

Control Number: 45870



Item Number: 23

Addendum StartPage: 0

Donna L. Nelson

Chairman

Kenneth W. Anderson, Jr.

Commissioner

Brandy Marty Marquez Commissioner

Brian H. Lloyd **Executive Director**



RECEIVED

Greg Abbott Governor

2016 JUL 14 AM 10: 03

PUBLIC UTILITY COMMISSION

Public Utility Commission of Texas

TO:

Central Records

FROM: Lisa Carter 13

Commission Advising & Docket Management

RE:

Correspondence related to Docket No. 45870, SOAH Docket No. 473-16-4619.WS

Complaint of Ker-Seva Ltd. Against the City of Frisco

DATE:

July 14, 2016

The commissioners' offices received the attached correspondence pertaining to the abovestyled docket. Commission Advising is filing the correspondence. Parties will not be served copies of the attached documents, but can access it through the PUC Interchange at http://www.puc.state.tx.us/interchange/index.cfm.

Please note that a member or employee of a state agency assigned to render a decision in a contested case may not directly or indirectly communicate in connection with an issue of fact or law with any state agency, person, party, or representative of those entities, except on notice and opportunity for each party to participate. See Administrative Procedures Act, Tex. Gov't Code Ann. § 2001.061 (West 2008 & Supp. 2015).

cc: All Parties (without attachment)

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To: Commissioners Donna L. Nelson, Kenneth L. Anderson Jr., and Brandy Marty Marquez

Re: ADC Westridge Villas, LP

Dockett Number: 45870

The aforementioned development has put a tremendous strain and burden on the surrounding communities and homeowners of McKinney and Frisco (Collin County) for the past 18 months. In February of 2015, we were made aware of a possible low income, 5 acre housing project to be placed on a 4.9 acre plot of land at the corner of Westridge and Custer (Frisco ETJ). We fought the first phase of approval by submitting a protest/ petition along with \$500 to the TDHCA. I am attaching this along with our current petition/protest. She was denied approval on her first application. Originally she had planned for a 93 unit complex with 260 parking spaces, but when she was denied by the TDHCA for the 9% HTC funding, she underhandedly and secretly revised her application, unbeknownst to the homeowners and government agencies affected by the project, to apply for HOME funds, which in turn increased the size of her project and affected the overall policies, rules and standards (see documentation below).

Mr. Deputy, We appreciate your interest in this development and wanted to get back to you with some more information on the recently approved application. ADC Westridge, LP (the applicant) originally applied for 9% Housing Tax Credits (HTC) on 2/27/15 as a 93 unit development comprised of 80 low income units and 13 market rate units. When the 9% HTC application log was posted soon after that, it was determined that the application would not be competitive and was very unlikely to receive an allocation of 9% HTC. Realizing that, the applicant revised the 9% HTC application so that the only Department source of funding they were applying for were HOME funds and submitted the application for HOME funds on 3/31/15. The HOME application submitted on 3/31/15 significantly changed the financing structure from what was presented in the 9% HTC application as well as the development size – increasing the total number of units to 132 while reducing the number of low income units to 56 (the remaining 76 units will be market rate units), resulting in a truly mixed-income community.

In order to have received an award of HOME funds, it had to comply – and will have to continue to comply – with TDHCA's underwriting standards, previous participation reviews, the integrated housing rule, accessibility requirements, and a host of other state and federal requirements as HOME funds are allocated from HUD directly to TDHCA. Additionally, the site had to be properly zoned and will ultimately have to gain both environmental, site & neighborhood clearance from HUD before moving forward.

At their March meeting, the TDHCA Governing Board approved a modification to the Westridge award, which removes it from the CHDO set aside. Issues such as drainage or easements would in fact be part of the local permitting process, and generally not matters that we would address.

There has been ongoing research, protests, town hall meetings, petitions signed and communication with the TDHCA, P.U.C, S.O.A.H, HUD, Our State Representatives and other government agencies by the homeowners/ taxpayers in our surrounding communities for the past 18 months due to the un-ethical and uncooperative behavior of Terri Anderson and her company.

Consequently, I am providing a list of on-going concerns, complaints, protests, issues and violations put together by our surrounding homeowners and communities:

"Project is proposed to go on a site where the infrastructure and integrity of the land and TWO LANE roadway (which can't be widened) is questioned.

"There is a storage facility on the East Side, Montessori on the West Side and a Recreational storage facility being built on the Southside. It is like trying to park 3 cars in a 2 car garage. There is very little space to cram a 132 unit, 4 story complex with 300 parking spaces into an area with all of the amenities she is promising: per Ms. Anderson: Class A design and Class A amenities (swimming pool, tot lot, BBQ areas, covered patio, business center, fully equipped exercise room, etc.) are complemented with tenant services to support tenant needs (notary public, homebuyer training, credit training, nutrition training, etc.)."

"A 4 story building will impede on the privacy of all homeowners on the North Side of Westridge"

"Traffic is already congested on our TWO LANE road and adding possibly 150-200 cars daily to that road will cause major congestion, not to mention 18-24 months of construction vehicles traveling on that road daily. The McKinney city engineer has NO TRUCK signs posted on that 2 lane stretch of road, yet trucks continue to turn on Westridge off Custer daily creating undue wear and tear and

congestion to the roadway. I personally have seen 3 trucks almost run over the fire hydrant on the NW corner of Custer and Westridge"

"Based on research and environmental sources in the City of Frisco, the plot of land possibly sits in a riparian corridor (an ecosystem that includes the stream channel, floodplain, and transitional upland fringe and plays important roles in water supply, reduction of floodwater and recreational landscaping)."

"No easements, no water, no electric and no utilities have been awarded and/ or provided, yet the Developer is moving full speed ahead on the project and has no plans to slow down. We were informed that she told those closest to her that she thinks the PUC will force one of the cities to cave in. They won't make her stop the development if she has moved so far ahead. This is downright slanderous."

"When development began, the company was caught trying to splice their meter into McKinney's electrical lines"

"When development began, the company was caught on 4 different occasions using a Frisco water meter to steal water from McKinney fire hydrants. The City of McKinney is currently pursuing legal action"

"There is no public transportation anywhere in sight that would allow the low income families without vehicles to travel to their destinations"

"The owner of the land that was sold to Anderson (Kerseva), who also owns the Montessori directly west of the property, has been closely involved in illegally providing water and electric to the developers. Kerseva also filed a complaint with the PUC, which should no longer involve them after the sale of the land"

"Frisco has never denied water to the developer. They just want her to pay the cost to bring a line in and obtain the necessary permits, licenses and easements. The problem is she is unable to obtain easements from homeowners and businesses and without easements, there is no water or power source. Collin County has not provided her a permit to build, based on lack of utilities, yet she continues to move forward."

"I, Craig Deputy, have tried to contact Ms. Anderson on 10 different occasions by e-mail and phone calls. She has only responded to me once by e-mail and once by phone. When she found out who I was on the phone, she hung up and I couldn't reach her again. She has failed to build a relationship with surrounding communities although we have reached out and asked her to attend our town hall meetings and HOA meetings. If you have a vested interest in the entire community you will reach out to residents in the area. We spoke with one of her contractors and they said that Terri Anderson doesn't even speak to them."

"The owners of these lots have been made aware for a while that they would have to get easements for utilities. Several buyers were denied and many backed out for those reasons. She shouldn't be allowed something when others were not."

"The City Councilman for our district, Chuck Branch, and the City Developer, Michael Quint, of McKinney, understand that this location is not zoned or suited for this type of development and have declined access to utilities. There is a fear that this development will create more bad than good."

"We believe the developer has been dishonest with local and state government agencies to secure her loans and has blatantly attempted to circumvent the law and the system by illegally tapping into city water lines."

"As taxpayers and homeowners in Collin County, we expect our tax dollars and government spending to be handled in a diligent and fair manner and with this project, we feel there has been mishandling and misappropriation of funds."

"She has started construction without any easements for utilities. How will she be able to provide for the residents, get insurance for improvements? She will have to leave the residents of the Villas high and dry. She will build, fill, and walk away. This is the sad result for the majority of this type of dwelling."

"Emergency service access would be severely delayed with this being county land and not city land creating safety and security issues."

"If this development was submitted to any city there would have been a flood study since a portion of the property is in a designated FEMA flood hazard area. We don't recall seeing anything about how her development is impacting the floodplain. Most cities don't allow any rise in the base flood elevation due to development. Also, how is she mitigating the additional impervious area she's creating? The neighboring properties don't want to get flooded from this development."

"Even with all our concerns, protests and requests, the TDHCA did not send staff to visually inspect the proposed development site because they felt there were no undesirable neighborhood characteristics (high poverty rate, high rate of violent crime, environmentally hazardous conditions) in the area around the site, which we felt was completely untrue. We felt the environmental conditions definitely provide for serious hazards in the future."

"TDHCA board members seemed to ignore HUD rules and gave Terri Anderson's Community Housing Development Organization ("CHDO") a \$4M HOME "award" even though HUD has rules against her CHDO and her Development company having the same people (Terri Anderson) own and control both "organizations:

The TDHCA would go against HUD rules on financing her Westridge Villas project. You can read the TDHCA recommendations to give her the \$4M here:

http://www.tdhca.state.tx.us/board/meetings.htm (look at 3/31 meeting Board Book Supplement) and you can watch it happen here: http://tlchouse.granicus.com/MediaPlayer.php... (Fast Forward to 3:57:00 in the 4 hour video). If TDCHA had not given her the \$4M "loan," she would have had to redo her previously underwritten FHA loan and her contract on the land purchase would have expired. My understanding is that the Westridge Villas development will effectively be 100% financed between the HOME loan (used as her "down payment") and the FHA loan. I could be wrong here, but what TDHCA did is all too suspicious in my opinion."

"She has changed the # of units and the distribution of how many units there will be for each type of resident (priced at market value vs lower rates due to different assistance programs). We read about her changing the amount of the cost of materials and such due to using potentially "lower" grade materials and making cuts- I believe this included parking and fencing and things of that nature as well."

"This development is workforce housing, per Ms. Anderson, to help Firemen, Police, Teachers, and Veterans per Ms. Anderson". The H.U.D low income requirements are for a single person are \$33750. A first year teacher in the City of Frisco salary is \$47500. A first year Firefighter for the City of Frisco \$49556. First year Police Officer for the City of Frisco \$49556. A 100% single Disabled Military Veteran \$34882 a year. NONE OF THE ABOVE QUALIFY!

"We want to make sure every legal process for every code enforcement, permit, & inspection has been followed & all the legal documentation has been fully monitored correctly & fully disclosed? Has a full investigation of the company for any ethics violations, a demand for a full audit to ensure tax funds are being ethically & honestly used & the same for all contractors involved. Why would a developer continue to spend large amounts of money and already cut a trench in the ground for water prior to being approved and given permission to tap into water without some sort of insider information that would give her knowledge of the ability to move forward? She is moving forward as if she has already been approved. Seems a little fishy"

"This project seems to be based on the premise of providing residential accommodation to economically challenged persons. The proposed site is an island that neither belongs to McKinney nor Frisco. Those who may benefit could in reality be short changed as they will not have resources of any of the two cities. This project deals with real people and their daily needs. Why build a housing project that has an uncertain future and may push the future residents to another harsh path in the garb of helping their housing situation."

"There are major concerns about our schools and the effect it will have on these: Overcrowding, more kids in a classroom, safety, security and rezoning."

IMPACT ON SCHOOLS

The posted student-to-teacher ratio in FISD is 15:1, however class sizes are as close to 22:1 in grades K-4. In grades 5-12, the class size is maintained as close to 25-28:1 as possible. Classrooms are already over capacity! http://www.friscoisd.org/ly/about/

Schools Impacted by Proposed Apartments (As of the 2016/17 school year)

 $\frac{http://www.friscoisd.org/docs/default-source/attendance-zones/attendance-zones-by-subdivisions-2015-16.pdf?sfvrsn=2$

October 1, 2016 Student Census

SCHOOL	TOTAL	C4515
Ashley Elementary		CAPACITY
Mooneyham Elementary	850	760
	787	760
Norris Elementary		760
Scott Elementary	650	760
Sem Elementary	650	
Sonntag Elementary	710	760
Tadlock Elementary		760
Roach Middle School	730	760
Maus Middle School	980	1000
	915	1000
Heritage High School	1854	2100

Other schools in FISD are at much lower levels and would not be impacted as much. Simply redrawing the lines is not enough. http://www.friscoisd.org/ly/admin/docs/153111151012.pdf

Approved New Home Construction Closest to Proposed Project within Frisco ISD That Will Impact the Previously Mentioned Schools

Heights at Westridge Phase 7 – 106 new homes
Reserve at Westridge Phase 9 – 32 new homes
Trail Point at Westridge – 89 new homes

This is a total of 246 homes.

The developer filed documents stating they want to build a four story 140 unit complex. There could potentially be 180-280 children residing at these apartments. Add that to the potential population with the new three to five bedroom single family homes will bring in and our schools will be pushing capacity levels very quickly.

Here is a letter I received from Ms. Anderson in April of 2015 that outlined her project, that we feel grossly misrepresents what her ultimate plan will be. We have included our rebuttal:

Good afternoon Mr. Deputy,

The property is a great location offering excellent schools, community amenities, and services (grocery stores, pharmacy, bank, restaurants, churches, gas station, etc.) within one mile of the site. The new Toyota plant and Nebraska Furniture Mart create increased demand for diverse housing options in a market that already has limited choices for those families currently living here (or would like to move here) and earning approximately \$45,000 or less per year in the surrounding area. Although it is not a requirement, the property has been redesigned from 140 units down to 93 units to meet the City of Frisco's MF-19 zoning requirements, as proposed to consider support for the development. We are confident our design complements the surrounding uses, and exceeds all building standards for structure, accessibility, and design. The single family homes are divided by a proposed four-lane roadway. The majority of the property is not in the floodplain; the tiny portion that is will not contain any structures and meet all FEMA and HUD requirements.

The Toyota plant and Furniture mart are 12-15 miles from the proposed site. There are alternative housing options for those employees that would prevent the possible issues at the proposed site. The development is no longer 93 units but 132-140 units with 300 parking spaces which has greatly affected zoning requirements. The property does sit in a floodplain and will surely effect surrounding business if built. It is not a 4 lane roadway. It will be constructed next to a 2 lane roadway that can't be widened and will not have sidewalks.

In conclusion, we know that it is the PUCT mission to protect Texas constituents and promote high quality infrastructure, thus, as citizens, taxpayers and homeowners of the great state of Texas and the United States of America, we have the constitutional right to voice our opinions and for our concerns to be heard and addressed if we feel threatened in any way, the right to fight and defend our freedoms, and the right to due process based on the facts provided.

There are currently thousands of homeowners that will be directly affected by this proposed development and we want to make it perfectly clear that our resistance has NOTHING AT ALL to do with Race, Sex, Religion, Culture or Discrimination of any kind.

This has everything to do with moral, ethical and safety standards of City, State & Federal governing bodies that protect the general public.

We were assured by the TDHCA and HUD that unless Anderson Development secured water and power utilities for the project, which they currently have NOT, that the project would not be cleared and that the loan would not be approved, yet, we sit here today with the project moving ahead.

Collin County officials have not approved the necessary licenses and permits to build, yet, she continues to work on the property.

Although Anderson Developers received a loan from the TDHCA, that doesn't mean anyone should be bullied, manipulated or feel obligated to approve the project. There are too many factors that put this community at risk.

I am attaching our protest document along with pages and pages of hand signed petitions, as well as, a series of photos documenting the hazards, violations, safety issues and risky conditions from the surrounding communities who want their voices to be heard. Thank you for your consideration in this manner.

Best Regards,

Craig Deputy

Eagles Nest H.O.A

Vice President

Westridge Community Liaison

702.353.3688

Cry Dung

Westridge Master Planned Community



Windsor Meadows, Fairways, The Villas, Summit Fairways, The Greens, Eagle's Nest, The Heights

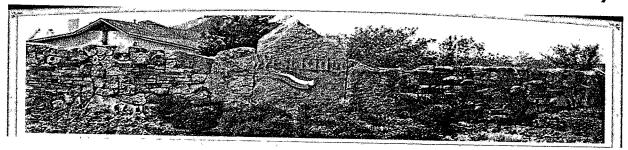
McKinney, Texas 75070

Protest/ Petition of Dockett #45870

ADC Westridge Villas, LP

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Westridge Master Planned Community



Windsor Meadows, Fairways, The Villas, Summit Fairways, The Greens, Eagle's Nest, The Heights

McKinney, Texas 75070

Protest/ Petition of Dockett #45870

ADC Westridge Villas, LP

Printed Name	Signature	<u>Address</u>
Clay Sharp	Hot Short	1301 Rain Fern Dr.
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Westridge Master Planned Community



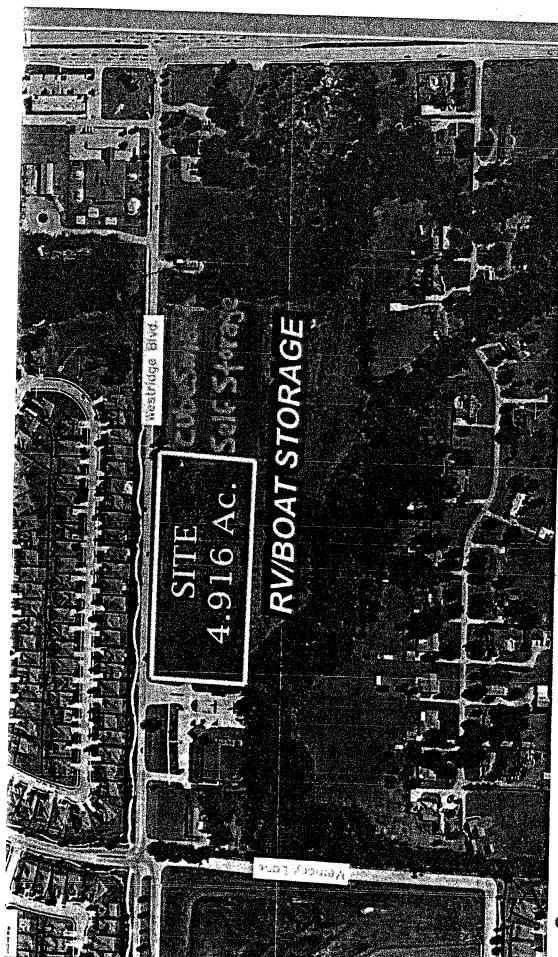
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McKinney, Texas 75070

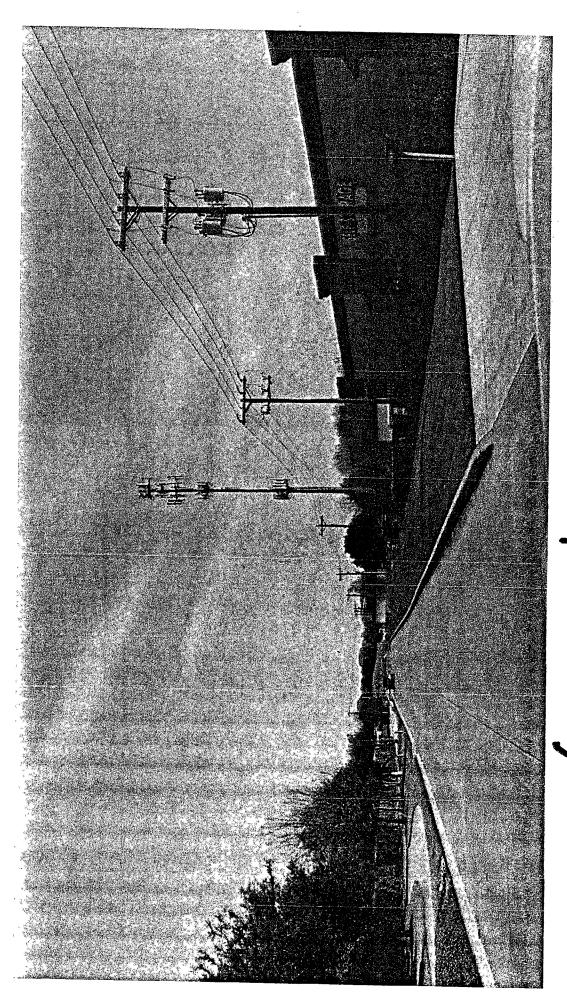
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ADC Westridge Villas, LP

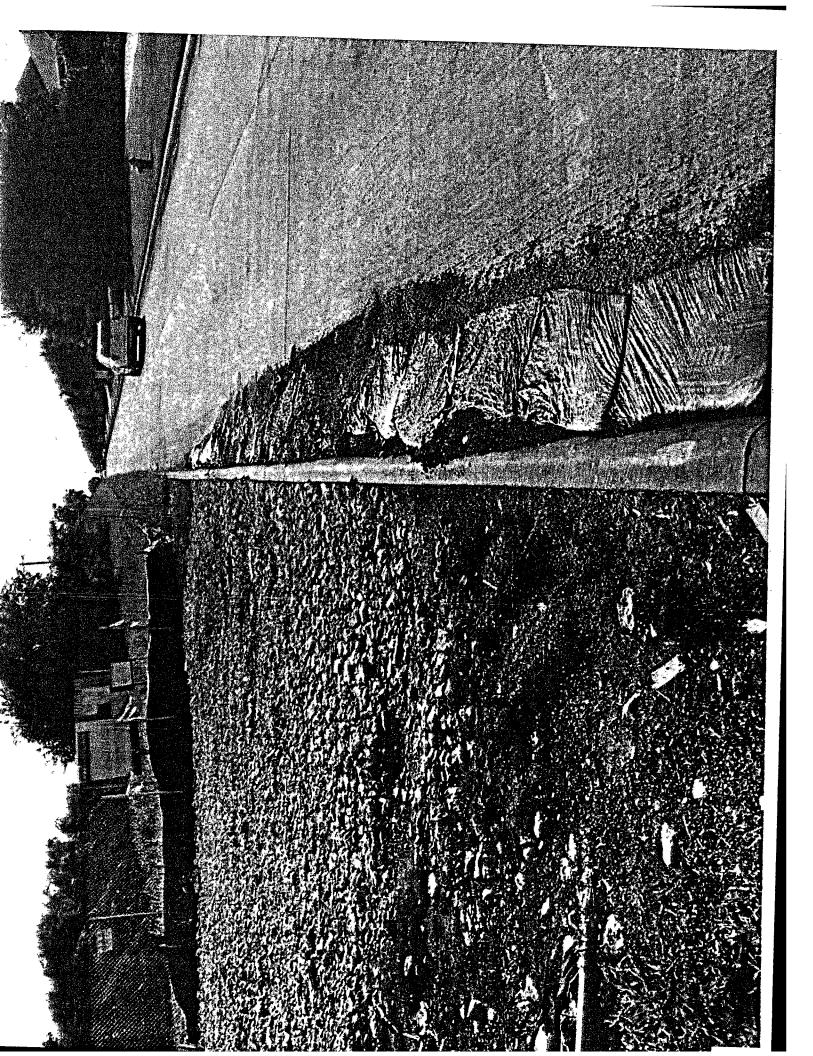
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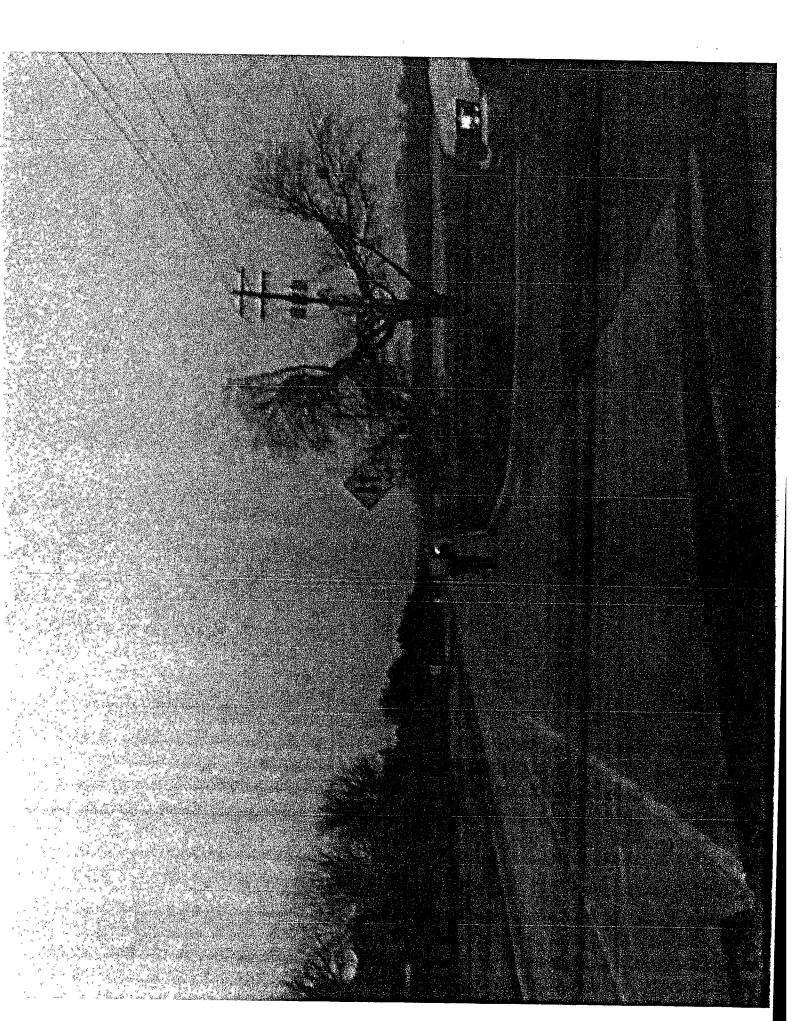


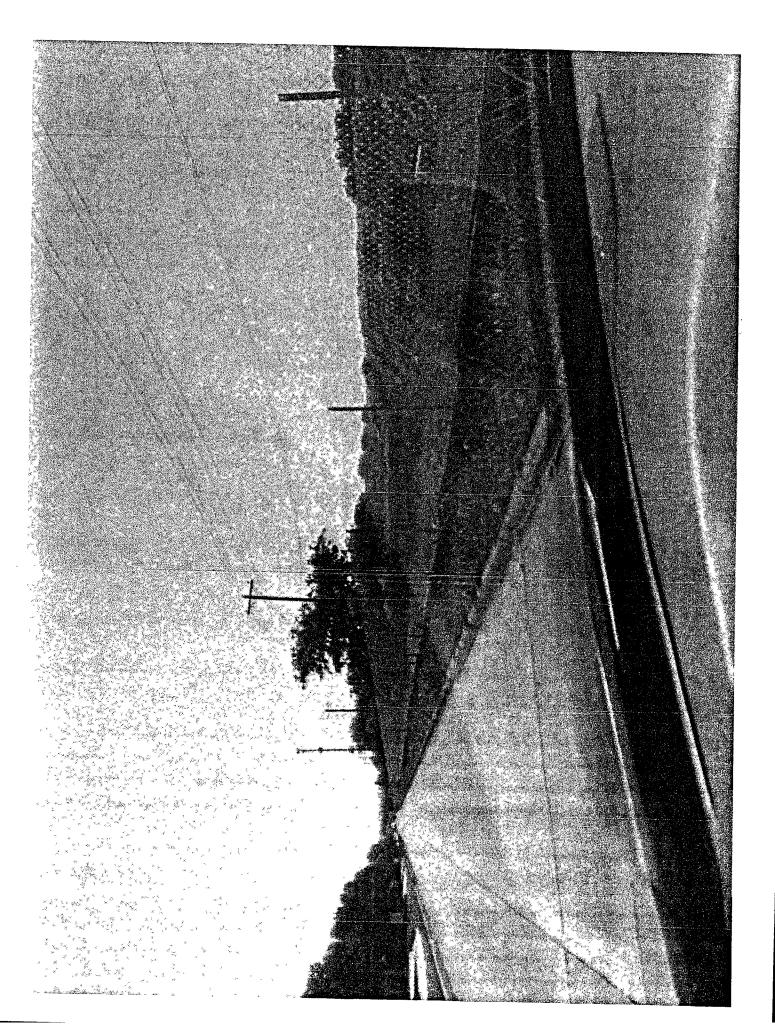
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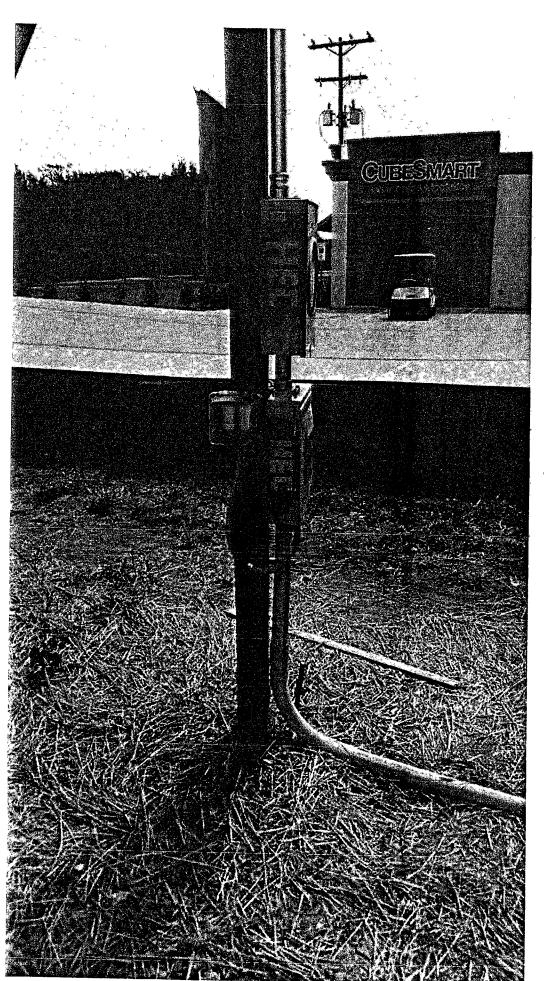


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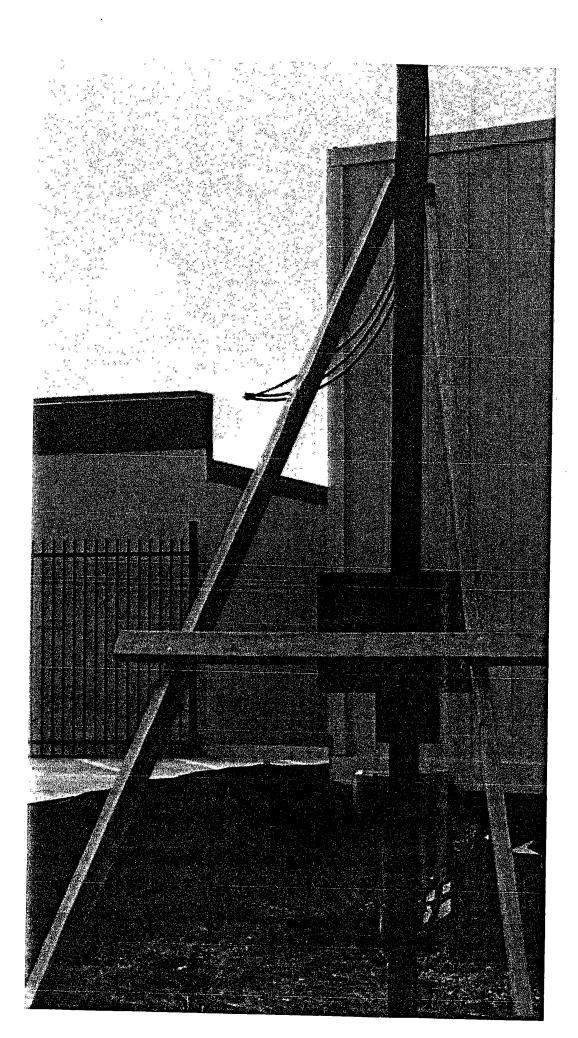


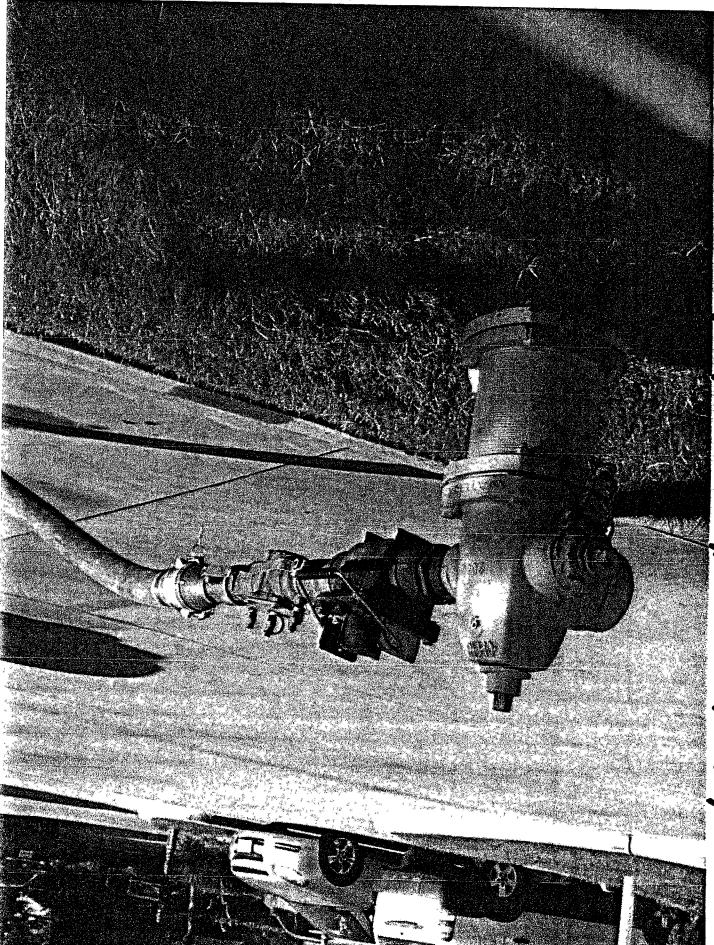




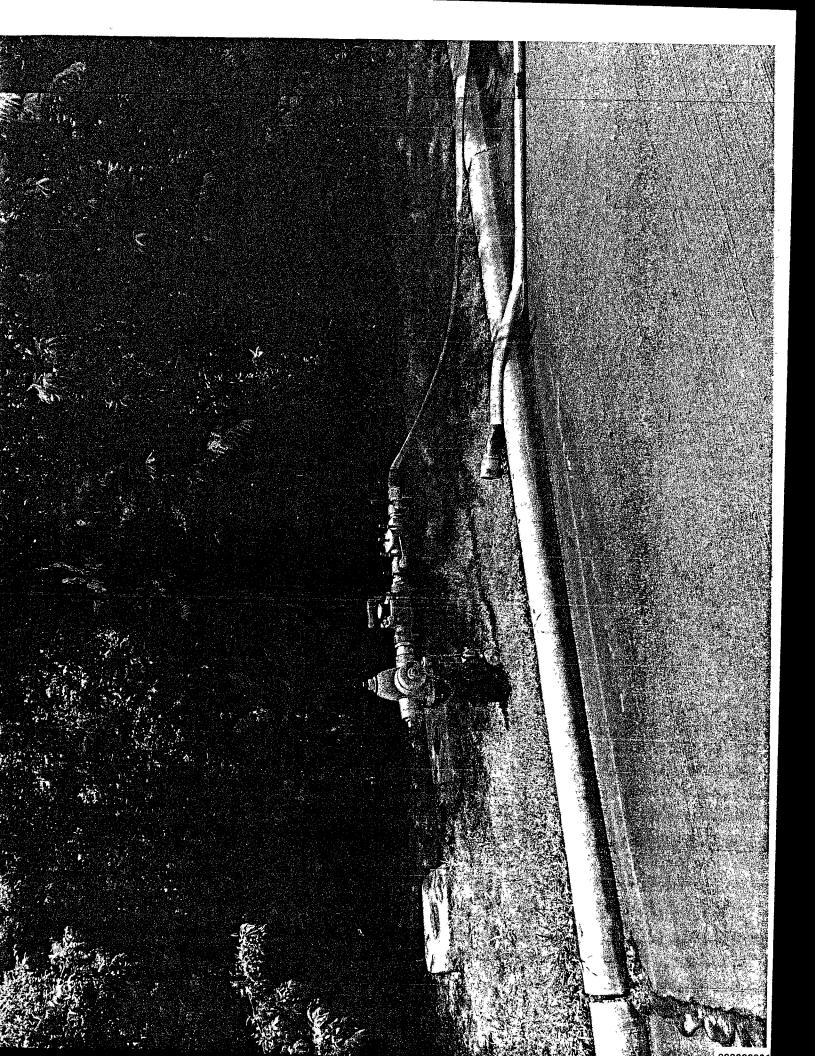


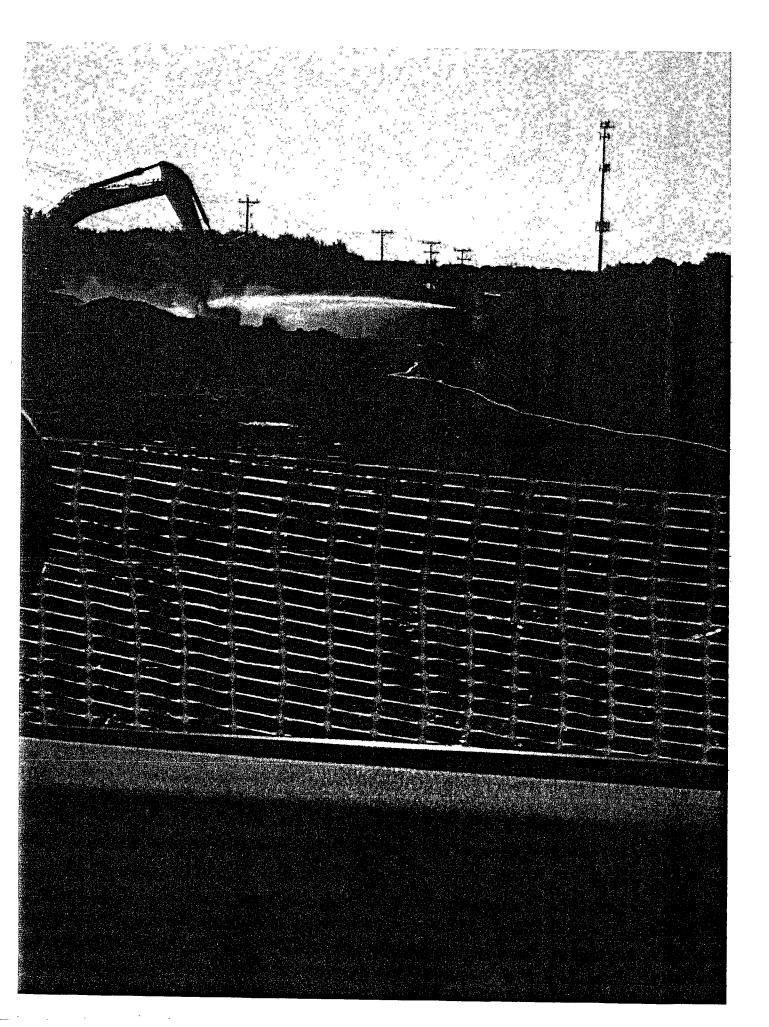
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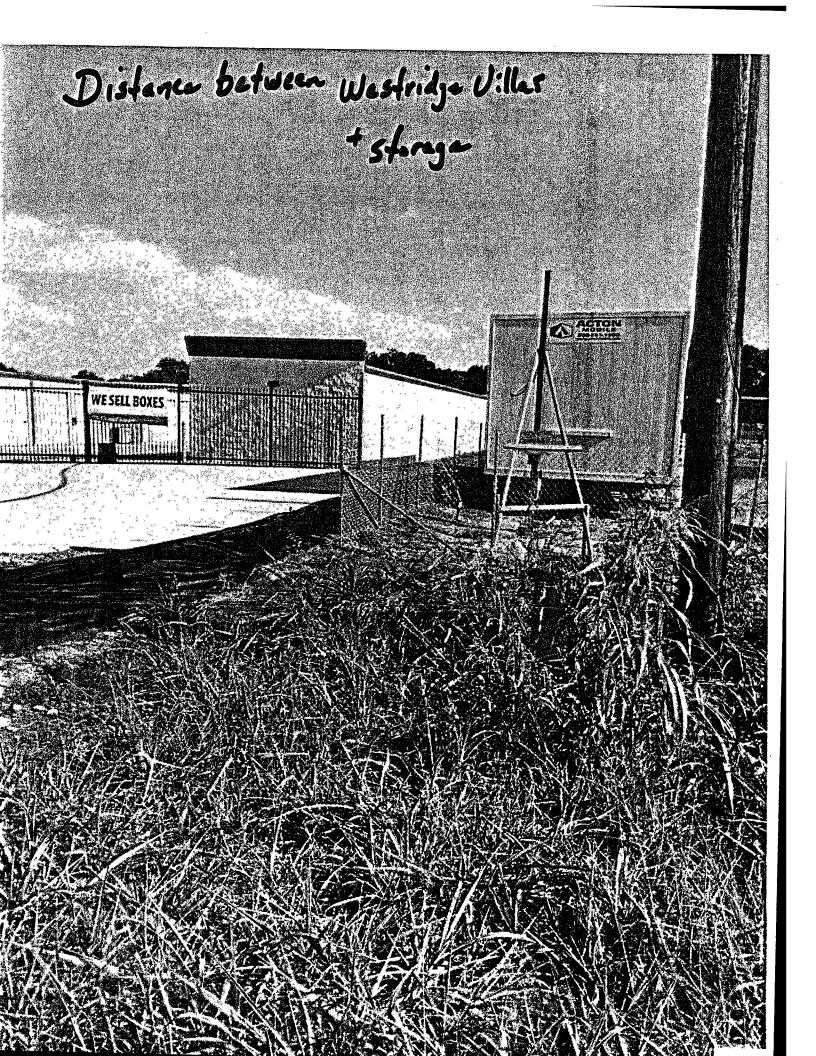


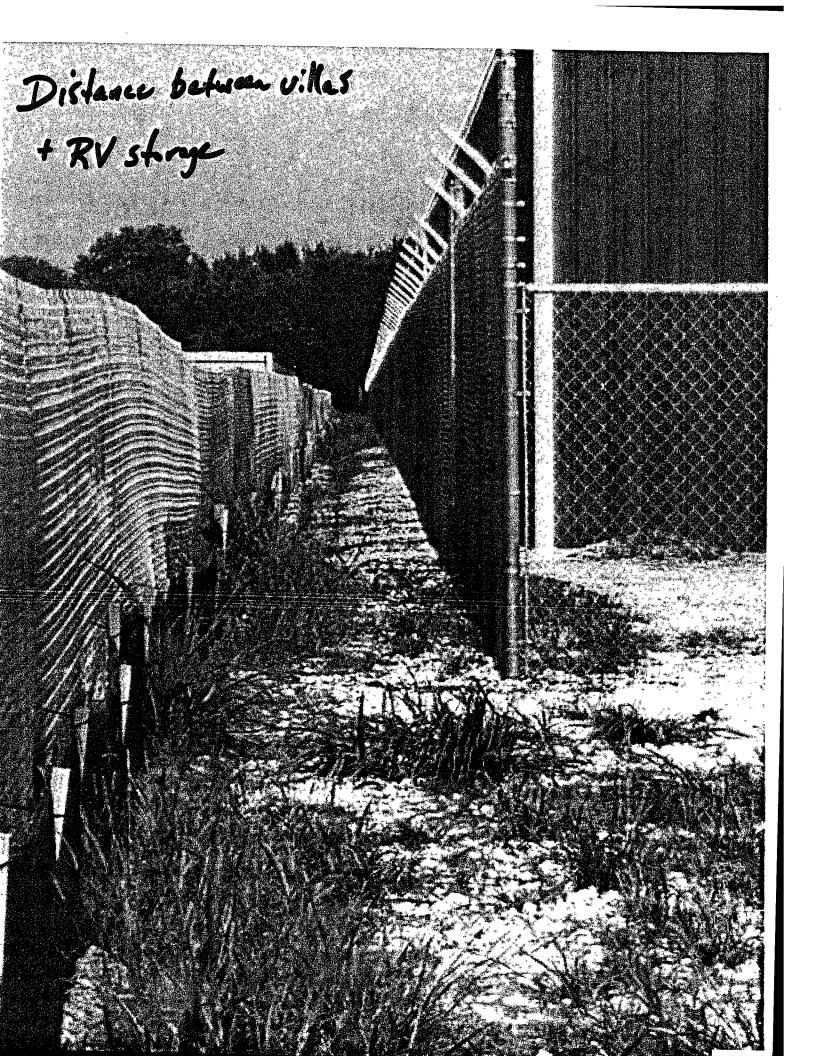


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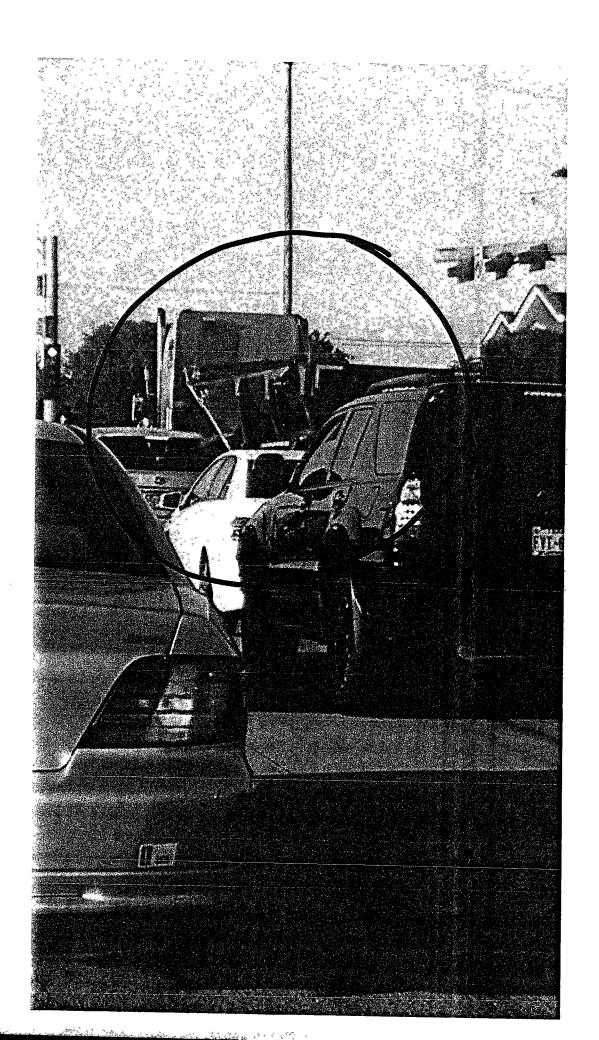


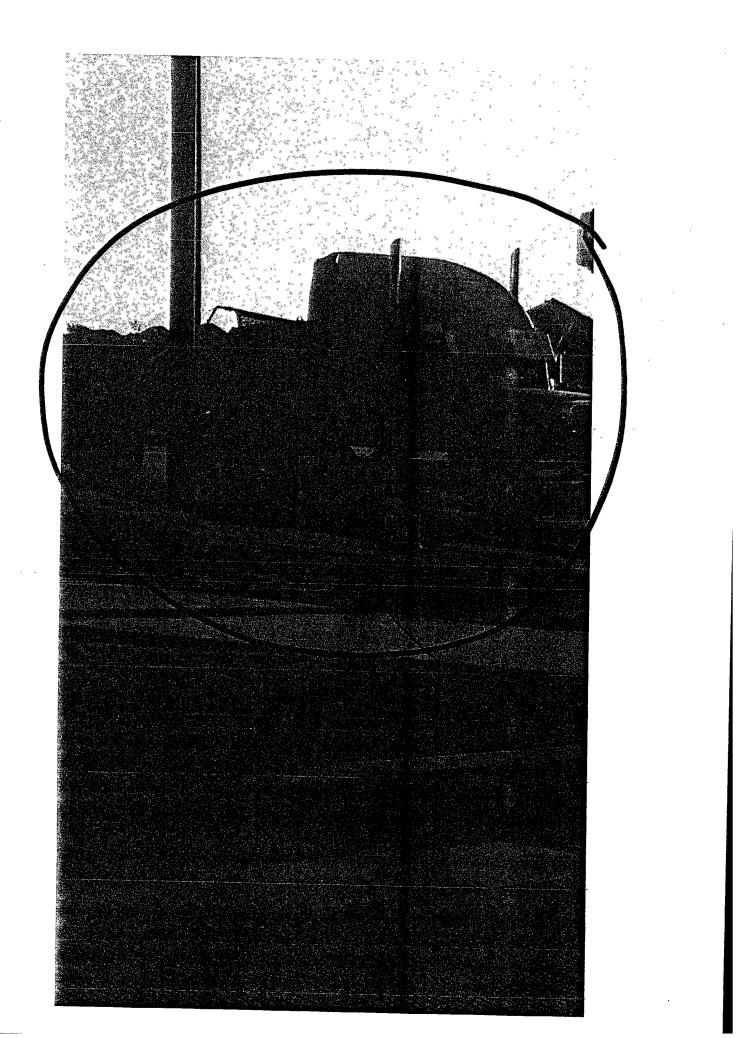


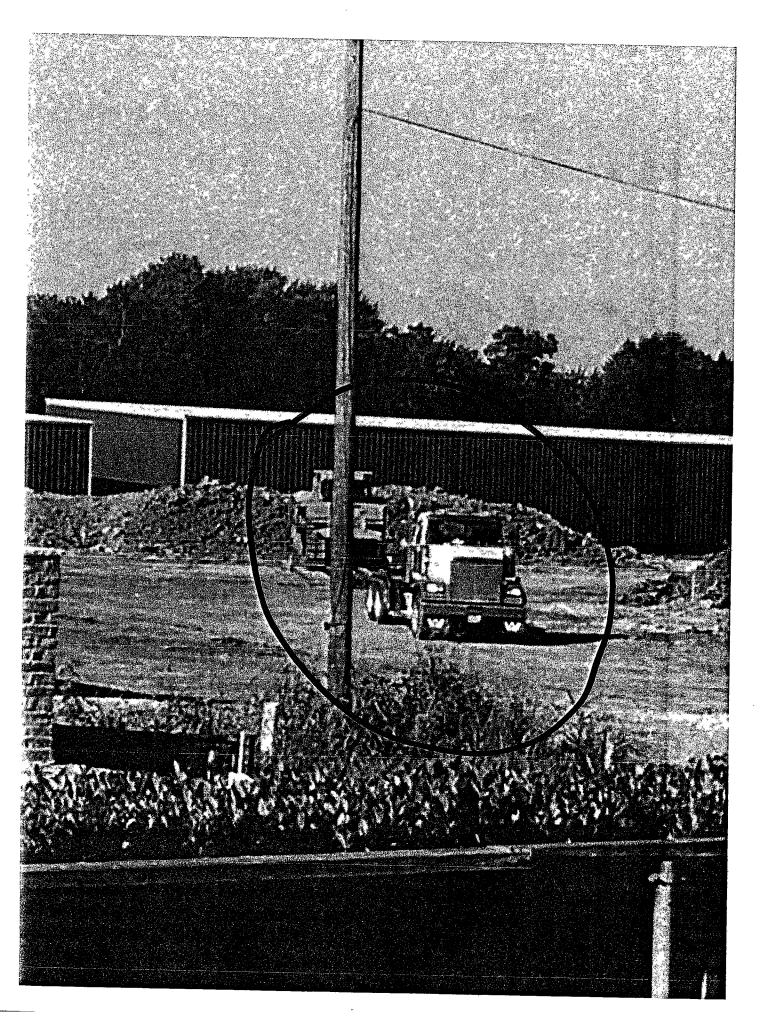


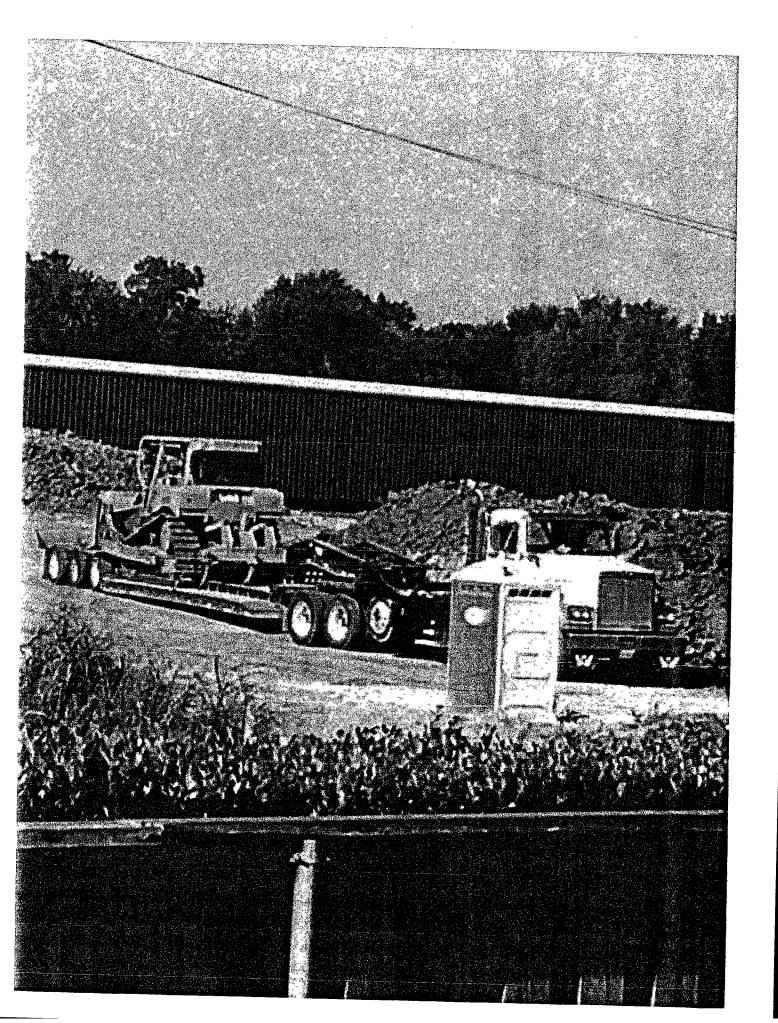


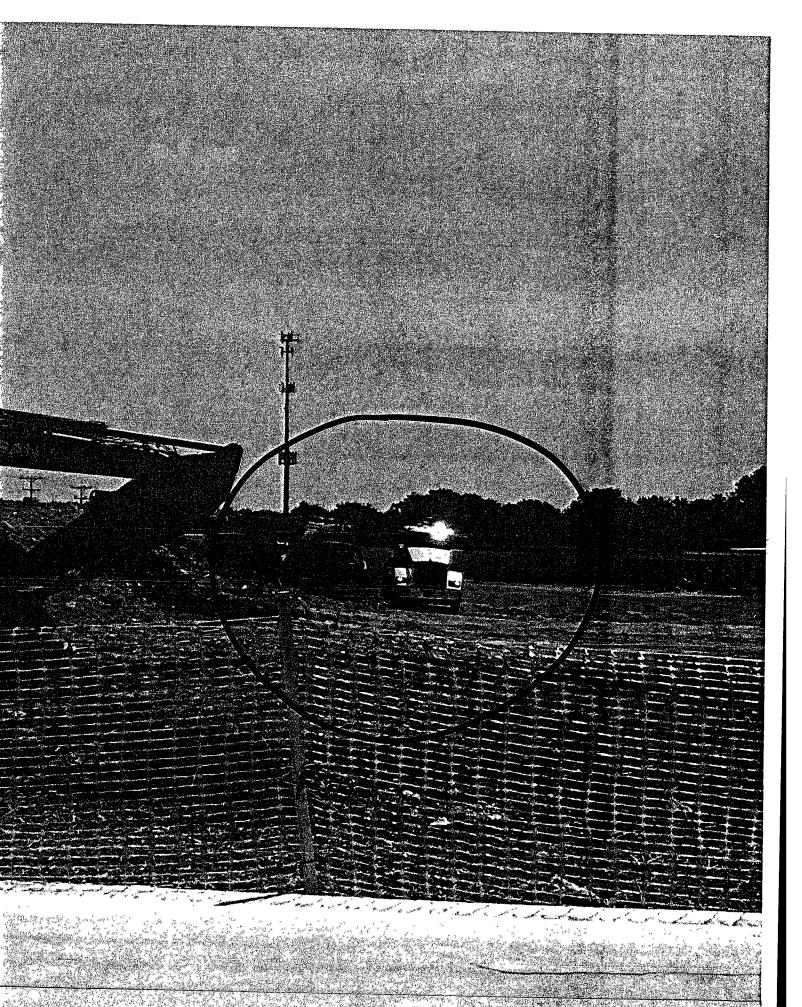
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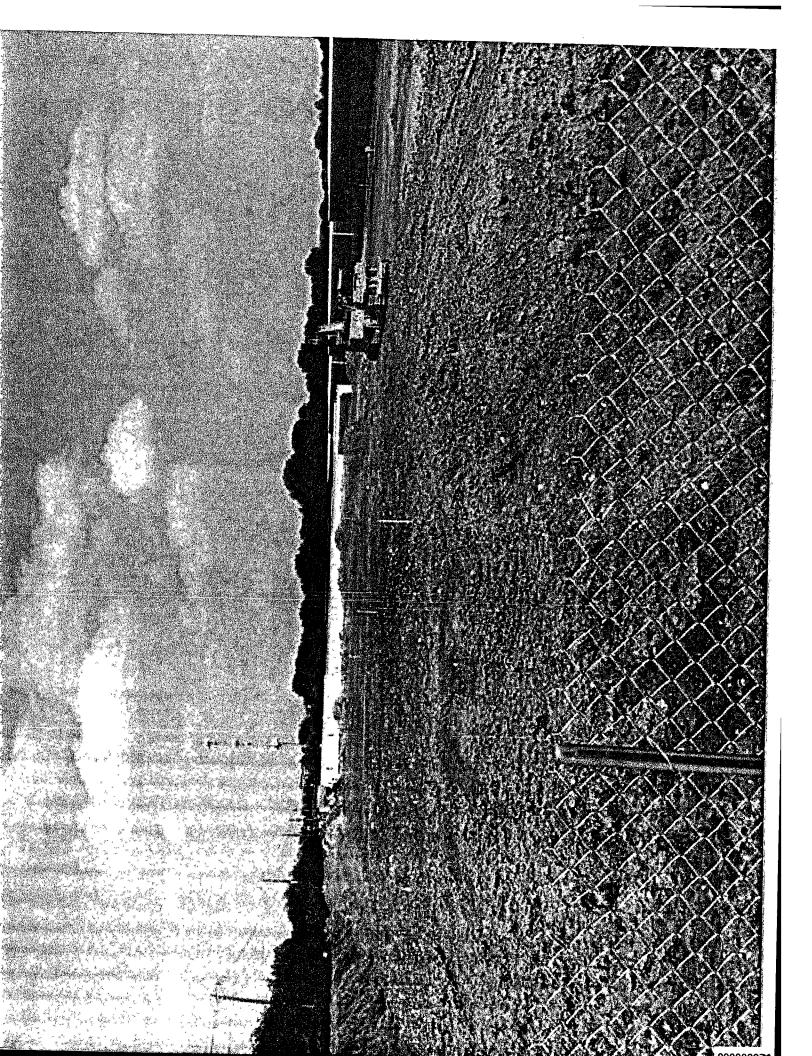


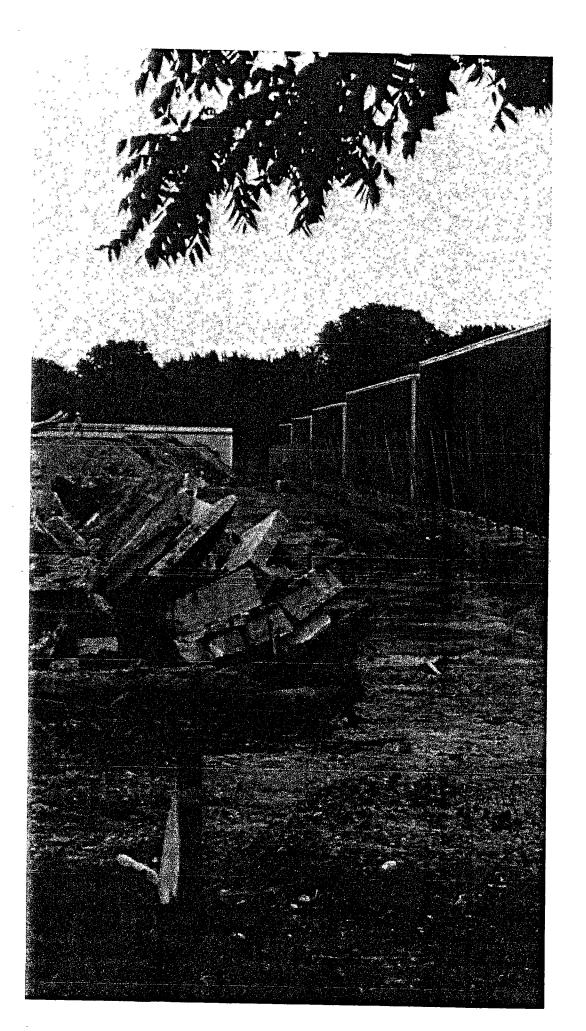


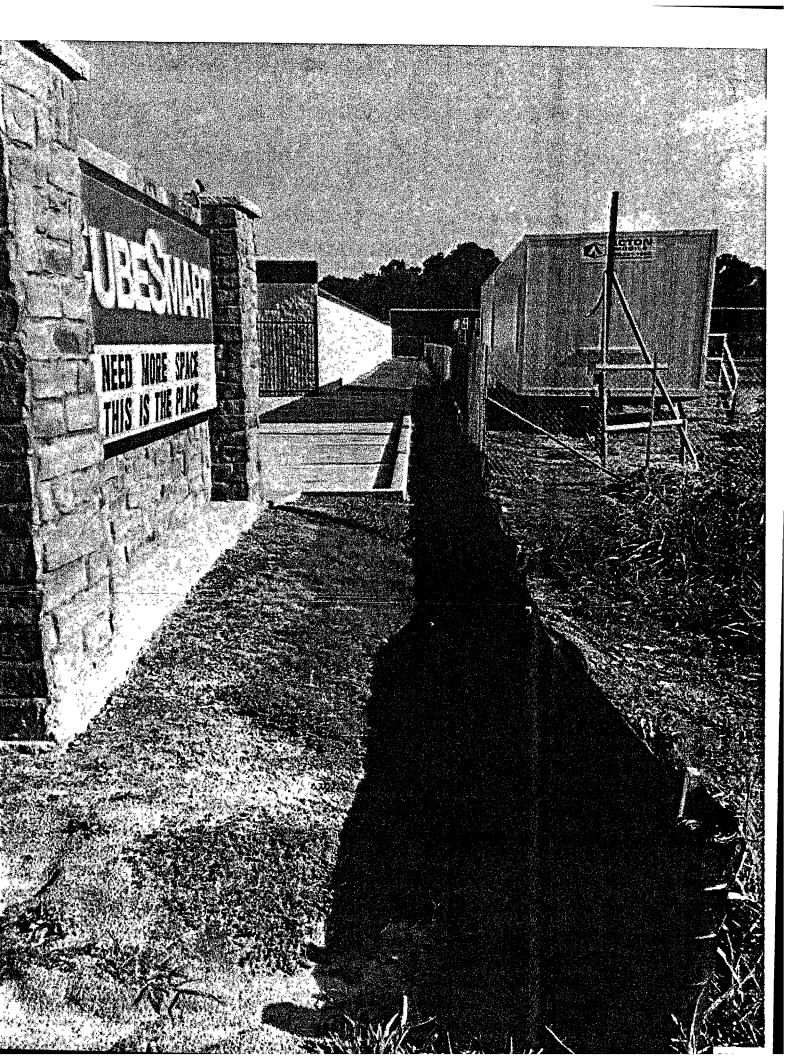


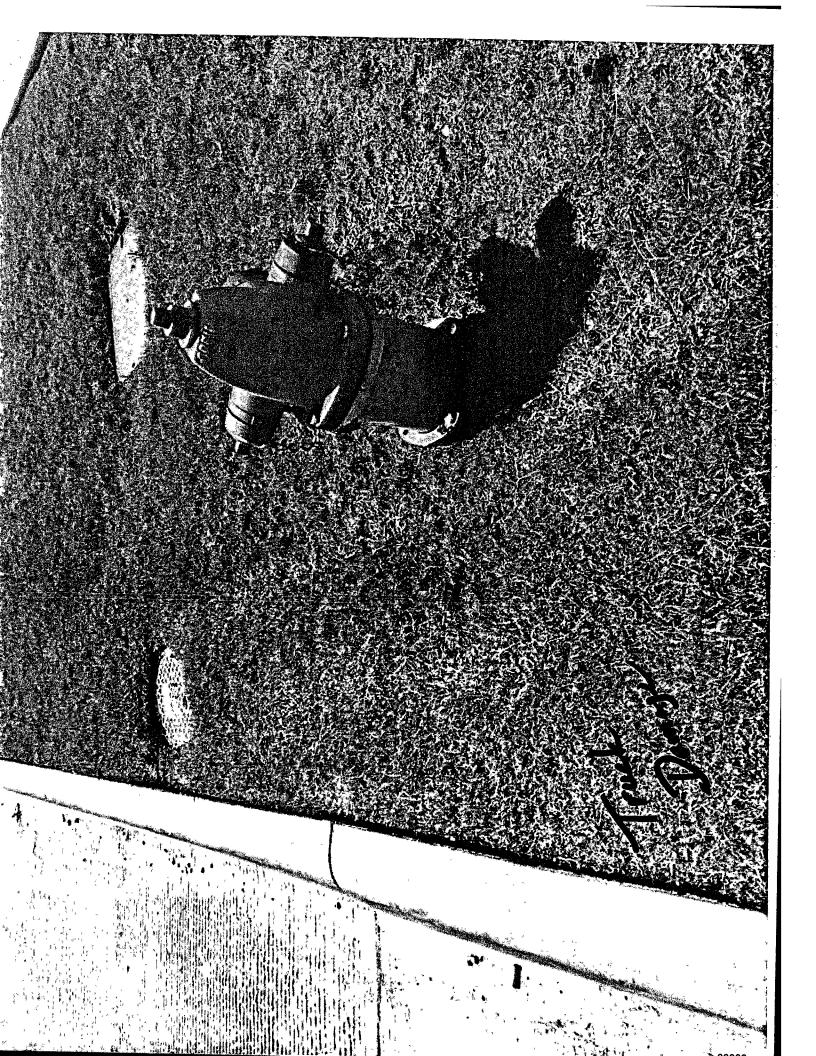


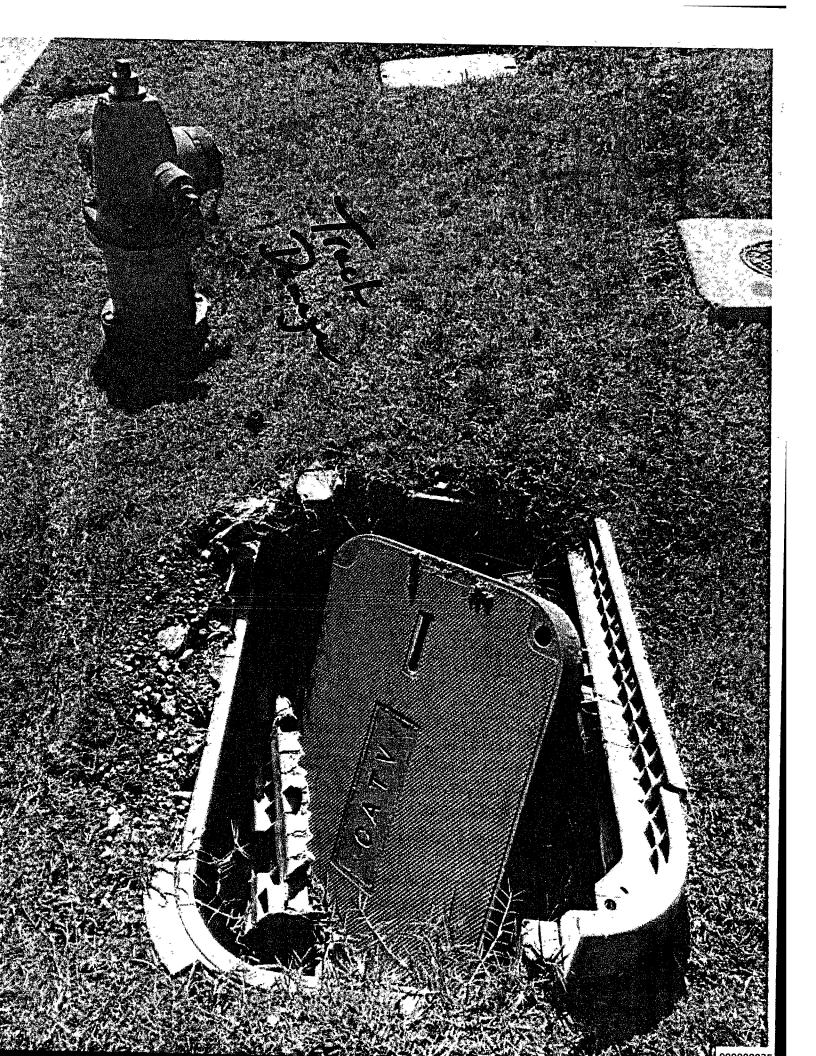




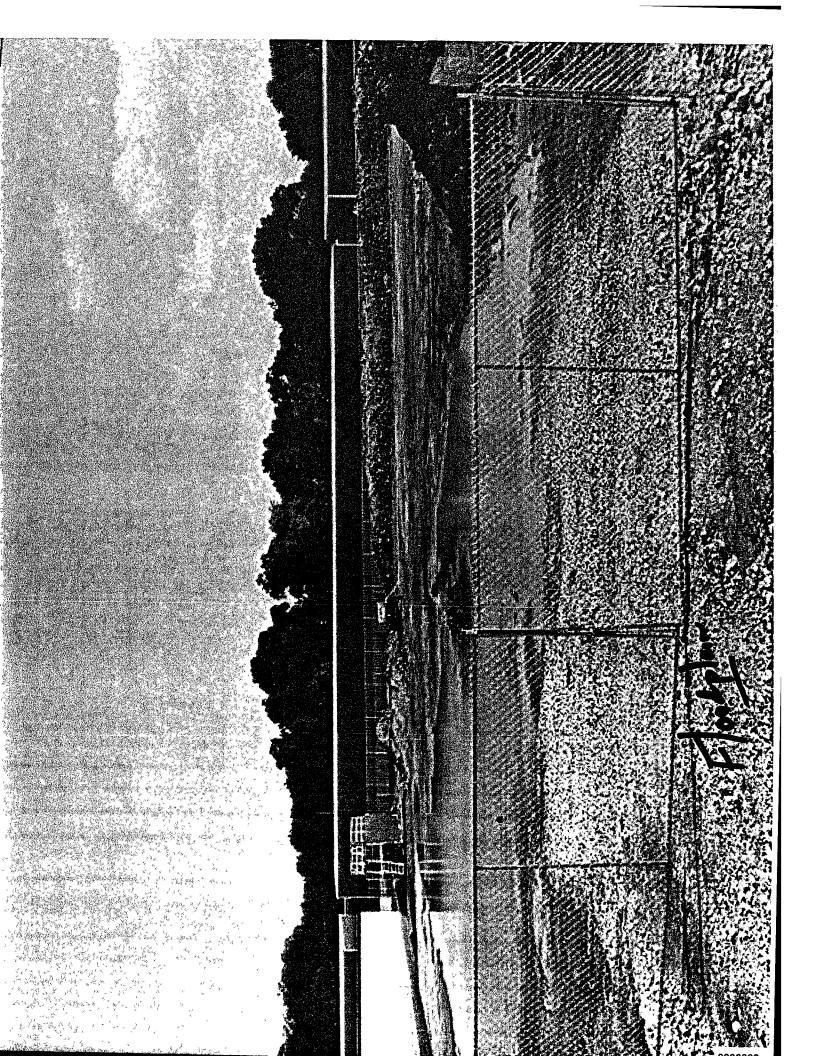




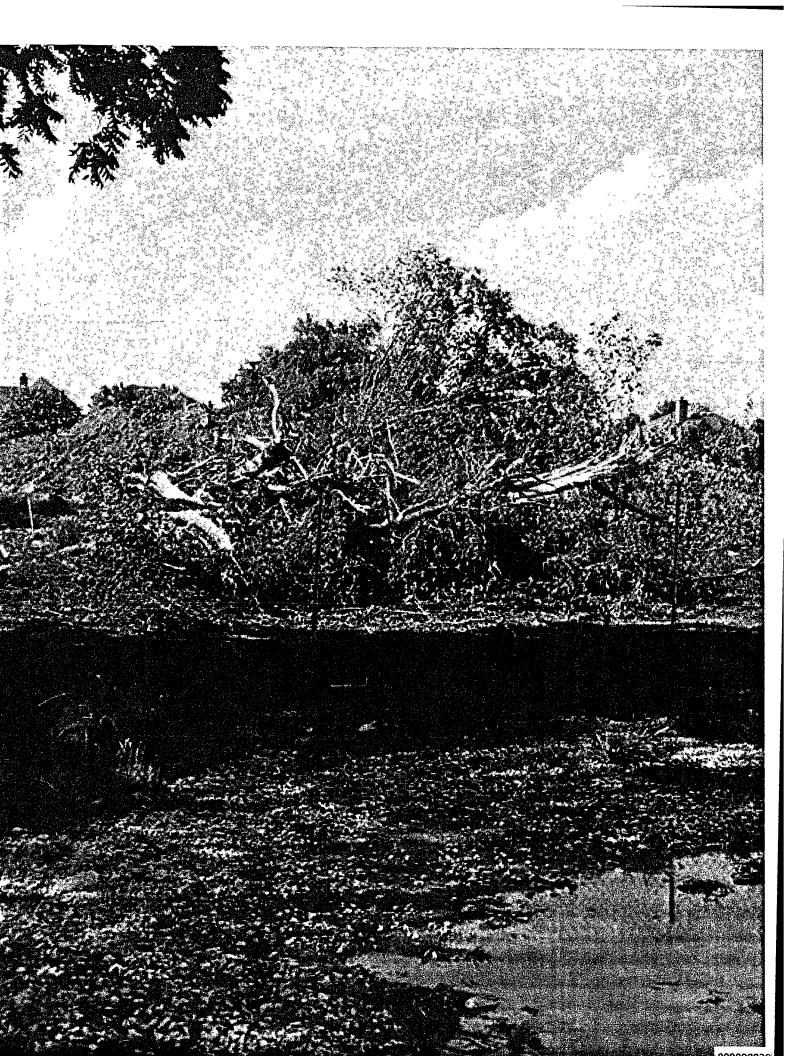


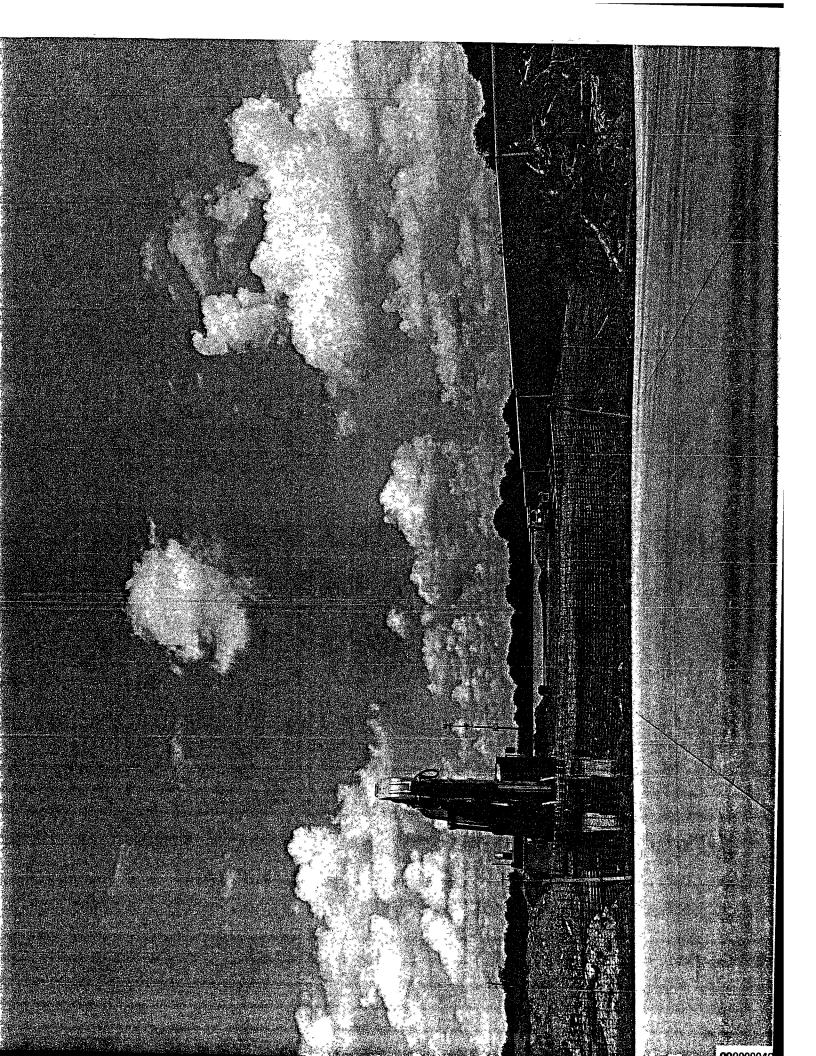


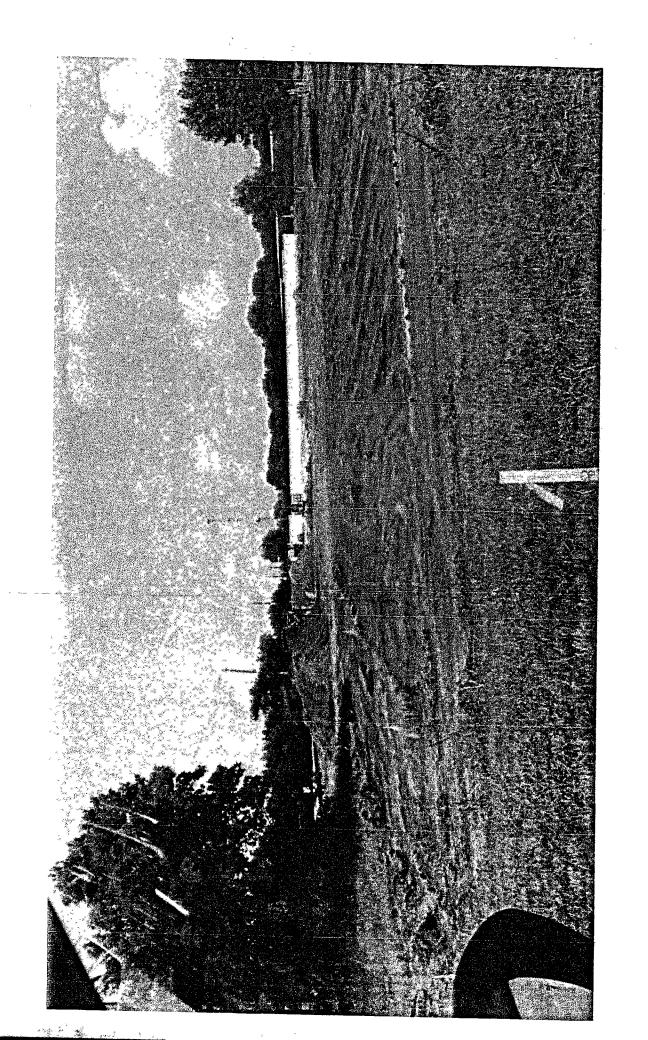


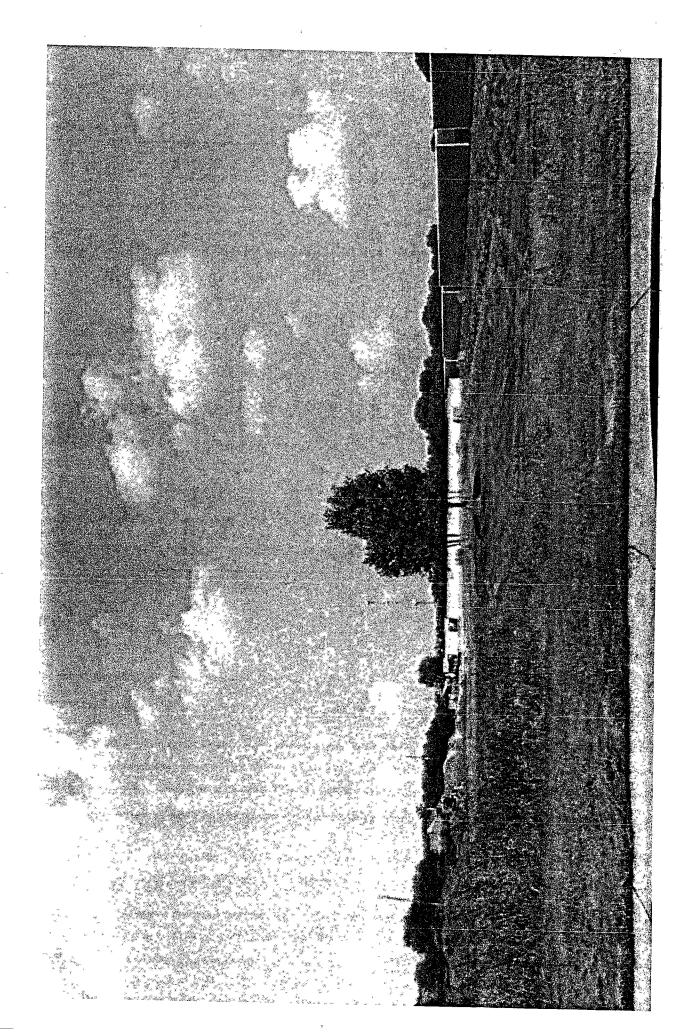


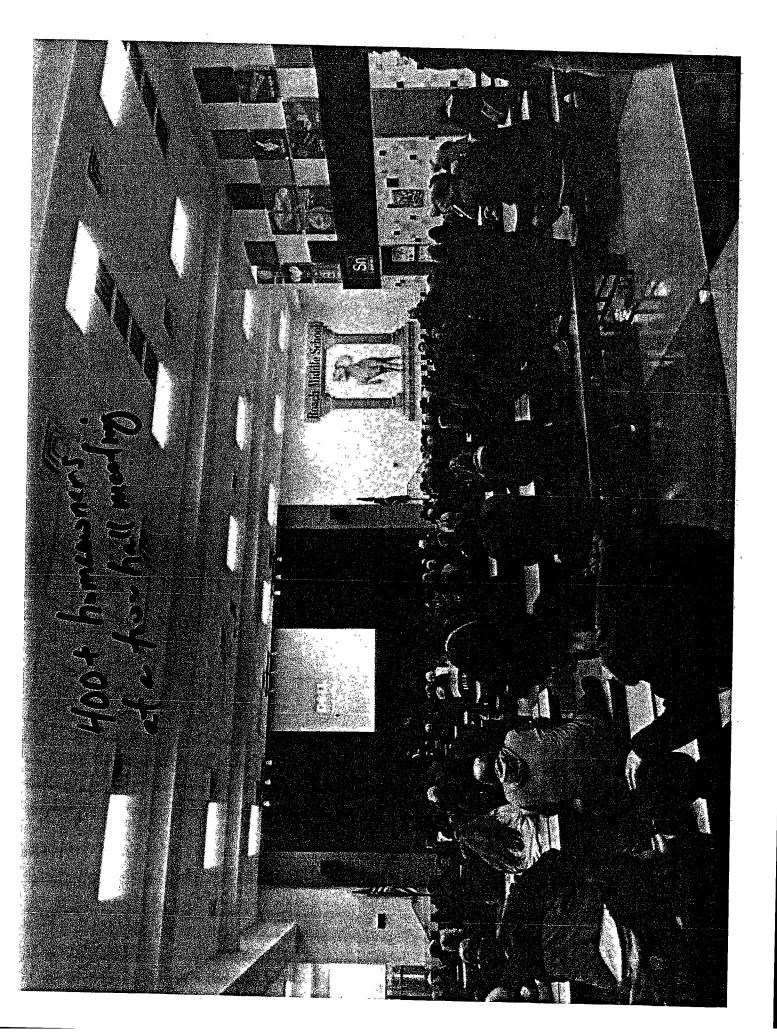


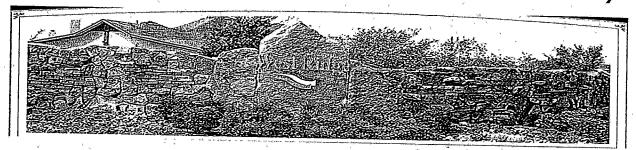










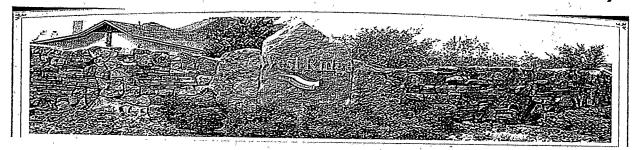


Windsor Meadows, Fairways, The Villas, Summit Fairways, The Greens, Eagle's Nest, The Heights

McKinney, Texas 75070

Protest/ Petition of Dockett #45870

Printed Name	Signature	Address
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Chris Perbraro	Chil	9704 Hedge Pell Dr.
Elwyn Wombk	The World	9708 Hedgebell for
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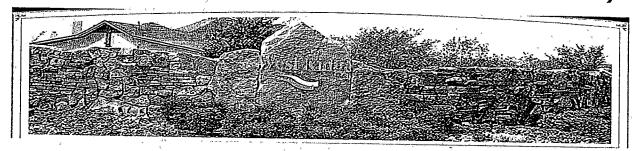


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Protest/ Petition of Dockett #45870

Printed Name	Signature	<u>Address</u>
Summer Bennett	Summer Bernott	
Jerry Bennett	Coleman Sold	1409 Lacewing Dr. 1409 Laceword Dr.
· Jacob West	G MAN TO	McKinney TX 75070
		9601 Starfive Dr. 75070
Amber Tyle	Cople Ix	9801 Old Freid Dr.
Chris Tye	(Q Ta	9 401 010 Beld or.
	1/2	9792 old Field Drive
Kate Bradham	K. Gadham	Mckinney TX 75070
ASNIGY YNUM		9304 WATER TREE
		Mac, 7x 75070'
Tyler lynun	Tun 1+400 -	and water Tree
	108 2010	Mac, TX 75070
JUSTIN CORWIN	Just	9900 Summer Sweet Dr McKimen TX 75070
		MIB LACE DAY Dr.
Jeff Long	Jac.	Mcking is 1000
Richard Solder	BLI O Alla	1501 LACTURED DR
	-ung proven	Mc Kinney Tx 75070
Just Silver	n Sych Sellec	15d Likeving Dr. P mcKinna, TX 75070
Man Ban 1	Knisty Ban	9705 010 FED DR.
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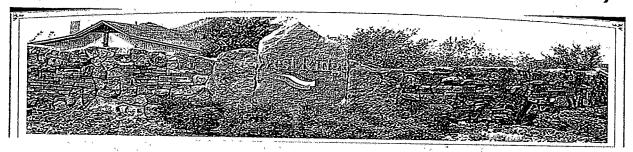


Windsor Meadows, Fairways, The Villas, Summit Fairways, The Greens, Eagle's Nest, The Heights

McKinney, Texas 75070

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Printed Name	Signature	Address
MATTHEW GELSONINI	the fli	9921 NIXON DR
Wes McLeron	herelfing	Mcking TX 75070
Jenner Street	0/18/	9901 W.ld Grayer Dr. McKinny +x75070
Chr. Stopher Street	Thes	9901 Will Gige Dr. Mikray) To 75070
Badalang	Gerdadan,	M13 Kaccining Dr.
KRISTEN MENDEZ	Prister Menden,	MCKING DISONO MUS LOCCUING Dr. MCKING RISO70
Wonnova / kenter	Hamora forts	9401 SAW DUST DIZ McKinney, To 25070
Allison Hunter	allson Henter.	9401 SAW DUSTIDE. McKinney, T. 75074.
April West	appleOest	9601 Storafe Dr. McKinney Tx 75010
Holly Reece	Hellegee	1401 Lacewing Dr Mykinney TX 75070
Mike Recel	Kuth leve	Making TA
Kristie Porter	Krutie Poetre	1509 Lacewing Dr McKinney TX 75070
Tim Cleveland	1-Clu	9633 Timber Wason Dr. Mckimnay, IX 75070
Mishmeleny	me	1417 GCWy mc/(my/27502
		J K 1/2-

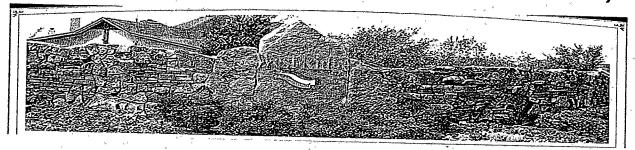


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<u>Printed Name</u>	Signature	<u>Address</u>
Elysia Ivey	Elysi Olay	· · · · · · · · · · · · · · · · · · ·
Dusgy Way	Shit Co	93097 MBERKAGON DR
Amelia Gannaway	Inlie De V	9848 Meadow Rue St.
Brian Gamaway	RAID	9848 Meadow Rue
Jason Jester		9016 Meadow Rie
MARL LAZARUS	MI	12574, Mill Run Dr
Sange the Johnson	10.	[2574, Mill Rump,
Any Nelson		9601 Leisure Ln.
Alejandro Escobo	ir Thum	9720 Meadow Due Dr
_		W-9853 Tonglebowh DR
Sammi Woodward	Swody Q	9900 Old Field Dr.
CATALINA M. SCHHIT		
John G Schmil	+ John C. Johns	+ 9809 Hidge Bell Drim
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Printed Name	Signature	Address
Jeromy Broussa		3729 haye Fell
Katie Nichols	Satio Neci	nots 9801 Heage Beg
Mikala Borham	Mille For	9800 He by 1821
Klystre B4/1	Kkill	9813 Herdap RelliNR
Steve Rideout	Stor	10529 Mustaball Pla
EMILY Hamilton	anuly Hamutan	1408 Huger P1.
Roger Hamilto	on Dell	1408 Auger P1.
- LAURA MITCHELL	Li dama ANTATA	9916 Targlebrush DR
Smitha Kinger		1 1 1 mg est using
Chithia Kimzey	Gentlin Himre	9252 Woter Tree De
Shasta Kalin E	The fl 9th	D Hedge Bell Dr.
Shanna Gum	Shanna Busch	9708 Meadow Rue Dr.
Craig Busch	Gary Male	9708 Meadow Rue Dr.
J	Jane 1	Face.



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KEITH STODDARD	Kich Stoddard	9852 MEADON RUE OR
ROBERT D KIMZE	y Lasas Digire	9752 WHIGHTROS DR.
SUBAN Gibso	a Susan Tiles	
	on Dansens Press	on 9305 Timber Wagon A
Rhett Preston	Must D	9305 Timber Wagon Or
Sharrer Mi	of Transell	2 9729 Water NET
Dott Miles	Dott Mil	2727 Wester The
Tina Milis	1100	994 Wild Ginger Dr.
Kelley Azore	S I Maria	are to de later to the
Robert Azores	- 10 · U	9829 tanglebrush pr
Richard McM	. ^	9829 ranglebrush Or
		Hom 9837 Madashe
Jupy memati		+ 9827 Meadow Rue
Comma Killon		> 9407 Meadows Red.
Uhris Killon	en Chin Kill	THE POX Medion River No.
		Kun ()