



**NOTICE OF A JOINT WORK SESSION OF THE PLANNING AND ZONING
COMMISSION AND THE TOWN COUNCIL
AND REGULAR MEETING
OF THE TOWN COUNCIL
TUESDAY, APRIL 26, 2016 – 5:30 pm**

Notice is hereby given as required by Title 5, Chapter 551.041 of the Government Code that the Argyle Town Council and the Planning & Zoning Commission will conduct a joint worksession and the Town Council will meet in a regular meeting April 26, 2016 at 5:30 pm at the Argyle Town Hall, 308 Denton Street, Argyle, Texas. The Items listed below are placed on the agenda for discussion and/or action.

JOINT WORK SESSION AGENDA – 5:30 PM

A. CALL WORK SESSION TO ORDER

B. JOINT COUNCIL/PLANNING & ZONING WORK SESSION

1. Discussion and overview on the elements of the comprehensive plan and zoning regulations.
2. Discussion related to the development application and ordinance amendment process and review.

C. COUNCIL WORK SESSION

The pre-meeting work session is designed as an opportunity for the Town Council to discuss pending items. No action will be taken during the work session portion of the meeting.

1. Discussion regarding the process for appointment to the Argyle Fire District.
2. Discussion and direction to Town Staff regarding amendments to Section 14.2.90- Streets - D.13 – Design Requirements - Driveways and Median Openings; of the Town of Argyle Town Development Standards.
3. Discussion and direction to Staff regarding the creation of the Program for Argyle Community Engagement (PACE) for development related Town Hall forum meetings.
4. Discussion regarding establishing a Municipal Court of Record.
5. Discussion regarding any regular session items.

TOWN COUNCIL REGULAR SESSION AGENDA – 7:00 PM
(or immediately following work session)

D. CALL REGULAR SESSION TO ORDER

E. INVOCATION

F. PLEDGE OF ALLEGIANCE

American Flag

Texas Flag: ***“Honor the Texas Flag; I pledge allegiance to thee Texas, one state under God, one and indivisible”***

G. ANNOUNCEMENTS, PROCLAMATIONS AND PRESENTATIONS

1. Council Recognition of Students/Citizens/Staff
2. Children’s Advocacy Center
3. Disaster Exercise Plan (Operation Crossfire)
4. Residents of The Oaks Subdivision regarding traffic control
5. Town Council and Staff Presentations / Reports
 - a. Development Project Updates
 - b. Quarterly Financial Update

H. CONSENT AGENDA:

Any Council Member may request an item on the Consent Agenda to be taken up for individual consideration

1. Consider approval of the March 22, 2016 Town Council minutes.
2. Consider approval of the 2015 preferred access line rate based on the 2016 Consumer Price Index increase.
3. Consider approval of an Ordinance granting to Atmos Energy Corporation, A Texas and Virginia Corporation, its successors and assigns, a franchise to furnish, transport and supply gas in the Town of Argyle, Denton County, Texas for the transportation, delivery, sale, and distribution of gas in, out of, and through said Town for all purposes; providing for the payment of a fee or charge for the use of the streets, alleys and public ways; and providing that such fee shall be in lieu of other fees and charges, excepting ad valorem taxes; and repealing all previous Atmos Energy gas franchises.
4. Consider approval of a resolution initiating a rate case against Oncor as part of the Steering Committee of Cities Served by Oncor.
5. Consider approval of a resolution nominating a candidate for appointment to the Denco Area 9-1-1 District Board of Managers.
6. Consider approval of the appointment of Director of Public Works Troy Norton as the Authorized Contracting Party Representative for the Denton Creek Regional Wastewater System Advisory Committee of the Trinity River Authority and the appointment of Town Manager Paul Frederiksen as Alternate Representative to the Advisory Committee.

I. NEW BUSINESS & PUBLIC HEARINGS:

1. Public Hearing: Conduct a public hearing and consider action regarding a request to create The Highlands of Argyle Public Improvement District No. 1 to undertake public improvements that confer a special benefit on property generally described as 111.41 contiguous acres within the corporate limits of the Town and generally located: (1) southwest of the Old Town area; (2) south of Old Justin Road; (3) West of U.S. Highway 377 along and adjacent to the Texas & Pacific Railroad Company; and (4) north of Harpole Road.
2. Public Hearing: Consider and take appropriate action on a zoning change request (MDP-16-001) from A (Agricultural District), SF-10 (Single Family Residential-10 District), OR (Office Retail), LR (Local Retail), and CF (Community Facilities) to VC-N, VC-T, and VC-MU Districts (Village Center Neighborhood, Transition, and Mixed Use Districts) for Waterbrook, being approximately 105.35 acres of land, legally described as portions of S. Chambers Survey, Abstract No. 308, Tracts 47-50,55, 56, Chaney Addition, Block A, Lot 1 and 2, and Shady Oaks Estates 3, Block 1, Lot 1R; and being located at the southeast corner of HWY 377 and FM 407, located in the Town of Argyle, Denton County, Texas.
3. Public Hearing: Consider an ordinance amendment (ORD-16-001) regarding changes to Section 14.3.71-11 - Access and Frontage Standards for Residential Lots, Section C – Exceptions; of the Town of Argyle Town Development Standards.

I. OLD BUSINESS:

None

J. OPEN FORUM:

The opportunity for citizens to address the Town Council on any non-agenda item (limit 5 minutes per person); however, the Texas Open Meetings Act prohibits the Town Council from discussing issues which the public has not been given seventy-two (72) hour notice. Issues raised may be referred to Town Staff for research and possible future action.

K. EXECUTIVE SESSION:

PURSUANT TO TEXAS GOVERNMENT CODE, ANNOTATED, CHAPTER 551, SUBCHAPTER D:

1. Section 551.071- Consultation with the Town Attorney regarding contemplated or pending litigation, to wit: Cause No. 15-10761-211: Texas Voices for Reason and Justice, Inc vs. the Town of Argyle, Texas; the Town of Hickory Creek, Texas; the City of Oak Point, Texas and the City of Ponder, Texas.
2. Section 551.087 – Deliberation regarding economic development negotiations; (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the

governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

3. Adjourn into Open Meeting
4. Take action on Executive Session item(s).

L. RECEIVE REQUESTS FROM COUNCIL MEMBERS/STAFF FOR ITEMS TO BE PLACED ON NEXT MEETING AGENDA (*discussion under this item must be limited to whether or not the Council wishes to include a potential agenda item on a future agenda*)

M. ADJOURN

CERTIFICATION

I hereby certify that the above notice was posted in the bulletin board at Argyle Town Hall, 308 Denton Street, Argyle, Texas,
by 5:00 pm on the 22nd day of April, 2016.



Kristi Gilbert, Town Secretary

NOTE: If, during the course of the meeting, any discussion of any item on the agenda should be held in a closed meeting, the Council will conduct a closed meeting in accordance with the Texas Open Meetings Act, Texas Government Code, Chapter 551, Subchapters D and E

 Persons with disabilities who plan to attend this public meeting and who may need auxiliary aid or services are requested to contact the Argyle Town Hall 48 hours in advance, at 940-464-7273, and reasonable accommodations will be made for assistance.



TOWN COUNCIL DATA SHEET



Agenda Item:

Discussion regarding the process for appointment to the Argyle Fire District.

Requested by:

Paul Frederiksen, Town Manager

Background:

The Argyle Fire District is governed by a Board of Directors comprised of six directors elected by members of the Argyle Fire Department and one director appointed by each governing body serviced by the department. Bob Swanbeck was appointed as the Town's representative director in October of 2009. Mr. Swanbeck is moving outside of the town limits which will require a new member to be appointed.

Financial Impact:

None.

Recommendation:

Discussion only. Staff will use email and social media to solicit applications from interested individuals.

Attachments:

Resolution 2009-43 Appointing Bob Swanbeck to the AFD Board

**TOWN OF ARGYLE, TEXAS
RESOLUTION NO. 2009-43**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF ARGYLE, TEXAS APPOINTING ROBERT SWANBECK AS THE TOWN OF ARGYLE'S APPOINTED DIRECTOR TO THE ARGYLE VOLUNTEER FIRE DISTRICT BOARD OF DIRECTORS FOR A ONE YEAR TERM.

WHEREAS, The Argyle Volunteer Fire District ("AVFD") is governed by a twelve (12) Board of Directors- 6 "Elected" Directors elected from members of the Argyle Fire Department and 6 "Appointed" Directors consisting of one (1) appointee each from the five Towns and one (1) from Denton County Fresh Water Supply District 6 and 7 (Lantana) served by the AVFD ; and

WHEREAS, Appointed Directors serve a one year terms; and

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF ARGYLE, TEXAS:

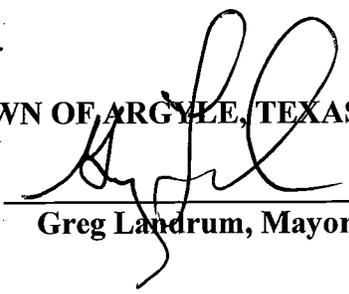
Section 1. THAT, the above findings are hereby found to be true and correct and are incorporated herein in their entirety.

Section 2. THAT, the Town Council of the Town of Argyle, Texas hereby appoints Robert Swanbeck, as the Town of Argyle's Appointed Director to the Argyle Volunteer Fire District Board of Directors for a one year term.

AND IT IS SO RESOLVED.

PASSED AND APPROVED this the 13th day of October, 2009.

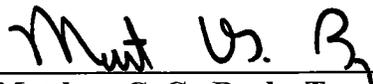
TOWN OF ARGYLE, TEXAS

BY: 
Greg Landrum, Mayor

ATTEST:


Codi Delcambre, Town Secretary

Approved as to Form and Legality:


Matthew C. G. Boyle, Town Attorney





TOWN COUNCIL DATA SHEET



Agenda Item:

Discussion and direction to Town Staff regarding amendments to Section 14.2.90- Streets - D.13 – Design Requirements - Driveways and Median Openings; of the Town of Argyle Town Development Standards.

Requested by:

Matt Jones, Director of Community Development

Background:

It was requested at the March 22, 2016 regularly scheduled Town Council meeting that Town Staff bring forward a discussion item regarding the current regulations for driveway spacing within the Town. Per that request, Town Staff has brought forward the current regulations for driveway spacing for Council’s review and feedback for possible amendments.

Staff Recommendation:

N/A

Requested Action:

Provide appropriate feedback and direction to Staff regarding possible amendments to

Attachments:

Current Regulations

13. Driveways and Median Opening

a. Residential driveway access to arterial streets: Residential driveway access to arterial streets should not be permitted except for major multiple-family “cluster” developments.

b. Number of direct access driveways (curb cuts):

Each landowner is entitled to access to the Town street and thoroughfare system. On the other hand, it is Town policy to limit the number of driveways entering streets and thoroughfares to protect public safety and maintain traffic efficiency. Therefore, each landowner is entitled to only one driveway for each lot or parcel. Additional drive approaches shall be approved only when it has been determined that the additional driveway is necessary for adequate traffic circulation and that street efficiency and safety are preserved. Circle drives will be generally permitted when the Town Inspector determines that traffic safety is not hindered.

No driveway shall be located within seventy-five feet (75') of a street intersection unless no other point of access can be provided. Likewise, driveways shall be located a minimum of seventy-five feet (75') from any median opening unless the median opening directly serves the driveways. The minimum separation between driveways shall be seventy-five feet (75') unless for low density residential access onto a local street. Deviations from these standards shall be allowed only upon approval of the Town Engineer. Driveways should be located directly opposite each other to minimize the potential points of conflict. The use of common driveways for adjacent property shall be encouraged.

Driveways entering onto access roads of controlled access highways shall be prohibited for a distance of one hundred feet (100') before the intersection of roadway surfaces on exit ramps to a point three hundred feet (300') after the intersection of the travelways. Driveways are prohibited for a distance of one hundred feet (100') before the intersection of travelways on any entry ramp to a point one hundred feet (100') beyond the intersection of roadway surfaces and [shall] otherwise meet or exceed all other requirements of the Texas Department of Transportation.

Whenever the use of any driveway approach is abandoned and not used for ingress and egress to the abutting property, it shall be the duty of the abutting property owner to restore the curb to the standards of the Town.

c. Minimum Spacing between Driveways:

<u>Street Classification</u>	<u>Number of Curb Cuts</u>
Primary Arterials (P6D)	One per 300 feet of frontage
Secondary Arterials (M4U)	One per 200 feet of frontage

Collector (RC)	One per 100 feet of frontage
Local (residential)	10-foot separation unless joint access

d. It is the policy of the Town to discourage driveway cuts onto the Major Thoroughfares of the Town. Driveway cuts onto the Town's major streets will be allowed only when:

1. There is no other feasible alternative; or
2. Traffic engineering studies clearly show a need.

e. Additional driveways other than permitted in the table above will be allowed under the following conditions:

1. If the daily volume using one driveway would exceed five thousand (5,000) vehicles (both directions).
2. If the on-site, peak-hour traffic volume exceeds five hundred (500) vehicles per hour (both directions).

f. A competent professional traffic analysis shows that traffic conditions warrant more driveways. Part of this study must include data indicating volumes compared to above standards and must show how alternative arrangements, joint access, etc., will not work.

g. Sight Distance, On-site Maneuvering and Parking Lot Design: Adequate site distance and on-site maneuvering should be available from every driveway. Any movement for which adequate sight distance is not available or any parking lot design that does not provide adequate on-site maneuvering should not be permitted. For example, if parking is within twenty-five (25) feet of the driveway for commercial or multifamily developments under three (3) acres or within fifty (50) feet of the driveway for commercial or multifamily development over three (3) acres, either the parking should be rearranged or joint access should be considered or access to another street should be sought.

h. Median Openings: If and when medians are constructed on any arterial street, spacing between median openings should be at least four hundred (400) feet. The spacing may be reduced to three hundred (300) feet if a competent traffic study shows that a lesser spacing will still safely and efficiently accommodate left-turn movements to existing and projected future development in the immediate vicinity.



TOWN COUNCIL DATA SHEET

**Agenda Item:**

Discussion and direction to Staff regarding the creation of the Program for Argyle Community Engagement (PACE) for development related Town Hall forum meetings.

Requested by:

Matt Jones, Director of Community Development

Background:

The Town currently has no formal platform for developers to seek input from community members that may have an interest in a development item that has been submitted to the Town for review prior to being considered in a formal setting at Planning and Zoning Commission or Town Council Meetings. The intent of this program is to provide developers an optional forum that will provide an informal meeting between the developer and the community; in order to receive feedback from the community in an effort to alleviate concerns of the community, when possible, prior to being considered on an agenda by a commission or Town Council.

These meetings are optional and will be held at Town Hall. Town Staff will not participate in these discussions as they are intended to be an open dialog between the community and the developer.

Financial Impact:

Staff recommends charging a \$150.00 processing and administration fee to cover the Staff time involved in processing and attending the meetings.

Staff Recommendation:

N/A

Requested Action:

Provide direction to Staff regarding the PACE meetings as an option for developers.

Attachments:

PACE Application



Program for Argyle Community Engagement Town Hall Forum



What is PACE?

PACE, or, Program for Argyle Community Engagement, provides a platform for developers to request to host Town Hall Forums periodically to provide an opportunity for community members to have an informal conversation regarding matters of interest. *This is a voluntary program and is not a requirement for approval by The Town.*

Generally, these forums are held to discuss development cases and are requested by the developer. These forums provide a place to discuss proposed developments and hear feedback from residents before a case goes to the Planning and Zoning Commission or Town Council. Town Staff do not participate in these voluntary meetings; rather these are intended for interaction between the community and the developer.

PACE Request Form and Meeting Dates

Contained in this packet is a PACE Request Form that can be submitted to the Town if you have interest in holding a PACE meeting regarding a topic of interest for a development project. PACE meetings are typically held at Town Hall on the 1st Thursday or 3rd Tuesday of each month depending on facility and staff availability.

PACE Meeting

On the day of the PACE meeting, the applicant will give a brief overview or presentation of the topic at hand and the community will provide questions and feedback. This allows the applicant to answer any questions about the project or topic, and for concerns raised by the community.

Who Do I Contact

For more information about the PACE meetings and submitting meeting requests, please

Community Development Department
Town of Argyle
(940)464-7273

308 Denton St.
Argyle, TX 76226



Program for Argyle Community Engagement Town Hall Forum



Requested Meeting Date:

Proposed Topic/ Project Description:

(Short, 2-3 sentence description of the project. This information will be used on advertising for the meeting.)

Project Location:

Street Address: _____

Nearest Cross Streets : _____

Landmarks/Additional Location Information : _____

Applicant Information:

Name: _____

Address: _____

Phone Number: _____ Email: _____

Mobile Number: _____

Office Use Only:

PACE Case#: _____ Initial Contact Date: _____ Date Received: _____

PACE Meeting Date: _____

Notes: _____

Community Development Department
Town of Argyle
(940)464-7273

308 Denton St.
Argyle, TX 76226



TOWN COUNCIL DATA SHEET



Agenda Item:

Discussion regarding establishing a Municipal Court of Record.

Requested by:

Kristi Gilbert, Town Secretary

Background:

Staff is recommending court operations transition to a municipal court of record in order to provide a more efficient disposition of cases arising in the Town, and in order to more effectively enforce the ordinances of the town.

In order to establish a Court of Record, the Town must have a municipal judge that is a licensed attorney in good standing. Additionally, the court must hire a court reporter or record the court proceedings utilizing a "good quality electronic recording device" in the event a transcript is needed for an appeal. These two requirements typically make the court of record transition cost prohibitive for small municipalities. However, Argyle currently meets both of these requirements.

By establishing a court of record, defendants would no longer have the ability to directly appeal a citation without a court hearing. Additionally, the Town would retain more control over code enforcement cases. The Court would also realize an increase in staff time as the total time to process a single appeal is approximately 45 to 60 minutes. Once a case is appealed to the county court, the county keeps all revenues generated from the case.

Financial Impact:

The limited funds required to convert to a court of record could be absorbed in the courts current budget with no amendments. The proposal would have positive financial impact as attorneys for the defendants would be unable to appeal any cases to Denton County Criminal Court as a trial de novo (new trial). The court is experiencing 5-6 appeals each month for an average of \$200 fine & fees for each case. Staff expects the number of appeals filed to continue to increase as the Town grows. When the cases are appealed, the revenue from the citations remains with the County.

Recommendation:

Staff is recommending the court transition to a Court of Record and, with Council's direction, will schedule approval of an ordinance on the May 24, 2016 agenda.



TOWN COUNCIL DATA SHEET



Agenda Item:

Disaster Exercise Plan (Operation Crossfire)

Requested by:

Chief William T. Tackett
Lt. Chris Muscle

Background:

On Wednesday, June 29th 2016 starting at 8:00 AM the Argyle Police Department, Argyle Fire Department, Argyle ISD and other entities will conduct a full-scale disaster drill. The Exercise Plan will be handed out at the Council Meeting for your reading pleasure. This plan, though not classified, has been restricted for viewing and discussion, to prevent the details from getting out so that they the participants can react in a real-world manner. There will be a VIP area set up for you to watch the exercise unfold. I hope that you can make it and that it will help you answer questions you have about preparedness planning and disaster response

Financial Impact:**Staff Recommendation:****Requested Action:**

Discussion only.

Attachments:

Exercise Plan (paper copy to be presented at meeting)



TOWN COUNCIL DATA SHEET



Agenda Item:

Presentation by Residents of The Oaks Subdivision regarding traffic control.

Requested by:

Chief Tackett

Background:

Residents of The Oaks Subdivision appeared before Council at the March 22, 2016 meeting regarding cut-through traffic from the high school. The residents expressed interest in the installation of a gate or a “No Left Turn” sign on Cook Street. The Council invited the residents to present their requests at the April Council meeting.

The Oaks Subdivision was presented as a concept around November 30, 2012 and was approved by Council on January 22, 2013 by Ordinance 2013-03. Section 2.11 of the Planned Development showed two entryways into the Subdivision; Cook Street and FM 407.

Numerous times over the last several months, the Police Department has responded to citizen complaints of speeding vehicles in The Oaks subdivision.

If you remember, the Council adopted a 25 mph speed limit through there to help alleviate some of the concerns, and all data collected shows that 85% of traffic is complying with this posted speed limit. In the hours that we have spent monitoring traffic a total of 15 citations have been issued for speeding and three for disregard of the stop sign at Myrtle.

There have been zero crashes on the residential streets in the neighborhood (Nora, Boonesville Bend, Ellison Trace and Myrtle.) There has been one crash on FM 407 as drivers were sitting on FM 407 waiting to turn onto Myrtle – caused by driver inattention.

Traffic counts for 2016 conducted by Public Works show total 24 hour volumes at Cook Street 996, Boonesville Bend 861, Nora Lane 512, Ellison Trace 213 and Myrtle at 1036. (Comparison to Country Lakes Blvd at 2695, Harpole 851, Old Justin Road 2245, Denton Street 1403, Village Way 736)

Chief Tackett met with the residents on Saturday, March 12, 2016 to discuss their concerns. Speeding vehicles were discussed, but the data and visual observation just do not show that speed is the problem. Speed Humps, gates, resident decals and signage were discussed, all with the intent to discourage non-resident traffic from utilizing the public streets.

The neighborhood was given a copy of Town Development Standard 14.2.91 on conversion of public streets to private streets and recommendations to consult with a traffic engineer to present a plan to the Council.

The Police Department will continue spot enforcement during peak times in the neighborhood as staffing allows.

Requested Action:

Discussion only.

Attachments:

14.2.91 Private Streets

Speed Surveys

The Oaks Site Layout

Part 6 Design Standards

SECTION 14.2.91 Private Streets/Gated Communities

A. General

Private streets may be permitted, so long as they are designed, constructed and inspected to all town standards and a homeowners’ association is created to insure proper and continued maintenance. Any request to dedicate a private street as a public street shall be approved only if arrangements are made to bring the street into conformity with all Town standards and regulations in effect at the time of dedication at the cost of affected property owners.

Private streets will be named and shown on the plat. Street signs for all private streets shall be erected and maintained by the Homeowners’ Association.

In order to qualify for consideration of a private access permit for private streets, the applicant must satisfy the criteria of the Town of Argyle Town Development Standards as amended; and any other applicable codes and ordinances, as may be from time to time amended.

Denial of approval of any private street development private access permit by the Town Council shall be final and shall not be eligible for review or decision by the Town of Argyle Zoning Board of Adjustment.

B. GUIDELINES FOR DEVELOPMENT

The following guidelines are recommended to be satisfied as part of the review and approval process for all private street developments:

1. The area must be within the corporate limits of the Town of Argyle, or within the Argyle Extraterritorial Jurisdiction.
2. The area shall be a proposed residential development, and shall be zoned solely as a residential zoning district (that is, a zoning district the stated purpose of which is to provide for primarily residential uses), except in the case of a Planned Development (PD) zoning district, in which case the area must be designated solely for residential use.
3. Only the following zoning districts shall allow consideration of private street developments through the private access permit process:

- A Agricultural (minimum 5-acre lots)

- SF-2.5 Single-Family Residential Estate-2.5 (minimum 2.5-acre lots)

- SF-1 Single-Family Residential Estate-1 (minimum 1.0-acre lots)

- SF-20 Single-Family Residential-20 (minimum 20,000-square-foot lots; allowed as a PD only)
- SF-10 Single-Family Residential-10 (minimum 10,000-square-foot lots; allowed as a PD only)
- SF-7 Single-Family Residential-7 (minimum 7,000-square-foot lots; allowed as a PD only)
- 2F Two-Family Residential (duplex homes; allowed as a PD only)
- SFA Single-Family Attached Residential (townhomes; allowed as a PD only)
- MF Multifamily Residential (apartments; allowed as a PD only)
- PD Planned Development District

- 4. The area may not impede a current or future development of a thoroughfare.
- 5. The area may not disrupt an existing or proposed Town of Argyle public pedestrian pathway, hike and bike trail or park.

C. GENERAL REQUIREMENTS

- 1. The private street system must comply with design standards in the Argyle Subdivision Ordinance. All rules and regulations in the Subdivision Ordinance [applicable] to “public right-of-way” shall apply to private street lots.
- 2. The private street system shall provide perpetual access for emergency vehicles, public and private utility maintenance and service personnel, solid waste collection services, the U.S. Postal Service, the [and] government employees in pursuit of their official duties.
- 3. The type of gate or controlled access mechanism is subject to the approval by the Town of Argyle’s Building Inspector, acting as the Fire Marshal, and any corrective action shall be the responsibility of the property owners’ association. An approved key box (Knox Box) shall be installed in an accessible location and shall contain keys to gain necessary access as required by public safety personnel. The Town of Argyle shall bear no responsibility or liability in connection with the removal or destruction of any gate or other controlled access mechanism while engaged in an emergency action.

D. SPECIFIC REQUIREMENTS

1. Each private street development plat shall contain the following wording on the face of the plat. “The streets have not been dedicated to the public, for public access nor have they been accepted by the Town of Argyle as public improvements, and the streets and roadways shall be maintained by the property owners’ association within the subdivision, except that the streets and roadways shall always be open to emergency vehicles, public and private utility maintenance and service personnel, solid waste collection services, the U.S. Postal Service, and governmental employees in pursuit of their official duties.”
2. All private access permits will be issued prior to the approval of the final plat. The Town Council shall consider the private access permit application after review and recommendation by the Town staff and the Planning & Zoning Commission, but prior to the final plat being considered by the Planning & Zoning Commission.
3. Easements: Private street developments shall provide the following easements:
 - a. “public utility, drainage and storm sewer” easements containing private streets and public utilities; and
 - b. additional public utility assessments required by public agencies; and
 - c. preexisting easements unaffected by the platting process; and
 - d. such private service easements, including but not limited to, utilities, fire lanes, street lighting, government vehicle access, mail collection and delivery access, and utility meter reading, access, as may be necessary or deemed mutually convenient by the applicant and the Town.
4. Access: Determination of access points shall be based upon each individual development, and not on multiple, contiguous developments.
5. Private Access Amenity Plan: For each private street development, a private access amenity plan shall be submitted to the Town Secretary or designee for review and comment prior to submission to the Planning & Zoning Commission and Town Council. This will provide opportunity to review proposed controlled access mechanisms, access points, landscaping, screening walls, or similar buffering barriers, and other related private street components.
6. The Town staff may request renderings of elevations of proposed structures, including description of proposed building materials, roof pitches, signage and such other items as the Town staff might reasonably request (said renderings of elevation of proposed structures does not refer to residential structures, but rather to other structures that are components of the private street development).
7. The Town staff may require additional data to amplify and clarify the private access amenity plan; such information may include, but not be limited to, fencing, access controllers, entrance areas, barriers, perimeter walls, and exterior landscaping.
8. Illustrate items outside the private street development, such as, but not limited to, entrance area, barriers, perimeter walls, exterior landscaping, and other elements as required by Town staff.

9. No credit will be allowed for the development of private parks, not open to the public.

E. CONVERSION OF PUBLIC STREETS AND PRIVATE STREETS

For existing subdivisions with public streets and rights-of-way to become private, the following procedures shall apply:

1. The permit application must contain the signatures of all the owners of the lots that would be part of the proposed private street subdivision.
2. The street right-of-way must be purchased from the Town in accordance with Chapter 272 of the Texas Local Government Code. The Planning & Zoning Commission shall first review the application and forward a recommendation to the Town Council. If the recommendation is favorable and the Town Council concurs, the Town Council shall order an appraisal of the street rights-of-way in the affected subdivision. The cost of such appraisal shall be borne by the applicants, and the appraiser's conclusion of value shall be final.
3. Once the conversion takes place, all of the other provisions of this ordinance shall be applicable to the private street subdivision.

F. RELATIONSHIP TO THE TOWN OF ARGYLE COMPREHENSIVE PLAN

The following components shall be evaluated when reviewing potential private street developments. This evaluation will aid in logical implementation of the current Town of Argyle Comprehensive Plan and the following components may be hereafter amended.

1. Future Land Use Plan: Development impact on land uses, their configuration and function shall be examined as part of each request for a private street development.
2. Master Park Plan: The proposed private street development shall be evaluated to assess impact of private streets on access, including ingress and egress, and continuity of the hike/bike/jogging/open space linkage system within the community, as well as the functioning of other park elements.
3. Thoroughfare Plan: The proposed private street development shall be evaluated to assess its impact on the efficiency, convenience, and safe functioning and implementation of the Thoroughfare Plan.

G. PROPERTY OWNERS' ASSOCIATION

1. Property Owners' Association Required: Subdivisions with private streets shall have a property owners' association. The property owners' association shall own and be responsible for the maintenance of private streets and appurtenances. The property owners' association shall provide for the payments of dues and assessments required to maintain the private streets. The property owners' association covenants shall be approved by the Town Council, after review by Town staff, and after the recommendation of the Planning & Zoning Commission at the time the private access permit is requested. The approved document must be filed for record contemporaneously with the filing of the final plat in the County records department.

2. Reserve Fund: The property owners' association documents shall establish a Reserve Fund for the maintenance of private streets and other improvements such as common greenbelts, access controlled structures and equipment, and other significant property owners' association infrastructure. This Reserve Fund shall not be commingled with any other property owners' association fund. The balance of the fund shall reflect \$1.00 x the front footage of each lot in the subdivision per year. The formula for calculating the reserve fund shall be reviewed and amended as needed.
3. The property owners' association's covenants shall contain provisions that allow the Town of Argyle to assume the duty of performing the maintenance obligations should the property owners' association dissolve or in any way fail or refuse to maintain its obligations. The covenants shall further provide that the Town of Argyle may use the outstanding balance in the reserve fund for maintenance or in the alternative, levy an assessment upon each lot on a pro-rata basis for the cost of such maintenance.
4. Membership Requirements: Every lot owner within the private street development shall be a member of the property owners' association.
5. The property owners' association documents shall indicate that the streets within the development are private, owned and maintained by the property owners' association and that the Town of Argyle has no obligation to maintain or reconstruct the private streets. The covenants shall include the following provision:

“The property owners' association shall be responsible for contacting the Town Inspector and/or the Town's Engineer every two (2) years, or as needed, from time of construction to schedule an inspection, to include town staff and/or their designee of the private streets or private roadways.”

H. CONVERSION OF PRIVATE STREETS TO PUBLIC STREETS

Voluntary Conversion: The Town of Argyle may, but is not obligated to, accept private streets for public access and maintenance. The procedure must conform to all of the following provisions:

1. The property owners' association must submit a petition signed by at least one hundred [percent] (100%) of its members.
2. All of the streets and roadways must be in a condition that it [is] acceptable to the Town of Argyle.
3. All access controllers and other structures not consistent with a public street development must be removed.
4. If any maintenance of the streets and roadways is required, the Town of Argyle may use the outstanding balance in the reserve fund for such maintenance. Any remaining balance in the fund shall be returned to the lot owners at the time the private street and/or roadway is converted back to a public street on a fair and equitable basis to be determined by the Town Council.
5. Each lot owner shall execute an instrument of dedication for filing of record, the form of which shall be approved by the Town Attorney's office.

I. DESIGN STANDARDS

The design and construction, of the infrastructure within a private street subdivision shall conform to the same rules, regulations, standards, and specifications established for public subdivisions. The Town Council may establish rules, regulations, standards, and specifications for the design and construction of improvements unique to a private street subdivision. The shall be filed with the Town Secretary or designee at least thirty (30) days before they shall become effective. An amendment may be made from time to time, provided that the amendment is filed with the Town Secretary or designee at least thirty (30) days before it becomes effective. No such rules, regulations, standards or specifications shall conflict with this or any other ordinance of the Town of Argyle.

Structures:

1. Project perimeter fences at project entry access points, entry monuments, and access controllers, may be erected within the public utility, drainage and storm sewer easement (s), provided they do not impede the installation, maintenance, repair, or replacement of public utilities and storm sewers within the easement.
2. Where access controllers are a part of a larger, multipurpose structure, only that portion of the structure which functions as access controllers may encroach the building line adjacent to the private street.



Speed Summary Report

For Town of Argyle on 4/20/2016 at 11:50 AM

Page 1 of 5

Generated by Chief William Tackett

Time of Day: 0:00 to 23:59

Location: Boonesville Bend, 400 Bonnesville Bend, E

Dates: 3/21/2016 to 4/19/2016 (Su, M, T, W, Th, F, Sa)

Notes:

Hours	Mode	Speed Limit	Total # Vehicles	Total # Violations	% Violations	Average # Vehicles per day	Average # of Violations per day	Minimum Speed Recorded	Maximum Speed Recorded	Average Speed	50% Speed	85% Speed	Sign Effectiveness
0:00	Conditional Messages	25	19	8	42.1 %	2.1	0.9	15	30	24	24.2	25.5	68.4 %
1:00	Conditional Messages	25	6	2	33.3 %	1.5	0.5	15	27	23	22.3	23.7	100.0 %
2:00	Conditional Messages	25	3	2	66.7 %	1.0	0.7	22	27	25	25.3	25.3	66.7 %
3:00	Conditional Messages	25	12	4	33.3 %	1.2	0.4	15	27	24	22.8	24.3	25.0 %
4:00	Conditional Messages	25	28	7	25.0 %	1.4	0.4	17	27	23	22.1	24.1	7.1 %
5:00	Conditional Messages	25	49	7	14.3 %	2.1	0.3	16	28	22	21.2	22.7	38.7 %
6:00	Conditional Messages	25	236	32	13.6 %	8.7	1.2	15	33	21	19.8	22.8	47.5 %
7:00	Conditional Messages	25	729	88	12.1 %	28.0	3.4	15	33	21	20.9	24.0	44.3 %
8:00	Conditional Messages	25	806	114	14.1 %	31.0	4.4	15	35	22	21.6	24.6	45.6 %
9:00	Conditional Messages	25	318	44	13.8 %	12.2	1.7	15	33	22	20.6	23.8	40.4 %
10:00	Conditional Messages	25	328	45	13.7 %	12.6	1.7	15	33	21	20.8	23.5	35.5 %
11:00	Conditional Messages	25	397	67	16.9 %	15.3	2.6	15	42	22	20.9	24.1	36.2 %

1 of 5



Speed Summary Report

For Town of Argyle on 4/20/2016 at 11:50 AM

Page 2 of 5

Generated by Chief William Tackett

Time of Day: 0:00 to 23:59

Location: Boonesville Bend, 400 Bonnesville Bend, E

Dates: 3/21/2016 to 4/19/2016 (Su, M, T, W, Th, F, Sa)

Hours	Mode	Speed Limit	Total # Vehicles	Total # Violations	% Violations	Average # Vehicles per day	Average # of Violations per day	Minimum Speed Recorded	Maximum Speed Recorded	Average Speed	50% Speed	85% Speed	Sign Effectiveness
12:00	Conditional Messages	25	378	50	13.2 %	12.6	1.7	15	33	21	20.4	23.5	46.4 %
13:00	Conditional Messages	25	552	97	17.6 %	18.4	3.2	15	33	22	21.7	24.6	54.1 %
14:00	Conditional Messages	25	555	110	19.8 %	18.5	3.7	15	38	22	21.8	24.7	54.9 %
15:00	Conditional Messages	25	1210	217	17.9 %	40.3	7.2	15	48	22	22.0	25.3	57.4 %
16:00	Conditional Messages	25	841	159	18.9 %	28.0	5.3	15	49	23	22.2	25.3	50.7 %
17:00	Conditional Messages	25	669	168	25.1 %	22.3	5.6	15	49	23	22.2	26.0	52.0 %
18:00	Conditional Messages	25	415	71	17.1 %	13.8	2.4	15	48	22	21.3	24.3	44.5 %
19:00	Conditional Messages	25	281	52	18.5 %	9.4	1.7	15	37	22	21.2	23.7	53.7 %
20:00	Conditional Messages	25	224	52	23.2 %	7.5	1.7	15	34	23	22.2	24.6	50.1 %
21:00	Conditional Messages	25	241	55	22.8 %	8.9	2.0	15	60	23	22.4	25.2	51.7 %
22:00	Conditional Messages	25	122	40	32.8 %	5.8	1.9	17	33	24	23.0	26.1	47.3 %
23:00	Conditional Messages	25	64	18	28.1 %	5.8	1.6	17	34	24	23.3	25.4	56.0 %
Total Volumes / Avg Speeds	Conditional Messages	25	8483	1509	17.8 %	308.6	56.2	15	60	23	21.9	24.5	49.0 %



Speed Summary Report

For Town of Argyle on 4/20/2016 at 11:50 AM

Generated by Chief William Tackett

Time of Day: 0:00 to 23:59

Location: Boonesville Bend, 400 Bonnesville Bend, E

Dates: 3/21/2016 to 4/19/2016 (Su, M, T, W, Th, F, Sa)

Hours	Mode	Speed Limit	Total # Vehicles	Total # Violations	% Violations	Average # Vehicles per day	Average # of Violations per day	Minimum Speed Recorded	Maximum Speed Recorded	Average Speed	50% Speed	85% Speed	Sign Effectiveness
Total/Avg w/o Feedback			0	0	0.0 %	0.0	0.0	0	0	0	0.0	0.0	0.0 %
Total/Avg w/Feedback			8483	1509	17.8 %	308.6	56.2	15	60	23	21.9	24.5	49.0 %



Speed Summary Report

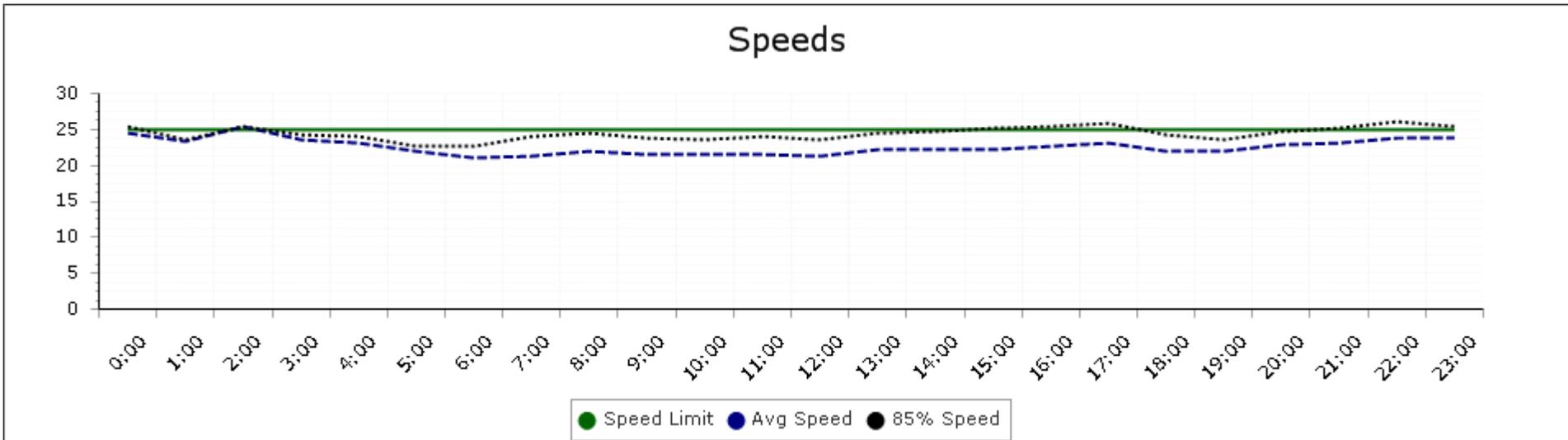
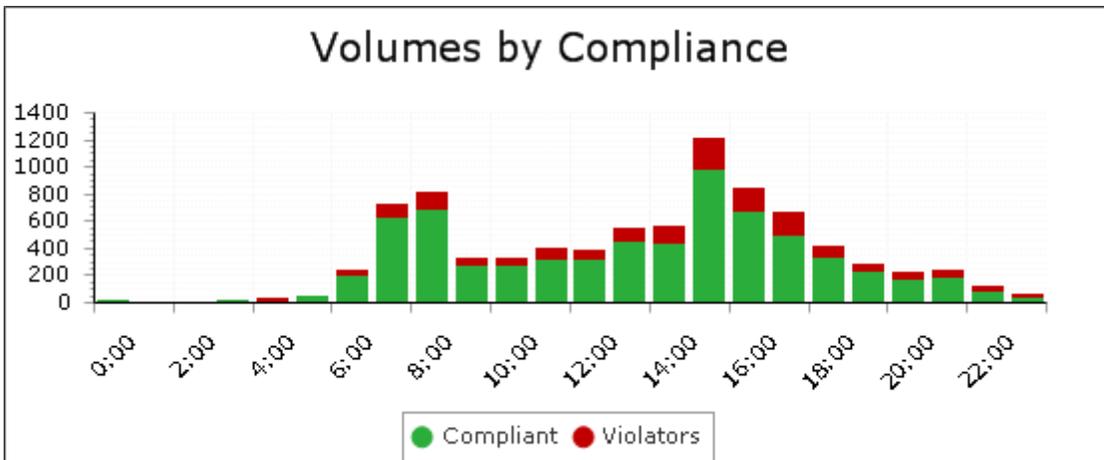
For Town of Argyle on 4/20/2016 at 11:50 AM

Generated by Chief William Tackett

Time of Day: 0:00 to 23:59

Location: Boonesville Bend, 400 Boonesville Bend, E

Dates: 3/21/2016 to 4/19/2016 (Su, M, T, W, Th, F, Sa)





Speed Summary Report

For Town of Argyle on 4/20/2016 at 11:50 AM

Generated by Chief William Tackett
Location: Boonesville Bend, 400 Bonnesville Bend, E

Time of Day: 0:00 to 23:59
Dates: 3/21/2016 to 4/19/2016 (Su, M, T, W, Th, F, Sa)

Overall Summary

Total Days of Data	30
Speed Limit	25
Average Speed	22.59
50th Percentile Speed	21.93
85th Percentile Speed	24.46
Pace speed range	22 to 31
Maximum Speed	60
Minimum Speed	15
Display Status?	Displaying Speed Feedback
Average Volume per Day	308.62
Total Volume	8,483



Speed Summary Report

For Town of Argyle on 3/29/2016 at 4:01 PM

Page 1 of 5

Generated by Chief William Tackett

Time of Day: 0:00 to 23:59

Location: Boonesville Bend, 400 Bonnesville Bend, E

Dates: 2/28/2016 to 3/28/2016 (Su, M, T, W, Th, F, Sa)

Notes:

Hours	Mode	Speed Limit	Total # Vehicles	Total # Violations	% Violations	Average # Vehicles per day	Average # of Violations per day	Minimum Speed Recorded	Maximum Speed Recorded	Average Speed	50% Speed	85% Speed	Sign Effectiveness
0:00	Conditional Messages	30, 25	18	4	22.2 %	2.4	0.5	17	30	22	22.3	23.1	56.4 %
1:00	Conditional Messages	25	4	1	25.0 %	2.0	0.5	16	27	21	22.8	24.3	24.8 %
2:00	Conditional Messages	25	1	0	0.0 %	1.0	0.0	22	22	22	22.0	22.0	0.0 %
3:00	Conditional Messages	25	7	1	14.3 %	1.4	0.2	15	27	23	21.3	23.9	42.9 %
4:00	Conditional Messages	30, 25	14	1	7.1 %	1.3	0.1	18	27	24	23.6	24.9	4.5 %
5:00	Conditional Messages	30, 25	21	1	4.8 %	2.1	0.1	16	28	20	19.5	20.0	18.8 %
6:00	Conditional Messages	30, 25	64	5	7.8 %	5.6	0.4	15	33	21	19.8	22.2	56.8 %
7:00	Conditional Messages	30, 25	222	22	9.9 %	16.4	1.5	15	33	21	20.1	23.0	31.5 %
8:00	Conditional Messages	30, 25	246	28	11.4 %	18.1	1.9	15	31	21	20.2	23.1	40.2 %
9:00	Conditional Messages	30, 25	140	17	12.1 %	12.9	0.7	15	31	22	20.7	23.3	20.8 %
10:00	Conditional Messages	30, 25	146	17	11.6 %	10.6	1.1	15	32	21	19.8	23.1	42.5 %
11:00	Conditional Messages	30, 25	165	31	18.8 %	12.0	1.9	15	35	21	20.1	23.4	32.6 %

1 of 5



Speed Summary Report

For Town of Argyle on 3/29/2016 at 4:01 PM

Page 2 of 5

Generated by Chief William Tackett

Time of Day: 0:00 to 23:59

Location: Boonesville Bend, 400 Bonnesville Bend, E

Dates: 2/28/2016 to 3/28/2016 (Su, M, T, W, Th, F, Sa)

Hours	Mode	Speed Limit	Total # Vehicles	Total # Violations	% Violations	Average # Vehicles per day	Average # of Violations per day	Minimum Speed Recorded	Maximum Speed Recorded	Average Speed	50% Speed	85% Speed	Sign Effectiveness
12:00	Conditional Messages	30, 25	177	26	14.7 %	10.5	1.3	15	31	21	20.7	23.2	42.8 %
13:00	Conditional Messages	30, 25	241	38	15.8 %	14.6	2.0	15	34	22	20.8	24.1	56.0 %
14:00	Conditional Messages	30, 25	226	43	19.0 %	13.5	2.3	15	38	23	22.0	24.9	49.7 %
15:00	Conditional Messages	30, 25	378	69	18.3 %	22.6	3.8	15	36	22	21.2	24.4	49.9 %
16:00	Conditional Messages	30, 25	283	44	15.5 %	16.4	2.0	15	48	22	20.7	24.4	36.7 %
17:00	Conditional Messages	30, 25	276	58	21.0 %	16.2	2.5	15	48	22	20.8	24.0	49.7 %
18:00	Conditional Messages	30, 25	175	24	13.7 %	10.1	1.2	15	32	21	19.9	22.6	34.7 %
19:00	Conditional Messages	30, 25	132	21	15.9 %	7.6	1.0	15	37	22	21.3	23.7	50.9 %
20:00	Conditional Messages	30, 25	90	19	21.1 %	5.2	0.9	15	33	22	21.4	23.6	33.2 %
21:00	Conditional Messages	30, 25	50	9	18.0 %	3.5	0.4	15	38	23	22.3	24.4	56.6 %
22:00	Conditional Messages	30, 25	61	18	29.5 %	4.5	1.2	17	32	24	23.1	25.4	60.4 %
23:00	Conditional Messages	30, 25	35	4	11.4 %	3.1	0.3	17	31	23	22.6	23.6	78.4 %
Total Volumes / Avg Speeds	Conditional Messages	30, 25	3172	501	15.8 %	213.3	28.0	15	48	22	21.2	23.5	40.0 %

2 of 5



Speed Summary Report

For Town of Argyle on 3/29/2016 at 4:01 PM

Generated by Chief William Tackett

Time of Day: 0:00 to 23:59

Location: Boonesville Bend, 400 Bonnesville Bend, E

Dates: 2/28/2016 to 3/28/2016 (Su, M, T, W, Th, F, Sa)

Hours	Mode	Speed Limit	Total # Vehicles	Total # Violations	% Violations	Average # Vehicles per day	Average # of Violations per day	Minimum Speed Recorded	Maximum Speed Recorded	Average Speed	50% Speed	85% Speed	Sign Effectiveness
Total/Avg w/o Feedback			0	0	0.0 %	0.0	0.0	0	0	0	0.0	0.0	0.0 %
Total/Avg w/Feedback			3172	501	15.8 %	213.3	28.0	15	48	22	21.2	23.5	40.0 %



Speed Summary Report

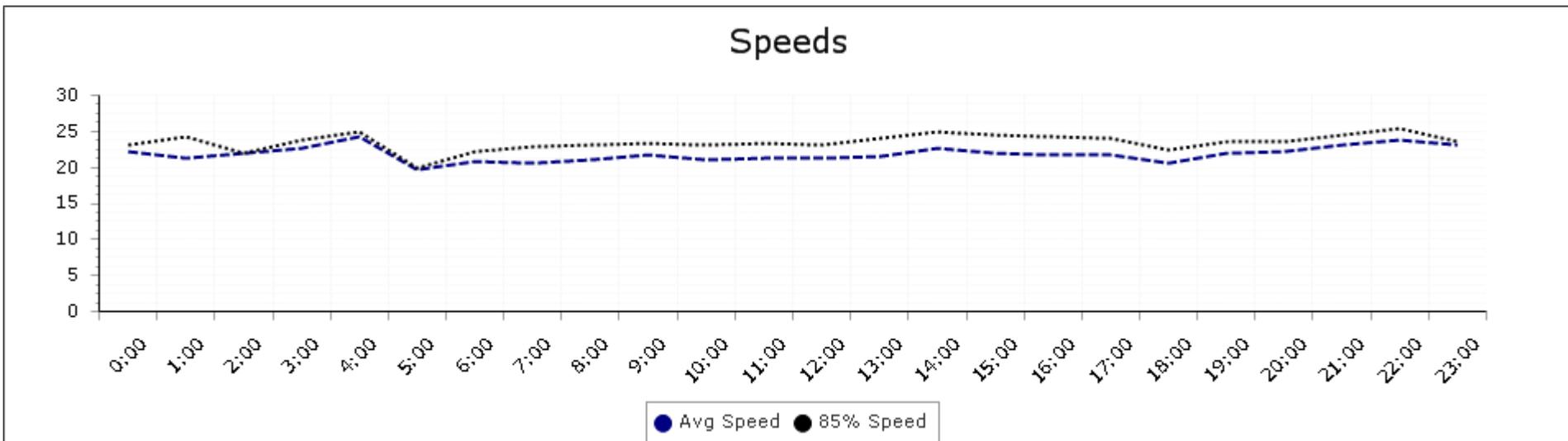
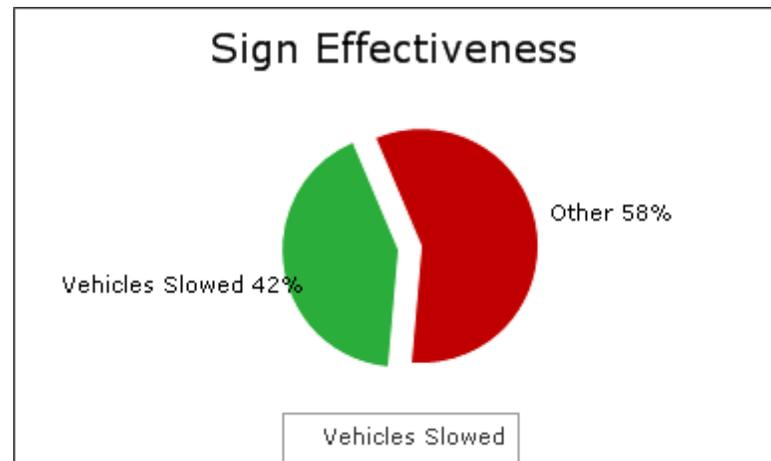
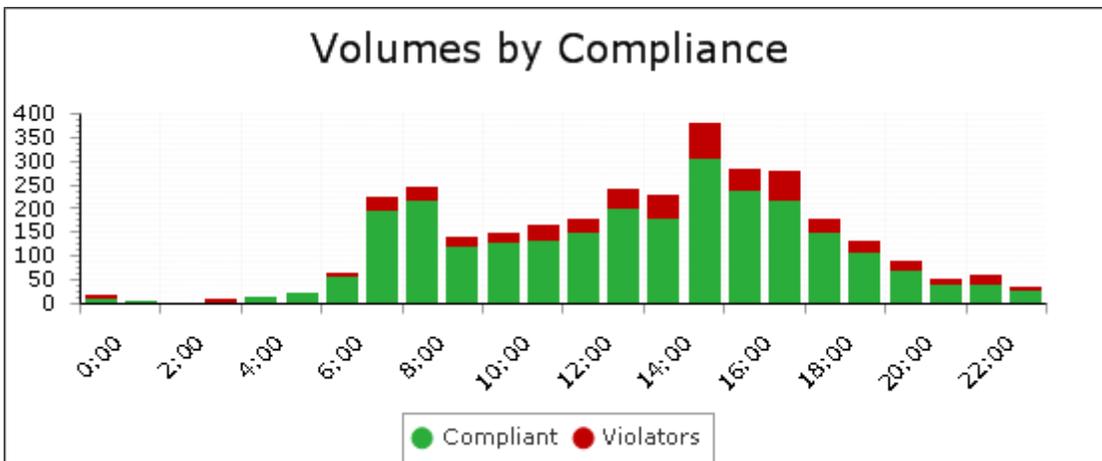
For Town of Argyle on 3/29/2016 at 4:01 PM

Generated by Chief William Tackett

Time of Day: 0:00 to 23:59

Location: Boonesville Bend, 400 Bonnesville Bend, E

Dates: 2/28/2016 to 3/28/2016 (Su, M, T, W, Th, F, Sa)





Speed Summary Report

For Town of Argyle on 3/29/2016 at 4:01 PM

Generated by Chief William Tackett

Time of Day: 0:00 to 23:59

Location: Boonesville Bend, 400 Bonnesville Bend, E

Dates: 2/28/2016 to 3/28/2016 (Su, M, T, W, Th, F, Sa)

Overall Summary

Total Days of Data	15
Speed Limit(s)	30, 25
Average Speed	21.86
50th Percentile Speed	21.2
85th Percentile Speed	23.52
Pace speed range	22 to 31
Maximum Speed	48
Minimum Speed	15
Display Status?	Displaying Speed Feedback
Average Volume per Day	213.32
Total Volume	3,172



Volume By Speed Report

For Town of Argyle on 3/29/2016 at 4:04 PM

Generated by Chief William Tackett

Time of Day: 0:00 to 23:59

Location: Boonesville Bend, 400 Bonnesville Bend, E

Dates: 2/28/2016 to 3/30/2016 (Su, M, T, W, Th, F, Sa)

Time View: By Hour (Averaged Volumes)

Speed Bins: Size 5, Range 1 to 100

Notes:

Hour	Speed Limit	1 to 5	6 to 10	11 to 15	16 to 20	21 to 25	26 to 30	31 to 35	36 to 40	41 to 45	46 to 50	51 to 55	56 to 60	61 to 65	66 to 70	71 to 75	76 to 80	81 to 85	86 to 90	91 to 95	96 to 100	Mean Speed	Avg # Vehicles	
0:00	25, 30	0	0	0	0	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	22.6	3
1:00	25	0	0	0	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	21.3	2
2:00	25	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	22.0	1
3:00	25	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	22.7	1
4:00	25, 30	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	22.9	1
5:00	25, 30	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	20.0	2
6:00	25, 30	0	0	0	3	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	20.5	6
7:00	25, 30	0	0	1	8	8	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	21.1	18
8:00	25, 30	0	0	1	8	10	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	21.4	21
9:00	25, 30	0	0	1	4	5	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	21.5	12
10:00	25, 30	0	0	1	5	5	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	21.0	12
11:00	25, 30	0	0	1	5	5	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	21.5	14
12:00	25, 30	0	0	1	5	5	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	21.4	12
13:00	25, 30	0	0	1	5	7	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	21.8	16
14:00	25, 30	0	0	0	5	7	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	22.3	15



Volume By Speed Report

For Town of Argyle on 3/29/2016 at 4:04 PM

Generated by Chief William Tackett

Time of Day: 0:00 to 23:59

Location: Boonesville Bend, 400 Bonnesville Bend, E

Dates: 2/28/2016 to 3/30/2016 (Su, M, T, W, Th, F, Sa)

Time View: By Hour (Averaged Volumes)

Speed Bins: Size 5, Range 1 to 100

Hour	Speed Limit	1 to 5	6 to 10	11 to 15	16 to 20	21 to 25	26 to 30	31 to 35	36 to 40	41 to 45	46 to 50	51 to 55	56 to 60	61 to 65	66 to 70	71 to 75	76 to 80	81 to 85	86 to 90	91 to 95	96 to 100	Mean Speed	Avg # Vehicles	
15:00	25, 30	0	0	0	8	12	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	22.1	25
16:00	25, 30	0	0	0	6	10	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	22.3	19
17:00	25, 30	0	0	1	6	8	3	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	22.5	18
18:00	25, 30	0	0	1	4	5	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	21.3	12
19:00	25, 30	0	0	1	3	4	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	21.6	9
20:00	25, 30	0	0	0	2	3	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	22.5	6
21:00	25, 30	0	0	0	1	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	22.6	4
22:00	25, 30	0	0	0	1	3	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	23.6	5
23:00	25, 30	0	0	0	1	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	22.7	4
Avg # Vehicles per Hour		0	0	0	3	5	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	21.9	10



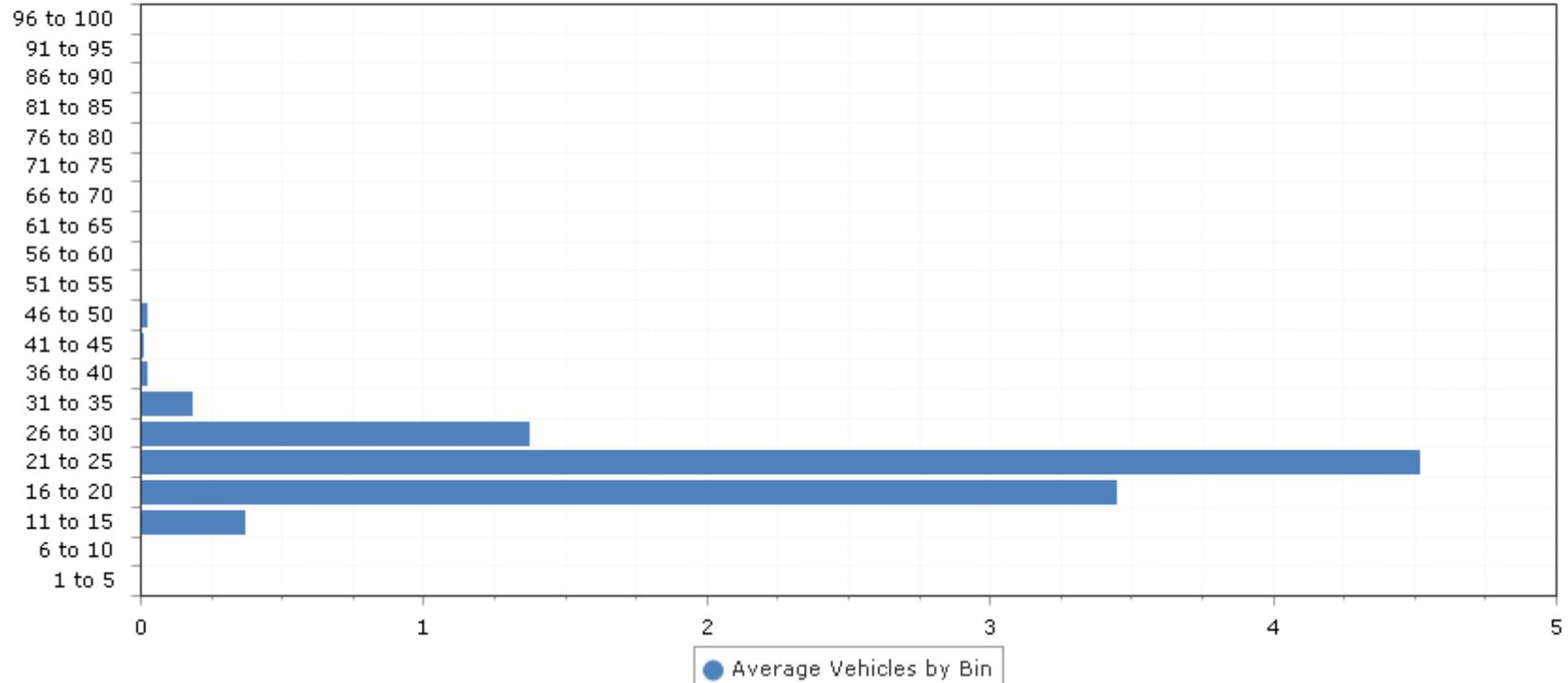
Volume By Speed Report

For Town of Argyle on 3/29/2016 at 4:04 PM

Generated by Chief William Tackett
Location: Boonesville Bend, 400 Bonnesville Bend, E
Time View: By Hour (Averaged Volumes)

Time of Day: 0:00 to 23:59
Dates: 2/28/2016 to 3/30/2016 (Su, M, T, W, Th, F, Sa)
Speed Bins: Size 5, Range 1 to 100

Average Vehicles per Hour by Speed Bin





Volume By Speed Report

For Town of Argyle on 3/29/2016 at 4:04 PM

Generated by Chief William Tackett

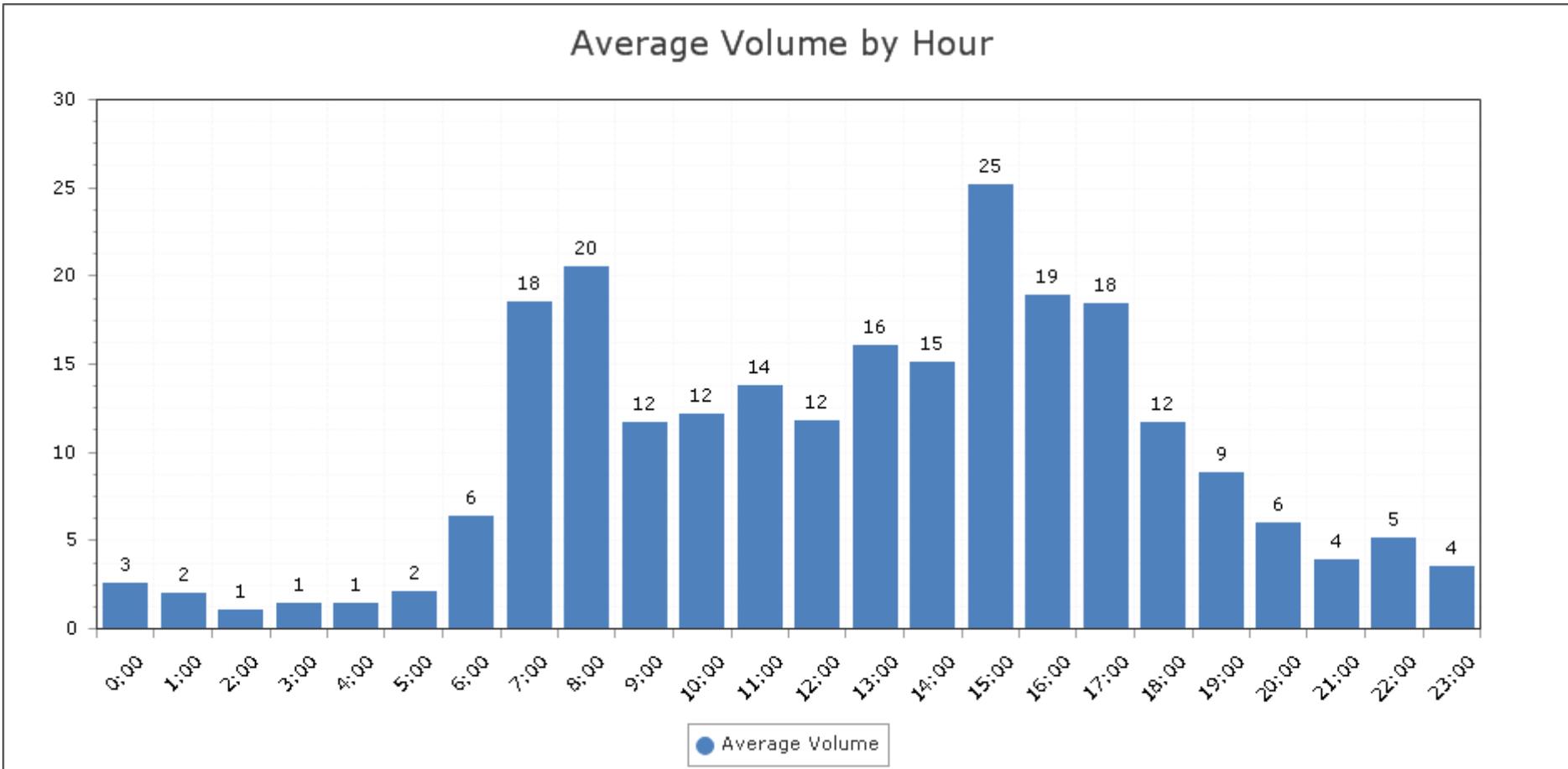
Time of Day: 0:00 to 23:59

Location: Boonesville Bend, 400 Bonnesville Bend, E

Dates: 2/28/2016 to 3/30/2016 (Su, M, T, W, Th, F, Sa)

Time View: By Hour (Averaged Volumes)

Speed Bins: Size 5, Range 1 to 100





Speed Summary Report

For Town of Argyle on 3/13/2016 at 7:57 AM

Generated by Officer Steven Wallace
 Location: Ellison Trace, 300 Ellison Trace, W

Time of Day: 0:00 to 23:59
 Dates: 9/18/2015 to 9/24/2015 (Su, M, T, W, Th, F, Sa)

Notes:

Hours	Mode	Speed Limit	Total # Vehicles	Total # Violations	% Violations	Average # Vehicles per day	Average # of Violations per day	Minimum Speed Recorded	Maximum Speed Recorded	Average Speed	50% Speed	85% Speed	Sign Effectiveness
7:00	Display Off, Speed Display	25	5	2	40.0 %	2.6	1.2	21	30	24	23.0	25.0	39.8 %
8:00	Speed Display	25	14	2	14.3 %	14.0	2.0	8	28	19	17.5	21.3	21.0 %
9:00	Speed Display	25	12	3	25.0 %	12.0	3.0	9	28	21	21.5	24.3	8.0 %
10:00	Speed Display	25	4	1	25.0 %	4.0	1.0	14	27	20	19.3	23.8	49.0 %
11:00	Speed Display	25	17	2	11.8 %	17.0	2.0	10	31	18	16.5	22.7	41.0 %
12:00	Speed Display	25	10	1	10.0 %	10.0	1.0	13	26	19	18.6	21.4	50.0 %
13:00	Speed Display	25	14	5	35.7 %	14.0	5.0	6	34	21	18.1	25.9	35.0 %
14:00	Speed Display	25	18	3	16.7 %	18.0	3.0	11	27	22	20.8	22.7	27.0 %
15:00	Speed Display	25	8	1	12.5 %	8.0	1.0	5	27	13	10.4	20.9	25.0 %
16:00	Speed Display	25	2	0	0.0 %	2.0	0.0	15	18	17	15.0	18.0	100.0 %
Total Volumes / Avg Speeds	Display Off, Speed Display	25	104	20	19.2 %	101.6	19.2	5	34	19	18.1	22.6	40.0 %



Speed Summary Report

For Town of Argyle on 3/13/2016 at 7:57 AM

Page 2 of 4

Generated by Officer Steven Wallace
 Location: Ellison Trace, 300 Ellison Trace, W

Time of Day: 0:00 to 23:59
 Dates: 9/18/2015 to 9/24/2015 (Su, M, T, W, Th, F, Sa)

Hours	Mode	Speed Limit	Total # Vehicles	Total # Violations	% Violations	Average # Vehicles per day	Average # of Violations per day	Minimum Speed Recorded	Maximum Speed Recorded	Average Speed	50% Speed	85% Speed	Sign Effectiveness
Total/Avg w/o Feedback			0	0	0.0 %	0.0	0.0	0	0	0	0.0	0.0	0.0 %
Total/Avg w/Feedback			99	18	18.2 %	99.0	18.0	5	34	19	17.5	22.3	40.0 %



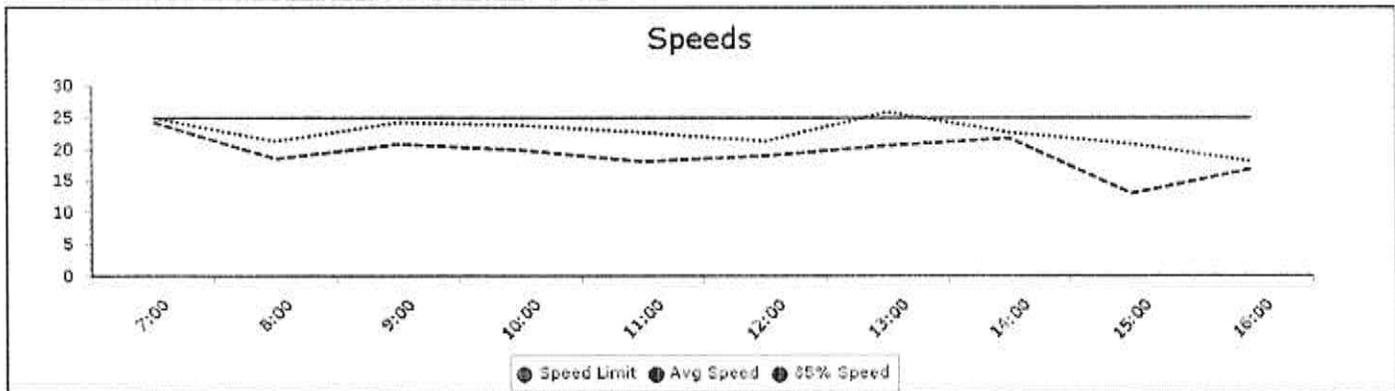
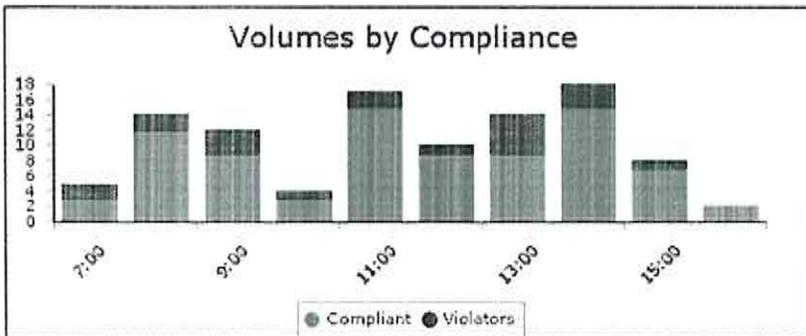
Speed Summary Report

For Town of Argyle on 3/13/2016 at 7:57 AM

Page 3 of 4

Generated by Officer Steven Wallace
 Location: Ellison Trace, 300 Ellison Trace, W

Time of Day: 0:00 to 23:59
 Dates: 9/18/2015 to 9/24/2015 (Su, M, T, W, Th, F, Sa)



3 of 4



Speed Summary Report

For Town of Argyle on 3/13/2016 at 7:57 AM

Page 4 of 4

Generated by Officer Steven Wallace
Location: Ellison Trace, 300 Ellison Trace, W

Time of Day: 0:00 to 23:59
Dates: 9/18/2015 to 9/24/2015 (Su, M, T, W, Th, F, Sa)

Overall Summary

Total Days of Data	1
Speed Limit	25
Average Speed	19.29
50th Percentile Speed	18.07
85th Percentile Speed	22.6
Pace speed range	18 to 27
Maximum Speed	34
Minimum Speed	5
Display Status?	Displaying Speed Feedback
Average Volume per Day	101.6
Total Volume	104

4 of 4



Speed Summary Report

For Town of Argyle on 3/13/2016 at 7:54 AM

Generated by Officer Steven Wallace
 Location: Boonesville Bend, 400 Bonnesville Bend, E

Time of Day: 0:00 to 23:59
 Dates: 9/19/2015 to 9/25/2015 (Su, M, T, W, Th, F, Sa)

Notes:

Hours	Mode	Speed Limit	Total # Vehicles	Total # Violations	% Violations	Average # Vehicles per day	Average # of Violations per day	Minimum Speed Recorded	Maximum Speed Recorded	Average Speed	50% Speed	85% Speed	Sign Effectiveness
7:00	Display Off	25	19	2	10.5 %	19.0	2.0	6	31	22	20.3	24.8	31.0 %
8:00	Speed Display	25	60	12	20.0 %	60.0	12.0	6	30	21	20.9	25.4	33.0 %
9:00	Speed Display	25	26	0	0.0 %	26.0	0.0	6	24	17	17.7	20.7	42.0 %
10:00	Speed Display	25	12	1	8.3 %	12.0	1.0	9	29	20	20.0	21.8	25.0 %
11:00	Speed Display	25	13	3	23.1 %	13.0	3.0	8	35	20	18.1	24.5	38.0 %
12:00	Speed Display	25	40	12	30.0 %	40.0	12.0	8	30	20	20.6	25.7	32.0 %
13:00	Speed Display	25	33	12	36.4 %	33.0	12.0	6	39	23	24.1	27.0	48.0 %
14:00	Speed Display	25	30	10	33.3 %	30.0	10.0	12	34	23	23.3	26.1	30.0 %
15:00	Speed Display	25	92	19	20.7 %	92.0	19.0	6	32	22	22.5	27.2	53.0 %
16:00	Speed Display	25	49	13	26.5 %	49.0	13.0	6	32	23	23.0	27.4	49.0 %
17:00	Speed Display	25	23	3	13.0 %	23.0	3.0	5	29	20	20.3	24.7	35.0 %
18:00	Speed Display	25	21	7	33.3 %	21.0	7.0	17	32	24	23.2	26.2	57.0 %
19:00	Speed Display	25	21	4	19.0 %	21.0	4.0	6	28	20	19.8	23.9	28.0 %



Speed Summary Report

For Town of Argyle on 3/13/2016 at 7:54 AM

Page 2 of 4

Generated by Officer Steven Wallace

Time of Day: 0:00 to 23:59

Location: Boonesville Bend, 400 Bonnesville Bend, E

Dates: 9/19/2015 to 9/25/2015 (Su, M, T, W, Th, F, Sa)

Hours	Mode	Speed Limit	Total # Vehicles	Total # Violations	% Violations	Average # Vehicles per day	Average # of Violations per day	Minimum Speed Recorded	Maximum Speed Recorded	Average Speed	50% Speed	85% Speed	Sign Effectiveness
Total Volumes / Avg Speeds	Display Off, Speed Display	25	439	98	22.3 %	439.0	98.0	5	39	21	21.1	25.0	39.0 %
Total/Avg w/o Feedback			19	2	10.5 %	19.0	2.0	6	31	22	20.3	24.8	31.0 %
Total/Avg w/Feedback			420	96	22.9 %	420.0	96.0	5	39	21	21.1	25.0	39.0 %

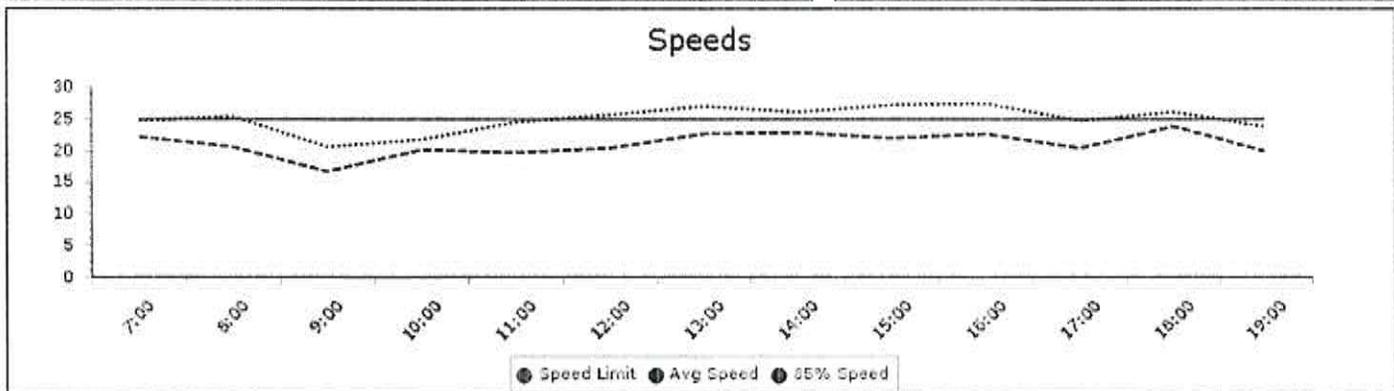
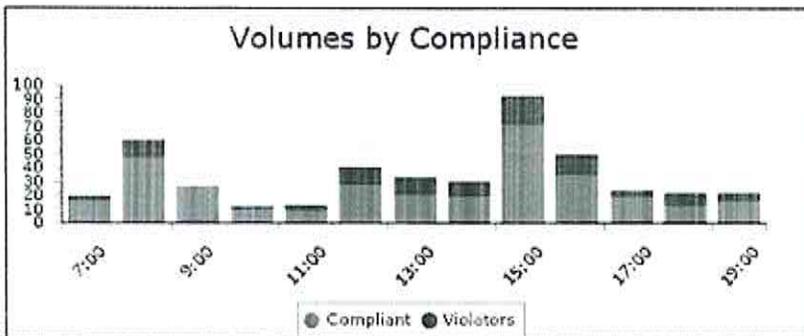


Speed Summary Report

For Town of Argyle on 3/13/2016 at 7:54 AM

Generated by Officer Steven Wallace
 Location: Boonesville Bend, 400 Bonnesville Bend, E

Time of Day: 0:00 to 23:59
 Dates: 9/19/2015 to 9/25/2015 (Su, M, T, W, Th, F, Sa)





Speed Summary Report

For Town of Argyle on 3/13/2016 at 7:54 AM

Page 4 of 4

Generated by Officer Steven Wallace
Location: Boonesville Bend, 400 Bonnesville Bend, E

Time of Day: 0:00 to 23:59
Dates: 9/19/2015 to 9/25/2015 (Su, M, T, W, Th, F, Sa)

Overall Summary

Total Days of Data	1
Speed Limit	25
Average Speed	21.05
50th Percentile Speed	21.07
85th Percentile Speed	25.02
Pace speed range	21 to 30
Maximum Speed	39
Minimum Speed	5
Display Status?	Displaying Speed Feedback
Average Volume per Day	439
Total Volume	439

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Speed Summary Report

For Town of Argyle on 3/13/2016 at 7:53 AM

Generated by Officer Steven Wallace
 Location: Myrtle, Myrtle, N

Time of Day: 0:00 to 23:59
 Dates: 9/2/2014 to 9/8/2014 (Su, M, T, W, Th, F, Sa)

Notes:

Hours	Mode	Speed Limit	Total # Vehicles	Total # Violations	% Violations	Average # Vehicles per day	Average # of Violations per day	Minimum Speed Recorded	Maximum Speed Recorded	Average Speed	50% Speed	85% Speed	Sign Effectiveness
7:00	Speed Display	30	53	2	3.8 %	26.5	1.0	7	35	21	20.9	25.5	58.0 %
8:00	Speed Display	30	142	11	7.7 %	71.0	5.5	12	34	23	23.8	27.6	65.5 %
9:00	Speed Display	30	64	5	7.8 %	32.0	2.5	6	35	24	24.1	27.1	63.4 %
10:00	Speed Display	30	28	3	10.7 %	14.0	1.5	19	33	25	24.0	28.4	78.4 %
11:00	Speed Display	30	37	7	18.9 %	18.5	3.5	11	35	23	21.6	25.7	62.0 %
12:00	Speed Display	30	14	2	14.3 %	7.0	1.0	20	33	27	25.7	27.9	71.4 %
13:00	Speed Display	30	19	1	5.3 %	19.0	1.0	10	36	21	18.9	27.2	68.0 %
Total Volumes / Avg Speeds	Speed Display	30	357	31	8.7 %	188.0	16.0	6	36	23	22.7	27.1	67.0 %
Total/Avg w/o Feedback			0	0	0.0 %	0.0	0.0	0	0	0	0.0	0.0	0.0 %
Total/Avg w/Feedback			357	31	8.7 %	188.0	16.0	6	36	23	22.7	27.1	67.0 %

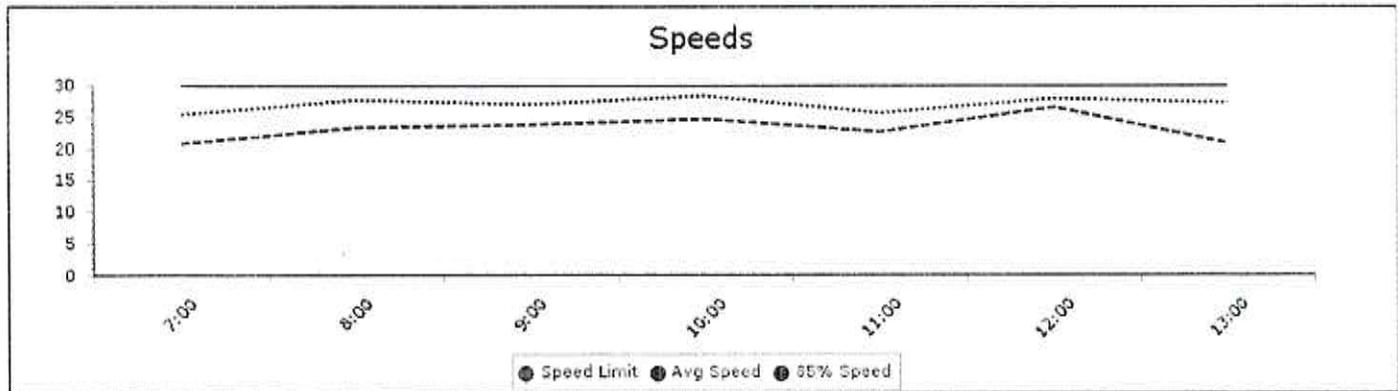
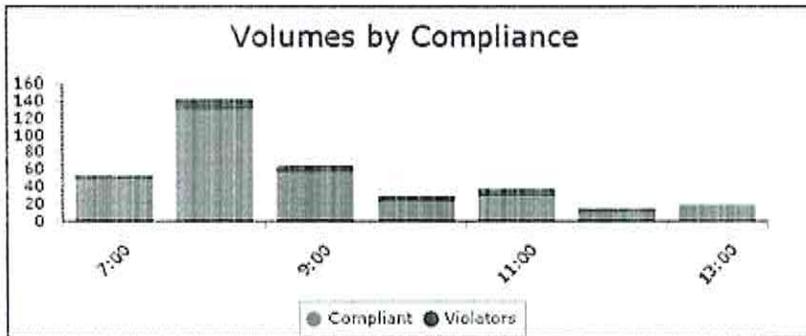


Speed Summary Report

For Town of Argyle on 3/13/2016 at 7:53 AM

Generated by Officer Steven Wallace
Location: Myrtle, Myrtle, N

Time of Day: 0:00 to 23:59
Dates: 9/2/2014 to 9/8/2014 (Su, M, T, W, Th, F, Sa)





Speed Summary Report

For Town of Argyle on 3/13/2016 at 7:53 AM

Page 3 of 3

Generated by Officer Steven Wallace
Location: Myrtle, Myrtle, N

Time of Day: 0:00 to 23:59
Dates: 9/2/2014 to 9/8/2014 (Su, M, T, W, Th, F, Sa)

Overall Summary

Total Days of Data	2
Speed Limit	30
Average Speed	23.31
50th Percentile Speed	22.73
85th Percentile Speed	27.06
Pace speed range	23 to 32
Maximum Speed	36
Minimum Speed	6
Display Status?	Displaying Speed Feedback
Average Volume per Day	188
Total Volume	357

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Speed Summary Report

For Town of Argyle on 3/13/2016 at 7:52 AM

Generated by Officer Steven Wallace
 Location: Myrtle, Myrtle, S

Time of Day: 0:00 to 23:59
 Dates: 9/2/2014 to 9/8/2014 (Su, M, T, W, Th, F, Sa)

Notes:

Hours	Mode	Speed Limit	Total # Vehicles	Total # Violations	% Violations	Average # Vehicles per day	Average # of Violations per day	Minimum Speed Recorded	Maximum Speed Recorded	Average Speed	50% Speed	85% Speed	Sign Effectiveness
12:00	Display Off, Speed Display	30	11	3	27.3 %	5.5	1.5	14	38	26	25.1	30.8	72.9 %
13:00	Speed Display	30	32	4	12.5 %	32.0	4.0	5	35	24	24.7	28.8	68.0 %
14:00	Speed Display	30	32	1	3.1 %	32.0	1.0	9	32	23	22.7	26.9	65.0 %
15:00	Speed Display	30	80	3	3.8 %	80.0	3.0	5	41	21	22.5	28.1	69.0 %
16:00	Speed Display	30	38	6	15.8 %	38.0	6.0	7	37	24	24.4	29.1	44.0 %
17:00	Speed Display	30	24	3	12.5 %	24.0	3.0	12	38	24	22.8	26.0	54.0 %
Total Volumes / Avg Speeds	Display Off, Speed Display	30	217	20	9.2 %	211.5	18.5	5	41	24	23.7	28.3	62.0 %
Total/Avg w/o Feedback			0	0	0.0 %	0.0	0.0	0	0	0	0.0	0.0	0.0 %
Total/Avg w/Feedback			206	17	8.3 %	206.0	17.0	5	41	23	23.4	27.8	60.0 %

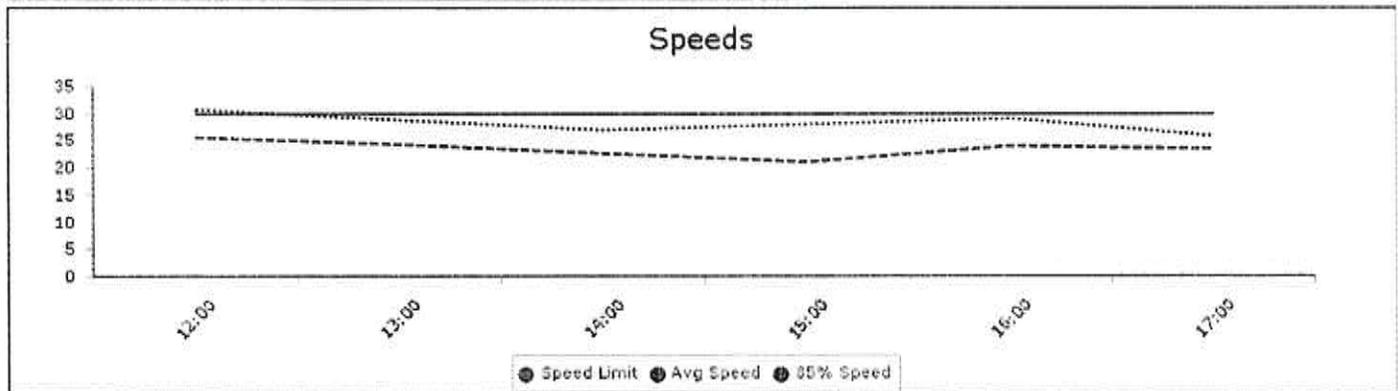
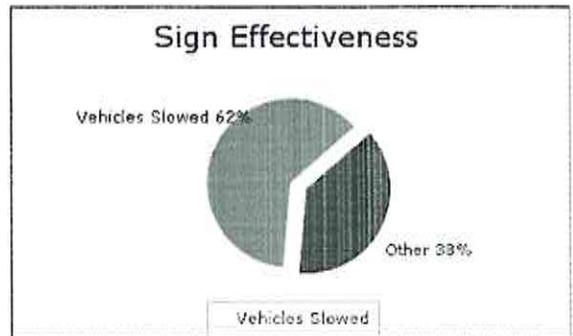
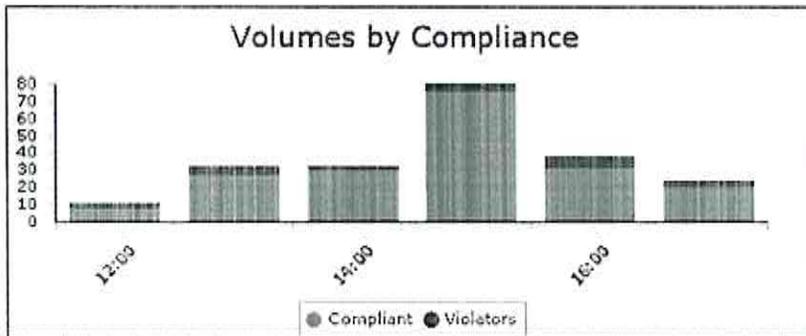


Speed Summary Report

For Town of Argyle on 3/13/2016 at 7:52 AM

Generated by Officer Steven Wallace
Location: Myrtle, Myrtle, S

Time of Day: 0:00 to 23:59
Dates: 9/2/2014 to 9/8/2014 (Su, M, T, W, Th, F, Sa)





Speed Summary Report

For Town of Argyle on 3/13/2016 at 7:52 AM

Page 3 of 3

Generated by Officer Steven Wallace
Location: Myrtle, Myrtle, S

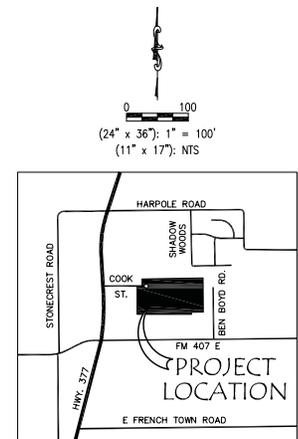
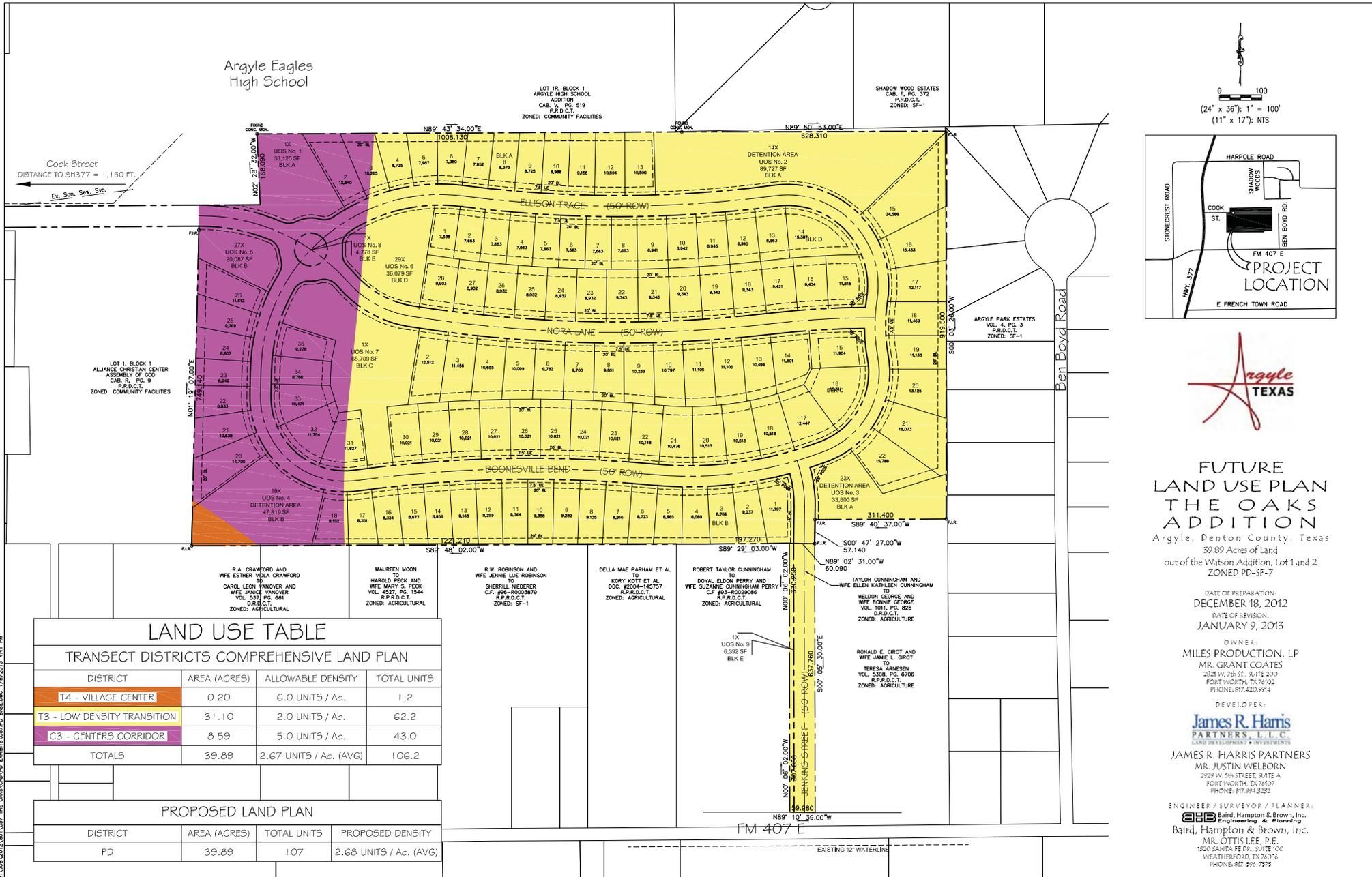
Time of Day: 0:00 to 23:59
Dates: 9/2/2014 to 9/8/2014 (Su, M, T, W, Th, F, Sa)

Overall Summary

Total Days of Data	1
Speed Limit	30
Average Speed	23.63
50th Percentile Speed	23.71
85th Percentile Speed	28.28
Pace speed range	24 to 33
Maximum Speed	41
Minimum Speed	5
Display Status?	Displaying Speed Feedback
Average Volume per Day	211.55
Total Volume	217

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From The Oaks PD Ordinance 2013-03



FUTURE LAND USE PLAN THE OAKS ADDITION
 Argyle, Denton County, Texas
 39.89 Acres of Land
 out of the Watson Addition, Lot 1 and 2
 ZONED PD-SF-7

DATE OF PREPARATION: DECEMBER 18, 2012
 DATE OF REVISION: JANUARY 9, 2013

OWNER:
 MILES PRODUCTION, LP
 MR. GRANT COATES
 2821 W. 7th ST., SUITE 200
 FORT WORTH, TX 76102
 PHONE: 817.420.9914

DEVELOPER:
James R. Harris PARTNERS, L.L.C.
 LAND DEVELOPMENT & INVESTMENTS

JAMES R. HARRIS PARTNERS
 MR. JUSTIN WELBORN
 4929 W. 5th STREET, SUITE A
 FORT WORTH, TX 76107
 PHONE: 817.994.8382

ENGINEER / SURVEYOR / PLANNER:
Baird, Hampton & Brown, Inc.
 MR. OTTIS LEE, P.E.
 1520 SANTA FE DR., SUITE 100
 WEATHERFORD, TX 76086
 PHONE: 817.596.7575

LAND USE TABLE

TRANSECT DISTRICTS COMPREHENSIVE LAND PLAN			
DISTRICT	AREA (ACRES)	ALLOWABLE DENSITY	TOTAL UNITS
T4 - VILLAGE CENTER	0.20	6.0 UNITS / Ac.	1.2
T3 - LOW DENSITY TRANSITION	31.10	2.0 UNITS / Ac.	62.2
C3 - CENTERS CORRIDOR	8.59	5.0 UNITS / Ac.	43.0
TOTALS	39.89	2.67 UNITS / Ac. (AVG)	106.2

PROPOSED LAND PLAN

DISTRICT	AREA (ACRES)	TOTAL UNITS	PROPOSED DENSITY
PD	39.89	107	2.68 UNITS / Ac. (AVG)

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TOWN COUNCIL DATA SHEET



Agenda Item: FY16 Second Quarter Financial Report

Requested by: Kim Collins, Director of Finance

Background: Please find attached the FY16 Second Quarter Financial Report. This report shows the revenues and expenditures at the 50% completion mark of the fiscal year ending September 30, 2016.

Revenue

Total revenue at the half way mark of FY 16 shows 81.05% completion. The percentage remains skewed high due to the January 31 due date for property taxes (54% of total revenue). The next top three revenue sources (*Sales Tax, Franchise Tax and Court*) make up 33% of total budgeted revenue, and are all well above the 50% mark. The remainder of *Revenues*, with the exception of *Construction Permits*, are also above the 50% mark. *Construction Permits* is made up of new residential and commercial permits as well as pools, fences, barns, driveways, etc. on new and existing homes. Permit revenue was budgeted on estimated home construction in the Oaks, Argyle Town Village, 5T, Denton St., Dallas St. and miscellaneous large estate homes. The Oaks, Dallas St. and Denton St. are all slightly below our prediction. Argyle Town Village and the miscellaneous estate homes are in line with our predictions, but 5T had no permits issued as of 3-31-16 due to the fact the Town had not accepted their infrastructure. Their roads and lift station were behind schedule, but that infrastructure has now been accepted. As a result, we have now issued one permit and have one ready to issue for this project. We expect the remainder of 5T permits to catch up before year end.

Expenditures

All departments are effectively at or below the 50% mark on expenditures. Our department heads continue to be diligent about monitoring their expenditures. We have collected escrow funds for several of the pending and approved projects in town. These monies are used to pay professional fees such as engineering and legal above development fees, ensuring the Town does not incur these expenses. This practice helps keep professional fees low in *Community Development*.



TOWN COUNCIL DATA SHEET



Comments

The budget process for FY17 will begin in earnest in May. We are attaching a Budget Calendar which is unchanged from the one given to you in October and assumes an increase in ad valorem values, triggering two statutory hearings on a tax increase. These additional hearings require two meetings a month during August and September. To offset these additional meetings, we have cancelled the July Council meeting. A quorum is essential at the August 23, September 13 and September 27 Council meetings. **Please advise us as soon as possible if you have a known conflict on one of these dates.**

Financial Impact: N/A

Staff Recommendation: N/A

Requested Action: N/A

Attachments: FY16 Second Quarter Financial Report; FY16 Second Quarter Cash and Investment Report; FY17 Budget Calendar

TOWN OF ARGYLE
FY 15-16 QUARTERLY BUDGET REPORT
2ND QUARTER (JAN - MAR, 16)
50% OF FISCAL YEAR COMPLETE

FUNDS	ADOPTED BUDGET	Y-T-D ACTUAL	% OF BUDGET
<u>GENERAL FUND</u>			
REVENUES			
Ad valorem tax	1,545,640	1,512,592	97.86%
Sales tax	367,200	246,436	67.11%
Franchise tax	370,000	230,763	62.37%
Municipal court	192,000	146,517	76.31%
Permits & registrations	36,900	23,681	64.18%
Construction permits	208,600	81,743	39.19%
Development	48,762	50,732	104.04%
Other revenues	9,800	8,845	90.25%
Transfers In	73,300	-	0.00%
Other proceeds	-	10,398	0.00%
TOTAL REVENUES	<u>2,852,202</u>	<u>2,311,708</u>	<u>81.05%</u>
EXPENDITURES			
Town Council	34,633	5,270	15.22%
Administration	578,579	272,750	47.14%
Finance	127,528	58,793	46.10%
Municipal Court	86,496	37,067	42.85%
Information Technology	50,100	3,338	6.66%
Police Administration	408,263	197,420	48.36%
Police Operations	645,260	292,660	45.36%
Animal Control	11,500	2,850	24.78%
Community Development	205,833	68,946	33.50%
Comm. Devel. - Inspections	145,300	33,902	23.33%
Street Maint. Administration	175,211	86,152	49.17%
Street Maintenance	338,177	121,708	35.99%
Transfers to Other Funds	45,000	-	0.00%
TOTAL EXPENDITURES	<u>2,851,879</u>	<u>1,180,856</u>	<u>41.41%</u>
REVENUES OVER/ (UNDER) EXPENDITURES	<u>323</u>	<u>1,130,852</u>	

**TOWN OF ARGYLE
FY 15-16 QUARTERLY BUDGET REPORT
2ND QUARTER (JAN - MAR, 16)
50% OF FISCAL YEAR COMPLETE**

<u>FUNDS</u>	<u>ADOPTED BUDGET</u>	<u>Y-T-D ACTUAL</u>	<u>% OF BUDGET</u>
<u>SPECIAL REVENUE FUNDS</u>			
ECONOMIC DEVELOPMENT FUND			
REVENUES	184,360	123,068	66.75%
EXPENDITURES	260,916	49,719	19.06%
REVENUES OVER/ (UNDER) EXPENDITURES	<u>(76,556)</u>	<u>73,349</u>	
CRIME CONTROL & PREVENTION FUND			
REVENUES	95,080	69,108	72.68%
EXPENDITURES	139,187	21,327	15.32%
REVENUES OVER/ (UNDER) EXPENDITURES	<u>(44,107)</u>	<u>47,781</u>	
STREET MAINTENANCE SALES TAX FUND			
REVENUES	92,080	61,303	66.58%
EXPENDITURES	145,000	79,048	54.52%
REVENUES OVER/ (UNDER) EXPENDITURES	<u>(52,920)</u>	<u>(17,745)</u>	
BUILDING MAINTENANCE FUND			
REVENUES	-	-	0.00%
EXPENDITURES	-	-	0.00%
REVENUES OVER/ (UNDER) EXPENDITURES	<u>-</u>	<u>-</u>	
COURT TECHNOLOGY FUND			
REVENUES	7,730	4,639	60.01%
EXPENDITURES	12,600	1,915	15.20%
REVENUES OVER/ (UNDER) EXPENDITURES	<u>(4,870)</u>	<u>2,724</u>	

**TOWN OF ARGYLE
FY 15-16 QUARTERLY BUDGET REPORT
2ND QUARTER (JAN - MAR, 16)
50% OF FISCAL YEAR COMPLETE**

FUNDS	ADOPTED BUDGET	Y-T-D ACTUAL	% OF BUDGET
COURT SECURITY FUND			
REVENUES	5,830	3,450	59.18%
EXPENDITURES	11,500	-	0.00%
REVENUES OVER/ (UNDER) EXPENDITURES	<u>(5,670)</u>	<u>3,450</u>	
KEEP ARGYLE BEAUTIFUL FUND			
REVENUES	200	4,375	2187.50%
EXPENDITURES	12,500	35,124	280.99%
REVENUES OVER/ (UNDER) EXPENDITURES	<u>(12,300)</u>	<u>(30,749)</u>	
PARKLAND DEDICATION FUND			
REVENUES	45,170	12,046	26.67%
EXPENDITURES	114,000	7,500	6.58%
REVENUES OVER/ (UNDER) EXPENDITURES	<u>(68,830)</u>	<u>4,546</u>	
TREE REFORESTATION FUND			
REVENUES	20	-	0.00%
EXPENDITURES	4,000	-	0.00%
REVENUES OVER/ (UNDER) EXPENDITURES	<u>(3,980)</u>	<u>-</u>	
LEOSE TRAINING FUND			
REVENUES	1,200	1,155	96.24%
EXPENDITURES	2,000	382	19.10%
REVENUES OVER/ (UNDER) EXPENDITURES	<u>(800)</u>	<u>773</u>	

TOWN OF ARGYLE
FY 15-16 QUARTERLY BUDGET REPORT
2ND QUARTER (JAN - MAR, 16)
50% OF FISCAL YEAR COMPLETE

FUNDS	ADOPTED BUDGET	Y-T-D ACTUAL	% OF BUDGET
POLICE DONATIONS FUND			
REVENUES	4,260	4,554	106.90%
EXPENDITURES	7,000	205	2.93%
REVENUES OVER/ (UNDER) EXPENDITURES	<u>(2,740)</u>	<u>4,348</u>	
SENIOR CITIZENS ORGANIZATION			
REVENUES	1,442	90	6.24%
EXPENDITURES	1,200	874	72.86%
REVENUES OVER/ (UNDER) EXPENDITURES	<u>242</u>	<u>(784)</u>	

**TOWN OF ARGYLE
FY 15-16 QUARTERLY BUDGET REPORT
2ND QUARTER (JAN - MAR, 16)
50% OF FISCAL YEAR COMPLETE**

<u>FUNDS</u>	<u>ADOPTED BUDGET</u>	<u>Y-T-D ACTUAL</u>	<u>% OF BUDGET</u>
<u>CAPITAL PROJECTS FUNDS</u>			
CAPITAL IMPROVEMENTS FUND			
REVENUES	700	124	17.78%
EXPENDITURES	66,001	-	0.00%
REVENUES OVER/ (UNDER) EXPENDITURES	<u>(65,301)</u>	<u>124</u>	
ROADWAY IMPACT FEES FUND			
REVENUES	138,510	40,001	28.88%
EXPENDITURES	-	-	0.00%
REVENUES OVER/ (UNDER) EXPENDITURES	<u>138,510</u>	<u>40,001</u>	
EQUIPMENT REPLACEMENT FUND			
REVENUES	20,200	-	0.00%
EXPENDITURES	32,750	-	0.00%
REVENUES OVER/ (UNDER) EXPENDITURES	<u>(12,550)</u>	<u>-</u>	
<u>DEBT SERVICE FUND</u>			
REVENUES	489,406	468,092	95.64%
EXPENDITURES	475,818	380,530	79.97%
REVENUES OVER/ (UNDER) EXPENDITURES	<u>13,588</u>	<u>87,562</u>	

**TOWN OF ARGYLE
FY 15-16 QUARTERLY BUDGET REPORT
2ND QUARTER (JAN - MAR, 16)
50% OF FISCAL YEAR COMPLETE**

FUNDS	ADOPTED BUDGET	Y-T-D ACTUAL	% OF BUDGET
<u>UTILITY FUNDS</u>			
WASTEWATER UTILITY OPERATING FUND			
REVENUES	509,940	212,048	41.58%
EXPENDITURES	604,956	251,822	41.63%
REVENUES OVER/ (UNDER) EXPENDITURES	<u>(95,017)</u>	<u>(39,774)</u>	
WASTEWATER CAPITAL PROJECTS FUND			
REVENUES	500	-	0.00%
EXPENDITURES	110,092	-	0
REVENUES OVER/ (UNDER) EXPENDITURES	<u>(109,592)</u>	<u>-</u>	
WASTEWATER DEVELOPMENT FUND			
REVENUES	142,672	43,811	30.71%
EXPENDITURES	43,813	-	0.00%
REVENUES OVER/ (UNDER) EXPENDITURES	<u>98,859</u>	<u>43,811</u>	

Cash and Investment Report

	Balance at beginning of Quarter 01/01/2016	Balance at end of Quarter 03/31/2016	Interest Rate
Bank Accounts			
General Fund - PointBank	4,842,328.78	5,643,274.27	0.59%
I & S - PointBank	304,907.12	211,498.39	0.59%
CCPD - PointBank	166,933.80	195,271.36	0.59%
EDC - Northstar (checking)	118,646.48	150,918.21	0.25%
EDC - Northstar (liquid CD)	205,431.25	205,610.58	0.35%
	\$ 5,638,247.43	\$ 6,406,572.81	
Investment Accounts			
TexPool - General Fund	93,807.26	93,915.29	0.46%
TexPool - WW Development	59,991.84	60,060.97	0.46%
TexPool - EDC	38,537.42	38,581.84	0.46%
TexPool - Roadway CIP	401.74	402.30	0.46%
	\$ 192,738.26	\$ 192,960.40	
 Total Cash in Bank	 \$ 5,830,985.69	 \$ 6,599,533.21	

Funds of the Town of Argyle are invested in accordance with Chapter 2256 of the "Public Funds Investment Act." The Act clearly defines allowable investment instruments for local governments. The Town of Argyle Investment Policy incorporates the provisions of the act and all investment transactions are executed in compliance with the Act and the Policy.

**TOWN OF ARGYLE
2016-2017 BUDGET CALENDAR
(assumes above Effective Rate)**

TUE, JUN 28	Council meeting - workshop prior to meeting
	NO JULY COUNCIL MEETING
APPROX. JUL 25	Receive certified totals from DCAD
APPROX. JUL 31	Receive effective rate calculations from County Tax Office.
TUE, AUG 9	Special Council meeting to discuss tax rate ; if proposed tax rate will exceed the rollback rate or the effective tax rate (whichever is lower), take record vote to place a proposal to adopt the rate on the agenda of a future meeting as an action item. The proposal must specify the desired rate. If the proposal passes, the Council must schedule two (2) public hearings on the proposal.
TUE, AUG 23	1st Public Hearing on tax increase ; announce date, time & place of the meeting at which the Council will vote on the tax rate. A quorum of the Town Council must be present. The Council may not adopt the tax rate at this hearing.
TUE, SEP 13	2nd Public Hearing on tax increase ; schedule and announce the date, time and place of the meeting at which the Council will vote on the tax rate 3-14 days from this date. A quorum of the Town Council must be present. The Council may not adopt the tax rate at this hearing. Public Hearing on Proposed Budget. (per 102.0065)
TUE, SEP 27	Meeting to adopt budget, “ratify the tax” increase, and adopt the tax rate. Adoption of a budget that raises more property tax revenue than was generated the previous year requires two votes by the Council: 1) One vote to adopt the budget; and 2) a separate vote to “ratify” the property tax revenue increase reflected in the budget. Adopt the tax rate as a separate agenda item after adopting the budget. A quorum of the Town Council must be present.
SEPTEMBER 30	Tax rate must be adopted BEFORE this date or 60 days after the Town received the appraisal roll, whichever is later.



Town Council Work Session & Regular Meeting Minutes –March 22, 2016

The Regular Meeting of the Town Council was held on **March 22, 2016** at 4:00 p.m. at the Argyle Town Hall. This was an OPEN MEETING, open to the public, subject to the open meeting laws of the State of Texas and, as required by law, was duly posted, at Argyle Town Hall, giving notice of time, date, place, and agenda thereof.

A. CALL WORK SESSION TO ORDER

Mayor Krueger called the work session to order at 4:02 p.m.

Attendee Name	Title	Status	Arrived
Peggy Krueger	Mayor	Present	
Joey Hasty	Mayor Pro Tem	Present	
Kay Teer	Council Member, Place 2	Present	
Eric Lamon	Council Member, Place 3	Present	
Jay Haynes	Council Member, Place 4	Present	
Marla Hawkesworth	Council Member, Place 5	Present	

B. WORK SESSION

The pre-meeting work session is designed as an opportunity for the Town Council to discuss pending items. No action will be taken during the work session portion of the meeting.

1. Discuss and review updates to the Transportation Thoroughfare Plan.
Town Engineer John Birkhoff reviewed the proposed revisions to the Transportation Thoroughfare Plan. The Council discussed street cross-sections, roadway designations, roadway alignments and intersections.
2. Discussion on the S-1 Sanitary Sewer project.
Mr. Birkhoff provided the Council with an update on the S-1 Sanitary Sewer design.
3. Hear a presentation from staff concerning the formation of Argyle Highlands Public Improvement District No. 1.
Economic Development Consultant Trent Petty presented the Council with general information related to public improvement districts as well as specific information related to the proposed Argyle Highlands Public Improvement District No. 1.
4. Discussion of No-left turn sign at Old Justin Road.
Captain Temple Cottle reviewed information related to the Old Justin Road/US 377 intersection and answered Council questions. The Council determined the Argyle ISD School Board should review on-site traffic flow at the intermediate school to try to alleviate some of the school traffic.

5. Discussion and direction to Staff regarding the creation of the Program for Argyle Community Engagement (PACE) for development related Town Hall forum meetings. This item will be discussed at the April Council meeting.
6. Discussion regarding any regular session items.

The work session was adjourned at 7:02 p.m.

C. CALL REGULAR SESSION TO ORDER

The Mayor called the regular session to order at 7:11 p.m.

D. INVOCATION

E. PLEDGE OF ALLEGIANCE

F. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

1. Council Recognition of Students and Citizens
 - a. Marcus Doyle – Mr. Doyle was recognized by Captain Cottle and John Crawford for his many years of service on the Crime Control and Prevention District.
 - b. Argyle ISD – the State Champion Girls’ Basketball team, State Champion Wrestler, State Champion Film Team and All-State Band were recognized by the Council.
2. Argyle Youth Advisory Council - The AYAC provided an update of their mission and purpose.
3. Town Council and Staff Presentations / Reports
 - a. Development Project Updates
Community Development Director Matt Jones reported on current submittals to include Trailhead Ranch, Waterbrook and a CVS pharmacy.

G. CONSENT AGENDA

1. Consider approval of the February 23, 2016 Town Council minutes.
2. Consider approval of an ordinance cancelling the May 7, 2016 General Municipal Election and declaring the unopposed candidates elected. (*Ordinance No. 2016-03*)

ACTION: Item G.1. and G.2.

APPROVED

Mayor Pro Tem Hasty moved to approve the consent agenda as presented. Councilmember Teer seconded the motion. For: Unanimous. The motion passed 5 to 0.

H. NEW BUSINESS

1. Receive presentation by Vail & Knauth, LLP and consider acceptance of the Annual Financial Report for Fiscal Year 2015.

Mike Vail with Vail & Knauth, LLP presented the FY15 audited financials. Mr. Vail stated that assets exceed liabilities by approximately \$6.1 million and the Town's unrestricted net position is approximately \$1.5 million as of September 30, 2015. Mr. Vail issued a clean opinion with no instances of non-compliance and praised Finance Director Kim Collins in her preparation of the audit.

ACTION: Item H.1.**APPROVED**

Mayor Pro Tem Hasty moved to approve the Annual Financial Report for Fiscal Year 2015. Councilmember Teer seconded the motion. For: Unanimous. The motion passed 5 to 0.

2. Consider approval of a resolution accepting for filing a petition for the establishment of Argyle Highlands Public Improvement District No. 1 and calling a public hearing to consider the advisability and feasibility of establishing the district.

ACTION: Item H.2.**APPROVED**

Councilmember Haynes moved approve the resolution. Councilmember Hawkesworth seconded the motion. For: Unanimous. The motion passed 5 to 0. (*Resolution No. 2016-04*)

3. Public hearing and consider a zoning change request (Z-16-001) from PD-SPA-2 (Planned Development SPA-2) to PD-001 (Planned Development District) for Avalon at Argyle, being approximately 133 acres, in the Francis W. Thorton Survey, Abstract No. 1244, Town of Argyle, Denton County, Texas; and being located on the east side of IH 35 W, south of FM 407, and west of Gateway Blvd.

Community Development Director Matt Jones presented the Council with the proposed zoning change request. Mr. Jones stated that the property is currently zoned PD-SPA-2 which would allow for up to 504 residential units on 55 acres that could include multi-family and approximately 40 acres of commercial. Mr. Jones stated the applicant had submitted a plan in January that provided for approximately 60 acres of residential, 18 acres of commercial, 23 acres of open space and 28 acres of right-of-way allowing for up to 356 residential lots. Mr. Jones further stated the applicant had revised their plans based on recommendations from the Planning and Zoning Commission to now be comprised of 54 acres of residential, 39 acres of commercial and 22 acres of open space allowing for up to 334 single-family residential lots with no option for multi-family uses.

Katie Lucas with G&A Consultants spoke on behalf of the applicant. Ms. Lucas reviewed the original overall concept plan that was designed to be a part of Canyon Falls. Ms. Lucas stated the applicant was trying to create a better vision for Argyle. Ms. Lucas stated the Planning and Zoning Commission's comments from their January meeting were incorporated into the newly proposed plan. Ms. Lucas stated the plan included added road separation, a pedestrian walkway, increased commercial, and decreased residential lots.

Mr. Petty stated that he had reviewed the project in accordance with the Town's Crow's Nest tool. Mr. Petty stated the proposed project resulted in a higher level of value than the current zoning because the assessed value would be higher and the cost of service would be lower.

Mayor Krueger opened the hearing to public comment.

No one spoke in favor of the project.

Opposed:

Terry Haefele, 117 Shadowwood Drive

Mayor Krueger closed the hearing to public comment.

The Council discussed masonry materials, sidewalks and differences between the current zoning designation and the proposed zoning designation.

ACTION: Item H.3.

APPROVED

Councilmember Haynes moved to continue the case and the associated hearing until the April 26, 2016 meeting. The motion died for lack of a second.

Councilmember Hawkesworth moved to approve the zoning change request for Avalon to include Staff and Planning & Zoning Commission recommendations; that all sidewalks must be in existence in concrete in 4' and 6' size or greater [six foot sidewalks along the 60' collector and 80' divided collector]; all masonry walls must be stone, not brick; and the T3 elements are subject to the Council's full discretion at the time of site plan approval. Mayor Pro Tem Hasty seconded the motion. For: Unanimous. The motion passed 5 to 0. (*Ordinance No. 2016-04*)

4. Public hearing and consider an ordinance amendment (ORD-16-002) regarding changes to Sections 14.3.32-4, 14.3.33-4, and 14.3.34-4 - Area Regulations; of the Town of Argyle Town Development Standards.

Mr. Jones presented the Council with the proposed ordinance amendment that would remove the specification of average lot depth.

Mayor Krueger opened the hearing to public comment.

In favor:

Graham Whitehead, 217 Old Justin Road

No one spoke in opposition to the ordinance change.

Mayor Krueger closed the hearing to public comment.

ACTION: Item H.4.

APPROVED

Councilmember Lamon moved to approve the ordinance amendment. Mayor Pro Tem Hasty seconded the motion. For: Unanimous. The motion passed 5 to 0. (*Ordinance No. 2016-05*)

- 5. PUBLIC HEARING: Discussion and take appropriate action for amendments (ORD-16-003) to the Town of Argyle Comprehensive Plan regarding allowable residential densities.

Town Attorney Matthew Boyle stated that the proposed amendment was drafted in order to specifically state that the Council may consider a zoning change for a residential use less dense than what is provided for in the Comprehensive Plan.

Mayor Krueger opened the hearing to public comment.

Those speaking regarding the ordinance amendment
Terry Haefele, 117 Shadowwood Drive (*did not specify stance on ordinance*)

Mayor Krueger closed the hearing to public comment.

ACTION: Item H.4.

APPROVED

Councilmember Lamon moved approve the ordinance amendment. Councilmember Teer seconded the motion. For: Unanimous. The motion passed 5 to 0. (*Ordinance No. 2016-06*)

I. OLD BUSINESS

None.

J. OPEN FORUM

The opportunity for citizens to address the Town Council on any non-agenda item (limit 5 minutes per person); however, the Texas Open Meetings Act prohibits the Town Council from discussing issues which the public has not been given seventy-two (72) hour notice. Issues raised may be referred to Town Staff for research and possible future action.

Brad Graham, 320 Boonesville Bend – Mr. Graham stated that he was representing the Underwood Family and Scott McGlaughlin and thanked Chief Tackett for attending the meeting of The Oaks subdivision. Mr. Graham stated that the neighborhood was seeing a lot of cut-through traffic from the high school and would like to see a gate or a “No Left Turn” sign installed on Cook Street.

K. EXECUTIVE SESSION

The Council did not meet in executive session.

PURSUANT TO TEXAS GOVERNMENT CODE, ANNOTATED, CHAPTER 551, SUBCHAPTER D: Section 551.071- Consultation with the Town Attorney regarding

contemplated or pending litigation, to wit: Cause No. 15-10761-211: Texas Voices for Reason and Justice, Inc vs. the Town of Argyle, Texas; the Town of Hickory Creek, Texas; the City of Oak Point, Texas and the City of Ponder, Texas.

L. RECEIVE REQUESTS FROM COUNCIL MEMBERS/STAFF for items to be placed on next meeting agenda

M. ADJOURN

The meeting was adjourned at 9:55 p.m.

Approved this 26th day of April, 2016.

Peggy Krueger, Mayor

Kristi Gilbert, Town Secretary



TOWN COUNCIL DATA SHEET



Agenda Item:

Consider approval of the 2015 preferred access line rate based on the 2016 Consumer Price Index increase.

Requested by:

Paul Frederiksen, Town Manager

Background:

As of March 1, 2000, all telecommunications franchise fees in Texas are required to be based on a fee-per-access line method. The Public Utility Commission (PUC), in October 1999, established three categories of access lines - residential, non-residential, and point-to-point. Each town was required to submit its 1998 base amount and allocation of the base amount to the PUC by Dec. 1, 1999. State law allows a city to change its rates once a year, and its allocation once every 2 years. Due to deflation, the Town may select to maintain the current rates, or select a one cent decrease for each category.

Financial Impact:

If the Town approves the access line increase, it will result in an additional penny collected for residential lines and two cents for non-residential and point-to-point lines. It is difficult to ascertain the effect this will have on the Town's revenue. From July 1, 2014 through June 30, 2015, the Town collected \$8,646.32 in access line charges. The Town has approved a one cent increase each year and has seen a steady decrease in revenues of approximately 4-5% per year. This would appear to be as a result of households moving away from land lines and utilizing cellular networks as their primary method of communication.

Staff Recommendation:

Staff recommends approval of maintaining the 2015 preferred access line rate of \$0.60 for residential, and \$1.46 for non-residential and point-to-point.

Requested Action:

Motion to approve.

Attachments:

Public Utility Commission Communication Regard Access Line Rates



Public Utility Commission of Texas

1701 N. Congress Ave., PO Box 13326, Austin, TX 78711-3326

Filed
Town Secretary
MAR 24 2016
Filed
Town of Argyle

2016 CONSUMER PRICE INDEX (CPI) ADJUSTMENT TO MUNICIPAL TELECOMMUNICATIONS RIGHT-OF-WAY ACCESS LINE RATES

March 10, 2016

PURPOSE

This letter is to notify you that your city's 2016 maximum access line rates have decreased by 0.0878% due to a decrease in the Consumer Price Index (CPI). This adjustment has been made pursuant to Chapter 283 of the Local Government Code (House Bill 1777)

DEFAULT RATES FOR 2016: DECREASE

Based on the choices made by your city in April 2015, your city's 2016 rates will be adjusted for deflation. According to our records, when similar CPI adjustments were made in April 2015, your city chose the MAXIMUM allowable CPI-adjusted rates. Therefore, your 2016 rates will reflect a decrease of 0.0878% from your 2015 rates. You do not have the option to decline this decrease in rates as the adjustment is made pursuant to administrative procedures established for CPI annual adjustments.

ACTION BY CITY: TO ACCEPT THE DECREASE

(1) You do not have to respond to accept the decreased access line rates. (2) Respond ONLY if you want to decrease the access line rates to levels lower than the new caps. (3) To respond, notify the PUC using page 2 of this letter no later than April 30, 2016. (4) The PUC does not require City council authorization; however, if your city charter requires it, please do so immediately. (5) Verify your contact information and highlight any changes. (6) Make a copy of this document.

WHAT HAPPENS IF A CITY DOES NOT RESPOND BY APRIL 30, 2016?

It is not necessary for the city to respond by April 30, 2016. Rates for your city will automatically decrease from 2015 levels to the new 2016 MAXIMUM allowable CPI-adjusted rates and no further reductions will be made. The next opportunity to adjust your rates will be September 1, 2016.

WHAT HAPPENS NEXT?

The PUC will notify telephone companies of your desired rates and you will be compensated accordingly no later than July 1, 2016.

FUTURE REVISIONS TO CPI

The access line rates will be revised annually in March depending on whether the CPI changes for the previous year. If the CPI changes for the year 2016, you will receive a similar letter in March 2017.

See over...

City of Argyle

SECTION 1: Your 2015 city preferred rates are as follows:

Residential: \$0.60 Non-Residential: \$1.46 Point-to-Point: \$1.46

SECTION 2: Your default rates for 2016 are as follows. Note: These are lower than the 2015 rates due to the CPI deflation adjustment.

Residential: \$0.59 Non-Residential: \$1.45 Point-to-Point: \$1.45

To lower your default decrease further, notify the PUC by completing the section below. You can mail or fax this page to the PUC. To accept rates in SECTION 2, no action is required.

I _____, Title _____, am an authorized representative for the City/Town/Village of _____. The City declines to accept the default rates indicated in Section 2 above. Instead, we choose the following rates: Residential _____; Non-Residential _____; Point-to-Point _____.

Date: _____ Signature: _____

Other Comments: [Empty box]

HOW TO RESPOND

Mail: Stephen Mendoza
Public Utility Commission
P.O. Box 13326
Austin, Texas 78711-3326

INQUIRIES

Inquiries only. NOT for sending your response.
HB1777@puc.texas.gov
Phone No: 512-936-7394

OR FAX TO Stephen Mendoza at: 512-936-7428

CITY CONTACT INFORMATION

Please notify us if the contact information we have on file for your city has changed. Thank you.

Phone No. 1 (940) 464-7273

Phone No. 2 (940) 464-7275

Fax No: (940) 464-7274

Email: _____

Address

Kristi Gilbert, Town Secretary
CITY OF ARGYLE
P O BOX 609
ARGYLE TX 76226



TOWN COUNCIL DATA SHEET



Agenda Item:

Consider approval of an Ordinance granting to Atmos Energy Corporation, A Texas and Virginia Corporation, its successors and assigns, a franchise to furnish, transport and supply gas in the Town of Argyle, Denton County, Texas for the transportation, delivery, sale, and distribution of gas in, out of, and through said Town for all purposes; providing for the payment of a fee or charge for the use of the streets, alleys and public ways; and providing that such fee shall be in lieu of other fees and charges, excepting ad valorem taxes; and repealing all previous Atmos Energy gas franchises.

Requested by:

Paul Frederiksen, Town Manager
Kim Collins, Director of Finance

Background:

Franchise fees are the rental costs paid by utilities that use the Town's rights-of-way or other town property to transmit their services. Rights-of-way, just as with other land interests, are valuable and cannot be given away to private companies free of charge. Utilities often operate in the public rights-of-way ("ROW") of the municipality where they are located. Because the Town owns the rights-of-way in trust for the citizens of the Town, based upon the common law and statutory law in Texas, the utility pays each municipality where the ROW is used a fee for the use of the ROW.

The franchise for Atmos Energy Corporation Energy expires on April 1, 2016. A new franchise has been prepared and negotiated with Atmos Energy Corporation. Highlights of the franchise include:

- A ten year term;
- A five percent (5%) franchise fee;
- Atmos Energy Corporation indemnifies the Town for any harm due to its ROW use;
- Atmos Energy Corporation is to carry insurance and provide proof;
- Atmos Energy Corporation is to pay for any relocations of its pipes or equipment required;
- Mutual cooperation in regard to ROW maintenance

The enclosed franchise has been reviewed by the Town Attorney with corresponding memorandum.

Financial Impact:

In FY 16, approximately \$14,000 in franchise fee revenue was received from ATMOS ENERGY CORPORATION Energy based on a four percent (4%) franchise fee adopted in 2002. Currently, total annual franchise fees make up 14% General Fund revenue.

Staff Recommendation:

Staff recommends approval of the ordinance.

Requested Action:

Approval of an Ordinance granting to Atmos Energy Corporation, A Texas and Virginia Corporation, its successors and assigns, a franchise to furnish, transport and supply gas in the Town of Argyle, Denton County, Texas for the transportation, delivery, sale, and distribution of gas in, out of, and through said Town for all purposes; providing for the payment of a fee or charge for the use of the streets, alleys and public ways; and providing that such fee shall be in lieu of other fees and charges, excepting ad valorem taxes; and repealing all previous Atmos Energy gas franchises.

Attachments:

Legal Memo

Proposed Franchise Ordinance

Current Franchise Ordinance 2002-13 with TXU Gas (now Atmos Energy Corporation)

Original Franchise Ordinance 1991-01 with Lone Star Gas Company (now Atmos Energy Corporation)

BOYLE & LOWRY, L.L.P.

ATTORNEYS AND COUNSELORS

MEMO

4201 WINGREN, SUITE 108
IRVING, TEXAS 75062-2763
(972) 650-7100 telephone
(972) 650-7105 facsimile
www.boyle-lowry.com

DATE: April 5, 2016
TO: Paul Frederiksen
FROM: Cathy Cunningham
RE: Atmos Franchise

I am forwarding the Atmos Franchise for consideration by Argyle Town Council. The following points are offered for your consideration:

- The franchise reflects a 5% franchise fee and payments will be made in April of each year;
- The franchise reflects a more comprehensive definition of gross revenues;
- The franchise term extends until December 31, 2026, with two five (5) year renewals;
- In the definition of “public right-of-way” the phrase “public places” has been replaced with “authorized public places;”
- The franchise allows for relocation at the Atmos’ expense, unless the primary purpose of the relocation is for beautification or a private party;
- Atmos will not be required to remove or relocate in less than 30 days unless there is an emergency;
- The Town may, but is not required to, give notice to the Atmos in advance of public improvements, so that Atmos and the Town can work together to avoid street cuts on new pavement;
- The Town agrees not to abandon right-of-way which contains Atmos facilities without conditioning the abandonment on the continued ability of Atmos to use that location’
- A section concerning extensions for customers was removed as that provision is now handled through the state tariff;
- Atmos will indemnify Town except for Town’s negligent or intentional acts;
- Atmos will carry insurance and will provide a certificate of insurance and will make the policy available for review upon Town request.

Let me know if you have any questions.

ORDINANCE NO. 2016-XX

AN ORDINANCE GRANTING TO ATMOS ENERGY CORPORATION, A TEXAS AND VIRGINIA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO FURNISH, TRANSPORT AND SUPPLY GAS TO THE GENERAL PUBLIC IN THE TOWN OF ARGYLE, DENTON COUNTY, TEXAS, FOR THE TRANSPORTING, DELIVERY, SALE, AND DISTRIBUTION OF GAS IN, OUT OF, AND THROUGH SAID MUNICIPALITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE STREETS, ALLEYS, AND PUBLIC WAYS; REPEALING ALL PREVIOUS ATMOS ENERGY GAS FRANCHISE ORDINANCES; PROVIDING THAT IT SHALL BE IN LIEU OF OTHER FEES AND CHARGES, EXCEPTING AD VALOREM TAXES; PRESCRIBING THE TERMS, CONDITIONS, OBLIGATIONS AND LIMITATIONS UNDER WHICH SUCH FRANCHISE SHALL BE EXERCISED; PROVIDING A MOST FAVORED NATIONS CLAUSE, AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Argyle is the owner of valuable rights of way which have been utilized by Atmos Energy Corporation and its predecessors pursuant to a Franchise issued by the Town; and

WHEREAS, the Town of Argyle is legally authorized to regulate and franchise the use of Town owned rights of way through the Texas Tax Code Section 182.026 (b); and

WHEREAS, all legal prerequisites for the passage of this Ordinance have been met, including but not limited to the requirements of the Texas Open Meetings Act and the Town Charter; and

WHEREAS, Town Council has found that the passage of this Ordinance serves the best interests of the health, safety, and welfare of the public.

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

SECTION 1. All matters stated hereinabove are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

SECTION 2. GRANT OF AUTHORITY / LENGTH OF FRANCHISE / TERM AND CONDITIONS

(A) **Grant of Authority.** The Town of Argyle, Texas, herein after called "Town," hereby grants to Atmos Energy Corporation, hereinafter called "Atmos Energy" or

"Company," its successors and assigns, consent to use and occupy the present and future Public Rights-of-Way of the Town for the purpose of laying, maintaining, constructing, protecting, operating, and replacing the System needed and necessary to deliver, transport and distribute gas in, out of, and through Town and to sell gas to persons, firms, and corporations, including all the general public, within the Town's corporate limits.

(B) **Length of Franchise.** Said privilege and license being granted by this Ordinance is for a term ending December 31, 2026. Unless written notice of its intent to renegotiate is provided by either the Town or Atmos Energy at least 180 days prior to the expiration of any term, the franchise shall be extended for two (2) additional terms of five (5) years on the same terms and conditions as set forth herein.

(C) **Terms and Conditions.** The provisions set forth in this Ordinance represent the terms and conditions under which the Company shall construct, operate, and maintain the System within the Town, hereinafter sometimes referred to as the "Franchise." In granting this Franchise, the Town does not in any manner surrender or waive its regulatory or other rights and powers under and by virtue of the Constitution and statutes of the State of Texas as the same may be amended, nor any of its rights and powers under or by virtue of present or future generally applicable ordinances of the Town. Company, by its acceptance of this Franchise, agrees that all such lawful regulatory powers and rights as the same may be from time to time vested in the Town shall be in full force and effect and subject to the exercise thereof by the Town at any time.

SECTION 3. DEFINITIONS

For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

(A) "Affiliate" shall mean in relation to the Company, a Person that controls, is controlled by, or is under common control with the Company. As used in this definition, the term "control" means, with respect to a Person that is a corporation, the ownership, directly or indirectly, of more than 50% of the voting securities of such Person or, with respect to a

Person that is not a corporation, the power to direct the management or policies of such Person, whether by operation of law, by contract or otherwise.

(B) “Company” shall mean Atmos Energy Corporation, its successors and assigns, but does not include an Affiliate, which shall have no right or privilege granted hereunder except through succession or assignment in accordance with Section 6 entitled “No Third Party Beneficiaries.”

(C) “Gross Revenues” shall mean all revenue received from the sale of gas to all classes of customers (excluding gas sold to another gas utility in Town for resale to its customers within Town) within the corporate limits of Town.

- (1) “Gross Revenues” shall also include:
- (a) the following ‘miscellaneous charges’:
 - i. charges to connect, disconnect, or reconnect gas within the Town;
 - ii. charges to handle returned checks from consumers within the Town;
 - iii. such other service charges and charges as may, from time to time, be authorized in the rates and charges on file with the Town; and
 - iv. contributions in aid of construction (“CIAC”).
 - (b) fees collected pursuant to this agreement;
 - (c) State gross receipts fees;
 - (d) all revenues received by Company from the transportation of gas through the System of Company within the Town to customers located within the Town (excluding any gas transported to another gas utility in Town for resale to its customers within Town); and
 - (e) the value of gas transported by Company for Transport Customers through the System of Company located in the Town’s Public Rights-of-Way (“Third Party Sales”) (excluding the value of any gas transported to another gas utility in Town for resale to its customers within Town), with the value of such gas to be established by utilizing Company’s monthly Weighted

Average Cost of Gas charged to industrial customers in the Mid-Tex division, as reasonably near the time that the transportation service is performed.

- (2) “Gross Revenues” shall not include:
 - (a) revenues billed but not ultimately collected or received by Atmos Energy;
 - (b) the revenue of any affiliate or subsidiary of Atmos Energy; and
 - (c) sales taxes paid to the Town; and
 - (d) any interest or investment income earned by the Company; and
 - (e) all monies received from the lease or sale of real or personal property, provided, however, that this exclusion does not apply to the lease of facilities within the Town's Public Right-of Way.

(D) “Person” shall mean any natural person, or any association, firm, partnership, joint venture, corporation, or other legally recognized entity, whether for-profit or not-for-profit, but shall not, unless the context clearly intends otherwise, include the Town or any employee, agent, servant, representative or official of the Town.

(E) “Public Right-of-Way” shall mean public streets, alleys, highways, bridges, public easements, public thoroughfares, grounds, and sidewalks or authorized public places, of the Town, as they now exist or may be hereafter constructed, opened, laid out or extended within the present limits of the Town, or in such territory as may hereafter be added to, consolidated or annexed to the Town.

(F) “System” or “System Facilities” shall mean all of the Company's pipes, pipelines, gas mains, laterals, feeders, regulators, meters, fixtures, connections, and all other appurtenant equipment used in or incident to providing delivery, transportation, distribution, supply and sales of natural gas for heating, lighting, and power, located in the Public Right-of-Way within the corporate limits of the Town.

(G) “Town” shall mean the Town of Argyle, Texas.

(H) “Town Manager” means Town's manager, or designee.

(I) “Transport Customer” shall mean any Person for which Company transports gas through the System of Company within the Town’s Public Rights-of-Way for delivery within the Town (excluding other gas utilities in Town who resell gas to their customers within the Town).

SECTION 4. EFFECT OF OTHER MUNICIPAL FRANCHISE ORDINANCE FEES ACCEPTED AND PAID BY COMPANY

(A) If Company should at any time after the effective date of this Ordinance agree to a new municipal franchise ordinance, or renew an existing municipal franchise ordinance, with another municipality in the Mid-Tex Division, which municipal franchise ordinance determines the franchise fee owed to that municipality for the use of its Public Rights-of-Way in a manner that, if applied to the Town, would result in a franchise fee greater than the amount otherwise due Town under this Ordinance, then the franchise fee to be paid by Company to Town pursuant to this Ordinance may, at the election of the Town, be increased so that the amount due and to be paid is equal to the amount that would be due and payable to Town were the franchise fee provisions of that other franchise ordinance applied to Town. The Town acknowledges that the exercise of this right is conditioned upon the Town’s acceptance of all terms and conditions of the other municipal franchise *in toto*. The Town may request waiver of certain terms, and the Company may choose to agree with the waiver.

SECTION 5. ACCEPTANCE OF TERMS OF FRANCHISE

(A) The Company shall have sixty (60) days from and after the passage and approval of this Ordinance to file its written acceptance thereof with the Town Secretary. If the Company does not file such written acceptance of this Franchise Ordinance, the Franchise Ordinance shall be rendered null and void. The effective date shall be determined in accordance with the requirements of Section 28, “Effective Date.”

(B) At 11:59 P.M. on December 31, 2026, ALL rights, franchises and privileges herein granted, unless they have already at that time ceased or been forfeited or extended in accordance with Section 2(B) or by mutual agreement while a new franchise is being negotiated, shall at once cease and terminate.

SECTION 6. NO THIRD PARTY BENEFICIARIES

This Franchise is made for the exclusive benefit of the Town and the Company, and nothing herein is intended to, or shall confer any right, claim, or benefit in favor of any third party.

SECTION 7. SUCCESSORS AND ASSIGNS

No assignment or transfer of this Franchise shall be made, in whole or in part, except in the case of assignment or transfer to an Affiliate without approval of the Town Council of the Town. Written notice of said transfer or assignment to an Affiliate shall be provided to the Town Manager. The Town will grant such approval unless the Assignee or Transferee is materially weaker than Atmos Energy. For the purpose of this section, “materially weaker” means that the long term unsecured debt rating of the Assignee or Transferee is less than investment grade as rated by both S&P and Moody’s. If the Assignee or Transferee is materially weaker, the Town may request additional documents and information reasonably related to the transaction and the legal, financial, and technical qualifications of the Assignee or Transferee. The Town will grant approval to a materially weaker proposed Assignee or Transferee unless withheld for good cause such as: (1) the failure of the proposed Assignee or Transferee to agree to comply with all provisions of this Ordinance and such additional conditions as the Council may prescribe in order to remedy existing conditions of non-compliance, or (2) the failure of the proposed Assignee or Transferee to provide assurances reasonably satisfactory to the Council of its qualifications, character, the effect of the Transfer and such other matters as the Council deems relevant. Town agrees that said approval shall not be unreasonably withheld or delayed. Upon approval, the rights, privileges, and franchise herein granted to Company shall extend to and include its successors and assigns. The terms, conditions, provisions, requirements and agreements contained in this franchise shall be binding upon the successors and assigns of the Company.

SECTION 8. COMPLIANCE WITH LAWS AND ORDINANCES

This Franchise is granted subject to the laws of the United States of America and its regulatory agencies and commissions, the laws of the State of Texas, and all other generally applicable ordinances of the Town of Argyle, not inconsistent herewith, including, but not limited to, ordinances regulating the use of Public Rights-of-Way.

SECTION 9. PREVIOUS ORDINANCES

When this Franchise becomes effective, all gas franchise ordinances and parts of franchise ordinances applicable to the Company or its predecessors in interest granted by the Town of Argyle, Texas, are hereby repealed.

SECTION 10. NOTICES

Any notices required or desired to be given from one party to the other party to this Ordinance shall be in writing and shall be given and shall be deemed to have been served and received if: (1) delivered in person to the address set forth below; (2) deposited in an official depository under the regular care and custody of the United States Postal Service located within the confines of the United States of America and sent by certified mail, return receipt requested, and addressed to such party at the address hereinafter specified; or (3) delivered to such party by courier receipted delivery. Either party may designate another address within the confines of the continental United States of America for notice, but until written notice of such change is actually received by the other party, the last address of such party designated for notice shall remain such party's address for notice.

TOWN

Town Manager
Town of Argyle
P.O. Box 609
Argyle, Texas 76226

Phone: 940-464-7273

COMPANY

Manager of Public Affairs
Atmos Energy Corp.,
Mid-Tex Division
1681 Corporate Drive
McKinney, Texas 75069
Phone: 1-800-286-6700

With a copy to :
Matthew Boyle
Town Attorney
Town of Argyle
4201 Wingren, Suite 108
Irving, Texas 75062

SECTION 11. PARAGRAPH HEADINGS, CONSTRUCTION

The paragraph headings contained in this Ordinance are for convenience only and shall in no way enlarge or limit the scope or meaning of the various and several paragraphs

hereof. Both parties have participated in the preparation of this Ordinance and this Ordinance shall not be construed either more or less strongly against or for either party.

SECTION 12. CONDITIONS OF OCCUPANCY

(A) All construction and the work done by Company, and the operation of its business, under and by virtue of this Ordinance, shall be in conformance with the ordinances, rules and regulations now in force and that may hereafter be adopted by the Town relating to the use of its Public Rights-of-Way. This Franchise Ordinance shall in no way affect or impair the rights, obligations or remedies of the parties under the Texas Utilities Code, or other state or federal Law. In determining the location of the facilities of the Town and other users of Public Right-of-Way within Town, Town shall minimize interference with then existing facilities of Atmos Energy and shall require other users of Public Rights-of-Way to minimize interference with existing facilities of Atmos Energy. In the event of a conflict between the location of the proposed facilities of Atmos Energy and the location of the existing facilities of Town or other users of Public Rights-of-Way within Public Rights-of-Way that cannot otherwise be resolved, Town or an authorized agent of Town shall resolve the conflict and determine the location of the respective facilities within the Public Rights-of-Way.

(B) Atmos Energy or contractors working on behalf of Atmos Energy shall not be required to pay for street cutting permits, street excavation permits, or other special permits related to excavations in Public Rights-of-Way in connection with Atmos Energy's operations in Public Rights-of-Way. Town shall provide Atmos Energy with its annual capital improvements plan as well as any updates or changes as soon as the plan, update, or change becomes available. Town shall notify Atmos Energy as soon as reasonably possible of any projects that will affect Atmos Energy's facilities located in the Public Rights-of-Way. When required by Town to remove or relocate its mains, laterals, and/or other facilities lying within Public Rights-of-Way, Atmos Energy shall do so as soon as practically possible with respect to the scope of the project. Except in an emergency, in no event shall Atmos Energy be required to remove or relocate its facilities in less than thirty (30) days from the time notice is given to Atmos Energy by Town.

(C) If the Town believes that Company has failed to comply with any operational or maintenance standards as required by this Franchise Ordinance, Town shall give the

Company written notice of such failure to comply. Company shall have the opportunity to cure such failure during a period not to exceed five (5) working days from receipt of the written notice. If the Company fails to cure the alleged failure to comply within the prescribed time period, the Company's alleged failure to comply shall be heard at a public meeting of the Town Council. The Company shall be given written notice of the public meeting no later than five (5) working days prior to the posting date of the agenda for the Town Council meeting at which such alleged failure is scheduled to be considered by the Council. The notice to the Company shall include a list of the failures complained of. Company shall have an opportunity to address the Council at such public meeting. Commencing five (5) calendar days following the adoption of a resolution or an ordinance of the Town that finds and determines a failure of Company to comply with operational or maintenance standards as required by this Franchise Ordinance, Company may be subject to termination as outlined in Section 23.

SECTION 13. RELOCATION OF COMPANY EQUIPMENT

(A) Whenever by reason of widening or straightening of streets, water or sewer line projects, or any other public works or Town projects in which beautification or accommodation of a private developer is not a primary purpose of the project (e.g., installing or improving storm drains, water lines, sewer lines, etc.), it shall be deemed necessary to remove, alter, change, adapt, or conform the underground or aboveground System Facilities of Company to another part of the Public Rights-of-Way, such alterations shall be made by Company at Company's expense to System Facilities that are in conflict. Facilities are deemed to be in conflict to the extent that the proposed Town facilities are determined by Town to physically conflict with Company's facilities or determined by Atmos Energy to be inconsistent with gas distribution industry standard safe operating practices for existing facilities. Atmos Energy shall not be required to relocate facilities to a depth of greater than four (4) feet unless a greater depth is necessary to avoid conflict with other facilities.

(B) When Atmos Energy is required by Town to remove or relocate its mains, laterals, and other facilities lying within Public Rights-of-Way to accommodate a request by Town, and costs of utility removals or relocations are eligible under federal, state, county, local or other programs for reimbursement of costs and expenses incurred by Atmos Energy as a result of such removal or relocation, and such reimbursement is required to be handled through Town,

Atmos Energy costs and expenses shall be included in any application by Town for reimbursement if Atmos Energy submits its cost and expense documentation to Town prior to the filing of the application. Town shall provide reasonable written notice to Atmos Energy of the deadline for Atmos Energy to submit documentation of the costs and expenses of such relocation to Town. Upon receipt of reimbursement from a federal or state agency, the Town shall remit to the Company, within thirty (30) days of receipt, the Company's portion related to the relocation or removal of its facilities.

(C) If Atmos Energy is required by Town to remove or relocate its mains, laterals, or other facilities lying within Public Rights-of-Way for any reason other than the construction or reconstruction of sewers, drainage, water lines, streets or utilities by Town, Atmos Energy shall be entitled to reimbursement from Town or others of the cost and expense of such removal or relocation.

(D) When Atmos Energy is required to remove or relocate its mains, laterals or other facilities to accommodate construction by Town without reimbursement from Town, Atmos Energy shall have the right to seek recovery of relocation costs as provided for in applicable state or federal law. Nothing herein shall be construed to prohibit, alter, or modify in any way the right of Atmos Energy to seek or recover a surcharge from customers for the cost of relocation pursuant to applicable state or federal law. Town shall not oppose recovery of relocation costs when Company is required by Town to perform relocation. Town shall not require that Company document request for reimbursement as a pre-condition to recovery of such relocation costs. Notwithstanding the foregoing, the Town shall have the right to request other project documentation to the full extent provided by state law.

(E) If Town abandons any Public Rights-of-Way in which Atmos Energy has facilities, such abandonment shall be conditioned on Atmos Energy's right to maintain its use of the former Public Right-of-Way and on the obligation of the party to whom the Public Right-of-Way is abandoned to reimburse Atmos Energy for all removal or relocation expenses if Atmos Energy agrees to the removal or relocation of its facilities following abandonment of the Public Right-of-Way. If the party to whom the Public Right-of-Way is abandoned requests Atmos Energy to remove or relocate its facilities and Atmos Energy agrees to such removal or relocation, such removal or relocation shall be done within a reasonable time at the expense of the party requesting the removal or relocation. If relocation cannot practically

be made to another Public Right-of-Way, the expense of any right-of-way acquisition shall be considered a relocation expense to be reimbursed by the party requesting the relocation.

SECTION 14. LAYING OF LINES IN ADVANCE OF PUBLIC IMPROVEMENTS

The Town may give written notice to the Company whenever the Town shall decide to make any public improvements in any Public Right-of-Way in which mains and pipes already exist or in which Company may propose to lay its mains or pipes. The Company will be provided the opportunity, at no expense to the Town, in advance of such public improvements, to renew such mains or pipes, if defective or inadequate in size, and to lay service lines, or renew same, if inadequate in size or defective, to the property lines where buildings are already located.

SECTION 15. INSTALLATION OF METERS

If a meter is to be installed in or near the Public Rights-of-Way, Company agrees to discuss with the Public Works Director or designee the aesthetics of the meter placement. If the Town requires a meter upgrade, the Company will comply so long as the Town reimburses the Company for the reasonable costs incurred by the Company in changing meters; provided, however, that in no event shall underground meters be required.

SECTION 16. DUTY TO SERVE.

The Company hereby agrees that it will not arbitrarily refuse to provide service to any Person that it is economically feasible for the Company to serve. In the event that a Person is refused service, said Person may request a hearing before the Town Council of the Town or its designee, said hearing to be held within forty-five days from the date of the request for hearing. The Council may order the Company to provide service or take any other action necessary to bring the Company into compliance with the intent of the Council in granting this Franchise. The Council may render its opinion at its next regular meeting but in no event shall the Council be required to act in less than seven (7) days.

SECTION 17. RATES.

Company shall furnish reasonably adequate service to the public at reasonable rates and charges therefore, and Company shall maintain its System in good order and condition.

Such rates shall be established in accordance with all applicable statutes and ordinances. Company shall maintain on file with the Town copies of its current tariffs, schedules or rates and charges, customer service provisions, and line extension policies. The rates and charges collected from its customers in the Town shall be subject to revision and change by either the Town or Company in the manner provided by law.

SECTION 18. PAYMENTS TO THE TOWN

(A) In consideration of the privilege and license granted by Town to Company to use and occupy the Public Rights-of-Way in the Town for the conduct of its business, Company, its successors and assigns, agrees to pay and Town agrees to accept, on or before the 1st day of April, 2017, and on or before the same day of each succeeding year during the term of this franchise the last payment of the initial term being made on the 1st day of April, 2026, except as stated in Section 18(B) below, a sum of money which shall be equivalent to five percent (5%) of the Gross Revenues as defined in Section 3(C) above, received by Atmos Energy during the preceding calendar year. The initial payment herein provided shall be for the privilege period January 1 through December 31, 2017, and each succeeding payment shall be for the privilege period of the calendar year in which the payment is made. Payments due prior to the beginning of the franchise will be paid pursuant to previous franchise terms.

(B) The franchise fee amounts based on “Contributions in Aid of Construction” (“CIAC”) shall be calculated on an annual calendar year basis, i.e., from January 1 through December 31 of each calendar year. The franchise fee amounts that are due based on CIAC shall be paid at least once annually on or before April 30 each year based on the total CIAC recorded during the preceding calendar year. The initial CIAC franchise fee payment will be due on or before April 30, 2017, and will be based on the calendar year January 1 through December 31, 2016. The final payment of franchise fee amounts based on CIAC for the initial term will be April 30, 2027, based on the calendar year ending December 31, 2026.

(C) It is also expressly agreed that the franchise fee payments shall be in lieu of any and all other and additional occupation taxes, easement, franchise taxes or charges (whether levied as a special or other character of tax or charge), municipal license, permit, and inspection fees, bonds, street taxes, and street or alley rentals or charges, and all other and additional municipal taxes, charges, levies, fees, and rentals of whatsoever kind and character that Town may now impose or hereafter levy and collect from Company or Company’s

agents, excepting only the usual general or special ad valorem taxes that Town is authorized to levy and impose upon real and personal property. Should Town not have the legal power to agree that the payment of the foregoing sums of money shall be in lieu of taxes, licenses, fees, street or alley rentals or charges, easement or franchise taxes or charges aforesaid, then Town agrees that it will apply so much of said sums of money paid as may be necessary to satisfy Atmos Energy's obligations, if any, to pay any such occupation taxes, licenses, charges, fees, or rentals.

(D) If the Company fails to pay when due any payment provided for in this Section, Company shall pay such amount plus interest at the current prime rate per annum from such due date until payment is received by Town.

(E) Company may file with the Town a tariff or tariff amendment(s) to provide for the recovery of the franchise fee under this Agreement. Town agrees that: (1) as a regulatory authority, it will adopt and approve the ordinance, rates, or tariff which provide for 100% recovery of such franchise fees as part of Company's rates; (2) if Town intervenes in any regulatory proceeding before a federal or state agency in which the recovery of Company's franchise fees is an issue, Town will take an affirmative position supporting 100% recovery of such franchise fees by Company; and (3) in the event of an appeal of any such regulatory proceeding in which Town has intervened, Town will take an affirmative position in any such appeals in support of the 100% recovery of such franchise fees by Company. Town further agrees that it will take no action, nor cause any other person or entity to take any action, to prohibit the recovery of such franchise fees by Company.

(F) Lease of Facilities Within Town's Rights-of-Way. Company shall have the right to lease, license or otherwise grant to a party other than Company the use of its Facilities within the Town's Public Rights-of-Way provided: (1) Company first notifies the Town of the name of the lessee, licensee or user, the type of service(s) intended to be provided through the Facilities, and the name and telephone number of a contact person associated with such lessee, licensee or user; and (2) Company makes the franchise fee payment due on the revenues from such lease pursuant to the Section titled "Payments to the Town" of this Ordinance. This authority to lease Facilities within Town's Rights-of-Way shall not affect any such lessee, licensee or user's obligation, if any, to pay franchise fees, access line fees, or similar Public Right-of-Way user fees.

(G) Town shall within thirty (30) days of final approval, give Company notice of annexations and disannexations of territory by the Town, which notice shall include a map and addresses, if known. Upon receipt of said notice, Company shall promptly initiate a process to reclassify affected customers into the Town limits no later than sixty (60) days after receipt of notice from the Town. The annexed areas added to the Town limits will be included in future franchise fee payments in accordance with the effective date of the annexation if notice was timely received from Town. Upon request from Town, Company will provide documentation to verify that affected customers were appropriately reclassified and included for purposes of calculating franchise fee payments. In no event shall the Company be required to add premises for the purposes of calculating franchise payment prior to the earliest date that the same premises are added for purposes of collecting sales tax.

SECTION 19. BOOKS AND RECORDS

(A) Company agrees that at the time of each quarterly payment, Company shall also submit to the Town a statement showing its Gross Revenues for the preceding calendar quarter as defined in the definition Section of this franchise. Town shall be entitled to treat such statement as though it were sworn and signed by an officer of Company.

(B) Town may, if it sees fit, upon reasonable notice to the Company, have the books and records of Company examined by a representative of Town to ascertain the correctness of the reports agreed to be filed herein. The Company shall make available to the auditor such personnel and records as the Town may in its reasonable discretion request in order to complete such audit, and shall make no charge to the Town therefor. The Company shall assist the Town in its review by providing all requested information no later than fifteen (15) calendar days after receipt of a request. The cost of the audit shall be borne by the Town unless the audit discloses that the Company has underpaid the franchise fee by 10% or more, in which case the reasonable costs of the audit shall be reimbursed to the Town by the Company. If such an examination reveals that Company has underpaid the Town, then upon receipt of written notification from Town regarding the existence of such underpayment, Company shall undertake a review of the Town's claim and if said underpayment is confirmed, remit the amount of underpayment to Town, including any interest calculated in accordance with the Section 19, titled "Payments to the Town" subsection (D). Should Company determine through examination of its books and records that Town has been

overpaid, upon receipt of written notification from Company regarding the existence of such overpayment, Town shall review Company's claim and if said overpayment is confirmed, remit the amount of overpayment to Company.

(C) If, after receiving reasonable notice from the Town of the Town's intent to perform an audit as provided herein, the Company fails to provide data, documents, reports, or information required to be furnished hereunder to the Town, or fails to reasonably cooperate with the Town during an audit conducted under the terms hereunder, the Company shall be liable for payment of a fee as set forth herein. The Town shall give the Company written notice of its intent to impose a fee and shall provide Company with a period to cure its failure, such period not to exceed five (5) working days. If the Company fails to cure the alleged failure within the prescribed time period, the Company's alleged failure to comply shall be heard at a public meeting of the Town Council. The Company shall be given written notice of the public meeting no later than five (5) working days prior to the posting date of the agenda for the Town Council meeting at which such failure is scheduled to be considered by the Council. The notice to the Company shall include a list of the failures complained of. Company shall have an opportunity to address the Council at such public meeting. Commencing five (5) calendar days following the adoption of a resolution or an ordinance of the Town that finds and determines a failure of Company to comply with the requirements of this Section, Company may be subject to termination as outlined in Section 24 entitled "Termination."

SECTION 20. RESERVATION OF RIGHTS: GENERAL

(A) The Town reserves to itself the right and power at all times to exercise, in the interest of the public and in accordance with state law, regulation and control of Company's use of the Public Rights-of-Way to ensure the rendering of efficient public service, and the maintenance of Company's System in good repair throughout the term of this Franchise.

(B) The rights, privileges, and Franchise granted by this Ordinance are not to be considered exclusive, and Town hereby expressly reserves the right to grant, at any time, like privileges, rights, and franchises as it may see fit to any other Person for the purpose of furnishing gas for light, heat, and power for Town and the inhabitants thereof.

(C) Town expressly reserves the right to own and/or operate its own system for the purpose of transporting, delivering, distributing, or selling gas to and for the Town and inhabitants thereof.

(D) Nothing herein shall impair the right of the Town to fix, within constitutional and statutory limits, a reasonable price to be charged for natural gas, or to provide and fix a scale of prices for natural gas, and other charges, to be charged by Company to residential consumers, commercial consumers, industrial consumers, or to any combination of such consumers, within the territorial limits of the Town as same now exists or as such limits may be extended from time to time hereafter.

SECTION 21. RIGHT TO INDEMNIFICATION, LEGAL DEFENSE AND TO BE HELD HARMLESS

(A) In consideration of the granting of this Franchise, Company agrees to indemnify, defend and hold harmless the Town, its officers, agents, and employees (Town and such other persons and entities being collectively referred to herein as “Indemnitees”), from and against all suits, actions or claims of injury to any person or persons, or damages to any property brought or made for or on account of any death, injuries to, or damages received or sustained by any person or persons or for damage to or loss of property arising out of, or occasioned by Company’s intentional and/or negligent acts or omissions in connection with Company’s operations.

(B) The Company’s obligation to indemnify Indemnitees under this Franchise Ordinance shall not extend to claims, losses, and other matters covered hereunder that are caused or contributed to by the negligent or intentional acts of one or more Indemnitees. In such case the obligation to indemnify shall be reduced in proportion to the negligence of the Indemnitees. By entering into this Franchise Ordinance, Town does not consent to suit, waive any governmental immunity available to the Town under Texas law or waive any of the defenses of the parties under Texas law. In the event of joint and concurrent negligence or fault of both Atmos Energy and the Town, responsibility and indemnity, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas without, however, waiving any governmental immunity available to the Town under Texas law and without waiving any of the defenses of the parties under Texas law. It is understood that it is not the intention of the parties hereto to create liability for the benefit of third parties, but that

this section shall be solely for the benefit of the parties hereto and shall not create or grant any rights, contractual or otherwise, to any person or entity.

(C) Except for instances of Town's own negligence, Town shall not at any time be required to pay from its own funds for injury or damage occurring to any person or property from any cause whatsoever arising out of Company's construction, reconstruction, maintenance, repair, use, operation or dismantling of System or Company's provision of service.

(D) In the event any action or proceeding shall be brought against the Indemnitees by reason of any matter for which the Indemnitees are indemnified hereunder, Company shall, upon notice from any of the Indemnitees, at Company's sole cost and expense, resist and defend the same with legal counsel selected by Company; provided, however, that Company shall not admit liability in any such matter on behalf of the Indemnitees without their written consent and provided further that Indemnitees shall not admit liability for, nor enter into any compromise or settlement of, any claim for which they are indemnified hereunder, without the prior written consent of Company. Company's obligation to defend shall apply regardless of whether Town is solely or concurrently negligent. The Indemnitees shall give Company prompt notice of the making of any claim or the commencement of any action, suit or other proceeding covered by the provisions of this Section. Nothing herein shall be deemed to prevent the Indemnitees at their election and at their own expense from cooperating with Company and participating in the defense of any litigation by their own counsel. If Company fails to retain defense counsel within seven (7) business days after receipt of Indemnitee's written notice that Indemnitee is invoking its right to indemnification under this Franchise, Indemnitees shall have the right to retain defense counsel on their own behalf, and Company shall be liable for all reasonable and necessary defense costs incurred by Indemnitees.

SECTION 22. INSURANCE

The Company will maintain an appropriate level of insurance in consideration of the Company's obligations and risks undertaken pursuant to this Franchise, unless a specific amount is required by the Town's Right-of-Way Management Ordinance, in which case said Ordinance shall prevail. Such insurance may be in the form of self-insurance to the extent permitted by applicable law, under an approved formal plan of self-insurance maintained by Company in accordance with sound accounting and risk-management practices. A certificate

of insurance shall be provided to the Town. The Company shall make the policy available for review upon Town's request. The Company will require its self-insurance to respond to the same extent as if an insurance policy had been purchased naming the Town as an additional insured, and any excess coverage purchased to insure Company's obligations within the Town will name the Town as an additional insured.

SECTION 23. TERMINATION

(A) Right to Terminate.

In addition to any rights set out elsewhere in this Franchise Ordinance, the Town reserves the right to terminate the Franchise and all rights and privileges pertaining thereto, in the event that the Company violates any material provision of the Franchise.

(B) Procedures for Termination.

(1) The Town may, at any time, terminate this Franchise for a continuing material violation by the Company of any of the substantial terms hereof. In such event, the Town shall give to Company written notice, specifying all grounds on which termination or forfeiture is claimed, by certified mail, addressed and delivered to the Company at the address set forth in the Section titled "Notices" hereof. The Company shall have sixty (60) days after the receipt of such notice within which to cease such violation and comply with the terms and provisions hereof. In the event Company fails to cease such violation or otherwise comply with the terms hereof, then Company's Franchise is subject to termination under the following provisions. Provided, however, that, if the Company commences work or other efforts to cure such violations within thirty (30) days after receipt of written notice and shall thereafter prosecute such curative work with reasonable diligence until such curative work is completed, then such violations shall cease to exist, and the Franchise will not be terminated.

(2) Termination shall be declared only by written decision of the Town Council after an appropriate public proceeding whereby the Company is afforded the full opportunity to be heard and to respond to any such notice of violation or failure to comply. The Company shall be provided notice in writing at least fifteen (15) working days prior to any public hearing concerning the termination of the Franchise.

In addition, ten (10) days' notice by publication shall be given of the date, time and place of any public hearing to interested members of the public, which notice shall be paid for by the Company.

(3) The Town, after full public hearing, and upon finding material violation or failure to comply, may terminate the Franchise or excuse the violation or failure to comply, upon a showing by the Company of mitigating circumstances or upon a showing of good cause of said violation or failure to comply as may be determined by the Town Council.

(4) Nothing herein stated shall preclude Company from appealing the final decision of the Town Council to a court or regulatory authority having jurisdiction.

(5) Nothing herein stated shall prevent the Town from seeking to compel compliance by suit in any court of competent jurisdiction if the Company fails to comply with the terms of this Franchise after due notice and the providing of adequate time for Company to comply with said terms.

SECTION 24. RENEGOTIATION

If either Town or Company requests renegotiation of any term of this Ordinance, Company and Town agree to renegotiate in good faith revisions to any and all terms of this Ordinance. If the parties cannot come to agreement upon any provisions being renegotiated, then the existing provisions of this Ordinance will continue in effect for the remaining term of the Franchise.

SECTION 25. SEVERABILITY

This Ordinance and every provision hereof, shall be considered severable, and the invalidity or unconstitutionality of any section, clause, provision, or portion of this Ordinance shall not affect the validity or constitutionality of any other portion of this Ordinance. If any term or provision of this Ordinance is held to be illegal, invalid or unenforceable, the legality, validity or unenforceability of the remaining terms or provisions of this Ordinance shall not be affected thereby.

SECTION 26. NO WAIVER

Either Town or the Company shall have the right to waive any requirement contained in this Ordinance, which is intended for the waiving party's benefit, but, except as otherwise provided herein, such waiver shall be effective only if in writing executed by the party for whose benefit such requirement is intended. No waiver of any breach or violation of any term of this Ordinance shall be deemed or construed to constitute a waiver of any other breach or violation, whether concurrent or subsequent, and whether of the same or a different type of breach or violation.

SECTION 27. EFFECTIVE DATE

This Franchise shall be effective on _____, 2016, if Company has filed its acceptance as provided by the Section 5 titled "Acceptance of Terms of Franchise" herein.

APPROVED on the ___ day of _____, 2016, at a regular meeting of the Town Council of the Town of Argyle, Texas

ATTEST:

TOWN OF ARGYLE

Kristi Gilbert, Town Secretary

Peggy Krueger, Mayor

APPROVED AS TO FORM:

Matthew C. G. Boyle, Town Attorney

**CITY OF ARGYLE, TEXAS
ORDINANCE NO. 2002-13**

AN ORDINANCE AMENDING THE EXISTING GAS FRANCHISE BETWEEN THE CITY AND TXU GAS COMPANY, TO PROVIDE FOR A DIFFERENT CONSIDERATION AND TO AUTHORIZE THE LEASE OF FACILITIES WITHIN THE CITY'S RIGHTS-OF-WAY; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR ACCEPTANCE BY TXU GAS COMPANY; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, TXU Gas Company (hereinafter called "TXU Gas") is, through its TXU Gas Distribution division, engaged in the business of furnishing and supplying gas to the general public in the City, including the transportation, delivery, sale, and distribution of gas in, out of, and through the City for all purposes, and is using the public streets, alleys, grounds and rights-of-ways within the City for that purpose under the terms of a franchise ordinance heretofore duly passed by the governing body of the City and duly accepted by TXU Gas; and

WHEREAS, the City and TXU Gas desire to amend said franchise ordinance to provide for a different consideration and to authorize the lease of facilities within the City's rights-of-way; and

WHEREAS, the City Council finds and declares that the meeting at which this Ordinance is considered is to be open to the public as required by law, and that public notice of the time, place and purpose of said meeting was given as required by Chapter 551, Texas Government Code, as amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARGYLE, TEXAS:

**SECTION 1
(AMENDING LANGUAGE)**

The existing gas franchise ordinance between the City and TXU Gas Company is amended as follows:

- A. Effective January 1, 2002, the consideration payable by TXU Gas for the rights and privileges granted to TXU Gas by the franchise ordinance heretofore duly passed by the governing body of this City and duly accepted by TXU Gas is hereby changed to be four percent (4%) of the Gross Revenues, as defined in Section 1.B. below, received by TXU Gas.
- B. "Gross Revenues" shall mean all revenue derived or received, directly or indirectly, by the Company from or in connection with the operation of the

System within the corporate limits of the City and including, without limitation:

- (1) all revenues received by the Company from the sale of gas to all classes of customers within the City;
- (2) all revenues received by the Company from the transportation of gas through the pipeline system of Company within the City to customers located within the City;
- (3) the value of gas transported by Company for Transport Customers through the System of Company within the City ("Third Party Sales"), with the value of such gas to be reported by each Transport Customer to the Company, provided, however, that should a Transport Customer refuse to furnish Company its gas purchase price, Company shall estimate same by utilizing TXU Gas Distribution's monthly industrial Weighted Average Cost of Gas, as reasonably near the time as the transportation service is performed; and
- (4) "Gross revenues" shall include:
 - (a) other revenues derived from the following 'miscellaneous charges':
 - i. charges to connect, disconnect, or reconnect gas within the City;
 - ii. charges to handle returned checks from consumers within the City;
 - iii. such other service charges and charges as may, from time to time, be authorized in the rates and charges on file with the City; and
 - iv. contributions in aid of construction" ("CIAC");
 - (b) revenues billed but not ultimately collected or received by the Company; and,
 - (c) gross receipts fees.
- (5) "Gross revenues" shall not include:
 - (a) the revenue of any Person including, without limitation, an affiliate, to the extent that such revenue is also included in Gross Revenues of the Company;

- (b) sales taxes; and
- (c) any interest income earned by the Company; and
- (d) all monies received from the lease or sale of real or personal property, provided, however, that this exclusion does not apply to the lease of facilities within the City's right of way unless the lessee is also an entity that pays franchise fees to the City.

C. Calculation and Payment of Franchise Fees Based on CIAC

- (1) The franchise fee amounts based on "Contributions in aid of Construction" ("CIAC") shall be calculated on an annual calendar year basis, i.e., from January 1 through December 31 of each calendar year.
- (2) The franchise fee amounts that are due based on CIAC shall be paid at least once annually on or before April 30 each year based on the total CIAC recorded during the preceding calendar year.

D. Effect of Other Municipal Franchise Ordinance Fees Accepted and Paid by TXU Gas

- (1) If TXU Gas should at any time after the effective date of this Ordinance agree to a new municipal franchise ordinance, or renew an existing municipal franchise ordinance, with another municipality, which municipal franchise ordinance determines the franchise fee owed to that municipality for the use of its public rights-of-way in a manner that, if applied to the City, would result in a franchise fee greater than the amount otherwise due City under this Ordinance, then the franchise fee to be paid by TXU Gas to City pursuant to this Ordinance shall be increased so that the amount due and to be paid is equal to the amount that would be due and payable to City were the franchise fee provisions of that other franchise ordinance applied to City.
- (2) The provisions of this Subsection D apply only to the amount of the franchise fee to be paid and do not apply to other franchise fee payment provisions, including without limitation the timing of such payments.

E. TXU Gas Franchise Fee Recovery Tariff

- (1) TXU Gas may file with the City a tariff amendment(s) to provide for the recovery of the franchise fees under this amendment.
- (2) City agrees that (i) as regulatory authority, it will adopt and approve the ordinance, rates or tariff which provide for 100% recovery of such

franchise fees as part of TXU Gas' rates; (ii) if the City intervenes in any regulatory proceeding before a federal or state agency in which the recovery of TXU Gas' franchise fees is an issue, the City will take an affirmative position supporting 100% recovery of such franchise fees by TXU Gas and; (iii) in the event of an appeal of any such regulatory proceeding in which the City has intervened, the City will take an affirmative position in any such appeals in support of the 100% recovery of such franchise fees by TXU Gas.

(3) City agrees that it will take no action, nor cause any other person or entity to take any action, to prohibit the recovery of such franchise fees by TXU Gas.

F. Lease of Facilities Within City's Rights-of-Way. TXU Gas shall have the right to lease, license or otherwise grant to a party other than TXU Gas the use of its facilities within the City's public rights-of-way provided: (i) TXU Gas first notifies the City of the name of the lessee, licensee or user; the type of service(s) intended to be provided through the facilities; and the name and telephone number of a contact person associated with such lessee, licensee or user and (ii) TXU Gas makes the franchise fee payment due on the revenues from such lease pursuant to Sections I.A. and I.B. of this Ordinance. This authority to Lease Facilities Within City's Rights-of-Way shall not affect any such lessee, licensee or user's obligation, if any, to pay franchise fees.

SECTION 2
(CUMULATIVE)

In all respects, except as specifically and expressly amended by this ordinance, the existing effective franchise ordinance heretofore duly passed by the governing body of the City and duly accepted by TXU Gas shall remain in full force and effect according to its terms until said franchise ordinance terminates as provided therein.

SECTION 3
(SEVERABILITY)

It is hereby declared to be the intent of the City of Argyle, that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without incorporation of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 4
(SAVINGS)

All rights and remedies of the City of Argyle are expressly saved as to any and all violations of the provisions of any Ordinances affecting budgets, budget approval or adoption, which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 5
(ENGROSSMENT AND ENROLLMENT)

The City Secretary of the City of Argyle is hereby directed to engross and enroll this Ordinance by copying the exact Caption and Effective Date in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

SECTION 6
(PUBLICATION)

The City Secretary of the City of Argyle is hereby directed to publish the Caption and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code.

SECTION 7
(EFFECTIVE DATE)

This ordinance shall take effect upon its final passage and TXU Gas' acceptance. TXU Gas shall, within thirty (30) days from the passage of this ordinance, file its written acceptance of this ordinance with the Office of the City Secretary in substantially the following form:

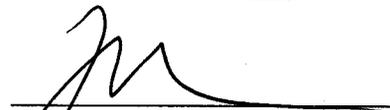
To the Honorable Mayor and City Council:

TXU Gas Distribution, a division of TXU Gas Company, acting by and through the undersigned authorized officer, hereby accepts in all respects, on this the ____ day of _____, 20____, Ordinance No. 2002-13 amending the current gas franchise between the City and TXU Gas Company and the same shall constitute and be a binding contractual obligation of TXU Gas Company and the City.

TXU Gas Distribution
A division of TXU Gas Company

By _____
Vice President

PASSED AND APPROVED by the City Council of the City of Argyle, Texas
this the 9th day of July 2002.



Richard Tucker
Mayor, City of Argyle, Texas

ATTEST:

APPROVED AS TO FORM:



Codi Delcambre
City Secretary



Matthew Boyle
City Attorney



ORDINANCE NO: 91-1

AN ORDINANCE GRANTING TO LONE STAR GAS COMPANY, A DIVISION OF ENSERCH CORPORATION, A CORPORATION, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO FURNISH AND SUPPLY GAS TO THE GENERAL PUBLIC IN THE CITY OF ARGYLE, DENTON COUNTY, TEXAS, FOR THE TRANSPORTING, DELIVERY, SALE, AND DISTRIBUTION OF GAS IN, OUT OF, AND THROUGH SAID MUNICIPALITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE STREETS, ALLEYS, AND PUBLIC WAYS; AND PROVIDING THAT IT SHALL BE IN LIEU OF OTHER FEES AND CHARGES, EXCEPTING AD VALOREM TAXES; AND REPEALING ALL PREVIOUS GAS FRANCHISE ORDINANCES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARGYLE, TEXAS:

SECTION 1: That the City of Argyle, Texas, hereinafter called "City", hereby grants to Lone Star Gas Company, a Division of ENSERCH CORPORATION, hereinafter called "Company," its successors and assigns, consent to use and occupy the present and future streets, alleys, highways, public places, public thoroughfares, and grounds of City for the purpose of laying, maintaining, constructing, operating, and replacing therein and thereon pipelines and all other appurtenant equipment needed and necessary to deliver gas in, out of, and through said City and to sell gas to persons, firms, and corporations, including all the general public, within the City corporate limits, said consent being granted for a term of twenty-five (25) years from and after the date of the final passage and approval of this ordinance; provided, however, this agreement is subject to renegotiation at the request of either party at any time.

SECTION 2: Company shall lay, maintain, construct, operate, and replace its pipes, mains, laterals, and other equipment so as to interfere as little as possible with traffic and shall promptly clean up and restore to approximate original condition all thoroughfares and other surfaces which it may disturb. The location of all mains, pipes, laterals, and other appurtenant equipment shall be fixed under the supervision of the City or an authorized agent appointed by said City.

When the Company is required to relocate its mains, laterals, and other facilities to accommodate construction, and the relocation is the result of construction or improvement to the Federal-Aid System (or any successor thereto), and Company is eligible for reimbursement for its costs and expenses incurred as a result of such construction and improvement from the Federal Government, the County Government, or the State of Texas, as permitted by law pursuant to any reimbursement program, and City requests reimbursement for costs and expenses incurred as a result of such construction or improvement, Company costs and expenses shall be included within any

such application for reimbursement, provided that Company submits the appropriate documentation to City prior to such application. City shall make a reasonable effort to provide sufficient notice to the Company to allow the submittal of appropriate cost information to the City.

SECTION 3: When Company shall make or cause to be made excavations or shall place obstructions in any street, alley, or other public place, the public shall be protected by barriers and lights placed, erected, and maintained by Company; and in the event of injury to any person or damage to any property by reason of Company's construction, operation, or maintenance of the gas distribution plant or system of Company, Company shall indemnify and keep harmless City from any and all liability in connection therewith.

SECTION 4: In addition to the rates charged for gas supplied, Company may make and enforce reasonable charges, rules and regulations for service rendered in the conduct of its business including a charge for services rendered in the inauguration of natural gas service, and may require, before furnishing service, the execution of a contract therefor. Company shall have the right to contract with each customer with reference to the installation of, and payment for, any and all of the gas piping from the connection thereof with the Company's main in the streets or alleys to and throughout the customer's premises. Company shall own, operate and maintain all service lines, which are defined as the supply lines extending from the Company's main to the customer's meter where gas is measured by Company. The customer shall own, operate, and maintain all yard lines and house piping. Yard lines are defined as the underground supply lines extending from the point of connection with Company's customer meter to the point of connection with customer's house piping.

SECTION 5: Company shall not be required to extend mains on any street more than one hundred feet (100') for any one customer of gas; provided that no extension of mains is required if the customer will not use gas for space heating and water heating, or the equivalent load, at a minimum.

SECTION 6: Company shall be entitled to require from each and every customer of gas, before gas service is commenced, a deposit in an amount calculated pursuant to the Company's Quality of Service Rules as may be in effect during the term of this franchise. Said deposit shall be retained and refunded in accordance with such Quality of Service Rules and shall bear interest, as provided in Tex. Rev. Civ. Stat. Ann. art. 1440a (Vernon Supp. 1991) as it may be amended from time to time. Company shall be entitled to apply said deposit, with accrued interest, to any indebtedness owed Company by the customer making the deposit.

SECTION 7: The rights, privileges, and franchises granted by this ordinance are not to be considered exclusive, and City hereby expressly reserves the right to grant, at any time, like privileges, rights, and franchises as it may see fit to any other person or

corporation for the purpose of furnishing gas for light, heat, and power to and for City and the inhabitants thereof. Provided, however, City shall not grant more favorable conditions, including franchise fee, to any other gas utility franchisee than are herein granted to Company.

SECTION 8: Company, its successors and assigns, agrees to pay and City agrees to accept, on or before the 1st day of April, 1992, a sum of money equivalent to 2% of the gross receipts received by Company from sales to residential and commercial customers during calendar year 1991 up to and including the date of acceptance of this franchise, and a sum of money equivalent to 3% of gross receipts received from sale of gas to residential and commercial customers during the remainder of 1991. Thereafter, on or before the 1st day of April of each succeeding year during the life of this franchise, the last payment being made on the 1st day of April 2016, a sum of money which shall be equivalent to three percent (3%) of gross receipts received by Company from the sale of gas to its residential and commercial customers within the corporate limits of said City (expressly excluding receipts derived from sales to all other classes of customers in said City) during the preceding calendar year, which annual payment shall be for the rights and privileges herein granted to Company, including expressly, without limitation, the right to use the streets, alleys, and public ways of said City. The initial payment for the rights and privileges herein provided shall be for the period January 1 through December 31, 1992, and each succeeding payment shall be for the period January 1 through December 31 of the respective year in which the payment is made. And it is also expressly agreed that the aforesaid annual payment shall be in lieu of any and all other and additional occupation taxes, easement, and franchise taxes or charges (whether levied as an ad valorem, special, or other character of tax or charge), in lieu of municipal license and inspection fees, street taxes, and street or alley rentals or charges, and all other and additional municipal taxes, charges, levies, fees, and rentals of whatsoever kind and character which City may now impose or hereafter levy and collect, excepting only the usual general or special ad valorem taxes which City is authorized to levy and impose upon real and personal property. Should City not have the legal power to agree that the payment of the foregoing sums of money shall be in lieu of taxes, licenses, fees, street or alley rentals or charges, easement or franchise taxes or charges aforesaid, then City agrees that it will apply so much of said sums of money paid as may be necessary to satisfy Company's obligations, if any, to pay any such taxes, licenses, charges, fees, rentals, easement or franchise taxes or charges.

In order to determine the gross receipts received by Company from the sale of gas to residential and commercial customers within the corporate limits of City, Company agrees that on the same date that payments are made, as provided in the preceding paragraph of this Section 8, it will file with the Office of the City Secretary a sworn report showing the gross receipts received from the sale of gas to its residential and commercial customers within said corporate limits during the calendar year preceding the date of payment. City may, if it sees fit, have the books and records of Company examined by

a representative of said City to ascertain the correctness of the sworn reports agreed to be filed herein.

SECTION 9: When this franchise ordinance shall have become effective, all previous ordinances of said City granting franchises for gas distribution purposes which were held by Company shall be automatically cancelled and annulled, and shall be of no further force and effect.

SECTION 10: Company shall file its written acceptance of this franchise ordinance within sixty (60) days after its final passage and approval by said City.

PASSED AND APPROVED on this the 25th day of June, A.D. 1991.

ATTEST:

Sarah E. Stone
City Secretary

Guamir A. Jenkins
Mayor
City of Argyle, Texas

STATE OF TEXAS §
COUNTY OF DENTON §
CITY OF ARGYLE §

I, Sarah E. Stone, City Secretary of the City of Argyle, Denton County, Texas, do hereby certify that the above and foregoing is a true and correct copy of an ordinance passed by the City Council of the City of Argyle, Texas, at a Regular session, held on the 25th day of June, 1991, as it appears of record in the Minutes of said meeting.

WITNESS MY HAND AND SEAL OF SAID CITY, this the 8th day of July, A. D. 1991.



Sarah E. Stone
City Secretary
City of Argyle, Texas

EXTRACT FROM THE MINUTES OF
THE CITY COUNCIL OF THE CITY OF ARGYLE, TEXAS

The City Council of the City of Argyle, Denton County, Texas, convened in Regular session on the 25th day of June, 1991, at 6:30 P. M., with the following persons present:

Mayor: Yvonne A. Jenkins

Council Members: Kay Jenkins Teer

Eric C. Carpenter

Lewis Boyles

Martha Mason

Louis A. Burch

Absent: None

A quorum being present, came on to be read and considered Ordinance No. 91-1 granting to Lone Star Gas Company, a Division of ENSERCH CORPORATION, a Texas corporation, a franchise to furnish and supply natural gas to the general public in the City of Argyle, Texas, for the transporting, delivery, sale and distribution of gas in, out of, and through said municipality for all purposes. On motion made by Eric Carpenter and seconded by Kay Jenkins Teer which carried unanimously, the City Council voted the passage of the Ordinance and to record same at length in these minutes.

STATE OF TEXAS §
COUNTY OF DENTON §
CITY OF ARGYLE §

I, Sarah E. Stone, City Secretary of the City of Argyle, Texas, do hereby certify that the above and foregoing is a true and correct copy of the proceedings of the City Council of the City of Argyle, Texas, at a Regular session, held on the 25th day of June, 1991, in connection with the passage and adoption of Ordinance No. 91-1 granting a franchise to Lone Star Gas Company and that the same is of record in Book June 91, ^{date} page 6-25-91 of the Minutes of the City Council.

WITNESS MY HAND AND SEAL OF SAID CITY, this the 8th day of July, A.D. 1991.

Sarah E. Stone
City Secretary
City of Argyle, Texas



STATE OF TEXAS §
 §
COUNTY OF DALLAS §

WHEREAS, there was finally passed and approved on June 25, 1991, Ordinance No. 91-1 granting to Lone Star Gas Company, a Division of ENSERCH CORPORATION, a corporation, its successors and assigns, a franchise to furnish and supply gas to the general public in the City of Argyle, Denton County, Texas, for the transporting, delivery, sale and distribution of gas in, out of and through said municipality for all purposes, which is recorded in the Minute of the City Council of said City; and

WHEREAS, Section 10 of said ordinance provides as follows:

"SECTION 10: Company shall file its written acceptance of this franchise ordinance within sixty (60) days after its final passage and approval by said City."

AND, WHEREAS, it is the desire of Lone Star Gas Company, a Division of ENSERCH CORPORATION, the holder of the rights, privileges and grants under the aforesaid franchise ordinance, to comply with the above-quoted provisions of Section 10 thereof.

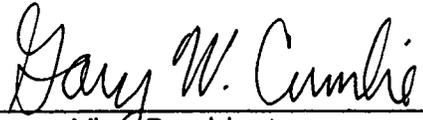
NOW, THEREFORE, premises considered, Lone Star Gas Company, a Division of ENSERCH CORPORATION, acting by and through its duly authorized officers, and within the time prescribed by Section 10 quoted above, does hereby agree to and accept the franchise granted to it by the above-described ordinance, in accordance with its terms, provisions, conditions and requirements and subject to the stipulations and agreements therein contained.

WITNESS THE EXECUTION HEREOF, on this the 16th day of July, 1991.

ATTEST:

LONE STAR GAS COMPANY
A DIVISION OF
ENSERCH CORPORATION


Assistant Secretary


Vice President

STATE OF TEXAS §
COUNTY OF DENTON §
CITY OF ARGYLE §

I, Sarah E. Stone City Secretary of the City of Argyle, Texas, do hereby certify that the above and foregoing is a true and correct copy of a formal acceptance of a franchise ordinance finally passed and approved by said City on June 25, 1991, and of record in the Minutes of the City; and I do further certify that said acceptance has been duly presented to the City Council and filed in connection with and as a part of said franchise ordinance.

OF WHICH, witness my official signature and the seal of said City on this the 24th day of July, 1991.


City Secretary
City of Argyle, Texas





TOWN COUNCIL DATA SHEET



Agenda Item:

Consider approval of a resolution initiating a rate case against Oncor as part of the Steering Committee of Cities Served by Oncor.

Requested by:

Paul Frederiksen, Town Manager

Background:

Recent Public Utility Commission of Texas (“Commission”) proceedings related to approval of conversion of Oncor into a Real Estate Investment Trust (“REIT”) resulted in the Commissioners’ desire to share \$200 million to \$250 million in annual federal income tax (“FIT”) savings with Oncor ratepayers. Since the proceeding involving a change of ownership and control of Oncor was not a rate case, the Commission had no jurisdiction to order a reduction in rates. The new owners of Oncor indicated an intent to file a rate case in mid-2017 to become effective in 2018. Believing that a two year wait to factor FIT savings into rates was too long to wait, the Steering Committee of Cities Served by Oncor decided to initiate a rate case against Oncor.

Municipalities have original rate making jurisdiction over Oncor’s rates and services within their municipal limits. The Commission has original jurisdiction over the environs outside municipal limits and appellate jurisdiction over municipal rate mailing orders. As a regulatory authority, Municipalities that retain original jurisdiction may initiate rate making proceedings by filing a resolution requiring a public utility to show cause why rates should not be reduced. The Town works with other similar Oncor Municipalities on regulatory issues through the Steering Committee of Cities Served by Oncor which has functioned continuously since 1988. The Executive Committee of the Steering Committee recommends that member Municipalities pass show cause resolutions to initiate a rate case so that Oncor rates may be reduced.

Financial Impact:

The cost of initiating a rate case against Oncor is covered as part of the Town’s membership in the Steering Committee of Cities Served by Oncor. The annual membership fee is approximately \$400.

Staff Recommendation:

Approval

Requested Action:

Approval

Attachments:

Memo from the Steering Committee
Resolution

Model Staff Report to Support Resolution Directing Oncor Concerning Just and Reasonable Rates

Recent Public Utility Commission of Texas (“Commission”) proceedings related to approval of conversion of Oncor into a Real Estate Investment Trust (“REIT”) resulted in the Commissioners’ desire to share \$200 million to \$250 million in annual federal income tax (“FIT”) savings with Oncor ratepayers. Since the proceeding involving a change of ownership and control of Oncor was not a rate case, the Commission had no jurisdiction to order a reduction in rates. The new owners of Oncor indicated an intent to file a rate case in mid-2017 to become effective in 2018. Believing that a two year wait to factor FIT savings into rates was too long to wait, the Steering Committee of Cities Served by Oncor decided to initiate a rate case against Oncor.

Whereas Clauses Explained

Cities have original rate making jurisdiction over Oncor’s rates and services within their municipal limits. The Commission has original jurisdiction over the environs outside municipal limits and appellate jurisdiction over city rate mailing orders.

As a regulatory authority, Cities that retain original jurisdiction may initiate rate making proceedings by filing a resolution requiring a public utility to show cause why rates should not be reduced.

The City works with other similar Oncor Cities on regulatory issues through the Steering Committee of Cities Served by Oncor which has functioned continuously since 1988.

The Executive Committee of the Steering Committee recommends that member Cities pass show cause resolutions to initiate a rate case so that Oncor rates may be reduced.

Resolved Sections Explained

Section 1, provides notice to Oncor that it is compelled to file information that would otherwise be required if the Company filed a request to increase rates at the Commission by September 1, 2016. This Section requires that historic data from calendar year 2015 be filed to demonstrate that its rates should not be reduced.

Section 2 authorizes Cities’ representatives to file requests for information which shall be answered by Oncor within 15 days of receipt.

Sections 3 and 4 set other dates critical to the procedural process for rate setting. Cities’ report will be due on October 13, 2016 and the Oncor rebuttal will be due November 10, 2016.

Section 5 establishes that a hearing will occur and final order will be issued between November 15, 2016 and December 15, 2016.

Section 6 provides that the procedural schedule may be amended by the City and that other orders may be extended. For example, once the REIT conversion is finalized, Cities may enter interim orders requiring a sharing of tax savings that benefit ratepayers.

Section 7 authorizes the hiring of legal counsel and authorizes the Executive Committee to hire consultants.

Section 8 confirms that Cities will seek reimbursement of their rate making expenses from Oncor.

Section 9 confirms that the resolution was passed in compliance with Open Meeting laws.

**TOWN OF ARGYLE
RESOLUTION NO. 2016-XX**

DIRECTING ONCOR ELECTRIC DELIVERY COMPANY, LLC TO FILE CERTAIN INFORMATION WITH THE TOWN OF ARGYLE; SETTING A PROCEDURAL SCHEDULE FOR THE GATHERING AND REVIEW OF NECESSARY INFORMATION IN CONNECTION THEREWITH; SETTING DATES FOR THE FILING OF THE TOWN'S ANALYSIS OF THE COMPANY'S FILING AND THE COMPANY'S REBUTTAL TO SUCH ANALYSIS; RATIFYING THE HIRING OF LEGAL COUNSEL AND CONSULTANTS; RESERVING THE RIGHT TO REQUIRE THE REIMBURSEMENT OF THE TOWN OF ARGYLE'S RATE CASE EXPENSES; SETTING A PUBLIC HEARING FOR THE PURPOSES OF DETERMINING IF THE EXISTING RATES OF ONCOR ELECTRIC DELIVERY COMPANY ARE UNREASONABLE OR IN ANY WAY IN VIOLATION OF ANY PROVISION OF LAW AND THE DETERMINATION BY THE TOWN OF ARGYLE OF JUST AND REASONABLE RATES TO BE CHARGED BY ONCOR ELECTRIC DELIVERY COMPANY, LLC.; NOTING COMPLIANCE WITH OPEN MEETINGS LAW; PROVIDING NOTICE OF PASSAGE

WHEREAS, the Town of Argyle is a regulatory authority under the Public Utility Regulatory Act ("PURA") and has original jurisdiction over the rates of Oncor Electric Delivery Company, LLC ("Oncor") to determine if such rates are just and reasonable; and

WHEREAS, Sections 33.021, 36.003 and 36.151 of PURA empower a regulatory authority, on its own motion or on a complaint by any affected person, to determine whether the existing rates of any public utility for any service are unreasonable or in any way in violation of any provision of law, and upon such determination, to determine the just and reasonable rates; and

WHEREAS, the Town of Argyle has reason to believe that Oncor is over-earning and its rates are excessive; and

WHEREAS, the Town of Argyle is a member of the Steering Committee of Cities Served By Oncor; and

WHEREAS, the Executive Committee of the Steering Committee of Cities Served by Oncor has recommended that cities pass a resolution that requires Oncor to show cause why its transmission and distribution rates should not be reduced; and

WHEREAS, the Town of Argyle, and the Town Council of the Town of Argyle desires, on its own motion, to exercise its authority under Sections 33.021, 36.003 and 36.151 of PURA; and

WHEREAS, a procedural schedule should be established for the filing of certain information by Oncor, procedures to be followed to obtain and review information from Oncor,

the filing of an analysis of such information by the Town, the filing of rebuttal information from Oncor, and a public hearing at which time the Town shall make a determination whether the existing rates of Oncor are unreasonable or are in any way in violation of any provision of law, and if such rates should be revised, and just and reasonable rates determined for Oncor.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF ARGYLE, TEXAS:

SECTION 1. This resolution constitutes notice of the Town's intent to proceed with an inquiry into the transmission and distribution rates charged by Oncor. On or before September 1, 2016, Oncor shall file with the Town of Argyle information that demonstrates good cause for showing that Oncor's transmission and distribution rates should not be reduced. Specifically, Oncor shall file with the Town of Argyle information for the test year beginning January 1, 2015 and ending December 31, 2015, regarding Oncor's cost of service elements, including, but not limited to, the elements detailed by the Public Utility Commission as necessary for the filing of a Statement of Intent to Change Rates. The test year may be updated for more current data and shall be adjusted for known and measureable changes.

SECTION 2. Town's designated representatives shall have the right to obtain additional information from Oncor through the filing of requests for information, which shall be responded to within fifteen (15) days from the receipt of such request for information.

SECTION 3. Town's designated representatives shall file their analysis of Oncor's filing and information on or before October 13, 2016.

SECTION 4. Oncor shall file any rebuttal to the analysis of Town's representatives on or before November 10, 2016. With its rebuttal, Oncor may present whatever additional information it desires to defend its current rates.

SECTION 5. A public hearing shall be conducted by the Town Council for the Town of Argyle during a regular council meeting scheduled between November 15 and December 15. At such hearing a representative of Oncor and a representative of the Town of Argyle's consultants will each be allowed to address the Town Council and summarize previously filed reports for no more than 15 minutes. Based upon such hearing, a determination of the reasonableness of the existing rates of Oncor shall be made by the Town Council and, if necessary, just and reasonable rates shall be determined to be thereafter observed and enforced for all services of Oncor within the Town of Argyle, Texas.

SECTION 6. The Town Council may, from time to time, amend this procedural schedule and enter additional orders as may be necessary in the public interest and to enforce the provisions hereof.

SECTION 7. Subject to the right to terminate employment at any time, the Town of Argyle hereby ratifies the Steering Committee's selection of Geoffrey Gay with the law firm of Lloyd, Gosselink, Rochelle & Townsend as legal counsel to assist the Town of Argyle in its ratemaking and to prosecute any appeals to the Texas Public Utility Commission or court. The

Executive Committee of the Steering Committee of Cities Served by Oncor shall retain appropriate consultants to prepare a report and make rate recommendations.

SECTION 8. Fees and expenses of attorneys and consultants assisting the Town in the Steering Committee’s review of the reasonableness of Oncor’s rates will be processed through the Steering Committee but the Town reserves the right to seek reimbursement from Oncor pursuant to the PURA Section 33.023.

SECTION 9. That it is hereby officially found and determined that the meeting at which this resolution was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given all as required by Section 551.041, Texas Government Code.

SECTION 10. That a copy of this Resolution shall be sent to E. Allen Nye, Jr., Senior Vice President, General Counsel and Secretary, Oncor Electric Delivery Company LLC, 1616 Woodall Rodgers Freeway, Dallas, Texas 75202, and to Geoffrey Gay, General Counsel to the Steering Committee of Cities Served by Oncor, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

AND IT IS SO ORDERED.

The above and foregoing resolution was passed and approved on this the 26th day of April, 2016, by the following vote:

- Ayes:
- Nays:
- Abstentions:

At regular meeting April 26, 2016.

MAYOR

ATTEST:

Town Secretary

APPROVED:

Town Attorney

1669/-/7071297



TOWN COUNCIL DATA SHEET



Agenda Item:

Discuss and consider approval of a resolution nominating a candidate for appointment to the Denco Area 9-1-1 District Board of Managers.

Staff:

Kristi Gilbert, Town Secretary

Background:

Each year the Town Council casts a vote for on member to serve on the Denco 9-1-1 Board of Managers, typically in August. In years' past, there has also been the opportunity to nominate an individual as a candidate for appointment, however, the Town has not been able to take advantage of the opportunity due to a short turn around time for nominations. This year, Denco 9-1-1 has changed their schedule to allow for more time for Council consideration. The Town Council is not obligated to make a nomination. However, Jim Carter has submitted his resume for consideration. Mr. Carter is currently serving as one of the two members appointed by participating municipalities.

Recommended Motion:

Motion to approve of a resolution nominating _____ as a candidate to the Denco Area 9-1-1 District Board of Managers.

Attachments:

Resolution

Memo from Denco Area 9-1-1 District

Resume for Jim Carter



Denco Area 9-1-1 District

1075 Princeton Street ▪ Lewisville, TX 75067 ▪ Mailing: PO BOX 293058 ▪ Lewisville, TX 75029-3058

Phone: 972-221-0911 ▪ Fax: 972-420-0709

TO: Denco Area 9-1-1 District Participating Municipal Jurisdictions

FROM: Mark Payne, Executive Director *MP*

DATE: March 15, 2016

RE: Appointment to the Denco Area 9-1-1 District Board of Managers

Chapter 772, Texas Health and Safety Code, provides for the Denco Area 9-1-1 District Board of Managers to have "two members appointed jointly by all the participating municipalities located in whole or part of the district." The enclosed resolution, approved by the district's board of managers on March 10, 2016, describes the appointment process of a municipal representative to the Denco Board of Managers.

Each year on September 30th, the term of one of the two members appointed by participating municipalities expires. This year it is the term of Mr. Jim Carter. Members are eligible for consecutive terms and Mr. Carter has expressed his desire to serve another term.

In order to coordinate the appointment among 34 participating municipalities, the Denco requests the following actions by the governing bodies of each city/town:

1. **Immediate Action (Nominate):** If your city/town would like to nominate a candidate to represent the municipalities on the Denco Board of Managers, please send a letter of nomination, by way of council action, and résumé of the candidate to the Denco Area 9-1-1 District office. **For a nomination to be considered, written notification of council action must reach the Denco Area 9-1-1 District by 5:00 p.m. June 15, 2016.** No nominations shall be considered after that time.
2. **Future Action (Vote):** On June 16, 2016, Denco staff will send the slate of nominees to each city/town for consideration, requesting the city/town council vote by resolution for one of the nominees. Written notice of the council's selection must reach the Denco Area 9-1-1 District by 5:00 p.m. on September 15, 2016. No votes will be accepted after that time.
3. **Process Closure (Results):** The Denco Board of Managers and all municipal jurisdictions will be informed of the votes from responding cities/towns. The candidate with the most votes will be the municipalities' representative to the Denco Area 9-1-1 District Board of Managers for the two-year term beginning October 1, 2016.

Please send a copy of your council's official action and candidate résumé to the Denco Area 9-1-1 District, **P.O. Box 293058, Lewisville, TX 75029-3058** or to Andrea Zepeda at andrea.zepeda@denco.org. Denco staff will acknowledge receipt and sufficiency of the submitted documents. If that acknowledgement is not received within one (1) business day, or you have any other questions, please contact Ms. Zepeda at 972-221-0911. As a courtesy, Denco will provide notification of your council's action to the nominee.

A sample nomination resolution has been enclosed for your convenience. Thank you for your support of the Denco Area 9-1-1 District.

c: Denco Area 9-1-1 District Board of Managers

Enclosures

Council Resolution No. _____

A RESOLUTION NOMINATING ONE CANDIDATE TO A SLATE OF NOMINEES FOR THE BOARD OF MANAGERS OF THE Denco AREA 9-1-1 DISTRICT.

WHEREAS, Section 772, Health and Safety Code, provides that two voting members of the Board of Managers of an Emergency Communications District shall be appointed jointly by all cities and towns lying wholly or partly within the District;

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY / TOWN OF

_____, TEXAS:

Section 1

The City / Town of _____ hereby

NOMINATES _____ as a candidate for

appointment to the Board of Managers of the Denco Area 9-1-1 District.

Section 2

That this resolution shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this the ____ day of _____, 2016.

Mayor _____

City / Town of _____

ATTEST:

APPROVED AS TO FORM:

City / Town Secretary

City / Town Attorney

2016.03.10.AI.08

DENCO AREA 9-1-1 DISTRICT**RESOLUTION****DEFINING PROCEDURE FOR APPOINTMENT OF PARTICIPATING MUNICIPALITIES' REPRESENTATIVE TO THE DISTRICT BOARD OF MANAGERS**

WHEREAS, this resolution shall take the place of Resolution 1999.02.04.R01 by the same title; and

WHEREAS, Chapter 772, Texas Health and Safety Code provides for the Denco Area 9-1-1 District Board of Managers to have "two members appointed jointly by all the participating municipalities located in whole or part of the district."; and

WHEREAS, each member serves a term of two years beginning on October 1st of the year member is appointed; and

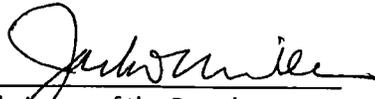
WHEREAS, one member representing participating municipalities is appointed each year.

NOW, THEREFORE BE IT RESOLVED BY THE DENCO AREA 9-1-1 DISTRICT BOARD OF MANAGERS:

The procedure for participating municipalities to appoint a representative to the Denco Area 9-1-1 District Board of Managers shall be the following:

1. **Nominate Candidate:** Prior to March 15th of each year, the executive director shall send a written notice to the mayor of each participating municipality advising that nominations are being accepted until June 15th of that same year, for one of the municipal representatives to the Denco Area 9-1-1 District Board of Managers. The notice shall advise the mayors that for a nomination to be considered, written notification of council action must be received at the Denco office prior to 5:00 p.m. on June 15th of that year. No nominations shall be considered after that time.
2. **Vote for Candidate:** On June 16th of each year, the executive director shall send written notice to the mayor of each participating municipality, providing the slate of nominees to be considered for appointment to the Denco Area 9-1-1 District Board of Managers for the term beginning October 1st. The notice shall advise the mayor that the city/town council shall vote, by resolution from such city/town, for one of the nominees. Written notice of the council's selection must be received at the district office by 5:00 p.m. on September 15th. No votes will be accepted after that time.
3. **Tally Votes:** The one nominee with the most votes received by the deadline will be the municipal representative appointed for the two-year term beginning October 1st.
4. **Tie Breaker:** If there is a tie between two candidates with the most votes, a runoff election will be held immediately with the candidate receiving the most votes serving the remainder of the term. The incumbent representative shall serve in that position until replaced.

APPROVED and ADOPTED on this 10th day of March 2016.



 Chairman of the Board



 Secretary of the Board

**TOWN OF ARGYLE, TEXAS
RESOLUTION 2016-XX**

**A RESOLUTION OF THE TOWN OF ARGYLE NOMINATING ONE
CANDIDATE TO A SLATE OF NOMINEES FOR THE BOARD OF
MANAGERS OF THE DENCO AREA 9-1-1 DISTRICT.**

WHEREAS, Section 772, Health and Safety Code, provides that two voting members of the Board of Managers of an Emergency Communications District shall be appointed jointly by all cities and towns lying wholly or partly within the district;

**NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE
TOWN OF ARGYLE, TEXAS:**

SECTION 1. that the Town of Argyle hereby nominates _____ as a candidate for appointment to the Board of Managers for the Denco Area 9-1-1 Emergency Communication District.

Section 2: That this Resolution shall take effect immediately upon passage by the Town Council.

PASSED AND ADOPTED THIS THE 26th DAY OF APRIL, 2016.

APPROVED:

Peggy Krueger, Mayor

ATTEST:

Kristi Gilbert, Town Secretary

Honorable Mayor and Council,

Your Argyle Town Secretary recently received a letter from Mr. Mark Payne, Executive Director Denco Area 911. The letter explains the procedure for nominating a municipal member to the Denco Board for a two year term. My name is Jim Carter. I was elected to the board two years ago and desire to continue to serve Argyle. I am requesting your support and nomination to continue to serve. Attached is my resume, but below is a simpler explanation of my previous experiences.

As the principal of my company, James P. Carter and Associates, I am primarily a general consultant and mediator for various business disciplines for corporations and governmental entities.

Early in my business career, I was a Department Head in Finance for the Chevrolet Division, General Motors Corporation. I spent many years of my business career with Frito-Lay Inc. During my time with Frito-Lay, I held 13 Executive Positions, including finance, sales, marketing, advertising, distribution and management - culminating as Senior Vice President responsible for new business ventures both domestic and international. As President of Mercantile Corporation, I managed three banks in the Fort Worth area and developed 2,000 prime commercial acres adjacent to Interstates 35 West and 820.

During my business career, I also volunteered for 14 years as the Town of Trophy Club's first Mayor. I resigned as Mayor to become a full time Denton County Commissioner for 8 years. As County Commissioner, I was instrumental in establishing Denton County Emergency Services District #1. I am currently serving as its President. ESD#1 serves 5 municipalities, Lantana, and many rural areas in Denton County. In providing fire and emergency medical services, the District relies heavily on Denco 911's reliability and accuracy of locations. If reelected to the Denco 911 Board, I will continue my dedication of time and experience to help maintain Denco 911's superior performance.

I would be honored to visit you during the nomination and voting periods to discuss Denco and my qualifications. Please contact me with any questions: Jim Carter, 6101 Long Prairie Road, Ste. 744-110, Flower Mound, Texas, 75028.

Email:jcarter@half.com, Cell: 817 239 7791. Thank you for your consideration and I hope your nomination.

Jim Carter

JIM CARTER

6101 Long Prairie Road, Suite 744-110 (817) 239-7791
 Flower Mound, Texas 75028 jcarter@halff.com

EDUCATION

College Degree:	University of Georgia, B.B.A. Finance
Post Graduate:	Georgia Tech, University of Tennessee, University of Michigan, Texas Women's University, American Management Association

PROFESSIONAL EXPERIENCE

Department Head, Finance	General Motors Corporation
Senior Vice-President	Frito-Lay, Inc., International and Domestic Development
President, C.E.O	Mercantile Corporation Responsible for 3 Banks, developed 2,000 prime commercial acres in Fort Worth adjacent to I-35W
Current: Principal	James P. Carter & Associates – Consultant & Mediator To business and governmental entities
Professional Licenses	Texas Real Estate License, Certified Mediator

PUBLIC SERVICE EXPERIENCE

Mayor	Trophy Club, Texas – 14 years
Municipal Court Judge	Trophy Club, Texas – 12 years
County Commissioner	Denton County, Texas – 8 years
Vice President	Texas Association of Counties
President	Denton County Emergency Services District #1 Fire and Emergency Medical over 65 square miles Serving 5 municipalities: (Argyle, Bartonville, Copper Canyon, Corral City and Northlake); Lantana Freshwater Supply Districts #6 and #7 and unincorporated areas of Denton County
Texas State Board Member	SAFE-D – Trains Emergency Services District Commissioners
Board Member Denco 911	Emergency telecommunications system that assists its member jurisdictions in responding to police, fire and medical emergency calls.

COMMUNITY AND CHARITY SERVICES

Baylor Healthcare System	Trustee – 10 Years
University of North Texas	President’s Council
Texas Student Housing Corp	Chairman – 20 Years, providing Residential Scholarships at UNT, A&M, UT Austin
Boy Scouts of America	Longhorn Council, District Chairman
First Baptist Church, Trophy Club	Chairman, Stewardship Committee
American Heart Association	Board of Directors, Celebrity Waiter

BUSINESS ORGANIZATIONS

North Texas Council of Governments	Transportation Board
Fort Worth Chamber of Commerce	Chairman, North Area Chamber Annual Golf Tournament Economic Development Council Governmental Affairs Committee
Texas Alliance for Growth Greater Fort Worth Area	Legislative Committee
Northeast Leadership Forum	Board of Directors, Chairman Mayors Forum, Chairman Legislative Committee
Metroport Partnership	Founding Member and Chairman
Northwest Community Partners	Founding Member, Chairman Board of Directors
Industrial Developer Association	Developer Representative

Honors: Who’s Who in the South and Southwest, Who’s Who in U.S. Executives, Honorary Fire Chief

AFVD



TOWN COUNCIL DATA SHEET



Agenda Item:

Consider approval of the appointment of Director of Public Works Troy Norton as the Authorized Contracting Party Representative for the Denton Creek Regional Wastewater System Advisory Committee of the Trinity River Authority and the appointment of Town Manager Paul Frederiksen as Alternate Representative to the Advisory Committee.

Staff:

Paul Frederiksen, Town Manager

Background:

In accordance with Section 10. Advisory Committee of the contract with the Trinity River Authority and the Denton Creek System Bylaws, the Town Council is required annually to appoint a voting member of the advisory committee and advised to appoint an alternate member.

Staff Recommendation:

Staff recommends the approval of the appointment of Director of Public Works Troy Norton as the Authorized Contracting Party Representative for the Denton Creek Regional Wastewater System Advisory Committee of the Trinity River Authority and the appointment of Town Manager Paul Frederiksen as Alternate Representative to the Advisory Committee.

Attachments:

Communication from the Trinity River Authority of Texas

Trinity River Authority of Texas



Northern Region Office

DATE: April 19, 2016

FILE: 3828.102

TO: MEMBERS, Advisory Committee
Denton Creek Regional Wastewater System

RE: Authorized Contracting Party Representative and
Authorized Alternate Representative

To be in compliance with the contracting parties' contracts and Denton Creek System Bylaws, the governing body of each of the Contracting Parties annually shall appoint one of the members of its governing body or one of its employees as a voting member of the Advisory Committee. The term of membership on the Advisory Committee shall be at the pleasure of each governing body represented, respectively, and each member shall serve until replaced by such governing body. The Denton Creek System Bylaws state that an alternate representative should be appointed.

Please complete the attached authorized representative and alternate representative form and have it executed by your authorized official.

It is requested that this form be returned to us by May 31, 2016. You may send an electronic copy to Cheryl Abbott at abbottc@trinityra.org.

If you have any questions about this, please contact me at 817-493-5100 or allenf@trinityra.org.

A handwritten signature in black ink that reads "Fiona M. Allen".

FIONA M. ALLEN, P.E.
Regional Manager
Northern Region

/cea

Enclosure



**DENTON CREEK REGIONAL WASTEWATER SYSTEM
ADVISORY COMMITTEE**

CONTRACTING PARTY: _____

In accordance with Section 10 ADVISORY COMMITTEE of the Contracting Party Contracts and the Bylaws of the Denton Creek Regional Wastewater System, the following individual has been appointed as the Contracting Party Representative and Voting Member and shall serve until replaced. In addition, an Alternate Contracting Party Representative is also named.

CONTRACTING PARTY REPRESENTATIVE

ALTERNATE REPRESENTATIVE

Name

Name

Title

Title

Address

Address

Email

Email

Phone

Phone

Cell Phone

Cell Phone

MAYOR/CITY MANAGER/AUTHORIZED OFFICIAL

DATE

FORM MUST BE RECEIVED BY MAY 31, 2016. Please complete form and return to:

Cheryl Abbott
Trinity River Authority of Texas
Northern Region
P. O. Box 240
Arlington, TX 76004-0240

FORM MAY ALSO BE RETURNED ELECTRONICALLY TO abbottc@trinityra.org
If you have questions, please contact Cheryl Abbott at 817-493-5100



TOWN COUNCIL DATA SHEET



Agenda Item:

Public Hearing: Conduct a public hearing and consider action authorizing the creation of The Highlands of Argyle Public Improvement District No. 1 to undertake public improvements that confer a special benefit on property generally described as 111.41 contiguous acres within the corporate limits of the Town and generally located: (1) southwest of the Old Town area; (2) south of Old Justin Road; (3) West of U.S. Highway 377 along and adjacent to the Texas & Pacific Railroad Company; and (4) north of Harpole Road.

Requested by:

Paul Frederiksen, Town Manager
Trent Petty, Petty & Associates, Town ED Consultant

Background:

On March 22, 2016, the Town Council accepted a petition from the owners of The Highlands of Argyle and called a public hearing for April 26, 2016 in accordance with Section 372.005 of the Texas Local Government Code. The purpose of the public hearing is to consider the advisability and feasibility of the district to include the nature and estimated costs of improvements, the method of assessment, the apportionment of costs and the boundaries of the PID.

The Highlands of Argyle subdivision zoning was approved on September 22, 2015. The approved zoning provides for 139 single family homes on approximately 111 acres of land located immediately west of SH 377 and the UP Railroad line, south of Old Justin Rd. and north of Harpole Rd. The developer, Mr. Kosse Maykus of Hat Creek Development, (the "Developer") has proposed that the Town create a Public Improvement District ("PID") on the property. The Public Improvement District Assessment Act found in Ch. 372 of the Texas Local Government Code allows municipalities to levy and collect special assessments on properties that are within the Town or its extraterritorial jurisdiction in order to facilitate public infrastructure improvements. The costs of the improvements are born by Public Improvement District bonds which are backed only by assessments on the property and not the taxpayers of the Town of Argyle. The PID bonds have no financial recourse to the Town. Chapter 372 requires the Council to conduct a public hearing after acceptance of a petition to establish a PID.

The PID process will take several months to complete with tonight's public hearing being the second step. Several more documents (ex. the PID final Service and Assessment Plan, the PID Funding Agreement, the PID Assessment Role) must still be produced and finalized by the Development team and approved by the Town Council prior to the issuance of bonds later in 2016. The Town Attorney, Staff and consultants have reviewed the Petition and the Preliminary Service and Assessment Plan and found them to be in order. The financial details and project elements are included in the Attached Preliminary Service and Assessment Plan and are subject to minor adjustment as the bond sale gets closer and the actual costs of improvements become clear. The PID will have to meet two major financial tests in order to be marketable. The first

test is that the improved value of the land (without vertical improvements) be approximately three times more than the debt being issued (3:1). The second is that the assessment when added to all the other taxing entities totals no more than approximately \$3.00 per \$100 value. Enough information has been provided to staff at this point to believe that these thresholds can be met and will be affirmed when the property is appraised.

The development of the Highlands project provides a needed new north south access route to the west of 377. Public Safety, school buses and general traffic circulation need additional north south access to relieve significant and growing traffic congestion on east west thoroughfares that cross SH 377. The developer complied with the Town's request to add this major roadway to the concept plan as well as slip roads to protect the residential properties within the subdivision at a significant development cost. In addition the developer has exceeded the Town's open space requirements and added trails and pedestrian amenities to the subdivision to enhance and protect the value of the residential properties within the subdivision and the surrounding area. The Developer is requesting the Town create the PID in order to finance a portion of the public infrastructure for the project. The developer has also escrowed with the Town funds to reimburse all Town expenses associated with reviewing the application. The staff recommends approval.

Financial Impact:

The cost of the review and hearing notices is being born by the applicant.

Staff Recommendation:

Approval

Requested Action:

Approval

Attachments:

Resolution authorizing the creation of the PID
Preliminary Service and Assessment Plan w/exhibits
Schedule

**TOWN OF ARGYLE, TEXAS
RESOLUTION NO. 2016-XX**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF ARGYLE, TEXAS, MAKING FINDINGS THAT THE HIGHLANDS OF ARGYLE PUBLIC IMPROVEMENT DISTRICT NO. 1 AND THE PROPOSED PUBLIC IMPROVEMENTS TO BE UNDERTAKEN AND FINANCED BY THE DISTRICT WILL DIRECTLY PROMOTE THE INTERESTS OF THE TOWN AND WILL CONFER A SPECIAL BENEFIT ON A DEFINABLE PART OF THE TOWN; PROVIDING THAT THE DISTRICT AND PUBLIC IMPROVEMENTS ARE FEASIBLE AND ADVISABLE; PROVIDING FINDINGS WITH RESPECT TO THE NATURE AND ESTIMATED COST OF THE PUBLIC IMPROVEMENTS, THE BOUNDARIES OF THE DISTRICT, THE METHOD OF ASSESSMENT, AND THE APPORTIONMENT OF COSTS BETWEEN THE DISTRICT AND THE TOWN; AUTHORIZING THE CREATION AND ESTABLISHMENT OF THE DISTRICT; AUTHORIZING AND DIRECTING THE TOWN SECRETARY TO PUBLISH NOTICE OF THIS RESOLUTION CREATING AND ESTABLISHING THE DISTRICT; AUTHORIZING AND DIRECTING THE TOWN SECRETARY TO RECORD THIS RESOLUTION IN THE REAL PROPERTY RECORDS OF DENTON COUNTY, TEXAS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the governing body (the "Town Council") of the Town of Argyle, Texas (the "Town"), is authorized by Chapter 372, Texas Local Government Code, as amended (the "Act"), to create public improvement districts within the corporate limits and extraterritorial jurisdiction of the Town; and

WHEREAS, on March 15, 2016, The Lakes of Argyle, LLC, a Texas limited partnership (the "Owner"), filed with the municipal secretary of the Town (the "Town Secretary") a petition, a copy of which is on file with the Town Secretary (the "Petition"), requesting the creation of The Highlands of Argyle Public Improvement District No. 1 (the "District") consisting of approximately 111.41 contiguous acres, which property is described in the Petition and is the same property described by metes and bounds on the attached Exhibit A and depicted on the attached Exhibit B (the "Property"); and

WHEREAS, the Petition was signed by: (1) owners of taxable real property representing more than 50 percent of the appraised value of taxable real property liable for assessment under

the proposal, as determined by the current roll of the appraisal district in which the property is located; and (2) record owners of real property liable for assessment under the proposal who: (A) constitute more than 50 percent (50%) of all record owners of property that is liable for assessment under the proposal; or (B) own taxable real property that constitutes more than 50 percent (50%) of the area of all taxable real property that is liable for assessment under the proposal and

WHEREAS, the Petition has been on file with the Town Secretary and available for public inspection at all times after it was filed; and

WHEREAS, the Town Council has investigated and determined that the matters set forth in the Petition are true and correct; and

WHEREAS, the Town Council has investigated and determined that the Petition complies with and is sufficient under the Act to create the District; and

WHEREAS, the Town Council has investigated and determined that the public improvements described in the Petition (the "Public Improvements") are authorized by the Act, promote the interests of the Town, and confer a special benefit on the Property; and

WHEREAS, on March 22, 2016, the Town Council approved Resolution No. 2016-04 accepting the Petition, setting a public hearing for April 26, 2016 (the "Public Hearing") to hear public testimony on the feasibility and advisability of creating the District and the feasibility and advisability of the proposed Public Improvements, and authorizing and directing the Town Secretary to publish and mail notices of the Public Hearing as required by the Act; and

WHEREAS, before the 15th day before the date of the Public Hearing, the Town Secretary caused notice of the Public Hearing to be published in the Denton Record Chronicle, a newspaper of general circulation in the area where the proposed District is located; and

WHEREAS, before the 15th day before the date of the Public Hearing, the Town Secretary caused notice of the Public Hearing, addressed to "Property Owner," to be mailed

to the current address (as reflected on the tax rolls) of owners of property subject to assessment under the proposed District; and

WHEREAS, the Town Council has investigated and determined that the content of the published and mailed notices complied with the Act and were timely published and mailed as required by the Act; and

WHEREAS, after publishing, mailing, and otherwise providing all notices required by the Act and by state law, the Town Council conducted the Public Hearing on April 26, 2016, at the time and place, and for the purposes, set forth in the published and mailed notices of the Public Hearing; and

WHEREAS, the Owner appeared at the Public Hearing in support of creating the District and acknowledged that the Owner received written notice of the Public Hearing as required by the Act; and

WHEREAS, no one liable for any assessment under the proposal appeared at the Public Hearing in opposition to the creation of the District; and

WHEREAS, after all persons having an interest in the creation of the District were given an opportunity to be heard, the Town Council closed the Public Hearing.

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF ARGYLE, TEXAS, THAT:

1. The matters set forth in the "WHEREAS" recitals in this Resolution are true and correct, are fully incorporated as part of this Resolution for all purposes, and constitute findings by the Town Council exercising its legislative authority and discretion.
2. The form and content of the Petition, the form, content, and timing of the notices of the Public Hearing, and the conduct of the Public Hearing were in compliance with all requirements of the Act and are hereby ratified and approved.
3. The Town Council, after considering the Petition, information provided by the

Owner, information provided by Town staff, and the evidence, information, and testimony presented at the Public Hearing, makes the following findings, each of which represents the exercise by the Town Council of its legislative authority and discretion:

3.1 the creation of the District and the undertaking and financing of the Public Improvements promote the interests of the Town; and

3.2 the creation of the District and the undertaking and financing of the Public Improvements confer a special benefit on a definable part of the Town identified herein as the Property; and

3.3 the creation of the District and the undertaking and financing of the Public Improvements are advisable and feasible; and

3.4 the nature of the Public Improvements authorized by Section 372.003 of the Act to be undertaken and financed by the District may include the following:

3.4.1 costs and expenses paid or incurred in the establishment, administration, and operation of the District; and

3.4.2 installation of landscaping, including irrigation systems; and

3.4.3 constructing, improving, widening, narrowing, closing, or rerouting of streets and roadways, including sidewalks; and

3.4.4 construction, and improvement of monumentation and wayfinding signage; and

3.4.5 construction, and improvement of water lines and related equipment, facilities, and improvements for a water system; and

3.4.6 construction, and improvement of sanitary sewer lines and related equipment, facilities, and improvements for a sanitary sewer system; and

3.4.7 construction, and improvement of storm water drainage and detention improvements and related equipment, facilities, and improvements for a storm water management system; and

3.4.8 establishment and improvement of lakes, parks, and open space, including the design, construction, and maintenance of ancillary structures, features, or amenities located therein such as trails, playgrounds, athletic facilities, pavilions, community facilities, irrigation systems, walkways, lighting, benches, trash receptacles, and similar items; and

3.4.9 costs associated with the financing of the Public Improvements, including, but not limited to, costs associated with the issuance and sale of revenue bonds secured by assessments levied against the Property.

3.5 The estimated cost of the Public Improvements is TEN MILLION ONE HUNDRED THOUSAND DOLLARS (\$10,100,000.00).

3.6 The boundaries of the District are the boundaries of the approximately 111.41 contiguous acres within the corporate limits of the Town generally located: (1) just southwest of the Old Town area; (2) south of Old Justin Road; (3) West of U.S. Highway 377 along and adjacent to the Texas & Pacific Railroad Company; and (4) north of Harpole Road and described by metes and bounds on the attached Exhibit A and depicted on the attached Exhibit B.

3.7 The method of assessment (which shall be adopted by ordinance of the Town Council after notice and another public hearing in accordance with the Act) will impose equal shares of the cost of the Public Improvements on portions of the Property that are similarly benefited. Before assessments are levied, a "Service and Assessment Plan" will be prepared on behalf of the Town Council and made available for public inspection that describes in greater detail the method by which assessments may be levied against the Property and against lots that result from the subdivision of the Property and the amount of the assessments against each lot. Once levied, the principal amount of the assessments may be reduced but not

increased. All assessments shall be due and payable in accordance with the ordinance adopted by the Town Council and may be paid in full at any time, together with interest through the date of payment. Assessments levied by the Town Council, if not paid in full, may be paid in annual installments which may vary in amount from year to year as approved each year by the Town Council, including an amount to pay principal, interest, costs of collection, costs of administration, and costs and penalties due to delinquencies. If an assessment is paid in installments, the installments must be in amounts necessary to meet annual costs for the Public Improvements and must continue for a period necessary to retire the indebtedness of the Public Improvements. Assessments may be effective (including the liens created against the Property) as of the effective date of the ordinance that levies the assessments; however, the ordinance may provide that the accrual of interest or the collection of annual installments, or both, may be deferred in accordance with any terms and conditions imposed by the Town Council in the ordinance. If assessments are levied based on estimates of the costs of the Public Improvements, the levy must be structured so that it will be reduced in the event the actual costs are less than the estimate.

3.8 The cost of the Public Improvements will be apportioned solely to the District in accordance with the Service and Assessment Plan and none to the Town. The costs of the Public Improvements will be paid solely from assessments levied against the Property and from the proceeds of District special revenue bonds issued by the Town and secured solely by the assessments. No other Town funds, revenue, taxes, or income of any kind shall be used to pay the costs of the Public Improvements unless approved by the Town Council. All assessments and annual installments thereof (including principal, interest, costs of collection, costs of administration, and costs and penalties due to delinquencies), and all special revenue bonds secured by assessments and annual installments thereof, shall be the obligation of the owners of the assessed property and shall be non-recourse to the City.

4. The District is authorized, established, and created by this Resolution as a public improvement district under the Act.
5. The District shall be known as The Highlands of Argyle Public Improvement District No.1.
6. This Resolution has been approved by majority vote of all members of the Town Council and constitutes the improvement order under the Act that establishes and creates the District in accordance with the Act.
7. The Town Secretary is hereby authorized and directed to cause the caption of this Resolution (together with a general description of the Property) to be published one time in a newspaper of general circulation in the area where the District is located as required by the Act; whereupon the authorization establishing the District shall take effect.
8. The Town Secretary is hereby authorized and directed to cause a copy of this Resolution to be recorded in the real property records of Denton County, Texas.
9. This Resolution shall take effect immediately from and after its passage.

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PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF ARGYLE, TEXAS, THIS
26TH DAY OF APRIL, 2016.

Peggy Krueger, Mayor

ATTEST:

Kristi Gilbert, Town Secretary

APPROVED AS TO FORM:

Matthew C. G. Boyle, Town Attorney

Exhibit A
Legal Description of the Property

All that certain 111.41 acres of land, which is all of Lot 1, Block A, Restless Acres, recorded in Document Number 2010-98 in the Plat Records of Denton County, Texas (P.R.D.C.T.), all of Lot 2R, Block A, Vineyard Hills Subdivision No. 2, recorded in Document Number 2012-61, P.R.D.C.T., all of Lot 3, Block A, Vineyard Hills Subdivision No. 2, recorded in Cabinet Y, Page 111 P.R.D.C.T., all of Lot 3, Lot 4 and Lot 5, Block 1, Vineyard Hills Subdivision, recorded in Cabinet E, Page 32, P.R.D.C.T., all of the tract described in the deed to Ronald Hance, recorded in Volume 4126, Page 2315, in the Deed Records of Denton County, Texas (D.R.D.C.T.), and all of the tract described in the deed to Gary L. and Pamela C. Garton, recorded in Volume 2819, Page 650 D.R.D.C.T., in the T. Whitehead Survey, A-342, and the T. Gazaway Survey, A-479, City of Argyle, Denton County, Texas and more particularly described by metes and bounds as follows: (all bearings shown hereon are based on Texas State Plane Coordinate System, North Central Zone):

BEGINNING at a 1/2" iron rod with a cap stamped "SPRY 5647" set for the northwest corner of the herein described tract, common to the common north corner of Lot 1R and Lot 2R, and from which a 3/4" iron pipe bears North 00° 21' 02" West - 10.28';

THENCE North 76° 10' 43" East - 169.73' along the south right-of-way line of said Old Justin Road, to a 1/2" iron rod with a cap stamped "SPRY 5647" set for an angle corner of the herein described tract;

THENCE North 00° 20' 10" West - 10.28' continuing along the south right-of-way line of said Old Justin Road, to the northwest corner of said Lot 3, Block 3, Vineyard Hill Subdivision No. 2 (Cab. Y, Pg. 111), from which a found 3/4" iron pipe bears North 47° 51' West - 0.86';

THENCE North 76° 10' 43" East - 169.55' along the south right-of-way line of said Old Justin Road, to a corner of the herein described tract, from which a found 3/4" iron pipe bears South 00° 21' East - 0.59';

THENCE South 00° 20' 58" East - 10.85' to the northwest corner of said Lot 2R, Block A, Vineyard Hills Subdivision No. 2;

THENCE North 76° 38' 51" East - 239.44' along the south right-of-way line of Old Justin Road, to a 1/2" iron rod with a cap stamped "SPRY 5647" set for the Point of Curvature of a curve to the right, having a central angle of 12° 12' 32", a radius of 928.58' and a chord bearing and distance of North 82° 45' 07" East - 197.49';

THENCE along said curve to the right, continuing along the south right-of-way line of Old Justin Road, an arc distance of 197.87' to a 1/2" iron rod with a cap stamped "SPRY 5647" set for the end of curve;

THENCE North 89° 01' 41" East - 330.18' to a 1/2" iron rod with a cap stamped "SPRY 5647" set for an angle corner of the herein described tract, in the west line of said "Hance" Tract;

Exhibit A
Legal Description of the Property

THENCE North 00° 12' 11" West – 10.00' to a 1/2" iron rod with a cap stamped "SPRY 5647" set for an angle corner of the herein described tract, common to the northwest corner of said "Hance" Tract;

THENCE North 89° 46' 26" East – 233.10' along the south right-of-way line of Old Justin Road, to a 1/2" iron rod with a cap stamped "SPRY 5647" set for an angle corner of the herein described tract, common to the northeast corner of said "Garton" Tract;

THENCE South 06° 21' 42" West – 10.07' to a 1/2" iron rod with a cap stamped "SPRY 5647" set for an angle corner of the herein described tract;

THENCE North 89° 46' 26" East – 608.55' along the south right-of-way line of Old Justin Road to a 1/2" iron rod with a cap stamped "SPRY 5647" set for the northeast corner of the herein described tract, in the west right-of-line of Texas & Pacific Railroad Company (100' R.O.W.);

THENCE South 17° 54' 59" West – 3770.56' along the west right-of-way line of said Texas & Pacific Railroad Company, to a 1/2" iron rod with a cap stamped "SPRY 5647" set for the most southerly southeast corner of the herein described tract, in the north right-of-way line of Harpole Road (a 60' right-of-way);

THENCE South 89° 51' 04" West – 848.09' along the north right-of-way line of said Harpole Road, a 1/2" iron rod found for the most southerly southwest corner of the herein described tract, common to the southeast corner of Lot 2, Block 1, of said Vineyard Hills Subdivision;

THENCE North 00° 16' 10" West, along the west line of aforesaid Lot 3, Block 1, common to the east line of said Lot 2, Block 1, a distance of 1041.35' (called 1040.89') to a 1/2" iron rod with a cap stamped "SPRY 5647" set for an angle corner of the herein described tract, common to the northeast corner of said Lot 2, Block 1, and in the south line of Lot 5, Block A, Vineyard Hills Subdivision No. 2, (Cabinet Y, Page 111), and from which a 1/2" iron rod found bears North 06° 40' East – 0.59';

THENCE North 89° 32' 45" East - 99.86' along the north line of said Lot 3, Block 1 to 1/2" iron rod found for an angle corner of the herein described tract;

THENCE North 01° 05' 28" West - 961.06' to a 1/2" iron rod found for an angle corner of the herein described tract, in the south line of aforesaid Lot 1R, Block A;

THENCE North 89° 49' 10" East - 11.06' (called 10.62') to a 1/2" iron rod found for an angle corner of the herein described tract;

THENCE North 00° 21' 02" West - 1417.28' to the POINT OF BEGINNING, and containing 111.41 acres of land.

Exhibit B
Depiction of the Property



The Highlands of Argyle Public Improvement District

Service and Assessment Plan

3/17/16

Section I

PLAN DESCRIPTION AND DEFINED TERMS

A. Introduction

On _____, 2015, (the “**Creation Date**”) the Town of Argyle, Texas (“the **Town**”) approved that certain “Petition for the Creation of a Public Improvement District to Finance Improvements for the Highlands of Argyle” which authorized the creation of the Highlands of Argyle Public Improvement District (the “**PID**”) to finance the Actual Costs of the Authorized Improvements for the benefit of certain property in the PID, all of which is located within the corporate limits of the Town. Upon application by all of the current property owners, the Town of Argyle adopted the zoning for the property within the PID under Ordinance No. 2015-21 (“**Zoning Ordinance**”) adopted by the Town on September 22, 2015, as amended and including all required approvals. The Zoning Ordinance designates the uses and the requirement permitted within the project and includes development standards.

Chapter 372 of the Texas Local Government Code (as amended, the “**PID Act**”), governs the creation of public improvement districts within the municipalities of the State of Texas (“**the State**”). This Service and Assessment plan (the “SAP”) was prepared pursuant to the PID Act. The PID Act requires that a service plan “cover a period of at least five years and ... must also define the annual indebtedness and the projected costs for improvements.” It also requires the plan be reviewed and updated annually for the purpose of determining the annual budget for improvements. The details regarding the service for the PID are described in more detail in Section V herein.

The Special Assessment Roll for the PID is attached hereto as **Appendix A**, and is addressed in Section VII of this SAP. The Special Assessments as shown on the Assessment Roll are based on the method for establishing and levying the Special Assessment described in Sections IV and VI of this SAP.

B. Definitions

Capitalized terms shall have the meanings ascribed to them as follows:

“**Actual Cost(s)**” means, with respect to Authorized Improvements, the Owner’s demonstrated, reasonable, allocable, and allowable costs of constructing such Authorized Improvements, as specified in a payment request in a form that has been reviewed and approved by the Town and in an amount not to exceed the amount for each Public Improvement as set forth in the SAP. Actual Costs may include (a) the costs incurred for the design, planning, financing, administration/management, acquisition, installation, construction and/or implementation of such Public Improvement, (b) the fees paid for obtaining permits, licenses or other governmental approvals for such Public Improvement, (c) a construction management fee of 4.0% of the costs for the construction of such Public Improvement, (d) the costs incurred for external professional costs, such as engineering, geotechnical, surveying, land planning, architectural landscapers, market research studies, appraisals, legal, accounting and similar professional services, related

to the Authorized Improvements not otherwise included in section (a) of this paragraph (e) all labor, bonds and materials, including equipment and fixtures, incurred by contractors, builders and materialmen in connection with the acquisition, construction or implementation of the Authorized Improvements, (f) all related permitting, zoning and public approval expenses, architectural, engineering, and consulting fees, financing charges, taxes, governmental fees and charges, insurance premiums, and all payments for Administrative Expenses.

Actual Costs shall not include general contractor's fees in an amount that exceeds a percentage equal to the percentage of work completed and accepted or construction management fees in an amount that exceeds an amount equal to the construction management fee amortized in equal monthly installments over the term of the appropriate construction management agreement. The amounts expended on legal costs, taxes, governmental fees, insurance premiums, permits, financing costs, and appraisals shall be excluded from the base upon which the general contractor and construction management fees are calculated.

“Additional Interest” means the 0.50% additional interest rate charged on Special Assessments, pursuant to Section 372.018 of the PID Act. The funds generated from the Additional Interest may be used as described in the Assessment Plan and may exceed the actual interest rate per annum paid on the PID Bonds by no more than one half of one percent (0.50%).

“Administrative Expenses” means the following actual or budgeted costs, as applicable, relating to the administrative, organization, maintenance and operation costs and expenses associated with, or incident to, the administration, organization, maintenance and operation of the PID (whether incurred by the Town or by a third party administrator), including, but not limited to, the costs of (i) legal counsel, engineers, accountants, financial advisors, investment bankers or other consultants and advisors, including a third party administrator (ii) creating and organizing the PID, including conducting hearings, preparing notices and all costs incident thereto and preparing the Assessment Roll, (iii) computing, levying, collecting and transmitting the Special Assessments or the Annual Installments thereof, including delinquent collection costs (iv) maintaining the record of Special Assessments, payments, installments, rebates, and reallocations and/or cancellations of the Special Assessments, (v) issuing, paying and redeeming the PID Bonds, (vi) investing or depositing the Special Assessments, (vii) complying with the PID Act with respect to the PID Bonds including any continuing disclosure requirements, (viii) paying the paying agent/registrar's and trustee's fees and expenses (including the fees and expenses of its legal counsel), and (ix) administering the construction of the Authorized Improvements, in accordance with the terms of this Agreement. Administrative Expenses collected and not expended for actual Administrative Expenses shall be carried forward and applied to reduce Annual Administrative Expenses in subsequent years to avoid the over-collection of annual Administrative Expenses.

“Administrator” means the employee or such other third party designee of the Town, identified in any indenture of trust relating to the PID Bonds or any other agreement approved by the Town Council, who shall have the responsibilities provided for herein.

“Annual Installments” means, with respect to each Assessed Property, each annual payment of: (i) the Special Assessment (including the principal of and interest on), as shown on the Special Assessment Roll attached hereto as **Appendix A**, or in an Annual Service Plan Update, and calculated as provided in Section VI of this Service and Assessment Plan, (ii) Administrative Expenses, (iii) Additional Interest for the prepayment reserve described in Section IV of this Service and Assessment Plan, and (iv) Additional Interest for the delinquency reserve described in Section IV of this Service and Assessment Plan.

“Annual Service Plan Update” has the meaning set forth in Section V of this Service and Assessment Plan.

“Assessed Property” means any and all Parcels or Lots within the PID other than Non-Benefited Property.

“Assessment Ordinance” means the ordinance adopted by the Town Council approving the SAP (or such amendments to the SAP) and levying the Special Assessments.

“Assessment Roll” means the document included in this SAP as **Appendix A**, as updated, modified or amended from time to time in accordance with the procedures set forth herein and in the PID Act, including updates prepared in connection with the issuance of PID Bonds or in connection with any Annual Service Plan Update.

“Authorized Improvements” mean those Authorized Improvements for which Assessments are levied, as described in Table III-A of this SAP.

“Delinquent Collection Costs” mean interest, penalties and expenses incurred or imposed with respect to any delinquent Special Assessment or Annual Installment thereof, in accordance with the PID Act and the costs related to pursuing collection of a delinquent Special Assessment or Annual Installment thereof, and foreclosing the lien against the Assessed Property, including attorney’s fees to the extent permitted under Texas law.

“The Highlands of Argyle” or “Project” or “Property” means the approximately 111.41 acres of land located in the corporate limits of the Town of Argyle, Texas. The project is contained within the area depicted on Table II-A.

“Indenture” means that certain Indenture of Trust dated as of _____ between the Town and Trustee setting forth the terms and conditions related to the PID Bonds for the Property, as it may be amended from time to time.

“Lot” means a tract of land described as a “lot” in a subdivision plat recorded in the Official Public Records of Denton County, Texas.

“Lot Type” means a classification of final building lots with similar characteristics (e.g. commercial, light industrial, multifamily residential, single family residential, etc.), as determined by the Administrator and confirmed by the Town Council. In the case of single family residential Lots, the Lot Type shall be further defined by classifying the residential lots by the estimated final Lot value for each lot as of the date of the recorded subdivision plat, considering factors such as density, lot size, proximity to amenities, view premiums, location, and any other factors that may impact Lot Value, as determined by the Administrator and confirmed by the Town Council.

“Non-Benefited Property” means Parcels within the boundaries of the PID that accrue no special benefit from the Authorized Improvements, Public Property and easements that create an exclusive use for a public utility provider. Property identified as Non-Benefited Property is not assessed at the time the Special Assessments (i) are imposed or (ii) are reallocated pursuant to a subdivision of a Parcel. For Assessed Property that is converted to Non-Benefited Property, if the Special Assessments may not be reallocated pursuant to Section VI.E, such property remains subject to the Special Assessments and the Special Assessments must be prepaid as provided for in Section VI.E.

“Owner(s)” means Lakes of Argyle, LLC; their assignees or affiliates.

“Owner Association Property” means property within the boundaries of the PID that is owned by or irrevocably offered for dedication to, whether in fee simple or through an exclusive use easement, an Owner’s Association established for the benefit of a group of homeowners or property owners within the PID.

“Parcel” means a property identified by either a tax map identification number assigned by the Denton County Appraisal District for real property tax purpose, or by lot and block number in a final subdivision plat recorded in the Official Public Records of Denton County, or by any other means determined by the Town.

“Parcel Map” means the number and type of expected Lots within that Tax Parcel shown on the parcel map attached hereto as Appendix C.

“PID” means The Highlands of Argyle Public Improvement District created by the Town pursuant to Resolution adopted _____.

“PID Bonds” means those certain Town of Argyle, Texas Special Assessment Revenue Bonds, Series 2016 (The Highlands of Argyle Public Improvement District Project) that are secured by Special Assessments levied on the Assessed Property.

“PID Finance Agreement” means The Highlands of Argyle Public Improvement District Financing Agreement by and between the Town and the Owner of the Project dated _____.

“Prepayment Costs” mean interest and Administrative Expenses to the date of prepayment, plus any additional amounts due pursuant to the indenture related to the PID Bonds and allowed by law, if any, reasonably expected to be incurred by or imposed upon the Town as a result of any prepayment of an Special Assessment and the Bonds secured by such Special Assessment.

“Public Property” means property, real property, right of way and easements located within the boundaries of the PID that is owned by or irrevocably offered for dedication to the federal government, the State of Texas, Denton County, the Town, a school district, a public utility provider or any other political subdivision or public agency, whether in fee simple, through an exclusive use easement, or through a public utility easement.

“Service and Assessment Plan” or “SAP” means The Highlands of Argyle Public Improvement District Service and Assessment Plan (as such plan is amended and updated from time to time), to be initially adopted by the Town Council in the Assessment Ordinance for the purpose of assessing allocated costs against property located within the boundaries of the PID.

“Special Assessment” means the Assessment levied against a Parcel imposed pursuant to the Assessment Ordinance and the provisions herein, as shown on the initial Assessment Roll, subject to reallocation upon the subdivision of such Parcel created by such subdivision or reduction according to the provisions hereof and the PID Act.

“Town” means the Town of Argyle, Texas.

“Town Council” means the duly elected governing body and council of the Town.

“Trustee” means the trustee under the Indenture, and any successor thereto permitted under such Indenture and any other Trustee under a future Indenture.

“Zoning Ordinance” has the meaning set forth in Section I.A.

Section II

PROPERTY INCLUDED IN THE PID

A. Property Included in the PID

The PID is comprised of the property depicted and described by metes and bounds on Exhibit A to the Resolution creating the District adopted by the Town Council on _____. The PID is located entirely within the Town's corporate limits. The Assessed Property within the PID contains approximately 111.41 acres planned for the development of approximately 139 single family residences, and associated rights-of-way, landscaping, and infrastructure necessary to provide roadways, drainage, and utilities to the PID.

A map of the property within the PID is shown in **Table II-A**. Legal descriptions for all property within the PID are attached hereto in **Appendix B**.

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TABLE II-A
PID Boundary Map



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Section III

DESCRIPTION OF THE AUTHORIZED IMPROVEMENTS

A. Authorized Improvement Overview

Section 372.003 of the PID Act identifies the public improvements that a Town may choose to undertake with the establishment of a PID. The Authorized Improvements identified in the PID Act include:

- (i) landscaping;
- (ii) erection of fountains, distinctive lighting, and signs;
- (iii) acquiring, constructing, improving, widening, narrowing, closing, or rerouting of sidewalks or of streets, any other roadways, or their rights-of way;
- (iv) construction or improvement of pedestrian mall;
- (v) acquisition and installment of pieces of art;
- (vi) acquisition, construction or improvement of libraries;
- (vii) acquisition, construction or improvement of off-street parking facilities;
- (viii) acquisition, construction, improvement or rerouting of mass transportation facilities;
- (ix) acquisition, construction or improvement of water, wastewater, or drainage facilities or improvements;
- (x) the establishment or improvement of parks;
- (xi) projects similar to those listed in Subdivisions (i)-(x)
- (xii) acquisition, by purchase or otherwise, of real property in connection with an authorized improvement;
- (xiii) special supplemental services for improvement and promotion of the district, including services relating to advertising, promotion, health and sanitation, water and wastewater, public safety, security, business recruitment, development, recreation and cultural enhancement;
- (xiv) payment of expenses incurred in the establishment, administration and operation of the district; and
- (xv) development, rehabilitation, or expansion of affordable housing.

The Town has determined that of the improvements authorized under the PID Act, it will undertake the Authorized Improvements more particularly described in **Section III.B** and **Section III.C** herein.

B. Descriptions and Costs of the Authorized Improvements

The PID Bonds will fund a portion of the Actual Costs of the Authorized Improvements. The descriptions and Actual Costs of the Authorized Improvements are generally described below and shown in **Table III-A**. The costs detailed in **Table III-A** are subject to revision through Annual Service Plan Updates. All Authorized Improvements shall be designed and built in accordance with the Ordinances and regulations of the Town.

Engineer descriptions to be added:

- **Earthwork Improvements**
- **Paving Improvements**
- **Water Improvements**
- **Sanitary Sewer Improvements**
- **Storm Drain Improvements**

Table III-A Actual Costs of Authorized Improvements					
Description	Hard Costs	Soft Costs (10%)	Contingency Costs (15%)	Project Management Costs (4%)	Total
Earthwork Improvements	\$ 1,260,750	\$ 126,075	\$ 189,113	\$ 50,430	\$ 1,626,368
Paving Improvements	3,227,408	322,741	484,111	129,096	4,163,356
Water Improvements	682,660	68,266	102,399	27,306	880,631
Sanitary Sewer Improvements	788,764	78,876	118,315	31,551	1,017,506
Storm Drain Improvements	801,400	80,140	120,210	32,056	1,033,806
Total Authorized Improvements	\$ 6,760,982	\$ 676,098	\$ 1,014,147	\$ 270,439	\$ 8,721,667
Note: Costs provided by Hat Creek Development. The figures shown in Table III-A may be revised in Annual Service Plan Updates. Some soft costs shown in Table III-A have been completed and will be reimbursed upon issuance of the PID Bonds pursuant to the PID Finance Agreement.					

Section IV

SPECIAL ASSESSMENT PLAN

A. Introduction

The PID Act requires the Town Council to apportion the cost of the Authorized Improvements on the basis of the special benefits conferred to each Parcel because of the Authorized Improvements. The PID Act provides that the Actual Costs may be assessed: (i) equally per front foot or square foot; (ii) according to the value of the property as determined by the governing body, with or without regard to improvements on the property; or (iii) in any other manner that results in imposing equal shares of the cost on property similarly benefited.

Table IV-A details the allocation of costs of the Authorized Improvements between the Assessed Property and Non-Benefited Property. This section of this Service and Assessment Plan describes the special benefit received by each Parcel or Lot within the PID as a result of the Authorized Improvements, provides the basis and justification for the determination that this special benefit exceeds the amount of the Special Assessments, and establishes the methodologies by which the Town Council allocates and reallocates the special benefit of the Authorized Improvements to Parcels or Lots in a manner that results in equal share of the Actual Cost being apportioned to Parcels or Lots similarly benefited. The Town Council has the authority to determine the assessment methodologies to be used in the PID. Once determined, the methodologies are conclusive and binding on the Owner and all future owners of any Assessed Property.

B. Special Benefit

Assessed Property must receive a direct and special benefit from the Authorized Improvements, and this benefit must be equal to or greater than the amount of the Special Assessments. The Authorized Improvements are provided specifically for the benefit of the Assessed Property. The Authorized Improvements (more particularly described on **Table III-A**) and the costs of issuance of the PID Bonds and payment of costs incurred in the establishment of the PID are public under the PID Act.

At the time, the Town Council approved this SAP; the Owner owned 95% of the Assessed Property. Owner acknowledges that the Authorized Improvements confer a special benefit on the Assessed Property and consents to the imposition of the Special Assessments to pay for the Actual Costs and Administrative Expenses associated therewith. The Owner has ratified, confirmed, accepted, agreed to and approved: (i) the determinations and findings by the Town Council as to the special benefits described herein and the Assessment Ordinance; (ii) the SAP and the Assessment Ordinance, and (iii) the levying of Special Assessments on the Assessed Property.

The Town Council has determined that funding the Actual Costs through the PID is beneficial to the Town. Accordingly, these Authorized Improvements result in a special benefit to the Assessed Property, and such special benefit exceeds the amount of the Special Assessment.

C. Allocation of Actual Costs of Authorized Improvements

The Authorized Improvements provide a special benefit only to the Parcels within the PID. The Actual Costs of the Authorized Improvements are, therefore, allocated entirely to Parcels within the PID, as shown in **Table IV-A**. The costs detailed in **Table IV-A** represent only estimates and are subject to revision through the Annual Service Plan Updates; provided that the total amount of the Special Assessments cannot be increased.

Table IV-A					
Allocation of Authorized Improvement Costs between PID and Non-PID Property					
Authorized Improvement	Total Cost (a) (b)	PID Assessed Property		Non PID Assessed Property	
		% Allocation	Share of Costs	% Allocation	Share of Costs
<i>Hard/Soft Costs</i>					
Earthwork Improvements	\$ 1,626,368	100%	\$ 1,626,368	0%	\$ -
Paving Improvements	4,163,356	100%	4,163,356	0%	-
Water Improvements	880,631	100%	880,631	0%	-
Sanitary Sewer Improvements	1,017,506	100%	1,017,506	0%	-
Storm Drain Improvements	1,033,806	100%	1,033,806	0%	-
Total Hard/Soft Costs	\$ 8,721,667		\$ 8,721,667		\$ -

(a) See Table III-A for details. Any Authorized Improvement that is allocated 100% to the Assessed Property would be required to be built on a stand-alone basis.

(b) Any Authorized Improvement that is allocated 100% to Assessed Property is required to be constructed in order for Lots to be sold to third party purchasers.

D. Special Assessment Methodology

The Town Council may assess Actual Costs against the Assessed Property so long as the special benefit conferred upon the Assessed Property from the Authorized Improvements equals or exceeds the amount of the Special Assessments. The Actual Costs may be assessed using any methodology that results in the imposition of equal shares of the Actual Costs on Assessed Property similarly benefited.

The Town Council has determined that the Actual Costs of the Authorized Improvements to be financed with the PID Bonds shall be allocated to the Assessed Property by spreading the entire Special Assessment across all Parcels based on the number of Lots estimated to be developed within each Parcel such that each Lot has an equal Special Assessment. **Table IV-B** summarizes the allocation of the Special Assessment relating to PID Bonds for the Assessed Property.

On the basis of Actual Costs provided by the Owner for the Authorized Improvements, the Town Council has determined that the benefit to the Assessed Property from the Authorized Improvements is at least equal to the Special Assessments levied on the Assessed Property.

The Special Assessment and Annual Installments for each Parcel or Lot are shown on the Assessment Roll, which is attached as **Appendix A**. The Special Assessment allocated to each Parcel or Lot shall not be changed except as authorized by this SAP or the PID Act. **Table IV-B** summarizes the initial allocation of the Special Assessment relating to PID Bonds for the Assessed Property at the time the Town Council adopted the Assessment Ordinance.

Table IV-B Assessment Allocation							
Lot Type (a)	# of Lots (a)	% of Total	Total Assessment	Total Annual Installment	Total Assessment per Lot	Annual Installment per Lot	
Phase 1	86	61.9%	\$ 3,276,971	\$ 297,194	\$ 38,104	\$ 3,456	
Phase 2	53	38.1%	\$ 2,019,529	\$ 183,154	\$ 38,104	\$ 3,456	
Subtotal	139	100.0%	\$ 5,296,500	\$ 480,348			
HOA	-		\$ 53,500	\$ 4,852			
Total	139	100.0%	\$ 5,350,000	\$ 485,200			

(a) Estimates based on information available as of xx/xx/xxxx, the date the original SAP was adopted by the City Council. Although the actual unit counts may vary from the estimates shown above, the initial assessment allocation for each Lot Type will not change unless modified in a Service Plan Update approved by the City Council, subject to the terms of this SAP, the PID Act, and any other documents associated with PID Bonds.

E. Special Assessments and Annual Installments

As noted above, the Special Assessments associated with the PID Bonds will be levied on each Parcel and Lot according to the Assessment Roll. The Annual Installments for the PID Bonds will be collected on the dates and in the amounts shown on the Assessment Roll, subject to any revisions made during an Annual Service Plan Update.

F. Administrative Expenses

The cost of administering the PID and collecting the Annual Installments shall be paid for on a pro rata basis by each Parcel and Lot based on the amount of outstanding Special Assessment remaining on the Parcel or Lot. The Administrative Expenses shall be collected as part of and in the same manner as Annual Installments in the amounts shown on the Assessment Roll shown on **Appendix A**, which will be revised based on actual costs incurred in Annual Service Plan Updates.

G. Additional Interest

Pursuant to the PID Act, the interest rate for Assessments may exceed the actual interest rate per annum paid on the PID Bonds by no more than one half of one percent (0.50%), (the “Additional Interest”). Forty percent (40.0%) of the funds generated by the Additional Interest (0.20%) will initially fund the Prepayment Reserve. The remaining sixty percent (60.0%) balance of the funds generated by the Additional Interest (0.30%) will initially fund the Delinquency Reserve.

H. Prepayment Reserve

As stated, a portion of the funds generated by the Additional Interest will be allocated to fund the associated interest charged between the date of prepayment of an Assessment and the date on which PID Bonds are actually redeemed (“the **Prepayment Reserve**”). The Prepayment Reserve shall be funded each year until it reaches 1.5% of the par amount of the PID Bonds, but in no event will the annual collections be more than 0.20% higher than the actual interest rate paid on the PID Bonds. If the PID Act is subsequently amended to allow prepayment of an Assessment to include all applicable interest from the date of prepayment through and including the date of the regularly scheduled PID Bond payments to be charged upon the prepayment of the Assessment, the 0.20% allocated to fund the associated interest charged between the date of prepayment of the Assessment and the date on which PID Bonds are actually prepaid may be eliminated. If in a given year the additional reserve is fully funded at 1.5% of the par amount of the PID Bonds, the City and the Owner can allocate the Prepayment Reserve Component of the Additional Interest collected during that year to the Delinquency Reserve or to pay Administrative Expenses as set forth in the Indenture.

I. Delinquency Reserve

A portion of the funds generated by the Additional Interest will be allocated to offset any possible delinquent payments. This additional reserve (the “**Delinquency Reserve**”) shall be funded each year up to 4.0% of the par amount of the PID Bonds, but in no event will the annual collection of the Delinquency Reserve be more than 0.30% higher than the actual interest rate paid on the PID Bonds. If in a given year the additional reserve is fully funded at 4.0% of the par amount of the PID Bonds, the City and the Owner shall allocate the Delinquency Reserve component of the Additional Interest collected to the redemption of PID Bonds as set forth in the Indenture.

Section V

SERVICE PLAN

The PID Act requires the service plan i) cover a period of at least five years, and requires the annual projected costs and indebtedness for the Authorized Improvements undertaken within the PID during that five year period be defined. It is anticipated that it will take approximately 12 months for the Authorized Improvements to be constructed.

The Actual Costs for the Authorized Improvements plus costs related to the issuance of the PID Bonds, and payment of expenses incurred in the establishment, administration and operation of the PID is \$10,137,417 as shown in **Table IV-A** plus the Administrative Expenses. The service plan shall be reviewed and updated at least annually for the purpose of determining the annual budget for Administrative Expenses; provided, however, that the total principal amount of the Special Assessments cannot be increased; of updating the estimated Authorized Improvements, and updating the Assessment Roll. Any update to this SAP is herein referred as an “Annual Service Plan Update.”

Table V-A summarizes the sources and uses of funds required to construct the Authorized Improvements, establish the PID, and issue the PID Bonds. The sources and uses of funds shown in **Table V-A** shall be updated each year in the Annual Service Plan Update to reflect any budget revisions to the Actual Costs.

**Table V-A
Sources and Uses of Funds**

Sources of Funds	
Gross Bond Amount	\$ 5,350,000
Owner Contribution (a)	4,787,417
	<u><u>\$ 10,137,417</u></u>
Uses of Funds	
Authorized Improvements (b)	\$ 8,721,667
	<u><u>\$ 8,721,667</u></u>
Other Fund Deposits:	
Debt Service Reserve Fund (c)	\$ 426,000
Capitalized Interest (d)	347,750
	<u><u>\$ 773,750</u></u>
Cost of Issuance:	<u><u>\$ 481,500</u></u>
Underwriter's Discount/Underwriter Counsel (e):	\$ 160,500
	<u><u>\$ 10,137,417</u></u>

(a) Owner will fund all costs not covered by the PID Bonds.

(b) See Table III-A and Table IV-A for details. Excludes Bond Issuance Costs, which are identified separately.

(c) The PID Bonds will include a debt service reserve fund equal to 10% of the bond amount.

(d) The PID Bonds will include twelve months of capitalized interest.

(e) The Underwriter's Discount/Underwriter Counsel fees will be 3%.

The Projected Annual Installments are presented in **Table V-B**. The Projected Annual Installments are subject to revision and shall be updated in the Annual Service Plan Update to reflect any change expected for each year.

Table V-B Projected Annual Installments								
Year Ending December 31,	Principal Payments	Interest Expense	Administrative Expenses	Prepayment Reserve	Delinquency Reserve	Total Debt Service & Administrative Expenses	Capitalized Interest	Annual PID Installments
2017	\$ -	\$ 347,750	\$ 35,000	\$ 10,700	\$ 16,050	\$ 409,500	\$ 347,750	\$ 61,750
2018	\$ 75,000	\$ 347,750	\$ 35,700	\$ 10,700	\$ 16,050	\$ 485,200	\$ -	\$ 485,200
2019	\$ 75,000	\$ 342,875	\$ 36,414	\$ 10,550	\$ 15,825	\$ 480,664	\$ -	\$ 480,664
2020	\$ 75,000	\$ 338,000	\$ 37,142	\$ 10,400	\$ 15,600	\$ 476,142	\$ -	\$ 476,142
2021	\$ 75,000	\$ 333,125	\$ 37,885	\$ 10,250	\$ 15,375	\$ 471,635	\$ -	\$ 471,635
2022	\$ 75,000	\$ 328,250	\$ 38,643	\$ 10,100	\$ 15,150	\$ 467,143	\$ -	\$ 467,143
Total	\$ 375,000	\$ 2,037,750	\$ 220,784	\$ 62,700	\$ 94,050	\$ 2,790,284	\$ 347,750	\$ 2,442,534

Note: The Projected Annual Installments are the expenditures associated with the formation of the PID, the costs of issuance and repayment of the PID Bonds and the administration of the PID less the Capitalized Interest. The debt service estimates are based on a 6.50% interest rate and a 30 year term for the PID Bonds. Annual Administrative Expenses are estimated to start at \$35,000 per year and increase at 2.0% per year.

Section VI

TERMS OF THE SPECIAL ASSESSMENTS

A. Amount of Special Assessments and Annual Installments for Parcels Located Within the PID

The Special Assessments and Annual Installments for each Assessed Property are shown on the Assessment Roll. The Special Assessment and Annual Installments shall not be changed except as authorized under the terms of this SAP and the PID Act. The Annual Installments shall be collected in an amount sufficient to pay principal and interest on the PID Bonds, to fund the prepayment reserve and delinquency reserve, and to cover the Administrative Expenses of the PID.

B. Reallocation of Special Assessments for Parcels Located Within the PID

The Special Assessments for each initial Tax Parcel are based on the number of expected Lots within that Tax Parcel shown on the Parcel Map attached hereto as **Appendix C** (“the Parcel Map”). The number of Lots contained in each Tax Parcel was counted and the amount of Special Assessments shown on **Table IV-B** for each Lot was added up to calculate the amount of the Special Assessment for each Tax Parcel. As Lots are platted in accordance with the Parcel Map, each Lot will be assessed the Assessment per Lot that it was assigned pursuant to **Table IV-B**.

If Lots are not platted in accordance with the Parcel Map, the Special Assessments for each affected Lot will be allocated in an equitable manner, but in no event will such new allocation increase the Total Special Assessment for each Parcel or Lot as identified in **Appendix A**. The sum of the Special Assessments for Parcels or Lots divided in a manner other than that set forth in the Parcel Map, will equal the sum of the Special Assessment for the Parcels or Lots as set forth in the Parcel Map. The division of any Assessed Property as described herein shall be considered an administrative action and will be approved in the next Annual Update.

Upon the consolidation of two or more Parcels or Lots, the Special Assessment for the consolidated Assessed Property shall be the sum of the Special Assessments for the Parcels or Lots prior to the consolidation.

If at any time the Special Assessment on a Lot exceeds the original Special Assessment calculated for the Lot as the result of any replatting initiated by the owner of the Lot, then following such replatting, the owner shall pay to the Town prior to the recordation of the document replatting the Parcel, the amount calculated by the Administrator by which the Special Assessment for the Lot exceeds the original Special Assessment for the Lot. The Town shall not approve the recordation of a plat dividing a Lot without a letter from the Administrator either (a) confirming that the Special Assessment for each Lot created as a result of the replatting will not exceed the original Special Assessment for each Lot, or (b) confirming the payment of the Assessments, plus all Prepayment Costs on each Lot to be replatted.

The reallocation of a Special Assessment for an Assessed Property that is a homestead under Texas law may not exceed the Special Allocation prior to the reallocation.

C. Mandatory Prepayment of Special Assessments

If Assessed Property or portion thereof is transferred to a party that is exempt from the payment of the Special Assessment under applicable law, or if an owner causes a Parcel, Lot or portion thereof to become Non-Benefited Property, the owner of such Parcel, Lot or portion thereof shall pay to the Town the full amount of the Special Assessment, plus all Prepayment Costs, for such Parcel, Lot or portion thereof prior to any such transfer or act. As noted above, the reallocation of a Special Assessment for a Parcel or Lot that is classified as a homestead under State law may not exceed the Special Assessment existing prior to reallocation

D. Reduction of Special Assessments

1. If after all Authorized Improvements to be funded with the PID Bonds have been completed and the Actual Costs for such Authorized Improvements are less than the Actual Costs used to calculate the Special Assessments securing the PID Bonds, resulting in excess PID Bond proceeds, then the Town Council shall reduce the Special Assessments securing the PID Bonds for each Assessed Property on a pro rata basis such that the sum of the resulting reduced Special Assessments for all Assessed Properties equals the reduced Actual Costs. The excess Bond proceeds shall be applied to redeem the outstanding PID Bonds. The Special Assessments shall not be reduced to an amount less than the outstanding PID Bonds.
2. Similarly, if the Town does not undertake some of the Authorized Improvements funded with the PID Bonds then the Town Council shall reduce the Special Assessment securing the PID Bonds for each Assessed Property on a pro-rata basis to reflect the Actual Costs that were expended. Excess PID Bond proceeds shall be applied to the redemption of the PID Bonds. The Special Assessments shall not be reduced to an amount less than the outstanding PID Bonds.

E. Payment of Special Assessments

1. Payment in Full

- (a) The Special Assessment for any Parcel may be paid in full at any time in accordance with the PID Act. Such payment shall include all Prepayment Costs and Delinquent Collection Costs, if any are required. If a prepayment in full will result in redemption of PID Bonds, the payment amount shall receive credit from the applicable portion of the Debt Service Reserve Fund applied to the redemption pursuant to the provision of the Indenture, net of any other costs applicable to the redemption of PID Bonds.
- (b) If an Annual Installment has been billed prior to payment in full of a Special Assessment, the Annual Installment shall be due and payable and shall be credited against the payment in full amount upon payment.
- (c) Upon payment in full of a Special Assessment and all Prepayment Costs, the Town shall deposit the payment in accordance with the Indenture; whereupon, the Special Assessment shall be reduced to zero, and the owner's obligation to pay the Special Assessment and Annual Installments thereof shall automatically terminate. The Town shall provide the owner of the affected Assessed Property a recordable "Notice of PID Special Assessment Termination."
- (d) At the option of the Parcel or Lot owner, the Special Assessment on any Parcel or Lot may be paid in part in an amount equal to the amount of the partial Special Assessment paid plus the Prepayment Costs with respect thereto. Upon the payment of such amount for a Parcel or Lot, the Special Assessment for the Parcel or Lot shall be reduced, the Assessment Roll shall be updated to reflect such partial payment, and the obligation to pay the Annual Installment for such Parcel or Lot shall be reduced to the extent the partial payment is made. The partial Special Assessment paid shall be used to redeem the PID Bonds.

2. Payment in Annual Installments

The PID Act provides that a Special Assessment for a Parcel or Lot may be paid in full at any time. If not paid in full, the Act authorizes the Town to collect interest and collection costs on the outstanding Special Assessment. A Special Assessment for a Parcel or Lot that is not paid in full will be collected in Annual Installments each year in the amounts shown in the Assessment Roll, which includes interest on the outstanding Special Assessment and Administrative Expenses.

The Annual Installments as listed on the Assessment Roll have been calculated assuming an interest rate on the PID Bonds of 6.50% plus the Additional Interest and include the annual assessment for Administrative Expenses. The Annual Installments may not exceed the amounts shown on the Assessment Roll except as pursuant to any amendment or update to this Service and Assessment Plan.

The Annual Installments shall be reduced to equal the actual costs of repaying the PID Bonds and the payment of the actual Administrative Expenses (as provided for in the definition of such term), taking into consideration any other available funds for these costs, such as interest income on account balances and the Additional Interest.

The Town reserves and shall have the right and option to refund the PID Bonds in accordance with Section 372.027 of the PID Act. In the event of such refunding, the Administrator shall recalculate the Annual Installments, and if necessary, may adjust, or decrease, the amount of the Annual Installment so that total Annual Installments of Special Assessments will be produced in annual amounts that are required to pay the refunding bonds when due and payable as required by and established in the ordinance and/or the indenture authorizing and securing the refunding bonds, and such refunding bonds shall constitute "PID Bonds" for purposes of this Service and Assessment Plan.

F. Collection of Annual Installments

The Administrator shall, at least, annually, prepare and submit to the Town Council for its approval, an Annual Service Plan Update to allow for the billing and collection of Annual Installments. Each Annual Service Plan Update shall include an updated Assessment Roll and a calculation of the Annual Installment for each Assessed Property. Administrative Expenses shall be allocated among Assessed Properties in proportion to the amount of the Annual Installments for the Assessed Property. Each Annual Installment shall be reduced by any credits applied under the Indenture, such as capitalized interest, interest earnings on any account balances, and any other funds available to the Trustee for such purpose. Annual Installments may be collected by the Town (or such entity to whom the Town directs) in the same manner and at the same time as ad valorem taxes. Annual Installments shall be subject to the penalties, procedures, and foreclosure sale in case of delinquencies as set forth in the PID Act and in the same manner as ad valorem taxes for the Town. The Town Council may provide for other means of collecting the Annual Installments to the extent permitted under the PID Act. The Special Assessments shall have lien priority as specified in the PID Act.

Any sale of Assessed Property for nonpayment of the delinquent Annual Installments shall be subject to the lien established for the remaining unpaid Annual Installments against such Assessed Property and such Assessed Property may again be sold at a judicial foreclosure sale if the purchaser thereof fails to make timely payment of the non-delinquent Annual Installments against such Assessed Property as they become due and payable.

Each Annual Installment, including the interest on the unpaid amount of a Special Assessment, shall be assessed annually. Each Annual Installment together with interest thereon shall be delinquent if not paid prior to February 1 of the following year. The initial Annual Installments will be due when billed, and will be delinquent if not paid prior to February 1, 2017.

Section VII

THE ASSESMENT ROLL

A. Assessment Roll

Each Parcel and Lot has been evaluated by the Town Council (based on the applicable zoning, developable area, proposed Owner Association Property and Public Property, Authorized Improvements, best and highest use of land, and other development factors deemed relevant by the Town Council) to determine the amount of Assessed Property within the Parcel and Lot.

The Assessed Property will be assessed for the special benefits conferred upon the property resulting from the Authorized Improvements. **Table VII** summarizes the \$10,137,417 of special benefit, including the costs of the Authorized Improvements, the costs of the PID formation, and PID Bond issuance costs. The par amount of PID Bonds is \$5,350,000, which is less than the benefit received by the Assessed Property, and as such, the total principal amount of the Special Assessment for all Assessed Property is \$5,350,000 plus the annual Administrative Expenses. The Special Assessment for each Assessed Property is calculated based on the allocation methodologies described in **Section IV.E** of this SAP. The Assessment Roll is attached hereto as **Appendix A**.

B. Annual Installment Roll Updates

The Administrator shall prepare, and shall submit to the Town Council for approval, annual updates to the Assessment Roll in conjunction with the Annual Service Plan Update to reflect the following matters, together with any other changes helpful to the Administrator or the Town Council and permitted by the Act: (i) the identification of each Parcel or Lot (ii) the Special Assessment for each Assessed Property, including any adjustments authorized by this SAP and in the PID Act; (iii) the Annual Installment for the Assessed Property for the year; and (iv) payments of the Special Assessment, if any, as provided by **Section VI.E** of this SAP.

**Table VII
Special Benefit Summary**

	Total Cost (a)
<i>Authorized Improvements</i>	
Total Authorized Improvements	\$ 8,721,667
<i>PID Formation/Bond Cost of Issuance</i>	
Reserve Fund	\$ 426,000
Capitalized Interest	\$ 347,750
Underwriter's Discount/Underwriter Counsel	\$ 160,500
Cost of Issuance	\$ 481,500
Total PID Formation/Bond Cost of Issuance	\$ 1,415,750
Total Special Benefit	\$ 10,137,417
Gross PID Bond Amount	5,350,000
Excess Benefit	\$ 4,787,417

(a) See Table III-A for details.

Section VIII

MISCELLANEOUS PROVISIONS

A Administrative Review

The Town may elect to designate a third party to serve as Administrator. The Town shall notify the Owner before appointing a third party Administrator.

To the extent consistent with the PID Act, an owner of an Assessed Property claiming that a calculation error has been made in the Assessment Roll, including the calculation of the Annual Installment, must send a written notice describing the error to the Town no later than thirty (30) days after the date any amount which is alleged to be incorrect is due prior to seeking any other remedy. If an owner fails to give such notice, such owner shall be deemed to have accepted the calculation of the Assessment Roll (including the Annual Installments) and to have waived any objection to the calculation. The Administrator shall promptly review the notice, and if necessary, meet with the Assessed Property owner, consider written and oral evidence regarding the alleged error and decide whether, in fact, such a calculation error occurred.

If the Administrator determines that a calculation error has been made and the Assessment Roll should be modified or changed in favor of the Assessed Parcel owner, such change or modification shall be presented to the Town Council for approval, to the extent permitted by the PID Act. Such modification may be presented in an Annual Service Plan Update. A cash refund may not be made for any amount previously paid by the Assessed Parcel owner (except for the final year during which the Annual Installment shall be collected), but an adjustment may be made in the amount of the Annual Installment to be paid in the following year. The decision of the Administrator regarding a calculation error relating to the Assessment Roll may be appealed to the Town Council for determination. Any amendments made to the Assessment Roll pursuant to calculation errors shall be made pursuant to the PID Act. The decision of the Administrator, or if such decision is appealed to the Town Council, the decision of the Town Council shall be conclusive as long as there is a reasonable basis for such determination. This procedure shall be exclusive and its exhaustion by any property owner shall be a condition precedent to any other appeal or legal action by such owner.

B Termination of Special Assessments

Each Special Assessment shall terminate on the date the Special Assessment is paid in full, including payment of any unpaid Annual Installments, Prepayment Costs and Delinquent Collection Costs, if any. After the termination of a Special Assessment, and the collection of any delinquent Annual Installments, Prepayment Costs and Delinquent Collection Costs, the Town shall provide the owner of the affected Parcel a recordable "Notice of the PID Special Assessment Termination."

C Amendments

As described herein, any amendments to the SAP must be made in accordance with the PID Act and any other applicable State law. The Town Council reserves the right, to the extent permitted by the PID Act, to amend this SAP without notice under the PID Act and without notice to the owners of Assessed Property: (i) to correct mistakes and clerical errors; (ii) to clarify ambiguities; and (iii) to provide procedures for the collection and enforcement of Special Assessments, Prepayment Costs, Delinquent Collection Costs and other charges imposed by this SAP.

D Administration and Interpretation of Provisions

The Town Council shall administer (or cause the administration of) the PID along with the SAP, and all Annual Service Plan Updates consistent with the PID Act. Further, the Town Council is responsible for applying and interpreting the provisions of the SAP and related documents, except as otherwise stated herein or in the PID Finance Agreement or the PID Act. The Town Council's actions and determinations related to such interpretations shall be conclusive.

E Severability

If any provision, section, subsection, sentence, clause or phrase of this Service and Assessment Plan, or the application of same to an Assessed Parcel or any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Service and Assessment Plan or the application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the Town Council in adopting this Service and Assessment Plan that no part thereof, or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other part hereof, and all provisions of this Service and Assessment Plan are declared to be severable for that purpose.

If any provision of this Service and Assessment Plan is determined by a court to be unenforceable, the unenforceable provision shall be deleted from this Service and Assessment Plan and the unenforceable provision shall, to the extent possible, be rewritten to be enforceable and to give effect to the intent of the Town.

Appendix A

Assessment Roll

Appendix A Special Assessment by Parcel					
Parcel	Owner	Acreage	# of Lots	PID Bond Special Assessment	Special Assessment per Acre
65036	The Lakes of Argyle, LLC	0.592		\$ 28,144	\$ 47,541
78158	The Lakes of Argyle, LLC	0.247		\$ 11,743	\$ 47,541
117510	The Lakes of Argyle, LLC	12.687		\$ 603,148	\$ 47,541
117508	The Lakes of Argyle, LLC	3.000		\$ 142,622	\$ 47,541
117507	Estate of Kevon R Theall*	5.978		\$ 284,198	\$ 47,541
499958	The Lakes of Argyle, LLC	26.235		\$ 1,247,204	\$ 47,541
530064	The Lakes of Argyle, LLC	2.675		\$ 127,147	\$ 47,541
339682	The Lakes of Argyle, LLC	59.997		\$ 2,852,294	\$ 47,541
HOA	The Lakes of Argyle, LLC	-		\$ 53,500	
Totals		111.410	139	\$ 5,350,000	

* - Subject to closing
 Note: Preliminary and subject to change

Appendix A-1 Annual Installments - All Parcels										
Year (a)	PID Bonds			Administrative Expenses (c)	Prepayment Reserve	Delinquency Reserve	Debt Service Reserve Fund	Capitalized Interest	Annual Installment (d)	
	Principal	Interest (b)	Net Debt Service							
09/01/17	\$ -	\$ 347,750	\$ 347,750	\$ 35,000	\$ 10,700	\$ 16,050	\$ -	\$ (347,750)	\$ 61,750	
09/01/18	\$ 75,000	\$ 347,750	\$ 422,750	\$ 35,700	\$ 10,700	\$ 16,050	\$ -	\$ -	\$ 485,200	
09/01/19	\$ 75,000	\$ 342,875	\$ 417,875	\$ 36,414	\$ 10,550	\$ 15,825	\$ -	\$ -	\$ 480,664	
09/01/20	\$ 75,000	\$ 338,000	\$ 413,000	\$ 37,142	\$ 10,400	\$ 15,600	\$ -	\$ -	\$ 476,142	
09/01/21	\$ 75,000	\$ 333,125	\$ 408,125	\$ 37,885	\$ 10,250	\$ 15,375	\$ -	\$ -	\$ 471,635	
09/01/22	\$ 75,000	\$ 328,250	\$ 403,250	\$ 38,643	\$ 10,100	\$ 15,150	\$ -	\$ -	\$ 467,143	
09/01/23	\$ 100,000	\$ 323,375	\$ 423,375	\$ 39,416	\$ 9,950	\$ 14,925	\$ -	\$ -	\$ 487,666	
09/01/24	\$ 100,000	\$ 316,875	\$ 416,875	\$ 40,204	\$ 475	\$ 14,625	\$ -	\$ -	\$ 472,179	
09/01/25	\$ 100,000	\$ 310,375	\$ 410,375	\$ 41,008	\$ -	\$ 14,325	\$ -	\$ -	\$ 465,708	
09/01/26	\$ 100,000	\$ 303,875	\$ 403,875	\$ 41,828	\$ -	\$ 14,025	\$ -	\$ -	\$ 459,728	
09/01/27	\$ 125,000	\$ 297,375	\$ 422,375	\$ 42,665	\$ -	\$ 13,725	\$ -	\$ -	\$ 478,765	
09/01/28	\$ 125,000	\$ 289,250	\$ 414,250	\$ 43,518	\$ -	\$ 13,350	\$ -	\$ -	\$ 471,118	
09/01/29	\$ 125,000	\$ 281,125	\$ 406,125	\$ 44,388	\$ -	\$ 12,975	\$ -	\$ -	\$ 463,488	
09/01/30	\$ 150,000	\$ 273,000	\$ 423,000	\$ 45,276	\$ -	\$ 12,600	\$ -	\$ -	\$ 480,876	
09/01/31	\$ 150,000	\$ 263,250	\$ 413,250	\$ 46,182	\$ -	\$ 9,400	\$ -	\$ -	\$ 468,832	
09/01/32	\$ 150,000	\$ 253,500	\$ 403,500	\$ 47,105	\$ -	\$ -	\$ -	\$ -	\$ 450,605	
09/01/33	\$ 175,000	\$ 243,750	\$ 418,750	\$ 48,047	\$ -	\$ -	\$ -	\$ -	\$ 466,797	
09/01/34	\$ 175,000	\$ 232,375	\$ 407,375	\$ 49,008	\$ -	\$ -	\$ -	\$ -	\$ 456,383	
09/01/35	\$ 200,000	\$ 221,000	\$ 421,000	\$ 49,989	\$ -	\$ -	\$ -	\$ -	\$ 470,989	
09/01/36	\$ 200,000	\$ 208,000	\$ 408,000	\$ 50,988	\$ -	\$ -	\$ -	\$ -	\$ 458,988	
09/01/37	\$ 225,000	\$ 195,000	\$ 420,000	\$ 52,008	\$ -	\$ -	\$ -	\$ -	\$ 472,008	
09/01/38	\$ 225,000	\$ 180,375	\$ 405,375	\$ 53,048	\$ -	\$ -	\$ -	\$ -	\$ 458,423	
09/01/39	\$ 250,000	\$ 165,750	\$ 415,750	\$ 54,109	\$ -	\$ -	\$ -	\$ -	\$ 469,859	
09/01/40	\$ 275,000	\$ 149,500	\$ 424,500	\$ 55,191	\$ -	\$ -	\$ -	\$ -	\$ 479,691	
09/01/41	\$ 275,000	\$ 131,625	\$ 406,625	\$ 56,295	\$ -	\$ -	\$ -	\$ -	\$ 462,920	
09/01/42	\$ 300,000	\$ 113,750	\$ 413,750	\$ 57,421	\$ -	\$ -	\$ -	\$ -	\$ 471,171	
09/01/43	\$ 325,000	\$ 94,250	\$ 419,250	\$ 58,570	\$ -	\$ -	\$ -	\$ -	\$ 477,820	
09/01/44	\$ 350,000	\$ 73,125	\$ 423,125	\$ 59,741	\$ -	\$ -	\$ -	\$ -	\$ 482,866	
09/01/45	\$ 375,000	\$ 50,375	\$ 425,375	\$ 60,936	\$ -	\$ -	\$ -	\$ -	\$ 486,311	
09/01/46	\$ 400,000	\$ 26,000	\$ 426,000	\$ 62,155	\$ -	\$ -	\$ (488,155)	\$ -	\$ -	
Totals	\$ 5,350,000	\$ 7,034,625	\$ 12,384,625	\$ 1,419,883	\$ 73,125	\$ 214,000	\$ (488,155)	\$ (347,750)	\$ 13,255,728	

(a) The 9/01/XX dates represent the fiscal year end for the Bonds.
 (b) Gross of Capitalized Interest
 (c) Preliminary Estimate. Assumes a 2% increase per year. The administrative charges will be revised in Annual Service Plan Updates based on actual costs.
 (d) Annual Installments are calculated assuming an average 6.5% interest rate on the Bonds plus the Additional Interest plus Administrative Expenses.

Appendix A-2 Annual Installments - Parcel No. 65036									
Year (a)	PID Bonds			Administrative Expenses (c)	Prepayment Reserve	Delinquency Reserve	Debt Service Reserve Fund	Capitalized Interest	Annual Installment (d)
	Principal	Interest (b)	Net Debt Service						
09/01/17	\$ -	\$ 1,829	\$ 1,829	\$ 184	\$ 56	\$ 84	\$ -	\$ (1,829)	\$ 325
09/01/18	\$ 395	\$ 1,829	\$ 2,224	\$ 188	\$ 56	\$ 84	\$ -	\$ -	\$ 2,552
09/01/19	\$ 395	\$ 1,804	\$ 2,198	\$ 192	\$ 55	\$ 83	\$ -	\$ -	\$ 2,529
09/01/20	\$ 395	\$ 1,778	\$ 2,173	\$ 195	\$ 55	\$ 82	\$ -	\$ -	\$ 2,505
09/01/21	\$ 395	\$ 1,752	\$ 2,147	\$ 199	\$ 54	\$ 81	\$ -	\$ -	\$ 2,481
09/01/22	\$ 395	\$ 1,727	\$ 2,121	\$ 203	\$ 53	\$ 80	\$ -	\$ -	\$ 2,457
09/01/23	\$ 526	\$ 1,701	\$ 2,227	\$ 207	\$ 52	\$ 79	\$ -	\$ -	\$ 2,565
09/01/24	\$ 526	\$ 1,667	\$ 2,193	\$ 211	\$ 2	\$ 77	\$ -	\$ -	\$ 2,484
09/01/25	\$ 526	\$ 1,633	\$ 2,159	\$ 216	\$ -	\$ 75	\$ -	\$ -	\$ 2,450
09/01/26	\$ 526	\$ 1,599	\$ 2,125	\$ 220	\$ -	\$ 74	\$ -	\$ -	\$ 2,418
09/01/27	\$ 658	\$ 1,564	\$ 2,222	\$ 224	\$ -	\$ 72	\$ -	\$ -	\$ 2,519
09/01/28	\$ 658	\$ 1,522	\$ 2,179	\$ 229	\$ -	\$ 70	\$ -	\$ -	\$ 2,478
09/01/29	\$ 658	\$ 1,479	\$ 2,136	\$ 234	\$ -	\$ 68	\$ -	\$ -	\$ 2,438
09/01/30	\$ 789	\$ 1,436	\$ 2,225	\$ 238	\$ -	\$ 66	\$ -	\$ -	\$ 2,530
09/01/31	\$ 789	\$ 1,385	\$ 2,174	\$ 243	\$ -	\$ 49	\$ -	\$ -	\$ 2,466
09/01/32	\$ 789	\$ 1,334	\$ 2,123	\$ 248	\$ -	\$ -	\$ -	\$ -	\$ 2,370
09/01/33	\$ 921	\$ 1,282	\$ 2,203	\$ 253	\$ -	\$ -	\$ -	\$ -	\$ 2,456
09/01/34	\$ 921	\$ 1,222	\$ 2,143	\$ 258	\$ -	\$ -	\$ -	\$ -	\$ 2,401
09/01/35	\$ 1,052	\$ 1,163	\$ 2,215	\$ 263	\$ -	\$ -	\$ -	\$ -	\$ 2,478
09/01/36	\$ 1,052	\$ 1,094	\$ 2,146	\$ 268	\$ -	\$ -	\$ -	\$ -	\$ 2,415
09/01/37	\$ 1,184	\$ 1,026	\$ 2,209	\$ 274	\$ -	\$ -	\$ -	\$ -	\$ 2,483
09/01/38	\$ 1,184	\$ 949	\$ 2,133	\$ 279	\$ -	\$ -	\$ -	\$ -	\$ 2,412
09/01/39	\$ 1,315	\$ 872	\$ 2,187	\$ 285	\$ -	\$ -	\$ -	\$ -	\$ 2,472
09/01/40	\$ 1,447	\$ 786	\$ 2,233	\$ 290	\$ -	\$ -	\$ -	\$ -	\$ 2,523
09/01/41	\$ 1,447	\$ 692	\$ 2,139	\$ 296	\$ -	\$ -	\$ -	\$ -	\$ 2,435
09/01/42	\$ 1,578	\$ 598	\$ 2,177	\$ 302	\$ -	\$ -	\$ -	\$ -	\$ 2,479
09/01/43	\$ 1,710	\$ 496	\$ 2,205	\$ 308	\$ -	\$ -	\$ -	\$ -	\$ 2,514
09/01/44	\$ 1,841	\$ 385	\$ 2,226	\$ 314	\$ -	\$ -	\$ -	\$ -	\$ 2,540
09/01/45	\$ 1,973	\$ 265	\$ 2,238	\$ 321	\$ -	\$ -	\$ -	\$ -	\$ 2,558
09/01/46	\$ 2,104	\$ 137	\$ 2,241	\$ 327	\$ -	\$ -	\$ (2,568)	\$ -	\$ -
Totals	\$ 28,144	\$ 37,006	\$ 65,150	\$ 7,469	\$ 385	\$ 1,126	\$ (2,568)	\$ (1,829)	\$ 69,733

(a) The 9/01/XX dates represent the fiscal year end for the Bonds.
 (b) Gross of Capitalized Interest
 (c) Preliminary Estimate. Assumes a 2% increase per year. The administrative charges will be revised in Annual Service Plan Updates based on actual costs.
 (d) Annual Installments are calculated assuming an average 6.5% interest rate on the Bonds plus the Additional Interest plus Administrative Expenses.

Appendix A-3 Annual Installments - Parcel No. 78158									
Year (a)	PID Bonds			Administrative Expenses (c)	Prepayment Reserve	Delinquency Reserve	Debt Service Reserve Fund	Capitalized Interest	Annual Installment (d)
	Principal	Interest (b)	Net Debt Service						
09/01/17	\$ -	\$ 763	\$ 763	\$ 77	\$ 23	\$ 35	\$ -	\$ (763)	\$ 136
09/01/18	\$ 165	\$ 763	\$ 928	\$ 78	\$ 23	\$ 35	\$ -	\$ -	\$ 1,065
09/01/19	\$ 165	\$ 753	\$ 917	\$ 80	\$ 23	\$ 35	\$ -	\$ -	\$ 2,529
09/01/20	\$ 165	\$ 742	\$ 906	\$ 82	\$ 23	\$ 34	\$ -	\$ -	\$ 1,045
09/01/21	\$ 165	\$ 731	\$ 896	\$ 83	\$ 22	\$ 34	\$ -	\$ -	\$ 1,035
09/01/22	\$ 165	\$ 720	\$ 885	\$ 85	\$ 22	\$ 33	\$ -	\$ -	\$ 1,025
09/01/23	\$ 219	\$ 710	\$ 929	\$ 87	\$ 22	\$ 33	\$ -	\$ -	\$ 1,070
09/01/24	\$ 219	\$ 695	\$ 915	\$ 88	\$ 1	\$ 32	\$ -	\$ -	\$ 1,036
09/01/25	\$ 219	\$ 681	\$ 901	\$ 90	\$ -	\$ 31	\$ -	\$ -	\$ 1,022
09/01/26	\$ 219	\$ 667	\$ 886	\$ 92	\$ -	\$ 31	\$ -	\$ -	\$ 1,009
09/01/27	\$ 274	\$ 653	\$ 927	\$ 94	\$ -	\$ 30	\$ -	\$ -	\$ 1,051
09/01/28	\$ 274	\$ 635	\$ 909	\$ 96	\$ -	\$ 29	\$ -	\$ -	\$ 1,034
09/01/29	\$ 274	\$ 617	\$ 891	\$ 97	\$ -	\$ 28	\$ -	\$ -	\$ 1,017
09/01/30	\$ 329	\$ 599	\$ 928	\$ 99	\$ -	\$ 28	\$ -	\$ -	\$ 1,055
09/01/31	\$ 329	\$ 578	\$ 907	\$ 101	\$ -	\$ 21	\$ -	\$ -	\$ 1,029
09/01/32	\$ 329	\$ 556	\$ 886	\$ 103	\$ -	\$ -	\$ -	\$ -	\$ 989
09/01/33	\$ 384	\$ 535	\$ 919	\$ 105	\$ -	\$ -	\$ -	\$ -	\$ 1,025
09/01/34	\$ 384	\$ 510	\$ 894	\$ 108	\$ -	\$ -	\$ -	\$ -	\$ 1,002
09/01/35	\$ 439	\$ 485	\$ 924	\$ 110	\$ -	\$ -	\$ -	\$ -	\$ 1,034
09/01/36	\$ 439	\$ 457	\$ 896	\$ 112	\$ -	\$ -	\$ -	\$ -	\$ 1,007
09/01/37	\$ 494	\$ 428	\$ 922	\$ 114	\$ -	\$ -	\$ -	\$ -	\$ 1,036
09/01/38	\$ 494	\$ 396	\$ 890	\$ 116	\$ -	\$ -	\$ -	\$ -	\$ 1,006
09/01/39	\$ 549	\$ 364	\$ 913	\$ 119	\$ -	\$ -	\$ -	\$ -	\$ 1,031
09/01/40	\$ 604	\$ 328	\$ 932	\$ 121	\$ -	\$ -	\$ -	\$ -	\$ 1,053
09/01/41	\$ 604	\$ 289	\$ 892	\$ 124	\$ -	\$ -	\$ -	\$ -	\$ 1,016
09/01/42	\$ 658	\$ 250	\$ 908	\$ 126	\$ -	\$ -	\$ -	\$ -	\$ 1,034
09/01/43	\$ 713	\$ 207	\$ 920	\$ 129	\$ -	\$ -	\$ -	\$ -	\$ 1,049
09/01/44	\$ 768	\$ 160	\$ 929	\$ 131	\$ -	\$ -	\$ -	\$ -	\$ 1,060
09/01/45	\$ 823	\$ 111	\$ 934	\$ 134	\$ -	\$ -	\$ -	\$ -	\$ 1,067
09/01/46	\$ 878	\$ 57	\$ 935	\$ 136	\$ -	\$ -	\$ (1,071)	\$ -	\$ -
Totals	\$ 11,743	\$ 15,440	\$ 27,183	\$ 3,116	\$ 160	\$ 470	\$ (1,071)	\$ (763)	\$ 30,568

(a) The 9/01/XX dates represent the fiscal year end for the Bonds.
 (b) Gross of Capitalized Interest
 (c) Preliminary Estimate. Assumes a 2% increase per year. The administrative charges will be revised in Annual Service Plan Updates based on actual costs.
 (d) Annual Installments are calculated assuming an average 6.5% interest rate on the Bonds plus the Additional Interest plus Administrative Expenses.

Appendix A-4 Annual Instalments - Parcel No. 117510									
Year (a)	PID Bonds			Administrative Expenses (c)	Prepayment Reserve	Delinquency Reserve	Debt Service Reserve Fund	Capitalized Interest	Annual Installment (d)
	Principal	Interest (b)	Net Debt Service						
09/01/17	\$ -	\$ 39,205	\$ 39,205	\$ 3,946	\$ 1,206	\$ 1,809	\$ -	\$ (39,205)	\$ 6,962
09/01/18	\$ 8,455	\$ 39,205	\$ 47,660	\$ 4,025	\$ 1,206	\$ 1,809	\$ -	\$ -	\$ 54,700
09/01/19	\$ 8,455	\$ 38,655	\$ 47,110	\$ 4,105	\$ 1,189	\$ 1,784	\$ -	\$ -	\$ 54,189
09/01/20	\$ 8,455	\$ 38,105	\$ 46,561	\$ 4,187	\$ 1,172	\$ 1,759	\$ -	\$ -	\$ 53,679
09/01/21	\$ 8,455	\$ 37,556	\$ 46,011	\$ 4,271	\$ 1,156	\$ 1,733	\$ -	\$ -	\$ 53,171
09/01/22	\$ 8,455	\$ 37,006	\$ 45,462	\$ 4,357	\$ 1,139	\$ 1,708	\$ -	\$ -	\$ 52,665
09/01/23	\$ 11,274	\$ 36,457	\$ 47,730	\$ 4,444	\$ 1,122	\$ 1,683	\$ -	\$ -	\$ 54,978
09/01/24	\$ 11,274	\$ 35,724	\$ 46,998	\$ 4,533	\$ 54	\$ 1,649	\$ -	\$ -	\$ 53,232
09/01/25	\$ 11,274	\$ 34,991	\$ 46,265	\$ 4,623	\$ -	\$ 1,615	\$ -	\$ -	\$ 52,503
09/01/26	\$ 11,274	\$ 34,258	\$ 45,532	\$ 4,716	\$ -	\$ 1,581	\$ -	\$ -	\$ 51,829
09/01/27	\$ 14,092	\$ 33,525	\$ 47,618	\$ 4,810	\$ -	\$ 1,547	\$ -	\$ -	\$ 53,975
09/01/28	\$ 14,092	\$ 32,609	\$ 46,702	\$ 4,906	\$ -	\$ 1,505	\$ -	\$ -	\$ 53,113
09/01/29	\$ 14,092	\$ 31,693	\$ 45,786	\$ 5,004	\$ -	\$ 1,463	\$ -	\$ -	\$ 52,253
09/01/30	\$ 16,911	\$ 30,777	\$ 47,688	\$ 5,104	\$ -	\$ 1,420	\$ -	\$ -	\$ 54,213
09/01/31	\$ 16,911	\$ 29,678	\$ 46,589	\$ 5,206	\$ -	\$ 1,060	\$ -	\$ -	\$ 52,855
09/01/32	\$ 16,911	\$ 28,579	\$ 45,490	\$ 5,311	\$ -	\$ -	\$ -	\$ -	\$ 50,800
09/01/33	\$ 19,729	\$ 27,480	\$ 47,209	\$ 5,417	\$ -	\$ -	\$ -	\$ -	\$ 52,626
09/01/34	\$ 19,729	\$ 26,197	\$ 45,927	\$ 5,525	\$ -	\$ -	\$ -	\$ -	\$ 51,452
09/01/35	\$ 22,548	\$ 24,915	\$ 47,463	\$ 5,636	\$ -	\$ -	\$ -	\$ -	\$ 53,098
09/01/36	\$ 22,548	\$ 23,449	\$ 45,997	\$ 5,748	\$ -	\$ -	\$ -	\$ -	\$ 51,745
09/01/37	\$ 25,366	\$ 21,984	\$ 47,350	\$ 5,863	\$ -	\$ -	\$ -	\$ -	\$ 53,213
09/01/38	\$ 25,366	\$ 20,335	\$ 45,701	\$ 5,981	\$ -	\$ -	\$ -	\$ -	\$ 51,682
09/01/39	\$ 28,184	\$ 18,686	\$ 46,871	\$ 6,100	\$ -	\$ -	\$ -	\$ -	\$ 52,971
09/01/40	\$ 31,003	\$ 16,854	\$ 47,857	\$ 6,222	\$ -	\$ -	\$ -	\$ -	\$ 54,079
09/01/41	\$ 31,003	\$ 14,839	\$ 45,842	\$ 6,347	\$ -	\$ -	\$ -	\$ -	\$ 52,189
09/01/42	\$ 33,821	\$ 12,824	\$ 46,645	\$ 6,474	\$ -	\$ -	\$ -	\$ -	\$ 53,119
09/01/43	\$ 36,640	\$ 10,626	\$ 47,265	\$ 6,603	\$ -	\$ -	\$ -	\$ -	\$ 53,868
09/01/44	\$ 39,458	\$ 8,244	\$ 47,702	\$ 6,735	\$ -	\$ -	\$ -	\$ -	\$ 54,437
09/01/45	\$ 42,277	\$ 5,679	\$ 47,956	\$ 6,870	\$ -	\$ -	\$ -	\$ -	\$ 54,826
09/01/46	\$ 45,095	\$ 2,931	\$ 48,026	\$ 7,007	\$ -	\$ -	\$ (55,034)	\$ -	\$ -
Totals	\$ 603,148	\$ 793,069	\$ 1,396,217	\$ 160,075	\$ 8,244	\$ 24,126	\$ (55,034)	\$ (39,205)	\$ 1,494,423

(a) The 9/01/XX dates represent the fiscal year end for the Bonds.
 (b) Gross of Capitalized Interest
 (c) Preliminary Estimate. Assumes a 2% increase per year. The administrative charges will be revised in Annual Service Plan Updates based on actual costs.
 (d) Annual Instalments are calculated assuming an average 6.5% interest rate on the Bonds plus the Additional Interest plus Administrative Expenses.

Appendix A-5 Annual Instalments - Parcel No. 117508									
Year (a)	PID Bonds			Administrative Expenses (c)	Prepayment Reserve	Delinquency Reserve	Debt Service Reserve Fund	Capitalized Interest	Annual Installment (d)
	Principal	Interest (b)	Net Debt Service						
09/01/17	\$ -	\$ 9,270	\$ 9,270	\$ 933	\$ 285	\$ 428	\$ -	\$ (9,270)	\$ 1,646
09/01/18	\$ 1,999	\$ 9,270	\$ 11,270	\$ 952	\$ 285	\$ 428	\$ -	\$ -	\$ 12,935
09/01/19	\$ 1,999	\$ 9,140	\$ 11,140	\$ 971	\$ 281	\$ 422	\$ -	\$ -	\$ 12,814
09/01/20	\$ 1,999	\$ 9,011	\$ 11,010	\$ 990	\$ 277	\$ 416	\$ -	\$ -	\$ 12,693
09/01/21	\$ 1,999	\$ 8,881	\$ 10,880	\$ 1,010	\$ 273	\$ 410	\$ -	\$ -	\$ 12,573
09/01/22	\$ 1,999	\$ 8,751	\$ 10,750	\$ 1,030	\$ 269	\$ 404	\$ -	\$ -	\$ 12,453
09/01/23	\$ 2,666	\$ 8,621	\$ 11,286	\$ 1,051	\$ 265	\$ 398	\$ -	\$ -	\$ 13,000
09/01/24	\$ 2,666	\$ 8,447	\$ 11,113	\$ 1,072	\$ 13	\$ 390	\$ -	\$ -	\$ 12,587
09/01/25	\$ 2,666	\$ 8,274	\$ 10,940	\$ 1,093	\$ -	\$ 382	\$ -	\$ -	\$ 12,415
09/01/26	\$ 2,666	\$ 8,101	\$ 10,767	\$ 1,115	\$ -	\$ 374	\$ -	\$ -	\$ 12,256
09/01/27	\$ 3,332	\$ 7,928	\$ 11,260	\$ 1,137	\$ -	\$ 366	\$ -	\$ -	\$ 12,763
09/01/28	\$ 3,332	\$ 7,711	\$ 11,043	\$ 1,160	\$ -	\$ 356	\$ -	\$ -	\$ 12,559
09/01/29	\$ 3,332	\$ 7,494	\$ 10,827	\$ 1,183	\$ -	\$ 346	\$ -	\$ -	\$ 12,356
09/01/30	\$ 3,999	\$ 7,278	\$ 11,276	\$ 1,207	\$ -	\$ 336	\$ -	\$ -	\$ 12,819
09/01/31	\$ 3,999	\$ 7,018	\$ 11,017	\$ 1,231	\$ -	\$ 251	\$ -	\$ -	\$ 12,498
09/01/32	\$ 3,999	\$ 6,758	\$ 10,757	\$ 1,256	\$ -	\$ -	\$ -	\$ -	\$ 12,012
09/01/33	\$ 4,665	\$ 6,498	\$ 11,163	\$ 1,281	\$ -	\$ -	\$ -	\$ -	\$ 12,444
09/01/34	\$ 4,665	\$ 6,195	\$ 10,860	\$ 1,306	\$ -	\$ -	\$ -	\$ -	\$ 12,166
09/01/35	\$ 5,332	\$ 5,891	\$ 11,223	\$ 1,333	\$ -	\$ -	\$ -	\$ -	\$ 12,556
09/01/36	\$ 5,332	\$ 5,545	\$ 10,877	\$ 1,359	\$ -	\$ -	\$ -	\$ -	\$ 12,236
09/01/37	\$ 5,998	\$ 5,198	\$ 11,196	\$ 1,386	\$ -	\$ -	\$ -	\$ -	\$ 12,583
09/01/38	\$ 5,998	\$ 4,808	\$ 10,807	\$ 1,414	\$ -	\$ -	\$ -	\$ -	\$ 12,221
09/01/39	\$ 6,665	\$ 4,419	\$ 11,083	\$ 1,442	\$ -	\$ -	\$ -	\$ -	\$ 12,526
09/01/40	\$ 7,331	\$ 3,985	\$ 11,316	\$ 1,471	\$ -	\$ -	\$ -	\$ -	\$ 12,788
09/01/41	\$ 7,331	\$ 3,509	\$ 10,840	\$ 1,501	\$ -	\$ -	\$ -	\$ -	\$ 12,341
09/01/42	\$ 7,997	\$ 3,032	\$ 11,030	\$ 1,531	\$ -	\$ -	\$ -	\$ -	\$ 12,561
09/01/43	\$ 8,664	\$ 2,513	\$ 11,176	\$ 1,561	\$ -	\$ -	\$ -	\$ -	\$ 12,738
09/01/44	\$ 9,330	\$ 1,949	\$ 11,280	\$ 1,593	\$ -	\$ -	\$ -	\$ -	\$ 12,872
09/01/45	\$ 9,997	\$ 1,343	\$ 11,340	\$ 1,624	\$ -	\$ -	\$ -	\$ -	\$ 12,964
09/01/46	\$ 10,663	\$ 693	\$ 11,356	\$ 1,657	\$ -	\$ -	\$ (13,013)	\$ -	\$ -
Totals	\$ 142,622	\$ 187,531	\$ 330,153	\$ 37,852	\$ 1,949	\$ 5,705	\$ (13,013)	\$ (9,270)	\$ 353,375

(a) The 9/01/XX dates represent the fiscal year end for the Bonds.
 (b) Gross of Capitalized Interest
 (c) Preliminary Estimate. Assumes a 2% increase per year. The administrative charges will be revised in Annual Service Plan Updates based on actual costs.
 (d) Annual Instalments are calculated assuming an average 6.5% interest rate on the Bonds plus the Additional Interest plus Administrative Expenses.

**Appendix A-6
Annual Instalments - Parcel No. 117507**

Year (a)	PID Bonds			Administrative Expenses (c)	Prepayment Reserve	Delinquency Reserve	Debt Service Reserve Fund	Capitalized Interest	Annual Installment (d)
	Principal	Interest (b)	Net Debt Service						
09/01/17	\$ -	\$ 18,473	\$ 18,473	\$ 1,859	\$ 568	\$ 853	\$ -	\$ (18,473)	\$ 3,280
09/01/18	\$ 3,984	\$ 18,473	\$ 22,457	\$ 1,896	\$ 568	\$ 853	\$ -	\$ -	\$ 25,774
09/01/19	\$ 3,984	\$ 18,214	\$ 22,198	\$ 1,934	\$ 560	\$ 841	\$ -	\$ -	\$ 25,533
09/01/20	\$ 3,984	\$ 17,955	\$ 21,939	\$ 1,973	\$ 552	\$ 829	\$ -	\$ -	\$ 25,293
09/01/21	\$ 3,984	\$ 17,696	\$ 21,680	\$ 2,012	\$ 544	\$ 817	\$ -	\$ -	\$ 25,054
09/01/22	\$ 3,984	\$ 17,437	\$ 21,421	\$ 2,053	\$ 537	\$ 805	\$ -	\$ -	\$ 24,815
09/01/23	\$ 5,312	\$ 17,178	\$ 22,490	\$ 2,094	\$ 529	\$ 793	\$ -	\$ -	\$ 25,905
09/01/24	\$ 5,312	\$ 16,833	\$ 22,145	\$ 2,136	\$ 25	\$ 777	\$ -	\$ -	\$ 25,083
09/01/25	\$ 5,312	\$ 16,487	\$ 21,800	\$ 2,178	\$ -	\$ 761	\$ -	\$ -	\$ 24,739
09/01/26	\$ 5,312	\$ 16,142	\$ 21,454	\$ 2,222	\$ -	\$ 745	\$ -	\$ -	\$ 24,421
09/01/27	\$ 6,640	\$ 15,797	\$ 22,437	\$ 2,266	\$ -	\$ 729	\$ -	\$ -	\$ 25,433
09/01/28	\$ 6,640	\$ 15,365	\$ 22,005	\$ 2,312	\$ -	\$ 709	\$ -	\$ -	\$ 25,026
09/01/29	\$ 6,640	\$ 14,934	\$ 21,574	\$ 2,358	\$ -	\$ 689	\$ -	\$ -	\$ 24,621
09/01/30	\$ 7,968	\$ 14,502	\$ 22,470	\$ 2,405	\$ -	\$ 669	\$ -	\$ -	\$ 25,545
09/01/31	\$ 7,968	\$ 13,984	\$ 21,952	\$ 2,453	\$ -	\$ 499	\$ -	\$ -	\$ 24,905
09/01/32	\$ 7,968	\$ 13,466	\$ 21,434	\$ 2,502	\$ -	\$ -	\$ -	\$ -	\$ 23,937
09/01/33	\$ 9,296	\$ 12,948	\$ 22,244	\$ 2,552	\$ -	\$ -	\$ -	\$ -	\$ 24,797
09/01/34	\$ 9,296	\$ 12,344	\$ 21,640	\$ 2,603	\$ -	\$ -	\$ -	\$ -	\$ 24,244
09/01/35	\$ 10,624	\$ 11,740	\$ 22,364	\$ 2,655	\$ -	\$ -	\$ -	\$ -	\$ 25,019
09/01/36	\$ 10,624	\$ 11,049	\$ 21,673	\$ 2,709	\$ -	\$ -	\$ -	\$ -	\$ 24,382
09/01/37	\$ 11,952	\$ 10,359	\$ 22,311	\$ 2,763	\$ -	\$ -	\$ -	\$ -	\$ 25,074
09/01/38	\$ 11,952	\$ 9,582	\$ 21,534	\$ 2,818	\$ -	\$ -	\$ -	\$ -	\$ 24,352
09/01/39	\$ 13,280	\$ 8,805	\$ 22,085	\$ 2,874	\$ -	\$ -	\$ -	\$ -	\$ 24,959
09/01/40	\$ 14,608	\$ 7,942	\$ 22,550	\$ 2,932	\$ -	\$ -	\$ -	\$ -	\$ 25,482
09/01/41	\$ 14,608	\$ 6,992	\$ 21,600	\$ 2,990	\$ -	\$ -	\$ -	\$ -	\$ 24,591
09/01/42	\$ 15,936	\$ 6,043	\$ 21,979	\$ 3,050	\$ -	\$ -	\$ -	\$ -	\$ 25,029
09/01/43	\$ 17,264	\$ 5,007	\$ 22,271	\$ 3,111	\$ -	\$ -	\$ -	\$ -	\$ 25,382
09/01/44	\$ 18,592	\$ 3,884	\$ 22,477	\$ 3,174	\$ -	\$ -	\$ -	\$ -	\$ 25,650
09/01/45	\$ 19,920	\$ 2,676	\$ 22,596	\$ 3,237	\$ -	\$ -	\$ -	\$ -	\$ 25,833
09/01/46	\$ 21,248	\$ 1,381	\$ 22,630	\$ 3,302	\$ -	\$ -	\$ (25,931)	\$ -	\$ -
Totals	\$ 284,198	\$ 373,687	\$ 657,885	\$ 75,426	\$ 3,884	\$ 11,368	\$ (25,931)	\$ (18,473)	\$ 704,159

- (a) The 9/01/XX dates represent the fiscal year end for the Bonds.
- (b) Gross of Capitalized Interest
- (c) Preliminary Estimate. Assumes a 2% increase per year. The administrative charges will be revised in Annual Service Plan Updates based on actual costs.
- (d) Annual Instalments are calculated assuming an average 6.5% interest rate on the Bonds plus the Additional Interest plus Administrative Expenses.

Appendix A-7 Annual Instalments - Parcel No. 499958									
Year (a)	PID Bonds			Administrative Expenses (c)	Prepayment Reserve	Delinquency Reserve	Debt Service Reserve Fund	Capitalized Interest	Annual Installment (d)
	Principal	Interest (b)	Net Debt Service						
09/01/17	\$ -	\$ 81,068	\$ 81,068	\$ 8,159	\$ 2,494	\$ 3,742	\$ -	\$ (81,068)	\$ 14,395
09/01/18	\$ 17,484	\$ 81,068	\$ 98,552	\$ 8,322	\$ 2,494	\$ 3,742	\$ -	\$ -	\$ 113,111
09/01/19	\$ 17,484	\$ 79,932	\$ 97,416	\$ 8,489	\$ 2,459	\$ 3,689	\$ -	\$ -	\$ 112,053
09/01/20	\$ 17,484	\$ 78,795	\$ 96,280	\$ 8,659	\$ 2,424	\$ 3,637	\$ -	\$ -	\$ 110,999
09/01/21	\$ 17,484	\$ 77,659	\$ 95,143	\$ 8,832	\$ 2,390	\$ 3,584	\$ -	\$ -	\$ 109,949
09/01/22	\$ 17,484	\$ 76,522	\$ 94,007	\$ 9,009	\$ 2,355	\$ 3,532	\$ -	\$ -	\$ 108,901
09/01/23	\$ 23,312	\$ 75,386	\$ 98,698	\$ 9,189	\$ 2,320	\$ 3,479	\$ -	\$ -	\$ 113,686
09/01/24	\$ 23,312	\$ 73,871	\$ 97,183	\$ 9,372	\$ 111	\$ 3,409	\$ -	\$ -	\$ 110,075
09/01/25	\$ 23,312	\$ 72,355	\$ 95,668	\$ 9,560	\$ -	\$ 3,339	\$ -	\$ -	\$ 108,567
09/01/26	\$ 23,312	\$ 70,840	\$ 94,152	\$ 9,751	\$ -	\$ 3,270	\$ -	\$ -	\$ 107,173
09/01/27	\$ 29,140	\$ 69,325	\$ 98,465	\$ 9,946	\$ -	\$ 3,200	\$ -	\$ -	\$ 111,611
09/01/28	\$ 29,140	\$ 67,431	\$ 96,571	\$ 10,145	\$ -	\$ 3,112	\$ -	\$ -	\$ 109,828
09/01/29	\$ 29,140	\$ 65,537	\$ 94,677	\$ 10,348	\$ -	\$ 3,025	\$ -	\$ -	\$ 108,049
09/01/30	\$ 34,968	\$ 63,642	\$ 98,611	\$ 10,555	\$ -	\$ 2,937	\$ -	\$ -	\$ 112,103
09/01/31	\$ 34,968	\$ 61,369	\$ 96,338	\$ 10,766	\$ -	\$ 2,191	\$ -	\$ -	\$ 109,295
09/01/32	\$ 34,968	\$ 59,097	\$ 94,065	\$ 10,981	\$ -	\$ -	\$ -	\$ -	\$ 105,046
09/01/33	\$ 40,796	\$ 56,824	\$ 97,620	\$ 11,201	\$ -	\$ -	\$ -	\$ -	\$ 108,821
09/01/34	\$ 40,796	\$ 54,172	\$ 94,968	\$ 11,425	\$ -	\$ -	\$ -	\$ -	\$ 106,393
09/01/35	\$ 46,624	\$ 51,520	\$ 98,144	\$ 11,653	\$ -	\$ -	\$ -	\$ -	\$ 109,798
09/01/36	\$ 46,624	\$ 48,489	\$ 95,114	\$ 11,887	\$ -	\$ -	\$ -	\$ -	\$ 107,000
09/01/37	\$ 52,453	\$ 45,459	\$ 97,911	\$ 12,124	\$ -	\$ -	\$ -	\$ -	\$ 110,036
09/01/38	\$ 52,453	\$ 42,049	\$ 94,502	\$ 12,367	\$ -	\$ -	\$ -	\$ -	\$ 106,869
09/01/39	\$ 58,281	\$ 38,640	\$ 96,921	\$ 12,614	\$ -	\$ -	\$ -	\$ -	\$ 109,535
09/01/40	\$ 64,109	\$ 34,852	\$ 98,960	\$ 12,866	\$ -	\$ -	\$ -	\$ -	\$ 111,827
09/01/41	\$ 64,109	\$ 30,685	\$ 94,793	\$ 13,124	\$ -	\$ -	\$ -	\$ -	\$ 107,917
09/01/42	\$ 69,937	\$ 26,518	\$ 96,454	\$ 13,386	\$ -	\$ -	\$ -	\$ -	\$ 109,841
09/01/43	\$ 75,765	\$ 21,972	\$ 97,737	\$ 13,654	\$ -	\$ -	\$ -	\$ -	\$ 111,390
09/01/44	\$ 81,593	\$ 17,047	\$ 98,640	\$ 13,927	\$ -	\$ -	\$ -	\$ -	\$ 112,567
09/01/45	\$ 87,421	\$ 11,744	\$ 99,164	\$ 14,206	\$ -	\$ -	\$ -	\$ -	\$ 113,370
09/01/46	\$ 93,249	\$ 6,061	\$ 99,310	\$ 14,490	\$ -	\$ -	\$ (113,800)	\$ -	\$ -
Totals	\$ 1,247,204	\$ 1,639,928	\$ 2,887,132	\$ 331,006	\$ 17,047	\$ 49,888	\$ (113,800)	\$ (81,068)	\$ 3,090,206

(a) The 9/01/XX dates represent the fiscal year end for the Bonds.
 (b) Gross of Capitalized Interest
 (c) Preliminary Estimate. Assumes a 2% increase per year. The administrative charges will be revised in Annual Service Plan Updates based on actual costs.
 (d) Annual Instalments are calculated assuming an average 6.5% interest rate on the Bonds plus the Additional Interest plus Administrative Expenses.

Appendix A-8 Annual Installments - Parcel No. 530064									
Year (a)	PID Bonds			Administrative Expenses (c)	Prepayment Reserve	Delinquency Reserve	Debt Service Reserve Fund	Capitalized Interest	Annual Installment (d)
	Principal	Interest (b)	Net Debt Service						
09/01/17	\$ -	\$ 8,265	\$ 8,265	\$ 832	\$ 254	\$ 381	\$ -	\$ (8,265)	\$ 1,468
09/01/18	\$ 1,782	\$ 8,265	\$ 10,047	\$ 848	\$ 254	\$ 381	\$ -	\$ -	\$ 11,531
09/01/19	\$ 1,782	\$ 8,149	\$ 9,931	\$ 865	\$ 251	\$ 376	\$ -	\$ -	\$ 11,423
09/01/20	\$ 1,782	\$ 8,033	\$ 9,815	\$ 883	\$ 247	\$ 371	\$ -	\$ -	\$ 11,316
09/01/21	\$ 1,782	\$ 7,917	\$ 9,699	\$ 900	\$ 244	\$ 365	\$ -	\$ -	\$ 11,209
09/01/22	\$ 1,782	\$ 7,801	\$ 9,584	\$ 918	\$ 240	\$ 360	\$ -	\$ -	\$ 11,102
09/01/23	\$ 2,377	\$ 7,685	\$ 10,062	\$ 937	\$ 236	\$ 355	\$ -	\$ -	\$ 11,590
09/01/24	\$ 2,377	\$ 7,531	\$ 9,907	\$ 955	\$ 11	\$ 348	\$ -	\$ -	\$ 11,222
09/01/25	\$ 2,377	\$ 7,376	\$ 9,753	\$ 975	\$ -	\$ 340	\$ -	\$ -	\$ 11,068
09/01/26	\$ 2,377	\$ 7,222	\$ 9,598	\$ 994	\$ -	\$ 333	\$ -	\$ -	\$ 10,926
09/01/27	\$ 2,971	\$ 7,067	\$ 10,038	\$ 1,014	\$ -	\$ 326	\$ -	\$ -	\$ 11,378
09/01/28	\$ 2,971	\$ 6,874	\$ 9,845	\$ 1,034	\$ -	\$ 317	\$ -	\$ -	\$ 11,197
09/01/29	\$ 2,971	\$ 6,681	\$ 9,652	\$ 1,055	\$ -	\$ 308	\$ -	\$ -	\$ 11,015
09/01/30	\$ 3,565	\$ 6,488	\$ 10,053	\$ 1,076	\$ -	\$ 299	\$ -	\$ -	\$ 11,428
09/01/31	\$ 3,565	\$ 6,256	\$ 9,821	\$ 1,098	\$ -	\$ 223	\$ -	\$ -	\$ 11,142
09/01/32	\$ 3,565	\$ 6,025	\$ 9,590	\$ 1,120	\$ -	\$ -	\$ -	\$ -	\$ 10,709
09/01/33	\$ 4,159	\$ 5,793	\$ 9,952	\$ 1,142	\$ -	\$ -	\$ -	\$ -	\$ 11,094
09/01/34	\$ 4,159	\$ 5,523	\$ 9,682	\$ 1,165	\$ -	\$ -	\$ -	\$ -	\$ 10,846
09/01/35	\$ 4,753	\$ 5,252	\$ 10,005	\$ 1,188	\$ -	\$ -	\$ -	\$ -	\$ 11,193
09/01/36	\$ 4,753	\$ 4,943	\$ 9,696	\$ 1,212	\$ -	\$ -	\$ -	\$ -	\$ 10,908
09/01/37	\$ 5,347	\$ 4,634	\$ 9,982	\$ 1,236	\$ -	\$ -	\$ -	\$ -	\$ 11,218
09/01/38	\$ 5,347	\$ 4,287	\$ 9,634	\$ 1,261	\$ -	\$ -	\$ -	\$ -	\$ 10,895
09/01/39	\$ 5,941	\$ 3,939	\$ 9,881	\$ 1,286	\$ -	\$ -	\$ -	\$ -	\$ 11,167
09/01/40	\$ 6,536	\$ 3,553	\$ 10,089	\$ 1,312	\$ -	\$ -	\$ -	\$ -	\$ 11,400
09/01/41	\$ 6,536	\$ 3,128	\$ 9,664	\$ 1,338	\$ -	\$ -	\$ -	\$ -	\$ 11,002
09/01/42	\$ 7,130	\$ 2,703	\$ 9,833	\$ 1,365	\$ -	\$ -	\$ -	\$ -	\$ 11,198
09/01/43	\$ 7,724	\$ 2,240	\$ 9,964	\$ 1,392	\$ -	\$ -	\$ -	\$ -	\$ 11,356
09/01/44	\$ 8,318	\$ 1,738	\$ 10,056	\$ 1,420	\$ -	\$ -	\$ -	\$ -	\$ 11,476
09/01/45	\$ 8,912	\$ 1,197	\$ 10,109	\$ 1,448	\$ -	\$ -	\$ -	\$ -	\$ 11,558
09/01/46	\$ 9,506	\$ 618	\$ 10,124	\$ 1,477	\$ -	\$ -	\$ (11,601)	\$ -	\$ -
Totals	\$ 127,147	\$ 167,184	\$ 294,331	\$ 33,745	\$ 1,738	\$ 5,086	\$ (11,601)	\$ (8,265)	\$ 315,034

(a) The 9/01/XX dates represent the fiscal year end for the Bonds.
(b) Gross of Capitalized Interest
(c) Preliminary Estimate. Assumes a 2% increase per year. The administrative charges will be revised in Annual Service Plan Updates based on actual costs.
(d) Annual Installments are calculated assuming an average 6.5% interest rate on the Bonds plus the Additional Interest plus Administrative Expenses.

Appendix A-9 Annual Instalments - Parcel No. 339682									
Year (a)	PID Bonds			Administrative Expenses (c)	Prepayment Reserve	Delinquency Reserve	Debt Service Reserve Fund	Capitalized Interest	Annual Installment (d)
	Principal	Interest (b)	Net Debt Service						
09/01/17	\$ -	\$ 185,399	\$ 185,399	\$ 18,660	\$ 5,705	\$ 8,557	\$ -	\$ (185,399)	\$ 32,921
09/01/18	\$ 39,985	\$ 185,399	\$ 225,385	\$ 19,033	\$ 5,705	\$ 8,557	\$ -	\$ -	\$ 258,679
09/01/19	\$ 39,985	\$ 182,800	\$ 222,786	\$ 19,414	\$ 5,625	\$ 8,437	\$ -	\$ -	\$ 256,261
09/01/20	\$ 39,985	\$ 180,201	\$ 220,186	\$ 19,802	\$ 5,545	\$ 8,317	\$ -	\$ -	\$ 253,850
09/01/21	\$ 39,985	\$ 177,602	\$ 217,587	\$ 20,198	\$ 5,465	\$ 8,197	\$ -	\$ -	\$ 251,447
09/01/22	\$ 39,985	\$ 175,003	\$ 214,988	\$ 20,602	\$ 5,385	\$ 8,077	\$ -	\$ -	\$ 249,052
09/01/23	\$ 53,314	\$ 172,404	\$ 225,718	\$ 21,014	\$ 5,305	\$ 7,957	\$ -	\$ -	\$ 259,994
09/01/24	\$ 53,314	\$ 168,938	\$ 222,252	\$ 21,434	\$ 253	\$ 7,797	\$ -	\$ -	\$ 251,737
09/01/25	\$ 53,314	\$ 165,473	\$ 218,787	\$ 21,863	\$ -	\$ 7,637	\$ -	\$ -	\$ 248,287
09/01/26	\$ 53,314	\$ 162,008	\$ 215,322	\$ 22,300	\$ -	\$ 7,477	\$ -	\$ -	\$ 245,099
09/01/27	\$ 66,642	\$ 158,542	\$ 225,185	\$ 22,746	\$ -	\$ 7,317	\$ -	\$ -	\$ 255,248
09/01/28	\$ 66,642	\$ 154,210	\$ 220,853	\$ 23,201	\$ -	\$ 7,117	\$ -	\$ -	\$ 251,171
09/01/29	\$ 66,642	\$ 149,879	\$ 216,521	\$ 23,665	\$ -	\$ 6,917	\$ -	\$ -	\$ 247,104
09/01/30	\$ 79,971	\$ 145,547	\$ 225,518	\$ 24,139	\$ -	\$ 6,718	\$ -	\$ -	\$ 256,374
09/01/31	\$ 79,971	\$ 140,349	\$ 220,320	\$ 24,621	\$ -	\$ 5,012	\$ -	\$ -	\$ 249,953
09/01/32	\$ 79,971	\$ 135,151	\$ 215,122	\$ 25,114	\$ -	\$ -	\$ -	\$ -	\$ 240,235
09/01/33	\$ 93,299	\$ 129,953	\$ 223,252	\$ 25,616	\$ -	\$ -	\$ -	\$ -	\$ 248,868
09/01/34	\$ 93,299	\$ 123,888	\$ 217,188	\$ 26,128	\$ -	\$ -	\$ -	\$ -	\$ 243,316
09/01/35	\$ 106,628	\$ 117,824	\$ 224,452	\$ 26,651	\$ -	\$ -	\$ -	\$ -	\$ 251,102
09/01/36	\$ 106,628	\$ 110,893	\$ 217,521	\$ 27,184	\$ -	\$ -	\$ -	\$ -	\$ 244,705
09/01/37	\$ 119,956	\$ 103,962	\$ 223,918	\$ 27,728	\$ -	\$ -	\$ -	\$ -	\$ 251,646
09/01/38	\$ 119,956	\$ 96,165	\$ 216,121	\$ 28,282	\$ -	\$ -	\$ -	\$ -	\$ 244,403
09/01/39	\$ 133,285	\$ 88,368	\$ 221,653	\$ 28,848	\$ -	\$ -	\$ -	\$ -	\$ 250,500
09/01/40	\$ 146,613	\$ 79,704	\$ 226,318	\$ 29,425	\$ -	\$ -	\$ -	\$ -	\$ 255,742
09/01/41	\$ 146,613	\$ 70,174	\$ 216,788	\$ 30,013	\$ -	\$ -	\$ -	\$ -	\$ 246,801
09/01/42	\$ 159,942	\$ 60,645	\$ 220,586	\$ 30,613	\$ -	\$ -	\$ -	\$ -	\$ 251,200
09/01/43	\$ 173,270	\$ 50,248	\$ 223,519	\$ 31,226	\$ -	\$ -	\$ -	\$ -	\$ 254,744
09/01/44	\$ 186,599	\$ 38,986	\$ 225,584	\$ 31,850	\$ -	\$ -	\$ -	\$ -	\$ 257,435
09/01/45	\$ 199,927	\$ 26,857	\$ 226,784	\$ 32,487	\$ -	\$ -	\$ -	\$ -	\$ 259,271
09/01/46	\$ 213,256	\$ 13,862	\$ 227,117	\$ 33,137	\$ -	\$ -	\$ (260,254)	\$ -	\$ -
Totals	\$ 2,852,294	\$ 3,750,434	\$ 6,602,728	\$ 756,995	\$ 38,986	\$ 114,092	\$ (260,254)	\$ (185,399)	\$ 7,067,147

(a) The 9/01/XX dates represent the fiscal year end for the Bonds.
 (b) Gross of Capitalized Interest
 (c) Preliminary Estimate. Assumes a 2% increase per year. The administrative charges will be revised in Annual Service Plan Updates based on actual costs.
 (d) Annual Instalments are calculated assuming an average 6.5% interest rate on the Bonds plus the Additional Interest plus Administrative Expenses.

Appendix A-10
Annual Installments - HOA

Year (a)	PID Bonds			Administrative Expenses (c)	Prepayment Reserve	Delinquency Reserve	Debt Service Reserve Fund	Capitalized Interest	Annual Installment (d)
	Principal	Interest (b)	Net Debt Service						
09/01/17	\$ -	\$ 3,478	\$ 3,478	\$ 350	\$ 107	\$ 161	\$ -	\$ (3,478)	\$ 618
09/01/18	\$ 750	\$ 3,478	\$ 4,228	\$ 357	\$ 107	\$ 161	\$ -	\$ -	\$ 4,852
09/01/19	\$ 750	\$ 3,429	\$ 4,179	\$ 364	\$ 106	\$ 158	\$ -	\$ -	\$ 4,807
09/01/20	\$ 750	\$ 3,380	\$ 4,130	\$ 371	\$ 104	\$ 156	\$ -	\$ -	\$ 4,761
09/01/21	\$ 750	\$ 3,331	\$ 4,081	\$ 379	\$ 103	\$ 154	\$ -	\$ -	\$ 4,716
09/01/22	\$ 750	\$ 3,283	\$ 4,033	\$ 386	\$ 101	\$ 152	\$ -	\$ -	\$ 4,671
09/01/23	\$ 1,000	\$ 3,234	\$ 4,234	\$ 394	\$ 100	\$ 149	\$ -	\$ -	\$ 4,877
09/01/24	\$ 1,000	\$ 3,169	\$ 4,169	\$ 402	\$ 5	\$ 146	\$ -	\$ -	\$ 4,722
09/01/25	\$ 1,000	\$ 3,104	\$ 4,104	\$ 410	\$ -	\$ 143	\$ -	\$ -	\$ 4,657
09/01/26	\$ 1,000	\$ 3,039	\$ 4,039	\$ 418	\$ -	\$ 140	\$ -	\$ -	\$ 4,597
09/01/27	\$ 1,250	\$ 2,974	\$ 4,224	\$ 427	\$ -	\$ 137	\$ -	\$ -	\$ 4,788
09/01/28	\$ 1,250	\$ 2,893	\$ 4,143	\$ 435	\$ -	\$ 134	\$ -	\$ -	\$ 4,711
09/01/29	\$ 1,250	\$ 2,811	\$ 4,061	\$ 444	\$ -	\$ 130	\$ -	\$ -	\$ 4,635
09/01/30	\$ 1,500	\$ 2,730	\$ 4,230	\$ 453	\$ -	\$ 126	\$ -	\$ -	\$ 4,809
09/01/31	\$ 1,500	\$ 2,633	\$ 4,133	\$ 462	\$ -	\$ 94	\$ -	\$ -	\$ 4,688
09/01/32	\$ 1,500	\$ 2,535	\$ 4,035	\$ 471	\$ -	\$ -	\$ -	\$ -	\$ 4,506
09/01/33	\$ 1,750	\$ 2,438	\$ 4,188	\$ 480	\$ -	\$ -	\$ -	\$ -	\$ 4,668
09/01/34	\$ 1,750	\$ 2,324	\$ 4,074	\$ 490	\$ -	\$ -	\$ -	\$ -	\$ 4,564
09/01/35	\$ 2,000	\$ 2,210	\$ 4,210	\$ 500	\$ -	\$ -	\$ -	\$ -	\$ 4,710
09/01/36	\$ 2,000	\$ 2,080	\$ 4,080	\$ 510	\$ -	\$ -	\$ -	\$ -	\$ 4,590
09/01/37	\$ 2,250	\$ 1,950	\$ 4,200	\$ 520	\$ -	\$ -	\$ -	\$ -	\$ 4,720
09/01/38	\$ 2,250	\$ 1,804	\$ 4,054	\$ 530	\$ -	\$ -	\$ -	\$ -	\$ 4,584
09/01/39	\$ 2,500	\$ 1,658	\$ 4,158	\$ 541	\$ -	\$ -	\$ -	\$ -	\$ 4,699
09/01/40	\$ 2,750	\$ 1,495	\$ 4,245	\$ 552	\$ -	\$ -	\$ -	\$ -	\$ 4,797
09/01/41	\$ 2,750	\$ 1,316	\$ 4,066	\$ 563	\$ -	\$ -	\$ -	\$ -	\$ 4,629
09/01/42	\$ 3,000	\$ 1,138	\$ 4,138	\$ 574	\$ -	\$ -	\$ -	\$ -	\$ 4,712
09/01/43	\$ 3,250	\$ 943	\$ 4,193	\$ 586	\$ -	\$ -	\$ -	\$ -	\$ 4,778
09/01/44	\$ 3,500	\$ 731	\$ 4,231	\$ 597	\$ -	\$ -	\$ -	\$ -	\$ 4,829
09/01/45	\$ 3,750	\$ 504	\$ 4,254	\$ 609	\$ -	\$ -	\$ -	\$ -	\$ 4,863
09/01/46	\$ 4,000	\$ 260	\$ 4,260	\$ 622	\$ -	\$ -	\$ (4,882)	\$ -	\$ -
Totals	\$ 53,500	\$ 70,346	\$ 123,846	\$ 14,199	\$ 731	\$ 2,140	\$ (4,882)	\$ (3,478)	\$ 132,557

- (a) The 9/01/XX dates represent the fiscal year end for the Bonds.
- (b) Gross of Capitalized Interest
- (c) Preliminary Estimate. Assumes a 2% increase per year. The administrative charges will be revised in Annual Service Plan Updates based on actual costs.
- (d) Annual Installments are calculated assuming an average 6.5% interest rate on the Bonds plus the Additional Interest plus Administrative Expenses.

Appendix B

Legal Descriptions for Parcels within PID

All that certain 111.41 acres of land, which is all of Lot 1, Block A, Restless Acres, recorded in Document Number 2010-98 in the Plat Records of Denton County, Texas (P.R.D.C.T.), all of Lot 2R, Block A, Vineyard Hills Subdivision No. 2, recorded in Document Number 2012-61, P.R.D.C.T., all of Lot 3, Block A, Vineyard Hills Subdivision No. 2, recorded in Cabinet Y, Page 111 P.R.D.C.T., all of Lot 3, Lot 4 and Lot 5, Block 1, Vineyard Hills Subdivision, recorded in Cabinet E, Page 32, P.R.D.C.T., all of the tract described in the deed to Ronald Hance, recorded in Volume 4126, Page 2315, in the Deed Records of Denton County, Texas (D.R.D.C.T.), and all of the tract described in the deed to Gary L. and Pamela C. Garton, recorded in Volume 2819, Page 650 D.R.D.C.T., in the T. Whitehead Survey, A-342, and the T. Gazaway Survey, A-479, City of Argyle, Denton County, Texas and more particularly described by metes and bounds as follows: (all bearings shown hereon are based on Texas State Plane Coordinate System, North Central Zone):

BEGINNING at a 1/2" iron rod with a cap stamped "SPRY 5647" set for the northwest corner of the herein described tract, common to the common north corner of Lot 1R and Lot 2R, and from which a 3/4" iron pipe bears North 00° 21' 02" West – 10.28';

THENCE North 76° 10' 43" East - 169.73' along the south right-of-way line of said Old Justin Road, to a 1/2" iron rod with a cap stamped "SPRY 5647" set for an angle corner of the herein described tract;

THENCE North 00° 20' 10" West - 10.28' continuing along the south right-of-way line of said Old Justin Road, to the northwest corner of said Lot 3, Block 3, Vineyard Hill Subdivision No. 2 (Cab. Y, Pg. 111), from which a found 3/4" iron pipe bears North 47° 51' West – 0.86';

THENCE North 76° 10' 43" East - 169.55' along the south right-of-way line of said Old Justin Road, to a corner of the herein described tract, from which a found 3/4" iron pipe bears South 00° 21' East – 0.59';

THENCE South 00° 20' 58" East – 10.85' to the northwest corner of said Lot 2R, Block A, Vineyard Hills Subdivision No. 2;

THENCE North 76° 38' 51" East - 239.44' along the south right-of-way line of Old Justin Road, to a 1/2" iron rod with a cap stamped "SPRY 5647" set for the Point of Curvature of a curve to the right, having a central angle of 12° 12' 32", a radius of 928.58' and a chord bearing and distance of North 82° 45' 07" East - 197.49';

THENCE along said curve to the right, continuing along the south right-of-way line of Old Justin Road, an arc distance of 197.87' to a 1/2" iron rod with a cap stamped "SPRY 5647" set for the end of curve;

THENCE North $89^{\circ} 01' 41''$ East - 330.18' to a 1/2" iron rod with a cap stamped "SPRY 5647" set for an angle corner of the herein described tract, in the west line of said "Hance" Tract;

THENCE North $00^{\circ} 12' 11''$ West – 10.00' to a 1/2" iron rod with a cap stamped "SPRY 5647" set for an angle corner of the herein described tract, common to the northwest corner of said "Hance" Tract;

THENCE North $89^{\circ} 46' 26''$ East – 233.10' along the south right-of-way line of Old Justin Road, to a 1/2" iron rod with a cap stamped "SPRY 5647" set for an angle corner of the herein described tract, common to the northeast corner of said "Garton" Tract;

THENCE South $06^{\circ} 21' 42''$ West – 10.07' to a 1/2" iron rod with a cap stamped "SPRY 5647" set for an angle corner of the herein described tract;

THENCE North $89^{\circ} 46' 26''$ East – 608.55' along the south right-of-way line of Old Justin Road to a 1/2" iron rod with a cap stamped "SPRY 5647" set for the northeast corner of the herein described tract, in the west right-of-line of Texas & Pacific Railroad Company (100' R.O.W.);

THENCE South $17^{\circ} 54' 59''$ West – 3770.56' along the west right-of-way line of said Texas & Pacific Railroad Company, to a 1/2" iron rod with a cap stamped "SPRY 5647" set for the most southerly southeast corner of the herein described tract, in the north right-of-way line of Harpole Road (a 60' right-of-way);

THENCE South $89^{\circ} 51' 04''$ West – 848.09' along the north right-of-way line of said Harpole Road, a 1/2" iron rod found for the most southerly southwest corner of the herein described tract, common to the southeast corner of Lot 2, Block 1, of said Vineyard Hills Subdivision;

THENCE North $00^{\circ} 16' 10''$ West, along the west line of aforesaid Lot 3, Block 1, common to the east line of said Lot 2, Block 1, a distance of 1041.35' (called 1040.89') to a 1/2" iron rod with a cap stamped "SPRY 5647" set for an angle corner of the herein described tract, common to the northeast corner of said Lot 2, Block 1, and in the south line of Lot 5, Block A, Vineyard Hills Subdivision No. 2, (Cabinet Y, Page 111), and from which a 1/2" iron rod found bears North $06^{\circ} 40'$ East – 0.59';

THENCE North $89^{\circ} 32' 45''$ East - 99.86' along the north line of said Lot 3, Block 1 to 1/2" iron rod found for an angle corner of the herein described tract;

THENCE North $01^{\circ} 05' 28''$ West - 961.06' to a 1/2" iron rod found for an angle corner of the herein described tract, in the south line of aforesaid Lot 1R, Block A;

THENCE North $89^{\circ} 49' 10''$ East - 11.06' (called 10.62') to a 1/2" iron rod found for an angle corner of the herein described tract;

THENCE North $00^{\circ} 21' 02''$ West - 1417.28' to the POINT OF BEGINNING, and containing 111.41 acres of land.

Appendix C

The Parcel Map



EXHIBIT A
HAT CREEK DEVELOPMENT - HIGHLANDS OF ARGYLE
HIGHLANDS OF ARGYLE PUBLIC IMPROVEMENT DISTRICT
ASSUMPTIONS

Item	Assumption	Source
Date of Analysis	3/11/2016	
Project Management Fees as % of Hard Costs	4.0%	DPFG
Soft Costs as % of Hard Costs	10.0%	DPFG
Contingency Factor as % of Hard Costs	15.0%	Hat Creek
Estimated Net Infrastructure Proceeds - PID Bond	\$ 3,987,750	DPFG
Projected Value to Lien Ratio	3.01	
Minimum Required Value to Lien Ratio	3:1	DPFG
Denton County Ad Valorem Tax Rate - 2015	\$ 0.262000	Denton County
City of Argyle Ad Valorem Tax Rate - FY 2015	\$ 0.397500	City of Argyle
Maximum Total Tax Rate for Market Scenario	\$ 2.970616	Hat Creek
Maximum Equivalent Ad Valorem Assessment Rate per \$100 AV	\$ 0.641066	Calculated
Average Lot Price in Phase 1	\$ 130,000	Hat Creek
Annual Escalation	6.0%	Hat Creek
Lot Price as % of Finished Home Assessed Value	25.0%	DPFG
Improvement PID Bond Interest Rate	6.50%	DPFG
Bond Term	30	DPFG
Bond Issue Date	1/1/2016	DPFG
Bond Issue Year	2016	DPFG
Required Debt Service Reserve Fund	Lesser of Maximum Annual Debt Service or 10% of Bond Issue or 125% of Average Annual Debt Service	DPFG
Debt Service Escalator	0.0%	DPFG
District Operations Escalator	2.0%	DPFG
Years of Capitalized Interest	1.00	DPFG
Underwriter Discount/Underwriter Counsel Fees	3.0%	DPFG
Non-Underwriter Costs of Issuance per Bond Issue	8.0%	DPFG
Initial Year Administrative Costs per Bond Issue	\$ 35,000	DPFG
Interest Rate Yield for Capitalized Interest/Debt Service Reserve	0.0%	DPFG

EXHIBIT B
HAT CREEK DEVELOPMENT - HIGHLANDS OF ARGYLE
HIGHLANDS OF ARGYLE PUBLIC IMPROVEMENT DISTRICT
QUALIFIED PID COSTS
3/11/2016

	Phase 1 Hard Costs	Phase 2 Hard Costs	Total Hard Costs	Soft Costs 10%	Contingency 15%	Construction Management 4.0%	Total Costs
PID Eligible Improvements							
Earthwork Improvements	\$ 925,400	\$ 335,350	\$ 1,260,750	\$ 126,075	\$ 189,113	\$ 50,430	\$ 1,626,368
Paving Improvements	\$ 2,129,159	\$ 1,098,249	\$ 3,227,408	\$ 322,741	\$ 484,111	\$ 129,096	\$ 4,163,356
Water Improvements	\$ 436,510	\$ 246,150	\$ 682,660	\$ 68,266	\$ 102,399	\$ 27,306	\$ 880,631
Sanitary Sewer Improvements	\$ 581,694	\$ 207,070	\$ 788,764	\$ 78,876	\$ 118,315	\$ 31,551	\$ 1,017,506
Storm Drain Improvements	\$ 659,900	\$ 141,500	\$ 801,400	\$ 80,140	\$ 120,210	\$ 32,056	\$ 1,033,806
Total - PID Eligible	\$ 4,732,663	\$ 2,028,319	\$ 6,760,982	\$ 676,098	\$ 1,014,147	\$ 270,439	\$ 8,721,667

**EXHIBIT C
HAT CREEK DEVELOPMENT - HIGHLANDS OF ARGYLE
HIGHLANDS OF ARGYLE PUBLIC IMPROVEMENT DISTRICT
3/11/2016**

Lot Width	Units	Average Finished Lot Price	Estimated AV per Unit/SF	Improved Land Value	Projected AV	Total Assessment	Annual Installment *	Assessment Per Unit/SF	Annual Installment Per Unit/SF	Equivalent Tax Rate (per \$100/AV)
Phase 1 Average Lot	86	\$ 130,000	\$ 520,000	\$ 11,180,000	\$ 44,720,000	\$ 3,129,485	\$ 283,818	\$ 36,389	\$ 3,300	\$ 0.63
Phase 2 Average Lot	53	\$ 146,068	\$ 584,272	\$ 7,741,604	\$ 30,966,416	\$ 2,167,015	\$ 196,530	\$ 40,887	\$ 3,708	\$ 0.63
HOA (1.0%)						\$ 53,500	\$ 4,852			
Bond Total	139		\$ 544,507	\$ 18,921,604	\$ 75,686,416	\$ 5,350,000	\$ 485,200	\$ 38,489	\$ 3,491	\$ 0.64

* Annual Installment is for first full year after use of capitalized interest.

**EXHIBIT D-1
HAT CREEK DEVELOPMENT - HIGHLANDS OF ARGYLE
HIGHLANDS OF ARGYLE PUBLIC IMPROVEMENT DISTRICT
COMPETITIVE MASTER PLANNED COMMUNITIES TAX RATES
3/11/2016**

Harvest	3.14205
Highlands of Argyle PID	2.97062
Savannah	2.81220
Paloma Creek	2.81220
Lantana	2.80200
Canyon Falls	2.27105

Market Average	2.768
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Highlands of Argyle PID	
Town of Argyle	0.39750
Denton County	0.26200
Denton County ESD #1	0.10000
Argyle ISD	1.57005
Plus: Proposed PID	<u>0.64107</u>
Total	<u><u>2.97062</u></u>

Canyon Falls	
Town of Flower Mound	0.43900
Denton County	0.26200
Argyle ISD	<u>1.57005</u>
Total	<u><u>2.27105</u></u>

Harvest	
Denton County	0.26200
Argyle ISD	1.57005
Denton County ESD #1	0.10000
Belmont FWSD	1.00000
Harvest O&M PID	<u>0.21000</u>
Total	<u><u>3.14205</u></u>

Lantana	
Denton County	0.26200
Denton ISD	1.54000
DC Fresh Water District #6	<u>1.00000</u>
Total	<u><u>2.80200</u></u>

Savannah	
Denton County	0.26200
Denton ISD	1.54000
DC Fresh Water District #10	<u>1.00000</u>
Total	<u><u>2.81220</u></u>

Paloma Creek	
Denton County	0.26200
Denton ISD	1.54000
DC Fresh Water District #11B	<u>1.00000</u>
Total	<u><u>2.81220</u></u>

EXHIBIT D-2
HAT CREEK DEVELOPMENT - HIGHLANDS OF ARGYLE
HIGHLANDS OF ARGYLE PUBLIC IMPROVEMENT DISTRICT
COMPETITIVE COMMUNITIES TAX RATES
3/11/2016

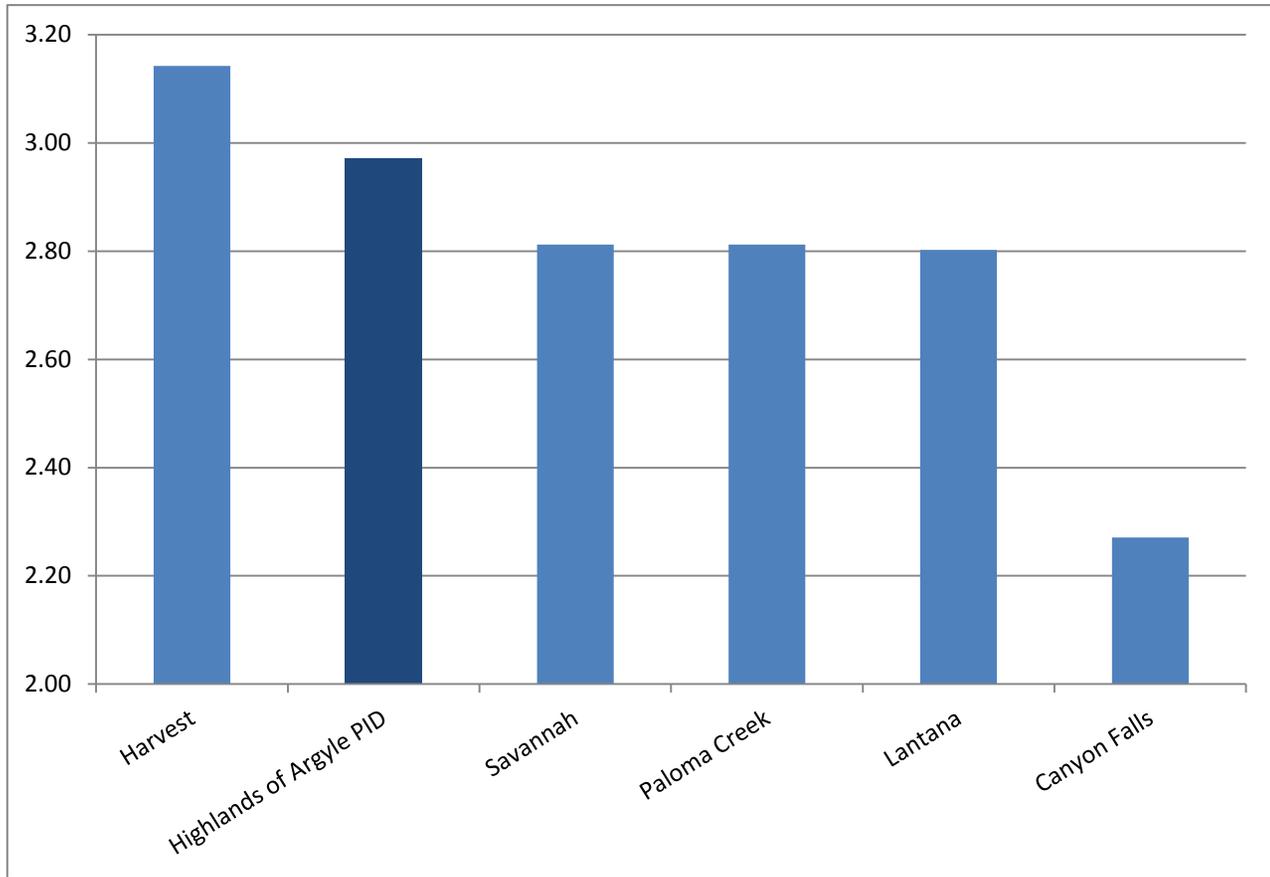


EXHIBIT E
HAT CREEK DEVELOPMENT - HIGHLANDS OF ARGYLE
HIGHLANDS OF ARGYLE PUBLIC IMPROVEMENT DISTRICT
3:1 VALUE TO LIEN REQUIREMENT
March 11, 2016

	Bond Total
Bond Issuance Year	2016
Bond Issuance Date	1/1/16
Term	30
Value "As Built"	\$ 75,686,416
Improved Land Value	\$ 18,921,604
Less: Appraisal Discount (15%)	\$ 2,838,241
Estimated Post Bond Sale Valuation	\$ 16,083,363
Projected PID Gross Bond Amount	\$ 5,350,000
Reserve Fund (125% of Avg. Debt Svc)	\$ 426,000
Capitalized Interest (12 months)	\$ 347,750
Underwriter Discount/Underwriter Counsel (3%)	\$ 160,500
Cost of Issuance	\$ 428,000
Infrastructure Bond Net Proceeds	\$ 3,987,750
Equivalent Tax Rate	\$ 0.64500
VTL Ratio	3.01
Net Construction Proceeds	\$ 3,987,750

(a) Developer may be required to escrow all or a portion of the additional funding requirement at the time bonds are issued if the 3:1 VTL requirement is not satisfied.



**EXHIBIT F
HAT CREEK DEVELOPMENT - HIGHLANDS OF ARGYLE
HIGHLANDS OF ARGYLE PUBLIC IMPROVEMENT DISTRICT
BOND SIZING ANALYSIS
March 11, 2016**

<u>Sources:</u>		
Gross Bond Amount (6.50% Interest Rate)	\$	5,350,000
<u>Uses:</u>		
Reserve Fund (Maximum Annual Debt Service)		426,000
Capitalized Interest (12 months)		347,750
Underwriter Discount/Underwriter Counsel (3%)		160,500
Cost of Issuance		428,000
Infrastructure Bond Net Construction Proceeds		<u>3,987,750</u>

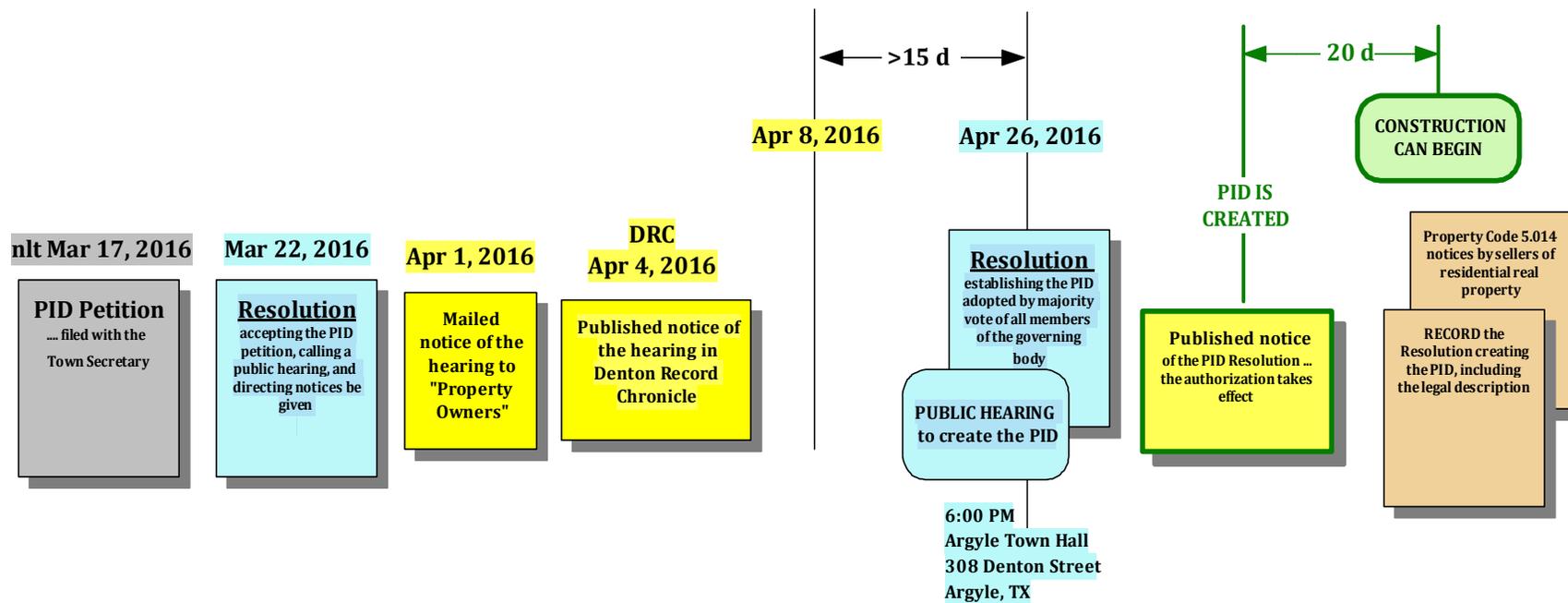
Issuance Date: **January 1 2016**

Year Ending January 1	Principal Maturing Sept. 1st	Interest Rate	Annual Interest Due	Principal + Interest	City Admin Expenses (a)	Prepayment Reserve (b) 0.20%	Delinquency Reserve (c) 0.30%	P & I + Admin + Reserves	Capitalized Interest (d)	Reserve Fund Releases	Annual PID Installment (e)
2017	\$ -	6.50%	\$ 347,750	\$ 347,750	\$ 35,000	\$ 10,700	\$ 16,050	\$ 409,500	\$ 347,750	\$ -	\$ 61,750
2018	75,000	6.50%	347,750	422,750	35,700	10,700	16,050	485,200	-	-	485,200
2019	75,000	6.50%	342,875	417,875	36,414	10,550	15,825	480,664	-	-	480,664
2020	75,000	6.50%	338,000	413,000	37,142	10,400	15,600	476,142	-	-	476,142
2021	75,000	6.50%	333,125	408,125	37,885	10,250	15,375	471,635	-	-	471,635
2022	75,000	6.50%	328,250	403,250	38,643	10,100	15,150	467,143	-	-	467,143
2023	100,000	6.50%	323,375	423,375	39,416	9,950	14,925	487,666	-	-	487,666
2024	100,000	6.50%	316,875	416,875	40,204	475	14,625	472,179	-	-	472,179
2025	100,000	6.50%	310,375	410,375	41,008	-	14,325	465,708	-	-	465,708
2026	100,000	6.50%	303,875	403,875	41,828	-	14,025	459,728	-	-	459,728
2027	125,000	6.50%	297,375	422,375	42,665	-	13,725	478,765	-	-	478,765
2028	125,000	6.50%	289,250	414,250	43,518	-	13,350	471,118	-	-	471,118
2029	125,000	6.50%	281,125	406,125	44,388	-	12,975	463,488	-	-	463,488
2030	150,000	6.50%	273,000	423,000	45,276	-	12,600	480,876	-	-	480,876
2031	150,000	6.50%	263,250	413,250	46,182	-	9,400	468,832	-	-	468,832
2032	150,000	6.50%	253,500	403,500	47,105	-	-	450,605	-	-	450,605
2033	175,000	6.50%	243,750	418,750	48,047	-	-	466,797	-	-	466,797
2034	175,000	6.50%	232,375	407,375	49,008	-	-	456,383	-	-	456,383
2035	200,000	6.50%	221,000	421,000	49,989	-	-	470,989	-	-	470,989
2036	200,000	6.50%	208,000	408,000	50,988	-	-	458,988	-	-	458,988
2037	225,000	6.50%	195,000	420,000	52,008	-	-	472,008	-	-	472,008
2038	225,000	6.50%	180,375	405,375	53,048	-	-	458,423	-	-	458,423
2039	250,000	6.50%	165,750	415,750	54,109	-	-	469,859	-	-	469,859
2040	275,000	6.50%	149,500	424,500	55,191	-	-	479,691	-	-	479,691
2041	275,000	6.50%	131,625	406,625	56,295	-	-	462,920	-	-	462,920
2042	300,000	6.50%	113,750	413,750	57,421	-	-	471,171	-	-	471,171
2043	325,000	6.50%	94,250	419,250	58,570	-	-	477,820	-	-	477,820
2044	350,000	6.50%	73,125	423,125	59,741	-	-	482,866	-	-	482,866
2045	375,000	6.50%	50,375	425,375	60,936	-	-	486,311	-	-	486,311
2046	400,000	6.50%	26,000	426,000	62,155	-	-	488,155	-	488,155	-
Totals	\$ 5,350,000	6.50%	\$ 7,034,625	\$ 12,384,625	\$ 1,419,883	\$ 73,125	\$ 214,000	\$ 14,091,633	\$ 347,750	\$ 488,155	\$ 13,255,728

(a) Preliminary estimate. Assumes City administrative expenses escalate at 2.00% per year.
 (b) Preliminary estimate. Assumes the interest rate used to calculate the assessments is 0.20% higher than the actual interest rate on the bonds to fund interest related to prepayment of assessments. The prepayment reserve is capped at 1.5% of the principal amount of the outstanding PID Bonds. Unused funds will be applied to the final year's debt service payment and/or credited back to landowners.
 (c) Preliminary estimate. Assumes the interest rate used to calculate the assessments is 0.30% higher than the actual interest rate on the bonds to fund a reserve for delinquent assessments. The delinquency reserve is capped at 4.0% of the par amount of the PID Bonds. Unused funds will be applied to the final year's debt service payment and/or credited back to landowners.
 (d) Assumes 12 months capitalized interest.
 (e) Net of capitalized interest, reserve fund interest earnings, and reserve fund releases.

Highlands Argyle PID Schedule

Highlands Argyle 1, 2016





TOWN COUNCIL STAFF REPORT

Meeting

Date: April 26, 2016

To: Mayor, and members of Town Council

From: Matt Jones, Director of Community Development

Subject: Master Development Plan – Waterbrook

Purpose:

PUBLIC HEARING: Consider and take appropriate action on a zoning change request (MDP-16-001) from A (Agricultural District), SF-10 (Single Family Residential-10 District), OR (Office Retail), LR (Local Retail), and CF (Community Facilities) to VC-N, VC-T, and VC-MU Districts (Village Center Neighborhood, Transition, and Mixed Use Districts) for Waterbrook, being approximately 105.35 acres of land, legally described as portions of S. Chambers Survey, Abstract No. 308, Tracts 47-50,55, 56, Chaney Addition, Block A, Lot 1 and 2, and Shady Oaks Estates 3, Block 1, Lot 1R; and being located at the southeast corner of HWY 377 and FM 407, located in the Town of Argyle, Denton County, Texas.

Existing Condition of Property:

The majority of the property is undeveloped and is comprised of open/raw land and densely treed areas. Currently two churches operate and have facilities on property within the subject boundary. A portion of the property is in the floodplain, which runs across the property to the southeast.

Adjacent Existing Land Uses and Zoning:

North: OR – Office Retail, MH – Mobile Home, and A - Agricultural
 South: Argyle ETJ
 East: SF-2.5 – Single Family Residential Estate – 2.5
 West: HWY 377 and Railroad ROW

Development Review Analysis:

The subject property totals approximately 105.4 acres. The proposed zoning and Master Development Plan (MDP) includes 287 single family residential lots, 210 of the 287 proposed residential lots are a mix of 6,000 s.f. and 9,000 s.f. lots and the remaining 77 lots are designated as 40' detached patio home lots. There are approximately 23 acres designated for commercial uses that include retail, restaurant, office, and personal services. The MDP shows approximately 191,000 s.f. of useable commercial/retail space, with approximately half of that being designated for a Grocery Store. The MDP also designates 24.41 acres (23.16%) of open space throughout the development which includes civic spaces, plazas, landscape buffers, and the floodplain/lake areas.

Consistency with Future Land Use Plan:

The subject property is designated as T4– Village Center on the Future Land Use Plan. The T4 transect recognizes the intersection of HWY 377 and FM 407 as a principal crossroads of the Town. The Village Center is characterized by walkable, pedestrian-oriented commercial and residential developments that focus on streetscapes. There should be an area of higher-density residential that provides a transitional buffer to more traditional single-family form as it moves outward from the major intersections. The overall density calculations are within the recommended densities contemplated within the T4 transect. The concept plan is also in compliance with the lot size recommendations for the T4 transect. The open space recommendations of the Comprehensive Plan for the T4 transect are flexible but recommend a 10% minimum. The proposed MDP is in compliance with the Comprehensive Plan.

Consistency with the Form Based Code (FBC):

As a part of the initial review the Town partnered with Gateway Planning (the firm that authored the FBC) to complete a review of the entire MDP submittal. Gateway prepared a report that was sent to the applicant for corrections. The applicant has since made all necessary corrections to satisfy the review comments from Gateway Planning's review.

The applicant has provided a MDP Development Summary that proposes the development standards for the commercial and residential components within the MDP. These proposed standards comply with the recommendations and minimum requirements set forth in the Form Based Code regulations regarding setbacks, lot sizes, land uses, etc. The proposed MDP is in compliance with the FBC regulations.

Open Space and Trails:

The applicant is proposing 24.41 acres of open space both public and private, being 23.16% open space for the development overall, which is consistent with the Future Land Use Plan and the Form Based Codes. The T4 transect and the FBC recommend a connecting trail system and pedestrian friendly public spaces. The applicant is proposing a series of trails and sidewalks that run throughout the development to encourage pedestrian connectivity between the commercial and residential land uses. There is also a proposed water feature that will be looped by the internal trail system that will enhance the trail/pedestrian walkway system.

Tree Preservation:

A detailed tree survey will be submitted with the site plan, final plat, and construction plans for individual developments which will be required to meet the tree preservation ordinance. Including labeling all protected trees and providing mitigation details for any protected or majestic tree that will be removed.

Infrastructure Adequacy:

Water and sanitary sewer facilities are available to be extended to this site with sufficient capacity to serve the development. Although these improvements have been planned for, a significant amount of off-site sanitary sewer construction will be required to be completed to extend the sanitary sewer lines to the TRA sewer interceptor line to the south of the Town limits. If approved, full civil construction plans for streets, drainage, water and sanitary sewer are required for submission at the time of final plat application.

Drainage Analysis:

Staff has reviewed the MDP concept plan and has determined that compliance with all drainage requirements of the Town Developments Standards can be achieved at the time of preliminary and final plat. A detailed engineering review of the drainage and grading plans will be conducted by the Town Engineer at the time of a preliminary and final plat.

Design Standards

The applicant has proposed a variety of design standards as outlined in the MDP Development Summary that meet or exceed the minimum requirements of the Town Development Standards.

Property Owner Notifications:

Letters were sent out to surrounding property owners within 200' of the subject property pursuant to the Texas Local Government Code, Subsection 211.006(d) and the Town of Argyle Zoning Ordinance. Two (2) letters, one (1) neutral and one (1) in opposition have been submitted in response to the Town.

Staff Recommendation:

Town staff forwards this request for your consideration with a recommendation of approval.

Planning and Zoning Commission Recommendation:

The Planning and Zoning Commission considered this request at their April 5, 2016 regularly scheduled meeting. Discussion was held.

A Motion was made to approve the request with the Staff recommendations (two typos in the development standards). The motion carried unanimously by a vote of seven (7) in favor to none (0) in opposition.

Attachments:

- MDP Proposed Ordinance with Exhibits
- Crow's Nest
- Property Owner Responses

**TOWN OF ARGYLE, TEXAS
ORDINANCE NO. 2016-XX**

AN ORDINANCE OF THE TOWN OF ARGYLE, TEXAS, PROVIDING FOR A ZONING CHANGE FROM A (AGRICULTURAL DISTRICT), SF-10 (SINGLE FAMILY RESIDENTIAL-10 DISTRICT), OR (OFFICE RETAIL), LR (LOCAL RETAIL), AND CF (COMMUNITY FACILITIES) TO VC-N, VC-T, AND VC-MU DISTRICTS (VILLAGE CENTER NEIGHBORHOOD, TRANSITION, AND MIXED USE DISTRICTS) AND A (AGRICULTURAL) FOR WATERBROOK, BEING APPROXIMATELY 105.35 ACRES OF LAND, LEGALLY DESCRIBED AS PORTIONS OF S. CHAMBERS SURVEY, ABSTRACT NO. 308, TRACTS 47-50, 55, 56, CHANEY ADDITION, BLOCK A, LOT 1 AND 2, AND SHADY OAKS ESTATES 3, BLOCK 1, LOT 1R; AND BEING LOCATED AT THE SOUTHEAST CORNER OF HWY 377 AND FM 407, LOCATED IN THE TOWN OF ARGYLE, DENTON COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Terra Manna, LLC, the applicant, and EM Land Holdings, LLC, the owner, have applied for a zoning change from A (Agricultural District), SF-10 (Single Family Residential-10 District), OR (Office Retail), LR (Local Retail), and CF (Community Facilities) to VC-N, VC-T, and VC-MU Districts (Village Center Neighborhood, Transition, and Mixed Use Districts) for Waterbrook, being approximately 105.35 acres of land, legally described as portions of S. Chambers Survey, Abstract No. 308, Tracts 47-50, 55, 56, Chaney Addition, Block A, Lot 1 and 2, and Shady Oaks Estates 3, Block 1, Lot 1R; and being located at the southeast corner of HWY 377 and FM 407, located in the Town of Argyle, Denton County, Texas (as shown and described on the attached Exhibits "A-1," "A-2," and "A-3" incorporated herein by reference as if copied in its entirety; and

WHEREAS, the Town of Argyle deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the Town, to enact a comprehensive zoning ordinance; and

WHEREAS, the Town Council has appointed a Planning and Zoning Commission to make recommendations on requested changes to the boundaries of the various original zoning districts along with appropriate regulations to be enforced therein; and

WHEREAS, Article III, Zoning, of the Town Development Standards, divides the Town into districts and contains regulations pertaining to such districts in accordance with a comprehensive plan and is designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public facilities; and

WHEREAS, the Planning and Zoning Commission has given reasonable consideration to, among other things, the character of the districts and their suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town; and

WHEREAS, the Planning and Zoning Commission of the Town of Argyle and the Town of Argyle Town Council, in full compliance with State Law with reference to changes to zoning classifications under the Town Development Standards and Zoning Map, having 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, and to the persons interested and situated in the affected area and in the vicinity thereof, the governing body of the Town of Argyle is of the opinion that said planned development zoning change should be granted, as set forth herein; and

WHEREAS, the Town Council finds that the planned development zoning change is consistent with the Comprehensive Plan;

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

SECTION 1. All matters stated hereinabove are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 2: That the Comprehensive Zoning Ordinance of the Town of Argyle, Texas, be, and the same is hereby amended by amending the Zoning Map of the Town of Argyle so as to change the zoning on the tracts of land, described in Exhibits "A-1," and "A-2," (the "Property"), to VC-N, VC-T, and VC-MU Districts (Village Center Neighborhood, Transition, and Mixed Use Districts) as depicted in Exhibit "A-3" and establishing the development standards as set forth in Exhibit "B."

SECTION 3. The development shall meet or exceed all requirements for the base zoning types VC-N, VC-T, and VC-MU Districts (Village Center Neighborhood, Transition, and Mixed Use Districts), with deviations from the Subdivision Ordinance and Zoning Ordinance as set forth in Exhibit "B."

SECTION 4. That all uses authorized by the development shall conform to the development standards in Sections 2 and 3 of this Ordinance, the Master Development Plan as shown in Exhibit "C" and the Town of Argyle Comprehensive Zoning Ordinance and Subdivision Ordinance. In the event of conflict, this ordinance shall prevail.

SECTION 5. That any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the Town of Argyle, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2000.00) for each offense.

SECTION 6. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or portion thereof, other than that portion so decided to be invalid or unconstitutional.

SECTION 7. Injunctive Relief. In addition to and accumulative of all other penalties, the Town shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 8. Effective Date: This ordinance shall take effect immediately from and after its passage, and publication of the caption of said ordinance, as the law in such case provides.

DULY PASSED BY THE TOWN COUNCIL OF THE TOWN OF ARGYLE, TEXAS, on this the 26th day of April, 2016.

APPROVED:

Peggy Krueger, Mayor

APPROVED AS TO FORM:

Matthew C.G. Boyle, Town Attorney

ATTEST:

Kristi Gilbert, Town Secretary

LOCATION MAP

Exhibit A-1

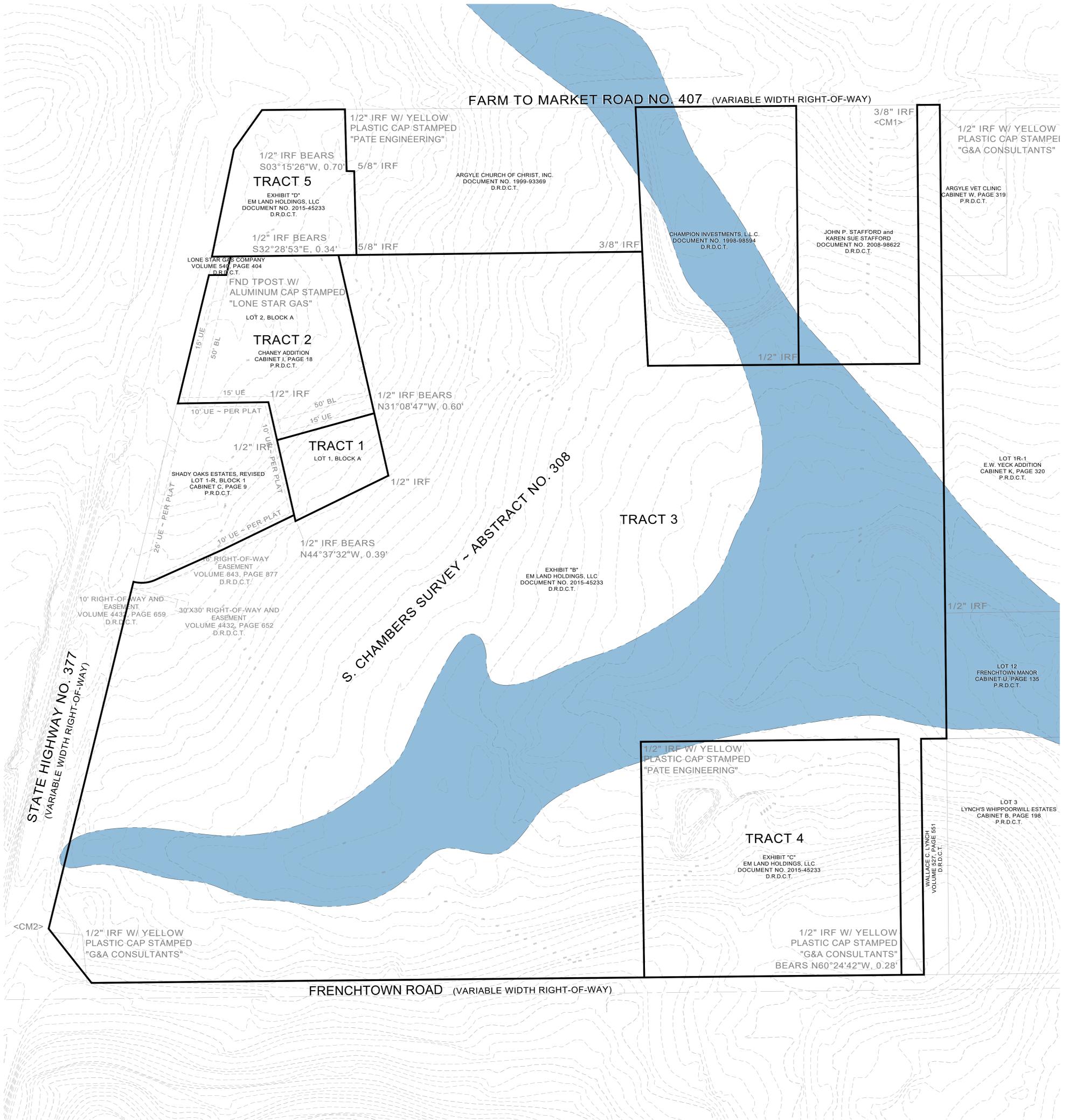


Exhibit A-2 LEGAL DESCRIPTION

TRACT 1-1.182 ACRES

BEING a tract of land situated in the S. CHAMBERS SURVEY, ABSTRACT NO. 308, Town of Argyle, Denton County, Texas and being all of Lot 1, Block A of CHANEY ADDITION, an Addition to the Town of Argyle, Denton County, Texas according to the Plat thereof recorded in Cabinet I, Page 18, Plat Records, Denton County, Texas and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found in the east line of Lot 1-R, Block 1 of SHADY OAKS ESTATES, REVISED, an Addition to the Town of Argyle, Denton County, Texas according to the Plat thereof recorded in Cabinet C, Page 9, Plat Records, Denton County, Texas for the common northwest corner of said Lot 1 and most southerly southwest corner of Lot 2, Block A of said Addition;

THENCE North 74 degrees 40 minutes 12 seconds East, leaving said east line, a distance of 267.17 feet to a point for the common northeast corner of said Lot 1 and southeast corner of said Lot 2, from which point a 1/2 inch iron rod found bears North 31 degrees 08 minutes 47 seconds West, 0.60 feet;

THENCE South 12 degrees 53 minutes 14 seconds East, a distance of 168.00 feet to a 1/2 inch iron rod found for the southeast corner of said Lot 1;

THENCE South 64 degrees 08 minutes 28 seconds West, a distance of 273.61 feet to a point for the southwest corner of said Lot 1, from which point a 1/2 inch iron rod found bears North 44 degrees 37 minutes 32 seconds West, 0.39 feet;

THENCE North 12 degrees 58 minutes 01 seconds West, a distance of 218.03 feet to the

POINT OF BEGINNING and containing 1.182 acres of land, more or less.

TRACT 2-4.086 ACRES

BEING a tract of land situated in the S. CHAMBERS SURVEY, ABSTRACT NO. 308, Town of Argyle, Denton County, Texas and being all of Lot 2, Block A of CHANEY ADDITION, an Addition to the Town of Argyle, Denton County, Texas according to the Plat thereof recorded in Cabinet I, Page 18, Plat Records, Denton County, Texas and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found in the east line of Lot 1-R, Block 1 of SHADY OAKS ESTATES, REVISED, an Addition to the Town of Argyle, Denton County, Texas according to the Plat thereof recorded in Cabinet C, Page 9, Plat Records, Denton County, Texas for the common northwest corner of Lot 1, Block A of said CHANEY ADDITION and most southerly southwest corner of said Lot 2;

THENCE North 12 degrees 58 minutes 01 seconds West, with said east line, a distance of 102.34 feet to a 1/2 inch iron rod found for the common northeast corner of said Lot 1-R and an interior ell corner of said Lot 2;

THENCE South 89 degrees 10 minutes 51 seconds West, a distance of 240.26 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set in the east line of State Highway No. 377, a variable width right-of-way, for the southwest corner of said Lot 2;

THENCE North 13 degrees 46 minutes 18 seconds East, with said east line, a distance of 346.96 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for the most westerly northwest corner of said Lot 2;

THENCE North 89 degrees 42 minutes 17 seconds East, leaving said east line, a distance of 46.39 feet to a t-post with 1" aluminum cap stamped "LONE STAR GAS CO." found for an interior ell corner of said Lot 2;

THENCE North 12 degrees 56 minutes 26 seconds East, a distance of 50.03 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set in the south line of that tract of land described as Exhibit "D" in Deed to EM Land Holdings, LLC, as recorded in Document No. 2015-45233, Deed Records, Denton County, Texas for the most northerly northwest corner of said Lot 2;

THENCE North 89 degrees 20 minutes 45 seconds East, with the common north line of said Lot 2 and south line of said Exhibit "D" tract, a distance of 285.77 feet to a point for the northeast corner of said Lot 2, from which point a 1/2 inch iron rod found bears South 32 degrees 28 minutes 53 seconds East, 0.34 feet;

TRACT 3-71.451 ACRES

BEING a tract of land situated in the S. CHAMBERS SURVEY, ABSTRACT NO. 308, Town of Argyle, Denton County, Texas and being part of that tract of land described as Exhibit "B" in Deed to EM Land Holdings, LLC, as recorded in Document No. 2015-45233, Deed Records, Denton County, Texas and being more particularly described as follows:

BEGINNING at a 3/8 inch iron rod found in the south line of Farm to Market Road No. 407, a variable width right-of-way, for the common northeast corner of that tract of land described in Deed to John P. Stafford and Karen Sue Stafford, as recorded in Document No. 2008-98622, Deed Records, Denton County, Texas and a northeasterly corner of said Exhibit "B" tract;

THENCE North 89 degrees 33 minutes 36 seconds East, with said south line, a distance of 60.02 feet to a point for the most easterly northeast corner of said Exhibit "B" tract, from which point a 5/8 inch iron rod found bears South 40 degrees 30 minutes 35 seconds West, 0.61 feet;

THENCE Southerly, with the east line of said Exhibit "B" tract, the following three (3) courses and distances:

South 00 degrees 36 minutes 53 seconds East, leaving said south line, passing at a distance of 15.01 feet a 1/2 inch iron rod with a yellow plastic cap stamped "G&A CONSULTANTS" found for the northwest corner of ARGYLE VET CLINIC, an Addition to the Town of Argyle, Denton County, Texas according to the Plat thereof recorded in Cabinet W, Page 319, Plat Records, Denton County, Texas, passing at a cumulative distance of 1,334.04 feet a 1/2 inch iron rod found for the common southwest corner of Lot 1R-1 of E.W. YECK ADDITION, an Addition to the Town of Argyle, Denton County, Texas according to the Plat thereof recorded in Cabinet K, Page 320, Plat Records, Denton County, Texas and northwest corner of Lot 12 of

FRENCHTOWN MANOR, an Addition to the Town of Argyle, Denton County, Texas according to the Plat thereof recorded in Cabinet U, Page 135, Plat Records, Denton County, Texas, and continuing in all for a total distance of 1,663.70 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for the common southwest corner of said Lot 12 and northwest corner of Lot 3 of LYNCH'S WIPPOORWILL ESTATES, an Addition to the Town of Argyle, Denton County, Texas according to the Plat thereof recorded in Cabinet B, Page 198, Plat Records, Denton County, Texas;

South 89 degrees 26 minutes 04 seconds West, a distance of 67.49 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

South 00 degrees 42 minutes 54 seconds East, a distance of 619.14 feet to a point for corner in the north line of Frenchtown Road, a variable width right-of-way, from which point a 1/2 inch iron rod with a yellow plastic cap stamped "G&A CONSULTANTS" found bears North 60 degrees 24 minutes 42 seconds West, 0.28 feet;

THENCE South 89 degrees 26 minutes 15 seconds West, leaving said east line and with said north line, a distance of 59.58 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner in the east line of that tract of land described as Exhibit "C" in Deed to EM Land Holdings, LLC, as recorded in Document No. 2015-45233, Deed Records, Denton County, Texas;

THENCE North 00 degrees 43 minutes 12 seconds West, leaving said north line and with said east line, a distance of 618.74 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for the northeast corner of said Exhibit "C" tract;

THENCE South 89 degrees 26 minutes 04 seconds West, a distance of 683.30 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "PATE ENGINEERING" found for the northwest corner of said Exhibit "C" tract;

THENCE South 00 degrees 50 minutes 35 seconds East, with the west line of said Exhibit "C" tract, a distance of 618.71 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set in the north line of the above mentioned Frenchtown Road;

THENCE South 89 degrees 26 minutes 15 seconds West, leaving said west line and with said north line, a distance of 1,465.17 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "G&A CONSULTANTS" found at the intersection of said north line with the east line of State Highway No. 377, a variable width right-of-way;

THENCE North 38 degrees 38 minutes 55 seconds West, leaving said north line and with said east line, a distance of 182.22 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "G&A CONSULTANTS" found for the most westerly southwest corner of the above mentioned Exhibit "B" tract;

THENCE North 13 degrees 52 minutes 24 seconds East, continuing with said east line, a distance of 937.94 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for the southwest corner of Lot 1-R, Block 1 of SHADY OAKS ESTATES, REVISED, an Addition to the Town of Argyle, Denton County, Texas according to the Plat thereof recorded in Cabinet C, Page 9, Plat Records, Denton County, Texas, said point being at the beginning of a non-tangent curve to the left having a central angle of 37 degrees 46 minutes 35 seconds, a radius of 90.84 feet and a chord bearing and distance of North 84 degrees 54 minutes 00 seconds East, 58.81 feet;

THENCE Easterly, with the south line of said Lot 1-R, the following three (3) courses and distances:

Easterly, leaving said east line and with said curve to the left, an arc distance of 59.89 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

North 66 degrees 00 minutes 51 seconds East, a distance of 195.83 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

North 64 degrees 20 minutes 50 seconds East, a distance of 208.96 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set in the west line of Lot 1, Block A of CHANEY ADDITION, an Addition to the Town of Argyle, Denton County, Texas according to the Plat thereof recorded in Cabinet I, Page 18, Plat Records, Denton County, Texas for the southeast corner of said Lot 1-R;

THENCE South 12 degrees 58 minutes 01 seconds East, leaving said south line and with said west line, a distance of 16.42 feet to a point for the southwest corner of said Lot 1, from which point a 1/2 inch iron rod found bears North 44 degrees 37 minutes 32 seconds West, 0.39 feet;

THENCE North 64 degrees 08 minutes 28 seconds East, a distance of 273.61 feet to a 1/2 inch iron rod found for the southeast corner of said Lot 1;

THENCE North 12 degrees 53 minutes 14 seconds West, a distance of 593.63 feet to a point in the south line of that tract of land described as Exhibit "D" in Deed to EM Land Holdings, LLC, as recorded in Document No. 2015-45233, Deed Records, Denton County, Texas for the northeast corner of Lot 2, Block A of said CHANEY ADDITION, from which point a 1/2 inch iron rod found bears South 32 degrees 28 minutes 53 seconds East, 0.34 feet;

THENCE North 89 degrees 20 minutes 45 seconds East, passing at a distance of 47.77 feet a 5/8 inch iron rod found for the common southeast corner of said Exhibit "D" tract and southwest corner of that tract of land described in Deed to Argyle Church of Christ, Inc., as recorded in Document No. 1999-93369, Deed Records, Denton County, Texas, and continuing with the south line of said Argyle Church of Christ, Inc. tract in all for a total distance of 805.44 feet to a 3/8 inch iron rod found in the west line of that tract of land described in Deed to Champion Investments, L.L.C., as recorded in Document No. 1998-98594, Deed Records, Denton County, Texas for the southeast corner of said Argyle Church of Christ, Inc. tract;

THENCE South 02 degrees 54 minutes 13 seconds East, leaving said south line and with said west line, a distance of 299.88 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for the southwest corner of said Champion Investments, L.L.C. tract;

THENCE North 89 degrees 34 minutes 43 seconds East, passing at a distance of 399.65 feet a 1/2 inch iron rod found for the common southeast corner of said Champion Investments, L.L.C. tract and southwest corner of the above mentioned John P. Stafford and Karen Sue Stafford tract, and continuing in all for a total distance of 719.80 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for the southeast corner of said John P. Stafford and Karen Sue Stafford tract;

THENCE North 00 degrees 31 minutes 55 seconds West, a distance of 679.41 feet to the **POINT OF BEGINNING** and containing 71.451 acres of land, more or less.

TRACT 4-9.696 ACRES

BEING a tract of land situated in the S. CHAMBERS SURVEY, ABSTRACT NO. 308, Town of Argyle, Denton County, Texas and being part of that tract of land described as Exhibit "C" in Deed to EM Land Holdings, LLC, as recorded in Document No. 2015-45233, Deed Records, Denton County, Texas and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with a yellow plastic cap stamped "PATE ENGINEERING" found for the northwest corner of said Exhibit "C" tract;

THENCE North 89 degrees 26 minutes 04 seconds East, a distance of 683.30 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for the northeast corner of said Exhibit "C" tract;

THENCE South 00 degrees 43 minutes 12 seconds East, with the east line of said Exhibit "C" tract, a distance of 618.74 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner in the north line of Frenchtown Road, a variable width right-of-way;

THENCE South 89 degrees 26 minutes 15 seconds West, leaving said east line and with said north line, a distance of 681.97 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set in the west line of said Exhibit "C" tract;

THENCE North 00 degrees 50 minutes 35 seconds West, with said west line, a distance of 618.71 feet to the **POINT OF BEGINNING** and containing 9.696 acres of land, more or less.

TRACT 5-2.836 ACRES

BEING a tract of land situated in the S. CHAMBERS SURVEY, ABSTRACT NO. 308, Town of Argyle, Denton County, Texas and being all of that tract of land described as Exhibit "D" in Deed to EM Land Holdings, LLC, as recorded in Document No. 2015-45233, Deed Records, Denton County, Texas and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with a yellow plastic cap stamped "PATE ENGINEERS" found in the south line of Farm to Market Road No. 407, a variable width right-of-way, for the common northeast corner of said Exhibit "D" tract and northwest corner of that tract of land described in Deed to Argyle Church of Christ, Inc., a recorded in Document No. 1999-93369, Deed Records, Denton County, Texas;

THENCE Southerly, with the common east line of said Exhibit "D" tract and west line of said Argyle Church of Christ, Inc. tract, the following three (3) courses and distances:

South 01 degrees 33 minutes 57 seconds East, leaving said south line, a distance of 162.08 feet to a point for corner, from which point a 1/2 inch iron rod found bears South 03 degrees 15 minutes 26 seconds West, 0.70 feet;

South 89 degrees 13 minutes 00 seconds East, a distance of 20.05 feet to a 5/8 inch iron rod found for corner;

South 01 degrees 33 minutes 57 seconds East, a distance of 219.97 feet to a 5/8 inch iron rod found for the common southeast corner of said Exhibit "D" tract and southwest corner of said Argyle Church of Christ, Inc. tract;

THENCE South 89 degrees 20 minutes 45 seconds West, leaving said common line, a distance of 383.29 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set in the east line of State Highway No. 377, a variable width right-of-way, for the southwest corner of said Exhibit "D" tract;

THENCE North 11 degrees 44 minutes 46 seconds East, with said east line, passing at a distance of 280.27 feet a 1/2 inch iron rod with a yellow plastic cap stamped "ALLIANCE" found, and continuing in all for a total distance of 287.56 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 35 degrees 44 minutes 20 seconds East, continuing with said east line, a distance of 127.31 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set at the intersection of said east line with the south line of the above mentioned Farm to Market Road No. 407;

THENCE North 89 degrees 33 minutes 36 seconds East, with said south line, a distance of 219.88 feet to the **POINT OF BEGINNING** and containing 2.836 acres of land, more or less.

ZONING DESCRIPTION-6.441 ACRES

BEING a tract of land situated in the S. CHAMBERS SURVEY, ABSTRACT NO. 308, Town of Argyle, Denton County, Texas and being all of that tract of land described in Deed to Champion Investments, L.L.C., as recorded in Document No. 1998-98594, Deed Records, Denton County, Texas and being more particularly described as follows:

BEGINNING at a 3/8 inch iron rod found in the south line of Farm to Market Road No. 407, a variable width right-of-way, for the northwest corner of said Champion Investments, L.L.C. tract;

THENCE North 89 degrees 33 minutes 36 seconds East, with said south line, a distance of 425.77 feet to a point for the northeast corner of said Champion Investments, L.L.C. tract, from which point a 1/2 inch iron rod found bears North 09 degrees 13 minutes 04 seconds East, 0.76 feet;

THENCE South 00 degrees 34 minutes 25 seconds East, leaving said south line, a distance of 679.30 feet to a 1/2 inch iron rod found for the southeast corner of said Champion Investments, L.L.C. tract;

THENCE South 89 degrees 34 minutes 43 seconds West, a distance of 399.65 feet to a point for the southwest corner of said Champion Investments, L.L.C. tract;

THENCE North 02 degrees 54 minutes 13 seconds West, with the west line of said Champion Investments, L.L.C. tract, a distance of 299.88 feet to a 3/8 inch iron rod found for corner;

THENCE North 02 degrees 40 minutes 32 seconds West, continuing with said west line, a distance of 379.86 feet to the **POINT OF BEGINNING** and containing 6.441 acres of land, more or less.

Exhibit A-3

LAND USE SUMMARY

VC-N DISTRICT	65.08 ACRES
VC-T DISTRICT	21.54 ACRES
VC-MU DISTRICT	17.79 ACRES
NORTHERN COMMERCIAL TRACT	13.78 ACRES
SOUTHERN COMMERCIAL TRACT	4.01 ACRES
AG	.94 ACRES
PROJECT TOTAL	105.35 ACRES

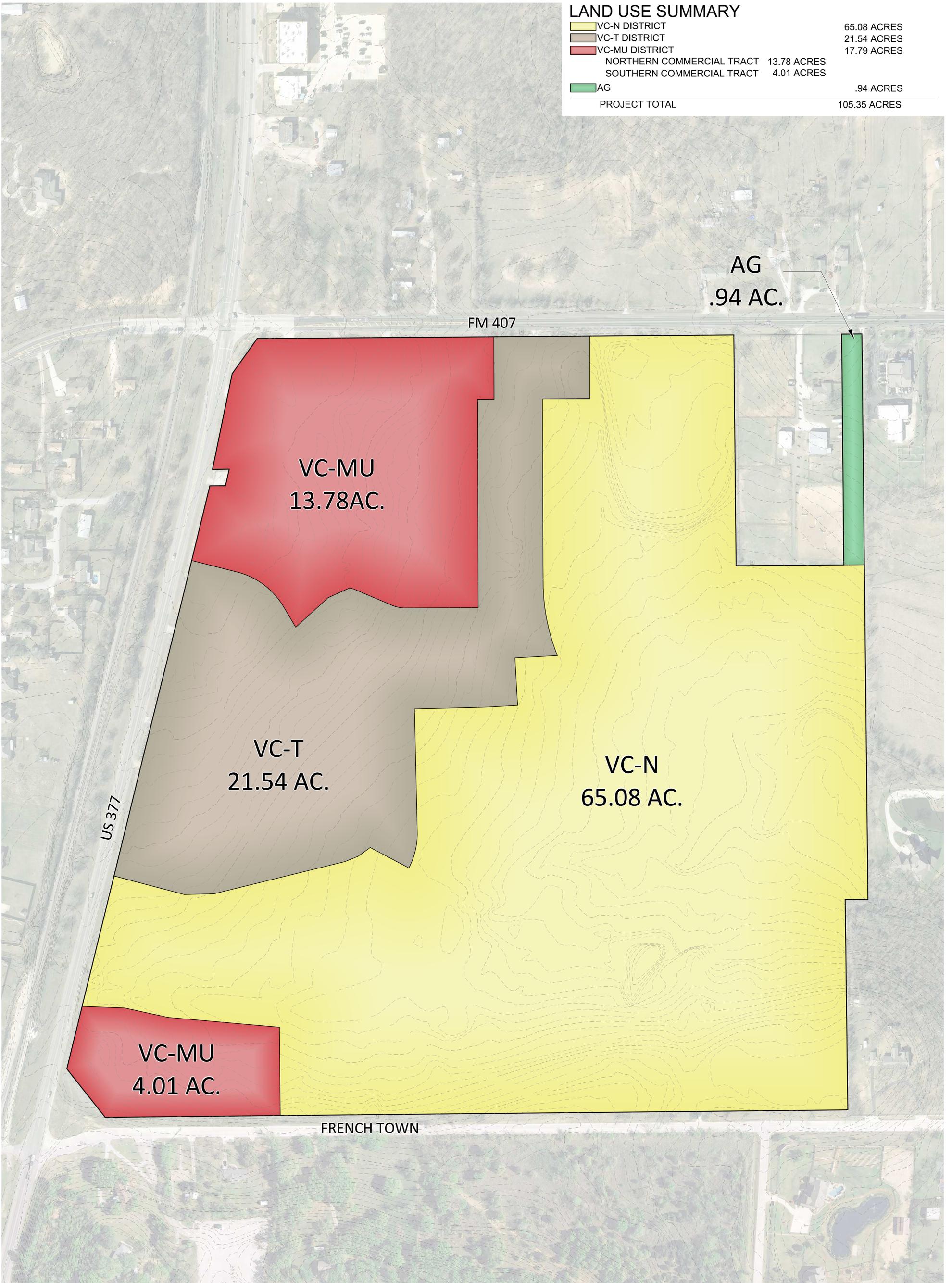


Exhibit B



Waterbrook Zoning & Design Summary

Statement & Purpose of Intent

This plan will establish an integrated and comprehensive development that encourages commercial, retail, shopping, restaurants and residential uses. The commercial components provide an appropriate response to the traffic and commercial viability that is created at the intersection of FM 407 & Highway 377 and which is consistent with the Future Land Use Plan. The transitional districts provides an area that provides an interim land use between the retail/commercial areas to the west and the single family homes to the east. The transitional zone includes patio homes, neighborhood services (retail, office, etc.) and a central civic green space that can be enjoyed by the public. The neighborhood district provides a mixture of single family residential nestled along the open space. The comprehensive development will have higher standards of development, providing a master planned approach to a mixture of land uses. We have formatted our zoning document to respond to the Future Land Use Plan & Argyle Form Based Code while providing marketable commercial, civic and residential land uses.

Land Uses

VC-MU District

The potential uses in this district include general commercial or office uses such as, but not limited to: grocery store, retail storefront, restaurants with and without drive thru's, office, restaurants with and without alcohol sales. Additionally, a church may be located within this district. Open spaces including plazas and pedestrian gathering areas will be included in this district as well. The potential land uses are those that are generally allowed uses in the Form Based VC-MU district.

VC-T District

The potential uses in this district include general office or retail uses such as. Residential attached townhomes or "patio" homes (0 lot line) are intended as well. Additionally, a church may be located within this district. Open spaces including a central green/park may be located in the district as well. The potential land uses are those that are generally allowed uses in the Form Based VC-T district.

VC-N District

Single family residential and open spaces/parks are intended within this district which is in line with the allowed uses in the Form Based VC-N district.

Statistical Information

1. Gross acreage: 105.35 Acres
Net Acreage (excluding wetlands, and proposed floodplain area): 92.45 Acres
2. Open Space Summary

Plazas/Parks/open areas	6.66 acres	6.32%
Landscape buffers with trails	1.86 acres	1.76%
Internal parking areas/Streetscape	3.08 acres	2.92%
Floodplain/lake areas	12.81 acres	12.16%
3. Land Use Acreages

Retail/Office	5.25 acres
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Grocery with Fuel Station	13.78 acres
Residential Patio Homes	15.01 acres
Residential 6,000 SF Lots	29.87 acres
Residential 9,000 SF Lots	20.17 acres
Church	4.01 acres
Civic/Village Green	1.28 acres
Floodplain/Ag/Open Space	15.98 acres
4. Trail map: reference Master Trails & Open Space exhibit	
5. Traffic study: not included	
6. Maximum Allowable Building coverage & height: reference chart below	
7. Minimum and maximum building setbacks: reference chart below	
8. Reference chart below	
9. Building design Standards, see section below	
10. Landscape concept plan: see included exhibits	
11. Preliminary Schedule: referenced included Potential Phasing exhibit	

Parking Requirements

Non-residential

The land uses will follow the design standards listed in 14.3.66.

Parking within the VC-MU district will include some portion of the parking lot in front of the building along the FM 407 & Highway 377 frontages. This location is due to the nature of the grocery, commercial and retail uses. The parking lots will be screened similar to the Type B frontage requirements indicated in the FB zoning District standard (page 20)

Residential parking requirements

Lots less than 40 ft in width will be based off the alley, similar to the FB requirement.

Lots greater than 40 ft in width may have front loaded garages, similar to the FB requirement.

Auto related site elements (page 21 of the FB code)

In non-residential areas, the auto related design elements (drive thru windows, service bays, etc.) will be located on the sides or rear of the buildings as described in page 21 of the FB code.

Landscaping Standards

The landscaping design will be pedestrian oriented, provide visual interest year round, native to the area and will complement the overall architectural design within the 3 districts. The standards will follow the design requirements in section 12.3 on page 22 of the FB code.

Landscaping along US 377 & FM 407

A minimum 20 ft buffer will be located along both roadways, as stated in the FB code.

Within the buffer, a minimum of 3 shade trees, 6 ornamental trees, 8 shrubs and a 6 ft sidewalk will be included, as stated in the FB code.



Screening

For lots that abut an adjacent property, as shown as Board to Board Wood fence on the “Landscape Buffers & Screening” exhibit will be a 6 ft board on board wood fence. The fence will be metal posts with wood trim to ‘box’ and cap the metal post so they are not visible.

Sidewalks

Sidewalks in residential neighborhoods in the VC-T or VC-N district will be salt finished to match throughout the neighborhood.

Residential Lot Landscaping

- For each lot, a fully sodded and irrigated front, back, and side yard.
- For each lot, a fully sodded and irrigated side yard on the street side of each corner lot.
- A minimum of two (2) trees, with a caliper of at least four inches must be planted in the rear yard of each Lot. One (1) tree, with a caliper of at least four (4) inches must be planted in the front yard.
- Twenty (20) shrubs in the front yard, including the following:
 - Two (2) shrubs at least 4 feet tall
 - Twelve (12) 3-gallon shrubs
 - Six (6) 1-gallon shrubs
 - Two (2) flats of seasonal color

Open Spaces

Minimum open space requirement:

VC-MU district:

10% of site including required landscape buffers, parking islands and pedestrian plazas

VC-T district:

15% of site including required landscape buffers, parking islands, parks and pedestrian plazas

VC-N district:

20% of site including required landscape buffers, floodplain and parks

Commercial Building Design:

1. Site Planning

- a. Service bays and associated service parking for buildings larger than 12,000 s.f. shall not face onto Hwy 377 or FM 407. Service bays that face onto Type A streets must have a landscape buffer of at least 15 ft including a minimum 6 ft. masonry screenwall.
- b. Operations having gasoline/automotive fuel pumping facilities (including service stations and convenience stores with gas pumps) shall adhere to the following:
 - I. Canopies shall be constructed of materials and colors that are compatible with those of the primary building’s exterior, and canopy support columns shall be constructed of masonry that matches the primary building’s exterior.



- II. Large volume gasoline/automotive fuel facilities, such as truck stops and travel centers, shall be prohibited within the plan

2. Exterior Design and Appearance of Buildings and Structures:

For all commercial buildings

- a. All buildings' entrances shall be articulated and defined to present a strong entry presence. All buildings shall be designed to incorporate no less than five (5) of the following architectural elements. Buildings over fifty thousand (50,000) square feet must include a minimum of seven (7) of the following elements. Buildings over one hundred thousand (100,000) square feet must include a minimum of eight (8) of the following elements.
 - i. Canopies, awnings, or porticos;
 - ii. Overhangs;
 - iii. Recesses or projections;
 - iv. Arcades;
 - v. Peaked roof forms;
 - vi. Porches;
 - vii. Outdoor patios;
 - viii. Recessed or "popped-out" display windows;
 - ix. Visible and noticeable architectural details, such as tile work or moldings, integrated into building facade; or
 - x. Integrated planters or wing walls that incorporate landscape and sitting areas.
- b. Façades greater than one hundred feet (100') in length shall incorporate wall projections or recesses of ten feet (10') or greater. Projections or recesses shall be at least twenty percent (25%) of the length of the façade (60% for ground floor facades facing Hwy 377, FM 407 and Type A roads). No uninterrupted length of facade may exceed one hundred feet (100') in length. Projections and recesses shall not be required on the side of the building containing a loading dock and/or service area, provided that such area is located in the rear of the building and is not readily visible from Highway 377, FM 407 or Type A roads.
- c. All buildings shall be architecturally finished on all four sides with a higher level of finish and articulation on the primary (type A, FM 407 & Hwy 377) facade. Any side, rear or service portions of buildings that are visible from Type A, FM 407 & Hwy 377 shall be architecturally designed, articulated and fenestrated similar to, and compatible with, the primary facade.
- d. Buildings Materials and Colors – The following special design requirements shall apply within the commercial land use areas
 - i. Windows shall not be glazed or re-glazed with mirrored or reflective glass.
 - ii. Maintenance and durability of materials shall be considered as important qualities for every element of the design. Special care shall be taken to specify the use of vandal- and damage-resistant building materials.
 - iii. Metal is only allowed for accents at building entrances. Metal must be painted to complement the earth tone colors of the building's primary color palette.
 - iv. Any roof materials that are visible from any public street shall be comprised of laminated, dimensional composition shingle (30-year minimum), flat pan standing seam metal roofing (only with a factory baked-on muted color finish; no bright colors or natural-colored metal roofing allowed), or terra cotta or slate tile in muted colors. Minimum roof pitch shall be at least 6:12 except for flat-



roofed structures that shall have a highly articulated parapet that conceals the roof and any roof-mounted equipment.

- e. Exterior construction of all buildings shall be in accordance with the following:
 - i. One hundred percent (100%) masonry construction on all sides of the building.
 - ii. Areas of a façade that are devoted to windows, doors, covered porches or stoops, breezeways or courtyards shall not be counted as “wall surface” when calculating the masonry requirement.

For buildings larger than 100,000 s.f.

- a. Construction shall be of such material that is required to conform to the Argyle Building Code for the particular non-residential use or occupancy involved.
 - i. Exterior wall surfaces should consist at least three (3) earth tone colors but no more than eight (8) no more than three earth tone colors. The base color may be utilized on up to 50 percent of the surface area of any one facade of a building. An accent color may be used on up to 20 percent of the surfaces area of any one facade. For calculations purposes, wall surfaces should include eaves, gables and parapets, but should exclude roofs, awnings or signs.
 - ii. Glass shall not comprise more than thirty (50) percent of the building skin. Reflective glass shall be prohibited.

Residential Facade Design:

All street facing elevations of the house (front, and street side for corner lots), must be 100% masonry. Further, 100% masonry is required to the top of the first floor walls on both sides and the rear elevations, and 80% masonry overall for the entire home. Masonry is defined as stone, brick or stucco.

A dwelling with the same floor plan and the same architectural elevation must have at least three (3) Lots of separation on the same side of the street or directly across from each other. A dwelling with the same floor plan but a different architecture elevation must have at least two (2) lots between of separation on the same side of the street or directly across from each other.



Development Standards

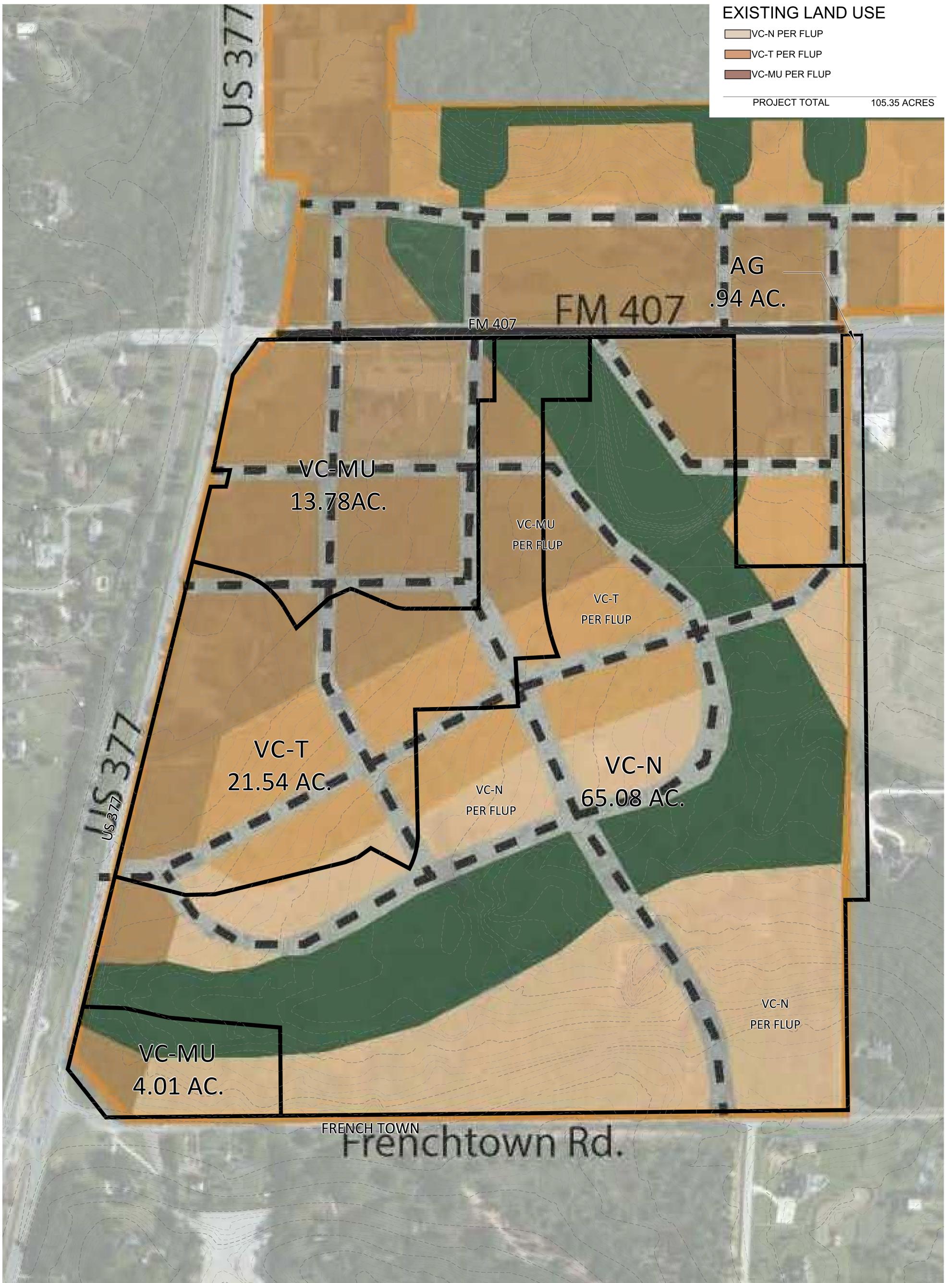
Building & Site Standards	Village Center MU	Village Center T	Village Center N
Principal Building Height	3 stories or 40 by right', excluding grocery store (50' limit)	3 stories of 40' by right	3 stories or 40' maximum
Building Setbacks/Build to Zone			
Front – Type A	5' min, 70' max For pad site retail 5' min, 25' max for all other uses	5' min, 30' max	0' min, 40' max
Front – Type B	5' min, 70' max	5' min, 70' max	10' min, 40' max
Front US 377 or FM 407	20' min, none max for grocery store and fuel pump land use 20' min 85' max for all other uses	20' min, none max	20' min, none max
Side	5' minimum	0' minimum	0' minimum
Rear	10' minimum	5' minimum	5 minimum'
Minimum Building Frontage			
Type A (minimum)	40% for pad site retail, 0% for grocery store and fuel pump land use, 70% for all other uses	60%	60%
All other frontages	None	None	none
Block Standards	Village Center MU	Village Center T	Village Center N
Block type	Regular & irregular	Regular and irregular	Regular and irregular
Block perimeter	2000' max	1,600' max.	2000' max. excluding blocks along floodplain
Type A frontages	As indicated below, no min. or max.		
Lot area	No minimum	No minimum	3,000 s.f. for residential lots, no minimum for other lots
Lot width	No minimum	No minimum	30' for residential lots No minimum for other lots
Lot depth	No minimum	No minimum	90' for residential lots No minimum for other lots
Maximum Lot Coverage	None		
Maximum impervious cover	Average overall site impervious cover shall not exceed 70%.		



Street Design	Village Center MU	Village Center T	Village Center N
On street parking: parallel	Permitted	Permitted	Permitted
On street parking: angled	Permitted	Permitted	Not permitted
On street parking: head in perpendicular	Permitted	Permitted	Not permitted
Alleys	Permitted, not required	Permitted, not required	Permitted, only required on lots narrower than 40'
Street & parking stall dimensional design standards	See street sections		
Streetscape Design			
Streetscape Design	Village Center MU	Village Center T	Village Center N
Sidewalk width along FM 407 & Hwy 377	6'	6'	6'
Sidewalk width (excluding FM 407 & Hwy 377 frontage)	5'	5'	5'
Parking & Screening			
Parking & Screening	Village Center MU	Village Center T	Village Center N
Off Street parking	The land uses will follow the design standards listed in 14.3.66.		2 stalls per lot, allowed to be on lot, in driveway and/or in garage

All other categories included in the Form Based Code zoning document, dated May 2015 (approved in June 2015) and not included above, will default to the standards included in the charts on page 29-31 of the Form Based Code zoning document dated May, 2015.

Exhibit C
Master Development Plan



EXISTING LAND USE

- VC-N PER FLUP
- VC-T PER FLUP
- VC-MU PER FLUP

PROJECT TOTAL 105.35 ACRES

ZONING FRAMEWORK PLAN COMPARISON
 ZONING APPLICATION

WATERBROOK
 ARGYLE, TEXAS

LAND USE SUMMARY

VC-N DISTRICT			
	6,000 SF RESIDENTIAL LOTS	147 LOTS	
	9,000 SF RESIDENTIAL LOTS	63 LOTS	
	PARKS/OPEN SPACE		
TOTAL VC-N DISTRICT		210 LOTS	65.08 ACRES 3.2 (DU/AC)
VC-T DISTRICT			
	PATIO HOMES	77 LOTS	
	PARKS/OPEN SPACE		
	RETAIL/OFFICE		+/- 42,400 SF
TOTAL VC-T DISTRICT		77 LOTS	+/- 42,400 SF 21.54 ACRES 3.6 (DU/AC)
VC-MU DISTRICT			
	NORTHERN TRACT		13.78 ACRES
	RETAIL		+/- 21,000 SF
	GROCERY/RETAIL		+/- 110,000 SF
	FUEL STATION		+/- 4,500 SF
	SOUTHERN TRACT		4.01 ACRES
	CHURCH		+/- 13,200 SF
TOTAL VC-MU DISTRICT			+/- 148,700 SF 17.79 ACRES
	AG		.94 ACRES
PROJECT TOTAL		287 LOTS	105.35 ACRES 2.7 (DU/AC)



MASTER DEVELOPMENT PLAN ZONING APPLICATION

WATERBROOK
ARGYLE, TEXAS



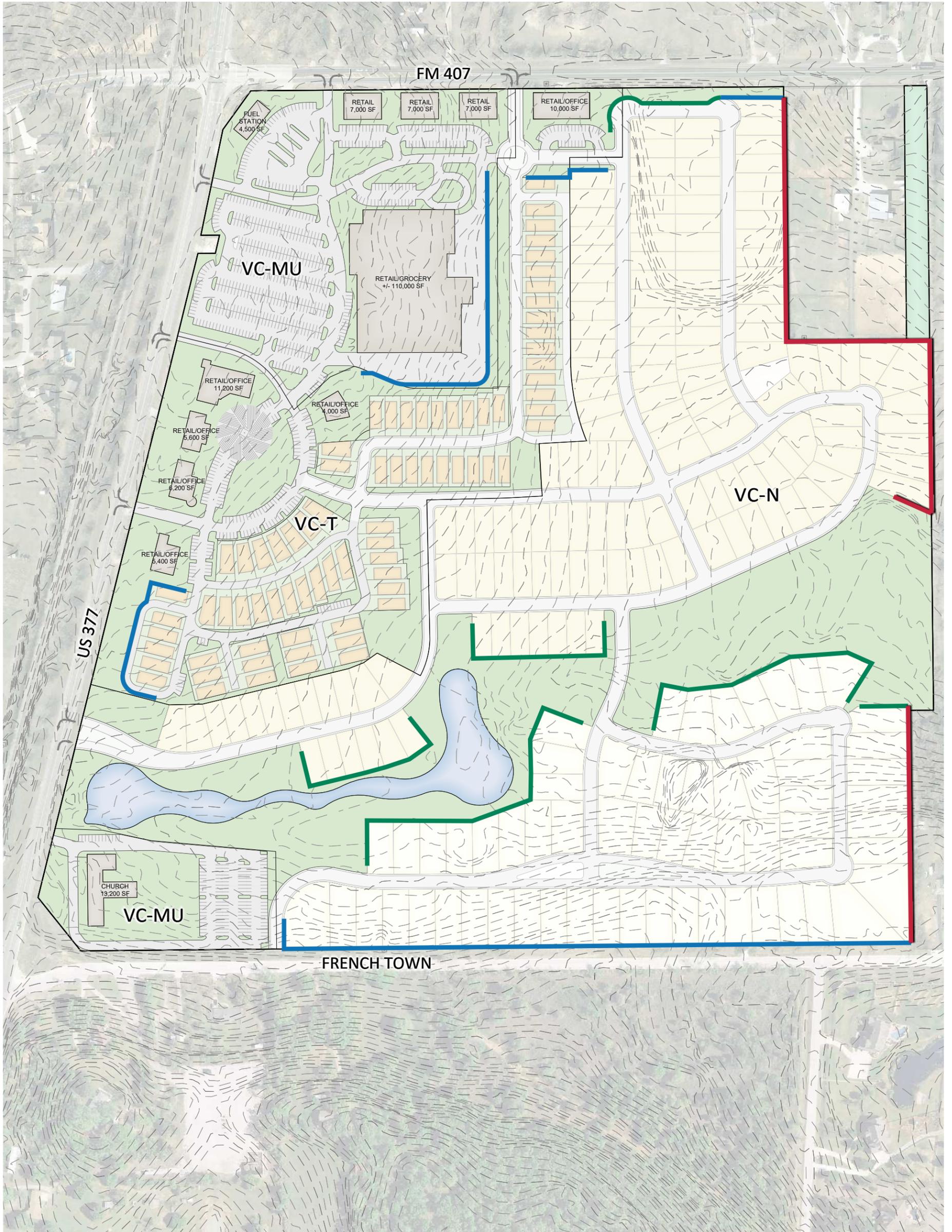
TUBULAR STEEL FENCE
(MINIMUM 6 FT IN HEIGHT)



BOARD TO BOARD WOOD FENCE
(MINIMUM 6 FT IN HEIGHT)



STONE COMPRESSION WALL
(MINIMUM 6 FT IN HEIGHT, NATURAL EARTH TONE COLORS)



MASTER TRAILS LEGEND

- TRAILS (WIDTH VARIES) 
- 5' SIDEWALKS 
- PRIVATE OPEN SPACE 
- PUBLIC OPEN SPACE 



ROAD TYPE LINEAR FEET

ROAD TYPE A: 5,400 LF
 ROAD TYPE B: 9,000 LF



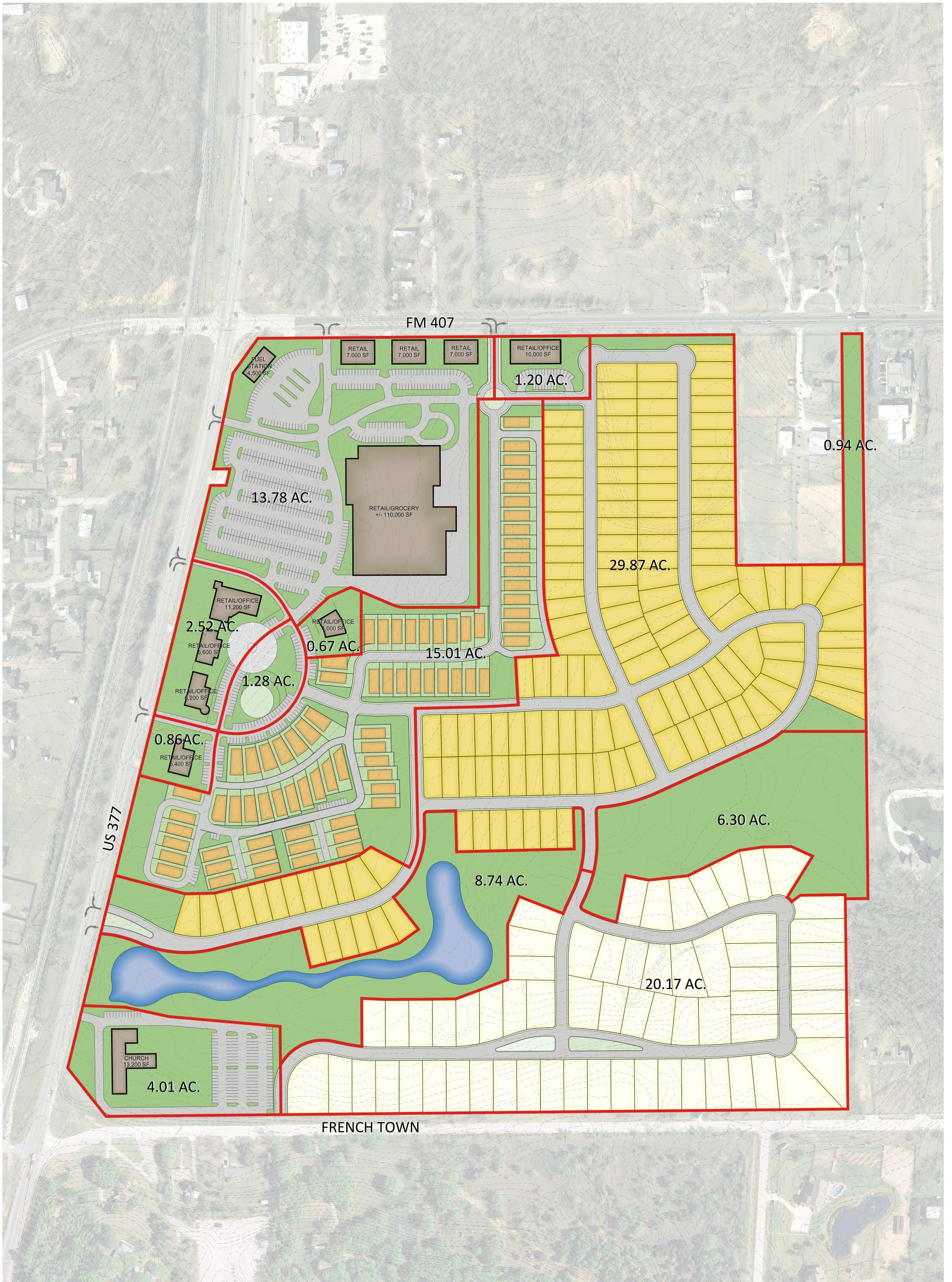
STREET BLOCKS AND CLASSIFICATIONS ZONING APPLICATION

WATERBROOK
 ARGYLE, TEXAS

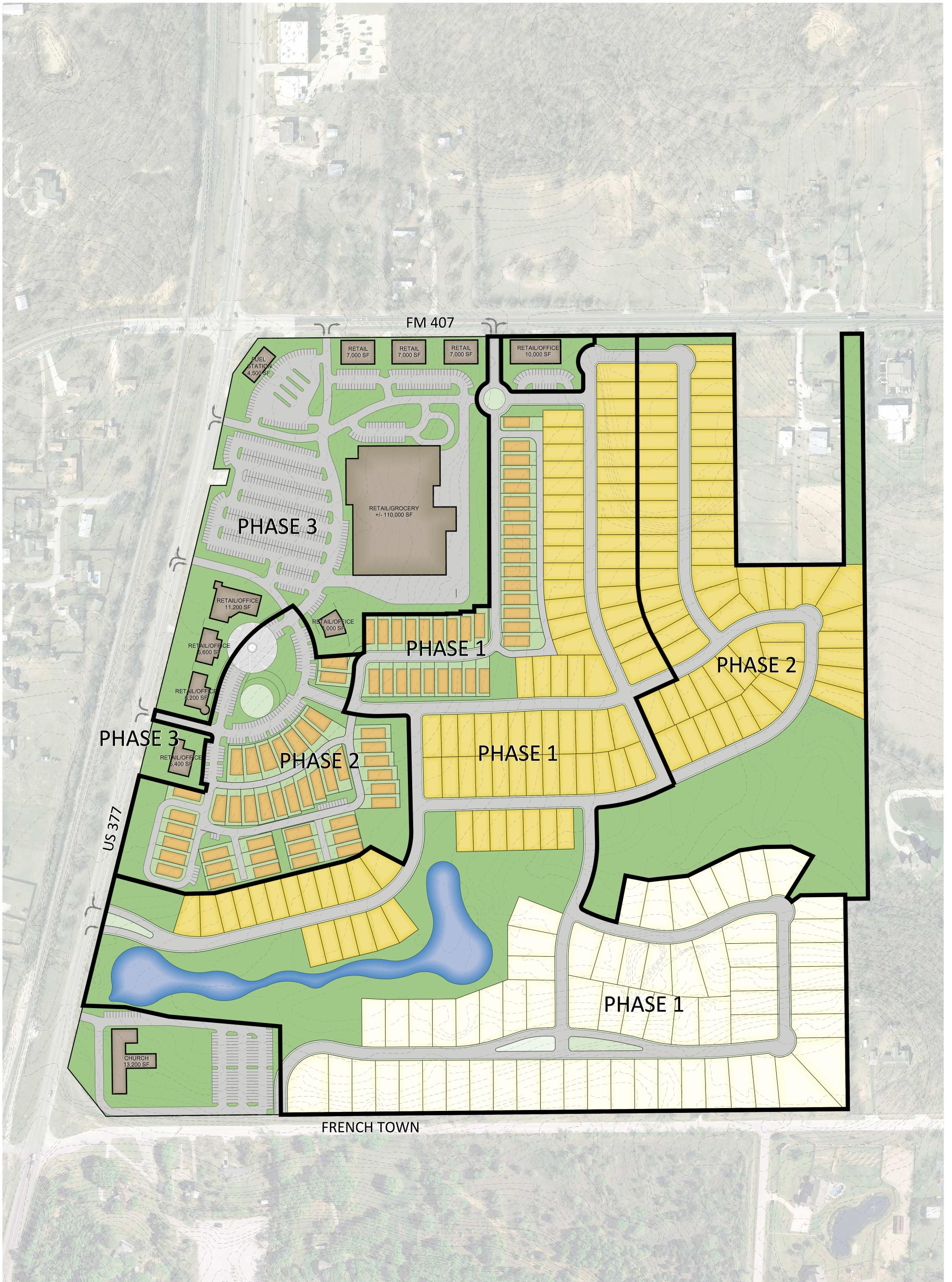
J. VOLK consulting
 8301 Central Expressway East, Suite 300
 Plano, Texas 75074
 972.201.1100 • Texas Registration No. P-11362

TERRAMANNA MESA
 2001 N Lamar Street Suite 100
 Dallas, TX 75202
 214.871.0569
 FAX 214.871.1507

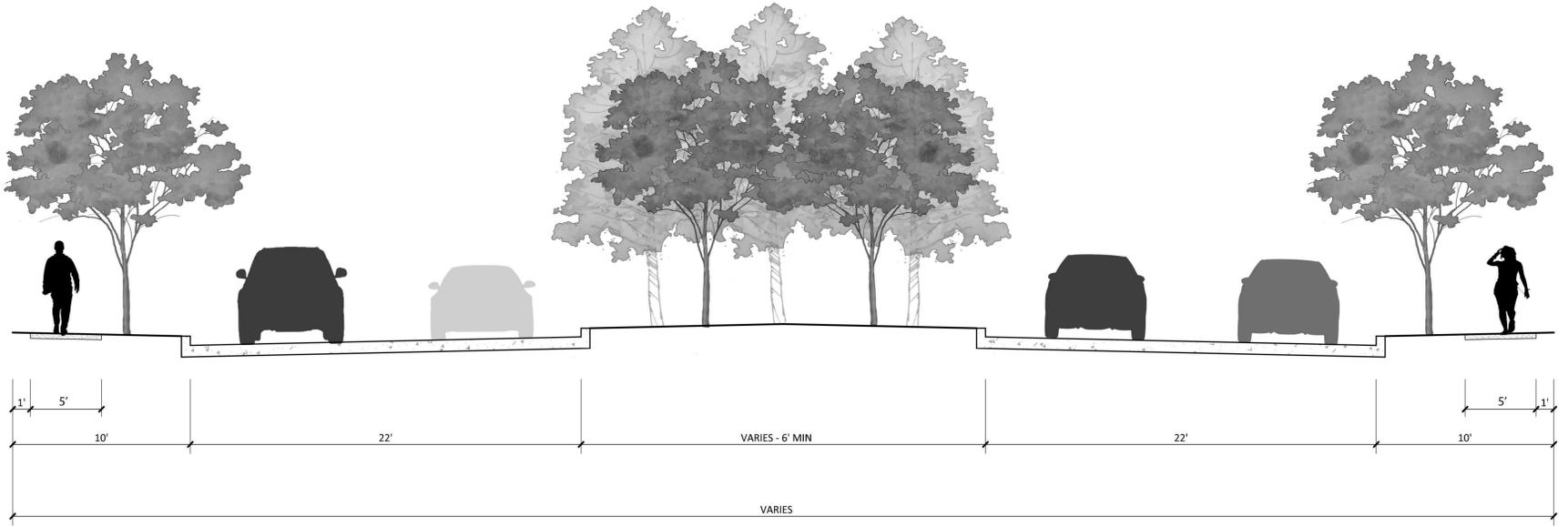
0 100 200 300
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 March 25, 2016
 P:\2015\15046\01_MPB\BASE\Street Blocks.dwg
 NORTH



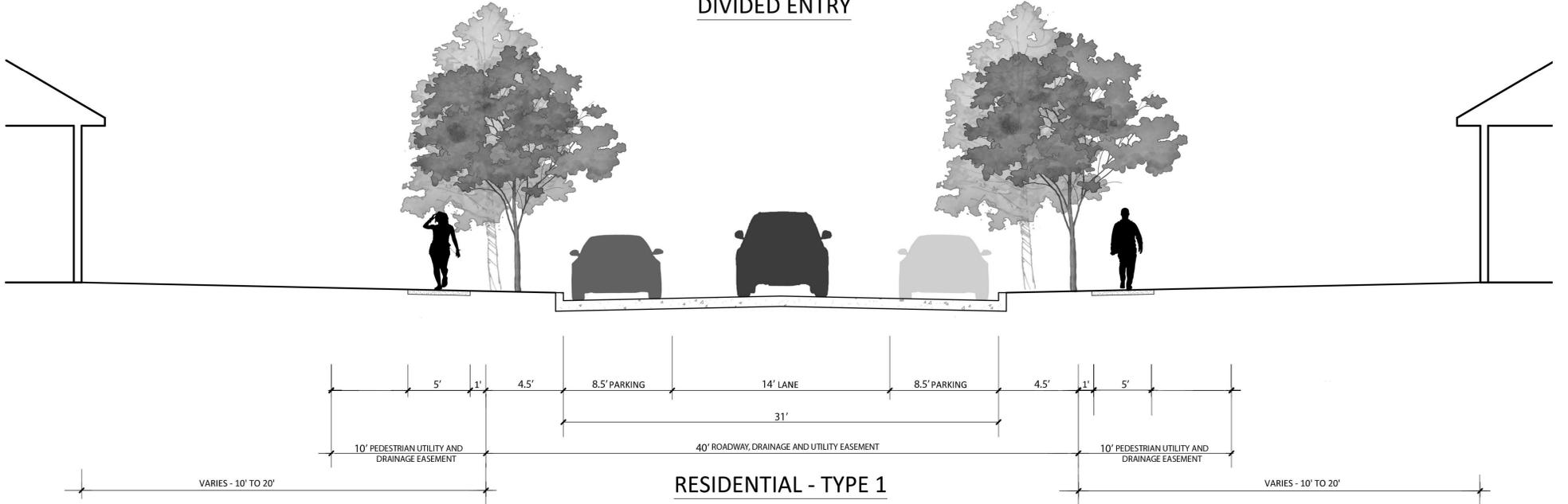
**PARCEL PLAN
 ZONING APPLICATION**
 WATERBROOK
 ARGYLE, TEXAS



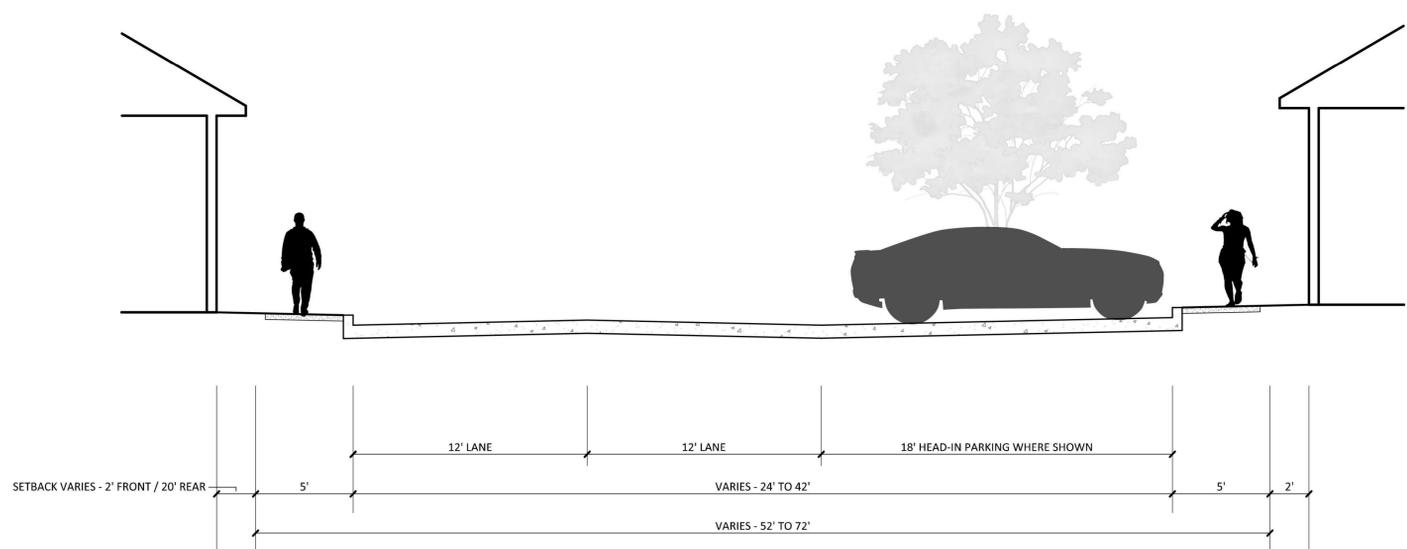
**PHASING PLAN
 ZONING APPLICATION**
 WATERBROOK
 ARGYLE, TEXAS



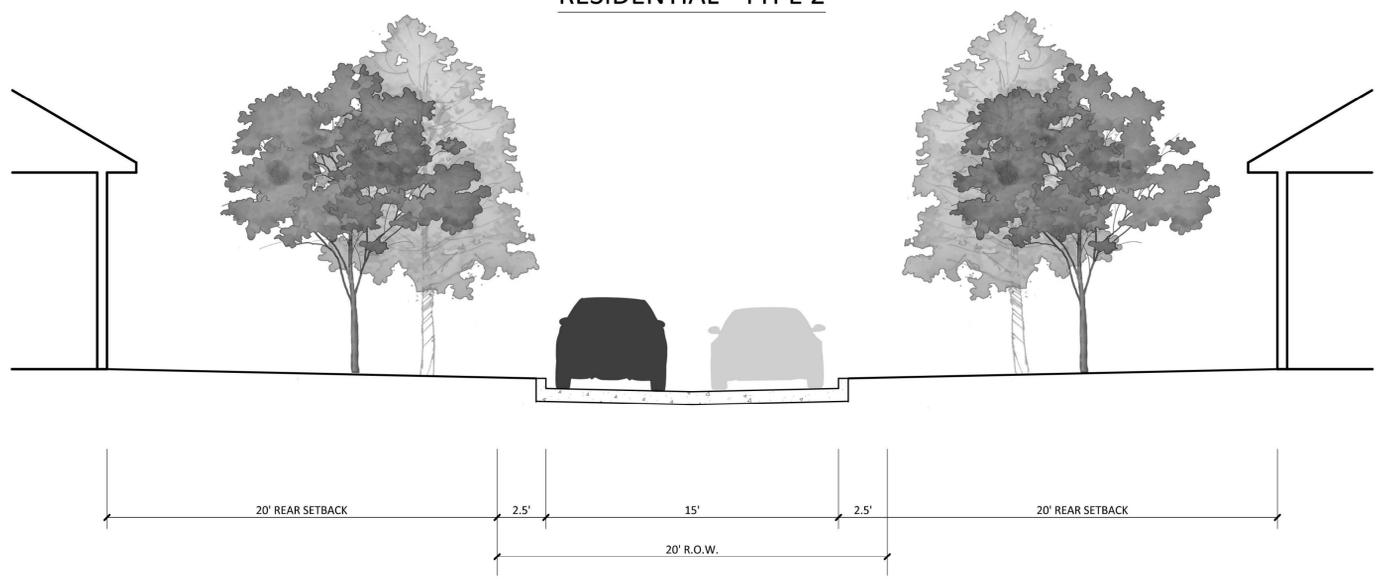
DIVIDED ENTRY



RESIDENTIAL - TYPE 1

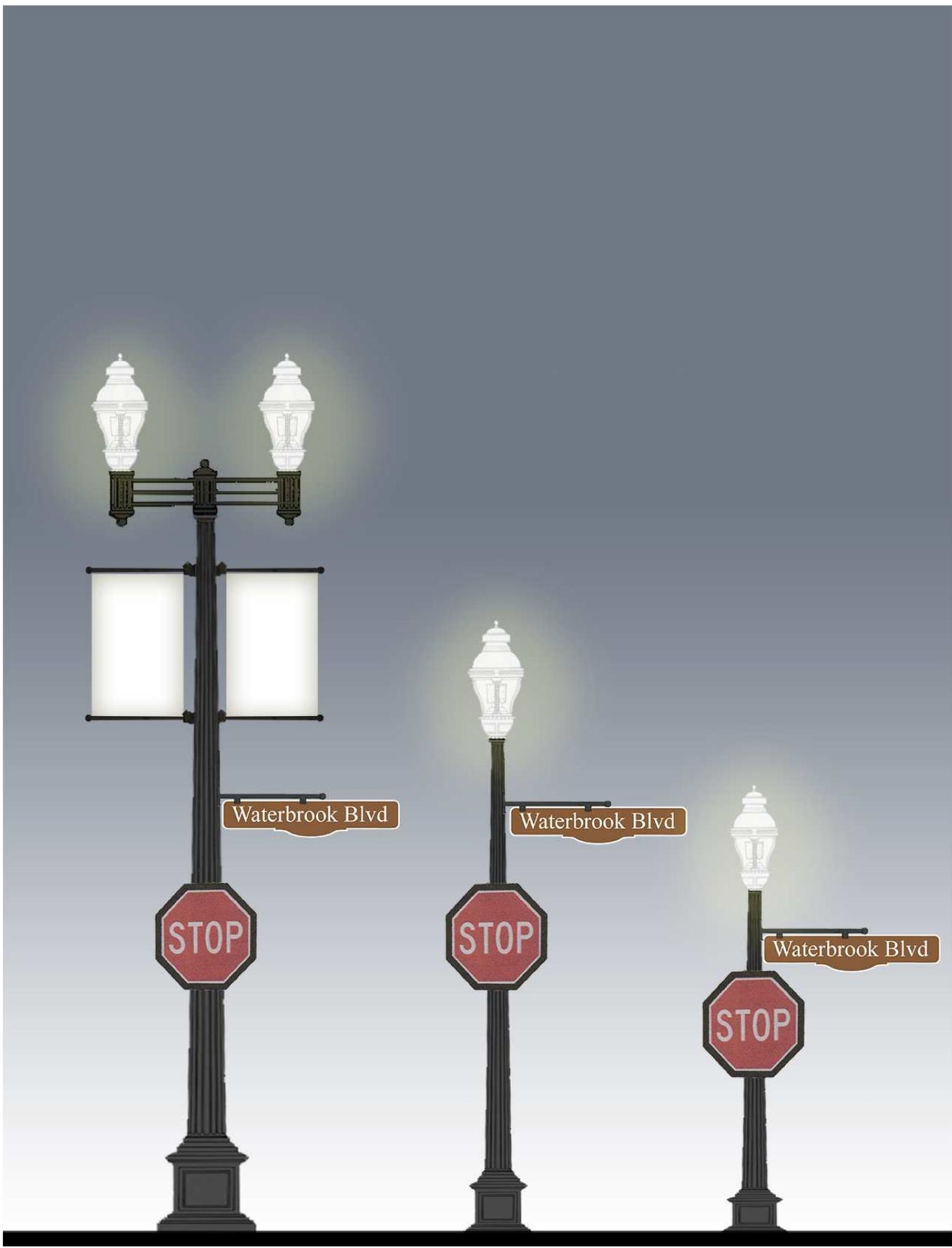


RESIDENTIAL - TYPE 2



RESIDENTIAL - ALLEY

TYPICAL STREET CROSS SECTIONS
ZONING APPLICATION
 WATERBROOK
 ARGYLE, TEXAS



PROTOTYPICAL STREET LIGHTS AND SIGNS
 ZONING APPLICATION
 WATERBROOK
 ARGYLE, TEXAS

CORE VALUES

COMMUNITY

- GATHERING SPACE
- WALKABILITY
- CONNECTIVITY
- ACCESSIBILITY
- FAMILY CENTERED

AUTHENTICITY

- HERITAGE
- RURAL
- URBAN
- COMFORTABLE
- DYNAMIC
- PASTORAL

GRACE

- PICTURESQUE
- HARMONIOUS
- CHARMING
- WATER
- MEADOW
- TRAILS
- WATERWHEEL

TYPEFACE

TYPEFACE REFLECTS A CALM, RUSTIC, & CHARMING FEEL.

WATERBROOK

WATERBROOK

WATERBROOK

WATERBROOK

Waterbrook



LAKE AND STONE WALL FEATURES ALONG ENTRY DRIVE



SERPENTINE LOW STONE WALLS



WATERWHEEL AND CHECK DAM CREATE ENTRY FEATURE AND NEIGHBORHOOD AMENITY



EXAMPLE OF WATERWHEEL AND CHECK DAM WITH WATERFALL



PATIO HOMES WITH SHARED GREEN SPACE



INTERACTIVE WATER FEATURES

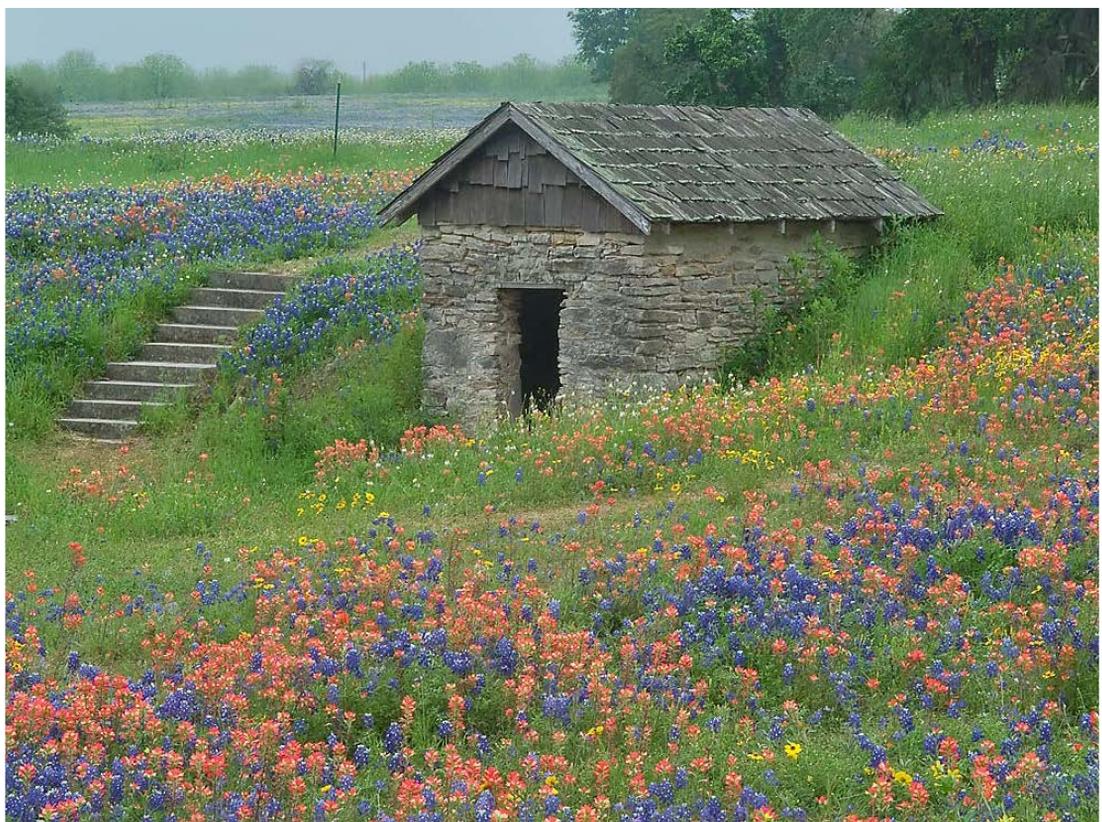


2001 N Lamar Street Suite 100
Dallas, TX 75202
214.871.0508
FAX 214.871.1507

BRANDING CONCEPT
ZONING APPLICATION
WATERBROOK
ARGYLE, TEXAS



SOFT LAKE EDGE WITH MANICURED TURF AND NATIVE PLANTINGS



LANDSCAPE INSPIRATION FROM HISTORIC TEXAS PRAIRIE HOMESTEADS



SEATING ALONG WALKWAYS



MIX OF NATURAL AND FORMAL ELEMENTS



COLORFUL NATIVE PLANTINGS



NATIVE MEADOW PLANTINGS IN NATURAL AREAS ADD COLOR AND TEXTURE



GRASSES ADD TEXTURE AND VISUAL INTEREST



GRASSES EMULATE NATIVE MEADOWS



NATIVE MEADOW PLANTINGS IN NATURAL AREAS EMULATE TEXAS PRAIRIE LANDSCAPE



GRASSES EMULATE NATIVE MEADOWS



MANICURED TURF AND NATURAL GRASSY AREAS



NATURAL GRASSY PLANTINGS COMBINE WITH MANICURED WALKWAYS AND SEATING AREAS



MANICURED WALKWAYS AND NATURAL PLANTINGS



MANICURED WALKWAYS AND NATURAL PLANTINGS



RETAIL BUILDING ARTICULATION AND FACADE DESIGN



OUTDOOR LIVING AND PATIOS INCORPORATED INTO RETAIL SPACE



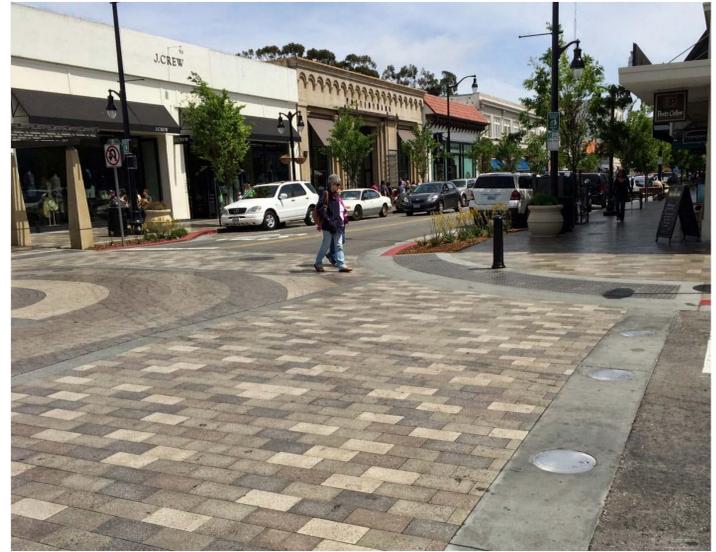
RETAIL STREETScape WITH ROOM FOR SEATING AND STREET TREES



MATERIALS TO COMPLEMENT NEARBY RETAIL DEVELOPMENT IN ARGYLE



RETAIL CENTER INTEGRATES PLANTINGS FOR SHADE AND VISUAL INTEREST



DECORATIVE PAVING PATTERNS WITHIN MAIN RETAIL CENTER



PATIOS HOMES WITH FRONT PORCHES FACING GREEN SPACE



TRADITIONAL HOMES WITH BRICK AND STONE ACCENTS



EXAMPLE OF GARAGE ACCESS ON MUSE STREET

ARCHITECTURAL CONCEPT IMAGERY ZONING APPLICATION

WATERBROOK
ARGYLE, TEXAS



2001 N Lamar Street Suite 100
Dallas, TX 75202
214.871.0566
FAX 214.871.1507

STONE EARTH TONE EXAMPLES FOR BUILDINGS AND NEIGHBORHOOD ENTRIES.



Rock Materials "Black & Tan"

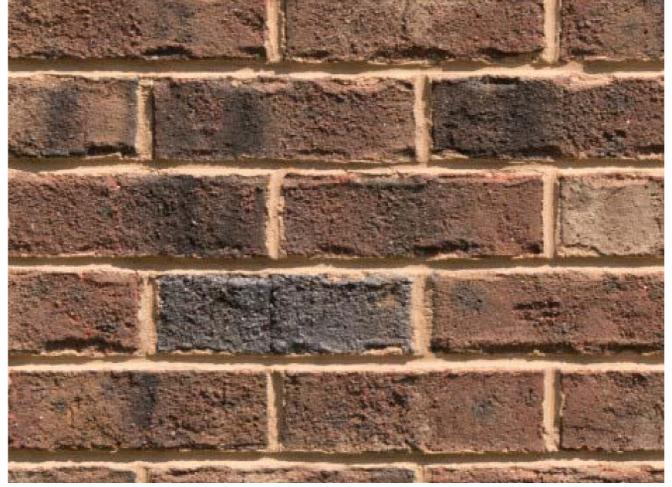


Eagle Stone Supply "Oklahoma Chop"

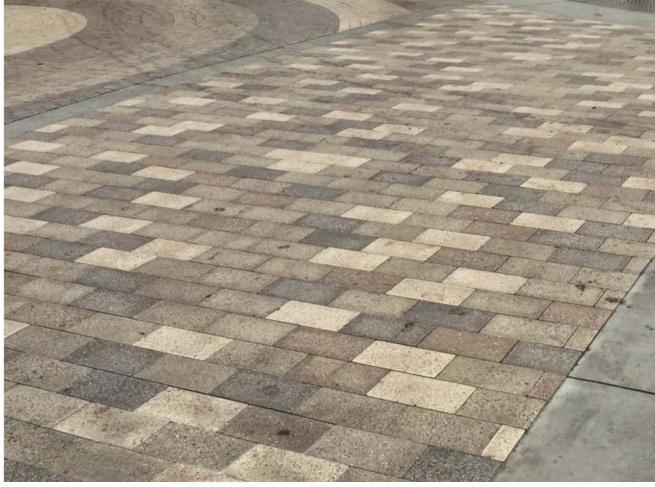


Cooper Stone "Oklahoma"

BRICK BRICK COLOR PALATTE FOR SECONDARY ACCENTS AND SCREENWALLS



ACCENT PAVING DECORATIVE ACCENT PAVING USED IN VILLAGE GREEN AND RETAIL CENTER AND AT MAJOR PEDESTRIAN CROSSWALKS



PAVING STAMPED CONCRETE PAVING USED AT PEDESTRIAN WALKWAYS IN RESIDENTIAL NEIGHBORHOOD AND IN RETAIL CENTER

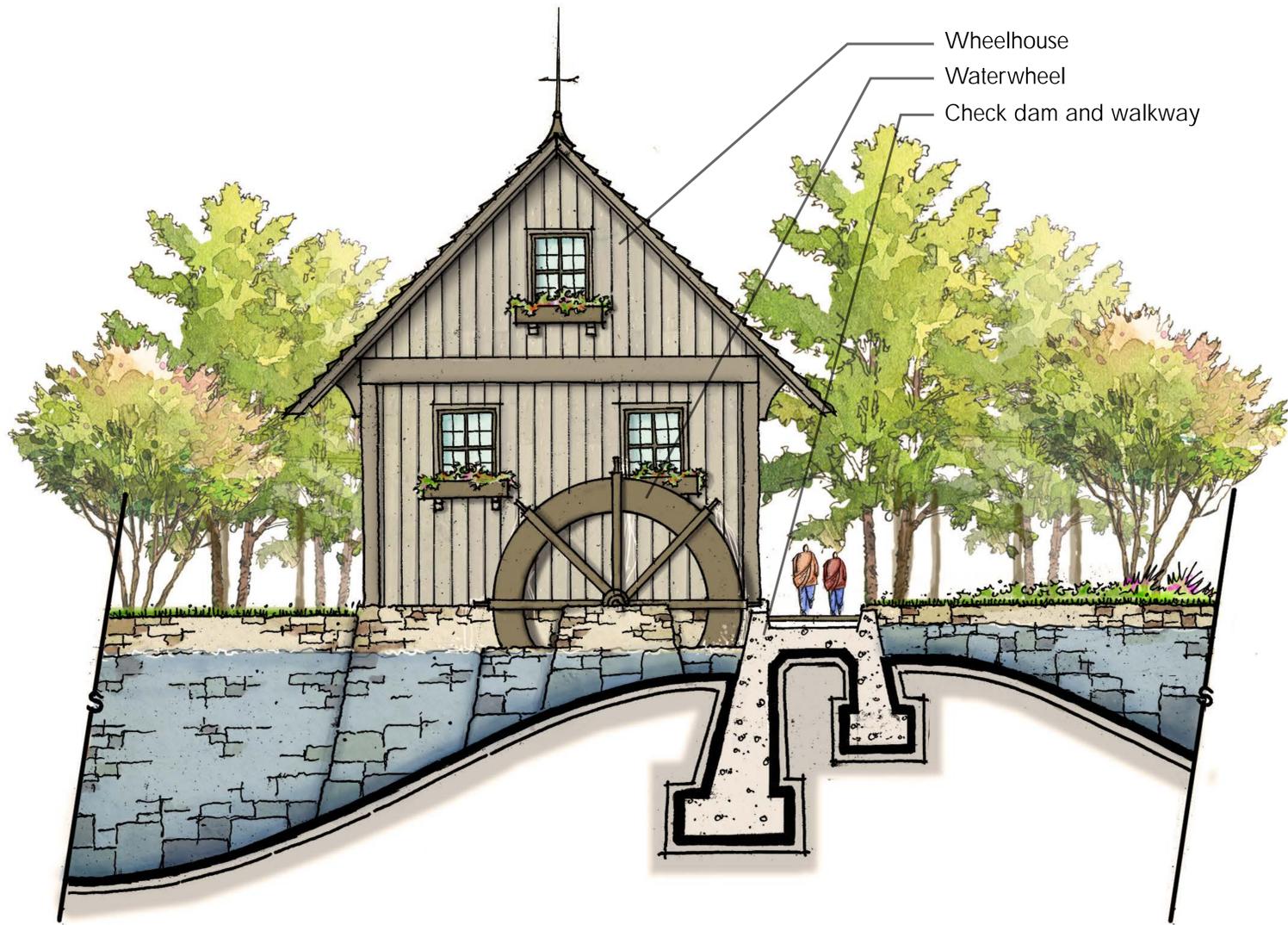
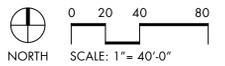


WOOD + ENGINEERED WOOD NATURAL WOOD AND ENGINEERED WOOD WITH RUSTIC AGED FINISH USED AS ACCENTS ON BUILDINGS AND WATERWHEEL HOUSE STRUCTURE

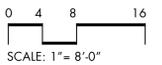




Primary Neighborhood Entry & Lake Concept Plan



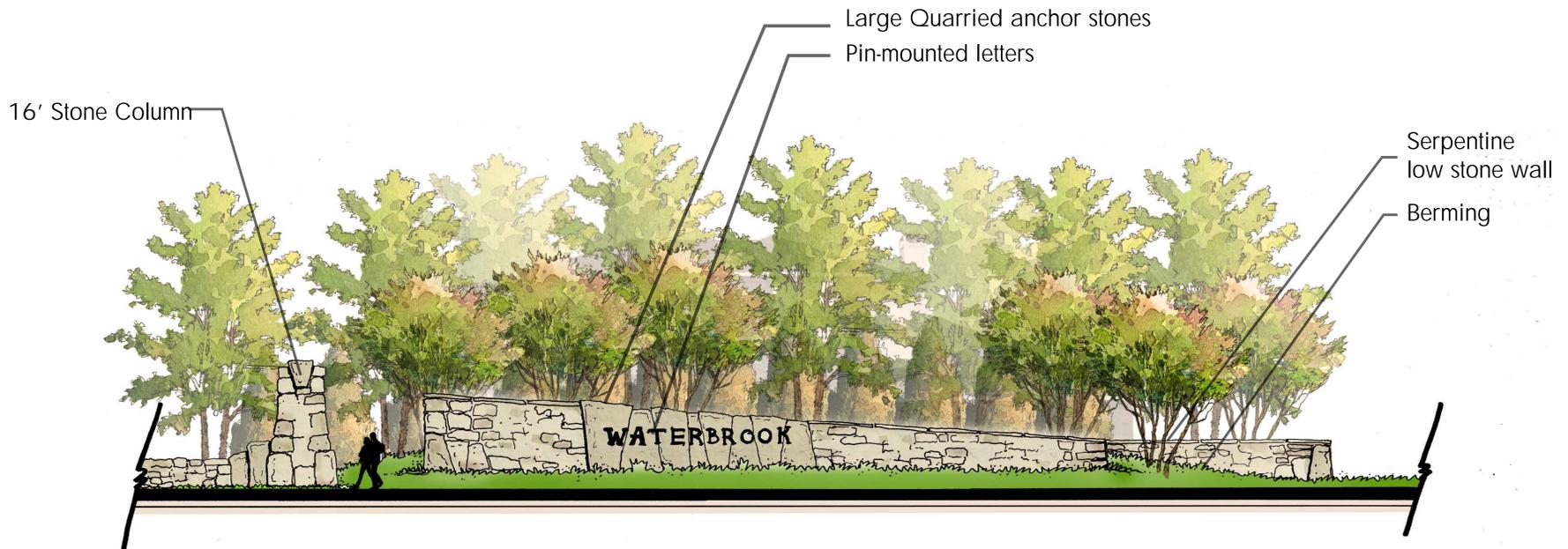
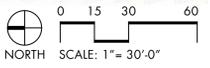
Waterwheel Elevation



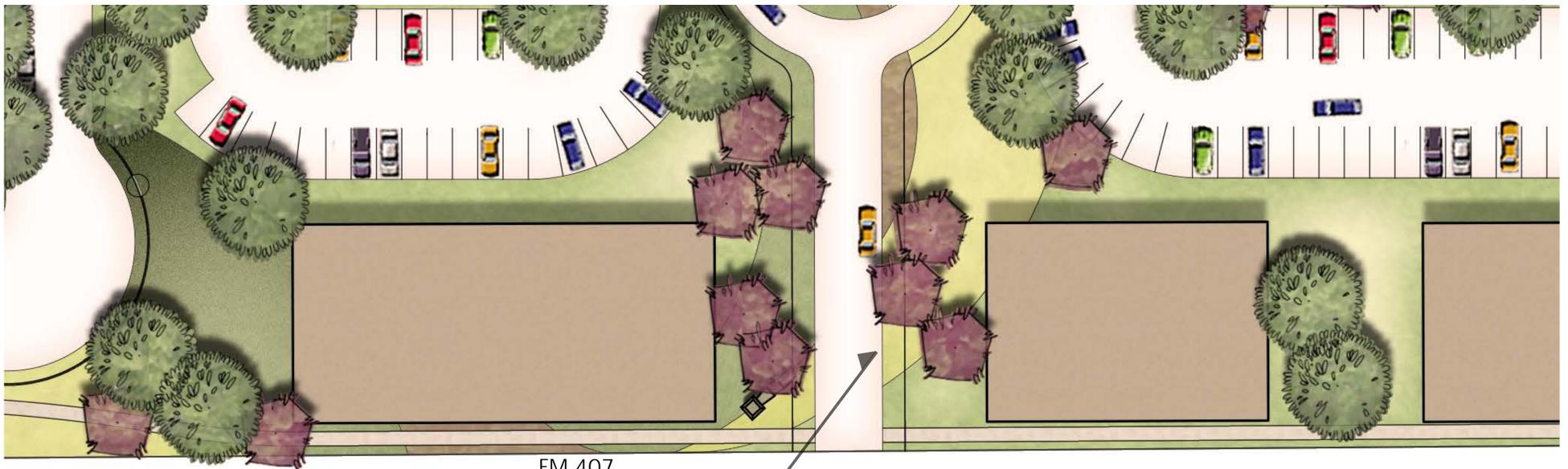
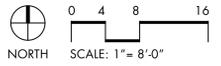


Primary Neighborhood Entry Signage Plan

US 377

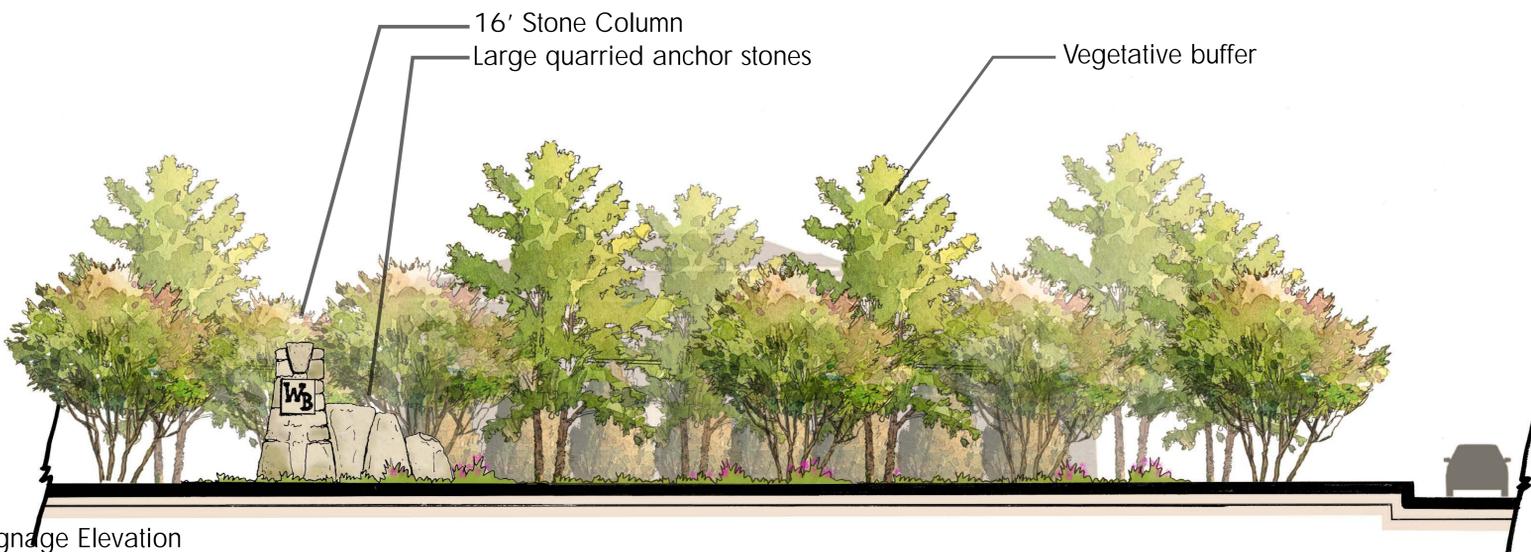
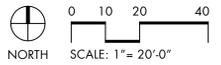


Primary Entry Signage Elevation

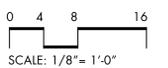


FM 407

Secondary Neighborhood Entry Signage Plan



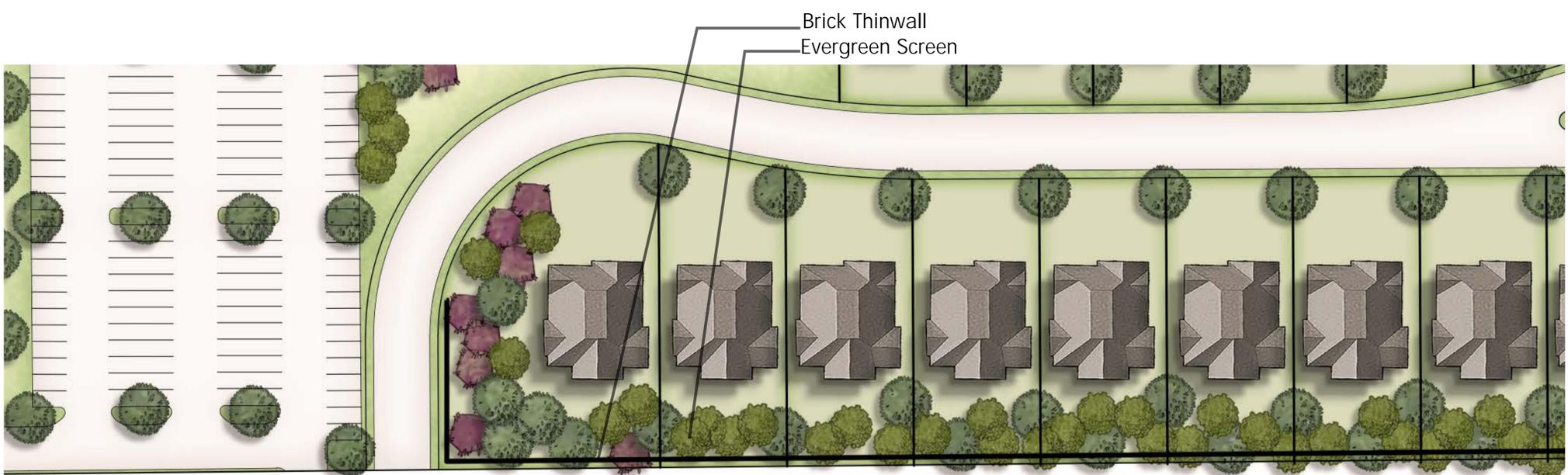
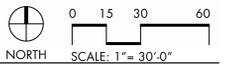
Secondary Entry Signage Elevation





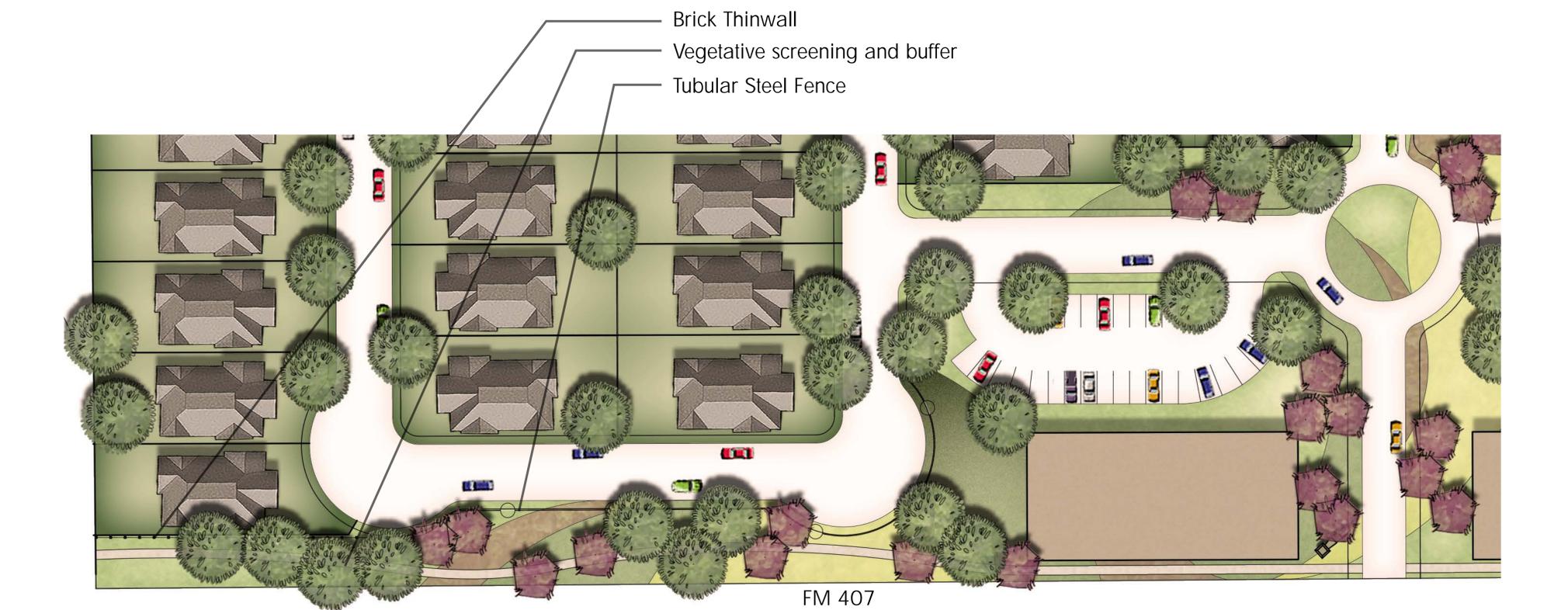
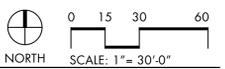
US 377 Landscape Buffer Plan

US 377



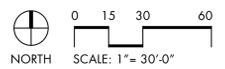
French Town Rd. Landscape Buffering Plan

French Town Rd.

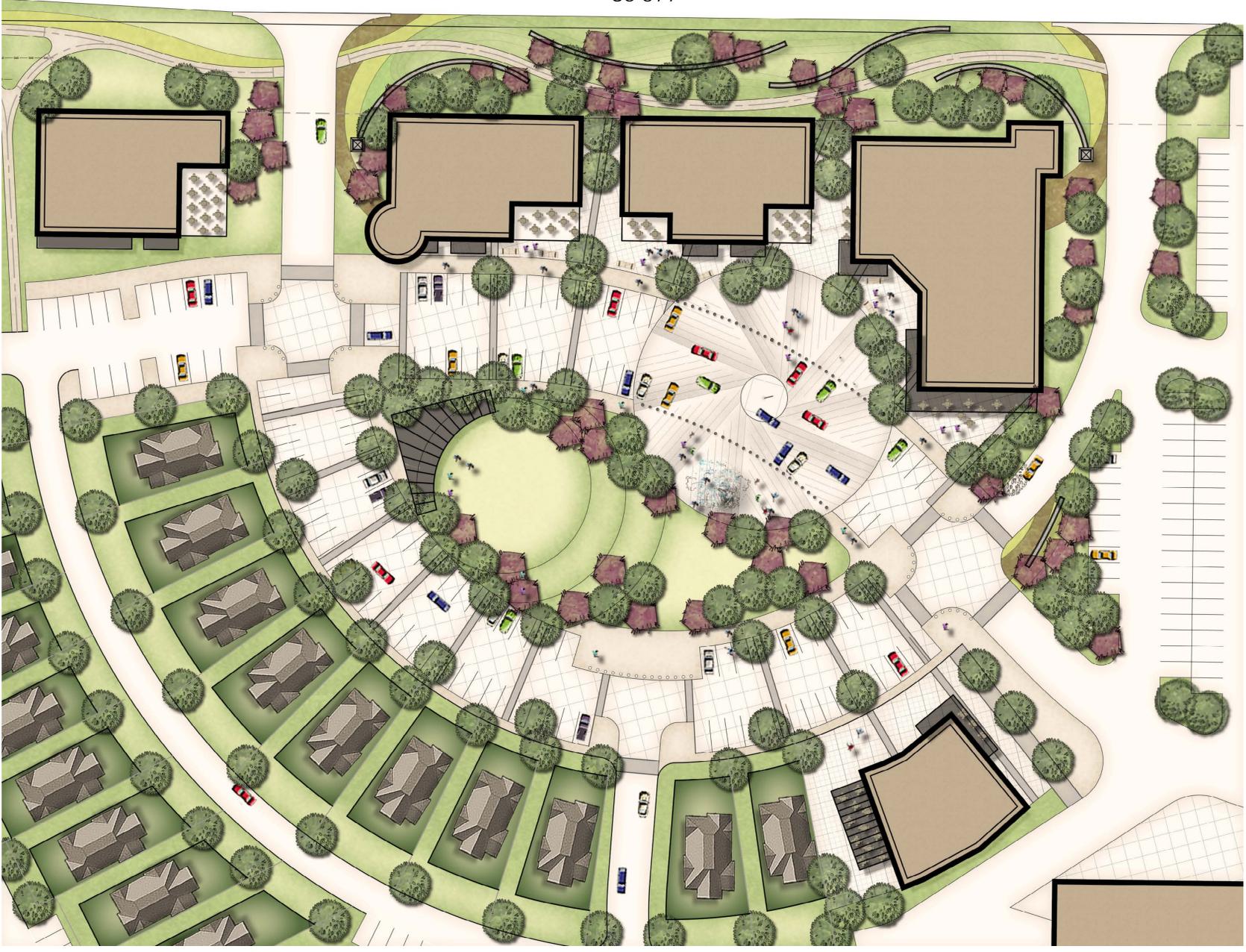


FM 407 Landscape Buffering Plan

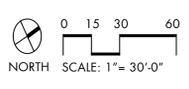
FM 407



US 377



Retail Entry & Village Green Concept



STONE ACCENTS ON BUILDINGS AND PAVING PATTERNS ON GROUND PLANE



ASYMMETRICAL TOWER ELEMENTS INTEGRATED INTO BUILDINGS AS ENTRY ICONS



TREES AND OTHER LANDSCAPING CREATE PEDESTRIAN FRIENDLY AND INVITING SPACE



OPEN GREEN SPACE BETWEEN ACTIVE URBAN RETAIL SPACES



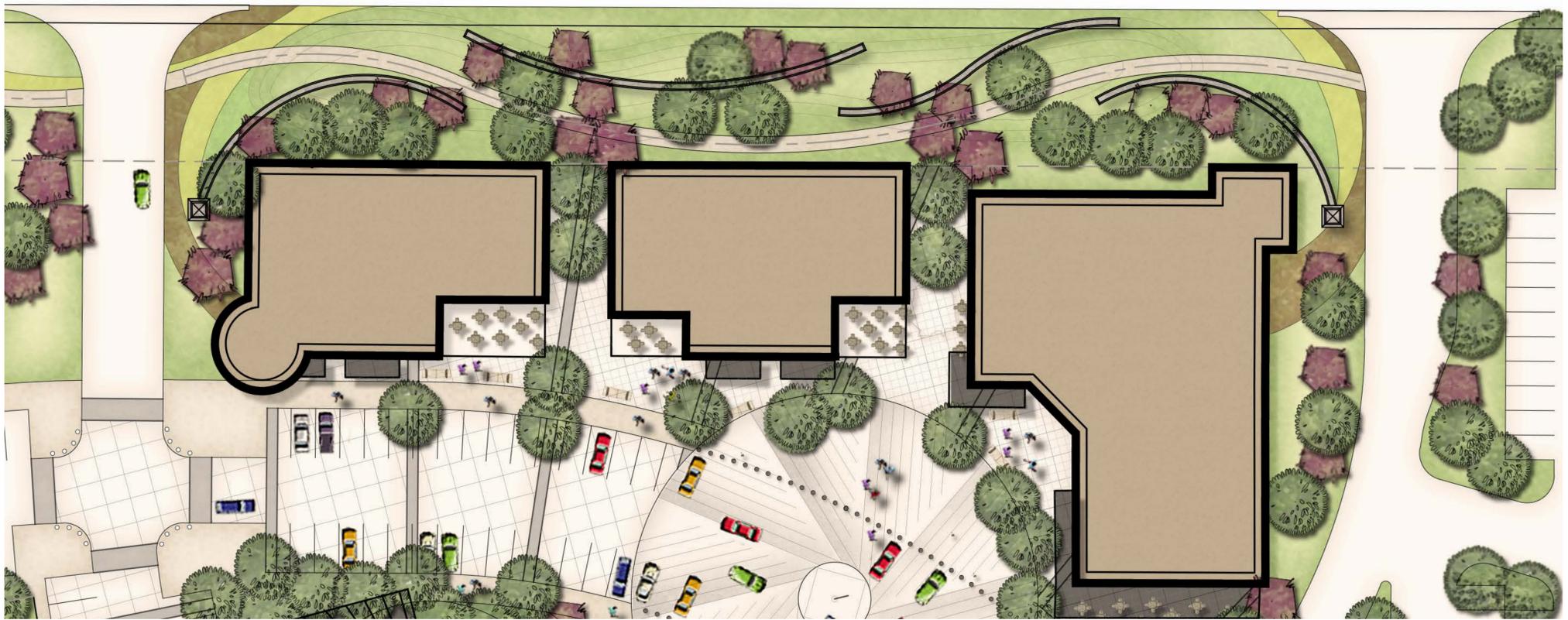
OPEN AIR PAVILION/STAGE FOR COMMUNITY EVENTS AND PERFORMANCES

RETAIL CENTER AND VILLAGE GREEN CONCEPT ZONING APPLICATION

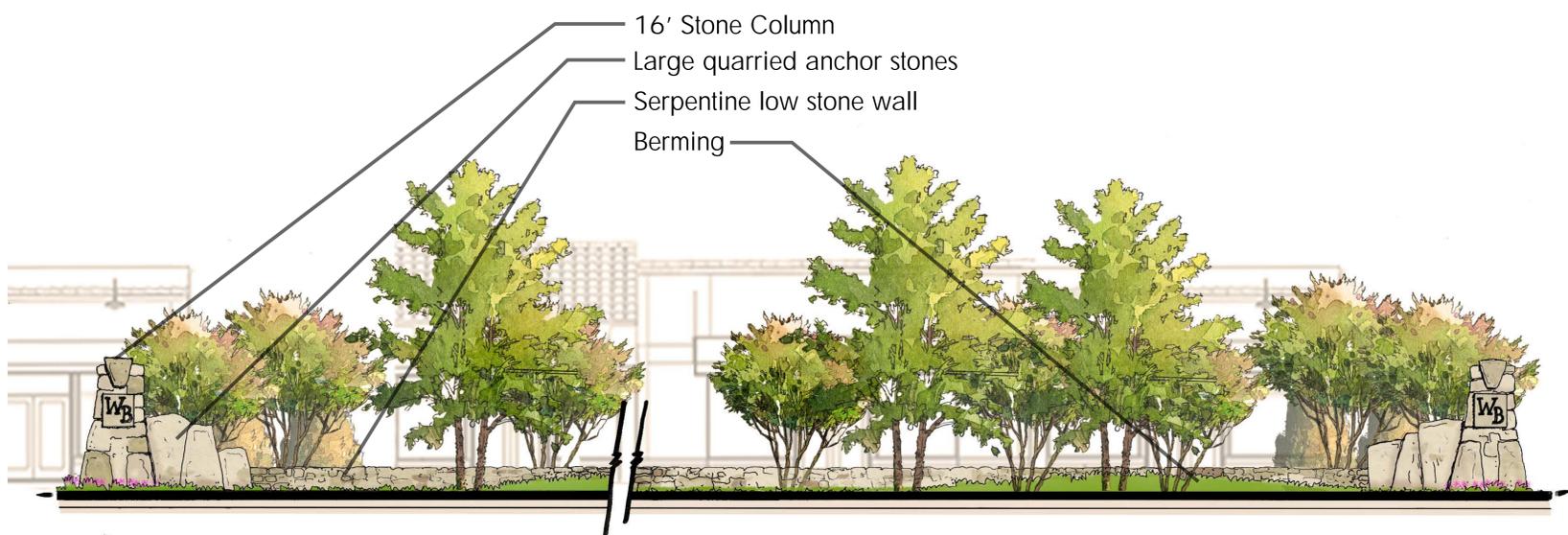
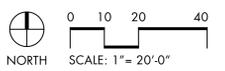
WATERBROOK ARGYLE, TEXAS



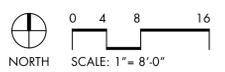
2001 N Lamar Street Suite 100
 Dallas, TX 75202
 214.871.0506
 FAX 214.871.1507



Retail Entry Plan



Signage Elevation

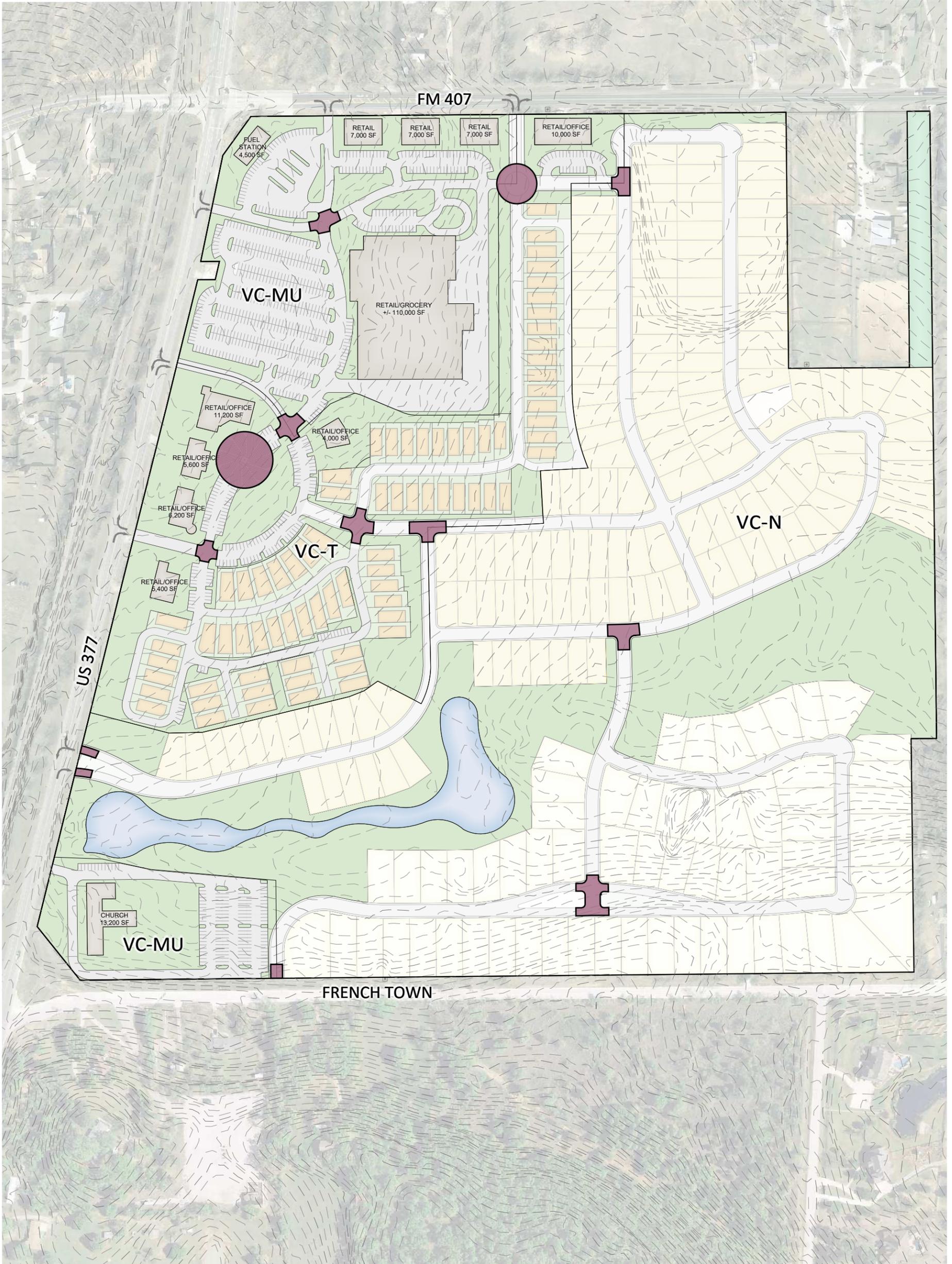


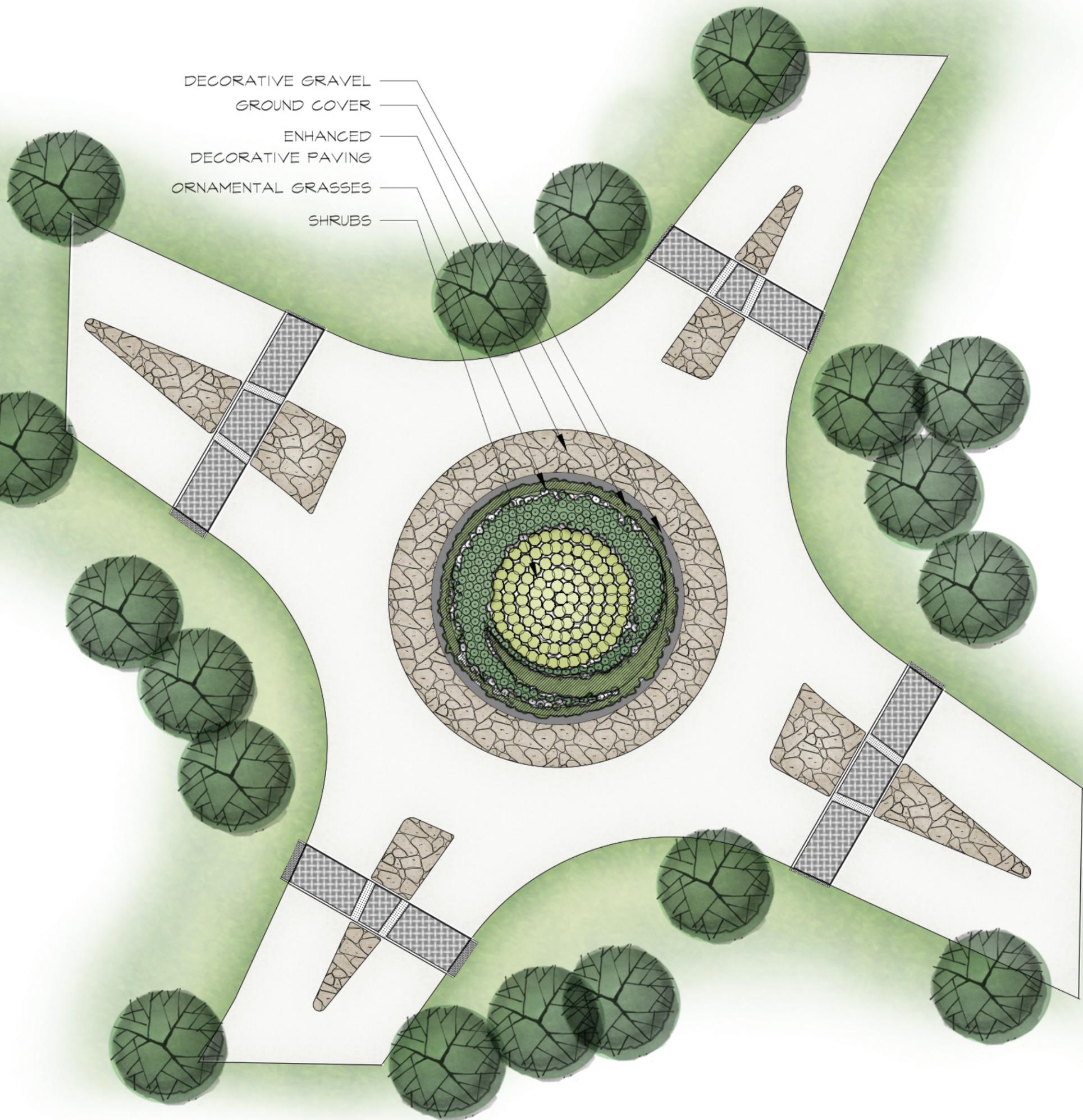
ENHANCED INTERSECTIONS

ENHANCED CROSSWALKS AT INTERSECTIONS TO INCLUDE COLORED CONCRETE, STAMPED CONCRETE, OR PAVERS



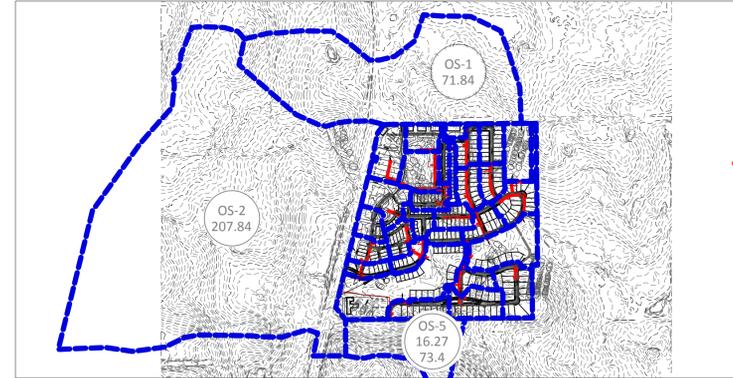
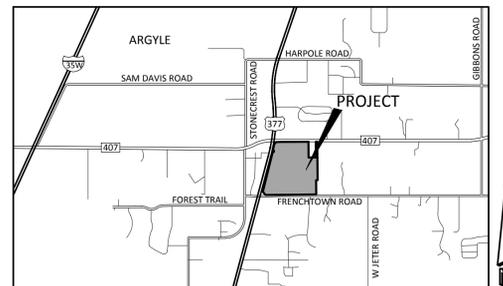
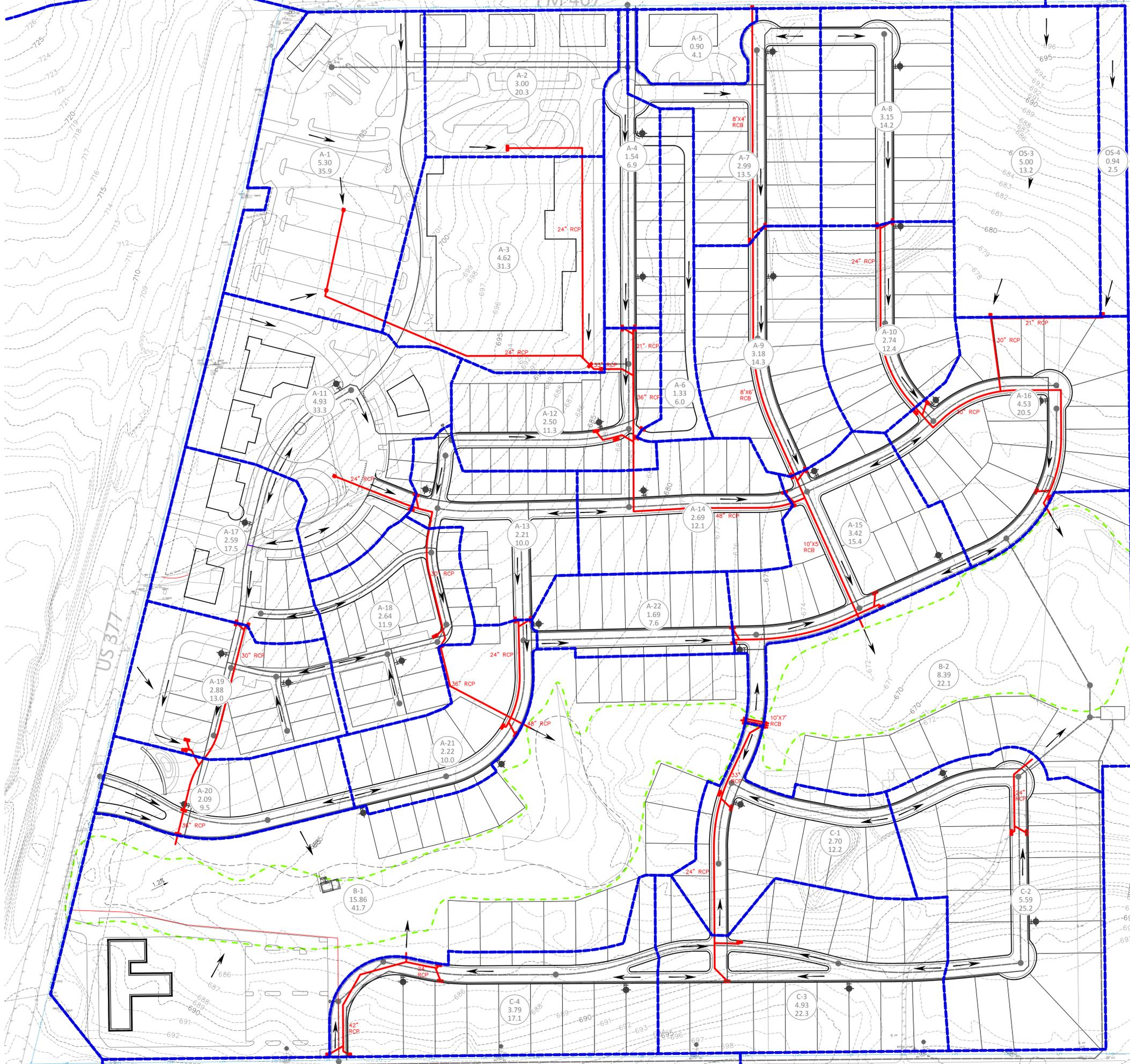
ENHANCED CROSSWALKS AT INTERSECTIONS





**PROTOTYPICAL ROUND-A-BOUT
ZONING APPLICATION**

WATERBROOK
ARGYLE, TEXAS

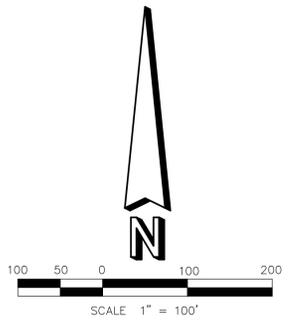


DRAINAGE AREA CALCULATIONS - DEVELOPED CONDITION

DRAINAGE AREA ID	SIZE (AC)	RUNOFF COEFFICIENT	C _x A	TIME OF CONC. (min)	5-YR RAINFALL INTENSITY (in/hr)	RUNOFF (cfs)	100-YR RAINFALL INTENSITY (in/hr)	RUNOFF (cfs)
OS-1	71.8	0.60	43.10	25	4.01	172.85	6.13	264.2
OS-2	207.8	n/a	n/a	n/a	n/a	n/a	n/a	*690
OS-3	5.0	0.35	1.75	15	4.92	8.61	7.52	13.2
OS-4	0.9	0.35	0.33	15	4.92	1.62	7.52	2.5
OS-5	16.3	0.60	9.76	15	4.92	48.03	7.52	73.4
A-1	5.3	0.90	4.77	15	4.92	23.47	7.52	35.9
A-2	3.0	0.90	2.70	15	4.92	13.28	7.52	20.3
A-3	4.6	0.90	4.16	15	4.92	20.46	7.52	31.3
A-4	1.5	0.60	0.92	15	4.92	4.55	7.52	6.9
A-5	0.9	0.60	0.54	15	4.92	2.66	7.52	4.1
A-6	1.3	0.60	0.80	15	4.92	3.93	7.52	6.0
A-7	3.0	0.60	1.79	15	4.92	8.83	7.52	13.5
A-8	3.2	0.60	1.89	15	4.92	9.30	7.52	14.2
A-9	3.2	0.60	1.91	15	4.92	9.39	7.52	14.3
A-10	2.7	0.60	1.64	15	4.92	8.09	7.52	12.4
A-11	4.9	0.90	4.44	15	4.92	21.83	7.52	33.4
A-12	2.5	0.60	1.50	15	4.92	7.38	7.52	11.3
A-13	2.2	0.60	1.33	15	4.92	6.52	7.52	10.0
A-14	2.7	0.60	1.61	15	4.92	7.94	7.52	12.1
A-15	3.4	0.60	2.05	15	4.92	10.10	7.52	15.4
A-16	4.5	0.60	2.72	15	4.92	13.37	7.52	20.4
A-17	2.6	0.90	2.33	15	4.92	11.47	7.52	17.5
A-18	2.6	0.60	1.58	15	4.92	7.79	7.52	11.9
A-19	2.9	0.60	1.73	15	4.92	8.50	7.52	13.0
A-20	2.1	0.60	1.25	15	4.92	6.17	7.52	9.4
A-21	2.2	0.60	1.33	15	4.92	6.55	7.52	10.0
A-22	1.7	0.60	1.01	15	4.92	4.99	7.52	7.6
B-1	15.9	0.60	9.52	15	4.92	46.82	7.52	71.6
B-2	8.4	0.35	2.94	15	4.92	14.45	7.52	22.1
C-1	2.7	0.60	1.62	15	4.92	7.97	7.52	12.2
C-2	5.6	0.60	3.35	15	4.92	16.50	7.52	25.2
C-3	4.9	0.60	2.96	15	4.92	14.55	7.52	22.2
C-4	3.8	0.60	2.27	15	4.92	11.19	7.52	17.1

LEGEND

- DRAINAGE AREA DESIGNATION
DRAINAGE AREA SIZE (AC.)
100-YEAR RUNOFF (CFS)
- DRAINAGE AREA DIVIDE
- FLOW ARROW
- PROPOSED SANITARY SEWER
- PROPOSED WATER LINE
- PROPOSED STORM DRAIN W/CURB INLET
- EXISTING STORM DRAIN
- PROPOSED FLOODPLAIN
- PROPOSED LAKE
- EXISTING CONTOUR MAJOR
- EXISTING CONTOUR MINOR



**PRELIMINARY
DRAINAGE AREA MAP
WATERBROOK**

TOWN OF ARGYLE
DENTON COUNTY, TEXAS

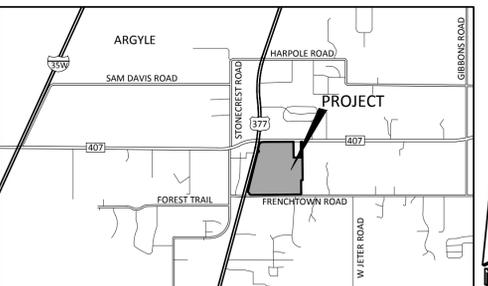
Applicant:
Terra Manna, LLC
101 Clariden Ranch Road
Southlake, TX 76092
817-251-8505

Engineer/Surveyor:
J. Volk Consulting, Inc.
395 West State Hwy 114, Suite 400
Southlake, TX 76092
972-201-3100

FOR INSPECTION PURPOSES ONLY. THIS DOCUMENT IS NOT OFFICIAL AND NOT APPROVED FOR RECORDING PURPOSES.

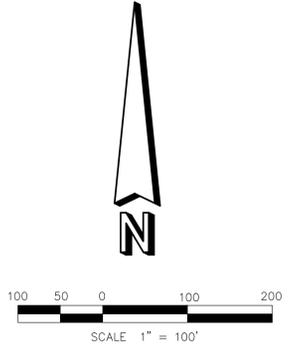
28 March 2016
SHEET 1 OF 1





VICINITY MAP
NOT TO SCALE

LEGEND	
	PROPOSED SANITARY SEWER
	PROPOSED WATER LINE
	PROPOSED FIRE HYDRANT
	PROPOSED GATE VALVE
	PROPOSED STORM DRAIN W/CURB INLET



PRELIMINARY
WATER & SANITARY SEWER PLAN
WATERBROOK
TOWN OF ARGYLE
DENTON COUNTY, TEXAS

FOR INSPECTION PURPOSES ONLY. THIS DOCUMENT IS NOT OFFICIAL AND NOT APPROVED FOR RECORDING PURPOSES.

Applicant:
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101 Clariden Ranch Road
Southlake, TX 76092
817-251-8505

Engineer/Surveyor:
J. Volk Consulting, Inc.
395 West State Hwy 114, Suite 400
Southlake, TX 76092
972-201-3100

24 March 2016
SHEET 1 OF 1



Crow's Nest[®]



P&A

Waterbrook

Proposed Improvements: Waterbrook

Developer Name: TerraManna Land
Date: 4/19/2016

Property Tax (City)			
	Current Zoning	FBC Zoning	Proposed Waterbrook
Annually at buildout:	\$276,651	\$420,635	\$470,465
10 Year Impact	\$2,351,544	\$3,561,435	\$3,972,099

Sales Tax (2%)			
	Current Zoning	FBC Zoning	Proposed Waterbrook
Annually at buildout:	\$344,560	\$202,623	\$389,706
10 Year Impact	\$2,928,757	\$1,553,445	\$2,987,746

Zoning			
	Current Zoning	FBC Zoning	Proposed Waterbrook
Residential:	SF/28Ac/2.1units	SF/33Ac/6.5units SFA/3.5Ac/5.5units	VCN/65Ac/3.2units
Mixed Use	CF/2.25Ac/1:1FAR	MU/22.6Ac/5.5units VCT/6.4Ac/5.5units	VCT/21.5Ac/3.6units VCMU/17.8Ac
Commercial:	OR/4.4Ac/.5FAR LR/4.4Ac/.6FAR AG/56Ac	* FBC code had significantly more street and flood plain anticipated; yeilds lower developable acreage.	Non/4.01Ac AG/.94Ac

Population Impact			
	Current Zoning	FBC Zoning	Proposed Waterbrook
New Population at Buildout:	204	755	638

Cost of Service			
	Current Zoning	FBC Zoning	Proposed Waterbrook
Cost of Service:	\$511,026	\$4,943,306	\$4,182,552

Key			
Ac-Acres	CF - Community Facilities	VCT-Village Ctr Transition	SF-Single Family
FAR-Floor/Area ratio	OR - Office Retail	MU- Mixed Use	AG-Agriculture
		Non-Nonprofit	SFA-Single Family Attached

NOTICE OF PUBLIC HEARING

The Town of Argyle Planning and Zoning Commission will conduct a public hearing at 6:30 p.m. on Tuesday, April 5, 2016 and the Town of Argyle Town Council will conduct a public hearing at 7:00 PM on Tuesday, May 24, 2016 at Argyle Town Hall, 308 Denton Street, Argyle, Texas to receive public comment and to consider a zoning change (MDP-16-001) from A (Agricultural District), SF-10 (Single Family Residential-10 District), OR (Office Retail), LR (Local Retail), and CF (Community Facilities) to VC-N, VC-T, and VC-MU Districts (Village Center Neighborhood, Transition, and Mixed Use Districts) for **Waterbrook**, being approximately 105.35 acres of land, legally described as portions of S. Chambers Survey, Abstract No. 308, Tracts 47-50,55, 56, Chaney Addition, Block A, Lot 1 and 2, and Shady Oaks Estates 3, Block 1, Lot 1R; and being located at the southeast corner of HWY 377 and FM 407, located in the Town of Argyle, Denton County, Texas.

Since you own property within two hundred (200) feet of the subject property, you are receiving this notification in accordance with State law and the Town of Argyle ordinances. You may return this form with your written comments or attend the public hearing. You may fax this form to the number located at the bottom of this page, scan and email it to the email address below, drop it off in person at 308 Denton Street E, or mail it to the address below:

Argyle Town Hall
Attn: Matt Jones, Director of Community Development
PO Box 609
Argyle, Texas 76226
mjones@argyletx.com

These forms are used to calculate the percentage of land that support and oppose the request. The Town Council and Planning and Zoning Commission are informed of the percent of responses in support and in opposition.

Please circle one: In favor of request Neutral to request Opposed to request

Comments:

RECEIVED
MAR 31 2016
BY: *AJR*

Signature: *[Handwritten Signature]*
Printed Name: Thomas Bennett / TACKL ASS
Mailing Address: _____
City, State Zip: _____
Telephone Number: _____
Physical Address of Property within 200 feet: 480 FM 407 E

TACKL ASSOCIATES INC

Town of Argyle, TEXAS Town Hall PO Box 609 Argyle, Texas 76226 • 940.464.7273 • (F) 940.464.7274
200' Public Hearing Notice

NOTICE OF PUBLIC HEARING

The Town of Argyle Planning and Zoning Commission will conduct a public hearing at 6:30 p.m. on Tuesday, April 5, 2016 and the Town of Argyle Town Council will conduct a public hearing at 7:00 PM on Tuesday, May 24, 2016 at Argyle Town Hall, 308 Denton Street, Argyle, Texas to receive public comment and to consider a zoning change (MDP-16-001) from A (Agricultural District), SF-10 (Single Family Residential-10 District), OR (Office Retail), LR (Local Retail), and CF (Community Facilities) to VC-N, VC-T, and VC-MU Districts (Village Center Neighborhood, Transition, and Mixed Use Districts) for **Waterbrook**, being approximately 105.35 acres of land, legally described as portions of S. Chambers Survey, Abstract No. 308, Tracts 47-50,55, 56, Chaney Addition, Block A, Lot 1 and 2, and Shady Oaks Estates 3, Block 1, Lot 1R; and being located at the southeast corner of HWY 377 and FM 407, located in the Town of Argyle, Denton County, Texas.

Since you own property within two hundred (200) feet of the subject property, you are receiving this notification in accordance with State law and the Town of Argyle ordinances. You may return this form with your written comments or attend the public hearing. You may fax this form to the number located at the bottom of this page, scan and email it to the email address below, drop it off in person at 308 Denton Street E, or mail it to the address below:

Argyle Town Hall
Attn: Matt Jones, Director of Community Development
PO Box 609
Argyle, Texas 76226
mjones@argyletx.com

These forms are used to calculate the percentage of land that support and oppose the request. The Town Council and Planning and Zoning Commission are informed of the percent of responses in support and in opposition.

Please circle one: In favor of request Neutral to request Opposed to request

Comments:

RECEIVED
APR 01 2016
BY: *AM*

Signature: *[Handwritten Signature]*

Printed Name: John Stafford

Mailing Address: _____

City, State Zip: _____

Telephone Number: _____

Physical Address of Property within 200 feet: *[Handwritten Address]*

STAFFORD, JOHN P & KAREN SUE



TOWN COUNCIL DATA SHEET



Agenda Item: (PUBLIC HEARING)

Consider an ordinance amendment (ORD-16-001) regarding changes to Section 14.3.71-11 - Access and Frontage Standards for Residential Lots, Section C – Exceptions; of the Town of Argyle Town Development Standards.

Requested by:

Matt Jones, Director of Community Development

Background:

The Town Council requested Town Staff to bring forward an ordinance amendment that would evaluate the current regulations regarding requirements for private access when properties do not have frontage on a public right-of-way. The Council has preliminarily decided that the current regulations may go above and beyond what is reasonable to ask a home owner to do in order to provide adequate access, as well as, emergency vehicle access.

Town Staff has discussed the current regulations with the Argyle Fire Department and Town Police Department. Both departments indicated that the current regulations went above and beyond what is necessary to provide access to a residence from an emergency management standpoint.

During the March 1, 2016 P&Z Commission meeting there was a discrepancy of allowable surfaces. The ordinance allows for a hard surface such as concrete, asphalt, or similar all-weather-surface. An all-weather surface is defined by ordinance as the following:

“ALL-WEATHER SURFACE - An improved, dust-free surface constructed of cement, asphalt, brick, gravel or other material in accordance with the Town of Argyle technical design requirements.”

Planning and Zoning Commission Recommendation:

The P&Z Commission tabled this request at their March 1, 2016 meeting.

At their April 5, 2016 meeting the P&Z Commission recommended approval of the item unanimously by a vote of seven (7) in favor to none (0) in opposition.

Staff Recommendation:

See attached ordinance and redline exhibit.

Requested Action:

Take appropriate action on amendments to Section 14.3.71-11 of the TDS.

Attachments:

Existing Ordinance

Redline Ordinance

Proposed Ord. 2016-___

14.3.71-11 ACCESS AND FRONTAGE STANDARDS FOR RESIDENTIAL LOTS:

A. General Rule. All residential lots shall have frontage on a dedicated public street or an approved private street in accordance with the specifications of the zoning district that the lot is located within.

B. Exception. Minor reductions to the lot width and/or depth requirements may be considered on a final plat application by the Planning and Zoning Commission if the lot meets the area requirements of the zoning district it is located within.

C. Exception. No more than two (2) lots that do not meet the required frontage requirements may share a driveway located within a private access easement with the approval of a Specific Use Permit. A private access easement is defined as an area reserved for ingress and egress from a dedicated public street to no more than two (2) residential lots by the owners or occupants of said lots, their guests and emergency/governmental/public utility vehicles. All private access easements shall be dedicated on the final plat of subject lot(s) and privately maintained. The following minimum requirements shall be met in addition to any special requirements specified by the Town Council at the time of Specific Use Permit consideration:

1. The lots served by a private access easement shall each contain a minimum of 2.5 acres.
2. The private access easement shall be a minimum of thirty feet (30') in width.
3. The driveway within the private access easement shall be a minimum of fourteen feet (14') in width.
4. The driveway within the private access easement shall have a vertical clearance of fourteen feet (14').
5. The driveway within the private access easement shall be paved with asphalt a minimum of four inches (4") thick over six inches (6") of stabilized subgrade or concrete a minimum of five inches (5") thick over six inches (6") of stabilized subgrade as approved by the Town Engineer.
6. Provisions for drainage must be provided along the driveway within the private access easement.

7. Utilities shall be located within separate utility easements, which may overlap with the private access easement if space does not allow for separate adjacent easements.

8. Any homes located greater than 1,000 feet from the dedicated public street shall be equipped with an automatic fire sprinkler system.

9. A turnaround in the form of a loop or hammer head approved by the Fire Marshal shall be provided at the end of the private access easement.

10. The address for both residents shall be clearly posted at the intersection of the dedicated public street and the private access easement.

11. Directional signage for each address shall be clearly posted at the point where the private access easement splits toward each lot.

12. All required elements within the private access easement shall be maintained jointly by the two property owners in an acceptable manner for emergency vehicle access as determined by the Town Engineer, the Chief of Police and the Fire Marshal.

13. The Planning and Zoning Commission and the Town Council may consider alternatives to the standards listed above in items 1 through 12 on a case-by-case basis in conjunction with Specific Use Permit approval, provided such alternatives meet the health, safety and welfare requirements of the Town.

14. A site plan showing the location of the private access easement and the driveway, the pavement and subgrade thickness and all other required elements shall be submitted with each building permit for new home construction and approved by the Town Engineer.

15. All requirements as stated above along with any special requirements approved as part of the Specific Use Permit by the Town Council shall appear on the face of the final plat for the two lots.

16. A development with three (3) lots or more shall be required to extend a dedicated public street to provide frontage to all lots within the subdivision.

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4. The driveway within the private access easement shall have a vertical clearance of fourteen feet (14').
5. The driveway within the private access easement shall ~~be paved with asphalt a minimum of four inches (4") thick over six inches (6") of stabilized subgrade or concrete a minimum of five inches (5") thick over six inches (6") of stabilized subgrade as approved by the Town Engineer~~ be a hard surface constructed of concrete or a similar all-weather surface such as turf pavers, brick pavers or asphalt. Said paving shall be installed to meet or exceed Town standards.
6. Provisions for drainage must be provided along the driveway within the private access easement.

7. Utilities shall be located within separate utility easements, which may overlap with the private access easement if space does not allow for separate adjacent easements.
8. Any homes located greater than 1,000 feet from the dedicated public street shall be equipped with an automatic fire sprinkler system.
9. A turnaround in the form of a loop or hammer head approved by the Fire Marshal shall be provided at the end of the private access easement.
10. The address for both residents shall be clearly posted at the intersection of the dedicated public street and the private access easement.
11. Directional signage for each address shall be clearly posted at the point where the private access easement splits toward each lot.
12. All required elements within the private access easement shall be maintained jointly by the two property owners in an acceptable manner for emergency vehicle access as determined by the Town Engineer, the Chief of Police and the Fire Marshal.
13. The Planning and Zoning Commission and the Town Council may consider alternatives to the standards listed above in items 1 through 12 on a case-by-case basis in conjunction with Specific Use Permit approval, provided such alternatives meet the health, safety and welfare requirements of the Town.
14. A site plan showing the location of the private access easement and the driveway, the pavement and subgrade thickness and all other required elements shall be submitted with each building permit for new home construction and approved by the Town Engineer.
15. All requirements as stated above along with any special requirements approved as part of the Specific Use Permit by the Town Council shall appear on the face of the final plat for the two lots.
16. A development with three (3) lots or more shall be required to extend a dedicated public street to provide frontage to all lots within the subdivision.

**TOWN OF ARGYLE, TEXAS
ORDINANCE NO. 2016-XX**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF ARGYLE, TEXAS AMENDING THE ARGYLE CODE OF ORDINANCES BY AMENDING ARTICLE 14, TOWN DEVELOPMENT STANDARDS, SECTION 14.3.71-11 ACCESS AND FRONTAGE STANDARDS FOR RESIDENTIAL LOTS, SUBSECTION C.5. AS IT RELATES TO EXCEPTIONS FOR PRIVATE ACCESS EASEMENTS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY, CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Argyle is authorized to regulate various aspects of development within the Town and its extraterritorial jurisdiction; and

WHEREAS, the Town of Argyle deems the regulation of development as necessary to protect the health, safety and welfare of the public; and

WHEREAS, the Town of Argyle deems the passage of this Ordinance to be in the best interest of the citizens of Argyle.

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

Section 1. That all matters stated hereinabove are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

Section 2. That Article 14, Town Development Standards, of the Town of Argyle Code of Ordinances is hereby amended by amending Section 14.3.71-11 Access and Frontage Standards for Residential Lots by amending Subsection C.5. as it relates to exceptions for private access easements to read as follows:

“14.3.71-11 ACCESS AND FRONTAGE STANDARDS FOR RESIDENTIAL LOTS:

.....

- C. Exception. No more than two (2) lots that do not meet the required frontage requirements may share a driveway located within a private access easement with the approval of a Specific Use Permit. A private access easement is defined as an area reserved for ingress and egress from a dedicated public street to no more than two (2) residential lots by the owners or occupants of said lots, their guests and emergency/governmental/public utility vehicles. All private access easements shall be dedicated on the final plat of subject lot(s) and privately maintained. The following minimum requirements shall be met in addition to any special requirements specified by the Town Council at the time of Specific Use Permit consideration

.....

- 5. The driveway within the private access easement shall be a hard surface constructed of concrete or a similar all-weather surface such as turf pavers, brick pavers or asphalt. Said paving shall be installed to meet or exceed Town standards.

.....”

Section 3. That all ordinances or any parts thereof in conflict with the terms of this ordinance shall be and hereby are deemed repealed and of no force or effect.

Section 4. 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 (\$2,000.00) and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

Section 5. If any section, subsection, sentence, clause or phase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 6. In addition to and accumulative of all other penalties, the Town shall have the right to seek injunctive relief for any and all violations of this ordinance.

Section 7. In order to protect the public interest, comfort and general welfare, this ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF ARGYLE, TEXAS, on this the 26th day of April, 2016

APPROVED:

Peggy Krueger, Mayor

ATTEST:

Kristi Gilbert, Town Secretary

APPROVED AS TO FORM:

Matthew C. G. Boyle, Town Attorney