

**ORDINANCE NO. 2007-14**

**AN ORDINANCE AMENDING ORDINANCE NO. 89-13, THE ZONING ORDINANCE OF THE CITY OF MIDLOTHIAN, TEXAS, GRANTING ZONING CHANGE Z03-2006-36, ON LAND CURRENTLY ZONED SINGLE FAMILY THREE (SF-3) AND SINGLE FAMILY FOUR (SF-4) DISTRICTS TO A PROPOSED PLANNED DEVELOPMENT (PD) DISTRICT. PROPERTY CONTAINS ± 131.42 ACRES, IN THE W. HAWKINS SURVEY, ABSTRACT NO. 465 AND THE B.F. HAWKINS SURVEY, ABSTRACT NO. 464, AND IS GENERALLY LOCATED EAST OF FM 663 AND WEST OF SOUTH 14TH STREET AND ± 1,831 FEET SOUTH OF CEMETARY ROAD, IN THE CITY OF MIDLOTHIAN, TEXAS. ORDERING A CHANGE IN THE USE OF SAID PROPERTY FROM THE SINGLE FAMILY THREE (SF-3) AND SINGLE FAMILY FOUR (SF-4) DISTRICTS TO A PROPOSED PLANNED DEVELOPMENT (PD) DISTRICT AND CORRECTING THE OFFICIAL ZONING MAP; PRESERVING ALL OTHER PORTIONS OF THE ZONING ORDINANCE; PROVIDING A CLAUSE RELATING TO SEVERABILITY; DETERMINING THAT THE PUBLIC INTERESTS, MORALS, AND GENERAL WELFARE DEMAND A ZONING CHANGE AND AMENDMENT THEREIN MADE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE, AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH AN OFFENSE OCCURS OR CONTINUES; WITH A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, an application was made to amend the Official Zoning Map of the City of Midlothian, Texas by making applications for same with the Planning and Zoning Commission of the City of Midlothian, Texas as required by State statutes and the zoning ordinances of the City of Midlothian, Texas and all the legal requirements, conditions and prerequisites having been complied with, the case having come before the City Council of the City of Midlothian, Texas after all legal notices, requirements, conditions and prerequisites having been complied with; and

**WHEREAS**, the City Council of the City of Midlothian, Texas at a Public Hearing called by the City Council did consider the following factors in making a determination as to whether these requested changes should be granted or denied; safety of the motoring public and the pedestrians using the facilities in the area immediately surrounding the site; safety from fire hazards and measures for fire control, protection of adjacent property from flood or water damages, noise producing elements and glare of the vehicular and stationary light and effect of such lights on established character of the neighborhood, location, lighting and types of signs and relation of signs to traffic control and adjacent property, street size and adequacy of width for traffic reasonably expected to be generated by the proposed uses around the site and in the immediate neighborhood, adequacy of parking as determined by requirements of this ordinance for off-street parking facilities, location of ingress and egress points for parking and off-street locating spaces, and protection of public health by surfacing on all parking areas to control dust,

**WHEREAS**, the City Council of the City of Midlothian, Texas at a Public Hearing called by the City Council of the City of Midlothian, Texas did consider the following factors in making determination as to whether this requested change should be granted or denied; effect on the congestion of the streets, the fire hazards, panics and other dangers possibly present in the securing of safety from same, the effect on the promotion of health and the general welfare, the effect of adequate light and air, the effect on the overcrowding of the land, the effect on the concentration of population; and

**WHEREAS**, the City Council further considered among other things the character of the district and its peculiar suitability for particular uses and with the view to conserve the value of buildings, encourage the most appropriate use of land throughout this city; and

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

**Section 1. ZONE CHANGE.** That the City of Midlothian Ordinance No. 89-13, being the Zoning Ordinance of the City of Midlothian, Texas is hereby amended and changed by application to rezone subject property from Single Family Three (SF-3) and Single Family Four (SF-4) Districts to a proposed Planned Development 42 (PD-42) District. Subject property is more fully and completely described on the attached Exhibit "A" (Metes and Bounds), attached Exhibit "B" (Boundary Survey) and Exhibit "C" (Location Map), and Exhibit D "Design Booklet", Exhibit E "Development Plan", and Exhibit F "MidTowne Landscaping Guidelines" in accordance with Zoning Ordinance No. 89-13 as amended.

**Section 2. PLANNED DEVELOPMENT CONDITION OF USE.** This Planned Development is also subject to the following conditions of use:

**Overall**

- 1) Each preliminary plat, site plan, landscaping plan and non-single family architectural elevations shall be approved by the Planning & Zoning Commission to ensure compliance with the Guiding Principles and regulations and conditions set forth in this Planned Development ordinance. Either party, the applicant or City staff, can appeal the Planning & Zoning Commission's decisions to the City Council.
- 2) A set of Guiding Principles accompanied in the Design Booklet shall be adopted as part of this planned development and ordinance and must be approved by City Council to guide the exercise of any flexibility in land use with each subsequent phase and final rezone approval. Any density changes to the development site plan shall not result in a positive increase.
- 3) This development shall assist the City to establish a Public Improvement District (PID) to maintain all open spaces, landscaping, ponds, water features, etc. Staff will work closely with the applicant to form the parameters and structure of the PID.
- 4) The MidTowne Design Booklet shall be adopted as part of this Ordinance. Should there be any discrepancy between the Design Booklet, this staff report, or the Ordinance, the strictest of the three (3) shall apply.
- 5) Any child care center must meet all requirements set forth in the City's Building Codes, Fire Code, as well as the minimum requirements set forth by the State of Texas and Child Protective Services prior to the issuance of a Certificate of Occupancy (CO). The hours of operation shall be set at the time of review of the site plan and landscaping plan by the Planning and Zoning Commission.



Services prior to the issuance of a Certificate of Occupancy (CO). The hours of operation shall be set at the time of review of the site plan and landscaping plan by the Planning and Zoning Commission.

**School Site:**

- 6) A minimum 8 acres shall be reserved as a school site for the Midlothian Independent School District (MISD).
- 7) The school reservation site shall be reserved for MISD purchase for a period not to exceed six (6) years or until the residential project is 50% built out, whichever occurs first.
- 8) If the Midlothian Independent School District (MISD) chooses to purchase this site, the Developer shall sell this tract to MISD at a price not to exceed \$795,000 plus accrued interest based on the annual Consumer Price Index (CPI) (all urban consumers, all goods) from the adoption date of this ordinance. This price shall be all-inclusive (i.e. will include the pro-rata cost of all infrastructure, etc). The City of Midlothian shall contribute \$35,000 (in cash or fee credits) towards the cost of this land to help offset infrastructure costs.
- 9) Should the Midlothian Independent School District (MISD) not take ownership of this school site within the time period described above, a private school may satisfy this requirement.
- 10) Any school proposed on this  $\pm$  8-acre site shall have its site plan, elevations, etc. reviewed and approved by the MidTowne Architecture Review Board by a minimum affirmative 4-1 vote and staff and the Planning & Zoning Commission prior to the application for a building permit.
- 11) If in the event this site is not used as a school, this tract shall only be used for a church, institutional use, a corporate campus-style office with maximum 30% impervious surface (i.e. a minimum 70% perpetual green space).

**Architectural Design**

- 12) Any increase in density to the numbers below shall require an additional public hearing and approval from both the Planning & Zoning Commission and City Council. Any decrease in density will not require additional approval from either the Planning & Zoning Commission or City Council. The minimum lot and house size breakdown shall be as follows:

| <b><u>Category</u></b> | <b><u>Lots</u></b> | <b><u>Minimum Lot Sizes</u></b> | <b><u>Minimum House Sizes</u></b>  |
|------------------------|--------------------|---------------------------------|--|
| Estate                 | 47                 | 9,200 square feet               | 100% greater than 2,000 square feet<br>85% greater than 2,200 square feet  |
| Township               | 101                | 7,800 square feet               | 100% greater than 2,000 square feet<br>85% greater than 2,100 square feet  |
| Village                | 132                | 5,750 square feet               | 100% greater than 1,300 square feet<br>50% greater than 1,600 square feet  |
| Cottage                | 85                 | 4,400 square feet               | 50% greater than 1,600 square feet<br>30% between 1,300 - 1,599 square feet<br>20% between 1,100 - 1,299 square feet |
| Brownstones            | 60                 | 2,800 square feet               | minimum 1,300 square feet  |
| Live/Work Units        | 10                 | 2,200 square feet               | minimum 1,300 square feet  |
| Flats over retail      | 14                 | N/A                             | minimum 700 square feet  |

- 13) The developer shall establish an Architectural Review Board that will govern the overall design, architecture, and landscaping/fencing of this development. This five (5) member board will

- consist of the following: one (1) City Planning & Zoning Department professional staff member, one (1) Planning & Zoning Commissioner, one (1) MidTowne Architect, one (1) MidTowne Planner and the Developer (after 50 homes have been occupied, a resident of MidTowne will replace the Developer) and shall pass with a minimum affirmative vote of 4-1.
- 14) All single family residential designs, architectural elevations and landscaping/fencing shall be closely based upon, and character presented in the Design Booklet prepared by the developer and incorporated as part of this Ordinance. A house elevations, specific plan, or style not found in the Design Booklet shall be approved by the MidTowne Architectural Review Board by a minimum affirmative 4-1 vote. If the MidTowne Architectural Review Board rejects the proposed design but it is consistent with the design guidelines set forth in the Design Booklet, an appeal can be filed with the Planning & Zoning Commission and scheduled for their next available meeting.
  - 15) All single-family residential architecture shall be constructed of masonry or cementitious fiber board with porches and railings and be designed to portray the appearance of a pier-and-beam foundation, actual or perceived.
  - 16) This development shall be an alley-based neighborhood. All single family residential homes shall have rear-entry garages. If a lot is located on a corner or without alley access, a side-entry garage shall be utilized.
  - 17) Living spaces over garages or "granny flats" shall only be allowed within the Township or Estate categories on the development site plan. They shall be limited to only 40% of these lots and the developer shall deed restrict them to no larger than a one bedroom non-rental unit with kitchen and bathroom.
  - 18) Roof pitches for all structures shall range from 5:12 to 8:12 with overall maximum heights of 42 feet. For this development, the definition of the height of a building shall be "*the mid-point of the main roof pitch provided.*"
  - 19) A minimum 90% brick/masonry exterior shall apply to all town homes / brownstones.
  - 20) All residential homes within this development will be designed to be environmentally friendly and will be required to be Energy Star rated. All non-single family residential buildings and the elementary school site shall be designated as LEED-qualified per the requirement below.
  - 21) To achieve a LEED-qualified standard, at the building permitting stage, the building plan reviewer shall hire an independent 3<sup>rd</sup> party to ensure compliance with the attached LEED standards concepts as set forth by the U.S. Green Building Council (USGBC) (minimum 26-point requirement) for that structure to be qualified as LEED through the City.
  - 22) No single-family residential housing styles and/or architecture shall repeat for a distance of five (5) lots on both sides of the street.
  - 23) All non-residential elevations, site plans, and landscaping plans shall be reviewed and approved by Planning & Zoning Commission. Elevation designs shall incorporate 360° architecture and provide design guidelines with proposed material finish, setbacks, and conceptual elevation drawings, landscaping, and fencing, if adjacent to residential lots.
  - 24) The non-residential portions of this Planned Development shall be limited to office-type uses and retail uses. Uses that shall be prohibited include but are not limited to auto-related uses (i.e. carwash, auto sales/repair/service), convenience stores, gasoline pumping stations, any sexually-oriented business, tattoo shops, video/arcades, tobacco shops, pawn shops, restaurants, and gun shop sales/service/repair. This list may be amended through the process of determination of significant/insignificant change for a planned development or through a PD amendment change at a public hearing setting.



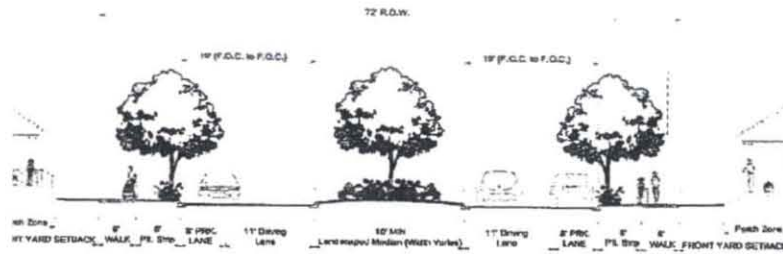
- 25) The parking lots are designed to face towards the interior and have on-street angled parking and the on-street parking shall count towards the required minimum parking ratio, provided that the parking spaces immediately abut the subject property line.
- 26) A parking analysis shall be submitted with each non-residential phase to determine the feasibility of a joint/shared parking agreement.

#### **Utilities & Drainage**

- 27) All existing and future utility lines for this development shall be designed and placed underground. Staff will work with the applicant and the electric utility providers in this area to establish a funding mechanism that will allow for all overhead power lines within the perimeter and vicinity of this proposed neo-traditional development to be placed underground. Possible options include but are not limited to the creation of a Public Improvement District (PID), a Tax Increment Financing (TIF) District, a Developer's Agreement having the City, developer, and a third-party to contribute certain percentages of the total cost. In no case shall the Developers portion of these shared undergrounding cost exceed \$200,000. Depending on which part of the project develops out first, certain site improvements (i.e. landscaping, utility undergrounding, etc) may be delayed due to any future activity which enhances the overall goals of this proposed development. Any such delays shall require approval of the Director of Engineering.
- 28) Switch gears or utility transformers may be located above ground and vegetative and/or wrought iron screen shall be used to minimize any negative visual impacts. The landscape/fencing plan shall be approved by staff prior to final acceptance of that phase of the subdivision.
- 29) Several water and sewer lines within the vicinity of this development shall be upgraded and improved to the specifications set forth by the Director of Engineering. A downstream analysis shall be required to determine the capacity of the sewer lines. The water lines shall be extended internally from the external mains and must be a looped system. The analysis shall be based upon the direction or routing of the sanitary sewer that is chosen. This analysis can be completed during the submission of engineering/construction plan phase. The engineering/ constructions plans showing these improvements must be approved prior to any associated work on this development.
- 30) Any utility easements shall be located near the front of the streets and in the rear in the alleyways. Should any easements be placed along the side of the property, the width of these easements may be narrower than the required width. The minimum width shall be set forth by the Director of Engineering and/or Public Works.
- 31) The lighting provided on this site shall match the architectural theme of the project and will be historic, architectural, antique, pedestrian-scale and downcast. Such lighting must be approved by staff prior to installation.

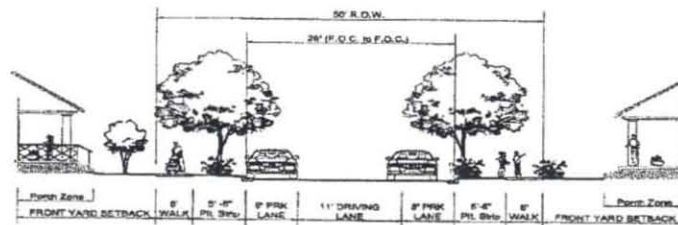
#### **Street Design**

- 32) The design of the detention ponds must be reviewed and approved by the Engineering Department to ensure compliance with the City's storm water management regulations. In addition, if any part of the floodplain area is reclaimed for development purposes, a floodplain study must be undertaken to determine the actual limits of the floodplain and a floodplain development permit shall be required. Also, any lots adjacent to the existing floodplain will require establishing base flood elevations and setting finished floor elevations.
- 33) The main central axis avenue in this development shall have a 72-foot right-of-way, two (2) 11-foot driving lanes, two (2) eight-foot parking lanes, two (2) 6-foot planting strips, two (2) sets of 6-foot wide sidewalks and a minimum 10-foot landscape median as shown in the illustration below.



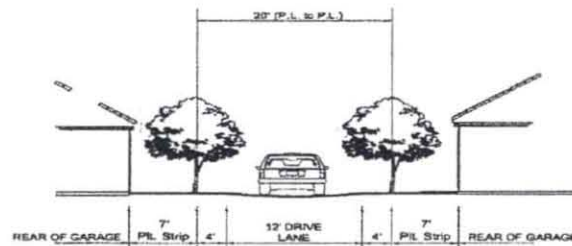
□ A-72-38 Two-way Avenue with □  
Parking

- 34) This development shall have a 50-foot right-of-way for most local roads including a 27-foot street section (11-foot drive lanes and two (2) 8-foot parking lanes), two (2) 5-6 foot planting strips and a six (6) foot sidewalk as shown in the illustration below.



□ S-50-26 Two-way Street with □  
Parking

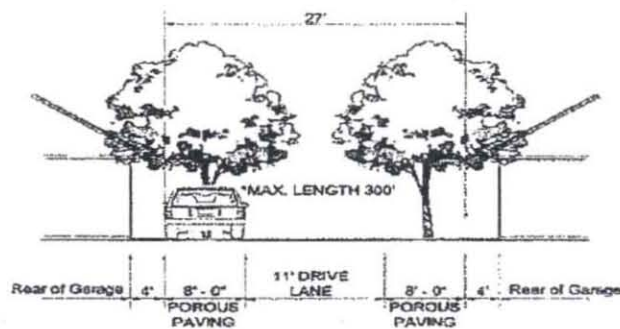
- 35) All alleys shall have a right-of-way width of 20 feet with 12 feet of paved drive lane along with one (1) required 3-inch caliper tree per lot shall be located on the property line fence four (4) feet off the pavement as shown in the illustration below.



□ RA-20-12 Residential □  
Alley

- 36) The two-way mews shall have a width of 27 feet with an 11-foot paved drive land and two (2) eight-foot wide porous paving along with a tree planted in the porous paving as shown in the illustration below. Any non-concrete pavement shall require the approval of the Director of Engineering.





□ M-27-12 Two-way Mews with Parking □

- 37) Slip streets shall have a paving width of 20 feet, 12 feet for thru-access and an eight (8) foot parking lane shall and restrict parking to one side of street through deed restrictions and/or lane markers.
- 38) No parking shall be allowed within 10 feet from the radius return. Such designation shall be accomplished through the use of pavement markings and/or signage, subject to the satisfaction of the Director of Engineering.
- 39) The applicant shall build one-half (1/2) of Stadium Drive (soon to be Don Floyd Drive) in conjunction with this development according to the phasing plan submitted. The City shall also build the remaining one-half (1/2) of Stadium Drive, as funding becomes available.
- 40) The Texas Department of Transportation (Tx-DOT) shall approve any new additional drive cuts onto F.M. 663 along with any new turning lanes.
- 41) Any new drive cuts shall align with existing Midlothian High School, F.M. 663, the Sports Park and George Hopper Road.
- 42) A complete Traffic Impact Analysis (TIA) must be complete prior to the formal submittal of a preliminary plat application for the first phase. This analysis and resulting roadway improvement requirements shall include but not limited to addressing drive locations, existing/proposed drive/median openings, 14<sup>th</sup> Street, George Hopper, Walter Stephenson traffic movements, designated left turn bays, the need would be the extension of the existing continuous left-turn lane south to Lena Lane, the traffic movement of the middle school and the proposed elementary school site and the need for any auxiliary accel/decel lanes along with auxiliary lanes along George Hopper, FM 663 and South 14<sup>th</sup> Street and wider intersections. Any changes to the existing road conditions shall be built to the specifications set forth by the Director of Engineering.
- 43) The portion of right-way dedication from the intersection of the new U.S. Highway 287 Bypass/Loop and F.M. 663 to the intersection of George Hopper/Walter Stephenson and F.M. 663, shall be determined by and contingent upon the complete Traffic Impact Analysis (TIA).

#### **Fencing/Landscaping**

- 44) This development shall provide at least 15.32 acres of open space that shall be maintained by the proposed Public Improvement District (PID).
- 45) Should at any time the open space acreage provided be decreased, it shall be replaced so as to have a zero net loss in open space.
- 46) Any lots adjacent or backing up to these open spaces shall be required to have non-opaque type fencing (i.e. architectural steel/wrought iron) of a standard uniform design.

- 47) All landscaping associated with this development shall be drought resistant to reduce water consumption. There will be a variety of street trees to prevent a monotonous layout and to accentuate the neighborhood design, the landscaping will transform according to appropriate seasons resulting in a multi-colored environment. In addition, all landscaping will be either native and/or drought resistant.
- 48) All landscaping plans shall be approved by the MidTowne Architectural Review Board by a minimum affirmative 4-1 vote prior to submission to the City and the Planning & Zoning Commission during site plan review all streets in this development shall have minimum 3-inch caliper trees located within the parkway, and spaced at 30 feet on center. Landscaping of common space (open) areas and non-residential sites shall significantly exceed standard City Zoning requirements, as determined by City staff and/or the Planning and Zoning Commission.
- 49) There shall be a variety of street trees to prevent a monotonous layout. Species shall include, but not limited to Caddo Maple, Shagbark Hickory, Texas Persimmon, Honey locust, Black Walnut, Eastern Black Walnut, Eastern Red Cedar, Southern Magnolia, Chinese Pistachio, Texas Pistache, Western Soapberry, Winged Elm Cedar Elm, Pecan, Live Oak, Shumard Red Oak, Texas Red Oak, Bur Oak, Lace Bark Elm, Siberian Elm, Chinkapen Oaks, October Glory, Maple, Bald Cypress and Sweet Gum.
- 50) All landscaping in this development shall adhere to the Landscaping Guidelines found in Exhibit F of this ordinance. In addition, along FM 663, this project shall have a 10-foot landscaping buffer creating a 30-foot green belt from the back of curb to the back of curb between the future perimeter rights-of-way and off-streets within this development. This green belt shall include a six-foot (6') pedestrian walkway.
- 51) All rear-yard fencing shall be a maximum height of five (5) feet.
- 52) Three (3) playground sites shall be placed within the open space and shall be connected by 12,000 linear feet of sidewalks. All playgrounds shall meet the City of Midlothian's Parks and Recreation Standards.

#### **Signage**

- 53) Freestanding signage for all nonresidential uses shall be limited to ground/monuments, with a maximum height of five (5) feet and a maximum area of 20 square feet.
- 54) All building signage for retail and office uses shall be limited to a total of 8% of the front façade area or 50 square feet, whichever is less.
- 55) Signage for the entries into this development shall match housing architecture in elements, proportion and scale and must be approved by staff prior to the issuance of a sign permit.

#### **Phasing**

- 56) Any project amenity provided within a certain phase of this development shall be completed by the end of that phase. All amenities within that phase shall be completed and finished prior to the commencement of the next construction phase.
- 57) Several planned development amendments are likely to occur after completion of the first phase of this development. These amendments may include but not limited to dwelling sizes on brownstones, the number of flats over retail, revising the prohibited use list, school site, landscape species, etc.

**Section 3. CORRECTION OF OFFICIAL ZONING MAP.** The City Manager or applicable municipal official is hereby directed to correct the official zoning map of the City of Midlothian, Texas to reflect the herein change in zoning.



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**Section 4. SUBJECT TO ALL APPLICABLE REGULATIONS.** That in all other respects, the use of the tract or tracts of land herein above described shall be subject to all the applicable regulations contained in said City of Midlothian zoning ordinances and all other applicable and pertinent ordinances of the City of Midlothian, Texas.

**Section 5. ACCORDANCE WITH COMPREHENSIVE PLAN.** That the Comprehensive Plan is hereby amended to the extent that the zoning regulations and districts as herein established have been made in accordance with the comprehensive plan for the purpose of promoting health, safety, morals and the general welfare of the community. They have been designed with respect to both present conditions and the conditions reasonably anticipated to exist in the foreseeable future, to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; provide adequate light and air; to prevent overcrowding of land, to avoid undue concentration of population; facilitate the adequate provisions of transportation, water, sewerage, drainage and surface water, parks and other public requirements, and to make adequate provisions for the normal business, commercial needs and development of the community. They have been made with reasonable consideration, among other things, of the character of the district, and its peculiar suitability for the particular uses and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

**Section 6. CUMULATIVE EFFECT.** This Ordinance shall be cumulative of all other ordinances of the City of Midlothian, Texas affecting zoning and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this ordinance.

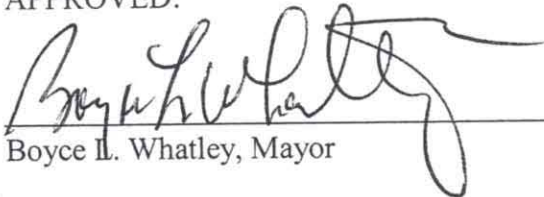
**Section 7. SEVERABILITY CLAUSE.** That the terms and provisions of this ordinance shall be deemed to be severable and that if the validity of the zoning affecting any portion of the tract or tracts of land described herein shall be declared to be invalid, the same shall not affect the validity of the zoning of the balance of the tract or tracts of land described herein.

**Section 8. PENALTY.** Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000.00) and a separate offense shall be deemed committed upon each day during or on which a violations occurs or continues.

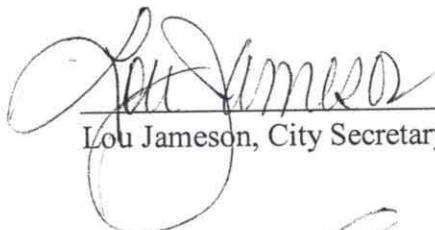
**Section 9. EFFECTIVE DATE.** The fact that the present ordinances and regulations of the City of Midlothian, Texas are inadequate to properly safeguard the health, safety, morals, peace and general welfare for the inhabitants of the City of Midlothian, Texas, creates an emergency for the immediate preservation of the public business, property, health, safety and general welfare of the public which requires that his ordinance shall become effective from and after the date of its final passage, and it is accordingly so ordained.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF  
MIDLOTHIAN, TEXAS on this the 13th day of March, 2007.

APPROVED:

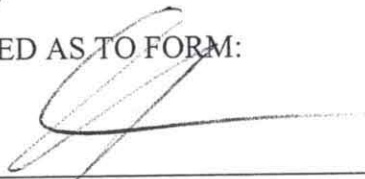
  
Boyce L. Whatley, Mayor

ATTEST:

  
Lou Jameson, City Secretary



APPROVED AS TO FORM:

  
Don Stout, City Attorney



**Exhibit A**  
**Z03-2006-36**  
**Metes and Bounds**

BEING all that certain lot, tract, or parcel of land situated in the City of Midlothian and in the B.F. HAWKINS SURVEY, Abstr. No. 464 in Ellis County, Texas, and being a part of a called FIRST TRACT, SECOND TRACT, and THIRD TRACT of land as described in Volume 485, Page 510, Deed Records, Ellis County, Texas, (DIRECT), and being more particularly described as follows:

BEGINNING at a 1/2" steel rod found for the existing southwest corner of the residual of the said THIRD TRACT and being in the east line of F.M. 663 (a state road) and also being the northwest corner of a called 4.468 acre tract of land out of the said THIRD TRACT and recorded in Volume 556, Page 468, DIRECT,

THENCE N 01°13'45" W, 2327.03 feet (Deed - NORTH) along the west line of this tract and through the original THIRD TRACT and along the east line of F.M. 663 to a 1/2" steel rod found for the westerly northwest corner of this tract and being the southwest corner of Lot 2 of the First United Methodist Church of Midlothian Addition also out of the said THIRD TRACT and recorded in Cabinet D, Slide 288, Plat Records, Ellis County, Texas, (PRECT)

THENCE into the said THIRD TRACT and along the northerly lines of this tract as follows: S 89°30'39" E, 456.34 feet along the south line of Lot 2 to a 1/2" steel rod found for the southeast corner of Lot 2, N 01°02'01" W, 152.30 feet along the east line of Lot 2 to a 1/2" steel rod found in the south line of George Hopper Road (a city road), for a northwesterly corner of this tract continuing along the south line of George Hopper Road S 89°28'37" E, 128.95 feet to a 1/2" steel rod found in the beginning of a non-tangent curve oriented counter clockwise and whose radius bears N 00°31'23" E, 441.09 feet along the arc of said curve, (Central Angle = 31°59'25", Radius = 790.00 feet, Long Chord = N 74°31'40" E, 435.38 feet) to a 1/2" steel rod found for corner, N 58°29'21" E, 104.25 feet to a 1/2" steel rod found in the beginning of a non-tangent curve oriented counter clockwise and whose radius bears S 31°28'37" E, 457.36 feet along the arc of said curve, (Central Angle = 36°54'28", Radius = 710.00 feet, Long Chord = N 76°58'17" E, 449.49 feet) crossing the lower east line of the said THIRD TRACT and the west line of the said SECOND TRACT, to a 1/2" steel rod set for corner, continuing through the said SECOND TRACT, S 84°25'36" E, 107.66 feet to a 1/2" steel rod found for the northerly northeast corner of this tract, and S 42°41'24" E, 36.83 feet to a 1/2" steel rod found in the intersection of the south line of George Hopper Road with the west line of S 14th Street (a city street), for the easterly northeast corner of this tract;

THENCE along east line of this tract and west line of S 14th Street and through the said SECOND TRACT and THIRD TRACT as follows: S 00°47'42" E, 2412.63 feet (Record bearing basis for this description) passing the south line of the said SECOND TRACT and a north line of the THIRD TRACT, to a 1/2" steel rod found for corner in the beginning of a non-tangent curve oriented counter clockwise and whose radius bears S 89°09'34" W, 321.98 feet along the arc of said curve, (Central Angle = 24°26'03", Radius = 755.00 feet, Long Chord = S 11°22'36" W, 319.54 feet) to a 1/2" steel rod found for the southeast corner of this tract and the existing southeast corner of the residual of the said THIRD TRACT and being the northeast corner of the said 4.468 acre tract.

THENCE N 89°22'12" W, 1851.67 feet through the said THIRD TRACT and along the south line of this tract and along the north line of the said 4.468 acre tract to the POINT OF BEGINNING and containing approximately 100.702 acres of land.

BEING all that certain lot, tract, or parcel of land situated in the City of Midlothian and in the W. HAWKINS SURVEY Abstract No. 465 and in the B.F. HAWKINS SURVEY, Abstr. No. 464 in Ellis County, Texas, and being a part of a called THIRD TRACT of land as described in Volume 485, Page 510, Deed Records, Ellis County, Texas, (DIRECT) and being more particularly described as follows:

BEGINNING at a railroad spike found in old George Hopper Road (a public road) for the most westerly southwest corner of this tract and a southeast corner of the said THIRD TRACT and being the southeast corner of a called 0.67 acre tract of land described in Volume 1817, Page 1275, Official Public Records, Ellis County, Texas, (OPRECT), and is also in the called south line of the W. Hawkins Survey and called north line of the B.F. Hawkins Survey and is also in the north line of Lot 1 of the First United Methodist Church of Midlothian Addition recorded in Cabinet D, Slide 288, Plat Records - Ellis County, Texas, (PRECT).

THENCE N 00°11'55" E, 659.25 feet along the most westerly west line of this tract and same for the original THIRD TRACT passing the northeast corner of the 0.67 acre tract and a southeast corner of another called THIRD TRACT of land described in Volume 317, Page 507, DIRECT, to a 1/2" steel rod set for the most westerly northwest corner of this tract and being the southwest corner of another called SECOND TRACT of land also described in Volume 317, Page 507, DIRECT.

THENCE N 88°37'35" E, 587.35 feet along a north line of this tract and same for the said THIRD TRACT and along the south lines of the other called SECOND TRACT and of another called FIRST TRACT also described in Volume 317, Page 507, DIRECT, to a 1/2" steel rod found for an inset corner of this tract and same for the said THIRD TRACT and being the southeast corner of the second called FIRST TRACT.

THENCE N 00°44'59" W, 548.02 feet along a west line of this tract and a west line of the said THIRD TRACT and along the east line of the second called FIRST TRACT to a 1/2" steel rod found for the most northerly northwest corner of this tract and same for the said THIRD TRACT and being the northeast corner of the second called FIRST TRACT and also being in the south line of Midlothian Cemetery.

THENCE N 89°28'16" E, 557.54 feet along the most northerly north line of this tract and same for the said THIRD TRACT and along the south line of Midlothian Cemetery to a 1/2" steel rod found for the most northerly northeast corner of this tract and same for the said THIRD TRACT and being the northeast corner of a called Parcel One, Second Tract as described in Volume 1758, Page 951, OPRECT.

THENCE S 03°07'06" W, 394.82 feet along the most northerly east line of this tract and same for the said THIRD TRACT and along the west line of the said Parcel One, Second and Third Tract to a 1/2" steel rod set for a southeast corner of this tract same for the said THIRD TRACT and being the southwest corner of the Parcel One, Second Tract and is in the north line of the Parcel One, First Tract.

THENCE S 80°23'58" W, 107.51 feet to a point in a pond for an inset corner of this tract and same for the said THIRD TRACT and is the northwest corner of the said Parcel One, First Tract.

THENCE S 02°52'58" W, 462.67 feet along another east line of this tract and same for the said THIRD TRACT and along the west line of the said Parcel One, First Tract to a 1/2" steel rod found for an inset northeast corner of this tract.

THENCE S 89°43'51" E, 468.45 feet along the a north line of this tract and same for the said THIRD TRACT and along the south line of the said Parcel One, First Tract, to a 1/2" steel rod set in the west line of S 14th Street (a city street) for the most easterly northwest corner of this tract and same for the said THIRD TRACT and being the southeast corner of the said Parcel One, First Tract.

THENCE along the most easterly east line of this tract and through the said THIRD TRACT and along the west line of S 14th Street as follows: S 00°38'35" W, 192.95 feet to a 1/2" steel rod set for corner; S 00°02'44" E, 213.40 feet to a 1/2" steel rod set for the northerly southeast corner of this tract, and S 47°29'51" W, 36.22 feet to a 1/2" steel rod set in the intersection of along the east line of S 14th Street with the north line of George Hopper Road (a city street) for the southerly southeast corner of this tract.

THENCE along the southerly lines of this tract and northerly lines of George Hopper Road as follows: N 84°34'29" W, 50.89 feet to a 1/2" steel rod set for corner in the beginning of a non-tangent curve oriented counter clockwise and whose radius bears S 04°56'39" W, 472.81 feet along the arc of said curve (Central Angle = 34°17'28", Radius = 790.00 feet, Long Chord = S 77°47'55" W, 465.78 feet) to a 1/2" steel rod found corner, continuing along a stubout street for the same of George Hopper Road with old George Hopper Road, N 76°20'35" W, 35.84 feet to a 1/2" steel rod set for corner, N 31°28'01" W, 88.82 feet to a 1/2" steel rod set for corner in the beginning of a non-tangent curve oriented counter clockwise and whose radius bears S 58°31'53" W, 28.47 feet along the arc of said curve, (Central Angle = 09°19'18", Radius = 175.00 feet, Long Chord = N 36°07'46" W, 28.44 feet) to a 1/2" steel rod found corner in the south line of Old George Hopper Road, N 82°40'57" W, 115.25 feet along the south line of Old George Hopper Road to a 1/2" steel rod set for corner, continuing along the westerly line of the stubout road to George Hopper Road, S 07°59'33" W, 5.28 feet to a 1/2" steel rod set for corner and being in a non-tangent curve oriented clockwise and whose radius point bears S 08°01'28" W, 110.19 feet along the arc of said curve (Central Angle = 50°30'33", Radius = 125.00 feet, Long Chord = S 56°43'18" E, 106.68 feet) to a 1/2" steel rod set for corner; S 31°28'01" E, 86.62 feet to a 1/2" steel rod set for corner; S 13°31'59" W, 35.36 feet to a 1/2" steel rod set for corner in a non-tangent curve oriented counter clockwise and whose radius bears N 31°28'02" W, 396.42 feet along the arc of said curve, (Central Angle = 31°59'25", Radius = 710.00 feet, Long Chord = S 74°31'41" W, 391.29 feet) to a 1/2" steel rod set corner; and N 89°23'03" W, 201.18 feet to a 1/2" steel rod found for a southwest corner of this tract and being the southeast corner of Lot 1 of the First United Methodist Church of Midlothian Addition and is the most southerly southwest corner of this tract.

THENCE along a west and south line of this tract and the east and north line of Lot 1 as follows: N 01°05'39" W, 340.08 feet to a railroad spike set in old George Hopper Road for the northeast corner of Lot 1 and N 89°30'39" W, 174.09 feet to the POINT OF BEGINNING and containing approximately 31.277 acres of land.

**Exhibit B**  
**Z03-2006-36**  
**Boundary Survey**

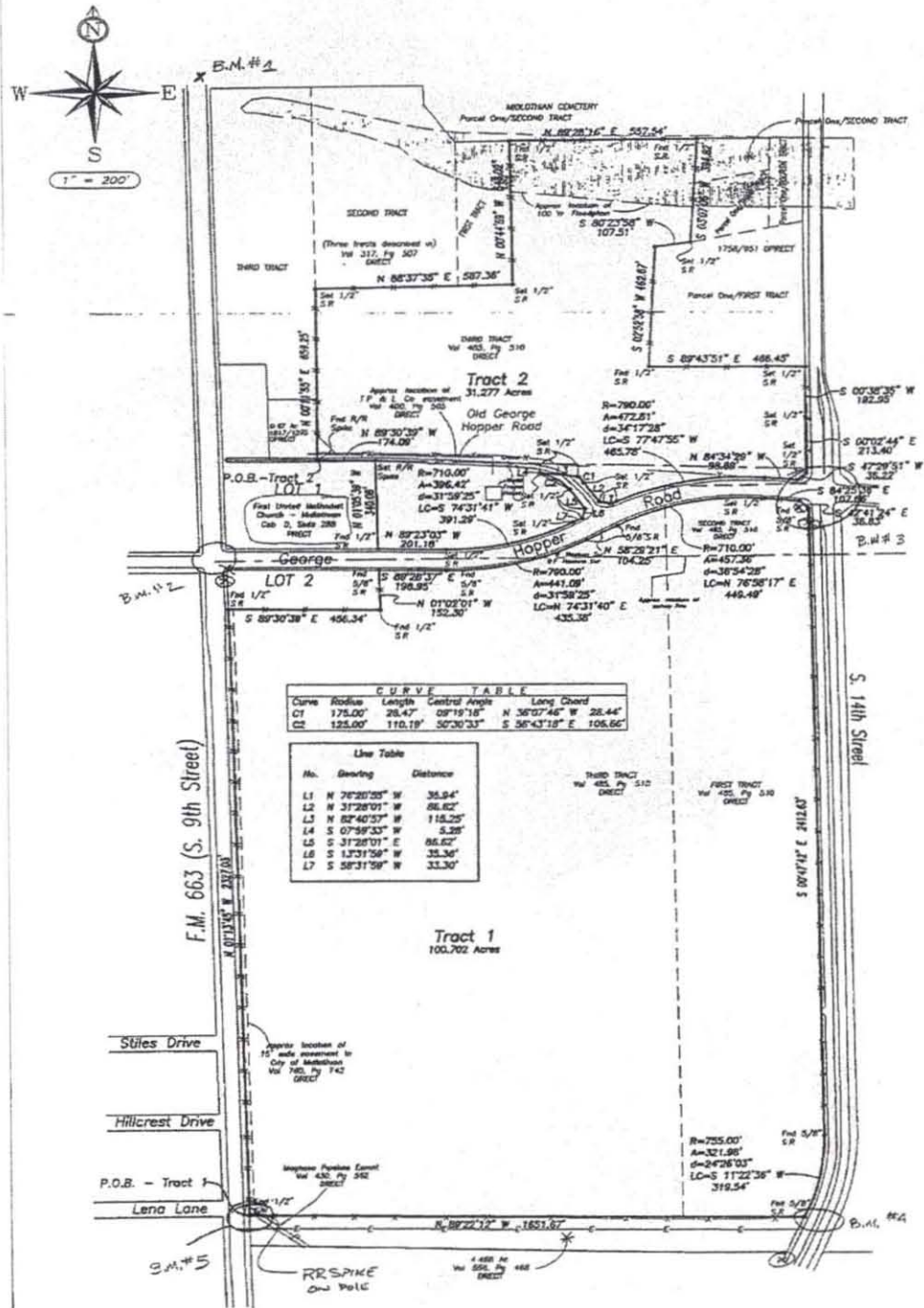




Exhibit C  
Z03-2006-36  
Location Map

