

## CITY OF DENTON CITY COUNCIL MINUTES

July 16, 2013

After determining that a quorum was present, the City Council convened in a Work Session at 3:00 p.m. in the Council Work Session Room.

PRESENT: Council Member Hawkins, Council Member Gregory, Council Member Roden, Mayor Burroughs

ABSENT: Mayor Pro Tem Kamp, Council Member Engelbrecht, Council Member King

### 1. Citizen Comments on Consent Agenda Items

Robert Donnelly spoke on Consent Agenda Items E, F, and G. He questioned what the public use and necessity was for the additional property. He asked that someone get back with him on that issue.

### 2. Requests for clarification of agenda items listed on the agenda for July 16, 2013.

Council Member Roden asked for an explanation on the public use and necessity of Consent Agenda Items E, F, and G.

Paul Williamson, Real Estate Manager, stated that those items would be discussed in the Council's Closed Session.

### 3. Receive a report, hold a discussion, and give staff direction regarding Board and Commission nominations.

City Secretary Jennifer Walters stated that Council had received initial nominations in their backup materials from several council members. She asked if there were additional nominations to add. Those additional nominations would be added to the matrix and be ready for Council consideration at the regular meeting.

Council Member Gregory re-nominated Jim Stodola to the Airport Advisory Board and nominated Doug Campbell to the Library Board.

### 4. Receive a report and hold a discussion and give staff direction regarding the 2012 Return on Investment Report of Economic Development Incentives for the City of Denton.

Aimee Bissett, Director of Economic Development, presented an update on the 2012 Return on Investment report. There were seven tax abatements approved since 1998, five property tax rebates since 2004 and six sales tax rebates since 2004. The methodology used included cumulative sales tax and property tax revenues minus incentive payments. The tax abatements for United Copper, Peterbilt Motors, Flowers Foods, Fastenal and Aldi Foods were reviewed. Target Corporation had a tax abatement with a term of 2012-2017. It was based on 65% of the building and equipment with a \$40 million threshold. Peerless Manufacturing had a tax abatement with a term of 2013-2018. It was based on 40% on the new building and equipment with a \$5 million threshold. Eighty five jobs at \$50,000+ would also be created with the abatement.

Property tax rebates for Sally Beauty, Granite and Jostens, Inc. were reviewed. Labinal's property tax rebate included an agreement from 2012-2014 and was based on 50% increment on improvements to the existing building with a \$5 million over base value. Mayday Manufacturing's property tax rebate included an agreement from 2013-2022 and was based on 75% increment on improvements to the existing building with a \$3 million over base value.

Sales tax rebate agreements included Denton Crossing, Rayzor Ranch and Unicorn Lake. Phase Two of Rayzor Ranch's agreement was for 20 years with a 600,000 square foot threshold and 50% rebate up to \$42 million. Golden Triangle Mall's agreement was for 20 years with 50% rebate above base year up to \$9.5 million. It included a minimum of \$9.5 million to \$45 million by October 2014.

Information was presented on Return of Investment for the City in terms of (1) all types of incentives, (2) city, state and local sales tax, and (3) Return on Investment on the city, state, and local levels. This information had been presented to the Economic Development Partnership Board. Those businesses with agreements were being asked to become more involved with the community.

Council Member Gregory stated that he would like information to give to the DISD regarding how much was generated in property tax.

Council Member Roden asked if there was a way to track whether the sales tax generated from the rebate came from significant pockets of earlier commercial areas where the sales tax was now going down or if it was attracting new dollars.

Bissett stated that they did not have that level of detail. They were, however, tracking all of the major retail centers in preparation of Rayzor Ranch coming on. The sales tax tended to track together with no one area going down because of another.

Council Member Roden asked about jobs thresholds.

Bissett stated that not all of the agreements had a job threshold. It was based on the kind of agreement.

Mayor Pro Tem Kamp arrived at the meeting.

Council Member Roden asked if there was a way to track where the workers were coming from.

Bissett stated that a labor study was done about a year ago. It showed that Denton was an employment center and that people were coming to Denton for jobs as opposed to leaving Denton for work.

Mayor Burroughs stated that Aldi Foods had the largest property tax abatement and the second lowest incentive of all of the agreement with only 7% return on investment. However, he also noted that Aldi's incentive had to do with only a single aspect of the business which was the improvement of a road to the Airport that benefited both Aldi and the City. The incentive was done strictly to recoup the cost of the road.

5. Receive a report, hold a discussion and give staff direction related to Denton Municipal Electric's proposed Southridge underground cable replacement project.

Brent Heath, Executive Manager of Energy Delivery, stated that the purpose of the presentation was to inform Council of the current condition of the underground facilities in the Southridge subdivision.

Jerry Fielder, Engineering Division Manager, presented information on the components of underground utilities which included the cable and the transformers. Underground cable deteriorated over time with a typical life of about 30 years. With today's cable technology the expectation was a life span of around 75 years. Water damage was the primary cause of cable deterioration. Many of the old transformers were the dog house style with live parts in the front of the unit. The newer style transformers were lower with a dead front.

The Southridge project was also needed for DME personnel safety. The Occupational Safety and Health Administration and National Electric Safety Code regulations were reviewed. DME had a workspace standard which allowed personnel to work safely and provided a means of escape in case of equipment failure or flashover. That minimum standard was a clear working space of 3 feet from each side of the transformer and a minimum of 10 feet from the front. Many of the old transformers did not meet that standard.

The Southridge Subdivision was among the first underground subdivisions in the City. Several sections were direct buried with the cable not being inside a conduit or duct system.

To get prepared for the project, DME field personnel conducted a field survey and inspection of 210 transformers and 15 survey inputs. The inspection inputs were ranked as high (tasks must be performed now), moderate (tasks should be scheduled as soon as reasonable) and minor (some adjustment may be necessary in the future). Examples of insufficient working space, vegetation obstruction, oil leaks, and tracking were shown.

The project was scheduled to start the week of September 2<sup>nd</sup> after Labor Day and would be done in three distinct phases. DME would have a meeting with the residents of the subdivision.

Mayor Burroughs asked if a fence had to be moved, what would be the anticipated longest period the fence would be down and would a temporary fence be available.

Heath stated that DME staff would be talking with every homeowner and make face to face contact prior to doing any work. If a fence had to be taken down, it was hoped that it would be back up within 6 hours. Phase 1 was expected to start around September 2<sup>nd</sup>, Phase 2 around March 3, 2014 and Phase 3 around September 1, 2014.

Replacement transformers would all be a low profile unit with a dead front style. When replacing a transformer, there would be a short outage while the new transformer was cut over and all services tied back into the system. All new transformers will be positioned to allow DME personnel safe access and working space requirements.

Cable replacement would include excavation on properties that had transformers, secondary pedestals, or conduit junction points. A few small bore pits would be necessary with crews hand

digging bores at each transformer location so that the existing secondary could be reused. All existing 200A primary cable would be replaced with cable in conduit.

DME will have a landscape contractor to make repairs. Any damages would be remedied to the satisfaction of the customer. DME would work with each customer to make sure that the customer was aware of the excavation that would occur and any repairs that were made to their property or landscaping. DME would be requesting the customers to remove obstructions to the transformers prior to work.

Benefits of the project included (1) the electric distribution system reliability would increase due to using new cable technology, and more efficient transformers, (2) new dead front transformers would provide a greater level of safety for Southridge customers and for DME personnel, (3) providing the proper work space and structure clearances would provide safe working conditions for DME employees, and (4) the cable in conduit would allow any future cable replacement to be done in a shorter time frame.

Mayor Pro Tem Kamp stated that communication would be the key for success of this project. She appreciated the thoroughness given to the meeting with the residents.

Mayor Burroughs noted that he had received a Speaker Card for Item 1 on the Work Session and asked if Council would allow the citizen to speak on a Consent Agenda item. Council agreed to hear the speaker.

Joe Doye spoke on Consent Agenda Item 4E. He represented the owners of the property and was requesting the Council delay action on this item.

Following the completion of the Work Session, the Council convened in a Closed Meeting to discuss the following:

1. Closed Meeting:

A. Deliberations regarding Real Property - Under Texas Government Code Section 551.072; Consultation with Attorneys - Under Texas Government Code Section 551.071.

1. Discuss, deliberate, and receive information from staff and provide staff with direction pertaining to the potential purchase of certain real property interests located in the Thomas Toby Survey, Abstract No. 1288, City of Denton, Denton County, Texas, and generally located at the south east corner of Loop 288 and Locust Street. Consultation with the City's attorneys regarding legal issues associated with the potential acquisition and condemnation of the real property described above where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation.

2. Discuss, deliberate, and receive information from staff and provide staff with direction pertaining to the acquisition of real property interests located in the David Hough Survey, Abstract Number 646 and the John B. Brandon Survey, Abstract No. 1515, City of Denton, Denton County, Texas, and located generally within the 1400 through 2100 block range of South Mayhill Road. Consultation with the City's attorneys regarding legal issues associated with the acquisition or condemnation of the real property interests referenced above where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation. (Mayhill Road Widening and Improvements project)
  3. Discuss, deliberate, and receive information from staff and provide staff with direction pertaining to the acquisition of real property interests located (1) in the A.N.B. Tompkins Survey, Abstract Number 1246, Denton County, Texas (located generally in the 2400 block of South Bonnie Brae Street); and (2) in the James Edmonson Survey, Abstract Number 400, Denton County, Texas (located generally on Roselawn Drive, 600 feet east of South Bonnie Brae Street), all in the City of Denton, Denton County, Texas. Consultation with the City's attorneys regarding legal issues associated with the acquisition or condemnation of the real property interests referenced above where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and Denton City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceedings or potential litigation. (Bonnie Brae Street Widening and Improvements project)
  4. Discuss, deliberate, and receive information from staff and provide staff with direction pertaining to the potential lease of certain mineral interests located in the E. Puchalski Survey, Abstract No. 996, City of Denton, Denton County, Texas, and generally located along the 3100 block of West Prairie Street. Consultation with the City's attorneys regarding legal issues associated with the potential lease of certain mineral interests, described above where a public discussion of these legal matters would conflict with the duty of the City's attorneys to the City of Denton and the Denton City Council under Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, or would jeopardize the City's legal position in any administrative proceeding or potential litigation.
- B. Deliberations regarding Public Power Utilities: Competitive Matters - Under Texas Government Code, Section 551.086.

1. Receive a presentation from staff regarding public power utility competitive, financial and commercial matters pertaining to the approval of the Amendment to Power Sales Contract between Texas Municipal Power Agency and the Cities of Bryan, Texas, Denton, Texas, Garland, Texas and Greenville, Texas, a purchase power contract; including without limitation, plans, proposals, as well as other contracting issues. Discuss, deliberate, provide staff with direction, consider and take final action regarding such matters.
- C. Deliberations regarding Personnel Matters - Under Texas Government Code Section 551.074.
1. Deliberate and discuss the appointment and duties of public officers to boards or commissions exercising discretionary or rule making power as opposed to purely advisory powers, which includes without limitation the Health and Building Standards Commission, the Historic Landmark Commission, the Planning and Zoning Commission, and the Zoning Board of Adjustment.
- D. Consultation with Attorneys - Under Texas Government Code Section 551.071.
1. Consult with, and provide direction to, the City's attorneys regarding a proposed enforcement action related to sanitary sewer overflows, where a public discussion of such legal matters would conflict with the duty of the City's attorneys to the City of Denton, Texas and the City Council of the City of Denton, Texas under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas.

Regular Meeting of the City of Denton City Council at 6:30 p.m. in the Council Chambers at City Hall.

**1. PLEDGE OF ALLEGIANCE**

The Council and members of the audience recited the Pledge of Allegiance to the U. S. and Texas flags.

**2. PROCLAMATIONS/PRESENTATIONS**

A. Proclamations/Awards

1. Cigarette Litter Prevention Month

Mayor Burroughs presented the proclamation for Cigarette Litter Prevention Month.

**3. CITIZEN REPORTS**

There were no citizen reports for this meeting.

#### **4. CONSENT AGENDA**

Council Member Gregory motioned, Mayor Pro Tem Kamp seconded to approve the Consent Agenda and accompanying ordinances and resolutions. On roll call vote: Mayor Pro Tem Kamp, Council Member Hawkins, Council Member Gregory, Mayor Burroughs – “aye”. Motion carried unanimously.

##### Ordinance No. 2013-176

- A. Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager, or his designee, to enter into an Interlocal Agreement with Denton County for the County to provide Property Tax Billing and Collections Services for the City of Denton; providing a savings clause; and providing an effective date.

##### Ordinance No. 2013-177

- B. Consider adoption of an ordinance accepting competitive proposals and awarding a public works contract for the construction of Landfill Cells 4AB and 5 for the City of Denton; providing for the expenditure of funds therefor; and providing an effective date (RFP 5256-awarded to FCS Construction, LLC in the amount of \$2,917,242.90). The Public Utilities Board recommends approval (6-0).

##### Ordinance No. 2013-178

- C. Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the purchase of two public safety driving simulators for the City of Denton Joint Public Safety Training Facility; providing for the expenditure of funds therefor; and providing an effective date (RFP 5179-Purchase of Two Public Safety Driving Simulators awarded to FAAC, Inc. in the not-to-exceed amount of \$276,156). (2009 Congressionally Selected Award funded through the US Department of Justice)

##### Approved the minutes listed below.

- D. Consider approval of the minutes of:  
June 4, 2013  
June 11, 2013  
June 18, 2013

##### Ordinance No. 2013-179

- E. Consider adoption of an ordinance finding that a public use and necessity exists to acquire (I) fee simple to a 7.393 acre tract (the "Mayhill Tract"); (II) fee simple to a 4.508 acre tract (the "Landfill Tract"); and (III) a Slope Easement (herein so called), encumbering a 0.804 acre tract, each affected tract located in the John B. Brandon Survey, Abstract Number 1515, City of Denton, Denton County, Texas, as more particularly described on Exhibit "A", attached to the ordinance and made a part thereof, located generally in the 1400 block of South Mayhill Road (the "Property Interests"), for (A) as concerns the Mayhill tract and the Slope Easement, the public use of expanding and improving Mayhill Road, a municipal street and roadway; and (B) as concerns the Landfill Tract, for the public use of expanding and improving the City of Denton Landfill, a permitted municipal

Solid Waste disposal facility; authorizing the City Manager or his designee to make an offer to (1) Cynthia Bond Ables, John Henry Bond, III, Jean Doye Stokes and Wayne Stokes, a married couple, Joe P. Doye, Jr. A/K/A Joseph Pierre Doye, Jr. Patricia Ann Doye A/K/A Patricia Doye Kendall (collectively, the "Owner"); (2) successors in interest to the owner to the Property Interests; or (3) any other owners of the Property Interests, as may be applicable, to purchase the Property Interests for the purchase price of Seven Hundred Eighty Five Thousand Thirty Six Dollars and No Cents (\$785,036.00), and other consideration, as prescribed in the Purchase Agreement (the "Agreement"), as attached to the ordinance and made a part thereof as Exhibit "B"; authorizing the expenditure of funds therefor; authorizing relocation expenditures; and providing an effective date. (Mayhill Road Widening and Improvements project - Bond et al - Parcel M134)

Ordinance No. 2013-180

- F. Consider adoption of an ordinance finding that a public use and necessity exists to acquire (I) fee simple to a 1.029 acre tract (the "Mayhill Tract"); (II) fee simple to a 0.624 acre tract (the "Landfill Tract"); and (III) a Slope Easement (herein so called), encumbering a 0.076 acre tract, each affected tract located in the David Hough Survey, Abstract Number 646, City of Denton, Denton County, Texas, as more particularly described on Exhibit "A", attached to the ordinance and made a part thereof, located generally in the 1900 block of South Mayhill Road (the "Property Interests"), for (A) as concerns the Mayhill Tract and the Slope Easement, the public use of expanding and improving Mayhill Road, a municipal street and roadway; and (B) as concerns the Landfill Tract, for the public use of expanding and improving the City of Denton Landfill, a permitted municipal solid waste disposal facility; authorizing the City Manager or his designee to make an offer to (1) Wilma M. Haggard (The "Owner"); (2) Successors in interest to the owner to the Property Interests; or (3) any other owners of the Property Interests, as may be applicable, to purchase the Property Interests for the purchase price of One Hundred Thirty Three Thousand Eight Hundred Fifty Nine Dollars and No Cents (\$133,859.00), and other consideration, as prescribed in the Purchase Agreement (the "Agreement"), as attached to the ordinance and made a part thereof as Exhibit "B"; authorizing the expenditure of funds therefor; and providing an effective date. (Mayhill Road Widening and Improvements project - Haggard - Parcel M136)

Ordinance No. 2013-181

- G. Consider adoption of an ordinance finding that a public use and necessity exists to acquire (I) fee simple to a 7.628 acre tract (the "Mayhill Tract"); (II) fee simple to 2.276 acres (the "Landfill Lands"); and (III) a Drainage Easement (herein so called), encumbering 0.196 acre, all lands located in the David Hough Survey, Abstract Number 646, City of Denton, Denton County, Texas, as more particularly described on Exhibit "A", attached to the ordinance and made a part thereof, located generally in the 2100 block of South Mayhill Road (the "Property Interests"), for (A) as concerns the Mayhill Tract and the Drainage Easement, the public use of expanding and improving Mayhill Road, a municipal street and roadway; and (B) as concerns the Landfill Lands, for the public use of expanding and improving the City of Denton Landfill, a permitted municipal solid waste



disposal facility; authorizing the City Manager or his designee to make an offer to (1) Kevin Nelms and Richard and wife, Nancy Greb (collectively, the "Owner"); (2) successors in interest to the owner of the to the Property Interests; or (3) any other owners of the Property Interests, as may be applicable, to purchase the Property Interests for the purchase price of Eight Hundred Sixty Seven Thousand Three Hundred Forty Seven Dollars and No Cents (\$867,347.00), and other consideration, as prescribed in the Purchase Agreement (the "Agreement"), as attached to the ordinance and made a part thereof as Exhibit "B"; authorizing the expenditure of funds therefor; and providing an effective date. (Mayhill Road Widening and Improvements project - Nelms/Greb - Parcel M137 & M138)

Resolution No. R2013-016

- H. Consider approval of a resolution authorizing the City Manager, or his designee, to execute on behalf of the City of Denton all contracts and agreements with the State of Texas to accept a grant not to exceed \$500,000 to construct an addition to the Denton Enterprise Airport Terminal.

**5. ITEMS FOR INDIVIDUAL CONSIDERATION**

- A. Consider nominations/appointments to the City's Boards & Commissions.

1. Airport Advisory Board
2. Animal Shelter Advisory Committee
3. Community Development Advisory Committee
4. Health & Building Standards Commission
5. Historic Landmark Commission
6. Human Services Advisory Committee
7. Library Board
8. Parks, Recreation and Beautification Board
9. Planning and Zoning Commission
10. Public Art Committee
11. Public Utilities Board
12. Traffic Safety Commission
13. Zoning Board of Adjustment

City Secretary Walters stated that the nominations had been updated since the Work Session and asked if there were any other nominations.

Mayor Pro Tem Kamp re-nominated Greg Coward to the Health and Building Standards Commission and Jean Greenlaw to the Library Board.

Council Member Gregory motioned, council Member Hawkins seconded to approve the nominations. On roll call vote: Mayor Pro Tem Kamp, Council Member Hawkins, Council Member Gregory, Mayor Burroughs – “aye”. Motion carried unanimously.

- B. Consider appointing a nominating committee to recommend appointees to serve on the Economic Development Partnership Board.

Aimee Bissett, Director of Economic Development, stated that the ordinance establishing the Economic Development Partnership Board required that Council appoint a three person nominating committee to include two Council members and one representative of the Chamber of Commerce. The proposed makeup of the nominating committee was Mayor Pro Tem Pete Kamp, Council Member James King and Chamber of Commerce representative Hank Dickenson. The committee will be confirming with each potential nominee his/her willingness to serve and will make a recommendation to Council for appointment at a future meeting.

Council Member Hawkins motioned, Council Member Gregory seconded to approve the nominating committee. On roll call vote: Mayor Pro Tem Kamp, Council Member Hawkins, Council Member Gregory, Mayor Burroughs – “aye”. Motion carried unanimously.

## **6. PUBLIC HEARINGS**

### Ordinance No. 2013-182

- A. Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas approving a Detailed Plan to allow a 1,691 square-foot building for auto laundry (car wash) on 0.622-acre property located within the Wheeler Ridge Planned Development District (PD-176). The subject site is located at the southeast corner of Teasley Lane (FM 2181) and Robinson Road in the City of Denton, Denton County, Texas; providing for a saving clause; providing for a penalty in the maximum amount of \$2,000.00 for violations, thereof, severability and an effective date. (Z13-0005, Clean and Green Car Wash) The Planning and Zoning Commission recommends approval (6-0).

Brian Lockley, Director of Planning and Development, stated that this request was for a car wash located in a portion of Wheeler Ridge Planned Development. He noted that there were already several other commercial areas in the development. He reviewed the zoning map, future land use map, and a history of PD-176 plus the requirements of a detailed plan. A landscape plan had been submitted with the proposal. The Planning and Zoning Commission and Development Review Committee recommended approval subject to conditions. Those conditions included (1) all original conditions of approval and subsequent modifications associated with PD 176 would remain valid, unless specified in the ordinance, (2) the site plan as submitted would guide the development of the site and (3) the elevation drawing submitted would guide the development of the 1,691 square foot building.

Council Member Gregory asked about any city requirements for recycling of the water.

PS Arora, Wastewater Division Manager, stated that the car wash would be required to trap and pre-treat the water. The car wash was proposing to reuse a lot of the water in-house and recycle it.

The Mayor opened the public hearing.

No one spoke during the public hearing.

The Mayor closed the public hearing.

Mayor Pro Tem Kamp motioned, Council Member Hawkins seconded to adopt the ordinance. On roll call vote: Mayor Pro Tem Kamp, Council Member Hawkins, Council Member Gregory, Mayor Burroughs – “aye”. Motion carried unanimously.

Ordinance No. 2013-183

- B. Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas amending Subchapter 35.5.8 of the Denton Development Code regarding Limitation L(17); providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing for severability, and establishing an effective date. (DCA13-001) The Planning and Zoning Commission recommends approval (6-0).

Brian Lockley, Director of Planning and Development, stated that the proposal was to remove a barrier that existed in L(17) that precluded development in those instances where development could be successfully integrated into the neighborhood. Staff was proposing that L(17) be amended to uses that exceeded 25,000 of square feet of gross floor area per use be required to obtain a specific use permit. If necessary staff could recommend conditions for Council consideration to mitigate a proposed use such as regulation and limitation of uses, regulation limiting magnitude of traffic generation, or regulation of duration of use. The Planning and Zoning Commission and the Development Review Committee recommended approval.

The Mayor opened the public hearing.

No one spoke during the public hearing.

The Mayor closed the public hearing.

Council Member Gregory motioned, Mayor Pro Tem Kamp seconded to adopt the ordinance. On roll call vote: Mayor Pro Tem Kamp, Council Member Hawkins, Council Member Gregory, Mayor Burroughs – “aye”. Motion carried unanimously.

**7. ITEMS FOR INDIVIDUAL CONSIDERATION - CONSIDERATION OF THE USE OF EMINENT DOMAIN TO CONDEMN REAL PROPERTY INTERESTS**

Ordinance No. 2013-184

- A. Consider adoption of an ordinance finding that a public use and necessity exists to acquire through the exercise of the right of eminent domain (I) fee simple to the surface estate, with waiver of surface use related to the mineral estate, of a 4.69 acre tract; (II) a utility and slope easement encumbering 0.56 acre; and (III) a utility and drainage easement encumbering 0.02 acre, for the public use of expanding and improving Bonnie Brae Street, a municipal street and roadway, the affected lands and interests being generally located in the 2400 block of South Bonnie Brae, and being situated in the A. Tompkins Survey, Abstract Number 1246, City of Denton, Denton County, Texas, as more particularly described in Exhibit "A", attached to the ordinance and made a part thereof

(collectively, the Property Interests"); authorizing the filing and prosecution of eminent domain proceedings to acquire the Property Interests; authorizing the expenditure of funds therefor; making findings; providing a savings clause; and providing an effective date. (Parcel 25 - Harlan Properties - Bonnie Brae Widening and Improvements project)

Paul Williamson, Real Estate Manager, stated that this ordinance would authorize eminent domain on the Harlan property located at the southeast intersection of South Bonnie Brae. On-going negotiations with the affected property owner for the subject land rights necessary for the Bonnie Brae Widening and Improvement project had reached an impasse.

Mayor Pro Tem Kamp motioned " I move that the City of Denton, Texas authorize the use of the power of eminent domain to acquire (1) fee simple to the surface estate, with wavier of surface use related to the mineral estate, of a 4.69 acre tract; (2) a utility and slope easement encumbering 0.56 acre of real property; and (3) a utility and drainage easement encumbering 0.02 acre of real property; all being generally located in the 2400 block of South Bonnie Brae Street, and being situated in the A. Tompkins Survey, Abstract No. 1246, and all being more particularly described in Exhibit "A" to the ordinance now under consideration and on the overhead screen being now displayed to the audience, for the public use of Bonnie Brae Street improvements and expansion, a street and roadway in the City of Denton, Texas". Council Member Hawkins seconded to adopt the ordinance.

Real property description is attached as Exhibit 1 to Minutes.

On roll call vote: Mayor Pro Tem Kamp, Council Member Hawkins, Council Member Gregory, Mayor Burroughs – "aye". Motion carried unanimously.

Ordinance No. 2013-185

- B. Consider adoption of an ordinance finding that a public use and necessity exists to acquire through the exercise of the right of eminent domain (I) fee simple to the surface estate, with waiver of surface use related to the mineral estate, of a 1.91 acre tract; (II) a utility and slope easement encumbering 0.57 acre; and (III) a drainage easement encumbering 0.02 acre, for the public use of expanding and improving Bonnie Brae Street, a municipal street and roadway, the affected lands and interests being generally located on Roselawn Drive, 600 feet east of South Bonnie Brae Street, and being situated in the James Edmonson Survey, Abstract Number 400, City of Denton, Denton County, Texas, as more particularly described in Exhibit "A", attached to the ordinance and made a part thereof (collectively, the Property Interests"); authorizing the filing and prosecution of eminent domain proceedings to acquire the Property Interests; authorizing the expenditure of funds therefor; making findings; providing a savings clause; and providing an effective date. (Parcel 34 - Chamberlain - Bonnie Brae Widening and Improvements project)

Paul Williamson, Real Estate Manager, stated that this ordinance would authorize eminent domain on the Chamberlain property located at the southeast intersection of South Bonnie Brae. On-going negotiations with the affected property owner for the subject land rights necessary for the Bonnie Brae Widening and Improvement project had reached an impasse.

Council Member Hawkins motioned, “ I move that the City of Denton, Texas authorize the use of the power of eminent domain to acquire (1) fee simple to the surface estate, with wavier of surface use related to the mineral estate, of a 1.91 acre tract; (2) a utility and slope easement encumbering 0.57 acre of real property; and (3) a utility and drainage easement encumbering 0.02 acre of real property; all being generally located on Roselawn Drive, 600 feet east of South Bonnie Brae Street, and being situated in the James Edmonson Survey, Abstract No. 400, and all being more particularly described in Exhibit “A” to the ordinance now under consideration and on the overhead screen being now displayed to the audience, for the public use of Bonnie Brae Street improvements and expansion, a street and roadway in the City of Denton, Texas”. Council Member Gregory seconded to adopt the ordinance.

Real property description is attached as Exhibit 2 to Minutes.

On roll call vote: Mayor Pro Tem Kamp, Council Member Hawkins, Council Member Gregory, Mayor Burroughs – “aye”. Motion carried unanimously.

## **8. CITIZEN REPORTS**

There were no citizen reports for this meeting.

## **9. CONCLUDING ITEMS**

- A. Under Section 551.042 of the Texas Open Meetings Act, respond to inquiries from the City Council or the public with specific factual information or recitation of policy, or accept a proposal to place the matter on the agenda for an upcoming meeting

AND

Under Section 551.0415 of the Texas Open Meetings Act, provide reports about items of community interest regarding which no action will be taken, to include: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; or an announcement involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

Council Member Gregory requested staff look at an upcoming luncheon meeting to schedule a joint session with the Historic Landmark Commission. The topic of discussion would be the Commission’s proposal for properties in the Downtown area.

- B. Possible Continuation of Closed Meeting under Sections 551.071-551.086 of the Texas Open Meetings Act.

There was no continuation of the Closed Meeting.

With no further business, the meeting was adjourned at 7:31 p.m.

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MARK A. BURROUGHS  
MAYOR  
CITY OF DENTON, TEXAS

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JENNIFER WALTERS  
CITY SECRETARY  
CITY OF DENTON, TEXAS

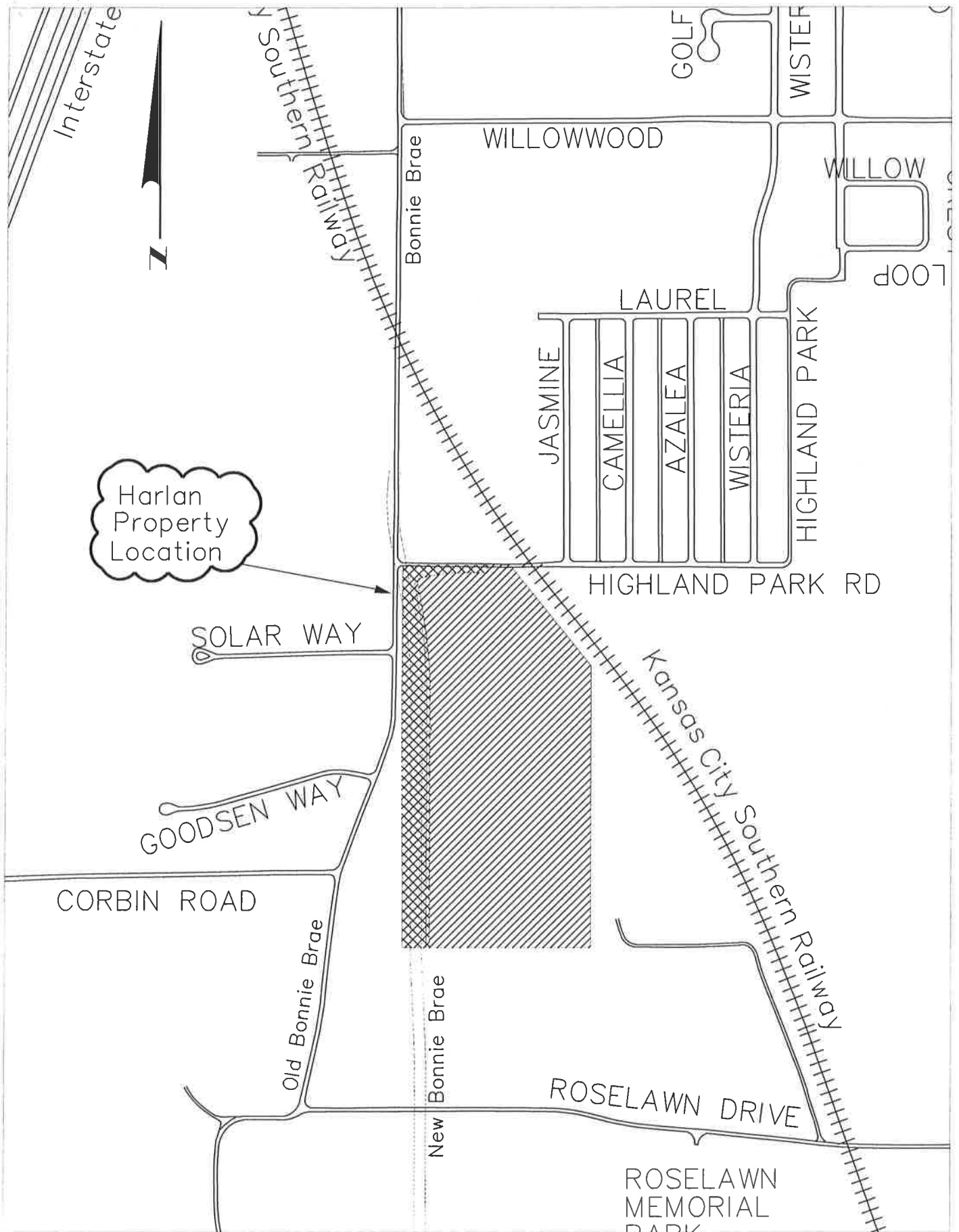
## BOARD AND COMMISSION NOMINATIONS

Board	Council Member	Nomination
Airport Advisory Board	Roden Gregory King	Stu Moorhead (N) Jim Stodola (R)
Animal Shelter Advisory Committee	Engelbrecht Hawkins Burroughs	Sally Cavness (R)
Community Development Advisory Cmte.	Roden Gregory Hawkins King	Amy Simon (N)
Health & Building Standards Commission	Roden Engelbrecht Kamp King Burroughs	Janay Tieken (R)
Historic Landmark Commission	Roden Engelbrecht Hawkins Kamp King All	Michelle Tangora Lynn (R)  Pati Haworth (R)
Human Services Advisory Cmte.	Roden Engelbrecht Kamp King Burroughs All	David Sanchez (R)  Teddy Griffin (R)  Sheryl English (R)
Library Board	Roden Gregory Kamp King	Patrick McLeod (N) Doug Campbell (N)
Parks, Recreation & Beautification Board	Roden King Burroughs	Vicki Byrd (R)  Janet Shelton (R)
Planning and Zoning Commission	Roden Gregory Engelbrecht Hawkins Burroughs	Devin Taylor (R)  Frank Conner (R)

**BOARD AND COMMISSION NOMINATIONS**

<b>Board</b>	<b>Council Member</b>	<b>Nomination</b>
Public Art Committee	Roden Kamp King	Glen Farris (N)
Public Utilities Board	King	
Traffic Safety Commission	Engelbrecht Hawkins Kamp Burroughs	Wally Campbell (R) Patrice Lyke (R)
Zoning Board of Adjustment	Roden Engelbrecht Hawkins King Burroughs Alternate 1 Alternate 2 Alternate 3	John Morris (R)  Connie Baker (R)





## Location Map

HARLAN - P25

EXHIBIT 1 to Minutes

Bonnie Brae Widening and Improvements

# EXHIBIT A - to Ordinance (Property Interest)

PAGE 1 OF 5

SEE SHEET 2

2600 S. BONNIE BRAE  
LOT 30, SEC 2  
DUSTIN & SHANTEL  
BARBER  
SOLAR WAY ADDITION,  
SECTION TWO

2743 S. BONNIE BRAE  
BARBARA SEAL  
VOL. 4639, PG. 1209  
D.R.D.C.T.

2835 S. BONNIE BRAE  
BARBARA SEAL  
INST. NO. 2009-36221  
C.R.D.C.T.

2925 S. BONNIE BRAE  
ALFRED & BECKY CAMP  
INST. NO. 2010-62292  
D.R.D.C.T.

HARLAN PROPERTIES, INC.  
VOL. 4704, PG. 1297  
D.R.D.C.T.

CORBIN ROAD

O.S. BEWSTER SURVEY  
ABSTRACT NO. 62

N00°16'23"E 333.08'

PROPOSED BONNIE BRAE STREET  
(VARIABLE WIDTH R.O.W.)

S00°00'00"W 1163.09'

A. TOMPKINS SURVEY  
ABSTRACT NO. 1246

SET 1/2" I.R.  
W/ GAI CAP

SURVEY LINE

POINT OF  
BEGINNING  
FND 5/8" I.R.

N89°55'12"W  
114.64'

THE CHAMBERLAIN TRUST  
VOL. 4522, PG. 1336  
D.R.D.C.T.

THE CHAMBERLAIN TRUST  
VOL. 4522, PG. 1336  
D.R.D.C.T.

JAMES EDMONDSON SURVEY  
ABSTRACT NO. 450

NOTE: SET 1/2" I.R. W/ GAI CAP TO  
BE SET AT END OF CONSTRUCTION.

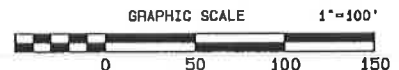
BASIS OF BEARING IS NORTH AMERICAN DATUM  
OF 1983 (NAD-83) STATE PLANE COORDINATE  
SYSTEM, TEXAS NORTH CENTRAL.

PARCEL 25-ROW-1  
BEING A  
204,477 SQ.FT./4.69 ACRE

OF WHICH 6,838 SQ. FT. LIES WITHIN  
EXISTING RIGHT-OF-WAY OF BONNIE BRAE STREET  
SITUATED IN THE A. TOMPKINS SURVEY,  
ABSTRACT NO. 1246,  
DENTON COUNTY, TEXAS



Graham Associates, Inc.  
CONSULTING ENGINEERS & PLANNERS  
800 SIX FLAGS DRIVE, SUITE 500  
ARLINGTON, TEXAS 76011 (817) 640-8535  
TYPE FIRM: F-1191/TDPLS FIRM: 101538-00



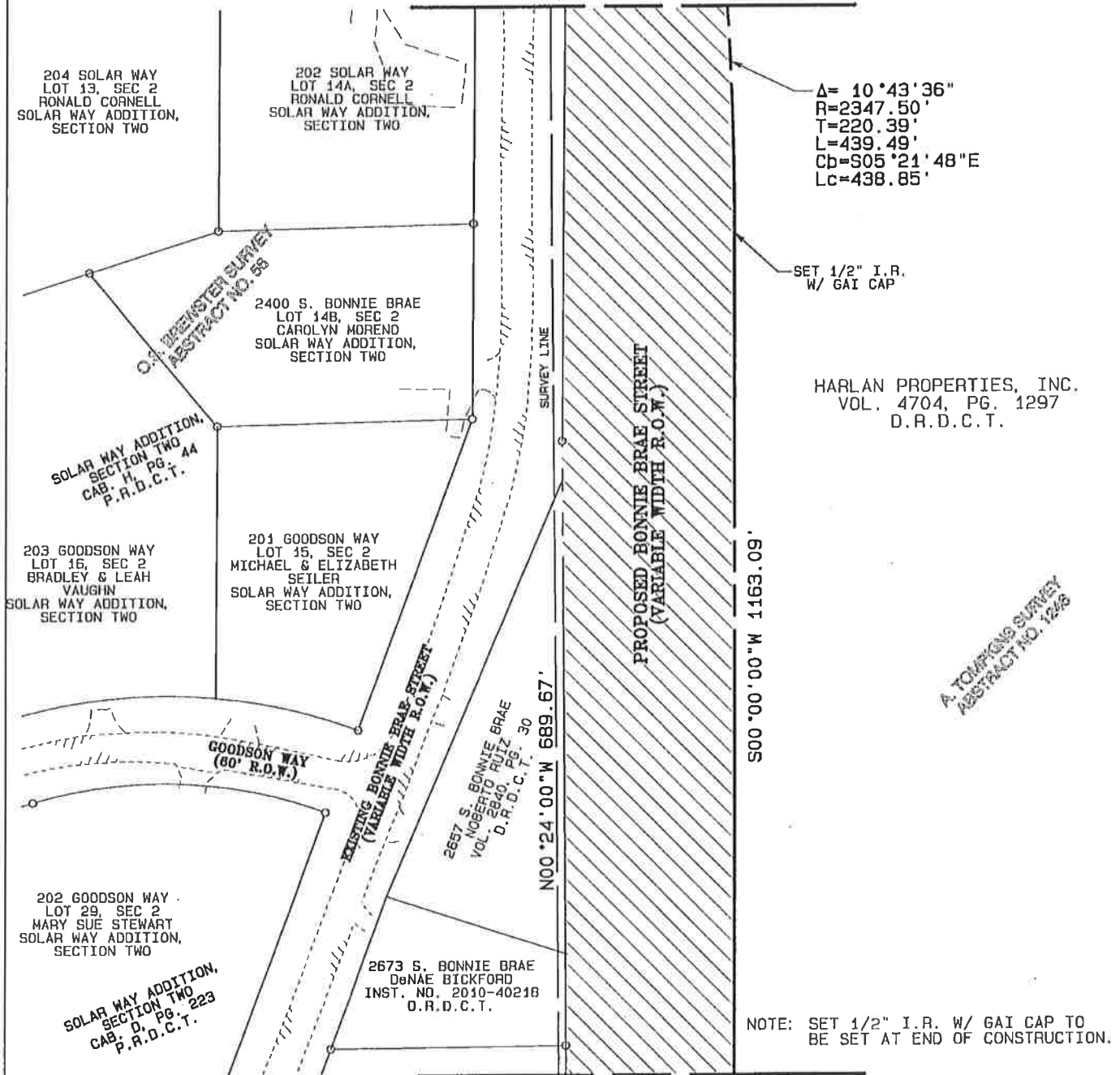
DATE: SEPTEMBER 2012

J/Denton/P25-Row-1

# EXHIBIT A - to Ordinance (Property Interest)

PAGE 2 OF 5

SEE SHEET 3



BASIS OF BEARING IS NORTH AMERICAN DATUM OF 1983 (NAD-83) STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL.

SEE SHEET 1

**PARCEL 25-ROW-1  
BEING A  
204,477 SQ.FT./4.69 ACRE**

**OF WHICH 6,838 SQ. FT. LIES WITHIN  
EXISTING RIGHT-OF-WAY OF BONNIE BRAE STREET  
SITUATED IN THE A. TOMPKINS SURVEY,  
ABSTRACT NO. 1246,  
DENTON COUNTY, TEXAS**



**Graham Associates, Inc.**  
CONSULTING ENGINEERS & PLANNERS  
600 SIX FLAGS DRIVE, SUITE 500  
ARLINGTON, TEXAS 76011 (817) 640-8535  
TBP# FIRM: F-1191/TBPLS FIRM: 101538-00



DATE: SEPTEMBER 2012

J/Denton/P25-Row-1

PAGE 3 OF 5



## EXHIBIT A - to Ordinance (Property Interest)

Page 4 of 5

### PARCEL 25-ROW-1 LEGAL DESCRIPTION

Being a 4.69 acre tract of land situated in the A. Tompkins Survey, Abstract No.1246, Denton County, Texas and being a portion of a tract of land conveyed to Harlan Properties, Inc. as recorded in Volume 4704, Page 1297, Deed Records, Denton County, Texas, and being more particularly described as follows:

BEGINNING at a found 5/8 inch iron rod, said point being the southwest corner of said Harlan tract, being the southeast corner of a tract of land conveyed to Alfred and Becky Camp, as recorded in Instrument No. 2010-62292, Deed Records, Denton County, Texas, and being in the north line a tract of land conveyed to The Chamberlain Trust, as recorded in Volume 4522, Page 1336, Deed Records, Denton County, Texas;

THENCE North 00°16'23" East, leaving said north line and along the east line of said Camp tract, a distance of 333.08 feet to a point for corner, said point being the northeast corner of said Camp tract;

THENCE North 00°24'00" West, along the west line of said Harlan tract, a distance of 689.67 feet to a point for corner, said point being in the existing east right-of-way line of Bonnie Brae Street (having a variable width R.O.W.);

THENCE North 00°19'42" East, along said west line and along said existing east right-of-way line, a distance of 760.24 feet to a point for corner, said point being in the approximate centerline of Highland Park Road (having a variable width R.O.W.), and being the northwest corner of said Harlan tract;

THENCE South 89°30'18" East, leaving said existing east right-of-way line, along the north line of said Harlan tract, and along said approximate centerline, a distance of 397.54 feet to a point for corner;

THENCE South 00°29'42" West, leaving said approximate centerline, a distance of 35.50 feet to a set 1/2 inch iron rod with GAI cap for corner, said point being in the proposed south right-of-way line of Highland Park Road (having a variable width R.O.W.);

THENCE North 89°30'18" West, along said proposed south right-of-way line, a distance of 130.00 feet to a set 1/2 inch iron rod with GAI cap for corner, for the beginning of a tangent curve to the left having a radius of 564.50 feet, a central angle of 11°13'18", and a long chord which bears South 84°53'03" West, 110.38 feet;

THENCE along said proposed south right-of-way line and along said tangent curve to the left, an arc distance of 110.56 feet to a set 1/2 inch iron rod with GAI cap for corner;

**EXHIBIT A - to Ordinance (Property Interest)**

Page 5 of 5

THENCE South 79°16'24" West, continuing along said proposed south right-of-way line, a distance of 88.52 feet to a set 1/2 inch iron rod with GAI cap for corner, said point being the most northerly point of a corner-clip;

THENCE South 34°16'24" West, leaving said proposed south right-of-way line, and along said corner-clip, a distance of 28.28 feet to a set 1/2 inch iron rod with GAI cap for corner, said point being in the proposed east right-of-way line of Bonnie Brae Street (having a variable width R.O.W.);

THENCE South 10°43'36" East, along said proposed east right-of-way line, a distance of 97.31 feet to a set 1/2 inch iron rod with GAI cap for corner, for the beginning of a tangent curve to the right having a radius of 2347.50 feet, a central angle of 10°43'36", and a long chord which bears South 05°21'48" East, 438.85 feet;

THENCE continuing along said proposed east right-of-way line, and along said tangent curve to the right, an arc distance of 439.49 feet to a set 1/2 inch iron rod with GAI cap for corner;

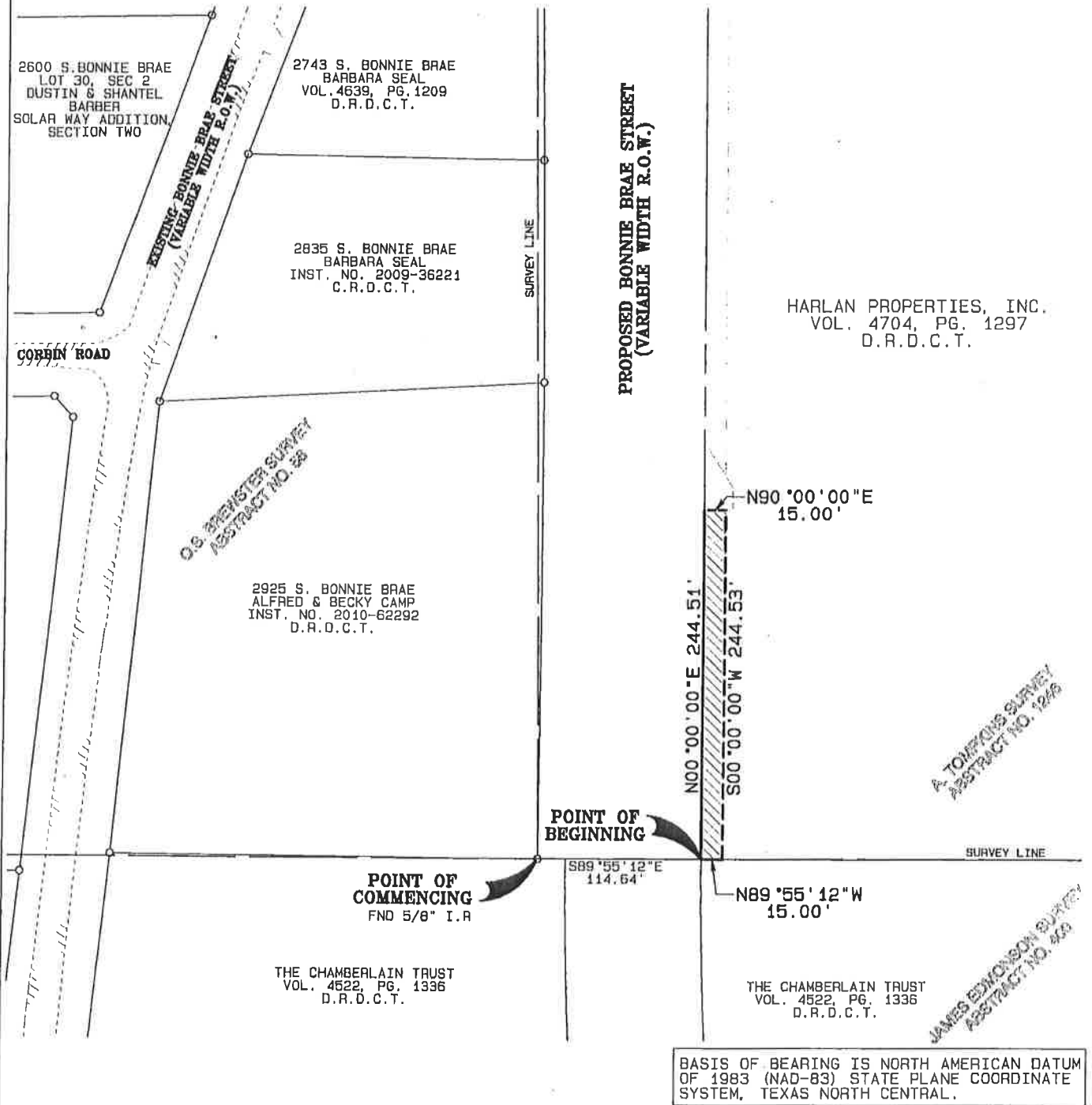
THENCE South 00°00'00" West, continuing along said proposed east right-of-way line, a distance of 1163.09 feet to a set 1/2 inch iron rod with GAI cap for corner, said point being in the north line of said Chamberlain tract;

THENCE North 89°55'12" West, leaving said proposed east right-of-way line, and along said north line, a distance of 114.64 feet to the POINT OF BEGINNING and CONTAINING 204,477 square feet, 4.69 acres of land, more or less, of which 6,838 square feet of land is being used as roadway use and drainage at this time.



# EXHIBIT A - to Ordinance (Property Interest)

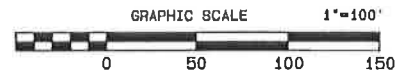
PAGE 1 OF 2



**PARCEL 25-USE-1  
BEING A  
3,668 SQ.FT./0.08 ACRE  
UTILITY & SLOPE EASEMENT  
SITUATED IN THE A. TOMPKINS SURVEY,  
ABSTRACT NO. 1246,  
DENTON COUNTY, TEXAS**



**Graham Associates, Inc.**  
CONSULTING ENGINEERS & PLANNERS  
800 SIX FLAGS DRIVE, SUITE 500  
ARLINGTON, TEXAS 76011 (817) 840-8535  
TELE FIRM: F-1191/TELE FIRM: 101538-00



DATE: DECEMBER 2011

J/Denton/P25-USE-1

**EXHIBIT A - to Ordinance (Property Interest)**

Page 2 of 2

**PARCEL 25-USE-1  
LEGAL DESCRIPTION  
UTILITY & SLOPE EASEMENT**

Being a 0.08 acre tract of land situated in the A. Tompkins Survey, Abstract No.1246, Denton County, Texas and being a portion of a tract of land conveyed to Harlan Properties, Inc. as recorded in Volume 4704, Page 1297, Deed Records, Denton County, Texas, and being more particularly described as follows:

COMMENCING at a found 5/8 inch iron rod, said point being the southwest corner of said Harlan tract, being the southeast corner of a tract of land conveyed to Alfred and Becky Camp, as recorded in Instrument No. 2010-62292, Deed Records, Denton County, Texas, and being in the north line a tract of land conveyed to The Chamberlain Trust, as recorded in Volume 4522, Page 1336, Deed Records, Denton County, Texas;

THENCE South 89°55'12" East, along said north line, a distance of 114.64 feet to a point for the POINT OF BEGINNING, said point being in the said north line of The Chamberlain Trust tract and being in the proposed east right-of-way line of Bonnie Brae Street (having a variable width R.O.W.);

THENCE North 00°00'00" East, leaving said south line and along said proposed east right-of-way line, a distance of 244.51 feet to a point for corner;

THENCE North 90°00'00" East, leaving said proposed east right-of-way line, a distance of 15.00 feet to a point for corner;

THENCE South 00°00'00" West, a distance of 244.53 feet to a point for corner, said point being in the south line of said Harlan tract and being the north line of said The Chamberlain Trust tract, being a common line;

THENCE North 89°55'12" West, leaving said proposed east right-of-way line and along said common line, a distance of 15.00 feet to the POINT OF BEGINNING and CONTAINING 3,668 square feet, 0.08 acres of land, more or less.

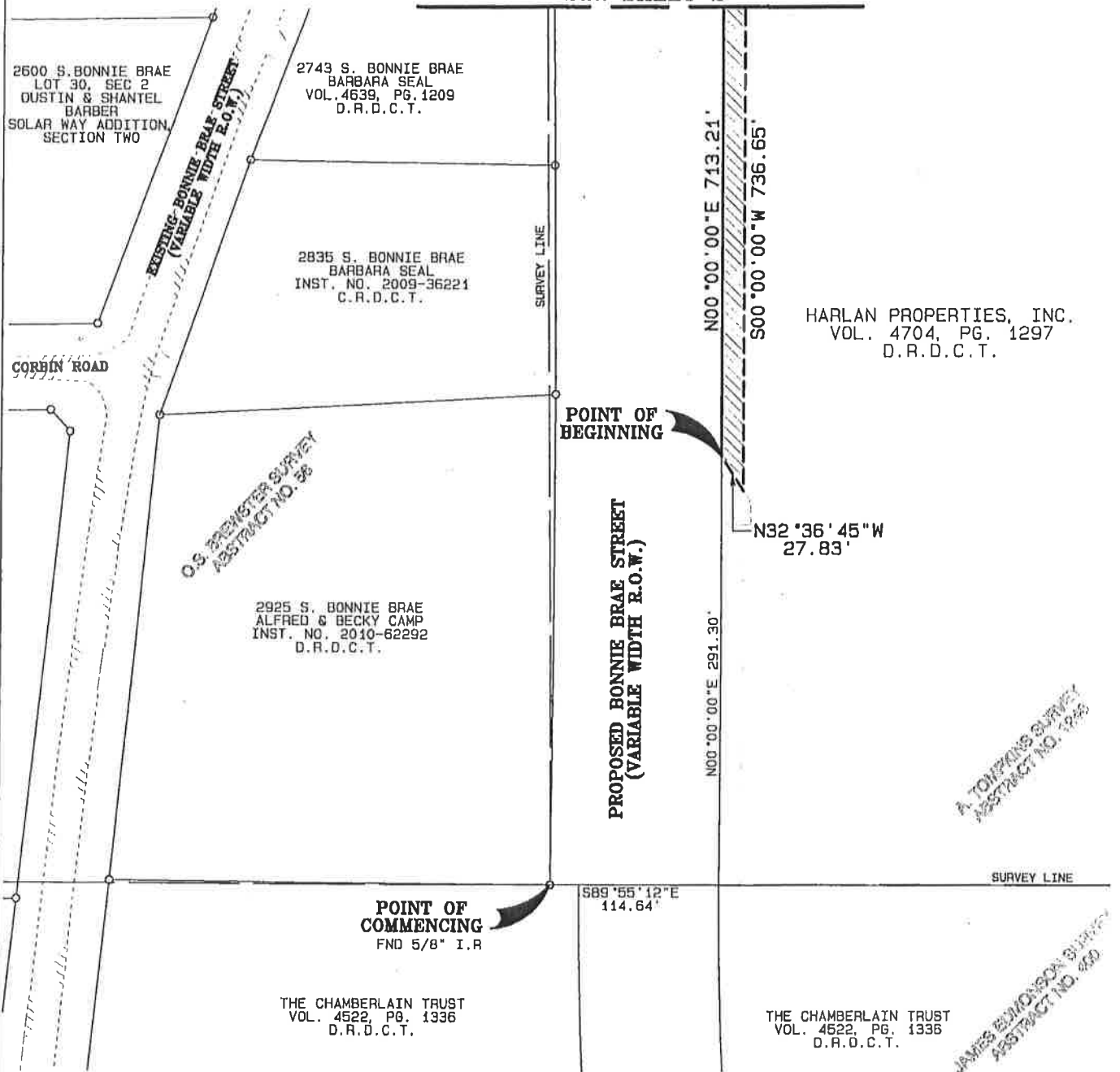




# EXHIBIT A - to Ordinance (Property Interest)

PAGE 1 OF 3

SEE SHEET 2

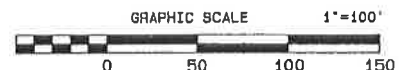


BASIS OF BEARING IS NORTH AMERICAN DATUM  
OF 1983 (NAD-83) STATE PLANE COORDINATE  
SYSTEM, TEXAS NORTH CENTRAL.

PARCEL 25-USE-2  
BEING A  
10,874 SQ.FT./0.25 ACRE  
UTILITY & SLOPE EASEMENT  
SITUATED IN THE A. TOMPKINS SURVEY,  
ABSTRACT NO. 1246,  
DENTON COUNTY, TEXAS



Graham Associates, Inc.  
CONSULTING ENGINEERS & PLANNERS  
600 SIX FLAGS DRIVE, SUITE 500  
ARLINGTON, TEXAS 76011 (817) 640-8536  
TBE FIRM: F-1191/TBPLS FIRM: 101538-00

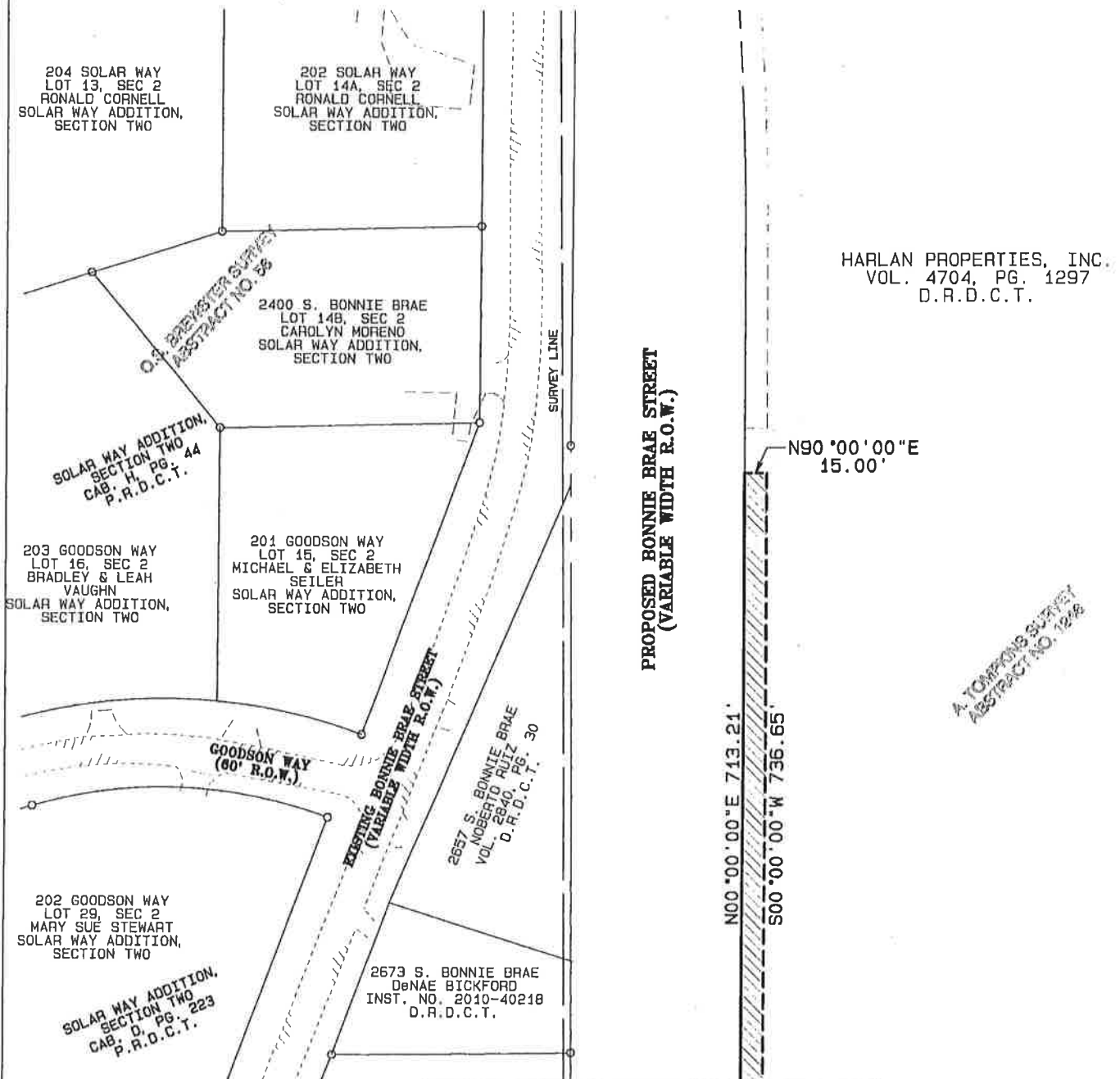


DATE: DECEMBER 2011

J/Denton/P25-USE-2

# EXHIBIT A - to Ordinance (Property Interest)

PAGE 2 OF 3



SEE SHEET 1

BASIS OF BEARING IS NORTH AMERICAN DATUM OF 1983 (NAD-83) STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL.

PARCEL 25-SE-2  
BEING A  
10,874 SQ.FT./0.25 ACRE  
UTILITY & SLOPE EASEMENT  
SITUATED IN THE A. TOMPKINS SURVEY,  
ABSTRACT NO. 1246,  
DENTON COUNTY, TEXAS



Graham Associates, Inc.  
CONSULTING ENGINEERS & PLANNERS  
800 SIX FLAGS DRIVE, SUITE 800  
ARLINGTON, TEXAS 76011 (817) 840-8838  
TBP# FIRM: F-1191/TBPLS FIRM: 101638-00



DATE: DECEMBER 2011

J/Denton/P25-USE-2

EXHIBIT A - to Ordinance (Property Interest)

Page 3 of 3

PARCEL 25-USE-2  
LEGAL DESCRIPTION  
UTILITY & SLOPE EASEMENT

Being a 0.25 acre tract of land situated in the A. Tompkins Survey, Abstract No.1246, Denton County, Texas and being a portion of a tract of land conveyed to Harlan Properties, Inc. as recorded in Volume 4704, Page 1297, Deed Records, Denton County, Texas, and being more particularly described as follows:

COMMENCING at a found 5/8 inch iron rod, said point being the southwest corner of said Harlan tract, being the southeast corner of a tract of land conveyed to Alfred and Becky Camp, as recorded in Instrument No. 2010-62292, Deed Records, Denton County, Texas, and being in the north line a tract of land conveyed to The Chamberlain Trust, as recorded in Volume 4522, Page 1336, Deed Records, Denton County, Texas;

THENCE South 89°55'12" East, along said north line, a distance of 114.64 feet to a point for corner, said point being in the said north line of The Chamberlain Trust tract and being in the proposed east right-of-way line of Bonnie Brac Street (having a variable width R.O.W.);

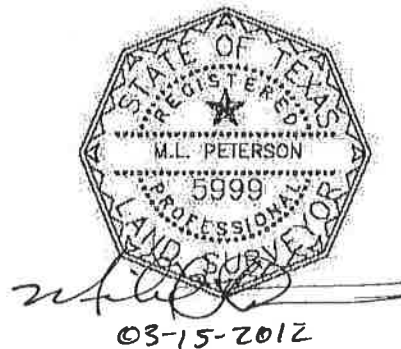
THENCE North 00°00'00" East, leaving said south line and along said proposed east right-of-way line, a distance of 291.30 feet to a point for the POINT OF BEGINNING;

THENCE North 00°00'00" East, continuing along said proposed east right-of-way line, a distance of 713.21 feet to a point for corner;

THENCE North 90°00'00" East, leaving said proposed east right-of-way line, a distance of 15.00 feet to a point for corner;

THENCE South 00°00'00" West, a distance of 736.65 feet to a point for corner;

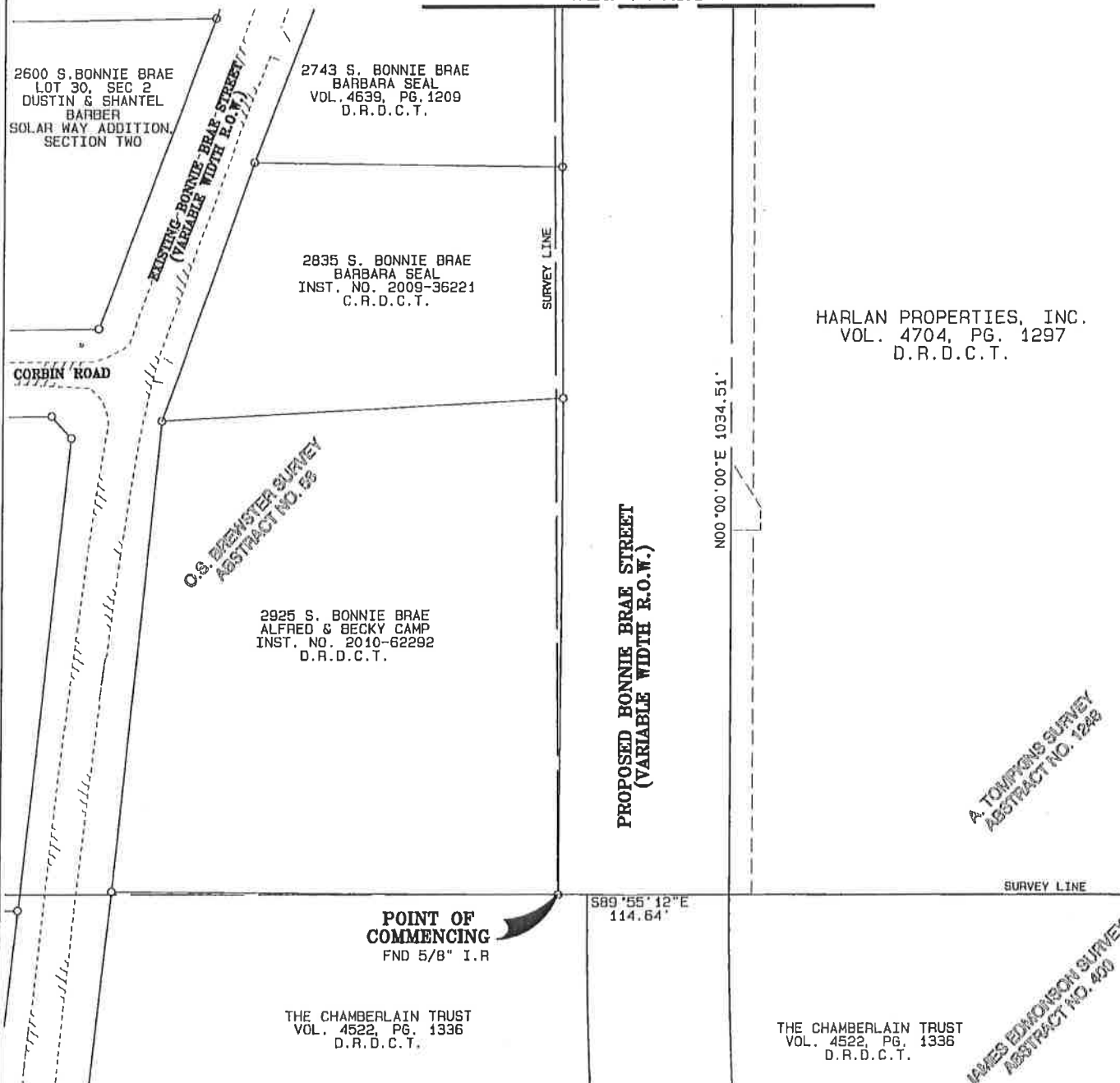
THENCE North 32°36'45" West, a distance of 27.83 feet to the POINT OF BEGINNING and CONTAINING 10,874 square feet, 0.25 acres of land, more or less.



# EXHIBIT A - to Ordinance (Property Interest)

PAGE 1 OF 5

SEE SHEET 2

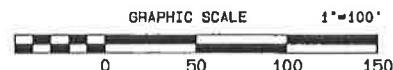


BASIS OF BEARING IS NORTH AMERICAN DATUM OF 1983 (NAD-83) STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL.

**PARCEL 25-USE-3  
BEING A  
10,114 SQ.FT./0.23 ACRE  
UTILITY & SLOPE EASEMENT  
SITUATED IN THE A. TOMPKINS SURVEY,  
ABSTRACT NO. 1246,  
DENTON COUNTY, TEXAS**



**Graham Associates, Inc.**  
CONSULTING ENGINEERS & PLANNERS  
800 SIX FLAGS DRIVE, SUITE 600  
ARLINGTON, TEXAS 76011 (817) 840-8535  
T&PE FIRM: F-1191/T&PLS FIRM: 101536-00



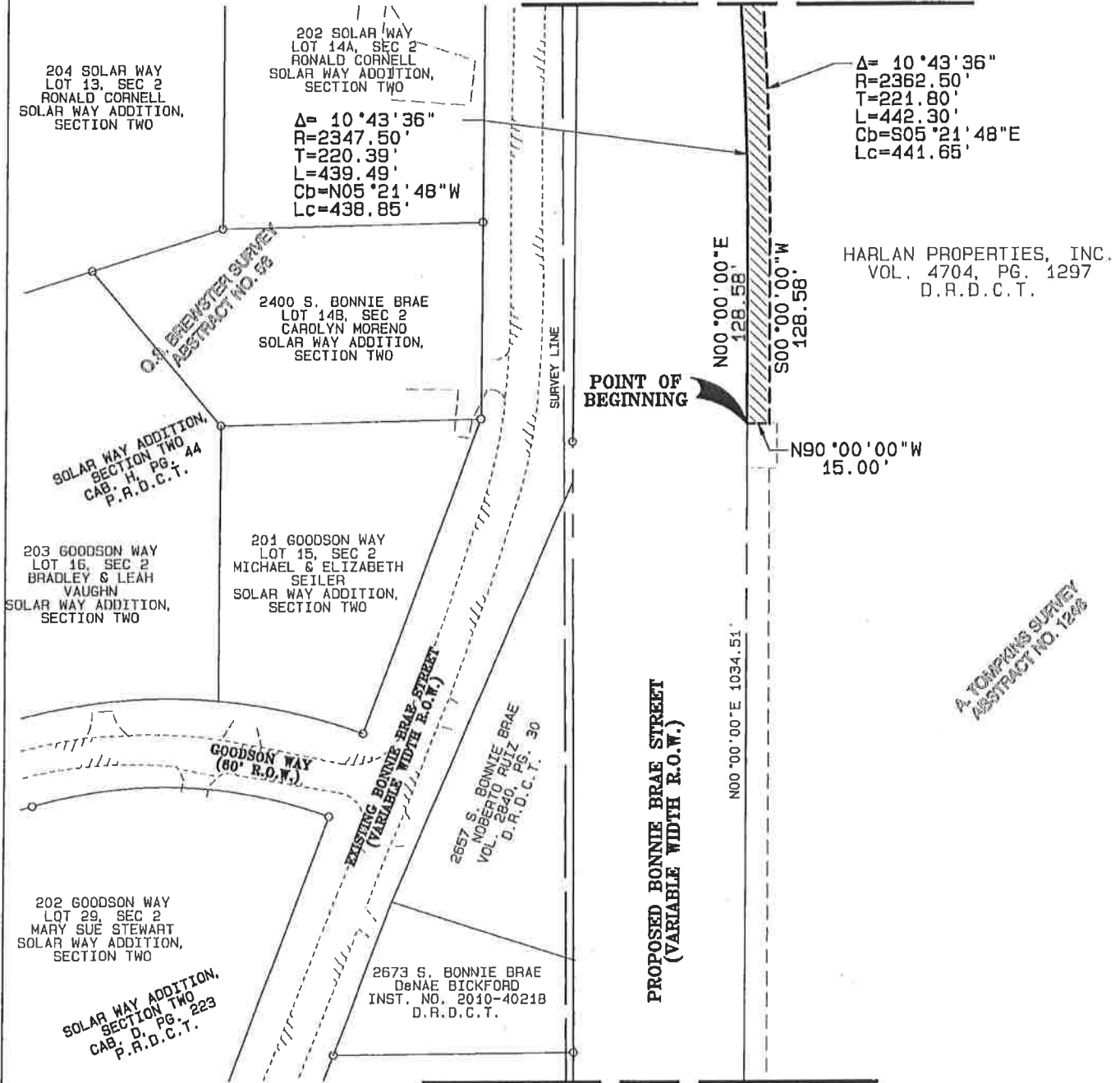
DATE: DECEMBER 2011

J/Denton/P25-USE-3

# EXHIBIT A - to Ordinance (Property Interest)

PAGE 2 OF 5

SEE SHEET 3



SEE SHEET 1

BASIS OF BEARING IS NORTH AMERICAN DATUM  
OF 1983 (NAD-83) STATE PLANE COORDINATE  
SYSTEM, TEXAS NORTH CENTRAL.

PARCEL 25-USE-3  
BEING A  
10,114 SQ.FT./0.23 ACRE  
UTILITY & SLOPE EASEMENT  
SITUATED IN THE A. TOMPKINS SURVEY,  
ABSTRACT NO. 1246,  
DENTON COUNTY, TEXAS



DATE: DECEMBER 2011

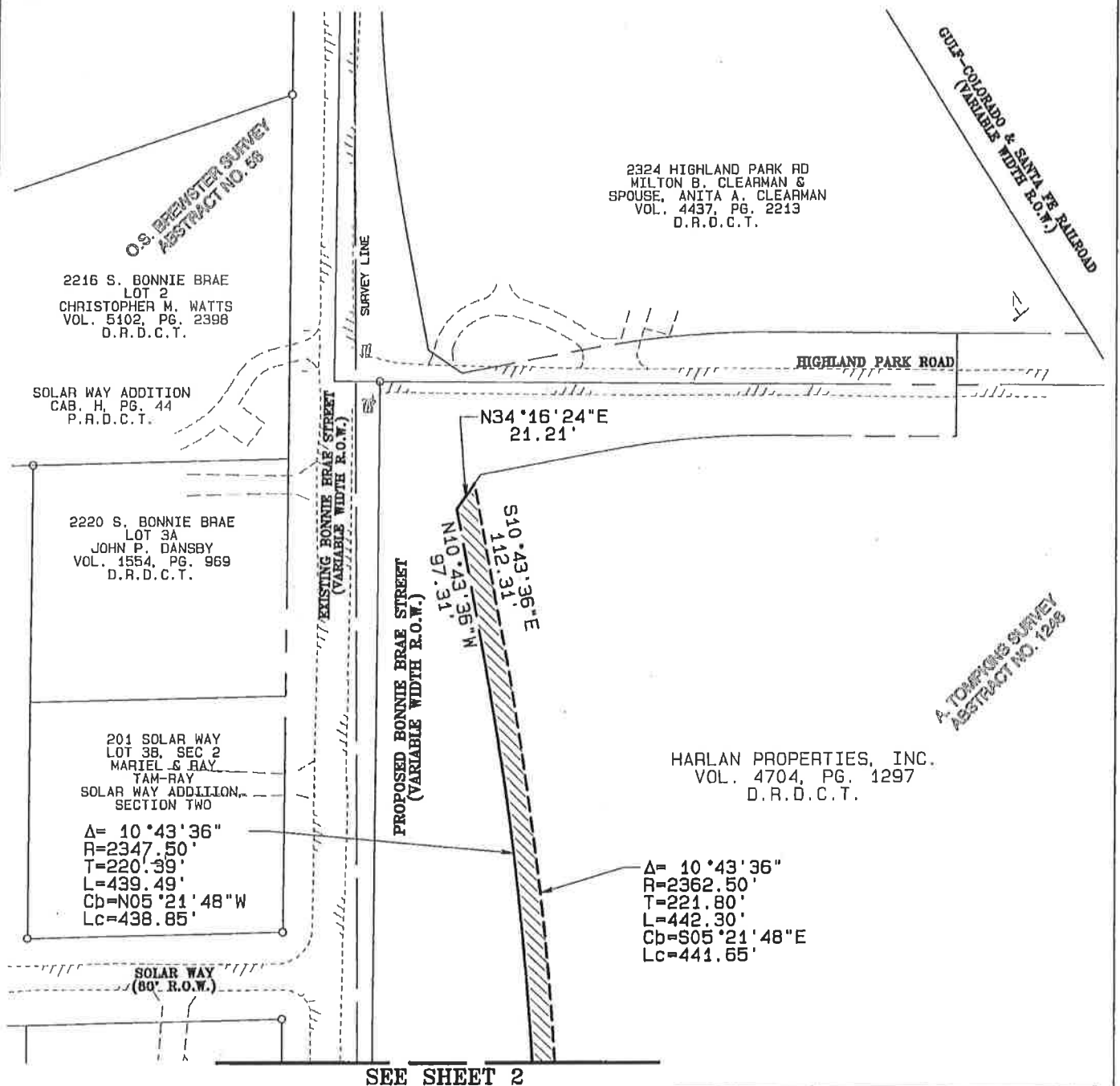


Graham Associates, Inc.  
CONSULTING ENGINEERS & PLANNERS  
800 SIX FLAGS DRIVE, SUITE 500  
ARLINGTON, TEXAS 76011 (817) 640-8535  
TSPF FIRM: F-1181/TBPLS FIRM: 101538-00

J/Denton/P25-USE-3

# EXHIBIT A - to Ordinance (Property Interest)

PAGE 3 OF 5



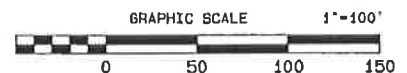
SEE SHEET 2

BASIS OF BEARING IS NORTH AMERICAN DATUM OF 1983 (NAD-83) STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL.

**PARCEL 25-USE-3  
BEING A  
10,114 SQ.FT./0.23 ACRE  
UTILITY & SLOPE EASEMENT  
SITUATED IN THE A. TOMPKINS SURVEY,  
ABSTRACT NO. 1246,  
DENTON COUNTY, TEXAS**



**Graham Associates, Inc.**  
CONSULTING ENGINEERS & PLANNERS  
800 SIX FLAGS DRIVE, SUITE 500  
ARLINGTON, TEXAS 76011 (817) 840-8535  
TBP# FIRM: F-1101/TBPLS FIRM: 101538-00



DATE: DECEMBER 2011

J/Denton/P25-USE-3

**EXHIBIT A - to Ordinance (Property Interest)**

Page 4 of 5

**PARCEL 25-USE-3  
LEGAL DESCRIPTION  
UTILITY & SLOPE EASEMENT**

Being a 0.23 acre tract of land situated in the A. Tompkins Survey, Abstract No.1246, Denton County, Texas and being a portion of a tract of land conveyed to Harlan Properties, Inc. as recorded in Volume 4704, Page 1297, Deed Records, Denton County, Texas, and being more particularly described as follows:

COMMENCING at a found 5/8 inch iron rod, said point being the southwest corner of said Harlan tract, being the southeast corner of a tract of land conveyed to Alfred and Becky Camp, as recorded in Instrument No. 2010-62292, Deed Records, Denton County, Texas, and being in the north line a tract of land conveyed to The Chamberlain Trust, as recorded in Volume 4522, Page 1336, Deed Records, Denton County, Texas;

THENCE South 89°55'12" East, along said north line, a distance of 114.64 feet to a point for corner, said point being in the said north line of The Chamberlain Trust tract and being in the proposed east right-of-way line of Bonnie Brae Street (having a variable width R.O.W.);

THENCE North 00°00'00" East, leaving said south line and along said proposed east right-of-way line, a distance of 1034.51 feet to a point for the POINT OF BEGINNING;

THENCE North 00°00'00" East, continuing along said proposed east right-of-way line, a distance of 128.58 feet to a point for corner, for the beginning of a tangent curve to the left having a radius of 2347.50 feet, a central angle of 10°43'36", and a long chord which bears North 05°21'48" West, 438.85 feet;

THENCE continuing along said proposed east right-of-way line and along said tangent curve to the left, an arc distance of 439.49 feet to a point for corner;

THENCE North 10°43'36" West, continuing along said proposed east right-of-way line, a distance of 97.31 feet to a point for corner, said point being the southwest corner of a corner-clip of the intersection said proposed east right-of-way line of Bonnie Brae Street and the proposed south right-of-way line of Highland Park Road (having a variable width R.O.W.);

THENCE North 34°16'24" East, along said corner-clip, a distance of 21.21 feet to a point for corner;

THENCE South 10°43'36" East, leaving said corner-clip, a distance of 112.31 feet to a point for corner, for the beginning of a tangent curve to the right having a radius of 2362.50 feet, a central angle of 10°43'36", and a long chord which bears South 05°21'48" East, 441.65 feet;

THENCE along said tangent curve to the right, an arc distance of 442.30 feet to a point for corner;

THENCE South 00°00'00" West, a distance of 128.58 feet to a point for corner;

**EXHIBIT A - to Ordinance (Property Interest)**

Page 5 of 5

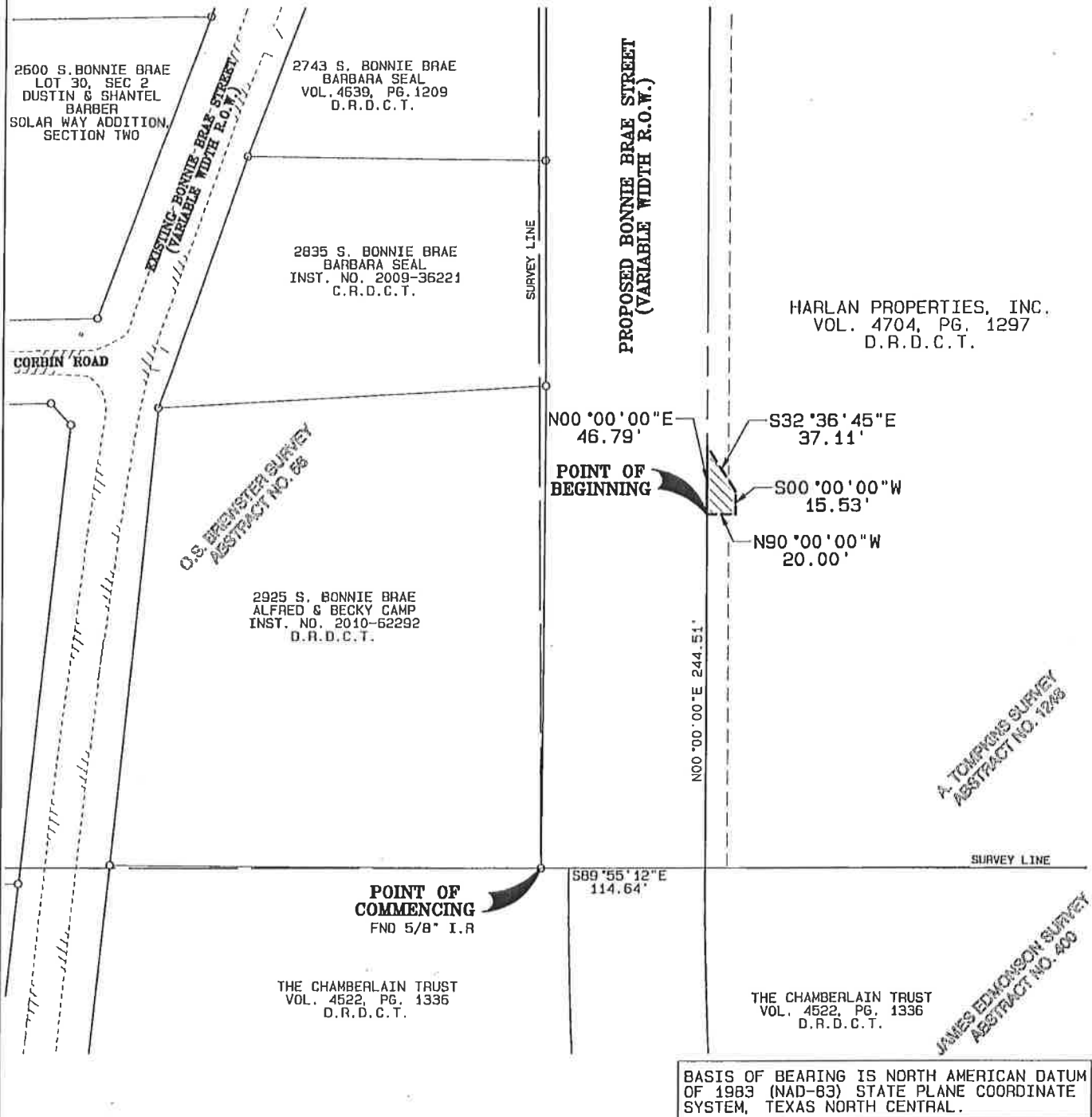
THENCE North 90°00'00" West, a distance of 15.00 feet to the POINT OF BEGINNING and CONTAINING 10,114 square feet, 0.23 acres of land, more or less.





# EXHIBIT A - to Ordinance (Property Interest)

PAGE 1 OF 2



**PARCEL 25-UDE-1  
BEING A  
623 SQ.FT./0.01 ACRE  
UTILITY & DRAINAGE EASEMENT  
SITUATED IN THE A. TOMPKINS SURVEY,  
ABSTRACT NO. 1246,  
DENTON COUNTY, TEXAS**



**Graham Associates, Inc.**  
CONSULTING ENGINEERS & PLANNERS  
800 SIX FLAGS DRIVE, SUITE 500  
ARLINGTON, TEXAS 76011 (817) 840-8535  
TXPE FIRM: F-1191/TXPLS FIRM: 101538-00



DATE: SEPTEMBER 2012

J/Denton/P25-UDE-1

EXHIBIT A - to Ordinance (Property Interest)

Page 2 of 2

PARCEL 25-UDE-1  
LEGAL DESCRIPTION  
UTILITY & DRAINAGE EASEMENT

Being a 0.01 acre tract of land situated in the A. Tompkins Survey, Abstract No.1246, Denton County, Texas and being a portion of a tract of land conveyed to Harlan Properties, Inc. as recorded in Volume 4704, Page 1297, Deed Records, Denton County, Texas, and being more particularly described as follows:

COMMENCING at a found 5/8 inch iron rod, said point being the southwest corner of said Harlan tract, being the southeast corner of a tract of land conveyed to Alfred and Becky Camp, as recorded in Instrument No. 2010-62292, Deed Records, Denton County, Texas, and being in the north line a tract of land conveyed to The Chamberlain Trust, as recorded in Volume 4522, Page 1336, Deed Records, Denton County, Texas;

THENCE South 89°55'12" East, along said north line, a distance of 114.64 feet to a point for corner, said point being in the said north line of The Chamberlain Trust tract and being in the proposed east right-of-way line of Bonnie Brae Street (having a variable width R.O.W.);

THENCE North 00°00'00" East, leaving said south line and along said proposed east right-of-way line, a distance of 244.51 feet to a point for the POINT OF BEGINNING;

THENCE North 00°00'00" East, continuing along said proposed east right-of-way line, a distance of 46.79 feet to a point for corner;

THENCE South 32°36'45" East, leaving said proposed east right-of-way line, a distance of 37.11 feet to a point for corner;

THENCE South 00°00'00" West, a distance of 15.53 feet to a point for corner;

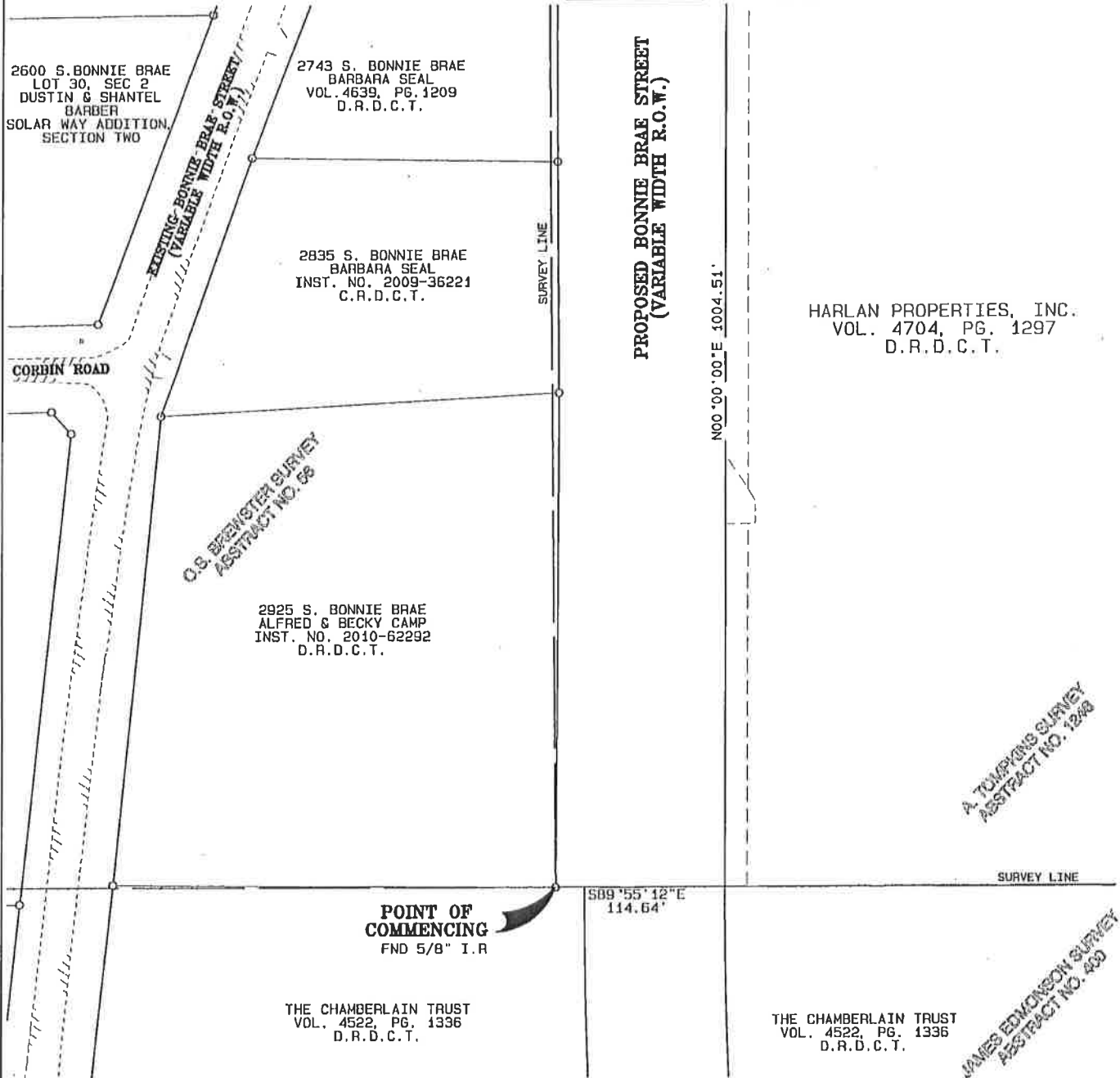
THENCE North 90°00'00" West, a distance of 20.00 feet to the POINT OF BEGINNING and CONTAINING 623 square feet, 0.01 acres of land, more or less.



EXHIBIT A - to Ordinance (Property Interest)

PAGE 1 OF 3

SEE SHEET 2



BASIS OF BEARING IS NORTH AMERICAN DATUM  
OF 1983 (NAD-83) STATE PLANE COORDINATE  
SYSTEM, TEXAS NORTH CENTRAL.

PARCEL 25-UDE-2  
BEING A  
600 SQ.FT./0.01 ACRE  
UTILITY & DRAINAGE EASEMENT  
SITUATED IN THE A. TOMPKINS SURVEY,  
ABSTRACT NO. 1246,  
DENTON COUNTY, TEXAS



GRAPHIC SCALE 1"=100'



DATE: SEPTEMBER 2012

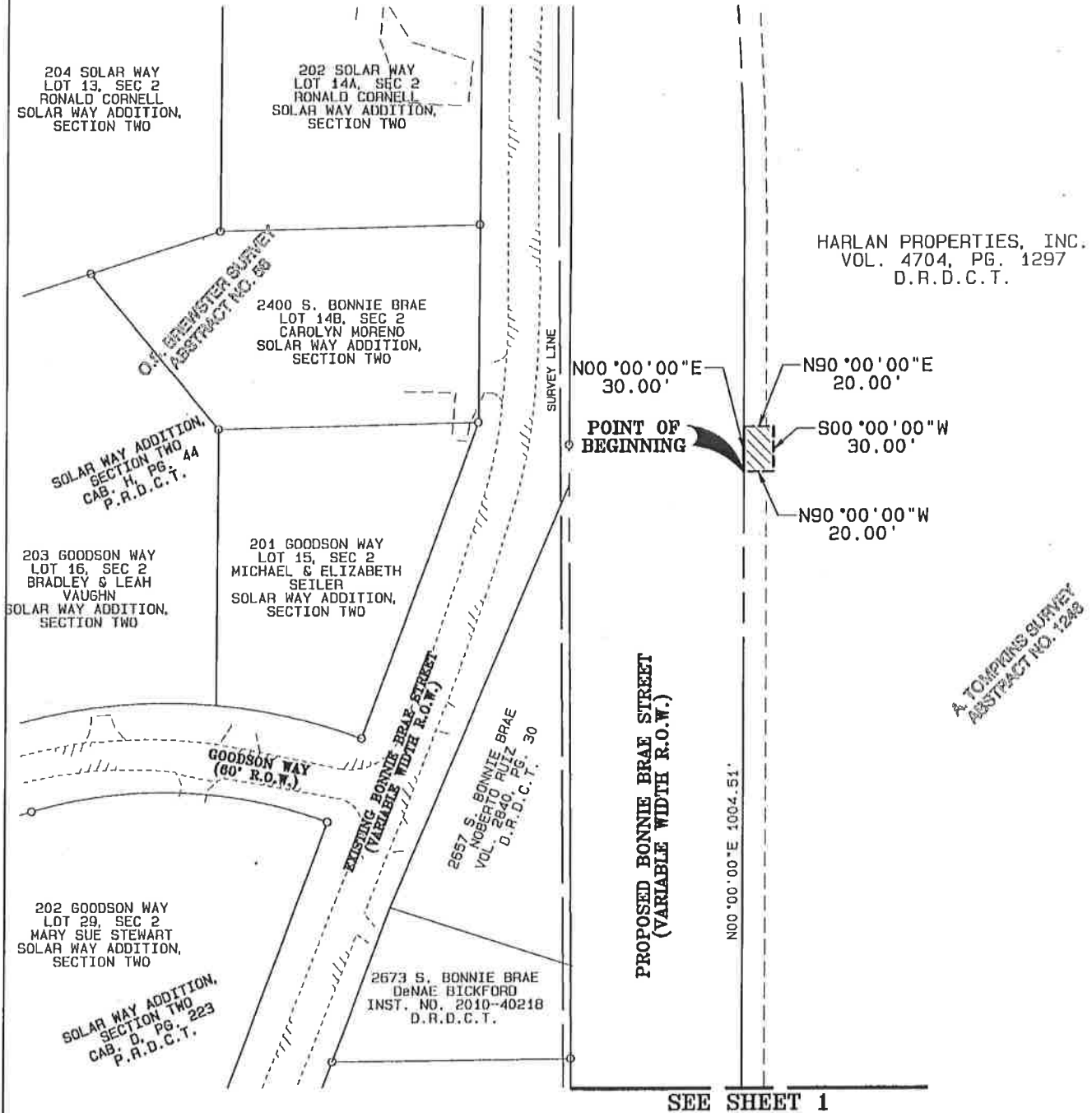


Graham Associates, Inc.  
CONSULTING ENGINEERS & PLANNERS  
800 SIX FLAGS DRIVE, SUITE 500  
ARLINGTON, TEXAS 76011 (817) 640-8535  
TDE FIRM: F-1101/TBPLS FIRM: 101538-00

J/Denton/P25-UDE-2

# EXHIBIT A - to Ordinance (Property Interest)

PAGE 2 OF 3



SEE SHEET 1

BASIS OF BEARING IS NORTH AMERICAN DATUM OF 1983 (NAD-83) STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL.

**PARCEL 25-UDE-2  
BEING A  
600 SQ.FT./0.01 ACRE  
UTILITY & DRAINAGE EASEMENT  
SITUATED IN THE A. TOMPKINS SURVEY,  
ABSTRACT NO. 1246,  
DENTON COUNTY, TEXAS**



**Graham Associates, Inc.**  
CONSULTING ENGINEERS & PLANNERS  
800 SIX FLAGS DRIVE, SUITE 500  
ARLINGTON, TEXAS 76011 (817) 840-8535  
TELE FIRM: F-1101/TELE FIRM: 101538-00



DATE: SEPTEMBER 2012

J/Denton/P25-UDE-2

EXHIBIT A - to Ordinance (Property Interest)

Page 3 of 3

PARCEL 25-UDE-2  
LEGAL DESCRIPTION  
UTILITY & DRAINAGE EASEMENT

Being a 0.01 acre tract of land situated in the A. Tompkins Survey, Abstract No.1246, Denton County, Texas and being a portion of a tract of land conveyed to Harlan Properties, Inc. as recorded in Volume 4704, Page 1297, Deed Records, Denton County, Texas, and being more particularly described as follows:

COMMENCING at a found 5/8 inch iron rod, said point being the southwest corner of said Harlan tract, being the southeast corner of a tract of land conveyed to Alfred and Becky Camp, as recorded in Instrument No. 2010-62292, Deed Records, Denton County, Texas, and being in the north line a tract of land conveyed to The Chamberlain Trust, as recorded in Volume 4522, Page 1336, Deed Records, Denton County, Texas;

THENCE South 89°55'12" East, along said north line, a distance of 114.64 feet to a point for corner, said point being in the said north line of The Chamberlain Trust tract and being in the proposed east right-of-way line of Bonnie Brae Street (having a variable width R.O.W.);

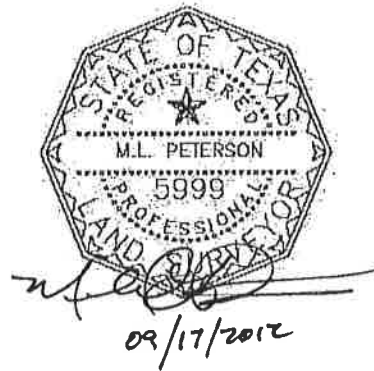
THENCE North 00°00'00" East, leaving said south line and along said proposed east right-of-way line, a distance of 1004.51 feet to a point for the POINT OF BEGINNING;

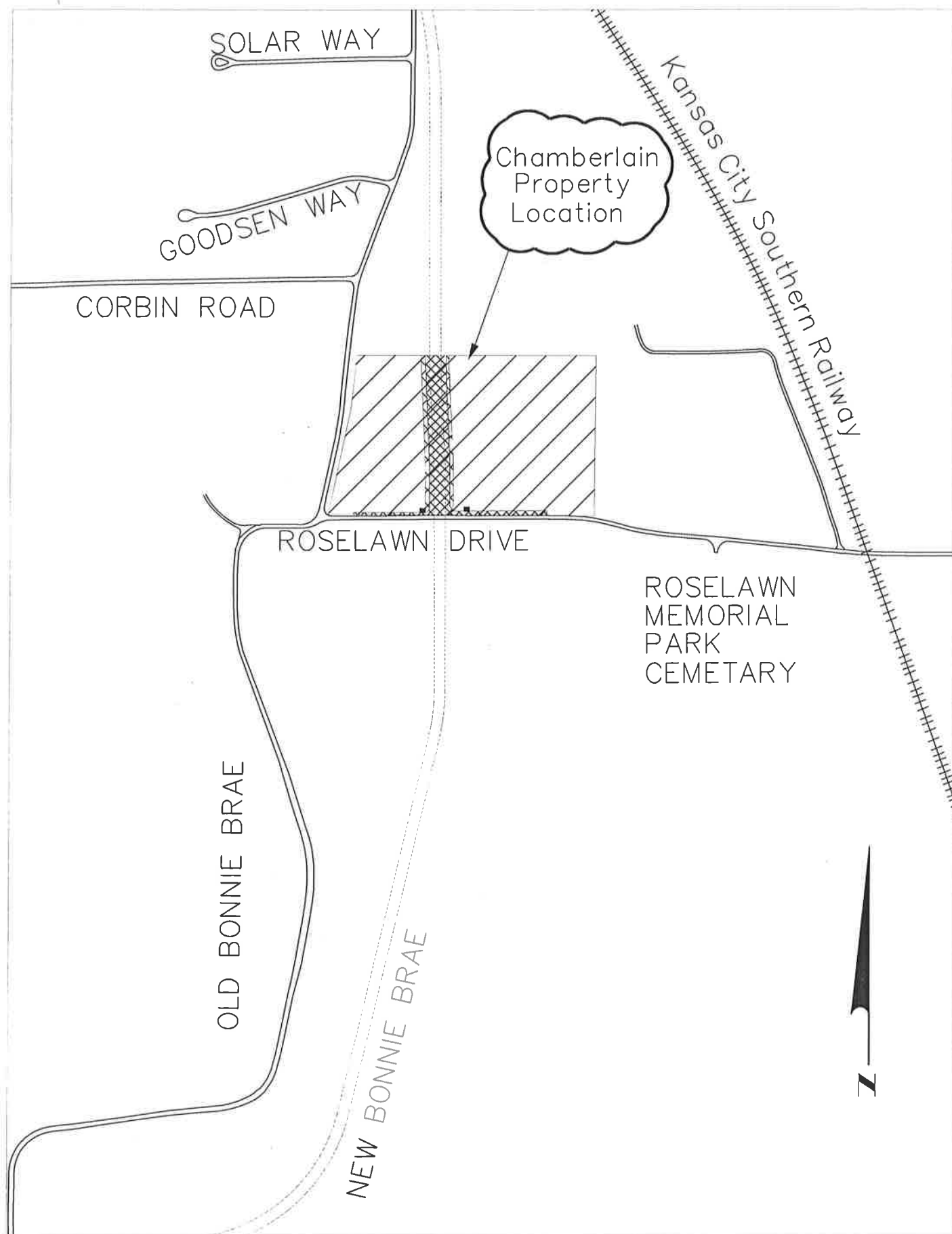
THENCE North 00°00'00" East, continuing along said proposed east right-of-way line, a distance of 30.00 feet to a point for corner;

THENCE North 90°00'00" East, leaving said proposed east right of way line, a distance of 20.00 feet to a point for corner;

THENCE South 00°00'00" West, a distance of 30.00 feet to a point for corner;

THENCE North 90°00'00" West, a distance of 20.00 feet to the POINT OF BEGINNING and CONTAINING 600 square feet, 0.01 acres of land, more or less.



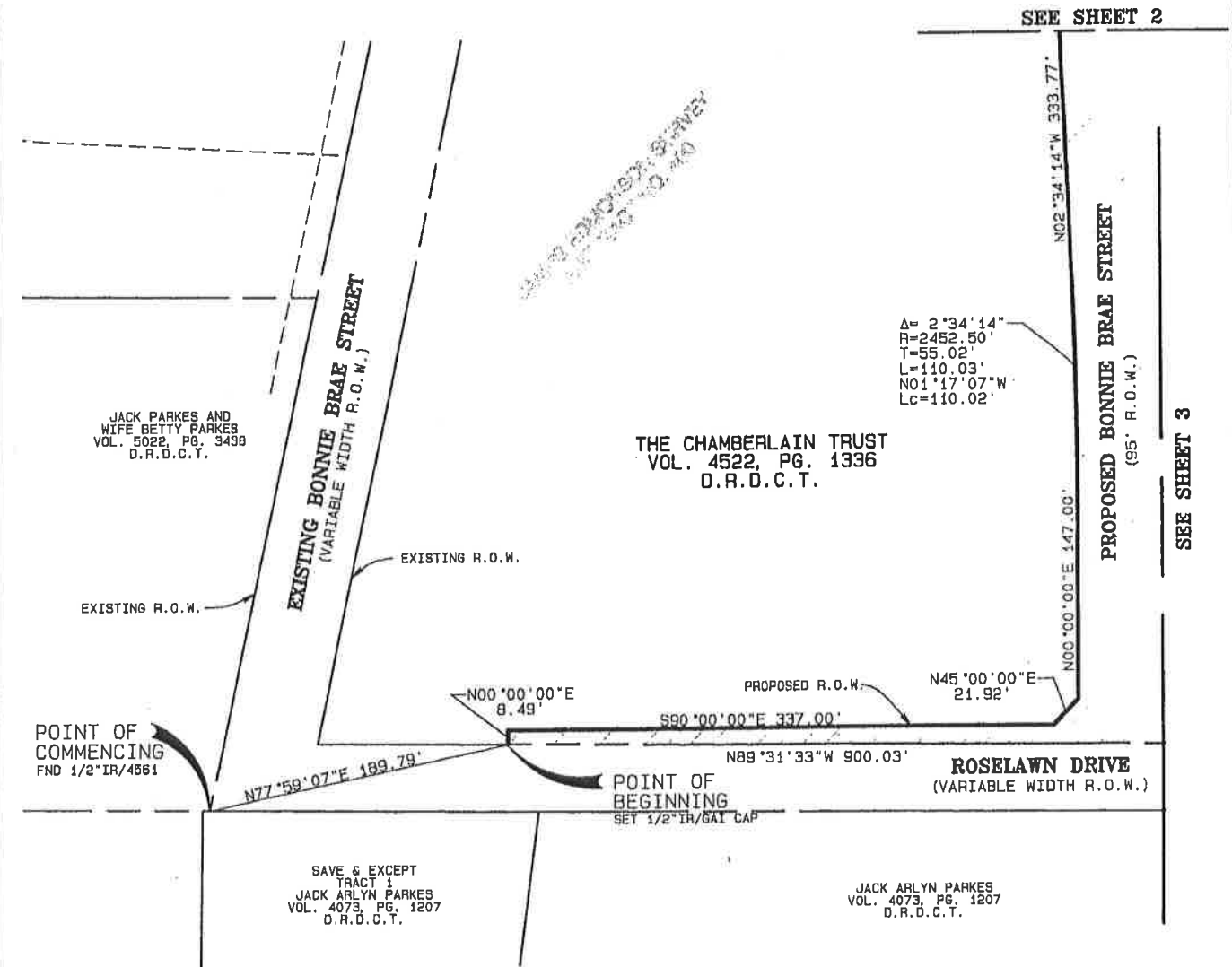


Location Map

CHAMBERLAIN — P34

EXHIBIT 2 to Minutes

Bonnie Brae Widening and Improvements



ALL PROPERTY CORNERS ARE SET 1/2" IR/ GAI CAP UNLESS OTHERWISE NOTED.

BASIS OF BEARING IS NORTH AMERICAN DATUM OF 1983 (NAD-83) STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL.

NOTE: SET 1/2" I.R. W/ GAI CAP TO BE SET AT END OF CONSTRUCTION.

**PARCEL 34-ROW-1  
BEING  
83,338 SQ.FT./1.91 ACRE**

**SITUATED IN THE JAMES EDMONSON SURVEY,  
ABSTRACT NO. 400,  
DENTON COUNTY, TEXAS**

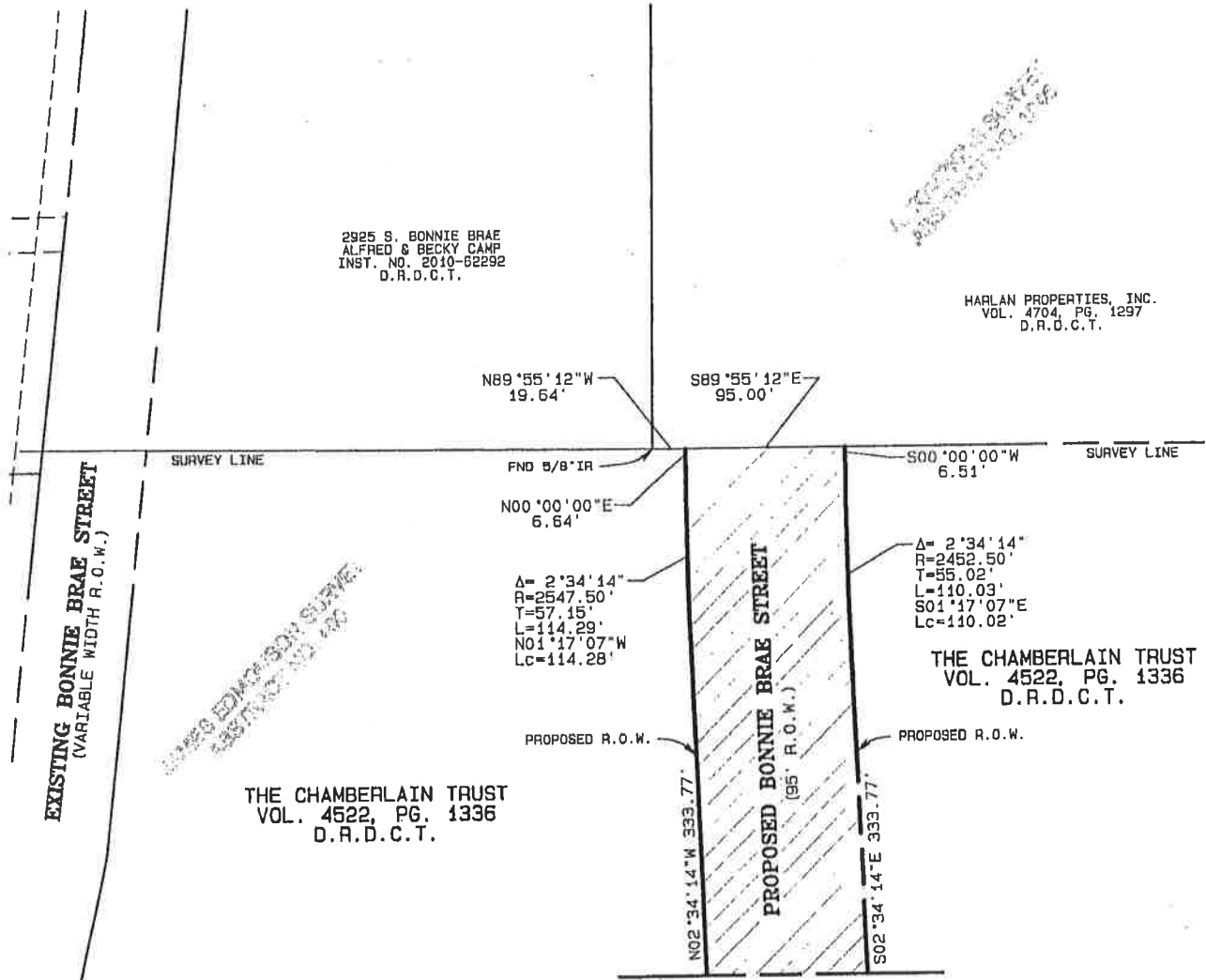
**Graham Associates, Inc.**  
CONSULTING ENGINEERS & PLANNERS  
600 SIX FLAGS DRIVE, SUITE 500  
ARLINGTON, TEXAS 76011 (817) 640-8535  
TBPE FIRM: F-1191/TBPLS FIRM: 101538-00



DATE: JULY 2011

# EXHIBIT "A" - to Ordinance (Property Interests)

PAGE 2 OF 6



SEE SHEET 1

ALL PROPERTY CORNERS ARE SET 1/2" IR/  
GAI CAP UNLESS OTHERWISE NOTED.

BASIS OF BEARING IS NORTH AMERICAN DATUM  
OF 1983 (NAD-83) STATE PLANE COORDINATE  
SYSTEM, TEXAS NORTH CENTRAL.

NOTE: SET 1/2" I.R. W/ GAI CAP TO  
BE SET AT END OF CONSTRUCTION.

**PARCEL 34-ROW-1  
BEING  
83,338 SQ.FT./1.91 ACRE**

**SITUATED IN THE JAMES EDMONSON SURVEY,  
ABSTRACT NO. 400,  
DENTON COUNTY, TEXAS**



**Graham Associates, Inc.**  
CONSULTING ENGINEERS & PLANNERS  
600 SIX FLAGS DRIVE, SUITE 500  
ARLINGTON, TEXAS 76011 (817) 640-8535  
TBPE FIRM: F-1191/TBPLS FIRM: 101538-00



DATE: JULY 2011

J/Denton/P34-Row-1



SEE SHEET 2

SEE SHEET 1

PROPOSED BONNIE BRAE STREET

S02°34'14"E 333.77'

(95' R.O.W.)

S00°00'00"W 136.00'

Δ= 2°34'14"  
R=2547.50'  
T=57.15'  
L=114.29'  
S01°17'07"E  
LC=114.28'

THE CHAMBERLAIN TRUST  
VOL. 4522, PG. 1336  
D.R.D.C.T.

S45°00'00"E  
28.28'

S90°00'00"E 432.50'

PROPOSED R.O.W.

S00°00'00"W  
22.44'

ROSELAWN DRIVE  
(VARIABLE WIDTH R.O.W.)

N89°31'33"W 900.03'

LONGHORN COUNCIL BOY SCOUT FOUNDATION, INC.  
VOL. 450, PG. 526  
D.R.D.C.T.

ALL PROPERTY CORNERS ARE SET 1/2" I.R./  
GAI CAP UNLESS OTHERWISE NOTED.

BASIS OF BEARING IS NORTH AMERICAN DATUM  
OF 1983 (NAD-83) STATE PLANE COORDINATE  
SYSTEM, TEXAS NORTH CENTRAL.

NOTE: SET 1/2" I.R. W/ GAI CAP TO  
BE SET AT END OF CONSTRUCTION.

PARCEL 34-ROW-1  
BEING  
83,338 SQ.FT./1.91 ACRE

SITUATED IN THE JAMES EDMONSON SURVEY,  
ABSTRACT NO. 400,  
DENTON COUNTY, TEXAS



Graham Associates, Inc.  
CONSULTING ENGINEERS & PLANNERS  
800 SIX FLAGS DRIVE, SUITE 500  
ARLINGTON, TEXAS 76011 (817) 640-8535  
TYPE FIRM: F-1191/TDPLS FIRM: 101538-00



DATE: JULY 2011

PARCEL 34-ROW-1  
LEGAL DESCRIPTION

Being a 1.91 acre tract of land situated in the James Edmonson Survey, Abstract No. 400, Denton County, Texas, being a portion of The Chamberlain Trust, as recorded in Volume 4522, Page 1336, Deed Records, Denton County, Texas. Said 1.91 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a found 1/2 inch iron rod with 4561 cap, being the southeast corner of a tract of land conveyed to Jack Parkes and wife Betty Parkes, as recorded in Volume 5022, Page 3438, Deed Records, Denton County, Texas, and being in the north line of a Save & Except Tract 1, conveyed to Jack Arlyn Parkes, as recorded in Volume 4073, Page 1207, Deed Records, Denton County, Texas, also being in the existing west right-of-way line of Bonnie Brae Street (having a variable width R.O.W.);

THENCE North 77°59'07" East, leaving said existing west right-of-way line, for a distance of 189.79 feet to a set 1/2 inch iron rod with GAI cap for corner, being the POINT OF BEGINNING, and being in the proposed north right-of-way line of Roselawn Drive (a variable width R.O.W.);

THENCE North 00°00'00" East, along said proposed north right-of-way line, a distance of 8.49 feet to a set 1/2 inch iron rod with GAI cap for corner;

THENCE South 90°00'00" East, continuing along said proposed north right-of-way line, for a distance of 337.00 feet to a set 1/2 inch iron rod with GAI cap for corner, being the most southerly point of a corner-clip with the proposed west right-of-way line of said Bonnie Brae Street (a variable width R.O.W.);

THENCE North 45°00'00" East, along said corner-clip, for a distance of 21.92 feet to a set 1/2 inch iron rod with GAI cap for corner, being in said proposed west right-of-way line of Bonnie Brae Street;

THENCE North 00°00'00" East, along said proposed west right-of-way line, for a distance of 147.00 feet to a set 1/2 inch iron rod with GAI cap for corner, being the beginning of a tangent curve to the left having a radius of 2452.50 feet, a central angle of 2°34'14" and a long chord which bears North 01°17'07" West, 110.02 feet;

THENCE northwesterly, along said proposed west right-of-way line and said curve to the left, an arc distance of 110.03 feet to a set 1/2 inch iron rod with GAI cap for corner;

THENCE North 02°34'14" West, continuing along said proposed west right-of-way line, for a distance of 333.77 feet to a set 1/2 inch iron rod with GAI cap for corner, being the beginning of a tangent curve to the right having a radius of 2547.50 feet, a central angle of 2°34'14" and a long chord which bears North 01°17'07" West, 114.28 feet;

THENCE northwesterly, along said proposed west right-of-way line and said curve to the right, an arc distance of 114.29 feet to a set 1/2 inch iron rod with GAI cap for corner;

THENCE North 00°00'00" East, continuing along said proposed west right-of-way line, for a distance of 6.64 feet to a set 1/2 inch iron rod with GAI cap for corner, being in the north line of said Chamberlain Trust tract, and from which a found 5/8 inch iron rod for the southeast corner of a tract of land conveyed by deed to Alfred and Beck Camp, as recorded in Instrument No. 2010-62292, Deed Records, Denton County, Texas, bears North 89°55'12" West, 19.64 feet, said point also being in the south line of a tract of land conveyed by deed to Harlan Properties, Inc., as recorded in Volume 4704, Page 1297, Deed Records, Denton County, Texas;

THENCE South 89°55'12" East, leaving said proposed west right-of-way line and following along said north line and said south line, for a distance of 95.00 feet to a set 1/2 inch iron rod with GAI cap for corner, being in the proposed east right-of-way line of said Bonnie Brae Street;

THENCE South 00°00'00" West, leaving said north line and following along said proposed east right-of-way line, for a distance of 6.51 feet to a set 1/2 inch iron rod with GAI cap for corner, being the beginning of a tangent curve to the left having a radius of 2452.50 feet, a central angle of 2°34'14" and a long chord which bears South 01°17'07" East, 110.02 feet;

THENCE southeasterly, along said proposed east right-of-way line and said curve to the left, an arc distance of 110.03 feet to a set 1/2 inch iron rod with GAI cap for corner;

THENCE South 02°34'14" East, continuing along said proposed east right-of-way line, for a distance of 333.77 feet to a set 1/2 inch iron rod with GAI cap for corner, being the beginning of a tangent curve to the right having a radius of 2547.50 feet, a central angle of 2°34'14" and a long chord which bears South 01°17'07" East, 114.28 feet;

THENCE southeasterly, along said proposed east right-of-way line and said curve to the right, an arc distance of 114.29 feet to a set 1/2 inch iron rod with GAI cap for corner;

THENCE South 00°00'00" West, continuing along said proposed east right-of-way line, for a distance of 136.00 feet to a set 1/2 inch iron rod with GAI cap for corner, being the most northerly point of a corner-clip with the said proposed north right-of-way line of Roselawn Drive;

THENCE South 45°00'00" East, along said corner-clip, for a distance of 28.28 feet to a set 1/2 inch iron rod with GAI cap for corner, being in said proposed north right-of-way line of Roselawn Drive;

THENCE South 90°00'00" East, along said proposed north right-of-way line, for a distance of 432.50 feet to a set 1/2 inch iron rod with GAI cap for corner;

PAGE 6 OF 6

THENCE South 00°00'00" West, continuing along said proposed north right-of-way line, for a distance of 22.44 feet to a set 1/2 inch iron rod with GAI cap for corner, being in the existing north right-of-way line of said Roselawn Drive;

THENCE North 89°31'33" West, along said existing north right-of-way line, for a distance of 900.03 feet to the POINT OF BEGINNING and CONTAINING 83,338 square feet or 1.91 acres of land, more or less.



PAGE 1 OF 4

EXISTING BONNIE BRAE STREET  
(VARIABLE WIDTH R.O.W.)

2925 S. BONNIE BRAE  
ALFRED & BECKY CAMP  
INST. NO. 2010-62292  
D.R.D.C.T.

A. TOMPKINS SURVEY  
ABSTRACT NO. 1200

HARLAN PROPERTIES, INC.  
VOL. 4704, PG. 1297  
D.R.D.C.T.

JAMES EDMONSON SURVEY  
ABSTRACT NO. 400

THE CHAMBERLAIN TRUST  
VOL. 4522, PG. 1336  
D.R.D.C.T.

S89°37'17"E  
0.36'

POINT OF BEGINNING  
FND 5/8" IR

S89°55'12"E  
19.64'

SURVEY LINE

N00°00'00"E  
6.67'

S00°00'00"W  
6.64'

SURVEY LINE

Δ= 2°34'14"  
R=2567.50'  
T=57.60'  
L=115.19'  
N01°17'07"W  
Lc=115.18'

Δ= 2°34'14"  
R=2547.50'  
T=57.15'  
L=114.29'  
S01°17'07"E  
Lc=114.28'

PROPOSED R.O.W.

PROPOSED BONNIE BRAE STREET  
(95' R.O.W.)

THE CHAMBERLAIN TRUST  
VOL. 4522, PG. 1336  
D.R.D.C.T.

N02°34'14"W  
333.77'

S02°34'14"E  
333.77'

SEE SHEET 2

BASIS OF BEARING IS NORTH AMERICAN DATUM  
OF 1983 (NAD-83) STATE PLANE COORDINATE  
SYSTEM, TEXAS NORTH CENTRAL.

PARCEL 34-USE-1  
BEING A  
14,425 SQ.FT./0.33 ACRE  
UTILITY & SLOPE EASEMENT  
SITUATED IN THE JAMES EDMONSON SURVEY,  
ABSTRACT NO. 400,  
DENTON COUNTY, TEXAS



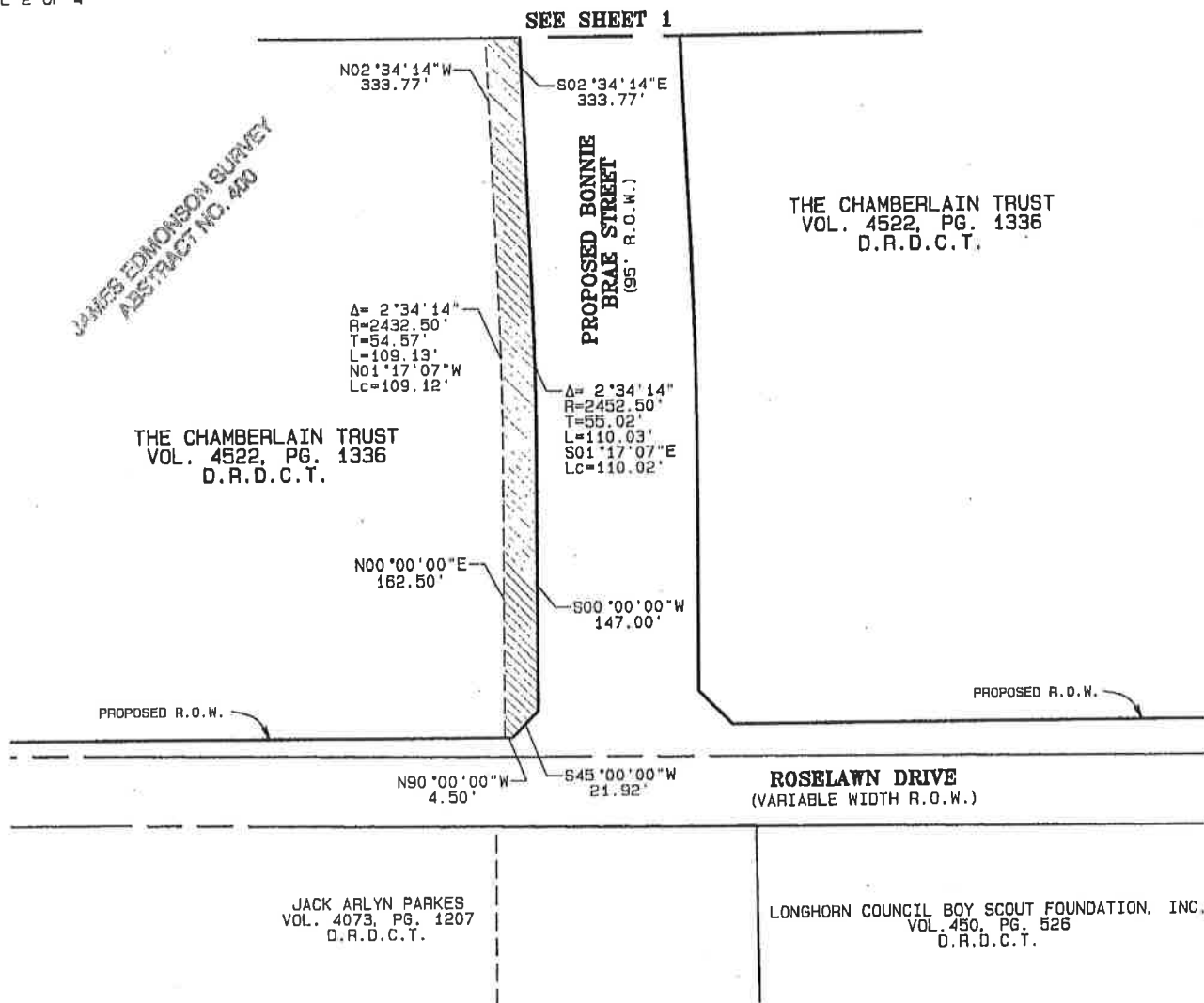
Graham Associates, Inc.  
CONSULTING ENGINEERS & PLANNERS  
800 SIX FLAGS DRIVE, SUITE 500  
ARLINGTON, TEXAS 76011 (817) 640-8535  
TBPE FIRM: F-1101/TBPLS FIRM: 101538-00



DATE: DECEMBER 2011

J/Denton/P34-USE-1

PAGE 2 OF 4

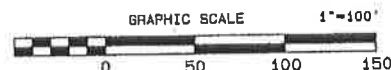


BASIS OF BEARING IS NORTH AMERICAN DATUM OF 1983 (NAD-83) STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL.

PARCEL 34-USE-1  
BEING A  
14,425 SQ.FT./0.33 ACRE  
UTILITY & SLOPE EASEMENT  
SITUATED IN THE JAMES EDMONSON SURVEY,  
ABSTRACT NO. 400,  
DENTON COUNTY, TEXAS



Graham Associates, Inc.  
CONSULTING ENGINEERS & PLANNERS  
600 SIX FLAGS DRIVE, SUITE 500  
ARLINGTON, TEXAS 76011 (817) 640-8535  
TBPE FIRM: F-1101/TBPLS FIRM: 101538-00



DATE: DECEMBER 2011

PARCEL 34-USE-1  
LEGAL DESCRIPTION  
SLOPE EASEMENT

Being a 0.33 acre tract of land situated in the James Edmonson Survey, Abstract No. 400, Denton County, Texas, being a portion of The Chamberlain Trust, as recorded in Volume 4522, Page 1336, Deed Records, Denton County, Texas. Said 0.33 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a found 5/8 inch iron rod, being the southeast corner of a tract of land conveyed by deed to Alfred and Becky Camp, as recorded in Instrument No. 2010-62292, Deed Records, Denton County, Texas, and the southwest corner of a tract of land conveyed by deed to Harlan Properties, Inc., as recorded in Volume 4704, Page 1297, Deed Records, Denton County, Texas, also being in the north line of said Chamberlain Trust tract;

THENCE South 89°55'12" East, along said north line of Chamberlain Trust tract and the south line of said Harlan tract, for a distance of 19.64 feet to a point for corner, said point being the proposed west right-of-way line of Bonnie Brae Street (a 95 foot R.O.W.);

THENCE South 00°00'00" West, leaving said north line and following along said proposed west right-of-way line, for a distance of 6.64 feet to a point for corner, being the beginning of a tangent curve to the left having a radius of 2547.50 feet, a central angle of 2°34'14" and a long chord which bears South 01°17'07" East, 114.28 feet;

THENCE southeasterly, along said proposed west right-of-way line and said tangent curve to the left, an arc distance of 114.29 feet to a point for corner;

THENCE South 02°34'14" East, continuing along said proposed west right-of-way line, for a distance of 333.77 feet to a point for corner, being the beginning of a tangent curve to the right having a radius of 2452.50 feet, a central angle of 2°34'14" and a long chord which bears South 01°17'07" East, 110.02 feet;

THENCE southeasterly, along said proposed west right-of-way line and said curve to the right, an arc distance of 110.03 feet to a point for corner;

THENCE South 00°00'00" West, continuing along said proposed west right-of-way line, for a distance of 147.00 feet to a point for corner, being the most northerly point of a corner-clip with the proposed north right-of-way line of Roselawn Drive (a variable width R.O.W.);

THENCE South 45°00'00" West, along said corner-clip, for a distance of 21.92 feet to a point for corner, being in said proposed north right-of-way line of said Roselawn Drive;

THENCE North 90°00'00" West, along said proposed north right-of-way line, for a distance of 4.50 feet to a point for corner;

PAGE 4 OF 4

THENCE North 00°00'00" East, leaving said proposed north right-of-way line, for a distance of 162.50 feet to a point for corner, being the beginning of a tangent curve to the left having a radius of 2432.50 feet, a central angle of 2°34'14" and a long chord which bears North 01°17'07" West, 109.12 feet;

THENCE northwesterly, along said tangent curve to the left, an arc distance of 109.13 feet to a point for corner;

THENCE North 02°34'14" West, for a distance of 333.77 feet to a point for corner, being the beginning of a tangent curve to the right having a radius of 2567.50 feet, a central angle of 2°34'14" and a long chord which bears North 01°17'07" West, 115.18 feet;

THENCE northwesterly, along said curve to the right, an arc distance of 115.19 feet to a point for corner;

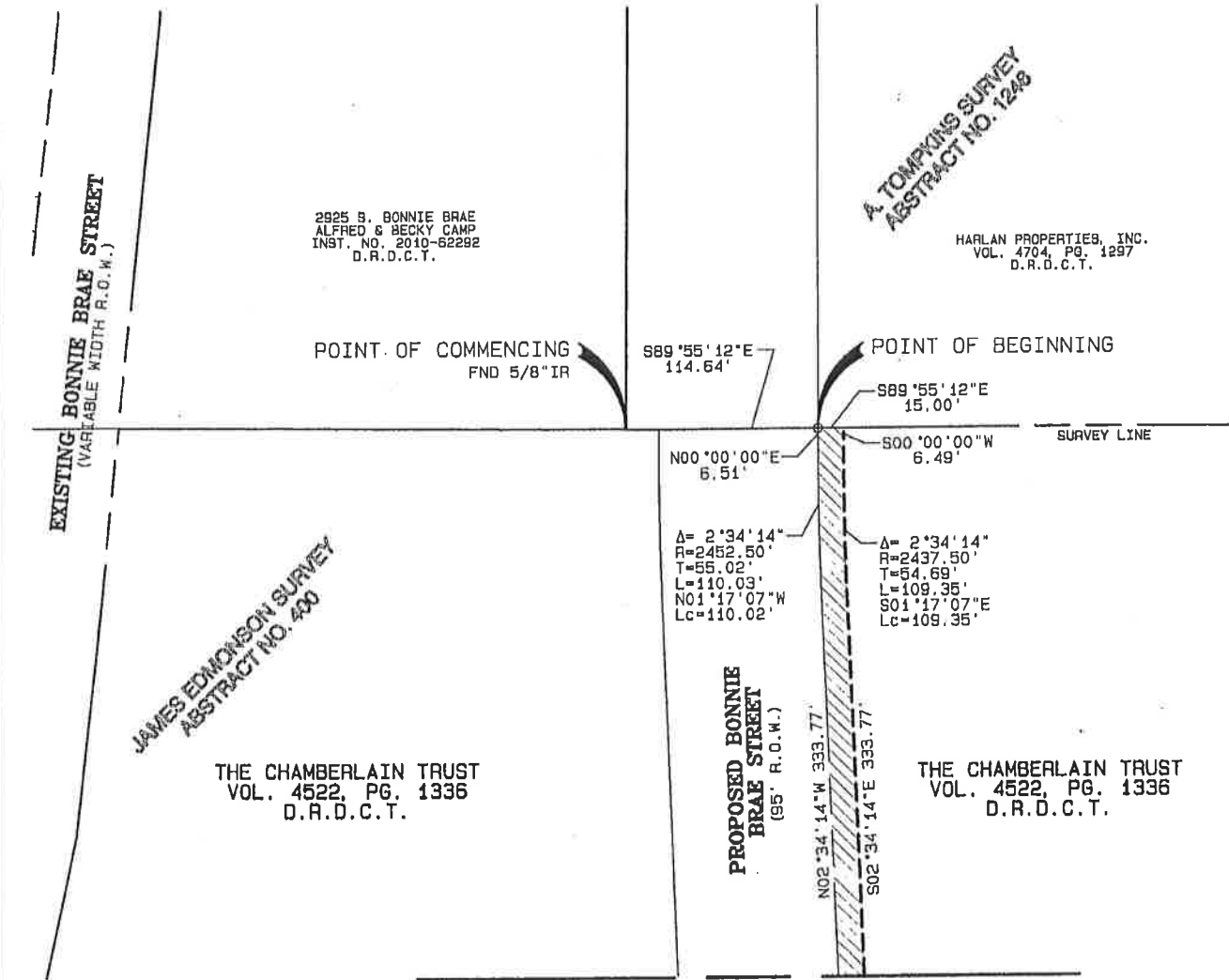
THENCE North 00°00'00" East, for a distance of 6.67 feet to a point for corner, being in the said north line of Chamberlain Trust tract;

THENCE South 89°37'17" East, along said north line, for a distance of 0.36 feet to the POINT OF BEGINNING and CONTAINING 14,425 square feet or 0.33 acres of land, more or less.





PAGE 1 OF 4



SEE SHEET 2

BASIS OF BEARING IS NORTH AMERICAN DATUM  
OF 1983 (NAD-83) STATE PLANE COORDINATE  
SYSTEM, TEXAS NORTH CENTRAL.

PARCEL 34-USE-2  
BEING A  
10,621 SQ.FT./0.24 ACRE  
UTILITY & SLOPE EASEMENT  
SITUATED IN THE JAMES EDMONSON SURVEY,  
ABSTRACT NO. 400,  
DENTON COUNTY, TEXAS



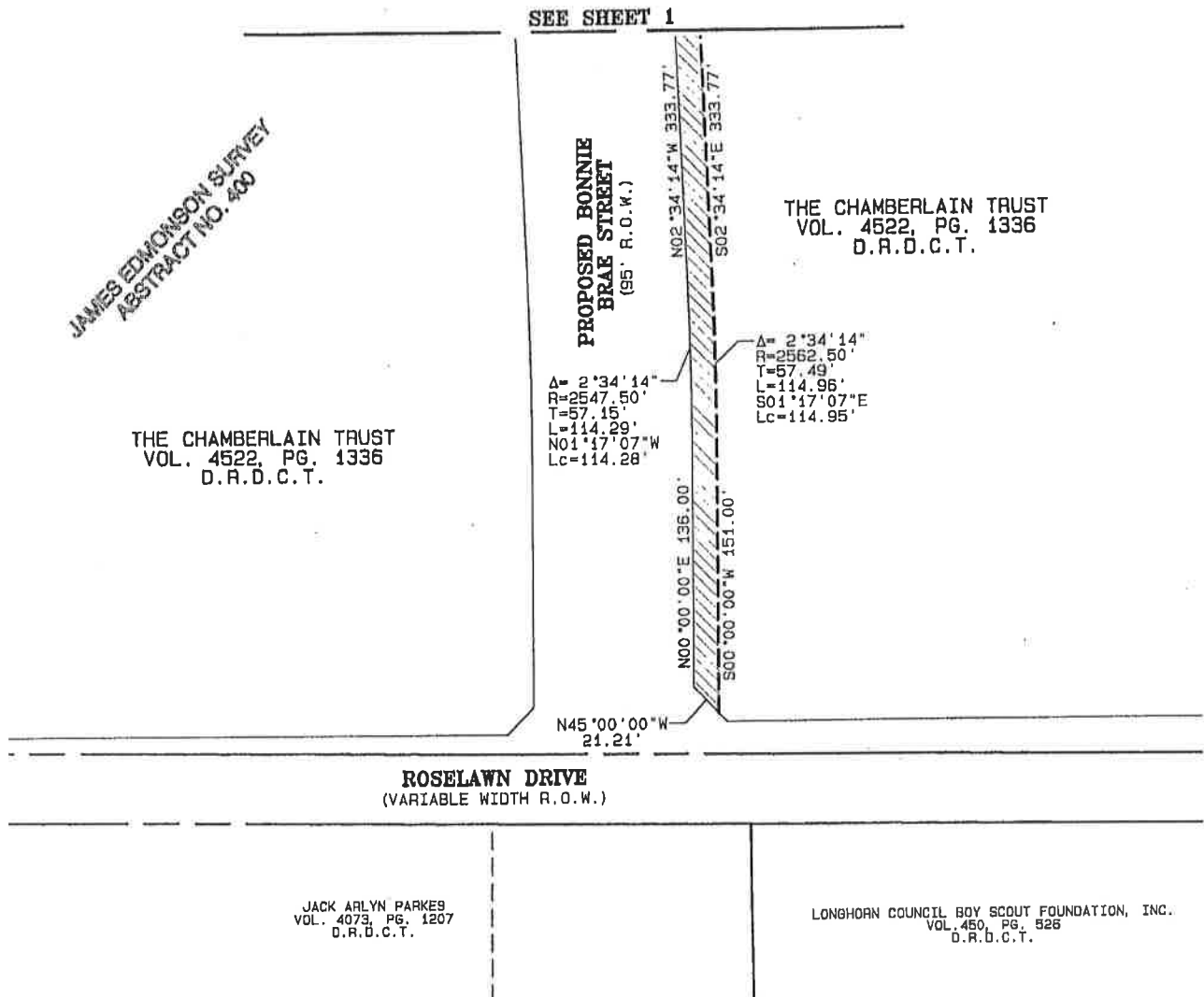
Graham Associates, Inc.  
CONSULTING ENGINEERS & PLANNERS  
800 SIX FLAGS DRIVE, SUITE 500  
ARLINGTON, TEXAS 76011 (817) 640-8535  
TBE FIRM: F-1191/TBPLS FIRM: 101538-00



DATE: DECEMBER 2011

J/Denton/P34-USE-2

PAGE 2 OF 4



BASIS OF BEARING IS NORTH AMERICAN DATUM OF 1983 (NAD-83) STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL.

PARCEL 34-USE-2  
BEING A  
10,621 SQ.FT./0.24 ACRE  
UTILITY & SLOPE EASEMENT  
SITUATED IN THE JAMES EDMONSON SURVEY,  
ABSTRACT NO. 400,  
DENTON COUNTY, TEXAS



Graham Associates, Inc.  
CONSULTING ENGINEERS & PLANNERS  
500 SIX FLAGS DRIVE, SUITE 500  
ARLINGTON, TEXAS 76011 (817) 840-8535  
TYPE FIRM: F-1191/TBPLS FIRM: 101538-00



DATE: DECEMBER 2011

PARCEL 34-USE-2  
LEGAL DESCRIPTION  
SLOPE EASEMENT

Being a 0.24 acre tract of land situated in the James Edmonson Survey, Abstract No. 400, Denton County, Texas, being a portion of The Chamberlain Trust, as recorded in Volume 4522, Page 1336, Deed Records, Denton County, Texas. Said 0.24 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a found 5/8 inch iron rod, being the southeast corner of a tract of land conveyed by deed to Alfred and Becky Camp, as recorded in Instrument No. 2010-62292, Deed Records, Denton County, Texas, and the southwest corner of a tract of land conveyed by deed to Harlan Properties, Inc., as recorded in Volume 4704, Page 1297, Deed Records, Denton County, Texas, also being in the north line of said Chamberlain Trust tract;

THENCE South 89°55'12" East, along said north line of Chamberlain Trust tract and the south line of said Harlan tract, for a distance of 114.64 feet to a point for corner, being the POINT OF BEGINNING, and being in the proposed east right-of-way line of Bonnie Brae Street (a 95 foot R.O.W.);

THENCE South 89°55'12" East, leaving said proposed east right-of-way line and continuing along said north line, for a distance of 15.00 feet to a point for corner;

THENCE South 00°00'00" West, leaving said north line, for a distance of 6.49 feet to a point for corner, being the beginning of a tangent curve to the left having a radius of 2437.50 feet, a central angle of 2°34'14" and a long chord which bears South 01°17'07" East, 109.35 feet;

THENCE southeasterly, along said curve to the left, an arc distance of 109.35 feet to a point for corner;

THENCE South 02°34'14" East, for a distance of 333.77 feet to a point for corner, being the beginning of a tangent curve to the right having a radius of 2562.50 feet, a central angle of 2°34'14" and a long chord which bears South 01°17'07" East, 114.95 feet;

THENCE southeasterly, along said curve to the right, an arc distance of 114.96 feet to a point for corner;

THENCE South 00°00'00" West, for a distance of 151.00 feet to a point for corner, being in a corner-clip with said proposed east right-of-way line of Bonnie Brae Street and the proposed north right-of-way line of Roselawn Drive (a variable width R.O.W.);

THENCE North 45°00'00" West, along said corner-clip, for a distance of 21.21 feet to a point for corner, being in said proposed east right-of-way line of Bonnie Brae Street;

PAGE 4 OF 4

THENCE North 00°00'00" East, along said proposed east right-of-way line, for a distance of 136.00 feet to a point for corner, being the beginning of a tangent curve to the left having a radius of 2547.50 feet, a central angle of 2°34'14" and a long chord which bears North 01°17'07" West, 114.28 feet;

THENCE northwesterly, along said proposed east right-of-way line and said curve to the left, an arc distance of 114.29 feet to a point for corner;

THENCE North 02°34'14" West, continuing along said proposed east right-of-way line, for a distance of 333.77 feet to a point for corner, being the beginning of a tangent curve to the right having a radius of 2452.50 feet, a central angle of 2°34'14" and a long chord which bears North 01°17'07" West, 110.02 feet;

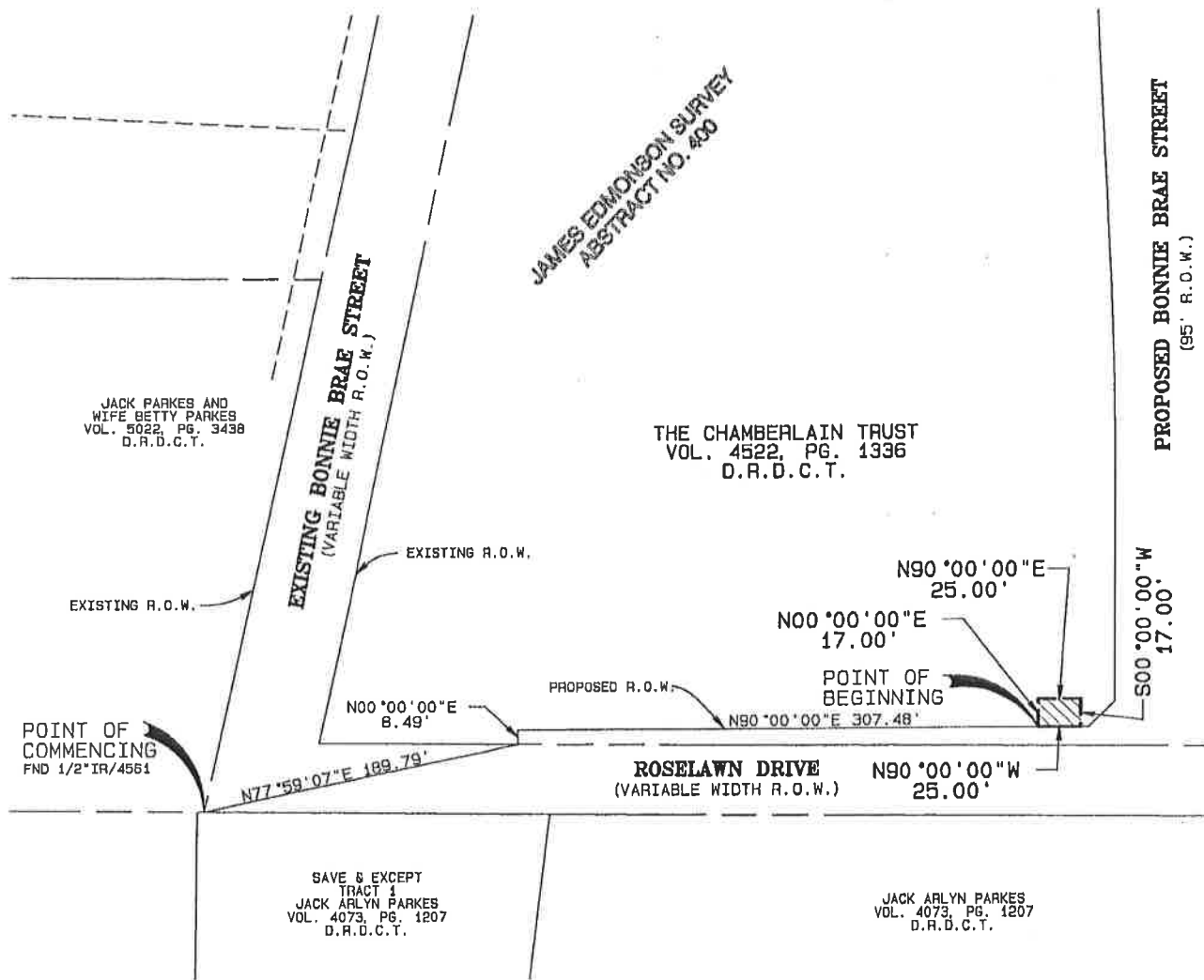
THENCE northwesterly, along said proposed east right-of-way line and said curve to the right, an arc distance of 110.03 feet to a point for corner;

THENCE North 00°00'00" East, for a distance of 6.51 feet to the POINT OF BEGINNING and CONTAINING 10,621 square feet or 0.24 acres of land, more or less.



EXHIBIT "A" - to Ordinance (Property Interests)

PAGE 1 OF 2



BASIS OF BEARING IS NORTH AMERICAN DATUM OF 1983 (NAD-83) STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL.

PARCEL 34-DE-1  
BEING A  
425 SQ.FT./0.01 ACRE  
DRAINAGE EASEMENT  
SITUATED IN THE JAMES EDMONSON SURVEY,  
ABSTRACT NO. 400,  
DENTON COUNTY, TEXAS



Graham Associates, Inc.  
CONSULTING ENGINEERS & PLANNERS  
500 SIX FLAGS DRIVE, SUITE 500  
ARLINGTON, TEXAS 76011 (817) 640-8535  
TBPE FIRM: F-1191/TBPLS FIRM: 101538-00



DATE: DECEMBER 2011

J/Denton/P34-DE-1

PARCEL 34-DE-1  
LEGAL DESCRIPTION  
DRAINAGE EASEMENT

Being a 0.01 acre tract of land situated in the James Edmonson Survey, Abstract No. 400, Denton County, Texas, being a portion of The Chamberlain Trust, as recorded in Volume 4522, Page 1336, Deed Records, Denton County, Texas. Said 0.01 acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a found 1/2 inch iron rod with 4561 cap, being the southeast corner of a tract of land conveyed to Jack Parkes and wife Betty Parkes, as recorded in Volume 5022, Page 3438, Deed Records, Denton County, Texas, and being in the north line of a Save & Except Tract 1, conveyed to Jack Arlyn Parkes, as recorded in Volume 4073, Page 1207, Deed Records, Denton County, Texas, also being in the existing west right-of-way line of Bonnie Brae Street (having a variable width R.O.W.);

THENCE North 77°59'07" East, leaving said existing west right-of-way line, for a distance of 189.79 feet to a point for corner, said point being in the proposed north right-of-way line of Roselawn Drive (a variable width R.O.W.);

THENCE North 00°00'00" East, along said proposed north right-of-way line, a distance of 8.49 feet to a point for corner;

THENCE North 90°00'00" East, continuing along said proposed north right-of-way line, for a distance of 307.48 feet to a point for corner, being the POINT OF BEGINNING;

THENCE North 00°00'00" East, leaving said proposed north right-of-way line, a distance of 17.00 feet to a point for corner;

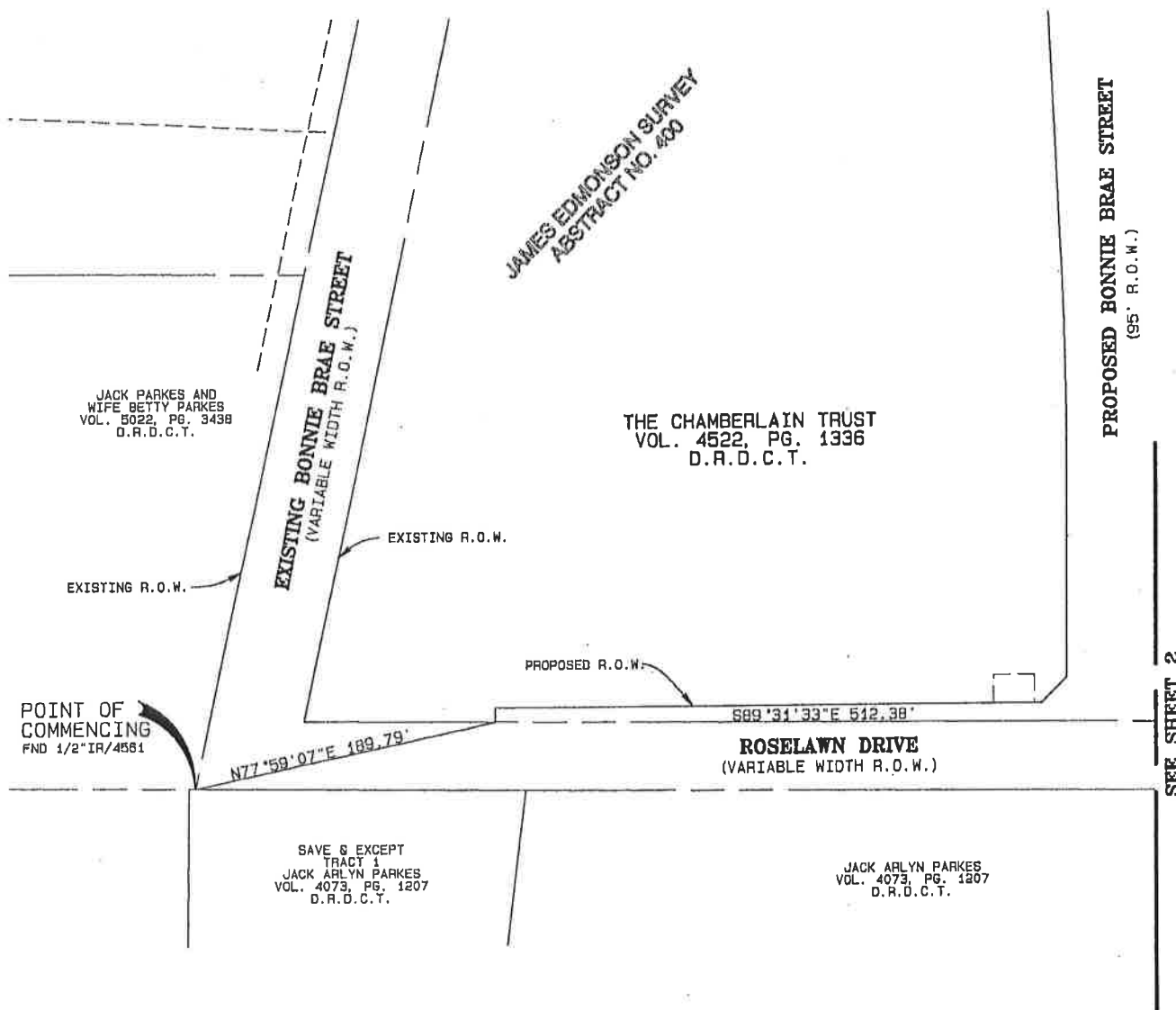
THENCE North 90°00'00" East, a distance of 25.00 feet to a point for corner;

THENCE South 00°00'00" West, a distance of 17.00 feet to a point for corner;

THENCE North 90°00'00" West, a distance of 25.00 feet to the POINT OF BEGINNING and CONTAINING 425 square feet, 0.01 acres of land, more or less.



PAGE 1 OF 3



BASIS OF BEARING IS NORTH AMERICAN DATUM OF 1983 (NAD-83) STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL.

**PARCEL 34-DE-2  
BEING A  
500 SQ.FT./0.01 ACRE  
DRAINAGE EASEMENT  
SITUATED IN THE JAMES EDMONSON SURVEY,  
ABSTRACT NO. 400,  
DENTON COUNTY, TEXAS**

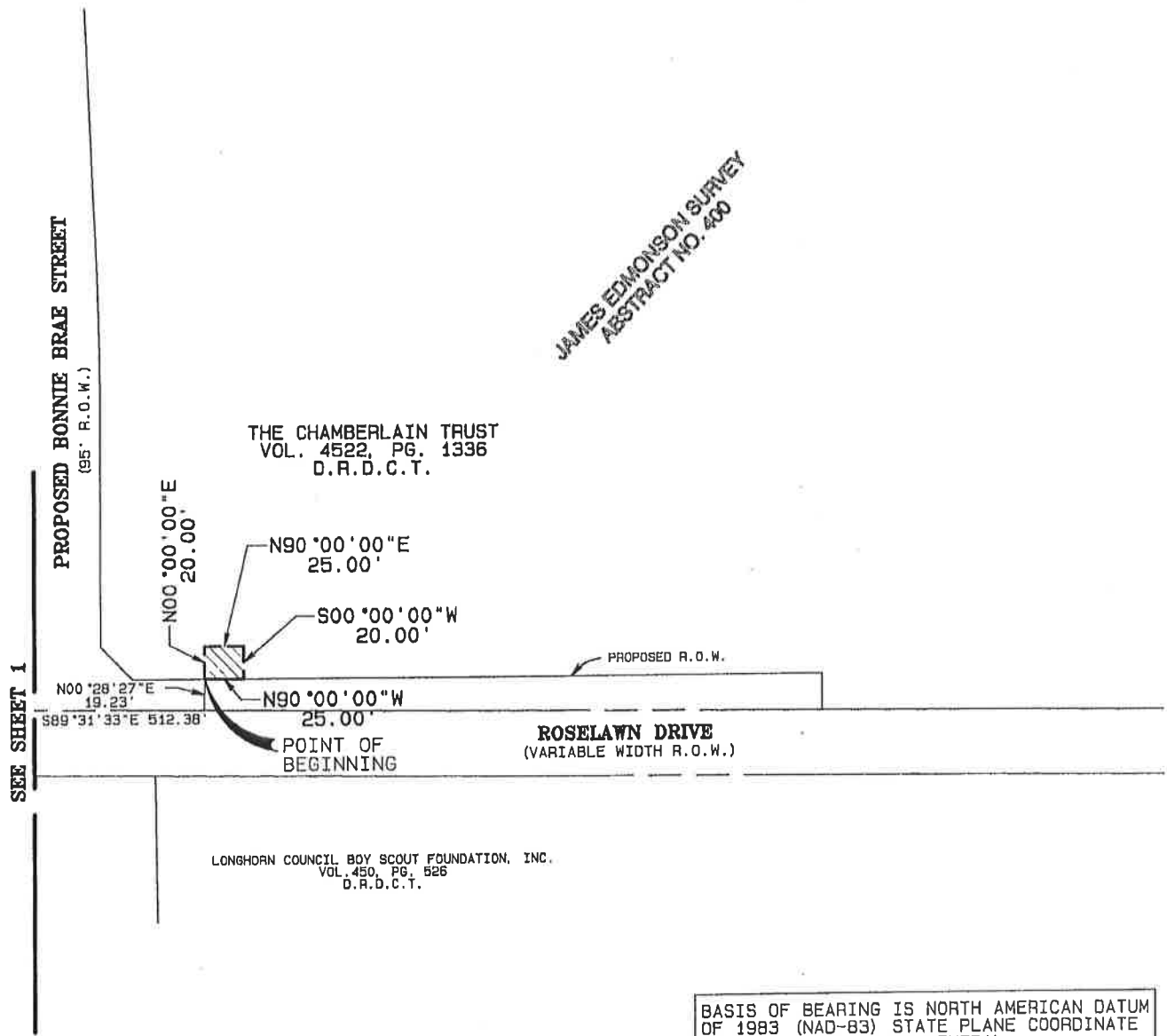


**Graham Associates, Inc.**  
CONSULTING ENGINEERS & PLANNERS  
600 SIX FLAGS DRIVE, SUITE 500  
ARLINGTON, TEXAS 76011 (817) 640-6535  
TBPE FIRM: F-1191/TBPLS FIRM: 101538-00



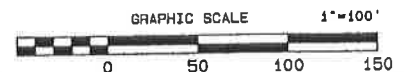
DATE: DECEMBER 2011

J/Denton/P34-DE-2



BASIS OF BEARING IS NORTH AMERICAN DATUM OF 1983 (NAD-83) STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL.

PARCEL 34-DE-2  
BEING A  
500 SQ.FT./0.01 ACRE  
DRAINAGE EASEMENT  
SITUATED IN THE JAMES EDMONSON SURVEY,  
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ARLINGTON, TEXAS 76011 (817) 640-8535  
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DATE: DECEMBER 2011



PARCEL 34-DE-2  
LEGAL DESCRIPTION  
DRAINAGE EASEMENT

Being a 0.01 acre tract of land situated in the James Edmonson Survey, Abstract No. 400, Denton County, Texas, being a portion of The Chamberlain Trust, as recorded in Volume 4522, Page 1336, Deed Records, Denton County, Texas. Said 0.01 acre tract of land being more particularly described by metes and bounds as follows:

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THENCE North 77°59'07" East, leaving said existing west right-of-way line, for a distance of 189.79 feet to a point for corner, said point being in the existing north right-of-way line of Roselawn Drive (a variable width R.O.W.);

THENCE South 89°31'33" East, along said existing north right-of-way line, a distance of 512.38 feet to a point for corner;

THENCE North 00°28'27" East, leaving said existing north right-of-way line, a distance of 19.23 feet to a point for corner, being the POINT OF BEGINNING, said point being in the proposed north right-of-way line of Roselawn Drive (a variable width R.O.W.);

THENCE North 00°00'00" East, leaving said proposed north right-of-way line, a distance of 20.00 feet to a point for corner;

THENCE North 90°00'00" East, a distance of 25.00 feet to a point for corner;

THENCE South 00°00'00" West, a distance of 20.00 feet to a point for corner, said point being in the proposed north right-of-way line of said Roselawn Drive;

THENCE North 90°00'00" West, along said proposed north right-of-way line, a distance of 25.00 feet to the POINT OF BEGINNING and CONTAINING 500 square feet, 0.01 acres of land, more or less.

