

AFTER RECORDING, RETURN TO:

City Secretary
City of McKinney
P.O. Box 517
222 N. Tennessee Street
McKinney, Texas 75069

City Of McKinney, Texas

PARKLAND DEDICATION FACILITIES AGREEMENT

Southern Hills at Craig Ranch

THIS AGREEMENT is entered into effective the ____ day of _____, 2016, by and between the **CITY OF MCKINNEY**, a Texas home-rule city and municipal corporation ("CITY") and **GA LAND DEVELOPMENT, LP**, a Texas limited partnership,, whose address is 3751 Victoria Park Avenue, Toronto, Ontario M1W 3Z4, and whose General Partner is GA Land Development, Inc., a Texas corporation, ("DEVELOPER") witnesseth that:

WHEREAS, the Subdivision Regulations of the City of McKinney, Texas contained in Chapter 142 of the Code of the City of McKinney, Texas (the "Subdivision Regulations") establish procedures and standards for the development and subdivision of real estate and for the surveying and platting thereof, requiring the installation of adequate public facilities to serve the subject property and providing penalties for violations, among other things; and

WHEREAS, Section 142-76(b)(10) of the Subdivision Regulations requires the execution of a Facilities Agreement prior to the issuance of a Development Permit for the clearing, grading, filling, dredging, or construction of public streets, utilities, or drainage, or other improvements which may affect adjacent or surrounding properties in certain circumstances described in Section 142-37 of the Subdivision Regulations, as amended; and

WHEREAS, the development of the subdivision to be known as **Southern Hills at Craig Ranch** involves certain pro rata payments, city participation in cost, escrow deposits or other future considerations, and/or other nonstandard development regulations, that trigger the requirement for a Facilities Agreement by and between the CITY and the DEVELOPER in accordance with Section 142-37 of the Subdivision Regulations, as amended; and

WHEREAS, the Subdivision Regulations prohibit recording the Final Plat of a subdivision within the incorporated area of the City until the DEVELOPER has completed all of the public facilities that must be dedicated to the City or has entered into a Facilities Agreement and guaranteed to the satisfaction of the CITY such improvements will be installed; and

- WHEREAS, Section 142-156(a) of the Subdivision Regulations requires DEVELOPER to convey land for park purposes or make a payment of money in lieu of land, or a combination of both, to the CITY at the time of subdivision for single family and duplex residential development or at time of issuance of a building permit for multi-family development, to provide for the recreational needs created by such development; and
- WHEREAS, Section 142-157(a)(2) of the Subdivision Regulations provides that for single family, duplex residential and multi-family developments the amount of land needed for park purposes, to provide for the recreational needs created by such residential development, shall be one (1) acre per fifty (50) residential dwelling units or a portion thereof; and
- WHEREAS, the subdivision to be known as Southern Hills at Craig Ranch is within the Regional Employment Center ("REC"); and
- WHEREAS, the Overlay Urban Design Standards for the REC requires small privately owned and maintained parks and open spaces throughout the neighborhoods; and
- WHEREAS, certain of these small privately owned and maintained parks and neighborhood open spaces qualify as private recreation facilities and may be used to offset some of the DEVELOPER's obligation to convey land to the CITY for park purposes or pay money in lieu of land, or a combination thereof, in accordance with Section 142-157(a)(4) of the Subdivision Regulations; and
- WHEREAS, Section 142-157(a)(4) of the Subdivision Regulations specifically allows the Director of Parks, Recreation and Open Space to determine the value of private recreation facilities but limits any credit that can be received by a DEVELOPER for such private recreation facilities to a maximum of 50 percent; and
- WHEREAS, DEVELOPER has proposed providing five privately owned and maintained parks and neighborhood open spaces for the Southern Hills at Craig Ranch Subdivision containing a total of approximately 9.69 acres of land ("Private Parks and Open Spaces"); and
- WHEREAS, DEVELOPER is requesting credit toward parkland dedication for the development of two of these privately owned and maintained parks and neighborhood open spaces that are identified as Lots CA-D1 and CA-F1 on the Plat of the Southern Hills at Craig Ranch Subdivision.
- WHEREAS, DEVELOPER, is platting 7.2 acres of the proposed 9.69 acres of Private Parks and Open Spaces with the first phase of development of said subdivision with the remaining 2.49 acres of Private Parks and Open Spaces being dedicated prior to or contemporaneously with the final phase of development; and

WHEREAS, the ultimate build-out of Southern Hills at Craig Ranch Subdivision is proposed to have 454 residential dwelling units, which requires the dedication of 9.08 acres of land for park purposes; and

WHEREAS, approximately 7.2 acres of Private Parks and Open Spaces located in the first phase of development shall be platted and conveyed to a homeowner's association or property owner's association that satisfies the requirements of Section 142-107 of the Subdivision Regulations contemporaneously with the filing of the plat for the first phase of development of the Southern Hills at Craig Ranch Subdivision; and

WHEREAS, approximately 2.49 acres of Private Parks and Open Spaces located in the second phase of development shall be platted and conveyed to a homeowner's association or property owner's association that satisfies the requirements of Section 142-107 of the Subdivision Regulations contemporaneously with the filing of the plat for the first phase of development of the Southern Hills at Craig Ranch Subdivision.

NOW THEREFORE, in consideration of the intent and desire of the DEVELOPER, as set forth herein, and to gain approval of the CITY to record said Plat, the DEVELOPER and CITY agree as follows:

Section 1. Property

This Agreement is for Property located in the City of McKinney, known as Southern Hills at Craig Ranch, containing approximately 107.654 acres of land, located generally north of State Highway 121, east of Custer Road and south of Collin McKinney Parkway more fully described in Exhibit "A" attached hereto ("Property") and fully incorporated herein by reference.

Section 2. Park Land Dedication.

- A. The total parkland dedication requirement for Southern Hills at Craig Ranch is cash in lieu of dedication of 9.08 acres of land.
- B. DEVELOPER has requested credits against parkland dedication for the construction of private recreation facilities required by the REC to be dedicated as Private Parks and Open Spaces on approximately 9.69 acres of land within the Property.
- C. The Subdivision Ordinance, Section 142-157(a)(4), allows for credits towards park land dedication to be issued for private recreation facilities not to exceed fifty percent (50%) of the total parkland dedication requirement.
- D. As a condition of receiving credits for parkland dedication pursuant to Section 142-157(a)(4), private open space must have a certain minimum level of

improvements constructed and said improvements are subject to approval by the Parks Department. Acceptable improvements may include:

- a. Play structures;
- b. Hike and bike trails;
- c. Benches and waste receptacles;
- d. Any active recreation hardscape such as basketball, tennis, and volleyball courts, etc.; and,
- e. Parking lots that support a playing field (soccer, baseball).

Additionally, and again as a condition to receiving credit for parkland dedication, private open spaces shall not be restricted to only the residents of the neighborhood but shall be open to the general public.

- E. Based upon the DEVELOPER's proposed improvements to the Private Parks and Open Spaces identified in Exhibit "C" (the "Private Recreation Facility Improvements") attached hereto and incorporated herein by reference for all purposes allowed by law, the DEVELOPER will receive credit for 4.54 acres of park land dedication toward DEVELOPER's total parkland dedication obligation provided the Private Recreation Facility Improvements are constructed.
- F. The credit for 4.54 acres of park land dedication identified in this Section 2 shall be applied to the first 227 residential lots developed on the Property, or until such credits are exhausted. Upon the exhaustion of such credits, DEVELOPER shall pay cash in lieu of dedication, in satisfaction of the remaining 4.54 acres of required parkland for the Development, in cash for each subsequent lot being developed on the Property. Such cash payment in lieu of dedication shall be paid to the City prior to the filing of each such plat in the Plat Records of Collin County, Texas.
- G. If DEVELOPER fails or refuses to construct the approved Private Recreation Facility Improvements prior to the earlier of filing the plat for the last phase of development on the Property or the issuance of the building permit for the 228th lot on the Property or the expiration of four years from the date of this Agreement then DEVELOPER shall not be entitled to any credits and shall be required to pay the total amount of cash in lieu of dedication for the full 9.08 acres of required parkland dedication to serve the Property prior to the recording of the plat for the last phase of development of the Property with Collin County.
- H. DEVELOPER shall deed restrict the approximately 9.69 acres of land identified herein as "Private Parks and Open Spaces" for use only as Private Parks and Open Spaces available for the public's use and enjoyment, and shall specifically authorize CITY to enforce such deed restriction for the public

benefit notwithstanding the fact CITY does not have an ownership interest in said Private Parks and Open Spaces.

Section 3. General Provisions

- A. DEVELOPER hereby relieves CITY of any responsibilities for any inadequacies in the preliminary plans, plats or exhibits supplied for the purpose of this Agreement.
- B. DEVELOPER agrees that all coordination required with public and/or private utility agencies to eliminate conflicts with proposed street grades or underground improvements shall be the responsibility of DEVELOPER. Likewise, coordination with agencies requiring special conditions (i.e., railroads and the Texas Department of Transportation), if any, shall be the responsibility of DEVELOPER.
- C. DEVELOPER agrees that improvements to the Property as set forth herein shall be completed within four (4) years from the date of approval of this Agreement by the McKinney City Council.
- D. Upon satisfactory completion by DEVELOPER of all requirements of this Agreement and final acceptance of private recreation facilities by CITY, this Agreement shall terminate and CITY will execute a release of covenant to DEVELOPER, its heirs, successors, assigns, grantees, vendors, trustees, representatives, and all others holding any interest now or in the future.
- E. Upon DEVELOPER's construction and CITY's approval of the Private Recreation Facility Improvements on the approximately 7.2 acres of land dedicated as Private Parks and Open Spaces, this Agreement will terminate as to the first 227 residential lots for which a building permit is issued on the Property. Following construction and approval of the Private Recreation Facility Improvements, as provided herein-above, and upon DEVELOPER's further payment of cash in lieu of dedication in satisfaction of the remaining 4.54 acres of required parkland for the Development, this Agreement will terminate as to the remaining 227 residential lots on the Property for which a building permit is sought.
- F. This Agreement shall be a covenant running with the land and shall be binding upon DEVELOPER, its successors, heirs, assigns, grantees, vendors, trustees, representatives, and all others holding any interest now or in the future.
- G. DEVELOPER shall develop the PROPERTY in accordance with the standards as set forth in City of McKinney zoning, subdivision and land development ordinances, including but not limited to provisions as to drainage, erosion control, pro rata payments, tree preservation, Street Design

Standards, Public Improvements Policy and construction standards. DEVELOPER expressly acknowledges that by entering into this Agreement, DEVELOPER, its successors, assigns, vendors, grantees, and/or trustees, shall not construe any language contained herein or in any exhibits as waiving any of the requirements of the CITY's Zoning Ordinance or Subdivision Ordinance or any other ordinance of the CITY, as applicable (except as specifically herein agreed).

CITY OF MCKINNEY

By: _____
TOM MUEHLENBECK
Interim City Manager

Date Signed: _____

ATTEST:

SANDY HART, TRMC, MMC
City Secretary
DENISE VICE, TRMC
Assistant City Secretary

GA LAND DEVELOPMENT, LP,
a Texas limited partnership, acting by
and through its General Partner, GA
Land Development, Inc., a Texas
corporation

By: _____
Nick DiGiuseppe
Authorized Signatory

Date Signed: _____

THE STATE OF TEXAS,
COUNTY OF COLLIN

BEFORE ME, the undersigned authority, in and for said County, Texas, on this day personally appeared **TOM MUEHLENBECK**, Interim City Manager of the City of McKinney, a Texas Municipal Corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he has executed the same on the City's behalf.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE _____
DAY OF _____, 2016.

Notary Public, Collin County, Texas
My commission expires _____

THE STATE OF TEXAS,
COUNTY OF _____

BEFORE ME, the undersigned authority, in and for said County, Texas, on this day personally appeared **NICK DiGIUSEPPE**, in his capacity as the authorized signatory of GA Land Development, Inc., a Texas corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that GA Land Development, Inc., is the General Partner of GA Land Development, LP, a Texas Limited Partnership, and that he executed the same on behalf of and as the act of the Limited Partnership.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE _____
DAY OF _____, 2016.

Notary Public, _____ County, Texas
My commission expires _____

EXHIBIT A

DESCRIPTION OF PROPERTY

EXHIBIT A

WHEREAS, GA LAND DEVELOPMENT, LP is the owner of a parcel of land located in the City of McKinney, Collin County, Texas, and being a part of the Elias Alexander Survey, Abstract Number 18, and being a part of the John Diggers Survey, Abstract Number 274, and also being a part of that parcel of land described as Tract 1 (called 111.563 acres) described in deed to GA Land Development, LP as recorded in Document Number 20140304000199220, Deed Records of Collin County, Texas, and also being a part of that parcel of land described as Tract 2 (called 24.421 acres) described in deed to GA Land Development, LP as recorded in Document Number 20140304000199220, Deed Records of Collin County, Texas, and being further described as follows:

BEGINNING at a five-eighths inch iron rod found at the northeast corner of said 24.421 acre tract, said point being in the east line of that called 52.163 acre tract of land described in deed to VCIM Partners, L.P. as recorded in Document Number 20060620000843310, Deed Records of Collin County, said point also being in the west line of Lot 4, Block A, TPC at Craig Ranch, an addition to the City of McKinney as recorded in Cabinet P, Page 264, Collin County Plat Records;

THENCE South 00 degrees 52 minutes 05 seconds East, 425.01 feet along the west line of said Lot 4 to a five-eighths inch iron rod found at the southeast corner of said 24.421 acre tract, said point also being the northeast corner of said 111.563 acre tract;

THENCE South 23 degrees 13 minutes 28 seconds East, 1372.45 feet along the east line of said 111.563 acres and along the west line of said Lot 4 to a five-eighths inch iron rod found for corner;

THENCE South 38 degrees 42 minutes 05 seconds West, 846.77 feet to a five-eighths inch iron rod found at the southeast corner of said 111.563 acre tract, said point also being the northeast corner of McKinney Towne Crossing Addition, an addition to the City of McKinney as recorded in Cabinet 2006, Page 191, Collin County Plat Records;

THENCE along the south line of said 111.563 acre tract and along the north line of said McKinney Towne Crossing Addition as follows:

South 88 degrees 59 minutes 05 seconds West, 1320.00 feet to a five-eighths inch iron rod found for corner;

South 89 degrees 40 minutes 33 seconds West, 415.56 feet to a five-eighths inch iron rod found at the southeast corner of that called 28.33 acre tract of land described in deed to DD CR IV, LLC as recorded in Document Number 20140318000253290, Deed Records of Collin County, Texas;

THENCE along the east line of said 28.33 acre tract of land as follows:

North 00 degrees 19 minutes 27 seconds West, 633.28 feet to a five-eighths inch iron rod found for corner;

North 05 degrees 49 minutes 42 seconds West, 57.07 feet to a five-eighths inch iron rod found for corner;

North 15 degrees 04 minutes 51 seconds West, 320.05 feet to a five-eighths inch iron rod found for corner;

North 11 degrees 48 minutes 54 seconds West, 182.52 feet to a five-eighths inch iron rod found for corner;

North 00 degrees 18 minutes 26 seconds West, 454.73 feet to a five-eighths inch iron rod found for corner;

South 86 degrees 25 minutes 14 seconds West, 39.69 feet to a five-eighths inch iron rod found for corner;

North 03 degrees 08 minutes 50 seconds East, 107.10 feet to a five-eighths inch iron rod found for corner;

North 87 degrees 39 minutes 35 seconds East, 192.95 feet to a five-eighths inch iron rod found for corner;

Northwesterly, 474.72 feet along a curve to the right having a central angle of 67 degrees 59 minutes 54 seconds, a radius of 400.00 feet, a tangent of 269.79 feet, and whose chord bears North 04 degrees 03 minutes 26 seconds West, 447.34 feet to a five-eighths inch iron rod found for corner;

Northeasterly, 85.00 feet along a curve to the left having a central angle of 08 degrees 07 minutes 02 seconds, a radius of 600.00 feet, a tangent of 42.57 feet, and whose chord bears North 25 degrees 53 minutes 00 seconds East, 84.93 feet to a five-eighths inch iron rod found for corner;

North 21 degrees 49 minutes 29 seconds East, 14.16 feet to a five-eighths inch iron rod found at the northeast corner of said 28.33 acre tract, said point also being in the north line of said 24.421 acre tract;

THENCE along the north line of said 24.421 acre tract as follows:

North 88 degrees 52 minutes 03 seconds East, 40.88 feet to a five-eighths inch iron rod found for corner;

North 01 degrees 07 minutes 57 seconds West, 59.00 feet to a five-eighths inch iron rod found for corner;

North 88 degrees 52 minutes 03 seconds East, 1640.48 feet to the POINT OF BEGINNING and containing 4,689,399 square feet or 107.654 acres of land.

EXHIBIT B

OPEN SPACE EXHIBIT



OPEN SPACES	TRACT ACREAGE (+/-)
CA-A2	0.89
CA-D1	5.22
CA-F1	1.96
CA-J1	0.50
CA-K1	1.12
TOTAL	9.69



1/8" = 100'
1/4" = 200'



EXHIBIT B

SOUTHERN HILLS at CRAIG RANCH MCKINNEY, TEXAS

ENGINEERING, PLANNING, AND FINANCIAL ARCHITECTURE
FOR REAL ESTATE DEVELOPMENT
6001 QUORWAY, SUITE 200
DALLAS, TEXAS 75248

EXHIBIT C

PRIVATE RECREATION FACILITY IMPROVEMENTS



LANDSCAPE LEGEND	
SYMBOL	COMMON BOTANICAL NAME
	SCALEZ BERRIES
	ML MORNING LIGHT MEGACANTHUS / MEGACANTHUS
	NR NELLE R. STEVENS HOLLY / HOLEY NELLE R. STEVENS
	KR KNICK OUT ROSE / ROSA RANDAZ
	LP LORDEL TALLUM / LORDEL TALLUM CHIFFRE
	WT WESTLAND CUPRIFOLIUM
	DYN DYNAPYRUS / DYNAPYRUS HOLLY / HOLLY VON TORONIA NANA
	RY RED YUCCA / HESPERALOE PARVIFLORA
	LIVE OAK / QUERCUS VIRGINIANA, F. CAULPER
	G GRAPE MYRTLE / LAURASTROPHIA INDICA 'TALLAS RED'
	R RED BIRD / CERESUS CANADENSIS TENNESSEE
	D DESERT WILLOW / OLIGONEURUS LEWISII
	C CEDAR ELM / ULMUS CRASSIFOLIA, F. CAULPER
	ESZELLE ORNAMENTAL TREES
	M GRAPE MYRTLE / LAURASTROPHIA INDICA 'TALLAS RED'
	R RED BIRD / CERESUS CANADENSIS TENNESSEE
	D DESERT WILLOW / OLIGONEURUS LEWISII

* ALL CITY APPROVED LANDSCAPE PLANS FOR COMPLETE PLANT LIST AND PLANTING DETAILS **

EXHIBIT C

PRIVATE RECREATION FACILITY IMPROVEMENTS

SOUTHERN HILLS AT CRAC RANCH

City of McKinney, Collin County, Texas

PROJECT NO. SBK 001

SHEET NO. 2 OF 4

1820 Quorum Drive
Addicks, Texas 75001
Phone: 972.242.1119
Fax: 972.242.1119
www.jbi-partners.com

JBI PARTNERS

Texas Registered Engineering Firm #428

NO.	REVISIONS DURING CONSTRUCTION	BY	DATE	NO.	REVISIONS DURING PLAN REVIEW	BY	DATE
		JBI				JBI	
		JBI				JBI	
		JBI				JBI	
		JBI				JBI	



REVISIONS DURING CONSTRUCTION				REVISIONS DURING PLAN REVIEW			
NO.	DATE	BY	DATE	NO.	DATE	BY	DATE

DESIGNED BY:	JBI
DRAWN BY:	JBI
CHECKED BY:	JBI

PROJECT NO.	SBK 001	SHEET NO.	3 OF 4
EXHIBIT C PRIVATE RECREATION FACILITY IMPROVEMENTS SOUTHERN HILLS AT CRAIG RANCH City of McKinney, Collin County, Texas			

JBI PARTNERS
JBI PARTNERS
 JBI PARTNERS
 Texas Registered Engineering Firm #438

10301 Dorian Drive
 Addison, Texas 75241
 Fax 972.246.1444
 www.jbi-partners.com

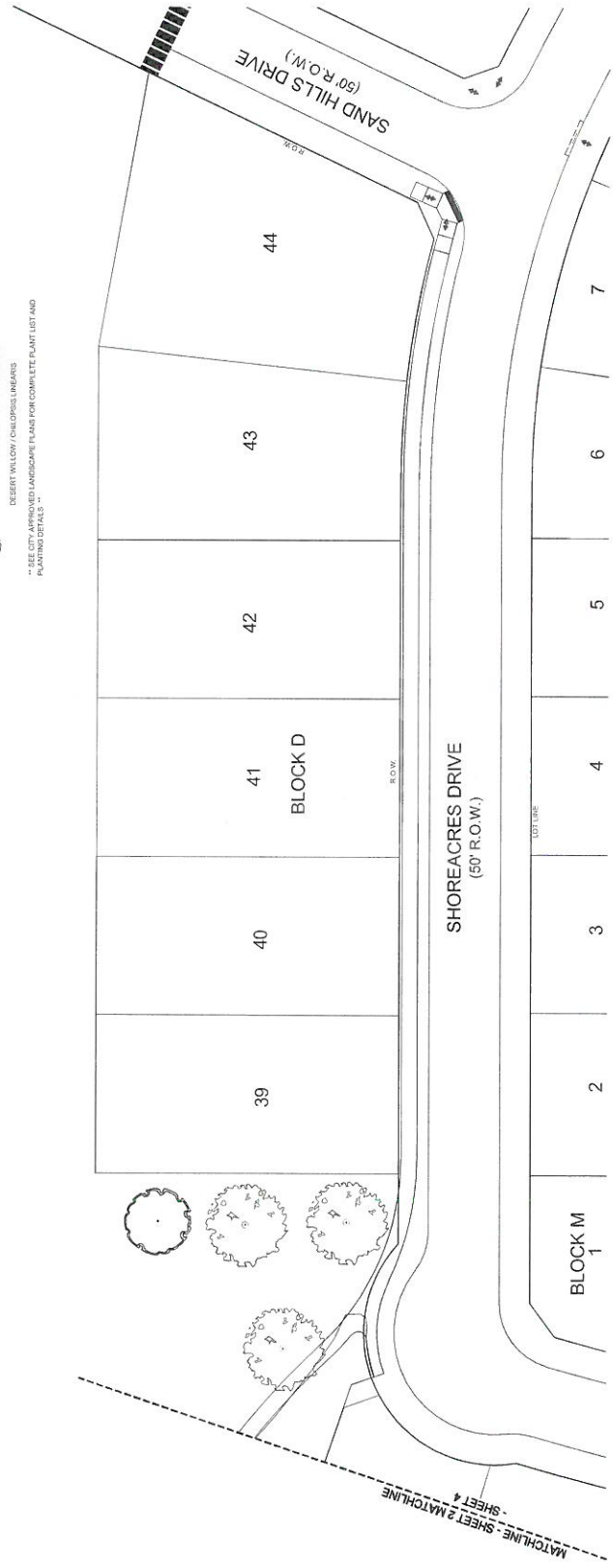
LANDSCAPE LEGEND

SYMBOL	COMMON BOTANICAL NAME	SYMBOL	COMMON BOTANICAL NAME
[Symbol]	LIVE OAK / QUERCUS VIRGINIANA, F GALPER	[Symbol]	FLORIDA BURNING LIGHT MISCANTHUS / MISCANTHUS SPARGANUUS
[Symbol]	RED OAK / QUERCUS SPURMONTI TEXANA, F GALPER	[Symbol]	WAX BURNING LIGHT MISCANTHUS / MISCANTHUS SPARGANUUS
[Symbol]	CEDAR SAW PALM / CASUARINA S. GALPER	[Symbol]	HELLIE H. STEVENS HOLLY / ILEX VELLIE H. STEVENS
[Symbol]	BUSHY ORNAMENTAL TREES CHERRY MYRTLE / LAURISTIMA INDICA DALLAS RED RED BUD CERCIS CHANDRIS TEANERS DEBRY WILLOW / CHLOPSALINARIA	[Symbol]	ROCK COT ROSE / ROSA SPODZ
[Symbol]	** SEE CITY APPROVED LANDSCAPE PLANS FOR COMPLETE PLANT LIST AND PLANTING DETAILS **	[Symbol]	FLORIDA PALM / ASPERIFOLIUM GONENSE WAX, CAROLINA CONTRACT
[Symbol]		[Symbol]	DWARF PAULOWNIA HOLLY / ALEXANDRETOBIAS NANA
[Symbol]		[Symbol]	RED YUCCA / HEBBERALOE PARVIFLORA

LANDSCAPE LEGEND

SYMBOL	COMMON BOTANICAL NAME
	LIVE OAK / QUERCUS VIRGINIANA, 4" CALIPER
	RED OAK / QUERCUS SHUMARDII TEXANA, 4" CALIPER
	CEDAR ELM / ULMUS CRASSIFOLIA, 3" CALIPER
	SMALL ORNAMENTAL TREES CRAFT MYRTLE / LAURUSTROBILA INDICA 'TALLAR RED' RED BUD / CERES CANADENSIS 'TERRA RED' DESERT WILLOW / CHILOPSIS LINEANS
	SHRUBS MORNING GLORY / MISCANTHUS / ASCENTATUS SHRUBS NELLIE R. STEVENS HOLLY / ILEX 'NELLIE R. STEVENS' KNOCKOUT ROSE / ROSA ANDRAZ LOROPETALUM / LOROPETALUM CHINENSE DWARF YAUPOON HOLLY / ILEX VIOLETORNA NANA RED YUCCA / HESPERALOE PARVIFLORA

** SEE CITY APPROVED LANDSCAPE PLANS FOR COMPLETE PLANT LIST AND PLANTING DETAILS **



PROJECT NO. SBK 001		SHEET NO. 4 OF 4	
EXHIBIT C			
PRIVATE RECREATION FACILITY IMPROVEMENTS			
SOUTHERN HILLS AT CRAIG RANCH			
City of McKinney, Collin County, Texas			
DESIGNED BY: JBI		CHECKED BY: JBI	
DRAWN BY: JBI		DATE: _____	
REVISIONS DURING PLAN REVIEW:		BY: _____ DATE: _____	
NO. _____		DATE: _____	

