



May 12, 2015

Ms. Gail Falco Leyko  
Grand Jury/Intake Division Chief  
Collin County District Attorney's Office  
2100 Bloomdale Road, Suite 100  
McKinney, TX 75051

Dear Ms. Leyko:

Recent media reports indicate that the Grand Jury on which you serve is currently examining possible criminal activity by Attorney General Ken Paxton. We have examined Mr. Paxton's dealings in a series of land transactions in Collin County. These transactions involved Mr. Paxton's company, a developer, the City of McKinney, and Collin County.

The circumstances around these transactions lead to a reasonable suspicion that Ken Paxton, and his associates could have engaged in criminal activity. We have garnered information available from public records, and it is provided here for your consideration. We hope the Grand Jury will use the full range of its powers to investigate whether and what sort of criminal activity surrounds the development of the Collin County Central Appraisal District.

### **Background:**

Attorney General Ken Paxton has faced extensive media and political scrutiny in the past year for his admission to a criminal violation of state securities laws, and for associations with entities that do business with the state of Texas. However, one of the businesses that Paxton and Collin County DA Greg Willis are associated with, Eldorado-Collin LP, has received lesser scrutiny. El Dorado was discussed in a May 2014 article in the *Dallas Morning News*:

*"In 2004, Paxton and his associates bought 35 acres of undeveloped land in McKinney for about \$700,000, his campaign said. Eighteen months later, their company, Eldorado-Collin, flipped just under half of the property for just over \$1 million, according to a record of the transaction obtained by The Dallas Morning News. It was sold to a Dallas company called Cornerstone.*

*"The land would become the site of the Collin Central Appraisal District. Before Cornerstone bought the property, officials from Paxton's company sought and received a critical zoning change from McKinney. That paved the way for the appraisal district building and made property in the area more valuable by signaling new development was on the way."*

See Tab 1: *Ken Paxton's Business List has Surged Since he Entered the Legislature*; Dallas Morning News, May 4, 2014; [Read the full article here](#)

Ken Paxton's campaign has revealed only a handful of details regarding the company to the Dallas Morning News. However, many details regarding the land deals orchestrated by EIDorado-Collin LP provide reason for scrutiny into whether the company benefitted from the political connections of its investors. Paxton and his associates have denied utilizing any insider relationships or information to influence the procurement of the Appraisal District's new office space – however, public records indicate that Paxton's company may have benefitted from both. Furthermore, Paxton has also failed to disclose a transaction in which his company successfully traded a narrow strip of land to the City of McKinney in exchange for prime retail real estate on a nearby street corner, which the company flipped to Quicktrip that same day for an undisclosed amount. A company connected to Paxton also provided the title work for at least two of the transactions mentioned above, potentially providing a Paxton with a cut in addition to the money he had already made off of his company's land sales.

Whether official misconduct occurred and the mechanism through which it was carried out cannot be determined from publically available documents. However, the facts presented create a reasonable suspicion of official misconduct by now Attorney General Ken Paxton and others that a properly impaneled grand jury with subpoena power should investigate.

This document first looks at the key issues at play, then goes into a fact based timeline with documentation.

**A note on terms:**

The company in which AG Paxton and DA Willis hold stakes is called EIDorado-Collin LP.

The "Bogard Parties" refers to the individuals who were listed as grantors (sellers) in the initial sale of the property to EIDorado-Collin LP. They are known individually as James William Bogard, Mozelle Bogard, Beverly Haney Crecelius and Debbie Haney.

## Key Issues:

### I. **Several questions remain unanswered about the extent to which Paxton and his associates used insider knowledge and political connections to profit from the development of the Appraisal District Building.**

To date, Paxton has publicly denied possessing or using insider information to influence the selection and development of the Collin County Appraisal District site. However, several of the circumstances surrounding Paxton's land transactions seem to contradict the public statements Paxton had his friends have made to the media.

First off, the Collin County Appraisal district did not issue their request for contractors to bid on the new Appraisal district until the day after Paxton's company completed its land acquisitions to the north of Eldorado Parkway. The timing of this action appears extremely convenient for Paxton and his associates. (See Tab 2: General Warranty Deed, Collin County; February 15, 2006; and Tab 3: Collin County Appraisal District Board Resolution; April 5, 2006). Moreover, in a resolution dated April 5, 2006, the Collin CAD board awarded the contract to Cornerstone to build the new office complex on the land owned by Paxton's company, even though the site itself was still designated as agricultural land and needed to be rezoned before it could be developed. (See Tab 4: City of McKinney Zoning Commission Meeting Minutes; May 23, 2006)

After the contract to build the new Appraisal District site was awarded, officials from Paxton's company lobbied the McKinney City Council and Zoning Commission to rezone their land holdings to accommodate the plan for the new appraisal district building, according to records obtained by the Dallas Morning News. (See Tab 1: Ken Paxton's Business List has Surged Since he Entered the Legislature; Dallas Morning News, May 4, 2014.) Though Paxton and business partner Howard Hamilton have [downplayed](#) their influence over the decision, it was Paxton's company that had issued the official request to the McKinney Zoning Commission for this rule change. It is also interesting that the Vice Chairman of the commission just so happened to be Paxton [friend and business partner Don Day](#). The McKinney Zoning Commission finally voted for the zoning change on May 23, 2006; and though Chairman Bill Cox chose to recuse himself from the vote, Don Day chose to participate in the decision despite his relationship with Paxton. (See Tab 4: City of McKinney Zoning Commission Meeting Minutes; May 23, 2006)

Also unclear is the purchase price of the land underneath the County Appraisal District Building. Paxton's campaign claimed to the media that they had purchased the land from the Bogards for "about \$700,000." However, this figure is difficult to independently verify. Deed records show the land for the Appraisal District building was purchased by Eldorado over two transactions. In the first transaction –which took place in 2004 - the [Bogards sold the land surrounding their residence for a \\$115,000 promissory note](#). (See Tab 5: Special Warranty Deed with Vendor's Lien; Collin County; December 3, 2004). The [sale of the Bogard residence](#) itself would not take place until 2006. The

sale price for the Bogard's residence is not known. (See Tab 6: General Warranty Deed; Collin County; February 15, 2006).

*Issue: The sequence of events where the construction contract was awarded before the land was in possession of either Cornerstone or Collin County indicates that all the parties were orchestrating this series of transactions, and not acting independently of one another. These circumstances alone support the inference of official misconduct.*

- II. Paxton has also yet to disclose his company's involvement in a land trade with the City of McKinney in which a narrow strip of land was traded for a property on a nearby street corner that appeared to be prime territory for retail. That same day, the company flipped the newly acquired property to QuikTrip Corporation for an undisclosed amount.**

On February 13, 2006, [EIDorado-Collin LP traded a strip of the land](#) it had purchased from the Bogards to the City of McKinney. (See Tab 7: Exchange Deed #1; Collin County; February 13, 2006). This land provided the space for an extension of College Avenue that would provide access to the site of the new Appraisal District building. In exchange for this land, the [City of McKinney gave EIDorado-Collin property](#) on the corner of EIDorado Parkway and S McDonald Street that appears to be an ideal retail location. (See Tab 5: Exchange Deed #2; Collin County; February 13, 2006). That same day, [EI-Dorado-Collin LP flipped the land to the QuikTrip Corporation](#) for an undisclosed sum. (See Tab 9: Special Warranty Deed; Collin County; February 13, 2006).

*Issue: The valuable retail property in question does not seem to be a like kind exchange, as is typical in these types of land swaps. The fact that the property was flipped on the same day raises serious questions as to whether these were truly arms-length transactions, or whether Paxton and Willis were benefitting from insider knowledge and improperly profiting from their official positions.*

- III. In addition to profiting from the resale of the property through the sale to Cornerstone, there is evidence to believe a title company connected to Paxton provided the title insurance for the transaction.**

At the bottom of the June 27<sup>th</sup>, 2006 [deed](#) which executed EIDorado's sale of the former Bogard property to Cornerstone is a stamp requesting that the completed deed be returned to Chicago Title Insurance Company, Southwest Region Commercial Center on 2001 Bryan Street, Suite 1700 in Dallas, Texas. (See Tab 10: Special Warranty Deed; Collin County, June 27, 2006). The same stamp is also present on the March 28 deed executing Cornerstone's sale of the finished Appraisal District building to the county. (See Tab Tab 11: Special Warranty Deed; Collin County; March 28, 2007)

Paxton's office is shown as a contact for Chicago Title on their website, and Paxton's law office serves as the [historic downtown location for the title company](#). (See Tab 12: Chicago Title McKinney Texas; [www.chicagotitlepaxton.com](http://www.chicagotitlepaxton.com)).

*Issue: Paxton's title company provided services on a number of these transactions, creating another potential vehicle for Paxton and his associates to personally profit from Collin County and the City of McKinney. This involvement makes Paxton's claims that he was unaware of the deal all the more difficult to believe, given that one of his primary business vehicles was directly involved.*

**IV. In addition to the property the company has already flipped, EIDorado-Collin L.P. continues to hold property nearby that may also bring in a significant windfall when it is eventually sold.**

EIDorado continues to hold a property just south of EIDorado Parkway. (See Tab 5: Special Warranty Deed with Vendor's Lien; Collin County; December 3, 2004). Though part of the property appears to be a floodplain, it is located just down the street from a golf course and a newly expanded subdivision. It is the only property in Collin County that the company continues to hold – however, when sold, it may land Paxton and Willis a significant financial gain.

*Issue: The property Paxton and Willis continue to hold via Eldorado-Collin L.P. has substantially increased in value due to the series of transactions outlined in this document. This potential increase in property value should be accounted for in determining whether Paxton and his associates improperly used their connections.*

## **Facts and Timeline:**

Below is a timeline laying out the different transactions undertaken by EIDorado-Collin LP, the company controlled by Paxton, Willis and their associates. All images were taken from and annotated in Google Earth. Though we have made every effort to ensure accuracy, please note that the property lines in the images contained within this report were not prepared by a real estate professional and are therefore approximate.

### **January 14, 2003**

#### **Ken Paxton begins his first term in the Texas House**

Ken Paxton is elected to the Texas House, representing the 70<sup>th</sup> district, which includes Collin County.

Sources:

- Tab 13: "Member Profile - Ken Paxton"; [Texas Legislative Reference Library](#)

## **December 3, 2004**

### **EIDorado-Collin LP enters into a Right of First Refusal agreement with the Bogard parties.**

On December 3, 2004, the Bogard parties enter into a Right of First Refusal agreement with the Bogard Parties. This agreement includes several stipulations. First, should a third party offer the Bogards a higher price than the initial offer made by EIDorado-Collin LP, EIDorado has the right to extend a counteroffer and match the price offered by the third party. Second, the agreement prevents the Bogards from leasing the property for a time period longer than a year, or offering any lessee an option to purchase the property.

Sources:

- See Tab 14: Right of First Refusal Agreement; Collin County; December 3, 2004.

## **December 3, 2004**

### **EIDorado Purchases Land from the Bogards**

On December 3, 2004, Paxton's company, Eldorado-Collin LP, purchased two tracts of property from James and Mozelle Bogard, Beverly Haney Crecelius and Debbie Haney for a \$115,000 promissory note – not the \$700,000 that the Paxton campaign [claimed](#) had been paid to the Bogards. Whether \$115,000 reflects the actual price paid or whether there was additional consideration involved that was not mentioned in the deed records is unknown.

This purchase included two tracts of land, separated by EIDorado Avenue. The northernmost tract bordered the existing McKinney Facilities Service Complex. The tract to the south was directly across EIDorado Avenue, and contained an additional 17 acres, just down the street from a golf course and an expanding residential area.

Sources:

- See Tab 1: Ken Paxton's Business List has Surged Since he Entered the Legislature; Dallas Morning News, May 4, 2014
- See Tab 5: Special Warranty Deed with Vendor's Lien; Collin County; December 3, 2004

Map Key:

**-Land Purchased by EIDorado-Collin LP from the Bogards.**





Image Source: Google Earth, Imagery date 3/24/2005

## **Late 2005**

**Willis is appointed by the Collin County Commission to be the first Judge of the newly created County Court at Law 6.**

Willis would run unopposed for the office in 2006.

Source:

- Tab 14: "Meet the DA: Greg Willis"; retrieved from [Collin County Website](#)

## **February 13, 2006**

**In a yet to be disclosed deal, Paxton's Company Trades Land with the City of McKinney**

In February 2006, Paxton's company initiates a land trade with the City of McKinney. In exchange for the land required to extend College Avenue past the new Appraisal District Building, the City offers Eldorado a lot on the corner of S. McDonald St and Eldorado Parkway. The company would sell this land to QuikTrip for an undisclosed amount. The land that was traded is outlined in green.

Paxton has yet to disclose or otherwise acknowledge this transaction taking place.

Sources:

- See Tab 7: Exchange Deed #1; Collin County; February 13, 2006.
- See Tab 8: Exchange Deed #2; Collin County; February 13, 2006.

Map Key:

- Land exchanged to City of McKinney by EIDorado-Collin LP
- Land exchanged to EIDorado-Collin LP by City of McKinney, immediately sold to Quiktrip

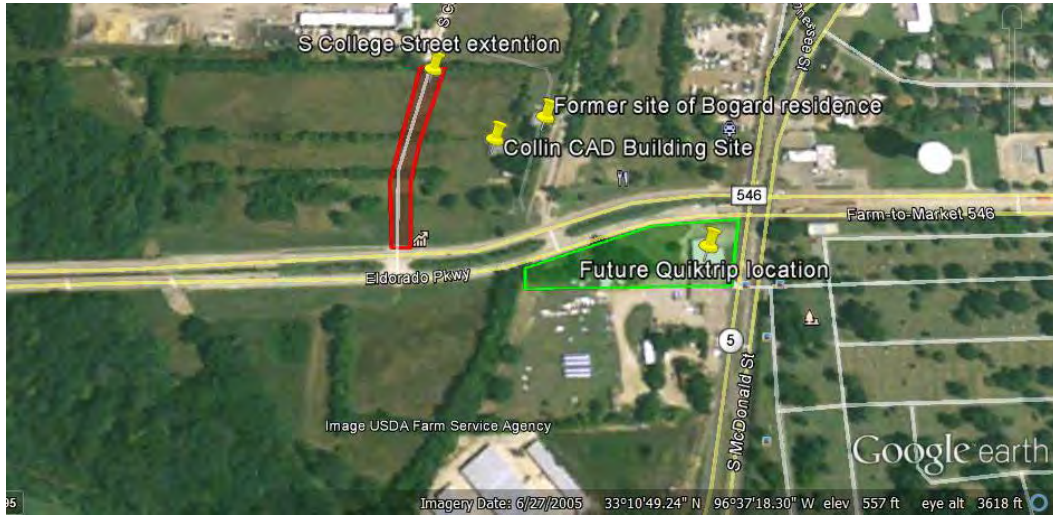


Image Source: Google Earth, Imagery date 6/27/2005

## **February 13, 2006**

**The same day of the land swap, EIDorado Collin sells the newly acquired lot to QuikTrip Corporation for an undisclosed amount.**

The same day the land trade with the City of McKinney took place, EIDorado-Collin LP sells the lot on the corner of S McDonald Street and Eldorado Parkway to Quiktrip Corporation. The sale price of the property is not known.

Sources:

- See Tab 9: Special Warranty Deed; Collin County; February 13, 2006.

## **February 15, 2006**

**Mildred Bogard Sells the Bogard Residence to EIDorado-Collin LP—the remaining land owned by the Bogard family in the immediate area**

Though the land surrounding the Bogard residence had already been sold, Mildred Bogard had yet to sell the home itself. This purchase would complete the land holdings necessary for the new site. The site of the house is outlined in blue below. The sale price of the house is not known.

Map Key:

- Land previously purchased from Bogard parties from EIDorado-Collin LP.



- **Location of Mildred Bogard residence.**



Image Source: Google Earth, Imagery date 6/27/2005

Sources:

- See Tab 6: General Warranty Deed; Collin County; February 15, 2006

**2/16/2006**

**The day after EIDorado's purchase of the Bogard house, the Collin County Appraisal District Board publishes a Request for Proposals soliciting bids for new office space.**

The day after the sale of the Bogard residence to Paxton's company, the Collin County Appraisal District published an invitation to provide proposals to construct the CAD's new office complex.

Sources:

- Tab 3: Collin County Appraisal District Board Resolution; April 5, 2006

**[Date Unknown]**

**Paxton's associates begin lobbying County and Municipal officials for the zoning change.**

Though Paxton has denied having any advance knowledge that the property was being considered for the new appraisal district building, [records obtained by the Dallas Morning News](#) show officials from EIDorado-Collin actively lobbied both the McKinney Zoning Commission and the McKinney City Council to rezone the area.

Sources:

- See Tab 1: Ken Paxton's Business List has Surged Since he Entered the Legislature; Dallas Morning News, May 4, 2014.

- See Tab 4: Meeting Minutes, City of McKinney Planning and Zoning Commission; May 23, 2006.

### **March 23, 2006**

#### **Just over one month after requesting bids, Board of Directors of the Central Appraisal District reviews proposals for the development of the new building.**

According to a copy of the meeting minutes, on this day, the Collin CAD Board met during a regular meeting at 6:30 PM. The agenda items included “Review and award proposal for building purchase”.

Sources:

- Tab 16: Collin County Appraisal District – Board Meeting Minutes, March 23, 2006.

### **April 5, 2006**

#### **Cornerstone wins the project with a plan to build the new office complex on the land owned by Paxton’s company.**

On April 5, 2006, the Collin Appraisal District Board passes a resolution providing formal approval for Cornerstone’s \$6.65 million plan to construct the new office building on the Northeast Corner of Eldorado Parkway and College Street – a site located on land that at the time was still held by Paxton’s company.

Sources:

- Tab 3: Collin County Appraisal District Board Resolution; April 5, 2006

### **May 23, 2006**

#### **The McKinney Zoning Commission votes to rezone the area to allow for commercial development**

After a brief hearing, the City of McKinney Planning and Zoning Commission votes 6-0 to rezone the area. Paxton has denied having any advance knowledge of or influence in this critical vote; however, records reveal that it was his company, Eldorado-Collin LP, that had filed the request for the zoning change. Though Chairman Cox recuses himself from the vote, Don Day, [a friend and business partner](#) of Ken Paxton, does not.

Sources:

- See Tab 1: Ken Paxton’s Business List has Surged Since he Entered the Legislature; Dallas Morning News, May 4, 2014.
- See Tab 4: Meeting Minutes, City of McKinney Planning and Zoning Commission; May 23, 2006.

## June 27, 2006

### **Paxton's company sells its land holdings north of EIDorado Parkway to Cornerstone.**

On June 27, Paxton's company s a portion of its land holdings to Cornerstone. This sale included the site that would become the Collin Appraisal District building. Additionally, there is evidence to suggest that insurance for the transaction was provided by the Dallas office of [the title company connected to Paxton](#), Chicago Title, which affixed a stamp at the bottom of the exchange deed. Paxton's law office continues to serve as the [Downtown McKinney office of the company](#).

#### Sources:

- See Tab 1: Ken Paxton's Business List has Surged Since he Entered the Legislature; Dallas Morning News, May 4, 2014.
- See Tab 8: Chicago Title McKinney Texas; [www.chicagotitlepaxton.com](http://www.chicagotitlepaxton.com) Chicago Title Website (cached)
- See Tab 11: Special Warranty Deed; Collin County, June 27, 2006.

The image below shows the area prior to construction.

#### Map Key:

- Land sold to Cornerstone by EIDorado-Collin LP.

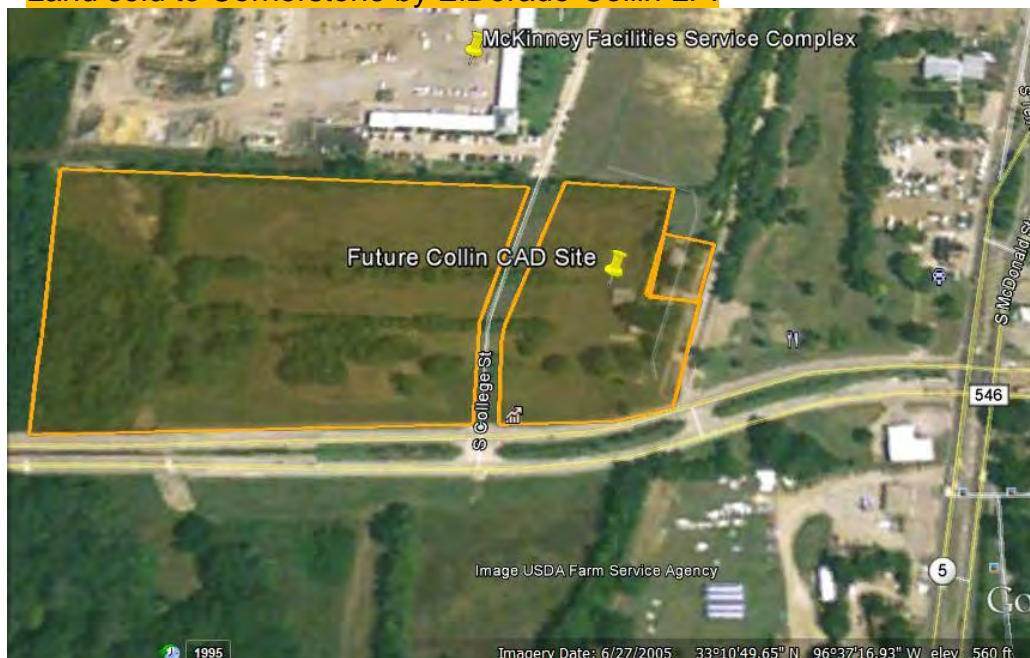


Image: Google Earth, Imagery Date 6/27/2005

The image below shows the Appraisal District building during construction. The land that was traded to EIDorado is in green, and the land sold by EIDorado to Cornerstone is in orange.

Map Key:

- Land sold to Cornerstone by EIDorado-Collin LP.
- Land exchanged to City of McKinney by EIDorado-Collin LP
- Land exchanged to EIDorado-Collin LP by City of McKinney, later sold to Quiktrip



Image: Google Earth, Imagery Date 11/2006

### **March 28, 2007**

**Cornerstone sells the completed office complex to the Collin County Appraisal District.**

On March 28, 2007, Cornerstone sells the completed office complex to the Collin County Appraisal district according to a special warranty deed.

Sources:

- Tab 17: Special Warranty Deed; Collin County, March 28, 2007.

### **November 2010**

**Greg Willis is elected Collin County Criminal District Attorney.**

Source:

- Tab 15: "Meet the DA: Greg Willis"; retrieved from Collin County Website

### **November 2012**

**Ken Paxton is elected to Texas State Senate representing Senate District 8.**

Source:

- Tab 18: "About Ken Paxton" Texas Attorney General Website; retrieved 4/25/2015

### **May 2014**



**Paxton and his associates are interviewed by the Dallas Morning News, and provide a highly understated picture of their involvement in Collin County land deal.**

About this time, Paxton and his associates are interviewed by the first time by media regarding their activities via EIDorado-Collin LP. Paxton and his associates deny utilizing political connections or insider information in connection with the Appraisal District project. Several critical details regarding the procurement and development of the Appraisal District site – including the land swap discussed above – remain undisclosed.

Sources:

- Tab 1: Ken Paxton’s Business List has Surged Since he Entered the Legislature; Dallas Morning News, May 4, 2014

## **November 2014**

**Ken Paxton is elected Attorney General of Texas.**

Source:

- Tab 18: “About Ken Paxton” Texas Attorney General Website; retrieved 4/25/2015

## **April 2015**

**EIDorado Retains Significant Holdings to the South of EIDorado Parkway**

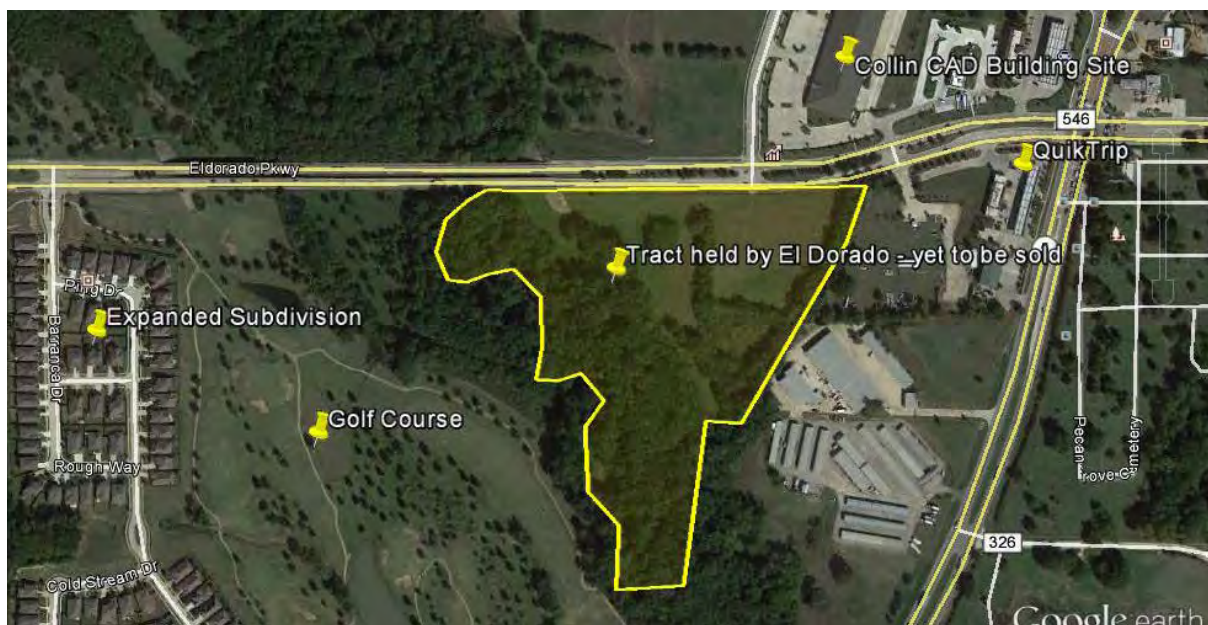


Image: Google Earth, Imagery date 10/18/2013



Sources:

- Tab 18: Collin CAD Website; Collin County Property Search performed 4/15/2015

# **Tab 1**

Link to article: <http://www.dallasnews.com/news/politics/headlines/20140504-paxtons-business-list-surges-since-he-entered-legislature.ece>

## Politics

# Ken Paxton's business list has surged since he entered Legislature

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Stewart F. House/Special Contributor

Ken Paxton (right), with U.S. Rep. Sam Johnson, has said through a spokesman that he would put his investments in a blind trust if he is elected attorney general.

By GROMER JEFFERS JR. [gjeffers@dallasnews.com](mailto:gjeffers@dallasnews.com)

Political Writer

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Ken Paxton was a small-town lawyer with no other business interests or sources of income before he was elected to the Legislature.

But since he joined the House in 2003, Paxton — now a Republican McKinney state senator running for attorney general — has started or become part of 28 business ventures, state records show.

They range from a cellphone tower company to an outfit that puts cameras in police cars. And his companies frequently trade in real estate.

Paxton, like other members of the Legislature, has voted on measures that could affect his personal holdings. State ethics law requires only that lawmakers avoid a direct conflict that affects their business. Many vote on measures affecting their broad industries.

**Paxton said he's become more active in trying to make money** — not because he was a lawmaker, but because his family finally had the resources to invest.

**“As many young professionals with children find, it's their late 30s or early 40s before they are able to start meaningful savings for their retirement,” said Paxton spokesman Anthony Holm. “The Paxtons were this age in 2002 and were advised by one of their retirement counselors to begin one or two investments each year to allow them to responsibly plan for long-term financial security.”**

Records show Paxton has a penchant for joining deals with other elected officials, usually friends in the Legislature or on the Collin County political scene. Those business opportunities with other lawmakers have had varying results. At least one went bust, costing Paxton and others more than \$2 million.

Paxton has declined to say how much his net worth has grown since he joined the Legislature, **and he's refused to release copies of his federal tax returns.** The state requires officeholders to list only broad ranges that their income and **investments fall in, so it's difficult to say how extensive Paxton's business holdings are.**

**“This is a byproduct of the minuscule salaries that we pay to our state legislators and our relatively lack of ethics laws,”** said Rice political scientist Mark Jones. **“This is the dark underbelly of Texas politics, when you find a not insignificant number of our state legislators utilizing their positions in office to launch a variety of different business activities. It's a bipartisan issue.”**

**But political experts say such entanglements could still be a problem if he's elected attorney general.**

Jones said that if he wins, Paxton should at least put his holdings in a blind trust, in which an investment manager supervises the portfolio without the **owner's specific input. Holm said Paxton would do so if he's elected attorney general.**

Paxton is the front-runner in the race to succeed Greg Abbott. He faces a May 27 GOP runoff against Rep. Dan Branch of Dallas. The winner will be heavily favored to defeat Democratic lawyer Sam Houston in the fall.

When Paxton won his House seat in 2002, he had nothing but his law business, which focused on estate planning.

In a year, he became involved in two companies. That grew to 12 ventures in 2006 and 28 by 2011. His latest personal finance statement on file with the **Texas Ethics Commission shows that he's part of 26 business** entities.

In 2005, Paxton became part of a company called Premiere Vertical Properties, which operates cellphone towers.

While in the House in 2009, Paxton introduced legislation that would exempt cellphone companies from paying sales taxes. The bill was not successful.

Paxton said the bill would have helped cellular providers, not companies such as his that owned equipment.

Paxton also has an ownership interest in Watchguard Video, a company whose shareholders once included Rep. Byron Cook, R-Corsicana.

In 2006, the company, which also does business as Enforcement Video, won a contract worth at least \$10 million to supply the Department of Public Safety with digital video cameras for patrol cars. The company has also received \$1million in federal economic stimulus money.

Records show Paxton helped form the company and loaned it money.

Paxton voted in favor of spending bills that authorized the DPS contract, even though he had an ownership stake in the company. Paxton said that the provision was part of a much larger appropriations bill and that he has since sold most of his shares.



**MPH industries, a Kentucky company that lost the DPS bid to Paxton's** company, later complained to the DPS that the bid was written in a way to assure that Watchguard would get the contract.

Watchguard now has a contract to provide video cameras to McKinney police as well. Company officials did not return calls for comment.

**“That’s a huge problem,” said Laura Kayata, a member of a group called McKinney Watchdog that looks for problems in city government. “If it hadn’t been for that vote in the Legislature, Watchguard wouldn’t be in McKinney now. Paxton helped them get their foot in the door.”**

Holm said Paxton’s involvement is limited, amounting to less than 1.5 percent of the company.

**“Senator Paxton is proud to be a passive investor in a great company that provides a valuable product to our police and law enforcement personnel,”** Holm said.

Holm said Paxton is opposed to all federal stimulus money.

**Much of Paxton’s early business focus** was on land sales and acquisitions.

In 2004, Paxton and his associates bought 35 acres of undeveloped land in McKinney for about \$700,000, his campaign said. Eighteen months later, their company, Eldorado-Collin, flipped just under half of the property for just over \$1million, according to a record of the transaction obtained by *The Dallas Morning News*. It was sold to a Dallas company called Cornerstone.

The land would become the site of the Collin Central Appraisal District. Before Cornerstone bought the **property, officials from Paxton’s company sought and** received a critical zoning change from McKinney. That paved the way for the appraisal district building and made property in the area more valuable by signaling new development was on the way.

Paxton said he had no role in efforts to rezone the land.

**On his 2005 financial disclosure report, Paxton stated that he’s part-owner of** Eldorado-Collin, along with 10 others. The group includes lawyer and

longtime Paxton partner Howard Hamilton, along with Greg Willis, a close friend. Willis, who is now the Collin County district attorney, could not be reached for comment.

**Paxton's campaign said he owns various pieces of land in McKinney and did not know in advance that county officials were considering the property as a site for the appraisal district headquarters. McKinney's mayor could not be reached for comment. Lawyers for the appraisal district did not respond to requests for comment.**

**Records show that officials from Paxton's company lobbied the McKinney Zoning Commission and the City Council to rezone the area. A May 17, 2006, letter from a developer to McKinney Planning Director Melissa Henderson stated Dallas developer Fred Gans, head of Cornerstone, "has contracted to purchase the properties owned by Mr. Hamilton."**

**"We sold our property to a developer," Hamilton said. "I don't think Ken even knew until he got a check that we had done anything."**

**Hamilton said he's not sure when he found out about the appraisal district plan. "But I had no information and no say, nor did I care to have any say or information," he said.**

**And Hamilton said Paxton didn't have anything to do with the rezoning of the property. He didn't recall signing the application for a zoning change.**

At the city, Paxton friend Don Day was vice chairman of the zoning **commission. He presided over the commission's debate and favorable vote on the zoning change.**

Paxton and Day, a prominent developer in McKinney, own property together in McKinney, though Day had no stake in the property sold to Cornerstone.

**Ultimately, the council approved the rezoning request. Days later, Paxton's company sold the land to Cornerstone.**

Cornerstone then entered into a contract with the Collin Central Appraisal District to build their new headquarters and sold the land to the appraisal district and the city.

**Cornerstone's Gans said he never dealt with Paxton about the property but instead had discussions with Hamilton. He said he didn't know anything about rezoning being needed for the appraisal district office to be built.**

Paxton also has a history of being involved with business deals with fellow lawmakers.

*The Dallas Morning News* reported this year that starting in 2008, Paxton and three other House members bought into a fledgling technology company that aimed to reap huge dividends with trades in electricity markets.

Instead, the lawmakers said in a lawsuit they were scammed by Archer Bonnema of McKinney, an investor who claimed to have been part of an expedition that discovered **Noah's Ark**.

Paxton and his three fellow Republicans were in a group that lost \$2.5 million. The group was expected to recover \$100,000. About \$50,000 of that has been repaid.

**Holm, Paxton's spokesman, said the candidate feels good about his investments.** He noted that Paxton has an MBA from Baylor, along with a law degree from the University of Virginia.

**"Ken's investments in property and otherwise are fully in keeping with what a prudent 50-year-old professional with two kids in college and two more on their way should be doing to ensure his family is financially protected and that he and his wife can earn a secure retirement," Holm said.**

Follow Gromer Jeffers Jr. on Twitter at @gromerjeffers.

## **Tab 2**





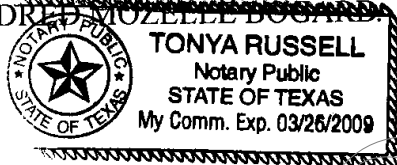
assigns; and I hereby bind myself, my heirs, executors and administrators to WARRANT AND FOREVER DEFEND all and singular the said Property unto the said Grantee, his heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, subject, however, to the aforesaid exceptions.

EXECUTED on the dates of the acknowledgments, but to be EFFECTIVE on the 15th day of February, 2006.

*Mildred Mozelle Bogard*  
Mildred Mozelle Bogard

THE STATE OF TEXAS    §  
  §  
COUNTY OF COLLIN    §

This instrument was acknowledged before me on the 15 day of February, 2006, by  
MILDRED MOZELLE BOGARD



*Tonya Russell*  
NOTARY PUBLIC STATE OF TEXAS

AFTER RECORDING RETURN TO:

Abernathy, Roeder, Boyd & Joplin, P.C.  
Attention: Wendy Howard  
1700 Redbud Blvd., Suite 300  
McKinney, Texas 75070

**Exhibit A**

**PROPERTY DESCRIPTION**

Being a 0.256 acre tract of land situated in the Samuel McFarland Survey, Abstract No. 558, in the City of McKinney, Collin County, Texas, and being all of that certain tract conveyed to Erwin Ray Bogard and wife, Mildred Bogard by deed recorded in Volume 687, Page 4357 of the Deed Records of Collin County, Texas, and also being a portion of that certain 8.91 acre tract of land conveyed to W.R. Bogard by deed recorded in Volume 323, Page 101, Deed Records, Dallas County, Texas, said 0.256 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8-inch steel rod with plastic cap stamped "JDJR" found for corner in the west right of way line of Kentucky Street (having a variable width right-of-way), said point being the southeast corner of the aforementioned Erwin and Mildred Bogard Tract and also being the southeast corner of the aforementioned 8.91 acre Bogard Tract, said point also being the most easterly-northeast corner of that certain 18.000 acre tract conveyed to Eldorado-Collin, L.P. by deed recorded under Document No. 2004-0175053 (Tract I) in the Official Public Records of Collin County, Texas;

THENCE, North 89 degrees 59 minutes 19 seconds West, along the south line of said Erwin and Mildred Bogard Tract, same being the south line of said 8.91 acre Bogard Tract and a north line of said Eldorado-Collin Tract, a distance of 100.00 feet to a 5/8-inch steel rod found for corner, said point being the southwest corner of said Erwin and Mildred Bogard Tract and also being an interior corner of said Eldorado-Collin Tract;

THENCE, North 15 degrees 12 minutes 37 seconds East, along the west line of said Erwin and Mildred Bogard Tract, same being an east line of said Eldorado-Collin Tract, a distance of 115.33 feet to a 5/8-inch steel rod with plastic cap stamped "JDJR" found for corner, said point being the northwest corner of said Erwin and Mildred Bogard Tract and also being the southwest corner of that certain tract conveyed to James W. Bogard by deed recorded in Volume 861, Page 312, Deed Records, Collin County, Texas;

THENCE, South 89 degrees 53 minutes 08 seconds East, along the north line of said Erwin and Mildred Bogard Tract, same being the south line of said James Bogard Tract, a distance of 100.66 feet to a 1/2-inch steel rod found for corner in the west right of way line of said Kentucky Street;

THENCE, South 15 degrees 33 minutes 00 seconds West, along the west right of way line of said Kentucky Street, a distance of 115.33 feet to the PLACE OF BEGINNING.

CONTAINING a computed area of 11,160 square feet or 0.256 acres of land.

## EXHIBIT B

1. Easement executed by W.R. Bogard to City of McKinney, dated December 31, 1953, recorded in/under Volume 479, Page 308 of the Real Property Records of Collin County, Texas.
2. Easement executed by W.R. Bogard and Mrs. W.R. Bogard to City of McKinney, dated March 24, 1950, recorded in/under Volume 412, Page 170 of the Real Property Records of Collin County, TEXas
3. Easement executed by W.R. Bogard and Mrs. W.R. Bogard to City of McKinney, dated march 24, 1950, recorded in/under Volume 412, Page 169 of the Real Property Records of Collin County, Texas.
4. Easement executed by Earl Milstead and wife, Lanie Milstead to Texas Power and Light Company, dated November 10, 1938, filed January 18, 1939, recorded in/under Volume 313, Page 379 of the Real Property Records of Collin County, Texas.

UNOFFICIAL

Filed and Recorded  
Official Public Records  
Brenda Taylor, County Clerk  
Collin County, TEXAS  
02/17/2006 09:11:15 AM  
\$28.00 DLAIRD  
20060217000213020



*Brenda Taylor*

## **Tab 3**

**RESOLUTION**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CENTRAL APPRAISAL DISTRICT OF COLLIN COUNTY AS AUTHORIZED BY SECTION 6.051(b) OF TEXAS PROPERTY TAX CODE. THE GOVERNING BOARD OF THE DISTRICT RESOLVES THAT**

**WHEREAS,** 6.051(a) of the Texas Property Tax Code authorizes the Board of Directors to establish an appraisal office, by purchase, lease or construction of improvements as necessary;

**WHEREAS,** the Board of Directors of the Central Appraisal District of Collin County published an invitation to bid in a Request for Proposals, dated February 16, 2006 and received proposals in accordance with requirements of the RFP;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CENTRAL APPRAISAL DISTRICT OF COLLIN COUNTY;**

**Section 1.** that the Board of Directors resolves to purchase a new, to be constructed 60,000 square feet office building, consisting of 35,000 square feet of finished office space and 25,000 square feet of shell space for future expansion, including other improvements to and on the land as setforth in the RFP. The subject project site is 8.22 +/- gross acres at the northeast corner of Eldorado Pkwy & College St, McKinney. The property is part of tax parcels 48 & 50 out of abstract 558, S. Mcfarland Survey consisting of 4.90 +/- acres and 3.3195 +/- acres from the most southerly part of Lot 2, The Action Two subdivision;

**Section 2.** the Board of Directors resolves to negotiate a contract with Cornerstone Development as the successful vendor proposing the subject site and improvements in accordance with the District's RFP requirements and that the total final contract will not exceed \$6,650,000 for the total purchase of the project;

**Section 3.** the Board of Directors resolves that a final contract will be executed only after the appropriate approval by the taxing units in accordance with Section 6.051(b) of the Texas Property Tax Code.

**Section 4.** the Board of Directors resolves to pursue appropriate permanent financing for the project, contingent on the tax units' approval of the purchase as outlined in Section 3 above, when a final contract is executed between Cornerstone Development and the Collin Central Appraisal District.

**DULY PASSED BY THE BOARD OF DIRECTORS OF THE CENTRAL APPRAISAL DISTRICT OF COLLIN COUNTY, ON THIS THE 5<sup>th</sup> DAY OF APRIL, 2006.**

APPROVED:

  
\_\_\_\_\_  
CHAIRMAN

ATTEST:

  
\_\_\_\_\_  
SECRETARY

## **Tab 4**

**MINUTES  
CITY OF MCKINNEY, TEXAS  
PLANNING & ZONING COMMISSION  
TUESDAY, MAY 23, 2006  
6:30 PM – COUNCIL CHAMBER – CITY HALL**

The Planning and Zoning Commission of the City of McKinney, Texas, met in regular session in the Council Chamber of the Municipal Building on Tuesday, May 23, 2006, at 6:30 p.m.

Commission Members present were Chairperson Bill Cox, Vice Chairperson Don Day, Travis Ussery, Jim Staif, Jan Elwell, Mitch Davison, and Dick Stevens. Staff members present were Assistant Director of Planning Melissa Henderson, Senior Planner Jennifer Lorance, Planners Jenny Baker, Dustin McAfee, Brandon Opiela, and Michael Quint, Planning Technicians Melanie Smith and Samantha Coxen, and Administrative Assistant Katherine Wright.

There were approximately 20 guests present.

Chairperson Cox presided.

Chairperson Cox explained the format and procedures of the meeting, as well as the role of the Commission. He announced that some of the items considered by the Commission on this date would be further considered by City Council at its regularly scheduled meeting of June 20, 2006 unless otherwise indicated, and that all required revisions should be submitted to the Planning Department for its review by May 30, 2006. He requested that applicants and Staff limit their remarks to ten minutes each, and that guests limit their remarks to five minutes and speak only once. Chairperson Cox explained that there is a timer located on the podium, and when one minute of the speaker's time is remaining, the light will switch from green to yellow, and when the speaker's time has been depleted, the light will switch from yellow to red and a buzzer will sound. He asked that everyone treat others with respect, be concise in all comments, and avoid over talking issues.

Chairperson Cox began the agenda with the Consent Items.

On a motion by Commission Member Ussery, seconded by Commission Member Staif, the Commission voted 7-0 to approve the Consent Items.

**Consider/Discuss/Act on the Minutes of the May 9, 2006 Planning and Zoning Commission Meeting.**

**Consider/Discuss/Act on the Request by Dowdey, Anderson & Associates, on Behalf of Summit Lake Development, Ltd., for Approval of a Revised Preliminary Final Plat for 143 Residential Lots, Summit View Lake Phase 2, 30.27 Acres, Located on the Southwest Corner of Summit View Drive and Lake Forest Drive.**

**06-204PF**

Chairperson Cox began the meeting with the Regular Items.

Chairperson Cox stepped down during the consideration of the next two items.

**Conduct a Public Hearing to Consider/Discuss/Act on the Request by Craig International and Cornerstone Development Corporation, on Behalf of Eldorado-Collin, L.P., Donald Motsenbocker, and James Bogard, for Approval of a Request to Rezone Approximately 39 Acres from "AG" – Agricultural District to "PD" –Planned Development District for Commercial and Multi-family Uses, Located on the North and South Sides of Eldorado Parkway, Approximately 700 Feet West of McDonald Street (State Highway 5.)**

**05-079Z\*  
PH**

Mr. Martin Sanchez, 220 East Virginia Street, McKinney, Texas, stated that he is representing Craig International and the joint venture that is proposing to develop the property. He stated that Craig International represents three of the tracts on the subject property. Mr. Sanchez stated that the additional parties involved have contracted to purchase this property as well as some of the property along Kentucky Street. He stated that they have petitioned to abandon Kentucky Street contingent upon their purchase of those properties. Mr. Sanchez stated that what they are attempting to do is to clean up the property lines on Tract A and to develop Tract A and Tract 1A as an office building. He stated that the user is the Collin County Central Appraisal District, which will provide approximately 125 new jobs to the City of McKinney. Mr. Sanchez stated that Staff has done a fantastic job of working with the developer. Commission Member Staif asked if the applicant wants to keep the multi-family zoning on Tract 1A. Mr. Sanchez stated yes. Commission Member Staif asked if the applicants still want the option for MF zoning if Tract A does not expand into



Tract 1A. Mr. Sanchez stated yes. He stated that the Collin County Central Appraisal District has full plans to expand into Tract 1A. Mr. Sanchez stated that the challenge is that if you were the owner of Tract 1A, would you be willing to give up some of the entitlements before the property closes. He stated that they are going through a juggling act of how they get there and satisfy all the parties involved. Mr. Sanchez stated that the seller of the 3 acres has stated that they would be willing to sell to the Collin County Central Appraisal District so long as none of their existing entitlements were removed. He stated that they are not trying to add multi-family; they just want to make sure that if the deal does not go through that they are not negatively affected. Commission Member Stevens asked if the applicant is comfortable with the Architectural Standards for Tracts B and C. Mr. Sanchez stated Tract 1, Tract 1A, and Tract B are intended to develop as an office park. He stated that Tract C has a significant amount of flood plain and there is a small usable area on this Tract. Mr. Sanchez stated that his client's desire on Tract C regarding the Architectural Standards is to be more consistent with industrial zoning. He stated that his client is willing to improve the façade that faces Eldorado Parkway. Commission Member Stevens asked if the applicant has problems with living up to the standards for Tract B. Mr. Sanchez stated no. Ms. Baker gave the staff report, explaining the proposed rezoning request. Ms. Baker stated that this rezoning request is essentially comprised of 4 separate tracts, Tract A, 1A, B, and C. She stated that Tract A is currently zoned for agricultural uses and Tract 1A is zoned for multi-family uses. Ms. Baker stated that these tracts are proposed to be developed for the Collin County Central Appraisal District office building. She stated that Tract 1A is to be developed as future phase 2 of the office building; however, no site plan has been submitted yet for this phase. Ms. Baker stated that should the development of future phase 2 not occur, the applicant is requesting to maintain the current multi-family zoning on Tract 1A. She stated that Tracts B and C are currently zoned as "AG" – Agricultural District. Ms. Baker stated that the applicant is requesting a base district of "C" – Planned Center, but with the allowance of some additional uses on these tracts only. She stated that Staff is also

recommending some additional special ordinance provisions regarding architectural standards. Ms. Baker stated that Staff is recommending approval of the proposed rezoning request, as conditioned in the staff report. Commission Member Day asked if there currently exists a mini warehouse that backs up to Tract C. Ms. Baker stated yes and showed the Commission the location of the mini warehouse. Commission Member Day asked if Ferrell Gas is located at the corner of the subject property. Ms. Baker stated yes. Commission Member Day asked why it is a requirement for the applicant to use a finished material on the back side of the building. Ms. Henderson stated that mini warehouse is not typically allowed in the "C" – Planned Center District, and this was something that Staff had to add as an additional use. She stated that given the surrounding uses, Staff was agreeable about adding it. Ms. Henderson stated that the City Council has said that mini warehouse only be allowed in light and heavy manufacturing districts. She stated that Staff was already going against that policy by recommending mini warehouse as a use in the "C" – Planned Center District, and they felt that if the applicant is going to develop mini storage that it needed to meet the full blown architectural standards. Ms. Henderson stated that there is a property located on the east side of Kentucky Street and the north side of Eldorado that property currently has zoning on it to allow mini storage. She stated that if they choose to develop, they would have to meet full blown architectural standards for a mini storage use as per their PD. She stated that while the applicant does have the argument that there are other uses around them that have not had to meet the architectural standards, but at the same time there are vacant properties that will develop that would have to meet the architectural standards or would have to get a meritorious exception from the Planning and Zoning Commission to develop outside of those architectural standards. Vice-Chairperson Day opened the public hearing and called for comments. There being none, on a motion by Commission Member Staif, seconded by Commission Member Ussery, the Commission voted 6-0 to close the public hearing and recommend approval of the proposed rezoning request with the special ordinance provisions listed in the staff report. Vice-Chairperson

Day stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council at the June 20, 2006, meeting.

**Conduct a Public Hearing to Consider/Discuss/Act on the Request by JDJR Engineers & Consultants, Inc., on Behalf of Eldorado-Collins, L.P., Donald Motsenbocker and James Bogard, for Approval of a Site Plan for a 60,000 Square Foot Office Building (Collin Central Appraisal District), 21.49 Acres, Located on the Northeast Corner of Eldorado Parkway and College Street.** **06-211SP\* PH**

Mr. Martin Sanchez, 220 East Virginia Street, McKinney, Texas, explained the proposed site plan. Mr. Sanchez stated that he concurs with Staff's recommendations. Commission Member Elwell asked what the plan is for expansion. Mr. Sanchez stated that the expansion will be additional office space and its associated parking. Commission Member Elwell asked if the building will expand on Tract A and if the parking will expand on Tract 1A. Mr. Sanchez stated yes. Commission Member Elwell asked if the buildings are going to be one story or two stories. Mr. Sanchez stated that he believes that the buildings will be one story, but he would not rule out the buildings possibly being two stories. Commission Member Staif stated that the elevations show one story buildings. Ms. Baker gave the staff report, explaining the proposed site plan. Ms. Baker stated that the applicant is requesting site plan approval for a 60,000 square foot office building which will be owned by the Central Appraisal District. She stated that this building is phase 1, and future phase 2 is planned to be a 40,000 square foot office building on the property to the north. Ms. Baker stated that Staff is recommending approval of the proposed site plan, as conditioned in the staff report. Vice-Chairperson Day opened the public hearing and called for comments. There being none, on a motion by Commission Member Ussery, seconded by Commission Member Staif, the Commission voted 6-0 to close the public hearing and recommend approval of the proposed site plan, as conditioned in the staff report. Vice-Chairperson Day stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council at the June 20, 2006, meeting.

Chairperson Cox returned to the dias.

**Conduct a Public Hearing to Consider/Discuss/Act on the Request by DRHI, Inc., on Behalf of Hank Haney Golf Course, for Approval of a Request to Rezone Approximately 55.95 Acres from "AG"-Agricultural District to "PD"-Planned Development District for Townhome and Single-Family Residential Uses, Located on the Northeast Corner of Custer Road and Future Silverado Trail.**

**06-042Z\*  
PH**

Mr. Pete Petsche, 2600 Eldorado Parkway, Suite 240, McKinney, Texas, explained the proposed rezoning request. He stated that he is requesting a rezone for the Hank Haney Golf Course from "AG" – Agricultural District to "PD" – Planned Develop District for townhomes and single-family residential uses. Mr. Petsche stated that he concurs with Staff's recommendations. Commission Member Elwell asked the applicant to explain the major egress and ingress points into and out of the subject property. Mr. Petsche stated that the major egress and ingress points will be located off of future Silverado Parkway and Custer Road. Commission Member Elwell asked if the curb cuts have been approved. Mr. Petsche stated that there is an existing curb cut on Custer Road and there is another curb cut location that they are still working on with the City of Frisco. Ms. Baker gave the staff report, explaining the proposed rezoning request. She stated that the applicant is requesting to rezone the subject property from "AG" – Agricultural Uses to a Planned Development District for single-family residential uses and townhomes. Ms. Baker stated that the subject property is currently in operation as the Hank Haney Golf Course. She stated that the applicant is also providing for approximately 15 acres of open space and will be constructing a 12 foot hike and bike trail along Custer Road. Ms. Baker stated that the townhome portion comprises approximately 37.31 acres with 289 townhome units to be rezoned in accordance with the townhome section of the Zoning Ordinance and develop in accordance with the townhome regulations in the REC Overlay District. She stated that the single-family detached portion comprises approximately 16.02 acres with 63 lots to be rezoned in accordance with the single-family residence district of the Zoning Ordinance and develop in accordance with the single-family detached regulations of the REC Overlay

District. Ms. Baker stated that Staff is recommending approval of the proposed rezoning request with the special ordinance provisions listed in the staff report. Commission Member Day asked if the exhibit shows an alley between the northern lots and the north property line of the subject property. Ms. Baker stated yes. Commission Member Day asked how wide the alley is. Ms. Baker stated 15 feet wide. Commission Member Stevens asked if the townhomes will be front entry or rear entry. Ms. Baker stated that the townhomes will be rear entry. Commission Member Davison asked if the single-family homes will be front entry. Ms. Baker stated yes. Commission Member Staif asked if the applicant agreed to build a fence along the northern property line. Ms. Baker stated yes. Chairperson Cox opened the public hearing and called for comments. Mr. Jerry Sanders, 10150 Barton Circle, Frisco, Texas, stated that he is in opposition to this item. Mr. Sanders stated that he is concerned about the traffic safety and the aesthetics and he is asking the Commission to consider two amendments to the PD that would address his concerns. He stated that the first issue concerns the traffic along Custer Road. Mr. Sanders stated that the attached layout provides limited access to the east from the northwest corner of the development and also to the west since the adjacent Custer Creek subdivision to the west has no other road connections other than its access to Custer Road. He stated that traffic lights on this corner would be governed by State regulations since this is a State owned road. Mr. Sanders stated that it is unlikely that the traffic will ever justify a light based upon the State traffic requirements for a signal. He stated that in order to keep this intersection safe, he is asking that the Commission consider requiring a decel lane along the northern side into the development. Mr. Sanders stated that the second issue has to do with the proposed development. He stated that he is asking the Commission to consider limiting development along Custer Road and along portions of the northern border to single story buildings. Mr. Sanders stated that limiting the height of the buildings along Custer Road and portions of the northern boundary will produce the following benefits: smaller buildings will generate less traffic noise. Lower roof lines will reflect the noise upward rather than outward

towards adjacent property owners, and single story buildings provide a more needed commodity for the elderly and disabled, thus creating a more diversified neighborhood. He stated that single story buildings provide more privacy for the adjacent property owners, and aesthetically the transition is more appealing and compliant with traditional design standards. He stated that the adjacent property owners have concerns about windows facing out onto their property, and a single story development would eliminate this problem. Chairperson Cox asked Mr. Sanders to show on the exhibit where his property is located in relation to the proposed development. Mr. Sanders showed the Commission the location of his property. Commission Member Staif asked Mr. Sanders if he lived in McKinney. Mr. Sanders stated that he lives in Frisco. Ms. Kim Mayer, 4021 South Custer Road, McKinney, Texas, stated she is in opposition to this item. Ms. Mayer stated that she concurs with the previous speaker's comments. She stated that when she moved into this area she was under the impression that there would be single-family dwellings and not townhomes. Ms. Mayer stated that she would prefer to have an 8 foot fence rather than a 6 foot fence because an 8 foot fence would provide more privacy. Mr. Rayburn Anderson, 4001 Custer Road, McKinney, Texas, stated that he is in opposition to this item and concurs with the previous speakers' concerns. He stated that he feels that there should be a way that the developer can design these buildings so that there are no windows facing onto his property. Mr. Anderson stated that he feels that wrought iron fencing with shrubs would provide more privacy rather than a 6 foot fence. Commission Member Staif asked if a wooden fence would suffice. Mr. Rayburn stated that wooden fences do not hold up well. He stated that he feels that wrought iron fencing with shrubs would help keep children away from his property so that they cannot have any contact with his livestock. Commission Member Staif stated that he feels that it would be less private if the applicant provided wrought iron fencing with shrubs. Mr. Anderson stated that he prefers a masonry fence or brick. On a motion by Commission Member Day, seconded by Commission Member Ussery, the Commission voted 7-0 to close the public hearing. Chairperson Cox asked the applicant to address the audience's

comments. Mr. Petsche stated that along the northern property line where there are townhomes, they have proposed and agreed with Staff to install a 6 foot wooden privacy fence. He stated that between that fence and the right-of-way to the alley is a 5 foot landscape strip. Mr. Petsche stated that they had revised the site plan to provide a 20 foot setback to the front of the garage off the alley, which totals 40 feet from the property line. He stated that he cannot eliminate second floor windows from the bedrooms. Mr. Petsche stated that in regards to the concerns along Custer Road, that he has agreed and revised the General Development Plan to provide a 40 foot wide landscape buffer and screening. He stated that he cannot agree to limit the townhomes to one story buildings. Mr. Petsche stated that along Custer Road, the City of McKinney has paid for the construction of four lanes via impact fee credits. He stated that there is a three way agreement between County, the City, and State which is based on traffic needs and the delays are out of the developer's and City's hands. He stated that in regards to the concerns about the intersection of future Silverado Parkway, he has met with the City of Frisco and has shifted the road 9 feet to the south so that the north right-of-line matches the south boundary of the property across Custer Road. Commission Member Staif stated that for the record Mr. Larkins, City Traffic Engineer, updated the Commission regarding the traffic impacts and improvements that are being made to Custer Road and he believes that Mr. Larkins said that all these issues regarding signal lights and so forth will be taken care of and that he does not see this development as having a major traffic impact on the area. Commission Member Day asked what the height restrictions are for fences. Ms. Henderson stated that a 6 foot fence is standard for residential. She stated that in this instance you do not really have a screening requirement between the two uses because they are both single-family residential and the applicant has agreed to install the 6 foot wooden fence as this would not normally be required between these two uses. Commission Member Day asked if the City has a height restriction on fences that indicates 80 inches or 84 inches. Ms. Henderson stated yes, there is a height limitation, and she would have to look at the ordinance because she is not sure if it is 80 inches or

84 inches. Commission Member Elwell asked with the economic impact, if Staff is reporting a negative economic impact, and why is that, and that secondly, has Staff looked at the current use and compared the two. Ms. Henderson stated that the model they use only takes into account the zoning and the current zoning is "AG" – Agricultural District, and because of the current zoning on the subject property it creates the negative impact. She stated that anytime you have residential zoning it is not going to be a big money maker for the City like a commercial use would be. On a motion by Commission Member Staif, seconded by Commission Member Ussery, the Commission voted 6-1 to recommend approval of the proposed rezoning request with the special ordinance provisions listed in the staff report. Commission Member Elwell opposed and stated that she is concerned primarily about traffic on Custer Road. She stated that Custer Road does not have the infrastructure to support this development. Commission Member Elwell stated that she believes that there will be a traffic burden on Custer Road when this development comes through. She stated that she always tries to avoid Custer Road because of the traffic. Commission Member Elwell stated that Custer Road needs to be expanded and according to Mr. Larkins this is not going to occur until 2010, and she feels that the City should wait a little bit longer to approve this change. Chairperson Cox stated that the recommendation of the Planning and Zoning Commission will be forwarded to the City Council at the June 6, 2006, meeting.

**Conduct a Public Hearing to Consider/Discuss/Act on the Request by Vilbig and Associates, on Behalf of CCC Partnership, for Approval of a Site Plan for Value Place Lodging Facility, 3.32 Acres, Located Approximately 2,000 Feet South of Bloomdale Road and on the West Side of U.S. Highway 75.**

**06-131SP\*  
PH**

Mr. David Vilbig, 10132 Monroe Drive, Dallas, Texas, explained the proposed site plan. Mr. McAfee gave the staff report, explaining the proposed site plan. Mr. McAfee stated that the applicant is proposing to construct a 42,984 square foot extended stay hotel on 3.32 acres generally located on the southwest corner of Bloomdale Road and U.S. Highway 75. He stated that the extended stay facility is proposing 121 units. Mr. McAfee stated that Staff is recommending



approval of the proposed site plan, as conditioned in the staff report. Chairperson Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Ussery, seconded by Commission Member Davison, the Commission voted 7-0 to close the public hearing and approve the site plan, as conditioned in the staff report. Chairperson Cox stated that the Planning and Zoning Commission is the final approval authority for the site plan.

**Conduct a Public Hearing to Consider/Discuss/Act on the Request by RLK Engineering, on Behalf of McKinney ISD, for Approval of a Site Plan for a 85,400 Square Foot Elementary School (Timber Creek Elementary School), 11.25 Acres, Located at the Southwest Corner of Hardin Boulevard and Holly Ridge Way**

**06-183SP\*  
PH**

Mr. Frank Canedy, 111 W. Main, Allen, Texas, explained the proposed site plan. Mr. Canedy stated that he concurs with Staff's recommendations. He stated that this item was tabled previously due to the concerns listed in the staff report by the Engineering Department regarding stacking distance along Holly Ridge Way. Mr. Canedy stated that the site plan has changed to allow additional stacking to take care of the Engineering Department's concern and that he is still working with the Engineering Department regarding the additional stacking. Commission Member Staif asked if the Engineering Staff still believes that there are stacking problems and the applicant concurs, does the applicant realize that he will have to come back with another site plan. Mr. Canedy stated yes, and McKinney Independent School District feels that this stacking is adequate based on previous MISD facilities. Ms. Baker gave the staff report, explaining the proposed site plan. Ms. Baker stated that the applicant is proposing to construct an 85,400 square foot elementary school on a 11.25 acre tract of land. She stated that the subject property is located within the Timber Creek subdivision and is within the McKinney Independent School District, and additionally a City park will be developed west of the proposed school. Ms. Baker stated that Staff is recommending approval of the proposed site plan, as conditioned in the staff report. Chairperson Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Ussery, seconded by

Commission Member Elwell, the Commission voted 7-0 to close the public hearing and approve the site plan, as conditioned in the staff report. Chairperson Cox stated that the Planning and Zoning Commission is the final approval authority for the site plan.

**Conduct a Public Hearing to Consider/Discuss/Act on the Request by L. A. Cates and Associates, on Behalf of McKinney Towne Crossing, for Approval of a Site Plan for a 12,152 Square Foot Retail and Restaurant Building, 1.76 Acres, Located on the North Side of State Highway 121 and Approximately 350 Feet East of Custer Road.** **06-194SP\* PH**

Mr. Mike Clark, 14800 Quorum Drive, Suite 200, Dallas, Texas, explained the proposed site plan. Mr. Clark stated that he concurs with Staff's recommendations. Mr. Opiela gave the staff report, explaining the proposed site plan. He stated that the applicant is proposing to construct a 12,152 square foot retail and restaurant building on 1.76 acres on the north side of State Highway 121 and approximately 350 feet east of Custer Road. Mr. Opiela stated that Staff is recommending approval of the proposed site plan, as conditioned in the staff report. Chairperson Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Staif, seconded by Commission Member Ussery, the Commission voted 7-0 to close the public hearing and approve the site plan, as conditioned in the staff report. Chairperson Cox stated that the Planning and Zoning Commission is the final approval authority for the site plan.

**Conduct a Public Hearing to Consider/Discuss/Act on the Request by The Dimension Group, on Behalf of Bryson Development/McKinney Growth III, L.P., for Approval of a Site Plan for 3,030 Square Foot Convenience Store (Lake Forest 7-Eleven), 1.15 Acres, Located on the Northeast Corner of Lake Forest Drive and McKinney Ranch Parkway.** **06-208SP\* PH**

Mr. Sidney Graham, 10755 Sand Hill Road, Dallas, Texas, explained the proposed site plan. Mr. Opiela gave the staff report, explaining the proposed site plan. He stated that the applicant is proposing to construct a 3,030 square foot 7-11 convenience store with gasoline sales on 1.15 acres at the northeast corner

of Lake Forest Drive and McKinney Ranch Parkway. Mr. Opiela stated that Staff is recommending approval of the proposed site plan, as conditioned in the staff report. Chairperson Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Ussery, seconded by Commission Member Elwell, the Commission voted 7-0 to close the public hearing and approve the site plan, as conditioned in the staff report. Chairperson Cox stated that the Planning and Zoning Commission is the final approval authority for the site plan.

**Conduct a Public Hearing to Consider/Discuss/Act on the Request by Cross Engineering Consultants, on Behalf of Bryson Development, for Approval of a Site Plan for a 10,185 Square Foot Building (Virginia Ridge Professional Park Addition), 1.21 Acres, Located at the Southeast Corner of Virginia Parkway and Ridge Road.**

**06-200SP\*  
PH**

Mr. Jon David Cross, 116 N. Tennessee Street, McKinney, Texas, explained the proposed site plan. Mr. Cross stated that a correction needs to be made regarding condition 2, which should read that they have submitted the second plat to Staff that is currently under review. Ms. Lorance stated that condition 2 states that the applicant submit a plat, and last week the applicant did submit a plat, so it could be modified to say that the minor replat be approved and filed. Mr. Cross stated that he has no issue with the wording. Ms. Henderson clarified that the applicant has submitted a minor replat. Commission Member Staif asked if the architecture of the building will look better than the building located on the west side. Mr. Cross stated yes. Chairperson Cox asked if this building will look as nice as the building located behind it. Mr. Cross stated yes. Mr. Opiela gave the staff report, explaining the proposed site plan. He stated that the applicant is proposing to construct a 10,185 square foot office building on 1.21 acres at the southeast corner of Virginia Parkway and Ridge Road. Mr. Opiela stated that Staff is recommending approval of the proposed site plan, as conditioned in the staff report. Chairperson Cox opened the public hearing and called for comments. Mr. Mike Crise, 175 Ridge Road, Suite 600, McKinney, Texas, stated that he offices in the building south of the subject property. He stated that he has questions regarding the elevation of the property and how it

will be related to the building located behind it. Mr. Crise stated that he is concerned about the curb cut, if there are any, located on Virginia Parkway. On a motion by Commission Member Ussery, seconded by Commission Member Elwell, the Commission voted 7-0 to close the public hearing. Chairperson Cox asked the applicant to address the concerns of the audience. Mr. Cross stated that they are proposing a drive connection through to Virginia Parkway. He stated that there is a lot of elevation on this site and they have decided to tie the finished floor of this building to Mr. Crise's existing driveway. Mr. Cross stated that the grade differential will take place between the curb line and dramatic retaining walls that step down between here and the existing curb cut. On a motion by Commission Member Ussery, seconded by Commission Member Staif, the Commission voted 7-0 to approve the site plan, as conditioned in the staff report. Chairperson Cox stated that the Planning and Zoning Commission is the final approval authority for the site plan.

**Conduct a Public Hearing to Consider/Discuss/Act on the Request by The Dimension Group, on Behalf of H.J.R. Partners, L.P., for Approval of a Minor Replat for Stonebridge Parcel 903, 14.744 Acres, Located on the Northeast Corner of Stonebridge Drive and Eldorado Parkway.**

**06-209MRP\*  
PH**

Mr. Sidney Graham, 10755 Sand Hill Road, Dallas, Texas, explained the proposed minor replat. Commission Member Ussery asked the applicant if he concurs with Staff's recommendations. Mr. Graham stated yes. Mr. Opiela gave the staff report, explaining the proposed minor replat. He stated that the applicant is proposing to subdivide one lot into three lots. Mr. Opiela stated that the applicant has indicated that Lot 10, Block A will be used to construct a convenience store with gasoline sales and has submitted an associated site plan which is currently under review by Staff. Mr. Opiela stated that Staff is recommending approval of the proposed minor replat, as conditioned in the staff report. Chairperson Cox opened the public hearing and called for comments. There being none, on a motion by Commission Member Ussery, seconded by Commission Member Staif, the Commission voted 7-0 to close the public hearing and approve the minor replat, as conditioned in the staff report. Chairperson Cox

stated that the Planning and Zoning Commission is the final approval authority for the minor replat.

Ms. Henderson stated that this is the last Planning and Zoning Commission meeting for Chairperson Cox. She stated that Chairperson Cox has served 6 years on the Planning and Zoning Commission and 5 of those years he has served as Chairperson. Ms. Henderson stated that Chairperson Cox has provided valuable leadership to this Commission. Ms. Henderson stated that Chairperson Cox has missed only one meeting in the last 6 years and that is a dedication to this community that is unmatched. She stated that his absence on this board is definitely going to leave a void that we will all feel. Ms. Henderson stated that Chairperson Cox is moving onto the City Council and we look forward to his continued leadership there and know that he is going to do a great job. Ms. Henderson stated that on behalf of the City of McKinney and especially the Planning Department, we want to present a small token, a plaque, of our appreciation for his dedication and service to the City and for his friendship as well.

Chairperson Cox stated that he has been here 6 years and for the first time his wife and family are present. He stated that he has been fortunate to serve with some wonderful people and hopefully along the way he has made a difference for the City of McKinney. Chairperson Cox stated that it has been exciting, sometimes fun, and he has learned a lot from those that he has served with. He stated that he wishes everyone the best.

Commission Member Staif stated that he has enjoyed the relationship with Chairperson Cox and knows that he will do an excellent job serving on the City Council.

There being no further business, Chairperson Cox declared the meeting adjourned at 7:30 p.m.

---

DON DAY, VICE-CHAIRPERSON

## **Tab 5**

2004- 0175053

"Notice of Confidentiality rights: If you are a Natural Person, you may remove or strike any of the following information from this instrument before it is filed for record in the Public Records: Your Social Security Number or your Drivers' License Number."

GF NO. 1412000810

**SPECIAL WARRANTY DEED  
WITH VENDOR'S LIEN**

COUNTY CLERK'S MEMO  
PORTIONS OF THIS  
DOCUMENT NOT  
REPRODUCIBLE  
WHEN RECORDED

5810 01635

THE STATE OF TEXAS  
COUNTY OF COLLIN

§  
§  
§

KNOW ALL MEN BY THESE PRESENTS:

THAT WE, JAMES WILLIAM BOGARD of Irving, Texas; BEVERLY HANEY CRECELIUS of Las Vegas, Nevada; DEBBIE HANEY of Las Vegas, Nevada; and MOZELLE BOGARD, of McKinney, Texas (hereinafter referred to as "Grantor"), for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS and other valuable consideration to the undersigned paid by the Grantee herein named, the receipt of which is hereby acknowledged, and the further consideration of the execution and delivery to NORTH DALLAS BANK & TRUST COMPANY by Grantee of Grantee's promissory note of even date herewith in the principal amount of ONE HUNDRED FIFTEEN THOUSAND AND NO/100 DOLLARS (\$115,000.00) bearing interest as therein specified, payable as therein specified, the payment of which note is secured by the Vendor's Lien herein retained, and is additionally secured by a Deed of Trust of even date herewith to LARRY A. MILLER, Trustee, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY unto ELDORADO - COLLIN, L.P., whose mailing address is 802 E. 15th Street, Plano, Texas 75074 (herein referred to as "Grantee"), all of the following described real property in Collin County, Texas (hereinafter referred to as the "Property"),  
to-wit:



5810 01636

TRACT ONE: Being a 18.00 acre tract of land in the Samuel McFarland Survey, Abst. No. 558, in the City of McKinney, Collin County, Texas, and being more fully described in Exhibit "A" attached hereto and incorporated herein by reference.

TRACT TWO: Being a 16.938 acre tract of land in the Samuel McFarland Survey, Abst. No. 558, in the City of McKinney, Collin County, Texas, and being more fully described in Exhibit "A" attached hereto and incorporated herein by reference.

This conveyance shall include all and singular the rights and appurtenances pertaining to the Property; including all buildings, structures, fixtures, and improvements located thereon.

This conveyance additionally includes any interest of Grantor, if any, in and to any land lying in any street, road, accessway, or easement, open or proposed, in front of, or adjoining, or within the Property.

This conveyance is expressly made subject to the exceptions listed on Exhibit "B" attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD the above described Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, its successors and assigns; and Grantor does hereby themselves, their heirs and assigns to WARRANT AND FOREVER DEFEND all and singular the said Property unto the said Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through, or under Grantor, but not otherwise, subject, however, to the aforesaid exceptions.

But it is expressly agreed that the VENDOR'S LIEN, as well as the Superior Title in and to the above described Property, is retained against the above described Property, premises and improvements until the above described note and all interest are fully paid according to the face, tenor, effect, and reading thereof, when this Deed shall become absolute.

NORTH DALLAS BANK & TRUST COMPANY, at the instance and request of the Grantee herein, having advanced and paid in cash to the Grantor herein, that portion of the purchase price of

5810 01637

the herein described Property as is evidenced by the hereinbefore described ONE HUNDRED FIFTEEN THOUSAND AND NO/100 DOLLARS (\$115,000.00) note, the Vendor's Lien, together with the Superior Title to said Property is retained herein for the benefit of the said NORTH DALLAS BANK & TRUST COMPANY and the same are hereby TRANSFERRED AND ASSIGNED to the said NORTH DALLAS BANK & TRUST COMPANY and NORTH DALLAS BANK & TRUST COMPANY, its successors or assigns shall have the right to release said Vendor's Lien upon the payment of said note.

EXECUTED on the dates of the acknowledgments, but to be EFFECTIVE on the 3<sup>rd</sup> day of December, 2004.

*James William Bogard*  
JAMES WILLIAM BOGARD

*Beverly Haney Crecelius*  
BEVERLY HANEY CRECELIUS

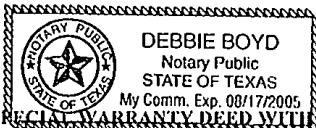
*Debbie Haney*  
DEBBIE HANEY

*Mozelle Bogard*  
MOZELLE BOGARD

STATE OF TEXAS §  
COUNTY OF COLLIN §

This instrument was acknowledged before me on the 3 day of December, 2004, by JAMES WILLIAM BOGARD.

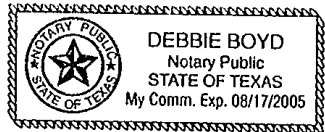
*Debbie Boyd*  
NOTARY PUBLIC STATE OF TEXAS



5810 01638

STATE OF TEXAS §  
§  
COUNTY OF COLLIN §

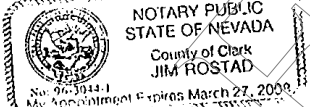
This instrument was acknowledged before me on the 3 day of December, 2004, by MOZELLE BOGARD.



*Debbie Boyd*  
NOTARY PUBLIC STATE OF TEXAS

STATE OF NEVADA §  
§  
COUNTY OF §

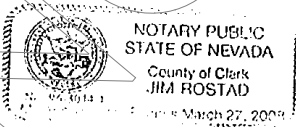
This instrument was acknowledged before me on the 4<sup>th</sup> day of December, 2004, by BEVERLY HANEY CRECELIUS.



*Jim Rostad*  
NOTARY PUBLIC STATE OF NEVADA

STATE OF NEVADA §  
§  
COUNTY OF §

This instrument was acknowledged before me on the 4<sup>th</sup> day of December, 2004, by DEBBIE HANEY.



*Jim Rostad*  
NOTARY PUBLIC STATE OF NEVADA

AFTER RECORDING, RETURN TO:  
ELDORADO - COLLIN, L.P.  
802 E. 15th Street  
Plano, Texas 75074

1412000810Jb

5810 01639

Exhibit A

Tract 1:

BEING a 18.000 acre tract of land situated in the Samuel McFarland Survey, Abstract Number 558 in the City of McKinney, Collin County, Texas and being a portion of a 29.27 acre tract of land described by deed to W.R. Bogard as recorded in Volume 318, Page 248 of the Deed Records of Collin County Texas (DRCCT) and also being a portion of a 8.91 acre tract of land described by deed to W.R. Bogard as recorded in Volume 323, Page 101 (DRCCT) and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod set in the west line of said 29.27 acre tract of land and being located in the north right-of-way line of Eldorado Parkway (120' wide) as described in Volume 2896, Page 555 (DRCCT);

THENCE along the west line of said 29.27 acre tract of land, NORTH 01°08'13" EAST a distance of 590.72 feet to a 5/8 inch iron rod set for the northwest corner of said 29.27 acre tract of land and being located in the south line of Park Place an addition to the City of McKinney according to the plat recorded in Cabinet F, Page 366 of the Plat Records of Collin County Texas (PRCCT);

THENCE along the north line of said 29.27 acre tract of land and the north line of said 8.91 acre tract of land, NORTH 90°00'00" EAST a distance of 1,445.66 feet to a 5/8 inch iron rod set for corner;

THENCE departing the northerly line of said 29.27 acre tract of land SOUTH 15°45'15" WEST a distance of 230.81 feet to a 5/8 inch iron rod set for corner;

THENCE SOUTH 15°12'37" WEST a distance of 115.33 feet to a 5/8 inch iron rod set for corner;

THENCE SOUTH 89°59'19" EAST a distance of 100.00 feet to a point for corner located on the west edge of a storm sewer manhole for the southeast corner of said 8.91 acre tract of land and being located in the east line of said 29.27 acre tract of land;

THENCE along the east line of said 29.27 acre tract of land, SOUTH 15°33'00" WEST a distance of 160.69 feet to a 5/8 inch iron rod set in the north right-of-way line of said Eldorado Parkway and being in a curve to the right having a radius of 990.00 feet and a chord bearing of South 79°37'02" West;

THENCE along the north right-of-way line of said Eldorado Parkway as follows:

Continuing along said curve to the right through a central angle of 15°45'51" for an arc length of 272.39 feet to a 5/8 inch iron rod set for corner;

SOUTH 87°29'58" WEST a distance of 1,155.34 feet to the POINT OF BEGINNING;  
CONTAINING within these metes and bounds 18.000 acres or 784,067 square feet of land more or less

Tract 2:

BEING a 16.938 acre tract of land situated in the Samuel McFarland Survey, Abstract Number 558 in the City of McKinney, Collin County, Texas and being a portion of a 29.27 acre tract of land described by deed to W.R. Bogard as recorded in Volume 318, Page 248 of the Deed Records of Collin County Texas (DRCCT) and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod set in the west line of said 29.27 acre tract of land and being

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located in the south right-of-way line of Eldorado Parkway (120' wide) as described in Volume 2896, Page 555 (DRCCT);

THENCE along the south right-of-way line of said Eldorado Parkway as follows:

NORTH 87°29'58" EAST a distance of 1,162.97 feet to a 5/8 inch iron rod set for the beginning of a curve to the left having a radius of 1,110.00 feet and a chord bearing of North 81°36'03" East;

Continuing along said curve to the left through a central angle of 11°47'51" for an arc length of 228.55 feet to a 5/8 inch iron rod set in the east line of said 29.27 acre tract of land and being the west line of the old abandoned Texas Electric Railway;

THENCE departing the south line of said Eldorado Parkway and following the east line of said 29.27 acre tract of land as follows:

SOUTH 14°30'18" WEST a distance of 6.83 feet to a 5/8 inch iron rod set for corner;

SOUTH 18°00'17" WEST a distance of 239.81 feet to a 5/8 inch iron rod set for corner;

SOUTH 29°16'14" WEST a distance of 223.98 feet to a 5/8 inch iron rod set for corner;

SOUTH 36°28'55" WEST a distance of 185.24 feet to a 5/8 inch iron rod set for corner;

SOUTH 34°13'31" WEST a distance of 167.65 feet to a 5/8 inch iron rod set for corner;

SOUTH 34°21'43" WEST a distance of 21.48 feet to a 5/8 inch iron rod set in the north line of Lot 1, Block A of Allen's Wholesale Meats Addition an addition to the City of McKinney according to the plat recorded in Cabinet P, Page 255 of the Plat Records of Collin County Texas (PRCCT);

SOUTH 89°14'40" WEST a distance of 52.27 feet to a 5/8 inch iron rod set for the northwest corner of said Lot 1;

SOUTH 00°36'58" EAST with the west line of said Lot 1 a distance of 74.58 feet to a 5/8 inch iron rod set for corner;

Departing the west line of said Lot 1, SOUTH 34°21'43" WEST a distance of 375.57 feet to a point for corner located in the north bank of Wilson Creek;

THENCE along the meanderings of the north bank of said Wilson Creek as follows:

NORTH 09°12'42" EAST a distance of 39.62 feet to a point for corner;  
NORTH 26°12'16" WEST a distance of 18.88 feet to a point for corner;  
NORTH 67°32'50" WEST a distance of 30.11 feet to a point for corner;  
NORTH 81°03'10" WEST a distance of 54.66 feet to a point for corner;  
NORTH 61°14'18" WEST a distance of 26.23 feet to a point for corner;  
NORTH 32°53'12" WEST a distance of 20.09 feet to a point for corner;  
NORTH 08°09'44" WEST a distance of 190.81 feet to a point for corner;  
NORTH 36°07'11" EAST a distance of 106.43 feet to a point for corner;  
NORTH 06°50'07" EAST a distance of 46.15 feet to a point for corner;  
NORTH 29°53'41" WEST a distance of 70.54 feet to a point for corner;

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NORTH 54°25'57" WEST a distance of 52.29 feet to a point for corner;  
NORTH 82°48'57" WEST a distance of 29.90 feet to a point for corner;  
SOUTH 56°44'31" WEST a distance of 74.07 feet to a point for corner;  
SOUTH 65°23'51" WEST a distance of 24.42 feet to a point for corner;  
NORTH 71°12'20" WEST a distance of 64.57 feet to a point for corner;  
NORTH 53°52'12" WEST a distance of 139.13 feet to a point for corner;  
NORTH 19°31'08" WEST a distance of 27.43 feet to a point for corner;  
NORTH 30°59'06" EAST a distance of 151.38 feet to a point for corner;  
NORTH 20°55'39" EAST a distance of 78.97 feet to a point for corner;  
NORTH 33°50'55" WEST a distance of 44.92 feet to a point for corner;  
NORTH 69°29'32" WEST a distance of 39.40 feet to a point for corner;  
SOUTH 88°03'14" WEST a distance of 31.17 feet to a point for corner;  
SOUTH 48°43'47" WEST a distance of 111.07 feet to a point for corner;  
SOUTH 68°42'20" WEST a distance of 37.14 feet to a point for corner;  
SOUTH 86°35'36" WEST a distance of 46.84 feet to a point for corner;  
NORTH 73°50'30" WEST a distance of 28.57 feet to a point for corner;  
NORTH 52°46'51" WEST a distance of 52.83 feet to a point for corner;  
NORTH 38°41'40" WEST a distance of 24.94 feet to a point for corner;  
NORTH 10°09'57" WEST a distance of 45.96 feet to a point for corner;  
NORTH 90°00'00" WEST a distance of 29.83 feet to a point for corner located in the west line of said 29.27 acre tract of land;

THENCE along the west line of said 29.27 acre tract of land, NORTH 01°08'13" EAST a distance of 168.53 feet to the POINT OF BEGINNING; CONTAINING within these metes and bounds 16.938 acres or 737,813 square feet of land more or less.

5810 01642

EXHIBIT "B"

- a. Easement executed by W. R. Bogard and Sallie B. Bogard, to City of McKinney, dated October 7, 1964, filed October 7, 1964, recorded in/under Volume 641, Page 555 of the Real Property Records of COLLIN County, Texas, as noted on survey by Austin J. Bedford R.P.L.S. No. 4132, dated October 25, 2004, revised November 1, 2004, and further revised November 4, 2004.
- b. Easement executed by W.R.Bogard to City of McKinney, dated December 31, 1953, recorded in/under Volume 479, Page 308 of the Real Property Records of COLLIN County, Texas, as noted on survey by Austin J. Bedford R.P.L.S. No. 4132, dated October 25, 2004, revised November 1, 2004, and further revised November 4, 2004.
- c. Easement executed by W.R. Bogard and Mrs.W.R. Bogard, to City of McKinney, dated March 24, 1950, recorded in/under Volume 412, Page 170 of the Real Property Records of COLLIN County, Texas, as noted on survey by Austin J. Bedford R.P.L.S. No. 4132, dated October 25, 2004, revised November 1, 2004, and further revised November 4, 2004.
- d. Easement executed by W.R.Bogard and Mrs.W.R.Bogard, to City of McKinney, dated March 24, 1950, recorded in/under Volume 412, Page 169 of the Real Property Records of COLLIN County, Texas, as noted on survey by Austin J. Bedford R.P.L.S. No. 4132, dated October 25, 2004, revised November 1, 2004, and further revised November 4, 2004.
- e. Easement executed by Earl Milstead and wife, Lanie Milstead, to Texas Power and Light Company, dated November 10, 1938, filed January 18, 1939, recorded in/under Volume 313, Page 379 of the Real Property Records of COLLIN County, Texas, as noted on survey by Austin J. Bedford R.P.L.S. No. 4132, dated October 25, 2004, revised November 1, 2004, and further revised November 4, 2004.
- f. Easement executed by W.R.Bogard et ux Sara Bogard, to Texas Power and Light Company, dated November 10, 1938, recorded in/under Volume 313, Page 376 of the Real Property Records of COLLIN County, Texas, as noted on survey by Austin J. Bedford R.P.L.S. No. 4132, dated October 25, 2004, revised November 1, 2004, and further revised November 4, 2004.
- g. Easement executed by W.R. Bogard to City of McKinney, dated April 17, 1985, filed April 18, 1985, recorded in/under Volume 2112, Page 236 of the Real Property Records of COLLIN County, Texas, as shown on survey by Austin J. Bedford R.P.L.S. No. 4132, dated October 25, 2004, revised November 1, 2004, and further revised November 4, 2004. (Tract 2)
- h. Easement executed by Erwin Ray Bogard, James William Bogard, Debbie Haney and Beverly Haney Crecelius, to City of McKinney, dated June 1, 2001, filed July 13, 2001, recorded in/under CC# 01-85252 of the Real Property Records of COLLIN County, Texas, as shown on survey by Austin J. Bedford R.P.L.S. No. 4132, dated October 25, 2004, revised November 1, 2004, and further revised November 4, 2004. (Tracts 1 and 2)

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UNOFFICIAL

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS HEREBY AND UNENFORCEABLE UNDER FEDERAL LAW (COUNTY OF COLLIN) (THE STATE OF TEXAS) I hereby certify that this instrument was filed in the File Number Sequence on the date and the time stamped hereon by me, and was duly RECORDED in the Official Public Records of Real Property of Collin County.

DEC 07 2004

Brenda Taylor



Filed for Record in:  
Collin County, McKinney TX  
Honorable Brenda Taylor  
Collin County Clerk

On Dec 07 2004  
At 10:47am

Doc/Num : 2004- 0175053

Recording/Type:D1 30.00  
Receipt #: 47953



## **Tab 6**



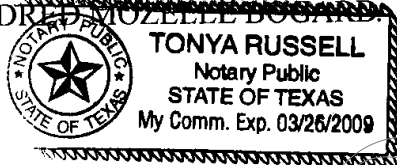
assigns; and I hereby bind myself, my heirs, executors and administrators to WARRANT AND FOREVER DEFEND all and singular the said Property unto the said Grantee, his heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, subject, however, to the aforesaid exceptions.

EXECUTED on the dates of the acknowledgments, but to be EFFECTIVE on the 15th day of February, 2006.

*Mildred Mozelle Bogard*  
Mildred Mozelle Bogard

THE STATE OF TEXAS    §  
  §  
COUNTY OF COLLIN    §

This instrument was acknowledged before me on the 15 day of February, 2006, by  
MILDRED MOZELLE BOGARD



*Tonya Russell*  
NOTARY PUBLIC STATE OF TEXAS

AFTER RECORDING RETURN TO:

Abernathy, Roeder, Boyd & Joplin, P.C.  
Attention: Wendy Howard  
1700 Redbud Blvd., Suite 300  
McKinney, Texas 75070

Exhibit A

PROPERTY DESCRIPTION

Being a 0.256 acre tract of land situated in the Samuel McFarland Survey, Abstract No. 558, in the City of McKinney, Collin County, Texas, and being all of that certain tract conveyed to Erwin Ray Bogard and wife, Mildred Bogard by deed recorded in Volume 687, Page 4357 of the Deed Records of Collin County, Texas, and also being a portion of that certain 8.91 acre tract of land conveyed to W.R. Bogard by deed recorded in Volume 323, Page 101, Deed Records, Dallas County, Texas, said 0.256 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8-inch steel rod with plastic cap stamped "JDJR" found for corner in the west right of way line of Kentucky Street (having a variable width right-of-way), said point being the southeast corner of the aforementioned Erwin and Mildred Bogard Tract and also being the southeast corner of the aforementioned 8.91 acre Bogard Tract, said point also being the most easterly-northeast corner of that certain 18.000 acre tract conveyed to Eldorado-Collin, L.P. by deed recorded under Document No. 2004-0175053 (Tract I) in the Official Public Records of Collin County, Texas;

THENCE, North 89 degrees 59 minutes 19 seconds West, along the south line of said Erwin and Mildred Bogard Tract, same being the south line of said 8.91 acre Bogard Tract and a north line of said Eldorado-Collin Tract, a distance of 100.00 feet to a 5/8-inch steel rod found for corner, said point being the southwest corner of said Erwin and Mildred Bogard Tract and also being an interior corner of said Eldorado-Collin Tract;

THENCE, North 15 degrees 12 minutes 37 seconds East, along the west line of said Erwin and Mildred Bogard Tract, same being an east line of said Eldorado-Collin Tract, a distance of 115.33 feet to a 5/8-inch steel rod with plastic cap stamped "JDJR" found for corner, said point being the northwest corner of said Erwin and Mildred Bogard Tract and also being the southwest corner of that certain tract conveyed to James W. Bogard by deed recorded in Volume 861, Page 312, Deed Records, Collin County, Texas;

THENCE, South 89 degrees 53 minutes 08 seconds East, along the north line of said Erwin and Mildred Bogard Tract, same being the south line of said James Bogard Tract, a distance of 100.66 feet to a 1/2-inch steel rod found for corner in the west right of way line of said Kentucky Street;

THENCE, South 15 degrees 33 minutes 00 seconds West, along the west right of way line of said Kentucky Street, a distance of 115.33 feet to the PLACE OF BEGINNING.

CONTAINING a computed area of 11,160 square feet or 0.256 acres of land.

## EXHIBIT B

1. Easement executed by W.R. Bogard to City of McKinney, dated December 31, 1953, recorded in/under Volume 479, Page 308 of the Real Property Records of Collin County, Texas.
2. Easement executed by W.R. Bogard and Mrs. W.R. Bogard to City of McKinney, dated March 24, 1950, recorded in/under Volume 412, Page 170 of the Real Property Records of Collin County, Texas
3. Easement executed by W.R. Bogard and Mrs. W.R. Bogard to City of McKinney, dated march 24, 1950, recorded in/under Volume 412, Page 169 of the Real Property Records of Collin County, Texas.
4. Easement executed by Earl Milstead and wife, Lanie Milstead to Texas Power and Light Company, dated November 10, 1938, filed January 18, 1939, recorded in/under Volume 313, Page 379 of the Real Property Records of Collin County, Texas.

UNOFFICIAL

Filed and Recorded  
Official Public Records  
Brenda Taylor, County Clerk  
Collin County, TEXAS  
02/17/2006 09:11:15 AM  
\$28.00 DLAIRD  
20060217000213020



*Brenda Taylor*

# Tab 7



**EXCHANGE DEED**  
(Special Warranty)

STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF COLLIN §

THAT THE CITY OF MCKINNEY, TEXAS, hereinafter referred to as Grantor, whether one or more, for and in consideration of certain lands received in exchange from ELDORADO-COLLIN, L.P. a Texas general partnership, herein referred to as the Grantee, the receipt and sufficiency of which is hereby acknowledged, HAS GRANTED, SOLD AND CONVEYED and by these presents does GRANT, SELL AND CONVEY unto ELDORADO-COLLIN, L.P., a Texas limited partnership, Grantee, all of the following described real property in Collin County, Texas (the "Property") to-wit:

See Exhibit "A" attached hereto and incorporated herein by reference.

This conveyance is made and accepted subject to those Easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and other instruments, other than liens and conveyances, that affect the property; rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; and any encroachments or overlapping of improvements.

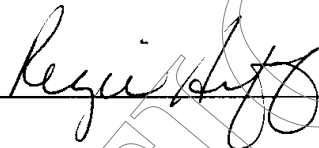
TO HAVE AND TO HOLD the above described property, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantor, together with its assigns forever; and Grantor does hereby bind itself and its assigns, against every person

whomsoever lawfully claiming or to claim the same or any part thereof, by, through and under Grantor, but not otherwise, subject to the exceptions set forth above.

It is expressly agreed that any liens that would arise in favor of either party by operation of law by reason of the exchange of property, shall not exist in favor of either party against the other, and any and all implied liens so arising are expressly waived and released by the parties hereto.

EXECUTED on the date of the acknowledgment set forth hereinbelow; however, to be effective the 13th day of February, 2006.

CITY OF MCKINNEY, TEXAS

BY: 

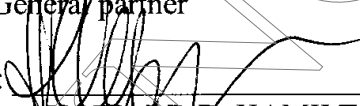
ATTEST:

 2/13/06

ACCEPTED:

ELDORADO-COLLIN, L.P.

BY: SUGAR HOLDINGS, L.L.C.  
Its General partner

BY:   
HOWARD D. HAMILTON, JR.  
Managing Member

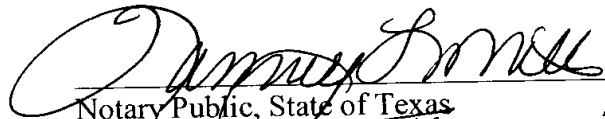




STATE OF TEXAS §

COUNTY OF COLLIN §

This instrument was acknowledged before me on the 13 day of February, 2006, by Regie Neff, Asst City mgr of CITY OF MCKINNEY, TEXAS, on its behalf.

  
Notary Public, State of Texas  
Notary's Printed Name: Amy L Mills  
My Commission Expires: 3/15/08



UNOFFICIAL

**Exhibit A**

BEING a 0.649 acre tract of land situated in the Samuel McFarland Survey, Abstract No. 558, in the City of McKinney, Collin County, Texas, and being a portion of that certain tract of land conveyed to the City of McKinney, according to the deed thereof recorded in Volume 2778, Page 763 of the Deed Records of Collin County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found in the south line of Eldorado Parkway (a 120 foot right-of-way) for the northwest corner of said City of McKinney tract, same being the northeast corner of a tract of land conveyed to W.R. Bogard, according to the deed thereof recorded in Volume 2896, Page 555 of the Deed Records of Collin County, Texas;

THENCE North 69 degrees 45 minutes 12 seconds East, with said south line of Eldorado Parkway, a distance of 199.38 feet to a 1/2 inch iron rod found for the beginning of a curve to the right, having a central angle of 12 degrees 08 minutes 47 seconds, a radius of 990.00 feet and and a chord bearing of North 75 degrees 49 minutes 28 seconds East, a distance of 209.48 feet;

THENCE, with said curve to the right, an arc distance of 209.88 feet to a 1/2 inch iron rod set with cap stamped "CEI" for the northeast corner of said City of McKinney tract, same being the northwest corner of a tract of land conveyed to Aeon Corporation, according to the deed thereof recorded in Volume 1342, Page 853 of the Deed Records of Collin County, Texas;

THENCE South 03 degrees 59 minutes 33 seconds East, departing said south line of Eldorado Parkway and with the common line of said City of McKinney and Aeon Corporation tracts, a distance of 111.24 feet to a 1/2 inch iron rod set with cap stamped "CEI" for the southeast corner of said City of McKinney tract, same being the southwest corner of said Aeon Corporation tract, same being in the north line of a tract of land conveyed to Ferrellgas, according to the deed thereof recorded in Volume 5746, Page 5725 of the Deed Records of Collin County, Texas;

THENCE, South 86 degrees 23 minutes 48 seconds West, departing said common line of said City of McKinney and Aeon Corporation tracts and with the common line of said City of McKinney and Ferrellgas tracts, a distance of 405.07 feet to a 1/2 inch iron rod found in the southwest corner of said City of McKinney tract, same being the northwest corner of said Ferrellgas tract, same being in the west line of the above mentioned W.R. Bogard tract;

THENCE, North 21 degrees 31 minutes 08 seconds East, with said west line of W.R. Bogard tract, a distance of 17.34 feet to the POINT OF BEGINNING.  
Said property contains a computed area of 28,278 square feet or 0.649 acres of land, more or less.

Filed and Recorded  
Official Public Records  
Brenda Taylor, County Clerk  
Collin County, TEXAS  
02/16/2006 03:31:37 PM  
\$29.00 PHORN  
20060216000209960



*Brenda Taylor*

# Tab 8



**EXCHANGE DEED**  
(Special Warranty)

STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF COLLIN §

THAT ELDORADO-COLLIN, L.P., a Texas limited partnership, by and through its duly authorized general partner, hereinafter referred to as Grantor, whether one or more, for and in consideration of certain lands received in exchange from the CITY OF MCKINNEY, TEXAS, herein referred to as the Grantee, the receipt and sufficiency of which is hereby acknowledged, HAS GRANTED, SOLD AND CONVEYED and by these presents does GRANT, SELL AND CONVEY unto the CITY OF MCKINNEY, TEXAS, an incorporated municipality, Grantee, all of the following described real property in Collin County, Texas (the "Property") to-wit:

Being 0.7637 acres of land in the Samuel McFarland Survey, Abst. No. 558, in the City of McKinney, Collin County, Texas, more fully described in Exhibit "A" attached hereto and incorporated herein by reference.

This conveyance is made and accepted subject to the exceptions listed on Exhibit "B" attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD the above described property, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantor, together with its assigns forever; and Grantor does hereby bind itself and its assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through and under Grantor, but not otherwise, subject to the exceptions set forth above.

It is expressly agreed that any liens that would arise in favor of either party by operation of law by reason of the exchange of property, shall not exist in favor of either party against the other, and any and all implied liens so arising are expressly waived and released by the parties hereto.

EXECUTED on the date of the acknowledgment set forth hereinbelow; however, to be effective the 13th day of February, 2006.

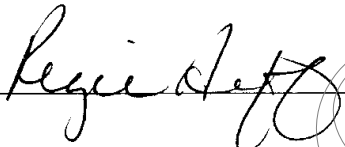
ELDORADO-COLLIN, L.P.

BY: SUGAR HOLDINGS, L.L.C.  
Its General partner

BY:   
HOWARD D. HAMILTON, JR.  
Managing Member

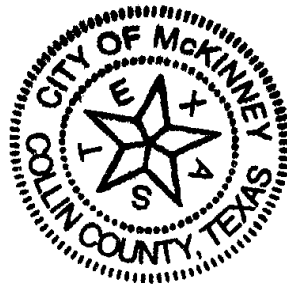
ACCEPTED:

CITY OF MCKINNEY, TEXAS

BY: 

ATTEST:

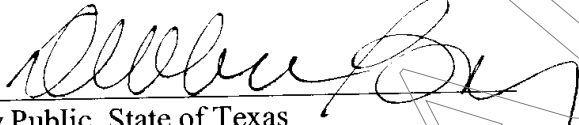


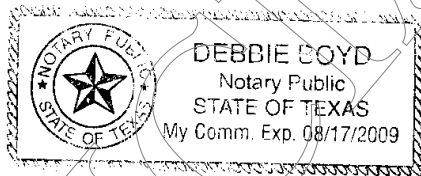
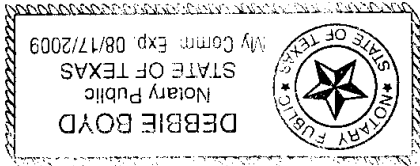


STATE OF TEXAS §

COUNTY OF COLLIN §

This instrument was acknowledged before me on the 13 day of February, 2006, by HOWARD D. HAMILTON, JR., Managing Member of SUGAR HOLDINGS, L L C, a Texas limited liability company, general partner of ELDORADO-COLLIN, L.P., a Texas limited partnership, on its behalf.

  
\_\_\_\_\_  
Notary Public, State of Texas  
Notary's Printed Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



UNOFFICIAL

### Exhibit A

BEING a 0.7637 acre tract of land situated in the Samuel McFarland Survey, Abstract No. 558 in Collin County, Texas, and being part of a 18.000 acre tract of land as described in a deed to Eldorado-Collin, L.P. recorded in Volume 5810, Page 1635 (Tract 1) of the Deed Records of Collin County, Texas (D.R.C.C.T.), and being more particularly described as follows:

COMMENCING at an iron pin found at the end of a curve to the right along the South property line of said 18.000 acre tract of land, said line also being the North right-of-way line of Eldorado Parkway as described in a deed recorded in Volume 2896, Page 555 of the D.R.C.C.T.;

THENCE South 87°29' 58" West, along the South line of said 18.000 acre tract, and along the said North right-of-way line of Eldorado Parkway, a distance of 52.67 feet to the Point of Beginning;

THENCE South 87°29' 58" West, continuing along the South line of said 18.000 acre tract, and along the said North right-of-way line of Eldorado Parkway, a distance of 82.50 feet to a point for corner, said point being on the proposed West right-of-way line of College Street;

THENCE departing the South line of said 18.000 acre tract, and departing the said North right-of-way line of Eldorado Parkway, and in a Northerly direction along said proposed West right-of-way line, as follows:

North 42°29' 58" East, a distance of 17.68 feet to a point set for corner;

North 02°30' 02" West, a distance of 143.15 feet to a point set for the beginning of a curve to the right, having a radius of 480.00 feet, a central angle of 18°06' 34", and a chord that bears North 06°33' 15" East, a distance of 151.08 feet;

Along said curve to the right, an arc distance of 151.71 feet to the end of said curve;

North 15°36' 32" East, a distance of 246.02 feet to a point set an iron pin found on the North line of said 18.000 acre tract, same being the existing West right-of-way line of College Street;

THENCE South 90°00' 00" East, departing said proposed West right-of-way line, and following along the North line of said 18.000 acre tract, a distance of 62.30 feet to a point for corner, said point being on the proposed East right-of-way line of College Street;

THENCE departing the North line of said 18.000 acre tract, and in the Southerly direction along said proposed East right-of-way line, as follows:

South 15°36' 32" West, a distance of 262.78 feet to a point set for the beginning of a curve to the left, having a radius of 420.00 feet, a central angle of 18°06' 34", and a chord that bears South 06°33' 15" West, a distance of 132.20 feet;

Along said curve to the left, an arc distance of 132.75 feet to the end of said curve;

South 02°30' 02" East, a distance of 145.65 feet to a point set for corner;

THENCE South 47°30' 02" East, a distance of 14.14 feet to the Point of Beginning and Containing 0.7637 acre of land.

EXHIBIT "B"

Easement executed by W. R. Bogard and Sallie B. Bogard, to City of McKinney, dated October 7, 1964, filed October 7, 1964, recorded in/under Volume 641, Page 555 of the Real Property Records of COLLIN County, Texas.

Easement executed by W.R.Bogard, to City of McKinney, dated December 31, 1053, recorded in/under Volume 479, Page 308 of the Real Property Records of COLLIN County, Texas.

Easement executed by W.R. Bogard and Mrs. W.R. Bogard, to City of McKinney, dated March 24, 1950, recorded in/under Volume 412, Page 170 of the Real Property Records of COLLIN County, Texas.

Easement executed by W.r.Bogard and Mrs. W.R.Bogard, to City of McKinney, dated March 24, 1950, recorded in/under Volume 412, Page 169 of the Real Property Records of COLLIN County, Texas.

Easement executed by Earl Milstead and wife, Lanie Milstead, to Texas Power and Light Company, dated November 10, 1938, filed January 18, 1939, recorded in/under Volume 313, Page 379 of the Real Property Records of COLLIN County, Texas.

Easement executed by W.R.Bogard et ux Sara Bogard, to Texas Power and Light Company, dated November 10, 1938, recorded in/under Volume 313, Page 376 of the Real Property Records of COLLIN County, Texas.

Easement executed by W.R. Bogard, to City of McKinney, dated April 17, 1985, filed April 18, 1985, recorded in/under Volume 2112, Page 236 of the Real Property Records of COLLIN County, Texas.

Easement executed by Erwin Ray Bogard, James William Bogard, Debbie Haney and Beverly Haney Crecelius, to City of Mckinney, dated June 1, 2001, filed July 13, 2001, recorded in/under CC# 01-85252 of the Real Property Records of COLLIN County, Texas.

Filed and Recorded  
Official Public Records  
Brenda Taylor, County Clerk  
Collin County, TEXAS  
02/16/2006 03:31:37 PM  
\$32.00 PHORN  
20060216000209970



*Brenda Taylor*



# Tab 9



**"Notice of Confidentiality rights: If you are a Natural Person, you may remove or strike any or all of the following information from this instrument before it is filed for record in the Public Records: Your Social Security Number or your Drivers' License Number."**

GF NO. 1412001028

**SPECIAL WARRANTY DEED**

STATE OF TEXAS            §  
  §  
COUNTY OF COLLIN       §

KNOW ALL MEN BY THESE PRESENTS:

THAT ELDORADO-COLLIN, L.P., a Texas limited partnership, by and through its duly authorized General Partner (hereinafter referred to as "Grantor"), for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration to the undersigned paid by the Grantee herein named, the receipt of which is hereby acknowledged, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY unto QUIKTRIP CORPORATION, whose mailing address is 14450 Trinity Blvd., Ste. 300, Ft. Worth, Texas 76155 (herein referred to as "Grantee"), all of the following described real property in Collin County, Texas (hereinafter referred to as the "Property"), to-wit:

Being a 0.649 acre tract of land situated in the Samuel McFarland Survey, Abst. No. 558, in the City of McKinney, Collin County, Texas, being more fully described in Exhibit "A" attached hereto and incorporated herein by reference

This conveyance shall include all and singular the rights and appurtenances pertaining to the Property; including all improvements, if any, all rights, titles and interests of Grantor in and to any alleys, strips or gores adjoining the Property and any easements, rights-of-way or other interest in, on under, or to any land, highway, street, road, right-of-way or avenue, open or proposed, in, on, under, across, in front of, abutting or adjoining the Property. buildings, structures, fixtures, and improvements located thereon.

This conveyance is expressly made subject to the following:

1. Easement executed by Earl Milstead et ux, Lanie Milstead, to Texas Power and Light Company, dated November 10, 1938, recorded in/under Volume 313, Page 379 of the Real Property Records of Collin County, Texas.

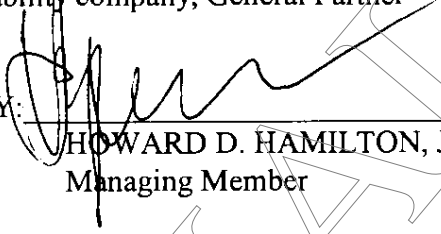
**THE CONTRACT OF PURCHASE AND SALE FROM WHICH THIS SPECIAL WARRANTY DEED IS EXECUTED WAS THE RESULT OF AN ARMS-LENGTH AGREEMENT BETWEEN GRANTOR AND GRANTEE. THE PURCHASE PRICE OF THE PROPERTY WAS BARGAINED ON THE BASIS OF AN "AS IS, WHERE IS" TRANSACTION AND REFLECTED THE AGREEMENT OF GRANTOR AND GRANTEE. GRANTEE ACCEPTS THE PROPERTY IN ITS CURRENT PHYSICAL CONDITION "AS IS AND WITH ALL FAULTS". GRANTEE ACKNOWLEDGES THAT GRANTOR HAS NOT MADE, DOES NOT MAKE AND SPECIFICALLY DISCLAIMS ANY REPRESENTATIONS, WARRANTIES, OR OTHER CONTRACTS OF ANY KIND OR CHARACTER WHATSOEVER, WHETHER EXPRESS OR IMPLIED, ORAL OR WRITTEN, PAST, PRESENT OR FUTURE, OF, AS TO, CONCERNING OR WITH RESPECT TO THE PROPERTY, OTHER THAN WARRANTIES OF TITLE AS PROVIDED AND LIMITED HEREIN, INCLUDING (A) THE NATURE, QUALITY OR CONDITIONS OF THE PROPERTY, INCLUDING, WITHOUT LIMITATION, THE WATER, SOIL, AND GEOLOGY, OR THE PRESENCE OR ABSENCE OF ANY POLLUTANT, HAZARDOUS WASTE, GAS OR SUBSTANCE OR SOLID WASTE ON OR ABOUT THE PROPERTY, (B) THE INCOME TO BE DERIVED FROM THE PROPERTY, (C) THE SUITABILITY OF THE PROPERTY FOR ANY AND ALL ACTIVITIES AND USES WHICH GRANTEE MAY INTEND TO CONDUCT THEREON, (D) THE COMPLIANCE OF OR BY THE PROPERTY OR ITS OPERATION WITH ANY LAWS, RULES, ORDINANCES OR REGULATIONS OF ANY GOVERNMENTAL AUTHORITY OR BODY HAVING JURISDICTION, OR (E) THE HABITABILITY, MERCHANTABILITY OR FITNESS FOR A PARTICULAR USE OR PURPOSE OF THE PROPERTY.**

TO HAVE AND TO HOLD the above described Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, its successors and assigns; and Grantor hereby binds itself, its successors, executors and administrators to WARRANT AND FOREVER DEFEND all and singular the said Property unto the said Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through and under Grantor, but not otherwise, subject, however, to the aforesaid exceptions.

EXECUTED on the dates of the acknowledgments, but to be EFFECTIVE on the 13th day of February, 2006.

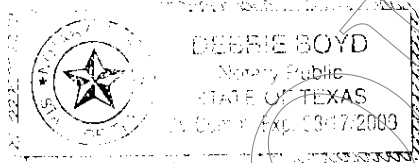
ELDORADO-COLLIN, L.P., a Texas limited partnership

BY: SUGAR HOLDINGS, L L C, a Texas limited liability company, General Partner

BY:   
HOWARD D. HAMILTON, JR.,  
Managing Member

THE STATE OF TEXAS §  
§  
COUNTY OF COLLIN §


This instrument was acknowledged before me on the 13 day of February, 2006, by HOWARD D. HAMILTON, JR., Managing Member of SUGAR HOLDINGS, L L C, a Texas limited liability company, General Partner ELDORADO-COLLIN, L.P., a Texas limited partnership, on its behalf.



  
NOTARY PUBLIC STATE OF TEXAS

ACCEPTANCE OF DEED

QUIKTRIP CORPORATION

BY:   
Mike Carey  
Real Estate Manager

AFTER RECORDING RETURN TO:

QUIKTRIP CORPORATION  
14450 Trinity Blvd., Ste. 300  
Ft. Worth, Texas 76155

1412000943

UNOFFICIAL

## Exhibit A

BEING a 0.649 acre tract of land situated in the Samuel McFarland Survey, Abstract No. 558, in the City of McKinney, Collin County, Texas, and being a tract of land conveyed to the City of McKinney, whose deed is not evidenced, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found in the south line of Eldorado Parkway (a 120 foot right-of-way) for the northwest corner of said City of McKinney tract, same being the northeast corner of a tract of land conveyed to W.R. Bogard, according to the deed thereof recorded in Volume 318, Page 248 of the Deed Records of Collin County, Texas;

THENCE North 69 degrees 45 minutes 12 seconds East, with said south line of Eldorado Parkway, a distance of 199.38 feet to a 1/2 inch iron rod found for the beginning of a curve to the right, having a central angle of 12 degrees 08 minutes 47 seconds, a radius of 990.00 feet and a chord bearing of North 75 degrees 49 minutes 28 seconds East, a distance of 209.48 feet;

THENCE, with said curve to the right, an arc distance of 209.88 feet to a 1/2 inch iron rod set with cap stamped "CEI" for the northeast corner of said City of McKinney tract, same being the northwest corner of a tract of land conveyed to Aeon Corporation, according to the deed thereof recorded in Volume 1342, Page 853 of the Deed Records of Collin County, Texas;

THENCE South 03 degrees 59 minutes 33 seconds East, departing said south line of Eldorado Parkway and with the common line of said City of McKinney and Aeon Corporation tracts, a distance of 111.24 feet to a 1/2 inch iron rod set with cap stamped "CEI" for the southeast corner of said City of McKinney tract, same being the southwest corner of said Aeon Corporation tract, same being in the north line of a tract of land conveyed to Ferrellgas, according to the deed thereof recorded in Volume 5746, Page 5725 of the Deed Records of Collin County, Texas;

THENCE, South 86 degrees 23 minutes 48 seconds West, departing said common line of said City of McKinney and Aeon Corporation tracts and with the common line of said City of McKinney and Ferrellgas tracts, a distance of 405.07 feet to a 1/2 inch iron rod found in the southwest corner of said City of McKinney tract, same being the northwest corner of said Ferrellgas tract, same being in the west line of the above mentioned W.R. Bogard tract;

THENCE, North 21 degrees 31 minutes 08 seconds East, with said west line of W.R. Bogard tract, a distance of 17.34 feet to the POINT OF BEGINNING.  
Said property contains a computed area of 28,278 square feet or 0.649 acres of land, more or less.

UNOFFICIAL

Filed and Recorded  
Official Public Records  
Brenda Taylor, County Clerk  
Collin County, TEXAS  
02/17/2006 10:29:23 AM  
\$36.00 DLARD  
20060217000213950



*Brenda Taylor*

# **Tab 10**





TO HAVE AND TO HOLD the above described Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, his heirs and assigns; and Grantor does hereby bind itself, its successors or assigns to WARRANT AND FOREVER DEFEND all and singular the said Property unto the said Grantee, his heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through, or under it, but not otherwise, subject, however, to the exceptions as described in Exhibit "B".

But it is expressly agreed that the VENDOR'S LIEN, as well as the Superior Title in and to the above described Property, is retained against the above described Property, premises and improvements until the above described note and all interest are fully paid according to the face, tenor, effect, and reading thereof, when this Deed shall become absolute.

American National Bank of Texas, at the instance and request of the Grantee herein, having advanced and paid in cash to the Grantor herein, that portion of the purchase price of the herein described Property as is evidenced by the hereinbefore described Seven million three hundred thirty five thousand and no/100 Dollars (\$7,335,000.00) note, the Vendor's Lien, together with the Superior Title to said Property is retained herein for the benefit of the said American National Bank of Texas and the same are hereby TRANSFERRED AND ASSIGNED to the said American National Bank of Texas and American National Bank of Texas, its successors or assigns shall have the right to release said Vendor's Lien upon the payment of said note.

Current ad valorem taxes on said Property having been prorated, the payment thereof is assumed by Grantee.

EXECUTED on the dates of the acknowledgments, but to be EFFECTIVE on the 30<sup>th</sup> day of June, 2006.

**Grantor:**

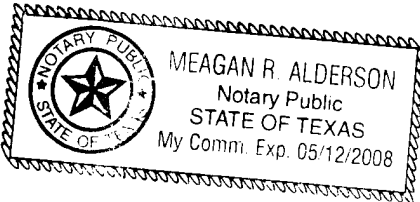
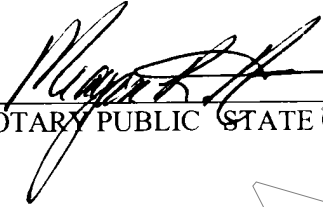
ELDORADO COLLIN, L.P.

By: Sugar Holdings, LLC, a Texas limited liability company, its general partner

By:   
Howard Hamilton, Manager

COUNTY OF COLLIN §  
§

This instrument was acknowledged before me on the 27 day of June, 2006, by Howard Hamilton, Manager of Sugar Holdings, LLC, a Texas limited liability company, General Partner of Eldorado-Collin, L.P., a Texas limited partnership, on behalf of such limited liability company and limited partnership.

   
NOTARY PUBLIC STATE OF TEXAS

AFTER RECORDING, RETURN TO:  
Cornerstone EBP, LP  
5440 Harvest Hill Road, Suite 166  
Dallas, Texas 75230

Return To:  
Chicago Title Insurance Company  
Southwest Region Commercial Center  
2001 Bryan Street, Suite 1700  
Dallas, Texas 75201 214-303-5300

UNOFFICIAL

## Exhibit A

### Tract One.

Being a 13.532 acre tract of land situated in the Samuel McFarland Survey, Abstract No. 558, in the City of McKinney, Collin County, Texas, and being a portion of that certain 18.000 acre tract of land conveyed to Eldorado-Collin, L.P. by deed recorded in Volume 5810, Page 1635, Deed Records, Collin County, Texas, said 13.532 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch steel rod found for corner in the northerly right of way line of Eldorado Parkway (having a 120 foot wide right-of-way), said point being the southwest corner of the aforementioned Eldorado Tract and also being the southeast corner of a tract conveyed to the City of McKinney by deed recorded in Volume 2921, Page 326, Deed Records, Collin County, Texas;

THENCE, North 01 degree 21 minutes 11 seconds West, along the west line of said Eldorado Tract, a distance of 588.97 feet to a 5/8-inch steel rod found for corner in a south line of Park Place, an addition to the City of McKinney, Texas, according to the plat thereof, recorded in Cabinet F, Page 366, Plat Records, Collin County, Texas;

THENCE, East, along the common line of said Eldorado Tract and said Park Place, at 175.74 feet pass the southeast corner of said Park Place, same being the southwest corner of Lot 1, City of McKinney Municipal Facilities Complex Addition, an addition to the City of McKinney, Texas, according to the plat thereof, recorded in Cabinet H, Page 502, Plat Records, Collin County, Texas, and continuing along the common line of said Eldorado Tract and said Lot 1, a total distance of 1095.86 feet to a 5/8-inch steel rod with plastic cap stamped "JDJR" set for corner in the westerly right of way line of College Street (having a 60 foot wide right-of-way), said point being the southeast corner of said Lot 1;

THENCE, along the westerly right of way line of said College Street, the following four courses;

South 15 degrees 32 minutes 06 seconds West, a distance of 245.79 feet to a 5/8-inch steel rod with plastic cap stamped "JDJR" set for corner, same being the beginning of a curve to the left having a radius of 480.00 feet, a tangent of 76.49 feet and a long chord that bears South 06 degrees 28 minutes 50 seconds West, a distance of 151.08 feet;

Southwesterly, along said curve to the left, thru a central angle of 18 degrees 06 minutes 34 seconds, an arc distance of 151.71 feet to a 5/8-inch steel rod with plastic cap stamped "JDJR" set for corner;

South 02 degrees 34 minutes 28 seconds East, a distance of 143.15 feet to an "X" set in concrete for corner;

South 42 degrees 25 minutes 32 seconds West, a distance of 17.68 feet to a 5/8-inch steel rod with plastic cap stamped "JDJR" set for corner in the northerly right of way line of said Eldorado Parkway, same being the south line of said Eldorado Tract;

THENCE, South 87 degrees 25 minutes 32 seconds West, along the northerly right of way line of said Eldorado Parkway, a distance of 1020.88 feet to the PLACE OF BEGINNING.

CONTAINING a computed area of 589,463 square feet or 13.532 acres of land.

### Tract Two:

Being a 3.720 acre tract of land situated in the Samuel McFarland Survey, Abstract No. 558, in the City of McKinney, Collin County, Texas, and being a portion of that certain 18.000 acre tract of land conveyed to Eldorado-Collin, L.P. by deed recorded in Volume 5810, Page 1635, Deed Records, Collin County, Texas, said 3.720 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8-inch steel rod found for corner at the intersection of the northerly right of way line of Eldorado Parkway (having a 120 foot wide right-of-way) and the westerly right of way line of Kentucky Street (having a variable width right-of-way), said point being the southeast corner of the aforementioned Eldorado Tract and also being the beginning of a curve to the right having a radius of 990.00 feet, a tangent of 137.06 feet and a long chord that bears South 79 degrees 40 minutes 39 seconds West, a distance of 271.53 feet;

THENCE, Southwesterly, along the northerly right of way line of said Eldorado Parkway and along said curve to the right, thru a central angle of 15 degrees 45 minutes 51 seconds, an arc distance of 272.39 feet to a 5/8-inch steel rod found for corner;

THENCE, South 87 degrees 25 minutes 32 seconds West, along the northerly right of way line of said Eldorado Parkway, a distance of 52.67 feet to a 5/8-inch steel rod with plastic cap stamped "JDJR" set for corner in the easterly right of way line of College Street (having a 60 foot wide right-of-way);

THENCE, along the easterly right of way line of said College Street the following four courses:

North 47 degrees 34 minutes 28 seconds West, a distance of 14.14 feet to a 5/8-inch steel rod with plastic cap stamped "JDJR" set for corner;

North 02 degrees 34 minutes 28 seconds West, a distance of 145.65 feet to a 5/8-inch steel rod with plastic cap stamped "JDJR" set for corner, same point being the beginning of a curve to the right having a radius of 420.00 feet, a tangent of 66.93 feet and a long chord that bears North 06 degrees 28 minutes 50 seconds East, a distance of 132.20 feet;

Northeasterly, along said curve to the right, thru a central angle of 18 degrees 06 minutes 34 seconds, an arc distance of 132.75 feet to a 5/8-inch steel rod with plastic cap stamped "JDJR" set for corner;

North 15 degrees 32 minutes 06 seconds East, a distance of 262.50 feet to a 1/2-inch steel rod found for corner in the north line of said Eldorado Tract, said point being the southwest corner of Lot 2, Block A, The Action Two Addition, an addition to the City of McKinney, Texas, according to the plat thereof, recorded in Cabinet J, Page 286, Plat Records, Collin County, Texas;

THENCE, East, along the common line of said Eldorado Tract and said Lot 2, a distance of 287.52 feet to a 5/8-inch steel rod found for corner, said point being the most northerly-northeast corner of said Eldorado Tract;

THENCE, South 15 degrees 45 minutes 15 seconds West, along an easterly line of said Eldorado Tract, a distance of 230.81 feet to a 5/8-inch steel rod with plastic cap stamped "JDJR" set for corner, said point being the northwest corner of a tract conveyed to Erwin Ray Bogard and Mildred Bogard by deed recorded in Volume 687, Page 435, Deed Records, Collin County, Texas;

THENCE, South 15 degrees 12 minutes 37 seconds West, along the common line of said Eldorado Tract and said Bogard Tract, a distance of 115.33 feet to a 5/8-inch steel rod found for corner, said point being an interior corner of said Eldorado Tract and also being the southwest corner of said Bogard Tract;

THENCE, South 89 degrees 59 minutes 19 seconds East, along the common line of said Eldorado Tract and said Bogard Tract, a distance of 100.00 feet to a 5/8-inch steel rod with plastic cap stamped "JDJR" found for corner in the westerly right of way line of said Kentucky Street, said point being the southeast corner of said Bogard Tract and also being the most easterly-northeast corner of said Eldorado Tract;

THENCE, South 15 degrees 33 minutes 00 seconds West, along the westerly right of way line of said Kentucky Street and an east line of said Eldorado Tract, a distance of 160.69 feet to the PLACE OF BEGINNING.

CONTAINING a computed area of 162,049 square feet or 3.720 acres of land.

Tract Three:

Being a 0.256 acre tract of land situated in the Samuel McFarland Survey, Abstract No. 558, in the City of McKinney, Collin County, Texas, and being all of that certain tract conveyed to Erwin Ray Bogard and wife, Mildred Bogard by deed recorded in Volume 687, Page 4357 of the Deed Records of Collin County, Texas, and also being a portion of that certain 8.91 acre tract of land conveyed to W.R. Bogard by deed recorded in Volume 323, Page 101, Deed Records, Dallas County, Texas, said 0.256 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8-inch steel rod with plastic cap stamped "JDJR" found for corner in the west right of way line of Kentucky Street (having a variable width right-of-way), said point being the southeast corner of the aforementioned Erwin and Mildred Bogard Tract and also being the southeast corner of the aforementioned 8.91 acre Bogard Tract, said point also being the most easterly-northeast corner of that certain 18.000 acre tract conveyed to Eldorado-Collin, L.P. by deed recorded under Document No. 2004-0175053 (Tract 1) in the Official Public Records of Collin County, Texas;

THENCE, North 89 degrees 59 minutes 19 seconds West, along the south line of said Erwin and Mildred Bogard Tract, same being the south line of said 8.91 acre Bogard Tract and a north line of said Eldorado-Collin Tract, a distance of 100.00 feet to a 5/8-inch steel rod found for corner, said point being the southwest corner of said Erwin and Mildred Bogard Tract and also being an interior corner of said Eldorado-Collin Tract;

THENCE, North 15 degrees 12 minutes 37 seconds East, along the west line of said Erwin and Mildred Bogard Tract, same being an east line of said Eldorado-Collin Tract, a distance of 115.33 feet to a 5/8-inch steel rod with plastic cap stamped "JDJR" found for corner, said point being the northwest corner of said Erwin and Mildred Bogard Tract and also being the southwest corner of that certain tract conveyed to James W. Bogard by deed recorded in Volume 861, Page 312, Deed Records, Collin County, Texas;

THENCE, South 89 degrees 53 minutes 08 seconds East, along the north line of said Erwin and Mildred Bogard Tract, same being the south line of said James Bogard Tract, a distance of 100.66 feet to a 1/2-inch steel rod found for corner in the west right of way line of said Kentucky Street;

THENCE, South 15 degrees 33 minutes 00 seconds West, along the west right of way line of said Kentucky Street, a distance of 115.33 feet to the PLACE OF BEGINNING, containing a computed area of 11.160 square feet or 0.256 acres of land, more or less.

**EXHIBIT "B"**

1. Easement granted by W.R. Bogard to the City of McKinney, dated October 7, 1964, filed for record on October 7, 1964 and recorded in Volume 641, Page 555, Deed Records, Collin County, Texas;
2. Easement granted by W.R. Bogard and wife, Sarah Bogard to the City of McKinney, dated December 31, 1953, filed for record on January 7, 1954 and recorded in Volume 479, Page 308, Deed Records, Collin County, Texas;
3. Easement granted by W.R. Bogard, et ux to the City of McKinney, dated March 24, 1950, filed for record on March 24, 1950 and recorded in Volume 412, Page 170, Deed Records, Collin County, Texas;
4. Easement granted by W.R. Bogard, et ux to the City of McKinney, dated March 24, 1950, filed for record on March 24, 1950 and recorded in Volume 412, Page 169, Deed Records, Collin County, Texas;
5. Easement granted by Erwin Ray Bogard, et al to the City of McKinney, dated June 1, 2001, filed for record on June 13, 2001 and recorded in Volume 4959, Page 3595, Land Records, Collin County, Texas;
6. Easement granted by Earl Milstead and wife, Lanie Milstead to Texas Power & Light Company, dated November 10, 1938, filed for record on January 18, 1939 and recorded in Volume 313, Page 379, Deed Records, Collin County, Texas;

UNOFFICIAL

Filed and Recorded  
Official Public Records  
Brenda Taylor, County Clerk  
Collin County, TEXAS  
06/30/2006 03:27:27 PM  
\$40.00 TFOSTER  
20060630000904720



*Brenda Taylor*

# **Tab 11**



**FILE STAMP** 2106-0213 LPW

Return To:  
Chicago Title Insurance Company  
Southwest Region Commercial Center  
2001 Bryan Street, Suite 1700  
Dallas, Texas 75201-2113 936-5300

**"Notice of Confidentiality Rights: If you are a Natural Person, you may remove or strike any or all of the following information from this instrument before it is filed for record in the Public Records: Your Social Security Number or your Drivers' License Number."**

**SPECIAL WARRANTY DEED  
(With Vendor's Lien)**

THE STATE OF TEXAS     §  
  §     KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF COLLIN     §

THAT CORNERSTONE EBP, LP, a Texas limited partnership, (herein "Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable considerations and a promissory note (the "Note") dated June 30, 2006 herewith, executed by CENTRAL APPRAISAL DISTRICT OF COLLIN COUNTY, a political subdivision of the State of Texas, whose address is 250 W. Eldorado Parkway, McKinney, Collin County, Texas 75069 (herein called "Grantee"), and payable to the order of American National Bank of Texas ("Lender") in the principal sum of \$5,652,500.00, said Note being secured, in addition to the vendor's lien retained herein and other security, by a Deed of Trust, Assignment of Leases and Rents, Security Agreement and Fixture Filing dated concurrently herewith, executed by Grantee to John Davidson, Trustee for the benefit of Lender, covering and affecting the Property, the receipt and sufficiency of which are hereby acknowledged and confessed, has, subject to the matters set forth or referred to herein, GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL, and CONVEY, unto Grantee, that certain tract of land containing approximately 7.962 acres, located in the City of McKinney, Collin County, Texas, being more particularly described by metes and bounds on Exhibit "A" attached hereto and made a part hereof by reference for all purposes (the "Property") together with any improvements currently located thereon, together with all benefits, privileges, easements, hereditaments, and other rights appurtenant to the Property or any part thereof, including without limitation Grantor's right, title and interest, if any, in and to any streets, alleys, ways, sewer rights, utility capacity or rights thereto, water courses and water bodies adjacent to the Property, and all other inchoate rights affecting or applicable to the Property.

This conveyance is made and accepted subject to all matters of record and those permitted exceptions set forth in Exhibit "B" attached hereto and incorporated herein for all purposes, to the extent, but only to the extent, the same are now in force and effect and relate to the Property.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantee, its successors and assigns, forever, and subject to the matters set forth or referred to herein, Grantor does hereby bind itself, its legal representatives, successors and assigns, to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof, by, through or under Grantor, but not otherwise, subject, however, to the aforesaid exceptions.

20070402000439670  
04/02/2007 02:34:46 PM 01 1/5


Grantor hereby expressly reserves and assigns to Lender, and Lender's successors and assigns, the vendor's lien, as well as the superior title, in and to the Property to secure (i) the payment of the Note, and (ii) the performance and payment by Grantee of all covenants, conditions, obligations and liabilities under the Deed of Trust. Upon the full and complete payment of the Note and satisfaction and performance of all covenants, conditions, obligations and liabilities under the Deed of Trust, then this conveyance shall become absolute and the vendor's lien and superior title herein reserved shall be automatically released and discharged.

Current ad valorem taxes on said Property having been prorated, the payment thereof is assumed by Grantee.

EXECUTED this 28<sup>th</sup> day of March, 2007.

CORNERSTONE EBP, LP  
a Texas limited partnership

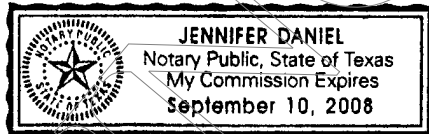
By: Cornerstone EBP GP, Inc.  
a Texas corporation

  
Fred A. Gans  
President

THE STATE OF TEXAS           §  
  §  
COUNTY OF DALLAS         §

This instrument was acknowledged before me on the 28<sup>th</sup> day of March, 2007, by Fred A. Gans, President of Cornerstone EBP GP, Inc., a Texas corporation, sole general partner of CORNERSTONE EBP, LP, a Texas limited partnership, on behalf of said limited partnership.

SEAL



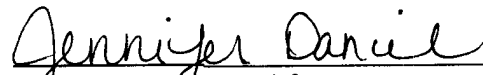
  
Notary Public in and for  
the State of Texas

EXHIBIT "A"

LEGAL DESCRIPTION

Lot 3, Block A of the Action Two Addition, an Addition to the City of McKinney, Collin County, Texas. Situated in the Samuel McFarland Survey, Abstract No. 558, according to the Minor Replat dated March 8, 2007, and recorded under Clerk's File No. 20070315010000860, Land Records, Collin County, Texas.

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## EXHIBIT "B"

### PERMITTED EXCEPTIONS

1. As shown on plat dated March 8, 2007, and recorded under Clerk's File No. 20070315010000860, Land Records, Collin County, Texas.
2. Easement to City of McKinney recorded in Volume 641, Page 555, Deed Records, Collin County, Texas.
3. Easement to City of McKinney recorded in Volume 479, Page 308, Deed Records, Collin County, Texas.
4. Easement to City of McKinney recorded in Volume 412, Page 170, Deed Records, Collin County, Texas.
5. Easement to City of McKinney recorded in Volume 412, Page 169, Deed Records, Collin County, Texas.
6. Easement to Texas Power and Light Company recorded in Volume 313, Page 379, Deed Records, Collin County, Texas.
7. Easement to Texas Power and Light Company recorded in Volume 313, Page 376, Deed Records, Collin County, Texas.
8. Thirty-five (35) foot easement to City of McKinney, recorded in Volume 4959, Page 3595, Deed Records, Collin County, Texas (Affects and is shown on survey)
9. Easement reserved by City of McKinney in Ordinance No. 2006-05-060, recorded under Clerk's File No. 20060523000702290, Land Records, Collin County, Texas.
10. Utility and drainage easement due to existing sewer and storm drainage lines as set forth in Ordinance No. 2006-05-060, recorded under Clerk's File No. 20060523000702290, Land Records, Collin County, Texas
11. Easement granted by Cornerstone EBP, LP to the City of McKinney recorded under Clerk's File No. 2006101301478990, Land Records, Collin County, Texas.

UNOFFICIAL

Filed and Recorded  
Official Public Records  
Stacey Kemp  
Collin County, TEXAS  
04/02/2007 02:34:46 PM  
\$32.00 DLAIRD  
20070402000439670



*Stacey Kemp*

# **Tab 12**





**Committed To  
Customer Service**

### History of Chicago Title

Chicago Title & Trust Company dates back more than 150 years. In 1999 Chicago Title Corporation was acquired by Fidelity National Financial, Inc. creating the pre-eminent company in the title insurance industry.

[LEARN MORE](#)

### Mission Statement

"To be the leading title company and handle each transaction with expertise and professional staff. Our team approach ensures that we are dedicated to the development of a long-term relationship."

[LEARN MORE](#)

### CHICAGO AGENT APP

When it's the weekend or after hours and you're still showing properties, never feel stranded again when asked financial questions. Use Chicago Agent 2.0 Lite on your smart phone or computer, to get instant answers to those tough financial questions. Call us today for your free download of ChicagoAgent 2.0 Lite. [Learn More](#)

You can also purchase the full version for \$13.50 per license.

### AFFILIATIONS



### CONTACT US!

Chicago Title of Texas, LLC  
Ken Paxton, Attorney At Law

Address:  
206 S Kentucky St. Suite 202  
McKinney, TX 75069

Phone:  
972-562-3777

Fax:  
972-562-3790



# **Tab 13**



# Legislative Reference Library of Texas

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**Ken Paxton**  
Full Name: W. Kenneth "Ken" Paxton, Jr.

- [Terms of Service](#)
- [Biographical Notes](#)
- [Committee Information](#)
- [Legislation](#)

## Terms of Service [top](#)

Chamber	District	Dates of Service	Legislatures	Party	City/County	Note	Counties in District
S	8	Jan 8, 2013 - Jan 13, 2015	83rd <sup>(1)</sup>	Republican	McKinney / Collin		Collin, Dallas
H	70	Jan 11, 2011 - Jan 8, 2013	82nd	Republican	McKinney / Collin		Collin
H	70	Jan 13, 2009 - Jan 11, 2011	81st	Republican	McKinney / Collin		Collin
H	70	Jan 9, 2007 - Jan 13, 2009	80th	Republican	McKinney / Collin		Collin
H	70	Jan 11, 2005 - Jan 9, 2007	79th	Republican	McKinney / Collin		Collin
H	70	Jan 14, 2003 - Jan 11, 2005	78th	Republican	McKinney / Collin		Collin

(1) 83rd Legislature - Drawing for Terms of Office, 1/23/2013, SR 36, pp. 81-82. Drew 2-year term. [Senate Journal](#) .

## Biographical Notes and Resources [top](#)

### Biographical Sketches

Texas Attorney General (2015 - ). Photo and biographical sketch. [Attorney General of Texas](#) .  
Biographical sketch, 82nd Legislature. [Texas House of Representatives](#) .  
Biographical sketch and photo. [Texas Senators, 83rd Legislative Session](#) 2013.

### Photographs

Photograph. [Ken Paxton](#), 78th Legislature, [State Preservation Board](#)  
Photograph. [Ken Paxton](#), 79th Legislature, [Members of the 79th Legislature Texas House of Representatives \(CD-RW\)](#)  
Photograph. [Ken Paxton, Jr.](#), 82nd Legislature, [Texas House of Representatives](#)  
Photograph, [Flip Book Photographs: Texas House of Representatives, 79th Legislature](#) 2005.

### Composite Photographs on Display in the Capitol

[78th session composite photo of House members](#) (Ground floor corridor, north wall. GW.C1). [State Preservation Board](#).  
[79th session composite photo of House members](#) ([House chamber, east wall. 2W.5](#)). [State Preservation Board](#).  
[80th session composite photo of House members](#) ([House chamber, east wall. 2W.5](#)). [State Preservation Board](#).  
[81st session composite photo of House members](#) ([House chamber, east wall. 2W.5](#)). [State Preservation Board](#).  
[82nd session composite photo of House members](#) ([House chamber, east wall. 2W.5](#)). [State Preservation Board](#).

## Committee Information [top](#)

83rd R.S. - 2013

[Education](#)  
[Government Organization](#)  
[Intergovernmental Relations](#)  
[Jurisprudence](#)  
[Transportation](#) (Vice Chair)

82nd R.S. - 2011

[County Affairs](#)  
[Urban Affairs](#)

81st R.S. - 2009

[Fiscal Stability, Select](#)  
[Land and Resource Management](#)  
[Ways and Means](#)

80th R.S. - 2007

[General Investigating & Ethics](#)  
[Property Tax Relief and Appraisal Reform, Select](#) (Vice Chair)  
[State Affairs](#) (Vice Chair)  
[Ways and Means](#)

79th R.S. - 2005

[General Investigating & Ethics](#) (Vice Chair)  
[Human Services](#)  
[Ways and Means](#)

78th R.S. - 2003

[Financial Institutions](#)  
[General Investigating](#) (Vice Chair)  
[Ways and Means](#) (Vice Chair)

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- Member statistics
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- Texas legislators on Twitter



# **Tab 14**

COUNTY CLERK'S MEMO  
PORTIONS OF THIS  
DOCUMENT NOT  
REPRODUCIBLE  
WHEN RECORDED

2004- 0175055

### RIGHT OF FIRST REFUSAL AGREEMENT

AGREEMENT made and dated December 3, 2004, by and between **JAMES WILLIAM BOGARD, MOZELLE BOGARD, BEVERLY HANEY CRECELIUS and DEBBIE HANEY**, Grantor, and **ELDORADO - COLLIN, L.P.**, a Texas limited partnership, Grantee.

In consideration of the payment of TEN AND NO/100THS DOLLARS (\$10.00) by Grantee to Grantor, the receipt of which is hereby acknowledged, the parties agree as follows:

1. **Right of first refusal.** Grantor grants to Grantee a right of first refusal for the purchase of the real property located in the City of McKinney, Collin County, State of Texas, more particularly described in the attached Exhibit A ("the Property"). Grantor and Grantee agree that if Grantor receives a bona fide offer from a third party for the purchase of all or any part of the Property, which offer Grantor is willing to accept, Grantor will give Grantee written notice thereof, and will send Grantee a copy of the proposed contract of sale to such third party. Grantee shall have the right for fifteen (15) days after the receipt of such notice to enter into a contract for the sale of the Property at the same price and on the same terms as contained in the proposed contract of sale to the third party, which right of Grantee shall be paramount to the rights of the third party. If Grantee fails to exercise any such preemptive right within the time herein specified, Grantor shall be at liberty to enter into a contract for the sale of the Property with the third party at the same price and on the same terms as contained in the proposed contract of sale sent to Grantee.

2. **Grantor's right to encumber and lease.** Notwithstanding anything to the contrary contained in this agreement, grantor shall have the right during the term of this right of first refusal to mortgage or otherwise encumber the Property and to grant leases for all or parts of the property, as Grantor sees fit; however, Grantor may not lease all or any part of the Property for a term of more than one (1) year, not including renewal periods, and may not grant any lessee an option to purchase all or part of the Property.

3. **Warranty of title.** Grantor warrants and represents that Grantor is the sole owner of good, fee simple, indefeasible title to the Property and has full authority to grant this right of first refusal.

4. **Assignment by Grantee.** Grantee may assign its rights under this right of first refusal agreement.

5. **Recording.** This agreement shall be executed in recordable form, and if Grantee elects, may be recorded at Grantee's expense in the Land Records of Collin County, Texas.

6. **Binding effect.** This right of first refusal shall be binding upon and inure to the benefit of the parties and their respective representatives, successors and assigns.

7. **Headings.** Headings in this agreement are for convenience only and shall not be used to interpret or construe its provisions.

5810 01653

5810 01654

8. **Governing law.** This agreement shall be governed by and construed in accordance with the laws of the State of Texas.

9. **Counterparts.** This agreement may be executed in one or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

10. **Entire agreement.** This agreement supersedes all prior agreements between the parties with regard to the subject matter hereof, and there are no other understandings or agreements between them. This agreement can only be modified by a written instrument signed by both Grantor and Grantee.

11. **Notices and correspondence.** All notices and correspondence shall be sent by certified mail, return receipt requested, to the parties hereto at the following addresses:

If to Grantor, to: 1518 S. Kentucky Street, McKinney, Texas 75069.  
With copy to: James Bogard, % Fleet Truck, 1000 Loop 12, Irving, Texas 75060.

If to Grantee, to: % Howard Hamilton, 802 East 15th Street, Plano, Texas 75074.

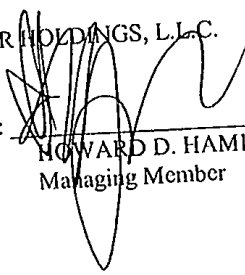
Either party may change the above address by sending a certified letter, return receipt requested, to the other party setting forth such changed address.

In witness whereof the parties hereto have executed and delivered this agreement the day and year first above written.

**GRANTEE:**

ELDORADO - COLLIN, L.P.

BY: SUGAR HOLDINGS, L.L.C.

BY:   
HOWARD D. HAMILTON, JR.  
Managing Member

5810 01655

GRANTOR:

*James William Bogard*  
JAMES WILLIAM BOGARD

*Mozelle Bogard*  
MOZELLE BOGARD

*Beverly Haney Crecelius*  
BEVERLY HANEY CRECELIUS

*Debbie Haney*  
DEBBIE HANEY

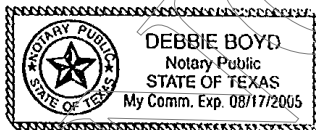
THE STATE OF TEXAS

§

COUNTY OF COLLIN

§

This instrument was acknowledged before me on the 3 day of Dec, 2004, by JAMES WILLIAM BOGARD.



*Debbie Boyd*  
Notary Public, State of Texas

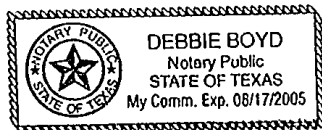
STATE OF TEXAS

§

COUNTY OF COLLIN

§

This instrument was acknowledged before this 3 day of Dec, 2004, by MOZELLE BOGARD.



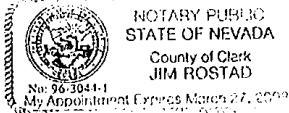
*Debbie Boyd*  
Notary Public, State of Texas

5810 01656

STATE OF NEVADA §

COUNTY OF §

This instrument was acknowledged before this 4<sup>th</sup> day of December, 2004, by BEVERLY HANEY CRECELIUS.

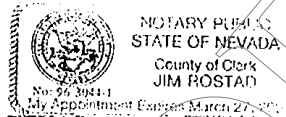


Jim Rostad  
Notary Public, State of Nevada

STATE OF NEVADA §

COUNTY OF §

This instrument was acknowledged before this 4<sup>th</sup> day of December, 2004, by DEBBIE HANEY.

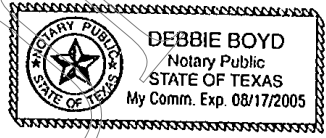


Jim Rostad  
Notary Public, State of Nevada

STATE OF TEXAS §

COUNTY OF COLLIN §

This instrument was acknowledged before this 3 day of Dec, 2004, by HOWARD D. HAMILTON, JR., Managing Member of SUGAR HOLDINGS, L.L.C., a Texas limited liability company, general partner of ELDORADO - COLLIN, L.P., a Texas limited partnership, on its behalf.



Debbie Boyd  
Notary Public, State of Texas

AFTER RECORDING RETURN TO:

ELDORADO - COLLIN, L.P.  
802 East 15<sup>th</sup> Street  
Plano, Texas 75074

1412000810db

5810 01657

EXHIBIT "A"

Tract One: Being .26 of an acre, more or less, in the S. McFarland Survey, Abst. 558, Collin County, Texas, and being also in the City of McKinney, Collin County, Texas; Being also a part of a 8.91 acre tract of land conveyed to W. R. Bogard by deed recorded in Vol. 323, Page 101 of the Deed Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the SE corner of the said 8.91 acre tract;  
THENCE West along the South line of the said 8.91 acre tract 100 feet to an iron pin;  
THENCE North 15 deg. 39 min. East 115.33 feet to an iron pin in field;  
THENCE East 100 feet to a point in the Easterly line of the said 8.91 acre tract;  
THENCE South 15 deg. 39 min. West 115.33 feet to the place of beginning.

Tract Two: Tract One: Being .26 of an acre, more or less, in the S. McFarland Survey, Abst. 558, Collin County, Texas, and being also in the City of McKinney, Collin County, Texas; Being also a part of a 8.91 acre tract of land conveyed to W. R. Bogard by deed recorded in Vol. 323, Page 101 of the Deed Records of Collin County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the SE corner of the said 8.91 acre tract;  
THENCE North 15 deg. 39 min. East 115.33 feet to an iron pin for the beginning point of the herein described tract, said beginning point also being the NE corner of the Erwin Bogard Tract described in Deed recorded in Vol. 687, Page 435 of the Deed Records of Collin County, Texas;  
THENCE West along the north line of said Erwin Bogard Tract 100 feet to an iron pin;  
THENCE North 15 deg. 39 min. East 115.33 feet to an iron pin;  
THENCE East 100 ft. to a point in the Easterly line of said 8.91 acre tract;  
THENCE South 15 deg. 39 min. West 115.33 feet to the point of beginning, and being the same land described in a Deed recorded November 8, 1968, in Volume 720, page 670, of the Deed Records of Collin County, Texas.

Tract Three: The 8.91 acre tract described in Volume 323, Page 101 of the Deed Records of Collin County, Texas, less Tract One and Tract Two above described and less that portion of said 8.91 acre tract lying in the 18.00 acre tract of land described in Exhibit "B" attached hereto and incorporated herewith which is being conveyed from Grantor to Grantee by deed of even date herewith.

5810 01658

Exhibit "B"

Tract 1:

BEING a 18.000 acre tract of land situated in the Samuel McFarland Survey, Abstract Number 558 in the City of McKinney, Collin County, Texas and being a portion of a 29.27 acre tract of land described by deed to W.R. Bogard as recorded in Volume 318, Page 248 of the Deed Records of Collin County Texas (DRCCT) and also being a portion of a 8.91 acre tract of land described by deed to W.R. Bogard as recorded in Volume 323, Page 101 (DRCCT) and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod set in the west line of said 29.27 acre tract of land and being located in the north right-of-way line of Eldorado Parkway (120' wide) as described in Volume 2896, Page 555 (DRCCT);

THENCE along the west line of said 29.27 acre tract of land, NORTH 01°08'13" EAST a distance of 590.72 feet to a 5/8 inch iron rod set for the northwest corner of said 29.27 acre tract of land and being located in the south line of Park Place an addition to the City of McKinney according to the plat recorded in Cabinet F, Page 366 of the Plat Records of Collin County Texas (PRCCT);

THENCE along the north line of said 29.27 acre tract of land and the north line of said 8.91 acre tract of land, NORTH 90°00'00" EAST a distance of 1,445.66 feet to a 5/8 inch iron set for corner;

THENCE departing the northerly line of said 29.27 acre tract of land SOUTH 15°45'15" WEST a distance of 230.81 feet to a 5/8 inch iron rod set for corner;

THENCE SOUTH 15°12'37" WEST a distance of 115.33 feet to a 5/8 inch iron rod set for corner;

THENCE SOUTH 89°59'19" EAST a distance of 100.00 feet to a point for corner located on the west edge of a storm sewer manhole for the southeast corner of said 8.91 acre tract of land and being located in the east line of said 29.27 acre tract of land;

THENCE along the east line of said 29.27 acre tract of land, SOUTH 15°33'00" WEST a distance of 160.69 feet to a 5/8 inch iron rod set in the north right-of-way line of said Eldorado Parkway and being in a curve to the right having a radius of 990.00 feet and a chord bearing of South 79°37'02" West;

THENCE along the north right-of-way line of said Eldorado Parkway as follows:

Continuing along said curve to the right through a central angle of 15°45'51" for an arc length of 272.39 feet to a 5/8 inch iron rod set for corner;

SOUTH 87°29'58" WEST a distance of 1,155.34 feet to the POINT OF BEGINNING;

CONTAINING within these metes and bounds 18.000 acres or 784,067 square feet of land more or less

Tract 2:

BEING a 16.938 acre tract of land situated in the Samuel McFarland Survey, Abstract Number 558 in the City of McKinney, Collin County, Texas and being a portion of a 29.27 acre tract of land described by deed to W.R. Bogard as recorded in Volume 318, Page 248 of the Deed Records of Collin County Texas (DRCCT) and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod set in the west line of said 29.27 acre tract of land and being



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located in the south right-of-way line of Eldorado Parkway (120' wide) as described in Volume 2896, Page 555 (DRCCT);

THENCE along the south right-of-way line of said Eldorado Parkway as follows:

NORTH 87°29'58" EAST a distance of 1,162.97 feet to a 5/8 inch iron rod set for the beginning of a curve to the left having a radius of 1,110.00 feet and a chord bearing of North 81°36'03" East;

Continuing along said curve to the left through a central angle of 11°47'51" for an arc length of 228.55 feet to a 5/8 inch iron rod set in the east line of said 29.27 acre tract of land and being the west line of the old abandoned Texas Electric Railway;

THENCE departing the south line of said Eldorado Parkway and following the east line of said 29.27 acre tract of land as follows:

SOUTH 14°30'18" WEST a distance of 6.83 feet to a 5/8 inch iron rod set for corner;

SOUTH 18°00'17" WEST a distance of 239.81 feet to a 5/8 inch iron rod set for corner;

SOUTH 29°16'14" WEST a distance of 223.98 feet to a 5/8 inch iron rod set for corner;

SOUTH 36°28'55" WEST a distance of 185.24 feet to a 5/8 inch iron rod set for corner;

SOUTH 34°13'31" WEST a distance of 167.65 feet to a 5/8 inch iron rod set for corner;

SOUTH 34°21'43" WEST a distance of 21.48 feet to a 5/8 inch iron rod set in the north line of Lot 1, Block A of Allen's Wholesale Meats Addition an addition to the City of McKinney according to the plat recorded in Cabinet P, Page 255 of the Plat Records of Collin County Texas (PRCCT);

SOUTH 89°14'40" WEST a distance of 52.27 feet to a 5/8 inch iron rod set for the northwest corner of said Lot 1;

SOUTH 00°36'58" EAST with the west line of said Lot 1 a distance of 74.58 feet to a 5/8 inch iron rod set for corner;

Departing the west line of said Lot 1, SOUTH 34°21'43" WEST a distance of 375.57 feet to a point for corner located in the north bank of Wilson Creek;

THENCE along the meanderings of the north bank of said Wilson Creek as follows:

NORTH 09°12'42" EAST a distance of 39.62 feet to a point for corner;  
NORTH 26°12'16" WEST a distance of 18.88 feet to a point for corner;  
NORTH 67°32'50" WEST a distance of 30.11 feet to a point for corner;  
NORTH 81°03'10" WEST a distance of 54.66 feet to a point for corner;  
NORTH 61°14'18" WEST a distance of 26.23 feet to a point for corner;  
NORTH 32°53'12" WEST a distance of 20.09 feet to a point for corner;  
NORTH 08°09'44" WEST a distance of 190.81 feet to a point for corner;  
NORTH 36°07'11" EAST a distance of 106.43 feet to a point for corner;  
NORTH 06°50'07" EAST a distance of 46.15 feet to a point for corner;  
NORTH 29°53'41" WEST a distance of 70.54 feet to a point for corner;

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NORTH 54°25'57" WEST a distance of 52.29 feet to a point for corner;  
 NORTH 82°48'57" WEST a distance of 29.90 feet to a point for corner;  
 SOUTH 56°44'31" WEST a distance of 74.07 feet to a point for corner;  
 SOUTH 65°23'51" WEST a distance of 24.42 feet to a point for corner;  
 NORTH 71°12'20" WEST a distance of 64.57 feet to a point for corner;  
 NORTH 53°52'12" WEST a distance of 139.13 feet to a point for corner;  
 NORTH 19°31'08" WEST a distance of 27.43 feet to a point for corner;  
 NORTH 30°59'06" EAST a distance of 151.38 feet to a point for corner;  
 NORTH 20°55'39" EAST a distance of 78.97 feet to a point for corner;  
 NORTH 33°50'55" WEST a distance of 44.92 feet to a point for corner;  
 NORTH 69°29'32" WEST a distance of 39.40 feet to a point for corner;  
 SOUTH 88°03'14" WEST a distance of 31.17 feet to a point for corner;  
 SOUTH 48°43'47" WEST a distance of 111.07 feet to a point for corner;  
 SOUTH 68°42'20" WEST a distance of 37.14 feet to a point for corner;  
 SOUTH 86°35'36" WEST a distance of 46.84 feet to a point for corner;  
 NORTH 73°50'30" WEST a distance of 28.57 feet to a point for corner;  
 NORTH 52°46'51" WEST a distance of 52.83 feet to a point for corner;  
 NORTH 38°41'40" WEST a distance of 24.94 feet to a point for corner;  
 NORTH 10°09'57" WEST a distance of 45.96 feet to a point for corner;  
 NORTH 90°00'00" WEST a distance of 29.83 feet to a point for corner located in the  
 west line of said 29.27 acre tract of land;

THENCE along the west line of said 29.27 acre tract of land, NORTH 01°08'13" EAST a distance of  
 168.53 feet to the POINT OF BEGINNING; CONTAINING within these metes and bounds 16.938  
 acres or 737,813 square feet of land more or less.

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL OR USE OF THE  
 DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS HEREBY AND  
 IS UNENFORCEABLE UNDER FEDERAL LAW COUNTY OF COLLIN,  
 (THE STATE OF TEXAS) and the time stamped hereby by me and was duly recorded in the Official Public  
 Records of Real Property at the County Clerk's Office.

DEC 07 2004

Brenda Taylor



Filed for Record in:  
 Collin County, McKinney TX  
 Honorable Brenda Taylor  
 Collin County Clerk

On Dec 07 2004  
 At 10:47am

Doc/Num : 2004- 0175055

Recording/Type:GF 28.00  
 Receipt #: 47953

# **Tab 15**





[Home](#) › [About the Office](#) › Meet the D.A.

## Meet the D.A.

⚙️ (adjust text size)

Greg Willis is committed to the safety of Collin County citizens and is honored to serve them as Criminal District Attorney. In fact, Willis resigned his judgeship to do just that. As a Collin County judge hearing primarily criminal cases, Willis presided over hundreds of jury trials and thousands of cases. As a Collin County prosecutor, Willis prosecuted cases ranging from speeding appeals to sexual assault and murder. As a Collin County private practice attorney, Willis represented scores of civil and criminal clients.

Having earned the community's respect by excelling in each area of the criminal justice system, Willis is now honored to lead an Office whose mission is to fight and prosecute crime in a fearless, just, and ethical manner. Willis understands that he is the temporary steward of the people's trust. His goals are to make Collin County a safer place and to strengthen community confidence in the Collin County criminal justice system.

Twice selected by his peers as a Texas SuperLawyer® (*Texas Monthly*), Willis has also served his fellow attorneys in various leadership roles, including as president of the Collin County Bar Association, and as a Life Fellow of the Texas Bar Foundation. Willis, a long-time Rotarian, is also honored to serve on the board of directors for the Collin County Children's Advocacy Center.

A fifth-generation Texan and married father of two, Willis is a graduate of Baylor University (1986, with honors) and the University of Virginia School of Law (1991).

Willis spent his first four years working in Dallas for the highly respected law firms of Haynes & Boone and Jones Day. But once he paid off his student loans, Willis followed his heart to serve Collin County as both a misdemeanor and a felony prosecutor (1995-1999).

In late 1999, Willis returned to the private sector and established his own law firm in Plano. His wife would later join him in this endeavor. In late 2005, Collin County commissioners appointed Willis as the first judge of the newly created Collin County Court at Law No. 6. Willis ran unopposed in 2006. In October 2009, he resigned his judgeship to run for Collin County Criminal District Attorney. In 2010, with the help of so many citizens who care deeply about the county, Willis prevailed in both the primary and general elections.

### Latest News

- [Plano Man Gets 40 Years for Sexual Abuse of a Child](#)
- [24 Years for Robber Who Preys on the Elderly](#)
- [Willis Asks Texas Rangers to Examine Ken Paxton Matter](#)
- [Admitted Frisco Drug Dealer/Thief Nets 15 Years for Violent Assault](#)
- [25 Years for Dallas Man, Habitual Burglar](#)

### Daily Docket/Case Search

Retrieve court case and scheduling information.

[Case Search - Basic](#)

[Case Record Inquiry - Advanced](#)

### Follow Us





# Tab 16

**NOTICE OF REGULAR MEETING  
OF THE BOARD OF DIRECTORS  
of the  
CENTRAL APPRAISAL DISTRICT  
of  
COLLIN COUNTY**

Notice is hereby given that on the 23rd day of March, 2006, at 6:30 p.m., the Board of Directors of the Central Appraisal District of Collin County will hold a regular meeting in the Central Appraisal District Office, 2404 K Avenue, Board Room, Plano, Texas. The subjects to be discussed are listed on the agenda which is attached to and made a part of this notice.

On this 16th day of March, 2006, this notice was filed with the County Clerk of Collin County, Texas and an original copy was posted on a bulletin board in the Collin County Court House at \_\_\_\_\_ on said date.

  
\_\_\_\_\_  
Jimmie C. Honea  
Chief Appraiser  
Phone: (972) 578-5200

DEPUTY

COLLIN COUNTY COURT  
COLLIN COUNTY, TEXAS

06 MAR 16 AM 8:44

FILED

IE2230394

**AGENDA**  
**BOARD OF DIRECTORS**  
**CENTRAL APPRAISAL DISTRICT**  
**of**  
**COLLIN COUNTY**

REGULAR MEETING - Thursday, March 23, 2006

CENTRAL APPRAISAL DISTRICT OFFICE  
2404 K Avenue, Board Room  
Plano, Texas

I. REGULAR MEETING – 6:30 PM

- A. Call to Order: Announcement by chairman whether a quorum is present and that notice of the meeting has been posted for the time and manner required by law.
- B. Approval of minutes from the February special meeting
- C. Review of February bills
- D. Review of February financial report
- E. Review and award proposal for building purchase
- F. Approval of purchases funded in the budget
- G. Budget Workshop
- H. Chief Appraiser's report

II. AUDIENCE

- A. Receipt of public comments

III. ADJOURNMENT

BY \_\_\_\_\_  
DEPUTY  
COLLIN COUNTY, TEXAS  
CLERK OF COURT  
06 MAR 16 AM 8:44  
FILED

# **Tab 17**



**FILE STAMP** 2106-0213 LPW

Return To:  
Chicago Title Insurance Company  
Southwest Region Commercial Center  
2001 Bryan Street, Suite 1700  
Dallas, Texas 75201-2113 93-5300

**"Notice of Confidentiality Rights: If you are a Natural Person, you may remove or strike any or all of the following information from this instrument before it is filed for record in the Public Records: Your Social Security Number or your Drivers' License Number."**

**SPECIAL WARRANTY DEED  
(With Vendor's Lien)**

THE STATE OF TEXAS     §  
  §     KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF COLLIN     §

THAT CORNERSTONE EBP, LP, a Texas limited partnership, (herein "Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable considerations and a promissory note (the "Note") dated June 30, 2006 herewith, executed by CENTRAL APPRAISAL DISTRICT OF COLLIN COUNTY, a political subdivision of the State of Texas, whose address is 250 W. Eldorado Parkway, McKinney, Collin County, Texas 75069 (herein called "Grantee"), and payable to the order of American National Bank of Texas ("Lender") in the principal sum of \$5,652,500.00, said Note being secured, in addition to the vendor's lien retained herein and other security, by a Deed of Trust, Assignment of Leases and Rents, Security Agreement and Fixture Filing dated concurrently herewith, executed by Grantee to John Davidson, Trustee for the benefit of Lender, covering and affecting the Property, the receipt and sufficiency of which are hereby acknowledged and confessed, has, subject to the matters set forth or referred to herein, GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL, and CONVEY, unto Grantee, that certain tract of land containing approximately 7.962 acres, located in the City of McKinney, Collin County, Texas, being more particularly described by metes and bounds on Exhibit "A" attached hereto and made a part hereof by reference for all purposes (the "Property") together with any improvements currently located thereon, together with all benefits, privileges, easements, hereditaments, and other rights appurtenant to the Property or any part thereof, including without limitation Grantor's right, title and interest, if any, in and to any streets, alleys, ways, sewer rights, utility capacity or rights thereto, water courses and water bodies adjacent to the Property, and all other inchoate rights affecting or applicable to the Property.

This conveyance is made and accepted subject to all matters of record and those permitted exceptions set forth in Exhibit "B" attached hereto and incorporated herein for all purposes, to the extent, but only to the extent, the same are now in force and effect and relate to the Property.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantee, its successors and assigns, forever, and subject to the matters set forth or referred to herein, Grantor does hereby bind itself, its legal representatives, successors and assigns, to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof, by, through or under Grantor, but not otherwise, subject, however, to the aforesaid exceptions.

20070402000439670  
04/02/2007 02:34:46 PM 01 1/5


Grantor hereby expressly reserves and assigns to Lender, and Lender's successors and assigns, the vendor's lien, as well as the superior title, in and to the Property to secure (i) the payment of the Note, and (ii) the performance and payment by Grantee of all covenants, conditions, obligations and liabilities under the Deed of Trust. Upon the full and complete payment of the Note and satisfaction and performance of all covenants, conditions, obligations and liabilities under the Deed of Trust, then this conveyance shall become absolute and the vendor's lien and superior title herein reserved shall be automatically released and discharged.

Current ad valorem taxes on said Property having been prorated, the payment thereof is assumed by Grantee.

EXECUTED this 28<sup>th</sup> day of March, 2007.

CORNERSTONE EBP, LP  
a Texas limited partnership

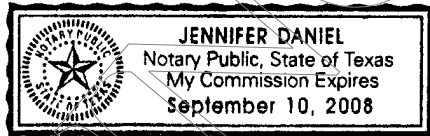
By: Cornerstone EBP GP, Inc.  
a Texas corporation

  
Fred A. Gans  
President

THE STATE OF TEXAS           §  
  §  
COUNTY OF DALLAS         §

This instrument was acknowledged before me on the 28<sup>th</sup> day of March, 2007, by Fred A. Gans, President of Cornerstone EBP GP, Inc., a Texas corporation, sole general partner of CORNERSTONE EBP, LP, a Texas limited partnership, on behalf of said limited partnership.

SEAL



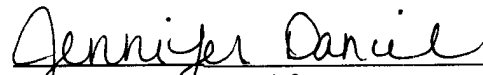
  
Notary Public in and for  
the State of Texas

EXHIBIT "A"

LEGAL DESCRIPTION

Lot 3, Block A of the Action Two Addition, an Addition to the City of McKinney, Collin County, Texas. Situated in the Samuel McFarland Survey, Abstract No. 558, according to the Minor Replat dated March 8, 2007, and recorded under Clerk's File No. 20070315010000860, Land Records, Collin County, Texas.

UNOFFICIAL

## EXHIBIT "B"

### PERMITTED EXCEPTIONS

1. As shown on plat dated March 8, 2007, and recorded under Clerk's File No. 20070315010000860, Land Records, Collin County, Texas.
2. Easement to City of McKinney recorded in Volume 641, Page 555, Deed Records, Collin County, Texas.
3. Easement to City of McKinney recorded in Volume 479, Page 308, Deed Records, Collin County, Texas.
4. Easement to City of McKinney recorded in Volume 412, Page 170, Deed Records, Collin County, Texas.
5. Easement to City of McKinney recorded in Volume 412, Page 169, Deed Records, Collin County, Texas.
6. Easement to Texas Power and Light Company recorded in Volume 313, Page 379, Deed Records, Collin County, Texas.
7. Easement to Texas Power and Light Company recorded in Volume 313, Page 376, Deed Records, Collin County, Texas.
8. Thirty-five (35) foot easement to City of McKinney, recorded in Volume 4959, Page 3595, Deed Records, Collin County, Texas (Affects and is shown on survey)
9. Easement reserved by City of McKinney in Ordinance No. 2006-05-060, recorded under Clerk's File No. 20060523000702290, Land Records, Collin County, Texas.
10. Utility and drainage easement due to existing sewer and storm drainage lines as set forth in Ordinance No. 2006-05-060, recorded under Clerk's File No. 20060523000702290, Land Records, Collin County, Texas
11. Easement granted by Cornerstone EBP, LP to the City of McKinney recorded under Clerk's File No. 2006101301478990, Land Records, Collin County, Texas.

UNOFFICIAL

Filed and Recorded  
Official Public Records  
Stacey Kemp  
Collin County, TEXAS  
04/02/2007 02:34:46 PM  
\$32.00 DLAIRD  
20070402000439670



*Stacey Kemp*

# Tab 18





### Biography and Photograph

Duties & Responsibilities of the Attorney General

Contacting the Office of the Attorney General

Admin/Legal Volunteer & Intern Program (VIP)

Child Support Community Services and Volunteer Program

Law Clerk Program

What the Attorney General Can Do for You

Duties & Responsibilities

Compact with Texans

Employment

Subscriptions

## About Texas Attorney General Ken Paxton



### Attorney General Ken Paxton

Texas' 51st Attorney General, Ken Paxton, is known for his principled and uncompromising devotion to America's founding values, and as a man who has demonstrated enormous political courage throughout his service to Texas.

The son of an Air Force veteran, General Paxton is a stalwart leader with an abiding passion and deep-seated respect for our U.S. Constitution.

While serving in both chambers of the Texas Legislature, General Paxton worked to protect the 10th Amendment, defending Texas' state sovereignty. He co-sponsored and defended Texas' Voter ID bill, and has been a prominent voice in the defense of religious liberty and the protection of the unborn.

A defender of our free enterprise system, General Paxton has worked to make Texas a beacon of economic prosperity, opposing burdensome government regulations that harm Texas jobs and stunt economic growth.

Ken Paxton was born December 23, 1962, in Minot, North Dakota, while his father was stationed at Minot Air Force Base. He graduated from Baylor University, where he served as student body president, earning a B.A. in psychology in 1985 and an M.B.A. in 1986.

In 1991, he earned a law degree from the University of Virginia School of Law, founded by Thomas Jefferson. After law school, he joined the firm of Strasburger & Price, LLP, and later served as in-house counsel for J.C. Penney Company.

First elected to the Texas House of Representatives in 2002, General Paxton represented House District 70 for 10 years, one of the fastest-growing regions in the state. In 2012, he was elected to the Texas State Senate, representing Senate District 8 in Collin and Dallas counties.

He met his wife Angela, a guidance counselor at Legacy Christian Academy in Frisco, while they were students at Baylor. The Paxtons have four children: Tucker, Abby, Mattie, and Katie. They are members of Prestonwood Baptist Church in Plano.



# Tab 19



## Property Search

[New Search](#)
[Revise Current Search](#)
[Export Results](#)

**Legend**

- Business Personal Property
- Mineral
- Mobile Home
- Real

Matching properties *1 property*  
 Displaying all 1 results

Property ID <small>(Geographic ID)</small>	Owner Name	Property Address	Legal Description	2015 Market Value
2621994 <small>R-8558-000-0500-1</small>	ELDORADO-COLLIN LP	Eldorado McKinney, TX 75069	Abs A0558 S Mcfarland Survey, Tract 50, 16.938 Acres	\$254,556

**Site Navigation**

- [Home](#)
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  - Abstract & Plat Maps
- Downloads**
  - Forms
  - Reports
- Calendar**
- Annual Reports**
- Key Annual Cycles**
- How is your Property Appraised?**
- Exemptions and Rates**
- Press Releases**
- District Information**
- Boards**
  - Board of Directors
  - Ag Advisory Board
  - Appraisal Review Board
- History of CADs**
- Links**
  - Other Appraisal Districts
  - Texas Comptroller Resources
  - Tax Offices
- Site Search**
- Help and FAQs**