PLEASE NOTE THAT A PORTION OF THIS PD HAS BEEN AMENDED BY PD-65.

PD-14 Amendment

TOWN OF PROSPER, TEXAS **ORDINANCE NO. 13-11**

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 05-20 AND ORDINANCE NO. 04-52; REZONING A TRACT OF LAND CONSISTING OF 145.4 ACRES, MORE OR LESS, SITUATED IN THE L. NETHERLY SURVEY, ABSTRACT NO. 962, IN THE TOWN OF PROSPER, DENTON COUNTY, TEXAS, AMENDING PLANNED DEVELOPMENT-14 (PD-14), EXHIBIT C, SECTION 4.06 TO ADD A CONCEPTUAL DEVELOPMENT PLAN; DESCRIBING THE TRACT TO BE REZONED; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVING AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town Council of the Town of Prosper, Texas (the "Town Council") has investigated and determined that Zoning Ordinance No. 05-20 and Ordinance No. 04-52 should be amended; and

WHEREAS, the Town of Prosper, Texas ("Prosper") has received a request from Prosper Partners LP ("Applicant") to rezone 145.4 acres of land, more or less, situated in the L. Netherly Survey, Abstract No. 962, in the Town of Prosper, Denton County, Texas; and

WHEREAS, the Town Council has investigated into and determined that the facts contained in the request are true and correct; and

WHEREAS, all legal notices required for rezoning have been given in the manner and form set forth by law, and public hearings have been held on the proposed rezoning and all other requirements of notice and completion of such zoning procedures have been fulfilled; and

WHEREAS, the Town Council has further investigated into and determined that it will be advantageous and beneficial to Prosper and its inhabitants to rezone this property as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment to Ordinance No. 04-52. Ordinance No. 04-52 (Planned Development-14), Exhibit C, Section 4.06 is amended to add a Conceptual Development Plan to the existing ordinance. The zoning designation of the below-described property containing 145.4 acres of land, more or less, situated in the L. Netherly Survey, Abstract No. 962, in the Town of Prosper, Denton County, Texas, (the "Property") and all streets, roads and alleyways contiguous and/or adjacent thereto is hereby rezoned as

Planned Development-14 (PD-14). The property as a whole and the boundaries for each zoning classification are more particularly described in the Conceptual Development Plan attached hereto and incorporated herein for all purposes as if set forth verbatim.

Except as amended by this Ordinance, the development of the Property within this Planned Development District must comply with Ordinance No. 04-52 and with the requirements of all ordinances, rules, and regulations of Prosper, as they currently exist or may be amended.

Three original, official and identical copies of the zoning exhibit map are hereby adopted and shall be filed and maintained as follows:

a. Two (2) copies shall be filed with the Town Secretary and retained as original records and shall not be changed in any matter.

b. One (1) copy shall be filed with the Building Official and shall be maintained up-to-date by posting thereon all changes and subsequent amendments for observation, issuing building permits, certificates of compliance and occupancy and enforcing the Zoning Ordinance. Reproduction for information purposes may from time-to-time be made of the official zoning district map.

Written notice of any amendment to this Planned Development District shall be sent to all property owners within two hundred feet (200') of the specific area to be amended.

SECTION 3: No Vested Interest/Repeal. No developer or property owner shall acquire any vested interest in this Ordinance or in any other specific regulations contained herein. Any portion of this Ordinance may be repealed by the Town Council in the manner provided for by law.

SECTION 4: Unlawful Use of Premises. It shall be unlawful for any person, firm or corporation to make use of said premises in some manner other than as authorized by this Ordinance, and shall be unlawful for any person, firm or corporation to construct on said premises any building that is not in conformity with the permissible uses under this Zoning Ordinance.

SECTION 5: Penalty. Any person, firm, corporation or business entity violating this Ordinance or any provision of Prosper's Zoning Ordinance No. 05-20, or as amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined any sum not exceeding Two Thousand Dollars ($2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Prosper from filing suit to enjoin the violation. Prosper retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 6: 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. Prosper hereby declares that it would have passed this Ordinance, and each section, subsection, 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 7: Savings/Repealing Clause. Prosper's Zoning Ordinance No. 05-20 shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the appeal prevent a prosecution from being commenced for any violation if occurring prior to the repealing of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 8: Effective Date. This Ordinance shall become effective from and after its adoption and publications as required by law.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS ON THIS 9th DAY OF APRIL, 2013.

APPROVED AS TO FORM:

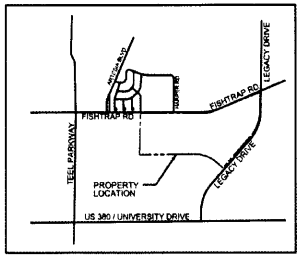
Ray Smith

Ray Smith, Mayor

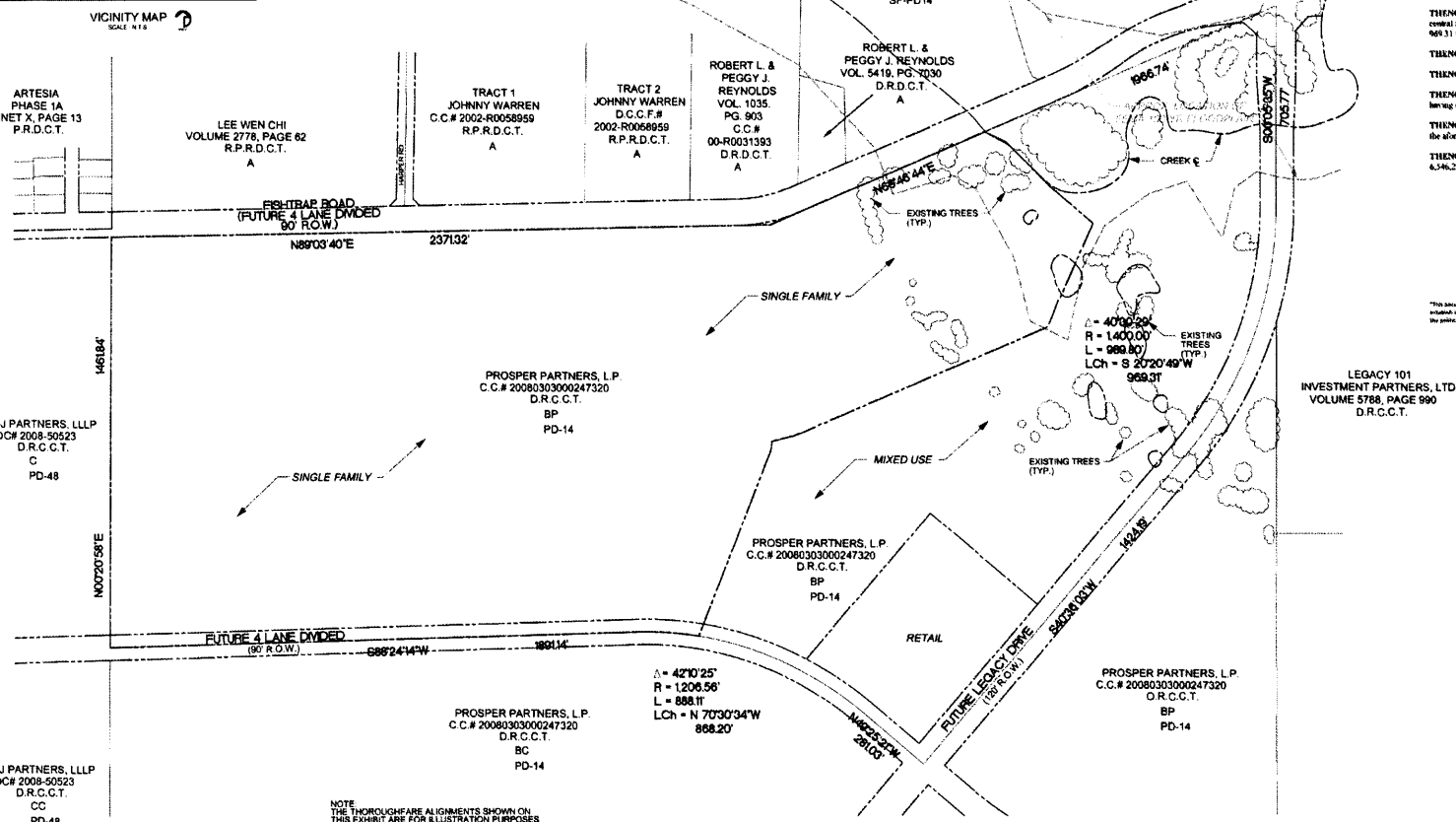
ATTESTED TO AND
CORRECTLY RECORDED BY:

Interim, Town Secretary

DATE OF PUBLICATION: April 17, 2013, *Prosper Press*



VICINITY MAP
SCALE N.T.S.



NOTE
THE THOROUGHFARE ALIGNMENTS SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATION PURPOSES AND DOES NOT SET THE ALIGNMENT. THE ALIGNMENT IS DETERMINED AT TIME OF FINAL PLAT.

LEGAL DESCRIPTION OF 150.282 ACRES OF LAND

BEING a trace of land situated in the L. Netherly Survey, Abstract Number 962, City of Prosper, Denton County, Texas, being a portion of that tract of land described by deed to Prosper Partners, L.P. as recorded in Instrument Number 2008-22064, Real Property Records, Denton County, Texas, and being more particularly described as follows:

BEGINNING at the northwest corner of said Prosper Partners, L.P. tract, being in the south right-of-way line of Fishtrap Road (a called 60 foot right-of-way), and being in the east line of that tract of land described by deed to Two-J Partners, LLLP as recorded in Instrument Number 2008-50523, said Real Property Records;

THENCE N 89°03'40"E, 2371.32 feet with the common north line of said Prosper Partners, L.P. tract and said south right-of-way line;

THENCE N 66°46'44"E, 1966.74 feet continuing with said common line to the northeast corner of said Prosper Partners, L.P. tract;

THENCE S 00°05'35"W, 705.77 feet departing said common line with the east line of said Prosper Partners, L.P. tract to the beginning of a curve to the right;

THENCE departing said east line with said curve to the right, an arc distance of 989.80 feet, through a central angle of 40°30'29", having a radius of 1400.00 feet, the long chord which bears S 20°20'49"W, 969.31 feet;

THENCE S 40°30'03"W, 1424.19 feet;

THENCE N 49°25'21"W, 281.03 feet to the beginning of a curve to the left;

THENCE with said curve to the left, an arc distance of 888.11 feet, through a central angle of 42°10'25", having a radius of 1206.56 feet, the long chord which bears N 70°30'34"W, 868.20 feet;

THENCE S 88°24'14"W, 1891.14 feet to the common west line of said Prosper Partners, L.P. tract, and the aforementioned east line of said Two-J Partners, LLLP tract;

THENCE N 00°20'58"E, 1461.84 feet with said common line to the **Point of Beginning** and containing 6,546,280 square feet or 150.282 acres of land more or less

STATE OF TEXAS
TODD A. BRIDGES
4540
REGISTERED PROFESSIONAL LAND SURVEYOR

"This document was prepared under 22 TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."

CONCEPT DEVELOPMENT PLAN
OF
LEGACY

PER PD-14 BUISNESS PARK
BEING A 145.4 ACRE TRACT OF LAND LOCATED IN THE L. NETHERLY SURVEY, ABSTRACT NO. 962 SITUATED IN TOWN OF PROSPER, DENTON COUNTY, TEXAS
300 SINGLE FAMILY RESIDENTIAL LOTS, 9 OPEN SPACES & 19.94 AC. OF DEDICATED RIGHT OF WAY (ROW)

OWNER
PROSPER PARTNERS, LP
10950 RESEARCH ROAD
FRISCO, TEXAS 75033
PHONE: 214-387-3993
FAX: 214-387-3913

DEVELOPER
GREATER TEXAS LAND RESOURCES
10950 RESEARCH ROAD
FRISCO, TEXAS 75033
PHONE: 214-387-3993
FAX: 214- 387-3913

PLANNER / ENGINEER
PELOTON LAND SOLUTIONS, LLLP
5751 KROGER DRIVE, SUITE 185
KELLER, TX 76244
PHONE: 817-562-3350
10880 JOHN W. ELLIOT DR.
SUITE 200
FRISCO, TX 75033

USAGE SUMMARY

SINGLE FAMILY	95.4 AC +/-
RETAIL	7.5 AC +/-
MIXED USE	42.5 AC +/-
TOTAL	145.4 AC+/-

0 200 400 600
GRAPHIC SCALE IN FEET

SCALE: 1"=200'

© J:\PROJ\LAND\1 Prosper-LEGACY\PLAN\15.0001 1 - PDP.dwg