



**NOTICE OF MEETING OF THE
PLANNING AND ZONING COMMISSION
OF
BUDA, TX
6:30 PM - Tuesday, June 28, 2022
Council Chambers, Room 1098
405 E. Loop Street, Building 100
Buda, TX 78610**

This notice is posted pursuant to the Texas Open Meetings Act. Notice is hereby given that a **Regular Planning & Zoning Meeting** of the City of Buda, TX, will be held at which time the following subjects will be discussed and may be acted upon.

A. CALL TO ORDER

B. INVOCATION

C. PLEDGE OF ALLEGIANCE TO THE FLAGS OF THE UNITED STATES AND TEXAS

PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG: Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

D. ROLL CALL

*Chair Jeffrey Cottrill
Vice-Chair Emily Jones
Commissioner Henry Altmiller
Commissioner Virginia Jurika (substitute Meghan McCarthy)
Commissioner Jim Ladner
Commissioner David Nuckels
Commissioner Matthew Wright*

E. PUBLIC COMMENTS/PUBLIC TESTIMONY

Members of the public who wish to participate in Public Comment must complete a form and turn it into the City Clerk before the period provided for Public Comment is called for consideration by the presiding officer. Members of the public who wish to participate during the Public Testimony period provided for any item on the agenda must complete a form and turn it in to the City Clerk before the item they wish to participate in is called for consideration by the presiding officer.

F. CONSENT AGENDA

- F.1. [Approval of the minutes of the regular meeting of the Planning and Zoning commission held June 14, 2022.](#)**

[PZ 6.14.2022 Minutes.docx](#)

G. REGULAR AGENDA

- G.1. Consideration, discussion, and possible action regarding the replat of Lots 1A and 2 of the Amended Plat of Sunfield Light Industrial, establishing Sunfield Light Industrial Replat, Block A, Lots 1B, 1C, 1D, 1E, 1F and 2A being +/- 57.189 acres out of the George Herder Survey, Abstract No. 537, located in the City of Buda ETJ, Hays County Texas, located east of Fire Cracker Drive Between Main Street and Sundown Drive, Buda, TX 78610 (RP 22-04) (Senior Planner Will Parrish).**

[Sunfield LI Replat RP 22-04 SR.doc](#)
[RE-PLAT-SUNFIELD LIGHT INDUSTRIAL-PH2 FINAL.pdf](#)
[United-MUD License Agreement.pdf](#)
[Drainage Easement with Required Maintenance.pdf](#)

- G.2. Consideration, discussion, and possible action on the tabled Resolution from the May 24, 2022 P&Z meeting, recommending the City Council adopt a policy for "resign-to-run" for the Planning and Zoning Commission. (Planning Director Melissa McCollum)**

[20220610-Buda-RES-P&Z Resign to Run-v2.docx](#)

H. PLANNING DIRECTOR'S REPORTS

COVID-19, Developments, Engineering Department, FY 2022 Budget, Transportation Mobility and Master Plan, 2014 & 2021 Bond Program, Capital Improvement Projects, Drainage Projects, Wastewater Projects, and Water Project, General/Special Election, Grant Related Projects, Legislative Update, Library Projects, Main Street Program, Buda Economic Development Corporation (EDC), Tourism Projects, Parks & Recreation Department, Historic Preservation Commission, Sustainability Commission, MFV Ad Hoc Committee, Road Projects, Status-Future Agenda Request, Strategic Plan (Planning Director Melissa McCollum)

- H.1. Presentation on the City of Buda Drainage and Water Quality Requirements for Development. (Senior Engineer Angela Kennedy)**
- H.2. Presentation and discussion regarding proposed future workshop and text amendments to Unified Development Code (UDC) from City Council workshop on June 21, 2022. (Planning Director Melissa McCollum)**
- H.3. Future Agenda Item Request: Presentation and discussion on the City of Buda's Development Process. (Planning Director Melissa McCollum)**

I. COMMISSION REQUEST FOR FUTURE AGENDA ITEMS

J. ADJOURNMENT

City Hall is wheelchair accessible and accessible parking spaces are available. Requests for accommodations must be made 48 hours prior to the meeting. Please contact City Hall at (512) 312-0084, or FAX (512) 312-1889 for information or assistance.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Planning and Zoning Commission of the City of Buda, was posted on the bulletin board in front of Buda City Hall, which is readily accessible to the public at all times, by 5:40 pm on June 24, 2022.

/s/ _____
Melissa McCollum, AICP
Planning Director / Board Liaison



Meetings scheduled in the Council Chambers are set up to publicly broadcast meetings. You may be audio and video recorded while in this facility. Meetings scheduled in other City Facilities are set up to publicly audio record meetings. You may be audio recorded in the other City Facilities.

In accordance with Article III, Section 3.10, of the Official Code of the City of Buda, the minutes of this meeting consist of the preceding Minute Record and the Supplemental Minute Record. Details on meetings may be obtained from the Board Liaison, or video of the entire meeting may be downloaded from the website. (Portions of the Supplemental Minute Record video tape recording may be distorted due to equipment malfunction or other uncontrollable factors.)

A Public Comment period will be provided to allow for members of the public to participate and speak to the Board/Commission on any topic that is not on the meeting agenda. At this time, comments will be taken from the audience on non-agenda related topics. A Public Testimony period will be provided at each meeting of the Board/Commission to allow members of the public to participate and speak to the Board/Commission on any topic that is on the meeting agenda, prior to any vote on the matter up for consideration. During these periods, the presiding officer shall routinely provide three (3) minutes to each person who desires to speak but may provide no less than one (1) minute and no more than five (5) minutes to each person addressing the Board/Commission. The amount of time provided to each person, if altered by the presiding officer, shall be announced by the presiding officer prior to recognizing persons to speak and shall be objectively applied to all persons speaking during Public Comment or each Public Testimony period.

Attendance by Other Elected or Appointed Officials: It is anticipated that members of other governmental bodies, and/or city boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the body, board, commission and/or committee. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a possible meeting of the other body, board, commission and/or committee, whose members may be in attendance, if such numbers constitute a quorum. The members of the boards, commissions and/or committees may be permitted to participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that body, board, commission or committee subject to the Texas Open Meetings Act.

CITY OF BUDA
PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
JUN 14, 2022 - 6:30 PM.

A. CALL TO ORDER

Vice-Chair Jones called the meeting to order at 6:31 PM.

B. INVOCATION

C. PLEDGE OF ALLEGIANCE TO THE FLAGS OF THE UNITED STATES AND TEXAS

D. ROLL CALL

Chair Jeffrey Cottrill	Absent
Vice-Chair Emily Jones	Present
Commissioner Henry Altmiller	Present (Virtual)
Commissioner Virginia Jurika (substitute Meghan McCarthy)	Absent/ Present
Commissioner Jim Ladner	Present
Commissioner David Nuckels	Present
Commissioner Matthew Wright	Present

E. PUBLIC COMMENTS/PUBLIC TESTIMONY

Planning Director Melissa McCollum read into the record an email from Benjamin Martinez of 853 Hot Spring Valley regarding Item F.2.

F. CONSENT AGENDA

F.1. Approval of the minutes of the regular meeting of the Planning and Zoning commission held on May 24, 2022.

F.2. Consideration and approval of the Final Plat of Fire Cracker & Main Subdivision, being 7.948 +/- acres out of the A0255 Josephus S Irvine Survey, Buda, Hays County, Texas, generally located northwest of the intersection of Main Street and Firecracker Drive in the Buda City Limits (FP 22-02).

Commissioner Altmiller made a motion to approve the consent agenda, with Commissioner Nuckels seconding the motion. The motion carried 6-0.

G. REGULAR AGENDA

G.1 Consideration and possible action regarding the replat of Lots 3, 4, 12, 13, 29-40, and 44-54 of the Lifschutz Subdivision establishing the Buda Industrial Subdivision, being +/- 78.668 acres out of the Trinidad Varcinas Survey, Abstract No. 9, located in the City of Buda, Hays County Texas, west of IH-35 along the southside of West Goforth Street, Buda, TX 78610 (FP 21-30) (Senior Planner Will Parrish).

Senior Planner Will Parrish gave the presentation regarding the replat of the Lifschutz Subdivision, which is +/- 78.668 acres, within the City Limits and in the Light Industrial (LI)

zoning district. The Public Improvement Construction Plans will include an extension of Commerce Center Way (formally Rodriguez Street) and Dedication of Stream Way (new Public Street). Also since the plans are still in review, this Replat does not currently meet all criteria for approval; the following are outstanding comments, including regarding drainage and road design, several administrative items contingent upon approval of Construction Plans, Approved Cost Estimate, Surety Agreement, Pond Maintenance Agreement, and Subdivision Improvement Agreement. The Commission can recommend Conditional Approval upon Staff acceptance of remaining items, but if the Applicant cannot satisfy statutory requirements to Staff satisfaction, this Plat will need to be amended.

In accordance with Section 03.03.06(H) of the Buda UDC, the Planning and Zoning Commission shall take one of the following actions: Approve the Final Plat; Approve the Final Plat with conditions, which shall mean that the Final Plat shall be considered to have been approved once such conditions are fulfilled, and until the conditions are satisfied, it is considered denied; or Deny the Final Plat.

Staff recommends the Commission consider Conditional Approval of the Re-Plat establishing Buda Industrial Subdivision based upon the resolution of the following: 1. Execution of the plat instrument by all parties, with seals provided for relevant design professionals (UDC Sec. 03.03.06. and 03.03.08.) 2. Staff approval of the Subdivision Improvement Agreement (UDC Sec. 03.04.05.) 3. Staff approval of the Pond Maintenance Agreement (UDC Sec. 03.05.12., also referencing the Engineering Criteria Manual) 4. Staff approval of the fiscal surety instrument (UDC Sec. 03.04.05.) 5. Final approval of the Subdivision Construction Plans (UDC Sec. 03.04.01., 03.05.01. and 03.05.02.) and associated cost estimates. No City official shall sign the Plat until conditions 1-5 are satisfied.

Commissioners had questions regarding pond locations and the impacts of drainage from the site and why the Plat was being approved before the completion of the Public Infrastructure Construction Plan reviews.

Clay Golden with Stream spoke regarding the timing of Plat and plan approvals, as they would like to begin construction on July 1, 2022. The plat approval will allow the Plat to move forward with recording once it has met the remaining conditions.

Commissioner Nuckels made a motion to approve this item as presented, including the listed conditions from Staff. Commissioner Ladner seconded the motion. Item G.1. was approved 5-1 with Commissioner Altmiller opposing.

G.2. Hold a public hearing and consider a request by Southwest Land Services on behalf of Chris, Bryan, and Connie Hale for a Zoning Map Amendment request from Arterial Business (B2) to Planned Development (PD) for the property to be known as Modern Shade, +/- 6.995 acres out of and part of a called 120.99 acres tract in the D.D. Burnett Survey No. 6 Abstract No. 53 in Hays County, Texas. Located at the Southwest corner of South Loop 4 (967) and Hope Pond Valley Drive (Z 22-03) (Senior Planner Will Parrish).

Senior Planner Will Parrish gave the presentation regarding the Applicant's request for a Planned Development Zoning District (PD). The P&Z held a workshop on 11/30/2021 with Applicant to consider potential considerations and provide direction to Staff and Applicant. The Commissions major concerns revolved around buffering from adjacent residences. The Applicant is proposing to keep a base zoning of B-2, but to develop this site as a Light Industrial and Assembly Use, in which they will construct shade structures to be sold off site.

In summary, the PD Request will add light industrial and assembly to the B-2 use table, remove some uses from B-2 that may be considered less compatible with neighborhoods, relax the B-2 architectural standards; site design will assist in buffering from neighborhood, increase in landscaping along the rear buffer; and reduce the masonry wall standards.

This property is within the Industrial Growth District on the Future Land Use Map. The goal of the Industrial Employment District is intended to provide a space for this type of industry that is typically incompatible with many other uses, yet contributes significantly to the local economy. Light Industrial and Assembly is appropriate in this district while Office uses are conditional and a Neighborhood Shopping Center is considered not appropriate within the Industrial Employment District. However, it should be noted that this property does abut an existing Single-Family Neighborhood (in the ETJ), which does not appear to have been contemplated at the time that this Comprehensive Plan was adopted. Staff believes the B2 base district combined with limited light industrial and assembly uses is more appropriate in the proposed area than straight Industrial zoning. The rezoning of this tract would not reduce the available B2 zoning or take away from any commercial zoning in the City.

Staff Recommends approval of the request for a proposed rezoning from Arterial Business to Planned Development as submitted, and with the following conditions: 1. Two (2) alternating rows of Shade Trees shall be planted on thirty (30) foot centers in the rear yard, with the exception of the hammerhead turnaround area and existing trees currently within the buffer shall be used to meet this requirement when possible. 2. Mounting height of light fixtures shall not exceed fourteen (14) feet within fifty (50) feet of properties used for single family residences, 3. The Applicant complies with the additional refuse receptacle requirements associated with the residential adjacency standards: a. No trash receptacles or recycling receptacles shall be located within fifty (50) feet of properties used for single family residences, unless there is no other feasible location and the Director of Planning determines the placement will not have a significant effect on the nearby residential properties, b. Trash and recycling receptacles shall be screened by a solid masonry screen at least eight (8) feet in height and shall utilize masonry materials. 4. P&Z makes a recommendation on whether the Applicant's proposal (to amend the requirement of 2.09.02(B) for a masonry wall along the entire rear property line to be applicable only to the width of the hammerhead) is acceptable or if the property will need to comply with the base code requirement.

Debra Champion of 1031 Hot Spring Valley, Carol Blue-Garcia of 691 Hot Spring Valley, and Walid Oquendo of 652 Hot Spring Valley spoke on this item with the following concerns: quality of life and noise pollution, overgrowth of the detention pond, light pollution, and the removal of existing trees.

David Singleton, the representative for the Applicant, spent the time since the November 30, 2021 workshop addressing the voiced concerns, including removal of access onto Hope Valley, removal of the drive behind the building, and removal of rear glazing to help reduce noise with a solid barrier of walls. TXDOT reviewed driveway locations so all traffic would stay on S. Loop 4.

Commissioners asked for clarification regarding the hours of operations, the powder coating process, and the distance of the fire hammerhead from the back fence line.

Commissioner Nuckels made a motion to approve the request to change the zoning from B-2 to a Planned Development (PD) as presented with the additional requests that the masonry wall for #4 be built as presented (against property line or as close as the plat states) and that the two (2) fire access lanes be marked as fire zones. Vice-Chair Jones seconded the motion. The motion passed 4-2 (with Commissioner Ladner and Commissioner Wright opposing)

H. PLANNING DIRECTORS REPORT

- City Council approved the Rodriguez street name change to Commerce Center Drive
- Airgas SUP approved
- Comp Plan/Corridor Study/Downtown Master Plan- consultant to be chosen soon.
- Requested/Future Agenda Items –
 - o Resign/Run- June 28
 - o CIP presentation- July 12
 - o Main Street- East of IH 35 – Future agenda item presentation
 - o Development Process- Overview
- Items of Community Interest

I. COMMISSION REQUEST FOR FUTURE AGENDA ITEMS

There were no requests for future items from the Commission

J. ADJOURNMENT

Commissioner Nuckels made a motion to adjourn, with Vice-Chair Jones seconding. The meeting was adjourned at 8:05 PM.



Planning and Zoning Commission Agenda Item Report June 28, 2022

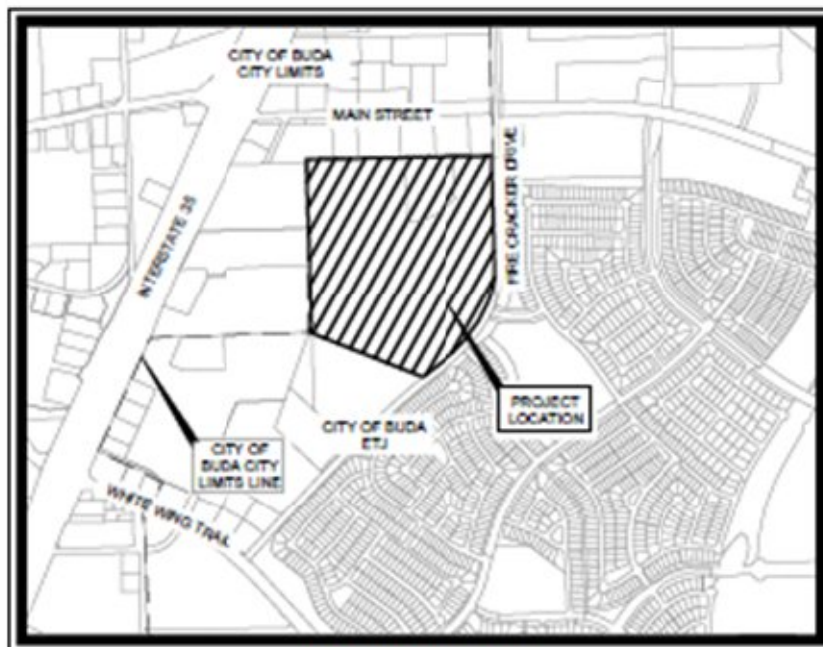
Contact – Will Parrish, AICP CNU-A
512-312-5745 / will.parrish@budatx.gov

SUBJECT: CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION REGARDING THE REPLAT OF LOTS 1A AND 2 OF THE AMENDED PLAT OF SUNFIELD LIGHT INDUSTRIAL, ESTABLISHING SUNFIELD LIGHT INDUSTRIAL REPLAT, BLOCK A, LOTS 1B, 1C, 1D, 1E, 1F AND 2A, BEING +/- 57.189 ACRES OUT OF THE GEORGE HERDER SURVEY, ABSTRACT NO. 537, LOCATED IN THE CITY OF BUDA ETJ, HAYS COUNTY TEXAS, LOCATED EAST OF FIRE CRACKER DRIVE, BETWEEN MAIN STREET AND SUNDOWN DRIVE, BUDA, TX 78610 (RP 22-04).

1. BACKGROUND/HISTORY

This is the action item for considering approval of the Replat of Lots 1A and 2 of the Amended Plat of Sunfield Industrial Establishing Sunfield Light Industrial Replat, Block A, Lots 1B, 1C, 1D, 1E, 1F, and 2A.

Water and sewer service are provided through the Sunfield Municipal Utility District (MUD). Sunfield MUD is responsible for road maintenance, though the city reviews and approves infrastructure plans.



2. FINDINGS/CURRENT ACTIVITY

This plat covers approximately 57.189 acres, west of Fire Cracker Drive between Main Street and Sundown Drive. The Plat includes the dedication of a new public road, Deep Roots Drive. The proposed layout contains 10 lots.

The site is in the Buda ETJ and is subject to the Shops at Sunfield Development Agreement. The Development Agreement specifies permitted land use types, building materials, parking requirements, and other elements, effectively serving as the zoning ordinance for that area. For anything not specified in the development agreement, the agreement refers to the current version of the UDC and the 2006 version, depending on the section.

The site does not have any FEMA flood plain, but there is a small pond on the site. The site drains from south to north, resulting in the location of the drainage lots along the northeast corner of the Firecracker Road frontage

Water service will be provided by the Sunfield MUD through Goforth SUD. Wastewater service will be provided by the Sunfield MUD. As a result of the project, the sewer main will be extended along Firecracker to just short of Main Street at the edge of the ETJ.

3. FINANCIAL IMPACT

The subdivision will generate plat, site plan review, and building permit fees. Upon completion, the buildings will generate property taxes and possible sales taxes, dependent on the nature of the businesses.

4. ACTION OPTIONS/RECOMMENDATION

Staff recommends approval of this replat as it is consistent with the requirements of the Unified Development Code (UDC).

Staff recommends the Commission consider conditional approval of the Re-Plat establishing Sunfield Light Industrial Replat, Block A, Lots 1B, 1C, 1D,1E, 1F, and 2A based upon resolution of the following:

1. Execution of maintenance agreement between the Sunfield MUD and property owners regarding perpetual maintenance of the newly established Deep Roots Drive;
2. Recordation of the drainage easement;
3. Fee in Lieu of sidewalks on Deep Roots Drive is paid prior to recordation;

5. ATTACHMENTS

Sunfield Light Industrial Replat, Block A, Lots 1B, 1C, 1D,1E, 1F, and 2A

11

THE STATE OF _____)(
COUNTY OF _____)(
KNOW ALL MEN BY THESE PRESENTS:

- THAT
- FIRECRACKER 3 INDUSTRIAL OWNER LLC, WHOSE ADDRESS IS 250 NICOLLET MALL, SUITE 500, MINNEAPOLIS, MINNESOTA 55401, ACTING HEREIN BY AND THROUGH VICTOR YOUNG AND CHRIS MASE, OWNER OF THAT CERTAIN TRACT OF LAND DESCRIBED IN INSTRUMENT RECORDED IN DOC. NO. 210356654 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS;
 - UNITED PROPERTIES DEVELOPMENT LLC, WHOSE ADDRESS IS 250 NICOLLET MALL, SUITE 500 MINNEAPOLIS, MINNESOTA 55401, ACTING HEREIN BY AND THROUGH VICTOR YOUNG AND CHRIS MASE, OWNER OF THAT CERTAIN TRACT OF LAND DESCRIBED IN INSTRUMENT RECORDED IN DOC. NO. OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS;

BEING A TOTAL OF 57.189 ACRES OF LAND, LOCATED IN THE GEORGE HERDER SURVEY NO. 537, ABSTRACT NO. 239, CITY OF BUDA, HAYS COUNTY, TEXAS. DO HEREBY SUBDIVIDE SAID 57.189 ACRES OF LAND TO BE KNOWN AS " SUNFIELD LIGHT INDUSTRIAL, BLOCK A, LOTS 1A AND 2 REPLAT", IN ACCORDANCE WITH THE PLAT SHOWN HEREON, SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED, AND WE DO HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS AND PUBLIC EASEMENTS SHOWN HEREON.

FIRECRACKER 3 INDUSTRIAL OWNER, LLC, A DELAWARE LIMITED LIABILITY COMPANY
BY: FIRECRACKER 3INDUSTRIAL INVESTOR HOLDINGS, LLC, A DELAWARE LIMITED LIABILITY COMPANY
ITS: MEMBER

BY: UPD FIRECRACKER 3 LLC, A DELAWARE LIMITED LIABILITY COMPANY
ITS: MANAGING MEMBER

BY: UNITED PROPERTIES DEVELOPMENT LLC, A MINNESOTA LIMITED LIABILITY COMPANY
ITS: MANAGER

BY:
NAME: VICTOR YOUNG
ITS: SENIOR VICE PRESIDENT

BY:
NAME: CHRISTOPHER MASE
ITS: VICE PRESIDENT

UNITED PROPERTIES DEVELOPMENT LLC, A MINNESOTA LIMITED LIABILITY COMPANY

BY:
NAME: VICTOR YOUNG
ITS: SENIOR VICE PRESIDENT

BY:
NAME: CHRISTOPHER MASE
ITS: VICE PRESIDENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE
VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE
DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE
TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF _____
COUNTY OF _____

ON _____ BEFORE ME, _____

PERSONALLY APPEARED
WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE
SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME
IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT
THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING
PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE _____

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE
VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE
DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE
TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF _____
COUNTY OF _____

ON _____ BEFORE ME, _____

PERSONALLY APPEARED
WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE
SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME
IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT
THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING
PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE _____

WATER UTILITY PROVIDER SIGNATURE BLOCK

(COMPANY):
(NAME & TITLE):
DATE:

WASTEWATER UTILITY PROVIDER SIGNATURE BLOCK

(COMPANY):
(NAME & TITLE):
DATE:

UTILITY PROVIDERS:

WATER: GOFORTH WATER SUPPLY CORPORATION
WASTEWATER: SUNFIELD MUD NO. 1
ELECTRIC: PEDERNALES ELECTRIC COOPERATIVE

REPLAT OF LOTS 1A, AND 2 OF THE AMENDED PLAT OF
SUNFIELD LIGHT INDUSTRIAL, ESTABLISHING SUNFIELD LIGHT
INDUSTRIAL REPLAT, BLOCK A, LOTS 1B,1C,1D, 1E, 1F AND 2A

57.189 ACRES OUT OF THE
T. VARCINAS SURVEY NO. 9, ABSTRACT NO. 465
CITY OF BUDA LIMITED PURPOSE JURISDICTION, HAYS COUNTY, TEXAS

I, THE UNDERSIGNED, PRESIDENT OF SUNFIELD MUNICIPAL UTILITY DISTRICT NO. 1, HEREBY CERTIFY THAT THIS
SUBDIVISION PLAT CONFORMS TO ALL SUNFIELD MUNICIPAL UTILITY DISTRICT NO. 1 REQUIREMENTS AND CERTIFY THAT
SUNFIELD MUNICIPAL UTILITY DISTRICT NO. 1 HEREBY ACCEPTS ALL EASEMENT(S) GRANTED TO SUNFIELD MUNICIPAL
UTILITY DISTRICT NO. 1 PURSUANT TO THIS SUBDIVISION PLAT.

SUNFIELD MUNICIPAL UTILITY DISTRICT NO. 1

BY:
KINDRA POAGE, PRESIDENT, BOARD OF DIRECTORS

THE STATE OF TEXAS
COUNTY OF _____.

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME, THE UNDERSIGNED NOTARY, THIS DAY OF , 2021,
BY KINDRA POAGE, PRESIDENT OF THE BOARD OF DIRECTORS OF SUNFIELD MUNICIPAL UTILITY DISTRICT NO. 1, A
POLITICAL SUBDIVISION OF THE STATE OF TEXAS, ON BEHALF OF SAID POLITICAL SUBDIVISION.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS.

I, ALICIA RAMIREZ, CITY CLERK OF THE CITY OF BUDA, HEREBY CERTIFY THAT THE ABOVE
FOREGOING PLAT OF "SUNFIELD LIGHT INDUSTRIAL, BLOCK A, LOTS 1A AND 2, REPLAT" WAS
APPROVED ON BEHALF OF THE CITY COUNCIL OF THE CITY OF BUDA, TEXAS ON THE DAY OF
, 20. SAID ADDITION SHALL BE SUBJECT TO ALL REQUIREMENTS OF THE
UNIFIED DEVELOPMENT CODE OF THE CITY OF BUDA.

WITNESS MY HAND THIS THE DAY OF , 20 A.D.

ALICIA RAMIREZ, TRMC, CPM
CITY OF BUDA CITY CLERK

STATE OF TEXAS)(
COUNTY OF HAYS)(

I, ELAINE HANSON CARDENAS, COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT
THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED
FOR RECORD IN MY OFFICE ON THE DAY OF , 20, AT O'CLOCK
_M., IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS, IN INSTRUMENT NUMBER .

WITNESS MY HAND AND SEAL OF OFFICE, THIS THE DAY OF , 20 .

ELAINE HANSON CARDENAS,
HAYS COUNTY CLERK

STATE OF TEXAS
COUNTY OF HAYS

I, THE UNDERSIGNED, DIRECTOR OF THE HAYS COUNTY DEVELOPMENT SERVICES DEPARTMENT, HEREBY CERTIFY THAT THIS
SUBDIVISION PLAT CONFORMS TO ALL HAYS COUNTY REQUIREMENTS AS STATED IN THE INTERLOCAL COOPERATION
AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF BUDA FOR SUBDIVISION REGULATION WITHIN THE LIMITED PURPOSE
JURISDICTION OF THE CITY OF BUDA.

MARCUS PACHECO, DIRECTOR, HAYS COUNTY DEVELOPMENT SERVICES.

NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO AN INDIVIDUAL WATER SUPPLY OR A STATE-APPROVED
COMMUNITY WATER SYSTEM. DUE TO DECLINING WATER SUPPLIES AND DIMINISHING WATER QUALITY, PROSPECTIVE PROPERTY OWNERS ARE
CAUTIONED BY HAYS COUNTY TO QUESTION THE SELLER CONCERNING GROUNDWATER AVAILABILITY. RAINWATER COLLECTION IS ENCOURAGED
AND IN SOME AREAS MAY OFFER THE BEST RENEWABLE WATER RESOURCE.

NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A PUBLIC SEWER SYSTEM OR TO AN ON-SITE WASTEWATER
SYSTEM WHICH HAS BEEN APPROVED AND PERMITTED BY HAYS COUNTY DEVELOPMENT SERVICES.

NO CONSTRUCTION OR OTHER DEVELOPMENT WITHIN THIS SUBDIVISION MAY BEGIN UNTIL ALL HAYS COUNTY DEVELOPMENT PERMIT
REQUIREMENTS HAVE BEEN MET.

ERIC VAN GAASBEEK, R.S., C.F.M, HAYS COUNTY
FLOODPLAIN ADMINISTRATOR

MARCUS PACHECO, DIRECTOR
HAYS COUNTY DEVELOPMENT SERVICES

THE STATE OF TEXAS)(
COUNTY OF)(

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER
ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS PLAT.

NO PORTION OF THIS SITE IS LOCATED WITHIN THE 100-YEAR FLOODPLAIN PER FEDERAL EMERGENCY MANAGMENT AGENCY.
FLOOD INSURANCE RATE MAP PANEL NO. 48209C0285F DATED SEPTEMBER 02, 2005.

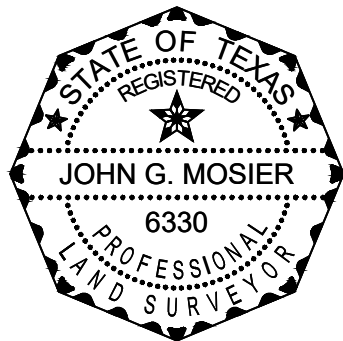
LUKE W. CARAWAY, P.E.
REGISTERED PROFESSIONAL ENGINEER NO. 125677
KIMLEY-HORN AND ASSOCIATES, INC.
2600 VIA FORTUNA TERRACE I, SUITE 300
AUSTIN, TX 78746



I, JOHN G. MOSIER, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND
CORRECTLY MADE AND IS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE
GROUND AND THAT THE CORNER MONUMENTS WERE PROPERLY PLACED UNDER MY SUPERVISION.

WITNESS MY HAND THIS 23rd DAY OF June, 2022.

JOHN G. MOSIER
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6754
KIMLEY-HORN AND ASSOCIATES, INC.
601 NW LOOP 410
SAN ANTONIO, TX 78216



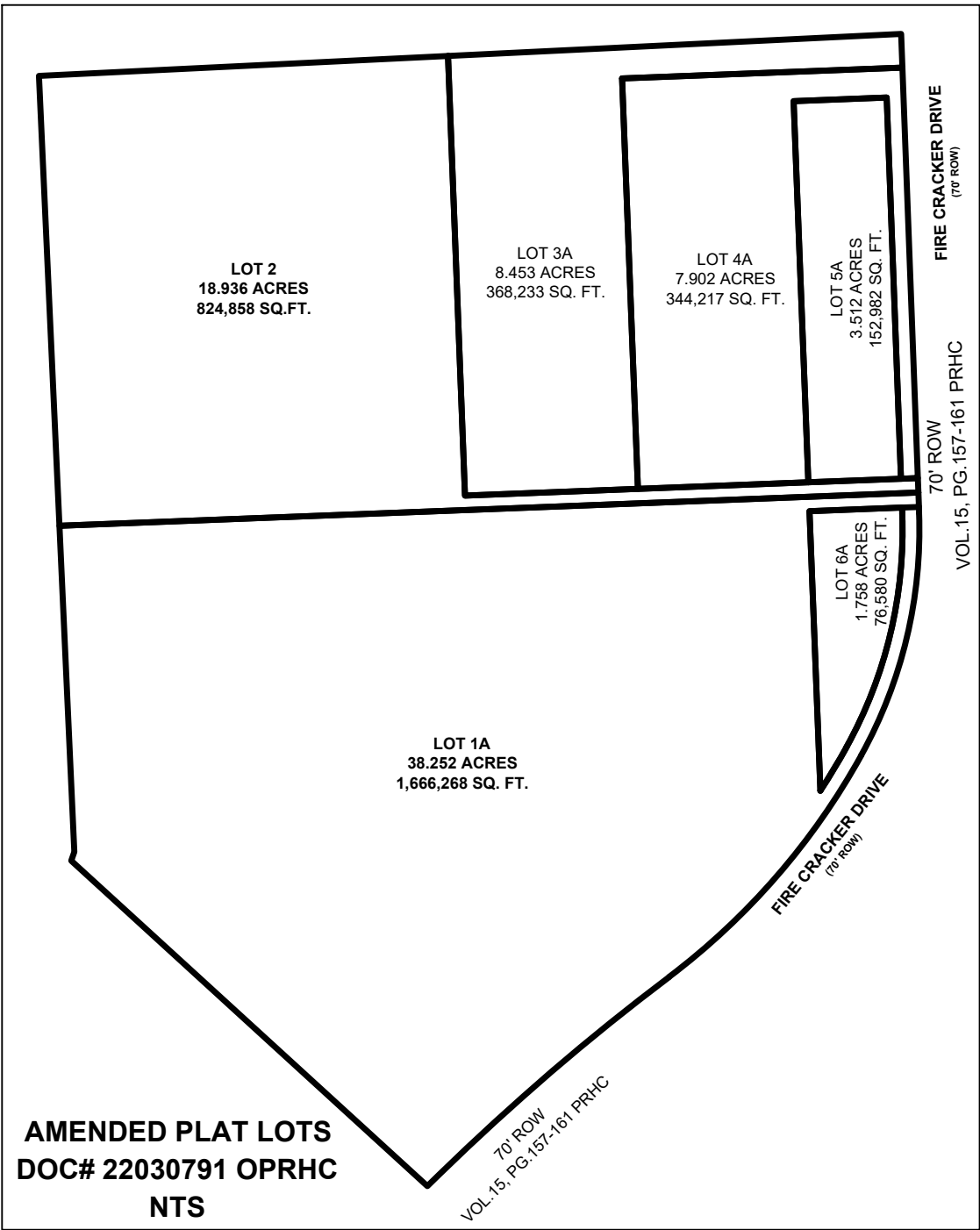
Kimley»Horn					
601 NW Loop 410, Suite 350 San Antonio, Texas 78216			Tel. No. (210) 541-9166 www.kimley-horn.com		
Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 100'	MAV	JGM	06/22/2022	069284600	3 OF 4

REPLAT OF LOTS 1A, AND 2 OF THE AMENDED PLAT
OF SUNFIELD LIGHT INDUSTRIAL, ESTABLISHING
SUNFIELD LIGHT INDUSTRIAL REPLAT, BLOCK A,
LOTS 1B,1C,1D, 1E, 1F AND 2A

57.189 ACRES OUT OF THE
T. VARCINAS SURVEY NO. 9, ABSTRACT NO. 465
CITY OF BUDA LIMITED PURPOSE JURISDICTION, HAYS COUNTY, TEXAS

LINE TABLE		
NO.	BEARING	LENGTH
L1	N87°47'02"E	192.47'
L2	S02°08'51"E	12.55'
L3	N87°47'02"E	35.00'
L4	N02°08'51"W	30.00'
L5	S02°08'51"E	12.59'
L6	S02°08'51"E	30.00'
L7	N87°47'02"E	35.00'
L8	N18°37'10"E	19.28'

CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	31°06'26"	930.00'	504.92'	N13°24'36"E	498.74'
C2	4°13'31"	1435.00'	105.82'	N31°04'34"E	105.80'
C3	282°38'08"	48.00'	236.78'	S02°12'58"E	60.00'



HAYS COUNTY NOTE:

NO CONSTRUCTION OR DEVELOPMENT WITHIN THIS SUBDIVISION MAY BEGIN UNTIL ALL HAYS COUNTY DEVELOPMENT AUTHORIZATION REQUIREMENTS HAVE BEEN SATISFIED.

PLAT NOTES:

- THE WASTEWATER SYSTEM SERVING THIS SUBDIVISION SHALL BE DESIGNED AND INSTALLED IN COMPLIANCE WITH CITY OF BUDA DESIGN AND CONSTRUCTION STANDARDS, AS REQUIRED IN SECTION III. A OF THE HB1445 INTERLOCAL AGREEMENT BETWEEN HAYS COUNTY AND CITY OF BUDA IN ACCORDANCE WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY PLANS AND SPECIFICATIONS AND IN ACCORDANCE WITH THE SUNFIELD MUD NO. 1 STANDARDS. THE WATER SYSTEM SERVING THIS SUBDIVISION SHALL BE DESIGNED AND INSTALLED IN COMPLIANCE WITH THE CITY OF BUDA DESIGN AND CONSTRUCTION STANDARDS, AS REQUIRED IN SECTION III. A OF THE HB1445 INTERLOCAL AGREEMENT BETWEEN HAYS COUNTY AND CITY OF BUDA, IN ACCORDANCE WITH THE GOFORTH WATER SUPPLY CORPORATION STANDARDS AND IN ACCORDANCE WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY PLANS AND SPECIFICATIONS. IN THE EVENT ANY STANDARD OR SPECIFICATION APPLICABLE TO THE WASTEWATER SYSTEM OR WATER SYSTEM CONFLICTS WITH ANOTHER APPLICABLE STANDARD OR SPECIFICATION, THE MORE STRINGENT STANDARD OR SPECIFICATION SHALL APPLY. PLANS AND SPECIFICATIONS SHALL BE SUBMITTED TO THE CITY OF BUDA FOR APPROVAL.
- PRIOR TO CONSTRUCTION ON ANY LOT IN THIS SUBDIVISION, DRAINAGE PLANS WILL BE SUBMITTED TO THE CITY OF BUDA FOR REVIEW. RAINFALL RUN-OFF SHALL BE HELD TO THE AMOUNT EXISTING AT UNDEVELOPED STATUS BY PONDING OR OTHER APPROVED METHODS.
- PUBLIC SIDEWALKS, BUILT TO THE CITY OF BUDA STANDARDS, ARE REQUIRED ALONG ALL STREETS. THESE SIDEWALKS ARE REQUIRED TO BE IN PLACE OR A FEE-IN-LIEU PAID PRIOR TO THE LOTS BEING OCCUPIED. FAILURE TO CONSTRUCT THE REQUIRED SIDEWALKS OR PAY THE FEE-IN-LIEU, MAY RESULT IN THE WITHHOLDING OF CERTIFICATES OF OCCUPANCY, BUILDING PERMITS OR CONNECTIONS BY THE GOVERNING BODY OR UTILITY COMPANY. SIDEWALKS WILL BE MAINTAINED BY THE SUNFIELD HOMEOWNERS ASSOCIATION OR SUNFIELD M.U.D. NO. 1.
- THE PEDERNALES ELECTRIC COOPERATIVE, INC. (PEC) HAS THE RIGHT TO PRUNE AND/OR REMOVE TREES, SHRUBBERY AND OTHER OBSTRUCTIONS TO THE EXTENT NECESSARY TO KEEP ANY EASEMENTS CLEAR. PEDERNALES ELECTRIC COOPERATIVE, INC. WILL PERFORM ALL TREE WORK IN COMPLIANCE WITH CHAPTER SEVEN THE CITY OF BUDA UNIFIED DEVELOPMENT CODE.
- THE OWNER/DEVELOPER OF THIS SITE SHALL PROVIDE PEDERNALES ELECTRIC COOPERATIVE, INC. WITH ANY EASEMENT AND/OR ACCESS REQUIRED, IN ADDITION TO THOSE INDICATED, FOR THE INSTALLATION AND ONGOING MAINTENANCE OF OVERHEAD AND UNDERGROUND ELECTRIC FACILITIES. THESE EASEMENTS AND/OR ACCESS ARE REQUIRED TO PROVIDE ELECTRIC SERVICE TO THE BUILDING AND WILL NOT BE LOCATED SO AS TO CAUSE THE SITE TO BE OUT OF COMPLIANCE WITH THE CITY OF BUDA UNIFIED DEVELOPMENT CODE.
- THE OWNER SHALL BE RESPONSIBLE FOR ANY INSTALLATION OF TEMPORARY EROSION CONTROL, REVEGETATION AND TREE PROTECTION. IN ADDITION, THE OWNER SHALL BE RESPONSIBLE FOR ANY TREE PRUNING AND TREE REMOVAL THAT IS WITHIN TEN FEET OF THE CENTERLINE OF THE OVERHEAD ELECTRIC FACILITIES DESIGNED TO PROVIDE ELECTRIC SERVICE TO THIS PROJECT. PEDERNALES ELECTRIC COOPERATIVE, INC. WORK SHALL BE INCLUDED WITHIN THE LIMITS OF CONSTRUCTION FOR THIS PROJECT.
- DRAINAGE EASEMENTS TO BE ENCLOSED CONDUIT AND OPEN CHANNEL.
- PROPERTY OWNER SHALL BE RESPONSIBLE FOR ACCESS TO DRAINAGE EASEMENTS AS MAY BE NECESSARY AND SHALL NOT PROHIBIT ACCESS BY GOVERNMENTAL AUTHORITIES.
- THIS SITE IS NOT LOCATED WITHIN THE BOUNDARIES OF THE CONTRIBUTING ZONE OF THE EDWARDS AQUIFER NOR THE EDWARDS AQUIFER RECHARGE ZONE.
- NO DRIVEWAY CONSTRUCTED IN THIS SUBDIVISION SHALL BE PERMITTED ACCESS ONTO A PUBLIC ROADWAY UNLESS A PERMIT FOR USE OF THE COUNTY ROADWAY RIGHT-OF-WAY HAS BEEN ISSUED
- "SUNFIELD LIGHT INDUSTRIAL, BLOCK A, LOTS 1A AND 2, REPLAT" IS LOCATED WITHIN THE HAYS CONSOLIDATED ISD, AND HAYS COUNTY EMERGENCY SERVICES DISTRICT #2, AND #8.
- SIDEWALKS ARE TO BE CONSTRUCTED IN ACCORDANCE WITH THE 2004 CITY OF BUDA UNIFIED DEVELOPMENT CODE
- POST-DEVELOPMENT CONDITIONS RUNOFF RATE SHALL BE NO GREATER THAN THE PREDEVELOPED CONDITION FOR 2, 5, 10, 25, AND 100 YEAR STORM EVENTS, PER HAYS COUNTY DEVELOPMENT REGULATIONS, CHAPTER 725, SUBCHAPTER 3.02. PRE AND POST DEVELOPMENT RUNOFF CALCULATIONS SHALL BE INCLUDED WITH THE CONSTRUCTION DRAWINGS FOR THIS SUBDIVISION.
- THE BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM GRID, CENTRAL ZONE (FIPS 4203) (NAD'83), AS DETERMINED BY THE GLOBAL POSITIONING SYSTEM (GPS). ALL DISTANCES SHOWN HEREON ARE ON THE SURFACE. TO CONVERT SURFACE DISTANCES TO THE GRID, APPLY THE COMBINED SURFACE TO GRID SCALE FACTOR OF 0.999998.THE UNIT OF LINEAR MEASUREMENT IS U.S. SURVEY FEET.
- ACCORDING TO COMMUNITY PANEL NO. 48209C0280F AND 48209C0285F, DATED SEPTEMBER 02, 2005 OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM), THE SUBJECT TRACT IS LOCATED WITHIN ZONE "X" (UN-SHADED) WHICH IS DEFINED BY FEMA AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN." COMMONLY KNOWN AS THE 500-YEAR FLOODPLAIN. ZONE "X" (UN-SHADED) IS OUTSIDE OF ANY FEMA ESTABLISHED FLOOD HAZARD ZONE. THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. ON RARE OCCASIONS, GREATER FLOODS CAN AND WILL OCCUR AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL CAUSES. THIS FLOOD STATEMENT SHALL NOT CREATE ANY LIABILITY ON THE PART OF KIMLEY-HORN OR THE UNDERSIGNED.
- THIS PLAT CONFORMS TO THE PRELIMINARY PLAT APPROVED BY THE PLANNING AND ZONING COMMISSION ON 06/08/2021.
- THIS SUBDIVISION IS SUBJECT TO THE TERMS PROVISIONS AND CONDITIONS OF THE SHOPS AT SUNFIELD DEVELOPMENT AGREEMENT, DATE NOVEMBER 8, 2006, RECORDED IN VOLUME 3220, PAGE 308 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AS AMENDED BY THE FIRST AMENDMENT TO THE SHOPS AT SUNFIELD DEVELOPMENT AGREEMENT, DATED JANUARY 7, 2019, RECORDED AS DOCUMENT NUMBER 19001846 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AS MAY BE FURTHER AMENDED FROM TIME TO TIME.
- THIS PROJECT FALLS WITHIN THE BARTON SPRINGS/EDWARDS AQUIFER CONSERVATION DISTRICT.
- POST-CONSTRUCTION STORMWATER CONTROL MEASURES SHALL HAVE A MAINTENANCE PLAN. THE MAINTENANCE PLAN MUST BE FILED IN THE REAL PROPERTY RECORDS OF HAYS COUNTY. THE OWNER OPERATOR OF ANY NEW DEVELOPMENT OR REDEVELOPMENT SITE SHALL DEVELOP AND IMPLEMENT A MAINTENANCE PLAN ADDRESSING MAINTENANCE REQUIREMENTS FOR ANY STRUCTURAL CONTROL MEASURES INSTALLED ON SITE. OPERATION AND MAINTENANCE PERFORMED SHALL BE DOCUMENTED AND RETAINED AND MADE AVAILABLE FOR REVIEW UPON REQUEST.
- THIS PLAT LIES WHOLLY WITHIN THE BOUNDARIES OF SUNFIELD MUD #1, THE LIMITED PURPOSE JURISDICTION OF THE CITY OF BUDA, AND HAYS COUNTY.
- ALL DRAINAGE EASEMENTS SHALL BE KEPT CLEAR OF FENCES, BUILDINGS, VEGETATION AND OTHER OBSTRUCTIONS TO THE OPERATION AND MAINTENANCE OF THE DRAINAGE FACILITIES.
- THE DRAINAGE FOR THIS SUBDIVISION SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE CITY OF BUDA 2004 UNIFIED DEVELOPMENT CODE.
- NO BUILDING OR OTHER PERMIT, EXCEPT PERMITS FOR CONSTRUCTION OF PUBLIC IMPROVEMENTS WILL BE ISSUED BY THE CITY OF BUDA, TEXAS, FOR CONSTRUCTION WITHIN THIS SUBDIVISION UNTIL SUCH TIME AS ALL PUBLIC IMPROVEMENTS OF THE SUBDIVISION HAVE BEEN CONSTRUCTED AND ACCEPTED BY THE APPLICABLE AUTHORITY OR AGENCY OR THE GUARANTEE OF CONSTRUCTION OF PUBLIC IMPROVEMENTS REQUIRED BY THE CITY OF BUDA 2004 UNIFIED DEVELOPMENT CODE HAS BEEN ACCEPTED BY THE CITY.
- OWNERSHIP AND MAINTENANCE RESPONSIBILITY OF THE DRAINAGE EASEMENTS, RESERVES, CHANNELS AND FACILITIES IS VESTED IN SUNFIELD MUD #1.
- ALL SUNFIELD MUD NO. 1 ROW WITHIN THIS DEVELOPMENT WILL BE MAINTAINED BY SUNFIELD MUNICIPAL UTILITY DISTRICT NO. 1 AND HAYS COUNTY WILL NEVER BE PETITIONED FOR MAINTENANCE WITHIN THE SUNFIELD MUD NO. 1 ROW.

Kimley»Horn
601 NW Loop 410, Suite 350
San Antonio, Texas 78216
Tel. No. (210) 541-9166
www.kimley-horn.com
FIRM # 10193973

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 100'	MAV	JGM	06/22/2022	069284600	4 OF 4

**SUNFIELD MUD NO. 1
LICENSE AGREEMENT**

SUNFIELD MUNICIPAL UTILITY DISTRICT NO. 1 ("MUD No. 1"), a political subdivision of the State of Texas ("LICENSEE"), and United Properties Development LLC ("OWNER") enter into this License Agreement ("Agreement") on this the 1 day of June 2022, upon the terms and conditions set forth below.

I. PURPOSE OF LICENSE AGREEMENT

MUD #1 grants to Owner, its successors and assigns, permission to use the licensed property for the following purposes only:

To allow the installation of a driveway within the right of way of Mid Way.

The above-described property, hereinafter referred to as the "Licensed Property," is shown on Exhibit "A" attached to this Agreement and incorporated by reference for all purposes.

The COUNTY grants to Licensee, its successors and assigns, permission to use the Licensed Property for the following purposes only:

To allow the modification, repair, maintenance, and replacement of the Public ROW named Mid Way within the Licensed Property.

MUD No. 1 makes this grant solely to the extent of its right, title, and interest in the Licensed Property, without any express or implied warranties.

Owner and Licensee agree that all construction and maintenance permitted by this Agreement shall be done in compliance with all applicable County, State and/or Federal police, traffic, building, health and safety ordinances, laws and regulations existing at the time said construction and maintenance is performed.

II. ANNUAL FEE

Mud No. 1, its governing body, and its respective successors and assigns agree that no annual fee shall be assessed for the license and permission herein granted to Owner and Licensee.

III. COUNTY'S RIGHTS TO LICENSED PROPERTY

This Agreement is expressly subject and subordinate to the present and future right of MUD No. 1, its successors, assigns, lessees, grantees and licensees, to construct, install, establish, maintain, use, operate and renew any public utilities facilities, franchised public utilities, roadways or streets on, beneath or above the surface of the Licensed Property described in Article I above.

Nothing in this Agreement shall be construed to limit, in any way, the power of MUD No. 1 to widen, alter, or improve the Licensed Property subject to this Agreement pursuant to official action by the governing body of MUD No. 1 or its successors. The

MUD No. 1 does, however, agree to give Licensee at least thirty (30) days' written notice of such action and shall cooperate with Licensee to effect the relocation of Licensee's installations and improvements in the event of such widening, altering or improvement of such street areas and, further, to cooperate with Licensee wherever possible, to effect such widening, altering or improving of such street areas so that Licensee's operations and improvements on the Licensed Property will not be materially affected thereby.

Notwithstanding any provision in this Agreement to the contrary, MUD No. 1 retains the right to enter upon the Licensed Property, at any time and without notice, assuming no obligation to Licensee or to Owner, to remove any of the licensed improvements or alterations thereof whenever such removal is deemed necessary for: (a) exercising MUD No. 1 rights or duties with respect to the Licensed Property; (b) protecting persons or property; or (c) the public health or safety with respect to the Licensed Property.

IV. INDEMNIFICATION

OWNER SHALL INDEMNIFY AND HOLD HARMLESS SUNFIELD MUD NO. 1 AND ITS OFFICERS, AGENTS AND EMPLOYEES AGAINST ALL CLAIMS, SUITS, DEMANDS, JUDGMENTS AND EXPENSES, INCLUDING ATTORNEY'S FEES, OR OTHER LIABILITY FOR PERSONAL INJURY, DEATH OR DAMAGE TO ANY PERSON OR PROPERTY WHICH IS PROXIMATELY CAUSED BY OWNER'S CONSTRUCTION AND LOCATION OF THE IMPROVEMENTS. LICENSEE SHALL INDEMNIFY AND HOLD HARMLESS SUNFIELD MUD NO. 1 AND ITS OFFICERS, AGENTS AND EMPLOYEES AGAINST ALL CLAIMS, SUITS, DEMANDS, JUDGMENTS AND EXPENSES, INCLUDING ATTORNEY'S FEES, OR OTHER LIABILITY FOR PERSONAL INJURY, DEATH OR DAMAGE TO ANY PERSON OR PROPERTY WHICH IS PROXIMATELY CAUSED BY LICENSEE'S ACTIONS OR INACTIONS IN MAINTAINING THE IMPROVEMENTS LOCATED ON THE LICENSED PROPERTY. THIS INDEMNIFICATION PROVISION, HOWEVER, SHALL NOT APPLY TO ANY CLAIMS, SUITS, DAMAGES, COSTS, LOSSES OR EXPENSES WHICH ARE PROXIMATELY CAUSED BY THE NEGLIGENT OR WILLFUL ACTS OF SUNFIELD MUD NO. 1, ITS AGENTS, EMPLOYEES OR CONTRACTORS; PROVIDED, HOWEVER, THAT FOR THE PURPOSES OF THE FOREGOING, THE COUNTY'S ACT OF ENTERING INTO THIS AGREEMENT SHALL NOT BE DEEMED TO BE A "NEGLIGENT OR WILLFUL ACT."

V. CONDITIONS

A. Owner and Licensee's Responsibilities. Owner will be responsible for any damage to or relocation of existing facilities. Further, Owner shall reimburse MUD No. 1 for all costs of replacing or repairing any property of MUD No. 1 or of others which was damaged or destroyed as a result of activities authorized under this Agreement by, or on behalf of, Owner.

B. Maintenance. Licensee shall maintain the Licensed Property by keeping the area free of debris and litter. Removal of dead or dying plants shall also be handled by Licensee at its expense, as required by MUD No. 1; such removal shall be completed within thirty (30) days following receipt of a written request by MUD No. 1 to do so. Licensee shall be responsible for maintenance of the roadway, utilities, and any other miscellaneous items located in the Licensed Property.

C. Removal or Modification. Licensee agrees that removal or modification of any improvements now existing or to be later replaced shall be at Licensee's expense. Said removal or modification shall be at Licensee's sole discretion, except where otherwise provided by this Agreement.

D. Default. In the event that Licensee fails to maintain the Licensed Property or otherwise comply with the terms or conditions as set forth herein, then MUD No. 1 shall give Licensee written notice thereof, by registered or certified mail, return receipt requested, to the address set forth below. Licensee shall have thirty (30) days from the date of receipt of such notice to take action to remedy the failure complained of and, if Licensee does not satisfactorily remedy the same within the 30-day period, MUD No. 1 may perform the work or contract for the completion of the work. Licensee agrees to pay, within thirty (30) days of written demand by the MUD No. 1, all costs, and expenses incurred by MUD No. 1 in completing the work.

VI. COMMENCEMENT: TERMINATION BY ABANDONMENT

This Agreement shall begin with the date set forth in the introductory paragraph

of this Agreement, and continue thereafter for so long as the Licensed Property shall be used for the purposes set forth herein. If Licensee abandons the use of all or any part of the Licensed Property for such purposes set forth in this Agreement, then this Agreement, as to such portion or portions abandoned, shall expire and terminate following thirty (30) days' written notice to the Licensee if such abandonment has not been remedied by Licensee within such period; MUD No. 1 shall thereafter have the same complete title to the Licensed Property so abandoned as though this Agreement had never been made and shall have the right to enter on the Licensed Property and terminate the rights of Licensee, its successors and assigns hereunder. All installations of Licensee not removed shall be deemed property of MUD No. 1 as of the time abandoned.

VII. TERMINATION

A. Termination By Licensee. This Agreement may be terminated by Licensee by delivering written notice of termination to MUD No. 1 not later than thirty (30) days before the effective date of termination. If Licensee so terminates, then it may remove installations that it made from the Licensed Property within the 30-day notice period. Any installations not removed within said period are agreed to be the property of MUD No. 1.

Subject to prior written notification to Licensee or its successors-in-interest, this Agreement is revocable by MUD No. 1 and deemed to be in the public interest if:

1. the licensed improvements, or a portion of them, interfere with MUD No. 1 right-of-way;

2. use of the Licensed Property becomes necessary for a public purpose;
3. the licensed improvements, or a portion of them, constitute a danger to the public which MUD No. 1 deems not to be remediable by alteration or maintenance of such improvements;
4. despite thirty (30) days' written notice to Licensee, maintenance or alteration necessary to alleviate a danger to the public has not been made; or
5. Licensee fails to comply with the terms and conditions of this Agreement including, but not limited to, any insurance requirements specified herein.

If Licensee abandons or fails to maintain the Licensed Property, and the MUD No. 1 receives no substantive response within thirty (30) days following written notification to Licensee, then MUD No. 1 may remove and/or replace all licensed improvements.

VIII. APPLICATION OF LAW

This Agreement shall be governed by the laws of the State of Texas. If the final judgment of a court of competent jurisdiction invalidates any part of this Agreement, then the remaining parts shall be enforced, to the extent possible, consistent with the intent of the parties as evidenced by this Agreement.

IX. VENUE

Venue for all lawsuits concerning this Agreement will be in Hays County, Texas.

X. COVENANT RUNNING WITH LAND: WAIVER OF DEFAULT

This License Agreement and all of the covenants herein shall run with the land; therefore, the conditions set forth herein shall inure to and bind each party's successors and assigns. Either party may waive any default of the other at any time, without affecting or impairing any right arising from any subsequent or other default.

XI. ASSIGNMENT

Owner and Licensee shall not assign, sublet, or transfer their interest in this Agreement without the written consent of MUD No. 1, which consent shall not be unreasonably withheld.

Licensee and Owner shall furnish to MUD No. 1 a copy of any such assignment or transfer of any of Licensee's rights in this Agreement, including the name, date, address and contact person.

XII. NOTICES

All notices, demands and requests for delivery of documents or information hereunder shall be in writing and shall be deemed to have been properly delivered and received as of the time of delivery if personally delivered, as of the time deposited in the mail system if sent by United States certified mail, return receipt requested, and postage prepaid, or as of the time of delivery to Federal Express (or comparable express delivery system) if sent by such method with all costs prepaid. All notices, demands, and requests hereunder shall be addressed:

To Licensee At:

Sunfield Municipal Utility District No. 1
Coats Rose
c/o Mindy Koehne
14755 Preston Rd., Suite 600

Dallas, TX 75254

To Owner At:

[_____]
c/o United Properties Development LLC
1717 West Sixth Street
Suite 400
Austin, Texas 78703
Attention: Brenda Studt

With a copy to: Kruger Carson PLLC
1301 W. 25th St., #560
Austin, TX 78705
Attention: Adam Kruger

or to such other addresses which either party may so designate by sending notice as aforesaid.

TERMS AND CONDITIONS ACCEPTED, this the 1 day of June, 2022.

(SIGNATURES FOLLOW ON THE NEXT PAGES)

LICENSEE:

SUNFIELD MUNICIPAL UTILITY DISTRICT NO. 1

By: _____

Name: _____

Title: _____

THE STATE OF TEXAS §

§

COUNTY OF _____ §

This instrument was acknowledged before me on this the ____ day of _____, 2022 by _____ of Sunfield Municipal Utility District No. 1.

NOTARY PUBLIC, State of Texas

OWNER:

United Properties Development LLC,
A Minnesota limited liability company

By: _____

Name: _____

Title: _____

By: _____

Name: _____

Title: _____

THE STATE OF TEXAS §

§

COUNTY OF _____ §

This instrument was acknowledged before me on this the ____ day of
_____, 2022 by _____ of United Properties
Development LLC.

NOTARY PUBLIC, State of Texas

NOTICE OF CONFIDENTIALITY RIGHTS: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's license number.

DRAINAGE EASEMENT WITH REQUIRED MAINTENANCE

Date: _____, 20__

Grantor: **United Properties Development LLC, a Minnesota limited liability company**

Grantor's Address: 250 Nicollet Mall, Suite 500
Minneapolis, Hennepin County, MN 55401

Grantee: **Sunfield Municipal Utility District No. 1, a political subdivision of the State of Texas**

Grantee's Address: 14755 Preston Road, Suite 600
Dallas, Dallas County, Texas 75254

Easement Tract: All that parcel of land situated in Hays County, Texas, described in the attached **Exhibit A**

Easement Duration: Perpetual

Easement Purpose: To access, install, construct, operate, use, maintain, repair, modify, upgrade, monitor, inspect, replace, make connections with, remove, and decommission the Facilities

Facilities: Drainage channels, drainage conveyance structures, and detention and water quality controls with all associated roads, gates, bridges, culverts, erosion control structures, and other appurtenances

Permitted Encumbrances: Any easements, liens, encumbrances, and other matters not subordinated to the Easement Tract and of record in the Real Property Records of the Texas county in which the Easement Tract is located that are valid, existing, and affect the Easement Tract as of the Date

City Reviewer Initials

Non-Permitted Activity: Installation, construction, operation, use, maintenance, repair, modification, upgrade, and replacement of any structure, building, retaining wall, or other similar improvement in the Easement Tract

Grantor, for **TEN AND NO/100 DOLLARS (\$10.00)** and other good and valuable consideration paid to Grantor, the receipt and sufficiency of which is acknowledged by Grantor, **GRANTS, SELLS, AND CONVEYS** to the City a non-exclusive easement in, over, under, on, and across the Easement Tract for the Easement Purpose as may be necessary or desirable subject to the Permitted Encumbrances, together with (i) the right of ingress and egress at all times over, on, and across the Easement Tract for use of the Easement Tract for the Easement Purpose, (ii) the right to eliminate any encroachments in the Easement Tract that interfere in any material way or are inconsistent with the rights granted the City under this instrument for the Easement Purpose as determined by the City in its reasonable discretion, and (iii) any and all rights and appurtenances pertaining to use of the Easement Tract (collectively, the "**Easement**").

TO HAVE AND TO HOLD the Easement to the City and City's successors and assigns for the Easement Duration and Easement Purpose; provided, however, Grantor reserves the right to enter upon and use any portion of the Easement Tract, but in no event shall Grantor enter upon or use any portion of the Easement Tract for any Non-Permitted Activity or in any other manner that interferes in any material way or is inconsistent with the rights granted the City under this Easement for the Easement Purpose as determined by City in its reasonable discretion. **Grantor (i) shall be obligated to maintain to a good and functioning condition in accordance with the requirements of the City as determined by the City in its reasonable discretion the Facilities in the Easement Tract, (ii) is liable to the City for such maintenance obligations, and (iii) in the event Grantor does not perform the required maintenance obligations, agrees to indemnify the City for all City costs necessary to maintain the Facilities.** Grantor may enter into an agreement with a third party regarding the maintenance obligations, but in no such event shall the agreement with the third party release Grantor from its obligations to City under this Easement.

Grantor binds Grantor and Grantor's heirs, successors, and assigns to **WARRANT AND FOREVER DEFEND** the title to the Easement, subject to the Permitted Encumbrances, to the City against every person whomsoever lawfully claiming or to claim the Easement Tract or any part of the Easement Tract when the claim is by, through, or under Grantor, but not otherwise.

Except where the context otherwise requires, *Grantor* includes *Grantor's heirs, successors, and assigns* and *City* includes *City's employees, agents, consultants, contractors, successors, and assigns*; and where the context requires, singular nouns and pronouns include the plural.

Executed effective the Date first above stated.

United Properties Development LLC, a Minnesota limited liability company

By: _____

Name: Victor Young

Its: Senior Vice President

By: _____

Name: Christopher Mase

Its: Vice President

STATE OF _____

§

§

COUNTY OF _____

§

Before me, the undersigned notary, on this day personally appeared _____ and _____ of _____, a _____, known to me through valid identification to be the person whose name is subscribed to the preceding instrument and acknowledged to me that the person executed the instrument in the person's official capacity for the purposes and consideration expressed in the instrument.

Given under my hand and seal of office on _____.

[Seal]

Notary Public, State of _____

APPROVED AS TO FORM:

SUNFIELD MUNICIPAL UTILITY DISTRICT NO. 1
BOARD OF DIRECTORS

REVIEWED:

CITY OF BUDA, TEXAS
DEVELOPMENT SERVICES DEPARTMENT

By: _____

Name: _____

Title: President

By: _____

Name: _____

Title: _____

City Reviewer Initials

EXHIBIT A

A METES AND BOUNDS DESCRIPTION OF A 0.618 ACRE TRACT OF LAND

BEING a 0.618 acre (26,920 square feet to a point for corner;) tract of land located in the T. Varcinas Survey No. 9, Abstract No. 465, Hays County, Texas; being a portion of that certain 36.933 acre tract described in special warranty deed to Sunfield Development LLC, recorded in Document No. 21000103, also being a portion of Lot 1, Block A, and a portion of variable width drainage easement variable width described in Sunfield Light Industrial, plat of which is recorded in Document Number 21033828 both of the Official Public Records of Hays County; and being more particularly described as follows:

COMMENCING, at a ½ inch iron rod found on the northwesterly right of way line of Fire Cracker Drive (70' wide) marking the south corner of said Lot 1, Block A, and the east corner of Lot 1, Block 1, Dora Academy Subdivision, plat of which is recorded in Document No. 21025532 of the Official Public Records of Hays County; and being more particularly described as follow;

THENCE, along the common line of said Dora Academy Subdivision and said Sunfield Light Industrial the following two (2) courses and distances:

1. North 47°34'50" West, 542.40 feet the **POINT OF BEGINNING** of herein described tract;
2. North 47°34'50" West, 425.40 feet to a point marking the west corner of the herein described tract; from which a 1/2-inch iron rod with red plastic cap stamped "KHA" set marking the southwest corner of said Lot 1, Block A, bears: North 47°34'50" West, 34.40 feet;

THENCE, North 87°47'02" East, 97.60 feet to a point on the northeasterly line of said variable width drainage easement marking the north corner of herein described tract;

THENCE, South 47°34'50" East, 359.69 feet along the northeasterly line of said variable width drainage easement to a point marking the east corner of herein described tract;

THENCE, South 45°32'43" West, 68.68 feet along the southeasterly line of said variable width drainage easement to the **POINT OF BEGINNING** and containing 0.618 acres of land in Hays County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System Surface, Central Zone (FIPS 4203) (NAD'83). All distances are on the Surface and shown in U.S. Survey Feet to a point for corner;. To convert surface distances to grid, apply the combined SURFACE to GRID scale factor of 0.99998. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.



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John G. Mosier
2-17-2022

EXHIBIT OF A 0.618 ACRE UNITED MUD DRAINAGE EASEMENT T. VARCINAS SURVEY NO. 9, ABSTRACT NO. 465 HAYS COUNTY, TEXAS

Kimley»Horn

13455 Noel Road, Two Galleria Office
Tower, Suite 700, Dallas, Texas 75240

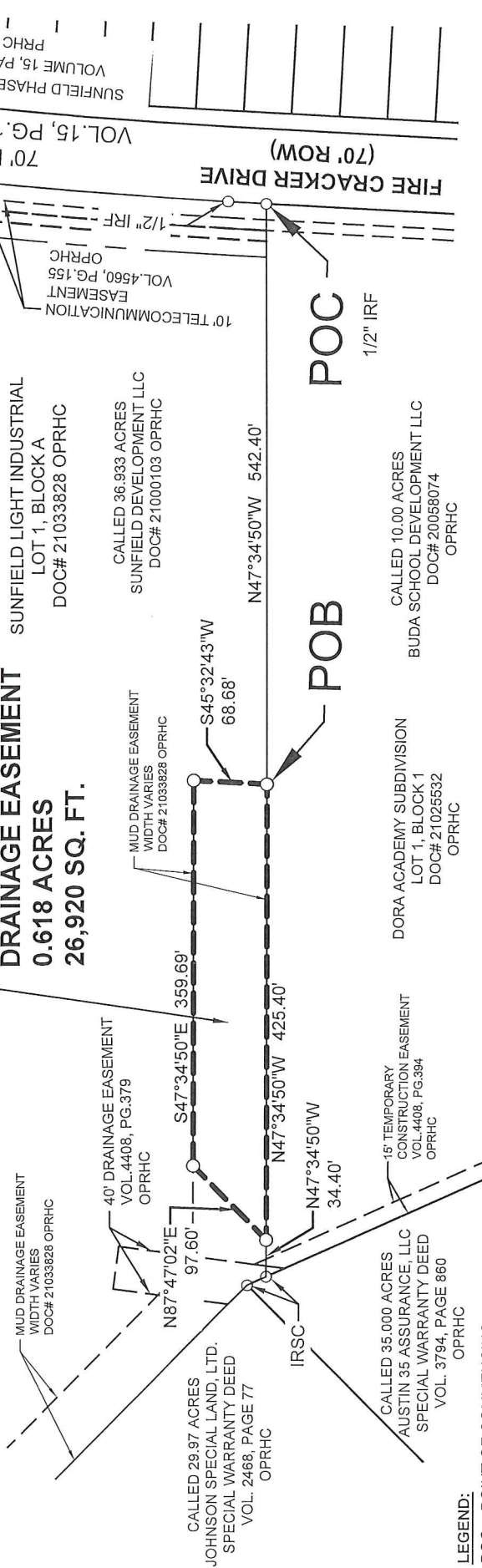
FIRM # 10115500

Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 100'	MAV	JGM	02/03/2022	069284600	1 OF 2

THE BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM SURFACE, CENTRAL ZONE (FIPS 4203) (NAD83), AS DETERMINED BY THE GLOBAL POSITIONING SYSTEM (GPS). ALL DISTANCES SHOWN HEREON ARE ON THE SURFACE. TO CONVERT SURFACE DISTANCES TO THE GRID, APPLY THE COMBINED SURFACE TO GRID SCALE FACTOR OF 0.99998. THE UNIT OF LINEAR MEASUREMENT IS U.S. SURVEY FEET.

**UNITED MUD
DRAINAGE EASEMENT
0.618 ACRES
26,920 SQ. FT.**



LEGEND:

- POC = POINT OF COMMENCING
 - POB = POINT OF BEGINNING
 - 1/2" IRF = IRON ROD FOUND
 - IRSC = 1/2" IRON ROD W/ "KHA" CAP SET
 - DRHC = DEED RECORDS HAYS COUNTY
 - PRHC = PLAT RECORDS HAYS COUNTY
 - OPRHC = OFFICIAL PUBLIC RECORDS HAYS COUNTY
 - DRTC = DEED RECORDS TRAVIS COUNTY
 - OPRTC = REAL PROPERTY RECORDS TRAVIS COUNTY
 - OPRTC = OFFICIAL PUBLIC RECORDS TRAVIS COUNTY
- CERTIFICATION: THIS IS A LEGAL DESCRIPTION BASED ON A FIELD SURVEY BY KIMLEY-HORN PERSONNEL. NO IMPROVEMENTS ARE SHOWN. ALL EXISTING EASEMENTS ARE NOT SHOWN. THIS IS NOT A LAND TITLE SURVEY. SEE THE SEPARATE LAND TITLE SURVEY UNDER JOB NUMBER 069284600 FOR ADDITIONAL INFORMATION.

**EXHIBIT OF A 0.618 ACRE
UNITED MUD DRAINAGE EASEMENT**

T. VARCINAS SURVEY NO. 9, ABSTRACT NO. 465
HAYS COUNTY, TEXAS

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**AFTER ATTACHING THE REQUIRED EXHIBITS TO THIS INSTRUMENT,
THE FOLLOWING APPROPRIATE DOCUMENTS ALSO NEED TO BE ATTACHED:**

- A. Determine whether the instrument is executed by an individual or a legal entity

Affidavit of No Liens (entity)
Affidavit of No Liens (individual)

- B. Determine whether there is a lien holder by providing an Ownership and Lien search certificate from a Title Company that shows:

1. All owners of record
2. All lienholders of record, which hold current liens OR a statement that there are no liens
3. A property legal description

Lien Holder Consent

- C. Determine whether there is a tenant on the property:

Consent by Tenant

- D. Provide the following recording page:

Recording Page

- E. Signature/corporate authority

A RESOLUTION OF THE PLANNING & ZONING COMMISSION OF THE CITY OF BUDA, TEXAS, RECOMMENDING THE CITY COUNCIL ADOPT “RESIGN-TO-RUN” RESTRICTIONS ON MEMBERS OF THE PLANNING & ZONING COMMISSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Article XVI, Section 65, of the Texas Constitution (“resign-to-run” provision), applies to cities with council terms of more than two years; and

WHEREAS, Article XI, Section 11 of the Texas Constitution provides for the automatic resignation of a city official who has more than one year and 30 days remaining in the current term of office and announces candidacy for another office; and

WHEREAS, Section 1.02.101(b) of the Buda Code of Ordinances provides that members of the Planning & Zoning Commission shall serve two-year staggered terms; and

WHEREAS, the “resign-to-run” provision of the Texas Constitution does not apply to members of the Planning & Zoning Commission; and

WHEREAS, members of the Planning & Zoning Commission serve at the pleasure of the City Council and may be removed at any time with or without cause; and

WHEREAS, the Planning & Zoning Commission desires to have similar limitations on the ability of its members to become candidates for an elective City office if their unexpired term exceeds six (6) months.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING & ZONING COMMISSION OF THE CITY OF BUDA, TEXAS, THAT:

Section 1. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Buda, Texas, and are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

Section 2. The Planning & Zoning Commission recommends the City Council of the City of Buda adopt an ordinance providing that a member of the Planning & Zoning Commission, with an unexpired term that exceeds six (6) months in that office, who announces candidacy or becomes a candidate for an elective City office, shall immediately vacate his or her place.

Section 3. The Planning & Zoning Commission hereby authorizes and directs the Secretary of the Planning & Zoning Commission to transmit a copy of this Resolution to the City Council.

Section 4. This Resolution shall be in full force and effect from and after its passage.

Section 5. The City Council hereby finds and declares that written notice of the date, hour, place, and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended.

RESOLVED this, the ___th day of _____ 2022.

PLANNING & ZONING COMMISSION

Jeff Cottrill, Chair

ATTEST:

Alicia Ramirez, City Clerk

APPROVED AS TO FORM:

Cristian Rosas-Grillet, Assistant City Attorney