

ORDINANCE

AN ORDINANCE AMENDING ORDINANCE D-081-07 (CSO# 608-03-2017) PD PLANNED DEVELOPMENT ZONING DISTRICT, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF 198.87 ACRES IN THE THOMAS CHANDLER SURVEY ABSTRACT NUMBER 127, JOHNSON COUNTY, TEXAS; MAKING THIS ORDINANCE CUMULATIVE OF PRIOR ORDINANCES; PROVIDING FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; AUTHORIZING PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an application was filed by Peter Thomas, Burleson Hidden Vistas, LP (property owner) for the Modification of the Hidden Vistas Planned Development Ordinance on January 4, 2018 and includes a Memorandum of Understanding regarding parkland dedication and development regulations, under Case Number 18-002; and,

WHEREAS, ordinance (CSO# 608-03-2017) PD Planned Development Zoning District was approved by the City of Burleson City Council on March 20, 2017; and,

WHEREAS, ordinance (CSO# 237-04-2015) PD Planned Development Zoning District was approved by the City of Burleson City Council on April 20, 2015; and,

WHEREAS, ordinance D-081-07 (CSO#106-12-2014) PD Planned Development Zoning District was approved by the City of Burleson City Council on December 8, 2014; and,

WHEREAS, ordinance D-081-07(B0212) PD Planned Development Zoning District was approved by the City of Burleson City Council on August 20, 2012; and

WHEREAS, ordinance D-081-07(A0212) PD Planned Development Zoning District was approved by the City of Burleson City Council on March 5, 2012; and

WHEREAS, ordinance D-081-07 PD Planned Development Zoning District was approved by the City of Burleson City Council on May 24, 2007; and

WHEREAS, ordinance D-070-06 PD Planned Development Zoning District was approved by the City of Burleson City Council on August 24, 2006; and

WHEREAS, an application for a zoning change was filed by Peter Thomas on October 20, 2014, under Case Number 14-084; and

WHEREAS, the City of Burleson has complied with the notification requirements of the Texas Local Government Code and the Burleson Zoning Ordinance; and

WHEREAS, the City Council and Planning and Zoning Commission have held a public hearing and the Planning and Zoning Commission has made a recommendation on the proposed zoning amendment; and

WHEREAS, the City Council has determined that the proposed zoning ordinance amendment is in the best interest of the City of Burleson.

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

SECTION 1 Development Plan

The Official Zoning Map is hereby amended insofar as it relates to certain land located in Burleson, Texas, as shown on the Zoning Exhibit Development Plan attached as Exhibit A and described by the metes and bounds description attached as Exhibit B.

Development and use of the property must comply with the development plan dividing the property into eight tracts of land. In the event of a conflict between the provisions of this ordinance and the development plan, the provisions of this ordinance control.

SECTION 2 APPLICABILITY

(a) Unless otherwise stated, the definitions in Appendix B Zoning Ordinance apply to this ordinance.

(b) Unless otherwise stated in this ordinance, no other ordinance shall apply.

SECTION 3 Main Uses Permitted

The following uses are the only uses permitted in each specified tract:

3.00 Tracts A-1, A-2 and C-3 Commercial/Retail/Office

3.01 General Description: The Commercial tracts will provide the ability to encourage and accommodate the development of office, retail and commercial center(s). The

provisions of this section shall apply to Tract A-1, A-2, and C3 as designed on the Zoning Exhibit Development Plan.

3.02 Land Uses: Uses identified in Article 3, Section 78, Zoning Districts, of the Burleson Zoning Ordinance, under the heading of Commercial District (C) shall be permitted within Tracts A-1, A-2, and C-3 in the Planned Development District with the additional permitted uses listed below:

Child Care Center will be permitted on Tract A-1 with the following caveats:

It is recognized that Hidden Creek Pkwy is a major collector street, designed, intended and utilized to move large volumes of traffic. Therefore, any Child Care Center located within Tract A-1 will be carefully reviewed during the commercial site plan process to ensure that adequate safeguards are in place to ensure separation from the roadway and screening of child accessible areas from vehicular traffic.

Restaurant or cafeteria with drive through service

Mini-warehouses in Tract A-2, subject to Commercial Site Plan approval by the City Council

3.03 Prohibited Uses: The following are prohibited:

Airport or landing Field
Auto, new, used auto sales: outdoors
Auto parts sales and accessory sales (with outside storage)
Auto sales or auction
Batting cages
Bottling works
Cemetery or mausoleum
Country club, private
Fairgrounds or exhibition area
Feed store
Fraternity or sorority
Golf course; commercial
Helistop
Mold and tool shop
Monument manufacturing
Parking lot, trucks/trailers
Pawnshop
Playfield or stadium (public)
Railroad passenger terminal
Railroad team track
Rodeo grounds
Theater: open drive-in
Tool rental
Trailer, manufactured home sales, or rental, assembly and manufacturing

3.04 Accessory uses allowed:

Accessory building, (neighborhood service, commercial, business, or industry)
Off-street parking
Swimming pool

3.10 Tracts B-1 and B-2 Open Space

3.11 General Description: All open space lots provided with a specific tract will be maintained by a Home Owners Association. This will include all improvements within the floodway/floodplain area, i.e. ponds, walks, etc. not specifically conveyed to the City of Burleson.

3.12 Permitted Uses: Land uses permitted within tract B-2 and further described on the Zoning Exhibit Development Plan shall be as follows:

Gas Wells

3.20 Tracts C-1, D-1 and D-2 Single Family Residential

3.21 General Description: The Residential tracts are intended to accommodate a variety of single family residential uses. The residential units will be comprised of Single Family Type I and Single Family Type II products. Development standards for each of the aforementioned housing types are outlined as follows. The provisions of this Section apply to tracts C-1, D-1 and D-2 as designated on the Zoning Exhibit Development Plan. The provisions shall also apply to any single family development that is to be located in Tract C-2 as designated on the Zoning Exhibit Development Plan.

3.22 Permitted Uses: Land uses permitted within the residential tract listed in Section 3.21 and further described on the Zoning Exhibit Development Plan shall be as follows:

Residential units as described herein

Private or public recreation facilities

Churches/rectories

Schools – public, private, or state accredited

Parks, playgrounds and neighborhood recreation facilities including, but not limited to, swimming pools, clubhouse facilities and tennis courts

Fire stations and public safety facilities

Real estate sales offices during the development and marketing of the Planned Development

Public streets and private streets

Electronic security facilities including gatehouse and control counter

Accessory buildings and uses customarily incidental to the permitted uses

Temporary buildings and uses incidental to construction work on the premises, which shall be removed upon completion.

SECTION 4

Lot Development Regulations

The following regulations apply to each tract as specified below:

4.00 Tracts A-1, A-2, and C3 Commercial/Retail/Office

All development regulations within tracts A-1, A-2, and C3 shall be subject to the requirements of Section 78-120 (C, Commercial District Development Regulations) of the City of Burleson Zoning Ordinance unless otherwise stated below.

4.01 Front yard – Eaves and roof extensions may project into the required front yard for a distance not to exceed six (6) feet.

4.02 Side yard – Eaves and roof extensions may project into the required side yard for a distance not to exceed two (2) feet.

4.03 Land Area Permitted: The amount of acreage permitted in the commercial tracts shall be outlined in the attached Zoning Exhibit/Development Plan.

4.04 Building Heights: The maximum permitted height of all buildings within the commercial tracts of the Planned Development District shall be four (4) stories.

4.10 Tracts C-1, C-2, D-1 and D-2 Single Family Residential

4.11 Density - Dwelling unit per acre densities for each tract shall be based on the net acreage of the tract. The maximum allowable densities and unit counts are not transferable between single family tracts.

Tract C-1	Type I	4.5 dwelling units per net acre
Tract C-2	Type II	5.0 dwelling units per net acre

Tract D-1	Type I	4.5 dwelling units per net acre
Tract D-2	Type I	5.5 dwelling units per net acre

The amount of acreage in each single family residential tract shall be outlined in the attached Zoning Exhibit/Development Plan. Net acreage is the total area of a tract defined and described on the Zoning Exhibit/Development Plan, minus the area to be dedicated for parkland and right-of-way dedications for the proposed 90' right-of-way and the proposed 60' collector. The single family residential tracts acreage and density maximums are subject to the Planning and Zoning Commission and City Council approval of final alignments of the proposed Thoroughfare and the proposed 60' collector at the time of platting.

4.12 Minimum Dwelling Size: The minimum floor area, exclusive of garages, breezeways and porticos, for single family residential units shall be:

Tract C-1 – 2,000 square feet
 Tract C-2 – 1,200 square feet
 Tract D-1 – 2,000 square feet
 Tract D-2 – 2,000 square feet

4.13 Single-Family Type I (Tracts C-1, D-1 and D-2): Single-family Type I units are a form of single family, detached housing. This residential type will consist of smaller units and lots, having access and frontage on a public or private street. Should private streets be desired, the ownership and maintenance responsibility shall be the Homeowners Association. Building and area requirements are as follows:

4.13.0 Lot Area: The minimum area of any lot shall be six thousand (6,000) square feet.

4.13.1 Lot Coverage: In no case shall more than seventy-five (75) percent of the total lot area be covered by the combined area of the main buildings and accessory buildings. Swimming pools, spas, deck, patios, driveways, walks, and other paved areas shall not be included in determining maximum lot coverage.

4.13.2 Lot Width: The minimum width of any lot shall not be less than sixty (60) feet at the building line, except that lots at a terminus of a cul-de-sac or along street elbows/eyebrows may have a minimum width of fifty-five (55) feet at the building line; provided all other requirements of this section are fulfilled.

4.13.3 Lot Depth: The minimum depth of any lot shall be one hundred (100) feet, except that lots at the terminus of a cul-de-sac or along street elbows/eyebrows may have a minimum lot depth, measured at mid-point on front and rear lot lines, of ninety (90) feet; provided all other requirements of this section are fulfilled.

4.13.4 Front Yard: The minimum depth of the front yard shall be fifteen (15) feet, not including front entry garages, "J" swing garages will be allowed. The minimum depth of the front yard shall be twenty (20) feet to the face of the garage. Unenclosed front porches, roof eaves, chimneys and other similar architectural elements may extend a maximum of four (4) feet into the front yard except that no portion of a structure including roof eaves may encroach into any utility easement.

4.13.5 Side Yard: The minimum side yard on each side of a lot shall be five (5) feet. No portion of a structure including roof eaves may encroach into any utility easement. A side yard adjacent to a side street shall not be less than fifteen (15) feet.

4.13.6 Rear Yard: The minimum depth of the rear yard shall be ten (10) feet. No portion of a structure including roof eaves may encroach into any utility easement.

4.13.7 Building Height: Buildings shall be a maximum of two and one-half (2 ½) stories.

4.14 Single-Family Type II (Tract C-2): Single-Family Type II units are a form of single family, detached housing. This residential type is designed to provide housing at a slightly higher density than permitted in Single-Family Type I housing, having access and frontage on a public or private street. Building and area requirements are as follows:

4.14.0 Lot Area: The minimum area of any lot shall be five thousand (5,000) square feet.

4.14.1 Lot Coverage: In no case shall more than seventy-five (75) percent of the total lot area be covered by the combined area of the main buildings and accessory buildings. Swimming pools, spas, deck, patios, driveways, walks, and other paved areas shall not be included in determining maximum lot coverage.

4.14.2 Lot Width: The minimum width of any lot shall not be less than fifty (50) feet at the building line, except that lots at a terminus of a cul-de-sac or along street elbows/eyebrows may have a minimum width of forty-five (45) feet at the building line; provided all other requirements of this section are fulfilled.

4.14.3 Lot Depth: The minimum depth of any lot shall be eighty-five (85) feet.

4.14.4 Front Yard: The minimum depth of the front yard shall be fifteen (15) feet, not including front entry garages, "J" swing garages will be allowed. The minimum depth of the front yard shall be twenty (20) feet to the face of the garage. Unenclosed front porches, roof eaves, chimneys and other similar architectural elements may extend a maximum of four (4) feet into the front yard except that no portion of a structure including roof eaves may encroach into any utility easement.

4.14.5 Side Yard: The minimum side yard on each side of a lot shall be five (5) feet to the assumed lot line. No portion of a structure including roof eaves may encroach into any utility easement. A side yard adjacent to a side street shall not be less than ten (10) feet.

4.14.6 Rear Yard: The minimum depth of the rear yard shall be five (5) feet to the assumed lot line. No portion of a structure including roof eaves may encroach into any utility easement.

4.14.7 Building Height: Buildings shall be a maximum of two and one-half (2 ½) stories.

SECTION 5

Landscape Regulations

All Planned Development Districts shall be subject to the requirements of the following sections of Chapter 86 Landscaping, Trees and Vegetation of the City of Burleson Code of Ordinances along with additional regulations listed below:

Section 86-103 Landscaping generally
Section 86-104 Landscaping plan required
Section 86-105 Location criteria
Section 86-106 Credits for landscape area reduction
Section 86-107 Installation and Maintenance

Street Trees: A minimum of one (1) street tree shall be required on all residential lots within the street parkway. Street trees shall measure 3 inches in caliper at the time of planting. Suitable trees shall be from the following list:

Bald Cypress	Cedar Elm
Pecan	Chinese Pistache
Bradford Pear	Bur Oak
Texas Sophora	Shumard's Oak
Sweet Gum	Deciduous Holly
Live Oak	Red Oak

Street trees shall not be located in any of the following areas:

- a. Within an area that the mature canopy of the tree will interfere with overhead utility lines.
- b. Within an area that the mature root zone of the tree will interfere with underground public utility lines (including water lines, sewer lines, transmission lines or other utilities).

- c. Within ten (10) feet of a fire hydrant; or,
- d. Closer than thirty-five (35) feet to any street corner, measure from the point of nearest intersection curbs or curblines.

A fifteen (15) foot wide strip of property devoted to landscaping shall be located adjacent to the edge of street paving that is adjacent to the south side of Hidden Creek Parkway. These areas shall be landscaped with trees identified on the preferred tree list.

- a. Detailed planting plans shall be submitted at the time of site plan and preliminary plat review and subject to approval by the City of Burleson.
- b. Landscape areas shall be equipped with permanent irrigation systems.
- c. Public sidewalks shall be permitted within landscape areas.
- d. Visibility triangles, as required by the Burleson Zoning Ordinance shall be maintained at all driveway and street intersections.
- e. Landscape areas shall be considered common areas. As such, installation and perpetual maintenance shall be the responsibility of the property owners' association, the commercial property owner, or the multi-family property owner, respectively. The Burleson shall have no responsibility for the installation, watering, or other maintenance of the landscape areas established by this Section.

Additionally, when the multi-family units are located on the portion of Tract C-2 identified on Exhibit D, the following is applicable:

- a. Contoured berming shall be required along Hidden Vistas Boulevard to provide a visual buffer from single-family uses. The berming shall be complimented by grouping of trees and landscaping, as well as wrought iron (or equivalent fencing) with masonry columns along Hidden Vistas Boulevard and,
- b. The landscaping standards from the Burleson Code of Ordinances, Appendix C, Section VIII, "Multi-Family Design Standards" shall be applicable.

SECTION 6

Parking Regulations

All Planned Development Districts shall be subject to the requirements of Appendix B Zoning Ordinance Section 134 Vehicle Parking Regulations of the City of Burleson Code of Ordinances along with additional regulations listed below:

- (1) Parking and driveways shall be permitted within all required yard areas and must be paved with asphalt or concrete.
- (2) Handicapped parking shall be as set forth in the State of Texas Architectural Barriers Act.

Tracts C-1, C-2, D-1 and D-2 Single Family Residential.

Additional parking requirements for single family residential tracts developed for single family use shall be as follows:

- a. Boat and RV parking are prohibited in front yard areas.
- b. Two-car garages are required.
- c. Driveway access shall be from streets and/or alleys.
- d. Parking is only permitted on paved surfaces of asphalt or concrete.

SECTION 7

Architectural Development Standards

All buildings within all Planned Development Districts shall have an exterior finish of glass, stone, stucco, brick, tile, concrete, exterior wood or similar materials of any combination thereof. The use of wood as a primary, exterior building material shall be limited to a maximum of twenty-five (25) percent of the total exterior wall surfaces. Construction of buildings shall be subject to the requirements of Chapter 10 Buildings and Building Regulations Article XVI Masonry Construction Standards of the City of Burleson Code of Ordinances along with additional regulations listed below:

Tracts A-1, A-2 and C-3 Commercial/Retail/Office

Office, Retail and Commercial District:

- (1) **Masonry:** Structures shall be constructed of masonry, stone, or other cementitious products, such as those offered by James Hardie. Concrete tilt walls may be appropriate as the principle component of office, retail and commercial construction. Concrete tilt walls shall have a finish or texture of pebble or stucco, or shall have a brick or stone pattern as part of the wall created in the stage of formation. Masonry may be brick or stone of earth tone colors, if color and pattern are added to the form. However, it would be consistent to permit other brick colors, as accent brick, provided that in combination accent brick and non-masonry materials do not exceed the 25 percent non-masonry benchmark. Stone shall not be painted. Brick shall be painted only for the purpose of covering an inappropriate brick color with an earth-tone color.
- (2) **Concrete Surfaces and Surfaces Other Than Masonry:** Exterior concrete wall surfaces and wall surfaces other than masonry shall consist of no more than three colors – a base color, and/or a trim color, and/or an accent color. The City shall permit a base color on up to a 100% of the surface area of any one façade of a building. However, the City shall permit other than a base color on up to only 15% of the surface area of any one façade, and an accent color on up to only 10% of the surface area of any one facade. For calculation purposes, wall surfaces shall include eaves, gables and parapets, but should exclude roofs, awnings or signs.
- (3) **Attached Signs:** Signs attached to walls shall consist of individually mounted channel letters. There should be no restriction on the form they take, or on their typestyle, but colors should be restrained and, in unified developments, the same. Back-lit plastic in white, black, or neutral colors is appropriate, as well as back-lit metal in natural finishes or painted in white, black or neutral colors.
- (4) **Awnings:** Adding accent color through the use of awnings is appropriate within the commercial environment. Awnings shall be canvas, or a lusterless material which closely resembles canvas, at least 80 percent of which is a single deep or neutral solid color, the remaining up to 20 percent, if different, shall be contrasting. For example, if the majority is a deep solid, the trim shall be a neutral solid. If the majority is a neutral solid, the trim shall be a deep solid. Awnings shall not be back-lit. Lettering and logos shall be limited to a monogram.
- (5) **Lights:** Parking lot light standards shall not exceed 30 feet in height. Lighting shall be required to minimize glare onto single family residential development.
- (6) **Roofs:** Flat roofs and parapet walls around flat roofs shall have a cornice, cap or other detail with a vertical dimension equal to at least 3 percent of the height of the building. Pitched roofs shall have roofing material of a lusterless neutral color. Green colors shall be limited to dark forest greens, slate greens, pale bluish-gray

greens and copper patinas. Metal roofs shall be standing seam either with a baked-on lusterless finish made of copper.

- (7) **Windows:** Glass shall not exceed 50 percent of any one façade of a building. It shall be clear or tinted, including art glass and stained glass, but not mirror reflective. If used for advertising purposes, stained glass on any facade shall be limited to 10 percent of the total glass area on the facade.
- (8) **Pavement:** Pavement shall be concrete or asphalt installed in accordance with the Burleson standards.

Institutional Uses: Unless a specific exception is granted by the City Council at a time of site plan approval, materials for institutional buildings shall have the same as those for office, retail and commercial development. One exception centers on the use of stucco for Romanesque and Spanish Colonial styles. Since churches and schools are permitted within residential zoning districts, the City may, at the time of site plan approval, allow stucco by special use permit. Therefore, when stucco is permitted in these styles, terra cotta and burnt terra-cotta tile roofs would be architecturally consistent. Also, reflective metal may be appropriate for the spires and domes of landmark institutional buildings, if approved by the Burleson City Council at the time of site plan approval.

Mini-Warehouses: Mini-warehouse buildings shall have a different building design character. Therefore, wall colors shall be very light, in either white or neutral shades. In addition, a trim color in combination with an optional accent color shall be permitted on up to 15 percent of the surface area of any once façade, with the accent color limited to no more than 10 percent of the surface area of a facade.

In this setting, walls are not required to have a cap or cornice, large expanses of glass should be permissible, and glass selection may, subject to approval by the City Council at the time of site plan review, include reflective materials. Attached signs, awnings, lights, pitched roofs and pavement, however, should observe the same design standards set for office, retail and commercial areas.

Tracts C-1, C-2, D-1 and D-2 Single Family Residential

- (1) **Design Elevations:** No house plan elevations may be repeated for a distance of four lots, either on the same side or opposite side of the street.
- (2) **Roofs:** Residential structures shall have a minimum of 7/12 pitch roof.
- (3) **Chimneys:** All exterior chimneys shall be of either, stucco, stone or brick. No siding on chimneys will be permitted.
- (4) **Type I (C-1, D-1, and D-2) Residential Structures:** Shall have 2 different height plate limits and 3 offsets in the front elevation.

(5) **Type II (C-2) Residential Structures:** Shall have 2 different height plate limits and 2 offsets in the front elevation.

(6) **Materials:** the city of Burleson Masonry Ordinance shall apply except for:

a. D-1 cementitious fiberboard products shall be prohibited.

Screening: A minimum six (6) foot screening fence shall be provided where any property or tract designated for single family residential development abuts property or tract that is designated for commercial development. The commercial user and property owner shall be responsible for the construction and maintenance of the screening fence. Screening fences shall be maintained in good repair. The design, color, or materials used in construction of the wall shall not be modified when repairs are made to the wall. This screening wall shall be constructed at the time a commercial property is developed and shall only be required adjacent on the specific commercial property this is being developed.

The above referenced screening fence shall be constructed of stone, brick, cementitious, wrought iron or similar materials or any combination thereof. Screening fence plans shall be included as a component of required site plans and will be subject to approval by the Burleson City Council at the time of site plan approval.

SECTION 8 CUMULATIVE CLAUSE

This ordinance shall be cumulative of all provisions of ordinances of the City of Burleson, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. To the extent that the provisions of the City of Burleson's various development ordinances conflict with this ordinance, the terms of this ordinance shall control.

SECTION 9 SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences,

paragraphs and sections of this ordinance, since the same would have been enacted by the city council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 10 PENALTY CLAUSE

Any person, firm, association of persons, company, corporation, or their agents, servants, or employees violating or failing to comply with any of the provisions of this article shall be fined, upon conviction, not less than one dollar (\$1.00) nor more than two thousand dollars (\$2,000.00), and each day any violation of noncompliance continues shall constitute a separate and distinct offense. The penalty provided herein shall be cumulative of other remedies provided by State Law, and the power of injunction as provided in Texas Local Government Code 54.012 and as may be amended, may be exercised in enforcing this article whether or not there has been a complaint filed.

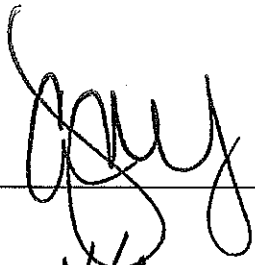
SECTION 11 EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED AND APPROVED this the 7th day of May, 2018.


MAYOR

ATTEST:


City Secretary

First Reading: N/A



EXHIBIT A

Zoning Exhibit Development Plan

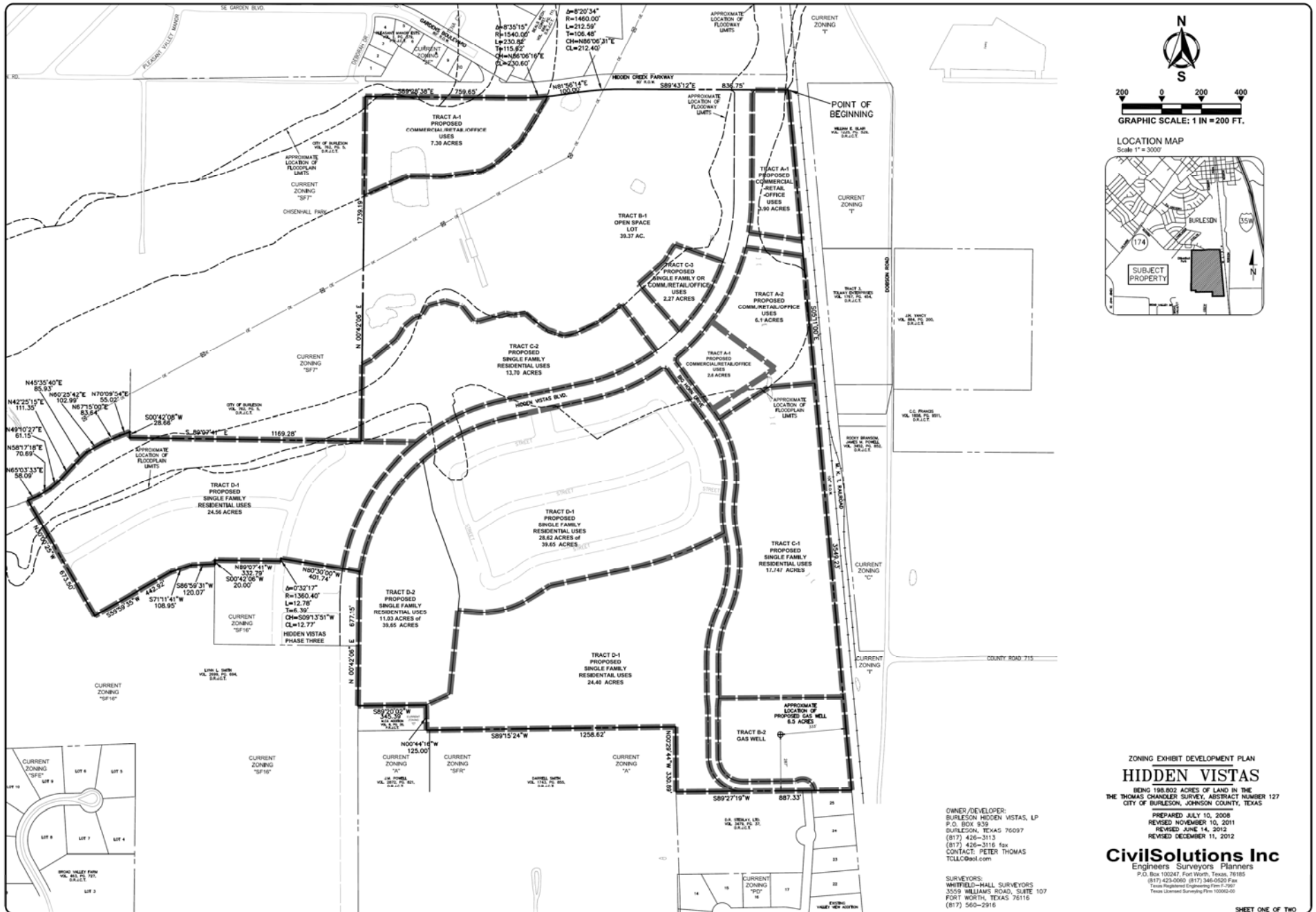


EXHIBIT B
Metes and Bounds

DESCRIPTION OF PROPERTY

BEING 198.802 acres of land in the THOMAS CHANDLER SURVEY, ABSTRACT NUMBER 127, Johnson County, Texas and being the remainder of that certain tract of land conveyed to Burleson Hidden Vistas, LP according to the deed recorded in Volume 3860, Page 237, and Volume 3922, Page 574, Deed Records of Johnson County, Texas and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found being the intersection of the existing south right-of-way line of Hidden Creek Parkway and the existing west right-of-way line of the M.K.T. Railroad;

THENCE, South 05 degrees 11 minutes 00 seconds East, along the existing east right-of-way line of said M.K.T. Railroad, 3549.23 feet to a 1/2" iron rod found for corner;

THENCE, South 89 degrees 27 minutes 19 seconds West, along the north line of a tract of land conveyed to D.R. Stebley according to the deed recorded in Volume 3479, Page 37, D.R.J.C.T., 887.33 feet to a 1/2" iron rod set for corner with a cap stamped "RPLS 4818";

THENCE, North 00 degrees 29 minutes 44 seconds West, along the east line of a tract of land conveyed to Darrell Smith according to the deed recorded in Volume 1743, Page 855, D.R.J.C.T., 330.89 feet to a 1/2" iron rod set for corner with a cap stamped "RPLS 4818";

THENCE, South 89 degrees 15 minutes 24 seconds West, along the north line of said Smith tract, 1258.62 feet to a 3/4" iron rod found for corner;

THENCE, North 00 degrees 44 minutes 16 seconds West, along the east line of MCI Addition according to the plat recorded in Volume 8, Page 35, Plat Records of Johnson County, Texas, 125.00 feet to a 1/2" iron rod set for corner with a cap stamped "RPLS 4818";

THENCE, South 89 degrees 20 minutes 02 seconds West, along the north line of said MCI Addition, 345.39 feet to a 5/8" iron rod found for corner;

THENCE, North 00 degrees 42 minutes 06 seconds East, along the west line of said Burleson Hidden Vistas tract, 677.15 feet to a point for corner;

THENCE, North 80 degrees 30 minutes 00 seconds West, 401.74 feet to an "x" cut in concrete found for corner, being the northwest corner of Lot 89, Block 11, Hidden Vistas Phase Three according to the plat recorded in Volume 9, Page 948, Drawer D, Plat

Records of Johnson County, Texas and being the beginning of a curve to the left with a radius of 1360.40 feet and a long chord bearing South 09 degrees 13 minutes 21 seconds West, 12.77 feet;

THENCE, along said curve to the left, along the west line of said Lot 89, Block 11, passing through a central angle of 00 degrees 32 minutes 17 seconds an arc length of 12.78 feet to an "x" cut in concrete found for corner;

THENCE, North 89 degrees 07 minutes 41 seconds West, 332.79 feet to a point for corner;

THENCE, South 00 degrees 42 minutes 06 seconds West, 20.00 feet to a 1/2" iron rod found for corner, being the northwest corner of Lot 35, Block 11, of said Hidden Vistas Phase Three;

THENCE, South 86 degrees 59 minutes 31 seconds West, 120.07 feet to a 1/2" iron rod with a plastic cap stamped "RPLS 4818" set;

THENCE, South 71 degrees 11 minutes 41 seconds West, 108.95 feet to a 1/2" iron rod with a plastic cap stamped "RPLS 4818" set;

THENCE, South 59 degrees 59 minutes 35 seconds West, 442.92 feet to a 1/2" iron rod with a plastic cap stamped "RPLS 4818" set;

THENCE, North 30 degrees 00 minutes 25 seconds West, 673.50 feet to a 1/2" iron rod with a plastic cap stamped "RPLS 4818" set, being in the southerly line of a tract of land conveyed to the City of Burleson according to the deed recorded in Volume 2959, Page 638, D.R.J.C.T.;

THENCE, the following courses and distances along the southerly line of said City of Burleson tract:

North 65 degrees 03 minutes 33 seconds East, 58.09 feet, to a 1/2" iron rod found;
North 58 degrees 17 minutes 18 seconds East, 70.69 feet, to a 1/2" iron rod found;
North 49 degrees 10 minutes 27 seconds East, 61.15 feet, to a 1/2" iron rod found;
North 42 degrees 25 minutes 15 seconds East, 111.35 feet, to a 1/2" iron rod found;
North 45 degrees 35 minutes 40 seconds East, 85.93 feet, to a 1/2" iron rod found;
North 60 degrees 25 minutes 42 seconds East, 102.99 feet, to a 1/2" iron rod found;
North 67 degrees 15 minutes 00 seconds East, 83.64 feet, to a 1/2" iron rod found;
North 70 degrees 09 minutes 54 seconds East, 55.02 feet to a 1/2" iron rod found, being the southeast corner of said City of Burleson tract;

THENCE, South 00 degrees 42 minutes 08 seconds West, 28.66 feet to a 1/2" iron rod found for corner, being the southwest corner of a tract of land conveyed to the City of Burleson according to the deed recorded in Volume 762, Page 5, D.R.J.C.T.;

THENCE, South 89 degrees 07 minutes 41 seconds East, along the south line of said City of Burleson tract, 1169.28 feet to a 1/2" iron rod with a plastic cap stamped "RPLS 4818" set, said iron rod being in the west line of said Burleson Hidden Vistas tract (3860/237);

THENCE, North 00 degrees 42 minutes 06 seconds East, along the west line of said Burleson Hidden Vistas tract (3860/237), 1739.19 feet to a 1/2" iron rod found;

THENCE, South 89 degrees 28 minutes 38 seconds East, along the existing south right-of-way line of said Hidden Creek Parkway, 759.65 feet to a 1/2" iron rod set for corner with a cap stamped "RPLS 4818", being the beginning of a curve to the left with a radius of 1540.00 feet and a long chord bearing North 86 degrees 06 minutes 16 seconds East, 230.60 feet;

THENCE, along said curve to the left and continuing along the existing south right-of-way line of said Hidden Creek Parkway, passing through a central angle of 08 degrees 35 minutes 15 seconds an arc length of 230.82 feet to a 1/2" iron rod set for corner with a cap stamped "RPLS 4818";

THENCE, North 81 degrees 56 minutes 14 seconds East, continuing along the existing south right-of-way line of said Hidden Creek Parkway, 100.00 feet to a 1/2" iron rod set for corner with a cap stamped "RPLS 4818", being the beginning of a curve to the right with a radius of 1460.00 feet and a long chord bearing North 86 degrees 06 minutes 31 seconds East, 212.40 feet;

THENCE, along said curve to the right and continuing along the existing south right-of-way line of said Hidden Creek Parkway, passing through a central angle of 08 degrees 20 minutes 34 seconds an arc length of 212.59 feet to a 1/2" iron rod set for corner with a cap stamped "RPLS 4818";

THENCE, South 89 degrees 43 minutes 12 seconds East, continuing along the existing south right-of-way line of said Hidden Creek Parkway, 836.75 feet to the POINT OF BEGINNING.

The tract of land herein described contains 198.802 acres.

MEMORANDUM OF UNDERSTANDING

BETWEEN

BURLESON HIDDEN VISTA, LP AND THE CITY OF BURLESON, TEXAS

REGARDING PARK IMPROVEMENTS IN THE HIDDEN VISTA DEVELOPMENT

PARK MOU #2018-03

On October 3, 2013, a letter was sent by the City of Burleson (the City) to Peter Thomas, authorized agent for Burleson Hidden Vista, LP (the Developer), that detailed park improvements proposed by the Developer. The construction of the improvements were to count as credit toward the required park infrastructure fee for phases 2, 3, 3A and 7 of the Hidden Vistas development (the Development). The park improvements were never initiated. Therefore, the City and the Developer wish to nullify the previous agreement and replace it with this Memorandum of Understanding (the MOU). The following outlines the commitments made between Burleson Hidden Vista, LP, and or assigns, with the address P. O. Box 939, Burleson, TX 76097, and the City of Burleson, Texas, with the address 141 W Renfro St, Burleson, TX 76028-4296, for park improvements in and around the Hidden Vistas development, DAC Case #18-002.

Developer agrees that it will:

1. Construct a concrete hike and bike trail along the alignment shown in Exhibit A before Phase 4 is completed. The trail will generally have a width of 10' with a 3' shoulder on each side, but an 8' width with 2' shoulders over a short distance is permissible if dictated by site conditions. The trail alignment along the Hidden Vista Dr. ROW shall be the width of the sidewalks typical of the development. The pedestrian connections to the cul-de-sacs shall be 5' wide minimum.
2. Provide electric service for, and install, one (1) aeration fountain in the pond shown in Exhibit A before Phase 4 is completed.
3. Improve the low water crossing shown in Exhibit A to include a 16' wide trail path (10' trail with 3' shoulders) that is compliant with the 2012 Texas Accessibility Standards before Phase 6 is completed. Coordinate efforts with the City's Floodplain Administrator to insure compliance with all relevant floodplain-related regulations and hydraulic requirements.
4. Obtain final approval from the City for all park improvements before proceeding with construction.
5. Strictly adhere to the approved grading plan for the Development, including the dedicated park land, which facilitates the construction of streets, water, sewer, drainage, etc.

City agrees that it will:

1. Pay for the electricity required to operate the aeration fountain.
2. Waive escrow for the park land dedication.
3. Provide a metes and bounds survey and legal description of the property to be dedicated as park land shown in Exhibit A.
4. Maintain all dedicated park land.

The City and the Developer agree that any modification to the MOU requires the written consent of both parties. The parties also agree that the MOU does not exhaustively cover all details of the Development or the park improvements and will work, in good faith, to coordinate these efforts as Hidden Vistas is developed.

This MOU shall remain binding in the event of a change of developer.

City of Burleson, Texas

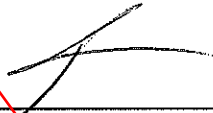
Burleson Hidden Vista, LP

by



Marc D. Marchand, Director
Recreation and Lifelong Learning

by



Peter Thomas
Authorized Agent

Date

5-7-18

Date

5/8/18

This is an aerial map of a park development project. The map is divided into several phases, with 'PHASE FOUR' being the central focus. A red line runs diagonally across the map, likely indicating a boundary or a specific project path.

Key features and labels on the map include:

- PHASE FOUR:** The central area of the map, featuring a large pond labeled 'PROPOSED POND (AMENITY)' and a 'PARK LAND DEDICATION' area.
- PHASE ONE:** Located in the upper left, labeled 'HIDDEN VISTAS PHASE ONE SLIDED, VOL. 9 PG. 877 P.R.J.C.T.'.
- PHASE TWO:** Located in the upper right, labeled 'HIDDEN VISTAS PHASE TWO SLIDED, VOL. 10 PG. 878 P.R.J.C.T.'.
- PHASE THREE:** Located in the lower left, labeled 'HIDDEN VISTAS PHASE THREE SLIDED, VOL. 11 PG. 879 P.R.J.C.T.'.
- PHASE FIVE:** Located in the lower right, labeled 'HIDDEN VISTAS PHASE FIVE SLIDED, VOL. 12 PG. 880 P.R.J.C.T.'.
- PHASE SIX:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE SIX SLIDED, VOL. 13 PG. 881 P.R.J.C.T.'.
- PHASE SEVEN:** Located in the bottom left corner, labeled 'HIDDEN VISTAS PHASE SEVEN SLIDED, VOL. 14 PG. 882 P.R.J.C.T.'.
- PHASE EIGHT:** Located in the bottom center, labeled 'HIDDEN VISTAS PHASE EIGHT SLIDED, VOL. 15 PG. 883 P.R.J.C.T.'.
- PHASE NINE:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE NINE SLIDED, VOL. 16 PG. 884 P.R.J.C.T.'.
- PHASE TEN:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE TEN SLIDED, VOL. 17 PG. 885 P.R.J.C.T.'.
- PHASE ELEVEN:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE ELEVEN SLIDED, VOL. 18 PG. 886 P.R.J.C.T.'.
- PHASE TWELVE:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE TWELVE SLIDED, VOL. 19 PG. 887 P.R.J.C.T.'.
- PHASE THIRTEEN:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE THIRTEEN SLIDED, VOL. 20 PG. 888 P.R.J.C.T.'.
- PHASE FOURTEEN:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE FOURTEEN SLIDED, VOL. 21 PG. 889 P.R.J.C.T.'.
- PHASE FIFTEEN:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE FIFTEEN SLIDED, VOL. 22 PG. 890 P.R.J.C.T.'.
- PHASE SIXTEEN:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE SIXTEEN SLIDED, VOL. 23 PG. 891 P.R.J.C.T.'.
- PHASE SEVENTEEN:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE SEVENTEEN SLIDED, VOL. 24 PG. 892 P.R.J.C.T.'.
- PHASE EIGHTEEN:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE EIGHTEEN SLIDED, VOL. 25 PG. 893 P.R.J.C.T.'.
- PHASE NINETEEN:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE NINETEEN SLIDED, VOL. 26 PG. 894 P.R.J.C.T.'.
- PHASE TWENTY:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE TWENTY SLIDED, VOL. 27 PG. 895 P.R.J.C.T.'.
- PHASE TWENTY-ONE:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE TWENTY-ONE SLIDED, VOL. 28 PG. 896 P.R.J.C.T.'.
- PHASE TWENTY-TWO:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE TWENTY-TWO SLIDED, VOL. 29 PG. 897 P.R.J.C.T.'.
- PHASE TWENTY-THREE:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE TWENTY-THREE SLIDED, VOL. 30 PG. 898 P.R.J.C.T.'.
- PHASE TWENTY-FOUR:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE TWENTY-FOUR SLIDED, VOL. 31 PG. 899 P.R.J.C.T.'.
- PHASE TWENTY-FIVE:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE TWENTY-FIVE SLIDED, VOL. 32 PG. 900 P.R.J.C.T.'.
- PHASE TWENTY-SIX:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE TWENTY-SIX SLIDED, VOL. 33 PG. 901 P.R.J.C.T.'.
- PHASE TWENTY-SEVEN:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE TWENTY-SEVEN SLIDED, VOL. 34 PG. 902 P.R.J.C.T.'.
- PHASE TWENTY-EIGHT:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE TWENTY-EIGHT SLIDED, VOL. 35 PG. 903 P.R.J.C.T.'.
- PHASE TWENTY-NINE:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE TWENTY-NINE SLIDED, VOL. 36 PG. 904 P.R.J.C.T.'.
- PHASE THIRTY:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE THIRTY SLIDED, VOL. 37 PG. 905 P.R.J.C.T.'.
- PHASE THIRTY-ONE:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE THIRTY-ONE SLIDED, VOL. 38 PG. 906 P.R.J.C.T.'.
- PHASE THIRTY-TWO:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE THIRTY-TWO SLIDED, VOL. 39 PG. 907 P.R.J.C.T.'.
- PHASE THIRTY-THREE:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE THIRTY-THREE SLIDED, VOL. 40 PG. 908 P.R.J.C.T.'.
- PHASE THIRTY-FOUR:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE THIRTY-FOUR SLIDED, VOL. 41 PG. 909 P.R.J.C.T.'.
- PHASE THIRTY-FIVE:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE THIRTY-FIVE SLIDED, VOL. 42 PG. 910 P.R.J.C.T.'.
- PHASE THIRTY-SIX:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE THIRTY-SIX SLIDED, VOL. 43 PG. 911 P.R.J.C.T.'.
- PHASE THIRTY-SEVEN:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE THIRTY-SEVEN SLIDED, VOL. 44 PG. 912 P.R.J.C.T.'.
- PHASE THIRTY-EIGHT:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE THIRTY-EIGHT SLIDED, VOL. 45 PG. 913 P.R.J.C.T.'.
- PHASE THIRTY-NINE:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE THIRTY-NINE SLIDED, VOL. 46 PG. 914 P.R.J.C.T.'.
- PHASE FORTY:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE FORTY SLIDED, VOL. 47 PG. 915 P.R.J.C.T.'.
- PHASE FORTY-ONE:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE FORTY-ONE SLIDED, VOL. 48 PG. 916 P.R.J.C.T.'.
- PHASE FORTY-TWO:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE FORTY-TWO SLIDED, VOL. 49 PG. 917 P.R.J.C.T.'.
- PHASE FORTY-THREE:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE FORTY-THREE SLIDED, VOL. 50 PG. 918 P.R.J.C.T.'.
- PHASE FORTY-FOUR:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE FORTY-FOUR SLIDED, VOL. 51 PG. 919 P.R.J.C.T.'.
- PHASE FORTY-FIVE:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE FORTY-FIVE SLIDED, VOL. 52 PG. 920 P.R.J.C.T.'.
- PHASE FORTY-SIX:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE FORTY-SIX SLIDED, VOL. 53 PG. 921 P.R.J.C.T.'.
- PHASE FORTY-SEVEN:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE FORTY-SEVEN SLIDED, VOL. 54 PG. 922 P.R.J.C.T.'.
- PHASE FORTY-EIGHT:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE FORTY-EIGHT SLIDED, VOL. 55 PG. 923 P.R.J.C.T.'.
- PHASE FORTY-NINE:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE FORTY-NINE SLIDED, VOL. 56 PG. 924 P.R.J.C.T.'.
- PHASE FIFTY:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE FIFTY SLIDED, VOL. 57 PG. 925 P.R.J.C.T.'.
- PHASE FIFTY-ONE:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE FIFTY-ONE SLIDED, VOL. 58 PG. 926 P.R.J.C.T.'.
- PHASE FIFTY-TWO:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE FIFTY-TWO SLIDED, VOL. 59 PG. 927 P.R.J.C.T.'.
- PHASE FIFTY-THREE:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE FIFTY-THREE SLIDED, VOL. 60 PG. 928 P.R.J.C.T.'.
- PHASE FIFTY-FOUR:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE FIFTY-FOUR SLIDED, VOL. 61 PG. 929 P.R.J.C.T.'.
- PHASE FIFTY-FIVE:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE FIFTY-FIVE SLIDED, VOL. 62 PG. 930 P.R.J.C.T.'.
- PHASE FIFTY-SIX:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE FIFTY-SIX SLIDED, VOL. 63 PG. 931 P.R.J.C.T.'.
- PHASE FIFTY-SEVEN:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE FIFTY-SEVEN SLIDED, VOL. 64 PG. 932 P.R.J.C.T.'.
- PHASE FIFTY-EIGHT:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE FIFTY-EIGHT SLIDED, VOL. 65 PG. 933 P.R.J.C.T.'.
- PHASE FIFTY-NINE:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE FIFTY-NINE SLIDED, VOL. 66 PG. 934 P.R.J.C.T.'.
- PHASE SIXTY:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE SIXTY SLIDED, VOL. 67 PG. 935 P.R.J.C.T.'.
- PHASE SIXTY-ONE:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE SIXTY-ONE SLIDED, VOL. 68 PG. 936 P.R.J.C.T.'.
- PHASE SIXTY-TWO:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE SIXTY-TWO SLIDED, VOL. 69 PG. 937 P.R.J.C.T.'.
- PHASE SIXTY-THREE:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE SIXTY-THREE SLIDED, VOL. 70 PG. 938 P.R.J.C.T.'.
- PHASE SIXTY-FOUR:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE SIXTY-FOUR SLIDED, VOL. 71 PG. 939 P.R.J.C.T.'.
- PHASE SIXTY-FIVE:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE SIXTY-FIVE SLIDED, VOL. 72 PG. 940 P.R.J.C.T.'.
- PHASE SIXTY-SIX:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE SIXTY-SIX SLIDED, VOL. 73 PG. 941 P.R.J.C.T.'.
- PHASE SIXTY-SEVEN:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE SIXTY-SEVEN SLIDED, VOL. 74 PG. 942 P.R.J.C.T.'.
- PHASE SIXTY-EIGHT:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE SIXTY-EIGHT SLIDED, VOL. 75 PG. 943 P.R.J.C.T.'.
- PHASE SIXTY-NINE:** Located in the bottom right corner, labeled 'HIDDEN VISTAS PHASE SIXTY-N

HIDDEN VISTAS
PHASE ONE
SLIDED, VOL. 9,
PG. 877
P.R.J.C.T.

AMENDMENT #1

MEMORANDUM OF UNDERSTANDING

BETWEEN

BURLESON HIDDEN VISTA, LP AND THE CITY OF BURLESON, TEXAS

REGARDING PARK IMPROVEMENTS IN THE HIDDEN VISTA DEVELOPMENT

PARK MOU #2018-03

WHEREAS, the City of Burleson ("City") and Burleson Hidden Vista, LP ("Developer") entered into a Memorandum of Understanding on May 7, 2018 ("Park MOU #2018-03 ") regarding certain park improvements in the Hidden Vista Development; and

WHEREAS, the City and Developer now desire to amend Park MOU #2018-03 to account for changes in the Hidden Vista Development; and

WHEREAS, the City and Developer both feel it is in the best interests of both parties or the Park MOU #2018-03 to be amended.

NOW THEREFORE, Developer and City agree to amend Park MOU #2018-03 by repealing and replacing the previous commitments with the following:

Developer agrees that it will:

1. Construct a 10-foot concrete hike and bike trail along the alignment shown in Exhibit A as part of Hidden Vista Phase 4B. These improvements shall be constructed as part of the proposed public infrastructure and shall be completed prior to the city issuing a substantial or final acceptance letter, whichever comes first. The trail will generally have a width of 10' with a 3' shoulder on each side, but an 8' width with 2' shoulders over a short distance is permissible if dictated by site conditions. Coordinate efforts with the City's Floodplain Administrator to insure compliance with all relevant floodplain-related regulations and hydraulic requirements.
2. The trail alignment along the Hidden Vista Dr. ROW shall be the width of the sidewalks typical of the development, four (4) feet.
3. Provide electric service for, and install, one (1) aeration fountain in the pond shown in Exhibit A before Phase 4 is completed.
4. Dedicate the land shown in Exhibit A as parkland prior to substantial or final acceptance of Hidden Vista, Phase 4B, whichever comes first.
5. Obtain final approval from the City for all park improvements before proceeding with construction.

6. Strictly adhere to the approved grading plan for the Development, including the dedicated park land, which facilitates the construction of streets, water, sewer, drainage, etc.

City agrees that it will:

1. Pay for the electricity required to operate the aeration fountain.
2. Waive escrow for the park land dedication.
3. Provide a metes and bounds survey and legal description of the property to be dedicated as park land shown in Exhibit A.
4. Maintain all dedicated park land.

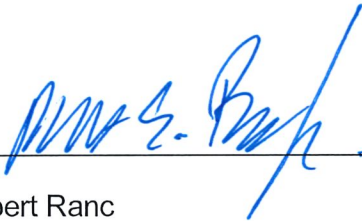
The City and the Developer agree that any modification to this MOU requires the written consent of both parties. The parties also agree that the MOU does not exhaustively cover all details of the Development or the park improvements and will work, in good faith, to coordinate these efforts as Hidden Vistas is developed.

This MOU shall remain binding in the event of a change of developer.

City of Burleson, Texas

Burleson Hidden Vista, LP

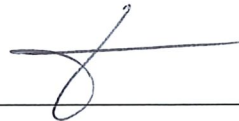
by



Robert Ranc

Deputy City Manager, Acting Director of
Parks and Recreation

by



Peter Thomas

Authorized Agent

Date

7/20/20

Date

7/30/20

Exhibit A

