

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, DECLARING THE NECESSITY TO ACQUIRE CERTAIN REAL PROPERTIES FOR RIGHT-OF-WAY, TEMPORARY CONSTRUCTION EASEMENTS, DRAINAGE EASEMENTS, AND WATER EASEMENT FOR THE CONSTRUCTION OF LEGACY (PRAIRIE – FISHTRAP) – 4 LANES PROJECT; DETERMINING THE PUBLIC USE AND NECESSITY FOR SUCH ACQUISITION; AUTHORIZING THE ACQUISITION OF PROPERTY RIGHTS NECESSARY FOR SAID PROJECT; APPOINTING AN APPRAISER AND NEGOTIATOR AS NECESSARY; AUTHORIZING THE TOWN MANAGER OF THE TOWN OF PROSPER, TEXAS, TO ESTABLISH JUST COMPENSATION FOR THE PROPERTY RIGHTS TO BE ACQUIRED; AUTHORIZING THE TOWN MANAGER TO TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND RESOLUTIONS; AND AUTHORIZING THE TOWN ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY IF PURCHASE NEGOTIATIONS ARE NOT SUCCESSFUL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Prosper, Texas (the “Town Council”), has determined that there exists a public necessity to acquire the Property for the construction of the Legacy (Prairie – Fishtrap) – 4 lanes project, the location of which is generally set forth in the exhibits attached to this resolution; and

WHEREAS, the Town Council desires to acquire the property (“Property”), as more particularly described in the exhibits attached to this Resolution, for this governmental and public use in conjunction with the Town of Prosper’s construction of the Legacy (Prairie – Fishtrap) – 4 lanes project (“Project”); and

WHEREAS, the Town Council desires that the Town Manager, or his designee, take all necessary steps to acquire the Property for the Project including, but not limited to, the retention of appraisers, engineers, and other consultants and experts, and that the Town Attorney, or his designee, negotiate the purchase of the Property for the Project, and if unsuccessful in purchasing the Property for the Project, to institute condemnation proceedings to acquire these required property interests.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

SECTION 1

All of the above premises are hereby found to be true and correct legislative and factual findings of the Town of Prosper, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

SECTION 2

The Town Council hereby finds and determines that a public use and necessity exists for the Town of Prosper, Texas, to acquire the following Property for the Project, as more particularly described in the Exhibits referenced herein:

EXHIBIT

DESCRIPTION/INTEREST TO BE ACQUIRED

- 1 Approximately 0.0348 acres of real property for right-of-way and 0.0297 acres of real property for temporary construction easement, situated generally in the L. Netherly Survey, Abstract Number 962, Denton County, Texas and being part of that certain tract of land described as recorded in Instrument No. 2017-150 and in Instrument No. 2017-37344 of the Official Public Records of Denton County, Texas

- 2 Approximately 1.4393 acres of real property for right-of-way and 1.5536 acres of real property for temporary construction easement, situated generally in the Collin County School Land Survey, Abstract Number 147, Collin County, Texas and being part of that certain tract of land described as recorded in Instrument Number 20200618000919920 of the Official Public Records of Collin County and in the L. Netherly Survey, Abstract Number 962, Denton County, Texas and being part of that certain tract of land described as recorded in Instrument No. 2023-75 of the Official Public Records of Denton County, Texas

- 3 Approximately 0.3142 acres of real property for drainage easement and 0.0338 acres of real property for drainage easement, situated generally in the Collin County School Land Survey, Abstract Number 147, Collin County, Texas and being part of that certain tract of land described as recorded in Instrument Number 20200618000919920 of the Official Public Records of Collin County, Texas

- 4 Approximately 0.2187 acres of real property for water easement, situated generally in the Collin County School Land Survey, Abstract Number 147, Collin County, Texas and being part of that certain tract of land described as recorded in Instrument Number 20200618000919920 of the Official Public Records of Collin County, Texas

SECTION 3

The Town Manager, or his designee, is authorized and directed to negotiate for and to acquire the Property for the Project, for the Town of Prosper, Texas, and to acquire said rights in compliance with State and Federal law. The Town Manager is specifically authorized and directed to do each and every act necessary to acquire the Property for the Project including, but not limited to, the authority to negotiate, give notices, make written offers to purchase, prepare contracts, to retain and designate a qualified appraiser of the property interests to be acquired, as well as any other experts or consultants that he deems necessary for the acquisition process and, if necessary, to institute proceedings in eminent domain.

SECTION 4

The Town Manager, or any individual he may so designate, is appointed as negotiator for the acquisition of the Property for the Project, and, as such, the Town Manager is authorized and directed to do each and every act and deed hereinabove specified or authorized by reference, subject to the availability of funds appropriated by the Town Council for such purpose. The Town Manager is specifically authorized to establish the just compensation for the acquisition of the Property. If the Town Manager or his designee determines that an agreement as to damages or compensation cannot be reached, then the Town Attorney or his designee is hereby authorized and directed to file or cause to be filed, against the owners and interested parties of the needed property interests, proceedings in eminent domain to acquire the Property for the Project.

SECTION 5

This Resolution is effective immediately upon its passage.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, BY A VOTE OF ___ TO ___ ON THIS THE 27TH DAY OF JUNE 2023.

David F. Bristol, Mayor

ATTEST:

Michelle Lewis Sirianni, Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney

EXHIBIT 1

**LEGAL DESCRIPTION
RIGHT-OF-WAY DEDICATION**

BEING a 0.0348 acre (1,518 square foot) tract of land situated in the L. Netherly Survey, Abstract No. 962, Town of Prosper, Denton County, Texas; said tract being part of Lot 1R, Block A, Prosper Center, an addition to the Town of Prosper according to the plat recorded in Instrument No. 2017-150, Official Public Records, Denton County, Texas; said tract also being part of the tract described in Special Warranty Deed to SRKMR Real Estate Holdings 2, LLC, recorded in Instrument No. 2017-37344 of said Official Public Records; said tract being more particularly described as follows:

COMMENCING at a 5/8-inch iron rod with cap stamped "KHA" set in the northwest right-of-way line of Legacy Drive (a variable width right-of-way); said point being the southwest corner of said Lot 1R;

THENCE North 85°35'49" East, along the said northwest line of Legacy Drive, a distance of 26.82 feet to a 5/8-inch iron rod with cap stamped "KHA" set for the **POINT OF BEGINNING**;

THENCE North 40°36'43" East, departing the said northeast line of Legacy Drive, a distance of 256.00 feet to a 5/8-inch iron rod with cap stamped "KHA" set for corner in the northeast line of said Lot 1R;

THENCE South 49°23'17" East, along the said northeast line of Lot 1R, a distance of 6.00 feet to a point for corner in the said northwest line of Legacy Drive;

THENCE South 40°36'43" West, along the said northwest line of Legacy Drive, a distance of 250.00 feet to a point for corner;

THENCE South 85°36'43" West, continuing along the said northwest line of Legacy Drive, a distance of 8.49 feet to the **POINT OF BEGINNING** and containing 1,518 square feet or 0.0348 acres of land, more or less.

NOTES

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

A survey plat of even survey date herewith accompanies this metes & bounds description.

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the right-of-way tract described.

RIGHT-OF-WAY DEDICATION
PART OF
LOT 1R, BLOCK A
PROSPER CENTER
L. NETHERLY SURVEY,
ABST. NO. 962
TOWN OF PROSPER
DENTON COUNTY, TEXAS


MICHAEL C. BILLINGSLEY
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6558
801 CHERRY STREET,
UNIT 11 SUITE 1300
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michael.billingsley@kimley-horn.com



Kimley»Horn

801 Cherry Street, Unit 11, # 1300 Fort Worth, Texas 76102 FIRM # 10194040 Tel. No. (817) 335-6511 www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	CDP	MCB	2/23/2023	061291602	1 OF 3

EXHIBIT 1 (Continued)

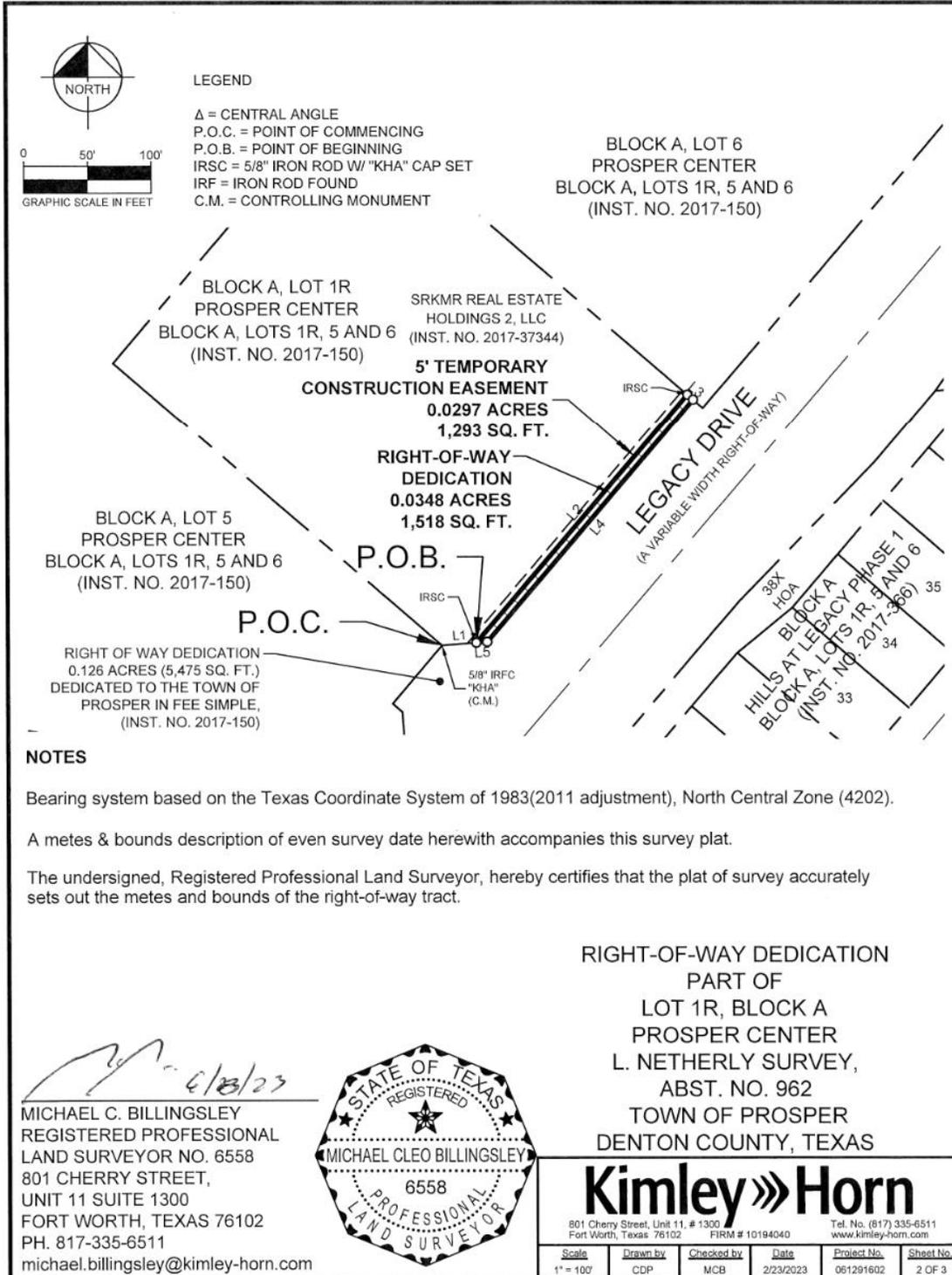


EXHIBIT 1 (Continued)

LINE TABLE		
NO.	BEARING	LENGTH
L1	N85°36'43"E	26.87'
L2	N40°36'43"E	256.00'
L3	S49°23'17"E	6.00'
L4	S40°36'43"W	250.00'
L5	S85°36'43"W	8.49'

RIGHT-OF-WAY DEDICATION
PART OF
LOT 1R, BLOCK A
PROSPER CENTER
L. NETHERLY SURVEY,
ABST. NO. 962
TOWN OF PROSPER
DENTON COUNTY, TEXAS

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 100'	CDP	MCB	2/23/2023	061291602	3 OF 3

PADILLA, CAELAN 6/8/2023 2:54 PM \\KIMLEY-HORN\TX_FTWFTW_SURVEY\064472808-LEGACY DRIVE PROSPER\DWG\064472808-LEGACY DRIVE PROSPER_ROW_SRKMR REAL ESTATE.DWG

EXHIBIT 2

**LEGAL DESCRIPTION
RIGHT-OF-WAY DEDICATION**

BEING a 1.4393 acre (62,696 square foot) tract of land situated in the Collin County School Land Survey, Abstract No. 147, Town of Prosper, Collin County, Texas; said tract being part of that tract of land described in Special Warranty Deed with Vendor's Lien to Legacy and First LP recorded in Instrument No. 20200618000919920, Official Public Records, Collin County, Texas; said tract being more particularly described as follows:

COMMENCING at a 5/8-inch iron rod with cap stamped "KHA" set for the west end of a right-of-way corner clip at the intersection of the south right-of-way line of Fishtrap Road (a variable width right-of-way) and the west right-of-way line of Legacy Drive (a variable width right-of-way);

THENCE North 85°24'56" East, departing the said south line of Fishtrap Road, a distance of 95.22 feet to the **POINT OF BEGINNING**; said point also being the northwest corner of said Legacy and First, LP tract;

THENCE North 83°18'20" East, along the north line of said Legacy and First, LP tract, a distance of 95.68 feet to a 5/8-inch iron rod with cap stamped "KHA" set for corner;

THENCE South 41°52'52" West, departing the said north line of the Legacy and First, LP tract, a distance of 37.52 feet to a 5/8-inch iron rod with cap stamped "KHA" set for corner;

THENCE South 00°05'53" West, a distance of 154.48 feet to a 5/8-inch iron rod with cap stamped "KHA" set for corner;

THENCE South 44°54'07" East, a distance of 21.21 feet to a 5/8-inch iron rod with cap stamped "KHA" set for corner;

THENCE South 00°05'53" West, a distance of 267.43 feet to a 5/8-inch iron rod with cap stamped "KHA" set for corner;

THENCE South 45°05'353" West, a distance of 21.21 feet to a 5/8-inch iron rod with cap stamped "KHA" set for corner;

THENCE South 04°31'00" West, a distance of 129.8 feet to a 5/8-inch iron rod with cap stamped "KHA" set for corner at the beginning of a non-tangent curve to the right;

CONTINUED ON SHEET 2

RIGHT-OF-WAY DEDICATION
COLLIN COUNTY SCHOOL LAND
SURVEY, ABSTRACT NO. 147
TOWN OF PROSPER
COLLIN COUNTY, TEXAS

Kimley»Horn

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	CDP	MCB	6/12/23	061291602	1 OF 4

BILLINGSLEY, MICHAEL 6/17/2023 7:29 PM \\KIMLEY-HORN\TX_FT\WFTW_SURVEY\064472808-LEGACY DRIVE PROSPER\DWG\064472808-LEGACY DRIVE PROSPER_ROW_LEGACY AND FIRST.DWG

EXHIBIT 2 (Continued)

LEGAL DESCRIPTION (CONTINUED)

THENCE in a southerly direction, with said non-tangent curve to the right with a radius of 1,460.00 feet, a central angle of 16°29'01", and a chord bearing and distance of South 08°20'24" West, 418.58 feet and an arc distance of 420.03 feet to a 5/8-inch iron rod found for corner in the said east right-of-way line of Legacy Drive;

THENCE North 00°05'53" East, a distance of 1,012.24 feet to the **POINT OF BEGINNING** and containing 62,696 square feet or 1.4393 acres of land, more or less.

NOTES

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

A survey plat of even survey date herewith accompanies this metes & bounds description.

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the right-of-way tract described.



MICHAEL C. BILLINGSLEY
 REGISTERED PROFESSIONAL
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RIGHT-OF-WAY DEDICATION
 COLLIN COUNTY SCHOOL LAND
 SURVEY, ABSTRACT NO. 147
 TOWN OF PROSPER
 COLLIN COUNTY, TEXAS

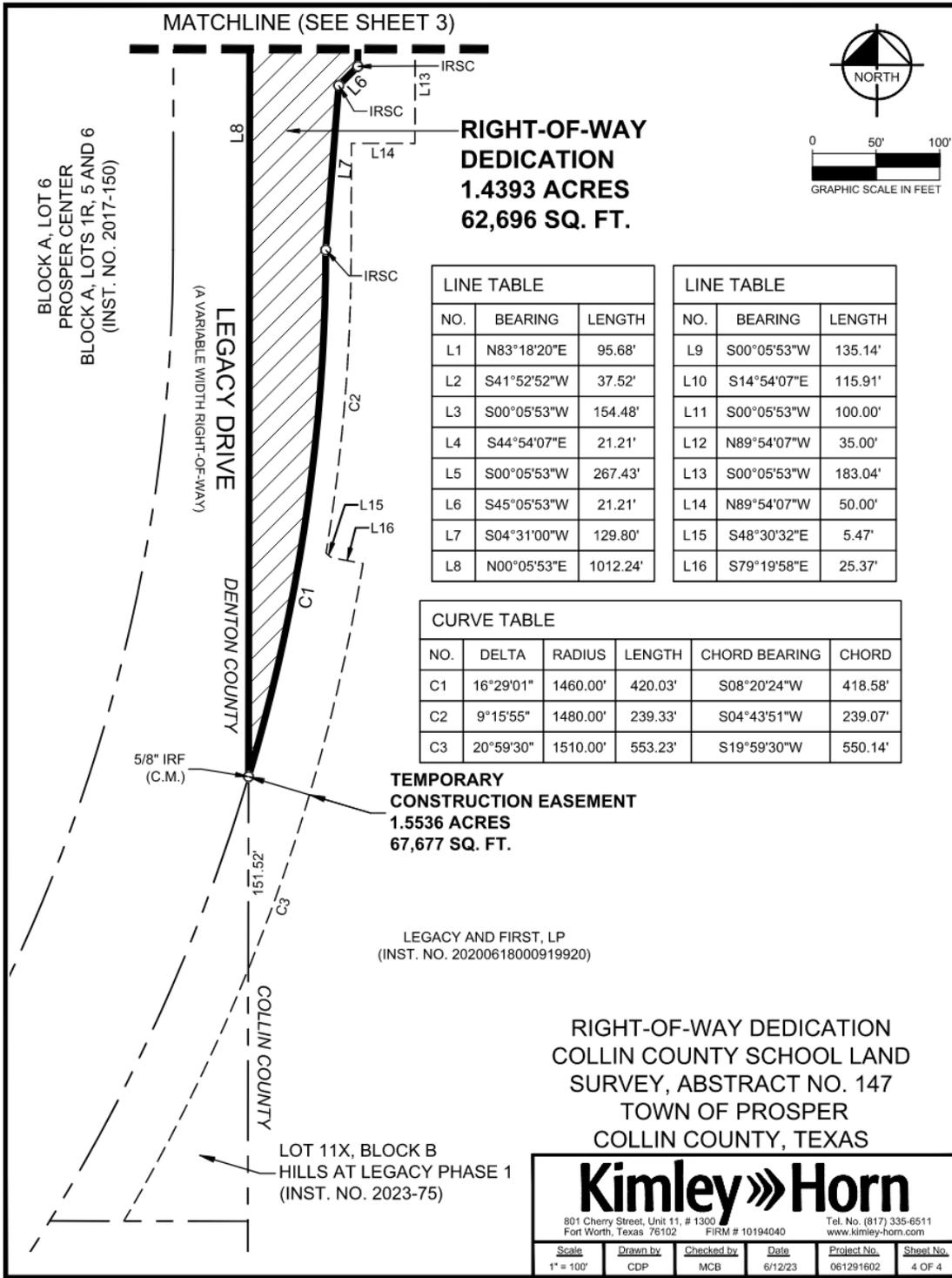
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N/A	CDP	MCB	6/12/23	061291602	2 OF 4

BILLINGSLEY, MICHAEL 6/17/2023 7:29 PM \\KIMLEY-HORN\TX_FT\WFTW_SURVEY\064472808-LEGACY DRIVE PROSPER\DWG\064472808-LEGACY DRIVE PROSPER_ROW_LEGACY AND

EXHIBIT 2 (Continued)



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EXHIBIT 3

LEGAL DESCRIPTION

TRACT 1

BEING a 0.3124 acre (13,609 square foot) tract of land situated in the Collin County School Land Survey, Abstract No. 147, Town of Prosper, Collin County, Texas; said tract being part of that tract of land described in Special Warranty Deed with Vendor's Lien to Legacy and First LP recorded in Instrument No. 20200618000919920 of the Official Public Records, Collin County, Texas; said tract being more particularly described as follows:

COMMENCING at a 5/8-inch iron rod with cap stamped "KHA" set for the west end of a right-of-way corner clip at the intersection of the south right-of-way line of Fishtrap Road (a variable width right-of-way) and the west right-of-way line of Legacy Drive (a variable width right-of-way);

THENCE North 85°24'56" East, a distance of 95.22 feet to point for the northwest corner of said Legacy and First, LP tract, and being in the east right-of-way line of said Legacy Drive;

THENCE along the said east right-of-way line of Legacy Drive, South 00°05'53" West, a distance of 171.14 feet to a point; from said point a 5/8-inch iron rod with cap stamped "KHA" found for the north corner of Lot 10X, Block B, Hills at Legacy, Phase 1, an addition to the Town of Prosper, Texas according to the plat recorded in Instrument No. 2017-212 of said Official Public Records bears South 00°05'53" West, a distance of 841.09 feet;

THENCE departing the said east right-of-way line of Legacy Drive, South 89°54'07" East, a distance of 70.00 feet to the **POINT OF BEGINNING**;

THENCE the following six (6) calls:

- South 89°54'07" East, a distance of 60.00 feet to a point for corner;
- South 00°05'53" West, a distance of 297.43 feet to a point for corner;
- North 89°54'07" West, a distance of 60.00 feet to a point for corner;
- North 45°05'53" East, a distance of 21.21 feet to a point for corner;
- North 00°05'53" East, a distance of 267.43 feet to a point for corner;
- North 44°54'07" West, a distance of 21.21 feet to the **POINT OF BEGINNING** and containing 13,609 square feet or 0.3124 acres of land, more or less.

DRAINAGE EASEMENT
COLLIN COUNTY SCHOOL LAND
SURVEY, ABSTRACT NO. 147
TOWN OF PROSPER,
COLLIN COUNTY, TEXAS

Kimley»Horn

801 Cherry Street, Unit 11, # 1300 Fort Worth, Texas 76102 FIRM # 10194040 Tel. No. (817) 335-6511 www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	JBH	MCB	8/12/2023	064472806	1 OF 4

PADILLA, CAELAN 6/12/2023 11:07 AM \\KIMLEY-HORN\ITX_FTWFTW_SURVEY\064472808-LEGACY DRIVE PROSPER\DWG\064472808-LEGACY DRIVE PROSPER_ESMT_DRAIN_1.DWG

EXHIBIT 3 (Continued)

LEGAL DESCRIPTION
TRACT 2

BEING a 0.0338 acre (1,471 square foot) tract of land situated in the Collin County School Land Survey, Abstract No. 147, Town of Prosper, Collin County, Texas; said tract being part of that tract of land described in Special Warranty Deed with Vendor's Lien to Legacy and First LP recorded in Instrument No. 20200618000919920 of the Official Public Records, Collin County, Texas; said tract being more particularly described as follows:

COMMENCING at a 5/8-inch iron rod with cap stamped "KHA" set for the west end of a right-of-way corner clip at the intersection of the south right-of-way line of Fishtrap Road (a variable width right-of-way) and the west right-of-way line of Legacy Drive (a variable width right-of-way);

THENCE North 85°24'56" East, a distance of 95.22 feet to point for the northwest corner of said Legacy and First, LP tract, and being in the east right-of-way line of said Legacy Drive;

THENCE along the said east right-of-way line of Legacy Drive, South 00°05'53" West, a distance of 820.61 feet to a point; from said point a 5/8-inch iron rod with cap stamped "KHA" found for the north corner of Lot 10X, Block B, Hills at Legacy, Phase 1, an addition to the Town of Prosper, Texas according to the plat recorded in Instrument No. 2017-212 of said Official Public Records bears South 00°05'53" West, a distance of 191.62 feet;

THENCE departing the said east right-of-way line of Legacy Drive, South 48°30'32" East, a distance of 29.15 feet to the **POINT OF BEGINNING**;

THENCE the following six (6) calls:

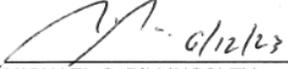
- South 79°19'58" East, a distance of 25.68 feet to a point for corner;
- South 10°40'02" West, a distance of 33.00 feet to a point for corner;
- North 79°19'58" West, a distance of 30.00 feet to a point for corner;
- North 10°30'41" East, a distance of 12.31 feet to a point for corner;
- North 48°30'32" West, a distance of 23.45 feet to a point for corner, and being the beginning of a non-tangent curve to the left with a radius of 1,460.00 feet, a central angle of 00°55'38", and a chord bearing and distance of North 09°19'58" East, 23.62 feet;
- In a northerly direction, with said non-tangent curve to the left, an arc distance of 23.62 feet to the **POINT OF BEGINNING** and containing 1,471 square feet or 0.0338 acres of land, more or less.

NOTES:

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

A survey plat of even survey date herewith accompanies this metes and bounds description.

The undersigned, Registered Professional Land Surveyor, hereby certifies that foregoing description accurately sets out the metes and bounds of the easement tract.


MICHAEL C. BILLINGSLEY
REGISTERED PROFESSIONAL
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801 CHERRY STREET,
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michael.billingsley@kimley-horn.com



DRAINAGE EASEMENT
COLLIN COUNTY SCHOOL LAND
SURVEY, ABSTRACT NO. 147
TOWN OF PROSPER,
COLLIN COUNTY, TEXAS

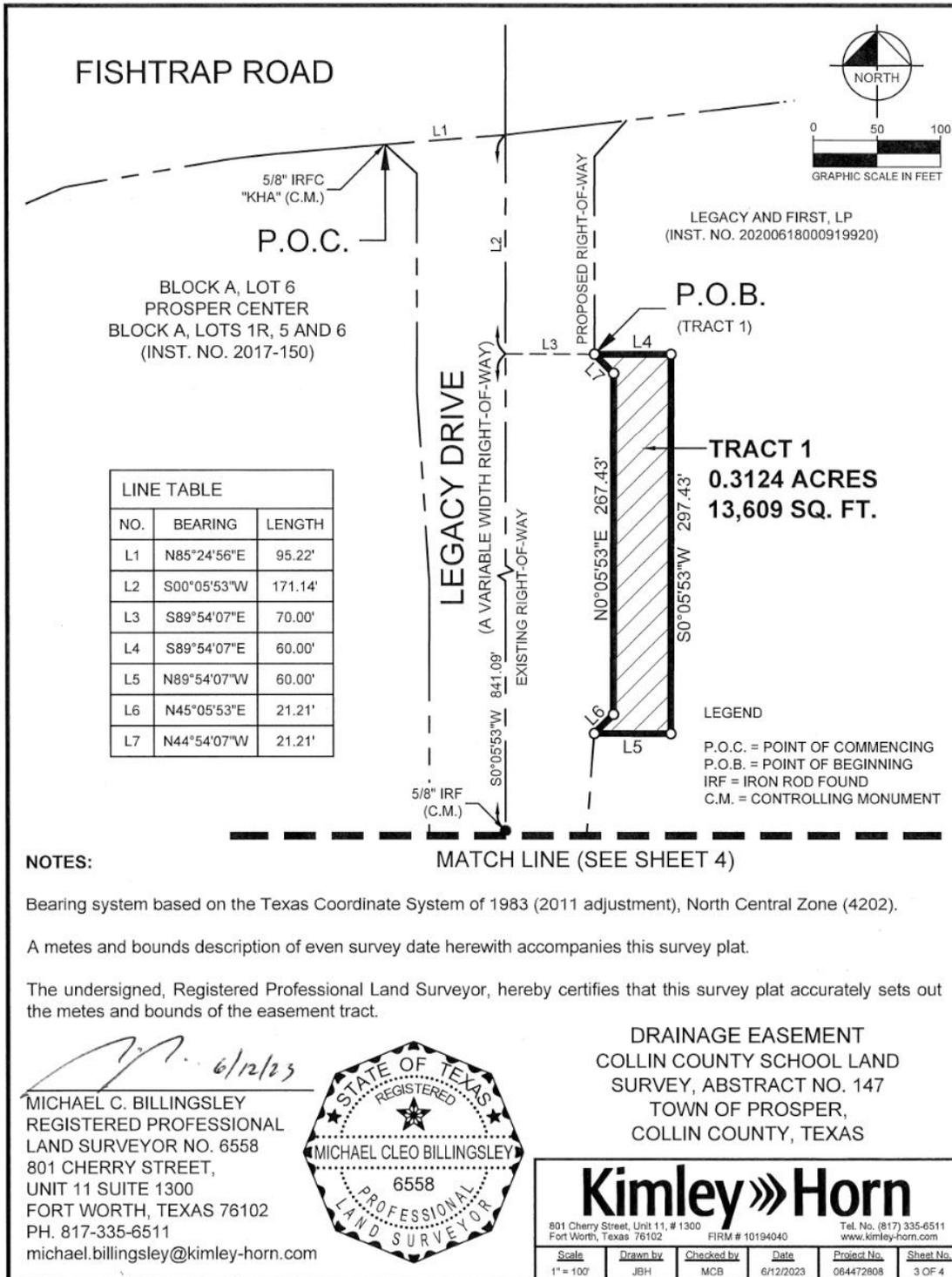
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N/A	JBH	MCB	6/12/2023	064472808	2 OF 4

PADILLA, CAELAN 6/12/2023 11:07 AM \\KIMLEY-HORN\TX_FTWF\TWSURVEY\064472808-LEGACY DRIVE PROSPER\DWG\064472808-LEGACY DRIVE PROSPER_ESMT_DRAIN_1.DWG

EXHIBIT 3 (Continued)



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EXHIBIT 4

LEGAL DESCRIPTION

BEING a 0.2187 acre (9,525 square foot) tract of land situated in the Collin County School Land Survey, Abstract No. 147, Town of Prosper, Collin County, Texas; said tract being part of that tract of land described in Special Warranty Deed with Vendor's Lien to Legacy and First LP recorded in Instrument No. 20200618000919920 of the Official Public Records, Collin County, Texas; said tract being more particularly described as follows:

COMMENCING at a 5/8-inch iron rod with cap stamped "KHA" set for the west end of a right-of-way corner clip at the intersection of the south right-of-way line of Fishtrap Road (a variable width right-of-way) and the west right-of-way line of Legacy Drive (a variable width right-of-way);

THENCE North 85°24'56" East, a distance of 95.22 feet to point the northwest corner of said Legacy and First, LP tract, and being in the east right-of-way line of said Legacy Drive;

THENCE along the said east right-of-way line of Legacy Drive, South 00°05'53" West, a distance of 72.66 feet to a point; from said point a 5/8-inch iron rod with cap stamped "KHA" found for the north corner of Lot 10X, Block B, Hills at Legacy, Phase 1, an addition to the Town of Prosper, Texas according to the plat recorded in Instrument No. 2017-212 of said Official Public Records bears South 00°05'53" West, a distance of 939.58 feet;

THENCE departing the said east right-of-way line of Legacy Drive, South 89°53'07" East, a distance of 70.00 feet to the **POINT OF BEGINNING**;

THENCE the following ten (10) calls:

- South 89°52'28" East, a distance of 24.00 feet to a point for corner;
- North 00°05'53" East, a distance of 22.97 feet to a point for corner;
- North 87°22'39" East, a distance of 20.02 feet to a point for corner;
- South 00°05'53" West, a distance of 417.70 feet to a point for corner;
- South 45°15'49" West, a distance of 66.96 feet to a point for corner;
- North 04°31'00" East, a distance of 30.64 feet to a point for corner;
- North 45°15'49" East, a distance of 35.43 feet to a point for corner;
- North 00°05'53" East, a distance of 375.46 feet to a point for corner;
- North 89°52'28" West, a distance of 24.00 feet to a point for corner;
- North 00°05'53" East, a distance of 10.00 feet to the **POINT OF BEGINNING** and containing 9,525 square feet or 0.2187 acres of land, more or less.

NOTES:

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

A survey plat of even survey date herewith accompanies this metes and bounds description.

The undersigned, Registered Professional Land Surveyor, hereby certifies that foregoing description accurately sets out the metes and bounds of the easement tract.

M - 6/12/23
 MICHAEL C. BILLINGSLEY
 REGISTERED PROFESSIONAL
 LAND SURVEYOR NO. 6558
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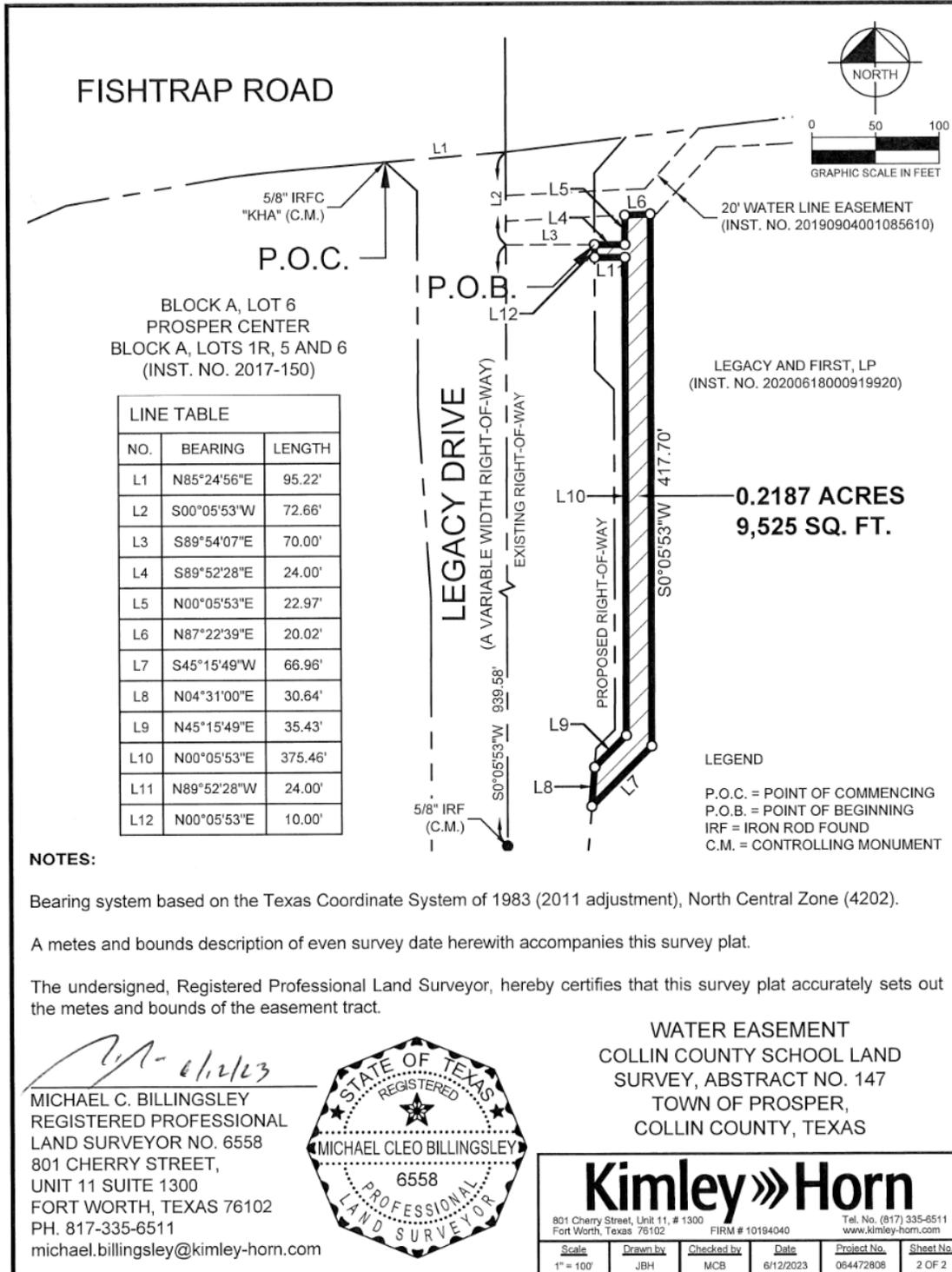


WATER EASEMENT
 COLLIN COUNTY SCHOOL LAND
 SURVEY, ABSTRACT NO. 147
 TOWN OF PROSPER,
 COLLIN COUNTY, TEXAS

Kimley»Horn
 801 Cherry Street, Unit 11, # 1300 Fort Worth, Texas 76102 FIRM # 10194040 Tel. No. (817) 335-6511 www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	JBH	MCB	6/12/2023	064472808	1 OF 2

EXHIBIT 4 (Continued)



PADILLA, CAELAN 6/12/2023 11:05 AM \\KIMLEY-HORN\TX_FT\WFTW_SURVEY\064472808-LEGACY DRIVE PROSPER\DWG\064472808-LEGACY DRIVE PROSPER_ESMT_WATER.DWG