

CITY COUNCIL

1520 AVENUE K



DATE: 1/13/2014
CALL TO ORDER: 7:00 p.m.
INVOCATION: Tommy Shumate, Minister of Education
First Baptist Church Plano
PLEDGE OF ALLEGIANCE: Jr. Girl Scout Troop 3037
Shepard Elementary

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p>OUR MISSION - THE CITY OF PLANO IS A REGIONAL AND NATIONAL LEADER, PROVIDING OUTSTANDING SERVICES AND FACILITIES THROUGH COOPERATIVE EFFORTS THAT ENGAGE OUR CITIZENS AND THAT CONTRIBUTE TO THE QUALITY OF LIFE IN OUR COMMUNITY.</p> <p>The City Council may convene into Executive Session to discuss posted items in the regular meeting as allowed by law.</p> <p><u>PROCLAMATIONS & SPECIAL RECOGNITION</u></p> <p>SPECIAL RECOGNITION: Baylor Regional Medical Center has received the Malcolm Baldrige Award from the U.S. Commerce Secretary.</p> <p>PRESENTATION: Collin County is presenting a grant check to Plano to be used for trail connections with the cities of Frisco and Allen.</p> <p>SPECIAL RECOGNITION: Diane Wetherbee, City Attorney since 1996, is retiring this month.</p> <p><u>CERTIFICATES OF APPRECIATION</u></p> <p>Collin County Appraisal District Board - Roy L. Wilshire</p> <p><u>COMMENTS OF PUBLIC INTEREST</u></p> <p><u>This portion of the meeting is to allow up to five (5) minutes per speaker with thirty (30) total minutes on items of interest or concern and not on items that are on the current agenda. The Council may not discuss these items, but may respond with factual or policy information. The Council may choose to place the item on a future agenda.</u></p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p><u>CONSENT AGENDA</u> <u>The Consent Agenda will be acted upon in one motion and contains items which are routine and typically noncontroversial. Items may be removed from this agenda for individual discussion by a Council Member, the City Manager or any citizen. Citizens are limited to two (2) items and discussion time of three (3) minutes each.</u></p>	
	<p><u>Approval of Minutes</u></p>	
(a)	December 17, 2013	
	<p><u>Approval of Expenditures</u></p>	
	<p>Award/Rejection of Bid/Proposal: (Purchase of products/services through formal procurement process by this agency)</p>	
(b)	Bid No. 2013-358-B for Oak Hollow & Brandon Court project to Austin Filter Systems, Inc., in the amount of \$787,190 and authorizing the City Manager to execute all necessary documents.	
(c)	Bid No. 2014-45-B for the purchase of two (2) Ford F-350 Utility Trucks from Randall Reed's Prestige Ford in the amount of \$71,760 for Fleet Services, to be utilized by Utility Cuts and Municipal Drainage, and authorizing the City Manager to execute all necessary documents.	
(d)	Bid No. 2014-014-C for a one (1) year contract with three (3) City optional renewals for the purchase of bulk fertilizer for the Parks and Recreation Department to Greensmiths, Inc., in the estimated annual amount of \$67,500 and authorizing the City Manager to execute all necessary documents.	
(e)	RFP No. 2013-241-C for Consultant for the 457 Deferred Compensation Oversight Committee awarded to The Retirement Store, Inc. for the initial term of three (3) years with two (2) City optional one (1) year renewal periods in the estimated amount of \$72,000; and authorizing the City Manager to execute all necessary documents.	
	<p>Purchase from an Existing Contract</p>	
(f)	To approve the purchase of retro reflective and non-reflective sign sheeting material through an existing annual contract for Public Works in the estimated annual amount of \$100,000 from 3M Company through the City of Fort Worth (Contract No. 12-0072) and authorizing the City Manager to execute all necessary documents. (City of Plano Contract No. 2014-96-I)	
(g)	To approve the purchase of one (1) Kenworth Concrete Truck for Fleet Services, to be utilized by Streets, in the amount of \$133,277 from MHC Kenworth, through an existing contract/agreement with TASB/Buyboard, and authorizing the City Manager to execute all necessary documents. (TASB/Buyboard Contract #430-13.)	

ITEM NO.	EXPLANATION	ACTION TAKEN
(h)	To approve the purchase of Maintenance Support for the Symantec Altiris IT Management Suite 7.5, in the amount of \$65,496 from Intuitive Technology Group, LLC through an existing contract with the Department of Information Resources (DIR) and authorizing the City Manager to execute all necessary documents. (DIR-SDD-1917)	
<u>Adoption of Resolutions</u>		
(i)	To approve the appointment of Paige Mims as the City Attorney for the City of Plano; and providing an effective date.	
(j)	To adopt the Tax Abatement Policy of the City of Plano thereby establishing criteria for evaluating incentive applications; establishing procedural guidelines and criteria governing tax abatement agreements; and providing an effective date.	
(k)	To approve revisions to the City of Plano Chapter 380 Policy for Economic Development Incentives; and providing an effective date.	
(l)	To approve the City of Plano Hazard Mitigation Action Plan and providing an effective date.	
<u>Adoption of Ordinances</u>		
(m)	To abandon all right, title, and interest of the City in: (1) a certain 30' access easement, recorded in Vol. 578, Page 435 of the Deed Records of Collin County, Texas; (2) a certain 15' sewer easement, recorded in Vol. 578, Page 437 of the Deed Records of Collin County, Texas, and (3) a certain 20' easement and right-of-way, described in the condemnation proceedings in City of Plano v. W.W. Caruth, Jr., Cause No. 71-134-199 in the 199th District Court of Collin County, Texas, and located in the John G. Vance Survey, Abstract Number 938, which is located within the city limits of the City of Richardson, Collin County, Texas; quitclaiming all right, title and interest of the City in such easements to the owner of the property underlying the easements, Bank of America, N.A. (as trustee of the W.W. Caruth Foundation), to the extent of its interest; authorizing the City Manager to execute any necessary documents, and providing an effective date.	
(n)	To amend Sec. 6-686. Deletions, Additions, Amendments of Article XVIII, Energy Conservation Code, of Chapter 6 of the Code of Ordinances of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.	
(o)	To amend Section 3-3 of Chapter 3, Alcoholic Beverages, of the Code of Ordinances of the City of Plano, Texas to remove the restrictions relating to transporting alcohol in any residentially zoned district; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date.	

ITEM NO.	EXPLANATION	ACTION TAKEN
	<p><u>ITEMS FOR INDIVIDUAL CONSIDERATION:</u></p> <p><u>Public Hearing Items: Applicants are limited to fifteen (15) minutes presentation time with a five (5) minute rebuttal, if needed. Remaining speakers are limited to thirty (30) total minutes of testimony time, with three (3) minutes assigned per speaker. The presiding officer may extend these times as deemed necessary.</u></p> <p><u>Non-Public Hearing Items: The Presiding Officer may permit limited public comment for items on the agenda not posted for a Public Hearing. The Presiding Officer will establish time limits based upon the number of speaker requests, length of the agenda, and to ensure meeting efficiency, and may include a cumulative time limit. Speakers will be called in the order cards are received until the cumulative time is exhausted.</u></p> <p>(1) Public Hearing and consideration of an Ordinance as requested in Zoning Case 2013-32, to amend Subsection 2.802 (ED-Estate Development) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to allow modifications to animal restrictions within the Estate Development zoning district; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano</p> <p>(2) Public Hearing and consideration of an Ordinance as requested in Zoning Case 2013-21, to amend Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, regarding the sign ordinance; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano</p> <p>(3) Public Hearing and consideration of an Ordinance as requested in Zoning Case 2013-31 to amend Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 641 so as to allow for the additional use of Arcade and Specific Use Permit No. 642 so as to allow for the additional use of Commercial Amusement (Indoor) on 5.1± acres of land located on the east side of Communications Parkway, 340± feet north of Windhaven Parkway, in the City of Plano, Collin County, Texas, presently zoned Regional Employment; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date. Applicant: Acres of Sunshine, Ltd.</p>	

ITEM NO.	EXPLANATION	ACTION TAKEN
(4)	<p>Public Hearing and consideration of an Ordinance as requested in Zoning Case 2013-33, to amend Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning District and Uses), Subsection 3.1107 (Schedule of Off-Street Parking) of Section 3.1100 (Off-Street Parking and Loading), Subsection 3.1504 (Residential Adjacency Standards) of Section 3.1500 (Residential Adjacency Standards) of Article 3 (Supplementary Regulations), and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to create regulations for food truck parks and commissaries; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date. Applicant: City of Plano</p>	
(5)	<p>Consideration of a Resolution to authorize a waiver of the City's interest in the lien on the single family residence at 707 11th Street secured by the March 30, 2010 judgment in the amount of \$84,669.30; authorizing the City Manager to execute all necessary documents; and providing an effective date.</p>	
(6)	<p>Consideration of a Resolution to approve the terms and conditions of an Agreement by and between the City of Plano, Texas and Southern Land Company to provide an exclusive period for the negotiation of a development agreement for the redevelopment of 1.7± acres located at the northwest corner of 14th Street and K Avenue in the City of Plano; authorizing its execution by the City Manager; and providing an effective date.</p> <p><u>Municipal Center is wheelchair accessible. A sloped curb entry is available at the main entrance facing Municipal/L Avenue, with specially marked parking spaces nearby. Access and special parking are also available on the north side of the building. The Senator Florence Shapiro Council Chambers is accessible by elevator to the lower level. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 972-941-7120.</u></p>	



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		1/13/2014		
Department:		City Manager's Office		
Department Head		Bruce Glasscock		
Agenda Coordinator (include phone #): Melinda White X7548, Cindy Pierce X5161				
CAPTION				
SPECIAL RECOGNITION: Baylor Regional Medical Center has received the Malcolm Baldrige Award from the U.S. Commerce Secretary.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
SUMMARY OF ITEM				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	



**CITY OF PLANO
COUNCIL AGENDA ITEM**

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Council Meeting Date:		1/13/2014		
Department:		City Manager's Office		
Department Head		Bruce Glasscock		
Agenda Coordinator (include phone #): Melinda White X7548, Cindy Pierce X5161				
CAPTION				
PRESENTATION: Collin County is presenting a grant check to Plano to be used for trail connections with the cities of Frisco and Allen.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
SUMMARY OF ITEM				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
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Department:		City Manager's Office		
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CAPTION				
SPECIAL RECOGNITION: Diane Wetherbee, City Attorney since 1996, is retiring this month.				
FINANCIAL SUMMARY				
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FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S):				
COMMENTS:				
SUMMARY OF ITEM				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	

**PLANO CITY COUNCIL
PRELIMINARY OPEN MEETING
December 17, 2013**

COUNCIL MEMBERS PRESENT

Harry LaRosiliere, Mayor
Lissa Smith, Mayor Pro Tem
Ben Harris, Deputy Mayor Pro Tem
Pat Miner
André Davidson
Jim Duggan
Patrick Gallagher
David Downs

STAFF PRESENT

Frank Turner, Deputy City Manager
LaShon Ross, Deputy City Manager
Diane C. Wetherbee, City Attorney
Diane Zucco, City Secretary

Mayor LaRosiliere called the meeting to order at 5:03 p.m., Tuesday, December 17, 2013, in Training Room A of the Municipal Center, 1520 K Avenue. A quorum was present. Mayor LaRosiliere then stated that the Council would retire into Executive Session in compliance with Chapter 551, Government Code, Vernon's Texas Codes, Annotated, in order to consult with an attorney and receive Legal Advice and discuss Litigation, Section 551.071; to receive information regarding Economic Development, Section 551.087 and Real Estate, Section 551.072 and to discuss Personnel, Section 551.074 for which a certified agenda will be kept in the office of the City Secretary for a period of two years as required.

Mayor LaRosiliere reconvened the meeting back into the Preliminary Open Meeting at 6:12 p.m. in the Senator Florence Shapiro Council Chambers.

Consideration and action resulting from Executive Session discussion: Personnel – Appointment of City Attorney

Mayor LaRosiliere stated and the Council concurred in appointing Paige Mims as City Attorney effective following the January 17 resignation of Diane Wetherbee.

Discussion and Direction Regarding Ice Storm Response

Director of Public Works Cosgrove spoke to the current policy for snow/ice conditions: sanding pavement at signalized intersections, bridges, overpasses and box culverts along with hills and curves (400 locations) and responding to locations identified by the Police Department or citizens. He advised that current policy does not include residential streets or thoroughfares not covered.

Mr. Cosgrove spoke to the additional sanding provided this time for library and park facilities and advised regarding storage of supplies across the City. He advised regarding assistance provided by the Parks and Recreation and Environmental Waste Departments, removal of downed trees, impacted traffic signals, and staffing levels impacted by employees' inability to get to work. Mr. Cosgrove responded to the Council, advising that Staff is looking for an alternate storage location for sand in west Plano and spoke to the equipment and manpower that would be needed to cover all thoroughfares and/or corporate customers. Mr. Cosgrove summarized action items in preparation for a future event: locate a place to stockpile sand/salt in the western/northwestern portion of the City; possibly purchase snow plows for use on existing equipment; and coordinate resources with other departments and divisions. He spoke briefly regarding cleanup efforts. Director of Emergency Management Timmons spoke to the potential to exceed \$300,000 in expenses. Mayor LaRosiliere spoke to communicating City plans for relief in advance of a major event to provide citizens information regarding what to expect. The Council concurred not to augment resources at this time.

Discussion and Direction Regarding Preston/Legacy – Median Left Turn

Mayor LaRosiliere spoke to Council's decision to remove the median left turn lane at this location and receipt of a third-party report offering additional information. He requested Council review, discuss and provide direction to Staff in moving forward. Director of Public Works Cosgrove advised the Council regarding the history of the median left turn, plans for removal and an associated publicity campaign. He stated that the report received provides information on pre-construction and post-construction volumes, indicating there will be additional traffic upon removal. He spoke to the design as unique and not intuitive to drivers. Mr. Cosgrove stated that the public has not accepted the design, removal may reduce the level of service and that over 70% of pre-construction traffic has found alternative routes and may not return. The Council stated a concurrence in removing the operation and Mr. Cosgrove reviewed the course to be taken including removal/modification of signage and pavement markings and development of a publicity campaign.

Council items for discussion/action on future agendas

No items were discussed.

Consent and Regular Agendas

No items were discussed.

Nothing further was discussed. Mayor LaRosiliere adjourned the Preliminary Meeting at 6:47 p.m.

Harry LaRosiliere, MAYOR

ATTEST

Diane Zucco, City Secretary

PLANO CITY COUNCIL
December 17, 2013

COUNCIL MEMBERS PRESENT

Harry LaRosiliere, Mayor
Lissa Smith, Mayor Pro Tem
Ben Harris, Deputy Mayor Pro Tem
Pat Miner
André Davidson
Jim Duggan
Patrick Gallagher
David Downs

STAFF PRESENT

Frank Turner, Deputy City Manager
LaShon Ross, Deputy City Manager
Diane C. Wetherbee, City Attorney
Diane Zucco, City Secretary

Mayor LaRosiliere convened the Council into the Regular Session on Tuesday, December 17, 2013, at 7:00 p.m. in the Senator Florence Shapiro Council Chambers of the Plano Municipal Center, 1520 K Avenue. A quorum was present.

Nadim Bashir, Imam and Religious Director of the East Plano Islamic Center led the invocation and Boy Scout Troop 219 from Christ Church Plano led the Pledge of Allegiance.

Mayor LaRosiliere received a presentation from the Friends of the Plano Public Library, administered oaths to incoming board and commission members and recognized outgoing board members.

Comments of Public Interest

No one appeared to speak.

CONSENT AGENDA

Upon a motion made by Mayor Pro Tem Smith and seconded by Council Member Downs, the Council voted 8-0 to approve and adopt all items on the Consent Agenda as recommended and as follows:

Approval of Minutes (Consent Agenda Item "A")

December 9, 2013
December 12, 2013

Approval of Expenditures

Award/Rejection of Bid/Proposal: (Purchase of products/services through formal procurement process by this agency)

Bid No. 2014-36-B for the Oak Point Park and Nature Preserve, Phase 1 Hillside Improvements Project No. 6390 to C. Green Scaping, LP in the amount of \$485,833 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “B”)

Bid No. 2013-314-B for the purchase of one (1) Sprinter S.W.A.T. Van from Mercedes-Benz of Plano in the amount of \$71,355 for Fleet Services, to be utilized by the Police Department, and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “C”)

Purchase from an Existing Contract

To approve the purchase of SCBA cylinders in the amount of \$128,340 from Municipal Emergency Services (MES) through an existing contract/agreement with the City of Fort Worth Contract #PO 13-00075283 and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “D”)

Approval of Contract: (Purchase of products/services exempt from State of Texas Competitive Bid Laws)

To approve a Landscape Architecture Services Agreement by and between the City of Plano and MESA Design Associates, Inc. in the amount of \$698,745 for design services for Windhaven Meadows Park and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “E”)

To approve a Landscape Architecture Services Agreement by and between the City of Plano and MESA Design Associates, Inc. in the amount of \$727,350 for design services for the Oak Point Park and Nature Preserve hillside and trail improvements project and authorizing the City Manager to execute all necessary documents. (Consent Agenda Item “F”)

Approval of Expenditure

To approve the purchase of Maintenance Support for software and hardware of the 9-1-1 phone system for 911 Wireline Fees from Affiliated Telephone, Inc., a sole source provider for the City of Plano Vesta CS Meridian 9-1-1 Call Processing Equipment in the amount not to exceed \$101,202; authorizing its execution by the City Manager; and providing an effective date. (Consent Agenda Item “G”)

Adoption of Resolutions

Resolution No. 2013-12-8(R): To support the application of BC Station Partners, LP to the Texas Commission on Environmental Quality for a Municipal Setting Designation at the northeast quadrant of Central Expressway and Renner Road in Richardson, Texas and providing an effective date. (Consent Agenda Item “H”)

Resolution No. 2013-12-9(R): To approve the purchase of .0447 acres in fee simple located at 1020 15th Place, Lot 11b of Block 4 of the Original Donation to the City of Plano, from Old Shed Joint Venture; authorizing execution of the purchase documents by the City Manager; and providing an effective date. (Consent Agenda Item “I”)

END OF CONSENT

Receipt of Public Comment and adoption of Ordinance No. 2013-12-10 to amend Ordinance No. 2012-12-16, codified as Chapter 9, Food Code of the Code of Ordinances of the City of Plano to add Section 9-79 of Article VII, Construction and Maintenance of Physical Facilities, of Chapter 9, Food Code, to establish a process to apply for a variance allowing dogs on outdoor patios at certain food establishments; providing a repealer clause, a severability clause, a savings clause and an effective date. (Regular Agenda Item “1”)

Environmental Health Manager Heinicke referenced Council direction to review regulations in place in other cities related to dogs on outdoor restaurant patios and spoke to a proposed ordinance allowing for flexibility, minimizing risk and requiring locations to apply for a variance. He spoke to inclusion of requirements for a separate entrance, self-closing doors at the entrance to indoor dining, and cleaning/maintenance.

Mayor LaRosiliere opened the floor for speakers. Buddy Cramer, representing Katy Trail Outpost, spoke in support of the item and to the variance providing an option to restaurants. He stated concern regarding regulations addressing self-closing doors (with garage style openings) and potential difficulties if full cleaning is required every three hours. Residents Merile Dault, Fred Venners, Jeannine Knowlton and Kim Holley spoke in support of the item. There were no further speakers.

Mr. Heinicke responded to the Council, advising that additional inspections will be scheduled to coincide with current ones and that upon receipt of a complaint, conditions will be discussed with restaurant management. He further advised that aggressive animal complaints will be referred to the Police Department. Mr. Heinicke responded to the Council, regarding three-hour intervals for full cleaning and stated that an “air curtain” may be utilized to address garage-style doorways, but will only prevent flying insects from entering the restaurant’s interior. Mayor Pro Tem Smith spoke to permitting wooden tables if covered with a polyurethane coating and spoke to the lack of issues at Dallas locations.

Ordinance No. 2013-12-10 (cont'd)

Council Member Downs spoke to the option as a business decision and any non-compliance issues resulting in a revocation of the variance. Mayor Pro Tem Smith spoke to offering options for business and citizens and made a motion for approval for which no second was made.

City Attorney Wetherbee reviewed potential floor amendments based on Council discussion including adding an air curtain as an alternative and revising time periods for cleaning. Director of Environmental Health Collins spoke to the importance of cleaning to maintain animal as well as human health and to requiring spot cleaning when necessary. He advised that self-closing doorways are included in current restaurant regulations and address the containment of dogs for which air curtains are ineffective. Mayor LaRosiliere and Council Member Davidson spoke to businesses making a choice regarding their clientele and expressed reluctant support for the ordinance. The Council discussed the proximity of animals to doorways and requested information on the use of self-closing doors in all restaurants.

Deputy Mayor Pro Tem Harris made a motion to approve the item with revisions as follow:

7(F) The outdoor patio must be continuously maintained free of visible dog hair, dog dander, and other dog-related waste or debris. The outdoor patio must be hosed down or mopped with a product approved under Section 9-77 of this Code at the beginning of each shift during which food or beverages will be served (breakfast, lunch, dinner, or late-hours), ~~or, if a food establishment has continuous food or beverage service without designated shifts, then every three (3) hours that the establishment is open for business,~~ except that cleaning under this subparagraph is not required if no dog has been present on the outdoor patio since the last cleaning.

7(G)(a) All table and chair surfaces shall be ~~constructed of~~ non-porous, easily cleanable material and cleaned and sanitized with a product approved under Section 9-77 of this Code.

Council Member Duggan seconded the motion and the Council voted 8-0 to amend Ordinance No. 2012-12-16, codified as Chapter 9, Food Code of the Code of Ordinances of the City of Plano to add Section 9-79 of Article VII, Construction and Maintenance of Physical Facilities, of Chapter 9, Food Code, to establish a process to apply for a variance allowing dogs on outdoor patios at certain food establishments; and further to adopt Ordinance No. 2013-12-10 as revised.

Ordinance No. 2013-12-11: To amend Ordinance No. 2012-11-24 entitled “Health Categories and Fees,” to amend Health Department fees; providing a repealer clause, a severability clause, and an effective date. (Regular Agenda Item “2”)

Upon a motion made by Deputy Mayor Pro Tem Harris and seconded by Council Member Miner, the Council voted 8-0 to amend Ordinance No. 2012-11-24 entitled “Health Categories and Fees,” to amend Health Department fees; and further to adopt Ordinance No. 2013-12-11.

Public Hearing and Comment: Review of the Consolidated Annual Performance Evaluation Report describing the use of federal funds. This report details how the City used U.S. Department of Housing and Urban Development (HUD) funds during the 2012-2013 grant year. The public will be given an opportunity to speak on the report during the public hearing. (Regular Agenda Item “3”)

Community Services Manager Brown advised that this report represents the third year of operation under a five-year plan submitted to HUD. She advised that remaining goals are expected to be met over the next two years and spoke to the \$2.2 million in Community Development Block Grant and HOME funds as well as the \$263,500 of Buffington Grant funds offering assistance to 8,000 individuals and 426 families in providing housing, a suitable living environment and economic opportunities.

Mayor LaRosiliere opened the public hearing. No one spoke for or against the request. The public hearing was closed.

A Public Hearing pursuant to Chapter 26 of the Texas Parks and Wildlife Code pertaining to the use or taking of a portion of City of Plano Park Land, known as Oak Point Park and Nature Preserve, for a 0.459 acre addition to an existing 1.263 acre permanent easement to the North Texas Municipal Water District for Upper Rowlett Creek and Upper Cottonwood Creek Lift Station Improvements. (Regular Agenda Item “4”)

Director of Parks and Recreation Fortenberry spoke regarding a North Texas Municipal Water District request for a permanent easement at Oak Point Park and Nature Preserve to install a secondary power unit for the lift station. She advised that the City would receive \$26,090 in compensation and the Parks and Recreation Department would install screening. Ms. Fortenberry responded to the Council, advising that City management of the grounds would ensure their maintenance. She further advised that after a public hearing, the Council must determine that there is no feasible or prudent alternative to the taking or use of park land and that the proposed project includes all reasonable planning to minimize harm to the land and park resulting from the use. Ms. Fortenberry stated that the Parks and Recreation Planning Board had no objections to moving forward.

Mayor LaRosiliere opened the public hearing. No one spoke for or against the request. The public hearing was closed.

Ordinance No. 2013-12-12: To approve the use or taking a portion of City of Plano public park land, known as Oak Point Park and Nature Preserve for a permanent lift station easement to the North Texas Municipal Water District; providing for a determination that there is no feasible and prudent alternative to the proposed use or taking of the Park Land; and that the proposed project includes all reasonable planning to minimize harm to the land and the park resulting from the use; and providing an effective date. (Regular Agenda Item “5”)

Ordinance No. 2013-12-12 (cont'd)

Upon a motion made by Council Member Downs and seconded by Council Member Miner, the Council voted 8-0 to approve the use or taking a portion of City of Plano public park land, known as Oak Point Park and Nature Preserve for a permanent lift station easement to the North Texas Municipal Water District; providing for a determination that there is no feasible and prudent alternative to the proposed use or taking of the Park Land; and that the proposed project includes all reasonable planning to minimize harm to the land and the park resulting from the use; and further to adopt Ordinance No. 2013-12-12.

Public Hearing and adoption of Resolution No. 2013-12-13(R) to determine a public necessity to acquire certain easement properties as described in the attached Exhibit "A," for public use for the 15th Street Reconstruction Project; authorizing the use of the power of eminent domain to acquire the easement properties; authorizing the City Manager and City Attorney, or their respective designees, to acquire the needed real property including making initial and bona fide offers, and authorizing the City Attorney or her designee to file eminent domain proceedings if necessary, and providing an effective date. (Regular Agenda Item "6")

Director of Engineering Carr spoke to the need to acquire easements on six parcels to complete reconstruction of 15th Street. He advised regarding discussions held with property owners with one unresponsive and reviewed the process of eminent domain for acquisition.

Mayor LaRosiliere opened the Public Hearing. No one spoke for or against the item. The Public Hearing was closed.

Deputy Mayor Pro Tem Harris moved that the City Council authorize the use of the power of eminent domain to acquire the easement properties described in Exhibit A attached to the proposed Resolution for the public use of street, sidewalk, utility, water, and temporary construction easements for the 15th Street Reconstruction project; and further to adopt Resolution No. 2013-12-13(R). Mayor Pro Tem Smith seconded the motion and the Council voted 8-0. The motion carried.

Nothing further was discussed. Mayor LaRosiliere adjourned the meeting at 8:13 p.m.

Harry LaRosiliere, MAYOR

ATTEST

Diane Zucco, City Secretary

A Resolution of the City Council of the City of Plano, Texas determining a public necessity to acquire certain easement properties as described in the attached Exhibit "A," for public use for the 15th Street Reconstruction Project; authorizing the use of the power of eminent domain to acquire the easement properties; authorizing the City Manager and City Attorney, or their respective designees, to acquire the needed real property including making initial and bona fide offers, and authorizing the City Attorney or her designee to file eminent domain proceedings if necessary, and providing an effective date.

WHEREAS, the City Council of the City of Plano, Texas ("City Council") has determined that there is a public need and necessity to acquire utility, street, sidewalk, and temporary construction easements (collectively, "Easements") on the properties attached hereto as **Exhibit "A"** and incorporated herein for all purposes, located within the City of Plano, Texas, for the purpose of, among other things, the construction, access, repair, maintenance and replacement of the improvements and related appurtenances, which are necessary for the 15th Street Reconstruction Project (approximately from the west side of the G Avenue intersection westward to the southern terminus of the Chisholm Trail at Spring Creek) ("Project"); and

WHEREAS, the City Council finds that the description of the Properties, attached hereto as **Exhibit "A"** to be acquired by eminent domain for the Project, complies with applicable law in that the same: (i) provides property owners reasonable notice that the owners' properties may be subject to condemnation proceedings during the planning or construction of the Project; and (ii) the Project is a reconstruction project for which the law authorizes such description of the general area to be covered by the Project and/or the general route that will be used by Plano for the Project; and

WHEREAS, the City Council has further investigated and determined that the Project constitutes a public use for a public purpose; and

WHEREAS, the City is required to make an initial offer as defined by and in compliance with §21.0111, Texas Property Code ("Initial Offer") and a bona fide offer, as defined by and in compliance with §21.0113, Texas Property Code, ("Bona Fide Offer") to acquire the Easements on the Property for public use, voluntarily, from the subject landowners prior to moving forward with acquisition by eminent domain; and

WHEREAS, the City Council now deems it necessary to authorize the City Attorney to initiate condemnation proceedings in order to acquire the necessary Easements;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS:

Section I: Acquisition of Property. The City Council hereby finds and determines that there is a public need and it is necessary for the health, safety, and welfare of the citizens of the City of Plano, Texas to acquire the Easements, and it is Plano's intent to acquire the Easements for public use as more generally depicted on **Exhibit "A,"** attached hereto, for the purpose of the 15th Street Reconstruction Project.

Section II: Authority of City Manager/Bona Fide Offer. The City Manager or his designee is hereby authorized to contract with professional appraisers for appraisal services and with attorneys for preparation of title opinion(s) needed by Plano from time to time in connection with the acquisition of the Easements on the Property. The City Council hereby ratifies any contracts entered into, prior to the effective date of this Resolution, by the City Manager or his designee with professional appraisers for appraisal services and with attorneys for preparation of title opinion(s) needed for the acquisition of the Easements on the Property. To this end, the City Manager or his designee shall first make a Bona Fide Offer to acquire the Easements on the Property from the subject landowners, voluntarily. Should the landowner fail to provide the Easements voluntarily through said Bona Fide Offer, the City Manager or his designee is authorized to acquire the Easements on the Property by condemnation.

Section III: Determination of Just Compensation. The City Manager or his designee is hereby authorized and directed to examine and rely on the independent appraisal reports, and other information, to make a determination as to the establishment and approval of a fair market value offer and the just compensation for the Easements on the Property for the purpose of making the Bona Fide Offer. After such consideration, the City Manager or his designee shall establish and approve the amount determined to be just compensation for acquisition of said Easements and shall have the authority to execute any and all documents necessary to complete the acquisition of same.

Section IV: Authority to Make an Offer. Upon establishment and approval by the City Manager or his designee of the amount of just compensation for the acquisition of the Easements on the Property, the City Manager and/or City Attorney or their respective designees are authorized to send a written Bona Fide Offer to the landowners of said Property for the acquisition of said Easements at the full amount determined and established to be just compensation therefore, to provide a copy of the Texas Landowner's Bill of Rights, and to negotiate with said landowner on behalf of the City to acquire the Easements voluntarily.

Section V: Eminent Domain Authorized. Should the City Manager or City Attorney or their respective designees be unable to acquire the Easements voluntarily from the landowners, the City Attorney or her designee is authorized to commence eminent domain proceedings for the acquisition of the Easements on the Property for the Project. The City Attorney is authorized to retain such outside counsel as she deems necessary to litigate the eminent domain proceedings.

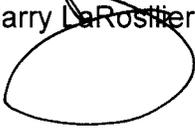
Section VI: Findings Incorporated. The findings set forth above are incorporated into the body of this Resolution as if fully set forth herein.

Section VII: Effective Date. This Resolution shall take effect immediately from and after its passage.

DULY PASSED AND APPROVED this the 17th day of December, 2013.



Harry LaRocque, Mayor

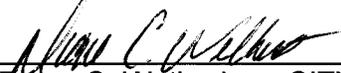


ATTEST:



Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:



Diane C. Wetherbee, CITY ATTORNEY

**U.S. Restaurant Properties Operating, L.P.
“Grandy’s Restaurant”
620 E. 15th Street**

for

**Utility Easement – 50 square ft.
Temporary Construction Easement – 1330 square ft.**

UTILITY EASEMENT
A PORTION OF
LOT 1, BLOCK A, GRANDYS ADDITION
JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213
CITY OF PLANO, COLLIN COUNTY, TEXAS

EASEMENT DESCRIPTION

BEING a 0.0011 acre tract of land situated in the Joseph Klepper Survey, Abstract No. 213, in the City of Plano, Collin County, Texas, and being a portion of that certain tract of land conveyed to U.S. Restaurant Properties Operating L.P. according to the General Warranty Deed as recorded in Volume 5710, Page 886 of the Deed Records of Collin County, Texas (D.R.C.C.T.), said tract being Lot 1, Block A of Grandys Addition, an addition to the City of Plano, Texas, according to the plat thereof recorded in Cabinet B, Page 352 of the Plat Records of Collin County, Texas (P.R.C.C.T.) and the remainder of Lot 3C, Block 2B of the Original Donation to the City of Plano, and being more particularly described by metes and bounds as follows:

BEGINNING at the most northerly northeast corner of the aforementioned Lot 1, Block A of Grandys Addition, said corner being the northwest end of a corner clip at the intersection of the south right-of-way line of 15th Street (variable width right-of-way) and the west right-of-way line of Avenue "F" (variable width right-of-way), from whence a 5/8" iron rod found for the common northwest corner of said Lot 1, Block A of Grandys Addition and the most northerly northeast corner of that certain tract of land conveyed to Retail Buildings, Inc. according to the Special Warranty Deed (Cash Sale) as recorded in County Clerk's File No. 92-0007533, D.R.C.C.T., said tract being Lot 1, Block A of Braum's Addition No. 2, an addition to the City of Plano, Texas, according to the plat thereof recorded in Cabinet H, Page 509, P.R.C.C.T. bears S 89°24'47" W (plat-EAST, deed-N 90°00'00" E), 182.50 feet;

THENCE S 45°34'33" E (plat-S 45°00' E, deed-S 45°00'00" E), departing said south right-of-way line of 15th Street and with said corner clip, 14.14 feet to the southeast end of said corner clip, said southeast end being the most easterly northeast corner of said 1, Block A of Grandys Addition and being in said west right-of-way line of Avenue "F", from whence a 1" iron rod found for the common southeast corner of the aforementioned U.S. Restaurant Properties Operating L.P. tract and the northeast corner of a 6' Street Dedication for Avenue "F" as reflected on the aforementioned plat of Braum's Addition No. 2 bears S 00°33'52" E, 215.94 feet (deed-S 00°19'00" E, 214.94 feet)

THENCE S 89°24'47" W, departing said west right-of-way line of Avenue "F", 10.00 feet;

UTILITY EASEMENT
A PORTION OF
LOT 1, BLOCK A, GRANDYS ADDITION
JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213
CITY OF PLANO, COLLIN COUNTY, TEXAS

THENCE N 00°35'13" W, 10.00 feet to the POINT OF BEGINNING and containing 0.0011 acres (50 square feet) of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.



John L. Melton, Texas R.P.L.S. No. 426B
Registered Professional Land Surveyor



NOTES:

Bearings for this survey are based on the Texas state plane coordinate system, NAD 83, North Central Zone 4202, referenced to City of Plano geodetic control monuments J2, K2, N2 az mk and N5.

This survey was performed without the benefit of a title commitment and may be subject to liens, encumbrances, easements, rights-of-way, restrictions, covenants, reservations or other conditions of record which the undersigned has not been advised of or is aware of. No additional research for easements was performed by Nathan D. Maier Consulting Engineers, Inc. in the preparation of this survey.



NATHAN D. MAIER CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00
Two Park Lane Place / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / Ph. (214) 739-4741

TEMPORARY CONSTRUCTION EASEMENT
A PORTION OF
LOT 1, BLOCK A, GRANDYS ADDITION
JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213
CITY OF PLANO, COLLIN COUNTY, TEXAS

EASEMENT DESCRIPTION

BEING a 0.0305 acre tract of land situated in the Joseph Klepper Survey, Abstract No. 213; in the City of Plano, Collin County, Texas, and being a portion of that certain tract of land conveyed to U.S. Restaurant Properties Operating L.P. according to the General Warranty Deed as recorded in Volume 5710, Page 886 of the Deed Records of Collin County, Texas (D.R.C.C.T.), said tract being Lot 1, Block A of Grandys Addition, an addition to the City of Plano, Texas, according to the plat thereof recorded in Cabinet B, Page 352 of the Plat Records of Collin County, Texas (P.R.C.C.T.) and the remainder of Lot 3C, Block 28 of the Original Donation to the City of Plano, and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod found for the northwest corner of the aforementioned Lot 1, Block A of Grandys Addition, said corner being in the south right-of-way line of 15th Street (variable width right-of-way) and also being the most northerly northeast corner of that certain tract of land conveyed to Retail Buildings, Inc. according to the Special Warranty Deed (Cash Sale) as recorded in County Clerk's File No. 92-0007533, D.R.C.C.T., said tract being Lot 1, Block A of Braum's Addition No. 2, an addition to the City of Plano, Texas, according to the plat thereof recorded in Cabinet H, Page 509, P.R.C.C.T.;

THENCE N 89°24'47" E (plat-EAST, deed-N 90°00'00" E), with the north line of said Lot 1, Block A of Grandys Addition and said south right-of-way line of 15th Street, 182.50 feet to the most northerly northeast corner of said Lot 1, Block A of Grandys Addition, said corner being the northwest end of a corner clip at the intersection of said south right-of-way line of 15th Street and the west right-of-way line of Avenue "F" (variable width right-of-way);

THENCE S 45°34'33" E (plat-S 45°00' E, deed-S 45°00'00" E), departing said south right-of-way line of 15th Street and with said corner clip, 7.07 feet, from whence a 1" iron rod found for the common southeast corner of the aforementioned U.S. Restaurant Properties Operating L.P. tract and the northeast corner of a 6' Street Dedication for Avenue "F" as reflected on the aforementioned plat of Braum's Addition No. 2 bears S 45°34'33" E (plat-S 45°00' E, deed-S 45°00'00" E), 7.07 feet and S 00°33'52" E, 215.94 feet (deed-S 00°19'00" E, 214.94 feet)

THENCE S 89°24'47" W, departing said corner clip, 15.85 feet;

TEMPORARY CONSTRUCTION EASEMENT
A PORTION OF
LOT 1, BLOCK A, GRANDYS ADDITION
JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213
CITY OF PLANO, COLLIN COUNTY, TEXAS

THENCE S 00°35'13" E, 2.00 feet;

THENCE S 89°24'47" W, 127.80 feet;

THENCE S 00°35'13" E, 2.00 feet;

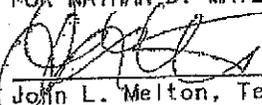
THENCE S 89°24'47" W, 37.25 feet;

THENCE N 00°35'13" W, 4.00 feet;

THENCE S 89°24'47" W, 6.60 feet to the common west line of said Lot 1, Block A of Grandys Addition and the most northerly east line of the aforementioned Lot 1, Block A of Braum's Addition No. 2;

THENCE N 00°33'37" W (plat-N 0°19' W, deed-N 00°19'00" W), with said common west line of Lot 1, Block A of Grandys Addition and the most northerly east line of Lot 1, Block A of Braum's Addition No. 2, 5.00 feet to the POINT OF BEGINNING and containing 0.0305 acres (1,330 square feet) of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.


John L. Melton, Texas R.P.L.S. No. 4268
Registered Professional Land Surveyor



NOTES:

Bearings for this survey are based on the Texas state plane coordinate system, NAD 83, North Central Zone 4202, referenced to City of Plano geodetic control monuments J2, K2, N2 az mk and N5.

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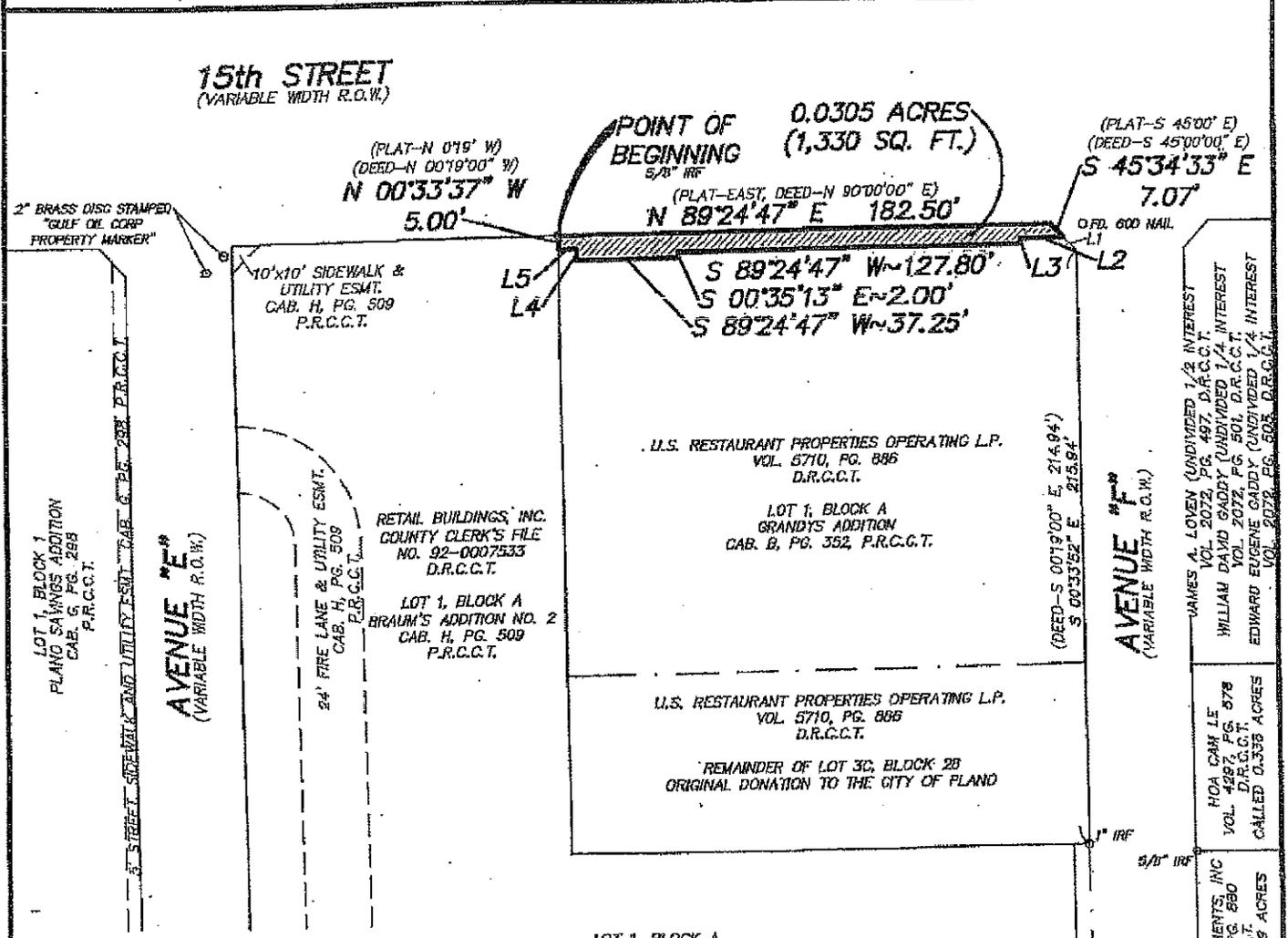
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NATHAN D. MAIER CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00
Two Park Lane Place / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / Ph: (214) 739-4741

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TEMPORARY CONSTRUCTION EASEMENT
 A PORTION OF
 LOT 1, BLOCK A, GRANDYS ADDITION
 JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213
 CITY OF PLANO, COLLIN COUNTY, TEXAS

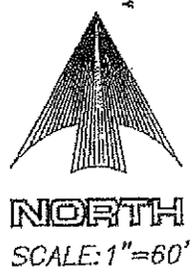


ABBREVIATION LEGEND

D.R.C.C.T.	DEED RECORDS OF COLLIN COUNTY, TEXAS
O.P.R.C.C.T.	OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS
P.R.C.C.T.	PLAT RECORDS OF COLLIN COUNTY, TEXAS
CAB. PG.	CABINET, PAGE
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
ESMT.	EASEMENT
R.O.W.	RIGHT-OF-WAY
SQ. FT.	SQUARE FEET
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
IRS W/CAP	IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00"

TEMPORARY CONSTRUCTION EASEMENT LINE TABLE

NO.	BEARING	DISTANCE	DEED BEARING
L1	S 45°34'33" E	7.07'	S 45°00'00" E
L2	S 89°24'47" W	15.85'	-----
L3	S 00°35'13" E	2.00'	-----
L4	N 00°35'13" W	4.00'	-----
L5	S 89°24'47" W	6.60'	-----



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 SEPTEMBER 22, 2012
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Carlisle Interests, Inc.
“Pro-Quick Lube”
617 E. 15th Street

for

Street, Utility & Sidewalk Easement – 50 square ft.
Temporary Construction Easement #1 – 1804 square ft.
Temporary Construction Easement #2 – 775 square ft.

STREET, UTILITY & SIDEWALK EASEMENT
A PORTION OF
LOT 1, BLOCK 1
McDONALDS/QUAKER STATE ADDITION, BLOCK 1, LOTS 1 AND 2
JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213
CITY OF PLANO, COLLIN COUNTY, TEXAS

EASEMENT DESCRIPTION

BEING a 0.0011 acre tract of land situated in the Joseph Klepper Survey, Abstract No. 213. In the City of Plano, Collin County, Texas, and being a portion of that certain tract of land conveyed to Carlisle Interests, Inc., Trustee according to the Special Warranty Deed with Vendor's Lien as recorded in Volume 6059, Page 3180 of the Deed Records of Collin County, Texas (D.R.C.C.T.) said tract being Lot 1, Block 1 of McDonalds/Quaker State Addition, Block 1, Lots 1 and 2, an addition to the City of Plano, Texas, according to the plat thereof recorded in Cabinet L, Page 400 of the Plat Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an "X" set in concrete for the southeast corner of said Lot 1, Block 1 of McDonalds/Quaker State Addition, Block 1, Lots 1 and 2, said southeast corner being at the intersection of the north right-of-way line of 15th Street (variable width right-of-way) and the west right-of-way line of Avenue "F" (variable width right-of-way);

THENCE S 89°30'42" W (plat-WEST), with the south line of said Lot 1, Block 1 of McDonalds/Quaker State Addition, Block 1, Lots 1 and 2 and said north right-of-way line of 15th Street, 10.00 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner, from whence a 3-1/4" aluminum disc found for the southwest corner of Lot 2, Block 1 of said McDonalds/Quaker State Addition, Block 1, Lots 1 and 2 bears S 89°30'42" W (plat-WEST), 263.81 feet;

THENCE N 44°29'41" E, departing the south line of said Lot 1, Block 1 of McDonalds/Quaker State Addition, Block 1, Lots 1 and 2 and said north right-of-way line of 15th Street, 14.14 feet to an "X" set in concrete for corner in the east line of said Lot 1, Block 1 of McDonalds/Quaker State Addition, Block 1, Lots 1 and 2, said east line being the aforementioned west right-of-way line of Avenue "F", from whence a 1" iron rod found at a point of curvature in said east line of Lot 1, Block 1 of McDonalds/Quaker State Addition, Block 1, Lots 1 and 2 and said west right-of-way line of Avenue "F" bears N 00°31'20" W (plat-S 00°01'03" E), 73.06 feet;

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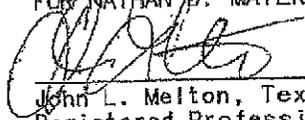
NATHAN D. MAIER CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00
Two Park Lane Place / BOBO Park Lane / Suite 600
Dallas, Texas 75231 / Ph. (214) 739-4741

REV. SEPTEMBER 25, 2012
SEPTEMBER 19, 2012
07-10-097
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STREET, UTILITY & SIDEWALK EASEMENT
A PORTION OF
LOT 1, BLOCK 1
McDONALDS/QUAKER STATE ADDITION, BLOCK 1, LOTS 1 AND 2
JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213
CITY OF PLANO, COLLIN COUNTY, TEXAS

THENCE S 00°31'20" E (plat-S 00°01'03" E), with said east line of Lot 1, Block 1 of McDonalds/Quaker State Addition, Block 1, Lots 1 and 2 and said west right-of-way line of Avenue "F", 10.00 feet to the POINT OF BEGINNING and containing 0.0011 acres (50 square feet) of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.



John L. Melton, Texas R.P.L.S. No. 4268
Registered Professional Land Surveyor.



NOTES:

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STREET, UTILITY & SIDEWALK EASEMENT
 A PORTION OF
 LOT 1, BLOCK 1
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 JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213
 CITY OF PLANO, COLLIN COUNTY, TEXAS

ABBREVIATION LEGEND

D.R.C.C.T.	DEED RECORDS OF COLLIN COUNTY, TEXAS
O.P.R.C.C.T.	OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS
P.R.C.C.T.	PLAT RECORDS OF COLLIN COUNTY, TEXAS
CAB. PG.	CABINET, PAGE
INST. NO.	INSTRUMENT NUMBER
VOL. PG.	VOLUME, PAGE
ESMT.	EASEMENT
R.O.W.	RIGHT-OF-WAY
SQ. FT.	SQUARE FEET
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
IRS W/CAP	IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00"

TB & QN RENTAL PROPERTIES LLC
 INST. NO. 20110127000107580
 O.P.R.C.C.T.
 CALLED 0.572 ACRES

PART OF LOTS 7 & 10, BLOCK A
 HOOD AND MILLER ADDITION
 VOL. 364, PG. 13, D.R.C.C.T.

BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM
 VOL. 1674, PG. 35, D.R.C.C.T.
 PART OF LOTS 5 & 6, BLOCK A, HOOD AND MILLER ADDITION
 VOL. 364, PG. 13, D.R.C.C.T.

1.5' TEXAS POWER & LIGHT
 COMPANY ESMT. AND R.O.W.
 VOL. 697, PG. 643, D.R.C.C.T.

AVENUE "F"
 (VARIABLE WIDTH R.O.W.)

REMAINDER OF LOT 1, BLOCK 23
 ORIGINAL DONATION TO THE CITY OF PLANO

WENDY'S INTERNATIONAL, INC.
 1 INST. NO. 2011011000003810, O.P.R.C.C.T.
 PART OF LOTS 1, 2 & 5, BLOCK A
 HOOD AND MILLER ADDITION
 VOL. 364, PG. 13, D.R.C.C.T.
 10' TEXAS POWER & LIGHT COMPANY ESMT. AND R.O.W.
 VOL. 911, PG. 293, D.R.C.C.T.

ARCHLAND PROPERTY II, L.P.
 VOL. 5698, PG. 3744
 D.R.C.C.T.
 CALLED 0.0777 ACRES

PART OF LOT 2, BLOCK 1
 McDONALDS/QUAKER STATE ADDITION,
 BLOCK 1, LOTS 1 AND 2
 CAB. L, PG. 400, P.R.C.C.T.

FRANCHISE REALTY INTERSTATE CORPORATION
 VOL. 892, PG. 656 AND
 VOL. 1028, PG. 7, D.R.C.C.T.

PART OF LOT 2, BLOCK 1
 McDONALDS/QUAKER STATE ADDITION,
 BLOCK 1, LOTS 1 AND 2
 CAB. L, PG. 400, P.R.C.C.T.

CARLISLE INTERESTS,
 INC., TRUSTEE
 VOL. 6059, PG. 3180
 D.R.C.C.T.

LOT 1, BLOCK 1
 McDONALDS/QUAKER
 STATE ADDITION,
 BLOCK 1,
 LOTS 1 AND 2
 CAB. L, PG. 400,
 P.R.C.C.T.

24' FIRELANE & ACCESS ESMT.
 CAB. L, PG. 400
 P.R.C.C.T.

WATER AND DRAINAGE ESMT.
 CAB. L, PG. 400, P.R.C.C.T.

N 44°29'41" E
 14.14'
 V.A.M. ESMT.
 CAB. L, PG. 400, P.R.C.C.T.
 10'x5' WATER ESMT.
 CAB. L, PG. 400, P.R.C.C.T.

N 00°31'20" W-73.06'
 (PLAT-S 00°01'03" E)

SET IN CONCRETE
 0.0011 ACRES
 (50 SQ. FT.)

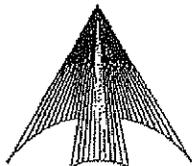
S 00°31'20" E
 10.00'
 (PLAT-S 00°01'03" E)

POINT OF BEGINNING
 X SET IN CONCRETE

S 89°30'42" W 283.81'
 (PLAT-WEST)

1/2" IRS W/CAP
 S 89°30'42" W
 10.00'
 (PLAT-WEST)

1/2" IRS W/CAP
 AT ALL CORNERS



NORTH
 SCALE: 1"=50'

15th STREET
 (VARIABLE WIDTH R.O.W.)



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TEMPORARY CONSTRUCTION EASEMENT
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CITY OF PLANO, COLLIN COUNTY, TEXAS

EASEMENT DESCRIPTION

BEING a 0.0414 acre tract of land situated in the Joseph Klepper Survey, Abstract No. 213, in the City of Plano, Collin County, Texas, and being a portion of that certain tract of land conveyed to Carlisle Interests, Inc., Trustee according to the Special Warranty Deed with Vendor's Lien as recorded in Volume 6059, Page 3180 of the Deed Records of Collin County, Texas (D.R.C.C.T.) said tract being Lot 1, Block 1 of McDonalds/Quaker State Addition, Block 1, Lots 1 and 2, an addition to the City of Plano, Texas, according to the plat thereof recorded in Cabinet L, Page 400 of the Plat Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the southeast corner of said Lot 1, Block 1 of McDonalds/Quaker State Addition, Block 1, Lots 1 and 2, said southeast corner being at the intersection of the north right-of-way line of 15th Street (variable width right-of-way) and the west right-of-way line of Avenue "F" (variable width right-of-way);

THENCE S 89°30'42" W (plat-WEST), with the south line of said Lot 1, Block 1 of McDonalds/Quaker State Addition, Block 1, Lots 1 and 2 and said north right-of-way line of 15th Street, 72.88 feet (plat-72.91 feet) to the southwest corner of said Lot 1, Block 1 of McDonalds/Quaker State Addition, Block 1, Lots 1 and 2, said southwest corner also being the southeast corner of the remainder of those certain tracts of land conveyed to Franchise Realty Interstate Corporation according to the Warranty Deed as recorded in Volume 892, Page 656, D.R.C.C.T. and the Cash Warranty Deed as recorded in Volume 1028, Page 7, D.R.C.C.T., said tract being Lot 1, Block 1 of said McDonalds/Quaker State Addition, Block 1, Lots 1 and 2, from whence a 3-1/4" aluminum disc found for the southwest corner of said Lot 2, Block 1 of McDonalds/Quaker State Addition, Block 1, Lots 1 and 2 bears S 89°30'42" W (plat-WEST), 220.93 feet;

THENCE N 01°12'33" W (plat-S 00°44'00" E), departing said north right-of-way line of 15th Street and with the common west line of said Lot 1, Block 1 and east line of said Lot 2, Block 1 of McDonalds/Quaker State Addition, Block 1, Lots 1 and 2, 24.71 feet;

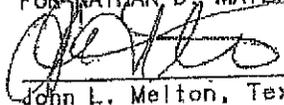


TEMPORARY CONSTRUCTION EASEMENT
A PORTION OF
LOT 1, BLOCK 1
McDONALDS/QUAKER STATE ADDITION, BLOCK 1, LOTS 1 AND 2
JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213
CITY OF PLANO, COLLIN COUNTY, TEXAS

THENCE N 89°30'42" E, departing the common west line of said Lot 1, Block 1 and east line of said Lot 2, Block 1 of McDonalds/Quaker State Addition, Block 1, Lots 1 and 2, 73.18 feet to the east line of said Lot 1, Block 1 of McDonalds/Quaker State Addition, Block 1, Lots 1 and 2, said east line being the aforementioned west right-of-way line of Avenue "F", from whence a 1" iron rod found at a point of curvature in said east line of Lot 1, Block 1 of McDonalds/Quaker State Addition, Block 1, Lots 1 and 2 and said west right-of-way line of Avenue "F" bears N 00°31'20" W (plat-S 00°01'03" E), 58.38 feet;

THENCE S 00°31'20" E (plat-S 00°01'03" E), with said east line of Lot 1, Block 1 of McDonalds/Quaker State Addition, Block 1, Lots 1 and 2 and said west right-of-way line of Avenue "F", 24.71 feet to the POINT OF BEGINNING and containing 0.0414 acres (1,804 square feet) of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.



John L. Melton, Texas R.P.L.S. No. 4268
Registered Professional Land Surveyor



NOTES:

Bearings for this survey are based on the Texas state plane coordinate system, NAD 83, North Central Zone 4202, referenced to City of Plano geodetic control monuments J2, K2, N2 az mk and N5.

This survey was performed without the benefit of a title commitment and may be subject to liens, encumbrances, easements, rights-of-way, restrictions, covenants, reservations or other conditions of record which the undersigned has not been advised of or is aware of. No additional research for easements was performed by Nathan D. Maier Consulting Engineers, Inc. in the preparation of this survey.



TEMPORARY CONSTRUCTION EASEMENT
 A PORTION OF
 LOT 1, BLOCK 1
 McDONALDS/QUAKER STATE ADDITION, BLOCK 1, LOTS 1 AND 2
 JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213
 CITY OF PLANO, COLLIN COUNTY, TEXAS

ABBREVIATION LEGEND

D.R.C.C.T.	DEED RECORDS OF COLLIN COUNTY, TEXAS
O.P.R.C.C.T.	OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS
P.R.C.C.T.	PLAT RECORDS OF COLLIN COUNTY, TEXAS
CAB. PG.	CABINET, PAGE
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
ESMT.	EASEMENT
R.O.W.	RIGHT-OF-WAY
SQ. FT.	SQUARE FEET
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
IRS W/CAP	IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00"

TE & ON RENTAL PROPERTIES LLC
 INST. NO. 20110127000107580
 O.P.R.C.C.T.
 CALLED 0.572 ACRES

PART OF LOTS 7 & 10, BLOCK A
 HOOD AND MILLER ADDITION
 VOL. 364, PG. 13, D.R.C.C.T.

BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM
 VOL. 1674, PG. 35, D.R.C.C.T.
 PART OF LOTS 5 & 6, BLOCK A, HOOD AND MILLER ADDITION
 VOL. 364, PG. 13, D.R.C.C.T.

1.5 TEXAS POWER & LIGHT
 COMPANY ESMT. AND R.O.W.
 VOL. 897, PG. 843, D.R.C.C.T.

ARCHLAND PROPERTY II, L.P.
 VOL. 5698, PG. 3744
 D.R.C.C.T.
 CALLED 0.0777 ACRES

PART OF LOT 2, BLOCK 1
 McDONALDS/QUAKER STATE ADDITION,
 BLOCK 1, LOTS 1 AND 2
 CAB. L, PG. 400, P.R.C.C.T.

FRANCHISE REALTY INTERSTATE CORPORATION
 VOL. 892, PG. 656 AND
 VOL. 1028, PG. 7, D.R.C.C.T.

PART OF LOT 2, BLOCK 1
 McDONALDS/QUAKER STATE ADDITION,
 BLOCK 1, LOTS 1 AND 2
 CAB. L, PG. 400, P.R.C.C.T.

CARLISLE INTERESTS,
 INC., TRUSTEE
 VOL. 6059, PG. 3180
 D.R.C.C.T.

LOT 1, BLOCK 1
 McDONALDS/QUAKER
 STATE ADDITION,
 BLOCK 1,
 LOTS 1 AND 2
 CAB. L, PG. 400,
 P.R.C.C.T.

0.0414 ACRES
 (1,804 SQ. FT.)

N 89°30'42" E
 73.18'

N 01°12'33" W ~24.71'
 (PLAT-S 00°41'00" E)

WATER AND DRAINAGE ESMT.
 CAB. L, PG. 400, P.R.C.C.T.

S 88°30'42" W 220.93'
 (PLAT-WEST~220.93')

S 89°30'42" W
 72.88'
 (PLAT-WEST~72.91')

S 00°31'20" E
 24.71'
 (PLAT-S 00°01'03" E)

POINT OF BEGINNING

AVENUE "F"
 (VARIABLE WIDTH R.O.W.)

REMAINDER OF LOT 1, BLOCK 2,
 ORIGINAL DONATION TO THE CITY OF PLANO

TITLE RESOURCES ADDITION
 CAB. C, PG. 740, P.R.C.C.T.

WENDY'S INTERNATIONAL, INC.
 1 INST. NO. 2011011000043810, O.P.R.C.C.T.

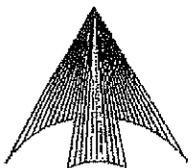
PART OF LOTS 1, 2 & 5, BLOCK A
 HOOD AND MILLER ADDITION
 VOL. 364, PG. 13, D.R.C.C.T.

10' TEXAS POWER & LIGHT COMPANY ESMT. AND R.O.W.
 VOL. 811, PG. 295, P.R.C.C.T.

3" FD. IN CONC. WALK

1" IRP

FD. 3-1/4" ALUMINUM DISC



NORTH
 SCALE: 1"=50'

15th STREET
 (VARIABLE WIDTH R.O.W.)

NATHAN D. MAIER CONSULTING ENGINEERS, INC.
 TBPE FIRM REG. NO. F-356
 TBPLS FIRM REG. NO. 100189-00
 Two Park Lane Place / 8080 Park Lane / Suite 600
 Dallas, Texas 75231 / Ph. (214) 739-4741

PAGE 1 OF 1
 REV. SEPTEMBER 25, 2012
 SEPTEMBER 19, 2012
 07-10-097
 7097-ES20-TCE.dwg



TEMPORARY CONSTRUCTION EASEMENT NO. 2
A PORTION OF
LOT 1, BLOCK 1
MCDONALDS/QUAKER STATE ADDITION, BLOCK 1, LOTS 1 AND 2
JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213
CITY OF PLANO, COLLIN COUNTY, TEXAS

EASEMENT DESCRIPTION

BEING a 0.0178 acre tract of land situated in the Joseph Klepper Survey, Abstract No. 213, in the City of Plano, Collin County, Texas, and being a portion of that certain tract of land conveyed to Carlisle Interests, Inc., Trustee according to the Special Warranty Deed with Vendor's Lien as recorded in Volume 6059, Page 3180 of the Deed Records of Collin County, Texas, said tract being Lot 1, Block 1 of McDonalds/Quaker State Addition, Block 1, Lots 1 and 2, an addition to the City of Plano, Texas, according to the plat thereof recorded in Cabinet L, Page 400 of the Plat Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an "X" found in a concrete walk for the common northeast corner of the aforementioned Lot 1, Block 1 of McDonalds/Quaker State Addition, Block 1, Lots 1 and 2 and the most easterly southeast corner of Lot 2 of McDonalds/Quaker State Addition, Block 1, Lots 1 and 2, said corner being in the west right-of-way line of Avenue "F" (variable width right-of-way) and being the beginning of a non-tangent curve to the left having a central angle of $01^{\circ}49'54''$, a radius of 325.00 feet, a tangent length of 5.20 feet and a chord which bears $S 13^{\circ}49'56'' E, 10.39$ feet;

THENCE, with the east line of said Lot 1, Block 1 of McDonalds/Quaker State Addition, Block 1, Lots 1 and 2 and said west right-of-way line of Avenue "F" and with said non-tangent curve to the left, an arc distance of 10.39 feet to the beginning of a reverse curve to the right having a central angle of $03^{\circ}36'54''$, a radius of 275.00 feet, a tangent length of 8.68 feet and a chord which bears $S 12^{\circ}56'26'' E, 17.35$ feet;

THENCE, continuing with the east line of said Lot 1, Block 1 of McDonalds/Quaker State Addition, Block 1, Lots 1 and 2 and said west right-of-way line of Avenue "F" and with said reverse curve to the right, an arc distance of 17.35 feet, from whence a 1" iron rod found for corner at the point of curvature of the east line of said Lot 1, Block 1 of McDonalds/Quaker State Addition, Block 1, Lots 1 and 2 and said west right-of-way line of Avenue "F" bears through a curve to the right having a central angle of $10^{\circ}36'38''$, a radius of 275.00 feet, a tangent length of 25.54 feet and a chord which bears $S 05^{\circ}49'40'' E, 50.85$ feet, an arc distance of 50.93 feet;

THENCE $S 17^{\circ}33'29'' W$, departing the east line of said Lot 1, Block 1 of McDonalds/Quaker State Addition, Block 1, Lots 1 and 2 and said west right-of-way line of Avenue "F", 36.48 feet;

THENCE $S 89^{\circ}16'52'' W$, 15.80 feet;

THENCE $N 17^{\circ}33'29'' E$, 64.99 feet to the common north line of said Lot 1, Block 1 of McDonalds/Quaker State Addition, Block 1, Lots 1 and 2 and the most easterly south line of the aforementioned Lot 2, Block 1 of McDonalds/Quaker State Addition, Block 1, Lots 1 and 2;

PAGE 1 OF 2

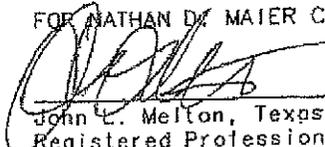
NATHAN D. MAIER CONSULTING ENGINEERS, INC.
 TBPE FIRM REG. NO. F-356
 TBPLS FIRM REG. NO. 100189-00
 Two Park Lane Place / 8080 Park Lane / Suite 600
 Dallas, Texas 75231 / Ph. (214) 739-4741

REVISED: AUGUST 1, 2013
 JULY 24, 2013
 07-10-097
 7097-ES20-TCE2.dwg

NDM

TEMPORARY CONSTRUCTION EASEMENT NO. 2
A PORTION OF
LOT 1, BLOCK 1
McDONALDS/QUAKER STATE ADDITION, BLOCK 1, LOTS 1 AND 2
JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213
CITY OF PLANO, COLLIN COUNTY, TEXAS

THENCE N 89°17'08" E (plat-S 89°39'24" W), with the common north line of said Lot 1, Block 1 of McDonalds/Quaker State Addition, Block 1, Lots 1 and 2 and the most easterly south line of said Lot 2, Block 1 of McDonalds/Quaker State Addition, Block 1, Lots 1 and 2, 0.82 feet to the POINT OF BEGINNING and containing 0.0178 acres (775 square feet) of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.

John L. Melton, Texas R.P.L.S. No. 4268
Registered Professional Land Surveyor



NOTES:

Bearings for this survey are based on the Texas state plane coordinate system, NAD 83, North Central Zone 4202, referenced to City of Plano geodetic control monuments J2, K2, N2 az mk and N5.

This survey was performed without the benefit of a title commitment and may be subject to liens, encumbrances, easements, rights-of-way, restrictions, covenants, reservations or other conditions of record which the undersigned has not been advised of or is aware of. No additional research for easements was performed by Nathan D. Maier Consulting Engineers, Inc. in the preparation of this survey.

NDM

NATHAN D. MAIER CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00
Two Park Lane Place / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / Ph. (214) 739-4741

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REVISED: AUGUST 1, 2013
JULY 24, 2013
07-10-097
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TEMPORARY CONSTRUCTION EASEMENT NO. 2

A PORTION OF
 LOT 1, BLOCK 1
 McDONALDS/QUAKER STATE ADDITION, BLOCK 1, LOTS 1 AND 2
 JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213
 CITY OF PLANO, COLLIN COUNTY, TEXAS

ABBREVIATION LEGEND

D.R.C.C.T.	DEED RECORDS OF COLLIN COUNTY, TEXAS
O.P.R.C.C.T.	OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS
P.R.C.C.T.	PLAT RECORDS OF COLLIN COUNTY, TEXAS
CAB. PG.	CABINET, PAGE
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
ESMT.	EASEMENT
R.O.W.	RIGHT-OF-WAY
SQ. FT.	SQUARE FEET
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
IRS W/CAP	IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00"

TB & ON RENTAL PROPERTIES LLC
 INST. NO. 20110127000107580
 O.P.R.C.C.T.
 CALLED 0.572 ACRES

PART OF LOTS 7 & 10, BLOCK A
 HOOD AND MILLER ADDITION
 VOL. 364, PG. 13, D.R.C.C.T.

BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM
 VOL. 1674, PG. 35, D.R.C.C.T.
 PART OF LOTS 5 & 6, BLOCK A, HOOD AND MILLER ADDITION
 VOL. 364, PG. 13, D.R.C.C.T.

1.5 TEXAS POWER & LIGHT
 COMPANY ESMT. AND R.O.W.
 VOL. 697, PG. 643, D.R.C.C.T.

AVENUE "F"
 (VARIABLE WIDTH R.O.W.)

REMAINDER OF LOT 1, BLOCK 23
 ORIGINAL DONATION TO THE CITY OF PLANO

HENRY'S INTERNATIONAL, INC.
 INST. NO. 201101100043610, O.P.R.C.C.T.
 PART OF LOTS 1, 2 & 5, BLOCK A
 HOOD AND MILLER ADDITION
 VOL. 364, PG. 13, D.R.C.C.T.
 10' TEXAS POWER & LIGHT COMPANY ESMT. AND R.O.W.
 VOL. 921, PG. 295, P.R.C.C.T.

ARCHLAND PROPERTY II, L.P.
 VOL. 5698, PG. 3744
 D.R.C.C.T.
 CALLED 0.0777 ACRES
 PART OF LOT 2, BLOCK 1
 McDONALDS/QUAKER STATE ADDITION,
 BLOCK 1, LOTS 1 AND 2
 CAB. L, PG. 400, P.R.C.C.T.

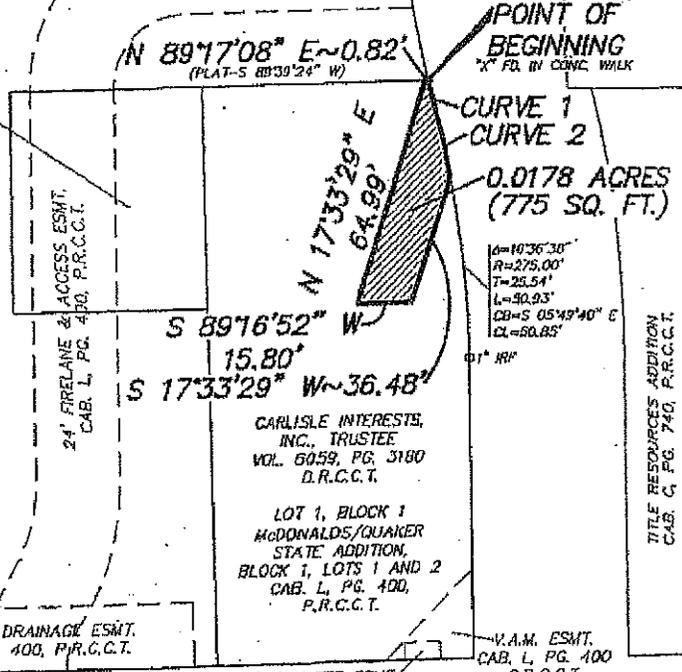
FRANCHISE REALTY INTERSTATE CORPORATION
 VOL. 892, PG. 656 AND
 VOL. 1026, PG. 7, D.R.C.C.T.

PART OF LOT 2, BLOCK 1
 McDONALDS/QUAKER STATE ADDITION,
 BLOCK 1, LOTS 1 AND 2
 CAB. L, PG. 400, P.R.C.C.T.

WATER AND DRAINAGE ESMT.
 CAB. L, PG. 400, P.R.C.C.T.

10'x5' WATER ESMT.
 CAB. L, PG. 400
 P.R.C.C.T.

V.A.M. ESMT.
 CAB. L, PG. 400
 P.R.C.C.T.



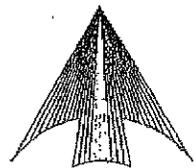
POINT OF BEGINNING
 1/2" IR IN CONC. WALK

CURVE 1
 CURVE 2

0.0178 ACRES
 (775 SQ. FT.)

$d=1036.30'$
 $R=275.00'$
 $T=25.54'$
 $L=30.93'$
 $CB=S 05°49'40'' E$
 $CL=50.85'$

TITLE RESOURCES ADDITION
 CAB. C, PG. 740, P.R.C.C.T.



NORTH
 SCALE: 1"=50'

15th STREET
 (VARIABLE WIDTH R.O.W.)

CURVE 1	CURVE 2
$\Delta=01°49'54''$	$\Delta=03°36'54''$
$R=325.00'$	$R=275.00'$
$T=5.20'$	$T=8.68'$
$L=10.39'$	$L=17.35'$
$CB=S 13°49'56'' E$	$CB=S 12°56'26'' E$
$CL=10.39'$	$CL=17.35'$



NATHAN D. MAIER CONSULTING ENGINEERS, INC.
 TBPE FIRM REG. NO. F-358
 TBPLS FIRM REG. NO. 100189-00
 Two Park Lane Place / 8080 Park Lane / Suite 600
 Dallas, Texas 75231 / Ph. (214) 739-4741

PAGE 1 OF 1
 REVISED: AUGUST 1, 2013
 JULY 24, 2013
 07-10-097
 7097-ES20-TCE2.dwg

**Carpenter Living Trust
708 E. 16th Street**

for

Utility Easement – 793 square ft.

UTILITY EASEMENT
A PORTION OF
CARPENTER LIVING TRUST TRACT
JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213
CITY OF PLANO, COLLIN COUNTY, TEXAS

EASEMENT DESCRIPTION

BEING a 0.0182 acre tract of land situated in the Joseph Klepper Survey, Abstract No. 213, in the City of Plano, Collin County, Texas, and being a portion of that certain tract of land conveyed to Maxine Miller Carpenter, Russell Carpenter, Russell Carpenter, Carolyn Neely, Don Neely or Carmen Haggard, Trustees, and any successors in trust, of the Carpenter Living Trust, dated December 28, 2001, and any amendments thereto (Carpenter Living Trust), according to the Warranty Deed as recorded in Volume 5077, Page 5292 of the Deed Records of Collin County, Texas (D.R.C.C.T.), said tract being the remainder of Lot 1, Block 23 of the Original Donation to the City of Plano and being more particularly described by metes and bounds as follows:

COMMENCING at an "X" cut in concrete found in the north right-of-way line of 15th Street (variable width right-of-way) for the southeast corner of that certain tract of land conveyed to said 701 Building Partnership, Ltd. and described in Exhibit "A" (a) of the aforementioned Special Warranty Deed, Bill of Sale and Assignment as recorded in Instrument No. 20091229001543620 of the Official Public Records of Collin County, Texas, said tract being Title Resources Addition, an addition to the City of Plano, Texas, according to the plat thereof recorded in Cabinet C, Page 740 of the Plat Records of Collin County, Texas and for the most southerly southwest corner of that certain called 0.727 acre tract of land conveyed to 777 Building Partnership according to the Special Warranty Deed with Vendor's Lien as recorded in County Clerk's File 94-0099062, D.R.C.C.T. and to David B. McCall, III (an undivided 20% interest) according to the Special Warranty Deed as recorded in Volume 5869, Page 1735, D.R.C.C.T., said tract being part of Lots 6, 7 and 8, Block 23 of the Original Donation to the City of Plano;

THENCE N 00°43'31" W, with the east line of said Title Resources Addition and the most southerly west line of said 777 Building Partnership and David B. McCall, III tract, 158.12 feet to an ell corner of said 777 Building Partnership and David B. McCall, III tract, same being the northeast corner of said Title Resources Addition;

THENCE S 89°23'10" W, with the most northerly south line of said 777 Building Partnership and David B. McCall, III tract and the north line of said Title Resources Addition, passing at a distance of 45.66 feet the most northerly southwest corner of said 777 Building Partnership and David B. McCall, III tract, same being the southeast corner of the aforementioned Carpenter Living Trust tract, and continuing with the south line of said Carpenter Living Trust tract and the north line of said Title Resources Addition a total distance of 129.55 feet to a 1" iron rod found for corner at an angle point in the north line of said Title Resources Addition and the south line of said Carpenter Living Trust tract, said corner being the POINT OF BEGINNING;

NATHAN D. MAIER CONSULTING ENGINEERS, INC.
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 TPLS FIRM REG. NO. 100189-00
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 Dallas, Texas 75231 / Ph. (214) 739-4741

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OCTOBER 5, 2012
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NIDM

UTILITY EASEMENT
A PORTION OF
CARPENTER LIVING TRUST TRACT
JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213
CITY OF PLANO, COLLIN COUNTY, TEXAS

THENCE S 89°27'35" W, continuing with the south line of said Carpenter Living Trust tract and the north line of said Title Resources Addition, 157.94 feet to the common southwest corner of said Carpenter Living Trust tract and the northwest corner of said Title Resources Addition, said common corner being in the east right-of-way line of Avenue "F" (variable width right-of-way) and being the beginning of a non-tangent curve to the left having a central angle of 00°44'34", a radius of 320.00 feet, a tangent length of 2.07 feet and a chord which bears N 14°22'37" W, 4.15 feet;

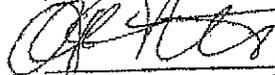
THENCE, with the west line of said Carpenter Living Trust tract and said east right-of-way line of Avenue "F" and with said non-tangent curve to the left, an arc distance of 4.15 feet to the beginning of a tangent curve to the right having a central angle of 00°12'19", a radius of 280.00 feet, a tangent length of 0.50 feet and a chord which bears N 14°38'44"W, 1.00 feet;

THENCE, continuing with the west line of said Carpenter Living Trust tract and said east right-of-way line of Avenue "F" and with said tangent curve to the right, an arc distance of 1.00 feet;

THENCE N 89°27'35" E, departing the west line of said Carpenter Living Trust tract and said east right-of-way line of Avenue "F", 159.17 feet;

THENCE S 00°32'26" E, 5.00 feet to the POINT OF BEGINNING and containing 0.0182 acres (793 square feet) of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.



John L. Melton, Texas R.P.L.S. No. 4268
 Registered Professional Land Surveyor



NOTES:

Bearings for this survey are based on the Texas state plane coordinate system, NAD 83, North Central Zone 4202, referenced to City of Plano geodetic control monuments J2, K2, N2 az mk and N5.

This survey was performed without the benefit of a title commitment and may be subject to liens, encumbrances, easements, rights-of-way, restrictions, covenants, reservations or other conditions of record which the undersigned has not been advised of or is aware of. No additional research for easements was performed by Nathan D. Maier Consulting Engineers, Inc. in the preparation of this survey.

INDM

UTILITY EASEMENT
 A PORTION OF
CARPENTER LIVING TRUST TRACT
 JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213
 CITY OF PLANO, COLLIN COUNTY, TEXAS

ABBREVIATION LEGEND

D.R.C.C.T.	DEED RECORDS OF COLLIN COUNTY, TEXAS
O.P.R.C.C.T.	OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS
P.R.C.C.T.	PLAT RECORDS OF COLLIN COUNTY, TEXAS
CAB. PG.	CABINET, PAGE
INST. NO.	INSTRUMENT NUMBER
VOL. PG.	VOLUME, PAGE
C.L.	CENTERLINE
ESMT.	EASEMENT
R.O.W.	RIGHT-OF-WAY
SQ. FT.	SQUARE FEET
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
IRS W/CAP	IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00"

MAXINE MILLER CARPENTER, RUSSELL CARPENTER, RUSSELL CARPENTER, CAROLYN NEELY, DON NEELY OR CARMEN HAGGARD, TRUSTEES, AND ANY SUCCESSORS IN TRUST, OF THE CARPENTER LIVING TRUST, DATED DECEMBER 28, 2001, AND ANY AMENDMENTS THERETO VOL. 5077, PG. 5292 D.R.C.C.T.

REMAINDER OF LOT 1, BLOCK 23 ORIGINAL DONATION TO THE CITY OF PLANO



701 BUILDING PARTNERSHIP, LTD.
 EXHIBIT "A" (b)
 INST. NO. 20091229001543620
 O.P.R.C.C.T.

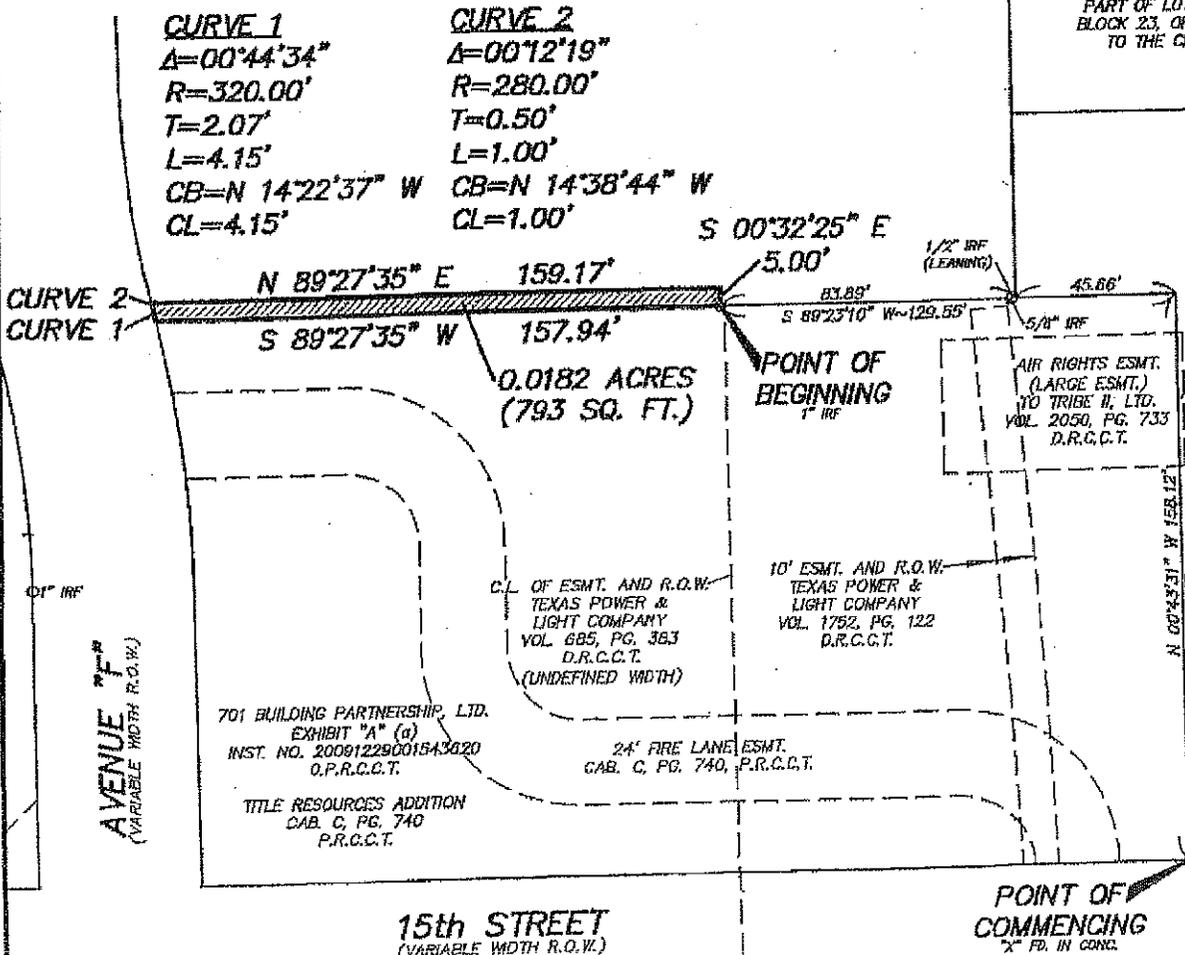
PART OF LOTS 5A, 5B & 6B,
 BLOCK 23, ORIGINAL DONATION
 TO THE CITY OF PLANO

AIR RIGHTS ESMT.
 (SMALL ESMT.)
 TO TRIBE II, LTD.
 VOL. 2050, PG. 730
 D.R.C.C.T.
 AND
 TO 701/777 BUILDING PARTNERSHIP, LTD
 CLERK'S FILE NO. 94-0099064
 D.R.C.C.T.

AIR RIGHTS ESMT.
 (LARGE ESMT.)
 TO TRIBE II, LTD.
 VOL. 2050, PG. 733
 D.R.C.C.T.

777 BUILDING PARTNERSHIP
 COUNTY CLERK'S FILE NO. 94-0099062
 D.R.C.C.T.
 AND
 DAVID B. MCCALL, III
 (UNDIVIDED 20% INTEREST)
 VOL. 5869, PG. 1735
 D.R.C.C.T.
 CALLED 0.787 ACRES
 PART OF LOTS 6, 7, AND 8, BLOCK 23,
 ORIGINAL DONATION TO THE CITY OF PLANO

C.L. OF
 ESMT. AND R.O.W.
 TEXAS POWER &
 LIGHT COMPANY
 VOL. 528, PG. 79
 D.R.C.C.T.
 (UNDEFINED WIDTH)



AVENUE "F"
 (VARIABLE WIDTH R.O.W.)

701 BUILDING PARTNERSHIP, LTD.
 EXHIBIT "A" (a)
 INST. NO. 20091229001543620
 O.P.R.C.C.T.

TITLE RESOURCES ADDITION
 CAB. C, PG. 740
 P.R.C.C.T.

C.L. OF ESMT. AND R.O.W.
 TEXAS POWER &
 LIGHT COMPANY
 VOL. 685, PG. 363
 D.R.C.C.T.
 (UNDEFINED WIDTH)

10' ESMT. AND R.O.W.
 TEXAS POWER &
 LIGHT COMPANY
 VOL. 1792, PG. 122
 D.R.C.C.T.

24' FIRE LANE ESMT.
 CAB. C, PG. 740, P.R.C.C.T.

15th STREET
 (VARIABLE WIDTH R.O.W.)

POINT OF COMMENCING
 "X" PD. IN CONC.

NDM

NATHAN D. MAIER CONSULTING ENGINEERS, INC.
 TBPE FIRM REG. NO. F-356
 TBPLS FIRM REG. NO. 100189-00
 Two Park Lane Place / 8080 Park Lane / Suite 600
 Dallas, Texas 75231 / Ph. (214) 739-4741

**Quick-Way Retail Associates II, Ltd.
“Shell Station/7-Eleven”
1501 N. Central Expressway**

for

Street, Utility & Sidewalk Easement – 458 square ft.

STREET, UTILITY & SIDEWALK EASEMENT
A PORTION OF
TEXACO ADDITION NO. 1, LOT 1, BLOCK 1
JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213
CITY OF PLANO, COLLIN COUNTY, TEXAS

EASEMENT DESCRIPTION

BEING a 0.0105 acre tract of land situated in the Joseph Klepper Survey, Abstract No. 213, in the City of Plano, Collin County, Texas, and being a portion of that certain tract of land conveyed to Quik-Way Retail Associates II, Ltd. according to the Special Warranty Deed as recorded in Instrument No. 20080221000204980 of the Official Public Records of Collin County, Texas, said tract being Texaco Addition No. 1, Lot 1, Block 1, an addition to the City of Plano, Texas, according to the plat thereof recorded in Cabinet B, Page 150 of the Plat Records of Collin County, Texas (P.R.C.C.T.), and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" Iron with plastic cap stamped "Half Assoc Inc" found for the most southerly southeast corner of the aforementioned Texaco Addition No. 1, Lot 1, Block 1, said corner being the southwest end of a corner clip at the intersection of the north right-of-way line of 15th street (variable width right-of-way) and the west right-of-way line of Central Expressway (U.S. Highway 75) (variable width right-of-way);

THENCE S 89°14'52" W (plat-N 88°44'09" W), with the south line of said Texaco Addition No. 1, Lot 1, Block 1 and said north right-of-way line of 15th Street, 110.14 feet (plat-110.12 feet) to a "X" in concrete found at an angle point of said south line of Texaco Addition, No. 1, Lot 1, Block 1 and said north right-of-way line of 15th Street;

THENCE S 87°32'08" W (plat-N 89°42'09" W), continuing with said south line of Texaco Addition No. 1, Lot 1, Block 1 and said north right-of-way line of 15th Street, 10.45 feet (plat-10.44 feet) to a 5/8" iron with plastic cap stamped "Half Assoc Inc" found for the southwest corner of said Texaco Addition No. 1, Lot 1, Block 1, said southwest corner also being the most southerly southeast corner of that certain tract of land conveyed to Srinivas, L.C. according to the Special Warranty Deeds as recorded in the County Clerk's File No. 92-0088203 (77% undivided interest) and No. 92-0088204 (23% undivided interest) of the Deed Records of Collin County, Texas, said tract being Lot 2R, Block 1 of The Second Replat of Restaurants Of Spring Creek Addition, Lots 1, 2, 3, 4, 5 & 6, an addition to the City of Plano, Texas, according to the plat thereof recorded in Cabinet H, Page 584, P.R.C.C.T.;

THENCE N 10°49'39" W (plat-N 8°49'10" W), departing said north right-of-way line of 15th Street and with the west line of said Texaco Addition No. 1, Lot 1, Block 1 and the most southerly east line of said Lot 2R, Block 1 of The Second Replat of Restaurants Of Spring Creek Addition, Lots 1, 2, 3, 4, 5 & 6, 2.34 feet, to a 1/2" iron rod with plastic cap stamped "TX-100189-00" set for corner;

PAGE 1 OF 2

NDM

NATHAN D. MAIER CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00
Two Park Lane Place / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / Ph. (214) 739-4741

REV. SEPTEMBER 25, 2012
SEPTEMBER 22, 2012
07-10-097
7097-ES18-SE.dwg

STREET, UTILITY & SIDEWALK EASEMENT
A PORTION OF
TEXACO ADDITION NO. 1, LOT 1, BLOCK 1
JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213
CITY OF PLANO, COLLIN COUNTY, TEXAS

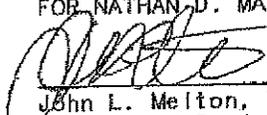
THENCE N 87°59'06" E, departing said west line of Texaco Addition No. 1, Lot 1, Block 1 and said most southerly east line of Lot 2R, Block 1 of The Second Replat of Restaurants Of Spring Creek Addition, Lots 1, 2, 3, 4, 5 & 6, 100.93 feet to a 1/2" iron rod with plastic cap stamped "TX-100189-00" set for corner;

THENCE N 02°00'54" W, 1.70 feet to a 1/2" iron rod with plastic cap stamped "TX-100189-00" set for corner;

THENCE N 87°59'06" E, 26.42 feet to a 1/2" iron rod with plastic cap stamped "TX-100189-00" set for corner in the aforementioned corner clip at the intersection of the north right-of-way line of 15th street and the west right-of-way line of Central Expressway (U.S. Highway 75);

THENCE S 43°19'31" W (plat-S 45°20'30" W), with said corner clip, 9.05 feet to the POINT OF BEGINNING and containing 0.0105 acres (458 square feet) of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.



John L. Melton, Texas R.P.L.S. No. 4268
 Registered Professional Land Surveyor



NOTES:

Bearings for this survey are based on the Texas state plane coordinate system, NAD 83, North Central Zone 4202, referenced to City of Plano geodetic control monuments J2, K2, N2 az mk and N5.

This survey was performed without the benefit of a title commitment and may be subject to liens, encumbrances, easements, rights-of-way, restrictions, covenants, reservations or other conditions of record which the undersigned has not been advised of or is aware of. No additional research for easements was performed by Nathan D. Maier Consulting Engineers, Inc. in the preparation of this survey.

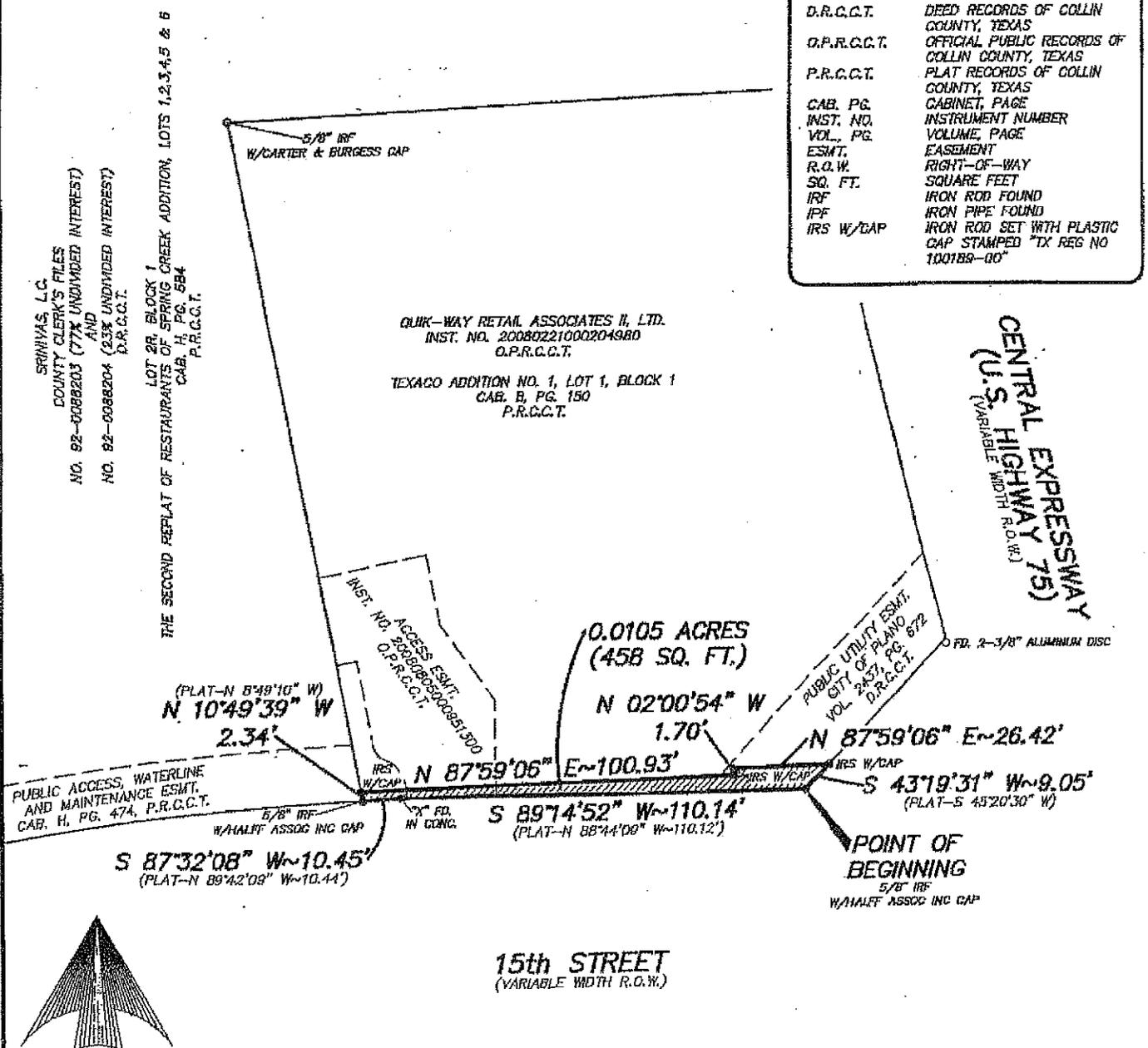
NIDM

NATHAN D. MAIER CONSULTING ENGINEERS, INC.
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 TBPLS FIRM REG. NO. 100189-00
 Two Park Lane Place / 8080 Park Lane / Suite 600
 Dallas, Texas 75231 / Ph: (214) 739-4741

STREET, UTILITY & SIDEWALK EASEMENT
 A PORTION OF
 TEXACO ADDITION NO. 1, LOT 1, BLOCK 1
 JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213
 CITY OF PLANO, COLLIN COUNTY, TEXAS

ABBREVIATION LEGEND

D.R.C.C.T.	DEED RECORDS OF COLLIN COUNTY, TEXAS
O.P.R.C.C.T.	OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS
P.R.C.C.T.	PLAT RECORDS OF COLLIN COUNTY, TEXAS
CAB. PG.	CABINET, PAGE
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
ESMT.	EASEMENT
R.O.W.	RIGHT-OF-WAY
SQ. FT.	SQUARE FEET
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
IRS W/CAP	IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00"



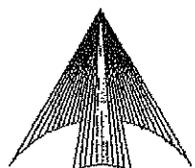
SRINIVAS, L.C.
 COUNTY CLERK'S FILES
 NO. 92-0088203 (77% UNDIVIDED INTEREST)
 AND
 NO. 92-0088204 (23% UNDIVIDED INTEREST)
 D.R.C.C.T.

LOT 2R, BLOCK 1
 THE SECOND REPLAT OF RESTAURANTS OF SPRING CREEK ADDITION, LOTS 1, 2, 3, 4, 5 & 6
 CAB. H, PG. 594
 P.R.C.C.T.

QUICK-WAY RETAIL ASSOCIATES II, LTD.
 INST. NO. 20080221000204980
 O.P.R.C.C.T.

TEXACO ADDITION NO. 1, LOT 1, BLOCK 1
 CAB. B, PG. 150
 P.R.C.C.T.

CENTRAL EXPRESSWAY
 (U.S. HIGHWAY 75)
 (VARIABLE WIDTH R.O.W.)



NORTH
 SCALE: 1"=40'



NATHAN D. MAIER CONSULTING ENGINEERS, INC.
 TBPE FIRM REG. NO. F-356
 TBPLS FIRM REG. NO. 100189-00
 Two Park Lane Place / 8080 Park Lane / Suite 600
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PAGE 1 OF 1
 REV. SEPTEMBER 25, 2012
 SEPTEMBER 22, 2012
 07-10-097
 7097-ES18-SE.dwg

Wendy's International, Inc.
"Wendy's Restaurant"
603 E. 15th Street

for

Water Easement – 25 square ft.
Utility Easement – 486 square ft.
Temporary Construction Easement #1 – 1167 square ft.
Temporary Construction Easement #2 – 7190 square ft.

EXHIBIT "A"
WATER EASEMENT
A PORTION OF
WENDY'S INTERNATIONAL, INC. TRACT
JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213
CITY OF PLANO, COLLIN COUNTY, TEXAS

EASEMENT DESCRIPTION

BEING a 0.0006 acre tract of land situated in the Joseph Klepper Survey, Abstract No. 213, in the City of Plano, Collin County, Texas, and being a portion of that certain tract of land conveyed to Wendy's International, Inc. according to the Special Warranty Deed as recorded in Instrument Number 20110111000043610 of the Official Public Records of Collin County, Texas (O.P.R.C.C.T.), said tract being part of Lots 1, 2 and 5, Block A of Hood and Miller Addition, an addition to the City of Plano, Texas, according to the plat thereof recorded in Volume 364, Page 13 of the Deed Records of Collin County, Texas (D.R.C.C.T.), and being more particularly described by metes and bounds as follows:

COMMENCING at a 3-1/4" aluminum disc found for the southeast corner of said Wendy's International, Inc. tract, said southeast corner being in the north right-of-way line of 15th Street (variable width right-of-way) and also being the southwest corner of the remainder of those certain tracts of land conveyed to Franchise Realty Interstate Corporation according to the Warranty Deed as recorded in Volume 892, Page 656, D.R.C.C.T. and the Cash Warranty Deed as recorded in Volume 1028, Page 7, D.R.C.C.T., said remainder being part of Lot 2, Block 1 of McDonalds/Quaker State Addition, Block 1, Lots 1 and 2, an addition to the City of Plano, Texas, according to the plat thereof recorded in Cabinet L, Page 400 of the Plat Records of Collin County, Texas (P.R.C.C.T.);

THENCE S 89°30'42" W (deed-WEST), with the south line of said Wendy's International, Inc. tract and said north right-of-way line of 15th Street, 54.30 feet to the POINT OF BEGINNING;

THENCE S 89°30'42" W (deed-WEST), continuing with the south line of said Wendy's International, Inc. tract and said north right-of-way line of 15th Street, 5.00 feet, from whence a 1/2" iron rod with plastic cap stamped "Dewey RPLS 1641" found for the southwest corner of said Wendy's International, Inc. tract bears S 89°30'42" W (deed-WEST), 40.72 feet, said southwest corner also being the southeast corner of that certain tract of land conveyed to JPMorgan Chase Bank, National Association according to the Confirmatory Receiver's Deed (Deed without Covenant, Representation or Warranty) as recorded in Instrument No. 20090811001008380, O.P.R.C.C.T., said tract being Lot 1, Block 1 of Plano Savings and Loan Association Addition, an addition to the City of Plano, Texas, according to the plat thereof recorded in Cabinet D, Page 165, P.R.C.C.T.



NATHAN D. MAIER CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00
Two Park Lane Place / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / Ph. (214) 739-4741

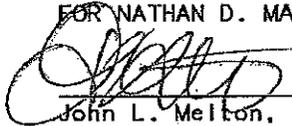
EXHIBIT "A"
WATER EASEMENT
A PORTION OF
WENDY'S INTERNATIONAL, INC. TRACT
JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213
CITY OF PLANO, COLLIN COUNTY, TEXAS

THENCE N 00°29'18" W, departing the south line of said Wendy's International, Inc. tract and said north right-of-way line of 15th Street, 5.00 feet;

THENCE N 89°30'42" E, 5.00 feet;

THENCE S 00°29'18" E, 5.00 feet to the POINT OF BEGINNING and containing 0.0006 acres (25 square feet) of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.



John L. Melton, Texas R.P.L.S. No. 4268
Registered Professional Land Surveyor



NOTES:

Bearings for this survey are based on the Texas state plane coordinate system, NAD 83, North Central Zone 4202, referenced to City of Plano geodetic control monuments J2, K2, N2 az mk and N5.

This survey was performed without the benefit of a title commitment and may be subject to liens, encumbrances, easements, rights-of-way, restrictions, covenants, reservations or other conditions of record which the undersigned has not been advised of or is aware of. No additional research for easements was performed by Nathan D. Maier Consulting Engineers, Inc. in the preparation of this survey.



NATHAN D. MAIER CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00
Two Park Lane Place / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / Ph. (214) 739-4741

EXHIBIT "B"
WATER EASEMENT
 A PORTION OF
WENDY'S INTERNATIONAL, INC. TRACT
JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213
CITY OF PLANO, COLLIN COUNTY, TEXAS

ABBREVIATION LEGEND

D.R.C.C.T.	DEED RECORDS OF COLLIN COUNTY, TEXAS
O.P.R.C.C.T.	OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS
P.R.C.C.T.	PLAT RECORDS OF COLLIN COUNTY, TEXAS
CAB. PG.	CABINET, PAGE
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
ESMT.	EASEMENT
R.O.W.	RIGHT-OF-WAY
SQ. FT.	SQUARE FEET
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
IRS W/CAP	IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00"

GENE SPARKS
 VOL. 1656, PG. 241
 D.R.C.C.T.
 LOTS 8 & 9 AND PART OF LOTS 18 & 19, BLOCK A,
 HOOD AND MILLER ADDITION
 VOL. 364, PG. 13, D.R.C.C.T.

PLANO F AVENUE, LP
 VOL. 6055, PG. 585
 D.R.C.C.T.
 REMAINDER OF
 CALLED. 0.752 ACRES
 PART OF LOTS 7 & 10,
 BLOCK A
 HOOD AND MILLER ADDITION
 VOL. 364, PG. 13, D.R.C.C.T.

15' ESMT. RESERVED TO BOARD OF REGENTS OF THE UNIVERSITY
 OF TEXAS SYSTEM FOR EXISTING SUB-SURFACE SANITARY SEWER
 VOL. 1656, PG. 241, D.R.C.C.T.

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION
 INST. NO. 20090811001008380
 O.P.R.C.C.T.

LOT 1, BLOCK 1
 PLANO SAVINGS & LOAN ASSOCIATION ADDITION
 CAB. D, PG. 165
 P.R.C.C.T.

WENDY'S INTERNATIONAL, INC.
 INST. NO. 20110111000043610
 O.P.R.C.C.T.
 PART OF LOTS 1, 2 & 5, BLOCK A
 HOOD AND MILLER ADDITION
 VOL. 364, PG. 13
 D.R.C.C.T.

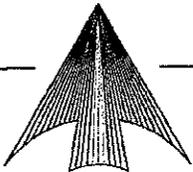
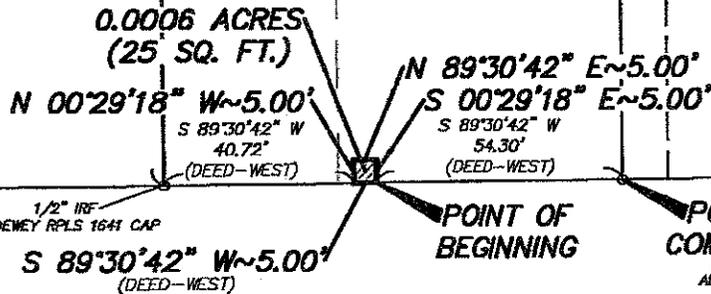
FRANCHISE REALTY
 INTERSTATE CORPORATION
 VOL. 892, PG. 656
 AND
 VOL. 1028, PG. 7
 D.R.C.C.T.

PART OF LOT 2, BLOCK 1
 McDONALDS/QUAKER STATE ADDITION,
 BLOCK 1, LOTS 1 AND 2
 CAB. L, PG. 400
 P.R.C.C.T.

N 00°30'01" W 222.91'

LOT 2
 LOT 1

10' TEXAS POWER & LIGHT COMPANY ESMT. AND R.O.W.
 VOL. 911, PG. 285, D.R.C.C.T.



NORTH
 SCALE: 1"=40'

15th STREET
 (VARIABLE WIDTH R.O.W.)

NATHAN D. MAIER CONSULTING ENGINEERS, INC.
 TBPE FIRM REG. NO. F-356
 TBPLS FIRM REG. NO. 100189-00
 Two Park Lane Place / 8080 Park Lane / Suite 600
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PAGE 1 OF 1

OCTOBER 3, 2012
 07-10-097
 7097-ES15-WE.dwg



EXHIBIT "A"
UTILITY EASEMENT
A PORTION OF
WENDY'S INTERNATIONAL, INC. TRACT
JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213
CITY OF PLANO, COLLIN COUNTY, TEXAS

EASEMENT DESCRIPTION

BEING a 0.0112 acre tract of land situated in the Joseph Klepper Survey, Abstract No. 213, in the City of Plano, Collin County, Texas, and being a portion of that certain tract of land conveyed to Wendy's International, Inc. according to the Special Warranty Deed as recorded in Instrument Number 20110111000043610 of the Official Public Records of Collin County, Texas (O.P.R.C.C.T.), said tract being part of Lots 1, 2 and 5, Block A of Hood and Miller Addition, an addition to the City of Plano, Texas, according to the plat thereof recorded in Volume 364, Page 13 of the Deed Records of Collin County, Texas (D.R.C.C.T.), and being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2" iron rod with plastic cap stamped "Dewey RPLS 1641" found for the southwest corner of said Wendy's International, Inc. tract, said southwest corner being in the north right-of-way line of 15th Street (variable width right-of-way) and also being the southeast corner of that certain tract of land conveyed to JPMorgan Chase Bank, National Association according to the Confirmatory Receiver's Deed (Deed without Covenant, Representation or Warranty) as recorded in Instrument No. 20090811001008380, O.P.R.C.C.T., said tract being Lot 1, Block 1 of Plano Savings and Loan Association Addition, an addition to the City of Plano, Texas, according to the plat thereof recorded in Cabinet D, Page 165 of the Plat Records of Collin County, Texas (P.R.C.C.T.);

THENCE N 00°30'01" W (deed-NORTH), departing said north right-of-way line of 15th Street and with the common west line of said Wendy's International, Inc. tract and east line of said Lot 1, Block 1 of Plano Savings and Loan Association Addition, 212.91 feet to the POINT OF BEGINNING;

THENCE N 00°30'01" W (deed-NORTH), continuing with the common west line of said Wendy's International, Inc. tract and the east line of said Lot 1, Block 1 of Plano Savings and Loan Association Addition, 5.09 feet to the northwest corner of said Wendy's International, Inc. tract, said northwest corner also being the most westerly southwest corner of that certain tract of land described as Tract II in the Deed of Gift to the Board of Regents of the University of Texas System as recorded in Volume 1674, Page 35, D.R.C.C.T., said Tract II being part of Lot 5, Block A of the aforementioned Hood and Miller Addition;

THENCE N 89°30'42" E (deed-EAST), departing the east line of said Lot 1, Block 1 of Plano Savings and Loan Association Addition and with the north line of said Wendy's International, Inc. tract and a south line of said Tract II, 100.07 feet (deed-100.00 feet) to the northeast corner of said Wendy's International, Inc. tract and an ell corner of said Tract II;

PAGE 1 OF 2

NATHAN D. MAIER CONSULTING ENGINEERS, INC.

TBPE FIRM REG. NO. F-356

TBPLS FIRM REG. NO. 100189-00

Two Park Lane Place / 8080 Park Lane / Suite 600
 Dallas, Texas 75231 / Ph. (214) 739-4741

OCTOBER 2, 2012
 07-10-097
 7097-ES15-UE.dwg

NDM

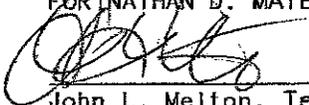
EXHIBIT "A"
UTILITY EASEMENT
A PORTION OF
WENDY'S INTERNATIONAL, INC. TRACT
JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213
CITY OF PLANO, COLLIN COUNTY, TEXAS

THENCE S 00°29'18" E (deed-SOUTH), with the east line of said Wendy's International, Inc. tract and a west line of said Tract II, 8.97 feet to the most easterly southwest corner of said Tract II, said corner also being the northwest corner of the remainder of those certain tracts of land conveyed to Franchise Realty Interstate Corporation according to the Warranty Deed as recorded in Volume 892, Page 656, D.R.C.C.T. and the Cash Warranty Deed as recorded in Volume 1028, Page 7, D.R.C.C.T., said remainder being part of Lot 2, Block 1 of McDonalds/Quaker State Addition, Block 1, Lots 1 and 2, an addition to the City of Plano, Texas, according to the plat thereof recorded in Cabinet L, Page 400, P.R.C.C.T., from whence a 3-1/4" aluminum disc found in the aforementioned north right-of-way line of 15th Street for the common southeast corner of said Wendy's International, Inc. tract and the southwest corner of said Lot 2, Block 1 of McDonalds/Quaker State Addition, Block 1, Lots 1 and 2 bears S 00°29'18" E (plat-SOUTH), 209.03 feet;

THENCE N 45°52'34" W, departing the east line of said Wendy's International, Inc. tract, 6.45 feet;

THENCE S 89°07'26" W, 95.48 feet to the POINT OF BEGINNING and containing 0.0112 acres (486 square feet) of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.



John L. Melton, Texas R.P.L.S. No. 4268
Registered Professional Land Surveyor



NOTES:

Bearings for this survey are based on the Texas state plane coordinate system, NAD 83, North Central Zone 4202, referenced to City of Plano geodetic control monuments J2, K2, N2 az mk and N5.

This survey was performed without the benefit of a title commitment and may be subject to liens, encumbrances, easements, rights-of-way, restrictions, covenants, reservations or other conditions of record which the undersigned has not been advised of or is aware of. No additional research for easements was performed by Nathan D. Maier Consulting Engineers, Inc. in the preparation of this survey.



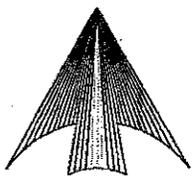
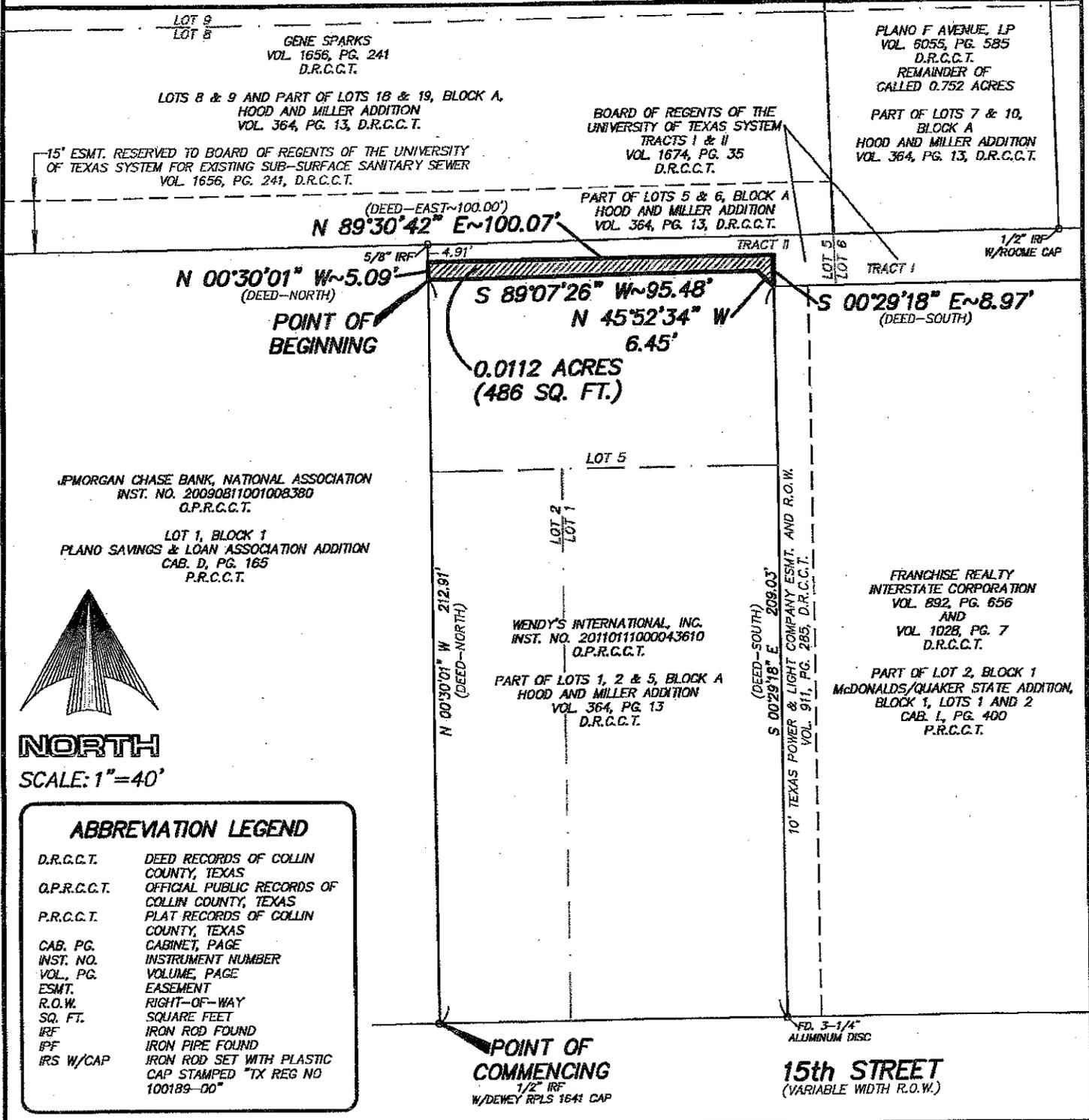
NATHAN D. MAIER CONSULTING ENGINEERS, INC.

TBPE FIRM REG. NO. F-356

TBPLS FIRM REG. NO. 100189-00

Two Park Lane Place / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / Ph. (214) 739-4741

EXHIBIT "B"
UTILITY EASEMENT
 A PORTION OF
WENDY'S INTERNATIONAL, INC. TRACT
JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213
CITY OF PLANO, COLLIN COUNTY, TEXAS



NORTH
 SCALE: 1"=40'

ABBREVIATION LEGEND

D.R.C.C.T.	DEED RECORDS OF COLLIN COUNTY, TEXAS
O.P.R.C.C.T.	OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS
P.R.C.C.T.	PLAT RECORDS OF COLLIN COUNTY, TEXAS
CAB. PG.	CABINET, PAGE
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
ESMT.	EASEMENT
R.O.W.	RIGHT-OF-WAY
SQ. FT.	SQUARE FEET
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
IRS W/CAP	IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00"

NATHAN D. MAIER CONSULTING ENGINEERS, INC.
 TBPE FIRM REG. NO. F-356
 TBPLS FIRM REG. NO. 100189-00
 Two Park Lane Place / 8080 Park Lane / Suite 600
 Dallas, Texas 75231 / Ph. (214) 739-4741



EXHIBIT "A"
TEMPORARY CONSTRUCTION EASEMENT
A PORTION OF
WENDY'S INTERNATIONAL, INC. TRACT
JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213
CITY OF PLANO, COLLIN COUNTY, TEXAS

EASEMENT DESCRIPTION

BEING a 0.0268 acre tract of land situated in the Joseph Klepper Survey, Abstract No. 213, in the City of Plano, Collin County, Texas, and being a portion of that certain tract of land conveyed to Wendy's International, Inc. according to the Special Warranty Deed as recorded in Instrument Number 20110111000043610 of the Official Public Records of Collin County, Texas (O.P.R.C.C.T.), said tract being part of Lots 1, 2 and 5, Block A of Hood and Miller Addition, an addition to the City of Plano, Texas, according to the plat thereof recorded in Volume 364, Page 13 of the Deed Records of Collin County, Texas (D.R.C.C.T.), and being more particularly described by metes and bounds as follows:

BEGINNING at a 3-1/4" aluminum disc found for the southeast corner of said Wendy's International, Inc. tract, said southeast corner being in the north right-of-way line of 15th Street (variable width right-of-way) and also being the southwest corner of the remainder of those certain tracts of land conveyed to Franchise Realty Interstate Corporation according to the Warranty Deed as recorded in Volume 892, Page 656, D.R.C.C.T. and the Cash Warranty Deed as recorded in Volume 1028, Page 7, D.R.C.C.T., said remainder being part of Lot 2, Block 1 of McDonalds/Quaker State Addition, Block 1, Lots 1 and 2, an addition to the City of Plano, Texas, according to the plat thereof recorded in Cabinet L, Page 400 of the Plat Records of Collin County, Texas (P.R.C.C.T.);

THENCE S 89°30'42" W (deed-WEST), with the south line of said Wendy's International, Inc. tract and said north right-of-way line of 15th Street, 100.02 feet (deed-100.00 feet) to a 1/2" iron rod with plastic cap stamped "Dewey RPLS 1641" found for the southwest corner of said Wendy's International, Inc. tract, said southwest corner also being the southeast corner of that certain tract of land conveyed to JPMorgan Chase Bank, National Association according to the Confirmatory Receiver's Deed (Deed without Covenant, Representation or Warranty) as recorded in Instrument No. 20090811001008380, O.P.R.C.C.T., said tract being Lot 1, Block 1 of Plano Savings and Loan Association Addition, an addition to the City of Plano, Texas, according to the plat thereof recorded in Cabinet D, Page 165, P.R.C.C.T.

THENCE N 00°30'01" W (deed-NORTH), departing said north right-of-way line of 15th Street and with the common west line of said Wendy's International, Inc. tract and the east line of said Lot 1, Block 1 of Plano Savings and Loan Association Addition, 19.00 feet;

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NATHAN D. MAIER CONSULTING ENGINEERS, INC.

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OCTOBER 3, 2012

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EXHIBIT "A"
TEMPORARY CONSTRUCTION EASEMENT
A PORTION OF
WENDY'S INTERNATIONAL, INC. TRACT
JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213
CITY OF PLANO, COLLIN COUNTY, TEXAS

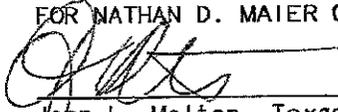
THENCE N 89°30'42" E, departing the common west line of said Wendy's International, Inc. tract and the east line of said Lot 1, Block 1 of Plano Savings and Loan Association Addition, 31.77 feet;

THENCE S 00°29'18" E, 10.75 feet;

THENCE N 89°30'42" E, 68.25 feet to the common east line of said Wendy's International, Inc. tract and the west line of the aforementioned Lot 2, Block 1 of McDonalds/Quaker State Addition, Block 1, Lots 1 and 2;

THENCE S 00°29'18" E (deed-SOUTH), with the common east line of said Wendy's International, Inc. tract and the west line of said Lot 2, Block 1 of McDonalds/Quaker State Addition, Block 1, Lots 1 and 2, 8.25 feet to the POINT OF BEGINNING and containing 0.0268 acres (1,167 square feet) of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.



John L. Melton, Texas R.P.L.S. No. 4268
Registered Professional Land Surveyor



NOTES:

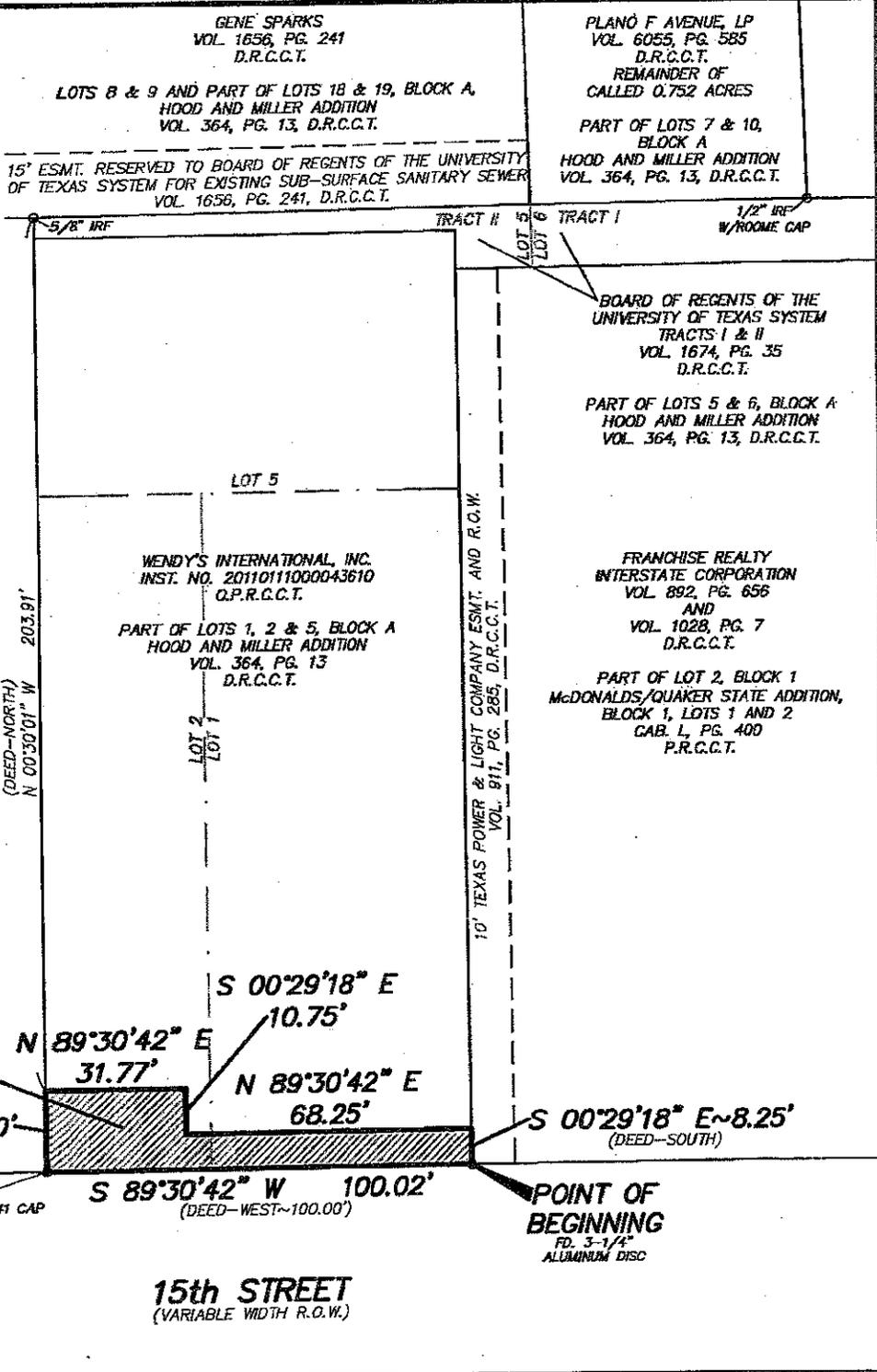
Bearings for this survey are based on the Texas state plane coordinate system, NAD 83, North Central Zone 4202, referenced to City of Plano geodetic control monuments J2, K2, N2 az mk and N5.

This survey was performed without the benefit of a title commitment and may be subject to liens, encumbrances, easements, rights-of-way, restrictions, covenants, reservations or other conditions of record which the undersigned has not been advised of or is aware of. No additional research for easements was performed by Nathan D. Maier Consulting Engineers, Inc. in the preparation of this survey.



EXHIBIT "B"
TEMPORARY CONSTRUCTION EASEMENT
 A PORTION OF
WENDY'S INTERNATIONAL, INC. TRACT
JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213
CITY OF PLANO, COLLIN COUNTY, TEXAS

ABBREVIATION LEGEND	
D.R.C.C.T.	DEED RECORDS OF COLLIN COUNTY, TEXAS
O.P.R.C.C.T.	OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS
P.R.C.C.T.	PLAT RECORDS OF COLLIN COUNTY, TEXAS
CAB. PG.	CABINET, PAGE
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
ESMT.	EASEMENT
R.O.W.	RIGHT-OF-WAY
SQ. FT.	SQUARE FEET
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
IRS W/CAP	IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00"



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EXHIBIT "A"**TEMPORARY CONSTRUCTION EASEMENT NO. 2**

**A PORTION OF
WENDY'S INTERNATIONAL, INC. TRACT
JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213
CITY OF PLANO, COLLIN COUNTY, TEXAS**

EASEMENT DESCRIPTION

BEING a 0.1651 acre tract of land situated in the Joseph Klepper Survey, Abstract No. 213, in the City of Plano, Collin County, Texas, and being a portion of that certain tract of land conveyed to Wendy's International, Inc. according to the Special Warranty Deed as recorded in Instrument Number 20110111000043610 of the Official Public Records of Collin County, Texas, said tract being part of Lots 1, 2 and 5, Block A of Hood and Miller Addition, an addition to the City of Plano, Texas, according to the plat thereof recorded in Volume 364, Page 13 of the Deed Records of Collin County, Texas (D.R.C.C.T.), and being more particularly described by metes and bounds as follows:

COMMENCING at a 3-1/4" aluminum disc found for the southeast corner of said Wendy's International, Inc. tract, said southeast corner being in the north right-of-way line of 15th Street (variable width right-of-way) and also being the southwest corner of the remainder of those certain tracts of land conveyed to Franchise Realty Interstate Corporation according to the Warranty Deed as recorded in Volume 892, Page 656, D.R.C.C.T. and the Cash Warranty Deed as recorded in Volume 1028, Page 7, D.R.C.C.T., said remainder tract part of Lot 2, Block 1 of McDonalds/Quaker State Addition, being part of Lot 2, Block 1 of McDonalds/Quaker State Addition, Block 1, Lots 1 and 2, an addition to the City of Plano, Texas, according to the plat thereof recorded in Cabinet L, Page 400 of the Plat Records of Collin County, Texas, from whence a 1/2" iron rod with plastic cap stamped "Dewey RPLS 1641" found for the southwest corner of said Wendy's International, Inc. tract bears S 89°30'42" W, 100.02 feet (deed-WEST, 100.00 feet);

THENCE N 00°29'18" W (deed-SOUTH), departing said north right-of-way line of 15th Street and with the east line of said Wendy's International, Inc. tract and the west line of said Lot 2, Block 1 of McDonalds/Quaker State Addition, Block 1, Lots 1 and 2, 93.59 feet to the POINT OF BEGINNING;

THENCE S 89°07'26" W, departing the east line of said Wendy's International, Inc. tract and the west line of said Lot 2, Block 1 of McDonalds/Quaker State Addition, Block 1, Lots 1 and 2, 60.00 feet;

THENCE N 00°29'18" W, 120.00 feet;

THENCE N 89°07'26" E, 55.41 feet;



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EXHIBIT "A"

TEMPORARY CONSTRUCTION EASEMENT NO. 2

A PORTION OF

WENDY'S INTERNATIONAL, INC. TRACT

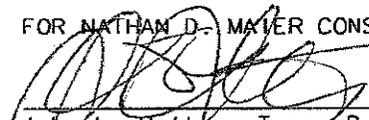
JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213

CITY OF PLANO, COLLIN COUNTY, TEXAS

THENCE S 45°52'34" E, 6.45 feet to a point in the east line of said Wendy's International, Inc. tract, said point being the northwest corner of said Lot 2, Block 1 of McDonalds/Quaker State Addition, Block 1, Lots 1 and 2 and the most easterly southwest corner of that certain tract of land described as Tract II in the Deed of Gift to the Board of Regents of the University of Texas System as recorded in Volume 1674, Page 35, D.R.C.C.T., said Tract II being part of Lot 5, Block A of the aforementioned Hood and Miller Addition;

THENCE S 00°29'18" E (deed--SOUTH), with the east line of said Wendy's International, Inc. tract and the west line of said Lot 2, Block 1 of McDonalds/Quaker State Addition, Block 1, Lots 1 and 2, 115.44 feet to the POINT OF BEGINNING and containing 0.1651 acres (7,190 square feet) of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.



John L. Melton, Texas R.P.L.S. No. 4268
Registered Professional Land Surveyor



NOTES:

Bearings for this survey are based on the Texas state plane coordinate system, NAD 83, North Central Zone 4202, referenced to City of Plano geodetic control monuments J2, K2, N2 az mk and N5.

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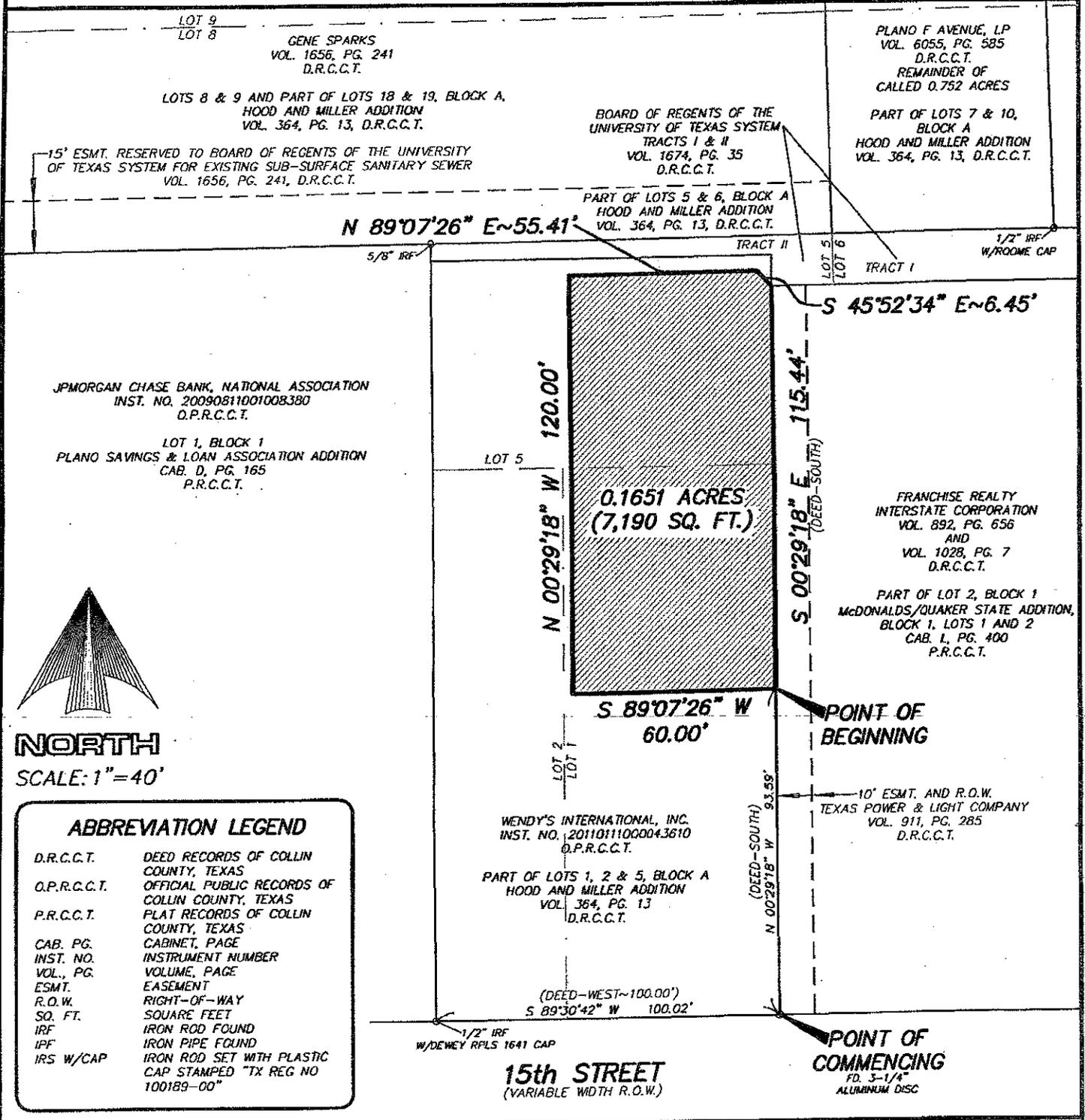
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EXHIBIT "B"
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 A PORTION OF
WENDY'S INTERNATIONAL, INC. TRACT
JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213
CITY OF PLANO, COLLIN COUNTY, TEXAS



ABBREVIATION LEGEND

D.R.C.C.T.	DEED RECORDS OF COLLIN COUNTY, TEXAS
O.P.R.C.C.T.	OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS
P.R.C.C.T.	PLAT RECORDS OF COLLIN COUNTY, TEXAS
CAB. PG.	CABINET, PAGE
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
ESMT.	EASEMENT
R.O.W.	RIGHT-OF-WAY
SQ. FT.	SQUARE FEET
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
IRS W/CAP	IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00"

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Miracle Investment Group, Inc.
“Global Realty”
704 E. 15th Street

for

Utility Easement – 900 square ft.
Temporary Construction Easement – 669 square ft.

EXHIBIT "A"
UTILITY EASEMENT
 A PORTION OF
MIRACLE INVESTMENT GROUP, INC. d/b/a GLOBAL REALTY TRACT
JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213
CITY OF PLANO, COLLIN COUNTY, TEXAS

EASEMENT DESCRIPTION

BEING a 0.0207 acre tract of land situated in the Joseph Klepper Survey, Abstract No. 213, in the City of Plano, Collin County, Texas, and being a portion of that certain 0.329 acre tract of land conveyed to Miracle Investment Group, Inc. d/b/a Global Realty according to the Warranty Deed with Vendor's Lien as recorded in Volume 5636, Page 4172 of the Deed Records of Collin County, Texas (D.R.C.C.T.), said tract being part of Lot 3 of Kendricks Addition, an addition to the Town of Plano, Texas, according to the plat thereof recorded in Volume 23, Page 494, D.R.C.C.T., and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod found for the common southeast corner of the aforementioned Miracle Investment Group, Inc. d/b/a Global Realty tract; the southwest corner portion of that certain 0.336 acre tract of land conveyed to Jennwill, Ltd. according to the Special Warranty Deed with Vendor's Lien as recorded in Volume 5619, Page 794, D.R.C.C.T., said Jennwill, Ltd. tract being part of Lot 2 of the aforementioned Kendricks Addition; the northwest corner of Block B of Final Plat 15th Street Village No. 1, an addition to the City of Plano, Texas, according to the plat thereof recorded in Cabinet Q, Page 134 of the Plat Records of Collin County, Texas; and the northeast corner of that certain 0.338 acre tract of land conveyed to Hoa Cam Le according to the Warranty Deed as recorded in Volume 4297, Page 578, D.R.C.C.T., said Hoa Cam Le tract being part of Lot 4 of said Kendricks Addition;

THENCE S 89°50'21" W (deed-S 89°56'06" W), with the common south line of said Miracle Investment Group, Inc. d/b/a Global Realty tract and north line of said Hoa Cam Le tract, 90.02 feet (deed-89.55 feet) to the common southwest corner of said Miracle Investment Group, Inc. d/b/a Global Realty tract and the southeast corner of that certain tract of land conveyed to James A. Loven (undivided 1/2 interest) according to the Warranty Deed as recorded in Volume 2072, Page 497, D.R.C.C.T., to William David Gaddy (undivided 1/4 interest) according to the Warranty Deed as recorded in Volume 2072, Page 501, D.R.C.C.T. and to Edward Eugene Gaddy (undivided 1/4 interest) according to the Warranty Deed as recorded in Volume 2072, Page 505, D.R.C.C.T., said Loven, et al tract being part of Lot 3 of said Kendricks Addition;

THENCE N 00°26'17" W (deed-N 00°21'53" E), departing the north line of said Hoa Cam Le tract and with the common west line of said Miracle Investment Group, Inc. d/b/a Global Realty tract and east line of said Loven, et al tract, 10.00 feet;

INDM

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PAGE 1 OF 2

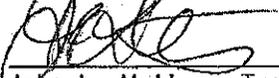
SEPTEMBER 26, 2012
 07-10-097
 7097-ES08-UE.dwg

EXHIBIT "A"
UTILITY EASEMENT
 A PORTION OF
MIRACLE INVESTMENT GROUP, INC. d/b/a GLOBAL REALTY TRACT
JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213
CITY OF PLANO, COLLIN COUNTY, TEXAS

THENCE N 89°50'21" E, departing the common west line of said Miracle Investment Group, Inc. d/b/a Global Realty tract and east line of said Loven, et al tract, 90.04 feet to the common east line of said Miracle Investment Group, Inc. d/b/a Global Realty tract and west line of the aforementioned Jennwill, Ltd. tract, from whence an "X" found in a concrete sidewalk in the south right-of-way line of 15th Street (variable width right-of-way) for the common northeast corner of said Miracle Investment Group, Inc. d/b/a Global Realty tract and northwest corner of said Jennwill, Ltd. tract bears N 00°19'19" W (deed-S 00°24'03" W), 153.10 feet;

THENCE S 00°19'19" E (deed-S 00°24'03" W), with the common east line of said Miracle Investment Group, Inc. d/b/a Global Realty tract and west line of said Jennwill, Ltd. tract, 10.00 feet to the POINT OF BEGINNING and containing 0.0207 acres (900 square feet) of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.



John L. Melton, Texas R.P.L.S. No. 4268
 Registered Professional Land Surveyor



NOTES:

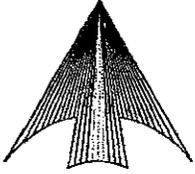
Bearings for this survey are based on the Texas state plane coordinate system, NAD 83, North Central Zone 4202, referenced to City of Plano geodetic control monuments J2, K2, N2 az mk and N5.

This survey was performed without the benefit of a title commitment and may be subject to liens, encumbrances, easements, rights-of-way, restrictions, covenants, reservations or other conditions of record which the undersigned has not been advised of or is aware of. No additional research for easements was performed by Nathan D. Maier Consulting Engineers, Inc. in the preparation of this survey.



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JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213
CITY OF PLANO, COLLIN COUNTY, TEXAS



NORTH
 SCALE: 1"=40'

15th STREET
 (VARIABLE WIDTH R.O.W.)

AVENUE "F"
 (VARIABLE WIDTH R.O.W.)

3" FD. IN
 CONC. SW

JAMES A. LOVEN
 (UNDIVIDED 1/2 INTEREST)
 VOL. 2072, PG. 497
 D.R.C.C.T.
 AND
 WILLIAM DAVID GADDY
 (UNDIVIDED 1/4 INTEREST)
 VOL. 2072, PG. 501
 D.R.C.C.T.
 AND
 EDWARD EUGENE GADDY
 (UNDIVIDED 1/4 INTEREST)
 VOL. 2072, PG. 505
 D.R.C.C.T.
 PART OF LOT 3
 KENDRICKS ADDITION
 VOL. 23, PG. 494
 D.R.C.C.T.

MIRACLE INVESTMENT GROUP, INC.
 d/b/a GLOBAL REALTY
 VOL. 5636, PG. 4172
 D.R.C.C.T.
 CALLED 0.329 ACRES
 PART OF LOT 3
 KENDRICKS ADDITION
 VOL. 23, PG. 494
 D.R.C.C.T.

JENNWILL, LTD.
 VOL. 5619, PG. 794
 D.R.C.C.T.
 CALLED 0.336 ACRES
 PART OF LOT 2
 KENDRICKS ADDITION
 VOL. 23, PG. 494
 D.R.C.C.T.

0.0207 ACRES
 (900 SQ. FT.)

N 00°26'17" W
 10.00'
 (DEED-N 00°21'53" E)

N 89°50'21" E
 90.04'

S 00°19'19" E
 10.00'
 (DEED-S 00°24'03" W)

S 89°50'21" W ~ 90.02'
 (DEED-S 89°56'06" W ~ 89.55')

POINT OF BEGINNING
 5/8" IRF

ABBREVIATION LEGEND

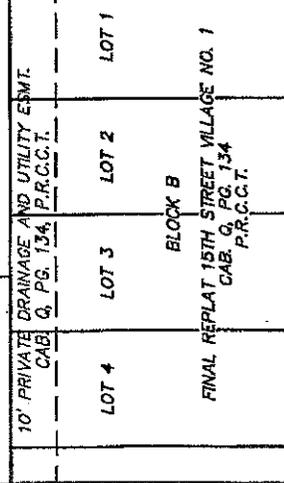
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R.O.W.	RIGHT-OF-WAY
SQ. FT.	SQUARE FEET
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
IRS W/CAP	IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00"

HOA CAM LE
 VOL. 4297, PG. 578
 D.R.C.C.T.
 CALLED 0.338 ACRES

PART OF LOT 4
 KENDRICKS ADDITION
 VOL. 23, PG. 494
 D.R.C.C.T.

MILLION INVESTMENT, INC.
 VOL. 5863, PG. 880
 D.R.C.C.T.
 CALLED 0.6669 ACRES

PART OF LOT 4
 KENDRICKS ADDITION
 VOL. 23, PG. 494
 D.R.C.C.T.



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CITY OF PLANO, COLLIN COUNTY, TEXAS

EASEMENT DESCRIPTION

BEING a 0.0154 acre tract of land situated in the Joseph Klepper Survey, Abstract No. 213, in the City of Plano, Collin County, Texas, and being a portion of that certain 0.329 acre tract of land conveyed to Miracle Investment Group, Inc. d/b/a Global Realty according to the Warranty Deed with Vendor's Lien as recorded in Volume 5636, Page 4172 of the Deed Records of Collin County, Texas (D.R.C.C.T.), said tract being part of Lot 3 of Kendricks Addition, an addition to the Town of Plano, Texas, according to the plat thereof recorded in Volume 23, Page 494, D.R.C.C.T., and being more particularly described by metes and bounds as follows:

BEGINNING at an "X" found in a concrete sidewalk for the northeast corner of the aforementioned Miracle Investment Group, Inc. d/b/a Global Realty tract, said corner being in the south right-of-way line of 15th Street (variable width right-of-way) and also being the northwest corner of that certain 0.336 acre tract of land conveyed to Jennwill, Ltd. according to the Special Warranty Deed with Vendor's Lien as recorded in Volume 5619, Page 794, D.R.C.C.T., said Jennwill, Ltd. tract being part of Lot 2 of the aforementioned Kendricks Addition;

THENCE S 00°19'19" E (deed-S 00°24'03" W), departing said south right-of-way line of 15th Street and with the common east line of said Miracle Investment Group, Inc. d/b/a Global Realty tract and west line of said Jennwill, Ltd. tract, 10.60 feet, from whence a 5/8" iron rod found for the common southeast corner of said Miracle Investment Group, Inc. d/b/a Global Realty tract and southwest corner of said Jennwill, Ltd. tract bears S 00°19'19" E (deed-S 00°24'03" W), 152.50 feet;

THENCE S 89°24'47" W, departing the common east line of said Miracle Investment Group, Inc. d/b/a Global Realty tract and west line of said Jennwill, Ltd. tract, 38.75 feet;

THENCE N 00°35'13" W, 5.60 feet;

THENCE S 89°24'47" W, 51.56 feet to the common west line of said Miracle Investment Group, Inc. d/b/a Global Realty tract and east line of that certain tract of land conveyed to James A. Loven (undivided 1/2 interest) according to the Warranty Deed as recorded in Volume 2072, Page 497, D.R.C.C.T., to William David Gaddy (undivided 1/4 interest) according to the Warranty Deed as recorded in Volume 2072, Page 501, D.R.C.C.T. and to Edward Eugene Gaddy (undivided 1/4 interest) according to the Warranty Deed as recorded in Volume 2072, Page 505, D.R.C.C.T., said Loven et al. tract being part of Lot 3 of said Kendricks Addition;

INDM

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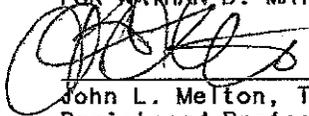
REV. OCTOBER 2, 2012
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TEMPORARY CONSTRUCTION EASEMENT
A PORTION OF
MIRACLE INVESTMENT GROUP, INC. d/b/a GLOBAL REALTY TRACT
JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213
CITY OF PLANO, COLLIN COUNTY, TEXAS

THENCE N 00°26'17" W (deed-N 00°21'53" E), with the common west line of said Miracle Investment Group, Inc. d/b/a Global Realty tract and east line of said Loven et al. tract, 5.00 feet to the common northwest corner of said Miracle Investment Group, Inc. d/b/a Global Realty tract and northeast corner of said Loven et al. tract, said common corner being in the aforementioned south right-of-way line of 15th Street;

THENCE N 89°24'47" E (deed-N 89°56'06" E), with the north line of said Miracle Investment Group, Inc. d/b/a Global Realty tract and said south right-of-way line of 15th Street, 90.35 feet (deed-89.65 feet) the POINT OF BEGINNING and containing 0.0154 acres (669 square feet) of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.



John L. Melton, Texas R.P.L.S. No. 4268
Registered Professional Land Surveyor



NOTES:

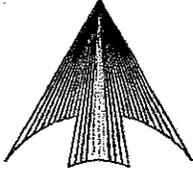
Bearings for this survey are based on the Texas state plane coordinate system, NAD 83, North Central Zone 4202, referenced to City of Plano geodetic control monuments J2, K2, N2 az mk and N5.

This survey was performed without the benefit of a title commitment and may be subject to liens, encumbrances, easements, rights-of-way, restrictions, covenants, reservations or other conditions of record which the undersigned has not been advised of or is aware of. No additional research for easements was performed by Nathan D. Maier Consulting Engineers, Inc. in the preparation of this survey.



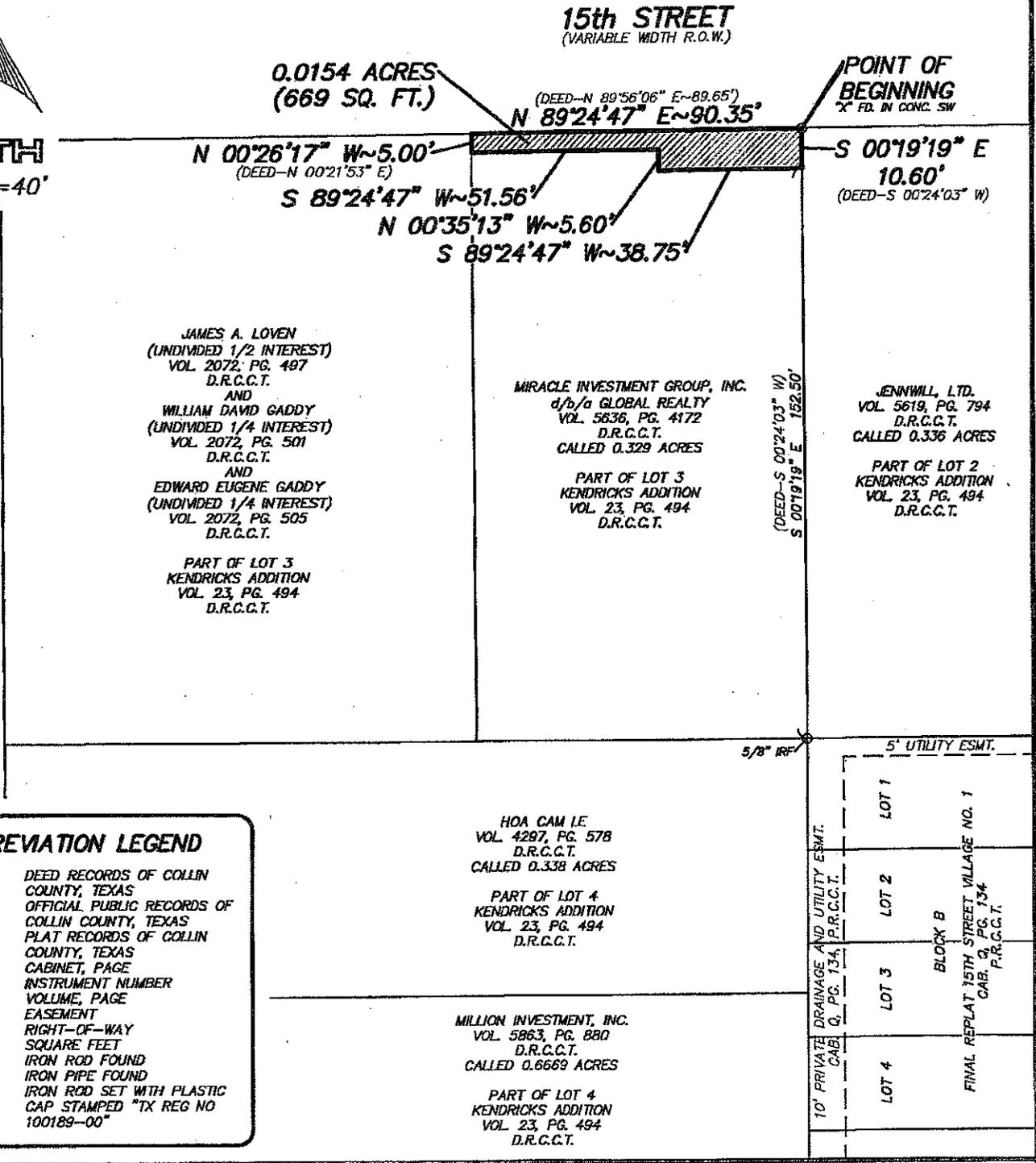
NATHAN D. MAIER CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00
Two Park Lane Place / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / Ph. (214) 739-4741

EXHIBIT "B"
TEMPORARY CONSTRUCTION EASEMENT
 A PORTION OF
MIRACLE INVESTMENT GROUP, INC. d/b/a GLOBAL REALTY TRACT
JOSEPH KLEPPER SURVEY, ABSTRACT NO. 213
CITY OF PLANO, COLLIN COUNTY, TEXAS



NORTH
 SCALE: 1"=40'

AVENUE "F"
 (VARIABLE WIDTH R.O.W.)



ABBREVIATION LEGEND

D.R.C.C.T.	DEED RECORDS OF COLLIN COUNTY, TEXAS
O.P.R.C.C.T.	OFFICIAL PUBLIC RECORDS OF COLLIN COUNTY, TEXAS
P.R.C.C.T.	PLAT RECORDS OF COLLIN COUNTY, TEXAS
CAB. PG.	CABINET, PAGE
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
ESMT.	EASEMENT
R.O.W.	RIGHT-OF-WAY
SQ. FT.	SQUARE FEET
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
IRS W/CAP	IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00"

HOA CAM LE
 VOL. 4297, PG. 578
 D.R.C.C.T.
 CALLED 0.338 ACRES

PART OF LOT 4
 KENDRICKS ADDITION
 VOL. 23, PG. 494
 D.R.C.C.T.

MILLION INVESTMENT, INC.
 VOL. 5863, PG. 880
 D.R.C.C.T.
 CALLED 0.6669 ACRES

PART OF LOT 4
 KENDRICKS ADDITION
 VOL. 23, PG. 494
 D.R.C.C.T.

10' PRIVATE DRAINAGE AND UTILITY ESMT.
 CAB. Q, PG. 134, P.R.C.C.T.

5' UTILITY ESMT.

LOT 1
 LOT 2
 LOT 3
 LOT 4

BLOCK B
 FINAL REPLAT 15TH STREET VILLAGE NO. 1
 CAB. Q, PG. 134
 P.R.C.C.T.



NATHAN D. MAIER CONSULTING ENGINEERS, INC.
 TBPE FIRM REG. NO. F-356
 TBPLS FIRM REG. NO. 100189-00
 Two Park Lane Place / 8080 Park Lane / Suite 600
 Dallas, Texas 75231 / Ph. (214) 739-4741

PAGE 1 OF 1
 REV. OCTOBER 2, 2012
 SEPTEMBER 26, 2012
 07-10-097
 7097-ES08-TCE.dwg



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY					
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory					
Council Meeting Date:		01/13/14			
Department:		Engineering			
Department Head:		Jack Carr, P.E.			
Agenda Coordinator (include phone #):		Kathleen Schonne (7198)		Project No. 6167	
CAPTION					
Bid No. 2013-358-B for Oak Hollow & Brandon Court project to Austin Filter Systems, Inc., in the amount of \$787,190 and authorizing the City Manager to execute all necessary documents.					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP					
FISCAL YEARS:	2013-14; 2014-15	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		94,006	465,994	431,000	991,000
Encumbered/Expended Amount		-94,006	-47,134	0	-141,140
This Item		0	-418,190	-369,000	-787,190
BALANCE		0	670	62,000	62,670
FUND(S): SEWER CIP & MUNICIPAL DRAINAGE CIP					
<p>COMMENTS: Funds are available in the 2013-14 Sewer CIP & Municipal Drainage CIP to begin construction, with funding programmed in the current Sewer CIP for 2014-15 to complete the project. This item, in the amount of \$787,190, is anticipated to span multiple fiscal years and leave a balance of \$62,670 to address the design and repair of other sewer crossings.</p> <p>STRATEGIC PLAN GOAL: Repairing sewer lines and erosion control structures relates to the City's Goals of Safe Large City and Great Neighborhoods – 1st Choice to Live.</p>					
SUMMARY OF ITEM					
Staff recommends the base bid of Austin Filter Systems, Inc., in the amount of \$787,189.54 be accepted as the only bid received, conditioned upon timely execution of any necessary contract documents.					
Engineer's estimate was \$752,942.					
The project consists of erosion control project consisting of bank stabilization and replacement of pipe supports at ten (10) aerial crossing locations and one wall failure site.					
Spring Creek Aerial Crossing Near San Simeon Way https://maps.google.com/maps?ll=33.064464,-96.746249&spn=0.005359,0.009034&t=h&z=16&lc=com					
Oak Hollow Drive & Indian Creek Aerial Crossing Brandon Court Retaining Wall https://maps.google.com/?ll=33.038385,-96.843882&spn=0.021442,0.036135&t=h&z=14					
Spring Creek Aerial Crossing Near Hampton Lane					



**CITY OF PLANO
COUNCIL AGENDA ITEM**

Spring Creek Aerial Crossing Near Scarborough Lane
Spring Creek Aerial Crossing Near Brassington Lane
Spring Creek Aerial Crossing South of Park Boulevard
<https://maps.google.com/?ll=33.030146,-96.719127&spn=0.023315,0.045447&t=m&z=15>

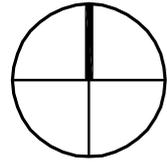
Rowlett Creek Aerial Crossing
Aerial Crossing Near Rowlett Creek
<https://maps.google.com/?ll=33.026656,-96.657715&spn=0.011658,0.022724&t=m&z=16>

Russell Creek Aerial Crossing
<https://maps.google.com/?ll=33.082481,-96.72595&spn=0.01165,0.022724&t=m&z=16>

List of Supporting Documents:
Location Maps, Bid Tabulation

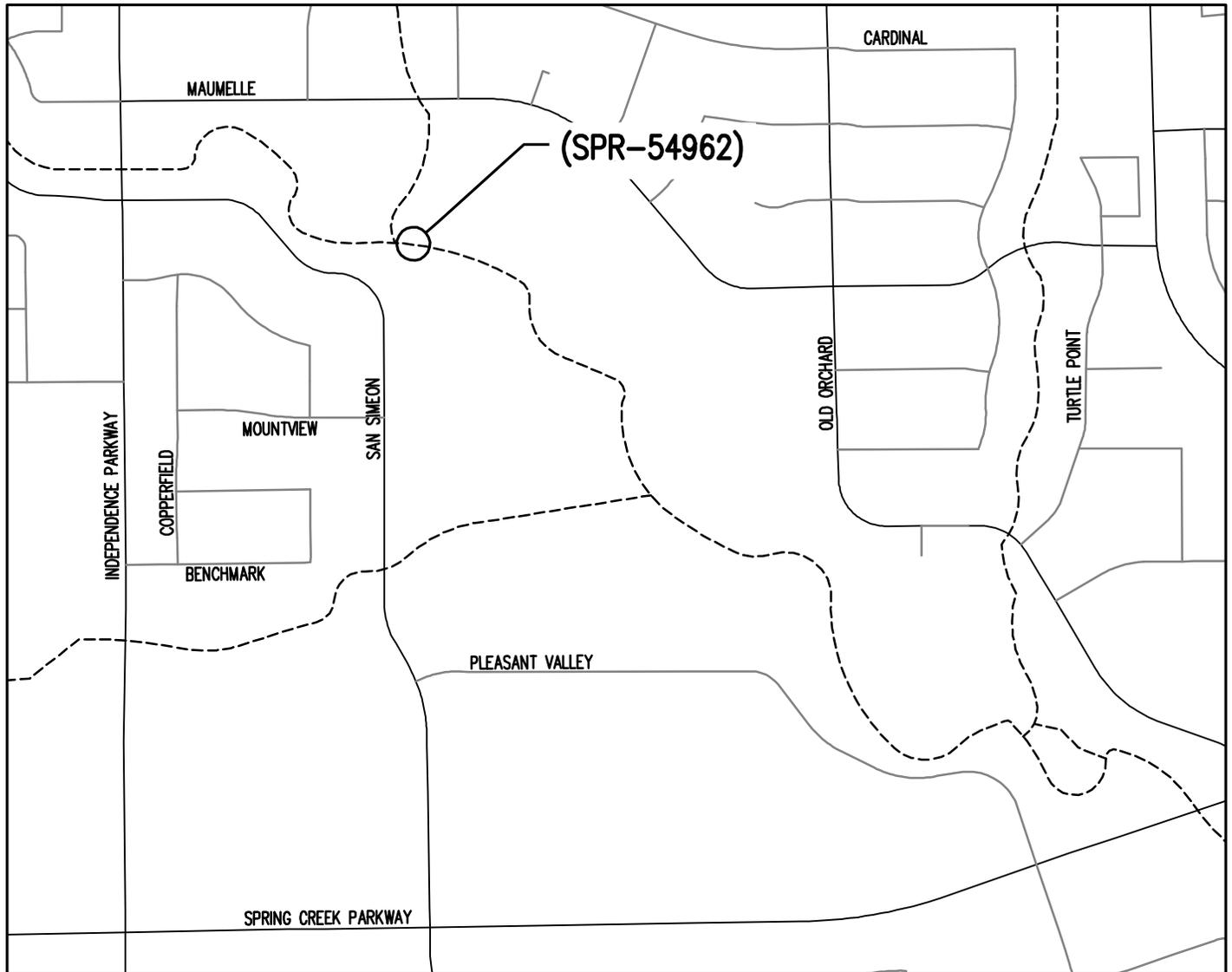
Other Departments, Boards, Commissions or Agencies
N/A

2012 EROSION CONTROL
PROJECT NO. 6167



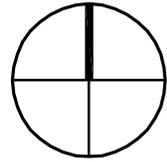
SCALE: N.T.S.

SPRING CREEK AERIAL CROSSING
NEAR SAN SIMEON WAY (SPR-54962)



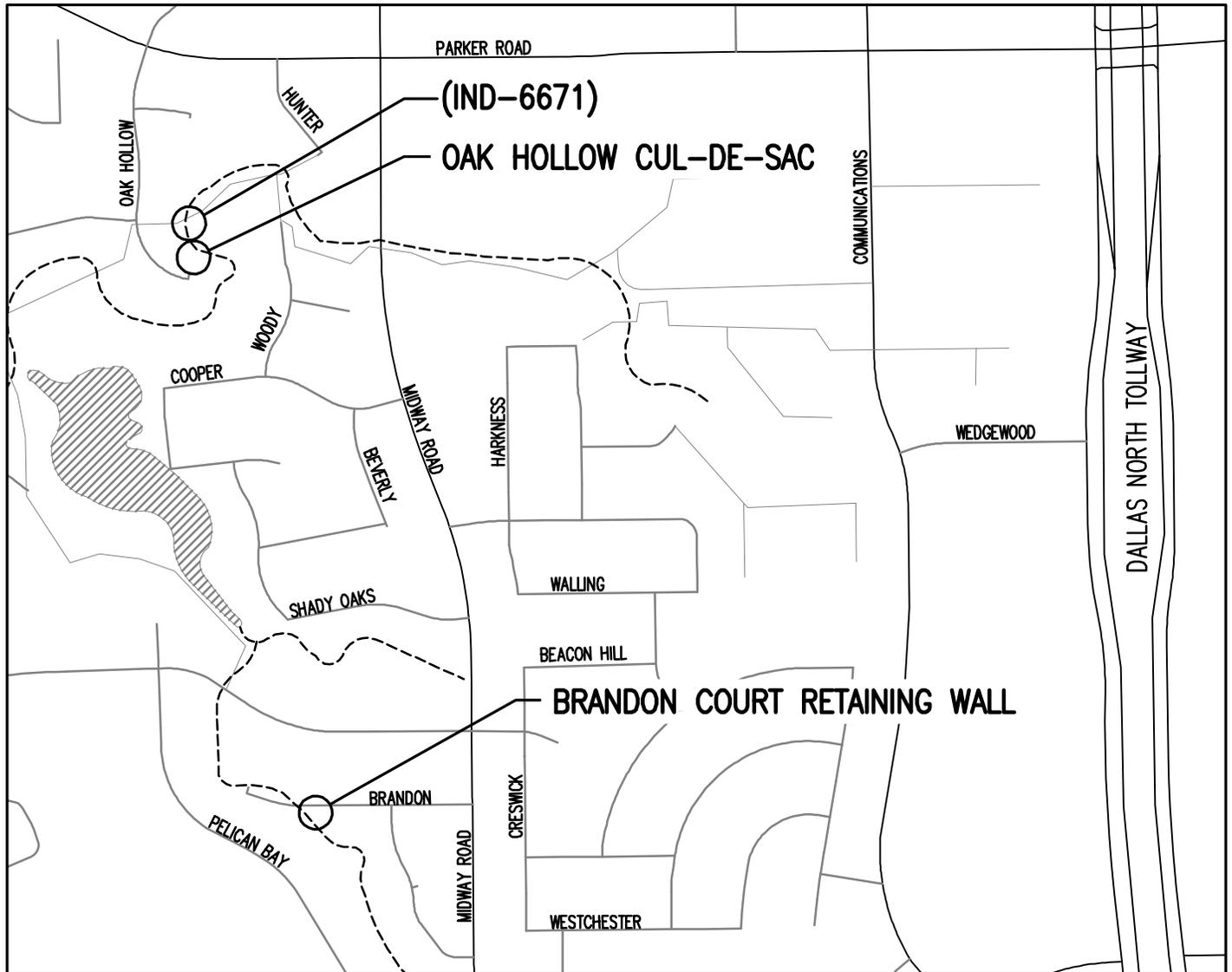
CITY OF PLANO
ENGINEERING DEPARTMENT

2012 EROSION CONTROL
PROJECT NO. 6167

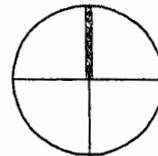


SCALE: N.T.S.

OAK HOLLOW DRIVE & INDIAN CREEK
AERIAL CROSSING (IND-6671)
BRANDON COURT RETAINING WALL



2012 EROSION CONTROL
PROJECT NO. 6167



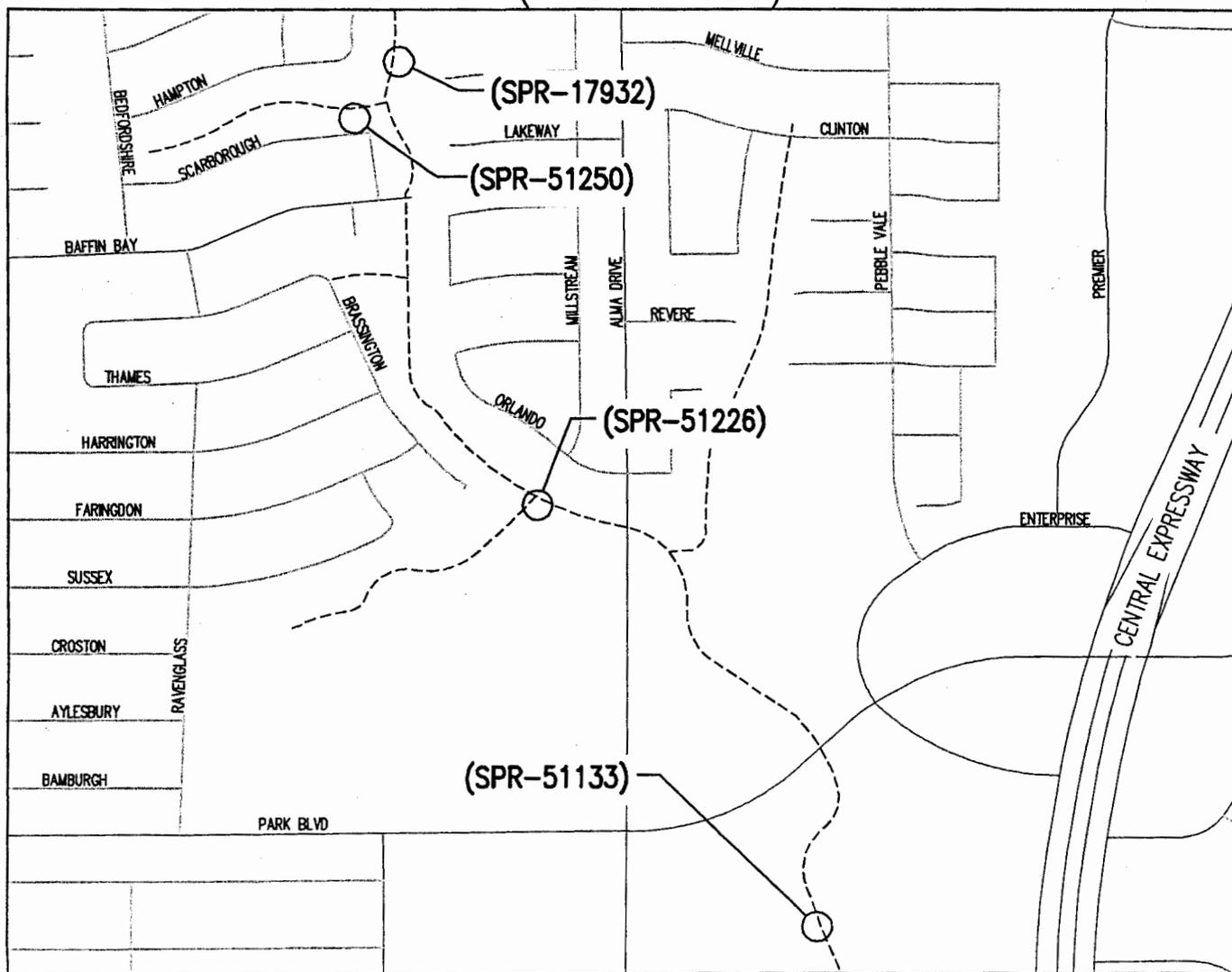
SCALE: N.T.S.

SPRING CREEK AERIAL CROSSING NEAR
HAMPTON LANE (SPR-17932)

SPRING CREEK AERIAL CROSSING NEAR
SCARBOROUGH LANE (SPR-51250)

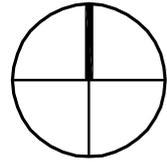
SPRING CREEK AERIAL CROSSING NEAR
BRASSINGTON LANE (SPR-51226)

SPRING CREEK AERIAL CROSSING
SOUTH OF PARK BLVD (SPR-51133)



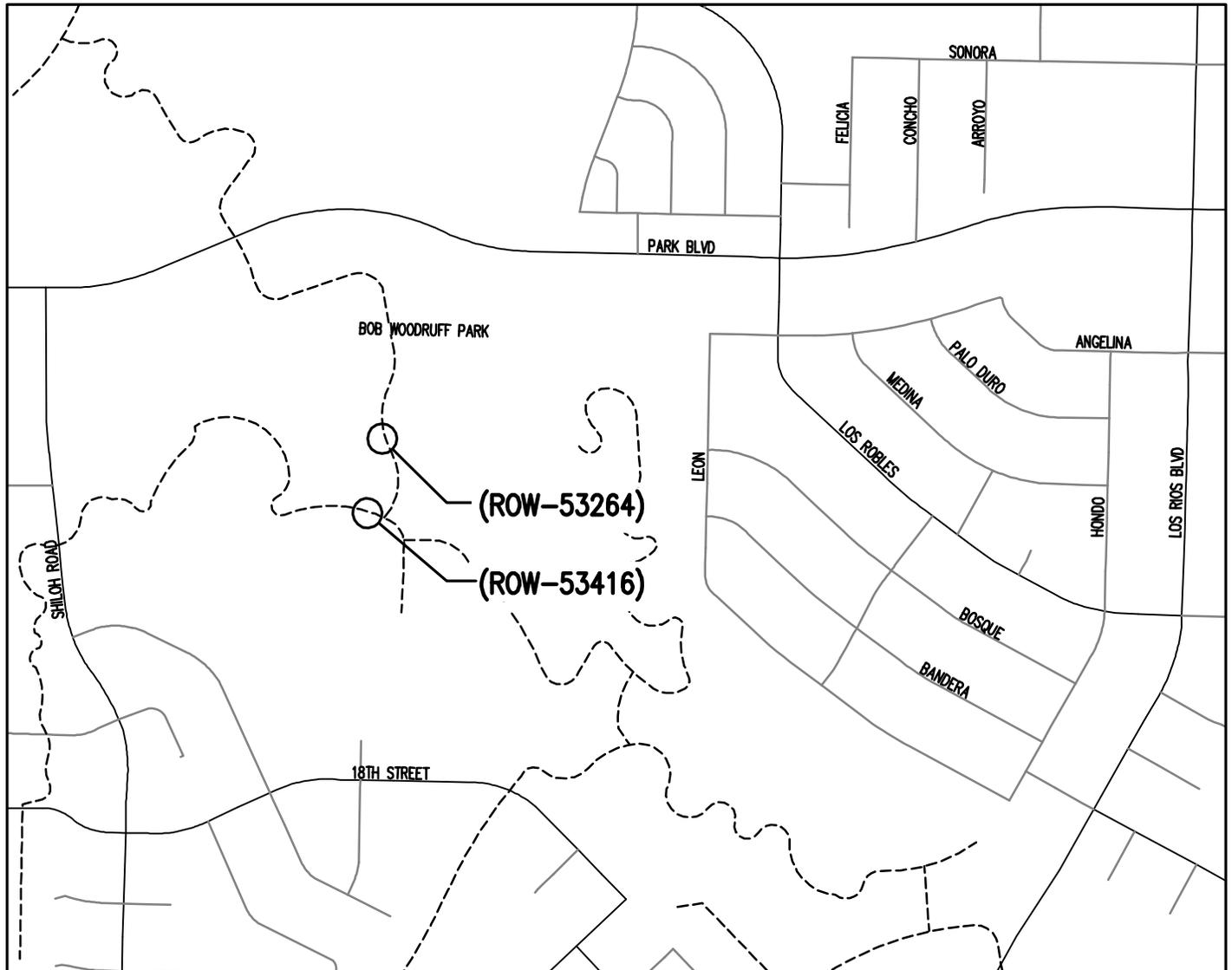
CITY OF PLANO
ENGINEERING DEPARTMENT

2012 EROSION CONTROL
PROJECT NO. 6167



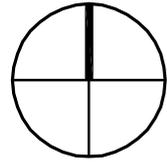
SCALE: N.T.S.

ROWLETT CREEK AERIAL CROSSING
(ROW-53264)
AERIAL CROSSING NEAR ROWLETT
CREEK (ROW-53416)



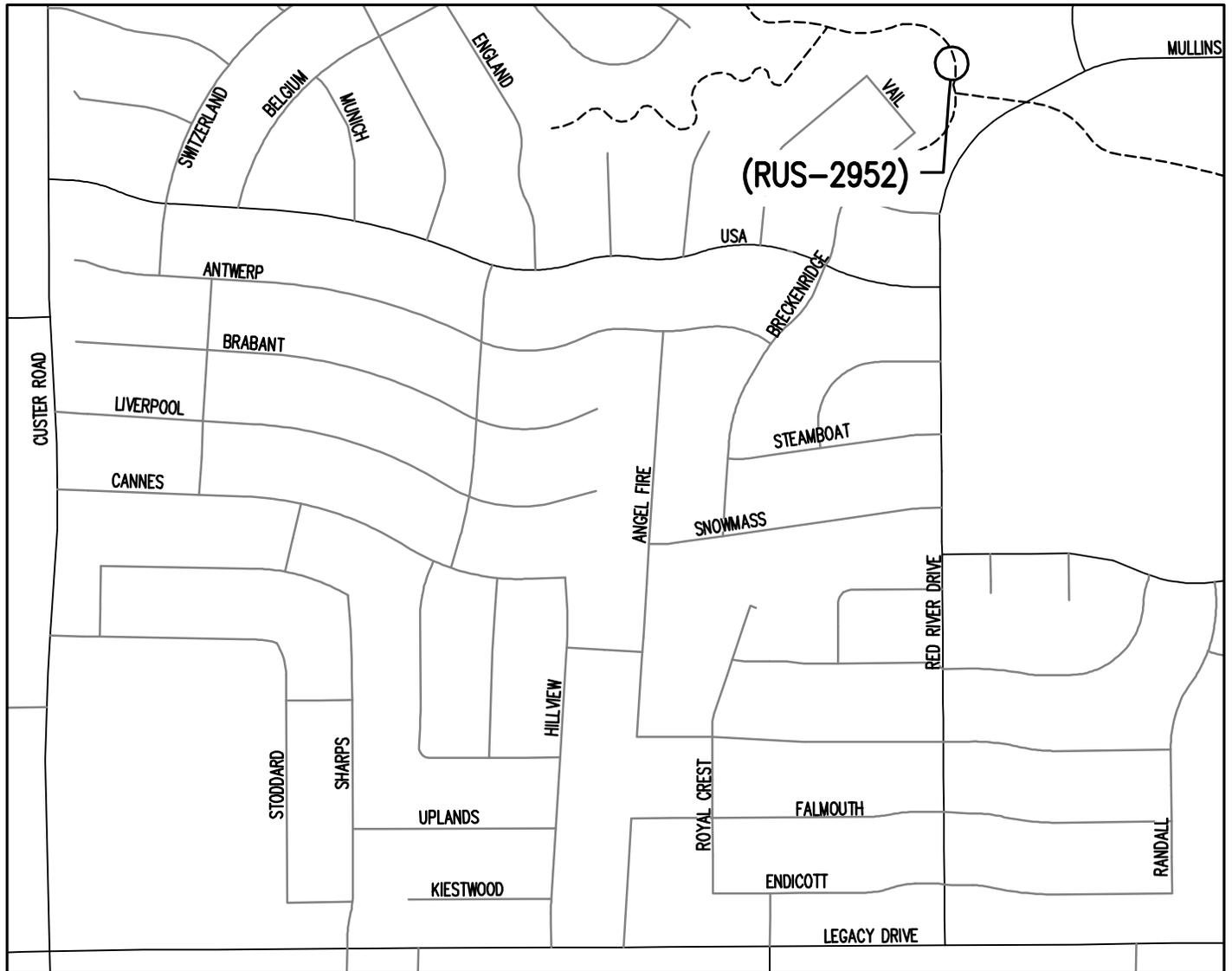
CITY OF PLANO
ENGINEERING DEPARTMENT

2012 EROSION CONTROL
PROJECT NO. 6167



SCALE: N.T.S.

RUSSELL CREEK AERIAL CROSSING
(RUS-2952)



CITY OF PLANO
ENGINEERING DEPARTMENT

**CITY OF PLANO
BID TABULATION
2013-358-B OAK HOLLOW & BRANDON COURT - PROJECT NO. 6167**

BIDDER:	BID BOND	BASE BID	ADD. AKN.
AUSTIN FILTER SYSTEMS, INC.	YES	\$787,189.54	Y

I certify that the above includes all firms contacted to bid and that replies are exactly as stated.

Michael Parrish

September 25, 2013

Michael Parrish, Senior Buyer

Date

“BID TABULATION STATEMENT”

ALL BIDS SUBMITTED FOR THE DESIGNATED PROJECT ARE REFLECTED ON THIS BID TAB SHEET. **HOWEVER, THE LISTING OF A BID ON THIS SHEET SHOULD NOT BE CONSTRUED AS A COMMENT ON THE RESPONSIVENESS OF SUCH BID OR AS ANY INDICATION THAT THE CITY ACCEPTS SUCH BID AS RESPONSIVE.** THE CITY WILL MAKE A DETERMINATION AS TO THE RESPONSIVENESS OF BIDS SUBMITTED BASED UPON COMPLIANCE WITH ALL APPLICABLE LAWS, CITY OF PLANO PURCHASING GUIDELINES, AND PROJECT DOCUMENTS, INCLUDING BUT NOT LIMITED TO THE PROJECT SPECIFICATIONS AND CONTRACT DOCUMENTS. THE CITY WILL NOTIFY THE SUCCESSFUL BIDDER UPON AWARD OF THE CONTRACT AND, ACCORDING TO LAW, ALL BIDS RECEIVED WILL BE AVAILABLE FOR INSPECTION AT THAT TIME.

PURCHASING DIVISION
CITY OF PLANO TEXAS



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		01/13/2014		
Department:		Public Works		
Department Head		Gerald Cosgrove		
Agenda Coordinator (include phone #): Lincoln Thompson x 7376				
CAPTION				
Bid No. 2014-45-B for the purchase of two (2) Ford F-350 Utility Trucks from Randall Reed's Prestige Ford in the amount of \$71,760, for Fleet Services, to be utilized by Utility Cuts and Municipal Drainage, and authorizing the City Manager to execute all necessary documents.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2013-14	Prior Year (CIP Only)	Current Year	Future Years
		TOTALS		
Budget		0	71,760	0
Encumbered/Expended Amount		0	0	0
This Item		0	-71,760	0
BALANCE		0	0	0
FUND(S): EQUIPMENT REPLACEMENT FUND				
<p>COMMENTS: Funds are available in the FY 2013-14 Adopted Budget to purchase two (2) Ford F-350 Utility Trucks as new additions to Fleet Services. One unit is for Cost Center #767/Utility Maintenance Administration and the second is for Cost Center #471/Municipal Drainage. Both of these units are unscheduled purchases and will be funded from the Equipment Replacement Fund balance. These vehicles, along with the two (2) work crews, were approved by City Council on November 11, 2013.</p> <p>STRATEGIC PLAN GOAL: Providing two (2) Ford F-350 Utility Trucks for Fleet Services relates to the City's Goal of a Financially Strong City with Service Excellence.</p>				
SUMMARY OF ITEM				
Staff recommends the bid of Randall Reed's Prestige Ford in the amount of \$71,760, be accepted as the lowest responsive, responsible bid, and conditioned upon timely execution of any necessary contract documents. This purchase is for the Fleet Department to be utilized by Utility Cuts and Municipal Drainage (2014-45-B).				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Award Memo			NA	
Bid Recap				



Memorandum

Date: December 16, 2013
To: Bruce D. Glasscock, City Manager
From: Reid Choate, Fleet Manager
Subject: Curb Rehab Crew Truck Recommendation

Fleet Services has reviewed all bids received on City of Plano Bid #2014-45-B and recommends the purchase of two (2) Ford F350 Utility Trucks from Randall Reed's Prestige Ford, the lowest responsive, responsible bidder, in the amount of \$71,760.00.

These vehicles are new additions to the fleet, approved by City Council on November 11, 2013. One unit is for Cost Center 767/Utility Cuts and the second is for Cost Center 471/Municipal Drainage. These vehicles will be funded from the Equipment Replacement Fund Balance as approved by Budget.

Feel free to contact me if you have any questions at extension 4182.

CITY OF PLANO

BID NO. 2014-45-B
1-Ton Crew Cab Pickup, DRW, with Utility Body and Liftgate
BID RECAP

Bid opening Date/Time: December 10, 2013 @ 2:00 pm

Number of Vendors Notified: 324

Vendors Submitting "No Bids": 0

Number of Bids Submitted Non-Responsive: 0

Number of Bids Submitted: 2

Randall Reed's Prestige Ford	\$ 71,760.00
Caldwell Country Automotive (aka Baby Jack II)	\$ 75,900.00

Recommended Vendor:

Randall Reed's Prestige Ford	\$ 71,760.00
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Lincoln Thompson

December 18, 2013

Lincoln Thompson
Senior Buyer

Date



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY					
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory					
Council Meeting Date:		January 13, 2014			
Department:		Parks & Recreation			
Department Head		Amy Fortenberry			
Agenda Coordinator (include phone #): Leslie Hooker x7204					
CAPTION					
Bid No. 2014-014-C for a one (1) year contract with three (3) City optional renewals for the purchase of bulk fertilizer for the Parks and Recreation Department to Greensmiths, Inc., in the estimated annual amount of \$67,500, and authorizing the City Manager or his authorized designee to execute all necessary documents.					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	2013-14; 2014-15; 2015-16; 2016-17	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	163,824	202,500	366,324
Encumbered/Expended Amount		0	-5,909	0	-5,909
This Item		0	-67,500	-202,500	-270,000
BALANCE		0	90,415	0	90,415
FUND(S): GENERAL FUND					
COMMENTS: This item approves price quotes for bulk fertilizer. The estimated FY 2013-14 expenditure for bulk fertilizer to be purchased from this contract for the remainder of FY 2013-14 is \$67,500. Future expenditures will be made by Grounds Maintenance Services District #1, #2 and #3 within the annual approved budget appropriations, at an estimated annual expenditure of \$67,500 for fiscal years 2014-15, 2015-16 and 2016-17.					
STRATEGIC PLAN GOAL: Contracts for bulk fertilizer relates to the strategic goal of Financially Strong City with Service Excellence.					
SUMMARY OF ITEM					
Staff recommends approval of a one (1) year contract with three (3) City optional renewals to purchase bulk fertilizer for the Parks and Recreation Department to Greensmiths, Inc., in the estimated annual amount of \$67,500. (2014-014-C)					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		
Memo					
Bid Recap					

MEMORANDUM

TO: LESLIE HOOKER, BUYER
FROM: JEFF SCHWARTZ, PARK OPERATIONS SUPERINTENDENT
DATE: 12/16/2013
RE: **AWARD RECOMMENDATION – 2014-014-C BULK FERTILIZER**

Recommendation

The Parks and Recreation Department recommends award of the 2014-014-C Bulk Fertilizer contract to Greensmiths, Inc. Greensmiths is the lowest responsive, responsible bidder. The department believes Greensmiths, Inc. is capable of fully meeting the requirements of the contract as specified in the bid documentation.

Contract Expenditure

The total award of this contract (annual expenditure) is \$67,500. This amount is approximately \$12,000 under the budgeted amount for this contract.

Action Requested

The total amount related to the funding of this contract is within the estimated expenditure. Please review all documents and begin the necessary steps for the award of this contract.

Justification

Contract Purpose: This contract will be utilized for the purchase of granular bulk fertilizer to be applied to 250 acres of irrigated neighborhood and community parks in Plano. Fertilization is a key component of a complete turf maintenance program which improves aesthetics and helps to provide healthy, deep-rooted and durable turf. Healthy turf helps control weed populations and also requires less water to maintain.

Non-approval Implication: Should approval be denied, park turf would decline allowing for added competition with weeds. Weeds take moisture from the roots of desirable turf, which sequentially increases the amount of irrigation necessary to keep the turf alive and healthy. Because of rapid weed growth, existing staff would be incapable of keeping parks mowed on a regular schedule.

CITY OF PLANO

BID NO. 2014-014-C
Bulk Fertilizer
BID RECAP

Bid opening Date/Time: December 10, 2013 @ 12:00 pm

Number of Vendors Notified: 1044

Vendors Submitting "No Bids": 0

Bids Evaluated Non-Responsive to Specifications: 0

Number of Bids Submitted Responsive to Bid: 5

Greensmiths, Inc.	\$67,500.00
Helena Chemical Company	\$68,100.00
Winfield Solutions	\$71,650.00
Howard Fertilizer and Chemical	\$78,290.00
Mann Farm and Ranch	\$82,832.50

Recommended Vendors:

Greensmiths, Inc.	\$67,500.00
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Leslie Hooker

December 10, 2013

Leslie Hooker
Buyer I

Date



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY					
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory					
Council Meeting Date:		01/13/14			
Department:		Human Resources			
Department Head		Jim Parrish			
Agenda Coordinator (include phone #): Sharron Mason - Ext. 7247					
CAPTION					
RFP No. 2013-241-C consultant for the 457 Deferred Compensation Oversight Committee awarded to The Retirement Store, Inc. for the initial term of three (3) years with two (2) City optional one (1) year renewal periods in the estimated amount of \$72,000; and authorizing the City Manager or his designee to execute all necessary documents.					
FINANCIAL SUMMARY					
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	2013/14 thru 2017-18	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0	0
Encumbered/Expended Amount	0	0	0	0	0
This Item	0	0	0	0	0
BALANCE	0	0	0	0	0
FUND(S): N/A					
COMMENTS: Consultant fees are paid through excess revenue from ICMA-RC. STRATEGIC PLAN GOAL: Providing Consulting fees to the 457 Deferred Compensation Oversight Committee relates to the City's Goal of a Financially Strong City with Service Excellence.					
SUMMARY OF ITEM					
Staff recommends the award of 2013-241-C RFP for Consultant for the 457 Deferred Compensation Oversight Committee to The Retirement Store, Inc. for an initial three (3) years with two (2) City optional one (1) year renewal periods.					
List of Supporting Documents: Recommendation of Award Memo and Recap			Other Departments, Boards, Commissions or Agencies		

Memorandum

To: Purchasing Department
From: Andrea Cockrell, Administrative Services Manager
Date: 01/02/14
Re: Award Recommendation 2013-241-C RFP for Consultant for the 457 Deferred Compensation Oversight Committee

It is the recommendation of the 457 Oversight Committee to award 2013-241-C RFP for Consultant to the 457 Deferred Compensation Oversight Committee to The Retirement Store, Al DiCristofaro, based on the overall score for services and cost. The estimated annual amount of the contract is \$24,000 plus travel expenses and any additional fees for optional services.

The Retirement Store has provided the Committee excellent service in past and it appears from the proposal the requirements will be met. As stated in the proposal documentation, this contract is to be awarded in accordance with the evaluation criteria stated in the proposal packet.

The Evaluation Committee reviewed and scored all three (3) proposals received. Based on the overall scores, the Committee was in agreement that The Retirement Store presented the best proposal and that the contract should be awarded accordingly.

This contract is necessary as this Consultant will provide unbiased information regarding investments and financial matters that Committee members need in order to make sound recommendations regarding employee contributions to this retirement savings vehicle.



Purchasing Division
1520 K Avenue, Suite 370
Plano, TX 75074
Tel: 972.941.7557
www.plano.gov

City of Plano
P.O. Box 860358
Plano, TX 75086-0358
Tel: 972.941.7000
www.plano.gov

RFP No.: 2013-241-C
RFP for CONSULTANT TO THE 457 DEFERRED COMPENSATION OVERSIGHT COMMITTEE
RFP RECAP

RFP Opening Date/Time: **Monday, August 12, 2013 at 3:00 pm (CDT)**

Number of Vendors Notified: 2761

Vendors Submitting "No Bids": 0

Responses Received:

Gallagher Retirement Services, Inc. \$60,000 @ 3 = \$180,000
The Retirement Store, Inc. \$24,000 @ 3 = \$72,000
Capital One Bank \$119,000 @ 3 = \$357,000

Recommended Vendor(s):

The Retirement Store, Inc. \$24,000 @ 3 = \$72,000

I certify that the above includes all firms contacted to bid and that replies are exactly as stated.

Sharron Mason

January 2, 2014

Sharron Mason
Sr. Buyer

Date



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		1/13/2014		
Department:		Public Works		
Department Head		Gerald Cosgrove		
Agenda Coordinator (include phone #): Nancy Corwin X7137				
CAPTION				
Approval of the purchase of retro reflective and non-reflective sign sheeting material through an existing annual contract for Public Works in the estimated annual amount of \$100,000 from 3M Company through the City of Fort Worth (contract number 12-0072) and authorizing the City Manager to execute all necessary documents. (City of Plano contract number 2014-96-I)				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR:	2013-14, 2014-15, & 2015-16	Prior Year (CIP Only)	Current Year	Future Years
		TOTALS		
Budget	14,148	135,852	200,000	350,000
Encumbered/Expended Amount	-14,148	-601	0	-14,749
This Item	0	-100,000	-175,000	-275,000
BALANCE	0	35,251	-25,000	60,251
FUND(s): CAPITAL RESERVE CIP				
<p>COMMENTS: Funds are budgeted in the 2013-14 Capital Reserve CIP. This item, in the amount of \$100,000 will leave \$35,251 available for the Street Name Sign Replacement project. Future year expenditures will be made within the approved CIP budget for the applicable year.</p> <p>STRATEGIC PLAN GOAL: Purchasing material to replace damaged or worn street signs relates to the City's Goals of Safe Large City and Great Neighborhoods - 1st Choice to Live.</p>				
SUMMARY OF ITEM				
Staff recommends the purchase of retro reflective and non-reflective sign sheeting material through an existing annual contract, in the estimated annual amount of \$100,000 from 3M Company for Public Works. The City is authorized to purchase from a cooperative purchasing program with another local government or a local cooperative organization pursuant to Chapter 271 Subchapter F of the Local Government Code; and by doing so satisfies any State Law requiring local governments to seek competitive bids for items.				
List of Supporting Documents: Recommendation Memo			Other Departments, Boards, Commissions or Agencies	



Memorandum

MEMORANDUM

DATE: December 16, 2013

TO: Nancy Corwin, Purchasing Buyer

FROM: Robert Moore, Public Works Traffic Operations Superintendent

SUBJECT: Approval of purchases in the estimated annual amount of \$100,000.00 for Retro reflective and Non-Reflective Sign Sheeting Material on Contract 2014-96-I.

Public Works – Traffic Operations is requesting approval to purchase retro reflective and non-reflective sign sheeting material in the estimated amount of \$100,000.00 through an existing Fort Worth contract (12-0072) City of Plano contract number 2014-96-I.

Total overall estimated annual amount is: \$ 100,000.00

Should Contract 2014-96-I Retro reflective and Non-Reflective Sign Sheeting Material, not be approved it would have the following effects on the City of Plano:

- The Federally Mandated deadlines for compliance to the MUTCD sign changes would not be met.
- Will cause delay in maintenance and repair of Regulatory, Warning and Street signs
- Will cause delay because we don't have materials to make signs.
- It may create a traffic / pedestrian safety issue and or accidents because signs can't be replaced.

Robert Moore
Public Works Traffic Operations Superintendent



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		1/13/14		
Department:		Purchasing		
Department Head		Diane Palmer-Boeck		
Agenda Coordinator (include phone #): Earl Whitaker x7074				
CAPTION				
To approve the purchase of one (1) Kenworth Concrete Truck for Fleet Services, to be utilized by Streets, in the amount of \$133,277 from MHC Kenworth, through an existing contract/agreement with TASB/Buyboard, and authorizing the City Manager to execute all necessary documents. (TASB/Buyboard Contract #430-13.)				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2013-14	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	150,000	0	150,000
Encumbered/Expended Amount	0	0	0	0
This Item	0	-133,277	0	-133,277
BALANCE	0	16,723	0	16,723
FUND(S): EQUIPMENT REPLACEMENT FUND				
<p>COMMENTS: Funds are available in the FY 2013-14 Adopted Budget to purchase one (1) Kenworth T470 Concrete Truck for the scheduled replacement of unit #04802 in Cost Center #742/Streets. Remaining balance will be used for other Fleet and Equipment purchases.</p> <p>STRATEGIC PLAN GOAL: Providing one (1) Kenworth T470 Concrete Truck for Fleet Services relates to the City's Goal of a Financially Strong City with Service Excellence.</p>				
SUMMARY OF ITEM				
<p>Staff recommends the purchase of one (1) Kenworth Concrete Truck for Fleet Services, to be utilized by Streets, in the amount of \$133,277 from MHC Kenworth, through an existing contract/agreement with Buyboard. The City is authorized to purchase from a Local Cooperative Organization pursuant to Chapter 271 subchapter F of the Local Government Code and by doing so satisfies any State Law requiring local governments to seek competitive bids for items. (TASB/Buyboard Contract #430-13 / City of Plano Internal Contract No. 2014-25-O)</p>				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Award Memo		N/A		



Memorandum

Date: December 19, 2013
To: Bruce D. Glasscock, City Manager
From: Reid Choate, Fleet Manager
Subject: Concrete Truck Purchase Recommendation

It is the recommendation of Fleet Services to purchase one (1) Kenworth T470 Concrete Truck from MHC Kenworth through the TASB/Buyboard contract # 430-13 in the amount of \$133,277.10.

In order to garner competition, Fleet and Purchasing received quotes from two (2) vendors, (Rush Truck Centers of Texas and MHC Kenworth). Fleet and Purchasing also researched two (2) cooperative contracts (Buy Board & HGAC). After evaluating vendor quotes and cooperative contracts, it was determined that MHC Kenworth provided the City with the most competitive pricing.

This truck is for the scheduled replacement of unit 04802 in Cost Center 742/Streets in the FY13-14 Equipment Replacement Fund.

Equipment replacement is analyzed based of age, hours, maintenance cost and re-sale value in determining the need for replacement. Based on these criteria, Fleet Services recommends the replacement of the above equipment. If this equipment is not replaced we will incur additional maintenance cost and salvage value will greatly be depreciated. In addition the user department will be limited in their ability to perform their duties due to additional down time of the older equipment.

Feel free to contact me if you have any questions at extension 4182.



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		1/13/2014		
Department:		Technology Services		
Department Head		David Stephens		
Agenda Coordinator (include phone #): Dianna Wike x7549				
CAPTION				
Approval of the purchase of Maintenance Support for the Symantec Altiris IT Management Suite 7.5, in the amount of \$65,496 from Intuitive Technology Group, LLC through an existing contract with the Department of Information Resources (DIR) and authorizing the City Manager to execute all necessary documents. (DIR-SDD-1917)				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2013-14	Prior Year (CIP Only)	Current Year	Future Years
				TOTALS
Budget		0	3,291,924	0
Encumbered/Expended Amount		0	-1,251,559	0
This Item		0	-65,496	0
BALANCE		0	1,974,869	0
FUND(S): TECHNOLOGY SERVICES FUND				
COMMENTS: Funding for this item is included in the approved FY 2013-14 Technology Services Budget. The remaining balance will be used for other technology-related maintenance agreements.				
STRATEGIC PLAN GOAL: The purchase of this Altiris IT Management Suite support relates to the City's Goal of Financially Strong City with Service Excellence.				
SUMMARY OF ITEM				
Technology Services staff recommends approval of the purchase of Maintenance and Support for the Symantec Altiris IT Management Suite 7.5 from Intuitive Technology Group, LLC, through the Department of Information Resources contract in the amount of \$65,496. The Symantec Altiris software is used by Technology Services to manage all the PC's and laptops used by City employees. This maintenance support will provide upgrades and bug fixes for the Symantec Altiris IT Management Suite. The City is authorized to purchase from a cooperative purchasing program with another local government or a local cooperative organization pursuant to Chapter 271 Subchapter F of the Local Government Code; and by doing so satisfies any State Law requiring local governments to seek competitive bids for items. (DIR-SDD-1917)				
List of Supporting Documents: Memorandum			Other Departments, Boards, Commissions or Agencies	



Memorandum

Date: December 19, 2013
To: Diane Palmer-Boeck, Purchasing Manager
From: David Stephens, Director Technology Services
Subject: Purchase of Altiris IT Management Suite 7.5 Support

Technology Services proposes purchasing maintenance support for the Symantec Altiris IT Management Suite 7.5 from Intuitive Technology Group, LLC (Intuitive). Intuitive is a registered partner and authorized reseller of Symantec for its Altiris IT Management Suite support under the State of Texas Department of Information Resources contract DIR-SDD-1917.

This support contract will provide software support, including upgrades and bug fixes, for the Symantec Altiris IT Management Suite. This product is used by Technology Services to manage all the PC's and laptops used by City employees. The term of this contract is from 12/30/2013 to 3/25/2015. At the end of this support contract it is anticipated that the City will be able to make the next support contract coterminous with the support contract for the Symantec Endpoint Protection Suite (used for anti-virus and malware detection).

The cost for this maintenance and support contract with Intuitive will be \$65,496.00.

If the City does not extend a support contract for the Altiris IT Management Suite, then Technology Services will incur significant costs in supporting the 2500 desktops and laptops throughout the City by using manual processes.



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		January 13, 2014		
Department:		City Manager		
Department Head		LaShon Ross, Deputy City Manager		
Agenda Coordinator (include phone #): Sherry Jackson, Ext. 7122				
CAPTION				
A Resolution of the City Council of the City of Plano, Texas, approving the appointment of Paige Mims as the City Attorney for the City of Plano; and providing an effective date.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2013-14	Prior Year (CIP Only)	Current Year	Future Years
		0	0	0
Budget		0	0	0
Encumbered/Expended Amount		0	0	0
This Item		0	0	0
BALANCE		0	0	0
FUND(S): N/A				
COMMENTS: This item has no fiscal impact. STRATEGIC PLAN GOAL: The appointment for the position of City Attorney relates to the City's Goal of Financially Strong City with Service Excellence.				
SUMMARY OF ITEM				
Resolution appointing new City Attorney.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Resolution				

A Resolution of the City Council of the City of Plano, Texas, approving the appointment of Paige Mims as the City Attorney for the City of Plano; and providing an effective date.

WHEREAS, Section 4.05 of the City Charter of the City of Plano authorizes the City Council to appoint the City Attorney to represent the City in all legal matters, including litigation and to serve as the legal advisor of the City and all officers and departments thereof; and

WHEREAS, upon full review and consideration, the City Council is of the opinion that Paige Mims should be appointed as the City Attorney.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. The City Council of the City of Plano hereby appoints Paige Mims as City Attorney pursuant to Section 4.05 of the City Charter of the City of Plano to be effective January 20, 2014.

Section II. This Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED this the 13th day of January, 2014.

Harry LaRosiliere, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		1/13/14		
Department:		Finance		
Department Head		Denise Tacke		
Agenda Coordinator (include phone #): Katherine Crumbley x-7479				
CAPTION				
A Resolution of the City Council of the City of Plano, Texas, adopting the Tax Abatement Policy of the City of Plano thereby establishing criteria for evaluating incentive applications; establishing procedural guidelines and criteria governing tax abatement agreements; and providing an effective date.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2013-2014	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(s):				
COMMENTS: Strategic Plan Goal: Providing Economic Development Incentives relates to the City's goal of Strong Local Economy.				
SUMMARY OF ITEM				
This is to approve the Policy Statement for Tax Abatement. The Tax Abatement Policy must be approved every two years in accordance with City of Plano policy. This policy statement adds a new modification stipulating that any changes to Agreements subsequent to City Council action shall be accompanied by the payment of a non-refundable, modification processing fee of \$1,000 for associated administrative costs.				
List of Supporting Documents: Policy Statement for Tax Abatement			Other Departments, Boards, Commissions or Agencies	

A Resolution of the City Council of the City of Plano, Texas, adopting the Tax Abatement Policy of the City of Plano thereby establishing criteria for evaluating incentive applications; establishing procedural guidelines and criteria governing tax abatement agreements; and providing an effective date.

WHEREAS, tax abatement guidelines and criteria are effective for two (2) years from the date of adoption; and

WHEREAS, the existing tax abatement guidelines and criteria were adopted on November 14, 2011 and amended on January 23, 2012; and

WHEREAS, the City Council wishes to adopt a Policy Statement for Tax Abatement for the City of Plano that is applicable for all tax abatement applications filed after the date of this Resolution, a substantial copy of which is attached as Exhibit "A" and incorporated herein by reference (hereinafter called "Policy"); and

WHEREAS, upon full review and consideration of the Policy and all matters attendant and related thereto, the City Council is of the opinion that the Policy should be approved.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS:

Section I. The terms and conditions of the Policy having been reviewed by the City Council of the City of Plano and found to be acceptable and in the best interests of the City of Plano and its citizens, is hereby in all things approved.

Section II. The City of Plano elects to be eligible to participate in tax abatement agreements.

Section III. This Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED this the 13th day of January, 2014.

Harry LaRosiliere, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

CITY OF PLANO, TEXAS

SECOND AMENDED POLICY STATEMENT FOR TAX ABATEMENT

I. General Purpose and Objectives

The City of Plano is committed to the promotion and retention of high quality development in all parts of the City and to an ongoing improvement in the quality of life for its citizens. Insofar as these objectives are generally served by the enhancement and expansion of the local economy, the City of Plano will, on a case-by-case basis, give consideration to providing tax abatement as stimulation for economic development in Plano.

The City of Plano will consider providing incentives in accordance with the procedures and criteria outlined in this document. Nothing herein shall imply or suggest that the City of Plano is under any obligation to provide tax abatement to any applicant. All applicants shall be considered on a case-by-case basis.

II. Criteria

All tax abatements provided by the City of Plano must have as their underlying goal to further economic development in Plano. The goals to be achieved by the granting of the tax abatement should be measurable and be binding upon the recipient of the tax abatement as set forth in an agreement between the City and recipient.

Any person, organization or corporation seeking a tax abatement to foster location, modernization of existing facilities, improvement or expansion of operations within the city limits of Plano, must comply with the following procedures. Nothing within these procedures shall imply or suggest that Plano is under any obligation to provide any incentive to an applicant.

III. Value of Tax Abatements

Following an assessment of the narrative response, the City Manager shall determine whether it is in the best interests of the City to recommend that a tax abatement be offered to the applicant. Additional consideration beyond the criteria will include such items as the degree to which the project/applicant furthers the goals and objectives of the community or meets or compliments a special need identified by the community.

Tax Abatement shall be offered in two categories: 1) Real Property and/or 2) Business Personal Property. Real property abatements will be offered to applicants that pursue the construction of new or expanded facilities in which to house the applicable project or the modernization of existing facilities. The abatement will apply to the assessed value of improvements made. Business Personal Property abatements will be offered to applicants that pursue the purchase or long-term lease of existing facilities. The abatement will apply to the assessed value of new personal property brought into the taxing jurisdiction. Assessed value as used in this Policy Statement shall mean the taxable value of real property improvements and business personal property as determined by the county appraisal district in which the property is located.

Once a determination has been made that a tax abatement should be offered, the percentage of abatement and term of the abatement will be determined based upon information provided in the narrative response.

IV. Application

- A. Applicant shall complete the attached "Application for Tax Abatement."
- B. Applicant shall prepare a plat showing the precise location of the property to which the tax abatement applies, all roadways within 500 feet of the site, and all existing land uses and zoning within 500 feet of the site, and the address of the property. Twenty-one (21) days prior to the public hearing, the applicant must provide a metes and bounds property description and a general address of the property.
- C. Applicant shall complete all forms and information detailed in items A through B above and submit them to the Plano Economic Development Department, City of Plano, 5601 Granite Parkway, Suite 310, Plano, Texas 75024. Applicant shall also submit a copy of the application to the Director of Finance, City of Plano, P. O. Box 860358, Plano, Texas 75086-0358 (email: finadmin@plano.gov).
- D. Any information provided by applicant on the Application Form may be subject to release to the public pursuant to the Texas Public Information Act. It is the responsibility of the applicant to clearly identify information it wishes to protect from release that is considered proprietary or confidential. The City will notify the

applicant if a request is made for information indicated as confidential by the applicant so that the applicant may assert to the Texas Attorney General its right to be withheld from release.

- E. Certain information provided to the City in connection with an application may be confidential and not subject to public disclosure until the incentive agreement is executed. The City of Plano, will respond to requests for disclosure as required by law and will assert exceptions on its behalf to disclosure as it deems relevant. The City will make reasonable attempts to notify the Applicant of the request so it may assert its own objections to the Attorney General.

V. **Application Review Steps**

- A. All information in the application package detailed above will be reviewed for completeness and accuracy. Additional information may be requested as needed.
- B. The City Manager may use City personnel and third parties to assist in the application review process.
- C. Upon review, the City Manager will determine whether he/she will recommend proposed tax abatement to the applicant subject to final Council approval. The proposed incentive by the City Manager is not binding upon the City Council to grant a tax abatement. It is a conditional offer subject to the City Council's approval.
- D. Upon receipt of the proposed offer to be recommended to the City Council, the applicant will have ninety (90) days to accept, decline or request an extension of the proposed offer. All responses and requests shall be made in writing to the City Manager. In certain circumstances, the City Manager may alter the time frame.
- E. Upon written acceptance by the applicant of the offer, the recommendation of the City Manager with all relevant materials will be forwarded to the City Council.

- F. The City Council of Plano may consider a resolution calling a public hearing to consider establishment of a tax reinvestment zone.
- G. The City Council of Plano may hold the public hearing and determine whether the project is “feasible and practical and would be of benefit to the land to be included in the zone and to the municipality after the expiration of the tax abatement agreement.”
- H. The City Council of Plano may consider adoption of an ordinance designating the area described in the legal description of the proposed project as a commercial/industrial tax abatement zone.
- I. The City Council of Plano may consider adoption of a resolution approving the terms and conditions of a contract between the City and the applicant governing the provision of the tax abatement.
- J. The governing body of Collin County may independently consider participating in a separate tax abatement agreement between the County and the applicant. Independent School Districts and Collin County Community College are either prohibited by law or have elected not to participate in tax abatement agreements.
- K. If the tax abatement agreement is approved, the City of Plano will send copies of the agreement to the Office of the Governor Economic Development and Tourism, Office of the Comptroller, and to the State Property Tax Board each April.
- L. Property taxes are assessed on January 1 of each year. It is the obligation of the applicant to ensure that all final approvals for the tax abatement agreement have occurred by December 31st of the year prior to the year the improvements are assessed. No tax abatement can be given for improvements that are on the Tax Assessor’s Roll before the tax abatement is effective. The applicant should be aware that because of mandatory publication requirements, compliance with the governing body’s calendar, and other matters, the process for obtaining approval for a tax abatement with the City of Plano governing body may take as long six weeks. It is the applicant’s responsibility to ensure the follow up of these items and approvals.

VI. Tax Abatement Agreement Terms

At a minimum, all tax abatements shall include the following provisions:

1. No Business Personalty shall be relocated from any other City of Plano created Reinvestment Zone;
2. Job creation and/or retention shall not be a requirement for tax abatement agreements including any tax abatement agreements in effect at the time of adoption of this policy.
3. Right of inspection to the premises must be provided to ensure compliance with the Agreement;
4. The right of recapture of previously abated taxes if Applicant fails to pay taxes for the assessed value for the Real Property and/or Business Personalty;
5. The value of all real property improvements and business personal property will be the assessed value as determined by the appropriate county appraisal district;
6. The term of a tax abatement agreement may not exceed ten (10) years as required by law; and
7. The right to terminate a tax abatement agreement in the event of a material breach of the agreement.
8. Written certification annually by the Chief Financial Officer and/or President of the entity receiving the incentive that it has complied with the terms and conditions of the incentive agreement.

VII. Modification of Tax Abatement Agreements

Any requests by the applicant to modify the terms of the Agreement subsequent to City Council action shall be accompanied by the payment of a non-refundable, modification processing fee in the amount of One Thousand Dollars (\$1,000.00) for associated administrative costs.

CITY OF PLANO, TEXAS

APPLICATION FOR TAX ABATEMENT

NOTE: PLEASE CLEARLY IDENTIFY ANY INFORMATION YOU DEEM TO BE CONFIDENTIAL OR PROPRIETARY. THE CITY WILL ATTEMPT TO PROTECT ANY INFORMATION MARKED CONFIDENTIAL OR PROPRIETARY AND WILL NOTIFY THE APPLICANT OF ANY REQUESTS FOR DISCLOSURE.

1. Applicant Company's Name:
Company's Representative:
Title:
Mailing Address:
City, State, Zip:
Telephone Number:
Email Address:
Website Address:

2. Tenant's Representative:
Company:
Mailing Address:
City, State, Zip:
Telephone Number:
Email Address:

3. Property Owner:
Property Owner's Representative:
Company:
Mailing Address:
City, State, Zip:
Telephone Number:
Email Address:

4. Property Address and/or location description:

5. Property Legal Description (attach metes and bounds):

6. Located within:
City of Plano
Plano Independent School District
Lewisville Independent School District
Frisco Independent School District
Collin County
Denton County

7. Company description and overview (including headquarters location, year founded, products and services, and annual revenue and growth).
8. Applicant business is:
Public
Private
9. State of Incorporation:
10. Is a recent annual audit available?
If yes, please submit a copy with application. If no, financials to be provided upon request.
11. Applicant company's four digit NAICS Industry Code: (if known)
12. Description of project:
13. Will any zoning changes be necessary to accommodate the project?
If yes, please provide additional information:
14. Does the applicant company plan to utilize Plano-based companies in the design, construction and on-going operations of the facility?
15. Date projected for occupancy of project/initiation of operations:
16. Will applicant company occupy:
Existing space:
Space currently planned or under construction:
Proposed new facility:
17. Acreage of proposed site:
18. Square footage of proposed occupied space:
19. Proposed type of occupancy:
Owner Occupied
Landlord/Tenant
If leasing, what is length of lease?
20. Applicant business is: (Click on all that apply)
Existing Plano company
New company to Plano

- Expanding
- Relocating from another city in Texas
- Relocation from out-of-state or country

21. If company is currently located in Plano, when does their current lease expire?

22. Type of tax abatement requested:
- Real Property improvements
 - Business Personal Property improvements

23. Specify other economic assistance requested:

Employment Impact

1. Number of Full Time Equivalents (FTE)* employed by applicant company at occupancy and to be maintained throughout the term of the agreement (exclusive of contract employees):

*FTE means one or more job positions located at the Property which individually or when combined total 2080 hours (inclusive of holidays, vacation and sick leave) annually.

2. Future FTE employment (if applicable):
- Projected FTE employment (milestone) of _____ by _____ (indicate date)
 - Projected FTE employment (milestone) of _____ by _____ (indicate date)

3. Is this an existing business in Plano?
If yes, what is the FTE employment that will be retained in Plano by this project?

4. Does the applicant company anticipate hiring contract employees?
If yes, what is the number of FTE contract employees?
What is the median annual salary of the FTE contract employees?

5. If applicable, what is the number of FTE positions that will be relocated to Plano from applicant company's other locations?
Provide location(s) the positions are being relocated from:

6. Indicate the applicant company's FTE employment in each category (at occupancy):

- Executive
- Professional

Managerial
 Technical
 General Staff
 Production Workers _____
 Total

7. What will be the median annual salary of company's FTEs (at occupancy)?

8. Projected annual payroll at occupancy:

Fiscal Impact

	Initial Year	Year (If applicable)	Year (If applicable)
1. What is the estimated fair market value of the Real Property improvements (exclusive of land) that will be added to the tax base?			
2. What is the estimated fair market value of the Business Personal Property improvements that will be added to the tax base exclusive of inventory and exclusive of property currently located in Plano?			
TOTAL CUMULATIVE IMPROVEMENTS	\$	\$	\$

3. If applicable, what is the annual value of inventory eligible for Freeport Exemption?
#####

4. If applicable, what is the annual value of sales that will be subject to sales tax collection by the City of Plano? #####

5. Will additional infrastructure investment be required from the City of Plano at the proposed site(s)?

If yes, detail required improvements including cost estimates.

Community Impact

1. Please summarize the overall economic impact on the City of Plano (sales, real property and business personal property improvements, employment, business sector, etc.).
2. Please estimate the annual number of room-nights* in the City of Plano the applicant company anticipates generating.

*Room-nights are the number of hotel rooms booked x the number of nights, i.e. four rooms booked for five nights equals 20 room-nights.

3. Please describe the necessity in requesting property tax abatement. Describe the competitive, financial or other issues associated with this application.

Certifications

Certification of No Undocumented Workers

Chapter 2264 of the Texas Government Code requires that each business that submits an application to receive a public subsidy include in the application a statement certifying that the business, or a branch, division, or department of the business, does not and will not knowingly employ an undocumented worker. An undocumented worker means an individual who, at the time of employment, is not lawfully admitted for permanent residence to the United States or authorized under the law to be employed in that manner in the United States. If after receiving a public subsidy, the business, or a branch, division, or department of the business, is convicted of a violation under 8 U.S.C. Section 1324a(f), the business shall repay the amount of the public subsidy with interest, at the rate and according to the other terms provided by an agreement under Section 2264.053, not later than the 120th day after the date the public agency, state or local taxing jurisdiction, or economic development department notifies the business of the violation.

I hereby certify that _____ is in compliance with Chapter 2264 of the Texas Government Code.

Signature:

Name:

Title:

Company:

I hereby certify that the information provided in this application is, to the best of my knowledge and belief, true and correct.

Date:

Signature:

Name:

Title:

Company:

Note:

Insertion of '/s/' above the name is acceptable evidence of an electronic signature by the person so signing.



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		1/13/14		
Department:		Finance		
Department Head		Denise Tacke		
Agenda Coordinator (include phone #): Katherine Crumbley x-7479				
CAPTION				
A Resolution of the City Council of the City of Plano, Texas, approving revisions to the City of Plano Chapter 380 Policy for Economic Development Incentives; and providing an effective date.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2013-2014	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(s):				
COMMENTS: Strategic Plan Goal: Providing Economic Development Incentives relates to the City's goal of Strong Local Economy.				
SUMMARY OF ITEM				
This is to approve revisions to the Chapter 380 Policy for Economic Development Incentives.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Chapter 380 Program for Economic Incentives				

A Resolution of the City Council of the City of Plano, Texas, approving revisions to the City of Plano Chapter 380 Policy for Economic Development Incentives; and providing an effective date.

WHEREAS, the City of Plano considers providing incentives in the form of grants, loans of monies and lending of personnel and services to stimulate economic development in Plano; and

WHEREAS, the City of Plano wishes to adopt a revised Chapter 380 Policy for Economic Development Incentives to add a fee for requests for modifications to Chapter 380 Agreements; and

WHEREAS, a substantial copy of the revised Chapter 380 Policy for Economic Development Incentives is attached hereto as Exhibit "A" and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. The City Council hereby approves the revisions to the Chapter 380 Policy for Economic Development Incentives, which is attached hereto as Exhibit "A".

Section II. This Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED this the 13th day of January, 2014.

Harry LaRosiliere, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

CITY OF PLANO

FIRST AMENDED CHAPTER 380 PROGRAM FOR ECONOMIC INCENTIVES APPLICATION AND PROCEDURES

I. General Purpose and Objectives

The City of Plano is committed to the promotion and retention of high quality development in all parts of the City and to an ongoing improvement in the quality of life for its citizens. Insofar as the enhancement and expansion of the local economy generally serve these objectives, the City of Plano will, on a case-by-case basis, give consideration to providing grants, loans of monies, and lending of personnel and services to stimulate economic development in Plano.

The City of Plano will consider providing incentives in accordance with the procedures and criteria outlined in this document. Nothing herein shall imply or suggest that the City of Plano is under any obligation to provide any incentive to any applicant. All applicants shall be considered on a case-by-case basis.

By Resolution No. 99-5-24, the City Council approved the general concepts for Chapter 380 incentives and other matters and instructed staff to develop these programs in greater detail. This procedure and application process shall govern the Chapter 380 program incentives that may be considered by the City Council.

II. Criteria

All incentives provided by the City of Plano must have as their underlying goal to further economic development in Plano. The goals to be achieved by the granting of the incentive should be measurable and be binding upon the recipient of the incentive as set forth in an agreement between the City and recipient.

Any person, organization or corporation seeking a Chapter 380 economic development incentive to foster location, modernization of existing facilities, improvement or expansion of operations within the city limits of Plano, must comply with the following procedures. Nothing within these procedures shall imply or suggest that Plano is under any obligation to provide any incentive to an applicant.

III. Value of Incentives

Following an assessment of the narrative response, the City Manager shall determine whether it is in the best interests of the City to recommend that an incentive be offered to the applicant. Additional consideration beyond the criteria will include such items as the degree to which the applicant's request furthers the goals and objectives of the community or meets or compliments a special need identified by the community.

Incentives may be in the form of grants, loans, use of City's personnel or services, or a combination thereof.

IV. Application

- A.** Applicant shall complete the attached "Application for Chapter 380 Economic Development Incentives."
- B.** Applicant shall provide an address or prepare a plat showing the precise location of the property to which the incentive applies, all roadways within 500 feet of the site, and all existing land uses and zoning within 500 feet of the site, and the address of the property. Depending on the request, the applicant may also be required to provide a metes and bounds property description prepared by a registered professional survey at the applicant's expense.
- C.** Applicant shall complete all forms and information detailed in items A and B above and submit them to Plano Economic Development Department, City of Plano, 5601 Granite Parkway, Suite 310, Plano, Texas 75024. Applicant shall also submit a copy of the application to the Director of Finance, City of Plano, P. O. Box 860358, Plano, Texas 75086-0358 (email: finadmin@plano.gov).
- D.** Information provided by applicant on the Application Form may be subject to release to the public pursuant to the Texas Public Information Act. However, certain information provided to the City in connection with an application may be confidential and not subject to public disclosure until the incentive agreement is executed. The City of Plano will respond to requests for disclosure as required by law and will assert exceptions to disclosure as it deems relevant. The City will make reasonable attempts to notify the Applicant of the request so it may assert its own objections to the Attorney General.

V. Application Review Steps

- A.** All information in the application package detailed above will be reviewed for completeness and accuracy. Additional information may be requested as needed.
- B.** The City Manager may use City personnel and third parties to assist in the application review process.
- C.** Upon review, the City Manager will determine whether he/she will recommend a proposed incentive to the applicant subject to final Council approval. The proposed incentive by the City Manager is not binding upon the City Council to grant an economic incentive. It is a conditional offer subject to the City Council's approval.
- D.** Upon receipt of the proposed offer to be recommended to the City Council, the applicant will have ninety (90) days to accept, decline or request an extension of the proposed offer. All responses and requests shall be made in writing to the City Manager. In certain circumstances, the City Manager may alter the time frame.
- E.** Upon written acceptance by the applicant of the offer, the recommendation of the City Manager with all relevant materials will be forwarded to the City Council.
- F.** The City Council may consider adoption of a resolution approving the terms and conditions of an agreement between the City and the applicant for an economic incentive(s).

VI. Economic Incentive Agreement Terms

At a minimum, any agreement providing for an economic incentive shall include the following provisions:

1. Recapture of all incentive value provided in the event of default by the party to the Agreement;
2. No assignment of the Agreement in whole or part by the applicant without prior approval of the City; and
3. Written certification annually by the Chief Financial Officer and/or President of the entity receiving the incentive that it has complied with the terms and conditions of the incentive agreement.
4. Right of inspection to records must be provided to ensure compliance with the Agreement.
5. If a minimum number of jobs are part of the consideration provided by the City, the jobs must be maintained for the period established in the Agreement.

VII. Modification of Economic Incentive Agreements

Any requests by the applicant to modify the terms of the Agreement subsequent to City Council action shall be accompanied by the payment of a non-refundable modification processing fee in the amount of One Thousand Dollars (\$1,000.00) for associated administrative costs.

CITY OF PLANO, TEXAS

APPLICATION FOR 380 ECONOMIC DEVELOPMENT INCENTIVES

NOTE: PLEASE CLEARLY IDENTIFY ANY INFORMATION YOU DEEM TO BE CONFIDENTIAL OR PROPRIETARY. THE CITY WILL ATTEMPT TO PROTECT ANY INFORMATION MARKED CONFIDENTIAL OR PROPRIETARY AND WILL NOTIFY THE APPLICANT OF ANY REQUESTS FOR DISCLOSURE.

1. Applicant Company's Name:
Company's Representative:
Title:
Mailing Address:
City, State, Zip:
Telephone Number:
Email Address:
Website Address:

2. Tenant's Representative:
Company:
Mailing Address:
City, State, Zip:
Telephone Number:
Email Address:

3. Property Owner:
Property Owner's Representative:
Company:
Mailing Address:
City, State, Zip:
Telephone Number:
Email Address:

4. Proposed property address(es) and/or location description(s):

5. Property Legal Description (attach metes and bounds if required by the city):

6. Located within:
City of Plano
Plano Independent School District
Lewisville Independent School District
Frisco Independent School District

Collin County
Denton County

7. Company description and overview (including headquarters location, year founded, products and services, and annual revenue and growth)
8. Applicant business is:
Public
Private
9. State of Incorporation:
10. Is a recent annual audit available?
If yes, please submit a copy with application. If no, financials to be provided upon request.
11. Applicant company's four digit NAICS Industry Code: (if known)
12. Description of Project:
13. Will any zoning changes be necessary to accommodate the project? If yes, please provide additional information:
14. Does the applicant company plan to utilize Plano-based companies in the design, construction and on-going operations of the facility?
15. Date projected for occupancy of project/initiation of operations:
16. Will applicant company occupy:
Existing space:
Space currently planned or under construction:
Proposed new facility:
17. Acreage of site (for new construction):
18. Square footage of proposed occupied space:
19. Proposed type of occupancy:
Owner Occupied
Landlord/Tenant
If leasing, what is length of lease?

20. Applicant business is: (Check all that apply)

- Existing** Plano company
- New** company to Plano
- Expanding
- Relocating from another city in Texas
- Relocation from out-of-state or country

21. If company is currently located in Plano, when does their current lease expire?

22. Specify economic assistance requested:

Employment Impact

1. Number of Full Time Equivalents (FTE)* employed by applicant company at occupancy and to be maintained throughout the term of the agreement (exclusive of contract employees):

*FTE means one or more jobs positions located at the Property which individually or when combined total 2080 hours (inclusive of holidays, vacation and sick leave) annually.

2. Future FTE employment (if applicable):
Projected FTE employment (milestone) of _____ by _____ (indicate date)
Projected FTE employment (milestone) of _____ by _____ (indicate date)
3. Is this an existing business in Plano?
If yes, what is the FTE employment that will be retained in Plano by this project?
4. Does the applicant company anticipate hiring contract employees?
If yes, what is the number of FTE contract employees?
What is the median annual salary of the FTE contract employees?
5. If applicable, what is the number of FTE positions that will be relocated to Plano from applicant company's other locations?
Provide location(s) the positions are being relocated from:
6. Indicate the applicant company's FTE employment in each category (at occupancy):
Executive
Professional
Managerial
Technical
General Staff
Production Workers _____
Total
7. What will be the **median** annual salary of company's FTEs (at occupancy)?
8. Projected annual payroll (at occupancy):

Fiscal Impact

	Initial Year	Year (If applicable)	Year (If applicable)
1. What is the estimated fair market value of the Real Property improvements (exclusive of land) that will be added to the tax base?			
2. What is the estimated fair market value of the Business Personal Property improvements that will be added to the tax base exclusive of inventory and exclusive of property currently located in Plano?			
TOTAL CUMULATIVE IMPROVEMENTS	\$	\$	\$

3. If applicable, what is the annual value of inventory eligible for Freeport Exemption?
4. If applicable, what is the annual value of sales that will be **subject to sales tax collection by the City of Plano**?
5. Will additional infrastructure investment be required from the City of Plano at the proposed site(s)?
If yes, detail required improvements including cost estimates.

Community Impact

1. Please summarize the overall economic impact on the City of Plano (sales, real property and business personal property improvements, employment, business sector, etc.).
2. Please estimate the annual number of room-nights* in the City of Plano the applicant company anticipates generating.
*Room-nights are the number of hotel rooms booked times the number of nights. i.e. four rooms booked for five nights equals 20 room-nights.
3. Please describe the necessity in requesting an incentive. Describe the competitive, financial or other issues associated with this application.

Certifications

Certification of No Undocumented Workers

Chapter 2264 of the Texas Government Code requires that each business that submits an application to receive a public subsidy include in the application a statement certifying that the business, or a branch, division, or department of the business, does not and will not knowingly employ an undocumented worker. An undocumented worker means an individual who, at the time of employment, is not lawfully admitted for permanent residence to the United States or authorized under the law to be employed in that manner in the United States. If after receiving a public subsidy, the business, or a branch, division, or department of the business, is convicted of a violation under 8 U.S.C. Section 1324a(f), the business shall repay the amount of the public subsidy with interest, at the rate and according to the other terms provided by an agreement under Section 2264.053, not later than the 120th day after the date the public agency, state or local taxing jurisdiction, or economic development corporation notifies the business of the violation.

I hereby certify that _____ is in compliance with Chapter 2264 of the Texas Government Code.

Signature:

Name:

Title:

Note:

Insertion of '/s/' above the name is acceptable evidence of an electronic signature by the person so signing.

I hereby certify that the information provided in this application is, to the best of my knowledge and belief, true and correct.

Date:

Signature:

Name:

Title:

Company:

Note:

Insertion of '/s/' above the name is acceptable evidence of an electronic signature by the person so signing.



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		01/13/14		
Department:		Emergency Management		
Department Head		Ronald P. Timmons		
Agenda Coordinator (include phone #): Pam Philley 972-941-7966				
CAPTION				
A Resolution of the City Council of The City of Plano, Texas approving the City of Plano Hazard Mitigation Action Plan and providing an effective date.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2013-14	Prior Year (CIP Only)	Current Year	Future Years
		TOTALS		
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S): N/A				
COMMENTS: This item has no fiscal impact.				
STRATEGIC PLAN GOAL: A Resolution of the City Council of the City of Plano Hazard Mitigation Action Plan and providing an effective date relates to the City's goal of a Safe Large City.				
SUMMARY OF ITEM				
<p>The Department of Emergency Management is seeking adoption of the revised Hazard Mitigation Action Plan (HMAP). The HMAP was originally prepared in 2007 and adopted by City Council on March 25, 2008. This plan revision is a requirement of the Federal Emergency Management agency and ensures the City of Plano remains eligible for the Hazard Mitigation Grant program.</p> <p>The updated HMAP addresses natural and man-made hazards that can threaten life and health in the City of Plano. These hazards can impact the quality of life, property, the environment, and infrastructure. The HMAP provides strategies that minimize the impact of these hazards with actionable items for the hazards with greatest frequency and consequences.</p>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Resolution and Hazard Mitigation Plan				

A Resolution of the City Council of the City of Plano, Texas, approving the City of Plano Hazard Mitigation Action Plan and providing an effective date.

WHEREAS, floods, tornadoes, and other natural disasters have historically caused significant losses of life and property; and

WHEREAS, the Federal Disaster Mitigation Act of 2000 and the Federal Emergency Management Agency (“FEMA”) require communities to adopt a Hazard Mitigation Action Plan (“HMAP”) to remain eligible for pre-disaster and post-disaster federal funding for mitigation purposes; and

WHEREAS, the City of Plano has been an active participant in the regional HMAP planning process, and has conducted and documented its own planning and community public involvement process; and

WHEREAS, the City of Plano’s HMAP sets out the community’s potential risks and commitment to reducing the long-term consequences of natural hazards. The HMAP outlines mitigation goals, identifies risk reduction strategies for hazards that threaten the area, and discusses the ongoing risk reduction efforts to be undertaken within the jurisdiction; and

WHEREAS, the City Council has been presented a proposed Hazard Mitigation Action Plan (HMAP), a substantial copy of which is attached hereto as Exhibit "A" and incorporated herein by reference; and

WHEREAS, upon full review and consideration of the HMAP, the City Council is of the opinion that the HMAP should be approved.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS THAT:

Section I. The City of Plano’s HMAP is approved in its entirety, including mitigation actions to be undertaken by the City of Plano, subject to available funding.

Section II. The City of Plano will continue to participate in the HMAP planning process, including reporting of progress as required by FEMA and the Texas Division of Emergency Management.

Section III. This Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED this the 13th day of January, 2014.

Harry LaRosiliere, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

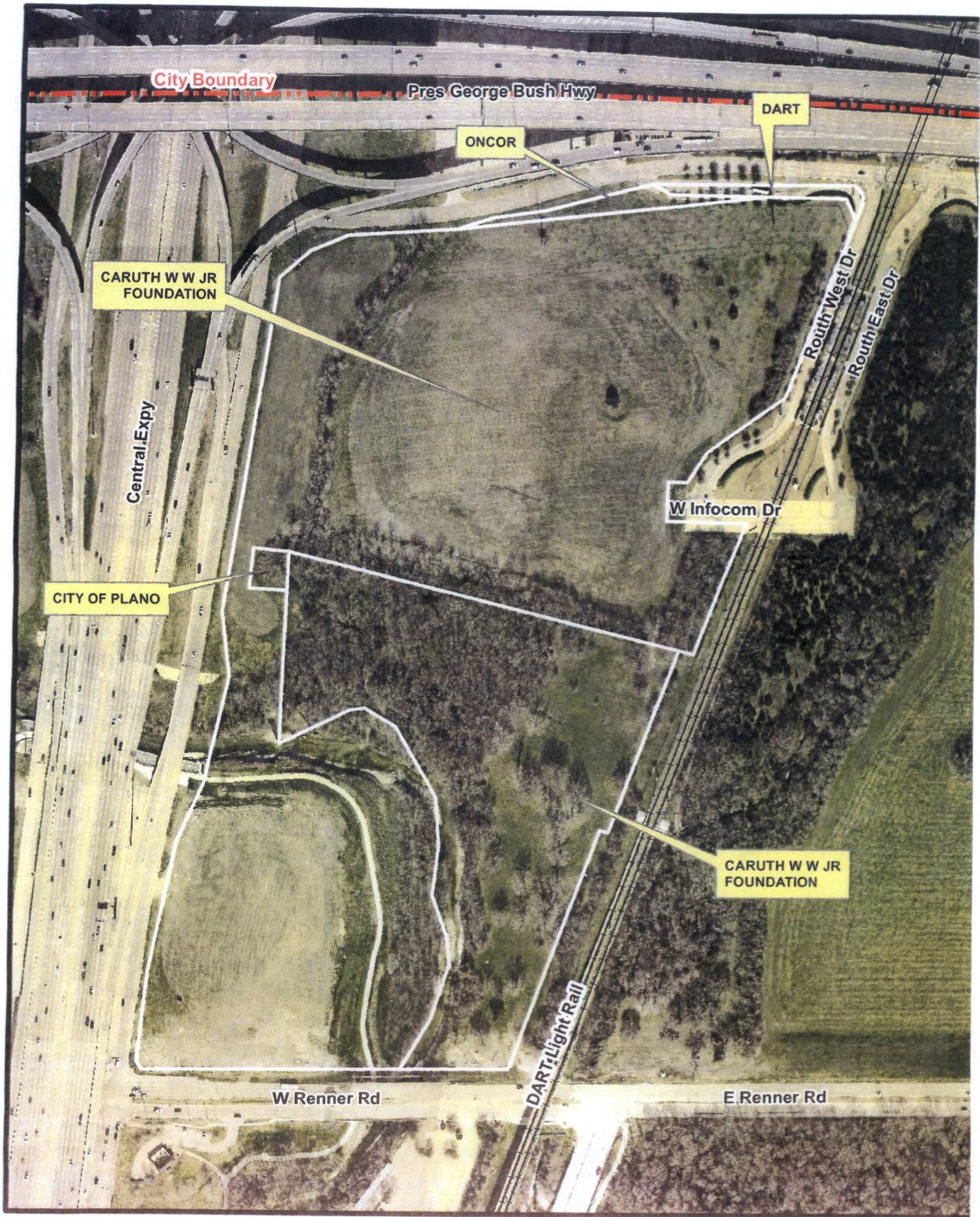
Diane C. Wetherbee, CITY ATTORNEY

The Exhibit for the Hazard Mitigation Action Plan is available in the Department of Emergency Management during business hours.



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:	1/13/14			
Department:	Engineering			
Department Head	Jack Carr			
Project	Plano Lift Station			
Agenda Coordinator (include phone #): Kathleen Schonke X-7198				
CAPTION				
<p>An Ordinance of the City Council of the City of Plano, Texas, abandoning all right, title, and interest of the City in: (1) a certain 30' access easement, recorded in Vol. 578, Page 435 of the Deed Records of Collin County, Texas; (2) a certain 15' sewer easement, recorded in Vol. 578, Page 437 of the Deed Records of Collin County, Texas, and (3) a certain 20' easement and right-of-way, described in the condemnation proceedings in <i>City of Plano v. W.W. Caruth, Jr.</i>, Cause No. 71-134-199 in the 199th District Court of Collin County, Texas, and located in the John G. Vance Survey, Abstract Number 938, which is located within the city limits of the City of Richardson, Collin County, Texas; quitclaiming all right, title and interest of the City in such easements to the owner of the property underlying the easements, Bank of America, N.A. (as trustee of the W.W. Caruth Foundation), to the extent of its interest; authorizing the City Manager or his authorized designee to execute any necessary documents, and providing an effective date.</p>				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2013-14	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S): N/A				
<p>COMMENTS: This item has no financial impact. STRATEGIC PLAN GOAL: Abandoning all right, title and interest to the City to these easements relates to the City's Goal of Financially Strong City with Service Excellence.</p>				
SUMMARY OF ITEM				
<p>This old sanitary sewer lift station located in the City of Richardson has not been in use for decades, and there is no anticipated future use for the site. The access and utility easements associated with the former lift station are no longer needed. https://maps.google.com/?ll=33.000206,-96.703677&spn=0.00817,0.014913&t=h&z=16</p>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Location Map			N/A	
Ordinance				
Petition for Abandonment				



NE Corner US-75 & Renner Ownership Aerial

LOCATION MAP

Updated By: shacklett, Update Date: September 12, 2013
File: DS\Mapping\Staff\CMO\Cliff\NEC 75 & Renner Owner ortho.mxd



An Ordinance of the City Council of the City of Plano, Texas, abandoning all right, title, and interest of the City in: (1) a certain 30' access easement, recorded in Vol. 578, Page 435 of the Deed Records of Collin County, Texas; (2) a certain 15' sewer easement, recorded in Vol. 578, Page 437 of the Deed Records of Collin County, Texas, and (3) a certain 20' easement and right-of-way, described in the condemnation proceedings in *City of Plano v. W.W. Caruth, Jr.*, Cause No. 71-134-199 in the 199th District Court of Collin County, Texas, and located in the John G. Vance Survey, Abstract Number 938, which is located within the city limits of the City of Richardson, Collin County, Texas; quitclaiming all right, title and interest of the City in such easements to the owner of the property underlying the easements, Bank of America, N.A. (as trustee of the W.W. Caruth Foundation), to the extent of its interest; authorizing the City Manager or his authorized designee to execute any necessary documents, and providing an effective date.

WHEREAS, the City Council of the City of Plano has been requested to abandon all right, title and interest of the City in: (1) a certain 30' access easement, recorded in Vol. 578, Page 435 of the Deed Records of Collin County, Texas; (2) a certain 15' sewer easement, recorded in Vol. 578, Page 437 of the Deed Records of Collin County, Texas, and (3) a certain 20' easement and right-of-way, described in the condemnation proceedings in *City of Plano v. W.W. Caruth, Jr.*, Cause No. 71-134-199 in the 199th District Court of Collin County, Texas, and located in the John G. Vance Survey, Abstract Number 938, which is located within the city limits of the City of Richardson, Collin County, Texas, and which is more particularly described in Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, the Property Owner has filed with the City a Petition for Abandonment, a copy of which is attached hereto as Exhibit "B" and made a part hereof by reference; and

WHEREAS, the Engineering Department has determined that there will be no detrimental effect on the City if the Easements are abandoned and quitclaimed to the abutting Property Owner; and has advised that the Easements should be abandoned;

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

Section I. All the right, title and interest of the City of Plano, Texas, in and to the Easements is hereby abandoned, and all right, title and interest of the City in and to the Easements is hereby quitclaimed to the abutting Property Owner in accordance with its respective interests. A certified copy of this Ordinance may be recorded in the Collin County Land Records to reflect this abandonment and quitclaim. The City Manager, or his authorized designee is hereby authorized to execute on behalf of the City of Plano, Texas, any instruments necessary to complete the abandonment and quitclaim of the Easements by the City of Plano.

Section II. The abandonment and quitclaim is without prejudice to any and all improvements, facilities, equipment or lines of any public utility, municipal or otherwise, if any, which are presently located within any portion of the Easements. Any such utility shall have the continued right to locate, maintain, repair, reconstruct, preserve or relocate improvements, facilities, equipment or lines in such portion of the Easements.

Section III. The City Council hereby finds and determines that the abandonment of the Easements is in the public interest of the City of Plano, Texas, and its citizens, and will inure to the benefit of the public generally.

Section IV. This Ordinance shall become effective immediately upon its passage.

DULY PASSED AND APPROVED this the 13th day of January, 2014.

Harry LaRosiliere, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

EXHIBIT "B"

PETITION FOR ABANDONMENT [For Easement Abandonment]

We, the undersigned, (hereinafter "Owners"), being all of the owners of real property abutting _____ (hereinafter called "Easement"), more particularly described by metes and bounds in the field note description attached hereto and incorporated herein as **Exhibit "A-1"** do hereby request that the City of Plano, Texas (called "City") abandon the Easement.

1. **The Owners are requesting the abandonment of the Easement for the following reasons:**

The old sanitary sewer lift station has not been in use for decades, and there is no anticipated future use for the site. Further, the presence of abandoned equipment represents an attractive nuisance and potential liability for the City of Plano. Abandoning the site to the adjacent property owner will allow that owner to mitigate this potential liability, include the property into adjacent developments, and return the property to the tax rolls. Further, the access and utility easements associated with the former lift station are no longer needed.

2. **The following public interest will be served as a result of the abandonment:**

A potential public liability risk will be transferred from the City of Plano to a private entity and mitigated.

3. **Unless the City determines that this abandonment is exempt from payment of fair market value, the Owners agree to pay to the City the fair market value of the Easement as determined by an appraisal obtained by the City (called "Price"). The appraisal shall be conclusive as to the fair market value. The Owners shall reimburse the City for the cost of the appraisal and other costs incident to the abandonment (called "Costs"). The Price and Costs shall be paid to the City prior to the abandonment. Should the Plano City Council decide not to abandon the Easement, the Price shall be returned to the Owners, but the Costs shall be retained by the City. Each Owner's share of the Price and Costs shall be in the same proportion as their abutting ownership as hereinafter defined.**
4. **If the Owners are providing a replacement easement for the Easement requested to be abandoned herein, Owners will attach a metes and bounds description or plat identifying the replacement easement and attach same to this Petition as Exhibit "B-1".** N/A
5. **The Owners hereby represent and affirm to the City that no other property owner, lessee, tenant or easement or license holder uses the Easement to access or to serve their property.**
6. **The Owners further agree to release, defend, indemnify and hold the City, its officers, agents and employees harmless from and against any and all claims, losses, demands, suits, judgments and costs, including reasonable**

and necessary attorney's fees and expenses, arising out of, related to or resulting from the abandonment of the Easement by City.

7. The Owners understand and agree that the abandonment is in the sole discretion of the Plano City Council. The Owners also understand and agree that the Easement will be abandoned to them in proportion to their abutting ownership. The abutting ownership will be determined by the number of linear feet of frontage adjacent to the Easement owned by each property owner. Based on the foregoing, the Owners hereby represent and affirm that they have searched the public land records and determined that the abutting ownership is in the following proportions:

W.W. Caruth, Jr. Foundation – 100%

Bank of America, N.A. as Trustee of the W.W. Caruth Foundation

8. Owners shall also prepare a map or drawing showing the Easement to be abandoned along with a designation of all abutting property owners. This map or drawing shall be attached hereto and incorporated herein as **Exhibit "C-1"**.
9. Owners shall also prepare a separate field note description for each portion of the Easement to be released to each abutting property owner. This description shall be attached hereto and incorporated herein as **Exhibit "D-1"**.

[Remainder of page blank]

10. The undersigned officers and/or agents of the Owners hereby represent and affirm that they have the necessary authority to execute this Petition for Abandonment on behalf of the Owners.

Bank of America, N.A. as Trustee
of the W.W. Caruth Foundation

Typed Name of Owner

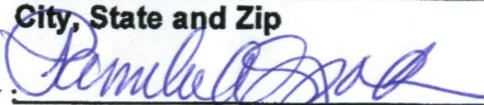
901 Main Street, 16th Flr, Dallas, TX

Address

Dallas, Texas 75202

City, State and Zip

Dated: 10/30/13 By:



Signature of Owner

Its Senior Vice President

Contact Person for Property Owners:

Name:

Pamela Spadaro

Phone No:

214-209-1681

EASEMENTTemporary Spring Creek Lift Station Access Road

THE STATE OF TEXAS)
COUNTY OF DALLAS) KNOW ALL MEN BY THESE PRESENTS,

That W. W. CARUTH, JR.

in consideration of the sum of One Dollar cash to said Grantor in hand paid by the City of Plano, the receipt of which is acknowledged, and the further consideration of the benefits to be derived by grantor on account of the construction, reconstruction and maintainance by the City of Plano of the proposed sanitary sewer system to serve the area do hereby give and grant to the City of Plano, a municipal corporation of Collin County, Texas, a temporary easement and right to construct, reconstruct and maintain an access road to the sanitary sewer lift station site owned by the City of Plano, Texas, said access road right-of-way being upon, over and across the following described property:

BEING a strip of land thirty (30) feet in width, located in the James C. Vance Survey, Abstract No. 938, in Collin County, Texas and being over and across the tract of land conveyed to W. W. Caruth, Jr. by a Deed now on record in Volume 462, page 121 of the Deed Records of Collin County, Texas; said thirty (30) foot easement having a center-line more particularly described as follows:

BEGINNING at a point on the westerly boundary line of a tract of land to be conveyed to the City of Plano for a sanitary sewer lift station site, said point being located S 1 deg 04' 30" W a distance of 32 feet, more or less, from the northwest corner of said tract of land;

THENCE N 85 deg 56' 30" W a distance of 155 feet, more or less, to a point in the east right-of-way line of U. S. Highway No. 75.

Provided that the easement right-of-way herein granted is intended to be temporary only, and is subject to cancellation by grantor whenever he, his successors or assigns simultaneously provides an alternate all weather route

436

from the highway to the lift station.

TO HAVE AND TO HOLD the same unto the City of Plano and its successors, together with the right and privilege at all times of free ingress and egress upon said right-of-way or any future alternate access route.

WITNESS my hand this 20TH day of February, 1961.

W. W. Caruth, Jr.
W. W. Caruth, Jr.

THE STATE OF TEXAS)
COUNTY OF DALLAS)

BEFORE ME, the undersigned, a Notary Public, _____, in and for said County, Texas, on this day personally appeared W. W. Caruth, Jr. known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 20TH day of February, A. D. 1961.



Max Brauch Scott
Notary Public in and for Dallas County, Texas

FILED FOR RECORD 9 DAY OF March A.D. 1961 at 4:18 P.M.
RECORDED 14 DAY OF March A.D. 1961. File # 1188
JAMES E. GIBB, CLERK COUNTY COURT, COLLIN COUNTY, TEXAS.
BY: *Ann Bridges* DEPUTY.

E A S E M E N TSanitary Sewer Line

THE STATE OF TEXAS)
 COUNTY OF COLLIN) KNOW ALL MEN BY THESE PRESENTS,

That W. W. CARUTH JR.

in consideration of the sum of One Dollar cash to said Grantors in hand paid by the City of Plano, the receipt of which is acknowledged, and the further consideration of the benefits to be derived by grantors on account of the construction, reconstruction and maintenance by the City of Plano of the sanitary sewer line in and through the hereinafter described premises, do hereby give and grant to the City of Plano, a municipal corporation of Collin County, Texas, the easement and right to construct, reconstruct and perpetually maintain a sanitary sewer line together with all necessary laterals in, upon and across the following described property:

BEING a strip of land fifteen (15) feet in width, located in the James C. Vance Survey, Abstract No. 938, in Collin County, Texas and being over, under and across the tract of land conveyed to W. W. Caruth by a deed now of record in Volume 462, Page 121 of the Deed Records of Collin County, Texas; said fifteen (15) foot easement having a centerline description more particularly described as follows:

TRACT NO. 1

BEGINNING at a point on the southerly boundary line of a tract of land to be conveyed to the City of Plano for a lift station site, said point being located N 88° 55' 30" W a distance of 7.5 feet from the southeast corner of said tract of land;

THENCE S 1° 04' 30" W, 7.5 feet from and parallel to an easterly boundary line of said Caruth tract of land, a distance of 243 feet, more or less, to a point;

THENCE S 80° 40' 30" W a distance of 276.8 feet more or less to a point in the east right-of-way line of U. S. Highway No. 75.

TRACT NO. 2

BEGINNING at a point on the west right-of-way line of U. S. Highway No. 75, said point being located in a northerly direction a distance of 1025 feet, more or less, from the intersection of the south boundary line of said Caruth Tract of land and the west right-of-way line of U. S. Highway No. 75;

THENCE S $35^{\circ} 42'$ W a distance of 35.6 feet, more or less, to a point;

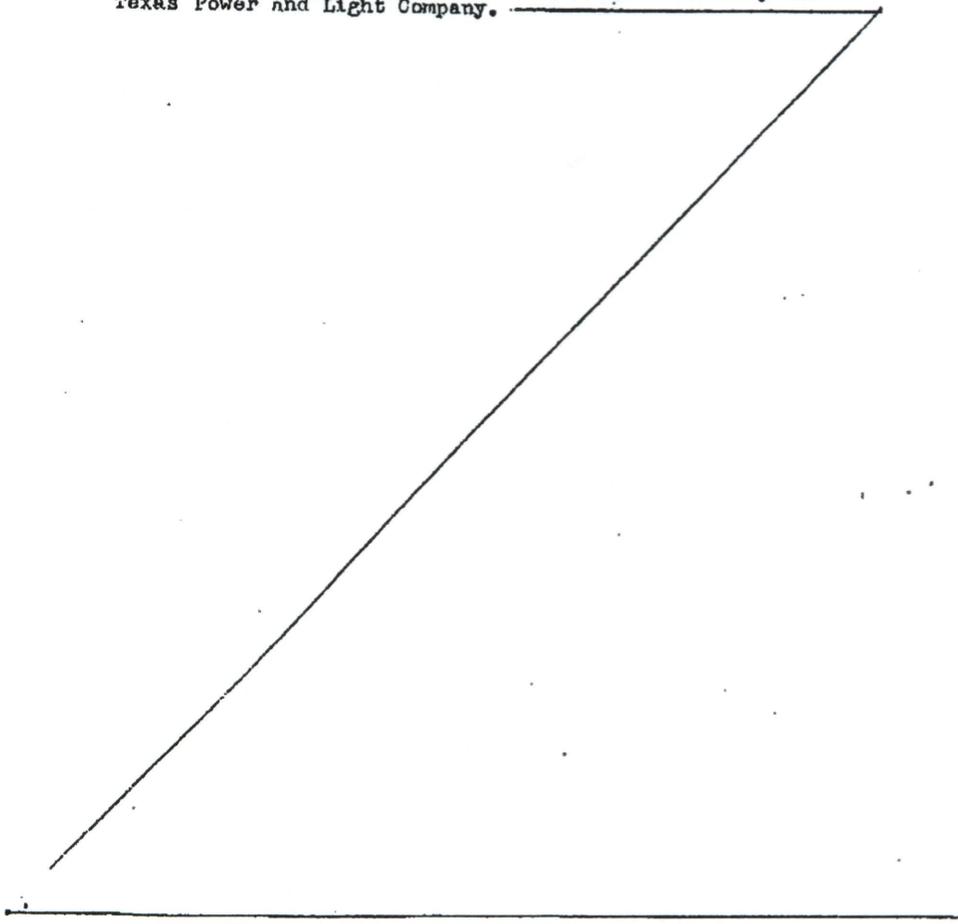
THENCE N $55^{\circ} 53'$ W a distance of 207.5 feet, more or less, to a point;

THENCE N $43^{\circ} 03'$ W a distance of 230.8 feet, more or less, to a point;

THENCE N $9^{\circ} 19'$ W a distance of 490 feet to a point;

THENCE N $12^{\circ} 23' 30''$ W a distance of 268 feet to a point;

THENCE N $26^{\circ} 55'$ W a distance of 72 feet, more or less, to a point in the north boundary line of said Caruth Tract and the south boundary line of a tract now owned by the Texas Power and Light Company.



TO HAVE AND TO HOLD the same perpetually unto the City of Plano and its successors, together with the right and privilege at all times to enter said premises, or any part thereof, for the purpose of constructing, reconstructing, and maintaining said sewer, and for making connections therewith. And the grantee shall have the right to construct reconstruct and perpetually maintain additional sewer lines at all times in the future, within the above described boundaries;

In consideration of the foregoing, grantors give to the City of Plano and its successors a temporary construction easement 100 feet in width, being 10 feet on the left and 90 feet on the right of the above described line; said temporary construction easement to terminate on date of each completion of said sewer line construction or reconstruction,

All upon the conditions that the City of Plano will at all times, after doing any work in connection with the construction, reconstruction or repair of said sewer, or any lateral thereof, restore said premises to the condition in which they were found before such work was undertaken, and that in the use of the rights and privileges herein granted, the City of Plano will not create a nuisance or do any act that will be detrimental to said premises.

WITNESS my hand this 9th day of February, 1961

W. W. Caruth Jr.

W. W. CARUTH JR.

THE STATE OF TEXAS
COUNTY OF DALLAS

BEFORE me, the undersigned authority, a Notary Public in and for said County, State of Texas, on this day personally appeared W. W. CARUTH, JR. known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN under my hand and seal of office this 9th day of February, 1961.

Betty Sawyer

Notary Public
State of Texas



FILED FOR RECORD 7 DAY OF March A.D. 1961 at 4:19 P.M.
RECORDED 14 DAY OF March A.D. 1961. File # 1187.
JAG. E. WEBB, CLERK, COUNTY COURT, COLLIN COUNTY, TEXAS.
BY: Ann Bridges DEPUTY.

440

UTILITY EASEMENT

THE STATE OF TEXAS:

KNOW ALL MEN BY THESE PRESENTS,

COUNTY OF COLLIN:

That the undersigned, Mrs. Emma Zehl Howey
(Mrs. EMMA ZEHL HOWEY), a feme sole

in consideration of One Dollar and other valuable considerations, the receipt of which is hereby acknowledged, do hereby Give and Grant unto the City of Plano, a municipal corporation of Collin County, Texas, and its assigns, an easement to construct, reconstruct and perpetually maintain public streets, sidewalks and all public utilities, together with all necessary connecting lines, poles and laterals thereto, upon, over, under and across a five (5) foot strip of land situated in the following described property:

BEING a tract of land in the Sanford Beck Survey, Abstract No. 73, Collin County, Texas, and being a part of a tract of land described in a deed dated November 29, 1881, from D. M. Oglesby to John Zehl and recorded in Volume 14, Page 550 of the Deed Records of Collin County, Texas, the tract to be conveyed for street, sidewalk and utility purposes being described as follows:

A strip of land 5 feet wide off the entire north side (209-1/2 feet) of said John Zehl tract, as shown on the attached plat. The existing south right-of-way line of 14th Street is 25 feet from the centerline along the above mentioned property.

TO HAVE AND TO HOLD the same perpetually to the City of Plano, Texas, its successors and assigns, together with the right and privilege at all times to enter said premises for the purposes of constructing, reconstructing and maintaining said streets, sidewalks and public utilities, and to make connections therewith;

THE CITY OF PLANO

VS.

W. W. CARUTH, JR.

CONDEMNATION PROCEEDINGS

IN THE 199TH JUDICIAL DISTRICT

COURT OF COLLIN COUNTY, TEXAS

JUDGMENT

On this the 25th day of February, 1972, came on to be considered the above styled and numbered cause in which the City of Plano, Texas, is Plaintiff and W. W. Caruth, Jr. is Defendant, and both parties appearing by their attorneys announced ready for trial;

and, it appearing to the Court that in pursuance of Plaintiff's statement filed in the County Court of Collin County, Texas, on the 22nd day of June, 1970, wherein it prayed for the acquisition through proceedings in eminent domain of an easement and right-of-way in and to the hereinafter described land, and that the judge of said Court appointed three disinterested free-holders of Collin County, Texas, as Special Commissioners, who subsequently met, took their oath of office, set a date for the Hearing Before Commissioners, and caused notice thereof to be duly served as prescribed by law; and that at said hearing, all parties appeared, either in person or by their attorneys; and that after such hearing, the said Special Commissioners rendered their decision in writing, awarding the Defendant the sum of Two Thousand Eight Hundred Dollars (\$2,800.00) as damages for the taking of said easement and right-of-way, in and to the hereinafter described land and their Written Award Of Commissioners was filed with the judge of said Court, of which, all recitations and findings stated therein are in and by this judgment found to be correct and true.

And it further appearing to the Court that W. W. Caruth, Jr. filed objections to such Award Of Commissioners within the time prescribed by law and caused the City of Plano, Texas, to be cited accordingly; and that Plaintiff deposited on the 14th day of July, 1970, in the registry of the Court, subject to the order of Defendant herein, the sum of said award, to wit: Two Thousand Eight Hundred Dollars (\$2,800.00), said award having heretofore been withdrawn by

Defendant.

Whereupon, on this date, after a jury composed of twelve good and lawful jurors heard the pleadings and a portion of the evidence, the parties hereto, both Plaintiff and Defendant, announced to the Court that they had reached a mutually agreeable settlement in this cause.

And it further appearing to the Court from the evidence that the City Council of the City of Plano, Texas, has heretofore duly determined the public necessity for the taking of an easement and right-of-way in and to the hereinafter described land as evidenced by an order entered in its minutes and that all legal prerequisites for the trial of this cause have been duly complied with;

It is, therefore, ORDERED, ADJUDGED AND DECREED that the City of Plano, Texas, Plaintiff, do have and recover from the Defendant, W. W. Caruth, Jr., an easement and right-of-way in and to the following described land, situated in the City of Plano, Collin County, Texas, to wit:

BEING a 0.67 acre tract of land in the James G. Vance Survey, Abstract No. 938, a part of a tract conveyed by deed to W. W. Caruth as recorded in Volume 426, Page 121, Deed Records of Collin County, Texas, said tract being more particularly described by metes and bounds as follows:

BEGINNING at a point in the North right-of-way line of Renner Road, said point being located 436 feet Easterly from a right-of-way marker at the intersection of Renner Road and U. S. Highway 75 service road;

THENCE N. $0^{\circ}22'30''$ E. 45.04 feet;

THENCE S. $89^{\circ}37'30''$ E. 10.0 feet to a point of curve to the left, said curve having a central angle of $72^{\circ}30'$ and a radius of 140 feet;

THENCE Northeasterly 177.15 feet to end of said curve;

THENCE N. $17^{\circ}52'30''$ E. 158.52 feet to a point of curve to the left, said curve having a central angle of $18^{\circ}00'$ and a radius of 190 feet;

THENCE Northerly 59.69 feet to end of said curve;

THENCE N. $0^{\circ}07'30''$ W. 293.82 feet to a point of curve to the left, said curve having a central angle of $70^{\circ}00'$ and a radius of 140 feet;

THENCE Northwesterly 171.04 feet to end of said curve;

THENCE N. $70^{\circ}07'30''$ W. 155.12 feet;

THENCE $33^{\circ}07'30''$ W. 135.6 feet;

THENCE N. $2^{\circ}52'30''$ E. 141.21 feet to a point of curve to the left, said curve having a central angle of $38^{\circ}24'29''$ and a radius of 190 feet;

THENCE Northwesterly 127.37 feet around said curve to a point in the South boundary of an existing lift station site, said point being located 8.6 feet East of the Southwest corner of said site;

THENCE S. $88^{\circ} 55' 30''$ E. 24.29 feet along said South boundary;

THENCE Southeasterly 134.16 feet around a curve to the right, said curve having a central angle of $34^{\circ} 27' 09''$ and a radius of 210 feet;

THENCE S. $2^{\circ} 52' 30''$ W. 134.71 feet;

THENCE S. $33^{\circ} 07' 30''$ E. 122.4 feet;

THENCE S. $70^{\circ} 07' 30''$ E. 148.42 feet to a point of curve to the right, said curve having a central angle of $70^{\circ} 00'$ and a radius of 160 feet;

THENCE Southeasterly 195.48 feet around said curve;

THENCE S. $0^{\circ} 07' 30''$ E. 293.82 feet to a point of curve to the right, said curve having a central angle of $18^{\circ} 00'$ and a radius of 210 feet;

THENCE Southerly 65.97 feet to end of said curve;

THENCE S. $17^{\circ} 52' 30''$ W. 158.52 feet to a point of curve to the right, said curve having a central angle of $68^{\circ} 55'$ and a radius of 160 feet;

THENCE Southwesterly 192.45 feet around said curve;

THENCE S. $0^{\circ} 22' 30''$ W. 25.15 feet to the North right-of-way line of Renner Road;

THENCE N. $89^{\circ} 00'$ W. 20 feet along said North line to the Point of Beginning and CONTAINING 0.67 acres of land.

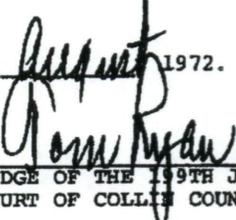
And that the same be, and is hereby vested in the City of Plano, Texas.

It is further ORDERED, ADJUDGED AND DECREED that W. W. Caruth, Jr., Defendant, do have and recover of the City of Plano, Texas, Plaintiff, the sum of One Thousand Six Hundred and Eighty Dollars (\$1,680.00) as damages for the taking of the hereinabove described land, such sum of One Thousand Six Hundred and Eighty Dollars (\$1,680.00) being the amount by which the agreed settlement exceeds the sum of Two Thousand Eight Hundred Dollars (\$2,800.00) heretofore deposited into the registry of this Court; and that the Defendant shall further recover interest on the said sum of One Thousand Six Hundred and Eighty Dollars (\$1,680.00) at the rate of six (6%) percent per annum from and after the 14th day of July, 1970, and until the payment of the said One Thousand Six Hundred and Eighty Dollars (\$1,680.00), to the clerk of this Court, as hereinafter provided.

It is further ORDERED, ADJUDGED AND DECREED by the Court that payment of the money judgment by the City of Plano, Texas, and to the hands of the clerk of this Court shall constitute full satisfaction thereof. The court clerk is directed and ordered to pay the amount of this judgment to Defendant, W. W. Caruth, Jr..

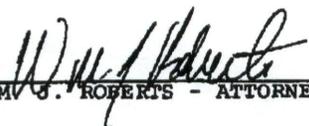
And, it is further ORDERED, ADJUDGED AND DECREED that all costs herein are assessed against the City of Plano, Texas, for which let execution issue, and that the City of Plano, Texas, may have its Writ of Possession.

Entered this 10th day of August 1972.



JUDGE OF THE 199TH JUDICIAL DISTRICT
COURT OF COLLIN COUNTY, TEXAS

APPROVED AS TO FORM:



WM. S. ROBERTS - ATTORNEY FOR PETITIONER



ROLAND BOYD - ATTORNEY FOR DEFENDANT

No. 71-134-199

CITY OF PLANO

VS.

W. W. CARRUTH

||
||
||

IN THE 199TH JUDICIAL DISTRICT

OF

COLLIN COUNTY, TEXAS

July 31, 1972 Received of the City of Plano the sum of \$1,885.80.

Lisa Trevellio by James
District Clerk *Hupp*

August 14, 1972 Received of the District Clerk the sum of \$1,885.80.

Roland Boyd Jr
Roland Boyd, Trustee for
W. W. Carruth

FILMED

354

FILED

1970 JUL -8 PM 4:00

No. 12073

CITY OF PLANO

VS.

W. W. CARUTH, JR.

||

CONDEMNATION PROCEEDINGS

IN THE COUNTY COURT

COLLIN COUNTY, TEXAS

Lowrey

DECISION OF SPECIAL COMMISSIONERS

On this the 8th day of July, 1970, the undersigned Special Commissioners, appointed by the Judge of the above court to assess damages in the above condemnation proceedings brought by Plaintiff CITY OF PLANO, TEXAS to condemn a certain easement for a sanitary sewer pipe line over and across the property of which the Defendant has fee simple title, which easement is described in Plaintiff's Petition filed with said Judge on the 22nd day of June, 1970, having determined that Defendant has been duly served with notice as required by law, and that all parties, Plaintiff and Defendant, appeared and announced ready for hearing, proceeded to hear said Petition and the evidence as to the damages which will be sustained by the Defendant by reason of such condemnation, and find that the amount of such damages due to Defendant is \$2800⁰⁰.

H. H. Neilson
H. H. NEILSON

Sam Hill
SAM HILL

Garvis Spain
GARVIS SPAIN

1970 JUN 23 AM 10:54

NO. 12073

CITY OF PLANO
VS.
W. W. CARUTH, JR.

CONDEMNATION PROCEEDINGS
IN THE COUNTY COURT
COLLIN COUNTY, TEXAS

APPOINTMENT OF COMMISSIONERS

WHEREAS, the foregoing Petition of City of Plano, Texas, having been filed with me this 22nd day of June, 1970, and after due consideration thereof,

IT IS ORDERED that H. H. Neilson, Sam Hill, and Garvis Spain, disinterested freeholders of the County of Collin, State of Texas, be and they are hereby appointed as Special Commissioners to assess the damages occasioned by such condemnation.

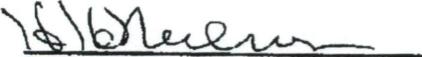
ENTERED this 22nd day of June, 1970.


Don Weaver Davis, County Judge
Collin County, Texas

OATH OF SPECIAL COMMISSIONERS

THE STATE OF TEXAS
COUNTY OF COLLIN

BEFORE ME, the undersigned authority, on this day personally appeared H. H. Neilson, Sam Hill, and Garvis Spain, each of whom being duly sworn, says upon oath that he will assess the damages in the case as shown by the foregoing Petition fairly and impartially and in accordance with law.

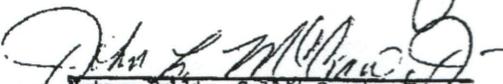

H. H. NEILSON

SAM HILL

GARVIS SPAIN

SUBSCRIBED AND SWORN TO BEFORE ME on this the 23rd day of JUNE,

1970.
(L.S.)


Notary Public, Collin County, Texas

1970 JUL -8 PM 4:18

NO. 12073

CITY OF PLANO

CONDEMNATION PROCEEDINGS

VS.

IN THE COUNTY COURT OF

W. W. CARUTH, JR

COLLIN COUNTY, TEXAS

OBJECTION TO AWARD OF SPECIAL COMMISSIONERS

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes W. W. Caruth, Jr., Defendant in the above styled proceeding in Eminent Domain, and objects to the award of the Special Commissioners, heretofore appointed by the Honorable Judge of the County Court of Collin County, Texas, to assess damages against the Defendant by the taking of land and estate described in said award in that:

I

Said sum is greatly insufficient and inadequate in that the amount does not fully compensate Defendant for the full and reasonable value of the property sought, in that the value of the land is, in itself, of a greater value than the whole sum awarded as damages, and it does not compensate him for the damage done to the remainder by reason of the taking.

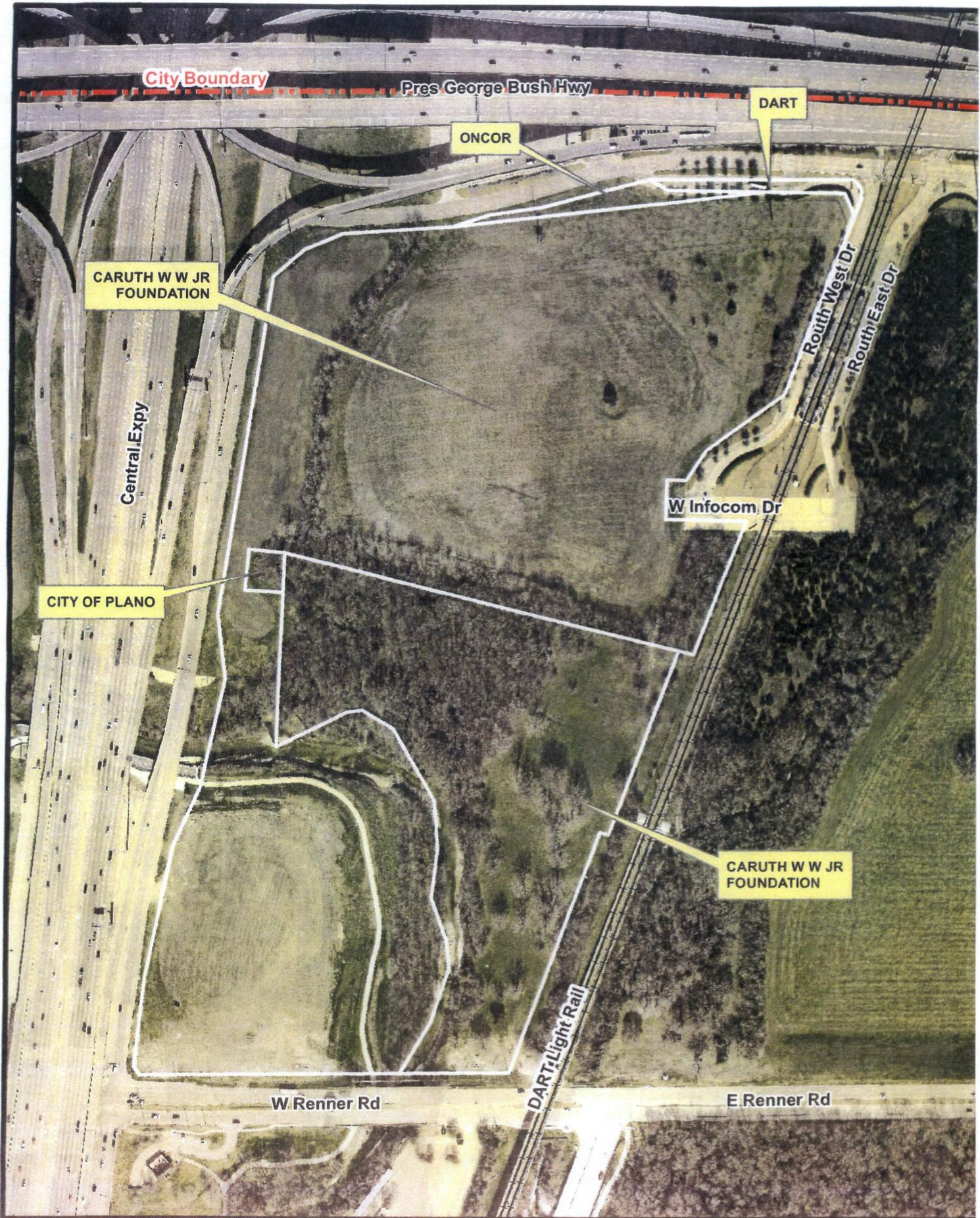
II

Said Special Commissioners did not use the proper measure of damages in arriving at said award, in that they failed to take into consideration the present value of the real estate, and the damage to the remainder of the property due to this fact of, and the ill placement, of Plaintiff's "taking line".

WHEREFORE, Defendant prays that Plaintiff be cited as required by law, and that this cause be tried and determined as other civil cases in this Court.

W. W. CARUTH, JR.

By Roland Boyd
Roland Boyd



NE Corner US-75 & Renner Ownership Aerial

Updated By: shacklett, Update Date: September 12, 2013
File: DS\Mapping\Staff\CMOIC\lfr\NEC 75 & Renner Owner ortho.mxd

C-1





CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		01/13/14		
Department:		Building Inspections		
Department Head		Selso Mata		
Agenda Coordinator (include phone #): Diana Casady #5993				
CAPTION				
An Ordinance of the City Council of the City of Plano, Texas, amending Sec. 6-686. Deletions, Additions, Amendments of Article XVIII, Energy Conservation Code, of Chapter 6 of the Code of Ordinances of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2013-14	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0
FUND(S): N/A				
COMMENTS: This item has no fiscal impact. STRATEGIC PLAN GOAL: Amending the Energy Conservation Code, of Chapter 6 of the Code of Ordinances of the City of Plano relates to the City's Goal of a Financially Strong City with Service Excellence and a Safe Large City.				
SUMMARY OF ITEM				
Staff recommends approval of the amendment to the International Energy Conservation Code published by the International Code Council. This amendment provides modifications developed by the North Central Texas Council of Governments.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	

An Ordinance of the City Council of the City of Plano, Texas, amending Sec. 6-686. Deletions, Additions, Amendments of Article XVIII, Energy Conservation Code, of Chapter 6 of the Code of Ordinances of the City of Plano; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause and an effective date.

WHEREAS, on October 28, 2013, by Ordinance No. 2013-10-29, the City Council of the City of Plano established an Energy Conservation Code and provided regulations thereunder, and such Ordinances were codified as Article XVIII, Energy Conservation Code, of Chapter 6 of the Code of Ordinances of the City of Plano; and

WHEREAS, the City Council finds and determines that it is necessary to revise Sec. 6-686 to reflect changes to the Energy Conservation Code.

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

Section I. Sec. 6-686, Deletions, Additions, Amendments, of Article XVIII, Energy Conservation Code, Chapter 6 of the Code of Ordinances of the City of Plano is heretofore amended as follows:

“DIVISION 2. AMENDMENTS

Sec. 6-686. Deletions, Additions, Amendments.

The following deletions, additions, and amendments to the 2012 International Energy Conservation Code are hereby approved and adopted:

R402.2.2 Ceilings without attic spaces; *is amended to read as follows:*

R402.2.2 Ceilings without attic spaces. Where Section R402.1.1 would require insulation levels above R-30 and the design of the roof/ceiling assembly does not allow sufficient space for the required insulation, the minimum required insulation for such roof/ceiling assemblies shall be R-30. This reduction of insulation from the requirements of Section R402.1.1 shall be limited to 500 square feet (46 m²). This reduction shall not apply to the U-factor alternative approach in Section R402.1.3 and the total UA alternative in Section R402.1.4.

Section R402.4.1.2 Testing; *is amended to read as follows:*

R402.4.1.2 Testing. The building or dwelling unit shall be tested and verified as having an air leakage rate of not exceeding 5 air changes per hour in Climate Zone 3. Testing shall be conducted with a blower door at a pressure of 0.2 inches w.g. (50 Pascals). Where required by the code official, testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the code official. Testing shall be performed at any time after creation of all penetrations of the building thermal envelope.

During testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed beyond the intended weather stripping or other infiltration control measures;
2. Dampers including exhaust, intake, makeup air, backdraft and flue dampers shall be closed, but not sealed beyond infiltration control measures;
3. Interior doors, if installed at time of the test, shall be open;
4. Exterior doors for continuous ventilation systems and heat recovery ventilators shall be closed and sealed;
5. Heating and cooling systems, if installed at the time of the test, shall be turned off; and
6. Supply and return registers, if installed at the time of the test, shall be fully open.”

Section II. All provisions of the Code of Ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section III. It is the intention of the City Council that this Ordinance, and every provision thereof, 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.

Section IV. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any Ordinances at the time of passage of this Ordinance.

Section V. Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VI. This Ordinance shall become effective immediately upon its passage and publication as required by law.

DULY PASSED AND APPROVED this the 13th day of January, 2014.

Harry LaRosiliere, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		1/13/14		
Department:		Legal		
Department Head		Diane Wetherbee		
Agenda Coordinator (include phone #): Betsy Allen # 7545				
CAPTION				
An Ordinance of the City of Plano, Texas amending Section 3-3 of Chapter 3, Alcoholic Beverages, of the Code of Ordinances of the City of Plano, Texas to remove the restrictions relating to transporting alcohol in any residentially zoned district; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date.				
FINANCIAL SUMMARY				
<input checked="" type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2013-14	Prior Year (CIP Only)	Current Year	Future Years
		TOTALS		
Budget		0	0	0
Encumbered/Expended Amount		0	0	0
This Item		0	0	0
BALANCE		0	0	0
FUND(S): N/A				
COMMENTS: This item has no fiscal impact. STRATEGIC PLAN GOAL: Amending an Ordinance relates to the City's goal of Financially Strong City with Service Excellence.				
SUMMARY OF ITEM				
The purpose of this amendment is to delete the term "transport" from the list of prohibited activities relating to alcohol in residential districts. Today, alcoholic beverages are brought to homes not only by the residents themselves but also through delivery services. The recommendation to change this ordinance is to reflect current practices and yet still preserve the protection of not allowing commercial activity involving alcohol in residential districts.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	

An Ordinance of the City of Plano, Texas amending Section 3-3 of Chapter 3, Alcoholic Beverages, of the Code of Ordinances of the City of Plano, Texas to remove the restrictions relating to transporting alcohol in any residentially zoned district; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, and an effective date.

WHEREAS, currently Section 3-3 of the Code of Ordinances for the City of Plano prohibits a number of activities related to alcohol in any residentially zoned district; and

WHEREAS, the intention of Section 3-3 is to prohibit commercial activity relating to alcohol in any residentially zoned district; and

WHEREAS, the Council finds that persons who purchase alcohol to be delivered to their residence for their own use or consumption, whether by their own means of transport or by third parties, is not intended to be covered by this restriction and is not deemed a commercial activity; and

WHEREAS, the City Council of the City of Plano, Texas, has determined that it is in the best interest of the public health, safety and welfare to amend Section 3-3 to remove the restriction for the transport of alcoholic beverages.

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

Section I. Section 3-3 of Chapter 3 Alcoholic Beverages of the Code of Ordinances of the City of Plano is hereby amended to read in its entirety as follows:

"Sec. 3-3. Manufacturing, importing, selling, etc.-Unlawful in districts zoned residential.

It shall be unlawful for any person to manufacture, distill, brew, import, store for purpose of sale, distribute or sell any alcoholic beverages in any residentially zoned district within the City of Plano except for a winery where authorized by the City of Plano Zoning Ordinance."

Section II. All provisions of the Code of Ordinances of the City of Plano, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, codified or uncodified, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section III. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

Section IV. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provision of any Ordinances at the time of passage of this Ordinance.

Section V. A violation of any provision of this ordinance shall be deemed a misdemeanor punishable as provided by Section 1-4(a) of the Code of Ordinances of the City of Plano, Texas.

Section VI. This Ordinance shall become effective immediately upon its passage and publication as required by law.

DULY PASSED AND APPROVED this the 13th day of January, 2014.

Harry LaRosiliere, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

DATE: December 17, 2013
TO: Honorable Mayor & City Council
FROM: Richard Grady, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of December 16, 2013

**AGENDA ITEM NO. 7 - PUBLIC HEARING
ZONING CASE 2013-32
APPLICANT: CITY OF PLANO**

Request to amend Subsection 2.802 (ED-Estate Development) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses), and related sections of the Zoning Ordinance to consider modifications to animal restrictions in order to allow a wider variety of large animals, such as llamas, within the Estate Development zoning district.

APPROVED: 6-0 **DENIED:** _____ **TABLED:** _____

STIPULATIONS:

Recommended for approval as follows: (Additions are indicated in underlined text; deletions are shown as strikethrough text.)

Amend Subsection 2.802 (ED - Estate Development) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses) to incorporate the term, "livestock", in appropriate locations, and to clarify the meaning of Subsection 2.802.4.a.iii:

2.802 ED - Estate Development

3. Area, Yard, and Bulk Requirements

Description	Requirement
Minimum Lot Area	43,560 square feet, 85,000 square feet if any <u>livestock</u> large animals are kept

4. Special District Requirements

a. Animal Restrictions in the ED District:

i. Number

No more than two livestock ~~larger~~ animals, ~~specifically cattle, horses, sheep, and goats,~~ can be maintained per acre of lot area.

ii. Type

Livestock animals are limited exclusively to horses and other equine species, cattle, llamas, sheep, and goats. Swine and fowl are expressly prohibited. Domestic animals are allowed consistent with the Code of Ordinances. Other types of animals which introduce an unusual disturbance to the community or adjoining property owners shall not be maintained.

iii. Breeding

No livestock ~~large~~ animals, other than ~~horses~~ equine species, shall be kept for commercial breeding purposes.

FOR CITY COUNCIL MEETING OF: January 13, 2014 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

SS/dc

xc: Cliff Bormann, Permit Services Manager

CITY OF PLANO
PLANNING & ZONING COMMISSION

December 16, 2013

Agenda Item No. 7

Public Hearing: Zoning Case 2013-32

Applicant: City of Plano

DESCRIPTION:

Request to amend Subsection 2.802 (ED-Estate Development) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses), and related sections of the Zoning Ordinance to consider modifications to animal restrictions in order to allow a wider variety of large animals, such as llamas, within the Estate Development zoning district.

REMARKS:

On November 4, 2013, the Planning & Zoning Commission called a public hearing to consider amendments to the Zoning Ordinance regarding modifications to animal restrictions within the Estate Development (ED) zoning district.

The ED district is intended to provide areas for single-family development in a semi-rural or ranch-like setting, or where topography and/or utility capacities limit the use of the land. Provisions are made for limited ranching pursuits as well as those uses necessary and incidental to single-family living. The Zoning Ordinance includes special district requirements for the ED district which provide allowances and restrictions regarding the number, type and breeding of animals.

Currently, the ED district allows no more than two larger animals per acre of lot area, and the district restrictions specifically cites "larger animals" as including cattle, horses, sheep, and goats. Swine and fowl animal species are expressly prohibited. Other types of animals which could introduce unusual disturbance to the community or adjoining property owners are also not allowed.

Staff has received a request to allow llamas as "larger animals" within the ED district, but is hesitant to do so administratively due to the language defining larger animals as "specifically, cattle, horses, sheep, and goats." A letter from Sharon and Paul Brucato is attached, detailing their interest in the ordinance change.

Although the Brucato's request is specifically for llamas, staff further researched other related animal species to see if there might be others that the City should consider within this amendment.

Llamas belong to the taxonomic family of Camelidae which also includes alpacas, guanacos, vicuñas, and camels. Of these, only llamas, alpacas, and camels are considered domesticated. Based upon staff research, the size, behaviors, socialization, vocalizations, and sanitary habits of llamas and alpacas would be, in staff's opinion, no more intrusive in a semi-rural residential setting than those of other larger animals that are already allowed in the ED district such as horses, cattle, sheep, and goats. Camels, however, would likely be more difficult to contain due to their increased height, longer legs (particularly dromedaries), and tendency to assertively seek forage outside their enclosure which requires the use of taller, and sturdier, fencing than that typically used for horses and cattle. They also do not seem to be as suited to an urban or semi-rural residential setting for other reasons, not the least of which is their tendency to frighten horses. Since horses are commonly kept by residents in the ED district, this basic incompatibility between horses and camels may cause problems between neighbors and should, therefore, be avoided. Horses can also be initially frightened by llamas and alpacas, but staff's research revealed that horses more readily tend to accept llamas and alpacas after becoming familiar with them.

Types of Animals Allowed

The ED zoning district currently restricts "larger animals" allowed to "specifically, cattle, horses, sheep, and goats." The city's Code of Ordinances, however, currently includes llamas and alpacas in the following definitions:

"Domestic animal means any animal that may be kept as a pet or as livestock within the City of Plano so long as all of the required provisions of this chapter are met, ownership of said animal is not prohibited by any international, federal, local, or state law, and it is not a wild animal, as defined herein, including but not limited to the following animals:...

- Mammals – Any mammal commonly kept as pets or livestock including, but not limited to, dogs, cats, ferrets, rabbits, guinea pigs, hamsters, hedgehogs, rats, mice, chinchillas, sugar gliders, horses, cows, alpacas, and llamas."

"Livestock means or includes, regardless of age, sex, or breed: horses, consisting of all equine species including mules, donkeys and jackasses; cattle, consisting of all bovine species; sheep, consisting of all ovine species; llamas or alpacas; goats, consisting of all caprine species; rabbits; chickens; and pigs or hogs, consisting of all swine species."

For the purpose of regulating "large animals" within the ED district, staff is not comfortable utilizing either of these Code of Ordinance terms exclusively in the ED district due to the inclusion of fowl and swine species in both of them, which would conflict with the current ED prohibition against those types of animals. Additionally, rabbits may be considered both as livestock and domestic animals, creating a potential

conflict. Therefore, staff recommends utilizing the term “livestock” to address the need to regulate “large animals” within the ED district since it is a more specific term than “larger” animals. However, use of this term necessitates a specific limitation on the type of livestock allowed in the district, which has been provided. Staff also finds it may be helpful to clarify that domestic animals are allowed similar to other residential uses, specifically due to the inclusion of rabbits in both “domestic animal” and “livestock” Code of Ordinances definitions.

Breeding

Finally, during analysis of the ED district’s special requirements pertaining to animals, staff noticed that Subsection 2.802.4.a.iii (Breeding) Subsection 2.802 (ED-Estate Development) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses) was vague in that it might be misconstrued to prohibit the owner of a non-equine domestic livestock animal from breeding for personal, or not-for-profit, purposes. To address this potential issue, staff also recommends modifications to that subsection to allow breeding of allowed livestock for personal or non-profit use, consistent with the numeric limitations on the ED district. Horse breeding will remain allowed for personal, non-profit, or commercial purposes.

RECOMMENDATION:

Recommended for approval as follows: (Additions are indicated in underlined text; deletions are shown as strikethrough text.)

Amend Subsection 2.802 (ED - Estate Development) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses) to incorporate the term, “livestock”, in appropriate locations, and to clarify the meaning of Subsection 2.802.4.a.iii:

2.802 ED - Estate Development

3. Area, Yard, and Bulk Requirements

Description	Requirement
Minimum Lot Area	43,560 square feet, 85,000 square feet if any <u>livestock</u> large animals are kept

4. Special District Requirements

a. Animal Restrictions in the ED District:

i. Number

No more than two livestock ~~larger~~ animals, ~~specifically cattle, horses, sheep, and goats,~~ can be maintained per acre of lot area.

ii. Type

Livestock animals are limited exclusively to horses and other equine species, cattle, llamas, alpacas, sheep, and goats. Swine and fowl are expressly prohibited. Domestic animals are allowed consistent with the Code of Ordinances. Other types of animals which introduce an unusual disturbance to the community or adjoining property owners shall not be maintained.

iii. Breeding

No livestock ~~large~~ animals, other than ~~horses~~ equine species, shall be kept for commercial breeding purposes.

Zoning Case 2013-32

An Ordinance of the City of Plano, Texas, amending Subsection 2.802 (ED-Estate Development) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to allow modifications to animal restrictions within the Estate Development zoning district; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 13th day of January, 2014, for the purpose of considering a change in the Zoning Ordinance; and

WHEREAS, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 13th day of January, 2014; and

WHEREAS, the City Council is of the opinion and finds that such change would not be detrimental to the public health, safety, or general welfare, and will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

IT IS, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. Subsection 2.802 (ED - Estate Development) of Section 2.800 (District Charts) of Article 2 (Zoning Districts and Uses) of the Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended to allow modifications to animal restrictions within the Estate Development zoning district, such portion of subsection to read as follows:

Section 2.800 District Charts

Subsection 2.802 ED – Estate Development

3. Area, Yard, and Bulk Requirements

Description	Requirement
Minimum Lot Area	43,560 square feet, 85,000 square feet if any livestock animals are kept

4. Special District Requirements

a. Animal Restrictions in the ED District:

i. Number

No more than two livestock animals can be maintained per acre of lot area.

ii. Type

Livestock animals are limited exclusively to horses and other equine species, cattle, llamas, sheep, and goats. Swine and fowl are expressly prohibited. Domestic animals are allowed consistent with the Code of Ordinances. Other types of animals which introduce an unusual disturbance to the community or adjoining property owners shall not be maintained.

iii. Breeding

No livestock animals, other than equine species, shall be kept for commercial breeding purposes.

Section II. All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section III. The repeal of any ordinance or part of ordinances affected by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

Section IV. Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section V. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

Section VI. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 13TH DAY OF JANUARY, 2014.

Harry LaRosiliere, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

DATE: December 17, 2013
TO: Honorable Mayor & City Council
FROM: Richard Grady, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of December 16, 2013

**AGENDA ITEM NO. 6 - PUBLIC HEARING
ZONING CASE 2013-21
APPLICANT: CITY OF PLANO**

Request to amend Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) and related sections of the Zoning Ordinance to consider various amendments to the sign ordinance. Tabled 11/18/13.

APPROVED: 6-0 **DENIED:** _____ **TABLED:** _____

STIPULATIONS:

Recommended for approval as follows: (Additions are indicated in underlined text; deletions are indicated in strikethrough text.)

Amend Subsection 3.1602 (Definitions) of Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations), such portion of subsection to read as follows:

Sign - Abandoned: A sign that identifies a business, tenant, service, owner, product, event, or activity which no longer exists in the advertised location, or pertains to a time, event, or purpose which no longer applies.

Sign - Canopy: Any sign erected on top of or flush against the face of a canopy.

Sign - ~~Reader Board/Electronic Message Center~~: A variable message sign that utilizes computer/generated messages or some other electronic means of changing copy.

Amend Subsection 3.1603 (Design and Construction Specifications) of Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations), such portion of subsection to read as follows:

1. **Requirements for Wall Signs**

b. **Wall Signs**

- vi. Wall signs shall not be ~~reader board~~/electronic message center sign type.

d. **Projection over Private Property**

Projections other than awning or canopy signs over private property shall be allowed over pedestrian sidewalks, walkways, and corridors but not to exceed the following:

Vertical Clearance	Maximum Projection
Less than seven feet	Three inches
Seven feet to eight feet	Twelve inches
Over eight feet	Four <u>Six</u> feet

k. **Canopy Signs**

- i. Canopy signs may be placed on top of or may be attached to the face of a canopy.
- ii. The combined total area of wall signs and canopy signs on any wall shall not:
 - a. exceed the area and size allowed for a single wall sign and;
 - b. exceed more than 75% of the length of the canopy.
- iii. Canopy signs shall not exceed 12 inches in height and shall not extend above the roofline of the building.

2. **Freestanding Signs**

f. **Multipurpose Signs**

- ii. The identification portion of multipurpose signs shall not exceed 50 square feet. Any combination of directory and ~~reader board~~ electronic sign shall not exceed 100 square feet.

j. **Menu Board Signs**

Menu board signs may be erected in nonresidential zoning districts and shall not exceed ~~40~~ 50 square feet with a maximum height of six feet. Required setback shall be a minimum of eight feet from any property line and shall be a minimum of ten feet from any other menu board sign.

m. Retaining Wall Signs

- viii. Retaining wall signs shall not be ~~reader board/electronic message center sign~~ type.

5. Illumination

- a. A sign in a residential district, where allowed by this ordinance, may be illuminated. Any illumination shall be located so as not to produce intense glare or direct illumination across the bounding property line. Internal illumination shall not exceed 40 watts per every 25 square feet or any portion thereof, except for electronic signs which may not exceed 0.3 footcandles above ambient light conditions as measured at any point along the property line.
- ~~b. Illuminated changeable copy signs shall not change copy more than once every 30 minutes, excluding time and temperature.~~
- ~~c.~~ b. No lighted sign shall be erected within 150 feet of a residential district as measured from the location of the sign nearest to the property line of each neighboring lot unless it meets the illumination criteria listed above.
- ~~d.~~ c. All illumination shall comply with the City of Plano illumination ordinance.

7. ~~Reader Boards/Electronic Message Center~~ Sign

- a. Any ~~reader board or electronic message center area of a sign~~ shall not exceed the allowable square footage for its specific sign type.
- b. Any ~~reader board or electronic message center~~ sign shall be allowed to change the copy every eight seconds.
- c. Electronic signs shall be equipped with an automatic dimmer device and shall be programmed to automatically dim the electronic sign to a maximum illumination of no more than 0.3 footcandles above ambient light conditions as measured at any point along the property line.
- d. No electronic sign shall display animated messages including flashing, blinking, fading, rolling, shading, dissolving, or any other effect that gives the appearance of movement.

Amend Subsection 3.1604 (General) of Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations), such portion of subsection to read as follows:

6. Nonconforming Signs

c. Change in Use or Occupant of Structure

Any nonconforming sign may continue to be utilized as long as the occupant within the structure remains the same. When a use changes from one occupancy category to another, or when there is a change in occupant, all signs serving that occupant shall be brought into conformance with the provisions of this section.

8. Enforcement

a. Authority

- i. The Building Official, or his respective designee(s), any peace officer, and any code enforcement officer is hereby authorized to issue a citation and to order the repair or removal of any dilapidated, deteriorated, abandoned, illegal, obsolete, or prohibited signs from property within the corporate city limits of Plano, in accordance with the enforcement mechanisms set forth in this section.
- ii. Any abandoned sign shall be removed from the premises within 30 calendar days of receiving notice of violation. The sign shall be removed by the owner, occupant, or person in control of the property on which the sign is located.

Amend Subsection 3.1605 (Downtown Sign District) of Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations), such portion of subsection to read as follows:

7. Sign Standards

q. Window Signs

i. General

Window signs shall only be permitted on the ground floor of a building.

ii. Sign Area

- a. No window sign or signs shall cover more than 25% of any individual window area.
- b. Window signs that exceed 15% of an individual window area shall obtain a permit, unless the sign is a noncommercial temporary sign.
- c. Window sign area shall not exceed 40 square feet on any facade.

- iii. Signs may be applied to, attached to or located within 12 inches of a window on the interior of the establishment.

FOR CITY COUNCIL MEETING OF: January 13, 2014 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

EH/dc

CITY OF PLANO
PLANNING & ZONING COMMISSION

November 18, 2013

Agenda Item No. 6

Public Hearing: Zoning Case 2013-21

Applicant: City of Plano

DESCRIPTION:

Request to amend Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) and related sections of the Zoning Ordinance to consider various amendments to the sign ordinance. Tabled 11/18/13.

REMARKS:

This item was tabled at the November 18, 2013 Planning & Zoning Commission meeting. It must be removed from the table.

Recently, the Planning & Zoning Commission directed staff to review the city's regulations regarding Reader Board/Electronic Message Center signs. As staff reviewed these regulations, we determined that additional amendments to the city's sign regulations may be needed at this time. The variety of sign styles, types, and purposes change over time as do the types of development in a community. Periodic review of the sign ordinance can help ensure that it remains current and does not inadvertently restrict desirable signage. At its meeting on October 7, 2013, the Planning & Zoning Commission called a public hearing and directed staff to consider amendments to the sign ordinance.

ISSUES:

Electronic Signs

There are several issues that the city has identified that need to be addressed in regards to electronic signs. Currently, the city classifies these types of signs as Reader Board/Electronic Message Center signs. The Zoning Ordinance defines Reader Board/Electronic Message Center signs as "a variable message sign that utilizes computer-generated messages or some other electronic means of changing copy." The term "Reader Board/Electronic Message Center" is not the most appropriate term to describe these signs because it is overly specific. Staff recommends that the term be changed to Electronic Sign, which is a more generic and all-inclusive term.

The city's current regulations for the maximum illumination of electronic signs are subjective and not clearly defined. The regulations currently state that "no sign shall be illuminated to such intensity or in such a manner so as to cause a glare or brightness to a degree that it constitutes a hazard or nuisance to vehicular traffic, pedestrians, or adjacent properties." Although the brightness of signs can be a clear hazard to vehicle traffic, there is no objective definition of excessive brightness because the appropriate level of brightness depends on the environment within which the sign operates. Currently, the city uses footcandles as the method of measurement to measure the output of light from signs, light standards, and other sources. Staff is recommending imposing a maximum limit of 0.3 footcandles of illumination above ambient light conditions at nighttime as measured at any point along the property line.

Additionally, brightness levels for electronic signs need to be varied based upon weather conditions. Electronic signs may be overly bright if their illumination is not reduced on cloudy days. In order to address this issue, staff is recommending that the city require property owners to install automatic dimmers on electronic signs which would automatically reduce the illumination levels of the signs. The proposed maximum requirement of 0.3 footcandles above ambient light conditions would be an effective limit during cloudy conditions as well as nighttime.

Finally, the language in the sign ordinance regulating motion on electronic signs is not clearly defined. The current language states that signs are prohibited if they are "animated by any means not providing constant illumination, except time and temperature units." The intent of the motion restrictions is to prohibit any type of movement of images on electronic signs as movement can be a distraction to vehicle traffic. Staff is proposing language to better regulate this issue.

Abandoned Signs

The current language regulating the repair and removal of abandoned signs has been in place for several years. In order to strengthen the enforcement of abandoned signs, staff believes it is important to create a definition and modify the language relating to the removal of the signs. Currently, the regulations allow the Chief Building Inspector to send written notice and request that signs be improved or removed. Staff is proposing language which would require the removal of these signs within 30 calendar days of receiving notice. Staff feels it is important to remove these signs as quickly as possible because the longer abandoned signs remain in place, the harder it can become for the city to take enforcement action.

Canopy Signs

Currently, the Zoning Ordinance does not have regulations which specifically apply to signs located on top of canopies, except for vehicle service canopies. Historically, the city has regulated canopy signs not associated with a vehicle service use as wall signs, and signs have only been allowed to be located attached to the face of the canopy. The city has received several requests for signs to be located on top of canopies and staff

believes it is necessary to establish regulations to specifically address these types of signs. Staff recommends a term, definition, and regulations for canopy signs as noted in the recommendation section.

Menu Board Signs

The Zoning Ordinance allows menu board signs to be a maximum of 40 square feet, and six feet in height. Recently, the city has received several variance requests to increase the size of menu board signs due to an increasing number of menu options. The typical variance request is to increase the size of the signs by 30 percent, which equates to a new sign area of about 50 square feet. These signs are commonly located away from rights-of-way, towards the rear of properties, and may or may not be visible from adjacent streets. Due to the fact that these signs are typically located in areas that are mainly seen by patrons of the business, staff is in support of increasing the size of menu board signs to 50 square feet.

Downtown Sign District

In the Downtown Sign District, the regulations regarding allowable sign area for window signs leave room for varying interpretations. The intent of the regulations is to restrict signage on an individual window to no more than 25 percent of the window's area. Staff is proposing language to clarify this restriction. Additionally, staff is proposing changes to the language for the location of window signs. Currently, the definition of a window sign states that signs must be "located on the internal or external surface of the window". In downtown Plano, staff believes it is appropriate to allow for signs to be placed so that they do not need to be attached to the surface of the window when located to the interior of the establishment. This would allow for signs to be displayed in storefronts or hanging behind windows while not being physically attached to the window. Staff is also recommending imposing a maximum square footage of window signage.

Miscellaneous

Staff is proposing various changes to the ordinance including modifying the table regulating projecting signs. A projecting sign is defined as any sign, except an awning, which projects perpendicularly from a building and which has one end attached to a building or other permanent structure. The Zoning Ordinance allows the horizontal portion of a projecting sign to be a maximum of six feet; however, the six foot allowance is not represented in the associated table which only has allowances for up to four feet. Staff is proposing to amend the table to allow for the six foot projection. Additionally, the subsection regarding illumination has several stipulations which need to be modified to reflect the proposed regulations pertaining to electronic signs.

RECOMMENDATION:

Recommended for approval as follows: (Additions are indicated in underlined text; deletions are indicated in strikethrough text.)

Amend Subsection 3.1602 (Definitions) of Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations), such portion of subsection to read as follows:

Sign - Abandoned: A sign that identifies a business, tenant, service, owner, product, event, or activity which no longer exists in the advertised location, or pertains to a time, event, or purpose which no longer applies.

Sign - Canopy: Any sign erected on top of or flush against the face of a canopy.

~~Sign - Reader Board/Electronic Message Center: A variable message sign that utilizes computer/generated messages or some other electronic means of changing copy.~~

Amend Subsection 3.1603 (Design and Construction Specifications) of Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations), such portion of subsection to read as follows:

1. Requirements for Wall Signs

b. Wall Signs

- vi. Wall signs shall not be ~~reader board/electronic message center~~ sign type.

d. Projection over Private Property

Projections other than awning or canopy signs over private property shall be allowed over pedestrian sidewalks, walkways, and corridors but not to exceed the following:

Vertical Clearance	Maximum Projection
Less than seven feet	Three inches
Seven feet to eight feet	Twelve inches
Over eight feet	Four <u>Six</u> feet

k. Canopy Signs

- i. Canopy signs may be placed on top of or may be attached to the face of a canopy.
- ii. The combined total area of wall signs and canopy signs on any wall shall not:
 - a. exceed the area and size allowed for a single wall sign and;
 - b. exceed more than 75% of the length of the canopy.
- iii. Canopy signs shall not exceed 12 inches in height and shall not extend above the roofline of the building.

2. Freestanding Signs

f. Multipurpose Signs

- ii. The identification portion of multipurpose signs shall not exceed 50 square feet. Any combination of directory and reader-board electronic sign shall not exceed 100 square feet.

j. Menu Board Signs

Menu board signs may be erected in nonresidential zoning districts and shall not exceed ~~40~~ 50 square feet with a maximum height of six feet. Required setback shall be a minimum of eight feet from any property line and shall be a minimum of ten feet from any other menu board sign.

m. Retaining Wall Signs

- viii. Retaining wall signs shall not be ~~reader-board/electronic message-center~~ sign type.

5. Illumination

- a. A sign in a residential district, where allowed by this ordinance, may be illuminated. Any illumination shall be located so as not to produce intense glare or direct illumination across the bounding property line. Internal illumination shall not exceed 40 watts per every 25 square feet or any portion thereof, except for electronic signs which may not exceed 0.3 footcandles above ambient light conditions as measured at any point along the property line.
- ~~b. Illuminated changeable copy signs shall not change copy more than once every 30 minutes, excluding time and temperature.~~
- ~~e.b.~~ No lighted sign shall be erected within 150 feet of a residential district as measured from the location of the sign nearest to the property line of each neighboring lot unless it meets the illumination criteria listed above.
- ~~d.c.~~ All illumination shall comply with the City of Plano illumination ordinance.

7. ~~Reader Boards/Electronic Message Center~~ Sign

- a. Any ~~reader board or electronic message center area of a~~ sign shall not exceed the allowable square footage for its specific sign type.
- b. Any ~~reader board or electronic message center~~ sign shall be allowed to change the copy every eight seconds.

- c. Electronic signs shall be equipped with an automatic dimmer device and shall be programmed to automatically dim the electronic sign to a maximum illumination of no more than 0.3 footcandles above ambient light conditions as measured at any point along the property line.
- d. No electronic sign shall display animated messages including flashing, blinking, fading, rolling, shading, dissolving, or any other effect that gives the appearance of movement.

Amend Subsection 3.1604 (General) of Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations), such portion of subsection to read as follows:

6. Nonconforming Signs

c. Change in Use or Occupant of Structure

Any nonconforming sign may continue to be utilized as long as the occupancy within the structure remains the same. When a use changes ~~from one occupancy category to another~~, or when there is a change in occupant, all signs serving that occupant shall be brought into conformance with the provisions of this section.

8. Enforcement

a. Authority

- i. The Building Official, or his respective designee(s), any peace officer, and any code enforcement officer is hereby authorized to issue a citation and to order the repair or removal of any dilapidated, deteriorated, abandoned, illegal, obsolete, or prohibited signs from property within the corporate city limits of Plano, in accordance with the enforcement mechanisms set forth in this section.
- ii. Any abandoned sign shall be removed from the premises within 30 calendar days of receiving notice of violation. The sign shall be removed by the owner, occupant, or person in control of the property on which the sign is located.

Amend Subsection 3.1605 (Downtown Sign District) of Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations), such portion of subsection to read as follows:

7. Sign Standards

q. Window Signs

i. General

Window signs shall only be permitted on the ground floor of a building.

ii. Sign Area

a. No window sign or signs shall cover more than 25% of any individual window area.

b. Window signs that exceed 15% of an individual window area shall obtain a permit, unless the sign is a noncommercial temporary sign.

c. Window sign area shall not exceed 40 square feet on any facade.

iii. Signs may be applied to, attached to or located within 12 inches of a window on the interior of the establishment.

Zoning Case 2013-21

An Ordinance of the City of Plano, Texas, amending Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, regarding the sign ordinance; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 13th day of January, 2014, for the purpose of considering a change in the Zoning Ordinance; and

WHEREAS, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 13th day of January, 2014; and

WHEREAS, the City Council is of the opinion and finds that such change would not be detrimental to the public health, safety, or general welfare, and will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

IT IS, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. Subsection 3.1602 (Definitions) of Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) of the Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended for amendments to the sign ordinance, such portion of subsection to read as follows:

Sign - Abandoned: A sign that identifies a business, tenant, service, owner, product, event, or activity which no longer exists in the advertised location, or pertains to a time, event, or purpose which no longer applies.

Sign - Canopy: Any sign erected on top of or flush against the face of a canopy.

Sign - Electronic: A variable message sign that utilizes computer/generated messages or some other electronic means of changing copy.

Section II. Subsection 3.1603 (Design and Construction Specifications) of Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) of the Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended for amendments to the sign ordinance, such portion of subsection to read as follows:

1. Requirements for Wall Signs

b. Wall Signs

- vi. Wall signs shall not be electronic sign type.

d. Projection over Private Property

Projections other than awning or canopy signs over private property shall be allowed over pedestrian sidewalks, walkways, and corridors but not to exceed the following:

Vertical Clearance	Maximum Projection
Less than seven feet	Three inches
Seven feet to eight feet	Twelve inches
Over eight feet	Six feet

k. Canopy Signs

- i. Canopy signs may be placed on top of or may be attached to the face of a canopy.
- ii. The combined total area of wall signs and canopy signs on any wall shall not:
 - a. exceed the area and size allowed for a single wall sign and;
 - b. exceed more than 75% of the length of the canopy.
- iii. Canopy signs shall not exceed 12 inches in height and shall not extend above the roofline of the building.

2. Freestanding Signs

f. Multipurpose Signs

- ii. The identification portion of multipurpose signs shall not exceed 50 square feet. Any combination of directory and electronic sign shall not exceed 100 square feet.

j. Menu Board Signs

Menu board signs may be erected in nonresidential zoning districts and shall not exceed 50 square feet with a maximum height of six feet. Required setback shall be a minimum of eight feet from any property line and shall be a minimum of ten feet from any other menu board sign.

m. Retaining Wall Signs

viii. Retaining wall signs shall not be electronic sign type.

5. Illumination

- a. A sign in a residential district, where allowed by this ordinance, may be illuminated. Any illumination shall be located so as not to produce intense glare or direct illumination across the bounding property line. Internal illumination shall not exceed 40 watts per every 25 square feet or any portion thereof, except for electronic signs which may not exceed 0.3 footcandles above ambient light conditions as measured at any point along the property line.
- b. No lighted sign shall be erected within 150 feet of a residential district as measured from the location of the sign nearest to the property line of each neighboring lot unless it meets the illumination criteria listed above.
- c. All illumination shall comply with the City of Plano illumination ordinance.

7. Electronic Sign

- a. Any electronic sign shall not exceed the allowable square footage for its specific sign type.
- b. Any electronic sign shall be allowed to change the copy every eight seconds.
- c. Electronic signs shall be equipped with an automatic dimmer device and shall be programmed to automatically dim the electronic sign to a maximum illumination of no more than 0.3 footcandles above ambient light conditions as measured at any point along the property line.
- d. No electronic sign shall display animated messages including flashing, blinking, fading, rolling, shading, dissolving, or any other effect that gives the appearance of movement.

Section III. Subsection 3.1604 (General) of Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) of the Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended for amendments to the sign ordinance, such portion of subsection to read as follows:

6. Nonconforming Signs

c. Change in Use or Occupant of Structure

Any nonconforming sign may continue to be utilized as long as the occupant within the structure remains the same. When a use changes, or when there is a change in occupant, all signs serving that occupant shall be brought into conformance with the provisions of this section.

8. Enforcement

a. Authority

- i. The Building Official, or his respective designee(s), any peace officer, and any code enforcement officer is hereby authorized to issue a citation and to order the repair or removal of any dilapidated, deteriorated, abandoned, illegal, obsolete, or prohibited signs from property within the corporate city limits of Plano, in accordance with the enforcement mechanisms set forth in this section.
- ii. Any abandoned sign shall be removed from the premises within 30 calendar days of receiving notice of violation. The sign shall be removed by the owner, occupant, or person in control of the property on which the sign is located.

Section IV. Subsection 3.1605 (Downtown Sign District) of Section 3.1600 (Sign Regulations) of Article 3 (Supplementary Regulations) of the Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended, such portion of subsection to read as follows:

7. Sign Standards

q. Window Signs

i. General

Window signs shall only be permitted on the ground floor of a building.

ii. Sign Area

- a. No window sign or signs shall cover more than 25% of any individual window.
- b. Window signs that exceed 15% of an individual window shall obtain a permit, unless the sign is a noncommercial temporary sign.
- c. Window sign area shall not exceed 40 square feet on any facade.

iii. Signs may be applied to, attached to or located within 12 inches of a window on the interior of the establishment.

Section V. All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section VI. The repeal of any ordinance or part of ordinances affected by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

Section VII. Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VIII. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

Section IX. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 13TH DAY OF JANUARY, 2014.

Harry LaRosiliere, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

DATE: December 3, 2013
TO: Honorable Mayor & City Council
FROM: Richard Grady, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of December 2, 2013

**AGENDA ITEM NO. 6A - PUBLIC HEARING
ZONING CASE 2013-31
APPLICANT: ACRES OF SUNSHINE, LTD.**

Request for Specific Use Permits for Arcade and Commercial Amusement (Indoor) on 5.1± acres located on the east side of Communications Parkway, 340± feet north of Windhaven Parkway. Zoned Regional Employment/Dallas North Tollway Overlay District.

APPROVED: 6-0 **DENIED:** _____ **TABLED:** _____

LETTERS RECEIVED WITHIN 200 FOOT NOTICE AREA: **SUPPORT:** 1 **OPPOSE:** 0

LETTERS RECEIVED OUTSIDE 200 FOOT NOTICE AREA: **SUPPORT:** 0 **OPPOSE:** 0

PETITION(s) RECEIVED: N/A **# OF SIGNATURES:** N/A

STIPULATIONS:

Recommended for approval as submitted.

FOR CITY COUNCIL MEETING OF: January 13, 2014 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

RA/av

xc: Owen Haggard, Acres of Sunshine, Ltd.
Sarah Scott, Kimley-Horn and Associates, Inc.

<http://goo.gl/maps/RUIxA>

CITY OF PLANO

PLANNING & ZONING COMMISSION

December 2, 2013

Agenda Item No. 6A

Public Hearing: Zoning Case 2013-31

Applicant: Acres of Sunshine, Ltd.

DESCRIPTION:

Request for Specific Use Permits for Arcade and Commercial Amusement (Indoor) on 5.1± acres located on the east side of Communications Parkway, 340± feet north of Windhaven Parkway. Zoned Regional Employment/Dallas North Tollway Overlay District.

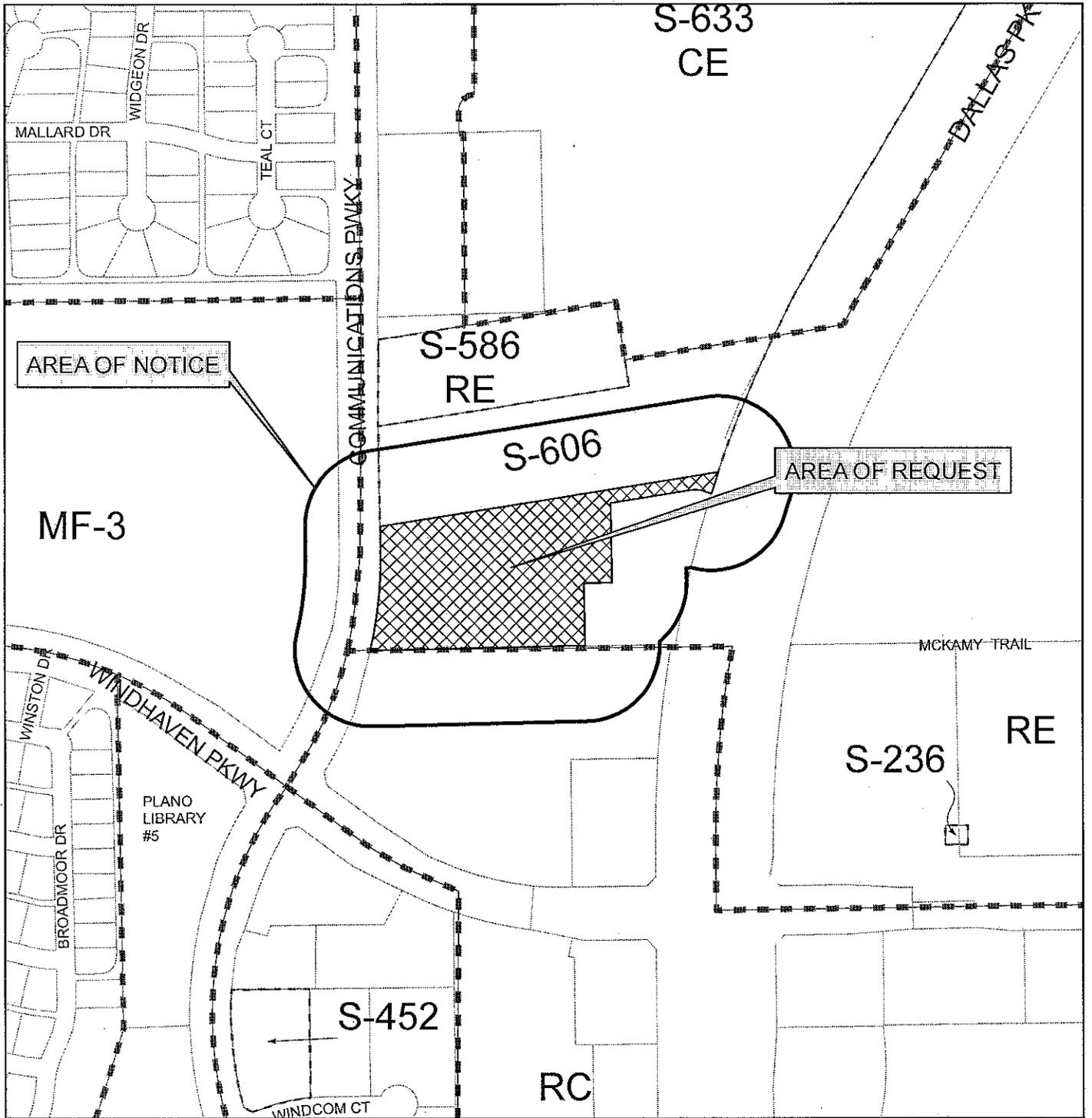
REMARKS:

The requested zoning is Specific Use Permits (SUPs) to allow for Commercial Amusement (Indoor) and Arcade. Commercial amusement (indoor) is defined as an enterprise such as a recreation club, organization, or bingo parlor that provides activities, services, and instruction for entertainment, or arcades. Uses or combinations would typically include bowling alleys, ice or roller skating rinks, bingo parlors, and/or practice areas. An arcade is defined as an establishment with six or more player-operated skill or amusement machines, or a combination of six or more such machines and/or connected control panels that provide access to the machines. The purpose and intent of an SUP is to authorize and regulate a use not normally permitted in a district which could be of benefit in a particular case to the general welfare, provided adequate development standards and safeguards are established for such use during the review of an SUP application. The arcade will be operated in conjunction with the commercial amusement (indoor) business.

The Zoning Ordinance prohibits arcades from being located within 300 feet of any religious facility or residential zoning district and within 1,000 feet of any public or parochial school. The distance is measured in a straight line from the front door of the premises to be permitted to the nearest property line of the religious facility, school, or residential property. The closest residential development is a multifamily development 443± feet to the west and the closest school, Brinker Elementary School, is 4,000± feet to the southeast.

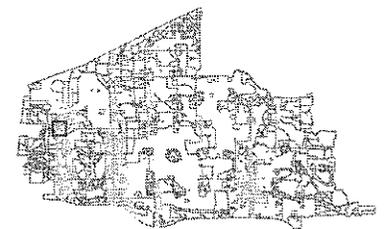
RECOMMENDATIONS:

Recommended for approval as submitted.



Zoning Case #: 2013-31

Existing Zoning: REGIONAL EMPLOYMENT/
DALLAS NORTH TOLLWAY OVERLAY DISTRICT



○ 200' Notification Buffer





Area of Request



Source: City of Plano, Planning Dept.
Date: December, 2013

Zoning Case 2013-31

Zoning Case 2013-31

An Ordinance of the City of Plano, Texas, amending the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, granting Specific Use Permit No. 641 so as to allow for the additional use of Arcade and Specific Use Permit No. 642 so as to allow for the additional use of Commercial Amusement (Indoor) on 5.1± acres of land out of the Henry B. Miller Survey, Abstract No. 614, located on the east side of Communications Parkway, 340± feet north of Windhaven Parkway, in the City of Plano, Collin County, Texas, presently zoned Regional Employment; directing a change accordingly in the official zoning map of the City; and providing a penalty clause, a repealer clause, a savings clause, a severability clause, a publication clause, and an effective date.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 13th day of January, 2014, for the purpose of considering granting Specific Use Permit No. 641 for the additional use of Arcade and Specific Use Permit No. 642 for the additional use of Commercial Amusement (Indoor) on 5.1± acres of land out of the Henry B. Miller Survey, Abstract No. 614, located on the east side of Communications Parkway, 340± feet north of Windhaven Parkway, in the City of Plano, Collin County, Texas, presently zoned Regional Employment; and

WHEREAS, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 13th day of January, 2014; and

WHEREAS, the City Council is of the opinion and finds that the granting of Specific Use Permit No. 641 for the additional use of Arcade and Specific Use Permit No. 642 for the additional use of Commercial Amusement (Indoor) on 5.1± acres of land out of the Henry B. Miller Survey, Abstract No. 614, located on the east side of Communications Parkway, 340± feet north of Windhaven Parkway, in the City of Plano, Collin County, Texas, presently zoned Regional Employment, would not be detrimental or injurious to the public health, safety and general welfare, or otherwise offensive to the neighborhood; and

WHEREAS, the City Council is of the opinion and finds that such change will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

IT IS, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. The Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended so as to grant Specific Use Permit No. 641 for the additional use of Arcade and Specific Use Permit No. 642 for the additional use of Commercial Amusement (Indoor) on 5.1± acres of land out of the Henry B. Miller Survey, Abstract No. 614, located on the east side of Communications Parkway, 340± feet north of Windhaven Parkway, in the City of Plano, Collin County, Texas, presently zoned Regional Employment, said property being more fully described on the legal description in Exhibit "A" attached hereto.

Section II. It is directed that the official zoning map of the City of Plano (which is retained in electronic record format) be changed to reflect the zoning classification established by this Ordinance.

Section III. All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section IV. The repeal of any ordinance or part of ordinances affected by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

Section V. Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VI. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable, and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

Section VII. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 13TH DAY OF JANUARY, 2014.

Harry LaRosiliere, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

Zoning Case 2013-31

BEING a tract of land situated in the Henry B. Miller Survey, Abstract No. 614, in the City of Plano, Collin County, Texas, and being part of Lot 1, Block A, Acres of Sunshine Addition, an addition to the City of Plano, Texas, according to the plat recorded in Volume 2010, Page 370 of the Land Records of Collin County, Texas.

BEGINNING at a point in the east right-of-way line of Communications Parkway (a 110-foot wide right-of-way) and being the northwest corner of Lot 2, Block 1, Windhaven Park, an addition to the City of Plano, Texas, according to the plat recorded in Volume 2008, Page 574 of said Land Records, said point also being the beginning of a curve to the left having a central angle of $13^{\circ} 39' 25''$, a radius of 1,055.00 feet, a chord bearing and distance of North $06^{\circ} 20' 49''$ East, 250.87 feet;

THENCE in a northeasterly direction, with said east right-of-way line of Communications Parkway and said curve to the left, an arc distance of 251.47 feet to a point at the end of said curve;

THENCE continuing with said east right-of-way line of Communications Parkway, North, $00^{\circ} 28' 53''$ West, a distance of 75.45 feet to the southwest corner of Lot 2, Block A, Acres of Sunshine Addition, an addition to the City of Plano, Texas, according to the plat recorded in Volume 2013, Page 304 of said Land Records;

THENCE departing said east right-of-way line of Communications Parkway, with the south line of said Lot 2, Block A, North, $81^{\circ} 04' 31''$ East, a distance of 907.06 feet to the southeast corner of said Lot 2, Block A and being in the west right-of-way line of Dallas North Tollway (a variable width right-of-way); said point also being the beginning of a non-tangent curve to the left having a central angle of $01^{\circ} 08' 19''$, a radius of 3,014.79 feet, a chord bearing and distance of South, $18^{\circ} 02' 40''$ West, 59.91 feet;

THENCE in a southwesterly direction, with said west right-of-way line of Dallas North Tollway and said curve to the left, an arc distance of 59.91 feet to a point at the end of said curve;

THENCE departing said west right-of-way line of Dallas North Tollway, North, $72^{\circ} 17' 49''$ West, a distance of 29.20 feet to a point at the beginning of a tangent curve to the left having a central angle of $26^{\circ} 37' 40''$, a radius of 50.00 feet, a chord bearing and a distance of North, $85^{\circ} 36' 39''$ West, 23.03 feet'

THENCE in a northwesterly direction, with said curve to the left, an arc distance of 23.24 feet to a point at the end of said curve;

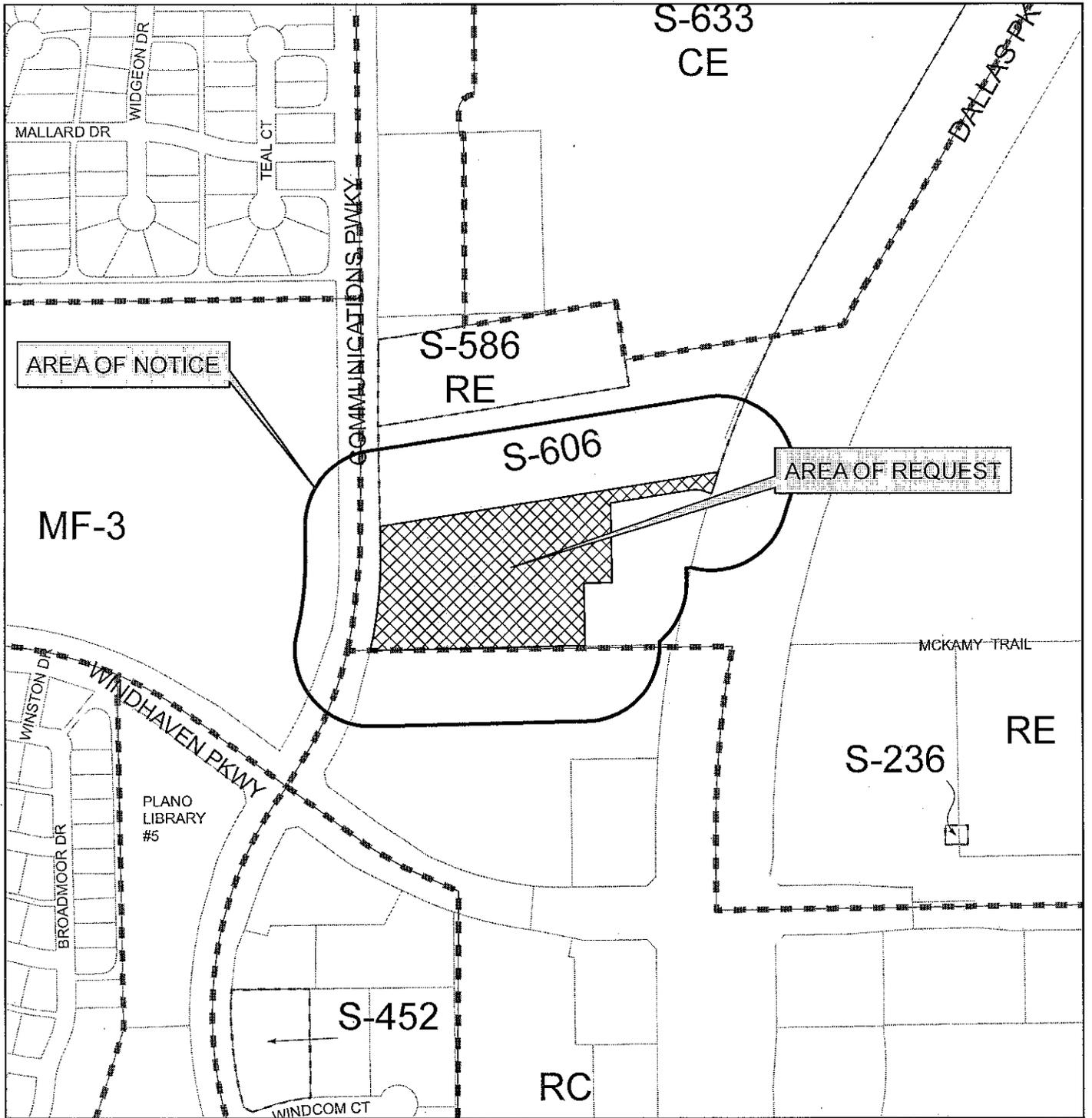
THENCE South, $81^{\circ} 04' 31''$ West, a distance of 221.78 feet to a point for corner;

THENCE South, $01^{\circ} 04' 30''$ East, a distance of 209.79 feet to a point for corner;

THENCE, South, 88° 55' 30" West, a distance of 75.00 feet to a point for corner;

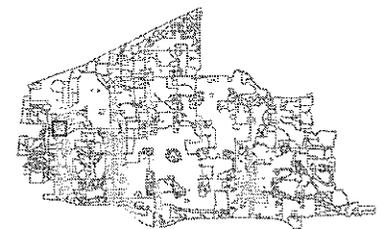
THENCE South, 01° 04' 30" East, a distance of 163.00 feet to a point for corner; said point being in the north line of said Lot 2, Block 1;

THENCE with said north line of Lot 2, Block 1, South, 88° 55' 30" West, a distance of 566.85 feet to the POINT OF BEGINNING and CONTAINING 5.144 acres of land or 224.093 square feet of land.



Zoning Case #: 2013-31

Existing Zoning: REGIONAL EMPLOYMENT/
DALLAS NORTH TOLLWAY OVERLAY DISTRICT



○ 200' Notification Buffer



DATE: December 17, 2013
TO: Honorable Mayor & City Council
FROM: Richard Grady, Chairman, Planning & Zoning Commission
SUBJECT: Results of Planning & Zoning Commission Meeting of December 16, 2013

**AGENDA ITEM NO. 8 - PUBLIC HEARING
ZONING CASE 2013-33
APPLICANT: CITY OF PLANO**

Request to amend Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning District and Uses), Subsection 3.1107 (Schedule of Off-Street Parking) of Section 3.1100 (Off-Street Parking and Loading), Subsection 3.1504 (Residential Adjacency Standards) of Section 3.1500 (Residential Adjacency Standards) of Article 3 (Supplementary Regulations), and related sections of the Zoning Ordinance for the creation of regulations for food truck parks and commissaries.

APPROVED: 6-0 **DENIED:** _____ **TABLED:** _____

STIPULATIONS:

Recommended for approval as follows (Additions are indicated in underlined text; deletions are indicated in strikethrough text):

Amend Section 1.600 (Definitions) of Article 1 (General Regulations), to add the following term and definition for food truck park and commissaries, such portion of section to read as follows:

1.600 (Definitions)

Food Truck Park - An area designed to accommodate two or more mobile food establishments and offering food and/or beverages for sale to the public as the primary use of the property.

Commissaries - An establishment other than a restaurant in which food, containers, or supplies are kept, handled, prepared, packaged, or stored for transportation by mobile food establishments, and that serves as an operating base where a mobile food establishment may be stored, parked, serviced, cleaned, supplied, and maintained. Commissaries must comply with other provisions of the Code of Ordinances.

Amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) to allow food truck parks and commissaries in the following zoning districts:

Food truck parks by specific use permit in all nonresidential zoning districts, except for the Neighborhood Office (O-1) and General Office (O-2) zoning district.

Commissaries by right in the Light Industrial-1 (LI-1), Light Industrial-2 (LI-2), and Commercial Employment (CE) districts

2.502 (Schedule of Permitted Uses)

Nonresidential Zoning Districts

Permitted Uses	Category	O-1 - Neighborhood Office	O-2 - General Office	R - Retail	BG - Downtown Business/Government	LC - Light Commercial	CE - Commercial Employment	CB-1 - Central Business-1	LI-1 - Light Industrial-1	LI-2 - Light Industrial-2	RE - Regional Employment	RC - Regional Commercial	RT - Research/Technology Center	CC - Corridor Commercial	UMU - Urban Mixed-Use
<u>Food Truck Park</u>	<u>Service</u>			S R	S R	S R	S R	S R	S R	S R	S R	S R	S R	S R	S R
<u>Commissaries</u>	<u>Wholesale</u>						P		P	P					

Amend Subsection 3.1107 (Schedule of Off-Street Parking) of Section 3.1100 (Off-Street Parking and Loading) of Article 3 (Supplementary Regulations) to establish parking requirements for food truck park, such portion of subsection to read as follows:

3.1107 (Schedule of Off-Street Parking)

<u>Food Truck Park</u>	<u>One space per 100 square feet of dining area only</u>
------------------------	--

Amend Subsection 3.1504 (Residential Adjacency Standards) of Section 3.1500 (Residential Adjacency Standards) of Article 3 (Supplementary Regulations) to read as follows:

3.1504 (Residential Adjacency Standards)

7. Food Truck Park

A food truck park shall not be permitted within 150 feet of a residential district.

FOR CITY COUNCIL MEETING OF: January 13, 2014 (To view the agenda for this meeting, see www.planotx.org)

PUBLIC HEARING - ORDINANCE

RA/dc

CITY OF PLANO
PLANNING & ZONING COMMISSION

December 16, 2013

Agenda Item No. 8

Public Hearing: Zoning Case 2013-33

Applicant: City of Plano

DESCRIPTION:

Request to amend Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning District and Uses), Subsection 3.1107 (Schedule of Off-Street Parking) of Section 3.1100 (Off-Street Parking and Loading), Subsection 3.1504 (Residential Adjacency Standards) of Section 3.1500 (Residential Adjacency Standards) of Article 3 (Supplementary Regulations), and related sections of the Zoning Ordinance for the creation of regulations for food truck parks and commissaries.

REMARKS:

Staff has received inquiries from two developers interested in using nonresidential properties as food truck parks. Therefore, in October 2012, City Council directed staff to consider amendments to the city's ordinances for this use. Food truck parks consist of trucks or trailers, also known as mobile food establishments or commonly referred to as food trucks, which provide food cooked onsite and served to the public for on or offsite consumption. The properties typically have minimal improvements on the site such as picnic tables, gravel surfaces, and portable toilets (if provided). Currently, the Zoning Ordinance has no regulations pertaining to food truck parks.

Food trucks are defined in the City of Plano Code of Ordinances as "mobile food establishments" and are regulated by Chapter 9 (Food Code). Private property owners can allow itinerant vendors, such as food trucks, to occupy their property up to 45 days in a calendar year under Chapter 11 (Licenses and Business Regulations). Food trucks which deliver meals and snacks to construction job-sites throughout Plano are permitted annually through the Health Department. Food trucks may also be permitted for special events as allowed by the city, and may not exceed 14 consecutive days per event. A limit of eight temporary permits per calendar year per vendor, group, or organization is allowed.

ISSUES:

Amendments to the Zoning Ordinance for food truck parks should be limited to creating regulations related to land use and zoning. The city's Code of Ordinances currently regulates food preparation, health, sanitation, and building codes.

The following are issues for consideration.

Term and Definition

In order to regulate the use of food truck parks, an appropriate definition needs to be added to the Zoning Ordinance since this use is not currently addressed. Staff recommends food truck parks be defined as:

Food Truck Park: An area designed to accommodate two or more mobile food establishments and offering food and/or beverages for sale to the public as the primary use of the property.

The new term and definition will be added to Section 1.600 (Definitions) of Article 1 (General Regulations) of the Zoning Ordinance. Staff believes this term and definition is appropriate based on similar definitions found in other municipalities' ordinances including San Antonio, Fort Worth, Austin, and Salt Lake City, which generally define food truck parks as more than one mobile food establishment in an area or premises.

Zoning Districts

Staff recommends allowing food truck parks by specific use permit in all nonresidential zoning districts, except for the Neighborhood Office (O-1) and General Office (O-2) zoning districts where they would not be allowed. Restaurants are currently permitted by right in all nonresidential zoning districts except for the O-1 and O-2 districts where they are permitted by specific use permit. Since food truck parks and restaurants are similar uses - establishments that provide food for sale to the public for consumption - staff believes it is appropriate to allow food truck parks in the same zoning districts as restaurants. However, staff is concerned that not all properties within each of these districts may be appropriate as a food truck park. A specific use permit allows for a case-by-case site specific review. Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) would be amended accordingly to reflect the specific use requirement for this use.

Residential Adjacency Standards (RAS)

It is possible that a food truck park could be located next to residential zoning districts. Staff is concerned that it may not be appropriate to have food truck parks adjacent to residential districts given the potential impacts this use could have on nearby residences (i.e. noise, lighting, debris). Therefore, staff recommends amending Subsection 3.1504 (Residential Adjacency Standards) of Section 3.1500 (Residential Adjacency Standards) of Article 3 (Supplementary Regulations) to prohibit this use within 150 feet of residentially zoned properties, similar to other uses that have outdoor activity (car wash, fuel dispensing, automotive and motorcycle repair, and uses with individual service speakers).

Parking

Subsection 3.1107 (Schedule of Off-Street Parking) of Section 3.1100 (Off-Street Parking and Loading) of Article 3 (Supplementary Regulations) requires a minimum number of off-street parking spaces for each development. It is staff's understanding that most food truck park sites have minimal improvements in order to keep operational and project overhead costs low. Staff believes the required parking should be one space per 100 square feet of dining area only. This parking ratio is the same for restaurants, except that the parking ratio is applied to the dining area only for the food truck parks instead of the gross building square footage as required for restaurant buildings. A food truck park may provide offsite parking as allowed by the existing provisions in the Zoning Ordinance.

Surface

Per Subsection 3.1105 (Parking Area Standards) of Section 3.1100 (Off-Street Parking and Loading) of Article 3 (Supplementary Regulations), regularly used parking spaces, loading areas, driveways, and maneuvering aisles shall be paved with a concrete or asphalt surface. Some food truck parks do not provide improved surfaces; instead, they may have gravel and/or turf surfaces for their parking areas (both for the food trucks and required off-street parking).

Staff found in researching other cities' ordinances that regulate surface improvements that both Dallas and San Antonio had surface requirements as follows:

- City of San Antonio: Mobile food vendor courts shall require an all-weather surface.
- City of Dallas: Mobile food vendors must be located only on an improved surface and where operations are allowed by the Dallas Development Code.

Staff recommends that improved surfaces be provided (i.e. asphalt or concrete) as required in Subsection 3.1105 for the parking and access to parking of food trucks; all remaining areas of the lot may be an unimproved surface. This recommendation is consistent with farmers' market uses in Plano where all vendor facilities are required to be located on concrete or asphalt surfaces. Additionally, paving helps facilitate surface drainage, prevents properties from being "rutted out" by vehicles where surface water ponding may occur, and minimizes the dust generated by vehicles driving on unimproved surfaces where food is being consumed by the public.

Temporary Food Trucks as Accessory Uses

Staff anticipates that some food trucks may be interested in operating temporarily in areas outside of food truck parks, such as at institutional uses (schools, religious facilities) and retail shopping centers for special events, festivals, and other occasions. Food trucks can sell on existing improved properties with an itinerant vendor permit as presently allowed by the city's Code of Ordinances. The Code of Ordinances has criteria for food preparations, site plan approval, and restrooms.

Commissaries for Food Trucks

The city's Code of Ordinances, Chapter 9 (Food Code) defines commissaries as a catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged, or stored. Health Department

regulations require mobile food vendors to be serviced at commissaries on a regular basis. The Zoning Ordinance is silent to this use, and staff has allowed commissaries similar to warehouse uses in the Light Industrial-1 (LI-1) zoning district. While the Code of Ordinances recognize restaurants as a permissible base for mobile food vendor trucks, staff is concerned, from a land use perspective, that restaurants should not be allowed to function as a commissary where trucks are cleaned, restocked, and stored. Staff researched other cities' ordinances which define commissaries as:

- Fort Worth: Commissary means a fixed food service establishment permitted and regularly inspected by the director.
- San Antonio: Commissary shall mean a food processing establishment or food service establishment approved by the director in which food, containers, or supplies are kept, handled, prepared, packaged, or stored for transportation by mobile food establishment vendors.
- Dallas: Commissary means a food establishment that serves as an operating base for a mobile food establishment and where food, containers, or supplies are kept, handled, prepared, packaged, or stored for use by a mobile food establishment and a mobile food establishment is stored, parked, serviced, cleaned, supplied, and maintained.

Staff recommends that Commissaries be added to Section 1.600 (Definitions) of Article 1 (General Regulations) and defined as:

An establishment other than a restaurant in which food, containers, or supplies are kept, handled, prepared, packaged, or stored for transportation by mobile food establishments, and that serves as an operating base where a mobile food establishment may be stored, parked, serviced, cleaned, supplied, and maintained. Commissaries must comply with other provisions of the Code of Ordinances.

Staff recommends allowing commissaries by right in the LI-1, Light Industrial-2 (LI-2), and Commercial Employment (CE) districts similar to Warehouse/Distribution Center, Wholesale/Storage Warehouse, and Office-Showroom-Warehouse uses.

RECOMMENDATION:

Recommended for approval as follows (Additions are indicated in underlined text; deletions are indicated in strikethrough text):

Amend Section 1.600 (Definitions) of Article 1 (General Regulations), to add the following term and definition for food truck park and commissaries, such portion of section to read as follows:

1.600 (Definitions)

Food Truck Park - An area designed to accommodate two or more mobile food establishments and offering food and/or beverages for sale to the public as the primary use of the property.

Commissaries - An establishment other than a restaurant in which food, containers, or supplies are kept, handled, prepared, packaged, or stored for transportation by mobile food establishments, and that serves as an operating base where a mobile food establishment may be stored, parked, serviced, cleaned, supplied, and maintained. Commissaries must comply with other provisions of the Code of Ordinances.

Amend Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) to allow food truck parks and commissaries in the following zoning districts:

Food truck parks by specific use permit in all nonresidential zoning districts, except for the Neighborhood Office (O-1) and General Office (O-2) zoning district.

Commissaries by right in the Light Industrial-1 (LI-1), Light Industrial-2 (LI-2), and Commercial Employment (CE) districts

2.502 (Schedule of Permitted Uses)

Nonresidential Zoning Districts

Permitted Uses	Category	O-1 - Neighborhood Office	O-2 - General Office	R - Retail	BG - Downtown Business/Government	LC - Light Commercial	CE - Commercial Employment	CB-1 - Central Business-1	LI-1 - Light Industrial-1	LI-2 - Light Industrial-2	RE - Regional Employment	RC - Regional Commercial	RT - Research/Technology Center	CC - Corridor Commercial	UMU – Urban Mixed-Use
<u>Food Truck Park</u>	<u>Service</u>			R/S	R/S	R/S	R/S	R/S	R/S	R/S	R/S	R/S	R/S	R/S	R/S
<u>Commissaries</u>	<u>Wholesale</u>						P		P	P					

Amend Subsection 3.1107 (Schedule of Off-Street Parking) of Section 3.1100 (Off-Street Parking and Loading) of Article 3 (Supplementary Regulations) to establish parking requirements for food truck park, such portion of subsection to read as follows:

3.1107 (Schedule of Off-Street Parking)

<u>Food Truck Park</u>	<u>One space per 100 square feet of dining area only</u>
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Amend Subsection 3.1504 (Residential Adjacency Standards) of Section 3.1500 (Residential Adjacency Standards) of Article 3 (Supplementary Regulations) to read as follows:

3.1504 (Residential Adjacency Standards)

7. Food Truck Park

A food truck park shall not be permitted within 150 feet of a residential district.

Zoning Case 2013-33

An Ordinance of the City of Plano, Texas, amending Section 1.600 (Definitions) of Article 1 (General Regulations), Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning District and Uses), Subsection 3.1107 (Schedule of Off-Street Parking) of Section 3.1100 (Off-Street Parking and Loading), Subsection 3.1504 (Residential Adjacency Standards) of Section 3.1500 (Residential Adjacency Standards) of Article 3 (Supplementary Regulations), and related sections of the Comprehensive Zoning Ordinance of the City, Ordinance No. 2006-4-24, as heretofore amended, to create regulations for food truck parks and commissaries; and providing a publication clause, a penalty clause, a repealer clause, a savings clause, a severability clause, and an effective date.

WHEREAS, the City Secretary of Plano, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Plano and laws of the State of Texas, at a meeting of the City Council, to be held on the 13th day of January, 2014, for the purpose of considering a change in the Zoning Ordinance; and

WHEREAS, the City Secretary of the said City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Plano, Texas, at least fifteen (15) days prior to the time set for such hearing; and

WHEREAS, the City Council of said City, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 13th day of January, 2013; and

WHEREAS, the City Council is of the opinion and finds that such change would not be detrimental to the public health, safety, or general welfare, and will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Plano, and as well, the owners and occupants thereof, and the City generally.

IT IS, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. Section 1.600 (Definitions) of Article 1 (General Regulations) of the Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended to include the following definition for food truck park and commissaries, such section to read in its entirety as follows:

1.600 (Definitions)

Food Truck Park - An area designed to accommodate two or more mobile food establishments and offering food and/or beverages for sale to the public as the primary use of the property.

Commissaries - An establishment other than a restaurant in which food, containers, or supplies are kept, handled, prepared, packaged, or stored for transportation by mobile food establishments, and that serves as an operating base where a mobile food establishment may be stored, parked, serviced, cleaned, supplied, and maintained. Commissaries must comply with other provisions of the Code of Ordinances.

Section II. Subsection 2.502 (Schedule of Permitted Uses) of Section 2.500 (Permitted Uses) of Article 2 (Zoning Districts and Uses) to allow food truck parks and commissaries of the Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended to allow food truck parks and commissaries, such section to read in its entirety as follows:

Section 2.500 Permitted Uses

Subsection 2.502 Schedule of Permitted Uses

Nonresidential Zoning Districts

Permitted Uses	Category	O-1 - Neighborhood Office	O-2 - General Office	R - Retail	BG - Downtown Business/Government	LC - Light Commercial	CE - Commercial Employment	CB-1 - Central Business-1	LI-1 - Light Industrial-1	LI-2 - Light Industrial-2	RE - Regional Employment	RC - Regional Commercial	RT - Research/Technology Center	CC - Corridor Commercial	UMU – Urban Mixed-Use
Food Truck Park	Service			S R	S R	S R	S R	S R	S R	S R	S R	S R	S R	S R	S R
Commissaries	Wholesale						P		P	P					

Section III. Subsection 3.1107 (Schedule of Off-Street Parking) of Section 3.1100 (Off-Street Parking and Loading) of Article 3 (Supplementary Regulations) of the Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended to establish parking requirements for food truck park, such portion of subsection to read as follows:

Section 3.1100 Off-Street Parking and Loading

Subsection 3.1107 Schedule of Off-Street Parking

Food Truck Park	One space per 100 square feet of dining area only
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Section IV. Subsection 3.1504 (Residential Adjacency Standards) of Section 3.1500 (Residential Adjacency Standards) of Article 3 (Supplementary Regulations) of the Comprehensive Zoning Ordinance No. 2006-4-24, as the same has been heretofore amended, is hereby further amended to read as follows:

Section 3.1500 Residential Adjacency Standards

Subsection 3.1504 Residential Adjacency Standards

7. Food Truck Park

A food truck park shall not be permitted within 150 feet of a residential district.

Section V. All provisions of the ordinances of the City of Plano in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Plano, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section VI. The repeal of any ordinance or part of ordinances affected by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

Section VII. Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(a) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

Section VIII. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable and the invalidity or partial invalidity of any section, clause or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

Section IX. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 13TH DAY OF JANUARY, 2014.

Harry LaRosiliere, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY					
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory					
Council Meeting Date:		01/13/2014			
Department:		Planning			
Department Head		Phyllis Jarrell			
Agenda Coordinator (include phone #): Karen Suiter x7566					
CAPTION					
A Resolution of the City Council of the City of Plano, Texas authorizing a waiver of the City's interest in the lien on the single family residence at 707 11th Street secured by the March 30, 2010 judgment in the amount of \$84,669.30; authorizing the City Manager or his designee to execute all necessary documents; and providing an effective date.					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input checked="" type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	2013-14 thru 2023-24	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	0	0	0
Encumbered/Expended Amount		0	0	0	0
This Item		0	\$889	\$8,004	\$8,893
BALANCE		0	\$889	\$8,004	\$8,893
FUND(s): HOME GRANT PROGRAM					
COMMENTS: This resolution, if approved, will refund the HOME Grant Program \$889.30 a year for 10 years for a total of \$8,893.					
STRATEGIC PLAN GOAL: Approving the sale of struck-back property relates to the City's goal of Partnering for Community Benefit.					
SUMMARY OF ITEM					
The City's 2010-14 Consolidated Plan of Housing and Community Development Needs includes a high priority goal of increasing the amount of housing options available for people who are in a housing crisis. Agape Resource & Assistance Center, Inc. (Agape), a local nonprofit, approached city staff regarding the purchase of 707 11 th Street to increase their capacity to serve Plano residents in crisis with additional household care facilities. The property was "struck back" to the four taxing entities due to delinquent taxes and includes a judgment in the amount of \$93,562.51 for the City's rehabilitation loan provided in 2005 to the then-owner. This item authorizes the following: 1) requires Agape to pay all outstanding taxes on the property (including those owed to Plano, 2) waives the forgivable portion of the rehabilitation loan (\$84,669) and 3) requires Agape to repay the repayable portion of the loan (\$8,893) over ten years.					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		
Memo, Resolution					



Memorandum

Date: December 26, 2013

To: Bruce D. Glasscock, City Manager
Frank F. Turner, Deputy City Manager

From: Christina Day, Development Review Manager
Shanette Brown, Community Services Manager

Subject: **Struck Back Property at 707 11th Street**

Plano real estate properties that are foreclosed upon by the taxing entities due to delinquent taxes and which fail to sell at auction or through sealed bids are “struck back” off the tax rolls, and ownership is transferred to the four taxing entities: the City of Plano, Collin County, Collin County Community College, and the appropriate Independent School District.

Once the properties are struck back, these properties can be vacant for long periods of time, resulting in deterioration of structures and yards which quickly become a detriment to the neighborhood. If the vacancy persists, City departments may be required to maintain the properties out of their budget and respond to calls from residents with concerns and complaints about the property.

While these properties are rare in Plano, the house at 707 11th Street is currently in struck-back status. The property is a single-family residential home which has previously been rebuilt through the City’s Housing Rehabilitation Program. On July 25, 2005, the then-owner of the property applied for a rehabilitation loan on the property. Due to the cost of repairs, the then-existing home was demolished, and a new home was built utilizing HUD grant funds which resulted in a sizable lien on the property.

The prior owner was later determined to have abandoned the property, and the taxes were not paid. On March 30, 2010, a tax default judgment was obtained on the property by the law firm of Gay, McCall, Issacks, Gordon and Roberts, P.C., acting on behalf of the taxing entities. Due to the City’s recent, substantial financial interest in the property, the judgment also included the full pay-off amount of \$93,562.51 for the City’s rehabilitation loan, which consisted of \$84,669.30 in forgivable funds and \$8,893.21 in repayable funds. Although the home was valued at an amount somewhat higher than the judgment, the home did not sell during the sheriff’s sale and no sealed bids were received. The property was accordingly struck from the tax rolls and was deeded over to the four taxing entities.

Over the last three years, Community Services has taken responsibility for the property. With the assistance of the Legal Department, individuals who were illegally occupying the home were removed. The Planning Department partnered with the Parks and Recreation Department to periodically maintain the yard, as it was becoming unsightly and a concern to the neighborhood. In October 2013, volunteers from Agape Resource & Assistance Center and Young Men’s Service League cleaned and repaired the property as a public service.

There have been several inquiries regarding the property during the last few years; however, no one has produced the cash necessary to purchase the property. Recently, Planning Department staff was approached by Agape Resource & Assistance Center, Inc., (“Agape”) a local nonprofit looking for property to increase their capacity to serve Plano residents in crisis with additional household care facilities. A household care facility is defined by the City’s Zoning Ordinances as “a dwelling unit that provides residence and care to not more than eight persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster, or financial setbacks, living together with no more than two caregivers as a single household.” A household care facility use is allowed by right on this property.

Due to the unusual circumstances with this property, we are seeking Council approval to waive the forgivable loan portion of the City’s judgment. Based on community needs, and consistent with our Consolidated Plan goals, we believe that Agape’s proposal is an appropriate use for the property, and recommend the following:

- Agape will pay cash for all outstanding taxes on the property (including those owed to Plano), court costs and any other expenses associated with the purchase, in the amount of approximately \$20,000.
- Agape will repay the amount owed on the original repayable loan at the time of foreclosure, which is \$8,893.21, over ten years, and will sign a new note and deed of trust to secure repayment. All repayment will be program income to the City’s HOME Investment Partnership grant, which will be used to support affordable housing within the city, per the grant requirements.
- The City will waive the right to the forgivable loan portion the 2005 rehabilitation loan (\$84,669.30), in exchange for, and simultaneously with the signature of the ten-year note. As a forgivable loan, this amount would not have been recovered if the loan terms had been met by the original homeowner. This lien was included in the foreclosure judgment at the request of City staff due to the large amount owed in order to protect the City’s interest in the property, which will be furthered by this proposal.
- The property is to be used for a public purpose as a household care facility throughout the term of the loan, which will be secured by the City’s note. The property will serve the intent of the program, providing affordable housing to low income Plano residents, for at least 10 years. The lien will also allow the City have a right-of-first-refusal to purchase the property at a discounted amount should Agape become unable to fulfill their obligation over the 10 year period.

In addition to returning the home to the tax rolls and ending a long-term vacancy, the City benefits by repayment of the loan over ten years, rather than in a single payment. The HOME program rules make it difficult for the City to expend large payments with our existing programs, so the repayment of the loan over ten years is a benefit to the City’s grant programs in this case.

In conclusion, Staff is recommending approval of the associated resolution for the property at 707 11th Street (Exhibit A) authorizing a waiver of the City’s right to the forgivable loan portion of the 2010 judgment originating from the 2005 loan (\$84,669.30).

A Resolution of the City Council of the City of Plano, Texas authorizing a waiver of the City's interest in the lien on the single family residence at 707 11th Street secured by the March 30, 2010 judgment in the amount of \$84,669.30; authorizing the City Manager or his designee to execute all necessary documents; and providing an effective date.

WHEREAS, in 2005 the City of Plano invested HOME Investment Partnership grant funds into the property at 707 11th Street, Plano, Texas to reconstruct the home due to its state of deterioration; and

WHEREAS, the prior owner defaulted on taxes and the property was foreclosed upon by the taxing entities and a judgment secured for the taxes and the amount of \$93,562.51, consisting of \$84,669.30 in forgivable loan funds and \$8,893.21 repayable loan funds extended from the City's HOME Investment Partnership funds in March 30, 2010; and

WHEREAS, the property at 707 11th Street is now struck-back to the taxing entities and has been vacant for more than three years; and

WHEREAS, the City Council has adopted the 2010-14 Consolidated Plan of Housing and Community Development Needs stating a need to support and assist with the creation of additional shelter, supportive services, and transitional housing for the homeless and under-housed; and

WHEREAS, the City of Plano supports the efforts of non-profit partners to ensure that emergency and transitional housing units are made available, consistent with existing zoning and development regulations, to house homeless families and provide support and ongoing case management for clients; and

WHEREAS, the 707 11th Street property is available to house families who would otherwise be homeless or under-housed via the provision of a household care facility; and

WHEREAS, the City has determined that it is in the best interests of the citizens of Plano that a waiver of the City's interest in \$84,669.30 of the lien secured by the March 30, 2010 judgment on the single family residence at 707 11th Street be provided subject to, and simultaneously with the creation of a new ten-year note in the amount of the \$8,893.21 repayable portion of the 2005 loan, which will also designate that the property be used for the public purpose of a household care facility for a period of at least ten years;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

SECTION I. The City Manager of the City of Plano, or his designee, is hereby authorized to provide a waiver of the City's interest in the portion of the March 30, 2010 judgment regarding the property at 707 11th Street, Plano, Texas originating from the 2005 HOME investment partnership grant funds in the amount of \$84,669.30; subject to, and simultaneously with, the creation of a new ten-year note in the amount of the repayable portion of the 2005 loan secured by the March 30, 2010 judgment.

SECTION II. The City Manager of the City of Plano, or his designee, is hereby authorized to execute all documents needed to effect the actions authorized hereunder; and that no additional approval shall be needed to adjust the amount of the waiver or note to include any interest that may have accrued during the pendency of the March 30, 2010 judgment; and

SECTION III. - This resolution shall take effect immediately upon its passage.

DULY PASSED AND APPROVED THIS THE 13TH DAY OF JANUARY, 2014.

Harry LaRosiliere, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

Approved as to form:

Diane C. Wetherbee, CITY ATTORNEY



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		January 13, 2014		
Department:		Planning		
Department Head		P. Jarrell		
Agenda Coordinator (include phone #): T. Stuckey - 7156				
CAPTION				
<p>A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of an agreement by and between the City of Plano, Texas and Southern Land Company to provide for an exclusive period for the negotiation of a development agreement for the redevelopment of 1.7± acres located at the northwest corner of 14th Street and K Avenue in the City of Plano; authorizing its execution by the City Manager or his designee; and providing an effective date.</p>				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input checked="" type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR: 2013-14	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	9,305,007	0	9,305,007
Encumbered/Expended Amount	0	-10,526	0	-10,526
This Item	0	-30,000	0	-30,000
BALANCE	0	9,264,481	0	9,264,481
FUND(S): TIF - EAST SIDE				
<p>COMMENTS: Fund are included in the FY 2013-14 TIF East Side Fund Balance. This item, in the amount of \$30,000 will leave \$9,264,481 available for TIF East Side Fund's objectives.</p>				
<p>STRATEGIC PLAN GOAL: Encouraging redevelopment of land in Downtown Plano relates to the City's Goal of Exciting Urban Centers - Destination for Residents and Guests.</p>				
SUMMARY OF ITEM				
Please see attached memo.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Memo		Tax Increment Finance District #2 Board		
TIF 2 Minutes 12-19-13				
Resolution				
Letter Agreement				
RFQ - Southern Land Company				
RFQ - Integral-Catalyst Urban Development				

December 27, 2013

MEMO

TO: Honorable Mayor and City Council
Bruce D. Glasscock, City Manager

THROUGH: Frank F. Turner, Deputy City Manager

FROM: TIF #2 Board

SUBJECT: RFQ for City of Plano Municipal Center South Redevelopment Project

At the direction of the Plano City Council, the TIF District Board #2 has solicited developers to submit qualifications to redevelop a 1.7 acre parcel at the northwest corner of 14th Street and K Avenue presently developed as the Municipal Center South city offices, public parking, and commercial lease space. The City owns the Municipal Center South property and has the commercial property under contract for purchase. The site is a key location in Downtown Plano and the City's desire is to encourage continued revitalization and economic reinvestment in this area. The City's objective is a development of a minimum of 110,000 square feet of useable building space and a parking garage with at least 240 parking spaces. On October 10, 2013, the City posted a request for statements of qualifications from regional developers known to have expertise or interest in transit-oriented development. Two developers responded to the request on November 7, 2013. The TIF #2 Board met on December 19, 2013 to review the responses and to interview the respondents.

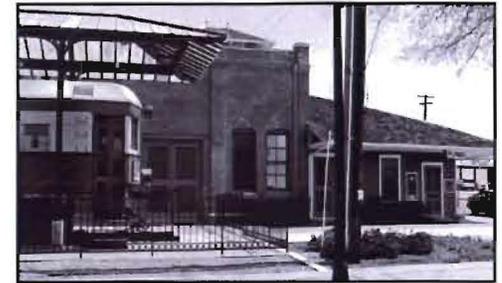
The TIF #2 Board finds Southern Land Company to be the best qualified developer to engage with the City, based upon the evaluation criteria set forth in the RFQ. Our findings are summarized as follows:

- Southern Land Company has a proven track record leading the development of urban, mixed use developments and has demonstrated the ability to secure financing for this redevelopment project.
- The Company has experience in public private partnerships in Plano and in other cities and experience with TIF funded projects.
- The team members demonstrated extensive qualifications and experience with projects in similar scope and nature.
- Southern Land Company expressed a clear understanding of the City and community goals which includes the long term success of the project.
- Southern Land Company demonstrated a clear plan for community outreach and participation.

We recommend that the City and Southern Land Company form an exclusive, non-binding 120-day planning and negotiation process to enter into an agreement to redevelop the property.

2013-386-B

RFQ FOR MUNICIPAL CENTER SOUTH AND
CHRISTIE PROPERTY REDEVELOPMENT



Bid End Date: November 7, 2013, 3:00 PM CST

SOUTHERN LAND
COMPANY

Community Sustainability Commitment

CONTENTS

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DEVELOPER & DEVELOPMENT TEAM

Southern Land Company, LLC (SLC) will serve as the developer of record for the acquisition and redevelopment of the Municipal Center South and Christie Properties. Prior to closing on the properties, SLC will establish a new single purpose entity (SPE) specifically for this project. The SPE will be in the form of a Limited Liability Company.

SLC is a full-service, multi-faceted real estate development company based in Nashville, Tennessee. Its vertically integrated model employs land planners, architects, designers, civil engineers, contractors, property managers, commercial leasing and developers under a single roof with one common goal, to produce the best performing and best quality project possible. SLC has over \$800 million of assets under development and a Mixed-Use portfolio of over \$450 million owned or under construction. SLC has the in-house knowledge, expertise and financial strength to execute a high quality project that the city and community of Plano will be proud to have as the newest addition to their historic downtown district.

SLC will not be working with any other development partners on this project.

- » DESIGN
- » HORTICULTURE
- » MIXED-USE
- » SUSTAINABILITY
- » ACTIVITIES



DEVELOPER'S NARRATIVE



SOCO Fifteen - Plano, TX

SOUTHERN LAND COMPANY PHILOSOPHY AND VISION

Through this project, SLC will continue to serve its vision of delivering distinctive settings where people want to live, work and shop. Led by its founder, Timothy W. Downey, SLC upholds stringent standards for all aspects of development, from design to implementation, and seeks to enhance quality of life through diversity in architecture, design and mix of uses. SLC's vertically integrated organization makes this possible because our internalized services offer greater quality control and execution and promotes the long-term viability of each project by building for the future.

SLC has completed over twenty residential, commercial and mixed-use developments spanning three decades. Our mixed-use projects not only cater to residents but also to pedestrians and bicyclists in an effort to enhance the urban lifestyle.

SLC consistently applies the highest standard of aesthetics and quality; these details make the difference and define our developments. SLC firmly believes attention to detail and resources devoted to the time, energy and creativity of each project lead to long-term value and success. Effective architecture and landscape design should complement the surrounding community, allowing elevations to play off one another and colors to project an extended curbside canvas. This process encourages visual diversity, suggesting an authentic neighborhood rich in character. Achieving this goal requires our design professionals to consider not only what is present today, but to envision what future generations will see and encounter.

By appropriately mixing retail, residential and commercial uses, SLC hopes to further shift the trend away from suburban sprawl towards neighborhoods that foster a walkable sense of place, and are functional and attractive for residents, shoppers and employees. Effective design employs a sophisticated timelessness that enhances and strengthens the fabric of the community.

DEVELOPER'S NARRATIVE

PREVIOUS/CURRENT DEVELOPMENT PROJECTS

MULTIFAMILY:

Our multifamily portfolio includes two 4-story, urban/suburban apartment developments in Franklin, TN (Dwell); the projects are wood frame and includes surface and garage parking.

MIXED-USE:

Our mixed-use portfolio is diverse and successful. Keller, TX (Arthouse), The Lofts at Watters Creek (Allen, TX) and SOCO Fifteen (Plano, TX) are three examples of 4-stories of wood frame construction above a single level, concrete podium. The ground floors are activated with retail and restaurant space, and offer above grade structured parking. Elliston 23 (Nashville, TN) and 425 Boylan (Raleigh, NC), 6 and 8-stories, respectively, are Type I, concrete construction with residential units wrapping above grade structured parking. Similar to the previous two projects, the ground floor is activated with commercial uses. Additionally, SLC has two high rise mixed-use projects under development in Philadelphia, PA (3601 Market Street) and Nashville, TN (Green Hills). 3601 Market Street is a 28-story apartment tower supported by 15,000 SF of ground floor retail and restaurant space. Construction will commence later this year. Our Green Hills development is a true mixed-use project and will include approximately 300 residential units, 55,000 SF of office space and 15,000 SF of retail/restaurant space. Construction will begin in early 2014. A detailed description of our representative projects is provided in the next section.

COMMERCIAL:

SLC has developed a variety of commercial properties including Westhaven Town Center, a 97,000 SF Harris Teeter anchored retail center, Southside, a 92,000 SF Whole Foods anchored retail center, and the McEwen Building, a 175,000 SF Class A office and retail building, all located in the Nashville suburb of Franklin, TN.

SINGLE FAMILY:

SLC has four active single family residential projects, three located in Nashville, TN and one in McKinney, TX (Tucker Hill) totaling just under 4,000 lots upon full build out. The landscaping, architectural design and resort amenities have all been meticulously executed in each project



Westhaven - Franklin, TN

DEVELOPER'S NARRATIVE

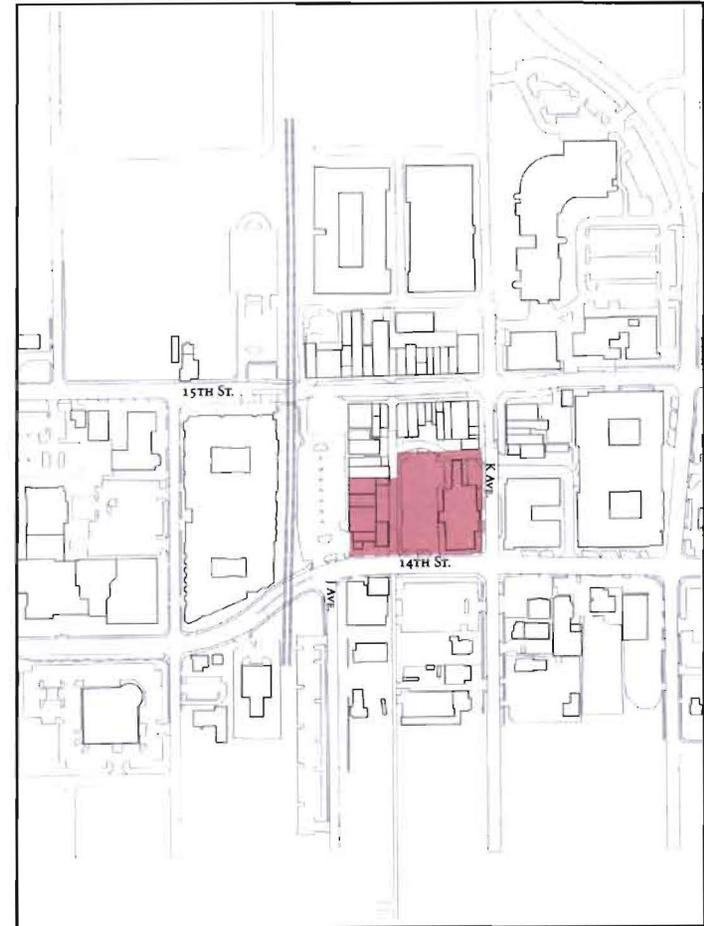
COMMUNITY GOALS FOR THE PROJECT

SLC is currently under construction with a 5-story, 279 unit transit-oriented development located approximately 200 feet from the Municipal Center South and Christie properties. This endeavor has allowed SLC to establish a strong working relationship with the City of Plano. We have an in-depth knowledge of the local zoning code and understand the relevant development guidelines set forth by the city.

The 2013 Downtown Plano Vision & Strategy Update identifies the Municipal Center South and Christie properties as a prime redevelopment opportunity for the historic core. SLC and the City of Plano will make a coordinated effort to design and execute a project that will contribute to downtown's urban form and pedestrian oriented environment. The scale of any new building(s) will be consistent with those nearby, generally four and five stories in height, and will conform to the zoning requirements and design guidelines provided for downtown.

SLC intends to offer a mix of residential and commercial uses that will activate the street level and encourage a more livable, 24/7 environment. The project will be designed to meet or exceed the minimum square feet of gross floor area and minimum parking standards necessary to meet the projects requirements as well as the existing general public parking demand as described in the RFQ.

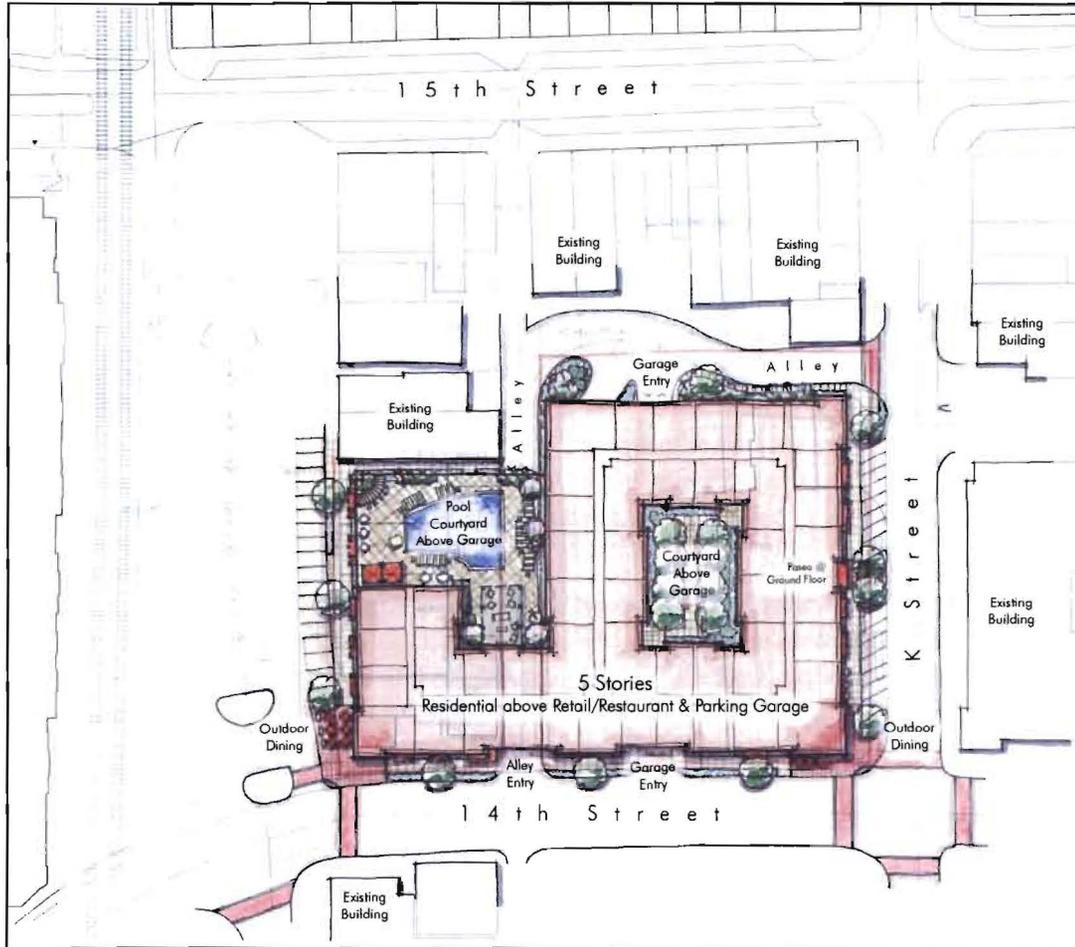
SLC has prior/ongoing experience working in a public/private partnership and understands that a similar partnership is required to successfully execute this redevelopment opportunity. SLC is aligned with the city and will work together to complete a conceptual design and execute a development agreement by spring 2014. Successful execution of this project will contribute to downtown Plano's success and expand the city's vision for vibrant, community driven transit-oriented development.



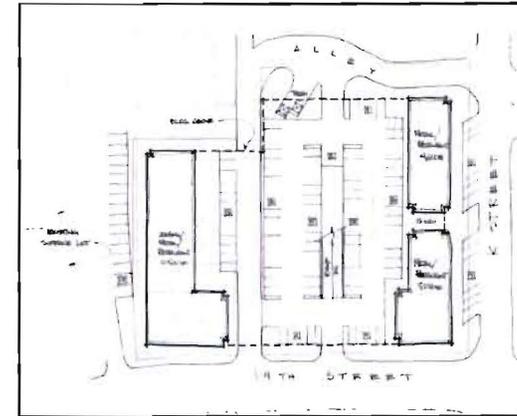
CONTEXT MAP SCALE: N.T.S

DEVELOPER'S NARRATIVE

PRELIMINARY CONCEPTUAL PLAN



Possible Residential Layout



Street Level Retail/Restaurant Layout



Underground Parking Garage Layout

Conceptual floor plans are for illustrative purposes only and were created solely for the purpose of determining maximum size, scale, massing and mix of uses allowed under the current zoning regulations. Once selected, SLC will work with the City of Plano and its residents to move the design forward in a way that fulfills the goals and objectives of this response.

DEVELOPER'S PROJECT EXPERIENCE

OVERVIEW OF EXPERIENCE

All of SLC's completed projects were completed on time or within 60 days of scheduled completion. No significant issues were encountered during the construction of any of the completed projects.

Though SOCO Fifteen experienced a 6 week delay due to the relocation of underground utilities by Oncor, this project (under construction) is currently tracking below its construction budget.

SLC has prior experience working in the capacity of a developer with the City of Plano under a public/private partnership on SOCO Fifteen. The City of Plano granted SLC 1.6 acres of land at no cost and reimbursed SLC \$1.7 million for streetscape improvements. In return, SLC constructed a \$35 million mixed-use project on a highly underutilized 3.1 acre property partially owned by the city. In addition, Plano received 92 spaces in the parking garage dedicated for city use.

SLC has considerable experience designing, financing, developing, marketing, and managing high quality urban, mixed-use projects across the nation. A detailed description of each project is provided herein.



Dwell - Franklin, TN



Westhaven Town Center - Franklin, TN

REPRESENTATIVE PROJECTS



Arthouse - Keller, TX

GENERAL INFORMATION

Equity: Amstar Fund
 Debt: Bank of America
 Units: 187
 Retail: 27,000 SF
 Project Cost: \$30,500,000
 Developer: Southern Land
 Architect: Looney Ricks Kiss
 GC: Southern Land
 Occupancy: 90%

DEVELOPMENT SCHEDULE

Project Design Start: January 2006
 Financing Secured: April 2006
 Construction Start: April 2006
 Marketing Start: January 2008
 First Units Delivered: March 2008
 Construction End: July 2008
 Construction Duration: 26 months

ABOUT

Arthouse is a lifestyle oriented retail and residential mixed-use development in the Dallas suburb of Keller, TX. Its architecture compliments the existing Keller Town Center while offering walls of glass and mixed mediums.



The Lofts at Watters Creek - Allen, TX

GENERAL INFORMATION

Equity: DDR & Coventry Fund
 Debt: Compass Bank
 Units: 233
 Retail: 49,500 SF
 Project Cost: \$39,600,000
 Developer: Southern Land
 Architect: Meacham & Apel
 GC: Southern Land
 Occupancy: 95%

DEVELOPMENT SCHEDULE

Project Design Start: January 2007
 Financing Secured: July 2007
 Construction Start: July 2007
 Marketing Start: June 2009
 First Units Delivered: August 2009
 Construction End: November 2009
 Construction Duration: 27 months

ABOUT

Consisting of four levels of luxury apartments above a unique blend of ground floor retail, The Lofts at Watters Creek is the multifamily component of a 50 acre, open-air lifestyle center with nearly 250,000 SF of retail, restaurant and office space.

REPRESENTATIVE PROJECTS



Dwell - Franklin, TN

GENERAL INFORMATION

Equity: Amstar Fund
 Debt: Chase & Key Bank
 Units: 370
 Retail: N/A
 Project Cost: \$56,700,000
 Developer: Southern Land
 Architect: Southern Land
 GC: Southern Land
 Occupancy: 97%

DEVELOPMENT SCHEDULE

Project Design Start: January 2007
 Financing Secured: November 2007
 Construction Start: January 2008
 Marketing Start: February 2009
 First Units Delivered: April 2009
 Construction End: December 2009
 Construction Duration: 24 months

ABOUT

Located in Cool Springs, one of Nashville's largest and fastest growing suburban office and retail submarkets, Dwell is an urban inspired apartment community outfitted with designer finishes and resort inspired saltwater pool with grill and spa amenities.



Elliston 23 - Nashville, TN

GENERAL INFORMATION

Equity: JP Morgan
 Debt: US Bank
 Units: 331
 Retail: 15,100 SF
 Project Cost: \$60,900,000
 Developer: Southern Land
 Architect: Southern Land
 GC: Southern Land
 Occupancy: 48% (in lease-up)

DEVELOPMENT SCHEDULE

Project Design Start: December 2010
 Financing Secured: September 2011
 Construction Start: December 2011
 Marketing Start: January 2013
 First Units Delivered: May 2013
 Construction End: December 2013
 Construction Duration: 24 months

ABOUT

Elliston 23 is a 6-story mixed-use community combining luxury apartments above 15,100 SF of retail and restaurant space. The project is located near Vanderbilt University and Centennial Park in Nashville's most desirable Midtown neighborhood of West End.

REPRESENTATIVE PROJECTS



425 Boylan - Raleigh, NC

GENERAL INFORMATION

Equity: JP Morgan
 Debt: None
 Units: 261
 Retail: 13,300 SF
 Project Cost: \$45,100,000
 Developer: Southern Land
 Architect: Southern Land
 GC: Southern Land
 Occupancy: Under Construction

DEVELOPMENT SCHEDULE

Project Design Start: February 2011
 Financing Secured: March 2012
 Construction Start: October 2012
 Marketing Start: March 2014
 First Units Delivered: June 2014 (est)
 Construction End: October 2014 (est)
 Construction Duration: 24 months

ABOUT

425 Boylan is located in Raleigh's trendiest downtown district, Glenwood South, known for its attractive blend of restaurants, nightlife and shopping. Upon completion, this project will stand 8-stories with a mix of ground floor retail and office use.



Soco Fifteen - Plano, TX

GENERAL INFORMATION

Equity: NXT Capital
 Debt: Comerica Bank
 Units: 279
 Retail: 7,800 SF
 Project Cost: \$36,600,000
 Developer: Southern Land
 Architect: Southern Land
 GC: Southern Land
 Occupancy: Under Construction

DEVELOPMENT SCHEDULE

Project Design Start: August 2011
 Financing Secured: October 2012
 Construction Start: October 2012
 Marketing Start: March 2014
 First Units Delivered: June 2014
 Construction End: September 2014
 Construction Duration: 23 months

ABOUT

Set in historic downtown Plano adjacent to a public park and light rail station, Soco Fifteen is a true transit-oriented development. A public-private partnership with the City of Plano, the luxury apartment project will include active, street level retail.

PROJECT REFERENCES

	Legal Entity	Project	Project Status	Debt Reference	Equity Reference
Single Family Neighborhoods	Westhaven Partners, LLC	Westhaven - 2,700-lot SFN on 1,550 acres in Franklin, TN	1,040 lots sold to date: fastest selling SFN in Nashville market	Regions Bank - Frank Peele (423.752.7802)	22 High Net Worth Individuals
	SLC McKinney Partners, LP	Tucker Hill - 587-lot SFN on 800 acres in McKinney, TX	125 lots sold to date: fastest selling SFN for Darling Homes. Dallas-based regional homebuilder	none	22 High Net Worth Individuals
	Vaughn Road Partners, LLC	Laurelbrooke - 315-lot SFN on 578 acres in Brentwood, TN	309 lots sold to date	none	22 High Net Worth Individuals
	Wynstone Partners, LP	Windstone - 110-lot SFN on 200 acres in Brentwood, TN	104 lots sold to date	Regions Bank - Frank Peele (423.752.7802)	22 High Net Worth Individuals
Retail	Westhaven Town Center - HT	ground lease to Harris Teeter in Westhaven	20-year ground lease	First Farmers Bank - Berry Brooks (931.380.8387)	22 High Net Worth Individuals
	Westhaven Town Center Fund I	33,000 sf retail/office project in Westhaven	completed 2009, 97% leased	Regions Bank - Frank Peele (423.752.7802)	22 High Net Worth Individuals
	Westhaven Town Center Fund II	16,000 sf retail project in Westhaven	completed 2010, 100% leased	First Farmers Bank - Berry Brooks (931.380.8387)	22 High Net Worth Individuals
	AGL/SLC No.3, LLC	Whole Foods - a 45,000 sf building in Franklin, TN	opened May, 2011	debt secured by Amstar	Amstar - Robert Toomey (303.534.6322)
	AGL/SLC No.4, LLC	Southside Retail Center - three retail buildings adjacent to Whole Foods totaling 39,000 sf	opened May, 2013; 85% leased	debt secured by Amstar	Amstar - Robert Toomey (303.534.6322)
	AGL/SLC No.5, LLC	10-year ground lease to Bricktops Restaurant adjacent to Whole Foods	completed September, 2011	debt secured by Amstar	Amstar - Robert Toomey (303.534.6322)
Golf	Westhaven Golf Club, LLC	18-hole golf course in Westhaven with 14,000 sf clubhouse	450 members	Reliant Bank - DeVan Ard (615.221.2001)	22 High Net Worth Individuals
Office	AGL/SLC No.2, LLC	McEwen Office Building - a 175,262 sf class A mixed-use project in Franklin, TN with office and retail	completed 2009, 97% leased	debt secured by Amstar	Amstar - Robert Toomey (303.534.6322)
Mixed-Use & Multi-Family	SLC Keller Investors, L.P.	Arthouse, a 187-unit Class A mixed-use project with 27,000 sf of retail in Keller, TX	completed 2007, occupancy = 91%	debt secured by Amstar	Amstar - Kim Sperry (303.534.6322)
	Lofts at Watters Creek	The Lofts at Watters Creek, a 233-unit class A multi-family project in Allen, TX as part of the 300,000 sf Watters Creek mixed use project	completed 2008, occupancy = 94%	Compass Bank - Tyler Malik (214.360.1609)	Coventry Real Estate Advisors - Brian Moss (212.699.4105)
	AGL/SLC No.1, LLC	Dwell at McEwen, a 258-unit Class A multi-family project in Franklin, TN	completed 2009, occupancy = 99%	debt secured by Amstar	Amstar - Kim Sperry (303.534.6322)
	2300 Elliston Place, LLC	Elliston 23, a 331-unit Class A mixed-use project with 15,600 sf of retail in Nashville, TN	construction began November, 2011; first units available March, 2013; final completion in December 2013	US Bank - John Cannon (615.251.9274)	JP Morgan - Blake Berg (212.648.0064)
	425 Boylan, LLC	425 Boylan, a 251-unit Class A project with 12,200 sf of flex office in Raleigh, NC	construction began late 2012; first units expected spring 2014	none	JP Morgan - Blake Berg (212.648.0064)
	AGL/Core Dwell 2, LLC	Dwell 2 at McEwen, a 112-unit Class A expansion of Dwell at McEwen in Franklin, TN	construction began December, 2012; completed August, 2013	Key Bank - Alex Buecking (720.904.4413)	Amstar - Kim Sperry (303.534.6322)
	15th & I, LLC	SOCO 15, a 279-unit mixed-use project in downtown Plano, TX with 7,800 sf of retail, anchored by 7-11	construction began in late 2013; anticipated delivery in spring 2014	Comerica Bank - Jeff LaBauve (214.462.4273)	NXT Capital - Bill Ballent (972.985.7596)
	3601 Market Street Tenant, LLC	28-story, 363-unit mixed-use project in Philadelphia, PA with 12,500 sf of retail	99-year ground lease executed; negotiating \$66M loan docs; ground break in November, 2013	M&T Bank - Chris Beach (410.545.2410)	Redwood Capital - Dave Watson (410.402.2245)
	Green Hills Mixed Use, LLC	22-story, 303-unit mixed-use project in Nashville, TN with 65,000 sf of office and 11,000 sf of retail	land acquired; negotiating \$59M loan docs; ground break in January, 2014	PNC Bank - Eric Staton (615.472.2472)	Redwood Capital - Dave Watson (410.402.2245)
	LoHi Denver, LLC	5-story, 273-unit mixed-use project with 10,000 sf of retail.	land acquired; ground break in September 2014	TBD	Redwood Capital - Dave Watson (410.402.2245)

CLAIMS AND DISPUTES

SLC has not had any litigation brought against the company during the past two (2) years where claim(s) exceed \$10,000.

FINANCIAL RESOURCES

SLC is grateful for the success it has achieved throughout the course of its 25+ year existence. Even through the “Great Recession,” SLC was able to remain profitable and without any legacy issues. This accomplishment strengthened SLC’s position as one of the region’s leading boutique development companies. SLC’s typical average project size ranges between \$40 and \$60 million with projects as small as \$20 million and as large as \$100 million in total project cost.

SLC’s project experience, balance sheet, and successful track record enable it to attract project debt and equity from a wide variety of capital sources. Enclosed is a list of our past debt and equity partners along with additional capital partners SLC maintains an active relationship with but have not participated on projects with each other.

*Independently reviewed company financial reports have been provided separately and confidentially as part of this response

PAST/CURRENT PARTNERS

Equity

Amstar
Coventry Real Estate Advisors
JP Morgan
NXT Capital
Redwood Capital Investments

Debt

Comerica Bank
Compass Bank
First Farmers Bank
Key Bank
M&T Bank
PNC Bank
Regions Bank
US Bank

OTHER ACTIVE RELATIONSHIPS

Equity

AIG
Northwestern Mutual
Principal
Prudential
UBS

Debt

BB&T Bank
Bank of Nashville
Principal
Prudential

FINANCIAL RESOURCES

FINANCING SOURCES OVER THE PAST 2 YEARS

EQUITY:

Yetta Tropper
Executive Director
J.P. Morgan Asset Management
270 Park Avenue, 7th Floor
New York, NY 10017
212.648.2182

David Watson, CFA
Vice President
Redwood Capital Investments, LLC
701 Maiden Choice Lane
Baltimore, MD
410.402.2245

Tim Verrilli
NXT Real Estate Finance
191 N. Wacker Drive, Suite 1200
Chicago, IL 60606
312.450.8050

Jim Galovan
PCCP, LLC
3600 American River Dr., Suite 225
Sacramento, CA 95864
916.484.7900

DEBT:

S. Scott Miler
SVP Regional Manager
US Bank, Commercial Real Estate
333 Commerce St., Suite 900
Nashville, TN 37201
615.251.9321

Jeff LaBauve
Vice President
Comerica Bank, National Real Estate
1717 Main St., MC 6404
Dallas, TX 75201
214.462.4273

Eric W. Staton
Vice President
PNC Real Estate Banking
810 Crescent Centre Dr., Suite 160
Franklin, TN 37067
615.472.2472

Brent M. Raindl
President
Plains Capital Bank - Preston Center
8200 Douglas Ave., Suite 200
Dallas, TX 75225
214.525.4602

Chris Beach
Vice President, Commercial RE
M&T Bank
25 S. Charles St., 17th floor
Baltimore, MD 21201
410.545.2410

PROJECT FINANCING

The City of Plano desires to redevelop the Municipal Center South and Christie Property as a mixed-use project including at least 110,000 square feet of gross floor area and a public parking garage of not less than 240 spaces. Possible uses include retail, restaurant, entertainment, office, hotel and residential. SLC initiated a study to conceive a preliminary conceptual plan that will maximize the site's potential over the long-term. SLC estimates a total development budget of approximately \$25M-\$30M for a mixed-use project offering:

- approximately 15,000 sf of active, street level retail and restaurant uses along K Avenue and the Christie parking lot,
- two-story parking structure with approximately 300 parking stalls,
- four levels of residential units (approximately 175 units) located above the commercial spaces, and
- two courtyards for the residents, one with a pool and the other with a firepit and outdoor grills.

The project would include enough structured parking to satisfy the minimum parking requirements for the project as well as the City's need for additional parking dedicated for general public use.

SLC anticipates the project would be financed with 35% equity and 65% debt, similar to our other projects currently in development. SLC would contribute approximately 10% of the total equity requirement and its equity partner would contribute the remaining 90%. A detailed list of our debt and equity sources is provided in the Financial Resources and Developer's Project Experience sections herein. SLC's preference is for the City of Plano to close on the Christie Property, per the terms of the Commercial Contract of Sale included in the RFQ. Following successful negotiation of a development agreement with the city and receipt of approved plans, SLC would subsequently acquire both tracts from the City of Plano in a single transaction.

In order to thoughtfully maximize the site's redevelopment potential, construct additional public parking for the city, and potentially relocate underground utilities, SLC will seek public assistance in the form of Tax Increment Financing (TIF) and/or contributed land. The amount of TIF required will be determined based on the resultant size and scope of the redevelopment project approved for this property.

Once SLC and the City of Plano have negotiated a development agreement that incorporates the land transfer and the TIF commitment, the financial risks to the City are minimal. SLC and its equity partner will provide the loan guarantees and completion guarantees. With the financial backing from these two firms, the only potential risk to the City, SLC and our equity partner is the lack of leasing. We believe this risk is mitigated by the strong showing of multi-family occupancies in the existing downtown apartment projects, and by controlling the amount of retail square feet that we develop.

PROJECT IMPLEMENTATION

Enclosed below is an anticipated development schedule if SLC is awarded the rights to develop a mixed-use project on the combined Municipal Center South and Christie properties.

DEVELOPMENT TIMELINE

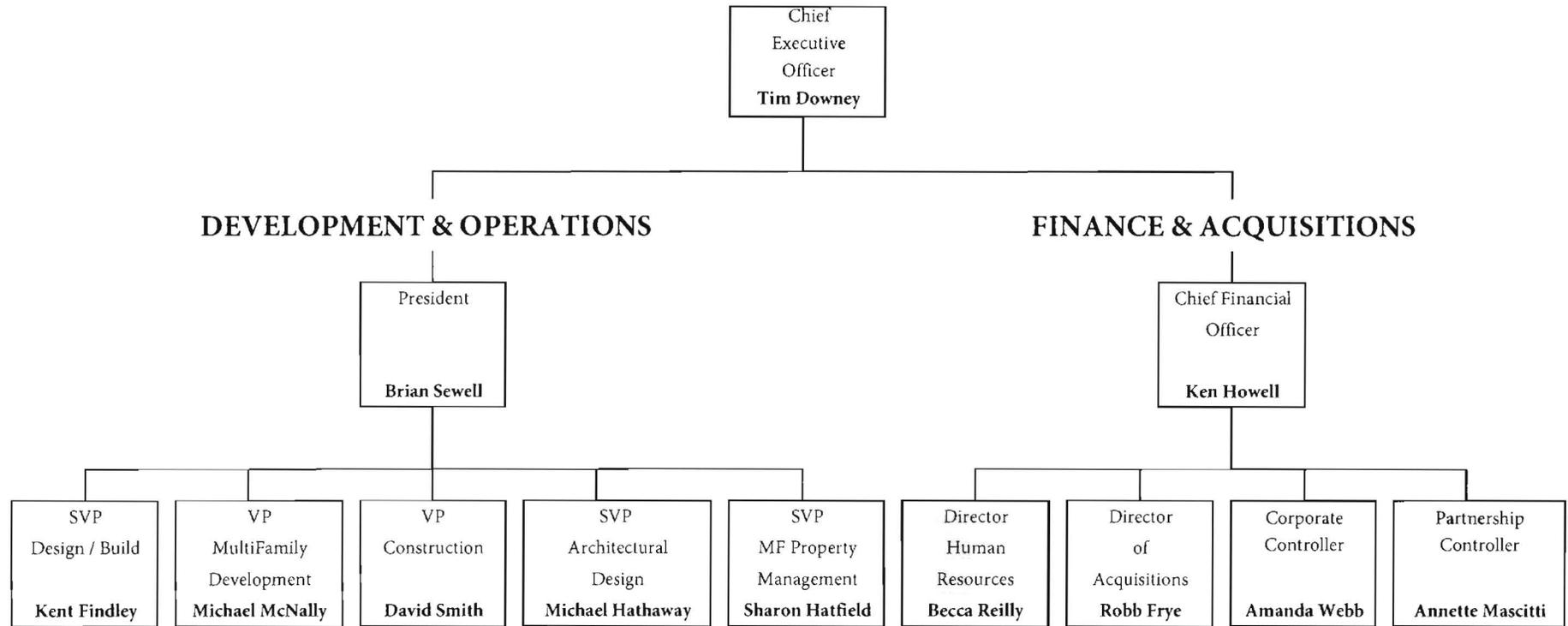
Commence Project Design:	April 2013
Financing Secured:	October 2014
Construction Start:	January 2015
Marketing/Pre-Leasing:	February 2016
First Unit Deliveries:	May 2016
Construction Closeout:	October 2016
Construction Duration:	22 Months

APPROACHES TO PUBLIC INVOLVEMENT

SLC welcomes the opportunity to work with residents, stakeholders and the City of Plano to design, develop and execute a meaningful mixed-use project that will meet the community's current and future demands and which will stand the test of time with respect to architecture, scale and appropriateness of uses. SLC understands the importance of engaging with the city's residents early in the process. Be it through formal or informal lines of communication, it is important that these lines are open. SLC will make an effort to enlist and incorporate any feedback to help direct the outcome towards a positive development. SLC will deliver a conceptual roadmap that outlines the project and objectives for the City and its residents. SLC will work with the City to incorporate any comments that add value to the overall project, both tangible and intangible.

PROJECT IMPLEMENTATION

ORGANIZATIONAL CHART



INDIVIDUAL RESUMES - SLC



TIM DOWNEY - CHIEF EXECUTIVE OFFICER

Timothy W. Downey is Southern Land Company's Founder and CEO. He also serves as the driving visionary force behind the concepts and designs that make Southern Land communities and commercial developments distinct. Tim began his entrepreneurial career in college, starting a small property maintenance business in Chattanooga, Tennessee. The company served as a springboard for Tim's dream of developing neighborhoods and vibrant commercial districts that adhere to traditional design principles and thrive on community interaction.

Over the past two decades, Tim has developed a complex business model that enables direct communication between architecture, horticulture, construction, and planning professionals. The platform was modeled after Walt Disney Imagineering to inspire creativity, innovation and interaction within the company and throughout its projects. The result has been a growing portfolio of communities and mixed-use projects that have redefined the markets in which they have been created.



BRIAN SEWELL ~ PRESIDENT

Brian became president of Southern Land Company in 2008. In this capacity, Brian oversees all investment activity as it relates to the company's residential, multi-family, commercial, and office portfolios. In addition, Brian is responsible for the company's numerous operating divisions, including: commercial construction, property management, infrastructure, horticulture, homebuilding, and sales.

From 2002 until 2008, Brian was responsible for all of the company's community development activity in its Tennessee and Texas markets. Prior to joining Southern Land, Brian was vice president and general manager of Terrabrook in Tampa, Florida. He received his BBA from Baylor University and his Masters Business Administration: concentration in Operations Management from Auburn University.



KEN HOWELL ~ CHIEF FINANCIAL OFFICER

Joining SLC in 2010, Ken oversees all aspects of accounting, human resources, risk management, information technology, investor relations, financial reporting and land acquisitions.

Ken was previously the Chief Financial Officer with McWhinney in Ft. Collins, CO. Prior to that, he spent 8 years with ESPN overseeing the accounting division of ESPN Regional. He earned his CPA while working at Arthur Andersen. His education includes a BBA from the University of Texas, Austin and an MBA from Duke University.

INDIVIDUAL RESUMES - SLC



MICHAEL McNALLY ~ VP OF MULTI-FAMILY DEVELOPMENT

Michael oversees all aspects of development for Southern Land Company's Tennessee and Texas multi-family and mixed-use projects. He joined the company in 2007. Michael has more than 14 years of experience in the real estate profession, with much of his career focused on multi-family development and investments.

Prior to joining Southern Land Company, Michael served as Vice President of Covenant Capital Group a real estate private equity investment firm. Michael graduated from the University of North Carolina with a B.A. in Economics and Industrial Relations.



SHARON HATFIELD ~ SVP OF MULTI-FAMILY OPERATIONS

Sharon is responsible for overseeing the property management operations and marketing of SLC's multi-family, commercial, and mixed-use portfolio. With over 15 years in the multi-family industry she has experience with REITs as well as public and private ownership. Before joining SLC, Sharon was Director of Real Estate for Greystar Management services. She was responsible for overseeing an operations team in the Southeast for a diverse group of assets. Previously, she has spent 12 years with Archstone as Vice President of National Marketing and Communications. Throughout her career, Sharon has been instrumental in realigning infrastructures, organizing and implementing company re-branding efforts, developing business systems and plans, and arranging marketing efforts for acquisitions and high-end lease-ups. Her expertise has been in high barrier to entry markets and competitive soft markets including Manhattan, Boston, Washington DC, Seattle, Miami, Raleigh- Durham, Denver and California. She is also an active member of the Nashville Apartment Association and is currently seeking her CPM certification from IREM.



KENT FINDLEY, AIA ~ SVP OF DESIGN AND CONSTRUCTION

With over 27 years of experience, Kent Findley is a recent addition to Southern Land Company and is a registered architect. As a veteran real estate development professional, he has experience in constructing and project managing award-winning community, resort and entertainment real estate developments. Kent has extensive experience in managing the creative aspect of a job, as well as the practical side of programs, budgets and schedules, which ultimately contributes to the success of projects.

Having been Vice President of Planning & Design for the St. Joe Company for several years, Kent was instrumental in the West Florida region in creating authentic, original places and communities. Prior to his 10+ years at the St. Joe Company, Kent was a principal at EDAAW, an international design & engineering firm, directed multi-family apartment projects for ZOM, Inc., and has 10 years of experience as an Imagineer at the Walt Disney Company.

INDIVIDUAL RESUMES - SLC



DAVID SMITH ~ VP CONSTRUCTION

David joined Southern Land Company in 2011. Prior to joining Southern Land, David was responsible for Design & Construction for Crosland's Retail Division. David's career also includes 12 years as Director of Facilities and Resorts with Walt Disney Imagineering. David supervised over \$700 million of construction for Crosland and \$1.2 billion of construction for Disney.

David Holds a B.S. degree in Building Construction from the University of Florida and maintains his General Contractors License in Florida.



PAUL NEUROTH ~ SVP OF RETAIL LEASING

Paul has more than 20 years of experience in the real estate profession, with most of his career focused on retail management and leasing. He oversees all elements of retail leasing.

Prior to joining Southern Land in 2007, Paul was Vice President, Summit Leasing with Bayer Properties as well as Vice President Leasing with Madison Marquette Realty Services. He holds a BS degree in Finance & Marketing from Central Michigan University.



MICHAEL HATHAWAY, AIA ~ SVP OF ARCHITECTURAL DESIGN

Michael oversees the Commercial/Mixed-Use Architecture Division. His architectural experience includes: Single-Family, Multi-Family, Retail, Education, Office, Religious Facilities, and Medical Facilities.

Prior to joining Southern Land in 2002, Michael was the managing director at Looney Ricks Kiss Architects, Inc. Nashville office. Michael holds a Bachelor's of Architecture (BARCH) from the University of Arkansas. He is also an active member and certified by the American Institute of Architects.

PROOF OF LEGAL STATUS



Tennessee Limited Liability Company Annual Report Form AR Filing # 03453478

File online at: <http://TNbear.TN.gov/AR>

SUBMISSION PENDING

Due on/Before 04/01/2013

Reporting Year: 2012

Please return completed form to:

Tennessee Secretary of State
 Attn: Annual Reports
 William R. Snodgrass Tower
 312 Rosa L. Parks AVE, 6th FL
 Nashville, TN 37243-1102

Annual Report Filing Fee Due:
 \$300 minimum plus \$50 for each member over 6 to a maximum of \$3000
 \$25 additional if changes are made in block 3 to the registered agent/office

SOS Control Number: 296391
 Limited Liability Company - Domestic Date Formed: 06/20/1995 Formation Locale: TENNESSEE

(1) Name and Mailing Address: SOUTHERN LAND COMPANY, LLC
 STE 200
 1550 W MCEWEN DR
 FRANKLIN, TN 37067-1771
 (2) Principal Office Address: STE 200
 1550 W MCEWEN DR
 FRANKLIN, TN 37067-1771

(3) Registered Agent (RA) and Registered Office (RO) Address: TIMOTHY W DOWNEY
 STE 200
 1550 W MCEWEN DR
 FRANKLIN, TN 37067-1771
 Agent Changed: No
 Agent County: WILLIAMSON COUNTY

(4) This LLC is (change if incorrect) Director Managed, Manager Managed, Member Managed,
 Board Managed (appropriate if formed prior to 1/1/2005 only)

If board, director, or manager managed, provide the names and business addresses, including zip codes, of the governors, directors, or managers (or their equivalent). If governed by the pre-2005 LLC act and board managed, list board members and managers.

Name	Business Address	City, State, Zip

(5) Provide the names and business addresses, including zip codes, of any LLC Officers (if governed by the Revised LLC Act), or their equivalent.

Name	Business Address	City, State, Zip
TIMOTHY W DOWNEY	1550 W MCEWEN DR STE 200	FRANKLIN, TN 37067
BRIAN S SEWELL	1550 W MCEWEN DR STE 200	FRANKLIN, TN 37067
KENNETH C HOWELL	1550 W MCEWEN DR STE 200	FRANKLIN, TN 37067

(6) Number of members on the date the annual report is executed: 3
 This LLC is prohibited from doing business in Tennessee (check if applicable)

(7) Signature: Amanda Webb (8) Date: 3-21-2013
 (9) Typed Print Name: Amanda Webb (10) Title: Corporate Controller

Instructions: Legibly complete the form above. Enclose a check made payable to the Tennessee Secretary of State in the amount of \$300.00. Sign and date this form and return to the address provided above. Additional instructions at http://tn.gov/sois/bus_serv/annr/annr_reports.htm

SOUTHERN LAND

COMPANY

1550 W. McEwen Drive, Suite 200

Franklin, TN 37067

615-778-3150

www.southernland.com

November 7, 2013

RFQ No. 2013-386-B

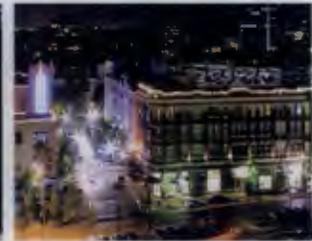
Presented To:



City of Plano - Purchasing Division
1520 K Avenue, Suite 370
Plano, TX 75074
ATTN: Dianna Wike

REQUEST FOR QUALIFICATIONS

MUNICIPAL CENTER SOUTH & CHRISTIE PROPERTY REDEVELOPMENT



URBANISM

ECONOMIC VIBRANCY

TRANSIT ADVANTAGE

CULTURAL HEART

Presented By:



CATALYST
URBAN DEVELOPMENT

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CATALYST

URBAN DEVELOPMENT

November 7, 2013

ATTN: Dianna Wike
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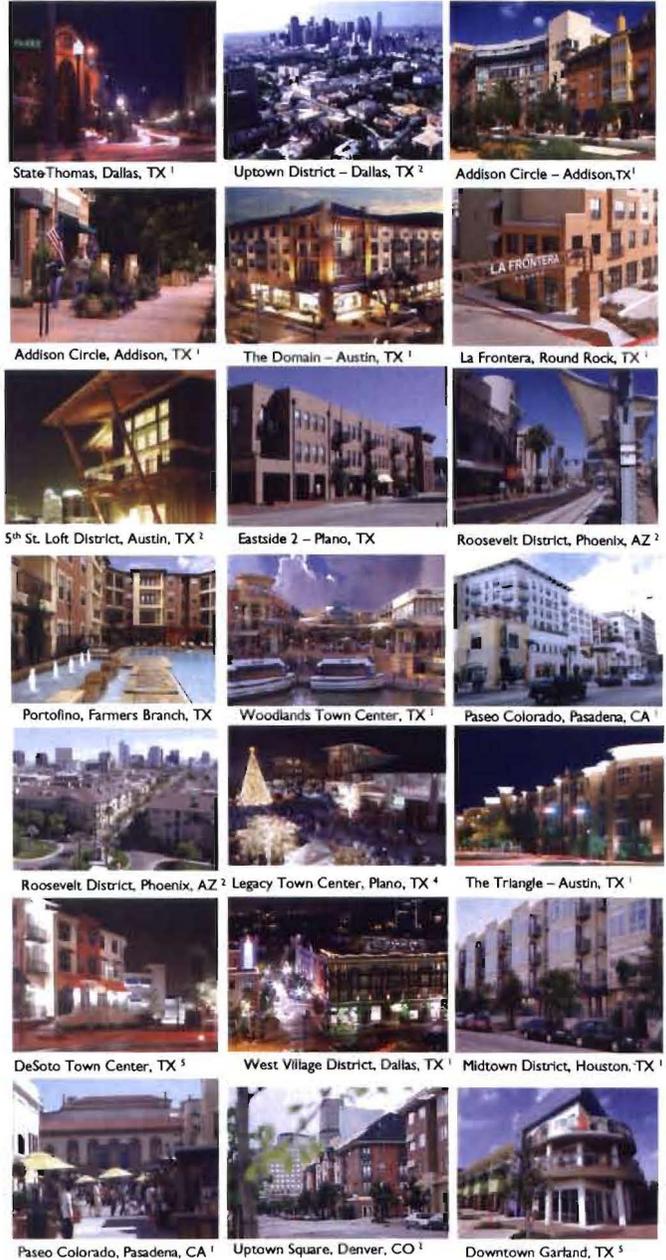
RE: RFQ No. 2013-386-B

Dear Ms. Wike:

A joint venture effort from Integral and Catalyst Urban Development would like to express our interest to be considered as your developer. Per the City's request, we offer the following qualification documentation for your review and consideration.

In Metropolitan areas across the country, the market has shown an eager appetite to live, work and play in locations that provide a unique lifestyle, meaningful social experience, and the convenience afforded by quality urban districts. Such mixed-use areas have surged with popularity as people grow disillusioned with the congestion, homogeneity and anonymity associated with typical suburban development. Simultaneously, housing preferences have changed as a wide selection of the demographic marketplace has opted for apartments and attached residences over single-family homes. As the "creative class" is drawn to these urban centers of activity, our experience shows employers are following to better attract the region's top talent by offering unique amenities and engaging workplaces within walkable community districts.

The City of Plano has positioned its transit-oriented downtown as such a destination. We believe the development of the MCS site to be a critical moment in the evolution of downtown, and feel this tipping point will occur with the blend of loft office, restaurant and residential program we would deliver. Our goal is the strengthening of downtown as one of the region's truly authentic urban places.



State Thomas, Dallas, TX ¹ Uptown District - Dallas, TX ² Addison Circle - Addison, TX ¹
Addison Circle, Addison, TX ¹ The Domain - Austin, TX ¹ La Frontera, Round Rock, TX ¹
5th St. Loft District, Austin, TX ² Eastside 2 - Plano, TX Roosevelt District, Phoenix, AZ ²
Portofino, Farmers Branch, TX Woodlands Town Center, TX ¹ Paseo Colorado, Pasadena, CA ¹
Roosevelt District, Phoenix, AZ ² Legacy Town Center, Plano, TX ⁴ The Triangle - Austin, TX ¹
DeSoto Town Center, TX ⁵ West Village District, Dallas, TX ¹ Midtown District, Houston, TX ¹
Paseo Colorado, Pasadena, CA ¹ Uptown Square, Denver, CO ² Downtown Garland, TX ⁵

Photos: David Whitcomb (1), Post Properties (2), Columbus Realty (3) Karahan Co. (4), Trammell Crow (5), Catalyst (6)
Planning work performed at RTKL Associates.

Sincerely,

Art Lomenick
President
Real Estate
The Integral Group LLC

Paris Rutherford
Principal
Catalyst Urban Development

I. DEVELOPMENT TEAM AND ROLES

TEAM LEAD ROLE:



Art Lomenick

President of the Real Estate Division

alomenick@integral-online.com | www.integral-online.com

THE INTEGRAL GROUP'S core vision is to create value in cities and (re)build the fabric of communities. Integral's master planning and implementation methods have produced a meaningful and sustainable impact across the country. Integral's Development Division has successfully completed more than 50 projects with a total development cost approaching \$2 billion. The Development Division has transformed hundreds of acres of land, in 12 cities and 9 states, developing nearly 7,000 housing units. The company has been highly successful at transforming well positioned, yet overlooked corridors into vibrant communities of choice while using creative financing to complete projects. This approach to development has turned 'hidden gems' into desired destinations and created hundreds of jobs across cities. Integral has experience in all phases of development including demolition, land swaps, real estate acquisition, master planning, designing, development and construction management of mixed-use, mixed-income residential communities and special needs housing.

With a vision borne out of a simple idea – to be a for-profit, yet socially responsible real estate company, Integral has played an instrumental role in creating healthy and sustainable urban communities that offer high quality lifestyle opportunities for individuals and families of all incomes, while simultaneously stimulating much needed economic development in urban centers. Integral understands that successful communities are measured in how they enrich lives, and it is this core value that drives its success.

Integral Development continues to be very active in a number of public-private partnerships with local governments that are seeking private sector approaches to utilizing public assets. Our company provides development services that are necessary to manage a project idea or concept through prequalification, predevelopment and development. Project types include residential, commercial, and mixed-use. Integral also provides a broad range of services to public clients and affiliates in planning and implementing urban revitalization programs.

Integral creates a full-service approach through its Investment Management, Real Estate Development, Construction Management, Property Management, and Human Development services. Each of these practice groups is led by a team of hands-on experts who not only have vision, but have insight. As pioneers in urban (re)development, Integral's team brings a wealth of knowledge, practical experience and success in conceptualizing, developing, building, and managing new communities in all types of urban markets.

I. DEVELOPMENT TEAM AND ROLES

TEAM PARTNER:



CO-DEVELOPER

Paris Rutherford

Development - Principal

paris@catalysturban.com | www.catalysturban.com

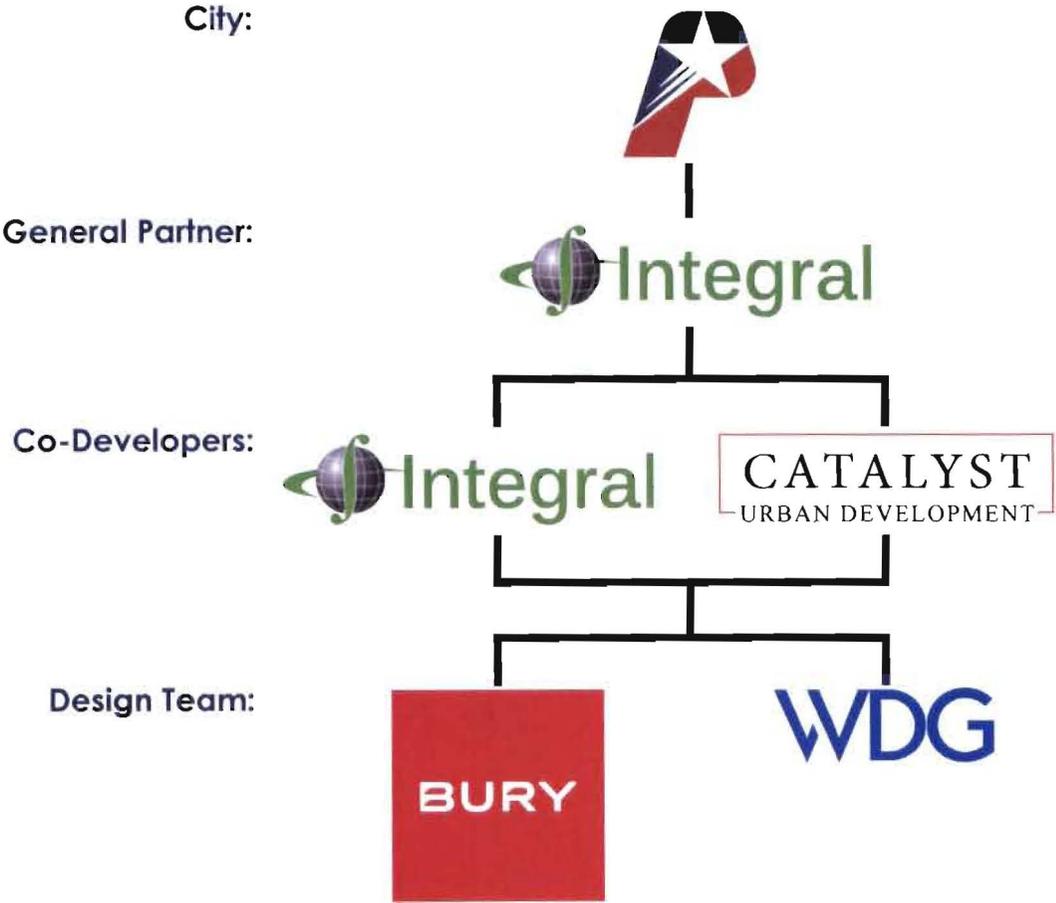
CATALYST URBAN DEVELOPMENT is a Dallas-based real estate development and investment company that capitalizes on unrealized market potential through customized planning, finance and development strategies. The company's mission is the creation of Great Places that provide success to our partners and the community at large. For over 20 years, Catalyst personnel have applied this focus to planning and development strategies that have yielded successful mixed-use and transit-oriented developments while earning over 80 national, regional, and local industry awards.

Measure of Success -- A key indicator of success for a real estate company is the results of its efforts during difficult market conditions. With traditional debt being nearly absent from 2009 to 2012, the Catalyst team enhanced its capital market efforts to include a host of available public finance programs to facilitate project implementation and lure additional private capital. These efforts have culminated in over \$1.3 Billion of combined public and private financing completed through over 120 transactions during this same time period. Catalyst currently has over \$160M of new construction under development. The Catalyst team has over 75 years of collective experience and a successful 10-year working history that included remaining active during the downturn.

I. DEVELOPMENT TEAM AND ROLES

ORGANIZATIONAL STRUCTURE:

Integral and Catalyst will form a joint venture for this project in which Integral will be the General Partner. As the principals proposed to drive this process, Art Lomenick and Paris Rutherford have a 20-year working relationship that has produced some of the nation's most well known urban districts and mixed-use developments. We propose to leverage our existing relationships with the award-winning design team of WDG architects and BURY partners for civil engineering and landscape design. We are currently working with this team in over \$95 million in TOD and mixed-use development, and have a 10-year successful working history together.



II. VISION

OUR UNDERSTANDING

The **INTEGRAL-CATALYST** team proposes to partner with the City of Plano in the delivery of an engaging, quality urban mixed use development that simultaneously meets the City's parking needs, new residents' housing needs and expectations, community's shopping and employment desires and our investor's financial returns. We envision this occurring through the successful delivery of a multi-story, mixed-use residential development with active ground level streetscapes and building massing that complement the existing character of Plano's historical Downtown and regional opportunity its DART station provides. Because of the cultural significance of Downtown, we believe it is critical the development use appropriate architectural elements that reinforce the existing architecture of both new and old development in the site area, while allowing the positioning for a new loft identity in the redevelopment area to the south. The positioning of the site affords this opportunity and will provide for an interesting architectural solution that will utilize a customized design approach that responds to each of the block's adjacencies.

We believe the construction of the State-Farm and Raytheon facilities at the President George Bush Turnpike station just a short distance to the south has provided downtown Plano with a turning point opportunity. These many employees will be looking for new housing, retail, lunchtime eateries and entertainment and their ability to utilize DART to provide convenient access to downtown will help spark continued private investment in downtown. We believe the MCS site is well positioned with the other properties in downtown to capitalize on this new momentum and plan to offer a unique and customized design that will engage both these new regional residents and the existing Plano community itself. This would include versatile street-level uses designed to function as new retail and restaurant space with outdoor dining, special loft office space, and upscale urban residences. We believe this mixing of uses will help advance the City's goals to invigorate Downtown by adding offerings that support the area as an exciting place to live and visit. We believe this project advances the City's goals by delivering significant new value to the Downtown environment in a new urbanism style that will, in conjunction with the City's announced investment in improving the key elements of public infrastructure, drive an expanded identity for Downtown Plano. Moreover, we believe this project will deliver a major draw to the larger North Dallas community by supporting new retail and restaurant options in Downtown Plano.

II. VISION

PUBLIC - PRIVATE - PARTNERSHIP

DOWNTOWN SOLUTION:

Integral and Catalyst believe positive investment strategies in urban locations begin with a strong partnership between the public and private sector. The City has displayed such foresight in its prior partnerships with Amicus, Southern Land and others, and the results of these efforts have generated the opportunity at hand. We believe the City's willingness to relocate its uses to open up the MCS and related properties for redevelopment will add critical mass to the existing downtown environment, provided a needed public parking resource, and spark a redevelopment pattern that will run southward from the MCS site. We believe it is critical that this development utilize a massing and parking solution that is well integrated into the downtown fabric and deliver uses that facilitate the revitalizing efforts described above. To achieve this customized approach, we believe it is likely that a public/private partnership will be required; the details of which will be determined in the initial period after the Development Partner is identified.

CONSIDERING MORE OF DOWNTOWN:

Because of the centrality of the subject site and the great opportunity that lies to the south of existing Downtown development, the **INTEGRAL-CATALYST** team will consider the acquisition of other properties adjacent to the subject site for land that might allow the development vision to expand past 14th Street in support of the larger redevelopment vision.



III. EXPERIENCE

DIVERSE AND EXTENSIVE PROJECT EXPERIENCE:

Over the years, Integral and its principals have led investments in major urban master planned, infill and transit-oriented residential and mixed-used projects. Some samples from the firm's Texas experience are as follows:

Investment	Project Cost	Location	Type
Midtown Commons at Crestview Station	\$75MM	Austin, TX	Urban Master Planned Community/Transit Oriented Development
The Shore	\$65MM	Austin, TX	Residential High Rise/Urban Infill
Mid Town Houston	\$150MM	Houston, TX	Urban Infill/Master Planned Community
5th Street Crossing at Garland Station	\$24MM	Dallas, TX	Urban Master Planned Community/Transit Oriented Development
Addison Circle	\$300MM	Dallas, TX	Urban Master Planned Community/Transit Oriented Development
DeSoto Town Square	\$26MM	Dallas, TX	Urban Master Planned Community
Legacy Town Center	\$60MM	Dallas, TX	Master Planned Community
Uptown Dallas	\$300MM	Dallas, TX	Urban Infill Master Planned Community

Two of Integral's most successful projects in Atlanta, our headquarter city, are detailed below:



CENTENNIAL PLACE- ATLANTA, GA:

Centennial Place, the first Hope VI mixed-income, mixed-finance development in the country, has served as a catalyst to the revitalization of Downtown Atlanta and a national model for mixed-income revitalization. Fifteen (15) years ago it was inconceivable that anyone would move to this area by choice. Today, because of the revitalization effort and its proximity to Downtown and Midtown Atlanta, Centennial Park North has townhomes that sell for over \$700,000.



RENAISSANCE WALK- ATLANTA, GA:

Renaissance Walk at Sweet Auburn is an urban mixed-use community of 161 one- and two-bedroom condominium flats & lofts and 27,000 SF of ground floor retail. Prior to this development, The Sweet Auburn Area was an area of urban decay and disinvestment. This project is located in the historic Martin Luther King District. The team worked with the Urban Design Commission to incorporate the historic structures in the project.

III. EXPERIENCE

NORTH TEXAS DEVELOPMENT, DESIGN, AND PLANNING:



DESOTO TOWN CENTER— DE SOTO, TX:

The City of DeSoto progressively moved its city hall, library, performing arts center and health club into a shuttered shopping center. The surface parking was redeveloped into a mix of housing, retail and offices on a system of pedestrian-oriented streets and a public plaza along with a parking garage to service both public and private uses.



5TH STREET CROSSING AT GARLAND STATION - GARLAND, TX:

Leveraging the nearby Dallas Area Rapid Transit (DART), this mixed-use transit oriented development (TOD) will serve as a catalyst for revitalizing the historic Garland downtown area. The project, a public/private partnership, consists of 189 residential units with ground floor retail and a parking garage serving civic uses as well. The city was instrumental in the viability of this project by its participation in land assemblage, financial contribution and entitlement assistance.



UPTOWN DALLAS – DALLAS, TX:

Between the years of 1993 and 2001, directed development of over 2,000 for rent and for sale housing units within 11 different buildings. All of the developments involved various forms of public/private partnerships, including Tax Increment Financing (TIF) and a Public Improvement District (PID).



ADDISON CIRCLE - ADDISON, TX:

The Project entailed crafting a working partnership with the landowner that allowed for financial participation throughout a phased development plan. Worked with the Town of Addison to put in place development guidelines and public funding mechanisms to enhance the financial viability of this long-term development.

III. EXPERIENCE

NORTH TEXAS DEVELOPMENT, DESIGN, AND PLANNING:



LEGACY TOWN CENTER - PLANO, TX:

Art Lomenick worked as co-master developer with EDS to establish the guidelines, zoning, and financial assistance structure for the 150 acre Legacy town center master plan, while Paris Rutherford did the urban design and planning scheme. The design incorporates a system of public parks, and neighborhood streets, sidewalks, and pedestrian ways.



HISTORIC WILSON BUILDING - MAIN STREET DALLAS, TX:

Orchestrated the adaptive reuse and tax credit process as well as structuring a public/private partnership with the City of Dallas.



LANCASTER URBAN VILLAGE - DALLAS, TX:

Worked with the City of Dallas to structure a new form of TIF funding capture to catalyze a new multi-family mixed-use TOD in the heart of South Dallas, directly adjacent from the VA Medical Hospital and DART Rail Station. The first phase of 193 units and 14,000 SF of retail is expected January 2014.



LAS COLINAS STATION - IRVING, TX:

Partnering with Lennar to develop 373 units of class-A multifamily right across from the Las Colinas DART rail station. The project is in the final design stages expecting a 1st Q 2014 construction start, and the property is located in the Lake Carolyn neighborhood, where several transit and pedestrian-oriented projects are proposed.

IV. FINANCIAL RESOURCES

Integral is a vertically integrated national real estate investment firm founded in 1993 and focused on the revitalization and enhancement of urban communities in major markets throughout the United States. The firm and its principals have led investments in major urban master planned communities and urban mixed-use projects. Key products include multifamily, senior housing and student housing, as well as retail, office, hospitality, infrastructure, and parking.

Our financing approach decidedly draws from our extensive development experience. Our team has performed planning in concert with implementation in cities across the Country. We feel it vital to utilize past funding measures that have worked for us in previous projects while accessing funding options through a variety of contacts known by our team. We will work diligently to pursue public (local, state and federal) funding and private debt and equity to collectively support the implementation of the Downtown Plano vision.

Key to the project's success will be identifying and securing major economic engines that will drive sustainable growth for generations. This project team understands these dynamics and the complexities that they entail – and has the creativity and capability to deliver for the City of Plano, its resident taxbase, and visitors.

Our ability to raise capital, even in the worst financial markets, was demonstrated when we closed several deals during the downturn of the credit market in 2008. The Integral Team cannot overstate the importance of its experience in working with complex projects and developing innovative financing structures. We intimately understand public, private, partnership (P3) models, including all of the alternatives available to achieve success for both private equity investment and public participation.

When appropriately structured and applied, P3s are the primary vehicles for creating value over time by incentivizing private capital and aligning public and private interests. The firm and its senior executives have completed transactions in excess of \$5 billion in a variety of urban markets with various institutional partners through both discretionary fund vehicles and joint ventures. Previous partners and investors include CALPERS, Bank of America, Prudential, Apollo Real Estate Advisors, ADIA and New York Common.

Integral would like to emphasize that our company is in sound financial condition, and has excellent relationships with lending institutions and a diverse pool of equity sources. Should it be required to finalize a development agreement with the City of Plano, Integral would be glad to submit more detailed information on our financial capacity if we are selected as the developer partner.

FREE OF CLAIMS AND DISPUTES:

We would also like to note that no members of our team, or our respective entities, have any relevant legal disputes or claims to report as liability in the project.

V. PROJECT FINANCING

If chosen, Integral looks forward to collaborating with the City of Plano to create a project that contributes to Downtown Plano's urban form and pedestrian oriented environment. As part of this collaboration, we will work with the City and key stakeholders to solidify desired outcomes and identify resources to implement. Though a refined program cannot be created until further discussions with stakeholders are completed, the team envisions a residential mixed-use project with retail, restaurant, and/or office.

Each of Integral's projects is a result of strong, public/private partnerships. It is a unique collaboration in which all parties benefit as each operates in specific areas of expertise. Our Team has successfully partnered with housing authorities, redevelopment agencies, municipalities, counties, and state and federal agencies across the nation, with significant experience in Texas. We believe igniting real change begins with relationships between the public and private sectors and have worked diligently establishing great relationships with city officials, council members, state agency representatives and others.

Integral relies on a menu of financing structures organized under public-private partnership umbrellas. Integral has worked extensively with city, county, and state officials to create first class projects that ignite change throughout communities. As an experienced Master Developer, Integral, working with state, regional, city and other key stakeholders – will achieve your objectives. We can evidence years in business, many similar projects in our portfolios, a history of structuring successful public-private partnerships and deep relationships which will provide assurance that value can be maximized and jobs created. Our nationwide TOD experience has given us the opportunity to work with municipal and transit authorities in a spirit of cooperation to implement catalyst projects.

VI. IMPLEMENTATION

PROJECT TIMELINE

The proposed timeline assumes selection of a Developer Partner in December 2013, moving forward with schematic design and concept plan in the first quarter of 2014 to engage the community for input and buy-in. Based on spring-time contract finalization expectations, the construction schedule lays out as follows:

Scope and Activity	Duration	Relationship																											
		2013												2014												2015		2016	
		Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Jan	Feb	Mar	Apr	May	Jun	Jul
Confirmation of Private Developer	Dec-13	█																											
Project Formation	Jan-14 to Mar-14		█	█	█																								
-- Market Study & Appraisal	Jan-14 to Mar-14		█	█	█																								
-- Development Programming	Jan-14 to Mar-14		█	█	█																								
-- Schematic Design	Jan-14 to Mar-14		█	█	█																								
-- Project Financials	Jan-14 to Mar-14		█	█	█																								
-- Community Engagement	Jan-14 to Mar-14		█	█	█																								
Disposition and Development Agreement (DDA)	Feb-14 to Apr-14			█	█	█																							
Notice to Proceed	Apr-14					█																							
Project Entitlements	Apr-14 to Aug-14					█	█	█	█	█																			
Full Service Design	Apr-14 to Dec-14					█	█	█	█	█	█	█	█	█	█														
Construction Bidding	Nov-14 to Jan-15																												
Permitting	Dec-14 to Apr-15																												
MCS Vacated	Dec-14																												
Closing of All Financing	Dec-14 to Feb-15																												
Site Work/Pad Ready Site	Feb-15 to May-15																												
Construction	May-15 to Jul-16																												

VII. KEY PRINCIPAL RESUMES

INTEGRAL TEAM LEADERS



EGBERT L.J. PERRY

Chairman And Chief Executive Officer

Mr. Egbert L. J. Perry is Chairman & Chief Executive Office of The Integral Group LLC. In this role, he provides the strategic vision and direction for the Company and heads the Executive Committee that includes all key members of the firm's executive management team. He founded the Company in January 1993 with a mission to "create value in cities and (re)build the fabric of communities." Pursuit of that mission has made the company a premier global provider of sustainable real estate, facility and infrastructure solutions. The Company provides real estate development, investment management, program management, construction and property management services in mature and emerging markets across the United States and internationally. As one of the pioneers of the urban mixed-income, mixed-use community revitalization model integrating housing, education reform and human services, they are often called on for their expertise in implementing public-private partnerships and sustainable development solutions that foster "responsible" community development. In addition to its strong focus on holistic community development, the company is active in the development of transit-oriented mixed-use projects. A real estate, construction and community development professional since 1979, Mr. Perry has developed and/or built most project types, including residential, office, retail, institutional and mixed use projects. Prior to founding Integral, he spent thirteen years helping to build an Atlanta-based construction and real estate company into the nation's 3rd largest African-American owned business and largest African-American owned General Contractor, increasing its annual revenues from about \$12 million to approximately \$200 million. An honors graduate of the University of Pennsylvania, Mr. Perry received both Bachelor of Science and Master of Science degrees in Civil Engineering from the University's Towne School, and a Master of Business Administration degree with majors in Finance and Accounting from its Wharton School. In 1990, he was elected as the eleventh graduate in 250 years to be named to the "Gallery of Distinguished Engineering Alumni" of the University's Engineering School. In 2010, he was selected by REIAC and Georgia State University for induction into the Hall of Distinction for Real Estate, the highest honor awarded to Developers in the Atlanta real estate community. The Company and Mr. Perry have received numerous awards, and are regarded nationally as innovators in the field of urban development and revitalization.

VII. KEY PRINCIPAL RESUMES



ART LOMENICK

President, Real Estate

Mr. Lomenick serves as President of Development of The Integral Group and is a member of its senior management committee. With more than 25-years of mixed-use / master development experience, Mr. Lomenick formerly served as Sustainable Development Practice Leader for Parsons Brinckerhoff within the Place Making group where he consulted on large-scale, Public-Private Partnership (PPP) - mixed-use urban development projects for both private and public sector entities. Mr. Lomenick has also held senior leadership positions with companies such as the Staubach Company (now JLL), Columbus Realty Trust & Post Properties where he served as Development Officer, Trammell Crow Company where he was Managing Director and he was also President/Founder of High Street Residential (a wholly owned subsidiary of Trammell Crow company/CBRE. Mr. Lomenick is an award winning real estate development executive with a special emphasis in Rebuilding Neighborhoods, transforming one dimensional locations and Transit Oriented Development ("TOD"). During his career, Mr. Lomenick has directed the initial development of numerous Uptown and Midtown communities throughout the United States. A major success story is the re-development of what is now called Uptown Dallas, Mr. Lomenick was a part of the team responsible for transforming it from a blighted area into a thriving urban district of shops, residencies, offices and engaging public spaces. He orchestrated the business planning and master development of Addison Circle and Legacy Town Center, two new urbanist communities crafted in cooperation with the edge cities of Addison and Plano, Texas. Attributes include residential, retail, office, and civic venues, nestled around neighborhood streets and parks within steps of public transit. Mr. Lomenick effectively blends the art of new urban development with economic strategies to enhance and rebuild transformative organic, pedestrian-oriented neighborhoods and adaptive re-use of historic structures. His professional affiliations include the Urban Land Institute (ULI), Reconnecting America - Center for Transit Oriented Development Board of Directors, U.S. Green Building Council (USGBC) - LEED Location & Planning Technical Advisory Group (LP TAG), and is a past Board Member of the Congress for the New Urbanism (CNU). **Mr. Lomenick will serve as the Executive in Charge and would oversee the redevelopment of MCS and the Christie Property. He can be reached at alomenic@integral-online.com or 404-224-1865.**



VICKI LUNDY WILBON

Principal and President, Community Development

Mrs. Vicki Lundy Wilbon is a Principal and President of the Community Development Division of The Integral Group. In this capacity, she has played a significant role in developing corporate policy and driving execution towards the successful accomplishment of strategic goals. Mrs. Wilbon spearheads the operation that has distinguished itself in the marketplace by completing some of the nation's most successful and transformative residential and mixed-use developments through thoughtful and innovative master planning and implementation. She has been responsible for the day-to-day management of Integral's redevelopment initiatives,

VII. KEY PRINCIPAL RESUMES

many of which have been executed through public/private partnerships with various public entities. With over 30 years of experience, she has earned a reputation for identifying and assessing development opportunities, incorporating community-impact initiatives, arranging financing sources and structures, and executing implementation strategies and organizational processes. Under Ms. Wilbon's leadership, Integral has amassed a multi-family development portfolio of nearly \$600MM. Her vast experience and expertise in "place-making" and multi-phased redevelopments has allowed her to manage every aspect of comprehensive development programs including master planning with community participation, managing public/private partnerships, inspiring creative design, and developing and implementing innovative financing structures. As a result of her extensive experience with public/private partnerships, Ms. Wilbon has mastered the use and layering of federal, or other public funds, with private equity, conventional debt and other funding sources. She has structured and implemented numerous urban revitalization projects and developed strong relationships with institutional debt and equity providers. Ms. Wilbon earned a B.S. degree in Building Construction & Technology from Purdue University, West Lafayette, IN. She is a Certified Commercial Investment Member (CCIM) candidate and a Housing Credit Certified Professional. Active in civic, corporate and community organizations, Ms. Wilbon serves on the Metropolitan Atlanta YMCA Board and the Carver "Y" Board. Additionally, she serves on the Advisory Board of the Georgia Women's Affordable Housing Network.



CHRISTOPHER MARTORELLA

President and Managing Partner, Investment Management

Mr. Christopher H. Martorella is President and Managing Partner of Integral's Investment Management Division as well as a member of the Executive Committee of The Integral Group. Prior to Integral, he was a Managing Director and the leader of the Commercial Real Estate Restructuring practice at Huron Consulting Group, a \$1BB market cap NASDAQ company. At Huron, Mr. Martorella was responsible for advising Borrowers and Lenders in developing creative financial and operational solutions for distressed real estate companies and assets throughout the world. Previously as Founder and Chief Executive Officer of Urban Residential, an investment management firm focused on the development of urban mixed use projects in the Boston- Washington DC corridor. Mr. Martorella developed over \$1BB in real estate and completed joint venture projects with high quality institutional partners including Apollo Real Estate Advisors, Abu Dhabi Investment Authority, Prudential Real Estate Investors, Bank of America, The Carlyle Group and New York Common Fund. Prior to Urban, Mr. Martorella was a partner at Boston Financial, a \$6BB real estate investment manager, where he built and managed a real estate development fund, a mezzanine debt fund and a national commercial mortgage banking operation. Additionally, Mr. Martorella has significant real estate restructuring experience, having served as a workout professional for Chemical Bank and Travelers Insurance. Mr. Martorella earned his MBA in Real Estate from the University of Pennsylvania Wharton School and a BS in Electrical and Biomedical Engineering from Duke University. He is an active member of the Urban Land Institute (ULI), National Multi-Housing Council (NMHC) and Wharton Real Estate Center.

VII. KEY PRINCIPAL RESUMES



MATT SAMUELSON

President, Program Management - IntegralGude

Mr. Matt Samuelson offers a unique ability to guide and shape each engagement's direction to meet the needs of all stakeholders. With 20 years in construction and program management, he brings an expert understanding of delivery, operations and life cycle of facilities and improvements. Mr. Samuelson's career path began at Danis Industries, a heavy civil construction firm focused on water, waste water and infrastructure and continued as Project Manager on Beers Construction's healthcare and education projects. He served as President of CCL Associates, a regionally based program management firm, where he led the evolution of its brand and its offerings, culminating in projects totaling over \$1 billion in development costs. Mr. Samuelson continued his dedication for program management in founding a firm that specializes in campus, recreational, performance and assembly spaces. Today, he serves as President of IntegralGude Program Management and focuses his energies on championing the company to its current position as a leader in the southeast. Mr. Samuelson graduated from the Georgia Institute of Technology with a Bachelor's degree in Civil Engineering and received a certificate of engineering from Oxford University, Oxford, England. His board service includes Fellowship of Christian Athletes, The Metro Atlanta YMCA, True Colors Theatre Company, several local civic organizations and is board chair of Velocity Productions, a full service technical and creative production company.

CATALYST TEAM LEADERS



PARIS RUTHERFORD

Principal, Catalyst Urban Development

Paris Rutherford is principal of Catalyst Urban Development and focuses on its development activities in urban infill, mixed-use and transit-oriented development which has led to Catalyst's current development pipeline of \$170M. These efforts have included development on Catalyst's own account as well as joint venture transactions with large partners as is proposed for Downtown Plano. Mr. Rutherford has more than 20 years experience creating successful development strategies in the United States on projects that have garnered over 80 industry awards. This work has resulted in the implementation of such places as Legacy Town Center, Addison Circle, Uptown Dallas, Midtown Houston, St. Lukes District in Denver, the 5th Street Loft District in Austin, the Roosevelt District in Phoenix, Paseo Colorado in Pasadena, CA, and others. Prior to forming Catalyst, Mr. Rutherford was President of Woodmont Investment Company, Practice Leader of RTKL Associates' Global Planning Practice, and Director of RTKL itself. Mr. Rutherford's work has been published in The New York Times, Wall Street Journal, and Urban Land Magazine among others; he has spoken at the National Press Club, ULI, ICSC, and been featured on CNBC's Closing Bell and PBS's News Hour. Paris is a graduate of the University of Southern California and Harvard University.

VII. KEY PRINCIPAL RESUMES



RHYS HEINSCH

Principal, Catalyst Urban Development

Rhys Heinsch is principal of Catalyst Urban Development and directs its capital market efforts. Mr. Heinsch has worked closely with Mr. Rutherford since 2005 and specializes in complicated capital assemblies and public/private partnerships that are often associated with Catalyst's urban infill developments. Since 2009, this has included the arrangement of over \$1.3 Billion in debt and equity across 140 transactions including both traditional and joint public/private financing. Prior to his association with the Catalyst, Mr. Heinsch was Vice President of Woodmont Investment Company where he completed in excess of \$150 million worth of real estate transactions, was principal of Cole Investment Consulting where he aided multiple institutions in the placement of exchange funds in excess of \$40 million, created strategic and financial analysis for a single portfolio acquisition valued at \$2.7 billion, and fulfilled due diligence requirements for multiple development types ranging from multifamily, retail, and office to master community developments. Mr. Heinsch began his real estate career with Crow Holdings, the private real estate fund management for the Trammell Crow family. Rhys is a graduate of the McCombs School of Business at the University of Texas at Austin and holds a dual degree in finance and accounting.

AN EXCEPTIONAL PARTNERSHIP

INTEGRAL-CATALYST feels it is critical to the success of the development to have a well-defined and structured team of individuals with hands-on experience with revitalizing communities. Our team is built on solid relationships and a history of working together successfully on prior mixed-use communities. Our unparalleled qualifications and experience with transit-oriented, mixed-use communities make us qualified to redevelop in Downtown Plano. Our combined Team possesses the innovative, technical skills required for the successful development of this project.

COMPANY AWARDS



2006 Bank of America Annual Report
Featured Urban Development project
Renaissance Walk at Sweet Auburn

2002 New Face of America Housing Award
Congress for the New Urbanism
The Villages at Curtis Park- Trimble Place

2001 National Honor Award for Urban Design
American Institute of Architects
Albemarle Square
Baltimore, Maryland

2000 Smart Growth Award
Urban Land Institute
Centennial Place
Atlanta, Georgia

1999 Mixed-Use Deal of the Year
Atlanta Business Chronicle
Historic Westside Village

Development Excellence Award
North Central TX Council of Government
5th Street Crossing at Garland Station
Transit Oriented Development



Pillars of the Industry
National Association of Home Builders
Addison Circle

Best Multi-Family
National Association of Home Builders
Addison Circle

Best Deals
Dallas Business Journal Awards
University of North Texas at Dallas

Grand Award
National Builder's Choice Awards
West Street Lofts

Project Award
International Downtown Association
Paseo Colorado

**TIF Reinvestment Zone No. 2 Board
Meeting Minutes
Training Room A
December 19, 2013
4:00 p.m.**

Members Present

Alan Johnson
Shirley Ogden
Tom Buning
Russell Coolik
Corey Reinaker
Hilton Kong
Jamie Schell
Pat Miner, Chairman

Staff Present

Frank Turner
Denise Tacke
Diane Palmer-Boeck
Dianna Wike
Katherine Crumbley

The Tax Increment Finance Reinvestment Zone No. 2 meeting was called to order at 4:03 p.m. by Chairman/Councilmember Pat Miner.

There were no public comments. Chairman Miner asked if there were any corrections to the minutes from 11/14/13 and there were none. Mr. Alan Johnson made a motion to approve the minutes and Mr. Russell Coolik seconded. The motion carried.

Mr. Frank Turner reviewed the matrix being used during the scoring of the presentations and pointed out that while the criteria may be weighted differently, each one was critical so it was important that the selected developer have high scores across the board rather than as an average.

The Southern Land Company was the first developer to present to the board. Mr. Tim Downey introduced himself and his team and stated that Southern Land was a vertically integrated organization with all services situated under one roof. He added that they produce 2 – 3 projects a year focusing on mixed used and while they do have a strong commercial department, it serves only to support the residential areas.

For the MCS/Christie project, Mr. Downey stated that there are challenges with the space, mainly parking, but their plan is to utilize underground parking to alleviate the problem. Jamie Schell asked how they planned to expand the number of units and Mr. Downey stated that since some of the parking will be underground, the overall project square footage will be increased with the average size of the units being approximately 780 square feet renting at approximately \$1.55 per month per square foot.

Mr. Turner asked Mr. Downey to explain what makes his company different. Mr. Downey stated that the having all of their principals under one roof gives them an advantage since it is hard to achieve top quality projects by subbing out the work. He added that they concentrate on details but have good financial sense. They have capital, earnings and continued to prosper even

during the recession. They would commit to do the design work in January of 2014 and begin whenever possible in 2015. Since they have their own capital, equity would not be an issue and they would not need an equity partner. They would like to tie this to their current project in downtown Plano and introduce it as a Phase II and in doing so, would need fewer TIF dollars to complete.

The meeting was recessed for a break at 5:15.

Chairman Miner called the meeting back to order at 5:54.

Catalyst Urban Development and Integral gave their presentation to the board. Mr. Paris Rutherford introduced himself and his team and stated that they are experts in public/private partnerships and have a lot of experience working together with 33 successful mixed use projects.

Mr. Rutherford presented three options to the board all of which set up a southward expansion down Avenue K. This would increase the number of units and parking availability and eliminate the need to create underground parking. However, going south would necessitate negotiations with property owners as this would be property the City does not own. Catalyst would conduct those negotiations. If, however, they are unable to acquire additional land, then the developer would add another level to the building. The rents per square feet would be from \$1.20 to \$1.30. Their proposed schedule would be to have everything in place as soon as the MCS building becomes available.

With regards to financing capabilities, Mr. Rutherford stated that Integral has a well versed capital market staff and the relationships they currently have would allow them to move forward easily with financing.

The board began deliberations and Mr. Kong made a motion for a vote by show of hands. Mr. Johnson seconded the motion and the motion carried. The decision was put to a vote and the committee decided to recommend Southern Land as the preferred developer.

The recommendation for the preferred developer will be put on the January 13th City Council agenda, if possible.

Mr. Coolik made a motion to adjourn and Mr. Johnson seconded. The motion carried.

There being no further discussion, Chairman Miner adjourned the TIF meeting at 8:17.

A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of an agreement by and between the City of Plano, Texas and Southern Land Company to provide an exclusive period for the negotiation of a development agreement for the redevelopment of 1.7± acres located at the northwest corner of 14th Street and K Avenue in the City of Plano; authorizing its execution by the City Manager or his authorized designee; and providing an effective date.

WHEREAS, the City Council has been presented a proposed Letter Agreement by and between the City of Plano, Texas and Southern Land Company, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference; and

WHEREAS, upon full review and consideration of the Agreement and all matters attendant and related thereto, the City Council is of the opinion that the terms and conditions thereof should be approved, and the City Manager or his authorized designee should be authorized to execute the Agreement on behalf of the City of Plano.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS:

Section I. The terms and conditions of the Agreement, having been reviewed by the City Council of the City of Plano and found to be acceptable and in the best interests of the City of Plano and its citizens, are hereby in all things approved.

Section II. The City Manager or his authorized designee is hereby authorized to execute the Agreement and all other documents in connection therewith on behalf of the City of Plano, substantially according to the terms and conditions set forth in the Agreement.

Section III. The City Manager, at his discretion, is hereby authorized to extend the exclusive negotiation period by 30 days in the event during good faith negotiations a development agreement has not been completed by the 120-day deadline.

Section IV. This Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED THIS THE 13TH DAY OF JANUARY, 2014.

Harry LaRosiliere, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY



City of Plano
1520 K Avenue
Plano, TX 75074

P.O. Box 860358
Plano, TX 75086-0358
Tel: 972.941.7000
plano.gov

December 23, 2013

Mr. Tim Downey, CEO
Southern Land Company
1550 W. McEwen Drive, Suite 200
Franklin, TN 37067

Re: Letter Agreement - Municipal Center South Redevelopment Project (Request for Qualifications No. 2013-386-B, October 2013)

Dear Mr. Downey:

Subject to City Council approval, we are pleased to inform you that you have been selected as the developer to enter into the conditional selection/negotiation phase of the above referenced project. This agreement does not award the final development to you, but rather sets forth the rights, obligations, and process the parties will follow to negotiate a final development contract as further defined below.

The City of Plano (the "City"), grants to Southern Land Company the exclusive right to develop a preliminary project design for the Municipal Center South Redevelopment Project (the "Project"). This exclusive right is limited to Southern Land Company completing the preliminary design under the conditions set forth below. Concurrent with the development of the preliminary design, the parties will, in good faith, negotiate the terms and conditions of a development contract for the Project. If Southern Land Company and the City fail to reach agreement on the preliminary project design and fail to enter into a development agreement for the Project, acceptable to the city in the time set forth below, including extensions, Southern Land Company shall forfeit its rights under this agreement and the City has no further obligation to continue negotiations pertaining to the development of the property.

The period for completing a preliminary project design satisfactory to the City and for the parties to agree upon the terms and conditions for a development contract shall be one hundred and twenty (120) days from the date of City Council approval of this letter agreement, which period may be extended for up to an additional thirty (30) days upon approval of the City Manager. The parties may further extend this period upon mutual consent, in writing.

Both parties acknowledge that an adequate number of public meetings will be one aspect of the iterative process for preparing the preliminary design. Southern Land Company agrees to participate in at least three public meetings, workshops, and/or presentations with the following entities or groups, but not limited to: specific city committees, the public at large, area property owners and merchants, and surrounding neighborhoods, Tax Increment Finance (T.I.F.) #2 Board, the City of Plano City Council, and others as identified by City staff.

Preparation of satisfactory preliminary project design shall include a project narrative description of proposed uses, building(s), amenities, and including a preliminary site plan; schematic project drawings, typical exterior elevations, typical floor plans, exterior materials (color and finishes); site grading and drainage; utilities; street and sidewalk paving plans; street furniture and fixtures; cost estimates; and construction schedules. Southern Land Company is solely responsible for securing project financing and production of financial information and market analysis as may be required by Project investors and lenders.

Southern Land Company and the City of Plano shall negotiate a development contract specifying the terms and conditions for the conveyance of property to the developer; financing plans, including preliminary commitment of sufficient equity and debt financing; extent of public construction and/or financial participation; project phasing, performance assurances, developers' management structure, and personnel committed to the project; general project management, and public incentives and considerations. The final development contract shall provide that Southern Land Company insures adequate financing for the construction of the project improvements. The negotiation of the development contract shall be exclusively between Southern Land Company and the City of Plano. Both parties agree to hold all discussion and terms of the negotiation confidential until such time as they are publicly presented to the Plano City Council.

The City shall not be responsible for any costs incurred by Southern Land Company pursuant to this agreement except as expressly provided herein. Southern Land Company shall be reimbursed the actual design costs for utility extensions and street and sidewalk paving plan set forth above, but in no event shall such total reimbursement exceed \$30,000.00 in the aggregate. The City shall provide Southern Land Company with previous surveys and environmental site assessments (ESA) of the property. Any additional survey or ESA deemed necessary by Southern Land Company shall be at its expense. In exchange for acceptance of the reimbursement, the City retains all necessary rights to use plans created for public facilities and infrastructure, and all assignable rights in the boundary survey and ESA. All other costs incurred by Southern Land Company under this agreement shall be borne solely by the company.

Because of the personal nature of the services to be rendered, you may not assign this agreement without our prior written consent. However, the agreement will inure to the benefit of and be binding on our successors and assigns.

If this agreement meets with your complete approval, please sign and return one of the duplicate originals for our records.

Very truly yours,

CITY OF PLANO

By: Bruce D. Glasscock
City Manager

ACCEPTED AND AGREED TO on this _____ day of _____, 2014

SOUTHERN LAND COMPANY

By: Tim Downey
Chief Executive Officer
