

**FIRST AMENDMENT TO THE AMENDED AND RESTATED RUDMAN TRACT
DEVELOPMENT AGREEMENT, PUBLIC IMPROVEMENT DISTRICT AGREEMENT,
AND TAX INCREMENT REINVESTMENT ZONE AGREEMENT**

This First Amendment to the Amended and Restated Rudman Tract Development Agreement, Public Improvement District Agreement, and Tax Increment Reinvestment Zone Agreement for ("**First Amendment**") is entered into between 2016 Blackhawk 155 Holdings, LTD, a Texas limited partnership and OPLE Prairie Oaks Development, Inc., a Texas corporation (collectively, the "**Owner**"), and the Town of Little Elm, Texas ("**Town**"). Owner and the Town are sometimes referred herein together as the "**Parties**" and individually as a "**Party**."

Recitals:

WHEREAS, Owner owns approximately 146.8 acres generally located at the northeast corner of Hidden Oaks Trail and Lloyds Road, in the Town of Little Elm, Texas (the "**Property**"); and

WHEREAS, the Rudman Tract Development Agreement, Public Improvement District Agreement, and Tax Increment Reinvestment Zone Agreement (the "Original Development Agreement") became effective on June 7, 2016; and

WHEREAS, in furtherance of the development of the Property, the Parties have negotiated certain matters regarding the Property as set forth in this First Amendment; and

NOW, THEREFORE, for and in consideration of the above and foregoing premises, the benefits to each of the Parties from this Agreement, and other good and valuable consideration, the sufficiency of which is hereby acknowledged and agreed, the Parties do hereby agree as follows:

Section 1. Incorporation of Premises. The above and foregoing Recitals are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Term. This First Amendment shall be effective as of the date of execution of this First Amendment by the last of the Parties to do so ("**Effective Date**"). This First Amendment shall remain in full force and effect from the Effective Date until the end of the term as stated in the Original Development Agreement ("**Term**").

Section 3. Effect. The Original Development Agreement remains in full force and effect except as amended by the First Amendment

Section 4. Section 3.1 of the Original Development Agreement is amended by adding subsection 3.1(d), which states: "Development and use of the North Pocket Park (Exhibit D-2) and the East Pocket Park (Exhibit D-3) shall be in general conformity to the illustrative plans provided in those exhibits."

Section 5. Exhibits.

A. The following Exhibits in the Original Development Agreement are replaced by those Exhibits attached to this First Amendment:

- i. Exhibit D – Concept Plan
- ii. Exhibit E – PD Development Regulations.

B. The following Exhibits are added to the Development Agreement:

- i. Exhibit D-1 – Lotting Plan
- ii. Exhibit D-2 – Conceptual Plan – North Pocket Park
- iii. Exhibit D-3 – Conceptual Plan – Erast Pocket Park
- iv. Exhibit F – Ordinance No. 1794

Section 6. Facilities Escrow

A. **Traffic Signal.** Prior to Town's acceptance of subdivision improvements after the Effective Date, Owner shall pay Town \$320,000 for the right-of-way, easement, design, permitting, and construction of a traffic signal at Lloyd's Road and FM 720, and/or other area roadway improvements as deemed necessary by the Town. The Parties agree the amount is the proportional impact of the Property with respect to the traffic signal, and there are no other obligations of the Owner related to the facility, including without limitation, the performance of design, permitting, and construction.

B. **Emergency Warning Siren.** Prior to Town's acceptance of subdivision improvements after the Effective Date, Owner shall pay Town \$40,000 for the right-of-way, easement, design, permitting, and installation of an emergency warning siren to be located nearby but offsite of the Property. The Parties agree the amount is the proportional impact of the Property with respect to the emergency warning siren, and there are no other obligations of the Owner related to the facility, including without limitation, the performance of design, permitting, and construction.

Section 7. Miscellaneous.

A. Severability. In the event any one or more of the provisions contained in this First Amendment shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect other provisions, and it is the intention of the Parties to this First Amendment that in lieu of each provision that is found to be illegal, invalid, or unenforceable, a provision shall be added to this First Amendment which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

B. Authority to Execute. The undersigned officers and/or agents of the Parties hereto are the properly authorized persons and have the necessary authority to execute this First Amendment on behalf of the Parties hereto.

C. Filing in Deed Records. This First Amendment shall be recorded in the real property records of Denton County, Texas. This First Amendment and all of its terms, conditions, and provisions is and shall constitute a restriction and condition upon the development of the Property and all portions thereof and a covenant running with the Property and all portions thereof, and is and shall be binding upon the Parties and all of their heirs, successors, and assigns and the future owners of the Property and any portion thereof; provided, however, this First Amendment shall not constitute an obligation of or be deemed a restriction or encumbrance with respect to any final platted residential lot upon which a completed home has been constructed.

D. Exactions/Infrastructure Costs. Owner has been represented by legal counsel, or has had an opportunity to do so, in the negotiation of this Agreement, and been advised, or has had the opportunity to have legal counsel review this Agreement and advise Owner, regarding Owner's rights under Texas and federal law. Owner hereby waives any requirement that the Town retain a professional engineer, licensed pursuant to Chapter 1001 of the Texas Occupations Code, to review and determine that the exactions required by the Town in this Agreement are roughly proportional or roughly proportionate to the proposed development's anticipated impact. Owner specifically reserves its right to appeal the apportionment of municipal infrastructure costs in accordance with § 212.904 of the Texas Local Government Code; however, notwithstanding the foregoing, Owner hereby releases the Town from any and all liability under § 212.904 of the Texas Local Government Code, as amended, regarding or related to the cost of those municipal infrastructure requirements imposed by this Agreement.

E. Waiver of Texas Government Code § 3000.001 et seq. With respect to the improvements constructed on the Property pursuant to this Agreement, Owner hereby waives any right, requirement or enforcement of Texas Government Code §§ 3000.001-3000.005.

F. Rough Proportionality. Owner hereby waives any federal constitutional claims and any statutory or state constitutional takings claims under the Texas Constitution with respect to infrastructure requirements imposed by this Agreement. Owner and the Town further agree to waive and release all claims one may have against the other related to any and all rough proportionality and individual determination requirements mandated by the United States Supreme Court in *Dolan v. City of Tigard*, 512 U.S. 374 (1994), and its progeny, as well as any other requirements of a nexus between development conditions and the projected impact of the terms of this Agreement, with respect to infrastructure requirements imposed by this Agreement.

G. Form 1295 Certificate. The Owner agrees to comply with Texas Government Code, Section 2252.908 and in connection therewith, the Owner agrees to go online with the Texas Ethics Commission to complete a Form 1295 Certificate and further agrees to print the completed certificate and execute the completed certificate in such form as is required by Texas Government Code, Section 2252.908 and the rules of the Texas Ethics Commission and provide to the Town, at the time of delivery of an executed counterpart of this Agreement, a duly executed completed Form 1295 Certificate.

H. Undocumented Workers Provision. The Owner certifies that Owner does not and will not knowingly employ an undocumented worker in accordance with Chapter 2264 of the Texas Government Code, as amended. If during the Term of this Agreement, Owner is convicted of a violation under 8 U.S.C. § 1324a(f), Owner shall repay the amount of any public subsidy provided under this Agreement to Owner plus six percent (6.0%), not later than the 120th day after the date the Town notifies Owner of the violation.

I. Non-Boycott of Israel Provision. In accordance with Chapter 2270 of the Texas Government Code, a Texas governmental entity may not enter into an agreement with a business entity for the provision of goods or services unless the agreement contains a written verification from the business entity that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the agreement. Chapter 2270 of the Texas Government Code does not apply to a (1) a company that is a sole proprietorship; (2) a company that has fewer than ten (10) full-time employees; or (3) the contract has a value of less than One Hundred Thousand Dollars (\$100,000.00). Unless Owner is not subject to Chapter 2270 of the Texas Government Code for the reasons stated herein, the signatory executing this Agreement on behalf of Owner verifies that Owner does not boycott Israel and will not boycott Israel during the Term of this Agreement.

J. Prohibition on Contracts with Certain Companies Provision. In accordance with Section 2252.152 of the Texas Government Code, the Parties covenant and agree that Owner is not on a list maintained by the State Comptroller's office prepared and maintained pursuant to Section 2252.153 of the Texas Government Code.

K. Report Agreement to Comptroller's Office. Town covenants and agrees to report this Agreement to the State Comptroller's office within fourteen (14) days of the Effective Date of this Agreement, in accordance with Section 380.004 of the Texas Government Code, as added by Texas House Bill 2404, 87th Tex. Reg. Session (2021) (effective September 1, 2021). [For Chapter 380 Agreements]

L. Verification Against Discrimination of Firearm or Ammunition Industries. Pursuant to Texas Government Code Chapter 2274, (as added by Texas Senate Bill 19, 87th Tex. Reg. Session (2021) (effective September 1, 2021)) unless otherwise exempt, if the Owner employs at least ten (10) fulltime employees and this Agreement has a value of at least \$100,000 that is paid wholly or partly from public funds of the Town, the Owner represents that: (1) the Owner does not have a practice, policy,

guidance, or directive that discriminates against a firearm entity or firearm trade association; and (2) the Owner will not discriminate during the Term of the Agreement against a firearm entity or firearm trade association.

M. Verification Against Discrimination Owner Does Not Boycott Energy Companies. Pursuant to Texas Government Code Chapter 2274, (as added by Texas Senate Bill 13, 87th Tex. Reg. Session (2021) (effective September 1, 2021)) unless otherwise exempt, if the Owner employs at least ten (10) fulltime employees and this Agreement has a value of at least \$100,000 that is paid wholly or partly from public funds of the Town, the Owner represents that: (1) the Owner does not boycott energy companies; and (2) the Owner will not boycott energy companies during the Term of this Agreement.

EXECUTED by the Parties on the dates set forth below, to be effective as of the date first written above.

OWNER:

2016 Blackhawk 155 Holdings, LTD.,
A Texas limited partnership

By: _____

John Dowdall

Its: _____

Date: _____

OPLE Prairie Oaks Development, Inc.,
a Texas corporation

By: _____

Its: _____

Date: _____

TOWN OF LITTLE ELM, TEXAS

By: _____

Matt Mueller

Town Manager

Date: _____

ATTEST:

By: _____

Caitlan Biggs

Town Secretary

OWNER:

2016 Blackhawk 155 Holdings, LTD.,
a Texas limited partnership

By: _____



John Dowdall

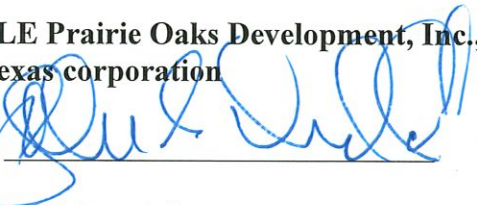
President

Date: _____

1-28-2025

OPLD Prairie Oaks Development, Inc.,
a Texas corporation

By: _____



John Dowdall

President

Date: _____

1-28-2025

TOWN OF LITTLE ELM, TEXAS

By: _____

Matt Mueller

Town Manager

Date: _____

ATTEST:

By: _____

Caitlan Biggs

Town Secretary

STATE OF TEXAS §

§

COUNTY OF DENTON §

Before me, the undersigned authority, on this ____ day of _____, 2025,
personally appeared MATT MUELLER, Town Manager of the Town of Little Elm, Texas, known
to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to
me that he executed the same for the purposes and consideration therein expressed.

[Seal]

By: _____

Notary Public, State of Texas

My Commission Expires: _____

STATE OF TEXAS §

§

COUNTY OF _____ §

Before me, the undersigned authority, on this ____ day of _____, 2025,
personally appeared _____, known to me to be the person whose name is
subscribed to the foregoing instrument and acknowledged to me that he executed the same for the
purposes and consideration therein expressed and in the capacity of a duly authorized
representative of _____.

[Seal]

By: _____

Notary Public, State of Texas

My Commission Expires: _____

STATE OF TEXAS §

§

COUNTY OF _____ §

Before me, the undersigned authority, on this _____ day of _____, 2025, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity of a duly authorized representative of _____.

[Seal]

By: _____

Notary Public, State of Texas

My Commission Expires: _____

STATE OF TEXAS §
 §
COUNTY OF DENTON §

Before me, the undersigned authority, on this _____ day of _____, 2025, personally appeared MATT MUELLER, Town Manager of the Town of Little Elm, Texas, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

[Seal]

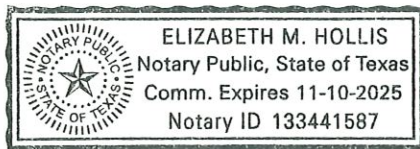
By: _____
Notary Public, State of Texas

My Commission Expires: _____

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

Before me, the undersigned authority, on this 28th day of January, 2025, personally appeared JOHN DOWDALL, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity of a duly authorized representative of 2016 Blackhawk 155 Holdings, LTD., a Texas limited partnership.

[Seal]



By: Elizabeth M. Hollis
Notary Public, State of Texas

My Commission Expires: 11-10-2025

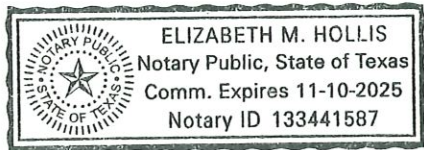
STATE OF TEXAS §

§

COUNTY OF COLLIN §

Before me, the undersigned authority, on this 28th day of January, 2025, personally appeared JOHN DOWDALL, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity of a duly authorized representative of OPLE Prairie Oaks Development, Inc., a Texas corporation.

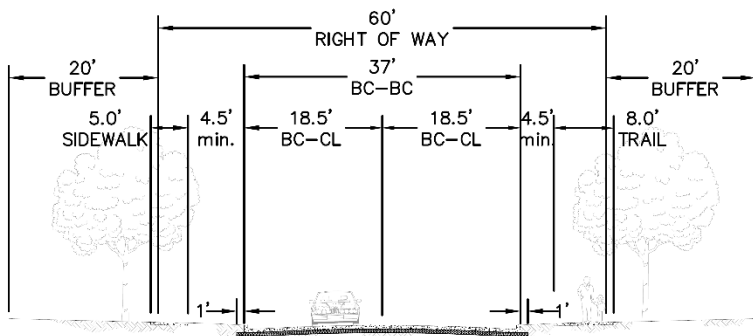
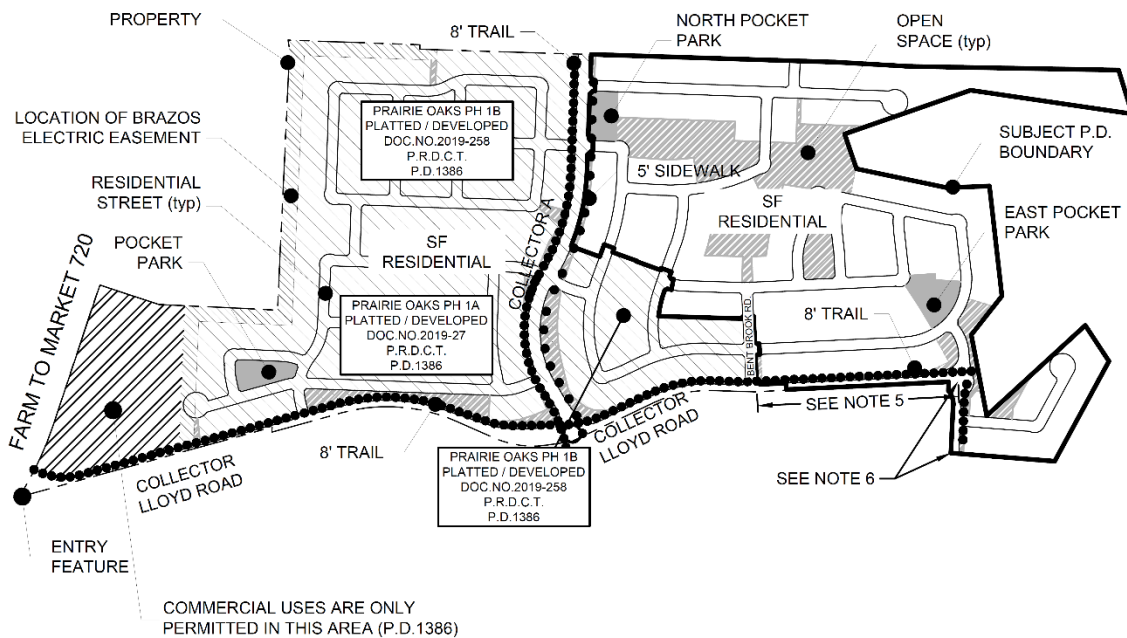
[Seal]



By: Elizabeth M. Hollis
Notary Public, State of Texas

My Commission Expires: 11-10-2025

EXHIBIT D



COLLECTOR STREET
TYPICAL SECTION
(Lloyd's Road & Collector "A")



EXHIBIT "D"

CONCEPT PLAN

NOTES:

- 1) 8' Trail and 5' sidewalk shall meander and may encroach within the buffer.
- 2) See Development Regulations for buffer requirements.
- 3) The Street Layouts depicted are conceptual and subject to minor adjustment at time of platting.
- 4) North Pocket Park and East Pocket Park shall each include the following program elements:
 - IRRIGATED LAWN AREA
 - ENHANCED PLANTINGS
 - SEATING
 - PICNIC TABLE WITH SHADE STRUCTURE
 - TRASH RECEPTACLE
 - PET WASTE STATION

In addition to the above, one of the following shall also be included in the program elements:

- CHILDREN'S PLAY EQUIPMENT, OR
 - DOG PARK
- 5) At least 30' of ROW, or other type of reservation or lot satisfactory to the Town, shall be dedicated or platted along the south boundary of the PD for the east-west segment of Lloyds Road located east of Bent Brook Road. Various asphalt roadway pavement sections may be utilized for this segment, including existing pavement, as approved by the Town Engineer. The intent being the subdivider or developer of the PD is not obligated to construct a 37' (b-b) concrete roadway surface for this segment.
- 6) At least 60' of ROW, or other type of reservation or lot satisfactory to the Town, shall be dedicated or platted along the west boundary of the PD for the north-south segment for Lloyds Road. Various roadway pavement materials and sections may be utilized for this segment, including existing pavement, as approved by the Town Engineer.

EXHIBIT D-1



EXHIBIT D-2



PROGRAM

Dog Park

- a | Shade Structure with Picnic Table
- b | Enhanced Landscape
- c | Landscape Boulders
- d | Dog Agility Equipment
- e | Bench
- f | Pet Waste Station

EXHIBIT D-3



- PROGRAM**
Pocket Park
- a** Shade Structure
 - b** Play Structures
 - c** Bench
 - d** Trash bin
 - e** 6 ft Concrete Trail
 - f** Picnic Table

EXHIBIT E

PD DEVELOPMENT REGULATIONS

I. Residential Lot and Dwelling Regulations

A. Lot Type 1

(1) *Purpose.* The purpose is to allow single-family detached dwellings on lots of not less than 7,200 square feet, together with allowed incidental and accessory uses.

(2) *Uses generally.*

- a) Uses permitted in the SF-4 One-Family District of the Town of Little Elm Zoning Ordinance.

(3) *Height and area regulations.* The height of buildings, the minimum dimensions of lots and yards, and the minimum lot area permitted on any lot, shall be as follows:

- a) *Height.* Buildings or structures shall not exceed 40 feet, or two and one-half (2 ½) stories in height.
- b) *Front yards.* Front yard shall be a minimum of 20 feet.
- c) *Side yards.* Side yard shall be a minimum of 5 feet.
- d) *Side yards on corner lots.* Side yard adjacent to a street shall be a minimum of 15 feet, regardless of whether or not the lot backs to another lot that fronts onto the same street (reverse corner).
- e) *Rear yards.* Rear yard shall be a minimum of 20 feet.
- f) *Width of lot.* The minimum width of a lot shall be 60 feet measured along the platted front yard building line.
- g) *Lot size.* Lots shall have a minimum area of 7,200 square feet.
- h) *Floor area.* Each dwelling unit shall have a floor area, excluding basements, open and screened porches, and garages, of not less than 1,600 square feet.

(4) *Additional regulations.*

- a) Alleys are not permitted.

B. Lot Type 2

(1) *Purpose.* The purpose is to allow single-family detached dwellings on lots of not less than 6,000 square feet, together with allowed incidental and accessory uses.

(2) *Uses generally.*

- a) Uses permitted in the SF-4 One-Family District of the Town of Little Elm Zoning Ordinance.

(3) *Height and area regulations.* The height of buildings, the minimum dimensions of lots and yards, and the minimum lot area permitted on any lot, shall be as follows:

- a) *Height.* Buildings or structures shall not exceed 40 feet, or two and one-half (2 ½) stories in height.
- b) *Front yards.* Front yard shall be a minimum of 20 feet.
- c) *Side yards.* Side yard shall be a minimum of 5 feet.
- d) *Side yards on corner lots.* Side yard adjacent to a street shall be a minimum of 15 feet, regardless of whether or not the lot backs to another lot that fronts onto the same street (reverse corner).
- e) *Rear yards.* Rear yard shall be a minimum of 20 feet.
- f) *Width of lot.* The minimum width of a lot shall be 50 feet measured along the platted front yard building line.
- g) *Lot size.* Lots shall have a minimum area of 6,000 square feet.
- h) *Floor area.* Each dwelling unit shall have a floor area, excluding basements, open and screened porches, and garages, of not less than 1,200 square feet.

(4) *Additional regulations.*

- a) The maximum number of Type 2 lots shall be 126.
- b) Alleys are not permitted.

II. General Development Regulations

- 1) In addition to the permitted uses mentioned for each Residential Lot Type, the following temporary and permanent uses are permitted within the Property:
 - a) Temporary construction yard and field office associated with the construction of the development and houses within the development.
 - b) Temporary asphalt/concrete batching plant associated with the construction of the development.
 - c) Temporary sales center for sale of new on-site homes by builders.

- d) Amenity centers, parks, trails, playgrounds, and other open space and recreational improvements, private or public.
 - e) Municipal uses operated by the Town of Little Elm, Mustang Special Utility District, or other CCN holders and authorized providers.
 - f) Sewage pumping station
 - g) Private utility
 - h) Utility distribution/transmission line
 - i) Water reservoir / water pumping station
 - j) Water well (irrigation and pond fill use only)
 - k) Child care center (in-home), a home occupation that provides regular child care for compensation in their primary residence for less than 24 hours a day. It is considered a violation of this section for a facility to provide care for a number of children that exceeds what is allowed per the classification shown on the state permit to be submitted with the town's home occupation registration. Uses must register with the town annually and show proof of state permit. This use is subject to regulation by the Texas Department of Family and Protective Services and all home occupation regulations of the Town of Little Elm Code of Ordinances.
- 2) The maximum number of dwelling units shall be 206.
 - 3) A minimum of 10.0 acres of open space shall be provided. For the purposes of this requirement, "open space" shall mean amenity centers, parks, natural preserves, tributaries, floodplain, roadway buffers, landscape areas, greens, squares, courtyards, plazas, medians, colonnades, and detention areas.
 - 4) The exterior facades of a main building or structure shall be constructed of 85 percent masonry finishing material that is comprised of brick, stone, cast stone, stucco, or a combination thereof. Other materials of equal or similar characteristics may be allowed upon the approval of the Town's Building Official. Cementitious fiber board may be used for the remainder, including architectural features such as window box-outs, bay windows, dormers, and chimneys not part of an exterior wall.
 - 5) The front house elevation shall not be repeated on the lot most directly across the street, nor shall it be repeated on two (2) lots in either direction on the same side of the street.
 - 6) Garage doors and front doors shall consist of stained cedar, redwood, spruce, fir, or other hardwood, or other products, including products that are not wood but have a wood appearance and approved the Town's Building Official.
 - 7) All residential structures shall include at least four (4) of the following design features on the front façade or visible from the front or side street:
 - a) Carriage style garage door with hardware (must also meet II.6 to count as option)
 - b) Architectural pillars or posts
 - c) Bay windows
 - d) Brick Chimney on exterior wall
 - e) Cast stone accents
 - f) Covered front porches (minimum 60 square feet covered by main roof or an architectural extension)
 - g) Cupolas or turrets

- h) Dormers or Gables
 - i) Garage door NOT facing the street
 - j) Roof accent upgrades (i.e., metal, tile, slate)
 - k) Recessed entries, a minimum of three (3) feet deep
 - l) Greater than 8:12 primary roof pitch, or variable roof pitch
 - m) Separate transom windows
 - n) Divided light windows
 - o) Variable roof pitch
 - p) Shutters
 - q) Masonry arches
 - r) Recessed entry not less than 3 feet
 - s) Mixed masonry material
 - t) Coach lights
 - u) Decorative attic or gable feature, minimum 2 square feet in size, i.e. vent, window, or brick detail
 - v) Decorative driveway, i.e. salt finish, exposed aggregate, or other treatments approved by the Town's Building Official
- 8) Every part of a required side yard (including side yards adjacent to a street) shall be open and free of structures except for fences, accessory buildings, and air conditioning units. Ordinary projections of window sills, belt courses, cornices, and other architectural features may project not more than 18 inches into the required side yard, and roof eaves may project not more than 36 inches into the required side yard.
 - 9) HVAC units (excepting vents and stacks) shall be screened from view from a street with shrubs or stained wood fence.
 - 10) Subdivision perimeter walls are required to be constructed in a platted common area adjacent to collector roads or arterials, or other such roads that have a right-of-way of 60 feet or greater, where the adjacent use is backing to the road.
 - 11) Residential Fences Backing to Open Space. Fences backing to floodplain or open space shall be 4-foot black tubular steel.
 - 12) Lift stations shall be screened with a minimum 8' masonry wall.
 - 13) At least one (1) large canopy tree, per lot, shall be planted in the front yard prior to the issuance of a CO permit for the dwelling. Trees shall be a minimum 3" caliper. Trees may not be planted in the area between the sidewalk and the road.
 - 14) At least one (1) large canopy tree, per lot, shall be planted in the rear yard of any lot backing to a collector road. The tree shall be planted prior to the issuance of a CO permit for the dwelling. Trees shall be a minimum 3" caliper.
 - 15) At least one (1) large canopy tree, per lot, shall be planted in the side yard of lots adjacent to a street. The tree shall be planted prior to the issuance of a CO permit for the dwelling. Trees shall be a minimum 3" caliper.
 - 16) At least one (1) small ornamental tree, per lot, shall be planted in the front yard or side yard (in front of the fence) prior to the issuance of a CO for the dwelling. For corner lots, two (2) small

ornamental trees shall be planted in the side yard, between the fence and the sidewalk, prior to the issuance of a CO for the dwelling. Trees shall be a 2.5" minimum caliper.

- 17) Required landscaping for residential lots includes shrubs along the front of the house.
- 18) All front yards shall be irrigated with an automatic system.
- 19) Landscape buffers adjacent to the collector and arterial public right-of-way shall contain at least one large canopy tree, minimum 3" caliper, every 50 linear feet or fraction thereof of street frontage, inclusive of driveways. Trees may be grouped or clustered to facilitate site design but shall not exceed 250 linear feet between trees. For every five large canopy trees or fraction thereof required along the street frontage, two small ornamental trees, minimum 2.5" caliper, shall also be provided. For every five large canopy trees or fraction thereof required along the street frontage, 1,200 square feet of ornamental planting shall be planted along the sidewalk/trails. Ornamental plantings may be grouped or clustered to facilitate design but shall not exceed 2,500 linear feet between groupings and/or clusters. Sidewalks and trails shall have a meandering alignment and may encroach into the landscape buffer. Landscape planting areas shall be included intermittently along either side of the sidewalk and trail within the Landscape buffer area.
- 20) Collector roads shall be constructed when the adjacent phase of development occurs. The landscaping, sidewalk, trail, and other buffer requirements are only required when the adjacent phase of lots are platted.
- 21) The single-family uses shall generally develop in accordance with the Concept Plan, including street layout and lotting.
- 22) The Concept Plan shall serve as the preliminary plat, unless the owner/applicant elects to submit a preliminary plat for review and approval by the Town staff prior to submitting a final plat and construction plans.
- 23) A Homeowners Association (HOA) shall be established and shall maintain all common areas.
- 24) All public street lights shall be LED.
- 25) Mailboxes shall be brick and, where practical, clustered in pairs.

26) The extensive natural tree coverage within the development being preserved in open space depicted on the Concept Plan shall be deemed to satisfy the tree preservation requirements of the Town, including but not limited to waiver of requirements to inventory trees, obtain permits for tree removal, and mitigation for tree removal, either by fees or planting.

27) Improvements of pocket parks shall be in accordance with the Concept Plan. Conceptual illustrations of potential improvement options for each pocket park, that are in accordance with Concept Plan, are included as Exhibit F-1 and Exhibit F-2.

III. Street Design Standards

1) Collector Streets

- a. ROW: 60'
- b. Pavement section: 8" – 3,500 psi reinforced concrete; #4 rebar @18" OCEW; 8" lime, flex base, or cement stabilized subgrade
- c. Pavement width: 37' (back-of-curb to back-of-curb)
- d. Curb return radii: 25'
- e. Minimum centerline radius for curves: 430'
- f. Minimum tangent between reverse curves: 0'
- g. Sidewalk: 8' wide x 6" minimum thickness, and 5' wide x 4" thick; location per Exhibit "D" – Concept Plan
- h. Parking: not allowed
- i. Lighting: LED every 180' (+/-) on alternating sides, height to be approved by the Town Engineer

2) Local Residential Streets

- a. ROW: 50'
- b. Pavement section: 6" – 3,500 psi reinforced concrete; #4 rebar OCEW; 6" lime, flex base, or cement stabilized subgrade
- c. Pavement width: 31' (back-of-curb to back-of-curb)
- d. Curb return radii: 20'
- e. Minimum centerline radius for curves: 200'
- f. Minimum tangent between reverse curves: 0'
- g. Sidewalk: 4" minimum thickness, 5' minimum width
- h. Parking: allowed on both sides

- 3) The Town Engineer shall have the discretionary authority to consider and approve exceptions to the Street Design Standards.

Exhibit F

Ordinance No. 1794

**TOWN OF LITTLE ELM
ORDINANCE NO. 1794**

AN ORDINANCE OF THE TOWN OF LITTLE ELM, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, BY AMENDING PLANNED DEVELOPMENT DISTRICT, THROUGH ORDINANCE NO. 1368, IN ORDER TO AMEND THE CONCEPT PLAN ON 60.599 ACRES OF LAND GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF KING ROAD AND WITT ROAD; PROVIDING A SAVINGS CLAUSE; CORRECTING THE OFFICIAL ZONING MAP; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Little Elm ("Town") is a home rule municipal corporation organized and existing by virtue of the Constitution and laws of the State of Texas and by its Charter adopted on May 1, 2001; and

WHEREAS, the Town possesses all the rights, powers, and authorities possessed by all home rule municipalities, including the authority to regulate land uses under Chapter 211 of the Texas Local Government Code; and

WHEREAS, a request to amend a Planned Development-Single Family 4 (PD-SF4) District, zoned through Ordinance No. 1368, amending the concept plan, on approximately 60.599 acres of land, more specifically described in the exhibits, attached hereto; and

WHEREAS, this zoning change is in accordance with the most current adopted Comprehensive Plan of the Town of Little Elm; and

WHEREAS, the Town Council and the Planning & Zoning Commission of the Town of Little Elm, in compliance with the laws of the State of Texas and the ordinances of the Town of Little Elm, have given the required notices and held the required public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area and in the vicinity thereof regarding the requested zoning change described herein; and

WHEREAS, at its regular meeting held on November 7, 2024 the Planning & Zoning Commission considered and made recommendations on Case No. PD-24-005562; and

WHEREAS, after due deliberations and consideration of the recommendation of the Planning & Zoning Commission and any other information and materials received at the public hearing, the Town Council of the Town of Little Elm, Texas, has determined that the request is in the interest of public health, safety and welfare of the citizens of the Town of Little Elm.

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

SECTION 1. INCORPORATION OF PREMISES. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. ZONING AMENDMENT. That Ordinance No. 226 of the Town of Little Elm, Texas, the same being the Comprehensive Zoning Ordinance of the Town, is hereby amended by amending Planned Development-Single Family 4 (PD-SF4) district, through Ordinance No. 1368 on property located at the northeast corner of Hidden Oaks Trail and Lloyds Road, within Little Elm's town limits, on approximately 60.599 acres of land more particularly described in **Exhibit A**, and attached hereto, subject to all of the terms and conditions set forth herein, the terms and conditions of the Comprehensive Zoning Ordinance, and all other applicable ordinances, laws, rules, regulations, and standards.

SECTION 3. CONDITIONS AND REGULATIONS. The permitted uses and standards shall be in accordance with Planned Development **Ordinance No. 1368** and all applicable provisions of Chapter 106 – Zoning Ordinance in general, with the exception of the following requirements, which are otherwise captured within the development plans, as depicted within **Exhibit B** attached hereto:

- a. The Concept Plan attached hereto and incorporated herein by reference, demonstrates the location of the proposed screening walls, enhanced landscaping, and new improvements within the property, in addition to the previously approved landscaping.
- b. Amendments to the Concept Plan must be approved by Council action, except that the Director of Development Services may approve minor revisions which do not significantly alter the basic relationship or intent of the proposed development.

SECTION 4. PLANNED DEVELOPMENT MASTER PLAN. The Concept Plan and related plans, images, and documents approved and described as **Exhibit B** attached hereto and made a part hereof are approved in addition to those existing within Planned

Development Ordinance No. 1368. The subject property shall be improved in accordance with all previously approved development plans, as well as the revisions and improvements to the plans set forth in **Exhibit B**, and subject to the following conditions.

- a. The Planned Development Master Plan shall control the use and development of the property, and all building permits and development requests shall be in accordance with the plan until it is amended by the City Council.
- b. If a change to the Concept Plan, if any, is requested, the request shall be processed in accordance with the development standards in effect at the time the change is requested for the proposed development.

SECTION 5. SAVINGS. This Ordinance shall be cumulative of all other ordinances of the Town, and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are indirect conflict with the provisions of this Ordinance; provided, however, that any complaint, notice, action, cause of action, or claim which prior to the effective date of this Ordinance has been initiated or has arisen under or pursuant to such other ordinance(s) shall continue to be governed by the provisions of that ordinance or those ordinances, and for that purpose that ordinance or those ordinances shall be deemed to remain and shall continue in full force and effect.

SECTION 5. ZONING MAP. The official zoning map of the Town shall be amended to reflect the changes in zoning made by this ordinance.

SECTION 6. PENALTY. Any person, firm, or corporation violating any of the provision of this ordinance shall be punished by a penalty of a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 7. SEVERABILITY. The sections, paragraphs, sentences, phrases, and words of this Ordinance are severable, and if any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid or unconstitutional, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any person, firm, corporation, situation or circumstance, nor shall adjudication affect any other section or provision of the Comprehensive Zoning Ordinance of the Town of Little Elm, Texas, and the Town Council hereby declares that it would have adopted the valid portions and applications of the ordinance without the valid parts and to this end the provisions of this ordinance shall remain in full force and effect.

SECTION 8. REPEALER. That all ordinances of the Town of Little Elm in conflict with the provisions of this ordinance be and the same are hereby repealed to the extent of that

conflict.

SECTION 9. EFFECTIVE DATE. That this Ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by law and the Town Charter.

PASSED AND APPROVED by the Town Council of the Town of Little Elm, Texas on the ____ day of _____, 2025.

Town of Little Elm, Texas

Curtis Cornelious, Mayor

ATTEST:

Caitlan Biggs, Town Secretary

Exhibit A
Property Description

EXHIBIT A – PROPERTY DESCRIPTION

BEING a tract of land situated in the Marsella Jones Survey, Abstract No. 662, Denton County, Texas, and being a portion of a called 60.528 acre tract of land described as Tract 2 in a Special Warranty Deed to 2016 Blackhawk 155 Holdings, Ltd., as recorded in Instrument No. 2016-161092 of the Official Records of Denton County, Texas, and corrected by Instrument No. 2018-37459 of the Official Records of Denton County, Texas, and being a portion of a called 86.486 acre tract of land described in a Special Warranty Deed to 2016 Blackhawk 155 Holdings, Ltd., as recorded in Instrument No. 2016-161100 of the Official Records of Denton County, Texas, and corrected by Instrument No. 2018-37458 of the Official Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a brass disk found for the northeast corner of said 60.528 acre tract, common to the easterly corner of a called 0.238 acre tract of land described as Tract III in an unrecorded deed dated 11/10/1980 to Spiritas Ranch Enterprises, as evidenced in an affidavit recorded in Instrument No. 2016-136619 of the Official Records of Denton County, Texas, same being on the southerly line of a called 332.330 acre tract of land described in a deed to Spiritas Ranch Enterprises, as recorded in Volume 833, Page 38 of the Deed Records of Denton County, Texas, and on the monumented west line of Lake Lewisville;

THENCE departing the southerly line of said 332.330 acre tract, along the monumented westerly line of said Lake Lewisville and along the easterly line of said 60.528 acre tract, the following courses:

South 17°05'40" East, a distance of 215.00 feet to a brass disk found for corner;

North 81°37'40" West, distance of 764.60 feet to a point for corner, from which a brass disk found for witness bears North 21°32' West, 0.6 feet;

South 70°51'20" West, a distance of 626.00 feet to a point for corner, from which a brass disk found for witness bears South 03°51' West, 0.5 feet;

South 19°08'40" East, a distance of 172.70 feet to a brass disk found for corner;

South 78°12'40" East, a distance of 433.70 feet to a brass disk found for corner;

North 87°50'08" East, a distance of 198.36 feet to a brass disk found for corner;

South 06°29'40" East, a distance of 519.00 feet to a brass disk found for corner;

South 38°20'20" West, a distance of 230.80 feet to a 5/8 inch iron rod with a cap stamped "KHA" set for corner;

South 10°43'40" East, a distance of 385.92 feet to a brass disk found for corner;

North 47°32'13" East, a distance of 626.11 feet to a brass disk found for corner;

South 33°27'47" East, a distance of 200.76 feet to a brass disk found for corner;

South 28°27'13" West, a distance of 533.15 feet to the southeast corner of said 60.528 acre tract on the north line of a called 4.033 acre tract of land described to Joseph F. Schwegmann, as recorded in Volume 502, Page 623 of the Deed Records of Denton County, Texas, from which a brass disk found for witness bears South 28°40' West, 19.9 feet;

THENCE North 85°32'40" West, departing the monumented west line of said Lake Lewisville, along the north line of said 4.033 acre tract, the south line of said 60.528 acre tract, and crossing Lloyd's Road, an undefined width public road dedicated in the Order of Commissioner's Court & Plat of Denton County, Texas No. 2044, dated April 17, 1950, a distance of 487.54 feet to a point generally in said Lloyd's Road;

THENCE North 02°37'37" East, generally along said Lloyd's Road and crossing said 60.528 acre tract, a distance of 223.52 feet to a point at the beginning of a tangent curve to the left;

THENCE in a northwesterly direction, continuing across said 60.528 acre tract and generally along said Lloyd's Road, with said curve to the left, having a radius of 100.00 feet, a delta angle of 42°04'51", an arc distance of 73.45 feet, and a chord bearing North 18°24'49" West, a distance of 71.81 feet to a point for corner at the end of said curve on the east line of a called 57.472 acre tract of land described in a deed to 800 Oak Point Investments, LLC, as recorded in Instrument No. 2020-27656, Official Records of Denton County, Texas, and the west line of said 60.528 acre tract;

THENCE North 01°49'14" East, departing said Lloyd's Road, along the easterly line of said 57.472 acre tract and the west line of said 60.528 acre tract, and crossing said Lloyd's Road part of the way, a distance of 41.95 feet to a 5/8 inch iron rod found for the northeast corner of said 57.472 acre tract, same being an interior corner of said 60.528 acre tract;

THENCE South 87°21'25" West, continuing across said Lloyd's Road, along the northerly line of said 57.472 acre tract and the southerly line of said 60.528 acre tract, a distance of 761.99 feet to an "X" cut found for the northwest corner of said 57.472 acre tract, common to the northerly southwest corner of said 60.528 acre tract, being on the easterly terminus of Lloyds Road, a variable width right-of-way, as dedicated in Prairie Oaks Phase 1A, according to the Final Plat thereof recorded in Document No. 2019-27 of the Plat Records of Collin County, Texas;

THENCE North 02°38'35" West, continuing along the southerly line of said 60.528 acre tract and along the easterly terminus of said Lloyds Road, a distance of 30.00 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for the north end of the easterly terminus of said Lloyds Road, common to an ell corner on the southerly line of said 60.528 acre tract;

THENCE South 87°21'25" West, continuing along the southerly line of said 60.528 acre tract and along the northerly right-of-way line of said Lloyds Road, a distance of 122.25 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for the south end of a corner clip at the intersection of the northerly right-of-way line of said Lloyds Road with the easterly right-of-way

line of Bent Brock Road, a 50 foot wide right-of-way, as dedicated in said Prairie Oaks Phase 1A and Prairie Oaks Phase 1B, according to the Final Plat thereof recorded in Document No. 2019-258 of the Plat Records of Collin County, Texas;

THENCE North 47°38'35" West, continuing along the southerly line of said 60.528 acre tract and along said corner clip, a distance of 21.21 feet to an "X" cut in concrete found for a southwest corner of said 60.528 acre tract, common to the north end of said corner clip, being on the easterly right-of-way line of said Bent Brock Road;

THENCE North 02°38'35" West, along the easterly right-of-way line of said Bent Brock Road, and the westerly line of said 60.528 acre tract, a distance of 115.00 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for the south end of a corner clip at the intersection of the easterly right-of-way line of said Bent Brock Road with the southerly right-of-way line of Desert Willow Drive, a 50 foot wide right-of-way, as dedicated in said Prairie Oaks Phase 1B;

THENCE North 42°21'25" East, continuing along the westerly line of said 60.528 acre tract and along said corner clip, a distance of 14.14 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for the north end of said corner clip, being on the southerly right-of-way line of said Desert Willow Drive;

THENCE North 87°21'25" East, continuing along the westerly line of said 60.528 acre tract and along the southerly right-of-way line of said Desert Willow Drive, a distance of 10.50 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for the south end of the easterly terminus of said Desert Willow Drive;

THENCE North 02°38'35" West, continuing along the westerly line of said 60.528 acre tract and the easterly terminus of said Desert Willow Drive, a distance of 50.00 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for the north end of said easterly terminus;

THENCE South 87°21'25" West, continuing along the westerly line of said 60.528 acre tract and the northerly right-of-way line of said Desert Willow Drive, a distance of 10.50 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for the south end of a corner clip at the intersection of the northerly right-of-way line of said Desert Willow Drive with the easterly right-of-way line of said Bent Brook Road;

THENCE North 47°38'35" West, continuing along the westerly line of said 60.528 acre tract and along said corner clip, a distance of 14.14 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for the north end of said corner clip, being on the easterly right-of-way line of said Bent Brook Road;

THENCE North 02°38'35" West, continuing along the westerly line of said 60.528 acre tract and along the easterly right-of-way line of said Bent Brook Road, a distance of 120.67 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for the east end of the northerly terminus of said Bent Brook Road, common to an ell corner of said 60.528 acre tract;

THENCE South 87°21'25" West, continuing along the westerly line of said 60.528 acre tract and along the northerly terminus of said Bent Brook Road, a distance of 50.00 feet to a 5/8 inch iron

rod with plastic cap stamped "KHA" found for the west end of said northerly terminus, common to an ell corner of said 60.528 acre tract;

THENCE South $02^{\circ}38'35''$ East, continuing along the westerly line of said 60.528 acre tract and along the westerly right-of-way of said Bent Brook Road, a distance of 10.00 feet to an "X" cut in concrete found for the northeast corner of Block O of said Prairie Oaks Phase 1B, common to a southeast corner of said 60.528 acre tract, and at the beginning of a non-tangent curve to the right having a central angle of $00^{\circ}51'24''$, a radius of 355.00 feet, a chord bearing and distance of North $88^{\circ}41'12''$ West, 5.31 feet;

THENCE in a northwesterly direction with said curve to the right, departing the westerly line of said 60.528 acre tract and along the northerly line of said Block O, an arc distance of 5.31 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for corner;

THENCE North $88^{\circ}15'30''$ West, continuing along the northerly line of said Block O, a distance of 390.76 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for the northwest corner of said Block O, common to a southwest corner of said 60.528 acre tract, and at the beginning of a non-tangent curve to the right having a central angle of $14^{\circ}22'22''$, a radius of 475.00 feet, a chord bearing and distance of North $12^{\circ}50'37''$ East, 118.84 feet;

THENCE along the westerly line of said 60.528 acre tract and the easterly line of said Prairie Oaks Phase 1B, the following courses:

In a northeasterly direction, with said curve to the right, an arc distance of 119.15 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for corner;

North $20^{\circ}01'48''$ East, a distance of 5.23 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for corner;

North $62^{\circ}31'19''$ East, a distance of 14.80 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found at the beginning of a non-tangent curve to the left having a central angle of $02^{\circ}56'04''$, a radius of 375.00 feet, a chord bearing and distance of South $77^{\circ}16'54''$ East, 19.20 feet;

In a southeasterly direction, with said curve to the left, an arc distance of 19.21 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for corner;

North $11^{\circ}15'04''$ East, a distance of 50.00 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found at the beginning of a non-tangent curve to the right having a central angle of $02^{\circ}01'53''$, a radius of 325.00 feet, a chord bearing and distance of North $77^{\circ}43'59''$ West, 11.52 feet;

In a northwesterly direction, with said curve to the right, an arc distance of 11.52 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for corner;

North $27^{\circ}56'36''$ West, a distance of 13.46 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for corner;

North 20°01'48" East, a distance of 22.17 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for corner;

North 69°58'12" West, a distance of 50.00 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for corner;

South 20°01'48" West, a distance of 10.00 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for corner;

North 69°58'12" West, a distance of 120.00 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for corner;

North 20°01'48" East, a distance of 2.49 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for corner;

North 69°58'12" West, a distance of 120.00 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for corner;

North 20°01'48" East, a distance of 19.66 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for corner;

North 69°58'12" West, a distance of 50.00 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for corner;

South 20°01'48" West, passing at a distance of 10.00 feet the westerly line of said 60.528 acre tract, and continuing along the same course for a total distance of 60.00 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for corner;

THENCE North 69°58'12" West, continuing along the easterly line of said Prairie Oaks Phase 1B, a distance of 142.11 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found at the beginning of a non-tangent curve to the left having a central angle of 19°51'22", a radius of 1030.00 feet, a chord bearing and distance of North 11°59'58" East, 355.17 feet;

THENCE in a northeasterly direction with said curve to the left, continuing along the easterly line of said Prairie Oaks Phase 1B, passing en route a southwest corner of said 60.528 acre tract, and continuing along the same course and along the westerly line of said 60.528 acre tract, for a total arc distance of 356.95 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for corner;

THENCE continuing along the easterly line of said Prairie Oaks Phase 1B and the westerly line of said 60.528 acre tract, the following courses:

North 02°04'17" East, a distance of 82.97 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for corner;

North 47°04'17" East, a distance of 21.21 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for corner;

South 87°55'43" East, a distance of 8.50 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for corner;

North 02°04'17" East, a distance of 50.00 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for corner;

North 87°55'43" West, a distance of 8.50 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for corner;

North 42°55'43" West, a distance of 21.21 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for corner;

North 02°04'17" East, a distance of 203.46 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for corner;

North 47°04'17" East, a distance of 21.21 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for corner;

South 87°55'43" East, a distance of 8.50 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for corner;

North 02°04'17" East, a distance of 50.00 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for corner;

North 87°55'43" West, a distance of 8.50 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for corner;

North 42°55'43" West, a distance of 21.21 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for corner;

North 02°04'17" East, a distance of 105.00 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" found for the northwest corner of said 60.528 acre tract, being on the southerly line of a called 0.773 acre tract of land described as Tract I in an unrecorded deed dated 11/10/1980 to Spiritas Ranch Enterprises, as evidenced in aforesaid affidavit;

THENCE South 88°13'59" East, along the northerly line of said 60.528 acre tract and the southerly line of said 0.773 acre tract, a distance of 1145.43 feet to a 5/8 inch iron rod with plastic cap stamped "KHA" set for the southeast corner of said 0.773 acre tract, common to the southwest corner of a called 0.030 acre tract of land described in an unrecorded deed dated 11/10/1980 to Spiritas Ranch Enterprises, as evidenced in said affidavit;

THENCE South 86°39'02" East, continuing along the northerly line of said 60.528 acre tract and along the southerly line of said 0.030 acre tract, a distance of 346.16 feet to a metal post found

for the southeast corner of said 0.030 acre tract, common to an exterior corner of aforesaid 0.238 acre tract;

THENCE South 88°59'22" East, continuing along the northerly line of said 60.528 acre tract and along the southerly line of said 0.238 acre tract, a distance of 981.67 feet to the **POINT OF BEGINNING** and containing 60.599 acres (2,639,699 square feet) of land, more or less.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983(2011).

Exhibit B
Development Plans, Images, and Documents

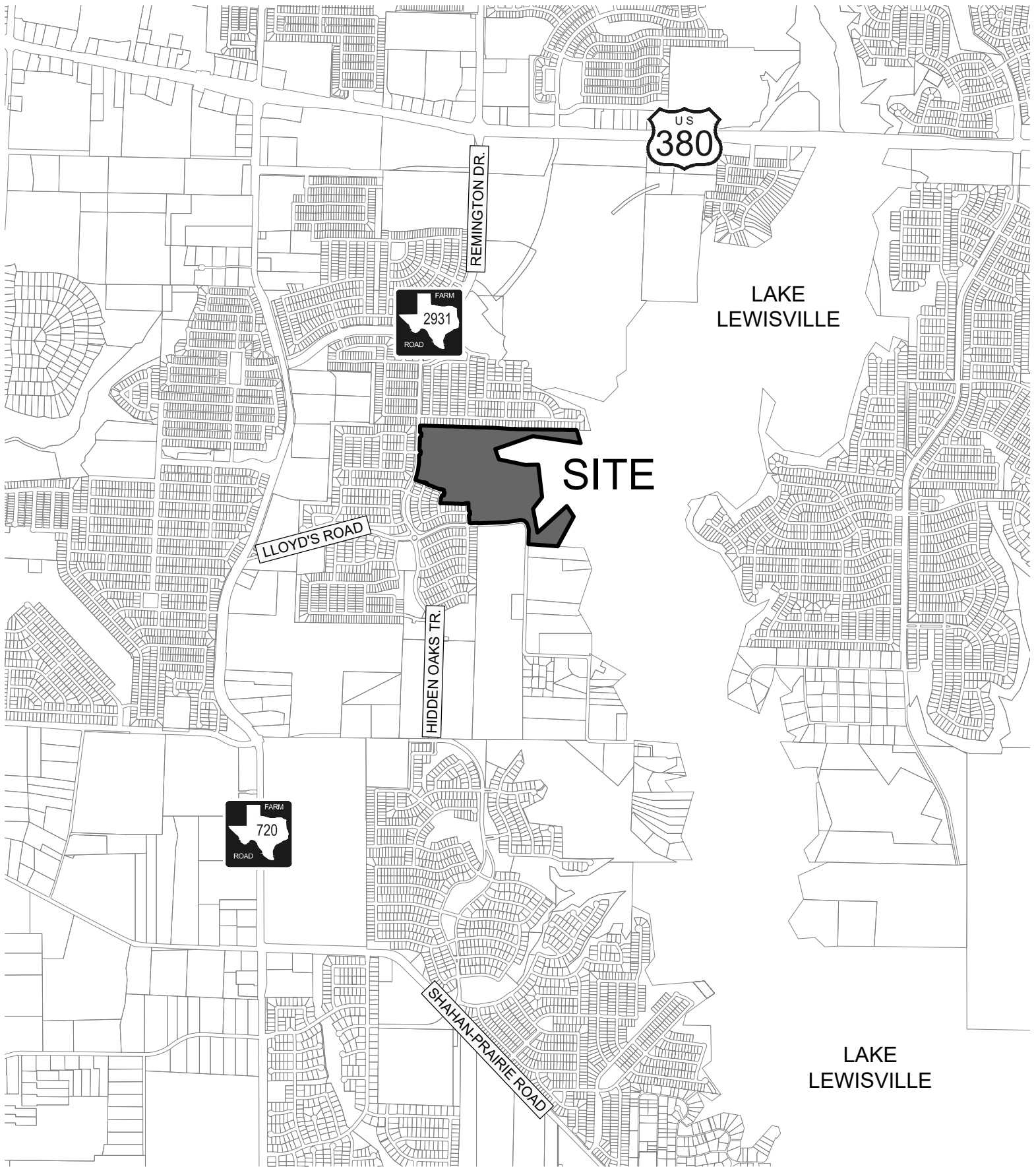


EXHIBIT B
VICINITY MAP



EXHIBIT “C”

PD DEVELOPMENT REGULATIONS

I. Residential Lot and Dwelling Regulations

A. Lot Type 1

(1) *Purpose.* The purpose is to allow single-family detached dwellings on lots of not less than 7,200 square feet, together with allowed incidental and accessory uses.

(2) *Uses generally.*

- a) Uses permitted in the SF-4 One-Family District of the Town of Little Elm Zoning Ordinance.

(3) *Height and area regulations.* The height of buildings, the minimum dimensions of lots and yards, and the minimum lot area permitted on any lot, shall be as follows:

- a) *Height.* Buildings or structures shall not exceed 40 feet, or two and one-half (2 ½) stories in height.
- b) *Front yards.* Front yard shall be a minimum of 20 feet.
- c) *Side yards.* Side yard shall be a minimum of 5 feet.
- d) *Side yards on corner lots.* Side yard adjacent to a street shall be a minimum of 15 feet, regardless of whether or not the lot backs to another lot that fronts onto the same street (reverse corner).
- e) *Rear yards.* Rear yard shall be a minimum of 20 feet.
- f) *Width of lot.* The minimum width of a lot shall be 60 feet measured along the platted front yard building line.
- g) *Lot size.* Lots shall have a minimum area of 7,200 square feet.
- h) *Floor area.* Each dwelling unit shall have a floor area, excluding basements, open and screened porches, and garages, of not less than 1,600 square feet.

(4) *Additional regulations.*

- a) Alleys are not permitted.

B. Lot Type 2

(1) *Purpose.* The purpose is to allow single-family detached dwellings on lots of not less than 6,000 square feet, together with allowed incidental and accessory uses.

(2) *Uses generally.*

- a) Uses permitted in the SF-4 One-Family District of the Town of Little Elm Zoning Ordinance.

(3) *Height and area regulations.* The height of buildings, the minimum dimensions of lots and yards, and the minimum lot area permitted on any lot, shall be as follows:

- a) *Height.* Buildings or structures shall not exceed 40 feet, or two and one-half (2 ½) stories in height.
- b) *Front yards.* Front yard shall be a minimum of 20 feet.
- c) *Side yards.* Side yard shall be a minimum of 5 feet.
- d) *Side yards on corner lots.* Side yard adjacent to a street shall be a minimum of 15 feet, regardless of whether or not the lot backs to another lot that fronts onto the same street (reverse corner).
- e) *Rear yards.* Rear yard shall be a minimum of 20 feet.
- f) *Width of lot.* The minimum width of a lot shall be 50 feet measured along the platted front yard building line.
- g) *Lot size.* Lots shall have a minimum area of 6,000 square feet.
- h) *Floor area.* Each dwelling unit shall have a floor area, excluding basements, open and screened porches, and garages, of not less than 1,200 square feet.

(4) *Additional regulations.*

- a) The maximum number of Type 2 lots shall be 126.
- b) Alleys are not permitted.

II. General Development Regulations

- 1) In addition to the permitted uses mentioned for each Residential Lot Type, the following temporary and permanent uses are permitted within the Property:
 - a) Temporary construction yard and field office associated with the construction of the development and houses within the development.
 - b) Temporary asphalt/concrete batching plant associated with the construction of the development.
 - c) Temporary sales center for sale of new on-site homes by builders.

- d) Amenity centers, parks, trails, playgrounds, and other open space and recreational improvements, private or public.
 - e) Municipal uses operated by the Town of Little Elm, Mustang Special Utility District, or other CCN holders and authorized providers.
 - f) Sewage pumping station
 - g) Private utility
 - h) Utility distribution/transmission line
 - i) Water reservoir / water pumping station
 - j) Water well (irrigation and pond fill use only)
 - k) Child care center (in-home), a home occupation that provides regular child care for compensation in their primary residence for less than 24 hours a day. It is considered a violation of this section for a facility to provide care for a number of children that exceeds what is allowed per the classification shown on the state permit to be submitted with the town's home occupation registration. Uses must register with the town annually and show proof of state permit. This use is subject to regulation by the Texas Department of Family and Protective Services and all home occupation regulations of the Town of Little Elm Code of Ordinances.
- 2) The maximum number of dwelling units shall be 206.
 - 3) A minimum of 10.0 acres of open space shall be provided. For the purposes of this requirement, "open space" shall mean amenity centers, parks, natural preserves, tributaries, floodplain, roadway buffers, landscape areas, greens, squares, courtyards, plazas, medians, colonnades, and detention areas.
 - 4) The exterior facades of a main building or structure shall be constructed of 85 percent masonry finishing material that is comprised of brick, stone, cast stone, stucco, or a combination thereof. Other materials of equal or similar characteristics may be allowed upon the approval of the Town's Building Official. Cementitious fiber board may be used for the remainder, including architectural features such as window box-outs, bay windows, dormers, and chimneys not part of an exterior wall.
 - 5) The front house elevation shall not be repeated on the lot most directly across the street, nor shall it be repeated on two (2) lots in either direction on the same side of the street.
 - 6) Garage doors and front doors shall consist of stained cedar, redwood, spruce, fir, or other hardwood, or other products, including products that are not wood but have a wood appearance and approved the Town's Building Official.
 - 7) All residential structures shall include at least four (4) of the following design features on the front façade or visible from the front or side street:
 - a) Carriage style garage door with hardware (must also meet II.6 to count as option)
 - b) Architectural pillars or posts
 - c) Bay windows
 - d) Brick Chimney on exterior wall
 - e) Cast stone accents
 - f) Covered front porches (minimum 60 square feet covered by main roof or an architectural extension)
 - g) Cupolas or turrets

- h) Dormers or Gables
 - i) Garage door NOT facing the street
 - j) Roof accent upgrades (i.e., metal, tile, slate)
 - k) Recessed entries, a minimum of three (3) feet deep
 - l) Greater than 8:12 primary roof pitch, or variable roof pitch
 - m) Separate transom windows
 - n) Divided light windows
 - o) Variable roof pitch
 - p) Shutters
 - q) Masonry arches
 - r) Recessed entry not less than 3 feet
 - s) Mixed masonry material
 - t) Coach lights
 - u) Decorative attic or gable feature, minimum 2 square feet in size, i.e. vent, window, or brick detail
 - v) Decorative driveway, i.e. salt finish, exposed aggregate, or other treatments approved by the Town's Building Official
- 8) Every part of a required side yard (including side yards adjacent to a street) shall be open and free of structures except for fences, accessory buildings, and air conditioning units. Ordinary projections of window sills, belt courses, cornices, and other architectural features may project not more than 18 inches into the required side yard, and roof eaves may project not more than 36 inches into the required side yard.
 - 9) HVAC units (excepting vents and stacks) shall be screened from view from a street with shrubs or stained wood fence.
 - 10) Subdivision perimeter walls are required to be constructed in a platted common area adjacent to collector roads or arterials, or other such roads that have a right-of-way of 60 feet or greater, where the adjacent use is backing to the road.
 - 11) Residential Fences Backing to Open Space. Fences backing to floodplain or open space shall be 4-foot black tubular steel.
 - 12) Lift stations shall be screened with a minimum 8' masonry wall.
 - 13) At least one (1) large canopy tree, per lot, shall be planted in the front yard prior to the issuance of a CO permit for the dwelling. Trees shall be a minimum 3" caliper. Trees may not be planted in the area between the sidewalk and the road.
 - 14) At least one (1) large canopy tree, per lot, shall be planted in the rear yard of any lot backing to a collector road. The tree shall be planted prior to the issuance of a CO permit for the dwelling. Trees shall be a minimum 3" caliper.
 - 15) At least one (1) large canopy tree, per lot, shall be planted in the side yard of lots adjacent to a street. The tree shall be planted prior to the issuance of a CO permit for the dwelling. Trees shall be a minimum 3" caliper.
 - 16) At least one (1) small ornamental tree, per lot, shall be planted in the front yard or side yard (in front of the fence) prior to the issuance of a CO for the dwelling. For corner lots, two (2) small

ornamental trees shall be planted in the side yard, between the fence and the sidewalk, prior to the issuance of a CO for the dwelling. Trees shall be a 2.5" minimum caliper.

- 17) Required landscaping for residential lots includes shrubs along the front of the house.
- 18) All front yards shall be irrigated with an automatic system.
- 19) Landscape buffers adjacent to the collector and arterial public right-of-way shall contain at least one large canopy tree, minimum 3" caliper, every 50 linear feet or fraction thereof of street frontage, inclusive of driveways. Trees may be grouped or clustered to facilitate site design but shall not exceed 250 linear feet between trees. For every five large canopy trees or fraction thereof required along the street frontage, two small ornamental trees, minimum 2.5" caliper, shall also be provided. For every five large canopy trees or fraction thereof required along the street frontage, 1,200 square feet of ornamental planting shall be planted along the sidewalk/trails. Ornamental plantings may be grouped or clustered to facilitate design but shall not exceed 2,500 linear feet between groupings and/or clusters. Sidewalks and trails shall have a meandering alignment and may encroach into the landscape buffer. Landscape planting areas shall be included intermittently along either side of the sidewalk and trail within the Landscape buffer area.
- 20) Collector roads shall be constructed when the adjacent phase of development occurs. The landscaping, sidewalk, trail, and other buffer requirements are only required when the adjacent phase of lots are platted.
- 21) The single-family uses shall generally develop in accordance with the Concept Plan, including street layout and lotting.
- 22) The Concept Plan shall serve as the preliminary plat, unless the owner/applicant elects to submit a preliminary plat for review and approval by the Town staff prior to submitting a final plat and construction plans.
- 23) A Homeowners Association (HOA) shall be established and shall maintain all common areas.
- 24) All public street lights shall be LED.
- 25) Mailboxes shall be brick and, where practical, clustered in pairs.

26) The extensive natural tree coverage within the development being preserved in open space depicted on the Concept Plan shall be deemed to satisfy the tree preservation requirements of the Town, including but not limited to waiver of requirements to inventory trees, obtain permits for tree removal, and mitigation for tree removal, either by fees or planting.

27) Improvements of pocket parks shall be in accordance with the Concept Plan. Conceptual illustrations of potential improvement options for each pocket park, that are in accordance with Concept Plan, are included as Exhibit F-1 and Exhibit F-2.

III. Street Design Standards

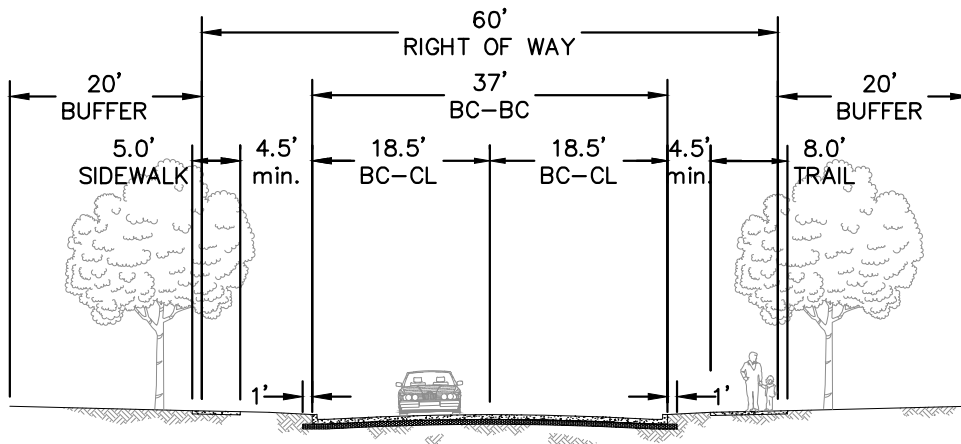
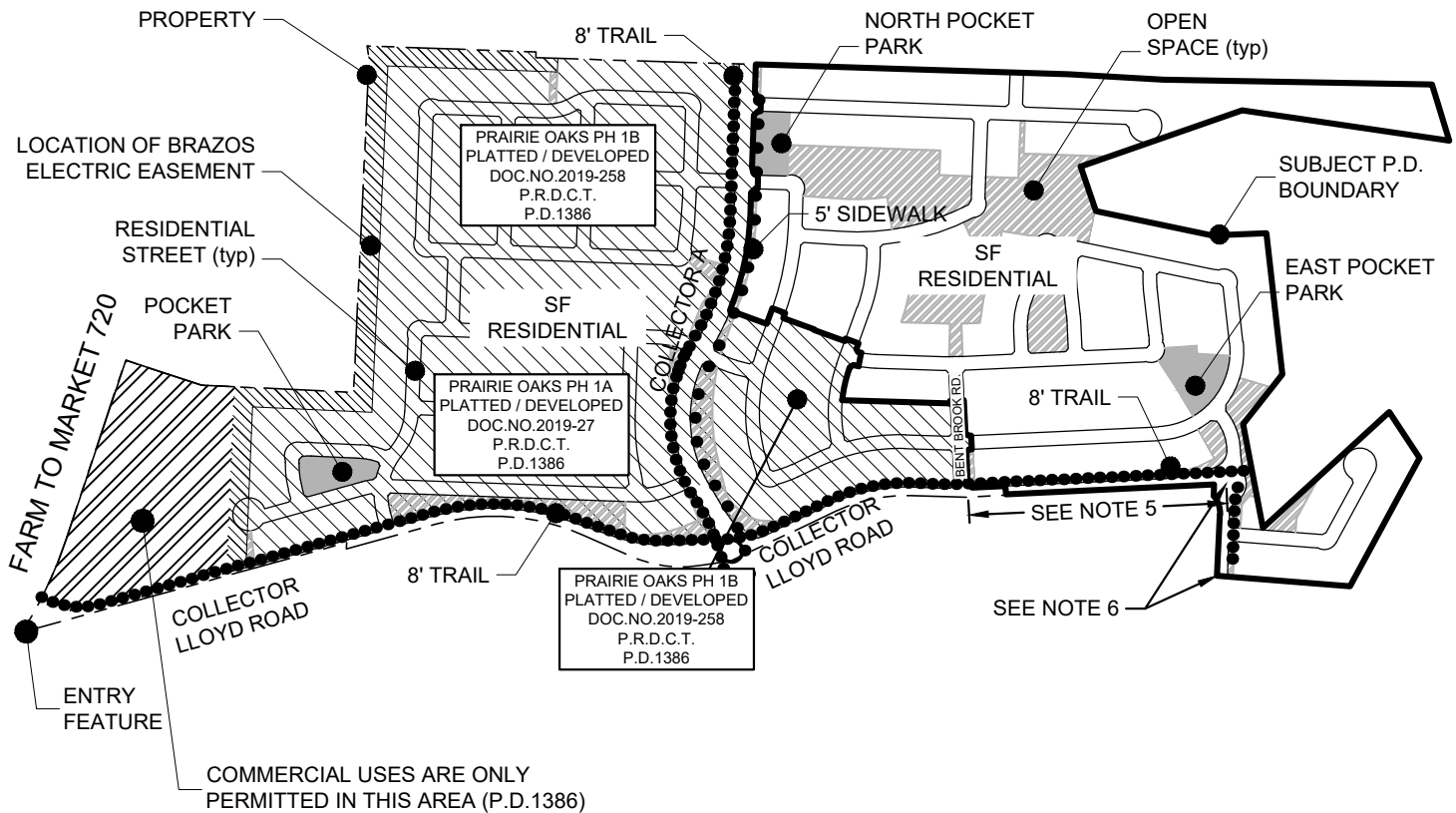
1) Collector Streets

- a. ROW: 60'
- b. Pavement section: 8" – 3,500 psi reinforced concrete; #4 rebar @18" OCEW; 8" lime, flex base, or cement stabilized subgrade
- c. Pavement width: 37' (back-of-curb to back-of-curb)
- d. Curb return radii: 25'
- e. Minimum centerline radius for curves: 430'
- f. Minimum tangent between reverse curves: 0'
- g. Sidewalk: 8' wide x 6" minimum thickness, and 5' wide x 4" thick; location per Exhibit "D" – Concept Plan
- h. Parking: not allowed
- i. Lighting: LED every 180' (+/-) on alternating sides, height to be approved by the Town Engineer

2) Local Residential Streets

- a. ROW: 50'
- b. Pavement section: 6" – 3,500 psi reinforced concrete; #4 rebar OCEW; 6" lime, flex base, or cement stabilized subgrade
- c. Pavement width: 31' (back-of-curb to back-of-curb)
- d. Curb return radii: 20'
- e. Minimum centerline radius for curves: 200'
- f. Minimum tangent between reverse curves: 0'
- g. Sidewalk: 4" minimum thickness, 5' minimum width
- h. Parking: allowed on both sides

- 3) The Town Engineer shall have the discretionary authority to consider and approve exceptions to the Street Design Standards.



COLLECTOR STREET
TYPICAL SECTION
(Lloyd's Road & Collector "A")



n.t.s.

EXHIBIT "D" CONCEPT PLAN

NOTES:

1) 8' Trail and 5' sidewalk shall meander and may encroach within the buffer.

2) See Development Regulations for buffer requirements.

3) The Street Layouts depicted are conceptual and subject to minor adjustment at time of platting.

4) North Pocket Park and East Pocket Park shall each include the following program elements:

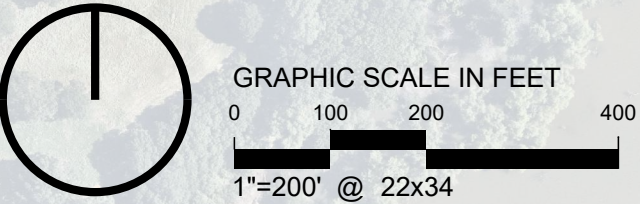
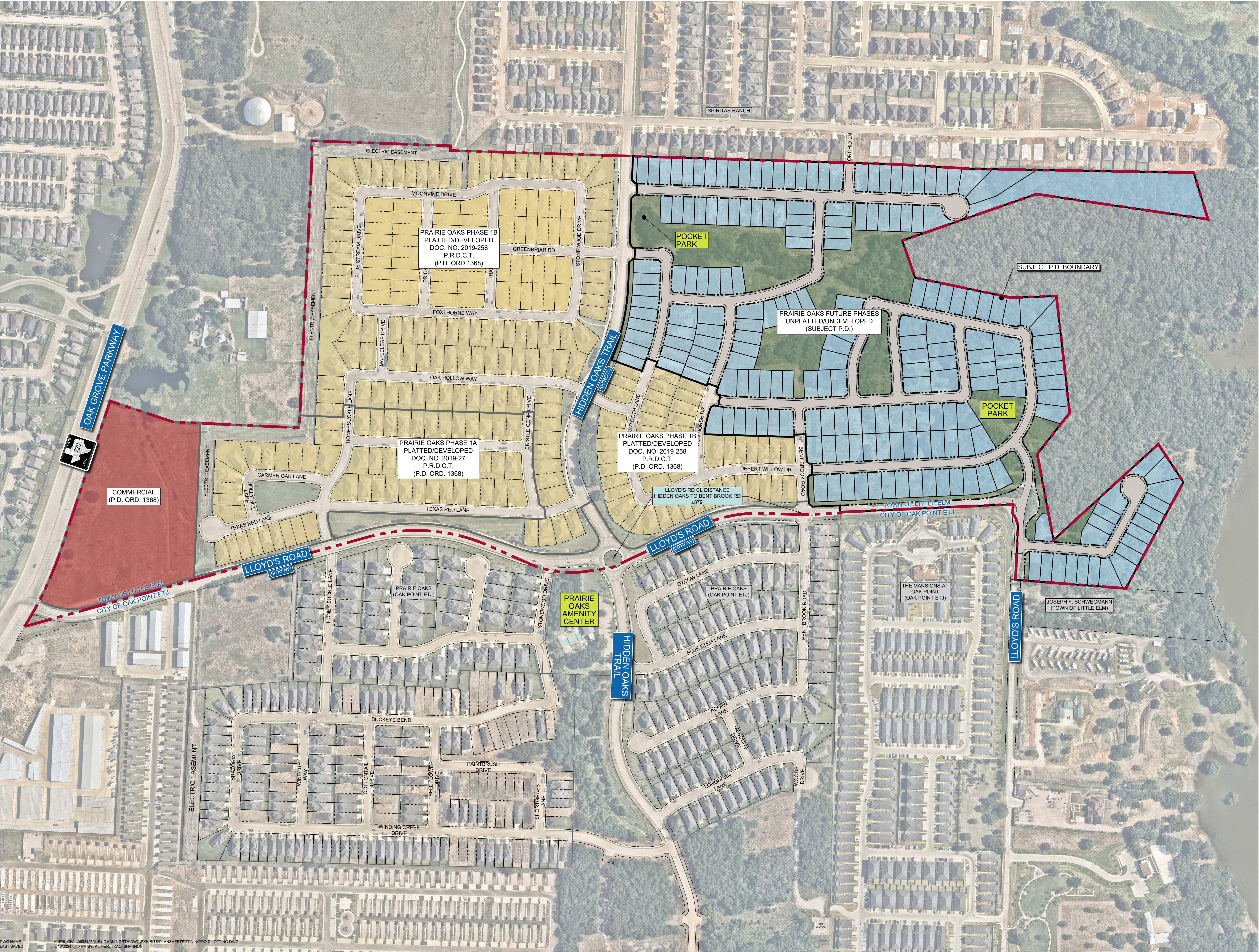
- IRRIGATED LAWN AREA
- ENHANCED PLANTINGS
- SEATING
- PICNIC TABLE WITH SHADE STRUCTURE
- TRASH RECEPTACLE
- PET WASTE STATION

In addition to the above, one of the following shall also be included in the program elements:

- CHILDREN'S PLAY EQUIPMENT, OR
- DOG PARK

5) At least 30' of ROW, or other type of reservation or lot satisfactory to the Town, shall be dedicated or platted along the south boundary of the PD for the east-west segment of Lloyds Road located east of Bent Brook Road. Various asphalt roadway pavement sections may be utilized for this segment, including existing pavement, as approved by the Town Engineer. The intent being the subdivider or developer of the PD is not obligated to construct a 37' (b-b) concrete roadway surface for this segment.

6) At least 60' of ROW, or other type of reservation or lot satisfactory to the Town, shall be dedicated or platted along the west boundary of the PD for the north-south segment for Lloyds Road. Various roadway pavement materials and sections may be utilized for this segment, including existing pavement, as approved by the Town Engineer.



Platted / Developed Lot Summary
(P.D.1386)

Type 1	89	32.4%
Type 2	186	67.6%
Total Lots	275	

Unplatted / Undeveloped
(Subject P.D.) Lot Summary

Type 1	80 ±
Type 2	126 Max.
Total	206 Max.

Platted / Developed Lots (P.D. 1386) &
Unplatted / Undeveloped (Subject P.D.)
Combined Lot Summary

Type 1	169 ±
Type 2	312 Max.
Total Lots	481 Max.

--- PRAIRIE OAKS PROJECT
BOUNDARY WITHIN THE
TOWN OF LITTLE ELM

- NOTES:
1. Future ROW, streets, and lots shown are preliminary and will be detailed with future final plats and construction plans in accordance with the Town of Little Elm subdivision ordinance unless specific waivers or variances are approved at that time.
 2. The dimension, area, setbacks, and use of lots shall be in accordance with the Town of Little Elm zoning ordinance and this P.D.
 3. Existing platted/dedicated street ROW adjacent to the property is 50' unless indicated otherwise.
 4. According to Community Panel No. 48121C0405G, dated 04-18-11 of the National Flood Insurance Program Map, Flood Insurance Rate Map of Denton County, Texas, Federal Emergency Management Agency, Federal Insurance Administration, this property is within Zone "X-Unshaded", which is not a special flood hazard area.
 5. This property lies within the boundaries of The Rudman Tract Public Improvement District according to the Town of Little Elm, Texas Resolution No. 10181601 recorded in Instrument No. 2017-63524 of the Official Records of Denton County, Texas.

EXHIBIT E
LOTING PLAN

Prairie Oaks

Town of Little Elm, Texas

OWNER:
2016 Blackhawk 155 Holdings LTD.
Mr. John Dowdall
3833 Centenary Ave.
Dallas, TX 75255
P (214) 212-5462

ENGINEER / SURVEYOR:
Kimley-Horn and Associates
State of Texas Registration No. F-928
6160 Warren Parkway
Suite 210
Frisco, TX 75034
P (972) 335-3580
Contact: Paul McCracken, PE

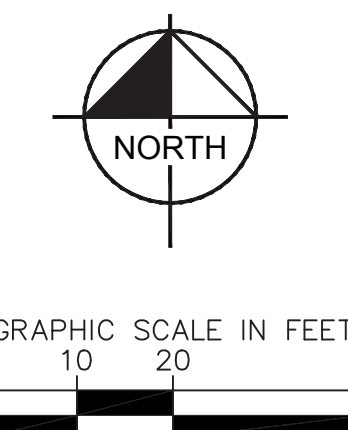
OPL Prairie Oaks Development, Inc.
Mr. John Dowdall
3833 Centenary Ave.
Dallas, TX 75255
P (214) 212-5462

Kimley»Horn
September 2024

PROGRAM

Dog Park

- a** | Shade Structure with Picnic Table
- b** | Enhanced Landscape
- c** | Landscape Boulders
- d** | Dog Agility Equipment
- e** | Bench
- f** | Pet Waste Station





PROGRAM

Pocket Park

- a** Shade Structure
- b** Play Structures
- c** Bench
- d** Trash bin
- e** 6 ft Concrete Trail
- f** Picnic Table

