

**ORDINANCE 2020 – \_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIDLOTHIAN, TEXAS, AMENDING THE CITY OF MIDLOTHIAN ZONING ORDINANCE AND ZONING MAP RELATING TO THE USE AND DEVELOPMENT OF 72.398± ACRES OUT OF THE B.F. WITHERSPOON SURVEY, ABSTRACT NO. 1180, DESCRIBED IN EXHIBIT “A” HERETO, BY CHANGING THE ZONING FROM PLANNED DEVELOPMENT DISTRICT NO. 52 (PD-52) TO PLANNED DEVELOPMENT DISTRICT NO. 127 (PD-127) FOR RESIDENTIAL AND COMMUNITY RETAIL (CR) USES; ADOPTING DEVELOPMENT REGULATIONS, SITE PLAN, AND A FENCING PLAN; PROVIDING FOR A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Midlothian, Texas, in compliance with the laws of the State of Texas and the ordinances of the City of Midlothian, Texas, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all the property owners generally and to all persons interested and situated in the affected area, and in the vicinity thereof, and in the exercise of its legislative discretion, have concluded that the City of Midlothian Zoning Ordinance and Zoning Map of the City of Midlothian, Texas, as previously amended, should be amended.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIDLOTHIAN, TEXAS, THAT:**

**SECTION 1. CHANGE OF ZONING CLASSIFICATION**

The City of Midlothian Zoning Ordinance (“the Zoning Ordinance”) and the Zoning Map of the City of Midlothian, Texas, as previously amended, be further amended relating to the use and development of 72.398± acres out of the Witherspoon Survey, Abstract No. 1180, City of Midlothian, Ellis County, Texas described in Exhibit “A,” and depicted in Exhibit “B” attached hereto and incorporated herein by reference (“the Property”), by changing the zoning from Planned Development District No. 52 (PD-52) to Planned Development District No. 127 (PD-127) for Residential and Community Retail Uses (CR) subject to Section 2 of this Ordinance.

**SECTION 2. LAND USE AND DEVELOPMENT STANDARDS**

The Property shall be developed and used in accordance with the applicable provisions of the Zoning Ordinance, as amended, subject to the following modifications:

- A. Planned Development Site Plan:** The Property shall be used and developed substantially as depicted on the Planned Development Site Plan attached hereto as Exhibit “B” and incorporated herein by reference (“Site Plan”).

**B. Base Zoning.** Except as otherwise modified by this Ordinance:

- (1) The portion of the Property identified on the Site Plan as Tract A shall be used and developed in accordance with the use and development regulations of the Single Family Four (SF-4) District; and
- (2) The portion of the Property identified on the Site Plan as Tract B shall be used and developed in accordance with the use and development regulations of the Community Retail (CR) District.

**C. Lot and Dwelling Development Standards.** Lots developed on Tract A of the Property as shown on the Site Plan and Dwelling Units constructed on lots within said Tract A of the Property shall comply with the following development standards. Tract A of the Property shall be developed with no more than 187 single-family residential lots.

<u>Lot Type*</u>	<u>Type A</u>	<u>Type B</u>	<u>Type C</u>
Minimum Lot Area/Variety	7,500 sq. ft.	8,500 sq. ft.	10,000 sq. ft.+
Maximum Number of Lots	73	80	34
Minimum Lot Width	60 feet	70 feet	75 feet
Minimum Lot Depth	120 feet		
Lot Coverage	Maximum 60%		
Minimum Front Yard Setback	20-foot front build line; provided, however, front facing garages shall be setback not less than 25-feet.		
Minimum Side Yard Setback (interior/corner)	5 feet; except (i) the minimum side yard adjacent to a street shall be 15 feet; and (ii) the minimum side yard adjacent to a street on which a garage entry is facing is 25 feet.		
Minimum Rear Yard Setback	15 feet		
Garage Orientation & Standards	<ul style="list-style-type: none"> <li>• No more than 65% (121 units) of the dwellings shall have front-entry garages.</li> <li>• Non-front loading garages may be accomplished by:               <ul style="list-style-type: none"> <li>○ J-swing (garage may extend forward of front façade).</li> <li>○ Side-entry garage.</li> <li>○ Rear garage (located to the rear of the lot).</li> </ul> </li> <li>• Front facing three (3) car garages shall comply with Section 3.5602 of the Zoning Ordinance.</li> </ul>		
Minimum House Size	<ul style="list-style-type: none"> <li>• All homes will exceed 2,000 square feet of air-conditioned living area.</li> </ul>		
Maximum Height	2 ½ stories not exceeding 35 feet		
Enhanced Streetscape Elements	<ul style="list-style-type: none"> <li>• Decorative “acorn” streetlights placed at every intersection and every 600 feet thereafter.</li> <li>• Decorative stamped and stained concrete at intersections and/or pedestrian crosswalks of not less than 800 square feet, as shown on the Site Plan.</li> <li>• Enhanced entry feature and landscaping at main entrance into neighborhood near Walnut Grove Road.</li> </ul>		

**D. Architectural Design:** The exterior of the main structures constructed on each lot within the Property shall be designed and constructed in accordance with Section 3.5501 – 3.5502 of the Zoning Ordinance, except as follows:

- (1) Homes shall contain articulated front entrances with no single face front elevations permitted. Minimum of two (2) front articulations and two (2) front-height plate variations are required.
- (2) The total framed width of the front-entry garage doors will not exceed 45% of the overall width of the house for front facing two (2) car garages.
- (3) The total framed width of the front-entry garage doors will not exceed 60% of the overall width of the house for front facing three (3) car garages.
- (4) No identical home elevations (same plan with same elevation design, orientation and material colors) shall be repeated within a distance of five (5) lots either on the same side or opposite side of the street.

**E. Screening Walls and Fences:**

- (1) All walls and screening shall be constructed in accordance with Section 3.5222 of the Zoning Ordinance with materials substantially similar to those shown on Exhibit “C,” attached hereto and incorporated herein by reference (“Screening Plan”).
- (2) No building permit shall be issued for a dwelling unit within a platted portion of the Property until the screening walls to be constructed pursuant to Section 2.E.(1) are completed and approved by the Director of Engineering.
- (3) All field fencing and trees located along Walnut Grove Road as of the effective date of this Ordinance shall be removed from the subject property prior to a Certificate of Occupancy being issued for any structure constructed on the Property.

**F. Landscaping:**

- (1) All required landscaping to be planted within common areas and dedicated landscape easements as shown on the Site Plan must be completed prior to issuance of a building permit for any building constructed within the portion of the Property being developed.
- (2) A fifteen-foot (15.0’) wide common area lot for landscaping and five foot (5.0’) wide wall maintenance easement as shown on the Site Plan shall be dedicated along parts of Street “A” and Street “B” at the time of platting.
- (3) All turf and trees within all common areas shall be irrigated and maintained by a homeowners’/property owners’ association established prior to the approval of the final plat for each phase for any portion of the Property.

- (4) Except upon approval of the City Council or with respect to building permits required for common area improvements, no building permit for construction of any building within the Property shall be approved until completion of construction or installation of all required common area improvements, including common landscaping and fence improvements for the Property.
- (5) All landscaping installed shall comply with the standards set forth in Section 3.5401 of the Zoning Ordinance, if located within Tract A of the Property, and Section 4.5404 of the Zoning Ordinance, if located within Tract B of the Property, unless otherwise specified in this Ordinance.

**G. Additional Amenities:**

- (1) Not less than 12.02 acres of the Property shall be developed as designated open space areas as generally shown on the Site Plan and contain the following:
  - a. A Play Area of not less than 12,000 square feet with play equipment and shade structure covering an area of not less than 1,200 square-feet, subject to review and approval of the Development Review Committee shall be constructed in the location as generally shown on the Site Plan in Phase 3;
  - b. A concrete walking trail not less than eight (8) feet wide shall be constructed in accordance with the City's sidewalk standards in locations as generally shown on the Site Plan with, and constructed within Phase 1 and 3; and
  - c. A year-round pond ("the Pond") with water feature shall be constructed with a surface area not less one percent (1%) of the total gross acreage of the Property at the location shown on the Site Plan in Phase 3.
- (2) All park amenities constructed in accordance with this Section 2.G shall be constructed with items and materials substantially similar to those shown on Exhibit "D."
- (3) No building permits for dwelling units to be constructed on lots of the Property shall be issued prior to completion of construction of all open space improvements pursuant to Section 2.G.(1), including the installation of all required equipment and amenities, of the platted phase as shown on the Site Plan.

**H. Lighting:**

- (1) Any lighting standards installed on the Property shall be pedestrian-scale and not exceed twenty (20) feet in height.
- (2) Decorative "acorn" streetlights shall be placed at every intersection and every 600 feet thereafter. A lighting plan shall be submitted and approved by the Director of Engineering prior to the installation of any street lighting.

(3) Final placement of all lighting standards shall be determined at the time of plat approval.

I. **Non-Residential Area:** No building permit shall be issued for development of any portion of Tract B as shown on the Site Plan until a detailed site plan has been approved in accordance with Sections 5.109 and 5.110 of the Zoning Ordinance for the portion of the Tract B to be developed.

J. **Homeowners Association for Tract A:** Prior to approval of the first final plat for Tract A of the Property, a homeowners' association shall be established and created to assume and be responsible for the continuous and perpetual operation, maintenance and supervision of landscape systems, features or elements located in parkways, common areas between screening walls or living screens and adjacent curbs or street pavement edges, adjacent to drainage ways or drainage structures or at subdivision entryways, open space common areas or properties, including but not limited to: landscape features and irrigation systems, subdivision entryway features and monuments, playgrounds, pavilions, detention ponds, trail, private neighborhood park and related amenities within Tract A of the Property subject to the following:

(1) All open space and common properties or areas, facilities, structures, improvements systems, or other property that are to be operated, maintained and/or supervised by the homeowners' association shall be dedicated by easement or deeded in fee simple ownership interest to the homeowners' association after construction and installation as applicable by the owner and shall be clearly identified on the recorded final plat of the Property or portion thereof;

(2) A copy of the agreements, covenants and restrictions establishing and creating the homeowners' association must be approved by the city attorney prior to the approval of the final plat of the portion of the Property to be platted and must be recorded prior to or concurrently with the recording of the final plat in the map and plat records of the Ellis County. The recorded final plat shall clearly identify all facilities, structures, improvements systems, areas or grounds that are to be operated, maintained and/or supervised by the homeowners' association;

(3) At a minimum, the agreements, covenants and restrictions establishing and creating the homeowners' association required herein shall contain and/or provide for the following:

(a) Definitions of terms contained therein;

(b) Provisions acceptable to the City for the establishment and organization of the homeowners' association and the adoption of bylaws for said homeowners' association, including provisions requiring that the owner(s) of any lot or lots within the applicable subdivision and any successive purchase(s) shall automatically and mandatorily become a member of the homeowners' association;

- (c) The initial term of the agreement, covenants and restrictions establishing and creating the homeowners' association shall be for a period of not less than 25 years and, if not established to be perpetual, shall automatically renew for successive periods of not less than 10 years thereafter;
- (d) The homeowners' association may not be dissolved without the prior written consent of the City;
- (e) Provisions acceptable to the City to ensure the continuous and perpetual use, operation, maintenance and/or supervision of all facilities, structures, improvements, systems, open space or common areas that are the responsibility of the homeowners' association and to establish a reserve fund for such purposes;
- (f) Provisions prohibiting the amendment of any portion of the homeowners' association's agreements, covenants or restrictions pertaining to the use, operation, maintenance and/or supervision of any facilities, structures, improvements, systems, area or grounds that are the responsibility of the homeowners' association without the prior written consent of the City;
- (g) The right and ability of the City or its lawful agents, after due notice to the homeowners' association, to remove any landscape systems, features or elements that cease to be maintained by the homeowners' association; to perform the responsibilities of the homeowners' association and its board of directors if the homeowners' association fails to do so in compliance with any provisions of the agreements, covenants or restrictions of the homeowners' association or of any applicable City ordinances or regulations; to assess the homeowners' association for all costs incurred by the City in performing said responsibilities if the homeowners' association fails to do so; and/or to avail itself of any other enforcement actions available to the City pursuant to state law or City ordinances or regulations; and
- (h) Provisions indemnifying and holding the City harmless from any and all costs, expenses, suits, demands, liabilities or damages including attorney's fees and costs of suit, incurred or resulting from the City's removal of any landscape systems, features or elements that cease to be maintained by the homeowners' association or from the City's performance of the aforementioned operation, maintenance or supervision responsibilities of the homeowners' association due to the homeowners' association's failure to perform said responsibilities.

**K. Property Owner's Association for Tract B:** Prior to approval of any final plat for Tract B of the Property, a property owners' association shall be established and created to assume and be responsible for the continuous and perpetual operation, maintenance and supervision of landscape systems, features or elements located in parkways, common areas between screening walls or living screens and adjacent curbs or street pavement edges, adjacent to drainage ways or drainage structures or at subdivision entryways, open space

common areas or properties, including but not limited to: landscape features and irrigation systems, subdivision entryway features and monuments, playgrounds, pavilions, detention ponds, trail, private neighborhood park and related amenities within Tract B of the Property subject to the provisions of Paragraphs (a) through (h) of Section 2.J., above.

- L. **Miscellaneous Development Requirements:** Prior to approval of a final plat for any portion of the Property, the owner and/or developer of the Property shall enter into an agreement with the City in accordance with Section 10.03.018 of the Midlothian Code of Ordinances setting forth the terms and conditions pursuant to which the owner or developer of the Property shall design and pay for the installation of the 12-inch-diameter sanitary sewer line as designated on the City's Wastewater Master Plan pursuant to the requirements of the City's subdivision and construction requirements and receive either a credit or reimbursement of wastewater impact fees due for the development of the Property relating to the cost of any off-site improvements or required upsizing.

### **SECTION 3. CONFLICTS.**

To the extent of any irreconcilable conflict with the provisions of this Ordinance and other ordinances of the City of Midlothian governing the use and development of the Property and which are not expressly amended by this Ordinance, the provisions of this Ordinance shall be controlling. In the event there is an irreconcilable conflict within the text of this Ordinance, including any exhibits attached hereto, relating to the applicable standard to be enforced with respect to development of the Property, the strictest standard shall be controlling unless the City Council determines by approval of a motion or resolution that the less stringent standard is to apply.

### **SECTION 4. SEVERABILITY CLAUSE.**

Should any word, sentence, paragraph, subdivision, clause, phrase or section of this Ordinance, or of the City of Midlothian Zoning Ordinance, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the City of Midlothian Zoning Ordinance, as amended hereby, which shall remain in full force and effect.

### **SECTION 5. SAVINGS CLAUSE.**

An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the City of Midlothian Zoning Ordinance, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

### **SECTION 6. PENALTY.**

Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000) and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

**SECTION 7. EFFECTIVE DATE.**

This Ordinance shall become effective from and after the date of its passage and final publication in accordance with the Charter of the City of Midlothian and/or applicable state law and it is accordingly so ordained.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MIDLOTHIAN,  
TEXAS ON THIS THE 25<sup>th</sup> DAY OF FEBRUARY 2020.**

---

Richard Reno, Mayor

**ATTEST:**

---

Tammy Varner, City Secretary

**APPROVED AS TO FORM:**

---

Joseph J. Gorfida, Jr., City Attorney  
(kbl:1/15/2020:113189)

**EXHIBIT A**  
**Description of Property**

BEING 72.398 ACRES OF LAND SITUATED IN THE B. F. WITHERSPOON SURVEY, ABSTRACT NO. 1180 AND THE C. JENKINS SURVEY, ABSTRACT NO. 556, ELLIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN CALLED 55.59 ACRE TRACT OF LAND AS DESCRIBED TO DRAFFT ROOTBEER, INC. AND RECORDED IN VOLUME 685, PAGE 100, DEED RECORDS, ELLIS COUNTY, TEXAS (D.R.E.C.T.), A PORTION OF THAT CERTAIN CALLED 30.62 ACRE TRACT OF LAND DESCRIBED TO DRAFFT ROOTBEER, INC. AND RECORDED IN VOLUME 983, PAGE 122, (D.R.E.C.T.), A PORTION OF THAT CERTAIN CALLED 42.39 ACRE TRACT OF LAND DESCRIBED TO DRAFFT ROOTBEER, INC. AND RECORDED IN VOLUME 665, PAGE 659, ALL OF THAT TRACT OF LAND DESCRIBED TO DRAFFT ROOTBEER, INC. AND RECORDED IN VOLUME 653, PAGE 15, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND IN THE WEST LINE OF THE COPY CAT SUBDIVISION AS RECORDED IN CABINET A, SLIDE 760, PLAT RECORDS, ELLIS COUNTY, TEXAS (P.R.E.C.T.) AT THE NORTHEAST CORNER OF THE ABOVE-MENTIONED 42.39 ACRE TRACT AND THE SOUTHEAST CORNER OF THAT CERTAIN CALLED 40.399 ACRE TRACT OF LAND DESCRIBED TO JAMES O. FLEMING AND PATSY L. FLEMING AND RECORDED IN VOLUME 1719, PAGE 12, (D.R.E.C.T.);

THENCE SOUTH 00 DEGREES 57 MINUTES 34 SECONDS EAST, A DISTANCE OF 427.69 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET AT THE SOUTHWEST CORNER OF SAID COPY CAT SUBDIVISION AT AN INTERIOR CORNER OF SAID 42.39 ACRE TRACT;

THENCE NORTH 89 DEGREES 08 MINUTES 31 SECONDS EAST, WITH THE NORTH LINE OF SAID 42.39 ACRE TRACT AND THE ABOVE-MENTIONED DRAFFT ROOTBEER TRACT RECORDED IN VOLUME 653, PAGE 15, SAME BEING THE COMMON SOUTH LINE OF SAID COPY CAT SUBDIVISION, A DISTANCE OF 1199.10 FEET TO A MAG NAIL SET AT THE NORTHEAST CORNER OF SAID DRAFFT ROOTBEER TRACT RECORDED IN VOLUME 653, PAGE 15 AND BEING IN THE APPROXIMATE CENTERLINE OF S. WALNUT GROVE ROAD;

THENCE SOUTH 00 DEGREES 31 MINUTES 49 SECONDS EAST, WITH THE APPROXIMATE CENTERLINE OF S. WALNUT GROVE ROAD, SAME BEING THE EAST LINE OF SAID DRAFFT ROOTBEER TRACT RECORDED IN VOLUME 653, PAGE 15, AND THE EAST LINE OF THE ABOVE-MENTIONED 55.59 ACRE TRACT, A DISTANCE OF 1093.28 FEET TO A MAG NAIL SET;

THENCE LEAVING THE APPROXIMATE CENTERLINE OF S. WALNUT GROVE ROAD, AND GOING OVER AND ACROSS SAID 55.59 ACRE TRACT AND THE ABOVE-MENTIONED 30.62 ACRE TRACT, THE FOLLOWING SIX (6) COURSES AND DISTANCES:

- 1) NORTH 89 DEGREES 46 MINUTES 40 SECONDS WEST, A DISTANCE OF 1697.34 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET AT THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 05 DEGREES 41 MINUTES 06 SECONDS, A RADIUS OF 855.00 FEET AND A LONG CHORD THAT BEARS NORTH 03 DEGREES 47 MINUTES 30 SECONDS FOR A DISTANCE OF 84.80 FEET;
- 2) NORTHERLY ALONG SAID CURVE TO THE RIGHT, AN ARC LENGTH OF 84.84 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET;
- 3) NORTH 00 DEGREES 56 MINUTES 57 SECONDS WEST, A DISTANCE OF 215.45 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET;
- 4) NORTH 89 DEGREES 46 MINUTES 40 SECONDS WEST, A DISTANCE OF 115.34 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET AT THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 18 DEGREES 32 MINUTES 42 SECONDS, A RADIUS OF 400.00 FEET AND A LONG CHORD THAT BEARS NORTH 80 DEGREES 30 MINUTES 19 SECONDS WEST FOR A DISTANCE OF 128.90 FEET;
- 5) WESTERLY ALONG SAID CURVE TO THE RIGHT, AN ARC LENGTH OF 129.47 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET;
- 6) NORTH 71 DEGREES 13 MINUTES 58 SECONDS WEST, A DISTANCE OF 868.31 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET IN THE WEST LINE OF SAID 30.62 ACRE TRACT, SAME BEING THE COMMON EAST LINE OF THE EASTGATE INDUSTRIAL PARK SUBDIVISION, PHASE 1, FROM WHICH A 3/8" IRON ROD FOUND AT THE SOUTHWEST CORNER OF SAID 30.62 ACRE TRACT BEARS SOUTH 01 DEGREES 09 MINUTES 47 SECONDS EAST, A DISTANCE OF 1163.29 FEET;

THENCE NORTH 01 DEGREES 09 MINUTES 47 SECONDS WEST, WITH THE EAST LINE OF EASTGATE INDUSTRIAL PARK SUBDIVISION, A DISTANCE OF 117.33 FEET TO A 1/2" IRON ROD FOUND AT THE NORTHWEST CORNER OF SAID 30.62 ACRE TRACT, SAME BEING THE SOUTHWEST CORNER OF THE ABOVE-MENTIONED 42.39 ACRE TRACT;

THENCE NORTH 02 DEGREES 06 MINUTES 22 SECONDS WEST, A DISTANCE OF 303.10 FEET TO A FENCE CORNER POST FOUND AT AN INTERIOR CORNER OF SAID 42.39 ACRE TRACT, SAME BEING THE NORTHEAST CORNER OF EASTGATE INDUSTRIAL PARK SUBDIVISION, AND BEING AT THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 07 DEGREES 47 MINUTES 26 SECONDS, A RADIUS OF 275.00 FEET, AND A LONG CHORD THAT BEARS SOUTH 87 DEGREES 48 MINUTES 51 SECONDS EAST FOR A DISTANCE OF 37.36 FEET, AND FROM SAID FENCE CORNER POST FOUND, A 1/2" IRON ROD FOUND AT THE SOUTHWEST CORNER OF SAID 42.39 ACRE TRACT BEARS SOUTH 89 DEGREES 30 MINUTES 19 SECONDS WEST, A DISTANCE OF 480.99 FEET;

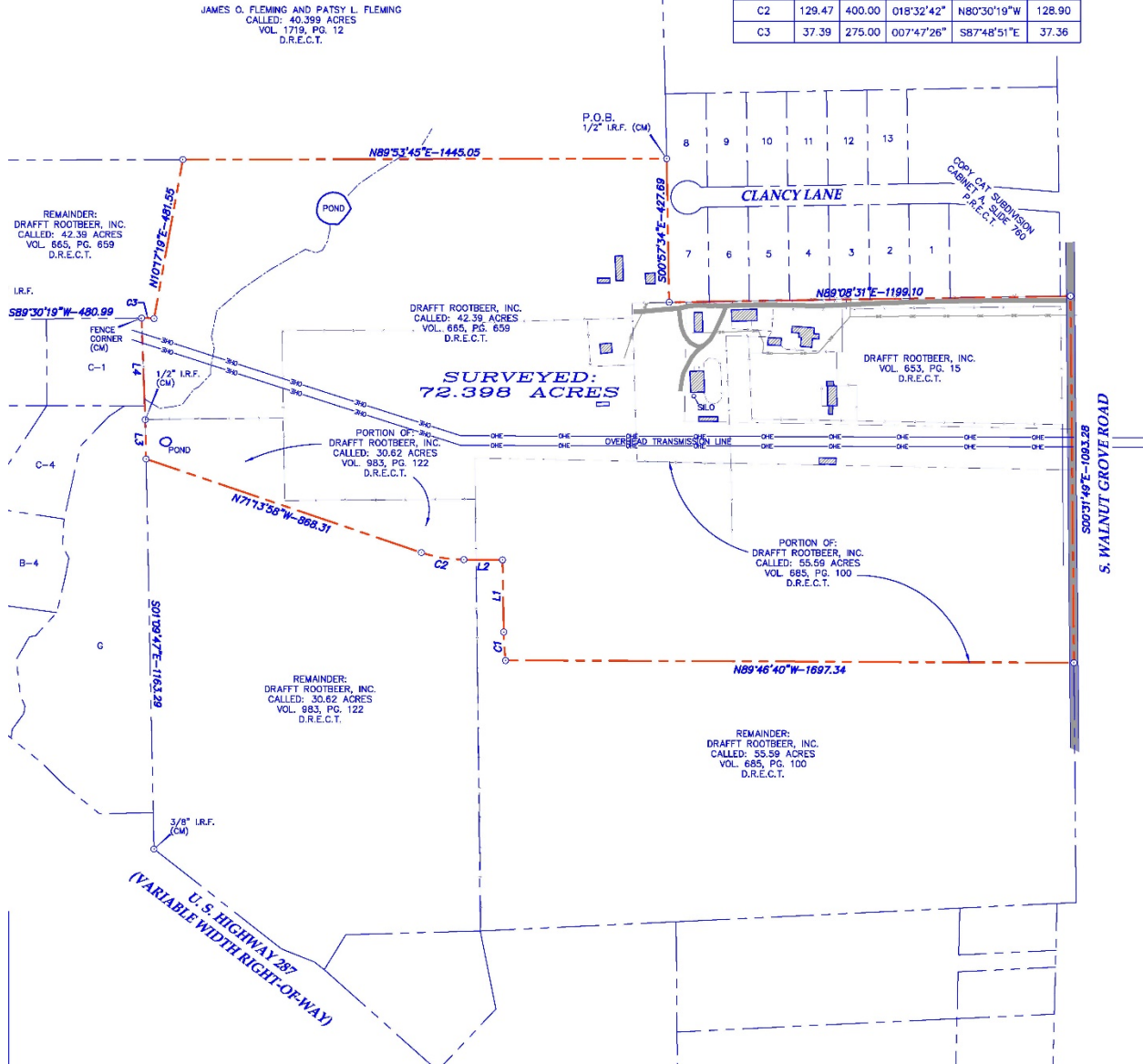
THENCE EASTERLY ALONG SAID CURVE TO THE RIGHT, AND GOING OVER AND ACROSS SAID 42.39 ACRE TRACT, AN ARC LENGTH OF 37.39 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET;

THENCE NORTH 10 DEGREES 17 MINUTES 19 SECONDS EAST, CONTINUING OVER AND ACROSS SAID 42.39 ACRE TRACT, A DISTANCE OF 481.55 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" SET IN THE NORTH LINE THEREOF, SAME BEING THE COMMON SOUTH LINE OF THE ABOVE-MENTIONED 40.399 ACRE TRACT;

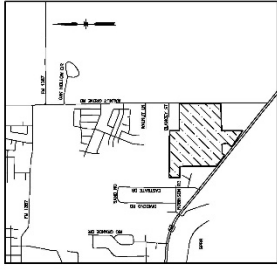
THENCE NORTH 89 DEGREES 53 MINUTES 45 SECONDS EAST, ALONG SAID COMMON LINE, A DISTANCE OF 1445.05 FEET TO THE POINT OF BEGINNING AND CONTAINING 72.398 ACRES OF LAND, MORE OR LESS.

# EXHIBIT A (cont.) Description of Property

Curve Table					
Curve No.	Length	Radius	Delta	Ch. Bearing	Ch. Len.
C1	84.84	855.00	005°41'06"	N03°47'30"W	84.80
C2	129.47	400.00	018°32'42"	N80°30'19"W	128.90
C3	37.39	275.00	007°47'26"	S87°48'51"E	37.36



# EXHIBIT B Site Plan

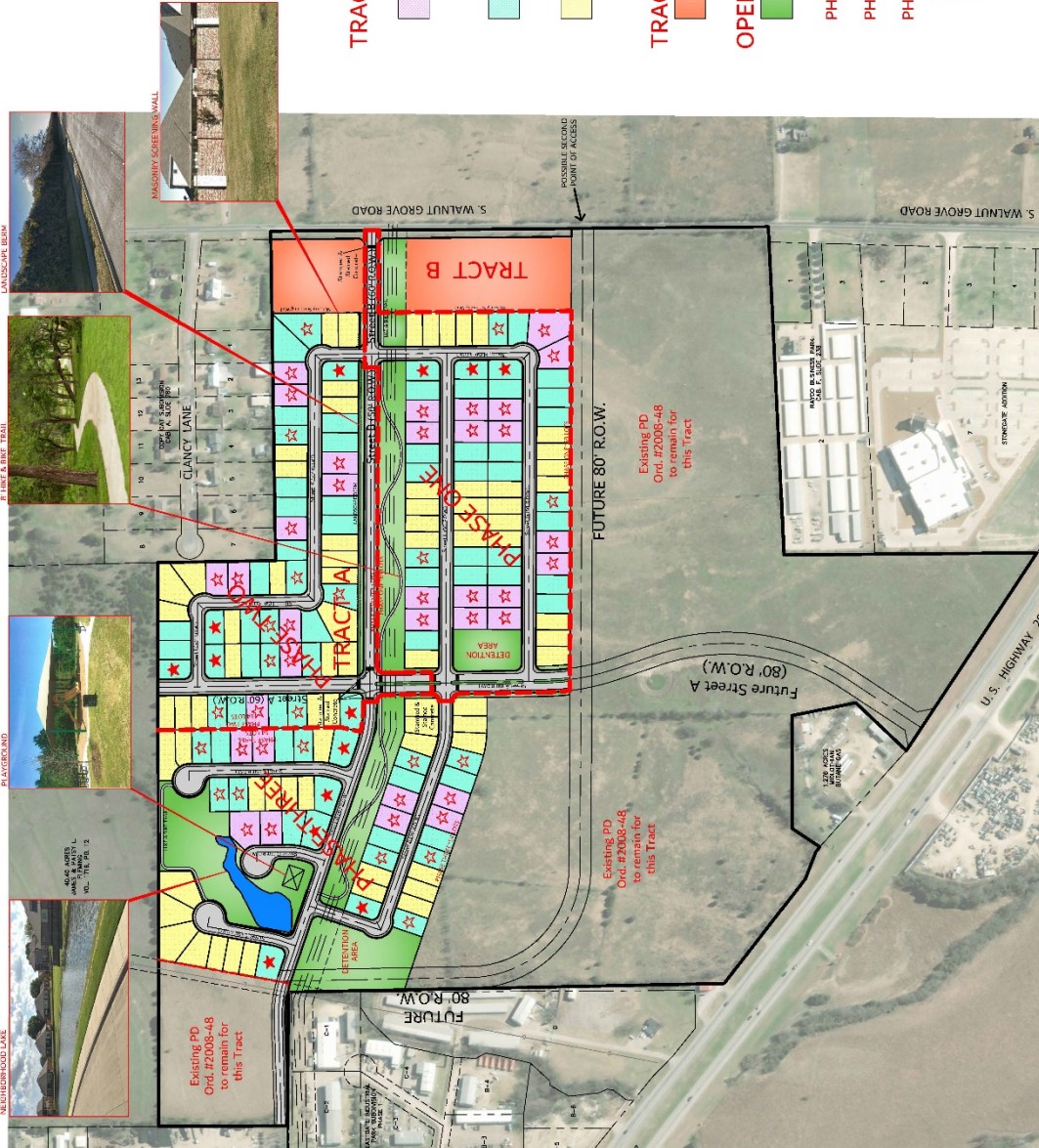


- TRACT A - Single Family (SF)**  
64.49 Acres
- 10,000 s.f. Minimum - 34 Lots (75' Minimum Lot Width)
  - 8,500 s.f. Minimum - 80 Lots (70' Minimum Lot Width)
  - 7,500 s.f. Minimum - 73 Lots (60' Minimum Lot Width)

- TRACT B - Community Retail (CR)**  
6.90 Acres

- OPEN SPACE/COMMON AREA**  
12.02 Acres

- PHASE ONE - 69 LOTS (22 J-Swing Lots)
- PHASE TWO - 64 LOTS (22 J-Swing Lots)
- PHASE THREE - 54 LOTS (22 J-Swing Lots)
- ☆ DENOTES J-SWING DRIVEWAY
- ★ DENOTES SIDE ENTRY DRIVEWAY



# EXHIBIT C Screening Plan



## EXHIBIT "D"

### Park Amenities



#### **Park Amenities:**

- Equipped Playground with shade structure.
- Park bench, trash receptacles, and picnic table.
- Eight foot (8') concrete hike and bike trail system.
- Year-round pond feature.