

EASEMENT NO. DACW63-2-06-0846

DEPARTMENT OF THE ARMY

EASEMENT FOR PUBLIC ROAD

LEWISVILLE LAKE TOLL BRIDGE

LOCATED ON

LEWISVILLE LAKE

DENTON COUNTY, TEXAS

THE SECRETARY OF THE ARMY, under and by virtue of the authority vested in the Secretary by Title 10, United States Code, Section 2668, having found that the granting of this easement is not incompatible with the public interest, hereby grants to: Denton County, a political subdivision in the State of Texas, Courthouse on the Square, 110 West Hickory Street, Denton, Texas, 76201 and North Texas Tollway Authority, P.O. Box 260729, Plano, Texas 75026, hereinafter referred to as the grantee, an easement for approach roads, a toll plaza and toll bridge, hereinafter referred to as the facilities, over, across, in and upon Tract M-1101-2 of the lands of the United States as identified in Exhibits A and B, hereinafter referred to as the premises, and which are attached hereto and made a part hereof. The easement is approximately 1.5 miles in length and varies in width from 80 feet to 175 feet and includes approximately 23.04 acres.

THIS EASEMENT is granted subject to the following conditions.

1. TERM

This easement is hereby granted for a term of fifty (50) years, beginning July 1, 2006, and ending June 30, 2056.

2. CONSIDERATION

The consideration for this easement shall be the construction, operation, and maintenance of approach roads, a toll plaza and toll bridge for the benefit of the general public in accordance with the terms and conditions hereinafter set forth.

3. NOTICES

All correspondence and notices to be given pursuant to this easement shall be addressed, if to the grantee, to Denton County, Courthouse on the Square, 110 West Hickory Street, Denton, Texas, 76201 and North Texas Tollway Authority, P.O. Box 260729, Plano, Texas 75026, and, if to the United States, to the District Engineer, Attention: Chief, Real Estate Division, CESWF-RE-M, Post Office Box 17300, Fort Worth, TX 76102-0300, or as may from time to time otherwise be directed by the parties. Notice shall be deemed to have been duly given if and when enclosed in a properly sealed envelope or wrapper addressed as aforesaid, and deposited, postage prepaid, in a post office regularly maintained by the United States Postal Service.

4. AUTHORIZED REPRESENTATIVES

Except as otherwise specifically provided, any reference herein to "Secretary", "District Engineer", or "said officer" shall include their duly authorized representatives. Any reference to "grantee" shall include assignees, transferees and their duly authorized representatives.

5. SUPERVISION BY THE DISTRICT ENGINEER

The construction, operation, maintenance, repair or replacement of said facilities shall be performed at no cost or expense to the United States and subject to the approval of the District Engineer, Fort Worth District, hereinafter referred to as said officer. Upon the completion of any of the above activities, the Grantee shall immediately restore the premises to the satisfaction of said officer. The use and occupation of the premises for the purposes herein granted shall be subject to such rules and regulations as said officer prescribes in writing from time to time.

6. APPLICABLE LAWS AND REGULATIONS

The grantee shall comply with all applicable Federal, state, county and municipal laws, ordinances and regulations wherein the premises are located, including, but not limited to, the provisions of the latest edition of the National Electrical Safety Code (NESC) and the Environmental Protection Agency regulations on Polychlorinated Biphenyls (PCB's).

7. CONDITION OF PREMISES

The grantee acknowledges that it has inspected the premises, knows the condition, and understands that the same is granted

without any representation or warranties whatsoever and without any obligation on the part of the United States.

8. INSPECTION AND REPAIRS

The grantee shall inspect the facilities at reasonable intervals and immediately repair any defects found by such inspection or when required by said officer to repair any such defects.

9. PROTECTION OF GOVERNMENT PROPERTY

The grantee shall be responsible for any damage that may be caused to the property of the United States by the activities of the grantee under this easement and shall exercise due diligence in the protection of all property located on the premises against fire or damage from any and all other causes. Any property of the United States damaged or destroyed by the grantee incident to the exercise of the privileges herein granted shall be promptly repaired or replaced by the grantee to a condition satisfactory to said officer, or at the election of said officer, reimbursement made therefor by the grantee in an amount necessary to restore or replace the property to a condition satisfactory to said officer.

10. RIGHT TO ENTER

The right is reserved to the United States, its officers, agents, and employees to enter upon the premises at any time and for any purpose necessary or convenient in connection with government purposes, to make inspections, to remove timber or other material, except property of the grantee, to flood the premises and/or to make any other use of the lands as may be necessary in connection with government purposes, and the grantee shall have no claim for damages on account thereof against the United States or any officer, agent, or employee thereof.

11. RIGHT TO CONNECT

The United States reserves the right to make such connection between the road or street herein authorized and roads and streets on other government lands as said officer may from time consider necessary, and also reserves to itself rights-of-way for all purposes across, over or under the right-of-way hereby granted; provided that such rights shall be used in a manner that will not create unnecessary interference with the use and enjoyment by the grantee of the right-of-way herein granted.

12. OTHER AGENCY AGREEMENTS

It is understood that the provisions of the conditions on **SUPERVISION BY THE DISTRICT ENGINEER** and **RIGHT TO ENTER** above shall not abrogate or interfere with any agreements or commitments made or entered into between the grantee in connection with the construction, maintenance, or repair of the facilities herein authorized.

13. TERMINATION

This easement may be terminated by the Secretary upon 30 days written notice to the grantee if the Secretary shall determine that the right-of-way hereby granted interferes with the use or disposal of said land by the United States, or it may be revoked by the Secretary for failure of the grantee to comply with any or all of the conditions of this easement, or for non-use for a period of two (2) years, or for abandonment.

14. SOIL AND WATER CONSERVATION

The grantee shall maintain, in a manner satisfactory to said officer, all soil and water conservation structures that may be in existence upon said premises at the beginning of or that may be constructed by the grantee during the term of this easement, and the grantee shall take appropriate measures to prevent or control soil erosion within the right-of-way herein granted. Any soil erosion occurring outside the premises resulting from the activities of the grantee shall be corrected by the grantee as directed by said officer.

15. ENVIRONMENTAL PROTECTION

a. Within the limits of their respective legal powers, the parties hereto shall protect the premises against pollution of its air, ground, and water. The grantee shall promptly comply with any laws, regulations, conditions or instructions affecting the activity hereby authorized if and when issued by the Environmental Protection Agency, or any Federal, state, interstate or local governmental agency having jurisdiction to abate or prevent pollution. The disposal of any toxic or hazardous materials within the premises is strictly prohibited. Such regulations, conditions, or instructions in effect or prescribed by the said Environmental Protection Agency or any Federal, state, interstate or local governmental agency are hereby made a condition of this easement. The grantee shall not discharge waste or effluent from the premises in such a manner that the discharge will contaminate streams or other bodies of water or otherwise become a public nuisance.

b. The use of any pesticides or herbicides within the premises shall be in conformance with all applicable Federal, state and local laws and regulations. The grantee must obtain approval in writing from said officer before any pesticides or herbicides are applied to the premises.

c. The grantee will use all reasonable means available to protect the environment and natural resources, and where damage nonetheless occurs arising from the grantee's activities, the grantee shall be liable to restore the damaged resources.

16. PRELIMINARY ASSESSMENT SCREENING

A Preliminary Assessment Screening (PAS) documenting the known history of the property with regard to the storage, release or disposal of hazardous substances thereon, is attached hereto and made a part hereof as **Exhibit C**. Upon revocation or termination of this easement another PAS shall be prepared which will document the environmental condition of the property at that time. A comparison of the two assessments will assist the said officer in determining any environmental restoration requirement of the Lessee. Any such requirements will be completed by the grantee in accordance with the condition on **RESTORATION**.

17. HISTORIC PRESERVATION

The grantee shall not remove or disturb, or cause or permit to be removed or disturbed, any historical, archeological, architectural or other cultural artifacts, relics, remains or objects of antiquity. In the event such items are discovered on the premises, the grantee shall immediately notify said officer and protect the site and material from further disturbance until said officer gives clearance to proceed.

18. NON-DISCRIMINATION

a. The grantee shall not discriminate against any person or persons because of race, color, age, sex, handicap, national origin, or religion.

b. The grantee, by acceptance of this easement, is receiving a type of Federal assistance and, therefore, hereby gives assurance that it will comply with the provisions of Title VI of the Civil Rights Act of 1964 as amended (42 U.S.C. 2000d); the Age Discrimination Act of 1975 (42 U.S.C. 6102); the Rehabilitation Act of 1973, as amended (29 U.S.C. 794); and all requirements imposed by or pursuant to the Directive of the Department of Defense (32 CFR Part 300) issued as Department of Defense Directive 5500.11 and 1020.1, and Army Regulation 600-7.

This assurance shall be binding on the grantee, its agents, successors, transferees, and assignees.

19. RESTORATION

On or before the expiration or termination of this easement, the grantee shall, without expense to the United States, and within such time as said officer may indicate, remove said facilities and restore the premises to the satisfaction of said officer. In the event the grantee shall fail to remove said facilities and restore the premises, the United States shall have the option to take over said facilities without compensation, or to remove said facilities and perform the restoration at the expense of the grantee, and the grantee shall have no claim for damages against the United States or its officers or agents for such action.

20. DISCLAIMER

This instrument is effective only insofar as the rights of the United States in the property are concerned, and the grantee shall obtain such permission as may be required on account of any other existing rights. It is understood that the granting of this easement does not eliminate the necessity of obtaining any Department of the Army permit which may be required pursuant to the provisions of Section 10 of the Rivers and Harbors Act of 3 March 1899 (30 Stat. 1151; 33 U.S.C. § 403), Section 404 of the Clean Water Act (33 U.S.C. § 1344) or any other permit or license which may be required by Federal, state or local statute in connection with use of the premises.

21. ADDED CONDITIONS

a. The grantee will provide and maintain permanent buoys around the toll bridge and at the old Lake Dallas Dam. The buoys will be spaced no more than 480 feet apart along both sides of the bridge and dam. The grantee must submit a buoy plan for approval by the local project office within six months from the execution date of this easement.

b. The grantee must construct and maintain a drainage system along the entire length of the bridge that collects and treats the first $\frac{1}{4}$ inch of rainfall that falls on the bridge before the water is discharged into the lake. Water discharged from this treatment system and into the lake must be of small enough volume so as not to cause injury to the public.

c. The grantee agrees to provide approximately 35 toll tags, to the local Corps of Engineers project office at no cost to the United States. The toll tags will only be used for Corps

of Engineers vehicles assigned to the local project office servicing Dallas and Fort Worth area lakes. The toll tags will allow free passage across the Lewisville Lake Toll Bridge. The toll tags will not permit free passage on any other toll facility. The grantee agrees to periodically re-evaluate the number of toll tags required by the local project office and adjust accordingly.

d. The bridge is required to maintain a minimum of 52 feet of vertical clearance above the uncontrolled spillway elevation of 532 feet for a total span of 360 feet.

e. The grantee must comply with Nationwide Permit 14 Permit Number 200200210, attached as **Exhibit D**.

f. As mitigation for the loss of approximately 47,000 cubic yards of flood storage, the grantee will remove an equivalent amount of soil from the old Lake Dallas Dam. Upon completion of the excavation, the grantee will place a 4 inch flexible base approximately 15 feet wide on the top of the disturbed area of the dam extending to the parking lot. No rip rap will be required within this 15 foot area. Following Corps approval, the grantee will build a six car, fenced parking area with a pedestrian walk-thru and an emergency gate on Government property near the north end of the abutment of the old Lake Dallas Dam. Excavation for the parking area will be minimal as it will follow the existing grade as much as possible for positive drainage. Surface of the parking area will consist of 4 inch flexible base. Denton County will be responsible for maintaining the parking area and access road across the old Lake Dallas Dam. Denton County hereby agrees to enter into a separate agreement for operation and maintenance of the parking lot and access road.

THIS EASEMENT is not subject to Title 10, United States Code, Section 2662, as amended.

IN WITNESS WHEREOF, I have hereunto set my hand by authority of the Secretary of the Army, this 27th day of October, 2006.


Hyla J. Head
Chief, Real Estate Division

THIS EASEMENT is also executed by the grantee this
1st day of August, 2006.

Denton County

Mary Horn
(Name/Title)

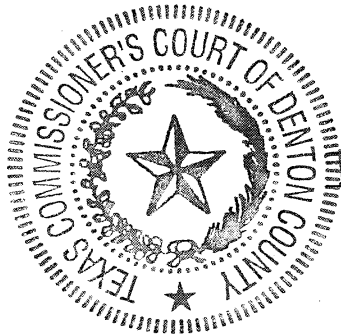
THIS EASEMENT is also executed by the grantee this
4th day of August, 2006 and

North Texas Tollway Authority

Robert
(Name/Title)

C E R T I F I C A T E

I, Cynthia Mitchell, certify that I am the
County Clerk of Denton County named as Grantee herein.
That Mary Horn who signed this Easement on behalf
of the Grantee was then County Judge of Denton
County, and that said Easement was duly signed for and behalf
of Denton County by authority of its governing body and is
within the scope of its legal powers.



By: Erin McCollie

Note: Someone other than the individual who executes the
easement must complete this certificate.

C E R T I F I C A T E

I, Ruby Franklin, certify that I am the
Secretary of North Texas Tollway Authority named as
Grantee herein. That Allen Rutter who signed this
Easement on behalf of the Grantee was then Executive Director
of North Texas Tollway Authority, and that said Easement was duly
signed for and behalf of North Texas Tollway Authority by
authority of its governing body and is within the scope of its
legal powers.

Ruby Franklin

Note: Someone other than the individual who executes the
easement must complete this certificate.

EXHIBIT "A"

County of Denton
Parcel 1E

LEWISVILLE LAKE BRIDGE PROJECT

Project Limits: From CL Station 71+13.29
To CL Station 174+78.53

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Metes and Bounds Description

Permanent Easement for the Lewisville Lake Toll Bridge, Parcel 1E
23.04 Acres

In The Nathaniel French Survey, Abstract No. 424
And The

B.C. Shahan Survey, Abstract No. 1169
Denton County, Texas

Description of 23.04 acres of land situated within the property of the United States of America (USA) as described in the Correction Deed from the City of Dallas, Texas, dated June 28, 1955 and filed for record in Volume 411 at Page 194 of the Deed Records of Denton County, Texas (DCDR), said 23.04 acres being more particularly described by metes and bounds as follows (with bearings referenced to the Texas Coordinate System of 1983, North American Datum of 1983 (NAD 83), North Central Zone. All distances herein are surface values and may be converted to grid by multiplying each value by a combined scale factor of 0.999849393:

COMMENCING at a found USACE Disk stamped "N-86-W" at an angle point in said USA tract and a 53.347 acre tract of land deeded by Kingswood, Inc. to Resort Realty Company by General Warranty Deed dated November 10, 1997 and filed for record in County Clerk's File No. 97-80283 DCDR, said 53.347 acre tract being subject to a Flowage Easement in favor of the United States of America filed for record in Volume 429, Page 78 DCDR;

Thence N 82°43'24" W along said common line, a distance of 54.09 feet to a 5/8" iron rod capped "SURVCON INC" set at the intersection of said common line and the southerly line of the herein described 23.04 acres for the PLACE OF BEGINNING;

Thence N 82°43'24" W along said common line, passing a found 5/8" iron rod capped "CARTER & BURGESS" at the northeast corner of a 2.752 acre tract of land described in deed from Lake Dallas Economic Development Corporation to Denton County, Texas filed for record under instrument number 2005-124180 DCDR at a distance of 65.31 feet and continuing along said common line for total distance of 175.13 feet to a 5/8" iron rod capped "CARTER & BURGESS" found at the northwest corner of said 2.752 acre tract and the intersection of said common line and the northerly line of the herein described 23.04 acres;

Thence in a northeasterly direction departing said common line and crossing said USA tract the following courses and distances;

EXHIBIT "A"

County of Denton

Parcel 1E

LEWISVILLE LAKE BRIDGE PROJECT

Project Limits: From CL Station 71+13.29
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Parcel 1E Continued

N 50°33'10" E a distance of 50.52 feet;
N 39°26'50" W a distance of 47.50 feet;
N 50°33'10" E a distance of 1,770.02 feet;
S 39°26'50" E a distance of 47.50 feet;
N 50°33'10" E a distance of 200.00 feet to a point of curve to the right;
Thence with said curve to the right, having an a radius of 1,949.85 feet, a central angle of 34°15'09", a chord bearing of N 67°40'44" E, a chord distance of 1,148.38 feet, and an arc length of 1,165.66 feet to a point of tangent,

Thence N 84°48'19" E a distance of 73.13 feet;
N 05°11'41" W a distance of 6.00 feet;
N 84°48'19" E a distance of 18.00 feet;
S 05°11'41" E a distance of 6.00 feet;
N 84°48'19" E a distance of 102.00 feet;
N 05°11'41" W a distance of 6.00 feet;
N 84°48'19" E a distance of 18.00 feet;
S 05°11'41" E a distance of 6.00 feet;
N 84°48'19" E a distance of 102.00 feet;
N 05°11'41" W a distance of 6.00 feet;
N 84°48'19" E a distance of 18.00 feet;
S 05°11'41" E a distance of 6.00 feet;
N 84°48'19" E a distance of 2,382.00 feet;
N 05°11'41" W a distance of 6.00 feet;
N 84°48'19" E a distance of 18.00 feet;
S 05°11'41" E a distance of 6.00 feet;
N 84°48'19" E a distance of 102.00 feet;
N 05°11'41" W a distance of 6.00 feet;
N 84°48'19" E a distance of 18.00 feet;
S 05°11'41" E a distance of 6.00 feet;
N 84°48'19" E a distance of 102.00 feet;
N 05°11'41" W a distance of 6.00 feet;
N 84°48'19" E a distance of 18.00 feet;
S 05°11'41" E a distance of 6.00 feet;
N 84°48'19" E a distance of 66.00 feet;
N 05°11'41" W a distance of 12.00 feet;
N 84°48'19" E a distance of 60.00 feet;
S 05°11'41" E a distance of 7.00 feet;

County of Denton

Parcel 1E

LEWISVILLE LAKE BRIDGE PROJECT

Project Limits: From CL Station 71+13.29
To CL Station 174+78.53

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Parcel No. 1E Continued

N 84°48'19" E a distance of 330.00 feet;
N 05°11'41" W a distance of 7.00 feet;
N 84°48'19" E a distance of 60.00 feet;
S 05°11'41" E a distance of 12.00 feet;
N 84°48'19" E a distance of 66.00 feet;
N 05°11'41" W a distance of 6.00 feet;
N 84°48'19" E a distance of 18.00 feet;
S 05°11'41" E a distance of 6.00 feet;
N 84°48'19" E a distance of 102.00 feet;
N 05°11'41" W a distance of 6.00 feet;
N 84°48'19" E a distance of 18.00 feet;
S 05°11'41" E a distance of 6.00 feet;
N 84°48'19" E a distance of 102.00 feet;
N 05°11'41" W a distance of 6.00 feet;
N 84°48'19" E a distance of 18.00 feet;
S 05°11'41" E a distance of 6.00 feet;
N 84°48'19" E a distance of 3,102.00 feet;
N 05°11'41" W a distance of 6.00 feet;
N 84°48'19" E a distance of 18.00 feet;
S 05°11'41" E a distance of 6.00 feet;
N 84°48'19" E a distance of 102.00 feet;
N 05°11'41" W a distance of 6.00 feet;
N 84°48'19" E a distance of 18.00 feet;
S 05°11'41" E a distance of 6.00 feet;
N 84°48'19" E a distance of 102.00 feet;
N 05°11'41" W a distance of 6.00 feet;
N 84°48'19" E a distance of 18.00 feet;
S 05°11'41" E a distance of 6.00 feet;

N 84°48'19" E a distance of 69.31 feet to a 5/8" iron rod capped "CARTER & BURGESS found at the intersection of the northerly line of the herein described 23.04 acres with an easterly line of said USA tract and the westerly line of the ROCKY SHORES ADDITION a subdivision situated in the B.C Shahan Survey, Abstract Number 1169, filed for record under Volume 2, Page 164 DCDR, said point also being in the westerly line of a tract of land described in deed from Allen Severn Jones to Denton County, Texas filed for record under instrument number 2001-008612, DCDR, said tract of land being subject to a Flowage Easement to the United States of America filed for record in Volume 436, Page 164 DCDR;

County of Denton

Parcel 1E

LEWISVILLE LAKE BRIDGE PROJECT

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Parcel 1E Continued

Thence S 05°34'33" E along said common line passing a found 5/8" iron rod capped "CARTER & BURGESS" at a distance of 38.11' and continuing along said common line for total distance of distance of 80.00 feet to a found 5/8" iron rod capped "CARTER & BURGESS" at the intersection of said common line and the southerly line of the herein described 23.04 acres;

Thence in a southwesterly direction departing said common line and crossing said USA tract the following courses and distances;

S 84°48'19" W a distance of 69.84 feet;
S 05°11'41" E a distance of 6.00 feet;
S 84°48'19" W a distance of 18.00 feet;
N 05°11'41" W a distance of 6.00 feet;
S 84°48'19" W a distance of 102.00 feet;
S 05°11'41" E a distance of 6.00 feet;
S 84°48'19" W a distance of 18.00 feet;
N 05°11'41" W a distance of 6.00 feet;
S 84°48'19" W a distance of 102.00 feet;
S 05°11'41" E a distance of 6.00 feet;
S 84°48'19" W a distance of 18.00 feet;
N 05°11'41" W a distance of 6.00 feet;
S 84°48'19" W a distance of 3,102.00 feet;
S 05°11'41" E a distance of 6.00 feet;
S 84°48'19" W a distance of 18.00 feet;
N 05°11'41" W a distance of 6.00 feet;
S 84°48'19" W a distance of 102.00 feet;
S 05°11'41" E a distance of 6.00 feet;
S 84°48'19" W a distance of 18.00 feet;
N 05°11'41" W a distance of 6.00 feet;
S 84°48'19" W a distance of 102.00 feet;
S 05°11'41" E a distance of 6.00 feet;
S 84°48'19" W a distance of 18.00 feet;
N 05°11'41" W a distance of 6.00 feet;
S 84°48'19" W a distance of 66.00 feet;
S 05°11'41" E a distance of 12.00 feet;
S 84°48'19" W a distance of 60.00 feet;
N 05°11'41" W a distance of 7.00 feet;
S 84°48'19" W a distance of 330.00 feet;

County of Denton

Parcel 1E

LEWISVILLE LAKE BRIDGE PROJECT

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Parcel 1E Continued

S 05°11'41" E a distance of 7.00 feet;
S 84°48'19" W a distance of 60.00 feet;
N 05°11'41" W a distance of 12.00 feet;
S 84°48'19" W a distance of 66.00 feet;
S 05°11'41" E a distance of 6.00 feet;
S 84°48'19" W a distance of 18.00 feet;
N 05°11'41" W a distance of 6.00 feet;
S 84°48'19" W a distance of 102.00 feet;
S 05°11'41" E a distance of 6.00 feet;
S 84°48'19" W a distance of 18.00 feet;
N 05°11'41" W a distance of 6.00 feet;
S 84°48'19" W a distance of 102.00 feet;
S 05°11'41" E a distance of 6.00 feet;
S 84°48'19" W a distance of 18.00 feet;
N 05°11'41" W a distance of 6.00 feet;
S 84°48'19" W a distance of 2,382.00 feet;
S 05°11'41" E a distance of 6.00 feet;
S 84°48'19" W a distance of 18.00 feet;
N 05°11'41" W a distance of 6.00 feet;
S 84°48'19" W a distance of 102.00 feet;
S 05°11'41" E a distance of 6.00 feet;
S 84°48'19" W a distance of 18.00 feet;
N 05°11'41" W a distance of 6.00 feet;
S 84°48'19" W a distance of 102.00 feet;
S 05°11'41" E a distance of 6.00 feet;
S 84°48'19" W a distance of 18.00 feet;
N 05°11'41" W a distance of 6.00 feet;
S 84°48'19" W a distance of 73.13 feet to a point of curve to the left;

Thence with said curve to the left having a radius of 1,869.85 feet, a central angle of 34°15'09", a chord bearing of S 67°40'44" W, a chord distance of 1,101.26 feet and an arc length of 1,117.83 feet to a point of tangent,

Thence S 50°33'10" W a distance of 200.00 feet;
S 39°26'50" E a distance of 47.50 feet;
S 50°33'10" W a distance of 506.87 feet to a set 5/8" iron rod Stamped "SURVCON INC." in the westerly line of said USA tract and the northerly line of an 18.5185

County of Denton

Parcel 1E

LEWISVILLE LAKE BRIDGE PROJECT

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Parcel 1E Continued

acre tract from Lake Cities Municipal Utility Authority to Upper Trinity Regional Water District and filed for record under instrument number 95-0065533 DCDR;

Thence S 88°39'44" W along said common line, a distance of 18.05 feet to a found USACE Disk Stamped "N-83-W" at an angle point in said common line;

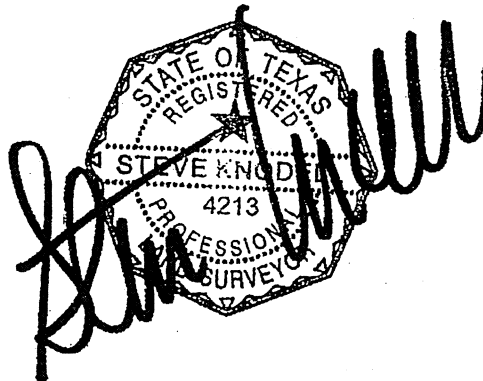
Thence S 46°31'49" W along said common line a distance of 158.81 feet to a set 5/8" iron rod Stamped "SURVCON INC.";

Thence S 50°33'10" W departing said common line and crossing said USA tract, a distance of 1,021.11 feet to the point of beginning and containing 23.04 acres of land more or less.

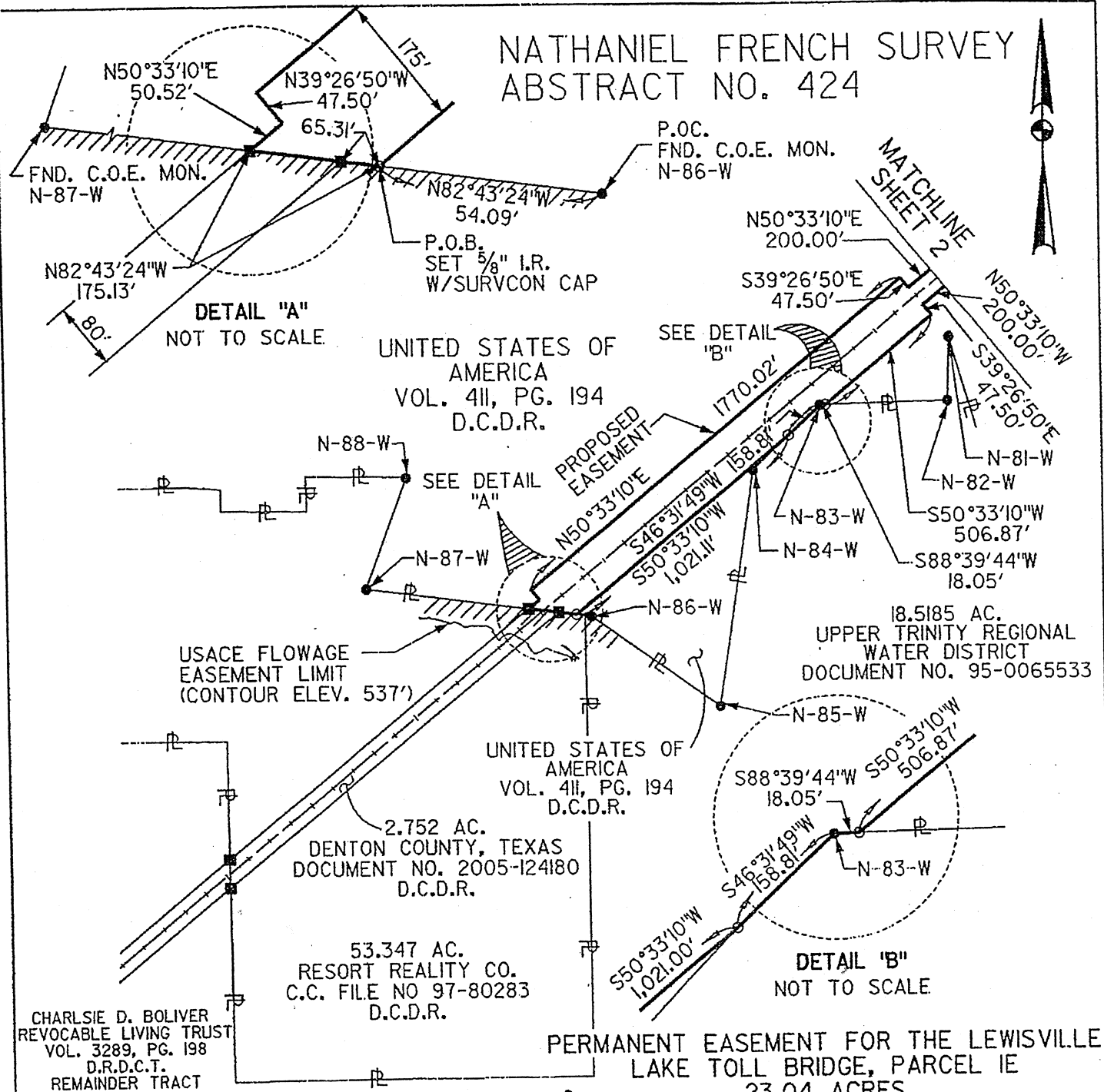
This description is accompanied by a survey map dated February 15, 2006.

Prepared By:
SURVCON INC.
5757 Woodway, Suite 101 West
Houston, Texas 77057
Phone: 713/780/4123
Job No. 610524.0011
February 15, 2006

Checked By DM



NATHANIEL FRENCH SURVEY ABSTRACT NO. 424



LEGEND

- INDICATES
FND. I.R. W/CAP
STAMPED
"CARTER BURGESS"
- INDICATES
U.S.A.C.E. MON.
- SET 5/8" I.R.
W/SURVCON CAP

//// INDICATES EXISTING
FLOWAGE EASEMENT

REVISED: 02-15-06

SHEET 1 OF 4

PERMANENT EASEMENT FOR THE LEWISVILLE
LAKE TOLL BRIDGE, PARCEL IE
23.04 ACRES

NATHANIEL FRENCH SURVEY
ABSTRACT 424
B.C. SHAHAN SURVEY
ABSTRACT NO. 1169
DENTON COUNTY, TEXAS



SURVCON INC.
PROFESSIONAL SURVEYORS

5757 WOODWAY
HOUSTON, TEXAS 77057
PH. (713) 780-4123

SCALE: 1" = 500'	JOB NO. 610524-0011
DATE: 1-31-06	F.B. NO. 132 & 133
DWN BY: JKB	CHKD BY: SK
PROJECT: LEWISVILLE LAKE	

CHARLSIE D. BOLIVER
REVOCABLE LIVING TRUST
VOL. 3289, PG. 198
D.R.D.C.T.
REMAINDER TRACT

2.752 AC.
DENTON COUNTY, TEXAS
DOCUMENT NO. 2005-124180
D.C.D.R.

53.347 AC.
RESORT REALITY CO.
C.C. FILE NO 97-80283
D.C.D.R.

UNITED STATES OF
AMERICA
VOL. 411, PG. 194
D.C.D.R.

18.5185 AC.
UPPER TRINITY REGIONAL
WATER DISTRICT
DOCUMENT NO. 95-0065533

USACE FLOWAGE
EASEMENT LIMIT
(CONTOUR ELEV. 537')

DETAIL "B"
NOT TO SCALE

DETAIL "A"
NOT TO SCALE

UNITED STATES OF
AMERICA
VOL. 411, PG. 194
D.C.D.R.

SEE DETAIL
"B"

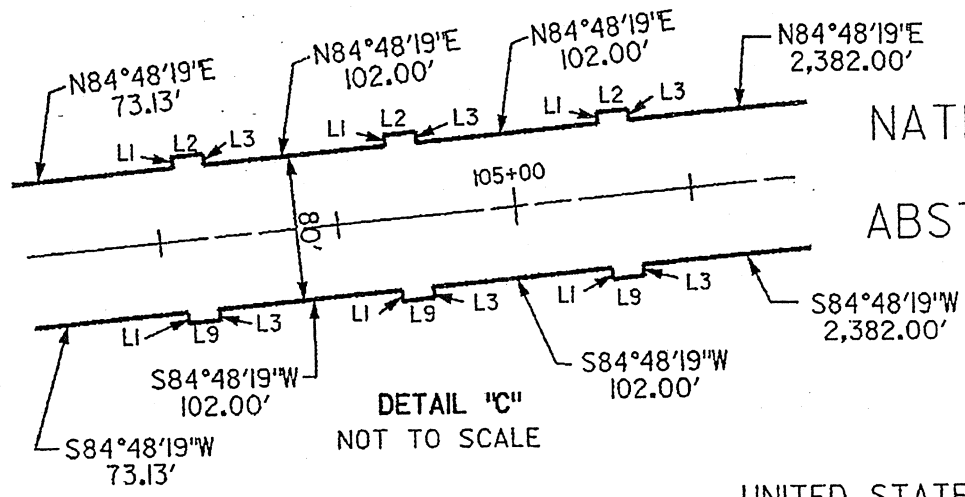
SEE DETAIL
"A"

PROPOSED
EASEMENT

MATCHLINE
SHEET 2

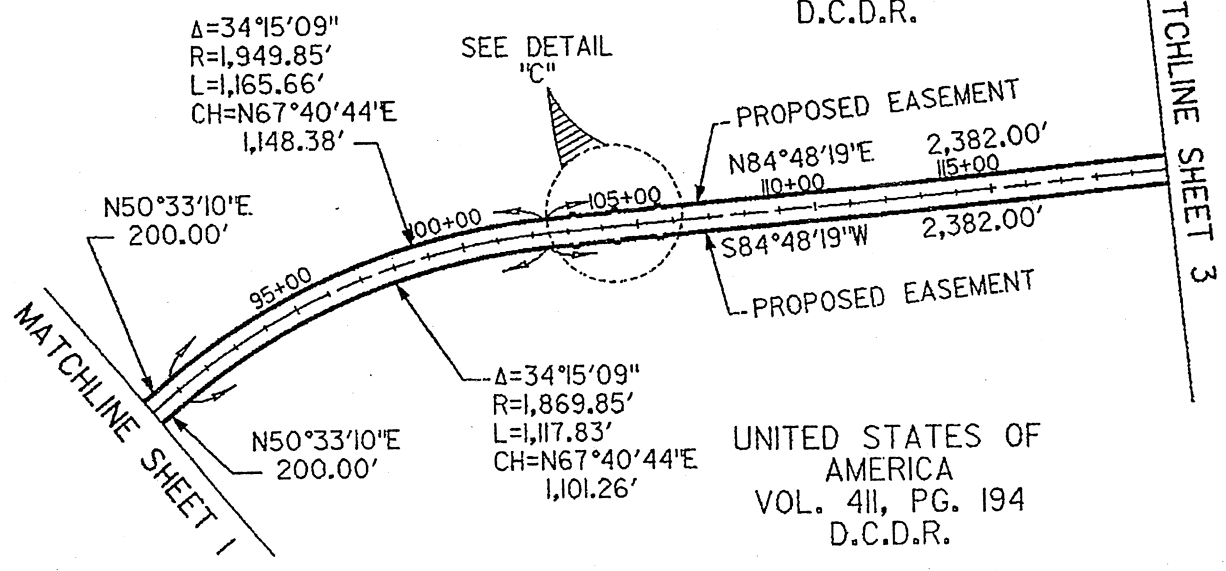


NATHANIEL FRENCH
SURVEY
ABSTRACT NO. 424



DETAIL "C"
NOT TO SCALE


UNITED STATES OF
AMERICA
VOL. 411, PG. 194
D.C.D.R.



UNITED STATES OF
AMERICA
VOL. 411, PG. 194
D.C.D.R.

LINE	BEARING	DISTANCE
L1	N05°11'41"W	6.00'
L2	N84°48'19"E	18.00'
L3	S05°11'41"E	6.00'
L9	S84°48'19"W	18.00'

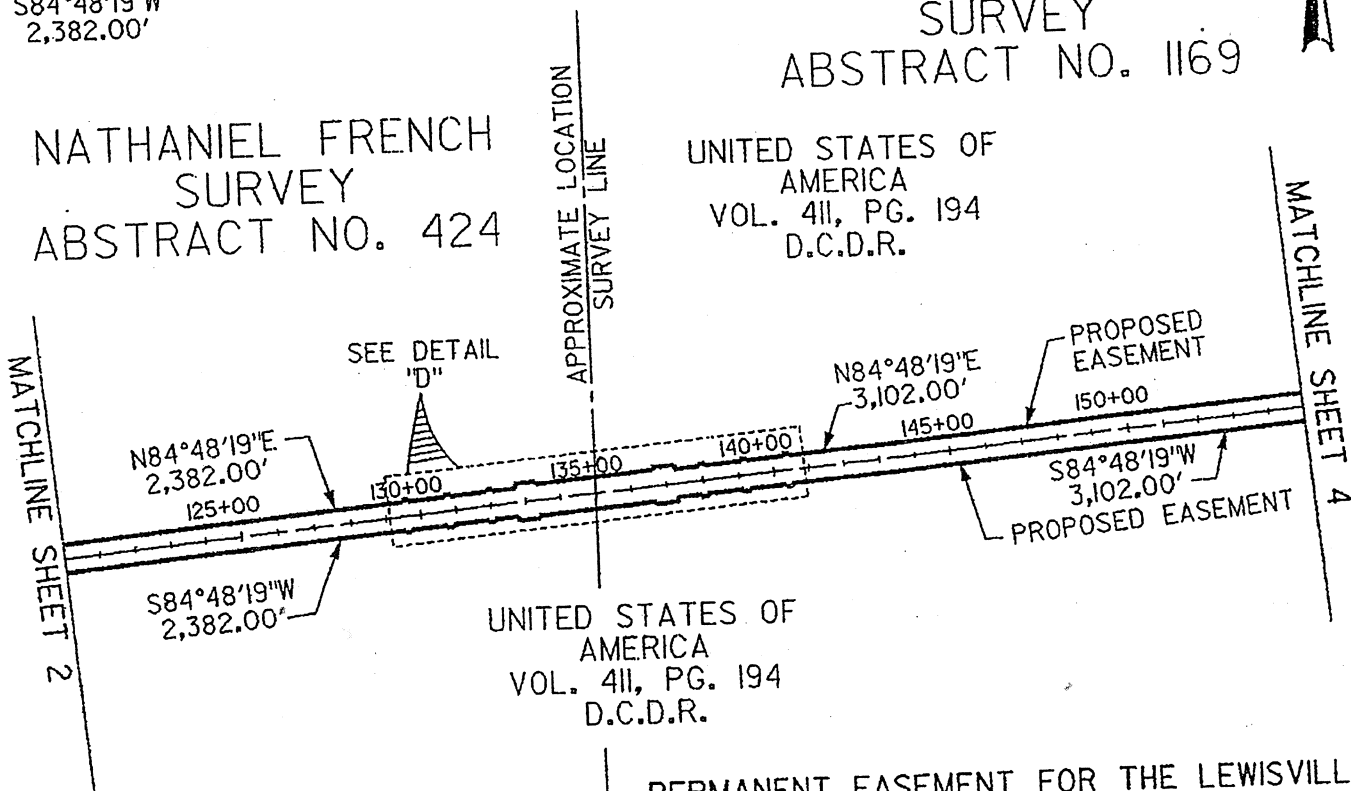
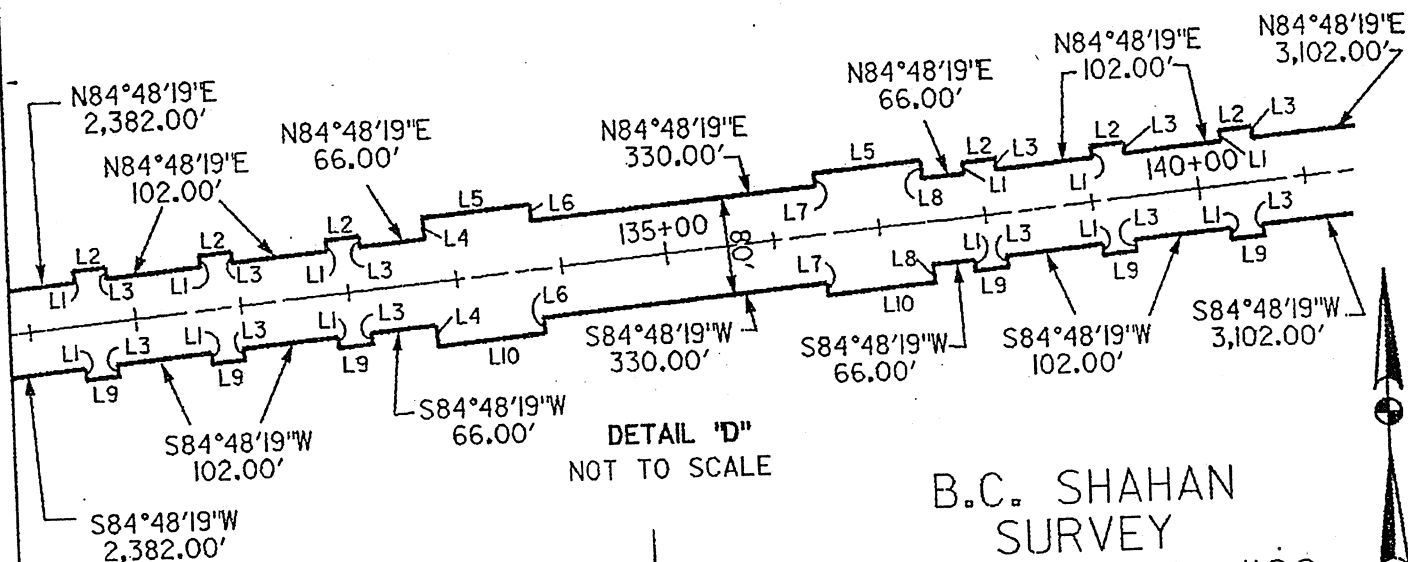
PERMANENT EASEMENT FOR THE LEWISVILLE
LAKE TOLL BRIDGE, PARCEL 1E
23.04 ACRES
NATHANIEL FRENCH SURVEY
ABSTRACT 424
B.C. SHAHAN SURVEY
ABSTRACT NO. 1169
DENTON COUNTY, TEXAS



SURVCON INC.
PROFESSIONAL SURVEYORS
5757 WOODWAY
HOUSTON, TEXAS 77057
PH. (713) 780-4123

SCALE: 1" = 500'	JOB NO. 610524-0011
DATE: 1-6-06	F.B. NO. 132 & 133
DWN BY: JKB CHKD BY: SK	PROJECT: LEWISVILLE LAKE

NO PART OR PARTS OF THIS DRAWING MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM (ELECTRONIC, MECHANICAL, PHOTOCOPYING, OR OTHERWISE) WITHOUT THE



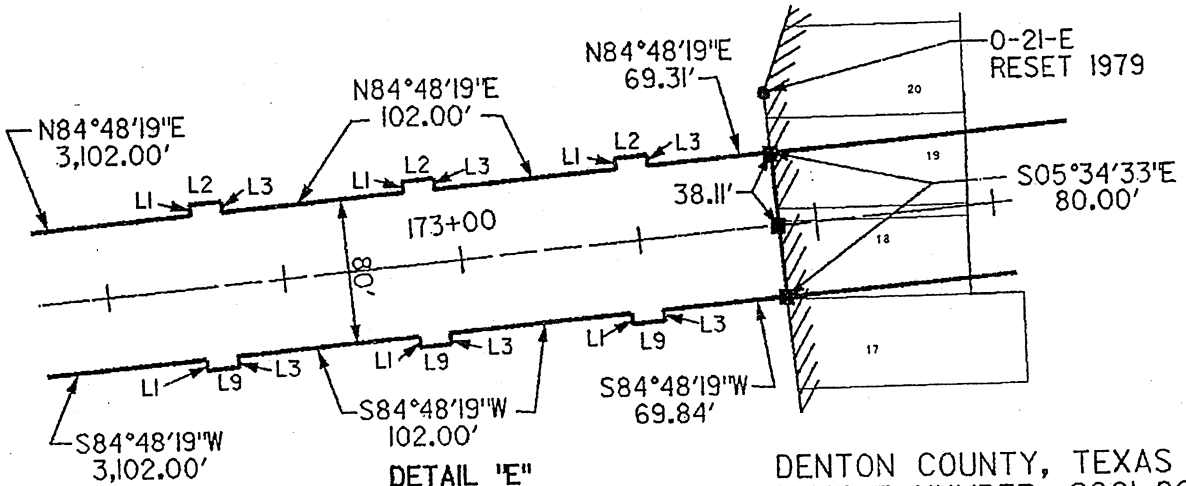
LINE	BEARING	DISTANCE
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L2	N84°48'19"E	18.00'
L3	S05°11'41"E	6.00'
L4	N05°11'41"W	12.00'
L5	N84°48'19"E	60.00'
L6	S05°11'41"E	7.00'
L7	N05°11'41"W	7.00'
L8	S05°11'41"E	12.00'
L9	S84°48'19"W	18.00'
L10	S84°48'19"W	60.00'

PERMANENT EASEMENT FOR THE LEWISVILLE LAKE TOLL BRIDGE, PARCEL 1E
23.04 ACRES
NATHANIEL FRENCH SURVEY
ABSTRACT 424
B.C. SHAHAN SURVEY
ABSTRACT NO. 1169
DENTON COUNTY, TEXAS



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SCALE: 1" = 500'	JOB NO. 610524-0011
DATE: 1-6-06	F.B. NO. 132 & 133
DWN BY: JKB CHKD BY: SK	PROJECT: LEWISVILLE LAKE



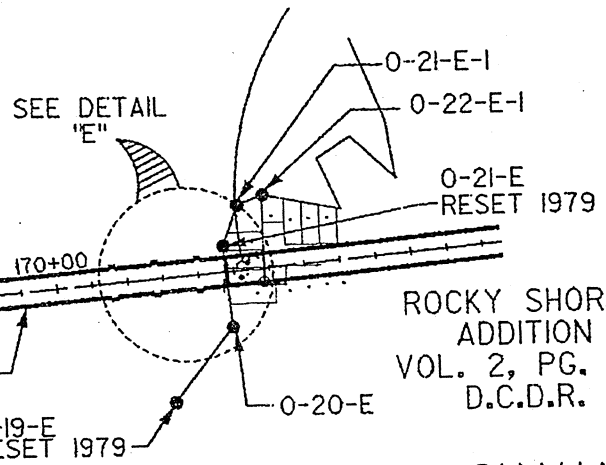
DETAIL "E"
NOT TO SCALE

DENTON COUNTY, TEXAS
DOCUMENT NUMBER: 2001-8612
D.C.D.R.

UNITED STATES OF
AMERICA
VOL. 4II, PG. 194
D.C.D.R.

MATCHLINE SHEET 3

PROPOSED EASEMENT
N84°48'19"E 3,102.00'
160+00 165+00
S84°48'19"W 3,102.00'
PROPOSED EASEMENT



ROCKY SHORES
ADDITION
VOL. 2, PG. 164
D.C.D.R.

UNITED STATES OF
AMERICA
VOL. 4II, PG. 194
D.C.D.R.

B.C. SHAHAN
SURVEY
ABSTRACT NO. 1169

LEGEND

- INDICATES
FND. I.R. W/CAP
STAMPED
"CARTER BURGESS"
- INDICATES
U.S.A.C.E. MON.
- //// INDICATES EXISTING
FLOWAGE EASEMENT

LINE	BEARING	DISTANCE
L1	N05°11'41"W	6.00'
L2	N84°48'19"E	18.00'
L3	S05°11'41"E	6.00'
L9	S84°48'19"W	18.00'

PERMANENT EASEMENT FOR THE LEWISVILLE
LAKE TOLL BRIDGE, PARCEL 1E
23.04 ACRES
NATHANIEL FRENCH SURVEY
ABSTRACT 424
B.C. SHAHAN SURVEY
ABSTRACT NO. 1169
DENTON COUNTY, TEXAS



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HOUSTON, TEXAS 77057
PH. (713) 780-4123

SCALE:	1" = 500'	JOB NO.	610524-0011
DATE:	1-31-06	F.B. NO.	132 & 133
DWN BY:	JKB	CHKD BY:	SK
		PROJECT:	LEWISVILLE LAKE

Flood Storage Mitigation Site

Proposed Toll Bridge

Tract M-1101-2

Lewisville Lake

United States Army Corps of Engineers, District of Columbia, Washington, D.C. 20315-5001. The information gathered is for use in the development of a spatially explicit model of the distribution of the species. The information is not to be used for any other purpose. The information is not to be used for any other purpose. The information is not to be used for any other purpose.

PRELIMINARY ASSESSMENT SCREENING

1. REAL PROPERTY TRANSACTION

The Corps proposes to issue Easement DACW63-2-06-0846, to Denton County and North Texas Tollway Authority which will lease approximately 23.04 acres of fee land and adjacent flowage easement land at Lewisville Lake, known as the Lewisville Lake Toll Bridge, for access road, tool plaza and toll bridge.

a. A COMPREHENSIVE RECORDS SEARCH was conducted which included a review of the following areas:

- 1) Real Estate Division files.
- 2) Real Estate Division maps.
- 3) Lewisville Lake Master Plan.
- 4) Operations Division files.
- 5) Environmental Review Guide for Operations

b. A SITE INVESTIGATION was performed , and evaluated the following areas:

- 1) Visual inspection of existing conditions.
- 2) Interview with Project Office personnel.

2. STATEMENT OF FINDINGS

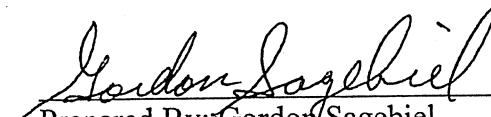
a. COMPREHENSIVE RECORD SEARCH SUMMARY

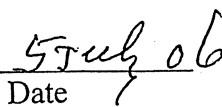
A complete search of the District files, which pertain to the proposed lease area, was made as stated in 1.a. above. This records search revealed no evidence of any hazardous substance being stored, released or disposed of on the property involved. The operating plans and historical records also showed no evidence of any activity which would have contaminated the property with hazardous substances.

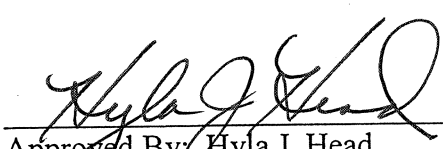
b. SITE INVESTIGATION SUMMARY

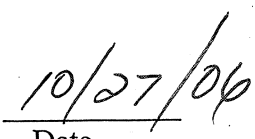
A site investigation of the proposed easement area was made as stated in 1.b. above. This visual inspection revealed no unusual odors, stained soils, stressed vegetation, suspicious seepage, manmade land features, unnatural surface features or other evidence that would indicate the presence of hazardous wastes. Based on this inspection it was determined no hazardous substance has been stored, released or disposed of on the

property involved. Project personnel have no knowledge of past activities which might have created a hazardous situation.


Prepared By: Gordon Sagebiel
CESWF-RE-MM


Date


Approved By: Hyla J. Head
Chief, Real Estate Division


Date

NATIONWIDE PERMIT 14

Linear Transportation Projects

Effective Date: March 18, 2002

Activities required for the construction, expansion, modification, or improvement of linear transportation crossings (e.g., highways, railways, trails, airport runways, and taxiways) in waters of the US, including wetlands, if the activity meets the following criteria:

a. This NWP is subject to the following acreage limits:

(1) For linear transportation projects in non-tidal waters, provided the discharge does not cause the loss of greater than 1/2-acre of waters of the US; or

(2) For linear transportation projects in tidal waters, provided the discharge does not cause the loss of greater than 1/3-acre of waters of the US.

b. The permittee must notify the District Engineer in accordance with General Condition 13 if any of the following criteria are met:

(1) The discharge causes the loss of greater than 1/10-acre of waters of the US; or

(2) There is a discharge in a special aquatic site, including wetlands;

c. The notification must include a compensatory mitigation proposal to offset permanent losses of waters of the US to ensure that those losses result only in minimal adverse effects to the aquatic environment and a statement describing how temporary losses will be minimized to the maximum extent practicable;

d. For discharges in special aquatic sites, including wetlands, and stream riffle and pool complexes, the notification must include a delineation of the affected special aquatic sites;

e. The width of the fill is limited to the minimum necessary for the crossing;

f. This permit does not authorize stream channelization, and the authorized activities must not cause more than minimal changes to the hydraulic flow characteristics of the stream, increase flooding, or cause more than minimal degradation of water quality of any stream (see General Conditions 9 and 21);

g. This permit cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars; and

h. The crossing is a single and complete project for crossing waters of the US. Where a road segment (i.e., the shortest segment of a road with independent utility that is part of a larger project) has multiple crossings of streams (several single and complete projects) the Corps will consider whether it should use its discretionary authority to require an Individual Permit. (Sections 10 and 404)

Note: Some discharges for the construction of farm roads, forest roads, or temporary roads for moving mining equipment may be eligible for an exemption from the need for a Section 404 permit (see 33 CFR 323.4).

NATIONWIDE PERMIT GENERAL CONDITIONS

The following General Conditions must be followed in order for any authorization by an NWP to be valid:

1. **Navigation.** No activity may cause more than a minimal adverse effect on navigation.

2. **Proper Maintenance.** Any structure or fill authorized shall be properly maintained, including maintenance to ensure public safety.

3. **Soil Erosion and Sediment Controls.** Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.

4. **Aquatic Life Movements.** No activity may substantially disrupt the necessary life-cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions.

EXHIBIT "D"

species are in violation of the ESA. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the USFWS and NMFS or their world wide web pages at <http://www.fws.gov/r9endspp/endspp.html> and http://www.nmfs.noaa.gov/prot_res/overview/es.html respectively.

12. Historic Properties. No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the District Engineer has complied with the provisions of 33 CFR part 325, Appendix C. The prospective permittee must notify the District Engineer if the authorized activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places (see 33 CFR 330.4(g)). For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the notification must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.

13. Notification.

(a) Timing; where required by the terms of the NWP, the prospective permittee must notify the District Engineer with a preconstruction notification (PCN) as early as possible. The District Engineer must determine if the notification is complete within 30 days of the date of receipt and can request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the District Engineer will notify the prospective permittee that the notification is still incomplete and the PCN review process will not commence until all of the requested information has been received by the District Engineer. The prospective permittee shall not begin the activity:

(1) Until notified in writing by the District Engineer that the activity may proceed under the NWP with any special conditions imposed by the District or Division Engineer; or

(2) If notified in writing by the District or Division Engineer that an Individual Permit is required; or

(3) Unless 45 days have passed from the District Engineer's receipt of the complete notification and the prospective permittee has not received written notice from the District or Division Engineer. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Notification: The notification must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed project;

(3) Brief description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause; any other NWP(s), Regional General Permit(s), or Individual Permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP (Sketches usually clarify the project and when provided result in a quicker decision.);

(4) For NWPs 7, 12, 14, 18, 21, 34, 38, 39, 40, 41, 42, and 43, the PCN must also include a delineation of affected special aquatic sites, including wetlands, vegetated shallows (e.g., submerged aquatic vegetation, seagrass beds), and riffle and pool complexes (see paragraph 13(f));

(5) For NWP 7 (Outfall Structures and Maintenance), the PCN must include information regarding the original design capacities and configurations of those areas of the facility where maintenance dredging or excavation is proposed;

(6) For NWP 14 (Linear Transportation Projects), the PCN must include a compensatory mitigation proposal to offset permanent losses of waters of the US and a statement describing how temporary losses of waters of the US will be minimized to the maximum extent practicable;

(7) For NWP 21 (Surface Coal Mining Activities), the PCN must include an Office of Surface Mining (OSM) or state-approved mitigation plan, if applicable. To be authorized by this NWP, the District Engineer must determine that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are minimal both individually and cumulatively and must notify the project sponsor of this determination in writing;

(8) For NWP 27 (Stream and Wetland Restoration Activities), the PCN must include documentation of the prior

(c) Form of Notification: The standard Individual Permit application form (Form ENG 4345) may be used as the notification but must clearly indicate that it is a PCN and must include all of the information required in (b) (1)-(18) of General Condition 13. A letter containing the requisite information may also be used.

(d) District Engineer's Decision: In reviewing the PCN for the proposed activity, the District Engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. The prospective permittee may submit a proposed mitigation plan with the PCN to expedite the process. The District Engineer will consider any proposed compensatory mitigation the applicant has included in the proposal in determining whether the net adverse environmental effects to the aquatic environment of the proposed work are minimal. If the District Engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse effects on the aquatic environment are minimal, after considering mitigation, the District Engineer will notify the permittee and include any conditions the District Engineer deems necessary. The District Engineer must approve any compensatory mitigation proposal before the permittee commences work. If the prospective permittee is required to submit a compensatory mitigation proposal with the PCN, the proposal may be either conceptual or detailed. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the District Engineer will expeditiously review the proposed compensatory mitigation plan. The District Engineer must review the plan within 45 days of receiving a complete PCN and determine whether the conceptual or specific proposed mitigation would ensure no more than minimal adverse effects on the aquatic environment. If the net adverse effects of the project on the aquatic environment (after consideration of the compensatory mitigation proposal) are determined by the District Engineer to be minimal, the District Engineer will provide a timely written response to the applicant. The response will state that the project can proceed under the terms and conditions of the NWP.

If the District Engineer determines that the adverse effects of the proposed work are more than minimal, then the District Engineer will notify the applicant either: (1) That the project does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an Individual Permit; (2) that the project is authorized under the NWP subject to the applicant's submission of a mitigation proposal that would reduce the adverse effects on the aquatic environment to the minimal level; or (3) that the project is authorized under the NWP with specific modifications or conditions. Where the District Engineer determines that mitigation is required to ensure no more than minimal adverse effects occur to the aquatic environment, the activity will be authorized within the 45-day PCN period. The authorization will include the necessary conceptual or specific mitigation or a requirement that the applicant submit a mitigation proposal that would reduce the adverse effects on the aquatic environment to the minimal level. When conceptual mitigation is included, or a mitigation plan is required under item (2) above, no work in waters of the US will occur until the District Engineer has approved a specific mitigation plan.

(e) Agency Coordination: The District Engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the project's adverse environmental effects to a minimal level.

For activities requiring notification to the District Engineer that result in the loss of greater than 1/2-acre of waters of the US, the District Engineer will provide immediately (e.g., via facsimile transmission, overnight mail, or other expeditious manner) a copy to the appropriate Federal or state offices (USFWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO), and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will then have 10 calendar days from the date the material is transmitted to telephone or fax the District Engineer notice that they intend to provide substantive, site-specific comments. If so contacted by an agency, the District Engineer will wait an additional 15 calendar days before making a decision on the notification. The District Engineer will fully consider agency comments received within the specified time frame, but will provide no response to the resource agency, except as provided below. The District Engineer will indicate in the administrative record associated with each notification that the resource agencies' concerns were considered. As required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act, the District Engineer will provide a response to NMFS within 30 days of receipt of any Essential Fish Habitat conservation recommendations. Applicants are encouraged to provide the Corps multiple copies of notifications to expedite agency notification.

(f) Wetland Delineations: Wetland delineations must be prepared in accordance with the current method required by the Corps (For NWP 29 see paragraph (b)(9)(iii) for parcels less than 1/4-acre in size). The permittee may ask the Corps to delineate the special aquatic site. There may be some delay if the Corps does the delineation. Furthermore, the 45-day period will not start until the wetland delineation has been completed and submitted to the Corps, where

buffers to open waters. In many cases, vegetated buffers will be the only compensatory mitigation required. Vegetated buffers should consist of native species. The width of the vegetated buffers required will address documented water quality or aquatic habitat loss concerns. Normally, the vegetated buffer will be 25 to 50 feet wide on each side of the stream, but the District Engineers may require slightly wider vegetated buffers to address documented water quality or habitat loss concerns. Where both wetlands and open waters exist on the project site, the Corps will determine the appropriate compensatory mitigation (e.g., stream buffers or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where vegetated buffers are determined to be the most appropriate form of compensatory mitigation, the District Engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland impacts.

(g) Compensatory mitigation proposals submitted with the "notification" may be either conceptual or detailed. If conceptual plans are approved under the verification, then the Corps will condition the verification to require detailed plans be submitted and approved by the Corps prior to construction of the authorized activity in waters of the US.

(h) Permittees may propose the use of mitigation banks, in-lieu fee arrangements or separate activity-specific compensatory mitigation. In all cases that require compensatory mitigation, the mitigation provisions will specify the party responsible for accomplishing and/or complying with the mitigation plan.

20. Spawning Areas. Activities, including structures and work in navigable waters of the US or discharges of dredged or fill material, in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., excavate, fill, or smother downstream by substantial turbidity) of an important spawning area are not authorized.

21. Management of Water Flows. To the maximum extent practicable, the activity must be designed to maintain preconstruction downstream flow conditions (e.g., location, capacity, and flow rates). Furthermore, the activity must not permanently restrict or impede the passage of normal or expected high flows (unless the primary purpose of the fill is to impound waters) and the structure or discharge of dredged or fill material must withstand expected high flows. The activity must, to the maximum extent practicable, provide for retaining excess flows from the site, provide for maintaining surface flow rates from the site similar to preconstruction conditions, and provide for not increasing water flows from the project site, relocating water, or redirecting water flow beyond preconstruction conditions. Stream channelizing will be reduced to the minimal amount necessary, and the activity must, to the maximum extent practicable, reduce adverse effects such as flooding or erosion downstream and upstream of the project site, unless the activity is part of a larger system designed to manage water flows. In most cases, it will not be a requirement to conduct detailed studies and monitoring of water flow.

This condition is only applicable to projects that have the potential to affect waterflows. While appropriate measures must be taken, it is not necessary to conduct detailed studies to identify such measures or require monitoring to ensure their effectiveness. Normally, the Corps will defer to state and local authorities regarding management of water flow.

22. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to the acceleration of the passage of water, and/or the restricting its flow shall be minimized to the maximum extent practicable. This includes structures and work in navigable waters of the US, or discharges of dredged or fill material.

23. Waterfowl Breeding Areas. Activities, including structures and work in navigable waters of the US or discharges of dredged or fill material, into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

24. Removal of Temporary Fills. Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.

25. Designated Critical Resource Waters. Critical resource waters include, NOAA-designated marine sanctuaries, National Estuarine Research Reserves, National Wild and Scenic Rivers, critical habitat for Federally listed threatened and endangered species, coral reefs, state natural heritage sites, and outstanding national resource waters or other waters officially designated by a state as having particular environmental or ecological significance and identified by the

Creation: The establishment of a wetland or other aquatic resource where one did not formerly exist.

Enhancement: Activities conducted in existing wetlands or other aquatic resources that increase one or more aquatic functions.

Ephemeral Stream: An ephemeral stream has flowing water only during and for a short duration after, precipitation events in a typical year. Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow.

Farm Tract: A unit of contiguous land under one ownership that is operated as a farm or part of a farm.

Flood Fringe: That portion of the 100-year floodplain outside of the floodway (often referred to as "floodway fringe").

Floodway: The area regulated by Federal, state, or local requirements to provide for the discharge of the base flood so the cumulative increase in water surface elevation is no more than a designated amount (not to exceed one foot as set by the National Flood Insurance Program) within the 100-year floodplain.

Independent Utility: A test to determine what constitutes a single and complete project in the Corps regulatory program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

Intermittent Stream: An intermittent stream has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow.

Loss of Waters of the US: Waters of the US that include the filled area and other waters that are permanently adversely affected by flooding, excavation, or drainage because of the regulated activity. Permanent adverse effects include permanent above-grade, at-grade, or below-grade fills that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the US is the threshold measurement of the impact to existing waters for determining whether a project may qualify for an NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and values. The loss of stream bed includes the linear feet of stream bed that is filled or excavated. Impacts to ephemeral streams are not included in the linear foot measurement of loss of stream bed for the purpose of determining compliance with the linear foot limits of NWPs 39, 40, 42, and 43. Waters of the US temporarily filled, flooded, excavated, or drained, but restored to preconstruction contours and elevations after construction, are not included in the measurement of loss of waters of the US.

Non-tidal Wetland: A non-tidal wetland is a wetland (i.e., a water of the US) that is not subject to the ebb and flow of tidal waters. The definition of a wetland can be found at 33 CFR 328.3(b). Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Open Water: An area that, during a year with normal patterns of precipitation, has standing or flowing water for sufficient duration to establish an ordinary high water mark. Aquatic vegetation within the area of standing or flowing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. The term "open water" includes rivers, streams, lakes, and ponds. For the purposes of the NWPs, this term does not include ephemeral waters.

Perennial Stream: A perennial stream has flowing water year-round during a typical year. The water table is located above the stream bed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

Permanent Above-grade Fill: A discharge of dredged or fill material into waters of the US, including wetlands, that results in a substantial increase in ground elevation and permanently converts part or all of the waterbody to dry land. Structural fills authorized by NWPs 3, 25, 36, etc. are not included.

Preservation: The protection of ecologically important wetlands or other aquatic resources in perpetuity through the implementation of appropriate legal and physical mechanisms. Preservation may include protection of upland areas adjacent to wetlands as necessary to ensure protection and/or enhancement of the overall aquatic ecosystem.

Restoration: Re-establishment of wetland and/or other aquatic resource characteristics and function(s) at a site where they have ceased to exist, or exist in a substantially degraded state.

Riffle and Pool Complex: Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by

ADDITIONAL INFORMATION

Information about the U.S. Army Corps of Engineers regulatory program, including nationwide permits, may also be accessed on our Internet page: <http://www.usace.army.mil/inet/functions/cw/cecwo/reg>

This nationwide permit is effective March 18, 2002, and expires on March 19, 2007, unless sooner modified, suspended, or revoked.

Summary Version: March 18, 2002

April 25, 2003

Planning, Environmental, and Regulatory Division
Regulatory Branch

SUBJECT: Project Number 200200210

Mr. Patrick Conway, REP
Environmental Scientist
Halff Associates, Inc.
8616 Northwest Plaza Drive
Dallas, Texas 75225

Dear Mr. Conway:

Thank you for your letter of February 18, 2003, concerning a proposal by Denton County for the construction of a four-lane divided major urban arterial partially on a new location between the intersection of Swisher Road and IH-35 on the west and the intersection of FM 2934 and the Dallas North Tollway on the east in Denton County, Texas. This project has been assigned Project Number 200200210. Please include this number in all future correspondence concerning this project. Failure to reference the project number may result in a delay.

We have reviewed this project in accordance with Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. Under Section 404, the U. S. Army Corps of Engineers (USACE) regulates the discharge of dredged and fill material into waters of the United States, including wetlands. Our responsibility under Section 10 is to regulate any work in, or affecting, navigable waters of the United States. Based on your description of the proposed work, and other information available to us, we have determined that this project will not involve activities subject to the requirements of Section 10. However, this project will involve activities subject to the requirements of Section 404. Therefore, it will require Department of the Army authorization.

It appears that this project is authorized by nationwide permit 14 for Linear Transportation Crossings. To use this permit, the person responsible for the project must ensure that the work is in compliance with the specifications and conditions listed on the enclosures and the special conditions listed below. The special conditions for this permit are as follows:

1. The permittee shall not initiate activities in the permit area associated with this permit that have not previously been evaluated by the Regulatory Branch, Fort Worth District, U. S. Army Corps of Engineers (USACE) as part of the permit review for this project, until such work has

been submitted to, and approved by, the USACE. Such activities include, but are not limited to, haul roads, equipment staging areas, and borrow and disposal sites. The permit area includes all waters of the United States affected by activities associated with the project, as well as any additional area(s) of non-waters of the United States in the immediate vicinity of, directly associated with, and/or affected by, activities in waters of the United States. Special restrictions may be required for such work. The permittee shall develop procedures to ensure that contractors are aware of this condition and encourage contractors to coordinate their selection of these sites with the permittee as soon as possible to avoid construction delays. The permittee, or its designated agent/contractor, may coordinate with the USACE on compliance with this special condition.

2. The permittee shall conduct a meeting with the construction contractor(s) detailing the terms and conditions of this permit prior to commencing construction activities of the project. The permittee shall notify the Regulatory Branch, Fort Worth District, U. S. Army Corps of Engineers (USACE) of the preconstruction contractor meeting at least two weeks in advance of the meeting. Within two weeks following the meeting, the permittee shall provide written confirmation to the USACE that the meeting was held.

Failure to comply with these specifications and conditions invalidates the authorization and may result in a violation of the Clean Water Act.

Our verification for the construction of this activity under this nationwide permit is valid for two years from the date of this letter, unless prior to that date the nationwide permit is suspended, revoked, or modified such that the activity would no longer comply with the terms and conditions of the nationwide permit on a regional or national basis. The USACE will issue a public notice announcing the changes when they occur. Furthermore, if you commence, or are under contract to commence, this activity before the date that this verification expires, or the date that this nationwide permit is suspended, modified, or revoked, whichever is earlier, you will have until March 18, 2008, to complete the activity under the present terms and conditions of the nationwide permit. Continued confirmation that an activity complies with the specifications and conditions, and any changes to the nationwide permit, is the responsibility of the permittee.

Our review of this project also addressed its effects on endangered species. Based on the information provided, we have determined that this project will not affect any species listed as threatened or endangered by the U.S. Fish and Wildlife Service within our permit area. However, please note that you are responsible for meeting the requirements of general condition 11 on endangered species.

The permittee must sign and submit to us the enclosed certification that the work, including any required mitigation, was completed in compliance with the nationwide permit. You should submit your certification within 30 days of the completion of work.

This permit should not be considered as an approval of the design features of any activity authorized or an implication that such construction is considered adequate for the purpose intended. It does not authorize any damage to private property, invasion of private rights, or any infringement of federal, state, or local laws or regulations.

This letter verifies authorization of the proposed project under Section 404 of the Clean Water Act. However, this letter does not authorize construction of the project on USACE controlled property. A separate authorization from our Operations Division would be necessary for approval of the project for construction on USACE controlled land. Because a portion of the proposed project would be located on USACE-owned land and on land on which a USACE easement exists, you must obtain written approval from our Operations and Real Estate Divisions. For further information, please contact the USACE Lewisville Lake office at (972) 434-1666 or our Natural Resources and Recreation Branch at (817)886-1566.

Thank you for your interest in our nation's water resources. If you have any questions concerning our regulatory program, please contact Mr. Brian Loftin at the address above or telephone (817)886-1662. If you would like more information about our nationwide permit program, please contact us and we will furnish you with a copy of the nationwide permit regulations.

Sincerely,

ORIGINAL SIGNED

Wayne A. Lea
Chief, Regulatory Branch

Enclosures

Copy Furnished:

Mr. William H. Collins, CESWF-OD-R

March 4, 2005

Planning, Environmental, and Regulatory Division
Regulatory Branch

SUBJECT: Project Number 200200210

Mr. Patrick Conway, REP
Environmental Scientist
Halff Associates, Inc.
8616 Northwest Plaza Drive
Dallas, Texas 75225

Dear Mr. Conway:

Thank you for your letter of February 9, 2005, requesting modification and reverification of Denton County's authorization under nationwide permit 14 for Linear Transportation Crossings, for Department of the Army project number 200200210 for the construction and operation of a four-lane divided major urban arterial partially on a new location between the intersection of Swisher Road and IH-35 on the west and the intersection of FM 2934 and the Dallas North Tollway on the east in Denton County, Texas. Specifically, you requested to extend the nationwide permit 14 verification expiration date to March 18, 2010. Please continue to include the project number in all correspondence concerning this project. Failure to reference the project number may result in a delay.

We have reviewed your request for modification and reverification of your authorization in accordance with Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. Under Section 404, the U. S. Army Corps of Engineers (USACE) regulates the discharge of dredged and fill material into waters of the United States, including wetlands. Our responsibility under Section 10 is to regulate any work in, or affecting, navigable waters of the United States. Based on your description of the proposed work, and other information available to us, we have determined that this project will not involve activities subject to the requirements of Section 10. However, this project will involve activities subject to the requirements of Section 404. Therefore, it will require Department of the Army authorization.

It appears that the revised project remains authorized by nationwide permit 14 for Linear Transportation Crossings. This verification of authorization supercedes our verification letter dated April 25, 2003. To use this permit, the person responsible for the project must ensure that

the work is in compliance with the specifications and conditions listed on the enclosures and the special conditions listed below. The special conditions for this permit are as follows:

1. The permittee shall not initiate activities in the permit area associated with this permit that have not previously been evaluated by the Regulatory Branch, Fort Worth District, U. S. Army Corps of Engineers (USACE) as part of the permit review for this project, until such work has been submitted to, and approved by, the USACE. Such activities include, but are not limited to, haul roads, equipment staging areas, and borrow and disposal sites. The permit area includes all waters of the United States affected by activities associated with the project, as well as any additional area(s) of non-waters of the United States in the immediate vicinity of, directly associated with, and/or affected by, activities in waters of the United States. Special restrictions may be required for such work. The permittee shall develop procedures to ensure that contractors are aware of this condition and encourage contractors to coordinate their selection of these sites with the permittee as soon as possible to avoid construction delays. The permittee, or its designated agent/contractor, may coordinate with the USACE on compliance with this special condition.
2. The permittee shall conduct a meeting with the construction contractor(s) detailing the terms and conditions of this permit prior to commencing construction activities of the project. The permittee shall notify the Regulatory Branch, Fort Worth District, U. S. Army Corps of Engineers (USACE) of the preconstruction contractor meeting at least two weeks in advance of the meeting. Within two weeks following the meeting, the permittee shall provide written confirmation to the USACE that the meeting was held.

Failure to comply with these specifications and conditions invalidates the authorization and may result in a violation of the Clean Water Act.

Our verification for the construction of this activity under this nationwide permit is valid for two years from the date of this letter, unless prior to that date the nationwide permit is suspended, revoked, or modified such that the activity would no longer comply with the terms and conditions of the nationwide permit on a regional or national basis. The USACE will issue a public notice announcing the changes when they occur. Furthermore, if you commence, or are under contract to commence, this activity before the date that this verification expires, or the date that this nationwide permit is suspended, modified, or revoked, whichever is earlier, you will have until March 18, 2010, to complete the activity under the present terms and conditions of the nationwide permit. Continued confirmation that an activity complies with the specifications and conditions, and any changes to the nationwide permit, is the responsibility of the permittee.

Our review of this project also addressed its effects on endangered species. Based on the information provided, we have determined that this project will not affect any species listed as threatened or endangered by the U.S. Fish and Wildlife Service within our permit area. However, please note that you are responsible for meeting the requirements of general condition 11 on endangered species.

The permittee must sign and submit to us the enclosed certification that the work, including any required mitigation, was completed in compliance with the nationwide permit. You should submit your certification within 30 days of the completion of work.

This permit should not be considered as an approval of the design features of any activity authorized or an implication that such construction is considered adequate for the purpose intended. It does not authorize any damage to private property, invasion of private rights, or any infringement of federal, state, or local laws or regulations.

The USACE based this decision on a preliminary jurisdictional determination (JD) that there are waters of the United States on the project site. This preliminary JD is valid for a period of no more than five years from the date of this letter unless new information warrants revision of the delineation before the expiration date. It is incumbent upon the applicant to remain informed of changes in the Department of the Army regulations.

Thank you for your interest in protecting our nation's water resources. If you have any questions concerning this letter, please contact Ms. Jessica Napier at the address above or telephone (817) 886-1745.

Sincerely,

ORIGINAL SIGNED

Wayne A. Lea
Chief, Regulatory Branch

Enclosures

Copy Furnished:

Mr. William H. Collins, CESWF-OD-R

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Denton County

File Number: 200200210

Date: March 4, 2005

Attached

See section below

<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of Permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of Permission)	B
<input type="checkbox"/>	PERMIT DENIAL	C
<input type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input checked="" type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/inet/functions/cw/cecwo/reg/or> Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved jurisdictional determination (JD) or provide new information

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Ms. Jessica Napier at (817) 886-1745

If you only have questions regarding the appeal process you may also contact:

Mr. Jim Gilmore at (214) 767-2457

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process.

<hr/> Signature of appellant or authorized agent	Date:	Telephone number:
--	-------	-------------------

June 8, 2006

Planning, Environmental, and Regulatory Division
Regulatory Branch

SUBJECT: Project Number 200200210

Mr. Patrick Conway, REP
Environmental Scientist
Halff Associates, Inc.
8616 Northwest Plaza Drive
Dallas, Texas 75225

Dear Mr. Conway:

Thank you for your letter of March 17, 2006, requesting modification and reverification of Denton County's authorization under nationwide permit 14 for Linear Transportation Crossings, for Department of the Army project number 200200210 for the construction of a major urban arterial between the intersection of Swisher Road and US Interstate Highway 35 on the west and the intersection of Farm-to-Market 2934 and the Dallas North Tollway on the east in Denton County, Texas. Specifically, you requested to modify the design from a 4-lane roadway to a six-lane roadway. Please continue to include the project number in all correspondence concerning this project. Failure to reference the project number may result in a delay.

We have reviewed your request for modification and reverification of your authorization in accordance with Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. Under Section 404, the U. S. Army Corps of Engineers (USACE) regulates the discharge of dredged and fill material into waters of the United States, including wetlands. Our responsibility under Section 10 is to regulate any work in, or affecting, navigable waters of the United States. Based on your description of the proposed work, and other information available to us, we have determined that this project will not involve activities subject to the requirements of Section 10. However, this project will involve activities subject to the requirements of Section 404. Therefore, it will require Department of the Army authorization.

It appears that the revised project remains authorized by nationwide permit 14 for Linear Transportation Crossings. This verification of authorization supercedes our verification letter dated March 4, 2005. To use this permit, the person responsible for the project must ensure that

the work is in compliance with the specifications and conditions listed on the enclosures and the special conditions listed below. The special conditions for this permit are as follows:

1. The permittee shall not initiate activities in the permit area associated with this permit that have not previously been evaluated by the Regulatory Branch, Fort Worth District, U. S. Army Corps of Engineers (USACE) as part of the permit review for this project, until such work has been submitted to, and approved by, the USACE. Such activities include, but are not limited to, haul roads, equipment staging areas, and borrow and disposal sites. The permit area includes all waters of the United States affected by activities associated with the project, as well as any additional area(s) of non-waters of the United States in the immediate vicinity of, directly associated with, and/or affected by, activities in waters of the United States. Special restrictions may be required for such work. The permittee shall develop procedures to ensure that contractors are aware of this condition and encourage contractors to coordinate their selection of these sites with the permittee as soon as possible to avoid construction delays. The permittee, or its designated agent/contractor, may coordinate with the USACE on compliance with this special condition.

2. The permittee shall conduct a meeting with the construction contractor(s) detailing the terms and conditions of this permit prior to commencing construction activities of the project. The permittee shall notify the Regulatory Branch, Fort Worth District, U. S. Army Corps of Engineers (USACE) of the preconstruction contractor meeting at least two weeks in advance of the meeting. Within two weeks following the meeting, the permittee shall provide written confirmation to the USACE that the meeting was held.

Failure to comply with these specifications and conditions invalidates the authorization and may result in a violation of the Clean Water Act.

Our verification for the construction of this activity under this nationwide permit is valid until March 18, 2007, unless the nationwide permit is suspended or revoked, or modified prior to that date, such that the activity would no longer comply with the terms and conditions of the nationwide permit on a regional or national basis. The USACE will issue a public notice announcing the changes when they occur. Furthermore, if you commence, or are under contract to commence, this activity before March 18, 2007, or the date that this nationwide permit is suspended, modified or revoked, whichever is earlier, you will have until March 18, 2010 to complete the activity under the present terms and conditions of the nationwide permit. Continued confirmation that an activity complies with the specifications and conditions and any changes to the nationwide permit is the responsibility of the permittee.

Our review of this project also addressed its effects on threatened and endangered species. Based on the information provided, we have determined that this project will not affect any species listed as threatened or endangered by the U.S. Fish and Wildlife Service within our permit area. However, please note that you are responsible for meeting the requirements of general condition 11 on endangered species.

The permittee must sign and submit to us the enclosed certification that the work, including any required mitigation, was completed in compliance with the nationwide permit. You should submit your certification within 30 days of the completion of work.

This permit should not be considered as an approval of the design features of any activity authorized or an implication that such construction is considered adequate for the purpose intended. It does not authorize any damage to private property, invasion of private rights, or any infringement of federal, state, or local laws or regulations.

Thank you for your interest in protecting our nation's water resources. If you have any questions concerning this letter, please contact Ms. Jessica Napier at the address above or telephone (817) 886-1745.

Sincerely,

ORIGINAL SIGNED

Wayne A. Lea
Chief, Regulatory Branch

Enclosures

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS
FORT WORTH DISTRICT

Consent No. DACW63-9-06-0847
Project: Lewisville Lake, Texas
Tract Nos. N-1246E & O-1340E-3

CONSENT TO EASEMENT STRUCTURES

WHEREAS, the Government has acquired a perpetual reserve flowage easement over Tract N-1246E, Lewisville Lake, Texas, pursuant to Civil Action No. 1253, in the District Court of the United States of the Eastern District of Texas, Sherman Division, and styled as the United States of America vs, 70.90 acres, more or less in Denton County, Texas and O. W. McFadin, et al., and unknown owners.

WHEREAS, the United States has acquired a perpetual flowage easement over Tract O-1340E-3, Lewisville Lake, Texas, and which is recorded in Volume 436 of Deeds, page 284, in the records of Denton County, Texas.

WHEREAS, said easements grant to the United States the right of prior approval for any structure to be located within the easement area, which area is under the administrative control of the Fort Worth District, Corps of Engineers;

WHEREAS, the United States has been requested to give consent for approach roads, a tollway plaza and tollway bridge on the above-identified tracts.

NOW THEREFORE, the United States hereby gives consent to Denton County, Courthouse on the Square, 110 West Hickory Street, Denton, Texas, 76201 and North Texas Tollway Authority, P.O. Box 260729, Plano, Texas 75026, to construct approach roads, a tollway plaza and tollway bridge at the location shown on Exhibit A attached hereto;

PROVIDED HOWEVER, that this consent is subject to the following conditions:

1. All activities conducted on the premises shall comply with all applicable Federal, state, county and municipal laws, ordinances and regulations wherein the premises are located.

2. The giving of this consent does not in any way subordinate the United States prior easement rights. The United

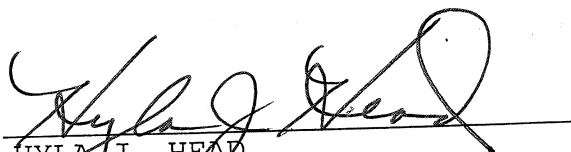
States shall in no case be liable for any damage or injury to the structures herein consented to, which may be caused by any action of the United States under its easement, or that may result from future operations undertaken by the United States, and no claim or right to compensation shall accrue from such exercise of the United States' easement rights.

3. The United States shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the exercise of the consented activity. Any such damages shall be the sole responsibility of the Grantee.

4. This instrument is effective only insofar as the rights of the United States in the premises are concerned; and the consentee shall obtain such permission as may be required on account of any other existing rights. It is understood that this consent does not eliminate the necessity for obtaining any Department of the Army permit which may be required pursuant to the provisions of Section 10 of the Rivers and Harbors Act of 3 March 1899 (30 Stat. 1151; 33 U.S.C. § 403), Section 404 of the Clean Water Act (33 U.S.C. § 1344) or any other permit or license which may be required by Federal, state, interstate or local laws in connection with the use of the premises.

6. No fill material will be brought in from above the 537.0 feet NGVD, unless an equal amount has been excavated. Our intent is to preserve and maintain existing flood storage capacity.

IN WITNESS WHEREOF, I have hereunto set my hand by authority of the Secretary of the Army, this 27th day of October, 2006.


HYLA J. HEAD
Chief, Real Estate Division

THIS CONSENT is also executed by the Grantee this
1st day of August, 2006.

Denton County

Mary Horn
(Name/Title)

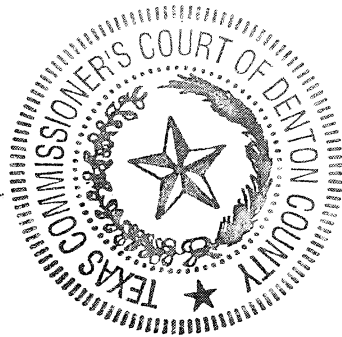
THIS CONSENT is also executed by the grantee this
4th day of August, 2006.

North Texas Tollway Authority

Al Dutt
(Name/Title)

C E R T I F I C A T E

I, Cynthia Mitchell, certify that I am the
County Clerk of Denton County named as Grantee herein.
That Mary Horn who signed this Easement on behalf
of the Grantee was then County Judge of Denton
County, and that said Easement was duly signed for and behalf
of Denton County by authority of its governing body and is
within the scope of its legal powers.



By: Em McCable

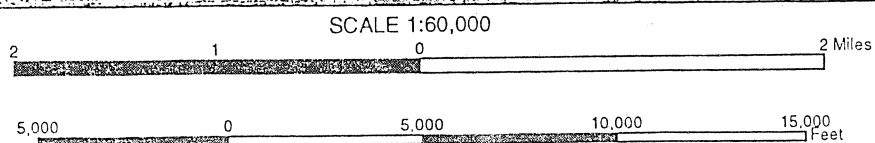
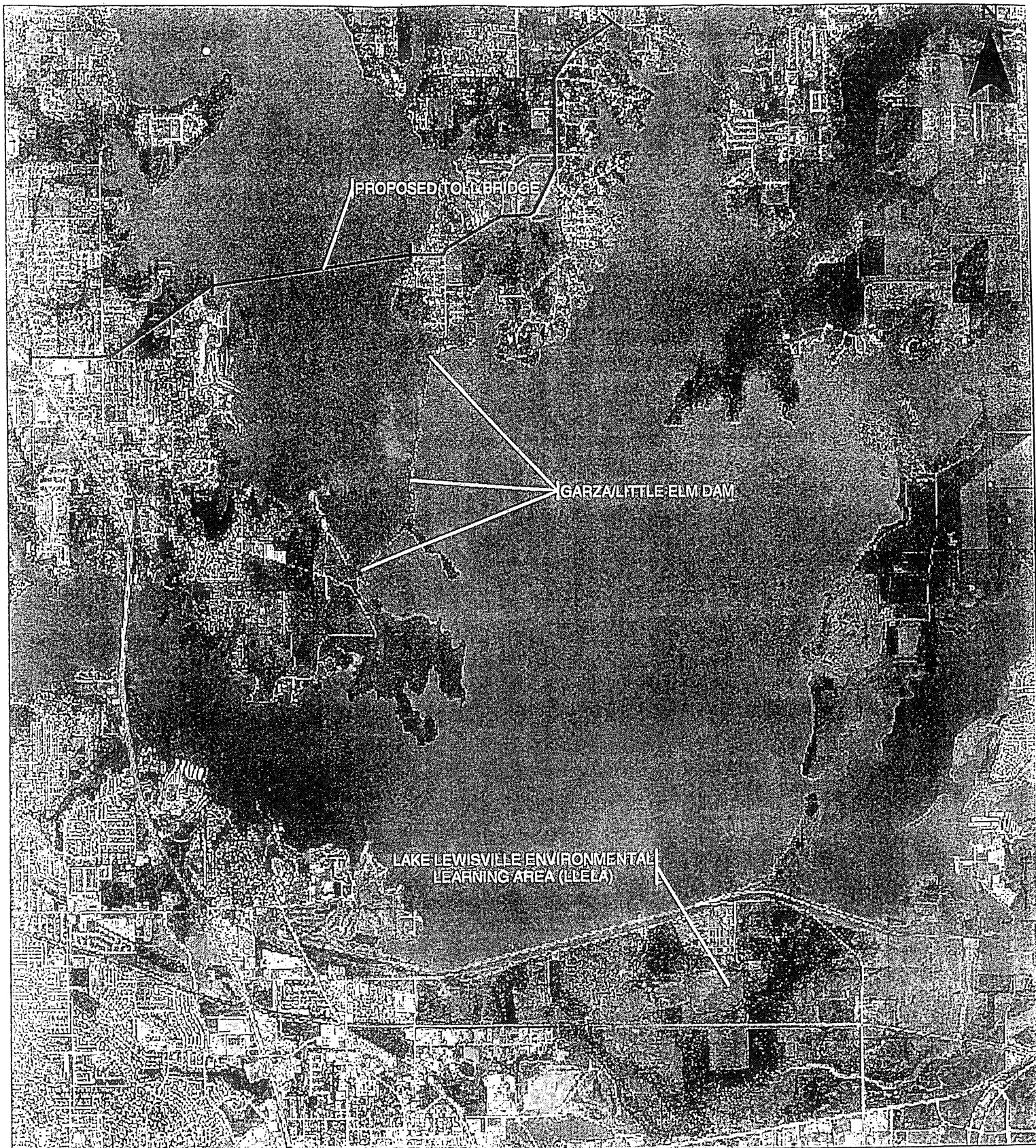
Note: Someone other than the individual who executes the
easement must complete this certificate.

C E R T I F I C A T E

I, Ruby Franklin, certify that I am the
Secretary of North Texas Tollway Authority named as
Grantee herein. That Allen Rutter who signed this
Consent on behalf of the Grantee was then Executive Director
of North Texas Tollway Authority, and that said Consent was duly
signed for and behalf of North Texas Tollway Authority by
authority of its governing body and is within the scope of its
legal powers.

Ruby Franklin

Note: Someone other than the individual who executes the Consent
must complete this certificate.



Source:
Landiscor Aerial Photography
May, 2003

Figure 8
Mitigation Area Locations