

TOWN OF PROSPER, TEXAS

ORDINANCE NO. 15-35

AN ORDINANCE AMENDING PROSPER'S ZONING ORDINANCE NO. 05-20; GRANTING A SPECIFIC USE PERMIT (SUP) FOR A HELISTOP, LOCATED ON A TRACT OF LAND CONSISTING OF 10.445 ACRES, MORE OR LESS, SITUATED IN THE COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 147, IN THE TOWN OF PROSPER, COLLIN COUNTY, TEXAS; 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 Texas Health Resources ("Applicant") for a Specific Use Permit (SUP) to allow for a Helistop on a tract of land zoned Planned Development-47 (PD-47), consisting of 10.445 acres of land, more or less, situated in the Collin County School Land Survey, Abstract No. 147, in the Town of Prosper, Collin County, Texas, and being particularly being described in Exhibit "A," attached hereto and incorporated herein for all purposes; 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 to grant a Specific Use Permit (SUP) have been given in the manner and form set forth by law, public hearings have been held, and all other requirements of notice and completion of such procedures have been fulfilled; and

WHEREAS, the Town Council has further investigated into and determined that it will be advantageous and beneficial to the Town of 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

Specific Use Permit Granted. Zoning Ordinance No. 05-20 is amended as follows: Applicant is granted a Specific Use Permit (SUP) to allow the operation of a Helistop, on a tract of land zoned Planned Development-47 (PD-47), consisting of 10.445 acres of land, more or less, situated in the Collin County School Land Survey, Abstract No. 147, in the Town of Prosper, Collin County, Texas, and being particularly being described in Exhibit "A," attached hereto and incorporated herein for all purposes as if set forth verbatim.

The property shall continue to be used in a manner consistent with the conditions expressly stated in the conceptual development plan, attached hereto as Exhibit "B," and the conceptual elevations, attached hereto as Exhibit "D," which is incorporated herein for all purposes as if set forth verbatim.

Except as amended by this Ordinance, the development of the Property within this Specific Use Permit (SUP) shall comply fully with the requirements of all ordinances, rules, and regulations of the Town of Prosper, as they currently exist or may be amended.

Three (3) 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 District shall be sent to all owners of properties within the District as well as all properties within two hundred feet (200') of the District 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, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, ON THIS 26TH DAY OF MAY, 2015.



Ray Smith, Mayor

ATTEST:


Robyn Battle, Town Secretary

APPROVED AS TO FORM AND LEGALITY:



Terrence S. Welch, Town Attorney

ABBREVIATION LEGEND

Table with 2 columns: ABBR and DEFINITION. Lists various survey symbols and their meanings, such as IRF for IRON ROD FOUND and WCAP for WATER CONTROL VALVE.

SPECIFICS FOR SCHEDULE "B" ITEM 10G (AFFECTS THR)

- 3. Grantor plans to pave a certain portion of the Easement... facilitate leak surveys on concrete and asphalt paving...
b. Grantor shall be allowed to cross the Easement with roads, driveways, alley ways and other thoroughfares...
c. Grantor shall be allowed to gravel the entire easement to include directly over the pipeline...
d. Grantor may at its own risk, store its materials and emplace storage facilities within the Easement...
e. Grantor may cross the Easement with other utilities including, but not limited to wastewater, electric, storm water, natural gas, fiber optics, telephone and other utility service lines or pipelines...
f. Grantor shall be allowed to landscape within the Easement to include emplacing sidewalks and other pathways at Grantor's own risk.

PROPERTY DESCRIPTION

STATE OF TEXAS
COUNTY OF COLLIN
BEING a tract of land situated in the COLLIN COUNTY SCHOOL LAND SURVEY, ABSTRACT NO. 147, City of Prosper, Collin County, Texas...

BEGINNING at a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." set for corner on the North right-of-way of U. S. Highway 380...
THENCE departing said North right-of-way of U. S. Highway 380 over and across said MSW Prosper 380 tract, the following courses and distances:

North 45 deg 01 min 10 sec West, a distance of 35.37 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." set for corner.
North 00 deg 02 min 47 sec West, a distance of 72.16 feet to the beginning of a non-tangent curve to the right having a radius of 856.00 feet...
Along said non-tangent curve to the right, an arc distance of 52.86 feet to a 1/2-inch iron rod with a red plastic cap stamped "W.A.I." set for corner.

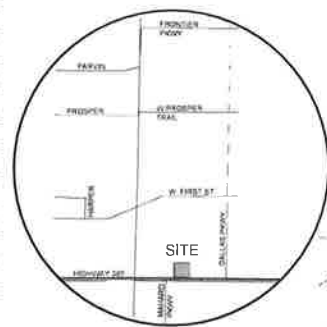
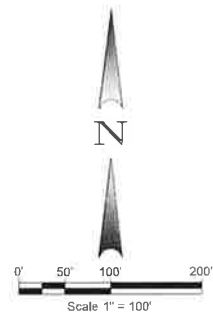
SURVEYOR'S CERTIFICATION

To: MSW Prosper 380, L.P., a Texas limited partnership, Texas Health Resources, a Texas non-profit corporation, Republic Title of Texas, Inc., Jackson Walker L.L.P., and First American Title Insurance Company

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS...

SCHEDULE "B" NOTES

- 1. Restrictive covenants contained in deed recorded in CC #2014... Real Property Records, Collin County, Texas.
2-10c. Intentionally omitted, by Surveyor
10d. Easement granted by M.C. Wells and wife, M.E. Wells to Lone Star Gas Company, filed 06/01/1916, recorded in Volume 193, Page 883...
10e. Easement granted by A. F. Mize and Annie Ray Mize, his wife to Denton County Electric Cooperative, Inc., filed 03/16/1953, recorded in Volume 468, Page 98...
10f. Easement granted by The Buckle Trust to the City of Irving, filed 10/05/2001, recorded in Volume 5018, Page 2426...
10g. Easement granted by The Buckle Trust to Energy Transfer Fuel LP, filed 01/04/2006, recorded in Volume 6077, Page 1639...
10h. Easement granted by 110 Prosper Property, L.P. to the Town of Prosper, filed 10/11/2011, recorded in CC #2011110011001085720...
10i. Easement reserved in Deed from 110 Prosper Property, L.P. to MSW Prosper 380, L.P., filed 01/14/2013, recorded in CC #20130114000054790...
10j. Title to all oil, gas and other minerals in, under and that may be produced from the land, together with all rights, privileges, and immunities relating thereto...
10k. Intentionally omitted
10l. Repurchase Right contained in Special Warranty Deed filed 10/11/2011, CC #2014... Real Property Records, Collin County, Texas.



AREA TABLE
TRACT SQ. FT. ACRES
GROSS 454,970 10.445
LESS ESMTS. 75,294 1.729
NET 379,675 8.716

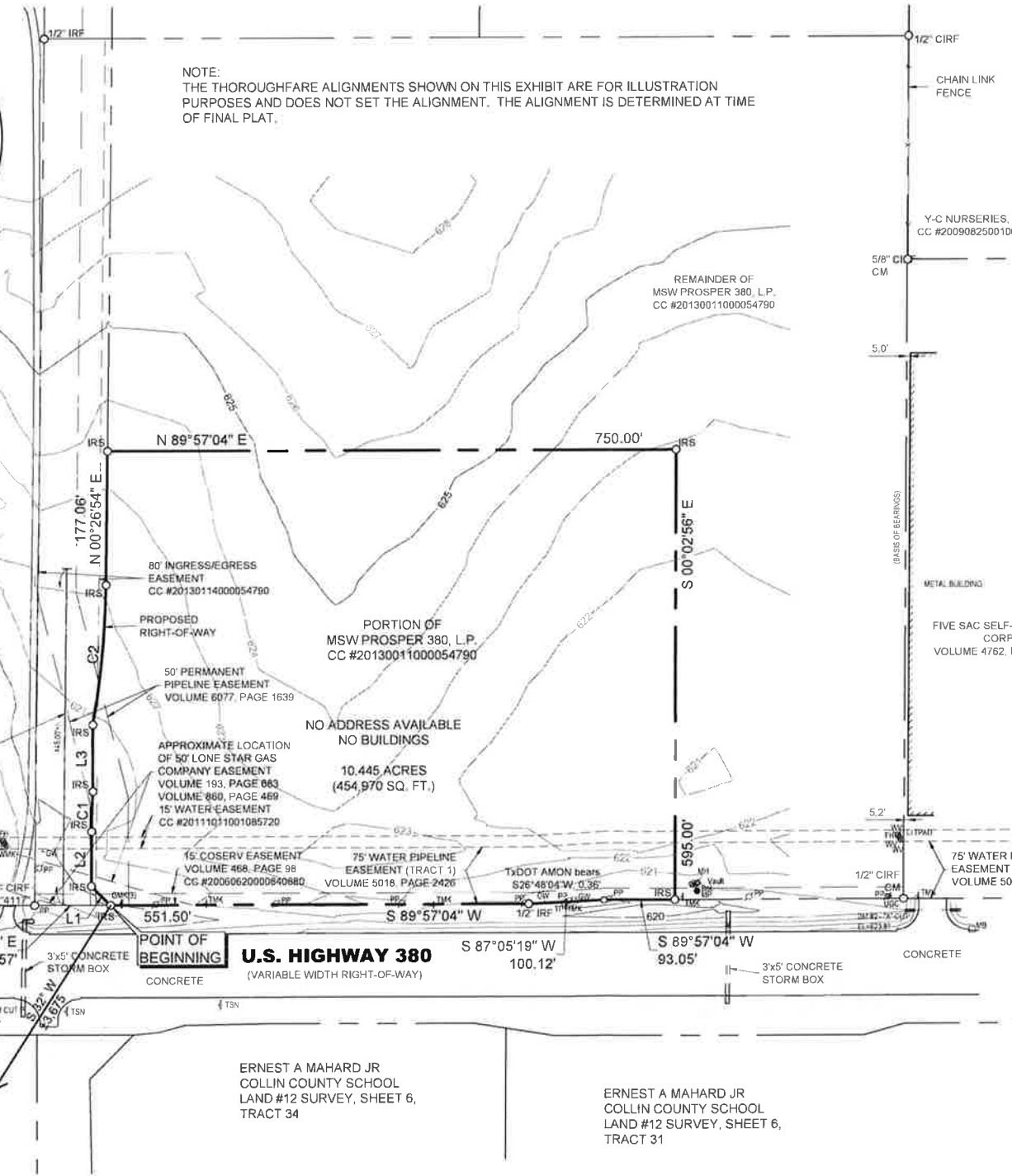
BENCH MARKS:

BM #1 - " " cut at the centerline of a concrete headwall located on the south side of U.S. Highway 380, ±134.90 feet south of the southwest property corner. ELEVATION - 618.66 feet
BM #2 - "X" cut at the centerline of a concrete headwall located on the north side of U.S. Highway 380, ±21.25 feet southeast of the southeast property corner. ELEVATION - 623.81 feet

CURVE TABLE
NO. DELTA RADIUS LENGTH CH. L. CH. B
C1 3°32'18" 856.00' 52.86' 52.86' N01°43'22"E
C2 9°22'22" 1,135.00' 185.67' 185.46' N05°08'04"E

LINE TABLE
LINE # BEARING DISTANCE
L1 N45°01'10"W 35.37'
L2 N00°02'47"W 72.16'
L3 N00°17'54"W 88.23'

FLOOD NOTE
According to the Federal Emergency Management Agency Flood Insurance Rate Map Community Panel No. 48085C0230L, dated June 2, 2009, this property is within Flood Zone X.
Zone X - Areas determined to be outside the 0.2% annual chance floodplain (Areas determined to be outside the 500-year floodplain.)
This flood statement does not imply that the property and/or the structure thereon will be free from flooding or flood damage...



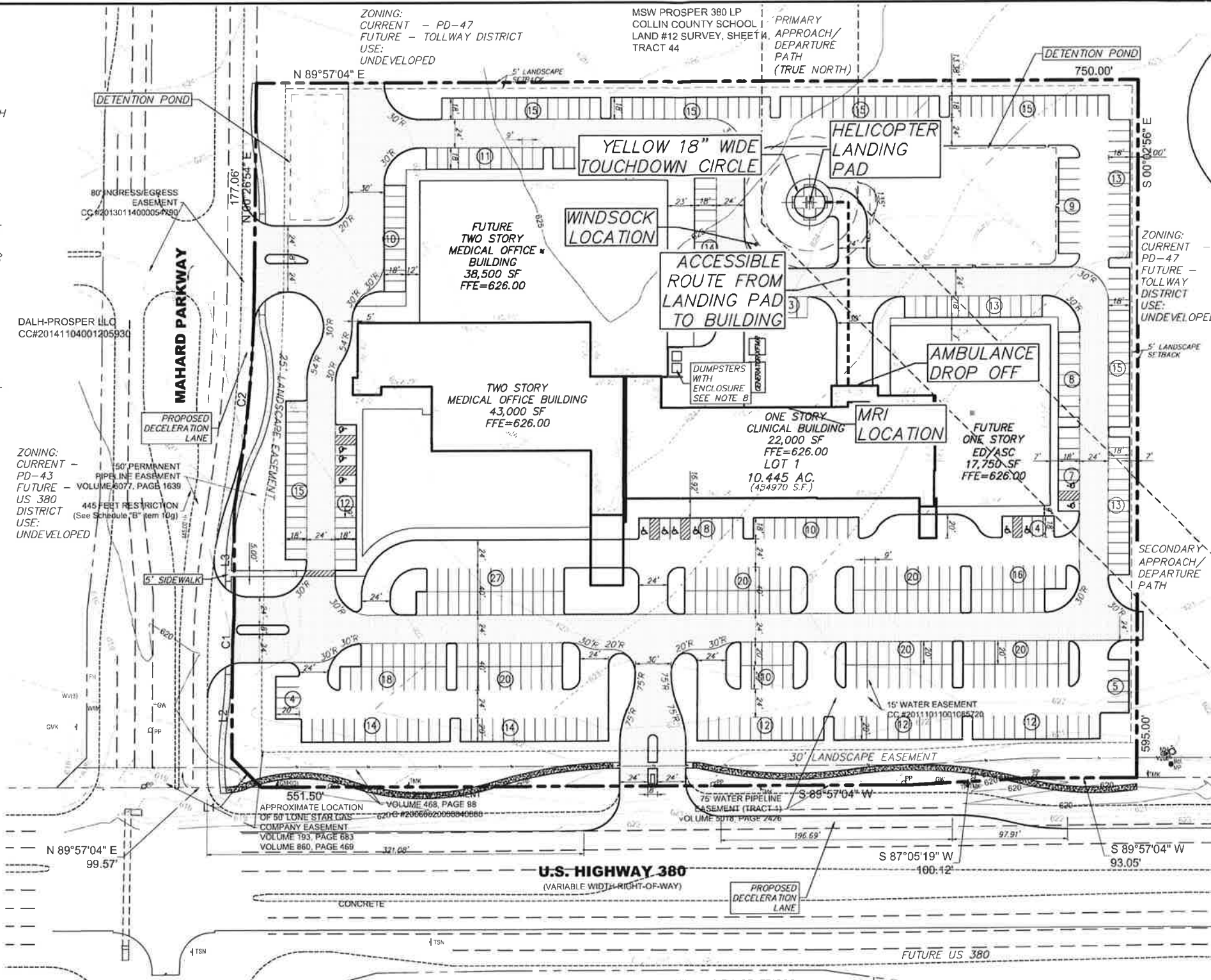
Professional information block including WinkeImann & Associates, Inc. logo and contact info, project title 'SUP EXHIBIT A S15-0003', date '10/09/13', scale '1" = 100'', and project number '68001.0A - SUP Exhibit A'. Includes a signature line for Leonard J. Lueker.

CITY SITE PLAN NOTES

- DUMPSTERS AND TRASH COMPACTORS SHALL BE SCREENED IN ACCORDANCE WITH THE ZONING ORDINANCE.
- OPEN STORAGE, WHERE PERMITTED, SHALL BE SCREENED IN ACCORDANCE WITH THE ZONING ORDINANCE.
- OUTDOOR LIGHTING SHALL COMPLY WITH THE LIGHTING AND GLARE STANDARDS CONTAINED WITHIN THE ZONING ORDINANCE AND SUBDIVISION ORDINANCE.
- LANDSCAPING SHALL CONFORM TO LANDSCAPE PLANS APPROVED BY THE TOWN.
- ALL ELEVATIONS SHALL COMPLY WITH THE STANDARDS CONTAINED WITHIN THE ZONING ORDINANCE.
- BUILDINGS OF 5,000 SQUARE FEET OR GREATER SHALL BE 100% FIRE SPRINKLED. ALTERNATIVE FIRE PROTECTION MEASURES MAY BE APPROVED BY THE FIRE DEPARTMENT.
- FIRE LANES SHALL BE DESIGNED AND CONSTRUCTED PER TOWN STANDARDS OR AS DIRECTED BY THE FIRE DEPARTMENT.
- TWO POINTS OF ACCESS SHALL BE MAINTAINED FOR THE PROPERTY AT ALL TIMES.
- SPEED BUMPS/HUMPS ARE NOT PERMITTED WITHIN A FIRE LANE.
- HANDICAPPED PARKING AREAS AND BUILDING ACCESSIBILITY SHALL CONFORM TO THE AMERICANS WITH DISABILITIES ACT (ADA) AND WITH THE REQUIREMENTS OF THE CURRENT, ADOPTED BUILDING CODE.
- ALL SIGNAGE IS SUBJECT TO BUILDING OFFICIAL APPROVAL.
- ALL FENCES AND RETAINING WALLS SHALL BE SHOWN ON THE SITE PLAN AND ARE SUBJECT TO BUILDING OFFICIAL APPROVAL.
- ALL EXTERIOR BUILDING MATERIALS ARE SUBJECT TO BUILDING OFFICIAL APPROVAL AND SHALL CONFORM TO THE APPROVED SHADE PLAN.
- SIDEWALKS OF NOT LESS THAN SIX (6') FEET IN WIDTH ALONG THOROUGHFARES AND COLLECTORS AND FIVE (5') IN WIDTH ALONG RESIDENTIAL STREETS, AND BARRIER FREE RAMPS AT ALL CURB CROSSINGS SHALL BE PROVIDED PER TOWN STANDARDS.
- APPROVAL OF THE SITE PLAN IS NOT FINAL UNTIL ALL ENGINEERING PLANS ARE APPROVED BY THE ENGINEERING DEPARTMENT.
- SITE PLAN APPROVAL IS REQUIRED PRIOR TO GRADING RELEASE.
- ALL NEW ELECTRICAL LINES SHALL BE INSTALLED AND/OR RELOCATED UNDERGROUND.
- ALL MECHANICAL EQUIPMENT SHALL BE SCREENED FROM PUBLIC VIEW IN ACCORDANCE WITH THE ZONING ORDINANCE.
- NO 100-YEAR FLOODPLAIN EXISTS ON SITE.
- NO EXISTING TREES ON SITE.
- ALL DETENTION PONDS TO BE AMENITIZED.



- NOTES:**
- ALL DIMENSIONS ARE TO FACE OF CURB.
 - ALL TEXT AND STRIPING PER FAA AC 150/5390-2C.
 - HELICOPTER TYPE IS BELL 222 WITH 42' ROTOR DIAMETER.
 - NO EASEMENT IS REQUIRED FROM NORTHERN PROPERTY.
 - NO TREES ON SITE.
 - THE THOROUGHFARE ALIGNMENTS SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATION PURPOSES AND DOES NOT SET THE ALIGNMENT. THE ALIGNMENT IS DETERMINED AT TIME OF FINAL PLAT.



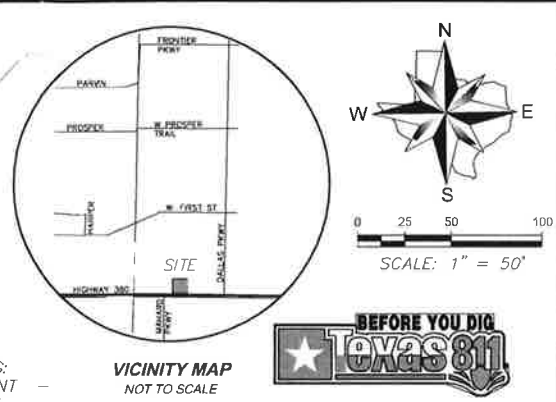
ZONING: CITY OF FRISCO - AG
 WRC FRISCO 380 PARTNERS LP
 COLLIN COUNTY SCHOOL
 LAND #12 SURVEY, SHEET 5,
 TRACT 32

ERNEST A MAHARD JR
 COLLIN COUNTY SCHOOL
 LAND #12 SURVEY, SHEET 6,
 TRACT 34

ZONING: CITY OF FRISCO
 MIXED PD-216

ERNEST A MAHARD JR
 COLLIN COUNTY SCHOOL
 LAND #12 SURVEY, SHEET 6,
 TRACT 31

- NOTES (CONTINUED):**
- EMERGENCY VEHICLES (AMBULANCE) HAVE A DEDICATED ENTRANCE ON THE NORTH SIDE OF THE BUILDING. PATIENTS WILL BE DROPPED OFF HERE BY EMERGENCY VEHICLES. CRITICALLY SICK/INJURED PATIENTS WILL BE PICKED UP AT THE EMERGENCY VEHICLE ENTRANCE AND TRANSPORTED AN AN ACUTE CARE HOSPITAL.
 - THE DUMPSTER ENCLOSURE WILL BE 8' HIGH SPLIT-FACE STONE ENCLOSURE WITH METAL GATES, APPROXIMATELY 26' WIDE BY 17' DEEP. COLOR TO MATCH CAEN STONE COLOR OF TILT WALL.
 - FUNDS FOR SIDEWALK ALONG US 380 WILL BE ESCROWED.



BENCH MARKS:

BM #1 - " " cut at the centerline of a concrete headwall located on the south side of U.S. Highway 380, ±134.90 feet south of the southwest property corner.
 ELEVATION - 618.66 feet

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 ELEVATION - 623.81 feet

LEGEND

PP	Power Pole	IRF	Iron Rod Found
GW	Guy Wire	IRS	Iron Rod Set
MH	Manhole	CIRS	Iron Rod Set w/ cap "WAI"
WV	Water Valve	CIRF	Iron Rod Found w/ cap "WAI"
TP	Telephone Pedestal	XCS	"X" Cut in Concrete Set
WM	Water Meter	XDF	"X" Cut in Concrete Found
FH	Fire Hydrant	PKS	PK Nail Set
LP	Light Pole	PKF	PK Nail Found
IV	Irrigation Valve	SS	Sanitary Sewer
CO	Clean Out	SW	Storm Sewer
AC	Air Conditioner	TF	Transformer pad
GM	Gas Meter	GM	Gas Meter
TV	Cable Box	GKM	Gas Marker
SB	Signal Box	TSN	Traffic Sign
SP	Signal Pole	UGC	Underground Cable Marker
SN	Sign	EB	Electric Box
CM	Control Monument	EM	Electric Meter

PRELIMINARY SITE DATA TABLE

LOT NUMBER	1
ZONING	PD-47
PROPOSED USE	MEDICAL OFFICE
LOT AREA (AC)	10.445
BUILDING AREA (SF)	122,500
BUILDING HEIGHT (FT)	33'-9"
LOT COVERAGE	21.37%
FLOOR AREA RATIO	1.5
TOTAL PARKING REQUIRED	330
TOTAL PARKING PROVIDED	481
HC PARKING REQUIRED	11
HC PARKING PROVIDED	12
OPEN SPACE REQUIRED (SF)	31,849
OPEN SPACE PROVIDED (SF)	60,184
OPEN SPACE RATIO REQUIRED	7%
OPEN SPACE RATIO PROVIDED	13.23%
INTERIOR LANDSCAPING REQUIRED (SF) [15 SF/PKG SPOT]	7,215
INTERIOR LANDSCAPING PROVIDED (SF)	11,292
SQUARE FOOTAGE OF IMPERVIOUS SURFACE (SF)	325,714

*TOTAL PARKING INCLUDES HC SPACES

HOSPITAL PARKING ANALYSIS:

A. NUMBER OF EXAM ROOMS @ 1.5/ROOM	= 137
B. FITNESS CENTER 6600 SF @ 1:200	= 33
C. NUMBER OF EMPLOYEES 200 @ 1 EACH	= 160
TOTAL	= 330

*****NOTICES TO CONTRACTOR*****

EXISTING UNDERGROUND/BURIED PUBLIC, PRIVATE, AND FRANCHISE UTILITIES/FACILITIES AFFECT THIS SITE, AND ARE DEPICTED ON THE PLANS PER THE BEST AVAILABLE INFORMATION AT THE TIME THE PLANS WERE PRODUCED. WINKELMANN & ASSOC., INC. SHALL NOT BE RESPONSIBLE FOR KNOWING THE EXACT LOCATION OF ALL FACILITIES OR DEPICTING EXACT LOCATIONS OF SAID FACILITIES ON THE PLANS BEYOND WHAT IS STATED ABOVE.

CONTRACTOR(S) SHALL CALL "811" A MINIMUM OF 48 HOURS PRIOR TO BEGINNING WORK ON THE SITE, AND SHALL NOT BEGIN ANY EXCAVATION OR DEMOLITION ACTIVITIES UNTIL AFTER SAID FACILITIES HAVE BEEN MARKED AND/OR FLAGGED PER "811" OR THE FACILITY OWNERS.

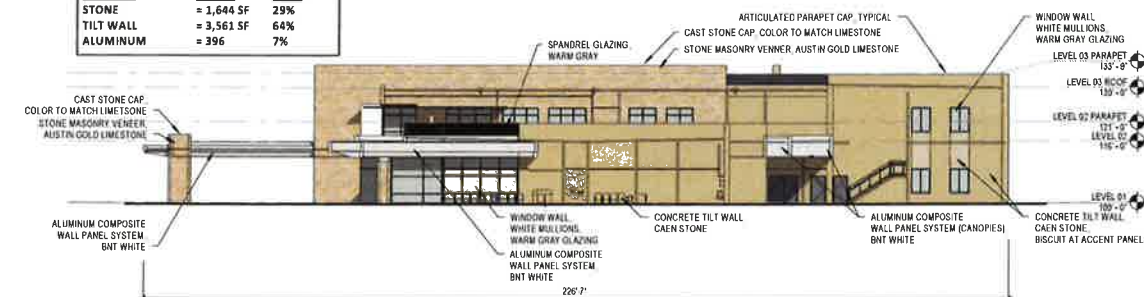
CONTRACTOR(S) SHALL BE WHOLLY RESPONSIBLE FOR ANY DAMAGE THAT MAY OCCUR TO SAID FACILITIES DUE TO WORK BEING DONE WITHOUT FOLLOWING THE PROCEDURES ABOVE.

Winkelman & Associates, Inc.
 REGISTERED PROFESSIONAL ENGINEER
 STATE OF TEXAS
 03-25-2015
 SUP SITE PLAN
 TEXAS HEALTH - INTEGRATED HEALTH CAMPUS
 PROSPER, TEXAS
 SUP-1.1
 EXHIBIT B - S15-0003
 APPROVED BY: SHUBACH April 29, 2015

MATERIAL CALCULATION TABLE

EAST ELEVATION MATERIALS:

GROSS AREA	= 6,772	
DOORS/WINDOWS	= 919 SF	
NET AREA	= 5,853	100%
STONE	= 1,644 SF	28%
TILT WALL	= 3,561 SF	64%
ALUMINUM	= 396	7%

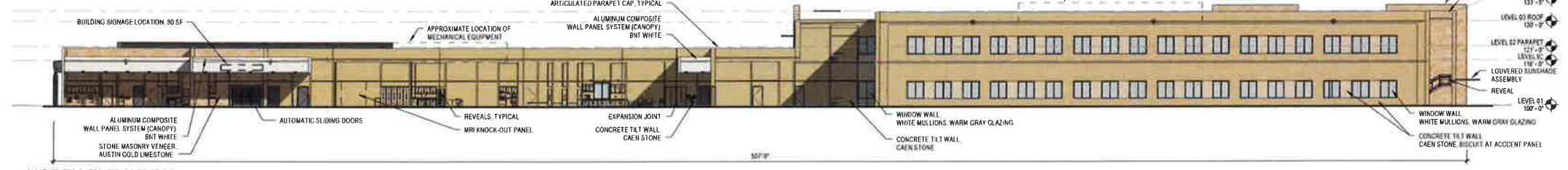


01 EAST ELEVATION
1" = 20'-0"

MATERIAL CALCULATION TABLE

NORTH ELEVATION MATERIALS:

GROSS AREA	= 13,880 SF
DOORS/WINDOWS	= 1,654 SF
NET AREA	= 12,226 100%
STONE	= 2,445 SF 20%
TILT WALL	= 9781 SF 80%

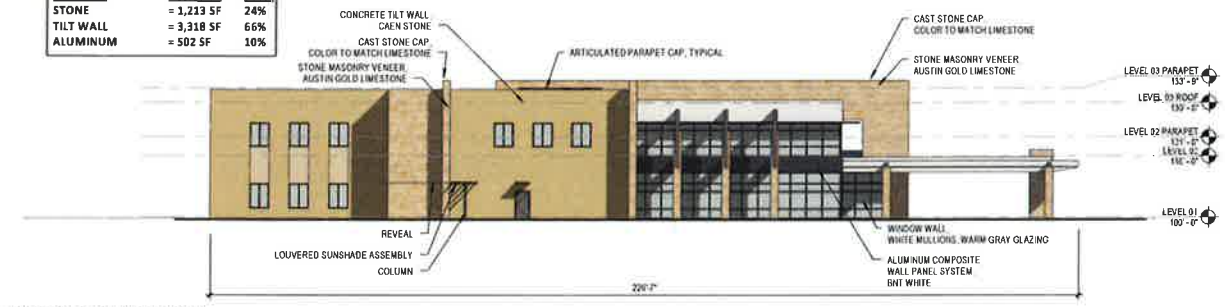


02 NORTH ELEVATION
1" = 20'-0"

MATERIAL CALCULATION TABLE

WEST ELEVATION MATERIALS:

GROSS AREA	= 6,133 SF
DOORS/WINDOWS	= 1,100 SF
NET AREA	= 5,033 SF 100%
STONE	= 1,213 SF 24%
TILT WALL	= 3,318 SF 66%
ALUMINUM	= 502 SF 10%



03 WEST ELEVATION
1" = 20'-0"

MATERIAL CALCULATION TABLE

SOUTH ELEVATION MATERIALS:

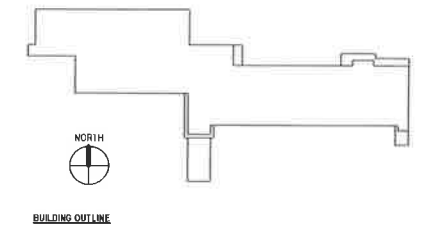
GROSS AREA	= 13,697 SF
DOORS/WINDOWS	= 4,861 SF
NET AREA	= 8,836 SF 100%
STONE	= 4,571 SF 52%
TILT WALL	= 3,791 SF 43%
ALUMINUM	= 474 SF 5%



04 SOUTH ELEVATION - FRONT FACADE
1" = 20'-0"

- NOTES**
- The Facade Plan is for conceptual purposes only. All building plans require review and approval from the Building Inspections Department.
 - All mechanical equipment shall be screened from public view in accordance with the Zoning Ordinance.
 - When permitted, exposed utility boxes and conduits shall be painted to match the building.
 - All signage areas and locations are subject to approval by the Building Inspections Department.
 - Windows shall have a maximum sill-to-top ratio of 10% (10% percent).

- COLORS BY MATERIAL**
- ALUMINUM COMPOSITE WALL PANEL SYSTEM - BNT WHITE
 - STONE MASONRY VENEER - AUSTIN GOLD LIMESTONE
 - CAST STONE - MATCH LIMESTONE COLOR
 - CONCRETE TILT WALL
MAIN COLOR: CAEN STONE
ACCENT COLOR: BISQUIT
 - WINDOW WALL
MULLIONS: WHITE TO MATCH BNT WHITE
GLAZING: WARM GRAY (VISION AND SPANDREL GLAZING)



**TEXAS HEALTH -
INTEGRATED HEALTH
CAMPUS
PROSPER, TEXAS**

U.S. HIGHWAY 380
BLOCK A, LOT 1

COLLIN COUNTY SCHOOL LAND #12
TOWN OF PROSPER
COLLIN COUNTY, TEXAS

TEXAS HEALTH RESOURCES
612 E. Lamar Blvd, Ste. 200, Arlington,
TX 76011
682.236.6506 (TEL)
682.236.7124 (FAX)

04.29.2015

SUP EXHIBIT D