

ORDINANCE NO. 802
CITY OF HOWE, TEXAS

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOWE, TEXAS, AMENDING HOWE'S ZONING ORDINANCE, AS AMENDED, TO REZONE A TRACT OF LAND, CONSISTING OF 110.4 (42.6, 67.8) ± ACRES OF LAND LOCATED IN THE MARY MILLER SURVEY, ABSTRACT NO. 776 AND THE THOMAS TOBY SURVEY, ABSTRACT NO. 1251, GRAYSON COUNTY, TEXAS, IN THE CITY OF HOWE, GRAYSON COUNTY, TEXAS; PROVIDING THAT THE TRACT IS HEREBY REZONED AS A PLANNED DEVELOPMENT DISTRICT AND PLACED IN THE PLANNED DEVELOPMENT DISTRICT-5 ZONING CLASSIFICATION; DESCRIBING THE TRACT TO BE REZONED; PROVIDING A PENALTY CLAUSE, SAVINGS AND REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Howe, Texas ("City Council") has investigated and determined that it would be advantageous and beneficial to the citizens of the City of Howe, Texas ("Howe") to amend Howe's Zoning Ordinance, as amended ("Zoning Ordinance"), as set forth below; and

WHEREAS, COTHRAN MALIBU LP, the owners of the Property, (hereinafter defined), initiated a request to rezone the land consisting of 110.4± acres (42.6, 67.8), situated in the Mary Miller Survey, Abstract No. 776 and the Thomas Toby Survey, Abstract No. 1251, Grayson County, Texas, more particularly described and depicted in Exhibit A and Exhibit B, attached hereto and incorporated herein for all purposes (the "Property"); and

WHEREAS, Applicant has requested that the Zoning Ordinance be amended to rezone the Property, by placing it in the Planned Development District-5 zoning classification; and

WHEREAS, the City Council has investigated and determined that the facts contained in the Applicant/Owners' request are true and correct; and

WHEREAS, the City Council finds that the Applicant/Owners of the Property have agreed to comply with all provisions of the ordinances of Howe, as they exist, may be amended or in the future arising, including, but not limited to, this Ordinance and the Zoning Ordinance; and

WHEREAS, the City Council further finds that the Applicant and the owners of the Property also have agreed to comply with the additional restrictions and conditions set forth herein, in the Development Standards attached hereto as Exhibit C and incorporated herein for all purposes and in the Concept Plan attached hereto as Exhibit D and incorporated herein for all purposes (collectively, "Additional Conditions"); and

WHEREAS, the Planning and Zoning Commission has submitted a final report to the City Council in support of granting the proposed Planned Development District; and

WHEREAS, all legal notices required for rezoning have been given in the manner and form set forth by law; public hearings have been held on the proposed rezoning; and all other requirements of notice and completion of such zoning procedures have been fulfilled; and

WHEREAS, the City Council has investigated and determined that it will be advantageous and beneficial to Howe and its citizens to rezone the Property as set forth below; and

WHEREAS, the City Council finds that granting the requested Planned Development District, subject to the following general and special conditions, is in the best interest of the citizens of Howe.

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment to the Zoning Ordinance.

a. The Zoning Ordinance is hereby amended as follows: The zoning designation of the Property containing 110.4 (42.6, 67.8) +/- acres of land, more or less, and all streets, roads and alleyways contiguous thereto, is hereby rezoned as Planned Development District-5 (PD-5). The Property is more particularly described in Exhibit A and Exhibit B.

b. The Planned Development District (PD) shall not affect any regulation found within present zoning ordinances of the City of Howe, as enacted, which shall control except as specifically provided herein. The Property shall be developed and used in accordance with applicable provisions of the City of Howe's zoning ordinances, subdivision ordinances and procedures and all other existing ordinances except to the extent modified by the PD-5 regulations set out herein.

c. The development plans, standards and uses for the Property shall conform to and comply with the standards, rules and regulations for the development and uses of land within the Planned Development District- 5 (PD-5) zoning classification as set out in Exhibit C and Exhibit D, which are incorporated herein and made a part of this ordinance for all purposes. The Planned Development shall be planned and constructed in accordance with the concept plan and land use designations in Exhibit D. The permitted uses shall be those shown in Exhibit D as established by the existing Zoning Ordinance. The development must comply with the requirements of all applicable ordinances, rules and regulations of Howe, as they currently exist, may be amended or in the future arising. To the extent that any of the exhibits attached hereto are in conflict with the provisions of this Ordinance or one another, or the provisions of this Ordinance, then the provisions of Exhibit C and Exhibit D, shall prevail in that order.

d. Pursuant to 20.4.3, it is determined that the conceptual plan is sufficient and adequate for purposes of passage of this Ordinance and establishment of the Planned Development District. The requirement for a development plan is waived at this time. The City staff may require a detailed site plan in the future. The information on the concept plan is sufficient to determine the appropriate use of the land and the future detailed site plan will not deviate from it. The concept plan attached as Exhibit D is hereby approved. Such approval does not waive or affect any other procedures including but not limited to site plans, platting requirements, subdivision requirements or other applicable codes, ordinances or procedures.

e. The official zoning map of the City of Howe, Texas, shall be amended and changed to reflect the actions taken herein.

SECTION 3: No Vested Interest/Repeal. No developer or property owner shall acquire any vested interest in this Ordinance or in any specific regulations contained herein. Any portion of this Ordinance may be repealed by the City Council in the manner provided for by law.

SECTION 4: Unlawful Use of Property. It shall be unlawful for any person, firm, entity or corporation to use the Property in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person, firm, entity or corporation to construct on the Property any structure or building that is not in conformity with the permissible uses under this Ordinance.


SECTION 5: Penalty. Any person, firm, corporation or entity violating any provision of this Ordinance, or the Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Howe from filing suit to enjoin the violation. Howe retains all legal rights and remedies available to it pursuant to local, state and federal law. An offense committed before the effective date of this Ordinance is governed by prior law and the ordinances in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 6: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

SECTION 7: Repealing/Savings. The Zoning Ordinance shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 8: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by law.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
HOWE, TEXAS** on this 13 day of December, 2022.



Bill French, Mayor

**ATTESTED TO AND CORRECTLY
RECORDED:**

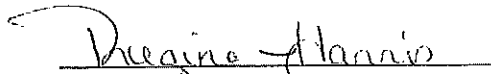
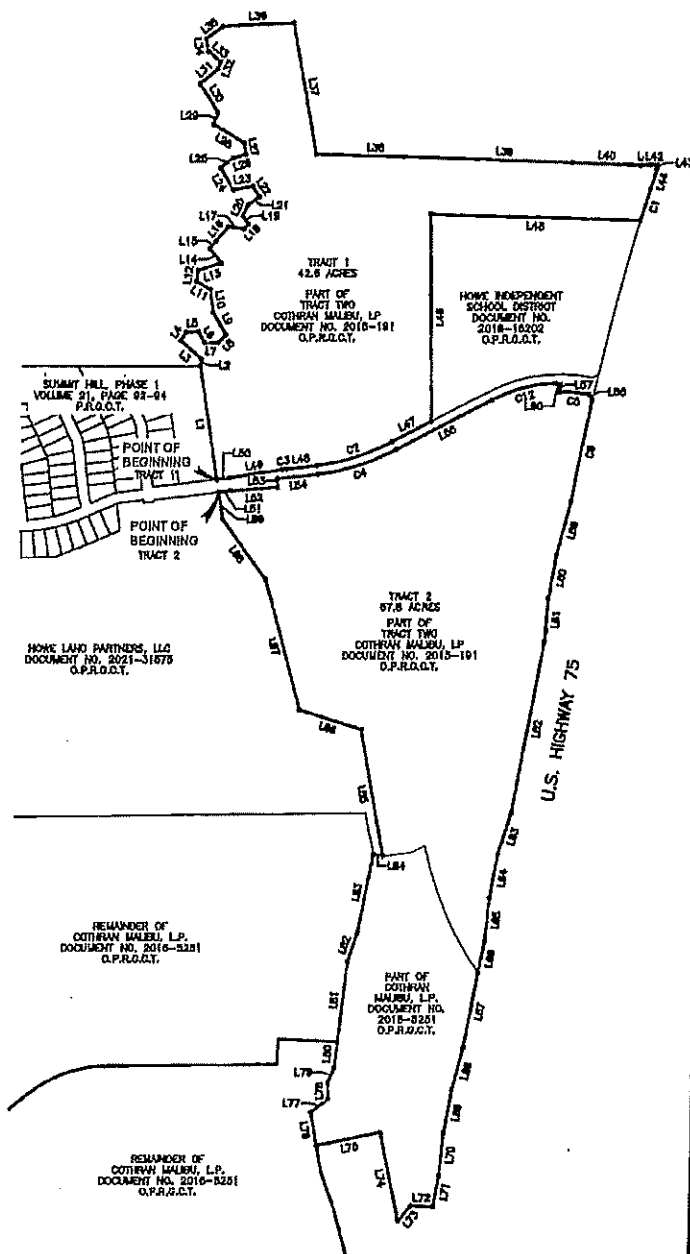

Regina Harris, City Secretary

EXHIBIT A
SURVEY

LINE TABLE			LINE TABLE		
NUMBER	BEARING	DISTANCE	NUMBER	BEARING	DISTANCE
L1	N09°17'23"W	527.35'	L46	S01°00'08"E	631.35'
L2	N08°15'52"E	30.75'	L47	S82°00'40"W	108.80'
L3	N47°49'11"W	128.49'	L48	S83°13'24"W	141.91'
L4	N32°24'36"E	44.80'	L49	S80°55'29"W	240.20'
L5	N07°51'03"E	65.13'	L50	S83°13'24"W	67.63'
L6	S30°33'43"E	67.40'	L51	N03°13'24"E	84.80'
L7	S69°17'18"E	82.27'	L52	N85°30'51"E	211.60'
L8	N15°08'04"E	49.73'	L53	N04°29'09"W	38.50'
L9	N29°49'46"W	121.10'	L54	N83°13'24"E	168.84'
L10	N08°28'26"W	105.88'	L55	N82°00'40"E	482.17'
L11	N59°55'11"W	74.42'	L56	S00°18'45"E	34.60'
L12	N05°06'41"E	48.46'	L57	S32°34'59"E	28.11'
L13	N72°18'13"E	115.04'	L58	S14°16'08"W	205.67'
L14	N39°27'55"W	87.14'	L59	S03°30'16"W	200.12'
L15	N40°44'38"E	45.50'	L60	S04°04'40"W	200.58'
L16	N39°40'05"E	84.68'	L61	S09°36'58"W	600.98'
L17	S80°49'26"E	70.37'	L62	S16°40'20"W	208.84'
L18	N13°32'43"E	32.25'	L63	S09°38'50"W	200.00'
L19	N38°26'37"W	47.01'	L64	S05°17'08"W	201.03'
L20	N24°31'12"E	65.45'	L65	S10°47'45"W	146.82'
L21	N54°16'07"E	60.11'	L66	S09°28'32"W	353.92'
L22	N34°12'55"W	55.99'	L67	S13°50'36"W	200.29'
L23	S91°48'06"W	69.81'	L68	S09°33'38"W	200.00'
L24	N31°25'40"W	117.01'	L69	S05°18'36"W	200.60'
L25	N52°40'38"E	74.28'	L70	S09°27'41"W	144.82'
L26	N74°11'28"E	68.88'	L71	N89°04'21"W	100.98'
L27	N11°32'38"W	64.29'	L72	S39°09'28"W	66.97'
L28	N57°43'04"W	161.89'	L73	N11°58'13"W	418.16'
L29	N20°53'42"E	68.73'	L74	S70°17'50"W	283.79'
L30	N33°03'21"W	166.07'	L75	N10°39'35"W	165.85'
L31	N49°38'08"E	108.08'	L76	N50°43'11"E	101.08'
L32	N20°23'21"E	32.61'	L77	N01°53'08"W	74.16'
L33	N50°01'30"W	75.13'	L78	N21°55'28"E	78.57'
L34	N10°13'28"W	40.46'	L79	N04°52'45"E	119.42'
L35	N53°31'18"E	62.54'	L80	N08°15'11"E	373.80'
L36	N87°11'12"E	324.87'	L81	N18°39'54"E	137.61'
L37	S10°15'23"E	818.76'	L82	N10°12'54"E	370.49'
L38	S85°04'06"E	543.87'	L83	S77°27'35"E	42.49'
L39	S87°33'45"E	608.68'	L84	N10°13'59"W	592.87'
L40	S87°29'41"E	310.05'	L85	N72°01'50"W	298.65'
L41	N89°05'25"E	44.42'	L86	N15°18'59"W	621.06'
L42	S88°18'10"E	31.25'	L87	N35°41'27"W	340.59'
L43	S08°34'50"W	18.98'	L88	N09°17'23"W	127.18'
L44	S18°50'50"W	96.83'	L89	S72°31'30"E	17.30'
L45	N87°48'35"W	840.87'			

CURVE TABLE					
NUMBER	DELTA ANGLE	RADIUS	LENGTH	CHORD BEARING	CHORD LENGTH
C1	0°44'31"	11634.20'	150.84'	S15°28'35"W	150.84'
C2	21°12'44"	969.00'	365.41'	S72°37'02"W	353.39'
C3	21°17'28"	500.00'	19.48'	S82°04'41"W	19.59'
C4	21°12'44"	1000.00'	376.22'	N72°37'02"E	368.11'
C5	12°36'08"	810.00'	134.17'	S64°01'42"E	153.80'
C6	21°18'58"	11634.20'	473.71'	S10°48'49"W	473.88'
C12	26°12'24"	830.00'	297.30'	N73°06'53"E	294.72'



NOTES

1. THIS EXHIBIT IS NOT BASED UPON AN ACTUAL ON THE GROUND SURVEY AND IS NOT A BOUNDARY SURVEY AND SHOULD NOT BE RELIED UPON AS SUCH. THE PURPOSE OF THIS EXHIBIT IS TO REFLECT THE APPROXIMATE ACREAGE OF THE EAST REMAINDER OF THE COTTRHAN MALIBU TRACT FOR USE IN A DEVELOPMENT AGREEMENT. THE BOUNDARIES SHOWN ARE APPROXIMATE AS DERIVED FROM THE SURVEY OF THE HOWE LAND PARTNERS TRACT, RECORD DEEDS, EXISTING SURVEY BY OTHERS AND AERIAL IMAGERY.

AXIS
SURVEYING
P.O. BOX 575 | WAXAHACHIE, TEXAS 75168
214.803.8200 | TBPELS FIRM NO. 10194367
INFO@AXIS-SURVEY.COM

EXHIBIT A ~ SURVEY PD-5

BOUNDARY EXHIBIT
MARY MILLER SURVEY, ABSTRACT NO. 776
THOMAS TOBY SURVEY, ABSTRACT NO. 1261
HOWE, GRAYSON COUNTY, TEXAS

PRELIMINARY

This document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.

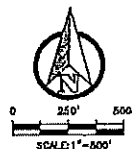


EXHIBIT B PROPERTY DESCRIPTIONS

PROJECT NO. 210096
COTHRAN MALIBU
REMAINDER TRACTS

EXHIBIT B ~ PROPERTY DESCRIPTIONS
PD-5



TRACT 1

BEING A TRACT OF LAND LOCATED IN THE MARY MILLER SURVEY, ABSTRACT NO. 776 AND THE THOMAS TOBY SURVEY, ABSTRACT NO. 1251, HOWE, GRAYSON COUNTY, TEXAS AND BEING PART OF A TRACT OF LAND DESCRIBED AS TRACT TWO IN DEED TO COTHRAN MALIBU, LP, RECORDED IN DOCUMENT NO. 2015-191, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS (O.P.R.G.C.T.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A THE SOUTHEAST CORNER OF LOT 54, BLOCK A OF SUMMIT HILL, PHASE 1, AN ADDITION TO THE CITY OF HOWE, GRAYSON COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 21, PAGES 92-94, PLAT RECORDS, GRAYSON COUNTY, TEXAS;

THENCE NORTH 09°17'23" WEST, ALONG THE EAST LINE OF SAID ADDITION, A DISTANCE OF 527.95 FEET TO A POINT FOR CORNER IN CLEAR CREEK;

THENCE NORTHERLY, ALONG SAID CLEAR CREEK, THE FOLLOWING THIRTY-FOUR (34) COURSES AND DISTANCES:

NORTH 08°15'52" EAST, A DISTANCE OF 30.75 FEET TO A POINT FOR CORNER;
NORTH 47°49'11" WEST, A DISTANCE OF 128.46 FEET TO A POINT FOR CORNER;
NORTH 32°24'38" EAST, A DISTANCE OF 44.90 FEET TO A POINT FOR CORNER;
NORTH 87°51'53" EAST, A DISTANCE OF 55.13 FEET TO A POINT FOR CORNER;
SOUTH 30°33'45" EAST, A DISTANCE OF 57.40 FEET TO A POINT FOR CORNER;
SOUTH 88°17'19" EAST, A DISTANCE OF 62.27 FEET TO A POINT FOR CORNER;
NORTH 45°08'04" EAST, A DISTANCE OF 49.73 FEET TO A POINT FOR CORNER;
NORTH 29°48'46" WEST, A DISTANCE OF 121.10 FEET TO A POINT FOR CORNER;
NORTH 08°28'26" WEST, A DISTANCE OF 105.68 FEET TO A POINT FOR CORNER;
NORTH 59°58'11" WEST, A DISTANCE OF 74.42 FEET TO A POINT FOR CORNER;
NORTH 06°06'41" EAST, A DISTANCE OF 48.45 FEET TO A POINT FOR CORNER;
NORTH 72°18'13" EAST, A DISTANCE OF 115.04 FEET TO A POINT FOR CORNER;
NORTH 39°27'55" WEST, A DISTANCE OF 87.14 FEET TO A POINT FOR CORNER;
NORTH 40°44'36" EAST, A DISTANCE OF 45.50 FEET TO A POINT FOR CORNER;
NORTH 39°40'05" EAST, A DISTANCE OF 84.58 FEET TO A POINT FOR CORNER;
SOUTH 80°49'26" EAST, A DISTANCE OF 70.37 FEET TO A POINT FOR CORNER;
NORTH 43°32'43" EAST, A DISTANCE OF 32.25 FEET TO A POINT FOR CORNER;
NORTH 36°26'37" WEST, A DISTANCE OF 47.01 FEET TO A POINT FOR CORNER;



NORTH 24°31'12" EAST, A DISTANCE OF 55.45 FEET TO A POINT FOR CORNER;
NORTH 54°19'07" EAST, A DISTANCE OF 66.11 FEET TO A POINT FOR CORNER;
NORTH 34°12'55" WEST, A DISTANCE OF 55.99 FEET TO A POINT FOR CORNER;
SOUTH 81°46'06" WEST, A DISTANCE OF 89.81 FEET TO A POINT FOR CORNER;
NORTH 31°25'49" WEST, A DISTANCE OF 117.01 FEET TO A POINT FOR CORNER;
NORTH 52°40'38" EAST, A DISTANCE OF 74.29 FEET TO A POINT FOR CORNER;
NORTH 74°11'26" EAST, A DISTANCE OF 58.89 FEET TO A POINT FOR CORNER;
NORTH 11°32'39" WEST, A DISTANCE OF 54.29 FEET TO A POINT FOR CORNER;
NORTH 57°43'04" WEST, A DISTANCE OF 164.69 FEET TO A POINT FOR CORNER;
NORTH 20°53'42" EAST, A DISTANCE OF 56.75 FEET TO A POINT FOR CORNER;
NORTH 33°03'21" WEST, A DISTANCE OF 158.07 FEET TO A POINT FOR CORNER;
NORTH 49°38'08" EAST, A DISTANCE OF 109.08 FEET TO A POINT FOR CORNER;
NORTH 20°22'21" EAST, A DISTANCE OF 32.61 FEET TO A POINT FOR CORNER;
NORTH 50°01'39" WEST, A DISTANCE OF 75.13 FEET TO A POINT FOR CORNER;
NORTH 10°13'28" WEST, A DISTANCE OF 60.48 FEET TO A POINT FOR CORNER;
NORTH 53°31'18" EAST, A DISTANCE OF 92.54 FEET TO A POINT FOR CORNER;
THENCE NORTH 87°11'12" EAST, LEAVING SAID CLEAR CREEK, A DISTANCE OF 324.97 FEET TO A POINT FOR CORNER;
THENCE SOUTH 10°15'23" EAST, A DISTANCE OF 616.76 FEET TO A POINT FOR CORNER;
THENCE SOUTH 88°04'06" EAST, A DISTANCE OF 543.87 FEET TO A POINT FOR CORNER;
THENCE SOUTH 87°33'45" EAST, A DISTANCE OF 609.58 FEET TO A POINT FOR CORNER;
THENCE SOUTH 87°29'41" EAST, A DISTANCE OF 310.05 FEET TO A POINT FOR CORNER;
THENCE NORTH 88°05'25" EAST, A DISTANCE OF 44.42 FEET TO A POINT FOR CORNER;
THENCE SOUTH 88°18'19" EAST, A DISTANCE OF 31.25 FEET TO A POINT FOR CORNER;
THENCE SOUTH 06°54'50" WEST, A DISTANCE OF 18.96 FEET TO A POINT FOR CORNER IN THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 75;
THENCE SOUTH 16°50'50" WEST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 96.83 FEET TO A POINT FOR CORNER AT THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 00°44'31", A RADIUS OF 11,634.20 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 16°28'35" WEST, 150.64 FEET;



THENCE SOUTHERLY, CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 150.64 FEET TO THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO HOWE INDEPENDENT SCHOOL DISTRICT, RECORDED IN 2018-16202, O.P.R.G.C.T.;

THENCE NORTH 87°48'35" WEST, LEAVING SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 940.97 FEET TO THE NORTHWEST CORNER OF SAID HOWE ISD TRACT;

THENCE SOUTH 01°00'08" EAST, A DISTANCE OF 951.35 FEET TO A POINT IN THE NORTHERLY RIGHT-OF-WAY LINE OF SUMMIT HILL PARKWAY AT THE SOUTHWEST CORNER OF SAID HOWE ISD TRACT;

THENCE WESTERLY, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, THE FOLLOWING SIX (6) COURSES AND DISTANCES:

SOUTH 62°00'40" WEST, A DISTANCE OF 198.60 FEET TO A POINT FOR CORNER AT THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 21°12'44", A RADIUS OF 960.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 72°37'02" WEST, 353.39 FEET;

WESTERLY, ALONG SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 355.41 FEET TO A POINT FOR CORNER;

SOUTH 83°13'24" WEST, A DISTANCE OF 141.91 FEET TO A POINT FOR CORNER AT THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 02°17'26", A RADIUS OF 500.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 82°04'41" WEST, 19.99 FEET;

WESTERLY, ALONG SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 19.99 FEET TO A POINT FOR CORNER;

SOUTH 80°55'58" WEST, A DISTANCE OF 240.20 FEET TO A POINT FOR CORNER;

SOUTH 83°13'24" WEST, A DISTANCE OF 57.53 FEET TO THE POINT OF BEGINNING AND CONTAINING 42.6 ACRES OF LAND, MORE OR LESS.

TRACT 2

BEING A TRACT OF LAND LOCATED IN THE MARY MILLER SURVEY, ABSTRACT NO. 776 AND THE THOMAS TOBY SURVEY, ABSTRACT NO. 1251, HOWE, GRAYSON COUNTY, TEXAS AND BEING PART OF A TRACT OF LAND DESCRIBED AS TRACT TWO IN DEED TO COTHRAN MALIBU, LP, RECORDED IN DOCUMENT NO. 2015-191, OFFICIAL PUBLIC RECORDS, GRAYSON COUNTY, TEXAS (O.P.R.G.C.T.) AND PART OF ANOTHER TRACT OF LAND DESCRIBED IN DEED TO SAID COTHRAN MALIBU, LP, RECORDED IN DOCUMENT NO. 2016-5251, O.P.R.G.C.T. AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8-INCH IRON ROD WITH A CAP STAMPED "SURVCON" FOUND IN THE SOUTHERLY RIGHT-OF-WAY LINE OF SUMMIT HILL PARKWAY AT THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO HOWE LAND PARTNERS, LP, RECORDED IN DOCUMENT NO. 2021-31575, O.P.R.G.C.T.;

THENCE EASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, THE FOLLOWING ELEVEN (11) COURSES AND DISTANCES:

NORTH 83°13'24" EAST, A DISTANCE OF 54.90 FEET TO A POINT FOR CORNER;

NORTH 85°30'51" EAST, A DISTANCE OF 211.90 FEET TO A POINT FOR CORNER;

NORTH 04°29'09" WEST, A DISTANCE OF 38.50 FEET TO A POINT FOR CORNER;

NORTH 83°13'24" EAST, A DISTANCE OF 188.64 FEET TO A POINT FOR CORNER AT THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 21°12'44", A RADIUS OF 1,000.00 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 72°37'02" EAST, 368.11 FEET;



EASTERLY, ALONG SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 370.22 FEET TO A POINT FOR CORNER;

NORTH 62°00'40" EAST, A DISTANCE OF 482.17 FEET TO A POINT FOR CORNER AT THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 26°12'24", A RADIUS OF 650.00 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 75°06'53" EAST, 294.72 FEET;

EASTERLY, ALONG SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 297.30 FEET TO A POINT FOR CORNER;

SOUTH 72°31'30" EAST, A DISTANCE OF 17.30 FEET TO A POINT FOR CORNER;

SOUTH 00°19'45" EAST, A DISTANCE OF 34.50 FEET TO A POINT FOR CORNER AT THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 12°36'08", A RADIUS OF 610.00 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 84°01'42" EAST, 133.90 FEET;

EASTERLY, ALONG SAID CURVE TO THE RIGHT, AN ARC DISTANCE OF 134.17 FEET TO A POINT FOR CORNER;

SOUTH 32°34'59" EAST, A DISTANCE OF 28.11 FEET TO A POINT FOR CORNER IN THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 75 AT THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 02°19'58", A RADIUS OF 11,634.20 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 10°46'49" WEST, 473.68 FEET;

THENCE SOUTHERLY, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, THE FOLLOWING THIRTEEN (13) COURSES AND DISTANCES:

SOUTHERLY, ALONG SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 473.71 FEET TO A POINT FOR CORNER;

SOUTH 14°16'08" WEST, A DISTANCE OF 255.57 FEET TO A POINT FOR CORNER;

SOUTH 09°30'16" WEST, A DISTANCE OF 200.12 FEET TO A POINT FOR CORNER;

SOUTH 04°04'40" WEST, A DISTANCE OF 200.56 FEET TO A POINT FOR CORNER;

SOUTH 09°36'58" WEST, A DISTANCE OF 800.99 FEET TO A POINT FOR CORNER;

SOUTH 16°40'20" WEST, A DISTANCE OF 200.64 FEET TO A POINT FOR CORNER;

SOUTH 09°36'50" WEST, A DISTANCE OF 200.00 FEET TO A POINT FOR CORNER;

SOUTH 05°17'08" WEST, A DISTANCE OF 201.09 FEET TO A POINT FOR CORNER;

SOUTH 10°47'45" WEST, A DISTANCE OF 146.82 FEET TO A POINT FOR CORNER;

SOUTH 09°28'32" WEST, A DISTANCE OF 353.99 FEET TO A POINT FOR CORNER;

SOUTH 11°42'11" WEST, A DISTANCE OF 400.01 FEET TO A POINT FOR CORNER;

SOUTH 05°16'36" WEST, A DISTANCE OF 200.60 FEET TO A POINT FOR CORNER;

SOUTH 09°57'41" WEST, A DISTANCE OF 144.52 FEET TO A POINT FOR CORNER;

THENCE NORTH 89°04'21" WEST, LEAVING SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 100.90 FEET TO A POINT FOR CORNER;



THENCE SOUTH 39°09'29" WEST, A DISTANCE OF 86.97 FEET TO A POINT FOR CORNER;
THENCE NORTH 11°58'13" WEST, A DISTANCE OF 418.16 FEET TO A POINT FOR CORNER;
THENCE SOUTH 78°17'50" WEST, A DISTANCE OF 293.75 FEET TO A POINT FOR CORNER;
THENCE NORTH 10°39'35" WEST, A DISTANCE OF 155.85 FEET TO A POINT FOR CORNER;
THENCE NORTH 50°43'11" EAST, A DISTANCE OF 101.06 FEET TO A POINT FOR CORNER;
THENCE NORTH 01°53'08" WEST, A DISTANCE OF 74.46 FEET TO A POINT FOR CORNER;
THENCE NORTH 22°55'28" EAST, A DISTANCE OF 76.57 FEET TO A POINT FOR CORNER;
THENCE NORTH 04°52'45" EAST, A DISTANCE OF 119.42 FEET TO A POINT FOR CORNER;
THENCE NORTH 06°15'11" EAST, A DISTANCE OF 373.80 FEET TO A POINT FOR CORNER;
THENCE NORTH 18°30'54" EAST, A DISTANCE OF 137.61 FEET TO A POINT FOR CORNER;
THENCE NORTH 10°12'34" EAST, A DISTANCE OF 370.45 FEET TO A 52" PECAN TREE FOUND AT THE MOST EASTERLY SOUTHWEST CORNER OF SAID HOWE LAND PARTNERS TRACT;
THENCE SOUTH 77°27'35" EAST, A DISTANCE OF 42.49 FEET TO A 5/8-INCH IRON ROD FOUND AT THE SOUTHEAST CORNER OF SAID HOWE LAND PARTNERS TRACT;
THENCE NORTHERLY ALONG THE EAST LINE OF SAID HOWE LAND PARTNERS TRACT, THE FOLLOWING FIVE (5) COURSES AND DISTANCES:
NORTH 10°13'59" WEST, A DISTANCE OF 592.67 FEET TO A 5/8-INCH IRON ROD WITH A CAP (ILLEGIBLE) FOUND FOR CORNER;
NORTH 72°01'50" WEST, A DISTANCE OF 298.55 FEET TO A 5/8-INCH IRON ROD WITH A CAP STAMPED "SURVCON" FOUND FOR CORNER;
NORTH 15°19'59" WEST, A DISTANCE OF 621.06 FEET TO A 7/8-INCH IRON ROD WITH A CAP STAMPED "SURVCON" FOUND FOR CORNER;
NORTH 35°41'27" WEST, A DISTANCE OF 340.59 FEET TO A 7/8-INCH IRON ROD WITH A CAP STAMPED "SURVCON" FOUND FOR CORNER;
NORTH 09°17'23" WEST, A DISTANCE OF 127.18 FEET TO THE POINT OF BEGINNING AND CONTAINING 67.8 ACRES OF LAND, MORE OR LESS.

NOTE: THESE DESCRIPTIONS NOT BASED UPON AN ACTUAL ON THE GROUND SURVEY AND IS NOT A BOUNDARY SURVEY AND SHOULD NOT BE RELIED UPON AS SUCH. THE PURPOSE OF THESE DESCRIPTIONS ARE TO REFLECT THE APPROXIMATE ACREAGE OF THE EAST REMAINDER OF THE COCHRAN MALIBU TRACT FOR USE IN A DEVELOPMENT AGREEMENT. THE BOUNDARIES ARE APPROXIMATE AS DERIVED FROM THE SURVEY OF THE HOWE LAND PARTNERS TRACT, RECORD DEEDS, EXISTING SURVEY BY OTHERS AND AERIAL IMAGERY.

EXHIBIT C
PD-5 DEVELOPMENT STANDARDS

Any topic of regulation not addressed by these Regulations shall be governed by other applicable ordinances and development regulations of the City.

Permitted Uses. No portion of the Property shall be developed and used for, and no building on the Property shall be erected or converted to any use other than the following: C-2 Commercial; Multifamily where allowed; amenity centers, open space and park space accessory to multifamily/residential use; and other uses accessory to multifamily use.

Primary Use: Commercial. Zoned as C-2.

C-2 shall be allowed to and subject to the following:

C-2 established as the base zoning.

Multifamily (MF) would be allowed subject to the following terms and limitations:

- 1) MF use shall be subject to a minimum setback of 325 feet off of the property line along U.S. Highway 75 frontage; and,
- 2) For both tracts 1 and 2 combined, total acreage for MF use, including all accessory property necessary for MF use, shall be a maximum total acreage of 50 acres or 1,000 total MF units, whichever is less.

This constitutes a zoning change only. There is no guarantee of utilities, water or sewer capacity or other required matters.

EXHIBIT D
CONCEPT PLAN

