public improvements in connection with the subdivision, arising from defective workmanship or materials used therein, for a full period of two (2) years from the date of final acceptance of the improvements. Final acceptance will be withheld until said maintenance bond is furnished to the city and approved by the City Attorney. (2004 Code, sec. 159.82)

(c) **Filing, plat and other fees.**

- (1) The fees and charges shall be paid to the City when any preliminary plat or final plat or other filing is tendered to the Planning & Zoning Commission or any other authorized board or agency of the City. Each of the fees and charges provided herein shall be paid in advance and no action of the commission or any other board or agency of the City shall be valid until the fees and charges shall have been paid to the City.
- (2) Except as hereinbefore provided, these fees and charges shall be charged on all plats and filings, regardless of the action taken by the Commission or any other board or agency of the City and whether the plat or filing is approved or denied. All fees are listed as shown in the City Fee Schedule ordinance, which is a bound and separate document. (2004 Code, sec. 159.83)

- (d) **Penalty.** Any person, firm or corporation who shall violate any of the provisions of this article or who shall fail to comply with any provisions hereof shall be guilty of a misdemeanor and upon conviction, shall be subject to a fine not to exceed the amounts listed in the City's Fee Schedule, and each day that such violation continues shall constitute a separate offense and shall be punishable accordingly. (2004 Code, sec. 159.99)

Sec. 10.03.003 to Sec. 10.03.009. RESERVED

ARTICLE 10.03.010AUTHORITY OF DECISION-MAKERS

Sec. 10.03.011.....GENERAL PROVISIONS.

- (a) **Source of Authority.** Authority under this Subdivision Ordinance shall be vested in and delegated to the officials and decision-makers designated in Section 10.03.012, *Responsible Official Assigned*, and under the City's Charter, the constitution and laws of the State of Texas, and the Celina Code of Ordinances. This authority shall be deemed supplemental to any other authority lawfully conferred upon the officials and decision-makers. The omission of a citation in this Subdivision Ordinance to any authority conferred upon the officials and decision-makers under the City's Charter, the constitution or laws of the State of Texas, or the Celina Code of Ordinances, or the failure to identify in this article authority conferred by other provisions of this Subdivision Ordinance, shall not be construed as limiting the actions of such officials and decision-makers taken in accordance with and in reliance upon such authority.
- (b) **Implied Authority.** The officials and decision-makers shall have all implied authority necessary to carry out the duties and responsibilities expressly delegated by CHAPTER 212 of the TEXAS LOCAL GOVERNMENT CODE and this Subdivision Ordinance, to the extent that the implied authority is not in conflict with the expressly delegated authority.
- (c) **Limitation on Authority.**
 - (1) City Policy. It is the policy of the City that the standards and procedures applicable to development of property within the city limits and within the City's extraterritorial jurisdiction (ETJ) are as stated in this Subdivision Ordinance, notwithstanding any representation by any City official summarizing, paraphrasing or otherwise interpreting such standards to the contrary, whether generally or as applied to development of specific property.
 - (2) Representations. The applicant shall not rely on any representation made by an employee of the City, a member of an appointed board or Commission, or a member of the City Council concerning the likelihood of an outcome of that official's decision or the decision of an appointed board, Commission or City Council, on any application that has yet to be filed or is pending before the City. An official may, however, convey information concerning that official's position on a pending application in accordance with his role as the responsible official for such application or as the City staff contact person.
 - (3) Effect of Comprehensive Plan or Development Standard on Liability Claims. The City's approval of an application under the standards and procedures of this Subdivision Ordinance does not guarantee or ensure that development of the property in accordance with the standards will prevent, minimize or mitigate harm to adjoining property. A person who undertakes development activities shall not rely on the City's approval of an application as ensuring that the development activities will not result in harm to adjoining property. The regulations contained in this Subdivision Ordinance constitute an exercise of the City's governmental authority, and approval of an application shall not give rise to any liability on the part of the City or its officers, agents and employees, nor will an approval release the applicant from any liability for harm arising out of development of the property under applicable law.
 - (4) Variances. Except as expressly provided for in Section 10.03.086, *Variances*, this Subdivision Ordinance, no official, board or commission of the City, or the City Council, shall have authority to waive any requirement or standard for an application. Any attempted variance of a requirement or standard for an application in contravention of this section shall hereby be deemed null and void, and, upon discovery, shall be grounds for revocation of a permit or approved application.
- (d) **Conflict in Authority.** If any of the provisions of this Subdivision Ordinance are in apparent conflict, the Director of Development Services shall, after due consideration as to the purpose and intent of each conflicting provision, make a determination as to which provision shall apply. The Director of

Development Services shall make every effort to be fair and consistent in such interpretations, and his decision may be appealed to the City Manager (see Section 10.03.016, *City Manager and Other Officials*), unless otherwise noted within.

Sec. 10.03.012.....RESPONSIBLE OFFICIAL ASSIGNED.

- (a) **Responsible Official.** The responsible official shall be the Director of a designated City department who is assigned responsibility under this Subdivision Ordinance for taking the following actions with regard to a particular type of application authorized under this Subdivision Ordinance (see also Table 10.03.111, *Applications – Responsible Officials, Decision Makers, and Appeals*).
- (1) Accepting the application for filing, and processing an application;
 - (2) Reviewing and making recommendations concerning an application;
 - (3) Seeking advice of other City departments, and coordinating any recommendations from such departments concerning an application;
 - (4) Determining a request for exemption;
 - (5) Preparing reports to and advising any board, commission or the City Council that has responsibility for making recommendations on or approving/denying an application;
 - (6) Promulgating additional or modified policies, standards and administrative rules for adoption by the City Council that apply to an application;
 - (7) Initiating enforcement actions concerning compliance with the standards applicable to an application and the conditions imposed thereon; and
 - (8) Taking all other actions necessary for administration of the provisions of this Subdivision Ordinance with respect to an application, petition, approval, or appeal.
- (b) **Delegation.** The responsible official may delegate the official's authority under this Subdivision Ordinance to subordinate officials, who shall thereupon be deemed the responsible official for purposes of carrying out the delegated duties.

Sec. 10.03.013.....DIRECTOR OF DEVELOPMENT SERVICES.

- (a) **Responsible Official.** The Director of Development Services is the responsible official for the following types of applications, waivers, variances and petitions:
- (1) Review and staff report, including a staff recommendation for approval/denial, for any type of plat;
 - (2) Waiver of right to 30-day action;
 - (3) Extension of a plat approval;
 - (4) Appeal of a decision on any application for which the Director of Engineering is the responsible official;
 - (5) Vested rights petition for any application when the Director of Development Services is the responsible official.
 - (6) Review recommendations by the Parks Board, and carry out the Board's decisions, on the following types of applications:
 - i. Acceptance of fees in lieu of parkland dedication;
 - ii. The portion of an application showing where park land, including trails, is to be dedicated, and whether such dedication is acceptable;
 - iii. Any other portions of applications showing items required by Article 10.03.080, *Parks and Open Space*.
- (b) **Final Decision-Maker.** The Director of Development Services is the final decision-maker for the following types of applications (subject to any appeal):
- (1) Minor Plat, as outlined in Section 10.03.035, *Minor Plats*;
 - (2) Amending Plat, as outlined in Section 10.03.038, *Amending Plats*;

- (3) Extension for a Preliminary Plat approval, as outlined in Section 10.03.033, *Preliminary Plats*; and
- (4) Certain types of Vested rights petitions, as outlined in Section 10.03.087, *Vested Rights*.

Sec. 10.03.014.....DIRECTOR OF ENGINEERING.

- (a) **Responsible Official.** The Director of Engineering is the responsible official for the following types of applications:
 - (1) Review of construction plans, including all engineering plans and related construction tasks, and approval of contracts for public improvements, as outlined in Section 10.03.041, *Construction Plans*;
 - (2) Time extensions for construction plans, as outlined in Section 10.03.041(h), *Extension*;
 - (3) Construction Releases, as outlined in Section 10.03.041(i), *Construction Release*;
 - (4) Development Agreement, as outlined in Section 10.03.044, *Development Agreements*;
 - (5) Appeal related to an application for which the Director of Engineering is the responsible official;
 - (6) Certain types of Variances (related to construction requirements), as outlined in Section 10.03.086, *Variances*; and
 - (7) Vested rights petition for an application for which the Director of Engineering is the responsible official, as outlined in Section 10.03.087, *Vested Rights*.
- (b) **Final Decision-Maker.** The Director of Engineering is the final decision-maker for the following types of applications (subject to any appeal):
 - (1) Approval of construction plans, including all engineering plans and related construction management tasks, and approval of contracts for public improvements;
 - (2) Construction Release;
 - (3) Extension for construction plans approval; and
 - (4) Certain types of Vested Rights petitions for an application for which the Director of Engineering is the initial decision-maker.

Sec. 10.03.015.....DIRECTOR OF PARKS & RECREATION.

- (a) **Responsible Official and Initial Decision-Maker.** The Director of Parks & Recreation is the responsible official for the review and recommendation to the Parks Board and for carrying out the Board's decisions, on the following types of applications:
 - (1) Acceptance of fees in lieu of parkland dedication;
 - (2) The portion of an application showing where park land, including trails, is to be dedicated, and whether such dedication is acceptable; and
 - (3) Any other portions of applications showing items required by Article 10.03.080, *Parks and Open Space*.

Sec. 10.03.016.....CITY MANAGER AND OTHER CITY OFFICIALS.

- (a) **City Manager.** Any decision which is made by a staff person other than the Director of Development Services shall be reviewed first by the Director of Development Services. Any decision that cannot be resolved by the Director of Development Services shall be appealed to the City Manager, who is the appellate decision-maker for any appeal for which the Director of Development Services is responsible.
- (b) **Fire Chief.** No provision contained in this Subdivision Ordinance shall be deemed or interpreted as a limitation on the Fire Chief's exclusive authority as set forth in the International Fire Code, especially as the decision relates to health and safety issues.
- (c) **Other City Officials.** The City Attorney and any other official delegated responsibilities under this Subdivision Ordinance or other provisions of the Code of Ordinances are authorized to take all actions

necessary to carry out their responsibilities in accordance with the requirements and limitations prescribed herein.

Sec. 10.03.017.....PLANNING & ZONING COMMISSION.

- (a) **Organization, Powers and Duties.** The Planning & Zoning Commission (also referred to as the "Commission") shall hold meetings and have the powers and duties as provided for in the Code of Ordinances of the City (Code of Ordinances, Chapter 106, *Zoning*), and as authorized by CHAPTER 211 AND 212 OF THE TEXAS LOCAL GOVERNMENT CODE. Such powers and duties shall include exercising all the authority and control conferred by law relating to platting.
- (b) **Staff Liaison.** The Director of Development Services shall act as the staff liaison to the Commission, and shall abide by the City's usual record-keeping and retention policies for boards and commissions, as amended, in maintaining records of the Planning & Zoning Commission's meetings and actions.
- (c) **Authority for Deciding Applications.** The Commission shall have the final authority to act on the following types of applications:
 - (1) Conveyance Plats;
 - (2) Preliminary Plats;
 - (3) Final Plats;
 - (4) Replats (at a public hearing);
 - (5) All other types of plats, with the exception of Minor Plats and Amending Plats (which may be decided by the Director of Development Services, unless deferred to the Commission).
- (d) **Authority for Deciding Appeals.** The Commission shall hear and decide the following appeals:
 - (1) Any Variance petition on an application for a Preliminary Plat, Final Plat or Replat;
 - (2) Minor Plat or Amended Plat that is deferred by the Director of Development Services, as outlined in Section 10.03.035(h), *Appeal of Decision on Minor Plat Application*, or Section 10.03.038(i), *Appeal of Decision on Amending Plat Application*, as applicable;
 - (3) Any other appeal so authorized by this Ordinance.

Sec. 10.03.018.....CITY COUNCIL.

- (a) **Authority for Deciding Appeals.** The City Council shall hear and decide appeals from decisions made by the Commission when such appeals are authorized by this Ordinance.

Sec. 10.03.019.....RESERVED.

ARTICLE 10.03.020 SUBMITTAL PROCESS

Sec. 10.03.021.....PRE-SUBMITTAL MEETING (Development Review Committee Meeting).

- (a) **Optional Development Review Committee Meeting.** Prior to the official submission of an application for review and consideration, applicants are strongly encouraged to contact the Development Services staff to schedule a Development Review Committee (DRC) Meeting. This meeting will alert the applicant to the ordinances that apply to the specific project.
- (b) **Members of DRC.** Members of DRC are made up of representatives from the departments that have direct communication with all aspects of the development process: Planning, Engineering, Fire, Public Works, and Parks.
- (c) **Date and Time of DRC Meeting.** DRC meetings are held on Wednesday morning beginning at 9:00 a.m. the first hour is for internal review of cases and from 10:00 a.m. until noon, the staff will assist applicants with questions and issues regarding their case. These dates and times may be modified by the Director of Development Services.
- (d) **Meeting Request.** To schedule a DRC Meeting, the applicant requests a DRC Meeting with the Development Services staff, and such request shall describe the type of development desired and/or the type of application intended for submittal along with an initial concept plan. The applicant shall then be notified by the Development Services staff of the time and place for the requested meeting.
- (e) **Vested Rights.** There shall be no vested rights based on the DRC Meeting.
- (f) **Effect.** Following the DRC Meeting, the applicant may proceed with the submittal of the appropriate application(s), including, but not limited to, the Conveyance or Preliminary Plat, Final Plat, Civil Plans, and Building Plans.

Sec. 10.03.022.....APPLICATION CONTENTS.

- (a) **Application Contents Generally.** All applications shall be submitted on a form supplied by the Development Services staff with the required information and exhibits as stated on the application form. Incomplete applications shall not be accepted.
 - (1) Application Timing.
 - i. Development Services staff shall establish submittal deadlines for all applications decided by the Director of Development Services and by the Commission. Such submittal schedule will be posted on the City website.
 - ii. An application must be considered officially complete in accordance with Section 10.03.023(c), *Determination of Completeness*, of this Subdivision Ordinance prior to being processed for review and consideration.
 - (2) Fees Required. Every application shall be accompanied by the prescribed fees set forth in the City's Fee Schedule, as approved by City Council and as may be amended from time to time. Fees are not refundable and are not a guarantee of approval. Review of the application will not begin until the appropriate fees have been processed by the City.
- (b) **Modification of Applications Prior to Approval.** The applicant may modify any submitted application prior to the expiration of the period during which the City is required to act on the application.
 - (1) Modifications Requested by the City. City requested revisions or modifications to any plat are required to be resubmitted to the Department Services Department a minimum of thirty (30) calendar days prior to the scheduled date for the Planning & Zoning Commission hearing to allow staff adequate time to review the revisions and modifications for completeness and accuracy. Resubmittals for residential replats that require public noticing must be submitted a minimum of

twenty (20) calendar days prior to the scheduled date for the Planning & Zoning Commission hearing to allow staff adequate time to review the revisions and modifications for completeness and accuracy and to publicize the public hearing in the official newspaper of the City, as required by State law.

- (2) Additional Revisions. Should certain requested revisions not be completed to the satisfaction of the City staff, additional revisions may be required from the applicant. The additional comments to be addressed may affect the tentatively scheduled Planning & Zoning Commission hearing date.
- (3) Applicant Initiated Revisions. In all other instances (e.g., when the applicant chooses to submit a revised application on his own accord because of a change in development decisions), submittal of a modified application shall be accompanied by a properly executed waiver of right to 30-day action (see Section 10.03.023(d), *Waiver of Right to 30-Day Action*) in order to allow City staff adequate time to review the new information and modifications, and shall extend the time for deciding the application for a period equal to the time specified in this Subdivision Ordinance to decide the original application, commencing on the official filing date of the modified application.

Sec. 10.03.023.....APPLICATION SUBMITTAL PROCESS, OFFICIAL FILING DATE, 30-DAY WAIVER.

- (a) **Initiation by Owner.** An application required under this Subdivision Ordinance may be initiated only by the owner of the land subject to the application, or by the owner's duly authorized representative. If the applicant is a representative of the property owner, the application shall include a written and notarized statement from the property owner, such as a duly executed Power of Attorney, authorizing the representative to file the application on the owner's behalf.
- (b) **Applicability.** The procedures within this Chapter shall apply to all applications that are required by the City and submitted in accordance with this Subdivision Ordinance.
- (c) **Official Filing Date.** The 30-day time period established by State law, and by this Subdivision Ordinance, for processing and deciding a complete application shall begin on the Official Filing Date. The Official Filing Date is defined as the scheduled intake date for each bi-monthly review period and shall be thirty (30) days prior to the Planning & Zoning Commission meeting, as shown on the *Planning Submittal Schedule*, found on the City of Celina Development Services webpage. Submittals presented to the City electronically are considered to be accepted for submittal on the first Official Filing Date following the date the plans are sent. If the Official Filing Date falls on a City holiday, then the Official Filing Date shall be the next business day following the holiday. Fees shall be processed on the Official Filing Date.
- (d) **Waiver of Right to 30-Day Action.** The Director of Development Services shall be the responsible official for a waiver of right to 30-day action.
 - (1) Application includes Waiver Language. A waiver of right to 30-day action is included as part of plat applications. Applicants are strongly encouraged to sign the request waiving the right to 30-day action since the review and revision process for plats frequently requires more time than the number of days allowed by State Law. Signing the waiver in no way slows the processing of the plat in question and staff will make every effort to expedite the plat approval process.
 - (2) Effect of not Signing the 30-Day Waiver. However, if the applicant chooses to not sign the waiver of right to 30-day action, and the plat review has not been completed within the time limit imposed by State Law, the staff must take to plat to the Planning & Zoning Commission with a recommendation for denial within the 30-day time period. Subsequently, the applicant must re-submit the plat request, pay the application fee again, and begin the process as if the plat had never been submitted or reviewed.
 - (3) Residential Replat Notification and 30-Day Waiver. An application for a Residential Replat requiring public noticing by State law shall necessitate the inclusion of a waiver of right to 30-day action since

it is not possible to legally notice for the public hearing for a residential replat as required by State law and also schedule the residential replat for consideration before the Planning & Zoning Commission within the 30-day timeframe.

- (4) **Requirements Maintained.** Submission of a waiver of right to 30-day action, and acceptance of such waiver by the City as part of an application, shall not be deemed in any way a waiver to any requirement within this Subdivision Ordinance. Any waiver from the subdivision requirements herein is a separate and distinct process (see Section 10.03.086, *Variances*).

- (e) **Owners Dedication Language.** Refer to the Development Handbook (available online) for the appropriate owner dedication language to include on the plat and all other plat signature block wording and form.

Sec. 10.03.024.....APPLICATION PROCESS, REVISIONS, APPROVAL.

- (a) **Action by Responsible Official.** The responsible official for an application shall initiate internal (i.e., by City departments) review and assessment of the application according to the City's development review procedures. The responsible official shall also, to the extent possible, work with the applicant by advising on and communicating revisions that may be necessary to bring the application into compliance with City regulations in preparation for consideration by the appropriate decision-maker.
- (b) **Revisions to Exhibits.** The responsible official may enumerate to the applicant such revisions to the plat exhibits as are necessary to bring the exhibit into compliance with the Subdivision Ordinance. Such revisions shall be made by the applicant or his agent in a timely fashion.
- (c) **Decision.** The decision-maker for the application shall approve, approve with conditions, or deny the application within the time period prescribed by this Subdivision Ordinance.
- (d) **Conditions Attached.** The decision-maker may attach such conditions to the approval of an application as are reasonably necessary to ensure compliance with all applicable requirements of this Subdivision Ordinance. These conditions of approval shall be completed prior to the plat being filed for record in Denton or Collin County.
- (e) **Notification of Decision.** The City shall send written notice of a decision on an application within fourteen (14) calendar days following the approval date. This written notice will include any future steps the applicant must take.
- (f) **Notification of City Appeal.** Whenever an appeal is requested from a final decision on an application following a public hearing, or whenever the City is to consider revocation of an application that was obtained following a public hearing, personal notice of the appeal or revocation proceeding shall be provided to the applicant.

Sec. 10.03.025.....PUBLIC HEARINGS REQUIRED FOR CERTAIN REPLATS.

- (a) **Scheduling and Noticing the Hearing.** When the responsible official determines that an application is complete and that a public hearing is required by this Subdivision Ordinance (see Section 10.03.037, *Residential Replats*), the official shall cause notice of such hearing to be prepared and made in accordance with State law. The time set for the hearing shall conform to the time periods required by Sections 10.03.026, *Amendments and Expirations of Current Projects*, and 10.03.027, *Expiration of Projects Approved Prior to the Establishment of this Subdivision Ordinance* in this Subdivision Ordinance and by State law.
- (1) **Residential Replats.** By State law, residential replats require that a public notice be placed in the official newspaper of the City a minimum of fifteen (15) days prior to the public hearing. In addition, written notices of the proposed residential replat shall be mailed to all property owners located within 200 feet of the subject property a minimum of fifteen (15) days prior to the public hearing.

Notice of the public hearing shall also be posted with the agenda at the City Hall and on the City's website within the prescribed time limits, as required by State law.

- (2) Replats Other than Residential Replats. All replats require a public hearing. However, no public noticing is required on a non-residential replat other than the agenda being posted at the City Hall and on the City's website, as with any other platting case coming before the Planning & Zoning Commission.

- (b) **Conduct of the Hearing.** The public hearing shall be conducted in accordance with State law. Any person may appear at the public hearing and submit evidence, either individually or as a representative of an organization. Each person who desires to speak at a public hearing shall state his name and address, and if appearing on behalf of an organization, state the name of the organization for the record.
- (c) **Record of Proceedings.** The Planning & Zoning Commission shall record the proceedings using standard municipal record-keeping procedures (i.e. Minutes of the meeting).

Sec. 10.03.026.....AMENDMENTS & EXPIRATION OF CURRENT PROJECTS.

- (a) **Amendments/Revisions to an Approved Application.** Unless another method is expressly provided by this Subdivision Ordinance, any request to amend or revise an approved application shall be considered a new application, which must be considered in accordance with the procedures governing the original application and the standards in effect at the time such new application is filed with the City.
- (b) **Expiration.**
 - (1) Unless otherwise expressly provided by this Subdivision Ordinance, an approved application for a plat or civil plans shall automatically expire one (1) year following the approval date of the application (see Section 10.03.041(g), *Expiration of Construction Plans*), and shall become null and void, and all activities under the application thereafter shall be deemed in violation of this Subdivision Ordinance, if:
 - i. The applicant fails to satisfy any condition that was imposed by this Subdivision Ordinance or as part of the approval of the application or that was made under the terms of any Development Agreement, within the time limits established for satisfaction of such condition or term; or
 - ii. The applicant fails to submit a subsequent complete application required by this Subdivision Ordinance within the time so required; or
 - iii. A Development Agreement has not been approved for the development.
 - (2) The Director of Engineering may extend the time of expiration for the plat or construction plans by one (1) year if the applicant has requested the extension in writing and listed the cause for the delay. Any further extension of the expiration date shall be considered by the Planning & Zoning Commission and the Commission's decision shall be final.
 - (3) If no time limit for satisfaction of conditions is specified in the decision on the application, the time shall be presumed to be two (2) years following the date the application was approved, except as provided through a vested rights petition.
 - (4) An expiration date may differ from the first anniversary of approval upon approval of a different date being determined pursuant to a vested rights petition (Section 10.03.087, *Vested Rights*).
- (c) **Effect of Expiration.** Upon the expiration of an approved application, all previously approved applications for the same land shall also expire on the expiration date if the filing of an application was required to avoid expiration for the previously approved application(s), except as provided in Section 10.03.027, *Expiration*. Thereafter, a new application must be submitted for consideration and approval subject to regulations in effect at the time the new application is filed.

Sec. 10.03.027.....EXPIRATION (Projects Approved Prior to the Establishment of this Subdivision Ordinance).

- (a) **Two-Year Expiration Established.** Notwithstanding any other provision of this Subdivision Ordinance, for any approved application for which no expiration date was in effect on the date this Subdivision Ordinance was duly adopted by City Council, an expiration date of two (2) years following the date of approval of the application shall apply, unless the applicant files a written petition before such date for a vested rights determination pursuant to Section 10.03.087, *Vested Rights*, alleging that progress has been made toward completion of the project for which the application subject to expiration was filed. If a vested rights petition is timely filed and subsequently approved, the City Council shall determine the expiration date of the application in deciding the petition.
- (b) **Five-Year Expiration Established.** Notwithstanding any other provision of this Subdivision Ordinance, once an application has expired as described above, all previously approved applications for the same land also shall expire no later than five (5) years following the date of filing of the first application for the project for which the expired application was filed, unless the applicant files a written petition before such date for a vested rights determination pursuant to Section 10.03.087, *Vested Rights*. If a vested rights petition is timely filed and subsequently approved, the City Council shall determine the expiration date of the previously approved applications in deciding the petition.

Sec. 10.03.028 to 10.03.029.....RESERVED.

ARTICLE 10.03.030SUBDIVISION PROCEDURES

Sec. 10.03.031.....SUBDIVISION PROCEDURES & PLAT TYPES.

(a) **Approval Required.**

- (1) Unless and until any plat, plan, or replat shall has been first approved in the manner provided by law, it shall be unlawful for any person, firm, corporation, or organization to construct or cause to be constructed any streets, utilities, buildings or other improvements to any tract of land; and any official of the City shall not issue any permit for such improvements or to serve or connect said land, or any part thereof, or for the use of the owners or purchasers of said land, or any part thereof, with any public utilities such as water, sewers, lights, gas, etc., which may be owned, controlled, distributed, franchised, or supplied by the City.
- (2) No building permits will be issued for the construction of any building on any unplatted land within the City and the City's extraterritorial jurisdiction (ETJ). Minor repair permits may be issued for an existing structure. When additions, alterations, or repairs within any twelve (12) month period exceed fifty percent (50%) of the value of an existing building or structure on previously unplatted property, the land upon which such building or structure is located shall be platted in accordance with the provisions of this chapter.

- (b) **Improvements Required.** All of the improvements required under these regulations, or improvements specified in the *Comprehensive Plan* of the City, or improvements which, in the judgment of the Director of Engineering, are necessary for the adequate provision of streets, utilities, drainage, services, and facilities to the subdivision and to surrounding areas of the City, shall be constructed at the sole expense of the developer, unless other provisions are approved by the City Council. All improvements required by this chapter shall be constructed and accepted by the Director of Engineering prior to filing the associated plat, unless otherwise specified in a binding contractual Development Agreement approved by City Council. Payment for any and all improvements that are not to be made at the time of the primary construction of the subdivision or development shall be made a part of the signed and executed Development Agreement.

(c) **Types of Plats Required.**

- (1) Final Plat or a Minor Plat. A Final Plat or Minor Plat must be approved prior to any land division that is subject to these regulations and prior to commencement of any new development or construction project. A Conveyance Plat may be approved for the reasons enumerated in Section 10.03.032(a), *Purpose*, but no vertical construction may occur until an associated Final Plat or Minor Plat is approved.
- (2) Replat. A Replat in accordance with State Law and the provisions of Sections 10.03.036, *Replats*, and 10.03.037, *Residential Replats*, shall be required any time a platted, recorded lot is further divided or expanded, thereby changing the boundary and dimensions of the property. In the case of minor revisions to recorded plats or lots, a Minor Plat or Amending Plat may also be utilized if allowed by State Law and if in accordance with Section 10.03.035, *Minor Plats*, Section 10.03.036, *Replats*, and 10.03.038, *Amending Plats*, respectively.

- (d) **Exemptions.** The following land divisions are exempt from the requirements of this Subdivision Ordinance that apply to plats:

- (1) Use of existing cemeteries complying with all State and local laws and regulations; and
- (2) A division of land created by order of a court of competent jurisdiction, provided however, that prior to construction of improvements, a plat meeting the requirements of this Ordinance shall be approved and recorded prior to the issuance of permits.

- (e) **Zoning.** A property within the City's corporate limits that is being proposed for platting or development must be properly zoned by the City prior to submission of an application for approval of any concept plan or plat. In addition, the proposed development layout or subdivision design shown on the proposed concept plan or plat must be in conformance with all standards and requirements prescribed in the City's zoning ordinance and this division.
- (1) Conformance with Existing Zoning. All applications shall be in conformance with the existing zoning on the property, as applicable.
 - (2) Request to Rezone Prior to Platting. If an applicant seeks to change the zoning for the property, the request to rezone the land shall be submitted and approved prior to acceptance of an application for any type of plat for recordation unless as otherwise provided below:
 - i. The applicant may request approval from the Director of Development Services to submit a plat application simultaneously with the zoning change request, in which case the application for the zoning amendment shall be acted upon first, provided that the application is accompanied by a properly executed Waiver of Right to 30-Day Action (due to the additional timeframe necessary to advertise and process zoning applications).
 - ii. In the event that the requested zoning amendment is denied, the plat application shall also be denied.
 - iii. It is not necessary to rezone the tract prior to the submittal and approval of a Conveyance Plat which is exclusively for the purpose of the sale of land and not as a precursor to development.
 - iv. It is not necessary to zone or rezone the tract prior to the submittal and approval of any plat within the City's ETJ, since the ETJ is not subject to the Zoning Ordinance.
 - (3) Site Plan Approval. Where Site Plan or Concept Plan approval is required by the Zoning Ordinance, a Conveyance Plat or Preliminary Plat shall be submitted prior to or concurrently with the Site Plan or Concept Plan application so the interrelated plans may be reviewed to determine if they will function together. A Final Plat may be submitted concurrently with the Site Plan application or at a later date.
- (f) **Stages of Plat Approval, Staff Review, and Approval.**
- (1) Preliminary and Final Plats. The platting process of land not previously platted typically involves two (2) approval stages: submission and approval of a Preliminary Plat (or Conveyance Plat under certain circumstances) and subsequent submission and approval of an associated Final Plat. However:
 - i. An applicant may proceed with the plat to be recorded without an approved Conveyance Plat or Preliminary Plat if one of the following conditions apply:
 - a. A Minor Plat is sufficient for submittal; or
 - b. A Concept Plan for a multi-family, single-family attached or nonresidential development is submitted and approved in accordance with the Zoning Ordinance.
 - c. The lot in question is less than two acres in size and will be developed in one phase.
 - ii. An applicant may submit construction plans and a Final Plat (or Minor Plat) simultaneously in lieu of a Preliminary Plat if a Development Agreement and appropriate surety (see Section 10.03.044, *Development Agreements*) are submitted along with the application.
 - (2) Staff Review. Unless otherwise specified under the regulations for a specific type of plat:
 - i. The Director of Development Services shall be the responsible official for processing a plat, and shall be responsible for the initial review of a plat for conformance with this Subdivision Ordinance and any other applicable ordinances of the City.
 - ii. The Director of Development Services shall direct other City staff to review all applications for conformance with this Subdivision Ordinance and with other applicable City regulations and

supply to the applicant a list of revisions necessary for compliance with the Subdivision Ordinance, if warranted.

- (3) Approval. Authority for the approval of plats is granted by the State to either the Planning & Zoning Commission or the Director of Development Services. See individual plat descriptions, below, for the appropriate approval authority.
- (4) Signatures Required on Filed Plats. When any plat is prepared for filing with Denton or Collin County, each copy to be certified by the County must be signed by the Chairman of the Planning & Zoning Commission and a City Official of Celina, defined as being one of the following: the Mayor, the City Manager, or an Assistant City Manager. Both signatures shall be attested by the City Secretary.
- (5) Director of Engineering Signature Required. When any plat is prepared for filing with Denton or Collin County, and the installation of public improvements is required prior to the recordation of the plat, the Director of Engineering shall also endorse the plat after all conditions of approval of the plat have been satisfied and all public improvements completed to the City's specifications. There shall be written evidence that the required public improvements have been installed in a manner satisfactory to the City as shown by a certificate signed by the Director of Engineering stating that the necessary dedication of public lands and installation of public improvements has been accomplished.

Sec. 10.03.032.....CONVEYANCE PLATS.

- (a) **Purpose.** There are several purposes of a Conveyance Plat:
 - (1) To subdivide land and to provide for recordation of same, for the purpose of conveying (i.e., selling) the property without developing it in the near future. A Conveyance Plat may be used to convey the property or interests therein; however, a Conveyance Plat does not constitute approval for any type of development on the property. A Conveyance Plat is an interim step in the subdivision and development of land.
 - (2) To establish a general layout of lots as a preliminary step to Final Platting. In this case, the Conveyance Plat shall establish and show necessary fire lanes and other easements when a portion of the Conveyance Plat tract is being Final Platted. For example, a Conveyance Plat lays out the tract into multiple lots and only one of those lots will be Final Platted. However, no vertical construction may occur on any portion of a Conveyance Plat that has not subsequently been Final Platted. This function of a Conveyance Plat eliminates the necessity of filing legal Separate Instruments with Denton or Collin County for off-site improvements necessary for the development of the lot being Final Platted (see Diagram 10.03.113, *Median and Cross Access*).
 - (3) To record the remainder of a tract that is larger than five (5) acres, and that is created by the Final Platting of a portion of the property, provided that the remainder is not intended for immediate development.
 - (4) To record the subdivision of property into parcels, five (5) acres or smaller in size, that are not intended for immediate development, provided all required public improvements exist to the City's current standards prior to approval and minimum frontage requirements are met. All public rights-of-way, fire lanes, and access easements must be dedicated and all abutting streets and utilities must be installed and accepted by the City. Installation of on-site improvements may be deferred if development of other tracts is not affected.
- (b) **Review and Consideration.**
 - (1) Unless otherwise specified within this section for specific requirements for a Conveyance Plat, a Conveyance Plat shall be processed and approved using the same timing and procedures, including recordation, as specified for a Final Plat. Procedures to appeal a decision on a Conveyance Plat shall also be processed and considered the same as a Final Plat.

- (2) Specific requirements for the plat exhibit may be found on the City of Celina Development Services webpage under *Plat Checklists*.
 - (3) A Conveyance Plat shall be accompanied by a Concept Plan (see Section 10.03.047) regardless if the development of the tract is to be postponed in order to ensure that accepted development practices will be applied to the parcel in the future and the Conveyance Plat will not create an undevelopable tract of land.
- (c) **Subsequent Filing of a Final Plat.** No Final Plat processed and approved in association with a Conveyance Plat shall be filed without the concurrent or prior filing of the associated approved Conveyance Plat for the remainder of the subject property.
- (d) **Conveyance Plat Limitations.**
- (1) No building or development permit shall be issued nor permanent utility service provided for land that has only received approval as a Conveyance Plat; a Final Plat must be filed for building and development permits and for utility service.
 - (2) A Conveyance Plat may be superseded by a revised Conveyance Plat or a Final Plat in total or in part through compliance with the procedures and requirements of this Ordinance.
- (e) **Standards for Approval.**
- (1) Access. All lots created by a Conveyance Plat shall have access to an improved public street that meets the City's minimum design and paving standards. All lots created by a Conveyance Plat shall provide points of access as required by the Zoning Ordinance and/or by this Ordinance.
 - (2) Reservation of Rights-of-Way. Conveyance plats must provide for the reservation of future rights-of-way of planned roadways, as shown on the Master Thoroughfare Plan. Right-of-way reservation acknowledges the future obligation to dedicate right-of-way for public thoroughfares and streets specified on the City's Thoroughfare Plan or approved Concept Plan. Reservation of right-of-way does not grant any right or interest in the property to the City, State, or other government entity. The final alignment of such roadways may be adjusted upon Final Platting in order to meet the standards of the *Engineering Design Standards*.
 - (3) Dedication of Rights-of-Way. Dedication of right-of-way shall be required where a Conveyance Plat is used to record the remainder of a tract created by the Final Platting of a portion of the property. The required right-of-way dedication shall be limited to that which is necessary to provide access to the property proposed for the Final Plat approval and to complete turn lanes, intersections, and transitions in road pavement width resulting from development of the property proposed for the Final Plat approval and what is considered to be roughly proportional to the impact of the development (see Section 10.03.088, *Rough Proportionality*, for more information). The Director of Engineering or Fire Marshal may require a temporary paved turn-around if a street is stubbed pending future construction.
- (f) **Approval of Conveyance Plats.** The Planning & Zoning Commission is authorized to approve, approve with conditions, or disapprove Conveyance Plats.
- (g) **Effect of Approval.**
- (1) The approval of a Conveyance Plat authorizes the sale of the lot(s) created thereon, but does not authorize any type of development on the property. The applicant and future owner(s) of the property remain obligated to comply with all provisions in this Subdivision Ordinance upon future development of the property including, but not limited to, all requirements for platting, required public improvements, utility extensions, street improvements or assessments, right-of-way and easement dedications, and all other requirements in this Subdivision Ordinance.
 - (2) Neither reservation nor dedication of right-of-way shall relieve the property owner from obligations for street construction or assessments associated with public street improvement programs.

- (3) Easements for access, utilities, and drainage may be recorded on Conveyance Plats.
- (4) No building permit shall be issued nor permanent utility service provided for land which has only received approval as a Conveyance Plat. Notwithstanding the above, the Building Official may authorize temporary building permits, temporary occupancy permits, and temporary utility service prior to Final Plat approval and recordation, if deemed appropriate.

Sec. 10.03.033.....PRELIMINARY PLATS.

- (a) **Purpose.** The purpose of a Preliminary Plat is to determine the general layout of the subdivision, the adequacy of public facilities needed to serve the intended development, and the overall compliance of the land division with applicable requirements of this Subdivision Ordinance and the Zoning Ordinance regulations for each zoning district. A Preliminary Plat is not recorded in the County. If a development is to be constructed in phases, a Conveyance Plat may be substituted for a Preliminary Plat should the lots be Final Platted separately and off-site easements need to be filed for record.
- (b) **Exceptions.**
 - (1) A Preliminary Plat is not required when a Minor Plat or Amending Plat is adequate.
 - (2) A Final Plat in accordance with Section 10.03.034, *Final Plats*, along with construction plans in accordance with Section 10.03.041, *Construction Plans*, may be submitted in lieu of a Preliminary Plat if a Development Agreement and appropriate surety are submitted along with the application.
- (c) **Accompanying Applications.**
 - (1) An application for a Preliminary Plat shall be accompanied by a Preliminary Drainage Plan, a Preliminary Utility Plan, and other plans deemed necessary for thorough review by the Director of Development Services or the Director of Engineering. However, approval of each shall be separate and in accordance with this Section 10.03.033, *Preliminary Plats* and with Section 10.03.041, *Construction Plans*.
 - (2) The applicant shall furnish as part of the Preliminary Plat submittal a current title commitment issued by a title insurance company authorized to do business in Texas, a title opinion letter from an attorney licensed to practice in Texas, or some other acceptable proof of ownership, identifying all persons having an ownership interest in the property that is the subject of the Preliminary Plat.
 - (3) Specific requirements for the plat exhibit may be found on the City of Celina Development Services webpage under *Plat Checklists*.
- (d) **Review by Director of Development Services.** The Director of Development Services shall:
 - (1) Initiate review of the plat and materials submitted (including the required Preliminary Drainage Plan and Preliminary Utility Plan).
 - (2) Request written comments from other City departments, such as Engineering, Fire, Parks & Recreation, or other departments, as deemed necessary, which will be submitted to the applicant for compliance and revisions.
 - (3) Provide and make available the plat exhibit and reports to the Commission for review.
 - (4) Upon determination that the application is ready to be acted upon, schedule the Preliminary Plat for consideration on the agenda of the next available meeting of the Planning & Zoning Commission.
- (e) **Action by Planning & Zoning Commission.** The Commission shall:
 - (1) Review the Preliminary Plat application, the findings and recommendation of the Director of Development Services, and any other information available. From all such information, the Commission shall determine whether the Preliminary Plat conforms to the regulations of this Subdivision Ordinance.
 - (2) Act within thirty (30) calendar days following the official filing date of the Preliminary Plat application (unless the applicant submits a waiver of right to 30-day action as outlined in Section

10.03.023(d), *Waiver of Right to a 30-Day Action*. If no decision is rendered by the Commission within the thirty (30) day period described above or such longer period as may have been agreed upon by the applicant and the City officials, the Preliminary Plat, as submitted, shall be considered to be approved.

- (3) Take one of the following actions:
 - i. Approve the Preliminary Plat;
 - ii. Approve the Preliminary Plat with conditions, which shall mean that the Preliminary Plat shall be considered to have been approved once such conditions are fulfilled; or
 - iii. Deny the Preliminary Plat.

(f) **Standards for Approval.** The following criteria shall be used by the Commission to determine whether the application for a Preliminary Plat shall be approved, approved with conditions, or denied:

- (1) The Preliminary Plat is consistent with all zoning requirements for the property, including any applicable Planned Development zoning standards, and with any approved Development Agreement, if applicable;
- (2) The proposed provision and configuration of public improvements including, but not limited to, roads, water, wastewater, storm drainage, park facilities, open spaces, habitat restoration, easements and rights-of-way are adequate to serve the development, meet applicable standards of this Subdivision Ordinance, and conform to the City's adopted master plans for those facilities;
- (3) The Preliminary Plat is in accordance with the City's interlocal agreement with Denton or Collin County if the proposed development is located in whole or in part in the ETJ of the City;
- (4) The Preliminary Plat has been duly reviewed and accepted as meeting the requirements of the Subdivision Ordinance by City staff;
- (5) The Preliminary Plat conforms to design requirements and construction standards as set forth in the *Engineering Design Standards*;
- (6) The Preliminary Plat is consistent with the *Comprehensive Plan*, except where application of the Plan may conflict with State law (e.g., land use in the ETJ); and
- (7) The proposed development represented on the Preliminary Plat does not endanger public health, safety or welfare.

(g) **Approval of Preliminary Plats.** The Planning & Zoning Commission is authorized to approve, approve with conditions, or disapprove Preliminary Plats.

(h) **Effect of Approval.** The approval of a Preliminary Plat shall allow the applicant to proceed with the next step in the development and platting process by submitting a Final Plat and Construction Plans, and later submit an application for a Building Permit. Approval of the Preliminary Plat shall be deemed general approval of the subdivision's layout only, and shall not constitute approval or acceptance of construction plans or the associated Final Plat.

(i) **Appeal of the Decision on a Preliminary Plat Application.**

- (1) Initiation of an Appeal. The applicant may appeal the decision of the Commission by submitting a written notice of appeal to the Director of Development Services within fourteen (14) calendar days following the date of the Commission's decision. A letter stating the reasons for the appeal, citing the specific applicable section(s) of the Subdivision Ordinance, shall be submitted by the applicant to the Director of Development Services.
- (2) Council Decision. Once the formal appeal is made, staff will schedule the hearing to be heard by the City Council at the first scheduled public meeting that meets the published deadline of the City Secretary. The City Council may affirm, modify or reverse the decision of the Commission by simple majority vote. The decision of the City Council is final.

(j) **Expiration.**

- (1) Two-Year Validity. The approval of a Preliminary Plat shall remain in effect for a period of two (2) years following the date of approval, during which period the applicant shall submit and receive approval for construction plans and a Final Plat for a portion or all of the land area shown on the Preliminary Plat. If construction plans and a Final Plat application have not been approved within the two (2)-year period, the Preliminary Plat shall automatically expire.
 - (2) Phased Developments. A Final Plat and construction plans must be approved within two (2) years of the approval of the Preliminary Plat. When a project is phased, the Preliminary Plat may be extended for a period of one (1) year, during which time a subsequent Final Plat and construction plans must be approved. Preliminary Plats may be extended automatically for a period of one (1) so long as substantial activity on the property continues.
 - (3) Relationship to Construction Plans. A Preliminary Plat shall remain valid for the period of time in which approved construction plans are valid.
 - (4) Action on Final Plat. Should a Final Plat application be submitted within the two (2)-year period, but not be acted upon by the Commission within the two (2)-year period, the Preliminary Plat shall expire unless an extension is granted as provided below in Section 10.03.033(k), *Extension*, and in Section 10.03.026, *Amendments and Expiration of Current Projects*.
 - (5) Void If Not Extended. If the Preliminary Plat is not extended as provided above, it shall expire and shall become null and void after a period of two (2) years of the date of approval.
- (k) **Extension.** A Preliminary Plat may be extended for a period not to exceed one (1) year beyond the Preliminary Plat's expiration date. A request for extension shall be submitted to the Development Services Department in writing within sixty (60) calendar days following the expiration of the Preliminary Plat, and shall include reasons why the Preliminary Plat should be extended.
- (1) Decision by the Director of Development Services.
 - i. The Director of Development Services will review the extension request and shall approve it, approve it with conditions, or deny the extension request within thirty (30) calendar days following the official filing date of the request.
 - ii. Should the Director of Development Services fail to act on an extension request within thirty (30) calendar days, the extension shall be deemed to be approved.
 - (2) Considerations. In considering an extension, the Director of Development Services shall consider whether the following conditions exist:
 - i. A Final Plat has been submitted and/or approved for any portion of the property shown on the Preliminary Plat;
 - ii. Construction plans have been submitted and/or approved for any portion of the property shown on the Preliminary Plat;
 - iii. Construction is occurring on the subject property;
 - iv. The Preliminary Plat complies with new ordinances that impact the health, safety and general welfare of the community; and/or
 - v. If there is a need for a park, school or other public facility or improvement on the property.
 - (3) Additional Conditions.
 - i. In granting an extension, the decision-maker may impose such conditions as are needed to ensure that the land will be developed in a timely fashion and that the public interest is served. Any extension may be predicated upon compliance with new development regulations and/or the applicant waiving any vested rights.
 - ii. All applicable City taxes shall be considered current prior to the consideration of any extension of the Preliminary Plat expiration date. Time extensions will not be considered for any property on which taxes are delinquent. Proof of payment shall be entered into the file.
 - (4) Appeal of Denial for Extension.

- i. *Appeal of the Director's Decision.* The denial of an extension by the Director of Development Services may be appealed to the Commission. A written request for such appeal shall be received by Development Services Department within fourteen (14) calendar days following the denial. The Commission shall hear and consider such an appeal at the first scheduled public meeting that meets the published deadlines of the Development Services Department.
- ii. *Appeal of the Commission's Decision.* The denial of an extension by the Commission may be appealed to the City Council. A written request for such appeal shall be received by the Director of Development Services within fourteen (14) calendar days following the denial. Once the formal appeal is made, staff will schedule the hearing to be heard by the City Council at the first scheduled public meeting that meets the published deadline of the City Secretary. The City Council may affirm, modify or reverse the decision of the Commission by simple majority vote. The decision of the City Council is final.

(l) **Amendments to Preliminary Plat Following Approval.**

- (1) Minor Amendments. Minor amendments to the design of the subdivision subject to an approved Preliminary Plat may be incorporated in an application for approval of the associated Final Plat without the necessity of submitting a new application for reconsideration of a Preliminary Plat. Minor amendments include, but are not limited to, minor adjustments in street or alley alignments, street lengths and paving details, and minor adjustments to lot lines that do not result in creation of additional lots or any non-conforming lots (that do not comply with Zoning standards), provided that such amendments are consistent with the intent of the previously approved application.
- (2) Major Amendments. All other proposed changes to the design of the subdivision subject to an approved Preliminary Plat shall be deemed major amendments that require submittal and approval of a new application for approval of a Preliminary Plat (including new fees, new reviews, new official filing date, etc.) before approval of construction plans and/or a Final Plat.
- (3) Determination. The Director of Development Services shall make a determination of whether proposed amendments are deemed to be minor or major, thereby requiring new submittal of a Preliminary Plat.

Sec. 10.03.034.....FINAL PLATS.

- (a) **Purpose.** The purpose of a Final Plat is to ensure that the proposed subdivision and development of the land is consistent with all standards of this Subdivision Ordinance pertaining to the adequacy of public facilities, that public improvements to serve the subdivision or development have been installed and accepted by the City or that provision for such installation has been made, that all other requirements and conditions have been satisfied or provided for to allow the Final Plat to be recorded. The Director of Engineering may allow the grading and flatwork on the subject property following the approval of a Final Plat by the Planning & Zoning Commission.
- (b) **Exceptions.** A Final Plat is not required when a Minor Plat is sufficient (refer to Section 10.03.035, *Minor Plats*).
- (c) **Ownership.**
 - (1) The applicant shall furnish to the City a current title document issued by a title insurance company authorized to do business in Texas, a title opinion letter from an attorney licensed to practice in Texas, or some other acceptable proof of ownership, identifying all persons having an ownership interest in the property subject to the Final Plat.
 - (2) The Final Plat application shall be signed by each owner, or by the representative of the owners authorized to sign legal documents for the owners, effectively denoting that they are consenting to the platting of the property and to the dedications and covenants that may be contained in the Final

Plat. Such consent shall be subject to review and approval by the City Attorney, and the applicant shall reimburse the City for all related legal costs for review. This reimbursement shall be paid in full prior to filing of the Final Plat.

- (d) **Complete Applications for Final Plats in the Extraterritorial Jurisdiction (ETJ).** Where the land to be platted lies within the ETJ of the City, pursuant to the existing or amended interlocal agreement with Denton or Collin County under TEXAS LOCAL GOVERNMENT CODE, CHAPTER 242, a complete application shall be submitted to the City.
- (e) **Accompanying Applications.** An application for a Final Plat may be accompanied by construction plans if also accompanied by a Development Agreement and appropriate surety in accordance with Section 10.03.044, *Development Agreements*. However, approval of each shall be separate and in accordance with this section for Final Plats and with Section 10.03.041, *Construction Plans*.
- (f) **Prior Approved Conveyance Plat or Preliminary Plat.** The Final Plat and all accompanying data shall conform to the associated Conveyance Plat or Preliminary Plat as approved by the Commission, or as the initial plats may have been amended subsequently incorporating all conditions imposed or required by the Commission.
- (g) **Review by Director of Development Services.** The Director of Development Services shall:
 - (1) Initiate review of the plat and materials submitted.
 - (2) Determine that the Final Plat substantially conforms to the associated Conveyance Plat or Preliminary Plat.
 - (3) Determine that the Final Plat conforms to the Zoning Ordinance and other applicable regulations.
 - (4) Request written comments from other City departments, such as Engineering, Fire, and Parks & Recreation, as deemed necessary.
 - (5) Make available plats and reports to the Commission for review.
 - (6) Upon determination that the application is ready to be acted upon, schedule the Final Plat for consideration on the agenda of the next available meeting of the Commission.
 - (7) A Final Plat may not be used to nullify any of the conditions, covenants and restrictions (CCRs) of any governing association, such as a HOA.
- (h) **Action by Planning & Zoning Commission.** The Commission shall:
 - (1) Review the Final Plat application, the findings and recommendation of the Director of Development Services, and any other information provided. From this information, the Commission shall determine whether the Final Plat conforms to the regulations of this Subdivision Ordinance.
 - (2) Act within thirty (30) calendar days following the official acceptance date of Final Plat (unless the applicant submits a waiver of right to 30-day action as outlined in Section 10.03.023(d), *Waiver of Right to a 30-Day Action*). If no decision is rendered by the Commission within the thirty (30) day period described above or such longer period as may have been agreed upon, the Final Plat, as submitted, shall be deemed to be approved.
 - (3) Take one of the following actions:
 - i. Approve the Final Plat;
 - ii. Approve the Final Plat with conditions, which shall mean that the Final Plat shall be considered to have been approved once such conditions are fulfilled; or
 - iii. Deny the Final Plat.
- (i) **Standards for Approval.** The following criteria shall be used by the Commission to determine whether the application for a Final Plat shall be approved, approved with conditions, or denied:
 - (1) Prior Approved Conveyance or Preliminary Plat.
 - i. The Final Plat conforms to the associated, approved Conveyance Plat or Preliminary Plat

except for minor amendments that are authorized under Section 107.04.03(k), *Amendments to Preliminary Plats Following Approval*, and that may be approved without the necessity of revising the approved associated plat;

- ii. All conditions imposed at the time of approval of the Conveyance Plat or Preliminary Plat, as applicable, have been satisfied;
 - iii. The construction plans conform to the requirements of Section 10.03.041, *Construction Plans*, and have been approved by the Director of Engineering;
 - iv. Where public improvements have been installed, the improvements conform to the approved construction plans and have been approved for acceptance by the Director of Engineering;
 - v. Where the Director of Engineering has authorized public improvements to be deferred, a Development Agreement has been executed and submitted by the property owner in conformity with Section 10.03.044, *Development Agreements*;
 - vi. The final layout of the subdivision or development meets all standards for adequacy of public facilities contained in this Ordinance;
 - vii. The Final Plat meets all applicable County standards to be applied under an interlocal agreement between the City and Denton or Collin County under TEXAS LOCAL GOVERNMENT CODE, CHAPTER 242, where the proposed development is located in whole or in part in the ETJ of the City and in the County;
 - viii. The plat conforms to design requirements and construction standards as set forth in the *Engineering Design Standards*; and
 - ix. The plat includes all information in the Development Services' subdivision application checklists.
- (2) Final Plat Approval with No Prior Approved Conveyance Plat or Preliminary Plat. A Final Plat may be approved without prior approval of a Conveyance Plat or a Preliminary Plat when the following conditions are met:
- i. The construction plans conform to the requirements of Section 10.03.041, *Construction Plans*, and have been approved by the Director of Engineering;
 - ii. A Development Agreement or surety for installation of public improvements has been prepared and executed by the property owner in conformance with Section 10.03.044, *Development Agreements*;
 - iii. The final layout of the subdivision or development meets all standards for adequacy of public facilities contained in this Ordinance;
 - iv. The Final Plat meets all applicable County standards to be applied under an interlocal agreement between the City and Denton or Collin County under TEXAS LOCAL GOVERNMENT CODE, CHAPTER 242, where the proposed development is located in whole or in part in the ETJ of the City and in the applicable County; and
 - v. The Final Plat conforms to the Development Services application checklist.
- (j) **Approval of Final Plats.** The Planning & Zoning Commission is authorized to approve, approve with conditions, or disapprove Final Plats. Upon approval, a certificate stating that the Final Plat has been reviewed and approved by the Planning & Zoning Commission shall be provided to the applicant, as required in the TEXAS LOCAL GOVERNMENT CODE, SECTION 212.0115(b).
- (k) **Procedures for Recordation of Final Plat Documents upon Approval.** The applicant shall supply to Development Services Department the required number of signed and executed copies of the Final Plat documents (whether Mylar or paper originals, as required by both the City and Denton or Collin County) that will be needed to file the Plat, upon approval, with Denton or Collin County. No copies of the exhibits will be accepted.

- (1) General.

- i. *Signatures.* After approval of the Final Plat, the Director of Development Services shall procure the appropriate City signatures on the Final Plat.
- ii. *County Requirements.* It is the responsibility of the applicant to comply with the platting requirements of Denton or Collin County.
- iii. *Recording Upon Acceptance of Public Improvements.* The Final Plat shall be recorded after:
 - a. The Final Plat is approved by the City;
 - b. All required public improvements have been completed and accepted by the City (or a Development Agreement has been executed and appropriate surety provided in accordance with Section 10.03.044, *Development Agreements*;
 - c. All Denton or Collin County filing requirements are met.
- (2) Submittal of Final Plat Documents for Filing When Improvements Installed. When all required public improvements have been installed prior to recording of the Final Plat, the applicant shall meet all requirements in accordance with Section 10.03.045, *Inspection, Maintenance and Acceptance of Public Improvements*.
- (3) Submittal of Final Plat Documents for Filing When Improvements Have Not Been Installed. When some of or all required public improvements are not yet completed in connection with an approved Final Plat, the applicant shall submit the Final Plat documents for filing as approved by the Commission, revised to reflect any conditions imposed by the Commission as part of approval.
- (4) Update of Proof of Ownership. If there has been any change in ownership since the time of the Proof of Ownership provided under Section 10.03.044(c), *Ownership*, the applicant shall submit a new consent agreement executed by each owner consenting to the platting of the property and the dedications and covenants contained in the plat. The title commitment or title opinion letter and consent agreement shall be subject to review and approval by the City Attorney, and the applicant shall reimburse the City for all related legal costs for review. This reimbursement shall be paid in full prior to filing of the Final Plat.
- (l) **Effect of Approval.** The approval and filing of a Final Plat:
 - (1) Supersedes any prior approved Conveyance Plat or Preliminary Plat for the lots final platted.
 - (2) Authorizes the applicant to install any improvements in public rights-of-way in conformance with approved construction plans and under a Development Agreement (refer to Section 10.03.044, *Development Agreements*), if applicable.
 - (3) Authorizes the applicant to seek Construction Release (refer to Section 10.03.041(i), *Construction Release*) and/or issuance of a Building Permit for vertical construction.
- (m) **Appeal of Decision of Final Plat Application.** Appeal of a decision on a Final Plat application shall be brought to the City Council. Council's decision shall be final.
- (n) **Revisions Following Recording/Recordation.** Revisions may only be processed and approved as a Replat or Amending Plat, as applicable.

Sec. 10.03.035.....MINOR PLATS.

- (a) **Purpose.** The purpose of a Minor Plat is to simplify divisions of land under certain circumstances as outlined in State law.
- (b) **Applicability.** An application for approval of a Minor Plat may be filed only in accordance with State law, when all of the following circumstances apply:
 - (1) The proposed division results in four (4) or fewer lots;
 - (2) All lots in the proposed subdivision front onto an existing public street and the construction or extension of a street or alley is not required to meet the requirements of this Subdivision Ordinance; and

- (3) Except for right-of-way widening and easements, the plat does not require the extension of any municipal facilities to serve any lot within the subdivision.
- (c) **Application Requirements.** The requirements for the submittal of a Minor Plat shall be the same as the requirements for a Final Plat, as outlined in Section 10.03.034, *Final Plats*.
- (d) **Review by Director of Development Services.** The Director of Development Services shall:
 - (1) Initiate review of the plat and materials submitted.
 - (2) Request written comments from other City departments, such as Engineering, Public Works, Fire Department, and Parks & Recreation, if deemed necessary.
- (e) **Action by Director of Development Services.** The Director of Development Services shall:
 - (1) Determine whether the Minor Plat meets the regulations of this Subdivision Ordinance.
 - (2) Act within thirty (30) calendar days following the official filing date of a completed application for a Minor Plat (unless the applicant submits a waiver of right to 30-day action as outlined in Section 10.03.022(d), *Waiver of Right to 30-Day Action*. If no decision is rendered by the Director of Development Services, or if the Director has not deferred the application to the Planning & Zoning Commission for decision, within the thirty (30) day period described above or such longer period as may have been agreed upon, the Minor Plat, as submitted, shall be deemed to be approved.
 - (3) The Director of Development Services is authorized to make one of the following actions:
 - i. Approve the Minor Plat;
 - ii. Approve the Minor Plat with conditions, which shall mean that the Minor Plat shall be considered to have been approved once such conditions are fulfilled; or
 - iii. Defer the Minor Plat to the Commission for consideration prior to expiration of the required 30-day approval period unless a waiver of right to 30-day action is submitted.
- (f) **Standards for Approval.** The following criteria shall be used by the Director of Development Services to determine whether the application for a Minor Plat shall be approved, approved with conditions, or denied:
 - (1) The Minor Plat is consistent with all zoning requirements for the property (if applicable), any approved Development Agreement (if applicable), and all other requirements of this Subdivision Ordinance that apply to the plat;
 - (2) All lots to be created by the plat already are adequately served by an improved public street access and by all required City utilities and services and by alleys, if applicable;
 - (3) The ownership, maintenance and allowed uses of all designated easements have been stated on the Minor Plat; and
 - (4) Except for right-of-way widening and easements, the plat does not require the extension of any municipal facilities to serve any lot within the subdivision.
- (g) **Approval of Minor Plats.** The Director of Development Services is authorized to approve, approve with conditions, or disapprove Minor Plats. However, the Director of Development Services may defer the decision of any Minor Plat for any reason to the Planning & Zoning Commission. Upon approval, a certificate stating that the Minor Plat has been reviewed and approved by the either the Director of Development Services or the Planning & Zoning Commission shall be provided to the applicant, as required in the TEXAS LOCAL GOVERNMENT CODE, SECTION 212.0115(b).
- (h) **Procedures for Recordation Following Approval.** The procedures for recordation of a Minor Plat shall be the same as the procedures for recordation of a Final Plat, as outlined in Section 10.03.034(j), *Procedures for Recordation of Final Plat Documents upon Approval*.
- (i) **Appeal of Decision on Minor Plat Application.**
 - (1) Commission Decision. If the Director of Development Services defers the Minor Plat application to

the Planning & Zoning Commission, the Commission shall consider the application at a regular meeting no later than thirty (30) calendar days after the date on which the Director of Development Services deferred the application to the Commission. The Commission shall, upon simple majority vote, take one of the following actions:

- i. Approve the Minor Plat;
 - ii. Approve the Minor Plat with conditions, which shall mean that the Minor Plat shall be considered to have been approved once such conditions are fulfilled; or
 - iii. Deny the Minor Plat.
- (2) Appeal. The decision of the Commission may be appealed to the City Council in accordance with the procedures for an appeal on a Final Plat decision. Once the formal appeal is made, staff will schedule the hearing to be heard by the City Council at the first scheduled public meeting that meets the published deadline of the City Secretary. The City Council may affirm, modify or reverse the decision of the Commission by simple majority vote. The decision of the City Council is final.
- (j) **Revisions Following Approval.** Revisions submitted by the applicant following initial approval may only be processed and approved as a Replat or Amending Plat, as applicable.

Sec. 10.03.036.....REPLATS.

- (a) **Applicability and Terminology.**
 - (1) The procedures outlined in this section and in subsequent Sections 10.03.037, *Residential Replats*, and 10.03.038, *Amending Plats*, shall apply only if a property owner seeks to change any portion of a plat that has been filed for record with Denton County.
 - (2) The term “Replat” includes changes to a recorded Final Plat, whether the change is effected by replatting without vacation or replatting by vacating the recorded plat (Section 10.03.039, *Plat Vacation*) and approving a new application.
- (b) **City Action Required.** Unless otherwise specified, any change to a recorded plat shall be subject to approval by the Planning & Zoning Commission.
- (c) **Construction Management.** If the subdivision, as replatted, requires construction of additional improvements, the provisions of the Development Agreement between the City and the developer shall apply (see Section 10.03.044, *Development Agreements*). If the subdivision as replatted does not require any appreciable alteration or improvement of utility installations, streets, alleys, building setback lines, etc., then no additional construction plans shall be required.
- (d) **Application and Approval Procedures.** Unless otherwise specified, application and all related procedures and approvals, including recordation, for a Replat shall be the same as specified for a Final Plat.
- (e) **Partial Replat Application.** If a Replat is submitted for only a portion of a previously platted subdivision, the Replat must reference the previous subdivision name and recording information, and must state on the Replat the specific lots which are being changed along with a detailed “Purpose for Replat” statement.
- (f) **Replats other than Residential Replats.** All replats must be considered as a public hearing item. However, those replats that are not residential in nature do not require any public notification, whether to adjacent property owners or in the newspaper of record.
- (g) **Approval of Replats.** The Planning & Zoning Commission is authorized to approve, approve with conditions, or disapprove Replats. Upon approval, a certificate stating that the Replat has been reviewed and approved by the Planning & Zoning Commission shall be provided to the applicant, as required in the TEXAS LOCAL GOVERNMENT CODE, SECTION 212.0115(b).
- (h) **Effect of Approval.** Upon approval and recording of the Replat, it is controlling over the previously

recorded plat for the portion replatted.

Sec. 10.03.037.....RESIDENTIAL REPLATS.

- (a) **Purpose & Applicability.** A Residential Replat of all or a portion of a recorded plat may be approved in accordance with State law without vacation of the Recorded Plat, if the Replat:
 - (1) Is signed and acknowledged by all of the owners or their agents of the property being replatted;
 - (2) Is approved following a public hearing with due notification as required by State law; and
 - (3) Does not propose to amend or remove any covenants or restrictions previously incorporated in the recorded plat.
- (b) **General Notice and Hearing Requirements.** Public notice of the public hearing on any Residential Replat application is required, as described in Section 10.03.025, *Public Hearings*.
- (c) **Partial Replat Application.** If a Replat is submitted for only a portion of a previously platted subdivision, the Replat must reference the previous subdivision name and recording information, and must state on the Replat the specific lots that are being changed along with a detailed "Purpose for Replat" statement.
- (d) **Special Replat Requirements.**
 - (1) Applicability. A Replat without vacation of the preceding plat, in accordance with State law, must conform to the requirements if:
 - i. During the preceding five (5) years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two (2) residential units per lot; or
 - ii. Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot.
 - (2) Exception. The requirements shall not apply to any approval of a Residential Replat application for a portion of a recorded plat if all of the proposed area sought to be replatted was designated or reserved for usage other than for single family or duplex residential usage. Such designation must be noted on the recorded plat or in the legally recorded restriction applicable to such plat.
 - (3) Protest. If the Residential Replat application is accompanied by a Variance petition (per Section 10.03.086, *Variances*) and is protested in accordance with this section, approval of the Replat shall require the affirmative vote of at least three-fourths ($\frac{3}{4}$) of the voting members of the Commission present at the meeting. For a legal protest, written instruments signed by the owners of at least twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the Residential Replat application and extending 200 feet from that area, but within the original subdivision, must be filed with the Planning & Zoning Commission prior to the close of the public hearing. The area of streets and alleys shall be included in the area computations.
- (e) **Review and Consideration.** The review and approval processes for a Residential Replat shall be the same as the review and approval processes for a Final Plat (except for the public hearing and notice requirements described in Section 10.03.025, *Public Hearings*). The Director of Development Services shall be the responsible official and the Commission shall be the initial decision-maker for a Residential Replat application. Procedures to appeal a decision on a Residential Replat shall also be processed and considered the same as a Final Plat.
- (f) **Approval of Residential Replats.** The Planning & Zoning Commission is authorized to approve or disapprove Residential Replats. Upon approval, a certificate stating that the Replat has been reviewed and approved by the Planning & Zoning Commission shall be provided to the applicant, as required in the TEXAS LOCAL GOVERNMENT CODE, SECTION 212.0115(b).
- (g) **Effect of Approval.** Upon approval and recording of the Residential Replat, it is controlling over the

previously recorded plat for the portion replatted.

Sec. 10.03.038.....AMENDING PLATS.

- (a) **Purpose.** The purpose of an Amending Plat shall be to provide an expeditious means of making minor revisions to a recorded plat consistent within the provisions of State law.
- (b) **Applicability.** The procedures for an Amending Plat shall apply only if the sole purpose of the Amending Plat is to achieve one or more of the following:
 - (1) To correct an error in a course or distance shown on the preceding plat;
 - (2) To add a course or distance that was omitted on the preceding plat;
 - (3) To correct an error in a real property description shown on the preceding plat;
 - (4) To indicate monuments set after the death, disability or retirement from practice of the engineer or surveyor responsible for setting monuments;
 - (5) To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
 - (6) To correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
 - (7) To correct an error in courses and distances of lot lines between two (2) adjacent lots if:
 - i. Both lot owners join in the application for amending the plat;
 - ii. Neither lot is abolished;
 - iii. The amendment does not attempt to remove recorded covenants or restrictions; and
 - iv. The amendment does not have a material adverse effect on the property rights of any of the owners in the plat;
 - (8) To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
 - (9) To relocate one (1) or more lot lines between one (1) or more adjacent lots if:
 - i. The owners of all those lots join in the application for amending the plat;
 - ii. The amendment does not attempt to remove recorded covenants or restrictions; and
 - iii. The amendment does not increase the number of lots;
 - (10) To make necessary changes to the preceding plat to create six (6) or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
 - i. The changes do not affect applicable zoning and other regulations of the municipality;
 - ii. The changes do not attempt to amend or remove any covenants or restrictions; and
 - iii. The area covered by the changes is located in an area that the Commission or other appropriate governing body of the municipality has approved, after a public hearing, as a residential improvement area; or
 - (11) To replat one (1) or more lots fronting on an existing street if:
 - i. The owners of all those lots join in the application for amending the plat;
 - ii. The amendment does not attempt to remove recorded covenants or restrictions;
 - iii. The amendment does not increase the number of lots; and
 - iv. The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.
- (c) **Certificates of Correction.** Certificates of Correction are prohibited.
- (d) **Notice.** In accordance with State law, the approval and issuance of an Amending Plat shall not require notice, hearing or approval of adjacent lot owners.
- (e) **Review by Director of Development Services.** The Director of Development Services shall:

- (1) Initiate review of the plat and materials submitted.
 - (2) Request written comments from other City departments, such as Engineering, Public Works, Fire Department, and Parks & Recreation, if deemed necessary.
- (f) **Action by Director of Development Services.** The Director of Development Services shall:
- (1) Determine whether the Amending Plat meets the regulations of this Subdivision Ordinance.
 - (2) Act within thirty (30) calendar days after the application is deemed complete per Section 107.03.03(c), *Determination of Completeness*.
 - (3) The Director of Development Services is authorized to take one of the following actions:
 - i. Approve the Amending Plat;
 - ii. Approve the Amending Plat with conditions, which shall mean that the Amending Plat shall be considered to have been approved once such conditions are fulfilled; or
 - iii. Defer the Amending Plat to the Commission for consideration prior to expiration of the required 30-day approval period unless a waiver of right to 30-day action is submitted in accordance with Section 10.03.023(d), *Waiver of Right to 30-Day Action*.
- (g) **Approval of Amending Plats.** The Director of Development Services is authorized to approve, approve with conditions, or disapprove Amending Plats. However, the Director of Development Services may defer the decision of any Amending Plat for any reason to the Planning & Zoning Commission.
- (h) **Procedures for Recordation Following Approval.** The procedures for recordation of an Amending Plat shall be the same as the procedures for recordation of a Final Plat.
- (i) **Effect of Approval.** Upon approval, an Amending Plat shall be recorded and is controlling over the previously recorded plat without vacation of that plat. Upon approval, a certificate stating that the Amending Plat has been reviewed and approved by either the Director of Development Services or the Planning & Zoning Commission shall be provided to the applicant, as required in the TEXAS LOCAL GOVERNMENT CODE, SECTION 212.0115(b).
- (j) **Appeal of Decision on Amending Plat Application.**
- (1) Commission Decision. If the Director of Development Services defers the Amending Plat application to the Planning & Zoning Commission, the Commission shall consider the application at a regular meeting no later than thirty (30) calendar days after the date on which the Director of Development Services deferred the application to the Commission. The Commission shall, upon simple majority vote, take one of the following actions:
 - i. Approve the Amending Plat;
 - ii. Approve the Amending Plat with conditions, which shall mean that the Amending Plat shall be considered to have been approved once such conditions are fulfilled; or
 - iii. Deny the Amending Plat.
 - (2) Appeal. The decision of the Commission may be appealed to the City Council in accordance with the procedures for an appeal on a Final Plat decision. The City Council decision is final.

Sec. 10.03.039PLAT VACATION.

- (a) **Purpose.** The purpose of a Plat Vacation is to provide an expeditious means of nullifying a recorded plat in its entirety, consistent with provisions of State law.
- (b) **Initiation of a Plat Vacation.**
 - (1) By Property Owner. The property owner of the tract covered by a plat may submit an application to vacate the plat at any time before any lot in the plat is sold.
 - (2) By All Lot Owners. If lots in the plat have been sold, an application to vacate the plat must be submitted by all the owners of lots in the plat.

- (3) **City Initiation.** If the Planning & Zoning Commission, on its own motion, determines that the plat should be vacated in the interest of and to protect the public's health, safety and welfare; and:
- i. No lots within the approved plat have been sold within five (5) years following the date that the Final Plat was approved by the City; or
 - ii. The property owner has breached a Development Agreement, and the City does not appropriate funds with which to complete construction of public improvements, except that the vacation shall apply only to lots owned by the property owner or its successor; or
 - iii. The plat has been recorded in Denton or Collin County for more than five (5) years, and the Planning & Zoning Commission determines that the further sale of lots within the subdivision or addition presents a threat to public health, safety and welfare, except that the vacation shall apply only to lots owned by the property owner or its successors.
- (c) **Notice.** Published notice of the public hearing on the Plat Vacation application shall be given in accordance with Section 10.03.025, *Public Hearings*, and State law. The hearing shall be conducted by the Planning & Zoning Commission.
- (d) **Review by Director of Development Services.** The Director of Development Services shall:
- (1) Initiate review of the Plat Vacation application and materials submitted.
 - (2) Request written comments from other City departments, such as Engineering, Public Works, Fire Department, and Parks & Recreation, if deemed necessary.
- (e) **Action by the Planning & Zoning Commission.** The Planning & Zoning Commission shall:
- (1) Review the Plat Vacation application, the findings and recommendation of the Director of Development Services, and any other information provided. From all such information, the Planning & Zoning Commission shall conduct a public hearing and make a finding as to whether or not the plat should be vacated. The Planning & Zoning Commission decision on a Plat Vacation shall be final.
 - (2) Take one of the following actions:
 - i. Approve the Plat Vacation;
 - ii. Approve the Plat Vacation with conditions, which shall mean that the Plat Vacation shall be considered to have been approved once such conditions are fulfilled; or
 - iii. Deny the Plat Vacation.
- (f) **Approval of Plat Vacations.** The Planning & Zoning Commission is authorized to approve, approve with conditions, or disapprove Plat Vacations. Upon approval, a certificate stating that the plat vacation has been reviewed and approved by the Planning & Zoning Commission shall be provided to the applicant, as required in the TEXAS LOCAL GOVERNMENT CODE, SECTION 212.0115(b).
- (g) **Procedures for Recordation Following Approval.** If the Planning & Zoning Commission adopts a resolution vacating a plat in whole, it shall record a copy of the resolution in the Denton or Collin County Clerk's Office. If the Planning & Zoning Commission adopts a resolution vacating a plat in part, it shall cause a revised Final Plat to be recorded along with the resolution which shows that portion of the original plat that has been vacated and that portion that has not been vacated.
- (h) **Effect of Approval.**
- (1) On the execution and recording of the vacating instrument, the previously filed plat shall have no effect. Regardless of the Planning & Zoning Commission's action on the petition, the property owner(s) or developer will have no right to a refund of any monies, fees or charges paid to the City nor to the return of any property or consideration dedicated or delivered to the City except as may have previously been agreed to by the Planning & Zoning Commission.
 - (2) The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved

- and recorded in the manner prescribed for the original plat.
- (3) The Planning & Zoning Commission, at its discretion, shall have the right to retain all or specific portions of road rights-of-way or easements shown on the plat being considered for vacation. However, the Planning & Zoning Commission shall consider plat vacation upon satisfactory conveyance of easements and/or rights-of-way in a separate legal document using forms provided by the City Attorney's office.

ARTICLE 10.03.040CONSTRUCTION PLANS & PROCEDURES

Sec. 10.03.041.....CONSTRUCTION PLANS.

- (a) **Purpose.** This construction plan section which includes design criteria and standards for the City of Celina is intended primarily for use by the developer's engineer. These criteria and standards should enable the engineer to design the required community facilities in a manner acceptable to the City. There may be special circumstances which would call for requirements in excess of those outlined. In most cases, additional requirements will be apparent to the developer's engineer while preparing the plans for the subdivision or during conferences/discussions with the City staff.
- (b) **Submitting Plans.** Plans shall be submitted in accordance with the policies of the Engineering Department. A checklist of necessary items and exhibits to be included in the construction plans is available online on the Development Services webpage. Incomplete plans will not be accepted and such plans shall be returned to the applicant.
- (c) **Responsible Official and Decision.** The Director of Engineering shall be the responsible official for review and approval of construction plans. The Director of Engineering shall also be the initial decision-maker for construction plans. In this capacity, therefore, the Director of Engineering shall approve, approve subject to modifications, or deny the construction plans.
- (d) **Approval Required & Timing of Construction.** Construction plans must be approved in accordance with this section prior to the approval and/or recordation of the Final Plat, unless otherwise stated within the Subdivision Ordinance or a Development Agreement.
- (e) **Criteria for Approval.** The Director of Engineering shall approve construction plans if:
 - (1) Compliance Required. Prior to the Commission's approval of the Final Plat, the subdivider shall comply or provide for compliance with the policies and procedures set forth in these regulations and the *Engineering Design Standards* for construction of street improvements and utilities. No building, sewer, electrical or plumbing permit shall be issued by the City as to any property in the subdivision until:
 - i. The plans are consistent with the approved Preliminary Plat or the proposed Final Plat;
 - ii. The plans conform to the subject property's zoning and planned development standards, if applicable, and to the standards for adequate public facilities, contained in this Subdivision Ordinance, and all other applicable Code of Ordinances.
 - iii. The working drawings, specifications and agreements required herein have been reviewed and approved by the affected City departments and, as required, by the City Attorney.
 - (2) Engineering Design Standards. The *Engineering Design Standards* are hereby adopted by reference and made a part of these regulations, design criteria, and standards which shall be controlling in design, construction and installation of street paving, curbs and gutters, sidewalks, utilities and other public improvements required herein. All references to *Engineering Design Standards* shall mean and include those standards and specifications, together with all exhibits, charts, drawings and diagrams appertaining thereto, which have been approved by the Director of Engineering, adopted by the City Council, and placed on file in the office of the City Secretary and displayed on the Engineering webpage.
 - (3) Conformance to NCTCOG Standards. When the *Engineering Design Standards* lack the specificity required in certain circumstances, the specifications of the latest edition of the Standard Specifications for Public Works Construction, published by the North Central Texas Council of Governments shall apply.
 - (4) Installation and Financing. The subdivider shall arrange with the City and with utility companies franchised to serve the area in which the subdivision is located for the construction costs of

streets and alleys, utility lines and other public improvements. The subdivider shall also arrange for the sequence of work so that underground utilities shall be installed in those portions of streets intended for vehicular traffic before such streets shall be surfaced. If the several improvements required herein have not been installed or constructed prior to submission of the Final Plat, then the Final Plat shall bear a restriction that no lot shall be occupied and that no municipal services shall be extended thereto until the specified utilities and improvements have been constructed as required.

- (f) **Effect.** Approval of construction plans authorizes the applicant to schedule a Pre-Construction Meeting in accordance with Section 10.03.042, *Pre-Construction Meeting*, and apply for Construction Release in accordance with Section 10.03.041(i), *Construction Release*.
- (g) **Expiration.** The approval of construction plans shall remain in effect for a period of one (1) year from the date of approval, or for the duration of construction of the project, provided that progress toward completion of the project continues to be demonstrated, unless the plans are extended in accordance with Section 10.03.041(h), *Extension of Expiration Date*.
- (h) **Extension of Expiration Date.** Construction plans may be extended for a period of six (6) additional months beyond the expiration date. A request must be made in writing to the Director of Engineering for such extension prior to expiration of the plans, and shall include reasons why the plans should be extended.
 - (1) Decision by the Director of Engineering.
 - i. The Director of Engineering will review the extension request, and shall approve, approve with conditions, or deny the extension request within thirty (30) calendar days following the date the request for extension is received.
 - ii. Should the Director of Engineering fail to act on an extension request within thirty (30) calendar days, the extension shall be deemed to be approved.
 - (2) Consideration. The Director of Engineering shall extend construction plans approval for a period of six (6) additional months beyond the plans' expiration date if all of the following conditions are met:
 - i. The Final Plat has been submitted, approved or filed of record for any portion of the property shown on the construction plans;
 - ii. The construction plans comply with new ordinances that impact the health, safety and general welfare of the community;
 - iii. Demonstrable forward progress has been made to proceed with construction or required improvements; and
 - iv. A Development Agreement (Section 10.03.044, *Development Agreements*), if applicable, is still valid and in full effect.
 - (3) Conditions. In granting an extension, the Director of Engineering may impose such conditions as are needed to ensure that the land will be developed in a timely manner and that the public interest is served. Any extension may be predicated upon compliance with new development regulations and/or the applicant waiving any vested rights.
 - (4) Additional Extension. A second, six (6) month extension may be requested using the same process outlined above.
- (i) **Construction Release.** Upon approval of the Preliminary Plat and the construction plans, receipt of all documentation (e.g., insurance information, bonds, etc.), receipt of required fees, and park land dedication, if applicable, and after the Pre-Construction Meeting with City staff, the Director of Engineering may release the plans for construction if all City requirements pertaining to construction have been met. The Construction Release shall remain in effect for a period of one (1) year from the date of issuance, or for the duration of construction of the project, provided that progress toward completion of

the project continues to be demonstrated. Expiration, and possible extension, of the Construction Release shall be the same as for the construction plans.

Sec. 10.03.042.....PRE-CONSTRUCTION MEETING.

- (a) **Purpose.** The purpose of the Pre-Construction Meeting is to discuss administrative, communication, and operating procedures for the project prior to the onset of construction. A list of typical inspection items, procedures and acceptance criteria for items in public right-of-way and easements will also be furnished to the applicant prior to the meeting.
- (b) **Notice.** The applicant shall receive written notice from the Director of Engineering that construction plans have been approved and that the project is eligible for a Pre-Construction Meeting.
- (c) **Required Attendance.** The applicant, along with key construction managers, must attend a Pre-Construction Meeting with the Director of Engineering or his designee and other appropriate City officials following the approval of construction plans, the approval of the Final Plat, and prior to commencement of any construction on the property.
- (d) **Effect.** Following the Pre-Construction Meeting and upon approval of the construction plans and full compliance with all pre-construction requirements, the Director of Engineering shall authorize Construction Release, allowing the applicant to commence with construction of the project. The applicant may also be issued a Building Permit, if appropriate, provided that a Building Permit application has been submitted and approved and all other Building Permit requirements have also been met.
- (e) **Fees Due.** Fees for the Development application and any associated permits are due prior to the Pre-Construction Meeting. These include, but are not limited to, Roadway and Utility Impact Fees and Park Land Dedication Fees-in-lieu of Land.

Sec. 10.03.043.....TIMING OF PUBLIC IMPROVEMENTS.

- (a) **Completion Prior to Final Plat Recordation.** Completion of all required public improvements, in accordance with the approved Final Plat and the approved construction plans, shall occur prior to Final Plat recordation with Denton or Collin County. Final Plat exhibits will not be accepted for filing with the County prior to completion of such improvements except as provided below.
- (b) **Completion after Final Plat Recordation.** The Director of Engineering, upon written request by the applicant, may allow construction of public improvements after Final Plat recordation. Such postponement shall be conditioned on execution of a Development Agreement and provision of security. It shall be at the Director of Engineering's discretion to determine whether postponing construction of public improvements until after Final Plat recordation is appropriate, and therefore, whether financial guarantee is acceptable through a Development Agreement.
- (c) **Deferral of Obligation.** The Director of Engineering may defer the developer's obligation to dedicate rights-of-way or easements for, or to construct, public improvements to serve a new development upon execution of a Development Agreement and upon provision of adequate security.
- (d) **Phased Development.** If the development is being platted and constructed in phases, improvements shall be completed as platted areas are approved and phases are constructed. Also refer to Section 10.03.033(k), *Expiration*, for details regarding phased development and Preliminary Plat validity.
- (e) **Easements for Utility Providers.** The applicant is responsible for contacting all utility providers prior to beginning construction, and for securing all necessary easements for same prior to Final Plat approval and recordation. The applicant's engineer shall provide the Director of Engineering with written certification that all necessary easements are secured for the various utility providers, and such easements shall be

shown on the Final Plat with the recording information for each (if previously platted) or established through the recordation of the Final Plat.

- (f) **Off-Site Easements.** All necessary off-site easements required for installation of required off-site public improvements to serve the development shall be acquired by the applicant prior to the Pre-Construction Meeting, or prior to approval and recordation of the Final Plat, whichever occurs first. Off-site easements shall be conveyed and recorded in Denton or Collin County by filing the off-site easement in a Conveyance Plat prior to filing the Final Plat. At the discretion of the Director of Engineering, a Separate Instrument may be used for the purposes of recording off-site easements. If the property on which the off-site easement is required has been platted prior to the granting of the easement, a replat is required to dedicate the easement.
- (g) **Oversized Facilities.** When the City sees fit to request that the developer upsize any required infrastructure for the use of future development within the City, the difference in cost of the required infrastructure for the development and the cost of upsizing shall be borne by the City. (See Section 10.03.044(b)(2), *Oversizing of Infrastructure*, below).

Sec. 10.03.044.....DEVELOPMENT AGREEMENTS.

- (a) **Purpose.** A subdivider shall be required to enter into a Development Agreement with the City, which shall govern the subdivision if there are pro rata payments or other financial agreements, subject to the TEXAS LOCAL GOVERNMENT CODE, SUBCHAPTER C, *DEVELOPER PARTICIPATION IN CONTRACT FOR PUBLIC IMPROVEMENTS*. City participation in cost, escrow deposits, or other future considerations, will be not issued prior to filing the Development Agreement in the Denton or Collin County records.
- (b) **Applicability.**
 - (1) Improvements Delayed. When any of the required public improvements will be postponed and constructed after Final Plat recordation, the Final Plat shall not be accepted for filing for recordation with Denton or Collin County unless and until the applicant enters into a Development Agreement to ensure the completion of all required public improvements.
 - (2) Oversizing of Infrastructure. The City requires a Development Agreement pertaining to any public improvement for which the developer may request reimbursement from the City for oversize costs as for water and sewer improvements or all other required improvements not necessitated by the project itself. The City Council may authorize the approval of such agreement as meeting the City's future requirements, and the City will not withhold approval as a means of avoiding compensation due under the terms of this code.
- (c) **Authority of the City to Complete Work.** This agreement shall be based upon the requirements of this chapter, and shall provide the City with specific authority to complete the improvements required in the agreement in the event of default by the subdivider, and to recover the full legal costs of such measures. The City may subordinate its Development Agreement to the prime lender if provided for in said agreement.
- (d) **Joint Obligations.** The Development Agreement shall be a legally binding agreement between the City and the subdivider specifying the individual and joint responsibilities of both the City and the subdivider. Unusual circumstances relating to the subdivision shall be considered in the Development Agreement such that the purpose of this chapter is best served for each particular subdivision. The subdivider shall include in such an agreement a hold harmless and indemnity clause agreeing to hold the City harmless against any claim arising out of the subdivision of the property or any actions taken therein.
- (e) **Security for Completion of Improvements.**
 - (1) Type of Security. When any of the required public improvements will be constructed after approval

and recordation of the Final Plat, the applicant shall guarantee proper construction of such postponed improvements, in accordance with the City's design standards and with this Subdivision Ordinance, by a bond executed by a surety company holding a license to do business in the State of Texas, and acceptable to the City, on the form provided by the City. The performance bond shall be approved as to form by the City Attorney.

(2) Estimated Cost and Security Approval.

- i. Security shall be issued in the amount of 110% of the cost to construct, complete, and maintain all required public improvements to the City's standards as estimated by the applicant's professional engineer, and as approved by the Director of Engineering.
- ii. Security shall be subject to the review and approval of the City Attorney. The applicant shall reimburse the City for all related legal costs for the City's legal review prior to filing the Final Plat.
- iii. Upon the dedication of and acceptance by the City of all required public improvements, the City shall authorize a reduction in the cash security to ten percent (10%) of the original amount if the property owner is not in breach of the Development Agreement. The remaining cash security shall ensure that the owner will warrant that the required public improvements are free from defect for a period of two (2) years following acceptance by the City.

(3) Letter of Credit. In certain circumstances and at the discretion of the Director of Engineering, an applicant may submit a letter of credit in lieu of cash security. In this case, the letter of credit shall:

- i. Be irrevocable.
- ii. Be in a form approved by the City Attorney.
- iii. Be for a term sufficient to cover the completion, maintenance and warranty periods of the improvements covered by the letter of credit, but in no event less than two (2) years.
- iv. As portions of the public improvements are completed in accordance with the *Engineering Design Standards* and the approved engineering plans, the applicant may request that the Director of Engineering reduce the amount of the original letter of credit. If the Director of Engineering is satisfied that such portion of the improvements has been completed in accordance with City standards, the Director of Engineering may (but is not required to) cause the amount of the letter of credit to be reduced by such amount that the Director of Engineering deems appropriate, so that the remaining amount of the letter of credit adequately ensures the completion of the remaining public improvements.

(4) Security for Construction in Extraterritorial Jurisdiction (ETJ). Where all or some portion of the proposed development is located in the City's ETJ, the security shall be in a form and shall contain such terms as are consistent with the City's interlocal agreements with Denton or Collin County under TEXAS LOCAL GOVERNMENT CODE, CHAPTER 242. In cases where the requirements governing the form and terms of the security are defined in such an agreement, they will supersede any conflicting provisions within this Subdivision Ordinance.

(f) **Escrow Policies and Procedures.**

- (1) Request for Escrow. The City may require or the developer may petition the City to defer required improvements in exchange for a deposit of escrow. An example may include a timing issue due to pending street improvements by another agency such as TxDOT. The Director of Engineering may require studies and other information to support the developer's request to escrow.
- (2) Escrow Deposit with the City. When the Director of Engineering requires or agrees to accept escrow deposits, the developer shall deposit in escrow with the City an amount equal to 110% of the total costs including, but not limited to, the design, construction, any required studies performed by a third party, permitting, acceptance and inflation costs related to the improvements. The Director of Engineering shall review and approve the amount, which shall be approved and paid to the City

- prior to recordation of the Final Plat.
- (3) City Usage of Escrowed Funds. The City may also use the escrowed funds in participation with another entity (such as TxDOT, Denton or Collin County, etc.) to jointly construct the public improvements.
 - (4) Termination of Escrow. Escrows, or portions of escrowed amounts, which remain unused after a period of ten (10) years following the date of such payment shall, upon written request, be refunded to the developer. Such refund of escrowed funds does not remove any obligations of the developer for construction of the required improvements.
 - (5) Refund. If all or a portion of a street or other type of public improvement for which escrow is deposited is constructed by a party other than the City, the remaining unused escrowed funds, upon written request, shall be refunded to the developer after completion and City acceptance of the street or public improvement.
 - (6) Interest on Escrowed Funds. When escrowed funds are returned or refunded to the escrowing developer, the City shall retain all of the interest accrued by the funds, if any.
 - (7) Escrow Fee Agreement. The Director of Engineering, at his discretion, may require an escrow fee agreement be executed.

- (g) **Authority of City Council.** The City Council has the sole authority to approve Development Agreements.
- (h) **Agreement to Run with the Land.** The Development Agreement shall provide that the covenants and other terms of agreement contained therein shall run with the land and shall bind all successors, heirs and assignees of the current applicant. All existing owners shall be required to execute the agreement or provide written consent to the covenants and other terms contained in the agreement.
- (i) **Termination of Agreement.** The subdivider shall have a continuing responsibility under the Development Agreement after the filing of any Final Plat with Denton or Collin County until all facilities and improvements required under the Development Agreement have been completed, inspected and accepted by the City. When the construction of required improvements has proceeded to the point that certain parts of the subdivision are adequately served, the Director of Engineering may release specified portions of the subdivision for use prior to the completion of all improvements, unless the release of such improvements will jeopardize or hinder the continued construction of required improvements. Any Development Agreement shall remain in force for all portions of the subdivision for which a release has not been executed.
- (j) **Development Agreement Fee.** The City shall impose a fee for processing Development Agreements. The amount of the fee shall be as specified in the City's Fee Schedule that may be amended from time to time by ordinance. The direct cost of the City Attorney review of the Development Agreement shall be passed through to the applicant.

Sec. 10.03.045.....CITY PARTICIPATION

- (a) The City may participate with the developer on major items of construction, such as lift stations, bridges or streets adjacent to the subdivision which benefit existing or future development in addition to that being subdivided. The amount of financial responsibility of each party and the terms of discharging such responsibility may be provided for in a facilities agreement.
- (b) The construction of certain facilities required by the provisions of this article may not be possible or practical at the time the developer prepares his plans for public improvements. Such deletion or delay of improvements may be specified in the facilities agreement, together with provisions for escrow deposits or future payment by the City and/or developer. (2004 Code, sec. 159.23)

Sec. 10.03.046.....INSPECTION, MAINTENANCE & ACCEPTANCE OF PUBLIC IMPROVEMENTS.

- (a) **Inspections.**
- (1) The Director of Engineering shall inspect the construction of improvements while in progress, as well as upon completion. The applicant, or his contractor, shall maintain contact with the Director of Engineering during all phases of construction.
 - (2) Construction shall be in accordance with the approved construction plans. Any significant change in design required during construction shall be made by the applicant's engineer, and shall be subject to approval by the Director of Engineering.
 - (3) Any changes in design required during construction should be made by the engineer whose signature and seal are shown on the plans. Another engineer may make revisions to the original engineering plans if so authorized by the owner of the plans and if those revisions are noted on the plans or documents. All revisions must be approved by the Director of Engineering.
 - (4) If the Director of Engineering finds, upon inspection, that any of the required public improvements have not been constructed properly and in accordance with the approved construction plans, the applicant shall be responsible for completing and/or correcting the public improvements to bring such into compliance.
- (b) **Maintenance during Construction.** The applicant shall maintain all required public improvements during construction of the development phases or until the City approves the improvements and accepts same.
- (c) **As-built Plans and Submission of Record Drawings for Filing.**
- (1) After construction is completed, the developer shall provide the commission a set of as-built plans of all streets, alleys, sidewalks, drainage, underground utilities, signs, signals, street lighting and any other pertinent physical improvement of the subdivision. (2004 Code, sec. 159.67)
 - (2) The City shall accept required public improvements when the applicant's engineer has certified to the Director of Engineering, through submission of detailed "record" or "as built" drawings of the project and filed copies of any off-site easements, unless otherwise noted within the Subdivision Ordinance, that the public improvements have been built in accordance with the approved construction plans. Unless otherwise provided in a Development Agreement, the City will not submit the approved Final Plat for recordation in Denton or Collin County until all required improvements have been accepted by the Director of Engineering.
- (d) **Revisions Documented on Plat.** Each record drawing sheet shall document all changes made in the plans during construction, and on each sheet, there shall be a "record" stamp bearing the signature of the engineer and date. Detailed requirements for such drawings and stamps are available on the Celina Engineering website.
- (e) **Acceptance or Rejection of Improvements by Director of Engineering.**
- (1) Responsible Official. Using the *Final Acceptance Checklist* (online on the Development Services webpage), the Director of Engineering shall be responsible for inspecting all required public improvements shown in the construction plans, and for accepting completed subdivision improvements intended for dedication to the City.
 - (2) Final Inspection. After completion of all improvements, franchise utilities, grading, and erosion control, the Director of Engineering and other designated representatives (as applicable) will perform a final inspection before recommending acceptance of the improvements.
 - (3) Letter of Final Acceptance. If all improvements are completed, inspected, tested (when applicable), and determined by the City to be in conformance with this Subdivision Ordinance and with the City's *Engineering Design Standards*, then the Director of Engineering shall issue a Letter of Final Acceptance to the applicant, thereby notifying the applicant of the City's acceptance.
 - (4) Effect of Acceptance. Acceptance of the improvements shall mean that the applicant has transferred all rights to all the public improvements to the City for title, use, and maintenance.

- (5) Rejection. If any portion of the construction plans fails to comply with the City's standards and specifications, the Director of Engineering shall reject the complete set until the failure is remedied.
- (f) **Disclaimer**. Approval of a Preliminary Plat or Final Plat by the Commission, or construction plans by the Director of Engineering, shall not constitute acceptance of any of the public improvements required to serve the subdivision or development. No public improvements shall be accepted for dedication by the City except in accordance with this section.
- (g) **Acceptance or Rejection of Improvements in Extraterritorial Jurisdiction (ETJ)**. Where the improvements to be constructed under a Development Agreement are located within the City's ETJ and are to be dedicated to Denton or Collin County, the Director of Engineering shall inform the County officials that the public improvements have been constructed in accordance with approved construction plans, and are ready for acceptance by the County.
- (h) **Maintenance Bond Following Acceptance**. The applicant shall furnish to the Director of Engineering a sufficient maintenance bond with a reputable and solvent corporate surety registered with the State of Texas, in favor of the City, to indemnify the City against any repairs. The bond shall be in effect for two (2) years from the date of final acceptance of the entire project. The bond, which is a part of the requirements for final acceptance, shall be a minimum of ten percent (10%) of the value of the work constructed. The applicant shall reimburse the City for all related legal costs for review (this reimbursement shall be paid in full prior to filing of the Final Plat).

Sec. 10.03.047.....BUILDING PERMITS and CERTIFICATES OF OCCUPANCY.

- (a) No building permit shall be issued for a lot or building site unless the associated Final Plat has been approved by the City of Celina and all public improvements as required for the Final Plat approval have been completed, except as permitted below:
 - (1) Building permits may be issued for nonresidential and multiple-family development provided that a Final Plat is approved by the Planning & Zoning Commission and construction plans have been released by the Director of Engineering. Building construction will not be allowed to surpass the construction of fire protection improvements.
 - (2) The Director of Development Services may authorize residential building permits for a portion of a subdivision, provided that a Final Plat has been approved by the Planning & Zoning Commission and all public improvements have been completed for that portion of the development, including but not limited to those required for fire and emergency protection. Notwithstanding, no lot may be sold or title conveyed until a Final Plat approved by the Planning & Zoning Commission has been recorded.
 - (3) No certificate of occupancy shall be issued for a building permit or the use of a property unless all subdivision improvements have been completed and the Final Plat approved by the Planning & Zoning Commission has been recorded in the County. Notwithstanding the above, the Director of Development Services may authorize the temporary occupancy of a structure provided that an agreement providing cash escrow, a letter of credit, or other sufficient surety is approved by the City for the completion of all remaining public improvements. The certificate of occupancy may be revoked if the Final Plat approval and filing process is not completed.
 - (4) The temporary certificate of occupancy shall state on its face that the recipient accepts all liability resulting from occupancy of the building or space and indemnifies the City thereof.

ARTICLE 10.03.048 - 10.03.059

Reserved for future use.

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ARTICLE 10.03.060SPECIAL EXTRATERRITORIAL JURISDICTION POLICIES & REGULATIONS

Sec. 10.03.061.....GENERAL POLICIES IN THE EXTRATERRITORIAL JURISDICTION (ETJ).

- (a) **Application of Requirements.** Unless otherwise stated within this Subdivision Ordinance, all standards, specifications and regulations herein shall apply to development within the City's extra-territorial jurisdiction (ETJ).
- (b) **Extension of City Services.** Given that land proposed for development in the City's ETJ must be served adequately by essential public facilities and services, including those related to adequate water distribution, wastewater collection and treatment, streets, pedestrian circulation, storm drainage conveyance, and park and recreational facilities, the following policies for the provision of infrastructure services provided by the City of Celina into the City's ETJ shall apply:
 - (1) It is in the City's best interest to encourage development in areas adjacent to compatible development already receiving City services, and particularly where those services have excess capacity.
 - (2) It is in the City's best interest to annex areas that:
 - i. Need to be protected in order to prevent or reduce flood damage in existing urban areas;
 - ii. Possess unique physical characteristics;
 - iii. Have requested City services; or
 - iv. Minimize the City's fiscal liability.
 - (3) It is in the City's best interest to withhold all water and sewer extensions outside the City's limits except in instances where the extension will serve a large-volume user who has agreed in writing to annexation at a predetermined date, and who has demonstrated that a significant community benefit will accrue to the City if it provides such service outside the City's limits, and where no significant fiscal liabilities will be incurred by the City.
 - (4) It is in the City's best interest to provide services, other than water and wastewater service, to individual users beyond the City's limits:
 - i. Upon request and under contracts or cost-sharing arrangements that minimize future City fiscal liability;
 - ii. Upon request and under contracts or cost-sharing arrangements that encourage compact development;
 - iii. Upon request and under contracts or cost-sharing arrangements that ensure compliance with City subdivision, building, electrical, plumbing and fire codes; and
 - iv. When it is not in the City's best interest to annex the areas to be served.
 - (5) The City shall therefore provide for extension of public facilities and services only under the following circumstances:
 - i. Such extension is part of an annexation agreement that provides for development consistent with established City objectives and policies, as described and illustrated in the *Comprehensive Plan*;
 - ii. Such extension allows the City to retain its right under State law to annex the property in the future;
 - iii. The quality of the development that is occurring or will be occurring is consistent with City standards;
 - iv. The use or development offers significant public benefits to the City; and
 - v. The proposed development and land uses comply with City Building and Fire Codes (as agreed to in an annexation agreement with the City).
 - vi. The area to be service is, or becomes a part of the City's Certificates of Convenience and Necessity (CCN) when required by State law.

- (c) **Design and Construction Standards for Public Improvements in the City's Extraterritorial Jurisdiction (ETJ).** All public improvements constructed in conjunction with a new development in the City's ETJ shall be designed, engineered and constructed in accordance with the City's standards and all other applicable City master plans (e.g., *Water Reuse Master Plan*, the *Comprehensive Plan*, etc.).

Sec. 10.03.062.....DENTON AND COLLIN COUNTY REGULATIONS.

- (a) The City has executed an interlocal cooperation agreement, as authorized under CHAPTER 242 of the TEXAS LOCAL GOVERNMENT CODE, with Denton or Collin County.
- (b) Denton or Collin County has assigned to the City its authority to approve plats in the City's ETJ. The agreement also provides for the City to enforce its subdivision regulations, together with specified regulations of Denton or Collin County, within the City's ETJ via Interlocal Cooperation Agreements.
- (c) In the event that the subdivision rules and regulations of Denton or Collin County provide a more stringent standard than those of the City, then the more stringent standards shall apply.

Sec. 10.03.063.....CITY PARTICIPATION IN IMPROVEMENTS IN THE EXTRATERRITORIAL JURISDICTION (ETJ).

- (a) **Improvements.** The City shall not be required to participate in the cost of any improvements where such improvements required by this Ordinance are outside the corporate limits of the City (i.e., they are within the City's ETJ area).
- (b) **Certificates of Occupancy/Utility Connections.**
- (1) A Certificate of Occupancy for non-residential and multiple-family projects within the City's ETJ shall not be issued until a Letter of Final Acceptance has been issued by the City, and a copy of such Letter has been submitted to the Building Official by the developer, unless otherwise authorized by the City Manager or designee (refer to Section 10.03.046(d), *Acceptance or Rejection of Improvements by the Director of Engineering*).
 - (2) Utility connections for all developments in the City's ETJ shall not be issued until a Letter of Final Acceptance has been issued by the City or appropriate utility district, as applicable, and a copy of such letter has been submitted to the Building Official by the developer, unless otherwise authorized by the City Manager (refer to Section 10.03.046(f), *Acceptance or Rejection of Improvements by the Director of Engineering in ETJ*).

Sec. 10.03.064 to 10.03.069.....RESERVED.

ARTICLE 10.03.070SUBDIVISION REQUIREMENTS

Sec. 10.03.071.....GENERAL SUBDIVISION POLICIES.

(a) **Conformance to Plans.**

- (1) Public Improvements. Proposed public improvements serving new development shall conform to and be properly related to the public facility elements of the *Comprehensive Plan*, other adopted master plans for public facilities and services, and applicable capital improvements plans, and shall at a minimum meet the service levels specified in such plans.
- (2) Conformance with Master Thoroughfare Plan. All Plats within the City and its ETJ, and corresponding construction plans, shall provide for thoroughfares as shown in the *Master Thoroughfare Plan*. Minor adjustments to thoroughfare alignments may be allowed without amending the *Master Thoroughfare Plan* if the Director of Engineering determines the new alignment meets the spirit and intent of the *Master Thoroughfare Plan* and will not compromise public safety or traffic efficiency. The design and construction of all proposed thoroughfares shall be in conformance with the City's *Engineering Design Standards*, and is subject to approval by the Director of Engineering. Such approvals shall be required prior to any Plat approval.
- (3) Master Thoroughfare Plan Amendment. If a significantly different roadway alignment or a road type other than what is shown on the *Master Thoroughfare Plan* is proposed, then the *Master Thoroughfare Plan* shall be amended prior to any plat approval. Submission of a Traffic Impact Analysis (TIA) of the proposed amendment by the developer may be required if the Director of Development Services and the Director of Engineering determine that such an analysis is necessary to fully assess the impact of the proposal upon the City's overall thoroughfare network.
- (4) Water and Wastewater Plans. The design and construction of the water system and wastewater system to serve the development shall be in conformance with the City's master plans for water and wastewater facilities and with the *Engineering Design Standards*. The design is subject to approval by the Director of Engineering prior to approval of the construction plans and the Final Plat.
- (5) Storm Drainage Standards. The design and construction of the storm drainage system to serve the development shall be in conformance with, but not limited to, the City's master plans for storm water drainage, with the City's storm drainage policies (*Water Reuse Master Plan*), and with the *Engineering Design Standards*. The design is subject to approval by the Director of Engineering prior to approval of the construction plans and the Final Plat.

(b) **Provision of Adequate Public Facilities.**

- (1) Adequate Services for Areas Proposed for Development. Land proposed for development in the City and in the City's ETJ shall be served adequately by essential public facilities and services, including, but not limited to, water distribution, wastewater collection and treatment, roadways, pedestrian circulation, storm drainage conveyance, and park and recreational facilities. Land shall not be approved for platting or development until adequate public facilities necessary to serve the development exist or provisions have been made for the facilities, whether the facilities are to be located within the property being developed or offsite.
 - i. Street Access. A plat will not be approved unless all of the proposed lots have safe and reliable street access or frontage for daily use and emergency purposes.
 - a. A plat will not be approved unless all of the proposed lots have access to an improved public street (or a public street that will be improved during construction of the proposed development) that meets the City's minimum design and paving standards, or to an approved public way or mutual access easement that is connected to an improved public street.

- b. Except for lots that are provided access from an approved cul-de-sac, all lots within a development shall have at least two (2) means of access or approach. Where development phasing or constraints of the land prevent the provision of a second, separate means of access, the City may, but is not required to, accept a temporary, paved street connection provided that a second permanent access point can be reasonably anticipated with future development of adjacent properties.
 - c. In certain circumstances where providing two (2) means of access to a site is not feasible, the Planning & Zoning Commission may waive this requirement if staff can demonstrate that the site can be adequately served by emergency vehicles and that life and safety issues have not been compromised.
 - d. For properties situated adjacent to an existing or planned median-divided thoroughfare, at least one (1) of the required access points shall occur at, or through access easement connection to, a median opening. (See Diagram 10.03.113, *Median & Cross Access*)
 - ii. *Water*. A Plat will not be approved unless all of the proposed lots are connected to a public water system which is capable of providing adequate water for health and emergency purposes.
 - a. Except for lots along an approved cul-de-sac, all lots shall be provided service connections from a looped water main providing water flow from two (2) directions or sources.
 - b. Water service shall be sufficient to meet the fire flow requirements of the proposed development, except where a suitable alternative means of fire protection is approved by the Fire Chief.
 - c. The City may require the phasing of development and/or improvements to the water system to ensure adequate fire protection.
 - d. Plats for residential lots greater than one (1) acre in size may use private well water, at the discretion of the Director of Engineering.
 - iii. *Wastewater*. A Plat will not be approved unless all of the proposed lots are served by an approved means of wastewater collection and treatment.
 - a. The projected wastewater discharge of a proposed development shall not exceed the proposed capacity of the wastewater system.
 - b. The City may require the phasing of development and/or improvements to the sanitary sewer system so as to maintain adequate wastewater capacity.
 - c. Plats for residential lots greater than one (1) acre in size may use authorized private septic systems, at the discretion of the Director of Engineering.
 - iv. *Storm Drainage*. Increased storm water runoff attributable to new development shall not cause impacts to adjoining, upstream or downstream properties. Impacts are defined as the change (delta) in runoff between pre- and post-development counts. Where the projected runoff from a new development exceeds runoff from pre-development conditions, the City may require the phasing of development, the use of control methods such as retention or detention, obtaining off-site drainage easements, and/or the construction of off-site drainage improvements as means of mitigation. All designs shall comply with the Engineering Design Standards, as it exists or may be amended.
- (2) City's Cost of Review. Should the City deem that adequate review of the roadway, water, wastewater, or drainage submittal should be outsourced to a third party, the cost of such review shall be passed through to the developer or applicant.
- (3) Property Owner's Responsibilities. The property owner shall be responsible for, but not limited to, the following:
- i. *Dedication and Construction of Improvements*. The property owner shall dedicate all rights-of-way and easements for, and shall construct and extend, all necessary on-site and off-site public improvements for water distribution, wastewater collection and treatment, streets,

storm drainage conveyance, and other improvements that are necessary to adequately serve each phase of a proposed development at service levels that are consistent with the City's applicable master facilities plans and *Engineering Design Standards*.

- ii. *Abutting Substandard Streets*. Where a substandard street abuts or traverses a proposed development, the City may require the property owner to dedicate additional right-of-way and to improve the street to the current City design and construction standards as set forth in the *Engineering Design Standards*. Such requirements to improve the substandard street to the City's current standards shall only be imposed following careful review of factors including, but not limited to:
 - a. The impact of the new development on the street;
 - b. The timing of the development in relation to need for the street; and
 - c. The likelihood that adjoining property will develop in a timely manner.
- iii. In the case of frontage or service roads for state or federally designated highways, the entire abutting right-of-way shall be dedicated to the City and improved to the County, State or Federal agency's applicable construction design standards if such improvement is approved by the agency.
- iv. *Right-turn Lanes Mandatory*. The City reserves the right to require free right turn lanes into any development from a Collector or higher category roadway. Should the applicant request a waiver from this requirement, the applicant must provide to the City a study by an acceptable third party that justifies the elimination of the required free right turn lane.
- v. *Facilities Impact Studies*. The City may require that a developer prepare a comprehensive Traffic Impact Analysis (TIA), flood or drainage study or downstream assessment, or other facilities impact studies in order to assist the City in determining whether a proposed development will be supported with adequate levels of public facilities and services concurrent with the demand for the facilities created by the development. The cost of such study or studies shall be borne by the applicant.
- vi. *Timing and Approval of Studies*. Any outside study shall be subject to approval by the Director of Engineering prior to approval of the Preliminary Plat and the construction plans. The City also may require, at the time of approval of subsequent applications (e.g., Final Plat), an update of a facilities impact studies that were approved in conjunction with a prior application (e.g., Preliminary Plat).
- vii. *Future Extension of Public Facilities*. The property owner shall make provisions for future expansion of the public facilities as needed to serve future developments, subject to the City's oversize participation policies, if applicable.
- viii. *Operations and Maintenance of the Public Facilities*. The property owner shall provide for all operations and maintenance of the shared public facilities located on private property, or shall provide proof that a separate entity will be responsible for the operations and maintenance of the facilities.
- ix. *Fiscal Security*. The property owner shall provide all fiscal security required for the construction of the public facilities.
- x. *Approvals from Utility Providers*. The property owner shall obtain all necessary approvals from the applicable utility providers other than the City, and shall submit written verification of such approvals to the City with the construction plans.
- xi. *Compliance with Utility Providers*. The property owner shall comply with all requirements of the utility providers, including the City and applicable utility districts.

Sec. 10.03.072.....WATER, WASTEWATER & DRAINAGE REQUIREMENTS AND ENVIRONMENTAL STANDARDS.

(a) **Water and Wastewater Basic Policy.**(1) Construction Requirements.

- i. All public water and wastewater mains shall be located in the frontage of the property along streets, or in easements adjacent to the development in order to provide service to adjacent property.
- ii. Public water and/or wastewater mains shall not be located within a private street, drive or access easement unless a public utility easement is provided.
- iii. The minimum easement width for water or wastewater mains shall be fifteen (15) feet, or as determined by the Director of Engineering. Where it is necessary for water and wastewater facilities to be located within the same easement, the easement shall be a minimum of twenty (20) feet in width, or as determined by the Director of Engineering.
- iv. No portion of a structure (including, but not limited to, walls, foundations, porches/patios and porch/patio covers, canopies, roof extensions/overhangs, chimneys, fire flues, etc.) shall encroach over or into any easement, except that wall-attached window awnings, "bay" style windows, and roof eaves shall be allowed to encroach into an easement a maximum of twenty-four (24) inches.
- v. A water or wastewater easement between two (2) lots must fall entirely on a single lot and shall not straddle the lot line unless specifically approved by the Director of Engineering for cause.
- vi. Easements shall be dedicated for exclusive use for water and wastewater facilities and shall be shown on the Final Plat for the specific purpose intended. When it is necessary for additional utilities to be placed within such utility easement, additional width shall be provided and the easement shall be labeled for its additional intended purpose on the Final Plat.
- vii. When it is necessary to relocate or replace an existing water or sewer facility to accommodate a proposed subdivision, the developer is responsible for all costs associated with the relocation, except as agreed to by City Council for oversize participation.

(2) Construction Plans. Plans for construction of all water and wastewater facilities required by these regulations shall be prepared in accordance with the requirements and specifications contained in the *Engineering Design Standards*, the regulations of the Texas Commission on Environmental Quality (TCEQ), National Sanitation Foundations (NSF), Texas Department of Insurance, Insurance Services Office, and the City's current adopted Fire Code, which are incorporated by reference and made a part hereof. Plans for the improvements must be prepared by a licensed engineer and accepted by the Director of Engineering.(3) Acquisition of Easements. The developer shall be responsible for the acquisition of all required off-site easements. If the developer is unable to acquire the necessary off-site easement, the City shall be provided with easement or right-of way survey documents and exhibits, documentation, including evidence of a reasonable offer made to the affected property owner. Upon receiving a written request for assistance, the City may, at its option, acquire these easements either through negotiations or through condemnation in appropriate situations. The developer shall reimburse the City for the costs of acquiring the necessary easements including but not limited to attorney fees, expert fees, and title searches.(b) **Preliminary Utility Plan.**(1) Submittal of Plans. Concurrent with the submission of a Preliminary Plat, Final Plat, Replat or Minor Plat, the developer shall submit a plan showing the location and size of water, wastewater, and storm drainage mains that will be required to provide adequate service and fire protection to the lots specified in the proposed plat. Plans and specifications for fire hydrant systems shall be

submitted to the Fire Marshal for review prior to construction.

(2) Plan Document. The plan shall conform to the *Engineering Design Standards*.

(3) Coordination with other Utility Providers.

- i. *Preliminary Plat*. When the subdivision is located in an area served by a utility provider other than the City, the developer must provide a water system analysis.
- ii. *Minor Plat, Replat*. When a subdivision is located in an area served by a utility provider other than the City, the developer must provide a letter from the utility provider stating that the existing facilities provide adequate domestic service and fire protection. If the City has reason to believe that there may be water supply or pressure concerns, a water system analysis may be required.
- iii. *Final Plat*. The final plat will not be filed with Denton or Collin County until a letter has been provided from the utility provider stating that they have accepted the plans for construction.

(c) **Miscellaneous Requirements.**

- (1) No building or structure shall be constructed within or over an existing wastewater, lateral, water main or storm drain easement unless approved in writing by the Director of Engineering in a signed and executed Development Agreement, approved by City Council, stating that any damage to the lines within or over the easement caused by the erection of the sign or construction of any building or structure shall be repaired to City standards at the property owner's expense. Additionally, should the City, the County and/or franchise utility company require access to said easement that any repairs to the affected building, sign or structure shall be solely at the expense of the property owner.
- (2) Monument signs may be constructed over an existing wastewater, lateral, water main or storm drain easement if approved by the City Manager or designee in a signed and an executed agreement stating that should any disturbance, repair, or realignment conducted by the City or a franchise utility company within the easement that may affect the sign requires that the sign owner make all necessary repairs to the sign, including the entire replacement of the sign, at the owner's sole expense.
- (3) Ownership and maintenance of water and wastewater mains and service connections shall be regulated as follows:
 - i. The title to all wastewater lines constructed, including wastewater service connections located in a right-of-way or dedicated easement, shall be vested in the City or the applicable utility provider.
 - ii. The developer, or single customer, shall be responsible for all maintenance of the wastewater service connection, unless replacement of the service is required under the public roadway or pavement. When replacement is determined to be necessary by the Director of Engineering, the City shall assume the responsibility for replacement of that portion under the pavement.
 - iii. The title to all water mains and water meters constructed, and installed, including the title to service connections, shall be vested in the City or the applicable utility provider.
- (4) The City makes no guarantee that water supply or wastewater capacity will be available at any particular time or place.
- (5) The service lines shall extend across the lot in question to provide future service connections to the adjacent lot.
- (6) Water and wastewater service lines shall be maintained by the property owner.
- (7) Public water and wastewater mains adjacent to federal, state, or county roadways shall be constructed outside the right-of-way in a separate easement unless otherwise agreed upon by those agencies.

(d) **Water.**(1) Design & Construction.

- i. *Installation of Water Facilities.* Where water is to be provided through the City system, the property owner shall install adequate water facilities, including fire hydrants, in accordance with the City's *Engineering Design Standards*, the adopted Fire Code, the current Rules and Regulations for Public Water Systems of the Texas Commission of Environmental Quality (TCEQ), and the firefighting standards of the Texas Board of Insurance. If any such requirements conflict, the most stringent requirement shall apply.
- ii. *Facilities for Health and Safety Emergencies; Alternative Water Sources.* All water facilities connected to the City's water system shall be capable of providing water for health and emergency purposes, including fire protection and suppression. Water supply facilities shall be in accordance with the *Engineering Design Standards*. The design and construction of water system improvements and alternative water sources shall also comply with the following standards:
 - a. Design and construction of a water source on the site shall be in accordance with applicable regulations of the Texas Commission on Environmental Quality (TCEQ).
 - b. Design and construction of water service from the City shall be in accordance with the standards in the City's *Engineering Design Standards*.
 - c. Design and construction of a fire protection and suppression system shall be in accordance with the standards in the *Engineering Design Standards*, and in accordance with the City's Fire Department and adopted Fire Code.

(2) Location.

- i. *Shown on Construction Plans.* The location and design of all fire hydrants, all water supply improvements and the boundary lines of special districts, private systems and certified water service areas, indicating all improvements proposed to be served, shall be shown on the construction plans.
 - ii. *Extension of Lines.* Extension of water lines shall be made along the entire frontage of the development adjacent to a street. If the subdivision is not adjacent to a street, the extension of water lines shall be accomplished in such a manner as to allow convenient future connections to said lines by new subdivisions and the developer shall provide stub out connections at the property line at the time of water infrastructure installation.
 - iii. *Variance from Requirement.* If new subdivisions will never be constructed beyond a developing subdivision due to physical constraints, the Director of Engineering may approve a Minor Variance for this requirement in accordance with Section 10.03.086, *Variances*, of this Ordinance prior to action on the construction plans or prior to action on any plat.
- (3) Cost of Installation. The cost of installing all water supply improvements to be made by the developer, including off-site improvements, shall be included in the performance guarantees and Development Agreement, if applicable (refer to Section 10.03.044, *Development Agreements*).
- (4) Cost of Extension for Single Customer.
- i. When it is necessary to extend a water line to serve a new single customer where only one meter will be installed, the City at its own expense will extend the said water line up to 100 feet.
 - ii. If a distance is equal to or greater than 100 feet is required to reach the nearest property line of the new single customer, the said single customer shall pay one hundred percent (100%) of cost extension in excess of 100 feet.
 - iii. If more than one single customer is served by the main extension, 100 feet of main will be allowed for each single customer thus served, and any excess footage will be paid for at one hundred percent (100%).

- iv. No more than one single customer credit of 100 feet will be allowed each lot or tract of record so served regardless of the number of buildings, occupied or otherwise, which might be located on said lot or tract.
 - v. Payment will be made in advance of construction.
- (5) Cost of Extension to Serve Developers.
- i. Where the City's water distribution system is not planned to be extended in time to serve a proposed new development, all necessary water facilities to serve such development shall be provided by and at the expense of the developer. If oversizing of a water facility is deemed necessary by the Director of Engineering for future developments, then the City may participate in such oversizing costs as part of a Development Agreement.
 - ii. The developer will pay one hundred percent (100%) of the construction cost of the size mains required to serve his development, including the design, construction, and City inspection of the approach main(s).
 - iii. When the developer desires that water mains be extended to serve his property, he will submit a request in writing to the Director of Engineering. The property to be served shall be listed showing the lot, block and subdivision. If the area to be served is a part of a larger area that is owned or controlled by the developer and which is reasonably expected to be served by water in the future, a tentative design of a main layout will be made of the entire area. The cost estimate will be made on that portion of the subdivision to be served immediately.
- (6) Individual Wells in ETJ.
- i. *Well Approval.* Individual wells to provide potable water within the City's ETJ shall be subject to approval by the Denton or Collin County health official, and this approval shall be documented by the health official's signature on the water system statement on the Preliminary and Final Plat. The property owner must submit with the Preliminary and Final Plat applications a certificate from a professional engineer who is registered or a geoscientist who is licensed to practice in the State of Texas verifying the adequacy of the proposed well water supply and potability prior to Preliminary Plat and construction plans approvals.
 - ii. *Compliance with Other Regulations.* Installation, operations and maintenance of individual wells shall comply with City standards, regulations of the Texas Commission on Environmental Quality (TCEQ), and any other applicable County or State rules and regulations. In the event of conflict among these regulations, whichever is the most stringent shall apply.
- (7) Alternative Water Systems. Developments may be approved with alternative water facilities according to the following criteria:
- i. Water well operation and quality shall meet the minimum requirements of the Texas Commission on Environmental Quality (TCEQ), Denton or Collin County, City health ordinances, and all other regulatory agencies, as applicable.
 - ii. Water wells may not be used for commercial sale of water.
 - iii. The cost to tie onto the public water system must exceed the certified initial capital cost of a well by twenty-five percent (25%). All costs and engineering designs shall be submitted by a licensed professional engineer and are subject to review and approval by the Director of Engineering. If a residence is located within 1,000 feet of a domestic water supply, that residence must be connected to that service.
- (e) **Wastewater.**
- (1) Extension of and Connection to the City's Wastewater Collection System. Extension of, and connection to, the City's sanitary sewer system shall be required for all new developments within the City limits. Extension of, and connection to, the municipal sewer system shall also be required

for new developments within the City's ETJ for any proposed development, lot, tract or parcel that is less than one (1) acre in size. The City is not in any way obligated to allow extension of municipal sewers outside the City limits. The required extension of, and connection to, the municipal sewer system may be waived as a Minor Variance, in accordance with Section 10.03.086, *Variances*, by the Director of Engineering if the Director of Engineering determines that such extension would require unreasonable expenditures and that an on-site wastewater disposal system (see Section 10.03.072(e)(5), *On-Site Wastewater Disposal Systems*) will function properly and safely.

- (2) Design & Construction. It is the policy of the City to require all wastewater collection lines to have gravity flow. The use of lift stations and force mains is prohibited unless a gravity design is impractical, as determined by the Director of Engineering. The location, design and sizing of all wastewater improvements shall be shown on the construction plans and are subject to approval by the Director of Engineering.
- (3) Cost of Installation. The cost of installing all wastewater improvements to be made by the developer, including off-site improvements, shall be included in the performance guarantees and Development Agreement, if applicable.
- (5) Community Sanitary Sewerage Collection Systems. All subdivisions developed subsequent to this ordinance must be served by community sanitary sewerage collection, treatment and disposal systems approved by the City with exceptions granted only if all of the following conditions exist:
 - i. The subdivision in question is less than five (5) parcels of land;
 - ii. The existing community type collection, treatment and disposal system is not and cannot feasibly, in the opinion of the Director of Engineering, be made available to the area of development; and,
 - iii. Percolation tests run by an independent testing laboratory are submitted to both the City and County health department with results showing that a septic tank and spreader field can be developed to provide adequate disposal of the sewage.
- (6) Sewer Extensions, Generally. All sewer extensions shall be designed in accordance with the latest applicable rules and regulations as published by the Texas State Department of Health and Texas Commission for Environmental Quality (TCEQ). All sewers shall be designed with consideration for serving the full drainage area subject to collection by the sewer in question except as modified with the concurrence of the Director of Engineering because of the projected rate of development or the financial feasibility of the proposed extension.
- (7) Sewer Extensions for Single Customers.
 - i. Where it is necessary to extend a sewer line to serve a new single customer, the City, at its own expense, will extend said sewer up to 100 feet.
 - ii. If a distance is equal to or greater than 100 feet should be required to extend the line to the nearest property line of the customer, said single customer shall pay the excess over the 100 feet allowable at the rate of one hundred percent (100%) of cost.
 - iii. If more than one single customer is served by the main extension, 100 lineal feet of sewer will be allowed for each single customer thus served, and any excess footage will be paid for at one hundred percent (100%) of cost.
 - iv. No more than one single customer credit of 100 feet will be allowed for each lot or tract of record so served regardless of the number of buildings, occupied or otherwise, which might be located on said lot or tract.
 - v. Payment will be made in advance of construction.
 - vi. All service lines shall be designed and constructed in accordance with the Wastewater Master Plan.
- (8) Extensions to Serve Developers. The developer shall pay one hundred percent (100%) of the construction cost of all sewers including the design and construction of "approach mains," but

excepting "service lines."

- i. The developer will also pay one hundred percent (100%) of the cost of service lines to all lots to be served by a sewer located in the street. Said service lines will be constructed at the same time as a part of the same contract as all other sewers in the developer's addition. If the sewers are being constructed by City forces, the service lines will be constructed by City forces at the time all other sewers within the addition are constructed.
 - ii. The Director of Engineering shall determine the size of the approach main required to serve developer's property and the actual size to be constructed. Should the City elect to construct a main larger than the developer's required approach main, the developer will not be charged for the additional upsizing.
 - iii. The amount of developer's payment shall be determined using unit bid prices contained in the award contract.
 - iv. All service lines shall be designed and constructed in accordance with the Wastewater Master Plan.
- (9) Required Stub-Out to Adjacent Properties. All lateral and sewer mains installed within a subdivision must extend to the borders of the subdivision as required for future extensions of the collecting system regardless of whether or not such extensions are required for service within the subdivision.
- (10) Lift Stations or Separate Treatment Facilities. The provision for lift stations or separate treatment facilities will not be permitted unless the cost of constructing such lift stations or separate facilities is at least twenty percent (20%) less than the costs of constructing an adequate outfall or approach sewer from the existing system.
- (11) Connections. No connection shall be made to any sanitary sewerage system within the City which will permit the entrance of surface water or waste of other than domestic sewage characteristics without the specific authorization by the City Council.
- (12) On-Site Wastewater Disposal Systems.
 - i. In cases where the Director of Engineering determines that extension of and connection to the City's sewer system is impractical or not feasible, and where the Director of Engineering approves the use of an on-site wastewater disposal systems, such on-site systems shall provide adequate sewage disposal for all lots, tracts, parcels and structures in the development that cannot be connected to the City's sewer system.
 - ii. All on-site wastewater disposal systems shall be designed, permitted, constructed, operated and maintained in compliance with all applicable local, County and State regulations, and a permit for such system shall be acquired prior to Preliminary Plat and construction plans approvals.
 - iii. On-site wastewater disposal facilities requiring soil absorption systems may be prohibited where such systems will not function properly in conditions of high ground water, flooding, unsuitable soil characteristics, or other topographical or environmental issue.
 - iv. Each lot, tract, parcel and structure that utilizes an on-site wastewater disposal system shall have a minimum land area of at least one (1) acre.
 - v. No portion of any on-site wastewater disposal system shall be constructed within a minimum 150-foot radius around any water well either on-site or on other properties.
 - vi. In order to protect the public health, safety and welfare, an existing on-site wastewater disposal system shall be upgraded, or reconstructed if necessary, to comply with the City's standards by the owner, at the owner's expense, if the operation of the facility does not comply with government regulations or if it causes objectionable odors, unsanitary conditions, pollution, etc.

(f) **Storm Water.**

- (1) Adoption. This ordinance is in compliance with the adopted Drainage and Flood Control Ordinance of the City of Celina.
- (2) Purpose and Scope. The purpose of policies and design standards set forth herein is to ensure adequate stormwater drainage and flood control within the City of Celina. The policies and standards are included in the *Engineering Design Standards* and are intended to protect public health and safety, to prevent property damage due to flooding, to equitably distribute the cost of necessary drainage improvements, and to minimize the maintenance cost of drainage facilities constructed. Any development or improvement of property affecting storm drainage and flood control in the City of Celina is subject to the provisions of this ordinance.
 - i. The development of land shall consider all drainage elements normally used in the engineering standards of design.
 - ii. Stormwater design shall consider the maximum results from a 100-year frequency storm. The release rate of stormwater shall be such that the flows of runoff water after the land development is completed shall not exceed the flows existing before land development is started. Where existing development is in place upstream of the land area under consideration for development, provisions shall be made within the engineering design to provide capacities for the potential full flows which may be created by the upstream properties based on the result of a 100-year rainfall event.
- (3) Standard Provisions for Storm Drainage. All construction for storm drainage in the development or improvement of real property within the City of Celina shall conform to the adopted *Engineering Design Standards*.
- (4) Responsibility of Owner or Developer for Storm Drainage.
 - i. The owner or developer of property to be developed or used shall be responsible for all storm drainage flowing through or abutting such property. This responsibility includes the drainage directed to that property by prior development as well as the drainage naturally flowing through the property by reason of topography. It is the intent of this ordinance that provision be made for storm drainage in accordance with Section 10.03.071(f)(2), at such time as any property effected is proposed for development use.
 - ii. Where the improvement or construction of a storm drainage facility is required along a property line common to two (2) or more owners, the owner hereafter proposing development or use of his property, shall be responsible for the required improvements at the time of development, including the dedication of all necessary right-of-way or easements, to accommodate the improvements.
 - iii. Where a property owner proposed development or use of only a portion of his property, provision for storm drainage in accordance with Section 10.03.071(f)(2), shall only be required in that portion of the property proposed for immediate development or use, except as construction or improvements of a drainage facility outside that designated portion of the property is deemed essential to the development or use of that designated portion.
 - iv. The owner or owners shall dedicate to the City the required drainage easements. Determination of minimum easement required shall be made by the Director of Engineering.
 - v. In the event that an owner or developer desires to impound stormwater by excavation, filling or construction of a dam within a property, thereby creating a lake, pond, or lagoon as a part of the planned development of that property, the standard provisions for storm drainage as established in Section 10.03.071(f)(2) of this ordinance shall not be applicable, provided:

- a. That an engineering plan for such construction, accompanied by complete drainage design information, prepared by a registered professional engineer, shall have been approved by the Director of Engineering;
- b. That the owner or developer shall have agreed to retain under private ownership the lake, pond, or lagoon constructed, and to assume full responsibility for the protection of the general public from any health or safety hazards related to the lake, pond, or lagoon constructed;
- c. That the owner or developer shall have agreed to assume full responsibility for the maintenance of the lake, pond, or lagoon constructed;
- d. That the obligations herein shall run with the land and shall be a continuing obligation of the owner or owners of such land;
- e. That the requirements of the Texas Water Code pertaining to impoundment of surface water are complied with including the design construction and safety of the impounding structure;
- f. On any existing structure, the owner will furnish a study proposed by a professional engineer for the City for approval.

(5) Responsibility and Participation of the City in Storm Drainage Improvements.

- i. The City may, in its sole discretion, participate in the cost of such improvements as are required by this ordinance.
- ii. The City may, in its sole discretion, participate in any project of improvements by the levy of a special assessment against the lands to be enhanced in value by such improvements.
- iii. The City may acquire drainage easements necessary for such improvements by acceptance of dedication, purchase, or condemnation.
- iv. The City shall, upon acquisition of the drainage easement and the completion of improvements as hereinabove provided, assume full responsibility for the maintenance of such drainage facilities.

(6) Engineering Design. The design of all storm drainage facilities in the development or improvement of real property shall be in accordance with the Engineering Design Standards and the following requirements:

- i. Storm sewer inlets shall be provided along paved streets at such intervals as are necessary to limit the depth of flow as follows:

SPREAD OF WATER	
<i>Type of Street</i>	<i>Requirement</i>
Major Thoroughfare	One traffic lane in each direction to remain open
Collector Street	One moving traffic lane to remain open
Residential Street	Maximum depth for design storm as shown in the <i>Engineering Design Standards</i>

- ii. A closed storm sewer system shall be required to accommodate a run-off exceeding the street capacity, as provided above, up to and including the design capacity of a seventy-two (72) inch concrete pipe.
- iii. An open channel may be permitted to accommodate run-off exceeding the design capacity of a seventy-two (72) inch pipe, as provided below:
 - a. Channels draining an area with a "CA" factor (coefficient of run-off and drainage area, as used in the hereinafter described "rational formula") of less than 600 shall be concrete lined to the design depth, plus six (6) inch freeboard except that a closed system as provided above may be used. A twenty (20) foot wide access easement shall be provided along at least one (1) side parallel to a channel.

- b. Channels draining an area with a "CA" factor between 600 and 1,000 shall be improved to a capacity of the 100-year design discharge by excavation, straightening and realignment, as required, and also the construction of a concrete lined channel having a width of not less than the bottom width with concrete lined to a depth of at least two (2) feet. Earthen side slopes shall be no steeper than four-to-one (4:1), horizontal to vertical, and shall be sodded to prevent erosion.
 - c. The setback for the building line shall be based on a minimum of five-to-one (5:1) setback so that as a minimum of twenty (20) foot of width access and maintenance strip is provided parallel and adjacent to each side of the top bank of all drainage channels in this section.
 - iv. In lieu of the improvements of a channel draining an area with a "CA" factor in excess of 1,000, the City Council may elect to accept the dedication of all land within the natural 100-year floodplain of the existing drainage channel as a permanent right-of-way.
 - v. That the criteria for drainage improvements as hereinabove set forth in paragraphs i. through iv. of this section shall be applicable to publicly owned lands solely at the discretion of the City of Celina.
 - vi. Excavation, fill and grading operations within the city limits shall be undertaken only after a proper permit has been obtained from the City.
- (7) Easements. Drainage easements shall be dedicated for public drainage features in accordance with requirements of this ordinance. Drainage easements and features shall be included as a portion of buildable (habitable structure) lot(s) and not as a lot by itself unless specifically authorized by the Director of Engineering. If a large development-related feature is authorized on a separate lot, a home owners' or property owners' association is required. Storm drainage easements shall be located along side property lines, and such easements shall be contained fully on one (1) lot or tract, and shall not be split across the property line between two (2) lots or tracts.
- (8) Storm Water Quality. Designs for new development shall manage storm water in a manner that protects water quality by addressing the development's potential to cause erosion, pollution, siltation, and sedimentation in the Municipal Separate Storm Sewer System (MS4) and natural Major Creeks. The goal is to maintain after development, to the maximum extent practicable, the predevelopment characteristics in the Major Creek, which ultimately receives storm water runoff from the development. It is the developer's responsibility to ensure that designs for new development meet the storm water management requirements in the General Permit for Storm Water Discharges from Construction Activities issued by the TCEQ and its successor agencies. This permit includes the requirement for measures that will be installed during construction to control pollutants in storm water discharges after construction operations have been completed.
- (9) Storm Water Runoff. Storm water runoff shall be calculated anticipating a fully developed watershed. The *Comprehensive Plan, Engineering Design Standards*, existing land use, and zoning maps shall be used to determine fully developed conditions. The Director of Engineering may require a Hydrology and Hydraulic Analysis and reserves the right to review.
- (10) Minimum Finish Floor Elevations. The Director of Engineering may require minimum finish floor elevations (MFF) to provide flood protection on certain lots contained within the subdivision. The MFFs shall be shown on the plat. These elevations shall incorporate the most current floodplain management criteria or other criteria as necessary to avoid damages. The minimum finish floor elevation shall be two (2) feet above the fully developed 100-year water surface elevation where the MFF is associated with a natural Major Creek or open channel. When the MFF is necessitated by situations other than a natural Major Creek or open channel, the MFF shall be set by the developer's engineer and agreed upon by the City. The following note or an amended version appropriate to the specific plat shall be added to any plat upon which the Director of Engineering

requires the establishment of minimum finish floor elevations:

“The City reserves the right to require minimum finish floor elevations on any lot contained within this addition. The minimum elevations shown are based on the most current information available at the time the plat is filed and are subject to change.”

(11) Off-site Drainage.

When any proposed development requires off-site grading where storm water runoff has been collected or concentrated, it shall not be permitted to drain onto adjacent property except in existing Major Creeks, channels, storm sewers or streets. In such a case, a drainage easement shall be dedicated and shall be of a width sufficient to comply with the criteria outlined in the *Engineering Design Standards*.

(g) **Preliminary Storm Water Management Plan.**

- (1) A preliminary storm water management plan (SWMP) shall be prepared for all developments in accordance with the *Engineering Design Standards*. The purpose of the SWMP is to identify permanent water quality feature opportunities for the development.
- (2) The preliminary SWMP shall be prepared in coordination with the preliminary drainage plan on all projects where both are required. The preliminary SWMP and the preliminary drainage plan may be shown on the same sheet.
- (3) The preliminary SWMP must comply with the standards and criteria outlined in this ordinance, the *Engineering Design Standards*, and the Flood Damage Prevention Ordinance. The plan may satisfy the storm water management portion of the SWPPP that is required for construction activities; however, the SWMP is not a substitution for the SWPPP. The City’s review of the preliminary SWMP does not constitute acceptance of the final SWMP or the final development plans.
- (4) The developer shall provide a preliminary SWMP for the area proposed for development. For amended plats or plats with a previously accepted preliminary SWMP, the accepted preliminary SWMP shall be enforced unless a revised preliminary SWMP is required.
- (5) Electronic copies of the preliminary SWMP plan shall be submitted with the submittal of a preliminary plat, replat, or minor plat for review and acceptance. The plan shall be labeled as “Preliminary.” Upon acceptance of the plan, the plan shall be signed, sealed, and dated by the engineer, or shall contain a statement showing the engineer’s name and license number and affirming the plan was prepared under the direction of the engineer and that the plan is preliminary. At the discretion of the Director of Engineering, an earthwork permit may be issued prior to the plat being filed so long as a floodplain development permit, if necessary, and a SWPPP have been approved. The developer takes the financial risk of grading the tract prior to final approval of the plat and construction plans.

(h) **Preliminary Drainage Plan – Hydrologic and Hydraulic Analysis.**

- (1) This plan shall show the watershed affecting the development and how the runoff from the fully-developed watershed will be conveyed to, through, and from the development. It must comply with the standards outlined in this Ordinance and the drainage design criteria found in the *Engineering Design Standards*. The preliminary drainage plan is a guide for the detailed drainage design. The review of the preliminary drainage plan does not constitute final drainage plan approval or authorize a variance to this Subdivision Ordinance.
- (2) For any property involved in the development process, a preliminary drainage plan shall be provided, at the developer's expense, for the area proposed for development. For property with a previously accepted preliminary drainage plan, the accepted preliminary drainage plan may be submitted and enforced unless a revised preliminary drainage plan is required by the City due to lot reconfiguration or other conditions created by the new plat. The Director of Engineering may waive

the requirement for a preliminary drainage plan if the submitted plat is not anticipated to cause any significant change in runoff characteristics from a previously accepted drainage study or for single residential properties where no drainage problems are anticipated. If the applicant requests a variance in writing, a copy of any previous drainage plan shall be provided.

- (3) Electronic copies of the preliminary drainage plan shall be submitted with the submittal of a preliminary plat, replat, or minor plat for review and acceptance. The plan shall be labeled as "Preliminary." The plan shall be stamped by and dated by the engineer and be accompanied by a floodplain development application describing the hydrologic and hydraulic impacts of the development and all associated supporting data files.

(i) **Floodplain Development Requirements.**

(1) Construction in Areas Subject to Flooding.

- i. No building or structure shall hereafter be erected or relocated within the 100-year floodplains of the major drainage ways, unless the finished floor elevation of such a building or structure is a minimum of two feet above the high water elevation calculated for the runoff from a rainfall having a design frequency of 100 years. In all other areas subject to flooding, the finished floor elevation shall be a minimum of the high water elevation calculated for the runoff from a rainfall having a design frequency of fifty (50) years and shall not flood within the 100-year frequency. The owner or developer shall furnish, at their expense, to the Director of Engineering sufficient engineering design information to confirm that the minimum floor elevation proposed is as required by this paragraph.
 - ii. No building or structure shall be erected or relocated within a floodplain of drainage channel which will obstruct the natural flow of water within that floodplain or channel.
 - iii. No excavation, filling, or construction of embankment, or landscaping shall be permitted within a floodplain or channel which will obstruct the natural flow of the water within that floodplain or channel, unless sufficient engineering design information is furnished to the Director of Engineering in order that they may determine that same will not adversely affect flow characteristics within that floodplain or channel, resulting in damage to that or any other property nearby.
- (2) Building or Structure Set-Back Requirement. No building or structure shall hereafter be constructed, reconstructed, or relocated within twenty (20) feet of any open drainage channel. It is the intent of this section to ensure that an unobstructed width of at least twenty (20) feet is maintained between the top side slope of any such drainage channel and any building or structure.
- (3) Construction over Drainage Facilities. No building or structure shall hereafter be constructed, reconstructed, or relocated over or across any storm drainage facility, unless specifically approved by the Director of Engineering pursuant to that criteria established in paragraphs (i) and (ii) below:
- i. Construction of buildings, roadways, or structures may be permitted over or across closed drainage systems, to include concrete box culverts or reinforced concrete pipe. Engineering plans and specifications shall be prepared by a professional engineer registered in the State of Texas and experienced in civil engineering work. The total cost for such engineering plans and specifications shall be borne by the owner or the developer and shall be furnished to the Director of Engineering for their review and approval.
 - ii. Construction of pedestrian bridges or small vehicular crossings may be permitted by the Director of Engineering. Engineering plans and specifications shall be prepared by a Professional Engineer registered in the State of Texas and experienced in civil engineering work. The total cost for such engineering plans and specifications shall be borne by the

developer and shall be furnished to the Director of Engineering for their review and approval.

- iii. Any fencing that is proposed to cross a drainage facility shall be designed in such a way that does not impede water flow or create a de facto dam. Fencing across drainage facilities is subject to review and approval by the Director of Engineering.
- (4) Storage, General. Stormwater management programs aimed at controlling increased stream water runoff generated by development are a top priority in urban watershed planning. More frequent flooding, increased rates and volumes of stormwater runoff, increased stream channel erosion and degradation, increased sedimentation, and increased water pollution are all problems intensified by increased stormwater runoff resulting from development. Storage of excess urban storm runoff is one of the most promising methods available in preventing urban flood damage.
- i. Storm runoff storage with reduced release rates can hold downstream flood flows to within the safe conveyance capacity of the storm sewer and stream system. In most cases it can be shown that storage is more economical than increasing downstream conveyance capacity. Storage facilities should be planned and designed to ensure an effective and efficient operation and maintenance program.
 - ii. Retention and detention are two generalized types of storm runoff storage used to control flooding. Retention storage refers to storm runoff collected and stored for a significant period and released or used after storm runoff has ended. Retention storage usually consists of "wet reservoirs" which often have agricultural, recreational, and/or aesthetic value. Detention storage consists of reducing the rate of runoff for a short period of time to reduce peak flows by controlling the discharge through an outlet structure and by extending the period of runoff.
 - iii. Skillful use of the procedures outlined in this section will provide reasonable solutions to drainage policy requirements. Individual and community experience in the use of these techniques will evolve into a methodology that will allow urban growth without the attendant drainage problems.
- (5) Storage Classification. Storage can be classified by location as follows:
- i. Rainfall storage. The storage of water near the point of rainfall occurrence or before storm runoff accumulates significantly. Rainfall storage is usually accomplished by roof top ponding, parking lot ponding, property line swale ponding, and small on-site ponds.
 - ii. Runoff storage. Water stored after storm runoff has accumulated significantly and begun to flow in a drainage system. Runoff storage is usually accomplished by off stream storage, channel storage, or on-stream storage.
- (6) Rainfall storage.
- i. *Rooftops.* The building codes require roof load design for rain and snow and its subsequent removal, drainage, or evaporation from the roof. Under no circumstances shall the design for a non-residential flat roof allow planned ponding.
 - ii. *Parking lots.* Bioswales are encouraged for use in parking lots rather than curb and gutter between the parking spaces. Water moving across the parking area shall be filtered before entering the sewer system.
 - iii. *Recreation areas.* Recreation areas, such as sports fields, generally have a substantial area of grass cover that often has a high infiltration rate. Storm runoff from such fields is minimal. A secondary use of such recreation fields can be made by providing for limited detention storage of runoff from adjacent areas since these areas are not used during periods of precipitation, detention ponding should not seriously impede their primary use. To minimize after effects, the recreation area should be designed so that it will thoroughly

drain. In addition, the vegetation used on the area should be tolerant of periodic inundation and wetness.

- iv. *Property line swales.* Subdivision planning and layout requires adequate surface drainage away from buildings. This is obtained by sloping the finished grade in all directions away from the building. The layout often calls for a swale to be located along the back property line, which then drains longitudinally through the block. The use of natural swales for drainage is allowed; concrete flumes are not allowed.
 - v. *Ponding.* Temporary ponding facilities along the rear lot line may include small controlled discharges along the back property line or, if the subsoil conditions are favorable, several inches of rainfall could be expected to percolate into the ground during and after a storm. Prior to planning for property line swale ponding, the engineer should determine that saturation of the subsoil will not have an adverse effect on building foundations. In cases where significant subsoil problems exist, water should not be ponded or percolated into the ground.
 - vi. *Combinations.* In many instances, one on-site detention method cannot conveniently or economically satisfy the required or needed amount of stormwater storage. Limitations in storage capacities, site development conditions, soils limitations and other related constraints may require that more than one method be utilized. For example, roof top, parking lot, and surface pond storage might all be required to compensate for the increase in runoff due to development of a particular site. Whatever combinations are suitable may be incorporated into a site development plan.
- (7) Runoff Storage.
- i. *Off-stream storage.* The storage of water in depressed open areas, in reservoirs, and on low lying recreation fields to which storm peak flows are routed in usually termed off-stream storage. It is usually characterized by a side channel spillway or overflow from the main channel.
 - ii. *On-stream storage.* The construction of an embankment across a channel so that a storage pond is formed represents on-stream storage. Spillway considerations are important to pass large floods exceeding the storage capacity. Properly protected roadway embankments are well suited for this purpose.
 - iii. *Channel storage.* Although all channels inherently store water, channels can be made to attenuate runoff by altering their hydraulic characteristics in a way that will reduce peak flows. Side channels that run essentially parallel to the main-stream channel are also a means of temporarily storing water during excessive rainfall events.
- (8) Multipurpose Use.
- i. *Practical Use.* Rainfall storage and runoff storage systems are most practical when designed for multi-purpose use. For maximum land use efficiency, the design engineer must consult early with the Planning Department and the Parks and Recreation Department of the City.
 - ii. *Lower cost recreation.* Using detention storage areas as parks and greenbelts, ballfields and playing fields is an efficient use of unbuildable land and reduces the City's cost of open space facilities.
 - iii. *Multi-use criteria.* The multiple use of floodway storage areas is desirable manner in meeting the recreation needs of the local community. Both detention and retention storage may provide recreation areas in addition to their primary function in the reduction of flooding.
- (9) All development proposed adjacent to or within the 100-year floodplain shall be in accordance with the City's Flood Damage Prevention Ordinance, the Subdivision Ordinance, and the *Engineering Design Standards*. A floodplain development permit and earthwork permit must be submitted and

approved by the Director of Engineering prior to any construction on the site.

(j) **Major Creeks.**

- (1) 100-Year Floodplain Restrictions. For the health, safety, and welfare of the City's residents and for the conservation of water, storm drainage, and sanitary sewer facilities, the City prohibits vertical development of any portion of a property that lies within the 100-year floodplain of any major creek. Major creeks shall be protected from destruction or damage resulting from clearing, grading, and dumping of earth, waste or other foreign materials. Clearing, grading, excavation or filling of any area within the 100-year floodplain or within any major creek shall be prohibited unless authorized in writing by the City.
- (2) Major Creek Restrictions. All major creeks shall be maintained in an open natural condition. All major creeks are subject to the following requirements for all types of development:
 - i. The 100-year floodplain and Erosion Hazard Setback shall be dedicated on the Final Plat to the City as a single lot or shall be owned and maintained by an HOA or POA, pursuant to Section 107.03.079(d), *HOA Requirements*, of this Ordinance.
 - ii. At no time shall any portion of the 100-year floodplain exist or be included within any single-family or two-family residential lot.
 - iii. The Commission may waive any of these dedication requirements for a Replat that was originally platted prior to the adoption of this Subdivision Ordinance.
- (3) Access. Public access to parks and open space shall be dedicated for maintenance purposes as required by the Director of Engineering.
- (4) Retaining Walls. Retaining walls may be allowed between a house and the major creek as approved by the Director of Engineering, subject to Building Department standards. In addition, the footings shall be wholly located within private property and may not encroach into easements, rights-of-way, floodplain, erosion hazard setbacks, or any other City-maintained property. Retaining wall maintenance is the sole responsibility of the property owner.
- (5) Adjacent Streets Widths. The streets adjacent to a major creek shall have a minimum right-of-way width of sixty (60) feet.
- (6) Adjacent Street Types. (see Diagram 10.03.116).
 - i. Parallel Streets. A minimum sixty percent (60%) of the linear frontage of a major creek shall be adjacent to a parallel street. If the subdivision is developed in phases, this requirement shall be applied to the linear frontage within each individual phase.
 - ii. Cul-de-sac Streets. Cul-de-sacs shall comply with the following criteria (see Diagram 10.03.117). Cul-de-sacs shall comply with the following criteria:
 - a. No more than one (1) cul-de-sac in a row.
 - b. A minimum fifty percent (50%) of an adjacent cul-de-sac bulb shall be open to the major creek and no residential lot shall encroach within the area between this line and the major creek.
 - c. An entry monument or feature as well as landscaping shall be provided at the end of the cul-de-sac and a pathway of a minimum twelve (12) feet in width shall be provided to the major creek as approved by the Director of Development Services.
 - d. Two (2) or more cul-de-sacs cannot be placed immediately next to each other along a major creek.
- (7) Setbacks. Any side lot line adjacent to a major creek shall provide a twenty-five (25) foot building setback.
- (8) Fences. Fences adjacent to a major creek shall comply with the following criteria:
 - i. No solid fencing is permitted.
 - ii. Have a maximum height of eight (8) feet as measured from grade at that location;

- iii. Ornamental metal fences shall be located along the rear and side of the lots; and
 - iv. The property owner is responsible for the maintenance of the fence.
- (9) Additional Studies. At the request of the City, the property owner shall submit additional studies, including but not limited to the following, as deemed appropriate and necessary by the City, as part of the Preliminary Plat submittal requirements. These studies shall be considered during review and approval of the Preliminary Plat. For any study required by the City that is outsourced to a third party, the cost of such study shall be passed through to the developer or applicant.
- i. Environmental Assessment;
 - ii. Wetland Delineation Study;
 - iii. Habitat Study;
 - iv. Vegetative Study;
 - v. Erosion Hazard Setback Study;
 - vi. Storm Drainage Study;
 - vii. Riparian (i.e., Tributary) Study;
 - viii. Flood Study; and
 - ix. Downstream Assessment Study.

(k) **Detention Facilities.**

- (1) Intent. The City of Celina encourages the use of detention basins based for the benefits of the community outlined below:
- i. *Control of flood discharges.* The intent of detention basin design shall be to reduce flood discharges for the ultimate watershed development conditions without increasing peak discharges above the peak discharges for undeveloped watershed conditions. This storage method serves as a key strategy of the stormwater management plan.
 - ii. *Environment.* As development occurs, there is a loss of wildlife and bird life habitat. It is possible to create a natural micro-environment around ponds that can offset this loss of habitat. These "natural" environmental pockets in conjunction with natural open space areas can help maintain the rural setting of the City. Detention ponds also benefit downstream water quality by allowing the sedimentation of pollutants.
 - iii. *Recreation.* Detention basins offer many recreational opportunities in an urban setting; for example, a normally dry detention basin could be used for athletic fields or picnic areas, while the banks of a pond offer valuable park space.
 - iv. *Aesthetics.* As an integral part of the City of Celina, a detention basin needs to blend into the landscape and into the community. Measures such as gentle side slopes, planting of trees and shrubs, and other landscaping features can transform the detention facility into an attractive amenity for the neighborhood.
- (2) Requirements.
- i. All detention facilities shall be constructed according to the Engineering Design Standards.
 - ii. Detailed engineering studies of the entire basin shall be required to evaluate the timing of hydrographs from regional and on-site facilities, as well as backwater calculations to determine the effect of the detention/retention facilities on upstream water surface elevations.
 - iii. All detention facility designs shall be performed by a professional engineer registered in the State of Texas and shall meet the requirements of Permanent Rule 31, Texas Administration Code (TAC) Chapter 299, and other requirements, as applicable.
 - iv. The minimum amount of storage volume of the detention basin shall be that volume required to reduce runoff rate to the undeveloped condition rate. The volume of runoff storage for drainage areas greater than 160 acres shall be compared using unit hydrograph

procedures. The current best practices for the calculation of runoff hydrograph computation and flood routings shall be utilized, unless another program is specifically approved by the Director of Engineering. The criteria contained in this section shall serve as the minimum requirements for detention basin design. For drainage areas less than 160 acres, the above methods are recommended; however, an approximate routing method may be used subject to approval of the Director of Engineering.

- v. The maximum allowable release rate from any site shall be equal to the 100-year peak runoff rate prior to site development. The maximum design release rate may be less.
- vi. Where stormwater management improvements are required in the natural floodway or a permanent greenbelt or open space area, they should be incorporated into existing lakes, or they should be designed in as small an area as feasible to create natural contours. Note, however, that detention basins or retention ponds shall be a minimum of one acre in size to allow for proper maintenance, side slopes and outlet work operation.
- vii. Retention/detention ponds shall resemble natural ponds; in addition:
 - a. The pond should expand gradually from the inlet towards the outlet, insuring that there are no "dead zones." That is, water entering the pond gradually spread out and uniformly displaces the water already present in the pond.
 - b. The length-to-width ratio should be three to one (3:1) or greater, to provide a long flow path.
 - c. The average permanent pond depth should be greater than five (5) feet, where possible.
 - d. A ten (10) to twenty (20) foot wide shallow bench shall be provided along the shores of the permanent pond for safety and to encourage the development of bottom growth in these areas. This vegetation will enhance the biologic treatment characteristics of the pond and also enhance the "natural" appearance of the pond.
 - e. The maximum slope of a detention pond shall be one-to-six (1:6).
 - f. Fences are not allowed on detention ponds that are within view of any public right-of-way. Ponds within view of a public right-of-way must be designed in such a way that enhance the aesthetics and do not create an undue hazard to the public.
- viii. If several ponds are required, they should vary in size and shape, and be separated by tree groves, vegetated berms, or similar screening that creates a natural appearance.
- ix. Landscape materials should enhance wildlife habitat where feasible.
- x. Rock or geotextiles are required where slope erosion protection is needed for the side slopes of a pond. Exposed concrete is not allowed.
- xi. Detention facilities of less than ten (10) acre-feet of flood storage shall have outlet structures designed for the 100-year frequency storm. Facilities that are ten (10) acre-feet of flood storage or greater shall have outlet structures designed for the ten-year and 100-year frequency storms. The release rates shall be such that the flows after land development are no larger than the flows before land development.
- xii. Outlets should be provided with a debris separator to prevent plugging with debris and to provide safety to the public. Due to unique design considerations, the Director of Engineering may approve alternative outlet design.
- xiii. All federal, state and county laws pertaining to the impoundment of surface water shall have been compiled with, including the design, construction and safety of the impounding structure. Copies of any federal, state or county permits issued for the proposed impoundments shall be submitted to the Director of Engineering.
- xiv. All detention/retention facilities shall include an additional one (1) foot of freeboard and two (2) feet of sediment in determining the design flood elevation.

- xv. Provisions (such as emergency spillways or reinforcing of embankments) shall be made for the occurrence of overtopping or failure of the outlet structure. Under no circumstances should the emergency overflow have a direct path to any buildings or other structures used for human occupancy, commerce, or industry. Details of these provisions shall be supplied to the Director of Engineering for approval.
- xvi. The flood storage volume of detention/retention facilities shall be designed to empty in a maximum of twelve (12) hours if said facilities are to be considered an erosion/pollution control facility.
- xvii. Consideration should be given to the stocking of retention ponds with fish to control algae growth.
- xviii. Inlet structures shall be designed to both dissipate the flow energy and drop the inflow elevation to below that of the pond's water surface or basin's flow line.

Sec. 10.03.073.....STREETS AND ALLEY STANDARDS.

(a) Streets Basic Policy.

- (1) Street Improvements. In platting a new development, the property owner shall provide additional right-of-way needed for existing or future streets as required by the *Engineering Design Standards* and as shown on the Thoroughfare Plan (see Table A, *Thoroughfare Types & Standards*).
- (2) Existing Substandard Streets.
 - i. When a proposed residential or nonresidential development abuts one (1) or both sides of an existing substandard street, the developer shall be required to improve the substandard street and its appurtenances (such as curbs and gutters, sidewalks, barrier-free ramps, street trees, etc.) to bring the same to City standards, or to replace it with a standard City street, at no cost to the City other than as may be provided in the City's cost-sharing policies, including any ordinances that are in effect at the time of Final Plat approval.
 - ii. If the proposed development is located along only one (1) side of a substandard street, and if the City makes a determination that it is not feasible to improve the full width of said substandard street at that time the City may require the developer to pay into escrow, in accordance with Section 10.03.044, *Development Agreements*, funds for the future improvement of the street as a condition of Final Plat approval for the development.
 - iii. When a Traffic Impact Analysis (TIA) is required or voluntarily submitted, the findings determined shall not be imposed on the requirements, alignment, rights-of-way, and number of lanes shown on the Master Thoroughfare Plan, as it exists or may be amended. The TIA may be used to justify amendments to the Thoroughfare Plan, but in no case shall dictate such amendments.
- (3) New Perimeter Streets.
 - i. When a proposed residential or nonresidential development is developed abutting an existing or planned major thoroughfare, minor thoroughfare or collector street as shown on the Master Thoroughfare Plan, the developer shall construct a portion of the abutting street and its appurtenances (such as curbs and gutters, sidewalks, barrier-free ramps, street trees, etc.) to the City's standards for that type of street (per the *Engineering Design Standards*). If the Director of Engineering determines that it is not feasible to construct the abutting street and its appurtenances at the time of development, the City may require the developer to pay into escrow, in accordance with Section 10.03.044, *Development Agreements*, funds for the future construction of the street as a condition of Final Plat approval for the development. The funds placed in escrow or the value of the lanes constructed shall be roughly proportional to the amount of traffic estimated to be generated by the development itself.
 - ii. When a proposed residential or nonresidential development is constructed and has designed

an unplanned perimeter street in order to provide access to the site and/or adjacent land, the developer shall construct a portion of the abutting street as described in Section 10.03.073(a)(4), *New Internal Streets*, below, and under the same conditions.

(4) New Internal Streets.

- i. All new streets and their appurtenances internal to a proposed residential or nonresidential development shall, at a minimum, be built to a width and design that will adequately serve the development, and shall conform to the City's standards as described in the *Engineering Design Standards*. If oversizing of an internal street is deemed necessary by the Director of Engineering for traffic safety or efficiency (such as adjacent to a school or park site), then the City and/or the applicable entity may participate in such oversizing costs as part of a Development Agreement/Facilities Agreement with the developer.
 - ii. Streets which temporarily dead end at power lines, railroads or similar rights-of-way shall be constructed for at least one-half (½) the distance across these rights-of-way, or provision shall be made to place the construction cost for said improvements in escrow with the City in accordance with Section 10.03.044, *Development Agreements*.
 - iii. When, in the judgment of the Director of Engineering, it is not feasible to construct an internal street or appurtenances at the time of development of the subdivision, the City may require the developer to pay into escrow funds for the future construction of the street or its appurtenances as a condition of Final Plat approval for the development, in accordance with Section 10.03.044, *Development Agreements*.
- (5) Impact Fees. All fees due on the project shall be paid in accordance with the City's Impact Fee Ordinance and/or executed Development Agreement/Facilities Agreement.

(b) **Street Design and Appurtenances.**

- (1) Application of Requirements. Street design requirements are subject to the provisions included in the *Engineering Design Standards*, Development Agreements and Planned Development Ordinance (if applicable to the subject property) as well as the regulations contained within this Subdivision Ordinance.
- (2) Conformity to the Master Thoroughfare Plan. The general location of streets shall conform to the *Master Thoroughfare Plan*. For streets that are not shown on the *Master Thoroughfare Plan*, such as local residential streets, the arrangement of such streets shall:
 - i. Provide for the continuation or appropriate continuation of existing streets or street stubs from or into surrounding areas – refer to street stub requirements outlined in Section 10.03.073(b)(8), *Stub Streets*, and connectivity requirements in Section 10.03.073(b)(9), *Street Connectivity*;
 - ii. Conform to any plan for the neighborhood approved or adopted by the City to address a particular situation where topographical or other conditions make continuance or conformity to existing streets impractical; and
 - iii. Not conflict with existing or proposed streets or driveway openings, including those on the opposite side of an existing or planned thoroughfare, as described within the *Engineering Design Standards*.
 - iv. New streets that intersect with divided arterials shall align to the greatest extent possible with opposite streets such that median openings can be shared.
- (3) Relation to Adjoining Street System. The proposed street system shall extend all existing major and minor arterials and such existing collector and local streets as may be necessary for convenience of traffic circulation and emergency ingress and egress.
- (4) Maximum Street Length. No street shall be more than 1,000 feet in length without an intersection with another street which will provide some degree of flexibility in traffic patterns and public

convenience.

- i. See the *Engineering Design Standards* for specific design requirements.
 - ii. In certain circumstances, the City may consider minor exemptions to the maximum street lengths if sought by the applicant. These circumstances include, but are not limited to:
 - a. Rerouting of streets;
 - b. Decreasing the lot count by five percent (5%) or more from the previously approved Preliminary Plat or Final Plat; or
 - c. Approval by the Planning & Zoning Commission through a Subdivision Ordinance Variance. Any variance approved by the Planning & Zoning Commission shall include the curvilinear requirement and street calming methods, described below.
- (5) Curvilinear Requirement. When a residential street length exceeds 500 feet but is less than 1,000 feet in length, the design of the street shall include a curve of between 100 to 200 feet radius for a length equal to the curve radius.
- (6) Additional Street Calming Methods. When a residential street length exceeds 500 feet but is less than 1,000 feet in length, one or more of the following street calming methods shall be incorporated into the design in addition to the curvilinear requirement (above) in order to reduce traffic velocity and increase safety to pedestrians and cyclists, subject to the review and approval of the Director of Engineering:
- i. Street width narrowing with landscaped islands placed approximately every 400 feet;
 - ii. Roundabouts placed approximately in the center of the street length or near a major entrance to the development; and/or
 - iii. Landscaped medians that include pedestrian crossing oases included for a minimum of one-third ($\frac{1}{3}$) of the street length.
- (7) Street Widths & Rights-of-Way. Street widths and related rights-of-way shall be designed in accordance with the following:
- i. *Master Thoroughfare Plan* (existing, and as amended);
 - ii. Planned Development Ordinance (if applicable to the subject property); and
 - iii. All streets shall be paved with a permanent type of pavement in accordance with the *Engineering Design Standards*.

TABLE A - THOROUGHFARE TYPES AND STANDARDS

Criteria	Outer Loop	NTTA Tollway	TxDOT	Primary Arterial-1	Primary Arterial-2	Minor Arterial-1	Minor Arterial-2	Collector	Urban Mix Residential
Designation	CC-OL	Tollroad	State	P6D-1	P6D-2	M4D	M4U	C2U	R
Right-of-Way	500'	400'	140'	120'	100'	90-100'	80'	60'	50'
ROW at Intersections	Per Collin County	Per TxDOT	160'	140'	110'	100-110'	80'	60'	50'
Lanes	6LD	6-8LD	6LD	6LD	6LD	4LD	4LU	2LU	2LU
Bike Lanes*	No	No	Yes	No	No	2 @ 5'	2 @ 5'	1 @ 5'	
Roadway Width, F-F**	Per Collin County	Per TxDOT		36'	36'	24'	41'	36'	31'
Median Width				20'	10'	Min. 13'	-	-	-
Parkway Width				14'	9'	Min. 12'	Min. 25'	Min. 9'	9.5'
Parking	No	No	No	No	No	No	Yes	Yes	Yes

*When bike lanes are included in the street design, they are typically in both directions and a minimum of 5' wide.

**Face to Face (front of curb)

*** Refer to Engineering Design Standards for more detail.

- (8) Street Names, Street Name Signs, and Traffic Control Signs.
- i. *Street Names*. New streets shall be named so as to provide naming continuity with existing

streets, and so as to prevent conflict or “sound-alike” confusion with similar street names. All street names shall be approved by the Director of Development Services prior to any plat approval, and prior to approval of the construction plans and should comply with the City’s approved street name policy, as it exists or may be amended.

- ii. *Cost of Signs.* The cost of street name signs and traffic control signs shall be paid for and installed by the developer.
 - iii. *City Standards.* All street name signs and traffic control signs shall conform to the City’s details for street name sign design and the latest edition of the Texas “Manual of Uniform Traffic Control Devices” (TMUTCD).
- (9) Traffic Studies. The Director of Engineering may require a Traffic Impact Analysis (TIA) or other type of engineering study from the developer prior to any approval for plats or construction plans to ascertain technical data pertaining to the potential traffic impact of the proposed development on the City’s street system. For any study required by the City that is outsourced to a third party, the cost of such study shall be passed through to the developer or applicant.
- (10) Stub Streets.
- i. See the *Engineering Design Standards* for all design requirements.
 - ii. Future connections are required to adjacent vacant properties at locations as approved by the Director of Development Services and the Director of Engineering.
 - iii. When a residential development is constructed in phases requiring a temporary stubbed street, a paved temporary turn-around shall be provided for maneuvering by emergency equipment.
 - iv. A note shall be clearly placed on the Final Plat indicating that the stub street will be extended with future development (see requirements for temporary turn-arounds in the *Engineering Design Standards*).
 - v. All stub streets shall have barricades that meet TMUTCD standards.
 - vi. All stub streets shall have a sign prominently posted at the terminus of the street to indicate no through traffic and that the street will be extended in the future.
 - a. The sign shall comply with standards established by the Director of Engineering, and
 - b. Installation and cost of the signs shall be the responsibility of the developer.
- (11) Connectivity.
- i. New residential developments shall provide street connections to adjacent developments, as determined by the Director of Development Services, allowing access between developments for neighborhood traffic and to enhance pedestrian and bicycle connectivity as recommended in the *Comprehensive Plan*.
 - ii. Residential developments shall not have direct vehicular access to adjacent commercial or retail developments. Pedestrian and/or bicycle access may be provided, as approved by the Director of Development Services.

(c) **Street Lighting.**

(1) Street Lighting Required.

- i. Street lighting shall be provided by the developer along all streets and thoroughfares in accordance with the *Engineering Design Standards*.
- ii. The developer is responsible for the installation of street lighting and they shall be installed to City standards prior to the City accepting responsibility for the future provision of electricity to the street lights.
- iii. All street lighting shall be LED and shall be shielded so as to direct light downward; the light fixtures, poles, or standards and be generally black or bronze in color.
- iv. The Director of Engineering shall be the responsible official for decisions related to street

lighting, and may authorize a minor variance to these regulations, in accordance with Section 10.03.086, *Variances*, for a street lighting requirement if such Variance will not compromise public health, safety, security and convenience.

- (2) New Subdivisions. New subdivisions are required to prepare and submit a street lighting plan. This plan is reviewed by Staff to ensure conformance with current street lighting policies. Financial responsibility for purchase of lighting equipment and construction is the responsibility of the developer. In the City of Celina, power is provided franchise utility companies. Upon completion of the street light system, the appropriate power server will be the owner and maintenance provider of the street light equipment and the City of Celina will become responsible for the monthly electrical and maintenance expenses.
- (3) Street Lighting Placement.
 - i. Street lights shall be placed at every street intersection.
 - ii. In addition to intersection placement, street lights shall be spaced no greater than 400 feet apart in residential areas.
 - iii. The maximum allowable spacing between street lights on Collector type streets or above shall be 180 feet. Notwithstanding this maximum spacing, it is the intent of this article to provide safe levels of illumination along streets. Should circumstances dictate a closer spacing, the Director of Engineering has the right to request reasonable accommodations from this distance requirement from the developer.
 - iv. Street lights are permissible at any cul-de-sac that is located more than 200 feet from the street intersection, or where curves, grades, or other pertinent factors may require additional lighting.
 - v. Street lighting shall be placed within the right-of-way – either the median or the parkways, or if not practical, within a utility easement.
 - vi. Street lighting shall be placed in such a manner to avoid interference of nearby trees or signs with the intended illumination field.
 - vii. Street lighting shall be chosen and installed according to the *Engineering Design Standards*.
- (4) Subdivisions with Existing Street Lighting.
 - i. Residents or a Home Owners Association (HOA) of a subdivision with existing street lighting may request additional light or lights by completing a petition and request for additional street lighting form. The petition must be signed by adjacent property owners of each proposed light location and by at least eighty percent (80%) of the overall property owners within 300 feet in each direction of the proposed light location.
 - ii. Upon receipt of the petition and request form, City Staff will contact the appropriate power provider to prepare an estimate of the cost to install the requested lighting. Additionally, the provider will be requested to provide information about necessary easements for light pole and other facilities required for installation.
 - iii. The HOA or residents requesting the additional street light shall be responsible for obtaining all required signatures for easements and shall be financially responsible for all costs to purchase and install additional lighting.
 - iv. Upon receipt of executed easement documents and deposit of funds with the City based on the installation estimate, the City will issue a request to the electric provider for installation.
 - v. Following installation and acceptance of the lighting facilities, the City will pay for all future electrical charges, repair and maintenance.
- (5) Subdivisions without Existing Street Lighting.
 - i. Residents of subdivisions without existing street lighting or infrastructure required to support street lighting should submit a petition for street lighting form to the Department of Development Services (form available online).

- ii. Upon receipt of the petition, City Staff will contact the appropriate power provider to prepare an estimate of the cost to install the requested lighting. Additionally, the provider will be requested to provide information about necessary easements for light pole and other facilities required for installation.
- iii. The petition and request form will be presented to the City Council during the budgeting process. At this time Council will determine if the City will participate in the funding to complete the lighting request or establish assessments to the property owners for the cost to construct the requested lighting system.

(d) **Private Streets.**

- (1) Private Streets. Private streets within the City and/or the ETJ may be allowed in accordance with the Zoning Ordinance. Private streets shall be designed and constructed to the same standards as for public streets, in accordance with the *Engineering Design Standards*.
- (2) City Council Action Required. Dedicated streets and rights-of-way shall not be designated or used as private streets and such use is prohibited, except where specific approval is given by action of the City Council for properties within the City's extraterritorial jurisdiction and upon approval of a Specific Use Permit for properties within the City limits. The City Council may add any conditions as deemed appropriate as part of the approval of a Private Street Development.
- (3) Private Street Development Generally. Private Street Developments are subject to provisions of the Master Thoroughfare Plan and the Subdivision Ordinance, as it exists or may be amended. Private Street Developments shall only be permitted by the approval of a Specific Use Permit or through a Planned Development District. Private Street Developments shall be restricted to an area that is surrounded on at least three (3) sides, and in any event no less than approximately seventy-five percent (75%) of the perimeter, by natural barriers or similar physical barriers created by man. Examples of natural barriers would be creeks and floodplains. Examples of similar barriers created by man would be a golf course, school location, park, railroad tracks or a limited access roadway. Non-qualifying man-made barriers include screening walls, local roadways, man-made drainage ditches, detention ponds, landscape buffers, earthen berms, utility easements and rights-of-way. Private Street Developments may not cross an existing or proposed thoroughfare as shown on the City's adopted *Master Thoroughfare Plan* nor shall a private street development disrupt an existing or proposed hike and bike route.
- (4) Connectivity. The *Comprehensive Plan* calls for all plans for development in the City to include a high degree of connectivity within developments and between one development and another. Any proposed Private Street Development adjacent to an existing public street subdivision that can be reasonably connected, including by constructing a bridge or culvert, for example, should not be approved as a Private Street Development. The two adjacent subdivisions should allow cross-connectivity using public streets. This is especially important when one of the two adjacent subdivisions has a school site within the development that will be accessed by both developments.
- (5) Criteria for Approval for Private Streets in New Developments. Private Street Developments within the City may be considered through the Specific Use Permit (SUP) process or through a Planned Development District. The Planning & Zoning Commission and City Council shall use any of the following criteria:
 - i. Non-disruption of planned public roadways or facilities/projects (thoroughfares, parks, park trails, public pedestrian pathways, etc.);
 - ii. Non-disruption to and from properties of future developments either on-site or off-site to the proposed subdivision;
 - iii. No negative effect on traffic circulation on nearby public streets;
 - iv. Not less than one hundred (100) feet of street frontage on which to locate the main entrance gate;

- v. No more than two (2) gated street entrances, subject to approval by the Director of Engineering, may face the same thoroughfare;
 - vi. No impairment of access to and from public facilities including schools or public parks;
 - vii. No impairment of the adequate and timely provision of essential municipal services (emergency services, water/sewer improvements or maintenance, etc.);
 - viii. The main entrance to the private street development shall have adequate throat depth to provide for residents, their guests and any accidental access and have an escape aisle for those vehicles not admitted into the subdivision,
 - ix. Existence of natural and/or qualifying man-made boundaries around seventy-five percent (75%) of the development; and/or
 - x. Absence of a concentration of Private Street Developments in the vicinity of the requested Private Street Development.
- (6) Conversion of Public Streets to Private Streets. The criteria for converting existing public streets to private streets includes all the criteria, issues and procedures involved with new developments, listed above, plus:
- i. Submittal of a petition signed by one hundred percent (100%) of the owners in the existing subdivision requesting conversion to private streets;
 - ii. Existence of a property owners' association that would be responsible for owning and maintaining the converted streets and rights-of-way;
 - iii. Applicants must agree to contract with the City for the purchase of the installed infrastructure and rights-of-way from the City of Celina at fair market appraised value for cash in full payment, and agree to maintain the infrastructure and rights-of-way at City standards thereafter prior to the approval of the Specific Use Permit;
 - iv. All documents are subject to the review and approval of the City Attorney; and/or
 - v. Subsequent to the approval of the Private Street designation, the entire subdivision affected shall be re-platted to reflect the right-of-way ownership changes.
- (7) Conversion of Private Streets to Public Streets. The City may, but is in no way obligated to, accept private streets for public access and maintenance. Requests to convert private streets to public streets shall be subject to all of the following provisions:
- i. The homeowners' association (HOA) shall submit a petition signed by at least sixty-seven percent (67%) of its members/lot owners (or a greater number of signatures, if required by the HOA documents or declarations).
 - ii. All of the infrastructure shall be in a condition that is acceptable to the Director of Engineering.
 - iii. All security stations and other structures not consistent with a public street development shall be removed by the HOA, at its cost, prior to acceptance of the streets and appurtenances by the City.
 - iv. All monies in the reserve fund for private street maintenance shall be delivered to the City. Money in the reserve fund in excess of what is needed to bring the streets and appurtenances up to City standards will be refunded to the HOA. Private Street developments that exist as of the adoption of this ordinance are not required to deliver a reserve fund balance to the City.
 - v. The HOA shall prepare and submit a replat to Development Services for review. Upon approval, the HOA shall file the replat to dedicate the streets and appurtenances to the City.
 - vi. The HOA shall modify and re-file, at its cost, the HOA documents to remove requirements specific to Private Street developments. The City Attorney shall review the modified HOA documents prior to their filing. The HOA shall be responsible for the cost of review by the City Attorney.

- (7) HOA Requirements. Private Street developments and the related HOA shall meet all requirements of Section 10.03.079, *HOA Requirements*, of this Ordinance.

(e) **Alleys.**

- (1) When Alleys are Optional. Alleys are optional for all single-family residential lots that are equal to or greater than sixty (60) feet in width at the front building line.
- (2) When Alleys are Required. Alleys are required for single-family residential lots that are less than sixty (60) feet in width at the front building line. When so utilized, alleys shall be constructed according to design criteria in the *Engineering Design Standards*.
- (3) Alleys Required for Duplex/Two-Family Residences. Alleys are required for all duplex or two-family residences.
- (4) Alley Design. Permanent dead end and “hammerhead” alleys are prohibited. All alleys shall have adequate turnouts and street entrances such that vehicular traffic flow is continuous and efficient. Where a temporary dead end alley situation is unavoidable (such as due to project phasing), a temporary, paved turn-around bulb or turnout onto a street, either of which will require a temporary alley easement, shall be shown on the plat.
- (5) Street Access when Alleys are Present. No driveway shall access a street when an alley is available unless specifically allowed in writing by the Director of Engineering.

Sec. 10.03.074.....SIDEWALKS AND TRAIL STANDARDS.

Sidewalks are required adjacent to all public streets and shall be provided according to the regulations in the *Engineering Design Standards*. Sidewalk widths are typically a minimum of five (5) feet in residential neighborhoods and ten (10) feet adjacent to arterial streets. No meter valves or drainage inlets may encroach into sidewalks. Bicycle and pedestrian trails shall be a minimum of ten (10) to twelve (12) feet in width (depending on criteria developed in the master plan) and be constructed of an improved surface. Any portion of a sidewalk or trail located on private property shall be shown on the filed plat. See also Section 10.03.084, *Hike and Bike Trail Requirements*.

Sec. 10.03.075.....DRIVEWAYS, FIRE LANES AND ACCESS.

- (a) **Standard Requirements.** All driveway approaches, curbs, gutters, pavements and appurtenances necessary to provide access to properties shall be provided by the developer, shall be designed, constructed and maintained in accordance with standards in the City's *Engineering Design Standards*, Zoning Ordinance, and Planned Development Ordinance (if applicable to the subject property).
- (b) **Fire Lanes.** Fire lanes are to be designed in accordance with the City's adopted Fire Code and *Engineering Design Standards*. Fire lane easements shall be shown on the Site Plan (see the *Zoning Ordinance*) and on any Conveyance Plat, Preliminary Plat, or Final Plat, and shall be maintained to the City's standards by the property owner. For safety and emergency accessibility reasons during construction, developments other than single-family detached or two-family residential subdivisions shall not be allowed to proceed with vertical structural construction above the foundation prior to:
 - (1) Completion and City inspection of all fire lanes and fire hydrants on the site (unless otherwise approved by the Fire Chief); and
 - (2) Issuance of a Building Permit for the structure.
- (c) **Access Easements.** Access easements shall be provided as directed by the Director of Engineering and Director of Development Services.

Sec. 10.03.076.....LANDSCAPING AND SCREENING ADJACENT TO ROADWAYS.

- (a) **Median Landscaping Improvements Required.** Landscaping improvements shall be installed within the medians of all proposed or planned or divided roadways within the city limits as shown on the City Master Thoroughfare Plan. Frontage is wherever a property abuts the right-of-way of the divided thoroughfare, and separate frontages exist on each side of the thoroughfare.
- (1) Developer obligation. The subdivider or developer shall be fully responsible for the construction and installation of the required landscaping and maintenance of the improvements for a period of one year. During the first year following installation, the subdivider or developer shall replace any tree, shrub, sod, groundcover or hardscape in substandard condition. Following the first year, the Director of Engineering shall inspect the installation and determine what, if any, plant materials and/or hardscape must be replaced prior to the city taking over maintenance.
 - (3) Installation or deferment. In the event that the Director of Engineering, in his sole discretion, determines that the installation of improvements at any given time period is impractical due to further road construction or other factors, the subdivider or developer shall pay a fee-in-lieu into an escrow account for future median landscaping and/or maintenance. This fee-in-lieu of installation is collected once from each frontage and described more fully in Section 10.03.075(d).
 - (4) City participation. At the discretion of the Director of Engineering, the subdivider may install the median landscaping across the full width of the median, and be reimbursed by the city for the landscaping provided for the second frontage at the per linear foot of frontage rate or the actual cost of the improvements, whichever is less, if funds are available.
 - (5) Plan design burden/escrowed cost. In the case where undeveloped land exists on both sides of a divided public street, the first to develop shall carry the burden of submitting plans for landscaping, hardscape and irrigation of the median, along with escrowing the fee-in-lieu, as described in Section 10.03.075(d). At the discretion of the Director of Engineering, the city or county may contribute to this escrow account in order to facilitate the implementation of the landscape plan.
 - (6) Installation burden. If the City declines to participate in the immediate landscaping of the median in question, the second to develop will utilize the approved plans (or modify the approved plans with City approval of the modifications) and shall be responsible for the purchase and installation of the median improvements, using the escrowed account from the first developer and shall contribute an equal amount to the overall cost of the median landscaping. In the event that the original escrow amount has fallen short of current material and/or installation costs, the City will make up the difference in cost or the plans shall be modified to be installed within the cost allotted. Any surplus funds shall be placed in the City's landscape maintenance account.
- (b) **Minimum Requirements for Median Landscaping.**
- (1) Only developments or subdivisions abutting or adjacent to a divided roadway, as defined in the Master Thoroughfare Plan, shall be subject to this section.
 - (2) All trees and plant materials shall be chosen from the City's approved plant list;
 - (3) One ornamental tree per thirty (30) linear feet of median. Ornamental trees shall be a minimum two-inch (2") caliper and eight feet (8') in height at time of planting and shall be used primarily as accent trees near the median nose and dispersed within the canopy trees;
 - (4) One canopy tree per thirty (30) linear feet of median, with a minimum of four-inch (4") caliper trunk, and a well-formed canopy that is typical of the species. Canopy trees shall be planted no closer than thirty (30) feet from streetlights located in the median, no closer than twenty (20) feet to an intersection, and no closer than fifteen (15) feet from any overhead electrical line;
 - (5) Ornamental and canopy trees need not be evenly spaced and may be clustered for a more pleasing aesthetic effect;

- (6) When the nose of a median is tapered to five (5) feet or less, that portion of the median shall be paved with bricks placed to align with the top of curb;
- (7) A minimum of twenty percent (20%) of the landscaped area shall be planted in evergreen shrubs, ground cover and/or native grasses;
- (8) Planting beds shall be separated from turf grass using 14-gauge steel edging to define ground cover beds and reduce weed incursion;
- (9) Irrigation installation shall include bubblers or drip irrigation for all canopy and ornamental trees and irrigation to uniformly water the planting beds and shall be equipped with rain-freeze sensors; and
- (10) Landscape and installation plans shall be subject to review and approval by the Director of Development Services and the Director of Engineering. The location and placement of landscaping shall conform to the City street design standards and shall be placed to accommodate the ultimate number of traffic lanes, although shrubs, native grasses and ornamental trees may be placed in future traffic lanes if it is determined that these lanes will likely not be constructed in less than ten (10) years.

(c) **Minimum Requirements for Landscaping within Landscape Buffers.**

- (1) Residential developments shall provide a landscape buffer along all roadways that are designated as Collectors or higher (see Table A in Section 10.03.073(b), *Street Designs and Appurtenances*).
- (2) Landscape buffers shall be made up of an attractive mix of sod, native grasses, berms, trees and shall be a minimum of twenty (20) feet in width between the right-of-way and the screening wall. The type, number, and location of the landscaping elements shall be determined with the site plan/landscape plan process.
- (3) All trees and plant materials shall be chosen from the City's approved plant list.
- (4) One ornamental tree per thirty (30) linear feet of street frontage. Ornamental trees shall be a minimum two-inch (2") caliper and eight feet (8') in height at time of planting and shall be used primarily as accent trees dispersed within the canopy trees.
- (5) One canopy tree per thirty (30) linear feet of street frontage, with a minimum of four-inch (4") caliper trunk, and a well-formed canopy that is typical of the species. Canopy trees shall be planted no closer than thirty (30) feet from streetlights.
- (6) Ornamental and canopy trees need not be evenly spaced and may be clustered for a more pleasing aesthetic effect within the landscape buffer.
- (7) A minimum of twenty percent (20%) of the landscaped area shall be planted in evergreen shrubs, ground cover and/or native grasses.
- (8) Planting beds shall be separated from turf grass using 14-gauge steel edging to define ground cover beds and reduce weed incursion.
- (9) Irrigation installation shall include bubblers or drip irrigation for all canopy and ornamental trees and irrigation to uniformly water the planting beds and shall be equipped with rain-freeze sensors.
- (10) No detention for the property shall be placed in the landscape buffer.
- (11) Landscape and installation plans shall be subject to review and approval by the Director of Development Services and the Director of Engineering. The location and placement of landscaping shall conform to the City street design standards and shall be placed to accommodate the ultimate number of traffic lanes, although shrubs, native grasses and ornamental trees may be placed in future traffic lanes if it is determined that these lanes will likely not be constructed in less than ten (10) years.

- (d) **Fee-in-lieu.** Should the Director of Engineering, at his sole discretion, determine that the immediate installation of median or buffer landscaping is impractical; a fee-in-lieu of construction shall be collected and placed in escrow at the rate listed in the current Fee Schedule. The fee-in-lieu shall be collected prior

to plat filing. Said fees-in-lieu of installation shall be applied to construction, reconstruction, upgrading, and installation of median landscaping of divided roadways within the adjacent median landscape areas, as shown on Attachment A to Ordinance 2015-78 and to applicable landscape buffer areas.

- (e) **Refund of Fees.** Any fees not expended within ten (10) years of collection shall be returned to the developer or subdivider who deposited the fees with the City. The time period for the expenditure of fees escrowed with the City for the construction of median landscaping shall not begin to run until such time as the roadway medians have been constructed on such divided roadways, the roadway medians have been accepted by the City, and the roadway medians are ready for standard median landscaping and irrigation. Notwithstanding the provisions of this subsection, the City shall not be required to return fees that have not been expended if roadway medians have not been constructed on divided roadways within the adjacent roadway benefit area thus preventing the purchasing, planting, growing and/or irrigation of the required standard median landscaping and irrigation. (Ordinance 2015-78 adopted 12/7/15)
- (f) **Screening Requirements.** A masonry screening wall (minimum of six-feet in height) shall be constructed to separate land uses in the following situations:
 - (1) When a single family, townhome community, or multi-family development abuts a Collector street or higher designation; or when a townhome community, or multi-family development abuts a land use that is less intense than that of the subject property.
 - (2) When a commercial property abuts a land use that is less intense than that of the subject property.
 - (3) When an industrial property abuts a land use that is less intense than that of the subject property.

SEC. 10.03.077LOT AND BLOCK DESIGN.

- (a) **Zoning Compliance.** All lots shall conform to the zoning district requirements, unless located in the ETJ in which they shall comply with any interlocal agreements between the City and Denton or Collin County.
- (b) **Residential Lots Adjacent to Drainage Areas.** Lots shall be exclusive of any portion of a natural drainage area (i.e., major creek, stream, tributary, etc.), maintenance access, and/or erosion hazard setback, as defined in Section 10.03.102, *Definitions*. Retaining walls may be allowed on lots adjacent to natural drainage areas, as approved by the Director of Engineering.
- (c) **Lot Shape.** The City reserves the right to disapprove any lot which, in its opinion, will not be suitable or desirable for the purpose intended, or which is so oddly shaped as to create a hindrance to the logical lot layout of surrounding properties and/or create an irregular building envelope. The following requirements shall also apply:
 - (1) Lots shall be generally rectangular in shape; sharp angles between lot lines shall be avoided.
 - (2) Flag lots are prohibited (See Diagram 10.03.114).
 - (3) Irregularly shaped lots shall have sufficient width at the building line to meet minimum lot width and frontage requirements for the appropriate zoning district (if applicable), and shall provide the minimum building pad required by zoning without encroachment into front, side or rear yard setbacks or into any type of easement.
- (d) **Lot Lines and Legal Buildable Lots.**
 - (1) Side Lot Lines. Side lot lines shall be generally perpendicular to street right-of-way lines to the greatest extent possible (side lot lines may vary from 80° to 100° angles from the street frontage - see Diagrams 10.03.116 and 10.03.117). The Director of Development Services may grant a Minor Variance, in accordance with Section 10.03.086, *Variances*, if unusual circumstances exist on the subject property or on adjacent property that make it difficult to comply with this requirement.
 - (2) Lot Lines and Jurisdictional Boundaries. All lot lines, to the greatest extent possible, shall align along county, school district, and other jurisdictional boundary lines such that lots are fully within one county, school district, or other jurisdiction. The Director of Development Services may grant a

Minor Variance, in accordance with Section 10.03.086, *Variances*, to this requirement if a county, school district or other jurisdictional boundary line will bisect a lot, provided that the entire residential dwelling or main structure is constructed entirely within one county, school district or other jurisdiction (i.e., the structure does not “straddle” school district or jurisdictional boundary line even though the lot line may straddle the jurisdictional line).

- (3) **Legal Buildable Lots.** Any portion of a lot that is non-buildable for any reason shall be clearly shown as such on the Preliminary and Final Plats. A typical detail shall be submitted along with the Preliminary and Final Plats, and shall verify that the buildable portion of such a lot can accommodate a dwelling or main structure that complies with applicable City zoning regulations (if located within the City limits) and building codes (if located either within the City limits or the ETJ).

(e) **Lot Orientation Restrictions. Major and Minor Arterials.**

- (1) No single-family, two-family, or townhome lots shall front onto or have a driveway onto Major or Minor Arterials or any street with a right-of-way of sixty (60) feet or greater, as described within the *Engineering Design Standards*, unless the house was existing prior to the roadway being designated as such on the City’s *Master Thoroughfare Plan*.
- (2) No residential lots shall face a Collector or higher designation street.

(f) **Lot Frontages.**

(1) **Street Frontage.**

- i. *Adequate Frontage.* Each lot shall have adequate access to a street (or an approved public way) by having frontage on such a street that is not less than forty (40) feet at the street right-of-way line, or as otherwise specified in the *Zoning Ordinance* or a Planned Development (PD) Ordinance, if applicable. Lots fronting onto an eyebrow or bulb portion of a cul-de-sac shall also have a minimum frontage of forty (40) feet at the building setback line, unless approved by the Director of Engineering.
- ii. *Frontage Exception.* For non-residential developments ten (10) acres or greater, the lots may be platted to a private street or access easement instead of a dedicated street.

(2) **Double Frontage.**

- i. *Single-Family, Two-Family and Townhome Lots.* Double frontage lots are prohibited, except that single-family, two-family or townhome lots may back or side onto a Collector street or larger thoroughfare, as described within the *Engineering Design Standards*, with appropriate screening. Where lots back or side onto a Collector street or larger thoroughfare, no driveway access is allowed onto the thoroughfare from the rear or side of the lot.
- ii. *Establishment of Building Lines.* Where any lot has frontage on more than one (1) street, a front building line shall be established for each street, regardless of orientation of the structure.

- (3) **Lots Facing Other Lots.** Whenever feasible, each residential lot shall face the front of a similar lot, or shall face or side onto a park or open space if one exists or is planned (see Section 10.03.081, *Applicability and General Requirements*). In general, an arrangement placing adjacent lots at right angles to each other should be avoided. The Director of Development Services may grant a Minor Variance, in accordance with Section 10.03.086, *Variances*, if unusual circumstances exist on the subject property or on adjacent property that make it difficult to comply with this requirement.

- (g) **Lots in Relation to Parks/Open Space.** All lots that are located directly across a street from a park/open space shall face or side onto the park/open space, where feasible.

- (h) **Large Lots and Tracts.** If the lots or tracts of land in a proposed development are large enough to suggest possible further subdivision in the future, or if portions of the property are not subdivided or developed immediately, then the Preliminary Plat shall show how such large tracts or remainder portions of the

property can be subdivided into conforming lots at a later time, and shall also show how streets can be extended and how median openings can be aligned and shared in the future.

(i) **Lot and Block Numbering.**

- (1) All lots within each phase of a development are to be numbered consecutively within each block. Each block shall have an alphabetical designation (e.g., "Block A, B, C" etc.). Each lot shall have a numeric designation (e.g. Lot 1, 2, 3, etc.).
- (2) Different phases shall begin with different block numbers – in other words, a single block may not straddle more than one construction phase.
- (3) Subsequent replat numbering shall be indicated with an "R" suffix for the first revision (e.g. from Lot 3 to Lot 3R) and any additional replatting changes to the lot shall be indicated with a numeric suffix following the "R" designation (e.g. Lot 3R-1) and continue numerically as changes occur (Lot 3R-2, Lot 3R-3, etc.).

(j) **Building Setback Lines.** Building setback lines shall be shown on residential Preliminary and Final Plats and shall conform with the minimum setbacks for front, side and rear yards as required by the Zoning Ordinance (if within the City limits) on the basis of the respective zoning districts (e.g., single-family, two-family/duplex, multi-family, commercial, retail, office, mobile home, industrial, etc.). Building setback lines need not be shown on plats for commercial development.

(k) **Addressing.** The Director of Development Services, in conjunction with the Geographic Information Systems department, shall assign addresses that are in compliance with standards established by the *U.S. Postal Service*.

(l) **Other Block Requirements.** See the *Engineering Design Standards*.

Sec. 10.03.078..... OTHER SUBDIVISION REGULATIONS.

(a) **Easements.**

- (1) The type, size, and location of easements shall be determined by the Director of Engineering. All existing and proposed easements shall be shown on the Preliminary, Final Plats, and Replats. All easements shall be labeled on the plat and dedicated for the specific purpose intended (e.g., "City Utility Easement," "City Drainage Easement," "CoServ Electric Easement," etc.).
- (2) Off-site easements that are necessary to fulfill City requirements or are required by the City shall be dedicated to the City by the Conveyance Plat or Final Plat and shall be approved as to size and location by the Director of Engineering. In certain circumstances, a separate instrument may be accepted to dedicate required off-site easements, if approved by the Director of Engineering. If the abutting property is already platted, then a Replat of that property shall be required to establish the new off-site easement.

(b) **Reservations.**

- (1) Permitted Uses. No land contained in the proposed subdivision shall be reserved for any use other than a use permitted by the Zoning Ordinance for the district in which the land to be reserved is located or for future roadways as shown on the *Master Thoroughfare Plan*.
- (2) Designation on Plat. The specific use for which each parcel of land is to be reserved must be shown on the plat by an appropriate label or description. Provision for abandonment of a reservation in the future as may be appropriate must likewise be shown on said plat.
- (3) Parks and Open Space. The location and size of parks and open space areas shall be in conformance with this Article 10.03.080, *Parks & Open Space*, and the *Zoning Ordinance*. All areas retained as floodway shall be reserved for public use, unless other provisions are approved by the City Council.

- (4) Schools. The location and size of school sites shall be in conformance with the *Comprehensive Plan* and the recommendations of the applicable school district.
- (5) Public Facilities. The location and size of sites for public buildings, major utility facilities, and related community facilities shall be in conformance with the *Comprehensive Plan* and the recommendations of the Director of Development Services.

(c) **Monuments and Markers.**

- (1) General Placement. Monuments consisting of a minimum three-eighths (3/8) inch diameter steel rods, at least twenty-four (24) inches in length shall be placed at all:
 - i. Lot and block corners (wherever a lot line bearing changes);
 - ii. Intersection points of alley and block lines; and
 - iii. Curve and tangent points along block, lot, and right-of-way lines within the subdivision.
- (2) Subdivision Monumentation. At least two (2) property corners shall be marked with monuments of three (3) dimensional coordinates established from the City's *Engineering Design Standards*. The corners so marked should be at opposing ends of the property unless otherwise approved by the Director of Engineering.

- (d) **Subdivision Names**. New subdivisions shall be named so as to prevent conflict or "sound-alike" confusion with the names of other subdivisions. Subdivisions with similar names (e.g., Eldorado Lakes and Eldorado Hills) shall be located in proximity to each other, not in different areas of the City. Subdivision names shall be reviewed and approved by the Director of Development Services to ensure that the proposed subdivision name will not cause confusion or misdirection, especially for emergency responders.

(e) **Franchise Utility Policy.**

- (1) General Requirements. The Director of Engineering may require easements for poles, wires, conduits, gas, telephone, cable TV, internet, or other utility lines if necessary or advisable in the opinion of the Director of Engineering.
- (2) Locations. Utility easements may be located as follows:
 - i. Utilities shall be located in the alley rights-of-way along the rear property lines of lots or tracts whenever an alley is provided.
 - ii. Utilities shall be located in easements adjacent to the street rights-of-way along the front of lots or tracts whenever an alley is not provided. Utility easements shall be a minimum width of seven and a half feet (7½') unless specifically reduced by the Director of Engineering.
- (3) Ground-Mounted Equipment. Ground-mounted equipment shall not be placed in visibility, access or maintenance easements.
 - i. All ground-mounted equipment within view of a public street right-of-way shall be screened from the adjacent street by minimum five (5) gallon evergreen shrubs, or larger, placed three (3) feet on center on the side facing the right-of-way, as well as along both sides of the equipment such that it will be fully screened from view from the street.
 - ii. Planting materials selected shall be such that will grow at least to the height of the equipment height, and will provide a continuous and generally solid/opaque living screen, within two (2) growing seasons from the date planted. The planting material shall be selected from the list of approved materials set forth in the City's Zoning Ordinance.
- (4) Installation and Financing. The subdivider shall arrange with the City and with utility companies franchised to serve the area in which the subdivision is located for the construction costs of streets and alleys, utility lines and other public improvements. The subdivider shall also arrange for the sequence of work so that underground utilities shall be installed in those portions of streets intended for vehicular traffic before such streets shall be surfaced. If the several improvements required herein have not been installed or constructed prior to submission of the

Final Plat, then the Final Plat shall bear a restriction that no lot shall be occupied and that no municipal services shall be extended thereto until the specified utilities and improvements have been constructed as required.

(f) **Fiber Optic Network Conduit and Fiber Optic Cable.**

- (1) **Requirements.** All subdivisions and road improvement and other capital improvements projects involving the creation of new improved streets, alleys, roadways, sidewalks or walkways by the City or any other person or entity, including private developers, or the installation of any new drainage or sewer pipes or underground infrastructure within City property, easements or public rights-of-way, or the widening of existing public streets, alleys, roadways, sidewalks or walkways, shall include as part of their projects and the costs thereof the construction and installation of fiber optic network conduit that contains at least one fiber optic cable within City property, easements, or public rights-of-way to which the City has access or ownership as well as installation and construction of proper appurtenances and attendant facilities thereto, which shall be located parallel to the nearest public street or roadway and meets or exceeds specifications of emerging industry standards for provision of ultra-speed broadband service, with the exact locations of such infrastructure and the specifications of which to be determined by the Director of Engineering or his designee in reliance on such industry standards and consideration of the needs, objectives and findings of the City's gigabit City initiative. The following additional requirements shall also apply:
 - i. In addition to installing fiber optic network conduit, the party constructing the street will be required to install such vaults, manholes, hand-holes and other appurtenances and facilities as are necessary or needed to accommodate installation and connection of fiber optic cable within the fiber optic network conduit.
 - ii. All construction and installation required in this subsection shall be accomplished according to construction standards adopted by the Director of Engineering or the City's designee in consideration of the needs of the City's gigabit City initiative. Such standards shall be adopted with due consideration given to existing and anticipated technologies and industry standards.
 - iii. All fiber optic network conduit, fiber optic cable, facilities and appurtenances installed by private parties or developers or by persons or entities other than the City pursuant to this section shall be conveyed and dedicated to the City either with or as part of the dedication and conveyance of the public street and/or right-of-way to the City or otherwise.
 - iv. All construction and installation costs shall be the responsibility of the party constructing the public street, roadway or improvements project that falls within the purview of this section.
- (2) **Definitions.** For purposes of this subsection, the following terms have the meanings ascribed below:

Fiber optic cable. A minimum 288-count fiber cable bundle.

Fiber optic network conduit. A minimum four inch (4") conduit containing a minimum of four (4) inner-ducts used to enclose or carry fiber optic cable or other wires or lines and attendant parts and accessories buried alongside a roadway or surface mounted on bridges, overpasses and other facilities where below-ground placement is impossible or impractical, all in accordance with emerging industry standards and as determined by the Director of Engineering or the City's designee.
- (3) **Use by Broadband Service Providers.** Whenever fiber optic network conduit and/or fiber optic cable installed or to be installed under this subsection is available or will become available within a newly constructed public street or right-of-way or other improvements project that falls with the scope or purview of this subsection upon dedication, all broadband service providers thereafter locating fiber optic cable, wire or lines within or along such street or right-of-way shall be required to use available dark fiber (currently unused fiber optic strands) within the then-existing infrastructure or to locate their cable, wire or lines within such fiber optic network conduit unless it can be demonstrated to

the reasonable satisfaction of the Director of Engineering or the City's designee that such use or location is not technologically feasible or reasonably practicable or unless such provider is exempt or otherwise not required by other law to comply with the provisions of this subsection. Fiber optic cable and strands as well as fiber optic network conduit capacity shall be allocated to broadband service providers on a first-come, first-served basis; provided, however, that the City may reserve capacity within such fiber and conduits for its own use; and provided further, that the Director of Engineering or the City's designee may adopt additional reasonable rules for fiber optic cable or strand and fiber optic network conduit allocation in order to ensure that all broadband service providers have reasonable access to the City's rights-of-way and that no barriers to entry or competition result from the allocation of cable, strand or conduit space.

- (4) **Fees.** Any person or entity constructing fiber optic network conduit or installing fiber as required by this subsection shall pay a nonrefundable fee in an amount as provided for in the Fee Schedule of the City for the City to recover its costs incurred for plan review, engineering design and approval, purchasing materials, and costs associated with issuing, processing, and verifying applications, inspecting job sites and restoration improvements, and other costs the City may incur in implementing the provisions of this subsection. The City reserves the right to charge reasonable fees for the use of fiber optic cable and fiber optic network conduit and attendant accessories, facilities and infrastructure installed pursuant to this section, to the extent consistent with and as limited by federal and state laws and regulations. Any such fee amounts shall be established in the Fee Schedule of the City. (Ordinance 2017-22 adopted 5/9/17)

SEC. 10.03.079REQUIRED SUBDIVISION AMENITIES.

- (a) **Description & Definition.** The term "amenity" is defined within Section 10.03.102, *Definitions*, of this Ordinance.
- (b) **Requirements.** Where amenities are proposed in conjunction with a development, such amenities shall be reviewed and approved in accordance with the following:
 - (1) Plans and illustrations, along with a written statement of such concepts, shall be submitted for review and approval with the construction plans.
 - (2) Plans for amenities shall be incorporated into the Screening Plan and Landscape Plans, when applicable, for submittal as part of the construction plans.
 - (3) Structural elements shall be sealed by a licensed professional engineer and shall be approved by the City.
 - (4) Any screening or retaining wall shall be located in a common area lot or within a wall-maintenance easement to facilitate repair as needed.
 - (5) A Site Plan, reviewed and approved in accordance with the *Zoning Ordinance*, is required for private recreational facilities, amenity centers and parks.
 - (6) City review and approval of plans for amenities shall be required prior to issuance of a Letter of Final Acceptance for the subdivision improvements (refer to Section 10.03.046, *Inspection, Maintenance & Acceptance of Public Improvements*).
 - (7) All open space, landscaped areas, common areas, screening walls, subdivision signs, and other amenities proposed and/or built with a residential development shall be owned and maintained by the HOA. Should any private/public financing partnership be in place, the common areas, open space, and amenities may benefit from such lawful financing reimbursements or payments. At no time shall the ownership of any open space, landscaped areas, entry features, common areas or other amenities associated with the development pass to the City, unless specifically approved by the City Council.
- (c) **Design of Amenities.** The design of amenities shall conform to the following:

- (1) Entry features shall be constructed entirely on privately owned property (i.e., not within public right-of-way), and shall not suspend over a public right-of-way, unless otherwise approved by a license agreement approved by the City Council. An entry feature with identifying sign may be placed within an entry street median upon Planning & Zoning Commission approval of the plat showing the feature, provided that such street median is platted as a common area lot and dedicated to an HOA for private ownership and maintenance. An entry feature having a water pond, fountain or other water feature shall only be allowed if approved by the Director of Engineering and the Fire Chief.
 - (2) No entry feature, other than screening walls or extensions of screening walls, may be constructed on any portion of a single-family, two-family, or Townhome lots. All such features shall be constructed on lots that are platted as “non-buildable” common-area lots and dedicated to an HOA for private ownership and maintenance.
 - (3) Entry features shall not encroach into visibility easements or otherwise impair pedestrian, cyclist or driver visibility.
 - (4) Private recreation facilities, if provided in a development, shall, to the greatest extent possible, be centrally located within the overall development. (See Diagram 10.03.118)
- (d) **Homeowners Association (HOA) Requirements.**
- (1) Purpose. The purpose for the establishment of an HOA (also referred to as “Association”) for residential developments is to create an organization that owns and is responsible for maintaining commonly owned properties and amenities including, but not limited to, private rights-of-way, club houses, recreational facilities, open space lots, and riparian areas used for the communal good of the development’s property owners and residents. The ownership and maintenance of said property and amenities shall be organized and established to exist in perpetuity.
 - (2) Applicability. An HOA shall be established for any development that contains any of the following: a private amenity (such as a clubhouse or pool), private street, a major creek or tributary, or thoroughfare screening. For purposes of this section, the terms “Homeowners Association,” “HOA,” and “Association” are interchangeable with the term “Property Owners’ Association” for multi-family and non-residential developments.
 - (3) Elements Requiring an HOA. Any one (1) or more of the following elements created as part of the development shall require formation and continued operation of a mandatory HOA:
 - i. *Amenities.* Where proposed in conjunction with a development, the word “amenity” shall be as defined in Section 10.03.102, *Definitions*, and shall include, but not be limited to, the following:
 - a. Amenity center (e.g., private swimming pool, club house, conference or assembly rooms, tennis courts, etc.);
 - b. Private recreational facility;
 - c. Entry features, including signage and screening walls and other perimeter fencing;
 - d. Open space;
 - e. Ponds and detention features;
 - f. Water fountains or features;
 - g. Hike and bike trails; and
 - h. Other commonly owned facilities.
 - ii. *Major Creeks.* As defined in Section 10.03.102, *Definitions*, and as generally regulated by Section 10.08.02(j), *Major Creeks*, of this Ordinance, major creeks that run adjacent to or within a subdivision shall be maintained by the HOA.
 - iii. *Private Streets.* (Also see Section 14.05.193 of the Zoning Ordinance) As defined in Section 10.03.102, *Definitions*, and as generally regulated by Section 10.03.073(c), *Private Streets*, of

this Ordinance, private streets shall be owned and maintained by the HOA. This shall include all infrastructure including streets, alleys, sidewalks and other appurtenances within designated access easements, as well as associated structures as follows:

- a. Security station structures and equipment (including gates, access card readers, perimeter security fencing, etc.);
- b. Greenbelts; and
- c. Other infrastructure necessary for vehicular circulation and neighborhood security.

(e) **Procedure for Establishing an HOA.** The establishment of a required HOA shall occur in conjunction with the recordation of the subdivision Final Plat, and shall generally be established as follows:

- (1) Documents Submitted for Review. The declaration, covenants and other necessary documents establishing the HOA shall be submitted to the City for conformance with this and other applicable ordinances prior to submission of the Final Plat, and prior to issuance of a Letter of Final Acceptance for the development. HOA documents shall include descriptions of any amenities, private streets, stub streets, thoroughfare screening, major creeks or tributaries, and other areas or structures for which the Association has maintenance responsibility, and shall outline the organization and board of the Association.
- (2) Approval by City Attorney. All HOA documents shall be reviewed by the City Attorney prior to recordation of the Final Plat. The applicant shall reimburse the City for all related legal costs incurred by the City for review of the HOA documents. This reimbursement shall be paid in full prior to recordation of the Final Plat.
- (3) Recordation. All HOA documents shall be recorded in Denton or Collin County prior to or with the recordation of the Final Plat. All copies of the HOA documents shall be submitted to Development Services along with the appropriate County fees and current tax certificates (with raised seals) for staff to complete the Final Plat recordation process.
- (4) Additional Phases. An additional phase to an existing subdivision is not required to establish a separate and distinct HOA, provided that:
 - i. The existing, recorded Association documents are amended to incorporate the area of the new subdivision phase and to adopt the responsibility of its amenities, private streets, major creeks and tributaries, thoroughfare screening, and other areas for which the HOA is responsible for maintenance.
 - ii. The applicant shall provide a draft of the amended covenants to the City Attorney for review prior to the recordation of the associated plat.
- (5) Revisions to HOA Documents. As revisions are made to the HOA documents, a copy of the revised documents shall be forwarded to the Director of Development Services for the City's files.

(f) **Notice to Purchasers.** The developer shall be required to post notice in a prominent place at all model homes and sales offices stating the following:

- (1) That an HOA has been established for the subdivision;
- (2) That membership in the HOA is mandatory for all lot owners;
- (3) That the developer and/or builder is required to provide to any potential buyer, upon their request, a complete copy of the Association documents and a five (5) year projection (at a minimum) of HOA dues, income, and expenses; and
- (4) Any other assessment on the property which may have resulted from a PID, TIRZ, or other public/private financial agreement with the City, including the duration of said assessment and manner of collection.

(g) **General Requirements.** The following shall be set forth in the HOA documents:

- (1) A statement that membership in the Association is mandatory for all owners of property within the subdivision;

- (2) A listing of all required maintenance responsibilities, and where possible, the lot numbers, legal descriptions, street names, etc. as shown on the approved plat for areas to be the responsibility of the Association;
 - (3) By-laws related to the governance of the Association;
 - (4) Covenants for maintenance assessments, which shall run with the land;
 - (5) Responsibility for liability insurance and local taxes;
 - (6) Statement that the authority for enforcement of Association rules and regulations is solely the responsibility of the Association and is not, in any way, the responsibility of the City;
 - (7) Authority for the Association to secure funds from its members sufficient to meet its responsibilities. This authority shall include the ability to collect dues, to increase dues, to charge special assessments (such as fees associated with a Public Improvement District), and to place liens against property for failing to pay dues, assessments, and fines.
 - i. Dues shall be calculated based on a cost projection for the maintenance of all amenities and based on eventual build-out of the subdivision;
 - ii. Dues shall not be based on calculations which include monies from the developer which will not be provided following the transfer of the Association from the developer to the lot owners.
 - iii. Dues shall be required to be disclosed to all lot owners at the time of property purchase by the lot owners.
 - (8) Provision that no amendment of the Association documents relating to maintenance of amenities, private streets, major creeks and tributaries, thoroughfare screening, any other Association-maintained area or facility, or related reserve funds (as applicable) shall occur without prior City approval;
 - (9) Written release of liability for maintenance to benefit the City; written indemnification of the City outlining that under no circumstances shall the City be liable to the Association or any individual property owner or their respective heirs, executors, administrators, devisees, personal representatives, successors or assigns for any damages, injuries (including death), and/or liability resulting from any amenity, on the private streets, within or adjacent to any Major Creek or tributary, associated with any thoroughfare screening or common landscaping, or from any other Association-owned and maintained area or facility;
 - (10) Written assurance of adequate funds based on an accredited cost projection analysis within a specific reserve account of the Association for the maintenance and removal of amenities as determined by the City; and
 - (11) Written consent giving the City the authority to take appropriate actions for violations as set forth in Section 10.03.079(h), *Violations, Revocations and Liens*.
 - (12) Other City requirements as applicable.
- (h) **Supplementary Requirements.** The HOA shall also comply with the following regulations, where applicable:
- (1) Compliance with the Zoning Ordinance. Association documents shall not overrule the landscaping or other provisions of the *Zoning Ordinance* by penalizing or restricting water conserving landscapes, or by requiring landscape materials that do not comply with *Zoning Ordinance* landscape requirements.
 - (2) Amenities. The following regulations shall apply to any subdivision that includes an amenity, as described in Section 10.03.078, *Required Subdivision Amenities*, and defined in Section 10.03.102, *Definitions*:
 - i. Where amenities are proposed in conjunction with a development, the applicant shall comply with those regulations outlined in Section 10.03.078, *Required Subdivision Amenities*, of this

- Ordinance.
- ii. All developments that require the provision of common open space shall submit covenants to maintain open space, recreational areas, and other commonly owned facilities for review with the Final Plat application.
- (3) Private Streets. Whenever a public street becomes private following plat recordation, an HOA is required to be established, if not already in existence, that would be responsible for owning and maintaining the converted streets and rights-of-way. The following regulations shall apply to any subdivision that includes private streets, except those that exist prior to the effective date of this Ordinance.
- i. The Association shall own and be responsible for the maintenance of private streets and appurtenances (such as alleys, storm sewers, sidewalks, barrier-free ramps, street lights and signs, etc.) and shall provide for the payment of dues and assessments required to maintain the private streets and appurtenances.
 - ii. The Association documents shall state that if the approval of the Specific Use Permit for the Private Street Development is revoked or the private streets are otherwise converted to public streets, the reserve fund shall become the property of the City (see the City's *Engineering Design Standards* for conversion process).
 - iii. In addition to any other requirements set forth in this section, the HOA's documents shall specify the following:
 - a. That the streets within the development are private, that they are owned and maintained by the Association, and that the City has no obligation to maintain, repair or reconstruct the private streets.
 - b. A statement that the City may, but is not obligated to, inspect private streets and require repairs necessary to ensure that the same are safe for travel and are being maintained to City standards.
 - c. A statement that the Association may not be dissolved without the prior written consent of the City Council, which consent shall not be withheld by the City if it determines that an adequate reserve fund exists, and the streets and alleys are in satisfactory condition for conversion to public streets, as determined by the Director of Engineering.
 - d. That failure to bring the subdivision into compliance with these regulations may cause the City to revoke the approval or the Specific Use Permit for the Private Street Development and take appropriate action.
 - iv. The HOA documents shall note that certain City services may not be provided in Private Street Developments. The services that may not be provided include, but are not limited to: police enforcement of traffic and parking ordinances and preparation of accident reports. Depending on the characteristics of the proposed development, other services may not be provided.
 - v. The HOA documents shall contain a provision that requires the Association to provide unrestricted access to emergency vehicles, utility personnel, the U.S. Postal Service, and governmental employees, agents or representatives in the performance of their official duties. All access gates shall be designed and constructed in accordance with emergency access design standards listed in the *Engineering Design Standards*, and shall be equipped with an emergency access controlled gate opening system (e.g. Opticom® or Knox-Box®) or with another emergency operating system that is acceptable to the Fire Chief.
- (4) Major Creeks, Tributaries, Ponds and Water Features (100-Year Floodplain). For single-family and two-family residential developments, the area within the 100-year floodplain shall be owned and maintained by a Homeowners Association, subject to City approval. The Final Plat shall reflect, and the Association's documents shall provide:

- i. City access for emergency vehicles, equipment and personnel and for the improvement and maintenance of the 100-year floodplain in the event they are not being properly maintained, as determined by the Director of Engineering; and
- ii. Should the Association fail to maintain the floodplain area to the standards of the City, the Association shall reimburse the City for all costs incurred by the City for adequate maintenance.

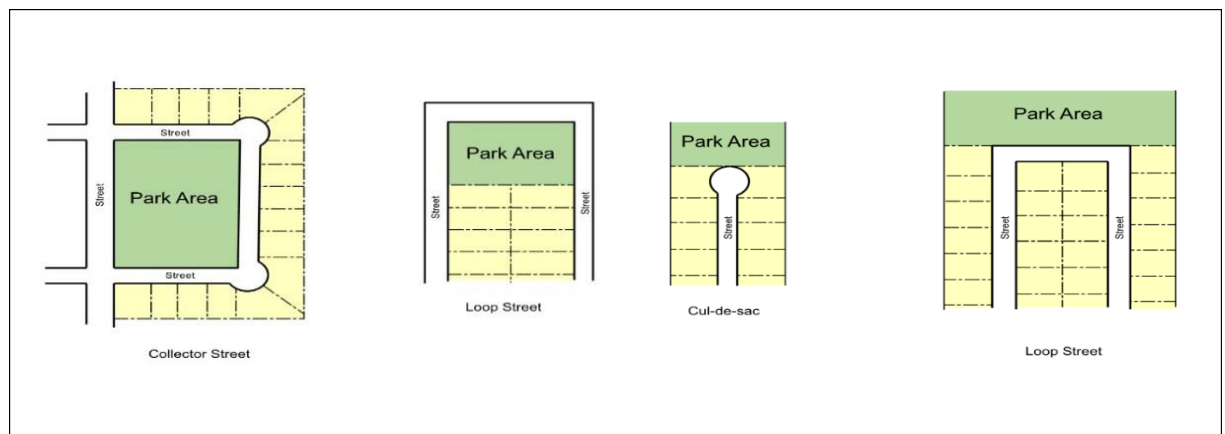
(i) **Violations, Revocations & Liens.**

- (1) The City will notify the HOA of violations of any of the regulations specified within this section.
- (2) Failure to bring the subdivision into compliance with these regulations may cause the City to revoke the specific approval of the Association or take other remedies outlined in this section.
- (3) The City shall have all liens, assessments and enforcement rights granted therein to the Association, and the City shall have the ability to enforce the liens and assessments, and avail itself of any other enforcement actions available to the City pursuant to State law and/or City regulations.
- (4) Should the Association fail to carry out its duties as specified in this Ordinance, the City shall have the right and ability, after due notice to the Association, to perform the duties required by this or any other Ordinance, regulation or agreement with the City in order to bring the Association into compliance therewith. The City shall have the right and ability, after due notice to the Association, to assess the Association for the full amount owed and/or assess the property owners on a pro rata basis for all costs incurred by the City in performing said duties if the Association fails to do so. Said assessment shall constitute a lien, in favor of the City, upon the properties for which the assessment is made.

Article 10.03.080.....PARKS & OPEN SPACE

SEC. 10.03.081 PARK LAND REQUIREMENTS FOR NEW RESIDENTIAL DEVELOPMENTS

- (a) **Purpose.** This Section is intended to meet the goals and objectives of the City to meet the additional needs created by new residential development.
- (b) **Scope.** The provisions of this Article shall apply to all new residential development within the City for which a Final Plat or Preliminary Plat is required to be submitted to the City for approval.
- (c) **Exemptions.** The provisions of this Article shall not apply to the following:
 - (1) Senior living facilities and senior care facilities, including assisted living facilities, senior congregate care facilities, memory care facilities and nursing homes. However, independent living and retirement communities or age-restricted housing developments shall be subject to the provisions of this Article.
 - (2) Residential development for property to be located on a lot of record that was approved prior to the effective date of the ordinance from which this article derives.
 - (3) A record plat, minor plat, or replat which was approved prior to the effective date of the ordinance from which this article derives.
 - (4) Residential development constructed or to be constructed in accordance with a building permit issued prior to the effective date of the ordinance from which this article derives.
- (d) **Park Design Requirements: Neighborhood and Linear Parks and Connections to Parks.**
 - (1) Parks must be easy to access and open to public view to benefit area development, enhance the visual character of the City, protect public safety and minimize conflict with adjacent land uses.
 - (2) The following standards shall be used in designing parks and adjacent development:
 - i. Where physically feasible, parks shall be bounded by streets, or by other public uses (*e.g.* a school, library, recreation center).
 - ii. Where residential lots are directly adjacent to a park, lots must be oriented to side and not back to the park. In this instance, cul-de-sac and looped streets must be used to access the lots and park.
 - iii. Residential lots may back to a park only when the site's physical character (*e.g.*, shape, topography, drainage) does not reasonably permit an alternative design or the layout of the subdivision



complements the use of the park (*e.g.*, lots backing to a golf course). Lots backing to a park shall only be allowed upon a recommendation from the City Manager or designee and approval by the Planning & Zoning Commission.

- iv. A proposed subdivision adjacent to a park may not be designed to restrict reasonable access to the park from other area subdivisions.
- v. Street connections to existing or future adjoining subdivisions may be required to provide reasonable access to parks.
- vi. Alleys shall not abut a park.
- vii. Public access to a park shall not be less than fifty (50) feet at the curb and in width to the Base Floodplain and/or Maintenance and/or Access Dedication and shall not be part of a residential lot. The Developer shall install a hike and bike trail connection from the street to the hike and bike trail/park prior to final acceptance of the subdivision. This trail must be blocked from motor vehicle traffic. However, the Developer may request to escrow funds for the contracted amount prior to final acceptance of the subdivision with City approval. The escrow amount will remain in place until the trail has been completed and accepted by the City.
- viii. A twenty (20) foot level surface shall be provided for all public hike and bike trails. The twenty (20) foot wide level surface can be provided within and/or outside of the Base Floodplain and/or Access Dedication. The parkway for the public street may count towards the twenty (20) foot wide level surface.
- ix. All proposed hike and bike trails shall be shown on the Preliminary Plat. The Parks and Recreation Department shall make the final determination of the placement of the public hike and bike trail at the time of the Final Plat.
- x. No development shall interrupt future trail routes or otherwise hinder efficient public access to or from an existing or future planned trail. Gated and other limited access developments shall be designed such that they facilitate, and do not impede, through public access, emergency ingress and egress, usage and enjoyment of public trails.
- xi. Streets abutting a park shall be built in accordance with the Thoroughfare Plan, the standards of this Ordinance and all other applicable construction standards and/or ordinances, as they exist or may be amended; however, the City may require any residential street built adjacent to a park to be constructed to collector street width to ensure access and prevent traffic congestion.
 - a. When park land is acquired, the City shall reserve sufficient land to provide the additional right-of-way required for an abutting collector size street, sixty (60) feet of right-of-way, unless otherwise approved by the City.
 - b. The proposed street alignment fronting on City parks is subject to City approval. Land owners shall also provide street access to all Major Creeks and/or Access Dedications.

Sec. 10.03.082..... DEDICATION REQUIREMENTS (LAND, PAYMENT, OR COMBINATION)

- (a) **Land Conveyance or Payment in Lieu of Land Required.** The owner of any property to be developed for residential purposes shall convey land for park purposes or make a payment of money in lieu of land, or a combination of both, to the City at the time of subdivision to provide for the recreational needs created by such development, in accordance with the provisions of this article.
- (b) **Proposed Number of Dwelling Units.** All plats, lots of record, replats, site plans or proposed improvements of land for new residential development shall indicate the number of proposed dwelling units to be constructed or placed within the development on such plat, lot of record, replat or site plan.
- (c) **Determination or Requirements.** In reviewing any lot of record, plat, site plan or proposed improvements of land for a new residential development (including townhome and/or multi-family developments), the City Manager or designee shall make a determination of whether a conveyance of land, payment of money in lieu of land or a combination of both shall be made to meet the requirements of this article.
- (d) **Factors Considered.** In making a determination of which type of dedication, or combination thereof, shall

be made, the City Manager or designee shall evaluate what would be in the best interest of the City, based upon relevant factors that may include, but not be limited to, the following:

- (1) Whether the proposed land to be conveyed for park purposes would be suitable as a regional, neighborhood, linear, community, or city park;
- (2) Any adopted park plan or sub-area plan for the area in which the development is located;
- (3) Whether the proposed land to be conveyed for park purposes is adjacent to an existing or proposed school site.
- (4) Whether there is sufficient existing public or private park land in the area of the proposed development;
- (5) Whether the park needs of the area where the proposed development is located would be best served by expanding or upgrading existing parks;
- (6) Whether the land is located adjacent to a greenbelt park which is intended to be preserved in its natural state; and
- (7) Whether the development of a park in the location proposed reflects the guidelines of the Comprehensive Plan.

(e) **Dedication: Conveyance of Land Requirements.** Based on the recommendation of the City Manager or his designee, the Park Board shall make a recommendation to the City Council regarding whether a conveyance of land shall be required. Conveyance of land shall meet the requirements of this Section and the following provisions shall apply:

- (1) Amount. The required conveyance of land shall be one (1) acre of land per fifty (50) residential units, or an amount proportionally equal to five percent (5%) of the total tract acreage, whichever is greater.
- (2) Manner and Method. Plats required to be submitted to the City for approval shall show thereon a fee simple conveyance to the City of the land required for park purposes as a condition to approval of such plat by the Commission. The City may further require the conveyance of the park property by general warranty deed. As a condition to acceptance of the plat or deed by the City, the Subdivider shall provide the City with an owner's title policy of insurance in an amount equal to the value of the land conveyed, which amount shall be determined by the City.
- (3) Credit for Private Recreation Facilities. Where private recreation facilities are built for the residents for the subdivision or development, a credit may be granted with a recommendation from the City Park Board and approval by the City Council. The value of these private recreation facilities shall be determined by the City Council, but shall not exceed fifty percent (50%) credit of conveyance.
- (4) Credit for Prior Dedications. Where a gift of land was made prior to the effective date of the ordinance from which this article is derived by the owner of land required to convey land under the provisions of this article, the former gift of land shall be credited on a per-acre basis toward the required conveyance provided by this article when the City Council finds that:
 - i. The gift was made within five (5) years of the effective date of this ordinance;
 - ii. The land given was within one-half mile of the new development for which land is required to be conveyed;
 - iii. The land given is not being presently used for purposes incompatible with park purposes and is suitable for park purposes; and
 - iv. A credit may be given for on-site improvements that are compatible with long-range development plans for the proposed park.
 - v. The credit provided for herein shall not be transferable and shall only be given to the donor of the land who is the owner of the property being developed for which a conveyance of land is required by this article, unless said prior conveyances were included as a part of an executed facilities and/or development agreement between the City and the developer.
- (5) Credit for Conveyance of Floodplains. In cases where floodplain and or property is proposed to be

conveyed to satisfy the Park Land Dedication requirements, a credit will be given based upon the following formula or ratio: three (3) acres of floodplain shall equal one (1) acre of land outside the floodplain, if approved by the Park Board.

- (6) Suitability of Land for Neighborhood Parks, Community Parks, or Linear Parks. The Park Board shall be the arbiter of what land is suitable for park land dedication, subject to final approval by the City Council. A proposed conveyance of land shall not be considered suitable for Neighborhood Parks, Community Parks, or Open Space purposes if it has one or more of the following characteristics:
- i. Located within the 100-year floodplain, as shown on the latest flood insurance rate map or Floodplain Ordinance adopted by the City on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. The City may accept no more than the twenty percent (20%) floodplain land, unless a greater percentage of land within the floodplain is determined in the best interest of the City.
 - ii. The proposed dedication is less than seven and a half (7.5) acres for a neighborhood park or less than twenty (20) acres for a community park, unless the proposed dedication is located in such a manner in which it could be combined with other dedications to create a park of adequate size.
 - iii. It has unusual topography or slope or has utility easements that render it unsuitable for organized recreational activities or passive park needs, depending on the City's intended use for the property.
 - iv. It does not or would not front an improved public street or would not be readily accessible, in whole or in part, to the public.
- (f) **Dedication: Payment in Lieu of Land Provisions.** Where the City Manager or designee determines that a payment of money in lieu of land shall be made, the following provisions shall apply:
- (1) Determining the Amount of Payment.
 - i. Any payment of money required to be paid shall be in an amount equal to the average per-acre value of the whole property included within the residential development or the amount set forth in the Fee Schedule as it currently exists or may be amended, whichever is greater.
 - ii. In determining the average per-acre value of the total land included within the proposed residential development, the City Manager or designee may base its determination on one or more of the following:
 - a. The most recent appraisal of all or part of the property made by the county central appraisal district; or
 - b. Confirmed sale prices of all or part of the property to be developed, or comparable property in close proximity thereof, which has occurred within two (2) years immediately preceding the date of determination; or
 - iii. Where, in the judgment of the City Manager or designee, Section 10.03.082(f)(1)(i) or 10.03.082(f)(1)(ii) above would not, because of changed conditions, be a reliable indication of the current value of the land being developed, an independent appraisal of the whole property obtained by the City and paid for by the Developer; or
 - (2) Time of Payment. Any payment of money required herein shall be paid as a condition to the approval of any Final Plat or replat. Payment shall be made prior to the filing of the plat unless otherwise stated in an agreement approved by the City Council.
 - (3) Park Land Dedication Fund. All cash payments paid to the City in accordance with this Section 10.03.082 shall be deposited in a separate Park Land Dedication Fund. The City shall account for all such payment with reference to each development for which the payment is made.
 - (4) Use of Funds. Any payments made to the park development fund must be used for the acquisition and development of parks, hike and bike trails or public open space located within the City.

(g) **Compliance, Penalties, Sanctions and Redeterminations.**

- (1) Requirements to be Satisfied Prior to Development. It shall be unlawful for any person who is required to convey land, or pay money in lieu of land, as required by this article, to begin, or allow any other person or contractor to begin, any construction or improvements on any land within any development to which this article applies until the required conveyance of land or payment of money in lieu of land is made to the City in accordance with this article.
- (2) Permits and Services to be Withheld. No building permits shall be issued for, and no permanent utility services shall be provided to any land within any land within any development to which this article applies until the required conveyance of land or payment of money in lieu of land is made to the City in accordance with this article.
- (3) Redetermination of Requirements for Proposed Additional Dwelling Units. After the City Council has made a determination of the requirements of this article, or after the requirements of this article have been met, based upon the proposed number of residential dwelling units for any land to which this article applies, any person who desires to construct a number of dwelling units in excess of the number of dwelling units for which the requirements of this article were determined or met must submit to the City Council a revised calculation for the dwelling units to be added to the development. If the additional number of dwelling units changes the density of the development, a zoning change may be required. If the additional dwelling units are accepted by the City through a process determined by the City Manager or his designee, the developer shall either convey the additional park land through a plat or replat or shall pay a fee in lieu of park land for the additional dwelling units at the issuance of the first building permit for all the additional units, regardless of whether all of the units are being constructed at one time.

Sec. 10.03.083..... PARK IMPROVEMENT FEES(a) **Purpose.**

- (1) A park improvement fee ("park fee") is hereby imposed on residential development for the purpose of ensuring that City, community, neighborhood and linear park facilities are available and adequate to meet the needs created by such residential development.
- (2) The park fee is imposed in conjunction with and in addition to requirements for the dedication of neighborhood and linear park land and the construction of neighborhood and linear park improvements for which contributions the Property Owner may be reimbursed from proceeds of park fees imposed, as provided in Section 10.03.083(f), *Use of Park Improvement Fee*.

- (b) **Applicability of Park Fee.** In all cases in which parkland is dedicated or cash is paid in lieu of parkland dedication, the subdivider shall also pay to the City a sum of money, as set forth by Section 10.03.083(d), *Amount of Park Improvement Fee*. This subsection does not apply to activities involving the replacement, reconstruction, remodeling, rehabilitation or other improvements to an existing residential structure, or to the rebuilding of a damaged structure or to permits required for accessory uses, unless such activity results in a change in the type or increase in the number of dwelling units.

- (c) **Imposition of Park Fee.** Imposition of the park fee does not alter, negate, supersede or otherwise affect any other requirements of City, county, state or federal legislation or regulations that may be applicable to a residential development, including City zoning and/or subdivision regulations that may impose open space and park requirements and standards.

- (d) **Amount of Park Improvement Fee.** The established park fee for single-family, duplex, townhome and multifamily dwelling units as listed in the Fee Schedule.

(e) **Timing and Processing of Park Improvement Fees.**

- (1) The park improvement fee shall be a paid prior to the issuance of a Building Permit.

- (2) The amount of the park improvement fee for single-family, two-family, and multi-family units is set forth in the City's Fee Schedule, as it currently exists or may be amended.
 - (3) All park improvement fee payments shall be segregated in a separate fund to be spent only for the improvement of park facilities, funding of staff, or purchase of park land within the City.
 - (4) The City shall maintain and keep financial records for park improvement fees, which shall show the source and disbursement of all fees collected.
- (f) **Use of Park Improvement Fees.** Park fees must be used for the following purposes:
- (1) To acquire, develop, and provide equipment for Parks.
 - (2) To repay Developers for the reasonable costs of any park improvements constructed and accepted by the City.
- (g) **Additional Voluntary Park Improvements.** A developer may request permission to construct, at his own expense, additional park improvements. The City may accept or reject voluntary dedications of park land and/or additional park improvements. Such voluntary dedications and/or improvements shall be considered for approval by the Park Board. All improvements in public parks and open spaces shall be consistent with the design criteria and objectives of the City and any adopted park plan, and shall, upon installation, become the property of the City. Prior to constructing such additional park improvements, the developer shall enter into a development agreement with the City that defines, among other things, the work to be performed, construction schedules, improvement costs, performance surety, the amount to be reimbursed by the City (if any), and the timing of such reimbursement (if any).
- (h) **Appeals and Variances.**
- (1) The Developer may appeal the following decisions of the City Manager to the City Council:
 - i. The applicability of the park fee;
 - ii. The amount of the fee due; or
 - iii. The amount of refund due, if any.
 - (2) The appellant must file a notice of appeal with the City Council within thirty (30) days following the determination by the City Manager. If the notice of appeal is accompanied by a bond or other sufficient surety satisfactory to the City Attorney in an amount equal to the park fee due as calculated by the City Manager, the development application shall be processed. The filing of an appeal shall not stay the collection of the fee due, unless a bond or other sufficient surety has been filed.
 - (3) The City Council may grant variances from any requirements of this Article, upon written request by a Property Owner, following a public hearing, and only upon a finding that a strict application of such requirement would result in a substantial hardship that is not common to similarly situated property owners.
- (i) **Park Fee as Additional and Supplemental Requirement.** The Park Fee is in addition and supplemental to and not in substitution of Park Land dedication or fees in lieu of land conveyance, or any other requirements imposed by the City on the residential development of the land.

Sec. 10.03.084.....HIKE AND BIKE TRAIL REQUIREMENTS.

- (a) **Hike and Bicycle Trail Master Plan.** Hike-and-bike trails located within or adjacent to the development shall be constructed at the developer's expense in accordance with any adopted master plan, and as amended.
- (b) **Requirements.** Hike and Bike Trails, especially those providing access to and along a Major Creek and other open spaces, shall be in accordance with the following design criteria unless otherwise approved by the Director of Parks & Recreation and the Director of Development Services:
 - (1) A minimum twenty-five (25) foot wide level ground surface shall be provided for a twelve (12) foot

wide public Hike and Bike Trail, where required. The twenty-five (25) foot wide, level ground surface may be provided within and/or outside of the 100-year floodplain.

- (2) The parkway of a public street may count toward the twenty-five (25) foot wide, level ground surface, upon approval of the Director of Parks & Recreation.
 - (3) Low water crossings for the Hike and Bike Trail may be allowed upon approval from the Director of Engineering and the Director of Parks & Recreation.
 - (4) The Hike and Bike Trail shall be designed so as to minimize visibility blind spots from public streets for public safety purposes.
 - (5) Construction plans for the development shall include engineered drawings of trail cross-sections in accordance with the City's *Engineering Design Standards*.
 - (6) Hike and Bike Trails shall be shown on the Final Plat and dedicated as "trail easements."
- (c) **Locations and Easements.** Locations of all trails shall be consistent with the locations designated in any adopted master plan, and are subject to approval by the Director of Parks & Recreation and the Director of Development Services.
- (1) The Director of Parks & Recreation and the Director of Development Services shall have the authority to determine the placement of future Hike and Bike Trails at the time of Conveyance Plat or Preliminary Plat review and approval.
 - (2) No development shall interrupt future trail routes or otherwise hinder efficient public access to or from an existing or future planned Hike and Bike Trail. Gated and other limited access developments shall be designed such that they facilitate, and do not impede, through public access, emergency ingress and egress, usage, and enjoyment of public trails.
 - (3) Residential developments that own, by means of an HOA, open space, must provide a pedestrian access easement to allow future Hike and Bike Trails to transverse the property.
- (d) **Trails Along Major Creeks, and Greenways.**
- (1) The location of trails within developments adjacent to Major Creeks or greenway trails recognized in the adopted master plan shall be coordinated with the Parks & Recreation Department, and shall be staked in the field by the developer and approved by the Director of Parks & Recreation and the Director of Development Services prior to the submittal of a Conveyance Plat or Preliminary Plat.
 - (2) The location of the trail shall be specified on the Conveyance Plat or Preliminary Plat as the approved location for the Hike and Bike Trail, and an easement for such shall be shown on the Conveyance or Preliminary Plat and the associated Final Plat for any portions of the trail that traverse private property.
- (e) **Trails in Relation to Golf Courses.** When a trail system is extended through a golf course, improvements shall be made to protect and provide separation between users of the trail system and the golfers, at the developer's expense. Such improvements include, but are not limited to, a series of berms and trees to help protect trail users from airborne golf balls. Upon approval of the Director of Parks & Recreation and the Director of Development Services, a golf cart path of sufficient width to accommodate both golf carts and bicycles may serve as a trail.
- (f) **Future Trails and Access for New Developments.** When development is adjacent to an undeveloped property, a pedestrian access stub-out in conjunction with a street connection to the edge of the development shall be required to allow for future access between developments.

ARTICLE 10.03.085RELIEF PROCEDURES

Sec. 10.03.086.....VARIANCES.

- (a) **Purpose.** The purpose of a Variance is to allow an applicant to seek relief from a particular standard or requirement of this Ordinance that would substantially limit the applicant's ability to utilize the land in a manner requested.
 - (1) The rules and regulations of this Subdivision Ordinance are the standard requirements of the City. Suspension of any of these rules and regulations may be granted upon a good and sufficient showing by the applicant that there are special circumstances or conditions affecting the property in question, or that enforcement of the provisions of this article will deprive the applicant of a substantial property right and that such suspension, if granted, will not be materially detrimental to the public welfare or injurious to other property or property rights in the vicinity.
 - (2) Each and every application for Variance shall be decided solely and entirely on its own merits and the disposition of any prior or pending application for Variance shall not be allowed to enter into or affect any decision on the application in question.
 - (3) Pecuniary interests standing alone shall not be justification for the granting of a Variance.
- (b) **Definitions of Levels of Variances.** Variances shall be classified as "minor" or "major," as defined in Section 10.03.102, *Definitions*, of this Ordinance.
- (c) **Decision-Makers.**
 - (1) Minor Variance Decision-Maker. A Minor Variance is acted upon by the Director of Development Services or the Director of Engineering.
Minor Variance Appeal. An appeal to a decision on a Minor Variance by the Director of Development Services or the Director of Engineering (as applicable) may be considered by the Planning & Zoning Commission. The Planning & Zoning Commission will be the final decision maker (See Section 10.03.086(j), *Appeal Process*).
 - (2) Major Variance Decision-Maker. A Major Variance is acted upon by the Planning & Zoning Commission.
Major Variance Appeal. An appeal to a decision on a Major Variance by the Planning & Zoning Commission may be considered by the City Council.
- (d) **Applicability.**
 - (1) An applicant may request a Variance of a particular standard or requirement applicable to a Conveyance Plat, Preliminary Plat, to construction plans, or where no Conveyance Plat or Preliminary Plat application has been submitted for approval, to a Final Plat or a Replat. A Variance petition shall be specific in nature, and shall only involve relief consideration for one particular standard or requirement. An applicant may, if desired, submit more than one Variance petition if there are several standards or requirements at issue.
 - (2) A petition for a Variance shall not be accepted in lieu of a vested rights petition (Section 10.03.087, *Vested Rights*). If there is a question as to whether a vested rights petition is required instead of a petition for a Variance, such determination shall be made by the Director of Development Services.
- (e) **Variance Submission Procedures.**
 - (1) A request for a Variance shall be submitted in writing by the applicant with the submittal of a Conveyance Plat, Preliminary Plat, construction plans, Final Plat, or Replat, as applicable. No Variance may be considered or granted unless the applicant has made such written request and paid the applicable fee.
 - (2) The applicant's request shall state the grounds for the Variance request and all of the facts relied upon by the applicant. Failure to do so will result in denial of the associated plat application unless

the applicant submits a waiver in accordance with Section 10.03.2(d), *Waiver of Right to 30-Day Action*.

(f) **Variance Criteria.**

- (1) A Variance to regulations within this Ordinance may be approved only when, in the decision-maker's opinion, undue hardship will result from strict compliance to the regulations.
- (2) The decision-maker shall take into account the following factors:
 - i. The nature of the proposed land use involved and existing uses of the land in the vicinity;
 - ii. The number of persons who will reside or work in the proposed development; and
 - iii. The effect such Variance might have upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.
- (3) No Variance shall be granted unless the decision-maker finds:
 - i. That there are special circumstances or conditions affecting the land involved or other constraints such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land; and
 - ii. That the Variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, and that the granting of the Variance will not be detrimental to the public health, safety or welfare or injurious to other property in the area; and
 - iii. That the granting of the Variance will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this Ordinance.
- (4) A Variance may be granted only when in harmony with the general purpose and intent of this Ordinance so that the public health, safety and welfare may be secured and substantial justice done. Financial hardship to the applicant shall not be deemed to constitute undue hardship.
- (5) No Variance shall be granted unless it represents the minimum degree of variation of requirements necessary to meet the needs of the applicant.
- (6) The decision-maker shall not authorize a Variance that would constitute a violation of, or conflict with, any other valid ordinance, code, regulation, master plan or *Comprehensive Plan* of the City.
- (7) Any falsification of information by the applicant shall be cause for the Variance request to be denied. If the Variance request is approved based upon false information, whether intentional or not, discovery of such false information shall nullify prior approval of the Variance, and shall be grounds for reconsideration of the Variance request.

(g) **Burden of Proof.** The applicant bears the burden of proof to demonstrate that the requirement for which a Variance is requested, if uniformly applied, imposes an undue hardship or disproportionate burden on the applicant. The applicant shall submit the burden of proof with the original submittal.

(h) **Decision.** The decision-maker shall consider the Variance petition and, based upon the criteria set forth in Section 10.03.086(f), *Variance Criteria*, shall take one of the following actions:

- (1) Deny the petition, and impose the standard or requirement as it is stated in this Subdivision Ordinance; or
- (2) Grant the petition, and waive in whole or in part the standard or requirement as it is stated in this Ordinance.

(i) **Notification of Decision on Petition.** The applicant shall be notified of the decision on the Variance by the applicable decision-maker (e.g., the Director of Development Services, Director of Engineering, or Commission, as applicable), within fourteen (14) calendar days following the decision.

(j) **Appeal Process.**

- (1) Initiation of an Appeal. The applicant may appeal a Variance decision of the Director of Development Services or Director of Engineering, as allowed within the Subdivision Ordinance. A written letter of appeal shall be submitted to the Director of Development Services within fourteen

- (14) calendar days following the denial decision.
- (2) **Appeal to Planning & Zoning Commission.** The Commission shall schedule the appeal at the earliest regular public meeting that will accommodate required public notification. At this meeting, new information may be presented and considered, if available, that might alter the previous decision to deny the Variance. The Commission may affirm, modify, or reverse the previous decision by simple majority vote.
- (3) **Appeal to City Council.** The applicant, the Director of Development Services or four (4) voting members of City Council may appeal the Planning & Zoning Commission's decision by submitting a written notice of appeal to the Director of Development Services within fourteen (14) calendar days following the Commission's decision. The City Council shall consider the appeal at a public meeting at the next regular or specially called meeting following the date when the notice of appeal is submitted to the Director of Development Services. The City Council may affirm, modify, or reverse the Commission's decision by a simple majority vote. The decision of the City Council is final.
- (k) **Effect of Approval.** Following the granting of a Variance, the applicant may submit or continue the processing of a plat or construction plans, as applicable. The Variance granted shall remain in effect for the period the plat, concept plan, or construction plans are in effect, and shall expire upon expiration of any of those applications. Extension of those applications shall also result in extension of the Variance. The approval of a Variance relieves the applicant of the imposition of the particular standard or requirement for which a Variance was sought following the finding of just cause for such Variance to be allowed. A Variance shall not be approved solely based on monetary interests. Variances are heard on a case-by-case basis and do not establish precedent.

Sec. 10.03.087.....VESTED RIGHTS.

- (a) **Purpose.** The purpose of a vested rights petition is to determine whether an application should be processed under the terms of a previous ordinance, to provide a process for determination of possible vested status, and to determine when certain permits are subject to expiration.
- (b) **Applicability.**
- (1) A vested rights petition may be submitted for any application authorized under this Ordinance.
 - (2) A vested rights petition cannot be submitted by an applicant along with submission of a request for a text amendment to this Ordinance, a Zoning Map amendment, or any other request for a legislative decision by the City Council.
- (c) **Submission.** A vested rights petition shall be submitted to and officially filed with the City's responsible official (see Section 10.03.023(g), *Official Filing Date*) in accordance with the TEXAS LOCAL GOVERNMENT CODE, CHAPTER 245 or successor statute. Submission of a vested rights petition shall be deemed as an automatic variance of the applicant's right, and the City's obligation, to process and act upon applications as required by State law (CHAPTER 212 OF THE TEXAS LOCAL GOVERNMENT CODE), and as provided in Section 10.03.087(e), *Form of Petition*, of this Ordinance. Submission of such petition shall stay further proceedings on the related application until a final decision is reached on the vested rights petition.
- (d) **Effect.** If a properly submitted vested rights petition is approved in whole or in part, the responsible official shall then process the original application and the decision-maker shall decide the application in accordance with the standards specified in the relief order based on prior ordinance requirements or development standards existing at the date vesting is established, or shall extend the validity of the original application that would otherwise be subject to expiration pursuant to this Ordinance.
- (e) **Form of Petition.** The vested rights petition shall allege in writing that the applicant has a vested right for some or all of the land subject to the application under TEXAS LOCAL GOVERNMENT CODE, CHAPTER 245 or successor statute, or pursuant to TEXAS LOCAL GOVERNMENT CODE, SEC. 43.002 or successor statute, that

requires the City to review and decide the application under standards that were in effect prior to the effective date of the currently applicable standards. The petition shall include the following information and documents:

- (1) A written vested rights petition form, with a notarized original signature of the property owner;
- (2) A narrative description of the grounds for the petition, including a statement as to whether the petition asserts a vested right related to a specific standard or to an entire project;
- (3) A copy of each approved or pending application which is the basis for the contention that the City may not apply current standards to the application which is the subject of the petition;
- (4) The official filing date of the application;
- (5) The date the subdivision for which the application was submitted was commenced;
- (6) Identification of all standards otherwise applicable to the application from which relief is sought;
- (7) Identification of any current standards which applicant agrees can be applied to the application at issue;
- (8) A narrative description of how the application of current standards affect proposed landscaping, open space or park dedication, shown on the application for which the petition is filed;
- (9) A copy of any prior vested rights determination involving the same land; and
- (10) Whenever the applicant alleges that an application subject to expiration should not be terminated, a description of the events constituting progress toward completion of the subdivision for which the application was approved. The applicant shall reimburse the City for all related legal costs for review of the vested rights petition. This reimbursement shall be paid in full prior to any decision on the petition.

- (f) **Timing for Filing Petition.** A vested rights petition shall be filed with an application for which a vested right is claimed, except that the petition may be filed before the date of expiration of any already approved application when filed pursuant to Section 10.03.089, *Dormant Projects*. Where more than one (1) application is authorized to be filed simultaneously by this Ordinance, the petition may be filed simultaneously for each application.

(g) **Processing and Decision.**

- (1) Responsible Official. The responsible official for a vested rights petition is the same as that for processing the application with which the petition is associated, except where a petition is submitted pursuant to Section 10.03.027, *Expiration for Projects Approved Prior to the Adoption of Subdivision Ordinance*. Where multiple applications are submitted, and there is more than one (1) responsible official, the decision of each responsible official shall be coordinated with that of any other responsible official on the vested rights petition. The City Attorney shall also be notified of the vested rights petition following its filing and acceptance for processing. The applicant shall reimburse the City for all related legal costs for review of a vested rights petition. This reimbursement shall be paid in full prior to filing of the Final Plat.
- (2) Action and/or Decision by Responsible Official.
 - i. If the responsible official is the decision-maker on the original related application, that official shall determine whether the relief requested in the vested rights petition should be granted in whole or in part, and shall formulate a written report summarizing the official's reasoning and recommendation.
 - ii. The applicant shall be notified of the decision within fourteen (14) calendar days following the date the vested rights petition was filed at the City.
 - iii. The responsible official may defer making a decision on the vested rights petition and instead forward the petition to the Commission for a decision, in accordance with the process outlined in Section 10.03.087(g)(3), *Decision by Planning & Zoning Commission*.
- (3) Decision by Planning & Zoning Commission. If the original application is to be decided by the

Commission, or if the responsible official defers making a decision on a vested rights petition, the responsible official for that type of application shall submit a report in the form of a recommendation on the vested rights petition to the Planning & Zoning Commission. The Commission shall render a decision on the vested rights petition within thirty (30) calendar days following the date the petition was filed at the City. The Commission's decision on a vested rights petition shall be upon a simple majority vote of the full Commission's voting members.

- (4) Decision by City Council. Where the City Council is the final decision-maker on the related application, or for any petition submitted pursuant to Section 10.03.089, *Dormant Projects*, the responsible official for that type of application shall submit a report in the form of a recommendation on the vested rights petition to the City Council. The Council shall render a decision on the vested rights petition within thirty (30) calendar days following the date the petition was filed at the City. The City Council's decision on a vested rights petition shall be upon a simple majority vote of the full Council's voting members, and shall be final.
- (5) Appeal of Decision. The applicant may appeal to City Council the responsible official's or Commission's decision on the vested rights petition by submitting written notice of appeal to the applicable responsible official within fourteen (14) calendar days following the date of such decision. The City Council shall hear and decide the appeal within thirty (30) calendar days following receipt of the notice of appeal by the City. Approval of an appeal by the City Council shall only be upon a favorable vote of at least four (4) of the Council's voting members, and shall be final (see Section 10.03.087(k), *Appeal*).
- (6) Effect on Related Applications. A final decision on the vested rights petition or appeal under this section must be achieved prior to further processing, and prior to any consideration of, or decision on, the related application. Upon such final resolution and decision on a vested rights petition, the responsible official shall commence processing, review and consideration for the related application as provided in this Ordinance.

(h) **Criteria for Approval.**

- (1) Factors. The decision-maker shall decide the vested rights petition based upon the following factors:
 - i. The nature and extent of prior applications filed for the land subject to the petition;
 - ii. Whether any prior vested rights determinations have been made with respect to the property subject to the petition;
 - iii. Whether any prior approved applications for the property have expired or have been terminated in accordance with State law or local ordinances;
 - iv. Whether current standards adopted after commencement of the project affect proposed use of the land, landscaping or tree preservation, open space or park dedication, lot size, lot dimensions, lot coverage or building size based upon the proposed application;
 - v. Whether any statutory exception applies to the standards in the current Subdivision Ordinance from which the applicant seeks relief;
 - vi. Whether any prior approved applications relied upon by the applicant have expired;
 - vii. For petitions filed pursuant to Section 10.03.027 of this Ordinance, *Expiration for Projects Approved Prior to the Adoption of Subdivision Ordinance*, whether any of the events in Section 10.03.027 have occurred;
 - viii. Any other applicable provisions outlined in CHAPTER 245 OR SEC. 43.002 OF THE TEXAS LOCAL GOVERNMENT CODE, or successor statutes.
- (2) Conditions. If the claim of vested rights is based upon a pending application, subject to standards that have been superseded by current standards of this Ordinance, the decision-maker may condition any relief granted on the vested rights petition on the approval of the pending application.

(i) **Action and Record of Action.**

- (1) **Action.** The decision-maker may take any of the following actions:
 - i. Deny the relief requested in the petition, and direct that the application shall be reviewed and decided under currently applicable standards; or
 - ii. Grant the relief requested in the petition, and direct that the related application be reviewed and decided in accordance with the standards contained in identified prior regulations; or
 - iii. Grant the relief requested in part, and direct that certain identified current standards be applied to the related application, while standards contained in identified prior regulations also shall be applied; or
 - iv. For petitions filed pursuant to Section 10.03.027, *Expiration for Projects Approved Prior to the Adoption of Subdivision Ordinance*, specify the expiration date or the conditions of expiration for the related application(s).
- (2) **Record.** The responsible official's report and the decision on the vested rights petition shall be recorded in writing in an order identifying the following:
 - i. The nature of the relief granted, if any;
 - ii. The related applications upon which relief is premised under the petition;
 - iii. Current standards which shall apply to the related application for which relief is sought, if applicable;
 - iv. Prior standards which shall apply to the related application for which relief is sought, including any procedural standards, if applicable;
 - v. The statutory exception or other grounds upon which relief is denied in whole or in part on the petition;
 - vi. To the extent feasible, subsequent related applications that are subject to the same relief granted on the petition; and
 - vii. For petitions filed pursuant to Section 10.03.027, *Expiration for Projects Approved Prior to the Adoption of Subdivision Ordinance*, the date of expiration of the related application.
- (j) **Associated Applications Following Final Decision.**
 - (1) Following the City's final decision on the vested rights petition, the applicant shall, if necessary, revise the related application such that it conforms to the City's decision on the vested rights petition.
 - (2) The decision-maker on the related application shall review and consider the revised application in accordance with the procedures for deciding that type of application, as outlined in this Ordinance, and in conformity with any relief granted.
 - (3) If the relief granted on the vested rights petition is consistent with the related application on file, no revisions shall be necessary, and the related application shall be deemed officially filed at the time of the final decision on the vested rights petition.
- (k) **Appeal.**
 - (1) **Initiation of an Appeal.** The applicant may appeal the decision of the Commission by submitting a written notice of appeal to the Director of Development Services within fourteen (14) calendar days following the date of the Commission's decision.
 - i. For a City Council-initiated appeal, the Council shall consider and act on whether it will appeal the Commission's decision at its first regular meeting (for which there is time to include such appeal on its posted agenda, as required by State law) that occurs after the Commission meeting at which the decision was made.
 - ii. Written notice of the City Council's vote to appeal shall be submitted to the Director of Development Services within seven (7) calendar days following the City Council's vote to appeal the decision.
 - iii. For an applicant-initiated appeal, a letter stating the reasons for the appeal, citing the specific

applicable sections of the Subdivision Ordinance, shall be submitted by the applicant.

- iv. The Director of Development Services may, on his/her own initiative, appeal the decision of the Commission by scheduling an appeal on the City Council's next regular meeting (for which there is time to include such appeal on its posted agenda as required by State law) that occurs after the Commission meeting at which the decision was made.
- (2) Council Decision. The City Council shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date on which the notice of appeal is submitted to the Director of Development Services. The City Council may affirm, modify or reverse the decision of the Commission by simple majority vote. The decision of the City Council is final.
- (l) **Expiration & Extension.**
 - (1) Expiration. Relief granted on a vested rights petition shall expire on occurrence of one of the following events:
 - i. The applicant fails to submit a revised application that is consistent with the relief granted, if any, within sixty (60) calendar days following the final decision on the vested rights petition;
 - ii. The application for which relief was granted on the vested rights petition is denied; or
 - iii. The application for which relief was granted on the vested rights petition expires.
 - (2) Extension. Extension of the date of expiration for the application for which relief was granted on a vested rights petition shall result in extension of the relief granted on the vested rights petition for the same time period.

Sec. 10.03.088.....ROUGH PROPORTIONALITY.

- (a) Notwithstanding anything in this Ordinance to the contrary, if the City requires as a condition of approval for a property development project that the developer bear a portion of the costs of municipal infrastructure improvements by the making of dedications, the payment of fees, or the payment of construction costs pursuant to this Ordinance, the developer's portion may not exceed the amount required for infrastructure improvements that are roughly proportionate to the proposed development as approved by a professional engineer retained by the City. Municipal infrastructure improvements have the meaning set forth in the TEXAS LOCAL GOVERNMENT CODE Section 212.904, as that term is interpreted by the Texas Attorney General and Texas courts.
- (b) The dedication or construction of an infrastructure improvement imposed by the City as a condition of plat or site plan approval in accordance with the City's adopted subdivision and development regulations shall be deemed to be the City's determination, upon the advice of a professional engineer duly licensed in this state and retained by the City, that such requirements, together with any impact fees due for the development, are roughly proportionate to the impacts created by the development on the City's municipal infrastructure.
- (c) A developer who disputes the determination made under subsection (b) above, may appeal to the City Council. Prior to filing the appeal, the developer shall notify the Director of Development Services, in writing, of the pending dispute. The Director shall send the developer their written response, reviewed and approved by the Engineering Division or other professional engineer on behalf of the City, to the proportionality issues raised by the developer and in so doing may revise the dedication or construction requirement(s) at issue. If the developer is not satisfied with the Engineering Division's response, they may file an appeal to the City Council with the City Secretary. At the appeal, the developer may present evidence and testimony under procedures adopted by the City Council.
- (d) The City may not require a developer to waive the right of appeal authorized by this section as a condition of approval for a development project.

- (e) For municipal infrastructure improvements for which the City has enacted impact fees, the measure of rough proportionality shall be the maximum impact fee per service unit then in effect for that category of infrastructure improvements, as may be amended from time to time, unless an alternative measure is approved by the Director of Engineering or his designee. To the extent that the impact fee charged against a new development, as may be amended from time to time, is less than the maximum impact fee per service unit, such difference is hereby declared to be founded on policies unrelated to measurement of the impacts of the new development on the City's infrastructure systems. The maximum impact fee per service unit may be used in evaluating any claim by a property owner that the dedication of land for right-of-way or construction of an infrastructure improvement within an impact fee service area, which is imposed as a condition of development approval pursuant to the City's subdivision or development regulations, together with the imposition of an impact fee, is disproportionate to the impacts created by the development on the City's infrastructure system for that category of infrastructure improvements.
- (f) After hearing any testimony and reviewing the evidence, the City Council shall make its determination within thirty (30) days following the final submission of any testimony or evidence by the developer. The Council shall decide whether requirements imposed by this Ordinance is roughly proportional to the nature and extent of the development proposed. In reaching such determination, the Council shall take into account the information in the evidence supplied by the applicant, the measure of proportionality in Subsection (e) or any alternative measure proposed by the Director of Engineering or his designee, the total costs to the City for supplying infrastructure capacity to the proposed development and all developments associated with the original plat of which the proposed development is a part, and the extent to which requirements imposed by the City benefit the proposed development.
- (g) If the City Council finds that the requirement is not roughly proportional to the nature and extent of the development being proposed, it may take any of the following actions:
 - (1) Waive in whole or in part a dedication or construction requirement imposed by the City's development regulations and/or reduce the amount of impact fees due; or
 - (2) Direct that the City participate in the costs of acquiring or constructing such a municipal infrastructure improvement pursuant to standard participation policies; or
 - (3) Require some combination of such measures.

Sec. 10.03.089.....DORMANT PROJECTS.

- (a) **Definitions.** For purposes of this Chapter only:
 - (1) Initial permit means any of the following types of approvals granted under this Subdivision Ordinance, or any predecessor subdivision or development-related ordinance that was in effect prior to the adoption of this Ordinance: Preliminary Plat, construction plans, Construction Release, Variances to any requirement in this Subdivision Ordinance, or any other application that was approved subject to a schematic drawing illustrating the location, arrangement, orientation or design of development, lots or improvements on a site intended for development.
 - (2) Final permit means a Final Plat approved under this Subdivision Ordinance, or any predecessor subdivision or development-related ordinance that was in effect prior to the adoption of this Ordinance.
- (b) **Expiration of Permits.** Any application for an initial permit that was approved or filed before, but that was not subject to an expiration date, two (2) years prior to the adoption date of this Subdivision Ordinance shall expire on the effective date of this Subdivision Ordinance.
- (c) **Reinstatement.** The property owner of the land subject to an initial permit that expires under Section 10.03.089, *Dormant Projects*, may petition the Commission to reinstate such permit by filing a written petition within sixty (60) calendar days following the effective date of this Subdivision Ordinance. The

petition shall clearly state the grounds for reinstatement, and shall be accompanied by documentation of one of the following:

- (1) As of two (2) years prior to the effective date of this Subdivision Ordinance, one of the following events had occurred:
 - i. A final permit to continue toward completion of the project was submitted to the City for all or part of the land subject to the approved initial permit and was approved by the City, or was filed and was subsequently approved by the City;
 - ii. An application for a final permit to continue toward completion of the project was submitted to the City for all or part of the land subject to the expired initial permit, but such application was rejected on grounds of incompleteness (consistent with TEXAS LOCAL GOVERNMENT CODE, CHAPTER 245.005(c)(2)).
 - iii. Costs for development of the land subject to the initial permit, including costs associated with roadway, utility and other infrastructure facilities designed to serve the land in whole or in part, but exclusive of land acquisition costs, were incurred in the aggregate amount of five percent (5%) of the most recent appraised market value of the land;
 - iv. Fiscal security was posted with the City to guarantee performance of obligations required under this Subdivision Ordinance, including the construction of required improvements associated with the proposed development, for all or a part of the land subject to the approved initial permit; or
 - v. Utility connection fees or impact fees for all or part of the land subject to the approved initial permit were paid to the City.
 - (2) After two (2) years prior to the adoption date of this Subdivision Ordinance, but before the expiration date specified in Section 10.03.089(b), *Expiration of Permits*, one of the following events had occurred:
 - i. A final permit was approved for all or part of the land subject to the approved application, and remained in effect for such land on such expiration date; or
 - ii. A complete application for approval of a final permit for all or part of the land subject to the approved initial permit was pending for decision on such expiration date.
- (d) **Commission Action on Reinstatement.** The Commission may take one of the following actions:
- (1) Reinstatement the expired initial permit without an expiration date, if it finds that the applicant has met any of the criteria listed in Section 10.03.089(c), *Reinstatement*;
 - (2) Reinstatement the initial permit for all or part of the land subject thereto, if it finds that the applicant has met any of the criteria listed in Section 10.03.089(c), *Reinstatement*, subject to such expiration dates or other conditions that ensure that the remaining land that is not subject to an approved or pending final permit application will be developed in a timely fashion. In granting relief under this provision, the Commission may require that development of such remaining land is subject to standards enacted after approval of the initial permit;
 - (3) Deny the reinstatement petition, if it finds that the applicant has failed to meet any of the criteria in Section 10.03.089(c), *Reinstatement*, or
 - (4) Reinstatement the permit for only that part of the land subject to a pending final permit application, if it finds that the applicant has met the criteria in Section 10.03.089(c), *Reinstatement* and the pending application subsequently was approved, and deny the reinstatement petition for the remaining land subject to the expired initial permit.

ARTICLE 10.03.090AMENDMENTS; FEES; VIOLATIONS; CONFLICTS

Sec. 10.03.091.....TEXT AMENDMENTS.

The Commission or City Council, by majority vote, may initiate changes to the Subdivision Ordinance through a call for public hearing. Any case which considers amending the Subdivision Ordinance is considered during a public hearing by the Commission, which will make a recommendation on the case to City Council. City Council will consider the Commission's recommendation during a public hearing, upon which the City Council will make a decision whether to direct staff to prepare an Ordinance amending the section(s) of the Subdivision Ordinance.

Sec. 10.03.092.....FILING FEES & CHARGES.

- (a) **General.** Fees shall be paid to the City when any application authorized by this Ordinance is submitted to Development Services. Each of the fees, as provided in Section 10.03.092(c), *Calculations & Charges*, shall be paid in advance, and no action of the Commission, the City Council, or any other City board or commission shall be valid until all required fees have been paid. Fees paid for the review and consideration of plats and applications under this Ordinance are non-refundable.
- (b) **Consequence of Non-Payment of Fees.** Fees that are not paid within thirty (30) days of the date they are due shall cause any action or application to be null and void.
- (c) **Calculations & Charges.** Fees and charges shall be calculated in accordance with the following.
 - (1) All fees shall be as established by City ordinance, as amended.
 - (2) These fees shall be charged on all plats and applications authorized by this Ordinance, regardless of the action taken by the decision-making authority and whether the application is approved, denied, withdrawn, or otherwise closed.

ARTICLE 10.03.100 DEFINITIONS, USAGE AND INTERPRETATION

Sec. 10.03.101.....USAGE & INTERPRETATION.

- (a) **Usage.** The definitions within this Article 10.03.102 are intended to provide descriptions for words and terms used within this Subdivision Ordinance. Absent any conflict, words and terms used in this Subdivision Ordinance shall have the meanings ascribed thereto in this Article 10.03.101.
- (b) **Conflicts.** When words and terms are defined herein, and are also defined in other ordinance(s) of the City, they shall be read in harmony unless there exists an irreconcilable conflict, in which case the definition contained in Article 10.03.102 and subject to the terms of this Article shall control.
- (c) **Present and Past Tenses.** Words used in the present tense include the future; words in the singular number include the plural number, and words used in the plural number include the singular number.
- (d) **Usage of Shall and May.** The words shall and must are mandatory and not directory. The word may is directory and not mandatory.
- (e) **Words Not Defined.** For any definition not listed in this Article 10.03.112, the definition found within the latest edition of Webster's Dictionary shall be used.
- (f) **Certain Terms and Words.** Certain terms and words are to be used and interpreted as described and/or defined within the sections of this Subdivision Ordinance wherein they apply to certain regulations.
- (g) **Words of Gender.** Words of masculine gender shall include the feminine gender and vice versa.

Sec. 10.03.102.....DEFINITIONS.

The following definitions shall apply to terms and words used within this Subdivision Ordinance:

100-Year Hazard Setback. An erosion hazard setback is to reduce the potential for any damage to a private lot or street right-of-way caused by the erosion of a stream bank. The erosion hazard setback shall be determined as follows: for stream banks composed of material other than rock, locate the toe of the natural stream bank and project a 4:1 line sloping away from the bank until it intersects finished grade. From this intersection add fifteen (15) feet away from the bank. This shall be the limit of the erosion hazard setback.

100-Year Floodplain. 100-Year Floodplain: The flood having a one percent (1%) chance of being equaled or exceeded in any given year, based upon a fully developed watershed and the City's criteria to accommodate a 100-year storm in a Major Creek (pdf) (<http://www.celina-tx.gov/DocumentCenter/View/1416>).

Abutting. Also defined as adjacent, adjoining and contiguous to. It may also mean having a lot line in common with a right-of-way or easement, or with a physical improvement such as a street, waterline, park, or open space.

Access. A means to enter a property or the ability to traverse a property (such as in the use of a mutual access easement).

Acreage, Gross. Means the total acreage included within the boundary line of a particular subdivision, tract, parcel, lot, etc. without any exclusions.

Acreage, Net. Means the acreage included within the boundary line of a particular subdivision, tract, parcel, lot, etc., but excluding all public ways.

Alley. A minor right-of-way, generally dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for utility service purposes.

Amending Plat. See *Plat, Amending*.

Amenity. Aesthetic or other physical improvements added to a development that increase its quality, desirability, and/or marketability to the public, and that are described within Section 10.03.079(c)(1), *Elements requiring a HOA*, of this Ordinance.

Appeal. A request for review of and relief from any decision applying a provision of this Ordinance.

Applicant. The person or entity responsible for the submission of an application. The applicant must be the actual owner of the property for which an application is submitted, or shall be a duly authorized representative of the property owner. Also see *Developer*.

Application. The package of materials, including but not limited to an Application Form, exhibits, completed checklist, Tax Certificates or other proof of ownership, construction plans, special drawings or studies, and other informational materials, that is required by the City to initiate City review and approval of a development project.

Application, Complete. See *Complete Application*.

Application Form. The written form (as provided by and as may be amended by the City) that is filled out and executed by the Applicant and submitted to the City along with other required materials as a part of an application.

Approval. Approval constitutes a determination by the official, board, commission or City Council responsible for such determination that the application is in compliance with the minimum provisions of this Ordinance. *NOTE*: Such approval does not constitute approval of the engineering or surveying contained in the plans, as the design engineer or surveyor that sealed the plans is responsible for the adequacy of such plans.

Arterial. A general term for a street or thoroughfare (see *Street*), which has a more specific meaning when used in conjunction with a class distinction, such as Major, Minor, Type A, Type B, etc. Each class provides a certain degree of continuity, capacity and accessibility to adjacent land uses.

Arterial, Major. A thoroughfare designed to accommodate cross-city traffic movement, distributing traffic to and from minor thoroughfares and collector streets. Major Thoroughfares are divided roadways that typically have an ultimate width of six lanes. Such streets shall also be as described within the *Engineering Design Standards*, and as shown on the Thoroughfare Plan Map. Also is referred to as "Type A-1."

Arterial, Minor. A thoroughfare designed to accommodate neighborhood-to-neighborhood (intra-city) traffic movement, distributing traffic to and from collector streets. Minor Thoroughfares are divided roadways that typically have an ultimate width of four (4) lanes with a median to accommodate turn lanes and landscaping. Such streets shall also be as described within the *Engineering Design Standards*, and as shown on the Thoroughfare Plan Map. Also is referred to as "Type B."

Block. A grouping of buildings that are partially or fully surrounded by one or more streets. Lots separated only by an alley are within the same block.

Buffer. An area of permanent vegetation that is adjacent to a thoroughfare, residential subdivision or watercourse.

Building. Any structure intended for shelter, occupancy, housing or enclosure for persons, animals or property. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.

Building Line. A line parallel, or approximately parallel, to any front lot line at a specific distance therefrom, marking the minimum distance from the front lot line that a building may be erected.

Building Permit. An official certificate issued by the City through the Chief Building Official that indicates conformance with or approved conditional variance from City regulations and authorizes construction of buildings or other described construction on the premises for which it is issued.

Build-to Line. A parallel or approximately parallel line to any front property line at a specific distance determined by zoning district, marking the maximum distance from the front property line that a building may be erected. This distance is generally used in urban areas where wide sidewalks abut the building facades.

Building Official. The person so designated by the City Manager to provide oversight for and have responsibility of the Building Inspections; such official issues Building Permits and Certificates of Occupancy and enforces the Zoning Ordinance, Building Code, and any applicable provisions of this Subdivision Ordinance. This term shall also include any designee of the Building Official.

Centerline, Streets or Alleys. An imaginary line erected midway between the bounding right-of-way lines of a street or alley. Where the bounding right-of-way lines are irregular, the centerline is to be determined by the Director of Engineering.

Certificate of Occupancy. An official certificate issued by the City through the Chief Building Official that indicates conformance with or approved conditional variance from City regulations and authorizes legal use of the premises for which it is issued; may be referred to as an Occupancy Permit.

Certified Land Division. A map, drawing or chart delineating parcels of land offered for rent or lease for other than agricultural uses and which: is not required by state statute to be filed in the map and plat records of the county; does not involve or require the dedication of public streets or alleys; has been certified by the City Council as having met the conditions of this chapter. A certified land division shall be treated as a subdivision plat under these regulations, except that it is properly certified for filing with the City Secretary rather than the county clerk. In addition, a plat of the property indicating legal boundaries and any public dedications and easements shall be prepared, reviewed by staff, approved by the City Council, and filed with the Denton or Collin County Clerk.

City. The municipal corporation of the City of Celina, Texas.

City Attorney. The person(s) so designated by the City Council to provide oversight for and have legal responsibility for the City. This term shall also include any designee of the City Attorney.

City Council. The duly elected governing body of the City of Celina, Texas.

City Manager. The person so designated by the City Council, or the City Manager's designee.

City Official or Administrator. Any person, elective or appointive, or any employee, or any board or commission authorized or constituted by City ordinance or state law to act on behalf of the municipality.

Code. Shall mean the entire City of Celina's Code of Ordinances.

Commencement. The date of the official start of the development of the project – usually considered at the initial disturbance of soils.

Commission. The Planning & Zoning Commission of the City of Celina. See *Planning & Zoning Commission*.

Complete Application. An application that meets the standards of this Subdivision Ordinance, and has been deemed complete by the City in accordance with Section 10.03.023(c), *Determination of Completeness*, of this Ordinance and the TEXAS LOCAL GOVERNMENT CODE, CHAPTER 245, or successor statute.

Comprehensive Plan. The City's officially adopted *Comprehensive Plan* which includes policies, in written and graphic form, on (but not limited to) thoroughfares, land use, parks, open space, hike and bicycle trails, and other facets of the City's physical form; such policies govern the future development of the City and consist of various components governing specific geographic areas, functions, and services of the City.

Construction Plans. The drawings and technical specifications that conform to this Ordinance and all other applicable ordinances of the City. Construction plans, including bid documents, contract conditions, and escrow agreements, where applicable, provide a graphic and written description of the character and scope of the work to be performed in construction of a development.

Construction Release. Official authorization by the City, through the Director of Engineering, that indicates

conformance with City regulations and authorizes construction of improvements or other described construction, in conformance with approved construction plans, on the premises for which it is given.

Crosswalk. A public right-of-way, four (4) feet or more in width between property lines, which provides pedestrian circulations.

Day, Business. Shall be defined as Monday through Friday, excluding City-recognized holidays.

Day, Calendar. Each day of a particular calendar year.

Dead End Street. A street, other than a cul-de-sac, with only one (1) outlet.

Deed Restriction. A limitation on the use of land set forth or referred to in the title deed of such land. Such limitations run with the land and are binding upon present and subsequent owners of the land. Deed restrictions are not enforced by the City.

Developer. A person or entity, limited to the property owner or duly authorized representative thereof, who proposes to undertake or undertakes the division or improvement of land and/or other activities covered by this Subdivision Ordinance so as to constitute a *subdivision*, including the preparation of a plat showing the layout of the land and the public improvements involved therein. The word *developer* is intended to include the terms *subdivider*, *property owner*, and, when submitting platting documents, *applicant*.

Development. Any activities related to the platting or physical subdivision of land including the construction, reconstruction, conversion, or enlargement of buildings or structures; the construction of impervious surfaces (e.g., parking lots); the installation of utilities, roadways, drainage facilities or other infrastructure; or any disturbance of the surface or subsurface of the land in preparation for such construction activities, including grading, drainage, storage, paving, clearing, filling, and/or removal of vegetation or soil, and any mining, dredging, excavation or drilling operations.

Development Agreement. A legally binding document authorized and in accordance with Section 212.172 of the TEXAS LOCAL GOVERNMENT CODE between the City and a property owner whenever public improvements to serve a development are deferred until after Final Plat approval and recordation. Such document outlines the developer's acknowledged responsibility to complete and warranty improvements and to provide financial security for such improvements.

Development Application. An application for any type of plat or construction plan/drawing authorized or addressed by this Subdivision Ordinance. Also may be referred to as a *permit* within the TEXAS LOCAL GOVERNMENT CODE, CHAPTER 245.

Director of Development Services. The person so designated by the City Manager to provide oversight for and have responsibility of the Development Services Department; as used for responsibility and review purposes within this Subdivision Ordinance, this term shall also include any designee of the Director of Development Services.

Director of Engineering. The person so designated by the City Manager to provide oversight for and have responsibility of the Engineering Department; as used for responsibility and review purposes within this Subdivision Ordinance, this term shall also include any designee of the Director of Engineering.

Director of Parks & Recreation. The person so designated by the City Manager to provide oversight for and have responsibility of the Parks & Recreation Department; as used for responsibility and review purposes within this Subdivision Ordinance, this term shall also include any designee of the Director of Parks & Recreation.

Director of Planning. The person so designated by the City Manager to provide oversight for and have responsibility of the Planning Department; as used for responsibility and review purposes within this Subdivision Ordinance, this term shall also include any designee of the Director of Planning.

Driveway. A paved entranceway serving primarily vehicles that allows for access to a lot or facility, and is intended for vehicular movements between the roadway and any portion outside the street right-of-way.

Dwelling Unit. Any building, structure or mobile home, or part thereof, which is designed, used or intended to be used for human occupancy as the living quarters, of one housekeeping unit or family.

Easement. A specific right in a particular area of real property that exists because of an express or implied agreement between the landowner and another party that grants the right to use or access the land area, but not ownership.

Engineer. A person who has been duly licensed by the Texas Board of Professional Engineers to engage in the practice of engineering in the State of Texas. (Also known as *Professional Engineer*, *Registered Engineer*, *Registered Professional Engineer*, or *Licensed Engineer*.)

Engineering Design Standards. A document adopted by the City which is intended to establish standards for the design and construction of public facilities within the City of Celina.

Entry Turnaround. An esplanade opening or other accommodation provided at the entrance to a private street development in order to allow vehicles denied access to reenter the public street with a forward motion without unduly disturbing other vehicles at the entrance.

Erosion Hazard Setback. A defined area adjacent to a stream on which development is prohibited due to significant hazards associated with a flood situation unless major channel stabilization has occurred.

ETJ. See *Extraterritorial Jurisdiction*.

Exemption. A specified reason why a particular development is not subject to the requirements to plat or to a specific provision of this Ordinance.

Extraterritorial Jurisdiction (ETJ). The unincorporated area, not a part of any other municipality, which is contiguous to the corporate limits of the City, the outer limits of which are measured from the extremities of the corporate limits of the City outward for the distance as stipulated in CHAPTER 42 OF THE TEXAS LOCAL GOVERNMENT CODE, according to the population of the City, and in which area the City may regulate subdivisions and enjoin violation of provisions of this Subdivision Ordinance.

Facilities. Infrastructure and other structures that support a development including, but not limited to, water distribution lines, sanitary sewer collection lines, storm sewer lines and other storm water management devices, thoroughfares, sidewalks, private utilities, etc.

File/Filed/Filing. See *Official Filing Date and Submission*.

Fire Chief. The person so designated by the City Manager to provide oversight for and have responsibility of the Fire Department; as used for responsibility and review purposes within this Subdivision Ordinance, this term shall also include any designee of the Fire Chief.

Fire Lane. See definition in the City's adopted Fire Code.

Green Belt. An open space area consisting primarily of natural features that may be located in a floodplain or along a creek channel or be used as a buffer between land uses or be used as an open space linkage between various land uses.

Habitat Study. A completed research project that gathers and compiles information pertinent to the natural habitat for threatened or endangered species and habitats used for nesting birds listed in the Migratory Bird Treaty Act.

Hike and Bike Trail. A paved and maintained pathway for pedestrians and bikers that serves as a linkage for access to recreational and educational areas and facilities.

Homeowners Association (HOA). A community association which is organized within a development in which individual owners share common interests and responsibilities for open space, landscaping, amenities or facilities, and which operates under recorded land agreements. This term also includes Property Owners' Associations (POAs) and Property Management Corporations (PMCs) which are more typically formed for multi-family and nonresidential developments.

Improvement. Any man-made fixed item which becomes part of or placed upon real property.

Improvement, Public. Any improvement, facility or service together with its associated public site, right-of-way or easement necessary to provide transportation, storm drainage, public or private utilities, parks or recreational, energy or similar essential public services and facilities, for which the City ultimately assumes the responsibility, upon a Letter of Final Acceptance being issued, for maintenance, operation and/or ownership.

Infrastructure. Facilities and services needed to sustain industrial, residential, commercial and all other land use activities. The term infrastructure includes but is not limited to water, sewer lines, and other utilities, streets and roads, communications, and public facilities, such as fire houses, civic buildings, parks, and schools.

iSWM. The acronym for integrated Storm Water Management, which is a guide for the construction and design of developments. This guide is intended to help mitigate the impact of developments on storm water runoff by considering such runoff during early site planning and design phases. This guide was created by the North Central Texas Council of Governments (NCTCOG).

Land Planner. Any person skilled in the art and science of arranging and designing the layout of land so as to create adequate and desirable building sites, a coordinated street system, and space appropriate to the efficient removal of stormwater and the provision of public services and utilities, all consistent with long range goals and the objectives of the *Comprehensive Plan*. A land planner may be trained in any of several specialties; and, where appropriate to his experience, the term may include architects, engineers, landscape architects, and surveyors.

Lot. An undivided tract or parcel of land that is or may be offered for sale, conveyance, or improvement and is occupied or intended to be occupied by a building or group of buildings. A lot has its principal frontage on a public street or on an officially approved private street, as shown on a plat of record or described by metes and bounds.

Lot Depth. The horizontal distance measured perpendicularly between two (2) points on the front lot line and two (2) points on the rear lot line which creates an area that meets (or exceeds) the zoning district's minimum width and depth requirements. Lot depth shall not include easements which are located behind the front building line that impair the use of the lot surface as a yard.

Lot Frontage. That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

Lot Lines. The lines bounding a lot as defined herein. May also be referred to as a *Property Line*.

Lot Line, Front. The narrower side of the lot abutting a street. Where two (2) lot lines abutting streets are of equal length, the owner shall have a choice in designating which shall be designated as the *Front Lot Line*, and therefore the lot frontage. For a lot which has a boundary line which does not abut the front street line, is not a rear lot line and lies along the same general directional orientation as the front and rear lot lines, said line shall be considered a front lot line in establishing minimum setback lines. (see Zoning Ordinance, Appendix A, Illustrations).

Lot Line, Rear. The lot line farthest from and most parallel to the front lot line. For triangular lots, the point opposite the front lot line shall be considered the rear lot line and have a value of zero. (see Zoning Ordinance, Appendix A, Illustrations).

Lot Line, Side. Any lot line not the front or rear lot line.

Lot of Record. A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Denton or Collin County or a lot subdivided by metes and bounds description prior to February 1984.

Lot Width. The horizontal distance measured between side lot lines parallel to the front lot line, and measured from the point on the building line that is closest to the front lot line.

Lot, Corner. A lot which has at least two (2) adjacent sides abutting for their full lengths on a street, provided that the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five degrees (135°).

Lot, Double Frontage. A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

Lot, Flag. A lot having access to a street by means of a parcel of land having a depth greater than its frontage, and having a width less than the minimum required lot width. May also be referred to as a Panhandle Lot.

Lot, Interior. A lot other than a corner lot.

Lot, Key. A corner lot that is designed such that the lots located directly behind it face the side street of the corner lot and are not separated by an alley.

Major Arterial. See *Arterial, Major*.

Maximum. For the purposes of this Ordinance, “the maximum” is the amount that is the upper limit allowed by this ordinance less than the maximum may be allowed, unless otherwise specified.

Metes and Bounds. A method of describing the boundaries of land by directions and distances from a known point of reference.

Minimum. For the purposes of this Ordinance, “the minimum” is the amount that is the least amount required of a developer but more than the minimum may be provided, unless otherwise specified.

Mobile Home Park. A tract of land designed, used or intended for the renting or leasing, but not sales, of sites for the location, occupancy, or accommodation of one or more mobile home dwellings.

MS4. The acronym for the City’s Municipal Separate Storm Sewer System.

Official Filing Date. The date an application is deemed complete by the responsible official in the manner prescribed by Section 10.03.023(g), *Official Filing Date*, of this Subdivision Ordinance.

Off-Site (also known as “off-premises”). Any premises not located within the area of the property to be subdivided, whether or not in common ownership with the applicant submitting an application.

Open Space. Any land parcel or natural area that is set aside, dedicated, designated or reserved for public use and enjoyment, or for private use and enjoyment of owners and occupants of the land adjoining or neighboring such open space area.

Ordinance (also referred to as “this Ordinance”). Refers to this Subdivision Ordinance of the City, as may be amended in the future.

Park. An area developed for active or passive play and recreation that includes open space, sports courts or fields, play equipment, and trails.

Park, Community. A park of approximately 40 to 100 acres, serving an area two (2) to three (3) miles in diameter, serving a population of approximately 20,000 persons and encompassing the service areas of four or more neighborhood parks. Community parks may typically contain lighted athletic facilities for more active play purposes, such as ball fields for football, softball, baseball and soccer, and a recreation center or swimming pool. These parks may be located adjacent to existing or proposed greenbelt areas and proposed junior and senior high school sites.

Park, Neighborhood. A park of approximately 10 to 20 acres, serving an area one (1) to two (2) miles in diameter and serving a population of approximately 5,000 persons. Neighborhood parks should be designed to service a specific neighborhood area and may include playground apparatus and other space for active recreational purposes, along with some areas for passive use. Whenever possible, neighborhood parks should be located adjacent to existing or proposed greenbelt areas and proposed elementary school sites.

Parks, Recreation, and Open Space Master Plan. The City's officially adopted Plan which includes policies in graphic and text form; such policies govern the future development of the City's park system, open space, and recreation programs, including the hike-and-bike trail system.

Pavement Width. The portion of a street available for vehicular traffic. Where curbs are paved, it is the portion between the face of the curbs.

Pedestrian Access. A specifically designated place, path, means, or way by which pedestrians shall be provided safe, adequate, and usable circulation through the interior of a property or development.

Permit. A license, certificate, approval, registration, consent, permit, contract or other agreement for the construction or provision of service from a utility owned, operated, or controlled by the City, or other form of authorization required by law, rule, regulation, order, or ordinance, which has been approved by the City, that a person or entity must obtain to perform an action or initiate, continue, or complete a project for which the permit is sought, and for which the application for the permit or information required to be submitted for consideration provides notice of the project to the City.

Person. Any individual, association, firm, corporation, governmental agency or political subdivision.

Planning & Zoning Commission (also referred to as the "Commission"). A decision-making body appointed by the City Council which is responsible for subdivision and plat approval, as permitted by State law, and which has any other authority conferred upon it by the City Charter, this Ordinance, or other regulations of the City.

Plat. A map, drawing or exhibit which shows the exact layout and proposed construction of a proposed development into one (1) or more lots, blocks, streets, parks, school sites, easements, alleys and/or any other elements as required by this Ordinance, including any engineering or construction standards for related improvements, and which conforms to all requirements of this Ordinance and any other applicable City ordinance, and which is subject to approval by the Planning & Zoning Commission, unless otherwise specified.

Plat, Amending. A map, drawing or exhibit that modifies a recorded final plat, record plat, or minor plat in accordance with the provisions of this Chapter.

Plat, Conveyance. A map, drawing or exhibit which conforms to Section 10.03.032, *Conveyance Plats*, of this Subdivision Ordinance for the purpose of sale or conveyance. A conveyance plat may be the first step in the development of a project, especially if the project will be developed in phases and off-site easements need to be platted prior to the final platting of the entire tract.

Plat, Final. A map, drawing or exhibit which conforms to Section 10.03.034, *Final Plats*, of this Subdivision Ordinance and is submitted to the City for consideration for final approval by the Planning & Zoning Commission. The plat illustrates that the subdivision of land is consistent with all standards of this Subdivision Ordinance pertaining to the adequacy of public facilities and the installation of or provision for public improvements. Once approved, such plat is submitted to the County Clerk of Denton or Collin County for recording.

Plat, Minor. A map, drawing or exhibit dividing land into no more than four (4) lots that meets the submission and approval requirements of Section 10.03.035, *Minor Plats*, of this Ordinance. Such plat may be approved by the Director of Development Services. Such plat is also considered a Final Plat.

Plat, Preliminary. A map, drawing or exhibit which conforms to Section 10.03.033, *Preliminary Plats*, of this Subdivision Ordinance and is submitted to the City for consideration for initial approval by the Planning & Zoning

Commission. Such plat is not to be recorded, but illustrates the general layout of a proposed subdivision, the adequacy of public facilities needed to serve the proposed subdivision, and the overall compliance of the applicable requirements of this Ordinance. Such plat is reviewed and decided prior to approval of a Final Plat.

Plat, Replat. The re-subdivision of all or part or all of any block or blocks of a previously platted subdivision, addition, lot or tract, that is beyond the definition of an Amending Plat and which does not require the vacation of the entire preceding plat. Such plat also conforms to Section 10.03.036, *Replats*, of this Subdivision Ordinance. A Replat may function as a Final Plat for a property.

Progress (towards completion). Shall have the same meaning set forth in Section 245.005(c) of the TEXAS LOCAL GOVERNMENT CODE, as it exists or may be amended, unless another meaning is specified.

Project. An endeavor over which the City exerts its jurisdiction and for which more than one (1) permit is required to initiate, continue, or complete the endeavor.

Property Owner. The legally recognized proprietor of the land for which an application is being submitted. Also see *Developer*.

Property Owners Association. An organization similar to a Homeowners' Association that is established for the ownership, care, and maintenance of private streets and other private commercial facilities.

Public Improvement. See *Improvement, Public*.

Public Way. An officially approved, privately maintained street or roadway, constructed to City street standards, open to unrestricted and irrevocable public access, serving two (2) or more lots that provides the primary means of access and providing fire lane and utility easements.

Record Drawings. A group of drawings or plans that depicts the final configuration of the installed or constructed improvements of a development, improvements which have been verified by the contractor as their installation or construction occurs during development. The record drawings shall reflect the construction plans (or working drawings) used, corrected, and/or clarified in the field.

Residential Development. The actual or proposed use of land for one or more buildings or structures that are designed or intended to be used, in whole or in part, as dwelling units.

Responsible Official. The City staff person who has been designated by the City Manager to perform one or more of the following tasks (this term also includes designees): accept an application for filing; review and make recommendations concerning such application; where authorized, to initially decide such applications; initiate enforcement actions; take all other actions necessary for administration of the provisions of this Subdivision Ordinance with respect to such application.

Right-of-Way. A use of land dedicated by plat or metes and bounds to and for use by the public, which is separate and distinct from the lots and parcel abutting it, and which is not included within the dimensions or areas of such lots or parcels. The term *right-of-way* generally describes an area used for the provision of streets and utilities. Unless otherwise specified, the term *right-of-way* shall refer to a public right-of-way.

Riparian Study. An ecologically-based study that addresses the three (3) major components of a stream (channel, floodplain and transitional upland fringe).

Road, or Roadway. See *Street*.

Screening. A barrier intended to separate and limit visibility between that which is on either side of the barrier, for example, a thoroughfare and adjacent land uses.

Security Station (i.e. guard house). A building and gate system to control vehicular access to private street developments, which may be a mechanical device or a manned structure.

Sketch Plan. An informal drawing of initial development ideas superimposed on a topographic map to indicate generally the plan of development and to serve as a working base for noting and incorporating suggestions of the City manager, engineer or others who are consulted prior to the preparation of the preliminary plat.

Stacking Area. A vehicle setback measured from a point on a building designed for drive-up service and the area assigned for queuing.

Street. A roadway for vehicular traffic and other public uses, whether designated a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated. An alley is not considered a street.

Street, Centerline. An imaginary line designated midway between the bounding right-of-way lines of a street or alley.

Street, Collector (also feeder streets, secondary thoroughfares, etc.). A paved roadway that provides vehicular circulation within neighborhoods and from minor streets to major thoroughfares. Due to similarity of traffic volume and wheel loadings, streets through commercial and industrial areas are frequently constructed to same design as collector streets.

Street, Cul-de-Sac. A roadway having but one outlet to another street, and terminated on the opposite end by a vehicular turn-around.

Street, Dead-End. A roadway, other than a cul-de-sac, with only one outlet.

Street, Improved. A roadway that has been constructed or reconstructed to meet the City's minimum standards regarding right-of-way width, pavement width, and/or pavement type, as defined in the *Engineering Design Standards*.

Street, Local Residential (also Minor Thoroughfares or streets, etc.). A paved roadway that is primarily used for providing direct vehicular access to abutting residential property.

Street, Local. A roadway that is intended to provide a high level of access to adjacent developments and, generally, a low level of mobility. Such streets shall also be as described within the *Comprehensive Plan* and *Engineering Design Standards*.

Street, Major Thoroughfare (also arterial streets, primary thoroughfares, etc.). A paved roadway that provides vehicular movement from one neighborhood to another, to distant points within the urban area or to freeways or highways leading to other communities.

Street, Minor Thoroughfare. A paved roadway that is primarily used for providing through access from neighborhood to neighborhood or commercial areas.

Street, Private. A privately owned roadway within a subdivision for which the private owners assume full responsibility for maintenance and control and which has not been dedicated to the use of the public. This term is inclusive of related alleys.

Street, Stub. A roadway that has been designed to allow for the future extension of the street through subsequent subdivisions.

Street, Substandard. An existing street that does not meet the current minimum street standards of the City.

Street, Unimproved. A roadway that does not meet the City's minimum standards regarding right-of-way width, pavement width, and/or pavement type, as defined in the *Engineering Design Standards*. Most unimproved streets are former country roads that were built before an area was annexed into the City limits and/or before the City implemented thoroughfare design standards.

Subdivider or Developer. An individual, firm, association, syndicate, partnership, corporation, or other

organization dividing or proposing to divide land, or making improvements to such land, so as to effect a subdivision of land.

Subdivision. The division of any lot, tract, or parcel of land into two or more lots or sites for the purpose of sale or of building development, whether immediate or future. The term includes resubdivision or replatting of an existing subdivision, building upon, or other development of land, but does not include the division of land into tracts where each resulting lot is more than five acres in size; does not involve or require any new street, alley or easement of access; and no public improvement is being dedicated. As part of a subdivision, if any lot is proposed to be five acres in area or smaller, the entire parent tract must be platted together with such other lots or tracts. When appropriate to context, the term subdivision shall relate to the process of subdividing or to the land subdivided.

Submission. The date an applicant delivers an application or petition under this Ordinance to the Director of the applicable City Department, or the date on which an applicant deposits an application or petition with the United States Postal Service by certified mail addressed to the Director of the applicable City Department, along with all required fees and documents.

Substandard. A condition of a road or other public improvement that does not meet the City's current right-of-way, design, capacity or construction standards.

Surety. A bond, letter of credit, or letter of financial guarantee from a financial institution authorized to operate in the State of Texas.

Surveyor. A person who practices the profession of surveying and is licensed by the State of Texas as a State Land Surveyor or a Registered Public Surveyor.

TCEQ. The acronym for the Texas Commission on Environmental Quality.

Thoroughfare Plan Map. A component of the *Master Thoroughfare Plan* that generally represents the proposed grid-system of major and minor thoroughfares that will support the *Future Land Use Plan*. The exact locations of future roadways cannot be determined without engineering and environmental analysis, but the Map should be used as a guide as development occurs in terms of how connections should be made and by what type of thoroughfare. The Thoroughfare Plan Map also shows existing railroads and proposed transit rail stations.

Tributary. A riparian branch that feeds (i.e., flows into) a Major Creek, as identified and defined in the City's Riparian Study, as amended.

TxDOT: The acronym for the Texas Department of Transportation.

Utility Easement. An easement dedicated to the public for access, construction, reconstruction, and maintenance to water lines, sanitary sewer lines, storm sewers, and those franchises granted permission by the City, utility district, or county to occupy the easement.

Utility, Private. Services, and any related facilities (e.g., distribution lines), not customarily provided by the City or public entities; such services generally include electricity, natural gas, and telecommunications.

Utility, Public. Services, and any related facilities (e.g., distribution lines), typically provided by the City, County, or publicly owned entity; such services include potable water distribution, wastewater collection, and storm water management.

Variance. An exception to a particular standard or requirement of the Subdivision Ordinance that is granted because compliance with the Ordinance requirements would substantially limit the applicant's ability to utilize the land in a manner requested.

Variance, Major. A significant change to both the standards and intent of this Subdivision Ordinance, which involves Planning & Zoning Commission approval. A Major Variance includes any type of variance that is not

specifically listed in Table 107.03.112.

Variance, Minor. A minor change to the standards, but not the intent, of this Subdivision Ordinance, which involves Director of Development Services or Director of Engineering (as applicable) approval unless otherwise noted. An exclusive list of Minor Variances is shown in Table 107.03.112.

Vegetative Study. A study in which the main purpose is identification and consideration of unique vegetative communities that are important for conserving biotic diversity and are rare due to conversion to other land uses.

Violation. Any failure to fully comply with this Subdivision Ordinance.

Wetland Delineation Study. A study in which the main purposes are to determine jurisdictional wetlands and to ensure compliance with SEC. 404 OF THE CLEAN WATER ACT and other applicable regulations of the U.S. Army Corps of Engineers.

Wetland. An area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Zoning Ordinance. The City of Celina Zoning Ordinance.

Sec. 10.03.103.....COMMONLY USED ABBREVIATIONS.

CA Factor. Coefficient of Run-Off and Drainage Area

CC. City Council

CCN. Certificates of Convenience and Necessity

CCRs. Conditions, Covenants, and Restrictions (limitations placed on homeowners by the subdivision itself)

DRC. Development Review Committee (made up of representatives of various City departments who review development applications.

ETJ. Extraterritorial Jurisdiction (the geographical area outside the city limits that the city is allowed to annex into the city limits – the distance from the city limit boundary is set by the state and relates to population)

GIS. Geographical Information Systems (mapping)

HOA. Homeowners' Association

MFF. Minimum Finished Floor Elevation (relates to floodplain)

NCTCOG. North Central Texas Council of Governments

P&Z. Planning & Zoning Commission

ROW. Right-of-Way (the paved roadway, grassy area adjacent to the roadway, and the center median that are controlled by the City, County or State)

SWMP. Storm Water Management Plan

TCEQ. Texas Commission on Environmental Quality

TIA. Traffic Impact Analysis (a study of the future impact of a particular set of circumstances, such as a new subdivision, on the entire traffic network)

Table 10.03.111: Applications - Responsible Officials, Initial Decision-Makers, and Appeals

Type of Application or Petition	Responsible City Official	Appellate Decision-Maker	Appeal
<u>Waiver of Right to 30-Day Action</u> <i>Section 10.03.023(d)</i>	Development Services Director	n/a	n/a
<u>Conveyance Plat</u> <i>Section 10.03.032</i>	Development Services Director	P&Z Commission	n/a
<u>Preliminary Plat</u> <i>Section 10.03.033</i>	Development Services Director	P&Z Commission	n/a
<u>Extension of Preliminary Plat Approval</u> <i>Section 10.03.032(j)</i>	Development Services Director	Development Services Director	n/a
<u>Final Plat</u> <i>Section 10.03.034</i>	Development Services Director	P&Z Commission	n/a
<u>Minor Plat</u> <i>Section 10.03.035</i>	Development Services Director	Development Services Director	P&Z Commission
<u>Replat (other than Residential)</u> <i>Section 10.03.036</i>	Development Services Director	P&Z Commission	n/a
<u>Residential Replat</u> <i>Section 10.03.037</i>	Development Services Director	P&Z Commission	n/a
<u>Amending Plat</u> <i>Section 10.03.038</i>	Development Services Director	Development Services Director	P&Z Commission
<u>Plat Vacation</u> <i>Section 10.03.039</i>	Development Services Director	P&Z Commission	n/a
<u>Construction Plans</u> <i>Section 10.03.4</i>	Director of Engineering	n/a	n/a
<u>Extension of Construction Plans</u> <i>Section 10.03.041(h)</i>	Director of Engineering	n/a	n/a
<u>Construction Release</u> <i>Section 10.03.041(i)</i>	Director of Engineering	n/a	n/a
<u>Development Agreement</u> <i>Section 10.03.044</i>	Director of Engineering	City Council	n/a
<u>Minor Variances to Subdivision Ordinance</u> <i>Section 10.03.086</i>	Director of Engineering	Director of Engineering	P&Z Commission
<u>Major Variances to Subdivision Ordinance</u> <i>Section 10.03.086</i>	Director of Engineering	P&Z Commission	City Council
<u>Vested Rights Petition</u> <i>Section 10.03.087</i>	Development Services Director --or-- Director of Engineering	P&Z Commission	City Council

Attachment: ATTACHMENT A - Subdivision Ordinance for 7-10-18 CC (Subdivision Ordinance Revision)

Table 10.03.112 – Variances - Decision-Makers and Appeals

Type of Variance	Initial Decision-Maker	Appellate Decision-Maker	Appeal
<u>Water Line Extension to Boundary of Development</u> <i>Section 10.03.042(d)(2)(iii)</i>	Director of Engineering	P&Z Commission	City Council
<u>Connection Onto City Sanitary Sewer System</u> <i>Section 10.03.042(e)(1)</i>	Director of Engineering	P&Z Commission	City Council
<u>Street Lighting</u> <i>Section 10.03.073(b)(10)</i>	Director of Engineering	P&Z Commission	City Council
<u>Requirement for Alleys</u> <i>Section 10.03.073(d)</i>	Director of Engineering --and-- Development Services Director	P&Z Commission	City Council
<u>Side Lot Lines 90°/Radial to Street</u> <i>Section 10.03.077(d)(1)</i>	Development Services Director	P&Z Commission	City Council
<u>Lot Lines not Aligning with County, School District or Other Jurisdictional Boundary</u> <i>Section 10.03.077(d)(2)</i>	Development Services Director	P&Z Commission	City Council
<u>Residential Lots Facing Similar Lots</u> <i>Section 10.03.077(f)(3)</i>	Development Services Director	P&Z Commission	City Council
<u>Subdivision Naming</u> <i>Section 10.03.076(d)</i>	Development Services Director	P&Z Commission	City Council
<u>Access to Park or Open Space</u> <i>Section 10.03.081(b)(4)</i>	Development Services Director --and-- Director of Parks	P&Z Commission	City Council
<u>Relief from Development Standards</u> <i>Zoning Ordinance</i>	Development Services Director	Board of Adjustment	City Council

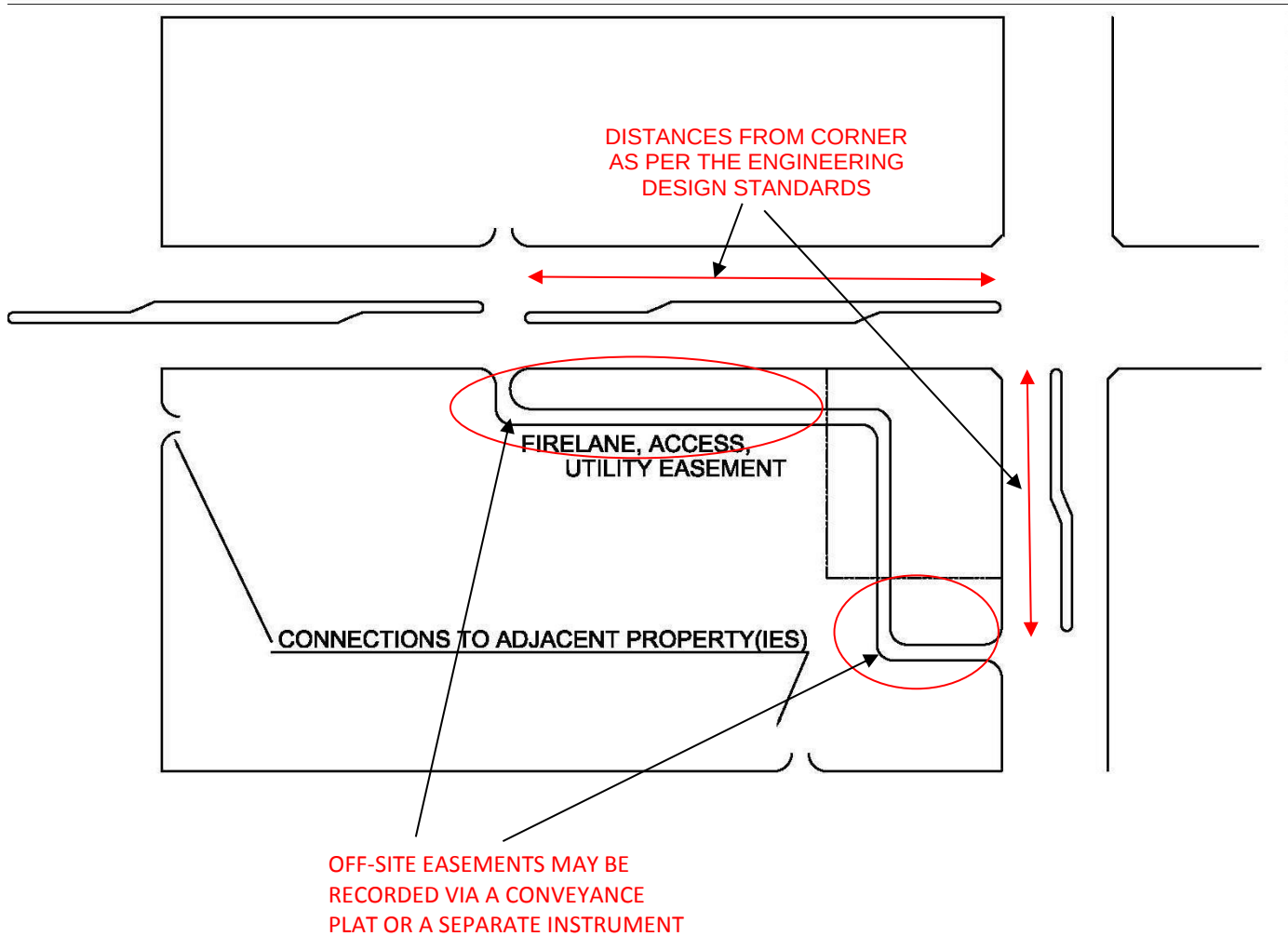
Diagram 10.03.113: Median & Cross Access

Diagram 10.03.114 - Flag Lots

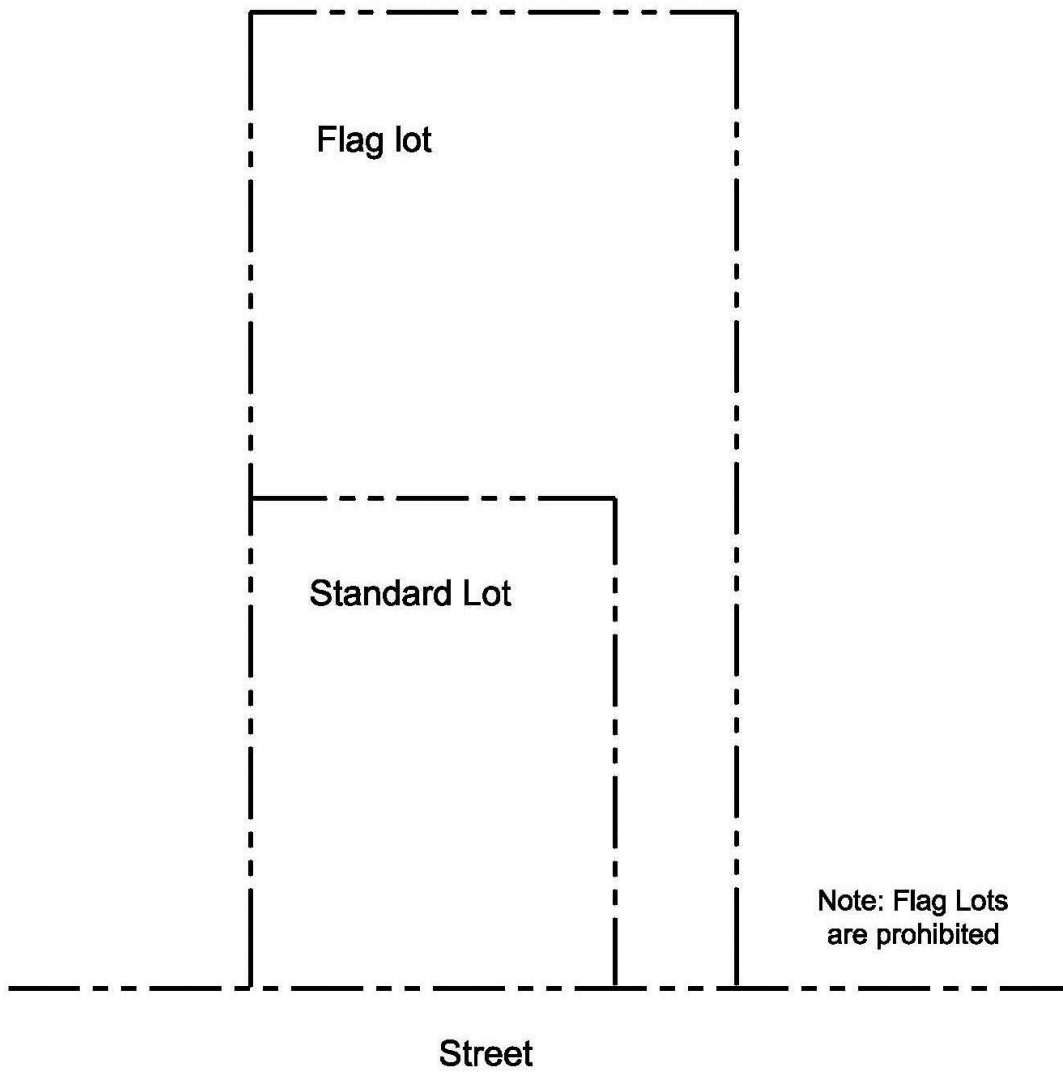


Diagram 10.03.115 - Determining Lot Depth on an Irregular-Shaped Lots

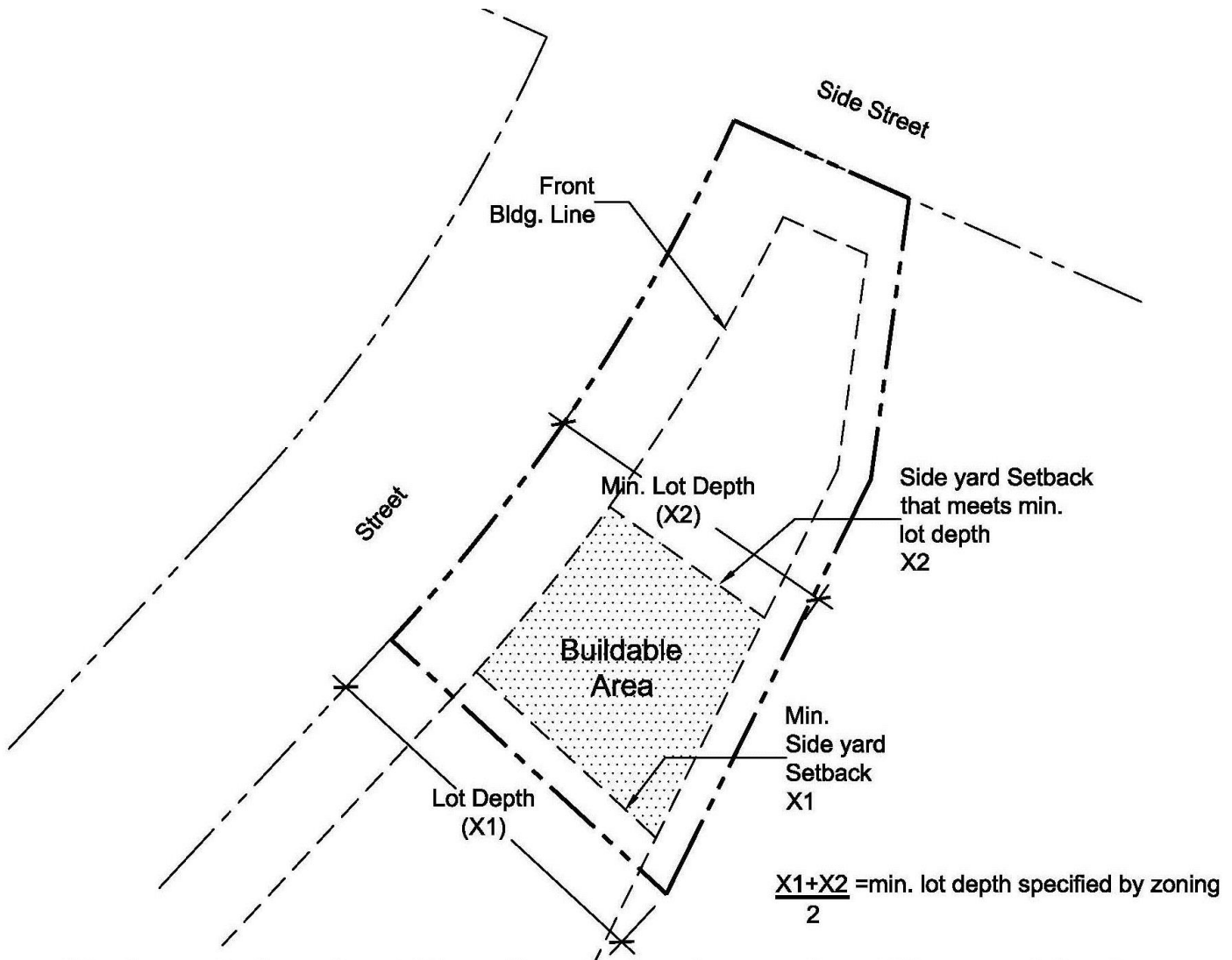


Diagram 10.03.116 - Lot Street Frontage – Curved Streets

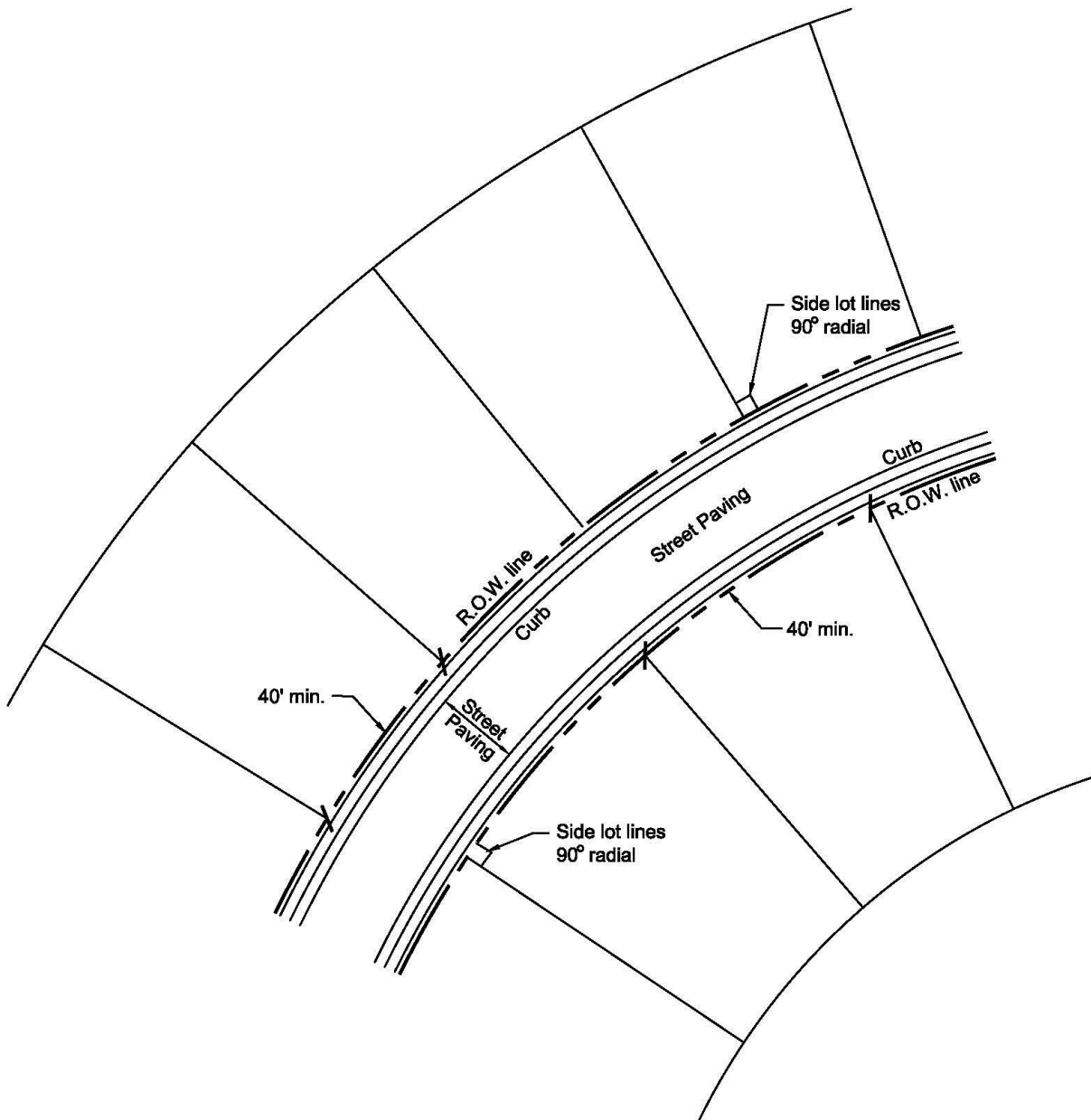


Diagram 10.03.117 – Lot Frontage - Cul-de-Sac Lots, Minimum Dimensions

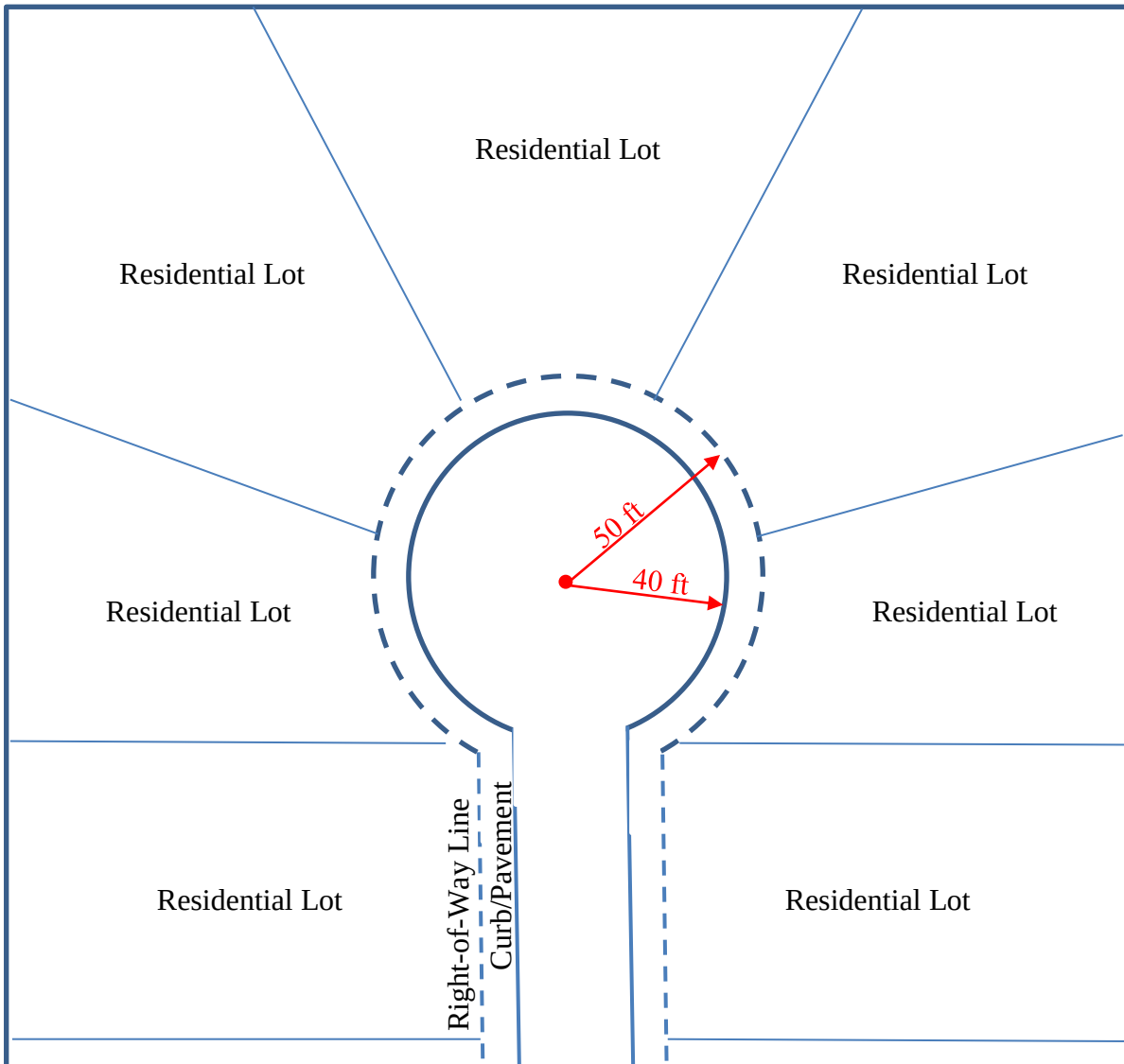
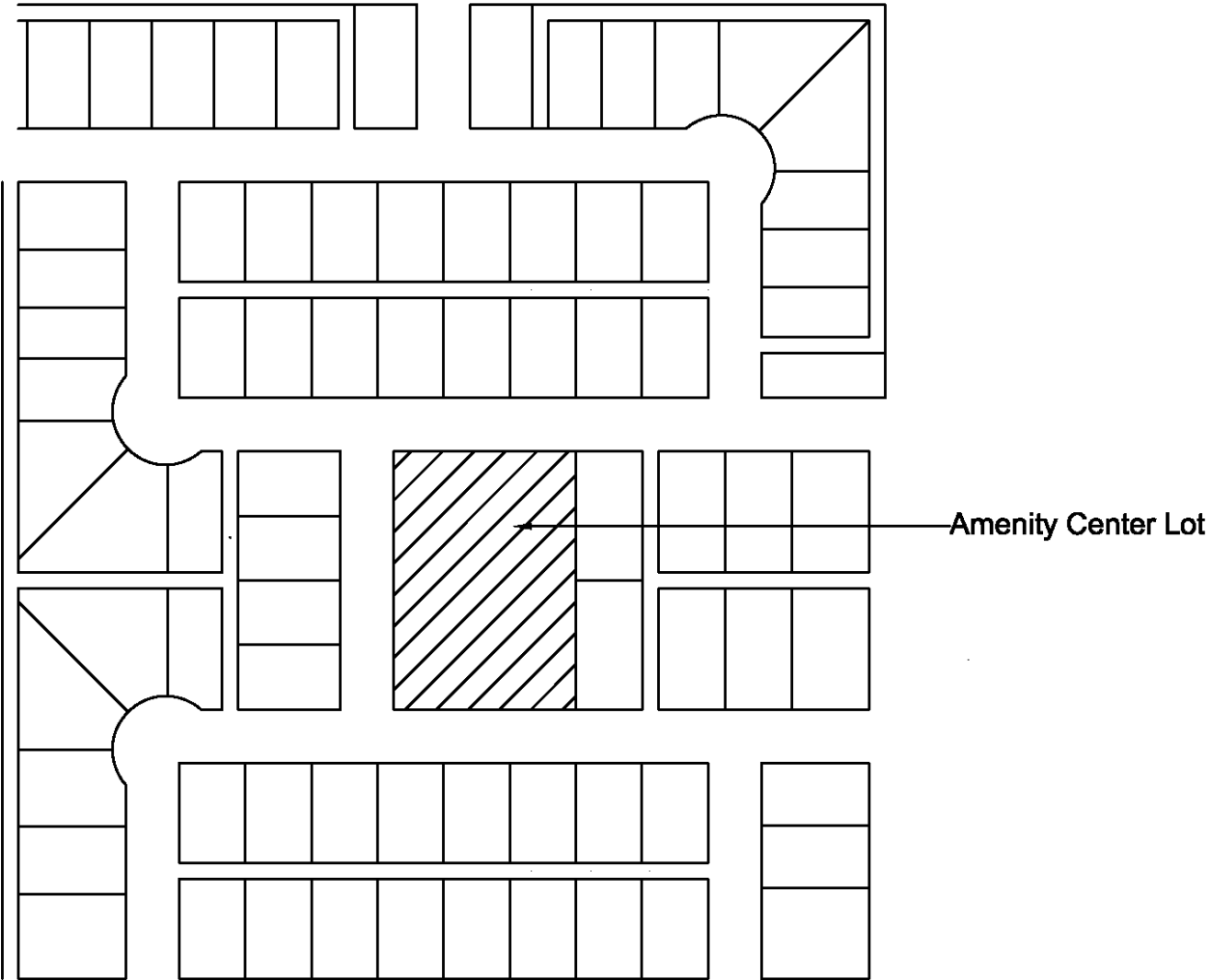
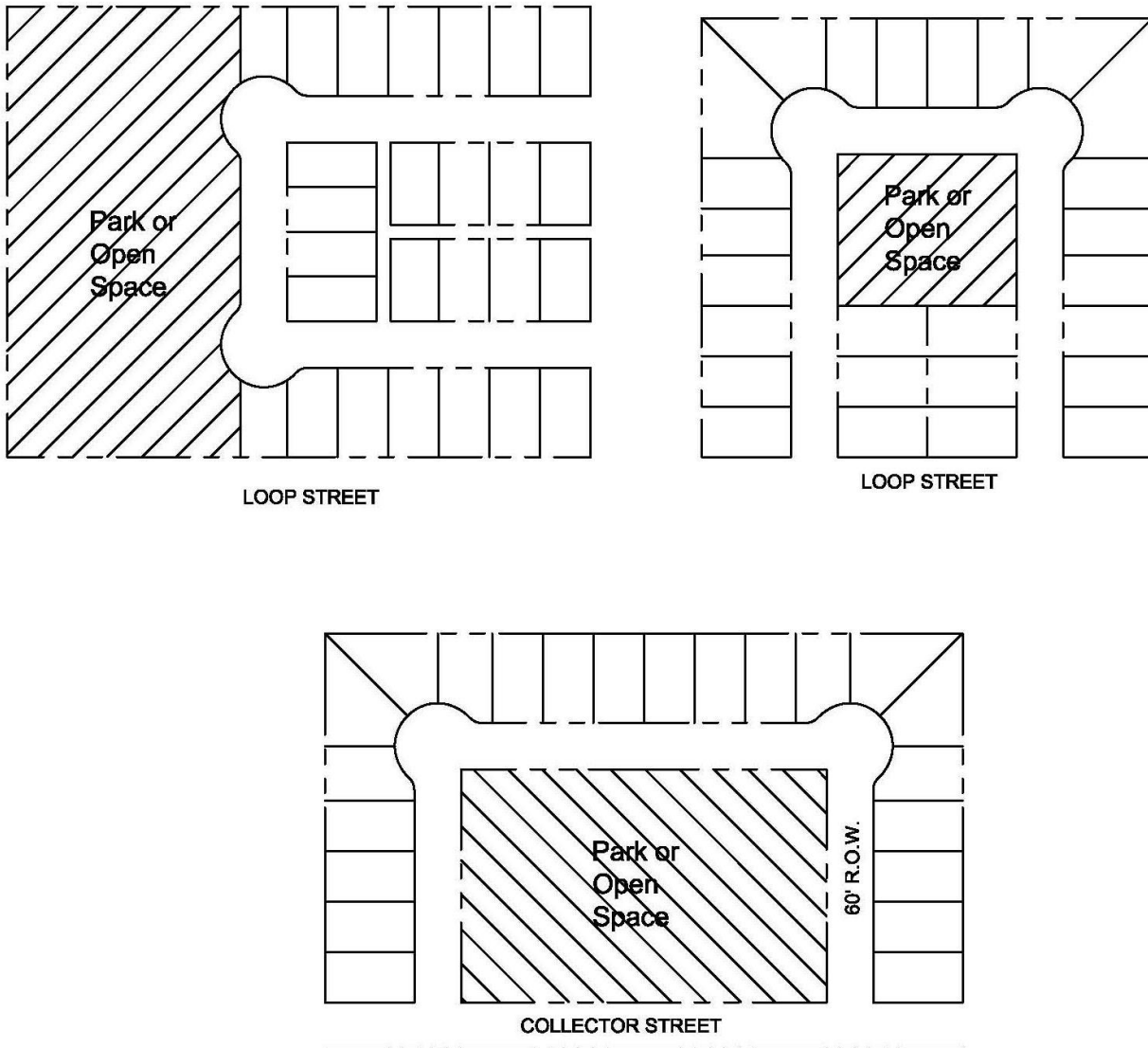


Diagram 10.03.118 - Centrally Located Amenity Center



Attachment: ATTACHMENT A - Subdivision Ordinance for 7-10-18 CC (Subdivision Ordinance Revision)

Diagram 10.03.119 - Access & Lot Orientation to Parks and/or Open Space



ATTACHMENT B
CURRENT SUBDIVISION ORDINANCE
ARTICLE 10.03 SUBDIVISION ORDINANCE*
Division 1. Generally

Sec. 10.03.001 Short title

This article may be known as and referred to as the Subdivision Regulations of the City of Celina, Texas. (2004 Code, sec. 159.01)

Sec. 10.03.002 Purpose

It is the purpose of this article to provide for the safe, efficient, and orderly development of the city, and the provision of adequate streets, utilities, services, and facilities, all in accordance with the comprehensive master plan and zoning regulations for the city. (2004 Code, sec. 159.02)

Sec. 10.03.003 Authority

V.T.C.A., Local Government Code, chapter 212, which article is hereby made a part of these regulations. (2004 Code, sec. 159.03)

Sec. 10.03.004 Jurisdiction

- (a) These regulations shall govern any and every person, firm, corporation, or organization owning any tract of land within the corporate limits of the city who may hereafter divide the same into two or more parts for the purpose of laying out any subdivision of any tract of land or any addition to said city, or for laying out suburban lots or building lots, or any lots, and streets, alleys, or parks or other portions intended for public use, or the use of purchasers or owners of lots fronting thereon or adjacent.
- (b) By the authority of the Tex. Loc. Gov't Code, section 4201 et seq. [242.001 et seq.], Tex. Rev. Civ. Stat., which article [chapter] is hereby made a part of these regulations, these regulations shall be extended to and shall apply to all of the area outside of the corporate limits of said city but within the extraterritorial jurisdiction of said city. Such jurisdiction shall extend into and encompass all those areas not within the jurisdiction of some other municipality, as classified in Tex. Rev. Civ. Stat. article 970a, and extending in all directions from the corporate limits of the city and all of its extensions. (2004 Code, sec. 159.04)

State law references—Extraterritorial jurisdiction of municipalities in counties that regulate subdivisions, V.T.C.A., Local Government Code, sec. 242.001; extension of subdivision rules to extraterritorial jurisdiction, V.T.C.A., Local Government Code, sec. 212.003.

Sec. 10.03.005 Approval required

Unless and until any plat, plan or replat shall have been first approved in the manner provided herein, it shall be unlawful for any person, firm, corporation or organization to construct or cause to be constructed any streets, utilities, buildings or other improvements to any tract of land; and it shall be unlawful for any official of said city to issue any permit for such improvements or to serve or connect said land, or any part thereof, or for the use of owners or purchasers of said land, or any part thereof, with any public utilities such as water, sewers, lights, gas and the like, which may be owned, controlled, distributed, franchised or supplied by such city. No building permits will be issued for the construction of any building on an unplatted land within the city. Minor repair permits may be issued. When additions, alterations, or repairs within any twelve-month period exceed 50% of the value of an existing building or structure on previously unplatted property, the land upon which such building or structure is located shall be platted in accordance with the provisions of this article. (2004 Code, sec. 159.05)

Sec. 10.03.006 Improvements required

- (a) All of the improvements required under these regulations or improvements which, in the judgment of the city engineer, are necessary for the adequate provision of streets, utilities, drainage, services and facilities to the subdivision and to surrounding areas of the city shall be constructed at the sole expense of the developer, unless other provisions are approved by the city council. Payment for any and all improvements which are not to be made at the time of the primary construction of the subdivision or development shall be made a part of the binding contract, signed by the developer and approved by the city council.
- (b) Any rebates or other payments to the developer by the city for the cost of oversized improvements or off-site improvements required as a part of the subdivision or development and necessary for the adequate and efficient development of surrounding areas of the city, shall be paid only from monies received by the city from the subdividing or development of surrounding areas, and such rebates or payments shall not be made until such monies are received by the city, unless other provisions are approved by the city council. (2004 Code, sec. 159.06)

Sec. 10.03.007 Annexation

If the property is not within the city limits of Celina and the subdivision contains two or more lots, the owner shall request the city for annexation through lawful annexation proceedings so as to qualify the subdivision to receive city services, when available, and to

afford zoning protection. Annexation must be completed within 90 days after date the governing body institutes the annexation proceedings or those proceedings are void. Any period during which the city is restrained or enjoined by a court of competent jurisdiction from annexing the area is not included in computing the 90-day period according to Loc. Gov't Code section 43.053 [43.052]. (2004 Code, sec. 159.07)

State law reference—Municipal annexation, V.T.C.A., Local Government Code, Ch. 43.

Sec. 10.03.008 Variances and appeals

- (a) These rules and regulations are the standard requirements of the city. Suspension of any of these rules and regulations may be granted by the city council upon a good and sufficient showing by the owner that there are special circumstances or conditions affecting the property in question, or that enforcement of the provisions of this article will deprive the applicant of a substantial property right and that such suspension, if granted, will not be materially detrimental to the public welfare or injurious to other property or property rights in the vicinity. Each and every application for variance shall be decided solely and entirely on its own merits and the disposition of any prior or pending application for variance shall not be allowed to enter into or affect any decision on the application in question. Pecuniary interests standing alone shall not be justification for the granting of a variance.
- (b) The owner of any tract of land aggrieved by the decision made under these regulations by any administrator or official of the city shall first apply to the planning and zoning commission for relief from such administrative decision. Any aggrieved party having any interest in the matter may appeal the ruling by the planning and zoning commission regarding the decision to the city council. (2004 Code, sec. 159.08)

Sec. 10.03.009 Definitions

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Definitions not expressly prescribed herein are to be construed in accordance with customary usage in municipal planning and engineering practices.

City. The municipal corporation of the City of Celina, Texas, together with its governing and operating bodies.

- (1) City council. The duly elected governing body of the city.
- (2) Commission. The planning and zoning commission, as appointed by the city council to administer these regulations.
- (3) City official or administrator. Any person elective or appointive, or any employee, or any board or commission authorized or constituted by city chapter [ordinance] or state law to act in behalf of the municipality (such as city attorney, city clerk, city engineer, and the like).
- (4) Surveyor. A licensed state land surveyor or a registered public surveyor as authorized by the state statutes to practice the profession of surveying in the State of Texas.
- (5) City engineer. The engineer employed by the city or the engineers retained as consultants to the city, authorized under the provisions of the Texas Engineering Registration Act to practice engineering in the State of Texas.

Comprehensive plan. The general plan for the growth and development of the city and its environs; and including any elements of such plan, such as a land use plan, thoroughfare plan, utilities plan, schools and parks plan, and others.

Easement. An area intended for restricted use on private property upon which any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths which in any way endanger or interfere with the construction, maintenance or operation of any of its respective utility or drainage systems within any of these easements. Any public utility shall at all times have the right of unobstructed ingress and egress to and from and upon the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, adding to or removing all or part of its respective systems without the necessity of procuring the permission of anyone.

Extraterritorial jurisdiction (ETJ). All land situated as classified by the Local Gov't Code section 42.001 et seq. in all directions from the corporate boundary of the city and its extensions and which is not in conflict with the ETJ of another municipality.

Land planner. Any person skilled in the art and science of arranging and designing the layout of land so as to create adequate and desirable building sites, a coordinated street system and space appropriate to the efficient removal of stormwater and the provision of public services and utilities all consistent with long-range goals and the objectives of the comprehensive plan. A land planner may be trained in any of several specialties, and where appropriate to his or her experience, the term includes architect, engineer, landscape architect and surveyor.

Lot. A distinct and separate undivided tract or parcel of land having frontage on a public street, which is, or in the future may be, offered for sale, conveyance, transfer or improvement as a building site.

Mobile home park. An area or development intended for the renting or leasing, but not sales, of sites for the location and/or occupancy of mobile homes. A mobile home park shall have filed with the city a certified land division approved by the commission according to the provisions of this article.

Replatting. The resubdivision of any part of a previously platted subdivision, addition, lot or tract.

Residential estate subdivision. A subdivision of lots of no less than one acre, or such greater area as may be indicated from soil percolation tests, intended for single-family use which may be determined by the city to be adequately developed and served by septic tanks, wells, and/or other facilities normally associated with rural development.

Street. A public or private way set aside as a permanent right-of-way for the movement of vehicular traffic, to provide access to abutting property and to provide utility service.

Street width. The shortest distance between the lines which delineate the right-of-way of a street.

Subdivider or developer. Any person or agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. The terms “subdivider” and “developer” shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner of land to be subdivided.

Subdivision. The division of any lot, tract or parcel of land situated within the lots or sites for the immediate or future purpose of sale of development or for laying out residential, commercial or industrial lots or any lots and streets, alleys or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto. It also includes resubdivision or replatting of land, lots or tracts. Division of land for agricultural purposes in parcels of five acres or more, shall not be included within this definition unless such division of five acres or more includes the planning or development of a new street, alley or access easement.

- (1) **General development plan.** A map, drawing or chart drawn to scale on which is shown the subdivider's proposed arrangements of streets, lots, easements, other public spaces, and general land uses on all contiguous properties owner [owned] or held under single ownership from which a proposed subdivision is intended to be made. The general development plan may be the same as a preliminary plat, if such plan complies with the requirements of a preliminary plat.
- (2) **Preliminary plat.** The phrase “preliminary plat” shall be any plat of any lots, tract or parcel of land that is not to be recorded, but is only a proposed division of and is presented only for review and study by the city.
- (3) **Final plat.** A map, drawing or chart prepared according to the provisions of this article and containing all engineering and legal data, dedications and certificates necessary to the recording of the same in the map and plat records of the county.
- (4) **Certified land division.** A map, drawing or chart delineating parcels of land offered for rent or lease for other than agricultural uses and which (i) is not required by statute of [or] state regulation to be filed in the map and plat records of the county; and (ii) does not involve or require the dedication of public street or alleys, and (iii) has been certified by the city council as having met the conditions of this article. A certified land division shall be treated as a subdivision plat under these regulations, except that it is properly certified for filing with the city secretary rather than the county clerk. In addition, a final plat of the property indicating legal boundaries and any public dedications and easements shall be prepared and filed with the county clerk. (2004 Code, sec. 159.09)

Sec. 10.03.010 Governmental agency design standards

The City of Celina, Celina Independent School District, and Prosper Independent School District, city departments, and any county governmental organization, when developing within the city limits, will be required to make best efforts to meet the city's development regulations related to city infrastructure. However, when the overall benefit to the city is reduced due to full compliance with adopted development standards, modified development standards may be administratively approved. This administrative approval shall be conditioned on meeting the overall intent of the subject ordinance as determined by the city manager, or his/her designee, whose decision may be appealed to city council. (Ordinance 2017-59 adopted 10/10/17)

Secs. 10.03.011–10.03.040 Reserved

Division 2. Special Provisions

Sec. 10.03.041 Facilities agreement

- (a) The subdivider shall be required to enter into an agreement with the city which shall govern his or her subdivision if there are pro-rata payments, city participation in cost, escrow deposits or other future considerations, variances granted to this article or other nonstandard development regulations and all improvements to be dedicated to the city are not to be completed prior to filing of the final plat in the county records. This agreement shall be based upon the requirements of this article; and shall provide the city with specific authority to complete the improvements required in the agreement in the event of failure by the developer and to recover the full legal costs of such measures. The city may subordinate its facilities agreement to the prime lender if provided for in said agreement.
- (b) The facilities agreement shall be a legally binding agreement between the city and the developer specifying the individual and joint responsibilities of both the city and the developer. Unusual circumstances relating to the subdivision shall be considered in the facilities agreement such that the purpose of this article is best served for each particular subdivision. Such facilities agreement may stipulate pro rata payments, city participation in unusual facilities, escrow deposits or other payments for future facilities, variances granted to this article and other particular aspects of the development. The developer shall include in such an agreement

a hold harmless and indemnity clause agreeing to hold the city harmless against any claim arising out of the developer's subdivision or any actions taken therein.

- (c) In the event of a disagreement between the plan administrator and the developer concerning stipulations of the facilities agreement, the planning and zoning commission shall review said stipulations and make recommendations to the city council for resolving the disagreement.
- (d) The developer shall have a continuing responsibility under this facilities agreement after the filing of the final plat and until all facilities and improvements have proceeded to the point that certain parts of the subdivision [are completed] for use prior to the completion of all improvements. This shall not be done if the release of such improvements and the facilities agreements shall remain in force for all portions of the subdivision for which a release has not been executed [sic]. (2004 Code, sec. 159.20)

Sec. 10.03.042 Development permit

A development permit shall be required prior to the clearing, grading, filling, dredging, construction of public streets, utilities or drainage or other improvements which may affect adjacent or surrounding properties. Such permit shall describe the property and the nature of the development, and shall be accompanied by construction plans and specifications adequate to describe the improvements. All plans accompanying permits for any work within a floodplain shall be certified by a professional engineer competent to make such determination. The city administrator shall issue such development permit when all conditions of this article have been satisfied. (2004 Code, sec. 159.21)

Sec. 10.03.043 Prorated payments

- (a) The developer shall be fully responsible for the construction of oversize or off-site access, utilities, drainage and other improvements necessary for his or her subdivision and the surrounding area, unless other provisions are approved by the city council. Provisions for reimbursement of costs in excess of those necessary to serve this subdivision and any other provisions, shall be made a part of the facilities agreement. For any subsequent subdivisions utilizing such facilities, any cost due prior developers shall be prorated as the use by the new subdivisions bears to the amount due. Such prorated amounts will be made a part of any subsequent facilities agreement, collected by the city and repaid to the original developer making such improvements, not to exceed his or her actual cost incurred.
- (b) All such reimbursements or prorations shall be based on the actual cost of the improvements at the time of their construction subject to comparison with other current unit and/or project costs. The original developer shall therefore provide the city with acceptable documentation of actual construction costs from which calculation of reimbursable amounts will be made for inclusion in the facilities agreement.
- (c) In the case that the subdivision shall utilize streets, utilities, drainage or other facilities already constructed through the use of funds of the city, the developer shall pay to the city for the use of such facilities an amount equal to that which would be required to serve the subdivision under the requirements of this article, based upon policies developed and approved by the city council. (2004 Code, sec. 159.22)

Sec. 10.03.044 City participation

- (a) The city may participate with the developer on major items of construction, such as lift stations, bridges or streets adjacent to the subdivision, which benefit existing or future development in addition to that being subdivided. The amount of financial responsibility of each party and the terms of discharging such responsibility may be provided for in a facilities agreement.
- (b) The construction of certain facilities required by the provisions of this article may not be possible or practical at the time the developer prepares his or her plans for public improvements. Such deletion or delay of improvements may be specified in the facilities agreement, together with provisions for escrow deposits or future payment by the city and/or developer. (2004 Code, sec. 159.23)

Sec. 10.03.045 Floodplain (zoning and easements)

- (a) General. The city will strongly discourage the platting of property for construction purposes that is in a natural floodplain or other area that is subject to flooding.
- (b) Liability. The city will not be financially liable for any damages due to flooding.
- (c) Notice of potential damage from flooding notification shall be put on the building permit.
- (d) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
 - Base flood elevation lines. Elevation lines established on the flood hazard boundary map showing projected flood surface elevation that can be expected for a 100-year flood.
 - Flood. A general or temporary condition of partial and complete inundation of normally dry land areas from the overflow of streams, rivers or other inland water.

Flood hazard boundary map. An official map or plat, approved by the Federal Insurance Administration, on which the boundaries of the floodplain area having special flood hazards have been drawn for the purpose of the emergency flood insurance program.

Flooding. Same as "Flood."

Floodplain. A relatively flat or low area adjoining a river, stream, watercourse, bay or lake which has been in the past or can reasonably be expected in the future to be covered temporarily by flooding of high water.

Floodproofing. Any combination of structural and nonstructural additions, changes or adjustments to properties and structures, primarily for the reduction or elimination of flood damage to lands, water and sanitary facilities, structures and contents of buildings.

Floodway. The minimum areas of a riverine floodplain reasonably required for passage of floodwaters.

Floodway encroachment lines. The lines marking the limits of floodways on the official flood hazard boundary map.

Riverine. Structures located beside a river, stream or watercourse.

Start of construction. The placement of permanent construction, such as pouring of footings and any work beyond the state of excavation. Permanent construction does not include land preparation and clearing, grading or filling.

Substantial improvements. Any repair, reconstruction or improvement of a property, the cost of which equals or exceeds 50% of the fair market value of the property either (a) before the improvement is started or (b) if the property has been damaged and is being restored, before the damage occurred. Substantial improvement is started when the first alteration of any wall, ceiling, floor or other structural part of the building commences.

Water surface elevation data. The elevation in relation to mean sea level expected to be reached by floods at various magnitudes and frequencies at pertinent points along a stream.

- (e) Building permits shall be required of all proposed construction of other improvements located within the floodplain area.
 - (1) All residential building permit applications for new construction of substantial improvements shall be accompanied by a statement of duly registered (Texas) surveyor or engineer certifying that the lowest floor (including basement) elevation will be at least two feet above the base flood elevation line.
 - (2) All other building permit applications shall be reviewed by the building inspector to determine that the proposed construction or repair uses: construction materials and utility equipment that are resistant to flood damage; construction methods and practices that will minimize flood damage.
 - (3) Further, all other building permit applications shall be reviewed by the building inspector to assure that the proposed construction and substantial improvements (including prefabricated and mobile homes) are: protected against flood damage; designed (modified) and anchored to prevent flotation, collapse or movement of structure.
 - (4) The city engineer will review all subdivision proposals and other proposed new development to assure that: all such proposals are consistent with the need to minimize flood damage; all public utilities and facilities such as gas, electrical, sewer and water systems are constructed to minimize or eliminate flood damage; adequate drainage is provided so as to reduce exposure to flood hazards.
 - (5) The city engineer will require new or replacement water supply systems and sanitary sewage systems to be designed to minimize or eliminate infiltration of floodwaters into the systems so as to avoid impairment or contamination during flooding.
- (f) After floodways are identified and designated, no new construction or major improvement will be authorized in the floodway that restricts the normal flow of floodwaters or raises the water surface elevation above the base flood elevation line. (2004 Code, sec. 159.24)

Secs. 10.03.046–10.03.080 Reserved

Division 3. Procedures*

Sec. 10.03.081 Pre-application procedures

- (a) **Pre-application review.**
 - (1) The applicant should avail himself or herself of the advice and assistance of the city's administrative officers, including its retained planning and engineering consultants (as applicable), and should consult early and informally with those officers and consultants before preparing a concept plan or any plat in order to save time and money, and to avoid potential unnecessary delays.
 - (2) Prior to formal application for approval of any concept plan or plat, the applicant shall request and attend a mandatory pre-application conference with the appropriate city official(s) in order to become familiar with the city's development regulations and the subdivision process. At the pre-application conference, the applicant may be represented by his or her land planner, engineer and/or surveyor.
- (b) **Notice of intent.** The subdivider shall submit a letter showing his or her name and address and that of his or her land planner stating his or her intent to subdivide a particular property, briefly describing the location, amount of land and particulars as to the intended use of the property and requesting that the review of the petition for the property be placed on the agenda

of a scheduled commission meeting. Such notice of intent shall be received no later than 25 days prior to the date of a scheduled commission meeting and placed on the agenda for that meeting. (2004 Code, sec. 159.35)

Sec. 10.03.082 Statutory procedures

(a) Zoning requirements.

- (1) A property within the city's corporate limits that is being proposed for platting or development must be properly zoned by the city prior to submission of an application for approval of any concept plan or plat. In addition, the proposed development layout or subdivision design shown on the proposed concept plan or plat must be in conformance with all standards and requirements prescribed in the city's zoning ordinance and this division.
- (2) Noncompliance with the requirements of the zoning district in which the subject property is located, or lack of the proper zoning, shall constitute grounds for denial of the concept plan or plat. In situations where the zoning on a particular piece of property cannot be ascertained by the city, the burden of proof regarding the property's zoning shall rest with the property owner. Proof of proper zoning shall consist of appropriate documentation, such as a copy of the subchapter [ordinance] establishing the zoning, which shall be reviewed by city officials as to its validity and authenticity.
- (3) Any concept plan or plat submitted for approval by the city shall be in accordance with the city's zoning ordinance, if the property is located within the city's corporate limits, and, if the property is located within the city's corporate limits or extraterritorial jurisdiction, it shall be in accordance with the city's comprehensive plan, including all adopted water, sewer, storm drainage, future land use, park, recreation, open space and thoroughfare plans. All plats shall be prepared by a licensed civil engineer or a registered professional land surveyor.

(b) Classification of subdivisions and additions. Before any land is filed for record with the county clerk, the property owner shall apply for and secure city council approval of the required subdivision plat, in accordance with the following procedures, unless otherwise provided within this division.

- (1) Minor subdivisions may be approved for residential or nonresidential properties. Minor plat approval by the mayor or chief executive officer (or designee) requires the submission of a final plat drawing and other submission materials required by [section 10.03.090](#). Lots may be conveyed or sold only when the mayor or chief executive officer has approved the plat and the plat has been filed at Collin or Denton County, whichever is applicable.
- (2) Major subdivisions may be approved for residential or nonresidential properties. The procedure for approval of a major subdivision typically involves two to three steps: a concept plan (which is voluntary), construction plat and final plat. [Sections 10.03.083](#) through [10.03.086](#) provide the requirements for each. Major plat approval shall be in accordance with [sections 10.03.084](#) through [10.03.086](#) of this division. Upon completion of the required public improvements, or upon submission and city approval of the appropriate surety for public improvements, the property owner may submit the final plat for approval. All major subdivision plats must be reviewed by the commission and approved by the city council, pursuant to [sections 10.03.084](#) through [10.03.087](#). Lots may be sold only when the final plat has been approved by the city council and the plat has been filed at Collin or Denton County, whichever is applicable. If the land is required to be platted, no conveyance or sale of any portion or lot of the property may occur until after the final plat is approved by the city council and filed at Collin or Denton County, whichever is applicable.

(c) Submission requirements for all types of plat applications. In addition to the requirements outlined herein for each type of development application, the city shall maintain separate policies and procedures for the submission and processing of applications including, but not limited to, application forms, checklists, language blocks for plats, and other similar items. The forms and paperwork are available at the office of the city administrator, or designee. These policies and procedures may be amended from time to time, and it is the applicant's responsibility to be familiar with, and to comply with, these policies and procedures.

(d) Official submission date and completeness of application for all types of plats.

- (1) For the purpose of these regulations, the "official submission date" shall be the date upon which a complete application for approval of any type of plat, that contains all required elements mandated by Tex. Loc. Gov't Code, section 212.004(b) and by this division, is submitted to the city administrator (or designee), after which the statutory period required for approval or disapproval of the plat shall commence to run. No application shall be deemed officially submitted until the city administrator (or designee) determines that the application is complete and a fee receipt is issued by the city. Failure by the city administrator (or designee) to make a determination of incompleteness within ten calendar days following the date on which the application was first received by the city, shall result in the application being deemed complete, and the "official submission date" shall become the eleventh calendar day following initial receipt of the application by the city.
- (2) Plat applications which do not include all required information and materials, as outlined below and per other city development review policies which may change from time to time, will be considered incomplete, shall not be accepted for official submission by the city, and shall not be scheduled on a commission agenda until the proper information is provided to city officials including the city's retained planning and engineering consultants, if applicable.

(e) Submission procedures and city review process for all types of plats.

(1) Submission timing.

- (A) A complete application for approval of any plat shall be submitted to the city at least 24 calendar days, but no more than 30 calendar days unless the applicant waives the 30-day requirement for action on the plat in writing, prior to the commission meeting at which it is to be considered.
- (B) Plat applications which do not include all required information and materials, as outlined below and per other city development review policies which may change from time to time, will be considered incomplete, shall not be accepted for official submission by the city, and shall not be scheduled on a commission agenda until the proper information is provided to city officials including the city's retained planning and engineering consultants, if applicable.

(2) Submission materials.

- (A) The application shall include a written application form which bears the original notarized signature(s) of the property owner(s) of the subject property, along with the appropriate submission fee, the appropriate number of full-size folded (24 inches by 36 inches) prints of the plat (per the city's folding requirements, available at city hall), as required by the city's current development review policies and requirements, one 8-1/2-inch by 11-inch and one 11-inch by 17-inch black-and-white reductions of the plat, a copy of any applicable development agreement pertaining to the subject property (if any), and any other applicable information and materials deemed appropriate by the city. One copy of all of the above materials and plans shall be simultaneously submitted to the city planner and the city engineer for review in order for the application to be deemed complete.
- (B) The application shall be accompanied by a certificate or other satisfactory evidence from the Collin or Denton County Central Appraisal District, whichever is applicable, showing that all taxes have been paid on the subject property, and that no delinquent taxes exist against the property. Documentation shall also be included that shows no delinquent assessments, fees, or other debts or obligations to the city and which are directly attributable to the subject property. One copy of the tax status certificate shall be simultaneously submitted to the city planner in order for the application to be deemed complete.
- (C) The application shall also be accompanied by an engineer's summary report which describes, in as much detail as necessary, the following: the overall nature and scope of the proposed development, including zoning of the property (and including the subchapter [ordinance] number that established the property's current zoning), proposed use(s) and acreage of each proposed use, minimum lot sizes, widths and depths, number of lots to be created, and special amenities or facilities that will be included in the development; how the property will be served with required utilities and services; how stormwater drainage will be handled; and an itemization and description of any waivers/suspensions from provisions of this division that will be sought. Letters shall be provided from each of the applicable utility service providers, including water, wastewater, gas, electricity, telephone, cable TV and solid waste, verifying their ability to provide an adequate level of service for the proposed development. A letter from the area independent school districts (as applicable) may also be required that acknowledges the district(s) has been informed of the size (with respect to the anticipated number of homes and/or school-age children), location and timing of the proposed development, and that expresses any desire the district may have to obtain a future school site within any portion of the subject property. One copy of all of the above materials (and any associated plans) shall be simultaneously submitted to the city planner and the city engineer for review in order for the application to be deemed complete.
- (D) All plat drawings and other corresponding plans and drawings, including engineering plans and landscape and screening plans, shall be on sheets no larger than 24 inches by 36 inches in size, and shall be drawn to a known engineering scale of not smaller than 1 inch equals 100 feet or a larger scale. In cases of large developments which would exceed the dimensions of the sheet at 100-foot scale, plats may be on multiple sheets or to another known engineering scale, as approved by the city administrator (or designee), and in a format that will be acceptable for eventual filing at Collin or Denton County, whichever is applicable.

(3) City staff review.

- (A) Upon official submission of a complete application for plat approval, the city shall commence technical review of the development proposal by forwarding a copy of the application and plat to development review team members which include, but shall not be limited to, the city administrator, fire chief/marshal, police chief, and building official. As noted above, it is the applicant's responsibility to submit one complete copy of any application (including all documents, application forms, plans, and the like) directly to the city planner and city engineer in order for the application to be considered complete. City development review team members shall review the plat and shall ascertain its compliance with these and other applicable city regulations. Following city staff review of the plat and supporting documents, and following discussions with the applicant on any revisions deemed advisable and the kind and extent of improvements to be installed, the applicant shall resubmit additional copies of the corrected plat (and engineering plans, if applicable) to the city administrator (or designee) and to the city planner and city engineer no later than seven calendar days prior to the commission meeting for final review and inclusion in the commission packets. Failure to resubmit corrected copies of the plat back to the city in time shall be cause for the city administrator (or designee) to forward the plat application

to the commission as it was originally submitted rather than the corrected version of the plat. If, upon resubmission of the corrected plat to the city, the city administrator (or designee) determines that the application is still incomplete or is not correct to a reasonable extent, the plat application shall be subject to denial.

- (B) After the plat has been scheduled on an agenda (or at any time prior), the applicant may request, in writing, a waiver of the 30-day approval requirement in order to allow him or her more time to correct deficiencies, address concerns, or otherwise improve the plat pursuant to the city's regulations. After receipt of the request, the city may delay action on the final plat beyond 30 calendar days following the official submission date.

(4) Action by the commission and city council.

- (A) All subdivision plat applications (except minor plats and amended plats) shall be reviewed by the commission and if in complete conformance with the provisions of this division and with all other applicable regulations of the city, then they shall be approved by the city council.

- (B) The commission shall review each plat application and shall take action to either recommend approval of the plat application or approval of the application subject to certain conditions, or shall vote to deny the plat application, within 30 calendar days following the official submission date unless the applicant has submitted a written waiver of the 30-day review/approval time pursuant to subsection (e)(3) above. The city council shall take action on the plat within 30 calendar days following the commission's action to recommend approval of the application (or approval with conditions). Affirmation of, or minor modifications to, the commission's recommendation to approve the plat shall require a simple majority vote of the city council members present and voting.

- (f) Simultaneous submission of plats. In the event that an applicant submits construction and final plat applications simultaneously, as provided in [section 10.03.084](#), the city administrator (or designee) shall schedule both plat applications for action by the commission within 30 calendar days following the official submission date, unless the applicant has executed a written waiver of the 30-day review period for one or both plats. If the construction plat has not received a favorable recommendation by the commission prior to consideration of the final plat by the commission, then the commission shall have no choice but to deny the final plat application (unless withdrawn by the applicant) and such denial shall be final unless appealed to the city council (see above). The city council shall take action on either one or both plat applications, as applicable, within 30 calendar days following the commission's action. Affirmation of, or minor modifications to, the commission's recommendation to approve the plat(s) shall require a simple majority vote of the city council members present and voting.

(g) Proof of land ownership.

- (1) The city requires proof of land ownership prior to approval of any development application involving real property. Along with the application submission, the applicant shall provide written verification, such as a notarized statement or a power of attorney or other evidence satisfactory to the city administrator (or designee), that he or she is the owner of record of the subject land parcel or parcels, or is the property owner's authorized agent. The city administrator (or designee) shall have the authority to determine what document(s) the city will require to prove ownership, such as one of the following:

- (A) General warranty deed;
- (B) Special warranty deed;
- (C) Title policy; or
- (D) Some other documentation that is acceptable to the city administrator (or designee).

- (2) If ownership cannot be conclusively established prior to the meeting date on which the development application will be heard, the city shall have the authority to deny the application on the basis of protecting the public interest. The applicant may resubmit a new development application, including the submission fees, for the property at any time following such denial.

- (3) One copy of the proof of land ownership document(s) shall be simultaneously submitted to the city planner in order for the application to be deemed complete.

- (h) Lapse of plat approval. The approval of any type of plat shall be effective for a period of 183 calendar days beyond the date that the plat was approved by the city council, except as otherwise provided herein. By 12:01 a.m. on the one hundred eighty-fourth day following city council approval of the plat, the applicant must have completed a city-required "progress benchmark" as set forth below. If this is not accomplished, then the approved plat shall be deemed to have expired and shall become null and void and a new plat application (along with all other required paperwork, plans, fees, and the like) must be submitted, reviewed and approved by the city in order to proceed with development of the property. The series of "progress benchmarks" for a project, pursuant to the provisions of this section, are as follows:

Approved Plat or Plan	Next "Progress Benchmark"
Concept plan	Construction plat, as required by this division, and final site plan, as required by the zoning ordinance, and continued active engineering review of the engineering plans (which were submitted along with the construction plat and final site plan, if applicable).

Construction plat	City engineer's approval of engineering plans for all proposed public improvements, and payment of all applicable site development related fees that are traditionally collected prior to release for site construction, and an application for approval of the final plat shall be submitted to the city within 365 calendar days of actual commencement of site construction in order to avoid lapse of the approved construction plat (unless such is extended or reinstated pursuant to provisions in this division), and other associated development approvals, such as the final site plan (if applicable), landscape and irrigation plans, and the like.
Final plat	<u>Final plat approved by the city council but not yet filed at Collin or Denton County, whichever is applicable</u> - Submission of the plat mylars, filing fees and other materials necessary to file the plat at the county shall be submitted to the city within 30 calendar days of the date of final plat approval; an application for a certificate of occupancy shall also be submitted to the city within 183 calendar days following the date of final plat approval in order to avoid lapse of the approved final plat (provided that the final plat is not yet filed at the county), unless such approval is extended or reinstated pursuant to provisions in this division. <u>Final plat filed at Collin or Denton County, whichever is applicable</u> - Valid in perpetuity, unless amended or vacated.

(i) Extension and reinstatement procedure.

- (1) Prior to the lapse of approval for a plat, the property owner may petition the city to extend the plat approval. Such petition shall be considered at a public meeting before the commission, which shall recommend approval or denial of the petition. The petition shall then be considered by the city council at its next regularly scheduled meeting (if possible), and an extension may be granted by city council at such meeting. If no petition for extension of plat approval is submitted by the property owner prior to the expiration date, then the plat shall be deemed to have expired and shall become null and void.
- (2) In considering whether to grant a request for extension, the commission, and ultimately city council, shall take into account the reasons for lapse, the ability of the property owner to comply with any conditions attached to the original approval, and the extent to which newly adopted subdivision regulations would apply to the plat at that point in time. The city council shall either extend the plat (either with or without conditions) or shall deny the request, in which instance the originally approved plat shall be deemed to be null and void. The property owner must thereafter submit a new plat application for approval, and shall conform to the subdivision regulations then in effect.
- (3) The city council may extend the plat approval subject to additional conditions based upon newly enacted city regulations or state legislation, or such as are necessary to ensure compliance with the original conditions of approval or to protect the public health, safety and welfare. The city council may also specify a shorter time for extension of the plat than the original 183-day approval period.

- (j) Lapse of approval of engineering plans. The approved engineering plans shall be valid for a period of 365 calendar days following approval by the city engineer. The city council may, upon written request by the applicant, grant an extension of up to an additional 365 calendar days, after which the engineering plans shall be subject to reapproval by the city engineer if no construction has occurred. (2004 Code, sec. 159.36)

Sec. 10.03.083 General development plan

- (a) When a subdivision is a portion of a tract to be subdivided later in its entirety, a general development plan shall be required as a condition precedent to approval of any application for a plat, except where the director of planning determines that a concept plan or site plan for the property provides sufficient information for the preparation of a construction plat.
- (b) A general development plan may be reviewed concurrently with the construction plat of the portion to be subdivided first. The general development plan shall show the schematic layout of the entire tract and its relationship to adjacent property.
- (c) The general development plan shall delineate the proposed characteristics of the area in terms of major categories of land use, dwelling units, general layout of lots and streets, access and fire lanes, drainageways, utility truck lines, location of sites for parks, schools and other public uses, present and proposed zoning, and such other information as the commission finds to be necessary for making a decision on the approval of the construction plat or final plat.
- (d) In certain circumstances, the director of planning shall have the authority to allow a construction plat to satisfy the requirement for a general development plan, if such plan complies with the requirements of a general development plan.
- (e) A general development plan shall be considered to be a detailing of the comprehensive plan and shall become effective upon adoption by the commission; providing, however, that no general development plan shall be approved other than in substantial conformity with the comprehensive plan. Every general development plan adopted by the commission shall be so certified by the chairman of the commission and a copy thereof shall be placed on file with the city secretary as part of the public record. A general development plan is to continue in force until amended or rescinded by the commission and shall be the official guide to the owners of all property within its area of coverage. Where multiple ownerships preclude the preparation of a general development

plan by a single owner, the commission is authorized to prepare or to cause such plan to be prepared. No plat within an area for which a general development plan has been adopted shall be approved except in substantial conformity with such adopted plan.

- (f) Commission approval shall include approval of the sequence of development and construction of phases of the project as can reasonably be determined. It may include such stipulations or conditions as the commission deems necessary in order to accomplish the purposes of this chapter and to protect the health, safety and welfare of the community.

(Ordinance 2012-29 adopted 12/10/12)

- (g) Contents. The general development plan shall include:

- (1) A proposed layout drawn to a scale of one inch equals 200 feet or larger.
- (2) True north shall be clearly indicated and located to the bottom and right of the study.
- (3) Arrangement, connection and dimensions to streets of adjacent properties.
- (4) The names of adjacent additions or subdivisions or the name of record of owners of adjoining parcels of unplatted land.
- (5) General location and size of school sites, park and recreation areas, and other public areas.
- (6) Location of proposed shopping center, multifamily residential, and other land uses.
- (7) Proposals for water, sewer, and drainage systems in relation to master plans where they exist for these facilities.
- (8) Proposals for services furnished by private utility companies.
- (9) Summary of uses by type, number, and acreage.
- (10) Identification of any floodprone areas and general proposals for such areas.
- (11) The plan shall include existing and approved driveways within 200 feet of the site.
- (12) The plan shall include existing and/or proposed median openings with 500 feet of the site.
- (13) Hike and bike trails per the open space and park master plan.
- (14) A concept plan submitted for the purpose of securing zoning approvals may be accepted as a general development plan if it meets the requirements of this section.
- (15) A tree preservation plan in accordance with the city's tree preservation regulations located in section 14.05.090. (Ordinance 2017-18 adopted 4/11/17)

- (h) Standards for approval. No general development plan shall be approved by the commission unless it conforms to the comprehensive plan and development regulations of the city.

- (i) Acceptance of general development plan.

- (1) The commission shall review the general development plan for consistency with the comprehensive plan, the major thoroughfare plan, zoning regulations and other requirements of this code. The commission may permit the development to be platted in phases, provided each phase satisfies the requirements of this code. The commission may also impose conditions such as temporary street and alley connections or temporary cul-de-sacs to assure orderly development.
- (2) The commission shall approve, conditionally approve or disapprove a general development plan. The approval of a general development plan constitutes authorization by the city for the property owner to submit application for a construction plat, subject to compliance with any conditions attached to the approval of the general development plan.

- (j) Lapse of approval. The approval of any phase or phases of a general development plan shall automatically expire unless such phase or phases have been submitted and approved by the commission as a construction plan within 18 months.

- (k) Extension or reinstatement of approval. Applicant may request one extension of approval provided such application is filed not less than 60 days prior to expiration. Any extension shall not extend beyond six months from the time that the general development plan would otherwise have expired. The request for extension shall be filed with the department of planning and development and presented to the commission at the next regular meeting. The application for extension shall include an explanation for the reasons for the delay. The commission shall consider reasons for the delay, the effect of any new regulations on the proposed development plan, and the ability of the property owner to comply with the original conditions in determining whether to approve the extension. The commission's disapproval of an extension for a general development plan shall be final.

- (l) Amendments to the general development plan. The general development plan shall be updated and submitted for commission review if the proposed construction plat is not in accordance with the current general development plan. The director of planning shall determine if the application is not in accordance with the proposed construction plat. (Ordinance 2012-29 adopted 12/10/12)

Sec. 10.03.084 Procedures and submission requirements for construction plat approval

- (a) Following the pre-application conference (as described in [section 10.03.081](#)) regarding the overall general development strategy for the property, the applicant shall have prepared a construction plat together with full engineering plans for the construction of the subdivision and all associated public improvements and other supplementary materials, as required by this division or by the city.
- (b) The construction plat shall constitute only that portion of the approved concept plan, if there is one, which the applicant proposes to construct and record provided, however, that such portion conforms to all the requirements of this division and with any other applicable regulations and codes of the city.

- (c) A construction plat, if not preceded by an approved concept plan showing phasing of the overall development, shall include all contiguous property under the ownership or control of the applicant unless otherwise approved by the city administrator (or designee) and the city planner. It may contain more than one phase that, if so, shall be clearly identified.
- (d) The applicant may choose to submit a final plat for review concurrently with the construction plat. In such case, the city may schedule concurrent review of both plats, provided that all required information and other items are submitted for both plats, including full engineering plans and the appropriate assurances for the completion of all improvements, as per [section 10.03.041](#), and provided that adequate review can be achieved by the city. If the city, due to staff resources or other factors, cannot complete its review of both plats, and other associated materials, prior to the applicable planning and zoning commission meeting, then only the construction plat shall be considered for approval and the final plat shall be denied unless the 30-day review requirement is waived in writing by the applicant.
- (e) Approval of a construction plat by the city council shall be deemed general approval of the street and lot layout shown on the construction plat (approval for construction of the necessary streets, water lines, sewer lines, and other required improvements and utilities shall be authorized only through the city engineer's approval of the engineering plans), and to the preparation of the final or record plat when construction of all required public improvements is nearing completion (or when appropriate surety for completion is provided to the city). Except as provided for herein, approval of the construction plat shall constitute conditional approval of the final plat when all conditions of approval and when all procedural requirements set forth in this division have been met, and when construction of all improvements (or surety provided) are satisfactorily completed.
- (f) Standards for approval. No construction plat shall be recommended for approval by the commission or approved by the city council unless the following standards have been met:
 - (1) The plat substantially conforms with the approved concept plan, if there is one, and with other studies and plans, as applicable;
 - (2) The layouts and engineering plans for required public improvements and city utilities have been submitted by the applicant for approval by the city engineer (whether specifically stated or not, construction plat approval shall always be subject to any additions or alterations to the engineering plans as deemed necessary by the city engineer, as needed, to ensure the safe, efficient and proper construction of public improvements within the subdivision); and
 - (3) The plat conforms to applicable zoning and other city regulations.
- (g) No construction work shall begin on the proposed improvements in the proposed subdivision prior to approval of the construction plat by the city council, nor prior to issuance of all appropriate construction permits by the city and other appropriate entities or agencies. The applicant shall also provide copies of letters from applicable local utility companies stating that each utility company has reviewed the construction plat and stating any requirements, including easements, they may have. This requirement may be deferred until the final plat is submitted if such deferral request is submitted to the city in writing and approved by the city administrator (or designee) prior to the commission meeting at which the construction plat will be considered. Preliminary grading or site preparation activities, such as limited excavation, filling, and removal or clearing of brush, undergrowth or man-induced debris, may be authorized by the city administrator (or designee), at his or her discretion, if such request is submitted in writing by the property owner or developer, if such activities are in conformance with all applicable city ordinances and codes, and if such activities will not be detrimental to the public health, safety or general welfare. Any such preliminary activities that conflict with the approved construction plat or construction documents must be modified to conform to said construction plat or construction documents.
- (h) Information required upon or with construction plat. The proposed construction plat and associated engineering plans shall show the following information (the construction plat itself shall only include those items marked by italics – other physical and engineering data shall be included in the engineering plans or as separate documents):
 - (1) *A vicinity, or location, map that shows the location of the proposed construction plat within the city (or within its ETJ) and in relationship to existing roadways;*
 - (2) *Boundary lines, abstract/survey lines, corporate and other jurisdictional boundaries, existing or proposed highways and streets (including right-of-way widths), bearings and distances sufficient to locate the exact area proposed for the subdivision, and all survey monuments including any required concrete monuments (per the city's planner and/or engineer); the length and bearing of all straight lines, radii, arc lengths, tangent lengths and central angles of all curves shall be indicated along the lines of each lot (curve and line data may be placed in a table format); accurate reference ties via courses and distances to at least one recognized abstract or survey corner or existing subdivision corner shall be shown;*
 - (3) *The name, location and recording information of all adjacent subdivisions (or property owners of adjacent unplatted property), including those located on the other sides of roads or creeks, shall be drawn to the same scale and shown in dotted lines adjacent to the tract proposed for subdivision in sufficient detail to show accurately the existing streets, alleys, building setbacks, lot and block numbering, easements, and other features that may influence the layout of development of the proposed subdivision; adjacent unplatted land shall show property lines, the names of owners of record, and the recording information;*

- (4) *The location, widths and names of all streets, alleys and easements (it shall be the applicant's responsibility to coordinate with appropriate utility entities for placement of necessary utility easements and for location of all streets and median openings on highways or arterial roadways), existing or proposed, within the subdivision limits and adjacent to the subdivision; a list of proposed street names shall be submitted (in the form of a letter or memo along with the application form) for all new street names (street name approval is required at the time the construction plat is approved);*
- (5) *The location of all existing property lines, existing lot and block numbers and date recorded, easements of record (with recording information), buildings, existing sewer or water mains, gas mains or other underground structures, or other existing features within the area proposed for subdivision;*
- (6) *Proposed arrangement and square footage of lots (including lot and block numbers) and proposed use of same; for nonresidential uses, the location and size of buildings (this information may be provided on a separate sheet, such as on a voluntary concept plan or the final site plan; see the zoning ordinance);*
- (7) *A title block within the lower right-hand corner of the plat (and engineering plans) that shows the title or name under which the proposed subdivision is to be recorded; the name, address and phone number of the property owner(s); the name, address and phone number of the land planner, licensed engineer or registered professional land surveyor who prepared the plat/plans; the scale of the plat/plans; the date the plat/plan was prepared; and the location of the property according to the abstract or survey records of [Collin or Denton County], whichever is applicable, Texas; the subdivision name shall not duplicate (or too closely phonetically replicate) the name of any other platted subdivision in Celina, its ETJ, or other surrounding communities in Collin or Denton County, whichever is applicable, but phasing identification is allowed to be similar to previous phases of that particular development (it is the property owner's responsibility to check the plat records of Collin or Denton County, whichever is applicable, to ensure that the proposed subdivision name will not duplicate or sound too much like a subdivision name already in existence – the city may, at its discretion, require a different subdivision name if there is potential for confusion by public safety officials or the general public);*
- (8) *Sites, if any, to be reserved or dedicated for parks, schools, playgrounds, other public uses or for private facilities or amenities;*
- (9) *Scale (including a graphic scale), date, north arrow oriented to the top or left side of the sheet, and other pertinent informational data;*
- (10) *Contours with intervals of two feet or less shown for the area, with all elevations on the contour map referenced to sea level datum; and the limits of any portion of the 100-year floodplain (pursuant to the flood study, if required by the city engineer) that may be within or adjacent to (such as within 100 feet of) the property (final documentation of the floodplain shall occur, and shall be shown, on the final plat prior to approval and filing at the county) – if no floodplain present, then a note stating this shall be shown on the plat;*
- (11) *Areas contributing drainage to the proposed subdivision shall be shown in the engineering plans; locations proposed for drainage discharge from the site shall be shown by directional arrows;*
- (12) *All physical features of the property to be subdivided shall be shown, including the location and size of all watercourses, 100-year floodplain according to Federal Emergency Management Agency (FEMA) information, U.S. Army Corps of Engineers flowage easement requirements, ravines, bridges, culverts, existing structures, drainage area in acres or area draining into subdivisions (only in the engineering plans), the outline of major wooded areas or the location of major or important individual trees, and other features pertinent to subdivision;*
- (13) *Engineering plans of water and sewer lines and other infrastructure (including sizes) to be constructed in the subdivision; the proposed connections to distribution mains shall be indicated;*
- (14) *Proposed phasing of the development; where a subdivision is proposed to occur in phases, the applicant, in conjunction with submission of the construction plat, shall provide a schedule of development; the dedication of rights-of-way for streets and street improvements, whether on-site or off-site, intended to serve each proposed phase of the subdivision; the city council shall determine whether the proposed streets and street improvements are adequate pursuant to standards herein established; and a traffic impact analysis; a traffic impact analysis shall be required for development proposals that contain 100 or more lots or are projected to generate 1,000 or more vehicle trips per day as estimated by the city engineer and the city council may require that a traffic impact analysis be submitted for projects that contain fewer than 100 or more lots or are projected to generate 1,000 or fewer vehicle trips per day as estimated by the city engineer to adjudge whether the subdivision will be served by adequate streets and thoroughfares;*
- (15) *All construction plats shall be submitted in a legible format that complies with Collin or Denton County, whichever is applicable, requirements for the filing of plats, and shall be drawn on a good grade blue line or black line paper;*
- (16) *The construction plat and related construction plans shall be submitted in a pdf file format with each sheet being contained within a single digital file in addition to an AutoCad file format that is compatible with the latest release of AutoCad and with each sheet being contained within a single digital file;*
- (17) *Existing or proposed zoning of the subject property and all adjacent properties;*
- (18) *Minimum finished floor elevations of building foundations shall be shown for lots adjacent to a floodplain or along waterways;*
- (19) *All such information as required for a concept plan must be shown;*

(20) *Certificates and other language shall be included on the plat, pursuant to the following subsections:*

- (A) *A statement that the applicant legally owns the subdivided area.*
- (B) *An accurate legal, such as by metes and bounds, description by bearings and distances (including necessary curve and line data), accurate to the nearest one-hundredth of a foot, for all boundary, block and lot lines, with descriptions correlated to a permanent survey monument.*
- (C) *A statement signed by the property owner(s) and acknowledged before a notary public as to the authenticity of the signatures, saying that the property owner(s) adopts the plat as shown, described and named, and that he or she does dedicate, in fee simple, to the public use forever the streets, alleys and easements shown on the plat. The property owner(s) further reserves any easement areas shown for mutual use of all public utilities desiring to use the same. Any public utility shall have the right to remove and keep removed all or any part of any vegetative growth or other appurtenance for construction or maintenance, or efficiency of its respective system in these easements and all or any part of, any growth or construction which in any way hinders or interferes with the right of ingress and egress to these easements for any necessary use without asking anyone's permission.*
- (D) *The registered professional land surveyor's certificate, with a place for his or her signature and notarization of his or her signature.*
- (E) *A place for plat approval signature of the mayor (or mayor pro tem, in the mayor's absence) of the city council, a place for the city secretary to attest such signature, and the approval dates by the planning and zoning commission and city council.*
- (F) *Following are the certificates and languages to be used on the plat to accommodate the above requirements:*
 - (i) *Property owner's certificate (required).*

STATE OF TEXAS

COUNTY OF _____

WHEREAS, (Name(s)) is(are) the Owner(s) of a tract of land situated in the () Survey, Abstract No. (), Collin/Denton County, Texas and being out of a () acre tract conveyed to him(them) by (), and a () acre tract conveyed to him(them) by (), and being more particularly described as follows:

(Enter accurate metes and bounds property description here, with total land area shown in both acreage and square footage.)

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That _____, acting herein by and through his(its) duly authorized officer(s), does hereby adopt this plat designating the hereinabove described property as an addition to the City of Celina, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets, rights-of-way, and other public improvements shown thereon. The streets and alleys, if any, are dedicated for street purposes. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City Council of the City of Celina. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Celina's use thereof. The City of Celina and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Celina and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Celina, Texas.

WITNESS, my hand, this the _____ day of _____, 20____.

BY:

Authorized Signature of Owner

(use additional signature lines, if necessary)

Printed Name and Title

STATE OF TEXAS

COUNTY OF _____

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared _____, Owner, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this _____ day of _____, 20____.

Notary Public in and for the State of Texas

My Commission Expires On: _____

(use additional Notary blocks, if necessary, for additional owners)

(ii) *Surveyor's Certificate (required).*

KNOW ALL MEN BY THESE PRESENTS:

That I, _____, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as "set" were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Celina.

(seal) _____ Signature of Registered Public Land Surveyor

Registration No.

STATE OF TEXAS

COUNTY OF _____

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared _____, Registered Public Land Surveyor, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this _____ day of _____, 20____.

Notary Public in and for the State of Texas

My Commission Expires On: _____

(iii) *Approval Block (required).*

CITY APPROVAL OF CONSTRUCTION PLAT

Approved for preparation of final plat following construction of all public improvements (or appropriate sureties thereof) necessary for the subdivision shown on this plat.

RECOMMENDED BY: _____ Planning and Zoning Commission
City of Celina, Texas

Signature of Chairperson

Date of Recommendation

APPROVED BY: _____ City Council
City of Celina, Texas

Signature of Mayor

Date of Approval

ATTEST:

City Secretary _____ Date

(iv) *Special Notice (required).*

NOTICE: Selling a portion of this addition by metes and bounds is a violation of city ordinance and state law, and is subject to fines and withholding of utilities and building permits.

(v) *Visibility, access and maintenance easements (to be used if applicable).*

The area or areas shown on the plat as "VAM" (Visibility, Access and Maintenance) Easement(s) are hereby given and granted to the city, its successors and assigns, as an easement to provide visibility, right of access for

maintenance upon and across said VAM Easement. The city shall have the right but not the obligation to maintain any and all landscaping within the VAM Easement. Should the city exercise this maintenance right, then it shall be permitted to remove and dispose of any and all landscaping improvements, including without limitation, any trees, shrubs, flowers, ground cover and fixtures. The city may withdraw maintenance of the VAM Easement at any time. The ultimate maintenance responsibility for the VAM Easement shall rest with the owners. No building, fence, shrub, tree or other improvements or growths, which in any way may endanger or interfere with the visibility, shall be constructed in, on, over or across the VAM Easement. The city shall also have the right but not the obligation to add any landscape improvements to the VAM Easement, to erect any traffic-control devices or signs on the VAM Easement and to remove any obstruction thereon. The city, its successors, assigns, or agents shall have the right and privilege at all times to enter upon the VAM Easement or any part thereof for the purposes and with all rights and privileges set forth herein.

(vi) *Fire lanes (to be used if applicable).*

That the undersigned does hereby covenant and agree that he or she or they shall construct upon the fire lane easements, as dedicated and shown hereon, a hard surface in accordance with the City of Celina's paving standards for fire lanes, and that he or she or they shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstruction, including but not limited to the parking of motor vehicles, trailers, boats or other impediments to the accessibility of fire apparatus. The maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs in conspicuous places along such fire lanes, stating "Fire Lane, No Parking." The local law enforcement agency(s) is hereby authorized to enforce parking regulations within the fire lanes, and to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for Fire Department and emergency use.

(vii) *Access easements (to be used if applicable).*

The undersigned does covenant and agree that the access easement may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of general public vehicular and pedestrian use and access, and for Fire Department and emergency use in, along, upon and across said premises, with the right and privilege at all times of the City of Celina, its agents, employees, workmen and representatives having ingress, egress, and regress in, along, upon and across said premises.

(viii) *Other plat language. The plat shall include any other applicable language, such as for drainage, floodway or other special types of easements, or such as for a private street subdivision, as deemed appropriate and necessary by the city for the purpose of protecting the public health, safety and welfare. Applicable plat languages are available upon request at the city.*

(i) Engineering plans.

- (1) Along with the construction plat application, the applicant shall submit five sets of the complete engineering plans for all streets, alleys (if any), storm sewers and drainage structures, water and sanitary sewer facilities, screening and retaining walls, landscaping and irrigation, and any other required public improvements for the area covered by the construction plat. The engineering plans shall also contain any plans deemed necessary to show or document compliance with the city's ordinances pertaining to non-point source pollution control, and any other applicable codes and ordinances of the city that are related to development of a land parcel. Cost estimates for the completion of all public improvements shall also be submitted with the engineering plans for review (and approval, if necessary) by the city's engineer. For the purposes of this division, complete sets of engineering plans shall include the following plans or sheets (generally in this order), as well as any additional plans or sheets deemed necessary and requested by the city engineer:

- (A) Cover or title sheet (with list of all plans);
- (B) Construction plat;
- (C) Final site plan (for nonresidential and multifamily projects only – see the zoning ordinance for specific requirements and approval procedures);
- (D) Existing conditions plan (unless these items are shown on the construction plat itself), which shows existing topography, vegetation, tree inventory, existing natural and man-made physical features, and the like;
- (E) Existing tree and vegetation protection plan;
- (F) Grading, erosion control, and water quality control plans;
- (G) Paving and storm drainage plans;
- (H) Utility plans for water, sanitary sewer, and the like;
- (I) Traffic-control plans (if necessary);
- (J) Screening and retaining wall plans;
- (K) Landscaping and irrigation plans.

- (2) The applicant shall have these plans prepared by their own professional engineer(s), subject to approval of the plans by the city engineer. The city engineer (or designee) shall review, or cause to be reviewed, the plans and specifications and if approved, shall mark them "Approved" and shall return one set to the applicant, and at least two sets shall be retained in the city's files. If not approved, then one set shall be marked with the objections noted (on the plans themselves and/or in memo format, a copy of which shall also be sent to the city) and returned to the applicant for correction, whereupon the applicant's engineer shall correct the plans as requested and shall resubmit them back to the city engineer for re-review. Once the engineering plans are approved by the city engineer (as documented by an approval memo addressed to the applicant and copied to the city), the property owner shall provide additional sets of the approved plans to the city, as specified by the city engineer, for use during construction. A full set of the city-approved and stamped engineering plans must be available for inspection on the job site at all times.
- (3) After approval of the construction plat by the city council, approval of the engineering plans and specifications by the city engineer, and following procurement of all applicable permits from other appropriate agencies (such as TxDOT, TNRC, U.S. Army Corps of Engineers, and/or Collin or Denton County, whichever is applicable), the applicant shall cause a contractor(s) to install or construct the public improvements in accordance with the approved plans and the city's standard specifications, and at the applicant's expense (also see [section 10.03.041](#)). The applicant shall employ engineers, surveyors or other professionals as necessary to design, stake, supervise, perform and complete the construction of such improvements, and shall cause his or her contractor to construct the said improvements in accordance with this division and with the city's, and any other applicable agency's, design standards.
- (4) Engineering plans shall be prepared by or under the direct supervision of a professional engineer licensed in the State of Texas, as required by state law governing such professions and in accordance with this division and the city's standard specifications as required by [section 10.03.161](#). All engineering plans submitted for city review shall be dated and shall bear the responsible engineer's registration number, his or her designation of "professional engineer" or "P.E.", and the engineer's seal. Engineering plans shall be approved by the city engineer only when such plans meet all of the requirements of this division and the standard specifications as required by [section 10.03.161](#).
- (5) Engineering plans shall be in conformance with the standard specifications required by [section 10.03.161](#) and with the requirements set forth herein. Engineering plans (in complete sets, as described above) showing paving and design details of streets, alleys, culverts, bridges, storm sewers, water mains, sanitary sewers, sidewalks, screening and retaining walls, landscape and irrigation plans (if appropriate), and other engineering details of the proposed subdivision at a scale of 1 inch equals 40 or 50 feet horizontally and one inch equals four, five, or ten feet vertically shall be submitted to the city engineer (or designee) along with a copy of the construction plat of the subdivision. The number of copies as specified by the city shall be submitted along with the construction plat submittal.
- (6) As part of the engineering plans, a drainage plan showing how the drainage of each lot relates to the overall drainage plan for the plat under consideration shall be submitted. The drainage plan shall be made available to each builder within the proposed subdivision and all builders shall comply with the drainage plan.
- (j) Effect of approval. Approval of a construction plat authorizes the property owner, upon fulfillment of all requirements and conditions of approval and upon construction of all required improvements (or submission of the proper assurances for construction of same, per [section 10.03.041](#)), to submit an application for final plat approval.
- (k) Revisions to approved construction plat. It is generally recognized that minor revisions to the construction plat will probably be needed before the final plat can be filed at the county. Such minor revisions as slight enlargement or shifting of easements or lot lines, addition of private or franchise utility easements, correction of bearings or distances, correction of minor labeling errors, addition of erroneously omitted informational items and labels, and the like may occur on the final plat without having to reapprove the construction plat. Determination of whether or not revisions are "minor" in nature is subject to the judgment of the city's planner and engineer. Major revisions, such as obvious reconfiguration of lot lines or easements, relocation of driveways or access easements or fire lanes, any modification to the perimeter or boundary of the property, and relocation or addition or deletion of any public improvement (including corresponding easement), shall necessitate resubmission and reapproval of the plat as a "revised construction plat" unless otherwise approved by the city planner and the city engineer, as applicable. The procedures for such reapproval shall be the same as for a construction plat, and such re-approval may constitute a new project thus necessitating submission of a new application form, payment of new fees, compliance with amendments to this division which occurred since original construction plat approval, and other requirements. (2004 Code, sec. 159.38)

Sec. 10.03.085 Procedures and submission requirements for final plat approval

- (a) The final plat shall be in accordance with the construction plat, as approved, and shall incorporate all applicable conditions, changes, directions and additions imposed by the planning and zoning commission and city council upon the construction plat. The final plat shall not be recommended for approval by the planning and zoning commission, nor approved by the city council, until all utilities, infrastructure, and other required improvements have been constructed according to the engineering plans, and have passed a final inspection and been approved by the city engineer, unless provisions are made for the completion of the

improvements in accordance with [section 10.03.041](#). The final plat shall not be submitted prior to approval of the construction plat (see section 10.03.084(c) [[10.03.084\(d\)](#)] for exception).

- (b) Final plat applications which do not include the required data, completed application form, submission fee, number of copies of the plat, record drawings, "Letter of Satisfactory Completion" (of the public improvements) from the city, and other required information, including documentation that all required public improvements have been constructed and installed in accordance with city standards, letters from utility companies verifying their easements, and submission of the proper assurances or escrow funds for the completion of the improvements (per [section 10.03.041](#)) will be considered incomplete, shall not be accepted for submission by the city, and shall not be scheduled on a planning and zoning commission or city council agenda until the proper information is provided to city staff.

(c) Information required on a final plat.

- (1) All information that is required for a construction plat, except for submission of engineering plans, provided that such plans were already submitted and approved with the construction plat; and except that physical features of or on the land (such as topography, buildings, utility structures, water bodies and tree cover) shall not be shown on the final plat. In addition to these items, the final plat shall also provide a place for the County Clerk of Collin or Denton County, whichever is applicable, to stamp the date and location where the plat will be filed ("Volume or Cabinet _____, Page or Slide _____") in the lower right-hand corner of all sheets of the plat drawing near the title block.
- (2) All aspects of the final plat shall conform to the standards of Collin or Denton County, whichever is applicable, for plats with respect to clarity, sheet size, lettering size and reproducibility, and the county's formatting requirements for same shall control if different from this division. It is the applicant's responsibility to be familiar with the county's standards for filing plats and to comply with same.
- (3) Minimum finished floor elevations of building foundations shall be shown for lots adjacent to a floodplain or along waterways.
- (4) Approval block (required). The approval block used on the previously approved construction plat shall be modified and shown on the final plat, as follows:

FINAL PLAT

Approved by the City of Celina for filing at the office of the County Clerk of Collin or Denton County, whichever is applicable, Texas.

RECOMMENDED BY: Planning and Zoning Commission
City of Celina, Texas

Signature of Chairperson

Date of Recommendation

APPROVED BY: City Council
City of Celina, Texas

Signature of Mayor

Date of Approval

ATTEST:

City Secretary Date

- (5) Property location statement (if required by Collin or Denton County, whichever is applicable).

This property is located in the corporate limits (or the extraterritorial jurisdiction) of the City of Celina, Collin or Denton County, whichever is applicable, Texas.

Mayor, City of Celina Date

ATTEST:

City Secretary Date

- (d) Standards for approval. No final plat shall be reviewed by the commission or approved by the city council unless the following standards have been met:

- (1) The plat substantially conforms to the approved construction plat and other studies and plans, as applicable;
- (2) The construction and installation of required public improvements and city utilities has been completed and the improvements have been accepted by the city as conforming to the city's regulations and design standards (or the proper assurances for construction of the improvements have been submitted and approved by the city, per [section 10.03.041](#)); and

- (3) The plat conforms to applicable zoning, subdivision and any other applicable codes or ordinances of the city that are related to development of a land parcel.
- (e) When all of the improvements are found to be constructed and completed in accordance with the approved plans and specifications and with the city's standards, and upon receipt by the city of a maintenance bond or certificate of deposit in accordance with [section 10.03.041](#) from each contractor, three sealed sets of "as-built" (or "record drawing") plans, one sealed set of "as-built" or "record drawing" mylars, a digital copy of the "as-built" (or "record drawing") plans and the approved final plat in a pdf file format with each sheet being contained in a single digital file, and a digital copy of the "as-built" (or "record drawing") plans and the approved final plat in an AutoCad file with each sheet being contained in a single digital file that is compatible with the latest release of AutoCad shall be submitted with a letter stating the contractors' compliance with this division, and bearing sealed certification by the design engineer that all public improvements have been constructed in compliance with all city construction standards set forth in the city's standard specifications as required by [section 10.03.161](#) and other applicable city design documents. After such letter and certification is received, the city administrator (or designee) shall receive and accept for the city the title, use and maintenance of the improvements according to [section 10.03.163](#). The final plat shall not be approved or filed at the county prior to receipt of the above letter and certification and any other required items, nor prior to acceptance of the improvements by the city.
- (f) Timing of public improvements.
- (1)
- (A) The city council may permit all or some of the public improvements to be installed, offered for dedication, or accepted by the city after approval of the final plat by the city council if there exists a compelling reason that is consistent with the public health, safety or welfare to do so (also see [section 10.03.041](#)).
- (B) The city council may permit or require the deferral of the construction of public improvements if, in its judgment, deferring the construction would not result in any harm to the public or would offer significant advantage in coordinating the site's development with adjacent properties and off-site public improvements. The deferred construction of any required public improvement(s) must be approved by the city council at the time of construction plat approval, and the necessary assurances for completion of the improvements, in accordance with [section 10.03.041](#), shall be a stipulation, or condition, of approval of the preliminary or final plat, as appropriate.
- (2) If the city council does not require that all public improvements be installed, offered for dedication, or accepted by the city prior to approval of the final plat, the applicant shall provide assurances or security for the completion of the improvements or escrowed funds, as provided in [section 10.03.041](#).
- (g) Effect of approval. Approval of a final plat authorizes the property owner, upon fulfillment of all requirements and conditions of approval and upon completion of construction of all required improvements (or submission of the proper assurances for construction of same, per [section 10.03.041](#)), to submit the final copies, or mylars, of the plat for filing at Collin or Denton County, whichever is applicable. Lots may be sold only when the final plat has been approved by the city council and the plat has been filed at Collin or Denton County, whichever is applicable. No conveyance or sale of any portion or lot of the property may occur until after the final plat is approved by the city council and filed at Collin or Denton County, whichever is applicable.
- (h) Revisions to approved final plat prior to filing at the county. Occasionally, minor revisions are needed before the final plat can be filed at the county. Such minor revisions as correction of bearings or distances, correction of minor labeling errors, addition of erroneously omitted informational items and labels, and the like may occur on the record plat prior to filing it without the city council having to reapprove the final plat. Determination of whether or not revisions are "minor" in nature is subject to the judgment of the city's planner and engineer. Major revisions, such as obvious corrections or reconfiguration of lot lines or easements, relocation of driveways or access easements or fire lanes, any modification to the perimeter or boundary of the property, and relocation or addition or deletion of any public improvement (including corresponding easement), shall necessitate resubmission and reapproval of the plat as a "revised final plat" unless otherwise approved by the city planner and the city engineer, as applicable. The procedures for such reapproval shall be the same as for a final plat, and such reapproval may constitute a new project thus necessitating submission of a new application form, payment of new fees, compliance with amendments to this division which occurred since original final plat approval, and other requirements.
- (i) Subsequent to final plat recommendation by the planning and zoning commission and subsequent approval by the city council, the applicant shall return copies of the final plat, as approved, along with any other required documents and necessary fees, to the city administrator (or designee) within 30 calendar days following approval, in accordance with requirements established by the city. All easements shall be included on the final plat, including the recording information for those easements that are filed or recorded as separate instruments, as required by utility companies and the city prior to filing the final plat, and a copy of letters from each applicable utility company shall be submitted to the city administrator (or designee), and a copy of same shall be submitted to the city planner and the city engineer, stating that the plat contains the proper easements. All necessary filing materials as required by the county clerk of Collin or Denton County, whichever is applicable, in addition to the appropriate number of Mylar copies and a computer disk containing the digital plat file(s) required by the city administrator (or designee), shall be returned to the city secretary with the required fees. If the required copies and materials are not returned to the city

within the specified 30-day time frame, the approval of the final plat shall be null and void unless an extension is granted by the city council. The city secretary shall file the final plat at the office of the county clerk of Collin or Denton County, whichever is applicable, within 30 calendar days following receipt of all filing materials, including filing fees. (2004 Code, sec. 159.39)

Sec. 10.03.086 Reserved

Editor's note—Former section 10.03.086 pertaining to development plats and deriving from section 159.40 of the 2004 Code, was repealed and deleted in its entirety by Ordinance 2012-06, sec. 3.02, adopted 3/12/12.)

Sec. 10.03.087 Replatting

- (a) Replat required. Unless otherwise expressly provided for herein, a property owner who proposes to replat any portion of an already approved and filed final plat, other than to amend or vacate the plat, must first obtain approval for the replat under the same standards and by the same procedures prescribed for the final platting of land by this division. All improvements shall be constructed in accordance with the same requirements as for a preliminary or final plat, as provided herein. The city administrator (or designee) may waive or modify requirements for a preliminary replat under certain circumstances where the proposed replat does not involve a large land parcel or an existing structure or business on the subject property, and where the proposed plat revisions are relatively simple in nature.
- (b) Replatting without vacating preceding plat. A replat of a final plat or portion of a final plat may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:
 - (1) Is signed and acknowledged by only the owners of the property being replatted;
 - (2) Is approved, after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard, by the planning and zoning commission and by the city council; and
 - (3) Does not attempt to amend or remove any covenants or restrictions previously incorporated in the final plat.
- (c) Previous requirements or conditions of approval which are still valid.
 - (1) In addition to compliance with subsection (b) above, a replat without vacation of the preceding plat must conform to the requirements of this section if:
 - (A) During the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or
 - (B) Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.
 - (2) Notice of the public hearing required above shall be given before the fifteenth calendar day before the date of the hearing by publication in an official newspaper or a newspaper of general circulation in Collin or Denton County, whichever is applicable. Notice of the public hearing shall also be given by written notice before the fifteenth calendar day before the date of the hearing, with a copy or description of any requested waivers/suspensions, sent to the property owners, as documented on the most recently approved ad valorem tax roll of the city, of lots that are in the original subdivision and that are within 200 feet of the lot(s) to be replatted. In the case of a subdivision in the extraterritorial jurisdiction, the most recently approved county tax roll shall be used. The written notice may be delivered by depositing the notice, properly addressed with appropriate postage paid, in a post office or postal depository within the boundaries of the city.
- (d) If the property owner(s) of 20% or more of the total land area of lots to whom notice is required to be given file with the city a written protest of the replatting before or at the public hearing, or if the replat requires a waiver/suspension as defined in [section 10.03.008](#), then approval of the replat will require the affirmative vote of at least three-fourths of the city council members present and voting. For a legal protest, written instruments signed by the owners of at least 20% of the total land area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the city prior to the close of the public hearing. In computing the percentage of land area subject to the "20% rule" described above, the area of streets and alleys shall be included.
- (e) Compliance with subsection (c) above is not required for approval of a replat for part of a preceding plat if the area to be replatted was designated or reserved for other than single- or two-family (such as duplex) residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat. For example, for a replat involving nonresidential property, a public hearing must be held, pursuant to subsection (b)(2) above, but notice of the hearing does not have to appear in the newspaper and written notices do not have to be mailed to individual property owners within 200 feet of the subject property.
- (f) Any replat that adds or deletes lots must include the original subdivision and lot boundaries. If a replat is submitted for only a portion of a previously platted subdivision, the replat must reference the previous subdivision name and recording information, and must state on the replat the specific lots which have changed along with a detailed "Purpose for Replat" statement.
- (g) If the previous plat is vacated as prescribed in of Tex. Loc. Gov't Code section 212.013, as amended, and as provided in [section 10.03.089](#), a public hearing is not required for a replat of the area vacated. It would, instead, be submitted as a "final plat" and reviewed accordingly.

- (h) The replat of the subdivision shall meet all the requirements for a final plat for a new subdivision that may be pertinent, as provided for herein.
- (i) The title shall identify the document as a "Final Plat" of the "_____ Addition, Block ____, Lot(s) ____, Being a Replat of Block ____, Lot(s) ____ of the _____ Addition, an addition to the City of Celina, Texas, as recorded in Volume/Cabinet ____, Page/Slide ____ of the Plat Records of Collin or Denton County, whichever is applicable, Texas."
- (j)
 - (1) An application submittal for a replat shall be the same as for a final plat, and shall be accompanied by the required number of copies of the plat, a completed application form, the required submission fee, and a certificate showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property. The replat shall also bear a detailed "Purpose for Replat" statement which describes exactly what has been changed on the plat since the original (or previous) plat was approved by the city and filed at the county.
 - (2) A copy of all application materials for a replat shall be simultaneously submitted to the city planner for review in the same manner as for a final plat, or the application shall be deemed incomplete.
- (k) The replat shall be filed at the county in the same manner as prescribed for a final plat, and approval of a replat shall expire if all filing materials are not submitted to the city secretary, and if the replat is not filed at the county within the time periods specified for a final plat. (2004 Code, sec. 159.41)

State law references – Replatting without vacating preceding plat, V.T.C.A., Local Government Code, sec. 212.014; additional requirements for certain replats, V.T.C.A., Local Government Code, sec. 212.015.

Sec. 10.03.088 Amending plats

- (a)
 - (1) An amended plat shall meet all of the informational and procedural requirements set forth for a final plat, and shall be accompanied by the required number of copies of the plat, a completed application form, the required submission fee, and a certificate or some other acceptable form of verification from the Collin or Denton County Central Appraisal District, whichever is applicable, showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property.
 - (2) A copy of all application materials for an amending plat shall be simultaneously submitted to the city planner for review in the same manner as for a final plat, or the application shall be deemed incomplete.
- (b) Upon receipt of a favorable recommendation for approval from the city planner, the city administrator (or designee) may approve an amending plat, which may be recorded and is controlling over the preceding or final plat without vacation of that plat, if the amending plat is signed by the applicants only and if the amending plat is for one or more of the purposes set forth in this section. The procedures for amending plats shall apply only if the sole purpose of the amending plat is to:
 - (1) Correct an error in a course or distance shown on the preceding plat;
 - (2) Add a course or distance that was omitted on the preceding plat;
 - (3) Correct an error in a real property description shown on the preceding plat;
 - (4) Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
 - (5) Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
 - (6) Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
 - (7) Correct an error in courses and distances of lot lines between two adjacent lots if:
 - (A) Both lot owners join in the application for amending the plat;
 - (B) Neither lot is abolished;
 - (C) The amendment does not attempt to remove or modify recorded covenants or restrictions or easements; and
 - (D) The amendment does not have a material adverse effect on the property rights of the owners in the plat;
 - (8) Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
 - (9) Relocate one or more lot lines between one or more adjacent lots if:
 - (A) The owners of all those lots join in the application for amending the plat;
 - (B) The amendment does not attempt to remove or modify recorded covenants or restrictions or easements; and
 - (C) The amendment does not increase the number of lots; or
 - (10) To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
 - (A) The changes do not affect applicable zoning and other regulations of the city;
 - (B) The amendment does not attempt to remove or modify recorded covenants or restrictions or easements; and

- (C) The area covered by the changes is located in an area that the city council has approved, after a public hearing, as a residential improvement area.
- (c) The city administrator (or designee) may, at his or her discretion and for any reason, elect to present the amending plat to the planning and zoning commission and city council for consideration and approval. Any decision made on the amending plat by the city administrator (or designee) shall be approval of the plat. Should the city administrator (or designee) refuse to approve the amending plat, then the plat shall be referred to the commission for review, and the city council for approval, within the time period required by state law.
- (d) Notice, a public hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat.
- (e) The amended plat shall be entitled and clearly state that it is an "amended plat," and it shall include a detailed "Purpose for Amended Plat" statement which describes exactly what has been changed on the plat since the original (or previous) plat was approved by the city and filed at the county. It shall also state the specific lots affected or changed as a result of the amended plat, and shall include the original subdivision plat boundary. All references to "final plat" or "replat" shall be removed.
- (f) Other than noted above, the procedure for approval of plat amendment(s) shall be the same as in [section 10.03.087](#).
- (g) The amending plat shall be filed at the county in the same manner as prescribed for a final plat, and approval of an amending plat shall expire if all filing materials are not submitted to the city secretary, and if the plat is not filed at the county within the time periods specified for a final plat. (2004 Code, sec. 159.42)

Sec. 10.03.089 Plat vacation

- (a) By property owner. The property owner of the tract covered by a plat may vacate, upon review by the commission and approval by the city council, the plat at any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat (instrument language is available from the city, upon request).
- (b) By all lot owners. If some or all of the lots covered by the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of lots in the plat with approval obtained in the manner prescribed for the original plat.
- (c) Criteria. The planning and zoning commission shall review, and the city council may approve, the petition for vacation on such terms and conditions as are in accordance with Tex. Loc. Gov't Code section 212.013 (as amended), and as are reasonable to protect the public health, safety and welfare. As a condition of vacation of the plat, the city council may direct the petitioners to prepare and seek approval of a revised final plat in accordance with this division such that the property does not become "unplatted."
- (d) Effect of action. On the execution and recording of the vacating instrument, the vacated plat shall have no effect. Regardless of the commission's and city council's action on the petition, the property owner will have no right to a refund of any monies, fees or charges paid to the city nor to the return of any property or consideration dedicated or delivered to the city except as may have previously been agreed to by the commission and city council.
- (e) City-initiated plat vacation.
- (1) General conditions. The city council, on its motion and following a public hearing on the matter, may vacate the plat of an approved subdivision or addition when:
 - (A) No lots within the approved plat have been sold within five years following the date that the plat was signed by the city;
 - (B) The property owner has breached an improvement agreement and the city is unable to obtain funds with which to complete construction of public improvements, except that the vacation shall apply only to lots owned by property owner or its successor; or
 - (C) The plat has been of record for more than five years and the city determines that the further sale of lots within the subdivision or addition presents a threat to public health, safety or welfare, except that the vacation shall apply only to lots owned by the property owner or its successors.
 - (2) Procedure. Upon any motion of the planning and zoning commission or city council to vacate the plat of any previously approved subdivision or addition, in whole or in part, the city shall publish notice in a newspaper of general circulation in the county before the fifteenth day prior to the date of the public hearing at which the plat vacation shall be heard by the commission. The city shall also provide written notice to all property owners within the subdivision or addition and to all members of the city council. The notice shall state the time and place for a public hearing before the commission, and subsequently before the city council, on the motion to vacate the subdivision or addition plat. The commission shall recommend approval, and the city council shall approve, the plat vacation only if the criteria and conditions cited above are satisfied.
 - (3) Record of notice. If the city council approves vacating a plat, the city secretary shall record a copy of the plat vacation instrument in the office of the county clerk of Collin or Denton County, whichever is applicable, along with an exhibit showing a drawing of the area or plat vacated. The county clerk shall write legibly on the vacated plat the word "vacated" and shall enter on the plat a reference to the volume and page at which the vacating instrument is recorded. If the city council vacates only a portion of a plat, it shall cause a revised final plat drawing to also be recorded that shows that portion of the original

plat that has been vacated and that portion that has not been vacated. On the execution and recording of the vacating instrument the vacated plat (or the vacated portion of the plat) has no effect. (2004 Code, sec. 159.43)

Sec. 10.03.090 Minor plats

(a) Definitions.

Minor plat. A subdivision resulting in four or fewer lots, provided that the plat is for conveyance purposes only with no development or construction proposed, and provided that the plat does not create any new easements for public facilities nor the extension of any municipal facilities to serve any lot within the subdivision. Any property to be subdivided using a minor plat shall already be served by all required city utilities and services.

Minor subdivision. This is the same as a "minor plat."

(b)

(1) A minor plat shall meet all of the informational and procedural requirements set forth for a final plat, and shall be accompanied by the required number of copies of the plat, a completed application form, the required submission fee, and a certificate or some other acceptable form of verification from the Collin or Denton County Central Appraisal District, whichever is applicable, showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property.

(2) A copy of all application materials for a minor plat shall be simultaneously submitted to the city planner for review in the same manner as for a final plat, or the application shall be deemed incomplete.

(c) Upon receipt of a favorable recommendation for approval by the city planner, the city administrator (or designee) may approve a minor plat, or may, for any reason, elect to present the minor plat to the planning and zoning commission and city council for consideration and approval. Any decision made on the minor plat by the city administrator (or designee) shall be approval of the plat. Should the city administrator (or designee) refuse to approve the minor plat, then the plat shall be referred to the planning and zoning commission for review, and city council for approval, within the time period required by state law.

(d) Notice, a public hearing, and the approval of other lot owners are not required for the approval [of] a minor plat.

(e) The minor plat shall be entitled and clearly state that it is a "minor plat."

(f) The minor plat shall be filed at the county in the same manner as prescribed for a final plat, and approval of a minor plat shall expire if all filing materials are not submitted to the city and if the plat is not filed at the county within the time periods specified for a final plat. (2004 Code, sec. 159.44)

Secs. 10.03.091–10.03.120 Reserved

Division 4. Design Standards

Sec. 10.03.121 Conformance

(a) The specifications for materials and workmanship shall conform to the latest edition of the Standard Specifications for Public Works Construction, published by the North Central Texas Council of Governments.

(b) All engineering plans and construction within the jurisdiction of the city shall comply with the latest edition of the Standard Construction Details as prepared by engineering department of the City of Plano. (2004 Code, sec. 159.60)

Sec. 10.03.122 Streets

(a) Conformity to thoroughfare plan. The width and location of streets shall conform to such thoroughfare plan of the city as the council may have adopted, both as to horizontal and vertical alignment and right-of-way widths (see following):

(1) Freeway/tollway. Any street with controlled access and intended to move traffic through and/or around the city. Access to freeways shall only be provided at designated interchanges.

(2) Major arterial street or major thoroughfare. Any street designated in the comprehensive plan; however, they may be required in other locations based on size and density of development. This classification is designed as being a principal route more or less continuous across the city or areas adjacent thereto, or any route carrying or designated to carry fast-moving and/or large volumes of traffic.

(3) Minor arterial. Any street that is intended to serve as a major route through and between different areas of the city. Minor arterials are generally shown on the city's thoroughfare plan, however, they may be required in other locations based on the size and density of the development.

(4) Major collector. Any street that intended to serve commercial and/or industrial land uses. Direct access to single-family or two-family dwellings is not permitted.

(5) Minor collector. Any street that conducts traffic from other streets to the major collector/arterial system.

(6) Residential collector. A street which is continuous through several residential districts and is intended as a connecting street between residential districts and thoroughfares or business districts.

- (7) Residential or local street. A street exclusively or primarily providing access to abutting properties. A local street may be located within a commercial or industrial area.
- (8) Cul-de-sac. A local street having but one outlet to another street and terminated on the opposite end of a vehicular turnaround.
- (9) Dead-end street. A street other than a cul-de-sac having only one outlet.
- (10) Frontage street. A local street lying parallel to and adjoining a major street right-of-way which provides access to abutting properties and protection from the through traffic.
- (11) Alley. A public or private way designed primarily for vehicular travel to provide access to or from the rear or side property otherwise abutting on a street.
- (12) Loop street. A local street having only two outlets onto one other street except a cul-de-sac.
- (13) Private street. Private streets shall be designed and constructed to the same standards as public streets. (Ordinance 2012-30 adopted 12/10/12)
- (b) Relation to adjoining street system. The proposed street system shall extend all existing major streets and such collectors and local access streets as may be desirable for convenience or circulation. Where possible the width and the horizontal and vertical alignment of extended streets shall be preserved.
- (c) Street jogs. Where offsets in street alignment are, in the opinion of the commission unavoidable, such offsets may be employed provided the distance between centerlines is not less than 125 feet.
- (d) Large lot subdivision. If the lots in the proposed subdivision are large enough to suggest resubdivision in the future, or if a part of the tract is not subdivided, consideration must be given to possible future street openings and access to future lots which could result from such resubdivisions.
- (e) Through traffic. Residential and local streets shall be designed to discourage high-speed or through traffic.
- (f) Topography. The street system shall bear a logical relationship to the natural topography of the ground.
- (g) Pavement and right-of-way width. All streets shall be paved with reinforced concrete paving with integral curb and gutter and shall conform in width and section to the thoroughfare plan of the city. Right-of-way width shall be measured between front lot lines and pavement width shall be measured from back of curb. Except as provided hereinafter, no street right-of-way shall be less than 50 feet and no street pavement shall be less than 31 feet.
- (h) Residential estate subdivision. For estate subdivision as herein defined, the city council may allow variance to these regulations to provide for a lesser pavement and right-of-way width and for the elimination of the requirement for curb and gutter (see appendices).
- (i) Street alignment. The maximum deflection on alignment permitted without use of curve shall be five degrees.
- (j) Vertical alignment. Profile grades of streets and alleys shall be connected by vertical curves of a minimum length expressed as a multiple of the algebraic difference between the rates of grades, expressed in feet per hundred feet and the values shown below.

	Design Speed by City Engineer					
Multiple of algebraic difference	20	25	30	40	50	60
Crest vertical curve	10	15	28	50	80	150
Sag vertical curve	15	20	35	50	70	100

- (k) Horizontal alignment. The centerline curve of streets and alleys shall have a minimum radius as follows:

Classification	Minimum Centerline Radius (feet)
Thoroughfare	500
Collector	300
Local (commercial or industrial)	300
Residential	150
Loop streets and alleys	75

- (l) Reverse curves. Reverse curves on thoroughfares and collector streets shall be separated by a minimum tangent of 100 feet.
- (m) Culs-de-sac, dead-end streets.
- (1) The maximum length of a cul-de-sac or dead-end street with a permanent turnaround shall be 600 feet, except under unusual conditions with the approval of the city council.

- (2) Turnarounds are to have a minimum right-of-way width of 100 feet and a minimum pavement width of 80 feet for single-family and two-family uses and a minimum right-of-way width of 120 feet and a minimum pavement width of 100 feet for all other uses.
- (3) Temporary paved turnarounds are to be provided at ends of streets more than 400 feet long that will be extended in the future. The following note should be placed on the plat: "Crosshatched area is temporary easement for turnaround until street is extended (give direction) in a recorded plat."
- (4) No other dead-end streets shall be allowed except as herein provided.
- (n) Street intersections.
 - (1) Except where existing conditions will not permit, all streets shall intersect at a ninety-degree angle. Variations of more than ten degrees on residential or local streets and more than five degrees on collectors and thoroughfares must have the approval of the city council.
 - (2) Acute angle intersections approved by the city council are to have 25-foot or greater radial at acute corners.
 - (3) Each new street intersecting with or extending to meet an existing street shall be tied to the existing street on centerline with dimensions and bearings to show relationship.
- (o) Partial or half streets. Partial or half streets may be provided where the commission feels that a street should be located along a property line. Wherever a half street has already been provided adjacent to an area to be subdivided, the other remaining portion of the street shall be platted with such subdivision. Where part of a street is being dedicated along a common property line where no roadway currently exists, the first dedication of right-of-way shall be two-thirds of the required width.
- (p) Driveway cuts. Driveway cuts or entrances to single-family or two-family uses shall not be allowed along thoroughfares, unless a siding street or an alley with natural screening device is provided outside the pavement of the thoroughfare. Driveway cuts shall be located so as to provide a spacing between curb radius return of at least five feet for single-family and two-family uses and at least 20 feet for all other uses. No property shall have more than two driveway cuts onto any facing street. No driveway cut shall be located closer than 20 feet from an intersection, measured from the ends of the curb radius returns.
- (q) Street names. New streets shall be named so as to provide continuity of name with existing streets and to prevent conflict with identical or similar names in other parts of the city.
- (r) Boundary streets.
 - (1) New local, collector, marginal access and thoroughfare streets that will serve as boundary streets to a proposed subdivision shall conform to the applicable sections of this article for right-of-way width.
 - (2) No new half streets shall be platted except where required to accommodate previously platted half streets. The developer shall make available by dedication that portion of right-of-way from his or her property that is a projection of a major or thoroughfare street.
 - (3) When the proposed subdivision abuts upon an existing street or half street that does not conform to the requirements of this article for right-of-way, the developer shall dedicate right-of-way sufficient to make the right-of-way on his or her side of the street conform to the general plan for this street and this article.
 - (4) When the proposed subdivision abuts upon an existing paved street that does not have curb and gutter, the developer shall put a cash deposit or other security satisfactory to the city in escrow with the city to cover future assessment paving programs. This deposit shall be based upon the developer paying for curb and gutter and one-half of the cost of paving a standard width street. This deposit shall be made in lieu of the actual construction in all cases.
 - (5) Boundary streets that are platted for the primary purpose of providing traffic routes into and through the subdivision shall be constructed as part of the subdivision development.
- (s) Relation of adjoining streets and land.
 - (1) The system of streets designated for the subdivision, except in unusual cases, must connect with streets already dedicated in adjacent subdivisions, and where the adjacent connections are not platted, must in general, be the reasonable projection of streets in the nearest subdivided tracts and must continue to the boundaries of the tract subdivided, so that other subdividers may connect therewith.
 - (2) Reserve strips of land controlling access to other property or to any street or alley or having the effect of restricting or damaging the adjoining property for subdivision purposes or which will not be taxable or accessible for special improvements shall not be permitted in any subdivision.
- (t) Marginal access streets. Where a subdivision abuts or contains an existing or proposed major street, railroad or highway, the commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, [and] deep lots with rear adequate protection of residential properties and to afford separation of thorough and local traffic. The right-of-way for marginal access streets shall be 50 feet.
- (u) Curb and gutter. Curb and gutter shall be installed by the developer on both sides of all interior streets. Provisions for curb and gutter shall be made on boundary streets in accordance with the paragraph entitled "Boundary streets." The only exception to curb and gutter installation will be streets in estate subdivisions where each lot is three acres or larger. In such cases, the developer may install asphalt surface streets with open ditches as delineated more specifically in appendix C.

- (v) Street signs and signal lights. The city shall install street signs and necessary signal lights as determined by the commission, at the developer's expense, at all intersections within the subdivision. This fee shall be paid prior to acceptance of the streets and utilities.
- (w) Laboratory testing of street material. The city shall retain the services of a reputable commercial testing laboratory or will perform the necessary tests on subgrade soils and flexible base material to verify that specifications are being met. These laboratory tests will be made at the developer's expense any may include the following:
 - (1) Proctor density curves to establish the optimum density moisture relationship for the subgrade soil and the proposed flexible base material.
 - (2) Gradation and soil constants (Atterberg limits) tests to determine the suitability of the proposed flexible base material.
 - (3) Tests during the construction phase to determine if subgrade and flexible base material have been placed as specified.
 - (4) The proper tests to determine if the pavement surfacing meets the requirements of the specifications. (2004 Code, sec. 159.61)

Sec. 10.03.123 Alleys

- (a) Commercial and industrial areas. Alleys shall be provided in commercial and industrial districts where other definite and ensured provisions are not made for service access, such as off-street loading, parking and firefighting access consistent with [and] adequate for the uses proposed.
- (b) Residential areas. Alleys may be provided in residential areas.
- (c) Alley width. All alleys shall be paved. The minimum width of the alley right-of-way shall be 20 feet and the minimum pavement width shall be ten feet.
- (d) Turnouts. Alley turnouts shall be paved to the property line and shall be at least 12 feet wide at that point. Paving radii where alleys intersect thoroughfares shall be 20 feet, and shall be ten feet at intersections with all other streets.
- (e) Intersections. Alley intersections and sudden changes in alignment shall be avoided, but where necessary, lot corners shall be cut off at least 15 feet on each tangent to permit safe vehicular movement.
- (f) Fences. Where driveways connect to alleys, fences shall only be constructed along the rear line and driveway such that the fence corner is angled, providing a cut-off at least five feet from both the alley and driveway.
- (g) Dead-end alleys. Dead-end alleys shall be avoided wherever possible, but if unavoidable, shall be provided with adequate outlet or turnaround, as determined by the commission.
- (h) Paving.
 - (1)
 - (A) The Portland cement concrete shall be of a design mix using not less than five sacks of cement per C.Y. of concrete to provide 3,000 per square inch compressive strength at 28 days after placing.
 - (B) Concrete shall be six inches in thickness and reinforced with no. 3 reinforcing bars on 24-inch centers [centers]. Pre-molded impregnated expansion joint material not less than 1/2 inch thick shall be placed transversely at intervals not to exceed 30 feet in length.
 - (2) Alleys shall have an inverted crown surface thickness of not less than four inches.
 - (3) The city engineer or his or her designated representative shall accept all phases of the construction of alley pavement. (2004 Code, sec. 159.62)

Sec. 10.03.124 Easements

- (a) Use. Where necessary to provide access for the purposes of maintenance, construction or other service, easements shall be provided for poles, wires, conduits, storm sewers, sanitary sewers, water lines, open drainage, floodplains, gas lines or other utilities. Such easements may be required across parts of lots, including rear and side lot lines, where alleys are not provided.
- (b) Size. Where possible, easements shall be provided fully located upon one lot. Where such is not feasible, easements shall be not less than 7-1/2 feet on each side of the lot line. Where overhead utility service on poles is allowed, an additional easement of five feet on each side beginning at a plane 20 feet above the ground shall be provided. The full width of easements shall not be less than 15 feet at ground level nor less than 25 feet above ground.
- (c) Fire lanes. Where adequate access for firefighting purposes may not otherwise be provided, easements for fire lanes shall be required. Fire lane easements shall be paved to a minimum of 20 feet in width, shall be maintained by the property owner, shall be marked as such on the ground and shall be kept free and clear at all times. (2004 Code, sec. 159.63)

Sec. 10.03.125 Reservations

- (a) Permitted uses. No land contained in the proposed subdivision shall be reserved for any use other than a use permitted by the zoning ordinance for the district in which the land to be reserved is located.

- (b) Designation on plat. The specific use for which each parcel of land is to be reserved must be shown by appropriate label or description of [on] the plat. Provision for abandonment of must be shown by appropriate label or description of the plat [sic]. Provision for abandonment of a reservation in the future as may be appropriate must likewise be shown on said plat.
- (c) Parks and open space. The location and size of parks (5%) minimum or an equivalent payment per dwelling unit (see fee schedule ordinance) and open space areas shall be in conformance with the comprehensive plan. All areas retained as floodway after approved development shall be reserved for public use, unless other provisions are approved by the city council.
- (d) Schools. The location and size of school sites shall be in conformance with the comprehensive plan and the recommendations of the applicable school district.
- (e) Public facilities. The location and size of sites for public buildings, major utility facilities and related community facilities shall be in conformance with the comprehensive plan and the recommendations of the plan administrator. (2004 Code, sec. 159.64)

Sec. 10.03.126 Improvements

(a) Monuments and markers.

- (1) Concrete monuments six inches in diameter and 24 inches long, shall be placed [on] at least two block corners, boundary corners or angle points for each plat or each phase of a multi-platted area or subdivision. A 1/2-inch iron reinforcing bar shall be embedded at least 18 inches in the concrete monument and placed at the exact intersecting point on the monument. The iron bar should extend from 1/8 to 1/4 of an inch above the concrete. The monuments shall be tied into the plant [plane] coordinates for the Lambert Conformal Conic Projection for Texas, North Central Zone. Reference may be made to Special Publication No. 252, Plant [Plane] Coordinate Projection Tables for Texas, published and printed by United States Department of Commerce, Coast and Geodetic Survey. The monuments shall be set at such an elevation that they will not be disturbed during construction and the top of the monument shall be not less than 12 inches below the finish ground elevation.
- (2) Lot markers shall be 1/2-inch reinforcing bar, 18 inches long, or approved equal and shall be placed at all lot corners flush with the ground or below ground if necessary in order to avoid being disturbed.
- (3) Where no benchmark is established or can be found within 300 feet of the boundary of the subdivision, such benchmark shall be established as a monument and shall be readily accessible and identifiable on the ground and shall be recorded on city benchmark datum.

(b) Underground utilities.

- (1) All services for utilities shall be made available to each lot in such a manner so as to eliminate the necessity for disturbing the street and alley pavement, curb, gutter, sidewalks and drainage structures when connections are made. All necessary utility taps shall be furnished at the developer's expense.
- (2) All electric, telephone utilities, street lighting and cable television shall be underground except where conditions do not warrant underground installations. The use of above-ground utilities may be considered on an individual case basis if the services are placed on the rear property lines.
- (3) All support equipment (transformers, amplifiers, switching devices, and the like) necessary for underground installations shall be pad mounted or placed underground.
- (4) The electric utility company shall be responsible for developing administrative policies and cost reimbursement procedures for the installation and extension of underground electric service. These policies shall permit the electric company to recover the cost differential between extending and installing overhead and underground service.
- (5) The developer shall furnish all easements and right-of-way necessary for construction of electric, gas, street lighting, telephone and cable television service to the subdivision.
- (6) Overhead services may not be permitted to cross public rights-of-way.

(c) Sidewalks. Sidewalks shall be installed:

- (1) On the subdivision side of all arterial streets adjacent to the subdivision and not parallel[ed] by a marginal access street;
- (2) On the subdivision side of all collector streets and adjacent to the subdivision if no adequate sidewalk exists on the opposite side of the street;
- (3) On the residence side of all marginal access streets whether adjacent to the subdivision or internal;
- (4) On both sides of all internal arterial streets not paralleled by a marginal access street;
- (5) On the north or east side of all internal collector streets;
- (6) At least one foot from the curb but not located over any underground utilities;
- (7) As deemed necessary by the commission in commercial, industrial, public and multifamily areas;
- (8) As additional to the above and as the subdivider may desire; and shall be constructed of 2,000 psi concrete having a width of not less than four feet and a minimum thickness of four inches.

(d) Street lighting and signs. Streetlights shall be installed by the subdivider at all street intersections within the subdivision and adjacent intersections on the north and east boundaries of the subdivision.

- (1) Street lighting shall conform to the latest edition of the Illuminating Engineering Society Handbook.
- (2) Lighting levels shall be recommended for:

- (A) Very light traffic in residential area.
- (B) Medium traffic on feeder streets.
- (C) Heavy traffic on thoroughfares.
- (3) Streetlights shall be as manufactured by Kim Standards or approved equal.
- (4) The initial cost of installation, operation and maintenance for the first year shall be paid by the developer to the city. Maintenance and operation after this period shall be provided by the city.
- (5) Street signs shall be installed and paid for by the subdivider at all intersections within or abutting the subdivision. Such signs shall be of a type approved by the city and shall be installed in accordance with the standards of the city.
- (e) Storm sewers. An adequate storm sewer system consisting of inlets, pipes and other underground drainage structures with approved outlets shall be constructed where runoff of stormwater and the prevention of erosion cannot be accomplished satisfactorily by surface drainage facilities.
- (f) Streets. Construction of streets and alleys shall be in conformance with the standard construction specifications of the city as promulgated by the city engineer. Minimum acceptable pavement for streets shall be as shown in appendices A, B, or C.
 - (1) Thoroughfares: Minimum of eight-inch reinforced concrete pavement (3,000 pounds per square inch) with six-inch integral concrete curbs or an acceptable design of equal quality and life.
 - (2) The developer shall pay the entire cost of constructing all streets and curbs.
- (g) Sewage collection and treatment system.
 - (1) All subdivisions shall be provided with sanitary sewer service from the city with the exceptions of subsections (6) through (10) of this section. Sanitary sewer service from any other sanitary sewer systems shall be prohibited.
 - (2) All sewer pipe shall be vitrified clay, PVC or approved equal.
 - (3) All joints shall be of the pre-molded type conforming to the applicable ASTM standard.
 - (4) If possible, sewer lines shall be located in the alleys or easements and shall be a minimum of five feet deep to invert.
 - (5) Connection with the city's sanitary sewer system shall be required except where the city engineer determines that such connection will require unreasonable expenditure when compared with other methods of sewage disposal.
 - (6) When septic tanks are permitted (only for lots 1.0 acre or greater), the developer shall conduct percolation tests under the supervision of a registered professional engineer or registered sanitarian in accordance with requirements of the state commission on environmental quality in order to determine the adequacy of proposed lot sizes and the soil.
 - (7) No permit shall be issued by the Collin County health department or by the city for the installation of septic tanks upon any lot in a subdivision for which a final plat has not been approved and filed for record, or upon any lot in a subdivision in which the standards contained herein, referred to herein, or applicable under state of [or] federal law have [not] been complied with in full.
 - (8) No permit shall be issued by the Collin County health department or by the city for the installation of a septic tank(s) if adequate sewer service is or will be feasibly available within 200 feet of the property line of the lot to be served.
 - (9) All septic tank systems must comply with "Construction Standards for Private Sewage Facilities," published by the state commission on environmental quality.
 - (10) If a sanitary sewage treatment system is to be installed, the plans for such system shall be approved by and a permit secured from the state commission on environmental quality prior to approval of the final plat by the city council.
 - (11) The sewage collection system shall be designed to handle the anticipated flow of sewage from within the subdivision, including development to future sections of the same subdivision. Recognized engineering design criteria in accordance with the requirements of the state commission on environmental quality shall be used to design the system.
 - (12) All sewer lines shall be on such a grade as to provide a minimum velocity of two feet per second with using an "N" value of 0.013 in the Manning Formula.
 - (13) The minimum size line, excluding house service lines, shall be eight inches in diameter.
 - (14) Manholes shall not be spaced more than 400 [feet] apart and shall be provided at all changes in grade, direction and pipe size.
 - (15) The city may require larger sewer lines than are necessary to serve the subdivision and future development of the area. In the event that said larger lines are required, then the developer shall be entitled to participating aid from the city on said oversized lines, when the city funds become available.
 - (16) Should the subdivision or addition abut and use a sewer main of the city, the developer shall pay the city a "pro rata" charge as necessary.
 - (17) Should a lift station, either temporary or permanent be necessary to necessary to [sic] provide sanitary sewer service to the subdivision, the developer shall construct the station and all appurtenances at his or her own expense. If and when the lift station is no longer needed, the installation will, unless other provisions are made, remain the property of the city for reuse or disposal.
 - (18) Sewer service for each lot shall have a minimum internal diameter of four inches. Minimum cover at the property shall be four feet. Red tracer tape is needed to indicate location of the sewer stub-out.

- (19) Off-site sewer utilities shall be constructed by developers at no expense to the city.
- (20) Prior to acceptance, the sanitary sewers shall be subjected to an air test, leakage test or mandrel test.
- (21) All force mains, stream crossings, railroad crossings and road bores shall be ductile iron pipe.
- (22) All railroad crossings and road bores shall be encased in a steel carrier pipe.
- (23) The city engineer may require the developer (contractor) to provide a TV examination of the sewer prior to acceptance if the sewer line is in question. The cost will be borne by the contractor.
- (24) The engineering design shall conform to the criteria set forth in WPCF Manual of Practice No. 9, latest edition, as published by the American Society of Civil Engineers and the Water Pollution Control Federation and/or Design Criteria for Sewage Systems, published by the state commission on environmental quality. (2004 Code, sec. 159.65)

(h) Water.

- (1) All subdivisions shall be provided with water service from the city. Water service from any other water system shall be prohibited.
- (2) Water lines shall be laid in easement ROW and alleys.
- (3) Where water lines are to be installed on private property, the developer shall secure the necessary easements in the name of the city.
- (4) Water mains shall be a minimum of six-inch nominal internal diameter.
- (5) In a residential development, water services for each lot shall be a minimum of one-inch type K copper or copper tube size (CTS) polyethylene (PE). Each service shall be provided with one in-line nylon ball cut-off valve. Service to each lot shall have a minimum cover of 18 inches.
- (6) Valves shall be located such that the distance between valves is a maximum of 600 feet on 12-inch and smaller lines. On larger lines, spacing subject to approval of city engineer. Valves shall be furnished with extensions such that the working nut is a maximum of 48 inches below grade.
- (7) Fire hydrants shall be located such that the horizontal distance to any structure in a residential area does not exceed 500 feet laying length to commercial areas. The horizontal distance shall not exceed 300 feet laying length. Fire hydrants shall be located 2-1/2 feet from back of curb.
- (8) All fire hydrants shall be painted by the developer in accordance with the size of the line constructed:
 - (A) Six-inch line: silver;
 - (B) Eight-inch line: blue.
- (9) Reflective fire hydrant spotters shall be installed in all streets at a point adjacent to the fire hydrants.
- (10) Should the subdivision or addition abut and use a water main of the city, the developer shall pay the city's "pro-rata" charge as necessary.
- (11) When PVC pipe is used, 12-gauge single strand wire or tracer tape, blue in color, shall be installed in the backfill material 24 inches above the top of the pipe in accordance with the manufacturer's recommendations.
- (12) Water lines shall be installed with a minimum cover over the top of the pipe 42 inches.
- (13) Water lines shall be disinfected in accordance with AWWA standards.
- (14) PVC pipe shall have a six-inch sand bedding, six inches of sand on each side of and 12 inches of sand over top of pipe.
- (15) The engineering design shall conform to the latest criteria set forth in the AWWA Standards, as published by the American Water Works Association. (Ordinance 2013-36 adopted 12/10/13)

(i) Fiber optic network conduit and fiber optic cable.

- (1) Requirements. All subdivisions and road improvement and other capital improvements projects involving the creation of new improved streets, alleys, roadways, sidewalks or walkways by the city or any other person or entity, including private developers, or the installation of any new drainage or sewer pipes or underground infrastructure within city property, easements or public rights-of-way, or the widening of existing public streets, alleys, roadways, sidewalks or walkways, shall include as part of their projects and the costs thereof the construction and installation of fiber optic network conduit that contains at least one fiber optic cable within city property, easements, or public rights-of-way to which the city has access or ownership as well as installation and construction of proper appurtenances and attendant facilities thereto, which shall be located parallel to the nearest public street or roadway and meets or exceeds specifications of emerging industry standards for provision of ultra-speed broadband service, with the exact locations of such infrastructure and the specifications of which to be determined by the city engineer or his or her designee in reliance on such industry standards and consideration of the needs, objectives and findings of the city's gigabit city initiative. The following additional requirements shall also apply:
 - (A) In addition to installing fiber optic network conduit, the party constructing the street will be required to install such vaults, manholes, hand-holes and other appurtenances and facilities as are necessary or needed to accommodate installation and connection of fiber optic cable within the fiber optic network conduit.
 - (B) All construction and installation required in this subsection shall be accomplished according to construction standards adopted by the city engineer or the city's designee in consideration of the needs of the city's gigabit city initiative. Such standards shall be adopted with due consideration given to existing and anticipated technologies and industry standards.

- (C) All fiber optic network conduit, fiber optic cable, facilities and appurtenances installed by private parties or developers or by persons or entities other than the city pursuant to this section shall be conveyed and dedicated to the city either with or as part of the dedication and conveyance of the public street and/or right-of-way to the city or otherwise.
- (D) All construction and installation costs shall be the responsibility of the party constructing the public street, roadway or improvements project that falls within the purview of this section.
- (2) **Definitions.** For purposes of this subsection, the following terms have the meanings ascribed below:
- Fiber optic cable. A minimum 288-count fiber cable bundle.
- Fiber optic network conduit. A minimum four inch (4") conduit containing a minimum of four (4) inner-ducts used to enclose or carry fiber optic cable or other wires or lines and attendant parts and accessories buried alongside a roadway or surface mounted on bridges, overpasses and other facilities where below-ground placement is impossible or impractical, all in accordance with emerging industry standards and as determined by the city engineer or his or her designee.
- (3) **Use by broadband service providers.** Whenever fiber optic network conduit and/or fiber optic cable installed or to be installed under this subsection is available or will become available within a newly constructed public street or right-of-way or other improvements project that falls with the scope or purview of this subsection upon dedication, all broadband service providers thereafter locating fiber optic cable, wire or lines within or along such street or right-of-way shall be required to use available dark fiber (currently unused fiber optic strands) within the then-existing infrastructure or to locate their cable, wire or lines within such fiber optic network conduit unless it can be demonstrated to the reasonable satisfaction of the city engineer that such use or location is not technologically feasible or reasonably practicable or unless such provider is exempt or otherwise not required by other law to comply with the provisions of this subsection. Fiber optic cable and strands as well as fiber optic network conduit capacity shall be allocated to broadband service providers on a first-come, first-served basis; provided, however, that the city may reserve capacity within such fiber and conduits for its own use; and provided further, that the city engineer may adopt additional reasonable rules for fiber optic cable or strand and fiber optic network conduit allocation in order to ensure that all broadband service providers have reasonable access to the city's rights-of-way and that no barriers to entry or competition result from the allocation of cable, strand or conduit space.
- (4) **Fees.** Any person or entity constructing fiber optic network conduit or installing fiber as required by this subsection shall pay a nonrefundable fee in an amount as provided for in the [fee schedule](#) of the city for the city to recover its costs incurred for plan review, engineering design and approval, purchasing materials, and costs associated with issuing, processing, and verifying applications, inspecting job sites and restoration improvements, and other costs the city may incur in implementing the provisions of this subsection. The city reserves the right to charge reasonable fees for the use of fiber optic cable and fiber optic network conduit and attendant accessories, facilities and infrastructure installed pursuant to this section, to the extent consistent with and as limited by federal and state laws and regulations. Any such fee amounts shall be established in the [fee schedule](#) of the city. (Ordinance 2017-22 adopted 5/9/17)

Sec. 10.03.127 Drainage

All stormwater drainage infrastructures shall be designed and constructed in compliance with those standards set forth in the city Storm Drainage Design Manual, dated March 2006, as referenced in [section 13.06.001](#) of the city Code of Ordinances. (2004 Code, sec. 159.66)

Sec. 10.03.128 As-built plans

After construction is completed, the developer shall provide the commission a set of as-built plans of all streets, alleys, sidewalks, drainage, underground utilities, signs, signals, street lighting and any other pertinent physical improvement of the subdivision. (2004 Code, sec. 159.67)

Sec. 10.03.129 Median landscaping

Landscaping improvements shall be installed within the medians of all proposed or planned or divided roadways within the city limits as shown on the city master thoroughfare plan. Frontage is wherever a property abuts the right-of-way of the divided thoroughfare, and separate frontages exist on each side of the thoroughfare.

- (1) **Applicability.** Only developments or subdivisions abutting or adjacent to a divided roadway, as defined in the master thoroughfare plan, shall be subject to this section.
- (2) **Developer obligation.** The subdivider or developer shall be fully responsible for the construction and installation of the required landscaping and maintenance of the improvements for a period of one year. During the first year following installation, the subdivider or developer shall replace any tree, shrub, sod, groundcover or hardscape in substandard condition. Following the first year, the director of engineering and public works shall inspect the installation and determine what, if any, plant materials and/or hardscape must be replaced prior to the city taking over maintenance.
- (3) **Installation or deferment.** In the event that the director of engineering and public works, in his sole discretion, determines that the installation of improvements at any given time period is impractical due to further road construction or other factors,

the subdivider or developer shall pay a fee-in-lieu into an escrow account for future median landscaping and/or maintenance. This fee-in-lieu of installation is collected once from each frontage and described more fully in subsection (8).

- (4) City participation. At the discretion of the director of engineering and public works, the subdivider may install landscaping across the full width of the median, and be reimbursed by the city for the landscaping provided for the second frontage at the per linear foot of frontage rate or the actual cost of the improvements, whichever is less, if funds are available.
- (5) Plan design burden/escrowed cost. In the case where undeveloped land exists on both sides of a divided public street, the first to develop shall carry the burden of submitting plans for landscaping, hardscape and irrigation of the median, along with escrowing the fee-in-lieu, as described in subsection (8). At the discretion of the director of engineering and public works, the city or county may contribute to this escrow account in order to facilitate the implementation of the landscape plan.
- (6) Installation burden. However, if the city declines to participate in the immediate landscaping of the median in question, the second to develop will utilize the approved plans (or modify the approved plans with city approval of the modifications) and shall be responsible for the purchase and installation of the median improvements, using the escrowed account from the first developer and shall contribute an equal amount to the overall cost of the median landscaping. In the event that the original escrow amount has fallen short of current material and/or installation costs, the city will make up the difference in cost or the plans shall be modified to be installed within the cost allotted. Any surplus funds shall be placed in the city's landscape maintenance account.
- (7) Minimum requirements for median landscaping.
 - (A) All trees and plant materials shall be chosen from the city's approved plant list;
 - (B) One ornamental tree per thirty (30) linear feet of median. Ornamental trees shall be a minimum two-inch (2") caliper and eight feet (8') in height at time of planting and shall be used primarily as accent trees near the median nose and dispersed within the canopy trees;
 - (C) One canopy tree per thirty (30) linear feet of median, with a minimum of four-inch (4") caliper trunk, and a well-formed canopy that is typical of the species. Canopy trees shall be planted no closer than thirty (30) feet from streetlights located in the median, no closer than twenty (20) feet to an intersection, and no closer than fifteen (15) feet from any overhead electrical line;
 - (D) Ornamental and canopy trees need not be evenly spaced and may be clustered for a more pleasing aesthetic effect;
 - (E) When the nose of a median is tapered to five (5) feet or less, that portion of the median shall be paved with bricks placed to align with the top of curb;
 - (F) A minimum of twenty percent (20%) of the landscaped area shall be planted in evergreen shrubs, ground cover and/or native grasses;
 - (G) Planting beds shall be separated from turf grass using 14-gauge steel edging to define ground cover beds and reduce weed incursion;
 - (H) Irrigation installation shall include bubblers or drip irrigation for all canopy and ornamental trees and irrigation to uniformly water the planting beds and shall be equipped with rain-freeze sensors; and
 - (I) Landscape and installation plans shall be subject to review and approval by the director of planning and development services and the director of engineering and public works. The location and placement of landscaping shall conform to the city street design standards and shall be placed to accommodate the ultimate number of traffic lanes, although shrubs, native grasses and ornamental trees may be placed in future traffic lanes if it is determined that these lanes will likely not be constructed in less than ten (10) years.
- (8) Fee-in-lieu. Should the director of engineering and public works, at his sole discretion, determine that the immediate installation of median landscaping is impractical; a fee-in-lieu of construction shall be collected and placed in escrow at a rate of \$25.00 per linear foot of median length for one-side frontage and \$50.00 per linear foot of median length if the development is adjacent to both sides of the roadway. The fee-in-lieu shall be collected prior to plat filing. Said fees-in-lieu of installation shall be applied to construction, reconstruction, upgrading, and installation of median landscaping of divided roadways within the adjacent median landscape areas, as shown on attachment A to Ordinance 2015-78. Any fees not expended within ten years of collection shall be returned to the developer or subdivider who deposited the fees with the city.
- (9) Notwithstanding the provisions of subsection (8), hereinabove, the city shall not be required to return fees that have not been expended if roadway medians have not been constructed on divided roadways within the adjacent roadway benefit area thus preventing the purchasing, planting, growing and/or irrigation of the required standard median landscaping. The time period for the expenditure of fees escrowed with the city for the construction of median landscaping shall not begin to run until such time as the roadway medians have been constructed on such divided roadways, the roadway medians have been accepted by the city, and the roadway medians are ready for standard median landscaping. (Ordinance 2015-78 adopted 12/7/15)

Division 5. Enforcement

Sec. 10.03.161 Standard specifications

The specifications for materials and workmanship shall conform to the latest edition of the Standard Specifications for Public Works Construction, published by the North Central Texas Council of Governments. (2004 Code, sec. 159.80)

Sec. 10.03.162 Observation of construction

- (a) The city engineer, or his or her duly authorized representatives, shall make periodic observation of the construction of improvements for subdivision. Inspection of improvements by the city engineer or his or her representative, is not intended to and does not relieve the subdivider or his or her contractor, from ensuring that the improvements are constructed in accordance with the accepted plans and specifications. The subdivider or his or her contractor, shall maintain contact with the city engineer or his or her representative during construction of improvements.
- (b) No sanitary sewer, water or storm sewer pipe shall be covered without approval of the city engineer or his or her representative. No flexible base material, subgrade material or stabilization shall be applied to the street subgrade without said approval. No concrete shall be poured nor asphaltic surface applied to the base without said approval of city engineer.
- (c) The city engineer or his or her representative, may at any time cause any construction, installation, maintenance or location of improvements to cease when, in his or her judgment, the requirements of this article or the standards and specifications as hereinbefore provided have been violated. Any violation may require such reconstruction or other work as may be necessary to correct any such violation at the expense of the developer. The cost of materials testing shall be borne by the developer. (2004 Code, sec. 159.81)

Sec. 10.03.163 Maintenance bond

The subdivider shall furnish a good and sufficient maintenance bond in the amount of 100% of the contract price of all public improvements or in such amount as approved by the city engineer, with a reputable and solvent corporate surety in favor of the city, to indemnify the city against any repairs which may become necessary to any part of the construction of public improvements in connection with the subdivision, arising from defective workmanship or materials used therein, for a full period of two years from the date of final acceptance of the improvements. Final acceptance will be withheld until said maintenance bond is furnished to the city and approved by the city attorney. (2004 Code, sec. 159.82)

Sec. 10.03.164 Filing, plat and other fees

- (a) The fees and charges shall be paid to the city when any preliminary plat or final plat or other filing is tendered to the planning and zoning commission or any other authorized board or agency of the city. Each of the fees and charges provided herein shall be paid in advance and no action of the commission or any other board or agency of the city shall be valid until the fees and charges shall have been paid to the city.
- (b) Except as hereinbefore provided, these fees and charges shall be charged on all plats and filings, regardless of the action taken by the commission or any other board or agency of the city and whether the plat or filing is approved or denied by the city council. All fees are listed as shown in the city fee schedule ordinance, which is a bound and separate document. (2004 Code, sec. 159.83)

Sec. 10.03.165 Penalty

Any person, firm or corporation who shall violate any of the provisions of this article or who shall fail to comply with any provisions hereof shall be guilty of a misdemeanor and upon conviction, shall be subject to a fine not to exceed \$200.00, and each day that such violation continues shall constitute a separate offense and shall be punishable accordingly. (2004 Code, sec. 159.99)



Development Services
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
From: Kim Brawner, Director of Engineering
CC: Jason Laumer, City Manager
Date: July 10, 2018
Re: Ordinance Amending Parking Lot Regulations

Action Requested:

The Celina City Council will conduct a public hearing to consider testimony and act upon an ordinance amending the City's Code of Ordinances, Chapter 3: Building Regulations, Article 3.09, Driveways and Parking Lots, to modify the requirements for parking lots for non-profit organizations and to bring certain driveway and parking lot construction standards into compliance with the adopted Engineering Design Standards. (Parking Lot Standards) (Brawner)

Background Information:

A request was made by a local church to install a temporary parking area. Staff proposes implementing a standard policy by incorporating a temporary parking section in Section 3.09, "Driveways and Parking Lots," of the Code of Ordinances. This would allow limited use of temporary, unpaved parking by non-profit organizations. The Internal Revenue Service (IRS) defines a non-profit organization as a "business granted tax-exempt status which are sometimes called NPOs or 501(c)(3) organizations based on the section of the tax code that permits them to operate." Use of the temporary surface material is allowed for a maximum of three (3) years before a permanent parking surface must be installed. The only temporary surface material allowed is gravel. Materials not allowed include mulch, grass, and shredded recycled rubber tires.

In addition, the Engineering Department proposes minor changes in the same Section 3.09, "Driveways and Parking Lots," to bring the listed standards for driveways and fire lanes into compliance with those requirements listed in the *Engineering Design Manual*. At the Planning and Zoning Commission meeting of May 15, 2018, the Commission suggested that the proposed standards for private driveways were too onerous and would add unwarranted costs to the construction of these private drives. The Commission voted to table the decision on this item until further information could be gathered.

The Engineering staff completed a sidewalk and driveway survey of local communities. It was determined that 3,600 strength (psi) is the standard for residential driveways. The proposed ordinance text language has been changed to reflect this standard.

COMPARISON OF RESIDENTIAL DRIVEWAY STANDARDS			
<i>City</i>	<i>Residential Driveways</i>		
	<i>Rebar (OC)</i>	<i>Thickness</i>	<i>Strength</i>
Celina	#4 @ 18"	6" minimum	3600
McKinney	#3 @ 18"	match roadway	3000
Irving	#4 @ 18"	6" minimum	no specifics
Mansfield	#3 @ 18"	match roadway	3600
Allen	#3 @ 12"	6" minimum	3600
TxDOT	#3 @ 12"	6" minimum	3600
NCTCOG	#3 @ 24"	no specifics	no specifics
	#4 @ 30"		

Board Review/Citizen Input:

The Planning and Zoning Commission, at the regular meeting held on June 19, 2018, voted unanimously to recommend approval of the proposed changes to Celina's parking standards.

A notice of the public hearing was published in *The Celina Record* on June 1, 2018. At the time of packet preparation, staff had received no comments either for or against the proposal.

Alternatives:

N/A

Financial Considerations:

N/A

Legal Review:

The City Attorney has reviewed the ordinance and found it to be acceptable.

Supporting Document:

- Proposed Ordinance

Staff Recommendation:

Staff recommends approval.

CITY OF CELINA, TEXAS
ORDINANCE NO. 2018 _____
PARKING REGULATIONS

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS, AMENDING NO. 1997-07, AS HERETOFORE AMENDED, THE SAME BEING CHAPTER 3, BUILDING REGULATIONS, ARTICLE 3.09, DRIVEWAYS AND PARKING LOTS, REPLACING THE CURRENT ARTICLE 3.09 WITH A NEW ARTICLE 3.09, ENTITLED “DRIVEWAYS AND PARKING LOTS;” PROVIDING FOR INCORPORATION OF PREMISES; PROVIDING FINDINGS; PROVIDING FOR AMENDMENT TO THE CODE OF ORDINANCES; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTY, PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Celina is a home rule municipality located in Collin County and Denton County, Texas created in accordance with the provisions of the Texas Local Government Code, the Texas Constitution and operating pursuant to the enabling legislation of the state of Texas; and

WHEREAS, the City Council of the City of Celina, Texas is empowered under Local Government Code 54.001 to do all acts and make all regulations which may be necessary or expedient for the promotion of the public health, safety and general welfare; and

WHEREAS, Title 7 Chapter 211.003 of the Texas Local Government Code, empowers a municipality to, among other things, establish an orderly provision of adequate public facilities to serve new development in the city and enhance the aesthetics of the city as a whole; and

WHEREAS, the City Council of the City of Celina, Texas (“City Council”) desires to regulate the landscaping of medians in the City of Celina (“City”); and

WHEREAS, the City Council, has determined that regulating the development of median landscaping is necessary to promote responsible land and economic development, and to protect the public health and safety.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS:

SECTION 1
INCORPORATION OF PREMISES

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2
FINDINGS

After due deliberations the City Council has concluded that the adoption of this Ordinance is in the best interest of the City of Celina, Texas and of the public health, safety and welfare.

SECTION 3
AMENDMENTS

3.01. That the Celina Code of Ordinances, Chapter 3: Building Regulations, Article 3.09, Driveways and Parking Lots, is hereby revoked and replaced with a new Article 3.09, Driveways and Parking Lots, as follows:

Attachment: Ordinance - Parking Regulations (Parking Lot Regulations)

“ARTICLE 3.09 DRIVEWAYS AND PARKING LOTS

Sec. 3.09.001 Penalty

Any person violating or failing to comply with any provision of this article shall be fined, upon conviction, in an amount not more than \$500.00. Separate offenses shall be deemed committed each day during or on which a violation occurs or continues. (2004 Code, sec. 151.99(B))

Sec. 3.09.002 Purpose and intent; area of jurisdiction

The purpose and intent of this article is to provide minimum standards, provisions and requirements and to provide for suitable materials and methods of construction for newly constructed or reconstructed residential or commercial driveways and parking lots hereafter constructed or reconstructed within the corporate limits of the city or within any subdivision of the city located in the extraterritorial jurisdiction of the city. (2004 Code, sec. 151.20)

Sec. 3.09.003 Minimum construction standards

All new driveways and parking lots and all existing driveways and parking lots being constructed or reconstructed within the corporate limits of the city or within any subdivision located in the extraterritorial jurisdiction of the city shall be constructed or reconstructed to provide and meet the following minimum standards, materials and methods of construction:

(1) Driveways and fire lanes.

- (A) Residential: Minimum ten feet wide, five-inch (5”) concrete, #3 rebar, 18-inch on center each way, and 3,600 psi.
- (B) Commercial: Non fire lane parking shall be a minimum of five inch (5”) concrete, #3 rebar, 18-inch on center each way, 30-foot turning radius, 3,600 psi on six-inch lime stabilized subgrade. Two inches (2”) extra concrete may be used in lieu of lime or cement-stabilized subgrade.
- (C) Fire lanes: Fire lanes shall be a minimum of six (6) inches thick with a six inch (6”) lime or cement stabilized sub base, #3 rebar, 18-inch on center each way, 30-foot turning radius, and have a minimum strength of 4,000 psi. Two inches (2”) extra concrete may be used in lieu of lime or cement-stabilized subgrade.

(2) Parking lots.

- (A) Permanent parking lots (Non fire lane). Minimum five-inch concrete, #3 rebar, 18-inch on center each way, 3,600 psi on compacted subgrade.
- (B) Not-for-profit temporary parking lots. Allowed only for not-for-profit organizations, as defined by the Internal Revenue Service (IRS), and limited to a maximum of three (3) years.
 - a) Permit required.
 - b) Proof of not-for-profit status must be provided with the application.
 - c) Applicants must own the property on which the temporary parking will be placed.
 - d) Applicants who are requesting a temporary parking lot for overflow parking for an existing land use must have met or meet all the required parking for the land use with permanent parking constructed to the standards listed in Section 3.09.003(2)(A), above.
 - e) Applicants who are requesting a temporary parking lot for a new structure must agree to provide the required parking for the land use with permanent parking constructed to the standards listed in Section 3.09.003(2)(A), at the end of the time period allowed for the temporary unpaved parking lot. Failure to install permanent parking for all required spaces may result in the loss of the Certificate of Occupancy.
 - f) Extensions of up to twelve (12) months may be allowed at the discretion of the City

- Manager.
- g) Material allowed: gravel.
 - h) Materials not allowed: mulch, grass, and shredded recycled rubber tires.
- (3) Dumpster pads and related sites. Minimum six inch (6”) concrete, #3 rebar, 18-inch on center each way, six-inch lime or cement stabilized subgrade. Two inches (2”) extra concrete can be used in lieu of lime or cement stabilized sub-base.”

SECTION 4

CUMULATIVE REPEALER CLAUSE

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on this date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 5

SAVINGS CLAUSE

All rights and remedies of the City of Celina, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting hotels and motels which have secured at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

SECTION 6

SEVERABILITY

The provisions of the Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the City shall promptly promulgate new revised provisions in compliance with the authority's decisions or enactment.

SECTION 7

PENALTY

Any person, firm or corporation violating any of the provisions or terms of this ordinance or of the Code of Ordinances as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Celina, and upon conviction shall be punished by a fine not to exceed Two Thousand Dollars (\$2000) for each offense.

If the governing body of the City of Celina determines that a violation of this Ordinance has occurred, the City of Celina may bring suit in district court to enjoin the person, firm, partnership, corporation, or association from engaging in the prohibited activity.

SECTION 8

PUBLICATION CLAUSE

The City Secretary of the City of Celina is hereby directed to publish in the Official Newspaper of the City of Celina the Caption, and Effective Date Clause of this Ordinance as required by Section 52.013 of the Local Government Code.

SECTION 9
ENGROSSMENT AND ENROLLMENT

The City Secretary is hereby directed to engross and enroll this Ordinance by copying the descriptive Caption in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

SECTION 10
EFFECTIVE DATE

This Ordinance shall become effective from and after its date of passage in accordance with law.

AND IT IS SO ORDAINED.

PASSED AND APPROVED by the City Council of the City of Celina, Texas this 10th day of July, 2018.

Sean Terry, Mayor
City of Celina, Texas

ATTEST:

Vicki Faulkner, City Secretary
City of Celina, Texas

[SEAL]

APPROVED AS TO FORM:

City Attorney
City of Celina, Texas

Attachment: Ordinance - Parking Regulations (Parking Lot Regulations)



Development Services
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Kim Brawner, Director of Engineering
 CC: Jason Laumer, City Manager
 Date: July 10, 2018
 Re: Thoroughfare Plan Amendment

Action Requested:

The Celina City Council will conduct a public hearing to consider testimony and act upon an ordinance amending the City's Comprehensive Plan, Ordinance 2013-06; to amend the City's Master Thoroughfare documents and exhibits. (Thoroughfare Plan Amendments) (Brawner)

Background Information:

The City of Celina is lacking east/west connectivity north of the Outer Loop. City staff has reviewed the existing Thoroughfare Plan and has determined that modification is necessary to provide the east/west connectivity. Staff proposes the following changes:

1. Upgrade J Fred Smith Parkway to a six-lane roadway the entire length. For those sections that are already constructed, no immediate change will occur. However, future developers will be required to dedicate the necessary expanded right-of-way. This change will also require the modification of the proposed alignment of J Fred Smith Parkway east of Roseland Parkway. The proposed alignment will continue from Roseland Parkway to the east and provide a direct connection to the FM 455 alignment along the existing property lines. J Fred Smith Parkway will follow the existing alignment of FM 455 from Little Elm Creek Tributary #18 (west of the Dallas North Tollway alignment) to Custer Road (FM 2478). The total length of J Fred Smith Parkway will be approximately seven (7) miles long.
2. Modify Lynn Stambaugh Parkway (CR 94) from a six-lane divided roadway to a four-lane divided roadway from Preston Road to Coit Road and terminate Lynn Stambaugh Parkway at Roseland Parkway. The new alignment will swing to the south along property lines and bisect the distance between Ousley Boulevard and J. Fred Smith Parkway. In addition, the City proposes to create a new intersection at Lynn Stambaugh Parkway at Preston Road. TXDoT has plans to install a signal at Lynn Stambaugh Parkway and Preston Road in fall 2018. Since the existing intersections of Lynn Stambaugh and Malone Road at Preston Road (SH 289) are approximately 500 feet apart, signalization of both of these intersections is not possible. At the time of signalization, Malone will be realigned to connect with Lynn Stambaugh and provide a smooth entry into downtown Celina. With the proposed realignment, this proposed roadway segment will be approximately 2.5 miles long.
3. Provide a connection of Glendenning Parkway to Choate Parkway between Preston Road and Coit Road. Currently, the City's Thoroughfare Plan has Glendenning Parkway terminating at Coit Road. Choate Parkway begins at the Outer Loop and continues east to Custer Road (FM 2478). The connection of these two roadways

at the Outer Loop provides another continuous east/west roadway for Celina residents. The realignment of Glendenning Parkway will require creating an additional roadway to connect Glendenning Parkway to Coit. The City of Celina has met with Collin County about a possible grade separation at the Outer Loop/Glendenning/Choate intersection and this modification is under review.

4. Modify Glendenning Parkway from a four-lane divided roadway with 90 to 100 feet of right-of-way to a six-lane divided roadway with 120 feet of right-of-way from Preston Road to FM 1385. This item was the issue that caused two Commissioners to vote against the proposed Thoroughfare Plan update. Both of these Commissioners expressed that Glendenning Parkway should be planned as a six-lane major arterial. Upon further review, this suggestion was adopted by staff.

5. Extend Punk Carter Parkway to Custer Road as a four-lane divided roadway east of Coit Road. Currently Punk Carter Parkway extends from FM 1385 to Preston Road as a six-lane divided roadway. Punk Carter Parkway is reduced to a two-lane collector roadway at Preston Road (SH 289) and then continues through Carter Ranch, Bluewood, and Mustang Lakes subdivisions, where it terminates at Roseland Parkway. By extending Punk Carter Parkway from Roseland Parkway to Custer Road (FM 2478), another continuous east/west roadway will be created. Residents who live in Parks of Wilson Creek, Bluewood, and Carter Ranch will have direct access Custer Road without needing to travel south to Ownsby Parkway or north to Choate Parkway.

6. Since Custer Road (FM 2478), Frontier Parkway (FM 1461), and Preston Road (SH 289) are all state roads and likely to become regional thoroughfares, staff is proposing to increase the right-of-way of each of these roadways from 120 feet to 140 feet. This will allow for six lanes of divided highway, double left turn lanes, and free right turn lanes as needed at intersections. This right-of-way increase would apply on the entire lengths of Preston Road and Custer Road, and along Frontier Parkway from Preston Road to Custer Road.

The proposed realignments serve the City for the long-term growth. However, the City of Celina does not have any immediate plans to construct these roadways. Future development in the areas will generate the need for expansion of the roadways. As existing properties are developed, the new standards will be enforced. For current landowners, no changes will be initiated by the City.

Board Review/Citizen Input:

At the Planning and Zoning Commission meeting on June 19, 2018 the Commission recommended that the Thoroughfare Plan revisions be approved by a 4-2 vote (Yes - Hangartner, Freeman, Bain, Terry; No - Barley, Ousley).

Alternatives:

N/A

Financial Considerations:

N/A

Legal Review:

N/A

Supporting Documents:

- Proposed Thoroughfare Plan Ordinance
- Individual Map Exhibits

Staff Recommendation:

Staff recommends approval.

CITY OF CELINA, TEXAS

ORDINANCE 2018-____
THOROUGHFARE PLAN AMENDMENTS

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS, AMENDING ORDINANCE NO 2013-06, AS HERETOFORE AMENDED, THE SAME BEING THE CELINA COMPREHENSIVE PLAN AND THOROUGHFARE PLAN ORDINANCE, PROVIDING FOR SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AMENDMENTS DESCRIBED IN EXHIBIT “A;” PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Celina is a home rule municipality located in Collin County, and Denton County, Texas created in accordance with the provisions of the Texas Local Government Code, The Texas Constitution and operating pursuant to the enabling legislation of the state of Texas;

WHEREAS, the City Council of the City of Celina, Texas is empowered under Local Government Code 54.001 to do all acts and make all regulations which may be necessary or expedient for the promotion of the public health, safety and general welfare;

WHEREAS, Chapter 213 of the Texas Local Government Code provides rules for the adoption and amendment of municipal comprehensive plans; and

WHEREAS, The City adapted the 2013 Comprehensive Plan on April 30, 2013; and

WHEREAS, The City adapted the 2013 Comprehensive Plan on April 14, 2015; and

WHEREAS, The City desires to modify a portion of said Comprehensive Plan relating to land use and thoroughfares in order to make the Plan consistent with the City’s current subdivision ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS

SECTION 2
FINDINGS

After due deliberations the City Council has concluded that the adoption of this Ordinance is in the best interest of the City of Celina, Texas and of the public health, safety and welfare.

SECTION 3
AMENDMENT

2.01 That Ordinance No. 2013-06 adopting the 2013 Comprehensive Plan is hereby amended by modifying the following particulars set forth in Exhibit “A” Thoroughfare Plan.

2.02 All other maps, legends, articles, chapters, sections, paragraphs, sentences, phrases and words are not amended but are hereby ratified and affirmed.

SECTION 4
SAVINGS

All rights and remedies of the City of Celina, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting the comprehensive plan which have secured at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

SECTION 5 **SEVERABILITY**

The provisions of the Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the City shall promptly promulgate new revised provisions in compliance with the authority's decisions or enactment.

SECTION 6 **PUBLICATION**

The City Secretary of the City of Celina is hereby directed to publish in the Official Newspaper of the City of Celina the Caption and Effective Date of this Ordinance as required by Section 52.013 of the Local Government Code.

SECTION 7 **ENGROSSMENT AND ENROLLMENT**

The City Secretary is hereby directed to engross and enroll this Ordinance by copying the exact Caption and Effective Date clause in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

SECTION 8 **EFFECTIVE DATE**

This Ordinance shall become effective from and after its date of passage and publication as required by.

AND IT IS SO ORDAINED.

PASSED AND APPROVED by the City Council of the City of Celina, Texas this 10th day of July, 2018.

Sean Terry, Mayor
City of Celina, Texas

ATTEST:

Vicki Faulkner, City Secretary
City of Celina, Texas

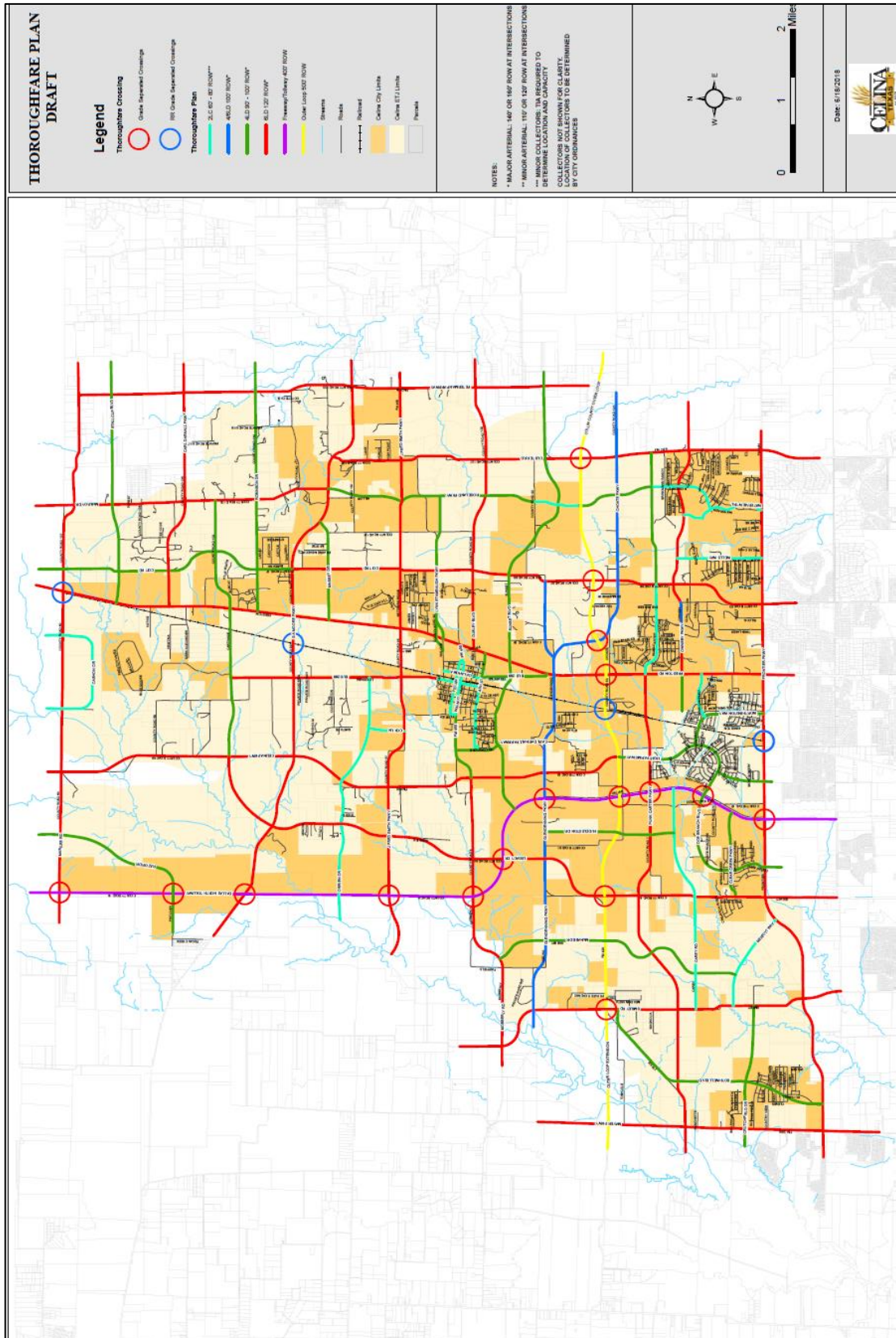
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APPROVED AS TO FORM:

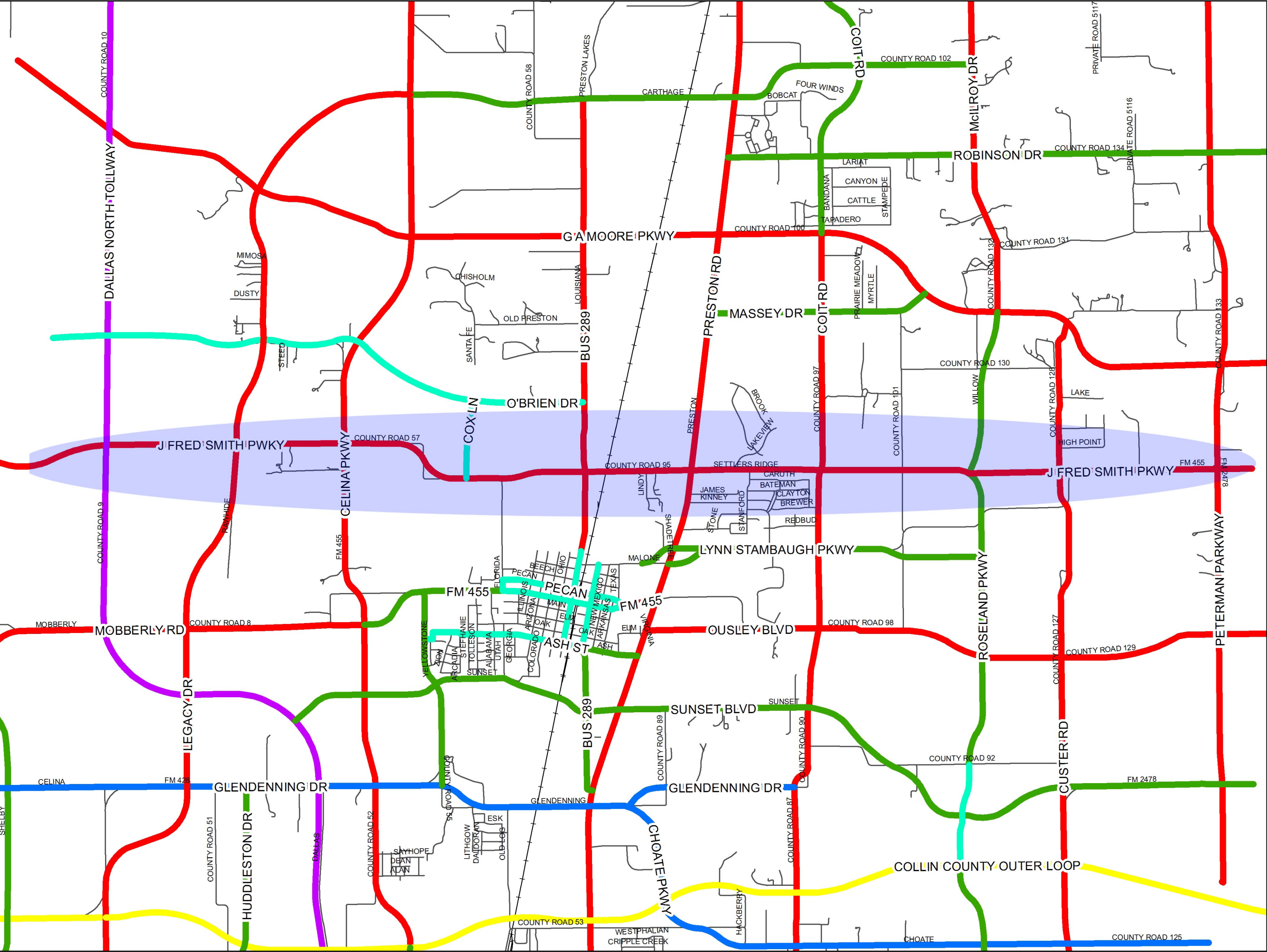
City Attorney
City of Celina, Texas

Attachment: Thoroughfare Plan Ordinance (Thoroughfare Plan Amendment)

Exhibit "A"



J Fred Smith Pkwy



Legend

Draft_TP

Thoroughfare Plan

- 2LC 60' - 80' ROW***
- 4/6LD 100' ROW*
- 4LD 90' - 100' ROW*
- 6LD 120' ROW*
- Freeway/Tollway 400' ROW
- Outer Loop 500' ROW
- Roads
- Railroad

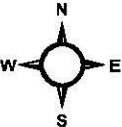
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Date: 6/15/2018

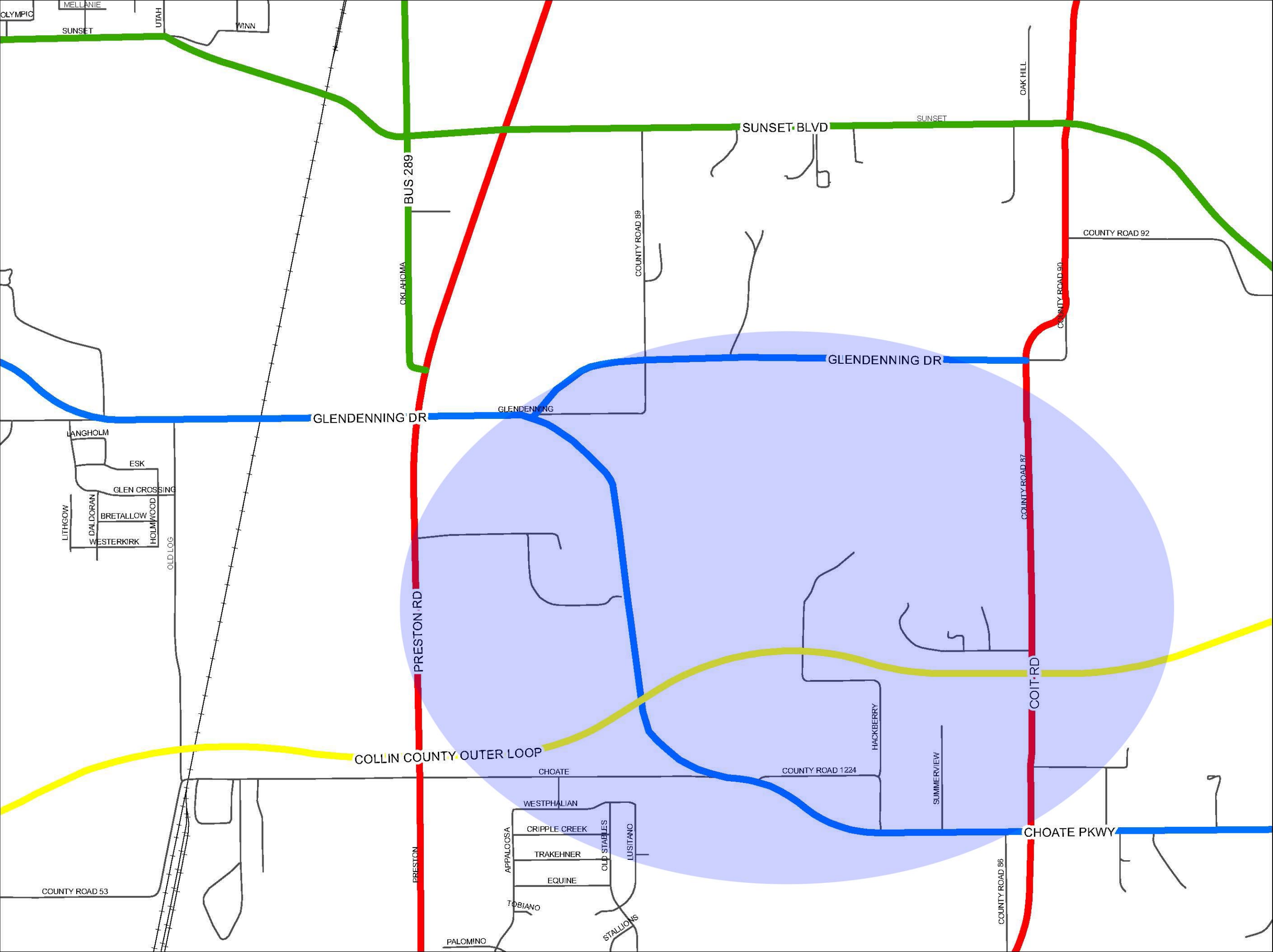
Glendenning Pkwy
Choate Pkwy
Connection

- Legend**
- Draft_TP**
- Thoroughfare Plan**
- 2LC 60' - 80' ROW***
 - 4/6LD 100' ROW*
 - 4LD 90' - 100' ROW*
 - 6LD 120' ROW*
 - Freeway/Tollway 400' ROW
 - Outer Loop 500' ROW
 - Roads
 - Railroad

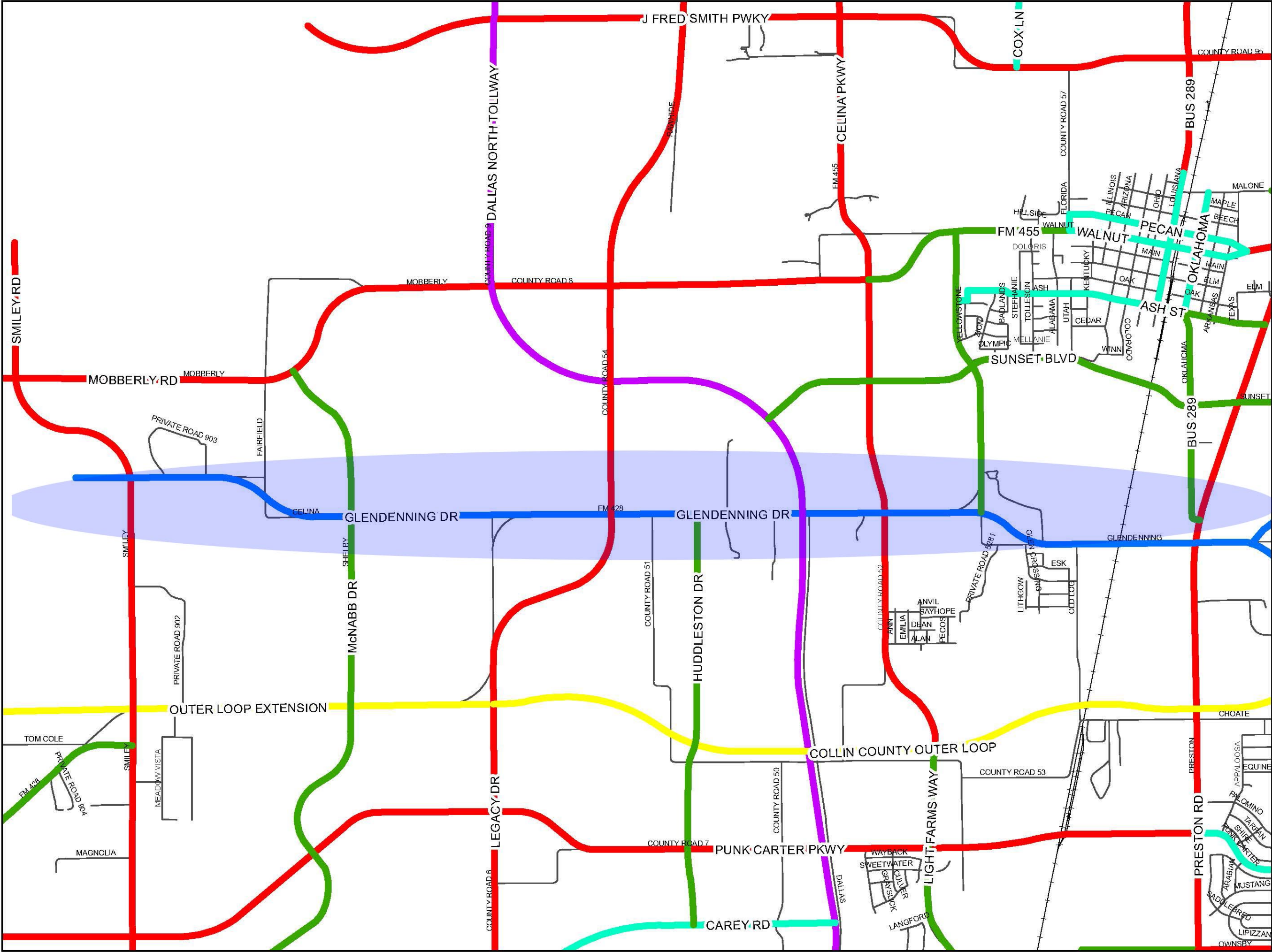


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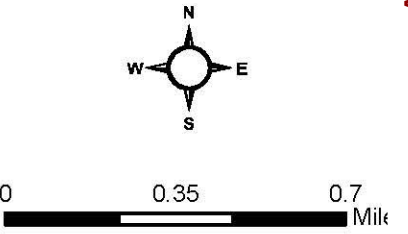
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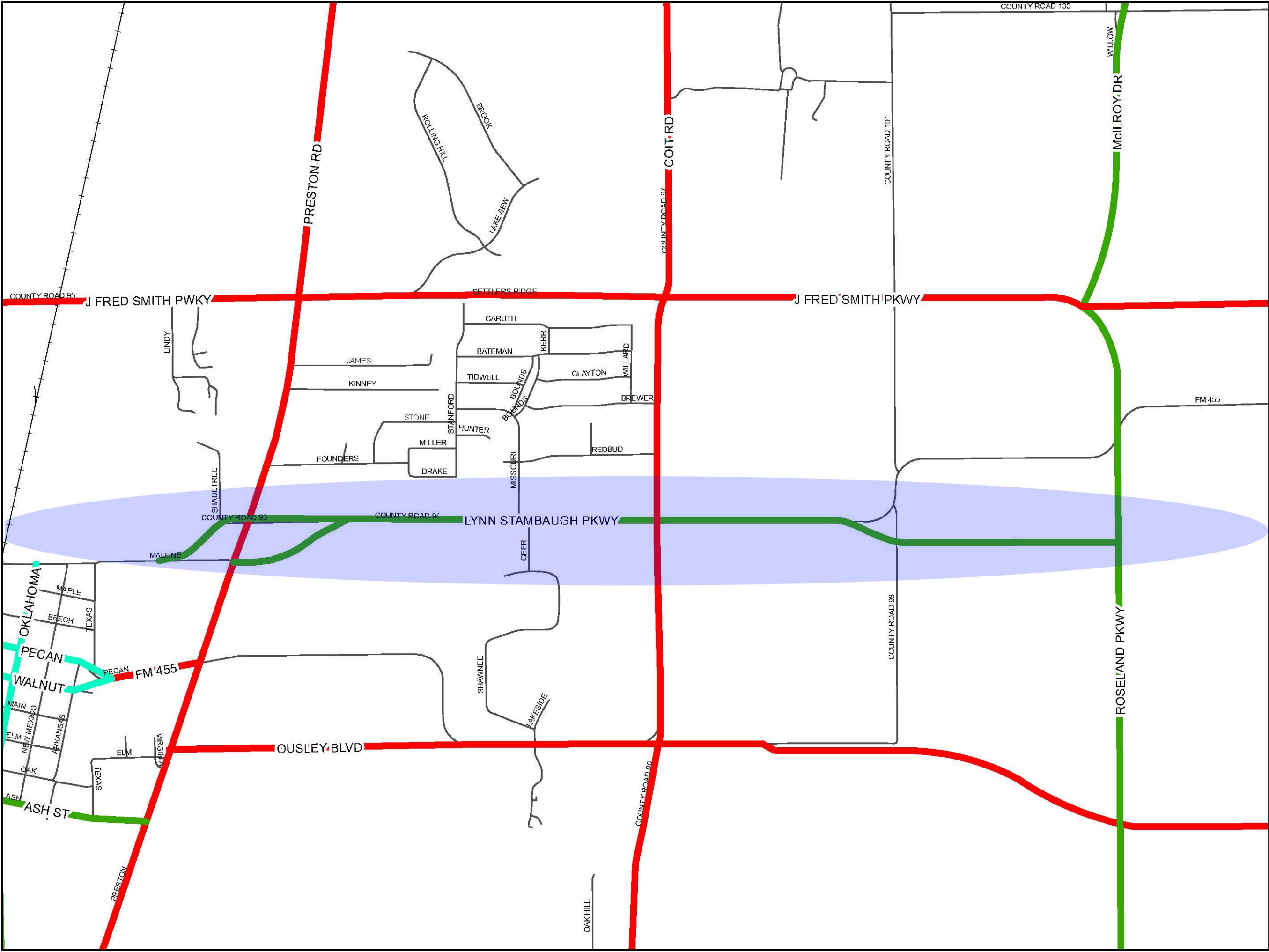
Glendenning Pkwy



- Legend**
- Draft_TP**
- Thoroughfare Plan**
- 2LC 60' - 80' ROW***
 - 4/6LD 100' ROW*
 - 4LD 90' - 100' ROW*
 - 6LD 120' ROW*
 - Freeway/Tollway 400' ROW
 - Outer Loop 500' ROW
 - Roads
 - Railroad



Date: 6/15/2018



8.F.b

Lynn Stambaugh Pkwy

Legend

Draft_TP

Thoroughfare Plan

2LC 60' - 80' ROW***

4/6LD 100' ROW*

4LD 90' - 100' ROW*

6LD 120' ROW*

Freeway/Tollway 400' ROW

Outer Loop 500' ROW

Roads

Railroad

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Date: 6/15/2018

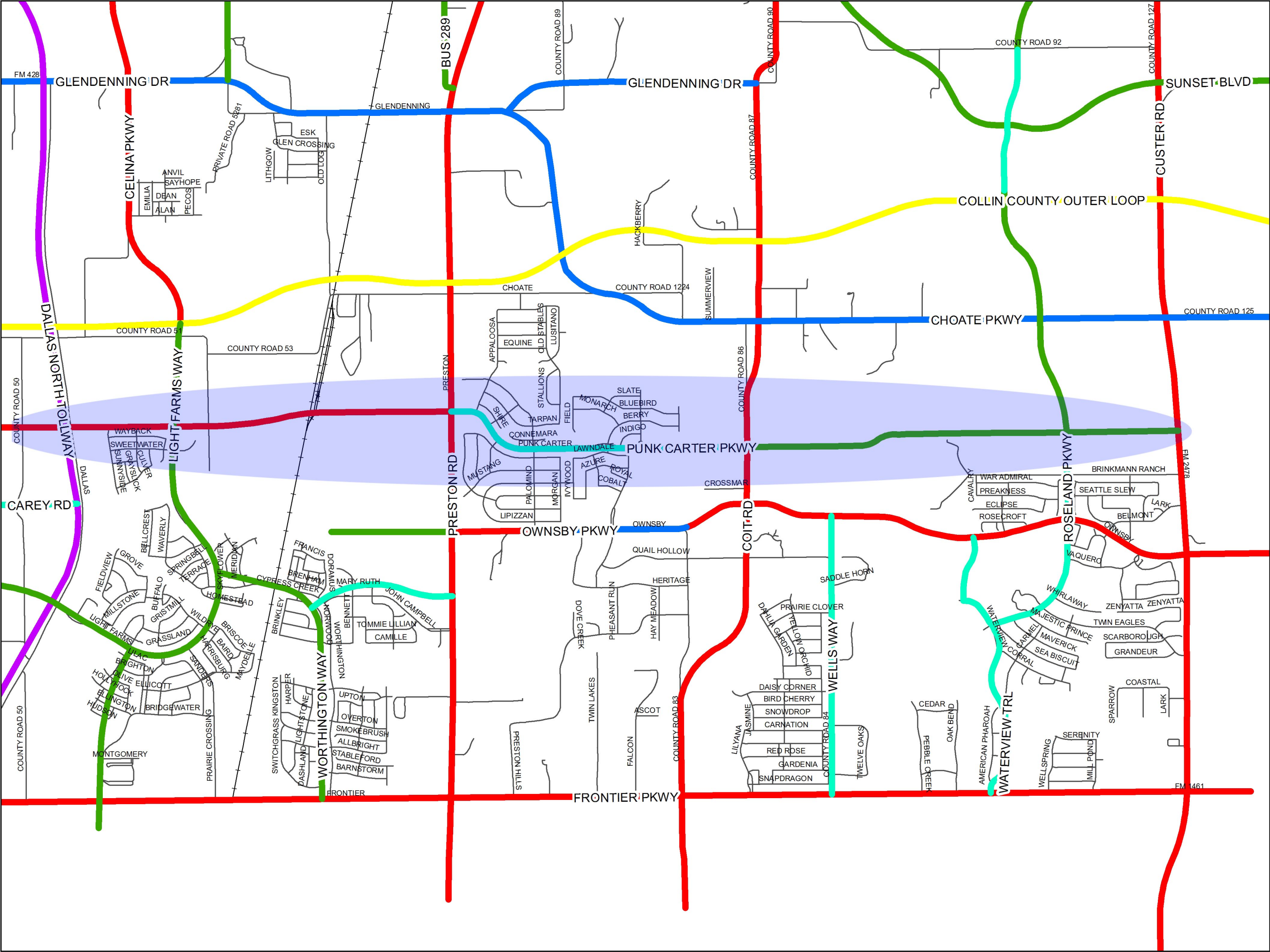
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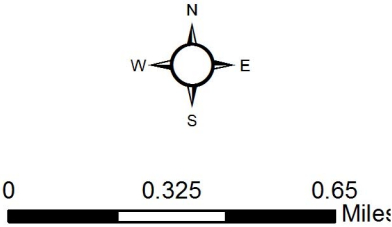
Packet Pg. 495

Attachment: Proposed Thoroughfare Plan Amendments (Thoroughfare Plan Amendment)

Punk Carter



- Legend**
- Draft_TP**
- Thoroughfare Plan**
- 2LC 60' - 80' ROW***
 - 4/6LD 100' ROW*
 - 4LD 90' - 100' ROW*
 - 6LD 120' ROW*
 - Freeway/Tollway 400' ROW
 - Outer Loop 500' ROW
 - Roads
 - Railroad



Date: 6/15/2018





Development Services
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Alexis Jackson, Director of Development Services
 CC: Jason Laumer, City Manager
 Date: July 10, 2018
 Re: Creeks of Legacy PD Amendment

Action Requested:

The Celina City Council will conduct a public hearing to consider testimony and act upon an ordinance amending PD-46, Planned Development Zoning District No. 46; being an approximately 368 acre tract of land situated in the Wm. Davenport Survey, Abstract No. 262 and the F.D. Gray Survey, Abstract Number 361, Collin County, Texas and the J. McKinn Survey, Abstract No. 889, the Wm. Phillips Survey, Abstract No. 1029 and the A. Thomasson Survey, Abstract No. 1265, Denton County, Texas; the property is generally located on the west and east sides of N. Legacy Drive and north of Frontier Parkway (CR 5). (Creeks of Legacy PD Amendment) (Jackson)

Owners:

CTMGT Frontier 80, LLC
 1800 Valley View Lane, Suite 300
 Farmers Branch, TX 75234

Celina Investment Partners Ltd.
 5953 Dallas Parkway Suite 200
 Plano, TX 75093-8189

Background Information:

The Creeks of Legacy is located at the northeast and northwest corners of Frontier Parkway and Legacy Drive.

Planned Development District No. 46 was created from the rezoning of three individual properties: Planned Development District No. 20, Planned Development District No. 33, and a tract zoned C-1, Retail District.

The Planned Development for Creeks of Legacy allows for residential, commercial and mixed uses. The majority of the Planned Development district is comprised of the Creeks of Legacy residential subdivision with a mixed-use component at the northeast corner of Frontier Parkway and Legacy Drive.

The applicant is requesting an amendment to the Planned Development District that will remove Collector "C" from the development. Currently Collector "C" serves as a divider between the Multi Family component of the mixed-use district and the adjacent single-family residential component. The owners of the mixed-use tract and residential subdivision have entered into an agreement that states that the future construction of the road will

occur if the collector road is needed for access to the mixed-use site.

The City's Engineer has analyzed the request and has found that there would be no adverse impact to the flow of traffic in the area if Collector "C" is removed.

A traffic assessment done by the DeShazo Group, indicated that operational conditions at all the intersections are expected to be similar with or without Collector C in the roadway network. Based on this study, removal of this collector will not impose additional traffic flow on Doe Branch Boulevard and Clear Creek Boulevard, which are the residential driveways in the subdivision.

However, 70% of the motorist enter a development at the first driveway, motorists approaching the development from the east may be confused as to which driveway actually serves the commercial development. Since the main driveway to the commercial has a deceleration lane, this will be a safer driveway than Collector C.

Board Review/Citizen Input:

A notice of the public hearing was published in *The Celina Record* on June 1, 2018. Notices of the public hearing were sent to all owners of property residing within the city limits, as indicated by the most recently approved Collin County tax rolls, who are located within 200 feet of the subject property. As of the time of packet preparation, staff had received three (3) letters of opposition to the proposal and two (2) letters in support. At the Planning and Zoning Commission meeting on June 19, 2018, the Commission recommended that the request be denied by a 4-1 vote (No - Hangartner, Barley, Bain, Ousley; Yes - Freeman).

Alternatives:

N/A

Financial Considerations:

N/A

Legal Review:

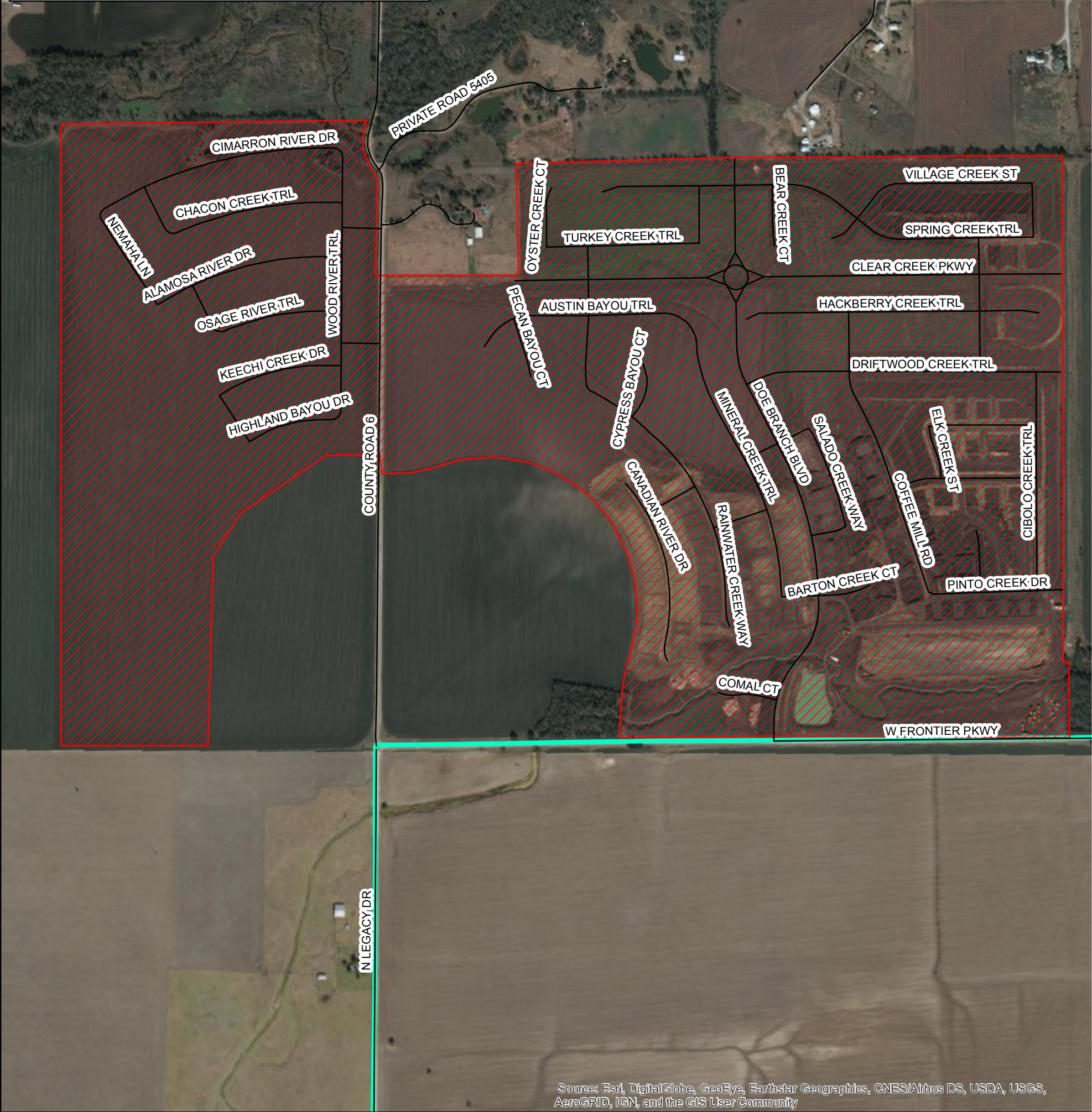
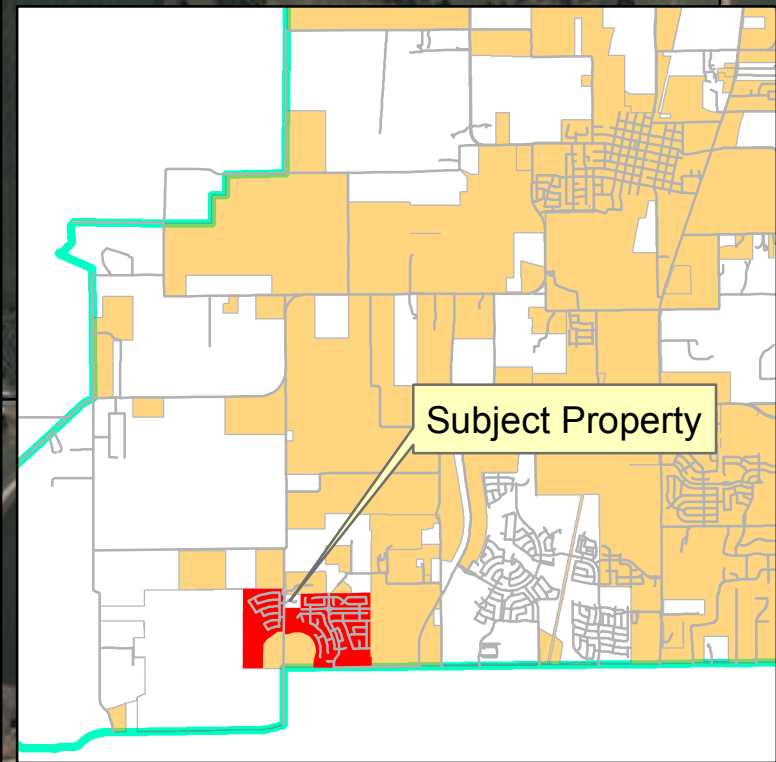
N/A

Supporting Document:

- Location Map
- Existing Concept Plan
- Proposed Concept Plan
- Proposed Development Regulations
- Collector "C" Agreement
- Letters of Opposition
- Letters of Support

Staff Recommendation:

Staff recommends approval.



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Attachment: CreeksofLegacyPDAmendment_LocationMap (Creeks of Legacy PD Amendment)

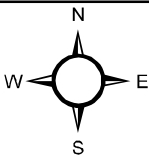


Location Map Creeks of Legacy PD Amendment

Date: 5/3/2018

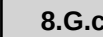
Legend

- Roads
-  Creeks of Legacy
-  ETJ Limits



0 425 850 Feet





AGREEMENT

THIS AGREEMENT (the "Agreement") is made and executed to be effective as of March 29, 2018, by and between **CELINA INVESTMENT PARTNERS, LTD.**, a Texas limited partnership ("Celina/Seller") and **CADG FRONTIER 192, LLC**, a Texas limited liability company ("CADG/Purchaser"). Celina/Seller and CADG/Purchaser are sometimes collectively referred to herein as the "Parties" and each of the Parties is sometimes singularly referred to herein as a "Party."

RECITALS

WHEREAS, Celina/Seller and CADG/Purchaser entered into that certain Development Agreement dated September 6, 2013 and recorded in the Official County Records of Collin County, Texas under Instrument Number 2013090+001267580, which was amended by that certain First Amendment to Development Agreement dated August 11, 2014 (collectively, the "Development Agreement").

WHEREAS, Celina/Seller and CADG/Purchaser desire to modify the terms of the Development Agreement by entering into this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants, promises and agreements contained herein and other good and valuable consideration, the receipt and sufficiency of which are acknowledged and confirmed, Celina/Seller and CADG/Purchaser hereby agree as follows:

1. In consideration for amending the Development Agreement as provided in this Agreement, CADG/Purchaser agrees to do the following:
 - a. Within three (3) business days of City Approval, provide Celina/Seller and the City of Celina, Texas approved construction plans for Frontier Parkway, Legacy Drive and the deceleration land and drive approaches described in paragraphs 1(d) and (e) below that impacts and borders the property owned by Celina/Seller.
 - b. Within three (3) business days of the preconstruction meeting, provide Celina/Seller a construction scheduled for the construction of Frontier Parkway, Legacy Drive and the deceleration land and drive approaches described in paragraphs 1(d) and (e) below.
 - c. Within three (3) business days of record drawing plan approval by City, provide record drawing plans for all utilities and detailed measurements for each stubbed utility that will service the Celina/Seller's property.
 - d. Construct a deceleration lane along Frontier Parkway to allow driveway access along Frontier Parkway to serve Celina/Seller's property as shown on Exhibit "A" attached hereto and incorporated herein for all purposes by this reference.
 - e. Construct four (4) drive approaches, two (2) along Frontier Parkway and two (2) along Legacy Drive. One (1) of these drive approaches shall be located at the closest location to the intersection of Frontier Parkway and Legacy Drive on Frontier Parkway (i.e., 75' east of Legacy Drive and Frontier Parkway). The second drive approach along Frontier Parkway shall be 500' east of Legacy Drive (at the proposed Frontier Parkway median opening). The third drive approach shall be located 500' north of Frontier Parkway on Legacy Drive at the proposed median opening and the fourth drive approach shall be located 1,000' north of Frontier Parkway on Legacy Drive and at the proposed median opening (see Exhibit "A" attached hereto and incorporated herein).
 - f. Cause the exiting PD (PD 46) to be revised as follows by August 30, 2018:
 - (i) The PD shall be redefined to include only the Celina/Seller tract.

- (ii) Create the obligation that any future builder/developer on the Creeks of Legacy development (the property acquired and developed by CADG/Purchaser) will be solely responsible for constructing the masonry screening wall between the commercial/multifamily tract owned by Celina/Seller and the residential development of the Creeks of Legacy.
 - (iii) Create a provision within the PD (PD 46) which shall allow the land formerly encumbered by Collector "C" to become either retail/commercial or multifamily on the Celina/Seller tract, at Celina/Seller's sole option.
 - g. Execute and deliver, in recordable form, a Deed of the Collector "C" tract owned by CADG/Purchaser, approximately 2.18 acres to Celina/Seller by August 31, 2018.
 - h. Construct a Gabian Structure on the common property line of Celina/Seller and CADG/Purchaser located at the southeast corner of the Celina/Seller's tract as depicted on Exhibit "A" attached hereto and incorporated herein.
 - i. CADG/Purchaser agrees to import a minimum of 25,000 cubic yards of clean fill dirt material onto Celina/Seller's retail/commercial tract of approximately 25 acres (see Exhibit "A" attached hereto) and compact said material at the supervision of Kirkman Engineering, Shea Kirkman. Said import to occur on or before December 31, 2018. CADG/Purchaser will perform all of these services at its sole cost and expense.
2. Celina/Seller agrees to execute and deliver in recordable form the various easements (attached hereto as Exhibit "B" and incorporated herein by this reference for all purposes) needed for CADG/Purchaser to complete its obligations set forth in paragraph 1 hereof.
 3. CADG/Purchaser shall use its best commercial efforts to complete the items in paragraph 1 above no later than December 31, 2018. During the period of time for which this Agreement is in effect, Celina/Seller agrees to not attempt to enforce the Development Agreement against CADG/Purchaser, including attempting to collect any penalties provided therein.
 4. In the event all of the obligations set forth in this Agreement are not met by CADG/Purchaser on or before December 31, 2018 (subject to extensions resulting from force majeure and delays caused by Celina/Seller), this Agreement shall become null and void and the existing Development Agreement shall control.
 5. In the event CADG/Purchaser meets all of its obligations contained herein on or before December 31, 2018 (subject to extensions resulting from force majeure and delays caused by Celina/Seller), Celina/Seller agrees to waive all penalties described in and dissolve the current Development Agreement and CADG/Purchaser shall be relieved of any and all obligations contained in the Development Agreement, including any and all penalties or damages associated therewith.
 6. If this Agreement has not been fully executed, notarized and returned to Celina/Seller and Celina/Seller's attorney, Marc Hesse, by March 22, 2018 at 5:00 p.m. CST, this Agreement shall be null and void and of no further effect.

[SIGNATURE PAGES TO FOLLOW]

Attachment: Agreement - Revised 3.21.18 Fully Executed (Creeks of Legacy PD Amendment)

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to be effective as of the date first written above.

CELINA/SELLER:

CELINA INVESTMENT PARTNERS, LTD.,
a Texas limited partnership

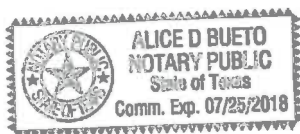
By: Lanterra Interests, LLC
a Texas limited liability company
its general partner

By: *Frank Babb*
Name: Frank Babb, President

STATE OF TEXAS §
COUNTY OF COLLIN §

BEFORE ME, the undersigned, a Notary Public in and for said County and State on this day personally appeared Frank Babb, the President of Lanterra Interests, LLC, the General Partner of Celina Investment Partners, Ltd., a Texas limited partnership, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me, that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated on behalf of the companies.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 29th day of March, 2018.



Alice D. Bueto
Notary Public in and for the State of Texas

Alice D. Bueto
Notary's Printed Name:

My Commission Expires: 7-25-18

Attachment: Agreement - Revised 3.21.18 Fully Executed (Creeks of Legacy PD Amendment)

CADG/PURCHASER:

CADG FRONTIER 192, LLC,
a Texas limited liability company

By: CADG Holdings, LLC,
a Texas limited liability company
Sole Member

By: MMM Ventures, LLC,
a Texas limited liability company
Manager

By: 2M Ventures, LLC,
a Delaware limited liability company
Manager

By: *Mehrdad Moayed*
Name: Mehrdad Moayed, Manager

STATE OF TEXAS §
COUNTY OF DALLAS §

BEFORE ME, the undersigned, a Notary Public in and for said County and State on this day personally appeared Mehrdad Moayed, Manager of 2M Ventures, LLC, a Delaware limited liability company, as Manager of MMM Ventures, LLC, a Texas limited liability company, as Manager of CADG Holdings, LLC, a Texas limited liability company, as Sole Member of CADG Frontier 192, LLC, a Texas limited liability company, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me, that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated on behalf of the companies.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 21 day of March, 2018.



T. Kollinger
Notary Public in and for the State of Texas

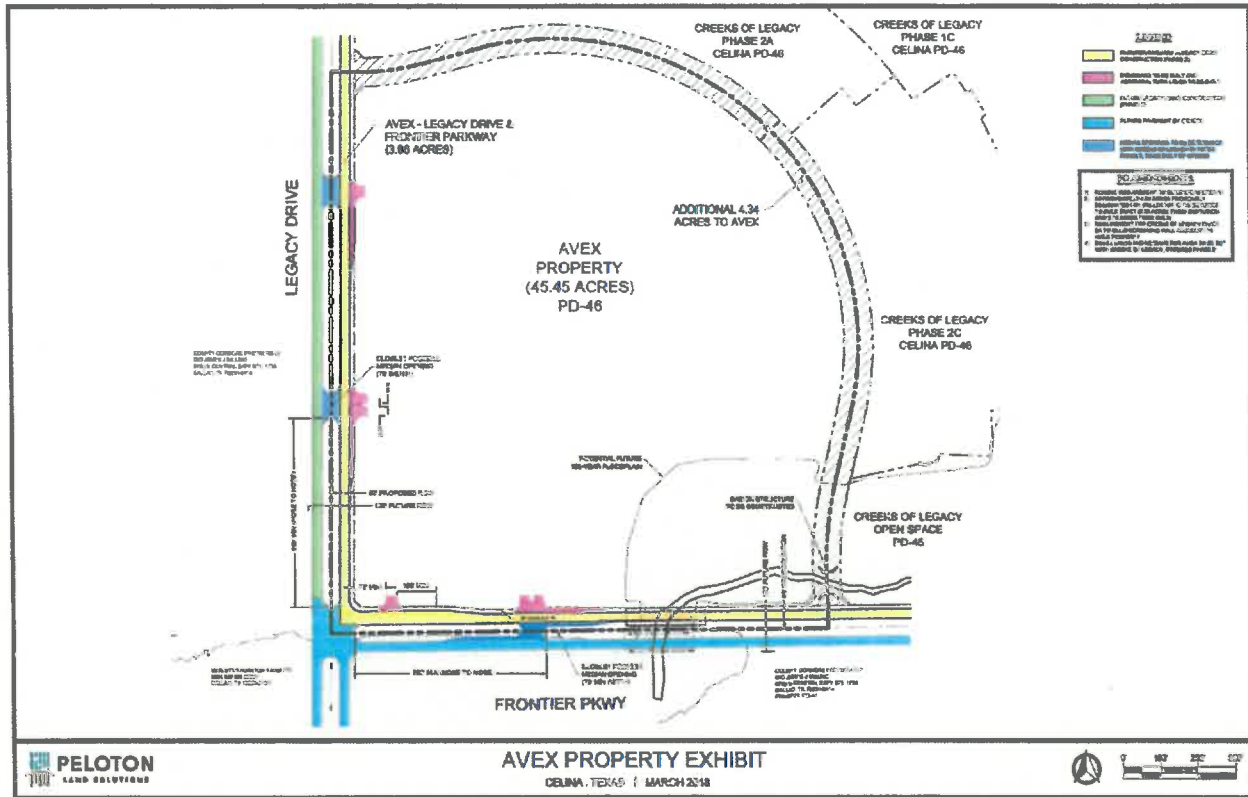
Trevor Kollinger
Notary's Printed Name:

My Commission Expires: 01-05-21

Attachment: Agreement - Revised 3.21.18 Fully Executed (Creeks of Legacy PD Amendment)

EXHIBIT "A"

[See attached]



**EXHIBIT “B”
EASEMENTS**

[See attached]

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

CITY OF CELINA DRAINAGE EASEMENT

THE STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF COLLIN §

THAT WE, Celina Investment Partners, LTD, hereinafter referred to as GRANTOR, whether one or more, for and in consideration of the sum of Ten Dollars (\$10.00) cash and other good and valuable consideration to Grantor(s) in hand paid by the City of Celina, hereinafter referred to as Grantee, the receipt and sufficiency of which is hereby acknowledged, have this day Granted and Conveyed, and by these presents do Grant and Convey, unto the Grantee, a municipal corporation situated in Collin County, Texas, and Denton County, Texas, a permanent and perpetual non-exclusive easement (the "Variable Width Drainage Easement") for the purpose of installing, repairing, maintaining, altering, replacing, relocating, rebuilding, removing, and operating drainage facilities in, into, upon, over, across, under and all through all that land in Collin County, Texas, and being more particularly described in Exhibit "A" (the "Property"), which is attached hereinto and incorporated herein for any and all purposes, together with the right of ingress and egress as necessary for Permanent Drainage Easement.

GRANTOR covenants and agrees that GRANTOR and GRANTOR'S heirs, representatives, successors and assigns shall at no time erect, place or construct, or cause to be erected, placed or constructed in, into, upon, over, across or under the Permanent Drainage Easement granted herein any temporary or permanent structures, and it is further agreed that GRANTEE shall have the right to excavate and fill upon said Permanent Drainage Easement and to remove from said Permanent Drainage Easement, structures, any fences, buildings or other obstructions as may now be found upon said Permanent Drainage Easement. Whenever the activities of GRANTEE or its agents, representatives, contractors, invitees, successors or assigns, shall directly and adversely affect the Property, GRANTEE shall promptly restore the Property so affected to as nearly as practicable the same condition in which they existed prior to such activity.

It is further intended that the Permanent Drainage Easement herein granted to the GRANTEE shall run with the land and forever be a right in and to the land belonging to GRANTOR, and GRANTOR'S successors and assigns, and said grant is expressly excepted from any right of reversion of said premises under any prior deeds in GRANTOR'S chain of title. The Permanent Drainage Easement, rights and privileges granted therein are non-exclusive. GRANTOR reserves for itself and its successors and assigns the right to use all or part of the Permanent Drainage Easement and the right to convey to others the right to use all or part of the Permanent Drainage Easement, as long as such use or conveyance does not conflict with the GRANTEE'S rights hereunder; GRANTOR covenants that it will not convey any other easement or conflicting rights within the area covered by the grant to any other person.

Attachment: Agreement - Revised 3.21.18 Fully Executed (Creeks of Legacy PD Amendment)

TO HAVE AND TO HOLD the above-described Permanent Drainage Easement with the right of ingress and egress thereto, together with all and singular the rights and appurtenances thereto in any wise belonging unto GRANTEE, its successors and assigns, forever, and GRANTOR does hereby bind itself, its heirs, successors and assigns to warrant and forever defend, all and singular, the said premises, subject to all matters now of record affecting said premises, unto the GRANTEE, its successors and permitted assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under GRANTOR, but not otherwise.

IN WITNESS WHEREOF, this instrument is executed this ____ day of _____, 20____.

BY: _____

Printed Name: _____
Title: GRANTOR

BY: _____

Printed Name: _____
Title: GRANTOR

ACKNOWLEDGEMENT

STATE OF TEXAS §

COUNTY OF COLLIN §

BEFORE ME, THE UNDERSIGNED AUTHORITY, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge that he executed the same for the purpose and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of _____, 20____.

Notary Public, State of Texas

My commission expires: _____

Attachment: Agreement - Revised 3.21.18 Fully Executed (Creeks of Legacy PD Amendment)

EXHIBIT "A"
Variable Width
Drainage Easement

BEING a portion of that tract of land situated in the Wm. Davenport Survey, Abstract Number 262, City of Celina, Collin County, Texas described by deed to Celina Investment Partners, LTD., recorded in Volume 5916, Page 862, CTMGT Frontier 80, LLC., Official Public Records, Collin County, Texas and being more particularly described as follows:

COMMENCING at the southeast corner of a tract of land of said Celina Investment Partners, LTD. tract;

THENCE N 01°02'21" W, 75.00 feet to a 5/8 inch iron rod with plastic cap stamped "PELTON EASEMENT" set for the **Point of Beginning**;

THENCE S 89°18'16" W, 34.93 feet to a 5/8 inch iron rod with plastic cap stamped "PELTON EASEMENT" set;

THENCE N 00°41'44" W, 90.00 feet;

THENCE N 89°18'16" E, 33.15 feet to the beginning of a curve to the left;

THENCE with said curve to the left, an arc distance of 67.51 feet, through a central angle of 04°00'31", having a radius of 965.00 feet, the long chord which bears S 02°05'22" E, 67.50 feet;

THENCE S 01°02'21" E, 22.52 feet to the **Point of Beginning** and containing 3,051 square feet of land more or less.

"Integral parts of this document"

1. Description
2. Exhibit



"Integral parts of this document"

1. Description - 1 Page
2. Exhibit - 1 Page

Legacy Drive

Wm. Davenport Survey
Abst. No. 262

Celina Investment Partners, LTD
Volume 5916, Page 862
O.P.R.C.C.T.

Approximate Survey Line

Frontier Parkway

Collin County School Land
Abst. No. 167

Legacy Frontier, LLC.
Inst. 20150203000121210
O.P.R.C.C.T.

CADG Frontier 192, LLC
(remainder)
Inst. 20130903001267570
O.P.R.C.C.T.

BASIS OF BEARING IS THE TEXAS COORDINATE SYSTEM NAD83,
NORTH CENTRAL ZONE 4202.
IRS - IRON ROD SET

CTMGT Frontier 80, LLC.
Inst. 2014-90102
R.P.R.C.C.T.

N89° 18' 16" E
33.15'

N00° 41' 44" W
90.00'

S89° 18' 16" W
34.93'

N01° 02' 21" W
75.00'

Δ = 04° 00' 31"
R = 965.00'
L = 67.51'
LC = S02° 05' 22" E
67.50'

S01° 02' 21" E
22.52'

Point of
Beginning

City of Celina

Point of
Commencing



EXHIBIT "A"

Variable Width Drainage Easement

SITUATED IN THE WM. DAVENPORT SURVEY
ABSTRACT NUMBER 262, CITY OF CELINA,
COLLIN COUNTY, TEXAS

Copyright © 2017 Peloton Land Solutions, Inc.

PELTON

LAND SOLUTIONS

9800 HILLWOOD PARKWAY, SUITE 250
FORT WORTH, TEXAS 76177 PH # 817-562-3350
511 JOB \CEN13006_Legacy-170.dwg Sur \Cen13006_Legacy-170.dwg

JOB # CEN13006

DRAWN BY: SRAMSEY

CHECKED BY: TBRIDGES

DATE: 08-28-17

PAGE #2 of 2

8/28/17 AM

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

CITY OF CELINA DRAINAGE EASEMENT

THE STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF COLLIN §

THAT WE, Celina Investment Partners, LTD, hereinafter referred to as GRANTOR, whether one or more, for and in consideration of the sum of Ten Dollars (\$10.00) cash and other good and valuable consideration to Grantor(s) in hand paid by the City of Celina, hereinafter referred to as Grantee, the receipt and sufficiency of which is hereby acknowledged, have this day Granted and Conveyed, and by these presents do Grant and Convey, unto the Grantee, a municipal corporation situated in Collin County, Texas, and Denton County, Texas, a permanent and perpetual non-exclusive easement (the "50 Foot Wide Drainage Easement") for the purpose of installing, repairing, maintaining, altering, replacing, relocating, rebuilding, removing, and operating drainage facilities in, into, upon, over, across, under and all through all that land in Collin County, Texas, and being more particularly described in Exhibit "A" (the "Property"), which is attached herinto and incorporated herein for any and all purposes, together with the right of ingress and egress as necessary for Permanent Drainage Easement.

GRANTOR covenants and agrees that GRANTOR and GRANTOR'S heirs, representatives, successors and assigns shall at no time erect, place or construct, or cause to be erected, placed or constructed in, into, upon, over, across or under the Permanent Drainage Easement granted herein any temporary or permanent structures, and it is further agreed that GRANTEE shall have the right to excavate and fill upon said Permanent Drainage Easement and to remove from said Permanent Drainage Easement, structures, any fences, buildings or other obstructions as may now be found upon said Permanent Drainage Easement. Whenever the activities of GRANTEE or its agents, representatives, contractors, invitees, successors or assigns, shall directly and adversely affect the Property, GRANTEE shall promptly restore the Property so affected to as nearly as practicable the same condition in which they existed prior to such activity.

It is further intended that the Permanent Drainage Easement herein granted to the GRANTEE shall run with the land and forever be a right in and to the land belonging to GRANTOR, and GRANTOR'S successors and assigns, and said grant is expressly excepted from any right of reversion of said premises under any prior deeds in GRANTOR'S chain of title. The Permanent Drainage Easement, rights and privileges granted therein are non-exclusive. GRANTOR reserves for itself and its successors and assigns the right to use all or part of the Permanent Drainage Easement and the right to convey to others the right to use all or part of the Permanent Drainage Easement, as long as such use or conveyance does not conflict with the GRANTEE'S rights hereunder; GRANTOR covenants that it will not convey any other easement or conflicting rights within the area covered by the grant to any other person.

Attachment: Agreement - Revised 3.21.18 Fully Executed (Creeks of Legacy PD Amendment)

TO HAVE AND TO HOLD the above-described Permanent Drainage Easement with the right of ingress and egress thereto, together with all and singular the rights and appurtenances thereto in any wise belonging unto GRANTEE, its successors and assigns, forever, and GRANTOR does hereby bind itself, its heirs, successors and assigns to warrant and forever defend, all and singular, the said premises, subject to all matters now of record affecting said premises, unto the GRANTEE, its successors and permitted assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under GRANTOR, but not otherwise.

IN WITNESS WHEREOF, this instrument is executed this ____ day of _____, 20____.

BY: _____

Printed Name: _____
Title: GRANTOR

BY: _____

Printed Name: _____
Title: GRANTOR

ACKNOWLEDGEMENT

STATE OF TEXAS §

COUNTY OF COLLIN §

BEFORE ME, THE UNDERSIGNED AUTHORITY, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge that he executed the same for the purpose and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of _____, 20____.

Notary Public, State of Texas

My commission expires: _____

Attachment: Agreement - Revised 3.21.18 Fully Executed (Creeks of Legacy PD Amendment)

EXHIBIT "A"
50 Foot Wide Drainage Easement

BEING a portion of that tract of land situated in the Wm. Davenport Survey, Abstract Number 262, City of Celina, Collin County, Texas described by deed to Celina Investment Partners, LTD., recorded in Volume 5916, Page 862, CTMGT Frontier 80, LLC, Official Public Records, Collin County, Texas and being more particularly described as follows:

COMMENCING at the southeast corner of a tract of land of said Celina Investment Partners, LTD. tract;

THENCE N 01°02'21" W, 60.00 feet;

THENCE S 89°18'16" W, 336.07 feet to a 5/8 inch iron rod with plastic cap stamped "PELOTON EASEMENT" set for the Point of Beginning;

THENCE S 89°18'16" W, 180.00 feet to a 5/8 inch iron rod with plastic cap stamped "PELOTON EASEMENT" set;

THENCE N 00°16'57" W, 50.00 feet;

THENCE N 89°18'16" E, 180.00 feet;

THENCE S 00°16'57" E, 50.00 feet to the Point of Beginning and containing 9,000 square feet of land more or less.

"Integral parts of this document"
1. Description
2. Exhibit

BASIS OF BEARING IS THE TEXAS COORDINATE SYSTEM NAD83,
NORTH CENTRAL ZONE 4202
IRS - IRON ROD SET



0 100 200
GRAPHIC SCALE IN FEET

"Integral parts of this document"

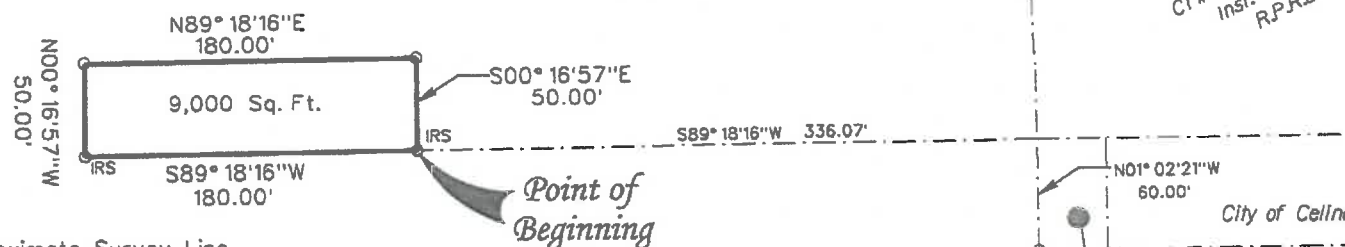
1. Description - 1 Page
2. Exhibit - 1 Page

Legacy Drive

Wm. Davenport Survey
Abst. No. 262

Celina Investment Partners, LTD
Volume 5916, Page 862
O.P.R.C.C.T.

CTMGT Frontier 80.LLC.
Inst.* 2014-90102
R.P.R.D.C.T.



Frontier Parkway

Collin County School Land
Abst. No. 167

Legacy Frontier.LLC.
Inst.* 201502030001210
O.P.R.C.C.T.

CADG Frontier 192.LLC
(remainder)
Inst.* 20130903001267570
O.P.R.C.C.T.



EXHIBIT "A"

50 Foot Wide Drainage Easement

SITUATED IN THE WM. DAVENPORT SURVEY
ABSTRACT NUMBER 262, CITY OF CELINA,
COLLIN COUNTY, TEXAS

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CITY OF CELINA DRAINAGE EASEMENT

THE STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF COLLIN §

THAT WE, Celina Investment Partners, LTD, hereinafter referred to as GRANTOR, whether one or more, for and in consideration of the sum of Ten Dollars (\$10.00) cash and other good and valuable consideration to Grantor(s) in hand paid by the City of Celina, hereinafter referred to as Grantee, the receipt and sufficiency of which is hereby acknowledged, have this day Granted and Conveyed, and by these presents do Grant and Convey, unto the Grantee, a municipal corporation situated in Collin County, Texas, and Denton County, Texas, a permanent and perpetual non-exclusive easement (the "60 Foot Wide Drainage Easement") for the purpose of installing, repairing, maintaining, altering, replacing, relocating, rebuilding, removing, and operating drainage facilities in, into, upon, over, across, under and all through all that land in Collin County, Texas, and being more particularly described in Exhibit "A" (the "Property"), which is attached hereinto and incorporated herein for any and all purposes, together with the right of ingress and egress as necessary for Permanent Drainage Easement.

GRANTOR covenants and agrees that GRANTOR and GRANTOR'S heirs, representatives, successors and assigns shall at no time erect, place or construct, or cause to be erected, placed or constructed in, into, upon, over, across or under the Permanent Drainage Easement granted herein any temporary or permanent structures, and it is further agreed that GRANTEE shall have the right to excavate and fill upon said Permanent Drainage Easement and to remove from said Permanent Drainage Easement, structures, any fences, buildings or other obstructions as may now be found upon said Permanent Drainage Easement. Whenever the activities of GRANTEE or its agents, representatives, contractors, invitees, successors or assigns, shall directly and adversely affect the Property, GRANTEE shall promptly restore the Property so affected to as nearly as practicable the same condition in which they existed prior to such activity.

It is further intended that the Permanent Drainage Easement herein granted to the GRANTEE shall run with the land and forever be a right in and to the land belonging to GRANTOR, and GRANTOR'S successors and assigns, and said grant is expressly excepted from any right of reversion of said premises under any prior deeds in GRANTOR'S chain of title. The Permanent Drainage Easement, rights and privileges granted therein are non-exclusive. GRANTOR reserves for itself and its successors and assigns the right to use all or part of the Permanent Drainage Easement and the right to convey to others the right to use all or part of the Permanent Drainage Easement, as long as such use or conveyance does not conflict with the GRANTEE'S rights hereunder; GRANTOR covenants that it will not convey any other easement or conflicting rights within the area covered by the grant to any other person.

Attachment: Agreement - Revised 3.21.18 Fully Executed (Creeks of Legacy PD Amendment)

TO HAVE AND TO HOLD the above-described Permanent Drainage Easement with the right of ingress and egress thereto, together with all and singular the rights and appurtenances thereto in any wise belonging unto GRANTEE, its successors and assigns, forever, and GRANTOR does hereby bind itself, its heirs, successors and assigns to warrant and forever defend, all and singular, the said premises, subject to all matters now of record affecting said premises, unto the GRANTEE, its successors and permitted assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under GRANTOR, but not otherwise.

IN WITNESS WHEREOF, this instrument is executed this ____ day of _____, 20____.

BY: _____

Printed Name: _____
Title: GRANTOR

BY: _____

Printed Name: _____
Title: GRANTOR

ACKNOWLEDGEMENT

STATE OF TEXAS §

COUNTY OF COLLIN §

BEFORE ME, THE UNDERSIGNED AUTHORITY, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge that he executed the same for the purpose and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of _____, 20____.

Notary Public, State of Texas

My commission expires: _____

Attachment: Agreement - Revised 3.21.18 Fully Executed (Creeks of Legacy PD Amendment)

EXHIBIT "A"
60 Foot Wide Drainage Easement

BEING a portion of that tract of land situated in the Wm. Davenport Survey, Abstract Number 262, City of Celina, Collin County, Texas described by deed to Celina Investment Partners, LTD., recorded in Volume 5916, Page 862, CTMGT Frontier 80, LLC, Official Public Records, Collin County, Texas and being more particularly described as follows:

COMMENCING at the southeast corner of a tract of land of said Celina Investment Partners, LTD. tract;

THENCE N 01°02'21" W, 60.00 feet;

THENCE S 89°18'14" W, 175.67 feet to a 5/8 inch iron rod with plastic cap stamped "PELOTON EASEMENT" set for the Point of Beginning;

THENCE S 89°18'16" W, 110.00 feet to a 5/8 inch iron rod with plastic cap stamped "PELOTON EASEMENT" set;

THENCE N 00°37'52" W, 60.00 feet;

THENCE N 89°18'16" E, 110.00 feet;

THENCE S 00°37'52" E, 60.00 feet to the Point of Beginning and containing 6,600 square feet of land more or less.

"Integral parts of this document"
1. Description
2. Exhibit



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GRAPHIC SCALE IN FEET

"Integral parts of this document"

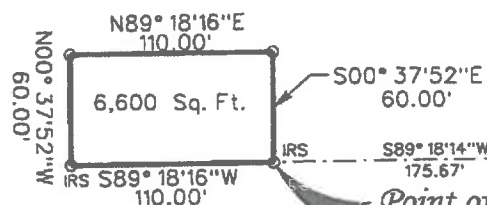
1. Description - 1 Page
2. Exhibit - 1 Page

Legacy Drive

Wm. Davenport Survey
Abst. No. 262

Celina Investment Partners, LTD
Volume 5916, Page 862
O.P.R.C.C.T.

CTMGT Frontier 80.LLC.
Inst. 2014-90102
R.P.R.D.C.T.



Approximate Survey Line

Frontier Parkway

Point of
Commencing

N01° 02' 21" W
60.00' City of Celina

Collin County School Land
Abst. No. 167

Legacy Frontier, LLC.
Inst. 20150203000121210
O.P.R.C.C.T.

CADG Frontier 192.LLC
(remainder)
Inst. 20130903001267570
O.P.R.C.C.T.



BASIS OF BEARING IS THE TEXAS COORDINATE SYSTEM NAD83,
NORTH CENTRAL ZONE 4202
IRS - IRON ROD SET

EXHIBIT "A"

60 Foot Wide Drainage Easement

SITUATED IN THE WM. DAVENPORT SURVEY
ABSTRACT NUMBER 262, CITY OF CELINA,
COLLIN COUNTY, TEXAS

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PELTON
LAND SOLUTIONS

8600 HILLWOOD PARKWAY, SUITE 250
FORT WORTH, TEXAS 76117 PH # 817-582-4350
G:\JOB\CEN13006_Legacy-170.oc\Sur\Exhibit\CE13006_LAS9.dgn

JOB # CEN13006

DRAWN BY: SRAMSEY

CHECKED BY: TBRIDGES

DATE: 08-28-17

PAGE #2 of 2

8/28/17 AM

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

CITY OF CELINA DRAINAGE EASEMENT

THE STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF COLLIN §

THAT WE, Celina Investment Partners, LTD, hereinafter referred to as GRANTOR, whether one or more, for and in consideration of the sum of Ten Dollars (\$10.00) cash and other good and valuable consideration to Grantor(s) in hand paid by the City of Celina, hereinafter referred to as Grantee, the receipt and sufficiency of which is hereby acknowledged, have this day Granted and Conveyed, and by these presents do Grant and Convey, unto the Grantee, a municipal corporation situated in Collin County, Texas, and Denton County, Texas, a permanent and perpetual non-exclusive easement (the "Variable Width Drainage Easement") for the purpose of installing, repairing, maintaining, altering, replacing, relocating, rebuilding, removing, and operating drainage facilities in, into, upon, over, across, under and all through all that land in Collin County, Texas, and being more particularly described in Exhibit "A" (the "Property"), which is attached herinto and incorporated herein for any and all purposes, together with the right of ingress and egress as necessary for Permanent Drainage Easement.

GRANTOR covenants and agrees that GRANTOR and GRANTOR'S heirs, representatives, successors and assigns shall at no time erect, place or construct, or cause to be erected, placed or constructed in, into, upon, over, across or under the Permanent Drainage Easement granted herein any temporary or permanent structures, and it is further agreed that GRANTEE shall have the right to excavate and fill upon said Permanent Drainage Easement and to remove from said Permanent Drainage Easement, structures, any fences, buildings or other obstructions as may now be found upon said Permanent Drainage Easement. Whenever the activities of GRANTEE or its agents, representatives, contractors, invitees, successors or assigns, shall directly and adversely affect the Property, GRANTEE shall promptly restore the Property so affected to as nearly as practicable the same condition in which they existed prior to such activity.

It is further intended that the Permanent Drainage Easement herein granted to the GRANTEE shall run with the land and forever be a right in and to the land belonging to GRANTOR, and GRANTOR'S successors and assigns, and said grant is expressly excepted from any right of reversion of said premises under any prior deeds in GRANTOR'S chain of title. The Permanent Drainage Easement, rights and privileges granted therein are non-exclusive. GRANTOR reserves for itself and its successors and assigns the right to use all or part of the Permanent Drainage Easement and the right to convey to others the right to use all or part of the Permanent Drainage Easement, as long as such use or conveyance does not conflict with the GRANTEE'S rights hereunder; GRANTOR covenants that it will not convey any other easement or conflicting rights within the area covered by the grant to any other person.

Attachment: Agreement - Revised 3.21.18 Fully Executed (Creeks of Legacy PD Amendment)

TO HAVE AND TO HOLD the above-described Permanent Drainage Easement with the right of ingress and egress thereto, together with all and singular the rights and appurtenances thereto in any wise belonging unto GRANTEE, its successors and assigns, forever, and GRANTOR does hereby bind itself, its heirs, successors and assigns to warrant and forever defend, all and singular, the said premises, subject to all matters now of record affecting said premises, unto the GRANTEE, its successors and permitted assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under GRANTOR, but not otherwise.

IN WITNESS WHEREOF, this instrument is executed this ____ day of _____, 20____.

BY: _____

Printed Name: _____

Title: GRANTOR

BY: _____

Printed Name: _____

Title: GRANTOR

ACKNOWLEDGEMENT

STATE OF TEXAS §

COUNTY OF COLLIN §

BEFORE ME, THE UNDERSIGNED AUTHORITY, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge that he executed the same for the purpose and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of _____, 20____.

Notary Public, State of Texas

My commission expires: _____

Attachment: Agreement - Revised 3.21.18 Fully Executed (Creeks of Legacy PD Amendment)

EXHIBIT "A"
A Variable Width
Drainage Easement

BEING a portion of that tract of land situated in the Wm. Davenport Survey, Abstract Number 262, City of Celina, Collin County, Texas described by deed to Celina Investment Partners, LTD., recorded in Volume 5916, Page 862, CTMGT Frontier 80, LLC, Official Public Records, Collin County, Texas and being more particularly described as follows:

COMMENCING at the southeast corner of a tract of land of said Celina Investment Partners, LTD. tract;

THENCE N 01°02'21" W, 60.00 feet;

THENCE S 89°49'40" W, 1,204.41 feet to a 5/8 inch iron rod with plastic cap stamped "PELOTON EASEMENT" set for the Point of Beginning;

THENCE S 89°18'16" W, 31.10 feet to a 5/8 inch iron rod with plastic cap stamped "PELOTON EASEMENT" set;

THENCE N 45°20'57" W, 26.32 feet;

THENCE N 00°29'59" E, 21.28 feet;

THENCE N 89°18'30" E, 50.01 feet;

THENCE S 00°31'39" W, 40.01 feet to the Point of Beginning and containing 1.823 square feet of land more or less.

"Integral parts of this document"
1. Description
2. Exhibit



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GRAPHIC SCALE IN FEET

"Integral parts of this document"

1. Description - 1 Page
2. Exhibit - 1 Page

County Corners Partners LP.
Inst. #2004-72653
R.P.R.D.C.T.

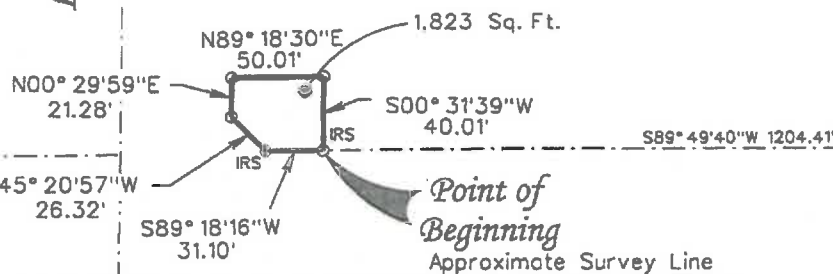
Legacy Drive

Wm. Davenport Survey
Abst. No. 262

Celina Investment Partners, LTD
Volume 5916, Page 862
O.P.R.C.C.T.

City Of Celina (Right-Of-Way)
Inst. # 2008-9821
1.436 Acre
R.P.R.D.C.T.

Merritt/Thornton Farm
Partnership LP.
Inst. #99-096579
R.P.R.D.C.T.



Frontier Parkway

Collin County School Land
Abst. No. 167

Legacy Frontier, LLC.
Inst. # 20150203000121210
O.P.R.C.C.T.

EXHIBIT "A"

Variable Width Drainage Easement

SITUATED IN THE WM. DAVENPORT SURVEY
ABSTRACT NUMBER 262, CITY OF CELINA,
COLLIN COUNTY, TEXAS

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PAGE #2 of 2
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DATE: 08-28-17
11/9/2017

CHECKED BY: TBRIDGES
Page 2

DRAWN BY: SRAMSEY

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PELTON

LAND SOLUTIONS

8600 HILLWOOD PARKWAY, SUITE 250
FORT WORTH, TEXAS 76117 PH # 817-562-3350
FAX # 817-562-3350

EXHIBIT “D”

Zoning Amendment for:
CREEKS OF LEGACY



PLANNED DEVELOPMENT (PD #46)
In
Celina, Texas

June 7, 2018

Prepared By:



10875 John W. Elliot Dr., Suite 400 • Frisco, Texas 75033

PLANNED DEVELOPMENT – CREEKS OF LEGACY

Attachment: Exhibit D - Creeks of Legacy PD 46 Amendment - 18-0607 (Creeks of Legacy PD Amendment)

DEVELOPMENT REGULATIONS

Tract 1

Single Family Residential District - 7.5, the intent is to allow a mixture of medium size single family lots, provided that the overall density within such SF area shall not exceed four and a half (4.5) units to the gross acre or 1450 lots. For medium size single family lots, the permitted and conditional uses, as well as the regulations, under Section 14.03.014 of the City of Celina’s zoning ordinance shall apply, except as set forth herein, and further defined as Lot Types 1, 2 and 3 below.

Tract 2

The MU-2 requirements shall follow Chapter 14 of the City of Celina’s Zoning Ordinance, as amended, which details the requirements of the MU-2 Mixed Use Regional District. All uses and development regulations allowed under the MU-2 zoning district as established in the City of Celina Zoning Ordinance, as amended, are hereby allowed under this PD ordinance except as follows:

Density:

Multiple-family units; maximum twenty-two (22) du/ga.

Land use mix limits: The MU-2 zoning district will have a mix of residential and nonresidential uses at the following rates:

Nonresidential uses (stand-alone): shall not exceed 40% of the gross area of the MU-2 zoning district.

Multiple-family uses (stand-alone): Shall not exceed forty (40) percent of the gross area of the MU-2 zoning district.

Tract 3

The requirements and types of commercial uses allowed for commercial lots within this PD shall follow Chapter 14 of the City of Celina’s Zoning Ordinance, as amended, which details the requirements of the C-2 General Commercial Zoning District. All uses allowed under the C-2 zoning districts as established in the City of Celina Zoning Ordinance, as amended, are hereby allowed under this PD ordinance except as follows:

Uses not permitted:

1. dyeing facilities
2. ice cream plants
3. ice plants/cold storage plants
4. mortuaries
5. pumping stations
6. tire repair shops, except as incidental to auto repair operations
7. auto body operations
8. spray-painting operations
9. storage of rental trucks and trailers
10. taxidermists

CONCEPT PLAN

Exhibit B identifies and locates the proposed land uses outlined within the Property. All land uses shall conform to the District Regulations in place at the time of development unless modified herein. The proposed development should have unified and consistent design elements and provide an integrated development that follows the Comprehensive Plan dated April 2013 and compliments the City of Celina.

Single-Family

PERMISSIBLE USES

The following uses shall be allowed:

1. Agricultural Uses – Agricultural uses whose products are grown primarily for home consumption, such as domestic gardening, berry or bush crops, tree crops, flower gardening, orchards, and aviaries.
2. Residential Uses: Single-family detached dwellings
3. Community Facility Uses
 - A. Public and private parks;
 - B. Recreational and open space including but not limited to playgrounds, parkways, greenbelts, ponds and lakes, botanical gardens, pedestrian paths, bicycle paths, equestrian bridle trails, nature centers, bird and wildlife sanctuaries;
 - C. Amenity centers.
4. Temporary structure for storage of building materials and equipment used for initial residential construction, when on the same or adjoining lot, for a period not to exceed the duration of the construction. This shall include temporary trailers for construction and sales activity. Building material storage will be allowed adjacent to temporary trailers or in a lot designated for storage.
5. Manufactured and/or modular homes are prohibited in this PD district.

RESIDENTIAL DESIGN GUIDELINES

I. Lot Type Regulations

The PD District will include a variety of lot types in order to achieve the goals established for the district. The lot types and requirements for each shall be as follows:

A. Lot Type 1:

1. Purpose: This lot type is designed to allow single family detached dwellings on lots of not less than five thousand five hundred (5,500) square feet, with front-entry garages, together with the allowed incidental and accessory uses.
2. Height Regulations: No building shall exceed forty feet (40') or two and one-half (2-1/2) stories in height to the highest point of its roof.
3. Area Regulations: The following minimum standards shall be required as measured from property lines:
 - Lot Size: Five thousand five hundred (5,500) square feet.
 - Lot Coverage: The maximum Lot Coverage shall not exceed sixty percent (60%).
 - Minimum Floor Area: The minimum square footage of a dwelling unit, exclusive of garages, breezeways and porches, shall be seventeen hundred (1,700) square feet.

Front Yard: Front yard setbacks shall vary and shall be shown on the Final Plat for the subdivision. To create a variety of front yards on each street, a relatively equal number of lots shall be platted with twenty feet (20') and twenty-five feet (25') minimum front yards. No more than six (6) homes in a row along a block face shall have the same front yard setback. Covered Front Porches may extend over the front building setback line up to five feet (5'), but the garage door must remain at or behind the front setback line in all instances.

Rear Yard: Ten feet (10') minimum.

Side Yard: Five feet (5') minimum.

Side Yard Adjacent to Street: Fifteen feet (15') minimum.

Lot Width: Fifty feet typical (50'); forty feet (40') minimum (@ right-of-way) on cul-de-sac lots.

Lot Depth: One hundred ten feet (110') minimum.

Lot Depth (cul-de-sac lot): Eighty-five feet (85') minimum.

Garage Orientation: May face the street.

Garage Setback: Equivalent to the front yard setback shown on the final plat for the applicable lot.

B. Lot Type 2:

1. **Purpose:** This lot type is designed to allow single family detached dwellings on lots of not less than six thousand six hundred (6,600) square feet, with front-entry garages, together with the allowed incidental and accessory uses.

2. **Height Regulations:** No building shall exceed forty feet (40') or two and one-half (2-1/2) stories in height to the highest point of its roof.

3. **Area Regulations:** The following minimum standards shall be required as measured from property lines:

Lot Size: Six thousand six hundred (6,600) square feet.

Lot Coverage: The maximum Lot Coverage shall not exceed fifty-five percent (55%).

Minimum Floor Area: The minimum square footage of a dwelling unit, exclusive of garages, breezeways and porches, shall be nineteen hundred (1,900) square feet.

Front Yard: Front yard setbacks shall vary and shall be shown on the Final Plat for the subdivision. To create a variety of front yards on each street, a relatively equal number of lots shall be platted with twenty feet (20') and twenty-five feet (25') minimum front yards. No more than six (6) homes in a row along a block face shall have the same front yard setback. Covered Front Porches may extend over the front building setback line up to five feet (5'), but the garage door must remain at or behind the front setback line in all instances.

Rear Yard: Ten feet (10') minimum.

Side Yard: Five feet (5') minimum.

Side Yard Adjacent to Street: Fifteen feet (15') minimum.

Lot Width: Sixty feet (60') typical; fifty feet (50') minimum (@ right-of-way) on cul-de-sac lots.

Lot Depth: One hundred ten feet (110') minimum.

Lot Depth (cul-de-sac lot): Eighty-five feet (85') minimum.

Garage Orientation: May face the street.

Garage Setback: Equivalent to the front yard setback shown on the final plat for the applicable lot.

C. Lot Type 3:

1. Purpose: This lot type is designed to allow single family detached dwellings on lots of not less than seven thousand seven hundred (7,700) square feet, together with the allowed incidental and accessory uses.

2. Height Regulations: No building shall exceed forty feet (40') or two and one-half (2-1/2) stories in height to the highest point of its roof.

3. Area Regulations: The following minimum standards shall be required as measured from property lines:

Lot Size: Seven thousand seven hundred (7,700) square feet.

Lot Coverage: The maximum Lot Coverage shall not exceed sixty percent (60%).

Minimum Floor Area: The minimum square footage of a dwelling unit, exclusive of garages, breezeways and porches, shall be two thousand four hundred (2,400) square feet.

Front Yard: Front yard setbacks shall vary and shall be shown on the Final Plat for the subdivision. To create a variety of front yards on each street, a relatively equal number of lots shall be platted with twenty feet (20') and twenty-five feet (25') minimum front yards. No more than six (6) homes in a row along a block face shall have the same front yard setback. Covered Front Porches may extend over the front building setback line up to five feet (5'), but the garage door must remain at or behind the front setback line in all instances.

Rear Yard: Ten feet (10') minimum.

Side Yard: Five feet (5') minimum.

Side Yard Adjacent to Street: Fifteen feet (15') minimum.

Lot Width: Seventy feet (70') typical; sixty feet (60') minimum (@ right-of-way) on cul-de-sac lots.

Lot Depth: One hundred ten feet (110') minimum.

Lot Depth (corner or cul-de-sac lot): Eighty-five feet (85') minimum.

Garage Orientation: May face the street; garage access should be accomplished utilizing “swing-in” driveways for a minimum of 50% of this lot type.

Garage Setback: Equivalent to the front yard setback shown on the final plat for the applicable lot.

II. Neighborhood Regulations

The maximum number of lots permitted within Parcels 1 and 2 shall not exceed 1,064 lots. The maximum percentage of lots per Lot Type is as follows:

Lot Type 1:	60 %
Lot Type 2:	30% Minimum
Lot Type 3:	12% Minimum

The lot types shall generally conform to the layout shown in Exhibit C.

III. Development and Design Standards

A. Sign Program: This development shall conform to the City’s current sign ordinance as it currently exists or may be amended.

B. Landscape Standards: All development within PD District shall comply with the following:

1. Tree Requirements:

i. Trees are required to be planted by the homebuilder in the front yard of all lots per the following schedule:

- Lot Type 1 – one, 4” caliper tree, measured at 12 inches above ground
- Lot Type 2 – one, 4” caliper trees, measured at 12 inches above ground
- Lot type 3 – two, 4” caliper tree, measured at 12 inches above ground

ii. Trees shall be planted adjacent to all thoroughfares and collector roads per the following schedule:

- One, 3” caliper tree, measured at 12 inches above ground, spaced every 125’
- Trees shall be planted between the rear property line of the adjacent Lot and the sidewalk
- Planted at the time the adjacent Lot(s) are developed Planted at the time a phase is constructed.

iii. Tree species shall comply with the City of Celina Zoning Ordinance Chapter 14.05 Appendix E.

OTHER DEVELOPMENT REGULATIONS

HOMEOWNERS ASSOCIATION

Homeowner Associations or Property Owner Associations will be established as each residential parcel of land is developed. The PD shall contain one or multiple Homeowner Associations/Property Owner Associations.

OPEN SPACE

The Single Family and Commercial (not including MU-2 zoning) tracts of the PD will contain a minimum of 30 acres of Open Space. Open space north of the centerline of the creek in Tract 3 shall qualify and be utilized as open space for the single-family development (Tract 1).

TRACTS 2 & 3

Tracts 2 & 3 shall be required to submit a concept plan as a PD Amendment prior to submission of any site plan, plat, general development plan, building permit, or early grading permit. The PD Amendment shall be processed as outlined in section 14.03.031 of the Celina Code of Ordinances.

LIST OF EXHIBITS

- Exhibit A – Legal Description of PD Tracts
- Exhibit B – Zoning Exhibit
- Exhibit C – Concept Plan
- Exhibit D – Development Regulations

DEFINITIONS

Any capitalized terms not defined below are per the definition as provided in the City of Celina Code of Ordinance Chapter 14.

Common Area: Any portion of the PD District that does not constitute a residential lot or street right-of-way and is owned by the Homeowners Association.

Homeowner Association: An association governed by by-laws, deed restrictions, and architectural guidelines of the community. All lot owners will have mandatory membership in the homeowner association, which, among other things, will require financial obligations in the form of annual membership dues.

PD District Concept Plan (Exhibit B): The graphic plan for PD District that establishes and delineates the location of the respective Lot Types and is attached as Exhibit B.

Main Structure: The primary residence to be constructed on any Lot.

Open Space: Publicly or privately accessible parks, greens, sports fields, plazas, landscaped areas, natural flood plain or drainage areas, and tot lots, shall constitute Open Space.

Parkway: The area between the curb and the right-of-way in front of residential lots.

PD District: The land and/or lots contained within the legal boundaries identified in Exhibit A.

Shall: A term requiring compliance.

Should: A term encouraging compliance.



**NOTICE OF PUBLIC HEARING TO
PROPERTY OWNER WITHIN 200 FEET OF PROPERTY
SUBJECT TO PROPOSED ZONING CHANGE
ZONING CASE "CREEKS OF LEGACY"**

The Celina Planning & Zoning Commission will conduct a public hearing on **June 19, 2018 at 5:30 p.m.** at 112 N. Colorado Street, Celina, Texas to consider the zoning case as described below:

The Planning and Zoning Commission will conduct a public hearing to consider testimony and act upon a rezoning request for an approximately 368.346 acre tract of land amending the development standards for PD - Planned Development No. 46, the Creeks of Legacy. The property is situated in the William Davenport Survey, Abstract No. 262 and the F. D. Gray Survey, Abstract No. 361, Collin County, Texas and the John McKinn Survey, Abstract No. 889, the William Phillips Survey, Abstract No. 1029, and the A. Thomasson Survey, Abstract No. 1265, Denton County, Texas, and is generally located north Frontier Parkway and west of Dallas Parkway.

The applicant is requesting to remove a collector road adjacent to both the commercial tract on the northeast corner of Frontier Parkway and Legacy Drive (CR-6) and the single-family residential neighborhood to the northeast of that tract.

No other development standards are proposed to be changed.

According to the most recently approved City tax roll, you are the owner of property within 200 feet of the property which is the subject of the proposed zoning change case. The meeting shown above is open to the public, and you will have the right to speak for or against the proposed zoning change during the public hearing portion of the meeting. You may also register your opinion by returning this form to the Department of Planning & Development, 142 N. Ohio Street, Celina, Texas, 75009.

The Planning & Zoning Commission forwards its recommendations for any zoning change to the City Council after conducting a public hearing.

You may contact the Development Services Department, 142 N. Ohio St., Celina Texas, 75009 for additional information, or contact Raha Pouladi by phone at 972-382-2682 Ext. 1026 or by e-mail at rpouladi@celina-tx.gov

✂ Cut here

Zoning Case (18-Z-05) "CREEKS OF LEGACY"

June 19, 2018

Members of the Planning & Zoning Commission:

I, JEFF D. SMITH, with property located at 3109 AUSTIN BAYOU TR, PROSPER, Texas 75078
(NAME) (ADDRESS) (CITY)
____ Support Phone: 214-551-7068
☒ Oppose Email: jeffsmith@gmail.com

The proposed zoning changes for the following reasons. (Use extra sheets if more room is needed):

[Signature]
SIGNATURE

6-4-2018
DATE

Attachment: Letter of Opposition (Creeks of Legacy PD Amendment)



Traffic Assessment for Creeks of Legacy in Celina, Texas

To: Rob Romo — Centurion American Development Group
From: John J. DeShazo Jr., P.E. — DeShazo Group, Inc., Texas Registered Engineering Firm F-3199
Date: July 3, 2018
Re: Traffic assessment to determine the requirement of “Collector C” in the proposed development; DeShazo #18090

INTRODUCTION

The services of DeShazo Group, Inc. (DeShazo) were retained to conduct a traffic assessment for Creeks of Legacy in Celina, located in the northeast and northwest quadrants of Legacy Drive at Frontier Parkway. The City of Celina is requesting a study to show that eliminating “Collector C” connecting Frontier Parkway and Legacy Drive through the development will not have any significant impact on the future traffic conditions. Also, to determine the safest option based on traffic standpoint.

SITE DESCRIPTION

- **Location:** Northeast and Northwest quadrant of Legacy Drive at Frontier Parkway.
- **Building program:** Site plan is provided in **Appendix** and the building program is provided below.

Table 1. Building Program

Land Use:	DU/SF
Single Family Detached	1,034 DU
Multifamily	550 DU
Commercial*	169,200 SF

*100% Commercial has been considered to generate trips for the analysis to be conservative.

TRIP GENERATION

Trip generation for the proposed development used in the analysis is shown in **Table 2A, 2B & 2C.**

Table 2A. Trip Generation – Single Family Detached Homes

ITE Code	ITE Land Use	Quantity	Weekday Trips	AM Peak Hour			PM Peak Hour		
				Total	In	Out	Total	In	Out
210	Single-Family Detached	1,034 DU	8,919	765	191	574	1,024	645	379
	Totals:		8,919	765	191	574	1,024	645	379

Table 2B. Trip Generation – Multifamily Units

ITE Code	ITE Land Use	Quantity	Weekday Trips	AM Peak Hour			PM Peak Hour		
				Total	In	Out	Total	In	Out
221	Low-Rise Apartment	550 DU	4,117	241	55	186	308	194	114
	Totals:		4,117	241	55	186	308	194	114

Table 2C. Trip Generation – Mixed Use (Considering 100% Commercial)

ITE Code	ITE Land Use	Quantity	Weekday Trips	AM Peak Hour			PM Peak Hour		
				Total	In	Out	Total	In	Out
820	Shopping Center**	169,200 SF	8,597	236	146	90	802	385	417
	Totals:		8,597	236	146	90	802	385	417

*Calculated using ITE Trip Generation Manual 10th Edition.

**100% Shopping Center was assumed as the appropriate land use for the mixed use development to be conservative.

RESULTS WITH COLLECTOR “C” IN THE DEVELOPMENT

Projected site traffic volumes with *Collector C* in the roadway network were analyzed to determine the future operational conditions. Intersection capacity analyses presented in this study were performed using the SYNCHRO software package. **Table 3** provides a summary of peak period intersectional operational conditions.

Table 3. Intersection Analysis with “Collector C”

Unsignalized Intersections	Traffic Movement	Site Generated with Collector C	
		AM	PM
<u>Collector C</u>			
Frontier Parkway	SBL	- -	- -
<u>Driveway 4</u>			
Frontier Parkway	SBL	B (12.7)	D (31.5)
<u>Driveway 3</u>			
Frontier Parkway	SBL	A (0.0)	A (0.0)
<u>Driveway 2</u>			
Legacy Drive	WBL	B (10.8)	C (15.8)
<u>Driveway 1</u>			
Legacy Drive	WBL	B (10.9)	B (13.5)
	SBL	A (7.4)	A (7.8)
<u>Collector C</u>			
Legacy Drive	WBL	B (11.8)	B (12.8)
<u>Clear Creek Parkway</u>			
Legacy Drive	NBL	A (7.3)	A (7.7)
	EBL	A (9.3)	A (8.9)
	WBL	B (11.6)	C (19.6)
<u>Driveway 8</u>			
Collector C	NBL	A (9.7)	B (11.4)
	NBR	A (9.7)	B (11.4)
	WBL	A (7.3)	A (7.4)
<u>Driveway 7</u>			
Collector C	NBL	A (7.3)	A (7.3)
<u>Driveway 6</u>			
Collector C	NBLR	A (7.2)	A (7.3)
<u>Driveway 5</u>			
Collector C	NBL	A (0.0)	A (0.0)

Based upon the site-generated traffic for the proposed development with “Collector C” in the roadway network, all the intersections shown above are expected to operate at LOS “D” or better.

RESULTS WITHOUT COLLECTOR “C” IN THE DEVELOPMENT

Projected site traffic volumes without *Collector C* in the roadway network were analyzed to determine the future operational conditions. **Table 4** provides a summary of peak period intersectional operational conditions.

Table 4. Intersection Analysis with “Collector C”

Unsignalized Intersections	Traffic Movement	Site Generated without Collector C	
		AM	PM
<u>Collector C</u>			
Frontier Parkway	SBL	- -	- -
<u>Driveway 4</u>			
Frontier Parkway	SBL	B (12.7)	F (64.8)
<u>Driveway 3</u>			
Frontier Parkway	SBL	A (0.0)	A (0.0)
<u>Driveway 2</u>			
Legacy Drive	WBL	B (11.6)	D (26.3)
<u>Driveway 1</u>			
Legacy Drive	WBL	B (11.5)	B (12.7)
	SBL	A (7.4)	A (7.9)
<u>Collector C</u>			
Legacy Drive	WBL	- -	- -
<u>Clear Creek Parkway</u>			
Legacy Drive	NBL	A (7.3)	A (7.7)
	EBL	A (9.2)	A (8.9)
	WBL	B (11.4)	C (17.1)
<u>Driveway 8</u>			
Collector C	NBL	- -	- -
	NBR	- -	- -
	WBL	- -	- -
<u>Driveway 7</u>			
Collector C	NBL	- -	- -
<u>Driveway 6</u>			
Collector C	NBLR	- -	- -
<u>Driveway 5</u>			
Collector C	NBL	- -	- -

Based upon the site-generated traffic for the proposed development without “Collector C” in the roadway network, all the intersections shown above are expected to operate at LOS “D” with exception of:

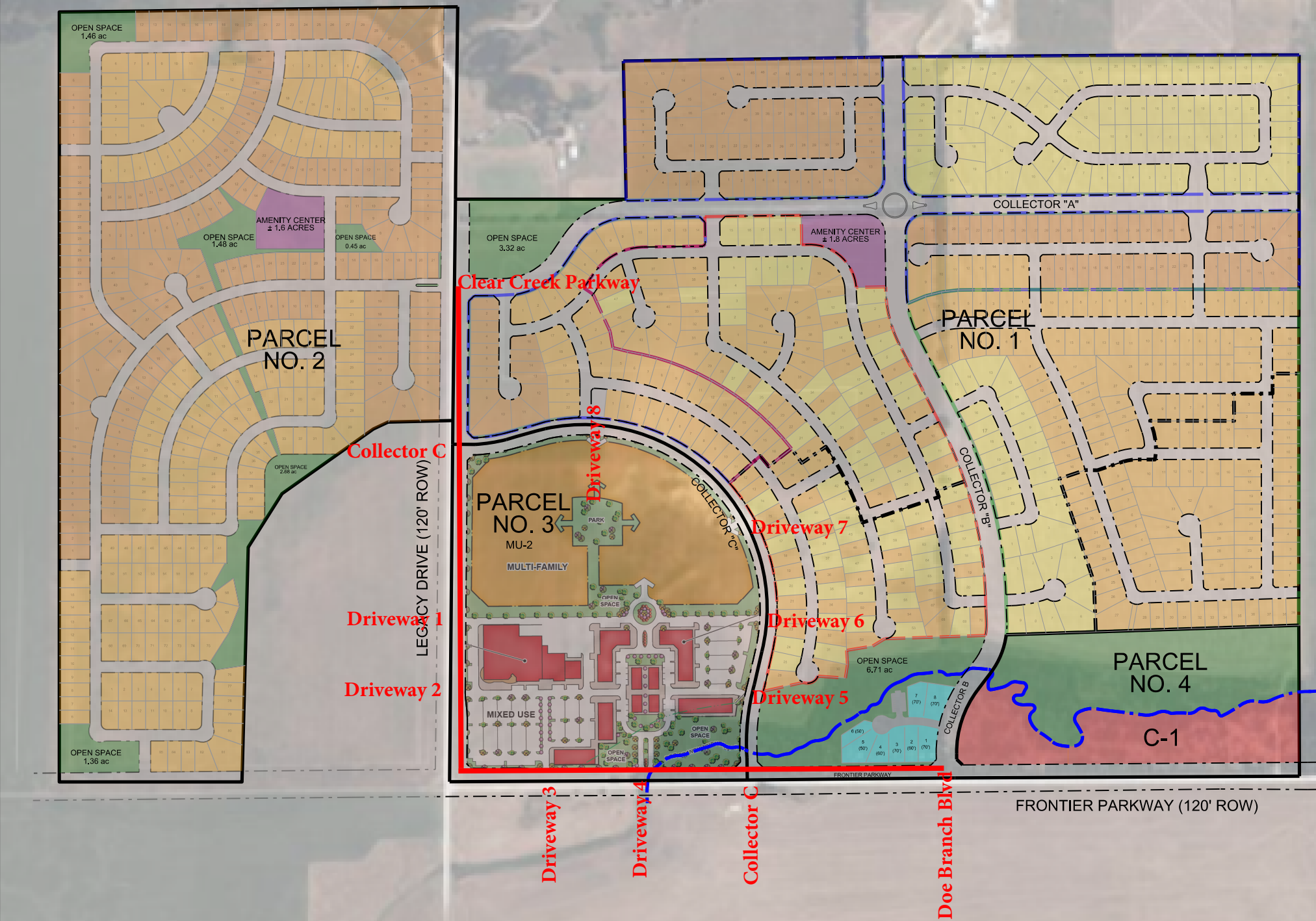
- Driveway 4 at Frontier Parkway: The SB left turning movement at the intersection is expected to operate at LOS F with an approximate delay of 64 seconds.

CONCLUSION

Below are the findings from this traffic assessment:

- All the intersections analyzed in the study considering *Collector C* in the roadway network are currently operating at LOS D or better.
- All the intersections analyzed in the study without *Collector C* in the roadway network are currently operating at LOS D or better with an exception of:
 - Driveway 4 at Frontier Parkway: The SB left turning movement at the intersection is expected to operate at LOS F with an approximate delay of 64 seconds.
- Based upon the traffic assessment, the operational conditions at all the intersections are expected to be similar with or without *Collector C* in the roadway network.
- The spacing between the main entrance for the commercial development and *Collector C* is less than 400 ft. This distance does not provide ideal geometry for two openings in the median divider to accommodate both the entry into the commercial and *Collector C*.
- The western most residential units in Parcel 1 are sandwiched between *Collector C* and the first residential street and are separated by the depth of the residential lots. This condition has an impact on the desirability of these properties.
- Approximately, 70% of the motorist enter a development at the first driveway, motorists approaching the development from the east may be confused as to which driveway actually serves the commercial development. Since the main driveway to the commercial has a deceleration lane, this will be a safer driveway than *Collector C*.
- If *Collector C* is not constructed, the only traffic that will utilize Doe Branch Blvd and Clear Creek Blvd will be the traffic generated by the single family residential units. No other traffic is expected to use these roads for any other purpose.
- If *Collector C* were to be constructed with no median opening on both Frontier Parkway & Legacy Drive, a percentage of multifamily residents will use the internal streets in the single family residential development to reach Legacy Drive or Frontier Parkway and go on to the Dallas North Tollway (Exhibit attached in Appendix). The multifamily residents using the internal streets of the single family residential development is not desirable.

Appendix



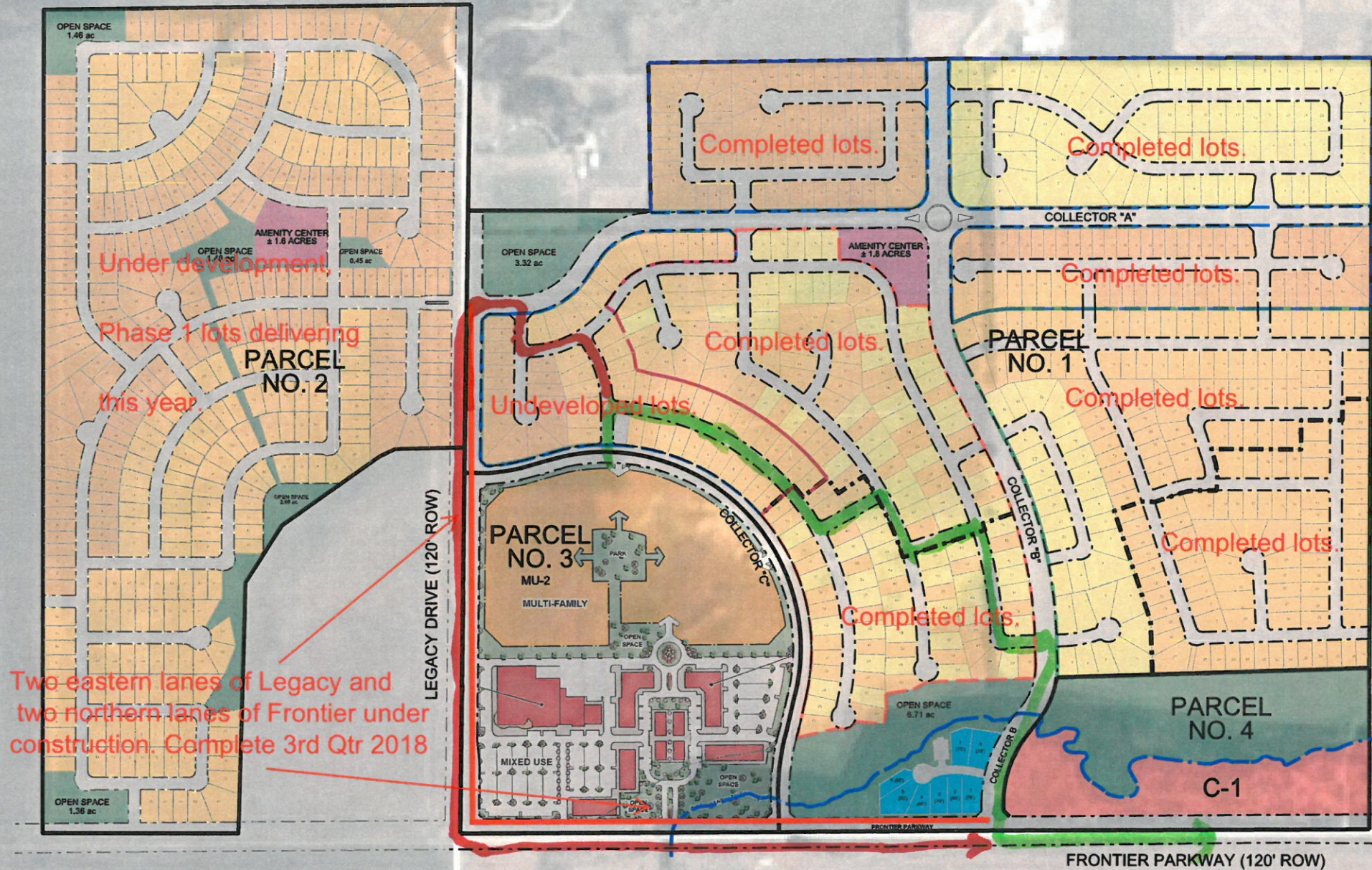
LEGEND	
CREEKS OF LEGACY TOTAL (± 303 ACRES)	
	343 LOTS @ 50's (33%)
	505 LOTS @ 60's (49%)
	183 LOTS @ 70's (18%)
	OPEN SPACE (± 30 ACRES)
1031 TOTAL LOTS	
CREEKS OF LEGACY FRONTIER PROSPER (EAST OF LEGACY)	
	140 LOTS @ 50's (23%)
	309 LOTS @ 60's (48%)
	183 LOTS @ 70's (29%)
	OPEN SPACE (± 23 ACRES)
632 TOTAL LOTS	
LENNAR (50 ACRES)	
	LENNAR BOUNDARY
	167 LOTS @ 60's (84%)
	31 LOTS @ 70's (16%)
198 TOTAL LOTS	
FIRST TEXAS (42 ACRES)	
	FIRST TEXAS BOUNDARY
	85 LOTS @ 60's (54%)
	72 LOTS @ 70's (46%)
157 TOTAL LOTS	
CADG (79 ACRES)	
	CADG BOUNDARY
	140 LOTS @ 50's (50%)
	57 LOTS @ 60's (21%)
	80 LOTS @ 70's (29%)
277 TOTAL LOTS	
	OPEN SPACE
	AMENITY CENTER
	MODEL HOME

PHASE 1 LEGEND	
	PHASE LINES
LENNAR (31 ACRES)	
	84 LOTS @ 60's (73%)
	31 LOTS @ 70's (27%)
115 TOTAL LOTS	
FIRST TEXAS (24 ACRES)	
	52 LOTS @ 60's (57%)
	39 LOTS @ 70's (43%)
91 TOTAL LOTS	
CADG (63 ACRES)	
	124 LOTS @ 50's (58%)
	8 LOTS @ 60's (4%)
	80 LOTS @ 70's (38%)
212 TOTAL LOTS	
MODEL HOMES (2 ACRES)	
	4 LOTS @ 50's (44%)
	3 LOTS @ 60's (33%)
	2 LOTS @ 70's (22%)
9 TOTAL LOTS	
	PD LOT TYPE 1 (50's)
	PD LOT TYPE 2 (60's)
	PD LOT TYPE 3 (70's)

CONCEPT PLAN
CREEKS OF LEGACY
CELINA, TEXAS
JUNE 17, 2014

Exhibit 2. Preliminary Site Plan

Attachment: Creeks of Legacy in Celina Texas - Tech Memo-Revised-July3rd (Creeks of Legacy PD Amendment)



Two eastern lanes of Legacy and two northern lanes of Frontier under construction. Complete 3rd Qtr 2018

LEGEND	
CREEKS OF LEGACY TOTAL (± 303 ACRES)	
343 LOTS @ 50's (33%)	
505 LOTS @ 60's (49%)	
183 LOTS @ 70's (18%)	
OPEN SPACE (± 30 ACRES)	
1031 TOTAL LOTS	
CREEKS OF LEGACY FRONTIER PROSPER (EAST OF LEGACY)	
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PD LOT TYPE 1 (50's)	
PD LOT TYPE 2 (60's)	
PD LOT TYPE 3 (70's)	

CONCEPT PLAN
CREEKS OF LEGACY
CELINA, TEXAS
JUNE 17, 2014

PELOTON
LAND SOLUTIONS
10875 JOHN W. ELLIOT DR., STE 400 FRISCO, TX 75033 469-213-1800



Development Services
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
 From: Alexis Jackson, Director of Development Services
 CC: Jason Laumer, City Manager
 Date: July 10, 2018
 Re: Creeks of Legacy Phase 2A Facilities Agreement Termination

Action Requested:

Consider and act upon a resolution authorizing the Mayor Pro-Tem to execute a letter agreement mutually terminating a facilities agreement between the City of Celina, Texas and CTMG Frontier 80 LLC, CADG Frontier 192 LLC, and First Texas Homes Inc. (Creeks of Legacy) (Jackson)

Owners:

CTMGT Frontier 80, LLC
 1800 Valley View Lane, Suite 300
 Farmers Branch, TX, 75234

CADG Frontier 192, LLC
 1800 Valley View Lane, Suite 300
 Farmers Branch, TX, 75234

First Texas Homes, Inc.
 500 Crescent Court, Suite 350
 Dallas, TX 75201

Background Information:

On March 14, 2017, the City Council approved Resolution 2017-15R, approving and authorizing the execution of a Facilities Agreement for Phases 2A and 2C of the Creeks of Legacy subdivision. As part of the Facilities Agreement, the owners agreed to construct Collector C, adjacent to the mixed-use tract located at the corner of Frontier Parkway and Legacy Drive.

The owners have applied for a zoning change that would eliminate Collector C from the associated Concept Plan, adopted as part of the zoning. If this zoning change is adopted by City Council, then both the City of Celina and the owners agree to terminate the Facilities Agreement.

Board Review/Citizen Input:

N/A

Alternatives:

N/A

Financial Considerations:

N/A

Legal Review:

The City Attorney has reviewed the termination agreement and has deemed it acceptable, pending approval of the rezoning of the property to eliminate Collector C.

Supporting Document:

Mutual Termination of Facilities Agreement for Phases 2A and 2C of the Creeks of Legacy

Staff Recommendation:

Staff recommends approval subject to the approval of the Creeks of Legacy PD Amendment.

CITY OF CELINA, TEXAS

RESOLUTION NO. 2018 - _____

A RESOLUTION AUTHORIZING THE MAYOR PRO-TEM TO EXECUTE A LETTER AGREEMENT MUTUALLY TERMINATING A FACILITIES AGREEMENT BETWEEN THE CITY OF CELINA, TEXAS AND CTMGT FRONTIER 80, LLC, CADG FRONTIER 192, LLC AND FIRST TEXAS HOMES, INC.

WHEREAS, the City Council of the City of Celina, Texas ("City") has determined that it is in the best interest of the citizens of the City to terminate an existing facilities agreement by authorizing the Mayor Pro-Tem to execute the Letter Agreement mutually terminating a facilities agreement attached hereto as Exhibit "A."

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS, THAT:

SECTION 1: Recitals Incorporated. The findings recited above are incorporated as if fully set forth in the body of this Resolution.

SECTION 2: Authorization to Execute. The Mayor Pro-Tem of the City is hereby authorized and directed, on behalf of the City Council of Celina, Texas, to execute a letter agreement mutually terminating a facilities agreement by and between the City of Celina and CTMGT Frontier 80, LLC, CADG Frontier 192, LLC and First Texas Homes, Inc., a copy of which is attached hereto as Exhibit "A."

SECTION 3: This Resolution shall take effect immediately upon its passage.

PASSED, APPROVED AND ADOPTED on the 10th day of July, 2018.

ATTEST:

CHAD ANDERSON, MAYOR PRO-TEM

VICKI FAULKNER, CITY SECRETARY

EXHIBIT A

**CREEKS OF LEGACY SUBDIVISION
PHASE 2A AND PHASE 2C
MUTUAL TERMINATION OF FACILITIES AGREEMENT**

Via Certified Mail Return Receipt Requested:

CTMGT Frontier 80, LLC
1800 Valley View Ln. Suite 300
Farmers Branch, TX 76234

CADG Frontier 192, LLC
1800 Valley View Ln. Suite 300
Farmers Branch, TX 76234

First Texas Homes, Inc.
500 Crescent Court #350.
Dallas, TX 75201

Re: Mutual Termination of Facilities Agreement (this “Letter Agreement”)

Dear Sirs:

This Letter Agreement binds the signatories to the terms herein.

On March 14, 2017, the City Council of the City of Celina, Texas (the “City”), a home rule municipality, (hereinafter referred to as the “City”), approved Resolution 2017-15R approving and authorizing execution of a Facilities Agreement for Phase 2A and Phase 2C, Creeks of Legacy Subdivision (the “Facilities Agreement”), between the City, and the developers of Phase 2A and 2C: CADG Frontier 192, LLC (“ROW Developer”), CTMGT Frontier 80, LLC (“Phase 2A Developer”) and First Texas Homes, Inc. (“Phase 2C Developer”), (collectively, the “Developers”) for the dedication of right-of-way and installation of public improvements and facilities.

In accordance with Section 2 of the Facilities Agreement, the Facilities Agreement may be terminated by mutual agreement of the City and Developers documented in writing. In accordance with Section 4 of the Facilities Agreement, the Developers may apply to amend Zoning Ordinance No. 2014-32 to request rezoning related to the existence of Road “C” (as defined in the Facilities Agreement) and precluding the requirement for the Facilities Agreement.

On July 10, 2018, the City Council approved an amendment to Zoning Ordinance No. 2014-32 eliminating the requirement for the Facilities Agreement. Upon execution of this Letter Agreement by the City and Developers, their successors and/or assigns, the Facilities Agreement is terminated. This Letter Agreement is entered into upon mutual consent of the City and

Developers, and the City and Developers agree that no party to the Facilities Agreement is in default of the Facilities Agreement.

This Letter Agreement may be executed simultaneously in two or more counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument. A signature of a party transmitted by facsimile or by other electronic means shall be binding on such party to the same extent as an original signature. If this Letter Agreement is signed by the parties or party and delivered by means of facsimile or other electronic transmission, the parties agree promptly to thereafter exchange original, executed counterparts thereof, but failure to do so shall not affect the validity, enforceability or binding effect thereof.

[SIGNATURES ON NEXT PAGE]

SIGNED AND EFFECTIVE on the date last set forth below.

PHASE 2A DEVELOPER:

Date: _____

Project Manager

ROW DEVELOPER:

Date: _____

Project Manager

PHASE 2C DEVELOPER:

Date: _____

Project Manager

Date: _____

CITY OF CELINA, TEXAS:

Chad Anderson, Mayor Pro-Tem

City of Celina, Texas

ATTEST:

Vicki Faulkner, City Secretary

City of Celina, Texas



Engineering
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
From: Kim Brawner, Director of Engineering
CC: Catherine Oduro, Engineer
Date: July 10, 2018
Re:

Action Requested:

Consider and act upon an ordinance of the City Council of the City of Celina, Texas, accepting and approving a revised Engineering Design Standards, Specifications and Standard Details and allowing the City Manager or his designee to make modifications/revisions as necessary. (Brawner)

Background Information:

The Engineering Design Standards, Specifications and Standard Details are a comprehensive manual that defines the minimum accepted engineering criteria for development within the City of Celina. The Engineering Design Standards, Specifications and Standard Details manual was presented to City Council on March 08, 2016 but was not adopted by Ordinance. This Ordinance provides for the legal mechanism for enforcement of the Standards.

Staff reviews and updates the Engineering Design Standards, Specifications and Standard Details as necessary to meet current engineering standards. To facilitate updates, the proposed ordinance provides staff the authority to make minor changes to the manual but requires staff to post proposed changes on the Department of Engineering Services web site for a minimum of thirty (30) calendar days prior to the adoption of the minor modifications. Major modifications will be brought to the City Council for review and approval.

Board Review/Citizen Input:

None

Alternatives:

None

Financial Considerations:

None

Legal Review:

City attorney has reviewed and approved the attached ordinance.

Supporting Documents:

-Engineering Standards

Staff Recommendation:

Adopt Ordinance XXX for the Engineering Design Standards, Specifications and Standard Details.

ORDINANCE NUMBER _____

AN ORDINANCE OF THE CITY OF CELINA, TEXAS, ADOPTING ENGINEERING DESIGN STANDARDS; SPECIFICATIONS AND CONSTRUCTION DETAILS (“ENGINEERING STANDARDS”), TO DELEGATE ALL FUTURE DRAFTING, AMENDING, APPROVAL AND/OR ADOPTIONS OF THE ENGINEERING STANDARDS, SPECIFICATION AND CONSTRUCTION DETAILS TO THE CITY MANAGER OR HIS/HER DESIGNEE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF,

WHEREAS, the City of Celina is a home rule municipality located in Collin County and Denton County, Texas created in accordance with the provisions of the Texas Local Government Code, the Texas Constitution and operating pursuant to the enabling legislation of the state of Texas; and

WHEREAS, the City Council of the City of Celina, Texas (the "City Council"), has determined that an Engineering Standards should be adopted.

WHEREAS, from time to time, the City Council has investigated and determined that it is necessary to adopt updates and refinements to the Engineering standards to accommodate, among other things, changes in technology and design and make the City of Celina, Texas ("Celina") engineering specifications consistent with current best practices; and

WHEREAS, the City Council has investigated and determined that the City Manager, or his/her designee, possesses the professional training and experience to draft, amend, approve and/or adopt Engineering Standards independent of City Council review; and

WHEREAS, the City Council has further investigated and determined that subsequent to the adoption of the Engineering design manual defined herein and attached hereto, all future drafting, amending, approval and/or adoption of Engineering Standards shall be delegated to the City Manager or his/her designee.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS:

SECTION 1. Adoption of Engineering Standards: The Engineering design standards & specifications and construction details attached hereto as Exhibit "A" and Exhibit "B" respectively and incorporated herein for all purposes, are approved and adopted in their entirety.

SECTION 2. Definition: Engineering Standards- A document adopted by the City Council by resolution or ordinance, and subsequently drafted, amended, approved and/or adopted by the City Manager or his/her designee, which is intended to establish standards for the design and construction of public facilities, and includes the various design criteria, technical specifications, and standard construction details which are considered minimum requirements for the design and construction of adequate public facilities within the City's jurisdiction.

SECTION 3. Authority, Purpose and Applicability: The City Council hereby delegates all future

authority to draft, amend, approve and/or adopt any and all Engineering Standards to the City Manager, or his/her designee. The Engineering Standards may be drafted, amended, approved and/or adopted, from time to time, at the discretion and determination of the City Manager, or his/her designee. As Engineering Design Standards are drafted, amended, approved and/or adopted by the City Manager, or his/her designee, said standards shall be included and substituted for the existing Engineering Standards, and shall thereafter have the same force of law and effect as if originally adopted hereby. Prior to the adoption of any new or major amended provision within the Engineering Standards, such new or amended provision shall be posted on the Department of Engineering Services web site for a minimum of thirty (30) calendar days. The Department of Engineering Services shall also provide notice of any new or major amended provision within the Engineering Standards on the City's website for a minimum of thirty (30) calendar days prior to the enforcement of such new or amended provisions. Any individual may request to receive written notice of any new or amended provision to the Engineering Standards by providing said request in writing to the Director of Engineering. A copy of the current Engineering Standards shall be kept on file and available for review at the Department of Engineering office and on the Department of Engineering website.

SECTION 4. Compliance with City Plans and Ordinances Required. Compliance with all City ordinances pertaining to the subdivision and development of land, and the City's Comprehensive Plan (where applicable), shall be required prior to approval of any application pursuant to this Ordinance. All such ordinances and the Comprehensive Plan shall be construed to mean those documents as they exist or may be amended. It is the property owner's responsibility to be familiar with, and to comply with, City ordinances, the Comprehensive Plan, and the provisions of this Ordinance. Applicable City Ordinances and plans with which all application must comply include, but are not limited to, the following:

1. Comprehensive Plan (including all associated maps and plans);
2. Zoning Ordinances;
3. Building Codes;
4. Flood Prevention Ordinance;
5. International Fire Code;
6. Other applicable portions of the Municipal Code of Ordinances
7. Impact fee Ordinance
8. Federal, State and Local Environmental Regulations

SECTION 5: Inconsistent or Conflicting Ordinances. The ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Celina, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any in such other ordinance or ordinances are hereby superseded.

SECTION 6: Penalty. Any person, firm, corporation or entity violating this Ordinance as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined in a sum not exceeding Two Thousand and No/100 Dollars (\$2,000.00). Each continuing day's violation shall

constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude City of Celina from filing suit to enjoin the violation. Celina retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 7: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. City of Celina hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid

SECTION 8: Effective Date and Publication

This ordinance shall become effective after its passage and publication, as required by law.

PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS, this
the _____ day of _____, 2018.

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney

Exhibit “A”
(Engineering Design Standards & Specifications)

Exhibit “B”
(Engineering Construction Details)



Administration
City of Celina, Texas

Memorandum

To: **Honorable Mayor Terry and the Celina City Council**
From: Paul DeBuff, Assistant to the City Manager
CC: Jason Laumer, City Manager
Date: July 10, 2018
Re: 2020 Strategic Plan Resolution

Action Requested:

Consider and act to adopt the Strategic Plan through Fiscal Year 2020 for the City of Celina. (Jackson)

Background Information:

On April 20th, 2018, Council attended a strategic planning retreat with staff and Ideation Planning, LLC to develop and approve the 2020 Celina Strategic Plan, outlining the vision, direction and longer term goals for the City of Celina. This Council action officially adopts the Plan developed at that retreat.

Board Review/Citizen Input:

The Strategic Plan developed at the retreat was also founded in feedback from citizens, who filled out an extensive survey of their hopes and vision of the City of Celina. The Plan, then, incorporates the vision of both the citizens and the City Council.

Alternatives:

N/A

Financial Considerations:

N/A

Legal Review:

N/A

Supporting Documents:

- Proposed Strategic Plan

Staff Recommendation:

Staff recommends approval.

CITY OF CELINA

STRATEGIC PLAN 2018-2020





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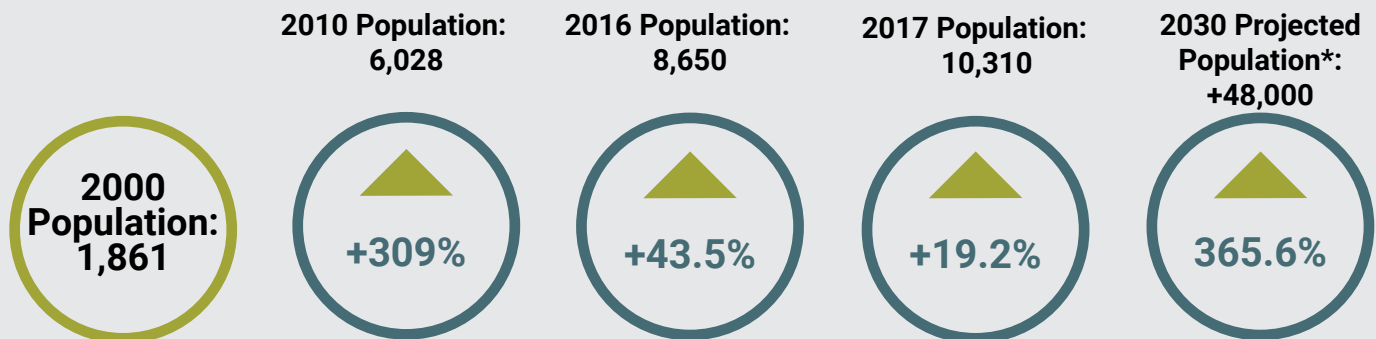
- 1 Community Snapshot
- 2 Letter from the Mayor
- 3 City Council Members

- 4 Our Why
- 5 Our Vision
- 6 Core Values
- 7 Two-Year Goals

CELINA, TX

Celina has seen explosive population growth since the turn of the millennium, and the population is projected to continue to increase dramatically over the next decade. While maintaining its small town charm, Celina has attracted the attention and investment of many potential residents and businesses, with growth at a pace and type to credit Celina with the title of “America’s Next Boomtown.” The City is dedicated to making sure that new growth is done in a planned, controlled, and strategic fashion. Celina wants to maintain its rural and country feel while facilitating new development and improvements in the right way.

This Strategic Plan is a first step in ensuring that Celina grows with purpose and without losing what has made it so special up to this point. Celina has a premier location, approximately 40 miles north of Dallas, and its residents have the benefit of being able to commute to the thousands of jobs within the DFW Metroplex, and experience the amenities of the region, while also experiencing the “hometown vibe” of Celina and its close-knit community. As reflected in this Plan, Celina aims to leverage its assets and have laser-like focus on achieving its Vision for the future.



**Based on 2013 housing development plans. This number is likely to rise significantly.*

In 2015, the city had approximately 24 square miles, 75 percent of which were vacant or in agricultural use. In 2018, the city has grown to approximately 29 square miles but could extend to as much as 78 square miles at build-out.


MAYOR
Sean Terry


Celina is doing great things, and I am proud to have served the community through many challenges and successes so far. We continue to maintain the small town charm that is bringing so many new people to the area, while staying progressive and keeping our eyes looking forward to the future.

"Coming together is a beginning; keeping together is progress; working together is success."

- Henry Ford

Our community is experiencing rapid growth, and your City Council is determined to make Celina the best it can be. Numerous projects and plans have been implemented to make our community greater, and we are not finished yet! Among many other priorities detailed in this Strategic Plan, we are working to revitalize Downtown and position it for its next chapter—one of significant vitality, entertainment, and development. This Plan is our new guide for decision-making and gives us a clear picture of what we are trying to achieve for Celina's future.

The Plan was made and developed utilizing community feedback and ideas, first and foremost. We administered a Community Survey in early 2018, which gave us a great foundation and significant guidance for what this Plan should include. We, as your City Council, truly care about Celina's future and we are committed to implementing this new Vision. We developed this document with strong and committed hearts and in a spirit of respectful collaboration. I welcome you to read over and share this Plan with your neighbors, friends, and coworkers. We couldn't have done this without the participation of our great community, and I look forward to sharing in Celina's success with all of you for many years to come.

Sincerely,

CITY OF CELINA

CITY COUNCIL



Chad Anderson
Mayor Pro Tem
Place 6



Bill Webber
Place 1



Wayne Nabors
Place 2



Andy Hopkins
Place 3



Carmen Roberts
Place 4



Mindy Koehne
Place 5

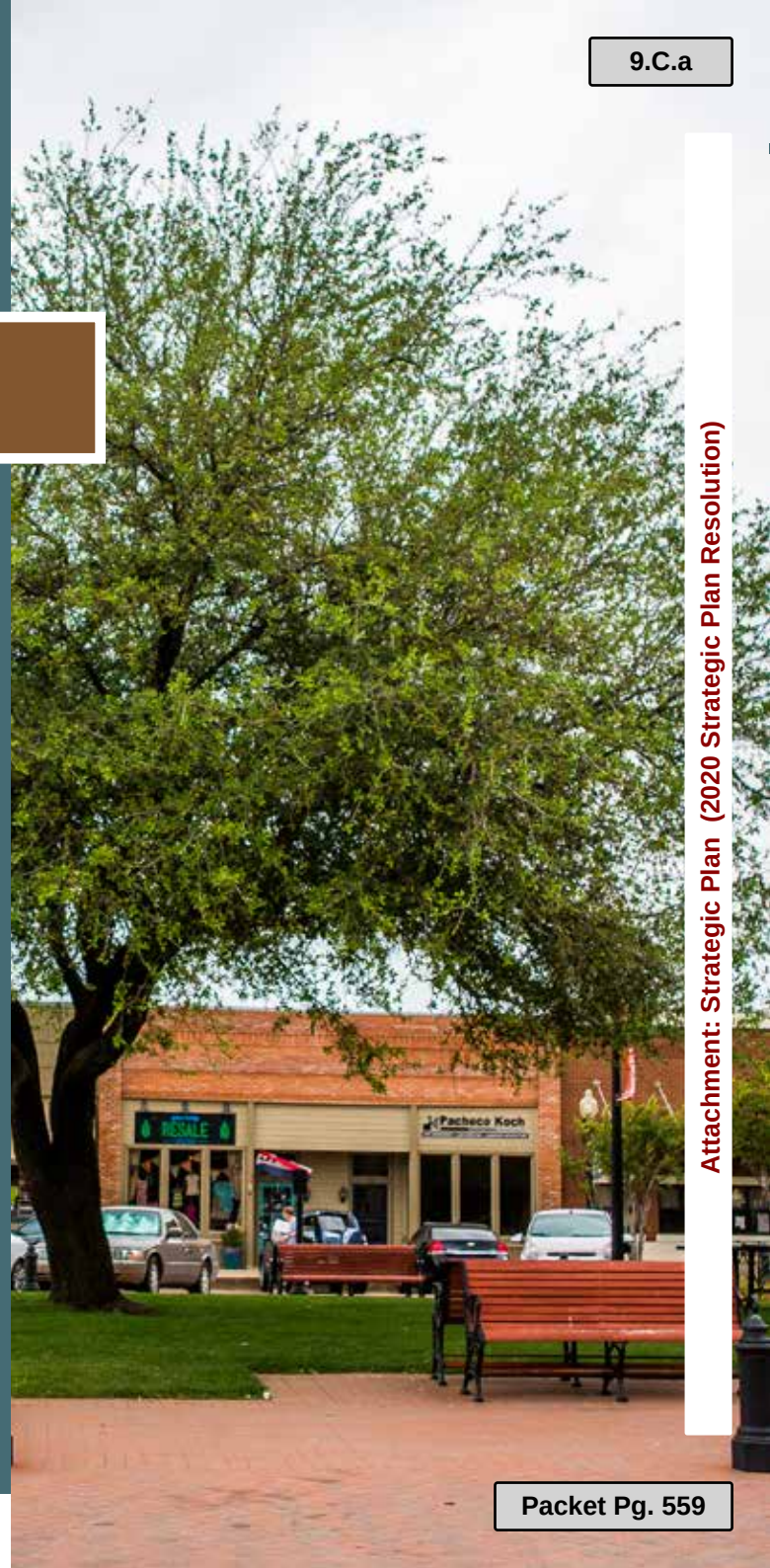


OUR WHY

Core Purpose

The City organization exists to:

- Provide a unique and extraordinary quality of life;
- Deliver services and amenities of the highest value and efficiency;
- Ensure a safe and peaceful community;
- Encourage and refine a strong sense of community and a unified Celina Family;
- Create and improve technology and mobility connections;
- Preserve and amplify the city's assets; and
- Make it easy for the uses and businesses consistent with our Vision to locate/start, stay, and grow in Celina.



OUR VISION // CELINA'S FUTURE

We have a deep understanding that to be truly great, we must make a series of good and strategic decisions, which are consistent with our Vision Framework, over an extended period of time. Our efforts and resources will reside in the areas where our three spheres intersect.

Vision Framework



To preserve our agricultural heritage and flourish as a close-knit and ever-growing Celina Family during explosive and planned growth of our city, while providing a unique and extraordinary quality of life, complemented by a significant array of high tech and desirable businesses, agritourism assets, special places, and connections.

25-Year Goal
Our Mission

CORE VALUES

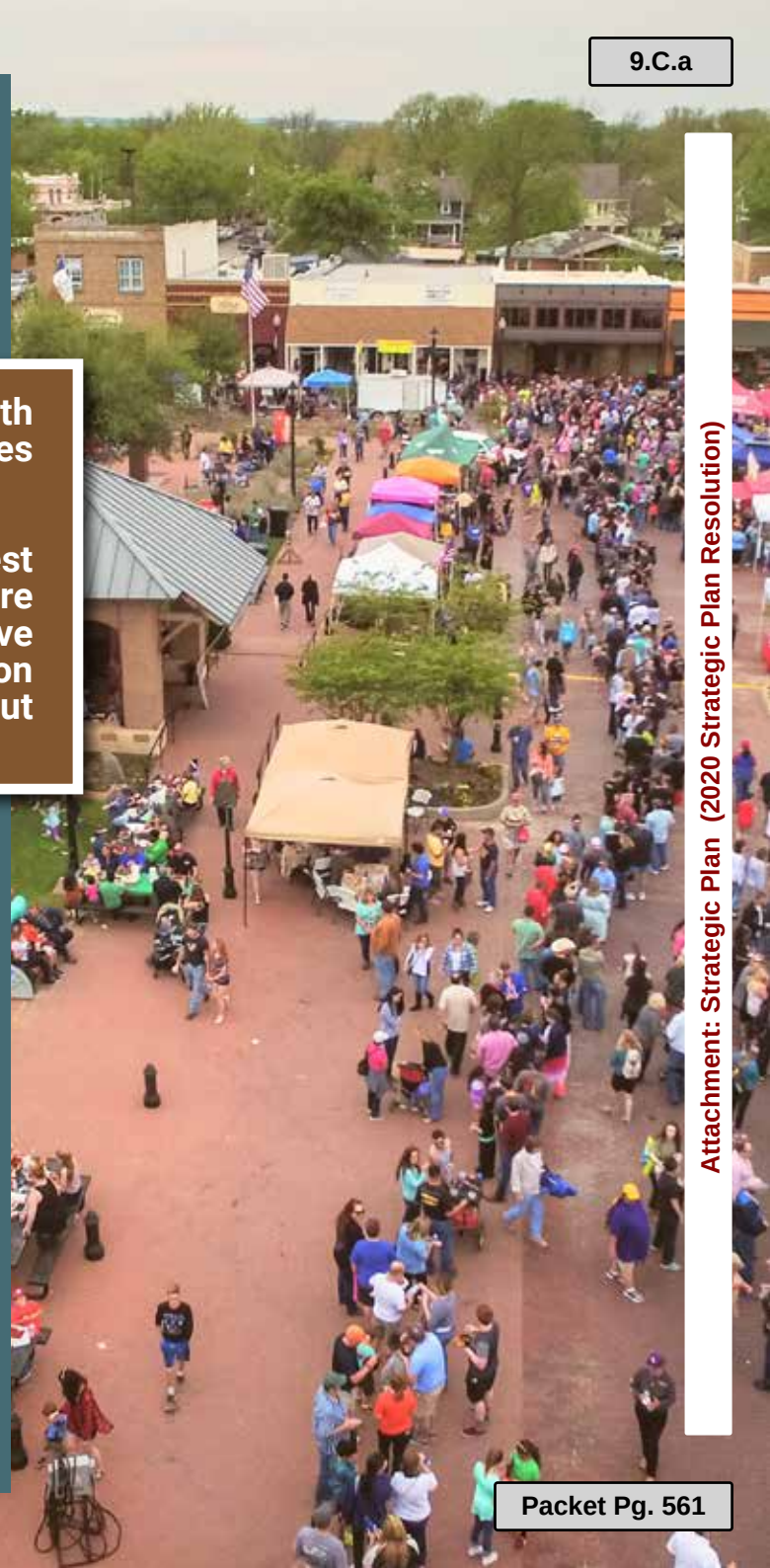
WHAT WE ARE

DEEPLY PASSIONATE ABOUT

Our Core Values were developed by both City Staff and City Council through a series of meetings and workshops.

These Core Values represent our highest aspirations, our moral code, and what we are deeply passionate about. We truly believe that these are present in our organization and should remain present throughout everything we do.

- Integrity
- Excellence
- Community
- Unselfish Service



OUR TWO-YEAR GOALS

We developed these goals by taking a close look at where the spheres in our Vision overlap: what we are deeply passionate about, what fuels our economic engine, and what we can be the best at.

Provided below is the summary of our two-year goals which are distilled in more detail offline for administration purposes. Although the anticipated projects associated with each one are anticipated to be completed, most of these goals can be repeated in future planning efforts because they should never stop.

As a City Council, we recognize that we cannot achieve our goals without a strong financial and economic standing. We also recognize that for our economic engine to run and be sustainable for the long haul, we have to fuel it proactively and consistently with solid policies, decisions, and action. Fuel for our economic engine permeates our goals—we will pump our resources and efforts into them with all of our might.

We have highlighted what we have determined that we can “be the best at” throughout the goals. Celina has a unique set of assets and constraints that govern what it can realistically be successful at doing. To achieve being the best at these efforts, devoting energy in a consistent and unified direction is key.

1. Share our story.
2. Plan the city.
3. Enhance quality of life in Celina.
4. Beautify & brand Celina.
5. Support & grow emergency services.
6. Preserve, enhance, revitalize, & grow Downtown.
7. Attract & cultivate the right development in the right places.
8. Develop a highly advanced technology & mobility infrastructure.
9. Pursue innovative learning partnerships.
10. Create & encourage agritourism opportunities.



GOAL 1:

SHARE OUR STORY

Communication, marketing, branding, and education are all themes that came out of the 2018 Community Survey. We will do a better job of sharing our story through what we say, what we publish, the improvements we construct, and the things we do. We want to share what we are working on, the great things happening in Celina, and who we are as a city. We are improving efforts online through the City website and through City social media, as well as in person to communicate the stories, efforts, events, and information that matter to Celina.

SAMPLE ANTICIPATED PROJECT

Develop an **Engagement Calendar**, coinciding with the budget process each year, which identifies quarterly Homeowners Association (HOA) Forums and Special Topic Townhall Meetings. These proactive engagement gatherings will be utilized to Share our Story in a more frequent and effective manner.

Benchmark: Completed and published Engagement Calendar reflecting four HOA Forums and two Special Topic Townhall Meetings within each fiscal year. First Engagement Calendar published targeted in 2019.



GOAL 2:

PLAN THE CITY

Planning is essential to identifying what our needs are, what we can do to better Celina, and how we can take action. Initiating key planning efforts is a great way to give us the roadmaps to make the improvements we want and need. In the 2018 Community Survey, there was a significant theme regarding the need to control and plan for current and future growth and that branding and marketing of Celina, in addition to Sharing our Story.

As part of planned growth, communication, and economic development, we see multiple needs that are translated into our goals in this Plan, but our biggest needs are to establish a Vision and implement that Vision in a timely and efficient manner.

We have taken the first step of that equation with this Strategic Plan and have identified our Vision. We have begun to implement the Vision already, and we will continue to stay the course and take strategic action.

SAMPLE ANTICIPATED PROJECT

Create and publish a **Comprehensive Plan Update** that pays special attention to the future land use plan, mobility, parks and recreation, housing choice, economic development (including agritourism), and topics/areas needed for further study and planning.

Benchmark: Completed and published Comprehensive Plan Update targeted by 2020.

GOAL 3:

ENHANCE QUALITY OF LIFE IN CELINA

We can be the best at: Housing Choice

Housing choice is becoming a national issue, and more locally in DFW, housing is reaching a crisis level in many areas. We want to stay ahead of the housing challenges occurring elsewhere and ensure that we are providing a sustainable and diverse array of housing choices—in price, form/design, amenities, and locations.

From rural estate lots and properties, to traditional single family residential, to multi-story mixed-use buildings with apartment units, and everything in between, we will be the best at providing housing choice—so that we “do living right.” We intend to pay special attention at the pricing of our housing to ensure that the entire spectrum is provided: affordable housing, middle price ranges, and upper end housing. We will plan for and take action to provide extensive housing choice in Celina by tackling projects such as a Comprehensive Plan update to identify more specific strategies to accomplish the level of choice we need.

Quality of Life is a broad term, but in this Plan, we define it as the level of satisfaction to live, work, play, visit, and learn in Celina. We intend for the Quality of Life in Celina to be unique and extraordinary with an emphasis on the following:

- Outstanding safety and security with ready and available emergency services;
- High quality and innovative schools and learning, from infants all the way through to adults;
- Diverse housing choices in price, type/form, location, and amenities;
- Special places and destinations which provide entertainment, community gathering, and beautiful scenery;
- Mobility connections and choices which make travel to, through, and within the city an enjoyable experience; and
- Exceptional parks and recreation facilities and programming.

SAMPLE ANTICIPATED PROJECT

Create and publish **Parks, Recreation, and Trails Master Plans** which provide needs assessments and Vision for the future of our Parks and Recreation System to include park facilities, recreation programming and sports, open or natural areas, and trails.

Benchmark: Completed and published Parks, Recreation, and Trails Master Plans targeted by 2020.

GOAL 4:

BEAUTIFY AND BRAND CELINA



Another key theme coming from the 2018 Community Survey and our Vision is that beautification and branding of Celina is paramount.

We want to ensure that placemaking that Shares our Story and communicates our brand is undertaken within our major corridors (ex. Preston Road, Dallas Parkway, FM455/Walnut Street, etc.). Gateways at major points on the city's perimeter and branding stations within the city will be explored and constructed. We will identify our brand and translate it to the city's physical improvements—it will be beautiful, meaningful, and coordinated.

We can be the best at: Festivals

Festivals are near and dear to our community. The festivals we have are well received and enjoyed by the community, but we want more, and we want better. We want to be the best at festivals, and we know we can be.

We intend to combine our assets, brand our efforts, and really focus on what festivals would be most appropriate for Celina, where each festival can and should be held, and what we need to do to implement new and improved festivals. We recognize that many of our goals in this Plan hinge on our Quality of Life and branding, and festivals are a major component to bringing people together and providing family friendly entertainment.

SAMPLE ANTICIPATED PROJECT

Create and publish a **Branding Strategy** to assist the City in establishing a recognizable identity for Celina that can be communicated through messaging, physical improvements, and programming.

Benchmark: Completed and published Branding Strategy targeted by 2020.



GOAL 5:

SUPPORT AND GROW EMERGENCY SERVICES

Our safety and security is very important to us, and we realize that to accommodate growth properly in Celina, we need to proactively support and grow emergency services (Police, Fire, and EMS). Once needs are identified, we will support those needs with phased Capital Improvements, the operating budget, or other funding and scheduling as required or applicable. Safety and security is one of the most basic human needs and also one of the biggest drivers of economic development and Quality of Life in cities. Public Safety and emergency services are strengths in Celina, and we intend to fortify them.

SAMPLE ANTICIPATED PROJECT

Develop and publish a an **Emergency Services Capacity/Needs Assessment** for Celina's. The Needs Assessment should cover, at minimum, personnel (salaries, recruiting, longevity, etc.), facilities, and equipment for a 20-year timeframe.

Benchmark: Completed and published Emergency Services Capacity/Needs Assessment targeted in 2019.



GOAL 6:

PRESERVE, ENHANCE, REVITALIZE & GROW DOWNTOWN

Downtown is a focal point in Celina, and it is one of our biggest strengths and opportunities as identified in the 2018 Community Survey. It represents the heart of our community, and we recognize its importance to our Quality of Life and economic development. In order to preserve its character, enhance its position in the market and its destination potential, revitalize its vacant spaces, and create new opportunities for growth in our core, we intend to aggressively push on the planning and improvement of Downtown.

SAMPLE ANTICIPATED PROJECT

Create and publish a **Downtown Master Plan**. To establish the vision of what Downtown should look like and how it should evolve, the Downtown Master Plan should establish that vision through illustrative concepts and supporting text and recommendations. The Plan should address the existing conditions, as well as future opportunities and strategies. It should also detail physical aspects of development and the economic impacts that it could bring.

Benchmark: Completed and published Downtown Master Plan targeted in 2018.

GOAL 7:

ATTRACT & CULTIVATE THE RIGHT DEVELOPMENT IN THE RIGHT PLACES

We can be the best at: Special Places & Destinations

We intend to provide a plethora of special places and destinations in Celina for both our residents and our visitors to enjoy and experience. We have many special places and destinations that will be collected and grown as part of a push to be the best location, near and far, for special places and destinations.

Among top opportunities identified in the 2018 Community Survey were more businesses and retail, parks and recreation, Downtown and Square, more restaurants, aquatics, nature protection/green spaces, and more activities/entertainment.

From website information, to wayfinding signage, to platforms that advertise restaurants, parks, entertainment, and other venues, we will proactively identify our special places and destinations, and we will market them to the best of our abilities. We will create new special places and destinations—where people enjoy living, working, playing, and learning—and we will “shout them from the rooftops.”

We want to make it easy for great development to happen in the best and most appropriate locations: right development, right place. We intend for our Vision to align with our policies and actions to ensure that the businesses and housing choices we want in Celina go through a smooth development process, with clear expectations, and result in special places with high quality construction.

We will provide and/or coordinate the physical infrastructure and tools required to exceptionally manage growth and attract desired development. As a component to clear expectations, we will continue to articulate our specific needs and foresight in our future plans and policies, which will be grounded in a market-based reality.

SAMPLE ANTICIPATED PROJECT

Create and publish an **Economic Development Tools Strategy**, which details the incentive and support tools available to further the City's economic development and to achieve the Vision.

The Strategy should detail development scenarios that include type and scale of development with appropriate incentives, agreements, or tools to facilitate each scenario. The Strategy should function like an economic development playbook that guides decision-making when trying to ensure the Right Development is coming in at the Right Places.

Benchmark: Completed and published Economic Development Tools Strategy targeted in 2019.

GOAL 8:

DEVELOP A HIGHLY ADVANCED TECHNOLOGY & MOBILITY INFRASTRUCTURE

We can be the best at: Connectivity

Connectivity can be defined in numerous ways, but as we define it here, it refers to the closeness of people in the community, technology infrastructure, and mobility. We can be the best at connecting people.

Efforts such as providing high quality multi-modal mobility improvements (trails, bike lanes, roadway upgrades, sidewalks, etc.) can have a dramatic effect on Quality of Life and on our ability to provide the other areas we can be the best at.

Connectivity also refers to the ever-changing world of technology—one in which we intend to stay on top of. We intend to provide or coordinate prevalent fiber broadband technology for superb internet speeds and prices, i.e. becoming a Gigabit City. We will provide or coordinate technology and power infrastructure construction in strategic areas. We can provide a connected Celina, and we can be the best at it.

Technology always changes, and there are constantly new innovations in almost every facet of life. We intend to harness these dynamics to our advantage to achieve our Vision. We understand that “attracting, keeping, and growing” advanced and innovative workers in Celina is imperative to our ability to attract high quality jobs and keep high quality jobs—they go hand-in-hand as part of a larger economic picture. We want to be on the forefront of innovation in everything we do—always thinking of new and better ways to do things and challenging the status quo with Excellence.

Similarly, mobility, how we move from Point A to Point B, is always changing and preferences are always adapting. We know that traffic, road condition, lack of bike accommodations, and lack of trails are weaknesses and threats as identified in the 2018 Community Survey. We are going to fix this, and we are also going to turn these negatives into positives. We intend to design and redesign roadways to facilitate safe and pleasant travel for pedestrians, bikers, drivers, and other travelers. We will retrofit existing roadways through strategic improvements to provide better accommodations for multiple modes of travel.

SAMPLE ANTICIPATED PROJECT

Create and publish a **Smart City Framework**, which explores the feasibility, long-term planning, budgeting, and implementation of improvements, providers, locations, and resources for connecting Celina with Smart City technologies.

Benchmark: Completed and published Smart City Framework targeted by 2020.

We intend to pursue new and improved partnerships to foster innovative learning in Celina. The City is going to do its part in proactively and systematically collaborating and supporting schools, education, and new programs, which are consistent with our Vision. To achieve our Big 25-Year Goal, which includes a unique and extraordinary Quality of Life, innovative learning partnerships are essential.

GOAL 9:

PURSUE INNOVATIVE LEARNING PARTNERSHIPS

We can be the best at: Innovative Learning

Schools and education are a top priority of our community. We recognize that high quality schools and education are huge drivers of economic development and Quality of Life. When we explore what “high quality” means, in relation to other components of our Strategic Plan, one component is certainly innovation. We want our learning institutions to be innovative—push the envelope with new approaches, different methods, best practices, modern technology, expanding “tried and true” programs. We intend to be a hub of innovation for all to see. This innovation should always strive for excellence in learning. We also recognize that schools are not the only places that innovative learning should take place for this innovation hub to be realized. Innovative learning should permeate our businesses, our government, and all of our efforts. Always challenging the status quo, always creating added value.

SAMPLE ANTICIPATED PROJECT

Initiate an annual **City-School District Workshop** to coordinate joint collaboration on new programs, initiatives, needs, and goals that affect learning, innovation, and Quality of Life.

Benchmark: First City of Celina-Celina Independent School District Workshop targeted in 2019.

GOAL 10:

CREATE & ENCOURAGE AGRITOURISM OPPORTUNITIES



We can be the best at: Agritourism

When we examine our biggest assets and traditions, as they relate to our close-knit community and our economic development efforts, agritourism is a shining opportunity for Celina to excel in a competitive and saturated economic development market. Celina has these assets currently, such as successful farms and ranches, and their owners can be strategically encouraged to participate and show leadership in the City's Agritourism Program. We can be the best at agritourism, and people will come to Celina to live, work, play, and learn just to experience it.

Celina's rural and country feel was the number one identified strength of Celina in the 2018 Community Survey. The combination of agriculture and tourism, "agritourism" is the perfect way for us to enhance the biggest strength we have and provide experiences to bolster economic development and Quality of Life. Agritourists can visit a farm, ranch, vineyard, orchard, etc. and can partake in activities such as picking fruits and vegetables, eating or drinking products made on the land, learning about the industry or its products, spending time with horses and other animals, or shopping at vineyard gift shops and produce stands for locally grown or raised crops and other gifts and products.

We take pride in our agricultural heritage and traditions, and we want to share them with everyone in a coordinated and strategic way. We intend to more readily identify our agritourism assets, market them, and also create new agritourism experiences and places.

SAMPLE ANTICIPATED PROJECT

Create and publish an **Agritourism Program Webpage** on the City's website and a standalone Facebook page containing existing agritourism assets, activities, and events. The Program should be renamed, consistent with a future Branding Strategy.

Benchmark: Published Agritourism Program Webpage, which can be added to over time, targeted in 2018.

Get in touch

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