

ORDER ADOPTING POLICY GOVERNING THE ISSUANCE OF APPROVALS OR PERMITS FOR THE CONSTRUCTION OF CERTAIN CURB CUT, DRIVEWAY, OR OTHER ROADWAY IMPROVEMENTS ON ROADWAYS LOCATED WITHIN THE DISTRICT BOUNDARIES

WHEREAS, Denton County Fresh Water Supply District No. 10 (the "District") is a conservation and reclamation district and political subdivision of the State of Texas existing and operating pursuant to the provisions of Article III, Section 52, and Article XVI, Section 59, of the Texas Constitution and Chapters 49, 51 and, for certain purposes, 53, of the Texas Water Code; and

WHEREAS, the District assumed the rights, authority, privileges, and functions of a road district operating under Article III, Section 52(b)(3), of the Texas Constitution, Chapter 257, Transportation Code, and other general laws of this state relating to road districts pursuant to and in accordance with an election held within the District on November 7, 2000; and

WHEREAS, pursuant to Section 257.003, Texas Transportation Code, the District acquired, purchased, owns, operates, and maintains the roadways within the District (the "District Roads"), and the District Roads are not located within the corporate limits of any municipality; and

WHEREAS, pursuant to Section 51.122 Texas Water Code, the District may adopt and enforce reasonable rules and regulations to regulate privileges on any land or any easement owned or controlled by the District; and

WHEREAS, the District has a duty to protect the health, safety, and general welfare of the public, including providing such protection on any roads owned and/or maintained by the District; and

WHEREAS, the District has determined that due growing traffic congestion on the District Roads located within and adjacent to the District boundaries, allowing the construction of certain curb cuts, driveways, and other road improvements on District roads could negatively impact the health, safety, and general welfare of the public; and

WHEREAS, the District has determined that it is necessary to govern the issuance of approvals or permits for the construction of certain curb cuts, driveways, or other roadway improvements on District roads to protect the health, safety, and general welfare of the public.

NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF DIRECTORS OF DENTON COUNTY FRESH WATER SUPPLY DISTRICT NO. 10, THAT:

1. That the recitals contained herein above are found to be true and correct.
2. The District officially adopts a policy with respect to the issuance of approvals or permits for the construction of certain curb cuts, driveways, or other roadway improvements on District Roads within the District Boundaries. Specifically, the District adopts a policy that requires Board approval for any curb cut, driveway, or other roadway improvement that is not

directly involved with the construction of a single-family residence or the construction of a lot on which a single-family residence is or will be located.

3. In addition to the requirements of any other existing agreement controlling the construction of improvements to District property or property adjoining the District, any party that desires a curb cut, driveway, or other roadway improvement within or along a District Road that is not related to the construction of a single-family residence or the construction of a lot on which a single-family residence is or will be located must make a formal written request (the "Request") for such curb cut, driveway, or other roadway improvement to the District's Board of Directors (the "Board"). The Request shall contain, among any other necessary document reasonably required by the Board, a plan prepared by a licensed engineer detailing any improvements that are part of Request, including any improvements to help alleviate any impact on existing and future traffic on the District Roads. The Request shall also contain a formal traffic study prepared by a licensed expert, detailing the impact of the Request on the existing and future traffic on the District Roads, along with any plan to alleviate such traffic impacts caused by the Request.

4. Following receipt of the Request, the Board shall employ any necessary consultants to determine the feasibility of the Request and the impact the Request would have on the health, safety, and welfare of the public, taking any and all factors into consideration. The party making the Request shall be responsible for all costs incurred by the Board and its consultants in evaluating the Request. Following the evaluation by the Board's consultants of the Request's feasibility and the Request's impact on the health, safety, and welfare of the public, the Board shall take any necessary and appropriate action on the Request.

5. This Order shall become effective immediately upon passage and approval by the Board.

6. The Secretary of the Board of Directors of the District shall give notice of the adoption of this Order by publishing a descriptive caption of the Order in a newspaper of circulation within the District.

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THIS ORDER ADOPTING POLICY GOVERNING THE ISSUANCE OF APPROVALS OR PERMITS FOR THE CONSTRUCTION OF CERTAIN CURB CUT, DRIVEWAY, OR OTHER ROADWAY IMPROVEMENTS ON ROADWAYS LOCATED WITHIN THE DISTRICT BOUNDARIES IS PASSED AND APPROVED this 2/5th day of April, 2016.

DENTON COUNTY FRESH WATER
SUPPLY DISTRICT NO. 10

By: [Signature]
President

Attest: [Signature]
Secretary

