

6. These business records were kept by the City in the regular course of business.

7. The records attached hereto are exact duplicates of the original.

Further affiant sayeth naught.

SIGNED on this 28 day of September, 2022.



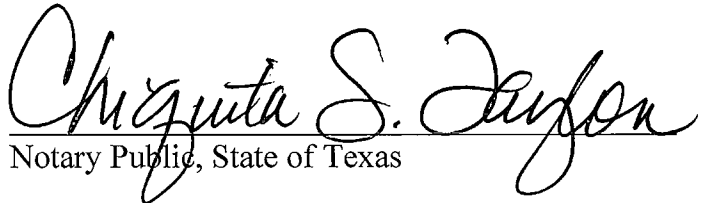
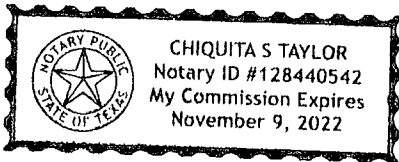
Rashad I. Jackson AICP, CPM, Director
Planning and Development Department
City of Grand Prairie

STATE OF TEXAS

COUNTY OF Dallas

§
§
§

SUBSCRIBED AND SWORN TO BEFORE ME on this 28th day of September, 2022.



Notary Public, State of Texas

EXHIBIT A

Bill Hills

From: Rashad J. Jackson
Sent: Wednesday, June 15, 2022 1:51 PM
To: Bill Hills
Subject: FW: WA21020 - 303-Acres, GP ETJ

Here is the entire conversation.

Rashad Jackson, AICP, CPM
Planning & Development Director
City of Grand Prairie
300 W. Main Street
Grand Prairie, TX 75050
972-237-8261



From: Carlo Silvestri <CarloS@wierassociates.com>
Sent: Tuesday, September 21, 2021 1:21 PM
To: Rashad J. Jackson <rjackson@GPTX.org>
Cc: Bill Hills <Bhills@GPTX.org>; Gabriel Johnson <gjohnson@GPTX.org>; Walter Shumac <Wshumac@GPTX.org>
Subject: RE: WA21020 - 303-Acres, GP ETJ

Thank you for letting me know. Not what our Client will want to hear.

However, I want to make sure I understand where we currently stand. This whole process started earlier this year when I made an inquiry to the City to see if the City of Grand Prairie would serve the project with water and sanitary sewer while proceeding with the project in the ETJ. At the time, it was stated that in order to be served, a Developers Agreement with the City would be required which then led into having to develop a plan that would be acceptable to the City. Now that the City will not support the project, it would be our understanding that the City will not serve the project with water and sanitary sewer? Is this correct or will the City support serving the project? This is critical to this project and we need to understand our options moving forward.

Carlo Silvestri, P.E.
President/CEO

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Ph: 817-467-7700 ext. 120 Fax: 817-467-7713
www.WierAssociates.com

From: Rashad J. Jackson <rjackson@GPTX.org>
Sent: Tuesday, September 21, 2021 9:47 AM
To: Carlo Silvestri <CarloS@wierassociates.com>

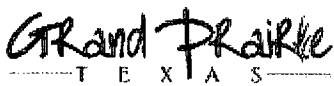
Cc: Bill Hills <Bhills@GPTX.org>; Gabriel Johnson <gjohnson@GPTX.org>; Walter Shumac <Wshumac@GPTX.org>
Subject: RE: WA21020 - 303-Acres, GP ETJ

Hello Carlo,

I just wanted to follow up per the email below. After discussions, the city is not open to the proposed project at this time. The same comments noted below were reiterated. I don't foresee the development moving forward as proposed.

Thank you,

Rashad Jackson, AICP, CPM
Planning & Development Director
City of Grand Prairie
300 W. Main Street
Grand Prairie, TX 75051
972-237-8261



From: Rashad J. Jackson
Sent: Wednesday, September 8, 2021 2:01 PM
To: Carlo Silvestri <CarloS@wierassociates.com>
Cc: Bill Hills <Bhills@GPTX.org>; Gabriel Johnson <gjohnson@GPTX.org>; Walter Shumac <Wshumac@GPTX.org>
Subject: RE: WA21020 - 303-Acres, GP ETJ

Carlo,

Thank you for the information. I will say that in our previous discussions I have noted city managements want for larger lots and the need for specifics on the lot sizes proposed. The initial submittal did not have that information (only density was shown) so that is why you likely did not hear the one acre comment initially.

I will relay your Clients comments during our staff meeting on Friday. As it stands, it sounds like we are at an impasse with the proposed project. But I will let you know.

Thank you,

Rashad Jackson, AICP, CPM
Planning & Development Director
City of Grand Prairie
300 W. Main Street
Grand Prairie, TX 75051
972-237-8261



From: Carlo Silvestri <CarloS@wierassociates.com>
Sent: Wednesday, September 8, 2021 1:42 PM

To: Rashad J. Jackson <rjackson@GPTX.org>

Subject: RE: WA21020 - 303-Acres, GP ETJ

Rashad, Not sure where the one-acre lots are coming from. It's the first time we are hearing about one-acre lots. It seems that we are going the wrong direction. One-acre lots will not work for our Client. We have been working in good faith trying to develop a plan that meets the City's goals but it seems to be changing as we try to refine the plan. As you go into your meeting on Friday, our Client has advised us that the plan presented is his best and final option for City consideration. They will not be able to make a project work with a lower density.

We hope the meeting goes well and we look forward to hearing back from you about the outcome.

Thanks

Carlo Silvestri, P.E.

President/CEO

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From: Rashad J. Jackson <rjackson@GPTX.org>

Sent: Friday, September 3, 2021 1:42 PM

To: Carlo Silvestri <CarloS@wierassociates.com>

Cc: Bill Hills <Bhills@GPTX.org>; Walter Shumac <Wshumac@GPTX.org>; Gabriel Johnson <gjohnson@GPTX.org>

Subject: RE: WA21020 - 303-Acres, GP ETJ

Hello Carlo,

Unfortunately we have not had a chance to get all in a meeting officially (due to conflicting schedules and staff time off) but I have forwarded the plan to city management and staff via email. Initial response is that the city could not support anything smaller than the acre lot or something similar to what is developed in the neighboring Lake Ridge subdivision.

I will note that some of the proposed road connections to Cedar Hill and the gated portion of Lake Ridge to the north could be difficult to approve. Specifically the one northern connection to the Lake Ridge gated section (Preserve Blvd) since it is a private road. The other connection, Park Crossing may be easier since it is outside of the gated section. Our Transportation department noted that these secondary connections would be vital to provide adequate access. Of course Cedar Hill would be the most affected with the proposed Prairie Ridge connection, which would require their input/approval.

If the city were to establish a new development agreement the proposed development would need to address the issues noted above prior to moving forward. I have an official meeting with staff scheduled for next week on Friday. I will follow up if there are any additional comments to forward.

Thank you,

Rashad Jackson, AICP, CPM

Planning & Development Director

City of Grand Prairie
300 W. Main Street
Grand Prairie, TX 75051
972-237-8261



From: Carlo Silvestri <CarloS@wierassociates.com>
Sent: Friday, September 3, 2021 1:18 PM
To: Rashad J. Jackson <rjackson@GPTX.org>
Subject: RE: WA21020 - 303-Acres, GP ETJ

Good afternoon sir. Hope you are ready for the long weekend as I am.

I was just checking in to see if staff has had a chance to meet about the plan submitted?

Carlo Silvestri, P.E.
President/CEO

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From: Rashad J. Jackson <rjackson@GPTX.org>
Sent: Wednesday, August 25, 2021 11:46 AM
To: Carlo Silvestri <CarloS@wierassociates.com>
Cc: Bill Hills <Bhills@GPTX.org>; Walter Shumac <Wshumac@GPTX.org>; Gabriel Johnson <gjohnson@GPTX.org>
Subject: RE: WA21020 - 303-Acres, GP ETJ

Hello Carlo,

Thank you for the attached layout. I will review this with city management and staff. I hope to have a response to you by mid next week.

Thanks

Rashad Jackson, AICP, CPM
Planning & Development Director
City of Grand Prairie
300 W. Main Street
Grand Prairie, TX 75051
972-237-8261



From: Carlo Silvestri <CarloS@wierassociates.com>
Sent: Wednesday, August 25, 2021 10:25 AM
To: Rashad J. Jackson <rjackson@GPTX.org>
Subject: RE: WA21020 - 303-Acres, GP ETJ

Good morning sir. Per some of our discussions, please find attached a preliminary lot layout for the 303-acre development. We are trying to provide a mix that we hope will satisfy the City but will also make the project feasible for the area. Please review the attached with those necessary people and let us know if this is something the City can support.

Carlo Silvestri, P.E.
President/CEO

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Ph: 817-467-7700 ext. 120 Fax: 817-467-7713
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From: Rashad J. Jackson <rjackson@GPTX.org>
Sent: Monday, July 19, 2021 11:28 AM
To: Carlo Silvestri <CarloS@wierassociates.com>
Cc: David Jones <David.Jones@freese.com>
Subject: RE: WA21020 - 303-Acres, GP ETJ

Yes, it has been noted that the land use descriptions aren't shown in the draft. Our consultants should add them to the final draft.

See the link to the original 2018 Comp Plan (the plan we are updating) that details what Low Density Residential is. See page 56.

<https://www.gptx.org/home/showpublisheddocument/16938/636825394520430000>

Thank you,
Rashad Jackson, AICP, CPM
Planning & Development Director
City of Grand Prairie
300 W. Main Street
Grand Prairie, TX 75051
972-237-8261



From: Carlo Silvestri <CarloS@wierassociates.com>
Sent: Monday, July 19, 2021 11:22 AM
To: Rashad J. Jackson <rjackson@GPTX.org>
Subject: RE: WA21020 - 303-Acres, GP ETJ

I went back to look in the Ordinance to see if I can find something that defines Low Density Residential but can't find anything. Can you please advise on what that means? I know you mentioned 70' lots but is there also a density requirement?

I also don't see any specific design criteria in the draft. Is that something that is coming after the Comp Plan is approved?

Carlo Silvestri, P.E.
President/CEO

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From: Rashad J. Jackson <rjackson@GPTX.org>
Sent: Monday, July 19, 2021 9:18 AM
To: Carlo Silvestri <CarloS@wierassociates.com>
Subject: RE: WA21020 - 303-Acres, GP ETJ

Good morning Carlo,

As I noted, Council is scheduled to preliminarily review the comp plan update for the subject area. Final adoption is scheduled for Aug. 17th. I was asked to include a preliminary comp plan draft in the Council Special meeting packet for this month. As noted, I won't have a final draft until mid-august (per Council comment) but since this packet is open to the public I thought I could forward. Please see the link below. Click on the Council packet for the meeting. It appears the meeting will be open to the public as well. We typically stream these online but I am unsure if that will happen since this is a special meeting.

Packet
<https://www.gptx.org/city-government/mayor-and-city-council/city-council-meetings>

Streamed online here...
<http://www.gptxtv.org/live>

Thank you,
Rashad Jackson, AICP, CPM
Planning & Development Director
City of Grand Prairie
300 W. Main Street
Grand Prairie, TX 75051
972-237-8261



From: Carlo Silvestri <CarloS@wierassociates.com>
Sent: Friday, July 16, 2021 2:16 PM

To: Rashad J. Jackson <rjackson@GPTX.org>
Subject: RE: WA21020 - 303-Acres, GP ETJ

Thank you

Carlo Silvestri, P.E.
President/CEO

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From: Rashad J. Jackson <rjackson@GPTX.org>
Sent: Friday, July 16, 2021 2:11 PM
To: Carlo Silvestri <CarloS@wierassociates.com>
Subject: RE: WA21020 - 303-Acres, GP ETJ

Council will take a preliminary review of the plan at the end of July and are scheduled to adopt the plan by Aug. 17th. I wont have a draft I can forward until mid-august.
But overall it will consist of details that we have discussed.

Rashad Jackson, AICP, CPM
Planning & Development Director
City of Grand Prairie
300 W. Main Street
Grand Prairie, TX 75051
972-237-8261



From: Carlo Silvestri <CarloS@wierassociates.com>
Sent: Friday, July 16, 2021 1:55 PM
To: Rashad J. Jackson <rjackson@GPTX.org>
Subject: RE: WA21020 - 303-Acres, GP ETJ

Rashad, do you have any update on the timing of the Comp Plan update for this area? From my notes, I had down that it would be completed and approved in July? If not approved, do you have any drafts that you can share yet

Carlo Silvestri, P.E.
President/CEO

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www.WierAssociates.com

From: Rashad J. Jackson <rjackson@GPTX.org>
Sent: Friday, July 9, 2021 4:01 PM
To: Carlo Silvestri <CarloS@wierassociates.com>
Cc: Gabriel Johnson <gjohnson@GPTX.org>; Savannah Ware <sware@GPTX.org>; Walter Shumac <Wshumac@GPTX.org>; Bill Hills <Bhills@GPTX.org>; Roger Gunderman <RGunderman@mbcengineers.com>
Subject: RE: WA21020 - 303-Acres, GP ETJ

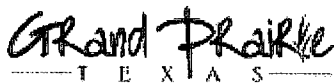
Hello Carlo,

Staff recently had an internal meeting with our city management office (CMO) to review the proposed details of your development. It was concluded that there wasn't enough information provided to fully support the development as shown. City management and staff would need to see details (development regulations) like those shown in the previously sent Windsor Hills DA to truly provide support for your development. I noted that there may be some hesitancy for support without this type of information. Some of the questions/suggestions that were noted are as follows:

- Lot Types: CMO would like a minimum 70' wide lot.
- Housing Types: Will multifamily or other housing types be proposed in these 5 unit per acre areas?
- Minimum price point: What price point will be developed? CMO would like to see \$500,000 and up.
- Transportation: A TIA will be required.
- Gated Portion: CMO would like to see gated development

Just an idea, but there could be an opportunity to tie your area/project with the Windsor Hills development to the south. This would create a cohesive development and could help address some of the development concerns with your proposal. That is if your team could work out a deal with the Windsor Hills developer.

Thank you,
Rashad Jackson, AICP, CPM
Planning & Development Director
City of Grand Prairie
300 W. Main Street
Grand Prairie, TX 75051
972-237-8261



From: Rashad J. Jackson
Sent: Wednesday, June 23, 2021 4:19 PM
To: Carlo Silvestri <CarloS@wierassociates.com>
Cc: Gabriel Johnson <gjohnson@GPTX.org>; Savannah Ware <sware@GPTX.org>; Walter Shumac <Wshumac@GPTX.org>; Bill Hills <Bhills@GPTX.org>; Roger Gunderman <RGunderman@mbcengineers.com>
Subject: Re: WA21020 - 303-Acres, GP ETJ

Yes I recall your team had limited information regarding lot size but I know our management will likely ask that question. I will relay this information.

Once we have had a meeting to discuss internally, staff will be back in touch.

Thank you,

Rashad Jackson, AICP

Planning & Development Director

City of Grand Prairie

[300 W. Main Street](#)

[Grand Prairie, TX 75051](#)



Sent from my iPhone

On Jun 23, 2021, at 4:10 PM, Carlo Silvestri <CarloS@wierassociates.com> wrote:

We don't have that kind of detail yet. If you recall from our meeting, the property owner's desire is to get all the agreements and infrastructure worked out, designed and constructed so that he can market to buyers that are not willing to go through the time and effort needed to get all of the infrastructure in place.

Carlo Silvestri, P.E.

President/CEO

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Ph: 817-467-7700 ext. 120 Fax: 817-467-7713

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From: Rashad J. Jackson <rjackson@GPTX.org>

Sent: Wednesday, June 23, 2021 3:39 PM

To: Carlo Silvestri <CarloS@wierassociates.com>

Cc: Gabriel Johnson <gjohnson@GPTX.org>; Savannah Ware <sware@GPTX.org>; Walter Shumac <Wshumac@GPTX.org>; Bill Hills <Bhills@GPTX.org>; Roger Gunderman <RGunderman@mbcengineers.com>

Subject: RE: WA21020 - 303-Acres, GP ETJ

Hello Carlo,

Thank you for the information. We will set up a meeting internally and let you know the city's thoughts. Quick question on the bubble plan....what size lots/dimensions are you expecting for the areas shown with 5 units per gross acre? We have zoning districts with this density, will your lots propose a similar minimum lot dimension?

See the attached UDC excerpt for reference.

Thank you

Rashad Jackson, AICP, CPM
Planning & Development Director
City of Grand Prairie
300 W. Main Street
Grand Prairie, TX 75051
972-237-8261

<image001.png>

From: Carlo Silvestri <CarloS@wierassociates.com>
Sent: Wednesday, June 23, 2021 2:52 PM
To: Rashad J. Jackson <rjackson@GPTX.org>
Cc: Gabriel Johnson <gjohnson@GPTX.org>; Savannah Ware <sware@GPTX.org>; Walter Shumac <Wshumac@GPTX.org>; Bill Hills <Bhills@GPTX.org>; Roger Gunderman <RGunderman@mbcengineers.com>
Subject: RE: WA21020 - 303-Acres, GP ETJ

Good afternoon. In our meeting, it was discussed and requested to provide you with a "Bubble" plan of what our Client intends to develop along with a bullet list of amenities so that you can discuss internally. Our Client has requested that we send this over to you for consideration and discussion. I will also be sending Gab under separate cover the water and sewer demands also requested in the meeting.

Thank you.

Carlo Silvestri, P.E.
President/CEO

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From: Rashad J. Jackson <rjackson@GPTX.org>
Sent: Monday, June 7, 2021 2:27 PM
To: Carlo Silvestri <CarloS@wierassociates.com>
Cc: Gabriel Johnson <gjohnson@GPTX.org>; Savannah Ware <sware@GPTX.org>; Walter Shumac <Wshumac@GPTX.org>; Bill Hills <Bhills@GPTX.org>
Subject: RE: WA21020 - 303-Acres, GP ETJ

Hello Carlo,

I have attached the DA for Windsor Hills. It should serve as the general framework for drafting the DA. I will say though, that the details within (residential design wise) would likely not be acceptable for today

based on the future plans for the area. The agreement will however show you the details that have been included in previous development agreements.

At this time we do not have official design guidelines in place but there is a comp plan update that is being drafted that will guide the drafting of those design standards. Once the comp plan is adopted, we plan to take that info and create guidelines in line with the vision. We have already spoken with Mansfield to get everyone on board with this idea on both sides of 360. The comp plan update should be complete and adopted by Council in late July. With that said, a recently approved development could be used as a precursor of things to come. The attached Hanover project was the first to be approved with allowances for taller buildings for commercial, multifamily and townhomes. I believe Gabe mentioned that the goal for the ETJ area is to create a city within a city...similar to Las Colinas (in idea and somewhat building design). So building design wise, the city is looking to allow for taller structures than we would typically allow under our base zoning. Residentially, the city would like to see a mix of taller high end multifamily / townhome urban style units with a transition to gated community development for some single family detached units. Overall, the developments (residential and commercial/retail) should be tied together with open space amenities accessible for all. For reference, I have attached the approved PD / memo for the Hanover project I noted.

Thank you,

Rashad Jackson, AICP

Planning & Development Director

City of Grand Prairie

300 W. Main Street

Grand Prairie, TX 75051

972-237-8261

<image001.png>

From: Carlo Silvestri <CarloS@wierassociates.com>

Sent: Monday, June 7, 2021 1:55 PM

To: Rashad J. Jackson <rjackson@GPTX.org>; Savannah Ware <sware@GPTX.org>

Subject: WA21020 - 303-Acres, GP ETJ

Rashad, It was a pleasure meeting with you and the others last week about the 303-acre development in the South Sector. Someone mentioned modeling out Developer Agreement after the one the City did with Windsor Hills. I believe that is what was mentioned in the meeting. Is that Developers Agreement public record and available to review? I would like to see what was approved so we can have an understanding what we may have to do?

Also, it was mentioned that there are some design guidelines for the south sector area but I cant seem to find them. Is that also something you can provide?

Carlo Silvestri, P.E.

President/CEO

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Exhibit 4

**Sworn Declaration and Affidavit of
Rashad J. Jackson, AICP, CPM**

DOCKET NO. 53698

| | | |
|------------------------------------|----------|----------------------------------|
| PETITION OF AM BUSINESS | § | |
| TRUST 2021-001, A FOREIGN | § | |
| TRUST BASED IN UTAH | § | PUBLIC UTILITY COMMISSION |
| REGISTERED TO DO BUSINESS | § | |
| IN TEXAS, TO AMEND THE CITY | § | OF TEXAS |
| OF GRAND PRAIRIE’S WATER | § | |
| CERTIFICATE OF CONVENIENCE | § | |
| AND NECESSITY NO. 10105 | § | |
| IN ELLIS COUNTY BY | § | |
| STREAMLINED EXPEDITED | § | |
| RELEASE | § | |

SWORN DECLARATION AND AFFIDAVIT OF RASHAD J. JACKSON, AICP, CPM

BEFORE ME, the undersigned authority, on this day personally appeared Rashad J. Jackson, AICP, CPM, who, being by me duly sworn, deposed as follows:

1. “My name is Rashad J. Jackson. I am over the age of eighteen (18) years, have never been convicted of a felony or a crime of moral turpitude, and am of sound mind and competent to make this Sworn Declaration and Affidavit. I have personal knowledge of the facts contained herein, and the facts are true and correct.

2. I am the Planning and Development Director for the City of Grand Prairie (the “City”). As the City’s Planning and Development Director, I work within the City’s Department of Planning and Development. I am responsible for working through the development process with owners of property to ensure that their land-development plans are consistent with City guidelines and ordinances. I do not make final decisions about what land-development plans are acceptable to the City, but rather provide information and often recommendations to the City’s senior management team, which includes the City’s Deputy and Assistant City Managers and City Manager, which I’ll refer to as the “City’s Senior Management.” I want to emphasize that my job scope does not include determining the City’s

ability or commitment to provide water utility service to proposed developments. Assessing the City's ability to provide water utility service and commitment to provide water utility service to a proposed development falls within the scope of a different City department, the City's Public Works Department.

4. As the Planning and Development Director, I work with developers to make certain their proposed developments plans adhere to the City's residential and commercial design standards such as lot size, structure height, price point, and unit design. I want to emphasize that this process does not include considering the City's ability to provide water utility services to the proposed developments.

5. Pursuant to my duties as Planning and Development Director, I met with petitioner's representatives ("AM Business Trust"), Mr. Carlos Silvestri and his team members with AM Business Trust, to discuss their development proposal for what I understand to be their tract of land containing 340.8 contiguous acres of land (the "subject property"), which is located within the City's extraterritorial jurisdiction. I, along with my staff in the City's Department of Planning and Development, provided information related to the possible development of the subject property. The information I provided did not include information that in any way addressed the City's ability or commitment to provide water utility service. I requested that Mr. Silvestri and staff provide a concept plan that could be shown to the City's Senior Management. *See* Exhibit A to my business records affidavit. I want to emphasize that the City's Senior Management does not include staff from the City's Public Works Department.

6. On June 23, 2021, Mr. Silvestri sent me a proposed layout of their proposed development. Upon review by the City's Senior Management, it was determined that there

was not enough information to fully support the development plan as shown. I asked Mr. Silvestri to update the plan to specify the types of homes to be built and the minimum price point of the homes, and to modify lot size. I also made Mr. Silvestri aware of the City's transportation requirements and desire to have part of the developed area gated. *See Exhibit A to my business records affidavit.*

7. On August 25, 2021, Mr. Silvestri sent a revised plan to the City. After discussions, the City's Senior Management determined that the proposed development was still inconsistent with the City's design requirements for the subject property. I want to emphasize that the City's ability to provide water service to the subject property was not discussed. *See Exhibit A to my business records affidavit.*

8. Me and my Department of Planning and Development's considerations regarding the proposed development were based on the development's adherence to the City's design standards, not the City's ability to provide water utility service to the subject property. Whether or not the City is capable of and commits to providing water utility service to a proposed development is outside the scope of my role, and even my knowledge and expertise, as the Planning and Development Director and my team within the City's Department of Planning and Development. It is the City's Public Works Department that assesses capability and commitment to provide water utility service to a proposed development.

9. The attachment included in this affidavit is a true and correct copy of the email exchanges between me and AM Business Trust's consultant Carlo Silvestri spanning from June 7, 2021, to September 21, 2021, regarding his proposed development's ability to conform to the City's design standards. There are no other communications between me and Carlo Silvestri or anyone associated with him or his proposed development that relate in any way to

my or the City's position on water utility service.

10. I have reviewed AM Business Trust's petition in this PUC proceeding and their claim that I communicated to Carlo Silvestri that the City will not provide water utility service to their proposed development. I have read the two pieces of evidence that AM Business Trust relies upon for the City's and my position: (1) two emails (Exhibit No. 7 to the petition) and (2) an apparent draft affidavit that is not signed or notarized from Robert Feiger (Exhibit No. 3 to the petition).

11. AM Business Trust's Exhibit No. 7 is only an excerpt of a series of emails between Carlo Silvestri and me. In this excerpt, I state:

September 21, 2021

Hello Carlo,

I just wanted to follow up per the email below. After discussion, the city is not open to the proposed project at this time. The same comments noted below were reiterated. I don't foresee the development moving forward as proposed.

*Thank you,
Rashad Jackson, AICP, CPM
Planning & Development Director*

September 8, 2021

Carlo,

Thank you for the information. I will say that in our previous discussions I have noted city managements want for larger lots and the need for specifics on the lot sizes proposed. The initial submittal did not have that information (only density was shown) so that is why you likely did not hear the one acre comment initially.

I will relay your Clients comments during our staff meeting on Friday. As it stands, it sounds like we are at an impasse with the proposed project. But I will let you know.

Thank you,

*Rashad Jackson, AICP, CPM
Planning & Development Director*

AM Business Trust's claim about my communication in these two emails is wrong. I do not address water utility service at all in these September 8th and 21st communications. I only address the issue of lot size. Carlo or others on the AM Business Trust team must misunderstand my role. I only address the limited scope of issues involving the City's design standards (including lot size), not the City's ability to provide water utility service to the subject property. AM Business Trust has used my statement in the emails on September 8th and 21st in this paragraph above out of context. AM Business Trust only provides an excerpt of our written communications—the entirety of our email chain makes even more clear the context and my limited scope and focus, which does not address in any way water utility service. The entirety of the email chain is being filed on the same date with my business records affidavit.

12. Robert Feiger's affidavit at Exhibit No. 4 is unsigned and not notarized, and states:

Operating through its local consultants, the Trust under my direction and supervision reached out to the City of Grand Prairie as early as June of 2021, as part of its due diligence to acquire the Subject Property, to inquire about Grand Prairie's ability and intent to provide potable water service to the Subject Property. Grand Prairie's response to the request to provide utility service to the Subject Property was that it does not have service or infrastructure capable of providing potable retail service to the property, and based upon the type of development and Trust's planned use by the Tract, Grand Prairie would not support the Project and, therefore, would not agree to extend potable water service to the Subject Property, even though it is within Grand Prairie's CCN No. 10105.

I am the only City representative who is mentioned by name or who has reduced any position of the City to writing on any topic as indicated by AM Business Trust's petition. To be clear, I do not have authority to represent the City's position on water utility service issues. Second, in my role as described above, and in my interactions with AM Business Trust as also described above, I have not worked on water utility service issues with AM Business Trust.

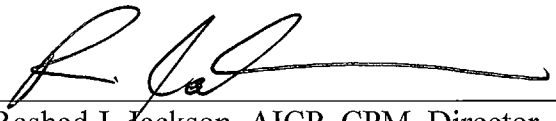
13. If AM Business Trust wanted any information or commitment from the City about water utility service for their development, they needed to communicate with our Director of the Public Works Department. It is apparent from AM Business Trust's petition that some of their representatives believe that our Public Works Director is Ron McCuller, but Mr. McCuller retired in 2018. Our Engineering and Public Works Director is and has been Gabe Johnson, P.E., PH, CFM, GISP for several years, including from the first time that AM Business Trust contacted me in 2021.

14. I have reviewed the response and hereby verify as true and accurate those statements made that fall within my role described within this affidavit.

15. I declare under penalty of perjury that the foregoing is true and correct."

Further affiant sayeth naught.

SIGNED on this 28 day of September, 2022.



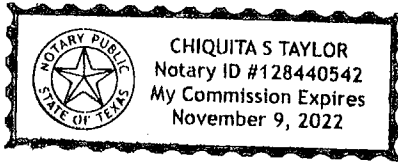
Rashad J. Jackson, AICP, CPM, Director
Planning and Development Department
City of Grand Prairie

STATE OF TEXAS

§
§
§

COUNTY OF Dallas

SUBSCRIBED AND SWORN TO BEFORE ME on this 28th day of September, 2022.



Chiquita S Taylor

Notary Public, State of Texas

Exhibit 5

**Sworn Declaration and Affidavit of
Gabriel Johnson, PE, PH, CFM, GISP**

DOCKET NO. 53698

| | | |
|------------------------------------|----------|----------------------------------|
| PETITION OF AM BUSINESS | § | |
| TRUST 2021-001, A FOREIGN | § | |
| TRUST BASED IN UTAH | § | BEFORE THE |
| REGISTERED TO DO BUSINESS | § | |
| IN TEXAS, TO AMEND THE CITY | § | PUBLIC UTILITY COMMISSION |
| OF GRAND PRAIRIE’S WATER | § | |
| CERTIFICATE OF CONVENIENCE | § | OF TEXAS |
| AND NECESSITY NO. 10105 | § | |
| IN ELLIS COUNTY BY | § | |
| STREAMLINED EXPEDITED | § | |
| RELEASE | § | |

**SWORN DECLARATION AND AFFIDAVIT OF
GABRIEL JOHNSON, PE, PH, CFM, GISP**

BEFORE ME, the undersigned authority, on this day personally appeared Gabriel Johnson, PE, PH, CFM, GISP, who, being by me duly sworn, deposed as follows:

1. “My name is Gabriel, or Gabe, Johnson. I am over the age of eighteen (18) years, have never been convicted of a felony or a crime of moral turpitude, and am competent to make this Sworn Declaration and Affidavit and Business Records Affidavit. I have personal knowledge of the facts contained herein, and the facts are true and correct.

2. I am a professional engineer licensed in the State of Texas under License Number 102149, and also am a certified Geographic Information Services Professional (ID 67926) and Certified Floodplain Manager (ID 1587-09N). I am presently employed as Director of Engineering and Public Works for the City of Grand Prairie (the “City”) and manage the City’s Department of Engineering and Public Works. I have substantial experience designing and managing water utility systems having worked nine and one-half (9 ½) years as a civil engineer and project engineer at Freese & Nichols, then four and one-half (4 ½) years as City Engineer then Director of Engineering and Public Works for the City of Celina, and almost nine (9) years at the City of Grand Prairie as the Stormwater Utility Manager and Floodplain

Administrator then Director of Engineering and Public Works.

3. I have reviewed AM Business Trust’s petition in this PUC proceeding and their *claim* that the City’s Planning and Development Director stated that the City will not provide water utility service to AM Business Trust’s proposed development (“Subject Property”). It is my responsibility to address the City’s water utility service, not our Planning and Development Director’s.

4. This past summer, in the May 2022 timeframe, *I communicated to AM Business Trust’s consultant Carlo Silvestri that “yes,” the City will serve their proposed development of the Subject Property with retail water utility service.*

5. Interestingly, Carlo had previously asked if the City could provide wholesale water to Aqua Texas, a water utility that AM Business Trust had some experience with about 50 miles to the northeast in the McKinney area. Prior to knowing that the City was in a position to provide retail water utility service, Carlo indicated AM Business Trust’s interest in Aqua Texas constructing a new water utility system and securing a wholesale water supply from the City. I was clear, in writing, that the City was not interested in selling wholesale water to Aqua Texas.

6. I should point out that Carlo’s communications with me indicate that he is a licensed engineer. After Carlo reviewed my City’s CIP – our Capital Improvement Plan – and other related GIS information from the City showing our existing retail water utility infrastructure, *he followed up with me to state the information was helpful and appeared to show options as to how the City would provide water utility service to AM Business Trust’s Subject Property.*

7. During May-June 2022, in response to Carlo asking me what the next steps

would be, I let him know that there was work to do to negotiate and enter a development agreement with my City Manager and his office (“CMO”), our Legal Department, and our Development Directors. Separate from the efforts on the development agreement but on a parallel track, I continued to communicate with Carlo about his proposed development’s “LUEs” – or Living Unit Equivalents – and what the specific water needs of the development would be.

8. My Engineering and Public Works Department and I have stood ready to move forward with the necessary design and implementation to extend retail water utility service to the raw land that AM Business Trust wants to develop (“Subject Property”). Never have I communicated that we cannot meet AM Business Trust’s retail water utility service needs.

9. I believe that most if not all of the communications between Carlo Silvestri and me that I have described in this affidavit are reflected in Attachment “A” to my business records affidavit (email exchange between Carlo Silvestri and me).

10. I am uncertain how AM Business Trust will sort out its development plans with my CMO, Legal Department, and Development Directors. My job is to ensure that my Engineering and Public Works Department is in a position to provide retail water utility service to AM Business Trust’s Subject Property in whatever configuration and development design is ultimately approved by the City. In my professional opinion, our City has sufficient water supply and infrastructure dedicated and committed to AM Business Trust’s Subject Property.

11. The City has historically and currently committed water service to future development within the Subject Property and has included the Subject Property within its water service area for engineering and planning studies since the 2006 Water Master Plan and Impact Fee Study. The City also has a well-documented Capital Improvements Plan – supported and

approved by City Council – that directly commits water supply, water facilities, and storage capacity to the Subject Property.

12. With respect to water supply, the City would rely on water supply that the City has in its water-supply inventory under a contract with the City of Midlothian (“Midlothian contract”), which is Attachment B to my business records affidavit, and under a contract with the City of Mansfield (“Mansfield Contract”), which is Attachment C to my business records affidavit.

13. The Midlothian contract was entered in September 2021 and runs for another 30 years with typical five-year renewal clauses, which are typical terms for a water supply contract. This contract allows the City (A) immediate supply of two million gallons per day (“2 MGD”) and (B) sole discretion to increase our supply to three million gallons per day (“3 MGD”). At the present time, we are using about 1.4 MGD, which means the City has another 1.6 MGD of available supply from this source alone. Although AM Business Trust has not confirmed details of its water demand, whether the 317.4-acre tract has denser or less-dense development, the City has a substantial supply that is dedicated and committed to the developing area of the City’s CCN that includes AM Business Trust’s Subject Property.

14. The City owns an existing 16” diameter pipeline (“Line II”) that abuts the Subject Property and delivers Water from the Midlothian Tayman Plant (“Delivery Point B”) to our existing water distribution system. Our Line II was constructed to serve future development within the Subject Property and has the necessary capacity to serve the Subject Property. The map indicating infrastructure and location of these water facilities are identified in the response as Exhibit 2. The City’s intent to commit Line II to the Subject Property is evidenced by the line’s close positioning to the property and large capacity to serve.

15. The City also owns an existing 24” diameter pipeline paralleling U.S. 287 and extending from a 12” line owned by Midlothian (“Line I”) to a delivery point northwest of the westernmost corporate limits of Midlothian on U.S. Highway 287 (“Delivery Point A”). Line I was constructed with the capacity to and is committed to serve all future developments within the City’s ETJ.

16. The City is contractually obligated to construct facilities (“West Side Supply Line”) committed to serving our ETJ including the Subject Property. The West Side Supply Line will consist of a new segment of Treated Water transmission line that will transport Treated Water from the high service pump station at Midlothian’s Auger Water Treatment Plant to Delivery Point A. This line will allow for 801 single family connections, or its equivalent being provided at Delivery Point A.

17. The pipe sizes and flow capacity contemplated in the Midlothian Contract are in the ground and committed to meeting the needs of the City’s ETJ as a whole, serving its future development needs. Treated Water from Midlothian is delivered under the operating pressure prevailing in the Midlothian Treated Water System. Under circumstances where Midlothian does not provide pressure adequate to meet TCEQ standards, the City is ready, willing, and able to immediately install sufficient pneumatic pressure tanks to meet pressure requirements and, over a relatively short timeframe, enhance a more permanent approach to pressure by construct one or more pump stations and one or more ground or elevated water storage tanks. The City Council has already approved plans to build pressure tanks committed to serving the Subject Property.

18. The Mansfield contract was entered in August 2010 and runs for another 28 years with typical five-year renewal clauses, which are typical terms for a water supply

contract. The contract was entered into for the specific purpose of providing potable water to wholesale customers within the City's ETJ. The surplus water supply secured by the Mansfield contract allows the water supply secured by the Midlothian Contract to be committed to the northeastern portion of the ETJ, which includes the Subject Property.

19. Treated water from Mansfield is delivered under the operating pressure prevailing in the Mansfield Treated Water System until the City's Maximum Day Usage exceeds 1.0 MGD. The City is ready, willing, and able to immediately install pneumatic pressure tanks and, over a relatively short timeframe, construct a pump station and ground or elevated water storage tanks if usage exceeds 1.0 MGD, as I have noted above. The City Council has already approved plans to build pressure tanks committed to serving the Subject Property.

20. In addition to the City's committed water supply, the City's Capital Improvement Plan has committed future facilities to the Subject Property, including a water line and storage capacity. As shown in Exhibit 2, the City will construct a 16" line that extends from the City's existing Line II and runs directly through the Subject Property. The City has committed the 16" line to fully serving the Subject Property.

21. With respect to service pumping, the City's Capital Improvement Plan includes a pump station to re-pressurize the water supplied from the City of Midlothian through the future Delivery Point C (Auger Water Treatment Plant) that will have a firm capacity of 4.5 MGD and the capacity to serve 5,200 connections. The Plan also includes a pump station to re-pressurize the water supplied from the City of Mansfield that will have a firm capacity of 12.5 MGD and the capacity to serve approximately 14,400 connections.

22. With respect to storage capacity, the City has designed and is already

constructing a 2.0 MG (“million gallon”) storage tank at the Heritage Pump Station. The City’s Capital Improvement Plan includes an additional 4.0 MG of storage tank capacity and 2.5 MG of elevated storage capacity in the 775 Pressure Plane of the South Sector water system where the Subject Property is located. The City will ultimately have 8.5 MG of total storage capacity in the 775 Pressure Plane that will serve approximately 42,500 connections. The City currently serves 101 connections in the 775 Pressure Plane. Therefore, 42,399 connections are committed to serving future development in the specific area encompassing the Subject Property.

23. The City has 28.0 MG of total water storage capacity within the 720 Pressure Plane of the North Section water system that can serve approximately 140,000 connections. The City currently serves approximately 31,173 connections in the 720 Pressure Plane leaving 108,827 available connections committed to serving land within the 720 Pressure Plane.

24. The City’s Capital Improvement Plan also commits large diameter water lines for extending water service throughout the City’s service area including the Subject Property. The City has performed hydraulic water modeling to ensure the future water distribution system maintains the City and TCEQ design requirements for minimum pressure, fire flow, velocity, and headloss.

25. The City is able to provide the manner of service and level of service on any conceivable timeline requested to meet the water service needs of the developer, AM Business Trust.

26. I have reviewed the response and hereby verify as true and accurate those statements made that fall within my role described within this affidavit.

27. I declare under penalty of perjury that the foregoing is true and correct.

Further affiant sayeth naught.

SIGNED on this 28 day of September, 2022.



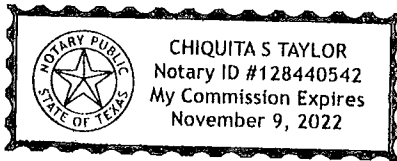
Gabriel Johnson, PE, PH, CFM, GISP
Director, Public Works Department

STATE OF TEXAS

COUNTY OF Dallas

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SUBSCRIBED AND SWORN TO BEFORE ME on this 28th day of September, 2022.



Chiquita S. Taylor
Notary Public, State of Texas