

Kimley»Horn

August 4, 2016

The Honorable J.D. Clark
 Wise County Judge
 P. O. Box 393
 Decatur, TX 76234

**RE: Lucas Addition, Lots 1-3
 Final Plat Review, Precinct 3
 KHA No. 061027001**

Dear Judge Clark:

As requested, Kimley-Horn and Associates, Inc. has reviewed the Final Plat submittal for the Lucas Addition, Lots 1-3 Final Plat in accordance with the *Wise County Development Rules and Regulations*. This letter is provided detailing our review comments for the Final Plat submittal. It is our understanding a variance is being requested for the following item:

- A Drainage Plan should be included with the submittal that contains 5-foot contour intervals shown throughout the subdivision and descriptions of contributing drainage and discharge to and from the subdivision, as prepared by a licensed engineer in the State of Texas. (Re: Section 3.07)

Aside from this, all other items appear to be in general conformance with the Wise County Development Rules and Regulations.

For review and acceptance of the development by Wise County Commissioner's Court, it is the responsibility of the Developer to confirm with the County Judge's office for placement on the upcoming Commissioner's Court Agenda.

We appreciate the opportunity to be of continued service to Wise County. If you have any questions or comments, please do not hesitate to call.

Very truly yours,
 KIMLEY-HORN AND ASSOCIATES, INC.
 Texas Registration No. F-928

Jenifer Tatum P.E.

Jenifer Tatum, P.E.

JRT/klw

Copy to: Mr. Danny White, County Commissioner, Precinct 1 (via email)
 Mr. Kevin Burns, County Commissioner, Precinct 2 (via email)
 Mr. Harry Lamance, County Commissioner, Precinct 3
 Mr. Gaylord Kennedy, County Commissioner, Precinct 4 (via email)
 Mr. Chad Davis, P.E., County Engineer (via email)
 Mr. Stephen Lucas, Owner/ Developer
 Mr. Lonnie Reed, R.P.L.S, Tri Counties Surveying
 Mr. Tom Goode, Wise County Public Works (attachment)

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Kimley»»Horn

August 10, 2016

The Honorable J.D. Clark
Wise County Judge
P. O. Box 393
Decatur, TX 76234

**RE: Highland Hills Phase Two - Final Plat/Maintenance Period Acceptance
KHA No. 061027001**

Dear Judge Clark:

As requested, Kimley-Horn visited Highland Hills Phase II on August 8, 2016, for the purpose of performing the final walk-through inspection for the subdivision. Subsequently, Kimley-Horn has coordinated with the developer's representative and the County Engineer to verify completion of the items identified to be addressed prior to acceptance. It is recommended that the following items be monitored throughout the maintenance period:

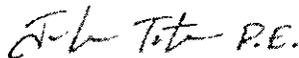
- Vegetation and erosion control should be installed and maintained until sufficient vegetation is present to prevent erosion of the roadside ditches and channels. In addition, sediment within culverts shall be removed and regularly maintained to prevent sediment build-up within culvers and roadside ditches.

We have reviewed the maintenance bond and it is our understanding that the original is being delivered to your office. Aside from these items, the infrastructure improvements appear to be in general conformance with the *Wise County Development Rules and Regulations* and complete for maintenance period acceptance by Commissioners' Court. Upon acceptance of the Final Plat by the Court, the Final Plat can be signed and filed with the appropriate deed restrictions.

We appreciate the opportunity to be of continued service to Wise County. If you have any questions or comments, please do not hesitate to call.

Very truly yours,
KIMLEY-HORN AND ASSOCIATES, INC.

Texas Registration No. F-928



Jenifer Tatum, P.E.
JRT/jrt

Attachment: Maintenance Bonds Dated August 2016

- Copy to:
- Mr. Danny White, County Commissioner, Precinct 1
 - Mr. Kevin Burns, County Commissioner, Precinct 2 (via email)
 - Mr. Harry Lamance, County Commissioner, Precinct 3 (via email)
 - Mr. Gaylord Kennedy, County Commissioner, Precinct 4 (via email)
 - Mr. Chad Davis, P.E., County Engineer (via email)
 - Mr. Joe Sullenberger, c/o Owner/ Developer
 - Mr. David Fuller, FX 5 Construction
 - Mr. Tom Goode, Wise County Public Works (attachment)

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SureTec Insurance Company

1330 Post Oak Blvd., #1100
Houston, TX 77056
888-344-3362

Bond No. 4407023

MAINTENANCE BOND

KNOW ALL MEN BY THESE PRESENTS, that we, FX5 Construction & Excavation, Inc., P.O. Box 1297, Decatur, TX 76234 as Principal, and SureTec Insurance Company, a corporation organized under the laws of the State of Texas, and duly authorized to do business in the State of Texas as Surety, are held and firmly bound unto Wise County Judge, or his successor in office as Obligee, in the penal sum of Eight Hundred Fourteen Thousand Six Hundred Eighty and no/100--- Dollars (\$814,680.00-----) to which payment well and truly to be made we do bind ourselves, and each of our heirs, executors, administrators, successors and assigns jointly and severally, firmly by these presents.

WHEREAS, the said Principal has entered into a contract with CTEX HOMES, LTD. dated 10/27/2015 for Roads, Drainage Ditches and Culverts - Highland Hills Phase II - Decatur, Texas, which contract is hereinafter referred to as the "Contract."

WHEREAS, said Obligee requires that the Principal furnish a bond conditioned to guarantee for the period of 2 (Two) year (s) after substantial completion of the work performed under the Contract against all defects in workmanship and materials which would have been the responsibility under the Contract for which written notice is made to Surety during said period

NOW THEREFORE, THE CONDITIONS OF THIS OBLIGATION IS SUCH that, if the Principal shall indemnify the Obligee for all loss that the Obligee may sustain by reason of any defective materials or workmanship which may become apparent and with respect to which notice is delivered to Surety in writing during the period of 2 (Two) year (s) from and after date of substantial completion of the work under the Contract, then this obligation shall be void, otherwise to remain in full force and effect.

No right of action shall accrue hereunder to or for the benefit of any person or entity other the Obligee named herein, nor shall any suit be filed or action maintained on this bond more than twenty five (25) months after the date of the earliest timely notice of defect by Obligee to Surety.

SIGNED, SEALED AND DATED THIS 10th day of August, 2016.

FX5 Construction & Excavation, Inc.
Principal

By: C. A. J. [Signature]

SureTec Insurance Company

By: J. Picchi [Signature]
Jennifer Picchi, Attorney-in-Fact

SureTec Insurance Company
THIS BOND RIDER CONTAINS IMPORTANT COVERAGE INFORMATION

Statutory Complaint Notice/Filing of Claims

To obtain information or make a complaint: You may call the Surety's toll free telephone number for information or to make a complaint or file a claim at: 1-866-732-0099. You may also write to the Surety at:

SureTec Insurance Company
9737 Great Hills Trail, Suite 320
Austin, TX 78759

You may contact the Texas Department of Insurance to obtain information on companies, coverage, rights or complaints at 1-800-252-3439. You may write the Texas Department of Insurance at

PO Box 149104
Austin, TX 78714-9104
Fax#: 512-490-1007
Web: <http://www.tdi.state.tx.us>
Email: ConsumerProtection@tdi.texas.gov

PREMIUM OR CLAIM DISPUTES: Should you have a dispute concerning your premium or about a claim, you should contact the Surety first. If the dispute is not resolved, you may contact the Texas Department of Insurance.

SureTec Insurance Company

LIMITED POWER OF ATTORNEY

Know All Men by These Presents, That SURETEC INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Texas, and having its principal office in Houston, Harris County, Texas, does by these presents make, constitute and appoint

Clem F. Lesch, Steven W. Lewis, Eric Lesch, Jennifer Picchi, Melissa Lesch, Linda Stalder

its true and lawful Attorney-in-fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver any and all bonds, recognizances, undertakings or other instruments or contracts of suretyship to include waivers to the conditions of contracts and consents of surety for:

Five Million and 00/100 Dollars (\$5,000,000.00)

and to bind the Company thereby as fully and to the same extent as if such bond were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney-in-Fact may do in the premises. Said appointment shall continue in force until 05/18/2017 and is made under and by authority of the following resolutions of the Board of Directors of the SureTec Insurance Company:

Be it Resolved, that the President, any Vice-President, any Assistant Vice-President, any Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

Attorney-in-Fact may be given full power and authority for and in the name of and of behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements or indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be binding upon the Company as if signed by the President and sealed and effected by the Corporate Secretary.

Be it Resolved, that the signature of any authorized officer and seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signature or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached. (Adopted at a meeting held on 20th of April, 1999.)

In Witness Whereof, SURETEC INSURANCE COMPANY has caused these presents to be signed by its President, and its corporate seal to be hereto affixed this 21st day of March, A.D. 2013.

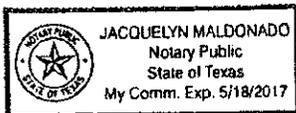
SURETEC INSURANCE COMPANY

By: [Signature]
John Knox Jr., President

State of Texas ss:
County of Harris



On this 21st day of March, A.D. 2013 before me personally came John Knox Jr., to me known, who, being by me duly sworn, did depose and say, that he resides in Houston, Texas, that he is President of SURETEC INSURANCE COMPANY, the company described in and which executed the above instrument; that he knows the seal of said Company; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Company; and that he signed his name thereto by like order.



[Signature]
Jacquelyn Maldonado, Notary Public
My commission expires May 18, 2017

I, M. Brent Beaty, Assistant Secretary of SURETEC INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Company, which is still in full force and effect; and furthermore, the resolutions of the Board of Directors, set out in the Power of Attorney are in full force and effect.

Given under my hand and the seal of said Company at Houston, Texas this 10th day of August, 2016, A.D.

[Signature]
M. Brent Beaty, Assistant Secretary

Any instrument issued in excess of the penalty stated above is totally void and without any validity.
For verification of the authority of this power you may call (713) 812-0800 any business day between 8:00 am and 5:00 pm CST.