

negotiations in good faith but were unable to resolve their disputes. These objections are filed within ten calendar days of Complainants' receipt of the discovery requests from Frisco.⁴

OBJECTIONS

RFI No. 239: Please provide 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.

RFI No. 240: Please list 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.

Objection: These Requests are overly broad and unduly burdensome and seek information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Further, RFI No. 239's request for "all . . . communications . . . between [Complainants] and any other party for . . . any other activity on Lot 2" lacks the specificity required by Texas Rule of Civil Procedure 196.

CONCLUSION

For the reasons set forth above, Complainants object to RFI Nos. 239 and 240.

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.

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

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing document was served as shown below on
this 18th 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”

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

FORMAL COMPLAINT OF KER-SEVA, § ~~BEFORE THE~~ 3:36
LTD. AGAINST THE § STATE OFFICE OF
CITY OF FRISCO, TEXAS § PUBLIC UTILITY COMMISSION
§ ADMINISTRATIVE HEARINGS

CITY OF FRISCO'S FOURTH SET OF REQUESTS FOR INFORMATION

COMES NOW, the City of Frisco, Texas ("City" or "Frisco"), and file this their Fourth Set of Requests for Information ("RFIs") to Ker-Séva 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 & 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. Rodriguez, Jr.
ARTURO D. RODRIGUEZ, JR.
State Bar No. 00791551

ATTORNEYS FOR THE CITY OF FRISCO

FRISCO'S FOURTH SET OF REQUESTS FOR INFORMATION AND REQUESTS FOR ADMISSION

CERTIFICATE OF SERVICE

I hereby certify that on this 8th 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

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. 239: Please provide 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.

Response:

Request for Information No. 240: Please list 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.

Response:

ATTACHMENT 4

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

FORMAL COMPLAINT OF KER-SEVA LTD. AGAINST THE CITY OF FRISCO RFI, TEXAS	§ § §	BEFORE THE PUBLIC UTILITY COMMISSION OF TEXAS
--	-------------	--

AFFIDAVIT OF TERRI ANDERSON

STATE OF TEXAS §

COUNTY OF Dallas §

I, Terri Anderson, make this affidavit and hereby on oath state the following:

1. My name is Terri Anderson. I am the chairperson of Center for Housing Resources, Inc. ADC West Ridge, L.P.'s general partner, CHR West Ridge, LLC, is the wholly owned subsidiary of Center for Housing Resources, Inc. I am the authorized representative of Center for Housing Resources, Inc. and ADC West Ridge, L.P. The facts stated within this affidavit are within my personal knowledge and are true and correct.

2. ADC West Ridge, L.P. owns an approximately 4.9-acre tract of land located within the extraterritorial jurisdiction of the City of Frisco and within Frisco's water and sewer CCNs. This property is sometimes referred to as "Lot 2" because it was previously part of a larger approximately 8.5-acre tract of land which was divided into two lots. Lot 1 of that larger property was developed by Ker-Seva, Ltd. into a daycare. Stubbed out onto Lot 2 are water and sewer lines which I understand are owned by the City of Frisco. Attached hereto as Exhibit "A" is a letter from Frisco showing those lines.

3. ADC West Ridge, L.P. purchased Lot 2 from Ker-Seva, Ltd. with the intention of constructing an affordable housing complex on the site. ADC West Ridge, L.P. notified the City of Frisco, and other local governmental entities, of this intention as part of an attempt to obtain a housing tax credit. After the City of Frisco refused to provide support for the project, and in an attempt to move forward with the development of the project, ADC West Ridge, L.P., on behalf of Ker-Seva, Ltd., filed an application for a preliminary plat. After several months of revisions required by Frisco, Frisco's Planning and Zoning Committee approved the preliminary plat. Attached hereto as Exhibit "B" is the preliminary plat approved by Frisco.

4. In addition, Sanchez Advisory Group, LLC, performed a sanitary sewer study on behalf of ADC West Ridge, L.P. for the project. This study was produced to Frisco in this lawsuit.

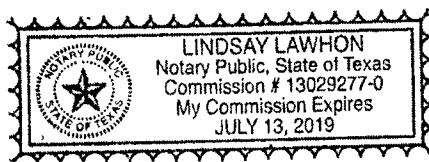
5. After closing on the purchase of Lot 2, ADC West Ridge, L.P. submitted an application for water and sewer service to Frisco. Attached hereto as Exhibit "C" is the application for water and sewer service. The application indicates that the project will consist of a 132 unit apartment complex and a leasing office.
6. In addition to the water and sewer service application and the preliminary plat, which were submitted to Frisco and also produced in discovery in this matter, I obtained an e-mail through a public information act request from Collin County which indicates that Collin County provided copies of the civil engineering construction plans for the project to Frisco. Attached hereto as Exhibit "D" is the e-mail, which has also been produced in discovery to Frisco. These plans show extensive details about the project.
7. As part of the construction of the project, representatives of each the general contractor, KWA Construction, L.P. and a sub-contractor, Weir Bros. Partners, LLC, applied for and obtained temporary construction water meters. On each such occasion, either representatives of the City of Frisco or of the City of McKinney confiscated these meters. Numerous documents related to these incidences have been produced in discovery, including, but not limited to, the e-mail and letters attached as Exhibit "E."

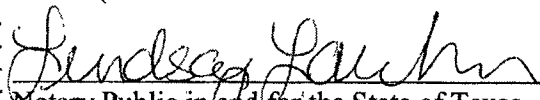
FURTHER AFFIANT SAYETH NAUGHT.


Signature of Affiant, Terri Anderson

Before me, the undersigned notary, personally appeared Terri Anderson and by oath stated that the facts stated herein are true and correct.

Sworn to and subscribed before me on this 28th day of November 2016.




Notary Public in and for the State of Texas

My commission expires: 7/13/2019

EXHIBIT A



CITY OF FRISCO

GEORGE A. PUREFOY MUNICIPAL CENTER
6101 FRISCO SQUARE BLVD. 3RD FLOOR
FRISCO, TEXAS 75034
TEL 972.292.5400 · FAX 972.292.5016
WWW.FRISCOTEXAS.GOV

March 1, 2015

Bill Robinson
Cross Engineering
131 S. Tennessee Street
McKinney, Texas 75069
(972) 562-4409
brobinson@crossengineering.biz

**Re: Westridge Apartments
Frisco, Texas**

To Whom It May Concern:

As requested, I am sending you a letter verifying that the City of Frisco will serve water, sewer, and storm utilities to the area as shown on the attached map, when developed. The map indicates the current water lines (blue), sanitary sewer lines (green) on or near the subject property. The extension of utility lines to the subject property, which is subject to all ordinances, rules, and requirements of the City, as they exist or may be amended, is the sole responsibility of the owner/developer. In addition, the owner/developer is solely responsible for obtaining any required offsite easements. The City can provide current easement templates, which are subject to the final review and approval of the City prior to execution by any Grantor.

The developer is responsible for sizing any offsite lines to accommodate all future flows based on the more conservative value from either the Future Land Use Plan or the existing Zoning. Permanent service connections will be reviewed by the Engineering Department as part of the engineering plan review process, which begins with submittal of the final site plan. City requirements for water and sanitary sewer design and construction are available on the City's website.

If you have any additional questions, please contact the City of Frisco Engineering Services Department at 972-292-5472.

Sincerely,

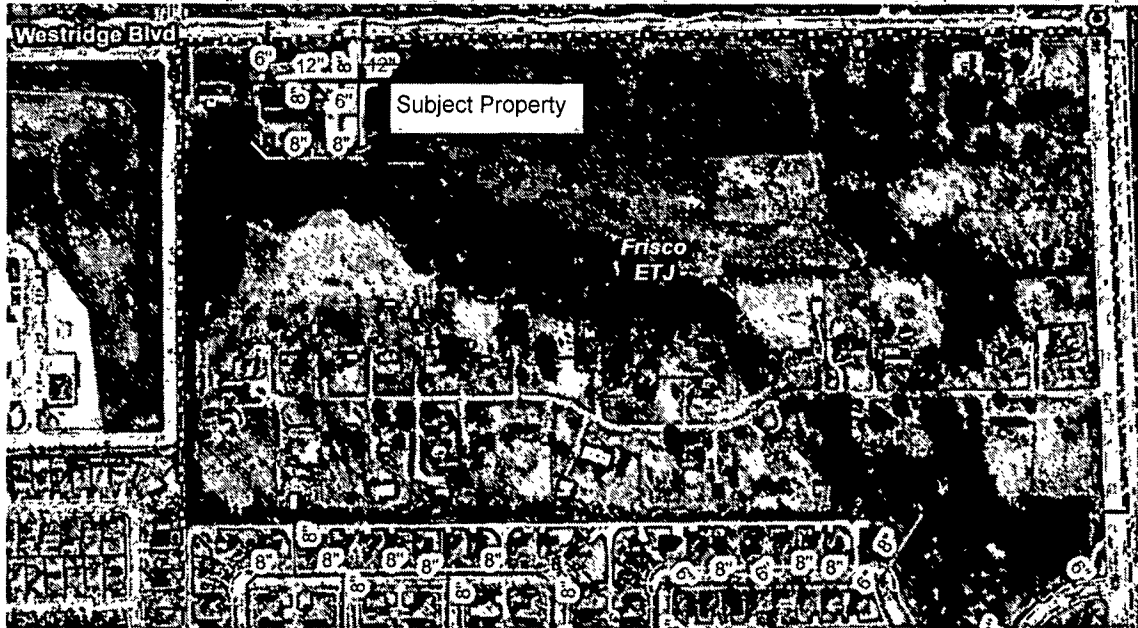
Stephanie Miller
Construction Technician
6101 Frisco Square Blvd
Frisco, TX 75034
972-292-5472



ENGINEERING SERVICES
DEPARTMENT

CITY OF FRISCO

GEORGE A. PURÉFOY MUNICIPAL CENTER
6101 FRISCO SQUARE BLVD · 3RD FLOOR
FRISCO, TEXAS 75034
TEL 972.292.5400 · FAX 972.292.5016
WWW.FRISCOTEXAS.GOV



DISCLAIMER: The City of Frisco has prepared this map or information for internal use only. It is made available under the Public Information Act. Any reliance on this map or information is AT YOUR OWN RISK. Frisco assumes no liability for any errors, omissions, or inaccuracies in the map or information regardless of the cause of such or for any decision made, action taken, or action not taken in reliance upon any maps or information provided herein. Frisco makes no warranty, representation, or guarantee of any kind regarding any maps or information provided herein or the sources of such maps or information and DISCLAIMS ALL REPRESENTATIONS AND WARRANTIES, EXPRESSED AND IMPLIED, including the implied warranties of merchantability and fitness for a particular purpose.

EXHIBIT B

June 9, 2015

Preliminary Plat: Westridge Addition, Block A, Lot 2

Owner(s): Terri L. Anderson

DESCRIPTION:

One lot on 4.9± acres on the south side of Westridge Boulevard, 505± feet east of Memory Lane located within the City's ETJ. Neighborhood #6. AM

Access: Access is provided from Westridge Boulevard.

Purpose: The Preliminary Plat dedicates right-of-way for a portion of Westridge Boulevard and easements for future development on Lots 2.

Additional Information: The property is located within Frisco's Extraterritorial Jurisdiction (ETJ).

RECOMMENDATION:

Recommended for approval subject to additions and/or alterations resulting from Engineering Services' review of construction plans.

EXHIBIT C



FOR OFFICE USE ONLY			
Account# _____	Deposit _____	Admin Fee _____	E-Billing <input type="checkbox"/>

Commercial Water Application

Business Name: ADC West Ridge, LP / West Ridge Villas

Phone: 9725674630
Office _____ Office _____ Accounts Payable _____

E-mail: TERRI - L - ANDERSON @msn.com

Requested By: _____ Phone: 9725674630

☐ PLEASE SIGN ME UP FOR E-BILLING. I UNDERSTAND THAT I WILL NOT RECEIVE A PAPER STATEMENT.

TYPE OF REQUEST: **New Service** X Sewer & water 132 unit apt. complex
(Please check one) (Complete Section A below & include copy of Driver's License)

Disconnect Service _____ (Complete Section B below)

New Service

Service Address: 9331 Westridge Blvd. McKinney, TX 75070
Street City/State Zip Code

Billing Address: PO Box 1850 Coppell, TX 75019
Street City/State Zip Code

Tax ID: 36-4820457

Date to Connect (Normal Business Day): June 14, 2016

The City of Frisco will bill you a \$1,100.00 deposit on each account which will be refunded after 24 months of good service history or upon disconnection of service. *The City of Frisco will bill you a \$20.00 non-refundable Administrative fee on each account. A 24-hour notice is required for all new service accounts.

Disconnect Service

Service Address: _____
Street City/State Zip Code

Forwarding Address: _____
Street City/State Zip Code

Date to Disconnect (Normal Business Day): _____

- Each account is billed for water and sewer charges. For rate information, visit the [Utility Billing website](#).
- If you are continuing services at a commercial location, your property may already have waste services. For information about your property's waste services or to amend the existing waste services, please contact Environmental Services at (972)-292-5900.
- Waste equipment will be removed when water services is disconnected.

CHR West Ridge Villas, LLC

By: Center for Housing Resources, Inc.

By: April A. Whallon, Chairperson

SIGNATURE OF CUSTOMER

DATE


****All Delinquent Accounts will be sent to a Collection Agency****

Phone: 972-292-5575

Fax: (972) 292- 5585

E-mail: utilitybilling@friscotexas.gov

Texas **DRIVER LICENSE** USA TX

 4d DL **12/04/2012** 4b Exp **11/24/2018** 5 Class **C**

3 DOB **ANDERSON**
TERRI L

12 Restrictions **A** 14a End **NONE**

16 Hgt **5-09** 15 Sex **F** 18 Eyes **HAZ**

6 DD **16619281025044795477**

Terri L. Anderson

COLLIN COUNTY DEVELOPMENT SERVICES
825 N. McDonald St., Ste. 170

McKinney, Texas 75069
(972)548-5585

Application Number 15-00002157 Date 3/23/16
Property Address 9331 (MCKINNEY) WESTRIDGE BLVD
TAX ID NUMBER
Old Address
Application type description COMMERCIAL OTHER
Subdivision Name
Application valuation 0

Owner
ADC WEST RIDGE, LP
PO BOX 1850
COPPELL TX 75019
(972) 567-4630
Contractor
RWA CONSTRUCTION, LP
16800 WESTGROVE DRIVE
SUITE 300
ADDISON TX 75001
(214) 978-0177

Structure Information 000 000 APARTMENT Cplx - LEASE OFFICE/132 UNITS
Construction Type **NEEDS TO BE ENTERED**
Occupancy Type RESIDENTIAL - MULTIPLE FA
Flood Zone FLOOD ZONE A
Other struct info
DEED FILED Y
RECORDED ABST. PLOT FILED Y
SURVEY FILED Y
PLOT LOCATION FILED Y
BLDG PLANS FILED Y
ERROR NA
OSSF SITE EVAL. FILED NC
OSSF DESIGN FILED NO
OSSF AFFID FILED NO
OSSF SVC. CONTR. NO
FIREPLACE (Y/N) NA
LOG LIGHTER (Y/N) NA
HEATING (ELEC/LP) LP
HOT WATER (EL/LP) LP
*ELECTRICAL COMPANY TED
*CITY NO
*ETJ FRISCO
*FIRE DISTRICT TBD

Permit COMMERCIAL BUILDING
Additional desc APARTMENTS-LEASE OF./132 UNITS
Permit Fee 35264.00
Issue Date 2/23/16 Valuation 0
Expiration Date 8/20/16

Qty	Unit Charge	Per	Extension
175070.00	.2000	BASE FEE COMMERCIAL	250.00 35014.00

Special Notes and Comments

Lease Office - 3,941 sq ft
132 Apartment Units - 171,129 sq ft
total

Collin County accepts the January 22nd, 2016 certification of no adverse impact, prepared by Jill Trevino, PE, CFM, engineer for the developer; that relates to flood plain development and off-site drainage, and the findings contained therein. To the extent there is any adverse impact to offsite owners from stormwater originating at the site, Collin County is not responsible therefor.

Applicable Codes:

THE MOST CURRENT VERSIONS OF THE FOLLOWING CODES WILL HAVE TO BE FOLLOWED IN THE CONSTRUCTION AND OPERATION OF YOUR PROJECT:

INTERNATIONAL FIRE CODE INTERNATIONAL BUILDING CODE
INTERNATIONAL PLUMBING CODE INTERNATIONAL MECHANICAL CODE
INTERNATIONAL FIRE CODE (NFPA) NATIONAL ELECTRIC CODE

**It is illegal to run 2+ water services off of 1 water

MUST have Permit Location Card posted along with 911 Rural Address posted VISIBLE from roadway or inspection WILL NOT be performed.

COLLIN COUNTY DEVELOPMENT SERVICES
825 W. McDonald St., Ste. 170

McKinney, Texas 75069
(972)548-5585

Application Number 15-00002157

Page 2
Date 3/23/16

Special Notes and Comments

meter. You must verify that the water connection you have made/will make to a water purveyor's meter is a legal and approved connection. If there is evidence of an illegal water meter connection at the time of final inspection, the inspection will be failed and will not pass until approval is issued from the water purveyor (in writing) and a copy submitted to Development Services.**

Absolutely NO plumbing or electrical work shall be covered before being inspected and approved by a Collin County Inspector for Code compliance - NO EXCEPTIONS**

YOU WERE GIVEN A LETTER FROM THE COLLIN COUNTY FIRE MARSHALL DATED 12/02/2015. THIS LETTER DETAILS ADDITIONAL COMPLIANCE ISSUES FOR YOUR SPECIFIC OCCUPANCY TYPE. IF YOU DID NOT RECEIVE THE LETTER OR IF YOU HAVE ANY QUESTIONS, PLEASE CALL OUR OFFICE AT 972-548-5585.

Every commercial building permit issued shall become invalid unless the work on the site authorized by such is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time of work is commenced. Collin County is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

See Development Services' Plan Review and Fire Marshall's office Plan Review for further needs and/or requirements regarding construction of the building.

***Notice, This permit is applicable only to the inspection of the electrical components of ANY signs associated with this permit. Approval of this permit in no way suggests that the sign location has been approved or that erection of any sign is permitted at this location.

Signage:

Property owner and/or sign owner has the responsibility to verify that any sign erected under this commercial permit is either not within any city's Extra-Territorial jurisdiction (ETJ) or, if in a city's ETJ, that the sign is in compliance with all of the applicable municipality and/or TxDOT regulations (TxDOT regulations may be in effect whether in ETJ or not in ETJ) Property owner and/or building owner has the responsibility to verify that any new construction (including non-electrical signage) is either not within any city's ETJ or, if in a city's ETJ, that any construction is in compliance with all of the applicable municipal ordinances and any other regulations which may be in effect in the ETJ of that municipality. If a sign is constructed and/or placed in violation of any regulations - the sign must be promptly removed at sign owner's expense in addition to any fines that might be levied.

Use of Groundwater:

IF THIS PERMIT INVOLVES A WATER WELL, THE APPLICANT MUST CONTACT THE NORTH TEXAS GROUNDWATER CONSERVATION DISTRICT AT 855-425-4433 TO REGISTER AND/OR PERMIT THE WELL.

OFF-SITE SEWAGE UTILITY SERVICE:

THIS STRUCTURE DOES NOT UTILIZE AN OSSF (ON-SITE SEWAGE FACILITY) FOR WASTEWATER DISPOSAL. Applicant intends to connect to municipal water and wastewater lines. No final plumbing fixture inspection or Certificate of Occupancy will be issued until final connection is made to an approved, municipal wastewater system.

MUST have Permit Location Card posted along with 911 Rural Address posted VISIBLE from roadway or inspection WILL NOT be performed.

COLLIN COUNTY DEVELOPMENT SERVICES
825 N. McDonald St., Ste. 170

McKinney, Texas 75069
(972)548-5585

Application Number 15-00002157

Page 3
Date 3/23/16

Special Notes and Comments

MISCELLANEOUS:

*****You MUST have this permit number available when*****

*****scheduling inspections - NO INSPECTION WILL

*****SCHEDULED WITHOUT PERMIT NUMBER *****

*****NOTE: IF YOU ARE LOCATED WITHIN THE ETJ (EXTRA
TERRITORIAL JURISDICTION) OF ANY CITY, IT IS YOUR
RESPONSIBILITY TO CHECK WITH THAT CITY TO FIND OUT IF THERE
ARE ANY ADDITIONAL REQUIREMENTS BY THAT CITY PERTAINING TO
YOUR PROJECT.

*****NOTE: During any inspection, the Inspector will ONLY
note the first five (5) failing code items. Once an
Inspector has identified five (5) failing items, the
inspection will cease at that time and no further items
will be inspected. Those failing items and any other
situations contrary to adopted codes must be corrected for
any re-inspection. A failed re-inspection will result in a
penalty fee. IF THIS IS YOUR FIRST PROJECT IN COLLIN
COUNTY, PLEASE SCHEDULE A MEETING WITH AN INSPECTOR PRIOR
TO BEGINNING YOUR PROJECT TO AVOID ANY PROJECT DELAYS
AND/OR FEES.***

OWNER CERTIFICATION:

I certify that I am the property owner or the property
owner's agent and that I have received, read and understand
all "Special Notes and Comments"/permit requirements and I
understand that this printed permit must be presented to
the property owner),

Signature _____

Date Received _____

Printed Name _____

T/S: 02/29/2016 03:25 PM BROWNISTY

T/S: 02/29/2016 03:30 PM BROWNISTY

T/S: 02/29/2016 03:34 PM BROWNISTY

Fee summary	Charged	Paid	Credited	Due
Permit Fee Total	35264.00	.00	.00	35264.00
Grand Total	35264.00	.00	.00	35264.00

Louella J. Anderson
22 March 2016

MUST have Permit Location Card posted along with 911 Rural
Address posted VISIBLE from roadway or inspection WILL NOT
be performed.

COLLIN COUNTY DEVELOPMENT SERVICES
 825 N. McDonald St., Ste. 170
 McKinney, Texas 75069
 (972)548-5585

Application Number 15-00002157 Page 4
 Property Address 9331 (MCKINNEY) WESTRIDGE BLVD Date 3/23/16
 TAX ID NUMBER " " " "
 Old Address
 Application description COMMERCIAL OTHER
 Subdivision Name

Permit COMMERCIAL BUILDING

Additional desc APARTMENTS-LEASE OF./132 UNITS

Required Inspections

Seq	Insp Code	Description	Initials	Date
10	STOR	STORM WATER INSPECTION		
20-5	FMFR	FIRE MARSHAL PLAN REVIEW		
30	DSFR	DEVELOPMENT SVCS PLAN REVIEW		
40-10	NC01	INSPECTION 1 (T-POLE)		
40-10	NC02	INSPECTION 2 (RGM-PLBG)		
40	NC03	INSPECTION 3 (ELEC ROUGH)		
40	NC05	INSPECTION 6 (FINAL)		
40	SP4	OSSF FINAL INSPECTION		
40	SP3	OSSF INITIAL INSPECTION		
40	NC13	INSPECTION 4 (PLBG TOP-OUT)		
40	NC23	INSPECTION 5 (PLBG FIXTURES)		
999	NC08	INSPECTION 7 MISCELLANEOUS		
1000	NC07	INSPECTION FOR C/O		

EXHIBIT D

Tracy Homfeld

Subject:

FW:

-----Original Message-----

From: Toyin Fawehinmi [<mailto:TFawehinmi@friscotexas.gov>]

Sent: Monday, January 18, 2016 2:48 PM

To: Tracy Homfeld

Subject:

Tracy,

By the way, I briefly reviewed the civil plans for Westridge Apts and interestingly enough they are connecting to McKinney's water and not really sure of how the sewer is being addressed. I am waiting for the hardcopies from Terri's Engineer

Toyin Fawehinmi, P.E.

Senior Engineer

City of Frisco - Engineering Services Department

6101 Frisco Square Blvd., 3rd Floor

Frisco, Texas 75034

Office (972) 292 5439

Fax (972) 292 5016

EXHIBIT E

terri_l_anderson@msn.com

From: "Stan Fulks" <sfulks@kwaconstruction.com>
Date: Thursday, June 23, 2016 11:52 AM
To: <ghill@mckinneytexas.org>; <ajenkins@friscotexas.gov>
Cc: "'TERRI ANDERSON'" <terri_l_anderson@msn.com>; "Keller Webster" <kwebster@kwaconstruction.com>; "Brian Webster" <bwebster@kwaconstruction.com>; "Richie Keene" <rkeene@kwaconstruction.com>
Subject: RE: Frisco Will Serve Letter and Map for West Ridge Villas
 Mr. Hill,

Per our phone conversation a few moments ago in which your only comment was that this issue needed to go through the City of Frisco or Collin County and that you had no further say;

Here is what I have confirmed with Mr. Alex Jenkins with the City of Frisco's Public Utility Department. Per the City's maps, the hydrants on the south side of Westridge Blvd. in the area of the Montessori school belong to the City of Frisco. This only confirms what their engineering depart had said and as previously documented in the letter and map I sent you. If you wish to confirm this you may contact Mr. Jenkins as he is included in this email.

I would also like to add that you said this area was not in McKinney's CCN so I am not certain of the keep this issue amicable.

We will be utilizing the hydrant in front of the school this afternoon. Thank you so much for your help in this matter.

Stan Fulks, Senior Project Manager
 KWA Construction, 16800 Westgrove Dr., Addison, Tx 75001
 Off. 214-978-0177 Mbl. 214-385-9936
 sfulks@kwaconstruction.com

From: Stan Fulks
Sent: Thursday, June 23, 2016 10:12 AM
To: 'chill@mckinneytexas.org' <chill@mckinneytexas.org>
Cc: 'TERRI ANDERSON' <terri_l_anderson@msn.com>; Keller Webster <kwebster@kwaconstruction.com>; Brian Webster <bwebster@kwaconstruction.com>; Richie Keene <rkeene@kwaconstruction.com>
Subject: Frisco Will Serve Letter and Map for West Ridge Villas

Mr. Hill,

Please find attached the will serve letter from the City of Frisco and the accompanying map showing the locations of service. When I had met with Toyin Fawehinmi, Stephanie Miller and Lori Chapin with the City of Frisco, two weeks ago, they confirmed the map and the location of services. With that knowledge, we in good faith proceeded to utilize the water service for our use using a Frisco approved meter.

Again today I went to the Frisco utility department, showed them a map and requested a new temporary water meter. They gave me a meter without issue. Based upon the City of Frisco's knowledge and cooperation, we plan to continue our work utilizing the meter supplied by the City of Frisco. Should there be issue with this, please contact me.

Thank you,

Stan Fulks, Senior Project Manager
KWA Construction, 16800 Westgrove Dr., Addison, Tx 75001
Off. 214-978-0177 Mbl. 214-385-9936
sfulks@kwaconstruction.com

From: kwascanner@gmail.com [mailto:kwascanner@gmail.com]
Sent: Thursday, June 23, 2016 9:55 AM
To: Stan Fulks <sfulks@kwaconstruction.com>
Subject: Message from KM_C454e

terri_l_anderson@msn.com

From: "Keller Webster" <kwebster@kwaconstruction.com>
Date: Tuesday, June 28, 2016 4:10 PM
To: "TERRI ANDERSON" <terri_l_anderson@msn.com>
Cc: "Brian Webster" <bwebster@kwaconstruction.com>; "Richie Keene" <rkeene@kwaconstruction.com>; "Stan Fulks" <sfulks@kwaconstruction.com>; "Frank Pollacia" <pollacia@architettura-inc.com>
Attach: image2016-06-28-181724.pdf
Subject: FW: West Ridge Apts. Water Issue
 Terri,

Attached you will find a letter from our earthwork subcontractor outlining the obstacles they have encountered by the City of Frisco and the City of McKinney concerning their attempts in obtaining the water necessary to moisture condition the foundation pads. I do not know what "legal matters" Mr. Goulette with the City of Frisco is speaking. KWA Construction has not received any legal notices from any one regarding this project.

Not having access to water to moisture condition the pads will effectively shut the job down.

Please let me know ASAP as to how you would like to proceed.

Thanks,

Keller

From: Stan Fulks
Sent: Tuesday, June 28, 2016 3:38 PM
To: Keller Webster <kwebster@kwaconstruction.com>
Cc: Brian Webster <bwebster@kwaconstruction.com>; Richie Keene <rkeene@kwaconstruction.com>
Subject: FW: West Ridge Apts. Water Issue

Keller,

Per our conversation, I just received this from Craig at Weir Bros.

Thanks,

Stan Fulks, Senior Project Manager
 KWA Construction, 16800 Westgrove Dr., Addison, Tx 75001
 Off. 214-978-0177 Mbl. 214-385-9936
sfulks@kwaconstruction.com

From: Craig Williams [<mailto:cwilliams@weirbros.com>]
Sent: Tuesday, June 28, 2016 3:34 PM
To: Stan Fulks <sfulks@kwaconstruction.com>
Subject: West Ridge Apts. Water Issue

Stan,

Here is what chain of events have accrued over the last several days.

Thanks,

Craig Williams

Weir Brothers Contracting, LLC.

From: MinoltaCopier@weirbros.com [mailto:MinoltaCopier@weirbros.com]

Sent: Tuesday, June 28, 2016 3:26 PM

To: cwilliams@weirbros.com

Subject:

ATTACHMENT 5

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

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

§
§
§

**BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS**

AFFIDAVIT OF STAN FULKS


STATE OF TEXAS §

COUNTY OF DALLAS §

I, Stan Fulks, make this affidavit and hereby on oath state the following:

1. My name is Stan Fulks. I am a Project Manager for KWA Construction, L.P. On behalf of KWA Construction, L.P., I am working on a project to construct an affordable-housing apartment complex at 9331 Westridge Boulevard (the "Project"). The facts stated within this affidavit are within my personal knowledge and are true and correct.
2. On June 8th, 2016, I provided a copy of the civil engineering construction plans related to the Project to Toyin Fawehinmi, with the City of Frisco.
3. In June 2016, I met with Toyin Fawehinmi, Stephanie Miller, and Lori Chapin with the City of Frisco. At that meeting, they confirmed that certain water and sewer facilities, including fire hydrants, located adjacent to the Project belonged to the City of Frisco. After a temporary construction water meter of one of KWA Construction, L.P.'s contractors was confiscated, I personally went to the Frisco utility department on June 23, 2016, showed them our March 1, 2015 Will Service Letter containing a map of the facilities and fire hydrant, and requested a new temporary water meter. They confirmed the facilities were owned by Frisco, the fire hydrant location was acceptable, and gave me the meter. However, the City of Frisco confiscated that meter later that same day.

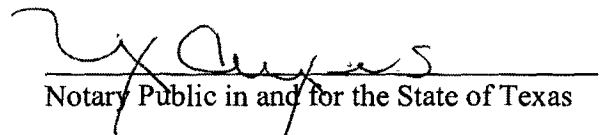
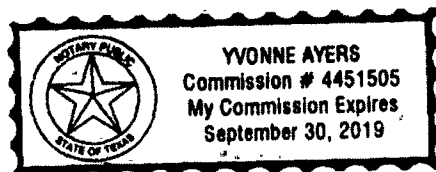
FURTHER AFFIANT SAYETH NAUGHT.



Signature of Affiant, Stan Fulks

Before me, the undersigned notary, personally appeared Stan Fulks and by oath stated that the facts stated herein are true and correct.

Sworn to and subscribed before me on this 28th day of November 2016.



Notary Public in and for the State of Texas

My commission expires: 9-30-19