PD-59

TOWN OF PROSPER, TEXAS **ORDINANCE NO. 12-35**

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 05-20; REZONING A TRACT OF LAND CONSISTING OF 40.891 ACRES, MORE OR LESS, SITUATED IN THE W.T. HORN SURVEY, ABSTRACT NO. 419, IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS, HERETOFORE ZONED AGRICULTURAL (A) IS HEREBY REZONED AND PLACED IN THE ZONING CLASSIFICATION OF PLANNED DEVELOPMENT-SINGLE FAMILY-ESTATE (PD-SF-E); 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 Suzann Vince ("Applicant") to rezone 40.891 acres of land, more or less, situated in the W.T. Horn Survey, Abstract No. 419, in the Town of Prosper, Collin 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 40.891 acres of land, more or less, situated in the W.T. Horn Survey, Abstract No. 419, in the Town of Prosper, Collin County, Texas, (the "Property") and all streets, roads and alleyways contiguous and/or adjacent thereto is hereby rezoned as Planned Development-Single Family-Estate (PD-SF-E). 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) and the development schedule, attached hereto as Exhibit "E", 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 23rd DAY OF OCTOBER, 2012.

APPROVED AS TO FORM:

Ray Smith

Ray Smith, Mayor

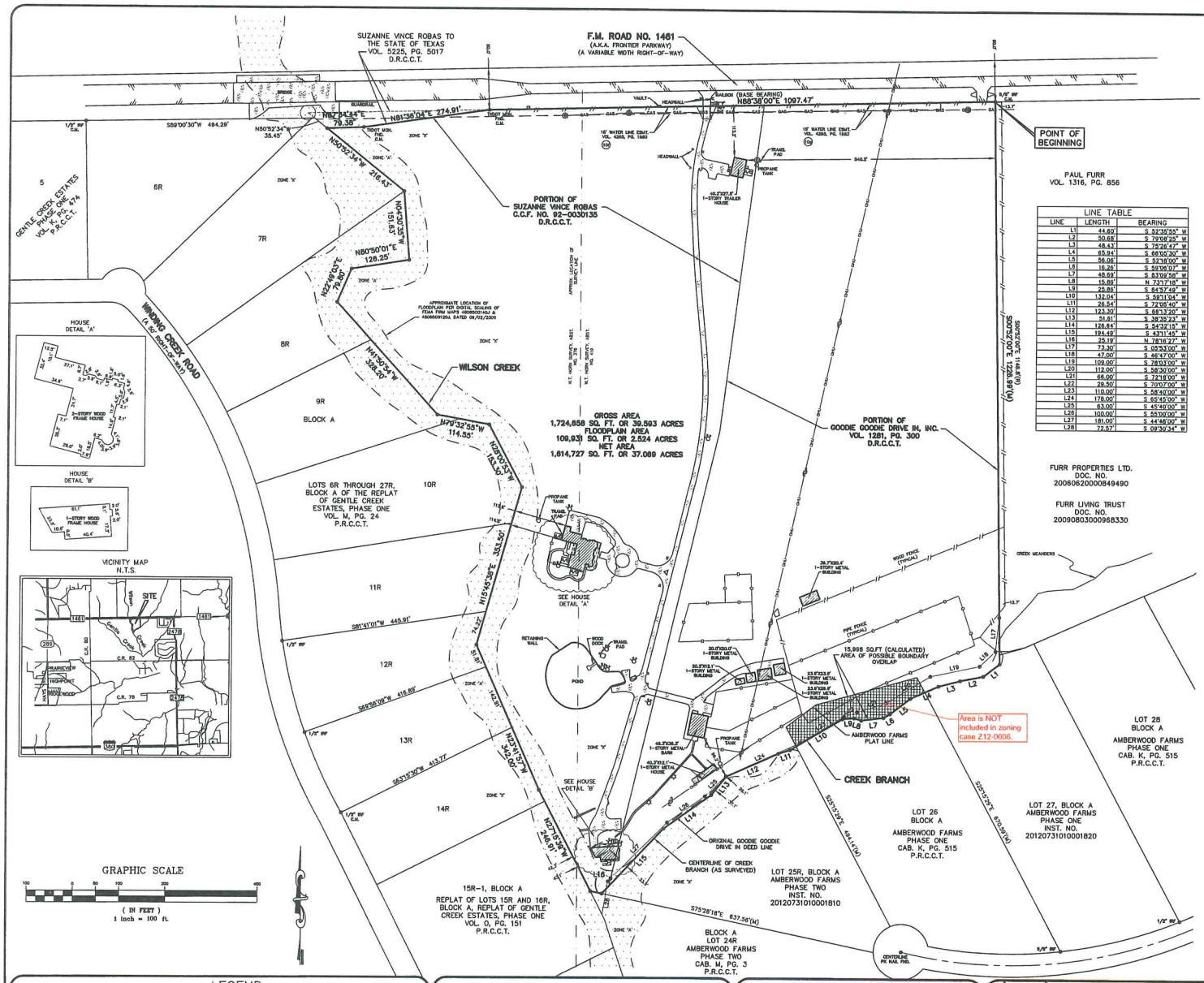
TOWN OF PROSPER TEXAS

ATTESTED TO AND
CORRECTLY RECORDED BY:

Amy Piukana

Amy Piukana, Town Secretary

DATE OF PUBLICATION: 10-31-12, *Prosper Press*



LINE TABLE		
LINE	LENGTH	BEARING
L1	44.60'	S 32°35'55" W
L2	50.68'	S 79°08'25" W
L3	48.43'	S 75°26'47" W
L4	65.94'	S 86°05'30" W
L5	56.06'	S 52°18'00" W
L6	16.26'	S 59°06'07" W
L7	48.89'	S 83°09'58" W
L8	15.86'	N 73°17'18" W
L9	25.86'	S 84°57'49" W
L10	132.04'	S 58°11'04" W
L11	26.54'	S 72°05'40" W
L12	123.30'	S 88°13'20" W
L13	51.61'	S 38°35'23" W
L14	128.64'	S 54°32'15" W
L15	194.49'	S 43°11'45" W
L16	25.19'	N 78°16'27" W
L17	73.30'	S 05°53'00" W
L18	47.00'	S 46°47'00" W
L19	109.00'	S 78°03'00" W
L20	112.00'	S 58°30'00" W
L21	66.00'	S 72°18'00" W
L22	28.50'	S 70°07'00" W
L23	110.00'	S 58°40'00" W
L24	178.00'	S 65°45'00" W
L25	63.00'	S 45°40'00" W
L26	100.00'	S 55°00'00" W
L27	181.00'	S 44°48'00" W
L28	79.57'	S 69°30'34" W

Being that certain 39.593 acre tract of land situated in the W.T. Horn Survey, Abstract No. 376, and the W.T. Horn Survey, Abstract No. 419, Town of Prosper, Collin County, Texas, and being a portion of that certain tract of land to Goodie Goodie Drive In, Inc., by deed recorded in Volume 1281, Page 300, Deed Records, Collin County, Texas, and being a portion of that certain tract of land to Suzanne Vince Robas, by deed recorded in County Clerk's File No. 92-0030135, said Deed Records, and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod found for the northeast corner of said Goodie Goodie tract, same being the northwest corner of that certain called 1.50 acre tract of land to Paul Furr, by deed recorded in Volume 1316, Page 856, said Deed Records, same being in the south right-of-way line of Frontier Parkway (F.M. Road No. 1461) (a variable width right-of-way);

THENCE South 00 deg. 52 min. 00 sec. East, along the common line of said Goody Goodie tract, and said Furr tract, passing the southwest corner of said Furr tract, same being a northwest corner of that certain called 4.4945 acre tract of land to Patsy R. Furr, Trustee, and her successors in trust, of the Furr Living Trust, by deed recorded in County Clerk's File No. 20090803000968330, Official Public Records, Collin County, Texas, and continuing along the common line of said Goodie Goodie tract, and said Furr Living Trust tract, a total distance of 1226.99 feet to a point in the center of a Branch of Wilson Creek;

THENCE in a southwesterly direction, and along the meanders of said Branch of Wilson Creek as follows:

South 52 deg. 35 min. 55 sec. West, a distance of 44.60 feet to an angle point;
South 79 deg. 08 min. 25 sec. West, a distance of 50.68 feet to an angle point;
South 75 deg. 26 min. 47 sec. West, a distance of 48.43 feet to an angle point;
South 86 deg. 05 min. 30 sec. West, a distance of 65.94 feet to an angle point;
South 52 deg. 18 min. 00 sec. West, a distance of 56.06 feet to an angle point;
South 59 deg. 06 min. 07 sec. West, a distance of 16.26 feet to an angle point;
South 83 deg. 09 min. 58 sec. West, a distance of 48.69 feet to an angle point;
North 73 deg. 17 min. 18 sec. West, a distance of 15.86 feet to an angle point;
South 84 deg. 57 min. 49 sec. West, a distance of 25.86 feet to an angle point;
South 59 deg. 11 min. 04 sec. West, a distance of 132.04 feet to an angle point;
South 72 deg. 05 min. 40 sec. West, a distance of 26.54 feet to an angle point;
South 66 deg. 13 min. 20 sec. West, a distance of 123.30 feet to an angle point;
South 38 deg. 35 min. 23 sec. West, a distance of 51.61 feet to an angle point;
South 54 deg. 32 min. 15 sec. West, a distance of 128.64 feet to an angle point;
South 43 deg. 11 min. 45 sec. West, a distance of 194.49 feet to an angle point;
North 78 deg. 16 min. 27 sec. West, a distance of 25.19 feet to an angle point at the intersection of said Branch of Wilson Creek with Wilson Creek;

THENCE in a northerly direction, and along the meanders of said Wilson Creek as follows:

North 27 deg. 15 min. 39 sec. West, a distance of 246.91 feet to an angle point;
North 23 deg. 41 min. 57 sec. West, a distance of 342.00 feet to an angle point;
North 15 deg. 45 min. 38 sec. East, a distance of 353.50 feet to an angle point;
North 28 deg. 00 min. 53 sec. West, a distance of 153.30 feet to an angle point;
North 79 deg. 32 min. 55 sec. West, a distance of 114.55 feet to an angle point;
North 41 deg. 50 min. 54 sec. West, a distance of 328.20 feet to an angle point;
North 22 deg. 49 min. 03 sec. East, a distance of 79.80 feet to an angle point;
North 80 deg. 50 min. 01 sec. East, a distance of 126.25 feet to an angle point;
North 04 deg. 30 min. 35 sec. West, a distance of 151.63 feet to an angle point;
North 50 deg. 52 min. 34 sec. West, a distance of 216.43 feet to a point for the northwest corner of the herein described tract, same being the southwest corner of that certain tract of land from Suzanne Vince Robas to the State of Texas, by deed recorded in Volume 5225, Page 5017, aforesaid Deed Records, same being in the south right-of-way line of aforesaid Frontier Parkway (F.M. Road No. 1461);

THENCE along the south right-of-way line of said Frontier Parkway (F.M. Road No. 1461), and along the north line of said Suzanne Vince Robas tract, and aforesaid Goodie Goodie tract;

North 87 deg. 34 min. 44 sec. East, a distance of 79.38 feet to a TXDOT Monument found for an angle point;
North 81 deg. 36 min. 04 sec. East, a distance of 274.91 feet to a TXDOT Monument found for an angle point at the northeast corner of said State of Texas tract (Volume 5225, Page 5017);
North 88 deg. 38 min. 00 sec. East, a distance of 1097.47 feet to the POINT OF BEGINNING and containing 1,724,658 square feet or 39.593 acres of computed land, more or less, of which approximately 109,931 square feet or 2.524 acres lie within the digitally scaled FEMA Floodplain, leaving a net area of 1,614,727 square feet or 37.089 acres of computed land, more or less.

NOTES CORRESPONDING TO SCHEDULE 'B' NOTES:

10f. Waterline Easement executed by Suzanne Vince to the City of Prosper, dated May 26, 1998, filed October 5, 1998, recorded in Volume 4265, Page 1980, of the Real Property Records of Collin County, Texas, does affect and is plotted hereon.

10g. Waterline Easement executed by Goodie Goodie Drive In, Inc., to the City of Prosper, dated May 26, 1998, filed October 5, 1998, recorded in Volume 4265, Page 1983, of the Real Property Records of Collin County, Texas, does affect and is plotted hereon.

This survey was performed in connection with the transaction described in GF No. 1110064-MCCB of Fidelity National Title Insurance Company, effective date of August 29, 2012 and issued on September 6, 2012, and all subsequent commitments for information regarding encumbrances on subject property and surveyor did not abstract property for easements and/or other restrictions. The legal description used for this survey describes the same land as the legal description in the title report.

USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR BY OTHER PARTIES SHALL BE AT THEIR OWN RISK AND UNDERSIGNED IS NOT RESPONSIBLE TO OTHERS FOR ANY LOSS RESULTING THEREFROM.

The term "certify" or "certificate" as shown and used hereon indicates an expression of professional opinion regarding the facts of the survey and does not constitute a warranty or guarantee, either expressed or implied; and is exclusively to the parties involved in, and limited to the transaction (GF No. 1110064-MCCB) closing at the title company indicated hereon.

NOTES:

1. IRF – Iron Rod Found
2. IRS – Iron Rod Set w/ Peiser Surveying red plastic cap
3. Basis of Bearing – Based on the north line (North 88 deg. 38 min. 00 sec. East) of that certain tract of land to Goodie Goodie Drive In, Inc., by deed recorded in Volume 1281, Page 300, Deed Records, Collin County, Texas.
4. Calculated area within the floodplain are based upon the digitally scaled FEMA FIRM Map as indicated hereon. Areas are approximate.
5. This boundary is subject to change due to natural causes, being bound on the south side and west side by a natural water boundary, and it may or may not represent the actual location of the limit of title.

FLOOD CERTIFICATE
As determined by the FLOOD INSURANCE RATE MAPS for Collin County, a portion of the subject property appears to lie within a Special Flood Hazard Area (100 Year Flood), Map date 06/02/2009 Community Panel No. 48085C0120J
subject lot is located in Zones "X-Unshaded" and "A".
If this site is not within an identified flood hazard area, this Flood Statement does not imply that the property and/or structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This Flood Statement shall not create liability on the part of the Surveyor.

TO : GOODIE GOODIE DRIVE IN, INC. & Suzanne Vince formerly known as Suzanne Vince Robas, Prosper Twin Creek Partners, LP and or assigns, Fidelity National Title & Sendera Title:

The plat of survey hereon is a true, correct and accurate representation of the property as determined by an on the ground survey, subject to any and all easements, reservations and restrictions that may be of record, the lines and dimensions of said property being indicated by the plat. There are no visible encroachments, conflicts, or protrusions except as shown.

07/17/2012

EXHIBIT A

Timothy R. Mankin
Registered Professional Land Surveyor No. 6122

LEGEND

GAS METER	FIRE HYDRANT	MONITORING WELL	SIGN
IRR. CONTROL VALVE	WATER METER	TRAFFIC SIGNAL POLE	LIGHT POLE
TELEPHONE PEDESTAL	FUEL PORT	TRAFFIC SIGNAL BOX	TYPICAL FENCE
POWER POLE	WATER VALVE	SWB MAN HOLE	CONCRETE
DOWN GUY	TRANSFORMER PAD	GASLINE MARKER	BOLLARD
S.S. MAN HOLE	ELECTRIC METER	VAULT	COVERED AREA
CLEAN OUT	STORM DRAIN MAN HOLE	TREE	A/C PAD

Errors: The Client or Client's Representatives will have 45 days from the date the survey was issued to change any misspellings or any errors on the survey report, after this time has expired all parties involved must accept the survey as issued.

COPYRIGHT © PEISER SURVEYING COMPANY ALL RIGHTS RESERVED. NO PART OF THIS DRAWING MAY BE REPRODUCED BY PHOTOCOPYING, RECORDING OR BY ANY OTHER MEANS, OR STORED, PROCESSED OR TRANSMITTED IN OR BY ANY COMPUTER OR OTHER SYSTEMS WITHOUT THE PRIOR WRITTEN PERMISSION OF THE SURVEYOR. COPIES OF THIS SURVEY WITHOUT THE ORIGINAL SIGNATURE ARE NOT VALID.

BOUNDARY SURVEY
GOODIE GOODIE TRACTS
2380 FRONTIER PARKWAY
PROSPER, TEXAS 75078

NO.	DATE	REVISION
1.	09-12-12	UPDATE SURVEY TO REFLECT FILED PLATS SOUTH OF PROPERTY
2.		
3.		

JOB NO.:	P-4989
DATE:	10/17/2011
FIELD DATE:	10/13/2011 03/15/2012
SCALE:	1" = 100'
FIELD:	R.G.
DRAWN:	T.R.M.
CHECKED:	D.M.A.

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www.peisersurveying.com
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MORTGAGE
Texas Society of Professional Surveyors
Member Since 1977

SHEET 1 OF 1

ZONING EXHIBIT "B"
STATEMENT OF INTENT AND PURPOSE

The intent and purpose of this planned development is to create a high quality single-family gated estate lot neighborhood. With minimum lot sizes of one plus (1+) acres or more, Twin Creeks Estates is planning only twenty-nine (29) lots over a forty (40) acre parcel of land while creating minimal impact to the natural environment. Significant efforts in planning are being utilized to maintain the land's compatibility with the surrounding neighborhoods and the vision set out in the Town of Prosper's Comprehensive Land Use Plan.

Twin Creeks Estates is designed to be a private gated community, providing security for the homes, families and surrounding neighborhoods. Careful planning has been used to keep the creeks along the western and southern property lines in the current/natural condition. The land that borders Frontier Parkway will be provide landscaped berms planted with trees, shrubs and grass with accents of seasonal color. All landscaped areas will be irrigated. None of the amenities will burden the Town as all common areas will be owned and maintained by the Homeowner's Association.

ZONING EXHIBIT "C"
PLANNED DEVELOPMENT STANDARDS
TWIN CREEKS

This property shall be developed and comply with the standards as outlined in Zoning Ordinance 05-20 as it currently exists or may be amended, subject to the following conditions:

1.0 **GENERAL DESCRIPTION** – The tract is approximately 41.2 acres of land located along the south side of Frontier Parkway east of Coit Road. The proposed PD allows for the development of a maximum of 29 single-family lots with a minimum lot size of one (1) acre.

2.0 **ADDITIONAL CONDITIONS**

2.1 GENERAL DEVELOPMENT STANDARDS

2.1.1 Lot Width:
The minimum width of any lot shall be one hundred feet (100') at the front building line.

2.1.2 Lot Depth:
The minimum depth of any lot shall be one hundred eighty feet (180'), except at the terminus of a cul-de-sac or along elbows/eyebrows may have a minimum lot depth, measured at mid-points on front and rear lot lines, of one hundred and fifty feet (150') provided all other requirements of this section have been fulfilled.

2.1.3 Front Yard Setback:
The minimum depth of the front yard shall be forty feet (40').

2.1.4 Side Yard Setback:
The minimum side yard shall be twenty feet (20') including on corners adjacent to the street.

2.1.5 Rear Yard Setback:
The minimum depth of the rear yard shall be twenty- five feet (25').

2.1.6 Minimum Dwelling Size:
The minimum area of the main building shall be four thousand (4,000) square feet, exclusive of garages, breezeways and porticos for all lots abutting creeks. Creek lots, as shown on Exhibit "D", include Lots 15-16 and 20-29.

All interior lots that are not adjacent to a creek shall have a minimum main building area of three thousand-five hundred (3,500) square feet, exclusive of garages, breezeways and porticos.

2.1.7 Maximum Building Height:
The maximum building height shall be two and one-half stories, no greater than forty feet (40').

2.2 MISCELLANEOUS DEVELOPMENT STANDARDS

2.2.1 Secured Subdivision/Gated Entry:
The development shall be a gated single family community with private streets. Detailed plans for the entry will be provided as required by the Town.

2.2.2 Private Streets:
All streets will be private and built to the standards of the Town of Prosper. Private streets and associated storm drainage will be owned and maintained by the required Home Owners Association (HOA).

Streets will be developed as Rural Neighborhood Streets (2LRN) and Divided Residential Subdivision sections, modified to delete the outside curbs and to include roadside ditches.

The typical rights-of-way shall be fifty (50) feet in width with a thirty-one (31) foot wide section of concrete. The divided roadway will have a right-of-way of eighty-five (85) feet in width with two (2) twenty-five (25) foot wide concrete sections with an interior median surrounded with a six (6) inch mountable integral curb. The median shall have a width of twelve (12) feet and be landscaped.

All concrete sections shall meet the Town's Construction Standards for residential streets in accordance with the approved engineering drawings.

2.2.3 Tree Preservation:
Trees along creeks and floodplains will be preserved within the drainage and floodway easement/HOA lot. The removal of any other trees on the property shall comply with the Town's tree protection and mitigation requirements in the Zoning Ordinance as it exists or may be amended.

2.2.4 Fencing:
Privacy fences on single family lots shall be located a minimum of ten (10) feet behind the front elevation of the main building and shall not exceed eight (8) feet above grade. All fencing on single family lots shall be of ornamental metal construction (wrought iron or tubular steel).

The residential lots backing to Wilson Creek are exempt from Section 14.3.6 of the Subdivision Ordinance, which requires an ornamental fence along the Base Flood Plain.

2.3 INFRASTRUCTURE

2.3.1 Bar Ditches and Culverts:
Ditches and culverts will be constructed adjacent to streets as necessary to convey storm water runoff. The developer will maintain the engineered grades and drainage capacity of the bar ditches during the 5-year maintenance period. The HOA will assume maintenance of all bar ditches at the end of the 5-year period. The builder will install culverts and driveway monuments on all lots in accordance with the approved engineering drawings detailing the required culvert sizes for each residential lot.

Every homeowner shall be responsible for driveways and culverts on their property.

2.3.2 Cul-de-sacs/Access:
Cul-de-sacs exceeding lengths of six hundred feet (600') will be permitted from Street "A" if serving ten (10) lots or less.

Secondary Access for the property will be provided from Street "B" (as shown on Exhibit "D"). Street "B" will be allowed to exceed six hundred (600) feet in length and will terminate with a temporary turn-a-round at the eastern property line with a fire gate and Knox Lock as approved by the Fire Department. This access point to the adjacent property will be used for fire and emergency access only.

Only one access/entry road will be required from Frontier Parkway to serve the development when build according to the proposed plan. This access road will be a divided and have a security gate adjacent to Frontier Parkway.

2.3.3 Lot-to-Lot Drainage:
Storm water runoff will not be allowed to drain from lot to lot without an approved storm drainage system as approved by the Town and as conveyed within private drainage easements. All private drainage improvements shall be owned and maintained by the HOA.

2.4 RESIDENTIAL DEVELOPMENT CRITERIA ALONG WILSON CREEK

2.4.1 A maximum of one hundred percent (100%) of the linear frontage of the Base Flood Plain identified on the Final Plat may have lots backing to the creek.

The lots will be allowed to be platted to the centerline of the creek.

2.4.2 Drainage and Floodway Easement:
The Base Flood Plain must be dedicated on a Final Plat to the Town as a Drainage and Floodway Easement that will include additional width from the Base Flood Plain on the property to allow adequate access for emergency vehicles, equipment and personnel and to improve and/or maintain the Base Flood Plain. The Final Plat shall contain the following: (i) a grant allowing the Town access for emergency vehicles,

equipment and personnel and to improve and/or maintain the Drainage and Floodway Easement in the event they are not being properly maintained as determined by the Town Engineer; and (ii) an obligation that the HOA shall reimburse the Town for any and all costs incurred by the Town for maintenance.

The routine maintenance responsibility of the Drainage and Floodway Easement will be property owners. The HOA will also be responsible for any maintenance of the Drainage and Floodway Easement if not properly maintained by the property owners. The HOA's by-laws and covenants, which must be approved by the Town and filed of record in the county land records where the property is located, shall provide: (i) for Town access for emergency vehicles, equipment and personnel and to improve and/or maintain the Drainage and Floodway Easement in the event they are not being properly maintained as determined by the Town Engineer, and (ii) provide that the HOA shall reimburse the Town for any and all costs incurred by the Town for maintenance.

2.4.3 No-Build and Preservation Easement:

A No-Build and Preservation Easement shall be provided on lots and open space lots as shown on the Final Plat to preserve topography and vegetation (the "no-build and preservation easement(s)"). A minimum twenty (20) foot building setback shall be provided adjacent to the no-build and preservation easement(s). Pools and decks shall be permitted within the twenty (20) foot setback, but not in the no-build and preservation easement(s), within the platted lot, and shall meet the minimum setbacks as specified in the Zoning Ordinance, and any amendments thereto. Neither grade changes nor vegetation removal shall occur within the no-build and preservation easement(s) without prior Town Engineer approval.

At the request of the Town, the Property Owner shall submit the following documents with the Preliminary Plat that includes property along a Major Creek:

(i) Wetland Delineation Study;
(ii) Habitat Study; and
(iii) Vegetative Study

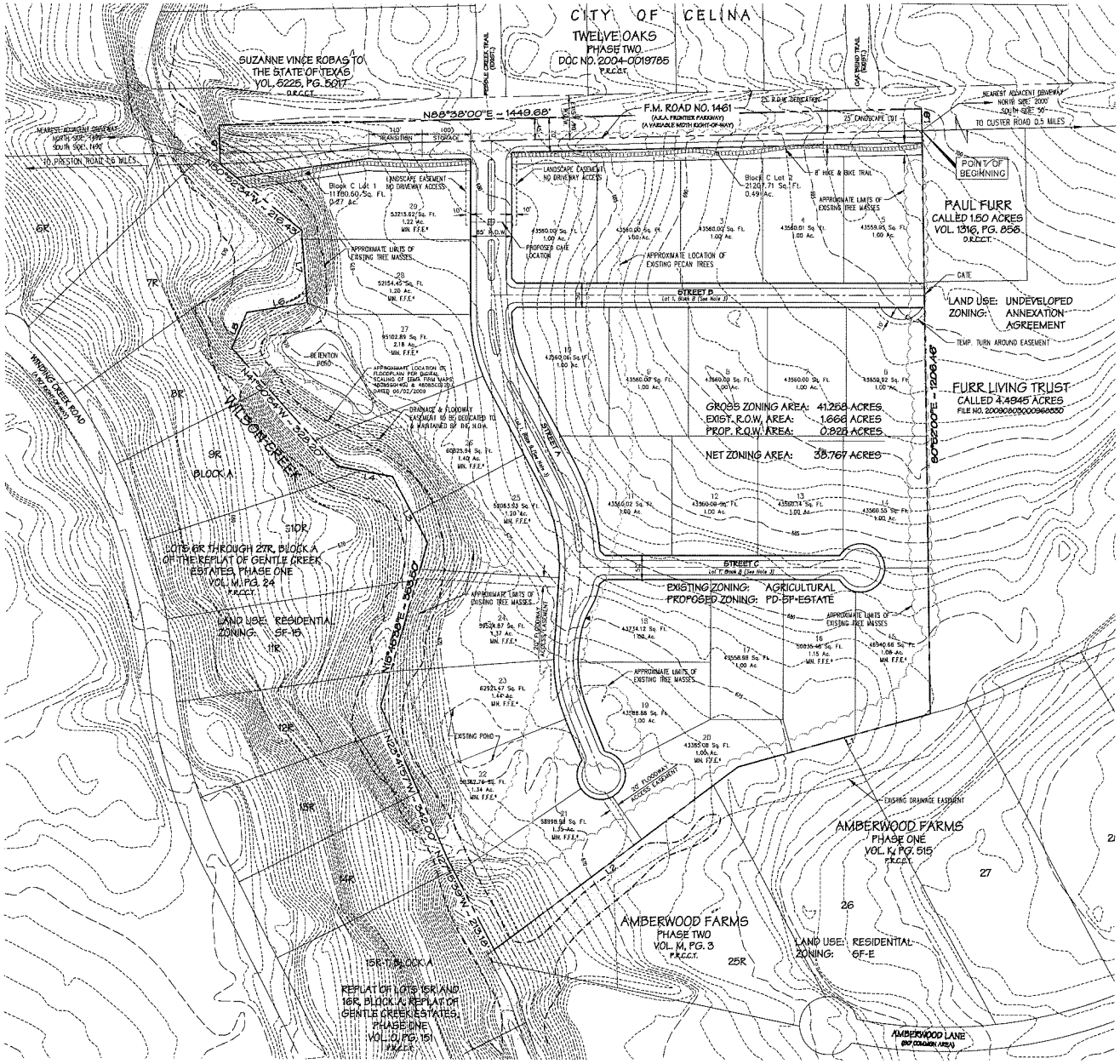
These studies shall be considered in the review of the Preliminary Plat regarding development along Wilson Creek.

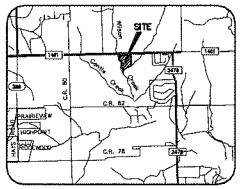
2.4.4 Access Easement:

The Property Owner or Subdivider must provide sufficient access to the Drainage and Floodway Easement along Wilson Creek for HOA and Town access for emergency vehicles, equipment and personnel and to improve and/or maintain the Drainage and Floodway Easement. The access shall be above the Base Flood Plain elevation. Streets and alleys abutting the Drainage and Floodway Easement may substitute for the Access Easement subject to Town Engineer approval. An Access Easement must also be provided at a maximum twelve hundred (1,200) foot spacing along streets or alleys. The Town Engineer shall determine the location and size of

the Access Easement. The minimum width of the Access Easement shall be twelve (12) feet.

2.4.5 No development will be allowed on any portion of the property which lies in within the Drainage and Floodway Easement, the No-Build and Preservation Easement or the Access Easement. Wilson Creek shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste or material, or stumps, except at the discretion of the Town.




SITE
141
380
3475
C.R. 82
C.R. 78
Custer Road
Preston Ridge
Frontier Parkway
Preston Road
Hillcrest
Legacy
Parkwood
Dallas North Tollway
Dallas North Tollway
Frontier Parkway
Preston Ridge
Legacy
Hillcrest
Parkwood
Preston Road
Custer Road
Preston Ridge
Legacy
Hillcrest
Parkwood

ZONING EXHIBIT "E"
DEVELOPMENT SCHEDULE

It is the intent of the developer to start the 41.2 acre development within the next twelve (12) months. This will allow the approval of the zoning request and the development and approval of the engineering plans. At this time, the Developer plans to start construction upon approval of the plans and permits by the Town of Prosper.