

**Reference Notice**

These materials are provided for reference in connection with reporting on the River Rock Trails Plat proceedings and subsequent litigation.

**Source:**

Filed court exhibits, public records, and correspondence obtained through lawful means.

**Compiled by Adrienne Balkum:** January 2026



March 4, 2025

Rockwall County Judge Frank New and Commissioners  
101 E. Rusk Street  
Rockwall, Texas 75087

Re: Apportionment Cost for River Rock Trails – Phase 1A and Phase 1B (418 total lots)

Judge New and Commissioners,

Reference is made to the December 13, 2024 letter to JBI Partners, Inc. from Ron Merritt, Rockwall County's Environmental Health Coordinator subject line "Apportionment Cost for River Rock Trails – Phase 1A and Phase 1B". This letter is attached hereto. For clarification, JBI Partners, Inc. (JBI) is the developer's engineer for this project. D.R. Horton – Texas, Ltd. (DRH) is the developer of this project. DRH will provide the response.

Rockwall County's letter outlined sixteen (16) items as "County Infrastructure" and a corresponding demand. The following is DRH's response to the County's letter:

1. **Schools:** County states \$15,798,519 is due for the 418 homes (\$37,796 per home) which make up Phases 1A and 1B. DRH rejects the County's claim Schools are County Infrastructure under State statute TLGC Section 232.110, Apportionment of County Infrastructure Costs. The County does not provide School services. Further, DRH is not agreeable to pay these fees. As we stated in the January 21, 2025 work session, DRH will work with the school districts regarding reserving needed school sites within the larger development at the appropriate time and will oversize infrastructure where needed to serve the school sites.
2. **Roads:** County is requesting \$338,867.75 for contribution along the portion of the Phase 1A and 1B plats that adjoins TxDOT's FM 548 Right-of-Way (2,411.48 linear feet total for both plats). DRH rejects the County's claim State owned roads are County Infrastructure under State statute TLGC Section 232.110. The County does not own FM 548. Further, the County does not have statutory authority to impose an impact fee. However, as we stated in the work session, DRH is willing to pay the fee, prorated based on each plat's frontage. DRH will pay \$157,948.95 with Phase 1A and \$180,918.80 with Phase 1B, each payment being made within ten (10) days after Commissioners Court approval of the final plat for the respective phase.
3. **ESC/EMT (Ambulance):** County is requesting proof of service. DRH is proving herewith an executed Fire Protection and Emergency Medical Services Agreement between the River Rock Trails MUDs and the City of McLendon-Chisholm. Further, DRH rejects the County's claim ESC/EMT (Ambulance) services is County Infrastructure under State statute TLGC Section 232.110. The County does not provide ESC/EMT (Ambulance) services.
4. **Fire:** County is requesting proof of service. DRH is proving herewith an executed Fire Protection and Emergency Medical Services Agreement between the River Rock Trails MUDs and the City of McLendon-Chisholm. Further, DRH rejects the County's claim Fire services are County

Infrastructure under State statute TLGC Section 232.110. The County does not provide fire services.

5. **Police:** County is recommending that DRH pay for two (2) deputies during construction and prior to resident occupation of homes. The County states the deputies will not solely be assigned to River Rock. DRH is agreeable to providing first year costs of adding two (2) deputies totaling  $\$264,712 \times 2 = \$529,424$ . DRH will pay \$264,712 within ten (10) days after Commissioners Court approval of the final plat for each phase (\$264,712 for Phase 1A and \$264,712 for Phase 1B). After the first year, DRH's position is taxpayer revenues will pay for the ongoing costs of the deputies just like any other tax paying resident of the County.
6. **Water:** County states resolved through project design. D.R. Horton agrees with this item being resolved through project design. Further, DRH rejects the County's claim Water is County Infrastructure under State statute TLGC Section 232.110. The County does not provide water services.
7. **Sewer:** County states resolved through project design. DRH agrees with this item being resolved through project design. Further, DRH rejects the County's claim Sewer is County Infrastructure under State statute TLGC Section 232.110. The County does not provide sewer service.
8. **Broadband:** County requests proof of service. DRH is providing herewith a letter from AT&T confirming they can provide service. Further, DRH rejects the County's claim Broadband is County Infrastructure under State statute TLGC Section 232.110. The County does not provide broadband services.
9. **Electric:** County requests proof of service. DRH is providing herewith a letter from Farmers Electric confirming they can provide service. Further, DRH rejects the County's claim Electric is County Infrastructure under State statute TLGC Section 232.110. The County does not provide electric services.
10. **Natural Gas:** County requests proof of service. DRH is not planning to provide gas service in this community at this time - all appliances and HVAC equipment will be electric. Further, DRH rejects the County's claim Gas is County Infrastructure under State statute TLGC Section 232.110. County does not provide gas services.
11. **Open Space:** County states resolved through project design. DRH is agreeable to resolve through project design. DRH will be working with the Open Space Alliance committee for conceptual designs as stated in the Alliance's August 9, 2024 Analysis, which was approved by Commissioners Court on October 8, 2024. It should be noted the recommendations in the Analysis have been satisfied as it relates to Phases 1A and 1B preliminary plats.
12. **Drainage:** County states resolved through project design. DRH agrees this items be resolved through project design. An overall drainage study for the River Rock project has been submitted by JBI and approved by the County's consultant. Detail drainage infrastructure will be shown on Phase 1A and 1B construction plans, which is customary for development projects like River Rock.

13. Animal Control: County requests proof of service. DRH is providing herewith a letter from All American Dogs confirming they can provide service. Further, DRH rejects the County's claim Animal Control is County infrastructure under State statute TLGC Section 232.110. The County does not provide animal control services.
14. Dispatch/911/GIS Services: County notes this is N/A. DRH agrees.
15. Trash/Refuse: County requests proof of service. DRH is providing herewith a letter from Live Oak Environmental confirming they can provide service. Further, DRH rejects the County's claim Trash/Refuse is County infrastructure under State statute TLGC Section 232.110. The County does not provide Trash/Refuse service.
16. Radio Communications: County notes this is N/A. DRH agrees.

During our previously referenced work session, it was discussed the County wants to resolve the Apportionment items prior to the next consideration of the preliminary plats for Phase 1A and 1B. DRH rejects Apportionment as a condition of platting. State statute TLGC Section 232.110(g) states "This section does not increase or expand, and shall not be interpreted to increase or expand, the authority of a county to regulate plats or subdivisions under this chapter." Section 5.10.6 (B) of the County's Subdivision and Land Development Regulations mirrors this language. DRH requests the preliminary plats be considered independently of the Apportionment. We believe the County's Planning and Engineering Consultant, Freese and Nichols, Inc., also agrees Apportionment is not a preliminary plat specific requirement, as they state in the preliminary plat comments Apportionment should be satisfied prior to approval of a Final Plat, which occurs as the last step after infrastructure development.

The timing for processing a proportionality appeal is set forth in Section 232.220(a)(b). If the County disagrees with our responses and intends to pursue one or more of the 16 items, then DRH requests the commissioners court hear our appeal at the earliest possible commissioners court meeting.

Please let us know if you have any questions regarding the above.

Sincerely,

D.R. Horton - Texas, Ltd.



Blake Arnold, Land Manager

cc. Mr. Conor Roberts, Freese and Nichols, Inc.  
Ms. Charisa Hauser, Rockwall County

**WINSTEAD**

Austin Charlotte Dallas Fort Worth Houston Nashville New York San Antonio The Woodlands

2728 N. Harwood Street  
Suite 800  
Dallas, TX 75201

214.745.5400 OFFICE  
214.745.8380 FAX  
winstead.com

Arthur J. Anderson, Esq.  
Direct Dial: 214-745-0743  
aanderson@winstead.com

April 29, 2025

Via Email  
chris@kusterlaw.com

Christopher D. Bowers  
The Kuster Law Group, PLLC  
1316 Village Creek Drive, Suite 500  
Plano, Texas 75093-4461

Re: Response to Rockwall County's April 27, 2025 Denial Letter  
Preliminary Plat Application for River Rock Trails – Phase 1A

Dear Mr. Bowers:

Reference is made to your April 27, 2025 letter regarding Rockwall County's ("County") written statement of reasons for disapproval of Preliminary Plat Application for River Rock Trail – Phase 1A ("Subdivision"). My client, D.R. Horton-Texas, Ltd. ("Applicant"), response to the County denial reasons follows.

Denial Reason #1

- (1) "all requirements specified in the letter from Freese and Nichols, Inc. ("FNI") to the Developer with respect to the Application dated March 17, 2025, as revised by the letter from FNI to the Developer dated March 25, 2025, with which the Developer has not complied as of March 25, 2025."

Response: A video conference was held on Wednesday, April 23, 2025 (11:00 am CST) with you, the County's engineering consultant Freese & Nichols, Inc. ("FNI") and the Applicant and the Applicant's engineering consultants. FNI confirmed no further engineering or technical issues needing to be resolved for the Preliminary Plat step of the subdivision process. FNI agrees the information they are requesting in their March 25, 2025 review letter is suitable for resolution during the construction plan review phase. Commissioner Liechty made this stipulation as part of his motion. If Commissioner Liechty, or any other Commissioner, believes there are engineering issues, please provide specific engineering and technical reasons within ten (10) business days of this letter. Please note that the County is required to specify the reason for denial and include a citation to the law that is the basis for the disapproval which cannot be arbitrary in accordance with Section 232.0026, Tex. Loc. Govt. Code. If we do not receive responsive correspondence from the County within ten (10) days it will be assumed that the County has no further comments or objections set forth as previously stated.



WINSTEAD PC | ATTORNEYS

Christopher D. Bowers  
Re: River Rock Trails – Phase 1A Denial  
April 29, 2025  
Page 2

Denial Reason #2

- (2) *The requirements in Section 232.032 of the Texas Local Government Code and Section 3.2.4 of the County Subdivision Regulations, including without limitation that the proposed subdivision does not have adequate access to water sufficient in quality and quantity to meet minimum state standards and that the proposed development may endanger public health, safety, and/or welfare;*

Response: See attached letter from Blackland Water Supply Corporation. Please forward to the appropriate parties and provide any specific objections within ten (10) business days of this letter. If we do not receive responsive correspondence from the County within ten (10) days it will be assumed that the County has no further comments or objections set forth as previously stated.

Denial Reason #3

- (3) *the requirements in Section 232.110(a) of the Texas Local Government Code and Sections 3.1.6 and 5.10 of the County Subdivision Regulations that the Developer pay its portion of the costs of county infrastructure improvements; and*

Response: The County's proportionality hearing on this plat under Section 232.110(b) took place on Thursday, April 24. Under the statute the County has 30 days after the hearing to rule on the proportionality determination. The statute does not authorize the County to require the payment of a disputed proportionality fee prior to or as a condition of preliminary plat approval. The County will have to wait until after all appeals are exhausted under Section 232.110(e) before attempting to collect the fee (if any). Section 232.110(g) states that this section does not expand county platting regulatory authority. Please confirm this understanding within ten (10) business days. If we do not receive responsive correspondence from the County within ten (10) days it will be assumed that the County has no further comments or objections set forth as previously stated.

Denial Reason #4

- (4) *the requirements in Section 1.10 of the County's Subdivision Regulations to provide open space in accordance with the Rockwall County Open Space Master Plan.*

Response: Chapter 232 LGC does not authorize County's to require Open Space or related improvements, such as hike and bike trails. At the present, the Applicant is willing to work with the County on Open Space and related hike and bike trails. Attached is the Applicant's consultant's Open Space Compliance letter addressing this item. Please forward to the appropriate parties and provide any specific objections within ten (10) business days of this letter. If we do not receive responsive correspondence from the County within ten (10) days it will be assumed that the County has no further comments or objections set forth as previously stated. If

Christopher D. Bowers  
Re: River Rock Trails – Phase 1A Denial  
April 29, 2025  
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we do not receive responsive correspondence from the County within ten (10) days it will be assumed that the County has no further comments or objections set forth as previously stated.

Very truly yours,

WINSTEAD PC

By Arthur J. Anderson  
Arthur J. Anderson

AJA:mt

4900-1830-0731v.3 27080-12 4/29/2025

WINSTEAD PC | ATTORNEY

## Frank New

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**From:** Kevin Worthy <worthyk@rcisd.org>  
**Sent:** Monday, October 2, 2023 9:52 AM  
**To:** Frank New; Byron Bryant  
**Subject:** Re: RCISD development  
**Attachments:** image001.png

Here you go Judge,

\$75,591 per student and assuming .5 children per home (which is probably pretty close to the smallish lot sizes), it would be a total cost of \$7,143,350 as the proportionate cost for those 189 homes.

Let me know if you have any questions,

KW

On Fri, Sep 29, 2023 at 10:54 AM Frank New <franknew@rockwallcountytx.gov> wrote:

Mr. Worthy,

Attached is a plat for phase 2 of a development that I believe is in Royse City ISD. Phase 1 has already been built. I need you to estimate the number of children that will need served and the number of schools and associated cost that will need to be constructed. This phase is 189 homes. What is the proportionate cost to educate children of these 189 homes?

Thanks

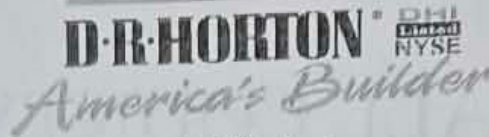
*Frank New*

**Rockwall County Judge**

**Rockwall County Historic Courthouse**

101 East Rusk, Ste 202 | Rockwall, Texas 75087

Phone: 972 204 6000



4306 Miller Road  
Rowlett, Texas 75088

November 14, 2024

Rockwall County  
915 Whitmore Drive  
Rockwall, TX 75087

Re: River Rock Preliminary Plat Applications

DR Horton ("Horton") is the applicant for this project. Rockwall County has informed us that a number of exactions (Exactions") will be imposed on the development. Please accept this letter as Horton's request for a rough proportionality determination of these exactions pursuant to Section 232.110, Tex.Loc.Govt.Code. The county has 30 days to provide a report ("Determination") by a professional engineer proving up each exaction under Section 232.110(a). After having had a chance to review the engineering report Horton will decide whether to appeal the Determination in accordance with Section 232.110(b).

Sincerely,

DR Horton - Texas, Ltd.

A handwritten signature in black ink, appearing to read 'D. L. Booth', written over a horizontal line.

David L. Booth  
Land Department Manager

**From:** [Charisa Hauser](#)  
**To:** [Brittany Crenshaw](#)  
**Cc:** [Frank New](#); [Ron Merritt](#); [jmiles@milesdevcon.com](mailto:jmiles@milesdevcon.com); [Connor Roberts](#)  
**Subject:** Apportionment Fees for Phase 1A and 1B of River Rock Trails  
**Date:** Friday, December 13, 2024 17:37:37  
**Attachments:** [image001.png](#)  
[Apportionment Fees - River Rock Trails.pdf](#)

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Brittany,

Please see the attached letter for the Apportionment Fees for Phase 1A and 1B of River Rock Trails.

*Charisa Hauser*

Environmental Health | Chief Assistant  
D.R. OS0038705

Office: 972-264-7600

Office Text Number: 682-800-1834

915 Whitmore Dr., Suite D  
Rockwall, Tx 75087





**Environmental Health Coordinator**

**Ron Merritt**

915 Whitmore Drive • Suite D • Rockwall, Texas 75087  
Telephone: 972-204-7600 • Fax: 972-204-7609

December 13, 2024

JBI Partners  
2121 Midway Rd  
Carrollton, Tx 75006

RE: Apportionment Cost for River Rock Trails – Phase 1A and Phase 1B

Chapter 232 of the Texas Local Government Code (TLGC) grants the County regulatory authority over subdivisions within unincorporated areas. TLGC Section 232.110, Apportionment of County Infrastructure Costs, states:

*Sec. 232.110. APPORTIONMENT OF COUNTY INFRASTRUCTURE COSTS.*

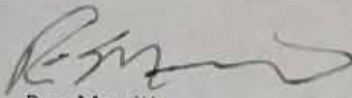
- (a) If, under any authority expressly authorized by this chapter, a county requires, including under an agreement under Chapter 242, as a condition of approval for a property development project that the developer bear a portion of the costs of county infrastructure improvements by the making of dedications, the payment of fees, or the payment of construction costs, the developer's portion of the costs may not exceed the amount required for infrastructure improvements that are roughly proportionate to the proposed development as approved by a professional engineer who holds a license issued under Chapter 1001, Occupations Code, and is retained by the county. The county's determination shall be completed within thirty days following the submission of the developer's application for determination under this subsection.*
- (b) A developer who disputes the determination made under Subsection (a) may appeal to the commissioners court of the county. At the appeal, the developer may present evidence and testimony under procedures adopted by the commissioners court. After hearing any testimony and reviewing the evidence, the commissioners court shall make the applicable determination within 30 days following the final submission of any testimony or evidence by the developer.*
- (c) A developer may appeal the determination of the commissioners court to a county or district court of the county in which the development project is located within 30 days of the final determination by the commissioners court.*
- (d) A county may not require a developer to waive the right of appeal authorized by this section as a condition of approval for a development project.*
- (e) A developer who prevails in an appeal under this section is entitled to applicable costs and to reasonable attorney's fees, including expert witness fees.*

Pursuant to TLGC Section 232.110, FNI understands that the County has elected to assess costs proportional to the impact on County infrastructure.

Furthermore, Rockwall County Subdivision and Land Development Regulations (RCSLDR) Section 5.10 identifies the following sixteen (16) improvements considered to be "county infrastructure." The applicability or resolution of each apportionment fee per Rockwall County is specified below:

- |                               |   |
|-------------------------------|---|
| 1. Schools                    | Apportionment determined by Rockwall County (see below) |
| 2. Roads                      | Apportionment determined by FNI (see below)             |
| 3. ESC/EMT (Ambulance)        | Proof of service requested by Rockwall County           |
| 4. Fire                       | Proof of service requested by Rockwall County           |
| 5. Police                     | Apportionment determined by Rockwall County (see below) |
| 6. Water                      | Resolved through project design                         |
| 7. Sewer                      | Resolved through project design                         |
| 8. Broadband                  | Proof of service requested by Rockwall County           |
| 9. Electric                   | Resolved through project design                         |
| 10. Natural Gas               | Proof of service requested by Rockwall County           |
| 11. Open Space                | Resolved through project design                         |
| 12. Drainage                  | Resolved through project design                         |
| 13. Animal Control            | Proof of service requested by Rockwall County           |
| 14. Dispatch/911/GIS Services | N/a   |
| 15. Trash/Refuse              | Proof of service requested by Rockwall County           |
| 16. Radio Communications      | N/a   |

Thank you,



Ron Merritt  
 Environmental Health Coordinator  
 Rockwall County

For schools: Number of homes calculating 1/2 student per home, multiplied by \$75,591 per student			
Phase 1 A			
Homes	.5 student per home	\$75,591 per student	
199	99.5	\$ 7,521,304.50	
Phase 1 B			
Homes	.5 student per home	\$75,591 per student	
219	109.5	\$ 8,277,214.50	
Total Amount		\$ 15,798,519.00	

On the front end we recommend a minimum of two deputies to provide coverage at both ends of the week. Initially, the primary objective will be to deter construction theft as equipment and material are brought onto location. We anticipate deputies being assigned to a district that encompasses the River Rock Development. Deputies will not be assigned solely to River Rock. The added deputies will allow more frequent patrol and be in place once homes are completed begin to be occupied.

The formula used to calculate the number of deputies for future growth is based on 2.42 officers per 1000 population.

1A- 199 homes      1st deputy at \$264,712 for first year. (see below for cost breakdown)

1B-219 homes      2<sup>nd</sup> deputy at \$264,712 first year.

(We want two deputies on the front end. This will cover both 1A and 1B)

Subsequent years for the first two deputies are projected to be billed at \$150,287 per deputy.

418 homes total in 1A and 1B

1061 residents based on 2.54 people per home.

1A- 505 residents

1B- 556 residents

**Data Resources:**

Household size- 2.54 persons <https://www.census.gov/data/tables.html>

US national average is 2.42 officers per 1000 population

305747\_Analysis of Police Department Staffing\_McCabe.pdf

List of countries and dependencies by number of police officers - Wikipedia

**River Rock MUDs 1 & 2**

**Projected Development Growth**

Year Date # Homes

- 1 Jan-25 300
- 2 Jan-26 400
- 3 Jan-27 500
- 4 Jan-28 600
- 5 Jan-29 600
- 6 Jan-30 600
- 7 Jan-31 600
- 8 Jan-32 600
- 9 Jan-33 600
- 10 Jan-34 600
- 11 Jan-35 600

Total Project 6,000

**Project Cost of New Deputy and related cost**

River Rock MUD

Law Enforcement Contract Deputy FY26 **One Deputy to Four Deputies**

**Deputy at 2,080 hours a year or 80 hours a pay period**

	1 <sup>st</sup> Year	2 <sup>nd</sup> Year
• Salary (mid-range salary with load)	119,085	122,657 (3% increase)
• Overtime at 4% of salary 1st (94,412)	3,777	3,777
• Indirect personnel, administrative and clerical cost (11%)	13,100	13,493
• Emergency vehicle insurance for 1 vehicle for 1 year	1,000	1,000

**ROCKWALL COUNTY ATTACHMENT #1**

• Vehicle maintenance and fuel for 1 vehicle	8,000	8,000
• Weapons, Taser, uniforms and equipment for deputy in 1 <sup>st</sup> year	0	6,000
• Portable Radio	0	5,000
• Mobile Radio	0	6,500
• Watch guard in car and body camera system	0	7,500
• In service training for deputy for 1 year	400	400
• 1 MDT (in car computer)	0	3,190
• Air card for MDT (in car computer)/Cell Phone	960	960
• Net-motion license	0	200
• Vehicle and related equipment	0	90,000

TOTAL ESTIMATED COST FOR ONE DEPUTY: 150,287

TOTAL ESTIMATED COST FOR TWO DEPUTIES: 300,574

TOTAL ESTIMATED COST FOR THREE DEPUTIES: 450,861

**ROCKWALL COUNTY ATTACHMENT #1**

601,148

1,058,848

TOTAL ESTIMATED COST FOR FOUR DEPUTIES:



Professional Engineers  
Professional Surveyors  
Professional Land Surveyors

12770 Merit Drive, Suite 900 + Dallas, TX 75251 + 214-217-2200 + FAX 817-735-7491

December 13, 2024

Judge Frank New  
101 East Rusk, Ste 202  
Rockwall, Texas 75087  
(972) 204-6000

Re: River Rock Trails Phases 1A & 1B Preliminary Plat, Determination for Roadway Apportionment Costs

Judge New,

By request, Freese and Nichols, Inc. (FNI) has prepared an estimate of the proportional cost of the River Rock Trails Phases 1A & 1B Preliminary Plats on FM 548, an abutting state thoroughfare. This memo outlines the methodology and findings of the roadway apportionment exercise.

#### **Regulatory Authority**

Chapter 232 of the Texas Local Government Code (TLGC) grants the County regulatory authority over subdivisions within unincorporated areas. TLGC Section 232.110, Apportionment of County Infrastructure Costs, states:

#### **Sec. 232.110. APPORTIONMENT OF COUNTY INFRASTRUCTURE COSTS.**

- (a) *If, under any authority expressly authorized by this chapter, a county requires, including under an agreement under Chapter 242, as a condition of approval for a property development project that the developer bear a portion of the costs of county infrastructure improvements by the making of dedications, the payment of fees, or the payment of construction costs, the developer's portion of the costs may not exceed the amount required for infrastructure improvements that are roughly proportionate to the proposed development as approved by a professional engineer who holds a license issued under Chapter 1001, Occupations Code, and is retained by the county. The county's determination shall be completed within thirty days following the submission of the developer's application for determination under this subsection.*
- (b) *A developer who disputes the determination made under Subsection (a) may appeal to the commissioners court of the county. At the appeal, the developer may present evidence and testimony under procedures adopted by the commissioners court. After hearing any testimony and reviewing the evidence, the commissioners court shall make the applicable determination within 30 days following the final submission of any testimony or evidence by the developer.*
- (c) *A developer may appeal the determination of the commissioners court to a county or district court of the county in which the development project is located within 30 days of the final determination by the commissioners court.*
- (d) *A county may not require a developer to waive the right of appeal authorized by this section as a condition of approval for a development project.*
- (e) *A developer who prevails in an appeal under this section is entitled to applicable costs and to reasonable attorney's fees, including expert witness fees.*
- (f) *This section does not diminish the authority or modify the procedures specified by Chapter 395.*
- (g) *This section does not increase or expand, and shall not be interpreted to increase or expand, the authority of a county to regulate plats or subdivisions under this chapter.*

Pursuant to TLGC Section 232.110 and Rockwall County Subdivision and Land Development Regulations (RCSLDR) Section 5.10, FNI understands that the County has elected to assess costs proportional to the impact on County infrastructure, including abutting roadways.

### Technical Approach

The approach to calculating the proportional impact of the proposed development on FM 548 is as follows:

1. Assess the current state of FM 548 right-of-way (ROW) and pavement standard against the Rockwall County Thoroughfare Plan designation as a Principal Arterial (Rural Section).
  
2. Determine the cost to construct one mile of FM 548 to Rockwall County Thoroughfare Plan standards by adding the following:
  - a. The average cost of ROW using Rockwall County Appraisal District (RCAD) data for comparable properties along FM 548; and
  - b. The average cost of roadway expansion design, construction, and materials using comparable projects in DFW and surrounding communities.
3. Use the per-mile cost to determine the proportional costs to FM 548 along the project's approximately 2,411.48-foot combined frontage (Phase 1A frontage: 1,124.01 feet; Phase 1B frontage: 1,287.47 feet).
4. Adjust the total for the anticipated 20% contribution the County could make toward cost sharing the right-of-way and roadway improvements.

### Proportionality Assessment

The evaluation of the appropriateness of exactions by the County was evaluated as part of the proposed development application. The impact and road deductions by the proposed River Rock Trails development reveal site demand to outweigh the capacity provided by road contributions and therefore the exaction to be roughly proportional to the impact on the roadway system. A separate memorandum (included as "Exhibit A\_RR RP Memo\_12-13-2024") contains details of the proportionality assessment.

### Findings

Using the approach listed above, FNI has determined the following costs associated with improving half of FM 548 to Rockwall County Thoroughfare Plan standards:

Contribution to Right-of-Way Acquisition				
Dedication Width	Length <i>(w/in Rockwall County)</i>	Area (ft <sup>2</sup> )	Price (\$) per SF*	Value of Contribution
N/a <i>(provided in full via plat)</i>	2,411.48'	N/a <i>(provided in full via plat)</i>	\$1.46	N/a <i>(provided in full via plat)</i>

\* Price (\$) per SF based on RCAD average of land values in the area.

Contribution to Right-of-Way Improvements	
Cost per Linear Mile of Full Section (includes construction, engineering, and ROW acquisition)	\$7,419,600.00
Cost per Linear Foot of Full Section (includes construction, engineering, and ROW acquisition)	\$1,405.23
Cost per Linear Foot of Half Section (includes construction, engineering, and ROW acquisition)	\$702.61
Total Cost per Linear Foot of Half Section x Length of Frontage (2,411.48')	\$1,694,338.73
Total Cost Adjusted for 20% contribution to State-Owned Right-of-Way	\$338,867.75*

\* Adjusted contribution rate based on typical "80/20" adjustment for cost sharing.

**FNI Recommendations**

Based on the findings listed above, FNI recommends the following:

1. Through coordination with the right-of-way owner, the applicant improves half of FM 548 along the 2,411.48-foot frontage within Rockwall County to meet the minimum standards depicted in the Rockwall County Thoroughfare Plan, or as determined by the owner; or
2. The applicant pays a fee in lieu of improvement equal to \$338,867.75.

If you have any questions regarding the comments, please contact FNI at [connor.roberts@freese.com](mailto:connor.roberts@freese.com).

Sincerely,

Connor Roberts  
FNI Assistant Project Manager

**Anderson, Art**

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**From:** Daniel Ray <daniel@scottraylaw.com>  
**Sent:** Friday, May 30, 2025 5:00 PM  
**To:** BDArnold@drhorton.com; dbooth@drhorton.com; Anderson, Art  
**Cc:** Frank New; Lorne Liechty; Erika Bridges; Charisa Hauser; Jennifer Fogg; Connor Roberts; Daniel Harrison; Chris Bowers; 'Howard Slobodin'; Aaron Huddleston; Arnold Luschin  
**Subject:** River Rock Trails MUD - Request for Documentation Regarding Water Supply and Emergency Services – Special Session on June 3, 2025  
**Attachments:** May 30 2025 Letter to DR Horton re Amended Preliminary Plats - Exhibit 1.pdf; May 30 2025 Letter to DR Horton re Amended Preliminary Plats - Exhibit 2.pdf

Mr. Arnold,

I am sending this email in my capacity as the Rockwall County General Counsel.

Rockwall County is in receipt of the amended plat applications submitted by DR Horton for Phases 1A and 1B of the River Rock Trails Municipal Utility District ("MUD"), proposing the development of 418 residential units as part of an eventual build-out of over 6,000 residential units. Texas Local Government Code § 232.101(a) authorizes the County to review applications for plats in order to promote the health, safety, morals, or general welfare of the county and the safe, orderly, and healthful development of the unincorporated area of the county. Therefore, the County is committed to ensuring that all proposed developments comply with applicable regulations, including Texas Water Code § 13.257 and Texas Local Government Code § 232.003, and have adequate resources and services to support both current and future residents without compromising public health, safety or regional resource sustainability.

The County has significant concerns regarding two critical issues: (1) the availability of sufficient water supply to support the proposed 418 units in Phases 1A and 1B, as well as the long-term viability of supplying water for the full more than 6,000-unit build-out; and (2) the lack of confirmed fire and emergency medical services ("EMS") for the development, given the City of McLendon-Chisholm's recent cancellation of your contract for the provision of Fire and EMS services. These issues must be addressed with specific written documentation and assurances before the County approves the preliminary plat applications.

**Water Supply Concerns**

The letter dated April 28, 2025, from Blackland Water Supply Corporation ("BWSC") asserts sufficient water supply for Phases 1A and 1B and its existing customers. However, it lacks detailed data to substantiate its claims. The County notes that BWSC's position on water supply arrangements has recently shifted from the North Texas Municipal Water District ("NTMWD") to the City of Rockwall. However, the County has also separately been provided with a copy of BWSC's contract with the City of Rockwall, and notes that it is set to expire at the end of 2025 at the latest, and may already have expired. *See BWSC's contract with the City of Rockwall, as amended, a copy of which is attached and incorporated herein as Exhibit 1.* Given the well-documented water scarcity challenges in North Texas, the County has justifiable concerns regarding the sufficiency of water for the 418 units in Phases 1A and 1B. The County requires comprehensive information about the entire water supply chain, including DR Horton's relationships with BWSC, and BWSC's relationships and contractual agreements with the City of Rockwall and NTMWD, to verify the reliability of the proposed water supply sufficient in quality and quantity to meet minimum state standards, and in order to protect the



health, safety, morals, and general welfare of the county and the safe, orderly, and healthful development of the unincorporated areas of the County.

**Fire and EMS Services Concerns**

Additionally, DR Horton's application includes a statement claiming that fire and EMS services will be provided by the City of McLendon-Chisholm. However, the County has confirmed via publicly available resources that the City of McLendon-Chisholm has terminated its contract with DR Horton for those services. *See July 9, 2024, McLendon-Chisholm City Council Meeting Minutes, a copy of which is attached and incorporated herein as Exhibit 2.* As a result, the County has no credible evidence that fire or EMS services are secured for the River Rock Trails MUD, which poses a significant risk to the health and safety of future residents of Phases 1 and 2.

**Special Session and Submission Requirements**

To address the matter of the plat approval applications, and more specifically to address these concerns, the Rockwall County Commissioners Court has scheduled a special session on Tuesday, June 3, 2025, at 11:00 AM at the Old County Courthouse, 101 E Rusk St., Rockwall, TX 75087. DR Horton is required to submit documented proof addressing the questions below no later than 5:00 PM on Monday, June 2, 2025, to the Office of the County Judge by hand delivery at the address above or via email to Judge New at [fnew@rockwallcountytx.com](mailto:fnew@rockwallcountytx.com) and the County Engineer Erika Bridges at [ebridges@rockwallcountytx.com](mailto:ebridges@rockwallcountytx.com). Representatives from DR Horton should attend the special session and be prepared to discuss the submitted documentation in detail.

To evaluate the plat applications thoroughly and ensure compliance with Texas and Rockwall County water, land development, and public safety regulations, Rockwall County requires DR Horton to provide written responses to the following questions, supported by relevant documentation:

**Questions Regarding Water Supply**

1. What is the estimated average daily water consumption per household for the proposed 418 units in Phases 1A and 1B, expressed in gallons per day? Please provide calculations, including assumptions about household size, landscape irrigation demands, and other water uses (e.g. common area irrigation demands).
2. Please provide copies of all current contracts or agreements between DR Horton and BWSC for water supply to the River Rock Trails MUD, including specific terms regarding volume (in gallons per day and per year), duration, and any conditions for termination or renewal. Please provide such contracts for both Phases 1A and 1B.
3. What agreements exist between BWSC and the City of Rockwall for the water supply intended for Phases 1A and 1B? Please provide copies of these contracts, including details on volume, duration, and any clauses regarding priority of water allocation during shortages.
4. Has DR Horton independently verified the terms of the water supply contract between the City of Rockwall and NTMWD to confirm that the City can fulfill its obligations to BWSC for the River Rock Trails MUD? Please provide documentation of this verification or correspondence with the City or NTMWD for both Phases 1A and 1B.
5. What are the specific sources of water that BWSC will provide to the River Rock Trails MUD (e.g., specific reservoirs, groundwater wells, or treatment plants operated by NTMWD or the City of Rockwall)? Please provide documentation from BWSC or upstream suppliers confirming the source for both Phases 1A and 1B.
6. What is the current available capacity of each water source in the supply chain (NTMWD, City of Rockwall, BWSC) after accounting for existing commitments to other customers? Please provide data

on unallocated water volumes and how the River Rock Trails MUD's demand fits within these allocations, clearly specifying for both Phases 1A and 1B.

7. In the event of water shortages or drought conditions, what is the priority of water allocation for the River Rock Trails MUD relative to other customers of BWSC, the City of Rockwall, and NTMWD? Please provide any agreements or policies that outline allocation priorities. Please specify and provide this for both Phases 1A and 1B.
8. What specific assurances has DR Horton received from BWSC regarding the extension or replacement of its water supply contract with the City of Rockwall beyond its expiration? Please provide written commitments, draft agreements, or correspondence demonstrating these assurances. Please address this question for both Phases 1A and 1B.
9. Has DR Horton conducted, commissioned, or obtained an independent assessment of NTMWD's long-term water supply capacity to meet the needs of Phases 1A and 1B, considering regional growth projections? If so, please provide the assessment; if not, explain why DR Horton believes such an assessment was not necessary.
10. What infrastructure improvements (e.g., pipelines, treatment facilities, or storage) are required to deliver water to the River Rock Trails MUD for Phases 1A and 1B? Please provide a detailed timeline, cost estimates, and confirmation of which entity (DR Horton, BWSC, or others) is responsible for funding and implementing these improvements, and provide copies of applicable contracts.
11. If BWSC is unable to secure a renewed or alternative water supply contract with the City of Rockwall, what alternative water suppliers has DR Horton identified to serve the River Rock Trails MUD? Please provide letters of intent or preliminary agreements with these suppliers if they exist.
12. Has DR Horton developed a drought contingency plan specific to the River Rock Trails MUD which aligns with NTMWD's regional drought management strategies? If so, please provide the plan; if not, explain why this was not prepared.

**Questions Regarding Fire and EMS Services**

1. In light of the City of McLendon-Chisholm's termination of its contract to provide fire and EMS services, what alternative arrangements has DR Horton secured to ensure fire and EMS coverage for Phases 1A and 1B? Please provide copies of any new contracts, letters of intent, or agreements with a qualified service provider.
2. What is the proposed response time for fire and EMS services to the River Rock Trails MUD site, and how does it comply with applicable Texas standards for emergency response? Please provide data or studies supporting these response times.
3. What is the capacity of the proposed fire and EMS provider to serve the 418 units in Phases 1A and 1B? Please include details on staffing, equipment, and station proximity.
4. Has DR Horton consulted with the proposed fire and EMS provider to confirm their ability to serve the development without impacting service levels to existing communities? Please provide documentation of such consultations.
5. What contingency plans are in place to ensure uninterrupted fire and EMS services if the proposed provider is unable to meet the development's needs? Please provide details of any backup agreements or mutual aid arrangements.
6. Does DR Horton have access to a sufficient supply of water for firefighting purposes?

**Submission and Special Session Instructions**

All documentation and responses to the inquiries above must be submitted in writing, with clear references to the above questions by number, to the Office of the County Judge and County Engineer by the deadline specified. At the June 3, 2025, special session, DR Horton representatives should be prepared to present and

discuss the submitted materials, respond to questions from County officials, and provide any additional clarifications required.

Rockwall County reserves the right to disapprove the amended preliminary plat applications if the provided information does not adequately demonstrate a reliable and sufficient water supply and confirmed fire and EMS services for the proposed development, pursuant to Texas Local Government Code, Texas Health and Safety Code, and applicable county regulations. The County's primary responsibility is to protect the health, safety, and welfare of its residents, which includes ensuring sustainable water resources and adequate emergency services for both current and future needs.

We appreciate your prompt attention to this matter and look forward to your submission and participation at the special session. Should you have any questions, please contact the Office of the County Judge at [fnew@rockwallcountytexas.com](mailto:fnew@rockwallcountytexas.com) and the County Engineer Erika Bridges at [ebridges@rockwallcountytexas.com](mailto:ebridges@rockwallcountytexas.com).

Thank you,  
Daniel W. Ray  
Attorney at Law



Scott, Ray, Pemberton, & Goll, PLLC  
2608 Stonewall Street | Post Office Box 1353 | Greenville, Texas 75403  
1400 N. Coit Rd., Suite 406 | McKinney, Texas 75071  
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**Anderson, Art**

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**From:** Anderson, Art  
**Sent:** Monday, June 2, 2025 2:07 PM  
**To:** daniel@scottraylaw.com; Christopher D. Bowers (chris@susterlaw.com)  
**Subject:** FW: River Rock Trails MUD - Request for Documentation Regarding Water Supply and Emergency Services – Special Session on June 3, 2025

Mr. Ray I have been asked by our client DR Horton Homes to address your email below which we received Friday night. Requesting this voluminous information by Tuesday morning (equivalent to one business day) is not only Inconsiderate and unreasonable but violates state law and County ordinances.

It is undisputed that Horton's four preliminary plat applications contain all of the information required by the County's preliminary plat checklist and Section 3.1.5 of the County subdivision regulations. As you know the County's review and approval of plats must comply with Section 232.0026, Tex.Loc.Govt.Code.

The County Commissioners Court disapproved Horton's four preliminary plats on March 25, 2025. According to the platting statute, the County was required to provide written reasons of disapproval. We made several requests for these reasons because they were not forthcoming. Finally on April 27, 2025 we received four letters stating the reasons for disapproval. The reasons were the same in each letter and none of them met the statutory requirements for specified reasons contained in Section 232.0026(b):

- (A) directly related to the requirements of the state platting statute;
- (B) include a citation to Chapter 232 or County subdivision regulation that is the basis for disapproval; and
- (C) not be arbitrary.

The County's four reasons are summarized as follows:

1. Not meeting each requirement in the Freese and Nichols review comments. This reason does not include a citation to law and therefore violates the statute. Freese and Nichols' consultant acknowledges that Horton's four applications met each of their review requirements. Furthermore, we sent correspondence to the County on April 29, 2025 pointing out that this stated reason did not meet the specificity requirements of Section 232.0026 and that, if the County had specific reasons for the disapproval, it should forward its specific comments within ten days. Horton's counsel communicated with County's counsel Chris Bowers as to the status of the County comments. On May 7 Mr. Bowers responded that "the County will respond to your letters tomorrow." But the County never sent specific comments or objections as it promised with respect to this disapproval reason. Instead the County waited over three weeks to send the email below. So Horton submitted the most recent plat applications on May 12, 2025 with the best information available from the County.

It should be noted that your email comments about fire and EMS service are not related to the four disapproval reasons in the County's April 27 letters. The County waived this issue by failing to address it at that time. In addition there are no provisions requiring a prove up of these services at the preliminary plat stage in the County's subdivision regulations. Therefore, a denial of the pending plats for this reason would violate Section 232.0026(b). By separate email I will forward to you the May 30, 2025 Coats Rose letter opining that the 2023 City of McLendon-Chisolm EMS and fire protection agreement remains in effect.

2. Not having adequate access to a fresh water supply. Section 3.2.4 of the County's subdivision regulations states that the subdivision should have adequate access to water facilities "by these Subdivision Regulations." None of your

document requests below are required by the County's regulations. The only requirement for assuring adequate access to water is set forth in Section 4.1.1.B which addresses subdivision construction standards which apply AFTER a preliminary plat is approved. No such requirement exists at the preliminary plat stage. According to the County's subdivision regulations the developer must furnish a "will serve" letter from a water utility provider at that time stating that water is available to the subdivision sufficient in quality and quantity to meet minimum state standards required by Section 16.343 of the Water Code. Horton's April 29 correspondence to the County included an updated letter from Blackland Water Supply Corporation dated April 28 confirming that as the retail water provider sufficient water is available to serve the first two phases of Horton's developments. It should be noted that the County is not a wholesale or retail water provider.

A denial of any of the four plat applications for this stated reason will violate Section 232.0026(b). Please note that a denial of any of the four plats would be considered arbitrary, particularly in light of the County's past actions. Please note that it is the County's burden to prove by clear and convincing evidence that its denial meets the requirements of Chapter 212 and case law.

3. Noncompliance with County proportionality analysis. Because your email does not address this issue and the County issued its order on Horton's proportionality appeal on May 13, 2025 I assume the County has withdrawn this disapproval reason. Further, it cannot be applied at the preliminary plat stage in accordance with Section 232.110(g), Tex.Loc.Govt.Code.

4. Noncompliance with County open space plan. Horton's April 29, 2025 response letters proved that there was compliance with the plan. Because your email does not address this issue, I assume the County has withdrawn this disapproval reason.

Please forward this response to the members of the Commissioners Court by tomorrow morning. I will bring one copy to introduce tomorrow at the meeting. If you have any questions regarding this matter, please do not hesitate to contact me. Regards, Art Anderson

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From: Daniel Ray <daniel@scottraylaw.com>  
Sent: Friday, May 30, 2025 5:00 PM  
To: Blake D Arnold <BDArnold@drhorton.com>; David L Booth <dbooth@drhorton.com>; Art Anderson <aanderson@winstead.com>  
Cc: Frank New <fnew@rockwallcountytxas.com>; Lorne Liechty <lliechty@rockwallcountytxas.com>; Erika Bridges <ebridges@rockwallcountytxas.com>; Charisa Hauser <chauser@rockwallcountytxas.com>; Jennifer Fogg <jfogg@rockwallcountytxas.com>; Connor Roberts <connor.roberts@freese.com>; Daniel Harrison <deh@freese.com>; Chris Bowers <chris@susterlaw.com>; 'Howard Slobodin' <hslobodin@terrilwaldrop.com>; Aaron Huddleston <aaron@scottraylaw.com>; Arnold Luschin <arnold@scottraylaw.com>  
Subject: River Rock Trails MUD - Request for Documentation Regarding Water Supply and Emergency Services – Special Session on June 3, 2025

[External]

Mr. Arnold,

I am sending this email in my capacity as the Rockwall County General Counsel.

Rockwall County is in receipt of the amended plat applications submitted by DR Horton for Phases 1A and 1B of the River Rock Trails Municipal Utility District ("MUD"), proposing the development of 418

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AUTHORITATIVE PROFESSIONAL CORPORATION, LIMITED LIABILITY COMPANY

JOSHUA A. BETTING,  
OF COUNSEL

JBETTING@COATSROSE.COM

May 30, 2025

DMDS Land Company, LLC  
1501 Alta Drive  
Fort Worth, Texas 76107  
Attn: Ryan Horton

Re: River Rock Trails Municipal Utility District No. 1 ("MUD 1") & River Rock Trails Municipal Utility District No. 2 ("MUD 2," and collectively with MUD 1, the "MUDs") – Fire Protection & Emergency Medical Services Agreement (the "Agreement") with the City of McLendon-Chisolm (the "City")

Dear Mr. Horton,

This firm represents the above referenced MUDs, which are located in Rockwall County.

Please be advised that in October 2023, the MUDs and the City each approved and executed the Agreement, pursuant to which the City agreed to provide fire protection services and emergency medical services to the Property located within the MUDs.

Pursuant to Section 3 of the Agreement, the Agreement takes effect the first day of the month following the adoption of an order by each of the MUDs canvassing the returns of an election to approve a fire plan, including the Agreement (the "Fire Plan") after said Fire Plan is approved by the Texas Commission on Environmental Quality (the "TCEQ"). In May 2024, the MUDs filed applications with the TCEQ for approval of the Fire Plan, which included the Agreement. In December 2024, the MUDs received Orders Approving a Fire Protection Plan and Fire Protection Agreement from the TCEQ (the "Approving Orders").

Pursuant to Section 11 of the Agreement, the MUDs have until December 31, 2025, to obtain TCEQ and voter approval of the Fire Plan before any party to the Agreement has the right to terminate the Agreement. Section 10 of the Agreement provides that once the Agreement is effective, it continues for a term of five (5) years and automatically renews for successive one (1) year terms.

Accordingly, the Agreement is in effect. Contractually, the City cannot terminate the Agreement prior to December 31, 2025, and then only if the MUDs have not conducted successful elections for the qualified voters to approve the Fire Plan by December 31, 2025, the City could

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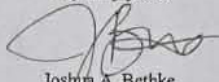
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May 30, 2025  
Page 2

choose to terminate the Agreement. Upon the MUDs successfully conducting the elections, the City cannot terminate said Agreement until after December 31, 2030.

Please do not hesitate to reach out with any questions or concerns regarding this Agreement.

Very truly yours,



Joshua A. Bethke

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