

MURPHY PLANNING AND ZONING COMMISSION AGENDA
REGULAR PLANNING AND ZONING COMMISSION MEETING
OCTOBER 29, 2012 AT 6:00 PM
CITY COUNCIL CHAMBERS, 206 NORTH MURPHY ROAD
MURPHY, TEXAS 75094



John McKay
Chairman

Steve Levy
Vice-Chairman

Jon King
Secretary

Ty Holcomb
Commissioner

Jane Jan
Commissioner

Camille Hooper
Commissioner

John Johnson
Commissioner

Vacant
Alternate

Vacant
Alternate

Kristen Roberts
Director of Economic
and Community
Development

NOTICE is hereby given of a meeting of the Planning and Zoning Commission of the City of Murphy, Collin County, State of Texas, to be held on October 29, 2012 at Murphy City Hall for the purpose of considering the following items. The Planning and Zoning Commission of the City of Murphy, Texas, reserves the right to meet in closed session on any of the items listed below should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

CALL TO ORDER

ROLL CALL & CERTIFICATION OF A QUORUM

PUBLIC COMMENTS

CONSENT AGENDA

All consent agenda items are considered to be routine by the Planning and Zoning Commission and will be enacted by one motion. There will be no separate discussion of these items unless a Commissioner so requests, in which event the item will be removed from the Consent Agenda and voted on separately.

A. Approval of the Minutes from the regular meeting of September 24, 2012.

INDIVIDUAL CONSIDERATION

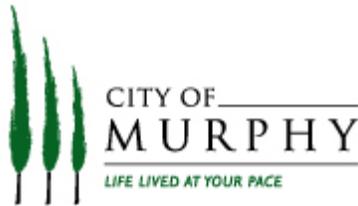
1. Consider and/or act on the application of **Forestar (USA) Real Estate Group, Inc.** requesting approval of a construction plat for Maxwell Creek North Phase 11A and located generally southwest of the intersection of McMillen and McCreary.
2. Consider and/or act on the application of **Forestar (USA) Real Estate Group, Inc.** requesting approval of a construction plat for Maxwell Creek North Phase 11B and located generally southwest of the intersection of McMillen and McCreary.

ADJOURNMENT

I certify that this is a true and correct copy of the Murphy Planning and Zoning Commission Meeting Agenda and that this notice was posted on the designated bulletin board at Murphy City Hall, 206 North Murphy Road, Murphy, Texas 75094; a place convenient and readily accessible to the public at all times, and said notice was posted on October 26, 2012 by 5:00 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.

Kristen Roberts
Director of Community and Economic Development

In compliance with the American with Disabilities Act, the City of Murphy will provide for reasonable accommodations for persons attending public meetings at City Hall. Requests for accommodations or interpretive services must be received at least 48 hours prior to the meeting. Please contact the City Secretary at (972) 468-4011 or anemer@murphytx.org.



Murphy Planning and Zoning Commission Regular Meeting Minutes
206 North Murphy Road
Murphy, Texas 75094

September 24, 2012

CALL TO ORDER

Chairman McKay called the meeting to order at 6:02 p.m.

ROLL CALL & CERTIFICATION OF A QUORUM

Commissioners Present: John McKay, Steve Levy, Jon King, Camille Hooper, Ty Holcomb and John Johnson

Commissioners Absent: Jane Jan

Alternates Present:

Alternates Absent:

City Staff Present: Kristen Roberts, Director of Economic and Community Dev.
Lori C. Knight, Administrative Assistant

Lori C. Knight certified a quorum with all Commissioners present except Jane Jan.

PUBLIC COMMENTS

There were no public comments received.

CONSENT AGENDA

All consent agenda items are considered to be routine by the Planning and Zoning Commission and will be enacted by one motion. There will be no separate discussion of these items unless a Commissioner so requests, in which event the item will be removed from the Consent Agenda and voted on separately.

A. Approval of the Minutes from the regular meeting of August 27, 2012.

Commission Action

Vice Chairman Levy made a motion to approve the Minutes from the regular meeting of August 27, 2012. Commissioner Johnson seconded the motion. Motion passed unanimously.

INDIVIDUAL CONSIDERATION

1. Consider and/or act on the application of **Forestar (USA) Real Estate Group, Inc.** requesting approval of a site plan for Emerus Emergency Hospital on property zoned PD (Planned Development) District No. 12-07-917 located at the northeast corner of FM 544 and Heritage Parkway.

Staff Comments

Kristen Roberts stated that the applicant had submitted a site plan, building elevation plans and landscape plans for the development of an Emerus Emergency Hospital. Ms. Roberts stated that on July 17, 2012, the City Council approved a Specific Use Permit for a Hospital Facility. Ms. Roberts said that the Windy Hills Farms HOA did vote to allow Emerus to remove the white fence along the front of 544/Heritage on the northeast corner during construction and to put it back after construction. Ms. Roberts said that staff recommends approval of the proposed Site Plan, Landscape Plan and Building Elevations with the exception of the roof color that was submitted with the plans.

Brent Murphree, Engineer with Dowdey,, Anderson & Associates, did assure the Commission that the roof color on the plans was due to a graphics error but there was no change in the color of the roof which is supposed to be a teal color.

Commission Action

Commissioner Holcomb made a motion to approve the Site Plan for Emerus Emergency Hospital with the condition that the roof color match the May 21, 2012 rendering that was submitted with the Concept Plan. Commissioner King seconded the motion. Motion passes unanimously.

2. Consider and/or act on the application of **Forestar (USA) Real Estate Group, Inc.** requesting approval of a construction plat for Emerus Emergency Hospital on property zoned PD (Planned Development) District No. 12-07-917 located at the northeast corner of FM 544 and Heritage Parkway.

Staff Comments

Kristen Roberts stated that the proposed Construction Plat would allow for the development process of an Emerus Emergency Hospital to move forward. Ms. Roberts said that staff had reviewed this Plat numerous times and had met with the applicant during revisions. She stated that staff was recommending approval of the Construction Plat as submitted.

Commission Action

Vice Chairman Levy moved to approve the Construction Plat for Emerus Emergency Hospital Commission Johnson seconded the motion. Motion passed unanimously.

3. Consider and/or act on the Final Plat for **Murphy Village Addition, Lot 2R, 4 and 5, Block A** on property zoned PD (Planned Development) District No. 09-12-823 and No. 09-12-824 for Retail and Office Uses. This property is located at the southeast quadrant of West FM 544 and Brand Road

Staff Comments

Kristen Roberts stated that on January 4, 2011, City Council had approved the Construction Plat for this property. The project has now been completed and once this is approved, it can be filed with the County. Ms. Roberts said that staff recommended approval of the final plat as submitted.

Commission Action

Commissioner King made a motion to approve the Final Plat as submitted. Commissioner Holcomb seconded the motion. Motion passes unanimously.

4. Hold a public hearing and consider and/or act on the application of **Mike Horn**, property owner, requesting approval of a SUP (Specific Use Permit) to allow a drive-thru window for a Braum's Ice Cream Store on property zoned PD (Planned Development) District No. 09-12-823 for Retail and Office Uses on property located on FM 544 between Brand Road and Murphy Road. ZF 2012-07

Staff Comments

Kristen Roberts stated that the applicant is proposing to build a Braum's Ice Cream Store on the property. Ms. Roberts showed the Commission where the proposed Braum's would be built in relation to where Orchard Park Assisted Living is. Ms. Roberts stated that the PD that governs the property does all for a restaurant with a drive-in. Ms. Roberts stated that a public hearing notification for the proposed zoning change was published in the paper and notification was mailed to surrounding property owners. To date we had only received one reply back in favor of the proposed change. Ms. Roberts said that staff recommended approval of a SUP to allow a drive-thru window for the Braum's Ice Cream store.

Gordon Pulis, Director of Real Estate for Braum's Ice Cream

Mr. Pulis showed the Commission pictures of a restaurant that is located in Richardson off of Coit and Campbell.

PUBLIC HEARING OPENED AT 6:19 PM

PUBLIC HEARING CLOSED AT 6:20 PM

Pann Sribhen, PSA Engineering, LLC

Mr. Sribhen showed the Commission exactly where Braum's will be located and where the other lots are on a map.

The Commission had several questions for the applicant such as locations of buffers, decibel levels of the drive-thru speaker and working hours for the restaurant.

Commission Action

Chairman McKay moved to approve the application of Mike Horn requesting approval of a SUP (Specific Use Permit) to allow a drive-thru window for a Braum's Ice Cream Store.

Commissioner Hooper seconded the motion. Motion passed 5-1 with Commissioner Holcomb opposing.

5. Consider and/or act on the application of **Mike Horn** requesting approval of a site plan for Braum's Ice Cream Store on property zoned PD (Planned Development) District No. 09-12-823 for Retail and Office Uses on property located on FM 544 between Brand Road and Murphy Road.

Staff Comments

Kristen Roberts stated that the applicant has submitted a Site Plan, Building Elevations and Landscape Plans for approval that would allow for the development of a Braum's Ice Cream Store. She said that staff had reviewed several revisions by the applicant and that the proposed site plan had met required standards. Ms. Roberts did state that staff requested that the applicant increase the density of their landscape and that their architect had done so. However, the architect did state that the easements onsite had created an obstacle for denser landscaping. Ms. Roberts also stated that the architect had added some accent components to the elevations as requested.

Pann Sribhen showed the Commission the easements in question.

Commissioner Holcomb stated that at looking at the pictures of Braum's , the ordinance called for all rooftop equipment to be screened and the pictures did not show it. Commissioner Holcomb also noted the solid metal panels across the top and he stated that the ordinance did not allow metal up by the roof. Mr. Holcomb asked if Braum's could paint the tower other colors aside from their traditional pink and blue.

Mr. Pulis stated that every store had the same colors. Those are Braum's standing colors. The Commission asked the applicant if there were any alternatives to the colors.

Commissioner Holcomb also asked the applicant if they could change their landscape on the southern property line to more evergreen to help buffer the sound. PannSribhen suggested that they go with a five gallon Japanese boxwood that grows up to 6 ft and if planted about 3 feet apart, that would make a nice green buffer.

Commission Action

Vice Chairman Levy made a motion to approve the Site Plan for Braum's Ice Cream Store with the following conditions:

- a. For Japanese boxwood to be used as a buffer hedge along the south property line that adjoins Orchard Park.
- b. That all rooftop equipment is screened as required by City Code and ordinances

Commissioner Johnson seconded the motion. Motion passes 5-1 with Commissioner Holcomb opposing.

6. Consider and/or act on the application of **Mike Horn** requesting approval of a construction plat for Braum's Ice Cream Store on property zoned PD (Planned Development) District No. 09-12-823 for Retail and Office Uses on property located on FM 544 between Brand Road and Murphy Road.

Staff Comments

Kristen Roberts stated that the proposed Construction Plat would allow for the development process of Braum's to move forward and stated that at this time, all construction plat requirements have been met. Ms. Roberts stated that staff recommended approval of the proposed Construction Plat as submitted.

Commission Action

Vice Chairman Levy made a motion to approve the Construction Plat for Braum's Ice Cream Store. Commissioner Hooper seconded the motion. Motion passes unanimously.

7. Consider and/or act on the application of **Gary Hadley, developer**, requesting approval of a site plan for iShine Express Car Wash on property zoned PD (Planned Development) District No. 09-12-823 for Retail and Office Uses on property located on FM 544 between Brand Road and Murphy Road.

Staff Comments

Kristen Roberts stated that the applicant has submitted a site plan, building elevation plans and landscape plans that would allow for the development of an iShine Express Car Wash on this site. Ms. Roberts noted that the PD for this site does allow a car wash (full service). Ms. Roberts did say that on the Zoning Ordinance, it did not clearly define full service versus express car wash but that on the Land Use Chart it did reference Full Service Car Wash as stated in the Permitted Uses of the PD. Ms. Roberts said that staff had thoroughly reviewed all revisions and that the proposed landscape plan had met the requirements. Staff did request that the applicant increase the density to their landscape for which they have. Ms. Roberts stated that staff recommended approval of the proposed Site Plan, Landscape Plans and Elevation Plans as submitted.

Dan Bertoni, Owner of iShine Corporate Office

Mr. Bertoni handed out big sized laminated plans around to the Commission and talked briefly about the quality of iShine Car Wash stating that it was a bit high end with quick fast service for the people on the go.

Chairman McKay was concerned about the vacuuming apparatus being so close to FM 544

instead of it being in the back. Mr. Bertoni stated that with this particular site, the way it lays out, as for traffic flows, stacking was the best way to maximize the size of the lot.

Commission Action

Chairman McKay made a motion to approve the Site Plan for iShine Express Car Wash. Vice Chairman Levy seconded the motion. Motion passed 5-1 with Commissioner Holcomb opposing the motion.

8. Consider and/or act on the application of **Gary Hadley, developer**, requesting approval of a construction plat for iShine Express Car Wash on property zoned PD (Planned Development) District No. 09-12-823 for Retail and Office Uses on property located on FM 544 between Brand Road and Murphy Road.

Staff Comments

Kristen Roberts stated that the proposed Construction Plat would allow the development process of iShine Express Car Wash to move forward. Ms. Roberts stated that staff recommended approval of the proposed Construction Plat as submitted.

Commission Action

Chairman McKay made a motion to approve the Construction Plat for iShine Express Car Wash as submitted. Secretary King seconded the motion. Motion passed unanimously.

AGENDA REQUESTS/STAFF UPDATES

Next month's meeting has been moved from October 22nd to October 29th due to staff being out.

ADJOURNMENT

With no other business before the Commission, Chairman McKay adjourned the meeting at 7:19 P.M.

APPROVED:

John McKay, Chairman

Attest:

Secretary

Issue

Consider and/or act on the application of **Forestar (USA) Real Estate Group, Inc.** requesting approval of a construction plat for Maxwell Creek North Phase 11A on property zoned PD (Planned Development) District No. 00-06-486 and No. 00-06-487 for Single Family Uses. This property is generally located southwest of the intersection of McMillen Road and McCreary.

Background

The proposed construction plat would allow for the development of an additional phase of the subdivision known as Maxwell Creek North. For this development, the required minimum lot size is 9,000 square feet. The required minimum dwelling unit size is 2,200 square feet.

Considerations

1. After thorough staff review and submittal revisions by the applicant, all construction plat requirements have been met.

Staff Recommendation

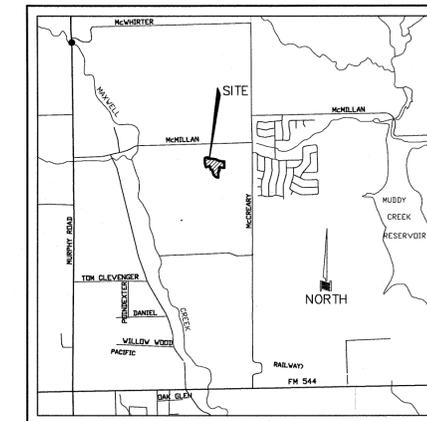
Staff recommends approval of the proposed Construction Plat as submitted.

Attachments

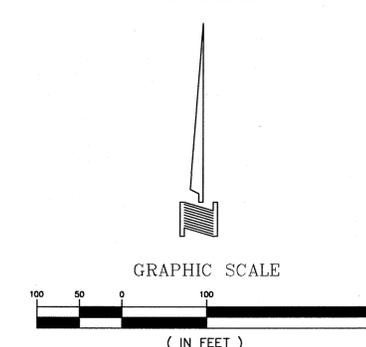
Construction Plat

Kristen Roberts, Director of Economic and Community Development

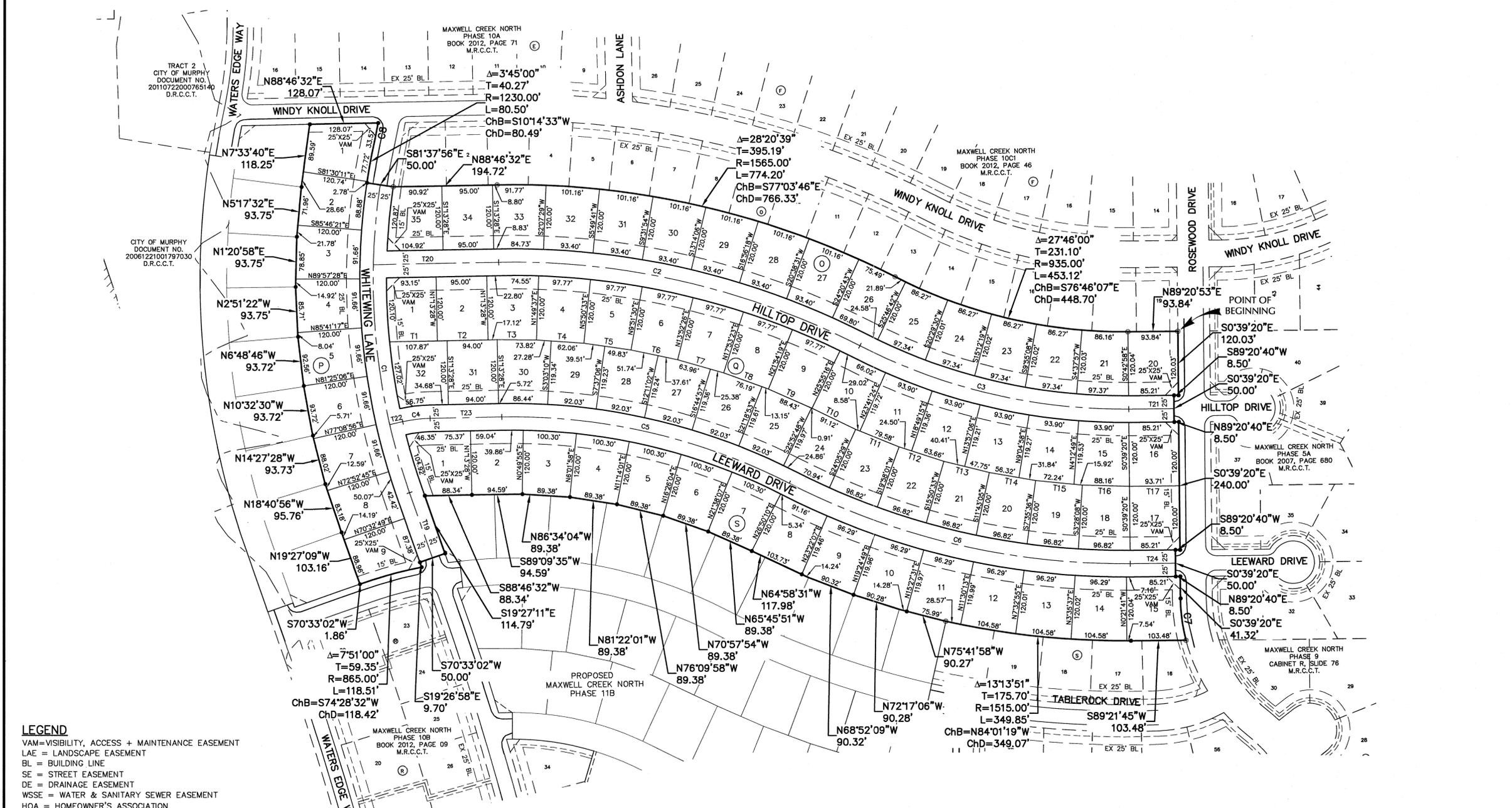
Submitted By



LOCATION MAP NOT TO SCALE



GRAPHIC SCALE (IN FEET) 1 inch = 100 ft.



LEGEND
 VAM=VISIBILITY, ACCESS + MAINTENANCE EASEMENT
 LAE = LANDSCAPE EASEMENT
 BL = BUILDING LINE
 SE = STREET EASEMENT
 DE = DRAINAGE EASEMENT
 WSSE = WATER & SANITARY SEWER EASEMENT
 HOA = HOMEOWNER'S ASSOCIATION
 SUE = SIDEWALK & UTILITY EASEMENT
 UE = UTILITY EASEMENT
 NAE = NO ACCESS EASEMENT
 D.R.C.C.T. = DEED RECORDS, COLLIN COUNTY, TEXAS
 M.R.C.C.T. = MAP RECORDS, COLLIN COUNTY, TEXAS
 DOC. NO. = DOCUMENT NUMBER
 IRF = IRON ROD FOUND
 IPF = IRON PIPE FOUND
 ◇ = DENOTES STREET NAME CHANGE
 ⊙ = 1/2" IRON ROD FOUND W/ RED PLASTIC CAP STAMPED "W.A.I." (UNLESS OTHERWISE NOTED)
 ⊙ = 1/2" IRON ROD SET W/ YELLOW PLASTIC CAP STAMPED "DAA" (UNLESS OTHERWISE NOTED)
 VAM = VISIBILITY & MAINTENANCE EASEMENT
 WE = WATER LINE EASEMENT
 FME = FENCE MAINTENANCE EASEMENT
 NAE = NO ACCESS EASEMENT
 SWBE = SOUTHWESTERN BELL TELEPHONE, L.P. EASEMENT
 <CM> = CONTROL MONUMENT
 MIN FF = MINIMUM FINISHED FLOOR ELEVATION

NOTES:
 1) BASIS OF BEARING DERIVED FROM EAST LINE OF WILLOW RIDGE PHASE ONE ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET M, PAGE 624, MAP RECORDS, COLLIN COUNTY, TEXAS
 2) ALL LOT CORNERS ARE MONUMENTED WITH A 1/2" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "DAA".
 3) "X" CUTS SET IN CONCRETE STREET PAVING AT ALL INTERSECTIONS AND POINTS OF CURVATURE.
 4) LOT 3X (3,076 SF) BLOCK B SHALL BE OWNED AND MAINTAINED BY THE HOA AND SHALL BE FOR LANDSCAPE AND SCREENING PURPOSES.
 5) 186,524 SQUARE FEET OF STREET RIGHT-OF-WAY (HILLTOP DRIVE, LEEWARD DRIVE, AND WHITewing LANE) IS BEING DEDICATED TO THE CITY OF MURPHY.
 6) NOTICE: SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF TOWN ORDINANCE AND STATE LAW AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
 7) NO FLOODPLAIN EXISTS ON THE SITE PER FEMA MAP NUMBER 48085C0415J, MAP REVISED JUNE 2, 2009.
 8) ALL OPEN SPACE LOTS TO BE OWNED AND MAINTAINED BY THE HOA.

LOT LINE TABLE

LINE	BEARING	LENGTH
T1	S88°46'32"W	89.75'
T2	S88°46'32"W	95.00'
T3	S89°49'17"E	73.82'
T4	S86°09'55"E	89.34'
T5	S82°08'59"E	89.34'
T6	S78°08'02"E	89.34'
T7	S74°07'05"E	89.34'
T8	S70°06'09"E	89.34'
T9	S66°05'12"E	89.34'
T10	S64°07'53"E	91.12'
T11	S67°58'15"E	88.16'
T12	S72°05'43"E	88.16'
T13	S76°13'11"E	88.16'
T14	S80°20'40"E	88.16'
T15	S84°28'08"E	88.16'
T16	S88°35'36"E	88.16'
T17	N89°20'40"E	93.71'

ROADWAY LINE TABLE

LINE	BEARING	DISTANCE
T19	S19°27'11"E	129.80'
T20	N88°46'32"E	235.14'
T21	N89°20'40"E	85.21'
T22	N76°54'04"E	25.00'
T23	N88°46'32"E	134.41'
T24	N89°20'40"E	85.21'

ROADWAY CURVE TABLE

CURVE	DELTA	RADIUS	TANGENT	LENGTH	CHORD
C1	27°49'14"	1205.00'	298.44'	585.10'	S05°32'34"E 579.37'
C2	28°20'53"	1420.00'	358.63'	702.57'	S77°03'39"E 695.42'
C3	27°46'07"	1080.00'	266.96'	523.42'	S76°46'16"E 518.32'
C4	11°52'28"	250.00'	26.00'	51.81'	N82°50'18"E 51.72'
C5	28°20'53"	1130.00'	285.39'	559.09'	S77°03'39"E 553.40'
C6	27°46'07"	1370.00'	338.64'	663.97'	S76°46'16"E 657.49'

BOUNDARY CURVE TABLE

CURVE	DELTA	RADIUS	TANGENT	LENGTH	CHORD
C7	13°48'23"	330.00'	39.95'	79.52'	S73°33'31"E 79.33'
C8	1°53'09"	1020.00'	16.79'	33.57'	S11°02'29"W 33.57'

**CONSTRUCTION PLAT
 MAXWELL CREEK NORTH
 PHASE 11A**
 23,348 ACRES
 72 RESIDENTIAL LOTS
 ZONED PD 00-06-486 & 00-06-487
 AN ADDITION TO THE CITY OF MURPHY
 C A McMILLAN SURVEY, ABSTRACT NO. 588
 COLLIN COUNTY, TEXAS

SEPTEMBER 2012 SCALE: 1"=100'
 OWNER
FORESTAR (USA) REAL ESTATE GROUP, INC.
 14755 PRESTON ROAD #710
 DALLAS, TEXAS 75254

ENGINEER
DOWDEY, ANDERSON & ASSOCIATES, INC.
 5225 Village Creek Drive, Suite 200 Plano, Texas 75093 972-931-0694
 STATE REGISTRATION NUMBER: F-399

OWNER'S CERTIFICATE AND DEDICATION

STATE OF TEXAS §
COUNTY OF COLLIN §

WHEREAS, We, Forestar (USA) Real Estate Group, Inc., is the sole owner of all that certain tract of land situated in the C.A. McMillan Survey, Abstract Number 588, Collin County, Texas and Being a portion of that tract of land conveyed to Lumberman's Investment Corporation, according to the document filed of records in Volume 46B3, Page 2968 Land records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod with red plastic cap stamped "W.A.I." found for the Southeast corner of Lot 19, Block O, Maxwell Creek North, Phase 10C1, an addition to the City of Murphy, according to the plat filed of record in Book 2012, Page 46, Map Records of Collin County, Texas, and a Westerly corner of Maxwell Creek North, Phase 5A, an addition to the Town of Murphy, according to the plat filed of record in Book 2007, Page 680, Map Records of Collin County, Texas, for the Northeast corner said Lumberman's tract;

THENCE with the West line of said Phase 5A the following ten (10) courses and distance:

SOUTH 00° 39' 20" EAST, a distance of 120.03 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

SOUTH 89° 20' 40" WEST, a distance of 8.50 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

SOUTH 00° 39' 20" EAST, a distance of 50.00 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

NORTH 89° 20' 40" EAST, a distance of 8.50 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

SOUTH 00° 39' 20" EAST, a distance of 240.00 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

SOUTH 89° 20' 40" WEST, a distance of 8.50 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

SOUTH 00° 39' 20" EAST, a distance of 50.00 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

NORTH 89° 20' 40" EAST, a distance of 8.50 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

SOUTH 00° 39' 20" EAST, a distance of 41.32 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract at the beginning of a curve to the left having a radius of 330.0 feet, a central angle of 13° 48' 23" and a chord bearing and distance of SOUTH 07° 33' 31" EAST, 79.33 feet;

With said West line and said curve to the left an arc distance of 79.52 feet to a 1/2" iron rod with red plastic cap stamped "W.A.I." found for the Northeast corner of Lot 16, Block S, Maxwell Creek North, Phase 10B, an addition to the Town of MURPHY according to the plat filed of record in Book 2012, Page 09, Map records of Collin County, Texas;

THENCE SOUTH 89° 21' 45" WEST, with the North line of said Phase 10B, a distance of 103.48 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract in said North line at the beginning of a curve to the right having a radius of 1515.00 feet, a central angle of 13° 13' 51", and a chord bearing and distance of NORTH 84° 01' 19" WEST, 349.07 feet;

With said curve to the right an arc distance of 349.85 feet to a 1/2" iron rod with red plastic cap stamped "W.A.I." found for the Northwest corner of said Phase 10B same being the Northwest corner of Lot 20, Block S of said Phase;

THENCE over and across the above mentioned Lumberman's tract the following twelve (12) courses and distances:

NORTH 75° 41' 58" WEST, a distance of 90.27 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

NORTH 72° 17' 06" WEST, a distance of 90.28 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

NORTH 68° 52' 09" WEST, a distance of 90.32 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

NORTH 64° 58' 31" WEST, a distance of 117.98 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

NORTH 65° 45' 51" WEST, a distance of 89.38 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

NORTH 70° 57' 54" WEST, a distance of 89.38 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

NORTH 76° 09' 58" WEST, a distance of 89.38 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

NORTH 81° 22' 01" WEST, a distance of 89.38 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

NORTH 86° 34' 04" WEST, a distance of 89.38 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

SOUTH 89° 09' 35" WEST, a distance of 94.59 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

SOUTH 88° 46' 32" WEST, a distance of 88.34 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

SOUTH 19° 27' 11" EAST, a distance of 114.79 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract and being the Northeast corner of Maxwell Creek North, Phase 10B, an addition to the City of Murphy, according to the plat filed of record in Book 2012, Page 09, Map Records of Collin County, Texas;

THENCE with the Northern line of said Phase 10B the following four (4) courses and distances:

SOUTH 70° 33' 02" WEST, a distance of 50.00 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

SOUTH 19° 26' 58" EAST, a distance of 9.70 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract at the beginning of a curve to the left, having a radius of 865.00 feet, a central angle of 07° 51' 00" and a chord bearing and distance of SOUTH 74° 28' 32" WEST, 118.42 feet;

With said curve to the left an arc distance of 118.51 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

SOUTH 70° 33' 02" WEST, a distance of 1.86 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

THENCE over and across the above mentioned Lumberman's tract the following nine (9) courses and distances:

NORTH 19° 27' 09" WEST, a distance of 103.16 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

NORTH 18° 40' 56" WEST, a distance of 95.76 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

NORTH 14° 27' 28" WEST, a distance of 93.73 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

NORTH 10° 32' 30" WEST, a distance of 93.72 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

NORTH 06° 48' 46" WEST, a distance of 93.72 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

NORTH 02° 51' 22" WEST, a distance of 93.75 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

NORTH 01° 20' 58" EAST, a distance of 93.75 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

NORTH 05° 17' 32" EAST, a distance of 93.75 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

NORTH 07° 33' 40" EAST, a distance of 118.25 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract in the South line of Windy Knoll Drive and the South line of Maxwell Creek North, Phase 10A, an addition to the City of Murphy, according to the plat filed of record in Book 2012, Page 71, Map Records of Collin County, Texas;

THENCE with the South line of said Phase 10A and the South line of the above mentioned Phase 10C1 the following eight (8) courses and distances:

NORTH 88° 46' 32" EAST, a distance of 128.07 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract at the beginning of a curve to the right, having a radius of 1020.00 feet, a central angle of 01° 53' 09" and a chord bearing and distance of SOUTH 11° 10' 29" WEST, 33.57 feet;

With said curve to the right an arc distance of 33.57 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract at the beginning of a curve to the left, having a radius of 1230.00 feet, a central angle of 03° 45' 00" and a chord bearing and distance of SOUTH 10° 14' 33" WEST, 80.49 feet;

With said curve to the left an arc distance of 80.50 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

SOUTH 81° 37' 56" EAST, a distance of 50.00 feet to a 1/2" iron rod with red plastic cap stamped "W.A.I." found for a corner of this tract;

NORTH 88° 46' 32" EAST, a distance of 194.72 feet to a 1/2" iron rod with red plastic cap stamped "W.A.I." found for a corner of this tract at the beginning of a curve to the right, having a radius of 1565.00 feet, a central angle of 28° 20' 39" and a chord bearing and distance of SOUTH 77° 03' 46" EAST, 766.33 feet;

With said curve to the right an arc distance of 774.20 feet to a 1/2" iron rod with red plastic cap stamped "W.A.I." set for a corner of this tract at the beginning of a curve to the left, having a radius of 935.00 feet, a central angle of 27° 46' 00" and a chord bearing and distance of SOUTH 76° 46' 07" EAST, 448.70 feet;

With said curve to the left an arc distance of 453.12 feet to a 1/2" iron rod with red plastic cap stamped "W.A.I." found for a corner of this tract;

NORTH 89° 20' 53" EAST, a distance of 93.84 feet to the POINT OF BEGINNING and containing 23.348 acres of land, more or less.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESNETS:

That Forestar (USA) Real Estate Group, Inc., acting herein by and through his(its) duly authorized officer(s), does hereby adopt this plat designating the herein above described property as MAXWELL CREEK NORTH, PHASE 11A, an addition to the City of Murphy, Texas, and does hereby dedicate, in fee simple, to the public use City of Murphy, Texas, forever, the streets, rights-of-way, and other public improvements shown thereon. The streets and alleys, if any, are dedicated for street purposes. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City Council of the City of Murphy. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Murphy's use thereof. The City of Murphy and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Murphy and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts their respective systems without the necessity at any time procuring permission from anyone.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Murphy, Texas.

WITNESS, my hand, this the _____ day of _____, 2012.

BY:

Thomas H. Burselon, Executive Vice President

Printed Name and Title

STATE OF TEXAS §
COUNTY OF COLLIN §

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas on this day personally appeared Sean Patton, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed and in the capacity therein stated.

GIVEN under my hand and seal of office this _____ day of _____, 2012.

Notary Public in and for the State of Texas

SURVEYORS CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

That I, Sean Patton, do hereby certify that I prepared this plat and the field notes made a part thereof from an actual and accurate survey of the land and that the corner monuments shown thereon were property placed under my personal supervision, in accordance with the Subdivision Regulations of the Town of Prosper, Texas.

Dated this the _____ day of _____, 2012.

SEAN PATTON
Registered Professional Land Surveyor No. 5660

STATE OF TEXAS §
COUNTY OF COLLIN §

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas on this day personally appeared Sean Patton, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed and in the capacity therein stated.

GIVEN under my hand and seal of office this _____ day of _____, 2012.

Notary Public in and for the State of Texas

FINAL PLAT

Approved by the City of Murphy for filing at the office of the County Clerk of Collin County, Texas.

RECOMMENDED BY:

Planning and Zoning Commission
City of Murphy, Texas

Signature of Chairperson

Date of Recommendation

APPROVED BY:

City Council
City of Murphy, Texas

Signature of Mayor

Date of Approval

ATTEST:

City Secretary

Date

NOTICE: Selling a portion of this addition by metes and bounds is a violation of City ordinance and State Law, and is subject to fines and withholding of utilities and building permits.

The area or areas shown on the plat as "VAM" (Visibility, Access and Maintenance) Easements(s) are hereby given and granted to the City, its successors and assigns, as an easement to provide visibility, right of access for maintenance upon and across said VAM Easement. The City shall have the right but not the obligation to maintain any and all landscaping within the VAM Easement. Should the City exercise this maintenance right, then it shall be permitted to remove and dispose of any and all landscaping improvements, including without limitation, any trees, shrubs, flowers, ground cover and fixtures. The City may withdraw maintenance of the VAM Easement at any time. The ultimate maintenance responsibility for the VAM Easement shall rest with the owners. No building, fence, shrub, tree or other improvements or growths, which in any way may endanger or interfere with the visibility, shall be constructed in, on, over or across the Easement. The City shall also have the right but not the obligation to add any landscape improvements to the VAM Easement, to erect any traffic control devices or signs on the VAM Easement and to remove any obstruction thereon. The City, its successors, assigns, or agents shall have the right and privilege at all times to enter upon the VAM Easement or any part thereof for the purposes and with all rights and privileges set forth herein.

CONSTRUCTION PLAT
MAXWELL CREEK NORTH
PHASE 11A
23.348 ACRES
72 RESIDENTIAL LOTS
ZONED PD 00-06-486 & 00-06-487
AN ADDITION TO THE CITY OF MURPHY
C A McMILLAN SURVEY, ABSTRACT NO. 588
COLLIN COUNTY, TEXAS
SEPTEMBER 2012 SCALE: 1"=100'
OWNER
FORESTAR (USA) REAL ESTATE GROUP, INC.
14755 PRESTON ROAD #710
DALLAS, TEXAS 75254

ENGINEER
DOWDEY, ANDERSON & ASSOCIATES, INC.
5225 Village Creek Drive, Suite 200 Plano, Texas 75093 972-931-0694
STATE REGISTRATION NUMBER: F-399

Y:\2013\2013-11\FPF.dwg, Layout1 (2), 10/17/2012 3:55:49 PM, Agasad, Dowdey, Anderson & Associates, Inc., BG

Issue

Consider and/or act on the application of **Forestar (USA) Real Estate Group, Inc.** requesting approval of a construction plat for Maxwell Creek North Phase 11B on property zoned PD (Planned Development) District No. 00-06-486 and No. 00-06-487 for Single Family Uses. This property is generally located southwest of the intersection of McMillen Road and McCreary.

Background

The proposed construction plat would allow for the development of an additional phase of the subdivision known as Maxwell Creek North. For this development, the required minimum lot size is 9,000 square feet. The required minimum dwelling unit size is 2,200 square feet.

Considerations

1. After thorough staff review and submittal revisions by the applicant, all construction plat requirements have been met.

Staff Recommendation

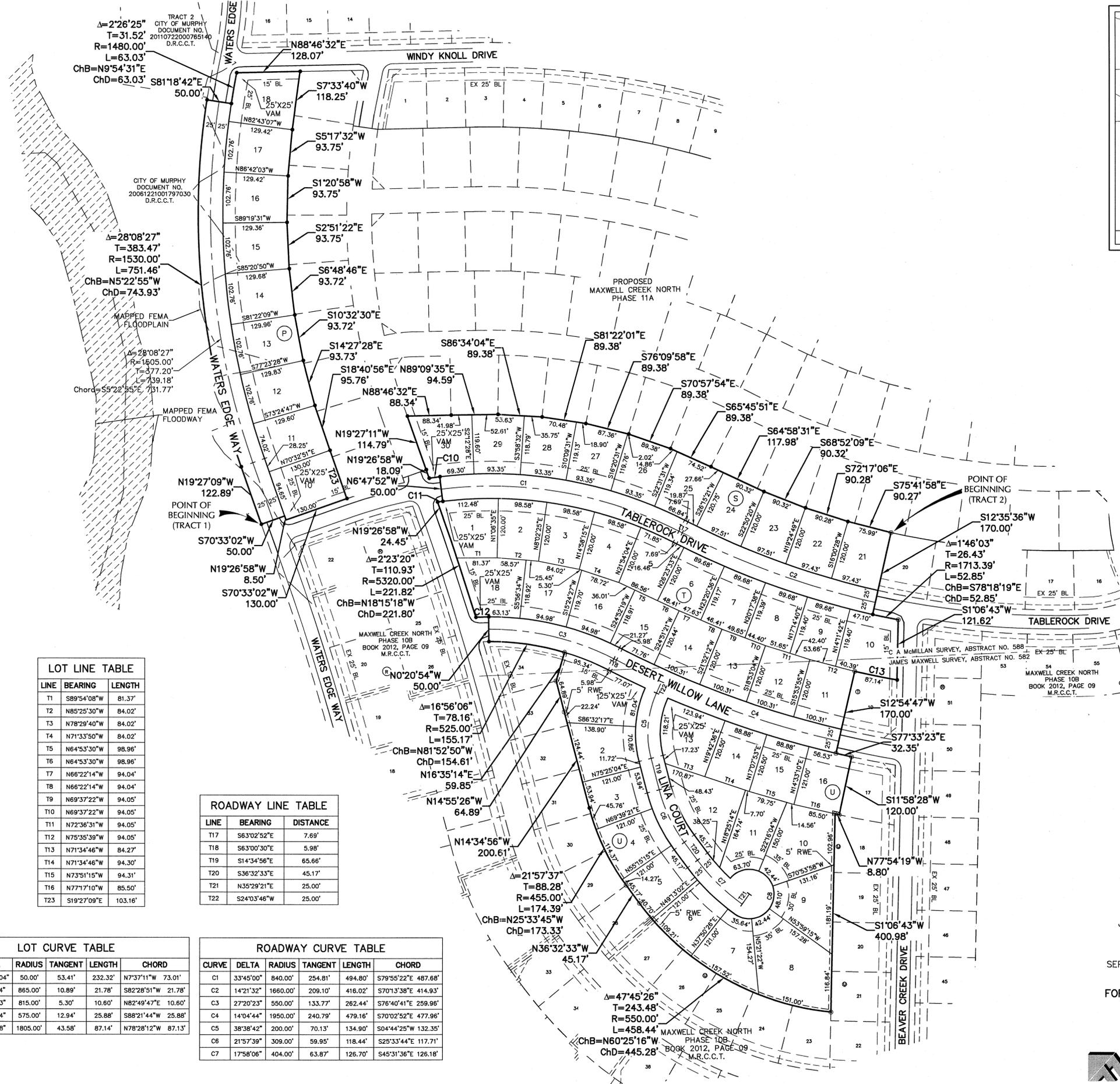
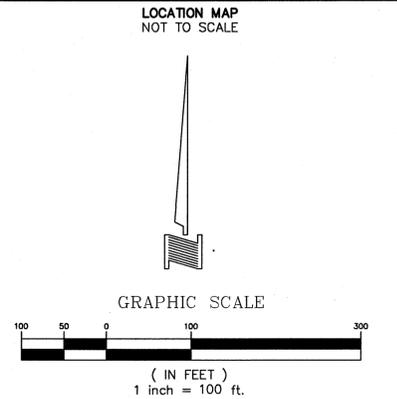
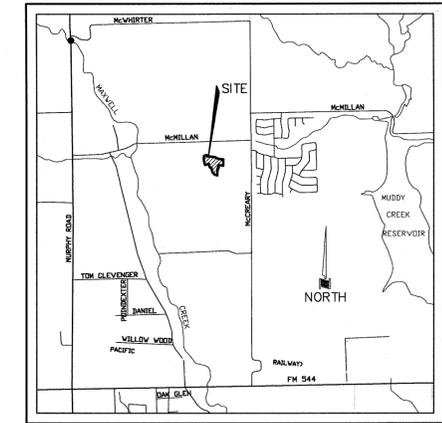
Staff recommends approval of the proposed Construction Plat as submitted.

Attachments

Construction Plat

Kristen Roberts, Director of Economic and Community Development

Submitted By



NOTES:
 1) BASIS OF BEARING DERIVED FROM EAST LINE OF WILLOW RIDGE PHASE ONE ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET M, PAGE 624, MAP RECORDS, COLLIN COUNTY, TEXAS
 2) ALL LOT CORNERS ARE MONUMENTED WITH A 1/2" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "DAA".
 3) "X" CUTS SET IN CONCRETE STREET PAVING AT ALL INTERSECTIONS AND POINTS OF CURVATURE.
 4) LOT 3X (3,076 SF) BLOCK B SHALL BE OWNED AND MAINTAINED BY THE HOA AND SHALL BE FOR LANDSCAPE AND SCREENING PURPOSES.
 5) 156,788 SQUARE FEET OF STREET RIGHT-OF-WAY (WATERS EDGE WAY, TABLEROCK DRIVE, DESERT WILLOW LANE, AND LINA COURT) IS BEING DEDICATED TO THE CITY OF MURPHY.
 6) NOTICE: SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF TOWN ORDINANCE AND STATE LAW AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
 7) FLOODPLAIN EXISTS ON THE SITE PER FEMA MAP NUMBER 4805C0415J, MAP REVISED JUNE 2, 2009.
 8) ALL OPEN SPACE LOTS TO BE OWNED AND MAINTAINED BY THE HOA.

LOT LINE TABLE

LINE	BEARING	LENGTH
T1	S89°54'08"W	81.37'
T2	N85°25'30"W	84.02'
T3	N78°29'40"W	84.02'
T4	N71°33'50"W	84.02'
T5	N64°53'30"W	98.96'
T6	N64°53'30"W	98.96'
T7	N66°22'14"W	94.04'
T8	N66°22'14"W	94.04'
T9	N69°37'22"W	94.05'
T10	N69°37'22"W	94.05'
T11	N72°36'31"W	94.05'
T12	N75°35'39"W	94.05'
T13	N71°34'46"W	84.27'
T14	N71°34'46"W	94.30'
T15	N73°51'15"W	94.31'
T16	N77°17'10"W	85.50'
T23	S19°27'09"E	103.16'

ROADWAY LINE TABLE

LINE	BEARING	DISTANCE
T17	S63°02'52"E	7.69'
T18	S63°00'30"E	5.98'
T19	S14°34'56"E	65.66'
T20	S36°32'33"E	45.17'
T21	N35°29'21"E	25.00'
T22	S24°03'46"W	25.00'

LOT CURVE TABLE

CURVE	DELTA	RADIUS	TANGENT	LENGTH	CHORD
CB	266°13'04"	50.00'	53.41'	232.32'	N7°37'11"W 73.01'
C10	126°34'	865.00'	10.89'	21.78'	S82°28'51"W 21.78'
C11	0°44'43"	815.00'	5.30'	10.60'	N82°49'47"E 10.60'
C12	2°34'44"	575.00'	12.94'	25.88'	S88°21'44"W 25.88'
C13	2°45'58"	1805.00'	43.58'	87.14'	N78°28'12"W 87.13'

ROADWAY CURVE TABLE

CURVE	DELTA	RADIUS	TANGENT	LENGTH	CHORD
C1	33°45'00"	840.00'	254.81'	494.80'	S79°56'22"E 487.68'
C2	14°21'32"	1860.00'	209.10'	416.02'	S70°13'38"E 414.93'
C3	27°20'23"	550.00'	133.77'	262.44'	S76°40'41"E 259.96'
C4	14°04'44"	1950.00'	240.79'	479.16'	S70°02'52"E 477.96'
C5	38°38'42"	200.00'	70.13'	134.90'	S04°44'25"W 132.35'
C6	21°57'39"	309.00'	59.95'	118.44'	S25°33'44"E 117.71'
C7	17°58'06"	404.00'	63.87'	126.70'	S45°31'36"E 126.18'

LEGEND
 RWE = RETAINING WALL EASEMENTS TO BE MAINTAINED BY HOMEOWNER
 VAM = VISIBILITY, ACCESS, & MAINTENANCE EASEMENT
 LAE = LANDSCAPE EASEMENT
 BL = BUILDING LINE
 SE = STREET EASEMENT
 DE = DRAINAGE EASEMENT
 WSSE = WATER & SANITARY SEWER EASEMENT
 HOA = HOMEOWNER'S ASSOCIATION
 SUE = SIDEWALK & UTILITY EASEMENT
 UE = UTILITY EASEMENT
 NAE = NO ACCESS EASEMENT
 D.R.C.C.T. = DEED RECORDS, COLLIN COUNTY, TEXAS
 M.R.C.C.T. = MAP RECORDS, COLLIN COUNTY, TEXAS
 DOC. NO. = DOCUMENT NUMBER
 IRF = IRON ROD FOUND
 IPF = IRON PIPE FOUND
 ◇ = DENOTES STREET NAME CHANGE
 ⊙ = 1/2" IRON ROD FOUND W/ RED PLASTIC CAP STAMPED "W.A.I." (UNLESS OTHERWISE NOTED)
 ⊙ = 1/2" IRON ROD SET W/ YELLOW PLASTIC CAP STAMPED "DAA" (UNLESS OTHERWISE NOTED)
 VAM = VISIBILITY & MAINTENANCE EASEMENT
 WE = WATER LINE EASEMENT
 FME = FENCE MAINTENANCE EASEMENT
 NAE = NO ACCESS EASEMENT
 SWBE = SOUTHWESTERN BELL TELEPHONE, L.P. EASEMENT
 <CM> = CONTROL MONUMENT
 MIN FF = MINIMUM FINISHED FLOOR ELEVATION

**CONSTRUCTION PLAT
 MAXWELL CREEK NORTH
 PHASE 11B**
 18.992 ACRES
 53 RESIDENTIAL LOTS
 ZONED PD 00-06-486
 AN ADDITION TO THE CITY OF MURPHY
 JAMES MAXWELL SURVEY, ABSTRACT NO. 582
 C A McMILLAN SURVEY, ABSTRACT NO. 588
 COLLIN COUNTY, TEXAS
 SEPTEMBER 2012 SCALE: 1"=100'
 OWNER
FORESTAR (USA) REAL ESTATE GROUP, INC.
 14755 PRESTON ROAD #710
 DALLAS, TEXAS 75254
 ENGINEER
DOWDEY, ANDERSON & ASSOCIATES, INC.
 5225 Village Creek Drive, Suite 200 Plano, Texas 75093 972-931-0694
 STATE REGISTRATION NUMBER: F-399

OWNER'S CERTIFICATE AND DEDICATION

STATE OF TEXAS §
COUNTY OF COLLIN §

WHEREAS, We, Forestar (USA) Real Estate Group, Inc., ARE the sole owner of all that certain tracts of land situated in the James Maxwell Survey, Abstract Number 582 and the C.A. McMillan Survey, Abstract Number 588, Collin County, Texas and Being a portion of that tract of land conveyed to Lumberman's Investment Corporation, according to the document filed of records in Volume 4683, Page 2968 Land records of Collin County, Texas, and being more particularly described as follows:

TRACT 1

BEGINNING at a 1/2" iron rod with yellow plastic cap stamped "DAA" set for the Northwest corner of Maxwell Creek North, Phase 10B, an addition to the City of Murphy, according to the plat filed of record in Book 2012, Page 09, Map records of Collin County, Texas, same being the most Westerly Southwest corner of said Lumberman's tract;
THENCE with the West lines of said Lumberman's tract the following four (4) courses and distances:

NORTH 19° 27' 09" WEST, a distance of 122.89 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract at the beginning of a curve to the right, having a radius of 1530.00 feet, a central angle of 28° 08' 27" and a chord bearing and distance of NORTH 05° 22' 55" WEST, 743.93 feet;

With said curve to the right an arc distance of 751.46 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for the most Westerly Northwest corner of this tract;

SOUTH 81° 18' 42" EAST, a distance of 50.00 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for an interior "ell" corner of this tract at the beginning of a curve to the right, having a radius of 1480.00 feet, a central angle of 02° 26' 25" and a chord bearing and distance of NORTH 09° 54' 31" EAST, 63.03 feet;

With said curve to the right an arc distance of 63.03 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set, in the South line of Windy Knoll Drive, for the most Northern Northwest corner of this tract;

THENCE NORTH 88° 46' 32" EAST, with said South line, a distance of 128.07 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for the Northeast corner of this tract;

THENCE leaving said South line, over and across the above mentioned Lumberman's tract the following nine (9) courses and distances:

SOUTH 07° 33' 40" WEST, a distance of 118.25 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

SOUTH 05° 17' 32" WEST, a distance of 93.75 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

SOUTH 01° 20' 58" WEST, a distance of 93.75 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

SOUTH 02° 51' 22" EAST, a distance of 93.75 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

SOUTH 06° 48' 46" EAST, a distance of 93.72 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

SOUTH 10° 32' 30" EAST, a distance of 93.72 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

SOUTH 14° 27' 28" EAST, a distance of 93.73 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

SOUTH 18° 40' 56" EAST, a distance of 95.76 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

SOUTH 19° 27' 09" EAST, a distance of 103.16 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set in a Southerly line of the above mentioned Lumberman's tract, for the Southeast corner of this tract;

THENCE with said Southerly line the following three (3) courses and distances:

SOUTH 70° 33' 02" WEST, a distance of 130.00 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

NORTH 19° 26' 58" WEST, a distance of 8.50 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

SOUTH 70° 33' 02" WEST, a distance of 50.00 feet to the POINT OF BEGINNING and containing 3.675 acres of land, more or less.

TRACT 2

BEGINNING at a 1/2" iron rod with red plastic cap stamped "W.A.I." found for the Northwest corner of Lot 20, Block S, Maxwell Creek North, Phase 10B, an addition to the City of Murphy, according to the plat filed of record in Book 2012, Page 09, Map Records of Collin County, Texas, same being an interior "ell" corner of said Lumberman's tract;
THENCE with the common lines of said Lumberman's Tract and Maxwell Creek North, Phase 10B the following twenty-four (24) courses and distances:

SOUTH 12° 35' 36" WEST, a distance of 170.00 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract at the beginning of a curve to the left, having a radius of 1713.39, a central angle of 01° 46' 03" and a chord bearing and distance of SOUTH 78° 18' 19" EAST, 52.85 feet;

With said curve to the right an arc distance of 52.85 feet to a 1/2" iron rod with red plastic cap stamped "W.A.I." found for a corner of this tract;

SOUTH 01° 06' 43" WEST, a distance of 121.62 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract at the beginning of a curve to the right, having a radius of 1805.00 feet, a central angle of 02° 45' 58" and a chord bearing and distance of NORTH 78° 28' 12" WEST, 87.13 feet;

With said curve to the right an arc distance of 87.14 feet to a 1/2" iron rod with red plastic cap stamped "W.A.I." found for a corner of this tract;

SOUTH 12° 54' 47" WEST, a distance of 170.00 feet to a 1/2" iron rod with red plastic cap stamped "W.A.I." found for a corner of this tract;

SOUTH 77° 33' 23" EAST, a distance of 32.35 feet to a 1/2" iron rod with red plastic cap stamped "W.A.I." found for a corner of this tract;

SOUTH 11° 58' 28" WEST, a distance of 120.00 feet to a 1/2" iron rod with red plastic cap stamped "W.A.I." found for a corner of this tract;

NORTH 77° 54' 19" WEST, a distance of 8.80 feet to a 1/2" iron rod with red plastic cap stamped "W.A.I." found for a corner of this tract;

SOUTH 01° 06' 43" WEST, a distance of 400.98 feet to a 1/2" iron rod with red plastic cap stamped "W.A.I." found for the common South corner of the above mentioned Lumberman's tract and Phase 10B for a corner of this tract at the beginning of a curve to the right, having a radius of 550.00 feet a central angle of 47° 45' 26" and a chord bearing and distance of NORTH 60° 25' 16" WEST, 445.28 feet;

With said curve to the right an arc distance of 458.44 feet to a 1/2" iron rod with red plastic cap stamped "W.A.I." found for a corner of this tract;

NORTH 36° 32' 33" WEST, a distance of 45.17 feet to a 1/2" iron rod with red plastic cap stamped "W.A.I." found for a corner of this tract at the beginning of a curve to the right, having a radius of 455.00, a central angle of 21° 57' 37" and a chord bearing and distance of NORTH 25° 33' 45" WEST, 173.33 feet;

With said curve to the right an arc distance of 174.39 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

NORTH 14° 34' 56" WEST, a distance of 200.61 feet to a 1/2" iron rod with red plastic cap stamped "W.A.I." found for a corner of this tract;

NORTH 14° 55' 26" WEST, a distance of 64.89 feet to a 1/2" iron rod with red plastic cap stamped "W.A.I." found for a corner of this tract;

NORTH 16° 35' 14" EAST, a distance of 59.85 feet to a 1/2" iron rod with red plastic cap stamped "W.A.I." found for a corner of this tract at the beginning of a curve to the left, having a radius of 525.00, a central angle of 16° 56' 06" and a chord bearing and distance of NORTH 81° 52' 50" WEST, 154.61 feet;

With said curve to the left an arc distance of 155.17 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

NORTH 00° 20' 54" WEST, a distance of 50.00 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract at the beginning of a curve to the left, having a radius of 575.00 feet, a central angle of 02° 34' 44" and a chord bearing and distance of SOUTH 88° 21' 44" WEST, 25.88 feet;

With said curve to the left and arc distance of 25.88 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract at the beginning of a curve to the right, having a radius of 5320.00 feet, a central angle of 02° 23' 20" and a chord bearing and distance of NORTH 18° 15' 18" WEST, 221.80 feet;

With said curve to the left an arc distance of 221.82 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

NORTH 19° 26' 58" WEST, a distance of 24.45 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract at the beginning of a curve to the right, having a radius of 815.00 feet, a central angle of 00° 44' 43" and a chord bearing and distance of NORTH 82° 49' 47" EAST, 10.60 feet;

With said curve to the right an arc distance of 10.60 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

NORTH 06° 47' 52" WEST, a distance of 50.00 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract at the beginning of a curve to the left, having a radius of 865.00 feet, a central angle of 01° 26' 34" and a chord bearing and distance of SOUTH 82° 28' 51" WEST, 21.78 feet;

With said curve to the left and arc distance of 21.78 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

NORTH 19° 26' 58" WEST, a distance of 18.09 feet to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a Westerly, Northeast corner of the above mentioned Phase 10B and a corner of this tract;

THENCE over and across the above mentioned Lumberman's tract the following twelve (12) courses and distances:

NORTH 19° 27' 11" WEST, a distance of 114.79 to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

NORTH 88° 46' 32" EAST, a distance of 88.34 to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

NORTH 89° 09' 35" EAST, a distance of 94.59 to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

SOUTH 86° 34' 04" EAST, a distance of 89.38 to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

SOUTH 81° 22' 01" EAST, a distance of 89.38 to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

SOUTH 76° 09' 58" EAST, a distance of 89.38 to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

SOUTH 70° 57' 54" EAST, a distance of 89.38 to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

SOUTH 65° 45' 51" EAST, a distance of 89.38 to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

SOUTH 64° 58' 31" EAST, a distance of 117.98 to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

SOUTH 68° 52' 09" EAST, a distance of 90.32 to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

SOUTH 72° 17' 06" EAST, a distance of 90.28 to a 1/2" iron rod with yellow plastic cap stamped "DAA" set for a corner of this tract;

SOUTH 75° 41' 58" EAST, a distance of 90.27 to the POINT OF BEGINNING and containing 15.317 acres of land, more or less.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESNETS:

That Forestar (USA) Real Estate Group, Inc., acting herein by and through his(its) duly authorized officer(s), does hereby adopt this plat designating the herein above described property as MAXWELL CREEK NORTH, PHASE 11B, an addition to the City of Murphy, Texas, and does hereby dedicate, in fee simple, to the public use City of Murphy, Texas, forever, the streets, rights-of-way, and other public improvements shown thereon. The streets and alleys, if any, are dedicated for street purposes. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City Council of the City of Murphy. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Murphy's use thereof. The City of Murphy and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Murphy and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Murphy, Texas.

WITNESS, my hand, this the _____ day of _____, 2012.

BY:
Thomas H. Burlison, Executive Vice President
Printed Name and Title

STATE OF TEXAS §
COUNTY OF COLLIN §

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas on this day personally appeared Sean Patton, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed and in the capacity therein stated.

GIVEN under my hand and seal of office this _____ day of _____, 2012.

Notary Public in and for the State of Texas

SURVEYORS CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

That I, Sean Patton, do hereby certify that I prepared this plat and the field notes made a part thereof from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision Regulations of the Town of Prosper, Texas.

Dated this the _____ day of _____, 2012.

SEAN PATTON
Registered Professional Land Surveyor No. 5660

STATE OF TEXAS §
COUNTY OF COLLIN §

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas on this day personally appeared Sean Patton, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed and in the capacity therein stated.

GIVEN under my hand and seal of office this _____ day of _____, 2012.

Notary Public in and for the State of Texas

FINAL PLAT

Approved by the City of Murphy for filing at the office of the County Clerk of Collin County, Texas.

RECOMMENDED BY: Planning and Zoning Commission
City of Murphy, Texas

Signature of Chairperson Date of Recommendation

APPROVED BY: City Council
City of Murphy, Texas

Signature of Mayor Date of Approval

ATTEST: City Secretary Date

NOTICE: Selling a portion of this addition by metes and bounds is a violation of City ordinance and State Law, and is subject to fines and withholding of utilities and building permits.

The area or areas shown on the plat as "VAM" (Visibility, Access and Maintenance) Easements(s) are hereby given and granted to the City, its successors and assigns, as an easement to provide visibility, right of access for maintenance upon and across said VAM Easement. The City shall have the right but not the obligation to maintain any and all landscaping within the VAM Easement. Should the City exercise this maintenance right, then it shall be permitted to remove and dispose of any and all landscaping improvements, including without limitation, any trees, shrubs, flowers, ground cover and fixtures. The City may withdraw maintenance of the VAM Easement at any time. The ultimate maintenance responsibility for the VAM Easement shall rest with the owners. No building, fence, shrub, tree or other improvements or growths, which in any way may endanger or interfere with the visibility, shall be constructed in, on, over or across the Easement. The City shall also have the right but not the obligation to add any landscape improvements to the VAM Easement, to erect any traffic control devices or signs on the VAM Easement and to remove any obstruction thereon. The City, its successors, assigns, or agents shall have the right and privilege at all times to enter upon the VAM Easement or any part thereof for the purposes and with all rights and privileges set forth herein.

CONSTRUCTION PLAT
MAXWELL CREEK NORTH
PHASE 11B
18.992 ACRES
53 RESIDENTIAL LOTS
ZONED PD 00-06-486

AN ADDITION TO THE CITY OF MURPHY
JAMES MAXWELL SURVEY, ABSTRACT NO. 582
C A McMILLAN SURVEY, ABSTRACT NO. 588
COLLIN COUNTY, TEXAS

SEPTEMBER 2012 SCALE: 1"=100'

OWNER
FORESTAR (USA) REAL ESTATE GROUP, INC.
14755 PRESTON ROAD #710
DALLAS, TEXAS 75254

ENGINEER
DOWDEY, ANDERSON & ASSOCIATES, INC.
5225 Village Creek Drive, Suite 200 Plano, Texas 75093 972-931-0694
STATE REGISTRATION NUMBER: F-399

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