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Item Number: 83

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FORMAL COMPLAINT OF
ADC WEST RIDGE, L.P. AND
CENTER FOR HOUSING
RESOURCES, INC. AGAINST THE
CITY OF FRISCO

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BEFORE THE STATE OFFICE

PUBLIC UTILITY COMMISSION
FILING CLERK

OF

ADMINISTRATIVE HEARINGS

**ADC WEST RIDGE, L.P. AND CENTER FOR HOUSING RESOURCES, INC.'S
RESPONSE TO CITY OF FRISCO'S MOTION TO COMPEL RESPONSES TO
OBJECTIONS OF ADC WEST RIDGE, L.P., AND CENTER FOR HOUSING
RESOURCES, INC. TO THE CITY'S SECOND, THIRD AND FOURTH SETS OF
REQUESTS FOR INFORMATION AND REQUESTS FOR ADMISSION**

COMES NOW, ADC West Ridge, L.P. and Center for Housing Resources, Inc. ("Complainants") and file this Response to the City of Frisco's Motion to Compel Responses to Objections of ADC West Ridge, L.P., and Center for Housing Resources, Inc. to the City's Second, Third, and Fourth Sets of Requests for Information and Requests for Admission and in support thereof, would respectfully show as follows:

INTRODUCTION

On November 4, 5, and 8, 2016, the City of Frisco, Texas ("Frisco") served its Second Set of Requests for Information ("RFIs") and Requests for Admission ("RFAs"), its Third Set of RFIs and RFAs, and its Fourth Set of RFIs and RFAs, respectively, on Complainants. After conferring in good faith with opposing counsel to resolve any disputes, Complainants timely submitted objections to each set of RFIs and RFAs.¹ On November 21, 2016, Frisco filed its Motion to Compel addressing its Second, Third, and Fourth Sets of RFIs and RFAs. This Response is timely filed. The heart of the dispute between the parties lies in the overbreadth of

¹ For ease of reference, Attachment 1 is a copy of Complainants' Objections to the Second Set of RFIs and RFAs; Attachment 2 is a copy of Complainants' Objections to the Third Set of RFIs and RFAs; and Attachment 3 is a copy of Complainants' Objections to the Third Set of RFIs and RFAs.

Frisco's Requests. Frisco is attempting to use this proceeding to gain information related to potential Fair Housing Act claims that may be raised by Terri Anderson, the representative of Complainants, against Frisco. In its Motion to Compel, Frisco attempts to couch its requests as relevant to determining capacity of the project, but none of its requests are tailored to determining capacity. Moreover, Frisco already has the information it needs related to capacity.²

LEGAL STANDARD

PUC's Procedural Rules limit discovery to matters that are "relevant to the subject matter in the proceeding."³ The Texas Rules of Civil Procedure ("TRCP") limit discovery to matters that are "relevant to the subject matter of the pending action."⁴ The Texas Supreme Court has explained that requests must be calculated to lead to the discovery of evidence that has a tendency "to make the existence of any fact that is *of consequence* to the determination of the action more or less probable."⁵ Thus, requests must be reasonably tailored to include only matters relevant to the case. Texas courts have explained that the burden lies with the proponent of the discovery to demonstrate that the requests fall within the scope of discovery.⁶ And, a court may "refuse to compel discovery if the information being requested by the interrogatory or request at issue is *so inclusive* that responding would require matters to be included that are unlikely to fall within the scope of discovery that governs the parties' dispute."⁷

In addition, TRCP 196 requires requests for production of documents to "specify the items to be produced or inspected, either by individual item or by category, and describe with

² See Attachment 4, the affidavit of Terri Anderson, and Attachment 5, the affidavit of Stan Fulks.

³ 16 Tex. Admin. Code § 22.141(a).

⁴ Tex. R. Civ. P. 192.3(a).

⁵ *In re National Lloyds Ins.*, 449 S.W.3d 486, 489 (Tex. 2014) (emphasis added).

⁶ *In re Commitment of Young*, 410 S.W.3d 542, 551 (Tex.App.—Beaumont 2013, no pet.).

⁷ *Id.* (emphasis added).

reasonable particularity each item and category.”⁸ And, TRCP 197.1 permits interrogatories that “inquire whether a party makes a specific legal or factual contention and may ask the responding party to state the legal theories and to describe in general the factual bases for the party’s claims or defenses, but interrogatories may not be used to require the responding party to marshal all of its available proof or the proof the party intends to offer at trial.”⁹ This rule permits targeted “contention interrogatories,” or ones that ask, for example, “whether a party claims a breach of implied warranty or when a party contends that limitations began to run” but prohibits interrogatories that merely ask a party to state “all legal and factual assertions.”¹⁰

SECOND SET OF RFIS AND RFAS

The Second Set of RFIs and RFAs are centered around a timeline drafted by Ms. Anderson in which she outlined her interactions with various government officials related to the development of her property located at 9331 Westridge Boulevard into an affordable-housing apartment complex. This document covers more than merely the provision of water and sewer service – the subject of this proceeding – and relates more particularly to Ms. Anderson’s potential claims under the Fair Housing Act against Frisco.

1. RFI Nos. 117 and 118

In RFI No. 117, Frisco requested the date the document was drafted and the name of every person to whom it was provided. This information is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Frisco argues that because the document relates to some of Complainants’ allegations against Frisco, the date it was drafted and the individuals to whom it was sent are automatically relevant. However, the persons to whom this document was

⁸ Tex. R. Civ. P. 196.1(b).

⁹ Tex. R. Civ. P. 197.1 (emphasis added).

¹⁰ Tex. R. Civ. P. 197.1 cmt. n. 1 (1999).

sent are not necessarily persons with knowledge of the relevant facts. Complainants have identified each individual with knowledge of relevant facts in its Response to Order No. 3. Moreover, the date this particular document was drafted has no bearing on any of the issues, claims, or defenses in this proceeding.

In RFI No. 118, Frisco requested a copy of all the exhibits attached to the document. Complainants only objected to producing one exhibit and have already produced all of the other exhibits. The particular exhibit at issue relates to a communication with a Collin County official which is not relevant or reasonably calculated to lead to the discovery of admissible evidence related to this proceeding. Frisco argues that the exhibit is relevant because it claims the building plans relate to the need, size, and capacity needed for water and sewer utility. However, Frisco did not ask for documents related to the need, size, and capacity needed for water and sewer utility. And, Frisco is already privy to that information through numerous other documents produced in this proceeding, including documents associated with the preliminary plat, and through the civil engineering construction plans which were submitted to Frisco.¹¹

2. RFI Nos. 121-194

In RFI Nos. 121 through 194, Frisco either requests “all documents that relate to any statement or assertion contained” in each entry in the document drafted by Ms. Anderson or requests identification “of all facts, information, and understandings, including names and addresses of person from whom you obtained such information” contained in each entry in the document. Complainants objected that each request was overly broad, unduly burdensome, lacked specificity as required by TRCP 196, or required Complainants to marshal their evidence

¹¹ See Attachments 4 and 5.

as prohibited by the TRCP 197.1. Frisco argues that because Complainants drafted the document these requests cannot possibly be overly broad or unduly burdensome.

However, the issue here is Frisco's requests. First, they seek "all documents" rather than specific items or categories of documents in violation of TRCP 196 or they ask for "all facts" rather than seeking answers to specific contentions in violation of TRCP 197. In addition, they are not limited in time or scope and seek much more than merely backup documentation for the statements made by Ms. Anderson in the document. And, the back-up documentation which Frisco argues is so easily available was provided to Frisco in response to RFI No. 118 (and previous discovery requests), with the exception of one specific exhibit. These requests are not reasonably tailored to the subject matter of this proceeding, lack any specificity, and simply ask Complainants to state every piece of information and produce every document on which Complainants' claims rest. As such, they are the very definition of overly broad, unduly burdensome, and in violation of Texas Rules of Civil Procedure 196 and 197.

3. RFI Nos. 129, 130, 137, 138, 161, 162, 183, and 184

In addition to the objections addressed above, Complainants objected to RFI Nos. 129, 130, 137, 138, 161, 162, 183, and 184 because they seek information which is not relevant nor reasonably calculated to lead to the discovery of admissible evidence. These requests are directed at entries in the document which do not relate to the provision of water or sewer service, do not relate to any claims or defenses, and do not relate to any incidents involving Frisco. Again, the document is related to Ms. Anderson's potential Fair Housing Act claims, and these entries are related to the general development of the property rather than the provision of water and sewer service.

Frisco argues that each request relates to “permitting processes or actually seeking a utility connection with the City” and that information related to the capacity of the project is relevant. However, these requests relate to permitting or development of the property unrelated to water and sewer service connections. Further, these requests do not relate to the capacity of the development. Not every aspect of developing an affordable housing apartment complex relates to water or sewer service or to the capacity of the project for water and sewer service purposes. Frisco’s conclusory assertions do not establish that it is entitled to the requested information.

4. RFA No. 8

In RFA No. 8, Frisco asks Complainants to admit or deny a legal conclusion – that a specific agreement has or has not expired. The TRCP allow requests for admission to require a party to admit the truth of “statements of opinion or of fact or of the application of law to fact” but do not authorize parties to use requests for admission to ask purely legal questions. RFA No. 8 does not ask Complainants to admit the truth of a statement of opinion, a statement of fact, or the application of law to fact. It merely requires Complainants to provide a legal conclusion. And, as Complainants stated in response to Frisco’s RFI No. 96, Complainants acknowledged that the Annexation Agreement has a 5-year term. Frisco and its attorneys are capable of reading the agreement and reaching their own legal conclusions as to whether the agreement has “expired.” This request is beyond the scope of discovery.

THIRD SET OF RFIS AND RFAS

The day after Frisco served the Second Set of RFIs and RFAs on Complainants, Frisco served the Third Set of RFIs and RFAs. This third set is another attempt by Frisco to obtain

information relevant to potential Fair Housing Act claims but unrelated to the provision of water and sewer service.

1. RFI No. 196

In RFI No. 196, Frisco asks for each and every time Complainants ever attempted to contact Frisco related to the approximately 8.5-acre property to which 9331 Westridge Boulevard was at one time a part (the “Property” as defined by Frisco in its requests) and for the production of “all documents” relating to these efforts. The request seeks much more than just attempts to contact Frisco related to water and sewer service or related to Complainants’ claims in this proceeding. The request is not limited in time or scope. The request is *so inclusive* that responding to it requires Complainants to sift through and produce matters that do not fall within the scope of discovery governing this dispute.¹²

2. RFI No. 197 and 198

In RFI No. 197, Frisco asks for each and every time Complainants ever attempted to contact Susan Fletcher, a Collin County Commissioner, related to the Property and the production of “all documents” relating to those efforts. RFI No. 198 seeks “all communications” with Susan Fletcher regarding the Property. Collin County has jurisdiction over the building permit and construction of Complainants’ development. Thus, all communications with Collin County officials are not relevant to the provision of water or sewer service or the claims and defenses raised in this proceeding. And, all communications/documents regarding “the Property” are not relevant to the provision of water or sewer service to 9331 Westridge Boulevard. These requests are also not limited in time or scope and seek much more than just attempts to contact Collin County related to water and sewer service. Again, the request is over

¹² See *In re Commitment of Young*, 410 S.W.3d at 551.

inclusive. Moreover, in response to previous requests, Complainants have already produced all of their communications with government officials, including Collin County, related to the provision of water and sewer service. Thus, this request seems aimed at discovering information beyond the scope of discovery in this proceeding.

3. RFI No. 199-200, 202-208, and 210

In these requests, Frisco again refers to the document drafted by Ms. Anderson, quotes specific language from it, and requests that Complainants “state the factual basis” for the quoted language and to produce “all documents” related to that alleged contention. These requests are duplicative of Frisco’s overly broad requests in its Second Set of RFIs and RFAs. These requests are not limited in time or scope and are over-inclusive so that responding would require production of information having no bearing on the subject matter of this proceeding. Finally, while alleging a “contention,” these requests ask Complainants to state all the factual bases for various statements, which are specifically the type of interrogatories prohibited by TRCP 197.

4. RFI Nos. 201 and 209

These requests seek “all documents” related to “revised design exhibits” or “Frisco Staff’s comments to the Preliminary Plat.” Because they are not properly limited in time or scope, not reasonably tailored, and lack the specificity required by TRCP 196, they are overly broad. Further, the information requested appears to be information submitted to Frisco, and therefore is equally available to Frisco.

5. RFI No. 211

This request seeks all documents received from Collin County in response to any public information act requests made to Collin County since 2008. This request is not reasonably limited in time, not limited at all in scope, and not limited to public information act requests

related to the subject matter of this proceeding. As such, it lacks the specificity required by TRCP 196. Complainants should not be required to waste their time and resources looking for documents that may be responsive to this overly broad request. In its Motion to Compel, Frisco indicates that it seeks documents from a specific public information act request (although this request does not identify a specific public information act request). In response to this RFI, Complainants produced 6 pages of e-mails obtained from Collin County through a public information act request. However, Complainants continue to object to searching for and producing additional potentially responsive documents.

6. RFI Nos. 212, 213 and 215

RFI Nos. 212, 213, and 215 ask for “all documents” relating to permit applications from Collin County, Frisco, and the City of McKinney related to “the Property.” All permit applications for all types of permits related to the entire 8.5-acre property of which Complainants’ development was formerly a part are not relevant to Complainants’ request for water and sewer service in this proceeding. The issue of whether McKinney is willing to provide water or sewer service to Complainants’ development was referred to SOAH. All permit applications related to the Property for all of time was not referred to SOAH and is not relevant to the subject matter of this proceeding – the provision of water and sewer service. These requests are not limited in time or scope and not targeted to the discovery of information related to the subject matter of this proceeding. These requests lack the specificity required by TRCP 196.

7. RFI Nos. 216-217

These requests seek “all documents that relate to communications . . . regarding the Property” with either George Hill or Rick Dwoarshack. Mr. Dwoarshack is Frisco’s Right-of-

Way Inspector and Mr. Hill is the City of McKinney's engineer. Requests for all documents relating to any communication with Mr. Dwoarshack or Mr. Hill regarding "the Property" are not reasonably tailored as required by the TRCP. They lack specificity, limitations in time or scope, and are not targeted to obtaining information relevant to the subject matter of this proceeding.

8. RFI No. 218, 226-228, 234

These requests seek "all documents that relate to communications" between Complainants and either Complainants' general contractor or its employees or a subcontractor and its employees regarding "the Property." Like many of the requests before them, these are overly broad, not limited in time or scope, not targeted to obtaining information relevant to the subject matter of this proceeding and lack the specificity required by TRCP 196. All communications between Complainants and their general contractor regarding the Property is a request for every communication and every document having anything to do with the development of Complainants' affordable housing complex. The vast majority of these thousands or tens of thousands of documents would have no bearing on the subject matter of this proceeding. The requests should be reasonably tailored, as required by the TRCP if they are to assist the parties in discovering facts of consequence to this proceeding – not to Ms. Anderson's potential Fair Housing Act claims.

9. RFI No. 219

This request seeks "all documents that relate to communications" with Tracy Homfeld, a Collin County employee, regarding "the Property." Again, Collin County has jurisdiction over the building and construction of Complainants' development. Thus, all documents *that relate to* communications with employees of Collin County covers much more than information related to water and sewer service. And, all communications "regarding the Property" is not sufficiently

tailored to make this Request within the bounds of discovery. Frisco asserts that this request seeks “specific information” regarding communications with Tracy Homfeld. However “all documents that relate to communications” is not “specific information” as required by the TRCP.

10. RFI No. 220-225, 235

These requests seek “all documents that relate to communications” with various City of Frisco employees and departments. Frisco should have all of the communications with their employees. And, beyond those communications, these requests lack the specificity required by TRCP 196, are not limited in time or scope, and are not reasonably tailored to obtain facts of consequence to this proceeding. As such, these requests are overly broad and not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Because these requests are not reasonably tailored – or tailored at all – the burden on Complainants to respond far outweighs any potential benefit to Frisco.

11. RFI No. 222

This request seeks “all documents that relate to communications” with Jastinder Jawanda, the representative of Ker-Seva, Ltd., regarding “the Property.” At the time the request was made, Ker-Seva, Ltd. was a party to this proceeding. However, party or not, the request is not reasonably tailored to lead to the discovery of facts of consequence to this proceeding. The request lacks specificity and is not limited in time or scope. Thus, the burden on Complainants in responding and searching through 10 years’ worth of communications far outweighs any benefit.

12. RFI No. 229-233

These requests seek “all documents that relate to communications” with the various City of McKinney employees and departments. While whether McKinney is willing to provide water

or sewer service is an issue in this proceeding, these requests are not reasonably tailored to the discovery of facts of consequence to that issue or any other issue in this proceeding. These requests lack specificity and are not limited in time or scope. All documents that relate to all communications with McKinney regarding the Property are not relevant or reasonably calculated to lead to the discovery of admissible evidence.

13. RFI Nos. 237-238

These requests seek “all documents that relate to communications” with two property owners through whose property Frisco has required Complainants construct water and sewer lines. Complainants sent these two property owners, among others, letters asking for admittance to their property for surveying and requesting to open discussions on obtaining easements. These two property owners flatly rejected Complainants’ request. These letters and the property owners’ responses were produced to Frisco prior to these documents requests. However, these requests seek much more than just communications with these property owners. They seek “all documents that relate” to those communications. This language lacks the specificity required by TRCP 196, and these requests are not limited in time or scope or otherwise tailored to obtain relevant information.

FOURTH SET OF RFIS AND RFAS

Frisco’s Fourth Set of RFIs and RFAs only includes two RFIs. These requests appear to have been drafted as a catch-all. The requests, RFI Nos. 239 and 240, ask for “all contracts, agreements, emails, letters or memorandum of understandings, communications, and other commitments between you and any other party for construction, development, permitting, designing or any other activity on Lot 2” and a list of “all contractors, experts, or other individual or entity with whom you have communicated regarding the construction, development,

permitting, designing, or any other activity on Lot 2.” These requests are overly broad and not in any way tailored to the discovery of information relevant to the subject matter of this proceeding. A request for all documents related to “construction, development, permitting, designing, or any other activity” is not “narrowly tailored.” These requests are not limited in time or scope and seek information which has no bearing whatsoever on the subject matter of this proceeding. A list of all “individual[s] or entit[ies]” with whom Complainants have communicated “regarding the construction, development, permitting, designing, or any other activity” is not tailored to discover facts of consequence to this proceeding.

CONCLUSION

For the reasons set forth above, Frisco’s requests are overly broad, lack specificity, are not tailored to lead to the discovery of admissible evidence, and are well beyond the scope of discovery. The requests are so overly broad that they responding requires including matters that do not fall within the scope of discovery governing this dispute regarding the provision of water and sewer service. Frisco has not met its burden to demonstrate that the requested documents fall within the scope of discovery. Complainants respectfully request that Frisco’s Motion to Compel be denied.

Respectfully submitted,

JACKSON WALKER L.L.P.

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ATTORNEYS FOR COMPLAINANTS
ADC WEST RIDGE L.P., AND CENTER FOR
HOUSING RESOURCES, INC.

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing document was served as shown below on
this 30th day of November 2016:

Via email and U.S. First Class Mail

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ATTACHMENT 1

PUC DOCKET NO. 45870
SOAH DOCKET NO: 473-16-4619.WS

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FORMAL COMPLAINT OF KER-SEVA
LTD. AGAINST THE CITY OF FRISCO,
TEXAS

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BEFORE THE
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
PUBLIC UTILITY COMMISSION
FILING CLERK

**COMPLAINANTS' OBJECTIONS TO THE CITY OF FRISCO'S SECOND SET OF
REQUESTS FOR INFORMATION AND REQUESTS FOR ADMISSION**

COMES NOW, Ker-Seva, Ltd., ADC West Ridge, L.P. and Center for Housing Resources, Inc. (hereinafter, "Complainants") and file these Objections to the City of Frisco's Second Set of Requests for Information and Requests for Admission, pursuant to PUC Procedural Rule 22.144 and would respectfully show as follows:

INTRODUCTION

Ker-Seva, Ltd. filed the Original Complaint under Texas Water Code §§ 13.250 and 13.254 and 16 Texas Administrative Code §§ 22.85 and 24.114 requesting that the Commission order the City of Frisco, Texas ("Frisco"), to provide continuous and adequate water and sewer service to its property located at 9331 Westridge Boulevard on which an affordable-housing complex was planned.¹ After purchasing this property, ADC West Ridge, L.P. and Center for Housing Resources, Inc. joined in Ker-Seva Ltd.'s complaint in the Amended Complaint and Second Amended Complaint filed on June 17 and July 1, respectively.²

On November 3, 2016, Frisco filed and served its Second Set of Requests for Information and Requests for Admission on Complainants including 89 Requests for Information ("RFIs")

¹ Complaint (April 19, 2016).

² Amended Formal Complaint (June 17, 2016); Second Amended Formal Complaint (July 1, 2016).

and one Request for Admission ("RFA").³ Pursuant to Rule 22.144(d), legal counsel for Frisco and Complainants diligently conducted negotiations in good faith but were unable to resolve Complainants' objections. These objections are filed within ten calendar days of Complainants' receipt of the discovery requests from Frisco.⁴

OBJECTIONS

1. **RFI Nos. 117-118**

RFI No. 117: Please indicate the date Exhibit B was drafted and identify the persons to whom Complainants provided the document.

Objection: Exhibit "B" to Frisco's Second Set of RFIs and RFAs is a document prepared by a representative of ADC West Ridge, L.P. and Center for Housing Resources, Inc., Terri Anderson, providing her timeline of interactions with various governmental officials related to 9331 Westridge Boulevard. However, the date it was drafted and the persons to whom Complainants may have sent it are not relevant nor reasonably calculated to lead to the discovery of admissible evidence in this proceeding. For this reason, this Request is beyond the scope of permissible discovery.

RFI No. 118: Exhibit B refers to and identifies Exhibit A through BB. Please provide all exhibits referred to and identified in Exhibit B.

Objection: Complainants object to producing "Exhibit X" to Exhibit B which contains correspondence between Ms. Anderson and Tracy Homfeld, a Collin County employee, relating to the building plans for the site which are under the jurisdiction of Collin County. This document is not relevant and is not reasonably calculated to lead to the discovery of admissible evidence. For this reason, this Request is beyond the scope of permissible discovery. Complainants will produce relevant, responsive documents sought by this Request.

2. **RFI Nos. 120-194**

Complainants have a global objection to RFI Nos. 120-194. Because of the large number of these requests, RFIs 121 and 122 are set forth as examples below and the full version of each request along with Complainants' objection are included in Exhibit "A." Each of the requests is nearly identical to RFI 121 or RFI 122 except for the reference to the dated entry.

³ City of Frisco's Second Set of Requests for Information and Requests for Admission (Nov. 3, 2016). A copy of Frisco's Second Set of Requests for Information and Requests for Admission are attached as Exhibit "B."

⁴ 16 Tex. Admin. Code §§ 22.78 and 22.4 ("TAC").

RFI No. 121: For the entry dated 9/15/2016 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

RFI No. 122: Please identify all facts, information and understandings, including names and addresses of persons from whom you obtained such information, from which you detail the assertions contained in the entry dated 9/15/2016 on Exhibit B.

Objection: Each Request is overly broad and unduly burdensome and therefore beyond the scope of permissible discovery pursuant to the Texas Rules of Civil Procedure. Further, each Request seeks to have Complainants marshal all of their available proof or the proof they will offer at trial in violation of Texas Rule of Civil Procedure 197.1 and/or lacks the specificity required by Texas Rule of Civil Procedure 196.

Also, Complainants have additional objections to RFI Nos. 129, 130, 137, 138, 161, 162, 183, and 184:

RFI No. 129: For the entry dated 2/16/2015 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

RFI No. 130: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in entry dated 2/16/2015 on Exhibit B.

RFI No. 137: For the entries dated 3/3/2015 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

RFI No. 138: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entries dated 3/3/2015 on Exhibit B.

RFI No. 161: For the entry dated 11/18/2015 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

RFI No. 162: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in entry dated 11/18/2015 on Exhibit B.

RFI No. 183: For the entries dated 6/28/2016 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

RFI No. 184: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entries dated 6/28/2016 on Exhibit B.

Objection: Each of these Requests seeks information which is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Each of these Requests is directed to entries on Exhibit B which do not relate to the provision of water or sewer service to

9331 Westridge Boulevard, do not relate to any claims or defenses raised by Complainants in this proceeding, and do not relate to incidences involving the City of Frisco.

3. RFA No. 8

RFA No. 8: Admit that the Annexation Agreement identified as Exhibit C is expired.

Objection: Complainants object to this Request because it is beyond the scope of permissible discovery under Texas Rule of Civil Procedure 198.

CONCLUSION

For the reasons set forth above, Complainants object to RFI Nos. 117, 118, 120-194, and RFA No. 8.

Respectfully submitted,

JACKSON WALKER L.L.P.

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ATTORNEYS FOR COMPLAINANTS
KER-SEVA, LTD., ADC WEST RIDGE L.P.,
AND CENTER FOR HOUSING
RESOURCES, INC.

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing document was served as shown below on
this 14th day of November 2016:

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Via U.S. First Class Mail

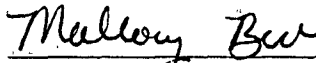

Mallory Beck

EXHIBIT "A"

- Frisco RFI 120:** After the entry on 10/6/2016 in Exhibit B, the following text appears: "Frisco and McKinney inspectors and police drive by constantly intimidating contractors, parking on site and stopping work without jurisdiction threatening statutorily prohibited arrest and fines." Please detail all such incidences referred to in the quoted text, including the date the incidences occurred. Please include the date, name, position, and address of each person involved in such incidences. In addition, produce all documents that relate to each incident referred to in the quoted text.
- Frisco RFI 121:** For the entry dated 9/15/2016 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.
- Frisco RFI 122:** Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 9/15/2016 on Exhibit B.
- Frisco RFI 123:** For the entry dated 1/7/2015 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.
- Frisco RFI 124:** Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 1/7/2015 on Exhibit B.
- Frisco RFI 125:** For the entry dated 1/26/2015 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.
- Frisco RFI 126:** Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 1/26/2015 on Exhibit B.
- Frisco RFI 127:** For the entry dated 2/13/2016 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.
- Frisco RFI 128:** Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 2/13/2016 on Exhibit B.
- Frisco RFI 129:** For the entry dated 2/16/2015 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

- Frisco RFI 130:** Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 2/16/2015 on Exhibit B.
- Frisco RFI 131:** For the entry dated 2/17/2015 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.
- Frisco RFI 132:** Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 2/17/2015 on Exhibit B.
- Frisco RFI 133:** For the entry dated 2/20/2015 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.
- Frisco RFI 134:** Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 2/20/2015 on Exhibit B.
- Frisco RFI 135:** For the entry dated 2/24/2015 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.
- Frisco RFI 136:** Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 2/24/2015 on Exhibit B.
- Frisco RFI 137:** For the entries dated 3/3/2015 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.
- Frisco RFI 138:** Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entries dated 3/3/2015 on Exhibit B.
- Frisco RFI 139:** For the entry dated 3/16/2015 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.
- Frisco RFI 140:** Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 3/16/2015 on Exhibit B.

Frisco RFI 141: For the entry dated 3/25/2015 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Frisco RFI 142: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 3/25/2015 on Exhibit B.

Frisco RFI 143: For the entry dated 4/2/2015 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Frisco RFI 144: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 4/2/2015 on Exhibit B.

Frisco RFI 145: For the entry dated 4/6/2015 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Frisco RFI 146: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 4/6/2015 on Exhibit B.

Frisco RFI 147: For the entry dated 4/21/2015 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Frisco RFI 148: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 4/21/2015 on Exhibit B.

Frisco RFI 149: For the entry dated 4/28/2015 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Frisco RFI 150: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 4/28/2015 on Exhibit B.

Frisco RFI 151: For the entry dated 5/5/2015 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

- Frisco RFI 152:** Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 5/5/2015 on Exhibit B.
- Frisco RFI 153:** For the entry dated 5/22/2015 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.
- Frisco RFI 154:** Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 5/22/2015 on Exhibit B.
- Frisco RFI 155:** For the entry dated 5/11/2015 through 6/9/2015 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.
- Frisco RFI 156:** Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 5/11/2015 through 6/9/2015 on Exhibit B.
- Frisco RFI 157:** For the entry dated 6/9/2015 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.
- Frisco RFI 158:** Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 6/9/2015 on Exhibit B.
- Frisco RFI 159:** For the entry dated 7/1/2015 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.
- Frisco RFI 160:** Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 7/1/2015 on Exhibit B.
- Frisco RFI 161:** For the entry dated 11/18/2015 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.
- Frisco RFI 162:** Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 11/18/2015 on Exhibit B.

- Frisco RFI 163:** For the entry dated 12/23/2015 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.
- Frisco RFI 164:** Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 12/23/2015 on Exhibit B.
- Frisco RFI 165:** For the entry dated 1/8/2016 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.
- Frisco RFI 166:** Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 1/8/2016 on Exhibit B.
- Frisco RFI 167:** For the entry dated 1/12/2016 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.
- Frisco RFI 168:** Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 1/12/2016 on Exhibit B.
- Frisco RFI 169:** For the entry dated 2/2/2016 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.
- Frisco RFI 170:** Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 2/2/2016 on Exhibit B.
- Frisco RFI 171:** For the entry dated 2/16/2016 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.
- Frisco RFI 172:** Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 2/16/2016 on Exhibit B.
- Frisco RFI 173:** Request for Information No. 173: For the entry dated 6/10/2016 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

- Frisco RFI 174:** Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 6/10/2016 on Exhibit B.
- Frisco RFI 175:** For the entry dated 6/20/2016 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.
- Frisco RFI 176:** Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 6/20/2016 on Exhibit B.
- Frisco RFI 177:** For the entry dated 6/21/2016 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.
- Frisco RFI 178:** Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 6/21/2016 on Exhibit B.
- Frisco RFI 179:** For the entry dated 6/23/2016 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.
- Frisco RFI 180:** Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 6/23/2016 on Exhibit B.
- Frisco RFI 181:** For the entries dated 6/24/2016 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.
- Frisco RFI 182:** Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entries dated 6/24/2016 on Exhibit B.
- Frisco RFI 183:** For the entries dated 6/28/2016 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.
- Frisco RFI 184:** Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entries dated 6/28/2016 on Exhibit B.

Frisco RFI 185: For the entry dated 8/31/2016 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Frisco RFI 186: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 8/31/2016 on Exhibit B.

Frisco RFI 187: For the entry dated 9/14/2016 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Frisco RFI 188: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 9/14/2016 on Exhibit B.

Frisco RFI 189: For the entry dated 10/6/2016 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Frisco RFI 190: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 10/6/2016 on Exhibit B.

Frisco RFI 191: For the entry dated 6/26/2007 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Frisco RFI 192: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 6/26/2007 on Exhibit B.

Frisco RFI 193: For the entry dated 11/7/2001 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Frisco RFI 194: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 11/7/2001 on Exhibit B.

RESPONSE:

Objection: Each Request is overly broad and unduly burdensome and therefore beyond the scope of permissible discovery pursuant to the Texas Rules of Civil Procedure. Further, each Request seeks to have Complainants marshal all of their available proof or the proof they will offer at trial in

violation of Texas Rule of Civil Procedure 197.1 and/or lacks the
specificity required by Texas Rule of Civil Procedure 196.

EXHIBIT "B"

RECEIVED

FORMAL COMPLAINT OF KER-SEVA, § BEFORE THE
LTD. AGAINST THE § STATE OFFICE OF
CITY OF FRISCO, TEXAS § ADMINISTRATIVE HEARINGS

**CITY OF FRISCO'S SECOND SET OF REQUESTS FOR INFORMATION AND
REQUESTS FOR ADMISSION**

COMES NOW, the City of Frisco, Texas ("City" or "Frisco"), and file this their Second Set of Requests for Information ("RFIs") and Requests for Admission to Ker-Seva Ltd., ADC West Ridge, LP and Center for Housing Resources, Inc., pursuant to 16 Tex. Admin. Code 22.144(c) and (j) in this docket. Responses to the RFIs and Requests for Admission set forth in Exhibit A through C should be served on the undersigned counsel for the City at the address indicated within twenty (20) days of service hereof.

Respectfully submitted,

Russell & Rodríguez, L.L.P.
1633 Williams Drive, Building 2, Suite 200
Georgetown, Texas 78628
(512) 930-1317
(866) 929-1641 (Fax)

Abernathy Roeder Boyd & Hullett, P.C.
Richard Abernathy
State Bar No. 00809500
1700 Redbud Blvd., Suite 300
McKinney, Texas 75069
(214) 544-4000
(214) 544-4040 (Fax)

/s/ Arturo D. Rodríguez, Jr.
ARTURO D. RODRIGUEZ, JR.
State Bar No. 00791551

ATTORNEYS FOR THE CITY OF FRISCO

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of November, 2016, a true and correct copy of the foregoing document has been sent via facsimile, first class mail, or hand-delivered to the following counsel of record:

Mr. Sam Chang
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
sam.chang@puc.texas.gov
(512) 936-7261
(512) 936-7268 Fax

Via facsimile

Leonard Dougal
Jackson Walker L.L.P.
100 Congress, Suite 1100
Austin, Texas 78701
ldougal@jw.com
(512) 236-2233
(512) 391-2112 Fax

Via facsimile

/s/ Arturo D. Rodriguez, Jr.
ARTURO D. RODRIGUEZ, JR.

EXHIBIT A

DEFINITIONS

The following definitions are applicable to the RFIs and Requests for Admissions:

1. "City" or "Frisco" refers to the City of Frisco, Texas.
2. "Ker-Seva" refers to Ker Seva, Ltd., its officers, employees, consultants, agents, attorneys, and affiliates to the extent such persons are acting for or on behalf of Ker Seva, Ltd.
3. "ADC West Ridge" refers to ADC West Ridge Villas, LP, its officers, employees, consultants, agents, attorneys, and affiliates to the extent such persons are acting for or on behalf of ADC West Ridge Villas, LP.
4. "Center for Housing Resources" refers to Center for Housing Resources, Inc., its officers, employees, consultants, agents, attorneys, and affiliates to the extent such persons are acting for or on behalf of Center for Housing Resources, Inc.
5. "Complainants" refers to Ker Seva Ltd., ADC West Ridge, LP, and Center for Housing Resources, Inc. collectively or independently.
6. "Property" refers to the approximately 8.5 acres of land in Collin County, Texas, identified as the "Property" in that certain Annexation Agreement, contained in Exhibit C to the Second Amended Formal Complaint Against the City of Frisco, Texas, filed Ker-Seva Ltd., ADC West Ridge, LP and Center for Housing Resources, Inc. in this docket.
7. "Lot 1" refers to the portion of the Property with the address of 9421 Westridge Boulevard, identified as Lot 1, Block A.
8. "Lot 2" refers to the portion of the Property with the address of 9331 Westridge Boulevard, identified as Lot 2, Block A.
9. "Exhibit C" refers to the attached document labeled Exhibit C, entitled "Annexation Agreement" which was executed on or about October 15, 2006.
10. "Exhibit B" refers to the attached document labeled Exhibit B, entitled "Fair Housing Complaint Timeline."
11. "Document" and/or "Documents" refers to all written, reported, or graphic matter within the scope of Rules 22.141 and 22.144 of the Public Utility Commission of Texas, however produced or reproduced. Without limiting the foregoing, the terms include: papers, books, accounts, drawings, graphs, charts, photographs, electronic or videotape recordings, and any other data compilations from which information can be obtained and translated, if necessary, by the person from whom information is sought, into reasonably usable form, agreements, contracts, communications, correspondence, letters, faxes, email, instant message records, memoranda, records, reports, summaries, records of telephone conversations, diary entries, calendars, appointment books, drafts, notes, telephone bills or

records, bills, statements, records of obligations and expenditures, invoices, lists, journals receipts, checks, canceled checks, letters of credit, envelopes, folders, voice recordings video recordings, electronic data, electronic media, and any other data or information that exists in written, electronic, or magnetic form.

12. "Communication" shall mean the transmittal of information (in the form of facts, ideas inquiries, or otherwise) by any method or manner between two or more persons.
13. "Describe" means to provide a detailed narrative concerning the information which is the subject of the RFI.
14. "Relate to," "related to," or "relating to" means concerning, referring to, having a relationship with or to, pertaining to, identifying, pertinent to, describing, explaining, summarizing, or to be otherwise factually, legally, or logically connected to the subject matter of the particular request.
15. The words "and" and "or" shall be construed either conjunctively or disjunctively as required by the context to bring within the scope of these requests any document that might be deemed outside its scope by another construction.
16. "Person" shall mean any natural person, corporation, proprietorship, partnership, professional corporation, joint venture, association, group, governmental agency, or agent, whether foreign or domestic or any other entity.

B. INSTRUCTIONS

1. These Requests for Information and Requests for Admission are governed by the definitions and instructions contained in the Public Utility Commission of Texas rules and the Texas Rules of Civil Procedure, which are supplemented as permitted by the specific instructions and definitions herein.
2. Written responses to these Requests for Information and Requests for Admission should be served twenty (20) days after service of these Requests upon you.
3. Your responses should conform to the rules of the Public Utility Commission of Texas and the Texas Rules of Civil Procedure.
4. In accordance with 16 Tex. Admin. Code Sec. 22.144, each RFI shall be answered separately, shall identify the preparer and the sponsoring witness, shall be preceded by the RFI, and all responses shall be filed under oath.
5. Each document that is made available for review in response to these RFIs shall be produced as it is kept in the usual course of business (i.e., in the file folder or binder in which the documents were located when the request was served) or the documents shall be organized or labeled to correspond to the category of documents requested.
6. If the documents requested herein include electronic data and magnetic data, they shall be produced in their native format with all metadata intact.

7. When answering these RFIs, you are requested to furnish all information available to you, including information in the possession of your attorneys, investigators, consultants, employees, agents, representatives, or any other person acting on your behalf, and not merely such information as is held or known by you personally.
8. In the event any document or other thing referred to in these RFIs is not in your possession, custody, or control, specify what disposition was made of it and identify the person or entity who now has possession, custody, or control of the document or thing.
9. If you object to any RFI or Request for Admission, you must comply with 16 Tex. Admin. Code Sec. 22.144(d), and you must contact the undersigned so that the parties may negotiate diligently and in good faith prior to the filing of an objection. Objections must be filed within ten (10) calendar days of receipt of these Requests.
10. Any agreement to extend the time to respond to these Requests for Information and Requests for Admission must be in writing. No extensions of time to object to any of the individual document requests should be presumed or assumed unless the agreement between counsel to extend the response date is specifically set forth in writing.
11. Unless otherwise noted in a specific request, the time period applicable to the requests are January 1, 2008, to the present.
12. PLEASE TAKE FURTHER NOTICE that the RFIs are continuing in nature. Your answers and responses must include all documents that are currently in your possession, custody, and control and that come into your possession, custody, or control in the future.

C. REQUESTS FOR INFORMATION

Request for Information No. 105: Please produce all documents evidencing any easements or other property interest acquired or attempted to be acquired to receive retail water service to by Ker Seva to:

- a. The Property
- b. Lot 1
- c. Lot 2

Response:

Request for Information No. 106: Please produce all documents evidencing any easements or other property interest acquired or attempted to be acquired to receive retail water service to by ADC West Ridge to:

- a. The Property
- b. Lot 1
- c. Lot 2

Response:

Request for Information No. 107: Please produce all documents evidencing any easements or other property interest acquired or attempted to be acquired to receive retail water service to by Center for Housing Resources to:

- a. The Property
- b. Lot 1
- c. Lot 2

Response:

Request for Information No. 108: Please produce all documents evidencing any easements or other property interest acquired or attempted to be acquired to receive retail sewer service to by Ker Seva to:

- a. The Property
- b. Lot 1
- c. Lot 2

Response:

Request for Information No. 109: Please produce all documents evidencing any easements or other property interest acquired or attempted to be acquired to receive retail sewer service to by ADC West Ridge to:

- a. The Property
- b. Lot 1
- c. Lot 2

Response:

Request for Information No. 110: Please produce all documents evidencing any easements or other property interest acquired or attempted to be acquired to receive retail water service to by Center for Housing Resources to:

- a. The Property
- b. Lot 1
- c. Lot 2

Response:

Request for Information No. 111: Please produce all documents regarding any communication with the City of McKinney to receive retail water service by Ker Seva to:

- d. The Property
- e. Lot 1
- f. Lot 2

Response:

Request for Information No. 112: Please produce all documents regarding any communication with the City of McKinney to receive retail water service by ADC West Ridge to:

- d. The Property
- e. Lot 1
- f. Lot 2

Response:

Request for Information No. 113: Please produce all documents regarding any communication with the City of McKinney to receive retail water service by Center for Housing Resources to:

- d. The Property
- e. Lot 1
- f. Lot 2

Response:

Request for Information No. 114: Please produce all documents regarding any communication with the City of McKinney to receive retail sewer service by Ker Seva to:

- d. The Property
- e. Lot 1
- f. Lot 2

Response:

Request for Information No. 115: Please produce all documents regarding any communication with the City of McKinney to receive retail sewer service by ADC West Ridge to:

- d. The Property
- e. Lot 1
- f. Lot 2

Response:

Request for Information No. 116: Please produce all documents regarding any communication with the City of McKinney to receive retail sewer service by Center for Housing Resources to:

- d. The Property
- e. Lot 1
- f. Lot 2

Response:

Request for Information No. 117: Please indicate the date Exhibit B was drafted and identify the persons to whom Complainants provided the document.

Response:

Request for Information No. 118: Exhibit B refers to and identifies Exhibit A through BB. Please provide all exhibits referred to and identified in Exhibit B.

Response:

Request for Information No. 119: Please produce the video referred to in Exhibit B for the entry dated 10/6/2016.

Response:

Request for Information No. 120: After the entry on 10/6/2016 in Exhibit B, the following text appears: *"Frisco and McKinney inspectors and police drive by constantly intimidating contractors, parking on site and stopping work without jurisdiction threatening statutorily prohibited arrest and fines."* Please detail all such incidences referred to in the quoted text, including the date the incidences occurred. Please include the date, name, position, and address of each person involved in such incidences. In addition, produce all documents that relate to each incident referred to in the quoted text.

Response:

Request for Information No. 121: For the entry dated 9/15/2016 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Response:

Request for Information No. 122: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 9/15/2016 on Exhibit B.

Response:

Request for Information No. 123: For the entry dated 1/7/2015 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Response:

Request for Information No. 124: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 1/7/2015 on Exhibit B.

Response:

Request for Information No. 125: For the entry dated 1/26/2015 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Response:

Request for Information No. 126: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 1/26/2015 on Exhibit B.

Response:

Request for Information No. 127: For the entry dated 2/13/2016 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Response:

Request for Information No. 128: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 2/13/2016 on Exhibit B.

Response:

Request for Information No. 129: For the entry dated 2/16/2015 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Response:

Request for Information No. 130: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 2/16/2015 on Exhibit B.

Response:

Request for Information No. 131: For the entry dated 2/17/2015 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Response:

Request for Information No. 132: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 2/17/2015 on Exhibit B.

Response:

Request for Information No. 133: For the entry dated 2/20/2015 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Response:

Request for Information No. 134: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 2/20/2015 on Exhibit B.

Response:

Request for Information No. 135: For the entry dated 2/24/2015 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Response:

Request for Information No. 136: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 2/24/2015 on Exhibit B.

Response:

Request for Information No. 137: For the entries dated 3/3/2015 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Response:

Request for Information No. 138: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entries dated 3/3/2015 on Exhibit B.

Response:

Request for Information No. 139: For the entry dated 3/16/2015 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Response:

Request for Information No. 140: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 3/16/2015 on Exhibit B.

Response:

Request for Information No. 141: For the entry dated 3/25/2015 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Response:

Request for Information No. 142: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 3/25/2015 on Exhibit B.

Response:

Request for Information No. 143: For the entry dated 4/2/2015 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Response:

Request for Information No. 144: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 4/2/2015 on Exhibit B.

Response:

Request for Information No. 145: For the entry dated 4/6/2015 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Response:

Request for Information No. 146: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 4/6/2015 on Exhibit B.

Response:

Request for Information No. 147: For the entry dated 4/21/2015 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Response:

Request for Information No. 148: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 4/21/2015 on Exhibit B.

Response:

Request for Information No. 149: For the entry dated 4/28/2015 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Response:

Request for Information No. 150: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 4/28/2015 on Exhibit B.

Response:

Request for Information No. 151: For the entry dated 5/5/2015 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Response:

Request for Information No. 152: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 5/5/2015 on Exhibit B.

Response:

Request for Information No. 153: For the entry dated 5/22/2015 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Response:

Request for Information No. 154: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 5/22/2015 on Exhibit B.

Response:

Request for Information No. 155: For the entry dated 5/11/2015 through 6/9/2015 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Response:

Request for Information No. 156: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 5/11/2015 through 6/9/2015 on Exhibit B.

Response:

Request for Information No. 157: For the entry dated 6/9/2015 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Response:

Request for Information No. 158: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 6/9/2015 on Exhibit B.

Response:

Request for Information No. 159: For the entry dated 7/1/2015 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Response:

Request for Information No. 160: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 7/1/2015 on Exhibit B.

Response:

Request for Information No. 161: For the entry dated 11/18/2015 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Response:

Request for Information No. 162: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 11/18/2015 on Exhibit B.

Response:

Request for Information No. 163: For the entry dated 12/23/2015 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Response:

Request for Information No. 164: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 12/23/2015 on Exhibit B.

Response:

Request for Information No. 165: For the entry dated 1/8/2016 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Response:

Request for Information No. 166: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 1/8/2016 on Exhibit B.

Response:

Request for Information No. 167: For the entry dated 1/12/2016 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Response:

Request for Information No. 168: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 1/12/2016 on Exhibit B.

Response:

Request for Information No. 169: For the entry dated 2/2/2016 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Response:

Request for Information No. 170: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 2/2/2016 on Exhibit B.

Response:

Request for Information No. 171: For the entry dated 2/16/2016 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Response:

Request for Information No. 172: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 2/16/2016 on Exhibit B.

Response:

Request for Information No. 173: For the entry dated 6/10/2016 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Response:

Request for Information No. 174: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 6/10/2016 on Exhibit B.

Response:

Request for Information No. 175: For the entry dated 6/20/2016 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Response:

Request for Information No. 176: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 6/20/2016 on Exhibit B.

Response:

Request for Information No. 177: For the entry dated 6/21/2016 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Response:

Request for Information No. 178: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 6/21/2016 on Exhibit B.

Response:

Request for Information No. 179: For the entry dated 6/23/2016 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Response:

Request for Information No. 180: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 6/23/2016 on Exhibit B.

Response:

Request for Information No. 181: For the entries dated 6/24/2016 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Response:

Request for Information No. 182: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entries dated 6/24/2016 on Exhibit B.

Response:

Request for Information No. 183: For the entries dated 6/28/2016 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Response:

Request for Information No. 184: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entries dated 6/28/2016 on Exhibit B.

Response:

Request for Information No. 185: For the entry dated 8/31/2016 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Response:

Request for Information No. 186: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 8/31/2016 on Exhibit B.

Response:

Request for Information No. 187: For the entry dated 9/14/2016 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Response:

Request for Information No. 188: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 9/14/2016 on Exhibit B.

Response:

Request for Information No. 189: For the entry dated 10/6/2016 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Response:

Request for Information No. 190: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 10/6/2016 on Exhibit B.

Response:

Request for Information No. 191: For the entry dated 6/26/2007 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Response:

Request for Information No. 192: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 6/26/2007 on Exhibit B.

Response:

Request for Information No. 193: For the entry dated 11/7/2001 on Exhibit B, please produce all documents that relate to any statement or assertion contained in said entry.

Response:

Request for Information No. 194: Please identify all facts, information, and understandings, including names and addresses of person from whom you obtained such information, from which you detail the assertions contained in the entry dated 11/7/2001 on Exhibit B.

Response:

D. REQUESTS FOR ADMISSION

Request for Admission No. 8: Admit that the Annexation Agreement identified as Exhibit C is expired.

Response:

Fair Housing Complaint Timeline
West Ridge Villas
9331 Westridge Blvd.
McKinney, TX 75070
Located in the Frisco ETJ, Collin County, Texas

Background:

The development of West Ridge Villas originated as a 140 units 9% Housing Tax Credit (HTC) pre-application submitted on January 8, 2015 to the Texas Department of Housing and Community Affairs (TDHCA) (*Exhibit A*). As a part of that pre-application process, notification is required to be sent to all local elected officials including the City of Frisco and Collin County. Based on the property being located in the Extraterritorial Jurisdiction of a Municipality, a part of the competitive application scoring requires support resolutions from the City of Frisco and Collin County. Historically receiving such resolutions is difficult in what is defined as High Opportunity Areas (areas where incomes are high with high performing elementary, middle and high schools). The property financing was modified to allow for MF-19 zoning reducing density to 96 units per the City of Frisco's demands in exchange for support; the full application was modified accordingly. After failure to receive support from the City of Frisco, a HOME Loan application was made to TDHCA for 132 units of which 56 are affordable.

Timeline of Events:

1/7/2015 – Notification of the applications to TDHCA was made to all elected officials in accordance with TDHCA's rules; Councilman Johnson acknowledged receipt on 2/4/2015 (*Exhibit B*).

During the month of January, 2015, many calls to Stacy Brown, Frisco Housing Director, John Lettelleir, and other City of Frisco officials requesting a meeting to gain support and financing for the 9% tax credit application went unanswered.

1/26/2015 - Received an e-mail from Stacy Brown acknowledging receipt of the requests for support resolutions for the 9% tax credit application (*Exhibit C*).

2/13/2016 – John Lettelleir, Director of Development Services, finally answered after many attempted calls by myself, the civil engineer, and the architect. Lettelleir indicated if the property follows MF-19 zoning criteria, the city would support the West Ridge Villas 9% HTC application and would be interested in annexing the site. Stacy Brown indicated earlier in the day we would be placed on the Council Consent Agenda accordingly. As such, the development was modified from a 140 unit 4-story property to a 93 unit 3-story property with 25% open space. A modified preliminary elevation and financial package was submitted to council via e-mail prior to its 2/17/2015 meeting (*Exhibit D-a*).

2/16/2015 – Met with Collin County Commissioner Susan Fletcher who indicated the County does not provide Resolutions of Support for tax credit developments. However, should Frisco

provide a Support Resolution, Collin County Commissioners Court would consider providing a resolution for the competitive tax credit points.

2/17/2015 – Frisco unexpectedly called and held an unnecessary public hearing on the West Ridge Villas 9% Tax Credit Application. Additionally, Frisco placed both affordable developments on the *Regular Agenda*, not the *Consent Agenda* as promised by Stacy Brown on 2/13/2015 (*Exhibit D*). Additionally, council tabled their decision on local political subdivision funding and a support resolution for re-consideration on 3/3/2015. They were informed the lack of a Resolution for Local Political Subdivision Funding before 2/27/2015 prevented the 9% HTC application from receiving critical competitive points necessary for a successful 9% HTC funding award. Lettelleir and Councilman Scott Johnson had a brief dialogue after the vote in which they referenced “vested rights.”

2/20/2015 – Revised design exhibits were submitted to Lettelleir and Brown with a request for review and a meeting.

2/24/2015 - Lettelleir indicated he would not have time to review the submission prior to the City Council Meeting on 3/3/2015 claiming he didn’t want to “expend staff resources” before council input as “under a typical request” the city would not “support the multifamily zoning in this location,” even though there is no zoning in the county or Frisco’s ETJ. (*Exhibit E*)

3/3/2015 - After being denied repeated requests for a Pre-Construction Meeting, any meeting with city staff, or even an administrative review of the proposed preliminary site plan, a Preliminary Plat application was mailed via certified mail in accordance with statute to establish vested rights. Staff refused to accept of the application in person earlier in the day.

3/3/2015 – Applied for building permits for the West Ridge Villas clubhouse (called Phase I) and a 911 address from Collin County to establish vested rights with the County.

3/3/2015 – Frisco failed to support the 9% HTC Application stating they could not support a development that would not otherwise be approved if it were not a tax credit deal due to the site being less than 5 acres as required by the MF-19 zoning requirements. Additionally, the city moved to involuntarily annex 38.1+/- acres (including the subject property) to preempt any “vested rights” and prevent the proposed MF-19 affordable development. The council also modified the draft Consolidated Plan originally presented at the 2/17/2015 meeting moving the subject property from the ETJ into the city limits and showing future planned land use as single family (*Exhibit F*).

3/16/2015 – No application or processes that would establish vested rights was made available by staff to the development team after extensive efforts and requests. As such, a Preliminary Plat application was submitted per City of Frisco’s calendar requirements, which is a recognized vesting of rights established by Frisco’s Subdivision Ordinance. It is important to note a Preliminary Plat is not required by the Subdivision Ordinance for commercial construction. (*Exhibit G*)

3/25/2015 – Received staff comments to the Preliminary Plat (*Exhibit H*) with a 3/31/2015 5:00 pm deadline to meet the planned Planning and Zoning Commission meeting schedule. Revisions containing all comments were submitted before the 12:00 pm on 3/31/2015.

4/2/2015 – Frisco denied having received the revisions, and requested a waiver of the 30 day statutory deadline to approve the plat application. After receipt of the waiver, Frisco acknowledged they did have the revisions as timely submitted (*Exhibit I*).

4/6/2015 – Attended a “Preliminary Plat” Meeting with Frisco, which is not a recognized formal process for commercial developments according to Frisco’s Subdivision Ordinance. Staff refused to call the meeting a Pre-submittal meeting, which had been denied since January, as it is a recognized formal process vesting rights for commercial developments according to the Subdivision Ordinance. Staff insisted the utilities must run south by obtaining easements through neighboring private property instead of connecting to City of Frisco water and sewer lines stubbed out and on site immediately to the West (*Exhibit J*).

4/21/2015 – City Council corrected the legal description in the 3/3/2015 involuntary annexation resolution from 38.1+/- acres to 41.3+/- acres. (*Exhibit K*)

4/28/2015 – A second set of comments from Frisco was addressed on the Preliminary plat.

5/5/2015 – Frisco provided a third set of comments to the Preliminary Plat. **5/11/2015** – A deadline of 5/12/2015 was given to address the third set of comments to meet the 5/26/2015 P&Z meeting. An updated 30 day waiver was requested. **5/12/2015** – Preliminary Plat revision #3 was submitted. (*Exhibit L*)

5/22/2015 – A fourth set of comments were made by the city to further delay the preliminary plat presentation at the 5/26/2015 P&Z meeting. The final comment was immediately addressed and the city refused to place the plat on the 5/26/2015 P&Z agenda (*Exhibit M*).

5/11/2015 through 6/9/2015 – An Open Records response from Collin County in January, 2016, revealed inquiries from Amy Mathews, Director of Planning Development Services Frisco, to Tracy Homfeld, Assistant Director Collin County Engineering, on the status of the building permit for the proposed RV & Boat Storage immediately south of our property and West Ridge Villas. The correspondence from Frisco coincides with the comments from Mathews regarding the preliminary plat application. After Frisco learned our county permit was on hold, they approved issuance of the RV building permits allowing construction that directly obstructs easements along the path of utility locations required by Frisco south of our site. Additionally, the RV & Boat Storage was not required to plat. We were unaware of the RV & Boat Storage plans, permit, or proposed location of new buildings at the time our Preliminary Plat was approved by P&Z as instructed by Amy Mathews (*Exhibit N*).

6/9/2015 – Frisco P&Z approved the Preliminary Plat (*Exhibit O*) with the utility locations clearly obstructed by the proposed RV building plans approved on the same day (*Exhibit P*)

7/1/2015 – City Council took no action on the involuntary annexation. (*Exhibit Q*)

11/18/2015 – Applied to Collin County for Building Permits for the full 132 unit development of West Ridge Villas including the clubhouse.

12/23/2015 – Collin County mailed an untimely letter of denial of the permit. The letter was dated 12/21/2015 with postage paid on 12/22/2015, and postmarked by the United States Postal Service on 12/23/2015. Any denial was required on or before 12/18/2015 to comply with statute:

Sec. 233.063. BUILDING PERMIT; APPLICATION. (a) A person may not construct or substantially improve a building described by Section 233.062(a) in an unincorporated area of the county unless the person obtains a building permit issued in accordance with this subchapter.

(b) A person may apply for a building permit by providing to the commissioners court:

(1) a plan of the proposed building containing information required by the commissioners court; and

(2) an application fee in an amount set by the commissioners court.

(c) Within 30 days after the date the commissioners court receives an application and fee in accordance with Subsection (b), the commissioners court shall:

(1) issue the permit if the plan complies with the fire code; or

(2) deny the permit if the plan does not comply with the fire code.

(d) If the commissioners court receives an application and fee in accordance with Subsection (b) and the commissioners court does not issue the permit or deny the application within 30 days after receiving the application and fee, the construction or substantial improvement of the building that is the subject of the application is approved for the purposes of this subchapter.

Added by Acts 1989, 71st Leg., ch. 296, Sec. 1, eff. Jan. 1, 1991. Renumbered from Sec. 235.003 and amended by Acts 2001, 77th Leg., ch. 1420, Sec. 12.003(4), eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. 331 (S.B. 736), Sec. 3, eff. June 17, 2005.

1/8/2016 – Tracy Homfeld, indicated she spoke with Amy Mathews who indicated Frisco had comments to our plans and utilities are still a problem. I immediately contacted Mathews to address any concerns from Frisco, and requested guidance on any policy, process, or procedure necessary to comply with the Frisco Subdivision Ordinance related to receipt of utilities, the plat, or the construction plans for property in the ETJ. (*Exhibit R*).

1/12/2016 – Mathews indicated nothing further was required and there was no further communication from Frisco claiming any Subdivision Ordinance requirements remaining prior to the issuance by Collin County of the building permit for construction of the development (*Exhibit S*).

2/2/2016 – Toyin Fawehinmi, Senior Engineer Frisco, provided a utility plan exhibit to Randall Chrisman, the land broker, showing the path required to connect utilities. It is important to note the path provided does not meet Frisco's Subdivision Ordinance Section 8.01(b)(2)(b) submitted to Mr. Jawanda on 2/16/2016. (*Exhibit T*)

2/16/2016 – A denial letter was sent by Frisco to Jastinder Jawanda, the land seller, citing the need for a building permit prior to Frisco's ability to evaluate his application for sewer and water service. The letter included excerpts from the Subdivision Ordinance and page one of the Development Agreement for the daycare located on Lot 1, conveniently omitting the Annexation Agreement that covers the full 8.516 acres in accordance with the ordinance (*Exhibit T*).

6/10/2016 – Application was made by ADC West Ridge, LP to Frisco for sewer and water service with a copy of the building permit included for the 132 unit apartment complex in accordance with the 2/16/2016 letter to Jawanda. On 6/13/2016, the Utility Billing Department provided an e-mail response that Frisco did not service the address and we needed to contact McKinney for service. On 6/15/2016 Nell Lange, Assistant City Manager Frisco, sent email denying service stating the need to follow the subdivision regulations and the preliminary plat, which is not applicable to commercial developments according to the Subdivision Ordinance (*Exhibit U*).

6/20/2016 – Weir Brothers Contracting, LLC, the site work sub-contractor, applied for and obtained a temporary water meter with the City of Frisco. They began moisture conditioning the soil for the building pads using that Frisco temporary water meter, which was attached to the Frisco fire hydrant located immediately to the west of the site. Charles Cottrell, Crew Leader McKinney, showed up on site and warned Weir Brothers the fire hydrant was owned by McKinney not Frisco, and they could not use it.

6/21/2016 – Cottrell returned to the site, removed the Frisco temporary water meter, and confiscated that City of Frisco temporary water meter from the City of Frisco fire hydrant stating again the fire hydrant was owned by McKinney not Frisco, and that he would be returning the water meter to Frisco.

6/23/2016 – KWA Construction, the general contractor, applied for a second temporary water meter with the City of Frisco and lawfully obtained a temporary water meter after confirming with Frisco Utility Department staff the fire hydrant proposed and previously used was owned by Frisco. Stan Fulks, KWA's Project Manager, sent an e-mail message to Chris Hill with the City of McKinney confirming approval by Frisco of the location of the fire hydrant infrastructure and the location of the intended use for the temporary water meter. Additionally, the email from Fulks confirms a meeting two weeks prior with the City of Frisco Engineering Department staff where they also confirmed the ownership and existence of the Frisco owned infrastructure. Fulks subsequently received a call from Hill warning him not to use the fire hydrant or water meter for our site; Fulks responded with a send e-mail memorializing the call (*Exhibit V*).

6/24/2016 – Cottrell removed the second Frisco water meter from the Frisco fire hydrant, and called Frisco to come pick up the water meter. The second meter was confiscated by Ryan Hahn, Meter Supervisor Frisco. Hahn stated the second meter never should have been issued.

6/24/2016 – Randy Roland, Assistant Police Chief for McKinney, stopped by the job site and threatened Weir Brother's employees with arrest if they attempted to obtain any water from a McKinney water meter for the property (*Exhibit W*).

6/28/2016 – Joe Thomason, Weir Brothers employee, applied for and received a third water meter from the City of Frisco for West Ridge Villas. After leaving the Utilities Department with the third water meter, Thomason received a call from Chris Goulette, SCADA Operations Frisco Utilities Department, stating he better not use that meter to obtain any water for the West Ridge

Apartment site. Goulette went on to say that neither McKinney nor Frisco would be providing water to the site until legal matters were worked out (*Exhibit W*).

6/28/2016 – Received an email from Tracy Homfeld with Collin County questioning changes to the civil engineering plans, requiring a revised No-adverse Impact (flood study statement) letter from Cardinal Strategies. Homfeld began fishing for additional changes to building plans (*Exhibit X*).

8/31/2016 – City of McKinney Patrick _____ and George Hill, P.E. City of McKinney Senior Construction Engineer showed up on site while the utility contractor was locating the elevation of the sewer line located immediately west of the site and threatened the contractor with arrest if they tried to tap in to those sewer lines. McKinney claimed ownership of the lines, while Frisco shows them as being owned by Frisco on our Will Serve Letter. Again, McKinney has no jurisdiction and has not produced any documentation showing ownership of the same infrastructure Frisco reports to own.

9/14/2016 – Rick Dwoarshack, City of Frisco Right of Way inspector had police issue a criminal trespass warning to Luis Gonzales, KWAs' superintendent. Rick also made derogatory comments to Luis about future residents and it not being in the best interest of Frisco to provide sewer and water to those people. See Luis' affidavit attached. (*Exhibit AA*)

9/15/2016 – In retaliation for filing a Fair Housing Complaint, City of Frisco denied a Right of Way application they requested the General Contractor apply for threatening criminal trespassing charges and fines to our general contractors employees if they even walk on the dedicated right of way that extends the length of our Northern property line or any utility easement running entire length of our western and southern property line as identified on the conveyance plat or the preliminary plat. (*Exhibit BB*)

10/6/2016 – Rick Dworshack, City of Frisco Right of Way inspector and his supervisor along with two Frisco Police trucks blocked our eastern property entrance for approximately two hours without approaching the superintendents or me. The Collin County Deputy Sheriff Mitchell indicated they ROW inspector was requesting arrest for violation of the unlawfully issued criminal trespass warning (*video is available*).

Frisco and McKinney inspectors and police drive by constantly intimidating contractors, parking on site and stopping work without jurisdiction threatening statutorily prohibited arrest and fines.

Additional Exhibits:

6/26/2007 - Letter Agreement between McKinney and Frisco allowing McKinney to provide sewer and water service for the full 8.579 acres, which includes Lot 2 where West Ridge Villas is located (*Exhibit Y*).

11/7/2001 - Interlocal Agreement between McKinney and Frisco sharing sewer and water capacity (*Exhibit Z*).

AFTER RECORDING;
RETURN TO:
~~San Antonio City Secretary~~
City of Frisco, Texas
6101 Frisco Square Blvd - 6th
Frisco, Texas 75034

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

ANNEXATION AGREEMENT

This Annexation Agreement (the "Agreement") is made and entered into as of this 12th day of October, 2006, (the "Effective Date") by and between the City of Frisco, Texas, (the "City") and Baljeet K. Jawanda and Daljit S. Hundle (collectively the "Owner") on the terms and conditions hereinafter set forth.

WHEREAS, Owner owns approximately 8.579 acres, more or less, being Lots 1-3, Block A, Westridge Addition in the extraterritorial jurisdiction of the City, Collin County, Texas which is more particularly described in Exhibit "A" which is attached hereto and fully incorporated herein for all purposes (hereinafter defined as the "Property"); and

WHEREAS, City and the Owner desire that the property be developed as set forth herein; and

WHEREAS, Owner desires to construct a Montessori School on Lot 1 of the Property; and

WHEREAS, pursuant to Section 212.172 of the Texas Local Government Code, the City is authorized to make a written contract with an owner of land that is located in the extraterritorial jurisdiction of the municipality for purposes set forth in that section; and

WHEREAS, the parties desire to agree on the matters set forth in this Agreement pursuant to Section 212.172 of the Texas Local Government Code and for the purposes set forth in that section.

NOW, THEREFORE, in consideration of the mutual benefits and premises contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and Owner agree as follows:

1. Land Subject to Agreement. The land that is subject to this Agreement is approximately 8.579 acres of land, more or less, located in the Westridge Addition, Collin County, Texas and more particularly described in Exhibit "A", attached hereto and incorporated herein for all purposes (the "Property"). Owner represents that there are no other owners of the Property.

Development Agreement
458197.v3

Page 1

Exhibit

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2. Use and Development. The use and development of the Property before and after annexation shall conform to the uses, density, layout, permitting requirements (including but not limited to submittal of site plans and plats) and development standards (including but not limited to masonry requirements, parking standards and landscaping standards) set forth by the ordinances of City (including but not limited to the Comprehensive Zoning Ordinance and the Subdivision Regulations) as they exist or may be amended. Prior to annexation, the Property shall be developed as if it has been designated with Retail (R) zoning.

3. Annexation and Zoning. City will not annex the Property, unless requested to do so by Owner, during the term of this Agreement provided that Owner complies with the terms and conditions of this Agreement. The parties agree that City, in its sole discretion, shall determine whether Owner is in compliance with the Agreement and whether it will approve annexation of the Property.

4. Water and Sewer Service. Following annexation of the Property by City, City agrees to provide sanitary sewer service for the Property in the same manner and in accordance to the same regulations as any retail development in the City and in accordance with the annexation service plan. City agrees provide water service for the Property in the same manner and in accordance to the same schedule as any retail development in the City if it can lawfully do so. Owner may temporarily connect to the City of McKinney's water and sanitary sewer system to serve the Property until such time as City lines are available to the Property. Upon being requested to do so by City, Owner agrees to execute convey an easement to City on that portion of the Property reasonably needed by City, in City's sole discretion, to be used as a utility easement for water and sewer service, free from any liens or other encumbrances, for the construction and/or extension of water or sewer facilities. Said easement shall be materially in the same form as Exhibit "B", attached hereto and incorporated herein for all purposes, and shall contain legal descriptions and diagrams of the easement.

5. Right-of-Way Dedication for Westridge Blvd. Upon being requested to do so by City, Owner agrees to dedicate to City that portion of the Property reasonably needed by City, in City's sole discretion, to be used as right-of-way for Westridge Blvd, free from any liens or other encumbrances, for the construction and/or extension of Westridge Blvd ("ROW Property"). Said right-of-way dedication shall be by warranty deed materially in the same form as Exhibit "C", attached hereto and incorporated herein for all purposes, and shall contain legal descriptions and diagrams of the right-of-way dedication.

6. Impact Fees. The Property shall be subject to impact fees adopted by Ordinance No. 05-07-53, as it exists or may be amended.

7. Other Development Fees. City ordinances covering property taxes, park dedication and/or payment in lieu of dedication of land, utility rates, permit fees and the like are not affected by this Agreement and shall be applied to the Property in the same manner as any other Property located within the City's corporate boundaries. Further this Agreement does not waive or limit any of the obligations of Owners to City under any other ordinance, whether now existing or in the future.

arising.

8. Term: This Agreement is an agreement authorized by Section 212.172 of the Texas Local Government Code. The term of this Agreement shall be five (5) years from the effective date. The term of this Agreement shall not be affected by the fact that some or all of the Property is annexed into the corporate limits of the City.

9. Default: If any party breaches any of the terms of this Agreement, then that party shall be in default (the "Defaulting Party") of this Agreement (an "Event of Default"). If an Event of Default occurs, the nondefaulting party shall give the Defaulting Party written notice of such Event of Default and if the Defaulting Party has not cured such Event of Default within thirty (30) days of said written notice, this Agreement is breached. Each party is entitled to all remedies available at law or in equity.

10. Notice: Any notice required or permitted to be delivered hereunder shall be deemed to be delivered, whether or not actually received, when deposited in the United States Mail, postage pre-paid, certified mail, return receipt requested, addressed to either party, as the case may be, at the addresses contained below:

City: City of Frisco
6101 Frisco Square Blvd.
Frisco, TX 75034
Attn: City Manager

With copy to: Julie Fort
Abernathy, Roeder, Boyd & Joplin, P.C.
1700 Redbud Blvd.
Suite 300
P.O. Box 1210
McKinney, TX 75070-1210

Owner: Baljeet K. Jawanda and Daljit S. Hundle
4588 Penbrook Court
Plano, Texas 75024

11. Miscellaneous.

(a) Assignment: This Agreement is assignable. If all or any portion of the Property is transferred, sold or conveyed, the Owner shall give notice immediately to City of the name, address, phone number and contact person of the person or entity acquiring an interest in the Property. This Agreement shall run with the land and shall be binding on and inure to the benefit of the Owners' successors and assigns.

(b) Compliance with Ordinances. Except as provided for in this Agreement, the parties agree that the Owners shall be subject to all ordinances of City. All construction will be in accordance with applicable ordinances and regulations of Frisco, whether now existing or in the future arising.

(c) Entire Agreement. This Agreement contains the entire agreement of the parties with respect to the matters contained herein and may not be modified or terminated except upon the mutual written agreement of the parties hereto.

(d) Venue. This Agreement shall be construed in accordance with the laws of the State of Texas and shall be performable in Collin County, Texas. Exclusive venue shall be in Collin County, Texas.

(e) Consideration. This Agreement is executed by the parties hereto without coercion or duress and for substantial consideration, the sufficiency of which is forever confessed.

(f) Counterparts. This Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.

(g) Authority to Execute. The individuals executing this Agreement on behalf of the respective parties below represent to each other and to others that all appropriate and necessary action has been taken to authorize the individual who is executing this Agreement to do so for and on behalf of the party for which his or her signature appears, that there are no other parties or entities required to execute this Agreement in order for the same to be an authorized and binding agreement on the party for whom the individual is signing this Agreement and that each individual affixing his or her signature hereto is authorized to do so, and such authorization is valid and effective on the date hereof.

(h) Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representatives, successors and assigns.

(i) Savings/Severability. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision thereof, and this Agreement shall be construed as if such invalid illegal or unenforceable provision had never been contained herein.

(j) Representations. Each signatory represents this Agreement has been read by the party for which this Agreement is executed and that such party has had an opportunity to confer with its counsel.

(k) Sovereign Immunity. The parties agree that the City has not waived its sovereign immunity by entering into and performing their respective obligations under this Agreement.

(l) Miscellaneous Drafting Provisions. This Agreement shall be deemed drafted equally by all parties hereto. The language of all parts of this Agreement shall be construed as a whole according to its fair meaning and any presumption or principle that the language herein is to be construed against any party shall not apply. Headings in this Agreement are for the convenience of the parties and are not intended to be used in construing this document

(m) Incorporation of Recitals. The Recitals above are incorporated herein as if repeated verbatim.

(n) No Chapter 245 Permit. This Agreement, and any requirement contained in this Agreement, shall not constitute a "permit" as defined in Chapter 245, Texas Local Government Code. **THIS PARAGRAPH SHALL SURVIVE THE TERMINATION OF THIS AGREEMENT.**

IN WITNESS WHEREOF, the parties have executed this Agreement and caused this Agreement to be effective on the latest date as reflected by the signatures below.



CITY OF FRISCO, TEXAS

By: George Purefoy
George Purefoy, City Manager

ATTEST:

Estela Barrera for Dan Parker
City Secretary

APPROVED AS TO FORM:

Julie Y. Fort
Julie Y. Fort
Abernathy, Roeder, Boyd & Joplin, P.C.

OWNERS:

Bhawanda
Baljeet K. Jawanda, Individually

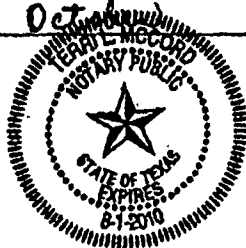
Daljit S. Hundle
Daljit S. Hundle, Individually

STATE OF TEXAS

COUNTY OF COLLIN

BEFORE ME, the undersigned authority, on this day personally appeared George Purefoy, City Manager of the City of Frisco, Texas, being the person whose names are subscribed to the foregoing instrument; he acknowledged to me he is the duly authorized representative for the City of Frisco, Texas, and he executed said instrument for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 2nd day of October, 2006.



Terril L. McCord
Notary Public in and for the State of Texas
My Commission Expires: Aug. 1, 2010

STATE OF TEXAS

COUNTY OF COLLIN

BEFORE ME, the undersigned authority, on this day personally appeared Baljeet K. Jawanda, known to me to be one of the persons whose names are subscribed to the foregoing instrument; he acknowledged to me that he has executed said instrument for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 4th day of October, 2006.



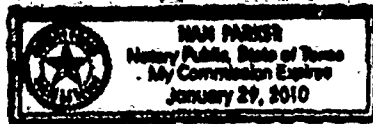
Terril L. McCord
Notary Public in and for the State of Texas
My Commission Expires: 8/1/10

STATE OF TEXAS

COUNTY OF COLLIN

BEFORE ME, the undersigned authority, on this day personally appeared Daljit S. Hundle, known to me to be one of the persons whose names are subscribed to the foregoing instrument; she acknowledged to me that she has executed said instrument for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 12th day of October, 2006.



Nan Parker
Notary Public in and for the State of Texas
My Commission Expires:
1-29-2010

Exhibit "A"
Legal Description and Diagram

Development Agreement
458197.v3

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EXHIBIT A

LEGAL DESCRIPTION

WHEREAS Baljeet K. Jawanda and Daljits S. Hundle are the owners of a tract or parcel of land situated in the City of Frisco, Collin County, Texas, being part of the A.S. Young Survey, Abstract Number 1037, being all of that tract of land described in deed to said Baljeet K. Jawanda and Daljits S. Hundle recorded in Volume 5912, Page 6577 of the Deed Records of Collin County, Texas and being more particularly described as follows:

BEGINNING at a ½ inch iron rod with cap stamped "LONE STAR" set for corner in the southerly right-of-way line of Westridge Boulevard (a 60 foot wide right-of-way) according to the plat thereof recorded in Volume N, page 547 of the plat Records of Collin County, Texas, said iron rod being the northeasterly corner of said Jawanda/Hundle tract and the northwesterly corner of that tract described in deed to Dr. Ernest S. Martin and Janice L. Martin recorded under County Clerk's File Number 94-0061709, Deed Records of Collin County, Texas, from which a ½ inch iron rod with red plastic cap found bears North 22°41'33";

THENCE South 00°02'34" East along Martin tracts a distance of 336.13 feet to a "LONE STAR" set for corner in the northerly line Barch and Jana Barch in Volume 572 County, Texas, being the southwesterly corner of said Jawanda/Hundle tract, found bears North 13°51'37" East, 0.98 f

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left out
by accident*

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ohn
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terly
cap

THENCE South 89°57'25" West along Barch tracts a distance of 1282.98 feet to corner in the monumented easterly right foot wide right-of-way) (unrecorded), be and the southwesterly corner of said Jaw

*Recently
approved*

and
1 for
37.5
tract

THENCE North 00°02'07" East along the westerly line of said Jawanda/Hundle tract a distance of 50.00 feet to a ½ inch iron rod with cap stamped "LONE STAR" set for corner, being the most westerly northwesterly corner of said Jawanda/Hundle tract and the southwesterly corner of the remainder of that tract of land described in deed to William A. Mains and Paula L. Mains recorded in Volume 1024, Page 753 of the Deed Records of Collin County, Texas;

THENCE North 89°57'25" East along a northerly line of said Jawanda/Hundle tract and the southerly line of said Mains remainder tract, parallel to and 50.00 feet northerly of said Jawanda/Hundle and Barch tracts common line a distance of 190.61 feet to a ½ inch iron rod with cap stamped "LONE STAR" set for corner, being the southeasterly corner of said Mains remainder tract and an ell corner of said Jawanda/Hundle tract;

THENCE North 02°55'18" East along the easterly line of said Mains remainder tract and a westerly line of said Jawanda/Hundle tract a distance of 284.86 feet to a ½ inch iron rod with cap stamped "LONE STAR" set for corner in said southerly right-of-way line of Westridge Boulevard, being the northeasterly corner of said Mains remainder tract and the most northerly northwesterly corner of said Jawanda/Hundle tract;

THENCE North 89°52'06" East along said southerly right-of-way line of Westridge Boulevard and the northerly line of said Jawanda/Hundle tract a distance of 277.53 feet to a ½ inch iron rod with yellow plastic cap found at an angle point;

THENCE North 89°52'06" East continuing along said southerly right-of-way line of Westridge Boulevard and the northerly line of said Jawanda/Hundle tract a distance of 800.04 feet to the **POINT OF BEGINNING** and containing 373,682 square feet or 8.579 acres of land.

WESTRIDGE ANNEXATION AGREEMENT

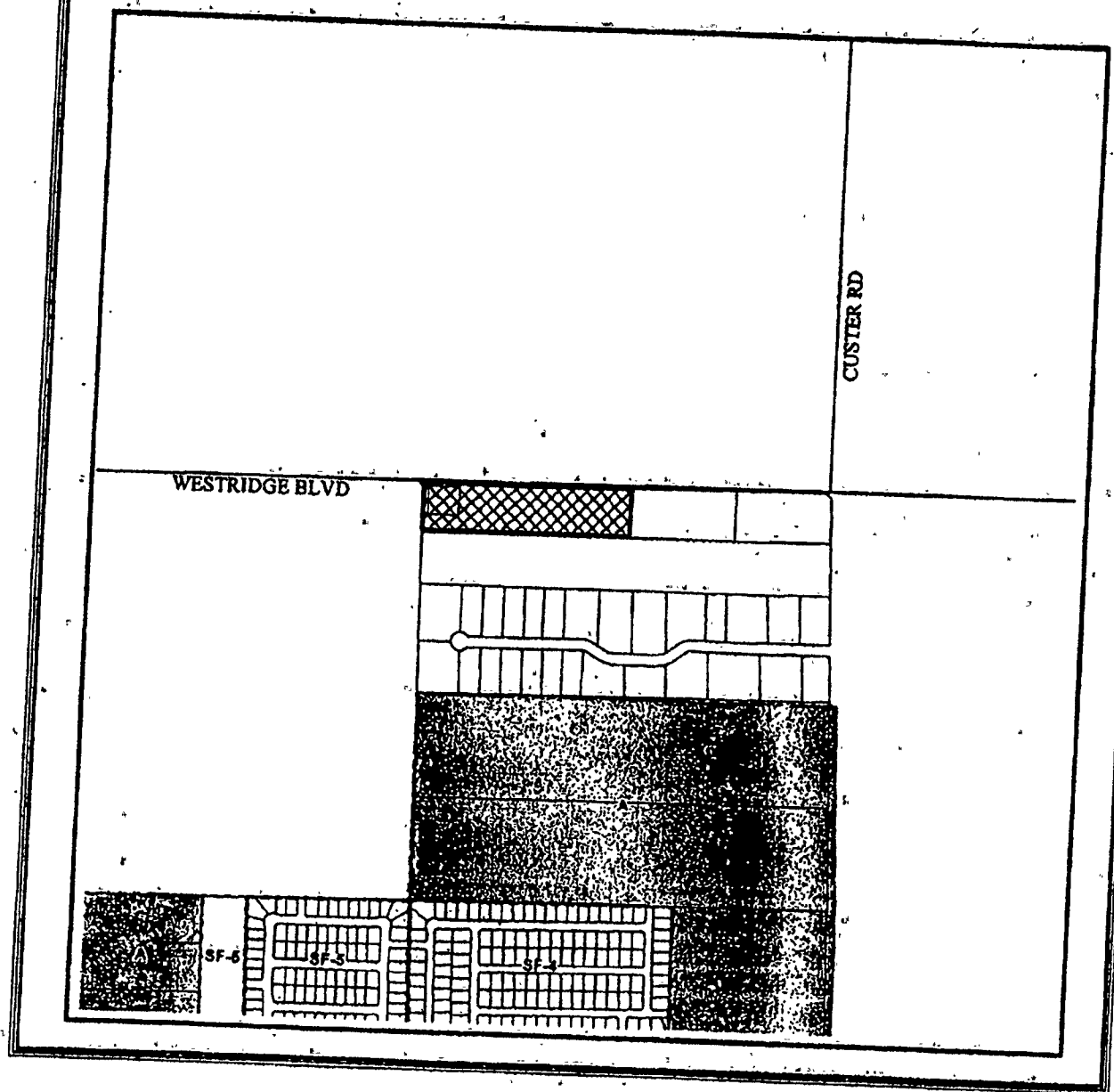


Exhibit "B"
Utility Easement Form
with Temporary Construction Easement

Development Agreement
458197.v3

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AFTER RECORDING,
RETURN TO:
Scott Ingalls
City of Frisco, Texas
6101 Frisco Square Blvd
Frisco, Texas 75034

UTILITY EASEMENT

STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF DENTON §

THAT, _____, a Texas _____, hereinafter called
"Grantor," for and in consideration of the sum of **ONE DOLLAR (\$1.00)** and other good and
valuable consideration to Grantor in hand paid by the **CITY OF FRISCO, TEXAS**, a Texas
Municipal Corporation, hereinafter called "Grantee," the receipt and sufficiency of which are hereby
acknowledged, does **GRANT, DEDICATE, and CONVEY** to the Grantee: (i) the exclusive
easement and right to construct, reconstruct, repair, alter, operate, rebuild, replace, relocate, remove
and perpetually maintain water and sewer facilities (the "Facilities"), together with all incidental
improvements, and all necessary laterals in, upon and across certain real property located in the City
of Frisco, Collin County, Texas, as more particularly described in **Exhibit "A"**, which is attached
hereto and made a part hereof by reference as if fully set forth herein (the "Easement Property"), and
(ii) a temporary construction easement, fifty feet (50') on each side of the Easement Property, for the
initial construction of the Facilities, as more particularly described in **Exhibit "A"** (the "Temporary
Construction Easement").

The Temporary Construction Easement shall expire the completion of the initial construction of the Facilities and acceptance of the Facilities by the City of Frisco.

Grantee will at all times after doing any work in connection with the construction, alteration or repair of the Facilities, restore the Easement Property to as near as reasonably practical the condition in which it was found before such work was undertaken.

This instrument shall not be considered as a deed to the Easement Property or any part thereof, and the right is hereby reserved to Grantor, its successors and assigns, to use such property to landscape and build and construct fences, driveways, parking lots and other associated improvements over or across said easement; provided, however, that in no event shall a wall, structure or building of any type other than those previously described or any piling, pier or isolated footing of any wall, structure or building be placed directly on said Easement Property.

This Easement shall constitute a covenant running with the land and shall benefit and burden the applicable real properties described herein, and shall inure to the benefit of, and be binding upon, Grantee and Grantor, and their respective successors and assigns.

TO HAVE AND TO HOLD the same perpetually unto the Grantee, its successors and assigns, together with the right and privilege at all times (i) to enter the Easement Property and/or Temporary Construction Easement, or any part thereof, for the purpose of constructing, reconstructing, repairing, altering, operating, rebuilding, replacing, relocating, removing and/or maintaining the Facilities and all incidental improvements, and for making connections therewith; and (ii) to enter Grantor's adjacent property solely for the purpose of ingress and egress to the Easement Property and/or Temporary Construction Easement. Grantee, its successors and assigns,

shall have the right to construct, reconstruct, repair, alter, operate, rebuild, replace, relocate, remove and perpetually maintain additional Facilities at all times in the future within the Easement Property.

Grantor does hereby bind itself and its successors and assigns to **WARRANT AND FOREVER DEFEND**, all and the singular, the 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.

Grantor does hereby represent and warrant that there are no liens affecting the Easement Property.

This instrument may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.

EXECUTED on the dates appearing in the acknowledgements below, however, to be effective on this ____ day of _____, 2006.

OWNERS:

Baljeet K. Jawanda, individually

Daljit S. Hundle, Individually

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

BEFORE ME, the undersigned authority, on this day personally appeared Baljeet K. Jawanda, known to me to be one of the persons whose names are subscribed to the foregoing instrument; he acknowledged to me that he has executed said instrument for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of _____, 2006.

Notary Public in and for the State of Texas
My Commission Expires:

STATE OF TEXAS §
 §
COUNTY OF COLLIN §

BEFORE ME, the undersigned authority, on this day personally appeared Daljit S. Hundle, known to me to be one of the persons whose names are subscribed to the foregoing instrument; she acknowledged to me that she has executed said instrument for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of _____, 2006.

Notary Public in and for the State of Texas
My Commission Expires:

JOINDER OF OTHER EASEMENT HOLDERS

The undersigned, being the holder of an easement on the Easement Property evidenced by:

1. Easement and Right of Way dated _____, recorded in Volume _____, Page _____, _____ County Land Records, in favor of _____; and
2. Easement for Underground Facilities dated _____, recorded in Volume _____, Page _____, _____ County Land Records, in favor of _____.

hereby agrees and consents to the encroachment, if any, of the foregoing ROW Deed.

By: _____
Printed Name: _____
Its: _____

STATE OF TEXAS §
 §
COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared _____, the _____ and duly authorized representative of _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of _____, and acknowledged to me that such company executed the foregoing instrument pursuant to its Bylaws or a Resolution of its Board of Directors:

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of _____, 2006.

Notary Public, State of Texas.
My Commission Expires: _____

By: _____
Printed Name: _____
Its: _____

STATE OF TEXAS §
 §
COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared _____, the _____ and duly authorized representative of _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed, in the capacity therein stated and as the act and deed of _____, and acknowledged to me that such partnership executed the foregoing instrument pursuant to its Bylaws or a Resolution of its Board of Directors.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of _____, 2006.

Notary Public, State of Texas
My Commission Expires: _____

Exhibit "C"
Warranty Deed Form

Development Agreement
458197.v3

Page 16

"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."

AFTER RECORDING, RETURN TO:

City Manager
City of Frisco, Texas
6101 Frisco Square Blvd
Frisco, Texas 75034

RIGHT OF WAY WARRANTY DEED
(with Temporary Construction and Grading Easement)

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF COLLIN

That _____, a Texas _____ ("Grantor"), whether one or more, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) cash in hand to Grantor paid by the **CITY OF FRISCO, TEXAS**, a Texas municipal corporation ("Grantee") the receipt of which is hereby acknowledged, and for which no lien is retained, either expressed or implied, has this day GRANTED and by these presents does GRANT, GIVE, and CONVEY unto the said Grantee all the following described real estate, to-wit:

Being _____ acres of land, more or less, in the _____ Survey, Abstract No. _____, in the City of Frisco, _____ County, Texas, more particularly depicted and described in Exhibits "A" and "B", respectively, attached hereto and incorporated herein for all purposes (the "Property").

Grantor hereby further grants to Grantee a temporary construction and grading easement of _____ feet (_____) running adjacent and parallel along the _____ side of the Property, as more particularly depicted in Exhibit "A" attached hereto, with rights of ingress and egress for the construction of roadway and related improvements, such temporary construction and grading easement terminating upon completion and acceptance of said roadway improvements by Grantee.

The warranty contained herein is subject to: (i) any and all mineral reservations, restrictions, covenants, conditions and easements, if any, relating to the above-described property, but only to the extent that they are still in effect and shown of record in _____ County, Texas; and (ii) all zoning law regulations and ordinances of municipal and/or other governmental authorities, if any, but only to the extent that they are still in effect and relate to the Property.

TO HAVE AND TO HOLD the above-described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, Grantee's successors, and assigns forever.

And Grantor does hereby bind Grantor, Grantor's heirs, executors, administrators and assigns, to warrant and forever defend all and singular the said premises unto the said Grantee, Grantee's successors and assigns, against every person whomsoever lawfully claiming or attempting to claim the same or any part thereof.

This instrument may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.

EXECUTED on the dates appearing in the acknowledgements below, however, to be effective on this _____ day of _____, 2006.

OWNERS:

Baljeet K. Jawanda, individually

Daljit S. Hundle, Individually

LIENHOLDER'S CONSENT TO PARTIAL RELEASE OF LIEN:

The undersigned, being the holder(s) of the lien against a portion of the Property and Temporary Construction Easement evidenced by:

Deed of Trust dated _____, recorded under Clerk's File No. _____, from _____, to _____, Trustee, securing payment of one certain promissory note of even date therewith in the principal amount of \$ _____ payable to the order of _____; said Note being additionally secured by a Vendor's Lien of even date retained in Deed, executed by _____ to _____, recorded under _____, and subject to all of the terms and conditions and stipulations contained therein, including but not limited to, any future indebtedness also secured by this lien,

hereby consents to the execution of the foregoing Right of Way Warranty Deed and agrees that in the event of a foreclosure of the Property and/or Temporary Construction Easement or any portion thereof and/or the underlying property or any portion thereof (or deed in lieu thereof), the conveyance made by this deed will remain in full force and effect and shall not be extinguished by such foreclosure (or deed in lieu thereof).

_____, Bank, a _____

By: _____
Printed Name: _____
Its: _____
Address: _____

STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on the _____ day of _____, 200__, by _____, the _____ and duly authorized representative of _____ Bank, a _____, on behalf of said corporation.

Notary Public, State of Texas

ATTACHMENT 2

2016 NOV 14 PM 2:47

FORMAL COMPLAINT OF KER-SEVA
LTD. AGAINST THE CITY OF FRISCO,
TEXAS

§
§
§

BEFORE THE
PUBLIC UTILITY COMMISSION
STATE OFFICE OF
ADMINISTRATIVE HEARINGS

**COMPLAINANTS' OBJECTIONS TO THE CITY OF FRISCO'S THIRD SET OF
REQUESTS FOR INFORMATION AND REQUESTS FOR ADMISSION**

COMES NOW, Ker-Seva, Ltd., ADC West Ridge, L.P. and Center for Housing Resources, Inc. (hereinafter, "Complainants") and file these Objections to the City of Frisco's Third Set of Requests for Information and Requests for Admission, pursuant to PUC Procedural Rule 22.144 and would respectfully show as follows:

INTRODUCTION

Ker-Seva, Ltd. filed the Original Complaint under Texas Water Code §§ 13.250 and 13.254 and 16 Texas Administrative Code §§ 22.85 and 24.114 requesting that the Commission order the City of Frisco, Texas ("Frisco"), to provide continuous and adequate water and sewer service to its property located at 9331 Westridge Boulevard on which an affordable-housing complex was planned.¹ After purchasing this property, ADC West Ridge, L.P. and Center for Housing Resources, Inc. joined in Ker-Seva Ltd.'s complaint in the Amended Complaint and Second Amended Complaint filed on June 17 and July 1, respectively.²

On November 4, 2016, Frisco filed and served its Third Set of Requests for Information and Requests for Admission on Complainants including 43 Requests for Information ("RFIs").³ Pursuant to Rule 22.144(d), legal counsel for Frisco and Complainants diligently conducted

¹ Complaint (April 19, 2016).

² Amended Formal Complaint (June 17, 2016); Second Amended Formal Complaint (July 1, 2016).

³ City of Frisco's Third Set of Requests for Information and Requests for Admission (Nov. 4, 2016). A copy of Frisco's Third Set of Requests for Information and Requests for Admission are attached hereto as Exhibit "A."

negotiations in good faith and, while some disputes were resolved through clarifications or revisions, others remain unresolved. These objections are filed within ten calendar days of Complainants' receipt of the discovery requests from Frisco.⁴

OBJECTIONS

1. **RFI No. 196**

RFI No. 196: Please identify your efforts to contact representatives of Frisco regarding the Property or the basis of your complaint against Frisco in this docket. Please produce all documents that relate to such effort.

Objection: This Request is overly broad and unduly burdensome. Furthermore, the information requested is available through Frisco's own witnesses.

2. **RFI No. 197**

RFI No. 197: Please identify your efforts to contact Susan Fletcher regarding the Property or the basis of your complaint against Frisco in this docket. Please produce all documents that relate to such effort.

Objection: This Request is overly broad and unduly burdensome and not relevant or reasonably calculated to lead to the discovery of admissible evidence to the extent it seeks contact with Collin County officials regarding "the Property."

3. **RFI No. 198**

RFI No. 198: Please identify all communications with Susan Fletcher regarding the Property or the basis of your complaint against Frisco in this docket. Please produce all documents that relate to such communications.

Objection: This Request is overly broad and unduly burdensome in seeking "all communications" regarding "the Property." Furthermore, it is not relevant or reasonably calculated to lead to the discovery of admissible evidence because it seeks "all communications" with a Collin County representative regarding "the Property" which is defined to include more than 9331 Westridge Boulevard.

4. **RFI Nos. 199-200, 201-208 and 210**

RFI No. 199: Please state the factual basis for your contention that that Frisco "unexpectedly called and held an unnecessary public hearing on the West Ridge Villas 9% Tax Credit Application." Please produce all documents that relate to such contention.

⁴ 16 Tex. Admin. Code §§ 22.78 and 22.4 ("TAC").

RFI No. 200: Please state the factual basis for your contention that Stacy Brown promised to place "affordable developments" on the February 13, 2015, agenda of the Frisco City Council. Please produce all documents that relate to such contention.

RFI No. 202: [AMENDED AS AGREED]: Please ~~produce~~ state the factual basis for your contention that on February 24, 2015, John Lettelleir stated or indicated that he would not have time to review the submission of February 20, 2015, by you before the Frisco City Council meeting on March 20, 2015, because he didn't want to "expend staff resources" before Frisco City Council input. Please produce all documents that relate to such contention.

RFI No. 203: [AMENDED AS AGREED]: Please ~~identify~~ state the factual basis for your contention that Frisco beginning in March 2015 "refused requests for a pre-construction meeting, any meeting with city staff, or even an administrative review of the proposed preliminary site plan [or] a Preliminary Plat application." Please produce all documents that relate to such contention.

RFI No. 204: [AMENDED AS AGREED]: Please ~~identify~~ state the factual basis for your contention that on or about March 2, 2015 "Frisco failed to support the 9% HTC Application stating they could not support a development that would not otherwise be approved if it were not a tax credit deal due to the site being less than 5 acres as required by MF-19 zoning requirements." Please produce all documents that relate to such contention.

RFI No. 205: Please state the factual basis for your contention that on or about March 2, 2015, Frisco took action to "preempt any 'vested rights' and prevent the proposed MF-19 affordable development." Please produce all documents that relate to such contention.

RFI No. 206: Please state the factual basis for your contention that on or about March 2, 2015, the Frisco City Council "modified the draft Consolidated Plan originally presented at the February 17, 2015 meeting moving the subject property from the ETJ into the city limits and showing future planned land-use as single family." Please produce all documents that relate to such contention.

RFI No. 207: Please state the factual basis for your contention that on or about March 16, 2015, Frisco did not make available to the Plaintiff any application or processes that would establish vested rights. Please produce all documents that relate to such contention.

RFI No. 208: Please state the factual basis that relate to your contention that on or about March 2, 2015, a "preliminary Plat is not required by the [Frisco] Subdivision Ordinance for commercial construction." Please produce all documents that relate to such contention.

RFI No. 210: [AMENDED AS AGREED]: Please ~~identify~~ state the factual basis for your contention that you submitted all revisions to the Preliminary Plat for the Property or any part thereof before 12:00 pm on March 3, 2015 [sic]. Please produce all documents that relate to such contention.

Objection: Each of these Requests is unduly burdensome and beyond the scope of permissible discovery. Each of these Requests is duplicative of RFI Nos. 120-194. In addition,

each of these Requests seeks to require Complainants to marshal all of their available proof or the proof they will offer at trial in violation of Rule 197.1 of the Texas Rules of Civil Procedure.

5. RFI Nos. 201 and 209

RFI No. 201: Please produce all documents that relate to any "revised design exhibits" that were submitted to John Lettelleir or Stacy Brown for review and meeting on or about February 20, 2015.

RFI No. 209: All documents that relate to Frisco staff's comments to the Preliminary Plat submitted by you for the Property or any part thereof.

Objection: Each of these Requests seeks information that is equally available to Frisco and therefore is unduly burdensome to Complainants. Further, each of these Requests is overly broad and unduly burdensome and lacks the specificity required by Texas Rule of Civil Procedure 196 in seeking "all documents."

6. RFI No. 211

RFI No. 211: Please produce all documents that you received from Collin County in response to any Public Information Requests made by the you to Collin County.

Objection: This Request is vague and ambiguous and lacks the specificity required by Texas Rule of Civil Procedure 196. Further, this Request is overly broad and unduly burdensome and lacks the specificity required by Texas Rule of Civil Procedure 196 in seeking "all documents" responsive to any public information act request submitted to Collin County since January 1, 2008.

7. RFI Nos. 212-215

RFI No. 212: Please produce all documents that relate to your request for permit applications from Collin County for the Property or any part thereof.

RFI No. 213: Please produce all documents that relate to your request for permit applications from Frisco for the Property or any part thereof.

RFI No. 215: Please produce documents that relate to your request for permit applications from the City of McKinney, Texas for the Property or any part thereof.

Objection: Each of these Requests is overly broad, unduly burdensome, and lacks the level of specificity required by Texas Rule of Civil Procedure 196. Further, "all documents" related to requests for any permit applications from Collin County, the City of Frisco, or the City of McKinney related to "the Property" is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Finally, documents related to a request for permit applications from Frisco are equally available to Frisco.

8. RFI No. 216 and 217

RFI No. 216: [AMENDED AS AGREED]: Please produce all documents that relate to communications between Plaintiff Complainants and George Hill regarding the Property or the basis of the complaint that is the subject of this proceeding.

RFI No. 217: Please produce all documents that relate to communications between you and Rick Dwoarschack regarding the Property or the basis of the complaint that is the subject of this proceeding.

Objection: This Request for “all documents” relating to communications regarding “the Property” is overly broad and unduly burdensome, lacks the specificity required by Texas Rule of Civil Procedure 196, and is not relevant or reasonably calculated to lead to the discovery of admissible evidence.

9. RFI No. 218, 226, 227, 228, 234

RFI No. 218: Please produce all documents that relate to communications between you and Luis Gonzales regarding the Property or the basis of the complaint that is the subject of this proceeding.

RFI No. 226: All documents that relate to communications between you and Weir Brothers Contracting, LLC regarding the Property or the basis of the complaint that is the subject of this proceeding.

RFI No. 227: All documents that relate to communications between you and KWA Construction regarding the Property or the basis of the complaint that is the subject of this proceeding.

RFI No. 228: All documents that relate to communications between you and Joe Thomason regarding the Property or the basis of the complaint that is the subject of this proceeding.

RFI No. 234: All documents that relate to communications between you and Stan Fulks regarding the Property or the basis of the complaint that is the subject of this proceeding.

Objection: Each Request, in seeking “all documents” relating to communications regarding “the Property,” is overly broad and unduly burdensome, lacks the specificity required by Texas Rule of Civil Procedure 196, and is not relevant or reasonably calculated to lead to the discovery of admissible evidence. All communications with each of the individuals or entities listed in each of these Requests seeks communications with Complainants’ general contractor or its employees – KWA Construction and Stan Fulks – or a subcontractor or its employees – Weir Brothers Contracting, LLC, Joe Thomason, and Luis Gonzales. In doing so, each of these Requests seeks information which is not relevant and not reasonably calculated to lead to the discovery of admissible evidence and is overly broad and unduly burdensome.

10. RFI No. 219

RFI No. 219: Please produce all documents that relate to communications between you and Tracy Homfeld regarding the Property or the basis of the complaint that is the subject of this proceeding.

Objection: This Request, in seeking “all documents” relating to communications with Tracy Homfeld, an employee of Collin County, regarding “the Property,” is overly broad and unduly burdensome, lacks the specificity required by Texas Rule of Civil Procedure 196, and is not reasonably calculated to lead to the discovery of admissible evidence.

12. RFI No. 220, 221, 223, 224, 225, and 235

RFI No. 220: Please produce all documents that relate to communications between you and Amy Matthews regarding the Property or the basis of the complaint that is the subject of this proceeding.

RFI No. 221: Please produce all documents that relate to communications between you and Toyin Fawehinmi regarding the Property or the basis of the complaint that is the subject of this proceeding.

RFI No. 223: Please produce all documents that relate to communications between you and Nell Lange regarding the Property or the basis of the complaint that is the subject of this proceeding.

RFI No. 224: Please produce all documents that relate to communications between you and Chris Goulette regarding the Property or the basis of the complaint that is the subject of this proceeding.

RFI No. 225: Please produce all documents that relate to communications between you and Frisco Utility Billing Department regarding the Property or the basis of the complaint that is the subject of this proceeding.

RFI No. 235: Please produce all documents that relate to communications between you and Ryan Hahn regarding the Property or the basis of the complaint that is the subject of this proceeding.

Objection: Each of these Requests, in seeking “all documents” relating to communications regarding “the Property” is overly broad and unduly burdensome, lacks the specificity required by Texas Rule of Civil Procedure 196, and is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Finally, this Request for all communications with various employees and departments of the City of Frisco is unduly burdensome to Complainants because each Request seeks documents which are equally within the possession of Frisco.

12. RFI No. 222

RFI No. 222: Please produce all documents that relate to communications between you and Jastinder Jawanda regarding the Property or the basis of the complaint that is the subject of this proceeding.

Objection: This Request for "all documents" that relate to communications with Jastinder Jawanda, the representative of Ker-Seva Ltd., is overly broad, unduly burdensome, lacks the specificity required by Texas Rule of Civil Procedure 196, and seeks information which is not relevant or reasonably calculated to lead to the discovery of admissible evidence. This Request for all documents relating to communications regarding "the Property" is overly broad and unduly burdensome and not relevant or reasonably calculated to lead to the discovery of admissible evidence.

13. RFI Nos. 229, 230, 231, 232, and 233

RFI No. 229: All documents that relate to communications between you and the City of McKinney regarding the Property or the basis of the complaint that is the subject of this proceeding.

RFI No. 230: All documents that relate to communications between you and the City of McKinney Police Department regarding the Property or the basis of the complaint that is the subject of this proceeding.

RFI No. 231: All documents that relate to communications between you and Randy Roland regarding the Property or the basis of the complaint that is the subject of this proceeding.

RFI No. 232: All documents that relate to communications between you and the City of McKinney Engineering Department regarding the Property or the basis of the complaint that is the subject of this proceeding.

RFI No. 233: All documents that relate to communications between you and Chris Hill regarding the Property or the basis of the complaint that is the subject of this proceeding.

Objection: Each of these Requests, in seeking "all documents" relating to communications with various employees of the City of McKinney regarding "the Property" is overly broad and unduly burdensome, lacks the specificity required by Texas Rule of Civil Procedure 196, and is not relevant or reasonably calculated to lead to the discovery of admissible evidence.

14. RFI No. 237 and 238

RFI No. 237: All documents that relate to communications between you and Wesley and/or Susan Williams regarding the Property or the basis of the complaint that is the subject of this proceeding.

RFI No. 238: All documents that relate to communications between you and Timothy and/or Teresa Legat regarding the Property or the basis of the complaint that is the subject of this proceeding.

Objection: Each of these Requests, in seeking "all documents" relating to communications with these landowners regarding "the Property," is overly broad and unduly burdensome and not relevant or reasonably calculated to lead to the discovery of admissible evidence.

CONCLUSION

For the reasons set forth above, Complainants object to RFI Nos. 196-235, 237 and 238.

Respectfully submitted,

JACKSON WALKER L.L.P.

By: Mallory Beck

Leonard Dougal State Bar No. 06031400

Mallory Beck - State Bar No. 24073899

100 Congress, Suite 1100

Austin, Texas 78701

E: ldougal@jw.com

T: (512) 236 2233

F: (512) 391-2112

ATTORNEYS FOR COMPLAINANTS
KER-SEVA, LTD., ADC WEST RIDGE L.P.,
AND CENTER FOR HOUSING
RESOURCES, INC.

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing document was served as shown below on
this 14th day of November 2016:

Art Rodriguez
Russell & Rodriguez, L.L.P.
1633 Williams Dr., Bldg. 2, Suite 200
Georgetown, Texas 78268
arodriguez@txadminlaw.com
Attorney for City of Frisco

Via email and U.S. First Class Mail

Sam Chang
Attorney – Legal Division
Public Utility Commission of Texas
1701 N. Congress Avenue
P. O. Box 13326
Austin, Texas 78711-3326
sam.chang@puc.texas.gov
Attorney for Public Utility Commission of Texas

Via email and U.S. First Class Mail

State Office of Administrative Hearings
300 West 15th St., Suite 502
Austin, Texas 78701
(512) 475-4993
(512) 322-2061 - Fax

Via U.S. First Class Mail

Mallory Beck
Mallory Beck

EXHIBIT "A"

2016 NOV -4 PM 3

FORMAL COMPLAINT OF KER-SEVA, § BEFORE THE
LTD. AGAINST THE § STATE OFFICE OF PUBLIC UTILITY COMM
CITY OF FRISCO, TEXAS § ADMINISTRATIVE HEARINGS FILING CLERK

**CITY OF FRISCO'S THIRD SET OF REQUESTS FOR INFORMATION AND
REQUESTS FOR ADMISSION**

COMES NOW, the City of Frisco, Texas ("City" or "Frisco"), and file this their Third Set of Requests for Information ("RFIs") to Ker-Seva Ltd., ADC West Ridge, LP and Center for Housing Resources, Inc., pursuant to 16 Tex. Admin. Code 22.144(c) and (j) in this docket. Responses to the RFIs and Requests for Admission set forth in Exhibit A should be served on the undersigned counsel for the City at the address indicated within twenty (20) days of service hereof.

Respectfully submitted,

Russell & Rodriguez, L.L.P.

1633 Williams Drive, Building 2, Suite 200
Georgetown, Texas 78628
(512) 930-1317
(866) 929-1641 (Fax)

Abernathy Roeder Boyd & Hullett, P.C.

Richard Abernathy
State Bar No. 00809500
1700 Redbud Blvd., Suite 300
McKinney, Texas 75069
(214) 544-4000
(214) 544-4040 (Fax)

/s/ Arturo D. Rodriguez, Jr.

ARTURO D. RODRIGUEZ, JR.
State Bar No. 00791551

ATTORNEYS FOR THE CITY OF FRISCO

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of November, 2016, a true and correct copy of the foregoing document has been sent via facsimile, first class mail; or hand-delivered to the following counsel of record:

Mr. Sam Chang
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
sam.chang@puc.texas.gov
(512) 936-7261
(512) 936-7268 Fax

Via facsimile

Leonard Dougal
Jackson Walker L.L.P.
100 Congress, Suite 1100
Austin, Texas 78701
ldougal@jw.com
(512) 236-2233
(512) 391-2112 Fax

Via facsimile

/s/ Arturo D. Rodriguez, Jr.
ARTURO D. RODRIGUEZ, JR.

EXHIBIT A

DEFINITIONS

The following definitions are applicable to the RFIs and Requests for Admissions.

1. "City" or "Frisco" refers to the City of Frisco, Texas.
2. "Ker-Seva" refers to Ker Seva, Ltd., its officers, employees, consultants, agents, attorneys, and affiliates to the extent such persons are acting for or on behalf of Ker Seva, Ltd.
3. "ADC West Ridge" refers to ADC West Ridge, LP, its officers, employees, consultants, agents, attorneys, and affiliates to the extent such persons are acting for or on behalf of ADC West Ridge, LP.
4. "Center for Housing Resources" refers to Center for Housing Resources, Inc., its officers, employees, consultants, agents, attorneys, and affiliates to the extent such persons are acting for or on behalf of Center for Housing Resources, Inc.
5. "Complainants" refers to Ker Seva Ltd., ADC West Ridge, LP, and Center for Housing Resources, Inc. collectively or independently.
6. "Property" refers to the approximately 8.5 acres of land in Collin County, Texas, identified as the "Property" in that certain Annexation Agreement, contained in Exhibit C to the Second Amended Formal Complaint Against the City of Frisco, Texas, filed Ker-Seva Ltd., ADC West Ridge, LP and Center for Housing Resources, Inc. in this docket.
7. "Lot 1" refers to the portion of the Property with the address of 9421 Westridge Boulevard, identified as Lot 1, Block A.
8. "Lot 2" refers to the portion of the Property with the address of 9331 Westridge Boulevard, identified as Lot 2, Block A.
9. "Document" and/or "Documents" refers to all written, reported, or graphic matter within the scope of Rules 22.141 and 22.144 of the Public Utility Commission of Texas, however produced or reproduced. Without limiting the foregoing, the terms include: papers, books, accounts, drawings, graphs, charts, photographs, electronic or videotape recordings, and any other data compilations from which information can be obtained and translated, if necessary, by the person from whom information is sought, into reasonably usable form, agreements, contracts, communications, correspondence, letters, faxes, email, instant message records, memoranda, records, reports, summaries, records of telephone conversations, diary entries, calendars, appointment books, drafts, notes, telephone bills or records, bills, statements, records of obligations and expenditures, invoices, lists, journals, receipts, checks, canceled checks, letters of credit, envelopes, folders, voice recordings; video recordings, electronic data, electronic media, and any other data or information that exists in written, electronic, or magnetic form.

10. "Communication" shall mean the transmittal of information (in the form of facts, ideas, inquiries, or otherwise) by any method or manner between two or more persons.
11. "Describe" means to provide a detailed narrative concerning the information which is the subject of the RFI.
12. "Relate to," "related to," or "relating to" means concerning, referring to, having a relationship with or to, pertaining to, identifying, pertinent to, describing, explaining, summarizing, or to be otherwise factually, legally, or logically connected to the subject matter of the particular request.
13. The words "and" and "or" shall be construed either conjunctively or disjunctively as required by the context to bring within the scope of these requests any document that might be deemed outside its scope by another construction.
14. "Person" shall mean any natural person, corporation, proprietorship, partnership, professional corporation, joint venture, association, group, governmental agency, or agent, whether foreign or domestic or any other entity.

B. INSTRUCTIONS

1. These Requests for Information and Requests for Admission are governed by the definitions and instructions contained in the Public Utility Commission of Texas rules and the Texas Rules of Civil Procedure, which are supplemented as permitted by the specific instructions and definitions herein.
2. Written responses to these Requests for Information and Requests for Admission should be served twenty (20) days after service of these Requests upon you.
3. Your responses should conform to the rules of the Public Utility Commission of Texas and the Texas Rules of Civil Procedure.
4. In accordance with 16 Tex. Admin. Code Sec. 22.144, each RFI shall be answered separately, shall identify the preparer and the sponsoring witness, shall be preceded by the RFI, and all responses shall be filed under oath.
5. Each document that is made available for review in response to these RFIs shall be produced as it is kept in the usual course of business (i.e., in the file folder or binder in which the documents were located when the request was served) or the documents shall be organized or labeled to correspond to the category of documents requested.
6. If the documents requested herein include electronic data and magnetic data, they shall be produced in their native format with all metadata intact.
7. When answering these RFIs, you are requested to furnish all information available to you, including information in the possession of your attorneys, investigators, consultants, employees, agents, representatives, or any other person acting on your behalf, and not merely such information as is held or known by you personally.

8. In the event any document or other thing referred to in these RFIs is not in your possession, custody, or control, specify what disposition was made of it and identify the person or entity who now has possession, custody, or control of the document or thing.
9. If you object to any RFI or Request for Admission, you must comply with 16 Tex. Admin. Code Sec. 22.144(d), and you must contact the undersigned so that the parties may negotiate diligently and in good faith prior to the filing of an objection. Objections must be filed within ten (10) calendar days of receipt of these Requests.
10. Any agreement to extend the time to respond to these Requests for Information and Requests for Admission must be in writing. No extensions of time to object to any of the individual document requests should be presumed or assumed unless the agreement between counsel to extend the response date is specifically set forth in writing.
11. Unless otherwise noted in a specific request, the time period applicable to the requests are January 1, 2008, to the present.
12. PLEASE TAKE FURTHER NOTICE that the RFIs are continuing in nature. Your answers and responses must include all documents that are currently in your possession, custody, and control and that come into your possession, custody, or control in the future.

C. REQUESTS FOR INFORMATION

REQUEST FOR INFORMATION NO. 195: Please produce all documents that relate to communications, written or oral, with Frisco, including, but not limited to Stacy Brown and John Lettelleir, requesting a meeting to gain support and financing for a 9% tax credit application to the TDHC and all documents relating to the response from Frisco, including, but not limited to, Stacy Brown and John Lettelleir.

RESPONSE:

REQUEST FOR INFORMATION NO. 196: Please identify your efforts to contact representatives of Frisco regarding the Property or the basis of your complaint against Frisco in this docket. Please produce all documents that relate to such effort.

RESPONSE:

REQUEST FOR INFORMATION NO. 197: Please identify your efforts to contact Susan Fletcher regarding the Property or the basis of your complaint against Frisco in this docket. Please produce all documents that relate to such effort.

RESPONSE:

REQUEST FOR INFORMATION NO. 198: Please identify all communications with Susan Fletcher regarding the Property or the basis of your complaint against Frisco in this docket. Please produce all documents that relate to such communications.

RESPONSE:

REQUEST FOR INFORMATION NO. 199: Please state the factual basis for your contention that that Frisco "unexpectedly called and held an unnecessary public hearing on the West Ridge Villas 9% Tax Credit Application." Please produce all documents that relate to such contention.

RESPONSE:

REQUEST FOR INFORMATION NO. 200: Please state the factual basis for your contention that Stacy Brown promised to place "affordable developments" on the February 13, 2015 agenda of the Frisco City Council. Please produce all documents that relate to such contention.

RESPONSE:

REQUEST FOR INFORMATION NO. 201: Please produce all documents that relate to any "revised design exhibits" that were submitted to John Lettelleir or Stacy Brown for review and a meeting on or about February 20, 2015.

RESPONSE:

REQUEST FOR INFORMATION NO. 202: Please produce the factual basis for your contention that on February 24, 2015, John Lettelleir stated or indicated that he would not have time to review the submission of February 20, 2015 by you before the Frisco City Council meeting on March 20, 2015 because he didn't want to "expend staff resources" before Frisco City Council input. Please produce all documents that relate to such contention.

RESPONSE:

REQUEST FOR INFORMATION NO. 203: Please identify the factual basis for your contention that Frisco beginning in March 2015 "refused requests for a pre-construction meeting, any meeting with city staff, or even an administrative review of the proposed preliminary site plan [or] a Preliminary Plat application." Please produce all documents that relate to such contention.

RESPONSE:

REQUEST FOR INFORMATION NO. 204: Please identify the factual basis for your contention that on or about March 2, 2015 "Frisco failed to support the 9% HTC Application stating they could not support a development that would not otherwise be approved if it were not a tax credit deal due to the site being less than 5 acres as required by MF-19 zoning requirements." Please produce all documents that relate to such contention.

RESPONSE:

REQUEST FOR INFORMATION NO. 205: Please state the factual basis for your contention that on or about March 2, 2015, Frisco took action to "preempt any 'vested rights' and prevent the proposed MF-19 affordable development." Please produce all documents that relate to such contention.

RESPONSE:

REQUEST FOR INFORMATION NO. 206: Please state the factual basis for your contention that on or about March 2, 2015, the Frisco City Council "modified the draft Consolidated Plan originally presented at the February 17, 2015 meeting moving the subject property from the ETJ into the city limits and showing future planned land use as single family." Please produce all documents that relate to such contention.

RESPONSE:

REQUEST FOR INFORMATION NO. 207: Please state the factual basis for your contention that on or about March 16, 2015, Frisco did not make available to the Plaintiff any application or processes that would establish vested rights. Please produce all documents that relate to such contention.

RESPONSE:

REQUEST FOR INFORMATION NO. 208: Please state the factual basis that relate to your contention that on or about March 2, 2015 a "Preliminary Plat is not required by the [Frisco] Subdivision Ordinance for commercial construction." Please produce all documents that relate to such contention.

RESPONSE:

REQUEST FOR INFORMATION NO. 209: All documents that relate to Frisco staff's comments to the Preliminary Plat submitted by you for the Property or any part thereof.

RESPONSE:

REQUEST FOR INFORMATION NO. 210: Please identify the factual basis for your contention that you submitted all revisions to the Preliminary Plat for the Property or any part thereof before 12:00 pm on March 3, 2015. Please produce all documents that relate to such contention.

RESPONSE:

REQUEST FOR INFORMATION NO. 211: Please produce all documents that you received from Collin County in response to any Public Information Request made by you to Collin County.

RESPONSE:

REQUEST FOR INFORMATION NO. 212: Please produce all documents that relate to your request for permit applications from Collin County for the Property or any part thereof.

RESPONSE:

REQUEST FOR INFORMATION NO. 213: Please produce all documents that relate to your request for permit applications from Frisco for the Property or any part thereof.

RESPONSE:

REQUEST FOR INFORMATION NO. 214: Please produce all documents that relate to your request for permit applications from Collin County for the Property or any part thereof.

RESPONSE:

REQUEST FOR INFORMATION NO. 215: Please produce documents that relate to your request for permit applications from the City of McKinney, Texas for the Property or any part thereof.

RESPONSE:

REQUEST FOR INFORMATION NO. 216: Please produce all documents that relate to communications between Plaintiff and George Hill regarding the Property or the basis of the complaint that is the subject of this proceeding.

RESPONSE:

REQUEST FOR INFORMATION NO. 217: Please produce all documents that relate to communications between you and Rick Dwoarshack regarding the Property or the basis of the complaint that is the subject of this proceeding.

RESPONSE:

REQUEST FOR INFORMATION NO. 218: Please produce all documents that relate to communications between you and Luis Gonzales regarding the Property or the basis of the complaint that is the subject of this proceeding.

RESPONSE:

REQUEST FOR INFORMATION NO. 219: Please produce all documents that relate to communications between you and Tracy Homfield regarding the Property or the basis of the complaint that is the subject of this proceeding.

RESPONSE:

REQUEST FOR INFORMATION NO. 220: Please produce all documents that relate to communications between you and Amy Matthews regarding the Property or the basis of the complaint that is the subject of this proceeding.

RESPONSE:

REQUEST FOR INFORMATION NO. 221: Please produce all documents that relate to communications between you and Toyin Fawehinmi regarding the Property or the basis of the complaint that is the subject of this proceeding.

RESPONSE:

REQUEST FOR INFORMATION NO. 222: Please produce all documents that relate to communications between you and Jastinder Jawanda regarding the Property or the basis of the complaint that is the subject of this proceeding.

RESPONSE:

REQUEST FOR INFORMATION NO. 223: Please produce all documents that relate to communications between you and Nell Lange regarding the Property or the basis of the complaint that is the subject of this proceeding.

RESPONSE:

REQUEST FOR INFORMATION NO. 224: All documents that relate to communications between you and Chris Goulette regarding the Property or the basis of the complaint that is the subject of this proceeding.

RESPONSE:

REQUEST FOR INFORMATION NO. 225: All documents that relate to communications between you and Frisco Utility Billing Department regarding the Property or the basis of the complaint that is the subject of this proceeding.

RESPONSE:

REQUEST FOR INFORMATION NO. 226: All documents that relate to communications between you and Weir Brothers Contracting, LLC, regarding the Property or the basis of the complaint that is the subject of this proceeding.

RESPONSE:

REQUEST FOR INFORMATION NO. 227: All documents that relate to communications between you and KWA Construction regarding the Property or the basis of the complaint that is the subject of this proceeding.

RESPONSE:

REQUEST FOR INFORMATION NO. 228: All documents that relate to communications between you and Joe Thomason regarding the Property or the basis of the complaint that is the subject of this proceeding.

RESPONSE:

REQUEST FOR INFORMATION NO. 229: All documents that relate to communications between you and the City of McKinney regarding the Property or the basis of the complaint that is the subject of this proceeding.

RESPONSE:

REQUEST FOR INFORMATION NO. 230: All documents that relate to communications between you and the City of McKinney Police Department regarding the Property or the basis of the complaint that is the subject of this proceeding.

RESPONSE:

REQUEST FOR INFORMATION NO. 231: All documents that relate to communications between you and Randy Roland regarding the Property or the basis of the complaint that is the subject of this proceeding.

RESPONSE:

REQUEST FOR INFORMATION NO. 232: All documents that relate to communications between you and the City of McKinney Engineering Department regarding the Property or the basis of the complaint that is the subject of this proceeding.

RESPONSE:

REQUEST FOR INFORMATION NO. 233: All documents that relate to communications between you and Chris Hill regarding the Property or the basis of the complaint that is the subject of this proceeding.

RESPONSE:

REQUEST FOR INFORMATION NO. 234: All documents that relate to communications between you and Stan Fulks regarding the Property or the basis of the complaint that is the subject of this proceeding.

RESPONSE:

REQUEST FOR INFORMATION NO. 235: All documents that relate to communications between you and Ryan Hahn regarding the Property or the basis of the complaint that is the subject of this proceeding.

RESPONSE:

REQUEST FOR INFORMATION NO. 236: All documents that relate to communications between you and John Conine regarding the Property or the basis of the complaint that is the subject of this proceeding.

RESPONSE:

REQUEST FOR INFORMATION NO. 237: All documents that relate to communications between you and Wesley and/or Susan Williams regarding the Property or the basis of the complaint that is the subject of this proceeding.

RESPONSE:

REQUEST FOR INFORMATION NO. 238: All documents that relate to communications between you and Timothy and/or Teresa Legat regarding the Property or the basis of the complaint that is the subject of this proceeding.

RESPONSE:

ATTACHMENT 3

RECEIVED

2016 NOV 18 AM 10:57

FORMAL COMPLAINT OF KER-SEVA
LTD. AGAINST THE CITY OF FRISCO,
TEXAS

§
§
§

BEFORE THE
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
PUBLIC UTILITY COMMISSION
FILED CLERK

**COMPLAINANTS' OBJECTIONS TO THE CITY OF FRISCO'S FOURTH SET OF
REQUESTS FOR INFORMATION AND REQUESTS FOR ADMISSION**

COMES NOW, Ker-Seva, Ltd., ADC West Ridge, L.P. and Center for Housing Resources, Inc. (hereinafter, "Complainants") and file these Objections to the City of Frisco's Third Set of Requests for Information and Requests for Admission, pursuant to PUC Procedural Rule 22.144 and would respectfully show as follows:

INTRODUCTION

Ker-Seva, Ltd. filed the Original Complaint under Texas Water Code §§ 13.250 and 13.254 and 16 Texas Administrative Code §§ 22.85 and 24.114 requesting that the Commission order the City of Frisco, Texas ("Frisco"), to provide continuous and adequate water and sewer service to its property located at 9331 Westridge Boulevard on which an affordable-housing complex was planned.¹ After purchasing this property, ADC West Ridge, L.P. and Center for Housing Resources, Inc. joined in Ker-Seva Ltd.'s complaint in the Amended Complaint and Second Amended Complaint filed on June 17 and July 1, respectively.²

On November 8, 2016, Frisco filed and served its Fourth Set of Requests for Information and Requests for Admission on Complainants including 2 Requests for Information ("RFIs").³ Pursuant to Rule 22.144(d), legal counsel for Frisco and Complainants diligently conducted

¹ Complaint (April 19, 2016).

² Amended Formal Complaint (June 17, 2016); Second Amended Formal Complaint (July 1, 2016).

³ City of Frisco's Fourth Set of Requests for Information and Requests for Admission (Nov. 8, 2016). A copy of Frisco's Fourth Set of Requests for Information and Requests for Admission are attached hereto as Exhibit "A."

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