



## AGENDA

### PLANNING AND ZONING COMMISSION REGULAR MEETING

**MARCH 10, 2022 @ 7:00 PM**

Notice is hereby given: the Planning and Zoning Commission for the City of Parker will hold a Regular Meeting on Thursday, March 10, 2022, at 7:00 P.M. at Parker City Hall, 5700 E. Parker Road, Parker, Texas 75002. The meeting will be open to the public.

Pursuant to Texas Government Code § 551.127, notice is given that it is the intent of the Planning and Zoning Commission that a quorum of the Commission will be physically present for the above-referenced meeting at Parker City Hall, 5700 E. Parker Road, Parker Texas. Some Commissioners or City employees may participate in this meeting remotely by means of video conference call in compliance with state law.

#### **CALL TO ORDER – Roll Call and Determination of a Quorum**

#### **PLEDGE OF ALLEGIANCE**

AMERICAN PLEDGE: I pledge allegiance to the flag of the United States of America; and to the republic for which it stands, one nation under God, indivisible with liberty and justice for all.

TEXAS PLEDGE: Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

**PUBLIC COMMENTS** The City Council invites any person with business before the Council to speak to the Council. No formal action may be taken on these items at this meeting. Please keep comments to 3 minutes.

#### **INDIVIDUAL CONSIDERATION ITEMS**

- [1.](#) CONSIDERATION AND/OR ANY APPROPRIATE ACTION MEETING MINUTES FOR NOVEMBER 11, 2021.
- [2.](#) CONSIDERATION AND/OR ANY APPROPRIATE ACTION MEETING MINUTES FOR MARCH 3, 2022.
- [3.](#) CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON 6815 MCWHIRTER ROAD DEVELOPMENT PLAT.
- [4.](#) CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON KINGS CROSSING PHASE 3 FINAL PLAT.

#### **ROUTINE ITEMS**

#### **FUTURE AGENDA ITEMS**

#### **ADJOURN**

In addition to any specifically identified Executive Sessions, the Planning and Zoning Commission may convene into Executive Session at any point during the open meeting to discuss any item posted on this Agenda. The Open Meetings Act provides specific exceptions that require that a meeting be open. Should Commission elect to convene into Executive Session, those exceptions will be specifically identified and announced. Any subsequent action, as a result of this Executive Session, will be taken and recorded in open session.

I certify that this Notice of Meeting was posted on or before March 4, 2022, by 5:00 p.m. at the Parker City Hall, and as a courtesy, this Agenda is also posted to the City of Parker Website at .

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Date Notice Removed

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Patti Scott Grey  
City Secretary

The Parker City Hall is Wheelchair accessible. Sign interpretations or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Secretary's Office at 972 442 6811.



## Council Agenda Item

Budget Account Code:	Meeting Date: See above.
Budgeted Amount:	Department/ Requestor: P&Z Commission
Fund Balance-before expenditure:	Prepared by: ACA/CS Scott Grey for Public Works Director Machado
Estimated Cost:	Date Prepared: March 4, 2022
Exhibits:	<ul style="list-style-type: none"> <li><a href="#">Proposed Minutes</a></li> </ul>

### AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION MEETING MINUTES FOR NOVEMBER 11, 2021.

### SUMMARY

Please review the attached minutes. If you have any questions, comments, and/or corrections, please contact the City Secretary at [PGrey@parkertexas.us](mailto:PGrey@parkertexas.us) prior to the City Council meeting.

### POSSIBLE ACTION

Planning and Zoning (P&Z) Commission may direct staff to take appropriate action.

Inter – Office Use			
<b>Approved by:</b>	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	03/04/2022
City Attorney:	<i>Trey Lansford</i>	Date:	03/04/2022 via Municode Software
Public Work Director	<i>Gary Machado</i>	Date:	03/04/2022

MINUTES  
**PLANNING AND ZONING COMMISSION MEETING**  
 November 11, 2021

**CALL TO ORDER – Roll Call and Determination of a Quorum**

The Planning and Zoning Commission met on the above date. Chairperson Wright called the meeting to order at 7:05 p.m.

Commissioners Present: Use “√” or “X”, please				
x	Chairperson Russell Wright			Alternate <Open Slot>
x	Commissioner Joe Lozano			Alternate Larkin Crutcher
	Commissioner Wei Wei Jeang		x	Alternate JR Douglas
x	Commissioner David Leamy			
	Commissioner Jasmat Sutaria			
Staff/Others Present:				
x	Public Works Dir. Gary Machado			City Attorney Brandon S. Shelby
	City Secretary Patti Scott Grey			

**APPOINTMENT OF ALTERNATE(S)**

Alternate Douglas served as a voting member for tonight’s meeting.

**PLEDGE OF ALLEGIANCE**

The pledges were recited.

**PUBLIC COMMENTS** The Commission invites any person with business before the Commission to speak to the Commission. No formal action may be taken on these items at this meeting. Please keep comments to 3 minutes.

No one was present at the meeting for public comments.

## INDIVIDUAL CONSIDERATION ITEMS

1. CONSIDERATION AND/OR ANY APPROPRIATE ACTION MEETING MINUTES FOR July 22, 2021.

MOTION: Commissioner Leamy moved to approve the minutes as presented. Alternate Douglas seconded with Commissioners/Alternate Wright, Lozano, Leamy, Douglas voting for. Motion carried 4-0.

2. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON Whitestone Estates Phase 3 final plat.

Director Machado led a brief discussion that indicated all previously-identified outstanding issues have been satisfactorily addressed by the developer.

MOTION: Alternate Douglas moved to approve the final plat. Commissioner Leamy seconded with Commissioners/Alternates Wright, Lozano, Leamy, Douglas voting for. Motion carried 4-0.

## FUTURE AGENDA ITEMS

Director Machado indicated that Kings Crossing Phase 3A final plat will be up for discussion and approval in the near future.

Commissioner Wright indicated that Commissioner Kittrell has resigned, and there are two applications received for the vacant alternate position. One applicant, Tim McGinnis, was present at the meeting.

## ADJOURN

Chairperson Wright adjourned the meeting at 7:12 p.m.

Minutes Approved on 10th day of March, 2022.

\_\_\_\_\_  
Chairperson Russell Wright

Attest:

\_\_\_\_\_  
Commission Secretary Wei Wei Jeang

\_\_\_\_\_  
Prepared by Commission Secretary Wei Wei Jeang



## Council Agenda Item

Budget Account Code:	Meeting Date: See above.
Budgeted Amount:	Department/ Requestor: P&Z Commission
Fund Balance-before expenditure:	Prepared by: ACA/CS Scott Grey for Public Works Director Machado
Estimated Cost:	Date Prepared: March 4, 2022
Exhibits:	<ul style="list-style-type: none"> <li><a href="#">Proposed Minutes</a></li> </ul>

### AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION MEETING MINUTES FOR MARCH 3, 2022.

### SUMMARY

Please review the attached minutes. If you have any questions, comments, and/or corrections, please contact the City Secretary at [PGrey@parkertexas.us](mailto:PGrey@parkertexas.us) prior to the City Council meeting.

### POSSIBLE ACTION

Planning and Zoning (P&Z) Commission may direct staff to take appropriate action.

Inter – Office Use			
<b>Approved by:</b>	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	03/04/2022
City Attorney:	<i>Trey Lansford</i>	Date:	03/04/2022 via Municode Software
Public Work Director	<i>Gary Machado</i>	Date:	03/04/2022

**MINUTES**  
**PLANNING AND ZONING COMMISSION SPECIAL MEETING**  
 March 3, 2022

**CALL TO ORDER – Roll Call and Determination of a Quorum**

The Planning and Zoning Commission met on the above date. Chairperson Wright called the meeting to order at 4:05 p.m.

Commissioners Present: Use “√” or “X”, please				
x	Chairperson Russell Wright			Alternate Larkin Crutcher – arrived at 4:17 PM
x	Commissioner Joe Lozano			Alternate JR Douglas
x	Commissioner Wei Wei Jeang			Alternate Todd Fecht
x	Commissioner David Leamy			
x	Commissioner Jasmat Sutaria			
Staff/Others Present:				
x	Public Works Dir. Gary Machado		x	City Attorney Trey Lansford
x	City Secretary Patti Scott Grey		x	City Administrator Luke B. Olson

**APPOINTMENT OF ALTERNATE(S)**

None.

**PLEDGE OF ALLEGIANCE**

The pledges were recited.

**PUBLIC COMMENTS**

Carolyn Moebius, 1412 Parkview Lane, Murphy, Texas, spoke and expressed her concerns about the flooding issues around Maxwell Creek and increased demands on the city’s infrastructure including police, fire, and emergency services if additional homes are developed and constructed. She urged the city to institute the moratorium. (*See Exhibit 1 – Carolyn Moebius’ Public Comment, dated March 3, 2022.*)

Edward Roush, 1333 Noel Road, Dallas, Texas, spoke and expressed his desire to preserve South Fork Ranch and his support for a moratorium.

### **PUBLIC HEARING REGARDING PROPOSED TEMPORARY MORATORIUM**

P&Z Chair Wright opened a public hearing regarding a proposed temporary moratorium on the acceptance, review, and approvals necessary for the subdivision, site planning, development, or construction within the city limits and extraterritorial jurisdiction of the City of Parker, Texas, at 4:10 p.m.

City Engineer John Birkhoff, P.E., of Birkhoff, Hendricks & Carter, LLP, reported on the City of Parker's current water supply and demand situation. With reference to his letter, dated March 1, 2022, to City Administrator Luke Olson, Mr. Birkhoff indicated the current water demand is at or beyond the contracted supply of 3.5 MGD (Millions of Gallons Per Day) from North Texas Municipal Water District (NTMWD). This is not including the additional 834 lots the City has already approved for development. Mr. Birkhoff recommends that no additional lots be approved until a second pump station is brought online and the new NTMWD water supply contract is signed.

P&Z Chair Wright opened the floor for comments at 4:22 p.m.

No one came forward and P&Z Chair Wright declared the public hearing closed at 4:23 p.m.

### **INDIVIDUAL CONSIDERATION ITEMS**

1. CONSIDERATION AND/OR ANY APPROPRIATE ACTION REGARDING A RECOMMENDATION ON A PROPOSED TEMPORARY MORATORIUM ON THE ACCEPTANCE, REVIEW, AND APPROVAL NECESSARY FOR THE SUBDIVISION, SITE PLANNING, DEVELOPMENT, OR CONSTRUCTION WITHIN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION OF THE CITY OF PARKER (ORDINANCE NO. 812).

MOTION: Commissioner Lozano moved to recommend a temporary moratorium on the acceptance, review, and approval necessary for the subdivision, site planning, development, or construction within the city limits and extraterritorial jurisdiction of the City of Parker, Texas. Commissioner Leamy seconded with Commissioners Wright, Lozano, Jeang, Sutaria, Leamy voting for the motion. Motion carried 5-0.

2. ADJOURN

Chairperson Wright adjourned the meeting at 4:37 p.m.

Minutes Approved on 10th day of March, 2022.

\_\_\_\_\_  
Chairperson Russell Wright

Prepared by:

\_\_\_\_\_  
Commission Secretary Wei Wei Jeang

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Attested by City Secretary Patti Scott Grey

Proposed

My Name is Carrolyn Moebius

I live at 1412 Parkview Lane in Murphy Texas

According to Sec. 212.134. NOTICE AND PUBLIC HEARING REQUIREMENTS.

Before a moratorium on property development may be imposed, a municipality must conduct public hearings. A public hearing must provide municipal residents and affected parties an opportunity to be heard. I am grateful for this opportunity to be heard.

I live next to one of Parker's ETJs that is proposing 608 homes, which will represent approximately 2,000 residents: an estimated increase of 30% of City of Parker's current population.

Many concerns that have been expressed by both residents of Parker & Murphy over the last 5 1/2 months focus on the current flooding issues around Maxwell Creek and the demand this development would have on our police, fire and emergency services.

I am here to express my support for a vote on a moratorium ON THE ACCEPTANCE, REVIEW, AND APPROVALS NECESSARY FOR THE SUBDIVISION, SITE PLANNING, DEVELOPMENT, OR CONSTRUCTION

WITHIN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION OF THE CITY OF PARKER

The drain on both cities' infrastructure would be detrimental to the health, safety, and welfare of the residents of both municipalities.

I would highly encourage asking FEMA to reevaluate the 100 year flood zone that runs through City of Parker and its ETJs based upon the current flooding issues that exist.



## Agenda Item

Budget Account Code:	Meeting Date: See above.
Budgeted Amount:	Department/ Requestor: P&Z Commission
Fund Balance-before expenditure:	Prepared by: ACA/CS Scott Grey for Public Works Director Gary Machado
Estimated Cost:	Date Prepared: March 4, 2022
Exhibits:	<ol style="list-style-type: none"> <li>1. Development Application</li> <li>2. Development Plat</li> </ol>

### AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON 6815 MCWHIRTER ROAD DEVELOPMENT PLAT.

### SUMMARY

Please review the information provided for 6815 McWhirter Road Development Plat, Lot 1, Block A, being 36.806 acres, situated in the R. Sparks Survey, Abstract No. 850, Collin County, Texas.

### POSSIBLE ACTION

Planning and Zoning (P&Z) Commission may direct staff to take appropriate action.

#### Inter – Office Use

<b>Approved by:</b>	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	03/04/2022
City Attorney:	<i>Trey Lansford</i>	Date:	03/04/2022 via Municode Software
Public Work Director	<i>Gary Machado</i>	Date:	03/04/2022



**DEVELOPMENT APPLICATION**  
**City of Parker, Texas**



Meeting Date: 03/10/2022 Item 3.

**Proposed Name of Subdivision:** \_\_\_\_\_

Plat Approval Requested	Filing Fee		Filing Fee
<input type="checkbox"/> Preliminary Plat	\$800.00 + \$30/acre	<input checked="" type="checkbox"/> Final Plat	\$800.00 + \$30/acre
<input type="checkbox"/> Site Plan	\$300.00 + \$25/acre	<input type="checkbox"/> Minor Plat (5 lots or less)	\$500.00 + \$100/lot
<input type="checkbox"/> Replat/Amended	\$500.00 plus \$15/lot	<input type="checkbox"/> Development Plat	\$300.00 + \$30/acre

**Physical Location of Property:** 6815 McWhorter Road Allen Tx 75002  
(Address and General Location - Approximate distance to the nearest existing street corner)

Brief Legal description of Property (must attach accurate metes and bound description to application):

Lot 1 Block A Lot 2 Block A Abstract No. 850  
(Survey/Abstract No. and Tracts: or platted Subdivision Name with Lot/Block)

Acreage: 36.806 Existing # of Lots/Tracts: 5 Existing Zoning: ETJ  
(If a PD, include the Ordinance with application)

**Property Owner's Name:** Maddy Creek Holdings LLC **Phone Number:** 214-770-9474

**Applicant/Contact Person:** Philip Brua **Title:** Manager

**Company Name:** Maddy Creek Holdings LLC

**Street/Mailing Address:** PO Box 941461 **City:** Plano **State:** Tx **Zip:** 75094

**Phone:** 214-770-9474 **Fax:** \_\_\_\_\_ **Email Address:** maddy.creek.holdingsllc@gmail.com

**Engineering Company:** Spiars Engineering

**Contact Person:** Mike Martinie **Title:** \_\_\_\_\_

**Street/Mailing Address:** 765 Custer Rd Suite 100 **City:** Plano **State:** Tx **Zip:** 75075

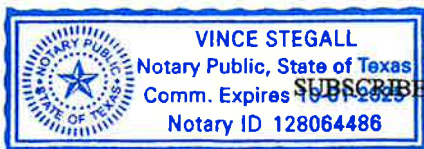
**Phone:** 972-422-0077 **Fax:** \_\_\_\_\_ **Email Address:** mike.martinie@spiarsengineering.com

**\*\* READ BEFORE SIGNING BELOW:** If there is more than one property owner, complete a separate sheet with the same wording as below. The City requires all Original Signatures. If applicant is other than the property owner, a "Power of Attorney" with original, notarized signatures is required.

STATE OF TEXAS ) (

COUNTY OF COLLIN ) (

BEFORE ME, a Notary Public, on this day personally appeared Philip Brua  
the undersigned applicant, who, under oath, stated the following "I hereby certify that I am the owner, or duly authorized agent of the owner, (Proof must be attached, e.g. "Power of Attorney") for the purposes of this application; that all information submitted herein is true and correct. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial."



[Signature] Manager  
Owner / Agent (circle one)

SUBSCRIBED AND SWORN TO before me, this the 9th day of February, 2022.

Notary Public in and for the State of Texas: [Signature] Over

**SUBMITTAL DEADLINES:** Twenty eight (28) days prior to the Planning and Zoning Commission Meeting Date. Planning and Zoning Commission meets the second and fourth Thursday of each month.

**SUBMISSIONS.** Failure to submit all materials (including three sets of bound engineering plans) to the City with this application will result in delays scheduling the agenda date. Submit twelve (12) FOLDED to 8 ½" X 11" copies of 24" X 36" prints [1"=100' scale] + electronic version in .jpeg, .tiff, or .pdf format. Applicant is to submit a complete copy of this application and drawings to the City Engineer

**ALL APPLICATIONS MUST BE COMPLETE BEFORE THEY WILL BE PLACED ON A CITY AGENDA.** It is the applicant's responsibility to be familiar with and to comply with, all City submittal requirements in the Zoning and Subdivision Ordinance ([www.parkertexas.us](http://www.parkertexas.us)), and any separate submittal policies, requirements and/or checklists that may be obtained from City staff)

**NOTICE OF PUBLIC RECORDS:** The submission of plans/drawings/etc. with this application makes such items public record, and the applicant understands that these items may be viewed by the general public. Unless the applicant expressly states otherwise in writing, submission of this application (with associated plans/drawings/etc.) will be considered consent by the applicant that the general public may view and/or reproduce (i.e. copy) such documents.

**SUBMITTAL FEES:** All fees are due and payable at the time of application, except inspection, engineering and legal fees, which are due at the time of pre-Construction meeting with the City. No construction shall take place prior to the pre-construction meeting and submission of certified construction cost bid(s) by the contractor(s) and Owner. No hearing will be scheduled nor will any reviews be made until payment of required filing fees has been accomplished. Fees are non-refundable regardless of outcome of request.

**City Contact Information:**

**Public Workers Superintendent**  
**City of Parker, Texas**  
**5700 E. Parker Road \* Parker, Texas 75002**  
**Phone 972-442-6811 \* Fax 972-442-2894 \* [www.parkertexas.us](http://www.parkertexas.us)**

OFFICE USE ONLY This submittal meets the City of Parker's requirements per City ordinances for processing.

Signature \_\_\_\_\_

Title \_\_\_\_\_

OFFICIAL SUBMISSION DATE

Fees Paid \$ \_\_\_\_\_ Check # \_\_\_\_\_ From : \_\_\_\_\_

P&Z Agenda Date: \_\_\_\_\_ Action: \_\_\_\_\_ CC Agenda Date: \_\_\_\_\_ Action: \_\_\_\_\_

Current Zoning: \_\_\_\_\_ Ordinance Number: \_\_\_\_\_ Date Approved: \_\_\_\_\_

Staff Comments forwarded to applicant on: \_\_\_\_\_ Revisions Due no later than: \_\_\_\_\_

Plans routed for review on \_\_\_\_\_, to: ☐ Public Works Director

☐ City Engineer

☐ Building Official

☐ Fire Department

Public Hearing Required: ☐ Yes ☐ No

Paper Notice \_\_\_\_\_ (date)

Written Notice \_\_\_\_\_ (date)

**SUBMITTAL REQUIREMENTS:**

Failure to submit all materials to the City with complete application will result in delays scheduling the agenda date.

- ☐ Five (5) FOLDED copies of drawing(s) 24" X 36" [1"=100' scale]
- ☐ Twelve (12) FOLDED 11 X 17
- ☐ Three (3) Complete Engineering Plans (if applicable)
- ☐ Three (3) General Tree Survey
- ☐ Property Metes and Bounds on 8 ½ X 11 Sheet
- ☐ Proof of Ownership (Warranty Deed or Tax Certificate)
- ☐ Power of Attorney

The face of the plat shall show the following:

- ☐ Date of preparation
- ☐ Scale of plat
- ☐ North arrow
- ☐ Name and address of:
  - o Applicant
  - o Engineer or Surveyor responsible for preparation of plat
- ☐ Survey and abstract with tract designation
- ☐ Location of major and/or secondary thoroughfares located with or adjacent to the property.
- ☐ Location of existing or platted streets within and adjacent to the existing property
- ☐ Location of existing right-of-ways, utility and/or drainage easements.
- ☐ Vicinity map showing location of tracts by reference to existing streets or highways.
- ☐ Subdivision boundary lines, indicated by heavy lines, and the computed acreage of the subdivision. The subdivision boundary shall be construed to include the part of adjacent boundary streets which were previously established by dedication or purchase from the tract being subdivided.
- ☐ Legal description of the property to be subdivided, and metes and bounds description of the subdivision perimeter.
- ☐ Primary control points or descriptions, and ties to such control points to which all dimensions, angles, bearings, block numbers and similar data shall be referred.
- ☐ Names of the owners of contiguous parcels of un-subdivided land, and names of contiguous subdivisions and the County Recorder's book and page number thereof, and the lot patterns of these subdivisions.
- ☐ Location of the city limits lines, the outer border of the City's extraterritorial jurisdiction and zoning district boundaries, if they traverse the subdivision, or form part of the boundary of the subdivision, or are contiguous to such boundary.
- ☐ If there is no adjacent subdivision, a map on a small scale shall be included with the preliminary plan, and oriented the same way, to show the nearest subdivision in each direction; it shall show how the streets, alleys, or highways in the subdivision submitted may connect with those in the nearest subdivision, if situated within two thousand (2,000) feet of the proposed subdivision.
- ☐ All other data required by the Zoning and Subdivision Ordinances, available for view at [www.parkertexas.us](http://www.parkertexas.us).



RE: Street Names

New street names must be submitted and approved by the US Post Office in order to avoid any duplicates in the 75002, 75094 and 75098 zip code areas.

US Post Office – District Office in Coppel

Margaret Branch - [margaret.a.branch@usps.gov](mailto:margaret.a.branch@usps.gov)

Scott Wright - [scott.l.wright@usps.gov](mailto:scott.l.wright@usps.gov)

Confirmation needs to be sent to the City of Parker prior to final plat.

42

**ORIGINAL RECEIPT****DATE: 1/10/22****ACCOUNT: R685000000901****OWNER: MUDDY CREEK HOLDINGS LLC****PARCEL ADDRESS:****EXEMPTION CODES: AG002****LAWSUIT:****BKRPTCY:****LEGAL: ABS A0850 RICHARD SPARKS SURVEY  
TRACT 9  
7.0 ACRES****PIDN: 2150499  
ACRES: 7****MUDDY CREEK HOLDINGS LLC  
PO BOX 941461  
PLANO TX 75094-1461****RECEIPT #: 45035718****CHECK #: 508****DEPOSIT #: 202201072045-2021/lockbox**

YEAR	TAXING ENTITIES	TAXABLE VALUE	TAX RATE PER \$100	PAY TYPE	DATE PAID	BASE TAX PAID	PENALTY & INTEREST PAID
2021	COLLIN COUNTY	\$1,169.00	0.168087	L	12/31/21	\$1.96	\$0.00
2021	COLLIN COLLEGE	\$1,169.00	0.081222	L	12/31/21	\$0.95	\$0.00
2021	WYLIE ISD	\$1,169.00	1.459800	L	12/31/21	\$17.07	\$0.00

**AMOUNT TENDERED \$19.98****AMOUNT PAID****BASE TAX \$19.98****TOTAL PAID \$19.98****PAYER: MUDDY CREEK HOLDINGS LLC  
PO BOX 941461  
PLANO TX 75094-1461****REMAINING AMOUNT DUE  
AS OF 1/10/22  
\$0.00****Collin County  
Kenneth L. Maun  
P.O. Box 8048  
McKinney, Texas 75070  
972-547-5020****OWNER: MUDDY CREEK HOLDINGS LLC  
2150499****\*\*\* THIS IS A RECEIPT \*\*\*****ACCOUNT: R685000000901****REMAINING AMOUNT DUE  
AS OF 1/10/22  
\$0.00**

43

**ORIGINAL RECEIPT**

DATE: 1/10/22  
 ACCOUNT: R685000003201  
 OWNER: MUDDY CREEK HOLDINGS LLC  
 PARCEL ADDRESS: MCCREARY RD  
 EXEMPTION CODES: AG002  
 LAWSUIT:  
 BKRPTCY:

LEGAL: ABS A0850 RICHARD SPARKS SURVEY  
 TRACT 32  
 9.75 ACRES

PIDN 1802393  
 ACRES 9.75

MUDDY CREEK HOLDINGS LLC  
 PO BOX 941461  
 PLANO TX 75094-1461

RECEIPT #: 45035719 CHECK #: 508

DEPOSIT #: 202201072045-2021/lockbox

YEAR	TAXING ENTITIES	TAXABLE VALUE	TAX RATE PER \$100	PAY TYPE	DATE PAID	BASE TAX PAID	PENALTY & INTEREST PAID
2021	COLLIN COUNTY	\$1,628.00	0.168087	L	12/31/21	\$2.74	\$0.00
2021	COLLIN COLLEGE	\$1,628.00	0.081222	L	12/31/21	\$1.32	\$0.00
2021	WYLIE ISD	\$1,628.00	1.459800	L	12/31/21	\$23.77	\$0.00

AMOUNT TENDERED \$27.83

AMOUNT PAID

BASE TAX \$27.83

TOTAL PAID \$27.83

PAYER: MUDDY CREEK HOLDINGS LLC  
 PO BOX 941461  
 PLANO TX 75094-1461

REMAINING AMOUNT DUE  
 AS OF 1/10/22  
 \$0.00

Collin County  
 Kenneth L. Maun  
 P.O. Box 8046  
 McKinney, Texas 75070  
 972-547-6020

OWNER: MUDDY CREEK HOLDINGS LLC  
 1802393

\*\*\* THIS IS A RECEIPT \*\*\*

ACCOUNT: R685000003201

REMAINING AMOUNT DUE  
 AS OF 1/10/22  
 \$0.00

44

**ORIGINAL RECEIPT**

DATE: 1/10/22  
ACCOUNT: R685000004301  
OWNER: MUDDY CREEK HOLDINGS LLC  
PARCEL ADDRESS: 0006815 MCWHIRTER  
EXEMPTION CODES:  
LAWSUIT:  
BKRPTCY:

LEGAL: ABS A0850 RICHARD SPARKS SURVEY  
TRACT 43  
1.0 ACRES

PION: 2098615  
ACRES: 1

MUDDY CREEK HOLDINGS LLC  
PO BOX 941461  
PLANO TX 75094-1461

RECEIPT #: 45035720 CHECK #: 508

DEPOSIT #: 202201072045-2021/lockbox

YEAR	TAXING ENTITIES	TAXABLE VALUE	TAX RATE PER \$100	PAY TYPE	DATE PAID	BASE TAX PAID	PENALTY & INTEREST PAID
2021	COLLIN COUNTY	\$191,462.00	0.168087	L	12/31/21	\$321.83	\$0.00
2021	COLLIN COLLEGE	\$191,462.00	0.081222	L	12/31/21	\$155.50	\$0.00
2021	WYLIE ISD	\$191,462.00	1.459800	L	12/31/21	\$2,794.96	\$0.00

AMOUNT TENDERED \$3,272.29

AMOUNT PAID

BASE TAX \$3,272.29

TOTAL PAID \$3,272.29

PAYER: MUDDY CREEK HOLDINGS LLC  
PO BOX 941461  
PLANO TX 75094-1461

REMAINING AMOUNT DUE  
AS OF 1/10/22  
\$0.00

Collin County  
Kenneth L. Maun  
P.O. Box 8046  
McKinney, Texas 75070  
972-547-5020

OWNER: MUDDY CREEK HOLDINGS LLC  
2098615

\*\*\* THIS IS A RECEIPT \*\*\*

ACCOUNT: R685000004301

REMAINING AMOUNT DUE  
AS OF 1/10/22  
\$0.00

45

**ORIGINAL RECEIPT**

**DATE:** 1/10/22  
**ACCOUNT:** R685000004401

**OWNER:** MUDDY CREEK HOLDINGS LLC

**PARCEL ADDRESS:**

**EXEMPTION CODES:** AG002

**LAWSUIT:**

**BKRPTCY:**

**LEGAL:** ABS A0850 RICHARD SPARKS SURVEY  
 TRACT 44  
 7.0 ACRES

**PIDN:** 2099361  
**ACRES:** 7

MUDDY CREEK HOLDINGS LLC  
 PO BOX 941461  
 PLANO TX 75094-1461

**RECEIPT #:** 45035721

**CHECK #:** 508

**DEPOSIT #:** 202201072045-2021/lockbox

YEAR	TAXING ENTITIES	TAXABLE VALUE	TAX RATE PER \$100	PAY TYPE	DATE PAID	BASE TAX PAID	PENALTY & INTEREST PAID
2021	COLLIN COUNTY	\$4,654.00	0.168087	L	12/31/21	\$7.82	\$0.00
2021	COLLIN COLLEGE	\$4,654.00	0.081222	L	12/31/21	\$3.78	\$0.00
2021	WYLIE ISD	\$4,654.00	1.459800	L	12/31/21	\$67.94	\$0.00

**AMOUNT TENDERED** \$79.54

**AMOUNT PAID**

**BASE TAX** \$79.54

**TOTAL PAID** \$79.54

**PAYER:** MUDDY CREEK HOLDINGS LLC  
 PO BOX 941461  
 PLANO TX 75094-1461

**REMAINING AMOUNT DUE**  
**AS OF 1/10/22**  
**\$0.00**

Collin County  
 Kenneth L. Maun  
 P.O. Box 8048  
 McKinney, Texas 75070  
 972-547-5020

**OWNER:** MUDDY CREEK HOLDINGS LLC  
 2099361

\*\*\* THIS IS A RECEIPT \*\*\*

**ACCOUNT:** R685000004401

**REMAINING AMOUNT DUE**  
**AS OF 1/10/22**  
**\$0.00**

41

**ORIGINAL RECEIPT**

DATE: 1/10/22  
ACCOUNT: R685000000801

OWNER: MUDDY CREEK HOLDINGS LLC

PARCEL ADDRESS:  
EXEMPTION CODES: AG002  
LAWSUIT:  
BKRPTCY:

LEGAL: ABS A0850 RICHARD SPARKS SURVEY  
TRACT 8  
12.05 ACRES

PIDN: 2812882  
ACRES: 12.05

MUDDY CREEK HOLDINGS LLC  
PO BOX 941461  
PLANO TX 75094-1461

RECEIPT #: 45035717 CHECK #: 508

DEPOSIT #: 202201072045-2021/lockbox

YEAR	TAXING ENTITIES	TAXABLE VALUE	TAX RATE PER \$100	PAY TYPE	DATE PAID	BASE TAX PAID	PENALTY & INTEREST PAID
2021	COLLIN COUNTY	\$2,012.00	0.168087L		12/31/21	\$3.38	\$0.00
2021	COLLIN COLLEGE	\$2,012.00	0.081222L		12/31/21	\$1.63	\$0.00
2021	WYLIE ISD	\$2,012.00	1.459800L		12/31/21	\$29.37	\$0.00

AMOUNT TENDERED \$34.38

AMOUNT PAID

BASE TAX \$34.38

TOTAL PAID \$34.38

PAYER: MUDDY CREEK HOLDINGS LLC  
PO BOX 941461  
PLANO TX 75094-1461

REMAINING AMOUNT DUE  
AS OF 1/10/22  
\$0.00

Collin County  
Kenneth L. Maun  
P.O. Box 8048  
McKinney, Texas 75070  
972-547-5020

OWNER: MUDDY CREEK HOLDINGS LLC  
2812882

\*\*\* THIS IS A RECEIPT \*\*\*

ACCOUNT: R685000000801

REMAINING AMOUNT DUE  
AS OF 1/10/22  
\$0.00

## METES AND BOUNDS DESCRIPTION

BEING a tract of land situated in the R. Sparks Survey, Abstract No. 850, in Collin County, Texas, being all of the tracts conveyed to Muddy Creek Holdings, LLC, by deeds recorded in Document No. 20200220000239250, Document No. 20200220000239240, Document No. 20200221000248590, and Document No. 20200225000261220 of the Deed Records, Collin County, Texas (DRCCT), with the subject tract being more particularly described as follows:

BEGINNING at a 5/8" capped iron rod found for the easternmost southeast corner of the subject tract, on the west line of McCreary Road, a public right-of-way, also being the northeast corner of a tract conveyed to Chung Han Yu, recorded in Document No. 20160502000528120 DRCCT;

THENCE S 89°24'21" W, along the north line of said Yu tract, passing at 1069.83 feet a 1/2" capped iron rod found, and continuing a total distance of 1630.33 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set for the southernmost inverted corner of the subject tract, also being the northwest corner of said Yu tract;

THENCE S 00°34'45" E, along the west line of said Yu tract, passing at 364.64 feet a 1/2" iron rod found for witness, and continuing a total distance of 385.66 feet to a MAG nail found in County Road 247, a public right-of-way, for the southernmost southeast corner of the subject property, also being the southwest corner of said Yu tract;

THENCE S 89°26'21" W, 331.15 feet along the north line of County Road 247 to a MAG nail found for the southwest corner of the subject tract, also being the southeast corner of a tract conveyed to Sheri Ann Wilson Jones, et al, recorded in Volume 4415, Page 13 DRCCT;

THENCE N 00°32'03" W, along the east line of said Jones tract, passing at 20.69 feet a 1/2" iron rod found for witness, and passing at 494.18 feet a 5/8" capped iron rod found for witness, and continuing a total distance of 1980.28 feet to a 1/2" capped iron rod found for the northwest corner of the subject tract, also being northeast corner of said Jones tract, also being on the south line of Lot 10, Block A, Brooks Farm Estates Phase II, recorded in Cabinet 2006, Page 690, Plat Records, Collin County, Texas (PRCCT);

THENCE N 89°23'51" E, along the south line of Lot 10, passing the southeast corner thereof and the southwest corner of Lot 9, Block A, Brooks Farm Estates Phase I, recorded in Cabinet R, Page 215 PRCCT, and continuing along the south line thereof a total distance of 329.60 feet to a concrete monument found for the northernmost northeast corner of the subject tract, also being the southerly northwest corner of Lot 8R, Block A, Brooks Farm Estates Phase I, recorded in Cabinet 2012, Page 287 PRCCT;

THENCE S 00°34'45" E, along the west line of Lot 8R, passing the southwest corner thereof and the northwest corner of a tract conveyed to Vincent and Mona-Lisa Cichosz, recorded in

Document No. 20140801000814790 DRCCT, and continuing along the west line thereof a total distance of 656.79 feet to a 5/8" iron rod found for the northernmost inverted corner of the subject tract;

THENCE N 89°23'14" E, along the south line of said Cichosz tract, passing the southeast corner thereof and the southwest corner of another tract conveyed to Vincent and Mona-Lisa Cichosz, recorded in Document No. 20140801000814800 DRCCT, and continuing along the south line thereof a total distance of 558.55 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set for the northwest corner of another tract conveyed to Vincent and Mona-Lisa Cichosz, recorded in Document No. 20151203001514010 DRCCT;

THENCE S 00°41'54" E, 469.83 feet along the west line of said Cichosz tract to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set for the southwest corner thereof;

THENCE N 89°24'44" E, along the south line of said Cichosz tract, passing the southeast corner thereof and the southwest corner of a tract conveyed to Francis Leland & Sue Synott Rose, recorded in Document No. 20181011001270540 DRCCT, and continuing to pass the southeast corner thereof and the southwest corner of a tract conveyed to Danny Verdo Fondren, recorded in Volume 2040, Page 654 DRCCT, and continuing along the south line thereof a total distance of 557.28 feet to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set for the northwest corner of a tract conveyed to Chuan Chian and Kuet Choi Lo, recorded in Document No. 20101123001284170 DRCCT;

THENCE S 00°52'19" E, 156.96 feet along the west line of said Chian tract to a 1/2" iron rod with plastic cap stamped "SPIARSENG" set for the easternmost inverted corner of the subject tract, also being the southwest corner of said Chian tract;

THENCE N 89°24'53" E, 530.40 feet along the south line of said Chian tract to a point on the west line of McCreary Road;

THENCE along the west line of McCreary road, the following:

S 01°00'47" E, 59.91 feet;

Along a tangent curve to the right having a central angle of 08°31'04", a radius of 797.50 feet, a chord of S 03°32'22" W - 118.45 feet, an arc length of 118.56 feet;

And a reverse curve to the left having a central angle of 08°29'28", a radius of 902.50 feet, a chord of S 03°33'10" W - 133.63 feet, an arc length of 133.75 feet to the POINT OF BEGINNING with the subject tract containing 1,603,252 square feet or 36.806 acres of land.

City of Parker Texas  
5700 East Parker Road  
Parker, TX 75002

DATE : 2/9/2022 3:14 PM  
OPER : FrontDesk  
TKBY : AJ  
TERM : 99  
REC# : R00027868

100 Misc Transaction 1904.18  
Phillip Brua/Muddy Creek Holdings LLC  
1

CC Processing Fee CC 57.13  
Processing Fee  
CC FEE 57.13

Paid By: Phillip Brua/Muddy Creek  
Holding  
O-CC Online 1961.31 REF: VISA

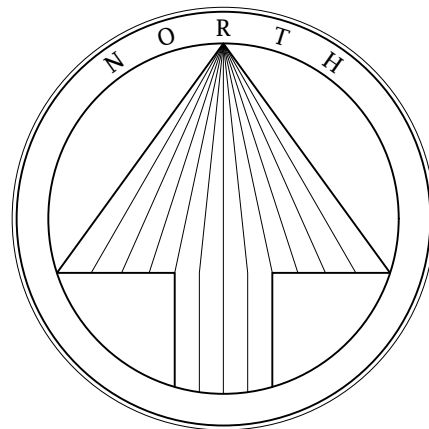
APPLIED 1961.31  
TENDERED 1961.31

CHANGE 0.00

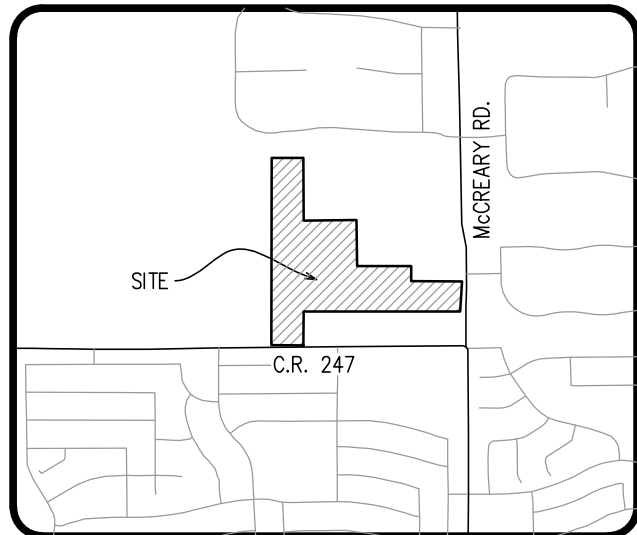
Cardmember acknowledges receipt of goods  
and/or services in the amount of the  
total shown hereon and agrees to perform  
the obligations set forth by the  
cardmember's agreement with the user.

XXXXXXXXXXXX6205  
Entry Mode: CHIP READ  
CVM:

EMV Details:  
AC: F88CB61B1E60F8A8  
ATC: 0007  
AID: A0000000031010  
TVR: 8080008000  
TSI: 6800



100 0 50 100 200  
1 inch = 100 ft.



LOCATION MAP  
1" = 2000'

LEGEND	
(Not all items may be applicable)	
○	1/2" IRON ROD WITH PLASTIC CAP STAMPED "SPIARSEN" SET, UNLESS OTHERWISE NOTED
IRF	IRON ROD FOUND
CIRF	CAPPED IRON ROD FOUND
CM	CONTROL MONUMENT
Esmt.	EASEMENT
Elec. Coop.	ELECTRIC COOPERATIVE
(BTP)	BY THIS PLAT
R.O.W.	RIGHT-OF-WAY
BL	BUILDING LINE
Ⓐ	BLOCK DESIGNATION
Cab.	CABINET
Vol.	VOLUME
Pg.	PAGE
No.	NUMBER
FEMA	FEDERAL EMERGENCY MANAGEMENT AGENCY
FIRM	FLOOD INSURANCE RATE MAP
Inst./Doc.	INSTRUMENT OR DOCUMENT
DRCT	DEED RECORDS, COLLIN COUNTY, TEXAS
PRCT	PLAT RECORDS, COLLIN COUNTY, TEXAS
OPRCT	OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS

## NOTES:

- All proposed lots situated in whole or in part within the city's corporate limits shall comply with the minimum size requirements of the governing zoning district and the requirements of the zoning ordinance.
- Basis of bearing: Texas State Plane Coordinate System, North Central Zone 4202, North American Datum of 1983. Adjustment Realization 2011.
- The subject property is not located within the 1% annual chance (100-year floodplain) per FEMA FIRM Map #48085C0415J in Collin County, dated June 02, 2009.
- Selling a portion of this addition by metes and bounds is a violation of City ordinance and state law and is subject to fines and withholding of utilities and building permits.

## CITY APPROVAL CERTIFICATE

Recommended for Approval:

Chairman, Planning and Zoning Commission  
City of Parker, Texas

Date

Approved and Accepted:

Mayor, City of Parker, Texas

Date

The undersigned, the City Secretary of the City of Parker, hereby certifies that the foregoing final plat of **MCWHIRTER MUDDY CREEK**, on addition to the City of Parker was submitted to the City Council on this day of \_\_\_\_\_, 2022, and the City Council by formal action then and there accepted the dedication of streets, alleys, easements and public places, as shown and set forth in and upon said plat, and said City Council further authorized the mayor to note the approval thereof by signing his name herein above subscribed.

Witness my hand this \_\_\_\_ day of \_\_\_\_\_, 2022.

City Secretary  
City of Parker, Texas

Date

COUNTY ROAD 247  
public ROW  
(also known as McWhirter Road)

STATE OF TEXAS §  
COUNTY OF COLLIN §

## OWNER'S CERTIFICATE

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And a reverse curve to the left having a central angle of 08°29'28", a radius of 902.50 feet, a chord of S 03°33'10" W - 133.63 feet, an arc length of 133.75 feet to the POINT OF BEGINNING with the subject tract containing 1,603,252 square feet or 36.806 acres of land.

## NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That We, **Muddy Creek Holdings, LLC**, do hereby adopt this plat designating the hereinabove described property as **LOT 1, BLOCK A, MCWHIRTER MUDDY CREEK**, an Addition to Collin County, and do hereby dedicate to the public use forever the streets and alleys shown thereon and do hereby reserve the easement strips shown on this plat for the mutual use and accommodation of garbage collection agencies and all public utilities desiring to use or using same. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easement strips and any public utility shall at all times have the right of ingress and egress to and from and upon the said easement strip for the purpose of constructing, reconstructing, inspecting, and patrolling, without the necessity at any time of procuring the permission of anyone. This plat approved subject to all plotting ordinances, rules, regulations and resolutions of Collin County, Texas.

Witness our hands at \_\_\_\_\_ County, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

MUDDY CREEK HOLDINGS, LLC

By: Philip Brua

STATE OF TEXAS §  
COUNTY OF \_\_\_\_\_ §

BEFORE ME, the undersigned, a Notary Public in and for The State of Texas, on this day personally appeared Philip Brua, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the \_\_\_\_ day of \_\_\_\_\_, 2022.

Notary Public, State of Texas

## SURVEYOR'S CERTIFICATE

That I, Darren K. Brown, of Spiars Engineering, Inc., do hereby certify that I prepared this plat and the field notes made a part thereof from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision Regulations of Collin County, Texas.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2022.

PRELIMINARY, THIS DOCUMENT  
SHALL NOT BE RECORDED  
FOR ANY PURPOSE

DARREN K. BROWN, R.P.L.S. NO. 5252

STATE OF TEXAS §  
COUNTY OF COLLIN §

BEFORE ME, the undersigned, a Notary Public in and for The State of Texas, on this day personally appeared Darren K. Brown, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the \_\_\_\_ day of \_\_\_\_\_, 2022.

Notary Public, State of Texas

## DEVELOPMENT PLAT

**MCWHIRTER MUDDY CREEK**  
LOT 1 & 2, BLOCK A  
BEING 36.806 ACRES OF LAND SITUATED  
IN THE R. SPARKS SURVEY, ABSTRACT NO. 850  
COLLIN COUNTY, TEXAS

OWNER / APPLICANT  
Muddy Creek Holdings LLC  
PO Box 941461  
Plano, Texas 75094  
Telephone (214) 770-9474  
Contact: Philip Brua

ENGINEER / SURVEYOR  
Spiars Engineering, Inc.  
765 Custer Road, Suite 100  
Plano, TX 75075  
Telephone: (972) 422-0077  
TBPELS No. F-2121 and No. F-10043100  
Contact: Mike Martinie

Drawing: 03/2020\_JOBS\20-155\_McWhirter Business Center\20-155\_Final Plat.dwg Saved By: meadow Date: 3/9/2022



## Agenda Item

Budget Account Code:	Meeting Date: See above.
Budgeted Amount:	Department/ Requestor: P&Z Commission
Fund Balance-before expenditure:	Prepared by: ACA/CS Scott Grey for Public Works Director Gary Machado
Estimated Cost:	Date Prepared: March 4, 2022
Exhibits:	<ol style="list-style-type: none"> <li>1. John W. Birkhoff, P.E., letter, dated March 3, 2022</li> <li>2. Development Application</li> <li>3. Final Plat</li> <li>4. Development Agreement</li> </ol>

### AGENDA SUBJECT

CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON KINGS CROSSING PHASE 3 FINAL PLAT.

### SUMMARY

Please review the information provided for Kings Crossing Phase 3 Final Plat, Lots 1-20, Block A; Lots 1-6, Block B; and Lots 1-12, Block C, 38 Residential Lots, being 48.75 acres, situated in the Ann S. Hurt Survey, Abstract No. 428, City of Parker, Collin County, Texas.

### POSSIBLE ACTION

Planning and Zoning (P&Z) Commission may direct staff to take appropriate action.

Inter – Office Use

<b>Approved by:</b>	Enter Text Here		
Department Head/ Requestor:	<i>Patti Scott Grey</i>	Date:	03/03/2022
City Attorney:	<i>Trey Lansford</i>	Date:	03/03/2022 via Municode Software
Public Work Director	<i>Gary Machado</i>	Date:	03/04/2022

**BIRKHOFF, HENDRICKS & CARTER, L.L.P.**  
**PROFESSIONAL ENGINEERS**

11910 Greenville Ave., Suite 600

Dallas, Texas 75243

Phone (214) 361-7900

www.bhcllp.com

JOHN W. BIRKHOFF, P.E.  
GARY C. HENDRICKS, P.E., R.P.L.S.  
JOE R. CARTER, P.E.  
MATT HICKEY, P.E.  
ANDREW MATA, JR., P.E.

DEREK B. CHANEY, P.E., R.P.L.S.  
CRAIG M. KERKHOFF, P.E.  
JUSTIN R. IVY, P.E.  
JULIAN T. LE, P.E.  
COOPER E. REINBOLD, P.E.

March 3, 2022

Mr. Gary Machado  
Director of Public Works  
5700 East Parker Road  
Parker, Texas 75002

Re: Kings Crossing Phase 3

Dear Mr. Machado:

On Wednesday March 2, 2022, we accompanied you on a follow up inspection of the Kings Crossing Phase 3 project, we noted the following:

1. The joint between Lewis Lane (asphalt) and Dover Middleton needs to be sealed.
2. Silt piles located south of Middleton and north of Dover need to be removed.
3. The shoulder along north side of Dover east of Middleton needs final grading and vegetation established.
4. The concrete rip rap downstream of ST-6 is of poor workmanship and the reinforcement appears to have floated to the top of the concrete is visible. The skim patches at the outfall of the culvert pipes appears to have been placed on silt and is breaking up. Remove and replace concrete rip rap and complete proper patching on clean surfaces. In the southern culvert pipe the skim patch is high and causing water to be retained in the culvert pipe.
5. The channel along Canterbury is holding water it appears the channel flow line is below the grade of the concrete apron at the culvert pipes.
6. The earth portion of the channel from Canterbury northeast toward Lucas hold water and moss is present. Regrade the channel and vegetate or extend concrete pilot channel to the main stream.
7. Ditch 1 from the intersection of Sudbury and Canterbury is holding significant water. It appears the rock check dam has not been maintained and silt build up in the void areas is creating a dam, as water downstream of the rock check dam is flowing. Recommend the rock check dam be removed and reconstructed. It appears the rock check dam has performed its intended purpose but has not been cleaned of silt after major rain events.
8. Ditch 1 at the 90-degree turn, the concrete rip rap added to the north side to protect the bank appears to be shore as the area above the rip rap is beginning to wash out. The rip rap should be extended to top of bank as it was on the south side of the bend.
9. The pilot channel adjacent to Middleton and east of Lewis Lane is starting to be undercut by the flow. The edge of the concrete pilot channel needs to be expanded, or the eroded areas stabilized to prevent erosion adjacent to the pilot channel.

10. At the intersection of Dover and Middleton (northwest Quadrant) grading needs to be completed to establish a 4:1 slope. This is in the area of the headwall and seems to be about 5 to 10 feet of missed grading.

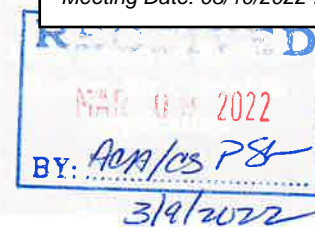
We are available at your convenience to discuss any questions you may have with the findings.

Sincerely,  
  
John W. Birkhoff, P.E.



## DEVELOPMENT APPLICATION

### City of Parker, Texas

Proposed Name of Subdivision: Kings Crossing Phase 3**Plat Approval Requested**

Filing Fee

Filing Fee

- ☐ Preliminary Plat \$800.00 + \$30/acre
- ☐ Site Plan \$300.00 + \$25/acre
- ☐ Replat/Amended \$500.00 plus \$15/lot

- ☒ Final Plat \$800.00 + \$30/acre \$2,262.50
- ☐ Minor Plat (5 acres or less) \$500.00 + \$100/lot
- ☐ Development Plat \$300.00 + \$30/acre

Physical Location of Property: Kings Crossing Phase 3, approximately 5100 Lewis Lane, Parker 75002  
 (Address and General Location – Approximate distance to the nearest existing street corner)

Brief Legal description of Property (must attach accurate metes and bound description to application):

Kings Crossing Phase 3, Ann S Hurt Survey, Abs 428

(Survey/Abstract No. and Tracts: or platted Subdivision Name with Lot/Block)

Acreage: 48.75 Existing # of Lots/Tracts: 38 lots Existing Zoning: PD Res 2017-170  
 (If a PD, include the Ordinance with application)

Property Owner's Name: Lewis Bend Partners, Ltd Phone Number: 214-368-0238Applicant/Contact Person: Stephen L Sallman Title: ManagerCompany Name: Lewis Bend Partners, LtdStreet/Mailing Address: 4040 N Central Expy #800 City: Dallas State: TX Zip: 75204Phone: 214-368-0238 Fax: \_\_\_\_\_ Email Address: ssallman@warnergroup.comEngineering Company: Engineering Concepts & Design, LPContact Person: Ryan King, PE Title: \_\_\_\_\_Street/Mailing Address: 201 Windco Circle Ste 200 City: Wylie State: TX Zip: 75098Phone: 972-941-8400 Fax: 972-941-8401 Email Address: ryan@ecdpl.com

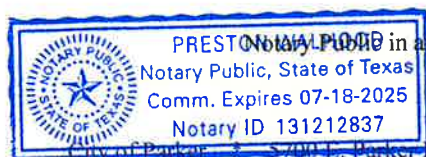
**\*\* READ BEFORE SIGNING BELOW:** If there is more than one property owner, complete a separate sheet with the same wording as below. The City requires all Original Signatures. If applicant is other than the property owner, a "Power of Attorney" with original, notarized signatures is required.

STATE OF TEXAS ) (

COUNTY OF COLLIN ) (

BEFORE ME, a Notary Public, on this day personally appeared Stephen L Sallman  
 the undersigned applicant, who, under oath, stated the following "I hereby certify that I am the owner, or duly authorized agent of the owner, (Proof must be attached, e.g. "Power of Attorney") for the purposes of this application; that all information submitted herein is true and correct. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial."

Stephen L Sallman  
 Owner / Agent (circle one)

SUBSCRIBED AND SWORN TO before me, this 7<sup>th</sup> day of March, 2022.

Notary Public in and for the State of Texas: \_\_\_\_\_

Preston Hall  
 Notary Public

Over

City of Parker 3 - 5700 E. Parker Road, Parker, Texas 75002 972-442-6811 Fax 972-442-2894 www.parkertexas.us

**SUBMITTAL DEADLINES:** Twenty eight (28) days prior to the Planning and Zoning Commission Meeting Date. Planning and Zoning Commission meets the second and fourth Thursday of each month.

**SUBMISSIONS.** Failure to submit all materials (including three sets of bound engineering plans) to the City with this application will result in delays scheduling the agenda date. Submit twelve (12) FOLDED to 8 1/2" X 11" copies of 24" X 36" prints [1"=100' scale] + electronic version in .jpeg, .tiff, or .pdf format. Applicant is to submit a complete copy of this application and drawings to the City Engineer

**ALL APPLICATIONS MUST BE COMPLETE BEFORE THEY WILL BE PLACED ON A CITY AGENDA.** It is the applicant's responsibility to be familiar with and to comply with, all City submittal requirements in the Zoning and Subdivision Ordinance ([www.parkertexas.us](http://www.parkertexas.us)), and any separate submittal policies, requirements and/or checklists that may be obtained from City staff)

**NOTICE OF PUBLIC RECORDS:** The submission of plans/drawings/etc. with this application makes such items public record, and the applicant understands that these items may be viewed by the general public. Unless the applicant expressly states otherwise in writing, submission of this application (with associated plans/drawings/etc.) will be considered consent by the applicant that the general public may view and/or reproduce (i.e. copy) such documents.

**SUBMITTAL FEES:** All fees are due and payable at the time of application, except inspection, engineering and legal fees, which are due at the time of pre-Construction meeting with the City. No construction shall take place prior to the pre-construction meeting and submission of certified construction cost bid(s) by the contractor(s) and Owner. No hearing will be scheduled nor will any reviews be made until payment of required filing fees has been accomplished. Fees are non-refundable regardless of outcome of request.

**City Contact Information:**

**Public Workers Superintendent**  
**City of Parker, Texas**  
**5700 E. Parker Road \* Parker, Texas 75002**  
**Phone 972-442-6811 \* Fax 972-442-2894 \* [www.parkertexas.us](http://www.parkertexas.us)**

OFFICE USE ONLY This submittal meets the City of Parker's requirements per City ordinances for processing.

Signature \_\_\_\_\_

Title \_\_\_\_\_

OFFICIAL SUBMISSION DATE

Fees Paid \$ \_\_\_\_\_ Check # \_\_\_\_\_ From : \_\_\_\_\_

P&Z Agenda Date: \_\_\_\_\_ Action: \_\_\_\_\_ CC Agenda Date: \_\_\_\_\_ Action: \_\_\_\_\_

Current Zoning: \_\_\_\_\_ Ordinance Number: \_\_\_\_\_ Date Approved: \_\_\_\_\_

Staff Comments forwarded to applicant on: \_\_\_\_\_ Revisions Due no later than: \_\_\_\_\_

Plans routed for review on \_\_\_\_\_, to: ☐ Public Works Director

☐ City Engineer

☐ Building Official

☐ Fire Department

Public Hearing Required: ☐ Yes ☐ No

Paper Notice \_\_\_\_\_ (date)

Written Notice \_\_\_\_\_ (date)

City of Parker \* 5700 E. Parker Road, Parker, Texas 75002 972-442-6811 Fax 972-442-2894 [www.parkertexas.us](http://www.parkertexas.us)

BY:

AP/CS PB

3/9/2022

**SUBMITTAL REQUIREMENTS:**

Failure to submit all materials to the City with complete application will result in delays scheduling the agenda date.

- ☐ Five (5) FOLDED copies of drawing(s) 24" X 36" [1"=100' scale]
- ☐ Twelve (12) FOLDED 11 X 17
- ☐ Three (3) Complete Engineering Plans (if applicable)
- ☐ ~~Three (3) General Tree Survey~~ n/a
- ☐ Property Metes and Bounds on 8 ½ X 11 Sheet
- ☐ Proof of Ownership (Warranty Deed or Tax Certificate)
- ☐ ~~Power of Attorney~~ n/a

The face of the plat shall show the following:

- ☐ Date of preparation
- ☐ Scale of plat
- ☐ North arrow
- ☐ Name and address of:
  - o Applicant
  - o Engineer or Surveyor responsible for preparation of plat
- ☐ Survey and abstract with tract designation
- ☐ Location of major and/or secondary thoroughfares located with or adjacent to the property.
- ☐ Location of existing or platted streets within and adjacent to the existing property
- ☐ Location of existing right-of-ways, utility and/or drainage easements.
- ☐ Vicinity map showing location of tracts by reference to existing streets or highways.
- ☐ Subdivision boundary lines, indicated by heavy lines, and the computed acreage of the subdivision. The subdivision boundary shall be construed to include the part of adjacent boundary streets which were previously established by dedication or purchase from the tract being subdivided.
- ☐ Legal description of the property to be subdivided, and metes and bounds description of the subdivision perimeter.
- ☐ Primary control points or descriptions, and ties to such control points to which all dimensions, angles, bearings, block numbers and similar data shall be referred.
- ☐ Names of the owners of contiguous parcels of un-subdivided land, and names of contiguous subdivisions and the County Recorder's book and page number thereof, and the lot patterns of these subdivisions.
- ☐ Location of the city limits lines, the outer border of the City's extraterritorial jurisdiction and zoning district boundaries, if they traverse the subdivision, or form part of the boundary of the subdivision, or are contiguous to such boundary.
- ☐ If there is no adjacent subdivision, a map on a small scale shall be included with the preliminary plan, and oriented the same way, to show the nearest subdivision in each direction; it shall show how the streets, alleys, or highways in the subdivision submitted may connect with those in the nearest subdivision, if situated within two thousand (2,000) feet of the proposed subdivision.
- ☐ All other data required by the Zoning and Subdivision Ordinances, available for view at [www.parkertexas.us](http://www.parkertexas.us).



## LEGAL DESCRIPTION

BEGING a 48.75 acre tract of land situated in the Ann S. Hurt Survey, Abstract No. 428, City of Parker, Collin County, Texas and being all of a called 48.8223 acre tract of land described by Warranty Deed to Lewis Bend Partners, L.P., as recorded in Instrument Number 200612000015100, Official Property Records, Collin County, Texas (O.P.R.C.C.T.), and being more particularly described as follows:

BEGINNING at a found 1/2-inch capped iron rod stamped "CEER 4117", for the northeast corner of the herein described tract, being in the south line of that tract of land described by General Warranty Deed to Rodney S. Wynn and Shirley L. Wynn, as recorded in Volume 5707, Page 4505, O.P.R.C.C.T., and being in the east line of Lewis Lane, a variable width road;

THENCE North 89 degrees 36 minutes 04 seconds East, with the south line of said Wynn tract, a distance of 398.00 feet to a found 1/2-inch capped iron rod stamped "CEER 4117", for the southeast corner of that tract of land described by the General Warranty Deed to Wynn Living Trust, as recorded in Instrument Number 20141215001307280, O.P.R.C.C.T.;

THENCE North 01 degree 04 minutes 12 seconds West, a distance of 208.66 feet to a found 5/8-inch iron rod, being the northeast corner of said Wynn Living Trust tract, and being in the south line of that tract of land as described by Warranty Deed to Michael Parilla, as recorded in Instrument Number 20180426000506750, O.P.R.C.C.T.;

THENCE North 89 degrees 32 minutes 10 seconds East, with the south line of said Parilla tract, a distance of 612.18 feet to a 5/8-inch iron rod with cap stamped ADAMS SURVEYING COMPANY set for corner, being the most southeasterly corner of Lot 19, Block D, Estates at Austin Trail, Phase 1, an addition to the City of Lucas, as recorded in Cabinet A, Page 708, Plat Records, Collin County, Texas (P.R.C.C.T.);

THENCE North 89 degrees 46 minutes 24 seconds East, a distance of 311.82 feet to a found 5/8-inch iron rod in a line road, being an all corner of Lot 14R, Block D, Replot of Estates at Austin Trail, as recorded in Cabinet P, Page 192, P.R.C.C.T.;

THENCE South 00 degrees 21 minutes 45 seconds East, passing a found 5/8-inch capped iron rod stamped "BURY & PARTNERS" at a distance of 208.78 feet, continuing with the east line of the herein described tract, passing a found 1/2-inch capped iron rod at a distance of 1225.40 feet, continuing with the east line of the herein described tract to a found 1/2-inch capped iron rod stamped "CBO" at an overall distance of 1667.70 feet, being the southeast corner of the herein described tract and being the southeast corner of Lot 19, Block A, Steep Highlands, Phase 3, an addition to the City of Lucas, as recorded in Cabinet 2017, Page 260, P.R.C.C.T., and being in the north line of that tract called "Tract 2", as described by Warranty Deed to Limpy Corporation, as recorded in Instrument Number 200712100370356, O.P.R.C.C.T.;

THENCE South 89 degrees 38 minutes 59 seconds West, with the north line of said Limpy Corporation tract, a distance of 1328.78 feet to a found 5/8-inch rod, being the southwest corner of the herein described tract, and being in the aforementioned east line of Lewis Lane;

THENCE North 00 degrees 06 minutes 05 seconds West, along the east line of said Lewis Lane, a distance of 1458.19 feet to the POINT OF BEGINNING and containing 2,123,533 square feet or 48.75 acres of land, more or less.

## OWNERS CERTIFICATION

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT, LEWIS BEND PARTNERS, LTD., acting herein by and through its duly authorized officer, does hereby adopt this plat designating the herein described property as KINGS CROSSING, PHASE 3, an addition to the City of Parker, Texas, and does hereby dedicate in fee simple to the public use forever, the streets, ways and public areas shown thereon. The easements, as shown, are hereby dedicated for the purposes as indicated. The Utility and Drainage Easements being hereby dedicated for the mutual use and accommodation of the City of Parker and all public utilities desiring to use or using same. All and any public utility and the City of Parker shall have the right to remove and keep removed all or parts of any building, fences, shrubs, trees, or other improvements or grounds, which in any way encumber or interfere with the construction, maintenance or efficiency of its respective systems on said Easements, and the City of Parker and all public utilities shall, at all times, have the full right of ingress and egress to or from and across and under the Easements for the purpose of constructing, reconstructing, inspecting, operating, maintaining, and doing to or removing all or part of its respective systems, without the necessity, at any time or procuring the permission of anyone.

This plat approved subject to all plotting ordinances, rules, regulations and resolutions of the City of Parker, Texas.

WITNESS MY HAND AT \_\_\_\_\_, TEXAS this the \_\_\_\_ day of \_\_\_\_\_, 2022.

For: Lewis Bend Partners, Ltd.

By: Warner Land Advisors, LP  
its general partner

By: Stephen L. Soliman, Manager

STATE OF TEXAS  
COUNTY OF DALLAS

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Stephen L. Soliman, 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 considerations therein expressed.

Given under my hand and seal of office, this \_\_\_\_ day of \_\_\_\_\_, 2022.

Notary Public in and for the State of Texas  
My Commission Expires:

## SURVEYOR'S CERTIFICATION

KNOW ALL MEN BY THESE PRESENTS:

That I, Paul Hubert, hereby declare, that this plat was prepared from an actual and accurate survey of the land and that the corner monuments shown hereon were properly placed under my personal supervision, in accordance with the subdivision regulations of the City of Parker, Collin County, Texas.

Preliminary, this document shall not be recorded for any purpose.  
For Preliminary Plat review purposes only.

PAUL HUBERT  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 1942

STATE OF TEXAS  
COUNTY OF DALLAS

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Paul Hubert, 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 purpose and considerations therein expressed.

Given under my hand and seal of office, this \_\_\_\_ day of \_\_\_\_\_, 2022.

Notary Public in and for the State of Texas  
My Commission Expires:

## CITY APPROVAL CERTIFICATE

Recommended for Approval:

Chairman, Planning and Zoning Commission  
City of Parker, Texas

Date

Approved and Accepted:

Mayor, City of Parker, Texas

Date

The undersigned, the City Secretary of the City of Parker, hereby certifies that the foregoing final plat of KINGS CROSSING PHASE 3, a subdivision or addition to the City of Parker was submitted to the City Council on this \_\_\_\_ day of \_\_\_\_\_, 2022, and the City Council by formal action then and there accepted the dedication of streets, ways, easements and public places, as shown and set forth in and upon said map or plat, and said City Council further authorized the mayor to note the approval thereof by signing his name herein above subscribed.

Witness my hand this \_\_\_\_ day of \_\_\_\_\_, 2022.

City Secretary  
City of Parker, Texas

Date

LOT SIZE TABLE			
BLOCK	LOT	AREA	ACREAGE
A	1	49,296	1.133
A	2	49,232	1.130
A	3	53,479	1.238
A	4	50,179	1.152
A	5	43,633	1.003
A	6	43,577	1.000
A	7	43,591	1.001
A	8	43,606	1.002
A	9	54,576	1.253
A	10	43,775	1.005
A	11	43,560	1.000
A	12	43,584	1.001
A	13	43,647	1.002
A	14	43,560	1.000
A	15	44,467	1.011
A	16	54,300	1.251
A	17	68,359	1.574
A	18	68,216	1.625
A	19	70,192	1.611
A	20	65,144	1.505
B	1	47,699	1.090
B	2	43,561	1.000
B	3	43,621	1.001
B	4	43,561	1.000
B	5	43,706	1.003
B	6	53,570	1.232
C	1	49,113	1.127
C	2	43,561	1.000
C	3	43,565	1.000
C	4	43,561	1.000
C	5	43,561	1.000
C	6	43,567	1.000
C	7	43,560	1.000
C	8	43,561	1.000
C	9	43,561	1.000
C	10	43,560	1.000
C	11	43,562	1.000
C	12	46,624	1.070

FINAL PLAT  
KINGS CROSSING  
PHASE 3

LOTS 1-20, BLOCK A;  
LOTS 1-6, BLOCK B; AND LOTS 1-12, BLOCK C  
38 RESIDENTIAL LOTS

OWNER  
LEWIS BEND PARTNERS, LTD.  
4040 N. CENTRAL EXPRESSWAY, SUITE 850  
DALLAS, TX 75204  
(214) 368-0238

LAND SURVEYOR  
ADAMS SURVEYING CO., LLC  
1475 RICHARDSON DR., STE 255  
RICHARDSON, TX 75080  
(469) 317-0250  
DTM NO. 10177500

48.75 ACRES  
SITUATED IN THE  
ANN S. HURT SURVEY, ABSTRACT NO. 428  
CITY OF PARKER, COLLIN COUNTY, TEXAS  
ENGINEERING/PROJECT: MAJOR EXISTING/CONSTRUCTED HIGHWAYS  
DESIGNER: THE BUREAU OF PUBLIC WORKS  
181 WOOD CHURCH, SUITE 100, FIVE YEAR 1908  
(972) 941-4400 FAX (972) 941-4400

DATE: 3/4/2022

SHEET 3 OF 3

© UNPUBLISHED AND UNRECORDED PLAT FILED FOR PUBLIC RECORD

1211

**LEWIS BEND PARTNERS LTD**

CONSTRUCTION ACCOUNT  
4040 N CENTRAL EXPRESSWAY SUITE 850  
DALLAS, TX 75204-3227

AMERICAN NATIONAL BANK & TRUST  
FLOWER MOUND  
FLOWER MOUND, TEXAS, 75027-1008  
88-714/1119

Meeting Date: 03/10/2022 Item 4.

PAY TO THE  
ORDER OF CITY OF PARKER

MARCH 7, 2022

\$252.78

TWO HUNDRED FIFTY-TWO and 78/100---

DOLLARS

MEMO

KINGS CROSSING PHASE 3 FINAL PLAT

AUTHORIZED SIGNATURE

⑈001211⑈

**LEWIS BEND PARTNERS LTD**

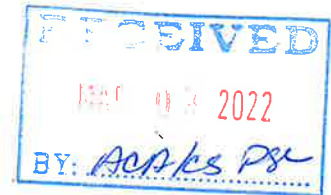
1211

KINGS CROSSING FINAL PLAT APPLICATION FEE

\$252.78

Balance due on Application Fee

MARCH 7, 2022



3/9/2022

**LEWIS BEND PARTNERS LTD**

1211

KINGS CROSSING FINAL PLAT APPLICATION FEE

\$252.78

balance due on Application Fee

MARCH 7, 2022

### KING'S CROSSING, PHASE 3

BEING a 48.75 acre tract of land situated in the Ann S. Hurt Survey, Abstract No. 428, City of Parker, Collin County, Texas and being all of a called 48.6223 acre tract of land described by Warranty Deed to Lewis Bend Partners, Ltd., as recorded in Instrument 20061120001651500, Official Property Records, Collin County, Texas (O.P.R.C.C.T.), and being more particularly described as follows:

BEGINNING at a found 1/2-inch capped iron rod stamped "GEER 4117", for the northwest corner of the herein described tract, being in the south line of that tract of land described by General Warranty Deed to Rodney S. Warne and Betsy L. Warne, as recorded in Volume 5707, Page 4905, O.P.R.C.C.T., and being in the east line of Lewis Lane, a variable width road;

THENCE North 89 degrees 36 minutes 04 seconds East, with the south line of said Warne tract, a distance of 398.00 feet to a found 1/2-inch iron capped iron rod stamped "GEER 4117", for the southeast corner of that tract of land described in the General Warranty Deed to Warne Living Trust, as recorded in Instrument Number 20141215001357280, O.P.R.C.C.T.;

THENCE North 01 degrees 04 minutes 12 seconds West, a distance of 208.66 feet to a found 5/8-inch iron rod, being the northeast corner of said Warne Living Trust tract, and being in the south line of that tract of land as described by Warranty Deed to Michael Peralta, as recorded in Instrument Number 20180426000506750, O.P.R.C.C.T.,

THENCE North 89 degrees 32 minutes 10 seconds East, with the south line of said Peralta tract, a distance of 613.10 feet to a 5/8-iron rod with cap stamped ADAMS SURVEYING COMPANY set for corner, being the most southeast corner of Lot 19, Block D, Estates at Austin Trail, Phase 1, an addition to the City of Lucas, as recorded in Cabinet N, Page 709, Plat Records, Collin County, Texas (P.R.C.C.T.);

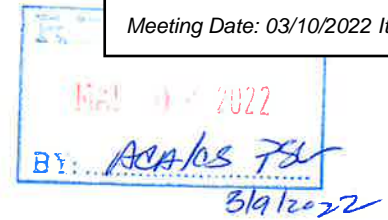
THENCE North 89 degrees 46 minutes 24 seconds East, a distance of 311.62 feet to a found 5/8-inch iron rod in a tree root, being an ell corner of Lot 14R, Block D, Replat of Estates at Austin Trail, as recorded in Cabinet P, Page 192, P.R.C.C.T.;

THENCE South 00 degrees 21 minutes 45 seconds East, passing a found 5/8-inch capped iron rod stamped "BURY & PARTNERS" at a distance of 208.76 feet, continuing with the east line of the herein described tract, passing a found 1/2-inch capped iron rod at a distance of 1220.40 feet, continuing with the east line of the herein described tract to a found 1/2-inch capped iron rod stamped "CBG" at an overall distance of 1667.70 feet, being the southeast corner of the herein described tract and being the southwest corner of Lot 19, Block A, Stinson Highlands, Phase 3, an addition to the City of Lucas, as recorded in Cabinet 2017, Page 260, P.R.C.C.T., and being in the north line of that tract called "Tract 2", as described by Warranty Deed to Umphy Corporation, as recorded in Instrument Number 20071231001715950, O.P.R.C.C.T.;

THENCE South 89 degrees 38 minutes 59 seconds West, with the north line of said Umphy Corporation tract, a distance of 1326.78 feet to a found 5/8-iron rod, being the southwest corner of the herein described tract, and being in the aforementioned east line of Lewis Lane;

THENCE North 00 degrees 06 minutes 05 seconds West, along the east line of said Lewis Lane, a distance of 1458.19 feet to the POINT OF BEGINNING and containing 2,123,533 square feet or 48.75 acres of land, more or less.

### KING'S CROSSING, PHASE 3



BEING a 48.75 acre tract of land situated in the Ann S. Hurt Survey, Abstract No. 428, City of Parker, Collin County, Texas and being all of a called 48.6223 acre tract of land described by Warranty Deed to Lewis Bend Partners, Ltd., as recorded in Instrument 20061120001651500, Official Property Records, Collin County, Texas (O.P.R.C.C.T.), and being more particularly described as follows:

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THENCE North 89 degrees 36 minutes 04 seconds East, with the south line of said Warne tract, a distance of 398.00 feet to a found 1/2-inch iron capped iron rod stamped "GEER 4117", for the southeast corner of that tract of land described in the General Warranty Deed to Warne Living Trust, as recorded in Instrument Number 20141215001357280, O.P.R.C.C.T.;

THENCE North 01 degrees 04 minutes 12 seconds West, a distance of 208.66 feet to a found 5/8-inch iron rod, being the northeast corner of said Warne Living Trust tract, and being in the south line of that tract of land as described by Warranty Deed to Michael Peralta, as recorded in Instrument Number 20180426000506750, O.P.R.C.C.T.,

THENCE North 89 degrees 32 minutes 10 seconds East, with the south line of said Peralta tract, a distance of 613.10 feet to a 5/8-iron rod with cap stamped ADAMS SURVEYING COMPANY set for corner, being the most southeast corner of Lot 19, Block D, Estates at Austin Trail, Phase 1, an addition to the City of Lucas, as recorded in Cabinet N, Page 709, Plat Records, Collin County, Texas (P.R.C.C.T.);

THENCE North 89 degrees 46 minutes 24 seconds East, a distance of 311.62 feet to a found 5/8-inch iron rod in a tree root, being an ell corner of Lot 14R, Block D, Replat of Estates at Austin Trail, as recorded in Cabinet P, Page 192, P.R.C.C.T.;

THENCE South 00 degrees 21 minutes 45 seconds East, passing a found 5/8-inch capped iron rod stamped "BURY & PARTNERS" at a distance of 208.76 feet, continuing with the east line of the herein described tract, passing a found 1/2-inch capped iron rod at a distance of 1220.40 feet, continuing with the east line of the herein described tract to a found 1/2-inch capped iron rod stamped "CBG" at an overall distance of 1667.70 feet, being the southeast corner of the herein described tract and being the southwest corner of Lot 19, Block A, Stinson Highlands, Phase 3, an addition to the City of Lucas, as recorded in Cabinet 2017, Page 260, P.R.C.C.T., and being in the north line of that tract called "Tract 2", as described by Warranty Deed to Umphy Corporation, as recorded in Instrument Number 20071231001715950, O.P.R.C.C.T.;

THENCE South 89 degrees 38 minutes 59 seconds West, with the north line of said Umphy Corporation tract, a distance of 1326.78 feet to a found 5/8-iron rod, being the southwest corner of the herein described tract, and being in the aforementioned east line of Lewis Lane;

THENCE North 00 degrees 06 minutes 05 seconds West, along the east line of said Lewis Lane, a distance of 1458.19 feet to the POINT OF BEGINNING and containing 2,123,533 square feet or 48.75 acres of land, more or less.



20140122000063210 01/22/2014 04:06:37 PM AG 1/6

## **DEVELOPMENT AGREEMENT AMENDMENT #1**

**THIS IS AMENDMENT #1** to that certain development agreement (the "Agreement") dated the 11<sup>th</sup> day of September, 2007 by and among the City of Parker, Collin County, Texas, (the "City"), Bedell Family Limited Partnership, a Texas limited partnership ("Bedell"), Lewis Bend Partners, Ltd., a Texas limited partnership and Warner Capital, LLC, a Texas limited liability company (collectively, "Developer"). The land area subject of the Agreement is to be known as "Kings Crossing", the boundaries of which are set forth in the Agreement.

### **I. RECITALS**

- A. Developer has requested certain modifications to the Agreement to reflect the change in the need to remove reimbursement provisions for the renovation of Lewis Lane, and the corresponding need to increase funds for additional expenses to be incurred for offsite water lines, and on and offsite sewer lines.
- B. An additional sewer force main not contemplated in the original Agreement has been identified as a need for the development.

**NOW THEREFORE**, in consideration of the covenants and conditions contained in the Agreement, and this Amendment, the parties agree to modify the Agreement as follows:

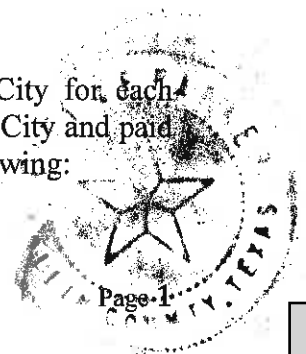
- 1. The last sentence of paragraph 5.2 of the Agreement is deleted, and replaced with the following sentence:

"The maximum total reimbursement paid to the Developer for the combined reimbursement costs of the water system and sanitary sewer expansion shall not exceed the actual approved costs for those projects, and in no event shall exceed the sum of \$689,200.00."

- 2. Section 5 of the Agreement is hereby amended by adding the following new paragraph 5.3:

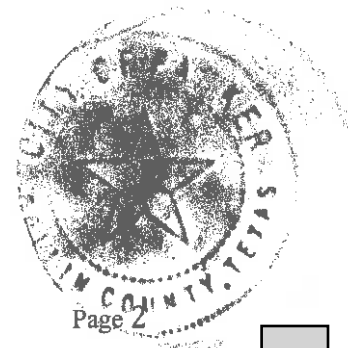
**"5.3 Reimbursement of Developer's Costs** – The reimbursement of Developer's costs from fees collected within the development is limited to \$7,000 per lot in Paragraph 5.1. The disbursements will be paid or retained as follows:

- (1) The reimbursement funds collected by the City for each phase of the Development will be held by the City and paid quarterly to the Developer, subject to the following:



- a. No material claim has been made by the City with regard to the water, sewer, drainage, or road improvements subject to reimbursement under the Development Agreement which has not been resolved, or which is not insured by the maintenance bonds provided in accordance with the subdivision regulations.
  - b. No material dispute and/or litigation is pending by and between the City and the Developer regarding any matter subject of this Development Agreement.
- (2) In the event a. and/or b. above has occurred, the City may retain the funds which would otherwise have been paid to the Developer, but only to the extent reasonable to pay the estimated costs to cure the default or dispute. The funds may be retained by the City until the default is cured in accordance with paragraph 6.5 of the Development Agreement at which time the funds will be released.
- 5.3.1 The City of Lucas and Collin County have improved Lewis Lane. The original \$109,000 allocated in the Agreement incentives for the Developer will not be expended for that purpose. Any improvements required of the Developer by the City subdivision regulations, including any required improvements to Lewis Lane, will not be reimbursed.
- 5.3.2 No interest shall accrue to the Developer on any retained amount while held by the City.”

*(Signature page follows)*



This Agreement Amendment is effective on the date all parties have signed,  
which is the 21st day of January, ~~2013~~ 2014.

**"BEDELL"**

**BEDELL FAMILY LIMITED PARTNERSHIP,**  
a Texas limited partnership

By: Bedell Investments, Inc.,  
Its Managing Partner

By: Walter G. Bedell  
Walter G. Bedell  
Its President

Date: 1/21/14

**"DEVELOPER"**

**LEWIS BEND PARTNERS, LTD.,**  
a Texas limited partnership

By: Warner Land Advisors, L.P.,  
a Texas limited partnership,  
Its General Partner

By: Warner Capital, L.L.C.,  
a Texas limited liability company,  
General Partner

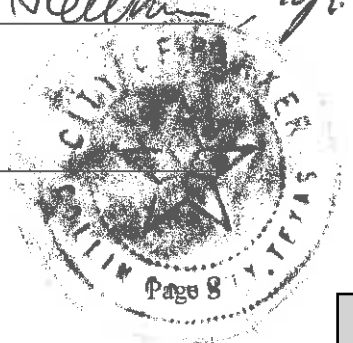
By: Stephen L. Sallman, mgr.  
Stephen L. Sallman  
Its Manager

Date: 1/15/14

**WARNER CAPITAL, LLC,**  
a Texas limited liability company

By: Stephen L. Sallman, mgr.  
Stephen L. Sallman  
Its Manager

Date: 1/15/14





“City”  
City of Parker, Texas

By:   
Z. Marshall, Mayor

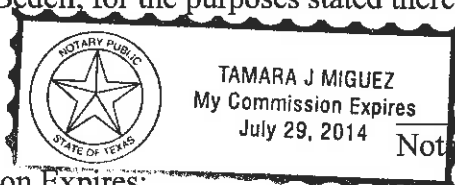
Date: Jan. 21, 2014



STATE OF TEXAS §

COUNTY OF ~~COLLIN~~ <sup>Dallas</sup> §

This instrument was acknowledged before me on the 21<sup>st</sup> day of Jan., 2014,  
by Walter G. Bedell, for the purposes stated therein.



Tamara Miguez  
Notary Public, State of Texas

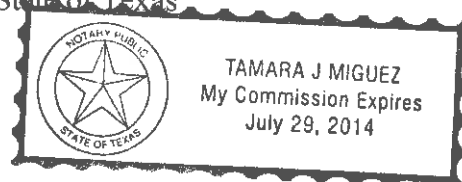
My Commission Expires: \_\_\_\_\_

STATE OF TEXAS §

COUNTY OF ~~COLLIN~~ <sup>Dallas</sup> §

This instrument was acknowledged before me on the 15<sup>th</sup> day of Jan., 2014,  
by Stephen L. Sallman, for the purposes stated therein.

Tamara Miguez  
Notary Public, State of Texas

My Commission Expires: 7-29-2014

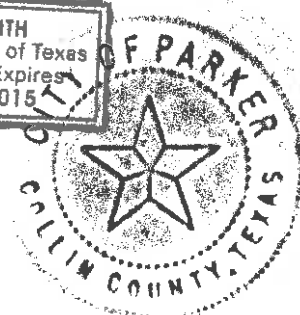
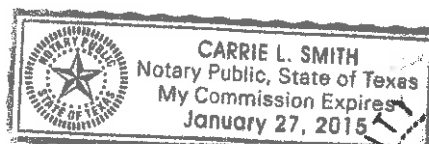
STATE OF TEXAS §

COUNTY OF COLLIN §

BEFORE ME, the undersigned authority, on this day personally appeared Z Marshall,  
known to me to be the Mayor of the City of Parker, whose name is subscribed to the foregoing  
instrument, and acknowledged to me that he/she executed the same for the purposes and  
consideration therein expressed, on behalf of the City of Parker.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this 21<sup>st</sup> day of January  
2014.

Carrie L. Smith  
Notary Public, State of Texas

My Commission Expires: 1/27/15

Filed and Recorded  
Official Public Records  
Stacey Kemp, County Clerk  
Collin County, TEXAS  
01/22/2014 04:06:37 PM  
\$42.00 DLARD  
20140122000069210



*Stacey Kemp*