

**AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 05-20; REZONING A TRACT OF LAND CONSISTING OF 2,120.536 ACRES, MORE OR LESS, SITUATED IN THE C. SMITH SURVEY, ABSTRACT NO. 1681, THE J. BATES SURVEY, ABSTRACT NO. 1620, THE L. SALING SURVEY, ABSTRACT NO. 1675, THE H.P. SALING SURVEY, ABSTRACT NO. 1628, THE M.E.P. & P. RR SURVEY, ABSTRACT NO. 1476, THE P. BARNES SURVEY, ABSTRACT NO. 79, THE B. HADGES SURVEY, ABSTRACT NO. 593, THE A.B. JAMISON SURVEY, ABSTRACT NO. 672, THE B.B. WALTON SURVEY, ABSTRACT NO. 1369, THE T. BUTTON SURVEY, ABSTRACT NO. 1369, THE P.R. RUE SURVEY, ABSTRACT NO. 1555, THE J. TETTER SURVEY, ABSTRACT NO. 1262, THE L. NETHERLY SURVEY, ABSTRACT NO. 962, THE B. RUE SURVEY, ABSTRACT NO. 1113, THE A. ROBERTS SURVEY, ABSTRACT NO. 1115, THE R. YATES SURVEY, ABSTRACT NO. 1538, THE L. RUE SURVEY, ABSTRACT NO. 1110, THE H. RUE SURVEY, ABSTRACT NO. 1111, AND THE J. MORTON SURVEY, ABSTRACT NO. 793, IN THE TOWN OF PROSPER, DENTON COUNTY, TEXAS, HERETOFORE ZONED AGRICULTURAL (A) IS HEREBY REZONED AND PLACED IN THE ZONING CLASSIFICATION OF PLANNED DEVELOPMENT-SINGLE FAMILY/MIXED USE/RETAIL (PD-SF/M/R); 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 should be amended; and

WHEREAS, the Town of Prosper, Texas ("Prosper") has received a request from Forest City Land Group ("Applicant") to rezone 2,120.536 acres of land, more or less, more particularly described in Exhibit "A" attached hereto, situated 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: Amendments to Zoning Ordinance No. 05-20. Zoning Ordinance No. 05-20 is amended as follows: The zoning designation of the below-described property containing 2,120.536 acres of land, more or less, situated 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-Single Family/Mixed Use/Retail (PD-SF/M/R). The property as a whole and the boundaries for each zoning classification are more particularly described in Exhibit “A” attached hereto and incorporated herein for all purposes as if set forth verbatim.

The development plans, standards, and uses for the Property in this Planned Development District shall conform to, and comply with 1) the statement of intent and purpose, attached hereto as Exhibit “B”; 2) the planned development standards, attached hereto as Exhibit “C”; 3) the concept plan, attached hereto as Exhibit “D”; 4) the development schedule, attached hereto as Exhibit “E”; 5) and the illustrative elevations and plans, attached hereto as Exhibit “F”; which are 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 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 25<sup>TH</sup> DAY OF MARCH, 2008.

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Charles Niswanger, Mayor

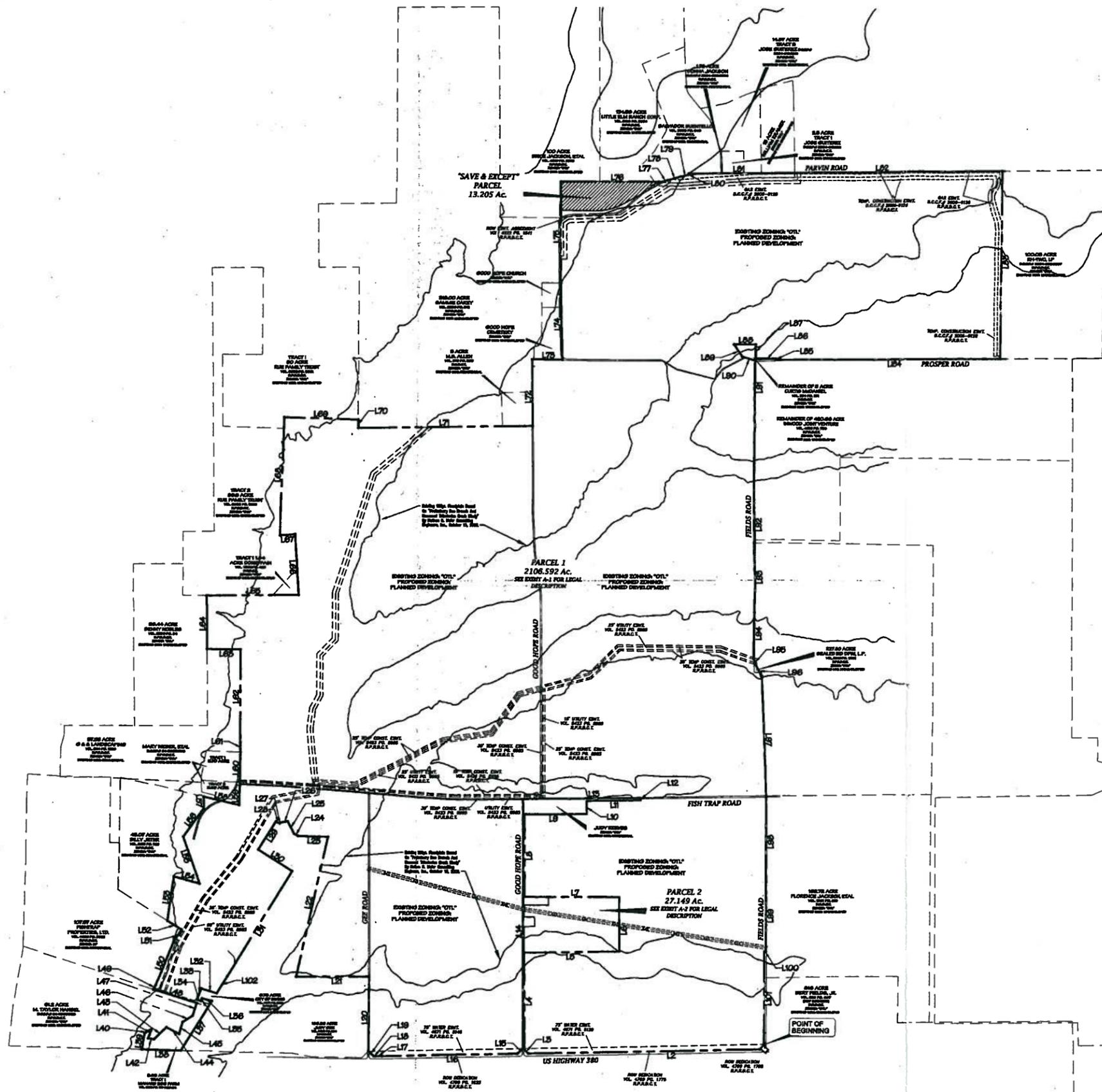
ATTESTED TO AND  
CORRECTLY RECORDED BY:



Matthew Denton, TRMC  
Town Secretary

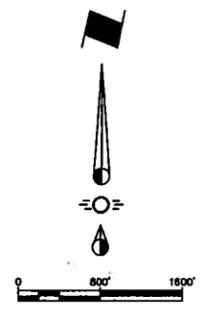
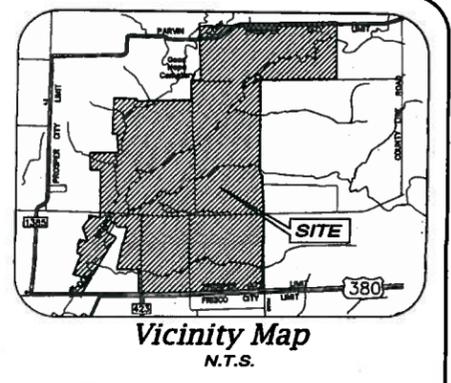


DATE OF PUBLICATION: APRIL 3, 2008, *Dallas Morning News – Collin County*  
*Addition*



Line #	Length	Direction
L1	87.88'	S44° 28' 46.88"W
L2	5485.13'	S88° 58' 50.78"W
L3	85.68'	N48° 18' 16.10"W
L4	1485.36'	N0° 28' 46.08"W
L5	1485.64'	N88° 58' 46.07"E
L6	819.11'	N0° 50' 12.84"W
L7	1450.32'	S88° 58' 17.08"W
L8	1236.88'	N0° 08' 13.81"W
L9	840.80'	N88° 14' 54.82"E
L10	197.22'	N0° 40' 51.94"W
L11	815.80'	N88° 58' 27.56"E
L12	58.44'	N0° 08' 58.10"W
L13	1776.98'	S88° 04' 04.10"W
L14	3736.78'	S0° 18' 55.40"E
L15	114.60'	S44° 02' 02.11"W
L16	2082.12'	S88° 58' 50.78"W
L17	100.00'	S88° 58' 57.78"W
L18	22.28'	S88° 08' 28.78"W
L19	111.42'	N48° 50' 56.28"W
L20	1114.87'	N0° 01' 02.24"W
L21	1088.88'	S88° 58' 55.14"W
L22	2180.81'	N12° 40' 02.88"E
L23	4818.80'	N88° 58' 05.18"W
L24	86.21'	N58° 57' 10.04"W
L25	207.88'	N27° 18' 27.81"W
L26	116.68'	S78° 58' 05.88"W
L27	12.88'	S17° 11' 20.88"W
L28	86.04'	N88° 18' 52.28"W
L29	484.24'	S31° 28' 58.18"W
L30	801.85'	S87° 52' 01.85"E
L31	1854.80'	S0° 24' 02.28"W
L32	241.28'	N78° 28' 40.87"W
L33	191.00'	S21° 58' 41.81"W
L34	87.00'	S78° 28' 26.87"E
L35	41.82'	N22° 20' 58.18"E
L36	182.12'	S78° 57' 18.87"E
L37	877.88'	S31° 27' 22.89"W
L38	587.44'	N88° 48' 55.50"W
L39	240.78'	N8° 58' 01.81"E
L40	182.20'	N88° 58' 01.81"E
L41	155.70'	S20° 18' 01.81"W
L42	88.40'	S80° 48' 58.82"E
L43	281.10'	N48° 18' 01.81"E
L44	218.20'	S62° 18' 58.82"E
L45	184.70'	N88° 04' 01.81"E
L46	188.40'	N58° 07' 01.81"E
L47	187.80'	N18° 07' 01.81"E
L48	888.80'	N78° 18' 58.82"W
L49	87.81'	N28° 02' 08.28"E
L50	710.21'	N22° 04' 28.58"E
L51	221.88'	N88° 00' 50.70"E
L52	248.88'	N58° 50' 14.57"W
L53	888.72'	N7° 58' 25.88"E
L54	402.88'	S78° 24' 18.71"E
L55	788.78'	N18° 28' 58.82"W
L56	881.08'	N88° 54' 01.81"E
L57	172.88'	N2° 04' 21.80"W
L58	888.04'	S77° 28' 42.88"E
L59	278.82'	N7° 07' 58.87"E
L60	810.88'	N7° 04' 48.40"E

Line #	Length	Direction
L61	148.88'	N0° 57' 07.27"W
L62	1888.54'	N0° 08' 44.28"E
L63	806.08'	N88° 48' 11.88"W
L64	810.78'	N0° 50' 11.00"W
L65	1888.84'	N88° 17' 20.84"E
L66	828.80'	N5° 52' 47.81"W
L67	228.77'	S88° 47' 34.88"W
L68	1787.58'	N2° 08' 10.46"E
L69	111.78'	S88° 28' 11.48"E
L70	125.32'	S0° 10' 51.56"W
L71	2844.08'	N88° 58' 41.72"E
L72	882.40'	N0° 48' 50.88"W
L73	487.80'	S88° 58' 27.08"E
L74	855.54'	N1° 47' 00.28"W
L75	1728.78'	N0° 18' 22.01"W
L76	1545.14'	N88° 42' 25.42"E
L77	78.28'	N70° 58' 54.08"E
L78	206.88'	N74° 08' 57.78"E
L79	112.54'	N77° 25' 28.02"E
L80	17.04'	N7° 28' 12.48"E
L81	1800.08'	N88° 08' 54.48"E
L82	3485.58'	N88° 07' 57.58"E
L83	2808.18'	S0° 40' 06.81"W
L84	3412.04'	S88° 24' 08.58"W
L85	18.81'	N0° 12' 45.87"W
L86	288.87'	S88° 48' 28.70"W
L87	214.38'	N0° 18' 22.16"E
L88	818.78'	S88° 47' 16.58"W
L89	218.84'	S58° 18' 55.71"E
L90	188.58'	S72° 28' 16.82"E
L91	1884.58'	S0° 02' 01.78"W
L92	1186.18'	S0° 08' 41.81"E
L93	1081.88'	S0° 18' 00.58"E
L94	705.12'	S0° 48' 07.88"W
L95	86.22'	S20° 37' 31.54"E
L96	188.48'	S28° 18' 32.87"E
L97	1808.07'	S2° 08' 04.47"E
L98	1284.88'	S0° 08' 18.84"E
L99	1042.41'	S0° 08' 37.47"W
L100	21.20'	S88° 11' 25.88"W
L101	1886.82'	S0° 00' 27.27"W
L102	802.81'	S31° 27' 22.48"W



NOTES: ALL PLANNED DEVELOPMENT STANDARDS, TO INCLUDE ZONING BOUNDARY LINES, ZONING ACREAGES, DENSITIES, AND PROPOSED THROUGHFARES SHALL BE BASED ON THE MAHARD RANCH PRE-ANNEXATION AGREEMENT SUBMITTED WITH THIS APPLICATION.

ZONING EXHIBIT 'A'

**MAHARD RANCH**

2093.387 ACRES OUT OF THE  
 C. SMITH SURVEY, ABSTRACT NO. 1681,  
 J. BATES SURVEY, ABSTRACT NO. 1620,  
 L. SALING SURVEY, ABSTRACT NO. 1675,  
 H.P. SALING SURVEY, ABSTRACT NO. 1628,  
 M.E.P. & P. RR SURVEY, ABSTRACT NO. 1476,  
 P. BARNES SURVEY, ABSTRACT NO. 79,  
 B. HADGES SURVEY, ABSTRACT NO. 593,  
 A.B. JAMISON SURVEY, ABSTRACT NO. 672,  
 B.B. WALTON SURVEY, ABSTRACT NO. 1369,  
 T. BUTTON SURVEY, ABSTRACT NO. 88,  
 P.R. RUE SURVEY, ABSTRACT NO. 1555,  
 J. TETTER SURVEY, ABSTRACT NO. 1282,  
 L. NETHERLY SURVEY, ABSTRACT NO. 962,  
 B. RUE SURVEY, ABSTRACT NO. 1113,  
 A. ROBERTS SURVEY, ABSTRACT NO. 1115,  
 R. YATES SURVEY, ABSTRACT NO. 1538,  
 L. RUE SURVEY, ABSTRACT NO. 1110,  
 H. RUE SURVEY, ABSTRACT NO. 1111,  
 J. MORTON SURVEY, ABSTRACT NO. 793,  
 AND

27.149 ACRES OUT OF THE  
 J. BATES SURVEY, ABSTRACT NO. 1620  
 TOWN OF PROSPER  
 DENTON COUNTY, TEXAS

Owner/Applicant  
 Forest City Land Group  
 8860 North Dallas Parkway  
 Suite 200  
 Plano, TX 75024  
 Telephone (972) 265-7988  
 Contact: David Blom

Engineer/Surveyor  
 Splans Engineering, Inc.  
 730 E. Park Blvd., Suite 210  
 Plano, Texas 75074  
 Telephone (972) 422-0077  
 Contact: Matt Dorsett





E. MAHARD, JR.  
CC #2004-24459  
D. R. D. C. T.

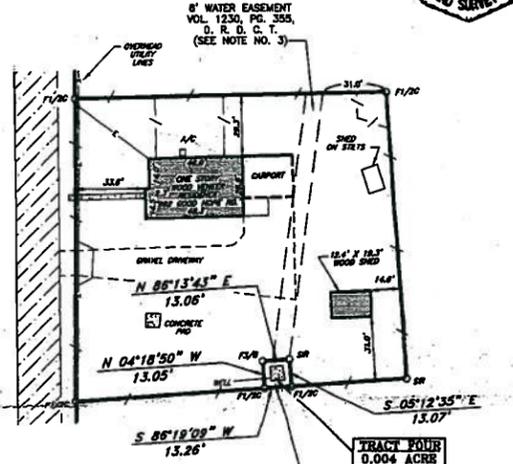
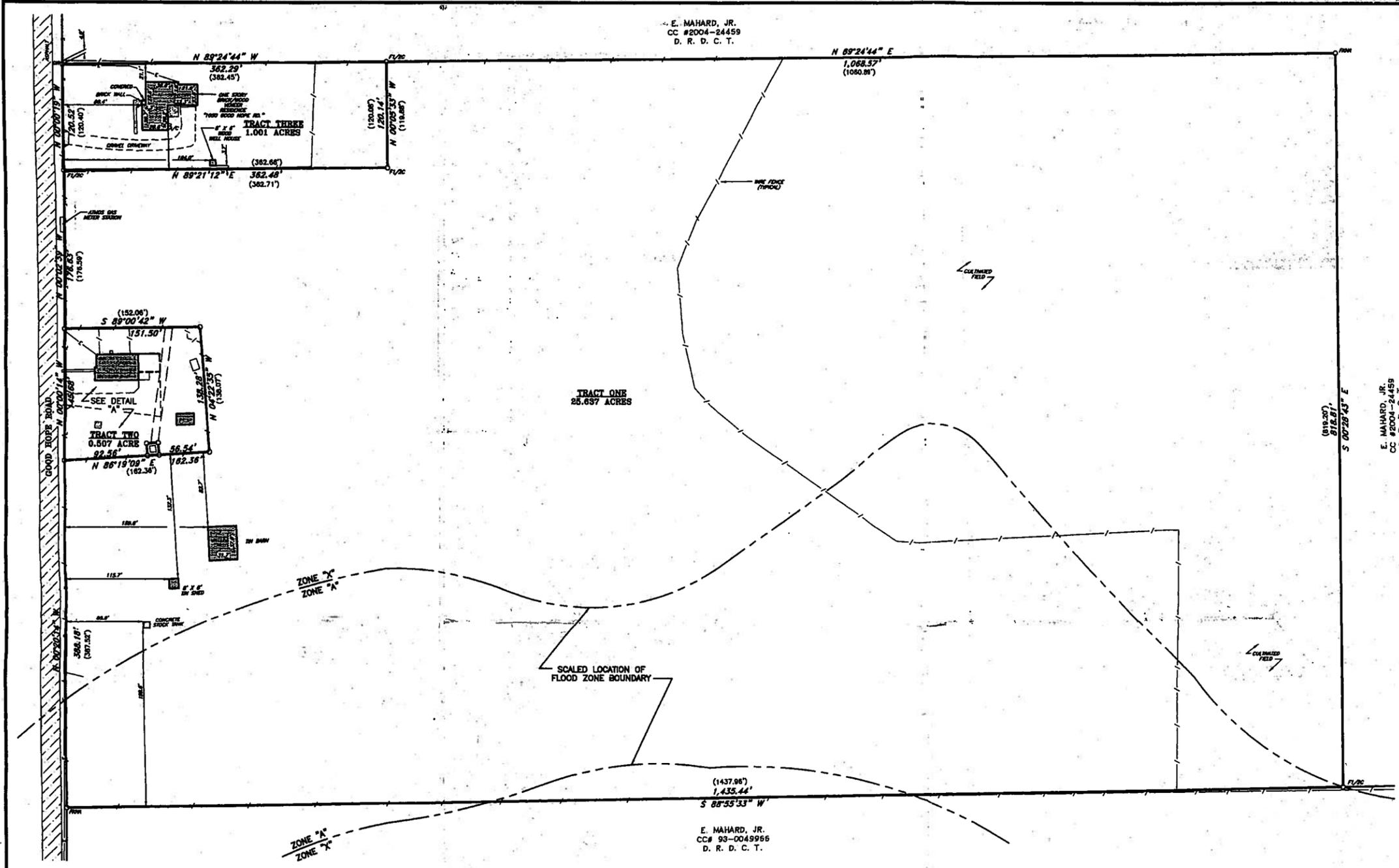
Improvement Survey for (Reference Name): FC Prosper Partner, Inc.  
Client: Republic Title of Texas, Inc.  
For This Commitment by: Republic Title of Texas, Inc. CC # 08150-2430-2  
Property Address: 1620 Roadrunner Road, Anna, Texas 75409

- NOTE:
- The tracts of land surveyed and shown hereon may be subject to an undefinable easement to Denton County Electric Cooperative, Inc. as filed for record in Volume 403 of Page 85 of the Deed Records of Denton County, Texas.
  - The tracts of land surveyed and shown hereon are subject to an undefinable easement to Lone Star Gas Company as filed for record in Volume 146 of Page 388 of the Deed Records of Denton County, Texas.
  - The 8" Water Easement as filed in Volume 1230 of Page 355 of the Deed Records of Denton County, Texas is subject to an "Affidavit of Non-Use" as filed for record at County Clerk's Instrument Number 2008-148086 in the Deed Records of Grayson County, Texas.

With reference to my copy of the Federal Emergency Management Agency Flood Insurance Rate Map for Denton County, Texas, Community Panel No. 48150-2430-2, dated 4/2/97, the subject property's scaled location lies within Flood Zone(s) A, which is designated a 100 year Special Flood Hazard Area. The above map may not include all Special Flood Hazard Areas and after a more detailed study the Special Flood Hazard Areas may be modified and other areas added. Localized flooding may occur someday due to changes in adjacent drainage patterns.

I do hereby certify that this survey was made on the ground, under my direct supervision and the plot hereon is a true and correct representation of this property, said survey and plot meet the minimum standards for Land Surveying in the State of Texas; there are no visible conflicts, encroachments, overlapping of improvements or easements except as shown; all easements and other matters of record of which I have been advised, by the above commitment, are as shown hereon. Delta Land Surveying makes no representation as to the accuracy or completeness of said commitment.

LARRY W. BUSBY  
TX R.P.L.S. No. 4967 - NM R.P.S. No. 11398



NOTE: Title to Well Site appears to be held by Laura Jackson, Vol. 291, Pg. 80, D. R. D. C. T.

DETAIL "A"  
No Scale

**DESCRIPTION - TRACT ONE**  
A tract of land situated within the J. Bates Survey, Abstract Number 1620, Denton County, Texas and being the same tract of land as conveyed to Nathan Goodlet, et ux by a deed filed for record in Volume 3329 of Page 820 of the Deed Records of Denton County, Texas. Said tract of land being more particularly described by metes and bounds as follows:  
Beginning at a 5/8" rebar with a cap marked "104A" found on the monumented East right-of-way line of Good Hope Road, for the common West corner of the tract of land herein described and a called 100.00 acre tract of land conveyed to E. Mahard, Jr. by a deed filed for record at County Clerk's Instrument Number 83-0008866 of the Deed Records of Denton County, Texas;  
Thence N 00'20'14" W, along the aforementioned monumented East right-of-way line, 368.18 feet to a 1/2" rebar in concrete found for a common corner of the tract of land herein described and a called 0.507 acre tract of land conveyed to N. J. Goodlet, et ux by a deed filed for record in Volume 1230 of Page 351 of the Deed Records of Denton County, Texas;  
Thence N 85°19'09" E, along the common boundary line of the tract of land herein described and the aforementioned 0.507 acre tract, 162.36 feet to a 1/2" rebar with a cap marked "RPLS 4967" set for a common corner;  
Thence N 04°22'35" W, continuing along the aforementioned common boundary line, 138.28 feet to a 1/2" rebar in concrete found for a common corner;  
Thence S 89°00'42" W, continuing along the aforementioned common boundary line, 151.50 feet to a 1/2" rebar in concrete found for a common corner on the monumented East right-of-way line of Good Hope Road;  
Thence N 02°02'38" W, along the aforementioned East right-of-way line, 178.63 feet to a 1/2" rebar in concrete found for a common corner of the tract of land herein described and a called 1.00 acre tract of land conveyed to N. J. Goodlet, et ux by a deed filed for record at County Clerk's Instrument Number 84-0008059 of the Deed Records of Denton County, Texas;  
Thence N 89°21'12" E, along the common boundary line of the tract of land herein described and the aforementioned 1.00 acre tract, 382.48 feet to a 1/2" rebar in concrete found for a common corner;  
Thence N 00°05'33" W, continuing along the aforementioned common boundary line, 120.14 feet to a 1/2" rebar in concrete found for their common North corner on the South boundary line of a called 56.319 acre tract of land conveyed to E. Mahard, Jr. by a deed filed for record at County Clerk's Instrument Number 2004-24459 of the Deed Records of Denton County, Texas;

Thence N 89°24'44" E, along the common boundary line of the tract of land herein described and the aforementioned 56.319 acre tract, 1068.57 feet to a 5/8" rebar with a cap marked "104A" found for a common corner;  
Thence S 00°28'43" E, continuing along the aforementioned common boundary line, 818.81 feet to a 1/2" rebar in concrete found for a common corner on the North boundary line of the above-mentioned 100.00 acre tract;  
Thence S 88°55'33" W, along the common boundary line of the tract of land herein described and the aforementioned 100.00 acre tract, 1435.44 feet to the Point of Beginning.  
Said tract of land containing 1,116,786 square feet or 25.637 acres, more or less.  
**DESCRIPTION - TRACT TWO**  
A tract of land situated within the J. Bates Survey, Abstract Number 1620, Denton County, Texas and being the same tract of land as conveyed to Nathan Goodlet, et ux by a deed filed for record in Volume 1230 of Page 351 of the Deed Records of Denton County, Texas. Said tract of land being more particularly described by metes and bounds as follows:  
Beginning at a 1/2" rebar in concrete found, on the monumented East right-of-way line of Good Hope Road, for the Southwest corner of the tract of land herein described and a corner of a called 25.6476 acre tract of land as conveyed to N. Goodlet, et ux by a deed filed for record in Volume 3329 of Page 820 of the Deed Records of Denton County, Texas;  
Thence N 88°19'09" E, along the common boundary line of the tract of land herein described and the aforementioned 25.6476 acre tract, 82.56 feet to a 1/2" rebar in concrete found for a corner;  
Thence N 04°18'50" W, 13.06 feet to a 3/8" rebar found for a corner;  
Thence N 85°13'43" E, 13.06 feet to a 1/2" rebar with a cap marked "RPLS 4967" set for a corner;  
Thence S 05°12'35" E, 13.07 feet to a 1/2" rebar in concrete found for a corner on the North boundary line of the above-mentioned 25.6576 acre tract of land;  
Thence N 88°19'09" E, along the aforementioned common boundary line, 56.54 feet to a 1/2" rebar in concrete found for a common corner;  
Thence N 04°22'35" W, continuing along the aforementioned common boundary line, 138.28 feet to a 1/2" rebar in concrete found for a common corner;

Thence S 89°00'42" W, continuing along the aforementioned common boundary line, 151.50 feet to a 1/2" rebar in concrete found for a common corner on the above-mentioned East right-of-way line;  
Thence S 00°00'14" E, along the aforementioned East right-of-way line, 145.68 feet to the Point of Beginning.  
Said tract of land containing 22,087 square feet or 0.507 acres, more or less.  
**DESCRIPTION - TRACT THREE**  
A tract of land situated within the J. Bates Survey, Abstract Number 1620, Denton County, Texas and being the same tract of land as conveyed to Nathan Goodlet, et ux by a deed filed for record at County Clerk's Instrument Number 84-0008059 of the Deed Records of Denton County, Texas. Said tract of land being more particularly described by metes and bounds as follows:  
Beginning at a 1/2" rebar in concrete found, on the monumented East right-of-way line of Good Hope Road, for the Southwest corner of the tract of land herein described and a corner of a called 25.6476 acre tract of land as conveyed to N. Goodlet, et ux by a deed filed for record in Volume 3329 of Page 820 of the Deed Records of Denton County, Texas;  
Thence N 88°19'09" E, 82.56 feet to a 1/2" rebar found in concrete found for the Southwest corner and Point of Beginning of the tract of land herein described, said corner also being an Internal corner of the aforementioned Goodlet tract;  
Thence N 04°18'50" W, along the common boundary line of the tract of land herein described and the aforementioned Goodlet tract, 13.05 feet to a 3/8" rebar found for a common corner;  
Thence N 85°13'43" E, continuing along the aforementioned common boundary line, 13.06 feet to a 1/2" rebar with a cap marked "RPLS 4967" set for a common corner;  
Thence S 05°12'35" E, continuing along the aforementioned common boundary line, 13.07 feet to a 1/2" rebar in concrete found for a common corner;  
Thence S 88°19'09" W, 13.26 feet to the Point of Beginning.  
Said tract of land containing 172 square feet or 0.004 acre, more or less.  
**DESCRIPTION - TRACT FOUR**  
A tract of land situated within the J. Bates Survey, Abstract Number 1620, Denton County, Texas and being a portion of a tract of land conveyed to Laura Jackson by a deed filed for record in Volume 291 of Page 80 of the Deed Records of Denton County, Texas and also being more particularly described by metes and bounds as follows:  
Commencing, for a 1/2" rebar in concrete, found on the monumented East right-of-way line of Good Hope Road, for the Southwest corner of a tract of land conveyed to Nathan Goodlet, et ux by a deed filed for record in Volume 1230 of Page 351 of the Deed Records of Denton County, Texas from which a 1/2" rebar in concrete found for its Northwest corner bears N 00°00'14" W, 145.68 feet;  
Thence N 88°19'09" E, 82.56 feet to a 1/2" rebar found in concrete found for the Southwest corner and Point of Beginning of the tract of land herein described, said corner also being an Internal corner of the aforementioned Goodlet tract;  
Thence N 04°18'50" W, along the common boundary line of the tract of land herein described and the aforementioned Goodlet tract, 13.05 feet to a 3/8" rebar found for a common corner;  
Thence N 85°13'43" E, continuing along the aforementioned common boundary line, 13.06 feet to a 1/2" rebar with a cap marked "RPLS 4967" set for a common corner;  
Thence S 05°12'35" E, continuing along the aforementioned common boundary line, 13.07 feet to a 1/2" rebar in concrete found for a common corner;  
Thence S 88°19'09" W, 13.26 feet to the Point of Beginning.  
Said tract of land containing 172 square feet or 0.004 acre, more or less.

Exhibit A-2

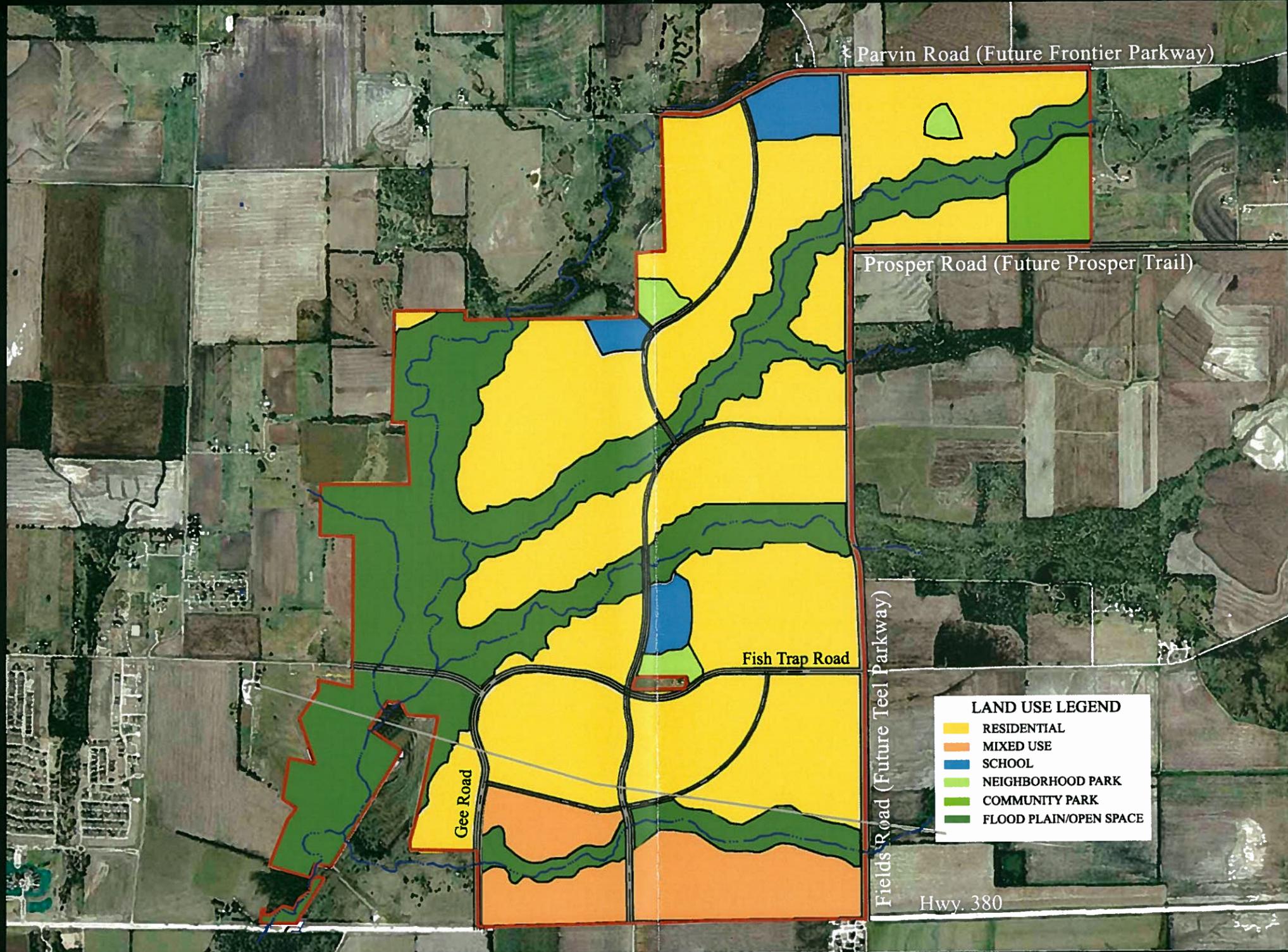
FC Prosper Partner, Inc.  
Improvement Survey of a portion of the J. Bates Survey, Abstract No. 1620, Denton County, Texas.

**DELTA LAND SURVEYING**  
1620 Roadrunner Road  
Anna, Texas 75409  
Tel: (817) 884-8118 Fax: (972) 884-0888

REVISIONS

1. Reflect Changes to Title Commitment	11/8/06
2. Add Tract Four	4/4/07
3. Add Note No. 3	4/13/07
4. Typographical Error Tract One Desc.	4/17/07

DATE: 10/4/06 SURVEYED BY: LWB  
DWG. NO.: 07038-1 DRAWN BY: LWB SCALE: 1" = 60'  
JOB NO.: 07038 APPR. BY: LWB SHEET: 1 OF 1



# MAHARD RANCH

Exhibit "D"

CONCEPTUAL DEVELOPMENT PLAN (11.07.2007)

"This Conceptual development Plan does not constitute an agreed upon revision to the Town's Thoroughfare Plan."

"This Exhibit does not determine the exact location of park or school sites."



# Exhibit A-1

## LEGAL DESCRIPTION

2106.592 ACRES

BEING a tract of land out of the C. SMITH SURVEY, Abstract No. 1681, the J. BATES SURVEY, Abstract No. 1620, the L. SALING SURVEY, Abstract No. 1675, the H.P. SALING SURVEY, Abstract No. 1628, the M.E.P. & P. RR SURVEY, Abstract No. 1476, P. BARNES SURVEY, Abstract No. 79, the B. HADGES SURVEY, Abstract No. 593, the A.B. JAMISON SURVEY, Abstract No. 672, the B.B. WALTON SURVEY, Abstract No. 1369, the T. BUTTON SURVEY, Abstract No. 88, the P.R. RUE SURVEY, Abstract No. 1555, the J. TETTER SURVEY, Abstract No. 1262, the L. NETHERLY SURVEY, Abstract No. 962, the B. RUE SURVEY, Abstract No. 1113, the A. ROBERTS SURVEY, Abstract No. 1115, in Denton County, Texas, the R. YATES SURVEY, Abstract No. 1538, the L. RUE SURVEY, Abstract No. 1110, the H. RUE SURVEY, Abstract No. 1111, the J. MORTON SURVEY, Abstract No. 793, in Denton County, Texas, being all of the tract of land described in deed to Mahard 2003 Partnership, L.P. recorded in Denton County Clerk's File No. 2004-0063826 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard 2003 Partnership, L.P. recorded in Denton County Clerk's File No. 20041-0024459 of the Real Property Records of Denton County, Texas, being part of the tract of land described in deed to Mahard 2003 Partnership, L.P. recorded in Denton County Clerk's File No. 2004-0014699 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard 2003 Partnership, L.P. recorded in Denton County Clerk's File No. 2004-0014698 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard 2003 Partnership, L.P. recorded in Denton County Clerk's File No. 2005-0014700 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard 2003 Partnership, L.P. recorded in Denton County Clerk's File No. 2004-0046720 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard 2003 Partnership, L.P. recorded in Denton County Clerk's File No. 2004-0024462 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard 2003 Partnership, L.P. recorded in Denton County Clerk's File No. 2004-0024458 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard 2003 Partnership, L.P. recorded in Denton County Clerk's File No. 2004-0050900 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard Egg Farm, Inc. recorded in Volume 1936, Page 145 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard Egg Farm, Inc. recorded in Volume 1618, Page 329 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard Egg Farm, Inc. recorded in Volume 547, Page 394 of the Deed Records of Denton County, Texas, being part of the tract of land described in deed to Mahard Egg Farm, Inc. recorded in Volume 1332, Page 176 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard Egg Farm, Inc. recorded in Volume 779, Page 665 of the Deed Records of Denton County, Texas, being all of the tract of land described in deed to Ernest Mahard recorded in Volume 1938, Page 931 of the Real Property Records of Denton County, Texas being all of the tract of land described in deed to Mahard Egg Farm, Inc. recorded in Volume 1149, Page 500 of the Deed Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a TXDOT monument found in the north right-of-way line of U.S. Highway No. 380, said monument being the northeast corner of a tract of land described in deed to the State of Texas recorded in Volume 4769, Page 1768 of the Real Property Records of Denton County, Texas;

**THENCE** with said north right-of-way line, the following courses and distances to wit:  
South 88°35'51" West, a distance of 3483.13 feet to a TXDOT monument found;  
North 46°16'16" West, a distance of 83.68 feet to a fence post in the east line of Good Hope Road (no dedication recordation found);

**THENCE** with said east line and along a fence, North 00°25'46" West, a distance of 1453.36 feet to a fence corner found in the south line of a 25.44 acre tract of land described in deed to Nathan Goodlet recorded in Volume 3329, Page 825 of the Real Property Records of Denton County, Texas;

**THENCE** with said south line, North 88°56'49" East, a distance of 1435.64 feet to a 3/8" Iron rod found for corner;

**THENCE** with the east line of said 25.44 acre tract, North 00°30'13" West, a distance of 819.11 feet to a 1/2" iron rod found for corner;

**THENCE** with the north line of said 25.44 acre tract, South 89°35'17" West, a distance of 1430.32 feet to a 5/8" iron rod set with a plastic cap stamped "KHA" (hereinafter called 5/8" iron rod set) for corner in the east line of said Good Hope Road;

**THENCE** with said east line, North 00°08'13" West, a distance of 1236.96 feet to a fence corner in the south line of a tract of land described in deed to Judy Reeves;

**THENCE** with the south line of said Reeves tract, North 89°14'55" East, a distance of 940.90 feet to a 5/8" iron rod set for corner;

**THENCE** with the east line of said Reeves tract, North 00°40'52" West, a distance of 197.22 feet to a 1/2" Iron rod found for corner in the south line of Fish Trap Road (no dedication recordation found);

**THENCE** with said south line, North 88°59'28" East, a distance of 815.80 feet to a 1/2" iron rod found for corner;

**THENCE** leaving said south line, North 00°06'59" West, a distance of 36.44 feet to a pk nail found in the centerline of said Fish Trap Road;

**THENCE** along the centerline of said Fish Trap Road, South 89°04'04" West, a distance of 1776.99 feet to a pk nail set for the intersection of the centerline of said Fish Trap Road and the centerline of said Good Hope Road;

**THENCE** along the centerline of said Good Hope Road, South 00°15'35" East, a distance of 3735.79 feet to a pk nail set in the north right-of-way line of said U.S. Highway No. 380;

**THENCE** with said north right-of-way line, the following courses and distances to wit:

South 44°02'02" West, a distance of 114.60 feet to a TXDOT monument found;  
South 88°35'51" West, a distance of 2062.12 feet to a 5/8" Iron rod set for corner;  
South 88°50'58" West, a distance of 100.00 feet to a 5/8" iron rod set for corner;  
South 89°09'27" West, a distance of 22.39 feet to a 5/8" iron rod set for corner;  
North 45°50'38" West, a distance of 111.42 feet to a pk nail set in the centerline of Gee Road (no dedication recordation found);

**THENCE** with said centerline, North 00°01'02" West, a distance of 1114.87 feet to a pk nail set;

**THENCE** with the easterly most north line of a 106.26 acre tract of land described in deed to Judy Gee recorded in Volume 3130, Page 794 of the Real Property Records of Denton County, Texas, part of the way, South 89°33'35" West, a distance of 1098.63 feet to a fence corner found;

**THENCE** along a fence, North 12°40'03" East, a distance of 2150.51 feet to a fence corner found for the northwest corner of a 5.34 acre tract of land described in deed to Mahard Egg Farm, Inc. recorded in Volume 1936, Page 145 of the Real Property Records of Denton County, Texas;

**THENCE** the following courses and distances to wit:

North 88°30'03" West, a distance of 451.90 feet to a 5/8" iron rod set for corner;  
North 59°57'10" West, a distance of 66.21 feet to a 5/8" iron rod set for corner;  
North 27°15'28" West, a distance of 207.89 feet to a 5/8" Iron rod set for corner;  
South 79°58'04" West, a distance of 116.69 feet to a 5/8" iron rod set for corner;  
South 17°11'21" West, a distance of 12.96 feet to a 5/8" iron rod set for corner;  
North 65°16'52" West, a distance of 66.04 feet to a 5/8" iron rod set for the northerly most corner of said 106.26 acre tract;

**THENCE** with the west lines of said 106.26 acre tract, the following courses and distances to wit:

South 31°55'38" West, a distance of 494.24 feet to a 5/8" iron rod set for corner;  
South 57°52'02" East, a distance of 601.93 feet to a Corp of Engineers monument found;  
South 31°24'02" West, a distance of 1854.30 feet to a Corp of Engineers monument found;  
South 31°27'22" West, a distance of 302.61 feet to a 5/8" Iron rod set for the northeast corner of a 0.78 acre tract of land described in deed to the City of Irving recorded in Volume 4871, Page 5128 of the Real Property Records of Denton County, Texas;

**THENCE** the lines of said 0.78 acre tract, the following courses and distances to wit:

North 73°29'41" West, a distance of 241.29 feet to a 1/2" Iron rod found for corner;  
South 21°58'41" West, a distance of 181.00 feet to a 5/8" Iron rod set for corner;  
South 73°29'27" East, a distance of 67.00 feet to a 5/8" iron rod set for corner;  
North 22°20'38" East, a distance of 41.52 feet to a 5/8" iron rod set for corner;  
South 75°57'16" East, a distance of 152.12 feet to a 1/2" iron rod found in the west line of said 106.26 acre tract;

**THENCE** with said west line and along a fence part of the way, South 31°27'22" West, a distance of 877.59 feet to a 5/8" iron rod set for corner in the north right-of-way line of said U.S. Highway No. 380

**THENCE** with said north right-of-way line, North 88°48'55" West, a distance of 587.44 feet to a 5/8" iron rod set for the southeast corner of a 61.2 acre tract of land described in deed to M. Taylor Hansel recorded in Denton County Clerk's File No. 94-R0091793 of the Real Property Records of Denton County, Texas;

**THENCE** with the east lines of said Hansel tract, the following courses and distances to wit:

North 08°56'01" East, a distance of 240.78 feet to a 5/8" iron rod set for corner;  
North 55°59'01" East, a distance of 132.20 feet to a 5/8" iron rod set for corner;  
South 20°18'01" West, a distance of 155.70 feet to a 5/8" iron rod set for corner;  
South 80°49'59" East, a distance of 88.40 feet to a 5/8" iron rod set for corner;  
North 45°13'01" East, a distance of 261.10 feet to a 5/8" iron rod set for corner;  
South 62°15'59" East, a distance of 216.20 feet to a 5/8" iron rod set for corner;  
North 15°04'01" East, a distance of 184.70 feet to a 5/8" iron rod set for corner;  
North 56°01'01" East, a distance of 183.40 feet to a 5/8" iron rod set for corner;  
North 18°07'01" East, a distance of 197.90 feet to a 5/8" iron rod set for corner;  
North 73°19'59" West, a distance of 688.80 feet to a Corp of Engineers monument found for the southeast corner of a 107.57 acre tract of land described in deed to Fish Trap Properties, Ltd., recorded in Volume 4626, Page 2922 of the Real Property Records of Denton County, Texas;

**THENCE** with the east lines of said 107.57 acre tract, the following courses and distances to wit:

North 29°02'03" East, a distance of 67.81 feet to a 5/8" iron rod set for corner;  
North 22°04'26" East, a distance of 710.31 feet to a Corp of Engineers monument found;  
North 33°00'31" East, a distance of 221.33 feet to a Corp of Engineers monument found;  
North 58°30'15" West, a distance of 249.63 feet to a Corp of Engineers monument found for the southeast corner of a 43.07 acre tract of land described in deed to Billy Jeter recorded in Volume 2125, Page 729 of the Real Property Records of Denton County, Texas;

**THENCE** with the east lines of said 43.07 acre tract, the following courses and distances to wit:

North 07°55'24" East, a distance of 669.72 feet to a 5/8" iron rod set for corner;  
South 75°24'16" East, a distance of 402.59 feet to a Corp of Engineers monument found;  
North 19°28'37" West, a distance of 739.75 feet to a Corp of Engineers monument found;  
North 35°34'01" East, a distance of 531.05 feet to a Corp of Engineers monument found;  
North 02°04'22" West, a distance of 172.83 feet to a fence post found in the south line of a 57.55 acre tract of land described in deed to G&S Landscaping recorded in Volume 5114, Page 1398 of the Real Property Records of Denton County, Texas;

**THENCE** with said south line, South 77°28'43" East, a distance of 553.04 feet to a Corp of Engineers monument found;

**THENCE** with the east line of said 57.55 acre tract and the east line of two tracts of land described in deed to Mary Weber recorded in Denton County Clerk's File No. 94-R0031655 of the Real Property Records of Denton County, Texas, the following courses and distances to wit:

North 01°07'34" East, a distance of 278.92 feet to a 5/8" iron rod found;  
North 01°04'49" East, a distance of 510.59 feet to a Corp of Engineers monument found;  
North 00°57'07" West, a distance of 149.86 feet to a Corp of Engineers monument found;  
North 00°06'44" East, a distance of 1393.34 feet to a 1/2" iron rod found for corner;  
North 89°49'12" West, a distance of 505.03 feet to a fence corner found in the east line of a 58.44 acre tract of land described in deed to Benny Nobles recorded in Volume 2299, Page 94 of the Real Property Records of Denton County, Texas;

**THENCE** with said east line, North 00°50'11" West, a distance of 810.75 feet to a fence corner found in the south line of a 99.5 acre tract of land described in deed to Rue Family Trust recorded in Volume 5032, Page 3961 of the Real Property Records of Denton County, Texas;

**THENCE** with the south and east lines of said 99.5 acre tract and the south line of a 90 acre tract of land described in deed to Rue Family Trust recorded in Volume 5032, Page 3961 of the Real Property Records of Denton County, Texas the following courses and distances to wit:

North 89°17'21" East, a distance of 1389.64 feet to a 5/8" iron rod set for corner;  
North 03°32'47" West, a distance of 929.90 feet to a 5/8" iron rod set for corner;  
South 85°47'35" West, a distance of 228.77 feet to a 1/2" iron rod found for corner;  
North 02°06'10" East, a distance of 1767.38 feet to a 3/8" iron rod found for corner;  
South 88°23'11" East, a distance of 1111.78 feet to a 5/8" iron rod set for in the west line of a 319.00 acre tract of land described in deed to Sammy Carey recorded in Volume 2336, Page 5411 of the Real Property Records of Denton County, Texas;

**THENCE** with said west line, South 00°10'32" West, a distance of 125.32 feet to a 5/8" iron rod set for corner;

**THENCE** with the south line of said 319.00 acre tract and the south line of a 5 acre tract of land described in deed to M.B. Allen recorded in Volume 375, Page 395 of the Deed Records of Denton County, Texas, North 86°58'42" East, a distance of 2644.03 feet to a 1/2" iron rod found in the centerline of said Good Hope Road;

**THENCE** along said centerline, North 00°48'31" West, a distance of 992.40 feet to a 1/2" iron rod found for corner;

**THENCE** with the south line of the tract of land described in deed to the Good Hope Church and continuing along Good Hope Road, South 89°38'27" East, a distance of 457.50 feet to a 5/8" iron rod set in the east line of said Good Hope Road;

**THENCE** with the east line of said Good Hope Road, the following courses and distances to wit:

North 01°47'00" West, a distance of 935.34 feet to a 5/8" Iron rod set for corner;  
- North 00°15'22" West, a distance of 1726.79 feet to a 5/8" iron rod set for an ell corner in the south line of a 100 acre tract of land described in deed to Bruce Jackson recorded in Volume 4910, Page 2975 of the Real Property Records of Denton County, Texas;

THENCE with the south line of said 100 acre tract, the south line of a 134.58 acre tract of land described in deed to Little Elm Ranch Corporation recorded in Volume 5416, Page 3334 of the Real Property Records of Denton County, Texas, and the south line of a tract of land described in deed to Salvador Buentello recorded in Volume 2633, Page 648 of the Real Property Records of Denton County, Texas, North 89°42'25" East, a distance of 1545.14 feet to a 5/8" iron rod set in the centerline of a Parvln Road (no dedication recordation found);

THENCE along said centerline and with the south line of said Buentello tract, the following courses and distances to wit

- North 70°58'34" East, a distance of 76.26 feet to a 5/8" iron rod set for corner;
- North 74°05'38" East, a distance of 206.69 feet to a 5/8" iron rod set for corner;
- North 77°25'29" East, a distance of 112.34 feet to a 1/2" iron rod found for corner;
- North 01°25'12" East, a distance of 17.04 feet to a 5/8" iron rod set for corner;

THENCE continuing along said centerline, the south line of said Buentello tract, the south line of a 1.75 acre tract of land described in deed to Donna Jackson recorded in Denton County Clerk's File No. 2004-0086324 of the Real Property Records of Denton County, Texas, the south line of a 2.5 acre and 14.87 acre tracts of land described in deed to Jose Gutierrez recorded in Denton County Clerk's File No. 2004-0139581 of the Real Property Records of Denton County, Texas, and the south line of a 15 acre tract of land described in deed to William Kramer, the following courses and distances to wit:

- North 89°08'54" East, a distance of 1300.08 feet to a 1/2" iron rod found for corner;
- North 89°07'58" East, a distance of 3455.35 feet to a 1/2" iron rod found for the northwest corner of a 100 acre tract of land described in deed to RH-TWO, LP recorded in Denton County Clerk's File No. 2004-0086307 of the Real Property Records of Denton County, Texas;

THENCE with the west line of said 100 acre tract, South 00°40'06" West, a distance of 2809.18 feet to a 1/2" iron rod found in the centerline of Prosper Road (no dedication recordation found);

THENCE with said centerline, South 89°24'09" West, a distance of 3412.04 feet to a 1/2" iron rod found for corner;

THENCE leaving said centerline, North 00°12'44" West, a distance of 16.61 feet to a 5/8" iron rod set in the north line of said Prosper Road;

THENCE with said north line, South 89°49'30" West, a distance of 298.97 feet to a 5/8" iron rod set in the east line of a 5 acre tract of land described in deed to Curtis McDaniel recorded in Volume 354, Page 271 of the Deed Records of Denton County, Texas;

THENCE with the lines of the remainder of said 5 acre tract, the following courses and distances to wit:

- North 00°15'22" East, a distance of 214.38 feet to a 5/8" iron rod set for corner;
- South 89°47'16" West, a distance of 318.73 feet to a 5/8" iron rod set for corner;
- South 33°13'36" East, a distance of 218.94 feet to a 5/8" iron rod set for corner;
- South 72°26'17" East, a distance of 198.56 feet to a 5/8" iron rod set in the centerline of Fields Road (no dedication recordation found);

THENCE along said centerline, the following courses and distances to wit:

- South 00°02'02" West, a distance of 1534.38 feet to a 5/8" iron rod set for corner;
- South 00°08'41" East, a distance of 1196.19 feet to a 1/2" iron rod found for corner;
- South 00°19'01" East, a distance of 1051.65 feet to a 1/2" iron rod found for corner;
- South 00°46'08" West, a distance of 705.12 feet to a 5/8" iron rod set for corner;
- South 20°37'31" East, a distance of 96.22 feet to a 5/8" iron rod set for corner;
- South 28°15'33" East, a distance of 189.49 feet to a 3/8" iron rod found for corner;
- South 02°06'04" East, a distance of 1803.07 feet to a 1" iron rod found for corner;
- South 00°06'17" East, a distance of 1284.69 feet to a 5/8" iron rod set for corner;
- South 00°06'37" West, a distance of 1042.41 feet to a 5/8" iron rod set for corner;

THENCE leaving the centerline of said Fields Road, South 89°11'26" West, a distance of 21.20 feet to a 5/8" iron rod set in the west line of said Field Road;

THENCE with said west line, the following courses and distances to wit:

- South 00°00'27" West, a distance of 1396.62 feet to a fence corner;
- South 41°23'46" West, a distance of 87.55 feet to the **POINT OF BEGINNING** and containing 2106.592 acres of land.

Bearing system based North Central Zone of the Texas State Plane Coordinate System.

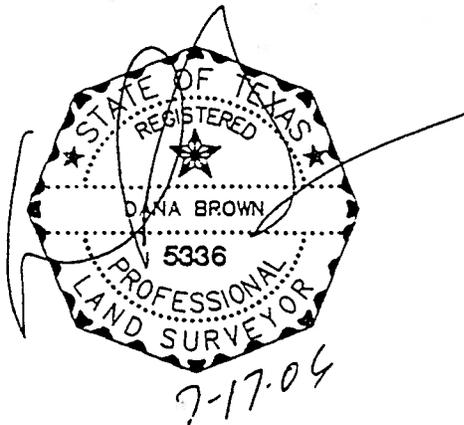
To: Mahard 2003 Partnership, L.P.  
Mahard Egg Farm, Inc.  
Ernest Mahard, Jr.  
Forest City Residential Group, Inc.  
Chicago Title Insurance Company GF# 699354-M

This is to certify to Buyer, Seller, Lender and Title Insurer that this map or plat and the survey on which it is based were made in accordance with to a Category 1A, Condition III Survey in accordance to the current *Manual of Practice for Land Surveying in the State of Texas*, published by the Texas Society of Professional Surveyors (TSPS) and in effect on the date of this certification. The undersigned further certifies to Buyer, Seller, Lender and Title Insurer that (a) this survey is true and correct and was made on the ground under my supervision as per the field notes shown hereon and correctly shows the boundary lines and dimensions and area of the land indicated hereon and each individual parcel thereof indicated hereon; (b) all monuments shown hereon actually exist, and the location, size and type of such monuments are correctly shown; (c) the subject Property described in this survey is the same land as described in the title commitment described below; (d) this survey and the information, courses and distances shown on the survey are correct; (e) this survey correctly shows the size, location and type of all buildings, structures, other improvements and visible items on the subject Property that is within 25 feet of the boundary line and that all buildings are from aerial photos; (f) this survey correctly shows the location and dimensions of all alleys, streets, roads, rights-of-way, easements, building setback lines and other matters of record of which the undersigned has been advised affecting the subject Property according to the legal description in such easements and other matters (with instrument, book, and page number indicated); (g) except as shown, there are no visible (1) easements, rights-of-way, party walls, discrepancies or conflicts, (2) party walls or encroachments onto adjoining premises, streets, or alleys by any of said buildings or structures, (3) encroachments onto the subject Property by buildings, structures, or other improvements on adjoining premises, or (h) the subject Property is adjacent to a dedicated public street or road as shown hereon; (i) if the subject Property consists of two or more parcels having common boundaries, those parcels are contiguous along the common boundaries; (j) except as shown, no part of the Property is located in a 100-year Flood Plain or in an identified "flood prone area," as defined pursuant to the Flood Disaster Protection Act of 1973, as amended, as reflected by Flood Insurance Rate Panel # 48121C0410 E and 48121C0430 E dated April 2, 1997, which such map panel covers the area in which the Property is situated and this survey correctly indicates the zone designation of any area as being in the 100-year Flood Plain or "flood prone area"; (k) the record description of the subject Property forms a mathematically closed figure; and The undersigned has received and examined a copy of the Title Insurance Commitment No. 44-903-90-699354, GF No. 699354-M issued by Title Insurer for the Property as well as a copy of each instrument listed therein, and the location of any matter shown thereon, to the extent it can be located, has been shown on this survey.

Only Improvements with 25 feet of the perimeter boundary was field verified. Internal structures shown from 2004 aerial photograph.

Survey Date: July, 2005  
Visibly Inspected July 13, 2006

Dana Brown, R.P.L.S. #5336  
KIMLEY-HORN AND ASSOCIATES, INC.  
9300 Wade Boulevard, Suite 320  
Frisco, Texas 75035  
Phone: (972) 335-3580  
Fax: (972) 335-3779



# Exhibit A-2

## DESCRIPTION -- TRACT ONE

A tract of land situated within the J. Bates Survey, Abstract Number 1620, Denton County, Texas and being the same tract of land as conveyed to Nathan Goodlet, et ux by a deed filed for record in Volume 3329 at Page 820 of the Deed Records of Denton County, Texas. Said tract of land being more particularly described by metes and bounds as follows:

Beginning at a 5/8" rebar with a cap marked "KHA" found on the monumented East right-of-way line of Good Hope Road, for the common West corner of the tract of land herein described and a called 100.00 acre tract of land conveyed to E. Mahard, Jr. by a deed filed for record at County Clerk's Instrument Number 93-R0049966 of the Deed Records of Denton County, Texas;

Thence N 00°20'14" W, along the aforementioned monumented East right-of-way line, 388.18 feet to a 1/2" rebar in concrete found for a common corner of the tract of land herein described and a called 0.507 acre tract of land conveyed to N. J. Goodlet, et ux by a deed filed for record in Volume 1230 at Page 351 of the Deed Records of Denton County, Texas;

Thence N 86°19'09" E, along the common boundary line of the tract of land herein described and the aforementioned 0.507 acre tract, 162.36 feet to a 1/2" rebar with a cap marked "RPLS 4967" set for a common corner;

Thence N 04°22'35" W, continuing along the aforementioned common boundary line, 138.28 feet to a 1/2" rebar in concrete found for a common corner;

Thence S 89°00'42" W, continuing along the aforementioned common boundary line, 151.50 feet to a 1/2" rebar in concrete found for a common corner on the monumented East right-of-way line of Good Hope Road;

Thence N 00°02'39" W, along the aforementioned East right-of-way line, 176.63 feet to a 1/2" rebar in concrete found for a common corner of the tract of land herein described and a called 1.00 acre tract of land conveyed to N. J. Goodlet, et ux by a deed filed for record at County Clerk's Instrument Number 94-R0089059 of the Deed Records of Denton County, Texas;

Thence N 89°21'12" E, along the common boundary line of the tract of land herein described and the aforementioned 1.00 acre tract, 362.48 feet to a 1/2" rebar in concrete found for a common corner;

Thence N 00°05'33" W, continuing along the aforementioned common boundary line, 120.14 feet to a 1/2" rebar in concrete found for their common North corner on the South boundary line of a called 56.319 acre tract of land conveyed to E. Mahard, Jr. by a deed filed for record at County Clerk's Instrument Number 2004-24459 of the Deed Records of Denton County, Texas;

Thence N 89°24'44" E, along the common boundary line of the tract of land herein described and the aforementioned 56.319 acre tract, 1068.57 feet to a 5/8" rebar with a cap marked "KHA" found for a common corner;

Thence S 00°28'43" E, continuing along the aforementioned common boundary line, 818.81 feet to a 1/2" rebar in concrete found for a common corner on the North boundary line of the above-mentioned 100.00 acre tract;

Thence S 88°55'33" W, along the common boundary line of the tract of land herein described and the aforementioned 100.00 acre tract, 1435.44 feet to the Point of Beginning.

Said tract of land containing 1,116,766 square feet or 25.637 acres, more or less.

#### DESCRIPTION - TRACT TWO

A tract of land situated within the J. Bates Survey, Abstract Number 1620, Denton County, Texas and being the same tract of land as conveyed to Nathan Goodlet, et ux by a deed filed for record in Volume 1230 at Page 351 of the Deed Records of Denton County, Texas. Said tract of land being more particularly described by metes and bounds as follows:

Beginning at a 1/2" rebar in concrete found, on the monumented East right-of-way line of Good Hope Road, for the Southwest corner of the tract of land herein described and a corner of a called 25.6476 acre tract of land as conveyed to N. Goodlet, et ux by a deed filed for record in Volume 3329 at Page 820 of the Deed Records of Denton County, Texas;

Thence N 86°19'09" E, along the common boundary line of the tract of land herein described and the aforementioned 25.6476 acre tract, 92.56 feet to a 1/2" rebar in concrete found for a corner;

Thence N 04°18'50" W, 13.05 feet to a 3/8" rebar found for a corner;

Thence N 86°13'43" E, 13.06 feet to a 1/2" rebar with a cap marked "RPLS 4967" set for a corner;

Thence S 05°12'35" E, 13.07 feet to a 1/2" rebar in concrete found for a corner on the North boundary line of the above-mentioned 25.6576 acre tract of land;

Thence N 86°19'09" E, along the aforementioned common boundary line, 56.54 feet to a 1/2" rebar in concrete found for a common corner;

Thence N 04°22'35" W, continuing along the aforementioned common boundary line, 138.28 feet to a 1/2" rebar in concrete found for a common corner;

Thence S 89°00'42" W, continuing along the aforementioned common boundary line, 151.50 feet to a 1/2" rebar in concrete found for a common corner on the above-mentioned East right-of-way line;

Thence S 00°00'14" E, along the aforementioned East right-of-way line, 145.68 feet to the Point of Beginning.

Said tract of land containing 22,087 square feet or 0.507 acres, more or less.

#### DESCRIPTION - TRACT THREE

A tract of land situated within the J. Bates Survey, Abstract Number 1620, Denton County, Texas and being the same tract of land as conveyed to Nathan Goodlet, et ux by a deed filed for record at County Clerk's Instrument Number 94-R0089059 of the Deed Records of Denton County, Texas. Said tract of land being more particularly described by metes and bounds as follows:

Beginning at a 1/2" rebar in concrete found, on the monumented East right-of-way line of Good Hope Road, for the Southwest corner of the tract of land herein described and a corner of a called 25.6476 acre tract of land as conveyed to N. Goodlet, et ux by a deed filed for record in Volume 3329 at Page 820 of the Deed Records of Denton County, Texas;

Thence N 89°21'12" E, along the common boundary line of the tract of land herein described and the aforementioned 25.6476 acre tract of land, 362.48 feet to a 1/2" rebar in concrete found for a common corner;

Thence N 00°05'33" W, continuing along the aforementioned common boundary line, 120.14 feet to a 1/2" rebar in concrete found for their common North corner on the South boundary line of a called 56.319 acre tract of land conveyed to E. Mahard, Jr. by a deed filed for record at County Clerk's Instrument Number 2004-24459 of the Deed Records of Denton County, Texas;

Thence S 89°24'44" W, along the common boundary line of the tract of land herein described and the aforementioned 56.319 acre tract, 362.29 feet to a 1/2" rebar with a cap marked "RPLS 4967" set for their common West corner on the above-mentioned East right-of-way line;

Thence S 00°00'19" E, along the aforementioned East right-of-way line, 120.52 feet to the Point of Beginning.

Said tract of land containing 43,604 square feet or 1.001 acre, more or less.

#### DESCRIPTION - TRACT FOUR

A tract of land situated within the J. Bates Survey, Abstract Number 1620, Denton County, Texas and being a portion of a tract of land conveyed to Laura Jackson by a deed filed for record in Volume 291 at Page 80 of the Deed Records of Denton County, Texas and also being more particularly described by metes and bounds as follows:

Commencing, for a tie, at a 1/2" rebar in concrete, found on the monumented East right-of-way line of Good Hope Road, for the Southwest corner of a tract of land conveyed to Nathan Goodlet, et ux by a deed filed for record in Volume 1230 at Page 351 of the Deed Records of Denton County, Texas from which a 1/2" rebar in concrete found for it's Northwest corner bears N 00°00'14" W, 145.68 feet;

Thence N 86°19'09" E, 92.56 feet to a 1/2" rebar found in concrete found for the Southwest corner and Point of Beginning of the tract of land herein described, said corner also being an internal corner of the aforementioned Goodlet tract;

Thence N 04°18'50" W, along the common boundary line of the tract of land herein described and the aforementioned Goodlet tract, 13.05 feet to a 3/8" rebar found for a common corner;

Thence N 86°13'43" E, continuing along the aforementioned common boundary line, 13.06 feet to a 1/2" rebar with a cap marked "RPLS 4967" set for a common corner;

Thence S 05°12'35" E, continuing along the aforementioned common boundary line, 13.07 feet to a 1/2" rebar in concrete found for a common corner;

Thence S 86°19'09" W, 13.26 feet to the Point of Beginning.

Said tract of land containing 172 square feet or 0.004 acre, more or less.

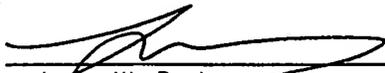
Improvement Survey for (Reference Name): FC Prosper Partner, Inc.  
Client: Republic Title of Texas, Inc.  
For Title Commitment by: Republic Title of Texas, Inc. GF # 06R36860 MK2 ONLY.  
Property Address: 1050 & 992 Good Hope Road

NOTE:

1. The tracts of land surveyed and shown hereon may be subject to an undefinable easement to Denton County Electric Cooperative, Inc. as filed for record in Volume 403 at Page 85 of the Deed Records of Denton County, Texas.
2. The tracts of land surveyed and shown hereon are subject to an undefinable easement to Lone Star Gas Company as filed for record in Volume 146 at Page 388 of the Deed Records of Denton County, Texas.
3. The 8' Water Easement as filed in Volume 1230 at Page 355 of the Deed Records of Denton County, Texas is subject to an "Affidavit of Non-Use" as filed for record at County Clerk's Instrument Number 2006-148096 in the Deed Records of Grayson County, Texas.

With reference to my copy of the Federal Emergency Management Agency Flood Insurance Rate Map for Denton County, Texas, Community Panel No. 48121C-0430-E, Revised on 4/2/97, the subject property's scaled location lies within Flood Zone(s) A, which IS designated a 100 year Special Flood Hazard Area. The above map may not include all Special Flood Hazard Areas and after a more detailed study the Special Flood Hazard Areas may be modified and other areas added. Localized flooding may occur someday due to changes in adjacent drainage patterns.

I do hereby certify that this survey was made on the ground, under my direct supervision and the plat hereon is a true and correct representation of this property, said survey and plat meet the Minimum Standards for Land Surveying in the State of Texas; there are no visible conflicts, encroachments, overlapping of improvements or easements except as shown; all easements and other matters of record of which I have been advised, by the above commitment, are as shown hereon. Delta Land Surveying makes no representation as to the accuracy or completeness of said commitment.

  
\_\_\_\_\_  
Larry W. Busby  
TX R.P.L.S. No. 4967 - NM R.P.S. No. 11398



Save & Except  
A portion of Tract 3  
Mahard 2003 Partnership, L.P.

Being all of that certain lot, tract or parcel of land located in the B. Rue Survey, Abstract No. 1113, Denton County, Texas, and being a portion of a called 76 acre tract of land described as Tract Three in deed to Mahard 2003 Partnership, L.P., recorded in County Clerks File No. 2004-0050900, Real Property Records, Denton County, Texas, and being more particularly described as follows:

Beginning at a 5/8" iron rod found at an ell corner in the south line of a called 100 acre tract of land described in deed to Bruce Jackson, et al, recorded in Volume 4910, Page 2975, Real Property Records, Denton County, Texas, same being the northwest corner of said Mahard 2003 Partnership, L.P. tract;

THENCE North 89°42'25" East, along the north line of said Mahard 2003 Partnership, L.P. tract and passing at a distance of 583.33 feet the common southern corner of said Bruce Jackson, et al tract and a called 134.58 acre tract of land described in deed to Little Elm Ranch Corporation, recorded in Volume 5416, Page 3334, Real Property Records, Denton County, Texas, passing again at a distance of 834.26 feet the common southern corner of said Little Elm Ranch Corporation tract, and a tract of land described in deed to Salvador Buentello, recorded in Volume 2633, Page 648, Real Property Records, Denton County, Texas, and continuing for a total distance of 1,545.14 feet to a 5/8" iron rod found for corner in the present centerline of Parvin Road (no record of dedication found) at the beginning of a non-tangent curve to the left, having a radius of 1,206.88 feet, a central angle of 19°32'21", and a chord bearing and distance of South 58°53'46" West, 409.58 feet;

THENCE in a southwesterly direction, along the present centerline of said Parvin Road and passing through said Mahard 2003 Partnership, L.P. tract the following five (5) courses and distances:

- 1) Along said non-tangent curve to the left, an arc length of 411.57 feet;
- 2) South 49°04'47" West, a distance of 322.13 feet to the beginning of a curve to the right, having a radius of 355.51 feet, a central angle of 34°57'47", and a chord bearing and distance of South 71°08'48" West, 213.59 feet;
- 3) Along said curve to the right, an arc length of 216.94 feet;
- 4) South 88°37'42" West, a distance of 557.23 feet to the beginning of a curve to the left, having a radius of 410.55 feet, a central angle of 27°36'35", and a chord bearing and distance of South 75°08'34" West, 195.93 feet;
- 5) Along said curve to the left, an arc length of 197.83 feet to the east line of Good Hope Road (no record of dedication found), same being the most southerly southeast corner of said Bruce Jackson, et al tract;

THENCE North 00°15'22" West, along the most southerly east line of said Bruce Jackson, et al tract, a distance of 547.29 feet to the Place of Beginning and containing 575,223 square feet or 13.205 acres of land.

Submittal Documents in Support of

# **MAHARD RANCH**

(subject to name change prior to final approval)

**A Planned Development District  
in the  
Town of Prosper, Texas**

January 7, 2008  
Revised January 23, 2008

## TABLE OF CONTENTS

		<u>Page</u>
EXHIBIT "A"	- Legal Descriptions	3
EXHIBIT "B"	- Statement of Intent and Purpose	14
EXHIBIT "C"	- Development Standards	
	1. Amenity Program	15
	2. Single-Family Residential	21
	3. Mixed Use	41
	4. General Requirements	55
EXHIBIT "D"	- Concept Plan	58
EXHIBIT "E"	- Development Schedule	59
EXHIBIT "F"	- Illustrative Elevations and Plans	60

**EXHIBIT "A"**  
Legal Descriptions for Mahard Ranch, Town of Prosper, Texas

**EXHIBIT "A-1"**

**Legal Description of the Mahard Property**

**BEING** a tract of land out of the C. SMITH SURVEY, Abstract No. 1681, the J. BATES SURVEY, Abstract No. 1620, the L. SALING SURVEY, Abstract No. 1675, the H.P. SALING SURVEY, Abstract No. 1628, the M.E.P. & P. RR SURVEY, Abstract No. 1476, P. BARNES SURVEY, Abstract No. 79, the B. HADGES SURVEY, Abstract No. 593, the A.B. JAMISON SURVEY, Abstract No. 672, the B.B. WALTON SURVEY, Abstract No. 1369, the T. BUTTON SURVEY, Abstract No. 88, the P.R. RUE SURVEY, Abstract No. 1555, the J. TETTER SURVEY, Abstract No. 1262, the L. NETHERLY SURVEY, Abstract No. 962, the B. RUE SURVEY, Abstract No. 1113, the A. ROBERTS SURVEY, Abstract No. 1115, in Denton County, Texas, the R. YATES SURVEY, Abstract No. 1538, the L. RUE SURVEY, Abstract No. 1110, the H. RUE SURVEY, Abstract No. 1111, the J. MORTON SURVEY, Abstract No. 793, in Denton County, Texas, being all of the tract of land described in deed to Mahard 2003 Partnership, L.P. recorded in Denton County Clerk's File No. 2004-0063826 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard 2003 Partnership, L.P. recorded in Denton County Clerk's File No. 20041-0024459 of the Real Property Records of Denton County, Texas, being part of the tract of land described in deed to Mahard 2003 Partnership, L.P. recorded in Denton County Clerk's File No. 2004-0014699 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard 2003 Partnership, L.P. recorded in Denton County Clerk's File No. 2004-0014698 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard 2003 Partnership, L.P. recorded in Denton County Clerk's File No. 2005-0014700 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard 2003 Partnership, L.P. recorded in Denton County Clerk's File No. 2004-0046720 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard 2003 Partnership, L.P. recorded in Denton County Clerk's File No. 2004-0024462 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard 2003 Partnership, L.P. recorded in Denton County Clerk's File No. 2004-0024458 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard 2003 Partnership, L.P. recorded in Denton County Clerk's File No. 2004-0050900 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard Egg Farm, Inc. recorded in Volume 1936, Page 145 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard Egg Farm, Inc. recorded in Volume 1618, Page 329 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard Egg Farm, Inc. recorded in Volume 547, Page 394 of the Deed Records of Denton County, Texas, being part of the tract of land described in deed to Mahard Egg Farm, Inc. recorded in Volume 1332, Page 176 of the Real Property Records of Denton County, Texas, being all of the tract of land described in deed to Mahard Egg Farm, Inc. recorded in Volume 779, Page 665 of the Deed Records of Denton County, Texas, being all of the tract of land described in deed to Ernest Mahard recorded in Volume 1938, Page 931 of the Real Property Records of Denton County, Texas being all of the tract of land described in deed to Mahard Egg Farm, Inc. recorded in Volume 1149, Page 500 of the Deed Records of Denton County, Texas, and being more particularly described as follows:

**BEGINNING** at a TXDOT monument found in the north right-of-way line of U.S. Highway No. 380, said monument being the northeast corner of a tract of land described in deed to the State of Texas recorded in Volume 4769, Page 1768 of the Real Property Records of Denton County, Texas;

**THENCE** with said north right-of-way line, the following courses and distances to wit:  
South 88°35'51" West, a distance of 3483.13 feet to a TXDOT monument found;  
North 46°16'16" West, a distance of 83.68 feet to a fence post in the east line of Good Hope Road (no dedication recordation found);

**THENCE** with said east line and along a fence, North 00°25'46" West, a distance of 1453.36 feet to a fence corner found in the south line of a 25.44 acre tract of land described in deed to Nathan Goodlet recorded in Volume 3329, Page 825 of the Real Property Records of Denton County, Texas;

**THENCE** with said south line, North 88°56'49" East, a distance of 1435.64 feet to a 3/8" iron rod found for corner;

**THENCE** with the east line of said 25.44 acre tract, North 00°30'13" West, a distance of 819.11 feet to a 1/2" iron rod found for corner;

**THENCE** with the north line of said 25.44 acre tract, South 89°35'17" West, a distance of 1430.32 feet to a 5/8" iron rod set with a plastic cap stamped "KHA" (hereinafter called 5/8" iron rod set) for corner in the east line of said Good Hope Road;

**THENCE** with said east line, North 00°08'13" West, a distance of 1236.96 feet to a fence corner in the south line of a tract of land described in deed to Judy Reeves;

**THENCE** with the south line of said Reeves tract, North 89°14'55" East, a distance of 940.90 feet to a 5/8" iron rod set for corner;

**THENCE** with the east line of said Reeves tract, North 00°40'52" West, a distance of 197.22 feet to a 1/2" iron rod found for corner in the south line of Fish Trap Road (no dedication recordation found);

**THENCE** with said south line, North 88°59'28" East, a distance of 815.80 feet to a 1/2" iron rod found for corner;

**THENCE** leaving said south line, North 00°06'59" West, a distance of 36.44 feet to a pk nail found in the centerline of said Fish Trap Road;

**THENCE** along the centerline of said Fish Trap Road, South 89°04'04" West, a distance of 1776.99 feet to a pk nail set for the intersection of the centerline of said Fish Trap Road and the centerline of said Good Hope Road;

**THENCE** along the centerline of said Good Hope Road, South 00°15'35" East, a distance of 3735.79 feet to a pk nail set in the north right-of-way line of said U.S. Highway No. 380;

**THENCE** with said north right-of-way line, the following courses and distances to wit:  
South 44°02'02" West, a distance of 114.60 feet to a TXDOT monument found;  
South 88°35'51" West, a distance of 2062.12 feet to a 5/8" iron rod set for corner;

South 88°50'58" West, a distance of 100.00 feet to a 5/8" iron rod set for corner;  
South 89°09'27" West, a distance of 22.39 feet to a 5/8" iron rod set for corner;  
North 45°50'38" West, a distance of 111.42 feet to a pk nail set in the centerline of Gee Road (no dedication recordation found);

**THENCE** with said centerline, North 00°01'02" West, a distance of 1114.87 feet to a pk nail set;

**THENCE** with the easterly most north line of a 106.26 acre tract of land described in deed to Judy Gee recorded in Volume 3130, Page 794 of the Real Property Records of Denton County, Texas, part of the way, South 89°33'35" West, a distance of 1098.63 feet to a fence corner found;

**THENCE** along a fence, North 12°40'03" East, a distance of 2150.51 feet to a fence corner found for the northwest corner of a 5.34 acre tract of land described in deed to Mahard Egg Farm, Inc. recorded in Volume 1936, Page 145 of the Real Property Records of Denton County, Texas;

**THENCE** the following courses and distances to wit:

North 88°30'03" West, a distance of 451.90 feet to a 5/8" iron rod set for corner;  
North 59°57'10" West, a distance of 66.21 feet to a 5/8" iron rod set for corner;  
North 27°15'28" West, a distance of 207.89 feet to a 5/8" iron rod set for corner;  
South 79°58'04" West, a distance of 116.69 feet to a 5/8" iron rod set for corner;  
South 17°11'21" West, a distance of 12.96 feet to a 5/8" iron rod set for corner;  
North 65°16'52" West, a distance of 66.04 feet to a 5/8" iron rod set for the northerly most corner of said 106.26 acre tract;

**THENCE** with the west lines of said 106.26 acre tract, the following courses and distances to wit:

South 31°55'38" West, a distance of 494.24 feet to a 5/8" iron rod set for corner;  
South 57°52'02" East, a distance of 601.93 feet to a Corp of Engineers monument found;  
South 31°24'02" West, a distance of 1854.30 feet to a Corp of Engineers monument found;  
South 31°27'22" West, a distance of 302.61 feet to a 5/8" iron rod set for the northeast corner of a 0.78 acre tract of land described in deed to the City of Irving recorded in Volume 4871, Page 5128 of the Real Property Records of Denton County, Texas;

**THENCE** the lines of said 0.78 acre tract, the following courses and distances to wit:

North 73°29'41" West, a distance of 241.29 feet to a 1/2" iron rod found for corner;  
South 21°58'41" West, a distance of 181.00 feet to a 5/8" iron rod set for corner;  
South 73°29'27" East, a distance of 67.00 feet to a 5/8" iron rod set for corner;  
North 22°20'38" East, a distance of 41.52 feet to a 5/8" iron rod set for corner;  
South 75°57'16" East, a distance of 152.12 feet to a 1/2" iron rod found in the west line of said 106.26 acre tract;

**THENCE** with said west line and along a fence part of the way, South 31°27'22" West, a distance of 877.59 feet to a 5/8" iron rod set for corner in the north right-of-way line of said U.S. Highway No. 380

**THENCE** with said north right-of-way line, North 88°48'55" West, a distance of 587.44 feet to a 5/8" iron rod set for the southeast corner of a 61.2 acre tract of land described in deed to M.

Taylor Hansel recorded in Denton County Clerk's File No. 94-R0091793 of the Real Property Records of Denton County, Texas;

**THENCE** with the east lines of said Hansel tract, the following courses and distances to wit:

North 08°56'01" East, a distance of 240.78 feet to a 5/8" iron rod set for corner;  
North 55°59'01" East, a distance of 132.20 feet to a 5/8" iron rod set for corner;  
South 20°18'01" West, a distance of 155.70 feet to a 5/8" iron rod set for corner;  
South 80°49'59" East, a distance of 88.40 feet to a 5/8" iron rod set for corner;  
North 45°13'01" East, a distance of 261.10 feet to a 5/8" iron rod set for corner;  
South 62°15'59" East, a distance of 216.20 feet to a 5/8" iron rod set for corner;  
North 15°04'01" East, a distance of 184.70 feet to a 5/8" iron rod set for corner;  
North 56°01'01" East, a distance of 183.40 feet to a 5/8" iron rod set for corner;  
North 18°07'01" East, a distance of 197.90 feet to a 5/8" iron rod set for corner;  
North 73°19'59" West, a distance of 688.80 feet to a Corp of Engineers monument found for the southeast corner of a 107.57 acre tract of land described in deed to Fish Trap Properties, Ltd., recorded in Volume 4626, Page 2922 of the Real Property Records of Denton County, Texas;

**THENCE** with the east lines of said 107.57 acre tract, the following courses and distances to wit:

North 29°02'03" East, a distance of 67.81 feet to a 5/8" iron rod set for corner;  
North 22°04'26" East, a distance of 710.31 feet to a Corp of Engineers monument found;  
North 33°00'31" East, a distance of 221.33 feet to a Corp of Engineers monument found;  
North 58°30'15" West, a distance of 249.63 feet to a Corp of Engineers monument found for the southeast corner of a 43.07 acre tract of land described in deed to Billy Jeter recorded in Volume 2125, Page 729 of the Real Property Records of Denton County, Texas;

**THENCE** with the east lines of said 43.07 acre tract, the following courses and distances to wit:

North 07°55'24" East, a distance of 669.72 feet to a 5/8" iron rod set for corner;  
South 75°24'16" East, a distance of 402.59 feet to a Corp of Engineers monument found;  
North 19°28'37" West, a distance of 739.75 feet to a Corp of Engineers monument found;  
North 35°34'01" East, a distance of 531.05 feet to a Corp of Engineers monument found;  
North 02°04'22" West, a distance of 172.83 feet to a fence post found in the south line of a 57.55 acre tract of land described in deed to G&S Landscaping recorded in Volume 5114, Page 1398 of the Real Property Records of Denton County, Texas;

**THENCE** with said south line, South 77°28'43" East, a distance of 553.04 feet to a Corp of Engineers monument found;

**THENCE** with the east line of said 57.55 acre tract and the east line of two tracts of land described in deed to Mary Weber recorded in Denton County Clerk's File No. 94-R0031655 of the Real Property Records of Denton County, Texas, the following courses and distances to wit:

North 01°07'34" East, a distance of 278.92 feet to a 5/8" iron rod found;  
North 01°04'49" East, a distance of 510.59 feet to a Corp of Engineers monument found;  
North 00°57'07" West, a distance of 149.86 feet to a Corp of Engineers monument found;  
North 00°06'44" East, a distance of 1393.34 feet to a 1/2" iron rod found for corner;

North 89°49'12" West, a distance of 505.03 feet to a fence corner found in the east line of a 58.44 acre tract of land described in deed to Benny Nobles recorded in Volume 2299, Page 94 of the Real Property Records of Denton County, Texas;

**THENCE** with said east line, North 00°50'11" West, a distance of 810.75 feet to a fence corner found in the south line of a 99.5 acre tract of land described in deed to Rue Family Trust recorded in Volume 5032, Page 3961 of the Real Property Records of Denton County, Texas;

**THENCE** with the south and east lines of said 99.5 acre tract and the south line of a 90 acre tract of land described in deed to Rue Family Trust recorded in Volume 5032, Page 3961 of the Real Property Records of Denton County, Texas the following courses and distances to wit:

North 89°17'21" East, a distance of 1389.64 feet to a 5/8" iron rod set for corner;  
North 03°32'47" West, a distance of 929.90 feet to a 5/8" iron rod set for corner;  
South 85°47'35" West, a distance of 228.77 feet to a 1/2" iron rod found for corner;  
North 02°06'10" East, a distance of 1767.38 feet to a 3/8" iron rod found for corner;  
South 88°23'11" East, a distance of 1111.78 feet to a 5/8" iron rod set for in the west line of a 319.00 acre tract of land described in deed to Sammy Carey recorded in Volume 2336, Page 5411 of the Real Property Records of Denton County, Texas;

**THENCE** with said west line, South 00°10'32" West, a distance of 125.32 feet to a 5/8" iron rod set for corner;

**THENCE** with the south line of said 319.00 acre tract and the south line of a 5 acre tract of land described in deed to M.B. Allen recorded in Volume 375, Page 395 of the Deed Records of Denton County, Texas, North 88°58'42" East, a distance of 2644.03 feet to a 1/2" iron rod found in the centerline of said Good Hope Road;

**THENCE** along said centerline, North 00°48'31" West, a distance of 992.40 feet to a 1/2" iron rod found for corner;

**THENCE** with the south line of the tract of land described in deed to the Good Hope Church and continuing along Good Hope Road, South 89°38'27" East, a distance of 457.50 feet to a 5/8" iron rod set in the east line of said Good Hope Road;

**THENCE** with the east line of said Good Hope Road, the following courses and distances to wit:  
North 01°47'00" West, a distance of 935.34 feet to a 5/8" iron rod set for corner;  
North 00°15'22" West, a distance of 1726.79 feet to a 5/8" iron rod set for an ell corner in the south line of a 100 acre tract of land described in deed to Bruce Jackson recorded in Volume 4910, Page 2975 of the Real Property Records of Denton County, Texas;

**THENCE** with the south line of said 100 acre tract, the south line of a 134.58 acre tract of land described in deed to Little Elm Ranch Corporation recorded in Volume 5416, Page 3334 of the Real Property Records of Denton County, Texas, and the south line of a tract of land described in deed to Salvador Buentello recorded in Volume 2633, Page 648 of the Real Property Records of Denton County, Texas, North 89°42'25" East, a distance of 1545.14 feet to a 5/8" iron rod set in the centerline of a Parvin Road (no dedication recordation found);

**THENCE** along said centerline and with the south line of said Buentello tract, the following courses and distances to wit

North 70°58'34" East, a distance of 76.26 feet to a 5/8" iron rod set for corner;  
North 74°05'38" East, a distance of 206.69 feet to a 5/8" iron rod set for corner;

North 77°25'29" East, a distance of 112.34 feet to a 1/2" iron rod found for corner;  
North 01°25'12" East, a distance of 17.04 feet to a 5/8" iron rod set for corner;

**THENCE** continuing along said centerline, the south line of said Buentello tract, the south line of a 1.75 acre tract of land described in deed to Donna Jackson recorded in Denton County Clerk's File No. 2004-0086324 of the Real Property Records of Denton County, Texas, the south line of a 2.5 acre and 14.87 acre tracts of land described in deed to Jose Gutierrez recorded in Denton County Clerk's File No. 2004-0139581 of the Real Property Records of Denton County, Texas, and the south line of a 15 acre tract of land described in deed to William Kramer, the following courses and distances to wit:

North 89°08'54" East, a distance of 1300.08 feet to a 1/2" iron rod found for corner;  
North 89°07'58" East, a distance of 3455.35 feet to a 1/2" iron rod found for the northwest corner of a 100 acre tract of land described in deed to RH-TWO, LP recorded in Denton County Clerk's File No. 2004-0086307 of the Real Property Records of Denton County, Texas;

**THENCE** with the west line of said 100 acre tract, South 00°40'06" West, a distance of 2809.18 feet to a 1/2" iron rod found in the centerline of Prosper Road (no dedication recordation found);

**THENCE** with said centerline, South 89°24'09" West, a distance of 3412.04 feet to a 1/2" iron rod found for corner;

**THENCE** leaving said centerline, North 00°12'44" West, a distance of 16.61 feet to a 5/8" iron rod set in the north line of said Prosper Road;

**THENCE** with said north line, South 89°49'30" West, a distance of 298.97 feet to a 5/8" iron rod set in the east line of a 5 acre tract of land described in deed to Curtis McDaniel recorded in Volume 354, Page 271 of the Deed Records of Denton County, Texas;

**THENCE** with the lines of the remainder of said 5 acre tract, the following courses and distances to wit:

North 00°15'22" East, a distance of 214.38 feet to a 5/8" iron rod set for corner;  
South 89°47'16" West, a distance of 318.73 feet to a 5/8" iron rod set for corner;  
South 33°13'36" East, a distance of 218.94 feet to a 5/8" iron rod set for corner;  
South 72°26'17" East, a distance of 198.56 feet to a 5/8" iron rod set in the centerline of Fields Road (no dedication recordation found);

**THENCE** along said centerline, the following courses and distances to wit:

South 00°02'02" West, a distance of 1534.38 feet to a 5/8" iron rod set for corner;  
South 00°08'41" East, a distance of 1196.19 feet to a 1/2" iron rod found for corner;  
South 00°19'01" East, a distance of 1051.65 feet to a 1/2" iron rod found for corner;  
South 00°46'08" West, a distance of 705.12 feet to a 5/8" iron rod set for corner;  
South 20°37'31" East, a distance of 96.22 feet to a 5/8" iron rod set for corner;  
South 28°15'33" East, a distance of 189.49 feet to a 3/8" iron rod found for corner;  
South 02°06'04" East, a distance of 1803.07 feet to a 1" iron rod found for corner;  
South 00°06'17" East, a distance of 1284.69 feet to a 5/8" iron rod set for corner;  
South 00°06'37" West, a distance of 1042.41 feet to a 5/8" iron rod set for corner;

**THENCE** leaving the centerline of said Fields Road, South 89°11'26" West, a distance of 21.20 feet to a 5/8" iron rod set in the west line of said Field Road;

**THENCE** with said west line, the following courses and distances to wit:

South 00°00'27" West, a distance of 1396.62 feet to a fence corner;

South 41°23'46" West, a distance of 87.55 feet to the **POINT OF BEGINNING** and containing 2106.592 acres of land.

Bearing system based North Central Zone of the Texas State Plane Coordinate System.

### **SAVE AND EXCEPT**

Being all of that certain lot, tract or parcel of land located in the B. Rue Survey, Abstract No. 1113, Denton County, Texas, and being a portion of a called 76 acre tract of land described as Tract Three in deed to Mahard 2003 Partnership, L.P., recorded in County Clerks File No. 2004-0050900, Real Property Records, Denton County, Texas, and being more particularly described as follows:

**BEGINNING** at a 5/8" iron rod found at an ell corner in the south line of a called 100 acre tract of land described in deed to Bruce Jackson, et al, recorded in Volume 4910, Page 2975, Real Property Records, Denton County, Texas, same being the northwest corner of said Mahard 2003 Partnership, L.P. tract;

**THENCE** North 89°42'25" East, along the north line of said Mahard 2003 Partnership, L.P. tract and passing at a distance of 583.33 feet the common southern corner of said Bruce Jackson, et al tract and a called 134.58 acre tract of land described in deed to Little Elm Ranch Corporation, recorded in Volume 5416, Page 3334, Real Property Records, Denton County, Texas, passing again at a distance of 834.26 feet the common southern corner of said Little Elm Ranch Corporation tract, and a tract of land described in deed to Salvador Buentello, recorded in Volume 2633, Page 648, Real Property Records, Denton County, Texas, and continuing for a total distance of 1,545.14 feet to a 5/8" iron rod found for corner in the present centerline of Parvin Road (no record of dedication found) at the beginning of a non-tangent curve to the left, having a radius of 1,206.88 feet, a central angle of 19°32'21", and a chord bearing and distance of South 58°53'46" West, 409.58 feet;

**THENCE** in a southwesterly direction, along the present centerline of said Parvin Road and passing through said Mahard 2003 Partnership, L.P. tract the following five (5) courses and distances:

- 1) Along said non-tangent curve to the left, an arc length of 411.57 feet;
- 2) South 49°04'47" West, a distance of 322.13 feet to the beginning of a curve to the right, having a radius of 355.51 feet, a central angle of 34°57'47", and a chord bearing and distance of South 71°08'48" West, 213.59 feet;
- 3) Along said curve to the right, an arc length of 216.94 feet;
- 4) South 88°37'42" West, a distance of 557.23 feet to the beginning of a curve to the left, having a radius of 410.55 feet, a central angle of 27°36'35", and a chord bearing and distance of South 75°08'34" West, 195.93 feet;
- 5) Along said curve to the left, an arc length of 197.83 feet to the east line of Good Hope Road (no record of dedication found), same being the most southerly southeast corner of said Bruce Jackson, et al tract;

**THENCE** North 00°15'22" West, along the most southerly east line of said Bruce Jackson, et al tract, a distance of 547.29 feet to the Place of Beginning and containing 575,223 square feet or 13.205 acres of land.

## **EXHIBIT "A-2"**

### **Legal Description of the FC Prosper Property**

#### **TRACT ONE**

A tract of land situated within the J. Bates Survey, Abstract Number 1620, Denton County, Texas and being the same tract of land as conveyed to Nathan Goodlet, et ux by a deed filed for record in Volume 3329 at Page 820 of the Deed Records of Denton County, Texas. Said tract of land being more particularly described by metes and bounds as follows:

Beginning at a 5/8" rebar with a cap marked "KHA" found on the monumented East right-of-way line of Good Hope Road, for the common West corner of the tract of land herein described and a called 100.00 acre tract of land conveyed to E. Mahard, Jr. by a deed filed for record at County Clerk's instrument Number 93-R0049966 of the Deed Records of Denton County, Texas;

Thence N 00°20'14" W, along the aforementioned monumented East right-of-way line, 388.18 feet to a 1/2" rebar in concrete found for a common corner of the tract of land herein described and a called 0.507 acre tract of land and conveyed to N. J. Goodlet, et ux by a deed filed for record in Volume 1230 at Page 351 of the Deed Records of Denton County, Texas;

Thence N 86°19'09" E, along the common boundary line of the tract of land herein described and the aforementioned 0.507 acre tract, 162.36 feet to a 1/2" rebar with a cap marked "RPLS 4967" set for a common corner;

Thence N 04°22'35" W, continuing along the aforementioned common boundary line, 138.28 feet to a 1/2" rebar in concrete found for a common corner;

Thence S 89°00'42" W, continuing along the aforementioned common boundary line, 151.50 feet to a 1/2" rebar in concrete found for a common corner on the monumented East right-of-way line of Good Hope Road;

Thence N 00°02'39" W, along the aforementioned East right-of-way line, 176.63 feet to a 1/2" rebar in concrete found for a common corner of the tract of land herein described and a called 1.00 acre tract of land conveyed to N. J. Goodlet, et ux by a deed filed for record at County Clerk's Instrument Number 94-R0089059 of the Deed Records of Denton County, Texas;

Thence N 89°24'44" E, along the common boundary line of the tract of land herein described and the aforementioned 1.00 acre tract, 362.48 feet to a 1/2" rebar in concrete found for a common corner;

Thence N 00°05'33" W, continuing along the aforementioned common boundary line, 120.14 feet to a 1/2" rebar in concrete found for their common North corner on the South boundary line of a called 56.319 acre tract of land conveyed to E. Mahard, Jr. by a deed filed for record at County Clerk's Instrument Number 2004-24459 of the Deed Records of Denton County, Texas;

Thence N 89°24'44" E, along the common boundary line of the tract of land herein described and the aforementioned 56.319 acre tract 1068.57 feet to a 5/8" rebar with a cap marked "KHA" found for a common corner;

Thence S 00°28'43" E, continuing along the aforementioned common boundary line, 818.81 feet to a ½" rebar in concrete found for a common corner on the North boundary line of the above-mentioned 100.00 acre tract;

Thence S 88°55'33" W, along the common boundary line of the tract of land herein described and the aforementioned 100.00 acre tract, 1435.44 feet to the Point of Beginning.

Said tract of land containing 1,116,766 square feet or 25.637 acres, more or less.

## TRACT TWO

A tract of land situated within the J. Bates Survey, Abstract Number 1620, Denton County, Texas and being the same tract of land as conveyed to Nathan Goodlet, et ux by a deed filed for record in Volume 1230 at Page 351 of the Deed Records of Denton County, Texas. Said tract of land being more particularly described by metes and bounds as follows:

Beginning at a ½" rebar in concrete found, on the monumented East right-of-way line of Good Hope Road, for the Southwest corner of the tract of land herein described and a corner of a called 25.6476 acre tract of land as conveyed to N. Goodlet, et ux by a deed filed for record in Volume 3329 at Page 820 of the Deed Records of Denton County, Texas;

Thence N 86°19'09" E, along the common boundary line of the tract of land herein described and the aforementioned 25.6476 acre tract, 92.56 feet to a ½" rebar in concrete found for a corner;

Thence N 04°18'50" W, 13.05 feet to a 3/8" rebar found for a corner;

Thence N 86°13'43" E, 13.06 feet to a ½" rebar with a cap marked "RPLS 4967" set for a corner;

Thence S 05°12'35" E, 13.07 feet to a ½" rebar in concrete found for a corner on the North boundary line of the above-mentioned 25.6576 acre tract of land;

Thence N 86°19'09" E, along the aforementioned common boundary line, 56.54 feet to a ½" rebar in concrete found for a common corner;

Thence N 04°22'35" W, continuing along the aforementioned common boundary line, 138.28 feet to a ½" rebar in concrete found for a common corner;

Thence S 89°00'42" W, continuing along the aforementioned common boundary line, 151.50 feet to a ½" rebar in concrete found for a common corner on the above-mentioned East right-of-way line;

Thence S 00°00'14" E, along the aforementioned East right-of-way line, 145.68 feet to the Point of Beginning.

Said tract of land containing 22,087 square feet or 0.507 acres, more or less.

### TRACT THREE

A tract of land situated within the J. Bates Survey, Abstract Number 1620, Denton County, Texas and being the same tract of land as conveyed to Nathan Goodlet, et ux by a deed filed for record at County Clerk's Instrument Number 94-R0089059 of the Deed Records of Denton County, Texas. Said tract of land being more particularly described by metes and bounds as follows:

Beginning at a ½" rebar in concrete found, on the monumented East right-of-way line of Good Hope Road, for the Southwest corner of the tract of land herein described and a corner of a called 25.6476 acre tract of land as conveyed to N. Goodlet, et ux by a deed filed for record in Volume 3329 at Page 820 of the Deed Records of Denton County, Texas;

Thence N 89°21'12" E, along the common boundary line of the tract of land herein described and the aforementioned 25.6476 acre tract of land, 362.48 feet to a ½" rebar in concrete found for a common corner;

Thence N 00°05'33" W, continuing along the aforementioned common boundary line, 120.14 feet to a ½" rebar in concrete found for their common North corner on the South boundary line of a called 56.319 acre tract of land conveyed to E. Mahard, Jr. by a deed filed for record at County Clerk's Instrument Number 2004-24456 of the Deed Records of Denton County, Texas;

Thence S 89°24'44" W, along the common boundary line of the tract of land herein described and the aforementioned 56.319 acre tract, 362.29 feet to a ½" rebar with a cap marked "RPLS 4967" set for their common West corner on the above-mentioned East right-of-way line;

Thence S 00°00'19" E, along the aforementioned East right-of-way line, 120.52 feet to the Point of Beginning.

Said tract of land containing 43,604 square feet or 1.001 acre, more or less.

### TRACT FOUR

A tract of land situated within the J. Bates Survey, Abstract Number 1620, Denton County, Texas and being a portion of a tract of land conveyed to Laura Jackson by a deed filed for record in Volume 291 at Page 80 of the Deed Records of Denton County, Texas and also being more particularly described by metes and bounds as follows:

Commencing, for a tie, at a 1/2" rebar in concrete, found on the monumented East right-of-way line of Good Hope Road, for the Southwest corner of a tract of land conveyed to Nathan Goodlet, et ux by a deed filed for record in Volume 1230 at Page 351 of the Deed Records of Denton County, Texas from which a 1/2" rebar in concrete found for it's Northwest corner bears N 00°00'14" W, 145.68 feet;

Thence N 86°19'09" E, 92.56 feet to a 1/2" rebar found in concrete found for the Southwest corner and Point of Beginning of the tract of land herein described, said corner also being an internal corner of the aforementioned Goodlet tract;

Thence N 04°18'50" W, along the common boundary line of the tract of land herein described and the aforementioned Goodlet tract, 13.05 feet to a 3/8" rebar found for a common corner;

Thence N 86°13'43" E, continuing along the aforementioned common boundary line, 13.06 feet to a 1/2" rebar with a cap marked "RPLS 4967" set for a common corner;

Thence S 05°12'35" E, continuing along the aforementioned common boundary line, 13.07 feet to a 1/2" rebar in concrete found for a common corner;

Thence S 86°19'09" W, 13.26 feet to the Point of Beginning.

Said tract of land containing 172 square feet or 0.004 acre, more or less.

## **EXHIBIT "B"**

### **Statement of Intent and Purpose for Mahard Ranch, Town of Prosper, Texas**

Mahard Ranch is a planned community consisting of a variety of residential, local and community retail and employment uses integrated within an open space system oriented to the natural beauty of the property. Residential units consist of a range of lot sizes in the traditional residential neighborhood mode to attached, urban dwellings offering the residents diverse living styles. Retail and employment uses are provided along the U.S. Highway 380 corridor providing more intensive uses along the thoroughfare while also serving as a buffer between the residential neighborhoods and the main highway.

Integral throughout the Mahard Ranch is the open space system which consists of recreation open space, hike and bike trails and active parks for the residents of the community. A strategically designed trail system laces throughout the community providing pedestrian linkages among residential, retail, open space public uses, and neighborhoods outside of the Mahard Ranch. Parks are also provided at convenient locations which provide active recreation opportunities to the community. Creek areas and floodplains have been reserved for open space to provide trail settings along attractive waterways providing hikers and bikers an opportunity to enjoy the ecosystem.

Thoroughfares are designed to provide the necessary connection between this community and the Town. Major connectors provide linkages to surrounding significant roadways allowing efficient movement.

The following development standards describe the desired image and character necessary to ensure quality development throughout the Mahard Ranch property. The development standards have been carefully designed to allow sufficient flexibility for creative residential and mixed use building solutions while being prescriptive in areas necessary to preserve an overall cohesiveness.

## **EXHIBIT "C"**

### **Development Standards for Mahard Ranch, Town of Prosper, Texas**

**Conformance with the Town's Zoning Ordinance and Subdivision Ordinance:** Except as otherwise set forth in these Development Standards, the regulations of the Town's Zoning Ordinance (Ordinance No. 05-20 as it currently exists or may be amended) and Subdivision Ordinance (as it currently exists or may be amended) shall apply.

#### **1. Amenity Program**

a. **General.** As a master planned community, Mahard Ranch will have a programmed and qualitatively controlled system of amenities throughout. These amenities combine to create an overall sense of place that would be difficult to achieve when considered as independent elements within smaller developments. The community amenities that are addressed within these Development Standards are:

- Primary Community Entries
- Secondary Community Entries
- Neighborhood Entries
- Thoroughfare Landscape Buffers
- Community Park
- Community Amenity Center
- Floodplain / Greenway Parks
- Neighborhood Parks
- Pocket Parks

#### **b. Primary Community Entries**

a. Major points of entry into Mahard Ranch (minimum two locations, including at least one entry along U.S. 380) will be defined with a combination of monument signage, landscape and lighting to create a sense of arrival commensurate in scale and character with a 2,120.54 acre master planned community (see representative examples below). These entries will include:

- Community name / logo incorporated into monument signage element, to be constructed of masonry or similar material;
- Enhanced landscape, including seasonal color, shrubs, groundcover, perennials and unique combinations of both canopy and ornamental trees;
- Enhanced lighting on the monument / signage and the unique aspects of the landscape;
- Water will be considered as an accent feature if land and topography permit, and if compatible with the overall physical design theme for the community.

- b. Primary entries will be developed to incorporate both sides of the entry roadway when both are contained within Mahard Ranch, and will also include enhancements to the median in the immediate area (where / if applicable). Landscape easements will be provided to ensure adequate space to provide for visibility triangle(s) and adequate development of entry design.



c. **Secondary Community Entries**

- a. **Secondary community entries** will be similar to primary community entries in their use of compatible building and landscape materials, but will be smaller in scale and land area. They will occur at the outside edges of Mahard Ranch, at the entries for either arterials or collectors into the community. It is anticipated that a minimum of three secondary entries will be provided for the community, primarily along Teel Parkway (see representative examples below). Secondary community entries will include the following elements, scaled slightly smaller than the primary entries:

- Community name / logo incorporated into monument signage element, to be constructed of masonry or similar material;
- Enhanced landscape, including seasonal color, shrubs, groundcover, perennials and unique combinations of both canopy and ornamental trees;
- Enhanced lighting on the monument / signage and the unique aspects of the landscape;
- Center median to allow for more landscape density and also provide alternative location for neighborhood identification and way-finding graphics;
- Landscape easements where required to accommodate enhanced landscape and monument construction.



- b. **Neighborhood Entries.** Internal to Mahard Ranch and along both arterials and collectors, points of intersection will be enhanced to denote entries into individual 'villages' or neighborhoods. These entries will resemble primary and secondary entries in their use of materials and

landscape, but will also incorporate village or neighborhood names and will contribute to a unique, community-wide system of visual way finding.

d. **Thoroughfare Landscape Buffers (Arterial and Collector Roads) - 25' Min.)**.

Thoroughfares will provide a continuity of design from primary and secondary points of community entry throughout the entirety of Mahard Ranch. These thoroughfares and the adjacent landscape buffers are intended to include the following:

- Screen walls composed primarily of ornamental metal fence with living screen or stone or stone veneer (allowing brick accent), ONLY if the Town determines that mitigating circumstances (land area / depth, topography, etc) will not allow natural landscape to buffer adjacent land uses (no builder fencing allowed);
- Enhanced grading / berms combined with landscape (grass, trees, accent shrubs and groundcover at entry points) to provide design continuity and buffer adjacent land uses;
- Street tree system throughout (formal and/or informal in arrangement – design to be determined), to visually identify the hierarchy of streets and neighborhoods. A variety of tree species will be provided, including canopy / shade and smaller flowering, ornamentals of a minimum 3 inch caliper for every 30 lineal feet which with requested approval by the Town at the time of submission of a preliminary plat may be grouped and in no case shall there be less than the total number of street trees as required by this subsection;
- Continuous 6' sidewalks on both sides of the thoroughfare (sidewalks interior to Residential may be 5');
- Integrated neighborhood / 'village' entries at points of intersection.

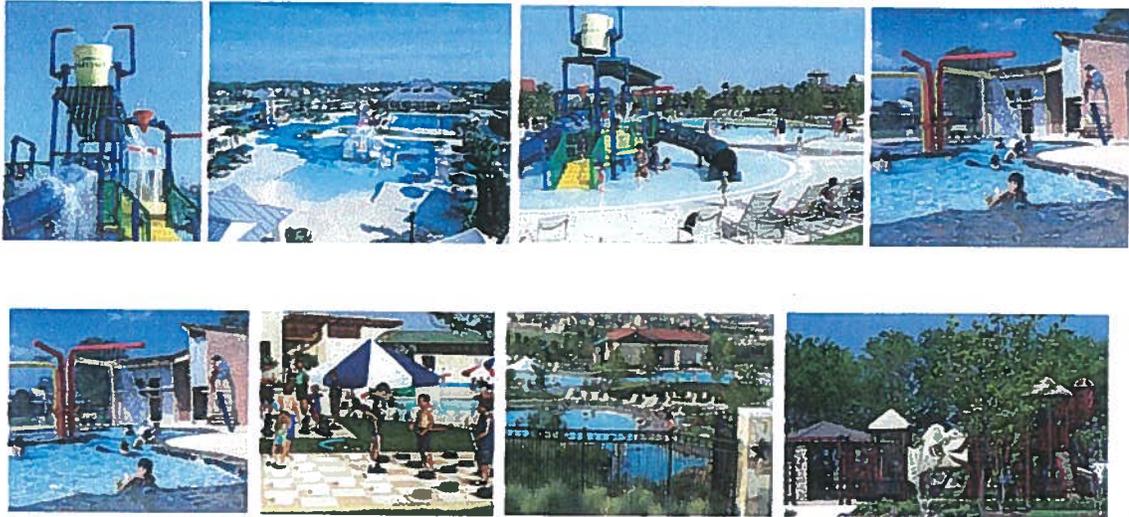
e. **Community Park** Mahard Ranch will include one community park (of approximately 50 acres) that shall be dedicated to the Town in accordance with the Preannexation Agreement. Schedule for improvements and requirements for maintenance are described in Section 4 of the Development Standards. It is intended that this park include sports and athletic facilities, passive and natural spaces and associated parking - all of a scope and type to be determined in coordination with Town staff. Following are parameters of design intended for this facility:

- Location will be along one of the open space / greenway parks in order to facilitate pedestrian connectivity to the neighborhoods;
- Facility design will utilize materials (masonry, pavements, landscape, lighting) that are compatible with other common area improvements within the Mahard Ranch community;
- Specific facilities to be determined in coordination with Town staff, but may include some combination of the following:
  - ✓ 8' wide hike and bike trails
  - ✓ Softball / Baseball field(s) (lighted);
  - ✓ Soccer field(s) (lighted);

- ✓ Football field(s)
- ✓ Multipurpose field(s)
- ✓ Shade pavilion(s);
- ✓ Parking;
- ✓ Trailhead connections to adjacent floodplain / greenway parks;
- ✓ Site furnishings, including benches, water fountains, trash receptacles;
- ✓ Enhanced landscape at entries, and irrigated turf in all maintained (developed) areas.

f. **Community Amenity Center**

- a. At least one Community Amenity Center shall be developed within Mahard Ranch, providing a range of more active, family oriented activities in a 'resort' style environment (see representative examples above). This facility will be HOA maintained and provide the "centerpiece" recreational amenity for the entire community. Like the community park, this facility is intended to be located along the floodplain / greenway parks system to accommodate pedestrian and bicycle access from the neighborhoods of Mahard Ranch.
- A. A Community Amenity Center will be completed along with the initial phase of residential development, within the Single-Family Residential Tract.
- B. Three (3) additional Neighborhood Amenity Centers will be built upon completion of each successive phase of residential development, each phase to include approximately 750 homes, within the Single-Family Residential tract.
- b. The intended program for the Community Amenity Center facility shall include multiple elements from the following list:
- Active adult and children's pools;
  - Water slides and water play features;
  - Paved and turf chaise areas;
  - Community building, with interior and exterior spaces programmed for resident and HOA uses, including possible inclusion of a kitchen, community room, meeting room(s), fitness room, and storage area(s);
  - Restrooms (in the community building and possibly additionally at the pool area(s));
  - Convenience parking (quantity to be determined based upon code compliance);
  - Children's playground facility(s);
  - Sport court(s);
  - Trailhead linkages to the floodplain / greenway parks.



**c. Floodplain / Greenway Parks**

A. Mahard Ranch includes over 550 acres of flood plain corridors through the property. Significant portions of these corridors are rich in native flora and fauna, and are intended to be preserved in a natural condition, with only minimal impact to allow hike / bike trail linkages. Other areas are more open and less valuable as a native resource, and these areas may be developed to include a golf course or ponds and fountains that contribute to the overall storm drainage system and provide enhanced value to the community. All of these corridors shall be interconnected with a series of paths and trails, with an overall hike / bike trail system throughout. Following are the key components of this system of open space through the community:

- Master hike / bike trail – minimum 8’ in width – concrete or other material approved by the Town – linking all neighborhoods, schools and amenities;
- Secondary paths and trails – minimum 8’ in width – concrete or ‘soft’ surface (decomposed granite, crushed fines) is permitted for HOA maintained trails– providing secondary linkages and ‘spur’ connections to the hike / bike trail system;
- Native preservation areas in locations of most desirable existing vegetation, including wetland, upland and forested environments;
- Trailhead locations at community amenity sites and at schools, to include trail maps, bike racks, and site furnishings (trash, seating);
- Ponds and water features in open areas where impacts to existing vegetation will not be an issue and storm drainage requirements can be enhanced – ponds to include predominantly native, soft edges, safety shelves, water circulation / aeration to ensure water quality.

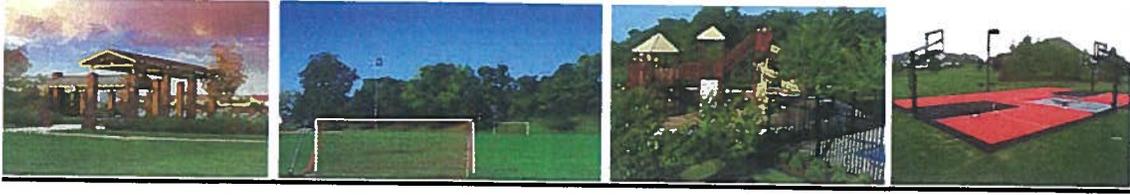


d. **Neighborhood Parks**

A. Mahard Ranch will include a minimum of three, 7.5 acre (each) neighborhood parks, distributed throughout the community in areas that are linked by the floodplain / greenway parks system and that contribute to ensuring a maximum ¼ mile walk from any neighborhood to a park or open space amenity. Additional requirements for schedule of completion for these facilities, as well as maintenance, can be found in Section 4 of the Development Standards.

B. Neighborhood parks shall be designed as a complementary component of the Mahard Ranch amenities program, including consideration of alternative uses, and the use of compatible materials (hardscape, landscape and, if included, lighting). These parks are to be integrated within the open space system as well as the neighborhoods that they serve. Neighborhood parks may include features and elements from the following list of amenities;

- Open play fields (non-lit);
- Sport courts;
- Covered pavilion or shade structure;
- Children’s playgrounds segregated by age groups (i.e. 2-5 and 5-12);
- Parking for +/- 10 spaces;
- Grading around perimeter to provide safety for playfields and street frontages;
- 8’ sidewalks around site linking facilities and providing connections to adjacent floodplain / greenway parks;
- Town’s Park signage approved by the Parks Board consistent with community theme.



e. **Pocket Parks** Additional components of the Mahard Ranch amenities program are smaller pocket parks within individual neighborhoods. These parks will be an HOA maintained component of the open space system, and allow for:

- Providing valuable open space in adjacency to smaller homes;
- integration of existing tree rows and other natural features that warrant preservation;
- ensuring one-quarter mile resident walks to a component of the open space system;
- additional passive and moderately active recreational opportunities, including:
  - ✓ open play areas;
  - ✓ natural interpretive areas;
  - ✓ neighborhood playgrounds;
  - ✓ children’s water play area;
  - ✓ small neighborhood gathering spaces.

2. **Single-Family Residential Tract**

a. **General Description:** Residential uses shall be permitted throughout the Property as set forth herein.

b. **Allowed Uses:** Land uses allowed within the Single-Family Residential Tract are as follows: Uses followed by an **S** are permitted by Specific Use Permit. Uses followed by a **C** are permitted subject to conditional development standards. Conditional development standards are set forth in Chapter 3, Section 1 of the Town’s Zoning Ordinance.

- Accessory buildings incidental to the allowed use and constructed of the same materials as the main structure.
- Churches / rectories
- Civic facilities
- Electronic security facilities, including gatehouses and control counter
- Fire stations and public safety facilities
- Guest House
- Home Occupation **C**
- Model Home
- Park or Playground
- Private Recreation Center
- Private Street Development and gated communities **S**

- Public or Private Parks, playgrounds and neighborhood recreation facilities including, but not limited to, swimming pools, clubhouse facilities and tennis courts, to be stated on plat
  - Single family residential uses as described herein
  - Schools – public or private
  - Golf Course for Country Club (including clubhouse, maintenance facilities, on-course food and beverage structure, and on course restroom facilities.)
  - Temporary real estate sales offices for each builder during the development and marketing of the Planned Development which shall be removed no later than 30 days following the final issuance of the last Certificate of Occupancy (CO) on the last lot owned by that builder.
  - Temporary buildings of the builders and uses incidental to construction work on the premises, which shall be removed upon completion of such work.
  - Townhouses (only as a buffer use as set forth herein)
  - Utility distribution lines and facilities. Electric substations shall be allowed at the sole discretion of the Developer.
- c. **Density:** The maximum number of single family detached units for the Properties is 3,500.
- d. **Lot Types:** The single family detached lots developed within the Properties shall be in accordance with the following Lot Types:
- Type A Lots: Minimum 8,000 square foot lots
  - Type B Lots: Minimum 9,000 square foot lots
  - Type C Lots: Minimum 10,500 square foot lots
  - Type D Lots: Minimum 12,500 square foot lots
- e. **Area and building regulations:**
- a. **Type A Lots:** The area and building standards for Type A Lots are as follows and as set forth in Table 1:
- A. **Minimum Lot Size.** The minimum lot size for Type A Lots shall be 8,000 square feet. A typical lot will be 60' x 133', but may vary as long as requirements in Table 1 are accommodated.
- B. **Minimum Lot Width.** The minimum lot width for Type A Lots shall be sixty (60) feet.
- C. **Minimum Yard Setbacks.**
- i. **Minimum Frontyard Setback:** The minimum frontyard setback for Type A Lots shall be twenty-five (25) feet. The minimum front yard and rear yard requirements for staggering the front yards, as set forth in Section 9.3.F of the

Town's Zoning Ordinance, as amended shall apply to Type A Lots.

ii. **Minimum Sideyard Setback:**

- (a) The minimum sideyard setback for Type A Lots shall be eight (8) feet.
- (b) For courtyard homes, as defined herein, the minimum sideyard setback shall be fourteen (14) feet for one side and two (2) feet for the other side yard. Windows on the 2' side of the courtyard home will not be allowed unless they are opaque or consist of glass block.
- (c) For corner lots, the minimum sideyard setback shall be fifteen (15) feet.
- (d) For keylots, the minimum sideyard setback shall be twenty-five (25) feet.

iii. **Minimum Rearyard Setback:**

- (a) The minimum rearyard setback shall be twenty-five (25) feet.
- (b) For Courtyard Homes, as defined herein, the minimum rearyard setback is ten (10) feet for a maximum number of lots not to exceed seventy-five (75) Type A lots.

iv. **Permitted Encroachment.** Architectural features and porches may encroach into required front and rear yards up to five (5) feet. Swing-in garages may encroach into required front yards up to ten (10) feet. Front facing garages are permitted to extend to the front façade of the main structure, but may not encroach into the required front yard.

D. **Minimum Floor Space.** Each dwelling constructed on a Type A Lot shall contain a minimum of one thousand, nine hundred (1,900) square feet of floor space. Floor space shall include air-conditioned floor areas, exclusive of porches, garages, patios, terraces or breezeways attached to the main dwelling

E. **Height.** The maximum height for structures on Type A Lots shall be forty (40) feet.

- F. **Courtyard Home Option.** Courtyard Homes, which are defined as homes having an open-air courtyard surrounded on three sides by the home, are permitted.
- G. **Driveways.** Driveways fronting on a street on Type A Lots shall be constructed of the following materials: concrete, brick pavers, stone, interlocking pavers, stamped concrete, or concrete with stone or brick border.
- H. **Exterior Surfaces.**
- i. The exterior facades of a main building or structure, excluding glass windows and doors, shall be constructed of one hundred (100) percent masonry. Cementitious fiber board is considered masonry, but may only constitute fifty (50) percent of the area for stories other than the first story. However, cementitious fiber board may not be used as a façade cladding material for portions of upper stories that are in the same vertical plane as the first story. Cementitious fiber board may also be used for architectural features, including window box-outs, bay windows, roof dormers, garage door headers, columns, chimneys not part of an exterior wall, or other architectural features approved by the Building Official.
  - ii. The surface area of windows surrounded completely by brick may be included within the computation of the exterior brick, brick veneer, stone, or stone veneer wall area of a residence.
  - iii. **Address Plaque.** A cast stone address plaque is required for each Type A Lot. The style of the cast stone address plaque shall be uniform throughout each section of development.
  - iv. **Chimneys.** On Type A Lots, all exposed portions of the fire breast, flu and chimney shall be clad in cementitious lap siding, brick, stone or stucco. Chimneys located on an exterior wall must be 100% brick or stone.
  - v. **Stucco.** Stucco on structures on Type A Lots shall be traditional 3-coat process cement plaster stucco.
  - vi. **EIFS.** EIFS (Exterior Insulating and Finish Process) is not allowed on structures on Type A Lots.

- I. **Windows.** All window framing will on structures on Type A Lots shall be bronzed, cream, sand or white anodized aluminum, vinyl or wood.
  - i. Window shutters may be used on structures on Type A Lots. Window shutters shall be painted, stained wood, or fiberglass.
  - ii. No reflective window coverings or treatments shall be permitted.
  
- J. **Roofing.**
  - i. Structures constructed on the Type A Lots shall have a composition, slate or tile roof.
  - ii. The color of the composition roof must appear to be weathered wood shingles, black or slate, unless such other color is approved by the Director of Development Services.
  - iii. Composition roof shingles must be laminated and have a minimum warranty of 30 years.
  - iv. The main roof pitch of any structure shall have a minimum slope of 8" in 12". Pitch ends shall be 100% guttered.
  
- K. **Garages.**
  - i. Homes shall have a minimum of two (2) car garages but no more than three (3). No carports shall be permitted.
  - ii. Homes with three (3) garages shall not have more than two (2) garage doors facing the street.
  - iii. Garage doors shall be constructed of either metal or wood.
  
- L. **Plate Height.** Each structure on a Type A Lot shall have a minimum principal plate height of 9' on the first floor.
  
- M. **Fencing.** No fence, wall or hedge on a Type A Lot shall exceed eight (8) feet in height or be less than four (4) feet in height unless otherwise specifically required by the Town of Prosper.
  - i. All Type A Lots backing or siding to Open Space shall have a decorative metal fence abutting to said open space.

- ii. All other fencing shall be constructed of cedar, board on board with a top rail, and shall be supported with galvanized steel posts. A common fence stain color as well as fence detail shall be established for the community by the developer.
- iii. No fencing shall extend beyond a point ten feet (10') behind the front wall plane of the structure into the front yard.

N. **Landscaping.**

- i. A minimum of six (6) caliper inches of trees shall be planted on all Type A Lots.
- ii. A minimum of one (1) tree shall be located in the front yard.
- iii. Corner lots adjacent to a street shall plant (1) additional tree in the side yard.
- iv. Trees shall be a minimum of three caliper inches (3") as measured at 1 foot above grade.
- v. The front, side and rear yard must be irrigated by a programmable irrigation system and sodded with grass.

O. **Mailboxes.** Mailboxes on a Type A Lot shall be consistent with the theme for the street and with the materials of the home on the respective lot.

P. **Satellite Dishes.** Satellite dishes, limited to eighteen inches (18") in diameter or smaller, mounted below the ridgeline on the roof, and not in public view from the front of the home are permitted on Type A Lots.

Q. **Air Conditioners.** No window or wall air conditioning units will be permitted on structures on Type A Lots. Outside condensing units (compressors) which are not located within a privacy fenced area shall be screened by shrubbery save and except access and service space to the condensing units which may not be visible from the street.

R. **Plan Elevations.** On Type A Lots, plan elevations shall alternate every four (4) homes on the same side of a street and every three (3) homes on opposite sides of the street. Illustrative examples of the elevations and floor plans for Type A Lots are attached hereto as Exhibit "F-1".

S. **Accessory Structures.** Accessory structures used as a garage, a garage apartment, or guest house, will be allowed.

i. Accessory structures shall be subject to the same exterior construction and architectural standards as the main dwelling.

ii. Accessory structures shall be separate from the main dwelling by a minimum of ten (10) feet, have a minimum rear yard setback of ten (10) feet, and a minimum side yard setback of eight (8) feet.

b. **Type B Lots:** The area and building standards for Type B Lots are as follows and as set forth in Table 1:

A. **Minimum Lot Size.** The minimum lot size for Type B Lots shall be nine thousand (9,000) square feet. A typical lot will be 70' x 128', but may vary as long as requirements in Table 1 are accommodated.

B. **Minimum Lot Width.** The minimum lot width for Type B Lots shall be seventy (70) feet.

C. **Minimum Yard Setbacks.**

i. **Minimum Frontyard Setback:** The minimum frontyard setback for Type B Lots shall be twenty-five (25) feet. The minimum front yard and rear yard requirements for staggering the front yards, as set forth in Section 9.3.F of the Town's Zoning Ordinance, as amended shall apply to Type B Lots.

ii. **Minimum Sideyard Setback:**

(a) The minimum sideyard setback for Type B Lots shall be eight (8) feet.

(b) For courtyard homes, as defined herein, the minimum sideyard setback shall be fourteen (14) feet for one side and two (2) feet for the other side yard. Windows on the 2' side of the courtyard home will not be allowed unless they are opaque or consist of glass block.

(c) For corner lots, the minimum sideyard setback shall be fifteen (15) feet.

(d) For keylots, the minimum sideyard setback shall be twenty-five (25) feet.

iii. **Minimum Rearyard Setback:**

(a) The minimum rearyard setback shall be twenty-five (25) feet.

(b) For Courtyard Homes, as defined herein, the minimum rearyard setback is ten (10) feet for a maximum number of lots not to exceed one hundred and ten (110) Type B lots.

iv. **Permitted Encroachment.** Architectural features and porches may encroach into required front and rear yards up to five (5) feet. Swing-in garages may encroach into required front yards up to ten (10) feet. Front facing garages are permitted to extend to the front façade of the main structure, but may not encroach into the required front yard.

D. **Minimum Floor Space.** Each dwelling constructed on a Type B Lot shall contain a minimum of two thousand, one hundred (2,100) square feet of floor space. Floor space shall include air-conditioned floor areas, exclusive of porches, garages, patios, terraces or breezeways attached to the main dwelling

E. **Height.** The maximum height for structures on Type B Lots shall be forty (40) feet.

F. **Courtyard Home Option.** Courtyard Homes, which are defined as homes having an open-air courtyard surrounded on three sides by the home, are permitted.

G. **Driveways.** Driveways fronting on a street on Type B Lots shall be constructed of the following materials: concrete, brick pavers, stone, interlocking pavers, stamped concrete, or concrete with stone or brick border.

H. **Exterior Surfaces.**

i. The exterior facades of a main building or structure, excluding glass windows and doors, shall be constructed of one hundred (100) percent masonry. Cementitious fiber board is considered masonry, but may only constitute fifty (50) percent of the area for stories other than the first story. However, cementitious fiber board may not be used as a façade cladding

material for portions of upper stories that are in the same vertical plane as the first story. Cementitious fiber board may also be used for architectural features, including window box-outs, bay windows, roof dormers, garage door headers, columns, chimneys not part of an exterior wall, or other architectural features approved by the Director of Development Services.

- ii. The surface area of windows surrounded completely by brick may be included within the computation of the exterior brick, brick veneer, stone, or stone veneer wall area of a residence.
  - iii. **Address Plaque.** A cast stone address plaque is required for each Type B Lot. The style of the cast stone address plaque shall be uniform throughout each section of development.
  - iv. **Chimneys.** On Type B Lots, all exposed portions of the fire breast, flu and chimney shall be clad in cementitious lap siding, brick, stone or stucco. Chimneys located on an exterior wall must be 100% brick or stone.
  - v. **Stucco.** Stucco on structures on Type B Lots shall be traditional 3-coat process cement plaster stucco.
  - vi. **EIFS.** EIFS (Exterior Insulating and Finish Process) is not allowed on structures on Type B Lots.
- I. **Windows.** All window framing will on structures on Type B Lots shall be bronzed, cream, sand or white anodized aluminum, vinyl or wood.
- i. Window shutters may be used on structures on Type B Lots. Window shutters shall be painted, stained wood, or fiberglass.
  - ii. No reflective window coverings or treatments shall be permitted.
- J. **Roofing.**
- i. Structures constructed on the Type B Lots shall have a composition, slate or tile roof.

- ii. The color of the composition roof must appear to be weathered wood shingles, black or slate, unless such other color is approved by the Director of Development Services.
- iii. Composition roof shingles must be laminated and have a minimum warranty of 30 years.
- iv. The main roof pitch of any structure shall have a minimum slope of 8" in 12". Pitch ends shall be 100% guttered.

**K. Garages.**

- i. Homes shall have a minimum of two (2) car garages but no more than four (4). No carports shall be permitted.
- ii. Homes with three (3) or four (4) garages shall not have more than two (2) garage doors facing the street.
- iii. Garage doors shall be constructed of either metal or wood.

**L. Plate Height. Each structure on a Type B Lot shall have a minimum principal plate height of 9' on the first floor.**

**M. Fencing. No fence, wall or hedge on a Type B Lot shall exceed eight (8) feet in height or be less than four (4) feet in height unless otherwise specifically required by the Town of Prosper.**

- i. All Type B Lots backing or siding to Open Space shall have a decorative metal fence abutting to said open space.
- ii. All other fencing shall be constructed of cedar, board on board with a top rail, and shall be supported with galvanized steel posts. A common fence stain color as well as fence detail shall be established for the community by the developer.
- iii. No fencing shall extend beyond a point ten feet (10') behind the front wall plane of the structure into the front yard.

**N. Landscaping.**

- i. A minimum of nine (9) caliper inches of trees shall be planted on all Type B Lots.

- ii. A minimum of two (2) three inch (3") caliper trees shall be located in the front yard.
  - iii. Corner lots adjacent to a street shall plant (1) additional tree in the side yard.
  - iv. Trees shall be a minimum of three caliper inches (3") as measured at 1 foot above grade.
  - v. The front, side and rear yard must be irrigated by a programmable irrigation system and sodded with grass.
- O. **Mailboxes.** Mailboxes on a Type B Lot shall be consistent with the theme for the street and with the materials of the home on the respective lot.
- P. **Satellite Dishes.** Satellite dishes, limited to eighteen inches (18") in diameter or smaller, mounted below the ridgeline on the roof, and not in public view from the front of the home are permitted on Type B Lots.
- Q. **Air Conditioners.** No window or wall air conditioning units will be permitted on structures on Type B Lots. Outside condensing units (compressors) which are not located within a privacy fenced area shall be screened by shrubbery save and except access and service space to the condensing units which may not be visible from the street.
- R. **Plan Elevations.** On Type B Lots, plan elevations shall alternate every four (4) homes on the same side of a street and every three (3) homes on opposite sides of the street. Illustrative examples of the elevations and floor plans for Type B Lots are attached hereto as Exhibit "F-2".
- S. **Accessory Structures.** Accessory structures used as a garage, a garage apartment, or guest house, will be allowed.
- i. Accessory structures shall be subject to the same exterior construction and architectural standards as the main dwelling.
  - ii. Accessory structures shall be separate from the main dwelling by a minimum of ten (10) feet, have a minimum rear yard setback of ten (10) feet, and a minimum side yard setback of eight (8) feet.
- c. **Type C Lots:** The area and building standards for Type C Lots are as follows and as set forth in Table 1:

- A. **Minimum Lot Size.** The minimum lot size for Type C Lots shall be ten thousand, five hundred (10,500) square feet. A typical lot will be 80' x 131', but may vary as long as the requirements of Table 1 are accommodated.
  
- B. **Minimum Lot Width.** The minimum lot width for Type C Lots shall be eighty (80) feet.
  
- C. **Minimum Yard Setbacks.**
  - i. **Minimum Frontyard Setback:** The minimum frontyard setback for Type C Lots shall be twenty-five (25) feet. The minimum front yard and rear yard requirements for staggering the front yards, as set forth in Section 9.3.F of the Town's Zoning Ordinance, as amended shall apply to Type C Lots.
  
  - ii. **Minimum Sideyard Setback:**
    - (a) The minimum sideyard setback for Type C Lots shall be eight (8) feet.
  
    - (b) For courtyard homes, as defined herein, the minimum sideyard setback shall be fourteen (14) feet for one side and two (2) feet for the other side yard. Windows on the 2' side of the courtyard home will not be allowed unless they are opaque or consist of glass block.
  
    - (c) For corner lots, the minimum sideyard setback shall be fifteen (15) feet.
  
    - (d) For keylots, the minimum sideyard setback shall be twenty-five (25) feet.
  
  - iii. **Minimum Rearyard Setback:**
    - (a) The minimum rearyard setback shall be twenty-five (25) feet.
  
    - (b) For Courtyard Homes, as defined herein, the minimum rearyard setback is ten (10) feet for a maximum number of lots not to exceed one hundred ten (110) Type C lots.
  
  - iv. **Permitted Encroachment.** Architectural features and porches may encroach into required front and rear yards up to five (5) feet.

Swing-in garages may encroach into required front yards up to ten (10) feet. Front facing garages are permitted to extend to the front façade of the main structure, but may not encroach into the required front yard.

- D. **Minimum Floor Space.** Each dwelling constructed on a Type C Lot shall contain a minimum of two thousand, three hundred (2,300) square feet of floor space. Floor space shall include air-conditioned floor areas, exclusive of porches, garages, patios, terraces or breezeways attached to the main dwelling
- E. **Height.** The maximum height for structures on Type C Lots shall be forty-five (45) feet.
- F. **Courtyard Home Option.** Courtyard Homes, which are defined as homes having an open-air courtyard surrounded on three sides by the home, are permitted.
- G. **Driveways.** Driveways fronting on a street on Type C Lots shall be constructed of the following materials: concrete, brick pavers, stone, interlocking pavers, stamped concrete, or concrete with stone or brick border.
- H. **Exterior Surfaces.**
  - i. The exterior facades of a main building or structure, excluding glass windows and doors, shall be constructed of one hundred (100) percent masonry. Cementitious fiber board is considered masonry, but may only constitute fifty (50) percent of the area for stories other than the first story. However, cementitious fiber board may not be used as a façade cladding material for portions of upper stories that are in the same vertical plane as the first story. Cementitious fiber board may also be used for architectural features, including window box-outs, bay windows, roof dormers, garage door headers, columns, chimneys not part of an exterior wall, or other architectural features approved by the Director of Development Services.
  - ii. The surface area of windows surrounded completely by brick may be included within the computation of the exterior brick, brick veneer, stone, or stone veneer wall area of a residence.
  - iii. **Address Plaque.** A cast stone address plaque is required for each Type C Lot. The style of

the cast stone address plaque shall be uniform throughout each section of development.

- iv. **Chimneys.** On Type C Lots, all exposed portions of the fire breast, flu and chimney shall be clad in cementitious lap siding, brick, stone or stucco. Chimneys located on an exterior wall must be 100% brick or stone.
  - v. **Stucco.** Stucco on structures on Type C Lots shall be traditional 3-coat process cement plaster stucco.
  - vi. **EIFS.** EIFS (Exterior Insulating and Finish Process) is not allowed on structures on Type C Lots.
- I. **Windows.** All window framing will on structures on Type C Lots shall be bronzed, cream, sand or white anodized aluminum, vinyl or wood.
- i. Window shutters may be used on structures on Type C Lots. Window shutters shall be painted, stained wood, or fiberglass.
  - ii. No reflective window coverings or treatments shall be permitted.
- J. **Roofing.**
- i. Structures constructed on the Type C Lots shall have a composition, slate or tile roof.
  - ii. The color of the composition roof must appear to be weathered wood shingles, black or slate, unless such other color is approved by the Director of Development Services.
  - iii. Composition roof shingles must be laminated and have a minimum warranty of 30 years.
  - iv. The main roof pitch of any structure shall have a minimum slope of 10" in 12". Pitch ends shall be 100% guttered.
- K. **Garages.**
- i. Homes shall have a minimum of two (2) car garages but no more than four (4). No carports shall be permitted.

- ii. Homes with three (3) or four (4) garages shall not have more than two (2) garage doors facing the street.
  - iii. Garage doors shall be constructed of metal or wood.
- L. **Plate Height.** Each structure on a Type C Lot shall have a minimum principal plate height of 10' on the first floor.
- M. **Fencing.** No fence, wall or hedge on a Type C Lot shall exceed eight (8) feet in height or be less than four (4) feet in height unless otherwise specifically required by the Town of Prosper.
- i. All Type C Lots backing or siding to Open Space shall have a decorative metal fence abutting to said open space.
  - ii. All other fencing shall be constructed of cedar, board on board with a top rail, and shall be supported with galvanized steel posts. A common fence stain color as well as fence detail shall be established for the community by the developer.
  - iii. No fencing shall extend beyond a point ten feet (10') behind the front wall plane of the structure into the front yard.
- N. **Landscaping.**
- i. A minimum of nine (9) caliper inches of trees shall be planted on all Type C Lots.
  - ii. A minimum of two (2) three inch (3") caliper trees shall be located in the front yard.
  - iii. Corner lots adjacent to a street shall plant (1) additional tree in the side yard.
  - iv. Trees shall be a minimum of three caliper inches (3") as measured at 1 foot above grade.
  - v. The front, side and rear yard must be irrigated by a programmable irrigation system and sodded with grass.
- O. **Mailboxes.** Mailboxes on a Type C Lot shall be consistent with the theme for the street and with the materials of the home on the respective lot.

- P. **Satellite Dishes.** Satellite dishes, limited to eighteen inches (18") in diameter or smaller, mounted below the ridgeline on the roof, and not in public view from the front of the home are permitted on Type C Lots.
- Q. **Air Conditioners.** No window or wall air conditioning units will be permitted on structures on Type C Lots. Outside condensing units (compressors) which are not located within a privacy fenced area shall be screened by shrubbery save and except access and service space to the condensing units which may not be visible from the street.
- R. **Plan Elevations.** On Type C Lots, plan elevations shall alternate every four (4) homes on the same side of a street and every three (3) homes on opposite sides of the street. Illustrative examples of the elevations and floor plans for Type C Lots are attached hereto as Exhibit "F-3".
- S. **Accessory Structures.** Accessory structures used as a garage, a garage apartment, or guest house, will be allowed.
  - i. Accessory structures shall be subject to the same exterior construction and architectural standards as the main dwelling.
  - ii. Accessory structures shall be separate from the main dwelling by a minimum of ten (10) feet, have a minimum rearyard setback of ten (10) feet, and a minimum sideyard setback of eight (8) feet.
- d. **Type D Lots:** The area and building standards for Type D Lots are as follows and as set forth in Table 1:
  - A. **Minimum Lot Size.** The minimum lot size for Type D Lots shall be twelve thousand, five hundred (12,500) square feet. A typical lot will be 90' x 138', but may vary as long as requirements Table 1 are accommodated.
  - B. **Minimum Lot Width.** The minimum lot width for Type D Lots shall be ninety (90) feet.
  - C. **Minimum Yard Setbacks.**
    - i. **Minimum Frontyard Setback:** The minimum frontyard setback for Type D Lots shall be twenty-five (25) feet. The minimum front yard and rear yard requirements for staggering the front yards, as set forth in Section 9.3.F of the Town's Zoning Ordinance, as amended shall apply to Type D Lots.

- ii. **Minimum Sideyard Setback:**
  - (a) The minimum sideyard setback for Type D Lots shall be eight (8) feet.
  - (b) For corner lots, the minimum sideyard setback shall be fifteen (15) feet.
  - (c) For keylots, the minimum sideyard setback shall be twenty-five (25) feet.
- iii. **Minimum Rearyard Setback:** The minimum rearyard setback shall be twenty-five (25) feet.
- iv. **Permitted Encroachment.** Architectural features and porches may encroach into required front and rear yards up to five (5) feet. Swing-in garages may encroach into required front yards up to ten (10) feet. Front facing garages are permitted to extend to the front façade of the main structure, but may not encroach into the required front yard.

D. **Minimum Floor Space.** Each dwelling constructed on a Type D Lot shall contain a minimum of two thousand, six hundred (2,600) square feet of floor space. Floor space shall include air-conditioned floor areas, exclusive of porches, garages, patios, terraces or breezeways attached to the main dwelling

E. **Height.** The maximum height for structures on Type D Lots shall be forty-five (45) feet.

F. **Driveways.** Driveways fronting on a street on Type D Lots shall be constructed of the following materials: concrete, brick pavers, stone, interlocking pavers, stamped concrete, or concrete with stone or brick border.

G. **Exterior Surfaces.**

- i. The exterior facades of a main building or structure, excluding glass windows and doors, shall be constructed of one hundred (100) percent masonry. Cementitious fiber board is considered masonry, but may only constitute fifty (50) percent of the area for stories other than the first story. However, cementitious fiber board may not be used as a façade cladding material for portions of upper stories that are in the same vertical plane as the first story. Cementitious fiber board may also be used for architectural features, including window box-

outs, bay windows, roof dormers, garage door headers, columns, chimneys not part of an exterior wall, or other architectural features approved by the Building Official.

- ii. The surface area of windows surrounded completely by brick may be included within the computation of the exterior brick, brick veneer, stone, or stone veneer wall area of a residence.
- iii. **Address Plaque.** A cast stone address plaque is required for each Type D Lot. The style of the cast stone address plaque shall be uniform throughout each section of development.
- iv. **Chimneys.** On Type D Lots, all exposed portions of the fire breast, flu and chimney shall be clad in cementitious lap siding, brick, stone or stucco. Chimneys located on an exterior wall must be 100% brick or stone.
- v. **Stucco.** Stucco on structures on Type D Lots shall be traditional 3-coat process cement plaster stucco.
- vi. **EIFS.** EIFS (Exterior Insulating and Finish Process) is not allowed on structures on Type D Lots.

H. **Windows.** All window framing will on structures on Type D Lots shall be bronzed, cream, sand or white anodized aluminum, vinyl or wood.

- i. Window shutters may be used on structures on Type D Lots. Window shutters shall be painted, stained wood, or fiberglass.
- ii. No reflective window coverings or treatments shall be permitted.

I. **Roofing.**

- i. Structures constructed on the Type D Lots shall have a composition, slate or tile roof.
- ii. The color of the composition roof must appear to be weathered wood shingles, black or slate, unless such other color is approved by the Director of Development Services.

- iii. Composition roof shingles must be laminated and have a minimum warranty of 30 years.
- iv. The main roof pitch of any structure shall have a minimum slope of 10" in 12". Pitch ends shall be 100% guttered.

J. **Garages.**

- i. Homes shall have a minimum of two (2) car garages but no more than four (4). No carports shall be permitted.
- ii. Homes with three (3) or four (4) garages shall not have more than two (2) garage doors facing the street.
- iii. Garage doors shall be constructed of metal or wood.

K. **Plate Height.** Each structure on a Type D Lot shall have a minimum principal plate height of 10' on the first floor.

L. **Fencing.** No fence, wall or hedge on a Type D Lot shall exceed eight (8) feet in height or be less than four (4) feet in height unless otherwise specifically required by the Town of Prosper.

- i. All Type D Lots backing or siding to Open Space shall have a decorative metal fence abutting to said open space.
- ii. All other fencing shall be constructed of cedar, board on board with a top rail, and shall be supported with galvanized steel posts. A common fence stain color as well as fence detail shall be established for the community by the developer.
- iii. No fencing shall extend beyond a point ten feet (10') behind the front wall plane of the structure into the front yard.

M. **Landscaping.**

- i. A minimum of nine (9) caliper inches of trees shall be planted on all Type D Lots.
- ii. A minimum of two (2) three inch (3") caliper trees shall be located in the front yard.

- iii. Corner lots adjacent to a street shall plant (1) additional tree in the side yard.
  - iv. Trees shall be a minimum of three caliper inches (3") as measured at 1 foot above grade.
  - v. The front, side and rear yard must be irrigated by a programmable irrigation system and sodded with grass.
- N. **Mailboxes**. Mailboxes on a Type D Lot shall be consistent with the theme for the street and with the materials of the home on the respective lot.
- O. **Satellite Dishes**. Satellite dishes, limited to eighteen inches (18") in diameter or smaller, mounted below the ridgeline on the roof, and not in public view from the front of the home are permitted on Type D Lots.
- P. **Air Conditioners**. No window or wall air conditioning units will be permitted on structures on Type D Lots. Outside condensing units (compressors) which are not located within a privacy fenced area shall be screened by shrubbery save and except access and service space to the condensing units which may not be visible from the street.
- Q. **Plan Elevations**. On Type D Lots, plan elevations shall alternate every four (4) homes on the same side of a street and every three (3) homes on opposite sides of the street. Illustrative examples of the elevations and floor plans for Type D .Lots are attached hereto as Exhibit "F-4".
- R. **Accessory Structures**. Accessory structures used as a garage, a garage apartment, or guest house, will be allowed.
- i. Accessory structures shall be subject to the same exterior construction and architectural standards as the main dwelling.
  - ii. Accessory structures shall be separate from the main dwelling by a minimum of ten (10) feet, have a minimum rearyard setback of ten (10) feet, and a minimum sideyard setback of eight (8) feet.

TABLE 1				
	Lot Type A	Lot Type B	Lot Type C	Lot Type D
Min. permitted lot sizes	8,000 sq. ft	9,000 sq. ft.	10,500 sq. ft	12,500 sq. ft.
Max. permitted number of lots	750	1,100	1,100	550
Min. Front Yard	25 ft.	25 ft.	25 ft.	25 ft.
Min. Side Yard	8 ft. (14'/2' on courtyard option)	8 ft. (14'/2' on courtyard option)	8 ft. (14'/2' on courtyard option)	8 ft.
Corner Lot	15 ft.	15 ft.	15 ft.	15 ft.
Key Lot	25 ft.	25 ft.	25 ft.	25 ft.
Min. Rear Yard	25 ft. (10' on courtyard option for no more than 75 Type A lots)	25 ft. (10' on courtyard option for no more than 110 Type B lots )	25 ft. (10' on courtyard option for no more than 110 Type C lots)	25 ft.
Max. building Height	40 ft.	40 ft.	45 ft.	45 ft.
Max. Lot Coverage	55%	50%	45%	45%
Min. Lot Width	60 ft.	70 ft.	80 ft.	90 ft.
Min. Lot Depth	100 ft.	100 ft.	110 ft.	125 ft.
Min. Dwelling Area	1,900 sq. ft.	2,100 sq. ft.	2,300 sq. ft.	2,600 sq. ft.

### 3. Mixed-Use Tract

- a. **Definition:** The term 'Mixed-Use' as applied to the Mahard Ranch Development shall include residential and non-residential land uses integrated vertically or horizontally along the property facing U.S. Highway 380 in a walkable, vibrant market driven neighborhood, giving residents the opportunity to live, work and shop in the same community. The architecture of the mixed-use portion of the development will blend with the surrounding residential neighborhood's style. Non-residential uses include retail, restaurants and office. Retail uses are primarily intended to supply the community with everyday convenience goods and services and shall occur on the ground level of stand alone or integrated buildings. Office shall include neighborhood service oriented professional, financial, and medical uses and may occupy ground and/ or upper level building space. Residential land uses are intended to supply attached housing product helping act as a buffer between the more intense retail and office uses along U.S. Highway 380 and the less intense suburban single family residential product to the north. Principal uses may include town homes and multi-family (condominiums, live/ work loft residential, and luxury apartments). However, it is acknowledged that all or a portion designated as the Mixed Use Tract may

develop solely for retail or office uses. It is intended in these standards to provide the flexibility to develop either a multiple use project or traditional retail development.

b. **Alternative Development Standards.** Property within the Mixed Use Tract may be developed solely for retail uses. The Mixed Use Tract development standards provide two sets of standards that allow for a pedestrian-oriented multiple use development (Section 3.c.) or, in the alternative, traditional retail development (Section 3.d.).

c. **Mixed-Use Development Standards (pedestrian-oriented):** A maximum of 250 acres of mixed-use development is permitted on the Properties generally located between U.S. Highway 380 and the collector street (see Exhibit "D"). Development standards for a mixed-use development for this area within the development are described below.

a. **Permitted Uses.** The following uses are permitted within the "Mixed Use" area: Uses followed by an **S** are permitted by Specific Use Permit. Uses followed by a **C** are permitted subject to conditional development standards. Conditional development standards are set forth in Chapter 3, Section 1 of the Town's Zoning Ordinance.

- Accessory Building
- Administrative, Medical, or Professional Office
- Antenna and/or Antenna Support Structure, Commercial **S**
- Antenna and/or Antenna Non-Commercial, attached to buildings or water towers (stand-above towers are prohibited) **C**
- Antique Shop and Used Furniture
- Artisan's Workshop
- Assisted Care or Living Facility **S**
- Athletic Stadium or Field, Private **S**
- Athletic Stadium or Field, Public
- Bank, Savings and Loan, or Credit Union
- Beauty Salon/Barber Shop
- Bed and Breakfast Inn
- Beer & Wine Package Sales **C**
- Building Material and Hardware Sales, Minor
- Building Material and Hardware Sales, Major
- Business Service
- Caretaker's/Guard's Residence
- Civic/Convention Center
- Commercial Amusement, Indoor
- Community Center
- Convenience Store with Gas Pump **C**
- Convenience Store without Gas Pump
- Day Care Center, Adult **S**
- Day Care Center, Child **S**
- Drug Stores/Pharmacies

- Duplicating Centers, Mailing Services, Etc
- Dry Cleaning, Minor
- Farmer's Market
- Financial Institutions
- Fraternal Organization, Lodge, Civic Club, Fraternity, or Sorority
- Furniture, Home Furnishings and Appliance Store
- Garage Apartment
- Gas Pumps **C**
- Golf Course and/or Country Club
- Governmental Office
- Gymnastics/Dance Studio
- Health/Fitness Center
- Helistop **S**
- Home Occupation **C**
- Homebuilder Marketing Center
- Hospital
- Hotel **C**
- House of Worship
- Independent Living Facilities
- Laboratory, Medical and Dental.
- Insurance Office
- Locksmith/Security System Company
- Massage Therapy, Licensed
- Mini-Warehouse/Public Storage **S**
- Motel **S**
- Multifamily Dwelling (only within the Mixed Use pedestrian alternative)
- Municipal Uses
- Museum/Art Gallery
- Nursery, Major **S**
- Nursery, Minor
- Optical Stores – Sales and Services
- Office/Showroom
- Park or Playground
- Pet Day Care
- Post Office Facilities
- Print Shop, Minor
- Private Club **S**
- Private Recreation Center
- Private Street Development **S**
- Private Utility, Other Than Listed
- Retirement Housing
- Research and Development Center
- Recycling Collection Point
- Residence Hotel **C**
- Restaurant or Cafeteria **C**
- Restaurant, Drive In/ Drive-Thru

- Retail Stores and Shops
- Retail/Service Incidental Use
- Retirement Housing
- School, Private or Parochial
- School, Public
- Single Family Dwelling, Attached(Townhome)
- Stealth Antenna, Commercial
- Studio Dwelling
- Temporary Building C
- Theater, Neighborhood
- Theater, Regional
- Veterinarian Clinic and/or Kennel, Indoor
- Winery

b. **Multifamily Uses:** Multi-family units shall be allowed within the mixed use area. A maximum of three hundred, (300) multifamily units shall be allowed within the Mixed Use Tract. If portions of the designated Mixed Use Tract are developed with multi-family residential housing types, they shall be developed in accordance with the following criteria:

A. **Required Parking:** Parking requirements for multi-family development shall be two spaces per one-bedroom unit, two spaces per two-bedroom unit, two and one-half spaces per three-bedroom unit and one-half space per each additional bedroom per unit. One (1) enclosed parking space per unit will be provided as part of the multi-family unit configuration. Enclosed parking will consist of an attached or detached garage or parking structure screened from public view.

B. **Exterior Facade Building Materials:** All buildings within a multifamily development shall have an exterior finish of stone, stucco, brick, tile, concrete, glass or similar materials or any combination thereof. The use of cementitious fiber board as a primary exterior building material shall be limited to a maximum of fifteen percent of the total exterior wall surfaces. All exterior finishes of buildings within a multifamily development shall have a minimum of ten percent (10%) stone accents.

C. **Controlled Access:** All multi-family developments that contain limited gated access shall locate all gate controls, card pads and intercom boxes in driveway islands in a manner that provides a minimum of one hundred (100) feet of stacking distance from the gate. Such driveway islands shall also contain a break that allows for vehicular u-turn movements back onto a public street.

c. **Townhouse Uses:** Townhouse units shall be allowed within the mixed use area or single family area as a buffer between non-residential and single family development. A maximum of three hundred (300) townhouse

units shall be allowed. Townhouse units constructed in Single Family Residential Tract do not count against the maximum lot count of 3,500 single family lots. If portions of the designated mixed-use area are developed with townhouse residential housing types, they shall be developed in accordance with the following criteria:

- A. Required Parking: Parking requirements for townhouse development shall be two spaces per one-bedroom unit, two spaces per two-bedroom unit, two and one-half spaces per three-bedroom unit and one-half space per each additional bedroom per unit. Two (2) enclosed parking spaces per unit will be provided as part of the townhouse unit configuration. Enclosed parking will consist of an attached or detached garage or parking structure screened from public view.
- B. Exterior Facade Building Materials: All buildings within a townhouse development shall have an exterior finish of stone, stucco, brick, tile, concrete, glass or similar materials or any combination thereof. The use of cementitious fiber board as a primary exterior building material shall be limited to a maximum of fifteen percent of the total exterior wall surfaces. All exterior finishes of buildings within a townhouse development shall have a minimum of ten percent (10%) stone accents.
- C. Controlled Access: All townhouse developments that contain limited gated access shall locate all gate controls, card pads and intercom boxes in driveway islands in a manner that provides a minimum of one hundred (100) feet of stacking distance from the gate. Such driveway islands shall also contain a break that allows for vehicular u-turn movements back onto a public street.
- d. Residential development standards: Development shall be in accordance with the following table:

Development Requirement	Residential Product Type	
	Townhouse	Multi-family not on the second story of other uses
Max. Gross Density	10.0 du/ac	15.0 du/ac
Min. Lot Area	1,000 sq. ft.	1 acre.
Min. Lot Width	20'	100'
Min. Lot Depth	50'	150'
Min. Front Setback	0'	20' <sup>1</sup>
Min. Rear Setback	20'	20' <sup>1</sup>
Min. Side Setback (interior lot)	0'	20' <sup>1</sup>
Min. Side Setback (corner lot)	15'	25' <sup>1</sup>
Max. Lot Coverage	80%	70%
Min. Floor Area / Dwelling Unit	1,200 sq. ft.	650 sq. ft.
Max. Building Height / No. of stories <sup>2</sup>	48' / 3 <sup>2</sup>	48' / 3
Min. Open Space	20%	30%

<sup>1</sup> Multifamily setbacks include:

- a. Fifty (50) feet for one (1) or two (2) story structures adjacent to property lines with a single family residential use.
- b. One hundred and fifty (150) feet for three (3) story structures adjacent to property lines with a single family residential use.

<sup>2</sup> The maximum height of any building within 60 feet of a property line with a single family residential use shall be 36 feet or 2 stories.

e. **Non-residential uses**

- A. **Required Parking:** The total parking required shall be the sum of the specific parking space requirement for each use included within the Mixed Use Tract as required by Zoning Ordinance No. 05-20 as it currently exists or as amended.
- B. **Exterior Facade Building Materials:** All main buildings shall have an exterior finish of stone, stucco, brick, tile, concrete, glass or similar materials or any combination thereof. Cementitious fiber board may only be used as an accent material subject to 10% of a façade.
- C. **Commercial and Retail Development Standards:** Development regulations for development within the Mixed Use Tract are intended to allow mixed use development consisting of vertically and horizontally integrated retail, office, service and residential uses. Typically referred to as "new urbanism"-style development, this type of development is characterized by pedestrian-scaled development offering multiple services and amenities with unique landscape and streetscape design.

Development for non-residential land uses shall conform to the following:

- i. Floor Area: The allowable floor area of buildings within the mixed-use area shall be unlimited, provided that all conditions described herein are met.
- ii. Lot Area: There is no minimum lot area.
- iii. Lot Coverage: In no case shall the combined areas of the main buildings and accessory buildings cover more than 90% of the total lot area. Parking facilities shall be excluded from lot coverage computation.
- iv. Lot Width: There is no minimum lot width.
- v. Lot Depth: There is no minimum lot depth.
- vi. Front Yard: The minimum depth of the front yard shall be ten (10) feet
- vii. Side Yard: No side yard is required unless vehicular access is provided/required, in which case the side yard shall have a depth of not less than twelve feet.  
  
A twenty-four-foot minimum side yard shall be provided where fire lane access is required and wherever a vehicular access/fire lane easement is not available on the adjoining property.
- viii. Rear Yard: No rear yard is required unless vehicular access is provided/required, in which case the rear yard shall have a depth of not less than twelve feet.  
  
A twenty-four-foot minimum rear yard shall be provided where fire lane access is required and wherever a vehicular access/fire lane easement is not available on the adjoining property.
- ix. Building Height: Buildings shall be a maximum of five (5) stories, not to exceed seventy (70) feet in height. Architectural features, parapets, mechanical equipment, chimneys, antennas and other such architectural projections may extend above this height limit.

- x. Pad Sites. There is no limit on the number of pad sites within the Mixed Use Tract for retail uses provided each pad site must satisfy the Area Requirements.

f. **Architectural.**

- A. Maximum Building Length -- Buildings shall not be longer than 550 feet without an unconnected physical separation of 25 feet between another building.

- B. Building Articulation -- All buildings should be designed to emphasize a "base, mid-section, and top." Facades facing public and private streets and extending greater than one hundred (100) feet in length shall incorporate wall plane recesses having a minimum depth of at least three (3) percent of the length of the façade. Recesses shall comprise at least twenty-five percent (25%) of the length of the facade. No uninterrupted length of a façade shall exceed fifty (50) feet in length.

- C. Roof Line Articulation -- Variations in roof lines shall be used to add interest and reduce the scale of large buildings. Roof features shall complement the character of the overall development and shall have at least one of the following features:

- Parapets concealing flat roofs and rooftop equipment from public view. The average height shall not exceed 15% of the height of the supporting wall. Parapets shall feature three dimensional cornice treatment.
- Overhanging eaves, extending no less than three (3) feet past the supporting walls
- Supporting roofs that do not exceed the average height of the supporting walls with an average slope no greater than 3:1 slope.
- Roof dormers interrupting the eave line.

D. Exterior of Buildings

- i. Façades -- All façades oriented toward rights-of-ways, drives or public spaces shall have no less than three of the following elements:

- Overhangs
- Canopies or Porticos
- Recesses/Projections
- Arcades
- Raised corniced parapets over the entrance
- Peaked roof forms
- Arches

- Outdoor patios
- Display windows
- Integral planters that incorporate landscaped areas or seating areas

g. **Parking Areas**

- A. Surface parking lots shall be screened from streets through the use of screening or liner development such as townhome, live-work, and loft office units. Parking garages may not be visible from streets on more than 2 sides of each block. Beyond these two sides, a development liner (such as loft residential, office, etc.) shall be constructed to shield the garage from view.
- B. Surface Parking Perimeter Screening – All surface parking lots shall be screened from street view. Such screening shall take the form of 3 foot, 7-gallon plantings of dense evergreen hedge at time of installation measured above the grade of the parking lot.
- C. Landscape Medians – All surface parking lots shall have a landscape median strip with a minimum width of 6 feet incorporated into the parking lot design to separate the parking area and drive aisle with direct connection to the street. 1 tree shall be planted for every 35 linear feet of median.

h. **Service and Equipment Areas.** Service areas are zones and loading docks where servicing of the site takes place and include wall-, ground- or roof-mounted mechanical or equipment areas.

- A. Placement of Service Areas – Service areas shall (i) not front or be visible from a street, and shall be placed within the building envelope they serve; or (ii) follow the screening requirements below. Dumpsters and trash enclosures be placed within a building's envelope, and no service areas be placed where they are visible from US Highway 380, Gee Road or Fields Road. Loading areas must not be located closer than fifty (50) feet to any single-family lot or public right-of-way, unless wholly within an enclosed building.
- B. Service Area Screening – Off-street loading and service areas must be placed at the side or rear of buildings and shall be screened in conformity with the requirements of the Zoning Ordinance.
- C. Service Area Screening Design – In general, the design of all service area screening shall be complementary to the design of the building it serves in terms of its material and color.

- D. **Roof-Mounted Equipment Screening** – All roof-mounted equipment shall be screened from public view through the use of design features that complement the building they serve in terms of material and color.

- i. **Fencing**

- A. **Fencing Length and Height** – The maximum length of a fence shall be fifty (50) feet without a break of thirty (30) feet. No fencing shall be above three (3) feet in height.
- B. **Fencing Material** – All fencing must be wrought iron or decorative steel.

- j. **Site Landscaping**

- A. **Street Trees** – Street trees shall be planted at an average of thirty (30) feet on-center across each block face and three and one-half (3 ½) feet from the back of curb. These trees shall have a minimum caliper of four (4) inches at installation, and shall not be closer than ten (10) feet from a street lamppost. Street tree material shall follow the recommendation of the Director of Development Services, and shall generally follow the type of canopy line created by red oak, live oak, etc. Street trees shall use a consistent species along both sides of each block.
- B. **Tree Planters** – Street trees shall be centered within five (5) foot by ten (10) foot planters as leave-outs within the sidewalk and screened with either a twelve (12) inch high ornamental steel fence or brick turn-up edge. Planters shall also consist of evergreen ground cover and perennial plantings. The street-facing leading edge of all planters shall be placed one foot, six inches (1.5 feet) from the face of the curb to allow clearance for passenger car doors to open.
- C. **Prior to the issuance of a Certificate of Occupancy for any building, structure or improvement, all landscaping must be installed in accordance with the approved corresponding landscaping plan.**
- D. **Street Lights** – Street lights shall be located four (4) feet from face of curb on average intervals of seventy-five (75) feet along all block faces. The light fixtures shall be mounted ten (10) to twelve (12) feet from the finished grade of the sidewalk and shall be of metal halide type.
- E. **Bicycle Racks** – Bicycle racks shall be provided on 150 foot intervals of all block faces, clustering at street lamp or building entry locations.

- F. Litter Containers and Benches – Litter containers and benches shall be provided on 150 foot intervals along all block faces and clustered at street lamp or building entry locations.

d. **Mixed-Use Development Standards (Traditional Retail)**. Retail development within the Mixed Use Tract is intended predominately for heavy retail, service, light intensity wholesale and commercial uses, but excluding warehousing uses. The nature of uses in this District has operating characteristics and traffic service requirements generally compatible with typical office, retail, and some residential environments. Uses in this District may require open, but screened, storage areas for materials. In the event all or a portion of the Mixed Use Tract is developed solely for retail uses (i.e. not a mixed use development) then the development for retail uses shall conform to the following standards:

a. **Size of Yards:**

- 1. Minimum Front Yard: thirty (30) feet.
- 2. Minimum Side Yard:
  - a. Fifteen (15) feet adjacent to a nonresidential district. The minimum side yard setback may be eliminated for attached retail buildings on separate lots as shown on an approved site plan.
  - b. Thirty (30) feet for a one (1) story building adjacent to a residential district and sixty (60) feet for a two (2) story building adjacent to a residential district.
  - c. Thirty (30) feet adjacent to a street.
- 3. Minimum Rear Yard:
  - a. Fifteen (15) feet adjacent to a nonresidential district. The minimum side yard setback may be eliminated for attached retail buildings on separate lots as shown on an approved site plan.
  - b. Thirty (30) feet for a one (1) story building adjacent to a residential district and sixty (60) feet for a two (2) story building adjacent to a residential district.

b. **Size of Lots:**

- 1. Minimum Size of Lot Area: Ten thousand (10,000) square feet.
- 2. Minimum Lot Width: One hundred (100) feet.
- 3. Minimum Lot Depth: One hundred (100) feet.

c. **Maximum Height:** Two (2) stories, no greater than forty (40) feet.

d. **Lot Coverage:** Fifty (50) percent.

e. **Floor Area Ratio:** Maximum 0.5:1.

f. **Permitted Uses:** Uses followed by an **S** are permitted by Specific Use Permit. Uses followed by a **C** are permitted subject to conditional development standards. Conditional development standards are set forth in Chapter 3, Section 1 of the Town's Zoning Ordinance:

- Accessory Building
- Administrative, Medical, or Professional Office
- Antenna and/or Antenna Support Structure, Commercial **C**
- Antenna and/or Antenna Support Structure, Non-Commercial **C**
- Antique Shop and Used Furniture
- Artisan's Workshop
- Assisted Care or Living Facility **S**
- Athletic Stadium or Field, Private **S**
- Athletic Stadium or Field, Public
- Auto Parts Sales, Inside
- Automobile Paid Parking Lot/Garage
- Automobile Parking Lot/Garage
- Automobile Repair, Major **S**
- Automobile Repair, Minor
- Automobile Sales, Used **S**
- Automobile Sales/Leasing, New **S**
- Bank, Savings and Loan, or Credit Union
- Beauty Salon/Barber Shop
- Bed and Breakfast Inn
- Beer & Wine Package Sales **C**
- Bottling Works
- Building Material and Hardware Sales, Major
- Building Material and Hardware Sales, Minor
- Bus Terminal **C**
- Business Service
- Cabinet/Upholstery Shop
- Caretaker's/Guard's Residence
- Cemetery or Mausoleum **S**
- Civic/Convention Center
- College, University, Trade, or Private Boarding School
- Commercial Amusement, Indoor
- Commercial Amusement, Outdoor **S**
- Community Center
- Convenience Store with Gas Pumps **C**
- Convenience Store without Gas Pumps
- Dance Hall **S**
- Day Care Center, Adult **S**
- Day Care Center, Child **C**
- Day Care Center, Incidental **S**
- Dry Cleaning, Minor
- Equipment and Machinery Sales and Rental, Minor
- Fairgrounds/Exhibition Area **S**
- Farm, Ranch, Stable, Garden, or Orchard
- Farmer's Market
- Feed Store
- Flea Market, Inside
- Flea Market, Outside **S**
- Fraternal Organization, Lodge, Civic Club, Fraternity, or Sorority
- Furniture Restoration
- Furniture, Home Furnishings and Appliance Store
- Gas Pumps **C**

- General Manufacturing/Industrial Use Complying with Performance Standards **S**
- Golf Course and/or Country Club
- Governmental Office
- Gunsmith
- Gymnastics/Dance Studio
- Health/Fitness Center
- Homebuilder Marketing Center
- Hospital
- Hotel **C**
- House of Worship
- Indoor Gun Range **S**
- Insurance Office
- Limited Assembly and Manufacturing Use Complying with Performance Standards
- Locksmith/Security System Company
- Machine Shop
- Massage Therapy, Licensed
- Mini-Warehouse/Public Storage **S**
- Mobile Food Vendor **C**
- Mortuary/Funeral Parlor
- Motel **C**
- Motorcycle Sales/Service **S**
- Municipal Uses Operated by the Town of Prosper
- Museum/Art Gallery
- Nursery, Major **S**
- Nursery, Minor
- Office and Storage Area for Public/Private Utility
- Office/Showroom
- Office/Warehouse/Distribution Center
- Open Storage (subject to Chapter 4, Section 5 of the Zoning Ordinance)
- Park or Playground
- Pawn Shop
- Pet Day Care **C**
- Print Shop, Major **S**
- Print Shop, Minor
- Private Club
- Private Recreation Center
- Private Utility, Other Than Listed
- Recreational Vehicle Sales and Service, New/Used **S**
- Recreational Vehicle/Truck Parking Lot or Garage **S**
- Recycling Collection Point
- Rehabilitation Care Institution **S**
- Research and Development Center **C**
- Residence Hotel **C**
- Restaurant or Cafeteria
- Restaurant, Drive In
- Retail Stores and Shops
- Retail/Service Incidental Use
- School District Bus Yard **C**
- School, Private or Parochial

- School, Public
- Sewage Treatment Plant/Pumping Station **S**
- Small Engine Repair Shop
- Stealth Antenna, Commercial **C**
- Storage or Wholesale Warehouse **S**
- Taxidermist
- Telephone Exchange
- Temporary Building **C**
- Theater, Neighborhood
- Theater, Regional
- Trailer Rental **S**
- Transit Center **S**
- Truck Sales, Heavy Trucks **S**
- Utility Distribution/Transmission Facility **S**
- Veterinarian Clinic and/or Kennel, Indoor
- Veterinarian Clinic and/or Kennel, Outdoor
- Water Treatment Plant **S**
- Winery

4. **Parkland**

- a. Parkland shall consist of the following types:
- i. Neighborhood Park,
  - ii. Open space,
  - iii. Community Park containing a minimum of fifty (50) acres, and
- b. The schedule for providing Parkland shall be as follows:
- i. Neighborhood Park: The Neighborhood Parks shall be dedicated to the Town for public use and constructed simultaneously with the construction of the Public Improvements contained within the platted area in which the Neighborhood Parks is/are located. Developer shall, after consultation with the Town, use reasonable efforts to situate Neighborhood Parks adjacent to School Areas, with the specific location being subject to approval by the Town, which may not be unreasonably withheld, delayed, condition or denied.
  - ii. Open Space: Open Space identified on a General Development Plan shall be dedicated to the Town for public use, or reserved for private use by Developer, upon the earlier of: (A) within a reasonable period of time after receiving a written request by the Town for such dedication or reservation, such request being based upon the Park Plan in accordance with the General Development Plan wherein such Open Space is located; or (B) upon recordation of a final plat in which such Open Space is located, provided Developer owns the Open Space to be dedicated or reserved. If Developer is not the owner of the Open

Space to be dedicated or reserved, the Owners shall, unless otherwise required herein, be required to comply with such requirements as set forth in the Subdivision Ordinance when the Properties, or portions thereof, develop.

iii. Community Park: Within three (3) years from the Effective Date of the Preannexation Agreement, the Community Park shall be dedicated to the Town upon the earlier of: (A) within ninety (90) days of receiving a written request by the Town for such dedication; or (B) at the time the adjacent streets are dedicated to the Town provided Developer owns the land identified as the Community Park; provided, however, the Parties agree that the Community Park dedication shall be in cooperation with and furtherance of the Town's overall park grant efforts. Notwithstanding anything to the contrary herein, if the Developer has not dedicated the Community Park by the time prescribed in the preceding sentence, Owners as applicable, shall dedicate, at absolutely no cost to the Town, the Community Park within three (3) months of a written request by the Town for such dedication. Town shall be fully responsible for Maintenance Obligations of the Community Park upon the Town's acceptance of the dedication. The Town will, within a reasonable time, after receiving the proposed conveyance instrument, provide the Developer and/or Owner, as applicable, written notice of the Town's acceptance of the dedicated Community Park.

c. Parkland reserved for private use shall be owned and maintained by a homeowners association, or other entity, and made available to owners, tenants, residents, occupants and members within the Properties and to their guests and invitees.

d. Permitted uses within the Parkland are active and passive recreation uses including, but not limited to the following:

- trails,
- playfields,
- game courts,
- golf courses,
- nature centers,
- outdoor education centers,
- community gardens, and
- trail amenities.

**5. General Requirements for the Mahard Ranch.**

a. Amenities: The intent of these development standards regarding the provision of amenities is for an integration of built and natural elements working together as a system that provides for the active and passive recreational needs of the Mahard Ranch community specifically and of the Town of Prosper generally. The

distribution of natural beauty throughout the development, exemplified by mature trees and areas of rolling topography, provides the opportunity for a community-wide trail punctuated with nodes of built improvements such as pocket parks. In this way, neighborhood is linked to neighborhood and the Mahard Ranch community is linked to the Town.

To help preserve the open character of the Town of Prosper, it is the intent of these development standards that a significant amount of natural open space, particularly amid the floodplain and other sensitive land, be set aside to provide additional open space for Mahard Ranch and for the Town. Design elements in these areas should support non-programmed passive recreational activities such as walking and picnicking.

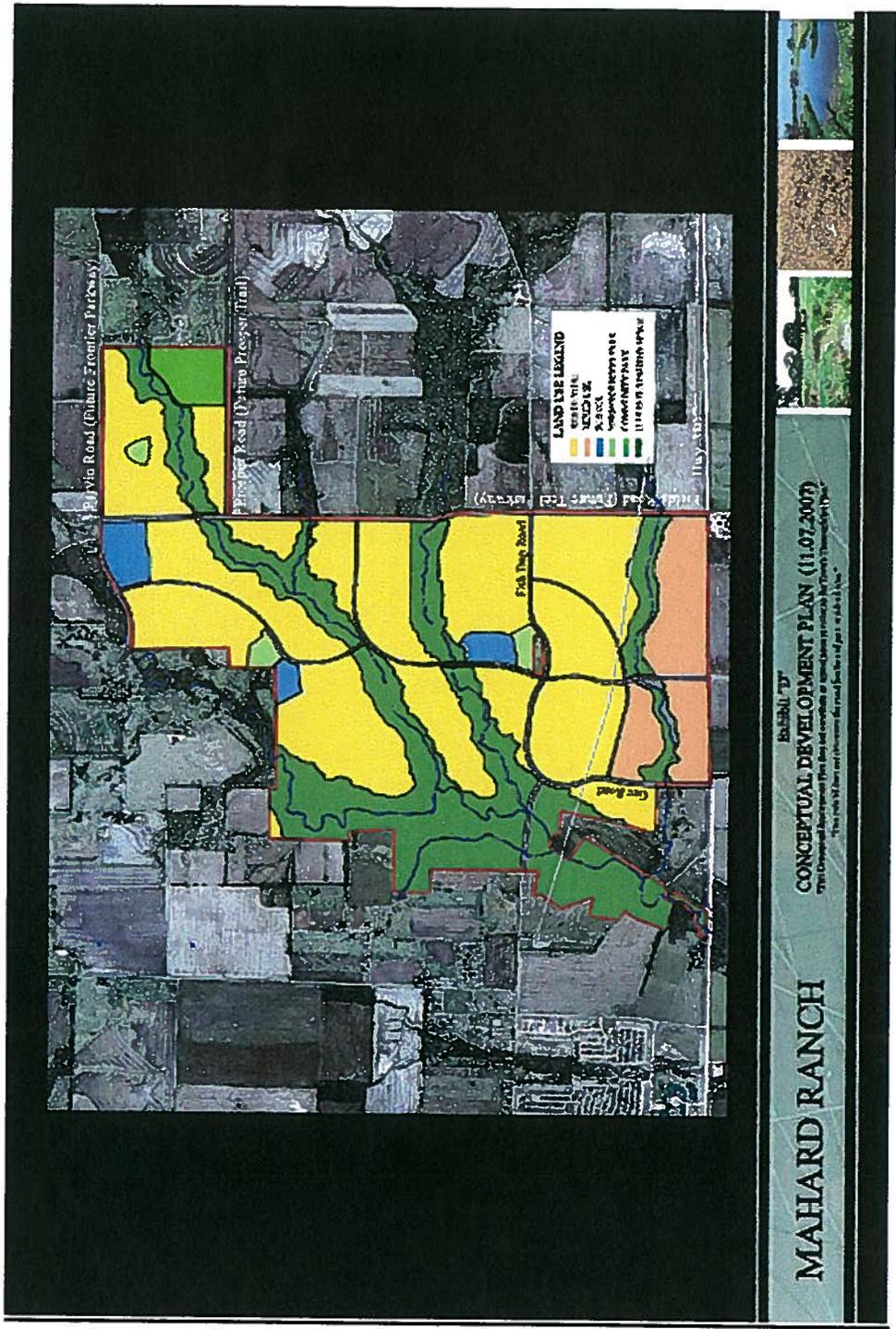
- b. **Development Plan:** A Conceptual Development Plan is hereby attached (Exhibit "D") and made a part of these development standards. It establishes the most general guidelines for the district by identifying the project boundaries, land use types, approximate thoroughfare locations, R.O.W. dedication, roads and illustrates the integration of these elements into a master plan for the whole district.
  - c. **Maintenance of Facilities:** The Developers shall establish a Homeowner's Association ("HOA") for single family residential areas and a Property Owner's Association ("POA") for mixed use areas, in which membership is mandatory for each lot, and that will be responsible for operation and maintenance of all common areas and/or common facilities contained within the area of the respective residential or mixed use development or adjacent Right-of-Way ("ROW"). The HOA or POA will be created with Phase 1 and each subsequent phase shall be annexed into the association or a separate HOA/POA may be created for each respective phase at the Developer's discretion. Upon completion of fifty percent (50%) buildout of any phase of residential development and creation of the corresponding HOA, the Developer shall provide that all HOA Boards have an advisory position to be filled by individual homeowners residing within the corresponding phase. Prior to transfer of the ownership to the HOA or POA, all specified facilities shall be constructed by the Developer and approved by the Town. The Developer shall provide the Town a mandatory HOA/POA agreement that will be recorded in the deed records of Denton County, Texas. In lieu of the HOA and POA, the Town and Developer may elect to create another entity to undertake the same responsibilities of the HOA or POA.
6. **Definitions.** The definitions of the Town's Zoning Ordinance (as it currently exists or may be amended) shall apply to these regulations except as otherwise amended herein. For purposes of these Development Standards, the following terms shall have the following meaning:

"Masonry" shall mean stone, stucco, brick, tile, concrete, glass or similar materials or any similar material approved by the Town's Director of Development Services.

"Independent Living Facilities" means a facility containing dwelling units, accessory uses and support services specifically designated for occupancy by persons 55 years of age or older, in accordance with the housing for older persons provisions of the Federal Fair

Housing Act of 1988 (42 U.S.C. section 3607 et seq.), as amended, who are fully ambulatory or who require no medical or personal assistance or supervision. The dwelling units may consist of either multifamily, single-family detached or attached residences, or a combination of such uses.

**EXHIBIT "D"**  
**Concept Plan for Mahard Ranch, Town of Prosper, Texas**



**EXHIBIT "E"**

**Development Schedule for Mahard Ranch, Town of Prosper, Texas**

The anticipated schedule of development is to provide approximately 350 finished lots of various Types each 18-month period, beginning March 2009.

This schedule is subject to change due to various factors beyond the control of the developer, such as housing market conditions, construction materials and labor availability and acts of nature, among others.

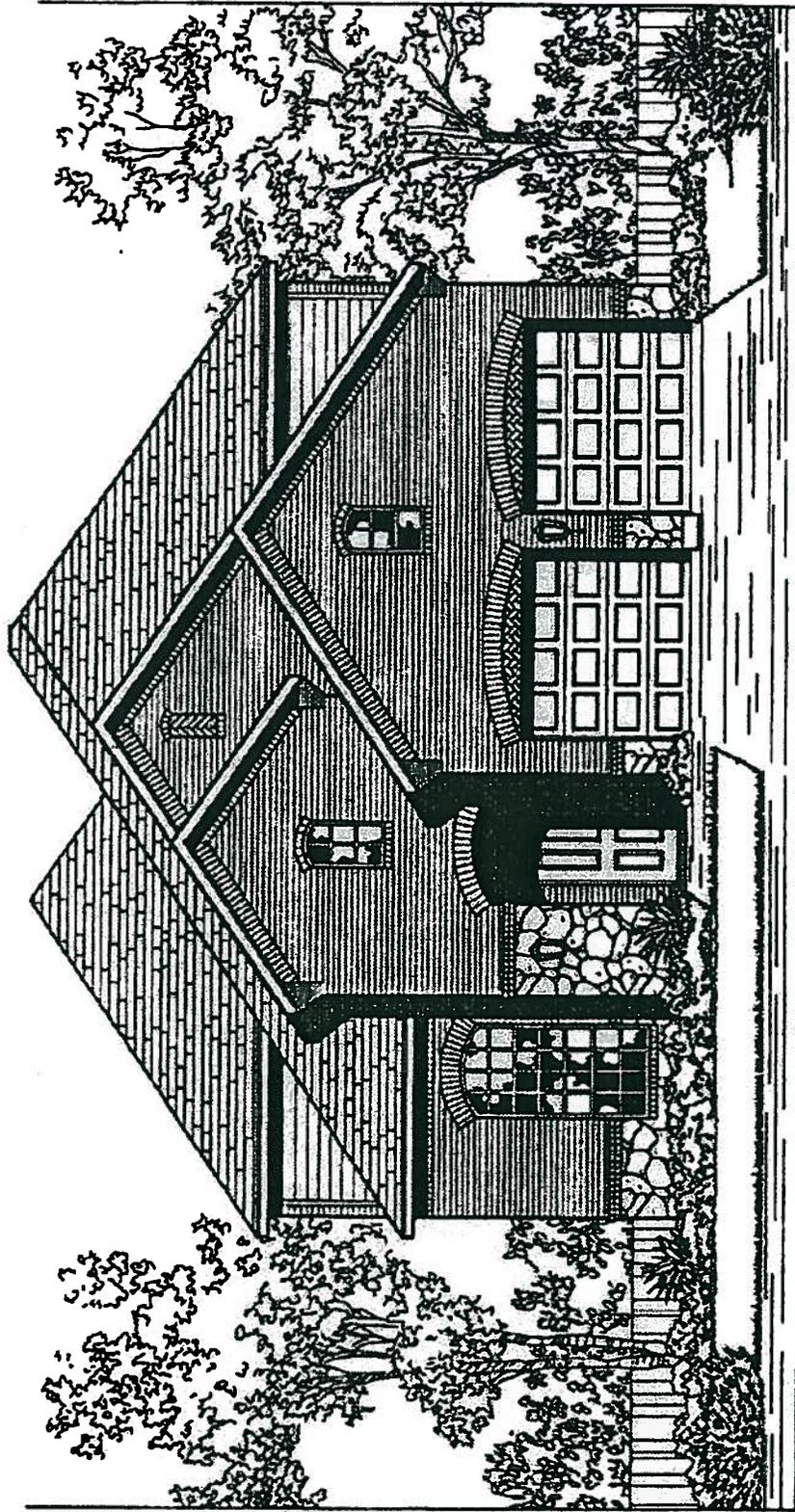
**EXHIBIT "F"**

**Illustrative Elevations and Plans for Mahard Ranch, Town of Prosper, Texas**

The illustrations that are included with this Exhibit are for the purpose of illustrative example only and do not constitute exact renderings or plans of the buildings and items depicted.

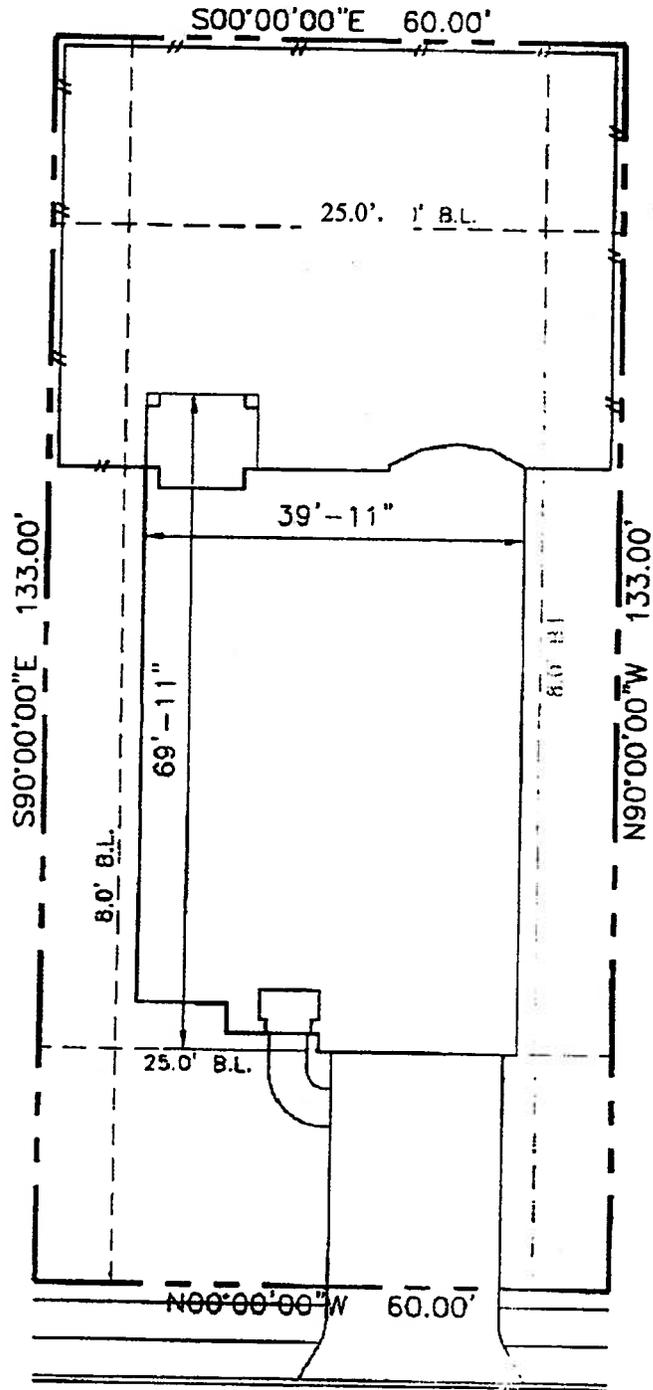
**EXHIBIT "F-1"**

The illustrations that are included with this Exhibit are for the purpose of illustrative example only and do not constitute exact renderings or plans of the buildings and items depicted.



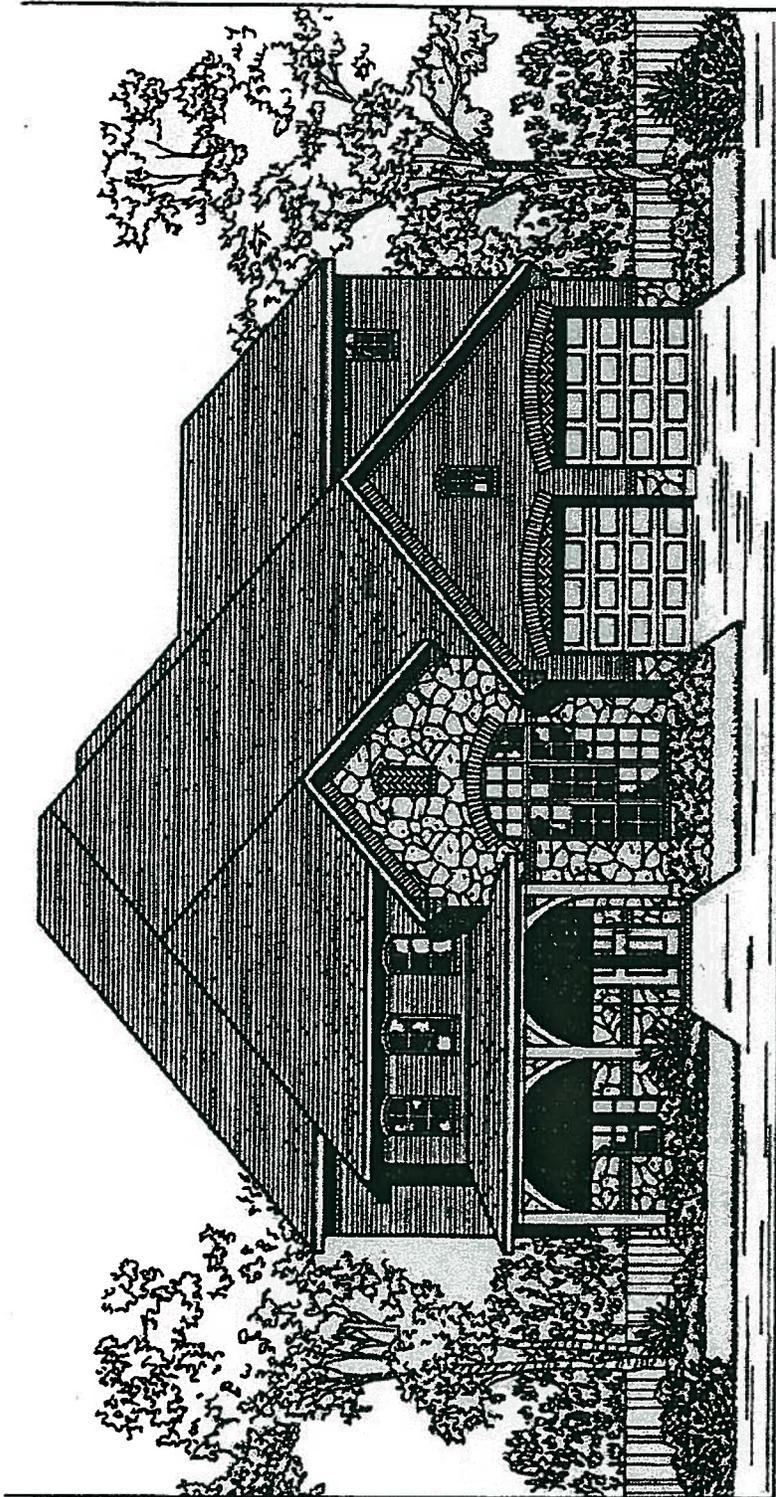
2A

SCALE: 1 = 20'



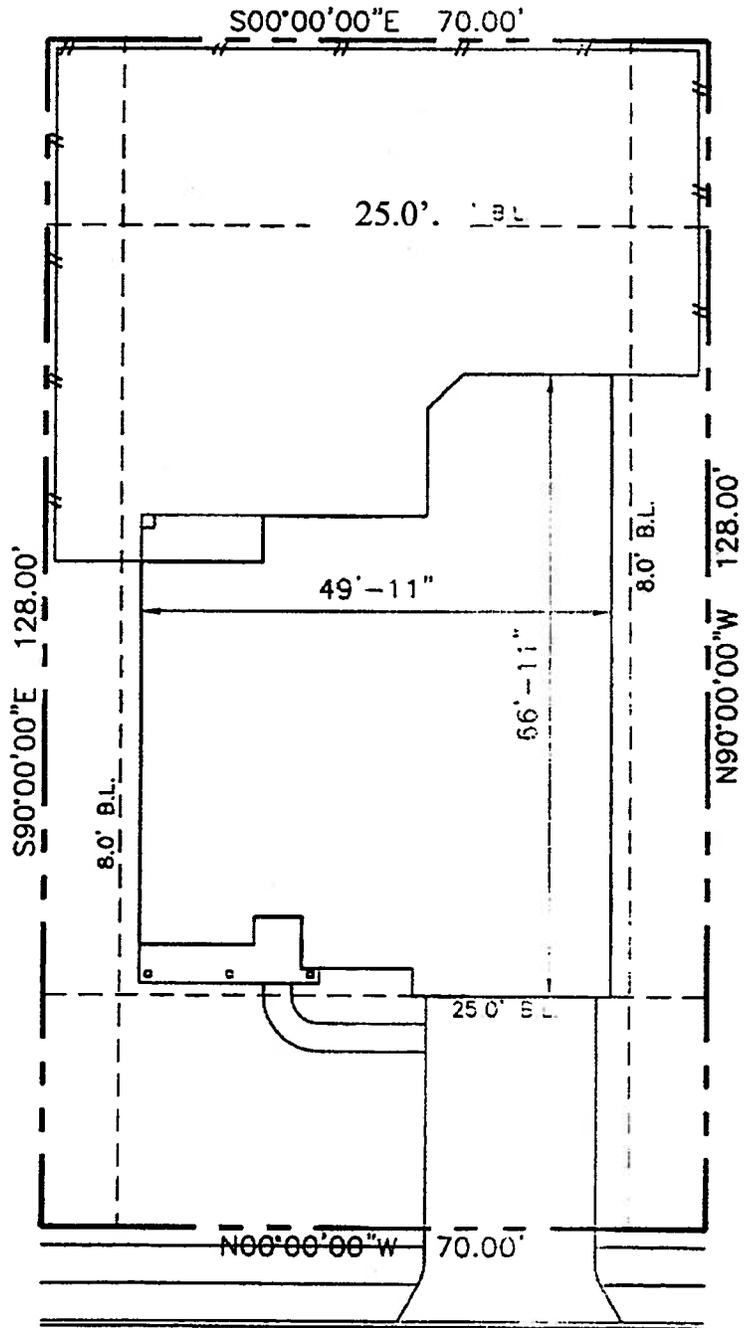
**EXHIBIT "F-2"**

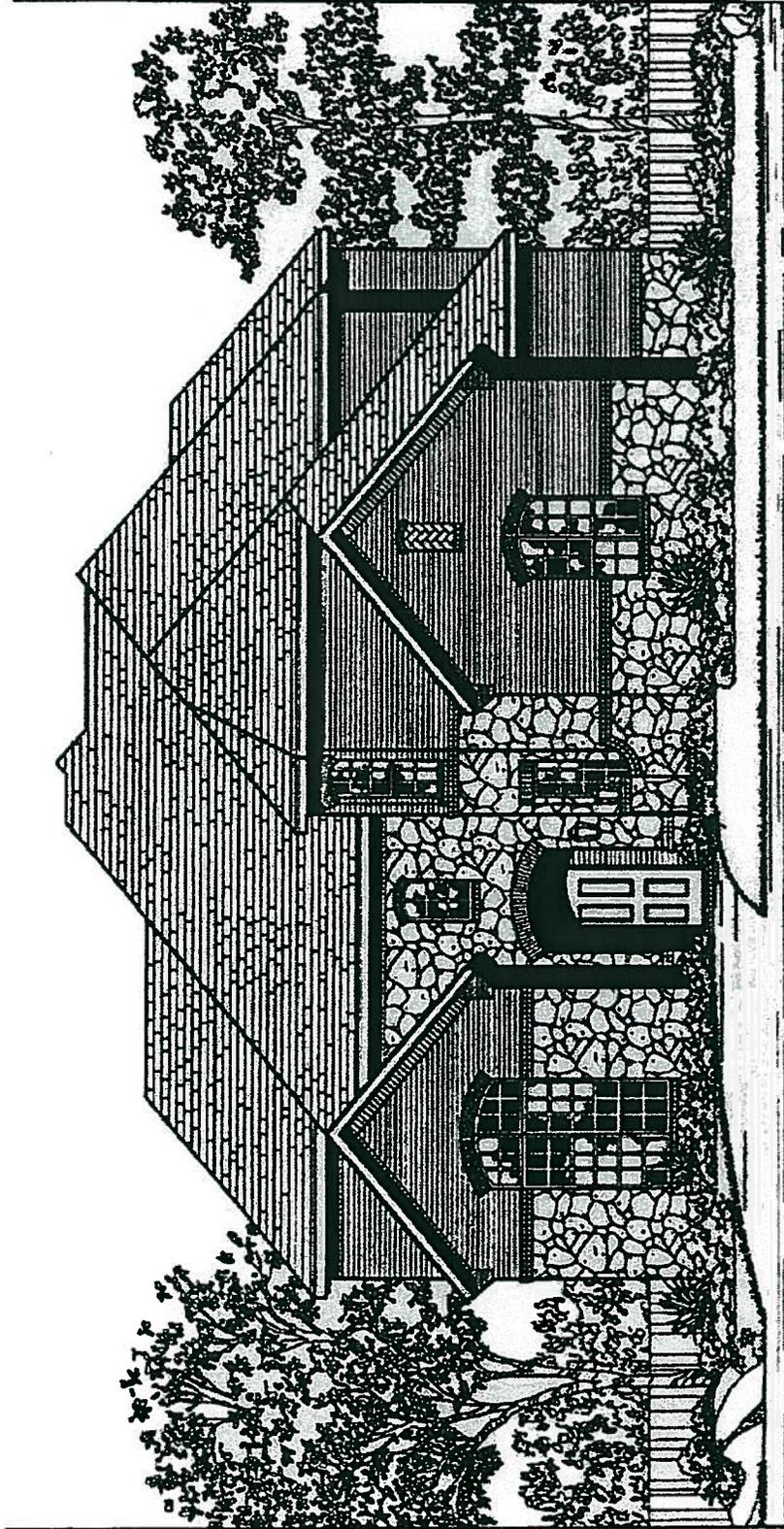
The illustrations that are included with this Exhibit are for the purpose of illustrative example only and do not constitute exact renderings or plans of the buildings and items depicted.



2

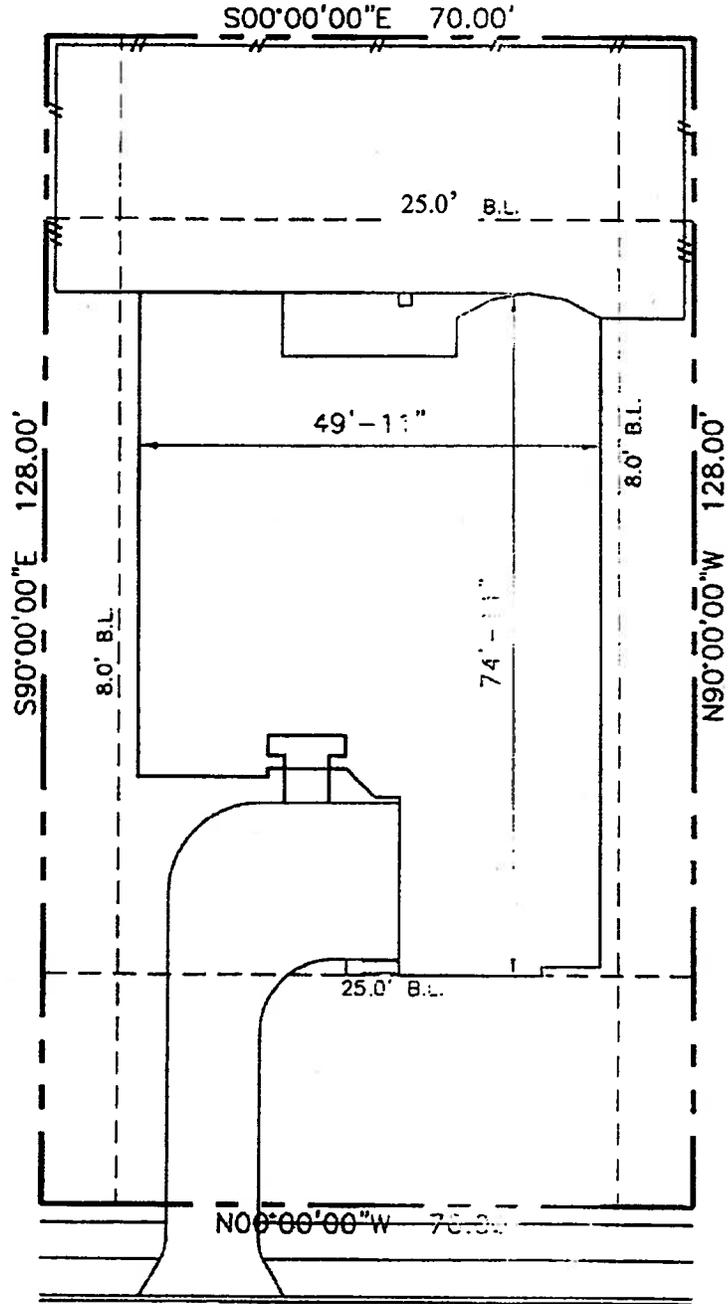
SCALE: 1 = 20'





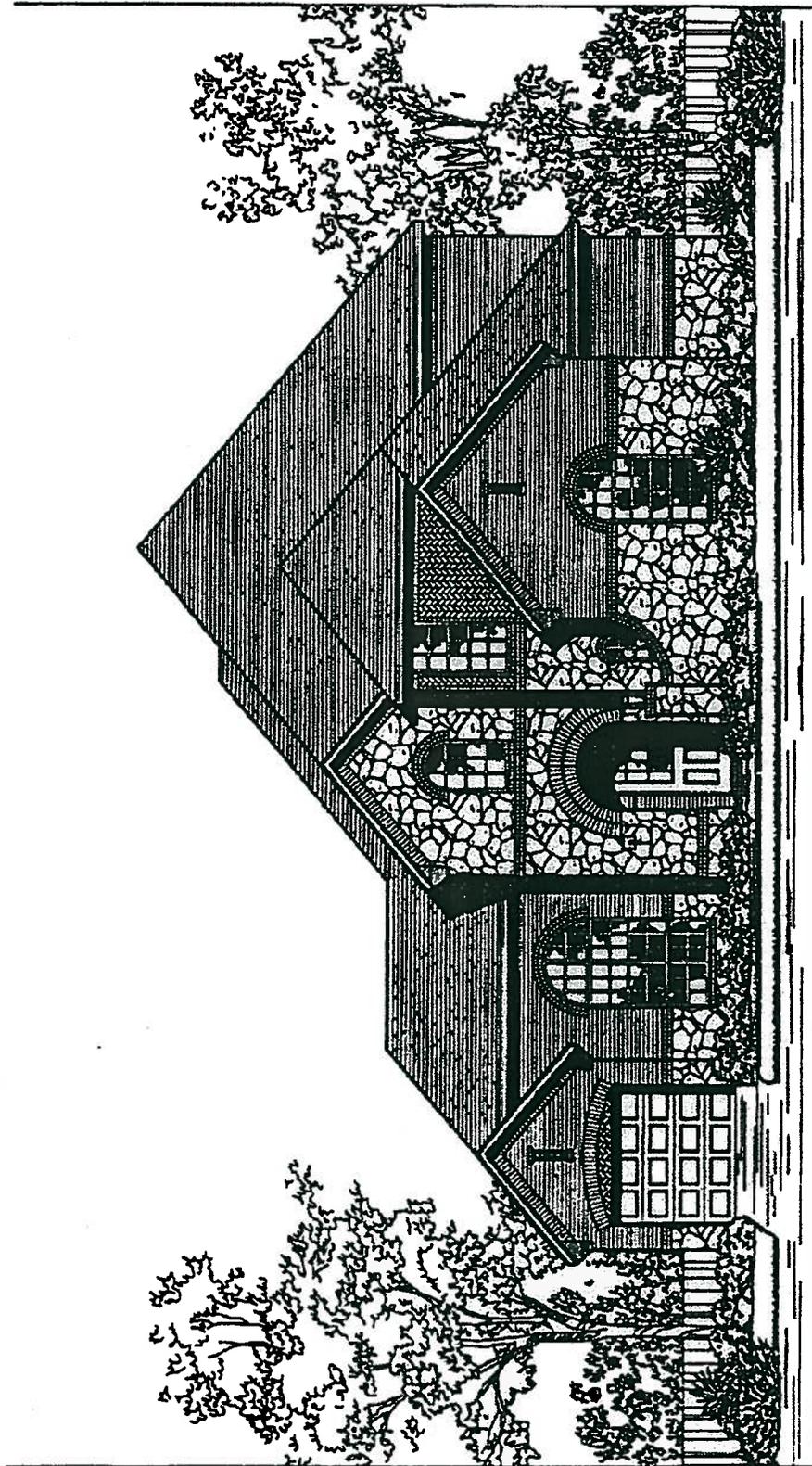
2A

SCALE: 1 = 20'



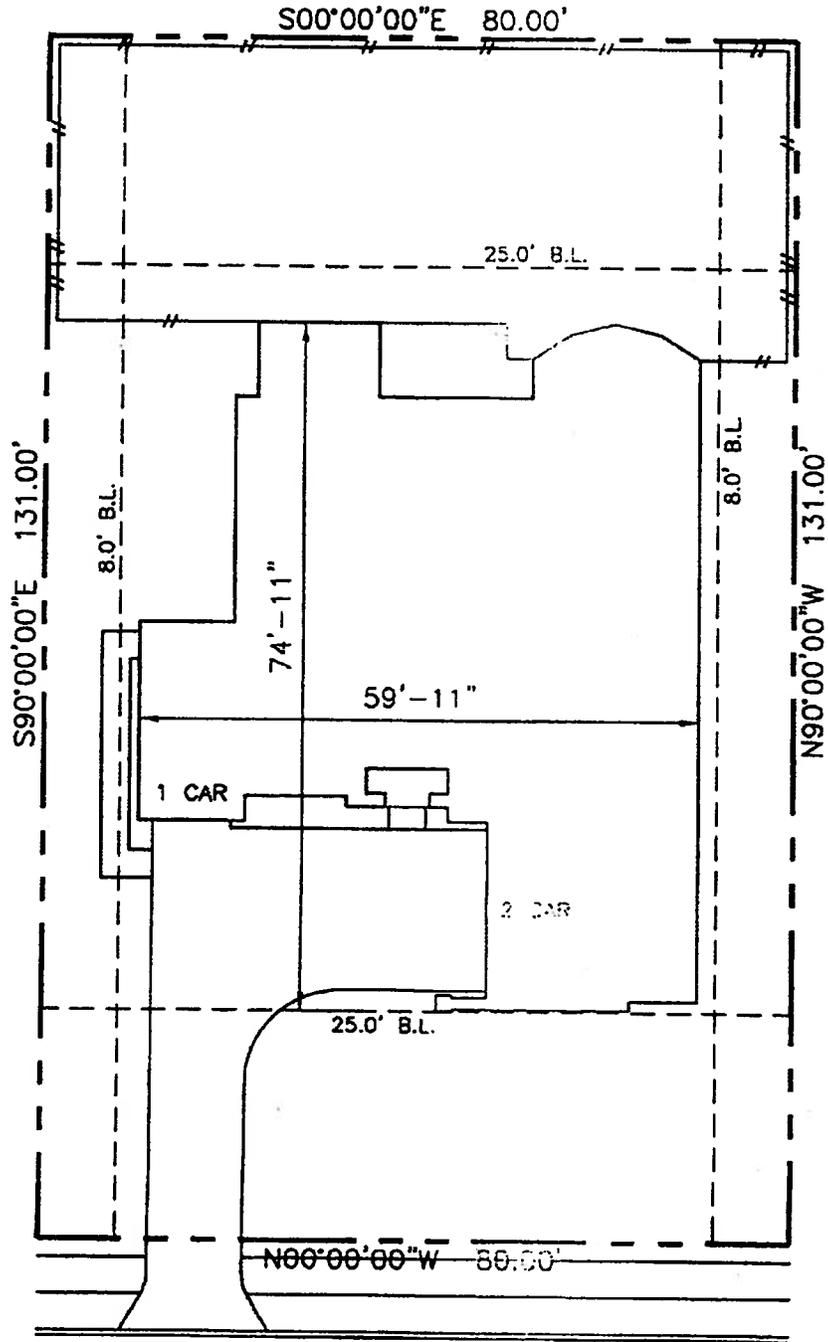
**EXHIBIT "F-3"**

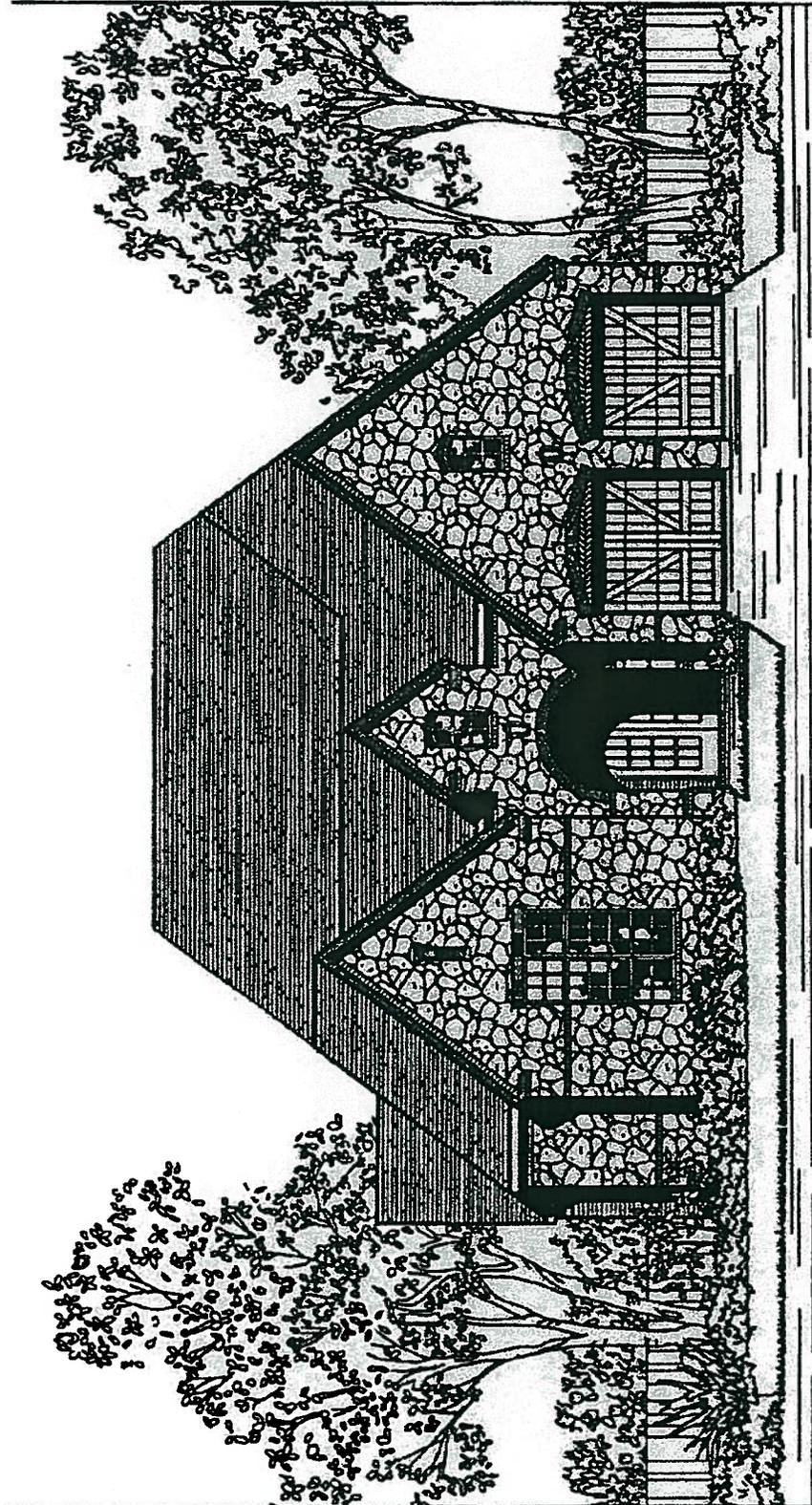
The illustrations that are included with this Exhibit are for the purpose of illustrative example only and do not constitute exact renderings or plans of the buildings and items depicted.

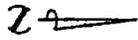


2A

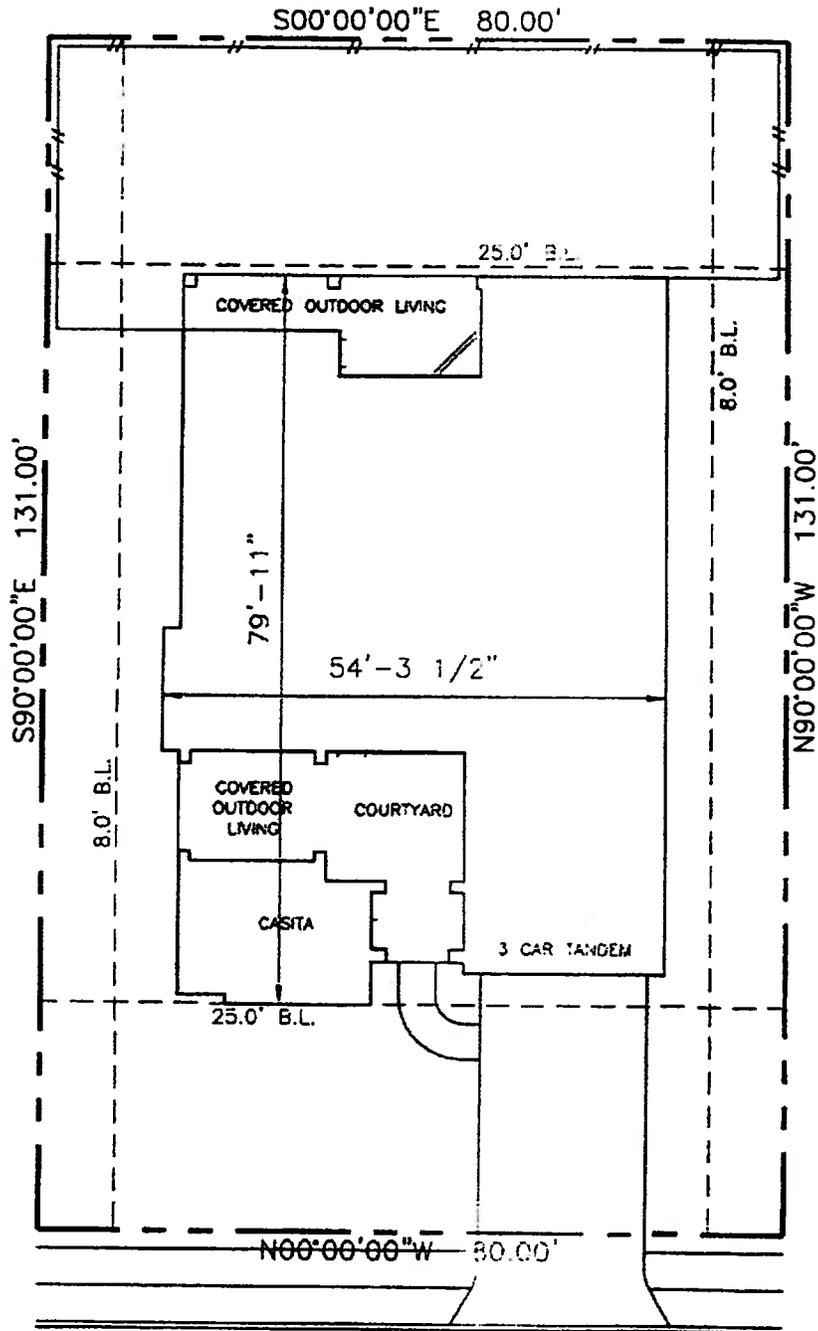
SCALE: 1 = 20'

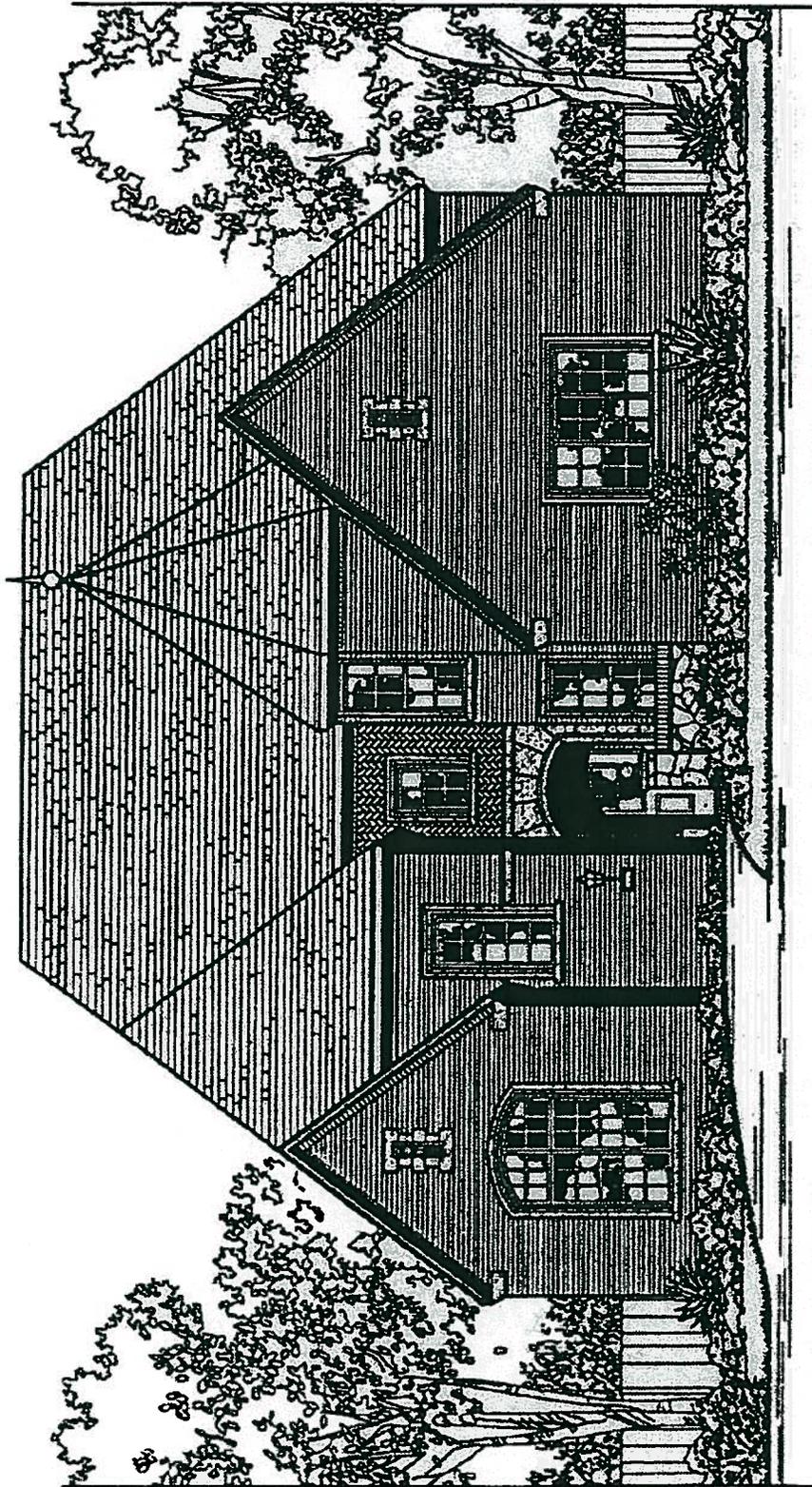


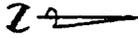




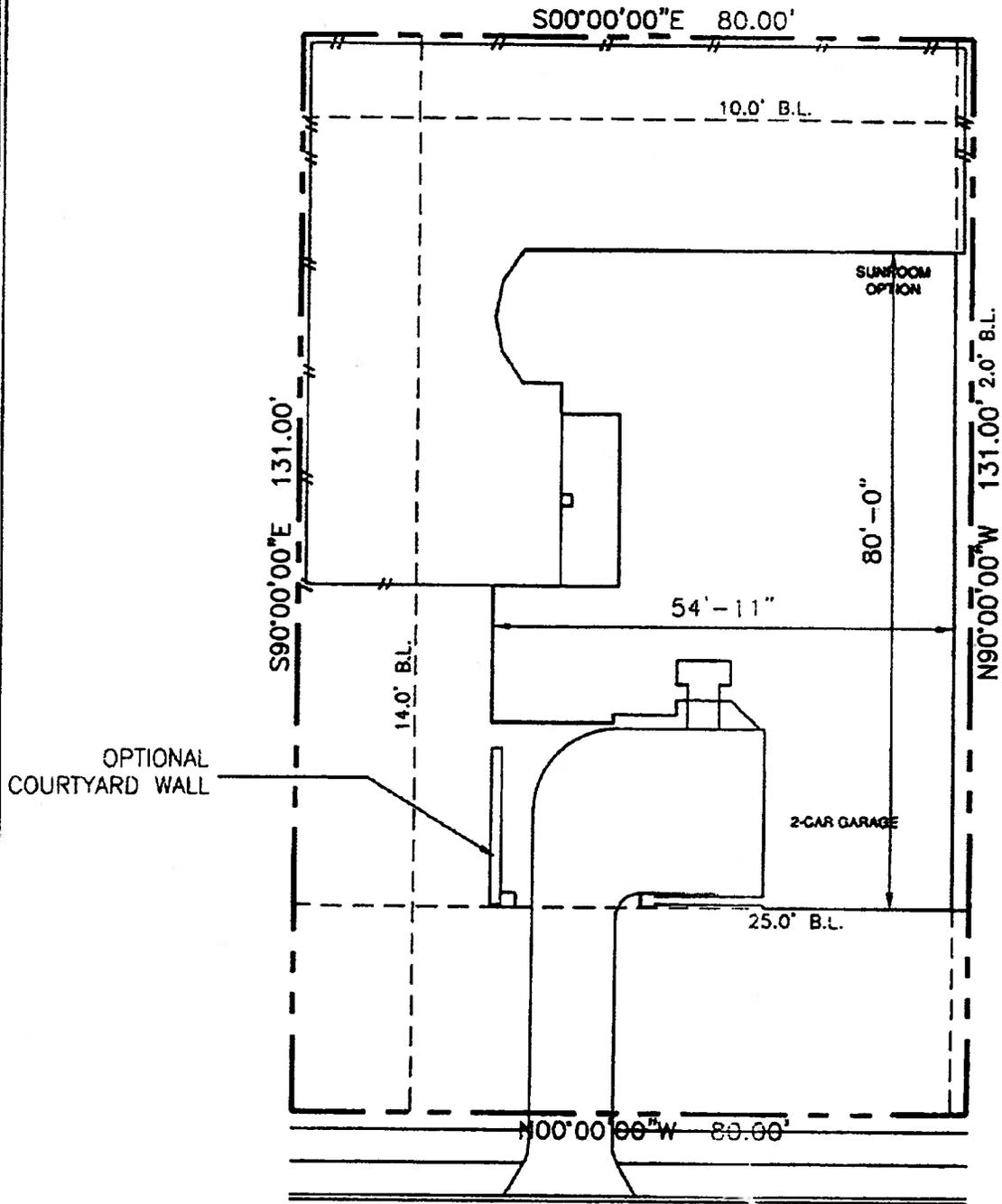
SCALE: 1 = 20'

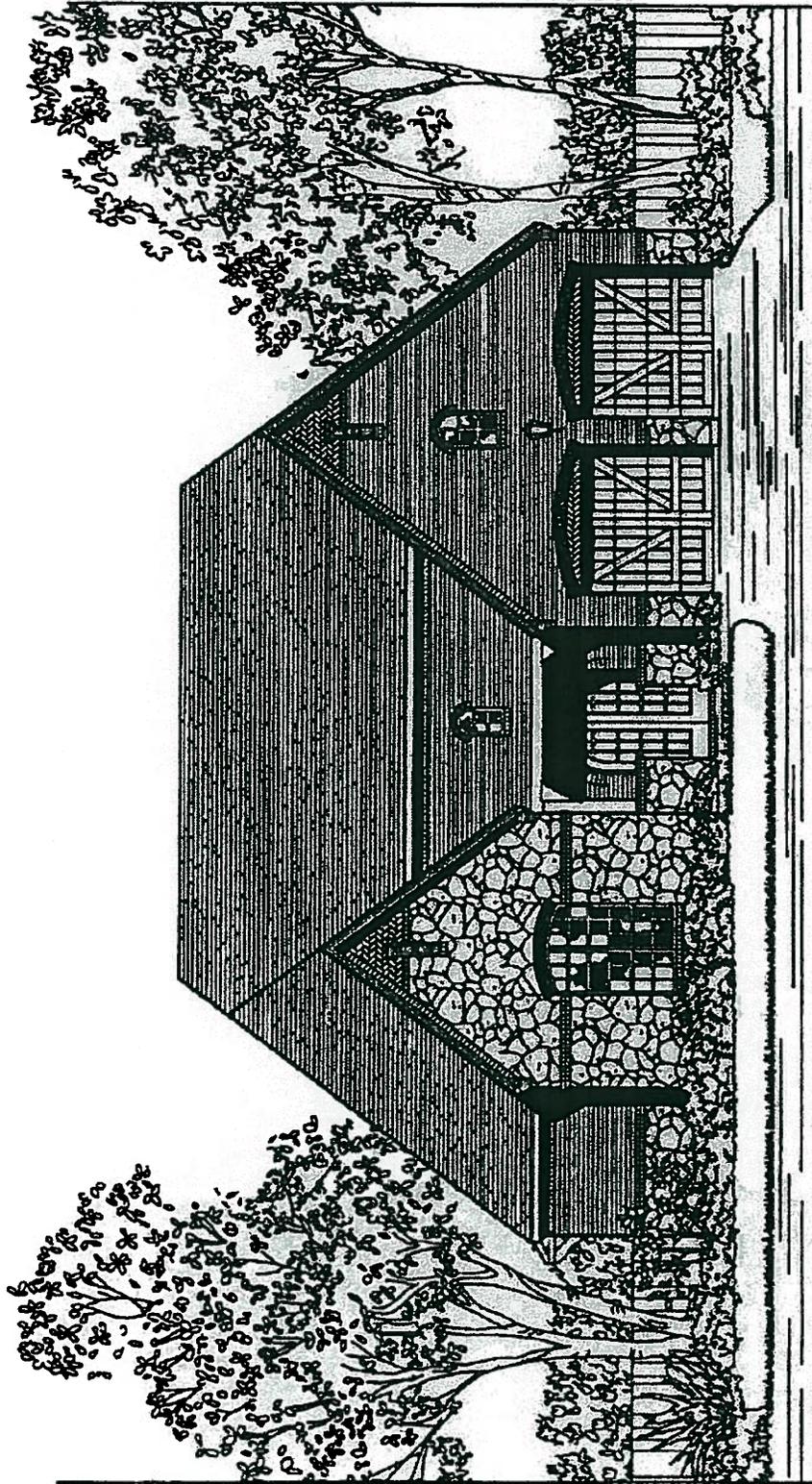






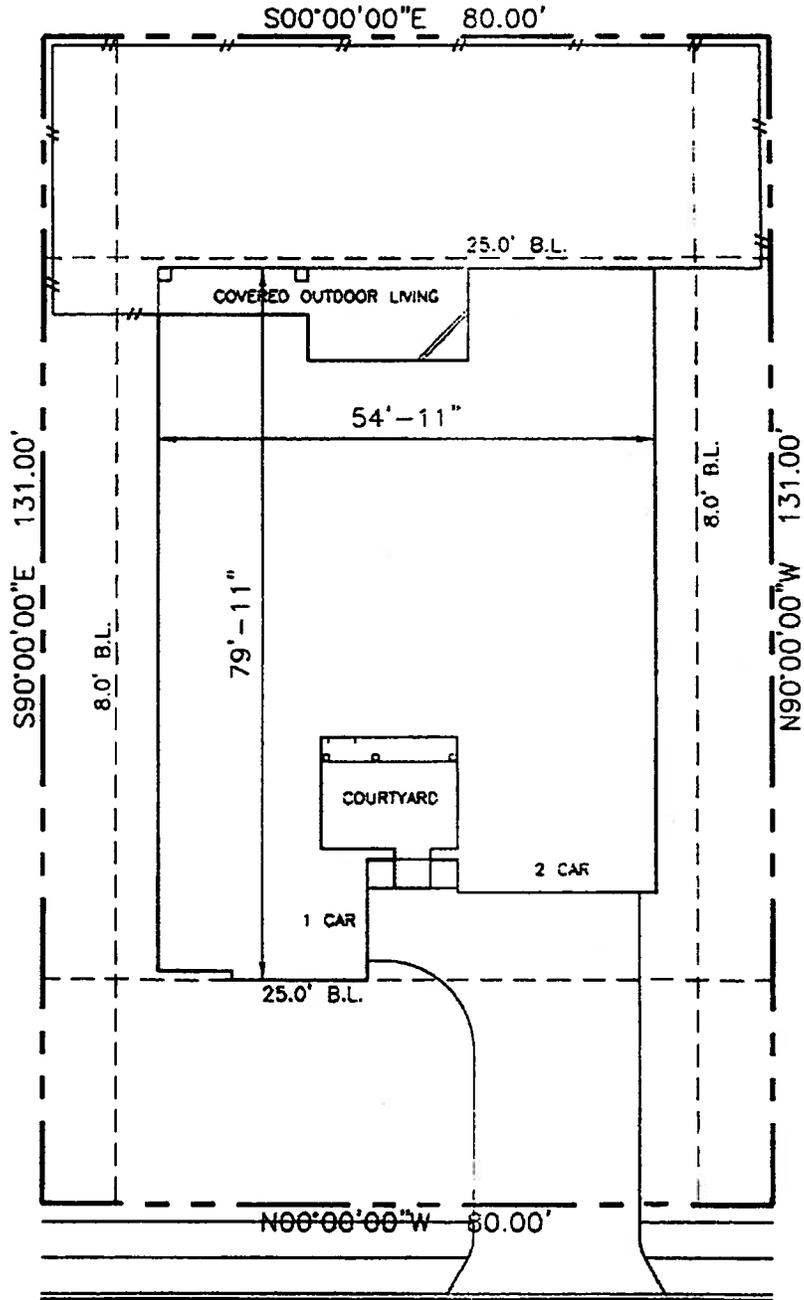
SCALE: 1 = 20'





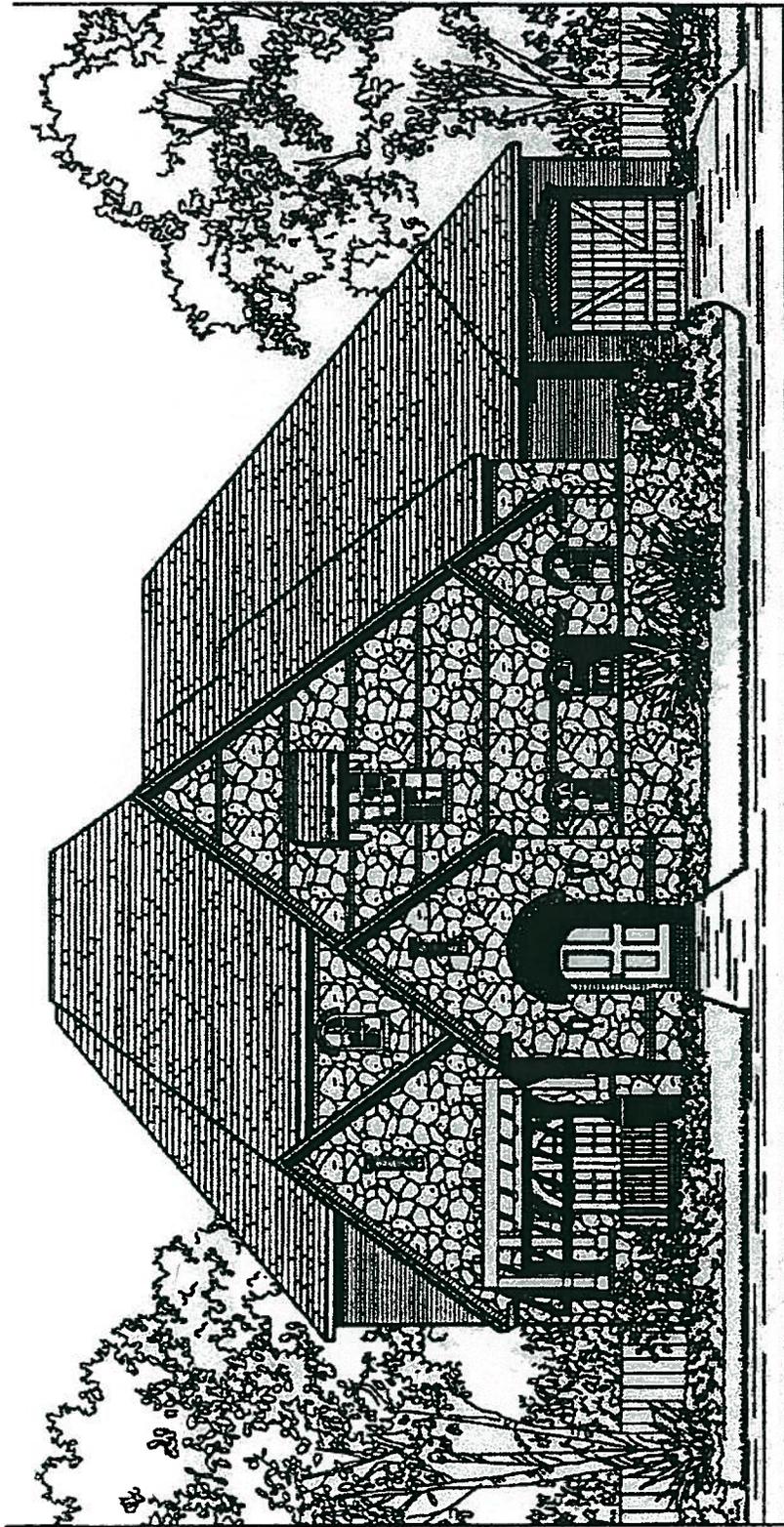


SCALE: 1 = 20'



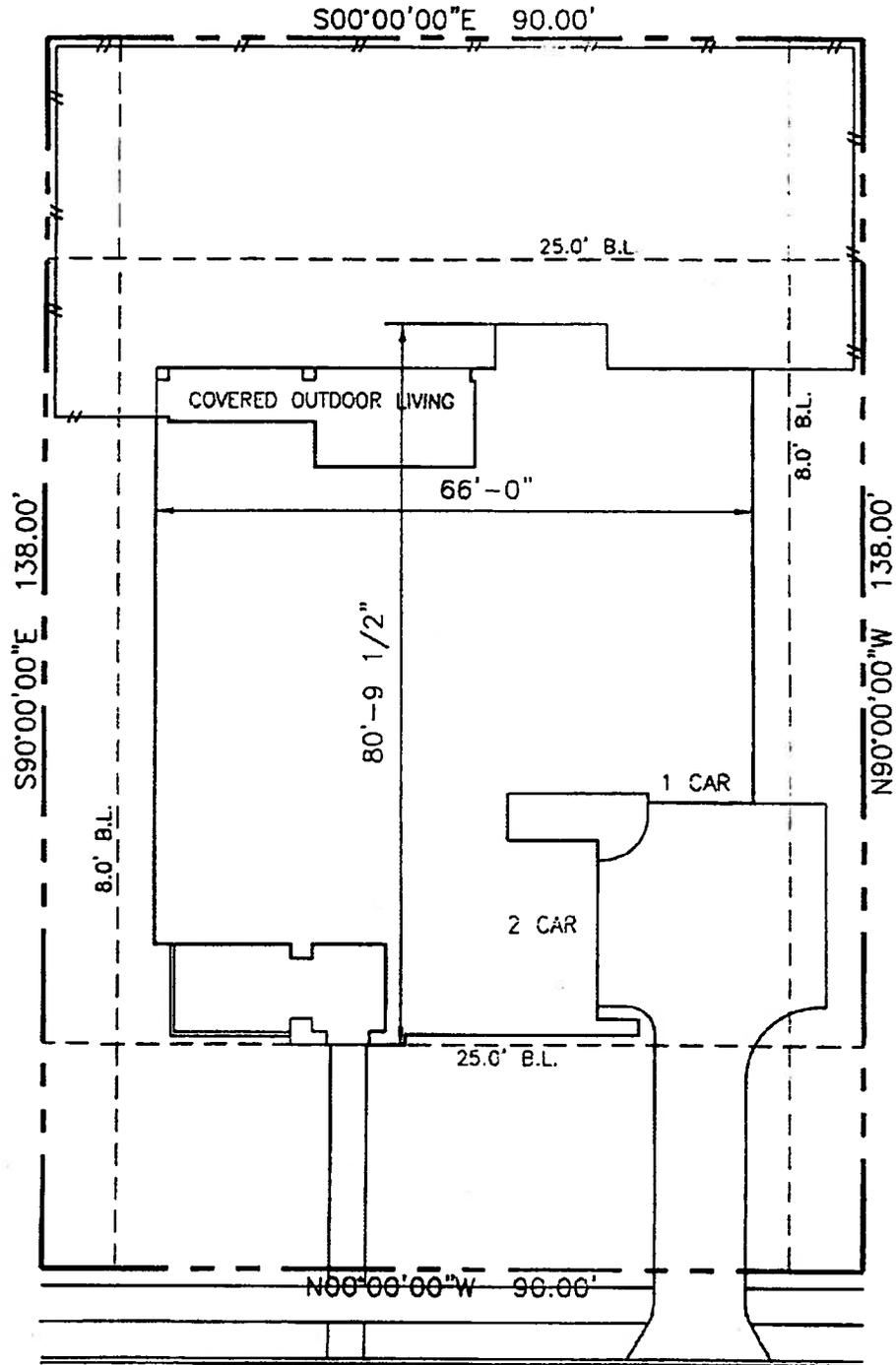
**Exhibit "F-4"**

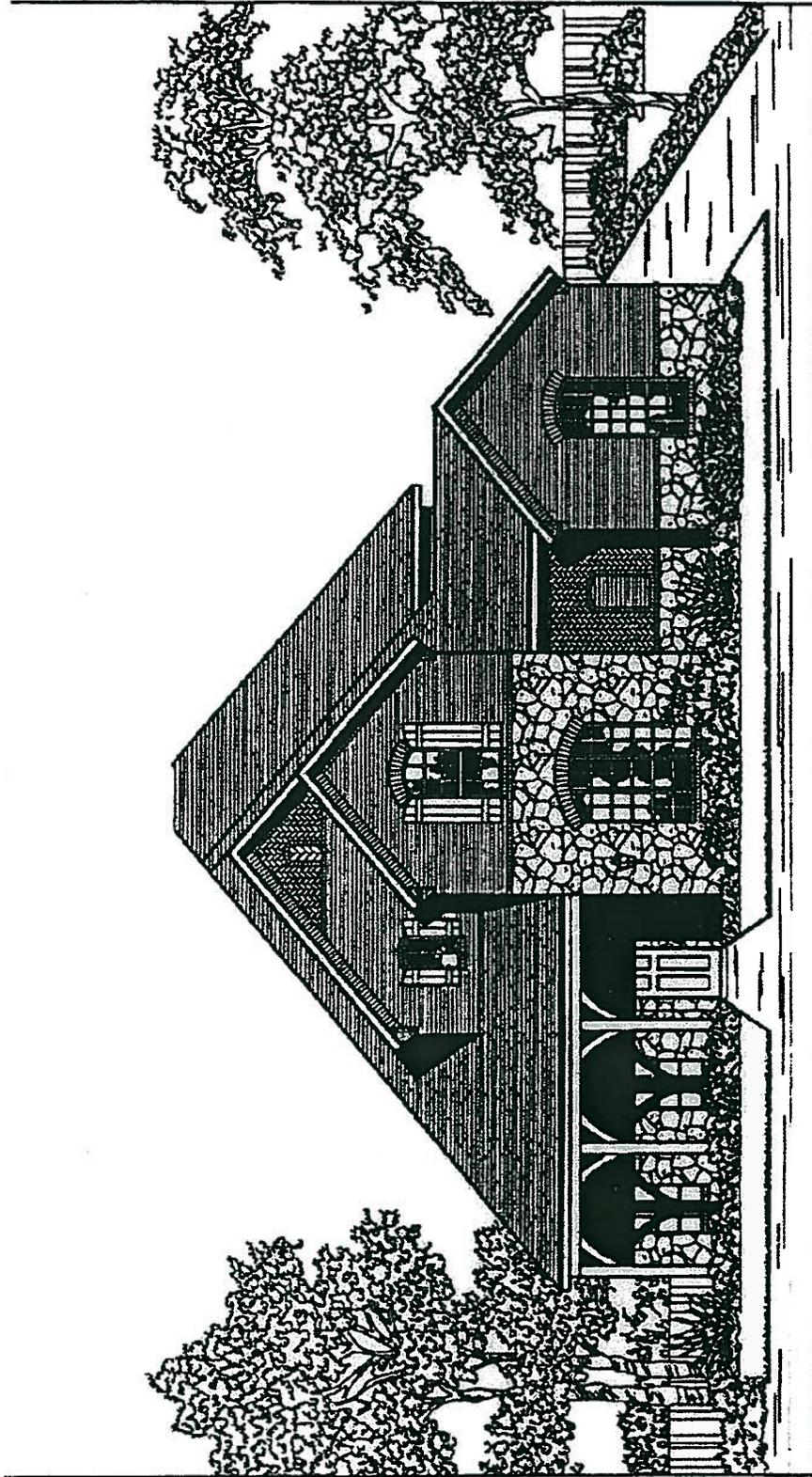
The illustrations that are included with this Exhibit are for the purpose of illustrative example only and do not constitute exact renderings or plans of the buildings and items depicted.





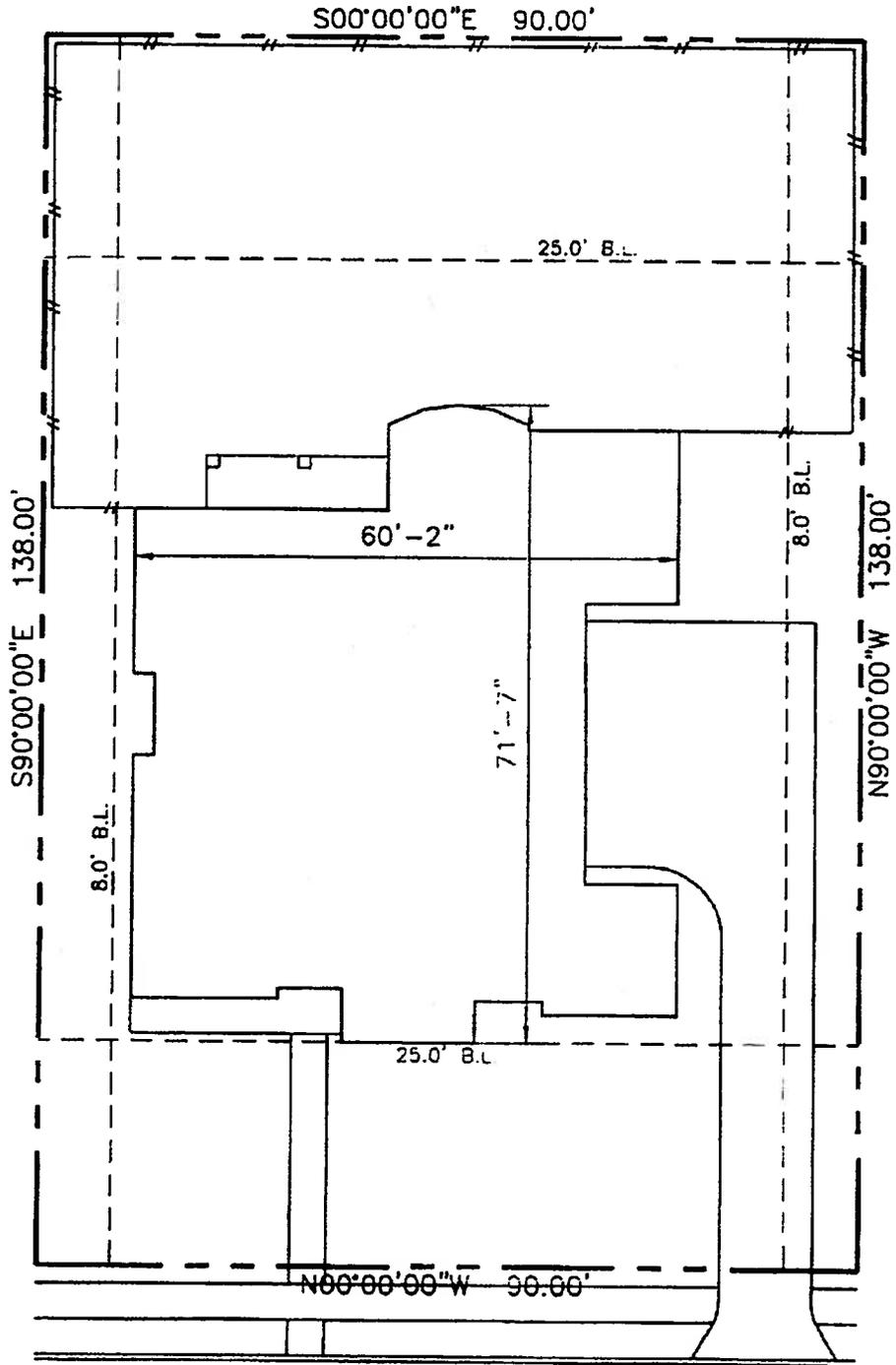
SCALE: 1 = 20'

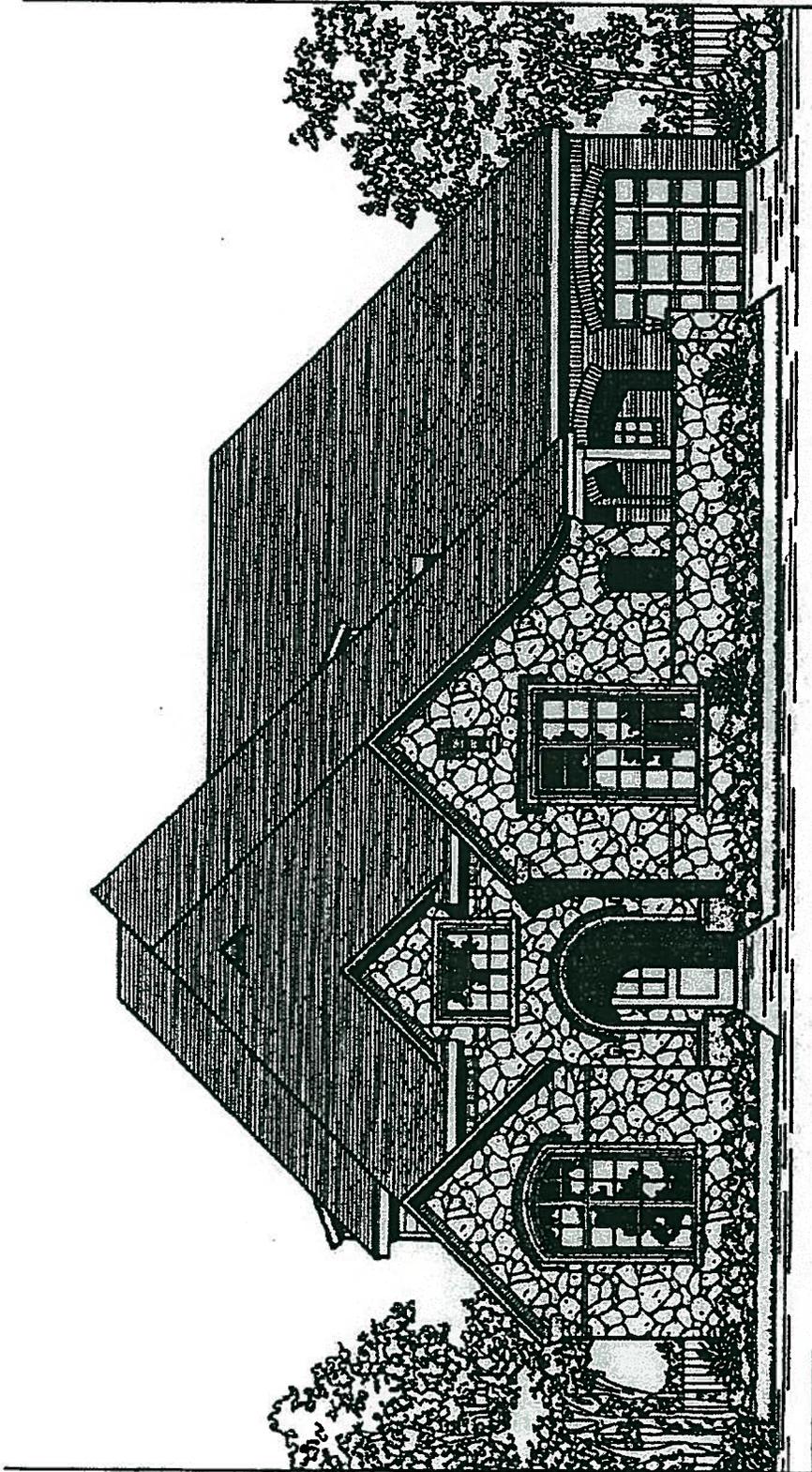




22

SCALE: 1 = 20'





2A

SCALE: 1 = 20'

