



**NOTICE OF MEETING OF THE
CITY COUNCIL
OF
BUDA, TX
5:30 AM - Tuesday, May 19, 2020
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 City Council 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. COVID PRECAUTIONS

The operation of a municipality is an Essential Service. The Texas Governor's Executive Order, with the guidance of DSHS Commissioner Dr. Hellerstedt, allows all persons in Texas to obtain essential services; therefore, the public may attend this meeting in person. The Order directs the public to do so by minimizing in-person contact with people who are not in the same household and direct the implementation of social distancing, good hygiene, environmental cleanliness and sanitation. Therefore, the following social distancing rules apply to the public attending this meeting:

- 1) Any member of the public attending the meeting shall maintain a six-foot distance from others (except for those you live in the same household). City Staff and City Officials shall practice social distancing to the extent able without interfering in the ability to carry out the essential governmental functions to be conducted at this meeting.*
- 2) Attendance in the Council Chamber will be limited to allow for the public in attendance to practice social distancing. Seating may be assigned.*
- 3) Coughs and sneezes must be covered with a cloth or tissue, which should then be properly disposed of or washed, and shall not be exposed to others.*
- 4) Public courtesies such as handshakes or other greetings shall be respectfully avoided.*
- 5) Any member of the public approaching city representatives, whether they be city staff or elected or appointed officials must maintain six-foot social distancing.*

Any person who fails to comply with the COVID-19 Precautions may be removed from the meeting.

EXPANDED OPPORTUNITY FOR PUBLIC COMMENT OR PUBLIC TESTIMONY:

The City shall continue to allow expanded opportunities for members of the public who do not attend to participate in Public Comment and Public Testimony. Such participation will be allowed when recognized upon the presiding officer's announcement.

ANYONE WHO DOES NOT ATTEND BUT DESIRES TO COMMENT ON A MATTER NOT ON THE AGENDA OR TESTIFY ON A MATTER ON THE AGENDA AT THIS MEETING MUST SEND THEIR COMMENT IN WRITING NO LATER THAN ONE (1) HOUR PRIOR TO THE MEETING BY UTILIZING ONE OF THE TWO OPTIONS:

- 1) Complete the online form for Virtual Public Comment / Public Testimony.*
- 2) Use the email option at comments@ci.buda.tx.us. Please include which meeting (City Council, or which Board/Commission name, and meeting date in subject line of your email).*

All written comments must comply with applicable decorum rules for comments made during a public meeting to be read into the record. Up to three (3) minutes shall be allotted for each comment to be read into the record of the meeting. All timely written comments will be read into the record of the meeting at the appropriate time during the meeting. While reasonable efforts will be taken to gather comments received within the hour prior to the meeting or received during the meeting, all such comments are considered untimely and may not be recognized and read during the meeting.

B. CALL TO ORDER

Please turn off your cell phone when you approach the podium.

C. INVOCATION

D. PLEDGE OF ALLEGIANCE

E. ROLL CALL

F. ITEMS OF COMMUNITY INTEREST

G. PUBLIC COMMENTS

Members of the public who wish to participate in Public Comment must complete a sign-in 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 sign-in form and turn it into the City Clerk before the item they wish to participate in is called for consideration by the presiding officer.

H. CONSENT AGENDA [PUBLIC TESTIMONY]

All matters listed under this item are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired by any Council Member on any item, that item will be removed from the consent agenda and will be considered separately.

H.1. [Approval of the May 5, 2020 City Council Meeting Minutes \(City Clerk Alicia Ramirez\)](#)

[h1 2020-0505 DRAFT Minutes.pdf](#)

I. PRESENTATIONS

I.1. [Presentation on the City of Buda's 2019 Water Usage, Advanced Metering Infrastructure Project, and WaterSmart Customer Portal \(Water Resource Coordinator Blake Neffendorf\)](#)

[i1 Council WaterUse-AMI Update May2020.pdf](#)

I.2. [Presentation and update on the Whispering Hollow/Bayou Bend Drainage CIP Design Project \(Senior Project Engineer Angela Kennedy\)](#)

[i2 20200515 ASI WhipHlw BayouBendTCEQ01.pdf](#)

[i2 Whispering Hollow BayouBend City Council 20200519 v3.pdf](#)

J. REGULAR AGENDA

- J.1. Discussion and possible action to adopt a Resolution authorizing the City Manager to execute Amendment #2 to the License Use Agreement with Inspired Minds, LLC. related to the use of the former city hall facility (Deputy City Manager Micah Grau) [PUBLIC TESTIMONY]**

[COB Resolution re Inspired Minds 2nd Amendment 5.19.20.docx](#)

[121 Main Facility License Agreement Amendment #2.docx](#)

[IMAC June 2020 License Fee Suspension Letter.pdf](#)

[Hill Country Ltr to Council 5.11.20.pdf](#)

- J.2. Mayor's report on Emergency Management Director activities related to the declared state of disaster regarding COVID-19 and discuss and consider any action or direction considered appropriate and necessary by the City Council to respond to the current State of Disaster which has been extended through the month of May 2020 by the Texas Governor**

- J.3. Deliberation and possible action to approve the Buda Economic Development Corporation (BEDC) Budget Amendment #5 (BEDC Executive Director Traci Anderson) [PUBLIC TESTIMONY]**

[BEDC Budget Amendment #5 - Staff Report.pdf](#)

[BEDC Budget 2019-2020 - Budget Amendments #5.xlsx](#)

- J.4. Deliberation and possible action to adopt a Resolution of the City of Buda 4b Corporation ("Buda Economic Development Corporation") requesting the expansion of the City of Buda Still Budaful Program to include additional funding from the Buda Economic Development Corporation and additional eligibility criteria; requesting expenditure approval from the City of Buda for ten separate small business loan projects, in an amount not to exceed \$10,000.00 per project and per applicant, to eligible local business applicants for the promotion of existing businesses within the City of Buda and in conformity with the project terms as may be approved by the Board of the Directors of the Buda Economic Development Corporation (BEDC Director Traci Anderson) [PUBLIC TESTIMONY]**

- J.5. Deliberation and possible action to consider an Ordinance of the City of Buda, Texas, on first reading approving an annexation, development, and municipal utility district consent agreement between the City of Buda, Texas, Fred and Paula Trudeau, Industrial Asphalt, LLC, Meritage Homes of Texas, LLC, M/I Homes of Austin, LLC, and Buda Municipal Utility District No. 1 for The Colony at Cole Springs development, being approximately 168.883 acres of property generally located south of Old Black Colony Road and west and north of Cole Springs Road; adopting an agreement for the provision of services in the area; annexing said property to the City of Buda, Texas, as requested by the owners of such land; extending the boundaries of the City of Buda, Texas, so as to include said property within the corporate limits of the City of Buda, Texas; providing for repeal; providing for severability; providing an effective date; and containing other provisions related to the subject (DA 19-01) (Planning Director Melissa McCollum) [PUBLIC TESTIMONY]**

[SR 05192020 Colony Springs DA.doc](#)

[j5 Final Combined CACS DA Item.pdf](#)

[Final CACS Services Agreement with Exhibits.pdf](#)

[ACI Cole Springs Bridge Memo 20200406 1.1.pdf](#)

[Combined Colony at Cole Springs emails sent to comments@ci.buda.tx.pdf](#)

[j5 City Council Presentation 5-19-2020.pdf](#)

- J.6. Deliberation and possible action to consider an Ordinance of the City of Buda, Texas, on first reading instituting the zoning classification of approximately 168.883 acres of land located south of Old Black Colony Road and west and north of Cole Springs Road as planned development No. Z 20-01; describing said 168.883 acres of land; amending the Zoning District Map of the City of Buda, Texas; providing for an amendment to the Comprehensive Plan; providing for repeal; providing for severability; providing a penalty; providing an effective date; and containing other provisions relating to the subject (PD) (Z 20-01) (Planning Director Melissa McCollum) [PUBLIC TESTIMONY]

[SR 05192020 Colony Springs PD.doc](#)

[2020.05.12 Zoning Ordinance with Exhibits.pdf](#)

[April 9, 2020 Staff Letter to Mr. Araque re TIA.pdf](#)

[Colony at Cole Springs TIA without Synchro Reports \(Revised 4-8-20\).pdf](#)

- J.7. Deliberation and possible action to consider an ordinance of the City of Buda, Texas, on first reading granting the consent of the City of Buda, Texas to the creation of a municipal utility district to be known As “Buda Municipal Utility District No. 1” within the municipal boundaries of the City of Buda; providing for repeal; providing for severability; providing an effective date; and containing other provisions related to the subject (Planning Director Melissa McCollum) [PUBLIC TESTIMONY]

[SR 05192020 Colony Springs MUD.doc](#)

[Final CACS Consent Ordinance with Exhibits.pdf](#)

K. EXECUTIVE SESSION

- K.1. The Council will recess its open session and convene in executive session pursuant to Texas Government Code 1) § 551.071 to deliberate upon and seek the advice of the City Attorney regarding contractual enforcement efforts between the City and Design Workshop, Inc. and The Barr Company AIA related to the design, construction and change orders for Proposition 5 City Park improvements; 2) § 551.071 to deliberate upon, seek the advice of and direct the City Attorney regarding land use regulation negotiations and the related authority of the City Council in connection with the proposed The Colony at Cole Springs Development along Old Black Colony Road including all related legal issues and applicable statutory and existing common law rules applicable to the proposed procedures and consideration of the proposed Development Agreement, Annexation Ordinance, In-City Municipal Utility District Consent Agreement and Zoning Ordinances and related consideration, risks and benefits provided for in the agreements; and, 3) § 551.071 to deliberate upon, seek legal advice from and to direct the City Attorney in connection with the city’s response to a letter from legal counsel representing Creedmoor-Maha Water Supply Corporation requesting the city cease and desist water service to the YMCA Camp Moody property.

L. RECONVENE INTO REGULAR SESSION AND TAKE ACTION, IF ANY, ON MATTERS DISCUSSED IN EXECUTIVE SESSION.

M. STAFF REPORT

- M.1. Staff Report on the City of Austin project to remap FEMA regulatory floodplain hazards in the Onion Creek Watershed (City Engineer John Nett; Senior Project Engineer Angela Kennedy)

N. CITY MANAGER’S REPORT

COVID-19, 2014 Bond Program, Capital Improvement Projects, Developments, Drainage Projects, Engineering Department, Finance Department, General/Special Election, Grant Related Projects, Human Resources, Law Enforcement, Legislative Update, Library Projects, Main Street Program, Parks & Recreation Department, Planning Department, Road Projects, Status-Future Agenda Request, Special Projects, Tourism Projects, Transportation, Wastewater Projects, and Water Projects (City Manager Kenneth Williams)

O. CITY COUNCIL’S BOARD AND COMMITTEE REPORTS

- Alliance Regional Water Authority (Haehn)*
- Buda Economic Development Corporation (Bryant & Urbanovsky)*
- Capital Area Council of Governments General Assembly (Haehn)*
- Capital Area Council of Governments Clean Air Coalition (Ture)*
- Capital Area Regional Committee (Haehn)*
- Combined Emergency Communication Center (Haehn)*
- Dupre Local Government Corporation (Fallon, Haehn, & Urbanovsky)*
- Greater San Marcos Partnership (Urbanovsky)*
- San Marcos Regional Animal Shelter Committee (Daugereau)*
- Small Business Stimulus Relief Committee (Ture)*

- City of Buda Audit Committee (Cummings, Fallon, & Ture)*
- City of Buda Information Technology Committee (Bryant, Daugereau, & Fallon)*
- City of Buda Board & Commission Nomination Committee (Bryant, Cummings, & Daugereau)*
- City of Buda City Park Planning/Programming Ad-Hoc Committee (Daugereau, Fallon, & Ture)*
- City of Buda Water/Wastewater Committee (Haehn, Daugereau, & Fallon)*

P. CITY COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

P.1. Update on Pending Items requested by City Council

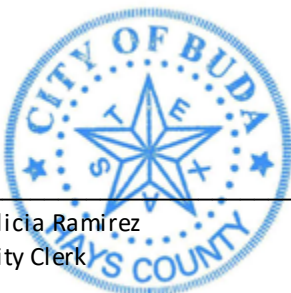
[Pending Items.pdf](#)

Q. ADJOURNMENT

Requests for accommodations must be made 48 hours prior to the meeting. Please contact the City Clerk 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 Governing Body 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 5:00 pm on May 15, 2020.

/s/ _____
Alicia Ramirez
City Clerk



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 Council meetings may be obtained from the City Clerk's Office, 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 City Council 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 City Council to allow members of the public to participate and speak to the City Council 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 City Council. 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.

The City Council may retire to executive session any time between the meeting's opening and adjournment for the purpose of consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code; discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code; deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code; deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code; and/or deliberation regarding the deployment, or specific occasions for implementation of security personnel or devices pursuant to Chapter 551.076 of the Texas Government Code. Action, if any, will be taken in open session.

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

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.

CALL TO ORDER

Mayor Haehn called the meeting to order at 5:32 p.m.

ROLL CALL

City Clerk Alicia Ramirez certified a quorum with the following Councilmembers present:

- Mayor George Haehn
- Mayor Pro Tem (Position 1) Lee Urbanovsky
- Councilmember, SMD A Paul Daugereau
- Councilmember, SMD B Evan Ture
- Councilmember, SMD C Terry Cummings
- Councilmember At-Large, Position 2 Remy Fallon
- Councilmember At-Large, Position 3 Ray Bryant

- City Manager Kenneth Williams

City Staff in attendance: Deputy City Manager Micah Grau, Assistant City Manager Lauren Middleton-Pratt, City Clerk Alicia Ramirez, Chief of Police Bo Kidd, Finance Director June Ellis, City Engineer John Nett, Senior Project Engineer Angela Kennedy, Parks & Recreation Director Greg Olmer, Public Works Director Mike Beggs, Communications Director David Marino, Human Resources Director Vicki Fuchs, and Tourism Director Lysa Gonzales

ITEMS OF COMMUNITY INTEREST

- Railroad Steet Construction
- Alliance Water Pipeline Construction
- Governor Abbot's COVID-19 Update
- Hays County COVID-19 Test Sites
- Buda Library Curbside Service
- Board and Commission Applications – Extended deadline May 31, 2020
- COVID-19 Updates

CONSENT AGENDA

APPROVAL OF THE APRIL 21, 2020 CITY COUNCIL MEETING MINUTES

ACCEPTANCE OF THE 2ND QUARTER REPORTS FOR THE HUMAN SERVICES GRANTS FUNDING

Motion, to approve the Consent Agenda, as presented, was made by Councilmember Ture and seconded by Mayor Pro Tem Urbanovsky. AYE: Haehn, Urbanovsky, Daugereau, Ture, Cummings, Fallon, and Bryant. Motion carried unanimously.

AWARD OF REQUEST FOR QUALIFICATIONS (RFQ) 19-013 FOR THE ROADWAY PAVEMENT ASSESSMENT AND MANAGEMENT PLAN TO FUGRO AND AUTHORIZE THE CITY MANAGER TO EXECUTE SAID CONTRACT, CONTINGENT ON APPROVAL OF FORM BY THE CITY ATTORNEY

Deputy City Manager Micah Grau presented background information.

General discussion was held on the project timeline, licensing software renewal cost, maintenance plan recommendations, integrate with current GIS software, number of road miles of 54 miles of city roads, the termination clause, and required term notice and related options.

Motion, to award the RFQ, as presented, was made by Councilmember Ture and seconded by Councilmember Bryant. AYE: Haehn, Urbanovsky, Daugereau, Ture, Cummings, Fallon, and Bryant. Motion carried unanimously.

PRESENTATIONS

PRESENTATION AND UPDATE ON THE YMCA CAMP MOODY PROJECT

Bret Kiester, Austin YMCA presented background information.

General discussion was held on the facility completion and opening date.

PRESENTATION BY DR. NOEL LANDUYT, INSTITUTE FOR ORGANIZATION EXCELLENCE, THE UNIVERSITY OF TEXAS AT AUSTIN, PRESENTING THE RESULTS OF THE CITY OF BUDA EMPLOYEE ENGAGEMENT SURVEY

Human Resources Director Vicki Fuchs presented background information.

General discussion was held on a possible a 360 review; the pay category concerns, and future evaluations. Ms. Fuchs stated staff will conduct department meetings to improve their department's scores; thereafter, an evaluation and department recommendations will be presented to City Council in six months.

POST-EVENT REPORT REGARDING THE 4TH ANNUAL TEXAS INTERNATIONAL WINE COMPETITION HELD FEBRUARY 6 - 8 AT LODGE AT GRACE IN BUDA, TEXAS

Tourism Director Lysa Gonzales presented background information.

REGULAR AGENDA

MAYOR'S REPORT ON EMERGENCY MANAGEMENT DIRECTOR ACTIVITIES RELATED TO THE DECLARED STATE OF DISASTER REGARDING COVID-19 AND DISCUSS AND CONSIDER ANY ACTION OR DIRECTION CONSIDERED APPROPRIATE AND NECESSARY BY THE CITY COUNCIL TO RESPOND TO THE CURRENT STATE OF DISASTER WHICH HAS BEEN EXTENDED THROUGH THE MONTH OF APRIL 2020 BY THE TEXAS GOVERNOR

Mayor Haehn provide a summary regarding the Governor's most recent updates at the beginning of the meeting.

ADOPTION OF RESOLUTION #2020-R-17 AUTHORIZING THE CITY MANAGER TO EXECUTE THE SECOND AMENDMENT TO THE LICENSE USE AGREEMENT WITH THE VFW POST #12161, RELATED TO THE USE OF THE CITY FACILITY LOCATED AT 100 HOUSTON STREET

Deputy City Manager Micah Grau presented background information.

Motion, to adopt Resolution, as presented, was made by Councilmember Ture and seconded by Councilmember Bryant. AYE: Haehn, Urbanovsky, Daugereau, Ture, Cummings, Fallon, and Bryant. Motion carried unanimously.

ADOPTION OF ORDINANCE #2020-09 ON SECOND READING REGARDING A SPECIFIC USE PERMIT FOR A CONTRACTORS YARD OR STORAGE YARD IN THE LIGHT INDUSTRIAL (LI) ZONING DISTRICT FOR THE PROPERTY KNOWN AS THE ESCOBEDO GROUP BUSINESS PARK, LOT 1, BEING +/- 8.036 ACRES, LOCATED AT 658 COMMERCIAL DRIVE, BUDA, TX, 78610

Planning Director Melissa McCollum presented background information.

General discussion was held on code fencing requirements. In conclusion, Council recommended the proponent install a privacy screening fence.

Motion, to adopt the Ordinance, as presented, with condition to install a privacy screening fence of neighbors and buildings, with height restriction the stored materials cannot exceed the fence height, was made by Mayor Haehn and seconded by Councilmember Ture. AYE: Haehn, Urbanovsky, Daugereau, Ture, Cummings, Fallon, and Bryant. Motion carried unanimously.

AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE CHANGE ORDER #7 (24" EFFLUENT FORCE MAIN) TO COX COMMERCIAL CONSTRUCTION AS PART OF 2014 BOND PROPOSITION 3 (MAIN STREET IMPROVEMENTS)

Project Manager Kenny Crawford presented background information.

Motion, to authorize the City Manager to execute said change order, as presented, was made by Mayor Haehn and seconded by Councilmember Cummings. AYE: Haehn, Urbanovsky, Daugereau, Ture, Cummings, Fallon, and Bryant. Motion carried unanimously.

AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT WITH HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT (HCISD) FOR THE OPERATION AND MAINTENANCE OF THE BUDA ELEMENTARY LIFT STATION

Deputy City Manager Micah Grau and Public Works Director Mike Beggs presented background information.

Motion, to authorize the City Manager to execute said change order, as presented, was made by Mayor Haehn and seconded by Mayor Pro Tem Urbanovsky. AYE: Haehn, Urbanovsky, Daugereau, Ture, Cummings, Fallon, and Bryant. Motion carried unanimously.

RECESS

At 8:09 p.m., Mayor Haehn called for a recess.

RECONVENE

At 8:10 p.m., Council reconvened, and the following business was transacted:

EXECUTIVE SESSION

At 8:10 p.m., Council convened in executive session pursuant to the Texas Government Code Chapter § 551.071 to deliberate upon, seek the advice of and direct the City Attorney regarding land use regulation negotiations and the related authority of the City Council in connection with the proposed The Colony at Cole Springs Development along Old Black Colony Road including all related legal issues and applicable statutory and existing common law rules applicable to the proposed procedures and consideration of the proposed Development Agreement, Annexation Ordinance, In-City Municipal Utility District Consent Agreement and Zoning Ordinances and related consideration, risks and benefits provided for in the agreements.

At 9:37 P.M., Council reconvened, and the following business was transacted and action taken, if any, on matters discussed in executive session.

No action.

STAFF REPORT

STAFF REPORT ON TEXAS WATER DEVELOPMENT BOARD FLOOD INFRASTRUCTURE FUND FINANCIAL ASSISTANCE PROGRAMS AND POTENTIAL FLOOD CONTROL, FLOOD MITIGATION, OR DRAINAGE PROJECT APPLICATIONS

City Engineer John Nett; Senior Project Engineer Angela Kennedy presented background information.

General discussion was held on partnering with local entities, the expired interlocal agreement and the negotiation of a new agreement, and which application option would best serve the city.

UPDATE ON 2014 BUDA BOND PROPOSITIONS 3 - STREETS, PROPOSITION 4 - DRAINAGE, AND PROPOSITION 5 - PARKS AND TRAILS

Project Manager Kenny Crawford and Parks Director Greg Olmer presented background information.

General discussion was held on the completion schedule and the etched concrete versus staining. Council directed staff to refer the item to the Main Street Advisory Board.

CITY MANAGER'S REPORT

- COVID-19
- 2014 Bond Program
- Capital Improvement projects
- Developments
- Drainage Projects
- Engineering Department
- Finance Department
- Grant-related Projects
- Law Enforcement
- Legislative Update
- Library Projects
- Parks & Recreation Department
- Planning Department
- Road Projects
- Special Projects
- Status on Requested Future Items
- Tourism Projects
- Wastewater Projects
- Water Projects

City Manager Kenneth Williams provided an update on the following:

- Met with Commissioner Jones regarding the city's and state's road exchange. He noted the topic would be discussed during budget retreat scheduled for May 14th at 4:00 p.m. or other future meeting to discuss the particulars.
- Release of March 2020 sales tax report tomorrow
- Received the preliminary property tax roll report
- Staff drafted a preliminary plan to reopen City Hall. We are currently under Phase 1. Staff is working on safe guards for employees and we may possibly have the May 19th meeting at City Hall.
 - May 11 – City Staff will return to City Hall
 - May 18 – the public will be allowed to enter
 - Staff is working with employees regarding childcare
 - Library may take longer due to the Governor's Orders regarding prohibiting interactive activities; curbside service will continue
 - Phase 4 will be 50% of public

Main Street Manager Maggie Gillespie provided an update on the reopening of the downtown merchants. She also informed she is working with Hays Consolidated ISD to recognize the 2020 Seniors. Ms. Gillespie solicited volunteers to say some words of encouragement on a video.

CITY COUNCIL'S BOARD AND COMMITTEE REPORTS

Alliance Regional Water Authority (Haehn)

Buda Economic Development Corporation (Bryant & Urbanovsky)

Capital Area Council of Governments General Assembly (Haehn)

Capital Area Council of Governments Clean Air Coalition (Ture)

Capital Area Regional Committee (Haehn)

Combined Emergency Communication Center (Haehn)

Dupre Local Government Corporation (Fallon, Haehn, & Urbanovsky)

Greater San Marcos Partnership – Mayor Pro Tem Urbanovsky reported Hays County allocated \$500K for micro relief funding for businesses. He noted the county is working with the BEDC and Chamber.

Small Business Task Force – Councilmember Ture reported the Task Force continues to work and review applications offering grants; there may be funding for a second tier application process.

City of Buda Audit Committee (Cummings, Fallon, & Ture)

City of Buda Information Technology Committee (Bryant, Daugereau, & Fallon)

City of Buda Board & Commission Nomination Committee (Bryant, Cummings, & Daugereau)

City of Buda City Park Planning/Programming Ad-Hoc Committee (Daugereau, Fallon, & Ture)

City of Buda Water/Wastewater Committee (Haehn, Daugereau, & Fallon)

CITY COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

Mayor Pro Tem Urbanovsky commented on a TML email soliciting their support to expand the 500K population funding relief. He encouraged the Council to express their support.

Mayor Haehn requested an update regarding the traffic impact fees and how the City may implement such fees.

ADJOURNMENT

Motion, to adjourn the meeting, was made by Mayor Haehn and seconded by Councilmember Daugereau. Motion carried unanimously.

There being no further business, the meeting was adjourned at 11:10 p.m.

THE CITY OF BUDA, TEXAS

George Haehn, Mayor

ATTEST:

Alicia Ramirez, TRMC DATE
City Clerk

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 Council meetings may be obtained from the City Clerk’s Office, or audio or video of the entire meeting may be downloaded from the website. (Portions of the Supplemental Minute Record audio or videotape recording may be distorted due to equipment malfunction or other uncontrollable factors.)



City Council Agenda Item Report

Date: Tuesday, May 19, 2020

Agenda Item No. 2020-306- #I.1

Contact: Blake Neffendorf

Subject: Presentation on the City of Buda's 2019 Water Usage, Advanced Metering Infrastructure Project, and WaterSmart Customer Portal (Water Resource Coordinator Blake Neffendorf)

1. Executive Summary

Water usage in 2019 was up considerably compared to previous years mainly due to ample rainfall over the first half of the year and then a complete stop in rainfall for several months leading to an increase in outdoor lawn irrigation. The City also changed out all water meters within the system in 2019 and provided residents with a customer portal.

2. Background/History

Council approved the Advance Metering Infrastructure Project in late 2018. Public Works staff were increasingly having to obtain manual reads from a failing meter system network that was installed over 10 years ago. A meter audit conducted in early 2018 revealed a meter accuracy of 96.5%, which is below the AWWA target of 98.5% accuracy. Work began in March 2019 to change all meters within the City's water system.

3. Staff's review and analysis

The overall project was completed ahead of schedule with no major issues. The WaterSmart Customer Portal has been very helpful in identifying customer leaks and notifying them promptly, which has saved customers money on their water bills and helped the City to better conserve our water resources. The Customer Portal was very helpful in allowing customers to view their water usage and identify areas where they could reduce their usage in order to lower their high water bills caused by the lack of summer rains.

4. Financial Impact

Council approved a contract with Siemens Industry's Inc. for \$2,584,475 in FY2019-2020 for installation of a new metering system and customer portal.

5. Summary/Conclusion

The installation of the AMI system has greatly improved staff efficiency and allowed our Operators to return to conducting vital maintenance tasks within our system instead of having to read meters. Customer Service staff have been able to provide customers with hourly usage data when they call to inquire about a high bill. Customers now have the ability to view their own hourly usage and receive prompt leak alerts when something beyond their control might happen.

6. Pros and Cons

The AMI system has worked wonderfully to date. Customers have control of their data and usage.


7. Alternatives

n/a

8. Recommendation

Staff will continue to improve education on outdoor watering and encourage customers to sign up for the WaterSmart Customer Portal.

MEETING THE NEEDS OF THE CITIZENS



2019 Water Use & Meter System Update

May 19, 2020

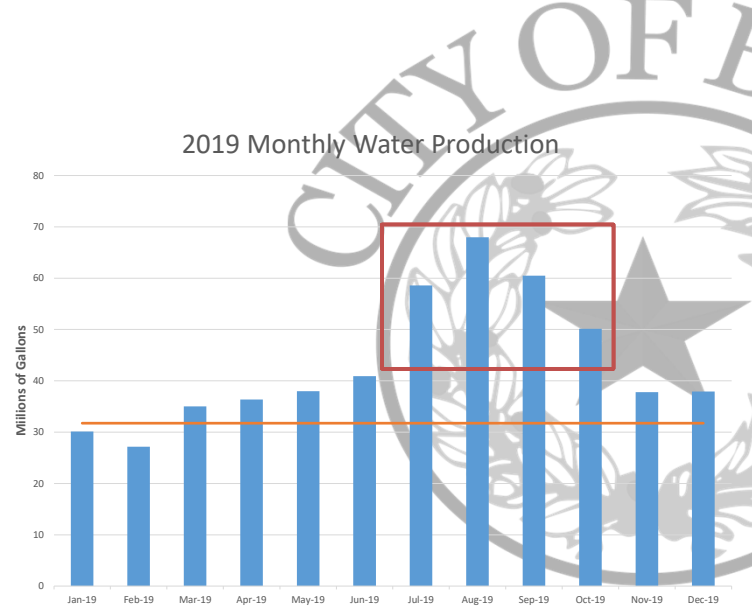
A PRESENTATION BY THE CITY OF BUDA

1


2019 WATER USE

- Total Production: 520 million gallons
- Winter Avg Monthly Production: 32 mg
- Aug 2019: 68 mg, 1st all-time
- Sept 2019: 60 mg, 2nd all-time
- July 2019: 58 mg, 3rd all-time

2019 Monthly Water Production



Month	Production (Millions of Gallons)
Jan-19	30
Feb-19	27
Mar-19	35
Apr-19	36
May-19	38
Jun-19	41
Jul-19	58
Aug-19	68
Sep-19	60
Oct-19	50
Nov-19	38
Dec-19	38



2

2019 WATER USE

YEAR	CONNECTION	TOTAL PRODUCTION (In Gallons)	GALLONS PER CONNECTION PER DAY
2014	3,660	469,116,200	351
2015	4,124	386,821,400	257
2016	4,380	387,831,900	242
2017	4,455	452,765,400	278
2018	4,583	457,687,700	273
2019	4,890	520,434,048	292
2015-2019 Average		441,108,090	268

351 * 4,890 * 365 = 626,482,350 gallons
 Actual usage: 520,434,048 gallons
 Savings: 106,048,302 gallons



3

2019 CONSUMPTION

Year	Single Family (gal)	Total Use (gal)	Buda Water Customers	Consumption Gallons per Capita per Day
2010	189,475,000	296,895,000	6,589	123
2011	235,640,065	352,607,065	7,242	133
2012	224,272,000	344,074,000	7,752	122
2013	235,260,000	362,189,000	8,983	110
2014	236,876,000	371,688,000	10,116	101
2015	229,782,000	367,278,000	10,779	93
2016	236,107,740	357,739,000	11,843	83
2017	293,169,000	425,850,000	12,137	97
2018	269,327,189	434,795,113	12,291	97
2019	293,169,000	479,914,086	12,786	103



4

2019 WATER LOSS

Year	Water Loss %	Water Loss GPCD	Water Loss Volume (gal)
2015	4.56%	5	17,997,123
2016	4.35%	4	17,381,918
2017	2.19%	2	10,054,006
2018	4.09%	4	18,900,886
2019	5.51%	6	28,794,705



5

CUSTOMER PORTAL

Portal Registrations

Registration Rate

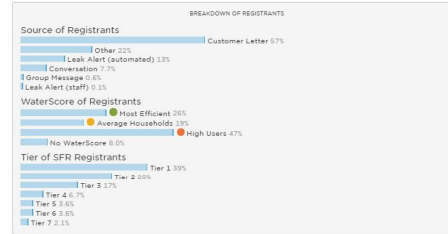
17% of eligible accounts

17% 8.6% 42% 3.8% 7.7%

Registered Accounts

848

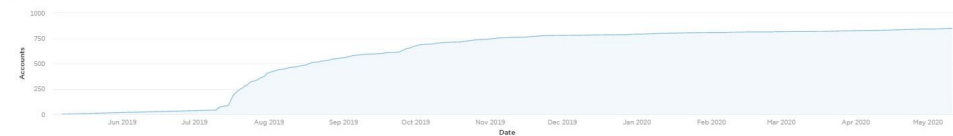
38 in the past 90 days



Registered Accounts

METER CLASS

AB



6

CUSTOMER PORTAL

CITY OF B

Leak Detection

Detection LEAK SETTINGS

11,048 detected

In the past year

👤 9,016 🏠 648 📍 109 📉 1,268 📦 7

Alerts ABOUT

2,751 alerted

In the past year


@ 627 📄 2,068 🗨️ 535 📌 15 📧 0

RATES OF ENGAGEMENT AS A PERCENT OF ALERTS SENT

📧 Emails Opened 66%

👉 Emails Clicked 30%

🔧 Digitally Resolved 9.5%




7

CUSTOMER PORTAL

CITY OF B

	Alerts	Leak Volume (gal)	Leak Savings (gal)
Jul-19	326	5,355,000	121,000
Aug-19	598	8,186,000	859,000
Sep-19	286	7,092,000	823,000
Oct-19	237	5,665,000	599,000
Nov-19	201	4,294,000	409,000
Dec-19	198	4,280,000	333,000
Jan-20	182	3,181,000	239,000
Feb-20	152	3,194,000	157,000
Mar-20	156	2,978,000	226,000
Apr-20	163	2,411,000	186,000
Total	2,499	46,636,000	3,952,000



8

FEEDBACK

RECENT FEEDBACK

SEP 8, 2019

Water hose accidentally opened by toddler. Thank you for the notification!

Leak Found - 8 Gallons Per Hour
Confirmed as Outdoor Watering System

SEP 3, 2019

We found it when we got back from out of town over Labor Day weekend. Thank you for the alert we would not have known. We have switched over to not using the water softener until we can replace it.

Leak Found - 17 Gallons Per Hour
Confirmed as Water Softener

Normal Property Operation

Husband left the soaker hose on.

Left a Hose or Faucet Running

Thanks for the warning. I was slow watering a new tree, but I forgot to turn off the hose last night. It ran for about 15 hours!

Left a Hose or Faucet Running

I totally forgot I left a hose running and am regretful for being so wasteful!

9

LEAK ALERTS

May 22, 2019 Bill

History

Sep 30, 2019 - Sep 30, 2019

DAY WEEK 2 WEEKS 2 MONTHS YEAR

● Normal Use ● Possible Leak ● Timed Irrigation ● Data Unavailable

Pipes

broken pipe in yard

Total	8,247 Gallons
Possible Leak	7,566 Gallons
Timed Irrigation	0 Gallons

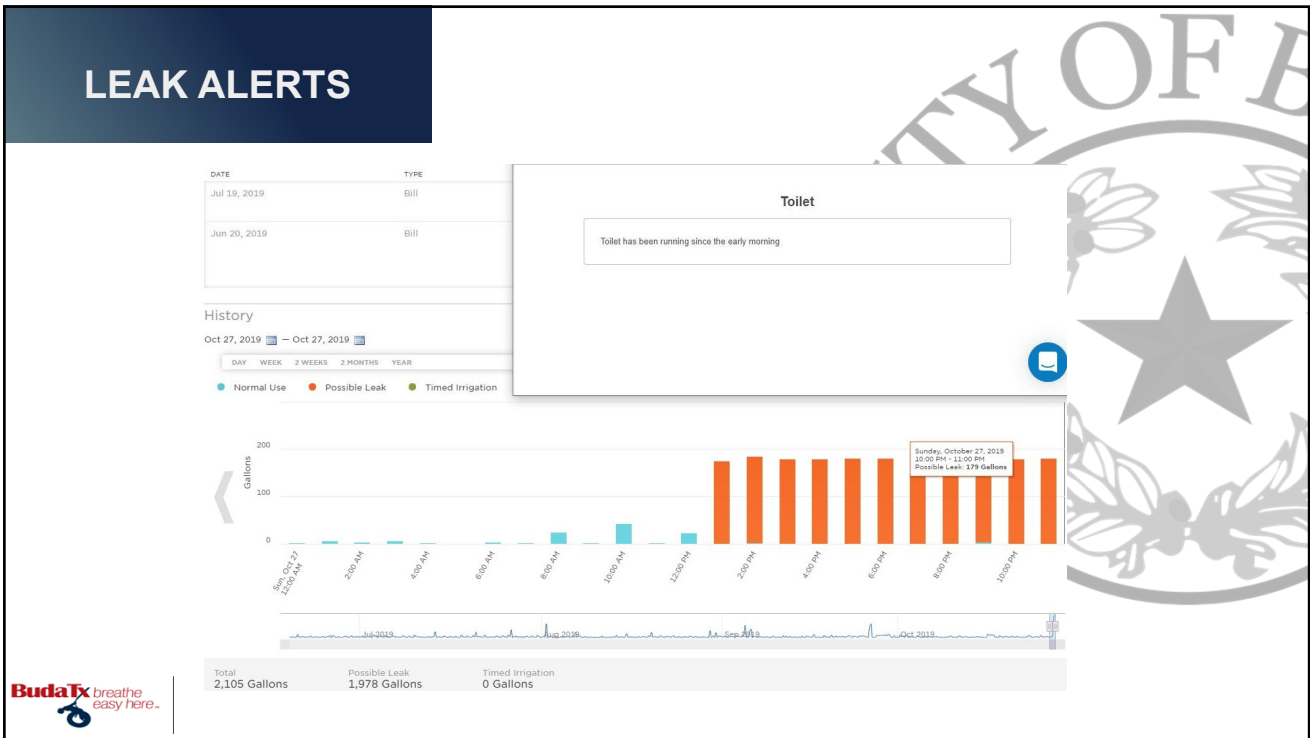
10

19

5

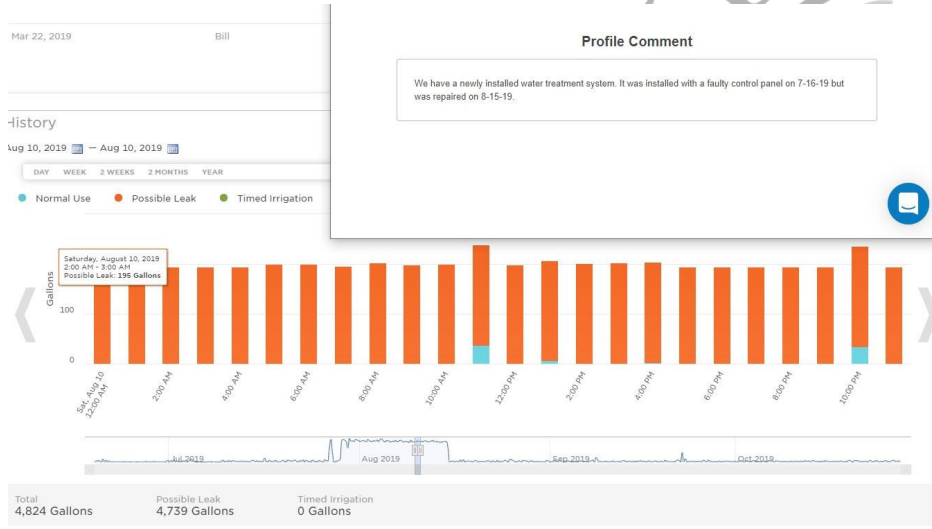


11



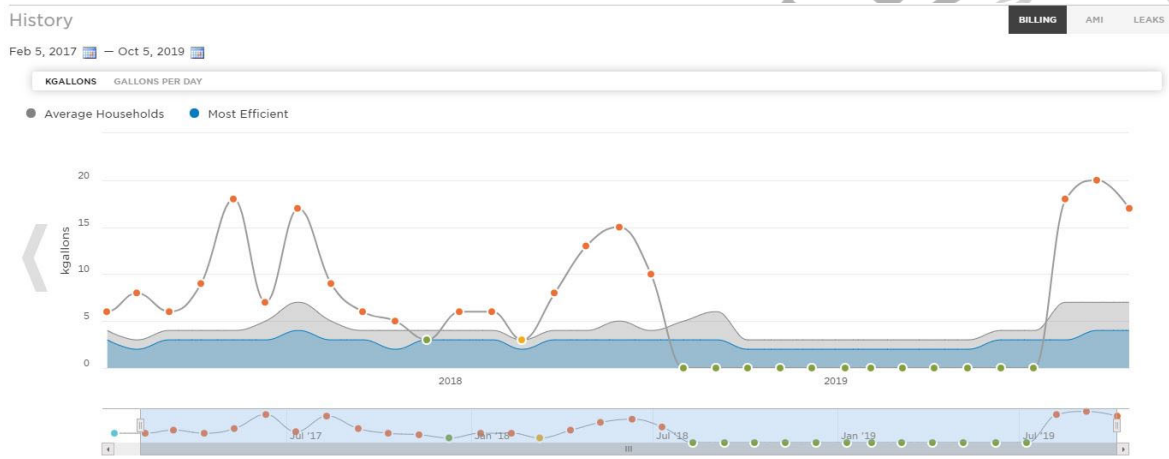
12

LEAK ALERTS



13

ZERO CONSUMPTION





14

STAFF PRODUCTIVITY

Month	Manual Reads
Jan-19	1,034
Feb-19	1,051
Mar-19	1,066
Apr-19	637
May-19	240
Jun-19	240
Jul-19	306
Aug-19	83
Sep-19	80
Oct-19	77
Nov-19	19

5 minutes per read = 89 hours of work

5 minutes per read = 1.5 hours of work






15

HIGH PRODUCTION

All Time Highest Monthly Production

Month	Production in Gallons
August 2019	67,981,900
September 2019	60,496,000
July 2019	58,573,300
July 2017	57,115,300
August 2018	56,320,400

16

BILLING RATES

Year	Base Rate	0-6,000 gal	6,001-12,000 gal	12,001 – 18,000 gal	18,001 – 24,000 gal	24,001 – 30,000 gal	30,001 – 40,000 gal	Over 40,000 gal
FY 19-20	\$12.42	\$3.40	\$5.34	\$7.99	\$9.41	\$11.41	\$14.93	\$15.90
FY 18-19	\$12.18	\$3.33	\$5.24	\$7.83	\$9.23	\$11.19	\$14.64	\$15.59
FY 17-18	\$11.94	\$3.26	\$5.14	\$7.68	\$9.05	\$10.97	\$14.35	\$15.28

Use (in gallons)	FY 17-18	FY 18-19	FY 19-20
5,000	\$28.24	\$28.83	\$29.42
15,000	\$85.38	\$87.09	\$88.83
25,000	\$173.69	\$177.15	\$180.67
45,000	\$448.44	\$457.45	\$466.52



17

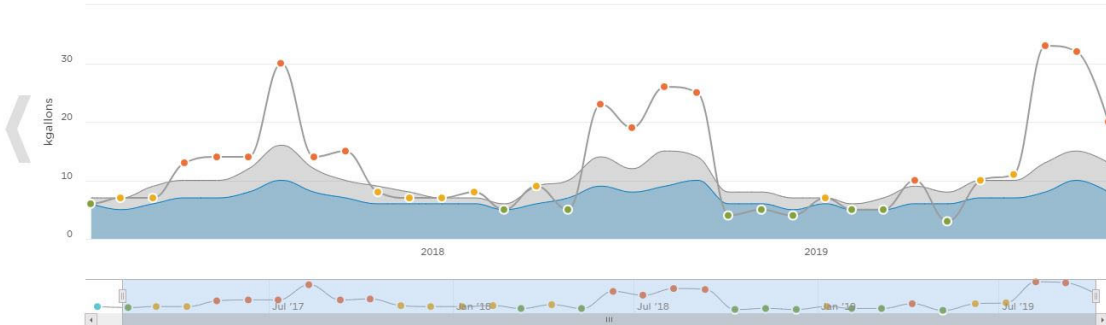
HIGH BILL INQUIRY

History

Feb 4, 2017 – Oct 5, 2019

KGALLONS GALLONS PER DAY

● Average Households ● Most Efficient



18

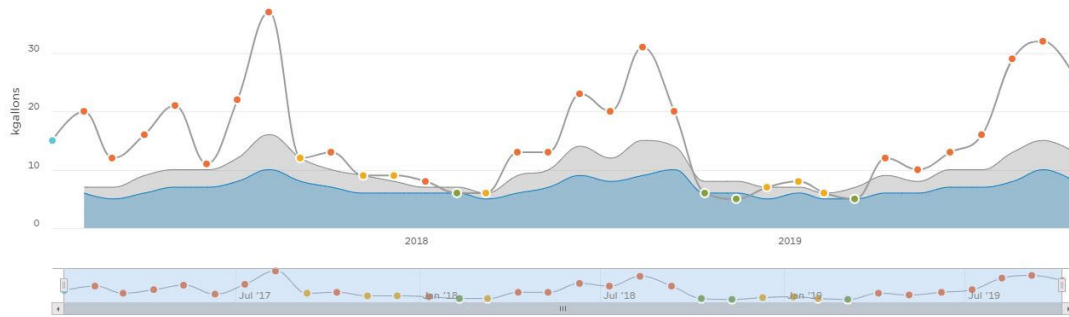
HIGH BILL INQUIRY

History

Jan 9, 2017 — Oct 5, 2019

KGALLONS GALLONS PER DAY

● Average Households ● Most Efficient



19

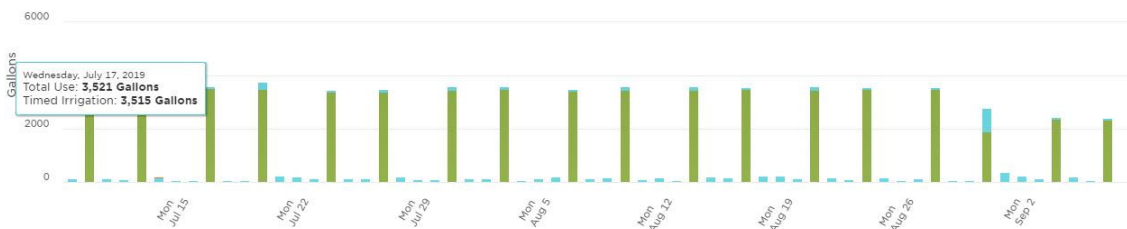
HIGH IRRIGATION

History

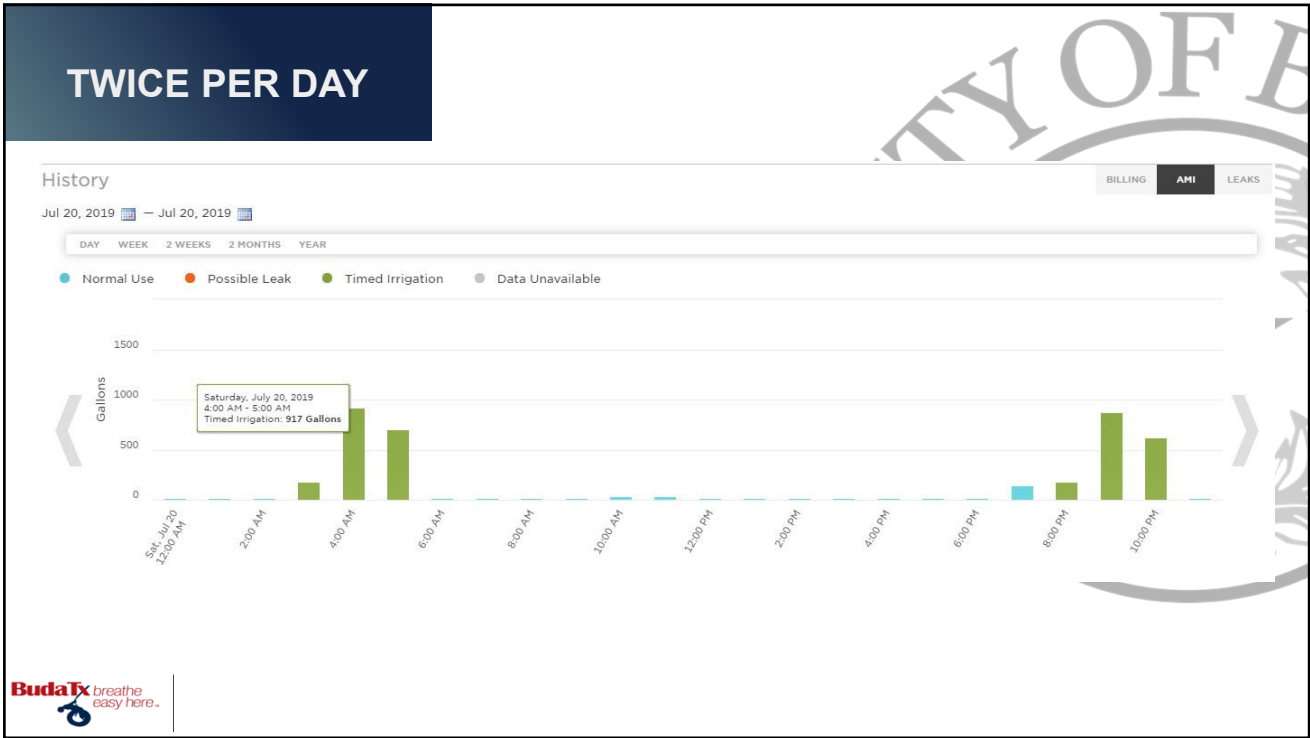
Jul 9, 2019 — Sep 7, 2019

DAY WEEK 2 WEEKS 2 MONTHS YEAR

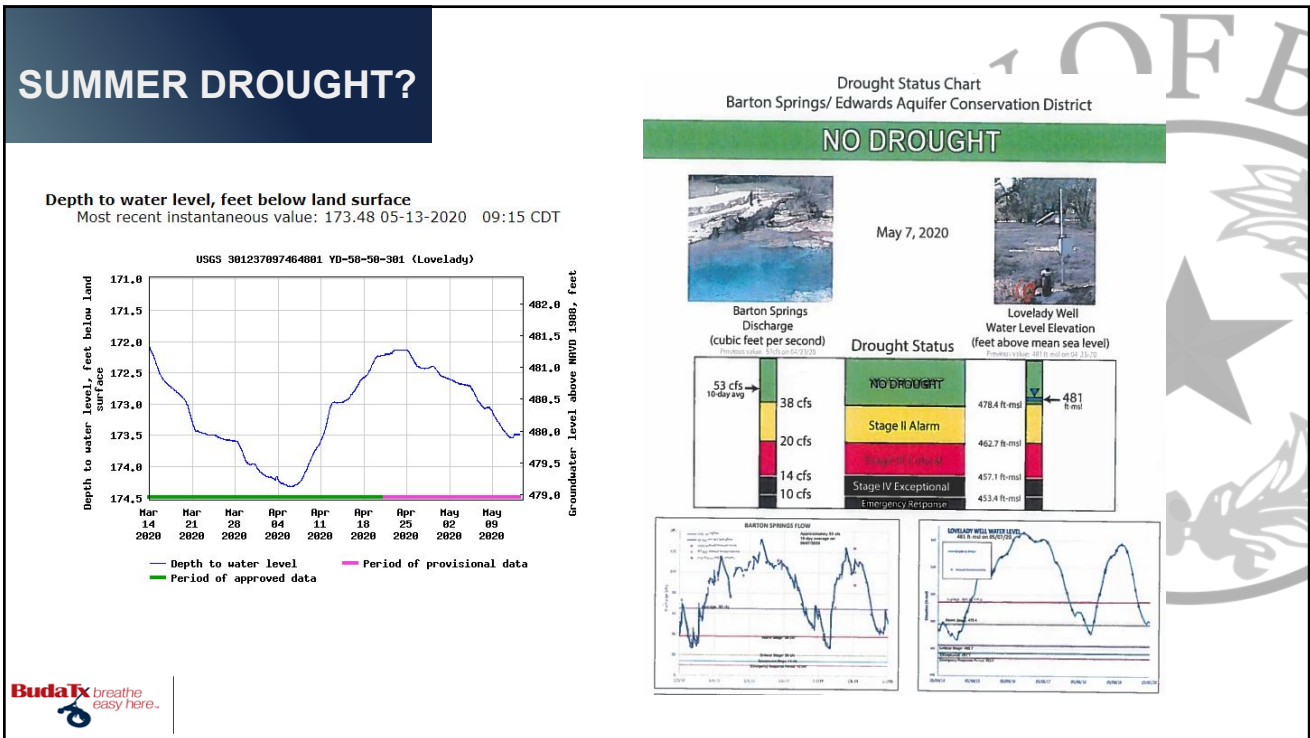
● Normal Use ● Possible Leak ● Timed Irrigation ● Data Unavailable



20



21



22



City Council Agenda Item Report

Date: Tuesday, May 19, 2020

Agenda Item No. 2020-307- #1.2

Contact: Angela Kennedy

Subject: Presentation and update on the Whispering Hollow/Bayou Bend Drainage CIP Design Project (Senior Project Engineer Angela Kennedy)

1. Executive Summary

The purpose of this presentation is to provide a progress report on the Whispering Hollow Drainage CIP to City Council. This project includes the development of a drainage study and design plans to mitigate flooding in the Whispering Hollow subdivision during seasonal storm events. The design phase of the project is scheduled for completion by September 2020. The construction phase of the project is anticipated to be completed by the end of this year. Interim measures have been proposed on an emergency basis to mitigate localized flooding issues until the final design solution can be completed.

2. Background/History

On September 17, 2019, the Buda City Council authorized the FY2020-2024 CIP that includes the Whispering Hollow Street Drainage project which is the development of a drainage study and designed construction plans to mitigate street and residential home flooding on Bayou Bend Drive and Crooked Creek during seasonal storm events. Funding of \$40,000 for design services was encumbered in the FY19 budget and \$370,000 for construction in the FY20 budget. The design funds have rolled over into the current FY20 budget. A professional services agreement with Aqua Strategies, Inc. (ASI) was executed in December 2019 to complete the design phase of the project.

3. Staff's review and analysis

The project scope consist of four major tasks. Task 1, a site visit and topographical survey of the project area, has been completed. The drainage evaluation (Task 2), to perform a hydraulic model of the stormwater system to identify choke points, deficiencies, and opportunities to increase drainage capacity to mitigate flooding problems, is on target for a May completion. The remaining tasks to be completed include proposing at least three preliminary alternatives and recommending a solution to move forward with in design (Task 3), and developing construction plans and specifications (Task 4) for the project selected.

Preliminary results have indicated that flooding at the downstream end of the stormwater collection

system is caused by a high weir elevation in the detention pond relative to the curb inlets on Bayou Bend Drive and inadequate stormwater system capacity particularly during larger (i.e. 100-yr recurrence) storm events. However, localized flooding along Bayou Bend is occurring more frequently due to the full buildout of the neighborhood. Moderate rainfall events from 2.5" to 3" in April and May of this year resulted in stormwater inundating the street and pouring into nearby residential structures.

A preliminary analysis conducted by ASI has identified an interim emergency solution to mitigating the flooding until the final design solution can be completed. This interim project includes creating a weir cut in the western earthen berm of the water quality pond to lower the receiving water elevation relative to the curb inlets on Bayou Bend. This will impact the available water quality treatment provided by the pond temporarily. A portion of the detention pond is within the Edwards Recharge Zone and is subject to an Edwards Aquifer Water Pollution Abatement Plan. City staff view the proposed interim project as an emergency management strategy to protect the health, life, and safety of residents and has requested authorization from TCEQ to implement these emergency measures to prevent future flooding.

4. Financial Impact

This agenda item is for briefing purposes only.

5. Summary/Conclusion

Recommendations from the drainage evaluation will be completed by July 2020, with construction plans completed by September 2020. Once construction plans are final, the project will be bid for completion in the Fall of 2020.

6. Pros and Cons

This agenda item is for briefing purposes only.

7. Alternatives

This agenda item is for briefing purposes only.

8. Recommendation

There are no staff recommendations at this time; the agenda item is for briefing purposes only.

Memorandum

TO: Angela Kennedy, PE
City of Buda, TX

FROM: Tim Osting, PE, CFM - 512-627-1563
Justin Baker, CFM

DATE: May 15, 2020

RE: Whispering Hollow Drainage Improvements CIP, Buda, TX
Information to TCEQ related to modification of existing water quality pond

This document is preliminary and is released on May 15, 2020, by Tim D. Osting, Texas P.E. #91931, for the purposes of review. This document is not for construction. Aqua Strategies Inc. F-15911

This information relates to email correspondence between Micah Grau and David Van Soest (TCEQ) on May 14, 2020, describing emergency drainage work affecting water quality pond "A2". The drainage work is for benefit of homes along Bayou Bend Drive in the Whispering Hollow subdivision. The work has potential to impact the intended function of existing stormwater quality treatment facilities located in the Edwards Aquifer Recharge Zone. The information below in bold was requested by TCEQ.

Estimated date the Edwards Modification Plan will be submitted.

Evaluation of the existing drainage system is currently in-progress and design has been scheduled for summer completion. Because the water quality structure is integral with the larger stormwater collection and detention system, design of permanent modifications will be complete at the same time. We estimate the Edwards Modification Plan will be submitted by September 1, 2020.

Estimated date repairs will be made to the structure.

- **Will need an outline of the steps and proposed timeline to completion.**

A design engineer has been retained by the City who is conducting a drainage study for the entire system; the study is anticipated to be complete Summer 2020.

Modifications to the stormwater quality pond are to be integrated into this study.

An Edwards Modification Plan is anticipated to be submitted during the Summer of 2020.

Construction plans are anticipated to be ready by Fall 2020.

Construction of drainage improvements, including the modified water quality pond design, is estimated to occur between Fall 2020 and Summer 2021.

The modified water quality structure is estimated to be repaired or reconfigured to fully permitted function within twelve months, May 2021.

Provide a map that shows where and what activities will be taken. Please include which homes/areas are impacted by flooding.

See Attachment 1 for locations of affected properties.

See Attachment 2 for map of onsite modification work.

Provide a statement of why other alternatives are not feasible.

Of the alternatives described below, Alternative 4 is the selected alternative that results in flood risk reduction and minimum land disturbance.

Alternative 1 – No Action

Flooding has occurred historically, and most recently as a result of storms with total rainfall of 2.2 inches on April 3, 2020, measured at the nearest LCRA rain gauge, and 4.67 inches on May 12, 2020. If no action is taken, flooding may be expected to continue to recur as a result of moderate rainfall events. Action is desired by the City to reduce water levels and reduce future flood risk.

Alternative 2 – Modification of concrete flow splitter

A weir inside a concrete flow splitter near Bayou Bend Drive regulates water flow between water quality pond A2 and detention pond A. The elevation of the concrete weir inside flow splitter is between 6 inches and 12 inches lower than finish floor elevation of affected homes. After the water quality pond fills at the beginning of a storm, the water level further increases before flowing over the weir to drain downstream to the detention pond. Removing or lowering the elevation of the splitter was considered as a means to lower water levels without disturbing the water quality pond. The amount the flow splitter level can be lowered is limited to approximately one foot, this does not provide sufficient freeboard. Lowering the splitter further would require redesigning and reconstructing the concrete structure and simultaneously lowering a 300 foot long earthen channel leading downstream to the detention basin. Disturbing then re-stabilizing the channel to a lower elevation is not desired because of the significant footprint.

Alternative 3 – Stabilized earthwork weir on south side of water quality pond

Making a cut in the earthwork berm on the south wall of the water quality pond was considered as a means to lower water levels before the splitter structure needs to overflow. Because this alternative discharges into the same 300 foot long earthen channel as noted in Alternative 2, this option was not desirable for the same reasons.

Alternative 4 – Selected alternative – Stabilized earthwork weir on west side of water quality pond

Making a cut in the earthwork berm on the west that separates the water quality pond from the detention pond is the City's preferred alternative. This modification minimizes disturbance and re-stabilization, and also allows for greater water level reduction and flood risk reduction for recurring events.

ATTACHMENT 1 – LOCATION OF AFFECTED HOMES

Whispering Hollow subdivision is located on the west side of Buda, TX, accessed from FM1626 (Figure 1). Water overtops the curb on Bayou Bend Drive and flows toward the north. Water levels have been sufficient to enter homes marked A through E on Bayou Bend Drive, as well as all homes marked with line F along Crooked Creek (Figure 2).

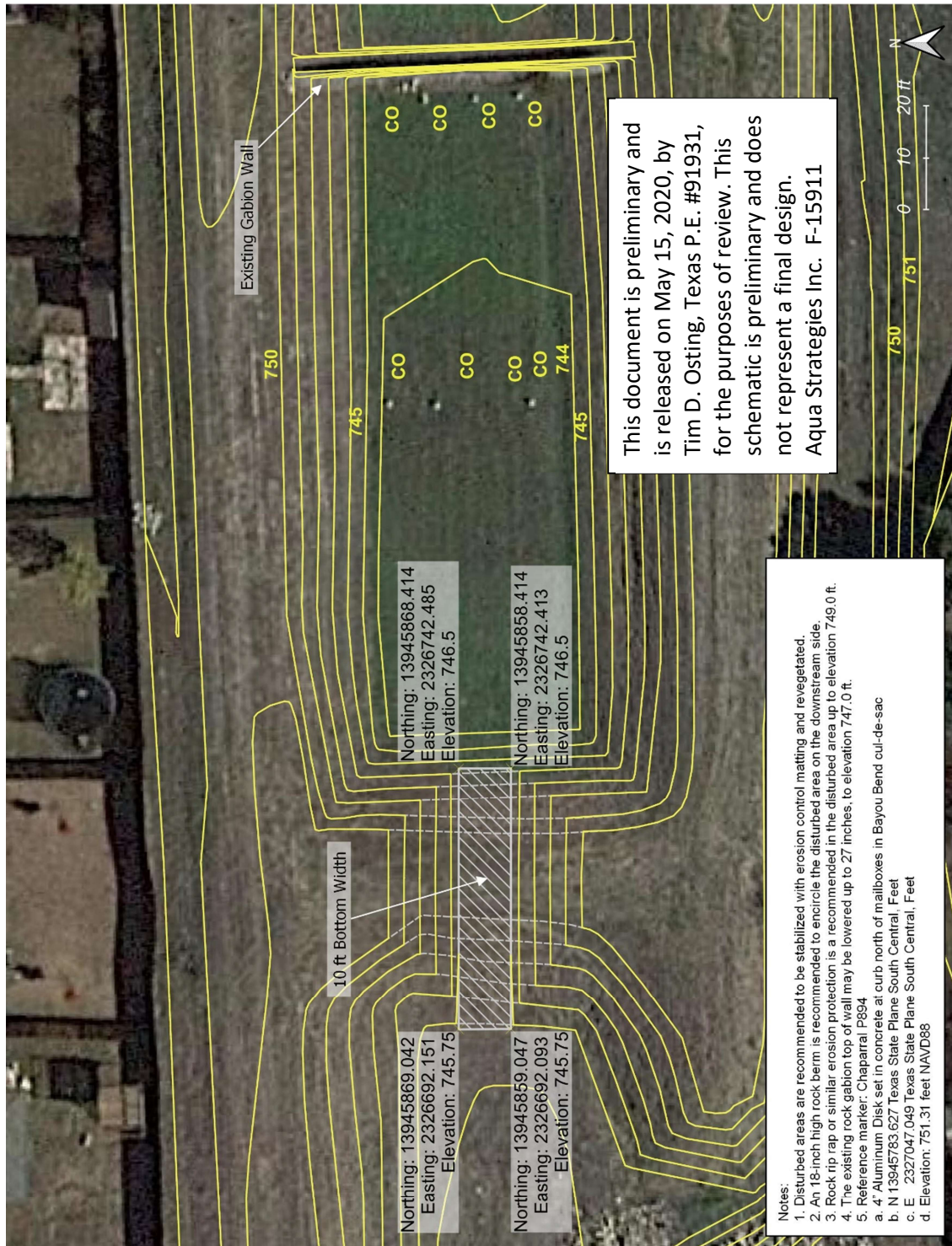


Figure 1. Area Map



Figure 2. Stormwater facilities and affected homes labeled A-E on Bayou Bend and with line F on Crooked Creek Drive.

ATTACHMENT 2 – MAP OF ONSITE MODIFICATIONS PLANNED BY THE CITY



CIP Drainage Improvements for Whispering Hollow

Presentation to City Council, City of Buda

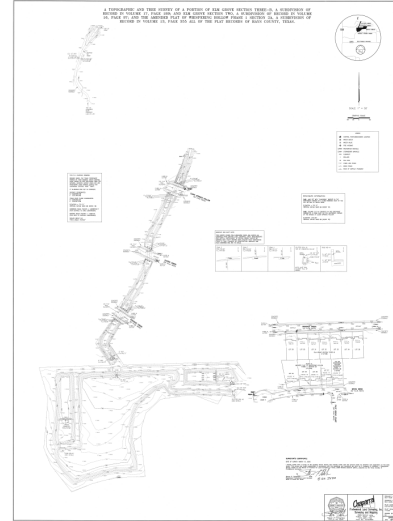
Tim Osting, PE, CFM & Justin Baker, EIT, CFM

May 19th, 2020

Whispering Hollow: October 2015



Whispering Hollow: Elevation Survey



3

Whispering Hollow: Tasks & Timeline

- **Task 1** - On site survey
 - Verify components of drainage system
- **Task 2** - Drainage Evaluation (target May completion)
 - Observed drainage issues, during both moderate and extreme storms
 - Hydrology design criteria has changed – NOAA Atlas 14 rainfall amounts
 - 0.2%, 1%, 2%, 4%, 50% Annual Exceedance Probability (AEP) events
 - Formerly known as... 500, 100, 50, 25 and 2-year storms
 - Identify choke points, deficiencies, opportunities
- **Task 3** - Recommendations (estimated timeline July)
 - Develop option alternatives
- **Task 4** - Construction Plans (estimated timeline Aug/Sep)

4

34

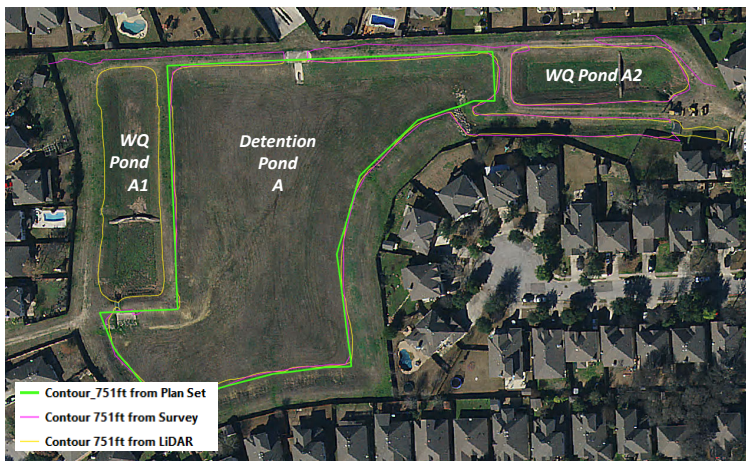
Whispering Hollow: Overview Map

- Full system draining to detention pond
- Includes runoff from Summer Pointe subdivision



5

Detention Pond A – Survey Results



- Approximately 10% more capacity estimated in site plans (vs. survey)

6

Outlet Channel to Garlic Creek

- Analysis to confirm capacity of channel to convey drainage to creek
- Drains to Garlic Creek



AquaStrategies | Water Planning, Science & Engineering

PRELIMINARY - 5/15/2020

7

7

Outlet Channel to Garlic Creek



AquaStrategies | Water Planning, Science & Engineering

PRELIMINARY - 5/15/2020

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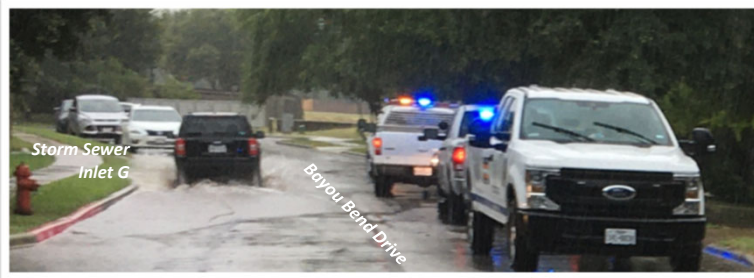
Whispering Hollow – May 12, 2020



Whispering Hollow – May 12, 2020

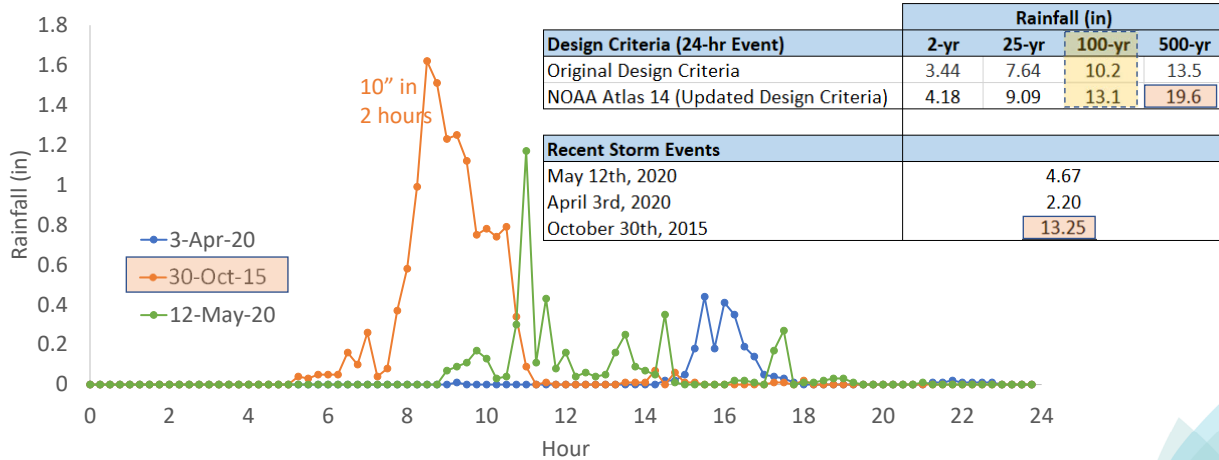


Whispering Hollow – May 12, 2020

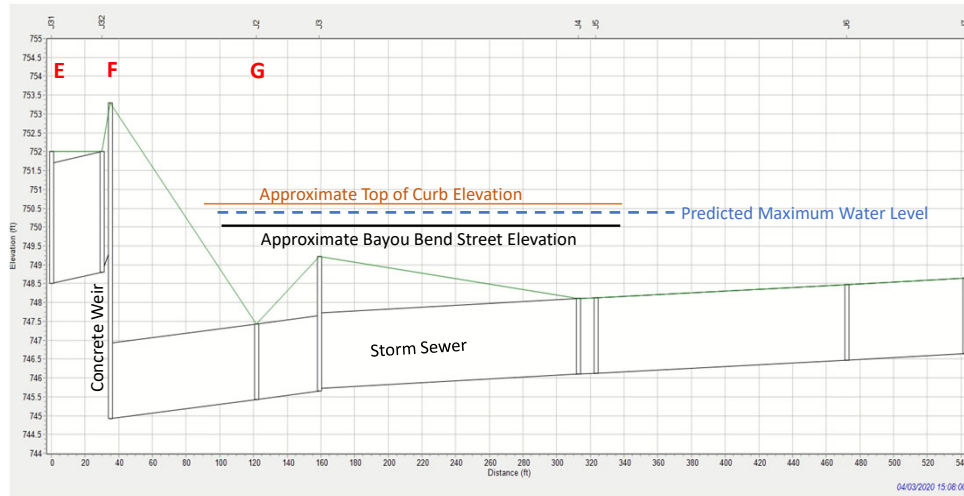


Whispering Hollow - Events

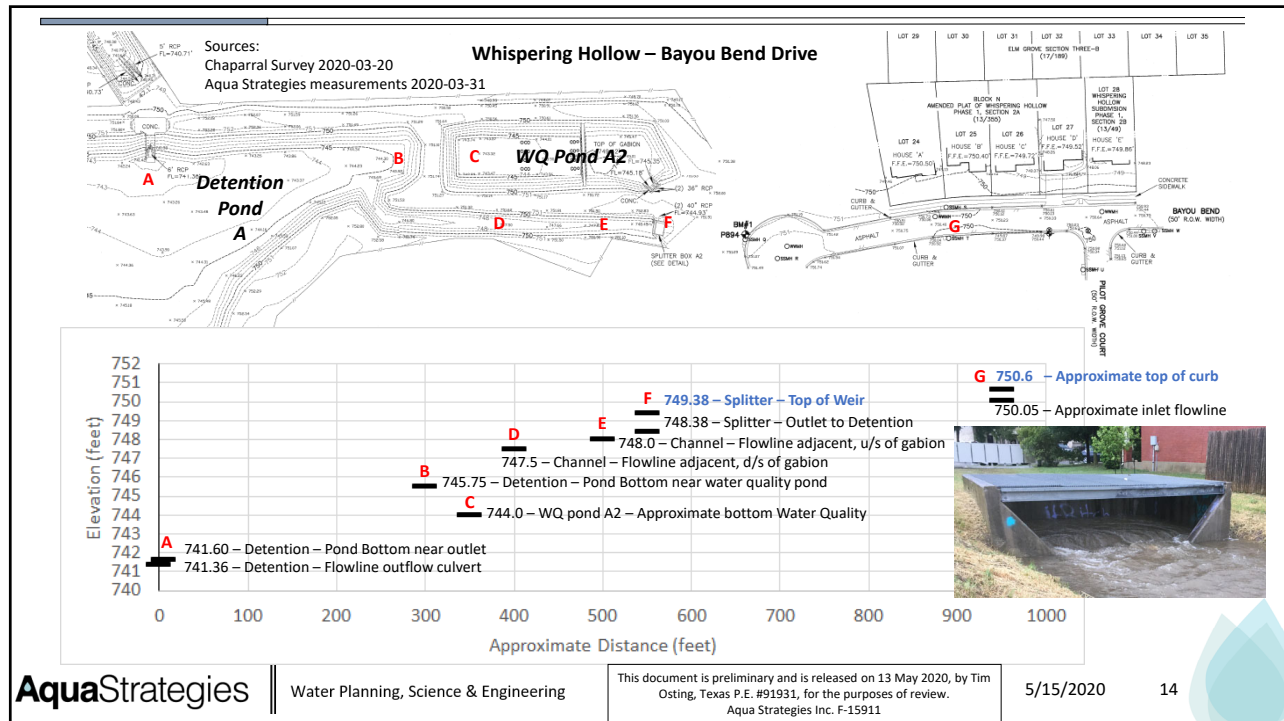
24-hr Rainfall Events (LCRA Gage | Onion Creek at Buda)



Whispering Hollow: April 3, 2020



13



14

Preliminary Potential Solutions

Frequent Events (50% aka 2yr):

- Reconfigure water quality pond A2 and connection to detention pond
- Reduce 'backwater' flooding

Other issues:

- Minor erosion near structures
- Gabion wall in WQ A1

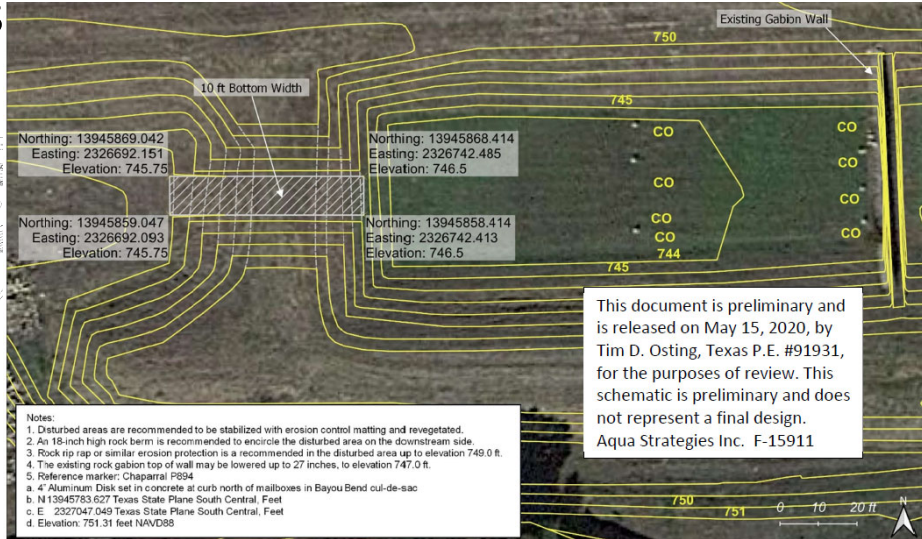
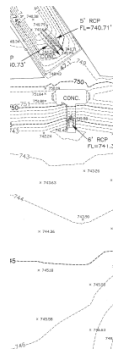
Infrequent Events (1% aka 100yr):

- Combination of multiple actions
- Substantially lower splitter box weir elevation; deepen channel leading to detention pond
 - Increase volume of detention pond
 - Lower outfall of detention pond
 - Reconfigure water quality ponds, as required by TCEQ

Whispering Hollow: Tasks & Timeline

- **Task 1** - On site survey
 - [Verify components](#)
- **Task 2** - Drainage Evaluation (target May completion)
 - Observed drainage issues, during both moderate and extreme storms
 - Hydrology design criteria has changed – NOAA Atlas 14 rainfall amounts
 - 0.2%, 1%, 2%, 4%, 50% Annual Exceedance Probability (AEP) events
 - *Formerly known as...* 500, 100, 50, 25 and 2-year storms
 - [Identify choke points, deficiencies, opportunities](#)
- **Task 3** - Recommendations (estimated timeline July)
 - [Develop option alternatives](#)
- **Task 4** - Construction Plans (estimated timeline Aug/Sep)

Whispering Hollow: Interim Emergency Measures



- Notes:
1. Disturbed areas are recommended to be stabilized with erosion control matting and revegetated.
 2. An 18-inch high rock berm is recommended to encircle the disturbed area on the downstream side.
 3. Rock rip rap or similar erosion protection is a recommended in the disturbed area up to elevation 749.0 ft.
 4. The existing rock gabion top of wall may be lowered up to 27 inches, to elevation 747.0 ft.
 5. Reference marker: Chaparral P894
 - a. 4" Aluminum Disk set in concrete at curb north of mailboxes in Bayou Bend cul-de-sac
 - b. N 13945793.527 Texas State Plane South Central, Feet
 - c. E 2327047.049 Texas State Plane South Central, Feet
 - d. Elevation: 751.31 feet NAVD88

This document is preliminary and is released on May 15, 2020, by Tim D. Osting, Texas P.E. #91931, for the purposes of review. This schematic is preliminary and does not represent a final design. Aqua Strategies Inc. F-15911



City Council Agenda Item Report

Date: Tuesday, May 19, 2020

Agenda Item No. 2020-305- #J.1

Contact: Micah Grau

Subject: Discussion and possible action to adopt a Resolution authorizing the City Manager to execute Amendment #2 to the License Use Agreement with Inspired Minds, LLC. related to the use of the former city hall facility (Deputy City Manager Micah Grau) [PUBLIC TESTIMONY]

1. Executive Summary

This item would approve a resolution adopting Amendment #2 to the License Use Agreement waiving the license use fees for an additional one month for Inspired Minds, LLC.

2. Background/History

At the March 20, 2020 Special Called City Council meeting, staff presented a request from the Inspired Minds Art Center to suspend the monthly license use fee for three months due to the cancellation of classes because of COVID-19. The Inspired Minds Art Center opened in January 2020 after the City solicited requests for proposals to reuse the former City of Buda city hall located at 121 Main Street in downtown Buda. A public-private partnership was created with Inspired Minds, LLC. to assist with the City's arts program.

The Inspired Minds Art Center followed the City's lead for city-sponsored events and suspended activity in mid-March because of COVID-19.

The Council adopted a resolution on April 7, 2020 approving the First Amendment to the License Use Agreement to suspend the Facility License Use fees for an initial two month period including the months of April and May 2020. This action is formalized in Amendment #1 to the License Use Agreement.

On May 11, 2020, the City received a request from IMAC to suspend fees for the month of June 2020. Approval of this item would grant the request to suspend fees for June 2020.

3. Staff's review and analysis

Staff worked with the City Attorney's office to draft the framework for the resolution and amendment to the license use agreement. Staff believes that the amendment is reasonable and would greatly

assist IMAC in being able to continue operations once normal operations can resume. As the City's art program partner, it is appropriate to provide flexibility during a financial and disaster declaration to Inspired Minds, LLC.

4. Financial Impact

Inspired Minds, LLC. pays \$4,000 per month to the City for use of the former city hall under the current license use agreement. Inspired Minds has indicated that they would be unable to pay the license use agreement fees as they have suspended operations in line with the City halting City sponsored programs and event and in following the recommendations from the CDC. By suspending operations, they will not be bringing in revenue to pay operational costs and business loans.

If approved, the City's General Fund will not collect \$4,000 for the one month suspension of fees. This is in addition to the \$8,000 waiver previously approved in April and May.

5. Summary/Conclusion

This item would suspend the license use fees for the month of June 2020 in addition to the waivers approved in April and May.

6. Pros and Cons

Pros:

1. Provides financial relief as part of the City Arts Program public-private partnership with Inspired Minds, LLC.
- 2, Helps Inspired Minds, LLC. to stay viable as an economic generator in downtown Buda in the future.

Cons:

1. Will result in another \$4,000 less in planned revenue in the General Fund
2. Could be negatively viewed as providing relief to one business in particular. However, the arrangement with Inspired Minds, LLC. is different as the City has a public-private partnership in place for Inspired Minds to assist with the City's Art Program.

7. Alternatives

The City Council may direct staff to develop a different arrangement to provide financial relief from the license use payments. The agreement could modified to build back the payment into future license use payments. The Council could also grant a shorter or longer release from the monthly license use fee.

8. Recommendation

Staff seeks direction from the City Council in consideration of this request.

RESOLUTION NO. R-2020-_____

**A RESOLUTION OF THE CITY OF BUDA, TEXAS,
AUTHORIZING THE CITY MANAGER TO
EXECUTE A SECOND AMENDMENT TO THE 121
MAIN STREET FACILITY USE LICENSE
SUSPENDING CERTAIN OBLIGATIONS DURING
THE STATE OF DISASTER; AND PROVIDING AND
EFFECTIVE DATE**

WHEREAS, the City of Buda, Texas and Inspired Minds, LLC entered into a Facility Use License Agreement authorized by the City Council on August 6, 2019 with respect to the former City Hall premises located at 121 Main Street, Hays County, Buda, Texas 78610; and

WHEREAS, on August the morning of March 13, 2020, Governor Greg Abbott declared that the Coronavirus (COVID-19) pandemic is a statewide public disaster; and

WHEREAS, on March 13, 2020, the Hon. George Haehn, Mayor for the City of Buda, Texas, declared a local state of disaster for the City of Buda, Texas due to the COVID-19 pandemic and implemented the City's Emergency Management Plan; and

WHEREAS, on March 20, 2020, in a Special City Council Meeting of the City of Buda, Texas, the City Council deliberated and considered action to implement relief measures related to the impacts of COVID-19 on local businesses and programs of the City; and

WHEREAS, the City Council has considered modifying and suspending certain provisions of the Facility Use License brought on by the spread of COVID-19 and during the City's declared state of disaster; and

WHEREAS, in light of this this catastrophe, the City is subscribing to CDC guidelines that include social distancing and that encourage teleworking, thus interfering with the ability of the Licensee to conduct its day-to-day operations; and

WHEREAS, the City Council adopted a Resolution on April 7, 2020 approving the First Amendment to the Facility License Use agreement suspending the obligation of facility use license payments for April – May 2020; and

WHEREAS, Inspired Minds, LLC is seeking an extension of the

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BUDA, TEXAS:

Section 1. That the City Council authorizes the City Manager to execute a Second Amendment to the 121 Main Street Facility Use License to suspend payment obligations under the Facility Use License for the month of June 2020.

Section 2. That this resolution shall take effect immediately.

PASSED AND ADOPTED this the ____ day of _____ 2020.

GEORGE HAEHN, MAYOR
City of Buda, Texas

ATTEST:

Alicia Ramirez
City Clerk

**SECOND AMENDMENT TO THE 121 MAIN STREET
FACILITY USE LICENSE**

This "Second Amendment to 121 the Main Street Facility Use License" (the "Second Amendment") is made and entered into by and between the City of Buda, Texas, a home-rule municipal corporation located in Hays County, Texas ("City") and Inspired Minds, LLC, a Texas limited liability company ("Licensee") (collectively, "Parties" and each individually, "Party"), regarding the Licensee's use of the City's former City Hall premises.

Recitals

- A. The City and Licensee entered into a Facility Use License Agreement authorized by the City Council on October 6, 2019 (the "License") with respect to the former City Hall premises located at 121 Main Street, Hays County, Buda, Texas 78610.
- B. On March 13, 2020, the Hon. George Haehn, Mayor for the City of Buda, Texas, declared a local state of disaster for the City of Buda, Texas due to the Coronavirus (COVID-19) pandemic and implemented the City's Emergency Management Plan.
- C. On March 20, 2020, in a Special City Council Meeting of the City of Buda, Texas, the City Council deliberated and considered action to implement relief measures related to the impacts of COVID-19 on local businesses and programs of the City.
- D. On April 7, 2020, the City Council of the City of Buda, Texas deliberated and adopted a Resolution approving the First Amendment to the Facility Use License.
- E. The City and Licensee desire to enter into this Second Amendment in order to modify and suspend certain provisions of the License brought on by the spread of COVID-19 and during the City's declared state of disaster.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the License is amended as follows:

- 1. **SECTION 4 COMPENSATION**, Licensee's obligations pursuant to Paragraph 4.1, requiring Licensee to pay FOUR THOUSAND DOLLARS AND 00/100 (\$4,000.00) per month from the Effective Date for use of the Premises, shall be suspended for a period of one (1) months after execution of this Amendment.

IN WITNESS WHEREOF, the parties have executed this First Amendment to be effective as of May 19, 2020.

THE CITY OF BUDA, TEXAS

By: _____ Date: _____
Kenneth Williams, City Manager

ATTEST:

By: _____ Date: _____
Alicia Ramirez, City Clerk

INSPIRED MINDS, LLC

By: _____ Date: _____

Title: _____

By: _____ Date: _____

Title: _____



121 Main Street
Buda TX, 78610

512-256-0181
www.InspiredMinds.art

May 5, 2020

Mr. Kenneth Williams
City Manager
City of Buda
405 East Loop Street
Buda, TX 78610

Dear Mr. Williams:

We respectfully request that the City of Buda extend our license payment suspension for the month of June 2020.

As the owners of Inspired Minds Art Center, we are so grateful for the support and encouragement granted to us by the City of Buda and its community. We have received multiple emails and messages from community members expressing their unwavering support and love for the art center - testifying to the positive impact it is having on the community. We are humbled and honored by the City of Buda's involvement in our vision, and willingness to suspend our rent for April and May 2020 so that we can continue our work promoting the arts and artists in during this unprecedented time.

The effects of the COVID-19 pandemic are wide-reaching and long lasting. We understand that mental wellness through engagement in art and connection to a creative and supportive community is more important now than ever. Therefore, we have sought new ways to bring art, artists and the community together. We, like so many other businesses, had to find a way to move our classes online. With the support of our amazing artist community, we've been able to do that. To date, Inspired Minds Art Center has hosted more than twenty, low-cost, online classes, many of which were free to attend, as well as live, online, artist events. We listed our gallery and gift shop items online and offer delivery, curbside pick-up, and shipping. However, even these adjustments simply aren't enough for us to financially sustain the art center.

To compound an already difficult financial situation, we have received and fulfilled many requests for refunds for classes that have not yet begun. These students are asking for a refund of their class fee due to financial hardship caused by the pandemic.

We have applied for assistance via the Budaful Stimulus program, the Paycheck Protection Program, the Economic Injury Disaster Loan program, and for the grant advance attached to the EIDL, but have yet to receive any outside funding. We have reduced our expenses as much as we can while still maintaining the facility, hosting classes online, and fulfilling our contract agreements with our teachers and artists. Just like many small businesses, we have very limited resources to sustain our business without income. While thankful for the income generated by the online classes, it represents only 10% of our previous income.

Per the Governor's office, we are still not legally allowed to open and hold classes, nor do we know when we will be able to do so. We are eager to resume classes for our students and teachers, but we also want to be cognizant of the danger it could pose to the community we love and thus want to reopen in a safe manner. We are hoping to host summer camps in June and July, finish March classes that were disrupted, and begin spring classes that were postponed. We have great ideas for community programs and events and are hoping to partner with the City of Buda to assist in developing a public arts policy and the creation of an Arts Commission. We want to continue with the mission what we'd only just begun to fulfill and build on the momentum, but won't be able to do that if our monthly expenses greatly exceed our income.

We respectfully request that the City of Buda extend our license payment suspension for the month of June 2020. We are hopeful that economic and social conditions improve dramatically by the middle of June, and that this will be our last request for assistance.

Great things are happening within the Buda community, and we feel blessed to be umbrellaed under a city government that is so supportive of small business. Buda is a budding arts community, and we are excited to be at the center of that movement.

We appreciate your time and consideration of our request. Please contact us to discuss this issue further so we can answer any question you may have.

Sincerely,



Susan Guerra
Owner/Founder
Inspired Minds Art Center
512-256-0181
susan@inspiredminds.art



Sinéad Whiteside
Owner/Founder
Inspired Minds Art Center
512-537-3987
sinead@inspiredminds.art



May 6, 2020

City of Buda
405 E Loop St., Building 100
Buda, TX 78610

Buda Mayor and City Council,

Thank you from the bottom of our hearts for your kindness and support during these unprecedented times. Your willingness to champion the arts in our city is a great example of leadership and putting people first. Hill Country Theatre applauds your efforts.

Specifically, we wish to thank you for your leniency on the rent payments for Inspired Minds Arts Center. The owners have kindly extended that leniency to us. Without this most generous gift, our fledgling companies would nor have been able to survive the storm for this long.

With that being said, we would urge the City Council to consider an extension of that gift into the month of June, 2020. As places are starting to open up across the state and in Buda, we find ourselves looking for opportunities to do the same. We have plans to open a play to a limited number of audience members and to stream that play online for others to see. This will require time to rehearse and get together as well as to advertise. Our show will not be able to open until early June, 2020. With your help, you can give Hill Country Theatre a fresh start to bring joy and entertainment to all citizens of Buda.

Thank you again for all you have done for both Hill Country Theatre and Inspired Minds Arts Center during these uncertain times. We look forward to hearing from you and seeing you at a performance soon.

Doug DeGirolamo
President, Hill Country Theatre



City Council Agenda Item Report

May 19, 2020

Contact – Traci Anderson, Executive Director
512-295-2022 / traci@budaedc.com

SUBJECT: DISCUSSION AND POSSIBLE ACTION REGARDING BUDGET AMENDMENTS #5 TO THE FISCAL YEAR 2019-2020 BUDGET

1. EXECUTIVE SUMMARY

THIS ITEM WILL PROVIDE SEVERAL AMENDMENTS TO THE 2019-2020 BUDGET.

2. BACKGROUND/HISTORY

THE BEDC APPROVED THE ORIGINAL BUDGET ON JULY 11, 2019 AND THE CITY COUNCIL APPROVED IT ON AUGUST 6, 2019.

A FIRST AMENDMENT WAS APPROVED BY THE BEDC ON NOV. 18, 2019 AND CITY COUNCIL ON DEC. 3, 2019 WITH THE FOLLOWING CHANGES:

- EDC EMPLOYEE, MANDY SHAW – INTERIM PAY IN THE AMOUNT OF \$6000
- PRIOR EDC EXECUTIVE DIRECTOR – CELL PHONE EXPENSE IN THE AMOUNT OF \$1200

A SECOND AMENDMENT WAS APPROVED BY THE BEDC ON DEC. 9, 2019 AND CITY COUNCIL ON JAN. 21, 2020 WITH THE FOLLOWING CHANGES:

- REALLOCATION FROM TEMPORARY STAFFING MARKETING TO TEMPORARY STAFFING ADMINISTRATIVE IN THE AMOUNT OF \$7000

THE THIRD AMENDMENT WAS APPROVED BY THE BEDC ON MARCH 9, 2020 AND CITY COUNCIL ON APRIL 7, 2020 WITH THE FOLLOWING CHANGES:

- **INCREASE SALARIES/BENEFITS: DIRECTOR:**
 - ADDED: SEVERANCE - **\$31,250**; EQUAL TO THREE MONTHS OF CURRENT SALARY; THIS WILL ROLL FORWARD YEAR TO YEAR
- **DECREASE SALARIES/BENEFITS:**
 - PLANNING SALARY: TO \$0 FROM **\$57,000**
 - PLANNING CELL EXPENSE: TO \$0 FROM **\$900**
 - PLANNING RETIREMENT: TO \$0 FROM **\$9,163.90**
 - RETAIL MARKETING SALARY: TO \$0 FROM **\$56,375**
 - RETAIL MARKETING CELL EXPENSE: TO \$0 FROM **\$900**
 - RETAIL RETIREMENT: TO \$0 FROM **\$7,755**

- **INCREASE** SALARIES/BENEFITS - HEALTH INSURANCE/CO-PAY REIMBURSEMENTS BY **\$2,150**: TO \$17,150 FROM \$15,000
 - TAKES THREE EMPLOYEES INTO ACCOUNT AT \$5,550 AND ADDED UP TO \$500 FOR CO-PAY REIMBURSEMENTS
- **DECREASE** SALARIES/BENEFITS - TEMPORARY STAFFING MARKETING: TO \$0 FROM **\$29,000**
- **DECREASE** SALARIES/BENEFITS - TEMPORARY STAFFING ADMINISTRATIVE BY **\$2,456.21**: TO \$22,543.79 FROM \$25,000
- **DECREASE** INSURANCE – D&O INSURANCE: TO \$0 FROM **\$2,000**
- **DECREASE** OPERATIONS – CELL PHONE BY **\$518.86**: TO \$1,231.14 FROM \$1750
 - THE PRIOR EXECUTIVE DIRECTOR’S CELL PHONE HAS BEEN PAID FOR AND CANCELLED
- **INCREASE** OPERATIONS – LEGAL BY **\$64,000**: TO \$114,000 FROM \$50,000
 - AVERAGING ABOUT \$9,200 PER MONTH; WE HOPE THIS WILL GO DOWN NEXT BUDGET YEAR
- **DECREASE** OPERATIONS – ZOOM PROSPECTOR BY **\$2,750**: TO \$6,000 FROM \$8,750
- **INCREASE** MARKETING – WEBSITE/COMMUNICATIONS/VIDEO – WEBSITE BY **\$1,000**: TO \$3,000 FROM \$2,000
 - WEBSITE ANNUAL HOSTING AND MAINTENANCE FEE WERE NOT ACCOUNTED FOR
- **DECREASE** MARKETING:
 - PLANNING – EDUCATION/OUTREACH: TO \$0 FROM **\$7,500**
 - PLANNING – PRINTING/MATERIALS: TO \$0 FROM **\$1,000**
- **DECREASE** MARKETING – COMMUNITY OUTREACH – SHOP BUDA BY **\$4,000**: TO \$1,000 FROM \$5,000
- **DECREASE** PROFESSIONAL DEVELOPMENT:
 - GENERAL TRAVEL – RETAIL/MARKETING TRAINING/CERTIFICATION: TO \$0 FROM **\$3,000**
 - GENERAL TRAVEL – PLANNER TRAINING/CERTIFICATION: TO \$0 FROM **\$3,000**
- **INCREASE** PROFESSIONAL DEVELOPMENT:
 - BEDC BOARD COSTS BY **\$1,500**: TO \$3,500 FROM \$2,000
- **INCREASE** PROGRAMS/SERVICES:
 - CITY OF BUDA – MAIN STREET HISTORIC PRESERVATION GRANT FUNDING BY \$65,000: TO \$130,000 FROM \$65,000 (THIS WAS APPROVED ON MARCH 9, 2020); ANOTHER BUDGET AMENDMENT WAS HELD ON APRIL 6, 2020 TO REALLOCATE THE ORIGINAL \$65,000 FROM THE MAIN STREET HISTORIC PRESERVATION GRANT FUNDING TO THE CITY OF BUDA PROJECT COVID STILL BUDAFUL STIMULUS GRANT PROGRAM; THE ADDITIONAL \$65,000 ADDED ON MARCH 9 WAS NULLIFIED.
 - MARCH 9 REASONING FOR THE BUDGET AMENDMENT: THIS WAS AN APPROVED TOTAL BUT ONLY HALF WAS IN THE BUDGET; ADDING THE ADDITIONAL FUNDS TO ACCOUNT FOR THE ENTIRE AMOUNT
 - *NOT INCREASE BUT JUST A REALLOCATION: SMALL BUSINESS PROGRAMS AND GRANTS – ON APRIL 6, 2020 THIS ITEM WAS APPROVED TO BE REALLOCATED TO THE CITY OF BUDA PROJECT COVID STILL BUDAFUL STIMULUS GRANT PROGRAM; THERE WAS ONE GRANT GIVEN TO DATE FOR BAHAMA BUCKS FOR \$5,000, DROPPING THIS ACCOUNT TO \$145,000 THAT WILL BE REALLOCATED
 - ADDED: BSW INCENTIVE IN THE AMOUNT OF **\$375,000**
 - THIS WAS AN APPROVED PROJECT/AGREEMENT WITH A PUBLIC HEARING HELD ON FEB. 17, 2017, APPROVED BY THE BEDC ON FEB. 7, 2018 AND BY THE CITY COUNCIL ON FEB. 20, 2018; THE FUNDS WERE NOT PREVIOUSLY BUDGETED UPON APPROVALS
- **INCREASE** OTHER FINANCIAL ITEMS BY **\$25,000** TO ACCOUNT FOR AN APPROVED INCENTIVE AGREEMENT WITH HEAVEN HILL SHOULD THEY BRING A TASTING ROOM TO BUDA BY JAN. 1, 2025.

THE FOURTH AMENDMENT WAS APPROVED BY THE BEDC ON APRIL 20, 2020 AND CITY COUNCIL ON APRIL 21, 2020 WITH THE FOLLOWING CHANGES:

- INCREASE SALARIES BY \$17,000 TO APPROPRIATE FUNDS AND AUTHORIZE PAYMENT OF PAYROLL TAXES DUE TO THE INTERNAL REVENUE SERVICE.

THE FIFTH AMENDMENT WAS APPROVED BY THE BEDC ON MAY 11, 2020 AND PENDING CITY COUNCIL APPROVAL ON MAY 19, 2020 WITH THE FOLLOWING CHANGES:

- **REALLOCATION** OF THE EXISTING LINE ITEM: LARGE BUSINESS INCENTIVES IN THE AMOUNT OF \$350,000
 - ESTABLISH A NEW LINE ITEM: COB PROJECT COVID STILL BUDAFUL STIMULUS PROGRAM 2.0 IN THE AMOUNT OF \$250,000
 - ESTABLISH A NEW LINE ITEM: PROJECT COVID STILL BUDAFUL LOAN PROGRAM IN THE AMOUNT OF \$350,000
- **INCREASE** SALARIES/BENEFITS: ADMINISTRATIVE ASSISTANT:
 - ADDED: CELL EXPENSE - **\$300**; EQUAL TO FOUR MONTHS OF MONTHLY CELL EXPENSE PROVIDED TO OTHER STAFF; ONE-TIME PAYMENT

3. STAFF'S REVIEW AND ANALYSIS

N/A

4. FINANCIAL IMPACT

INCREASES THE BOTTOM LINE BY \$300

5. SUMMARY/CONCLUSION

THE PURPOSE OF THIS ITEM IS FOR THE BEDC TO REPORT TO THE CITY COUNCIL REGARDING REALLOCATION OF FUNDS.

6. PROS AND CONS

N/A

7. ALTERNATIVES

N/A

8. RECOMMENDATION

RECOMMEND APPROVAL OF THE BEDC BUDGET AMENDMENT #5 FOR FY19-20

Buda Economic Development Corporation
Budget

		EDC Approved Budget 16-17	EDC DRAFT Budget 17-18
Income			
Sales Tax Receipts			
General		1,071,567.25	1,151,934.79
Cabela's TRZ		374,934.83	403,054.94
Park 35 South		182,366.03	196,043.48
2428 Partners		62,109.77	66,768.00
BMG Property		20,000.00	21,560.00
BMG Property		6,000.00	5,375.00
Total Income		1,715,977.88	1,844,676.22
Interest Income			
Contractual Payouts			
2428 Partners Sales Tax		31,054.89	33,384.00
Cabela's LGC		318,894.61	342,596.70
BMG Property		6,000.00	6,460.00
Principal Payments		265,000.00	260,000.00
Interest Payments		69,763.75	57,620.00
Total Contractual Payouts		690,513.24	720,050.70
Net Income After Contractual Payouts		1,025,464.64	1,124,625.52
Capital Expenditures			
Office and Infrastructure Improvements		4,000.00	525,000.00
Office Furniture		500.00	45,000.00
Total Capital Expenditures		4,500.00	570,000.00
Salaries / Benefits			
Executive Director			
Salary		110,000.00	114,400.00
Auto Expense		6,000.00	8,400.00
Retirement		14,300.00	14,872.00
Support Staff			
Salary		46,000.00	47,840.00
Retirement		5,980.00	6,219.20
Part Time Staff (Hired After May 2018)		7,500.00	16,000.00
Health Insurance		16,375.00	18,831.25
Health Insurance Reimbursements		8,000.00	8,000.00
FICA/Medicare		12,966.75	13,635.36
Total Salaries / Benefits		227,121.75	248,197.81
Insurance			
Workers Comp		550.00	550.00
Liability		1,000.00	1,000.00
Property Insurance		50.00	50.00
D & O		1,600.00	1,600.00
Total Insurance		3,200.00	3,200.00
Supplies			
Postage / Delivery		1,000.00	1,000.00
Printing		2,250.00	2,250.00
Supplies & Services		4,500.00	4,500.00
Total Supplies		7,750.00	7,750.00
Operations			
Utilities		4,500.00	4,500.00
Cell Phone		2,100.00	2,100.00
Rent		16,900.00	16,200.00
Mileage / Parking		2,000.00	2,000.00
Contract Labor		2,500.00	2,500.00
Subscriptions		350.00	350.00
City of Buda Admin & Audit & MO Rent		13,600.00	23,600.00
Professional Services			
Legal		7,500.00	7,500.00
Accounting		6,500.00	6,600.00
IT		1,200.00	1,200.00
CoStar		8,760.00	8,760.00
Impact Data		4,750.00	4,750.00
Zoom Prospector		8,100.00	8,750.00
Other/Strategic Plan Update		12,500.00	36,000.00
Total Operations		90,260.00	123,610.00
Marketing			
Retail Recruitment		15,000.00	15,000.00
Retail Lease Trac		1,250.00	0.00
MLS Access		250.00	0.00
Website / Communications		6,000.00	7,500.00
Supplies & Promotional Materials		7,500.00	7,500.00
Tradeshaw / Conferences			
ICBC		12,000.00	12,000.00
Other Retail Recruitment		1,000.00	500.00
Tradeshaw / Conf. / Recruitment Visits		5,000.00	5,000.00
Team Texas Activities		4,500.00	4,500.00
TEDC Activities		2,000.00	2,000.00
Chamber Activities		500.00	1,500.00
Advertising		5,500.00	5,500.00
Trail Of Lights		7,500.00	5,000.00
Professional Memberships			
Team Texas		3,000.00	3,000.00
Opportunity Austin		2,500.00	2,500.00
SEDC / EDC / TEDC		1,500.00	1,500.00
Community Orgs.		250.00	250.00
Site Visits/Tours/Meetings		5,000.00	5,000.00
Research		1,500.00	1,500.00
Total Marketing		81,750.00	79,750.00
Professional Development			
Continuing Education			
Travel		2,500.00	3,000.00
Tuition / Registration		3,500.00	4,500.00
EDC Required Training		1,250.00	1,250.00
Total Professional Development		7,250.00	8,750.00
Programs / Services			
Central Downtown District		20,000.00	30,000.00
Buda Business Development Program		20,000.00	30,000.00
Small Business Permit Fee Program		17,500.00	6,000.00
Business Projects		250,000.00	150,000.00
BRE / Workforce Development Program		5,000.00	25,000.00
Sportplex Maintenance		40,000.00	40,000.00
Total Programs / Services		352,500.00	280,000.00
Depreciation Expenses		900.00	900.00
Total Expenses		775,231.75	1,322,357.81
Net Income		250,232.89	-197,732.29
Cash Assets		1,912,406.36	3,147,185.26
Bonds/Banking Restricted Reserves		408,152.14	921,152.59
Total Accounts Payable		404,059.42	296,429.93
Outstanding Business Project Incentives		98,000.00	296,429.93
		1,002,188.86	150,000.00

\$2,104,468.00

\$62,059.49

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Total Unrestricted Cash Balance	887,702.58	1,786,602.74
Projected Unrestricted Cash Balance at End of FY 14-15		
Reallocation to Incentives, Business Projects, and Capital Improvement Account	180,000.00	180,000.00
Net Income After Reallocation	70,232.89	-377,732.29
		-517,940.51

Buda Economic Development Corporation
Budget
Budget Amendments #5

		EDC Budget 18-19 Actuals	EDC Budget 19-20
Income			
Sales Tax Receipts			
General		1,304,847.41	1,882,899.57
Cabela's TIRZ		185,833.59	275,580.39
Park 35 South		86,261.36	125,053.25
2428 Partners		59,673.57	78,515.04
BMG Property		0.00	13,000.00
Program Income		204.03	1,000.00
Interest Income		55,811.56	40,000.00
Total Income		1,692,631.52	2,416,048.25
Contractual Payouts			
2428 Partners Sales Tax		13,422.01	39,257.52
Cabela's LGC		157,658.56	234,243.33
BMG Property		0.00	3,900.00
Principal Payments		205,000.00	205,000.00
Interest Payments		48,359.49	52,000.00
Total Contractual Payouts		424,440.06	534,400.85
Net Income After Contractual Payouts		1,268,191.46	1,881,647.40
Capital Expenditures			
CIP Projects		0.00	250,000.00
Computers & Equipment		4,535.85	25,000.00
Total Capital Expenditures		4,535.85	275,000.00
Salaries / Benefits			
Director			
Salary		83,359.28	125,000.00
Auto Expense		4,615.36	7,500.00
Cell Expense			1,200.00
Retirement		12,753.83	18,083.25
Severance			31,250.00
Finance			
Salary		39,390.39	68,000.00
Cell Expense		600.00	900.00
Retirement		5,653.23	9,588.00
Interim Pay			6,000.00
Planning			
Salary		34,401.12	0.00
Cell Expense		501.99	0.00
Retirement		5,080.54	0.00
Retail Marketing			
Salary		28,353.64	0.00
Cell Expense		600.00	0.00
Retirement		4,116.08	0.00
Administrative Assistant			
Salary		0.00	35,000.00
Retirement		0.00	5,000.00
	Cell Expense	0.00	300.00
	Health Insurance	15,915.53	48,000.00
	Health Insurance/Co-Pay Reimbursements	0.00	17,150.00
	Temporary Staffing - Administrative	3,950.75	22,543.89
	Economic Development Consulting Fee	0.00	14,000.00
	Executive Director Search Related Expenses	0.00	10,000.00
	Relocation Related Reimbursement	0.00	10,000.00
	FICA/Medicare	14,338.78	27,000.00
	IRS Payroll Tax Penalties		17,000.00
Total Salaries / Benefits		253,630.52	473,515.14
Insurance			
COB Workers Comp Insurance *4 Employees		0.00	1,272.00
COB - Unemployment Insurance *4 Employees		0.00	1,000.00
D & O Insurance		0.00	0.00
Total Insurance		0.00	2,272.00
Operations			
Cell Phone		1,642.45	1,231.14
City of Buda - Office Rental & M/O *Office Rental \$28,050 / M/O \$12,000		39,500.00	41,000.00
Mileage / Parking		735.30	3,500.00
Cleaning Service		2,056.00	3,500.00
Subscriptions		45.00	500.00
City of Buda - Admin & Professional Services		13,600.00	
Audit Services		0.00	10,000.00
Administrative Services		0.00	2,400.00
Payroll Services		0.00	10,941.00
HR Services		0.00	9,013.00
IT Services		0.00	2,880.00
Postage/Mailing Supplies		136.00	1,500.00
Office Supplies		5,454.82	6,000.00
Copier/Printing Supplies		3,272.70	3,200.00
Legal		7,500.00	114,000.00
Accounting		5,560.00	7,500.00
CoStar		6,865.65	9,200.00
Impact Data		5,237.00	5,300.00
Zoom Prospector		8,750.00	6,000.00
Planning/Strategic Services		0.00	7,500.00
Cloud Nine / PA USA		0.00	7,000.00
Marketing Software		745.68	2,000.00
Other Professional Services		6,400.40	6,500.00
Total Operations		106,363.06	260,665.14

Marketing			
	Retail Recruitment		
	ICSC Conferences	10,570.48	8,500.00
	ICSC Travel	0.00	4,000.00
	ICSC Promotional Items & Printing	1,537.67	2,000.00
	Other Programs/Services	981.65	2,500.00
	SCORE Workshops	0.00	5,000.00
	Website / Communications/Video		
	Website	122.46	3,000.00
	Software	0.00	500.00
	Equipment	0.00	1,500.00
	Social Media Archive	2,328.23	2,500.00
	Newsletter & Social Media Services	90.00	2,500.00
	General Marketing Supplies/Materials		
	Supplies/Materials	279.50	2,500.00
	Promotional Items & Printing	1,436.06	4,000.00
	Tradeshow Display	0.00	3,000.00
	Traditional Economic Development		
	Tradeshows/Conference/Recruitment Activities	1,201.45	6,500.00
	Austin Chamber/Team Texas Activities	1,035.42	5,000.00
	TEDC Activities	1,095.00	2,000.00
	Site Visits - External Prospects	1,139.82	4,000.00
	Small Business Sponsorship/Mentorship	0.00	25,000.00
	Planning		
	Education/Outreach	408.75	0.00
	Printing/Materials	56.98	0.00
	Chamber Activities	2,487.88	2,800.00
	Business & Industry Mixers	0.00	15,000.00
	Community Outreach		
	Coffee Chats	269.93	1,000.00
	Shop Buda	921.42	1,000.00
	Economic Development Week Activities	0.00	1,500.00
	ED Summit & Business Recognition / Business Appreciation Activities	0.00	25,000.00
	Advertising		
	Media Advertising - Print	1,205.00	3,000.00
	Media Advertising - General	0.00	30,000.00
	Social Media Advertising	133.07	1,500.00
	City of Buda - Trail Of Lights Sponsorship	5,000.00	5,000.00
	Trail of Lights Display	2,336.52	2,500.00
	Professional Memberships		
	Team Texas	3,000.00	3,000.00
	Opportunity Austin	2,500.00	2,500.00
	SEDC/IEDC/TEDC/ICSC	685.00	2,500.00
	Community Orgs.	0.00	500.00
	Chamber Memberships for PA Companies	0.00	2,500.00
	GSMP Membership	0.00	10,000.00
	Research	2,345.31	2,500.00
Total Marketing		47,382.29	195,800.00
Professional Development			
	Continuing Education		
	General Travel	0.00	10,000.00
	Retail/Marketing Training/Certification	700.00	0.00
	ED Training/Recertification	0.00	3,000.00
	Finance/Operations Training Recertification	1,845.00	3,000.00
	Planner Training/Certification	1,176.25	0.00
	Administrative Assistant Certification	0.00	3,000.00
	Staff Travel - was broken out by individual position	4,078.33	0.00
	Leadership Training	1,245.70	2,000.00
	Market Trends/Education	0.00	1,250.00
	BEDC Board Costs	0.00	3,500.00
	EDC Required Training	525.00	6,000.00
Total Professional Development		9,570.28	31,750.00
Programs / Services			
	City of Buda - Main Street Grant Program Funding	30,000.00	30,000.00
	City of Buda - Main Street Historic Preservation Grant Funding Project COVID	0.00	65,000.00
	Small Business Programs & Grants COB Project COVID Still Budaful Stimulus Program	0.00	150,000.00
	COB Project COVID Still Budaful Stimulus Program 2.0	0.00	250,000.00
	Large Business Incentives	0.00	350,000.00
	Project COVID Still Budaful Loan Program	0.00	100,000.00
	BSW Incentive	0.00	375,000.00
	Trade Workforce Partnerships	0.00	20,000.00
	City of Buda - Sportsplex Maintenance	30,000.00	40,000.00
Total Programs / Services		60,000.00	1,380,000.00
	Depreciation Expenses	0.00	1,500.00
Total Expenses		1,145,423.90	2,619,002.28
Net Income		122,767.56	-737,354.88
Other Financial Items			
	Reallocation of Reserve Funds to Restricted Project Account		180,000.00
	Heaven Hill (Deep Eddy)		25,000.00

Notes

Estimated based on current Actuals - 5% increase

Percentage of Revenue
Percentage of Revenue
Percentage of Revenue
Required payment
Required payment

Revenue available after all contractual payments

New CIP Project List from COB
Ops & Fin. Computer / Admin Computer / New Copier / OneDrive Storage
*approx. \$200 a month for additional 1 TB Storage

Increase to be determined by Board
\$625 / month
\$100/month
Percentage of Salary
Equal to 3 months of current salary subject to withholdings, plus unused vacation

Increase to be determined by Board
\$ 75 / month
Percentage of Salary
Interim Pay (May-October 2019)

Increase to be determined by Board
\$75 / month
Percentage of Salary

Increase to be determined by Board
\$75 / month
Percentage of Salary

Increase to be determined by Board
Percentage of Salary
\$75 / month (reimbursement of 4 months for use during COVID)

Estimate
Estimate
Marketing Temporary / Contract Buyout
Admin Temporary / Contract Buyout
Contingency / Additional Consulting
Executive Search Firm expenses & Interview Travel Expenses
Moving Costs and related expenses
Percentage of Salary
2019 IRS payroll tax penalties

*approx. 2.6% of the 1st \$9,000 earned per yr per employee

Director's Cell Phone
Payment to City of Buda for EDC offices and maintenance
Mileage/Parking Reimbursements
EDC office Cleaning - increasing 10%
Magazine/Professional Publication Subscriptions
Payment to City of Buda for Payroll Admin and Audit Services

*\$60 per Device / paid Quarterly
Postage/Mailing
General Office Supplies
New Copier Maintenance and Printing Supplies
Estimated Legal Fees; avg \$9200/month over last 5 months
Accounting Services
Property Database Subscription and Service
Economic Impact Report Service
BudaTXInfo Website Services
Follow up services from ED Strategic Plan
EDO Licenses / 365 Licenses (8 total)
Design Software Subscriptions
Other Prof. Services need i.e. engineering, research, storage unit

ICSC Conference registration and related expenses
ICSC Travel Expenses - Airfare, Hotel, Mileage
Retail recruitment printing and promotional items
Misc.
SCORE Workshops

Hosting and Website Services
Video Software
Video Equipment etc.
Archive Social Subscription
Constant Contact and Other Social Media Management Services

General EDC Marketing Materials - Property Books & Rack Cards
General EDC Promo Items/Printed Materials
New EDC Tradeshow Display

Recruitment Activities/Conferences
Recruitment Trips/Conferences
Includes Retail and Trad. ED Activities for Tx. Eco. Dev. Council
Company Site Visits - Recruitment
SCORE Mentorship / Workforce Workshops; SizeUp Intelligence Tool for Small Businesses (\$4995)

Partnership with City - Permitting Process Workshops
Planning Brochures and printed materials
Chamber gala / Luncheons
Partnership with Buda Chamber / business mixers

ED Coffee Chats
Shop Buda Campaign Materials
Economic Development Week Activities
Annual Event to Award Existing Businesses and Spotlight Economic Development in Buda

Austin Eco. Dev. Guide / Print Media (ABJ)
Billboards, Electronic Signs
Social Media Advertising (FB, Twitter, Instagram)
Trail of Lights Event Sponsorship
Addition to Buda EDC's ToL Display

Membership dues
Membership dues
Employee Membership dues
Membership dues - Chamber Dues
EDC Projects
GSMP Membership
Cost of Living and Other data subscriptions

Airfare, Mileage, Hotel, Per Diem

Professional Development Training Registration and Travel for Each Position as part of Individual Professional Development Plans. Unused fund from one position may be transferred to another position with Executive Director and/or EDC Board of Directors approval.

Administrative Assistant Certification
Staff Travel Expenses - Airfare, Hotel, Per Diem
Employee Leadership Training
Webinars and Other Education Opportunities - Employees
EDC Board Meeting Costs & Updates
Includes Sales Tax Workshop (10) & Basic ED Course (5)

Payment to City of Buda for Main Street Grant Program
Reallocating funds from Main Street Historic Grant to COB Project COVID Still Budaful Stimulus Program
EDC Grant Program Reimbursements Reallocating to COB Project COVID Still Budaful Stimulus Program
up to \$250,000 is being allocated to this fund from the Large Business Incentive line item
Traditional Economic Development Incentives
up to \$100,000 is being allocated to this fund from the Large Business Incentive line item
Paid Incentive Agreement
Partnership with Hays EDC's - Trade Industries Workforce Awareness - Transportation & related costs
Payment to City of Buda for Sportsplex Maintenance

Depreciation of Office Equipment/Furniture

Transfer from unrestricted reserves to restricted reserves.
Per agreement, they have until 1/1/25 to open a tasting room to receive the incentive



**City Council
Agenda Item Report
May 19, 2020**

**Contact – Melissa McCollum, AICP, Planning Director
512-312-5745 / melissa.mccollum@ci.buda.tx.us**

SUBJECT: CONSIDERATION, AND POSSIBLE ACTION ON THE PROPOSED ORDINANCE FOR THE COLONY AT COLE SPRINGS DEVELOPMENT AGREEMENT (DA) FOR PROPERTY LOCATED SOUTH OF OLD BLACK COLONY ROAD AND WEST AND NORTH OF COLE SPRINGS ROAD FOR 168.883 +/- ACRES.[DA 19-01] (PLANNING DIRECTOR MELISSA MCCOLLUM).

1. PROJECT SUMMARY

The combined public hearing for this item was held at the April 21, 2020 City Council meeting. This is the proposed 1st reading of an ordinance regarding the Annexation, Development (DA) for the Colony at Cole Springs Development. This is one of three separate agenda items that is being considered for this development project. The other two items that are considered is the Zoning upon annexation to Planned Development (PD) and MUD Consent Ordinance.

This item involves a request for a Annexation, Development and Municipal Utility Consent District Agreement (DA) for the Colony at Cole Springs in accordance with Unified Development Code Section 3.03.12. and Texas Local Government Code Chapter 212, Subchapter G and adopted City Council Resolution 2020-R-02 Special District Policy.

Under the provisions of Unified Development Code Section 3.03.12.B.1., initiation of this development agreement is made upon the application of a property owner or their authorized agent.

The Colony at Cole Springs will follow the rules of the Unified Development Code for subdivision and construction review. This project has requested voluntary annexation and is seeking approval of a consent agreement to establish a MUD within the city limits. Water and sewer services will be provided by the City. This DA provides for the establishment and coordination off-site utility improvements, timelines and surety in development standards & processes, as well as memorialization of utility oversizing agreements and offsite roadway improvements. In addition the DA will leverage compliance with building standards of homes since the passage of HB 2439 eliminating masonry provisions.

Staff has worked with the applicant and the Planning and Zoning Commission to seek input during the DA/MUD negotiations. The following are the public meetings that have been held to discuss the overall development of the Colony at Cole Springs.

Public Meetings that have been held:

Planning and Zoning Workshop 12.10.2019

Planning and Zoning Workshop 01.14.2020

City Council -Annexation 01.21.2020- Resolution– Tabled

Planning and Zoning Workshop 01.28.2020 (Traffic/TIA)

City Council Workshop and Annexation Resolution 02.04.2020– Tabled

Community Meeting with Developer 02.19.2020
Planning and Zoning Commission Workshop/Update 02.25.2020
City Council – Workshop/Update 03.03.2020
Planning and Zoning Commission Workshop/Update 03.10.2020
City Council -March 24, 2020 Annexation Resolution- Passed
Planning and Zoning Commission -April 14, 2020 (Public Hearing, DA, Zoning, Consent Agreement)
City Council Public Hearing- April 21, 2020 (Annexation, DA, Zoning, MUD Consent)

Upcoming Public Meetings:

City Council 1st Reading- May 19, 2020 (Annexation, DA, Zoning, MUD Consent)
City Council 2nd Reading- June 2, 2020 (Annexation, DA, Zoning, MUD Consent)

To that end, the Development Agreement accompanying this report accomplishes the following:

1. The property is annexed into the City as part of the agreement. In the event the deal falls through (Sale from owners to developers does not close, District is not created, etc.) property remains inside City limits with assigned PD zoning.
2. Property will be zoned for residential use only, limited to no more than 531 lots.
3. Parkland required is 10.62 acres. Developers will dedicate a minimum of 33.1 acres. Developer will construct over 9,000 linear feet of trails with 2,190 feet being 8” concrete along Onion Creek and an asphalt trail head parking lot with 12 spots,
4. Development complies with UDC regarding trees. Developer shall not remove greater than 20% of Signature Trees, and all removals will be mitigated in compliance with UDC.
5. Development complies with Dark Sky Ordinance standards.
6. Private Amenity Center with pool, pavilion, bathrooms, playscape, splash pad, additional open space, picnic facilities and parking area will be built. HOA owned and managed.
7. Developer to design and build improvements to Cole Springs Road and a bridge connecting Jack C. Hays Trail from Cole Springs Road prior to building permits for phase 2. Developers will acquire offsite ROW needed for the bridge; however the City agrees to condemn if necessary. If necessary, City will attempt to enter into Interlocal Agreement with Hays County for bridge maintenance. If construction of Bridge would violate law or administrative rules of the regulatory entities, Developers agree to construct an alternative transportation relief plan which shall convey a similar number of trips as would the Bridge.
8. Developer will design and construct realignment and improvements to Old Black Colony Road (OBC) to intersect with FM 967. Developers will acquire the ROW and City agrees to condemn if necessary. OBC intersection will be completed prior to Phase 1 Certificate of Occupancy for homes.
9. Water Quality standards are applied to the property based on a weighted average across the entire property.
10. In-City MUD is to be created. The Agreement does not become effective until District is created and Consent Ordinance is adopted by City. The District must sign on to Development Agreement. If District does not sign on, City may repeal consent ordinance, in which case the District would not be able to issue bonds and Developers could not seek reimbursement. While the City adopted its Special District Policy after the application of this process, the City Staff is of the opinion the MUD provisions within the agreement comport with the spirit and intent of the City’s adopted MUD policy.
11. This Is not a TWC 54.016(f) allocation agreement.
12. District agrees that tax rate limit of \$.60 is sufficient.
13. City provides retail water and wastewater. MUD designs and constructs water and wastewater systems including on and offsite improvements to deliver w/ww to Property and conveys all infrastructure to City to own and maintain. City allocates

- 540 LUEs of capacity. City will file to extend CCN for water and create CCN for wastewater Developer reimburses City Costs.
14. Developer constructs and over-sizes WW interceptor. City waives WW impact fees up to amount of oversizing up to \$1,000,000 for oversizing contribution by developer.
 15. Developers will construct and design a 12 water line extension along bridge for future capacity. City will reimburse developer through water impact fee credits up to \$120,000.
 16. No development fee credits are being granted for any of the offsite road improvements. The City will provide Developers up to \$593,000 of water impact fee credits and up to \$1,227,000 of wastewater impact fees.
 17. District or HOA is responsive for operation and maintenance of park facilities and drainage facilities to serve Property. City is responsible for the rest. City is responsible for Onion Creek Park and parking lot.

2. BACKGROUND/HISTORY

Development Agreements are established and governed under Section 212 Subchapter G of Texas Local Government Code. It is a written contract between a municipality and an owner of land that is located in the ETJ to:

1. Guarantee the continuation of the ETJ status of the land and its immunity from annexation;
2. Extend the city's planning authority over the land;
3. Authorize city enforcement of certain land use & development regulations in the same manner as a property within the city;
4. Authorize enforcement of land use and development regulations other than those that apply within the city, as may be agreed to by the landowner and the city;
5. Provide for infrastructure for the land;
6. Authorize enforcement of environmental regulations;
7. Provide for the annexation of the land in whole or in parts and to provide the terms, if annexation is agreed to by the parties;
8. Specify uses & development of the land before & after annexation, if annexation is agreed to by the parties; and
9. Include other lawful terms & considerations the parties deem appropriate.

The City has utilized Development Agreements in the past, with mixed results. This is largely attributable to staff capacity at the time as well as the focus of controversy with the respective projects. The lessons learned from that agreement have been applied to this discussion.

The staff review for the Development Agreement involved the Deputy City Manager, Assistant City Manager, Planning Director, City Engineer, Senior Engineer, Senior Planner Parks Director, Water Resources Manager and City Attorney given the nature of the Agreement provisions.

Two primary criteria apply under the UDC:

- Whether the proposed agreement promotes the health, safety, or general welfare of the city and the safe, orderly, and healthful development of the city;
- Whether the proposed agreement is consistent with the Comprehensive Plan.

The criteria are broad on purpose due to the broad nature of development agreements. Fundamentally, consistency with the new UDC is now a measure of Comprehensive Plan compliance due to its recent update.

3. STAFF'S REVIEW AND ANALYSIS

The DA allows the opportunity to establish timelines and requirements for the development of the site. It also allows the masonry standards and residential design to apply to individual home construction. The DA creates clear responsibility for maintenance of improvements and memorializes funding of off-site utility improvements and the developer contribution of

the cost of amending the City's CCN utility boundaries. It also establishes that where the Development Agreement is silent, the UDC governs.

Order of development is significant to the project. Phasing and timelines and completion of transportation improvements tied to the number of lots being developed in order to appropriately distribute vehicle trips and achieve timely connectivity.

R-3 and F4 base zoning under the Planned Development is supported by the Buda 2030 Comprehensive Plan Green Growth Character District and is considered "appropriate" at a density of 3.14 units per acre.

CHARACTER DISTRICT AND MIXED USE NODES: APPROPRIATE DEVELOPMENT TYPES

	Development Type										
	Mixed Use	Regional Retail Center	Neighborhood Shopping Center	Office	Industrial Park or Distribution Ctr	Low Density Single Family & Agriculture Uses (≥ 1 acre)	Medium Density Single Family (0.25-1 acre)	High Density Single Family (<0.25 acre)	Attached Housing	Multifamily (for sale or rent units)	Cluster Development
CHARACTER DISTRICTS											
Green Growth District	●	×	●	●	×	○	●	●	●	○	●
Emerging Growth District	●	○	●	●	×	○	●	●	●	○	●
Heritage District	●	×	●	●	×	×	●	●	●	○	○
Industrial Growth District	○	×	×	○	●	○	×	×	×	○	○
Business Growth District	●	○	○	●	○	×	×	○	○	○	○
Interstate Corridor	●	●	×	●	○	×	×	×	×	●	×
MIXED USE NODES											
Neighborhood Node	●	×	●	●	×	×	○	○	●	●	○
Community Node	●	×	×	●	×	×	×	○	●	●	○
Business Node	●	×	×	●	●	×	×	×	○	●	×
Regional Node	●	●	×	●	×	×	×	×	×	●	×
Downtown Node	●	○*	●	●	×	×	○	○	○	●	×
● Appropriate ○ Conditional × Not Appropriate											
Notes: * Regional retail in the downtown node would include destination shops such as antique shops and other destination boutique stores.											

The Development Agreement provides for development milestones and provides breach and remedy provisions for failure to comply.

4. FINANCIAL IMPACT

This project will be in the city limits and pay ad valorem taxes for the proposed 531 residential units. The development will produce impact fees and development fees and City water and wastewater customers

5. SUMMARY/CONCLUSION

This item involves a request for a Development Agreement for Colony at Cole Springs. Development Agreements are governed by Unified Development Code Section 3.03.12. and Texas Local Government Code Chapter 212, Subchapter G. Under the provisions of Unified Development Code Section 3.03.12.B.1.

A Development Agreement was identified as an appropriate tool to address the needs of the developer while also allowing an opportunity to advocate for the residential design standards and offsite roadway improvements of the Bridge and OBC connection to 967. In addition, parkland dedication and trails exceed the provisions of the UDC. Through this Development Agreement process, the project achieves compliance with the UDC, provides an avenue to address some of the transportation issues with existing development in the area and promotes future orderly development in the area.

6. **ALTERNATIVES**

The Commission has four alternatives for action.

- **Approve the Annexation, Development Agreement (DA) (staff recommendation)**
– This alternative results in the Annexation, Development and Municipal Utility Consent District Agreement (DA) being recommended for approval. Staff feels this option maximizes municipal authority, balances the rights of the property owner, and successfully advocates for the new UDC and Buda 2030 Comprehensive Plan.

Motion Language:

I make a motion to recommend approval of the ordinance adopting the Annexation, Development and Municipal Utility Consent District Agreement (DA).

- **Modify and Recommend Approval of the Annexation, Development Agreement (DA) (staff supportable)** – This alternative results in the Annexation, Development and Municipal Utility Consent District Agreement (DA) being recommended with modifications. Because of the contractual nature of the Annexation, Development and Municipal Utility Consent District Agreement (DA), it is important for any modifications to be done as an inclusive discussion with the developer applicant. Staff would be supportive of this alternative as well, provided it is a collaborative discussion.

Motion Language:

I make a motion to recommend the ordinance Annexation, Development and Municipal Utility Consent District Agreement (DA), subject to the following modifications... (list)

- **Table Consideration of the Annexation, Development Agreement (DA) to the next regular City Council Meeting (staff supportable)** – This alternative provides the City Council an opportunity to further consider it at the June 2, 2020 meeting. This should be considered if the City Council requires additional data, or if some recommended modifications to the Annexation, Development and Municipal Utility Consent District Agreement (DA) require further review by the City Attorney or Developer representatives. Staff would be supportive of this alternative as well, provided it is specific in what actions by staff & the developer are needed prior to the meeting.

Motion Language:

I make a motion to table consideration of the Annexation, Development Agreement (DA) to June 2, 2020.

- **Recommend Denial of the Annexation, Development and Municipal Utility Consent District Agreement (DA) (not recommended)** –Staff does not recommend this alternative because as landowners they could elect to develop land outside the city limits not subject to city ordinance and could seek legislative authorization for an ETJ MUD not subject to City consent. The City would not be in a position of oversight such development as currently proposed via the Development Agreement.

Motion Language:

I make a motion to recommend denial of the Development Agreement encompassing consent to in-City municipal utility district creation

7. RECOMMENDATION

This item is actionable at the discretion of the City Council, following Planning & Zoning Commission recommendation. Staff recommends the Planning and Zoning Commission consider recommending approval of the Development Agreement on the basis that it furthers the goals & objectives of the Buda 2030 Comprehensive Plan, vests the project to the Unified Development Code, represents a higher quality project than would otherwise occur in the absence of a Development Agreement, promotes order subdivision & development now and in the future, and promotes the health, safety and general welfare.

8. ATTACHMENTS

Ordinance for with Exhibits for the Development Agreement

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF BUDA, TEXAS, APPROVING AN ANNEXATION, DEVELOPMENT, AND MUNICIPAL UTILITY DISTRICT CONSENT AGREEMENT BETWEEN THE CITY OF BUDA, TEXAS, FRED AND PAULA TRUDEAU, INDUSTRIAL ASPHALT, LLC, MERITAGE HOMES OF TEXAS, LLC, M/I HOMES OF AUSTIN, LLC, AND BUDA MUNICIPAL UTILITY DISTRICT NO. 1 FOR THE COLONY AT COLE SPRINGS DEVELOPMENT, BEING APPROXIMATELY 168.883 ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF OLD BLACK COLONY ROAD AND WEST AND NORTH OF COLE SPRINGS ROAD; ADOPTING AN AGREEMENT FOR THE PROVISION OF SERVICES IN THE AREA; ANNEXING SAID PROPERTY TO THE CITY OF BUDA, TEXAS, AS REQUESTED BY THE OWNERS OF SUCH LAND; EXTENDING THE BOUNDARIES OF THE CITY OF BUDA, TEXAS, SO AS TO INCLUDE SAID PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF BUDA, TEXAS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND CONTAINING OTHER PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, Fred and Paula Trudeau (the “Trudeaus”) and Industrial Asphalt, LLC (“Industrial Asphalt”) (the Trudeaus and Industrial Asphalt being herein referred collectively as the “Owners”) own certain real property (“Property”) located in Hays County, Texas, such real property being more particularly described and depicted in Exhibit A, attached hereto and fully incorporated into this Ordinance for all purposes; and

WHEREAS, the Property is currently situated in the extraterritorial jurisdiction of the City of Buda, Texas, and adjacent to the current city limit boundary; and

WHEREAS, Meritage Homes of Texas, LLC (“Meritage”) is currently under contract to purchase the portion of the Property owned by Industrial Asphalt, the sale of which is set to close shortly after the adoption of this Ordinance; and

WHEREAS, M/I Homes of Austin, LLC (“M/I”) is currently under contract to purchase the portion of the Property owned by the Trudeaus, the sale of which is set to close shortly after the adoption of this Ordinance; and

WHEREAS, Meritage and M/I intend to acquire the Property to develop the Property for residential uses; and

WHEREAS, Meritage, M/I and the Owners have filed a joint application for a Development Agreement related to the Property in accordance with the City of Buda, Texas, land use regulations; and

WHEREAS, Meritage, M/I and the Owners have negotiated a Development Agreement with the City in good faith which the parties agree satisfies the requirements of Section 212.172 of the Texas Local Government Code for the orderly development of the Property; and

WHEREAS, the City Council finds that Section 3.12 of the Charter of the City of Buda, Texas requires the regulation of land use and the regulation of development of real property be enacted by ordinance; and

WHEREAS, the City Council finds that terms within the Development Agreement regulate land use and regulate the development of the Property, triggering the requirement that the Development Agreement be approved by the City Council by ordinance; and

WHEREAS, the City, Meritage, M/I and the Owners agree that this Development Agreement shall control the orderly development of the Property and will be recorded in the official public records of Hays County, Texas, and shall run with the Property, as provided by law; and

WHEREAS, the City Council finds that the City provided notice of hearings on said Development Agreement before the Planning and Zoning Commission and City Council and conducted such hearings as required by the Unified Development Code; and

WHEREAS, the City Council finds that the City's Planning and Zoning Commission considered the Development Agreement and issued its recommendation regarding same to the City Council; and

WHEREAS, the City Council finds that this Ordinance approving the Development Agreement was considered, authorized and approved at public meetings subject to and conducted in accordance with the Texas Open Meetings Act and the Charter and ordinances of the City; and

WHEREAS, the City Council finds the implementation of the provisions of the Development Agreement promotes the health, safety and general welfare of the City and the safe, orderly and healthful development of the City; and

WHEREAS, the City Council finds that the Development Agreement is consistent with the Comprehensive Plan; and

WHEREAS, Chapter 43 of the Texas Local Government Code and the City Charter of the City of Buda, Texas, authorize the extension of boundaries of the corporate limits of the City through the annexation of areas adjacent to those boundaries; and

WHEREAS, on or about September 9, 2019, Industrial Asphalt requested annexation of the portion of the Property owned by Industrial Asphalt into the corporate limits of the City of Buda, Texas; and

WHEREAS, on or about September 10, 2019, the Trudeaus, requested annexation of the portion of the Property owned by the Trudeaus into the corporate limits of the City of Buda, Texas; and

WHEREAS, the City Council of the City of Buda, Texas has negotiated a written agreement with the owners of said property for which annexation was requested and such written agreement provides a list of each service the City of Buda, Texas will provide on the effective date of the annexation and a schedule of the period within which the City of Buda, Texas will provide each service that is not provided on the effective date of the annexation; and

WHEREAS, the City of Buda is not required to provide a service that is not included in the written agreement; and

WHEREAS, the City Council finds that the City provided notice of a public hearing on the requested annexation, conducted such public hearing and provided persons interested in the annexation an opportunity to be heard as required by state law; and

WHEREAS, the City Council finds the procedures prescribed by the laws of the State of Texas and the City of Buda, Texas City Charter and Unified Development Code have been duly followed with respect to the annexation of the herein described territory; and

WHEREAS, as described in the Development Agreement, Meritage, M/I and the Owners intend that the development of the Property proceed in accordance with the Development Agreement, that such Property be zoned as a Planned Development and that an in-City municipal utility district be created to serve the Property, and without all such approvals being granted, the City Council would not desire to annex the Property at this time; and

WHEREAS, the City Council now desires to authorize the execution of the Development Agreement and to annex said Property into the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BUDA, TEXAS:

Section 1: The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct and adopted herein for all purposes.

Section 2: The Property subject to this Ordinance, the Development Agreement and the Owners' request for annexation is more particularly described in **Exhibit A**, attached hereto and incorporated herein for all purposes.

Section 3: The Development Agreement, attached as **Exhibit B**, is hereby adopted and approved by the City of Buda, Texas. The City Manager is authorized to execute the Development Agreement.

Section 4: A service agreement outlining the provision of municipal services to the territory described in **Exhibit A** is hereby approved and the implementation of said agreement and execution of same is hereby authorized. Such plan is attached hereto and incorporated herein as **Exhibit C**.

Section 5: The request to annex the territory located within the extraterritorial limits of the City of Buda, Texas, and adjacent to and adjoining the City of Buda, Texas, more particularly described in **Exhibit A**, is approved and the territory is hereby added and annexed to the City of Buda, Texas, and

said territory, as described, shall hereafter be included within the boundary limits of the City of Buda, Texas, and the present boundary limits of the City of Buda, Texas at the various points contiguous to the area described in **Exhibit A**, are altered and amended so as to include said areas within the corporate limits of the City of Buda, Texas.

Section 6: The territory more particularly described in **Exhibit A**, shall be part of the City of Buda, Texas, and the inhabitants thereof shall be entitled to all of the rights and privileges as residents of the City of Buda, Texas and shall be bound by the acts, ordinances, resolutions and regulations of the City of Buda, Texas.

Section 7: In accordance with Section 2.10.02 of the City Unified Development Code, the Property shall be zoned by separate ordinance, and the assigned zoning district will be effective upon annexation.

Section 8: The territory annexed by this ordinance shall be represented by and be a part of City Council District A.

Section 9: The City Clerk is hereby directed to file with the County Clerk of Hays County, Texas a certified copy of this ordinance.

Section 10: *Repeal.* This Ordinance shall be and is hereby cumulative of all other ordinances of the City of Buda, Texas, and this Ordinance shall not operate amend, change, supplement or repeal any such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such other ordinances are hereby repealed.

Section 11: *Severability.* If any clause or provision of this Ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portion of the Ordinance, which shall continue to have full force and effect.

Section 12: *Passage.* Pursuant to Section 3.12 of the Charter of the City of Buda, Texas, if the Council determines that the first reading of this ordinance is sufficient for adequate consideration by an affirmative vote of five or more members of the City Council during the first reading and the Ordinance is passed by a the affirmative vote of four or more members of the City council, this Ordinance is adopted and enacted without further readings. In the event a second reading is necessary, this Ordinance is adopted and enacted upon the affirmative vote of four or more members of the City Council upon second reading.

Section 13. *Effective Date.* This Ordinance shall become effective on June 3, 2020, in accordance with Section 3.12 of the Charter of the City of Buda, Texas; provided however, the adoption of an ordinance zoning the Property and the adoption of an ordinance consenting to the creation of an in-City municipal utility district are conditions precedent to this Ordinance becoming effective; in the event such ordinances zoning the Property and consenting to in-City municipal utility district creation are not adopted by June 2, 2020, this Ordinance shall never take effect and shall be null and void.

Section 14: It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place, and purpose of said meeting was given, all as required by the Open Meetings Act, Chapter 551, *Texas Government Code*, as amended.

PASSED AND APPROVED on first reading on the 19th day of May, 2020, at a regular meeting of the City Council of the City of Buda, Texas.

PASSED, APPROVED AND ADOPTED on second and final reading on the 2nd day of June, 2020, at a regular meeting of the City Council of the City of Buda, Texas.

APPROVED:

George Haehn, Mayor
City of Buda, Texas

ATTEST:

Alicia Ramirez, City Clerk
City of Buda, Texas

**CITY OF BUDA ANNEXATION, DEVELOPMENT, AND MUNICIPAL UTILITY
DISTRICT CONSENT AGREEMENT
FOR THE COLONY AT COLE SPRINGS**

STATE OF TEXAS §
 §
COUNTY OF HAYS §

This CITY OF BUDA ANNEXATION, DEVELOPMENT, AND MUNICIPAL UTILITY DISTRICT CONSENT AGREEMENT (“AGREEMENT”), dated _____ (“EFFECTIVE DATE”), is hereby made by and between the CITY OF BUDA, TEXAS, a home rule municipality located in Hays County, Texas (“CITY”), Fred and Paula Trudeau (the “TRUDEAUS”) and Industrial Asphalt, LLC (“INDUSTRIAL ASPHALT”) (the TRUDEAUS and INDUSTRIAL ASPHALT being herein referred to individually as “LANDOWNER” and collectively as the “LANDOWNERS”), and Meritage Homes of Texas, LLC (“MERITAGE”) and M/I Homes of Austin, LLC (“M/I”) (Meritage and M/I being herein referred to individually as “DEVELOPER” and collectively as the “DEVELOPERS”). Subsequent to its creation, Buda Municipal Utility District No. 1, a proposed municipal utility district to be created pursuant to Article XVI, Section 59 of the Texas Constitution and Chapters 49 and 54, Texas Water Code as contemplated by this AGREEMENT (“DISTRICT”), will become a party to this AGREEMENT. The CITY, DEVELOPERS, DISTRICT, and LANDOWNERS may be referred to individually as “PARTY” and collectively as “PARTIES.”

WHEREAS, LANDOWNERS own certain real property located in Hays County, Texas that is currently within the extraterritorial jurisdiction of CITY, such real property being more particularly described and depicted in **Exhibit A** attached hereto and fully incorporated into this AGREEMENT and for all purposes referred to herein as the “PROPERTY”; and

WHEREAS, MERITAGE is currently under contract to purchase the portion of the PROPERTY owned by INDUSTRIAL ASPHALT, and the PARTIES expect the sale to close shortly after the execution of this AGREEMENT; and

WHEREAS, M/I is currently under contract to purchase the portion of the PROPERTY owned by the TRUDEAUS, and the PARTIES expect the sale to close shortly after the execution of this AGREEMENT; and

WHEREAS, LANDOWNERS have voluntarily petitioned the CITY to annex the PROPERTY into the municipal boundaries of the CITY, with the understanding of the PARTIES that the CITY will consider the annexation and zoning of PROPERTY contemporaneously with the approval of this AGREEMENT by the CITY; and

WHEREAS, after acquisition of the PROPERTY, DEVELOPERS intend that the PROPERTY be developed solely for residential purposes; and

WHEREAS, the PROPERTY has certain constraints which, if developed, will result in development costs greater than the costs of similar land; and

WHEREAS, DEVELOPERS intend to construct and/or upgrade new and existing utility facilities, transportation facilities, public parks, and trails exceeding applicable CITY regulations for in-city development or cause same to be constructed and/or upgraded; and

WHEREAS, LANDOWNERS have petitioned the CITY for the CITY's consent to the creation of DISTRICT, an in-city municipal utility district, to be located entirely within the territorial limits of the CITY and to encompass the PROPERTY; and

WHEREAS, in recognition of the mutual benefits to be derived from the development of the PROPERTY, the PARTIES desire to enter into this AGREEMENT to coordinate (i) the annexation of the PROPERTY pursuant to Sections 43.0671-.0673 and 212.172 of the Texas Local Government Code, and subsequent zoning; (ii) the development and land use of the PROPERTY; and (iii) the CITY's consent to the creation of the DISTRICT pursuant to Section 42.042 of the Texas Local Government Code and Section 54.016 of the Texas Water Code; and

WHEREAS, the CITY Planning and Zoning Commission has considered and made its recommendation regarding this AGREEMENT and the City Council of the CITY has considered, authorized, and approved this AGREEMENT, each at regularly scheduled meetings subject to and conducted in accordance with the Texas Open Meetings Act and the ordinances and Charter of the CITY; and

WHEREAS, this AGREEMENT was passed and approved by Ordinance on _____ contained in the records of the CITY and recorded minutes adopted and approved for such meeting.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained or referred to herein, the receipt and sufficiency of which are hereby acknowledged by the CITY, the DEVELOPERS, and the LANDOWNERS, the PARTIES agree as follows:

A. IN GENERAL

1. *Effective Date.* The EFFECTIVE DATE shall be noted in the recitals of this AGREEMENT. The EFFECTIVE DATE of this AGREEMENT shall be the effective date of the three ordinances described in this Section A.1. of this AGREEMENT. Prior to the execution of this AGREEMENT, the CITY adopted an ordinance approving this AGREEMENT and authorizing the annexation contemplated herein, a zoning ordinance enacting the zoning of the PROPERTY contemplated herein, and an ordinance approving the creation of a municipal utility district over the PROPERTY. The three ordinances will not be individually operative unless and until all three ordinances have been finally passed. The AGREEMENT shall become effective on the EFFECTIVE DATE as to the CITY, the LANDOWNERS and the DEVELOPERS upon the CITY's execution of this AGREEMENT. The AGREEMENT shall become effective to the DISTRICT as of the date of execution by the DISTRICT.

2. *Findings.* The foregoing recitals are hereby found to be true and correct and are hereby adopted by the PARTIES and made a part of this AGREEMENT for all purposes.
3. *Property.* The LANDOWNERS, the DEVELOPERS, and CITY acknowledge and agree that the real property described and depicted in **Exhibit A** is, upon the EFFECTIVE DATE of this AGREEMENT, the PROPERTY subject to this AGREEMENT.
4. *Financial Security.* Upon approval of the final PHASE I plat by the CITY, DEVELOPERS will cause to be issued to the CITY, as beneficiary, an Irrevocable Letter of Credit, bond, or other form of surety acceptable to and in a form approved by the City Attorney (“ILOC”) in the amount of \$2,800,000.00 and will maintain said surety for five years and six months after the EFFECTIVE DATE, as hereinafter defined, to ensure the fulfillment of the obligations within this AGREEMENT as further set forth herein. DEVELOPERS shall extend the term of the surety if same is mutually agreed by the PARTIES. DEVELOPERS may terminate the surety upon written confirmation from CITY that CITY has accepted the BRIDGE or ATRP, as hereinafter defined.
5. *Assignment of Landowner Obligations.* Upon the closing of sale of each portion of the PROPERTY to the DEVELOPERS, the PARTIES agree that the TRUDEAUS and INDUSTRIAL ASPHALT, as applicable, shall be released from any and all obligations accruing under this Agreement and no longer have any of the rights, responsibilities, or obligations contained in this AGREEMENT, that such rights, responsibilities, and obligations shall be deemed to have been assigned to the DEVELOPERS, and that the TRUDEAUS and INDUSTRIAL ASPHALT shall no longer be considered PARTIES to the AGREEMENT. For clarification, notwithstanding anything in this AGREEMENT or the Exhibits attached hereto to the contrary, all of the rights, responsibilities, and obligations imposed by this AGREEMENT upon the DEVELOPERS with respect to the PROPERTY shall be unique and specific to the DEVELOPERS only and shall in no event be deemed to impose any such rights, responsibilities, and/or obligations on the LANDOWNERS.
6. *Failure to Close.* If the DEVELOPERS fail to acquire the PROPERTY from the LANDOWNERS before the expiration of 120 calendar days following the EFFECTIVE DATE, 1) this AGREEMENT shall be automatically terminated and of no further force or effect unless otherwise agreed to by the PARTIES and 2) the CONSENT ORDINANCE shall be automatically repealed unless otherwise agreed to by the PARTIES. All of the rights, responsibilities, and obligations set forth in Articles D through I of this Agreement shall be of no force or effect, with respect to the LANDOWNERS, and shall not encumber the PROPERTY unless and until the DEVELOPERS acquire the PROPERTY from the LANDOWNERS before the expiration of 120 calendar days following the EFFECTIVE DATE or as otherwise agreed to by the PARTIES.

B. DEFINITIONS

Definitions. In addition to the terms defined elsewhere in this AGREEMENT, the following terms and phrases used in this AGREEMENT will have the meanings set out below:

APPLICABLE RULES means the CITY's rules, ordinances, and regulations in effect as of the EFFECTIVE DATE, as amended by: (i) any amendments authorized by Chapter 245, Texas Local Government Code; (ii) any approvals, variances, waivers, and exceptions to such rules that are approved by the CITY for the PROPERTY; (iii) any additional restrictions or regulations agreed to by DEVELOPERS in writing; and (iv) UDC, hereinafter defined.

BONDS means bonds, notes, or other obligations or indebtedness issued or incurred by the DISTRICT under the DISTRICT's borrowing power.

CITY OBJECTION is defined in Section G.2(b).

CITY MANAGER means the City Manager of the CITY.

DEVELOPMENT PLAN means the Development Plan for the PROPERTY contained in Exhibit B, as amended from time to time in accordance with this Agreement.

COUNTY means Hays County, Texas.

DEVELOPERS mean MERITAGE, M/I, or any proper assignee pursuant to Section K.4 of this AGREEMENT.

DISTRICT IMPROVEMENTS means the water, wastewater, and drainage utilities (including capacity or contract rights to capacity therein), roads and improvements in aid of roads, public park and recreational facilities, and other public improvements, including both on-site and off-site facilities and improvements, as authorized by the Texas Constitution, Texas Water Code, or other applicable law, to serve the area within the DISTRICT's boundaries and as further delineated and described in Exhibit A.

PHASE I, II, or III shall mean the individual phases to be constructed, as depicted and described in the Phasing Plan contained in Exhibit B.

PROPERTY means the approximately 168.883 acres of land, as described by metes and bounds in Exhibit A.

LANDOWNER means each of the TRUDEAUS and INDUSTRIAL ASPHALT, and their successors and assigns under this AGREEMENT.

REIMBURSABLE COSTS means all costs of the DISTRICT IMPROVEMENTS (including land and easement acquisition costs) that are eligible for reimbursement from the net proceeds of BONDS issued in accordance with this AGREEMENT and, as applicable, the rules and regulations, as amended, of the TCEQ, hereinafter defined.

ROAD PROJECTS means any road projects or improvements in aid of such road projects that the DISTRICT is authorized to undertake pursuant to Article III, Section 52

and Article XVI, Section 59 of the Texas Constitution, as amended, and Chapters 49 and 54, Texas Water Code, as amended, or otherwise pursuant to any authority granted to the DISTRICT by special act of the Texas Legislature.

TCEQ means the Texas Commission on Environmental Quality or its successor agency.

TXDOT means the Texas Department of Transportation.

WASTEWATER INFRASTRUCTURE means the wastewater facilities depicted and described on Exhibit M.

WATER INFRASTRUCTURE means the water facilities depicted and described on Exhibit M.

UDC means the Unified Development Code of the City of Buda as adopted on October 2, 2017, as amended by Ordinance Number 2019-24 adopted December 3, 2019, including any provisions thereof which have been or which may become in the future preempted or otherwise invalidated by state law.

C. ANNEXATION AND ZONING

1. *Voluntary Annexation.* The LANDOWNERS submitted the petitions for voluntary annexation of the PROPERTY, attached hereto as Exhibit C, which were formally received by the City Council on March 24, 2020, in compliance with Section 2.02 of the CITY Charter. Subsequent to the approval of this AGREEMENT, the CITY shall consider the approval of the petitions for annexation submitted by the LANDOWNERS. Each LANDOWNER may voluntarily withdraw its petition for annexation at any time prior to adoption of the ordinance approving the annexation, including by written request or by offering testimony at a meeting of the City Council.
2. *Written Agreement Regarding Services.* The LANDOWNERS and CITY have entered into the written agreement regarding services, attached as Exhibit D, as required by Section 43.0672, Texas Local Government Code, regarding the provisions of services to the PROPERTY.
3. *Contemplated Zoning.* The LANDOWNERS and DEVELOPERS contend that the appropriate zoning for the PROPERTY is Planned Development including regulations for Form Based District 4 (F4), Form Based District 1 (F1), and One & Two Family Residential District (R-3). The CITY shall consider zoning the PROPERTY accordingly subsequent to annexation of the PROPERTY. The PARTIES acknowledge that zoning is a legislative act that cannot be guaranteed or agreed to by contract.

D. LAND USE

1. *Land Use.* The LANDOWNERS and DEVELOPERS covenant and agree not to use the PROPERTY for any use other than (i) the current existing uses of the PROPERTY, and

(ii) the uses provided for pursuant to this AGREEMENT, without the prior written consent of the CITY by ordinance or by amendment of this AGREEMENT.

2. *Municipal Regulations.*

a) Except as provided for herein, subsequent to the annexation of the PROPERTY into the municipal boundaries pursuant to Subchapter C-3 of Chapter 43 of the Local Government Code, the CITY is authorized to enforce APPLICABLE RULES, including all CITY land use regulations and planning authority, on the PROPERTY. The CITY specifically reserves its authority pursuant to Chapter 251 of the Texas Local Government code to exercise eminent domain over property that is subject to a development agreement recognized by Chapter 43 or Chapter 212 of the Texas Local Government Code.

b) Unless otherwise agreed to in this AGREEMENT and except as otherwise provided in **Exhibit B**, the UDC is applicable to the PROPERTY, and all regulations applicable to Form Based District 4 (F4) shall be enforceable on portions of the PROPERTY designated as F4 in **Exhibit E**, all regulations applicable to Form Based District 1 (F1) shall be enforceable on portions of the PROPERTY designated as F1 in **Exhibit E** and all regulations applicable to One & Two Family Residential District (R-3) residential development shall be enforceable on portions of the PROPERTY designated in **Exhibit E**. The PARTIES acknowledge that the PROPERTY has been zoned as Planned Development pursuant to a zoning ordinance (“ZONING ORDINANCE”) adopted contemporaneously with the ordinance authorizing this AGREEMENT and agree that the PROPERTY is further regulated by the provisions contained within such the ZONING ORDINANCE. Upon adoption, the ZONING ORDINANCE will be attached to this AGREEMENT as **Exhibit N**. The PARTIES agree that if the ZONING ORDINANCE is amended, as approved by all applicable parties thereto, that it shall constitute an amendment to this AGREEMENT for which approval from any PARTY to this AGREEMENT is not required.

3. *Development Obligations.* In the event of a conflict in interpretation of development obligations shown in **Exhibit B** and the written terms of this AGREEMENT, the written terms of this AGREEMENT shall control.

4. *Parkland and Open Space.* The PARTIES agree that the total parkland dedication required for the development of PROPERTY is 10.62 acres, and that no more than 531 home lots will be platted on the PROPERTY. DEVELOPERS agree to dedicate at least 33.1 acres of land for use as public open space and trails. Such land will be designed and constructed to provide connectivity of parks, as further delineated in **Exhibit F**. DEVELOPERS shall design and complete construction of at least 9,000 linear feet of trails within such 33.1 acres. All trails will be constructed at the same time and in accordance with the development of lots as described by the Phasing Plan in **Exhibit B**. No PHASE II building permits shall issue until construction of trails within PHASE I have been inspected and approved by CITY. No PHASE III building permits shall issue until construction of trails within PHASE II have been inspected and approved by CITY. All trails shall be constructed pursuant to the UDC, including the size of trails and materials utilized, unless

otherwise specified in this AGREEMENT or **Exhibit F**. Prior to the completion of PHASE III, DEVELOPERS shall also construct a hot mix asphalt concrete parking area to serve park facilities, which shall include at least twelve (12) parking spaces, including two disabled parking spaces, as further described and as generally depicted in **Exhibit F**. After inspection by the CITY, which the CITY agrees to undertake without unreasonable delay, the DEVELOPERS shall dedicate via deed without warranty, and the CITY agrees to accept without unreasonable delay and operate and maintain the hot mix asphalt concrete parking area, the Onion Creek public parkland, and the 8' wide, 2,190 linear foot, concrete trail that will follow Onion Creek and parallel Cole Springs Road (the Onion Creek public parkland, parking area, and concrete trail collectively referred to as the "ONION CREEK PARK FACILITIES"). DEVELOPERS will acquire and assign to CITY a two-year maintenance bond for the ONION CREEK PARK FACILITIES at the time of conveyance.

5. *Tree Survey and Mitigation.* A tree survey has been prepared by DEVELOPERS and submitted to CITY. DEVELOPERS shall comport with the UDC regarding all Heritage Trees, as defined by the UDC, on the PROPERTY. DEVELOPERS shall not remove greater than 20% of Signature Trees, as defined by the UDC, and any such removals will be mitigated pursuant to the UDC. In addition, DEVELOPERS shall plant 3-inch trees along both sides of the NEIGHBORHOOD COLLECTOR ROAD, as defined herein.
6. *Lighting Standards.* DEVELOPERS shall install street lighting and light fixtures and fixtures on the exterior of homes, consistent with Dark Sky Criteria, attached hereto as **Exhibit G**.
7. *Private Amenity Center, Associated Land and Private Open Space.* During PHASE I, DEVELOPERS shall design and construct a pool, pavilion, bathrooms, playscape, splash pad, picnic area, and parking area (collectively, the "AMENITIES") as generally depicted in **Exhibit H** for a private amenity center on land encompassing at least 3 acres ("AMENITY CENTER PROPERTY"), as depicted in **Exhibit H**. The AMENITY CENTER PROPERTY shall be of sufficient size and topography for placement of AMENITIES. Acreage included in the AMENITY CENTER PROPERTY shall not be included in the 33.1 acres of land to be dedicated to the CITY for use as public open space and trails but shall be in addition thereto. No PHASE II building permits shall issue until a certificate of occupancy has been granted to a homeowners' association for the use of the AMENITY CENTER PROPERTY and AMENITIES, as applicable. The DEVELOPERS shall also design and construct private open space ("PRIVATE OPEN SPACE"), shown as Open Space/Nature Play Area in **Exhibit H** and the private miscellaneous open space ("PRIVATE MISCELLANEOUS OPEN SPACE"), as shown on **Exhibit F**. The PARTIES agree that the AMENITY CENTER PROPERTY, AMENITIES, PRIVATE OPEN SPACE, and PRIVATE MISCELLANEOUS OPEN SPACE shall be owned and maintained by a homeowners' association.
8. *Bridge and Cole Springs Road Improvement.* At DEVELOPERS' sole cost, DEVELOPERS shall design and construct 1) an approximate 1,200-linear foot, two-lane bridge, with six-foot wide sidewalks on each side, similar in aesthetic design to the existing Onion Creek Bridge crossing on FM 967, connecting Jack C. Hays Trail to the existing

Cole Springs Road (the “BRIDGE”), as generally depicted in **Exhibit I**, and 2) a project containing approximately 1,944 linear feet of asphalt pavement to improve Cole Springs Road (the “COLE SPRINGS ROAD IMPROVEMENT”), as further described and depicted in **Exhibit I** and in conformance with the specifications set forth in **Exhibit J**. The DEVELOPERS agree to begin designing the BRIDGE within sixty (60) calendar days after the EFFECTIVE DATE and submit such completed design to the CITY within 180 calendar days of the EFFECTIVE DATE. The CITY agrees to serve as applicant in order to obtain all permits and approvals necessary to construct the BRIDGE and shall submit or request all necessary permits and approvals from the Army Corps of Engineers and TXDOT (“BRIDGE PERMITTING AUTHORITIES”) within thirty (30) calendar days after receipt of the design plans for the BRIDGE. The DEVELOPERS shall retain a qualified consultant to prepare all necessary materials and interact with BRIDGE PERMITTING AUTHORITIES to aid the CITY in obtaining all permits necessary to construct the BRIDGE. DEVELOPERS shall be responsible for all costs relating to retaining the qualified consultant and administrative costs relating to the permitting of the BRIDGE. CITY agrees to use its best efforts to reasonably and timely obtain any and all applicable permits and approvals and shall not act in bad faith in the pursuit of such permits and approvals. The DEVELOPERS agree to reimburse the CITY for all costs and fees actually incurred by the CITY relating to obtaining permits and approvals and all inspections relating to the BRIDGE. The DEVELOPERS agree to diligently revise the BRIDGE design in accordance with input and direction from the BRIDGE PERMITTING AUTHORITIES and assume all such costs related to such design and related construction.

DEVELOPERS shall begin efforts to acquire title to all property necessary to complete the BRIDGE immediately upon the approval of the design of the BRIDGE by the BRIDGE PERMITTING AUTHORITIES. In the event that DEVELOPERS fail to acquire such title within 120 calendar days after the receipt of approval of design of the BRIDGE by the BRIDGE PERMITTING AUTHORITIES, CITY agrees to immediately initiate acquisition procedures, including condemnation, to acquire such property in CITY’s name, and DEVELOPERS agree to reimburse the CITY for all costs of acquisition. DEVELOPERS shall be entitled to receive reimbursement from the DISTRICT for any costs paid or reimbursed to the CITY by DEVELOPERS for acquisition of property rights for the BRIDGE. The DEVELOPERS agree to begin construction of the BRIDGE within ninety (90) calendar days after receiving all permits and applicable development approvals relating to the BRIDGE and the acquisition of all property necessary to complete the BRIDGE, whichever is later. No building permits for PHASE II shall issue until construction of the BRIDGE and COLE SPRINGS ROAD IMPROVEMENT are complete (“BRIDGE/ROAD CONSTRUCTION LIMITATION”), unless the Alternative Transportation Relief Plan, hereinafter defined, is implemented and constructed.

The CITY and DEVELOPERS estimate that the cost of the BRIDGE will be \$2,800,000.00. DEVELOPERS agree DEVELOPERS shall construct BRIDGE even if the actual cost of the BRIDGE exceeds \$2,800,000.00. The CITY and DEVELOPERS agree that construction cannot begin until all necessary approvals have been obtained from all BRIDGE PERMITTING AUTHORITIES and the acquisition of all property necessary to complete the BRIDGE. In the event such governmental approvals are not obtained within

730 days after the EFFECTIVE DATE through no fault of the CITY, DEVELOPERS agree to commit \$2,800,000.00, and additional sums of money, as hereinafter described, to the Alternative Relief Plan, as hereinafter defined.

The DEVELOPERS acknowledge that the CITY would not agree to the terms of this AGREEMENT without the DEVELOPERS commitment to design, acquire the necessary right of way, and complete construction of the BRIDGE. In the event that the BRIDGE is constructed, DEVELOPERS may reduce the ILOC by the amount of \$2,800,000.00 at such time that CITY accepts the BRIDGE for operation and maintenance, and, if so, reduced, DEVELOPERS shall immediately provide to CITY updated documentation of such modification of the ILOC. Upon completion of the BRIDGE, DEVELOPERS shall promptly convey the BRIDGE to the CITY, and the CITY will accept the BRIDGE for operation and maintenance. DEVELOPERS will acquire and assign to CITY a two-year maintenance bond for the BRIDGE at the time of conveyance. If necessary, CITY agrees to enter into an interlocal agreement with Hays County for maintenance of the BRIDGE.

9. *Alternative Transportation Relief Plan.* In the event the construction of the BRIDGE, as of the 730th day following the EFFECTIVE DATE, would constitute a violation of law or administrative rule of the PERMITTING AUTHORITIES, the DEVELOPERS will provide written notice to the CITY and the PARTIES will arrange and conduct, within 7 days, one or more collaborative meetings to identify the best Alternative Transportation Relief Plan (“ATRP”) to convey a substantially similar number of trips to and from the PROPERTY through alternative transportation improvements to the available transportation system. Major improvements to approximately 1.27 miles of Old Black Colony Road, from the western end of the completed realignment and improvement of Old Black Colony Road, as provided in and utilizing the same road specifications established in Section D.11 and **Exhibit J** of this Agreement, to the intersection of Old Black Colony Road and FM 1626 is the currently anticipated alternative transportation improvement necessary and has a DEVELOPERS-estimated cost to design and construct of \$4,000,000.00. The ATRP shall be presented to the City Council for approval within 30 days of the CITY’s receipt of notice. Upon ATRP approval by City Council, DEVELOPERS shall be relieved of any obligation to finance and construct the BRIDGE and the COLE SPRINGS ROAD IMPROVEMENT and shall instead finance \$4,000,000.00 of costs for design and construction of the ATRP improvements as approved by the CITY and DEVELOPERS. In the event the BRIDGE is not constructed as provided above, the ILOC shall remain in full force and effect until the DEVELOPERS construct ATRP improvements and same are accepted by the CITY. So long as the DEVELOPERS are in good standing in all respects in connection with this AGREEMENT other than the obligation to build the BRIDGE and the COLE SPRINGS ROAD IMPROVEMENT, the parties agree to reopen negotiations in good faith to consider an increase to the impact fees credits issued to the DEVELOPERS by the CITY in consideration of an agreement by DEVELOPERS to undertake increased design and construction costs in excess of the \$4,000,000.00 obligated in this agreement. The agreement to reopen negotiations does not obligate either party to reach an agreement on such negotiated matter. No building permits for PHASE II shall issue until construction of ATRP is complete.

10. *Neighborhood Collector Road.* DEVELOPERS shall design and construct a two-lane neighborhood collector road approximately one mile in length from Old Black Colony Road on the northern boundary of the PROPERTY to the southern boundary of the PROPERTY at Cole Springs Road, as further depicted in **Exhibit I** and in conformance with the specifications set forth in **Exhibit J.** (the “NEIGHBORHOOD COLLECTOR ROAD”). The NEIGHBORHOOD COLLECTOR ROAD will be constructed and completed as part of PHASE I of the project. No PHASE I building permits shall be issued until the NEIGHBORHOOD COLLECTOR ROAD has been inspected and accepted by the CITY, which will not be unreasonably withheld or delayed.
11. *Realignment and Improvement of Old Black Colony Road.* DEVELOPERS shall design and construct the realignment and improvement of Old Black Colony Road to intersect with FM 967, as further depicted in **Exhibit I** and in conformance with the specifications set forth in **Exhibit J.** DEVELOPERS shall begin design of the realignment within sixty (60) calendar days after the EFFECTIVE DATE and complete such design within 210 calendar days after the EFFECTIVE DATE. DEVELOPERS shall design and construct a traffic signal, pursuant to the timing and specifications of TXDOT, at such intersection. As requested by the CITY or TXDOT, the traffic signal installed by the DEVELOPERS shall be a smart, actuated signal that is consistent with the surrounding traffic network and that has the capabilities for participation in an intelligent transportation system. The PARTIES agree that the realignment of Old Black Colony Road necessitates the acquisition of right-of-way, as generally depicted in **Exhibit I** (the “OBC ROW”). DEVELOPERS shall begin efforts to acquire the OBC ROW immediately upon approval of this Agreement. In the event that DEVELOPERS fail to acquire the OBC ROW within 270 calendar days after the creation of the DISTRICT, CITY agrees to initiate acquisition procedures, including condemnation, to acquire the OBC ROW in CITY’s name, and DEVELOPERS agree to reimburse CITY for all such costs of acquisition. DEVELOPERS shall be entitled to receive reimbursement from the DISTRICT for any costs paid or reimbursed to CITY by DEVELOPERS for the acquisition of the OBC ROW. The DEVELOPERS agree to begin construction of the realignment of Old Black Colony Road within ninety (90) calendar days after the acquisition of the OBC ROW, subject to obtaining all related permits and approval. No PHASE I certificates of occupancy shall be issued until such road has been inspected and accepted by the CITY.
12. *Water Quality.* Water Quality Standards as adopted in the UDC, including the provisions contained in Section 4.05.05 of the UDC, are applicable to the PROPERTY except that impervious coverage calculations for the PROPERTY will not exceed 49.1% percent, calculated based upon a weighted average of the maximum allowable impervious coverage in the areas identified as F4, R-3, and F1 on **Exhibit E**, including a limit of 15% in the Recharge Zone area. Calculations and standards contemplated in this section apply to the initial development of the PROPERTY. DEVELOPERS shall not be held accountable for such standards after lots have been developed with homes and sold to third parties.

E. CONSENT TO CREATION OF THE DISTRICT

1. *Consent to Creation of District.* The LANDOWNERS have submitted the Petition for Consent to Creation of Buda Municipal Utility District No. 1, attached as **Exhibit K**, to the CITY. The CITY acknowledges receipt of the LANDOWNERS' request, in accordance with Section 54.016, Texas Water Code, and Section 42.042, Texas Local Government Code, for creation of the DISTRICT over the PROPERTY. Concurrently with the approval of this AGREEMENT, the CITY shall consider a separate consent ordinance (the "CONSENT ORDINANCE"), consenting to the inclusion of the PROPERTY within the DISTRICT. Upon adoption, the CONSENT ORDINANCE will be attached to this AGREEMENT as **Exhibit L**. The CITY agrees that the CONSENT ORDINANCE will constitute and evidence the CITY's consent to the creation of the DISTRICT within the CITY's corporate limits in accordance with Section 54.016, Texas Water Code, and Section 42.042, Texas Local Government Code, and that no further consent will be required on the part of the CITY to evidence the CITY's consent to the creation of the DISTRICT. Notwithstanding anything in this AGREEMENT to the contrary, this AGREEMENT will not become effective unless and until the CONSENT ORDINANCE has been duly approved, as contemplated herein. The PARTIES acknowledge that consent to the creation of the DISTRICT is a legislative act that cannot be guaranteed or agreed to by contract.
2. *District Execution of Agreement.* The DEVELOPERS shall cause the DISTRICT to approve, execute, and deliver to the CITY this AGREEMENT within thirty (30) calendar days after the date the DISTRICT's Board of Directors holds its organizational meeting. If the DISTRICT fails to do so within such 30-day period, then (after notice and opportunity to cure) the CITY may terminate this AGREEMENT and may repeal the CONSENT ORDINANCE. If the DISTRICT fails to execute this AGREEMENT by December 31, 2021, this AGREEMENT shall be automatically terminated, and the CONSENT ORDINANCE shall be automatically repealed unless otherwise agreed to by the PARTIES. The obligation of DEVELOPERS to reimburse CITY for any costs incurred by CITY under this AGREEMENT shall survive any termination of this AGREEMENT, and such reimbursement shall occur with thirty (30) calendar days of such termination.
3. *District Bonds.* If the DISTRICT fails to approve, execute, and deliver this AGREEMENT to the CITY as required by Section E.2 of this AGREEMENT and if the CITY does not terminate this AGREEMENT, such failure shall operate to prohibit the DISTRICT from taking any actions to issue BONDS until the failure has been cured. The CITY shall have the right to enjoin the issuance of BONDS during any period in which such a material breach exists.
4. *Reimbursement Agreements.* If the DISTRICT fails to approve, execute, and deliver this AGREEMENT to the CITY as required by Section E.2 of this AGREEMENT and if the CITY has not terminated this AGREEMENT, such failure shall operate to prohibit the DEVELOPERS, and any individual LANDOWNER or any DEVELOPER of the PROPERTY from entering into any reimbursement agreements with the DISTRICT until the failure has been cured. The CITY shall have the right to enjoin the execution of such reimbursement agreements during any period in which such a material breach exists.

5. *Intent of Parties Related to Allocation Agreement.* Under Section 54.016(f), Texas Water Code, CITY, as a municipality providing written consent for inclusion of land in a district, may provide for a contract designated as an “allocation agreement”, to be entered into between the CITY and the DISTRICT. The PARTIES acknowledge that the provision for an “allocation agreement” under Section 54.016(f) is at CITY’s discretion. CITY confirms that it is intentionally not providing for an allocation agreement. The PARTIES agree that this AGREEMENT does not constitute and will not be deemed to constitute an allocation agreement within the meaning of Section 54.016(f).

6. *Tax Rate.* In consideration of the CITY’s consent to the creation of the DISTRICT, the DISTRICT agrees that, as a condition to issuing BONDS, the DISTRICT’s Financial Advisor must certify in writing that it is feasible for the DISTRICT to sell the BONDS and maintain a projected total tax rate (inclusive of both the debt service portion and the operation and maintenance portion) of not more than \$0.60 per \$100.00 in assessed valuation (“TAX RATE LIMIT”), unless otherwise approved by the CITY. The foregoing shall not be construed as a limitation on the DISTRICT’s authority to levy an unlimited tax rate, it being understood and acknowledged that the DISTRICT’s BONDS shall be payable from and secured by a pledge of the proceeds of an ad valorem tax, without legal limit as to rate or amount. It is agreed that the TAX RATE LIMIT is sufficient to accomplish the purposes of the DISTRICT, and that the DEVELOPERS and the DISTRICT have voluntarily agreed to the TAX RATE LIMIT.

F. WATER AND WASTEWATER UTILITIES, DESIGN, FINANCING,
CONSTRUCTION, CONVEYANCE, OWNERSHIP, OPERATION, AND
MAINTENANCE OF DISTRICT IMPROVEMENTS

1. *Water and Wastewater Utilities.*
 - a) *City Provision of Services.* Retail water supply and wastewater collection and treatment services to the PROPERTY will be provided by the CITY. After design and construction of the water distribution and wastewater collection systems to serve the DISTRICT, the DEVELOPERS shall convey such systems to the CITY on behalf of the DISTRICT and same shall be owned by the CITY. The CITY will provide water and wastewater service to customers within the DISTRICT in the same manner and on the same terms and conditions as the CITY provides service to other retail customers inside its corporate limits. The CITY’s standard water and wastewater rates, charges, and other fees, including engineering review and inspection fees, that are applicable to other areas within the CITY’s corporate limits will be applicable to facilities constructed, connections made, and services provided within the DISTRICT. The CITY agrees and commits to provide water and wastewater service sufficient for the full build-out of the DISTRICT at flow rates and pressures (including residential fire flows) sufficient to meet the minimum requirements of all applicable regulations and agrees to provide written confirmation of the availability of service upon the DISTRICT’s request if required in connection with any DISTRICT BOND sale. The CITY hereby allocates, guarantees, and reserves 540 living unit equivalents of capacity in its water and wastewater utility system for the PROPERTY.

- b) *Water Service Area and Wastewater Service Area.* The CITY will make the necessary filings with the Texas Public Utility Commission to expand and extend its certified service area (CCN) for water service and to establish a CITY wastewater CCN to include the PROPERTY to the extent any portion of PROPERTY is not already within the CITY's certified CCNs. DEVELOPERS shall pay to the CITY a one-time reimbursement of \$15,000.00 to contribute to the cost of the administrative process related to the expansion and establishment of the CITY's CCNs for its water and wastewater service areas to serve the PROPERTY. The payment shall be made to the CITY no later than 10 days after the DEVELOPERS close on the PROPERTY. The CITY shall refund \$7500.00 to the DEVELOPERS if the CITY fails to file the application amend its water CCN by the completion of PHASE III. The CITY shall refund \$7500.00 to the DEVELOPERS if the CITY fails to file the application to obtain a wastewater CCN by the completion of PHASE III.
- c) *Construction, Operation and Maintenance.* DEVELOPERS, on behalf of the DISTRICT, shall construct all on-site and off-site water and wastewater improvements necessary for the delivery of water service and wastewater service to the PROPERTY and within the PROPERTY, as further described in Section F of this AGREEMENT. The CITY shall be responsible for the operation and maintenance of such improvements subsequent to the acceptance by the CITY of such on-site and off-site water and wastewater facilities. The CITY shall require a two-year maintenance bond for all water and wastewater facilities conveyed to the CITY.
2. *Wastewater Interceptor.* Prior to completion of PHASE I of the development as provided in Exhibit M, DEVELOPERS, on behalf of the DISTRICT, will bid, design and complete construction of a 21-inch wastewater interceptor (the "WASTEWATER INTERCEPTOR") located north of the PROPERTY, as further described in Exhibit M. This extension will benefit the region by expanding the regional system in accordance with the CITY's future infrastructure plans and by providing connections to neighboring property owners. The PARTIES agree that a 12-inch interceptor is sufficient to serve the PROPERTY. All design and construction costs shall be documented and submitted for CITY's review and approval of same. The PARTIES agree that the DEVELOPERS will solely be responsible for all costs of the land acquisition and the remainder of design and construction associated with the WASTEWATER INTERCEPTOR. DEVELOPERS shall submit all design and construction costs, including invoices, for the WASTEWATER INTERCEPTOR to the CITY for review and approval of same, and the CITY shall promptly provide approval and notice of acceptance of such costs. Upon completion of construction, DEVELOPERS shall convey the WASTEWATER INTERCEPTOR to the CITY for operation and maintenance.
3. *Water Supply Line No. 2.* Contemporaneous with the construction of the BRIDGE, DEVELOPERS, on behalf of the DISTRICT, shall design and construct a 12" water line extension along the BRIDGE, depicted as the "future looping connection" on Exhibit M, constructed over Onion Creek (the "WATER SUPPLY LINE NO. 2"), as further described in Exhibit M of this AGREEMENT. WATER SUPPLY LINE NO. 2 will benefit the

region by expanding the regional system in accordance with the CITY'S future infrastructure plans and providing connections to neighboring property owners. If the DEVELOPERS design, construct and convey to CITY the ATRP and CITY accepts same, the PARTIES agree that the DEVELOPERS' obligation to construct the WATER SUPPLY LINE NO. 2 is terminated.

4. *Impact Fee Credits.* The CITY and DEVELOPERS agree that DEVELOPERS will finance and construct water capital improvements in the total estimated amount of \$870,000.00 and will finance and construct wastewater capital improvements in the total estimated amount of \$1,900,000.00, which in the aggregate total \$2,770,000.00. The CITY and DEVELOPERS agree that the CITY will issue a water impact fee credit for the CITY-verified expenses paid for the water capital improvements further described below up to \$593,000.00 and will issue a credit for the CITY-verified expenses paid for wastewater capital improvements further described below in the total amount of up to \$1,227,000.00 which, in the aggregate total: \$1,820,000.00 against the applicable impact fees otherwise due from the new development for such costs pursuant to Texas Local Government Code Section 395.019(2).

Water Impact Fees. The PARTIES agree that the CITY shall reimburse the DEVELOPERS, through the application of credits of Water Impact Fees due for the development of lots on the PROPERTY, up to \$593,000.00. The CITY agrees to suspend DEVELOPERS' obligation to pay to CITY the first \$593,000.00 of Water Impact Fees when due, subject to the occurrence of: a) all design and construction costs for the WATER INFRASTRUCTURE being documented with invoices and submitted for CITY's review and approval of same, b) the CITY provision of notice of the acceptance of such costs and c) the CITY acceptance of WATER INFRASTRUCTURE. Upon such acceptance, the CITY shall apply the amount of the documented DEVELOPER-incurred and CITY-approved costs up to \$593,000.00 to the suspended obligation to pay Water Impact Fees. In the event the documented costs are less than \$593,000.00, the amount of such actual costs will be applied to the suspended Water Impact Fees and DEVELOPERS will pay to CITY, within thirty (30) calendar days of the CITY's acceptance of WATER INFRASTRUCTURE, the amount of the difference between the CITY-approved costs and \$593,000.00. If CITY has not accepted WATER INFRASTRUCTURE within 3 years from EFFECTIVE DATE, the suspension period expires and all fees owed shall become immediately due and payable to the CITY.

Wastewater Impact Fees. The PARTIES agree that the CITY shall reimburse the DEVELOPERS, through the application of credits of Wastewater Impact Fees due for the development of lots on the PROPERTY, up to \$1,227,000.00. The CITY agrees to suspend DEVELOPERS' obligation to pay to CITY the first \$1,227,000.00 of Wastewater Impact Fees when due, subject to the occurrence of: a) all design and construction costs for the WASTEWATER INFRASTRUCTURE being documented with invoices and submitted for CITY's review and approval of same, b) the CITY provision of notice of the acceptance of such costs and c) the CITY acceptance WASTEWATER INFRASTRUCTURE. Upon such acceptance, the CITY shall apply the amount of the documented DEVELOPER-incurred and CITY-approved costs up to \$1,227,000.00 to the suspended obligation to pay

Wastewater Impact Fees. In the event the documented costs are less than \$1,227,000.00, the amount of such actual costs will be applied to the suspended Wastewater Impact Fees and DEVELOPERS will pay to CITY, within thirty (30) calendar days of the CITY's acceptance of WASTEWATER INFRASTRUCTURE, the amount of the difference between the CITY-approved costs and \$1,227,000.00. If CITY has not accepted WASTEWATER INFRASTRUCTURE within 3 years from EFFECTIVE DATE, the suspension period expires and all fees owed shall become immediately due and payable to the CITY.

5. *Design, Financing, and Construction.* Unless otherwise specifically provided in this AGREEMENT, the DEVELOPERS will design, finance, construct, and convey to the CITY on behalf of the DISTRICT all DISTRICT IMPROVEMENTS as further specified in **Exhibits I, J, and M** and at no cost to the CITY. All construction will be bid in accordance with the requirements applicable to the DISTRICT under the rules of the TCEQ and Chapters 49 and 54, Texas Water Code. All DISTRICT IMPROVEMENTS will be designed and constructed in accordance with the APPLICABLE RULES and the regulations of any other governmental entities with jurisdiction and pursuant to plans and specifications approved by the CITY. Unless the DEVELOPERS' service requirements for the PROPERTY change or the PARTIES otherwise agree or have otherwise provided in this AGREEMENT, the CITY will not require that the DEVELOPERS or the DISTRICT oversize, finance, or construct any utility, park, or road improvements to serve property other than the PROPERTY.
6. *Conveyance, Ownership, Operation, and Maintenance.* Unless otherwise provided in this AGREEMENT, upon completion of construction of each phase of the DISTRICT IMPROVEMENTS: (a) the CITY will promptly accept such improvements and facilities for operation and maintenance in accordance with the APPLICABLE RULES; (b) the DEVELOPERS will promptly convey those improvements and facilities to the CITY, subject to (i) the CITY's obligation to provide service to the DISTRICT as provided in this AGREEMENT, (ii) a reservation of all capacity in those improvements or facilities for the benefit of the DISTRICT, except where otherwise agreed to in this AGREEMENT, and only as may be applicable and (iii) the DEVELOPERS' right(s), if any, to reimbursement from the DISTRICT for the cost of those improvements and facilities in accordance with the rules of the TCEQ, and (c) the DEVELOPERS will acquire and assign to CITY a two-year maintenance bond for the DISTRICT IMPROVEMENTS at the time of conveyance. The DEVELOPERS will also assign all contract rights, warranties, guarantees, assurances of performance, and bonds related to the facilities conveyed to the CITY. The CITY agrees that its acceptance of improvements and facilities and the related assignments will not be unreasonably withheld, conditioned, or delayed. Upon any such conveyance and acceptance, the CITY agrees to operate and maintain such improvements and facilities in good condition and working order and to provide service to the DISTRICT in accordance with this AGREEMENT. Conveyance will not affect the DEVELOPERS' right to reimbursement from the DISTRICT for the cost of any improvements or facilities. Nothing herein will prevent the CITY from using DISTRICT IMPROVEMENTS to serve customers outside of the DISTRICT provided that there is sufficient capacity reserved to serve the residents and property owners within the DISTRICT as and when required by

development within the PROPERTY.

7. *Ownership, Operation and Maintenance of Park and Drainage Facilities.* The DEVELOPERS shall convey to the DISTRICT and the DISTRICT shall be responsible for the operation and maintenance of all park and drainage facilities constructed to serve the PROPERTY, unless otherwise provided in this AGREEMENT. In the event the District is not created and confirmed pursuant to Section 49.102, Texas Water Code, the City shall be responsible for the operation and maintenance of all public park and drainage facilities constructed to serve the PROPERTY, unless otherwise provided in this AGREEMENT.

G. AUTHORITY TO ISSUE BONDS

1. *Authority to Issue Bonds.* The DISTRICT may issue BONDS only as permitted by this AGREEMENT. The DISTRICT may reimburse the DEVELOPERS for expenditures authorized by TCEQ rules and regulations and this AGREEMENT; however, the purposes for which the DISTRICT may issue BONDS are restricted to:

- (a) The purchase, construction, acquisition, repair, extension, and improvement of land, easements, works, improvements, facilities, plants, equipment, and appliances (including capacity or contract rights to capacity in any of the foregoing) necessary to:

- (1) Provide a water supply for municipal uses, domestic uses, and commercial purposes;

- (2) Collect, transport, process, dispose of, and control all domestic, industrial, or communal wastes whether in fluid, solid, or composite state (other than solid waste, as defined in the APPLICABLE RULES);

- (3) Gather, conduct, divert, and control local storm water or other local harmful excesses of water; and

- (4) Design, acquire, construct, and finance ROAD PROJECTS.

- (b) Refunding any outstanding BONDS, provided such refunding bonds satisfy the terms and conditions of this AGREEMENT;

- (c) Paying organizational, administrative, and operating costs during creation and construction periods and interest thereon, subject to the applicable limitations of Section 49.155, Texas Water Code; and

- (d) Paying other expenses authorized by Section 49.155, Texas Water Code.

2. *City Submittals; Objections.*

- (a) The DISTRICT agrees to give written notice to the CITY of its intention to issue BONDS as follows:

- (1) If the DISTRICT intends to issue BONDS that require TCEQ approval, the

DISTRICT will provide notice of same to the City Manager and City Attorney concurrently with the DISTRICT's submittal of each application to the TCEQ for approval of issuance of BONDS, which notice shall include:

A. A copy of the DISTRICT's application to the TCEQ, including the amount of BONDS proposed for issuance, a general description of the projects to be funded by the BONDS, the engineering report, the projected debt service schedule, the projected DISTRICT debt service tax rate after the closing date of the BONDS, and the projected final maturity date of the BONDS;

B. Written certification by the DISTRICT's financial advisor that the BONDS, when issued, will meet the existing economic feasibility guidelines established by TCEQ for districts issuing bonds in Hays County; and

C. Written certification by the DISTRICT that the DISTRICT is in compliance in all material respects with the terms and conditions of this AGREEMENT.

(2) If the DISTRICT intends to issue BONDS that do not require TCEQ approval (*e.g.*, BONDS for ROAD PROJECTS or refunding BONDS), the DISTRICT will provide notice of same to the City Manager and City Attorney at least thirty (30) calendar days prior to pricing of the BONDS, which notice shall include:

A. The amount of BONDS proposed for issuance, a general description of the projects to be funded by the BONDS or BONDS to be refunded by such BONDS, the engineering report (if applicable), the projected debt service schedule, the projected DISTRICT debt service tax rate after the closing date of the BONDS, and the projected final maturity date of the BONDS.

B. Written certification by the DISTRICT's financial advisor that the BONDS, when issued, will meet the existing economic feasibility guidelines established by TCEQ for districts issuing bonds in Hays County; and

C. Written certification by the DISTRICT that the DISTRICT is in compliance in all material respects with the terms and conditions of this AGREEMENT.

(3) Within five (5) calendar days after pricing of any BONDS and no less than fourteen (14) calendar days before the closing date of such BONDS, the DISTRICT shall provide the CITY with the following information:

A. If TCEQ approval is required, a copy of the TCEQ order approving the BONDS;

B. A description of the DISTRICT IMPROVEMENTS to be funded by the BONDS, if applicable;

C. The amount of BONDS being proposed for issuance;

D. A debt service schedule for the BONDS;

E. The proposed DISTRICT debt service tax rate after the closing date of the BONDS;

F. A savings schedule for any refunding BONDS; and

G. Written certification by the DISTRICT that the DISTRICT is in compliance in all material respects with the conditions set forth in this AGREEMENT, including without limitation the information necessary to evidence compliance with the requirements of Section G.4 of this AGREEMENT.

(b) The CITY may object to a BOND application or to the issuance of a series of BONDS for the reason that a DEVELOPER or the DISTRICT is in default of any provision of this AGREEMENT. If the CITY objects to a BOND application or issuance due to such a default (a "CITY OBJECTION"), the CITY shall have a period of thirty (30) calendar days after receiving the information required by Sections G.2.(a)(1) or G.2.(a)(2), as applicable, and a period of ten (10) calendar days after receiving the information required by Section G.2.(a)(3) within which to notify the DISTRICT of the CITY OBJECTION. If the CITY timely objects to a BOND application or issuance due to such a default, the Bond application and issuance will be delayed until such time as the default is cured. If the CITY fails to object to a BOND application or issuance within such periods specified herein, the CITY shall be deemed to have waived all objections. If the CITY objects to a BOND application or issuance, such CITY OBJECTION must: (a) be in writing; (b) be given to the DISTRICT; (c) be signed by the City Manager or the City Manager's designee; and (d) specifically identify the applicable provision of the CONSENT ORDINANCE or this AGREEMENT as to which the DISTRICT or a DEVELOPER is in default. If a CITY OBJECTION is timely given to the DISTRICT with respect to a specific BOND application or issuance of BONDS, the CITY and the DISTRICT shall cooperate to resolve the CITY OBJECTION within a reasonable time, and the BOND application or issuance of BONDS to which the CITY OBJECTION applies shall be delayed until the CITY OBJECTION has been cured or waived by written agreement.

(c) Within thirty (30) calendar days after the closing date of a series of BONDS, the DISTRICT shall deliver to the City Manager a copy of the final official statement for such series of BONDS and a copy of any report on REIMBURSABLE COSTS required by the rules of the TCEQ. The DISTRICT shall send a copy of any material event notices filed under applicable federal securities laws or regulations to the City Manager within thirty (30) calendar days after filing such notices with the applicable federal agency. If the CITY requests any additional information regarding any issue of BONDS, the DISTRICT will promptly provide any such information to the CITY.

3. *Bond Limit Amount.* The total amount of BONDS issued by the DISTRICT, excluding refunding BONDS, shall not exceed \$22,000,000.00 unless approved by the CITY.

4. *Terms and Conditions of Bonds.*

(a) BONDS, including refunding BONDS, issued by the DISTRICT shall, unless otherwise agreed to by the CITY, comply with the following requirements:

(1) No individual series of BONDS will be issued with a term which exceeds 25 years from the closing date of such series of BONDS;

(2) The BONDS (other than refunding BONDS and BONDS sold to a federal or state agency) shall only be sold after the taking of public bids therefor (unless current law changes to permit otherwise), and no BONDS shall be sold for less than ninety-seven percent (97%) of par, provided that the net effective interest rate on BONDS so sold, taking into account any discount or premium as well as the interest rate borne by such BONDS, shall not exceed 2% above the highest average interest rate reported by the Daily Bond Buyer in its weekly "20 Bond Index" during the 30-day period next preceding the date notice of the sale of the BONDS is given (or, if the Daily Bond Buyer ceases to exist, a comparable publication reporting average bond interest rates);

(4) The DISTRICT shall reserve the right to redeem its BONDS not later than the tenth (10th) anniversary of the closing date of such BONDS, without premium;

(5) No variable rate BONDS shall be issued by the DISTRICT;

(6) No BONDS (other than refunding BONDS) shall be issued by the DISTRICT subsequent to the fifteenth (15th) anniversary of the EFFECTIVE DATE of this AGREEMENT;

(7) Any refunding BONDS must provide for a minimum of three percent (3%) present value savings and, further, must provide that the latest maturity of the refunding BONDS may not extend beyond the latest maturity of the refunded BONDS; and

(8) Capitalized interest shall not exceed two years interest.

5. *Limit of City's Liability.* Unless the CITY dissolves the DISTRICT and assumes the assets and liabilities of the DISTRICT under Section H of this AGREEMENT, the BONDS or any other obligations of the DISTRICT shall never become an obligation of the CITY. The CITY's obligations under this AGREEMENT shall not extend beyond its express agreements hereunder, including the obligations to operate and maintain the DISTRICT IMPROVEMENTS after conveyance to the CITY and to use the DISTRICT IMPROVEMENTS to serve the PROPERTY.

H. DISSOLUTION OF THE DISTRICT

Dissolution. The CITY may dissolve the DISTRICT at any time after the DISTRICT has issued BONDS to finance all REIMBURSABLE COSTS paid or incurred to construct the DISTRICT IMPROVEMENTS that are required to serve full development of the PROPERTY. Upon

dissolution of the DISTRICT, the CITY shall assume the indebtedness and legal obligations of the DISTRICT to the extent required by law.

I. DEVELOPMENT MATTERS

1. *Development Plan.* The CITY hereby confirms: (i) its approval of the DEVELOPMENT PLAN, and (ii) that the DEVELOPMENT PLAN complies with the Buda 2030 Comprehensive Plan, as amended. The CITY approves the land uses, densities, exceptions, roadway alignments and widths, and other matters shown on the DEVELOPMENT PLAN, and confirms that the DEVELOPMENT PLAN has been approved by all required CITY departments, boards, and commissions.
2. *Uniform and Continued Development; Vesting.* The PARTIES intend that this AGREEMENT authorize certain land uses and development on the PROPERTY; provide for the uniform review and approval of plats and development plans for the PROPERTY; provide exceptions to certain ordinances; and provide other terms and consideration. Accordingly, the PROPERTY will be developed and the infrastructure required for the PROPERTY will be designed and constructed in accordance with the APPLICABLE RULES, the DEVELOPMENT PLAN, and this AGREEMENT. Subject to the terms and conditions of this AGREEMENT, the CITY confirms and agrees that the DEVELOPERS hereunder have vested authority to develop the PROPERTY in accordance with the APPLICABLE RULES and this AGREEMENT. Ordinances, rules, or regulations, or changes or modifications to the CITY's ordinances, rules, and regulations, adopted after the EFFECTIVE DATE of this AGREEMENT will only be applicable to the extent permitted by Chapter 245, Texas Local Government Code. If there is any conflict between the APPLICABLE RULES and the terms of this AGREEMENT, the terms of this AGREEMENT will control.

DEVELOPERS and CITY each acknowledge that the detailed submissions to the CITY (in the aggregate) regarding the planned uses and development of the PROPERTY illustrate the planned use for the land which existed before the 90th day before the date any annexation proceedings will be instituted in connection with this property. DEVELOPERS and CITY each further acknowledge that one or more licenses, certificates, permits, approvals or other forms of authorization by the CITY were required by law for the planned uses, and that DEVELOPERS filed one or more completed applications for the initial authorization for such uses with the City before the date any annexation proceedings were instituted in connection with this PROPERTY. DEVELOPERS and CITY also acknowledge that the preceding detailed submissions regarding the development of the property meet all requirements and conditions set forth in Texas Local Government Code Section 43.002(a), triggering the statutory prohibition upon annexation which prohibits the CITY from prohibiting DEVELOPERS from continuing to develop the PROPERTY in the manner planned prior to the annexation. This acknowledgement does not otherwise constitute approval or denial of any regulatory power or contractual agreement related to the PROPERTY.

3. *Term of Approvals.* Except as provided below, the DEVELOPMENT PLAN will be effective for the term of this AGREEMENT. Any preliminary subdivision plat or final subdivision plat that is consistent with the DEVELOPMENT PLAN, this AGREEMENT, the APPLICABLE RULES, and State law will be effective for the term of this AGREEMENT. The DEVELOPMENT PLAN will be deemed to have expired if no final plat on any portion of the PROPERTY is recorded for a period of five (5) years after the EFFECTIVE DATE or five (5) years expires after the recordation of the last final plat.
4. *Amendments to Development Plan.* Due to the fact that the PROPERTY comprises a significant land area and its development will occur in phases over a number of years, modifications to the DEVELOPMENT PLAN may become desirable due to changes in market conditions or other factors. Variations of a preliminary plat or final plat from the DEVELOPMENT PLAN that do not increase the overall density of development of the PROPERTY will not require an amendment to the DEVELOPMENT PLAN. Minor changes to the DEVELOPMENT PLAN, including minor modifications of street alignments; minor changes in lot lines; the designation of land for public or governmental uses; increases in lot sizes that do not result in an increase in the overall density of development of the PROPERTY (including any increase in lot sizes resulting in a decrease in the total number of lots); or any change to a public use, including, but not limited to school use, will not require an amendment to the DEVELOPMENT PLAN or an amendment to this AGREEMENT; however, such must be approved in writing by the City Manager or his designee. Any denial of same by the City Manager may be appealed to the City Council of the CITY; any approved reversal of a decision of the City Manager by the City Council must be condensed in writing and shall constitute an amendment to this AGREEMENT. Major changes to the DEVELOPMENT PLAN must be consistent with the terms of this AGREEMENT and will necessitate an amendment to this AGREEMENT.
5. *Director Lots.* The conveyance, from time to time, by metes and bounds or otherwise of any portion of the PROPERTY to any person for the purpose of qualifying such person to be a member of the Board of Directors of the DISTRICT will not be considered a subdivision of land requiring a plat or otherwise requiring the approval of the CITY.
6. *Other Utilities.* The CITY will provide solid waste and recycling services within the DISTRICT for the same rates, in the same manner, on the same terms and conditions, and subject to the same regulations and ordinances, as amended, that the CITY provides solid waste and recycling services to other customers inside its corporate limits. The DISTRICT will have no liability for charges for such services except for charges for services provided to the DISTRICT, if any. The DEVELOPERS will have the right to select the providers of cable television, gas, telephone, telecommunications, and all other utilities and services, or to provide “bundled” utilities within the PROPERTY.
7. *Manufactured Home for District Elections.* One (1) HUD-certified manufactured home may be located within the PROPERTY solely for the purpose of providing qualified voters within the DISTRICT for the DISTRICT’s confirmation, director, and bond elections. The

With Required Copy to: George Hyde
Russell Rodriguez Hyde Bullock
1633 Williams Dr.
Building 2, Suite 200
Georgetown, Texas 78628

LANDOWNERS: Fred and Paula Trudeau
855 Cole Springs Road
Buda, Texas 78610

And

Industrial Asphalt, LLC
9020 N. Capital of Texas Hwy
Building II, Suite 250
Austin, Texas 78759

DEVELOPERS: Royce Rippy
M/I Homes of Austin, LLC
6801 N. Capital of Texas Hwy
Lakewood II, Suite 100
Austin, Texas 78731

And

Elliot Jones
Meritage Homes of Texas, LLC
8920 Business Park Drive, Suite 350
Austin, Texas 78759

DISTRICT: John W. Bartram
Armbrust & Brown, PLLC
100 Congress Avenue, Suite 1300
Austin, Texas 78701

The PARTIES may change their respective addresses to any other address within the United States of America by giving at least five (5) calendar days' written notice to the other PARTY. Any PARTY may, by giving at least five (5) calendar days' written notice to the CITY, designate additional PARTIES to receive copies of notices under this AGREEMENT.

3. *Law Governing.* This AGREEMENT shall be deemed to be a contract under the laws of the State of Texas, which is performable in Hays, County, Texas, and for all purposes shall be construed and enforced in accordance with and governed by the laws of the State of Texas.
4. *Assignment; Binding Effect.*

- (a) This Agreement, and the rights of the DEVELOPERS hereunder, may be assigned by the DEVELOPERS, with the CITY's prior consent, as to all or any portion of the PROPERTY. Any assignment will be in writing, specifically set forth the assigned rights and obligations, be executed by the proposed assignee, and be delivered to the CITY, except that an assignment may not occur that divorces obligations from rights. The CITY's consent to any proposed assignment will not be unreasonably withheld or delayed. An assignment from one DEVELOPER to another DEVELOPER does not require the consent of the CITY. Additionally, any assignment from a LANDOWNER to a DEVELOPER shall not require the consent of the CITY.
 - (b) If a DEVELOPER assigns its rights and obligations hereunder as to a portion of the PROPERTY, then the rights and obligations of any assignee and the DEVELOPER will be severable, and the DEVELOPER will not be liable for the nonperformance of the assignee and vice versa. In the case of nonperformance by one DEVELOPER, the CITY may pursue all remedies against that nonperforming DEVELOPER but will not impede development activities of any performing DEVELOPER as a result of that nonperformance.
 - (c) Subject to Section K.4(a) of this AGREEMENT, This AGREEMENT and all its terms and provisions shall be binding upon and inure to the benefit of the CITY and the DEVELOPERS and their respective successors and assigns, including all future owners of the PROPERTY. However, this AGREEMENT is not intended to be binding upon, or create any encumbrance to title as to the purchaser of a fully developed and improved residential lot with a home conveyed to a third party within the PROPERTY.
5. *Term.* The term of this Agreement shall commence on the EFFECTIVE DATE and (unless terminated pursuant to Section E of this AGREEMENT) shall continue until the DISTRICT is dissolved in accordance with Section H of this AGREEMENT. However, if the CITY dissolves the DISTRICT prior to the completion of lots in accordance with the DEVELOPMENT PLAN, the DEVELOPERS shall retain all vested rights relating to the development of the PROPERTY and the CITY shall reimburse the DEVELOPERS for all REIMBURSABLE COSTS incurred and owed to the DEVELOPERS.
6. *Termination and Amendment by Agreement.* This AGREEMENT may be terminated or amended as to all of the PROPERTY at any time by mutual written consent of the CITY, the LANDOWNERS, the DEVELOPERS and, following creation of the DISTRICT, the DISTRICT; may be terminated or amended only as to a portion of the PROPERTY at any time by the mutual written consent of the CITY, and the LANDOWNER and DEVELOPER of the portion of the PROPERTY affected by the amendment or termination and, following creation of the DISTRICT, the DISTRICT; and, after full-build out of the PROPERTY, may be terminated or amended at any time by the mutual written consent of the CITY and the DISTRICT.

7. *Remedies.*

- (a) If the CITY defaults under this AGREEMENT, a LANDOWNER, a DEVELOPER, or the DISTRICT may give notice setting forth the event of default (“NOTICE”) to the CITY. If the CITY fails to cure any default that can be cured by the payment of money (“MONETARY DEFAULT”) within forty-five (45) calendar days from the date the CITY receives the NOTICE, or fails to commence the cure of any default specified in the NOTICE that is not a MONETARY DEFAULT within forty-five (45) calendar days of the date of the NOTICE, and thereafter to diligently pursue such cure to completion, a LANDOWNER, a DEVELOPER, or the DISTRICT may enforce this AGREEMENT by a writ of mandamus or other declaratory or injunctive relief from a court of competent jurisdiction; however, any such remedy will not revoke the CITY’s consent to the creation of the DISTRICT.
- (b) If a LANDOWNER or a DEVELOPER defaults under this AGREEMENT, the CITY or the DISTRICT may give NOTICE to the LANDOWNER or DEVELOPER. If the LANDOWNER or DEVELOPER fails to cure any MONETARY DEFAULT within forty-five (45) calendar days from the date it receives the NOTICE, or fails to commence the cure of any default specified in the NOTICE that is not a MONETARY DEFAULT within forty-five (45) calendar days of the date of the NOTICE, and thereafter to diligently pursue such cure to completion, the CITY or the DISTRICT may enforce this AGREEMENT by injunctive or declaratory relief from a court of competent jurisdiction; however, except as permitted by Section E.2 of this AGREEMENT, any such remedy will not revoke the CITY’s consent to the creation of the DISTRICT.
- (c) If the DISTRICT defaults under this AGREEMENT, the CITY, the DEVELOPERS, or the LANDOWNER may give NOTICE to the DISTRICT. If the DISTRICT fails to cure any MONETARY DEFAULT within forty-five (45) calendar days from the date it receives the NOTICE, or fails to commence the cure of any default specified in the NOTICE that is not a MONETARY DEFAULT within forty-five (45) calendar days of the date of the NOTICE, and thereafter to diligently pursue such cure to completion, the CITY, the DEVELOPERS, or the LANDOWNER may enforce this AGREEMENT by a writ of mandamus or other declaratory or injunctive relief from a court of competent jurisdiction; however, any such remedy will not revoke the CITY’s consent to the creation of the DISTRICT.
- (d) If any PARTY defaults, the prevailing PARTY in the dispute will be entitled to recover its reasonable attorney’s fees, expenses, and court costs from the non-prevailing PARTY.

8. *Cooperation.*

- (a) The PARTIES each agree to execute such further documents or instruments as may be necessary to evidence their agreements hereunder.
- (b) The CITY agrees to cooperate with the DEVELOPERS in connection with any waivers or approvals that the DEVELOPERS may desire from Hays County or any other government

authority with jurisdiction in order to avoid the duplication of facilities or services in connection with the development of the PROPERTY.

(c) In the event of any third-party lawsuit or other claim relating to the validity of this AGREEMENT or any actions taken hereunder, the PARTIES agree to cooperate in the defense of such suit or claim, and to use their respective best efforts to resolve the suit or claim without diminution in their respective rights and obligations under this AGREEMENT.

9. *Force Majeure.* If, by reason of FORCE MAJEURE, hereinafter defined, any PARTY shall be rendered wholly or partially unable to carry out its obligations under this AGREEMENT after its EFFECTIVE DATE, then such PARTY shall give written notice of the particulars of such FORCE MAJEURE to the other PARTY within a reasonable time after the occurrence thereof. The obligations of the PARTY giving such notice, to the extent affected by such FORCE MAJEURE, shall be suspended during the continuance of the inability claimed and for no longer period, and any such PARTY shall in good faith exercise its best efforts to remove and overcome such inability.

The term “FORCE MAJEURE” as utilized herein shall mean and refer to acts of God; strikes, lockouts or other industrial disturbances; acts of public enemies; orders of any kind of the government of the United States, the State of Texas, or any other civil or military authority; insurrections; riots; epidemics; landslides; earthquakes; lightning; fires; hurricanes; storms; floods; washouts; or other natural disasters; arrests; restraint of government and people; civil disturbances; explosions; breakage or accidents to machinery, pipelines or canals; or other causes not reasonably within the control of the PARTY claiming such inability.

10. *Interested Parties.* LANDOWNERS and DEVELOPERS acknowledge that Section 2252.908, Texas Government Code requires disclosure of certain matters by certain business entities, including a sole proprietorship, partnership, or corporation, but not including individual persons, entering into a contract with the CITY. LANDOWNERS and DEVELOPERS understand and agree, if such disclosure is required under Chapter 2252 of the Texas Government Code, the CITY may not enter into this AGREEMENT until CITY has received any required completed and signed Texas Ethics Commission (TEC) Form 1295 with a certificate number assigned by the TEC, pursuant to Texas Government Code Section 2252.908 and the rules promulgated thereunder by the TEC. The LANDOWNERS and DEVELOPERS understand that failure to provide said form, if required, complete with a certificate number assigned by the TEC may prohibit the CITY from entering this AGREEMENT. Pursuant to the rules prescribed by the TEC, the TEC Form 1295 must be completed online through the TEC’s website, assigned a certificate number, printed, signed, and provided to the CITY. CITY does not have the ability to verify the information included in a TEC Form 1295.

11. *Chapter 2271 Representation.* If required under Chapter 2271 of the Texas Government Code, each LANDOWNER and DEVELOPER represents and warrants that it or any of its, wholly-owned subsidiary, majority-owned subsidiary, parent company, or affiliate that exists to make a profit, if any, does not boycott Israel and will boycott Israel during the

term of this AGREEMENT. The foregoing verification is made solely to comply with Section 2271.002, Texas Government Code, and to the extent such Section does not contravene applicable federal law. As used in the foregoing verification, “boycott Israel” and “boycott Israel” means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes. LANDOWNERS and DEVELOPERS understand "affiliate" to mean an entity that controls, is controlled by, or is under common control with any LANDOWNER or DEVELOPER and exists to make a profit. This section does not apply to an individual person or a LANDOWNER or a DEVELOPER which is a sole proprietorship and/or which has less than 10 full-time employees.

12. *Chapter 2252 Representation.* If required by Chapter 2252 of the Texas Government Code, each LANDOWNER and DEVELOPER represents and warrants that, neither it, nor any of its wholly-owned subsidiaries, majority-owned subsidiaries, parent companies, or other affiliates that exist to make a profit, if any, are companies identified on a list prepared and maintained by the Texas Comptroller of Public Accounts under Sections 2252.153 or 2270.0201, Texas Government Code, and posted on the following pages of such officer’s internet website:

<https://comptroller.texas.gov/purchasing/docs/sudan-list.pdf>,
<https://comptroller.texas.gov/purchasing/docs/iran-list.pdf>, or
<https://comptroller.texas.gov/purchasing/docs/fto-list.pdf>.

The foregoing representation is made solely to comply with Section 2252.152, Texas Government Code, and to the extent such Section does not contravene federal law and excludes any LANDOWNER or DEVELOPER and each of any LANDOWNER’s or any DEVELOPER’s parent companies, wholly-owned subsidiaries, majority-owned subsidiaries, and other affiliates, if any, that the United States government has affirmatively declared to be excluded from its federal sanctions regime relating to Sudan, Iran or a foreign terrorist organization. LANDOWNERS and DEVELOPERS understand "affiliate" to mean any entity that controls, is controlled by, or is under common control with any LANDOWNER or DEVELOPER and exists to make a profit. This section only applies to a “company”, as defined in Section 2252.151, Texas Government Code, and does not apply to an individual person.

13. *Capacity to Execute Agreement.* Any representatives executing this AGREEMENT on behalf of any other entity, each independently represent, warrant and contract individually that he or she possesses the right and actual authority, as defined by law, to execute this AGREEMENT and thereby fully bind the PARTY represented to the terms and obligations contained herein.
14. *Duties and Obligations.* This AGREEMENT shall be filed in the Hays County deed records for the PROPERTY. Any filing fees shall be paid by DEVELOPERS. This AGREEMENT shall not be binding upon a third-party purchaser of a fully developed and improved

residential lot with a home or any land conveyed to the DISTRICT or a homeowners' association within the PROPERTY, except as otherwise provided in this AGREEMENT.

15. *Counterparts.* To facilitate execution, this AGREEMENT may be executed in any number of counterparts as may be convenient or necessary, and it shall not be necessary that the signatures of all PARTIES hereto be contained on any one counterpart herein. Transmission by facsimile or other electronic format (e.g.PDF via email) shall be deemed to be an original signature.

EXHIBITS:

- EXHIBIT A Legal Description of PROPERTY
- EXHIBIT B Development Plan and Phasing Plan
- EXHIBIT C Petitions for Voluntary Annexation
- EXHIBIT D Written Agreement Regarding Services
- EXHIBIT E Zoning Designations
- EXHIBIT F Parkland and Open Space Plan
- EXHIBIT G Dark Sky Criteria
- EXHIBIT H Private Amenities
- EXHIBIT I Transportation Improvements
- EXHIBIT J Neighborhood Collector Road, Old Black Colony Road and Cole Spring Road Specifications
- EXHIBIT K Petition for Consent to DISTRICT Creation
- EXHIBIT L DISTRICT Consent Ordinance
- EXHIBIT M Water and Wastewater Plan
- EXHIBIT N Zoning Ordinance

EXECUTED by the PARTIES hereto to be effective as of the date first set forth above.

CITY OF BUDA, TEXAS:

By: _____
Kenneth Williams, City Manager

Date: _____

ATTEST:

By: _____
Alicia Ramirez, City Clerk

Date: _____

LANDOWNERS:

Industrial Asphalt, LLC, a Texas Limited Liability Company

By: _____

Title: _____

Date: _____

Fred Trudeau

By: _____

Name: _____

Date: _____

Paula Trudeau

By: _____

Name: _____

Date: _____

For LANDOWNER Industrial Asphalt, LLC

THE STATE OF TEXAS §

COUNTY OF HAYS §

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same as the act of Industrial Asphalt, LLC, a Texas Limited Liability Company, as its _____, for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the ____ day of _____, 20__.

Notary Public, State of Texas
Typed or Printed Name of Notary:

Commission Expires: _____

For LANDOWNER Fred Trudeau

THE STATE OF TEXAS §
COUNTY OF HAYS §

BEFORE ME, the undersigned authority, on this day personally appeared Fred Trudeau, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the ____ day of _____,
20__.

Notary Public, State of Texas
Typed or Printed Name of Notary:

Commission Expires: _____

FOR LANDOWNER Paula Trudeau

THE STATE OF TEXAS §
COUNTY OF HAYS §

BEFORE ME, the undersigned authority, on this day personally appeared Paula Trudeau, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the ____ day of _____,
20__.

Notary Public, State of Texas
Typed or Printed Name of Notary:

Commission Expires: _____

DEVELOPERS:

MERITAGE HOMES OF TEXAS, LLC, an
Arizona limited liability company

By: _____
Name: _____
Title: _____

and

M/I HOMES OF AUSTIN, LLC
an Ohio limited liability company

By: _____
Name: _____
Title: _____

For DEVELOPER Meritage Homes of Texas, LLC

THE STATE OF TEXAS §
COUNTY OF HAYS §

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same as the act of Meritage Homes of Texas, LLC, an Arizona Limited Liability Company, as its _____, for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the ____ day of _____,
20__.

Notary Public, State of Texas
Typed or Printed Name of Notary:

Commission Expires: _____

For DEVELOPER M/I Homes of Austin, LLC

THE STATE OF TEXAS §
COUNTY OF HAYS §

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same as the act of M/I Homes of Aust, LLC, an Ohio Limited Liability Company, as its _____, for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the ____ day of _____,
20__.

Notary Public, State of Texas
Typed or Printed Name of Notary:

Commission Expires: _____

DISTRICT:

Buda Municipal Utility District No. 1.

By: _____

Name:

Title:

Date: _____

Exhibit A
Legal Description of Property
Metes and Bounds
(Combined)

**A METES AND BOUNDS
DESCRIPTION OF A
168.883 ACRE TRACT OF LAND**

BEING a 168.883 acre (7,356,523 square feet) tract of land situated in the Phillip J. Allen Survey, Abstract No. 1, the Steven V. R. Eggleston Survey, Abstract No. 5, and the Hiram Cummings Survey, Abstract No. 108, Hays County, Texas; being all of Lot 1, Block 2 of Scales Subdivision, plat of which is recorded in Volume 14, Page 181 of the Plat Records of Hays County; being a portion of a called 123.670 acre tract of land described in instrument to Fred and Paula Trudeaurecorded in Document No. 15007277 of the Official Public Records of Hays County; and being all of a called 13.72 acre tract described in instrument to Industrial Asphalt LLC recorded in Document No. 13001101 of the Official Public Records of Hays County; and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found at the intersection of the the northerly right-of-way line of County Road No. 148 (Cole Springs Road - variable width) and the westerly line of Old Lane, a non-exclusive access easement and right-of-way recorded in Document No. 17002666 of the Official Public Records of Hays County, marking the southeast corner of a called 26.827 acre tract of land described in instrument to Home Living Hospitality, Inc. recorded in Document No. 15007138 of the Official Public Record of Hays County;

THENCE, departing the northerly right-of-way line of said County Road 148, along the easterly line of said 26.827 acre tract and along the westerly line of said Old Lane the following two (2) courses and distances:
1. North 16°41'21" West, 1284.62 feet to a 1/2-inch iron rod found for corner;
2. North 15°43'45" West, 344.16 feet to a 1/2-inch iron rod found marking the northeast corner of said 26.827 acre tract, same being the southeast corner of a called 5.35 acre tract of land described in instrument to Timothy and Yvette Hunt recorded in Document No. 17002880 of the Official Public Records of Hays County;

THENCE, North 1°19'05" West, 552.69 feet, continuing along the westerly line of said Old Land and along the easterly line of said 5.35 acre tract to a 1" iron pipe found marking the northwest corner of said 123.670 acre tract;

THENCE, along the northerly and westerly lines if said 123.670 acre tract the following three (3) courses and distances:
1. North 88°00'22" East, 1043.62 feet to a point for corner;
2. North 82°37'55" East, 254.87 feet to a 1-inch iron pipe with a cotton spindle inside stamped "PROTECH ENG" found for corner;
3. North 5°28'50" West, 468.59 feet to a 1-inch iron pipe found marking the western-most southwest corner of a called 15.846 acre tract of land described in instrument to Kevin D. Barrow and Margaret Mills-Barrow recorded in Volume 1057, Page 501 of the Official Public Records of Hays County;

THENCE, along the boundary of said 15.846 acre tract the following three (3) courses and distances:
1. South 41°23'59" East, 223.17 feet to a 1/2-inch iron rod found for corner;
2. South 39°36'52" East, 213.56 feet to a 1/4-inch iron rod found for corner;
3. South 39°55'24" East, 304.75 feet to the western-most corner of aforesaid Lot 2;

THENCE, along the northwesterly boundary of said Lot 1, Block 2 the following four (4) courses and distances:
1. North 50°05'21" East, 743.20 feet along the boundary of said 15.846 acre tract to a 1/2-inch iron pipe found for corner;
2. North 8°26'13" West, 102.80 feet continuing along said 15.846 acre tract to a point for corner;
3. North 81°32'51" East, 105.57 feet to a point for corner;
4. North 8°27'09" West, 521.30 feet to the northwestern-most of said Lot 1, Block 2 and the southwest corner of the aforesaid 14 feet wide right-of-way dedication to Old Black Colony Road;

THENCE, North 81°40'24" East, 610.43 feet along said 14 feet wide right-of-way dedication to Old Black Colony Road to a 1/2-inch iron rod (w/cap stamped "CHAPARRAL") found on the southerly right-of-way line of Old Black Colony Road (width varies by occupation) and the northwesterly boundary of that certain 1.66 acre tract described in instrument to Sandra J. Woods recorded in Volume 2381, Page 35 of the Official Public Records of Hays County, marking the northeastern-most corner of said Lot 1, Block 2 and the southeast corner of a 14 feet wide dedication for right-of-way widening recorded in said plat of Scales Subdivision;

THENCE, along the boundary of said 1.66 acre tract the following three (3) courses and distances:
1. South 12°37'09" West, 190.17 feet to a 1/2-inch iron pipe found for corner;
2. North 81°37'18" East, 46.05 feet to a 1/2-inch iron rod found for corner;
3. North 81°05'00" East, 63.95 feet to a 1/2-inch iron pipe found marking the northwestern-most corner of that certain tract described in Final Decree Confirming Partition to Antioch Community Church and recorded in Volume 1462, Page 388 of the Official Public Records of Hays County (from which a 1/2-inch iron pipe found bears North 20° East, 1.9 feet);

DESCRIPTION CONTINUED ON SHEET 2.

ABEL P. STENDAHL
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6754
601 NW LOOP 410, SUITE 350
SAN ANTONIO, TEXAS 78216
PH. 210-541-9166
abel.stendahl@kimley-horn.com



EXHIBIT - 168.883
HIRAM CUMMINGS SURVEY, A-108
PHILLIP J. ALLEN SURVEY, A-1
S.V.R. EGGLESTON SURVEY, A-5
HAYS COUNTY, TEXAS

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

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	APS	JGM	1/22/2020	067783115	1 OF 5

DESCRIPTION CONTINUED FROM SHEET 1.

THENCE, South 7°17'35" West; along the westerly line of said Antioch Community Church Tract, and along the westerly line of three consecutive 2.64 acre tracts of land described in instrument to Daniel Dixon Balboa in Document Nos. 17003376, 17003375, and 17003376 of the Official Public Records of Hays County; at 195.08 feet passing a 1/2-inch iron pipe found, at 340.18 passing an iron rod (w/cap stamped "1908") found; continuing for a total distance of 651.24 feet to a 1/2-iron pipe for corner;

THENCE, South 64°49'15" East, 583.89 feet along said 2.64 acre tract recoded in Document No. 17003376 to point for corner on the northwesterly right-of-way line of aforesaid County Road 148 also known as Cole Springs Road (60 feet wide - dedicated on the plat of aforesaid Scales Subdivision) marking the eastern-most corner of aforesaid Lot 1, Block 2;

THENCE, along said northwesterly right-of-way line the following five (5) courses and distances:

1. South 19°39'18" West, 155.22 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
2. South 17°58'32" West, 231.36 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
3. South 19°04'38" West, 105.24 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
4. South 20°54'32" West, 99.00 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
5. South 22°21'58" West, 21.84 feet to a point for corner on the northeasterly line of the aforesaid 13.72 acre tract at the terminus of said northwesterly right-of-way line of said County Road 148;

THENCE, along the boundary of said 13.72 acre tract the following two (2) courses and distances:

1. South 65°21'54" East, 121.77 feet crossing said County Road 148 to a point for corner in the approximate center line of Onion Creek;
2. South 24°40'27" West, 895.60 feet along said approximate center line of Onion Creek and along the northwesterly boundary of that certain 15.17 acre tract and that certain 7.87 acre tract described in instrument to John Allen Watson Jr. recorded in Volume 1057, Page 529 of the Official Public Records of Hays County, to a point for corner on the northerly line of aforesaid 123.670 acre tract;

THENCE, South 86°32'59" East, 11.82 feet to a point for corner along the northerly line of said 123.670 acre tract to a point for corner in the approximate centerline of Onion Creek;

THENCE, along the approximate centerline of said Onion Creek the following two (2) courses and distances:

1. South 10°45'28" West, 724.67 feet to a point for corner;
2. South 27°37'54" West, 569.45 feet to a point for corner, being the southeast corner of said 123.670 acre tract;

THENCE, North 71°21'40" West, 219.07 feet, departing the approximate centerline of said Onion Creek and along the southerly line of said 123.670 acre tract to a 1/2-inch iron rod (w/cap stamped "KHA") set on the easterly right-of-way line of aforesaid County Road No. 148;

THENCE, along the easterly right-of-way line of said County Road No. 148 the following fourteen (14) courses and distances:

1. North 75°56'09" East, 88.89 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
2. North 45°58'48" East, 33.84 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
3. North 37°08'11" East, 13.43 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
4. North 36°33'06" East, 160.44 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
5. North 32°11'28" East, 65.28 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
6. in a northeasterly direction, along a non-tangent curve to the left, a central angle of 7°26'36", a radius of 478.46 feet, a chord bearing and distance of North 24°39'28" East, 62.11 feet, and a total arc length of 62.16 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
7. North 19°56'09" East, 71.85 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
8. North 18°00'43" East, 75.81 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
9. North 13°54'26" East, 25.70 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
10. North 4°54'46" East, 164.99 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
11. North 5°46'18" East, 102.42 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
12. in a northeasterly direction, along a non-tangent curve to the right, a central angle of 3°08'32", a radius of 3619.10 feet, a chord bearing and distance of North 7°30'43" East, 198.45 feet, and a total arc length of 198.47 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
13. North 11°18'17" East, 157.67 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
14. in a northeasterly direction, along a non-tangent curve to the right, a central angle of 30°24'00", a radius of 164.12 feet, a chord bearing and distance of North 23°27'23" East, 86.05 feet, and a total arc length of 87.07 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set on the southwesterly line of aforesaid 13.72 acre tract;

DESCRIPTION CONTINUED ON SHEET 3.

ABEL P. STENDAHL
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6754
601 NW LOOP 410, SUITE 350
SAN ANTONIO, TEXAS 78216
PH. 210-541-9166
abel.stendahl@kimley-horn.com



EXHIBIT - 168.883

HIRAM CUMMINGS SURVEY, A-108
PHILLIP J. ALLEN SURVEY, A-1
S.V.R. EGGLESTON SURVEY, A-5
HAYS COUNTY, TEXAS

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www.kimley-horn.com

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N/A	APS	JGM	1/22/2020	067783115	2 OF 5

DESCRIPTION CONTINUED FROM SHEET 2.

THENCE, North 39°41'03" West, 19.59 feet along the southwesterly line of aforesaid 13.72 acre tract to a o a PK-Nail (w/shiner stamped "KHA") set in asphalt at the approximate center line of said C.R. 148, marking the southern-most corner of that certain tract described in Quit Claim Deed to Velma Reveda, recorded in Volume 2236, Page 445 of the Official Public Records of Hays County;

THENCE, along the boundary of said Velma Reveda tract the following three (3) courses and distances:

- 1. North 40°00'00" East, 118.73 feet to a PK-Nail (w/shiner stamped "KHA") set in asphalt for corner;
- 2. North 23°21'04" East, 87.91 feet to a PK-Nail (w/shiner stamped "KHA") set in asphalt for corner;
- 3. North 42°12'29" West, 19.87 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set marking the southern-most corner of that certain 1.5 acre tract described in instrument to Loyce Reveda Graves recorded in Document No. 1702044 of the Official Public Records of Hays County;

THENCE, along the boundary of the said 1.5 acre tract the following five (5) course and distances:

- 1. North 20°20'38" East, 82.37 feet to a 1/2-inch iron rod found for corner;
- 2. North 32°39'53" East, 279.63 feet to a 1/2-inch iron rod found for corner;
- 3. North 57°22'53" West, 172.88 feet to a 1/2-inch iron rod found for corner;
- 4. South 41°55'46" West, 266.24 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- 5. South 17°49'14" West, 38.50 feet to a 1/2-inch iron pipe found for corner on the Northeasterly boundary of aforesaid Velma Reveda tract;

THENCE, North 57°24'00" West, 253.37 feet along the said Reveda tract to a 1/2-inch iron pipe found for corner;

THENCE, South 46°27'20" West, 108.06 feet continuing along the said Reveda tract to a 1/2-inch iron pipe found for corner on the northeasterly boundary of the aforesaid 123.670 acre tract;

THENCE, along the northeasterly boundary of said 123.670 acre tract the following two (2) courses and distances:

- 1. South 39°55'24" East, 277.46 feet to a 1/2-inch iron pipe found for corner;
- 2. South 39°42'51" East, 247.63 feet to an iron rod with a plastic cap stamped "ZWA" found on the westerly right-of-way line of aforesaid County Road No. 148 (40 feet wide at this point);

THENCE, along the westerly and northerly right-of-way lines of said County Road No. 148 the following eighteen (18) courses and distances:

- 1. in a southwesterly direction, along a non-tangent curve to the left, a central angle of 32°23'11", a radius of 204.12 feet, a chord bearing and distance of South 24°45'59" West, 113.85 feet, and a total arc length of 115.38 feet to a point for corner;
- 2. South 11°18'17" West, 157.44 feet to a point for corner;
- 3. in a southwesterly direction, along a non-tangent curve to the left, a central angle of 3°09'19", a radius of 3659.10 feet, a chord bearing and distance of South 7°31'03" West, 201.48 feet, and a total arc length of 201.51 feet to a point for corner;
- 4. South 5°46'18" West, 102.78 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- 5. South 4°54'46" West, 162.14 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- 6. South 13°54'26" West, 21.12 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- 7. South 18°00'43" West, 73.70 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- 8. South 19°56'09" West, 70.82 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- 9. in a southwesterly direction, along a non-tangent curve to the right, a central angle of 7°13'43", a radius of 438.46 feet, a chord bearing and distance of South 24°35'42" West, 55.28 feet, and a total arc length of 55.32 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- 10. South 32°11'28" West, 62.40 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- 11. South 36°33'06" West, 158.71 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- 12. South 37°08'11" West, 10.13 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- 13. South 45°58'48" West, 20.05 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- 14. South 75°56'09" West, 90.66 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- 15. North 78°52'35" West, 49.70 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- 16. North 75°51'36" West, 260.32 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- 17. North 71°21'40" West, 800.64 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- 18. North 89°33'45" West, 813.70 feet to the **POINT OF BEGINNING**, and containing 168.883 acres of land in Hays County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System Grid, South Central Zone (FIPS 4204) (NAD'83). All distances are on the Grid and shown in U.S. Survey Feet. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.

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AS
 1/22/20

EXHIBIT - 168.883
 HIRAM CUMMINGS SURVEY, A-108
 PHILLIP J. ALLEN SURVEY, A-1
 S.V.R. EGGLESTON SURVEY, A-5
 HAYS COUNTY, TEXAS

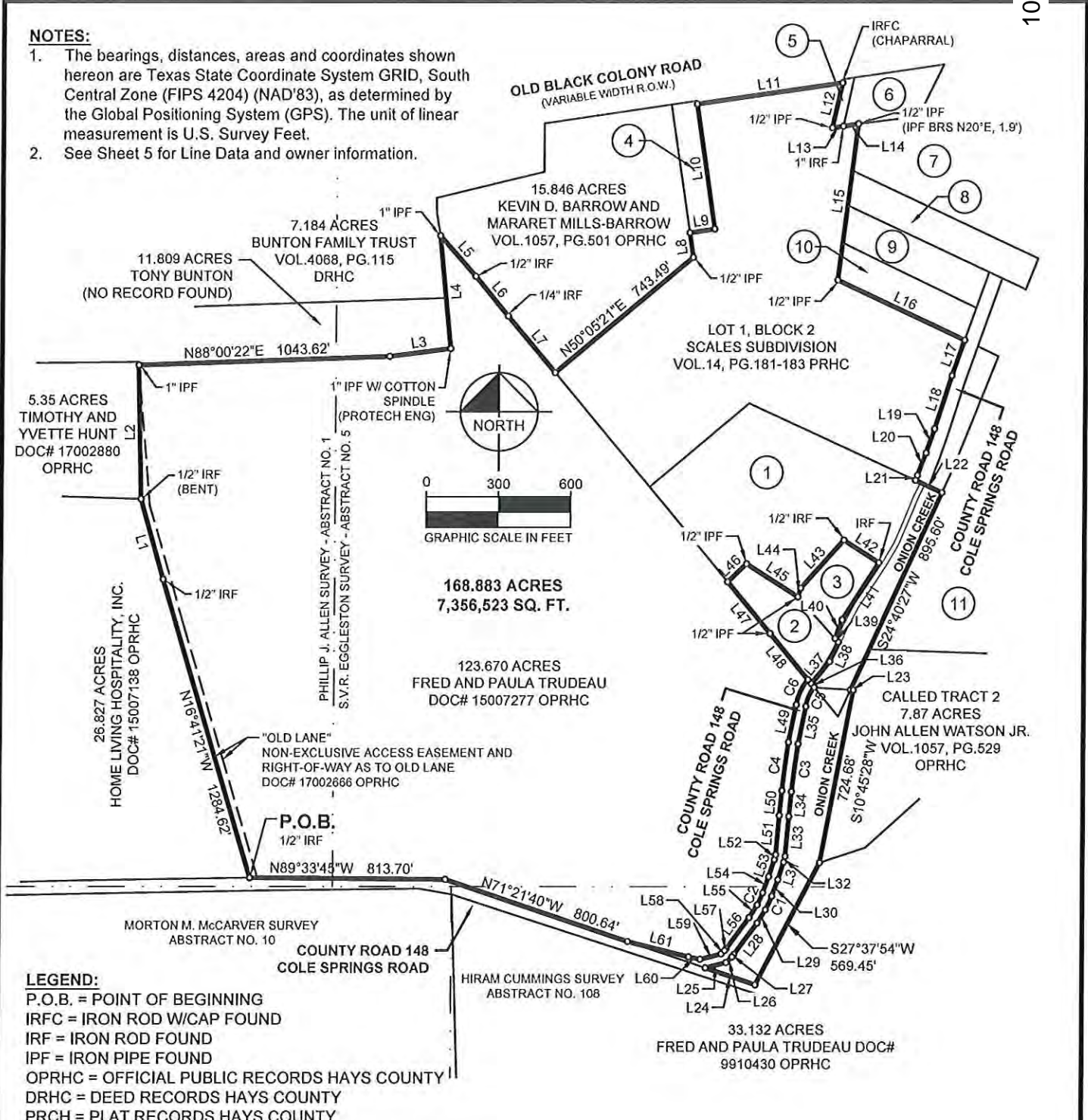
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	APS	JGM	1/22/2020	067783115	3 OF 5

NOTES:

1. The bearings, distances, areas and coordinates shown hereon are Texas State Coordinate System GRID, South Central Zone (FIPS 4204) (NAD'83), as determined by the Global Positioning System (GPS). The unit of linear measurement is U.S. Survey Feet.
2. See Sheet 5 for Line Data and owner information.



LEGEND:

- P.O.B. = POINT OF BEGINNING
- IRFC = IRON ROD W/CAP FOUND
- IRF = IRON ROD FOUND
- IPF = IRON PIPE FOUND
- OPRHC = OFFICIAL PUBLIC RECORDS HAYS COUNTY
- DRHC = DEED RECORDS HAYS COUNTY
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 600'	APS	JGM	1/22/2020	067783115	4 OF 5

- 1 CALLED 13.72 ACRES
(BEING 15.84 ACRES
SAVE & EXCEPT 2.12 ACRES IN
VOL.209, PG.236 DR)
INDUSTRIAL ASPHALT, LLC
DOC# 13001101 OPRHC
- 2 QUIT CLAIM DEED
(NO DESCRIPTION)
VELMA REVEDA
VOL.2236, PG.445 OPRHC
(NO METES & BOUNDS)
- 3 CALLED 1.5 ACRES
LOYCE REVEDA GRAVES
DOC# 1702044 OPRHC
- 4 CALLED 35.818 ACRES
GLADYS M. SCALES FELDER DOC#
70018496 OPRHC
(REMAINDER)
- 5 CALLED 1 ACRE
DOVIE BUNTON
VOL.350, PG.798
PRHC
- 6 1.66 OR 2.00 ACRES
SANDRA J. WOODS
VOL.2381, PG.35 OPRHC
- 7 ANTIOCH COMMUNITY CHURCH
VOL.1462, PG.388 OPRHC
- 8 2.64 ACRES
DANIEL DIXON BALBOA
DOC# 17003374 OPRHC
(METES & BOUNDS FROM DOC#
70030439)
- 9 CALLED 2.64 ACRES
DANIEL DIXON BALBOA
DOC#17003375 OPRHC
- 10 CALLED 2.64 ACRES
DANIEL DIXON BALBOA
DOC#17003376 OPRHC
- 11 CALLED TRACT 1 - 15.17 ACRES
JOHN ALLEN WATSON JR.
VOL.1057, PG.529 OPRHC

LINE TABLE			LINE TABLE		
NO.	BEARING	LENGTH	NO.	BEARING	LENGTH
L1	N15°43'45"W	344.16'	L32	N13°54'26"E	25.70'
L2	N01°19'05"W	552.69'	L33	N04°54'46"E	164.99'
L3	N82°37'55"E	254.87'	L34	N05°46'18"E	102.42'
L4	N05°28'50"W	468.59'	L35	N11°18'17"E	157.67'
L5	S41°23'59"E	223.17'	L36	N39°41'03"W	19.59'
L6	S39°36'52"E	213.56'	L37	N40°00'00"E	118.73'
L7	S39°55'24"E	304.75'	L38	N23°21'04"E	87.91'
L8	N08°26'13"W	102.80'	L39	N42°12'29"W	19.87'
L9	N81°32'51"E	105.57'	L40	N20°20'38"E	82.37'
L10	N08°27'09"W	521.30'	L41	N32°39'53"E	279.63'
L11	N81°40'24"E	610.43'	L42	N57°22'53"W	172.88'
L12	S12°37'09"W	190.17'	L43	S41°55'46"W	266.24'
L13	N81°37'18"E	46.05'	L44	S17°49'14"W	38.50'
L14	N81°05'00"E	63.95'	L45	N57°24'00"W	253.37'
L15	S07°17'35"W	651.24'	L46	S46°27'20"W	108.13'
L16	S64°49'15"E	583.89'	L47	S39°55'24"E	277.46'
L17	S19°39'18"W	155.22'	L48	S39°42'51"E	247.63'
L18	S17°58'32"W	231.36'	L49	S11°18'17"W	157.44'
L19	S19°04'38"W	105.24'	L50	S05°46'18"W	102.78'
L20	S20°54'32"W	99.00'	L51	S04°54'46"W	162.14'
L21	S22°21'58"W	21.84'	L52	S13°54'26"W	21.12'
L22	S65°21'54"E	121.77'	L53	S18°00'43"W	73.70'
L23	S86°32'59"E	11.82'	L54	S19°56'09"W	70.82'
L24	N71°21'40"W	219.07'	L55	S32°11'28"W	62.40'
L25	N75°56'09"E	88.89'	L56	S36°33'06"W	158.71'
L26	N45°58'48"E	33.84'	L57	S37°08'11"W	10.13'
L27	N37°08'11"E	13.43'	L58	S45°58'48"W	20.05'
L28	N36°33'06"E	160.44'	L59	S75°56'09"W	90.66'
L29	N32°11'28"E	65.28'	L60	N78°52'35"W	49.70'
L30	N19°56'09"E	71.85'	L61	N75°51'36"W	260.32'
L31	N18°00'43"E	75.81'			

CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	7°26'36"	478.46'	62.16'	N24°39'28"E	62.11'
C2	7°13'43"	438.46'	55.32'	S24°35'42"W	55.28'
C3	3°08'32"	3619.10'	198.47'	N07°30'43"E	198.45'
C4	3°09'19"	3659.10'	201.51'	S07°31'03"W	201.48'
C5	30°24'00"	164.10'	87.07'	N23°27'23"E	86.05'
C6	32°23'23"	204.10'	115.38'	S24°45'59"W	113.85'

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EXHIBIT - 168.883
HIRAM CUMMINGS SURVEY, A-108
PHILLIP J. ALLEN SURVEY, A-1
S.V.R. EGGLESTON SURVEY, A-5
HAYS COUNTY, TEXAS

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	APS	JGM	1/22/2020	067783115	5 OF 5

Legal Description of Property
Metes and Bounds
(Separate Tracts)

**TRACT 1:
A METES AND BOUNDS
DESCRIPTION OF A
117.943 ACRE TRACT OF LAND**

BEING a 117.943 acre (5,137,584 square feet) tract of land situated in the Phillip J. Allen Survey, Abstract No. 1, the Steven V. R. Eggleston Survey, Abstract No. 5, and the Hiram Cummings Survey, Abstract No. 108, Hays County, Texas; and being a portion of a called 123.670 acre tract of land described in instrument to Fred and Paula Trudeau recorded in Document No. 15007277 of the Official Public Records of Hays County; and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found at the intersection of the the northerly right-of-way line of County Road No. 148 (Cole Springs Road - variable width) and the westerly line of Old Lane, a non-exclusive access easement and right-of-way recorded in Document No. 17002666 of the Official Public Records of Hays County, marking the southeast corner of a called 26.827 acre tract of land described in instrument to Home Living Hospitality, Inc. recorded in Document No. 15007138 of the Official Public Record of Hays County;

THENCE, departing the northerly right-of-way line of said County Road 148, along the easterly line of said 26.827 acre tract and along the westerly line of said Old Lane the following two (2) courses and distances:

- 1. North 16°41'21" West, 1284.62 feet to a 1/2-inch iron rod found for corner;
- 2. North 15°43'45" West, 344.16 feet to a 1/2-inch iron rod found marking the northeast corner of said 26.827 acre tract, same being the southeast corner of a called 5.35 acre tract of land described in instrument to Timothy and Yvette Hunt recorded in Document No. 17002880 of the Official Public Records of Hays County;

THENCE, North 1°19'05" West, 552.69 feet, continuing along the westerly line of said Old Land and along the easterly line of said 5.35 acre tract to a 1" iron pipe found marking the northwest corner of said 123.670 acre tract;

THENCE, along the northerly and westerly lines if said 123.670 acre tract the following three (3) courses and distances:

- 1. North 88°00'22" East, 1043.62 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 2. North 82°37'55" East, 254.87 feet to a 1-inch iron pipe with a cotton spindle inside stamped "PROTECH ENG" found for corner;
- 3. North 5°28'50" West, 468.59 feet to a 1-inch iron pipe found marking the western-most southwest corner of a called 15.846 acre tract of land described in instrument to Kevin D. Barrow and Margaret Mills-Barrow recorded in Volume 1057, Page 501 of the Official Public Records of Hays County;

THENCE, along the southwesterly line of said 15.846 acre tract the following two (2) courses and distances:

- 1. South 41°23'59" East, 223.17 feet to a 1/2-inch iron rod found for corner;
- 2. South 39°36'52" East, 213.56 feet to a 1/4-inch iron rod found for corner;

THENCE, South 39°55'24" East, 1707.60 feet, along the southwesterly lines of said 15.846 acre tract, Lot 1, Block 2 of Scales Subdivision, plat of which is recorded in Volume 14, Pages 181-183 of the Plat Records of Hays County, a called 13.72 acre tract of land described in instrument to Industrial Asphalt, LLC recorded in Document No. 13001101 of the Official Public Records of Hays County, and a tract of land described in instrument to Velma Reveda recorded in Volume 2236, Page 445 of the Official Public Records of Hays County, to a 1/2-inch iron pipe found for corner;

THENCE, South 39°42'51" East, 247.63 feet, continuing along the southwesterly line of said Reveda tract to an iron rod with a plastic cap stamped "ZWA" found on the westerly right-of-way line of aforesaid County Road No. 148 (40 feet wide at this point);

DESCRIPTION CONTINUED ON SHEET 2.

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EXHIBIT
TRACT 1 - 117.943 ACRES
TRACT 2 - 4.435 ACRES
HIRAM CUMMINGS SURVEY, A-108
PHILLIP J. ALLEN SURVEY, A-1
S.V.R. EGGLESTON SURVEY, A-5
HAYS COUNTY, TEXAS

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	APS	JGM	1/23/2020	057783115	1 OF 5

DESCRIPTION CONTINUED FROM SHEET 1.

THENCE, along the westerly and northerly right-of-way lines of said County Road No. 148 the following eighteen (18) courses and distances:

1. in a southwesterly direction, along a non-tangent curve to the left, a central angle of 32°23'11", a radius of 204.12 feet, a chord bearing and distance of South 24°45'59" West, 113.85 feet, and a total arc length of 115.38 feet to a point for corner;
2. South 11°18'17" West, 157.44 feet to a point for corner;
3. in a southwesterly direction, along a non-tangent curve to the left, a central angle of 3°09'19", a radius of 3659.10 feet, a chord bearing and distance of South 7°31'03" West, 201.48 feet, and a total arc length of 201.51 feet to a point for corner;
4. South 5°46'18" West, 102.78 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
5. South 4°54'46" West, 162.14 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
6. South 13°54'26" West, 21.12 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
7. South 18°00'43" West, 73.70 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
8. South 19°56'09" West, 70.82 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
9. in a southwesterly direction, along a non-tangent curve to the right, a central angle of 7°13'43", a radius of 438.46 feet, a chord bearing and distance of South 24°35'42" West, 55.28 feet, and a total arc length of 55.32 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
10. South 32°11'28" West, 62.40 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
11. South 36°33'06" West, 158.71 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
12. South 37°08'11" West, 10.13 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
13. South 45°58'48" West, 20.05 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
14. South 75°56'09" West, 90.66 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
15. North 78°52'35" West, 49.70 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
16. North 75°51'36" West, 260.32 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
17. North 71°21'40" West, 800.64 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
18. North 89°33'45" West, 813.70 feet to the **POINT OF BEGINNING**, and containing 117.943 acres of land in Hays County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System Grid, South Central Zone (FIPS 4204) (NAD'83). All distances are on the Grid and shown in U.S. Survey Feet. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.

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Handwritten signature and date: 1/23/20

EXHIBIT
TRACT 1 - 117.943 ACRES
TRACT 2 - 4.435 ACRES
 HIRAM CUMMINGS SURVEY, A-108
 PHILLIP J. ALLEN SURVEY, A-1
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	APS	JGM	1/23/2020	067783115	2 OF 5

**TRACT 2:
A METES AND BOUNDS
DESCRIPTION OF A
4.435 ACRE TRACT OF LAND**

BEING a 4.435 acre (193,176 square feet) tract of land situated in the Steven V. R. Eggleston Survey, Abstract No. 3, and the Hiram Cummings Survey, Abstract No. 108, Hays County, Texas; and being a portion of a called 123.670 acre tract of land described in instrument to Fred and Paula Trudeau recorded in Document No. 15007277 of the Official Public Records of Hays County; and being more particularly described as follows:

BEGINNING at a 60D Nail found on the easterly right-of-way line of County Road No. 148 (Cole Springs Road - 40 feet wide) marking the southern-most southwest corner of a called 13.72 acre tract of land described in instrument to Industrial Asphalt, LLC recorded in Document No. 13001101 of the Official Public Records of Hays County;

THENCE, South 86°30'08" East, 161.61 feet along the northerly line of said 123.670 acre tract to a point for corner in the approximate centerline of Onion Creek;

THENCE, along the approximate centerline of said Onion Creek the following two (2) courses and distances:

- 1. South 10°45'28" West, 724.67 feet to a point for corner;
- 2. South 27°37'54" West, 569.45 feet to a point for corner, being the southeast corner of said 123.670 acre tract;

THENCE, North 71°21'40" West, 219.07 feet, departing the approximate centerline of said Onion Creek and along the southerly line of said 123.670 acre tract to a 1/2-inch iron rod with a plastic cap stamped "KHA" set on the easterly right-of-way line of aforesaid County Road No. 148;

THENCE, along the easterly right-of-way line of said County Road No. 148 the following fourteen (14) courses and distances:

- 1. North 75°56'09" East, 88.89 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 2. North 45°58'48" East, 33.84 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 3. North 37°08'11" East, 13.43 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 4. North 36°33'06" East, 160.44 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 5. North 32°11'28" East, 65.28 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 6. in a northeasterly direction, along a non-tangent curve to the left, a central angle of 7°26'36", a radius of 478.46 feet, a chord bearing and distance of North 24°39'28" East, 62.11 feet, and a total arc length of 62.16 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 7. North 19°56'09" East, 71.85 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 8. North 18°00'43" East, 75.81 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 9. North 13°54'26" East, 25.70 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 10. North 4°54'46" East, 164.99 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 11. North 5°46'18" East, 102.42 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 12. in a northeasterly direction, along a non-tangent curve to the right, a central angle of 3°08'32", a radius of 3619.10 feet, a chord bearing and distance of North 7°30'43" East, 198.45 feet, and a total arc length of 198.47 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 13. North 11°18'17" East, 157.67 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 14. in a northeasterly direction, along a non-tangent curve to the right, a central angle of 30°24'00", a radius of 164.12 feet, a chord bearing and distance of North 23°27'29" East, 86.06 feet, and a total arc length of 87.08 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set on the southwesterly line of aforesaid 13.72 acre tract;

THENCE, South 39°42'51" East, 1.67 feet to the **POINT OF BEGINNING**, and containing 4.435 acres of land in Hays County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System Grid, South Central Zone (FIPS 4204) (NAD'83). All distances are on the Grid and shown in U.S. Survey Feet. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.

EXHIBIT

**TRACT 1 - 117.943 ACRES
TRACT 2 - 4.435 ACRES**

HIRAM CUMMINGS SURVEY, A-108
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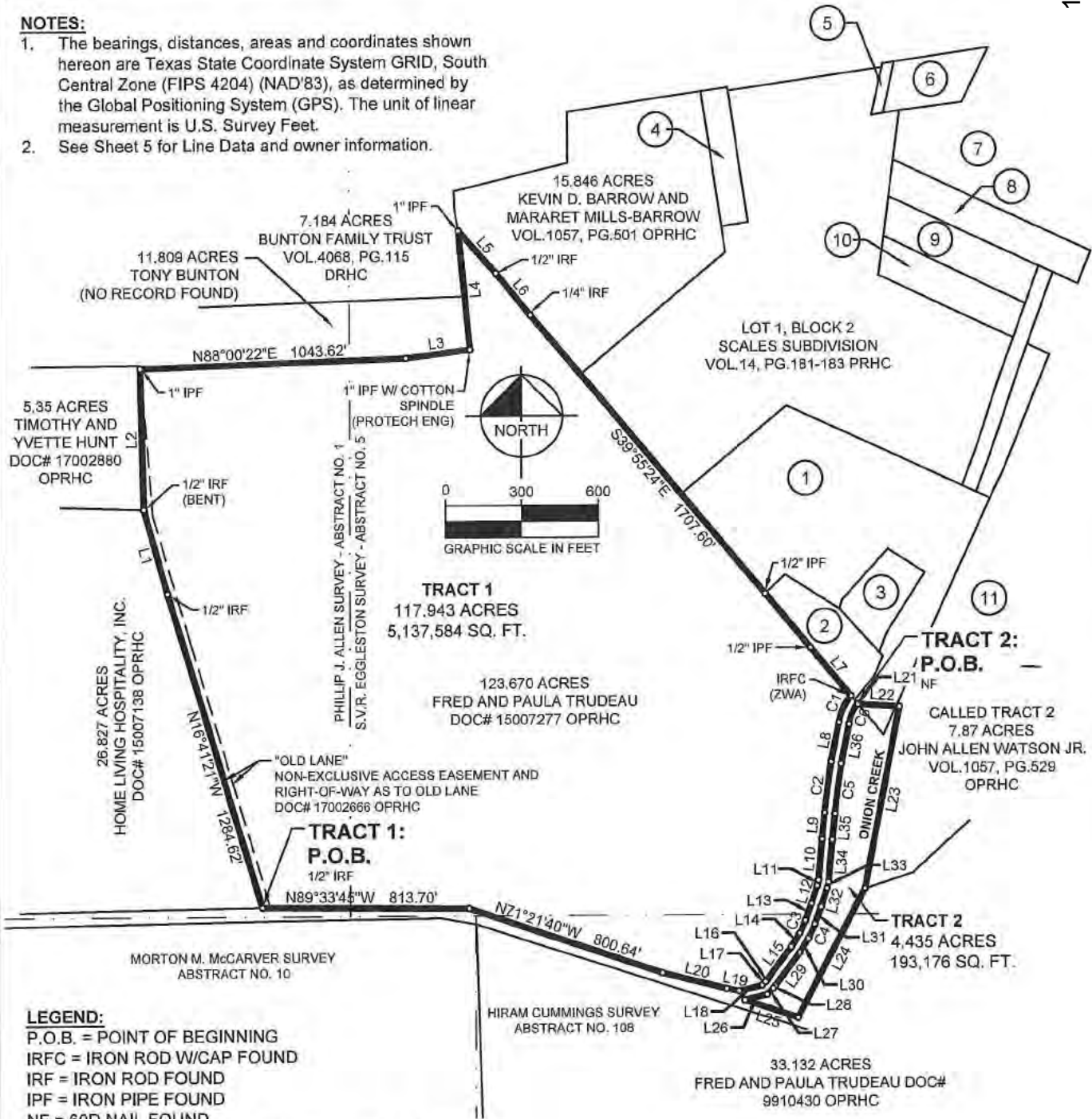
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	APS	JGM	1/23/2020	067783115	3 OF 5

NOTES:

1. The bearings, distances, areas and coordinates shown hereon are Texas State Coordinate System GRID, South Central Zone (FIPS 4204) (NAD'83), as determined by the Global Positioning System (GPS). The unit of linear measurement is U.S. Survey Feet.
2. See Sheet 5 for Line Data and owner information.



LEGEND:

- P.O.B. = POINT OF BEGINNING
- IRFC = IRON ROD W/CAP FOUND
- IRF = IRON ROD FOUND
- IPF = IRON PIPE FOUND
- NF = 60D NAIL FOUND
- OPRHC = OFFICIAL PUBLIC RECORDS HAYS COUNTY
- DRHC = DEED RECORDS HAYS COUNTY
- PRCH = PLAT RECORDS HAYS COUNTY



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TRACT 1 - 117.943 ACRES
TRACT 2 - 4.435 ACRES

HIRAM CUMMINGS SURVEY, A-108
 PHILLIP J. ALLEN SURVEY, A-1
 S.V.R. EGGLESTON SURVEY, A-5
 HAYS COUNTY, TEXAS

Kimley»Horn

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

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 600'	APS	JGM	1/23/2020	067783115	4 OF 5

1 CALLED 13.72 ACRES
(BEING 15.84 ACRES
SAVE & EXCEPT 2.12 ACRES IN
VOL.209, PG.236 DR)
INDUSTRIAL ASPHALT , LLC
DOC# 13001101 OPRHC

2 QUIT CLAIM DEED
(NO DESCRIPTION)
VELMA REVEDA
VOL.2236, PG.445 OPRHC
(NO METES & BOUNDS)

3 CALLED 1.5 ACRES
LOYCE REVEDA GRAVES
DOC# 1702044 OPRHC

4 CALLED 35.818 ACRES
GLADYS M. SCALES FELDER DOC#
70018496 OPRHC
(REMAINDER)

5 CALLED 1 ACRE
DOVIE BUNTON
VOL.350, PG.798
PRHC

6 1.66 OR 2.00 ACRES
SANDRA J. WOODS
VOL.2381, PG.35 OPRHC

7 ANTIOCH COMMUNITY CHURCH
VOL.1462, PG.388 OPRHC

8 2.64 ACRES
DANIEL DIXON BALBOA
DOC# 17003374 OPRHC
(METES & BOUNDS FROM DOC#
70030439)

9 CALLED 2.64 ACRES
DANIEL DIXON BALBOA
DOC#17003375 OPRHC

10 CALLED 2.64 ACRES
DANIEL DIXON BALBOA
DOC#17003376 OPRHC

11 CALLED TRACT 1 - 15.17 ACRES
JOHN ALLEN WATSON JR.
VOL.1057, PG.529 OPRHC

LINE TABLE			LINE TABLE		
NO.	BEARING	LENGTH	NO.	BEARING	LENGTH
L1	N15°43'45"W	344.16'	L19	N78°52'35"W	49.70'
L2	N01°19'05"W	552.69'	L20	N75°51'36"W	260.32'
L3	N82°37'55"E	254.87'	L21	S39°42'51"E	1.67'
L4	N05°28'50"W	468.59'	L22	S86°30'08"E	161.61'
L5	S41°23'59"E	223.17'	L23	S10°45'28"W	724.67'
L6	S39°36'52"E	213.56'	L24	S27°37'54"W	569.45'
L7	S39°42'51"E	247.63'	L25	N71°21'40"W	219.07'
L8	S11°18'17"W	157.44'	L26	N75°56'09"E	88.89'
L9	S05°46'18"W	102.78'	L27	N45°58'48"E	33.84'
L10	S04°54'46"W	162.14'	L28	N37°08'11"E	13.43'
L11	S13°54'26"W	21.12'	L29	N36°33'06"E	160.44'
L12	S18°00'43"W	73.70'	L30	N32°11'28"E	65.28'
L13	S19°56'09"W	70.82'	L31	N19°56'09"E	71.85'
L14	S32°11'28"W	62.40'	L32	N18°00'43"E	75.81'
L15	S36°33'06"W	158.71'	L33	N13°54'26"E	25.70'
L16	S37°08'11"W	10.13'	L34	N04°54'46"E	164.99'
L17	S45°58'48"W	20.05'	L35	N05°46'18"E	102.42'
L18	S75°58'09"W	90.66'	L36	N11°18'17"E	157.67'

CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	32°23'11"	204.12'	115.38'	S24°45'59"W	113.85'
C2	3°09'19"	3659.10'	201.51'	S07°31'03"W	201.48'
C3	7°13'43"	438.46'	55.32'	S24°35'42"W	55.28'
C4	7°26'36"	478.46'	62.16'	N24°39'28"E	62.11'
C5	3°08'32"	3619.10'	198.47'	N07°30'43"E	198.45'
C6	30°24'00"	164.12'	87.08'	N23°27'29"E	86.06'

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EXHIBIT
TRACT 1 - 117.943 ACRES
TRACT 2 - 4.435 ACRES
HIRAM CUMMINGS SURVEY, A-108
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	APS	JGM	1/23/2020	067783115	5 OF 5

**A METES AND BOUNDS
DESCRIPTION OF A
46.505 ACRE TRACT OF LAND**

BEING a 46.505 acre (2,034,763 square feet) tract of land located in the S.V.R. Eggleston Survey, Abstract No. 5, Hays County, Texas; containing all of Lot 1, Block 2 of Scales Subdivision, plat of which is recorded in Volume 14, Page 181 of the Plat Records of Hays County; said Lot 1, Block 2 also being described in instrument to Industrial Asphalt LLC, recorded in Document No. 13000534 of the Official Public Records of Hays County; also containing all of that certain 13.72 acre tract described in instrument to Industrial Asphalt LLC, recorded in Document No. 13001101 of the Official Public Records; and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod (w/cap stamped "CHAPARRAL") found on the southerly right-of-way line of Old Black Colony Road (width varies by occupation) and the northwesterly boundary of that certain 1.66 acre tract described in instrument to Sandra J. Woods recorded in Volume 2381, Page 35 of the Official Public Records of Hays County, marking the northeastern-most corner of said Lot 1, Block 2 and the southeast corner of a 14 feet wide dedication for right-of-way widening recorded in said plat of Scales Subdivision;

THENCE, along the boundary of the said 1.66 acre tract the following three (3) courses and distances:

1. South 12°37'09" West, 190.17 feet to a 1/2-inch iron pipe found for corner;
2. North 81°37'18" East, 46.05 feet to a 1/2-inch iron rod found for corner;
3. North 81°05'00" East, 63.95 feet to a 1/2-inch iron pipe found marking the northwestern-most corner of that certain tract described in Final Decree Confirming Partition to Antioch Community Church and recorded in Volume 1462, Page 388 of the Official Public Records of Hays County (from which a 1/2-inch iron pipe found bears North 20° East, 1.9 feet);

THENCE, South 7°17'35" West; along the westerly line of the said Antioch Community Church Tract, and along the westerly line of three consecutive 2.64 acre tracts of land described in instrument to Daniel Dixon Balboa in Document Nos. 17003376, 17003375, and 17003376 of the Official Public Records of Hays County; at 195.08 feet passing a 1/2-inch iron pipe found, at 340.18 passing an iron rod (w/cap stamped "1908") found; continuing for a total distance of 651.24 feet to a 1/2-iron pipe for corner;

THENCE, South 64°49'15" East, 583.89 feet along the said 2.64 acre tract recoded in Document No. 17003376 to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner on the northwesterly right-of-way line of County Road 148 (C.R. 148) also known as Cole Springs Road (60 feet wide - dedicated on the plat of aforesaid Scales Subdivision) marking the eastern-most corner of aforesaid Lot 1, Block 2;

THENCE, along the said northwesterly right-of-way line the following five (5) courses and distances:

1. South 19°39'18" West, 155.22 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
2. South 17°58'32" West, 231.36 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
3. South 19°04'38" West, 105.24 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
4. South 20°54'32" West, 99.00 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
5. South 22°21'58" West, 21.84 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner on the northeasterly line of the aforesaid 13.72 acre tract at the terminus of said northwesterly right-of-way line of said C.R. 148

THENCE, along the boundary of the said 13.72 acre tract the following two (2) courses and distances

1. South 65°21'54" East, 121.77 feet crossing said C.R. 148 to a point for corner in the approximate center line of Onion Creek;
2. South 24°40'27" West, 895.60 feet along the said approximate center line of Onion Creek and along the northwesterly boundary of that certain 15.17 acre tract and that certain 7.87 acre tract described in instrument to John Allen Watson Jr. recorded in Volume 1057, Page 529 of the Official Public Records of Hays County, to a point for corner on the northerly line of a that certain 123.670 acre tract described in instrument to Fred and Paula Trudeau recorded in Document No. 15007277 of the Official Public Records of Hays County;

THENCE, along the northerly line of said 123.670 acre tract the following two (2) courses and distances:

1. North 86°30'08" West, at 149.80 feet to a 60D Nail found marking the northeastern-most corner of that certain 1.296 acre "save and except" tract dedicated for said C.R.148 out of a 123.670 acre tract described in instrument to Fred and Paula Trudeau, recorded in Document Number 15007277 of the Official Public Records of Hays County;
2. North 39°42'51" West, 21.26 feet to a PK-Nail (w/shiner stamped "KHA") set in asphalt at the approximate center line of said C.R. 148, marking the southern-most corner of that certain tract described in Quit Claim Deed to Velma Reveda, recorded in Volume 2236, Page 445 of the Official Public Records of Hays County;

DESCRIPTION CONTINUED ON SHEET 2.

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[Handwritten Signature]
1/23/20

EXHIBIT - 46.505 ACRES
S.V.R. EGGLESTON SURVEY, A-5
HAYS COUNTY, TEXAS

Kimley»Horn

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	APS	JGM	1/23/2020	067783115	1 OF 4

DESCRIPTION CONTINUED FROM SHEET 1.

THENCE, along the boundary of said Velma Reveda tract the following three (3) courses and distances:

- 1. North 40°00'00" East, 118.72 feet to a PK-Nail (w/shiner stamped "KHA") set in asphalt for corner;
- 2. North 23°21'04" East, 87.91 feet to a PK-Nail (w/shiner stamped "KHA") set in asphalt for corner;
- 3. North 42°12'29" West, 19.87 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set marking the southern-most corner of that certain 1.5 acre tract described in instrument to Loyce Reveda Graves recorded in Document No. 1702044 of the Official Public Records of Hays County;

THENCE, along the boundary of the said 1.5 acre tract the following five (5) course and distances:

- 1. North 20°20'38" East, 82.37 feet to a 1/2-inch iron rod found for corner;
- 2. North 32°39'53" East, 279.63 feet to a 1/2-inch iron rod found for corner;
- 3. North 57°22'53" West, 172.88 feet to a 1/2-inch iron rod found for corner;
- 4. South 41°55'46" West, 266.24 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- 5. South 17°49'14" West, 38.50 feet to a 1/2-inch iron pipe found for corner on the Northeasterly boundary of aforesaid Velma Reveda tract;

THENCE, North 57°24'00" West, 253.37 feet along the said Reveda tract to a 1/2-inch iron pipe found for corner;

THENCE, South 46°27'20" West, 108.06 feet continuing along the said Reveda tract to a 1/2-inch iron pipe found for corner on the northeasterly boundary of the aforesaid 123.670 acre tract;

THENCE, North 39°54'44" West; at 510.29 feet passing a 1/2-inch iron pipe found marking the westerly corner of the aforesaid 13.72 acre tract and the southwestern-most corner of aforesaid Lot 1, Block 2; continuing for a total distances of 1125.39 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set marking the westerly corner of that certain 15.846 acre tract described in instrument to Keven D. Barrow recorded in Volume 1057, Page 501 of the Official Public Records of Hays County;

THENCE, along the northwesterly boundary of said Lot 1, Block 2 the following four (4) courses and distances:

- 1. North 50°05'21" East, 743.20 feet along the boundary of the said 15.846 acre tract to a 1/2-inch iron pipe found for corner;
- 2. North 8°26'13" West, 102.80 feet continuing along the said 15.846 acre tract to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- 3. North 81°32'51" East, 105.57 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- 4. North 8°27'09" West, 521.30 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set marking the northwestern-most of said Lot 1, Block 2 and the southwest corner of the aforesaid 14 feet wide right-of-way dedication to Old Black Colony Road;

THENCE, North 81°40'24" East, 610.43 feet long said 14 feet wide right-of-way dedication to Old Black Colony Road to POINT OF BEGINNING and containing 46.505 acres land in Hay County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System Grid, South Central Zone (FIPS 4204) (NAD'83). All distances are on the Grid and shown in U.S. Survey Feet. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.

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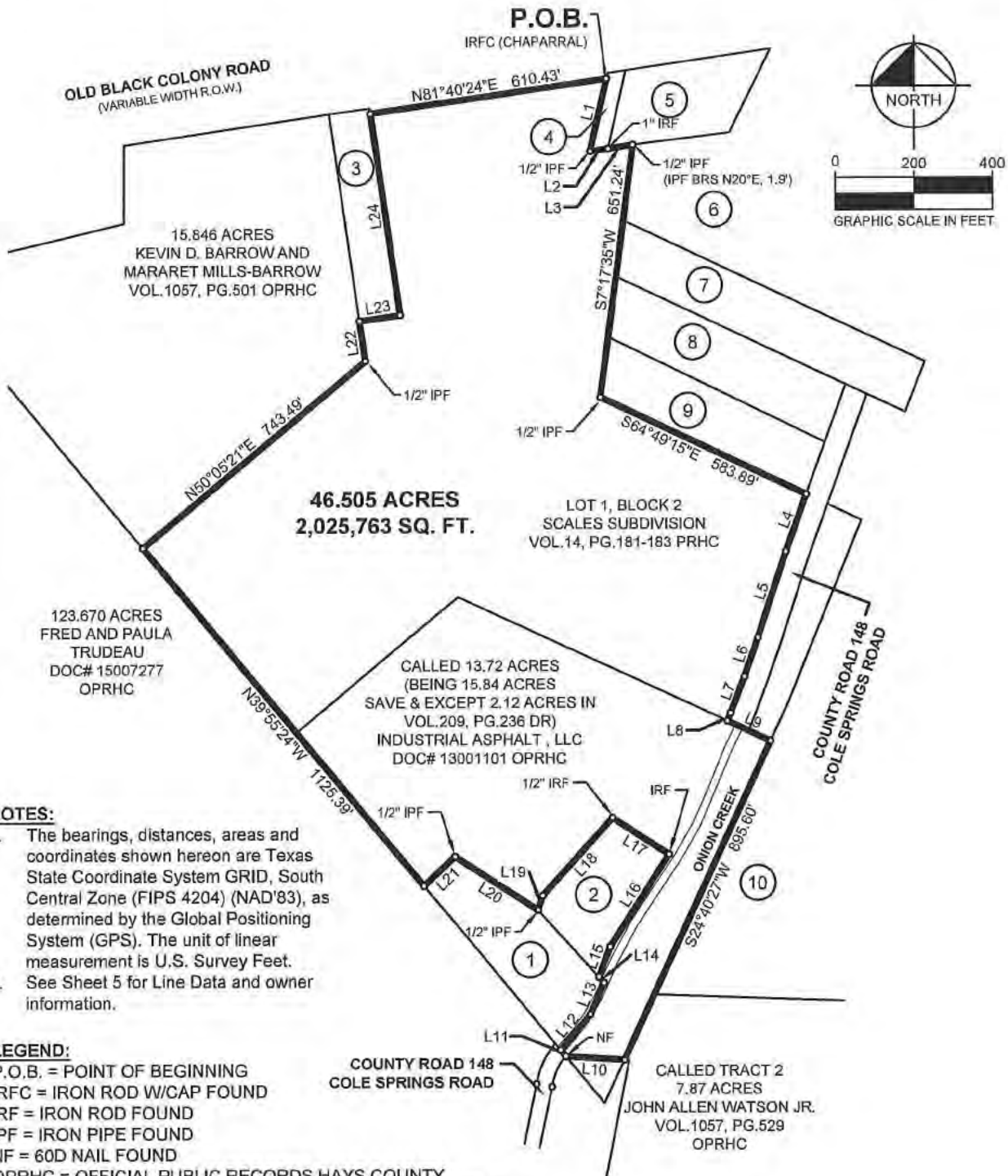


EXHIBIT - 46.505 ACRES
 S.V.R. EGGLESTON SURVEY, A-5
 HAYS COUNTY, TEXAS

Kimley»Horn

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	APS	JGM	1/23/2020	067783115	2 OF 4



- NOTES:**
1. The bearings, distances, areas and coordinates shown hereon are Texas State Coordinate System GRID, South Central Zone (FIPS 4204) (NAD'83), as determined by the Global Positioning System (GPS). The unit of linear measurement is U.S. Survey Feet.
 2. See Sheet 5 for Line Data and owner information.

- LEGEND:**
- P.O.B. = POINT OF BEGINNING
 - IRFC = IRON ROD W/CAP FOUND
 - IRF = IRON ROD FOUND
 - IPF = IRON PIPE FOUND
 - NF = 60D NAIL FOUND
 - OPRHC = OFFICIAL PUBLIC RECORDS HAYS COUNTY
 - DRHC = DEED RECORDS HAYS COUNTY
 - PRCH = PLAT RECORDS HAYS COUNTY



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EXHIBIT - 46.505 ACRES
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 400'	APS	JGM	1/23/2020	067783115	3 OF 4

- ① QUIT CLAIM DEED
(NO DESCRIPTION)
VELMA REVEDA
VOL.2236, PG.445 OPRHC
(NO METES & BOUNDS)
- ② CALLED 1.5 ACRES
LOYCE REVEDA GRAVES
DOC# 1702044 OPRHC
- ③ CALLED 35.818 ACRES
GLADYS M. SCALES FELDER DOC#
70018496 OPRHC
(REMAINDER)
- ④ CALLED 1 ACRE
DOVIE BUNTON
VOL.350, PG.798
PRHC
- ⑤ 1.66 OR 2.00 ACRES
SANDRA J. WOODS
VOL.2381, PG.35 OPRHC
- ⑥ ANTIOCH COMMUNITY CHURCH
VOL.1462, PG.388 OPRHC
- ⑦ 2.64 ACRES
DANIEL DIXON BALBOA
DOC# 17003374 OPRHC
(METES & BOUNDS FROM DOC#
70030439)
- ⑧ CALLED 2.64 ACRES
DANIEL DIXON BALBOA
DOC#17003375 OPRHC
- ⑨ CALLED 2.64 ACRES
DANIEL DIXON BALBOA
DOC#17003376 OPRHC
- ⑩ CALLED TRACT 1 - 15.17 ACRES
JOHN ALLEN WATSON JR.
VOL.1057, PG.529 OPRHC

LINE TABLE		
NO.	BEARING	LENGTH
L1	S12°37'09"W	190.17'
L2	N81°37'18"E	46.05'
L3	N81°05'00"E	63.95'
L4	S19°39'18"W	155.22'
L5	S17°58'32"W	231.36'
L6	S19°04'38"W	105.24'
L7	S20°54'32"W	99.00'
L8	S22°21'58"W	21.64'
L9	S65°21'54"E	121.77'
L10	N86°30'08"W	149.80'
L11	N39°42'51"W	21.26'
L12	N40°00'00"E	118.73'
L13	N23°21'04"E	87.91'
L14	N42°12'29"W	19.87'
L15	N20°20'38"E	82.37'
L16	N32°39'53"E	279.63'
L17	N57°22'53"W	172.88'
L18	S41°55'46"W	266.24'
L19	S17°49'14"W	38.50'
L20	N57°24'00"W	253.37'
L21	S46°27'20"W	108.13'
L22	N08°26'13"W	102.80'
L23	N81°32'51"E	105.57'
L24	N08°27'09"W	521.30'

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AS
1/23/20

EXHIBIT - 46.505 ACRES
S.V.R. EGGLESTON SURVEY, A-5
HAYS COUNTY, TEXAS

Kimley»Horn

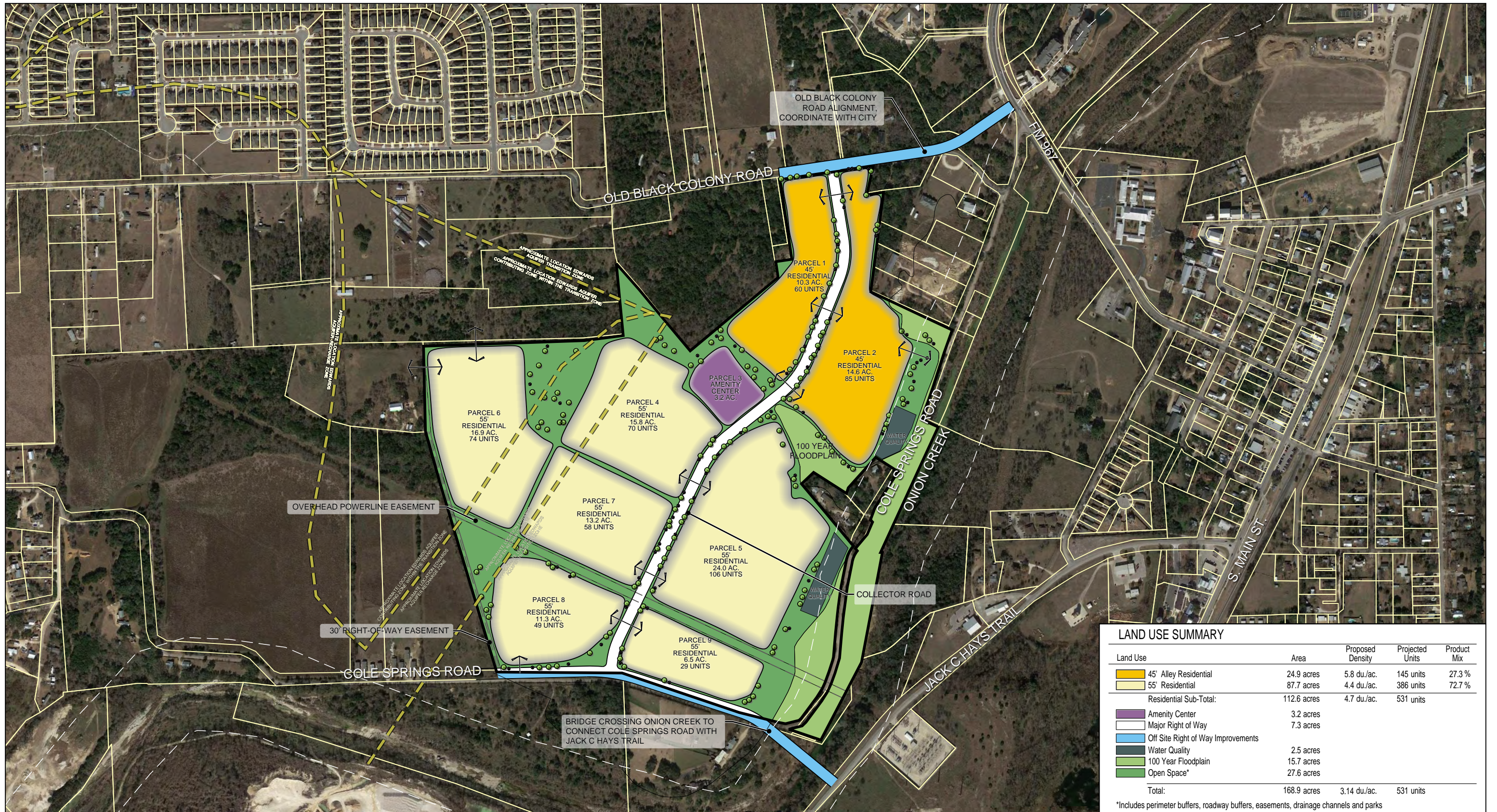
601 NW Loop 410, Suite 350 San Antonio, Texas 78216 FIRM # 10193973 Tel. No. (210) 541-9166 www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	APS	JGM	1/23/2020	067783115	4 OF 4

Exhibit B
Development Plan
and
Phasing Plan

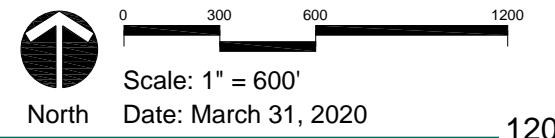
The PROPERTY includes approximately 168.883 acres of land, of which approximately 112.6 acres will be developed as detached single-family lots with houses consisting of no more than 531 total lots including 145 minimum 45' lots with rear entries and 386 minimum 55' lots. All of the lots and houses shall meet the City's UDC regulations for R-3 and F4 zoning districts, as applicable, and all zoning regulations imposed on PROPERTY by ordinance. The proposed layout of the lots is depicted in the attached DEVELOPMENT PLAN.

The PHASING PLAN provides for the development of lots and home construction in accordance with the following phasing: PHASE 1 shall include no more than 261 lots, including no more than 85 minimum 45' lots and 176 minimum 55' lots. PHASE 1 is expected to commence in the fourth quarter of 2021. Development of PHASES 2 and 3 are expected to commence in 2023 and 2024, respectively, shall include no more than 270 lots, with no more than 60 45' minimum lots and 210 55' minimum lots.






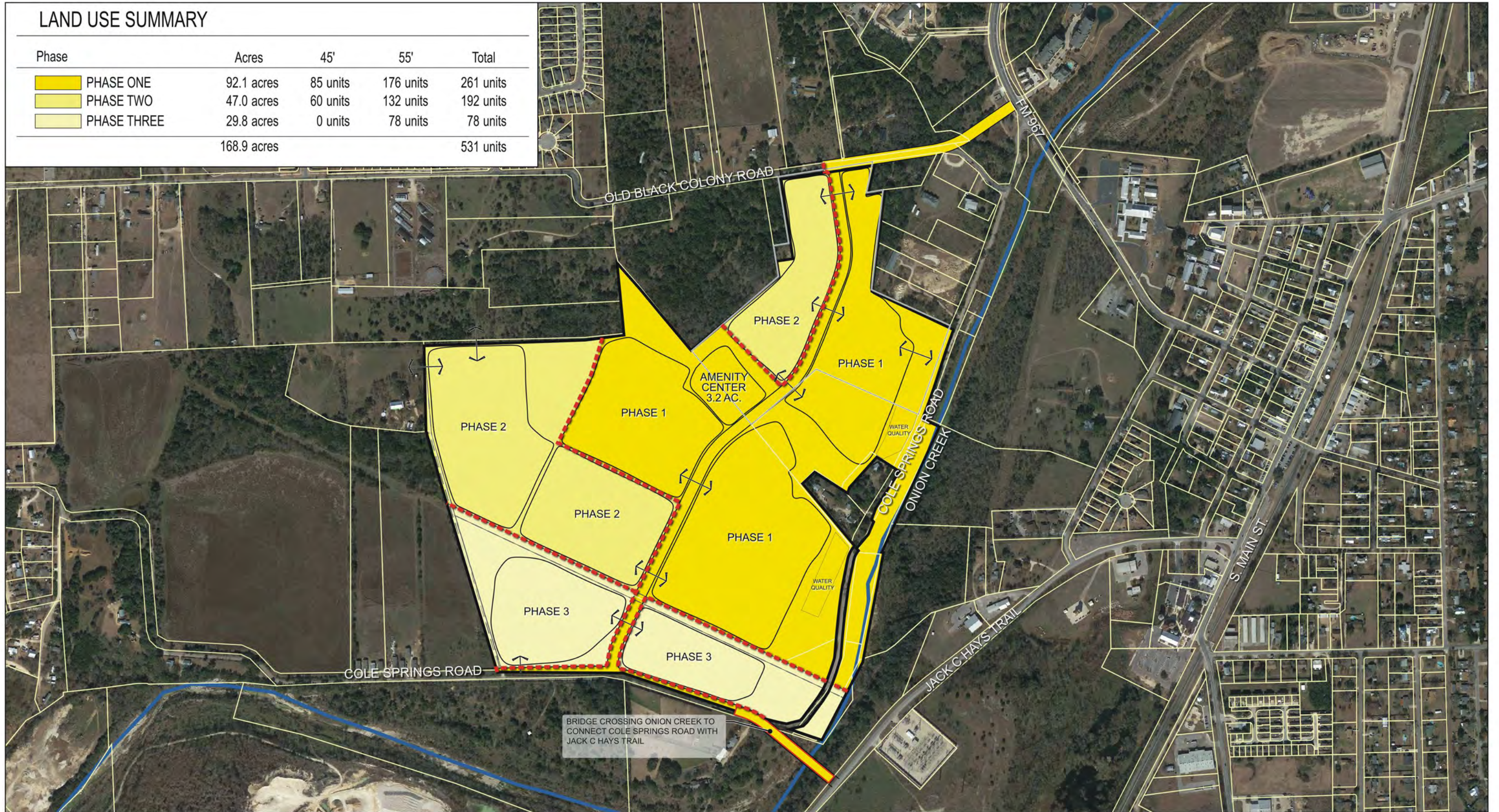
LAND USE SUMMARY				
Land Use	Area	Proposed Density	Projected Units	Product Mix
45' Alley Residential	24.9 acres	5.8 du./ac.	145 units	27.3 %
55' Residential	87.7 acres	4.4 du./ac.	386 units	72.7 %
Residential Sub-Total:	112.6 acres	4.7 du./ac.	531 units	
Amenity Center	3.2 acres			
Major Right of Way	7.3 acres			
Off Site Right of Way Improvements				
Water Quality	2.5 acres			
100 Year Floodplain	15.7 acres			
Open Space*	27.6 acres			
Total:	168.9 acres	3.14 du./ac.	531 units	

*Includes perimeter buffers, roadway buffers, easements, drainage channels and parks



LAND USE SUMMARY

Phase	Acres	45'	55'	Total
 PHASE ONE	92.1 acres	85 units	176 units	261 units
 PHASE TWO	47.0 acres	60 units	132 units	192 units
 PHASE THREE	29.8 acres	0 units	78 units	78 units
	168.9 acres			531 units



BRIDGE CROSSING ONION CREEK TO CONNECT COLE SPRINGS ROAD WITH JACK C HAYS TRAIL

Exhibit C
Petitions for Voluntary Annexation

ANNEXATION PETITION

STATE OF TEXAS
COUNTY OF HAYS
CITY OF BUDA

TO THE MAYOR AND CITY COUNCIL OF THE CITY OF BUDA, A HOME RULE MUNICIPALITY IN AND OF THE STATE OF TEXAS:

The undersigned owners of the hereinafter described tracts of land which are vacated and without residents, or on which a total of fewer than three qualified voters reside, hereby petition the City Council of Buda, in accordance with Section 43.028 Local Government Code, to extend the present city limits so as to include as part of the City of Buda, Texas, the following territory to wit:


Being all of a called 123.670 acre tract of land described in instrument to Fred and Paula Trudeau (Document No. 15007277)

And more particularly described by property description and plat of survey attached as Exhibit "A".

The undersigned owners certify that all of the described territory is contiguous and adjacent to the City of Buda; is not more than one-half mile in width; and is either vacant or on which fewer than a total of three voters reside.

This petition can be withdrawn at any time prior to final City Council Action.

SIGNED:


Fred Trudeau

Date: 9/10/19


Paula Trudeau

Date: 9/10/19

ANNEXATION PETITION

STATE OF TEXAS
COUNTY OF HAYS
CITY OF BUDA

TO THE MAYOR AND CITY COUNCIL OF THE CITY OF BUDA, A HOME RULE MUNICIPALITY IN AND OF THE STATE OF TEXAS:

The undersigned owners of the hereinafter described tracts of land which are vacated and without residents, or on which a total of fewer than three qualified voters reside, hereby petition the City Council of Buda, in accordance with Section 43.028 Local Government Code, to extend the present city limits so as to include as part of the City of Buda, Texas, the following territory to wit:

Being all of Lot 1, Block 2 of Scales Subdivision, plat of which is recorded in Volume 14, Page 181 of the Plat Records of Hays County

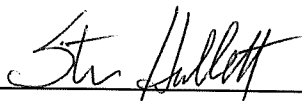
Being all of that certain 13.72 acre tract described in instrument to Industrial Asphalt LLC (Document No. 13001101)

And more particularly described by property description and plat of survey attached as Exhibit "A".

The undersigned owners certify that all of the described territory is contiguous and adjacent to the City of Buda; is not more than one-half mile in width; and is either vacant or on which fewer than a total of three voters reside.

This petition can be withdrawn at any time prior to final City Council Action.

SIGNED:



Industrial Asphalt, LLC.

Date: 9/19/2019

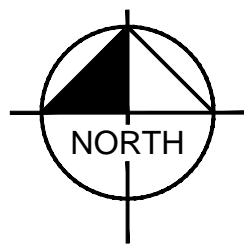
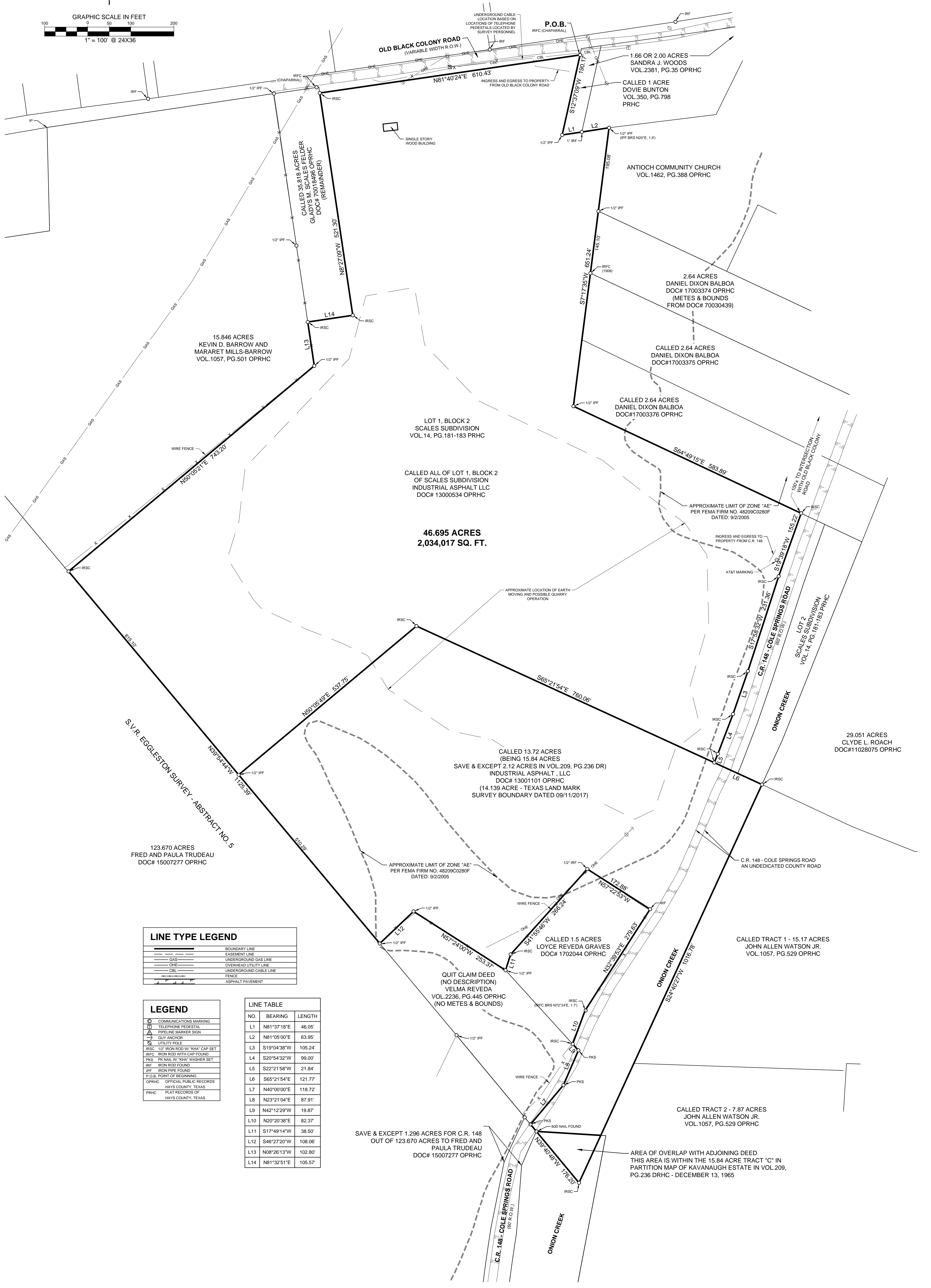
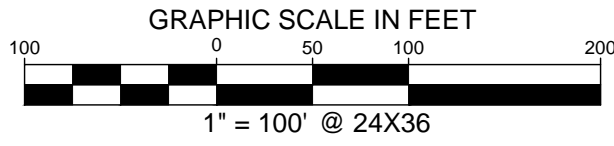


Exhibit A



	BOUNDARY LINE
	EASEMENT LINE
	UNDERGROUND GAS LINE
	OVERHEAD UTILITY LINE
	UNDERGROUND CABLE LINE
	FENCE
	ASPHALT PAVEMENT

	COMMUNICATIONS MARKING
	TELEPHONE PEDISTAL
	PIPELINE MARKER SIGN
	GLY ANCHOR
	UTILITY POLE
	1/2\"/>
	IRON ROD WITH CAP FOUND
	PK NAIL W/ \"/>
	IRON ROD FOUND
	IRON PIPE FOUND
	POINT OF BEGINNING
	OFFICIAL PUBLIC RECORDS HAYS COUNTY, TEXAS
	PLAT RECORDS OF HAYS COUNTY, TEXAS

NO.	BEARING	LENGTH
L1	N81°37'18\"/>	
L2	N81°05'00\"/>	
L3	S19°04'38\"/>	
L4	S20°54'32\"/>	
L5	S22°21'58\"/>	
L6	S65°21'54\"/>	
L7	N40°00'00\"/>	
L8	N23°21'04\"/>	
L9	N42°12'29\"/>	
L10	N20°20'38\"/>	
L11	S17°49'14\"/>	
L12	S46°27'20\"/>	
L13	N08°26'13\"/>	
L14	N81°32'51\"/>	

SEE PAGE 2 OF 2 FOR LEGAL DESCRIPTION, GENERAL NOTES AND CERTIFICATION

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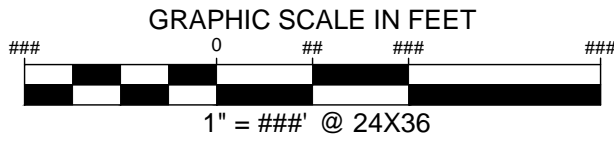
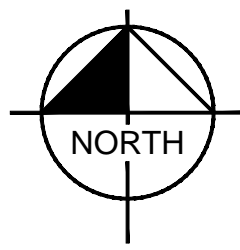
No.	DATE	REVISION DESCRIPTION
1		

ALTA/NSPS LAND TITLE SURVEY
46.695 ACRES
S.V.R. EGGLESTON SURVEY
ABSTRACT NO. 5
HAYS COUNTY, TEXAS

Kimley»Horn

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

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = ##'	APS	JGM	6/17/2019	067783115	1 OF 2



LEGAL DESCRIPTIONS PER SCHEDULE A OF THE TITLE COMMITMENT REFERENCED IN GENERAL NOTE 1:

TRACT 1:
Lot 1, SCALES SUBDIVISION, according to the map or plat thereof, recorded in Volume 14, Page 181, Plat Records, Hays County, Texas.

TRACT 2:
Being that certain tract of land calculated to contain 13.72 acres, more or less, consisting of all of that certain 15.84 acres of land, more or less, out of the STEPHEN V.R. EGGLESTON SURVEY, ABSTRACT NO. 5, Hays County, Texas, shown as Tract C in that Final Decree of Partition and Distribution filed December 30, 1965 recorded in Volume 209, Page 263, Deed Records, Hays County, Texas. SAVE AND EXCEPT THEREFROM all of that certain tract described as containing 2.12 acres as described in deed to Dan Revada and Hattie Revada recorded in Volume 132 Page 327 Deed Records, Hays County, Texas, reference to said deeds being hereby made for all purposes including the incorporation herein of said descriptions by reference.

NOTES ADDRESSING SCHEDULE B EXCEPTIONS:

(Pursuant to Commitment for Title Insurance G.F. No. 1847248-DRP and listed in General Note 1.)

In addition to the Exclusions and Conditions and Stipulations, your Policy will not cover loss, costs, attorney's fees, and expenses resulting from:

1. The following restrictive covenants of record itemized below (We must either insert specific recording data or delete this exception):

Volume 14, Page 181, Plat Records, Hays County, Texas, but omitting any covenant or restriction based on race, color, religion, sex, disability, handicap, familial status or national origin.

The following matters and all terms of the documents creating or offering evidence of the matters (We must insert matters or delete this exception.):

TRACT 1:

a. Easements, building setback lines, roadway dedications, notes, requirements and other matters set forth or referenced Final Plat of Scales Subdivision as recorded in Vol. 14 Page 181 Plat Records, Hays County, Texas, as further affected by Partial Release recorded in Volume 4566, Page 195, Official Public Records, Hays County, Texas.

b. Easement:
Recorded: Volume 138, Page 188, Deed Records, as further affected by Partial Release recorded in Volume 4566, Page 195, Official Public Records, Hays County, Texas. To:
The Texas Pipe Line Company
Purpose: Pipe Line

BOTH TRACTS:

c. All leases, grants, exceptions or reservation of coal, lignite, oil, gas and other mineral, together with all rights, privileges, and immunities relating thereto appearing in the public records whether listed in Schedule B or not. There may be leases, grants, exceptions or reservations of mineral interest that are not listed.

d. Rights of Parties in Possession. (Owner Policy)

e. Any visible and apparent easement, either public or private, located on or across the land, the existence of which is not disclosed by the Public Records as herein defined.

f. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the land.

g. Rights of tenants, as tenants only, under any and all unrecorded leases or rental agreements. (NOTE: This item can be deleted upon receipt of an Affidavit executed by the seller evidencing there are not any outstanding leases or rental agreements. If the Affidavit reveals unrecorded outstanding leases or rental agreements the exception may be modified to make specific exception to those matters.)

GENERAL NOTES:

- This survey was performed utilizing that certain title report prepared by Title Resources Guarantee Company, G.F. No. 1847148-DRDP (Issue Date: June 13, 2019, Effective Date: May 31, 2019) and reflects only those easements and encumbrances of record mentioned therein. Kimley-Horn did not abstract the public records. The surveyed tract may be subject to additional government regulations and restrictions prior to further site development.
- According to Community Panel No. 48209C0280F, dated September 5, 2005 of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), a portion of the subject tract is located in Zone "AE Floodway" which is defined by FEMA as "the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increase in flood heights.", a portion of the subject tract is located within Zone "AE" which is defined by FEMA as "100-year flood hazard area with base flood elevations determined". A portion of the subject tract is located within Zone "X" (shaded) which is defined by FEMA as "Areas of 500-year flood; areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100-year flood". The remainder of the subject tract is located within Zone "X" (un-shaded) which is defined by FEMA as "areas determined to be outside 500-year floodplain." All zone delineations shown hereon are approximate.
- The bearings, distances, areas and coordinates shown hereon are Texas State Coordinate System GRID, South Central Zone (FIPS 4204) (NAD83), as determined by the Global Positioning System (GPS). All distances shown hereon are on the GRID. The unit of linear measurement is U.S. Survey Feet.
- Per ALTA/NSPS Survey Standards Item 5, Section C, Paragraph iii: The term "Encroachment" implies a legal opinion. "Evidence of potentially encroaching structural appurtenances and projections observed in the process of conduction fieldwork" relative to title lines, setbacks, adjoining properties, and rights-of-way, will be shown, but the survey will make no judgment of "Encroachment" or "Non-encroachment".
- Any underground utilities shown hereon are from Texas 811 markings located by survey crews, or record drawings obtained from utility companies representatives. Kimley-Horn cannot guarantee the locations of said utilities, except those that are observed and readily visible on the surface at the time of this survey. Kimley-Horn assumes no liability for poorly or improperly marked utility locations. Private interior service lines are not shown.
- ZONING:** A Private Zoning Report was not provided by the owner or the insurer per ALTA/NSPS Optional Table A Items 6(a)(b). This survey does not reflect zoning status or restrictions.
- The subject tract has access to the public street right-of-ways of C.R. 148 a.k.a. Cole Springs Road and Old Black Colony Road.
- The survey crew did observed evidence of recent earth moving work on the surveyed property.
- The surveyor is unaware of any proposed changes to street right-of-ways and there is no visible evidence of changes to street right of ways.
- The survey crew observed no evidence of readily visible markers delineating the wetlands.
- Kimley-Horn did not review lease interest while performing survey.

A METES AND BOUNDS DESCRIPTION OF A 46.695 ACRE TRACT OF LAND

BEING a 46.695 acre (2,034,017 square feet) tract of land located in the S.V.R. Eggleston Survey, Abstract No. 5, Hays County, Texas; containing all of Lot 1, Block 2 of Scales Subdivision, plat of which is recorded in Volume 14, Page 181 of the Plat Records of Hays County; said Lot 1, Block 2 also being described in instrument to Industrial Asphalt LLC, recorded in Document No. 13000534 of the Official Public Records of Hays County; also containing all of that certain 13.72 acre tract described in instrument to Industrial Asphalt LLC, recorded in Document No. 13001101 of the Official Public Records; and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod (w/cap stamped "CHAPARRAL") found on the southerly right-of-way line of Old Black Colony Road (width varies by occupation) and the northwesterly boundary of that certain 1.66 acre tract described in instrument to Sandra J. Woods recorded in Volume 2381, Page 35 of the Official Public Records of Hays County, marking the northeastern-most corner of said Lot 1, Block 2 and the southeast corner of a 14 feet wide dedication for right-of-way widening recorded in said plat of Scales Subdivision;

THENCE, along the boundary of the said 1.66 acre tract the following three (3) courses and distances:

- South 12°37'09" West, 190.17 feet to a 1/2-inch iron pipe found for corner;
- North 81°37'18" East, 46.05 feet to a 1/2-inch iron rod found for corner;
- North 81°05'00" East, 63.95 feet to a 1/2-inch iron pipe found marking the northwestern-most corner of that certain tract described in Final Decree Confirming Partition to Antioch Community Church and recorded in Volume 1462, Page 388 of the Official Public Records of Hays County (from which a 1/2-inch iron pipe found bears North 20° East, 1.9 feet);

THENCE, South 7°17'35" West, along the westerly line of the said Antioch Community Church Tract, and along the westerly line of three consecutive 2.64 acre tracts of land described in instrument to Daniel Dixon Balboa in Document Nos. 17003376, 17003375, and 17003376 of the Official Public Records of Hays County; at 95.08 feet passing a 1/2-inch iron pipe found; at 340.18 passing an iron rod (w/cap stamped "1908") found; continuing for a total distance of 651.24 feet to a 1/2-inch pipe for corner;

THENCE, South 64°49'15" East, 583.89 feet along the said 2.64 acre tract recoded in Document No. 17003376 to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner on the northwesterly right-of-way line of County Road 148 (C.R. 148) also known as Cole Springs Road (60 feet wide - dedicated on the plat of aforesaid Scales Subdivision) marking the eastern-most corner of aforesaid Lot 1, Block 2;

THENCE, along the said northwesterly right-of-way line the following five (5) courses and distances:

- South 19°39'18" West, 155.22 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- South 17°58'32" West, 231.36 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- South 19°04'38" West, 105.24 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- South 20°54'32" West, 99.00 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- South 22°21'58" West, 21.84 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner on the northwesterly line of the aforesaid 13.72 acre tract at the terminus of said northwesterly right-of-way line of said C.R. 148

THENCE, along the boundary of the said 13.72 acre tract the following three (3) courses and distances

- South 65°21'54" East, 121.77 feet crossing said C.R. 148 to a point for corner in the approximate center line of Onion Creek;
- South 24°40'27" West, 1016.78 feet along the said approximate center line of Onion Creek and along the northwesterly boundary of that certain 15.17 acre tract and that certain 7.87 acre tract described in instrument to John Allen Watson Jr. recorded in Volume 1057, Page 529 of the Official Public Records of Hays County, to a point for corner;
- North 39°40'48" West; at 155.00 passing at 60D Nail found marking the northeastern-most corner of that certain 1.296 acre "save and except" tract dedicated for said C.R. 148 out of a 123.670 acre tract described in instrument to Fred and Paula Trudeau, recorded in Document Number 15007277 of the Official Public Records of Hays County; continuing for a total distance of 176.20 feet to a PK-Nail (w/shiner stamped "KHA") set in asphalt at the approximate center line of said C.R. 148, marking the southern-most corner of that certain tract described in Quit Claim Deed to Velma Reveda, recorded in Volume 2236, Page 445 of the Official Public Records of Hays County;

THENCE, along the boundary of said Velma Reveda tract the following three (3) courses and distances:

- North 40°00'00" East, 118.72 feet to a PK-Nail (w/shiner stamped "KHA") set in asphalt for corner;
- North 23°21'04" East, 87.91 feet to a PK-Nail (w/shiner stamped "KHA") set in asphalt for corner;
- North 42°12'29" West, 19.87 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set marking the southern-most corner of that certain 1.5 acre tract described in instrument to Loyce Reveda Graves recorded in Document No. 1702044 of the Official Public Records of Hays County;

THENCE, along the boundary of the said 1.5 acre tract the following five (5) course and distances:

- North 20°20'38" East, 82.37 feet to a 1/2-inch iron rod found for corner;
- North 32°39'53" East, 279.63 feet to a 1/2-inch iron rod found for corner;
- North 57°22'53" West, 172.88 feet to a 1/2-inch iron rod found for corner;
- South 41°55'46" West, 266.24 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- South 17°49'14" West, 38.50 feet to a 1/2-inch iron pipe found for corner on the Northeastly boundary of aforesaid Velma Reveda tract;

THENCE, North 57°24'00" West, 253.37 feet along the said Reveda tract to a 1/2-inch iron pipe found for corner on the northeastly boundary of the aforesaid 123.670 acre tract;

THENCE, South 46°27'20" West, 108.06 feet continuing along the said Reveda tract to a 1/2-inch iron pipe found for corner on the northeastly boundary of the aforesaid 123.670 acre tract;

THENCE, North 39°54'44" West; at 510.29 feet passing a 1/2-inch iron pipe found marking the westerly corner of the aforesaid 13.72 acre tract and the southwestern-most corner of aforesaid Lot 1, Block 2; continuing for a total distance of 1125.39 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set marking the westerly corner of that certain 15.846 acre tract described in instrument to Keven D. Barrow recorded in Volume 1057, Page 501 of the Official Public Records of Hays County;

THENCE, along the northwesterly boundary of said Lot 1, Block 2 the following four (4) courses and distances:

- North 50°05'21" East, 743.20 feet along the boundary of the said 15.846 acre tract to a 1/2-inch iron pipe found for corner;
- North 8°26'13" West, 102.80 feet continuing along the said 15.846 acre tract to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- North 81°32'51" East, 105.57 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- North 8°27'09" West, 521.30 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set marking the northwestern-most of said Lot 1, Block 2 and the southwest corner of the aforesaid 14 feet wide right-of-way dedication to Old Black Colony Road;

THENCE, North 81°40'24" East, 610.43 feet long said 14 feet wide right-of-way dedication to Old Black Colony Road to **POINT OF BEGINNING** and containing 46.695 acres land in Hay County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System Grid, South Central Zone (FIPS 4204) (NAD83). All distances are on the Grid and shown in U.S. Survey Feet. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.

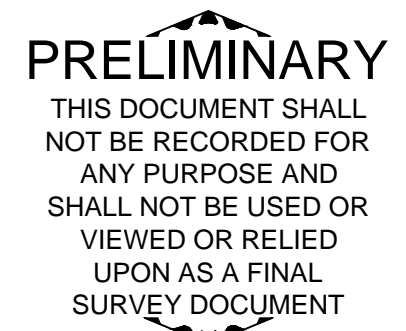
SURVEYORS CERTIFICATION:

To: Meritage Homes of Texas;
Industrial Asphalt, LLC;
Independence Title Company;

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6(a), 7(a), 8, 9, 11, 13, 14, 15, 16, 17, 18 and 19 of Table A thereof. The field work was completed on June 14, 2019

Survey Date: _____

John Gregory Mosier
Registered Professional Land Surveyor No. 6330
Kimley-Horn and Associates, Inc.
601 NW Loop 410, Suite 350
San Antonio, Texas 78216
Ph. 210-541-9166
greg.mosier@kimley-horn.com



**ALTA/NSPS LAND TITLE SURVEY
46.695 ACRES
S.V.R. EGGLESTON SURVEY
ABSTRACT NO. 5
HAYS COUNTY, TEXAS**

Kimley»Horn

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

No.	DATE	REVISION DESCRIPTION	Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1			1" = ##'	APS	JGM	6/17/2019	067783115	2 OF 2

Exhibit D
Written Agreement Regarding Services

SERVICES AGREEMENT
BETWEEN THE CITY OF BUDA, TEXAS
AND FRED AND PAULA TRUDEAU AND INDUSTRIAL ASPHALT, LLC

This Services Agreement ("Services Agreement") is entered into by and between the City of Buda, Texas, a home-rule municipality of the State of Texas, ("City") and Fred and Paula Trudeau and Industrial Asphalt, LLC (collectively, the "Landowners"). The City and Landowners shall be referred to collectively as "Parties."

RECITALS

The Parties agree that the following recitals are true and correct and form the basis upon which the Parties have entered into this Services Agreement.

WHEREAS, Landowners own certain real property located in Hays County, Texas that is currently within the extraterritorial jurisdiction of City, such real property being more particularly depicted in **Exhibit A** attached hereto and fully incorporated into this Services Agreement and for all purposes referred to herein as the "Property"; and

WHEREAS, Landowners have voluntarily petitioned the City to annex the Property into the municipal boundaries of the City pursuant to Subchapter C-3 of Chapter 43 of the Local Government Code; and

WHEREAS, Section 43.0672 of the Local Government Code requires the City Council of the City to negotiate and enter into a written agreement with the owners of the land for the provisions of services in the area; and

WHEREAS, City and Landowners desire to set out the City services to be provided for the Property and consider this Services Agreement to constitute a written agreement in conformance with Section 43.0672 of the Local Government Code; and

WHEREAS, contemporaneously with this Services Agreement, the City and Landowners have executed an Annexation, Development, and Municipal Utility District Consent Agreement ("Development Agreement") concerning, in part, the development of the Property.

NOW THEREFORE, in exchange for the mutual covenants, conditions and promises contained herein, City and Landowners agree as follows:

1. **PROPERTY.** This Agreement is only applicable to the Property.
2. **MUNICIPAL SERVICES AS OF EFFECTIVE DATE OF ANNEXATION.** Commencing on the Effective Date of the Annexation, the City will provide the municipal services set forth below to the Property.
 - a. **Police.** The City will provide police protection and law enforcement services in the manner same are provided to all other residents of the City.

- b. Land Use. The City will provide comprehensive planning, land development, land use, and building review and inspection services within the Property in accordance with all existing applicable laws, rules, and regulations in the same manner as provided within the City's corporate limits, except as may be otherwise provided in the Development Agreement executed contemporaneously with this Services Agreement.
 - c. Parks, Recreational and Community Facilities. Residents of the Property will be permitted to utilize public City parks, recreational and community facilities in the manner same are provided to all other residents of the City.
 - d. Solid Waste. The City will provide solid waste collection services in accordance with existing City ordinances and policies in the same manner as provided to all other residents of the City.
 - e. Permitting and Inspection. The City will provide permitting and inspection services in accordance with existing City ordinances and policies in the manner same are provided to all other residents of the City, except as may be otherwise provided in the Development Agreement executed contemporaneously with this Services Agreement.
 - f. Code Compliance. The City will provide code compliance services in accordance with existing City ordinances and policies in the manner same are provided to all other residents of the City.
 - g. Animal Control. The City will provide animal control services in accordance with existing City ordinances and policies in the manner same are provided to all other residents of the City.
- 3. SCHEDULED MUNICIPAL SERVICES.** Due to the size and vacancy of the Property and the plans and schedule for the development of the Property as further set forth in the Development Agreement, the following municipal services will be provided in accordance with the following schedule:
- a. Parks, Recreational and Community Facilities. City will provide for maintenance and operation of certain park and recreational facilities within the Property, as defined in the Development Agreement, upon acceptance of legal title thereto by the City and appropriations therefor.
 - b. Streets and Rights-of-Way. The City will maintain the public streets and rights-of-way and improvements therein upon final acceptance of same by the City as provided in the Development Agreement in accordance with existing City ordinances and policies and appropriations therefor.
 - c. Water service and maintenance of water facilities as follows:

(A) Inspection of water distribution lines as provided by law and city ordinance; and

(B) Water service will be provided in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the provision of water service and pursuant to the terms of the Development Agreement. All water facilities necessary to serve the Property, including internal water lines, off-site water lines, and additional water distribution infrastructure, shall be constructed pursuant to the terms and conditions of the Development Agreement. The system will be accepted and maintained by the City in accordance with its usual acceptance and maintenance policies, except as otherwise provided in the Development Agreement. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for service.

d. Wastewater service and maintenance of wastewater service as follows:

(A) Inspection of sewer lines as provided by law and city ordinance; and

(B) Wastewater service will be provided in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the provision of wastewater service and pursuant to the terms of the Development Agreement. All wastewater facilities necessary to serve the Property, including internal wastewater lines, off-site wastewater lines, wastewater force main(s), and additional wastewater infrastructure, shall be constructed pursuant to the terms and conditions of the Development Agreement. The wastewater system will be accepted and maintained by the City in accordance with its usual policies, except as otherwise provided in the Development Agreement. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service.

4. **LANDOWNERS' STIPULATIONS.** The Landowners agree and stipulate that all Landowners have submitted petitions for the voluntary annexation of Property into the boundaries of the City, and that the annexation of the Property is voluntary.
5. **EXCLUDED SERVICES.** It is understood and agreed that the City is not required to provide a service that is not included in this Agreement. However, City agrees to provide all services to the Property that the City uniformly provides to all other property within the City limits.
6. **SERVICE LEVEL.** The City will provide the Property with a level of services, infrastructure, and infrastructure maintenance that is comparable to the level of services, infrastructure, and infrastructure maintenance available in other parts of the City with topography, land use, and population density similar to those reasonably contemplated or projected for the Property.

7. **AUTHORITY.** City and Landowners represent that they have full power, authority and legal right to execute this Services Agreement.
8. **SEVERABILITY.** If any part, term, or provision of this Services Agreement is held by a court of competent jurisdiction to be illegal, invalid, or otherwise unenforceable, such illegality, invalidity, or unenforceability will not affect the legality, validity and enforceability of the remainder of the Services Agreement and the Services Agreement will be construed as if the part, term, or provision was never part of the Agreement.
9. **INTERPRETATION.** The parties to this Agreement covenant and agree that in any litigation relating to this Agreement, the terms and conditions of the Agreement will be interpreted according to the laws of the State of Texas. The parties acknowledge that they are of equal bargaining power and that each of them was represented by legal counsel in the negotiation and drafting of this Agreement.
10. **GOVERNING LAW AND VENUE.** Venue shall be in the state courts Hays County, Texas. This Agreement shall be construed under the law of the State of Texas.
11. **NO WAIVER.** The failure of either party to insist upon the performance of any term or provision of this Agreement or to exercise any right granted hereunder shall not constitute a waiver of that party's right to insist upon appropriate performance or to assert any such right on any future occasion.
12. **GOVERNMENTAL IMMUNITY; DEFENSES.** Nothing in this Agreement shall be deemed to waive, modify or amend any of City's governmental powers or immunities nor any legal defense in availability at law or in equity to City or Landowners.
13. **BENEFIT.** This Agreement shall be for the sole and exclusive benefit of the Parties and their proper successors and assigns, as contemplated in the Development Agreement.
14. **COUNTERPARTS.** This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.
15. **CAPTIONS.** The captions to the various clauses of this Agreement are for informational purposes only and shall not alter the substance of the terms and conditions of this Agreement.
16. **NOTICE.** Any notice given under this Services must be in writing and may be given: (i) by depositing it in the United States mail, certified, with return receipt requested, addressed to the Party to be notified and with all charges prepaid; or (ii) by depositing it with a service guaranteeing "next day delivery", addressed to the Party to be notified and with all charges prepaid; or (iii) by personally delivering it to the Party, or any agent of the Party listed in this Services Agreement. Notice will be effective only when received. For purposed of notice, the addresses of the Parties will, until changed as provided below, be as follows:

CITY: City of Buda
405 E. Loop St.
Building 100
Buda, Texas 78610
Attn: City Manager

With Required Copy to: George Hyde
Russell Rodriguez Hyde Bullock
1633 Williams Dr.
Building 2, Suite 200
Georgetown, Texas 78628

LANDOWNERS: Fred and Paula Trudeau
855 Cole Springs Road
Buda, Texas 78610

and

Industrial Asphalt, LLC
9020 N. Capital of Texas Hwy
Building II, Suite 250
Austin, Texas 78759

The Parties may change their respective addresses to any other address within the United States of America by giving at least five (5) calendar days' written notice to the other Party. Any Party may, by giving at least five (5) calendar days' written notice to the CITY, designate additional persons or entities to receive copies of notices under this Services Agreement.

17. AGREEMENT BINDS AND BENEFITS SUCCESSORS AND RUNS WITH THE LAND. This Agreement is binding on and inures to the benefit of the parties, their successors, and assigns. The term of this Agreement constitutes covenants running with the land comprising the Property, is binding on the Landowners and the City, and is enforceable by any current or future owner of any portion of the Property for the term of this Services Agreement. This Services Agreement will be recorded in the Official Public Records of Hays County.

18. CONFLICT WITH DEVELOPMENT AGREEMENT. All rights and obligations related to the Property are subject to the Development Agreement which will be recorded in the Official Public Records of Hays County contemporaneously with the recordation of this Services Agreement. To the extent this Services Agreement conflicts with any terms of the Development Agreement, the Development Agreement shall control.

19. ENTIRE AGREEMENT. This Agreement constitutes the entire agreement between the parties and supersedes all prior oral and written agreements between said parties, except as otherwise provided herein. This Agreement shall not be amended unless executed in writing by both parties.

EXECUTED by the PARTIES hereto to be to be effective on the effective date of annexation of the Property.

CITY OF BUDA, TEXAS:

By: _____
Kenneth Williams, City Manager

Date: _____

ATTEST:

By: _____
Alicia Ramirez, City Clerk

Date: _____

LANDOWNERS:

Industrial Asphalt, LLC, a Texas Limited Liability Company

By: _____

Title: _____

Date: _____

For LANDOWNER Industrial Asphalt, LLC

THE STATE OF TEXAS §
COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same as the act of Industrial Asphalt, LLC, a Texas Limited Liability Company, as its _____, for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the ____ day of _____, 20__.

Notary Public, State of Texas
Typed or Printed Name of Notary:

Commission Expires: _____

Fred Trudeau

By: _____

Name: _____

Date: _____

For LANDOWNER Fred Trudeau

THE STATE OF TEXAS §
COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared Fred Trudeau, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the ____ day of _____, 20__.

Notary Public, State of Texas
Typed or Printed Name of Notary:

Commission Expires: _____

Paula Trudeau

By: _____

Name: _____

Date: _____

FOR LANDOWNER Paula Trudeau

THE STATE OF TEXAS §
COUNTY OF _____ §

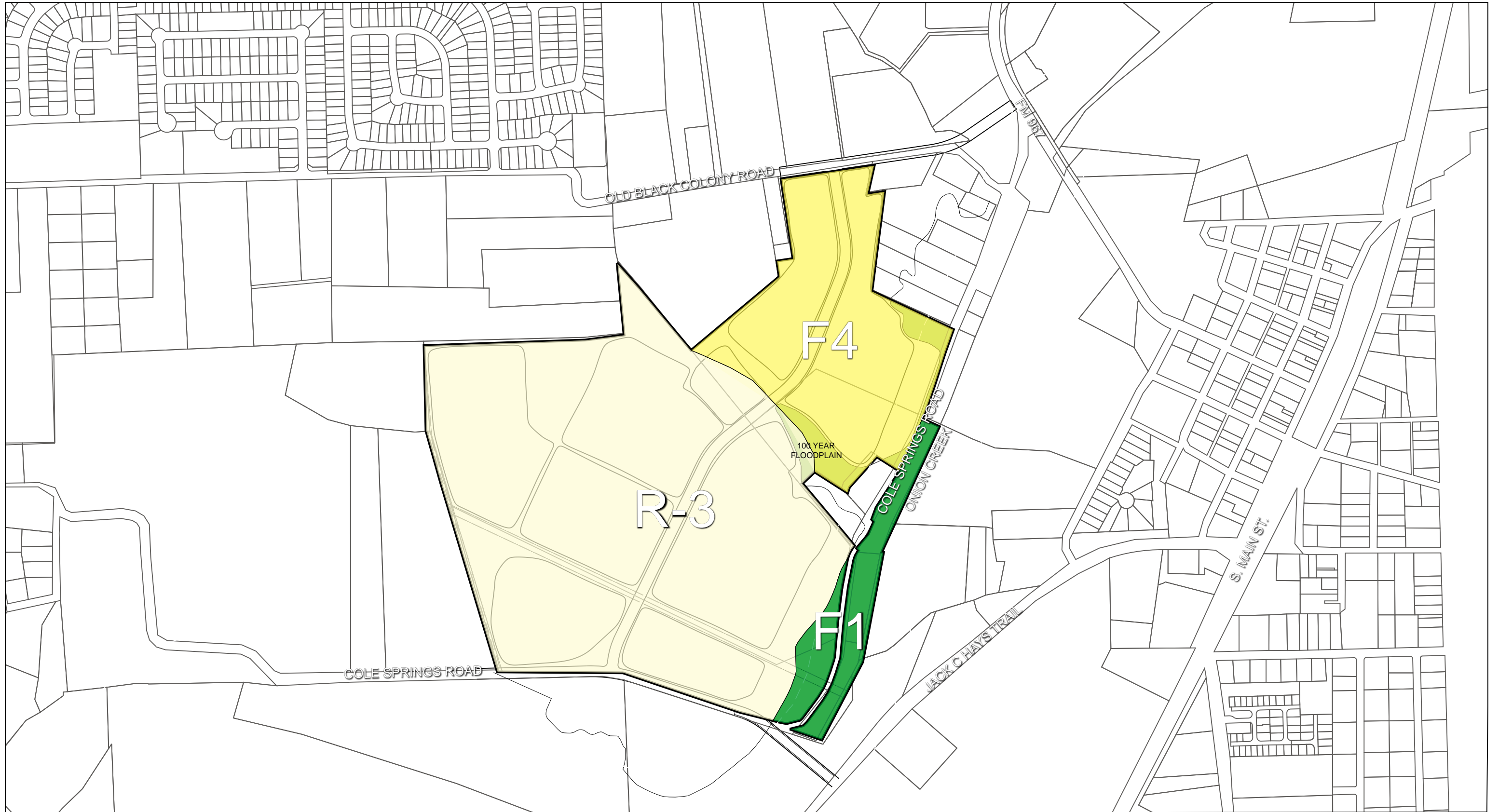
BEFORE ME, the undersigned authority, on this day personally appeared Paula Trudeau, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the ____ day of _____, 20__.

Notary Public, State of Texas
Typed or Printed Name of Notary:

Commission Expires: _____

Exhibit E
Zoning Boundaries



ZONING BOUNDARIES
THE COLONY AT COLE SPRINGS
 BUDA, TEXAS

Exhibit F

Parkland and Open Space Plan

The DEVELOPERS shall design and construct trails throughout the DISTRICT. One primary trail located along Onion Creek will provide implementation of a portion of the City's master trail plan, as illustrated in the City Comprehensive Plan. The 8' wide, concrete trail will parallel Cole Springs Road, and will provide creek and greenbelt access for the DISTRICT and CITY residents. The 8' wide trail will extend for approximately 2,190 linear feet and will be stubbed to the edge of the PROPERTY, allowing future extension of the trail and connections to other City park amenities. The southern segment of the trail will originate at a public trailhead provided along Cole Springs Road. The trailhead parking area will be constructed of hot mix asphalt concrete and include a total of 12 parking spaces, including 2 disabled parking spaces.

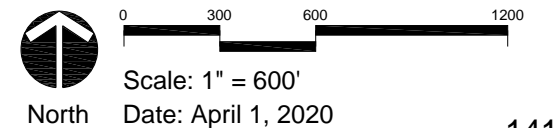
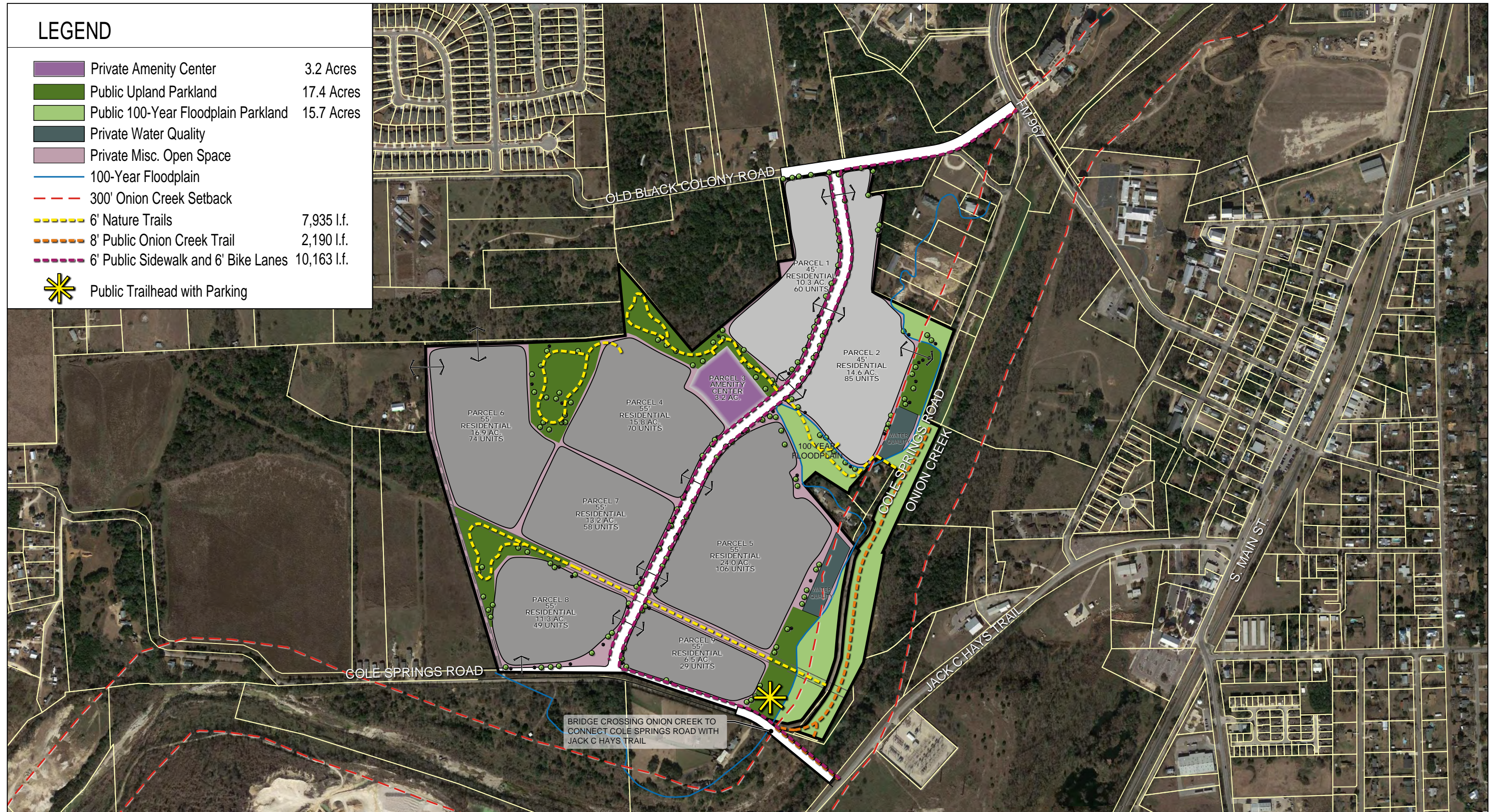
Additional trails within the District will provide pedestrian connections from future neighborhoods to the private amenity center, the Onion Creek trail, and the public parkland within the District. These internal nature trails will be 6' wide and made of crushed granite and will provide approximately 7,935 linear feet of pedestrian connections.

In addition to the greenbelt trails, the primary NEIGHBORHOOD COLLECTOR ROAD will include approximately 10,143 feet of public sidewalks in the right of way. A minimum of 6' wide concrete sidewalks and 6' bike lanes are proposed along each side of the NEIGHBORHOOD COLLECTOR ROAD for approximately 10,143 linear feet.

The following illustration depicts the proposed layout of the parkland and open space for the PROPERTY.

LEGEND

- Private Amenity Center 3.2 Acres
- Public Upland Parkland 17.4 Acres
- Public 100-Year Floodplain Parkland 15.7 Acres
- Private Water Quality
- Private Misc. Open Space
- 100-Year Floodplain
- 300' Onion Creek Setback
- 6' Nature Trails 7,935 l.f.
- 8' Public Onion Creek Trail 2,190 l.f.
- 6' Public Sidewalk and 6' Bike Lanes 10,163 l.f.
- Public Trailhead with Parking





Scale: 1" = 200'
Date: April 30, 2020

Exhibit G

Dark Sky Criteria

ARTICLE 24.06 OUTDOOR LIGHTING

Sec. 24.06.001 Title

This article shall be known as the “lighting ordinance.”

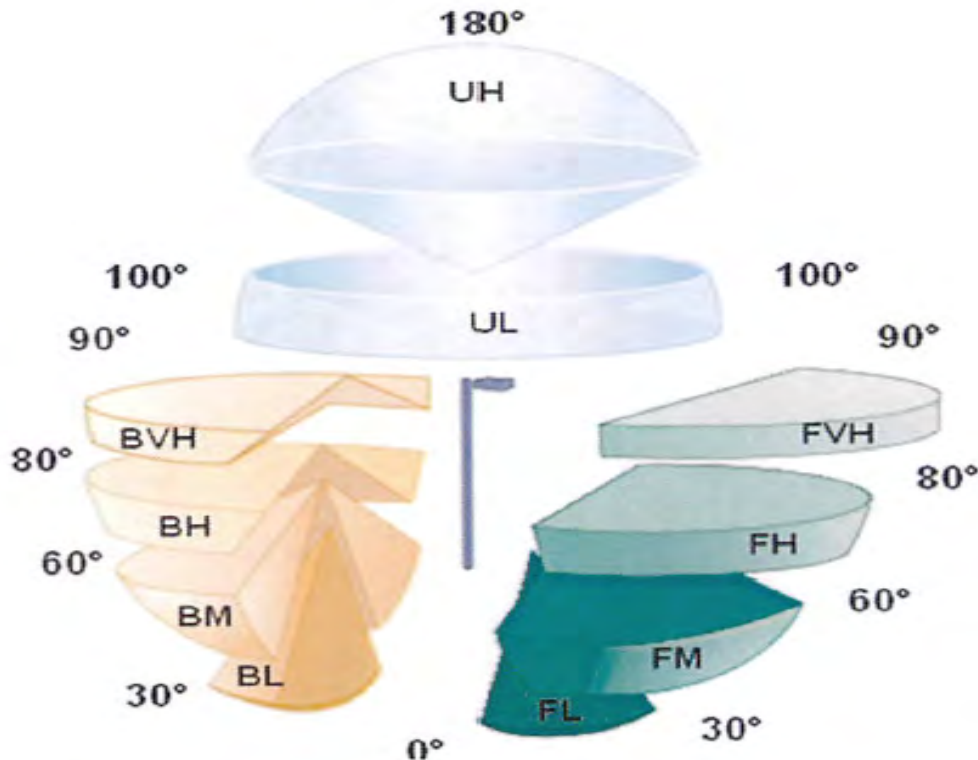
Sec. 24.06.002 Definitions

Words and phrases used in this article shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in this code, shall be given the meanings set forth in the code. Words and phrases not defined in this code shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word “shall” is always mandatory, while the word “may” is merely directory. Headings and captions are for reference purposes only.

Applicant. A person or entity who submits to the city an application for an approval required by this code. To be qualified as an applicant under this article, the person or entity must have sufficiently documented legal authority or proprietary interests in the land to commence and maintain proceedings under this code. To avoid confusion, the term will not include anyone other than the property owner(s), tenant(s), or a duly authorized agent and representative of the property owner. As to enforcement between tenant(s) and property owner(s) of a particular piece of property, the property owner(s) shall have ultimate liability for violations of this article.

B-U-G ratings. A luminaire classification system with ratings for backlight (B), uplight (U), and glare (G). The backlight component of the rating system takes into account the amount of light in the BL, BM, BH and BVH zones depicted in [figure A](#) below. The uplight component takes into account the amount of light in the UH and UL zones. The glare component takes into account the amount of light in the FH, FVH, BH and BVH zones.

Figure A. Components of B-U-G Ratings



City. The City of Dripping Springs, an incorporated municipality located in Hays County, Texas.

City limits. The incorporated municipal boundary of the city, as may be expanded by annexation.

ETJ. The extraterritorial jurisdiction of the city.

Full cut-off fixtures. Fixtures, as installed, that are designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

Holiday lighting. Lighting used for a specific celebration which may be one of the following types:

- (1) Festoon type low-output lamps, limited to small individual bulbs on a string.
- (2) Low-output lamps used to internally illuminate yard art.
- (3) Flood or spot lights producing less than 2,000 lumens each, whose light source is not visible from any other property, and which are used only as temporary lighting.

Light trespass. Light emitted from fixtures designed or installed in a manner that unreasonably causes light to fall on a property other than the one where the light is installed, in a motor vehicle drivers' eyes, or upwards toward the sky.

Lighting. Any source of light that does not include natural light emitted from celestial objects or fire. The term includes any type of lighting, fixed or movable, designed or used for outdoor illumination of buildings or homes, including lighting for billboards, streetlights, canopies, gasoline station islands, searchlights used for advertising purposes, externally or internally illuminated on- or off-premises advertising signs, and area-type lighting. The term includes luminous elements or lighting attached to structures, poles, the earth, or any other location.

Logo. A representation or symbol adopted by a business, organization, or an individual used to promote instant public recognition.

Lumen. The unit of measurement used to quantify the amount of light produced by a bulb or emitted from a fixture (as distinct from "watt," a measure of power consumption). For the purposes of this article, the lumen output values shall be the initial lumen output ratings of a lamp as defined by the manufacturer, multiplied by the lamp efficiency. Lamp efficiency of 95% shall be used for all solid-state lamps and 80% for all other lamps, unless an alternate efficiency rating is supplied by the manufacturer. The initial lumen rating associated with a given lamp is generally indicated on its packaging or may be obtained from the manufacturer. (Abbreviated lm)

Lumens per acre. The total number of lumens produced by all lamps utilized in outdoor lighting on a property divided by the number of acres, or part of an acre, with outdoor illumination on the property.

Luminous elements (of a light fixture). The lamp (light bulb), any diffusing elements, and surfaces intended to reflect or refract light emitted from the lamp individually or collectively comprise the luminous elements of a light fixture (luminaire).

Major addition. Enlargement of twenty-five percent (25%) or more of the building's gross floor area, seating capacity, or parking spaces, either with a single construction project or cumulative series of construction projects, after the enactment of this article. The term also includes replacement of twenty-five percent (25%) or more of installed outdoor lighting.

Nonresidential. Property designated as nonresidential under the city's zoning ordinance.

Outdoor lighting. Temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outdoors. Nonresidential fixtures that are installed indoors that cause light to shine outside are considered outdoor lighting for the intent of this article. (See [figure B](#)), residential fixtures installed indoors generating more than 6,200 lumens (approximately equal to a 300 watt incandescent bulb) that cause light to shine outside are also considered outdoor lighting for the intent of this article.

Figure B.

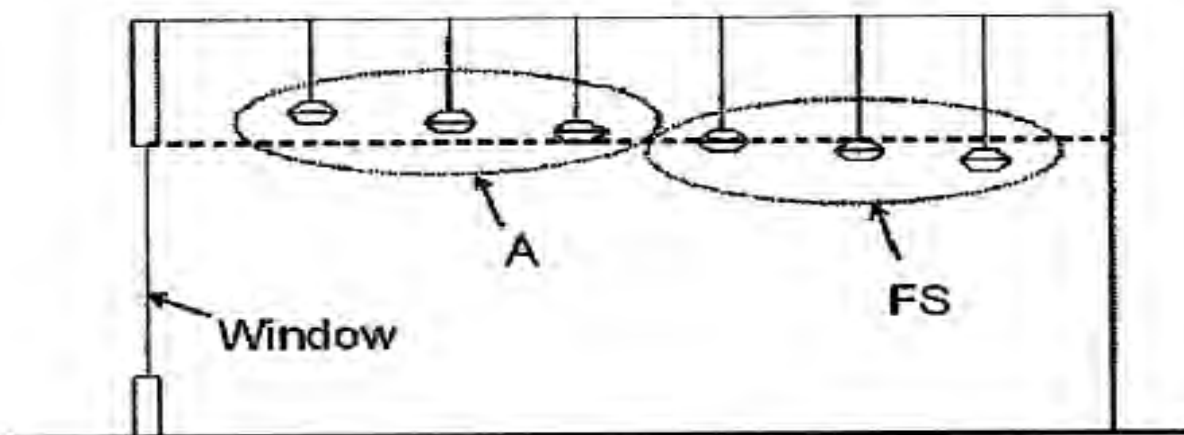


Figure B: Elevation view showing a nonresidential application of indoor lighting, labeled FS, which will be subject to this article and indoor lighting, labeled A, which is installed so that it is not subject to this article. This example presumes the structure in question is not elevated such that any of the luminaries labeled A in the figure

above may be seen from any other property. If the structure is elevated such that the luminaries labeled A are visible from another property then, they are subject to this article.

Person. A human individual, corporation, agency, unincorporated association, partnership, or sole proprietorship.

Residential. Property designated as residential under the city's zoning ordinance.

Temporary lighting. Lighting intended for uses which by their nature are of limited duration; for example holiday decorations, civic events, or construction projects.

Total outdoor light output. The total amount of light, measured in lumens, from all outdoor light fixtures within the illuminated area of a property. The lumen value to be used in the calculation is the lumen value as defined in this article. To get the total, add the lumen output attributed to each light fixture.

Uplighting. Lighting that is directed in such a manner as to project light rays above the horizontal plane running through the lowest point on the fixture where light is emitted.

Sec. 24.06.003 General

(a) Scope.

(1) This article applies within the city limits.

(2) Nothing herein shall be construed as preventing or limiting the city from applying this article to the ETJ through agreements with property owners, or as a term affixed to a conditional approval (such as a variance).

(b) Exemption. The following are exempt from the application of the regulations of this article:

(1) Lighting equipment required by law to be installed on motor vehicles; or

(2) Lighting required for the safe take-off and landing of aircrafts.

(c) Prohibition. A person commits an offense by doing the following:

(1) Installs outdoor lighting contrary to this article.

(2) Fails to comply with any terms or conditions set forth in a permit issued under this article.

(3) Installs outdoor lighting without obtaining a permit when the total number of the lumen outputs for all lights installed within any 90-day period is greater than 2,500 lumens.

Sec. 24.06.004 New lighting

(a) General. All outdoor lighting shall be installed in conformance with the provisions of this article, applicable electrical codes, energy codes, and building codes, except as provided herein.

(b) Prohibition. A person commits an offense by doing the following:

(1) Installs outdoor lighting contrary to this article;

(2) Fails to comply with any terms or conditions set forth in a permit issued under this article;

(3) Installs outdoor lighting without obtaining a permit when the total number of the lumen outputs for all lights installed within any 90-day period is greater than 2,500 lumens.

(c) Nonresidential. All outdoor lighting installed on nonresidential properties shall conform to the standards by this article, except as provided herein.

(d) Residential. All outdoor lighting installed on residential properties that is affixed to a construction project for which a building permit is required under this code shall conform to the standards established by this article.

Sec. 24.06.005 Nonconforming existing lighting

(a) All existing outdoor lighting that was legally installed before the enactment of this article, that does not conform with the standards specified imposed by this article shall be considered nonconforming. 146 Nonconforming outdoor lighting is allowed to remain until required to be replaced pursuant to the terms of this article.

- (b) If more than fifty percent (50%) of the total appraised value of a structure (as determined from the records of the county's appraisal district), has been destroyed, the nonconforming status expires and the structure's previously nonconforming outdoor lighting must be removed and may only be replaced in conformity with the standards of this article.
- (c) Nonconforming outdoor lighting shall be brought into conformance with this article as follows:
- (1) Nonresidential application. All existing outdoor lighting located on a subject property that is part of an application for a rezoning application, conditional use permit, subdivision approval, or a building permit for a major addition is required to be brought into conformance with this article before final inspection, issuance of a certificate of occupancy, or final plat recordation, when applicable. For the following permits issued by the city, the applicant shall have a maximum of 90 days from date of permit issuance to bring the lighting into conformance: site development permit, sign permit for an externally or internally illuminated outdoor sign, initial alcoholic beverage permit, initial food establishment permit, and on-site sewage facility permit.
- (2) Residential addition or remodel. Nothing herein shall be construed to terminate a residential property's nonconforming status as a result of an addition or remodel.
- (3) Abandonment of nonconforming. A nonconforming structure shall be deemed abandoned if the structure remains vacant for a continuous period of six (6) months. In that instance, the nonconforming status expires and the structure's previously nonconforming outdoor lighting must be removed and may only be replaced in conformity with the standards of this article.
- (d) It is unlawful to expand, repair or replace outdoor lighting that was previously nonconforming, but for which the prior nonconforming status has expired, been forfeited, or otherwise abandoned.
- (e) Outdoor lighting on property used for commercial purposes that is not in conformance with this article shall be brought into conformance with this article within ten (10) years from the date of adoption of this article. For property annexed into the city limits after September 2016, the ten-year period established by this subsection shall commence upon the effective date of the annexation. Nothing in this subsection may be construed to allow light trespass or any other form of nuisance from outdoor lighting. A new purchaser of property may request a three-year extension to come into compliance if property is purchased within ten (10) years of the enactment of this article.

Sec. 24.06.006 Shielding and total outdoor light output standards

- (a) Governmental owned streetlights, if rated by the B-U-G classification system:
- (1) Shall be rated and installed with the maximum backlight component limited to the values in [table 1](#) based on location of the light fixture where the property line is considered five (5) feet beyond the actual property line.
- (2) Shall be rated and installed with the uplight component of zero (UO); and
- (3) Shall be rated and installed with the glare component of no more than G1 unless four sided external shielding is provided so that the luminous elements of the fixture are not visible from any other property. Mounting height or topography may cause the luminous elements of a G1 or G0 rated governmental owned streetlight to require additional shielding to reduce glare.

Table 1

	Governmental Owned Rating
Fixture is greater than 2 mounting heights from property line	B3
Fixture is 1 to less than 2 mounting heights from property line	B2
Fixture is -.5 to 1 mounting heights from property line	B1
Fixture is less than 0.5 mounting height to property line	BO

(b) Governmental owned streetlights, if not rated by the B-U-G classification system, shall meet the qualifications to be full cutoff fixtures. (See [figure C](#)). Mounting height or topography may cause the luminous elements of a governmental owned streetlight to require additional shielding to reduce glare.

Figure C.

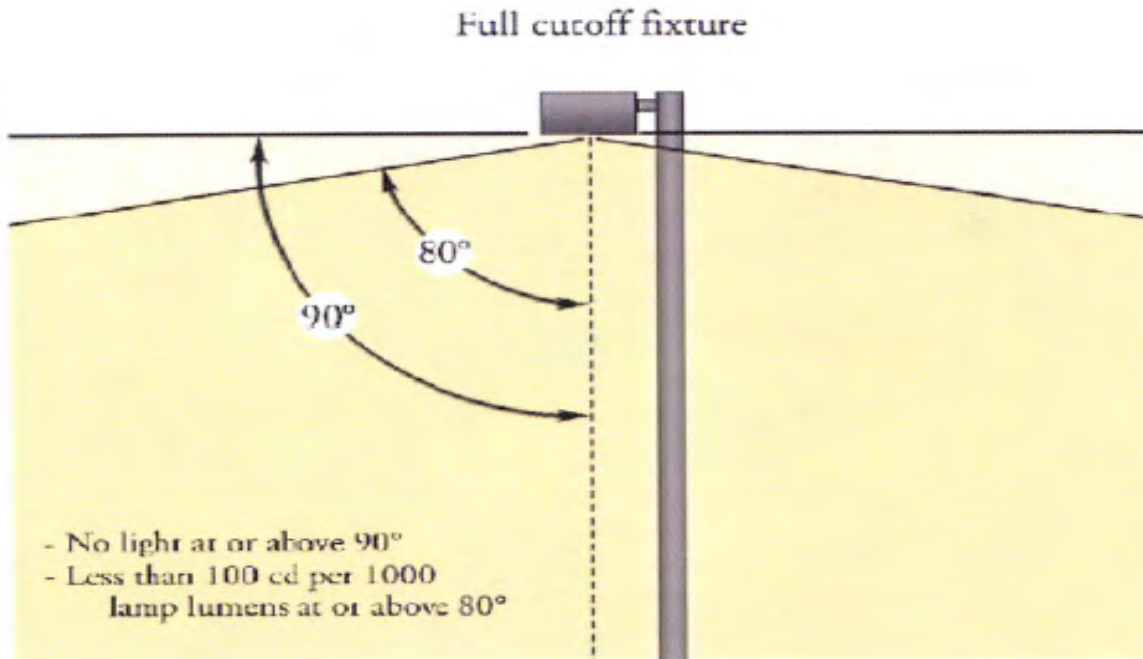


Figure C: Full cutoff fixtures do not allow any light to be emitted above the fixture. The fixture limits the light output in the first 10 degrees below the horizontal, to less than 10% of the total light output.

(c) All outdoor lighting, except governmental owned streetlights, shall be shielded so that the luminous elements of the fixture are not visible from any other property. Mounting height or proximity to property lines may cause the luminous elements of a light fixture to require additional shielding (See [figures D](#) and [E](#)).

Figure D.

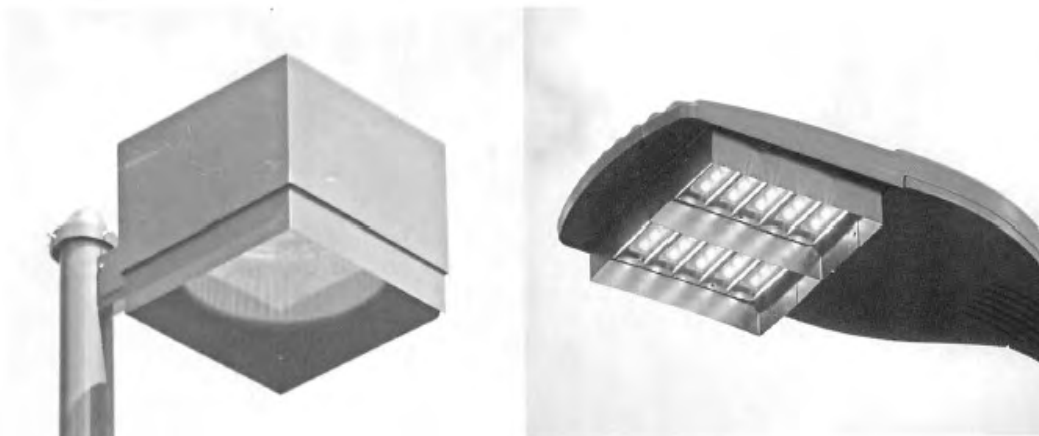


Figure E.



Figure E: The lights on the left are nonconforming. Those on the right can be used in most cases. However, the mounting height and proximity to the property line may cause them to need additional shielding to prevent the luminous elements from being visible from any other property.

(d) Nongovernmental light fixtures, if rated by the B-U-G classification system:

- (1) Shall be rated and installed with the maximum backlight component limited to the values in [table 1](#) based on location of the light fixture where the property line is considered to be five (5) feet beyond the actual property line;
- (2) Shall be rated and installed with the uplight components of zero (U0), except for uplighting covered in this article;
- (3) Shall be rated and installed with the glare component no more than G0 unless four sided external shielding is provided so that the luminous elements of the fixture are not visible from any other property; and
- (4) Shall be shielded in accordance with this article.

(e) Outdoor uplighting is prohibited, except in cases where the fixture is shielded by a roof overhang or similar structural shield and a licensed architect or engineer has stamped a prepared lighting plan that ensures that the light fixture(s) will not cause light to extend beyond the structural shield, and except as specifically permitted in this article.

(f) Outdoor lighting fixtures, except uplighting covered in subsection (c) above, are not allowed to have light escape above a horizontal plane running through the lowest point of the luminous elements. (See [figures F](#) and [G](#)).

Figure F.

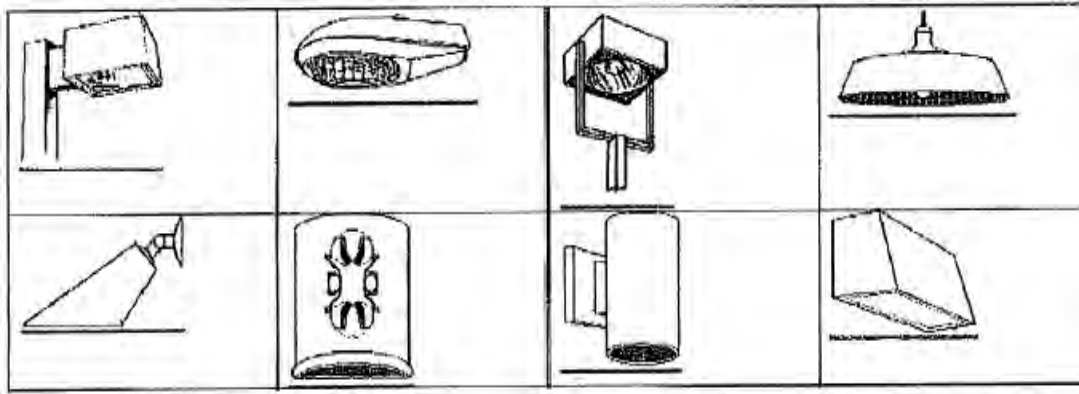


Figure F: This figure shows examples of fixtures that may conform to the provision to not allow light to escape above a horizontal plane running through the lowest point of the luminous elements if they are closed on top and mounted such that the bottom opening is horizontal. Note that the mounting height and proximity to the property line, or internal optics may cause them to need additional shielding to prevent the luminous elements from being visible from any other property.

A practical way to determine if a light fixture will conform to the provision to not allow light to escape above a horizontal plane running through the lowest point of the luminous elements: the lamp or tube, any reflective surface or lens cover (clear or prismatic) must not be visible when viewed from above or the side.

Figure G.

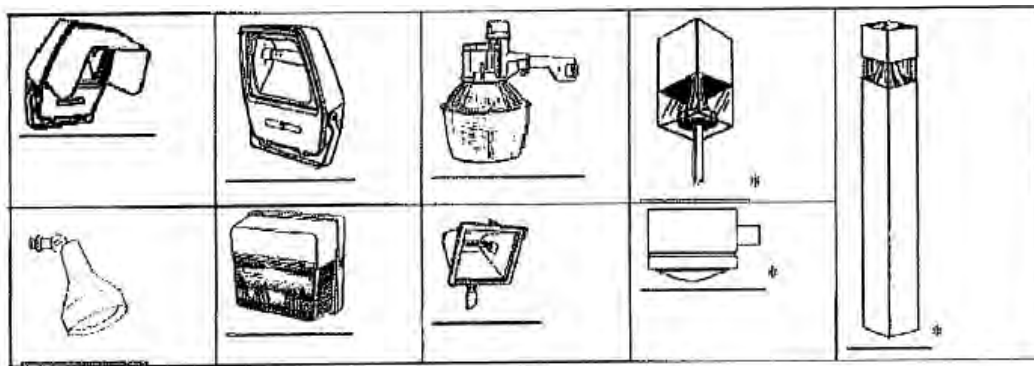


Figure G: This figure illustrates examples of fixtures that do not conform to the provision to not allow light to escape above a horizontal plane running through the lowest point of the luminous elements.

*Note: Even though the lamps in these fixtures are shielded from direct view when viewed from the side or above, reflective surfaces within the fixtures and/or lens covers are directly visible from the side.

(g) Total outdoor light output (excluding governmental owned streetlights used for illumination of public rights-of-way and outdoor recreation facilities) of any nonresidential property shall not exceed 100,000 lumens per net acre in any contiguous illuminated area. This lumen per net acre value is an upper limit and not a design goal; design goals should be the lowest levels that meet the requirement of the task.

(h) Total outdoor light output (excluding governmental owned streetlights used for illumination of public rights-of-way and outdoor recreation facilities) of any residential property shall not exceed 25,000 lumens per net acre in any contiguous illuminated area.

(i) Outdoor recreation facilities:

(1) Lumen cap exemption.

(A) Outdoor recreational facilities are not subject to the lumens per net acre limit.

(B) Outdoor lighting for sports facilities shall be designed to create minimum off-site spill, glare, and sky glow while honoring the guidelines for class IV play, as defined by the Illuminating Engineering Society of North America (IESNA) publication IES RP-06 or guidelines of a recognized sports organization such as the Texas University Interscholastic League (UIL), Little League, or the United States Soccer League. To be considered a recognized sports organization, the city administrator must

first approve such organizations guidelines.

(C) Class IV levels of illumination, as defined by IESNA, are encouraged to be utilized during practices if the competition lighting is established at a higher illumination level than class IV.

(2) Shielding. Fixtures used for nonaerial sports, such as track and field, shall be fully shielded. Fixtures used for aerial sports, such as baseball and softball shall be shielded to the full extent possible while also allowing the minimum of vertical illuminance needed by the players to track the ball as stated in writing by a sports lighting engineer recognized by peers as being an expert in that field. The sports lighting vendor must meet the guidelines for the specific sport and have the lowest available off-site spill, glare, and sky glow values.

(3) Certification. Lighting systems for outdoor recreational facilities shall be designed and certified by an engineer registered in the state as conforming to all applicable restrictions of this code before construction commences. Further, after installation is complete, an engineer registered in the state shall certify that the lighting system installation is consistent with the certified design.

(4) Curfew. No sports facility shall be illuminated between 10:30 p.m. and sunrise, except to conclude a scheduled recreational or sporting event in progress that began prior to 9:30 p.m.

Sec. 24.06.007 Lighting for outdoor signs and panels

(a) Outdoor internally illuminated signs (whether freestanding or building mounted) shall be constructed with an opaque background and translucent letters and symbols or with a colored background and lighter letters and symbols. (See [figure H](#)). The internally illuminated portion of the sign cannot be a light toned color such as white, cream, off-white, light tan, or light yellow unless it is part of a logo. Light toned colors such as white, cream, off-white, light tan, or light yellow are permitted in the logo only, provided that such colors in the logo shall represent not more than 33% of the total sign area permitted. Lamps used for internal illumination or backlighting of lettering shall not be included in the total outdoor light output calculation.

Figure H.







Light Background <input type="checkbox"/>	Colored Background <input checked="" type="checkbox"/>	Opaque Background <input checked="" type="checkbox"/>
		
		

Figure H: Internally-illuminated signs.

(b) Outdoor internally illuminated panels (such as illuminated canopy margins or building faces), shall be included in the total outdoor light output calculation.

(c) Outdoor externally illuminated signs shall conform to all provisions of this article and the sign ordinance, [chapter 26](#) of this code.

Sec. 24.06.008 Lighting under canopies, building overhangs, or roof eaves

(a) All outdoor light fixtures located under canopies, under building overhangs, or under roof eaves must conform to all provisions of this article.

(b) Outdoor light fixtures located under canopies, under building overhangs, or under roof eaves where the center of the lamp or luminaire is located at 5 feet, but less than 10 feet from the nearest edge of the canopy or overhang are to be included in the total outdoor light output as though they produced only one-quarter (1/4) of the lamp's rated lumen output. (See [figures I](#) and [J](#)).

Figure I.

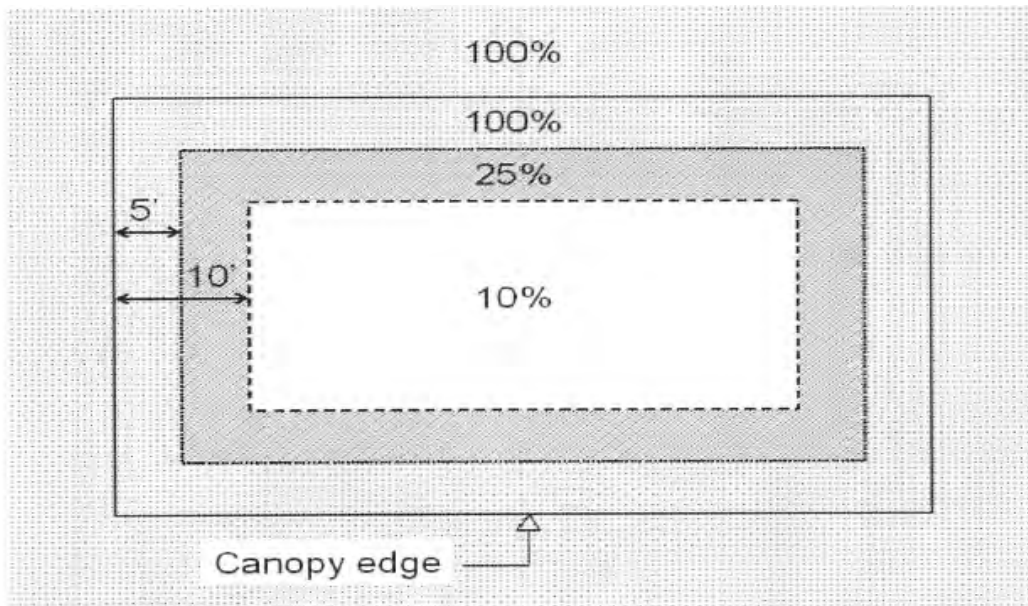


Figure I: Plan view of a canopy, showing fixture location and initial lamp output percentage counted toward total lumens.

Figure J.

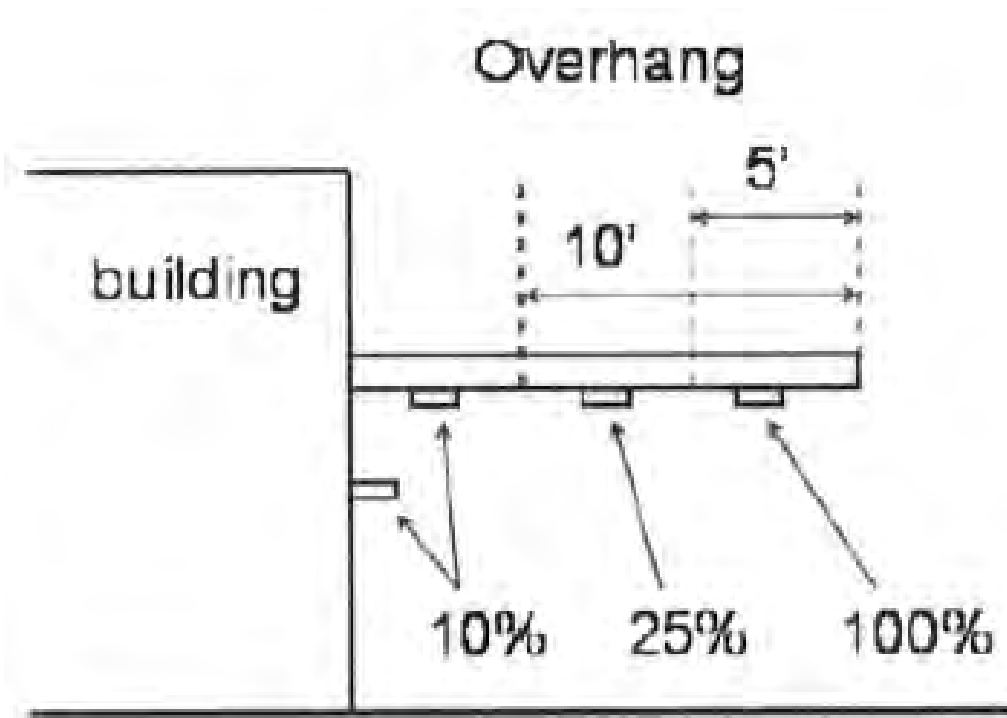


Figure J: Elevation view of a canopy or overhang attached to a building, showing location of shielded fixtures and initial lamp output percentage counted toward total lumens.

(c) Outdoor light fixtures located under canopies, under building overhangs, or under roof eaves where the center of the lamp or luminaire is located 10 or more feet from the nearest edge of a canopy, building overhang, or eave are to be included in the total outdoor light output as though they produced only one-tenth (1/10) of the lamp's rated lumen output. (See [figures I](#) and [J](#))

(d) The total light output used for illuminating under canopies or building overhangs, defined as the sum of all under canopy initial lamp outputs in lumens, shall not exceed 20 lumens per square foot under the canopy area. All lighting mounted under the canopy, including but not limited to light fixtures mounted on the lower surface of the canopy and auxiliary lighting within signage or illuminated panels under the canopy, is to be included in the total.

Sec. 24.06.009 Neon lighting

Neon lighting is permitted, so long as lumen calculations from such lighting are included in the total outdoor light

output calculations for the site. Lumens are calculated on a per foot basis, rather than per “fixture.” Such lighting shall also be subject to the shielding requirements of this section, unless exempted under [section 24.06.014](#).

Sec. 24.06.010 Flagpoles

- (a) Nothing herein shall be construed to limit or apply to the flagpoles in existence at the Veterans Memorial Park, which are expressly grandfathered.
- (b) If the flag of the United States of America is displayed during the hours of darkness, it should be illuminated as recommended in the Federal Flag Code.
- (c) Lighting of up to a total of two (2) flags per property is permitted with the following conditions:
 - (1) The flags must either be the flag of the United States of America, a flag of the state, a flag of a military branch of the United States of America or a flag of a branch of military of the state in order for illumination to be permitted.
 - (2) Flagpoles with a height greater than 20 feet above ground level shall be illuminated from above, if illuminated at all. This may be achieved by utilizing a light fixture attached to the top of the flagpole or a fixture mounted above the top of the flagpole on a structure within 15 feet of the flagpole and must comply with all sections of this article except for lights such as the ones in [figure K](#). The total number of lumens initially output from any light fixture mounted on top of or above a flagpole is limited to 800.
 - (3) Flagpoles with a height equal to or less than 20 feet above ground level may be illuminated from below. They are to be illuminated with up to 2 spot type fixtures utilizing shields or diffusers to reduce glare, whose maximum combined lumen output is 78 lumens per foot of pole height, measured from the light fixture to the top of the flagpole. The fixture is to be mounted so that the lens is perpendicular to the flagpole and the light output points straight up at the flag.

Figure K.

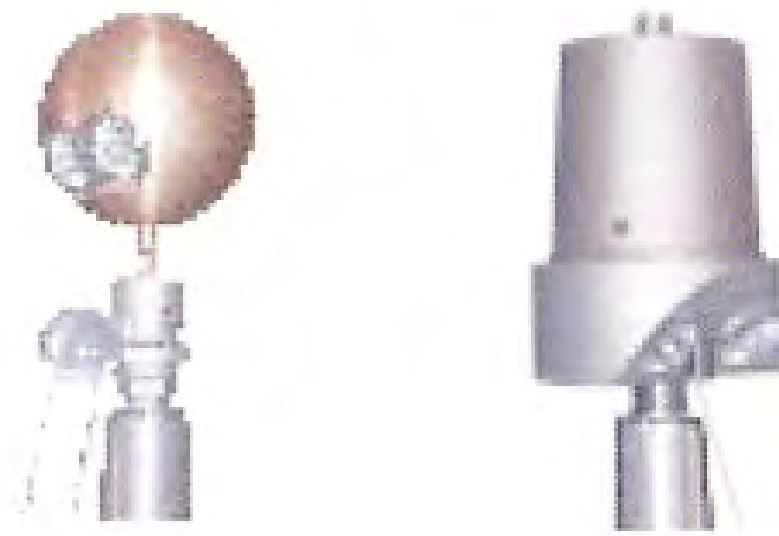


Figure K: Options for flagpole lighting.

- (4) Lamps used for flagpole illumination shall be included in the total outdoor light output.

[Section 24.06.011 Intentionally Omitted]

Sec. 24.06.012 Prohibitions

- (a) The installation of any mercury vapor fixture or lamp for use as outdoor lighting is prohibited.
- (b) Luminaries rated at more than 3000 Kelvin (K) are prohibited with the exception of luminaries installed prior to the enactment of this revised article rated no more than 4000K, which are shielded on every side so that the source of light is not visible from any other property and the combination of all such fixtures within any ten-foot by ten-foot area does not produce more than 4100 lumens for a pole

mounted fixture or 2050 lumens for a wall mounted fixture. Luminaries with a higher Kelvin ratings are permitted if the Scotopic-to-Photopic (S/P) ratio is no greater than 1.2.

(c) The installation of any barn-light style fixture for use as outdoor lighting is prohibited unless the fixture includes a full opaque reflector instead of the standard translucent lens. An example of barn-light style with and without the required opaque reflector is shown in [figure L](#).

Figure L.



Figure L: Acceptable shielding of barn-style light fixtures.

(d) The operation of searchlights for advertising purposes is prohibited.

Sec. 24.06.013 Submission of plans and evidence of compliance

(a) All building permit applications must include an outdoor lighting plan which includes the following information:

- (1) The location of all existing and proposed light fixtures (may be included on-site plan).
 - (2) A lumen calculation sheet to determine lumens per net acre. It must include the square footage of the total area to be illuminated, the light fixture catalog descriptions or ordering number, lamp types (i.e., incandescent, low pressure sodium, compact fluorescent, LED, etc.), the Kelvin rating for the lamp, the B-U-G rating for the selected fixture (if available); the number of fixtures or lamps (use the same unit corresponding to the unit used to determine how many lumens are produced), fixture or lamp initial lumens, the location from the edge of a canopy (if applicable), and mounting height of all existing and proposed lamps.
 - (3) Manufacturer's specification sheets for all existing and proposed light fixtures.
 - (4) Elevations with notes where light fixtures are to be installed indoors which may be seen from the exterior.
 - (5) Site plan with specific measurements in feet for the area to be illuminated. A scale notation is not sufficient.
 - (6) Acknowledgement that the applicant has received notification of the provisions of this article.
- (b) Upon receipt of residential building permit applications, city staff shall provide the homebuilder and/or applicant with educational materials about this article. The city's submission of educational materials shall be prima facie evidence that the applicant has received notification of the provisions of this article.

(c) Verification that a residential or commercial construction project requiring a building permit application has complied with the provisions of this article shall occur during the final electrical inspection by the city building inspector.

(d) For the first 60 days after the enactment of this article, residential building permit applicants may postpone the submission of the plans and evidence of compliance defined in this section for a maximum of 30 business days after the submission of their building permit application.

Sec. 24.06.014 Exemptions

The following lighting instances are exempt from this article:

- (1) Outdoor light fixtures with a maximum output of 180 lumens per fixture, regardless of the number of bulbs, may be left unshielded provided the fixture has a diffuser installed, and the source of the light is not visible from any other property. The output from these fixtures shall not exceed 10% of the total outdoor light output allowed.
- (2) Outdoor light fixtures with a maximum output of 360 lumens per fixture, regardless of the number of bulbs, which are shielded with a medium to dark tone lens provided said lens reduces the lumen output approximately in half, and the source of the light is not visible from any other property. The output from these fixtures shall not exceed 10% of the total outdoor light output allowed.
- (3) Outdoor lighting for which light is produced directly by the combustion of fossil fuels.
- (4) Holiday lights as defined in this article are exempt from the requirements of this article from November 15th to January 15th during the hours from 6:00 a.m. to midnight each day, except that flashing holiday lights are prohibited on nonresidential properties. Flashing holiday lights on residential properties are discouraged. Holiday lights may be illuminated one additional seven (7) day period per calendar year.
- (5) Lighting required by law to be installed on motor vehicles.
- (6) Lighting needed during activities of law enforcement, fire and other emergency services.
- (7) Lighting employed during emergency repairs of roads and utilities may be unshielded provided the lights are positioned so they do not shine in the eyes of passing drivers.
- (8) Lighting required for the safe operation of aircraft.
- (9) Temporary lighting required to save life or property from imminent peril provided the lights are positioned so they do not shine in the eyes of passing drivers.
- (10) Festoon type low-output lamps, limited to small individual bulbs on a string with a maximum output of 56 lumens within any square foot. The bulbs must have a rating of no more than 2800 Kelvin, may not be located within three (3) feet of a reflective surface such as a light colored or metal wall, and the bulbs may not be visible from any residential property within 50 feet of the installed lights. The lumen output from these lamps shall be doubled for inclusion in the total outdoor light output calculations and that doubled lumen value shall not exceed 20% of the total outdoor light output allowed for the property.
- (11) Low-intensity mini-lights or rope-type lights in amber, gold, yellow, cream, red, orange, or warm white wrapped on a tree, post, or other similar object provided the layers are at least six (6) inches apart. The output from these mini-lights shall not exceed 2% of the total outdoor light output allowed for the property and will be included in the lumens calculation for the total outdoor light output allowed.
- (12) Temporary lighting for theatrical, television, performance areas, events, or construction areas provided the lights are positioned so they do not shine in the eyes of passing drivers and the source of the illumination is shielded from any other property. This temporary lighting must not allow any light to be projected or reflect above the structures or trees on the property.
- (13) Lighting required by federal or state laws or regulations.

Sec. 24.06.015 Materials and methods of installation

This article is not intended to prohibit the use of any design, material or method of prescribed installation not specifically proscribed by this article, provided such alternative meets the legislative intent of this article.

Sec. 24.06.016 Compliance with building code

All lighting installations commenced in accordance with this article must be in compliance with the International Building Code, as adopted by the city council.

Sec. 24.06.017 Civil and criminal penalties

The city shall have the power to administer and enforce the provisions of this article as may be required by governing law. Any person violating any provision of this article is subject to suit for injunctive relief as well as prosecution for criminal violations.

Sec. 24.06.018 Criminal prosecution

Any person violating any provision of this article shall, upon conviction, be fined a sum not exceeding five hundred dollars (\$500.00). Each day that a provision of this article is violated shall constitute a separate offense. An offense under this article is a class A misdemeanor. The culpable mental state to incur criminal liability under this article is recklessness.

Sec. 24.06.019 Civil remedies

Nothing in this article shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this article and to seek remedies as allowed by law, including, but not limited to the following:

- (1) Injunctive relief;
- (2) Monetary damages; and
- (3) Other relief as directed by a court with jurisdiction over the matter.

Sec. 24.06.020 Alternative relief

To prevent specific conduct that violates this article or to require specific conduct that is necessary for compliance with this article; and

- (1) In lieu of criminal prosecution, a civil penalty up to five hundred dollars (\$500.00) a day to be deposited in the landscaping fund, when it is shown that the defendant was actually notified of the provisions of this article and committed acts in violation of this article or failed to take action necessary for compliance with this article; and other available relief.
- (2) In the event work is not being performed in accordance with this article, the city shall issue a stop-work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop-work order is in effect.

Sec. 24.06.021 Public nuisance

- (a) Any violation of this article that results in light trespass or an unreasonable interference with the common and usual use of neighboring property is hereby declared to be a public nuisance, which is prohibited by this article.
- (b) It is an offense under this article for a person to emit light onto the property of another unreasonably interfering with the neighboring property owner's use and enjoyment of their property.

Sec. 24.06.022 Administrative guidance

The city is authorized to promulgate one or more interpretive documents to aid in the administration of, and compliance with, this article. Such interpretive documents shall be educational only and shall not constitute regulations, amendments, or exceptions.

(Ordinance 1260.30 adopted 8/16/16)

Exhibit H

Private Amenities

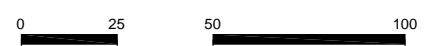
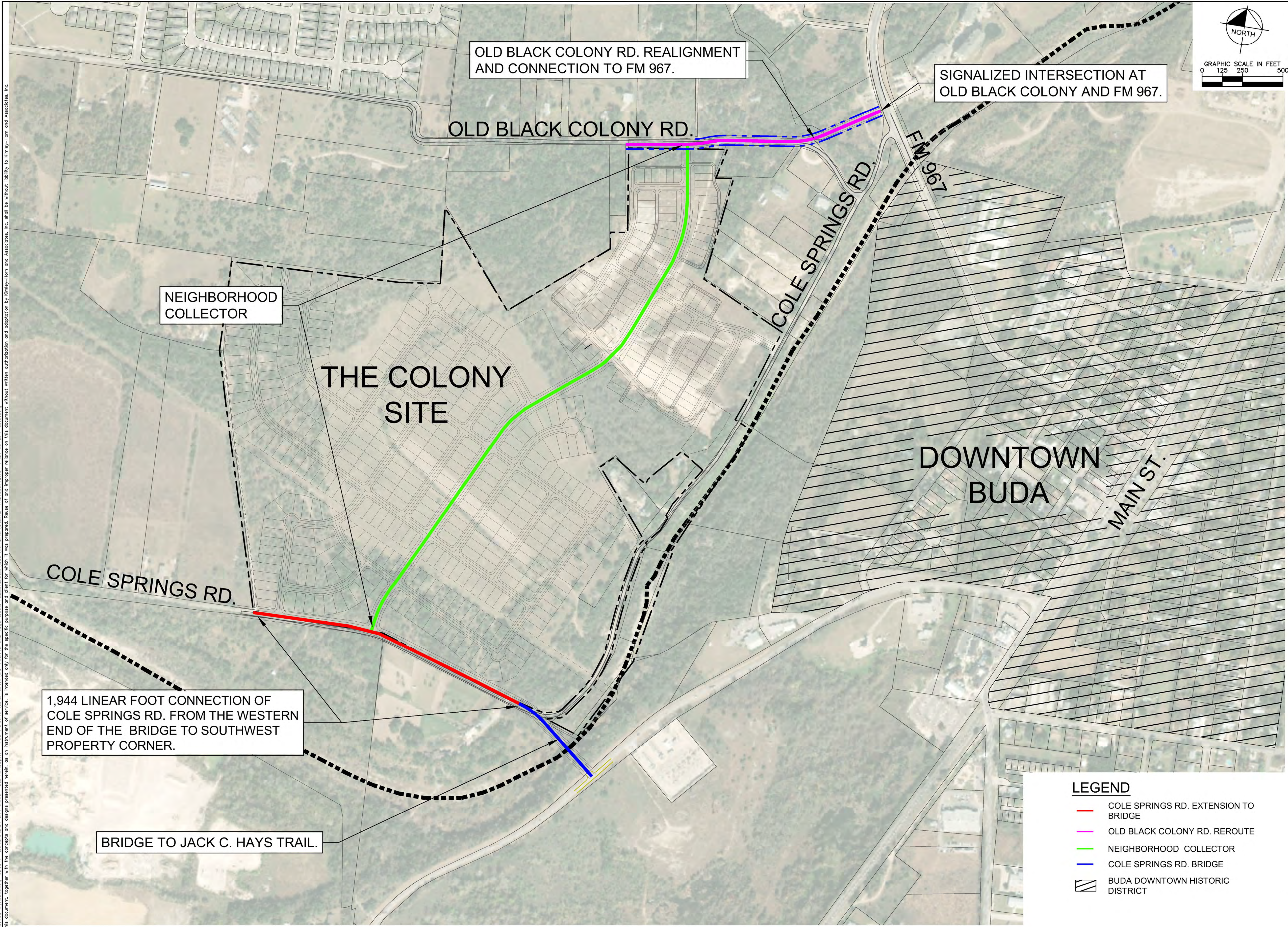


Exhibit I

Transportation Improvements

Plotted By: Buzzelli, Williams Date: March 27, 2020 03:49:59pm File Path: \\NSA\CIVIL\067783115 Meritons_Buda_Assemblies\06A\Exhibits\Master_Transportation_Plan_01.dwg
 This document, together with the concepts and designs presented herein, is an instrument of service, it is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



OLD BLACK COLONY RD. REALIGNMENT AND CONNECTION TO FM 967.

SIGNALIZED INTERSECTION AT OLD BLACK COLONY AND FM 967.

NEIGHBORHOOD COLLECTOR

THE COLONY SITE

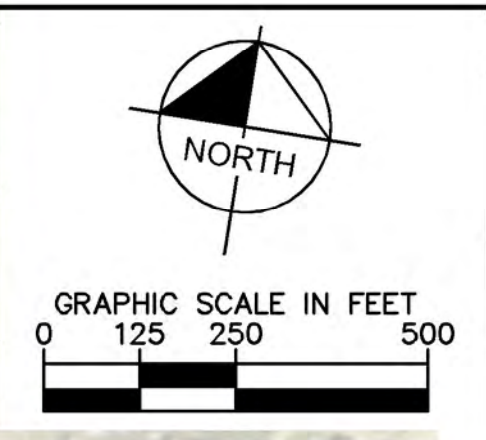
DOWNTOWN BUDA

COLE SPRINGS RD.

1,944 LINEAR FOOT CONNECTION OF COLE SPRINGS RD. FROM THE WESTERN END OF THE BRIDGE TO SOUTHWEST PROPERTY CORNER.

BRIDGE TO JACK C. HAYS TRAIL.

- LEGEND**
- COLE SPRINGS RD. EXTENSION TO BRIDGE
 - OLD BLACK COLONY RD. REROUTE
 - NEIGHBORHOOD COLLECTOR
 - COLE SPRINGS RD. BRIDGE
 - BUDA DOWNTOWN HISTORIC DISTRICT



NO.	REVISIONS	DATE	BY

Kimley >> Horn

2600 VIA FORTUNA TERRACE I, SUITE 300
 AUSTIN, TX 78746
 PHONE: 512-848-2237
 FAX: 512-848-2237
 WWW.KIMLEY-HORN.COM
 © 2016 KIMLEY-HORN AND ASSOCIATES, INC.
 TBPE Firm No. 928

FOR REVIEW ONLY
 Not for construction or permit purposes.

Kimley >> Horn

Engine: LUKE W. CADAMBY
 P.E. No. 122677 Date: 3/17

KHA PROJECT	067783115
DATE	MARCH 2020
SCALE	AS SHOWN
DESIGNED BY	L.C.D.M
DRAWN BY	DM
CHECKED BY	LC

MASTER TRANSPORTATION PLAN - SITE

THE COLONY
 CITY OF BUDA
 HAYS COUNTY, TEXAS

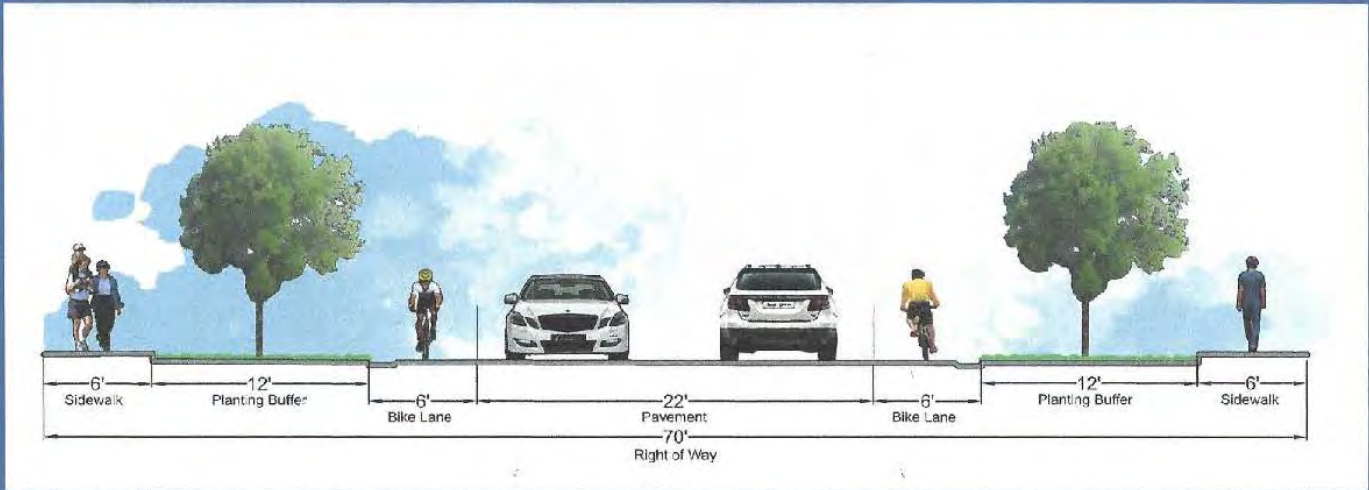
Exhibit J
Neighborhood Collector Road,
Old Black Colony Road, and Cole Spring Road Specifications

Neighborhood Collector Specifications

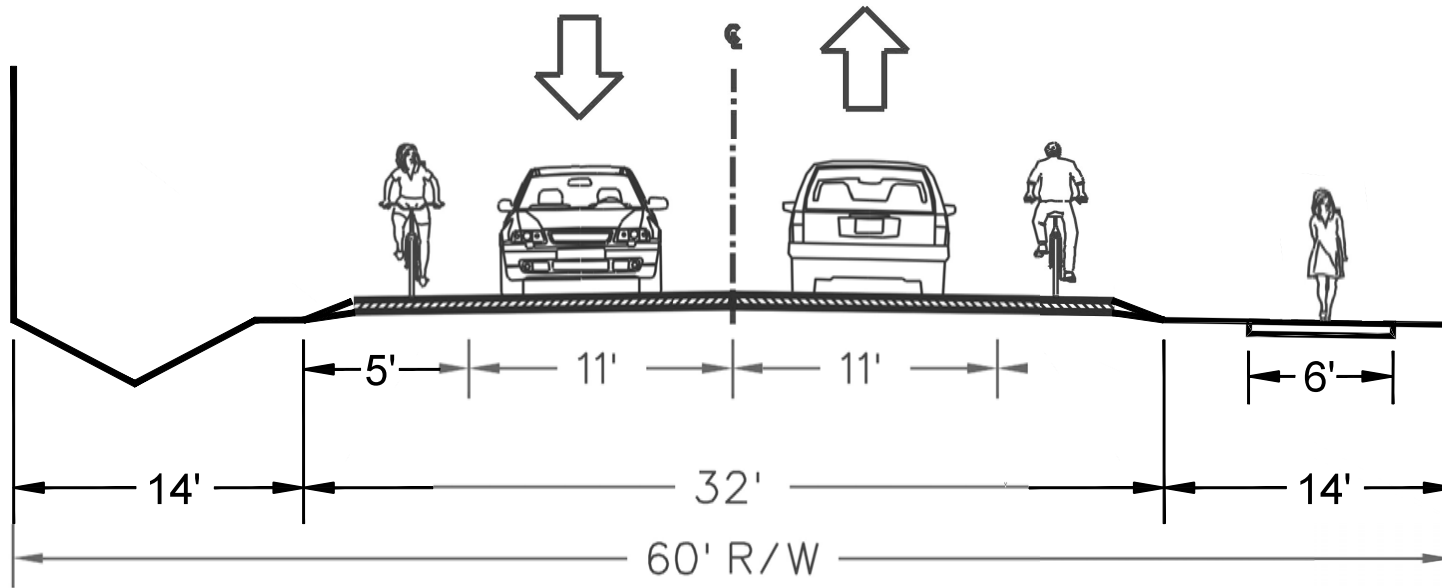


Proposed 70 foot collector right of way

- New Collector Road: 2 lane with 6 foot bike lanes.
- 6 foot wide walks on each side
- Street tree and landscaped parkway



Old Black Colony Road and Cole Springs Road Specifications



MODIFIED MNR 2 - BIKE
N.T.S.

MODIFIED MNR 2 - BIKE

BUDA, TEXAS
January 2020

PLOTTED BY BUZZELLI, WILLIAM 1/10/2020 4:35 PM
 DWG NAME K:\SAU_CIVIL\067783115 MERITAGE BUDA ASSEMBLAGE\CAD\EXHIBITS\PAVEMENT SECTION.DWG
 LAST SAVE 1/10/2020 4:34 PM

Kimley»Horn

5750 Genesis Court
 Suite 200
 Frisco, Texas 75034
 972-335-3580
 State of Texas Registration No. F-928

NOTE: THIS PLAN IS CONCEPTUAL IN NATURE AND HAS BEEN PRODUCED WITHOUT THE BENEFIT OF A SURVEY, TOPOGRAPHY UTILITIES, CONTACT WITH THE CITY, ETC.

Exhibit K

Petition for Consent to Creation

RECEIVED
APR 15 2020
CITY OF BUDA

PEITION FOR CONSENT TO CREATION
OF BUDA MUNICIPAL UTILITY DISTRICT NO. 1

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF BUDA,
TEXAS:

The undersigned (collectively, the "Petitioner"), holding title to the land described below (the "Land") and acting pursuant to the provisions of Chapters 49 and 54 of the Texas Water Code and Section 42.042 of the Texas Local Government Code, respectfully petitions the City Council of the City of Buda, Texas (the "City"), for its written consent to the creation of a municipal utility district over the Land and, in support of this Petition, would show the following:

I.

The name of the proposed district is BUDA MUNICIPAL UTILITY DISTRICT NO. 1 (the "District").

II.

The District will be created and organized under the terms and provisions of Article XVI, Section 59 of the Texas Constitution and Chapters 49 and 54, Texas Water Code, together with all amendments and additions thereto. It is further proposed that the District be granted road powers under the authority of Article III, Section 52 of the Texas Constitution.

III.

The Land proposed to be contained within the District consists of the 168.9 acres, more or less, situated in Hays County, Texas, more particularly described by metes and bounds on Exhibits A-1 and A-2, attached hereto and incorporated herein by reference. All of the Land is currently located within the extraterritorial jurisdiction of the City; however, Petitioner has voluntarily requested that the Land be annexed into the municipal boundaries of the City. The Land may properly be included in the District.

IV.

Petitioner holds title to the Land proposed to be included within the District and is the owner of a majority in value of such Land, as indicated by the tax rolls of Hays County, Texas. Capital Farm Credit, FLCA, a federal land credit association, is the only lienholder on any portion of the Land and has consented to the creation of the District as evidenced by the Certificate of Lienholder's Consent attached as Exhibit B.

V.

The general nature of the work to be done by the District, as contemplated at the present time, is the design, construction, acquisition, improvement, extension, financing, and issuance of bonds: (i) for maintenance, operation, and conveyance, of an adequate and efficient waterworks and sanitary sewer system for domestic and commercial purposes; (ii) for maintenance, operation, and conveyance of works, improvements, facilities, plants, equipment, and appliances helpful or necessary to provide more adequate drainage for the District, and to control, abate, and amend local storm waters or other harmful excesses of waters; (iii) for conveyance of roads and improvements in aid of roads; and (iv) for, maintenance, operation, and conveyance of such other additional facilities, systems, plants, and enterprises as may be consistent with any or all of the purposes for which the District is created.

VI.

There is a necessity for the above-described work because there is not now available within the area an adequate waterworks system, sanitary sewer system, drainage and storm sewer system, or roadway system to serve the Land, which will be developed for single-family use. The health and welfare of the present and future inhabitants of the area and of the adjacent areas requires the purchase, design, construction, acquisition, ownership, operation, repair, improvement, and extension of an adequate waterworks system, sanitary sewer system, drainage and storm sewer system, and roadway system. A public necessity therefore exists for the creation of the District, in order to provide for the purchase, design, construction, acquisition, ownership, operation, repair, improvement and extension of such a waterworks system, sanitary sewer system, and drainage and storm sewer system, and roadway system to promote the purity and sanitary condition of the State's waters and the public health and welfare of the community.

VII.

A preliminary investigation has been made to determine the cost of the proposed District's projects, and it is now estimated by the Petitioner, from such information as is available at this time, that such cost will be approximately \$22,000,000.

VIII.

Petitioner, by submission of this Petition, requests the City's consent to the creation of a municipal utility district containing the Land described in this Petition.

WHEREFORE, Petitioner requests that this Petition be heard and that the City Council duly pass and approve an ordinance or resolution granting its consent to the creation of the District and authorizing the inclusion of the Land within the District.


[SIGNATURE PAGES FOLLOW]

EXECUTED effective as of the 13th day of April, 2020.


PETITIONERS:

As to the approximately 122.378 acres described in Exhibit A-1

Fred Trudeau

By: 
Name: Fred Trudeau
Date: 3/16/2020

Paula Trudeau

By: 
Name: Paula Trudeau
Date: 3/15/2020

As to the approximately 46.505 acres described in Exhibit A-2

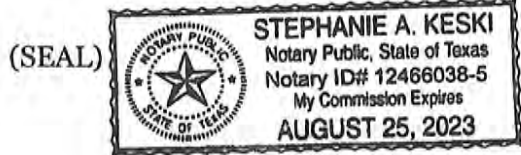
Industrial Asphalt, LLC, a Texas Limited Liability Company

By: _____
Title: _____
Date: _____

[NOTARY ACKNOWLEDGEMENTS FOR PETITIONERS ON FOLLOWING PAGE]

THE STATE OF TEXAS §
COUNTY OF Williamson §

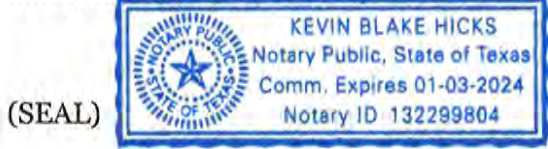
This instrument was acknowledged before me on the 16 day of March, 2020, by Fred Trudeau.



Notary Public, State of Texas

THE STATE OF TEXAS §
COUNTY OF Hays §

This instrument was acknowledged before me on the 15th day of March, 2020, by Paula Trudeau.



Notary Public, State of Texas

THE STATE OF TEXAS §
COUNTY OF _____ §

This instrument was acknowledged before me on the _____ day of _____, 2020, by _____ of Industrial Asphalt, LLC, a Texas limited liability company.

(SEAL) _____
Notary Public, State of Texas

EXECUTED effective as of the 13th day of April, 2020.

PETITIONERS:

As to the approximately 122.378 acres described in Exhibit A-1

Fred Trudeau

By: _____

Name: _____

Date: _____

Paula Trudeau

By: _____

Name: _____

Date: _____

As to the approximately 46.505 acres described in Exhibit A-2

Industrial Asphalt, LLC, a Texas Limited Liability Company

By: 

Title: CFO

Date: 4/13/2020

[NOTARY ACKNOWLEDGEMENTS FOR PETITIONERS ON FOLLOWING PAGE]

THE STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on the _____ day of _____, 2020, by Fred Trudeau.

(SEAL)

Notary Public, State of Texas

THE STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on the _____ day of _____, 2020, by Paula Trudeau.

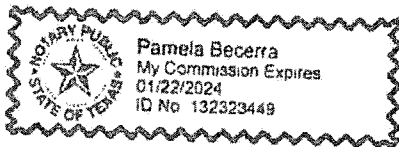
(SEAL)

Notary Public, State of Texas

THE STATE OF TEXAS §
 §
COUNTY OF Fort Bend §

This instrument was acknowledged before me on the 13 day of APRIL, 2020, by STEVE HULLETT, CFO of Industrial Asphalt, LLC, a Texas limited liability company.

(SEAL)



[Signature]

Notary Public, State of Texas

EXHIBIT A-1

Metes and Bounds Description/122.378 acres

{W0942048.1}

**TRACT 1:
A METES AND BOUNDS
DESCRIPTION OF A
117.943 ACRE TRACT OF LAND**

BEING a 117.943 acre (5,137,584 square feet) tract of land situated in the Phillip J. Allen Survey, Abstract No. 1, the Steven V. R. Eggleston Survey, Abstract No. 5, and the Hiram Cummings Survey, Abstract No. 108, Hays County, Texas; and being a portion of a called 123.670 acre tract of land described in instrument to Fred and Paula Trudeau recorded in Document No. 15007277 of the Official Public Records of Hays County; and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found at the intersection of the the northerly right-of-way line of County Road No. 148 (Cole Springs Road - variable width) and the westerly line of Old Lane, a non-exclusive access easement and right-of-way recorded in Document No. 17002666 of the Official Public Records of Hays County, marking the southeast corner of a called 26.827 acre tract of land described in instrument to Home Living Hospitality, Inc. recorded in Document No. 15007138 of the Official Public Record of Hays County;

THENCE, departing the northerly right-of-way line of said County Road 148, along the easterly line of said 26.827 acre tract and along the westerly line of said Old Lane the following two (2) courses and distances:

1. North 16°41'21" West, 1284.62 feet to a 1/2-inch iron rod found for corner;
2. North 15°43'45" West, 344.16 feet to a 1/2-inch iron rod found marking the northeast corner of said 26.827 acre tract, same being the southeast corner of a called 5.35 acre tract of land described in instrument to Timothy and Yvette Hunt recorded in Document No. 17002880 of the Official Public Records of Hays County;

THENCE, North 1°19'05" West, 552.69 feet, continuing along the westerly line of said Old Land and along the easterly line of said 5.35 acre tract to a 1" iron pipe found marking the northwest corner of said 123.670 acre tract;

THENCE, along the northerly and westerly lines if said 123.670 acre tract the following three (3) courses and distances:

1. North 88°00'22" East, 1043.62 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
2. North 82°37'55" East, 254.87 feet to a 1-inch iron pipe with a cotton spindle inside stamped "PROTECH ENG" found for corner;
3. North 5°28'50" West, 468.59 feet to a 1-inch iron pipe found marking the western-most southwest corner of a called 15.846 acre tract of land described in instrument to Kevin D. Barrow and Margaret Mills-Barrow recorded in Volume 1057, Page 501 of the Official Public Records of Hays County;

THENCE, along the southwesterly line of said 15.846 acre tract the following two (2) courses and distances:

1. South 41°23'59" East, 223.17 feet to a 1/2-inch iron rod found for corner;
2. South 39°36'52" East, 213.56 feet to a 1/4-inch iron rod found for corner;

THENCE, South 39°55'24" East, 1707.60 feet, along the southwesterly lines of said 15.846 acre tract, Lot 1, Block 2 of Scales Subdivision, plat of which is recorded in Volume 14, Pages 181-183 of the Plat Records of Hays County, a called 13.72 acre tract of land described in instrument to Industrial Asphalt, LLC recorded in Document No. 13001101 of the Official Public Records of Hays County, and a tract of land described in instrument to Velma Reveda recorded in Volume 2236, Page 445 of the Official Public Records of Hays County, to a 1/2-inch iron pipe found for corner;

THENCE, South 39°42'51" East, 247.63 feet, continuing along the southwesterly line of said Reveda tract to an iron rod with a plastic cap stamped "ZWA" found on the westerly right-of-way line of aforesaid County Road No. 148 (40 feet wide at this point);

DESCRIPTION CONTINUED ON SHEET 2.

ABEL P. STENDAHL
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6754
601 NW LOOP 410, SUITE 350
SAN ANTONIO, TEXAS 78216
PH. 210-541-9166
abel.stendahl@kimley-horn.com

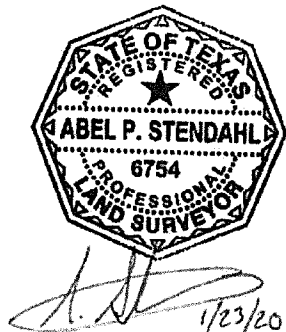


EXHIBIT
TRACT 1 - 117.943 ACRES
TRACT 2 - 4.435 ACRES
HIRAM CUMMINGS SURVEY, A-108
PHILLIP J. ALLEN SURVEY, A-1
S.V.R. EGGLESTON SURVEY, A-5
HAYS COUNTY, TEXAS

Kimley»Horn					
601 NW Loop 410, Suite 350 San Antonio, Texas 78216		FIRM # 10193973		Tel. No. (210) 541-9166 www.kimley-horn.com	
Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	APS	JGM	1/23/2020	057783115	1 OF 5

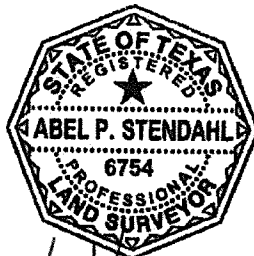
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DESCRIPTION CONTINUED FROM SHEET 1.

THENCE, along the westerly and northerly right-of-way lines of said County Road No. 148 the following eighteen (18) courses and distances:

1. in a southwesterly direction, along a non-tangent curve to the left, a central angle of 32°23'11", a radius of 204.12 feet, a chord bearing and distance of South 24°45'59" West, 113.85 feet, and a total arc length of 115.38 feet to a point for corner;
2. South 11°18'17" West, 157.44 feet to a point for corner;
3. in a southwesterly direction, along a non-tangent curve to the left, a central angle of 3°09'19", a radius of 3659.10 feet, a chord bearing and distance of South 7°31'03" West, 201.48 feet, and a total arc length of 201.51 feet to a point for corner;
4. South 5°46'18" West, 102.78 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
5. South 4°54'46" West, 162.14 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
6. South 13°54'26" West, 21.12 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
7. South 18°00'43" West, 73.70 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
8. South 19°56'09" West, 70.82 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
9. in a southwesterly direction, along a non-tangent curve to the right, a central angle of 7°13'43", a radius of 438.46 feet, a chord bearing and distance of South 24°35'42" West, 55.28 feet, and a total arc length of 55.32 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
10. South 32°11'28" West, 62.40 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
11. South 36°33'06" West, 158.71 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
12. South 37°08'11" West, 10.13 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
13. South 45°58'48" West, 20.05 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
14. South 75°56'09" West, 90.66 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
15. North 78°52'35" West, 49.70 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
16. North 75°51'36" West, 260.32 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
17. North 71°21'40" West, 800.64 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
18. North 89°33'45" West, 813.70 feet to the POINT OF BEGINNING, and containing 117.943 acres of land in Hays County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System Grid, South Central Zone (FIPS 4204) (NAD'83). All distances are on the Grid and shown in U.S. Survey Feet. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.

ABEL P. STENDAHL
 REGISTERED PROFESSIONAL
 LAND SURVEYOR NO. 6754
 601 NW LOOP 410, SUITE 350
 SAN ANTONIO, TEXAS 78216
 PH. 210-541-9166
 abel.stendahl@kimley-horn.com



Handwritten signature of Abel P. Stendahl
 1/23/20

EXHIBIT
TRACT 1 - 117.943 ACRES
TRACT 2 - 4.435 ACRES
 HIRAM CUMMINGS SURVEY, A-108
 PHILLIP J. ALLEN SURVEY, A-1
 S.V.R. EGGLESTON SURVEY, A-5
 HAYS COUNTY, TEXAS

Kimley»Horn
 601 MW Loop 410, Suite 350 San Antonio, Texas 78216 FIRM # 10193973 Tel. No. (210) 541-9168 www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	APS	JGM	1/23/2020	067783115	2 OF 5

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**TRACT 2:
A METES AND BOUNDS
DESCRIPTION OF A
4.435 ACRE TRACT OF LAND**

BEING a 4.435 acre (193,176 square feet) tract of land situated in the Steven V. R. Eggleston Survey, Abstract No. 3, and the Hiram Cummings Survey, Abstract No. 108, Hays County, Texas; and being a portion of a called 123.670 acre tract of land described in instrument to Fred and Paula Trudeau recorded in Document No. 15007277 of the Official Public Records of Hays County; and being more particularly described as follows:

BEGINNING at a 60D Nail found on the easterly right-of-way line of County Road No. 148 (Cole Springs Road - 40 feet wide) marking the southern-most southwest corner of a called 13.72 acre tract of land described in instrument to Industrial Asphalt, LLC recorded in Document No. 13001101 of the Official Public Records of Hays County;

THENCE, South 86°30'08" East, 161.61 feet along the northerly line of said 123.670 acre tract to a point for corner in the approximate centerline of Onion Creek;

THENCE, along the approximate centerline of said Onion Creek the following two (2) courses and distances:

- 1. South 10°45'28" West, 724.67 feet to a point for corner;
- 2. South 27°37'54" West, 569.45 feet to a point for corner, being the southeast corner of said 123.670 acre tract;

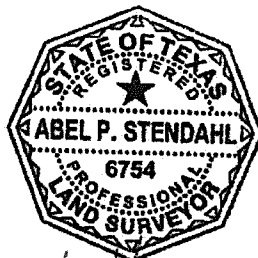
THENCE, North 71°21'40" West, 219.07 feet, departing the approximate centerline of said Onion Creek and along the southerly line of said 123.670 acre tract to a 1/2-inch iron rod with a plastic cap stamped "KHA" set on the easterly right-of-way line of aforesaid County Road No. 148;

THENCE, along the easterly right-of-way line of said County Road No. 148 the following fourteen (14) courses and distances:

- 1. North 75°56'09" East, 88.89 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 2. North 45°58'48" East, 33.84 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 3. North 37°08'11" East, 13.43 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 4. North 36°33'06" East, 160.44 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 5. North 32°11'28" East, 65.28 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 6. in a northeasterly direction, along a non-tangent curve to the left, a central angle of 7°26'36", a radius of 478.46 feet, a chord bearing and distance of North 24°39'28" East, 62.11 feet, and a total arc length of 62.16 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 7. North 19°56'09" East, 71.85 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 8. North 18°00'43" East, 75.81 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 9. North 13°54'26" East, 25.70 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 10. North 4°54'46" East, 164.99 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 11. North 5°46'18" East, 102.42 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 12. in a northeasterly direction, along a non-tangent curve to the right, a central angle of 3°08'32", a radius of 3619.10 feet, a chord bearing and distance of North 7°30'43" East, 198.45 feet, and a total arc length of 198.47 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 13. North 11°18'17" East, 157.67 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 14. in a northeasterly direction, along a non-tangent curve to the right, a central angle of 30°24'00", a radius of 164.12 feet, a chord bearing and distance of North 23°27'29" East, 86.06 feet, and a total arc length of 87.08 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set on the southwestery line of aforesaid 13.72 acre tract;

THENCE, South 39°42'51" East, 1.67 feet to the **POINT OF BEGINNING**, and containing 4.435 acres of land in Hays County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System Grid, South Central Zone (FIPS 4204) (NAD'83). All distances are on the Grid and shown in U.S. Survey Feet. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.

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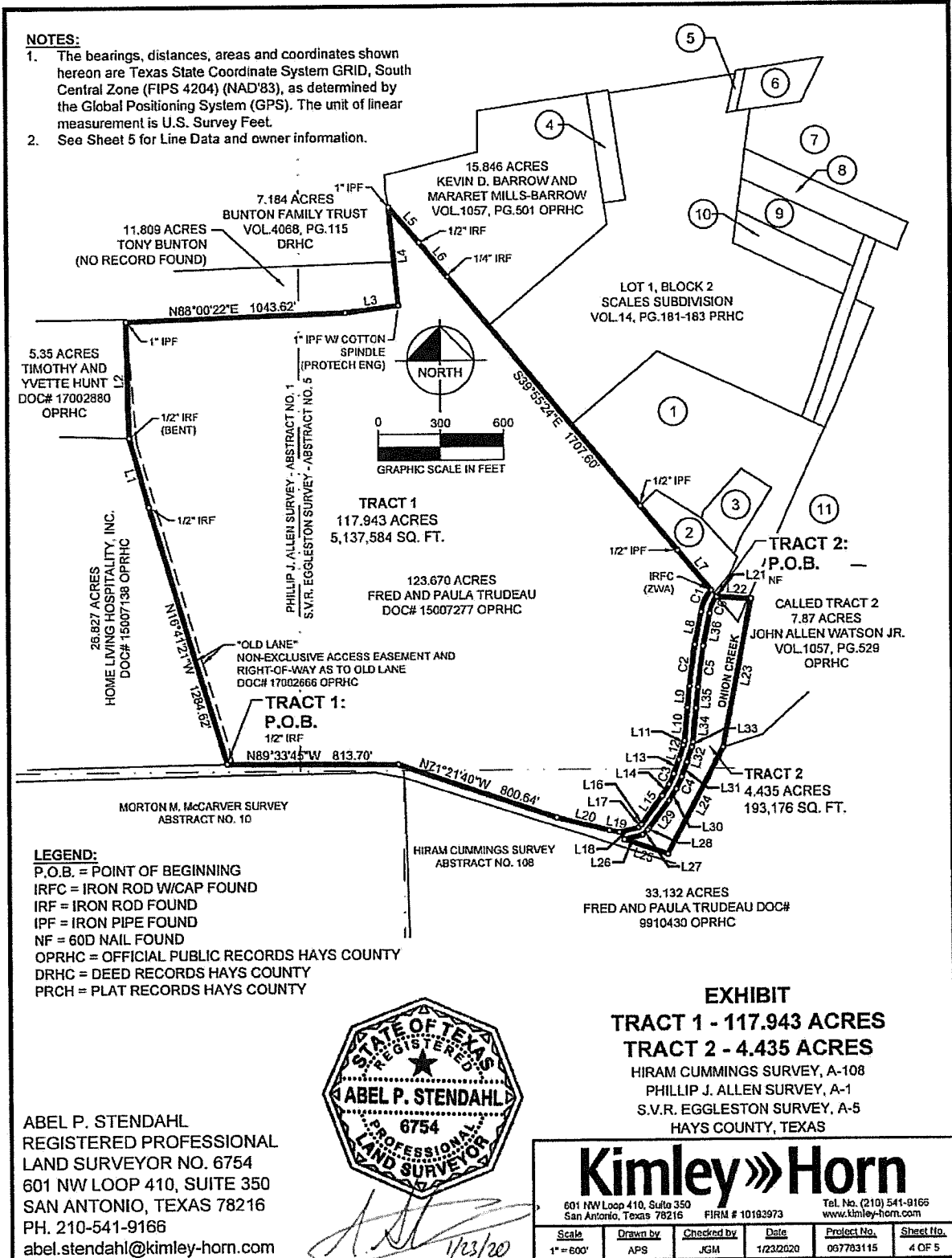
EXHIBIT
TRACT 1 - 117.943 ACRES
TRACT 2 - 4.435 ACRES
HIRAM CUMMINGS SURVEY, A-108
PHILLIP J. ALLEN SURVEY, A-1
S.V.R. EGGLESTON SURVEY, A-5
HAYS COUNTY, TEXAS

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	APS	JGM	1/23/2020	067783115	3 OF 5

NOTES:

1. The bearings, distances, areas and coordinates shown hereon are Texas State Coordinate System GRID, South Central Zone (FIPS 4204) (NAD'83), as determined by the Global Positioning System (GPS). The unit of linear measurement is U.S. Survey Feet.
2. See Sheet 5 for Line Data and owner information.



LEGEND:
 P.O.B. = POINT OF BEGINNING
 IRFC = IRON ROD W/CAP FOUND
 IRF = IRON ROD FOUND
 IPF = IRON PIPE FOUND
 NF = 60D NAIL FOUND
 OPRHC = OFFICIAL PUBLIC RECORDS HAYS COUNTY
 DRHC = DEED RECORDS HAYS COUNTY
 PRCH = PLAT RECORDS HAYS COUNTY

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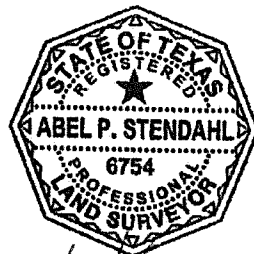


EXHIBIT
TRACT 1 - 117.943 ACRES
TRACT 2 - 4.435 ACRES
 HIRAM CUMMINGS SURVEY, A-108
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 HAYS COUNTY, TEXAS

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 600'	APS	JGM	1/23/2020	067763115	4 OF 5

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- 1 CALLED 13.72 ACRES
(BEING 15.84 ACRES
SAVE & EXCEPT 2.12 ACRES IN
VOL.209, PG.236 DR)
INDUSTRIAL ASPHALT, LLC
DOC# 13001101 OPRHC
- 2 QUIT CLAIM DEED
(NO DESCRIPTION)
VELMA REVEDA
VOL.2236, PG.445 OPRHC
(NO METES & BOUNDS)
- 3 CALLED 1.5 ACRES
LOYCE REVEDA GRAVES
DOC# 1702044 OPRHC
- 4 CALLED 35.818 ACRES
GLADYS M. SCALES FELDER DOC#
70018496 OPRHC
(REMAINDER)
- 5 CALLED 1 ACRE
DOVIE BUNTON
VOL.350, PG.798
PRHC
- 6 1.66 OR 2.00 ACRES
SANDRA J. WOODS
VOL.2381, PG.35 OPRHC
- 7 ANTIOCH COMMUNITY CHURCH
VOL.1462, PG.388 OPRHC
- 8 2.64 ACRES
DANIEL DIXON BALBOA
DOC# 17003374 OPRHC
(METES & BOUNDS FROM DOC#
70030439)
- 9 CALLED 2.64 ACRES
DANIEL DIXON BALBOA
DOC#17003375 OPRHC
- 10 CALLED 2.64 ACRES
DANIEL DIXON BALBOA
DOC#17003376 OPRHC
- 11 CALLED TRACT 1 - 15.17 ACRES
JOHN ALLEN WATSON JR.
VOL.1057, PG.529 OPRHC

LINE TABLE			LINE TABLE		
NO.	BEARING	LENGTH	NO.	BEARING	LENGTH
L1	N15°43'45"W	344.16'	L19	N78°52'35"W	49.70'
L2	N01°19'05"W	552.69'	L20	N75°51'36"W	260.32'
L3	N82°37'55"E	254.87'	L21	S39°42'51"E	1.67'
L4	N05°28'50"W	468.59'	L22	S86°30'08"E	161.61'
L5	S41°23'50"E	223.17'	L23	S10°45'28"W	724.67'
L6	S39°36'52"E	213.56'	L24	S27°37'54"W	569.45'
L7	S39°42'51"E	247.63'	L25	N71°21'40"W	219.07'
L8	S11°18'17"W	157.44'	L26	N75°58'09"E	88.03'
L9	S05°46'18"W	102.78'	L27	N45°58'48"E	33.04'
L10	S04°54'46"W	162.14'	L28	N37°08'11"E	13.43'
L11	S13°54'26"W	21.12'	L29	N36°33'05"E	160.44'
L12	S18°00'43"W	73.70'	L30	N32°11'28"E	65.28'
L13	S19°56'09"W	70.82'	L31	N19°58'09"E	71.85'
L14	S32°11'28"W	62.40'	L32	N18°00'43"E	75.81'
L15	S36°33'06"W	158.71'	L33	N13°54'26"E	25.70'
L16	S37°08'11"W	10.13'	L34	N04°54'46"E	164.99'
L17	S45°58'48"W	20.05'	L35	N05°46'18"E	102.42'
L18	S75°58'09"W	90.66'	L36	N11°18'17"E	157.67'

CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	32°23'11"	204.12'	115.38'	S24°45'59"W	113.65'
C2	3°09'19"	3659.10'	201.51'	S07°31'03"W	201.48'
C3	7°13'43"	438.46'	55.32'	S24°35'42"W	55.28'
C4	7°26'36"	478.46'	62.16'	N24°30'28"E	62.11'
C5	3°08'32"	3615.10'	198.47'	N07°30'43"E	198.45'
C6	30°24'00"	164.12'	87.08'	N23°27'29"E	86.06'

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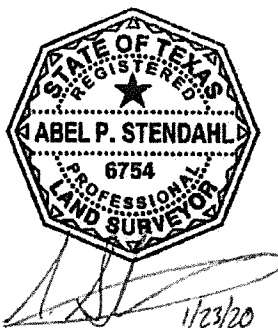


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HIRAM CUMMINGS SURVEY, A-108
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	APS	JGM	1/23/2020	087783115	5 OF 5

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EXHIBIT A-2

Metes and Bounds description/46.505 acres

**A METES AND BOUNDS
DESCRIPTION OF A
46.505 ACRE TRACT OF LAND**

BEING a 46.505 acre (2,034,763 square feet) tract of land located in the S.V.R. Eggleston Survey, Abstract No. 5, Hays County, Texas; containing all of Lot 1, Block 2 of Scales Subdivision, plat of which is recorded in Volume 14, Page 181 of the Plat Records of Hays County; said Lot 1, Block 2 also being described in instrument to Industrial Asphalt LLC, recorded in Document No. 13000534 of the Official Public Records of Hays County; also containing all of that certain 13.72 acre tract described in instrument to Industrial Asphalt LLC, recorded in Document No. 13001101 of the Official Public Records; and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod (w/cap stamped "CHAPARRAL") found on the southerly right-of-way line of Old Black Colony Road (width varies by occupation) and the northwesterly boundary of that certain 1.66 acre tract described in instrument to Sandra J. Woods recorded in Volume 2381, Page 35 of the Official Public Records of Hays County, marking the northeastern-most corner of said Lot 1, Block 2 and the southeast corner of a 14 feet wide dedication for right-of-way widening recorded in said plat of Scales Subdivision;

THENCE, along the boundary of the said 1.66 acre tract the following three (3) courses and distances:

1. South 12°37'09" West, 190.17 feet to a 1/2-inch iron pipe found for corner;
2. North 81°37'18" East, 46.05 feet to a 1/2-inch iron rod found for corner;
3. North 81°05'00" East, 63.95 feet to a 1/2-inch iron pipe found marking the northwestern-most corner of that certain tract described in Final Decree Confirming Partition to Antioch Community Church and recorded in Volume 1462, Page 388 of the Official Public Records of Hays County (from which a 1/2-inch iron pipe found bears North 20° East, 1.9 feet);

THENCE, South 7°17'35" West, along the westerly line of the said Antioch Community Church Tract, and along the westerly line of three consecutive 2.64 acre tracts of land described in instrument to Daniel Dixon Balboa in Document Nos. 17003376, 17003375, and 17003376 of the Official Public Records of Hays County; at 195.08 feet passing a 1/2-inch iron pipe found, at 340.18 passing an iron rod (w/cap stamped "1908") found; continuing for a total distance of 651.24 feet to a 1/2-inch iron pipe for corner;

THENCE, South 64°49'15" East, 583.89 feet along the said 2.64 acre tract recoded in Document No. 17003376 to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner on the northwesterly right-of-way line of County Road 148 (C.R. 148) also known as Cole Springs Road (60 feet wide - dedicated on the plat of aforesaid Scales Subdivision) marking the eastern-most corner of aforesaid Lot 1, Block 2;

THENCE, along the said northwesterly right-of-way line the following five (5) courses and distances:

1. South 19°39'18" West, 155.22 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
2. South 17°58'32" West, 231.36 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
3. South 19°04'38" West, 105.24 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
4. South 20°54'32" West, 99.00 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
5. South 22°21'58" West, 21.84 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner on the northeasterly line of the aforesaid 13.72 acre tract at the terminus of said northwesterly right-of-way line of said C.R. 148

THENCE, along the boundary of the said 13.72 acre tract the following two (2) courses and distances

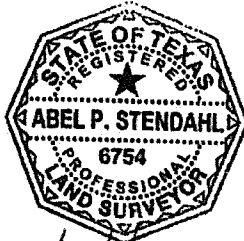
1. South 65°21'54" East, 121.77 feet crossing said C.R. 148 to a point for corner in the approximate center line of Onion Creek;
2. South 24°40'27" West, 695.60 feet along the said approximate center line of Onion Creek and along the northwesterly boundary of that certain 15.17 acre tract and that certain 7.87 acre tract described in instrument to John Allen Watson Jr. recorded in Volume 1057, Page 529 of the Official Public Records of Hays County, to a point for corner on the northerly line of a that certain 123.670 acre tract described in instrument to Fred and Paula Trudeau recorded in Document No. 15007277 of the Official Public Records of Hays County;

THENCE, along the northerly line of said 123.670 acre tract the following two (2) courses and distances:

1. North 86°30'08" West, at 149.80 feet to a 60D Nail found marking the northeastern-most corner of that certain 1.296 acre "save and except" tract dedicated for said C.R.148 out of a 123.670 acre tract described in instrument to Fred and Paula Trudeau, recorded in Document Number 15007277 of the Official Public Records of Hays County;
2. North 39°42'51" West, 21.26 feet to a PK-Nail (w/shiner stamped "KHA") set in asphalt at the approximate center line of said C.R. 148, marking the southern-most corner of that certain tract described in Quit Claim Deed to Velma Reveda, recorded in Volume 2236, Page 445 of the Official Public Records of Hays County;

DESCRIPTION CONTINUED ON SHEET 2.

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[Signature] 1/23/20

EXHIBIT - 46.505 ACRES
S.V.R. EGGLESTON SURVEY, A-5
HAYS COUNTY, TEXAS

Kimley»Horn

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

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
H/A	APS	JGM	1/23/2020	067783115	1 OF 4

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DESCRIPTION CONTINUED FROM SHEET 1.

THENCE, along the boundary of said Velma Reveda tract the following three (3) courses and distances:

1. North 40°00'00" East, 118.72 feet to a PK-Nail (w/shiner stamped "KHA") set in asphalt for corner;
2. North 23°21'04" East, 87.91 feet to a PK-Nail (w/shiner stamped "KHA") set in asphalt for corner;
3. North 42°12'29" West, 19.87 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set marking the southern-most corner of that certain 1.5 acre tract described in instrument to Loyce Reveda Graves recorded in Document No. 1702044 of the Official Public Records of Hays County;

THENCE, along the boundary of the said 1.5 acre tract the following five (5) course and distances:

1. North 20°20'38" East, 82.37 feet to a 1/2-inch iron rod found for corner;
2. North 32°39'53" East, 279.63 feet to a 1/2-inch iron rod found for corner;
3. North 57°22'53" West, 172.88 feet to a 1/2-inch iron rod found for corner;
4. South 41°55'46" West, 266.24 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
5. South 17°49'14" West, 38.50 feet to a 1/2-inch iron pipe found for corner on the Northeasterly boundary of aforesaid Velma Reveda tract;

THENCE, North 57°24'00" West, 253.37 feet along the said Reveda tract to a 1/2-inch iron pipe found for corner;

THENCE, South 46°27'20" West, 108.06 feet continuing along the said Reveda tract to a 1/2-inch iron pipe found for corner on the northeasterly boundary of the aforesaid 123.670 acre tract;

THENCE, North 39°54'44" West, at 510.29 feet passing a 1/2-inch iron pipe found marking the westerly corner of the aforesaid 13.72 acre tract and the southwestern-most corner of aforesaid Lot 1, Block 2; continuing for a total distances of 1125.39 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set marking the westerly corner of that certain 15.846 acre tract described in instrument to Keven D. Barrow recorded in Volume 1057, Page 501 of the Official Public Records of Hays County;

THENCE, along the northwesterly boundary of said Lot 1, Block 2 the following four (4) courses and distances:

1. North 50°05'21" East, 743.20 feet along the boundary of the said 15.846 acre tract to a 1/2-inch iron pipe found for corner;
2. North 8°26'13" West, 102.80 feet continuing along the said 15.846 acre tract to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
3. North 81°32'51" East, 105.57 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
4. North 8°27'09" West, 521.30 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set marking the northwestern-most of said Lot 1, Block 2 and the southwest corner of the aforesaid 14 feet wide right-of-way dedication to Old Black Colony Road;

THENCE, North 81°40'24" East, 610.43 feet long said 14 feet wide right-of-way dedication to Old Black Colony Road to POINT OF BEGINNING and containing 46.505 acres land in Hay County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System Grid, South Central Zone (FIPS 4204) (NAD'83). All distances are on the Grid and shown in U.S. Survey Feet. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.

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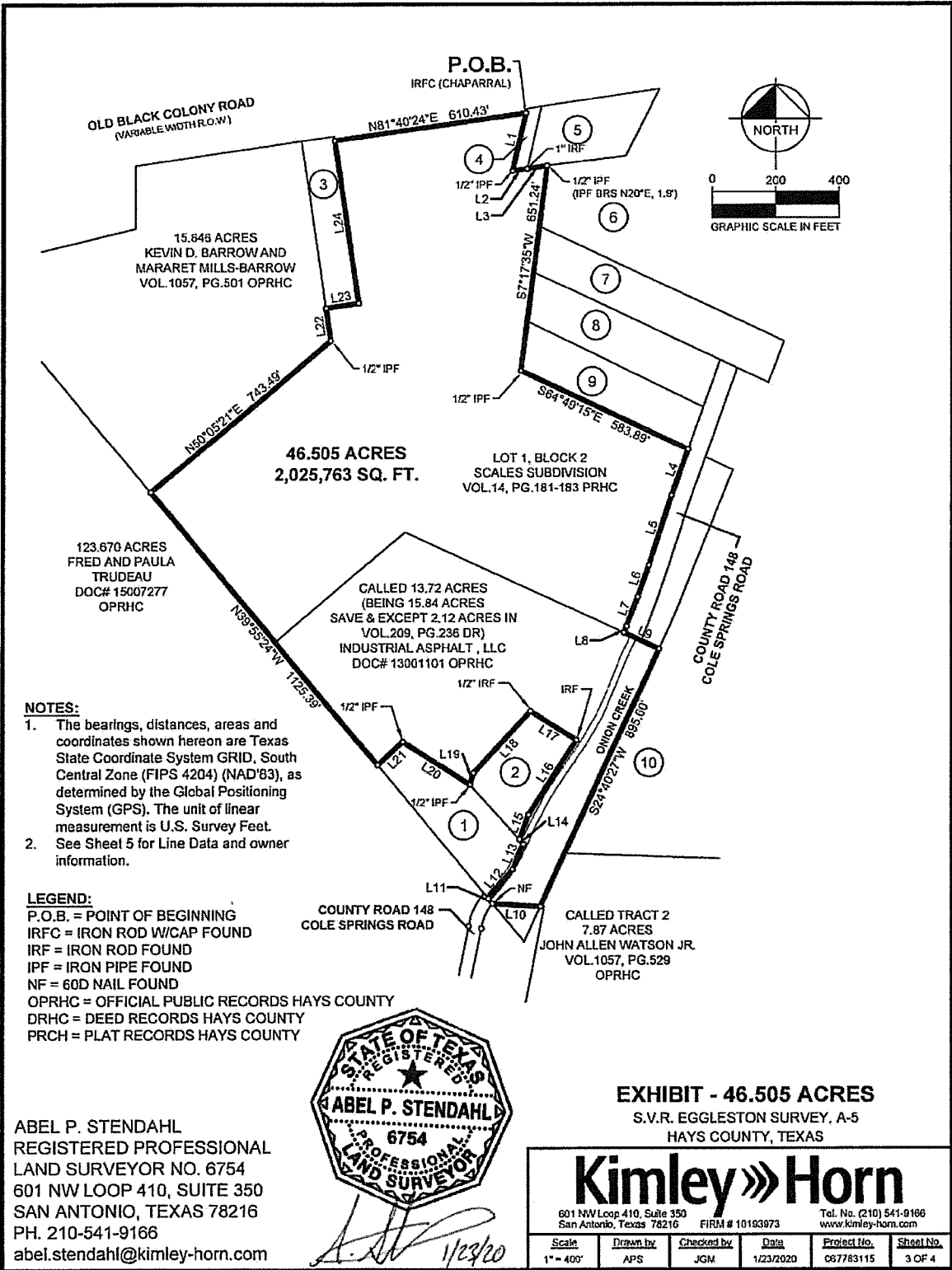
EXHIBIT - 46.505 ACRES
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 HAYS COUNTY, TEXAS

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	APS	JGN	1/23/2020	067783115	2 OF 4

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- ① QUIT CLAIM DEED
(NO DESCRIPTION)
VELMA REVEDA
VOL.2236, PG.445 OPRHC
(NO METES & BOUNDS)
- ② CALLED 1.5 ACRES
LOYCE REVEDA GRAVES
DOC# 1702044 OPRHC
- ③ CALLED 35.818 ACRES
GLADYS M. SCALES FELDER DOC#
70018486 OPRHC
(REMAINDER)
- ④ CALLED 1 ACRE
DOVIE BUNTON
VOL.350, PG.798
PRHC
- ⑤ 1.66 OR 2.00 ACRES
SANDRA J. WOODS
VOL.2381, PG.35 OPRHC
- ⑥ ANTIOCH COMMUNITY CHURCH
VOL.1462, PG.388 OPRHC
- ⑦ 2.84 ACRES
DANIEL DIXON BALBOA
DOC# 17003374 OPRHC
(METES & BOUNDS FROM DOC#
70030439)
- ⑧ CALLED 2.64 ACRES
DANIEL DIXON BALBOA
DOC#17003375 OPRHC
- ⑨ CALLED 2.64 ACRES
DANIEL DIXON BALBOA
DOC#17003376 OPRHC
- ⑩ CALLED TRACT 1 - 15.17 ACRES
JOHN ALLEN WATSON JR.
VOL.1057, PG.529 OPRHC

LINE TABLE		
NO.	BEARING	LENGTH
L1	S12°37'09"W	190.17'
L2	N81°37'18"E	46.05'
L3	N81°05'00"E	63.95'
L4	S19°39'18"W	155.22'
L5	S17°58'32"W	231.36'
L6	S10°04'38"W	105.24'
L7	S20°54'32"W	89.00'
L8	S22°21'58"W	21.84'
L9	S65°21'54"E	121.77'
L10	N86°30'08"W	149.80'
L11	N39°42'51"W	21.26'
L12	N40°00'00"E	118.73'
L13	N23°21'04"E	87.91'
L14	N42°12'29"W	19.87'
L15	N20°20'38"E	82.37'
L16	N32°39'53"E	279.63'
L17	N57°22'53"W	172.88'
L18	S41°55'46"W	266.24'
L19	S17°49'14"W	38.50'
L20	N57°24'00"W	253.37'
L21	S46°27'20"W	108.13'
L22	N06°26'13"W	102.80'
L23	N81°32'51"E	105.57'
L24	N06°27'09"W	521.30'

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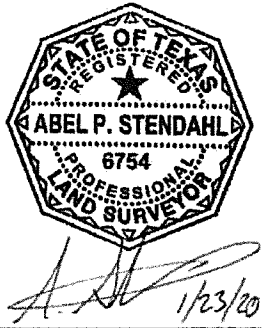


EXHIBIT - 46.505 ACRES
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HAYS COUNTY, TEXAS

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601 NW Loop 410, Suite 350 San Antonio, Texas 78216		FIRM # 10193973		Tel. No. (210) 541-9166 www.kimley-horn.com	
Scale	Drawn by	Checked by	Date	Printed No.	Sheet No.
N/A	APS	JGM	1/23/2020	057783115	4 OF 4

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EXHIBIT B
Lienholder Consent

{W0942048.1}

CERTIFICATE OF LIENHOLDER'S CONSENT

THE STATE OF Texas §
COUNTY OF Uvalde §
§

Capital Farm Credit, FLCA, a federal loan credit association, being the lienholder on a portion of the land (the "Liened Land") proposed to be included in Buda Municipal Utility District No. 1 (the "District"), as described in the Petition for Creation of Buda Municipal Utility District No. 1 (the "Petition") to which this Certificate of Lienholder's Consent is attached, hereby consents to the Petition and the inclusion of the Liened Land in the District.

WITNESS MY HAND effective as of the 24 day of March, 2020.

CAPITAL FARM CREDIT, FLCA, a federal loan credit association

By: Jae Thompson
Name/Title: Regional V.P. President of Sales
Date: 3/24/20

THE STATE OF Texas §
COUNTY OF Uvalde §
§

This instrument was executed before me on this 24th day of March, 2020, by Jae Thompson, RVP of Sales of **Capital Farm Credit, FLCA**, a federal loan credit association, on behalf of said association.

Shaye Lynn Beasley
Notary Public Signature

(seal)

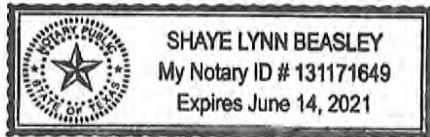


Exhibit L

Consent Ordinance

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF BUDA, TEXAS, GRANTING THE CONSENT OF THE CITY OF BUDA, TEXAS TO THE CREATION OF A MUNICIPAL UTILITY DISTRICT TO BE KNOWN AS “BUDA MUNICIPAL UTILITY DISTRICT NO. 1” WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF BUDA; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND CONTAINING OTHER PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, Fred and Paula Trudeau own certain real property located in Hays County, Texas, such real property being more particularly described in Exhibit A1 attached hereto and fully incorporated herein for all purposes; and

WHEREAS, Industrial Asphalt, LLC owns certain real property located in Hays County, Texas, such real property being more particularly described in Exhibit A2 attached hereto and fully incorporated herein for all purposes; and

WHEREAS, the property described in Exhibits A1 and A2 collectively, being approximately 168.883 acres, shall be known as the “Property”; and

WHEREAS, Fred and Paula Trudeau and Industrial Asphalt, LLC, (collectively the “Owners”) have submitted to the City the petition attached as Exhibit B (the “Petition”) requesting the City’s consent to the creation of a municipal utility district over the Property proposed to be named “Buda Municipal Utility District No. 1” (the “District”); and

WHEREAS, as of the effective date of this Ordinance the Property is located in the municipal boundaries of the City; and

WHEREAS, Section 54.016, *Texas Water Code*, and Section 42.042, *Texas Local Government Code*, provide that Property within the municipal boundaries of a municipality may not be included within a municipal utility district without the municipality’s written consent; and

WHEREAS, the City desires to grant the Petition and consent to the creation of the District over the Property.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BUDA, TEXAS THAT:

Section 1: The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct and adopted herein for all purposes.

Section 2: The City hereby grants the Petition and, in accordance with Section 42.042 of the *Texas Local Government Code* and Section 54.016 of the *Texas Water Code*, specifically gives its written consent to the creation of the District over the Property.

Section 3: That the Mayor of the City of Buda is hereby authorized to sign this Ordinance and the City Secretary of the City of Buda to attest.

Section 4: *Repeal.* This Ordinance shall be and is hereby cumulative of all other ordinances of the City of Buda, Texas, and this Ordinance shall not operate amend, change, supplement or repeal any such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such other ordinances are hereby repealed.

Section 5: *Severability.* If any clause or provision of this Ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portion of the Ordinance, which shall continue to have full force and effect.

Section 6: *Passage.* Pursuant to Section 3.12 of the Charter of the City of Buda, Texas, if the Council determines that the first reading of this ordinance is sufficient for adequate consideration by an affirmative vote of five or more members of the City Council during the first reading and the Ordinance is passed by a the affirmative vote of four or more members of the City council, this Ordinance is adopted and enacted without further readings. In the event a second reading is necessary, this Ordinance is adopted and enacted upon the affirmative vote of four or more members of the City Council upon second reading.

Section 7: *Effective Date.* This Ordinance shall become effective on June 3, 2020, immediately after the ordinance zoning the Property becomes effective, in accordance with Section 3.12 of the Charter of the City of Buda, Texas.

Section 8: It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place, and purpose of said meeting was given, all as required by the Open Meetings Act, Chapter 551, *Texas Government Code*, as amended.

PASSED AND APPROVED on first reading on the 19th day of May, 2020, at a regular meeting of the City Council of the City of Buda, Texas.

PASSED, APPROVED AND ADOPTED on second and final reading on the 2nd day of June, 2020, at a regular meeting of the City Council of the City of Buda, Texas.

APPROVED:

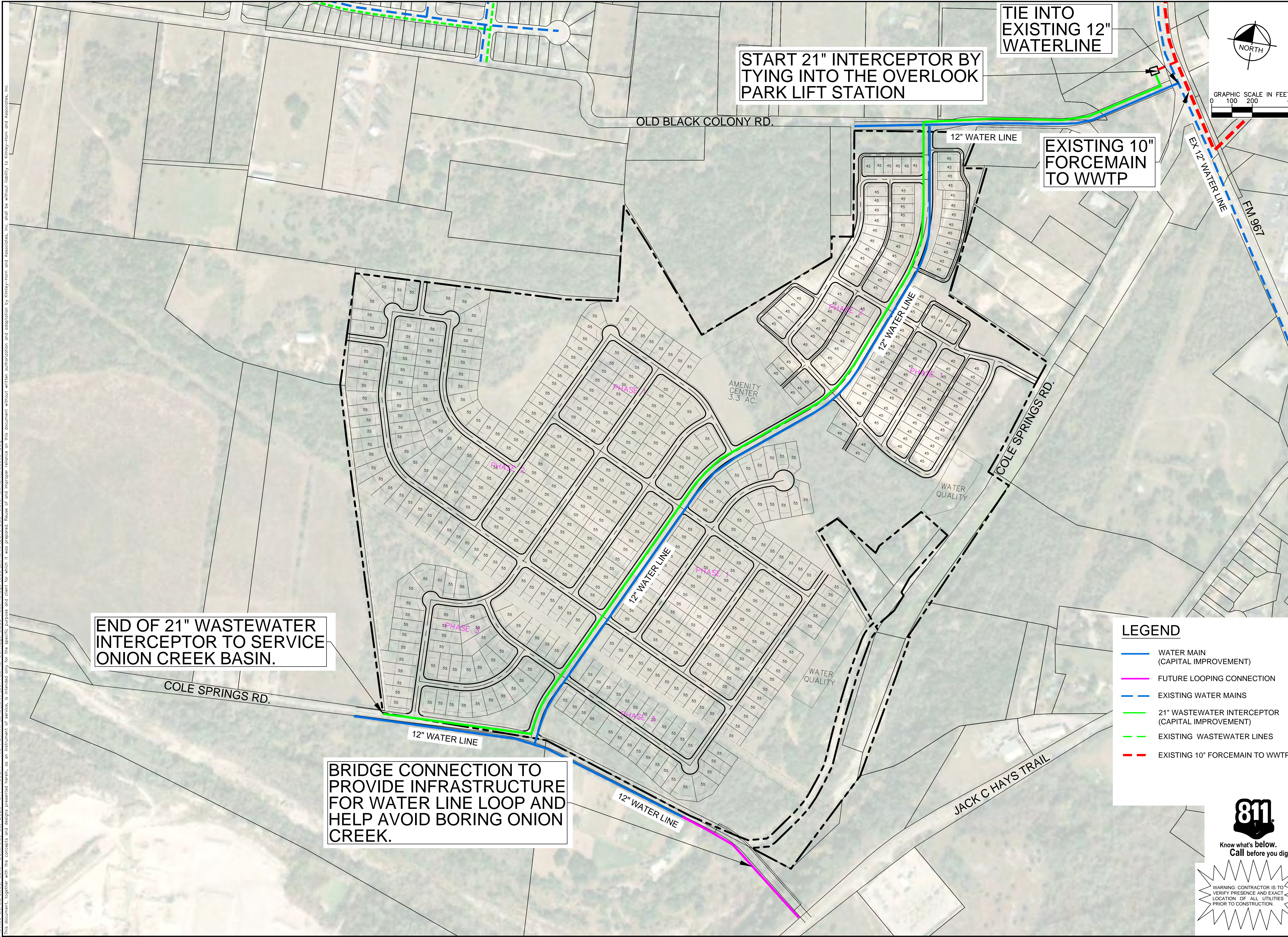
George Haehn, Mayor
City of Buda, Texas

ATTEST:

Alicia Ramirez, City Clerk
City of Buda, Texas

Exhibit M
Water and Wastewater Plan

Plotted By: Curaway, Luke Date: May 05, 2020 07:41:39am File Path: \\SAU-Civil\067283115_Meritage Buda Assemblage_Cad\Exhibits\20191230-Water Exhibit-recover.dwg
 This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



START 21" INTERCEPTOR BY TYING INTO THE OVERLOOK PARK LIFT STATION

TIE INTO EXISTING 12" WATERLINE

EXISTING 10" FORCEMAIN TO WWTP

END OF 21" WASTEWATER INTERCEPTOR TO SERVICE ONION CREEK BASIN.

BRIDGE CONNECTION TO PROVIDE INFRASTRUCTURE FOR WATER LINE LOOP AND HELP AVOID BORING ONION CREEK.

LEGEND

- WATER MAIN (CAPITAL IMPROVEMENT)
- FUTURE LOOPING CONNECTION
- - - EXISTING WATER MAINS
- 21" WASTEWATER INTERCEPTOR (CAPITAL IMPROVEMENT)
- - - EXISTING WASTEWATER LINES
- - - EXISTING 10" FORCEMAIN TO WWTP



WARNING: CONTRACTOR IS TO VERIFY PRESENCE AND EXACT LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.

NO.	REVISIONS	DATE

Kimley & Horn
 2600 VIA FORTUNA TERRACE I, SUITE 300
 AUSTIN, TX 78746
 PHONE: 512-426-2237
 WWW.KIMLEY-HORN.COM
 © 2016 KIMLEY-HORN AND ASSOCIATES, INC.
 TPE Firm No. 928

FOR REVIEW ONLY
 Not for construction or permit purposes.
Kimley & Horn
 Prepared: LUKE W. CARAWAY
 P.E. No. 125677 Date: 1/17

KHA PROJECT	067783115
DATE	JANUARY 2020
SCALE	AS SHOWN
DESIGNED BY:	L.C.DM
DRAWN BY:	DM
CHECKED BY:	LC

WATER & WW EXHIBIT

THE COLONY
 CITY OF BUDA
 HAYS COUNTY, TEXAS

Exhibit N
Zoning Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BUDA, TEXAS, INSTITUTING THE ZONING CLASSIFICATION OF APPROXIMATELY 168.883 ACRES OF LAND LOCATED SOUTH OF OLD BLACK COLONY ROAD AND WEST AND NORTH OF COLE SPRINGS ROAD AS PLANNED DEVELOPMENT NO. Z 20-01; DESCRIBING SAID 168.883 ACRES OF LAND; AMENDING THE ZONING DISTRICT MAP OF THE CITY OF BUDA, TEXAS; PROVIDING FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; PROVIDING AN EFFECTIVE DATE; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

WHEREAS, Fred and Paula Trudeau own certain real property located in Hays County, Texas, such real property being more particularly described in **Exhibit A1** attached hereto and fully incorporated herein for all purposes; and

WHEREAS, Industrial Asphalt, LLC owns certain real property located in Hays County, Texas, such real property being more particularly described in **Exhibit A2** attached hereto and fully incorporated herein for all purposes; and

WHEREAS, for purposes of this Ordinance, Fred and Paula Trudeau and Industrial Asphalt, LLC collectively shall be known as the “Owners”, and the property described in **Exhibits A1** and **A2** collectively shall be known as the “Property”; and

WHEREAS, Meritage Homes of Texas, LLC and M/I Homes of Austin, LLC, (collectively, the “Developers”) intend to acquire the Property to develop the Property for residential uses; and

WHEREAS, the Owners and the Developers have worked cooperatively in regard to the applications to the City for development and zoning of the Property; and

WHEREAS, the Developers requested the negotiation of a development agreement with the City and City consent to the creation of a municipal utility district over the Property; and

WHEREAS, the Developers also requested that the Property be zoned immediately upon annexation, rather than after the municipal utility district had been established and had executed the development agreement; and

WHEREAS, the Owners and the Developers have executed the City of Buda Annexation, Development, and Municipal Utility District Consent Agreement for The Colony at Cole Springs (the “*Development Agreement*”) providing for all rights, obligations, and entitlements in relation to the development of the Property and have consented to same; and

WHEREAS, on May 5, 2002, and prior to the adoption of this Ordinance, the City Council of the City of Buda, Texas annexed the Property into the corporate limits of the City of Buda, Texas by ordinance (the “Annexation Ordinance”) to be effective only upon the occurrence of certain conditions; and

WHEREAS, the Owners have made application to the City of Buda, Texas to institute the zoning classification of said land as Planned Development No. Z 20-01; and

WHEREAS, said application was submitted to the City of Buda, Texas with proof of ownership or control of all of the Property; and

WHEREAS, the City of Buda, Texas has performed the studies necessary to officially adopt a zoning district for this newly annexed land; and

WHEREAS, the City Council has instructed the Planning and Zoning Commission and the Director of Planning to study and make recommendations concerning the use of said land to promote the general welfare and to be in accordance with the Comprehensive Plan; and

WHEREAS, the Planning and Zoning Commission and the Director of Planning have conducted such studies; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Buda, Texas have each conducted, in the time and manner and after the notice required by law and the City of Buda Unified Development Code, a public hearing on such zoning classification; and

WHEREAS, the City of Buda Planning and Zoning Commission and the Director of Planning have issued recommendations regarding the zoning classification of Property, and the City Council of the City of Buda, Texas now deems it appropriate to grant such requested zoning classification.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BUDA, TEXAS:

Section 1: The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2: As required by law, the City Council of the City of Buda conducted the public hearing on the request for zoning classification and closed the public hearing prior to the final adoption of this Ordinance.

Section 3: The zoning classification of the Property is hereby instituted as Planned Development No. Z 20-01. The Property is described in **Exhibit A1** and **Exhibit A2**, attached hereto and made a part hereof for all purposes.

Section 4: The planned development district shall be developed in accordance with the Buda Code of Ordinances, including the City of Buda Unified Development Code (the "**UDC**"; as defined as the Unified Development Code of the City of Buda as adopted on October 2, 2017, as amended by Ordinance Number 2019-24 adopted December 3, 2019, including any provisions thereof which have been or which may become in the future preempted or otherwise invalidated by state law), unless otherwise provided herein, and shall be developed generally in accordance with the Development Plan, **Exhibit B** and with the Phasing Plan, **Exhibit C** both attached hereto and made a part hereof for all purposes, and is subject to the following regulations and restrictions:

A. Purpose. The planned development district includes a residential development

with open space and transportation improvements. Improvements to the site will be designed to enhance the overall urban design and nature of the surrounding area.

- B. Use regulations.** In the planned development district, no building, structure or land shall be used and no building or structure shall be hereafter erected, reconstructed, altered or enlarged except as provided in this Ordinance.

Current existing uses shall be allowed until land is developed, at which time, only the following form based uses, as they are defined in the UDC at the time of the passage of this Ordinance, shall be allowed:

1. Form Based District 4 (F4) for the area depicted as “F4” in **Exhibit D**, limited to single-family detached dwellings and the following incidental uses: an amenity center and parking lot, parks, playgrounds, trails, water quality features and other public infrastructure and utility facilities;
2. Form Based District 1 (F1) for the area depicted as “F1” in **Exhibit D**, limited to parks, playgrounds, trails, trailhead parking lot and other public infrastructure and utility facilities; and
3. One & Two Family Residential District (R-3) for the area depicted as “R-3” in **Exhibit D**, limited to limited to single-family detached dwellings and the following incidental uses: an amenity center and parking lot, parks, playgrounds, trails, trailhead parking lot, water quality features and other public infrastructure and utility facilities.

- C. Development regulations.** The Planned Development District will be developed in accordance with all additional regulations:

1. *Water Quality.* Water Quality Standards as adopted in the UDC, including the provisions contained in Section 4.05.05 of the UDC, are applicable to the Property except that impervious coverage calculations for the Property will not exceed 49.1% percent, calculated based upon a weighted average of the maximum allowable impervious coverage in the areas identified as F4, R-3, and F1 on **Exhibit D**, including a limit of 15% in the Recharge Zone area. Calculations and standards contemplated in this section apply to the initial development of the Property.
2. *Parkland and Open Space.* At least 33.1 acres of land for use as public open space and trails shall be required. Such land will be designed and constructed so as to provide connectivity of parks, as further delineated in **Exhibit E**. At least 9,000 linear feet of trails, including an 8-foot wide, 2,190-linear foot, concrete trail that will follow Onion Creek and parallel Cole Springs Road within such 33.1 acres shall be required. All trails shall be constructed pursuant to the UDC, including the size of trails and materials utilized, unless otherwise specified on **Exhibit E**. A hot mix asphalt concrete parking area to serve park facilities, which shall include at least twelve (12) parking spaces, including two disabled parking spaces, as further described and as generally depicted in **Exhibit E**, shall be required.

3. *Private Amenity Center, Associated Land and Private Open Space.* A pool, pavilion, bathrooms, playscape, splash pad, picnic area, and parking area (collectively, the “Amenities”) for a private amenity center on land encompassing at least 3 acres (“Amenity Center Property”) shall be provided. The Amenity Center Property shall be of sufficient size and topography for placement of Amenities. Acreage included in the Amenity Center Property shall not be included in the 33.1 acres of land to be dedicated for use as public open space and trails but shall be in addition thereto. Private open space on the Amenity Center Property, and the private miscellaneous open space (“Private Miscellaneous Open Space”), as shown on **Exhibit E** shall also be required.
4. *Lighting Standards.* Street lighting and light fixtures and fixtures on the exterior of homes, consistent with Dark Sky Criteria, attached hereto as **Exhibit F**, shall be installed.
5. *Transportation Improvements.* Cole Springs Road shall be improved with approximately 1,944 linear feet of asphalt pavement in conformance with the specifications set forth in **Exhibit G**, and, subject to securing all permits and approvals from all applicable regulatory authorities, a 1,200-linear foot, two-lane bridge, with six-foot wide sidewalks on each side, similar in aesthetic design to the existing Onion Creek Bridge crossing on FM 967, connecting Jack C. Hays Trail to the existing Cole Springs Road (the “Bridge”), shall be required. Alternatively, an Alternative Transportation Relief Plan (“ATRP”) which shall convey a substantially similar number of trips to and from the Property as would have been provided by the Bridge and improvements to Cole Springs Road shall be required.
6. *Neighborhood Collector Road.* A two-lane neighborhood collector road approximately one mile in length from Old Black Colony Road on the northern boundary of the Property to the southern boundary of the Property at Cole Springs Road, in conformance with the specifications set forth in **Exhibit G**, (the “Neighborhood Collector Road”) shall be required.
7. *Realignment of Old Black Colony Road.* The realignment and improvement of Old Black Colony Road to intersect with FM 967, in conformance with the specifications set forth in **Exhibit G** shall be required. .
8. *Tree Survey and Mitigation.* Developers shall not remove greater than 20% of Signature Trees, as defined by the UDC, and any such removals will be mitigated pursuant to the UDC. Trees of at least three (3)-inches in caliper shall be provided along both sides of the Neighborhood Collector Road and spaced generally 50 feet apart.
9. *Wastewater Interceptor.* A 21-inch wastewater interceptor located north of the PROPERTY, as further described in **Exhibit H**, shall be required.

10. *Water Supply Line No. 2.* A 12” water line extension along the Bridge, depicted as the “future looping connection” on **Exhibit H**, constructed over Onion Creek, as further described in **Exhibit H** of this AGREEMENT shall be required.

Section 5: Zoning District Map. The zoning changes imposed in this Ordinance shall be incorporated into the Official Zoning District Map of the City of Buda promptly after the adoption of this Ordinance by the City Council of the City of Buda.

Section 6: Comprehensive plan deviation. To the extent this Ordinance represents any deviation from the Future Land Development Plan of the City of Buda 2030 Comprehensive Plan, such plan is hereby amended to conform with this Ordinance.

Section 7: Repeal. This Ordinance shall be and is hereby cumulative of all other ordinances of the City of Buda, Texas and this Ordinance shall not operate to amend, change, supplement or repeal any such other ordinances except, save and except the changes in zoning classification and the imposition of the findings, regulations, restrictions and conditions contained herein. Insofar as the provisions of any ordinances of the City of Buda, Texas might be inconsistent or in conflict with the provisions of this Ordinance, such conflicting provisions, if any, in such other ordinances are hereby repealed.

Section 8: Severability. If any clause or provision of this Ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portion of the Ordinance, which shall continue to have full force and effect.

Section 9: Passage. Pursuant to Section 3.12 of the Charter of the City of Buda, Texas, if the Council determines that the first reading of this ordinance is sufficient for adequate consideration by an affirmative vote of five or more members of the City Council during the first reading and the Ordinance is passed by a the affirmative vote of four or more members of the City council, this Ordinance is adopted and enacted without further readings. In the event a second reading is necessary, this Ordinance is adopted and enacted upon the affirmative vote of four or more members of the City Council upon second reading.

Section 10. Penalty. Any person, firm, partnership, association, corporation, company, or organization of any kind who or which violates any provision of this Zoning Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed \$2000.00 Each day during which said violation shall exist or occur shall constitute a separate offense. The owner or owners of any property or of premises where any violation of this Zoning Ordinance shall occur, and any agent, contractor, builder, architect, person, or corporation who shall assist in the commission of such offense shall be guilty of a separate offense unless otherwise prohibited by law and, upon conviction thereof, shall be punished as above provided.

Section 11: Effective Date. The adoption of an ordinance consenting to the creation of an in-City municipal utility district (“Consent Ordinance”) serving the Property is a condition precedent to the adoption of this Ordinance becoming effective; in the event the Consent Ordinance is not adopted by June 2, 2020, this Ordinance shall never take effect and shall be null and void. Provided the Consent Ordinance is adopted, this Ordinance shall become effective on

June 3, 2020, immediately after the Annexation Ordinance becomes effective, in accordance with Section 3.12 of the Charter of the City of Buda, Texas, provided, prior to such date, the entirety of the Ordinance or a caption summarizing the purposes of this Ordinance and the penalty for violating this Ordinance is published in a newspaper designated as the official newspaper of the City.

Section 12: It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place, and purpose of said meeting was given, all as required by the Open Meetings Act, Chapter 551, *Texas Government Code*, as amended.

PASSED AND APPROVED on first reading on the 19th day of May, 2020, at a regular meeting of the City Council of the City of Buda, Texas.

PASSED, APPROVED AND ADOPTED on second and final reading on the 2nd day of June, 2020, at a regular meeting of the City Council of the City of Buda, Texas.

APPROVED:

George Haehn, Mayor
City of Buda, Texas

ATTEST:

Alicia Ramirez, City Clerk
City of Buda, Texas

SERVICES AGREEMENT
BETWEEN THE CITY OF BUDA, TEXAS
AND FRED AND PAULA TRUDEAU AND INDUSTRIAL ASPHALT, LLC

This Services Agreement ("Services Agreement") is entered into by and between the City of Buda, Texas, a home-rule municipality of the State of Texas, ("City") and Fred and Paula Trudeau and Industrial Asphalt, LLC (collectively, the "Landowners"). The City and Landowners shall be referred to collectively as "Parties."

RECITALS

The Parties agree that the following recitals are true and correct and form the basis upon which the Parties have entered into this Services Agreement.

WHEREAS, Landowners own certain real property located in Hays County, Texas that is currently within the extraterritorial jurisdiction of City, such real property being more particularly depicted in **Exhibit A** attached hereto and fully incorporated into this Services Agreement and for all purposes referred to herein as the "Property"; and

WHEREAS, Landowners have voluntarily petitioned the City to annex the Property into the municipal boundaries of the City pursuant to Subchapter C-3 of Chapter 43 of the Local Government Code; and

WHEREAS, Section 43.0672 of the Local Government Code requires the City Council of the City to negotiate and enter into a written agreement with the owners of the land for the provisions of services in the area; and

WHEREAS, City and Landowners desire to set out the City services to be provided for the Property and consider this Services Agreement to constitute a written agreement in conformance with Section 43.0672 of the Local Government Code; and

WHEREAS, contemporaneously with this Services Agreement, the City and Landowners have executed an Annexation, Development, and Municipal Utility District Consent Agreement ("Development Agreement") concerning, in part, the development of the Property.

NOW THEREFORE, in exchange for the mutual covenants, conditions and promises contained herein, City and Landowners agree as follows:

1. **PROPERTY.** This Agreement is only applicable to the Property.
2. **MUNICIPAL SERVICES AS OF EFFECTIVE DATE OF ANNEXATION.** Commencing on the Effective Date of the Annexation, the City will provide the municipal services set forth below to the Property.
 - a. **Police.** The City will provide police protection and law enforcement services in the manner same are provided to all other residents of the City.

- b. Land Use. The City will provide comprehensive planning, land development, land use, and building review and inspection services within the Property in accordance with all existing applicable laws, rules, and regulations in the same manner as provided within the City's corporate limits, except as may be otherwise provided in the Development Agreement executed contemporaneously with this Services Agreement.
 - c. Parks, Recreational and Community Facilities. Residents of the Property will be permitted to utilize public City parks, recreational and community facilities in the manner same are provided to all other residents of the City.
 - d. Solid Waste. The City will provide solid waste collection services in accordance with existing City ordinances and policies in the same manner as provided to all other residents of the City.
 - e. Permitting and Inspection. The City will provide permitting and inspection services in accordance with existing City ordinances and policies in the manner same are provided to all other residents of the City, except as may be otherwise provided in the Development Agreement executed contemporaneously with this Services Agreement.
 - f. Code Compliance. The City will provide code compliance services in accordance with existing City ordinances and policies in the manner same are provided to all other residents of the City.
 - g. Animal Control. The City will provide animal control services in accordance with existing City ordinances and policies in the manner same are provided to all other residents of the City.
3. SCHEDULED MUNICIPAL SERVICES. Due to the size and vacancy of the Property and the plans and schedule for the development of the Property as further set forth in the Development Agreement, the following municipal services will be provided in accordance with the following schedule:
- a. Parks, Recreational and Community Facilities. City will provide for maintenance and operation of certain park and recreational facilities within the Property, as defined in the Development Agreement, upon acceptance of legal title thereto by the City and appropriations therefor.
 - b. Streets and Rights-of-Way. The City will maintain the public streets and rights-of-way and improvements therein upon final acceptance of same by the City as provided in the Development Agreement in accordance with existing City ordinances and policies and appropriations therefor.
 - c. Water service and maintenance of water facilities as follows:

(A) Inspection of water distribution lines as provided by law and city ordinance; and

(B) Water service will be provided in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the provision of water service and pursuant to the terms of the Development Agreement. All water facilities necessary to serve the Property, including internal water lines, off-site water lines, and additional water distribution infrastructure, shall be constructed pursuant to the terms and conditions of the Development Agreement. The system will be accepted and maintained by the City in accordance with its usual acceptance and maintenance policies, except as otherwise provided in the Development Agreement. New water line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances of the City in effect at the time a request for service is submitted shall govern the costs and request for service.

d. Wastewater service and maintenance of wastewater service as follows:

(A) Inspection of sewer lines as provided by law and city ordinance; and

(B) Wastewater service will be provided in accordance with all the ordinances, regulations, and policies of the City in effect from time to time for the provision of wastewater service and pursuant to the terms of the Development Agreement. All wastewater facilities necessary to serve the Property, including internal wastewater lines, off-site wastewater lines, wastewater force main(s), and additional wastewater infrastructure, shall be constructed pursuant to the terms and conditions of the Development Agreement. The wastewater system will be accepted and maintained by the City in accordance with its usual policies, except as otherwise provided in the Development Agreement. Requests for new wastewater line extensions will be installed and extended upon request under the same costs and terms as with other similarly situated customers of the City. The ordinances in effect at the time a request for service is submitted shall govern the costs and request for service.

4. **LANDOWNERS' STIPULATIONS.** The Landowners agree and stipulate that all Landowners have submitted petitions for the voluntary annexation of Property into the boundaries of the City, and that the annexation of the Property is voluntary.
5. **EXCLUDED SERVICES.** It is understood and agreed that the City is not required to provide a service that is not included in this Agreement. However, City agrees to provide all services to the Property that the City uniformly provides to all other property within the City limits.
6. **SERVICE LEVEL.** The City will provide the Property with a level of services, infrastructure, and infrastructure maintenance that is comparable to the level of services, infrastructure, and infrastructure maintenance available in other parts of the City with topography, land use, and population density similar to those reasonably contemplated or projected for the Property.

7. **AUTHORITY.** City and Landowners represent that they have full power, authority and legal right to execute this Services Agreement.
8. **SEVERABILITY.** If any part, term, or provision of this Services Agreement is held by a court of competent jurisdiction to be illegal, invalid, or otherwise unenforceable, such illegality, invalidity, or unenforceability will not affect the legality, validity and enforceability of the remainder of the Services Agreement and the Services Agreement will be construed as if the part, term, or provision was never part of the Agreement.
9. **INTERPRETATION.** The parties to this Agreement covenant and agree that in any litigation relating to this Agreement, the terms and conditions of the Agreement will be interpreted according to the laws of the State of Texas. The parties acknowledge that they are of equal bargaining power and that each of them was represented by legal counsel in the negotiation and drafting of this Agreement.
10. **GOVERNING LAW AND VENUE.** Venue shall be in the state courts Hays County, Texas. This Agreement shall be construed under the law of the State of Texas.
11. **NO WAIVER.** The failure of either party to insist upon the performance of any term or provision of this Agreement or to exercise any right granted hereunder shall not constitute a waiver of that party's right to insist upon appropriate performance or to assert any such right on any future occasion.
12. **GOVERNMENTAL IMMUNITY; DEFENSES.** Nothing in this Agreement shall be deemed to waive, modify or amend any of City's governmental powers or immunities nor any legal defense in availability at law or in equity to City or Landowners.
13. **BENEFIT.** This Agreement shall be for the sole and exclusive benefit of the Parties and their proper successors and assigns, as contemplated in the Development Agreement.
14. **COUNTERPARTS.** This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.
15. **CAPTIONS.** The captions to the various clauses of this Agreement are for informational purposes only and shall not alter the substance of the terms and conditions of this Agreement.
16. **NOTICE.** Any notice given under this Services must be in writing and may be given: (i) by depositing it in the United States mail, certified, with return receipt requested, addressed to the Party to be notified and with all charges prepaid; or (ii) by depositing it with a service guaranteeing "next day delivery", addressed to the Party to be notified and with all charges prepaid; or (iii) by personally delivering it to the Party, or any agent of the Party listed in this Services Agreement. Notice will be effective only when received. For purposed of notice, the addresses of the Parties will, until changed as provided below, be as follows:

CITY: City of Buda
405 E. Loop St.
Building 100
Buda, Texas 78610
Attn: City Manager

With Required Copy to: George Hyde
Russell Rodriguez Hyde Bullock
1633 Williams Dr.
Building 2, Suite 200
Georgetown, Texas 78628

LANDOWNERS: Fred and Paula Trudeau
855 Cole Springs Road
Buda, Texas 78610

and

Industrial Asphalt, LLC
9020 N. Capital of Texas Hwy
Building II, Suite 250
Austin, Texas 78759

The Parties may change their respective addresses to any other address within the United States of America by giving at least five (5) calendar days' written notice to the other Party. Any Party may, by giving at least five (5) calendar days' written notice to the CITY, designate additional persons or entities to receive copies of notices under this Services Agreement.

17. AGREEMENT BINDS AND BENEFITS SUCCESSORS AND RUNS WITH THE LAND. This Agreement is binding on and inures to the benefit of the parties, their successors, and assigns. The term of this Agreement constitutes covenants running with the land comprising the Property, is binding on the Landowners and the City, and is enforceable by any current or future owner of any portion of the Property for the term of this Services Agreement. This Services Agreement will be recorded in the Official Public Records of Hays County.

18. CONFLICT WITH DEVELOPMENT AGREEMENT. All rights and obligations related to the Property are subject to the Development Agreement which will be recorded in the Official Public Records of Hays County contemporaneously with the recordation of this Services Agreement. To the extent this Services Agreement conflicts with any terms of the Development Agreement, the Development Agreement shall control.

19. ENTIRE AGREEMENT. This Agreement constitutes the entire agreement between the parties and supersedes all prior oral and written agreements between said parties, except as otherwise provided herein. This Agreement shall not be amended unless executed in writing by both parties.

EXECUTED by the PARTIES hereto to be to be effective on the effective date of annexation of the Property.

CITY OF BUDA, TEXAS:

By: _____
Kenneth Williams, City Manager

Date: _____

ATTEST:

By: _____
Alicia Ramirez, City Clerk

Date: _____

LANDOWNERS:

Industrial Asphalt, LLC, a Texas Limited Liability Company

By: _____

Title: _____

Date: _____

For LANDOWNER Industrial Asphalt, LLC

THE STATE OF TEXAS §
COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same as the act of Industrial Asphalt, LLC, a Texas Limited Liability Company, as its _____, for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the ____ day of _____, 20__.

Notary Public, State of Texas
Typed or Printed Name of Notary:

Commission Expires: _____

Fred Trudeau

By: _____

Name: _____

Date: _____

For LANDOWNER Fred Trudeau

THE STATE OF TEXAS §
COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared Fred Trudeau, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the ____ day of _____, 20__.

Notary Public, State of Texas
Typed or Printed Name of Notary:

Commission Expires: _____

Paula Trudeau

By: _____

Name: _____

Date: _____

FOR LANDOWNER Paula Trudeau

THE STATE OF TEXAS §
COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared Paula Trudeau, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the ____ day of _____, 20__.

Notary Public, State of Texas
Typed or Printed Name of Notary:

Commission Expires: _____

Exhibit A

**A METES AND BOUNDS
DESCRIPTION OF A
168.883 ACRE TRACT OF LAND**

BEING a 168.883 acre (7,356,523 square feet) tract of land situated in the Phillip J. Allen Survey, Abstract No. 1, the Steven V. R. Eggleston Survey, Abstract No. 5, and the Hiram Cummings Survey, Abstract No. 108, Hays County, Texas; being all of Lot 1, Block 2 of Scales Subdivision, plat of which is recorded in Volume 14, Page 181 of the Plat Records of Hays County; being a portion of a called 123.670 acre tract of land described in instrument to Fred and Paula Trudeaurecorded in Document No. 15007277 of the Official Public Records of Hays County; and being all of a called 13.72 acre tract described in instrument to Industrial Asphalt LLC recorded in Document No. 13001101 of the Official Public Records of Hays County; and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found at the intersection of the the northerly right-of-way line of County Road No. 148 (Cole Springs Road - variable width) and the westerly line of Old Lane, a non-exclusive access easement and right-of-way recorded in Document No. 17002666 of the Official Public Records of Hays County, marking the southeast corner of a called 26.827 acre tract of land described in instrument to Home Living Hospitality, Inc. recorded in Document No. 15007138 of the Official Public Record of Hays County;

THENCE, departing the northerly right-of-way line of said County Road 148, along the easterly line of said 26.827 acre tract and along the westerly line of said Old Lane the following two (2) courses and distances:

- 1. North 16°41'21" West, 1284.62 feet to a 1/2-inch iron rod found for corner;
- 2. North 15°43'45" West, 344.16 feet to a 1/2-inch iron rod found marking the northeast corner of said 26.827 acre tract, same being the southeast corner of a called 5.35 acre tract of land described in instrument to Timothy and Yvette Hunt recorded in Document No. 17002880 of the Official Public Records of Hays County;

THENCE, North 1°19'05" West, 552.69 feet, continuing along the westerly line of said Old Land and along the easterly line of said 5.35 acre tract to a 1" iron pipe found marking the northwest corner of said 123.670 acre tract;

THENCE, along the northerly and westerly lines if said 123.670 acre tract the following three (3) courses and distances:

- 1. North 88°00'22" East, 1043.62 feet to a point for corner;
- 2. North 82°37'55" East, 254.87 feet to a 1-inch iron pipe with a cotton spindle inside stamped "PROTECH ENG" found for corner;
- 3. North 5°28'50" West, 468.59 feet to a 1-inch iron pipe found marking the western-most southwest corner of a called 15.846 acre tract of land described in instrument to Kevin D. Barrow and Margaret Mills-Barrow recorded in Volume 1057, Page 501 of the Official Public Records of Hays County;

THENCE, along the boundary of said 15.846 acre tract the following three (3) courses and distances:

- 1. South 41°23'59" East, 223.17 feet to a 1/2-inch iron rod found for corner;
- 2. South 39°36'52" East, 213.56 feet to a 1/4-inch iron rod found for corner;
- 3. South 39°55'24" East, 304.75 feet to the western-most corner of aforesaid Lot 2;

THENCE, along the northwesterly boundary of said Lot 1, Block 2 the following four (4) courses and distances:

- 1. North 50°05'21" East, 743.20 feet along the boundary of said 15.846 acre tract to a 1/2-inch iron pipe found for corner;
- 2. North 8°26'13" West, 102.80 feet continuing along said 15.846 acre tract to a point for corner;
- 3. North 81°32'51" East, 105.57 feet to a point for corner;
- 4. North 8°27'09" West, 521.30 feet to the northwestern-most of said Lot 1, Block 2 and the southwest corner of the aforesaid 14 feet wide right-of-way dedication to Old Black Colony Road;

THENCE, North 81°40'24" East, 610.43 feet along said 14 feet wide right-of-way dedication to Old Black Colony Road to a 1/2-inch iron rod (w/cap stamped "CHAPARRAL") found on the southerly right-of-way line of Old Black Colony Road (width varies by occupation) and the northwesterly boundary of that certain 1.66 acre tract described in instrument to Sandra J. Woods recorded in Volume 2381, Page 35 of the Official Public Records of Hays County, marking the northeastern-most corner of said Lot 1, Block 2 and the southeast corner of a 14 feet wide dedication for right-of-way widening recorded in said plat of Scales Subdivision;

THENCE, along the boundary of said 1.66 acre tract the following three (3) courses and distances:

- 1. South 12°37'09" West, 190.17 feet to a 1/2-inch iron pipe found for corner;
- 2. North 81°37'18" East, 46.05 feet to a 1/2-inch iron rod found for corner;
- 3. North 81°05'00" East, 63.95 feet to a 1/2-inch iron pipe found marking the northwestern-most corner of that certain tract described in Final Decree Confirming Partition to Antioch Community Church and recorded in Volume 1462, Page 388 of the Official Public Records of Hays County (from which a 1/2-inch iron pipe found bears North 20° East, 1.9 feet);

EXHIBIT - 168.883

HIRAM CUMMINGS SURVEY, A-108
PHILLIP J. ALLEN SURVEY, A-1
S.V.R. EGGLESTON SURVEY, A-5
HAYS COUNTY, TEXAS

DESCRIPTION CONTINUED ON SHEET 2.

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	APS	JGM	1/22/2020	067783115	1 OF 5

DESCRIPTION CONTINUED FROM SHEET 1.

THENCE, South 7°17'35" West; along the westerly line of said Antioch Community Church Tract, and along the westerly line of three consecutive 2.64 acre tracts of land described in instrument to Daniel Dixon Balboa in Document Nos. 17003376, 17003375, and 17003376 of the Official Public Records of Hays County; at 195.08 feet passing a 1/2-inch iron pipe found, at 340.18 passing an iron rod (w/cap stamped "1908") found; continuing for a total distance of 651.24 feet to a 1/2-iron pipe for corner;

THENCE, South 64°49'15" East, 583.89 feet along said 2.64 acre tract recoded in Document No. 17003376 to point for corner on the northwesterly right-of-way line of aforesaid County Road 148 also known as Cole Springs Road (60 feet wide - dedicated on the plat of aforesaid Scales Subdivision) marking the eastern-most corner of aforesaid Lot 1, Block 2;

THENCE, along said northwesterly right-of-way line the following five (5) courses and distances:

1. South 19°39'18" West, 155.22 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
2. South 17°58'32" West, 231.36 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
3. South 19°04'38" West, 105.24 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
4. South 20°54'32" West, 99.00 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
5. South 22°21'58" West, 21.84 feet to a point for corner on the northeasterly line of the aforesaid 13.72 acre tract at the terminus of said northwesterly right-of-way line of said County Road 148;

THENCE, along the boundary of said 13.72 acre tract the following two (2) courses and distances:

1. South 65°21'54" East, 121.77 feet crossing said County Road 148 to a point for corner in the approximate center line of Onion Creek;
2. South 24°40'27" West, 895.60 feet along said approximate center line of Onion Creek and along the northwesterly boundary of that certain 15.17 acre tract and that certain 7.87 acre tract described in instrument to John Allen Watson Jr. recorded in Volume 1057, Page 529 of the Official Public Records of Hays County, to a point for corner on the northerly line of aforesaid 123.670 acre tract;

THENCE, South 86°32'59" East, 11.82 feet to a point for corner along the northerly line of said 123.670 acre tract to a point for corner in the approximate centerline of Onion Creek;

THENCE, along the approximate centerline of said Onion Creek the following two (2) courses and distances:

1. South 10°45'28" West, 724.67 feet to a point for corner;
2. South 27°37'54" West, 569.45 feet to a point for corner, being the southeast corner of said 123.670 acre tract;

THENCE, North 71°21'40" West, 219.07 feet, departing the approximate centerline of said Onion Creek and along the southerly line of said 123.670 acre tract to a 1/2-inch iron rod (w/cap stamped "KHA") set on the easterly right-of-way line of aforesaid County Road No. 148;

THENCE, along the easterly right-of-way line of said County Road No. 148 the following fourteen (14) courses and distances:

1. North 75°56'09" East, 88.89 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
2. North 45°58'48" East, 33.84 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
3. North 37°08'11" East, 13.43 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
4. North 36°33'06" East, 160.44 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
5. North 32°11'28" East, 65.28 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
6. in a northeasterly direction, along a non-tangent curve to the left, a central angle of 7°26'36", a radius of 478.46 feet, a chord bearing and distance of North 24°39'28" East, 62.11 feet, and a total arc length of 62.16 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
7. North 19°56'09" East, 71.85 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
8. North 18°00'43" East, 75.81 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
9. North 13°54'26" East, 25.70 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
10. North 4°54'46" East, 164.99 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
11. North 5°46'18" East, 102.42 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
12. in a northeasterly direction, along a non-tangent curve to the right, a central angle of 3°08'32", a radius of 3619.10 feet, a chord bearing and distance of North 7°30'43" East, 198.45 feet, and a total arc length of 198.47 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
13. North 11°18'17" East, 157.67 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
14. in a northeasterly direction, along a non-tangent curve to the right, a central angle of 30°24'00", a radius of 164.12 feet, a chord bearing and distance of North 23°27'23" East, 86.05 feet, and a total arc length of 87.07 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set on the southwesterly line of aforesaid 13.72 acre tract;

DESCRIPTION CONTINUED ON SHEET 3.

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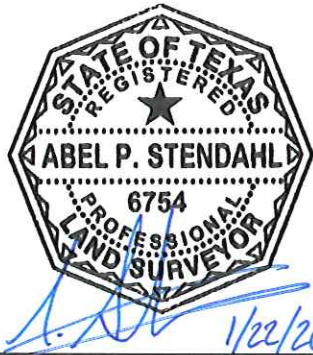


EXHIBIT - 168.883

HIRAM CUMMINGS SURVEY, A-108
PHILLIP J. ALLEN SURVEY, A-1
S.V.R. EGGLESTON SURVEY, A-5
HAYS COUNTY, TEXAS

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N/A	APS	JGM	1/22/2020	067783115	2 OF 5

DESCRIPTION CONTINUED FROM SHEET 2.

THENCE, North 39°41'03" West, 19.59 feet along the southwesterly line of aforesaid 13.72 acre tract to a o a PK-Nail (w/shiner stamped "KHA") set in asphalt at the approximate center line of said C.R. 148, marking the southern-most corner of that certain tract described in Quit Claim Deed to Velma Reveda, recorded in Volume 2236, Page 445 of the Official Public Records of Hays County;

THENCE, along the boundary of said Velma Reveda tract the following three (3) courses and distances:

- 1. North 40°00'00" East, 118.73 feet to a PK-Nail (w/shiner stamped "KHA") set in asphalt for corner;
- 2. North 23°21'04" East, 87.91 feet to a PK-Nail (w/shiner stamped "KHA") set in asphalt for corner;
- 3. North 42°12'29" West, 19.87 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set marking the southern-most corner of that certain 1.5 acre tract described in instrument to Loyce Reveda Graves recorded in Document No. 1702044 of the Official Public Records of Hays County;

THENCE, along the boundary of the said 1.5 acre tract the following five (5) course and distances:

- 1. North 20°20'38" East, 82.37 feet to a 1/2-inch iron rod found for corner;
- 2. North 32°39'53" East, 279.63 feet to a 1/2-inch iron rod found for corner;
- 3. North 57°22'53" West, 172.88 feet to a 1/2-inch iron rod found for corner;
- 4. South 41°55'46" West, 266.24 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- 5. South 17°49'14" West, 38.50 feet to a 1/2-inch iron pipe found for corner on the Northeasterly boundary of aforesaid Velma Reveda tract;

THENCE, North 57°24'00" West, 253.37 feet along the said Reveda tract to a 1/2-inch iron pipe found for corner;

THENCE, South 46°27'20" West, 108.06 feet continuing along the said Reveda tract to a 1/2-inch iron pipe found for corner on the northeasterly boundary of the aforesaid 123.670 acre tract;

THENCE, along the northeasterly boundary of said 123.670 acre tract the following two (2) courses and distances:

- 1. South 39°55'24" East, 277.46 feet to a 1/2-inch iron pipe found for corner;
- 2. South 39°42'51" East, 247.63 feet to an iron rod with a plastic cap stamped "ZWA" found on the westerly right-of-way line of aforesaid County Road No. 148 (40 feet wide at this point);

THENCE, along the westerly and northerly right-of-way lines of said County Road No. 148 the following eighteen (18) courses and distances:

- 1. in a southwesterly direction, along a non-tangent curve to the left, a central angle of 32°23'11", a radius of 204.12 feet, a chord bearing and distance of South 24°45'59" West, 113.85 feet, and a total arc length of 115.38 feet to a point for corner;
- 2. South 11°18'17" West, 157.44 feet to a point for corner;
- 3. in a southwesterly direction, along a non-tangent curve to the left, a central angle of 3°09'19", a radius of 3659.10 feet, a chord bearing and distance of South 7°31'03" West, 201.48 feet, and a total arc length of 201.51 feet to a point for corner;
- 4. South 5°46'18" West, 102.78 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- 5. South 4°54'46" West, 162.14 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- 6. South 13°54'26" West, 21.12 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- 7. South 18°00'43" West, 73.70 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- 8. South 19°56'09" West, 70.82 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- 9. in a southwesterly direction, along a non-tangent curve to the right, a central angle of 7°13'43", a radius of 438.46 feet, a chord bearing and distance of South 24°35'42" West, 55.28 feet, and a total arc length of 55.32 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- 10. South 32°11'28" West, 62.40 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- 11. South 36°33'06" West, 158.71 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- 12. South 37°08'11" West, 10.13 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- 13. South 45°58'48" West, 20.05 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- 14. South 75°56'09" West, 90.66 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- 15. North 78°52'35" West, 49.70 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- 16. North 75°51'36" West, 260.32 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- 17. North 71°21'40" West, 800.64 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- 18. North 89°33'45" West, 813.70 feet to the **POINT OF BEGINNING**, and containing 168.883 acres of land in Hays County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System Grid, South Central Zone (FIPS 4204) (NAD'83). All distances are on the Grid and shown in U.S. Survey Feet. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.



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AS
 1/22/20

EXHIBIT - 168.883
 HIRAM CUMMINGS SURVEY, A-108
 PHILLIP J. ALLEN SURVEY, A-1
 S.V.R. EGGLESTON SURVEY, A-5
 HAYS COUNTY, TEXAS

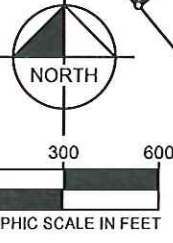
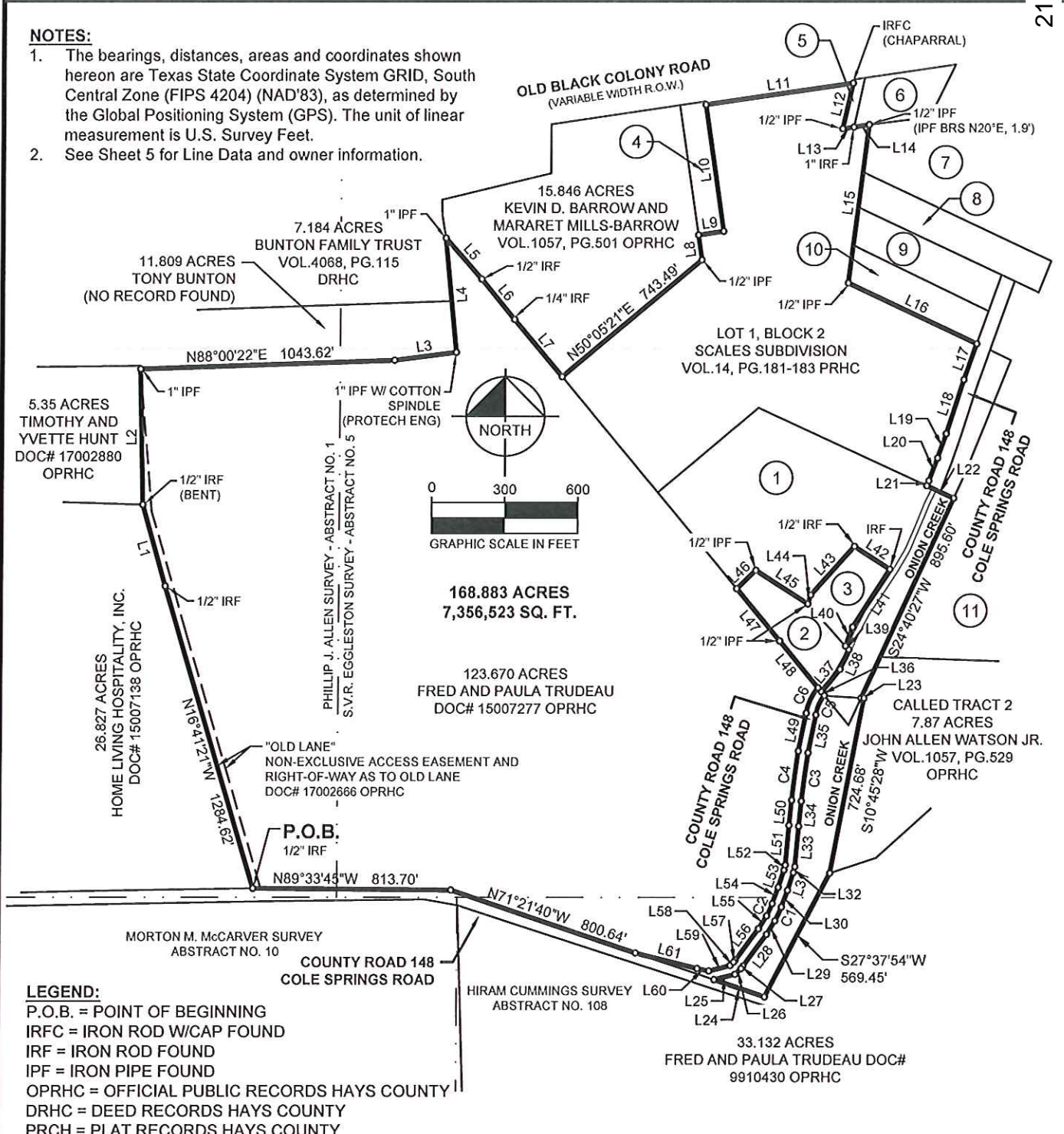
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	APS	JGM	1/22/2020	067783115	3 OF 5

NOTES:

1. The bearings, distances, areas and coordinates shown hereon are Texas State Coordinate System GRID, South Central Zone (FIPS 4204) (NAD'83), as determined by the Global Positioning System (GPS). The unit of linear measurement is U.S. Survey Feet.
2. See Sheet 5 for Line Data and owner information.



LEGEND:

- P.O.B. = POINT OF BEGINNING
- IRFC = IRON ROD W/CAP FOUND
- IRF = IRON ROD FOUND
- IPF = IRON PIPE FOUND
- OPRHC = OFFICIAL PUBLIC RECORDS HAYS COUNTY
- DRHC = DEED RECORDS HAYS COUNTY
- PRCH = PLAT RECORDS HAYS COUNTY



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Handwritten signature and date: 1/22/20

EXHIBIT - 168.883
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 600'	APS	JGM	1/22/2020	067783115	4 OF 5

- 1 CALLED 13.72 ACRES (BEING 15.84 ACRES SAVE & EXCEPT 2.12 ACRES IN VOL.209, PG.236 DR) INDUSTRIAL ASPHALT , LLC DOC# 13001101 OPRHC
- 2 QUIT CLAIM DEED (NO DESCRIPTION) VELMA REVEDA VOL.2236, PG.445 OPRHC (NO METES & BOUNDS)
- 3 CALLED 1.5 ACRES LOYCE REVEDA GRAVES DOC# 1702044 OPRHC
- 4 CALLED 35.818 ACRES GLADYS M. SCALES FELDER DOC# 70018496 OPRHC (REMAINDER)
- 5 CALLED 1 ACRE DOVIE BUNTON VOL.350, PG.798 PRHC
- 6 1.66 OR 2.00 ACRES SANDRA J. WOODS VOL.2381, PG.35 OPRHC
- 7 ANTIOCH COMMUNITY CHURCH VOL.1462, PG.388 OPRHC
- 8 2.64 ACRES DANIEL DIXON BALBOA DOC# 17003374 OPRHC (METES & BOUNDS FROM DOC# 70030439)
- 9 CALLED 2.64 ACRES DANIEL DIXON BALBOA DOC#17003375 OPRHC
- 10 CALLED 2.64 ACRES DANIEL DIXON BALBOA DOC#17003376 OPRHC
- 11 CALLED TRACT 1 - 15.17 ACRES JOHN ALLEN WATSON JR. VOL.1057, PG.529 OPRHC

LINE TABLE			LINE TABLE		
NO.	BEARING	LENGTH	NO.	BEARING	LENGTH
L1	N15°43'45"W	344.16'	L32	N13°54'26"E	25.70'
L2	N01°19'05"W	552.69'	L33	N04°54'46"E	164.99'
L3	N82°37'55"E	254.87'	L34	N05°46'18"E	102.42'
L4	N05°28'50"W	468.59'	L35	N11°18'17"E	157.67'
L5	S41°23'59"E	223.17'	L36	N39°41'03"W	19.59'
L6	S39°36'52"E	213.56'	L37	N40°00'00"E	118.73'
L7	S39°55'24"E	304.75'	L38	N23°21'04"E	87.91'
L8	N08°26'13"W	102.80'	L39	N42°12'29"W	19.87'
L9	N81°32'51"E	105.57'	L40	N20°20'38"E	82.37'
L10	N08°27'09"W	521.30'	L41	N32°39'53"E	279.63'
L11	N81°40'24"E	610.43'	L42	N57°22'53"W	172.88'
L12	S12°37'09"W	190.17'	L43	S41°55'46"W	266.24'
L13	N81°37'18"E	46.05'	L44	S17°49'14"W	38.50'
L14	N81°05'00"E	63.95'	L45	N57°24'00"W	253.37'
L15	S07°17'35"W	651.24'	L46	S46°27'20"W	108.13'
L16	S64°49'15"E	583.89'	L47	S39°55'24"E	277.46'
L17	S19°39'18"W	155.22'	L48	S39°42'51"E	247.63'
L18	S17°58'32"W	231.36'	L49	S11°18'17"W	157.44'
L19	S19°04'38"W	105.24'	L50	S05°46'18"W	102.78'
L20	S20°54'32"W	99.00'	L51	S04°54'46"W	162.14'
L21	S22°21'58"W	21.84'	L52	S13°54'26"W	21.12'
L22	S65°21'54"E	121.77'	L53	S18°00'43"W	73.70'
L23	S86°32'59"E	11.82'	L54	S19°56'09"W	70.82'
L24	N71°21'40"W	219.07'	L55	S32°11'28"W	62.40'
L25	N75°56'09"E	88.89'	L56	S36°33'06"W	158.71'
L26	N45°58'48"E	33.84'	L57	S37°08'11"W	10.13'
L27	N37°08'11"E	13.43'	L58	S45°58'48"W	20.05'
L28	N36°33'06"E	160.44'	L59	S75°56'09"W	90.66'
L29	N32°11'28"E	65.28'	L60	N78°52'35"W	49.70'
L30	N19°56'09"E	71.85'	L61	N75°51'36"W	260.32'
L31	N18°00'43"E	75.81'			

CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	7°26'36"	478.46'	62.16'	N24°39'28"E	62.11'
C2	7°13'43"	438.46'	55.32'	S24°35'42"W	55.28'
C3	3°08'32"	3619.10'	198.47'	N07°30'43"E	198.45'
C4	3°09'19"	3659.10'	201.51'	S07°31'03"W	201.48'
C5	30°24'00"	164.10'	87.07'	N23°27'23"E	86.05'
C6	32°23'23"	204.10'	115.38'	S24°45'59"W	113.85'

ABEL P. STENDAHL
 REGISTERED PROFESSIONAL
 LAND SURVEYOR NO. 6754
 601 NW LOOP 410, SUITE 350
 SAN ANTONIO, TEXAS 78216
 PH. 210-541-9166
 abel.stendahl@kimley-horn.com



EXHIBIT - 168.883
 HIRAM CUMMINGS SURVEY, A-108
 PHILLIP J. ALLEN SURVEY, A-1
 S.V.R. EGGLESTON SURVEY, A-5
 HAYS COUNTY, TEXAS

Kimley»Horn

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

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	APS	JGM	1/22/2020	067783115	5 OF 5

COLE SPRINGS TRACT/ONION CREEK BRIDGE CROSSING:

BUDA, HAYS COUNTY, TEXAS

Date: April 7, 2020

Project: Cole Springs Onion Creek Crossing

To: Kimley-Horn | Luke Caraway, PE

From: aci Group, LLC - TBPG License No. 50260 | Mark Adams, PG

Subject: Permitting for the Anticipated Crossing of Onion Creek Associated with Cole Springs Project

BACKGROUND

aci Consulting was retained to conduct work on the approximately 123-acre Trudeau Tract and the 16.64-acre Onion Creek Bridge Crossing Tract, located approximately 0.58-miles south of the intersection at Cole Springs Road and Old Black Colony Road in Buda, Texas (Figure 1). Since August of 2019, aci has conducted a Phase I Environmental Site Assessment, an Endangered Species Desktop Review, a Geologic Assessment, and a Jurisdictional Waters of the US (WOTUS) Delineation on the 123-acre tract. aci has also conducted a Jurisdictional WOTUS Delineation and a Karst Survey of the 16.64-acre tract related to the potential Onion Creek bridge crossing.

Regarding the 16.64-acre tract surveyed for the potential bridge crossing over Onion Creek, the Jurisdictional WOTUS Delineation identified one perennial stream, Onion Creek (JD-1), and three intermittent streams (JD-1a-c) that are connected to Onion Creek (Figure 2).

CURRENT STATUS AND DISCUSSION

The project has been under review for compliance with environmental rules and regulations as described above. As part of the compliance requirements for WOTUS, the proposed bridge crossing over Onion Creek will likely require a Federal Nationwide Permit (NWP) provided and authorized by the US Army Corps of Engineers (USACE or Corps) in conjunction with the US Environmental Protection Agency (EPA). This process is overseen by the USACE.

After conducting numerous surveys, investigations, and discussions with the project engineer, it has been determined that potential impacts will be below the threshold of an Individual Permit and comply with either of the two Nationwide Permits, the NWP 14 - Linear Transportation Projects or NWP 29 - Residential Developments. These types of Nationwide Permits are quite

common across the country. Approval is often a matter of providing the information required by the USACE and waiting to receive their acknowledgment and issuance of a permit.

The specific requirements will be determined by the final design location for the planned impacts as drafted by the project engineer. Additional activities and conservative estimates regarding timing for a Pre-Construction Notification (PCN) will take approximately 6-9 months and include:

- PCN Application (30-45 days)
- Cultural Resource investigation (30 to 60 days in conjunction with application)
- Submittal and review (60 days)
- Comments (30 days)
- Edits and additional iterations (30 days)
- Issued Permit (60 days)

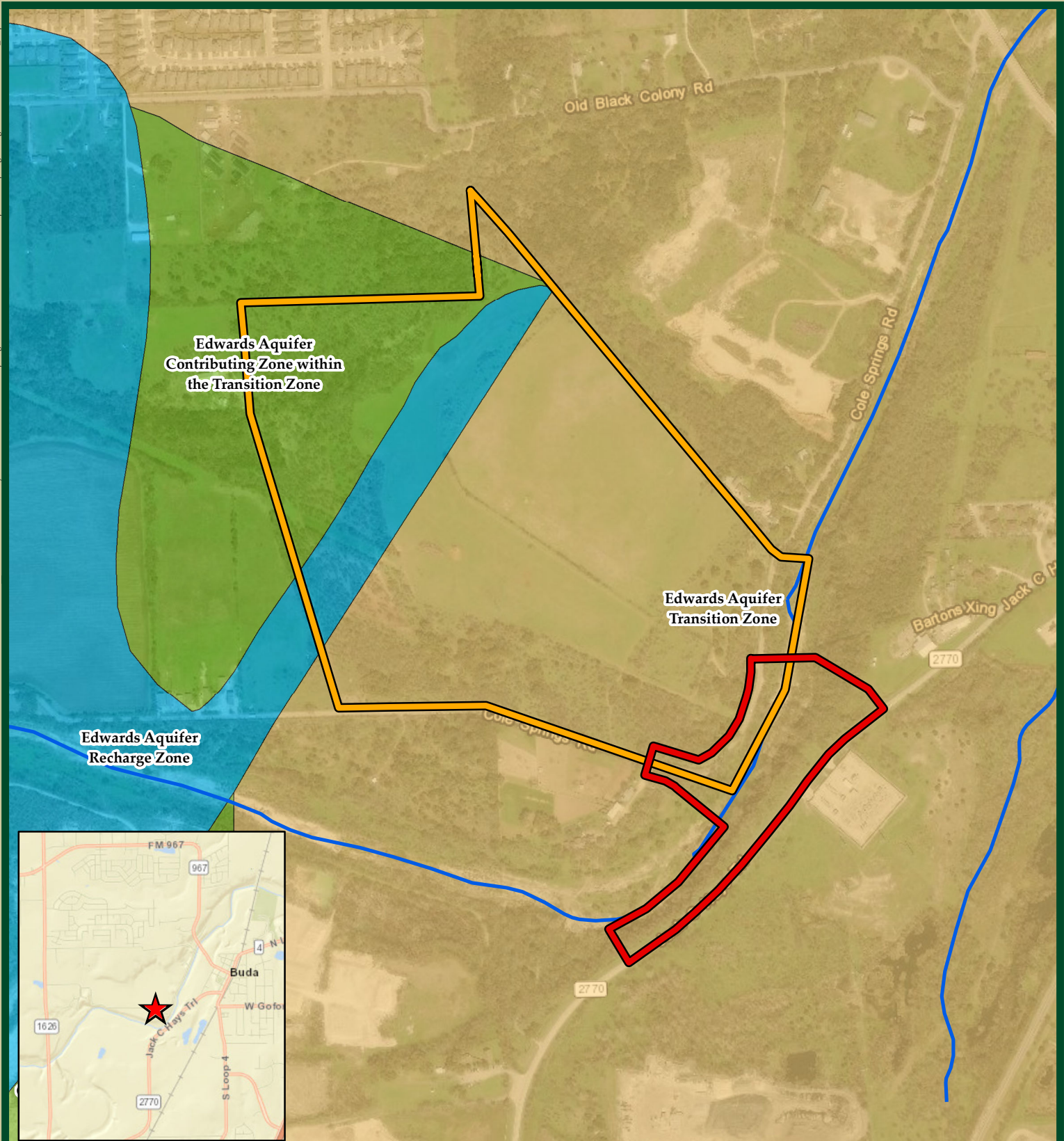
Some requirements may be processed concurrently which can reduce time, the most pressing of which is completing the Cultural Resource investigations with the appropriate buffer. Depending on the findings, there could be some delay to the project. Conducting this assessment as soon as possible will allow for any further refinement of the bridge design and location if necessary. Also please understand these time estimates are based on experiences prior to COVID 19 Pandemic; timelines may vary due to these circumstances. My current understanding is that the UCACE time frame is fairly similar at this time.

CONCLUSIONS

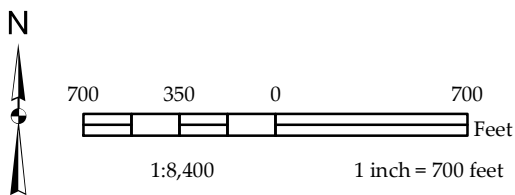
Based on the foregoing information, the potential bridge crossing over Onion Creek will fall under a Nationwide Permit with no apparent issues or need for an Individual Permit. At this time, aci Consulting, LLC, does not anticipate or foresee any issues that would deny or significantly delay the project under a Nationwide Permit.









Mark T. Adams P.G./C.A.P.M. No.1835
Senior Geologist
aci Group LLC TBPG Firm License No. 50260

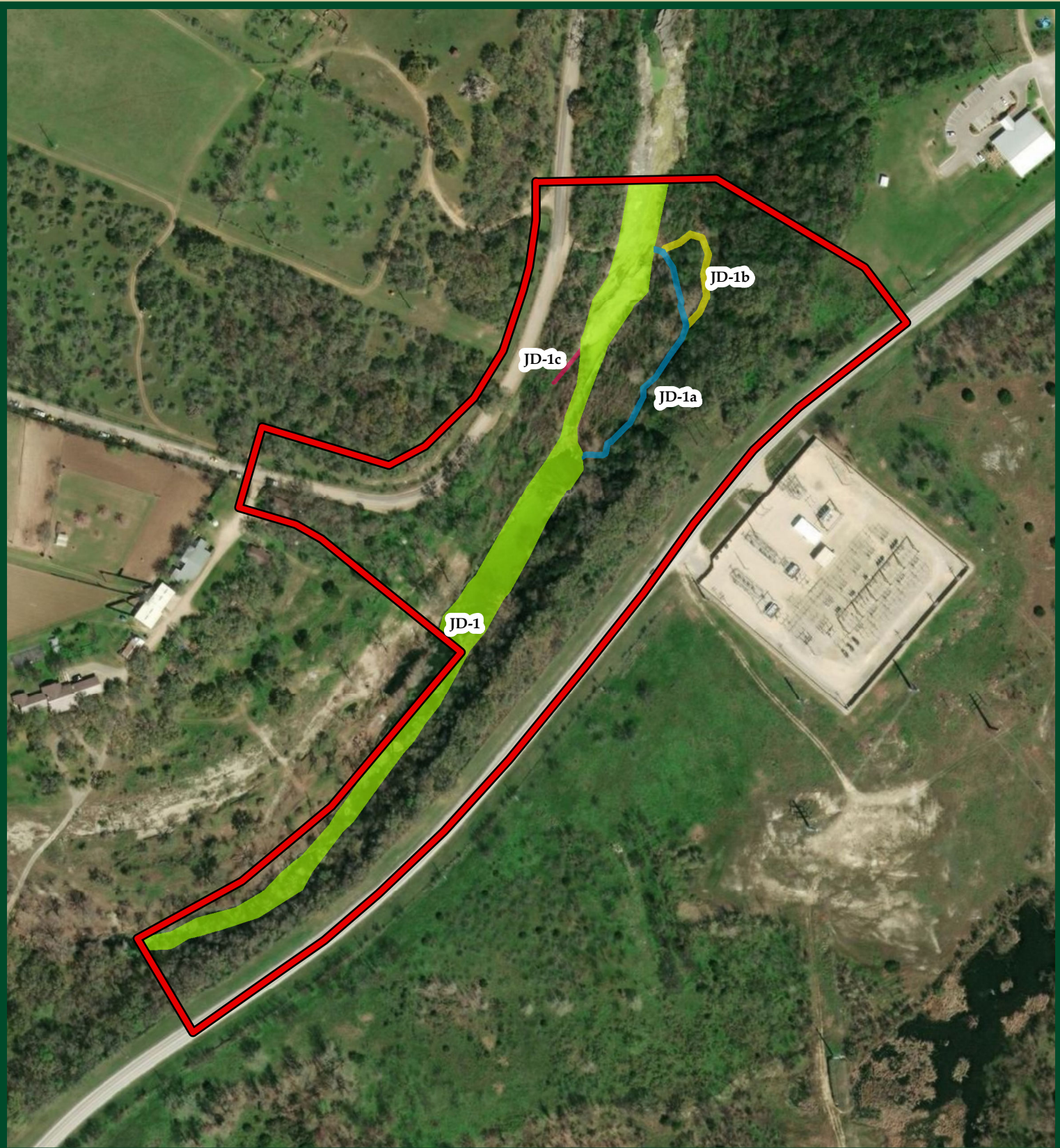


This map is intended for planning purposes only. All map data should be considered preliminary. All boundaries and designations are subject to confirmation.

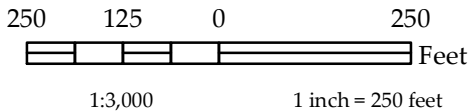



-  16.64-acre Tract
-  123-acre Tract
-  NHD Flowlines
-  Edwards Aquifer Contributing Zone within the Transition
-  Zone Edwards Aquifer Recharge Zone
-  Edwards Aquifer Transition Zone





This map is intended for planning purposes only. All map data should be considered preliminary. All boundaries and designations are subject to confirmation.



 Subject Area



From: [Jackie Weissmiller](#)
To: [Comments](#)
Subject: Support of Colony at Cole Springs
Date: Friday, April 3, 2020 3:52:11 PM
Attachments: [Outlook-k43okpfi.png](#)

Dear Mayor George Haehn and City Council Members,

I have reviewed the plans and details of the Colony at Cole Springs project and I would like to announce our support for this project.

We are a neighbor and own and manage a Senior Apartment Community - Creekside Villas Senior Village, located @ 590 Ranch Road 967 in Buda.

Respectfully,

Jackie Weissmiller
Vice President
Veritee Property Solutions
PO Box 1623
Dripping Springs, TX 78620

Cell # - 925-788-1930
Ph # - 844-698-3748 Ext #3
Fax # - 844-698-3748
jweissmiller@veriteesolutions.com
www.merrittcommunities.com
www.skyeliving.com



From: [Nate Wensowitch](#)
To: [Comments](#)
Subject: Colony at Cole Springs
Date: Sunday, April 5, 2020 9:49:48 AM

Dear Mayor Haehn and City Council,

I'm writing to you this evening to express my support for the proposed Colony at Cole Springs neighborhood pending approval. Home development is inevitable in our city as the growth boom continues. Upon reviewing the proposed plan, I believe that a fair compromise is being proposed. Though the plan will add additional population to our City, the plan proposes to mitigate this by increasing mobility via the proposed Onion Creek bridge, create public access to the most scenic stretch of Onion Creek within our city limits, and of course grow the tax base. Development on this particular tract is inevitable, and I believe the solutions and balance of the proposed plan make it a win-win for all parties.

Thank you,
-Nathan Wensowitch, AIA

From: [Matthew Jones](#)
To: [Comments](#)
Subject: Colony at Cole Springs
Date: Friday, April 3, 2020 7:03:47 PM

Dear Mayor Haehn and Respective City Council Members,

I'm writing to you this evening to express my interest and support for the proposed Colony at Cole Springs neighborhood pending approval. I consider myself a long time Buda resident having moved here with my family in 1988. I've certainly seen the city grow and expand over the past three decades to become a thriving community. I believe the proposed neighborhood will be a great asset to the City and surrounding residents. Currently, the downtown area is facing a large traffic issue and the proposed infrastructure should provide much needed relief to the surrounding area. Bringing Cole Springs Road out of the floodplain, realigning Old Black Colony, and new traffic lights can only improve mobility around the city. In addition, opening up the area around Onion Creek with nature trails is something that will greatly benefit all Buda residents. This project is an excellent use of the land that will provide immediate benefits to the City and its residents as well as long term benefits including increased tax base, controlled land use, and neighborhood contributions to local businesses.

I fully support the Colony at Cole Springs and hope to see this project move forward.

Sincerely,

Matthew Jones

From: [Jeanne Evans](#)
To: [Comments](#)
Subject: Public hearing 4/14/20
Date: Wednesday, April 1, 2020 2:51:32 PM

It is totally inappropriate for you to schedule a public meetings in the middle of the shelter in place order for Hays County. My ex-husband and I both have land across Old Black Colony, and we are both at high risk for the virus. He already had the developers come to his house earlier in the week. Totally inappropriate. This should be postponed until all local warnings to stay home are over. And then you're going to have a City Council meeting, too? Texas will be at the peak of danger during this time. What are you thinking?

Jeanne Evans

Sent from my iPhone

From: [Jeanne Evans](#)
To: [Comments](#)
Subject: Meeting 4/14/20
Date: Wednesday, April 1, 2020 3:02:50 PM

I just noticed that this meeting will be virtual. I assume the same for the City Council meeting. I apologize for my previous rant. I should read things more carefully.

Sorry,
Jeanne Evans

Sent from my iPhone

April 13, 2020

Diana Woods
Advocate for Antioch Community Church
Old Black Colony Road
Buda, Texas 78610

City of Buda
405 E. Loop St., Bldg. 100
Buda, TX 78610

RE: Colony at Cole Springs Development

Dear City Council Members and P&Z Committee:

On behalf of Antioch Community Church, I ask that you carefully consider the specific impact of the planned project by M/I Homes and Meritage Homes Development for the Colony at Cole Springs Development to the congregants, and property of the Antioch Community Church.

I have been asked to advocate on behalf of their interests in the development you are considering for approval and have assisted the congregation in following the proposals submitted to the City on behalf of the developer. There are particular issues of concern for the church property unique to other property owners in the area that we wish to be considered. These concerns have been brought up at the council meetings and discussed with the developer. We drafted a preliminary proposal to the developer and the developer has responded affirmatively to some of our requests, however, as to the question of direct impact to the property, some serious questions remain. Please review our proposal as some of the items we propose would involve participation by the City. The congregation understands, and is interested in pursuing a petition for annexation by the City of Buda if deemed appropriate to work together on some of the proposed items.

As Buda continues to thoughtfully expand its territory, we must work together to ensure that we preserve the history and legacy of those who already occupy neighborhoods, church communities, and areas such as the Old Black Colony Community. Families in the Old Black Colony came to the area as freed slaves seeking a better life of economic stability and safety for their families. They were

not always welcomed by the community and experienced racial inequality in their struggle to live in peace on their land and neighborhoods. It is their wish to be included in fair discussions and considerations for development in this area, that can improve the quality of life for all residents, including their own. They believe in fairness and representation, and have been unable to fully participate during the current stay at home orders due to many members being at high risk for infection from the COVID-19 virus and not having access to the technology for participating online. As best as I am able in this format, these are the issues of most concern:

The property of the Antioch Community Church (Listed as **Property number 7** on pages 101 and 102 of the P&Z agenda packet) is situated in a particularly vulnerable location in proximity to the Old Back Colony Road Relocation plan. **Property number 6** on this same Exhibit - 168.883 is a steep hill already littered with debris falling down to the edge of church property where water runoff frequently occurs. The property owned by the developer in the area adjacent to the church property and **Property number 6** is similarly very steep and will receive runoff from the subdivision's planned main road. As construction begins on the Old Black Colony Rd relocation begins, the segment of Old Black Colony Road in front of the church will be impacted by construction traffic, potential road surface damage, and detour challenges that can severely impact access to church property. The long term effects of water runoff remains unknown. In their response to our proposal, the developer has indicated that they would address these matters in future impact studies, however, the elders of the church, as you might expect, have difficulty granting their full support in a situation that promises only a future assurance of action in plans such as these. They are very grateful for the developer in offering assistance in accessing sewer and wastewater lines, however, the issues above would seem to largely eclipse the long term impact which will not easily be remedied in hindsight.

If you require more information about the Antioch Community Church, I will be happy to answer any questions you have.

Sincerely,

Diana Woods

Appointed Advocate

Antioch Community Church

From: **Daniel Balboa** <
Date: Tue, Apr 21, 2020 at 4:37 PM
Subject: City Council Meeting 4-21-2020 Public Comments Item H-1 (The Colony At Cole Springs)
To: <comments@ci.buda.tx.us>, David White <

Mayor and City Council Members,

I respectfully offer the following comments.

I am neither for nor against the proposed development. I most certainly am against how this application process is being handled. I recommend that the Council table this item for another day.

I am not requesting nor will I allow my property to be annexed as a part of the project. The survey provided by the applicant is in conflict with my survey. The applicant's survey appears to make claim to about one quarter of an acre of my property. I spoke onsite months ago with the survey field crew, employees who work for or with the applicant and expressed my concern. The applicant took no action at that time. Upon receiving notice of the proposed development from Mr. David Fowler from the City of Buda on 3-28-2020, I attempted to make contact with the applicant to discuss the survey conflict issue. He has refused to discuss this with me. And yes, I am talking about you Luke Caraway. I would be happy to forward the e-mail that I sent to Mr. Caraway to the Council.

I am also very disappointed with the City Manager (Mr. Williams), Mr. David Fowler, Ms. Alicia Campos, and whoever is responsible for the Development office having an apparent default position of not responding to public inquiries about pending developments.

In an attempt to get the Development office to respond to me concerning my interest in this proposed development I put in a request for Public Information. That was after my visit to their office on 1-8-2020 was unsuccessful, my phone calls on the same day were unanswered, voicemails that I left were not returned, and an email that I sent on 1-13-2020 was unanswered.

The Public Information Request strategy worked, and Mr. David Fowler finally replied to me on 1-21-2020. I am of the opinion that there is no excuse for it to take two weeks (longer if I had not made the Public Information Request) for me to receive a reply to my simple question about what is being proposed next door to me. The City claims that it wants the public's involvement in these decisions. I think the facts show otherwise. And I am not just some random interested person. I share two property lines with the proposed development. I did not know it when I first made my inquiry, but the development proposes to permanently close my road on both sides of my property, to the South and to the North of my property. It would not make sense for my road to be called Cole Springs Road after it has been cutoff from the remainder of the road, so I expect to be required to get a new address. These and other implied sacrifices demanded of me make me a uniquely impacted person. The City wants me to take one, two, or three for the benefit of the community. In exchange I have received almost no cooperation, only gamesmanship.

I am of the opinion that the City will never provide me the information that I requested. Ms. Campos ignored my initial request for more than ten business days until I reminded her that ignoring my request for more than ten days was in violation of state statute. When Mr. Williams became involved, there was a ray of hope until I made payment for the documents only to find that they just printed some random collection of pages from the email client and closed the request. When I informed Mr. Williams and Ms. Campos that I was unsatisfied and that I still wanted the information, they ignored me. I consider what they did to be fraud and in violation of Local Government Code 552.

The action that I think should be taken at tonight's meeting is a motion to start an investigation into the possible fraudulent and illegal actions of Mr. Williams and his employees.

My Public Information Request was a simple request. It would not have taken more than five minutes of time from an IT tech to make a very simple query of the Microsoft Outlook Client. It most certainly was not time consuming enough to ask the City Council to adopt a resolution to suspend filling Public Information Requests. All I wanted was a list of emails sent and received by/from Mr. David Fowler from 1-10-2020 to 1-20-2020. A list! Only a few hundred words! Initially in an apparent attempt to dissuade me, Ms. Campos claimed that my request was more than 1800 pages. About forty pounds of paper! Ridiculous.

In the random pages I received there was evidence that suggested misuse of City resources by City employees. I don't know what is contained in the information that I requested. Apparently, something more than some embarrassing misuse by employees. I do know that it has been more than three months of gamesmanship at this point. The amount of effort spent to deny my request makes me think there is proof of something egregious in the information.

I recommend that the Council table this annexation item for another day. Ideally, another day when the public can attend the meeting in chambers and once the Council has investigated and resolved my concerns about Mr. Williams and once the applicant has changed the survey excluding my property. I heard an Amazon employee on the news recently. He said that it was not right that he and his co-workers are risking their lives in order for them to be filing orders for sex toys during this public health emergency. "How is that essential?" I think that same logic applies to this pending application. Mr. Williams and his employees have time to work on this application, but they don't have time to fill Public Information requests nor address my concerns?

In light of an apparent culture of lack of ethics at the City I have following concern:

The City Council meeting on 4-17-2020 to discuss this development appears to have been in violation of the Local Government Code. Closed meetings are not allowed unless certain conditions are met and only a very few topics are allowed to be discussed in closed meetings. The description of the topic in the agenda was vague and all encompassing and did not appear to qualify as one of the exemptions to open meetings. Also, the section reference required was incorrect. Section 552.071 was stated on the agenda. My guess is that was a typo and 551.071 was the section that was intended. That section allows for consultation with an attorney in a closed meeting for only three exceptions: litigation, settlement offers, and topics in conflict with Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas. I don't see how an all encompassing discussion would qualify. I don't see how a discussion about "statutory and common law rules" could qualify.

Below are two additional recommendations:

I recommend that the bypass around downtown using the proposed new bridge over Onion Creek be an emergency bypass. The development should have only emergency access to Cole Springs Rd and Old Black Colony Rd by means of locked gates that could be opened in the event of an emergency. The bypass is an excellent idea, but a non-emergency bypass does not make sense at this location. My suggestion appears to be a win/win. Why would people living in the new development want thousands of cars and trucks bypassing downtown through their community? This could be a gated community, more appealing to buyers.

Installation of the traffic signal at FM 967 and future Old Black Colony will ensure that people will die in crashes at that location. I doubt there is any way I can convince you of this. I don't look forward to saying I told you so. I have turned onto or out of Cole Springs Rd at FM 967 thousands of times. I don't think you could find more of an expert about that intersection than me. If you would just go stand on the protected sidewalk on the Eastbound side of FM 967 and observe that intersection for five minutes, you will see for yourself. You will be in fear for your life. It is scary to have cars and big trucks approaching you at highway speeds at that location. I don't think it will be hard to picture what it will be like to have the intersection moved higher upslope and with a signal. Picture someone heading East on FM 967 who runs the red light. They will have very few options when that happens: self-sacrifice into a very deep ditch, T-bone the car coming out of Old Black Colony, or hit head-on the car waiting in the turn lane that is waiting to turn onto Old Black Colony. You could not pick a more deadly location to bypass traffic around downtown.

Thank you for your consideration,

Daniel Balboa

240 Cole Springs Rd

From: Max Cleaver
Sent: Thursday, April 23, 2020 9:09 AM
To: Comments <comments@ci.buda.tx.us>
Cc: 'Scrivener, Matthew'
Subject: Colony at Cole Springs

Mayor Haehn and City Council,

The Hays CISD Operations Team has reviewed the road improvements contemplated in the Colony at Cole Springs master plan, and we believe the road improvements would likely benefit District operations.

Regards,

Max Cleaver
Hays CISD
Chief Operations Officer

To : Council Members

Sent: Tuesday, April 28, 2020 3:02 PM

RE: Colony at Cole Springs


From: Buda Man


Hi, I am Brent Bates, my property is at [111 old Black colony Road](#). I would like to comment on the colony at Cole Spring's project. When they built the tollway, we watched them take out every tree of old growth off where parcel one and two are located. Many of those trees had been around since your great great grandparents. Hays County and Buda "ETJ" did not care. Then they spent over a year digging out the shale below the floodplain level across parcel to's location. And that took money away from Centex, who they should've bought the shale off of to begin with. I had to endure, over a year, of belly dump trucks waking me up at 5 AM every morning. So please if you're going to do this project, have the developer cut his 70 foot swath for the new Cole Spring road, and take his belly dump trucks off 1626, down a dirt road, and fill it in from the top.

The original Cole Springs Road does not need a heavy amount of traffic. Think of all the environmental concerns of a road running along the creek, dumping motor oil and antifreeze into it, and that creek runs into a state park. Your solution to cutting off my exit to 967 and making a road above me that goes in below the lift station is ludicrous. Have you ever gotten a study on how fast people come off that hill? There's got to be another solution. When they proposed Cullen country, Assuming all access would be off 967, no one ever thought to ask that you might want to come in and incorporate Old black colony Road and take exits out on it from all those subdivisions. But the city Council knew that and they just didn't make it public. I have a little highway in front of my entrance. If you ever take the stop sign away from Cole springs and old black colony Road, my life will be in grave danger, every time I exit or enter my drive. I think the better solution is to close off old Cole Springs Road, at your new bridge from Jack C Hayes Trail. Then make that a gated community of 531 homes so people don't use it as a bypass, because you should've bypassed downtown by going around Santa Cruz church and coming out of the top of the hill, on 967, instead you waited for years for I-45 to be completed from I -35 to 1626. And now your traffic is backed up for 30 minutes coming down 967 to get to H-E-B.

Stop being influenced by developers. Think it out and you may want to build from 1626 in.









THE COLONY
- AT COLE SPRINGS -


City of Buda
City Council
May 19, 2020

BudaTx breathe easy here..





M/I HOMES



Meritage Homes

1

LEGEND

Private Amenity Center	3.2 Acres
Public Upland Parkland	17.4 Acres
Public 100-Year Floodplain Parkland	15.7 Acres
Private Water Quality	
Private Misc. Open Space	
100-Year Floodplain	
300' Onion Creek Setback	
6' Nature Trails	7,935 l.f.
6' Public Onion Creek Trail	2,190 l.f.
6' Public Sidewalk and 6' Bike Lanes	10,163 l.f.
Public Trailhead with Parking	

Public Process History

- 5 Planning Commission Workshops
- 4 Council Meetings
- 1 Community Open House
- Weekly meetings/calls with City staff for past 10 months

2

PUBLIC BENEFITS

Parks and Trails

- 3 times the required parkland required per the City regulations
- Implementation of City master parks and trails plan by adding Onion Creek regional trail and opening Onion Creek to public
- Public Trailhead for access
- Over 9,000 linear feet of public trails

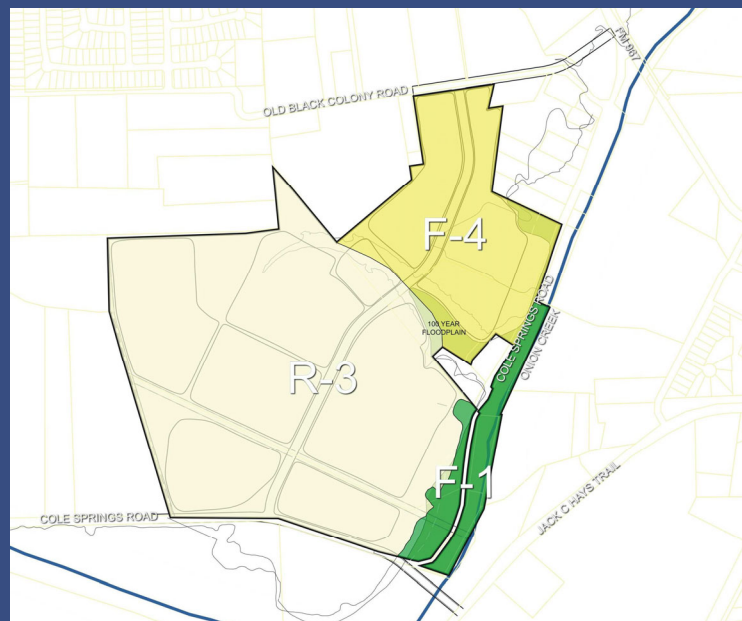


3

PUBLIC BENEFITS

Land Use

- Compliance with UDC land use regulations for R-3 and F4 zoning
- City gains land use control through annexation (Land adjacent to City center can't be used for mining, trash dump, mobile home park, industrial warehouse, etc).
- Development Agreement locks in promised improvements, timing for improvements and benefits to the City
- Density of 3.1 units per acre is considerably lower than density projected in this area from City Comprehensive Plan

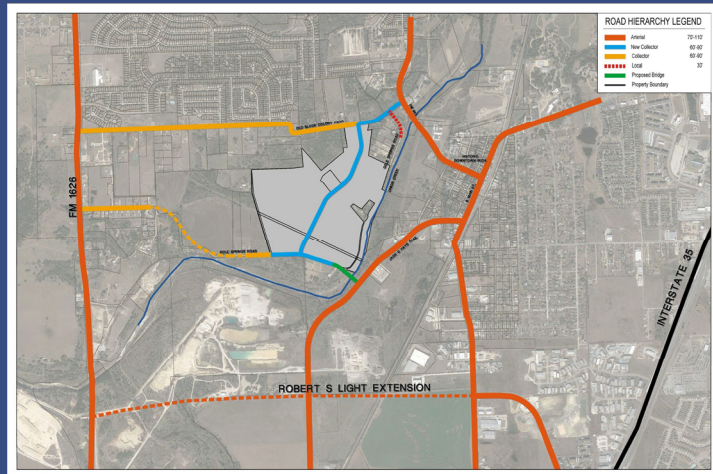


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PUBLIC BENEFITS

Transportation

- New Traffic Signal at OBC and 967: **PHASE 1**
- Improvements to OBC and Cole Springs along frontage of project: **PHASE 1**
- New North/South Collector Road with bike lanes, street trees, pedestrian paths and located out of flood prone area: **PHASE 1**
- Implementation of new bridge over Onion Creek, thus opening up alternative traffic relief for downtown, access to downtown businesses: **PHASE 1**
- **Letter of support from Creekside Villas, Hays County, Buda Fire Department**
- Allows City to realize regional improvements and implement regional transportation relief in a timely fashion and using private dollars to do so, thus decreasing future capital improvement expenditures for the City



5

Council Feedback

Concern about City involvement in right of way condemnation

- Letters of Intent collected for all right of way acquisitions needed for Bridge and realignment of OBC

Concern about approval of Bridge

- Letters from ACI Environmental, TCEQ, Barton Springs Edwards Aquifer Conservation District
- ACI Conclusion that Bridge falls under Nationwide Permit for US Army Corp of Engineers
- Team extremely confident in Bridge being approved

Concern about fallback plan if any issue arises with the Bridge or delays with Bridge

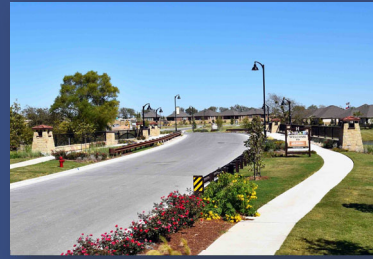
- Timing triggers in DA require bridge to be constructed with Phase 1. If any delays, no Phase 2 building permits could start until Bridge is complete.
- Back up plan if unforeseen issue causes any prohibition of the bridge: **\$4 million dollars** will be allocated to improve Old Black Colony Road

6

231

CITY FINANCIAL BENEFITS SUMMARY

- Over **\$700,000** in annual ad valorem tax revenue generated from the property
- City will realize **\$4.8M** in building, development, and utility fees for the City to use towards projects the City deems necessary
- \$2.8 million dollar bridge: **100% Developer funded**
- \$1.1 million dollar OBC re-alignment and traffic signal: **100% Developer funded**
- \$1.75 million dollar new collector road with bike lanes and pedestrian trails: **100% Developer funded**
- \$700,000 in improvements to Cole Springs Road: **Partnership with City on fee credit**
- Onion Creek public trail and trailhead: **100% Developer funded**
- **Approximately 23 additional acres of public parkland at no cost to the City**
- Downtown business gain neighborhood consumers to support local restaurants, retail
- Vital new jobs created across multiple industries and trades



Buda Municipal Utility District No. 1
Projected Financial Overview


I. Total Projected Assessed Valuation at Buildout		\$ 200,344,298
II. Total Projected Tax Rate per \$100 Assessed Valuation		
District Tax	City Tax Rate	
Debt Service \$ 0.4255	Debt Service \$ 0.2400	
Maintenance 0.1745	Maintenance 0.1096	
\$ 0.6000	\$ 0.3496	\$ 0.9496
Projected City Tax Revenues collected from District		\$ 700,404
Projected Cumulative City Tax Revenues over 50 Years		\$ 35,020,183
III. Projected City Revenues		
Development Fees 3.5% of total Construction Cost		\$ 40,000,000
3.5% of total Construction Costs		\$ 1,400,000
Less: Reimbursement for Cole Springs Road Improvements		\$ (700,000)
Net City Development Fees		\$ 700,000
Permit Fees \$2,742 per lot		1,456,002
Impact Fees		
Water \$3,595 per lot		\$ 1,908,945
Less: Waterline No. 2 attached under Bridge		(120,000)
		\$ 1,788,945
Wastewater \$3,515 per lot		\$ 1,866,465
Less: Diversizing of Wastewater Interceptor		(1,000,000)
		\$ 866,465
Total Fees Collected		\$ 4,811,412

7



Questions and Discussion


8



Matthew Scrivener, P.E.
Vice President Land Development

Elliot Jones
Vice President of Land Acquisition

8920 Business Park Drive
Suite 350
Austin, Texas 78759



Royce Rippy
Vice President of Land Development

Austin Evetts
Director of Land Development

6801 N. Capital of Texas Highway,
Lakewood II, Suite 100,
Austin, Texas 78731


Design / Consulting Team

PLANNING | LANDSCAPE ARCHITECTURE:
SEC Planning, LLC.
Mark Baker, ASLA
Principal
4201 W. Parmer Lane, Building A, Suite 220,
Austin, Texas 78727

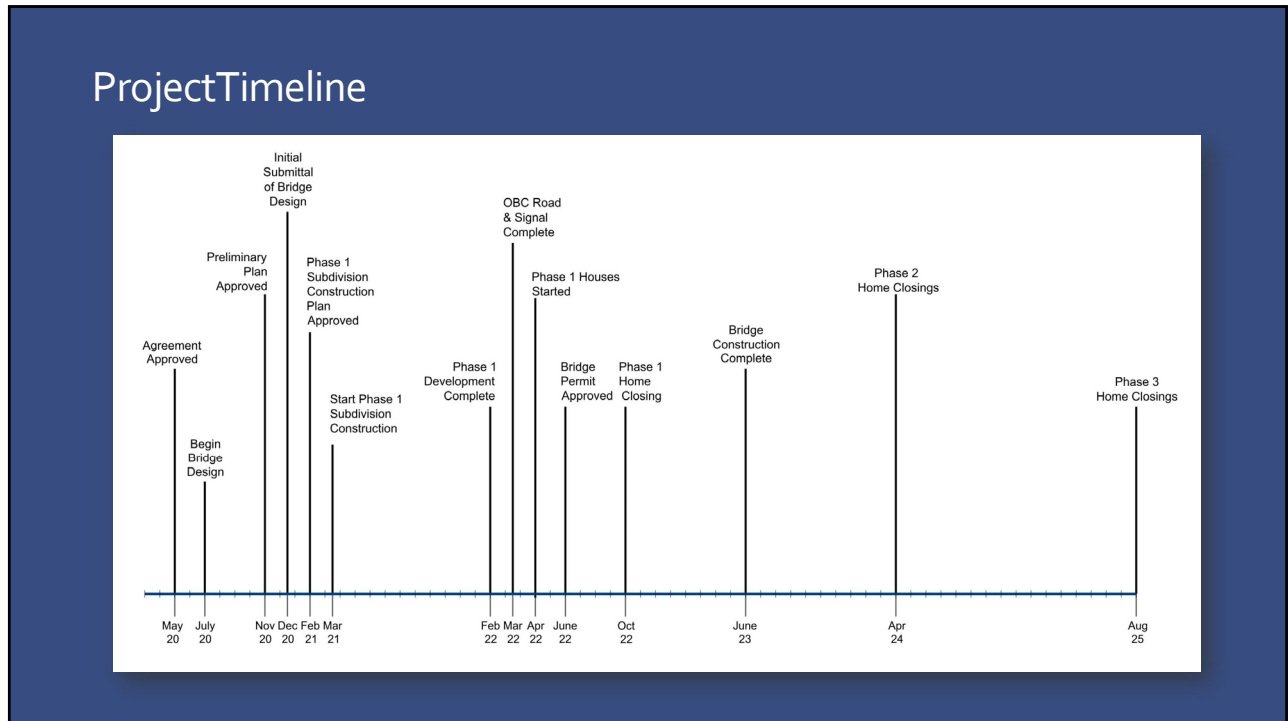
CIVIL ENGINEERING:
Kimley-Horn
Luke Caraway
10814 Jollyville Road, Campus IV, Suite 300,
Austin, TX 78759

LEGAL:
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Sean Abbott
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Austin, Texas 78701

FINANCIAL ADVISOR:
Public Finance Group, LLC
Cheryl Allen
President
900 South Capital of Texas Highway
Building IV, Suite 475
West Lake Hills, Texas 78746

9



10



**City Council Meeting
Agenda Item Report
May 19, 2020**

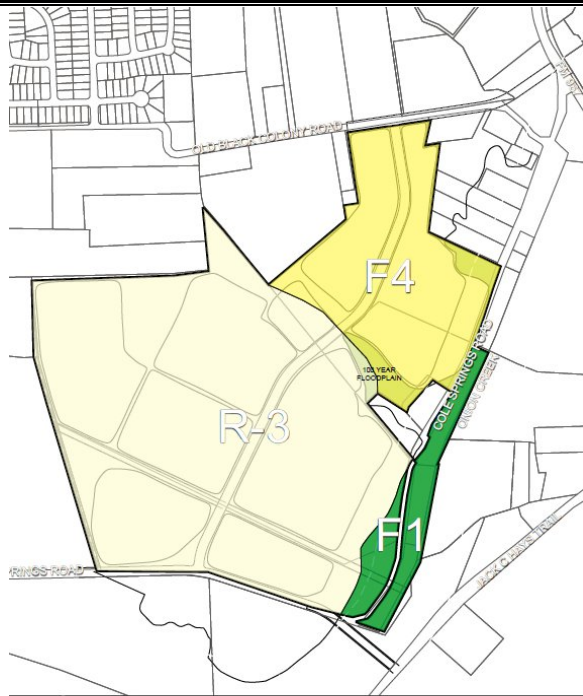
**Contact – Melissa McCollum, AICP, Planning Director
512-312-5745 / melissa.mccollum@ci.buda.tx.us**

SUBJECT: CONSIDERATION, AND POSSIBLE ACTION TO CONSIDER AN ORDINANCE ON FIRST READING FOR THE PROPOSED COLONY AT COLE SPRINGS DEVELOPMENT TO BE ZONED PLANNED DEVELOPMENT (PD) UPON ANNEXATION LOCATED SOUTH OF OLD BLACK COLONY ROAD AND WEST AND NORTH OF COLE SPRINGS ROAD FOR 168.883 +/- ACRES.[Z 20-01] (PLANNING DIRECTOR MELISSA MCCOLLUM).

1. PROJECT SUMMARY

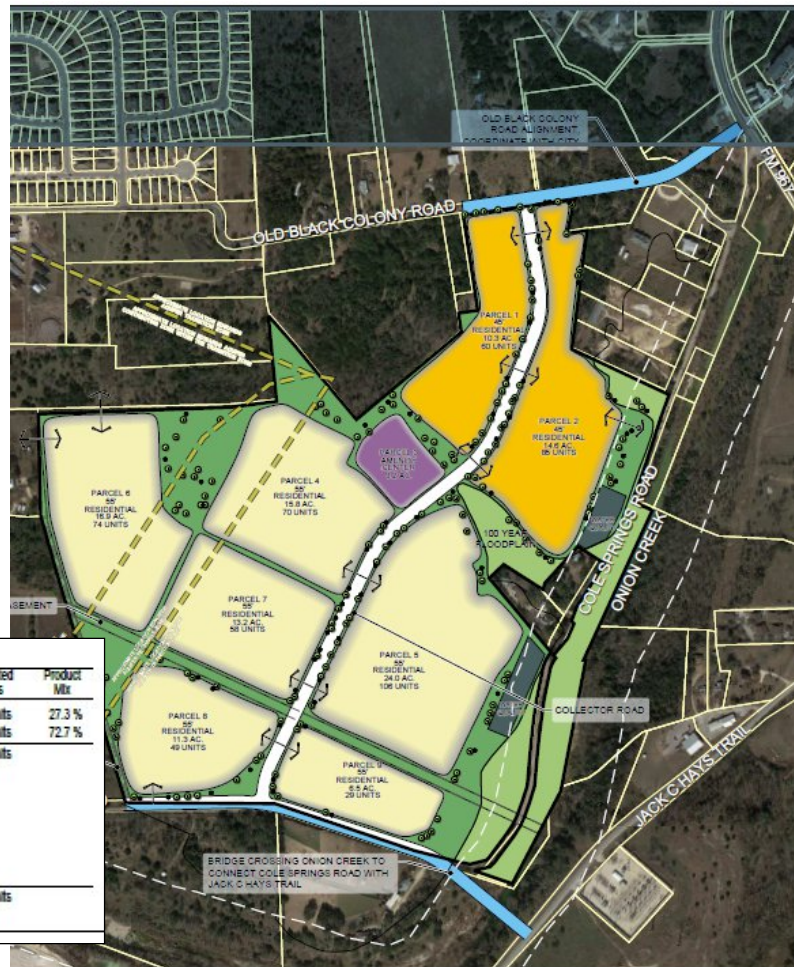
The combined public hearing for this item was held at the April 21, 2020 City Council meeting. This is the proposed 1st reading of an ordinance regarding the zoning district upon annexation for the Colony at Cole Springs Development. This is one of three separate agenda items that is being considered for this development project. The other two items are the Development Agreement (DA) and the Municipal Utility District (MUD) Consent Agreement.

The proposed rezoning upon annexation is Planned Development (PD) with the base districts of Form Based District 4 (F4), One & Two Family Residential District (R-3), and Form Based District 1 (F1), for the areas depicted in *Exhibit D Zoning Boundaries*.



ZONING BOUNDARIES
 THE COLONY AT COLE SPRINGS
 BUDA, TEXAS

This project is limited to 531 single-family detached dwellings and the following incidental uses: an amenity center and parking lot, parks, playgrounds, trails, trailhead parking lot, water quality features, and other public infrastructure and utility facilities. The project uses will be limited to only detached single family residential and incidental uses and must substantially conform to the *Exhibit B Development Plan*. No other uses within the F4 District will be allowed.



LAND USE SUMMARY

Land Use	Area	Proposed Density	Projected Units	Product Mix
45' Alley Residential	24.9 acres	5.8 du./ac.	145 units	27.3 %
55' Residential	87.7 acres	4.4 du./ac.	386 units	72.7 %
Residential Sub-Total:	112.6 acres	4.7 du./ac.	531 units	
Amenity Center	3.2 acres			
Major Right of Way	7.3 acres			
Off Site Right of Way Improvements				
Water Quality	2.5 acres			
100 Year Floodplain	15.7 acres			
Open Space*	27.6 acres			
Total:	168.9 acres	3.14 du./ac.	531 units	

*Includes perimeter buffers, roadway buffers, easements, drainage channels and parks

DEVELOPMENT PLAN

THE COLONY AT COLE SPRINGS
 BUDA, TEXAS

Existing Zoning and Surrounding Land Uses

Adjacent land uses include:

East	Outside City Limits, and in our ETJ <ul style="list-style-type: none">• Large Lot residential, Onion Creek area.
North	Across OBC Road, Outside City Limits/ETJ and AG Agricultural <ul style="list-style-type: none">• Large lot residential, or vacant agricultural properties
West	Outside City Limits, and in our ETJ <ul style="list-style-type: none">• Large Lot residential, or vacant/ agricultural properties
South	Across Cole Springs Road, Outside of City Limits, within ETJ and Light Industrial (LI) <ul style="list-style-type: none">• Large lot residential, or vacant/agricultural properties



2. FINDINGS/CURRENT ACTIVITY

For the public hearing 10 adjacent property owners were notified within 400 feet of the subject property. Staff has not received any responses for or against the project from mailed notification.

The following constitutes an evaluation of the proposed zoning change:

Pertinent excerpts from the Buda 2030 Comprehensive Plan as well as the Future Land Development Plan contained within it are attached. This property is within the Green Growth Area but not near a Community Mixed Use Node. The goal of the Green Growth District is to balance growth and transportation pressures while protecting the environmental assets and maintaining the natural character of the district.

CHARACTER DISTRICT AND MIXED USE NODES: APPROPRIATE DEVELOPMENT TYPES

	Development Type										
	Mixed Use	Regional Retail Center	Neighborhood Shopping Center	Office	Industrial Park or Distribution Ctr.	Low Density Single Family & Agriculture Uses (> 1 acre)	Medium Density Single Family (0.25-1 acre)	High Density Single Family (<0.25 acre)	Attached Housing	Multifamily (for sale or rent units)	Cluster Development
CHARACTER DISTRICTS											
Green Growth District	●	×	●	●	×	○	●	●	●	○	●
Emerging Growth District	●	○	●	●	×	○	●	●	●	○	●
Heritage District	●	×	●	●	×	×	●	●	●	○	○
Industrial Growth District	○	×	×	○	●	○	×	×	×	○	○
Business Growth District	●	○	○	●	○	×	×	○	○	○	○
Interstate Corridor	●	●	×	●	○	×	×	×	×	●	×
MIXED USE NODES											
Neighborhood Node	●	×	●	●	×	×	○	○	●	●	○
Community Node	●	×	×	●	×	×	×	○	●	●	○
Business Node	●	×	×	●	●	×	×	×	○	●	×
Regional Node	●	●	×	●	×	×	×	×	×	●	×
Downtown Node	●	○*	●	●	×	×	○	○	○	●	×
<p align="center">● Appropriate ○ Conditional × Not Appropriate</p>											
<p><i>Notes:</i> * Regional retail in the downtown node would include destination shops such as antique shops and other destination boutique stores.</p>											

Medium Density Residential development is an appropriate use within the Green Growth District. Parks and open space are also considered appropriate uses. Staff believes the F4 and R-3 Residential base districts with the lot sizes and overall density 3.14 unit per acre is appropriate in the proposed area. In addition, the proposed project will have over 33 acres of public parkland and over 10,000 linear feet of trails. The open space amenities planned throughout the development and along Onion Creek are shown in *Exhibit E Parkland and Open Space Plan* and are part of this Planned Development Ordinance.

LEGEND

	Private Amenity Center	3.2 Acres
	Public Upland Parkland	17.4 Acres
	Public 100-Year Floodplain Parkland	15.7 Acres
	Private Water Quality	
	Private Misc. Open Space	
	100-Year Floodplain	
	300' Onion Creek Setback	
	6' Nature Trails	7,935 l.f.
	8' Public Onion Creek Trail	2,190 l.f.
	6' Public Sidewalk and 6' Bike Lanes	10,163 l.f.
	Public Trailhead with Parking	



PARKLAND AND OPEN SPACE PLAN THE COLONY AT COLE SPRINGS BUDA, TEXAS

Based on information from the comprehensive plan and surrounding uses, approval of this zoning is considered consistent with the Comprehensive Plan.

This project is limited to 531 single-family detached dwellings and the following incidental uses: an amenity center and parking lot, parks, playgrounds, trails, trailhead parking lot, water quality features, and other public infrastructure and utility facilities. No other uses will be allowed within the PD. Staff has not identified critical issues with the potential uses in the R-3 and F4 base districts that would negatively affect the health, safety or general welfare of the City and the safe, orderly and healthful development of the City and the surrounding unincorporated areas.

Some of the surrounding properties are expected to develop at some point in the future, likely in a primarily residential manner along with schools, churches and neighborhood-supporting commercial along FM 967 and Old Black Colony (OBC) road. The non-residential development is more likely to appear on areas between the site and FM 1626 and FM 967 as these areas are along the major corridor and planned signalized intersections.

For any development on this property, the applicant will be required to comply with applicable development standards such as maximum impervious cover, water detention/quality, and site/building design, pursuant to the Unified Development Code and subsequent Development Agreement (DA) and Planned Development (PD) .

The applicant intends to pursue traditional single-family detached housing with fee-simple ownership. In R-3 zoning, minimum lot size is 6,000 square feet, with a minimum lot width of 55 feet for interior lots and 60 feet for corner lots. Front and rear yard setbacks are 20 feet respectively, while side yard setbacks are 7.5 feet for interior side yards and 15 feet for corner side yards. In F4 zoning is an alley loaded products with a minimum lot size is 5,000 square feet, with a minimum lot width of 45 feet for interior lots and 55 feet for corner lots. Front setbacks are 10 feet and rear/alley yard setbacks are 20 feet, while side yard setbacks are 5 feet for interior side yards and 10 feet for corner side yards.

The applicant, as well as staff, have determined a project consistent with the property's characteristics is possible with the Planned Development (PD) and the base districts of R-3 and F4 district regulations. The proposed zoning change does not negatively affect infrastructure capacity or adequacy. The property, through annexation, will fall within the City of Buda water and wastewater service area. The City of Buda has anticipated development of this and nearby properties as part of its water and wastewater models. The applicant, as with any developer, is responsible for construction of their infrastructure improvements as well as any off-site improvements caused by the project. A Traffic Impact Analysis (TIA) was performed in association with the project's preliminary plan, which is attached as part of this report. Substantial roadway improvements are planned and more specifically discussed in the Development Agreement (DA) and MUD Consent agreements agenda item. The TIA has identified additional offsite improvements that they will be required to cost-participate in the improvements rather than construct them on their own (see Table 13 of the TIA).

The following are the public meetings that have been held to discuss the overall development of the Colony at Cole Springs.

Public Meetings that have been held:

Planning and Zoning Workshop 12.10.2019
Planning and Zoning Workshop 01.14.2020
City Council -Annexation 01.21.2020- Resolution– Tabled
Planning and Zoning Workshop 01.28.2020 (Traffic/TIA)
City Council Workshop and Annexation Resolution 02.04.2020– Tabled
Community Meeting with Developer 02.19.2020
Planning and Zoning Commission Workshop/Update 02.25.2020
City Council – Workshop/Update 03.03.2020
Planning and Zoning Commission Workshop/Update 03.10.2020
City Council -March 24, 2020 Annexation Resolution- Passed
Planning and Zoning Commission -April 14, 2020 (Public Hearing, DA, Zoning, Consent Agreement)
City Council Public Hearing- April 21, 2020 (Annexation, DA, Zoning, MUD Consent)

Upcoming Public Meetings:

City Council 1st Reading- May 19, 2020 (Annexation, DA, Zoning, MUD Consent)
City Council 2nd Reading- June 2, 2020 (Annexation, DA, Zoning, MUD Consent)

3. **FINANCIAL IMPACT**
N/A

4. **RECOMMENDATION**
Staff recommends approval of the zoning of Planned Development (PD) upon annexation.

At the April 14, 2020 meeting the Planning and Zoning Commission recommended approval of the Planned Development (PD) zoning district upon annexation for the Colony at Cole Springs Development [Z 20-01] by a vote of 4-3. (Strother, Altmiller and Ross opposed)

5. **ATTACHMENTS**
Zoning Ordinance and Exhibits
Traffic Impact Analysis Executive Summary (TIA)

Staff letter re: TIA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BUDA, TEXAS, INSTITUTING THE ZONING CLASSIFICATION OF APPROXIMATELY 168.883 ACRES OF LAND LOCATED SOUTH OF OLD BLACK COLONY ROAD AND WEST AND NORTH OF COLE SPRINGS ROAD AS PLANNED DEVELOPMENT NO. Z 20-01; DESCRIBING SAID 168.883 ACRES OF LAND; AMENDING THE ZONING DISTRICT MAP OF THE CITY OF BUDA, TEXAS; PROVIDING FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; PROVIDING AN EFFECTIVE DATE; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

WHEREAS, Fred and Paula Trudeau own certain real property located in Hays County, Texas, such real property being more particularly described in **Exhibit A1** attached hereto and fully incorporated herein for all purposes; and

WHEREAS, Industrial Asphalt, LLC owns certain real property located in Hays County, Texas, such real property being more particularly described in **Exhibit A2** attached hereto and fully incorporated herein for all purposes; and

WHEREAS, for purposes of this Ordinance, Fred and Paula Trudeau and Industrial Asphalt, LLC collectively shall be known as the “Owners”, and the property described in **Exhibits A1** and **A2** collectively shall be known as the “Property”; and

WHEREAS, Meritage Homes of Texas, LLC and M/I Homes of Austin, LLC, (collectively, the “Developers”) intend to acquire the Property to develop the Property for residential uses; and

WHEREAS, the Owners and the Developers have worked cooperatively in regard to the applications to the City for development and zoning of the Property; and

WHEREAS, the Developers requested the negotiation of a development agreement with the City and City consent to the creation of a municipal utility district over the Property; and

WHEREAS, the Developers also requested that the Property be zoned immediately upon annexation, rather than after the municipal utility district had been established and had executed the development agreement; and

WHEREAS, the Owners and the Developers have executed the City of Buda Annexation, Development, and Municipal Utility District Consent Agreement for The Colony at Cole Springs (the “*Development Agreement*”) providing for all rights, obligations, and entitlements in relation to the development of the Property and have consented to same; and

WHEREAS, on May 5, 2002, and prior to the adoption of this Ordinance, the City Council of the City of Buda, Texas annexed the Property into the corporate limits of the City of Buda, Texas by ordinance (the “Annexation Ordinance”) to be effective only upon the occurrence of certain conditions; and

WHEREAS, the Owners have made application to the City of Buda, Texas to institute the zoning classification of said land as Planned Development No. Z 20-01; and

WHEREAS, said application was submitted to the City of Buda, Texas with proof of ownership or control of all of the Property; and

WHEREAS, the City of Buda, Texas has performed the studies necessary to officially adopt a zoning district for this newly annexed land; and

WHEREAS, the City Council has instructed the Planning and Zoning Commission and the Director of Planning to study and make recommendations concerning the use of said land to promote the general welfare and to be in accordance with the Comprehensive Plan; and

WHEREAS, the Planning and Zoning Commission and the Director of Planning have conducted such studies; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Buda, Texas have each conducted, in the time and manner and after the notice required by law and the City of Buda Unified Development Code, a public hearing on such zoning classification; and

WHEREAS, the City of Buda Planning and Zoning Commission and the Director of Planning have issued recommendations regarding the zoning classification of Property, and the City Council of the City of Buda, Texas now deems it appropriate to grant such requested zoning classification.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BUDA, TEXAS:

Section 1: The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2: As required by law, the City Council of the City of Buda conducted the public hearing on the request for zoning classification and closed the public hearing prior to the final adoption of this Ordinance.

Section 3: The zoning classification of the Property is hereby instituted as Planned Development No. Z 20-01. The Property is described in **Exhibit A1** and **Exhibit A2**, attached hereto and made a part hereof for all purposes.

Section 4: The planned development district shall be developed in accordance with the Buda Code of Ordinances, including the City of Buda Unified Development Code (the "**UDC**"; as defined as the Unified Development Code of the City of Buda as adopted on October 2, 2017, as amended by Ordinance Number 2019-24 adopted December 3, 2019, including any provisions thereof which have been or which may become in the future preempted or otherwise invalidated by state law), unless otherwise provided herein, and shall be developed generally in accordance with the Development Plan, **Exhibit B** and with the Phasing Plan, **Exhibit C** both attached hereto and made a part hereof for all purposes, and is subject to the following regulations and restrictions:

A. Purpose. The planned development district includes a residential development

with open space and transportation improvements. Improvements to the site will be designed to enhance the overall urban design and nature of the surrounding area.

- B. Use regulations.** In the planned development district, no building, structure or land shall be used and no building or structure shall be hereafter erected, reconstructed, altered or enlarged except as provided in this Ordinance.

Current existing uses shall be allowed until land is developed, at which time, only the following form based uses, as they are defined in the UDC at the time of the passage of this Ordinance, shall be allowed:

1. Form Based District 4 (F4) for the area depicted as “F4” in **Exhibit D**, limited to single-family detached dwellings and the following incidental uses: an amenity center and parking lot, parks, playgrounds, trails, water quality features and other public infrastructure and utility facilities;
2. Form Based District 1 (F1) for the area depicted as “F1” in **Exhibit D**, limited to parks, playgrounds, trails, trailhead parking lot and other public infrastructure and utility facilities; and
3. One & Two Family Residential District (R-3) for the area depicted as “R-3” in **Exhibit D**, limited to limited to single-family detached dwellings and the following incidental uses: an amenity center and parking lot, parks, playgrounds, trails, trailhead parking lot, water quality features and other public infrastructure and utility facilities.

- C. Development regulations.** The Planned Development District will be developed in accordance with all additional regulations:

1. *Water Quality.* Water Quality Standards as adopted in the UDC, including the provisions contained in Section 4.05.05 of the UDC, are applicable to the Property except that impervious coverage calculations for the Property will not exceed 49.1% percent, calculated based upon a weighted average of the maximum allowable impervious coverage in the areas identified as F4, R-3, and F1 on **Exhibit D**, including a limit of 15% in the Recharge Zone area. Calculations and standards contemplated in this section apply to the initial development of the Property.
2. *Parkland and Open Space.* At least 33.1 acres of land for use as public open space and trails shall be required. Such land will be designed and constructed so as to provide connectivity of parks, as further delineated in **Exhibit E**. At least 9,000 linear feet of trails, including an 8-foot wide, 2,190-linear foot, concrete trail that will follow Onion Creek and parallel Cole Springs Road within such 33.1 acres shall be required. All trails shall be constructed pursuant to the UDC, including the size of trails and materials utilized, unless otherwise specified on **Exhibit E**. A hot mix asphalt concrete parking area to serve park facilities, which shall include at least twelve (12) parking spaces, including two disabled parking spaces, as further described and as generally depicted in **Exhibit E**, shall be required.

3. *Private Amenity Center, Associated Land and Private Open Space.* A pool, pavilion, bathrooms, playscape, splash pad, picnic area, and parking area (collectively, the “Amenities”) for a private amenity center on land encompassing at least 3 acres (“Amenity Center Property”) shall be provided. The Amenity Center Property shall be of sufficient size and topography for placement of Amenities. Acreage included in the Amenity Center Property shall not be included in the 33.1 acres of land to be dedicated for use as public open space and trails but shall be in addition thereto. Private open space on the Amenity Center Property, and the private miscellaneous open space (“Private Miscellaneous Open Space”), as shown on **Exhibit E** shall also be required.
4. *Lighting Standards.* Street lighting and light fixtures and fixtures on the exterior of homes, consistent with Dark Sky Criteria, attached hereto as **Exhibit F**, shall be installed.
5. *Transportation Improvements.* Cole Springs Road shall be improved with approximately 1,944 linear feet of asphalt pavement in conformance with the specifications set forth in **Exhibit G**, and, subject to securing all permits and approvals from all applicable regulatory authorities, a 1,200-linear foot, two-lane bridge, with six-foot wide sidewalks on each side, similar in aesthetic design to the existing Onion Creek Bridge crossing on FM 967, connecting Jack C. Hays Trail to the existing Cole Springs Road (the “Bridge”), shall be required. Alternatively, an Alternative Transportation Relief Plan (“ATRP”) which shall convey a substantially similar number of trips to and from the Property as would have been provided by the Bridge and improvements to Cole Springs Road shall be required.
6. *Neighborhood Collector Road.* A two-lane neighborhood collector road approximately one mile in length from Old Black Colony Road on the northern boundary of the Property to the southern boundary of the Property at Cole Springs Road, in conformance with the specifications set forth in **Exhibit G**, (the “Neighborhood Collector Road”) shall be required.
7. *Realignment of Old Black Colony Road.* The realignment and improvement of Old Black Colony Road to intersect with FM 967, in conformance with the specifications set forth in **Exhibit G** shall be required. .
8. *Tree Survey and Mitigation.* Developers shall not remove greater than 20% of Signature Trees, as defined by the UDC, and any such removals will be mitigated pursuant to the UDC. Trees of at least three (3)-inches in caliper shall be provided along both sides of the Neighborhood Collector Road and spaced generally 50 feet apart.
9. *Wastewater Interceptor.* A 21-inch wastewater interceptor located north of the PROPERTY, as further described in **Exhibit H**, shall be required.

10. *Water Supply Line No. 2.* A 12” water line extension along the Bridge, depicted as the “future looping connection” on **Exhibit H**, constructed over Onion Creek, as further described in **Exhibit H** of this AGREEMENT shall be required.

Section 5: Zoning District Map. The zoning changes imposed in this Ordinance shall be incorporated into the Official Zoning District Map of the City of Buda promptly after the adoption of this Ordinance by the City Council of the City of Buda.

Section 6: Comprehensive plan deviation. To the extent this Ordinance represents any deviation from the Future Land Development Plan of the City of Buda 2030 Comprehensive Plan, such plan is hereby amended to conform with this Ordinance.

Section 7: Repeal. This Ordinance shall be and is hereby cumulative of all other ordinances of the City of Buda, Texas and this Ordinance shall not operate to amend, change, supplement or repeal any such other ordinances except, save and except the changes in zoning classification and the imposition of the findings, regulations, restrictions and conditions contained herein. Insofar as the provisions of any ordinances of the City of Buda, Texas might be inconsistent or in conflict with the provisions of this Ordinance, such conflicting provisions, if any, in such other ordinances are hereby repealed.

Section 8: Severability. If any clause or provision of this Ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portion of the Ordinance, which shall continue to have full force and effect.

Section 9: Passage. Pursuant to Section 3.12 of the Charter of the City of Buda, Texas, if the Council determines that the first reading of this ordinance is sufficient for adequate consideration by an affirmative vote of five or more members of the City Council during the first reading and the Ordinance is passed by a the affirmative vote of four or more members of the City council, this Ordinance is adopted and enacted without further readings. In the event a second reading is necessary, this Ordinance is adopted and enacted upon the affirmative vote of four or more members of the City Council upon second reading.

Section 10. Penalty. Any person, firm, partnership, association, corporation, company, or organization of any kind who or which violates any provision of this Zoning Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed \$2000.00 Each day during which said violation shall exist or occur shall constitute a separate offense. The owner or owners of any property or of premises where any violation of this Zoning Ordinance shall occur, and any agent, contractor, builder, architect, person, or corporation who shall assist in the commission of such offense shall be guilty of a separate offense unless otherwise prohibited by law and, upon conviction thereof, shall be punished as above provided.

Section 11: Effective Date. The adoption of an ordinance consenting to the creation of an in-City municipal utility district (“Consent Ordinance”) serving the Property is a condition precedent to the adoption of this Ordinance becoming effective; in the event the Consent Ordinance is not adopted by June 2, 2020, this Ordinance shall never take effect and shall be null and void. Provided the Consent Ordinance is adopted, this Ordinance shall become effective on

June 3, 2020, immediately after the Annexation Ordinance becomes effective, in accordance with Section 3.12 of the Charter of the City of Buda, Texas, provided, prior to such date, the entirety of the Ordinance or a caption summarizing the purposes of this Ordinance and the penalty for violating this Ordinance is published in a newspaper designated as the official newspaper of the City.

Section 12: It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place, and purpose of said meeting was given, all as required by the Open Meetings Act, Chapter 551, *Texas Government Code*, as amended.

PASSED AND APPROVED on first reading on the 19th day of May, 2020, at a regular meeting of the City Council of the City of Buda, Texas.

PASSED, APPROVED AND ADOPTED on second and final reading on the 2nd day of June, 2020, at a regular meeting of the City Council of the City of Buda, Texas.

APPROVED:

George Haehn, Mayor
City of Buda, Texas

ATTEST:

Alicia Ramirez, City Clerk
City of Buda, Texas

Exhibit A1

**TRACT 1:
A METES AND BOUNDS
DESCRIPTION OF A
117.943 ACRE TRACT OF LAND**

BEING a 117.943 acre (5,137,584 square feet) tract of land situated in the Phillip J. Allen Survey, Abstract No. 1, the Steven V. R. Eggleston Survey, Abstract No. 5, and the Hiram Cummings Survey, Abstract No. 108, Hays County, Texas; and being a portion of a called 123.670 acre tract of land described in instrument to Fred and Paula Trudeau recorded in Document No. 15007277 of the Official Public Records of Hays County; and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found at the intersection of the the northerly right-of-way line of County Road No. 148 (Cole Springs Road - variable width) and the westerly line of Old Lane, a non-exclusive access easement and right-of-way recorded in Document No. 17002666 of the Official Public Records of Hays County, marking the southeast corner of a called 26.827 acre tract of land described in instrument to Home Living Hospitality, Inc. recorded in Document No. 15007138 of the Official Public Record of Hays County;

THENCE, departing the northerly right-of-way line of said County Road 148, along the easterly line of said 26.827 acre tract and along the westerly line of said Old Lane the following two (2) courses and distances:

- 1. North 16°41'21" West, 1284.62 feet to a 1/2-inch iron rod found for corner;
- 2. North 15°43'45" West, 344.16 feet to a 1/2-inch iron rod found marking the northeast corner of said 26.827 acre tract, same being the southeast corner of a called 5.35 acre tract of land described in instrument to Timothy and Yvette Hunt recorded in Document No. 17002880 of the Official Public Records of Hays County;

THENCE, North 1°19'05" West, 552.69 feet, continuing along the westerly line of said Old Land and along the easterly line of said 5.35 acre tract to a 1" iron pipe found marking the northwest corner of said 123.670 acre tract;

THENCE, along the northerly and westerly lines if said 123.670 acre tract the following three (3) courses and distances:

- 1. North 88°00'22" East, 1043.62 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 2. North 82°37'55" East, 254.87 feet to a 1-inch iron pipe with a cotton spindle inside stamped "PROTECH ENG" found for corner;
- 3. North 5°28'50" West, 468.59 feet to a 1-inch iron pipe found marking the western-most southwest corner of a called 15.846 acre tract of land described in instrument to Kevin D. Barrow and Margaret Mills-Barrow recorded in Volume 1057, Page 501 of the Official Public Records of Hays County;

THENCE, along the southwesterly line of said 15.846 acre tract the following two (2) courses and distances:

- 1. South 41°23'59" East, 223.17 feet to a 1/2-inch iron rod found for corner;
- 2. South 39°36'52" East, 213.56 feet to a 1/4-inch iron rod found for corner;

THENCE, South 39°55'24" East, 1707.60 feet, along the southwesterly lines of said 15.846 acre tract, Lot 1, Block 2 of Scales Subdivision, plat of which is recorded in Volume 14, Pages 181-183 of the Plat Records of Hays County, a called 13.72 acre tract of land described in instrument to Industrial Asphalt, LLC recorded in Document No. 13001101 of the Official Public Records of Hays County, and a tract of land described in instrument to Velma Reveda recorded in Volume 2236, Page 445 of the Official Public Records of Hays County, to a 1/2-inch iron pipe found for corner;

THENCE, South 39°42'51" East, 247.63 feet, continuing along the southwesterly line of said Reveda tract to an iron rod with a plastic cap stamped "ZWA" found on the westerly right-of-way line of aforesaid County Road No. 148 (40 feet wide at this point);

DESCRIPTION CONTINUED ON SHEET 2.

ABEL P. STENDAHL
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6754
601 NW LOOP 410, SUITE 350
SAN ANTONIO, TEXAS 78216
PH. 210-541-9166
abel.stendahl@kimley-horn.com



EXHIBIT
TRACT 1 - 117.943 ACRES
TRACT 2 - 4.435 ACRES
HIRAM CUMMINGS SURVEY, A-108
PHILLIP J. ALLEN SURVEY, A-1
S.V.R. EGGLESTON SURVEY, A-5
HAYS COUNTY, TEXAS

Kimley»Horn					
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<u>Scale</u>	<u>Drawn by</u>	<u>Checked by</u>	<u>Date</u>	<u>Project No.</u>	<u>Sheet No.</u>
N/A	APS	JGM	1/23/2020	067783115	1 OF 5

DESCRIPTION CONTINUED FROM SHEET 1.

THENCE, along the westerly and northerly right-of-way lines of said County Road No. 148 the following eighteen (18) courses and distances:

1. in a southwesterly direction, along a non-tangent curve to the left, a central angle of 32°23'11", a radius of 204.12 feet, a chord bearing and distance of South 24°45'59" West, 113.85 feet, and a total arc length of 115.38 feet to a point for corner;
2. South 11°18'17" West, 157.44 feet to a point for corner;
3. in a southwesterly direction, along a non-tangent curve to the left, a central angle of 3°09'19", a radius of 3659.10 feet, a chord bearing and distance of South 7°31'03" West, 201.48 feet, and a total arc length of 201.51 feet to a point for corner;
4. South 5°46'18" West, 102.78 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
5. South 4°54'46" West, 162.14 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
6. South 13°54'26" West, 21.12 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
7. South 18°00'43" West, 73.70 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
8. South 19°56'09" West, 70.82 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
9. in a southwesterly direction, along a non-tangent curve to the right, a central angle of 7°13'43", a radius of 438.46 feet, a chord bearing and distance of South 24°35'42" West, 55.28 feet, and a total arc length of 55.32 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
10. South 32°11'28" West, 62.40 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
11. South 36°33'06" West, 158.71 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
12. South 37°08'11" West, 10.13 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
13. South 45°58'48" West, 20.05 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
14. South 75°56'09" West, 90.66 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
15. North 78°52'35" West, 49.70 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
16. North 75°51'36" West, 260.32 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
17. North 71°21'40" West, 800.64 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
18. North 89°33'45" West, 813.70 feet to the **POINT OF BEGINNING**, and containing 117.943 acres of land in Hays County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System Grid, South Central Zone (FIPS 4204) (NAD'83). All distances are on the Grid and shown in U.S. Survey Feet. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.

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EXHIBIT
TRACT 1 - 117.943 ACRES
TRACT 2 - 4.435 ACRES
 HIRAM CUMMINGS SURVEY, A-108
 PHILLIP J. ALLEN SURVEY, A-1
 S.V.R. EGGLESTON SURVEY, A-5
 HAYS COUNTY, TEXAS

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**TRACT 2:
A METES AND BOUNDS
DESCRIPTION OF A
4.435 ACRE TRACT OF LAND**

BEING a 4.435 acre (193,176 square feet) tract of land situated in the Steven V. R. Eggleston Survey, Abstract No. 3, and the Hiram Cummings Survey, Abstract No. 108, Hays County, Texas; and being a portion of a called 123.670 acre tract of land described in instrument to Fred and Paula Trudeau recorded in Document No. 15007277 of the Official Public Records of Hays County; and being more particularly described as follows:

BEGINNING at a 60D Nail found on the easterly right-of-way line of County Road No. 148 (Cole Springs Road - 40 feet wide) marking the southern-most southwest corner of a called 13.72 acre tract of land described in instrument to Industrial Asphalt, LLC recorded in Document No. 13001101 of the Official Public Records of Hays County;

THENCE, South 86°30'08" East, 161.61 feet along the northerly line of said 123.670 acre tract to a point for corner in the approximate centerline of Onion Creek;

THENCE, along the approximate centerline of said Onion Creek the following two (2) courses and distances:

- 1. South 10°45'28" West, 724.67 feet to a point for corner;
- 2. South 27°37'54" West, 569.45 feet to a point for corner, being the southeast corner of said 123.670 acre tract;

THENCE, North 71°21'40" West, 219.07 feet, departing the approximate centerline of said Onion Creek and along the southerly line of said 123.670 acre tract to a 1/2-inch iron rod with a plastic cap stamped "KHA" set on the easterly right-of-way line of aforesaid County Road No. 148;

THENCE, along the easterly right-of-way line of said County Road No. 148 the following fourteen (14) courses and distances:

- 1. North 75°56'09" East, 88.89 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 2. North 45°58'48" East, 33.84 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 3. North 37°08'11" East, 13.43 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 4. North 36°33'06" East, 160.44 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 5. North 32°11'28" East, 65.28 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 6. in a northeasterly direction, along a non-tangent curve to the left, a central angle of 7°26'36", a radius of 478.46 feet, a chord bearing and distance of North 24°39'28" East, 62.11 feet, and a total arc length of 62.16 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 7. North 19°56'09" East, 71.85 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 8. North 18°00'43" East, 75.81 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 9. North 13°54'26" East, 25.70 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 10. North 4°54'46" East, 164.99 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 11. North 5°46'18" East, 102.42 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 12. in a northeasterly direction, along a non-tangent curve to the right, a central angle of 3°08'32", a radius of 3619.10 feet, a chord bearing and distance of North 7°30'43" East, 198.45 feet, and a total arc length of 198.47 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 13. North 11°18'17" East, 157.67 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 14. in a northeasterly direction, along a non-tangent curve to the right, a central angle of 30°24'00", a radius of 164.12 feet, a chord bearing and distance of North 23°27'29" East, 86.06 feet, and a total arc length of 87.08 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set on the southwesterly line of aforesaid 13.72 acre tract;

THENCE, South 39°42'51" East, 1.67 feet to the **POINT OF BEGINNING**, and containing 4.435 acres of land in Hays County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System Grid, South Central Zone (FIPS 4204) (NAD'83). All distances are on the Grid and shown in U.S. Survey Feet. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.

**EXHIBIT
TRACT 1 - 117.943 ACRES
TRACT 2 - 4.435 ACRES**

HIRAM CUMMINGS SURVEY, A-108
PHILLIP J. ALLEN SURVEY, A-1
S.V.R. EGGLESTON SURVEY, A-5
HAYS COUNTY, TEXAS



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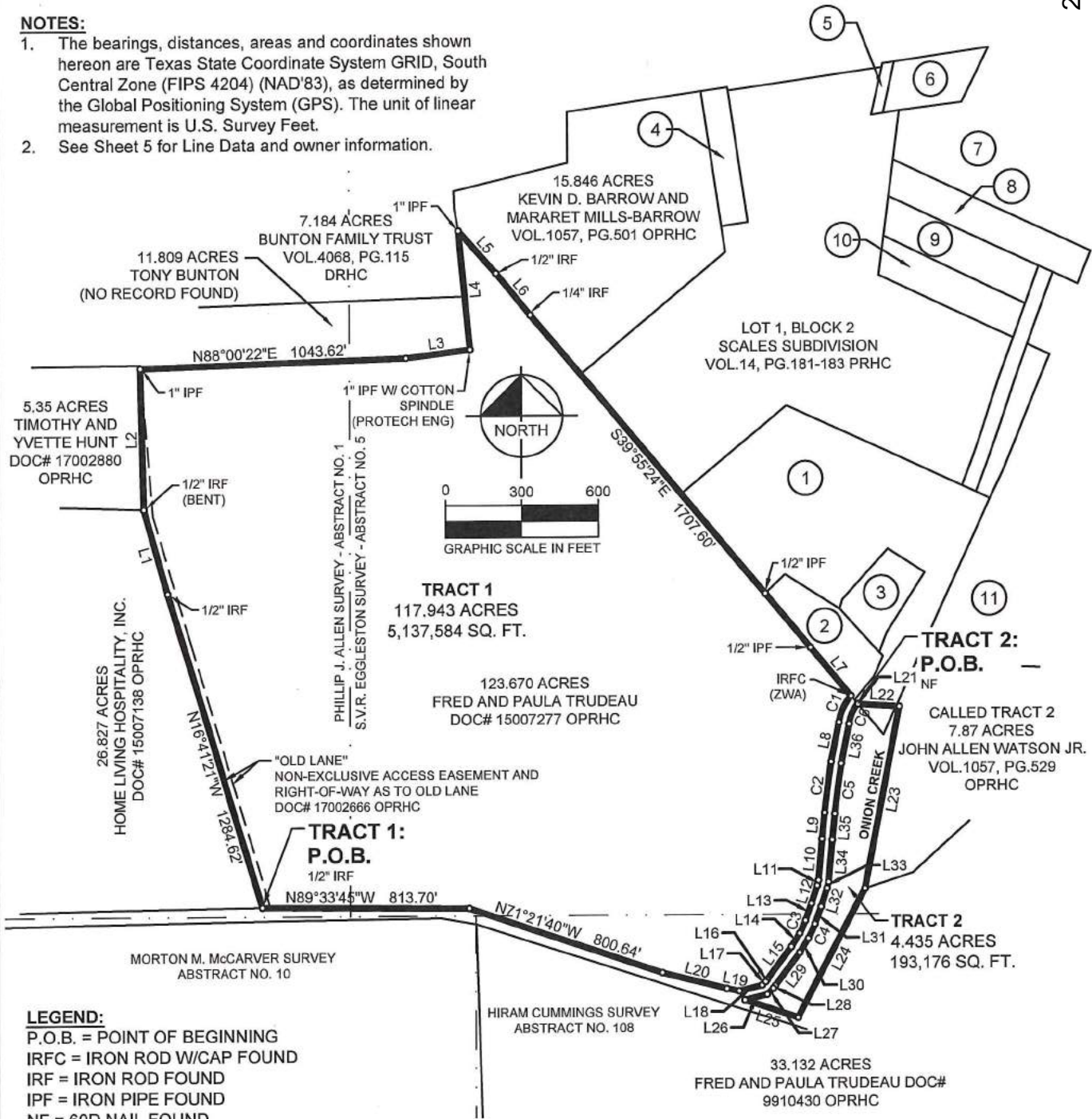
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	APS	JGM	1/23/2020	067783115	3 OF 5

NOTES:

1. The bearings, distances, areas and coordinates shown hereon are Texas State Coordinate System GRID, South Central Zone (FIPS 4204) (NAD'83), as determined by the Global Positioning System (GPS). The unit of linear measurement is U.S. Survey Feet.
2. See Sheet 5 for Line Data and owner information.



LEGEND:

- P.O.B. = POINT OF BEGINNING
- IRFC = IRON ROD W/CAP FOUND
- IRF = IRON ROD FOUND
- IPF = IRON PIPE FOUND
- NF = 60D NAIL FOUND
- OPRHC = OFFICIAL PUBLIC RECORDS HAYS COUNTY
- DRHC = DEED RECORDS HAYS COUNTY
- PRCH = PLAT RECORDS HAYS COUNTY

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EXHIBIT
TRACT 1 - 117.943 ACRES
TRACT 2 - 4.435 ACRES

HIRAM CUMMINGS SURVEY, A-108
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 600'	APS	JGM	1/23/2020	067783115	4 OF 5

- 1 CALLED 13.72 ACRES (BEING 15.84 ACRES SAVE & EXCEPT 2.12 ACRES IN VOL.209, PG.236 DR) INDUSTRIAL ASPHALT , LLC DOC# 13001101 OPRHC
- 2 QUIT CLAIM DEED (NO DESCRIPTION) VELMA REVEDA VOL.2236, PG.445 OPRHC (NO METES & BOUNDS)
- 3 CALLED 1.5 ACRES LOYCE REVEDA GRAVES DOC# 1702044 OPRHC
- 4 CALLED 35.818 ACRES GLADYS M. SCALES FELDER DOC# 70018496 OPRHC (REMAINDER)
- 5 CALLED 1 ACRE DOVIE BUNTON VOL.350, PG.798 PRHC
- 6 1.66 OR 2.00 ACRES SANDRA J. WOODS VOL.2381, PG.35 OPRHC
- 7 ANTIOCH COMMUNITY CHURCH VOL.1462, PG.388 OPRHC
- 8 2.64 ACRES DANIEL DIXON BALBOA DOC# 17003374 OPRHC (METES & BOUNDS FROM DOC# 70030439)
- 9 CALLED 2.64 ACRES DANIEL DIXON BALBOA DOC#17003375 OPRHC
- 10 CALLED 2.64 ACRES DANIEL DIXON BALBOA DOC#17003376 OPRHC
- 11 CALLED TRACT 1 - 15.17 ACRES JOHN ALLEN WATSON JR. VOL.1057, PG.529 OPRHC

LINE TABLE			LINE TABLE		
NO.	BEARING	LENGTH	NO.	BEARING	LENGTH
L1	N15°43'45"W	344.16'	L19	N78°52'35"W	49.70'
L2	N01°19'05"W	552.69'	L20	N75°51'36"W	260.32'
L3	N82°37'55"E	254.87'	L21	S39°42'51"E	1.67'
L4	N05°28'50"W	468.59'	L22	S86°30'08"E	161.61'
L5	S41°23'59"E	223.17'	L23	S10°45'28"W	724.67'
L6	S39°36'52"E	213.56'	L24	S27°37'54"W	569.45'
L7	S39°42'51"E	247.63'	L25	N71°21'40"W	219.07'
L8	S11°18'17"W	157.44'	L26	N75°56'09"E	88.89'
L9	S05°46'18"W	102.78'	L27	N45°58'48"E	33.84'
L10	S04°54'46"W	162.14'	L28	N37°08'11"E	13.43'
L11	S13°54'26"W	21.12'	L29	N36°33'06"E	160.44'
L12	S18°00'43"W	73.70'	L30	N32°11'28"E	65.28'
L13	S19°56'09"W	70.82'	L31	N19°56'09"E	71.85'
L14	S32°11'28"W	62.40'	L32	N18°00'43"E	75.81'
L15	S36°33'06"W	158.71'	L33	N13°54'26"E	25.70'
L16	S37°08'11"W	10.13'	L34	N04°54'46"E	164.99'
L17	S45°58'48"W	20.05'	L35	N05°46'18"E	102.42'
L18	S75°56'09"W	90.66'	L36	N11°18'17"E	157.67'

CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	32°23'11"	204.12'	115.38'	S24°45'59"W	113.85'
C2	3°09'19"	3659.10'	201.51'	S07°31'03"W	201.48'
C3	7°13'43"	438.46'	55.32'	S24°35'42"W	55.28'
C4	7°26'36"	478.46'	62.16'	N24°39'28"E	62.11'
C5	3°08'32"	3619.10'	198.47'	N07°30'43"E	198.45'
C6	30°24'00"	164.12'	87.08'	N23°27'29"E	86.06'

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EXHIBIT
TRACT 1 - 117.943 ACRES
TRACT 2 - 4.435 ACRES
 HIRAM CUMMINGS SURVEY, A-108
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	APS	JGM	1/23/2020	067783115	5 OF 5

Exhibit A2

**A METES AND BOUNDS
DESCRIPTION OF A
46.505 ACRE TRACT OF LAND**

BEING a 46.505 acre (2,034,763 square feet) tract of land located in the S.V.R. Eggleston Survey, Abstract No. 5, Hays County, Texas; containing all of Lot 1, Block 2 of Scales Subdivision, plat of which is recorded in Volume 14, Page 181 of the Plat Records of Hays County; said Lot 1, Block 2 also being described in instrument to Industrial Asphalt LLC, recorded in Document No. 13000534 of the Official Public Records of Hays County; also containing all of that certain 13.72 acre tract described in instrument to Industrial Asphalt LLC, recorded in Document No. 13001101 of the Official Public Records; and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod (w/cap stamped "CHAPARRAL") found on the southerly right-of-way line of Old Black Colony Road (width varies by occupation) and the northwesterly boundary of that certain 1.66 acre tract described in instrument to Sandra J. Woods recorded in Volume 2381, Page 35 of the Official Public Records of Hays County, marking the northeastern-most corner of said Lot 1, Block 2 and the southeast corner of a 14 feet wide dedication for right-of-way widening recorded in said plat of Scales Subdivision;

THENCE, along the boundary of the said 1.66 acre tract the following three (3) courses and distances:

1. South 12°37'09" West, 190.17 feet to a 1/2-inch iron pipe found for corner;
2. North 81°37'18" East, 46.05 feet to a 1/2-inch iron rod found for corner;
3. North 81°05'00" East, 63.95 feet to a 1/2-inch iron pipe found marking the northwestern-most corner of that certain tract described in Final Decree Confirming Partition to Antioch Community Church and recorded in Volume 1462, Page 388 of the Official Public Records of Hays County (from which a 1/2-inch iron pipe found bears North 20° East, 1.9 feet);

THENCE, South 7°17'35" West; along the westerly line of the said Antioch Community Church Tract, and along the westerly line of three consecutive 2.64 acre tracts of land described in instrument to Daniel Dixon Balboa in Document Nos. 17003376, 17003375, and 17003376 of the Official Public Records of Hays County; at 195.08 feet passing a 1/2-inch iron pipe found, at 340.18 passing an iron rod (w/cap stamped "1908") found; continuing for a total distance of 651.24 feet to a 1/2-iron pipe for corner;

THENCE, South 64°49'15" East, 583.89 feet along the said 2.64 acre tract recoded in Document No. 17003376 to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner on the northwesterly right-of-way line of County Road 148 (C.R. 148) also known as Cole Springs Road (60 feet wide - dedicated on the plat of aforesaid Scales Subdivision) marking the eastern-most corner of aforesaid Lot 1, Block 2;

THENCE, along the said northwesterly right-of-way line the following five (5) courses and distances:

1. South 19°39'18" West, 155.22 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
2. South 17°58'32" West, 231.36 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
3. South 19°04'38" West, 105.24 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
4. South 20°54'32" West, 99.00 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
5. South 22°21'58" West, 21.84 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner on the northeasterly line of the aforesaid 13.72 acre tract at the terminus of said northwesterly right-of-way line of said C.R. 148

THENCE, along the boundary of the said 13.72 acre tract the following two (2) courses and distances

1. South 65°21'54" East, 121.77 feet crossing said C.R. 148 to a point for corner in the approximate center line of Onion Creek;
2. South 24°40'27" West, 895.60 feet along the said approximate center line of Onion Creek and along the northwesterly boundary of that certain 15.17 acre tract and that certain 7.87 acre tract described in instrument to John Allen Watson Jr. recorded in Volume 1057, Page 529 of the Official Public Records of Hays County, to a point for corner on the northerly line of a that certain 123.670 acre tract described in instrument to Fred and Paula Trudeau recorded in Document No. 15007277 of the Official Public Records of Hays County;

THENCE, along the northerly line of said 123.670 acre tract the following two (2) courses and distances:

1. North 86°30'08" West, at 149.80 feet to a 60D Nail found marking the northeastern-most corner of that certain 1.296 acre "save and except" tract dedicated for said C.R.148 out of a 123.670 acre tract described in instrument to Fred and Paula Trudeau, recorded in Document Number 15007277 of the Official Public Records of Hays County;
2. North 39°42'51" West, 21.26 feet to a PK-Nail (w/shiner stamped "KHA") set in asphalt at the approximate center line of said C.R. 148, marking the southern-most corner of that certain tract described in Quit Claim Deed to Velma Reveda, recorded in Volume 2236, Page 445 of the Official Public Records of Hays County;

DESCRIPTION CONTINUED ON SHEET 2.

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AS
1/23/20

EXHIBIT - 46.505 ACRES
S.V.R. EGGLESTON SURVEY, A-5
HAYS COUNTY, TEXAS

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DESCRIPTION CONTINUED FROM SHEET 1.

THENCE, along the boundary of said Velma Reveda tract the following three (3) courses and distances:

- 1. North 40°00'00" East, 118.72 feet to a PK-Nail (w/shiner stamped "KHA") set in asphalt for corner;
- 2. North 23°21'04" East, 87.91 feet to a PK-Nail (w/shiner stamped "KHA") set in asphalt for corner;
- 3. North 42°12'29" West, 19.87 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set marking the southern-most corner of that certain 1.5 acre tract described in instrument to Loyce Reveda Graves recorded in Document No. 1702044 of the Official Public Records of Hays County;

THENCE, along the boundary of the said 1.5 acre tract the following five (5) course and distances:

- 1. North 20°20'38" East, 82.37 feet to a 1/2-inch iron rod found for corner;
- 2. North 32°39'53" East, 279.63 feet to a 1/2-inch iron rod found for corner;
- 3. North 57°22'53" West, 172.88 feet to a 1/2-inch iron rod found for corner;
- 4. South 41°55'46" West, 266.24 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- 5. South 17°49'14" West, 38.50 feet to a 1/2-inch iron pipe found for corner on the Northeasterly boundary of aforesaid Velma Reveda tract;

THENCE, North 57°24'00" West, 253.37 feet along the said Reveda tract to a 1/2-inch iron pipe found for corner;

THENCE, South 46°27'20" West, 108.06 feet continuing along the said Reveda tract to a 1/2-inch iron pipe found for corner on the northeasterly boundary of the aforesaid 123.670 acre tract;

THENCE, North 39°54'44" West; at 510.29 feet passing a 1/2-inch iron pipe found marking the westerly corner of the aforesaid 13.72 acre tract and the southwestern-most corner of aforesaid Lot 1, Block 2; continuing for a total distances of 1125.39 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set marking the westerly corner of that certain 15.846 acre tract described in instrument to Keven D. Barrow recorded in Volume 1057, Page 501 of the Official Public Records of Hays County;

THENCE, along the northwesterly boundary of said Lot 1, Block 2 the following four (4) courses and distances:

- 1. North 50°05'21" East, 743.20 feet along the boundary of the said 15.846 acre tract to a 1/2-inch iron pipe found for corner;
- 2. North 8°26'13" West, 102.80 feet continuing along the said 15.846 acre tract to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- 3. North 81°32'51" East, 105.57 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- 4. North 8°27'09" West, 521.30 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set marking the northwestern-most of said Lot 1, Block 2 and the southwest corner of the aforesaid 14 feet wide right-of-way dedication to Old Black Colony Road;

THENCE, North 81°40'24" East, 610.43 feet long said 14 feet wide right-of-way dedication to Old Black Colony Road to POINT OF BEGINNING and containing 46.505 acres land in Hay County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System Grid, South Central Zone (FIPS 4204) (NAD'83). All distances are on the Grid and shown in U.S. Survey Feet. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.

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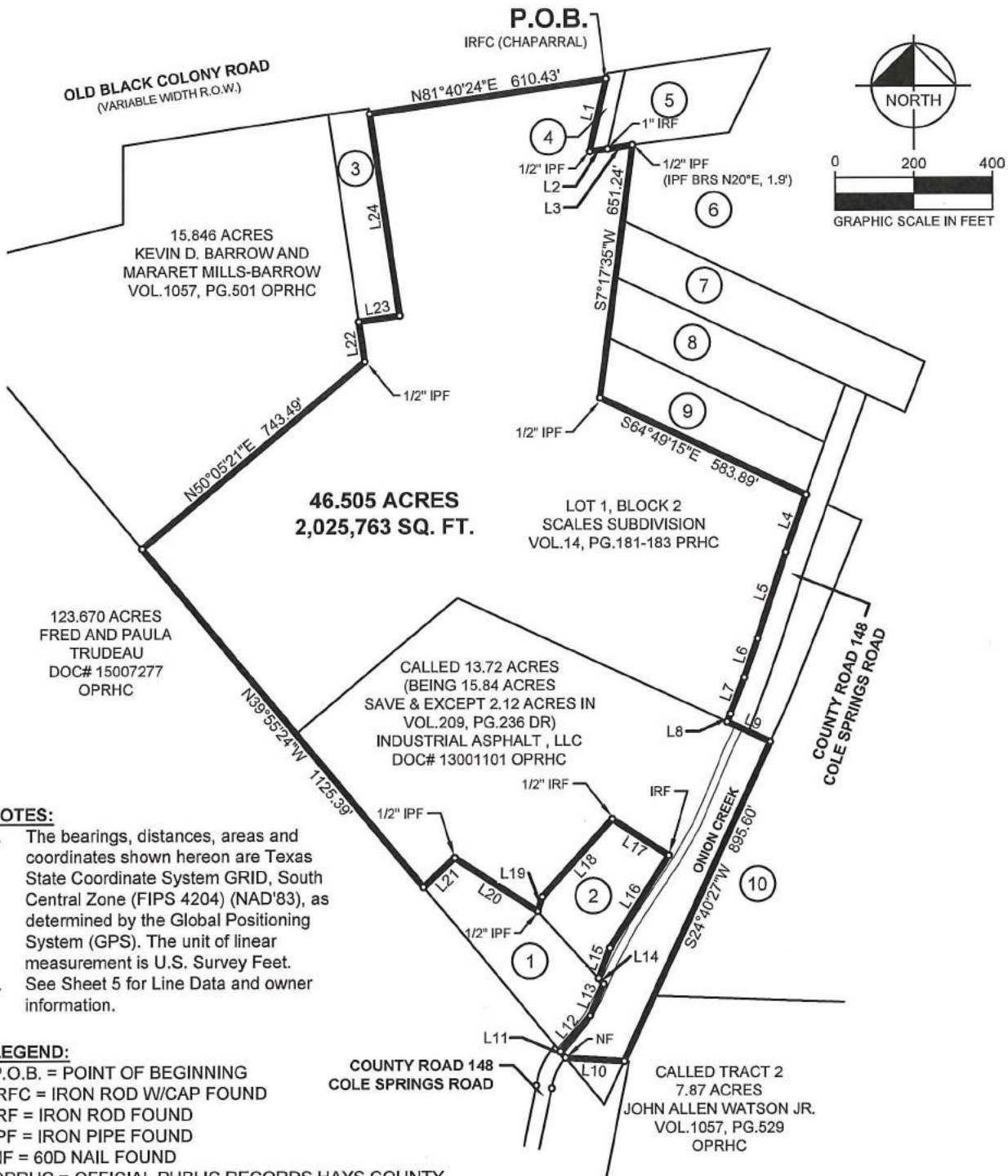


EXHIBIT - 46.505 ACRES
 S.V.R. EGGLESTON SURVEY, A-5
 HAYS COUNTY, TEXAS

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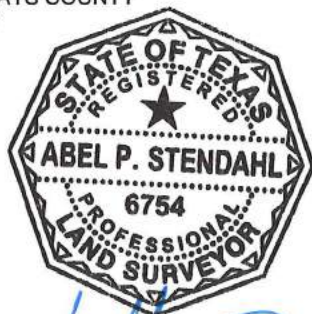


NOTES:

1. The bearings, distances, areas and coordinates shown hereon are Texas State Coordinate System GRID, South Central Zone (FIPS 4204) (NAD'83), as determined by the Global Positioning System (GPS). The unit of linear measurement is U.S. Survey Feet.
2. See Sheet 5 for Line Data and owner information.

LEGEND:

P.O.B. = POINT OF BEGINNING
 IRFC = IRON ROD W/CAP FOUND
 IRF = IRON ROD FOUND
 IPF = IRON PIPE FOUND
 NF = 60D NAIL FOUND
 OPRHC = OFFICIAL PUBLIC RECORDS HAYS COUNTY
 DRHC = DEED RECORDS HAYS COUNTY
 PRCH = PLAT RECORDS HAYS COUNTY



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EXHIBIT - 46.505 ACRES
 S.V.R. EGGLESTON SURVEY, A-5
 HAYS COUNTY, TEXAS

Kimley»Horn

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

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 400'	APS	JGM	1/23/2020	067783115	3 OF 4

- ① QUIT CLAIM DEED
(NO DESCRIPTION)
VELMA REVEDA
VOL.2236, PG.445 OPRHC
(NO METES & BOUNDS)
- ② CALLED 1.5 ACRES
LOYCE REVEDA GRAVES
DOC# 1702044 OPRHC
- ③ CALLED 35.818 ACRES
GLADYS M. SCALES FELDER DOC#
70018496 OPRHC
(REMAINDER)
- ④ CALLED 1 ACRE
DOVIE BUNTON
VOL.350, PG.798
PRHC
- ⑤ 1.66 OR 2.00 ACRES
SANDRA J. WOODS
VOL.2381, PG.35 OPRHC
- ⑥ ANTIOCH COMMUNITY CHURCH
VOL.1462, PG.388 OPRHC
- ⑦ 2.64 ACRES
DANIEL DIXON BALBOA
DOC# 17003374 OPRHC
(METES & BOUNDS FROM DOC#
70030439)
- ⑧ CALLED 2.64 ACRES
DANIEL DIXON BALBOA
DOC#17003375 OPRHC
- ⑨ CALLED 2.64 ACRES
DANIEL DIXON BALBOA
DOC#17003376 OPRHC
- ⑩ CALLED TRACT 1 - 15.17 ACRES
JOHN ALLEN WATSON JR.
VOL.1057, PG.529 OPRHC

LINE TABLE		
NO.	BEARING	LENGTH
L1	S12°37'09"W	190.17'
L2	N81°37'18"E	46.05'
L3	N81°05'00"E	63.95'
L4	S19°39'18"W	155.22'
L5	S17°58'32"W	231.36'
L6	S19°04'38"W	105.24'
L7	S20°54'32"W	99.00'
L8	S22°21'58"W	21.84'
L9	S65°21'54"E	121.77'
L10	N86°30'08"W	149.80'
L11	N39°42'51"W	21.26'
L12	N40°00'00"E	118.73'
L13	N23°21'04"E	87.91'
L14	N42°12'29"W	19.87'
L15	N20°20'38"E	82.37'
L16	N32°39'53"E	279.63'
L17	N57°22'53"W	172.88'
L18	S41°55'46"W	266.24'
L19	S17°49'14"W	38.50'
L20	N57°24'00"W	253.37'
L21	S46°27'20"W	108.13'
L22	N08°26'13"W	102.80'
L23	N81°32'51"E	105.57'
L24	N08°27'09"W	521.30'

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Handwritten signature and date: 1/23/20

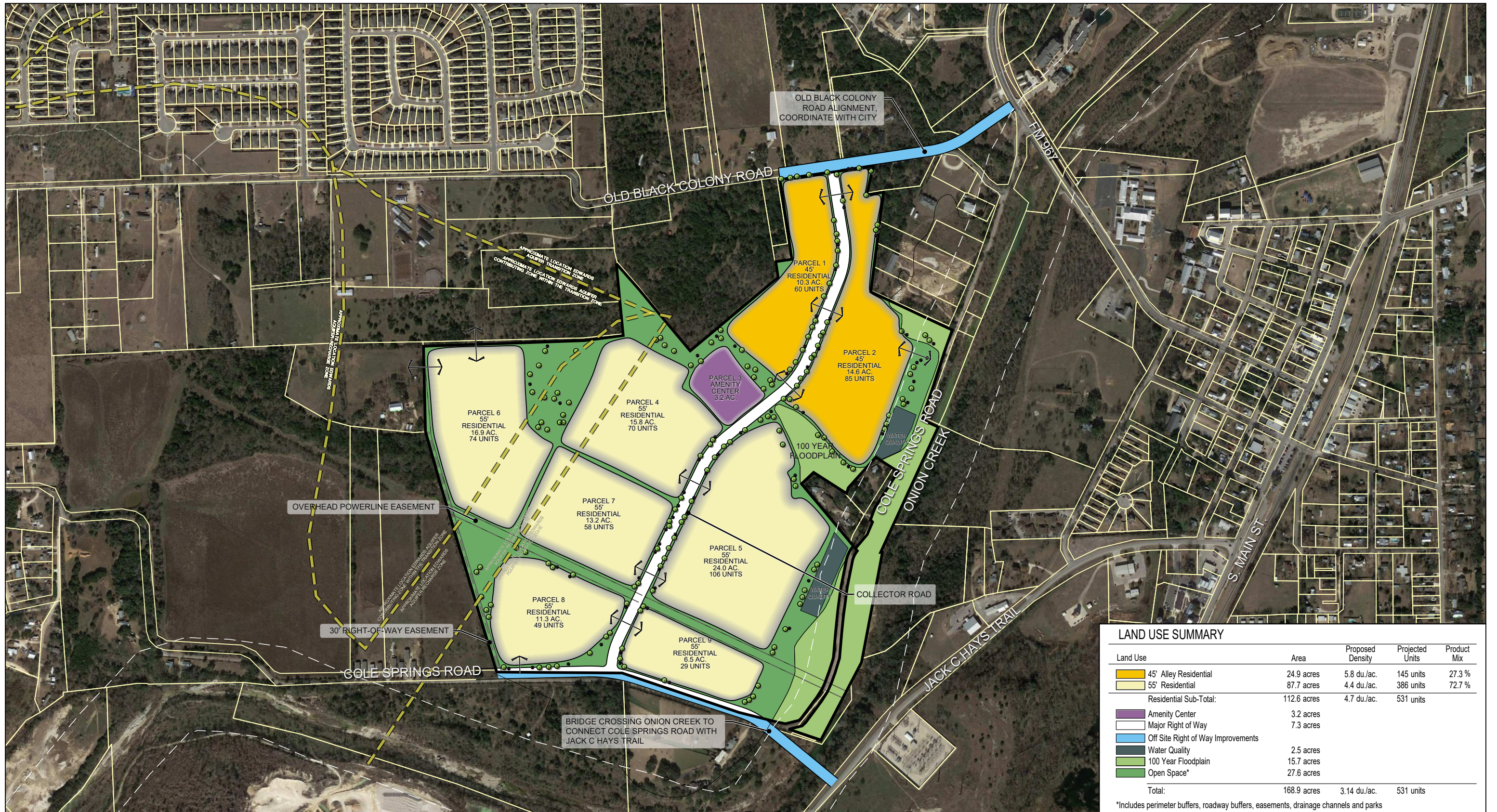
EXHIBIT - 46.505 ACRES
S.V.R. EGGLESTON SURVEY, A-5
HAYS COUNTY, TEXAS

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	APS	JGM	1/23/2020	067783115	4 OF 4

Exhibit B



LAND USE SUMMARY				
Land Use	Area	Proposed Density	Projected Units	Product Mix
45' Alley Residential	24.9 acres	5.8 du./ac.	145 units	27.3 %
55' Residential	87.7 acres	4.4 du./ac.	386 units	72.7 %
Residential Sub-Total:	112.6 acres	4.7 du./ac.	531 units	
Amenity Center	3.2 acres			
Major Right of Way	7.3 acres			
Off Site Right of Way Improvements				
Water Quality	2.5 acres			
100 Year Floodplain	15.7 acres			
Open Space*	27.6 acres			
Total:	168.9 acres	3.14 du./ac.	531 units	

*Includes perimeter buffers, roadway buffers, easements, drainage channels and parks

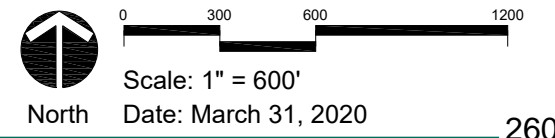

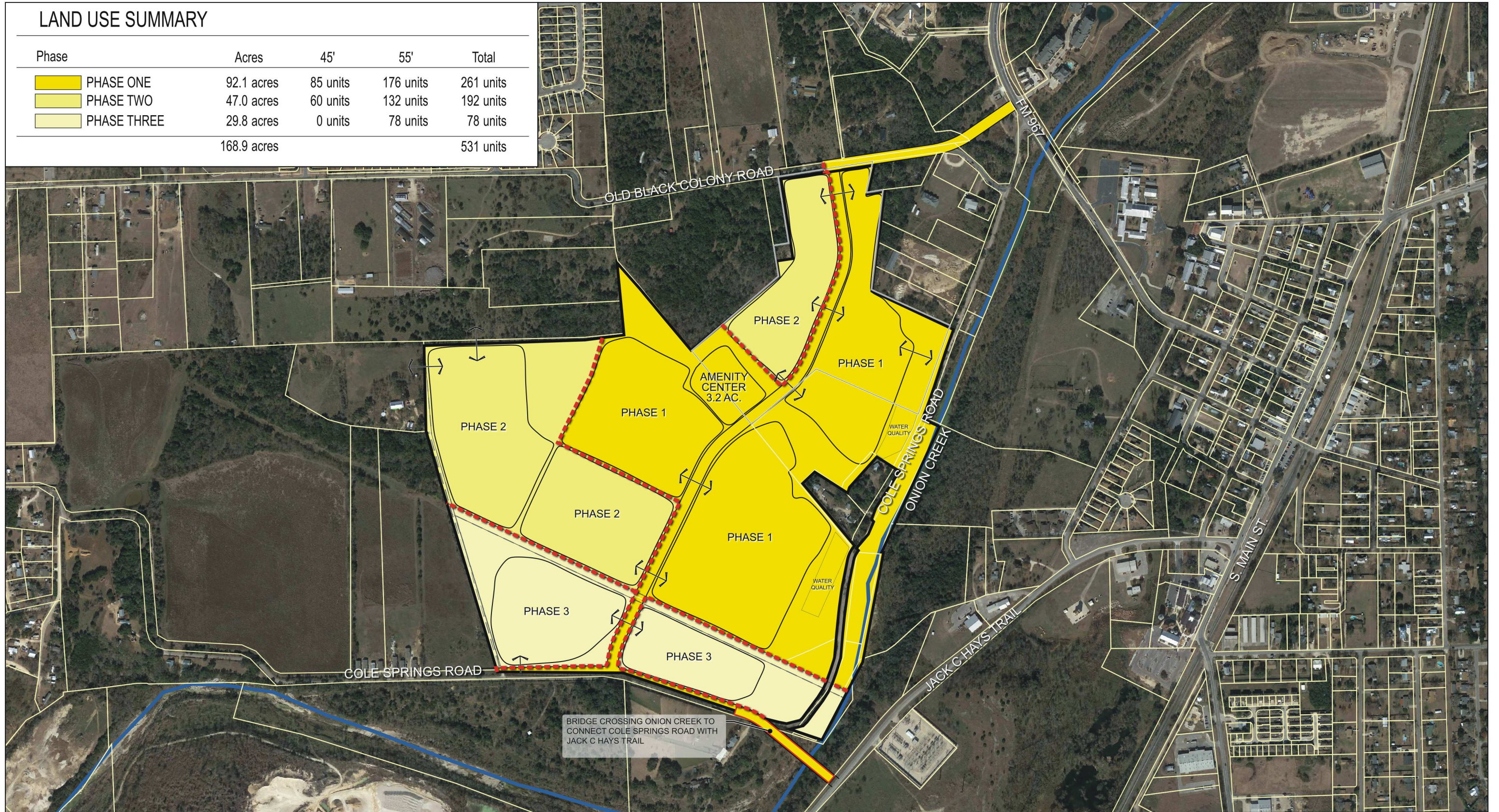


Exhibit C

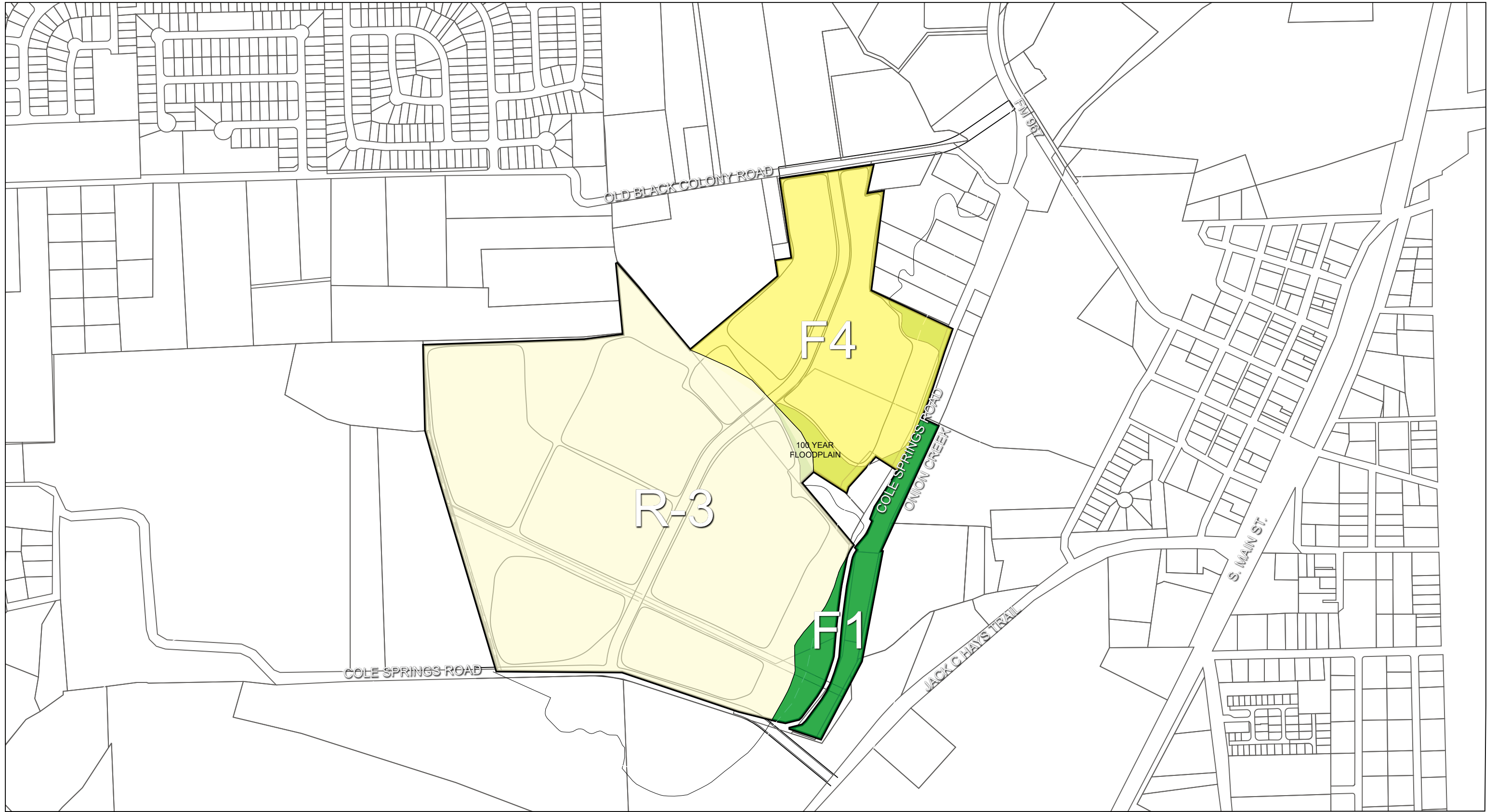
LAND USE SUMMARY

Phase	Acres	45'	55'	Total
 PHASE ONE	92.1 acres	85 units	176 units	261 units
 PHASE TWO	47.0 acres	60 units	132 units	192 units
 PHASE THREE	29.8 acres	0 units	78 units	78 units
	168.9 acres			531 units



BRIDGE CROSSING ONION CREEK TO CONNECT COLE SPRINGS ROAD WITH JACK C HAYS TRAIL

Exhibit D

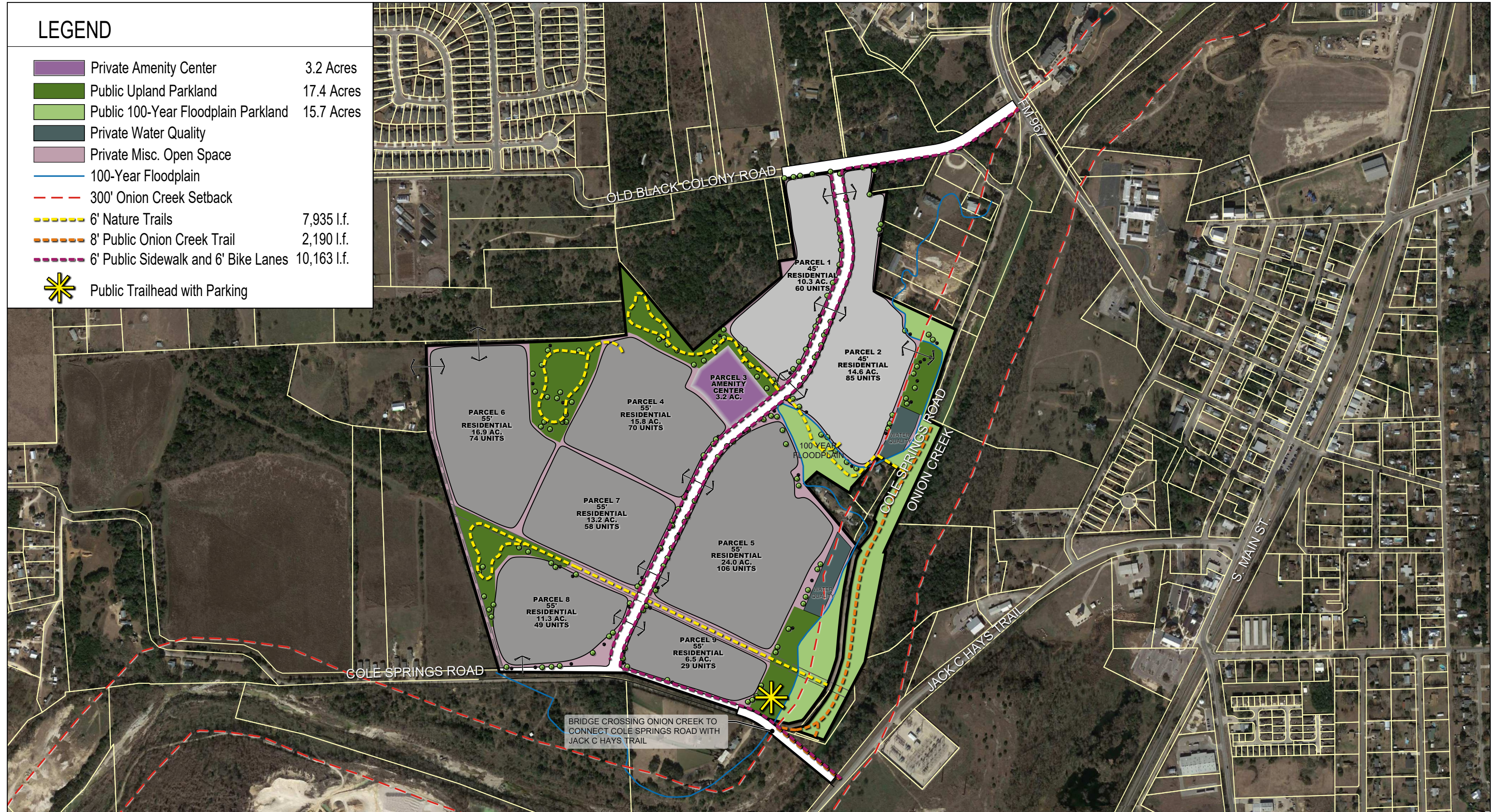


ZONING BOUNDARIES
THE COLONY AT COLE SPRINGS
 BUDA, TEXAS

Exhibit E

LEGEND

- Private Amenity Center 3.2 Acres
- Public Upland Parkland 17.4 Acres
- Public 100-Year Floodplain Parkland 15.7 Acres
- Private Water Quality
- Private Misc. Open Space
- 100-Year Floodplain
- 300' Onion Creek Setback
- 6' Nature Trails 7,935 l.f.
- 8' Public Onion Creek Trail 2,190 l.f.
- 6' Public Sidewalk and 6' Bike Lanes 10,163 l.f.
- Public Trailhead with Parking





0 100 200 400

Scale: 1" = 200'
Date: April 30, 2020

Exhibit F

ARTICLE 24.06 OUTDOOR LIGHTING

Sec. 24.06.001 Title

This article shall be known as the “lighting ordinance.”

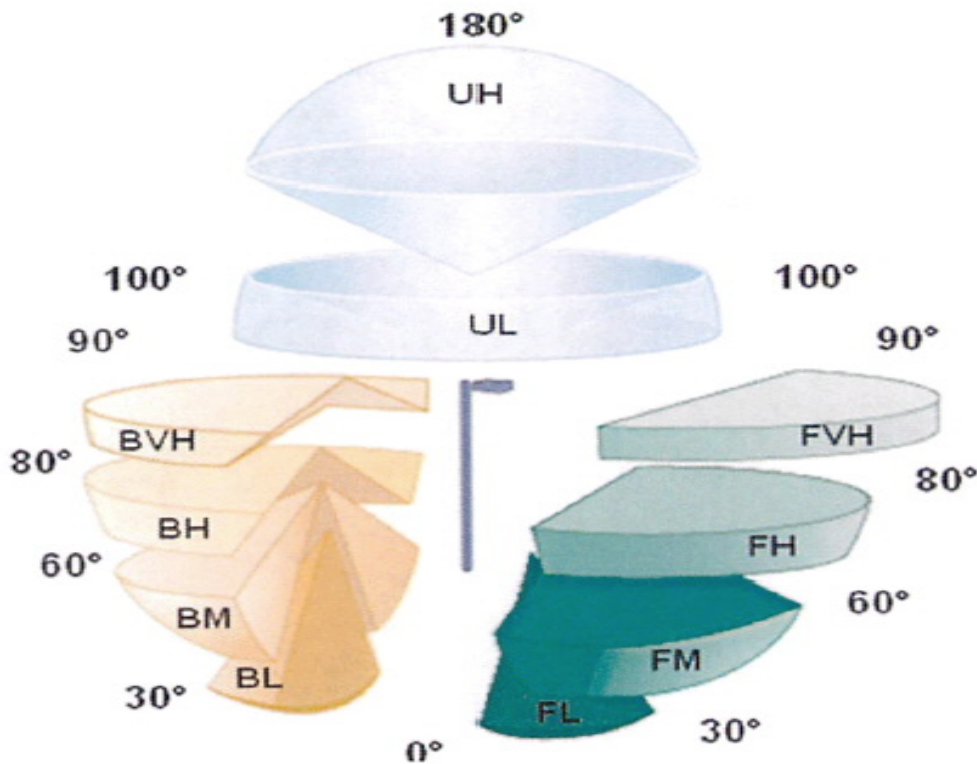
Sec. 24.06.002 Definitions

Words and phrases used in this article shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in this code, shall be given the meanings set forth in the code. Words and phrases not defined in this code shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word “shall” is always mandatory, while the word “may” is merely directory. Headings and captions are for reference purposes only.

Applicant. A person or entity who submits to the city an application for an approval required by this code. To be qualified as an applicant under this article, the person or entity must have sufficiently documented legal authority or proprietary interests in the land to commence and maintain proceedings under this code. To avoid confusion, the term will not include anyone other than the property owner(s), tenant(s), or a duly authorized agent and representative of the property owner. As to enforcement between tenant(s) and property owner(s) of a particular piece of property, the property owner(s) shall have ultimate liability for violations of this article.

B-U-G ratings. A luminaire classification system with ratings for backlight (B), uplight (U), and glare (G). The backlight component of the rating system takes into account the amount of light in the BL, BM, BH and BVH zones depicted in [figure A](#) below. The uplight component takes into account the amount of light in the UH and UL zones. The glare component takes into account the amount of light in the FH, FVH, BH and BVH zones.

Figure A. Components of B-U-G Ratings



City. The City of Dripping Springs, an incorporated municipality located in Hays County, Texas.

City limits. The incorporated municipal boundary of the city, as may be expanded by annexation.

ETJ. The extraterritorial jurisdiction of the city.

Full cut-off fixtures. Fixtures, as installed, that are designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

Holiday lighting. Lighting used for a specific celebration which may be one of the following types:

- (1) Festoon type low-output lamps, limited to small individual bulbs on a string.
- (2) Low-output lamps used to internally illuminate yard art.
- (3) Flood or spot lights producing less than 2,000 lumens each, whose light source is not visible from any other property, and which are used only as temporary lighting.

Light trespass. Light emitted from fixtures designed or installed in a manner that unreasonably causes light to fall on a property other than the one where the light is installed, in a motor vehicle drivers' eyes, or upwards toward the sky.

Lighting. Any source of light that does not include natural light emitted from celestial objects or fire. The term includes any type of lighting, fixed or movable, designed or used for outdoor illumination of buildings or homes, including lighting for billboards, streetlights, canopies, gasoline station islands, searchlights used for advertising purposes, externally or internally illuminated on- or off-premises advertising signs, and area-type lighting. The term includes luminous elements or lighting attached to structures, poles, the earth, or any other location.

Logo. A representation or symbol adopted by a business, organization, or an individual used to promote instant public recognition.

Lumen. The unit of measurement used to quantify the amount of light produced by a bulb or emitted from a fixture (as distinct from "watt," a measure of power consumption). For the purposes of this article, the lumen output values shall be the initial lumen output ratings of a lamp as defined by the manufacturer, multiplied by the lamp efficiency. Lamp efficiency of 95% shall be used for all solid-state lamps and 80% for all other lamps, unless an alternate efficiency rating is supplied by the manufacturer. The initial lumen rating associated with a given lamp is generally indicated on its packaging or may be obtained from the manufacturer. (Abbreviated lm)

Lumens per acre. The total number of lumens produced by all lamps utilized in outdoor lighting on a property divided by the number of acres, or part of an acre, with outdoor illumination on the property.

Luminous elements (of a light fixture). The lamp (light bulb), any diffusing elements, and surfaces intended to reflect or refract light emitted from the lamp individually or collectively comprise the luminous elements of a light fixture (luminaire).

Major addition. Enlargement of twenty-five percent (25%) or more of the building's gross floor area, seating capacity, or parking spaces, either with a single construction project or cumulative series of construction projects, after the enactment of this article. The term also includes replacement of twenty-five percent (25%) or more of installed outdoor lighting.

Nonresidential. Property designated as nonresidential under the city's zoning ordinance.

Outdoor lighting. Temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outdoors. Nonresidential fixtures that are installed indoors that cause light to shine outside are considered outdoor lighting for the intent of this article. (See [figure B](#)), residential fixtures installed indoors generating more than 6,200 lumens (approximately equal to a 300 watt incandescent bulb) that cause light to shine outside are also considered outdoor lighting for the intent of this article.

Figure B.

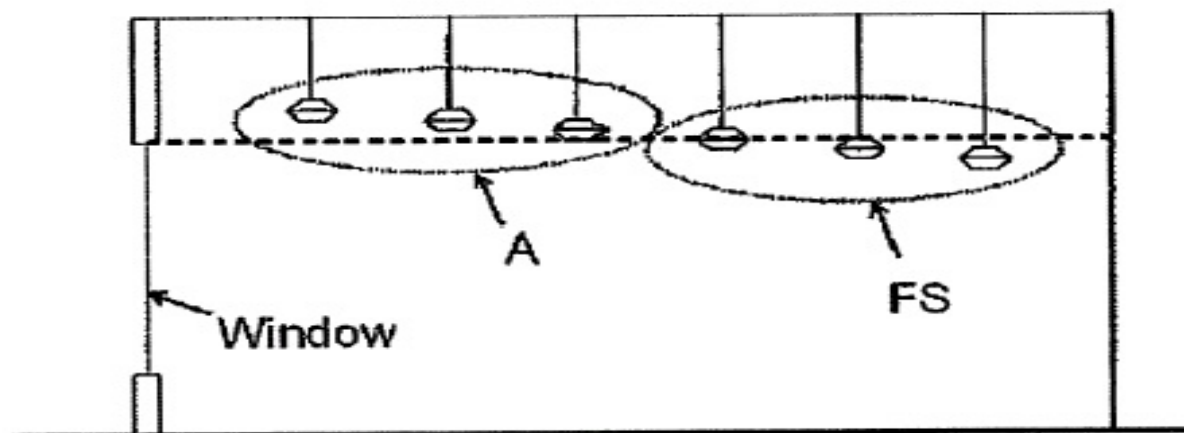


Figure B: Elevation view showing a nonresidential application of indoor lighting, labeled FS, which will be subject to this article and indoor lighting, labeled A, which is installed so that it is not subject to this article. This example presumes the structure in question is not elevated such that any of the luminaries labeled A in the figure

above may be seen from any other property. If the structure is elevated such that the luminaries labeled A are visible from another property then, they are subject to this article.

Person. A human individual, corporation, agency, unincorporated association, partnership, or sole proprietorship.

Residential. Property designated as residential under the city's zoning ordinance.

Temporary lighting. Lighting intended for uses which by their nature are of limited duration; for example holiday decorations, civic events, or construction projects.

Total outdoor light output. The total amount of light, measured in lumens, from all outdoor light fixtures within the illuminated area of a property. The lumen value to be used in the calculation is the lumen value as defined in this article. To get the total, add the lumen output attributed to each light fixture.

Uplighting. Lighting that is directed in such a manner as to project light rays above the horizontal plane running through the lowest point on the fixture where light is emitted.

Sec. 24.06.003 General

(a) Scope.

(1) This article applies within the city limits.

(2) Nothing herein shall be construed as preventing or limiting the city from applying this article to the ETJ through agreements with property owners, or as a term affixed to a conditional approval (such as a variance).

(b) Exemption. The following are exempt from the application of the regulations of this article:

(1) Lighting equipment required by law to be installed on motor vehicles; or

(2) Lighting required for the safe take-off and landing of aircrafts.

(c) Prohibition. A person commits an offense by doing the following:

(1) Installs outdoor lighting contrary to this article.

(2) Fails to comply with any terms or conditions set forth in a permit issued under this article.

(3) Installs outdoor lighting without obtaining a permit when the total number of the lumen outputs for all lights installed within any 90-day period is greater than 2,500 lumens.

Sec. 24.06.004 New lighting

(a) General. All outdoor lighting shall be installed in conformance with the provisions of this article, applicable electrical codes, energy codes, and building codes, except as provided herein.

(b) Prohibition. A person commits an offense by doing the following:

(1) Installs outdoor lighting contrary to this article;

(2) Fails to comply with any terms or conditions set forth in a permit issued under this article;

(3) Installs outdoor lighting without obtaining a permit when the total number of the lumen outputs for all lights installed within any 90-day period is greater than 2,500 lumens.

(c) Nonresidential. All outdoor lighting installed on nonresidential properties shall conform to the standards by this article, except as provided herein.

(d) Residential. All outdoor lighting installed on residential properties that is affixed to a construction project for which a building permit is required under this code shall conform to the standards established by this article.

Sec. 24.06.005 Nonconforming existing lighting

(a) All existing outdoor lighting that was legally installed before the enactment of this article, that does not conform with the standards specified imposed by this article shall be considered nonconforming. 271 Nonconforming outdoor lighting is allowed to remain until required to be replaced pursuant to the terms of this article.

- (b) If more than fifty percent (50%) of the total appraised value of a structure (as determined from the records of the county’s appraisal district), has been destroyed, the nonconforming status expires and the structure’s previously nonconforming outdoor lighting must be removed and may only be replaced in conformity with the standards of this article.
- (c) Nonconforming outdoor lighting shall be brought into conformance with this article as follows:
- (1) Nonresidential application. All existing outdoor lighting located on a subject property that is part of an application for a rezoning application, conditional use permit, subdivision approval, or a building permit for a major addition is required to be brought into conformance with this article before final inspection, issuance of a certificate of occupancy, or final plat recordation, when applicable. For the following permits issued by the city, the applicant shall have a maximum of 90 days from date of permit issuance to bring the lighting into conformance: site development permit, sign permit for an externally or internally illuminated outdoor sign, initial alcoholic beverage permit, initial food establishment permit, and on-site sewage facility permit.
- (2) Residential addition or remodel. Nothing herein shall be construed to terminate a residential property’s nonconforming status as a result of an addition or remodel.
- (3) Abandonment of nonconforming. A nonconforming structure shall be deemed abandoned if the structure remains vacant for a continuous period of six (6) months. In that instance, the nonconforming status expires and the structure’s previously nonconforming outdoor lighting must be removed and may only be replaced in conformity with the standards of this article.
- (d) It is unlawful to expand, repair or replace outdoor lighting that was previously nonconforming, but for which the prior nonconforming status has expired, been forfeited, or otherwise abandoned.
- (e) Outdoor lighting on property used for commercial purposes that is not in conformance with this article shall be brought into conformance with this article within ten (10) years from the date of adoption of this article. For property annexed into the city limits after September 2016, the ten-year period established by this subsection shall commence upon the effective date of the annexation. Nothing in this subsection may be construed to allow light trespass or any other form of nuisance from outdoor lighting. A new purchaser of property may request a three-year extension to come into compliance if property is purchased within ten (10) years of the enactment of this article.

Sec. 24.06.006 Shielding and total outdoor light output standards

- (a) Governmental owned streetlights, if rated by the B-U-G classification system:
- (1) Shall be rated and installed with the maximum backlight component limited to the values in [table 1](#) based on location of the light fixture where the property line is considered five (5) feet beyond the actual property line.
- (2) Shall be rated and installed with the uplight component of zero (UO); and
- (3) Shall be rated and installed with the glare component of no more than G1 unless four sided external shielding is provided so that the luminous elements of the fixture are not visible from any other property. Mounting height or topography may cause the luminous elements of a G1 or G0 rated governmental owned streetlight to require additional shielding to reduce glare.

Table 1

	Governmental Owned Rating
Fixture is greater than 2 mounting heights from property line	B3
Fixture is 1 to less than 2 mounting heights from property line	B2
Fixture is -.5 to 1 mounting heights from property line	B1
Fixture is less than 0.5 mounting height to property line	BO

(b) Governmental owned streetlights, if not rated by the B-U-G classification system, shall meet the qualifications to be full cutoff fixtures. (See [figure C](#)). Mounting height or topography may cause the luminous elements of a governmental owned streetlight to require additional shielding to reduce glare.

Figure C.

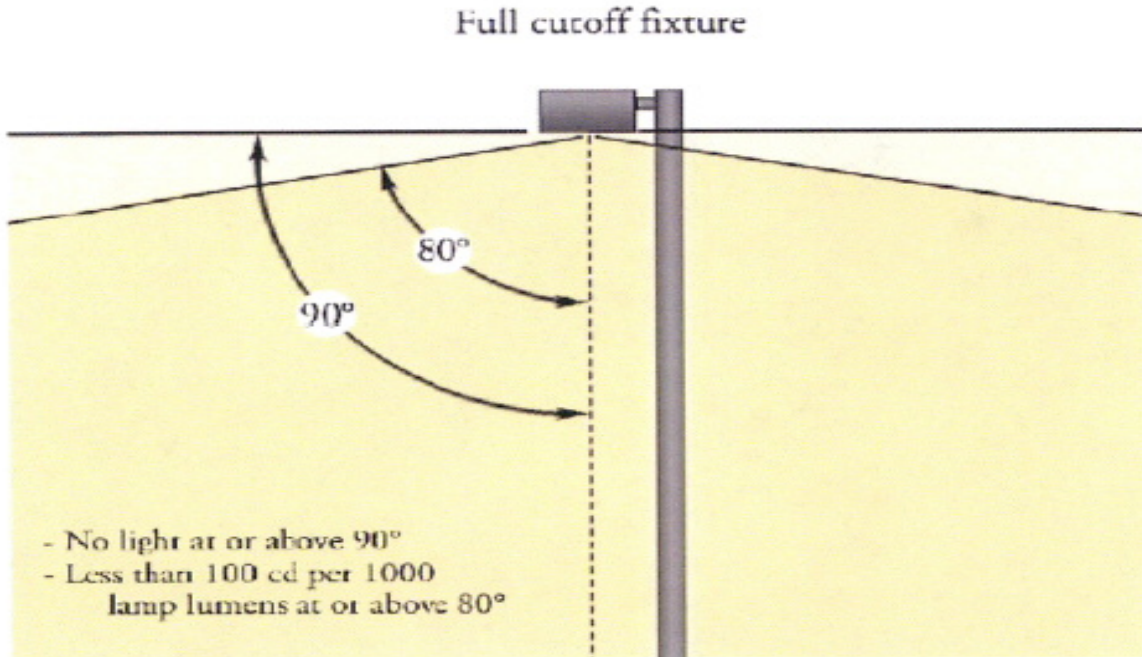


Figure C: Full cutoff fixtures do not allow any light to be emitted above the fixture. The fixture limits the light output in the first 10 degrees below the horizontal, to less than 10% of the total light output.

(c) All outdoor lighting, except governmental owned streetlights, shall be shielded so that the luminous elements of the fixture are not visible from any other property. Mounting height or proximity to property lines may cause the luminous elements of a light fixture to require additional shielding (See [figures D](#) and [E](#)).

Figure D.

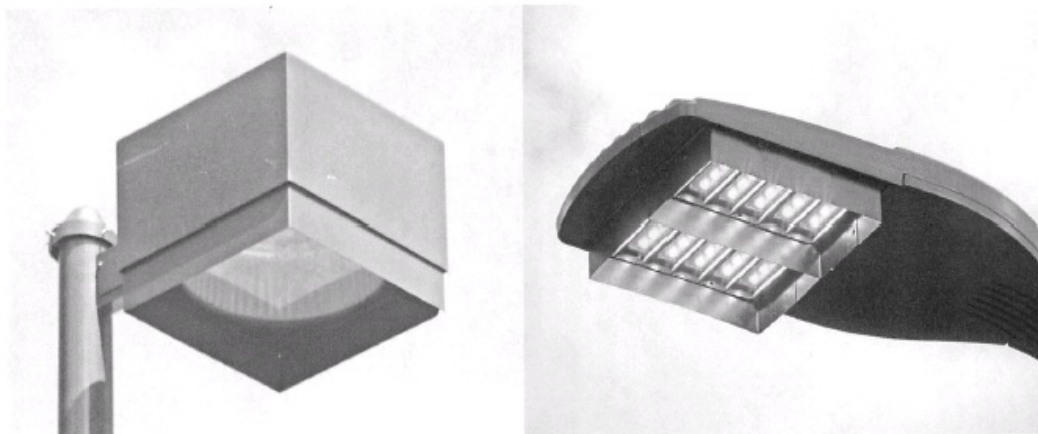


Figure E.



Figure E: The lights on the left are nonconforming. Those on the right can be used in most cases. However, the mounting height and proximity to the property line may cause them to need additional shielding to prevent the luminous elements from being visible from any other property.

(d) Nongovernmental light fixtures, if rated by the B-U-G classification system:

- (1) Shall be rated and installed with the maximum backlight component limited to the values in [table 1](#) based on location of the light fixture where the property line is considered to be five (5) feet beyond the actual property line;
- (2) Shall be rated and installed with the uplight components of zero (U0), except for uplighting covered in this article;
- (3) Shall be rated and installed with the glare component no more than G0 unless four sided external shielding is provided so that the luminous elements of the fixture are not visible from any other property; and
- (4) Shall be shielded in accordance with this article.

(e) Outdoor uplighting is prohibited, except in cases where the fixture is shielded by a roof overhang or similar structural shield and a licensed architect or engineer has stamped a prepared lighting plan that ensures that the light fixture(s) will not cause light to extend beyond the structural shield, and except as specifically permitted in this article.

(f) Outdoor lighting fixtures, except uplighting covered in subsection (c) above, are not allowed to have light escape above a horizontal plane running through the lowest point of the luminous elements. (See [figures F](#) and [G](#)).

Figure F.

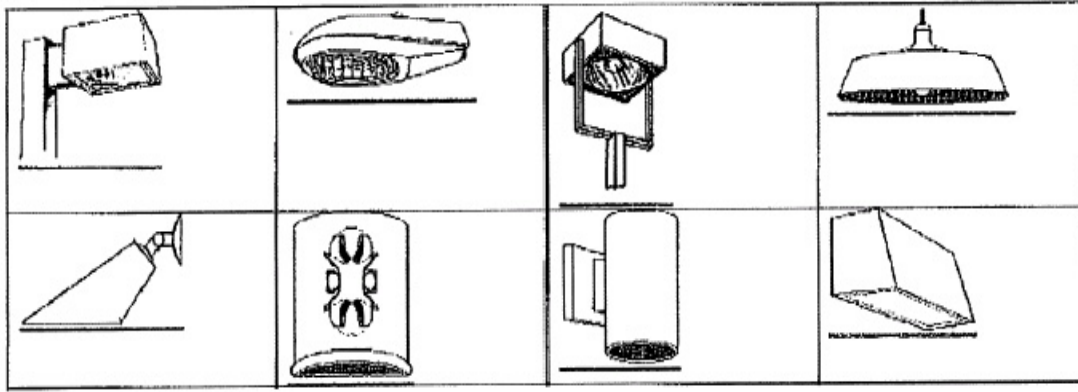


Figure F: This figure shows examples of fixtures that may conform to the provision to not allow light to escape above a horizontal plane running through the lowest point of the luminous elements if they are closed on top and mounted such that the bottom opening is horizontal. Note that the mounting height and proximity to the property line, or internal optics may cause them to need additional shielding to prevent the luminous elements from being visible from any other property.

A practical way to determine if a light fixture will conform to the provision to not allow light to escape above a horizontal plane running through the lowest point of the luminous elements: the lamp or tube, any reflective surface or lens cover (clear or prismatic) must not be visible when viewed from above or the side.

Figure G.

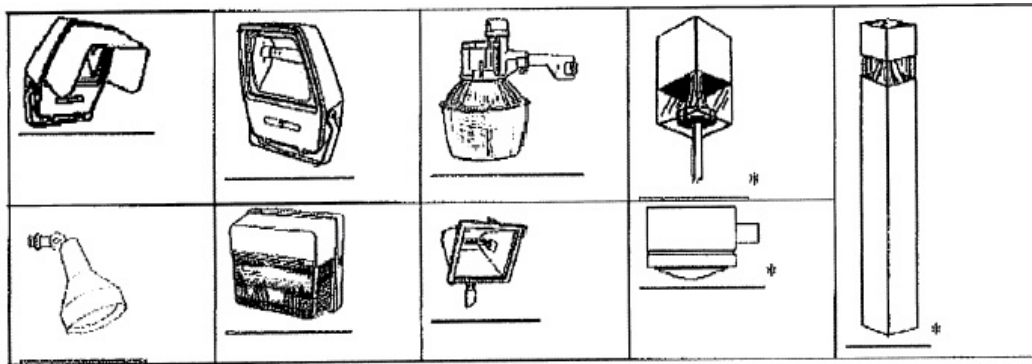


Figure G: This figure illustrates examples of fixtures that do not conform to the provision to not allow light to escape above a horizontal plane running through the lowest point of the luminous elements.

*Note: Even though the lamps in these fixtures are shielded from direct view when viewed from the side or above, reflective surfaces within the fixtures and/or lens covers are directly visible from the side.

(g) Total outdoor light output (excluding governmental owned streetlights used for illumination of public rights-of-way and outdoor recreation facilities) of any nonresidential property shall not exceed 100,000 lumens per net acre in any contiguous illuminated area. This lumen per net acre value is an upper limit and not a design goal; design goals should be the lowest levels that meet the requirement of the task.

(h) Total outdoor light output (excluding governmental owned streetlights used for illumination of public rights-of-way and outdoor recreation facilities) of any residential property shall not exceed 25,000 lumens per net acre in any contiguous illuminated area.

(i) Outdoor recreation facilities:

(1) Lumen cap exemption.

(A) Outdoor recreational facilities are not subject to the lumens per net acre limit.

(B) Outdoor lighting for sports facilities shall be designed to create minimum off-site spill, glare, and sky glow while honoring the guidelines for class IV play, as defined by the Illuminating Engineering Society of North America (IESNA) publication IES RP-06 or guidelines of a recognized sports organization such as the Texas University Interscholastic League (UIL), Little League, or the United States Soccer League. To be considered a recognized sports organization, the city administrator must

first approve such organizations guidelines.

(C) Class IV levels of illumination, as defined by IESNA, are encouraged to be utilized during practices if the competition lighting is established at a higher illumination level than class IV.

(2) Shielding. Fixtures used for nonaerial sports, such as track and field, shall be fully shielded. Fixtures used for aerial sports, such as baseball and softball shall be shielded to the full extent possible while also allowing the minimum of vertical illuminance needed by the players to track the ball as stated in writing by a sports lighting engineer recognized by peers as being an expert in that field. The sports lighting vendor must meet the guidelines for the specific sport and have the lowest available off-site spill, glare, and sky glow values.

(3) Certification. Lighting systems for outdoor recreational facilities shall be designed and certified by an engineer registered in the state as conforming to all applicable restrictions of this code before construction commences. Further, after installation is complete, an engineer registered in the state shall certify that the lighting system installation is consistent with the certified design.

(4) Curfew. No sports facility shall be illuminated between 10:30 p.m. and sunrise, except to conclude a scheduled recreational or sporting event in progress that began prior to 9:30 p.m.

Sec. 24.06.007 Lighting for outdoor signs and panels

(a) Outdoor internally illuminated signs (whether freestanding or building mounted) shall be constructed with an opaque background and translucent letters and symbols or with a colored background and lighter letters and symbols. (See [figure H](#)). The internally illuminated portion of the sign cannot be a light toned color such as white, cream, off-white, light tan, or light yellow unless it is part of a logo. Light toned colors such as white, cream, off-white, light tan, or light yellow are permitted in the logo only, provided that such colors in the logo shall represent not more than 33% of the total sign area permitted. Lamps used for internal illumination or backlighting of lettering shall not be included in the total outdoor light output calculation.

Figure H.







Light Background <input type="checkbox"/>	Colored Background <input checked="" type="checkbox"/>	Opaque Background <input checked="" type="checkbox"/>
		
		

Figure H: Internally-illuminated signs.

(b) Outdoor internally illuminated panels (such as illuminated canopy margins or building faces), shall be included in the total outdoor light output calculation.

(c) Outdoor externally illuminated signs shall conform to all provisions of this article and the sign ordinance, [chapter 26](#) of this code.

Sec. 24.06.008 Lighting under canopies, building overhangs, or roof eaves

(a) All outdoor light fixtures located under canopies, under building overhangs, or under roof eaves must conform to all provisions of this article.

(b) Outdoor light fixtures located under canopies, under building overhangs, or under roof eaves where the center of the lamp or luminaire is located at 5 feet, but less than 10 feet from the nearest edge of the canopy or overhang are to be included in the total outdoor light output as though they produced only one-quarter (1/4) of the lamp's rated lumen output. (See [figures I](#) and [J](#)).

Figure I.

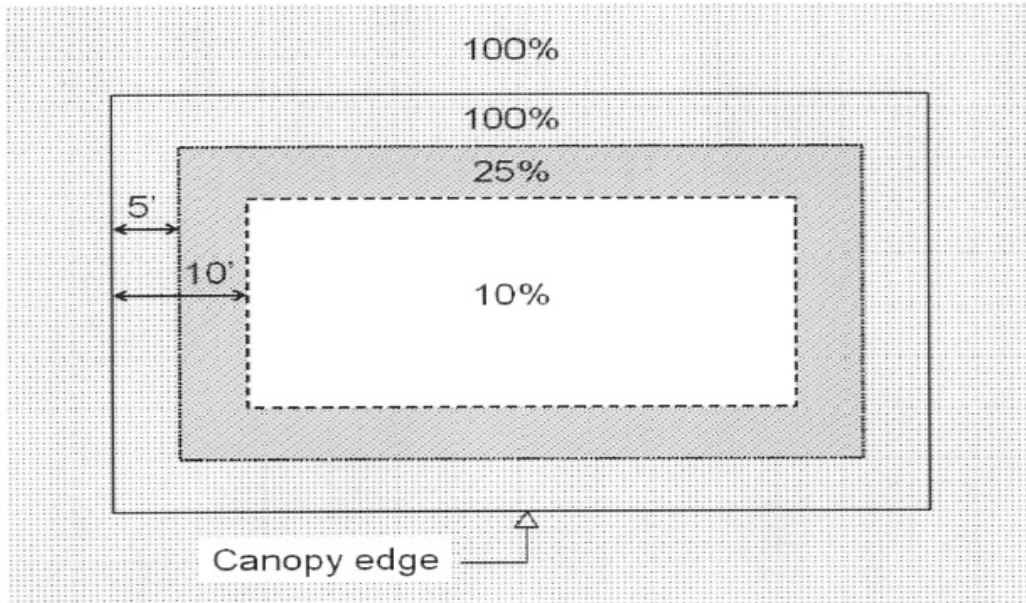


Figure I: Plan view of a canopy, showing fixture location and initial lamp output percentage counted toward total lumens.

Figure J.

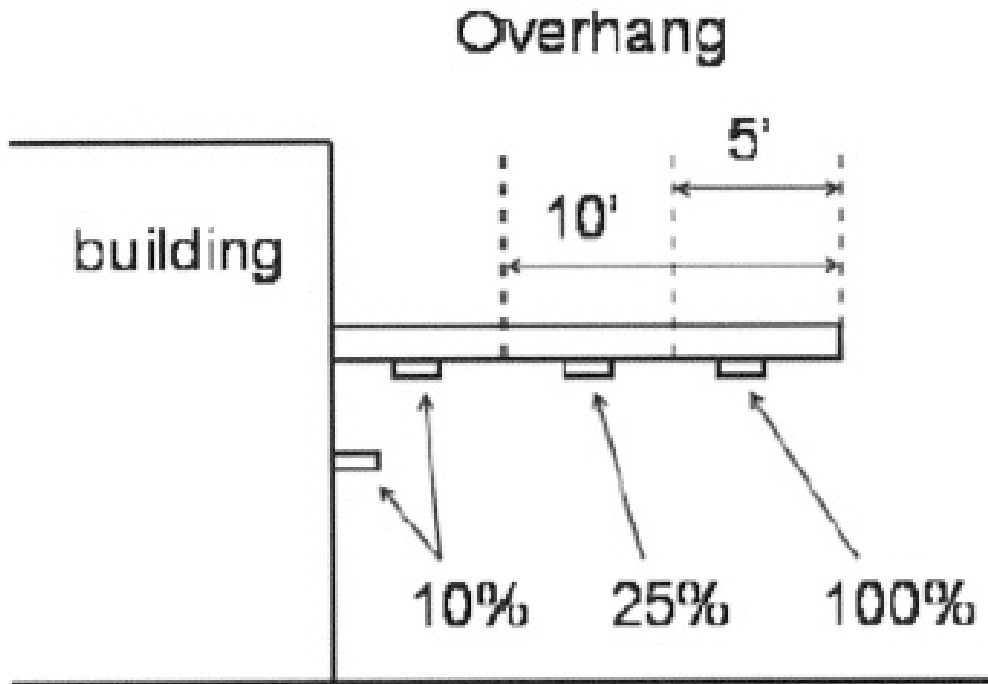


Figure J: Elevation view of a canopy or overhang attached to a building, showing location of shielded fixtures and initial lamp output percentage counted toward total lumens.

(c) Outdoor light fixtures located under canopies, under building overhangs, or under roof eaves where the center of the lamp or luminaire is located 10 or more feet from the nearest edge of a canopy, building overhang, or eave are to be included in the total outdoor light output as though they produced only one-tenth (1/10) of the lamp's rated lumen output. (See [figures I](#) and [J](#))

(d) The total light output used for illuminating under canopies or building overhangs, defined as the sum of all under canopy initial lamp outputs in lumens, shall not exceed 20 lumens per square foot under the canopy area. All lighting mounted under the canopy, including but not limited to light fixtures mounted on the lower surface of the canopy and auxiliary lighting within signage or illuminated panels under the canopy, is to be included in the total.

Sec. 24.06.009 Neon lighting

Neon lighting is permitted, so long as lumen calculations from such lighting are included in the total outdoor light

output calculations for the site. Lumens are calculated on a per foot basis, rather than per “fixture.” Such lighting shall also be subject to the shielding requirements of this section, unless exempted under [section 24.06.014](#).

Sec. 24.06.010 Flagpoles

- (a) Nothing herein shall be construed to limit or apply to the flagpoles in existence at the Veterans Memorial Park, which are expressly grandfathered.
- (b) If the flag of the United States of America is displayed during the hours of darkness, it should be illuminated as recommended in the Federal Flag Code.
- (c) Lighting of up to a total of two (2) flags per property is permitted with the following conditions:
 - (1) The flags must either be the flag of the United States of America, a flag of the state, a flag of a military branch of the United States of America or a flag of a branch of military of the state in order for illumination to be permitted.
 - (2) Flagpoles with a height greater than 20 feet above ground level shall be illuminated from above, if illuminated at all. This may be achieved by utilizing a light fixture attached to the top of the flagpole or a fixture mounted above the top of the flagpole on a structure within 15 feet of the flagpole and must comply with all sections of this article except for lights such as the ones in [figure K](#). The total number of lumens initially output from any light fixture mounted on top of or above a flagpole is limited to 800.
 - (3) Flagpoles with a height equal to or less than 20 feet above ground level may be illuminated from below. They are to be illuminated with up to 2 spot type fixtures utilizing shields or diffusers to reduce glare, whose maximum combined lumen output is 78 lumens per foot of pole height, measured from the light fixture to the top of the flagpole. The fixture is to be mounted so that the lens is perpendicular to the flagpole and the light output points straight up at the flag.

Figure K.

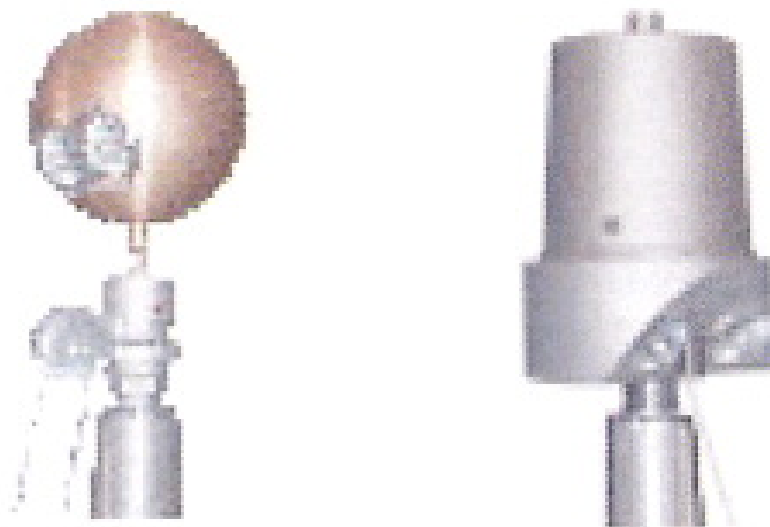


Figure K: Options for flagpole lighting.

- (4) Lamps used for flagpole illumination shall be included in the total outdoor light output.

[Section 24.06.011 Intentionally Omitted]

Sec. 24.06.012 Prohibitions

- (a) The installation of any mercury vapor fixture or lamp for use as outdoor lighting is prohibited.
- (b) Luminaries rated at more than 3000 Kelvin (K) are prohibited with the exception of luminaries installed prior to the enactment of this revised article rated no more than 4000K, which are shielded on every side so that the source of light is not visible from any other property and the combination of all such fixtures within any ten-foot by ten-foot area does not produce more than 4100 lumens for a pole

mounted fixture or 2050 lumens for a wall mounted fixture. Luminaries with a higher Kelvin ratings are permitted if the Scotopic-to-Photopic (S/P) ratio is no greater than 1.2.

(c) The installation of any barn-light style fixture for use as outdoor lighting is prohibited unless the fixture includes a full opaque reflector instead of the standard translucent lens. An example of barn-light style with and without the required opaque reflector is shown in [figure L](#).

Figure L.



Figure L: Acceptable shielding of barn-style light fixtures.

(d) The operation of searchlights for advertising purposes is prohibited.

Sec. 24.06.013 Submission of plans and evidence of compliance

(a) All building permit applications must include an outdoor lighting plan which includes the following information:

- (1) The location of all existing and proposed light fixtures (may be included on-site plan).
 - (2) A lumen calculation sheet to determine lumens per net acre. It must include the square footage of the total area to be illuminated, the light fixture catalog descriptions or ordering number, lamp types (i.e., incandescent, low pressure sodium, compact fluorescent, LED, etc.), the Kelvin rating for the lamp, the B-U-G rating for the selected fixture (if available); the number of fixtures or lamps (use the same unit corresponding to the unit used to determine how many lumens are produced), fixture or lamp initial lumens, the location from the edge of a canopy (if applicable), and mounting height of all existing and proposed lamps.
 - (3) Manufacturer's specification sheets for all existing and proposed light fixtures.
 - (4) Elevations with notes where light fixtures are to be installed indoors which may be seen from the exterior.
 - (5) Site plan with specific measurements in feet for the area to be illuminated. A scale notation is not sufficient.
 - (6) Acknowledgement that the applicant has received notification of the provisions of this article.
- (b) Upon receipt of residential building permit applications, city staff shall provide the homebuilder and/or applicant with educational materials about this article. The city's submission of educational materials shall be prima facie evidence that the applicant has received notification of the provisions of this article.

(c) Verification that a residential or commercial construction project requiring a building permit application has complied with the provisions of this article shall occur during the final electrical inspection by the city building inspector.

(d) For the first 60 days after the enactment of this article, residential building permit applicants may postpone the submission of the plans and evidence of compliance defined in this section for a maximum of 30 business days after the submission of their building permit application.

Sec. 24.06.014 Exemptions

The following lighting instances are exempt from this article:

- (1) Outdoor light fixtures with a maximum output of 180 lumens per fixture, regardless of the number of bulbs, may be left unshielded provided the fixture has a diffuser installed, and the source of the light is not visible from any other property. The output from these fixtures shall not exceed 10% of the total outdoor light output allowed.
- (2) Outdoor light fixtures with a maximum output of 360 lumens per fixture, regardless of the number of bulbs, which are shielded with a medium to dark tone lens provided said lens reduces the lumen output approximately in half, and the source of the light is not visible from any other property. The output from these fixtures shall not exceed 10% of the total outdoor light output allowed.
- (3) Outdoor lighting for which light is produced directly by the combustion of fossil fuels.
- (4) Holiday lights as defined in this article are exempt from the requirements of this article from November 15th to January 15th during the hours from 6:00 a.m. to midnight each day, except that flashing holiday lights are prohibited on nonresidential properties. Flashing holiday lights on residential properties are discouraged. Holiday lights may be illuminated one additional seven (7) day period per calendar year.
- (5) Lighting required by law to be installed on motor vehicles.
- (6) Lighting needed during activities of law enforcement, fire and other emergency services.
- (7) Lighting employed during emergency repairs of roads and utilities may be unshielded provided the lights are positioned so they do not shine in the eyes of passing drivers.
- (8) Lighting required for the safe operation of aircraft.
- (9) Temporary lighting required to save life or property from imminent peril provided the lights are positioned so they do not shine in the eyes of passing drivers.
- (10) Festoon type low-output lamps, limited to small individual bulbs on a string with a maximum output of 56 lumens within any square foot. The bulbs must have a rating of no more than 2800 Kelvin, may not be located within three (3) feet of a reflective surface such as a light colored or metal wall, and the bulbs may not be visible from any residential property within 50 feet of the installed lights. The lumen output from these lamps shall be doubled for inclusion in the total outdoor light output calculations and that doubled lumen value shall not exceed 20% of the total outdoor light output allowed for the property.
- (11) Low-intensity mini-lights or rope-type lights in amber, gold, yellow, cream, red, orange, or warm white wrapped on a tree, post, or other similar object provided the layers are at least six (6) inches apart. The output from these mini-lights shall not exceed 2% of the total outdoor light output allowed for the property and will be included in the lumens calculation for the total outdoor light output allowed.
- (12) Temporary lighting for theatrical, television, performance areas, events, or construction areas provided the lights are positioned so they do not shine in the eyes of passing drivers and the source of the illumination is shielded from any other property. This temporary lighting must not allow any light to be projected or reflect above the structures or trees on the property.
- (13) Lighting required by federal or state laws or regulations.

Sec. 24.06.015 Materials and methods of installation

This article is not intended to prohibit the use of any design, material or method of prescribed installation not specifically proscribed by this article, provided such alternative meets the legislative intent of this article.

Sec. 24.06.016 Compliance with building code

All lighting installations commenced in accordance with this article must be in compliance with the International Building Code, as adopted by the city council.

Sec. 24.06.017 Civil and criminal penalties

The city shall have the power to administer and enforce the provisions of this article as may be required by governing law. Any person violating any provision of this article is subject to suit for injunctive relief as well as prosecution for criminal violations.

Sec. 24.06.018 Criminal prosecution

Any person violating any provision of this article shall, upon conviction, be fined a sum not exceeding five hundred dollars (\$500.00). Each day that a provision of this article is violated shall constitute a separate offense. An offense under this article is a class A misdemeanor. The culpable mental state to incur criminal liability under this article is recklessness.

Sec. 24.06.019 Civil remedies

Nothing in this article shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this article and to seek remedies as allowed by law, including, but not limited to the following:

- (1) Injunctive relief;
- (2) Monetary damages; and
- (3) Other relief as directed by a court with jurisdiction over the matter.

Sec. 24.06.020 Alternative relief

To prevent specific conduct that violates this article or to require specific conduct that is necessary for compliance with this article; and

- (1) In lieu of criminal prosecution, a civil penalty up to five hundred dollars (\$500.00) a day to be deposited in the landscaping fund, when it is shown that the defendant was actually notified of the provisions of this article and committed acts in violation of this article or failed to take action necessary for compliance with this article; and other available relief.
- (2) In the event work is not being performed in accordance with this article, the city shall issue a stop-work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop-work order is in effect.

Sec. 24.06.021 Public nuisance

- (a) Any violation of this article that results in light trespass or an unreasonable interference with the common and usual use of neighboring property is hereby declared to be a public nuisance, which is prohibited by this article.
- (b) It is an offense under this article for a person to emit light onto the property of another unreasonably interfering with the neighboring property owner's use and enjoyment of their property.

Sec. 24.06.022 Administrative guidance

The city is authorized to promulgate one or more interpretive documents to aid in the administration of, and compliance with, this article. Such interpretive documents shall be educational only and shall not constitute regulations, amendments, or exceptions.

(Ordinance 1260.30 adopted 8/16/16)

ARTICLE 24.06 OUTDOOR LIGHTING

Sec. 24.06.001 Title

This article shall be known as the “lighting ordinance.”

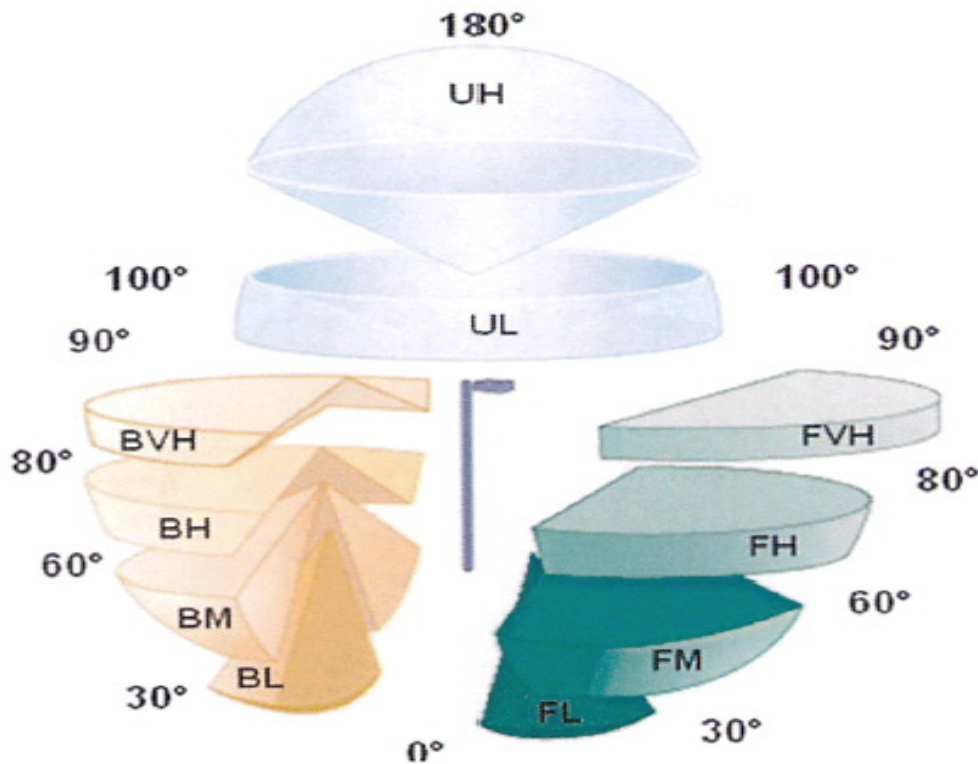
Sec. 24.06.002 Definitions

Words and phrases used in this article shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in this code, shall be given the meanings set forth in the code. Words and phrases not defined in this code shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word “shall” is always mandatory, while the word “may” is merely directory. Headings and captions are for reference purposes only.

Applicant. A person or entity who submits to the city an application for an approval required by this code. To be qualified as an applicant under this article, the person or entity must have sufficiently documented legal authority or proprietary interests in the land to commence and maintain proceedings under this code. To avoid confusion, the term will not include anyone other than the property owner(s), tenant(s), or a duly authorized agent and representative of the property owner. As to enforcement between tenant(s) and property owner(s) of a particular piece of property, the property owner(s) shall have ultimate liability for violations of this article.

B-U-G ratings. A luminaire classification system with ratings for backlight (B), uplight (U), and glare (G). The backlight component of the rating system takes into account the amount of light in the BL, BM, BH and BVH zones depicted in [figure A](#) below. The uplight component takes into account the amount of light in the UH and UL zones. The glare component takes into account the amount of light in the FH, FVH, BH and BVH zones.

Figure A. Components of B-U-G Ratings



City. The City of Dripping Springs, an incorporated municipality located in Hays County, Texas.

City limits. The incorporated municipal boundary of the city, as may be expanded by annexation.

ETJ. The extraterritorial jurisdiction of the city.

Full cut-off fixtures. Fixtures, as installed, that are designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

Holiday lighting. Lighting used for a specific celebration which may be one of the following types:

- (1) Festoon type low-output lamps, limited to small individual bulbs on a string.
- (2) Low-output lamps used to internally illuminate yard art.
- (3) Flood or spot lights producing less than 2,000 lumens each, whose light source is not visible from any other property, and which are used only as temporary lighting.

Light trespass. Light emitted from fixtures designed or installed in a manner that unreasonably causes light to fall on a property other than the one where the light is installed, in a motor vehicle drivers' eyes, or upwards toward the sky.

Lighting. Any source of light that does not include natural light emitted from celestial objects or fire. The term includes any type of lighting, fixed or movable, designed or used for outdoor illumination of buildings or homes, including lighting for billboards, streetlights, canopies, gasoline station islands, searchlights used for advertising purposes, externally or internally illuminated on- or off-premises advertising signs, and area-type lighting. The term includes luminous elements or lighting attached to structures, poles, the earth, or any other location.

Logo. A representation or symbol adopted by a business, organization, or an individual used to promote instant public recognition.

Lumen. The unit of measurement used to quantify the amount of light produced by a bulb or emitted from a fixture (as distinct from "watt," a measure of power consumption). For the purposes of this article, the lumen output values shall be the initial lumen output ratings of a lamp as defined by the manufacturer, multiplied by the lamp efficiency. Lamp efficiency of 95% shall be used for all solid-state lamps and 80% for all other lamps, unless an alternate efficiency rating is supplied by the manufacturer. The initial lumen rating associated with a given lamp is generally indicated on its packaging or may be obtained from the manufacturer. (Abbreviated lm)

Lumens per acre. The total number of lumens produced by all lamps utilized in outdoor lighting on a property divided by the number of acres, or part of an acre, with outdoor illumination on the property.

Luminous elements (of a light fixture). The lamp (light bulb), any diffusing elements, and surfaces intended to reflect or refract light emitted from the lamp individually or collectively comprise the luminous elements of a light fixture (luminaire).

Major addition. Enlargement of twenty-five percent (25%) or more of the building's gross floor area, seating capacity, or parking spaces, either with a single construction project or cumulative series of construction projects, after the enactment of this article. The term also includes replacement of twenty-five percent (25%) or more of installed outdoor lighting.

Nonresidential. Property designated as nonresidential under the city's zoning ordinance.

Outdoor lighting. Temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outdoors. Nonresidential fixtures that are installed indoors that cause light to shine outside are considered outdoor lighting for the intent of this article. (See [figure B](#)), residential fixtures installed indoors generating more than 6,200 lumens (approximately equal to a 300 watt incandescent bulb) that cause light to shine outside are also considered outdoor lighting for the intent of this article.

Figure B.

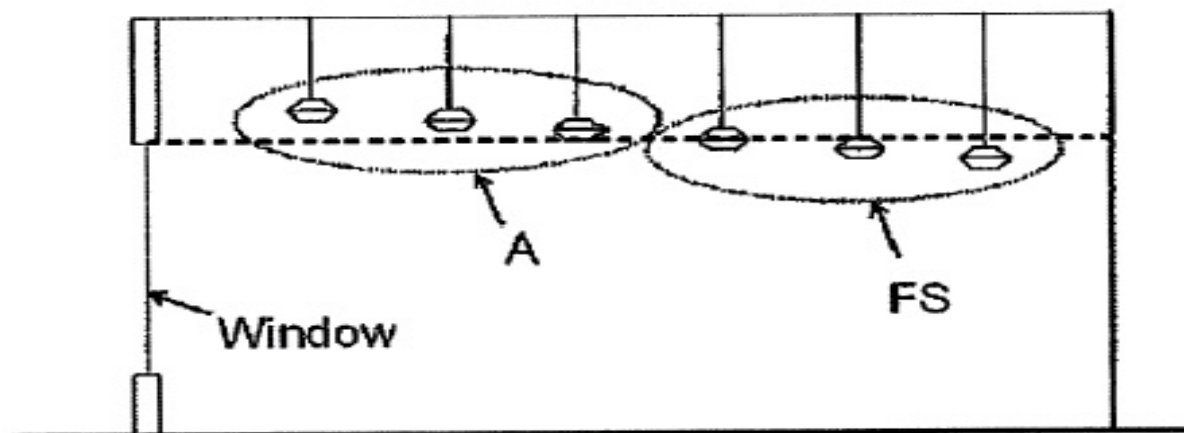


Figure B: Elevation view showing a nonresidential application of indoor lighting, labeled FS, which will be subject to this article and indoor lighting, labeled A, which is installed so that it is not subject to this article. This example presumes the structure in question is not elevated such that any of the luminaries labeled A in the figure

above may be seen from any other property. If the structure is elevated such that the luminaries labeled A are visible from another property then, they are subject to this article.

Person. A human individual, corporation, agency, unincorporated association, partnership, or sole proprietorship.

Residential. Property designated as residential under the city's zoning ordinance.

Temporary lighting. Lighting intended for uses which by their nature are of limited duration; for example holiday decorations, civic events, or construction projects.

Total outdoor light output. The total amount of light, measured in lumens, from all outdoor light fixtures within the illuminated area of a property. The lumen value to be used in the calculation is the lumen value as defined in this article. To get the total, add the lumen output attributed to each light fixture.

Uplighting. Lighting that is directed in such a manner as to project light rays above the horizontal plane running through the lowest point on the fixture where light is emitted.

Sec. 24.06.003 General

(a) Scope.

(1) This article applies within the city limits.

(2) Nothing herein shall be construed as preventing or limiting the city from applying this article to the ETJ through agreements with property owners, or as a term affixed to a conditional approval (such as a variance).

(b) Exemption. The following are exempt from the application of the regulations of this article:

(1) Lighting equipment required by law to be installed on motor vehicles; or

(2) Lighting required for the safe take-off and landing of aircrafts.

(c) Prohibition. A person commits an offense by doing the following:

(1) Installs outdoor lighting contrary to this article.

(2) Fails to comply with any terms or conditions set forth in a permit issued under this article.

(3) Installs outdoor lighting without obtaining a permit when the total number of the lumen outputs for all lights installed within any 90-day period is greater than 2,500 lumens.

Sec. 24.06.004 New lighting

(a) General. All outdoor lighting shall be installed in conformance with the provisions of this article, applicable electrical codes, energy codes, and building codes, except as provided herein.

(b) Prohibition. A person commits an offense by doing the following:

(1) Installs outdoor lighting contrary to this article;

(2) Fails to comply with any terms or conditions set forth in a permit issued under this article;

(3) Installs outdoor lighting without obtaining a permit when the total number of the lumen outputs for all lights installed within any 90-day period is greater than 2,500 lumens.

(c) Nonresidential. All outdoor lighting installed on nonresidential properties shall conform to the standards by this article, except as provided herein.

(d) Residential. All outdoor lighting installed on residential properties that is affixed to a construction project for which a building permit is required under this code shall conform to the standards established by this article.

Sec. 24.06.005 Nonconforming existing lighting

(a) All existing outdoor lighting that was legally installed before the enactment of this article, that does not conform with the standards specified imposed by this article shall be considered nonconforming. 284 Nonconforming outdoor lighting is allowed to remain until required to be replaced pursuant to the terms of this article.

- (b) If more than fifty percent (50%) of the total appraised value of a structure (as determined from the records of the county's appraisal district), has been destroyed, the nonconforming status expires and the structure's previously nonconforming outdoor lighting must be removed and may only be replaced in conformity with the standards of this article.
- (c) Nonconforming outdoor lighting shall be brought into conformance with this article as follows:
- (1) Nonresidential application. All existing outdoor lighting located on a subject property that is part of an application for a rezoning application, conditional use permit, subdivision approval, or a building permit for a major addition is required to be brought into conformance with this article before final inspection, issuance of a certificate of occupancy, or final plat recordation, when applicable. For the following permits issued by the city, the applicant shall have a maximum of 90 days from date of permit issuance to bring the lighting into conformance: site development permit, sign permit for an externally or internally illuminated outdoor sign, initial alcoholic beverage permit, initial food establishment permit, and on-site sewage facility permit.
- (2) Residential addition or remodel. Nothing herein shall be construed to terminate a residential property's nonconforming status as a result of an addition or remodel.
- (3) Abandonment of nonconforming. A nonconforming structure shall be deemed abandoned if the structure remains vacant for a continuous period of six (6) months. In that instance, the nonconforming status expires and the structure's previously nonconforming outdoor lighting must be removed and may only be replaced in conformity with the standards of this article.
- (d) It is unlawful to expand, repair or replace outdoor lighting that was previously nonconforming, but for which the prior nonconforming status has expired, been forfeited, or otherwise abandoned.
- (e) Outdoor lighting on property used for commercial purposes that is not in conformance with this article shall be brought into conformance with this article within ten (10) years from the date of adoption of this article. For property annexed into the city limits after September 2016, the ten-year period established by this subsection shall commence upon the effective date of the annexation. Nothing in this subsection may be construed to allow light trespass or any other form of nuisance from outdoor lighting. A new purchaser of property may request a three-year extension to come into compliance if property is purchased within ten (10) years of the enactment of this article.

Sec. 24.06.006 Shielding and total outdoor light output standards

- (a) Governmental owned streetlights, if rated by the B-U-G classification system:
- (1) Shall be rated and installed with the maximum backlight component limited to the values in [table 1](#) based on location of the light fixture where the property line is considered five (5) feet beyond the actual property line.
- (2) Shall be rated and installed with the uplight component of zero (UO); and
- (3) Shall be rated and installed with the glare component of no more than G1 unless four sided external shielding is provided so that the luminous elements of the fixture are not visible from any other property. Mounting height or topography may cause the luminous elements of a G1 or G0 rated governmental owned streetlight to require additional shielding to reduce glare.

Table 1

	Governmental Owned Rating
Fixture is greater than 2 mounting heights from property line	B3
Fixture is 1 to less than 2 mounting heights from property line	B2
Fixture is -.5 to 1 mounting heights from property line	B1
Fixture is less than 0.5 mounting height to property line	BO

(b) Governmental owned streetlights, if not rated by the B-U-G classification system, shall meet the qualifications to be full cutoff fixtures. (See [figure C](#)). Mounting height or topography may cause the luminous elements of a governmental owned streetlight to require additional shielding to reduce glare.

Figure C.

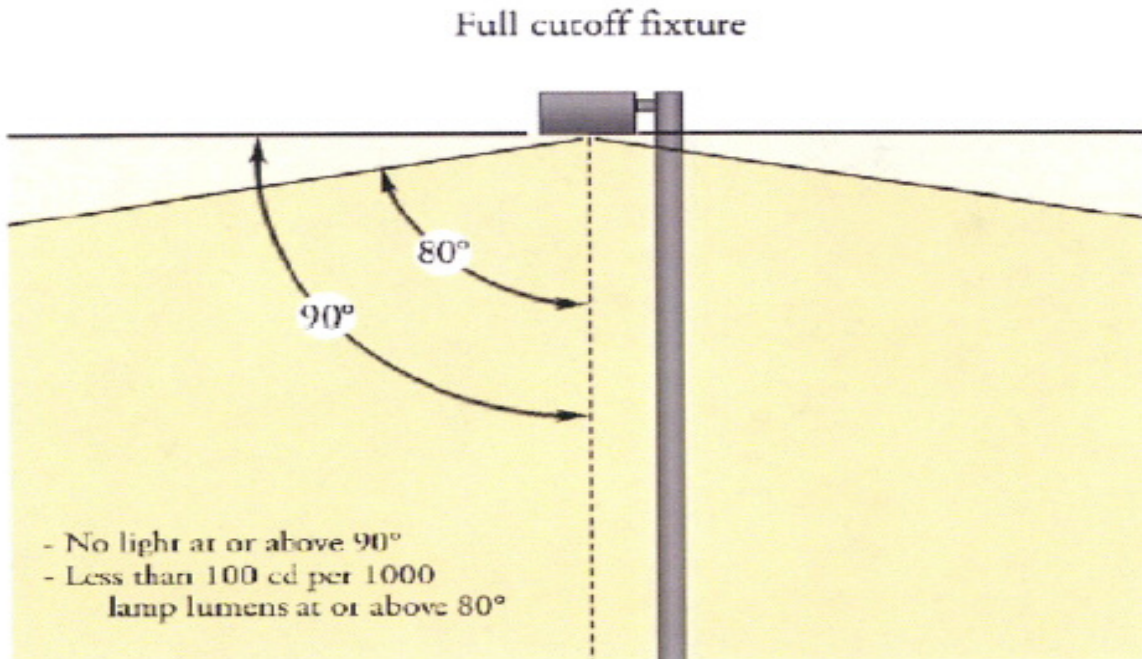


Figure C: Full cutoff fixtures do not allow any light to be emitted above the fixture. The fixture limits the light output in the first 10 degrees below the horizontal, to less than 10% of the total light output.

(c) All outdoor lighting, except governmental owned streetlights, shall be shielded so that the luminous elements of the fixture are not visible from any other property. Mounting height or proximity to property lines may cause the luminous elements of a light fixture to require additional shielding (See [figures D](#) and [E](#)).

Figure D.

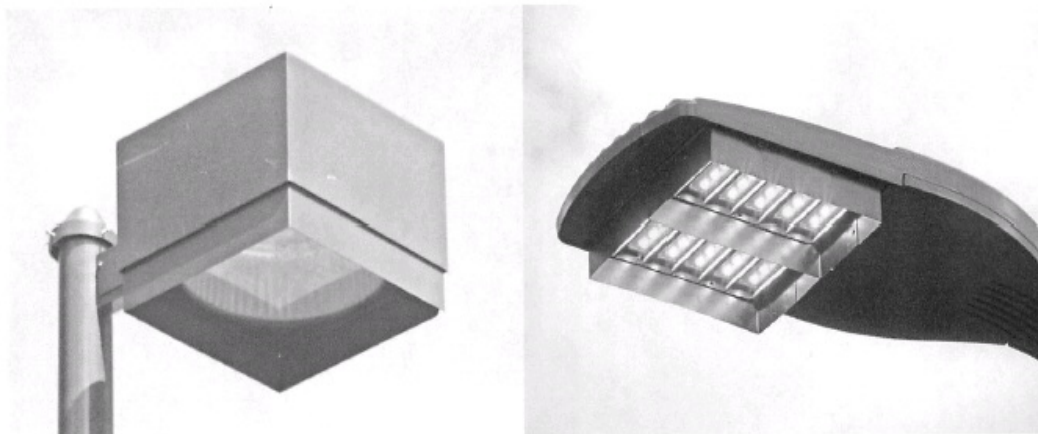


Figure E.

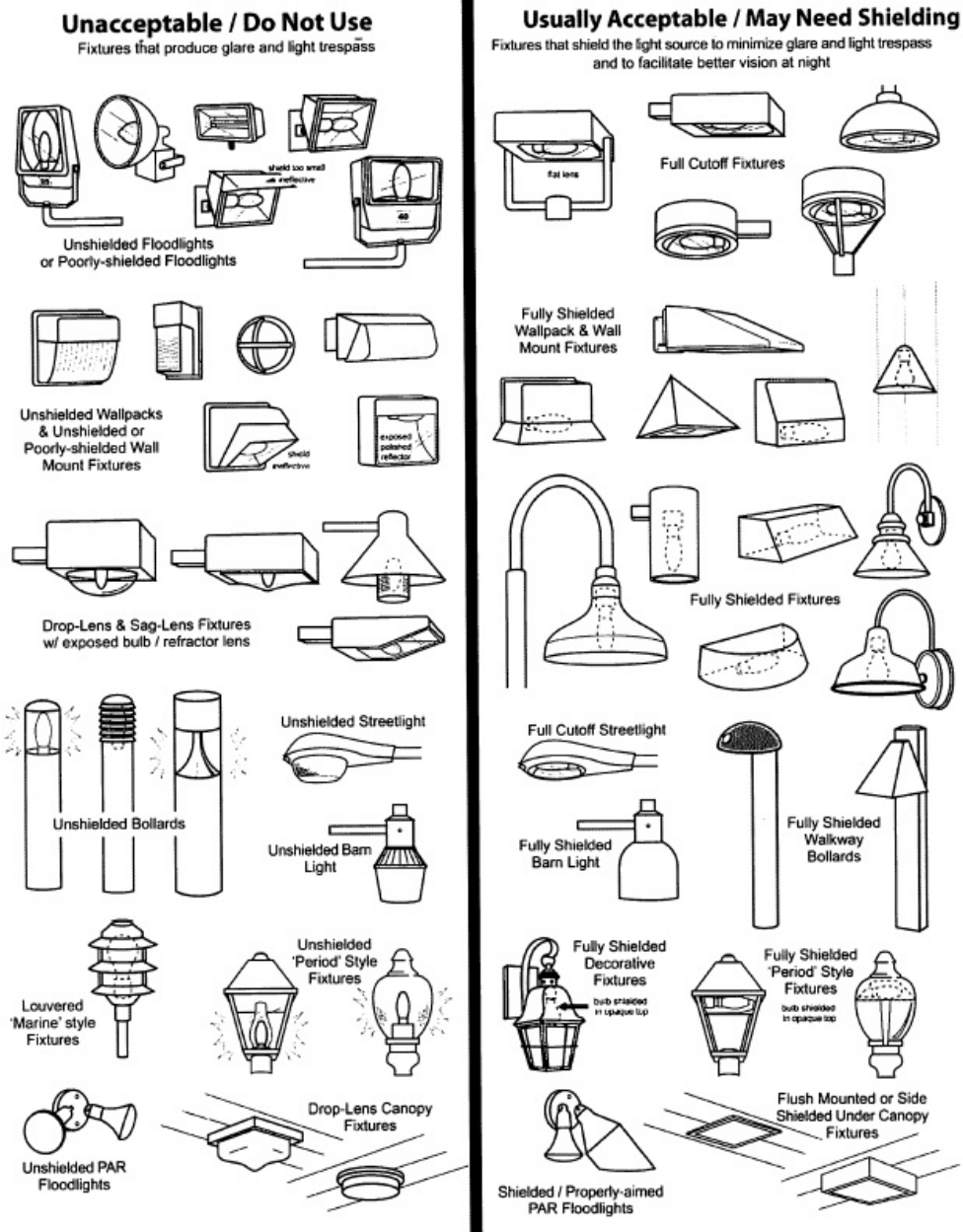


Figure E: The lights on the left are nonconforming. Those on the right can be used in most cases. However, the mounting height and proximity to the property line may cause them to need additional shielding to prevent the luminous elements from being visible from any other property.

(d) Nongovernmental light fixtures, if rated by the B-U-G classification system:

- (1) Shall be rated and installed with the maximum backlight component limited to the values in [table 1](#) based on location of the light fixture where the property line is considered to be five (5) feet beyond the actual property line;
- (2) Shall be rated and installed with the uplight components of zero (U0), except for uplighting covered in this article;
- (3) Shall be rated and installed with the glare component no more than G0 unless four sided external shielding is provided so that the luminous elements of the fixture are not visible from any other property; and
- (4) Shall be shielded in accordance with this article.

(e) Outdoor uplighting is prohibited, except in cases where the fixture is shielded by a roof overhang or similar structural shield and a licensed architect or engineer has stamped a prepared lighting plan that ensures that the light fixture(s) will not cause light to extend beyond the structural shield, and except as specifically permitted in this article.

(f) Outdoor lighting fixtures, except uplighting covered in subsection (c) above, are not allowed to have light escape above a horizontal plane running through the lowest point of the luminous elements. (See [figures F](#) and [G](#)).

Figure F.

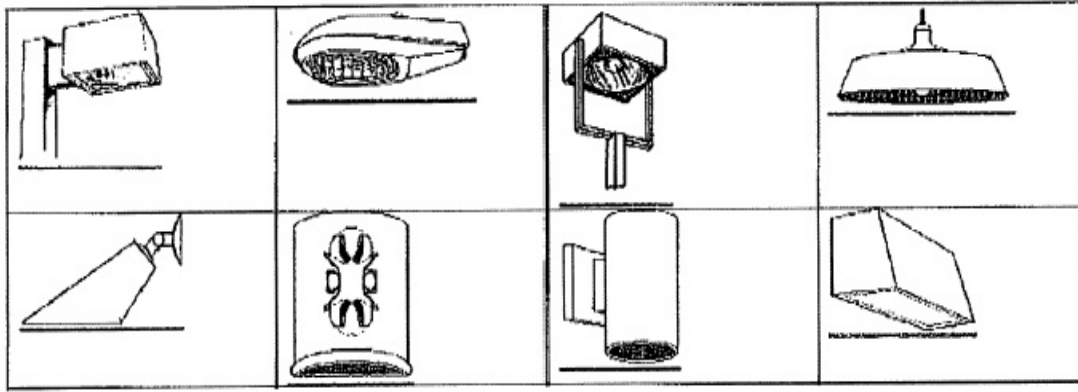


Figure F: This figure shows examples of fixtures that may conform to the provision to not allow light to escape above a horizontal plane running through the lowest point of the luminous elements if they are closed on top and mounted such that the bottom opening is horizontal. Note that the mounting height and proximity to the property line, or internal optics may cause them to need additional shielding to prevent the luminous elements from being visible from any other property.

A practical way to determine if a light fixture will conform to the provision to not allow light to escape above a horizontal plane running through the lowest point of the luminous elements: the lamp or tube, any reflective surface or lens cover (clear or prismatic) must not be visible when viewed from above or the side.

Figure G.

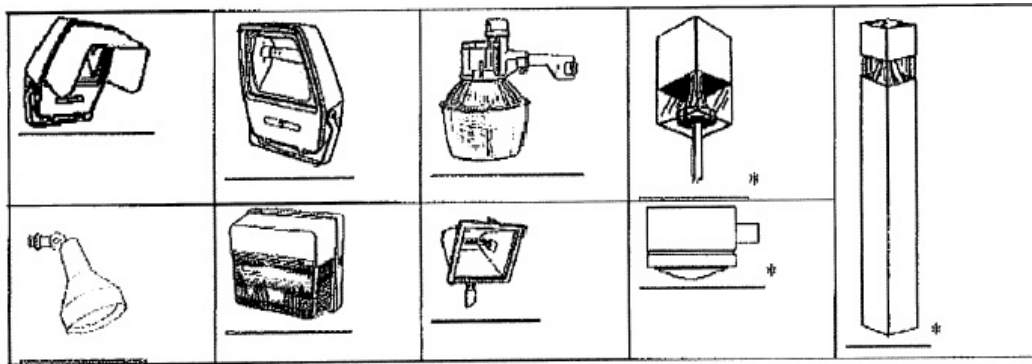


Figure G: This figure illustrates examples of fixtures that do not conform to the provision to not allow light to escape above a horizontal plane running through the lowest point of the luminous elements.

*Note: Even though the lamps in these fixtures are shielded from direct view when viewed from the side or above, reflective surfaces within the fixtures and/or lens covers are directly visible from the side.

(g) Total outdoor light output (excluding governmental owned streetlights used for illumination of public rights-of-way and outdoor recreation facilities) of any nonresidential property shall not exceed 100,000 lumens per net acre in any contiguous illuminated area. This lumen per net acre value is an upper limit and not a design goal; design goals should be the lowest levels that meet the requirement of the task.

(h) Total outdoor light output (excluding governmental owned streetlights used for illumination of public rights-of-way and outdoor recreation facilities) of any residential property shall not exceed 25,000 lumens per net acre in any contiguous illuminated area.

(i) Outdoor recreation facilities:

(1) Lumen cap exemption.

(A) Outdoor recreational facilities are not subject to the lumens per net acre limit.

(B) Outdoor lighting for sports facilities shall be designed to create minimum off-site spill, glare, and sky glow while honoring the guidelines for class IV play, as defined by the Illuminating Engineering Society of North America (IESNA) publication IES RP-06 or guidelines of a recognized sports organization such as the Texas University Interscholastic League (UIL), Little League, or the United States Soccer League. To be considered a recognized sports organization, the city administrator must

first approve such organizations guidelines.

(C) Class IV levels of illumination, as defined by IESNA, are encouraged to be utilized during practices if the competition lighting is established at a higher illumination level than class IV.

(2) Shielding. Fixtures used for nonaerial sports, such as track and field, shall be fully shielded. Fixtures used for aerial sports, such as baseball and softball shall be shielded to the full extent possible while also allowing the minimum of vertical illuminance needed by the players to track the ball as stated in writing by a sports lighting engineer recognized by peers as being an expert in that field. The sports lighting vendor must meet the guidelines for the specific sport and have the lowest available off-site spill, glare, and sky glow values.

(3) Certification. Lighting systems for outdoor recreational facilities shall be designed and certified by an engineer registered in the state as conforming to all applicable restrictions of this code before construction commences. Further, after installation is complete, an engineer registered in the state shall certify that the lighting system installation is consistent with the certified design.

(4) Curfew. No sports facility shall be illuminated between 10:30 p.m. and sunrise, except to conclude a scheduled recreational or sporting event in progress that began prior to 9:30 p.m.

Sec. 24.06.007 Lighting for outdoor signs and panels

(a) Outdoor internally illuminated signs (whether freestanding or building mounted) shall be constructed with an opaque background and translucent letters and symbols or with a colored background and lighter letters and symbols. (See [figure H](#)). The internally illuminated portion of the sign cannot be a light toned color such as white, cream, off-white, light tan, or light yellow unless it is part of a logo. Light toned colors such as white, cream, off-white, light tan, or light yellow are permitted in the logo only, provided that such colors in the logo shall represent not more than 33% of the total sign area permitted. Lamps used for internal illumination or backlighting of lettering shall not be included in the total outdoor light output calculation.

Figure H.







Light Background <input type="checkbox"/>	Colored Background <input checked="" type="checkbox"/>	Opaque Background <input checked="" type="checkbox"/>
		
		

Figure H: Internally-illuminated signs.

(b) Outdoor internally illuminated panels (such as illuminated canopy margins or building faces), shall be included in the total outdoor light output calculation.

(c) Outdoor externally illuminated signs shall conform to all provisions of this article and the sign ordinance, [chapter 26](#) of this code.

Sec. 24.06.008 Lighting under canopies, building overhangs, or roof eaves

(a) All outdoor light fixtures located under canopies, under building overhangs, or under roof eaves must conform to all provisions of this article.

(b) Outdoor light fixtures located under canopies, under building overhangs, or under roof eaves where the center of the lamp or luminaire is located at 5 feet, but less than 10 feet from the nearest edge of the canopy or overhang are to be included in the total outdoor light output as though they produced only one-quarter (1/4) of the lamp's rated lumen output. (See [figures I](#) and [J](#)).

Figure I.

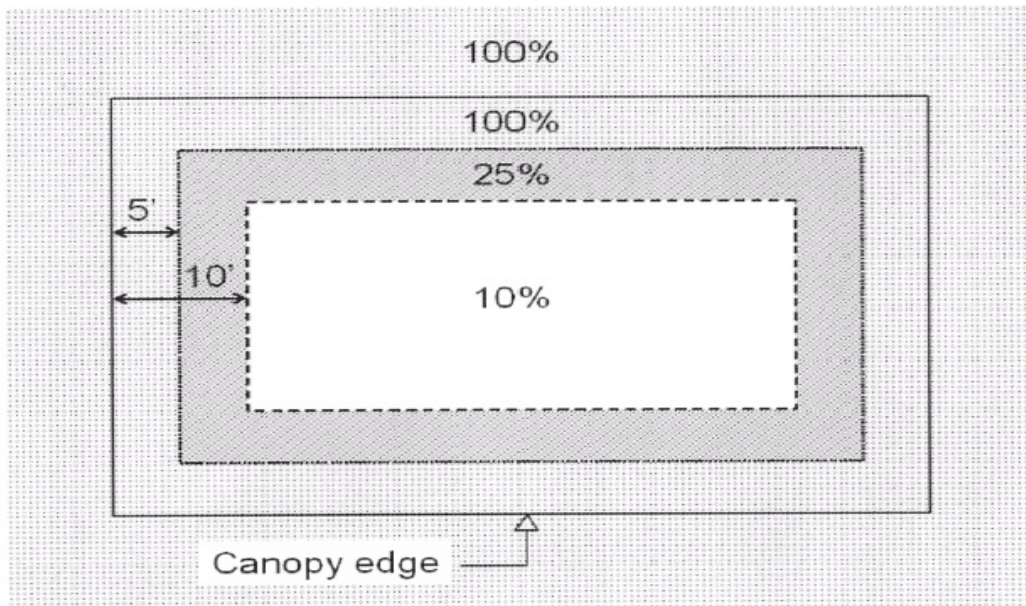


Figure I: Plan view of a canopy, showing fixture location and initial lamp output percentage counted toward total lumens.

Figure J.

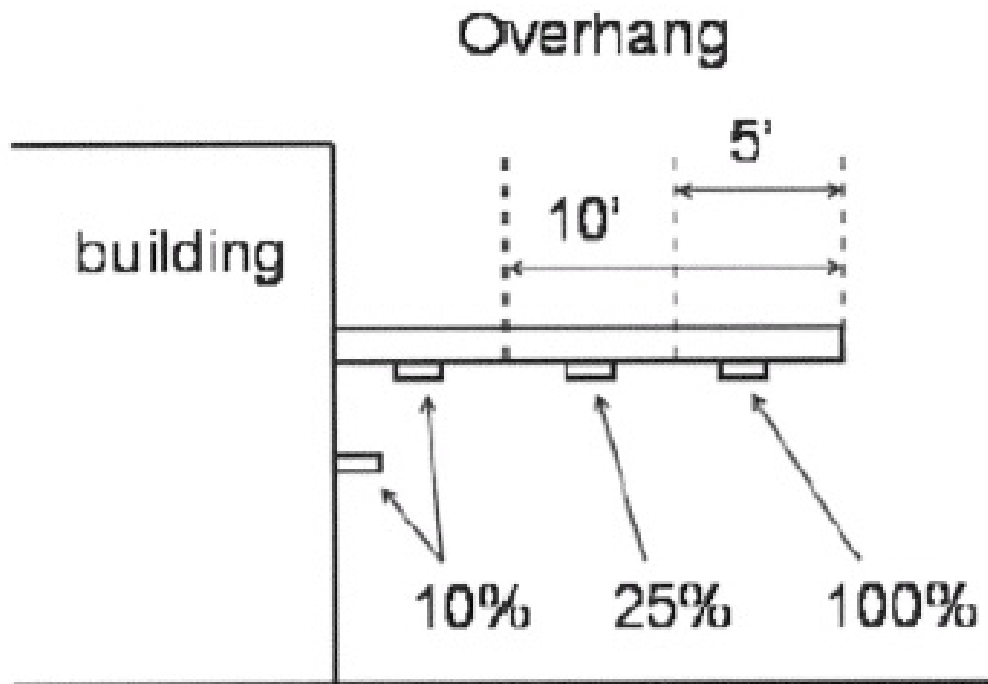


Figure J: Elevation view of a canopy or overhang attached to a building, showing location of shielded fixtures and initial lamp output percentage counted toward total lumens.

(c) Outdoor light fixtures located under canopies, under building overhangs, or under roof eaves where the center of the lamp or luminaire is located 10 or more feet from the nearest edge of a canopy, building overhang, or eave are to be included in the total outdoor light output as though they produced only one-tenth (1/10) of the lamp's rated lumen output. (See [figures I](#) and [J](#))

(d) The total light output used for illuminating under canopies or building overhangs, defined as the sum of all under canopy initial lamp outputs in lumens, shall not exceed 20 lumens per square foot under the canopy area. All lighting mounted under the canopy, including but not limited to light fixtures mounted on the lower surface of the canopy and auxiliary lighting within signage or illuminated panels under the canopy, is to be included in the total.

Sec. 24.06.009 Neon lighting

Neon lighting is permitted, so long as lumen calculations from such lighting are included in the total outdoor light

output calculations for the site. Lumens are calculated on a per foot basis, rather than per “fixture.” Such lighting shall also be subject to the shielding requirements of this section, unless exempted under [section 24.06.014](#).

Sec. 24.06.010 Flagpoles

- (a) Nothing herein shall be construed to limit or apply to the flagpoles in existence at the Veterans Memorial Park, which are expressly grandfathered.
- (b) If the flag of the United States of America is displayed during the hours of darkness, it should be illuminated as recommended in the Federal Flag Code.
- (c) Lighting of up to a total of two (2) flags per property is permitted with the following conditions:
 - (1) The flags must either be the flag of the United States of America, a flag of the state, a flag of a military branch of the United States of America or a flag of a branch of military of the state in order for illumination to be permitted.
 - (2) Flagpoles with a height greater than 20 feet above ground level shall be illuminated from above, if illuminated at all. This may be achieved by utilizing a light fixture attached to the top of the flagpole or a fixture mounted above the top of the flagpole on a structure within 15 feet of the flagpole and must comply with all sections of this article except for lights such as the ones in [figure K](#). The total number of lumens initially output from any light fixture mounted on top of or above a flagpole is limited to 800.
 - (3) Flagpoles with a height equal to or less than 20 feet above ground level may be illuminated from below. They are to be illuminated with up to 2 spot type fixtures utilizing shields or diffusers to reduce glare, whose maximum combined lumen output is 78 lumens per foot of pole height, measured from the light fixture to the top of the flagpole. The fixture is to be mounted so that the lens is perpendicular to the flagpole and the light output points straight up at the flag.

Figure K.

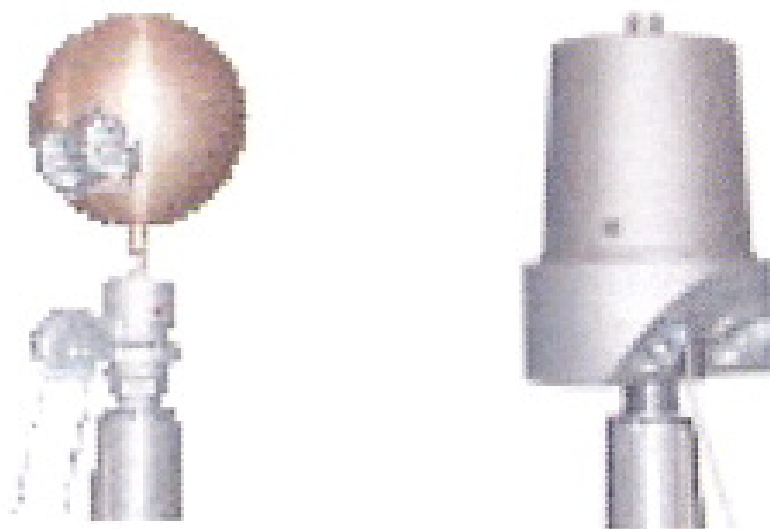


Figure K: Options for flagpole lighting.

- (4) Lamps used for flagpole illumination shall be included in the total outdoor light output.

[Section 24.06.011 Intentionally Omitted]

Sec. 24.06.012 Prohibitions

- (a) The installation of any mercury vapor fixture or lamp for use as outdoor lighting is prohibited.
- (b) Luminaries rated at more than 3000 Kelvin (K) are prohibited with the exception of luminaries installed prior to the enactment of this revised article rated no more than 4000K, which are shielded on every side so that the source of light is not visible from any other property and the combination of all such fixtures within any ten-foot by ten-foot area does not produce more than 4100 lumens for a pole

mounted fixture or 2050 lumens for a wall mounted fixture. Luminaries with a higher Kelvin ratings are permitted if the Scotopic-to-Photopic (S/P) ratio is no greater than 1.2.

(c) The installation of any barn-light style fixture for use as outdoor lighting is prohibited unless the fixture includes a full opaque reflector instead of the standard translucent lens. An example of barn-light style with and without the required opaque reflector is shown in [figure L](#).

Figure L.



Figure L: Acceptable shielding of barn-style light fixtures.

(d) The operation of searchlights for advertising purposes is prohibited.

Sec. 24.06.013 Submission of plans and evidence of compliance

(a) All building permit applications must include an outdoor lighting plan which includes the following information:

- (1) The location of all existing and proposed light fixtures (may be included on-site plan).
 - (2) A lumen calculation sheet to determine lumens per net acre. It must include the square footage of the total area to be illuminated, the light fixture catalog descriptions or ordering number, lamp types (i.e., incandescent, low pressure sodium, compact fluorescent, LED, etc.), the Kelvin rating for the lamp, the B-U-G rating for the selected fixture (if available); the number of fixtures or lamps (use the same unit corresponding to the unit used to determine how many lumens are produced), fixture or lamp initial lumens, the location from the edge of a canopy (if applicable), and mounting height of all existing and proposed lamps.
 - (3) Manufacturer's specification sheets for all existing and proposed light fixtures.
 - (4) Elevations with notes where light fixtures are to be installed indoors which may be seen from the exterior.
 - (5) Site plan with specific measurements in feet for the area to be illuminated. A scale notation is not sufficient.
 - (6) Acknowledgement that the applicant has received notification of the provisions of this article.
- (b) Upon receipt of residential building permit applications, city staff shall provide the homebuilder and/or applicant with educational materials about this article. The city's submission of educational materials shall be prima facie evidence that the applicant has received notification of the provisions of this article.

(c) Verification that a residential or commercial construction project requiring a building permit application has complied with the provisions of this article shall occur during the final electrical inspection by the city building inspector.

(d) For the first 60 days after the enactment of this article, residential building permit applicants may postpone the submission of the plans and evidence of compliance defined in this section for a maximum of 30 business days after the submission of their building permit application.

Sec. 24.06.014 Exemptions

The following lighting instances are exempt from this article:

- (1) Outdoor light fixtures with a maximum output of 180 lumens per fixture, regardless of the number of bulbs, may be left unshielded provided the fixture has a diffuser installed, and the source of the light is not visible from any other property. The output from these fixtures shall not exceed 10% of the total outdoor light output allowed.
- (2) Outdoor light fixtures with a maximum output of 360 lumens per fixture, regardless of the number of bulbs, which are shielded with a medium to dark tone lens provided said lens reduces the lumen output approximately in half, and the source of the light is not visible from any other property. The output from these fixtures shall not exceed 10% of the total outdoor light output allowed.
- (3) Outdoor lighting for which light is produced directly by the combustion of fossil fuels.
- (4) Holiday lights as defined in this article are exempt from the requirements of this article from November 15th to January 15th during the hours from 6:00 a.m. to midnight each day, except that flashing holiday lights are prohibited on nonresidential properties. Flashing holiday lights on residential properties are discouraged. Holiday lights may be illuminated one additional seven (7) day period per calendar year.
- (5) Lighting required by law to be installed on motor vehicles.
- (6) Lighting needed during activities of law enforcement, fire and other emergency services.
- (7) Lighting employed during emergency repairs of roads and utilities may be unshielded provided the lights are positioned so they do not shine in the eyes of passing drivers.
- (8) Lighting required for the safe operation of aircraft.
- (9) Temporary lighting required to save life or property from imminent peril provided the lights are positioned so they do not shine in the eyes of passing drivers.
- (10) Festoon type low-output lamps, limited to small individual bulbs on a string with a maximum output of 56 lumens within any square foot. The bulbs must have a rating of no more than 2800 Kelvin, may not be located within three (3) feet of a reflective surface such as a light colored or metal wall, and the bulbs may not be visible from any residential property within 50 feet of the installed lights. The lumen output from these lamps shall be doubled for inclusion in the total outdoor light output calculations and that doubled lumen value shall not exceed 20% of the total outdoor light output allowed for the property.
- (11) Low-intensity mini-lights or rope-type lights in amber, gold, yellow, cream, red, orange, or warm white wrapped on a tree, post, or other similar object provided the layers are at least six (6) inches apart. The output from these mini-lights shall not exceed 2% of the total outdoor light output allowed for the property and will be included in the lumens calculation for the total outdoor light output allowed.
- (12) Temporary lighting for theatrical, television, performance areas, events, or construction areas provided the lights are positioned so they do not shine in the eyes of passing drivers and the source of the illumination is shielded from any other property. This temporary lighting must not allow any light to be projected or reflect above the structures or trees on the property.
- (13) Lighting required by federal or state laws or regulations.

Sec. 24.06.015 Materials and methods of installation

This article is not intended to prohibit the use of any design, material or method of prescribed installation not specifically proscribed by this article, provided such alternative meets the legislative intent of this article.

Sec. 24.06.016 Compliance with building code

All lighting installations commenced in accordance with this article must be in compliance with the International Building Code, as adopted by the city council.

Sec. 24.06.017 Civil and criminal penalties

The city shall have the power to administer and enforce the provisions of this article as may be required by governing law. Any person violating any provision of this article is subject to suit for injunctive relief as well as prosecution for criminal violations.

Sec. 24.06.018 Criminal prosecution

Any person violating any provision of this article shall, upon conviction, be fined a sum not exceeding five hundred dollars (\$500.00). Each day that a provision of this article is violated shall constitute a separate offense. An offense under this article is a class A misdemeanor. The culpable mental state to incur criminal liability under this article is recklessness.

Sec. 24.06.019 Civil remedies

Nothing in this article shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this article and to seek remedies as allowed by law, including, but not limited to the following:

- (1) Injunctive relief;
- (2) Monetary damages; and
- (3) Other relief as directed by a court with jurisdiction over the matter.

Sec. 24.06.020 Alternative relief

To prevent specific conduct that violates this article or to require specific conduct that is necessary for compliance with this article; and

- (1) In lieu of criminal prosecution, a civil penalty up to five hundred dollars (\$500.00) a day to be deposited in the landscaping fund, when it is shown that the defendant was actually notified of the provisions of this article and committed acts in violation of this article or failed to take action necessary for compliance with this article; and other available relief.
- (2) In the event work is not being performed in accordance with this article, the city shall issue a stop-work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop-work order is in effect.

Sec. 24.06.021 Public nuisance

- (a) Any violation of this article that results in light trespass or an unreasonable interference with the common and usual use of neighboring property is hereby declared to be a public nuisance, which is prohibited by this article.
- (b) It is an offense under this article for a person to emit light onto the property of another unreasonably interfering with the neighboring property owner's use and enjoyment of their property.

Sec. 24.06.022 Administrative guidance

The city is authorized to promulgate one or more interpretive documents to aid in the administration of, and compliance with, this article. Such interpretive documents shall be educational only and shall not constitute regulations, amendments, or exceptions.

(Ordinance 1260.30 adopted 8/16/16)

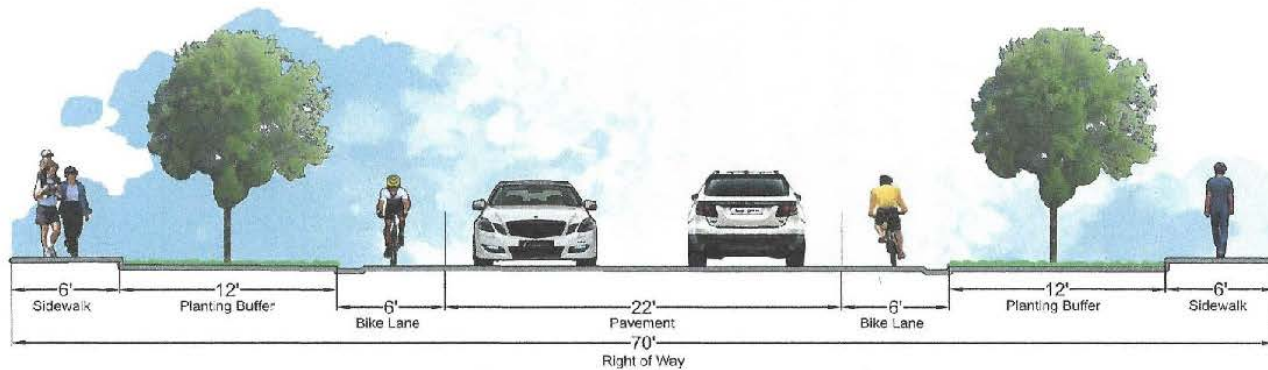
Exhibit G

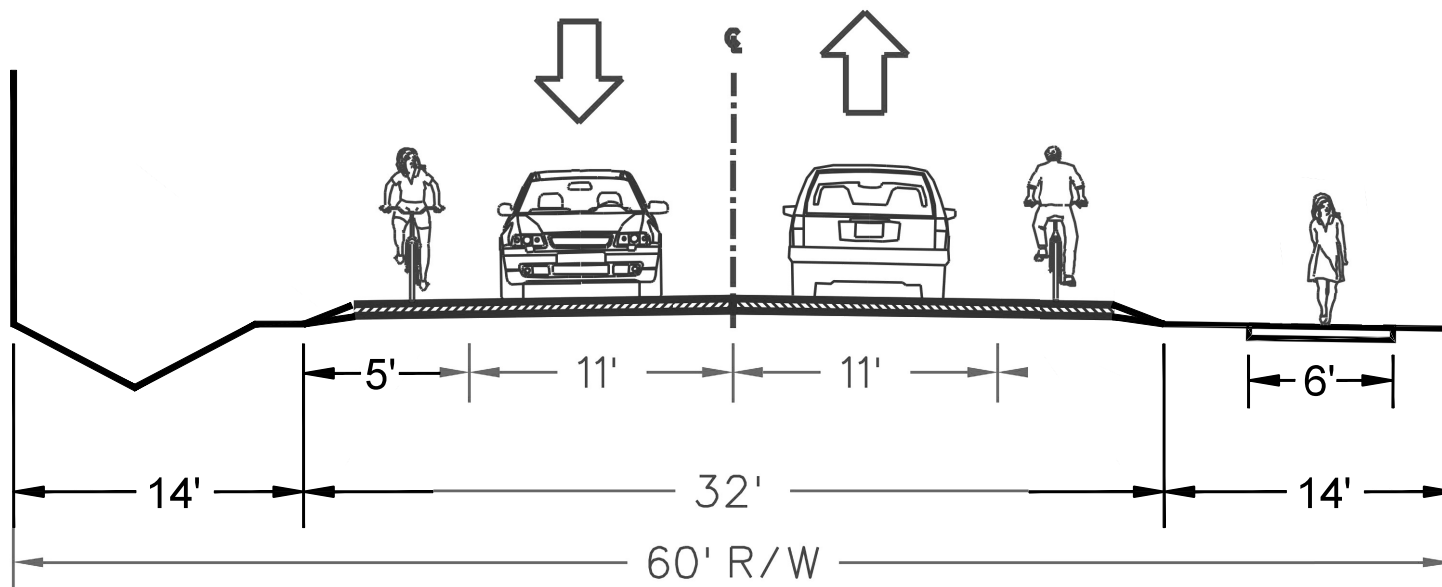
Neighborhood Collector Specifications



Proposed 70 foot collector right of way

- ❑ New Collector Road: 2 lane with 6 foot bike lanes.
- ❑ 6 foot wide walks on each side
- ❑ Street tree and landscaped parkway





MODIFIED MNR 2 - BIKE
N.T.S.

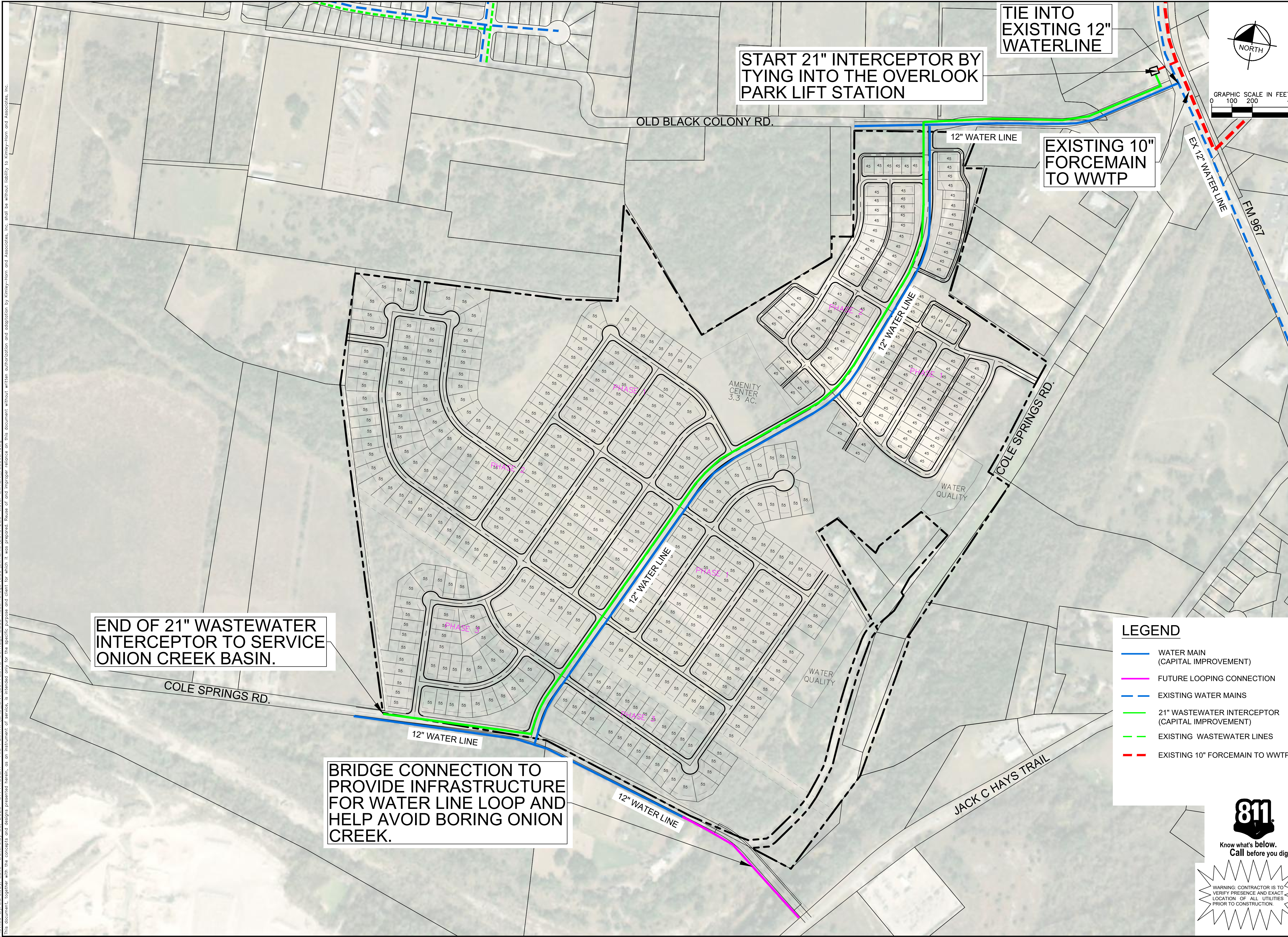
MODIFIED MNR 2 - BIKE

BUDA, TEXAS
January 2020

PLOTTED BY BUZZELLI, WILLIAM 1/10/2020 4:35 PM
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Exhibit H

Plotted By: Curaway, Luke Date: May 05, 2020 07:41:39am File Path: \\SAU-Civil\067283115_Meritage Buda Assemblage_Cad\Exhibits\20191230-Water Exhibit-recover.dwg
 This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and/or improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



START 21" INTERCEPTOR BY TYING INTO THE OVERLOOK PARK LIFT STATION

TIE INTO EXISTING 12" WATERLINE

EXISTING 10" FORCEMAIN TO WWTP

END OF 21" WASTEWATER INTERCEPTOR TO SERVICE ONION CREEK BASIN.

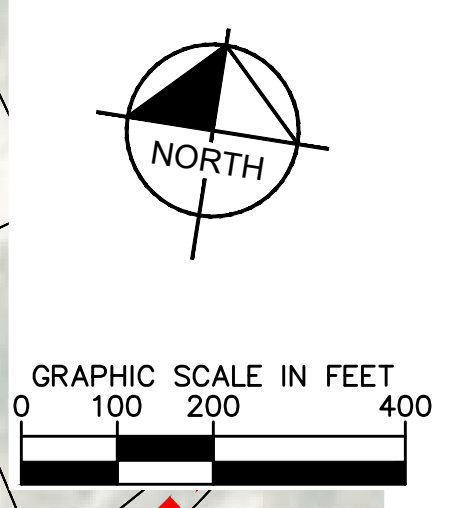
BRIDGE CONNECTION TO PROVIDE INFRASTRUCTURE FOR WATER LINE LOOP AND HELP AVOID BORING ONION CREEK.

LEGEND

- WATER MAIN (CAPITAL IMPROVEMENT)
- FUTURE LOOPING CONNECTION
- - - EXISTING WATER MAINS
- 21" WASTEWATER INTERCEPTOR (CAPITAL IMPROVEMENT)
- - - EXISTING WASTEWATER LINES
- - - EXISTING 10" FORCEMAIN TO WWTP



WARNING: CONTRACTOR IS TO VERIFY PRESENCE AND EXACT LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.



Kimley >>> Horn	
2600 VIA FORTUNA TERRACE I, SUITE 300 AUSTIN, TX 78746 PHONE: 512-424-2237 WWW.KIMLEY-HORN.COM © 2016 KIMLEY-HORN AND ASSOCIATES, INC. TPE Firm No. 928	
FOR REVIEW ONLY Not for construction or permit purposes.	
Prepared: LUKE W. CARAWAY P.E. No. 125677 Date: 1/17	
KHA PROJECT: 067783115 DATE: JANUARY 2020 SCALE: AS SHOWN DESIGNED BY: L.C.DM DRAWN BY: DM CHECKED BY: LC	REVISIONS No. _____ BY _____ DATE _____
WATER & WW EXHIBIT	
THE COLONY CITY OF BUDA HAYS COUNTY, TEXAS	
SHEET NUMBER 01 OF 01	



Founded 1881

121 Main Street

Incorporated 1948

405 East Loop Street, Building 100

Buda, Texas 78610

Phone (512) 312-0084

Fax (512) 312-1889

April 9, 2020

Mr. Santiago Araque, P.E.
Project Manager
Kimley-Horn
10814 Jollyville Road, Avallon IV, Suite 200
Austin, Texas 78759

RE: Traffic Impact Analysis for the Proposed Colony at Cole Springs Development

Dear Mr. Araque:

On April 8, 2020, the City of Buda received the revised *Traffic Impact Analysis Report* prepared by Kimley-Horn and Associates, Inc., for the proposed Colony at Cole Springs single-family residential development. The Engineering Department has reviewed this application for compliance with the City's Unified Development Code (UDC). The report is approved for engineering compliance, contingent upon the following action:

- Approvals by all other departments and applicable agencies.
- Remittance of invoiced permit application review fees.

We greatly appreciate your support of the continued orderly development of the City of Buda. If you have any questions, please feel free to contact me directly at jnett@ci.buda.tx.us or (512) 966-5131.

Sincerely,

John P. Nett, P.E., CFM
City Engineer

xc: Lauren Middleton Pratt, Assistant City Manager
Melissa McCollum, Director of Planning
Angela Kennedy, Sr. Project Engineer
David Fowler, Sr. Planner
Nikki Dykes, Development Coordinator

Traffic Impact Analysis

Colony at Cole Springs TIA

Buda, Texas

Prepared for:

**MERITAGE HOMES
MI HOMES**



4.08.20

Santiago A. Araque Rojas

Prepared by:

Kimley-Horn

10814 Jollyville Road, Avallon IV, Suite 200
Austin, Texas 78759
(512) 418-1771
F-928

KH Project No. 067783115

April 8, 2020



Colony at Cole Springs TIA

APRIL 8, 2020

Prepared By:

Kimley»»Horn

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EXECUTIVE SUMMARY

The proposed development is a single-family residential development located at 855 Cole Springs Road, Buda, TX 78610. The project is assumed to be completed in the year 2026. The proposed development will be broken up into 2 phases. Phase 1 is scheduled to be completed in 2023 with 261 units. Phase 2 is scheduled to be completed in 2026 with an additional 270 units making the grand total of the development now 531 units. This study determines traffic generation characteristics, analyzes potential traffic related impacts on the adjacent road network, and identifies mitigation measures required for identified impacts.

The proposed site will have access to the surrounding roadway network via a new driveway located off Old Black Colony Road to the West of Cole Springs Road, a driveway on Cole Springs Road, and a realigned Cole Springs Road running through the subdivision. Intersections to be analyzed were determined after discussion with City staff and are listed below:

- Old Black Colony Road and FM 1626
- Cole Springs Road and FM 1626
- Cole Springs Road and Old Black Colony Road
- Cole Springs Road and FM 967
- Live Oak Street and Main Street
- Jack C Hays Trail and Main Street
- All Site Driveways

Existing turning movement counts were collected at the above intersections during weekday AM and PM peak demand periods. Traffic operations are analyzed at the study intersections for 2019 existing conditions, 2023 No-Build conditions, 2023 Site Build-Out conditions, 2026 No-Build conditions, and 2026 Site Build-Out conditions. Background traffic is projected to the year 2026 by applying a 4.30% annual growth factor that was determined in discussion with the City and through using historical traffic counts in the area. This growth factor includes future trips from the Kelly's Retreat single-family residential subdivision and the Porch at Dupree townhome subdivision, which is currently in site development.

For the proposed land uses, projected site traffic is calculated using the Institute of Transportation Engineers (ITE) Trip Generation Manual 10th Edition. Phase 1 of the proposed development is anticipated to generate approximately 193 trips during the AM peak-hour (48 trips in and 145 trips out) and 258 trips during PM peak-hour (163 trips in and 95 trips out). Phase 2 of the proposed development is anticipated to generate approximately 200 trips during the AM peak-hour (50 trips in and 150 trips out) and 267 trips during PM peak-hour (168 trips in and 99 trips out).

Analysis of the 2026 Build-Out scenario showed that several study intersections operated at LOS E or F during one or both peak hours. Mitigations were proposed where feasible to restore LOS to no-build conditions, or to LOS D or better in accordance with the requirements of the City of Buda Unified Development Code (2017). The proposed mitigations are summarized in **Table 13**.

The estimated total pro-rata cost share of mitigations required to be completed to meet Unified Development Code requirements is \$49,973.21. These mitigations yield a Level of Service for all approaches at each study intersection which complies with Unified Development Code requirements.

The developer has committed to provide additional mitigation with the proposed bridge across Onion Creek and the realignment of Old Black Colony Road and associated signal. The total developer contribution for the proposed project is **\$3,917,178.70**.

INTRODUCTION

A. PURPOSE

Kimley-Horn and Associates, Inc. (K-H) was retained to conduct a Traffic Impact Analysis (TIA) of future traffic conditions associated with the Colony at Cole Springs development. The proposed development is located at the southwest corner of the intersection of Cole Springs Road and Old Black Colony Road in Buda, Texas. A site vicinity map is provided in **Figure 1**.

This study addresses potential traffic impacts of the proposed development on the surrounding roadway network and intersections. This traffic impact study was prepared based on criteria set forth by the City of Buda, Texas. The specific objectives of this study are to determine the future operational levels-of-service (LOS) at the various study intersections and to identify capacity related improvements.

B. GENERAL PROJECT DESCRIPTION

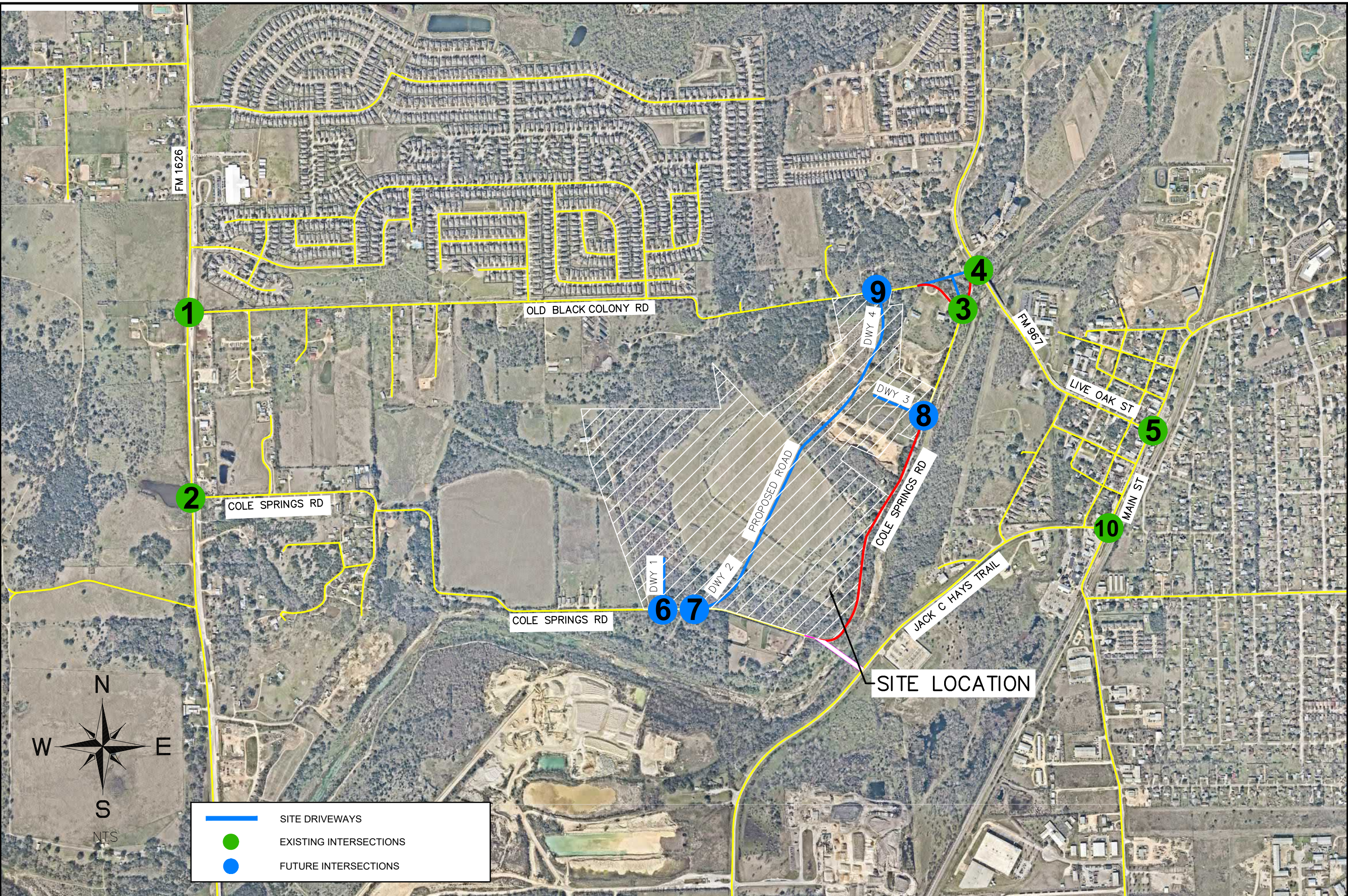
The site will contain a 531-unit single-family development split into two Phases. Phase 1 is scheduled to be complete in 2023 while Phase 2 is scheduled to be completed in 2026. The scope of analysis for this study was prepared in consultation with the City of Buda staff and is provided in **Appendix A**. The development is anticipated to be completed in 2026. The following scenarios were analyzed in this study:

- 2019 Existing Conditions
- 2023 No Build
 - 2019 Existing Conditions
 - Growth Factor applied through 2023
- 2023 Build-Out (Phase 1)
 - 2019 Existing Conditions
 - Growth Factor applied through 2023
 - Phase 1 Site Trips (# of Homes)
- 2026 No Build
 - 2019 Existing Conditions
 - Growth Factor applied through 2026
 - Phase 1 Site Trips (# of Homes)
- 2026 Build-Out (Phase 2)
 - 2019 Existing Conditions
 - Growth Factor applied through 2026
 - Phase 1 & 2 Site Trips (# of Homes)

For the above scenarios, the intersections studied are listed below.

- Old Black Colony Road and FM 1626
- Cole Springs Road and FM 1626
- Cole Springs Road and Old Black Colony Road
- Cole Springs Road and FM 967
- Live Oak Street and Main Street
- Jack C Hays Trail and Main Street
- All Site Driveways

Figure 1 shows the study intersections and proposed driveways. Analysis periods for this study included AM and PM weekday peak hours for the study intersections.



	SITE DRIVEWAYS
	EXISTING INTERSECTIONS
	FUTURE INTERSECTIONS

EXISTING AND FUTURE AREA CONDITIONS

A. PROPOSED LAND USES

The site will contain 531 single-family residential dwelling units split up into a Phase 1 and Phase 2. Land uses for the development are summarized in **Table 1**.

Table 1 – Proposed Land-Uses

Phase	Land Uses	Size	ITE Code
1	Single-Family Development	261 Units	210
2	Single-Family Development	270 Units	210

The acknowledged source for trip generation rates is the 10th edition of Trip Generation Manual published by the Institute of Transportation Engineers (ITE). ITE has established trip rates in nationwide studies of similar land uses and is also specified in the Unified Development Code.

B. ROADWAY CHARACTERISTICS

The major study area roadways are described below.

Cole Springs Road – is currently a two-lane undivided roadway, with one lane in each direction of travel. It is classified as a collector in the Buda Transportation Master Plan. There is a posted speed limit of 35 mph. Currently, there is no sidewalk or bike lanes on either side of the roadway.

FM 967/Live Oak Street – is currently a three-lane roadway, with one lane in each direction of travel and a center two-way left-turn lane. It is classified as an arterial in the Buda Transportation Master Plan. There is a posted speed limit of 40 mph at the intersection of Cole Springs Rd and 35 mph from the intersection of San Marcos Street to Main Street. Currently, sidewalk exists continuously along the east side of the roadway from Main Street to Cole Springs Road and along some portions of the west side within the project area.

Old Black Colony Road – is currently a two-lane undivided roadway, with one lane in each direction of travel. It is classified as a collector in the Buda Transportation Master Plan. There is a posted speed limit of 35 mph. Currently, there is no sidewalk or bike lanes on either side of the roadway.

Main Street/FM 967 – is currently a two-lane undivided roadway, with one lane in each direction of travel within the project area from Garrison Road to Goforth Road. It is classified as an arterial in the Buda Transportation Master Plan. Near its intersection with Live Oak St, there is a posted speed limit of 30 mph. Currently, there is sidewalk on the west and east side of the roadway with a gap on the east side from Garrison Road to Elm Street.

FM 1626 – is currently a two-lane roadway, with one lane in each direction of travel south of Old Black Colony Road and has three lanes north of Old Black Colony Road. It is classified as a Parkway in the Buda Transportation Master Plan. There is a posted speed limit of 55 mph north of Cole Springs Rd and a posted speed limit of 65 mph south of Cole Springs Rd. Currently, there is no sidewalk on either side of the roadway. Construction is underway to widen FM 1626 so that it will be a four-lane roadway with a center two-way left-turn lane. Future analysis scenarios in this study assume that this additional road capacity is complete by 2023.

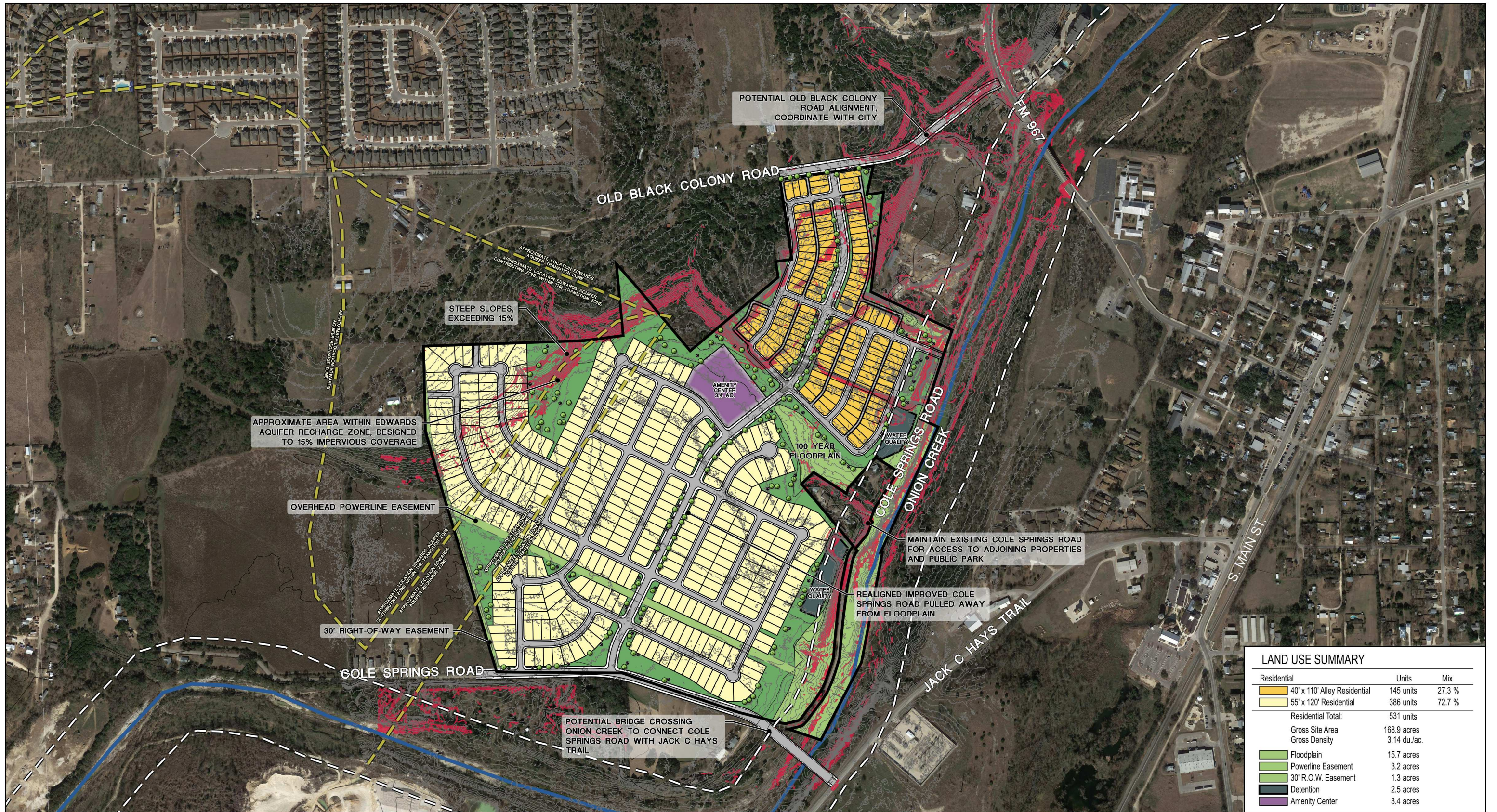
Jack C Hays Trail – is currently a two-lane undivided roadway, with one lane in each direction of travel. It is classified as a collector in the Buda Transportation Master Plan. There is a posted speed limit of 45 mph. Currently, there is no sidewalk or bike lanes on either side of the roadway.

C. PROPOSED SITE ACCESS

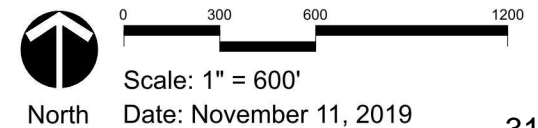
The proposed site will have three access points: one new driveway off Old Black Colony Road a driveway on Cole Springs Road, and a realigned Cole Springs Road running through the subdivision. **Figure 2** shows the proposed site plan.

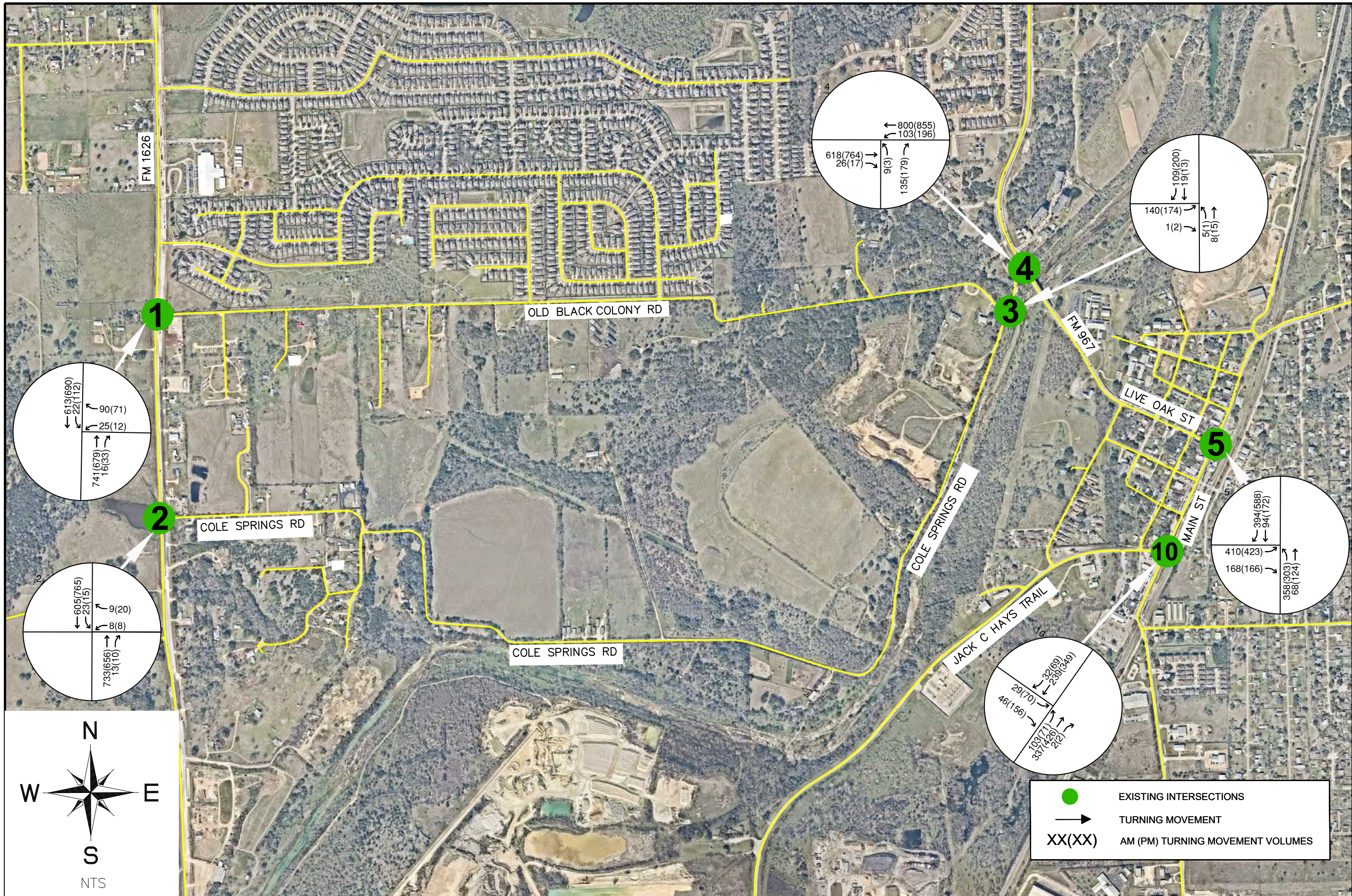
D. EXISTING TRAFFIC VOLUMES

Weekday AM and PM peak period turning movement counts for all intersections, except Jack C Hays Trail and Main Street intersection, were collected on October 10, 2019 at the study intersections. Jack C Hays and Main Street turning movement counts were collected on March 12, 2020. **Figure 3** shows existing weekday AM and PM peak hour traffic volumes. The raw count sheets are provided in **Appendix B**.



LAND USE SUMMARY		
Residential	Units	Mix
40' x 110' Alley Residential	145 units	27.3 %
55' x 120' Residential	386 units	72.7 %
Residential Total: 531 units		
Gross Site Area	168.9 acres	
Gross Density	3.14 du./ac.	
Floodplain	15.7 acres	
Powerline Easement	3.2 acres	
30' R.O.W. Easement	1.3 acres	
Detention	2.5 acres	
Amenity Center	3.4 acres	





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2023 PHASE 1 DEVELOPMENT

A. SITE TRAFFIC

Site-generated traffic estimates are determined through a process known as trip generation. Rates and equations are applied to each proposed land use to estimate traffic generated by the development during a specific time interval. The acknowledged source for trip generation rates is the 10th edition of *Trip Generation Manual* published by the Institute of Transportation Engineers (ITE). ITE has established trip rates in nationwide studies of similar land uses. The trips indicated are one-way trips or *trip ends*, where one vehicle entering and exiting the site is counted as two trips (one inbound trip and one outbound trip).

Internal capture is the tendency for customers or residents to visit several parts of a mixed-use development in one trip but be counted twice in the trip generation since the formula assumes the land uses are isolated. For this site, there are no internal capture trips.

Pass-by trips are existing vehicles on the adjacent roadways that choose to visit the new site, and then return to their original path. Pass-by trips do not reduce the driveway volumes projected for the site but are deducted from the net new traffic added to the area roadways, since they are already present. No pass-by reduction is applicable to this development.

Table 2 summarizes the resulting Daily and Weekday AM and PM peak hour trip generation for Phase 1 of the proposed development. Details of site trip generation are provided in **Appendix C**.

Table 2 – Phase 1 (2023) Site Trip Generation

Land Uses	Quantity	Units	ITE Code	Daily Trips	AM Peak Hour			PM Peak Hour		
					In	Out	Total	In	Out	Total
Single Family Residential	261	DU	210	2,464	48	145	193	163	95	258
Internal Capture Trip Reduction				-	-	-	-	-	-	-
Pass-By Trip Reduction				-	-	-	-	-	-	-
TOTAL TRIPS				2,464	48	145	193	163	95	258

B. TRIP DISTRIBUTION AND ASSIGNMENT

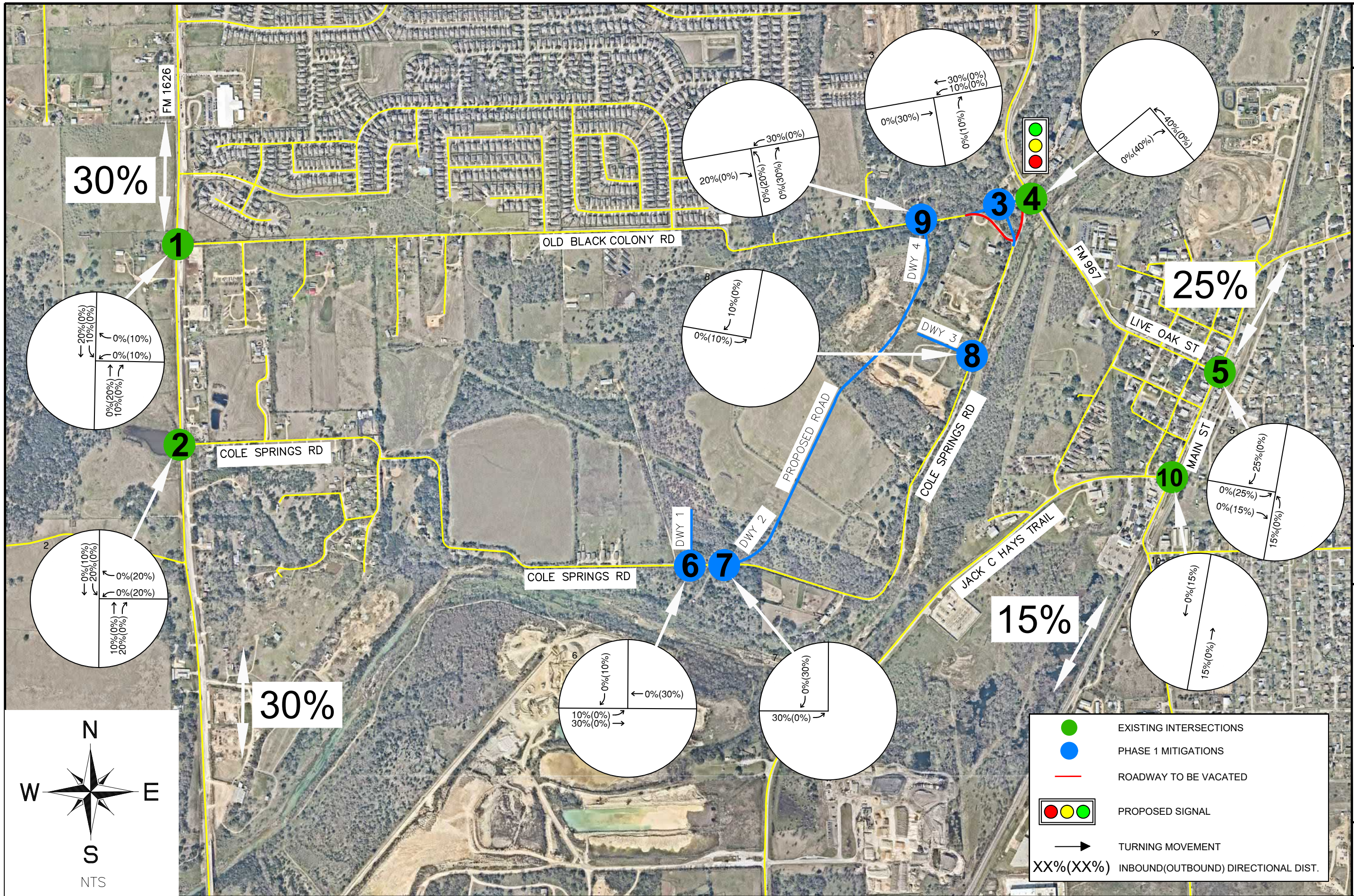
Site traffic is distributed into and out of the site driveway and onto the street system based on the area street system characteristics, existing traffic patterns, “journey to work” assumptions, and the location of driveway access to/from the site. **Table 3** displays the general directional distribution percentages assumed for the proposed development. **Figure 4** displays trip distribution graphically.

Despite its proximity to the site FM 967 does not provide an efficient route to the development and is not expected to carry site traffic. Travelers to/from North on FM 1626 would find a more efficient route by utilizing Old Black Colony Road. Using Google Maps during the peak hours, the suggested route in and out of the site utilized FM 1626 to Old Black Colony Road as opposed to Old Black Colony Road to FM 967 to FM 1626. Existing turning movements has 9 northbound left trips leaving the study area to FM 967 versus 90 westbound right trips leaving the study area to get onto FM 1626. These respective turning movements can be seen on **Figure 3**. With the addition of the development site trips it was assumed that future trips will follow the same trend as seen before.

Table 3 – Site Trip Distribution

Direction	Percent To/From
To/From North on FM 1626	30%
To/From South on FM 1626	30%
To/From North on Main Street	25%
To/From South on Main Street	15%

Figure 5 shows the resulting weekday AM and weekday PM peak hour turning movements at all study intersections after multiplying the new trip generation by the traffic distribution percentages.



- EXISTING INTERSECTIONS
- PHASE 1 MITIGATIONS
- ROADWAY TO BE VACATED
- PROPOSED SIGNAL
- TURNING MOVEMENT
- XX%(XX%)** INBOUND(OUTBOUND) DIRECTIONAL DIST.

PROJECT NO.
067783115
DATE
JANUARY
2020

Kimley»Horn

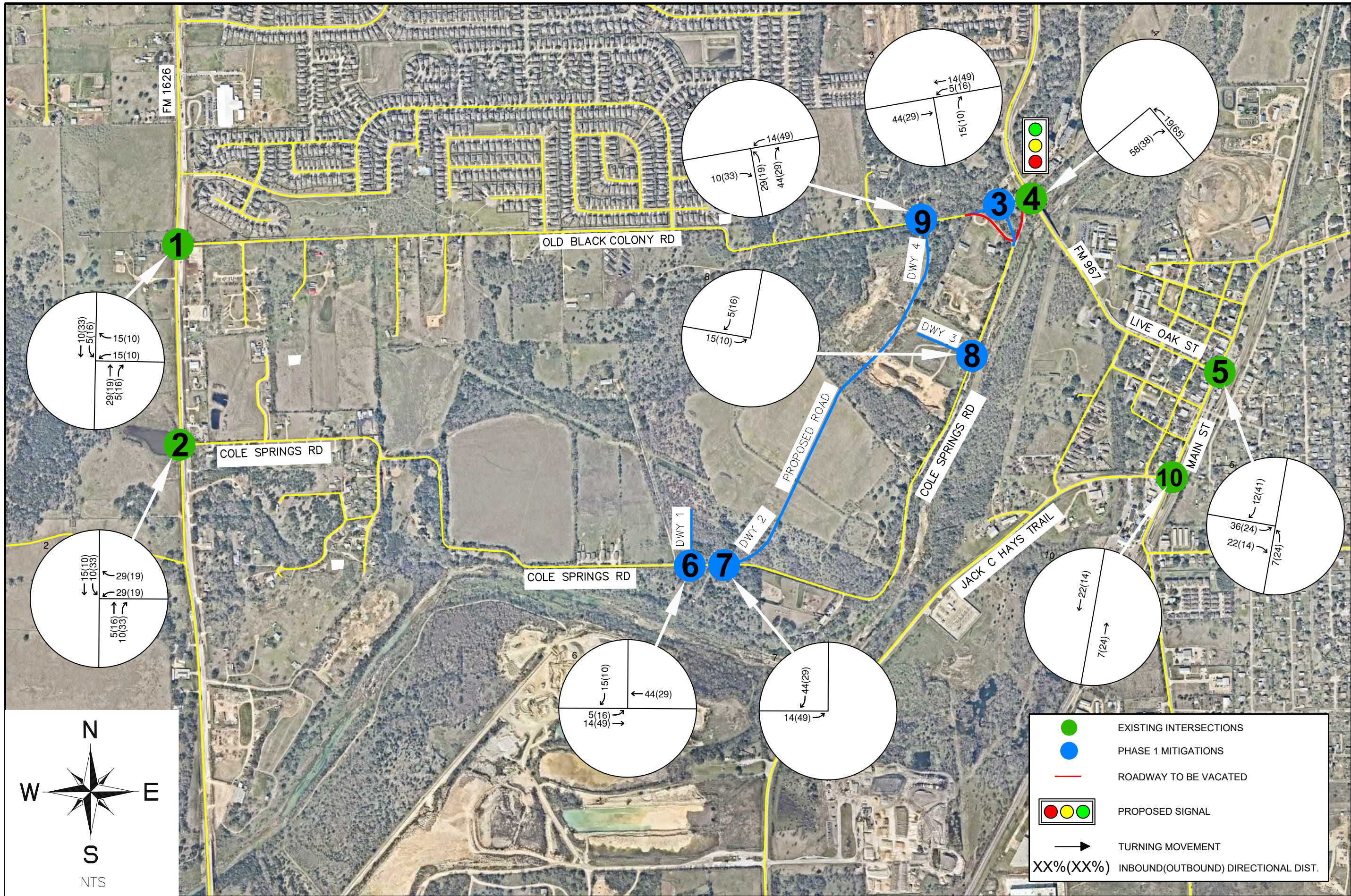
PHONE: 512.418.4514
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TBP# REGISTERED FIRM NO. F-928
10814 LULLYVILLE RD, STE. 200
AUSTIN, TX 78759

BUDA ASSEMBLAGE TIA
BUDA, TX

2023 SITE TRIP DISTRIBUTION
(PHASE 1)

FIGURE
4

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C. DEVELOPMENT OF GROWTH FACTOR

To obtain a background traffic annual growth factor, historic counts near the site were compared to find expected growth trends within the study area. Based on data from TxDOT and guidance from City staff, traffic volumes were assumed to increase at a growth rate of 4.30% based on the average annual growth rate calculated from the TxDOT historical counts below in **Table 4**.

Table 4 – TxDOT Historical Counts

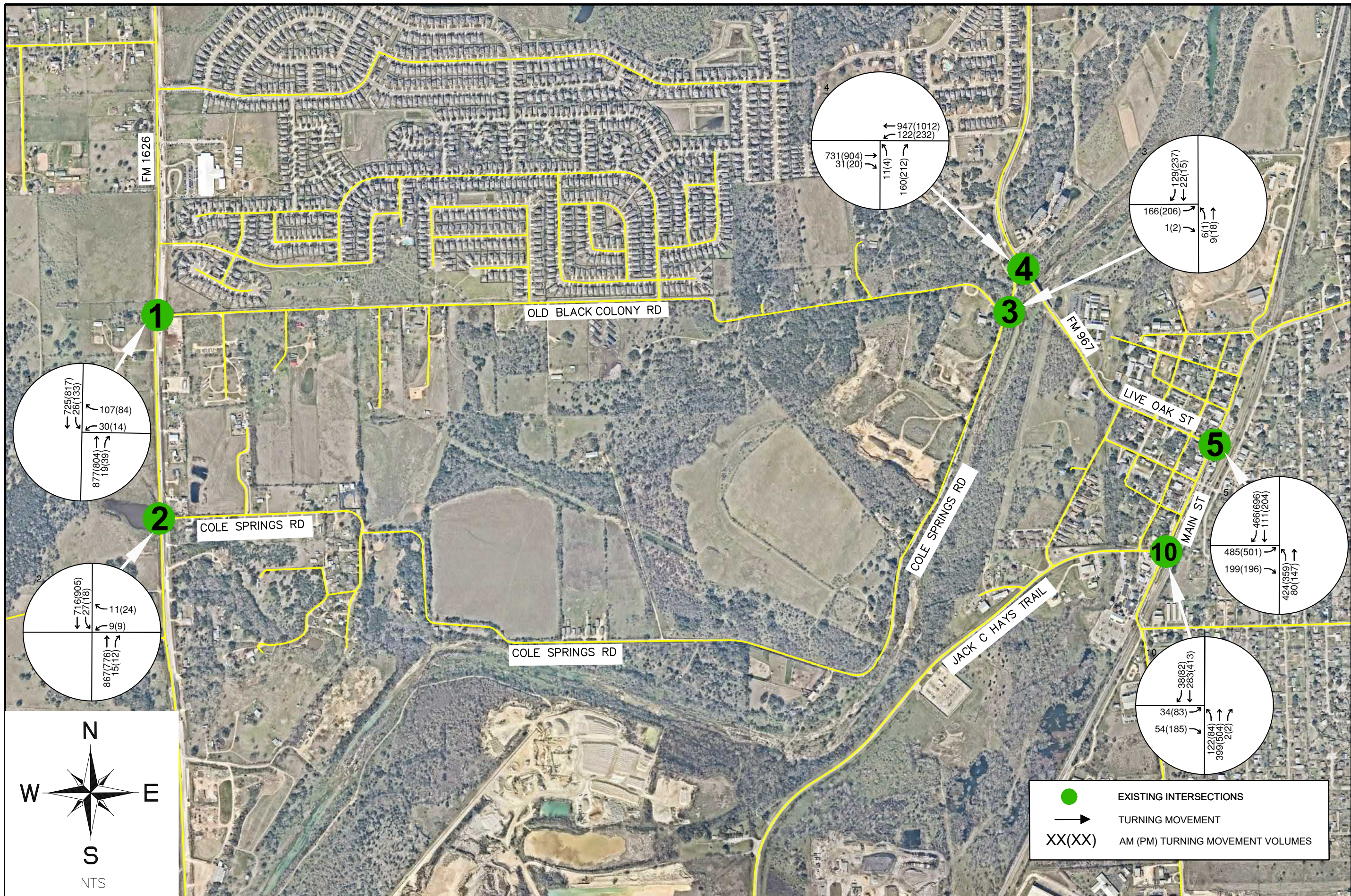
Location	2015	2016	2017	2018	Average Annual Growth
FM 1626 North of FM 147 (ID 106H52A)	17,254	19,412	17,924	18,711	1.65%
FM 967 West of Downtown (ID 106H54)	15,784	17,485	16,858	19,969	6.92%
Average					4.28%
Assumed					4.30%

D. 2023 NO-BUILD TRAFFIC

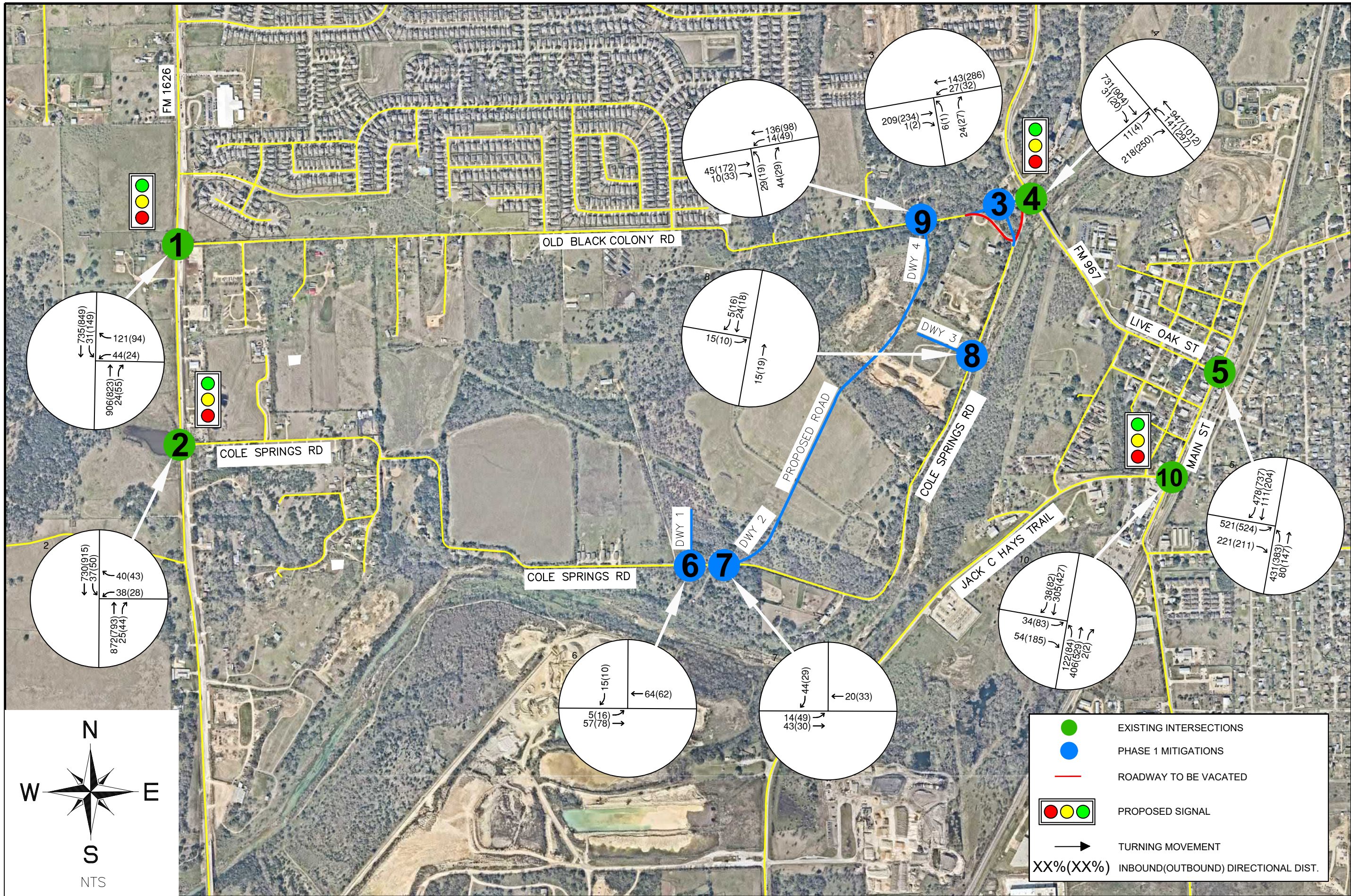
Based on data from TxDOT, traffic volumes were assumed to increase at a growth rate of 4.30% per year. The resulting 2023 No-Build weekday AM and PM peak hour traffic volumes are shown in **Figure 6**.

E. 2023 BUILD-OUT TRAFFIC

Site traffic was added to the background volumes to represent estimated total (background plus site-generated) traffic conditions in 2023 after the completion of the proposed development. The resulting 2023 total weekday AM, and PM peak hour traffic volumes are shown in **Figure 7**.



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2026 PHASE 2 DEVELOPMENT

F. SITE TRAFFIC

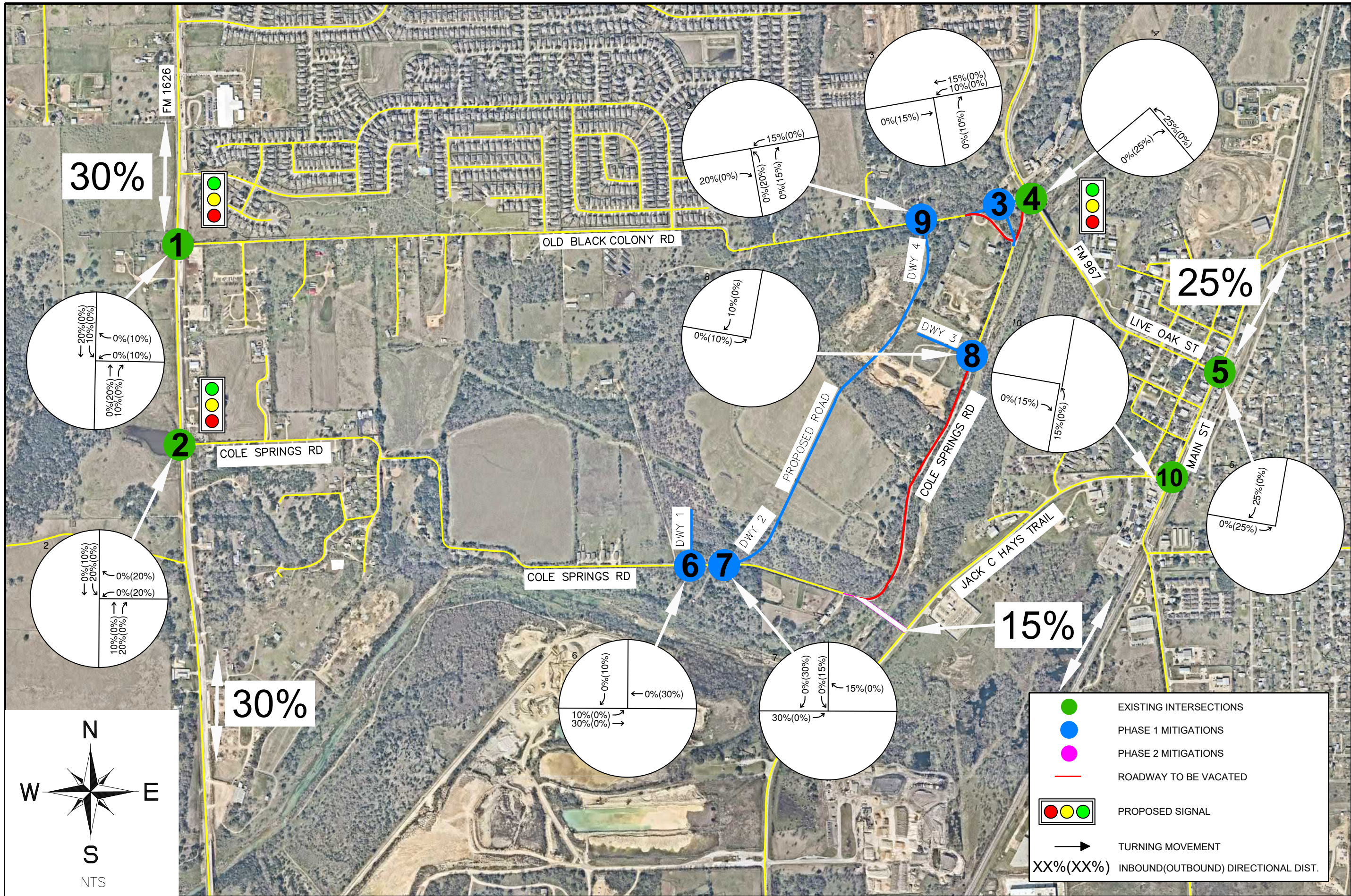
Site trips for Phase 2 of the proposed development were determined using the same methodology as Phase 1. Internal capture trip reductions were not applied in Phase 2 as well for the proposed development. Phase 2 will add 270 Dwelling Units to the development making the combined total between Phases 1 & 2 531 Dwelling Units.

Pass-by trips are existing vehicles on the adjacent roadways that choose to visit the new site, and then return to their original path. Pass-by trips do not reduce the driveway volumes projected for the site but are deducted from the net new traffic added to the area roadways, since they are already present. No pass-by reduction is applicable to this development

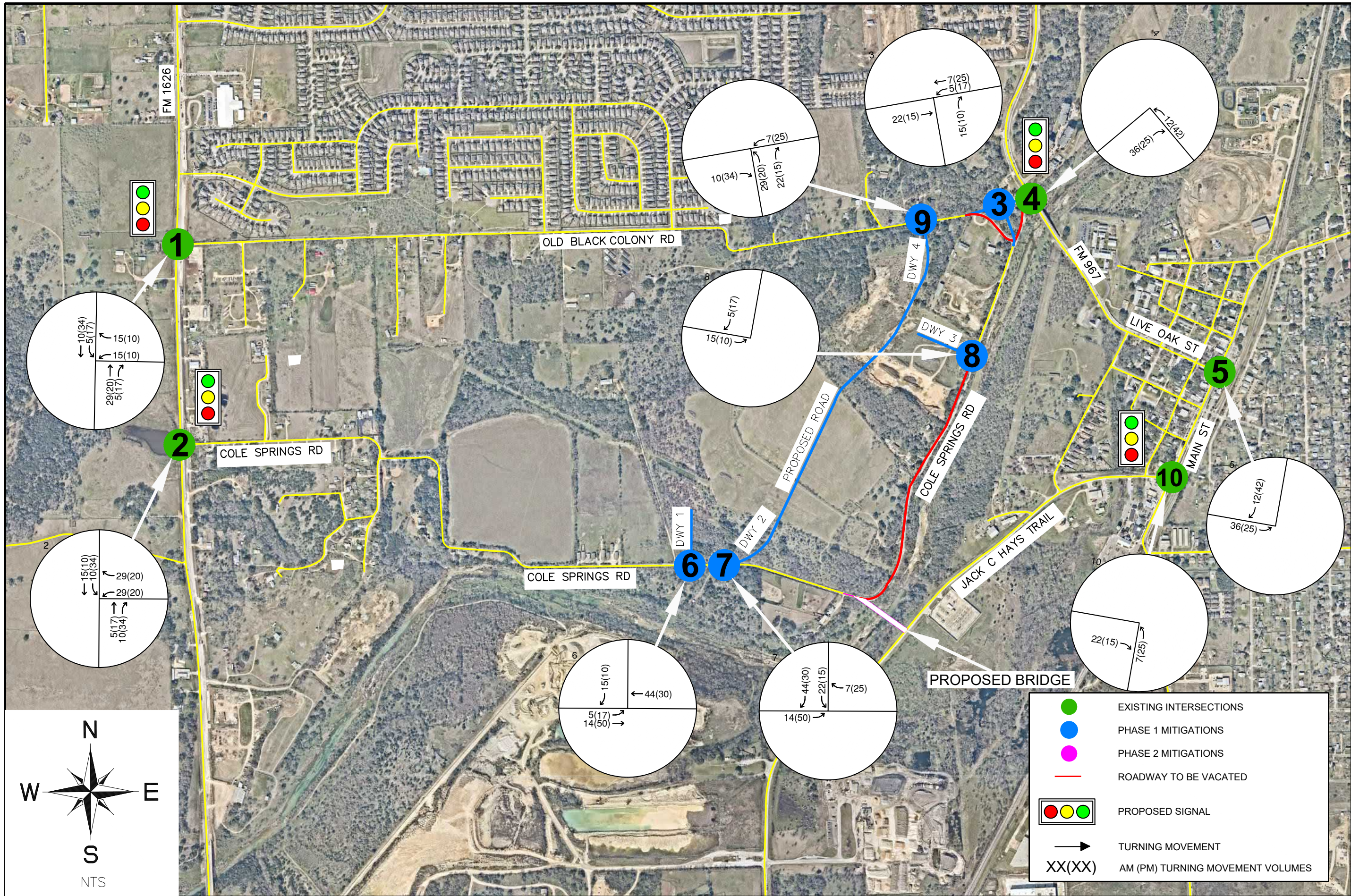
Table 5 summarizes the resulting Daily and Weekday AM and PM peak hour trip generation for Phase 2 of the proposed development. Details of site trip generation are provided in **Appendix C**. Trip distribution percentages for Phase 2 of the proposed development are shown in **Figure 8**. Phase 2 site trip volumes at all study intersections are shown in **Figure 9**.

Table 5 – Phase 2 (2026) Site Trip Generation

Land Uses	Quantity	Units	ITE Code	Daily Trips	AM Peak Hour			PM Peak Hour		
					In	Out	Total	In	Out	Total
Single Family Residential	270	DU	210	2,550	50	150	200	168	99	267
Internal Capture Trip Reduction				-	-	-	-	-	-	-
Pass-By Trip Reduction				-	-	-	-	-	-	-
TOTAL TRIPS				2,550	50	150	200	168	99	267



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G. TRIP DISTRIBUTION AND ASSIGNMENT

Site traffic is distributed into and out of the site driveway and onto the street system based on the area street system characteristics, existing traffic patterns, “journey to work” assumptions, and the location of driveway access to/from the site. **Table 6** displays the general directional distribution percentages assumed for the proposed development. **Figure 8** displays trip distribution graphically.

In Phase 2 it is assumed that a bridge will be built to connect Jack C Hays Trail to Cole Springs Rd. This study analyzed a mitigated scenario where these improvements were implemented. As part of this analysis, 15% of site traffic currently using Old Black Colony Road to FM 967 to Main street as their daily route would now be using the bridge and N/S connector, pulling the demand from the Main St and FM 967 intersection.

Table 6 – Site Trip Distribution

Direction	Percent To/From
To/From North on FM 1626	30%
To/From South on FM 1626	30%
To/From North on Main Street	25%
To/From South on Main Street	15%

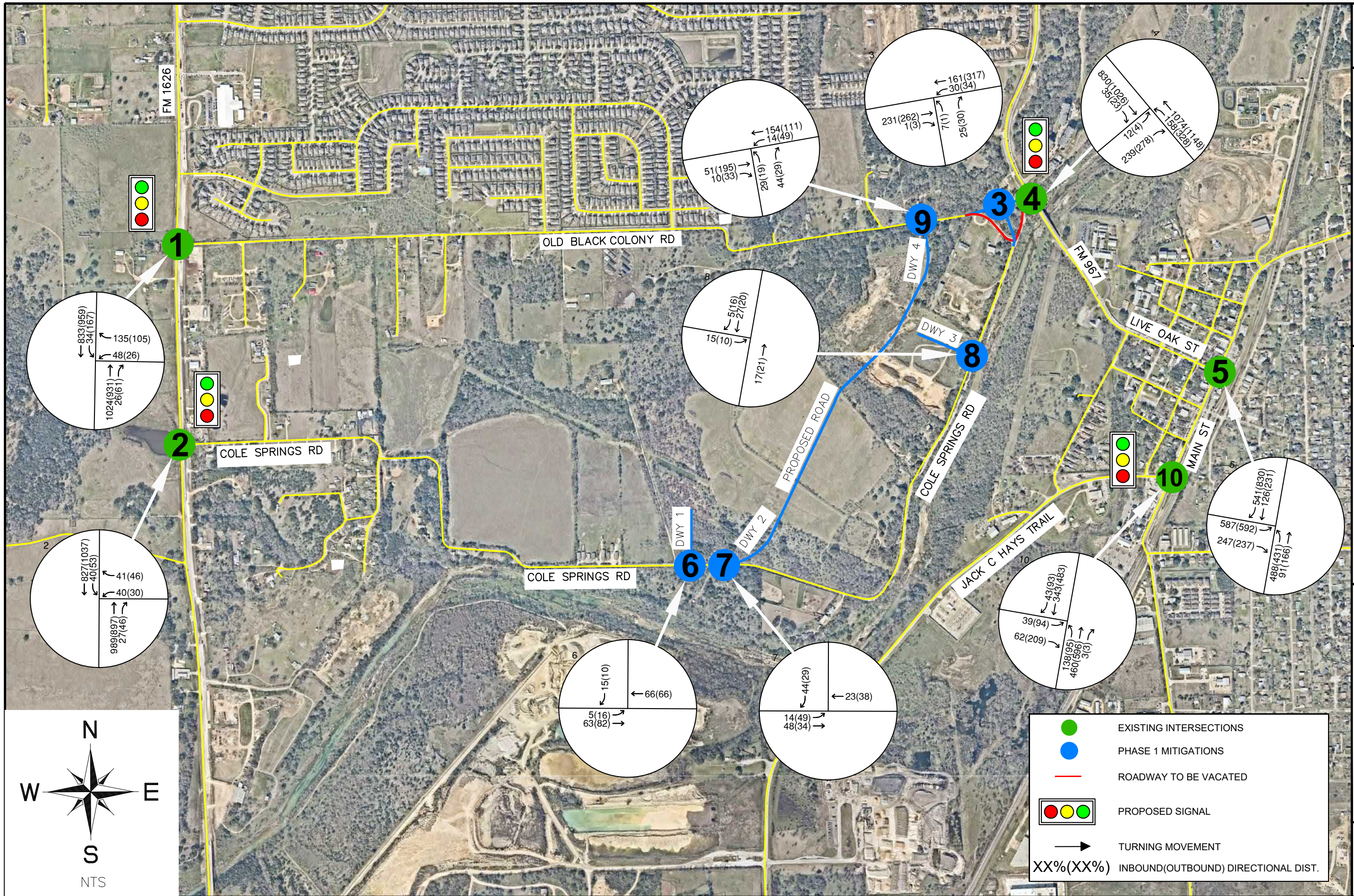
Figure 9 shows the resulting weekday AM and weekday PM peak hour turning movements at all study intersections after multiplying the new trip generation by the traffic distribution percentages.

H. 2026 NO-BUILD TRAFFIC

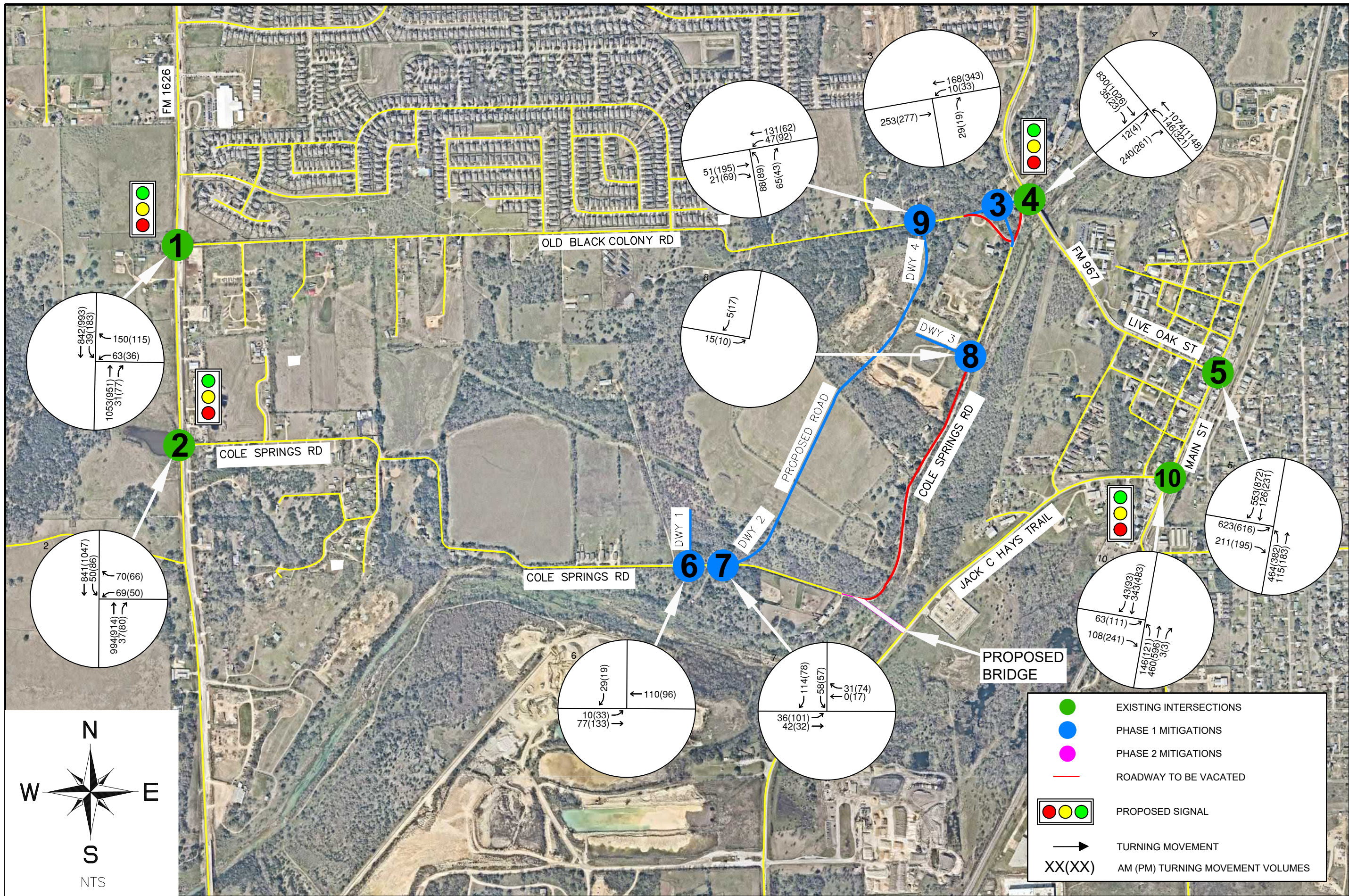
Based on data from TxDOT, traffic volumes were assumed to increase at a growth rate of 4.30% per year. The resulting 2026 No-Build weekday AM and PM peak hour traffic volumes are shown in **Figure 10**.

I. 2026 BUILD-OUT TRAFFIC

Site traffic was added to the background volumes to represent estimated total (background plus site-generated) traffic conditions in 2026 after the completion of the proposed development. The resulting 2026 total weekday AM, and PM peak hour traffic volumes are shown in **Figure 11**.



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TRAFFIC OPERATIONS ANALYSIS

Kimley-Horn conducted a traffic operations analysis using Synchro Traffic Software to determine potential capacity deficiencies in 2019, 2023, and 2026 at the study intersections. As with projected site traffic, the acknowledged source for determining multimodal transportation facility capacity is the *Transportation Research Board Highway Capacity Manual (HCM) 6th Edition*.

Synchro Traffic Software is a traffic signal timing software that assists engineers and transportation planners design, model, optimize, simulate, and animate signalized and unsignalized intersections. This software was chosen because it is typically an industry standard for intersection analysis. Other traffic simulation software were considered for this project; however Synchro is the most widely used micro simulation software and the most commonly applied software throughout the Central Texas Area and the City of Buda. Macro simulation software were considered; however, they were not applied as they are more commonly used for projects that have a regional impact. Such as major capacity altering highway projects.

A. ANALYSIS METHODOLOGY

Capacity analysis results are listed in terms of Level of Service (LOS). LOS is a qualitative term describing operating conditions a driver will experience while traveling on a street or highway during a specific time interval. It ranges from “A” (very little delay) to “F” (long delays and congestion). **Table 5** shows the definition of level of service for signalized and unsignalized intersections.

Table 7 – Level of Service

Level of Service	Signalized Intersection Average Total Delay (sec/veh)	Unsignalized Intersection Average Total Delay (sec/veh)
A	≤10	≤10
B	>10 and ≤20	>10 and ≤15
C	>20 and ≤35	>15 and ≤25
D	>35 and ≤55	>25 and ≤35
E	>55 and ≤80	>35 and ≤50
F	>80	>50

Definitions provided from the Highway Capacity Manual, Special Report 209, Transportation Research Board, 2010.

Study area intersections were analyzed based on average total delay analysis for signalized intersections. For the unsignalized analysis, the level of service (LOS) is defined for each controlled approach.

Calculations for the level of service at the key intersections identified for study are provided in **Appendix D-F**.

B. ANALYSIS RESULTS & MITIGATIONS

2019 EXISTING TRAFFIC OPERATIONS

Analysis for existing traffic operations shows that the stop-controlled approach of Old Black Colony Road at FM 1626 operates at LOS F during the morning peak hour and LOS E during the evening peak hour. The stop-controlled approach of Cole Springs Road at FM 967 also operates at LOS F

during the PM peak hour. All other study intersections are operating at LOS D or better during the AM and PM peak hours. Existing conditions measures of effectiveness (MOEs) are summarized in **Table 6** and the detailed *Synchro* reports are provided in **Appendix D**.

Table 8 – MOEs – Existing Peak Hours

Intersection	Approach	Existing AM		Existing PM	
		Delay	LOS	Delay	LOS
1. Old Black Colony Rd and FM 1626*	EB	-	-	-	-
	WB	17.5	C	14.9	B
	NB	0.0	A	0.0	A
	SB	0.3	A	1.5	A
	Total:	WB: 17.5	C	WB: 14.9	B
2. Cole Springs Rd and FM 1626*	EB	-	-	-	-
	WB	15.6	C	13.1	B
	NB	0.0	A	0.0	A
	SB	0.4	A	0.5	A
	Total:	WB: 15.6	A	WB: 13.1	B
3. Cole Springs Rd and Old Black Colony Rd*	EB	10.4	B	10.7	B
	WB	-	-	-	-
	NB	3.2	A	1.2	A
	SB	0.0	A	0.0	A
	Total:	EB: 10.4	B	EB: 10.7	B
4. Cole Springs Rd and FM 967*/Future Old Black Colony Rd at FM 967*	EB	0.0	A	0.0	A
	WB	1.4	A	2.0	A
	NB	22.1	C	35.2	E
	SB	-	-	-	-
	Total:	NB: 22.1	C	NB: 35.2	E
5: Live Oak Street and Main Street**	EB	48.8	D	53.5	D
	WB	-	-	-	-
	NB	44.9	D	44.2	D
	SB	16.6	B	17.5	B
	Total:	36.2	D	36.4	D
10: FM 967/Main Street and Jack C Hays Trail	EB	17.2	C	29.1	D
	WB	-	-	-	-
	NB	1.8	A	1.2	A
	SB	0.0	A	0.0	A
	Total:	EB: 17.2	C	EB: 29.1	D

*Stop controlled approach analyzed at two-way stop intersections

** HCM 2000 used due to issues with the reporting for HCM 6th edition.

2023 BACKGROUND/NO-BUILD TRAFFIC OPERATIONS

The 2023 No-Build condition assumes the proposed land uses have not been developed. The 2023 No-Build conditions also assume traffic growth using the above discussed growth factor of 4.30% percent. The planned widening of FM 1626 through the project area is assumed complete by 2023, so the *Synchro* MOEs reflect intersection performance given the planned FM 1626 cross-section.

No Build condition MOEs are summarized in **Table 9** and **Table 10** and the detailed *Synchro* reports are provided in **Appendix E**.

2023 BUILD OUT TRAFFIC OPERATIONS

Site trips from the proposed project was added to the No-Build scenario for the Build-Out scenario. Intersection operations are summarized in **Table 9** and **Table 10**. Detailed *Synchro* reports are provided in **Appendix F**.

When compared to no-build conditions, LOS results degrade to levels that do not meet city standards at the following locations:

- Old Black Colony Road and FM 1626, during both peak hours
- Cole Springs Road and FM 1626, during the PM peak hour
- Cole Springs Road and FM 967, during both peak hours
- Live Oak Street and Main Street, during the AM peak hour
- Jack C Hays Trail and Main Street, during the PM peak hour

All site driveways operate at LOS B or better during both peak hours.

2023 MITIGATIONS

The City of Buda requires that, where feasible, intersection LOS conditions in the build-out scenario be mitigated to LOS D or better in situations where the no-build scenario LOS was D or better. In cases where the no-build scenario LOS was E or worse, the City of Buda requires that mitigations be provided where feasible to return intersection delay values to no-build conditions.

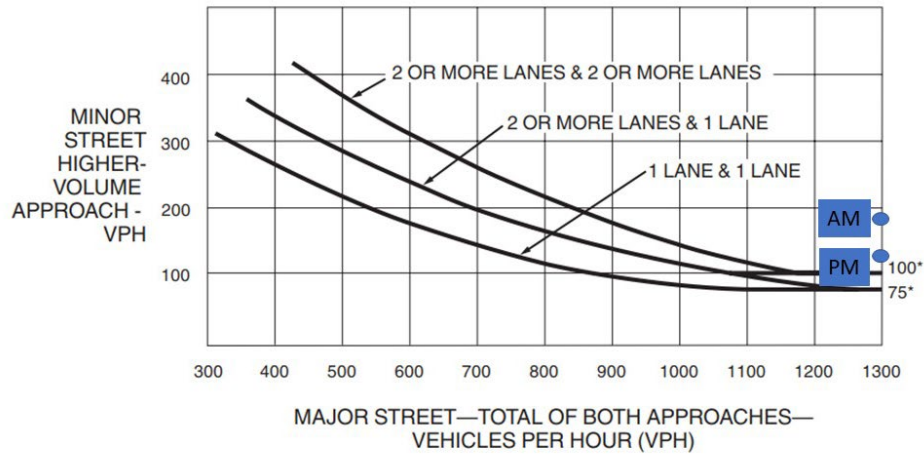
LOS and delay conditions do not meet city standards during one or both peak hours at the stop-controlled approaches for the following unsignalized intersections:

- Old Black Colony Road and FM 1626, during both peak hours
- Cole Springs Road and FM 1626, during the PM peak hour
- Old Black Colony Road and FM 967, during both peak hours
- Jack C Hays Trail and Main Street, during PM peak hours

Because these are all stop-controlled minor approaches, the only viable mitigation options are either capacity enhancements through the addition of turn lanes at the stop-controlled approaches, or signalization of the intersection. The following figures, from the Manual of Uniform Traffic Control Devices (MUTCD), show the results of peak hour traffic signal warrants for the four intersections:

1. Old Black Colony Rd and FM 1626

Figure 4C-4. Warrant 3, Peak Hour (70% Factor)
 (COMMUNITY LESS THAN 10,000 POPULATION OR ABOVE 40 MPH ON MAJOR STREET)

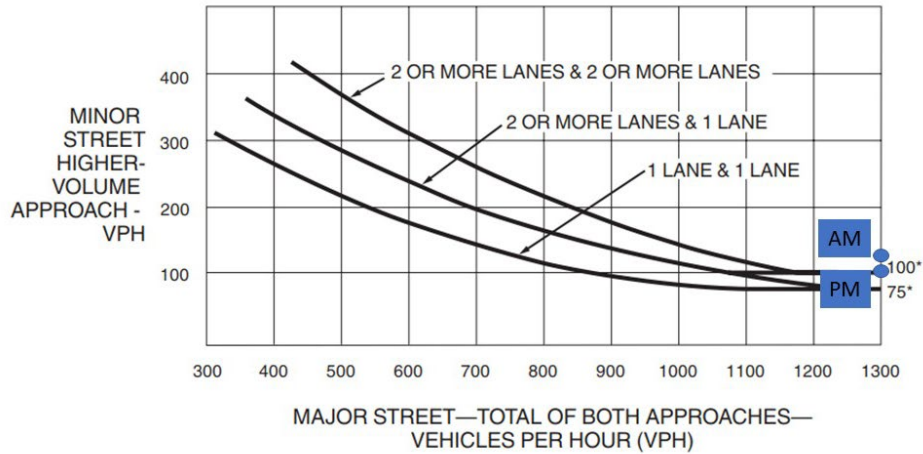


*Note: 100 vph applies as the lower threshold volume for a minor-street approach with two or more lanes and 75 vph applies as the lower threshold volume for a minor-street approach with one lane.

The 70% factor is applied per *MUTCD* guidance since FM 1626 is a major road where travel speeds exceed 40 mph. The peak hour traffic signal warrant is satisfied in both the AM and PM peak hours for the intersection of Old Black Colony Road and FM 1626; therefore, a signal installation is recommended.

2. Cole Springs Rd and FM 1626

Figure 4C-4. Warrant 3, Peak Hour (70% Factor)
(COMMUNITY LESS THAN 10,000 POPULATION OR ABOVE 40 MPH ON MAJOR STREET)

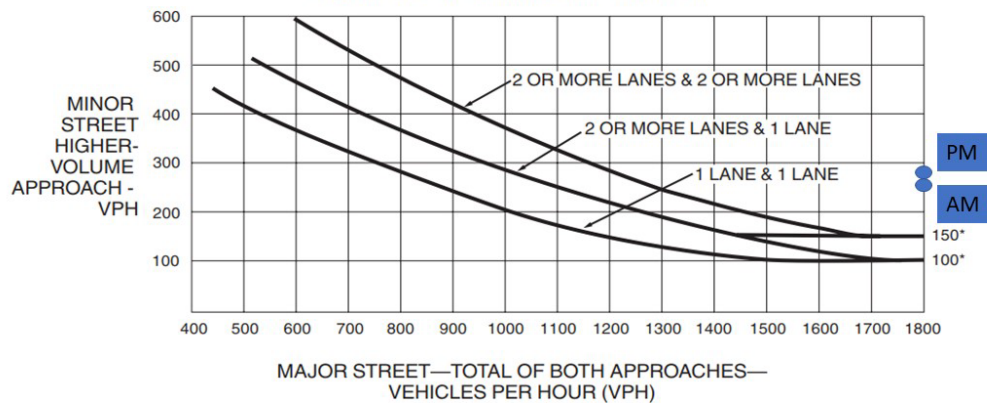


*Note: 100 vph applies as the lower threshold volume for a minor-street approach with two or more lanes and 75 vph applies as the lower threshold volume for a minor-street approach with one lane.

The 70% factor is applied per *MUTCD* guidance since FM 1626 is a major road where travel speeds exceed 40 mph. The peak hour traffic signal warrant is satisfied in both the AM and PM peak hours for the intersection of Cole Springs Road and FM 1626; therefore, a signal installation is recommended.

4. Cole Springs Rd and FM 967

Figure 4C-3. Warrant 3, Peak Hour

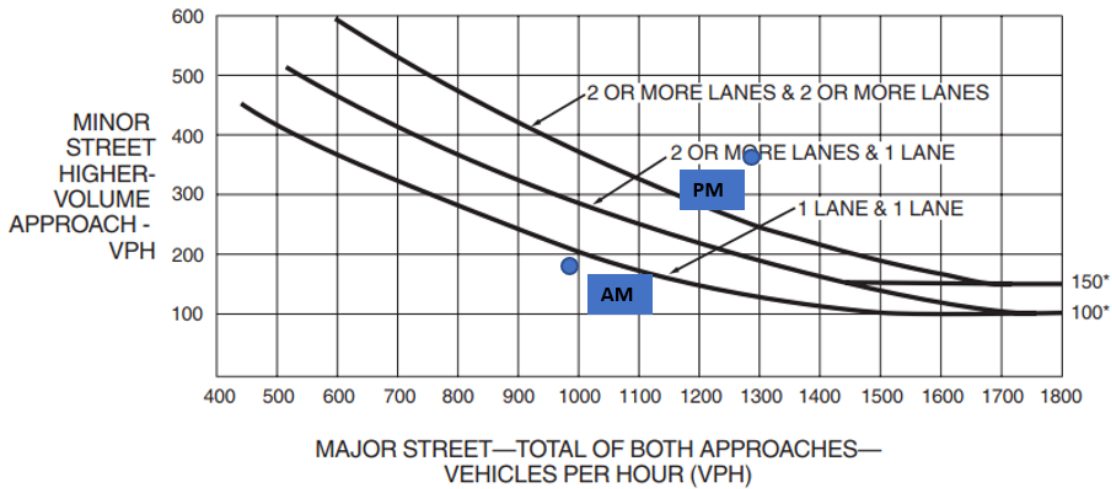


*Note: 150 vph applies as the lower threshold volume for a minor-street approach with two or more lanes and 100 vph applies as the lower threshold volume for a minor-street approach with one lane.

The peak hour traffic signal warrant is satisfied in both the AM and PM peak hours for the intersection of Cole Springs Road and FM 967; therefore, a signal installation is recommended.

10. Jack C Hayes and Main Street

Figure 4C-3. Warrant 3, Peak Hour



*Note: 150 vph applies as the lower threshold volume for a minor-street approach with two or more lanes and 100 vph applies as the lower threshold volume for a minor-street approach with one lane.

The peak hour traffic signal warrant is satisfied in both the AM and PM peak hours for the intersection of Jack C Hayes Trail and Main Street; therefore, a signal installation is recommended.

The following additional mitigations will be provided by the development:

- Realignment of Old Black Colony Drive to intersect directly with FM 967
- Proposed North/South connector between Old Black Colony Drive and Cole Springs Road
- The intersection of Live Oak Street and Main Street operates at LOS F during the AM peak hour in the 2023 build-out scenario. To mitigate LOS at this intersection, a northbound left turn bay of length 160 feet is recommended. This improvement can be created by restriping existing pavement at that intersection approach.

Site trips from the proposed project were added to the No-Build scenario for the Mitigated Build-Out scenario. Intersection operations are summarized in **Table 9** and **Table 10**. Detailed *Synchro* reports are provided in **Appendix G**.

Table 9 – 2023 MOEs – AM Peak Hour

Intersection	Approach	No Build 2023 AM		Build Out 2023 AM		Mitigated 2023 AM	
		Delay	LOS	Delay	LOS	Delay	LOS
1. Old Black Colony Rd and FM 1626*	EB	-	-	-	-	-	-
	WB	23.5	C	33.8	D	14.8	B
	NB	0.0	A	0.0	A	5.8	A
	SB	0.3	A	0.4	A	5.1	A
	Total:	WB: 23.5	C	WB: 33.8	D	6.5	A
2. Cole Springs Rd and FM 1626*	EB	-	-	-	-	-	-
	WB	17.8	C	26.4	D	14.3	B
	NB	0.0	A	0.0	A	4.4	A
	SB	0.4	A	0.6	A	4.1	A
	Total:	WB: 17.8	C	WB: 26.4	D	7.9	A
3: Cole Springs Rd and Old Black Colony Rd*	EB	10.9	B	12.0	B	0.0	A
	WB	-	-	-	-	1.2	A
	NB	3.3	A	1.7	A	10.4	B
	SB	0.0	A	0.0	A	-	-
	Total:	EB: 10.9	B	EB: 12.0	B	NB: 10.4	B
4. Cole Springs Rd and FM 967*/Future Old Black	EB	0.0	A	0.0	A	12.3	B
	WB	1.6	A	1.8	A	30.7	C
	NB	37.1	E	188.0	F	26.9	C
	SB	-	-	-	-	-	-
	Total:	NB: 37.1	E	NB: 188.0	F	23.7	C
5: Live Oak Street and Main Street**	EB	103.1	F	140.0	F	53.8	D
	WB	-	-	-	-	-	-
	NB	95.6	F	100.7	F	68.0	E
	SB	16.8	B	16.9	B	33.9	C
	Total:	70.1	E	85.9	F	50.8	D
6. Cole Springs Rd and Driveway 1*	EB	-	-	0.6	A	0.6	A
	WB	-	-	0.0	A	0.0	A
	NB	-	-	-	-	-	-
	SB	-	-	8.7	A	8.7	A
	Total:	-	-	SB: 8.7	A	SB: 8.7	A
7. Cole Springs Rd and Driveway 2*	EB	-	-	1.8	A	1.8	A
	WB	-	-	0.0	A	0.0	A
	NB	-	-	-	-	-	-
	SB	-	-	8.6	A	8.6	A
	Total:	-	-	SB: 8.6	A	SB: 8.6	A
8. Cole Springs Rd and Driveway 3*	EB	-	-	8.8	A	8.8	A
	WB	-	-	-	-	-	-
	NB	-	-	0.0	A	0.0	A
	SB	-	-	0.0	A	0.0	A
	Total:	-	-	EB: 8.8	A	EB: 8.8	A
9. Old Black Colony Rd and Driveway 4*	EB	-	-	0.0	A	0.0	A
	WB	-	-	0.7	A	0.7	A
	NB	-	-	9.2	A	9.2	A
	SB	-	-	-	-	-	-
	Total:	-	-	NB: 9.2	A	NB: 9.2	A
10. FM 967/Main Street and Jack C Hays Trail	EB	24.2	C	25.7	D	18.9	B
	WB	-	-	-	-	-	-
	NB	1.8	A	1.8	A	4.9	A
	SB	0.0	A	0.0	A	3.5	A
	Total:	EB: 24.2	C	EB: 25.7	D	6.1	A

*Stop controlled approach analyzed at two-way stop intersections

** HCM 2000 used due to issues with the reporting for HCM 6th edition.

Table 10 – 2023 MOEs – PM Peak Hour

Intersection	Approach	No Build 2023 PM		Build Out 2023 PM		Mitigated 2023 PM	
		Delay	LOS	Delay	LOS	Delay	LOS
1. Old Black Colony Rd and FM 1626*	EB	-	-	-	-	-	-
	WB	18.4	C	24.4	C	20.5	C
	NB	0.0	A	0.0	A	4.4	A
	SB	1.7	A	1.9	A	4.9	A
	Total:	WB: 18.4	C	WB: 24.4	C	6.1	A
2. Cole Springs Rd and FM 1626*	EB	-	-	-	-	-	-
	WB	14.5	B	21.8	C	19.7	B
	NB	0.0	A	0.0	A	3.4	A
	SB	0.5	A	1.4	A	3.7	A
	Total:	WB: 14.5	B	WB: 21.8	C	4.4	A
3: Cole Springs Rd and Old Black Colony Rd*	EB	11.4	B	12.6	B	0.0	A
	WB	-	-	-	-	0.8	A
	NB	1.0	A	0.7	A	10.3	B
	SB	0.0	A	0.0	A	-	-
	Total:	EB: 11.4	B	EB: 12.6	B	NB: 10.3	B
4. Cole Springs Rd and FM 967*/Future Old Black Colony Rd at	EB	0.0	A	0.0	A	9.1	A
	WB	2.4	A	3.2	A	26.0	C
	NB	103.9	F	173.1	F	177.0	F
	SB	-	-	-	-	-	-
	Total:	NB: 103.9	F	NB: 173.1	F	37.9	D
5: Live Oak Street and Main Street**	EB	104.7	F	128.7	F	86.5	F
	WB	-	-	-	-	-	-
	NB	114.7	F	140.1	F	55.7	E
	SB	19.7	B	20.5	C	53.7	D
	Total:	72.7	E	87.8	F	65.1	E
6. Cole Springs Rd and Driveway 1*	EB	-	-	1.3	A	1.3	A
	WB	-	-	0.0	A	0.0	A
	NB	-	-	-	-	-	-
	SB	-	-	8.7	A	8.7	A
	Total:	-	-	SB: 8.7	A	SB: 8.7	A
7. Cole Springs Rd and Driveway 2*	EB	-	-	4.6	A	4.6	A
	WB	-	-	0.0	A	0.0	A
	NB	-	-	-	-	-	-
	SB	-	-	8.6	A	8.6	A
	Total:	-	-	SB: 8.6	A	SB: 8.6	A
8. Cole Springs Rd and Driveway 3*	EB	-	-	8.8	A	8.8	A
	WB	-	-	-	-	-	-
	NB	-	-	0.0	A	0.0	A
	SB	-	-	0.0	A	0.0	A
	Total:	-	-	EB: 8.8	A	EB: 8.8	A
9. Old Black Colony Rd and Driveway 4*	EB	-	-	0.0	A	0.0	A
	WB	-	-	2.6	A	2.6	A
	NB	-	-	10.3	B	10.3	B
	SB	-	-	-	-	-	-
	Total:	-	-	NB: 10.3	B	NB: 10.3	B
10. FM 967/Main Street and Jack C Hays Trail	EB	76.8	F	90.6	F	19.4	B
	WB	-	-	-	-	-	-
	NB	1.2	A	1.2	A	8.5	A
	SB	0.0	A	0.0	A	6.9	A
	Total:	EB: 76.8	F	EB: 90.6	F	10.1	B

*Stop controlled approach analyzed at two-way stop intersections

** HCM 2000 used due to issues with the reporting for HCM 6th edition.

2026 BACKGROUND/NO-BUILD TRAFFIC OPERATIONS

The 2026 No-Build condition assumes the Phase 1 proposed land uses have been developed. The 2026 No-Build conditions also assume traffic growth using the above discussed growth factor of 4.30% percent.

No Build condition MOEs are summarized in **Table 11** and **Table 12** *Synchro* reports are provided in **Appendix I**.

2026 BUILD OUT TRAFFIC OPERATIONS

Site trips from the proposed project was added to the No-Build scenario for the Build-Out scenario. Intersection operations are summarized in **Table 11** and **Table 12** *Synchro* reports are provided in **Appendix J**.

All site driveways operate at LOS B or better during both peak hours.

2026 MITIGATIONS

The City of Buda Unified Development Code requires that, where feasible, intersection LOS conditions in the build-out scenario be mitigated to LOS D or better in situations where the no-build scenario LOS was D or better. In cases where the no-build scenario LOS was E or worse, the City of Buda requires that mitigations be provided where feasible to return intersection delay values to no-build conditions.

In order to improve connectivity, the proposed development will build a new connection between Cole Springs Road and Jack C Hays Trail. This connection crosses over Onion Creek which would require the construction of a new bridge. The developer will be responsible for building the bridge and the new connection between the two roadways.

This study analyzed a mitigated scenario where these improvements were implemented. As part of this analysis, site traffic was re-routed to use the proposed bridge connections. In addition, it was assumed that 15% of traffic currently using Old Black Colony Road to FM 967 to Main street as their daily route would now be using the bridge and N/S connector.

Intersection operations are summarized in **Table 11** and **Table 12**. Detailed *Synchro* reports are provided in **Appendix K**.

The proposed mitigations and associated cost share are summarized in **Table 13**.

Table 11 – 2026 MOEs – AM Peak Hour

Intersection	Approach	No Build 2026 AM		Build Out 2026 AM		Mitigated 2026 AM	
		Delay	LOS	Delay	LOS	Delay	LOS
1. Old Black Colony Rd and FM 1626*	EB	-	-	-	-	-	-
	WB	16.0	B	16.7	B	16.7	B
	NB	6.5	A	7.4	A	7.4	A
	SB	5.6	A	6.4	A	6.4	A
	Total:	7.2	A	8.1	A	8.1	A
2. Cole Springs Rd and FM 1626*	EB	-	-	-	-	-	-
	WB	16.0	B	16.2	B	16.2	B
	NB	4.5	A	5.7	A	5.7	A
	SB	4.2	A	5.4	A	5.4	A
	Total:	5.1	A	6.6	A	6.6	A
3: Cole Springs Rd and Old Black Colony Rd*	EB	0.0	A	0.0	A	0.0	A
	WB	1.2	A	1.3	A	0.4	A
	NB	10.7	B	11.1	B	9.9	A
	SB	-	-	-	-	-	-
	Total:	NB: 10.7	B	NB: 11.1	B	NB: 9.9	A
4. Cole Springs Rd and FM 967*/Future Old Black Colony Rd at	EB	23.1	C	35.8	D	23.4	C
	WB	94.0	F	167.7	F	89.4	F
	NB	29.4	C	37.5	D	29.6	C
	SB	-	-	-	-	-	-
	Total:	61.1	E	104.1	F	58.6	E
5: Live Oak Street and Main Street**	EB	100.1	F	132.5	F	88.2	F
	WB	-	-	-	-	-	-
	NB	118.5	F	124.4	F	106.0	F
	SB	36.6	D	36.9	D	57.4	E
	Total:	83.0	F	97.3	F	82.3	F
6. Cole Springs Rd and Driveway 1*	EB	0.5	A	0.9	A	0.9	A
	WB	0.0	A	0.0	A	0.0	A
	NB	-	-	-	-	-	-
	SB	8.7	A	9.0	A	9.0	A
	Total:	SB: 8.7	A	SB: 9.0	A	SB: 9.0	A
7. Cole Springs Rd and Driveway 2*	EB	1.6	A	2.8	A	4.4	A
	WB	0.0	A	0.0	A	0.0	A
	NB	-	-	-	-	-	-
	SB	8.6	A	8.8	A	9.1	A
	Total:	SB: 8.6	A	SB: 8.8	A	SB: 9.1	A
8. Cole Springs Rd and Driveway 3*	EB	8.8	A	8.9	A	8.6	A
	WB	-	-	-	-	-	-
	NB	0.0	A	0.0	A	0.0	A
	SB	0.0	A	0.0	A	0.0	A
	Total:	EB: 8.8	A	EB: 8.9	A	EB: 8.6	A
9. Old Black Colony Rd and Driveway 4*	EB	0.0	A	0.0	A	0.0	A
	WB	0.6	A	1.2	A	1.1	A
	NB	9.4	A	9.8	A	11.3	B
	SB	-	-	-	-	-	-
	Total:	NB: 9.4	A	NB: 9.8	A	NB: 11.3	B
10. FM 967/Main Street and Jack C Hays Trail	EB	21.3	C	21.7	C	26.5	C
	WB	-	-	-	-	-	-
	NB	5.7	A	5.8	A	9.7	A
	SB	3.6	A	3.6	A	5.1	A
	Total:	6.9	A	6.9	A	11.5	B

*Stop controlled approach analyzed at two-way stop intersections

** HCM 2000 used due to issues with the reporting for HCM 6th edition.

Table 12 – 2026 MOEs – PM Peak Hour

Intersection	Approach	No Build 2026 PM		Build Out 2026 PM		Mitigated 2026 PM	
		Delay	LOS	Delay	LOS	Delay	LOS
1. Old Black Colony Rd and FM 1626*	EB	-	-	-	-	-	-
	WB	23.7	C	24.8	C	24.8	C
	NB	4.9	A	5.6	A	5.6	A
	SB	5.8	A	7.2	A	7.2	A
	Total:	6.9	A	8.1	A	8.1	A
2. Cole Springs Rd and FM 1626*	EB	-	-	-	-	-	-
	WB	24.0	C	28.1	C	28.1	C
	NB	3.4	A	4.2	A	4.2	A
	SB	3.7	A	5.9	A	5.9	A
	Total:	4.6	A	6.7	A	6.7	A
3: Cole Springs Rd and Old Black Colony Rd*	EB	0.0	A	0.0	A	0.0	A
	WB	0.8	A	1.0	A	0.7	A
	NB	10.6	B	11.0	B	10.0	B
	SB	-	-	-	-	-	-
	Total:	NB: 10.6	B	NB: 11.0	B	NB: 10.0	B
4. Cole Springs Rd and FM 967*/Future Old Black	EB	12.3	B	12.3	B	12.3	B
	WB	69.7	E	109.6	F	65.9	E
	NB	231.6	F	313.1	F	197.8	F
	SB	-	-	-	-	-	-
	Total:	67.9	E	101.9	F	61.0	E
5: Live Oak Street and Main Street**	EB	152.9	F	179.1	F	133.4	F
	WB	-	-	-	-	-	-
	NB	99.3	F	121.4	F	42.4	D
	SB	110.6	F	129.6	F	126.1	F
	Total:	121.6	F	143.9	F	107.5	F
6. Cole Springs Rd and Driveway 1*	EB	1.2	A	1.5	A	1.5	A
	WB	0.0	A	0.0	A	0.0	A
	NB	-	-	-	-	-	-
	SB	8.7	A	8.9	A	8.9	A
	Total:	SB: 8.7	A	SB: 8.9	A	SB: 8.9	A
7. Cole Springs Rd and Driveway 2*	EB	4.4	A	5.6	A	7.0	A
	WB	0.0	A	0.0	A	0.0	A
	NB	-	-	-	-	-	-
	SB	8.6	A	8.7	A	10.1	B
	Total:	SB: 8.6	A	SB: 8.7	A	SB: 10.1	B
8. Cole Springs Rd and Driveway 3*	EB	8.8	A	8.9	A	8.6	A
	WB	-	-	-	-	-	-
	NB	0.0	A	0.0	A	0.0	A
	SB	0.0	A	0.0	A	0.0	A
	Total:	EB: 8.8	A	EB: 8.9	A	EB: 8.6	A
9. Old Black Colony Rd and Driveway 4*	EB	0.0	A	0.0	A	0.0	A
	WB	2.4	A	3.8	A	1.8	A
	NB	10.6	B	11.7	B	16.7	C
	SB	-	-	-	-	-	-
	Total:	NB: 10.6	A	NB: 11.7	B	NB: 16.7	C
10. FM 967/Main Street and Jack C Hays Trail	EB	36.7	D	42.6	D	101.2	F
	WB	-	-	-	-	-	-
	NB	14.7	B	17.6	B	24.0	C
	SB	8.1	A	8.3	A	7.9	A
	Total:	16.6	B	19.0	B	35.0	D

*Stop controlled approach analyzed at two-way stop intersections

** HCM 2000 used due to issues with the reporting for HCM 6th edition.

CONCLUSION AND RECOMMENDATION

This study analyzed traffic impacts of the proposed Colony at Cole Springs Development located at 855 Cole Springs Road in Buda, Texas. The different scenarios studied included 2019 Existing conditions, 2023 No-Build, 2023 Build-Out, 2026 No-Build, and 2026 Build-Out.

Analysis of the 2026 Build-Out scenario showed that several study intersections operate at LOS E or F during one or both peak hours. Mitigations were proposed where feasible to restore LOS to no-build conditions, or to LOS D or better. Proposed mitigations are:

- Signalization of the intersection at Old Black Colony Road and FM 1626
- Signalization of the intersection at Cole Springs Road and FM 1626
- Signalization of the intersection at Cole Springs Road and FM 967
- Signalization of the intersection of Jack C Hays Trail and Main Street
- Realignment of Old Black Colony Drive to intersect directly with FM 967 with proposed North/South connector between Old Black Colony Drive and Cole Springs Road
- Bridge to connect Cole Springs Road to Jack C Hays Trail

The proposed mitigations are summarized below in **Table 13**.

Table 13 – Proposed Mitigations and Developer Cost Share

Item	Intersection	Approach	Mitigation Measure	Total Estimated Cost	% Site Traffic at Location	Pro-Rata Cost Share	% Contribution by Developer	Developer Contribution Cost
PHASE 1								
1	Old Black Colony Road and FM 1626	All	Install Traffic Signal	\$ 325,000	5%	\$ 14,743	5%	\$ 14,742.94
2	Cole Springs Road and FM 1626	All	Install Traffic Signal	\$ 325,000	6%	\$ 19,355	6%	\$ 19,354.81
3	Old Black Colony Rd and FM 967	All	Road Realignment	\$ 750,000	Additional mitigation not required by UDC, but proposed by developer to improve traffic and safety		100%	\$ 750,000.00
4	Jack C Hayes Trail and Main Street	All	Install Traffic Signal	\$ 325,000	2%	\$ 8,081	2%	\$ 8,080.94
5	Old Black Colony Rd and FM 967	All	Install Traffic Signal	\$ 325,000	2%	\$ 7,795	100%	\$ 325,000.00
PHASE 2								
6	Cole Springs Rd and Jack C Hayes Trail	All	New Bridge Construction	\$ 2,800,000	Additional mitigation not required by UDC, but proposed by developer to provide additional capacity to the overall transportation network in the City of Buda		100%	\$ 2,800,000.00
Total						\$ 49,973.21		\$ 3,917,178.70

CERTIFICATION STATEMENT

I hereby certify that this report complies with the City Code and with applicable technical requirements of the City of Buda, Texas and is complete to the best of my knowledge.

KIMLEY-HORN AND ASSOCIATES

A handwritten signature in blue ink that reads "Santiago A. Araque Rojas". The signature is written in a cursive style.

Santiago A. Araque Rojas P.E.
Project Manager

APPENDIX

Appendix A: TIA Scoping Document

TECHNICAL MEMORANDUM

DATE: JULY 11, 2019

TO: JOHN NETT, P.E.
CITY OF BUDA

SCOTT CUNNINGHAM, P.E.
TXDOT

COLBY MACHACEK.
HAYS COUNTY DEVELOPMENT SERVICES

FROM: SANTIAGO A. ARAQUE ROJAS, P.E.
KIMLEY-HORN

RE: TRAFFIC IMPACT ANALYSIS SCOPING MATERIALS – COLE SPRINGS
DEVELOPMENT

Kimley-Horn has been retained to perform a traffic impact analysis for single family residential development located at 855 Cole Springs Rd, Buda, TX 78610. The development will consist of 460 single family detached housing units. Based on City of Buda guidelines the below intersections are proposed to be studied.

INTERSECTIONS FOR ANALYSIS

Level of service calculations for the AM and PM peak periods shall be performed for the following intersections for projected traffic conditions:

- Cole Springs Rd and FM 967
- Cole Springs Rd and Old Black Colony Road
- Live Oak Street and Main Street
- Old Black Colony Road and FM 1626
- Cole Springs Rd and FM 1626
- All Site Driveways

AM and PM peak-hour turning movement counts will be collected at the study intersections to determine existing background traffic and will be collected when school is in session.

ANALYSIS SCENARIOS

The following scenarios will be evaluated in the analysis:

1. Existing Conditions: 2019
2. No Build Conditions: 2025
3. Build Out Conditions: 2025

PROPOSED LAND USES

Table 1: Trip Generation

Land Uses	Quantity	Units	ITE Code	Daily Trips	AM Peak Hour			PM Peak Hour		
					In	Out	Total	In	Out	Total
Single Family	460	DU	220	4,344	85	255	340	287	168	455
Internal Capture Trip Reduction				-	-	-	-	-	-	-
Pass-By Trip Reduction				-	-	-	-	-	-	-
TOTAL TRIPS				4,344	85	255	340	287	168	455

BACKGROUND TRAFFIC GROWTH RATE

Based on data from TxDOT, traffic volumes were assumed to increase at a growth rate of -6.42% when including the years of 2015-2017. It is unlikely that a negative growth is accurate for the area of the study. Therefore, the 2017 count was removed as an outlier. The growth rate was recalculated and proposed as 2.75% per year.

Table 3: TxDOT Historical Counts

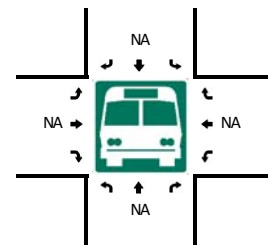
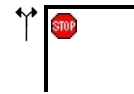
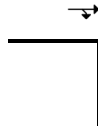
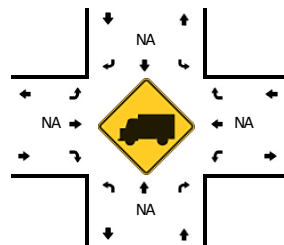
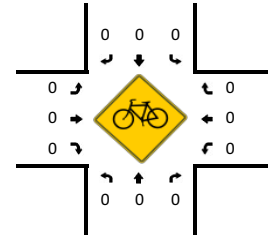
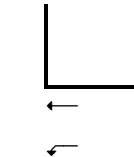
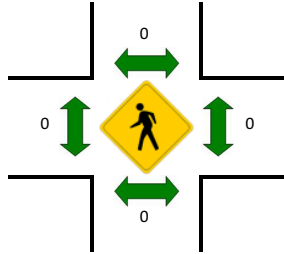
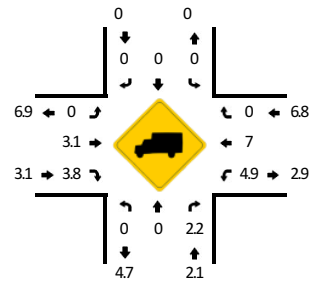
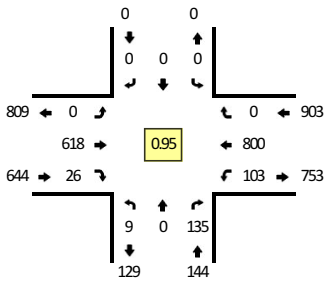
Location	2015	2016	2017	Avg Annual Growth
FM 1626 North of FM 147 (ID 106H52A)	17,254	19,412	17,924	1.92%
FM 967 West of Downtown (ID 106H54)	15,784	17,485	16,858	3.35%
			Average	2.63%
			Assumed	2.50%

Appendix B: Existing Traffic Counts

LOCATION: Cole Springs Rd -- FM 967
CITY/STATE: Buda, TX

QC JOB #: 15096201
DATE: Thu, Oct 10 2019

Peak-Hour: 7:00 AM -- 8:00 AM
Peak 15-Min: 7:00 AM -- 7:15 AM



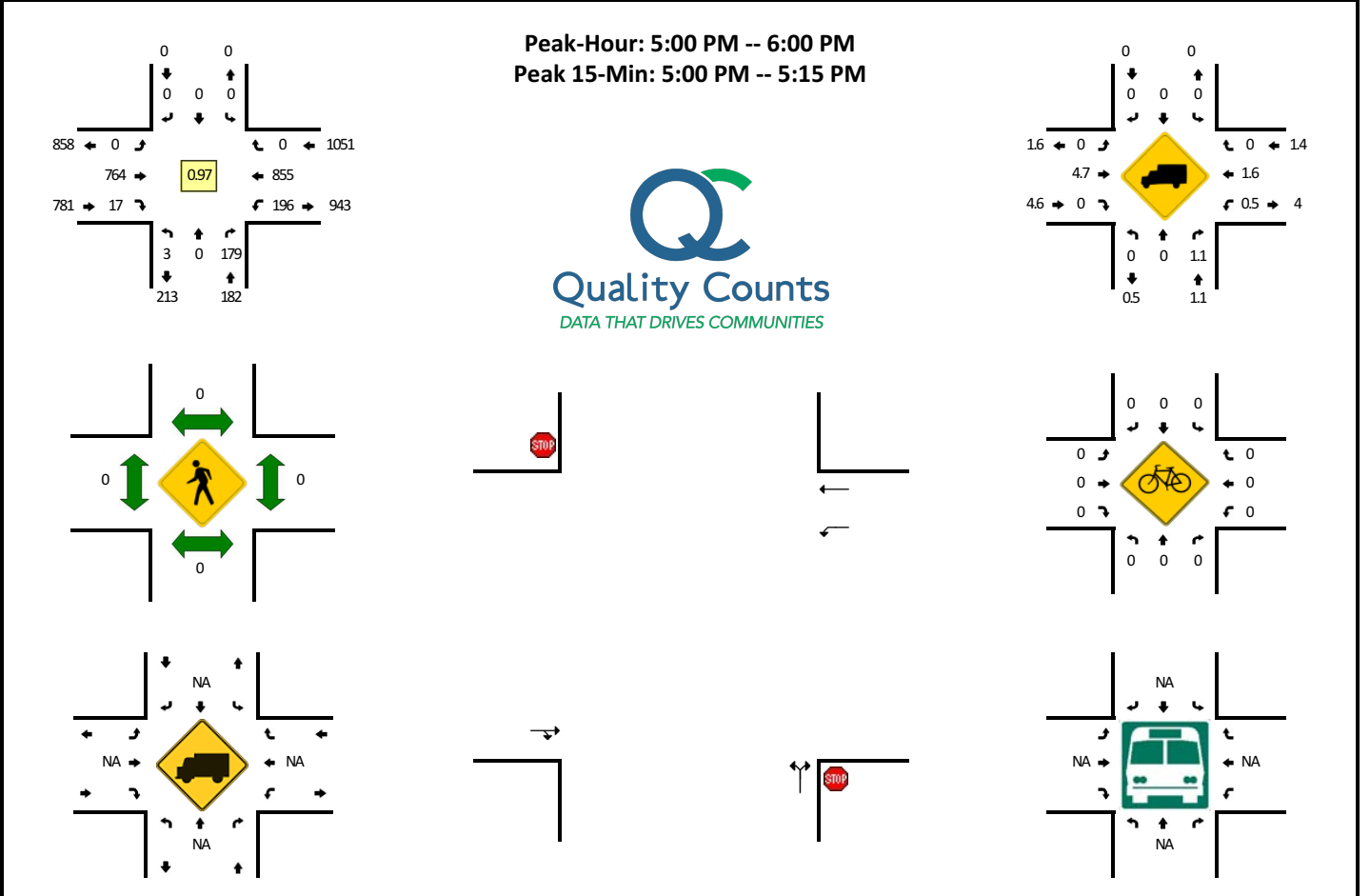
15-Min Count Period Beginning At	Cole Springs Rd (Northbound)				Cole Springs Rd (Southbound)				FM 967 (Eastbound)				FM 967 (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
7:00 AM	0	0	31	0	0	0	0	0	0	153	9	0	20	230	0	0	443	
7:15 AM	1	0	30	0	0	0	0	0	0	139	9	0	34	215	0	0	428	
7:30 AM	4	0	35	0	0	0	0	0	0	146	2	0	27	210	0	0	424	
7:45 AM	4	0	39	0	0	0	0	0	0	180	6	0	22	145	0	0	396	1691
8:00 AM	1	0	32	0	0	0	0	0	0	147	6	0	20	161	0	0	367	1615
8:15 AM	0	0	28	0	0	0	0	0	0	164	5	0	16	136	0	0	349	1536
8:30 AM	2	0	18	0	0	0	0	0	0	159	1	0	20	136	0	0	336	1448
8:45 AM	3	0	22	0	0	0	0	0	0	146	2	0	11	115	0	0	299	1351

Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	
All Vehicles	0	0	124	0	0	0	0	0	0	612	36	0	80	920	0	0	1772
Heavy Trucks	0	0	0	0	0	0	0	0	0	8	0	0	0	36	0	0	44
Pedestrians	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Railroad																	
Stopped Buses																	

Comments:

LOCATION: Cole Springs Rd -- FM 967
CITY/STATE: Buda, TX

QC JOB #: 15096202
DATE: Thu, Oct 10 2019



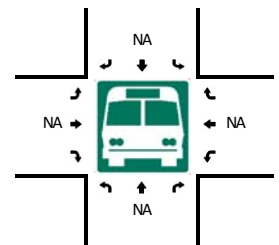
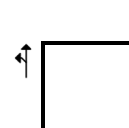
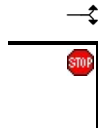
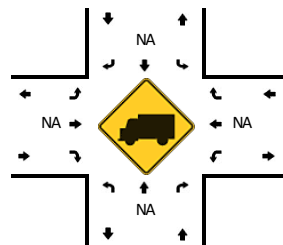
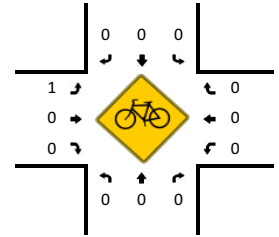
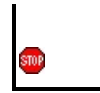
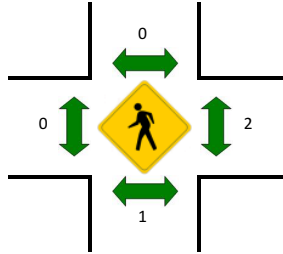
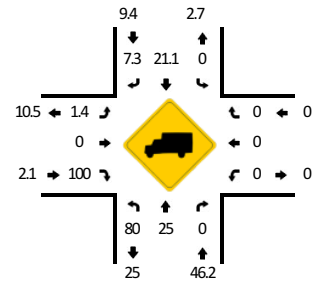
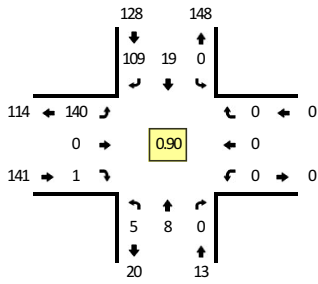
15-Min Count Period Beginning At	Cole Springs Rd (Northbound)				Cole Springs Rd (Southbound)				FM 967 (Eastbound)				FM 967 (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	2	0	28	0	0	0	0	0	0	197	2	0	29	193	0	0	451	
4:15 PM	1	0	20	0	0	0	0	0	0	182	4	0	35	184	0	0	426	
4:30 PM	0	0	35	0	0	0	0	0	0	197	2	0	46	154	0	0	434	
4:45 PM	0	0	51	0	0	0	0	0	0	172	1	0	40	201	0	0	465	1776
5:00 PM	0	0	30	0	0	0	0	0	0	211	1	0	42	236	0	0	520	1845
5:15 PM	0	0	54	0	0	0	0	0	0	183	7	0	49	227	0	0	520	1939
5:30 PM	2	0	49	0	0	0	0	0	0	186	5	0	47	203	0	0	492	1997
5:45 PM	1	0	46	0	0	0	0	0	0	184	4	0	58	189	0	0	482	2014
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	0	0	120	0	0	0	0	0	0	844	4	0	168	944	0	0	2080	
Heavy Trucks	0	0	0	0	0	0	0	0	0	48	0	0	0	20	0	0	68	
Pedestrians	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Railroad	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Stopped Buses	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	

Comments:

LOCATION: Cole Springs Rd -- Old Black Colony Rd
CITY/STATE: Buda, TX

QC JOB #: 15096203
DATE: Thu, Oct 10 2019

Peak-Hour: 7:15 AM -- 8:15 AM
Peak 15-Min: 7:15 AM -- 7:30 AM



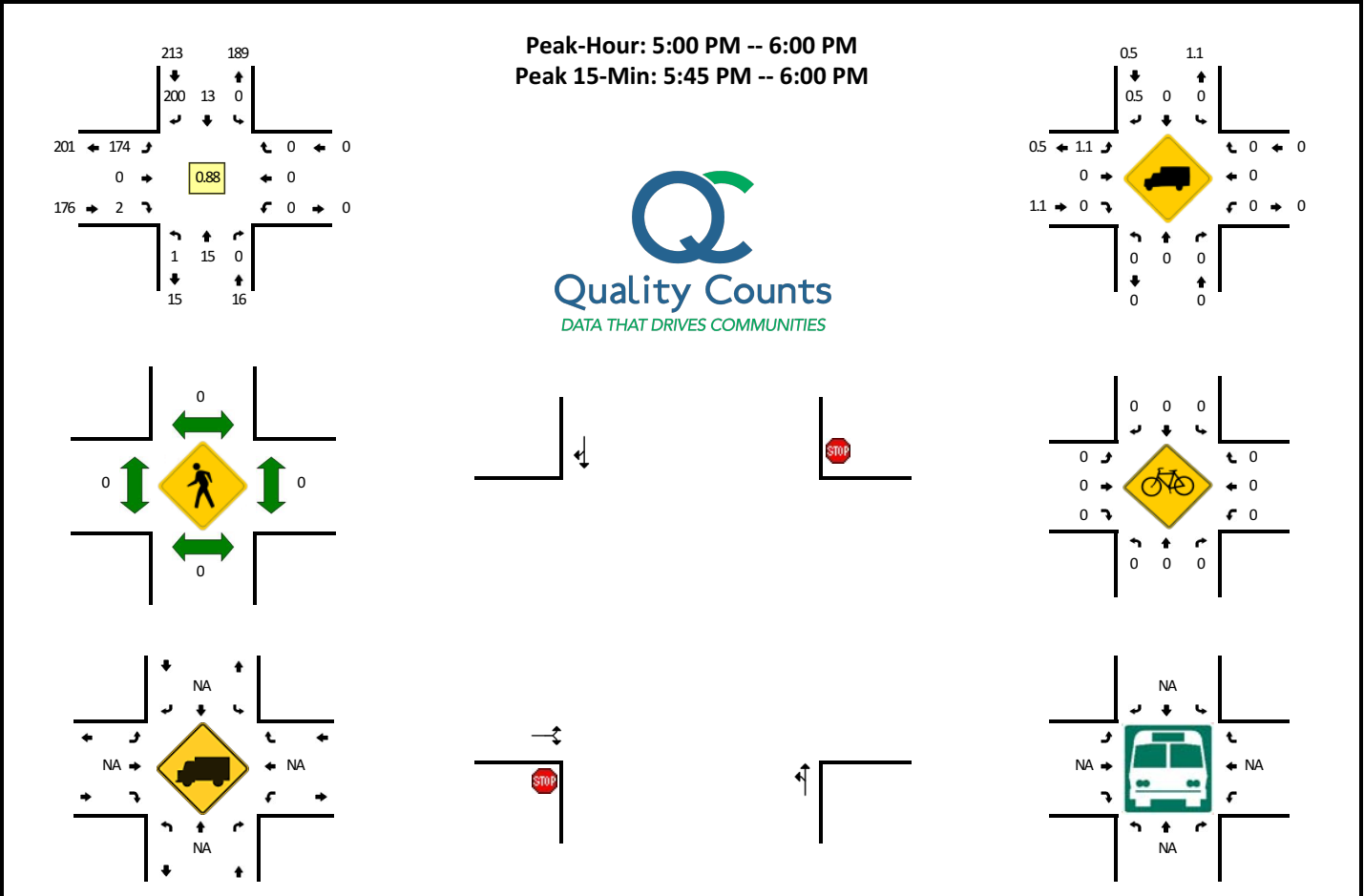
15-Min Count Period Beginning At	Cole Springs Rd (Northbound)				Cole Springs Rd (Southbound)				Old Black Colony Rd (Eastbound)				Old Black Colony Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
7:00 AM	0	2	0	0	0	0	28	0	28	0	0	0	0	0	0	0	58	
7:15 AM	0	3	0	0	0	6	38	0	31	0	0	0	0	0	0	0	78	
7:30 AM	1	1	0	0	0	7	23	0	38	0	0	0	0	0	0	0	70	
7:45 AM	0	2	0	0	0	2	26	0	40	0	0	0	0	0	0	0	70	276
8:00 AM	4	2	0	0	0	4	22	0	31	0	1	0	0	0	0	0	64	282
8:15 AM	0	1	0	0	0	4	17	0	25	0	1	0	0	0	0	0	48	252
8:30 AM	0	3	0	0	0	4	17	0	17	0	1	0	0	0	0	0	42	224
8:45 AM	1	4	0	0	0	3	10	0	21	0	2	0	0	0	0	0	41	195

Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	
All Vehicles	0	12	0	0	0	24	152	0	124	0	0	0	0	0	0	0	312
Heavy Trucks	0	0	0	0	0	4	8	0	4	0	0	0	0	0	0	0	16
Pedestrians	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Railroad																	
Stopped Buses																	

Comments:

LOCATION: Cole Springs Rd -- Old Black Colony Rd
CITY/STATE: Buda, TX

QC JOB #: 15096204
DATE: Thu, Oct 10 2019



15-Min Count Period Beginning At	Cole Springs Rd (Northbound)				Cole Springs Rd (Southbound)				Old Black Colony Rd (Eastbound)				Old Black Colony Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	0	6	0	0	0	3	28	0	24	0	1	0	0	0	0	0	62	
4:15 PM	1	2	0	0	0	2	38	0	18	0	1	0	0	0	0	0	62	
4:30 PM	0	7	0	0	0	4	44	0	35	0	1	0	0	0	0	0	91	
4:45 PM	0	5	0	0	0	1	40	0	39	0	0	0	0	0	0	0	85	300
5:00 PM	0	4	0	0	0	2	41	0	27	0	0	0	0	0	0	0	74	312
5:15 PM	0	6	0	0	0	4	51	0	51	0	0	0	0	0	0	0	112	362
5:30 PM	1	4	0	0	0	6	47	0	44	0	2	0	0	0	0	0	104	375
5:45 PM	0	1	0	0	0	1	61	0	52	0	0	0	0	0	0	0	115	405

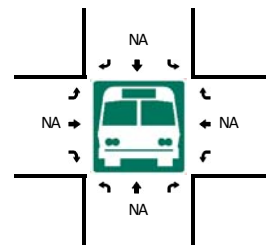
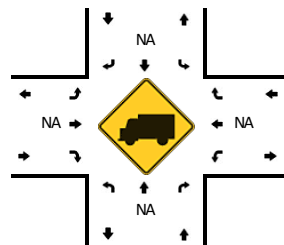
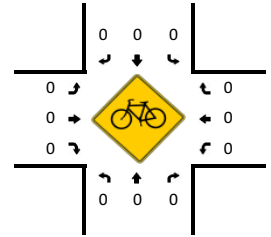
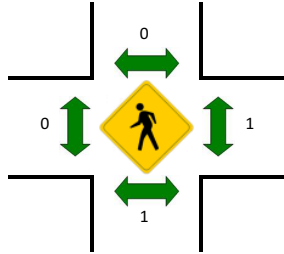
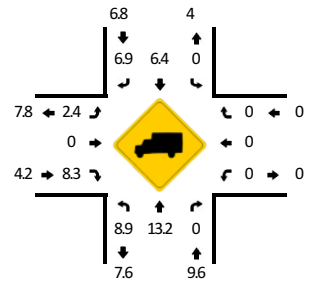
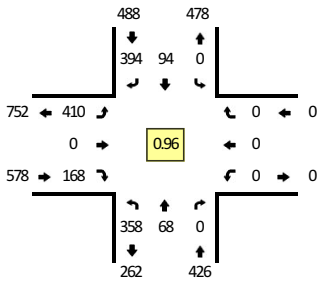
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	
All Vehicles	0	4	0	0	0	4	244	0	208	0	0	0	0	0	0	0	460
Heavy Trucks	0	0	0	0	0	0	4	0	0	0	0	0	0	0	0	0	4
Pedestrians	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Railroad																	
Stopped Buses																	

Comments:

LOCATION: Main St -- Live Oak St
CITY/STATE: Buda, TX

QC JOB #: 15096205
DATE: Thu, Oct 10 2019

Peak-Hour: 7:00 AM -- 8:00 AM
Peak 15-Min: 7:15 AM -- 7:30 AM

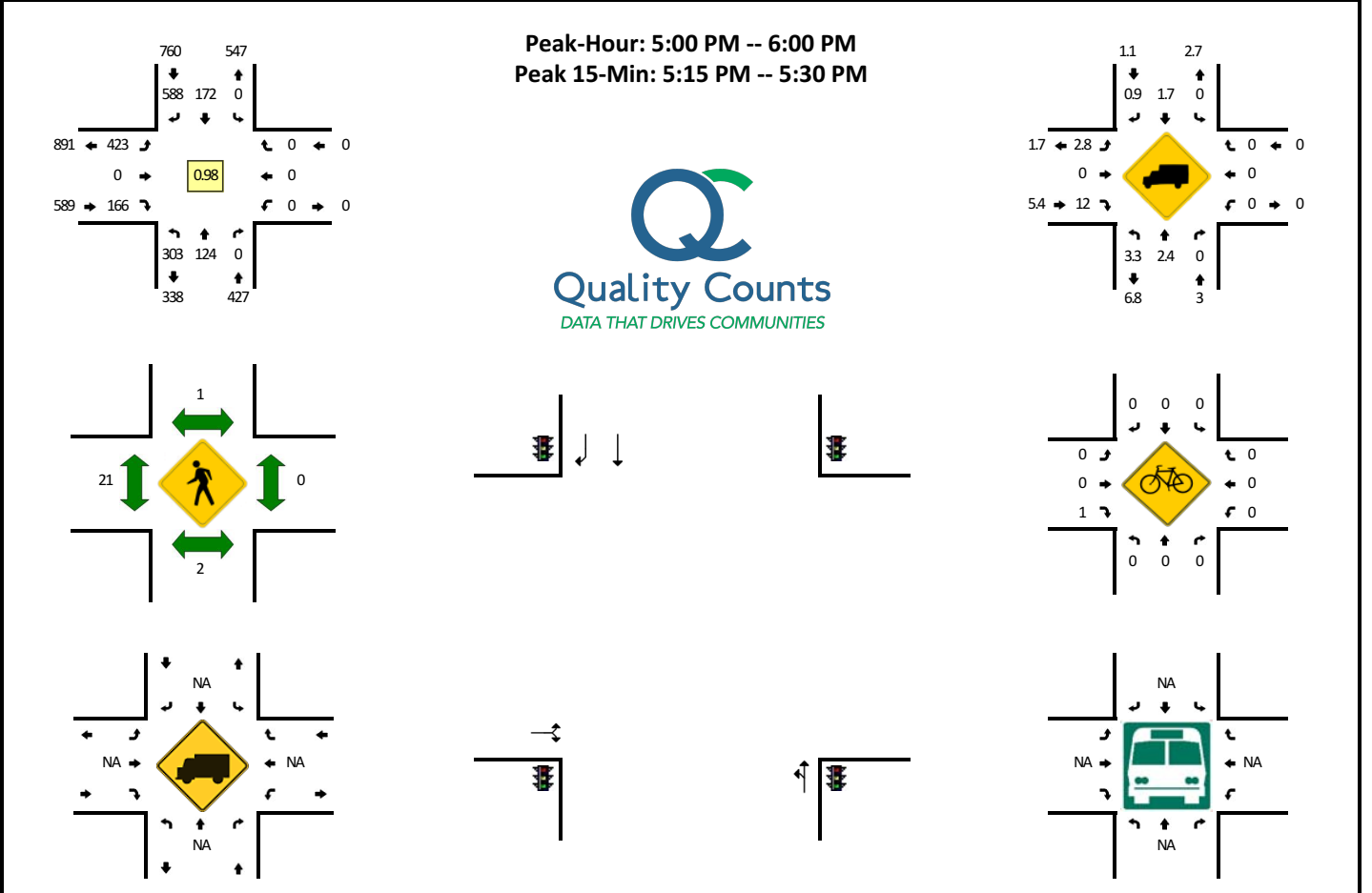


15-Min Count Period Beginning At	Main St (Northbound)				Main St (Southbound)				Live Oak St (Eastbound)				Live Oak St (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
7:00 AM	95	12	0	0	0	15	102	0	112	0	44	0	0	0	0	0	380	
7:15 AM	99	16	0	0	0	21	115	0	103	0	33	0	0	0	0	0	387	
7:30 AM	102	17	0	0	0	27	95	0	94	0	40	0	0	0	0	0	375	
7:45 AM	62	23	0	0	0	31	82	0	101	0	51	0	0	0	0	0	350	1492
8:00 AM	81	32	0	0	0	34	92	0	78	0	47	0	0	0	0	0	364	1476
8:15 AM	56	32	0	0	0	24	87	0	95	0	39	0	0	0	0	0	333	1422
8:30 AM	60	27	0	0	0	25	80	0	116	0	36	0	0	0	0	0	344	1391
8:45 AM	53	34	0	0	0	36	70	0	83	0	38	0	0	0	0	0	314	1355
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	396	64	0	0	0	84	460	0	412	0	132	0	0	0	0	0	1548	
Heavy Trucks	40	8	0	0	0	12	40	0	4	0	8	0	0	0	0	0	112	
Pedestrians	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Railroad																		
Stopped Buses																		

Comments:

LOCATION: Main St -- Live Oak St
CITY/STATE: Buda, TX

QC JOB #: 15096206
DATE: Thu, Oct 10 2019

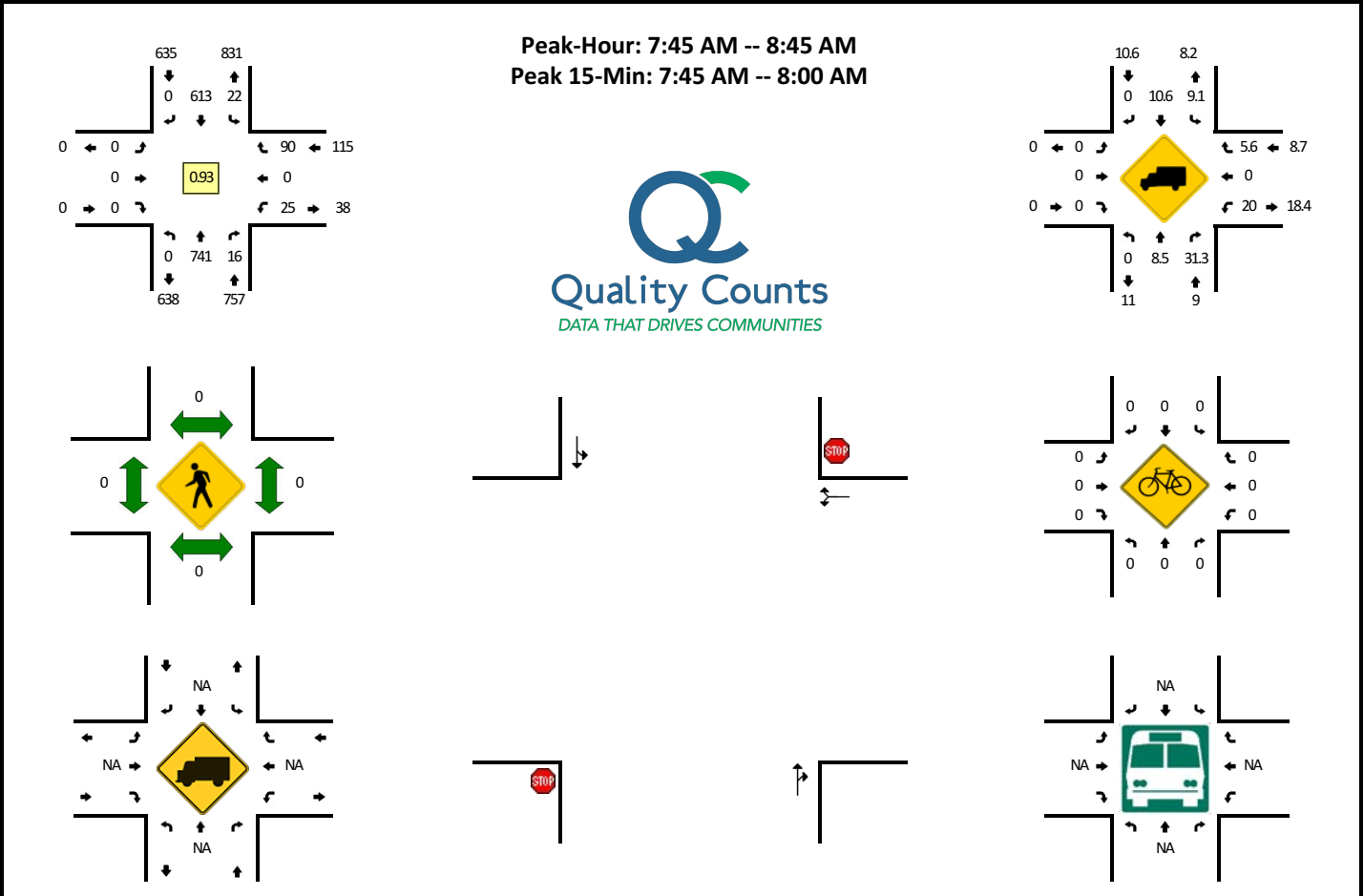


15-Min Count Period Beginning At	Main St (Northbound)				Main St (Southbound)				Live Oak St (Eastbound)				Live Oak St (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	76	32	0	0	0	31	127	0	108	0	48	0	0	0	0	0	422	
4:15 PM	61	45	0	0	0	23	140	0	112	0	54	0	0	0	0	0	435	
4:30 PM	69	41	0	0	0	33	108	0	89	0	56	0	0	0	0	0	396	
4:45 PM	76	24	0	0	0	39	136	0	97	0	35	0	0	0	0	0	407	1660
5:00 PM	84	30	0	0	0	44	138	0	106	0	40	0	0	0	0	0	442	1680
5:15 PM	74	31	0	0	0	37	164	0	108	0	39	0	0	0	0	0	453	1698
5:30 PM	72	25	0	0	0	48	142	0	104	0	38	0	0	0	0	0	429	1731
5:45 PM	73	38	0	0	0	43	144	0	105	0	49	0	0	0	0	0	452	1776
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	296	124	0	0	0	148	656	0	432	0	156	0	0	0	0	0	1812	
Heavy Trucks	8	4	0	0	0	4	0	0	8	0	20	0	0	0	0	0	44	
Pedestrians	0	0	0	0	0	4	0	0	0	0	28	0	0	0	0	0	32	
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Railroad																		
Stopped Buses																		

Comments:

LOCATION: FM 1626 -- Old Black Colony Rd
CITY/STATE: Buda, TX

QC JOB #: 15096207
DATE: Thu, Oct 10 2019

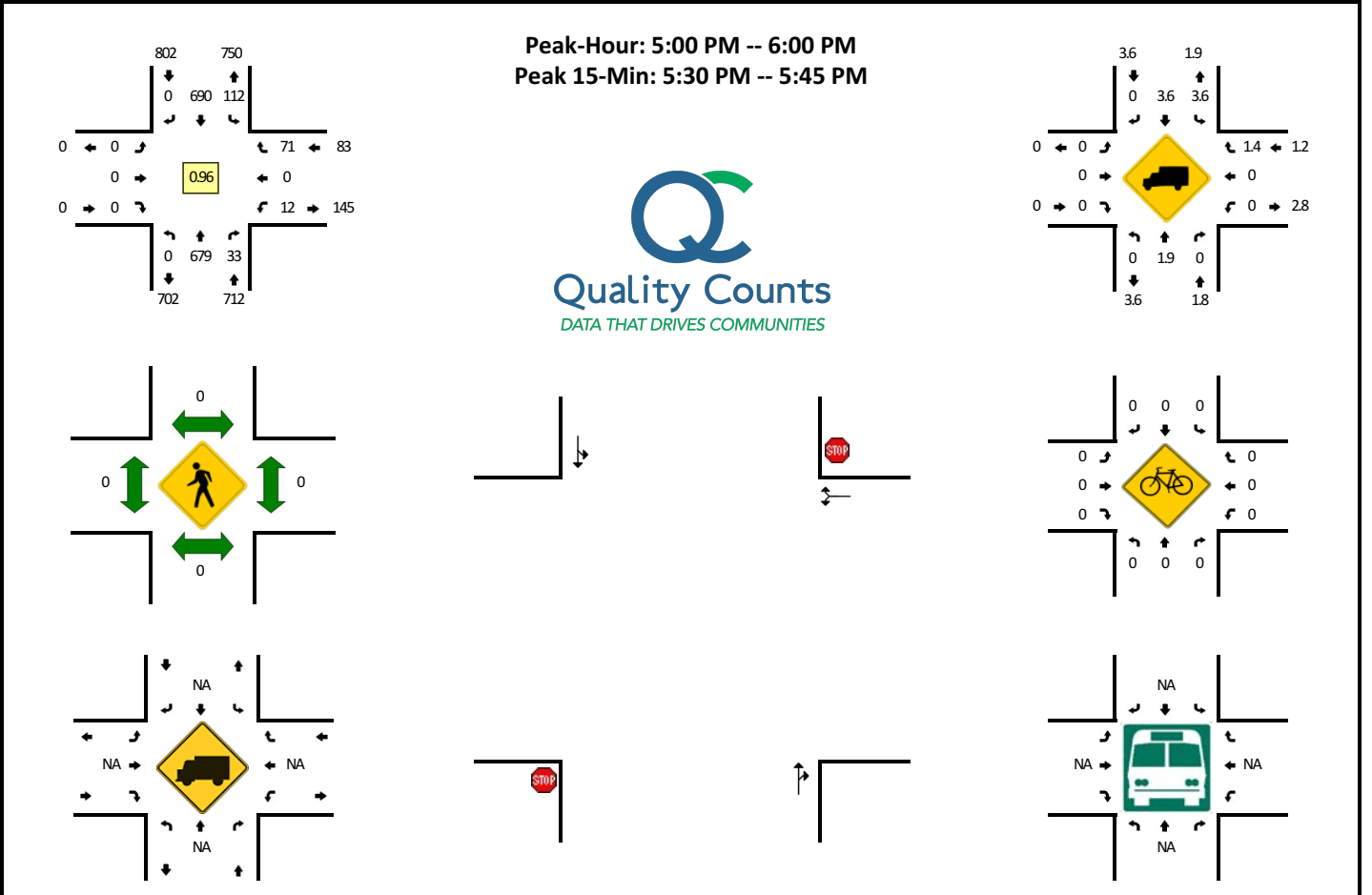


15-Min Count Period Beginning At	FM 1626 (Northbound)				FM 1626 (Southbound)				Old Black Colony Rd (Eastbound)				Old Black Colony Rd (Westbound)				Total	Hourly Totals	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U			
7:00 AM	0	194	6	0	9	91	0	0	0	0	0	0	4	0	32	0	336		
7:15 AM	0	148	1	0	11	131	0	0	0	0	0	0	5	0	39	0	335		
7:30 AM	0	146	3	0	13	140	0	0	0	0	0	0	4	0	12	0	318		
7:45 AM	0	215	5	0	8	150	0	0	0	0	0	0	7	0	18	0	403	1392	
8:00 AM	0	182	7	0	6	155	0	0	0	0	0	0	5	0	32	0	387	1443	
8:15 AM	0	184	2	0	3	149	0	0	0	0	0	0	6	0	23	0	367	1475	
8:30 AM	0	160	2	0	5	159	0	0	0	0	0	0	7	0	17	0	350	1507	
8:45 AM	0	197	7	0	5	119	0	0	0	0	0	0	7	0	7	0	342	1446	
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total		
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U			
All Vehicles	0	860	20	0	32	600	0	0	0	0	0	0	28	0	72	0	1612		
Heavy Trucks	0	80	0	0	0	60	0	0	0	0	0	0	4	0	0	0	144		
Pedestrians	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
Railroad																			
Stopped Buses																			

Comments:

LOCATION: FM 1626 -- Old Black Colony Rd
CITY/STATE: Buda, TX

QC JOB #: 15096208
DATE: Thu, Oct 10 2019

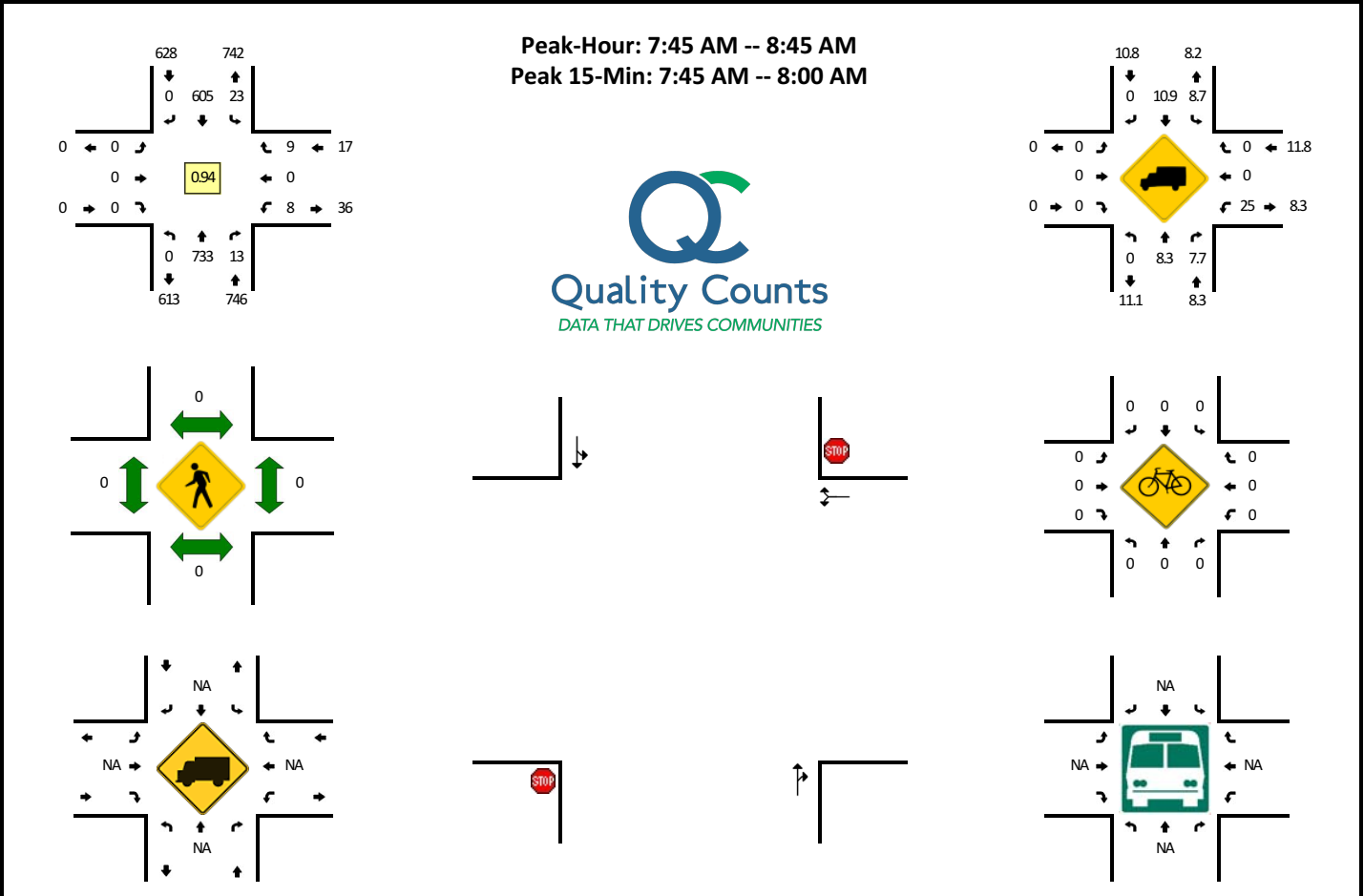


15-Min Count Period Beginning At	FM 1626 (Northbound)				FM 1626 (Southbound)				Old Black Colony Rd (Eastbound)				Old Black Colony Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	0	133	8	0	13	206	0	0	0	0	0	0	6	0	8	0	374	
4:15 PM	0	189	18	0	14	184	0	0	0	0	0	0	1	0	18	0	424	
4:30 PM	0	153	14	0	20	191	0	0	0	0	0	0	2	0	21	0	401	
4:45 PM	0	159	8	0	21	193	0	0	0	0	0	0	3	0	13	0	397	1596
5:00 PM	0	159	9	0	19	172	0	0	0	0	0	0	4	0	9	0	372	1594
5:15 PM	0	177	11	0	36	163	0	0	0	0	0	0	3	0	13	0	403	1573
5:30 PM	0	181	7	0	27	177	0	0	0	0	0	0	2	0	22	0	416	1588
5:45 PM	0	162	6	0	30	178	0	0	0	0	0	0	3	0	27	0	406	1597
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	0	724	28	0	108	708	0	0	0	0	0	0	8	0	88	0	1664	
Heavy Trucks	0	12	0	0	4	20	0	0	0	0	0	0	0	0	0	0	36	
Pedestrians	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Railroad																		
Stopped Buses																		

Comments:

LOCATION: FM 1626 -- Cole Springs Rd
CITY/STATE: Buda, TX

QC JOB #: 15096209
DATE: Thu, Oct 10 2019

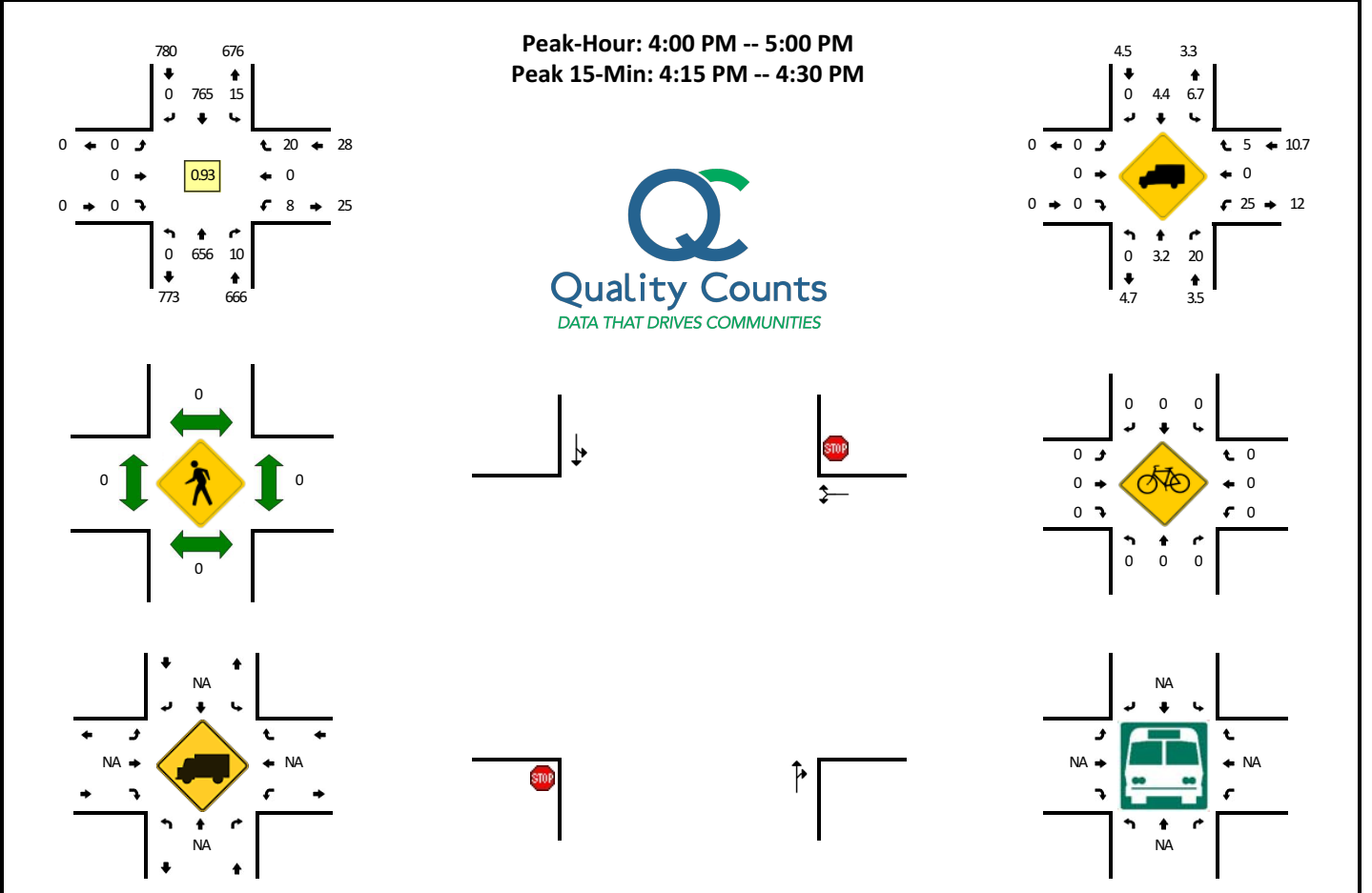


15-Min Count Period Beginning At	FM 1626 (Northbound)				FM 1626 (Southbound)				Cole Springs Rd (Eastbound)				Cole Springs Rd (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
7:00 AM	0	238	0	0	0	97	0	0	0	0	0	0	2	0	2	0	339	
7:15 AM	0	144	4	0	1	130	0	0	0	0	0	0	3	0	3	0	285	
7:30 AM	0	125	1	0	2	148	0	0	0	0	0	0	2	0	4	0	282	
7:45 AM	0	208	5	0	3	150	0	0	0	0	0	0	0	0	4	0	370	1276
8:00 AM	0	189	0	0	4	151	0	0	0	0	0	0	1	0	1	0	346	1283
8:15 AM	0	172	3	0	1	153	0	0	0	0	0	0	3	0	2	0	334	1332
8:30 AM	0	164	5	0	15	151	0	0	0	0	0	0	4	0	2	0	341	1391
8:45 AM	0	192	5	0	10	117	0	0	0	0	0	0	8	0	12	0	344	1365
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	0	832	20	0	12	600	0	0	0	0	0	0	0	0	16	0	1480	
Heavy Trucks	0	76	0	0	4	52	0	0	0	0	0	0	0	0	0	0	132	
Pedestrians	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Railroad Stopped Buses	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	

Comments:

LOCATION: FM 1626 -- Cole Springs Rd
CITY/STATE: Buda, TX

QC JOB #: 15096210
DATE: Thu, Oct 10 2019



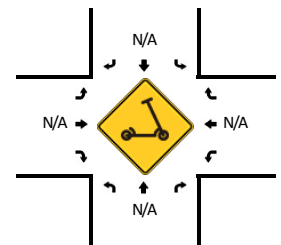
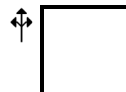
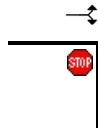
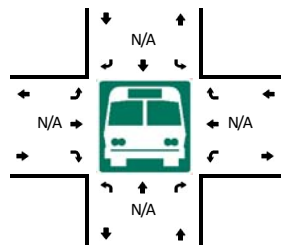
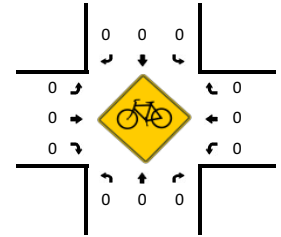
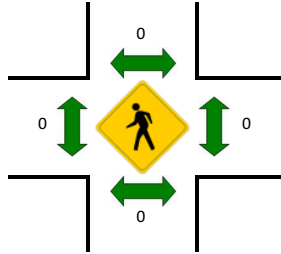
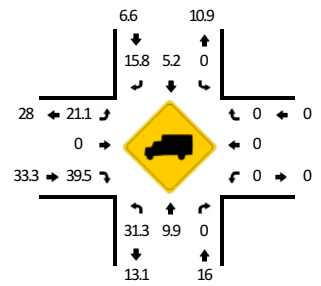
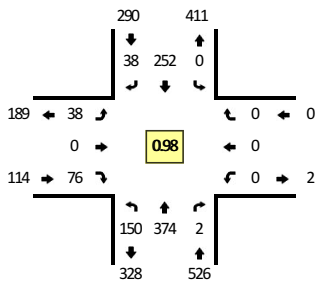
15-Min Count Period Beginning At	FM 1626 (Northbound)				FM 1626 (Southbound)				Cole Springs Rd (Eastbound)				Cole Springs Rd (Westbound)				Total	Hourly Totals	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U			
4:00 PM	0	134	2	0	6	200	0	0	0	0	0	0	3	0	5	0	350		
4:15 PM	0	199	4	0	3	180	0	0	0	0	0	0	4	0	6	0	396		
4:30 PM	0	175	2	0	4	189	0	0	0	0	0	0	1	0	5	0	376		
4:45 PM	0	148	2	0	2	196	0	0	0	0	0	0	0	0	4	0	352	1474	
5:00 PM	0	165	0	0	5	168	0	0	0	0	0	0	1	0	0	0	339	1463	
5:15 PM	0	189	2	0	1	166	0	0	0	0	0	0	0	0	3	0	361	1428	
5:30 PM	0	190	1	0	4	169	0	0	0	0	0	0	3	0	2	0	369	1421	
5:45 PM	0	157	1	0	4	183	0	0	0	0	0	0	2	0	2	0	349	1418	
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total		
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U			
All Vehicles	0	796	16	0	12	720	0	0	0	0	0	0	16	0	24	0	1584		
Heavy Trucks	0	32	4	0	0	32	0	0	0	0	0	0	0	0	0	0	68		
Pedestrians	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
Bicycles	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
Railroad																			
Stopped Buses																			

Comments:

LOCATION: Main St -- Jack C Hays Trl
CITY/STATE: Buda, TX

QC JOB #: 15211601
DATE: Thu, Mar 12 2020

Peak-Hour: 7:00 AM -- 8:00 AM
Peak 15-Min: 7:00 AM -- 7:15 AM

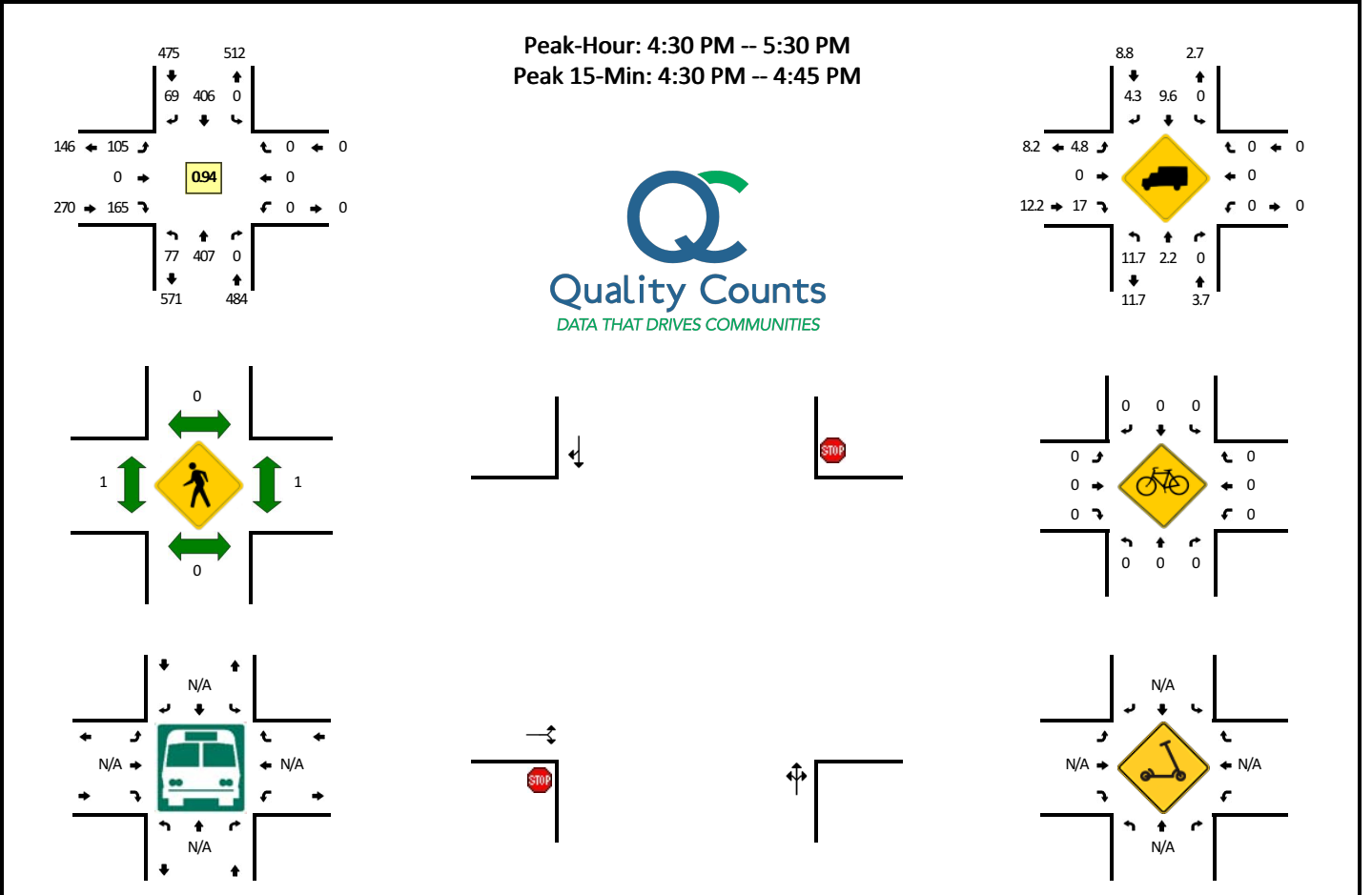


15-Min Count Period Beginning At	Main St (Northbound)				Main St (Southbound)				Jack C Hays Trl (Eastbound)				Jack C Hays Trl (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
7:00 AM	26	130	0	0	0	51	7	0	11	0	13	0	0	0	0	0	238	
7:15 AM	39	105	0	0	0	65	6	0	8	0	13	0	0	0	0	0	236	
7:30 AM	33	72	1	0	0	71	14	0	6	0	23	1	0	0	0	0	221	
7:45 AM	52	67	1	0	0	65	11	0	12	0	27	0	0	0	0	0	235	930
8:00 AM	37	64	0	0	0	53	10	0	13	0	21	0	0	0	0	0	198	890
8:15 AM	51	79	0	0	0	55	11	0	18	0	19	0	0	0	0	0	233	887
8:30 AM	34	77	1	0	0	65	5	0	18	0	27	0	0	0	0	0	227	893
8:45 AM	16	81	0	0	0	37	10	0	20	0	27	0	0	0	0	0	191	849
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	104	520	0	0	0	204	28	0	44	0	52	0	0	0	0	0	952	
Heavy Trucks	36	52	0	0	0	8	0	0	0	0	20	0	0	0	0	0	116	
Buses																		
Pedestrians		0				0				0				0			0	
Bicycles	0	0	0		0	0	0		0	0	0		0	0	0		0	
Scoters																		

Comments:

LOCATION: Main St -- Jack C Hays Trl
CITY/STATE: Buda, TX

QC JOB #: 15211602
DATE: Thu, Mar 12 2020



15-Min Count Period Beginning At	Main St (Northbound)				Main St (Southbound)				Jack C Hays Trl (Eastbound)				Jack C Hays Trl (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	16	91	0	0	0	77	17	0	14	0	28	0	0	0	0	0	243	
4:15 PM	15	78	0	0	0	64	14	0	28	0	31	0	0	0	0	0	230	
4:30 PM	18	101	0	0	0	108	19	0	36	0	44	0	0	0	0	0	326	
4:45 PM	21	86	0	0	0	105	22	0	28	0	27	0	0	0	0	0	289	1088
5:00 PM	20	125	0	0	0	95	11	0	20	0	41	0	0	0	0	0	312	1157
5:15 PM	18	95	0	0	0	98	17	0	21	0	53	0	0	0	0	0	302	1229
5:30 PM	23	103	1	0	0	93	27	0	15	0	37	0	0	0	0	0	299	1202
5:45 PM	21	113	1	0	0	89	14	0	16	0	40	0	0	0	0	0	294	1207
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	72	404	0	0	0	432	76	0	144	0	176	0	0	0	0	0	1304	
Heavy Trucks	8	4	0	0	0	60	4	0	8	0	44	0	0	0	0	0	128	
Buses																		
Pedestrians		0				0				0				4			4	
Bicycles	0	0	0		0	0	0		0	0	0		0	0	0		0	
Scoters																		

Comments:

Appendix C: Phase 1 (2023) Site Trip Generation

Appendix D: Synchro Reports – Existing Conditions

Appendix E: Synchro Reports – 2023 No-Build Conditions

Appendix F: Synchro Reports – 2023 Build-Out Conditions

Appendix G: Synchro Reports – 2023 Mitigated Build-Out Conditions

Appendix H: Phase 2 (2026) Site Trip Generation

Trip Generation Planner (ITE 10th Edition) - Summary Report



Weekday Trip Generation
 Trips Based on Average Rates/Equations

Project Name: Buda Assemblage (Phase 2)
 Project Number:

ITE Code	Internal Capture Land Use	Land Use Description	Independent Variable	Setting/Location	No. of Units	Avg Rate or Eq	Rates			Total Trips						Net Trips after Internal Capture						Net Trips after Internal Capture & Pass-By									
							Daily Rate	AM Rate	PM Rate	Daily Trips	AM Trips	PM Trips	AM Trips In	AM Trips Out	PM Trips In	PM Trips Out	Daily Trips	AM Trips	PM Trips	AM Trips In	AM Trips Out	PM Trips In	PM Trips Out	Daily Trips	AM Trips	PM Trips	AM Trips In	AM Trips Out	PM Trips In	PM Trips Out	
210	Retail	Single-Family Detached Housing	Dwelling Unit(s)	General Urban/Suburban	270	Avg	9.44	0.74	0.99	2,550	200	267	50	150	168	99	2,550	200	267	50	150	168	99	2,550	200	267	50	150	168	99	
	Retail																														
	Restaurant																														
	Select Use																														
	Select Use																														
	Select Use																														
	Select Use																														
	Select Use																														
Subtotal before Internal Capture			Total Office	1,000 Sq Ft																											
			Total Retail	1,000 Sq Ft	270																										
			Total Restaurant	1,000 Sq Ft																											
			Total Cinema/Entertainment	Screen(s)																											
			Total Residential	Dwelling Unit(s)																											
			Total Hotel	Room(s)																											
			Total Other																												
Grand Total																															

Notes:

- (1) AM and/or PM rates correspond to peak hour of generator
- (2) Land use was removed in Trip Generation, 10th Edition, trip generation data from the ITE Trip Generation, 9th Edition
- A Trip Generation data from ITE Trip Generation, 10th Edition
- B AM/PM rates correspond to peak of adjacent street traffic (if data available)
- C Includes weekday rates only
- D Total trips include pass-by trips w/ no internal capture
- E Pass-by rates from ITE Trip Generation Handbook, 3rd Edition
- F Internal capture rates from ITE Trip Generation Handbook, 3rd Edition
- G Worksheet is intended as a planning tool. Verify results w/ ITE Trip Generation 9th Edition
- H Enter data in shaded cells of column A
- I ITE Codes entered on first 8 rows of table are assumed to be part of mixed use and will be used in calculation of internal capture.

Appendix I: Synchro Reports – 2026 No-Build Conditions

Appendix J: Synchro Reports – 2026 Build-Out Conditions

Appendix K: Synchro Reports – 2026 Mitigated Build-Out Conditions



**Planning and Zoning Commission
Agenda Item Report
May 19, 2020**

**Contact – Melissa McCollum, AICP, Planning Director
512-312-5745 / melissa.mccollum@ci.buda.tx.us**

SUBJECT: CONSIDERATION, AND POSSIBLE ACTION ON THE ORDINANCE FOR THE PROPOSED COLONY AT COLE SPRINGS CREATION OF THE MUNICIPAL UTILITY DISTRICT (MUD) CONSENT AGREEMENT (DA) FOR PROPERTY LOCATED SOUTH OF OLD BLACK COLONY ROAD AND WEST AND NORTH OF COLE SPRINGS ROAD FOR 168.883 +/- ACRES.[DA 19-01] (PLANNING DIRECTOR MELISSA MCCOLLUM).

1. PROJECT SUMMARY

The combined public hearing for this item was held at the April 21, 2020 City Council meeting. This is the proposed 1st reading of an ordinance regarding the MUD Consent Agreement for the Colony at Cole Springs Development. This is one of three separate agenda items that is being considered for this development project. The other two items are the Zoning upon annexation to Planned Development (PD) and the Development Agreement (DA).

This item involves a request for a Annexation, Development and Municipal Utility Consent District Agreement (DA) for the Colony at Cole Springs in accordance with Unified Development Code Section 3.03.12. and Texas Local Government Code Chapter 212, Subchapter G and adopted City Council Resolution 2020-R-02 Special District Policy.

Under the provisions of Unified Development Code Section 3.03.12.B.1., initiation of this development agreement is made upon the application of a property owner or their authorized agent.

The Colony at Cole Springs will follow the rules of the Unified Development Code for subdivision and construction review. This project has requested voluntary annexation and is seeking approval of a consent agreement to establish a MUD within the city limits. Water and sewer services will be provided by the City. This DA provides for the establishment and coordination off-site utility improvements, timelines and surety in development standards & processes, as well as memorialization of utility oversizing agreements and offsite roadway improvements. In addition the DA will leverage compliance with building standards of homes since the passage of HB 2439 eliminating masonry provisions.

The Colony at Cole Springs has met the 7 provisions of the City of Buda Special District Policy. For Conditions and Criteria for Consent which include the following:

1. Basic Requirements for Consideration of a District
2. Enhanced Development Standards – The district’s development standards shall exceed the city’s development standards.
3. Extraordinary Benefits – Applicant would be expected to demonstrate that the district provides extraordinary public benefits that advance the vision and goals of the city’s comprehensive plan and master plans.

4. Enhanced Public Services and Utilities – The district alleviates and/or enhances safety and service issues through design, dedication of sites, connectivity, and other features.
5. Maintenance and Operations – The district will construct high quality, long lasting products utilizing materials that reduce ongoing maintenance and operations.
6. Fiscal Responsibility – The district’s development is financially viable and does not place a financial burden on the citizens of Buda.
7. Finance Plan

Staff has worked with the applicant and the Planning and Zoning Commission to seek input during the DA/MUD negotiations. The following are the public meetings that have been held to discuss the overall development of the Colony at Cole Springs.

Public Meetings that have been held:

- Planning and Zoning Workshop 12.10.2019
- Planning and Zoning Workshop 01.14.2020
- City Council -Annexation 01.21.2020- Resolution– Tabled
- Planning and Zoning Workshop 01.28.2020 (Traffic/TIA)
- City Council Workshop and Annexation Resolution 02.04.2020– Tabled
- Community Meeting with Developer 02.19.2020
- Planning and Zoning Commission Workshop/Update 02.25.2020
- City Council – Workshop/Update 03.03.2020
- Planning and Zoning Commission Workshop/Update 03.10.2020
- City Council -March 24, 2020 Annexation Resolution- Passed
- Planning and Zoning Commission -April 14, 2020 (Public Hearing, DA, Zoning, Consent Agreement)
- City Council Public Hearing- April 21, 2020 (Annexation, DA, Zoning, MUD Consent)

Upcoming Public Meetings:

- City Council 1st Reading- May 19, 2020 (Annexation, DA, Zoning, MUD Consent)
- City Council 2nd Reading- June 2, 2020 (Annexation, DA, Zoning, MUD Consent)

2. BACKGROUND/HISTORY

Development Agreements are established and governed under Section 212 Subchapter G of Texas Local Government Code. It is a written contract between a municipality and an owner of land that is located in the ETJ to:

1. Guarantee the continuation of the ETJ status of the land and its immunity from annexation;
2. Extend the city’s planning authority over the land;
3. Authorize city enforcement of certain land use & development regulations in the same manner as a property within the city;
4. Authorize enforcement of land use and development regulations other than those that apply within the city, as may be agreed to by the landowner and the city;
5. Provide for infrastructure for the land;
6. Authorize enforcement of environmental regulations;
7. Provide for the annexation of the land in whole or in parts and to provide the terms, if annexation is agreed to by the parties;
8. Specify uses & development of the land before & after annexation, if annexation is agreed to by the parties; and
9. Include other lawful terms & considerations the parties deem appropriate.

The City has utilized Development Agreements in the past, with mixed results. This is largely attributable to staff capacity at the time as well as the focus of controversy with the respective projects. The lessons learned from that agreement have been applied to this discussion.

The staff review for the Development Agreement involved the Deputy City Manager, Assistant City Manager, Planning Director, City Engineer, Senior Engineer, Senior Planner and City Attorney given the nature of the Agreement provisions.

Two primary criteria apply under the UDC:

- Whether the proposed agreement promotes the health, safety, or general welfare of the city and the safe, orderly, and healthful development of the city;
- Whether the proposed agreement is consistent with the Comprehensive Plan.

The criteria are broad on purpose due to the broad nature of development agreements. Fundamentally, consistency with the new UDC is now a measure of Comprehensive Plan compliance due to its recent update.

3. STAFF’S REVIEW AND ANALYSIS

The DA allows the opportunity to establish timelines and requirements for the development of the site. It also allows the masonry standards and residential design to apply to individual home construction. The DA creates clear responsibility for maintenance of improvements and memorializes funding of off-site utility improvements and the developer contribution of the cost of amending the City’s CCN utility boundaries. It also establishes that where the Development Agreement is silent, the UDC governs.

Order of development is significant to the project. Phasing and timelines and completion of transportation improvements tied to the number of lots being developed in order to appropriately distribute vehicle trips and achieve timely connectivity.

R-3 and F4 base zoning under the Planned Development is supported by the Buda 2030 Comprehensive Plan Green Growth Character District and is considered “appropriate” at a density of 3.14 units per acre.

CHARACTER DISTRICT AND MIXED USE NODES: APPROPRIATE DEVELOPMENT TYPES

	Development Type										
	Mixed Use	Regional Retail Center	Neighborhood Shopping Center	Office	Industrial Park or Distribution Ctr	Low Density Single Family & Agriculture Uses (≥ 1 acre)	Medium Density Single Family (0.25-1 acre)	High Density Single Family (<0.25 acre)	Attached Housing	Multifamily (for sale or rent units)	Cluster Development
CHARACTER DISTRICTS											
Green Growth District	●	×	●	●	×	○	●	●	●	○	●
Emerging Growth District	●	○	●	●	×	○	●	●	●	○	●
Heritage District	●	×	●	●	×	×	●	●	●	○	○
Industrial Growth District	○	×	×	○	●	○	×	×	×	○	○
Business Growth District	●	○	○	●	○	×	×	○	○	○	○
Interstate Corridor	●	●	×	●	○	×	×	×	×	●	×
MIXED USE NODES											
Neighborhood Node	●	×	●	●	×	×	○	○	●	●	○
Community Node	●	×	×	●	×	×	×	○	●	●	○
Business Node	●	×	×	●	●	×	×	×	○	●	×
Regional Node	●	●	×	●	×	×	×	×	×	●	×
Downtown Node	●	○*	●	●	×	×	○	○	○	●	×
<p>● Appropriate ○ Conditional × Not Appropriate</p> <p>Notes: * Regional retail in the downtown node would include destination shops such as antique shops and other destination boutique stores.</p>											

The Development Agreement provides for development milestones and provides breach and remedy provisions for failure to comply.

4. **FINANCIAL IMPACT**

This project will be in the city limits and pay ad valorem taxes for the proposed 531 residential units. The development will produce impact fees and development fees and City water and wastewater customers

5. **SUMMARY/CONCLUSION**

This item involves a request for a Development Agreement for Colony at Cole Springs. Development Agreements are governed by Unified Development Code Section 3.03.12. and Texas Local Government Code Chapter 212, Subchapter G. Under the provisions of Unified Development Code Section 3.03.12.B.1.

A Development Agreement was identified as an appropriate tool to address the needs of the developer while also allowing an opportunity to advocate for the residential design standards and offsite roadway improvements of the Bridge and OBC connection to 967. In addition, parkland dedication and trails exceed the provisions of the UDC. Through this Development Agreement process, the project achieves compliance with the UDC, provides an avenue to address some of the transportation issues with existing development in the area and promotes future orderly development in the area.

6. **ALTERNATIVES**

The Commission has four alternatives for action.

- **Approve the Municipal Utility District Consent Agreement (staff recommendation)** – This alternative results in the Annexation, Development and Municipal Utility Consent District Agreement (DA) being recommended for approval. Staff feels this option maximizes municipal authority, balances the rights of the property owner, and successfully advocates for the new UDC and Buda 2030 Comprehensive Plan.

Motion Language:

I make a motion to recommend approval of the ordinance adopting the Annexation, Development and Municipal Utility Consent District Agreement (DA).

- **Modify and Recommend Approval of the Municipal Utility District Consent Agreement (staff supportable)** – This alternative results in the Annexation, Development and Municipal Utility Consent District Agreement (DA) being recommended with modifications. Because of the contractual nature of the Annexation, Development and Municipal Utility Consent District Agreement (DA), it is important for any modifications to be done as an inclusive discussion with the developer applicant. Staff would be supportive of this alternative as well, provided it is a collaborative discussion.

Motion Language:

I make a motion to recommend the ordinance Annexation, Development and Municipal Utility Consent District Agreement (DA), subject to the following modifications... (list)

- **Table Consideration of the Municipal Utility District Consent Agreement (staff supportable)** – This alternative provides the City Council an opportunity to further consider it at the June 2, 2020 meeting. This should be considered if the City Council requires additional data, or if some recommended modifications to the Annexation, Development and Municipal Utility Consent District Agreement (DA) require further review by the City Attorney or Developer representatives. Staff would be supportive of this alternative as well, provided it is specific in what actions by staff & the developer are needed prior to the meeting.

Motion Language:

I make a motion to table consideration of the Municipal Utility District Consent Agreement to June 2, 2020.

- **Recommend Denial of the Municipal Utility District Consent Agreement (not recommended)** –Staff does not recommend this alternative because as landowners they could elect to develop land outside the city limits not subject to city ordinance and could seek legislative authorization for an ETJ MUD not subject to City consent. The City would not be in a position of oversight such development as currently proposed via the Development Agreement.

Motion Language:

I make a motion to recommend denial of the MUD Consent Agreement encompassing consent to in-City municipal utility district creation

7. RECOMMENDATION

This item is actionable at the discretion of the City Council, following Planning & Zoning Commission recommendation. Staff recommends the Planning and Zoning Commission consider recommending approval of the Development Agreement on the basis that it furthers the goals & objectives of the Buda 2030 Comprehensive Plan, vests the project to the Unified Development Code, represents a higher quality project than would otherwise occur in the absence of a Development Agreement, promotes order subdivision & development now and in the future, and promotes the health, safety and general welfare.

8. ATTACHMENTS

Ordinance for Municipal Utility District Consent Agreement for the Colony at Cole Springs
Resolution for Special Utility Districts 2020-R-02
MUD Finance Plan Policy

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF BUDA, TEXAS, GRANTING THE CONSENT OF THE CITY OF BUDA, TEXAS TO THE CREATION OF A MUNICIPAL UTILITY DISTRICT TO BE KNOWN AS “BUDA MUNICIPAL UTILITY DISTRICT NO. 1” WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF BUDA; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND CONTAINING OTHER PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, Fred and Paula Trudeau own certain real property located in Hays County, Texas, such real property being more particularly described in **Exhibit A1** attached hereto and fully incorporated herein for all purposes; and

WHEREAS, Industrial Asphalt, LLC owns certain real property located in Hays County, Texas, such real property being more particularly described in **Exhibit A2** attached hereto and fully incorporated herein for all purposes; and

WHEREAS, the property described in **Exhibits A1** and **A2** collectively, being approximately 168.883 acres, shall be known as the “Property”; and

WHEREAS, Fred and Paula Trudeau and Industrial Asphalt, LLC, (collectively the “Owners”) have submitted to the City the petition attached as **Exhibit B** (the “Petition”) requesting the City’s consent to the creation of a municipal utility district over the Property proposed to be named “Buda Municipal Utility District No. 1” (the “District”); and

WHEREAS, as of the effective date of this Ordinance the Property is located in the municipal boundaries of the City; and

WHEREAS, Section 54.016, *Texas Water Code*, and Section 42.042, *Texas Local Government Code*, provide that Property within the municipal boundaries of a municipality may not be included within a municipal utility district without the municipality’s written consent; and

WHEREAS, the City desires to grant the Petition and consent to the creation of the District over the Property.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BUDA, TEXAS THAT:

Section 1: The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct and adopted herein for all purposes.

Section 2: The City hereby grants the Petition and, in accordance with Section 42.042 of the *Texas Local Government Code* and Section 54.016 of the *Texas Water Code*, specifically gives its written consent to the creation of the District over the Property.

Section 3: That the Mayor of the City of Buda is hereby authorized to sign this Ordinance and the City Secretary of the City of Buda to attest.

Section 4: *Repeal.* This Ordinance shall be and is hereby cumulative of all other ordinances of the City of Buda, Texas, and this Ordinance shall not operate amend, change, supplement or repeal any such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such other ordinances are hereby repealed.

Section 5: *Severability.* If any clause or provision of this Ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portion of the Ordinance, which shall continue to have full force and effect.

Section 6: *Passage.* Pursuant to Section 3.12 of the Charter of the City of Buda, Texas, if the Council determines that the first reading of this ordinance is sufficient for adequate consideration by an affirmative vote of five or more members of the City Council during the first reading and the Ordinance is passed by a the affirmative vote of four or more members of the City council, this Ordinance is adopted and enacted without further readings. In the event a second reading is necessary, this Ordinance is adopted and enacted upon the affirmative vote of four or more members of the City Council upon second reading.

Section 7: *Effective Date.* This Ordinance shall become effective on June 3, 2020, immediately after the ordinance zoning the Property becomes effective, in accordance with Section 3.12 of the Charter of the City of Buda, Texas.

Section 8: It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place, and purpose of said meeting was given, all as required by the Open Meetings Act, Chapter 551, *Texas Government Code*, as amended.

PASSED AND APPROVED on first reading on the 19th day of May, 2020, at a regular meeting of the City Council of the City of Buda, Texas.

PASSED, APPROVED AND ADOPTED on second and final reading on the 2nd day of June, 2020, at a regular meeting of the City Council of the City of Buda, Texas.

APPROVED:

George Haehn, Mayor
City of Buda, Texas

ATTEST:

Alicia Ramirez, City Clerk
City of Buda, Texas

Exhibit A1

**TRACT 1:
A METES AND BOUNDS
DESCRIPTION OF A
117.943 ACRE TRACT OF LAND**

BEING a 117.943 acre (5,137,584 square feet) tract of land situated in the Phillip J. Allen Survey, Abstract No. 1, the Steven V. R. Eggleston Survey, Abstract No. 5, and the Hiram Cummings Survey, Abstract No. 108, Hays County, Texas; and being a portion of a called 123.670 acre tract of land described in instrument to Fred and Paula Trudeau recorded in Document No. 15007277 of the Official Public Records of Hays County; and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found at the intersection of the the northerly right-of-way line of County Road No. 148 (Cole Springs Road - variable width) and the westerly line of Old Lane, a non-exclusive access easement and right-of-way recorded in Document No. 17002666 of the Official Public Records of Hays County, marking the southeast corner of a called 26.827 acre tract of land described in instrument to Home Living Hospitality, Inc. recorded in Document No. 15007138 of the Official Public Record of Hays County;

THENCE, departing the northerly right-of-way line of said County Road 148, along the easterly line of said 26.827 acre tract and along the westerly line of said Old Lane the following two (2) courses and distances:

- 1. North 16°41'21" West, 1284.62 feet to a 1/2-inch iron rod found for corner;
- 2. North 15°43'45" West, 344.16 feet to a 1/2-inch iron rod found marking the northeast corner of said 26.827 acre tract, same being the southeast corner of a called 5.35 acre tract of land described in instrument to Timothy and Yvette Hunt recorded in Document No. 17002880 of the Official Public Records of Hays County;

THENCE, North 1°19'05" West, 552.69 feet, continuing along the westerly line of said Old Land and along the easterly line of said 5.35 acre tract to a 1" iron pipe found marking the northwest corner of said 123.670 acre tract;

THENCE, along the northerly and westerly lines if said 123.670 acre tract the following three (3) courses and distances:

- 1. North 88°00'22" East, 1043.62 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 2. North 82°37'55" East, 254.87 feet to a 1-inch iron pipe with a cotton spindle inside stamped "PROTECH ENG" found for corner;
- 3. North 5°28'50" West, 468.59 feet to a 1-inch iron pipe found marking the western-most southwest corner of a called 15.846 acre tract of land described in instrument to Kevin D. Barrow and Margaret Mills-Barrow recorded in Volume 1057, Page 501 of the Official Public Records of Hays County;

THENCE, along the southwesterly line of said 15.846 acre tract the following two (2) courses and distances:

- 1. South 41°23'59" East, 223.17 feet to a 1/2-inch iron rod found for corner;
- 2. South 39°36'52" East, 213.56 feet to a 1/4-inch iron rod found for corner;

THENCE, South 39°55'24" East, 1707.60 feet, along the southwesterly lines of said 15.846 acre tract, Lot 1, Block 2 of Scales Subdivision, plat of which is recorded in Volume 14, Pages 181-183 of the Plat Records of Hays County, a called 13.72 acre tract of land described in instrument to Industrial Asphalt, LLC recorded in Document No. 13001101 of the Official Public Records of Hays County, and a tract of land described in instrument to Velma Reveda recorded in Volume 2236, Page 445 of the Official Public Records of Hays County, to a 1/2-inch iron pipe found for corner;

THENCE, South 39°42'51" East, 247.63 feet, continuing along the southwesterly line of said Reveda tract to an iron rod with a plastic cap stamped "ZWA" found on the westerly right-of-way line of aforesaid County Road No. 148 (40 feet wide at this point);

DESCRIPTION CONTINUED ON SHEET 2.

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EXHIBIT
TRACT 1 - 117.943 ACRES
TRACT 2 - 4.435 ACRES
HIRAM CUMMINGS SURVEY, A-108
PHILLIP J. ALLEN SURVEY, A-1
S.V.R. EGGLESTON SURVEY, A-5
HAYS COUNTY, TEXAS

Kimley»Horn					
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<u>Scale</u>	<u>Drawn by</u>	<u>Checked by</u>	<u>Date</u>	<u>Project No.</u>	<u>Sheet No.</u>
N/A	APS	JGM	1/23/2020	067783115	1 OF 5

DESCRIPTION CONTINUED FROM SHEET 1.

THENCE, along the westerly and northerly right-of-way lines of said County Road No. 148 the following eighteen (18) courses and distances:

1. in a southwesterly direction, along a non-tangent curve to the left, a central angle of 32°23'11", a radius of 204.12 feet, a chord bearing and distance of South 24°45'59" West, 113.85 feet, and a total arc length of 115.38 feet to a point for corner;
2. South 11°18'17" West, 157.44 feet to a point for corner;
3. in a southwesterly direction, along a non-tangent curve to the left, a central angle of 3°09'19", a radius of 3659.10 feet, a chord bearing and distance of South 7°31'03" West, 201.48 feet, and a total arc length of 201.51 feet to a point for corner;
4. South 5°46'18" West, 102.78 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
5. South 4°54'46" West, 162.14 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
6. South 13°54'26" West, 21.12 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
7. South 18°00'43" West, 73.70 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
8. South 19°56'09" West, 70.82 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
9. in a southwesterly direction, along a non-tangent curve to the right, a central angle of 7°13'43", a radius of 438.46 feet, a chord bearing and distance of South 24°35'42" West, 55.28 feet, and a total arc length of 55.32 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
10. South 32°11'28" West, 62.40 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
11. South 36°33'06" West, 158.71 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
12. South 37°08'11" West, 10.13 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
13. South 45°58'48" West, 20.05 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
14. South 75°56'09" West, 90.66 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
15. North 78°52'35" West, 49.70 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
16. North 75°51'36" West, 260.32 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
17. North 71°21'40" West, 800.64 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
18. North 89°33'45" West, 813.70 feet to the **POINT OF BEGINNING**, and containing 117.943 acres of land in Hays County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System Grid, South Central Zone (FIPS 4204) (NAD'83). All distances are on the Grid and shown in U.S. Survey Feet. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.

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EXHIBIT
TRACT 1 - 117.943 ACRES
TRACT 2 - 4.435 ACRES
 HIRAM CUMMINGS SURVEY, A-108
 PHILLIP J. ALLEN SURVEY, A-1
 S.V.R. EGGLESTON SURVEY, A-5
 HAYS COUNTY, TEXAS

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	APS	JGM	1/23/2020	067783115	2 OF 5

**TRACT 2:
A METES AND BOUNDS
DESCRIPTION OF A
4.435 ACRE TRACT OF LAND**

BEING a 4.435 acre (193,176 square feet) tract of land situated in the Steven V. R. Eggleston Survey, Abstract No. 3, and the Hiram Cummings Survey, Abstract No. 108, Hays County, Texas; and being a portion of a called 123.670 acre tract of land described in instrument to Fred and Paula Trudeau recorded in Document No. 15007277 of the Official Public Records of Hays County; and being more particularly described as follows:

BEGINNING at a 60D Nail found on the easterly right-of-way line of County Road No. 148 (Cole Springs Road - 40 feet wide) marking the southern-most southwest corner of a called 13.72 acre tract of land described in instrument to Industrial Asphalt, LLC recorded in Document No. 13001101 of the Official Public Records of Hays County;

THENCE, South 86°30'08" East, 161.61 feet along the northerly line of said 123.670 acre tract to a point for corner in the approximate centerline of Onion Creek;

THENCE, along the approximate centerline of said Onion Creek the following two (2) courses and distances:

- 1. South 10°45'28" West, 724.67 feet to a point for corner;
- 2. South 27°37'54" West, 569.45 feet to a point for corner, being the southeast corner of said 123.670 acre tract;

THENCE, North 71°21'40" West, 219.07 feet, departing the approximate centerline of said Onion Creek and along the southerly line of said 123.670 acre tract to a 1/2-inch iron rod with a plastic cap stamped "KHA" set on the easterly right-of-way line of aforesaid County Road No. 148;

THENCE, along the easterly right-of-way line of said County Road No. 148 the following fourteen (14) courses and distances:

- 1. North 75°56'09" East, 88.89 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 2. North 45°58'48" East, 33.84 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 3. North 37°08'11" East, 13.43 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 4. North 36°33'06" East, 160.44 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 5. North 32°11'28" East, 65.28 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 6. in a northeasterly direction, along a non-tangent curve to the left, a central angle of 7°26'36", a radius of 478.46 feet, a chord bearing and distance of North 24°39'28" East, 62.11 feet, and a total arc length of 62.16 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 7. North 19°56'09" East, 71.85 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 8. North 18°00'43" East, 75.81 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 9. North 13°54'26" East, 25.70 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 10. North 4°54'46" East, 164.99 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 11. North 5°46'18" East, 102.42 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 12. in a northeasterly direction, along a non-tangent curve to the right, a central angle of 3°08'32", a radius of 3619.10 feet, a chord bearing and distance of North 7°30'43" East, 198.45 feet, and a total arc length of 198.47 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 13. North 11°18'17" East, 157.67 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
- 14. in a northeasterly direction, along a non-tangent curve to the right, a central angle of 30°24'00", a radius of 164.12 feet, a chord bearing and distance of North 23°27'29" East, 86.06 feet, and a total arc length of 87.08 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set on the southwesterly line of aforesaid 13.72 acre tract;

THENCE, South 39°42'51" East, 1.67 feet to the **POINT OF BEGINNING**, and containing 4.435 acres of land in Hays County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System Grid, South Central Zone (FIPS 4204) (NAD'83). All distances are on the Grid and shown in U.S. Survey Feet. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.

**EXHIBIT
TRACT 1 - 117.943 ACRES
TRACT 2 - 4.435 ACRES**

HIRAM CUMMINGS SURVEY, A-108
PHILLIP J. ALLEN SURVEY, A-1
S.V.R. EGGLESTON SURVEY, A-5
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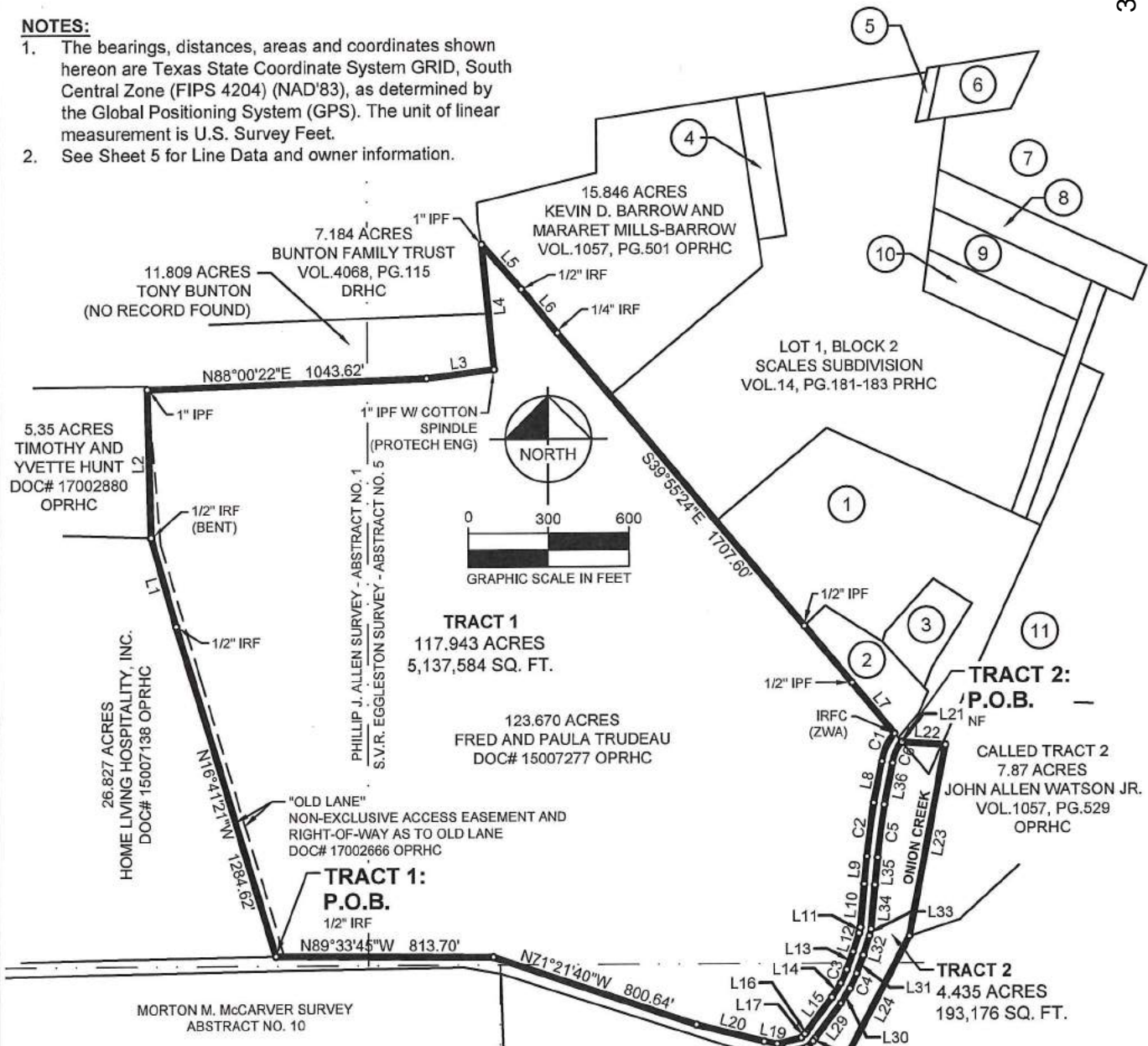
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
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NOTES:

1. The bearings, distances, areas and coordinates shown hereon are Texas State Coordinate System GRID, South Central Zone (FIPS 4204) (NAD'83), as determined by the Global Positioning System (GPS). The unit of linear measurement is U.S. Survey Feet.
2. See Sheet 5 for Line Data and owner information.



LEGEND:

- P.O.B. = POINT OF BEGINNING
- IRFC = IRON ROD W/CAP FOUND
- IRF = IRON ROD FOUND
- IPF = IRON PIPE FOUND
- NF = 60D NAIL FOUND
- OPRHC = OFFICIAL PUBLIC RECORDS HAYS COUNTY
- DRHC = DEED RECORDS HAYS COUNTY
- PRCH = PLAT RECORDS HAYS COUNTY



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EXHIBIT
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TRACT 2 - 4.435 ACRES
HIRAM CUMMINGS SURVEY, A-108
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 600'	APS	JGM	1/23/2020	067783115	4 OF 5

- ① CALLED 13.72 ACRES
(BEING 15.84 ACRES
SAVE & EXCEPT 2.12 ACRES IN
VOL.209, PG.236 DR)
INDUSTRIAL ASPHALT , LLC
DOC# 13001101 OPRHC
- ② QUIT CLAIM DEED
(NO DESCRIPTION)
VELMA REVEDA
VOL.2236, PG.445 OPRHC
(NO METES & BOUNDS)
- ③ CALLED 1.5 ACRES
LOYCE REVEDA GRAVES
DOC# 1702044 OPRHC
- ④ CALLED 35.818 ACRES
GLADYS M. SCALES FELDER DOC#
70018496 OPRHC
(REMAINDER)
- ⑤ CALLED 1 ACRE
DOVIE BUNTON
VOL.350, PG.798
PRHC
- ⑥ 1.66 OR 2.00 ACRES
SANDRA J. WOODS
VOL.2381, PG.35 OPRHC
- ⑦ ANTIOCH COMMUNITY CHURCH
VOL.1462, PG.388 OPRHC
- ⑧ 2.64 ACRES
DANIEL DIXON BALBOA
DOC# 17003374 OPRHC
(METES & BOUNDS FROM DOC#
70030439)
- ⑨ CALLED 2.64 ACRES
DANIEL DIXON BALBOA
DOC#17003375 OPRHC
- ⑩ CALLED 2.64 ACRES
DANIEL DIXON BALBOA
DOC#17003376 OPRHC
- ⑪ CALLED TRACT 1 - 15.17 ACRES
JOHN ALLEN WATSON JR.
VOL.1057, PG.529 OPRHC

LINE TABLE			LINE TABLE		
NO.	BEARING	LENGTH	NO.	BEARING	LENGTH
L1	N15°43'45"W	344.16'	L19	N78°52'35"W	49.70'
L2	N01°19'05"W	552.69'	L20	N75°51'36"W	260.32'
L3	N82°37'55"E	254.87'	L21	S39°42'51"E	1.67'
L4	N05°28'50"W	468.59'	L22	S86°30'08"E	161.61'
L5	S41°23'59"E	223.17'	L23	S10°45'28"W	724.67'
L6	S39°36'52"E	213.56'	L24	S27°37'54"W	569.45'
L7	S39°42'51"E	247.63'	L25	N71°21'40"W	219.07'
L8	S11°18'17"W	157.44'	L26	N75°58'09"E	88.89'
L9	S05°46'18"W	102.78'	L27	N45°58'48"E	33.84'
L10	S04°54'46"W	162.14'	L28	N37°08'11"E	13.43'
L11	S13°54'26"W	21.12'	L29	N36°33'06"E	160.44'
L12	S18°00'43"W	73.70'	L30	N32°11'28"E	65.28'
L13	S19°56'09"W	70.82'	L31	N19°56'09"E	71.85'
L14	S32°11'28"W	62.40'	L32	N18°00'43"E	75.81'
L15	S36°33'06"W	158.71'	L33	N13°54'26"E	25.70'
L16	S37°08'11"W	10.13'	L34	N04°54'46"E	164.99'
L17	S45°58'48"W	20.05'	L35	N05°46'18"E	102.42'
L18	S75°56'09"W	90.66'	L36	N11°18'17"E	157.67'

CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	32°23'11"	204.12'	115.38'	S24°45'59"W	113.85'
C2	3°09'19"	3659.10'	201.51'	S07°31'03"W	201.48'
C3	7°13'43"	438.46'	55.32'	S24°35'42"W	55.28'
C4	7°26'36"	478.46'	62.16'	N24°39'28"E	62.11'
C5	3°08'32"	3619.10'	198.47'	N07°30'43"E	198.45'
C6	30°24'00"	164.12'	87.08'	N23°27'29"E	86.06'

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EXHIBIT
TRACT 1 - 117.943 ACRES
TRACT 2 - 4.435 ACRES
HIRAM CUMMINGS SURVEY, A-108
PHILLIP J. ALLEN SURVEY, A-1
S.V.R. EGGLESTON SURVEY, A-5
HAYS COUNTY, TEXAS

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N/A	APS	JGM	1/23/2020	067783115	5 OF 5

Exhibit A2

**A METES AND BOUNDS
DESCRIPTION OF A
46.505 ACRE TRACT OF LAND**

BEING a 46.505 acre (2,034,763 square feet) tract of land located in the S.V.R. Eggleston Survey, Abstract No. 5, Hays County, Texas; containing all of Lot 1, Block 2 of Scales Subdivision, plat of which is recorded in Volume 14, Page 181 of the Plat Records of Hays County; said Lot 1, Block 2 also being described in instrument to Industrial Asphalt LLC, recorded in Document No. 13000534 of the Official Public Records of Hays County; also containing all of that certain 13.72 acre tract described in instrument to Industrial Asphalt LLC, recorded in Document No. 13001101 of the Official Public Records; and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod (w/cap stamped "CHAPARRAL") found on the southerly right-of-way line of Old Black Colony Road (width varies by occupation) and the northwesterly boundary of that certain 1.66 acre tract described in instrument to Sandra J. Woods recorded in Volume 2381, Page 35 of the Official Public Records of Hays County, marking the northeastern-most corner of said Lot 1, Block 2 and the southeast corner of a 14 feet wide dedication for right-of-way widening recorded in said plat of Scales Subdivision;

THENCE, along the boundary of the said 1.66 acre tract the following three (3) courses and distances:

1. South 12°37'09" West, 190.17 feet to a 1/2-inch iron pipe found for corner;
2. North 81°37'18" East, 46.05 feet to a 1/2-inch iron rod found for corner;
3. North 81°05'00" East, 63.95 feet to a 1/2-inch iron pipe found marking the northwestern-most corner of that certain tract described in Final Decree Confirming Partition to Antioch Community Church and recorded in Volume 1462, Page 388 of the Official Public Records of Hays County (from which a 1/2-inch iron pipe found bears North 20° East, 1.9 feet);

THENCE, South 7°17'35" West; along the westerly line of the said Antioch Community Church Tract, and along the westerly line of three consecutive 2.64 acre tracts of land described in instrument to Daniel Dixon Balboa in Document Nos. 17003376, 17003375, and 17003376 of the Official Public Records of Hays County; at 195.08 feet passing a 1/2-inch iron pipe found, at 340.18 passing an iron rod (w/cap stamped "1908") found; continuing for a total distance of 651.24 feet to a 1/2-iron pipe for corner;

THENCE, South 64°49'15" East, 583.89 feet along the said 2.64 acre tract recoded in Document No. 17003376 to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner on the northwesterly right-of-way line of County Road 148 (C.R. 148) also known as Cole Springs Road (60 feet wide - dedicated on the plat of aforesaid Scales Subdivision) marking the eastern-most corner of aforesaid Lot 1, Block 2;

THENCE, along the said northwesterly right-of-way line the following five (5) courses and distances:

1. South 19°39'18" West, 155.22 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
2. South 17°58'32" West, 231.36 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
3. South 19°04'38" West, 105.24 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
4. South 20°54'32" West, 99.00 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
5. South 22°21'58" West, 21.84 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner on the northeasterly line of the aforesaid 13.72 acre tract at the terminus of said northwesterly right-of-way line of said C.R. 148

THENCE, along the boundary of the said 13.72 acre tract the following two (2) courses and distances

1. South 65°21'54" East, 121.77 feet crossing said C.R. 148 to a point for corner in the approximate center line of Onion Creek;
2. South 24°40'27" West, 895.60 feet along the said approximate center line of Onion Creek and along the northwesterly boundary of that certain 15.17 acre tract and that certain 7.87 acre tract described in instrument to John Allen Watson Jr. recorded in Volume 1057, Page 529 of the Official Public Records of Hays County, to a point for corner on the northerly line of a that certain 123.670 acre tract described in instrument to Fred and Paula Trudeau recorded in Document No. 15007277 of the Official Public Records of Hays County;

THENCE, along the northerly line of said 123.670 acre tract the following two (2) courses and distances:

1. North 86°30'08" West, at 149.80 feet to a 60D Nail found marking the northeastern-most corner of that certain 1.296 acre "save and except" tract dedicated for said C.R.148 out of a 123.670 acre tract described in instrument to Fred and Paula Trudeau, recorded in Document Number 15007277 of the Official Public Records of Hays County;
2. North 39°42'51" West, 21.26 feet to a PK-Nail (w/shiner stamped "KHA") set in asphalt at the approximate center line of said C.R. 148, marking the southern-most corner of that certain tract described in Quit Claim Deed to Velma Reveda, recorded in Volume 2236, Page 445 of the Official Public Records of Hays County;

DESCRIPTION CONTINUED ON SHEET 2.

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AS
1/23/20

EXHIBIT - 46.505 ACRES
S.V.R. EGGLESTON SURVEY, A-5
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	APS	JGM	1/23/2020	067783115	1 OF 4

DESCRIPTION CONTINUED FROM SHEET 1.

THENCE, along the boundary of said Velma Reveda tract the following three (3) courses and distances:

- 1. North 40°00'00" East, 118.72 feet to a PK-Nail (w/shiner stamped "KHA") set in asphalt for corner;
- 2. North 23°21'04" East, 87.91 feet to a PK-Nail (w/shiner stamped "KHA") set in asphalt for corner;
- 3. North 42°12'29" West, 19.87 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set marking the southern-most corner of that certain 1.5 acre tract described in instrument to Loyce Reveda Graves recorded in Document No. 1702044 of the Official Public Records of Hays County;

THENCE, along the boundary of the said 1.5 acre tract the following five (5) course and distances:

- 1. North 20°20'38" East, 82.37 feet to a 1/2-inch iron rod found for corner;
- 2. North 32°39'53" East, 279.63 feet to a 1/2-inch iron rod found for corner;
- 3. North 57°22'53" West, 172.88 feet to a 1/2-inch iron rod found for corner;
- 4. South 41°55'46" West, 266.24 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- 5. South 17°49'14" West, 38.50 feet to a 1/2-inch iron pipe found for corner on the Northeasterly boundary of aforesaid Velma Reveda tract;

THENCE, North 57°24'00" West, 253.37 feet along the said Reveda tract to a 1/2-inch iron pipe found for corner;

THENCE, South 46°27'20" West, 108.06 feet continuing along the said Reveda tract to a 1/2-inch iron pipe found for corner on the northeasterly boundary of the aforesaid 123.670 acre tract;

THENCE, North 39°54'44" West; at 510.29 feet passing a 1/2-inch iron pipe found marking the westerly corner of the aforesaid 13.72 acre tract and the southwestern-most corner of aforesaid Lot 1, Block 2; continuing for a total distances of 1125.39 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set marking the westerly corner of that certain 15.846 acre tract described in instrument to Keven D. Barrow recorded in Volume 1057, Page 501 of the Official Public Records of Hays County;

THENCE, along the northwesterly boundary of said Lot 1, Block 2 the following four (4) courses and distances:

- 1. North 50°05'21" East, 743.20 feet along the boundary of the said 15.846 acre tract to a 1/2-inch iron pipe found for corner;
- 2. North 8°26'13" West, 102.80 feet continuing along the said 15.846 acre tract to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- 3. North 81°32'51" East, 105.57 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
- 4. North 8°27'09" West, 521.30 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set marking the northwestern-most of said Lot 1, Block 2 and the southwest corner of the aforesaid 14 feet wide right-of-way dedication to Old Black Colony Road;

THENCE, North 81°40'24" East, 610.43 feet long said 14 feet wide right-of-way dedication to Old Black Colony Road to POINT OF BEGINNING and containing 46.505 acres land in Hay County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System Grid, South Central Zone (FIPS 4204) (NAD'83). All distances are on the Grid and shown in U.S. Survey Feet. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.

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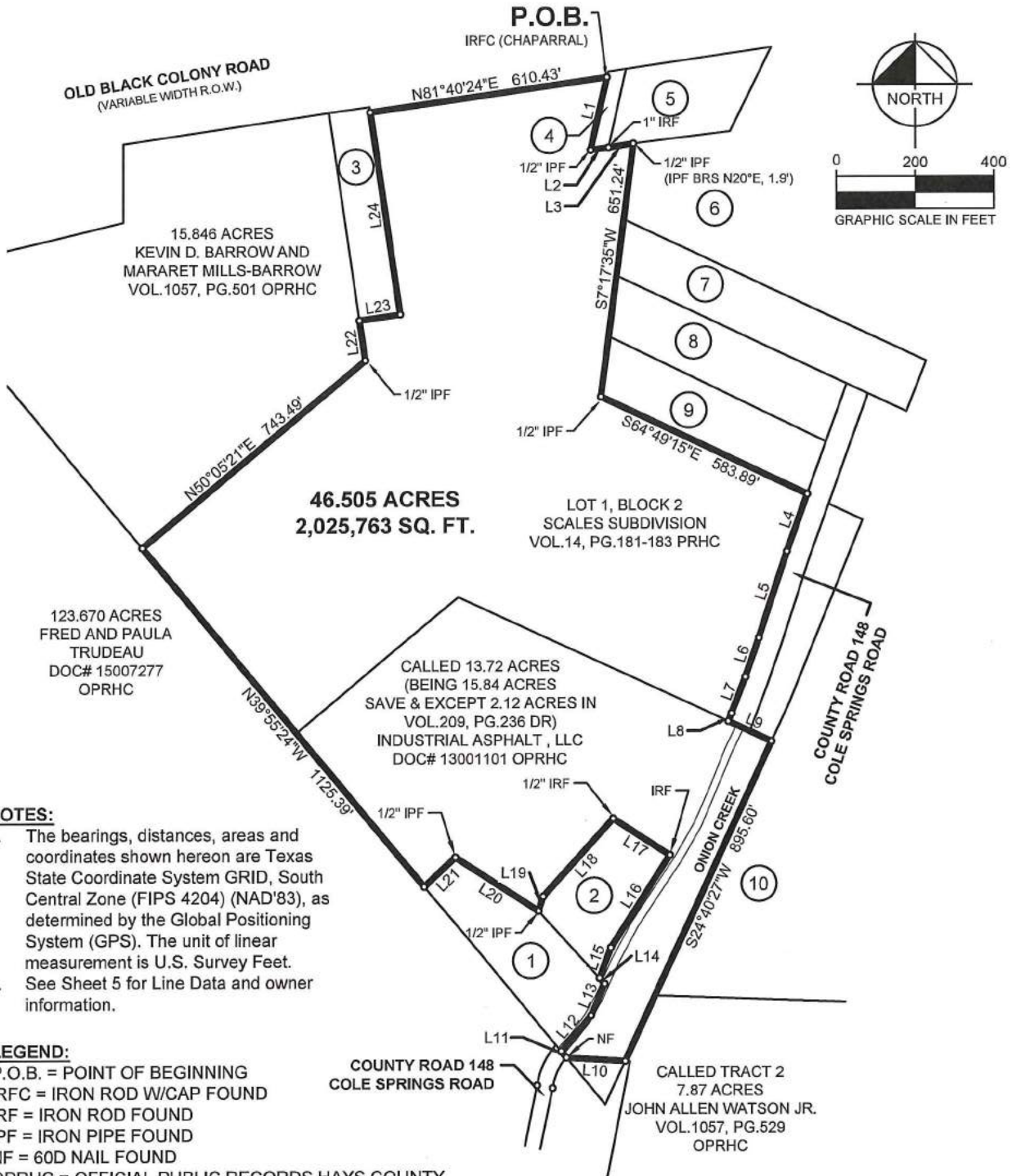


EXHIBIT - 46.505 ACRES
 S.V.R. EGGLESTON SURVEY, A-5
 HAYS COUNTY, TEXAS

Kimley»Horn

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

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	APS	JGM	1/23/2020	067783115	2 OF 4



NOTES:

1. The bearings, distances, areas and coordinates shown hereon are Texas State Coordinate System GRID, South Central Zone (FIPS 4204) (NAD'83), as determined by the Global Positioning System (GPS). The unit of linear measurement is U.S. Survey Feet.
2. See Sheet 5 for Line Data and owner information.

LEGEND:

P.O.B. = POINT OF BEGINNING
 IRFC = IRON ROD W/CAP FOUND
 IRF = IRON ROD FOUND
 IPF = IRON PIPE FOUND
 NF = 60D NAIL FOUND
 OPRHC = OFFICIAL PUBLIC RECORDS HAYS COUNTY
 DRHC = DEED RECORDS HAYS COUNTY
 PRCH = PLAT RECORDS HAYS COUNTY



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 HAYS COUNTY, TEXAS

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Scale 1" = 400'	Drawn by APS	Checked by JGM	Date 1/23/2020	Project No. 067783115	Sheet No. 3 OF 4
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- ① QUIT CLAIM DEED
(NO DESCRIPTION)
VELMA REVEDA
VOL.2236, PG.445 OPRHC
(NO METES & BOUNDS)
- ② CALLED 1.5 ACRES
LOYCE REVEDA GRAVES
DOC# 1702044 OPRHC
- ③ CALLED 35.818 ACRES
GLADYS M. SCALES FELDER DOC#
70018496 OPRHC
(REMAINDER)
- ④ CALLED 1 ACRE
DOVIE BUNTON
VOL.350, PG.798
PRHC
- ⑤ 1.66 OR 2.00 ACRES
SANDRA J. WOODS
VOL.2381, PG.35 OPRHC
- ⑥ ANTIOCH COMMUNITY CHURCH
VOL.1462, PG.388 OPRHC
- ⑦ 2.64 ACRES
DANIEL DIXON BALBOA
DOC# 17003374 OPRHC
(METES & BOUNDS FROM DOC#
70030439)
- ⑧ CALLED 2.64 ACRES
DANIEL DIXON BALBOA
DOC#17003375 OPRHC
- ⑨ CALLED 2.64 ACRES
DANIEL DIXON BALBOA
DOC#17003376 OPRHC
- ⑩ CALLED TRACT 1 - 15.17 ACRES
JOHN ALLEN WATSON JR.
VOL.1057, PG.529 OPRHC

LINE TABLE		
NO.	BEARING	LENGTH
L1	S12°37'09"W	190.17'
L2	N81°37'18"E	46.05'
L3	N81°05'00"E	63.95'
L4	S19°39'18"W	155.22'
L5	S17°58'32"W	231.36'
L6	S19°04'38"W	105.24'
L7	S20°54'32"W	99.00'
L8	S22°21'58"W	21.84'
L9	S65°21'54"E	121.77'
L10	N86°30'08"W	149.80'
L11	N39°42'51"W	21.26'
L12	N40°00'00"E	118.73'
L13	N23°21'04"E	87.91'
L14	N42°12'29"W	19.87'
L15	N20°20'38"E	82.37'
L16	N32°39'53"E	279.63'
L17	N57°22'53"W	172.88'
L18	S41°55'46"W	266.24'
L19	S17°49'14"W	38.50'
L20	N57°24'00"W	253.37'
L21	S46°27'20"W	108.13'
L22	N08°26'13"W	102.80'
L23	N81°32'51"E	105.57'
L24	N08°27'09"W	521.30'

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Handwritten signature and date: 1/23/20

EXHIBIT - 46.505 ACRES
S.V.R. EGGLESTON SURVEY, A-5
HAYS COUNTY, TEXAS

Kimley»Horn					
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<u>Scale</u>	<u>Drawn by</u>	<u>Checked by</u>	<u>Date</u>	<u>Project No.</u>	<u>Sheet No.</u>
N/A	APS	JGM	1/23/2020	067783115	4 OF 4

Exhibit B

RECEIVED
APR 15 2020
CITY OF BUDA

PEITION FOR CONSENT TO CREATION
OF BUDA MUNICIPAL UTILITY DISTRICT NO. 1

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF BUDA,
TEXAS:

The undersigned (collectively, the "Petitioner"), holding title to the land described below (the "Land") and acting pursuant to the provisions of Chapters 49 and 54 of the Texas Water Code and Section 42.042 of the Texas Local Government Code, respectfully petitions the City Council of the City of Buda, Texas (the "City"), for its written consent to the creation of a municipal utility district over the Land and, in support of this Petition, would show the following:

I.

The name of the proposed district is BUDA MUNICIPAL UTILITY DISTRICT NO. 1 (the "District").

II.

The District will be created and organized under the terms and provisions of Article XVI, Section 59 of the Texas Constitution and Chapters 49 and 54, Texas Water Code, together with all amendments and additions thereto. It is further proposed that the District be granted road powers under the authority of Article III, Section 52 of the Texas Constitution.

III.

The Land proposed to be contained within the District consists of the 168.9 acres, more or less, situated in Hays County, Texas, more particularly described by metes and bounds on Exhibits A-1 and A-2, attached hereto and incorporated herein by reference. All of the Land is currently located within the extraterritorial jurisdiction of the City; however, Petitioner has voluntarily requested that the Land be annexed into the municipal boundaries of the City. The Land may properly be included in the District.

IV.

Petitioner holds title to the Land proposed to be included within the District and is the owner of a majority in value of such Land, as indicated by the tax rolls of Hays County, Texas. Capital Farm Credit, FLCA, a federal land credit association, is the only lienholder on any portion of the Land and has consented to the creation of the District as evidenced by the Certificate of Lienholder's Consent attached as Exhibit B.

{W0942048.1}

V.

The general nature of the work to be done by the District, as contemplated at the present time, is the design, construction, acquisition, improvement, extension, financing, and issuance of bonds: (i) for maintenance, operation, and conveyance, of an adequate and efficient waterworks and sanitary sewer system for domestic and commercial purposes; (ii) for maintenance, operation, and conveyance of works, improvements, facilities, plants, equipment, and appliances helpful or necessary to provide more adequate drainage for the District, and to control, abate, and amend local storm waters or other harmful excesses of waters; (iii) for conveyance of roads and improvements in aid of roads; and (iv) for, maintenance, operation, and conveyance of such other additional facilities, systems, plants, and enterprises as may be consistent with any or all of the purposes for which the District is created.

VI.

There is a necessity for the above-described work because there is not now available within the area an adequate waterworks system, sanitary sewer system, drainage and storm sewer system, or roadway system to serve the Land, which will be developed for single-family use. The health and welfare of the present and future inhabitants of the area and of the adjacent areas requires the purchase, design, construction, acquisition, ownership, operation, repair, improvement, and extension of an adequate waterworks system, sanitary sewer system, drainage and storm sewer system, and roadway system. A public necessity therefore exists for the creation of the District, in order to provide for the purchase, design, construction, acquisition, ownership, operation, repair, improvement and extension of such a waterworks system, sanitary sewer system, and drainage and storm sewer system, and roadway system to promote the purity and sanitary condition of the State's waters and the public health and welfare of the community.

VII.

A preliminary investigation has been made to determine the cost of the proposed District's projects, and it is now estimated by the Petitioner, from such information as is available at this time, that such cost will be approximately \$22,000,000.

VIII.

Petitioner, by submission of this Petition, requests the City's consent to the creation of a municipal utility district containing the Land described in this Petition.

WHEREFORE, Petitioner requests that this Petition be heard and that the City Council duly pass and approve an ordinance or resolution granting its consent to the creation of the District and authorizing the inclusion of the Land within the District.

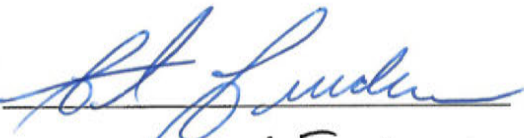
[SIGNATURE PAGES FOLLOW]

EXECUTED effective as of the 13th day of April, 2020.

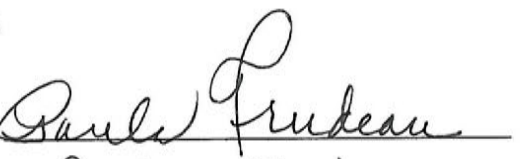
PETITIONERS:

As to the approximately 122.378 acres described in Exhibit A-1

Fred Trudeau

By: 
Name: Fred Trudeau
Date: 3/16/2020

Paula Trudeau

By: 
Name: Paula Trudeau
Date: 3/15/2020

As to the approximately 46.505 acres described in Exhibit A-2

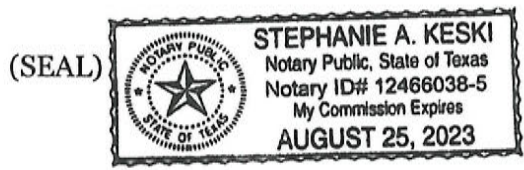
Industrial Asphalt, LLC, a Texas Limited Liability Company

By: _____
Title: _____
Date: _____

[NOTARY ACKNOWLEDGEMENTS FOR PETITIONERS ON FOLLOWING PAGE]

THE STATE OF TEXAS §
COUNTY OF Williamson §

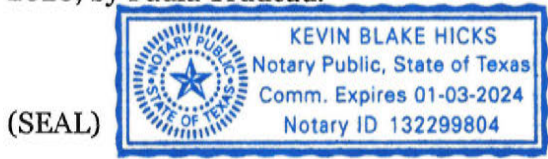
This instrument was acknowledged before me on the 16 day of March, 2020, by Fred Trudeau.



Notary Public, State of Texas

THE STATE OF TEXAS §
COUNTY OF Hays §

This instrument was acknowledged before me on the 15th day of March, 2020, by Paula Trudeau.



Notary Public, State of Texas

THE STATE OF TEXAS §
COUNTY OF _____ §

This instrument was acknowledged before me on the _____ day of _____, 2020, by _____, _____ of Industrial Asphalt, LLC, a Texas limited liability company.

(SEAL) _____
Notary Public, State of Texas

EXECUTED effective as of the 13th day of April, 2020.

PETITIONERS:

As to the approximately 122.378 acres described in Exhibit A-1

Fred Trudeau

By: _____

Name: _____

Date: _____

Paula Trudeau

By: _____

Name: _____

Date: _____

As to the approximately 46.505 acres described in Exhibit A-2

Industrial Asphalt, LLC, a Texas Limited Liability Company

By: Stan Hill

Title: CFO

Date: 4/13/2020

[NOTARY ACKNOWLEDGEMENTS FOR PETITIONERS ON FOLLOWING PAGE]

THE STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on the _____ day of _____, 2020, by Fred Trudeau.

(SEAL) _____
Notary Public, State of Texas

THE STATE OF TEXAS §
 §
COUNTY OF _____ §

This instrument was acknowledged before me on the _____ day of _____, 2020, by Paula Trudeau.

(SEAL) _____
Notary Public, State of Texas

THE STATE OF TEXAS §
 §
COUNTY OF Fort Bend §

This instrument was acknowledged before me on the 13 day of APRIL, 2020, by STEVE HULLETT, CEO of Industrial Asphalt, LLC, a Texas limited liability company.

(SEAL) _____
Notary Public, State of Texas

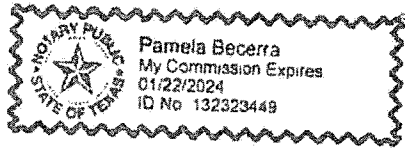


EXHIBIT A-1

Metes and Bounds Description/122.378 acres

{W0942048.1}

**TRACT 1:
A METES AND BOUNDS
DESCRIPTION OF A
117.943 ACRE TRACT OF LAND**

BEING a 117.943 acre (5,137,584 square feet) tract of land situated in the Phillip J. Allen Survey, Abstract No. 1, the Steven V. R. Eggleston Survey, Abstract No. 5, and the Hiram Cummings Survey, Abstract No. 108, Hays County, Texas; and being a portion of a called 123.670 acre tract of land described in instrument to Fred and Paula Trudeau recorded in Document No. 15007277 of the Official Public Records of Hays County; and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found at the intersection of the the northerly right-of-way line of County Road No. 148 (Cole Springs Road - variable width) and the westerly line of Old Lane, a non-exclusive access easement and right-of-way recorded in Document No. 17002666 of the Official Public Records of Hays County, marking the southeast corner of a called 26.827 acre tract of land described in instrument to Home Living Hospitality, Inc. recorded in Document No. 15007138 of the Official Public Record of Hays County;

THENCE, departing the northerly right-of-way line of said County Road 148, along the easterly line of said 26.827 acre tract and along the westerly line of said Old Lane the following two (2) courses and distances:

1. North 16°41'21" West, 1284.62 feet to a 1/2-inch iron rod found for corner;
2. North 15°43'45" West, 344.16 feet to a 1/2-inch iron rod found marking the northeast corner of said 26.827 acre tract, same being the southeast corner of a called 5.35 acre tract of land described in instrument to Timothy and Yvette Hunt recorded in Document No. 17002880 of the Official Public Records of Hays County;

THENCE, North 1°19'05" West, 552.69 feet, continuing along the westerly line of said Old Land and along the easterly line of said 5.35 acre tract to a 1" iron pipe found marking the northwest corner of said 123.670 acre tract;

THENCE, along the northerly and westerly lines if said 123.670 acre tract the following three (3) courses and distances:

1. North 88°00'22" East, 1043.62 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
2. North 82°37'55" East, 254.87 feet to a 1-inch iron pipe with a cotton spindle inside stamped "PROTECH ENG" found for corner;
3. North 5°28'50" West, 468.59 feet to a 1-inch iron pipe found marking the western-most southwest corner of a called 15.846 acre tract of land described in instrument to Kevin D. Barrow and Margaret Mills-Barrow recorded in Volume 1057, Page 501 of the Official Public Records of Hays County;

THENCE, along the southwesterly line of said 15.846 acre tract the following two (2) courses and distances:

1. South 41°23'59" East, 223.17 feet to a 1/2-inch iron rod found for corner;
2. South 39°36'52" East, 213.56 feet to a 1/4-inch iron rod found for corner;

THENCE, South 39°55'24" East, 1707.60 feet, along the southwesterly lines of said 15.846 acre tract, Lot 1, Block 2 of Scales Subdivision, plat of which is recorded in Volume 14, Pages 181-183 of the Plat Records of Hays County, a called 13.72 acre tract of land described in instrument to Industrial Asphalt, LLC recorded in Document No. 13001101 of the Official Public Records of Hays County, and a tract of land described in instrument to Velma Reveda recorded in Volume 2236, Page 445 of the Official Public Records of Hays County, to a 1/2-inch iron pipe found for corner;

THENCE, South 39°42'51" East, 247.63 feet, continuing along the southwesterly line of said Reveda tract to an iron rod with a plastic cap stamped "ZWA" found on the westerly right-of-way line of aforesaid County Road No. 148 (40 feet wide at this point);

DESCRIPTION CONTINUED ON SHEET 2.

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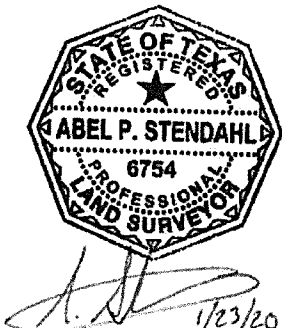


EXHIBIT
TRACT 1 - 117.943 ACRES
TRACT 2 - 4.435 ACRES
HIRAM CUMMINGS SURVEY, A-108
PHILLIP J. ALLEN SURVEY, A-1
S.V.R. EGGLESTON SURVEY, A-5
HAYS COUNTY, TEXAS

Kimley»Horn					
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	APS	JGM	1/23/2020	057783115	1 OF 5

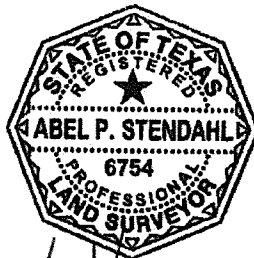
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DESCRIPTION CONTINUED FROM SHEET 1.

THENCE, along the westerly and northerly right-of-way lines of said County Road No. 148 the following eighteen (18) courses and distances:

1. in a southwesterly direction, along a non-tangent curve to the left, a central angle of 32°23'11", a radius of 204.12 feet, a chord bearing and distance of South 24°45'59" West, 113.85 feet, and a total arc length of 115.38 feet to a point for corner;
2. South 11°18'17" West, 157.44 feet to a point for corner;
3. in a southwesterly direction, along a non-tangent curve to the left, a central angle of 3°09'19", a radius of 3659.10 feet, a chord bearing and distance of South 7°31'03" West, 201.48 feet, and a total arc length of 201.51 feet to a point for corner;
4. South 5°46'18" West, 102.78 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
5. South 4°54'46" West, 162.14 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
6. South 13°54'26" West, 21.12 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
7. South 18°00'43" West, 73.70 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
8. South 19°56'09" West, 70.82 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
9. in a southwesterly direction, along a non-tangent curve to the right, a central angle of 7°13'43", a radius of 438.46 feet, a chord bearing and distance of South 24°35'42" West, 55.28 feet, and a total arc length of 55.32 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
10. South 32°11'28" West, 62.40 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
11. South 36°33'06" West, 158.71 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
12. South 37°08'11" West, 10.13 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
13. South 45°58'48" West, 20.05 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
14. South 75°56'09" West, 90.66 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
15. North 78°52'35" West, 49.70 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
16. North 75°51'36" West, 260.32 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
17. North 71°21'40" West, 800.64 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
18. North 89°33'45" West, 813.70 feet to the POINT OF BEGINNING, and containing 117.943 acres of land in Hays County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System Grid, South Central Zone (FIPS 4204) (NAD'83). All distances are on the Grid and shown in U.S. Survey Feet. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.

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 abel.stendahl@kimley-horn.com



Handwritten signature of Abel P. Stendahl
 1/23/20

EXHIBIT
TRACT 1 - 117.943 ACRES
TRACT 2 - 4.435 ACRES
 HIRAM CUMMINGS SURVEY, A-108
 PHILLIP J. ALLEN SURVEY, A-1
 S.V.R. EGGLESTON SURVEY, A-5
 HAYS COUNTY, TEXAS

Kimley»Horn
 601 MW Loop 410, Suite 350 San Antonio, Texas 78216 FIRM # 10193973 Tel. No. (210) 541-9168 www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	APS	JGM	1/23/2020	067783115	2 OF 5

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**TRACT 2:
A METES AND BOUNDS
DESCRIPTION OF A
4.435 ACRE TRACT OF LAND**

BEING a 4.435 acre (193,176 square feet) tract of land situated in the Steven V. R. Eggleston Survey, Abstract No. 3, and the Hiram Cummings Survey, Abstract No. 108, Hays County, Texas; and being a portion of a called 123.670 acre tract of land described in instrument to Fred and Paula Trudeau recorded in Document No. 15007277 of the Official Public Records of Hays County; and being more particularly described as follows:

BEGINNING at a 60D Nail found on the easterly right-of-way line of County Road No. 148 (Cole Springs Road - 40 feet wide) marking the southern-most southwest corner of a called 13.72 acre tract of land described in instrument to Industrial Asphalt, LLC recorded in Document No. 13001101 of the Official Public Records of Hays County;

THENCE, South 86°30'08" East, 161.61 feet along the northerly line of said 123.670 acre tract to a point for corner in the approximate centerline of Onion Creek;

THENCE, along the approximate centerline of said Onion Creek the following two (2) courses and distances:

1. South 10°45'28" West, 724.67 feet to a point for corner;
2. South 27°37'54" West, 569.45 feet to a point for corner, being the southeast corner of said 123.670 acre tract;

THENCE, North 71°21'40" West, 219.07 feet, departing the approximate centerline of said Onion Creek and along the southerly line of said 123.670 acre tract to a 1/2-inch iron rod with a plastic cap stamped "KHA" set on the easterly right-of-way line of aforesaid County Road No. 148;

THENCE, along the easterly right-of-way line of said County Road No. 148 the following fourteen (14) courses and distances:

1. North 75°56'09" East, 88.89 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
2. North 45°58'48" East, 33.84 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
3. North 37°08'11" East, 13.43 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
4. North 36°33'06" East, 160.44 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
5. North 32°11'28" East, 65.28 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
6. in a northeasterly direction, along a non-tangent curve to the left, a central angle of 7°26'36", a radius of 478.46 feet, a chord bearing and distance of North 24°39'28" East, 62.11 feet, and a total arc length of 62.16 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
7. North 19°56'09" East, 71.85 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
8. North 18°00'43" East, 75.81 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
9. North 13°54'26" East, 25.70 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
10. North 4°54'46" East, 164.99 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
11. North 5°46'18" East, 102.42 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
12. in a northeasterly direction, along a non-tangent curve to the right, a central angle of 3°08'32", a radius of 3619.10 feet, a chord bearing and distance of North 7°30'43" East, 198.45 feet, and a total arc length of 198.47 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
13. North 11°18'17" East, 157.67 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set for corner;
14. in a northeasterly direction, along a non-tangent curve to the right, a central angle of 30°24'00", a radius of 164.12 feet, a chord bearing and distance of North 23°27'29" East, 86.06 feet, and a total arc length of 87.08 feet to a 1/2-inch iron rod with a plastic cap stamped "KHA" set on the southwestery line of aforesaid 13.72 acre tract;

THENCE, South 39°42'51" East, 1.67 feet to the **POINT OF BEGINNING**, and containing 4.435 acres of land in Hays County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System Grid, South Central Zone (FIPS 4204) (NAD'83). All distances are on the Grid and shown in U.S. Survey Feet. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.

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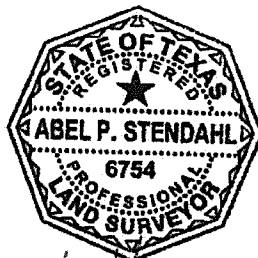


EXHIBIT
TRACT 1 - 117.943 ACRES
TRACT 2 - 4.435 ACRES
HIRAM CUMMINGS SURVEY, A-108
PHILLIP J. ALLEN SURVEY, A-1
S.V.R. EGGLESTON SURVEY, A-5
HAYS COUNTY, TEXAS

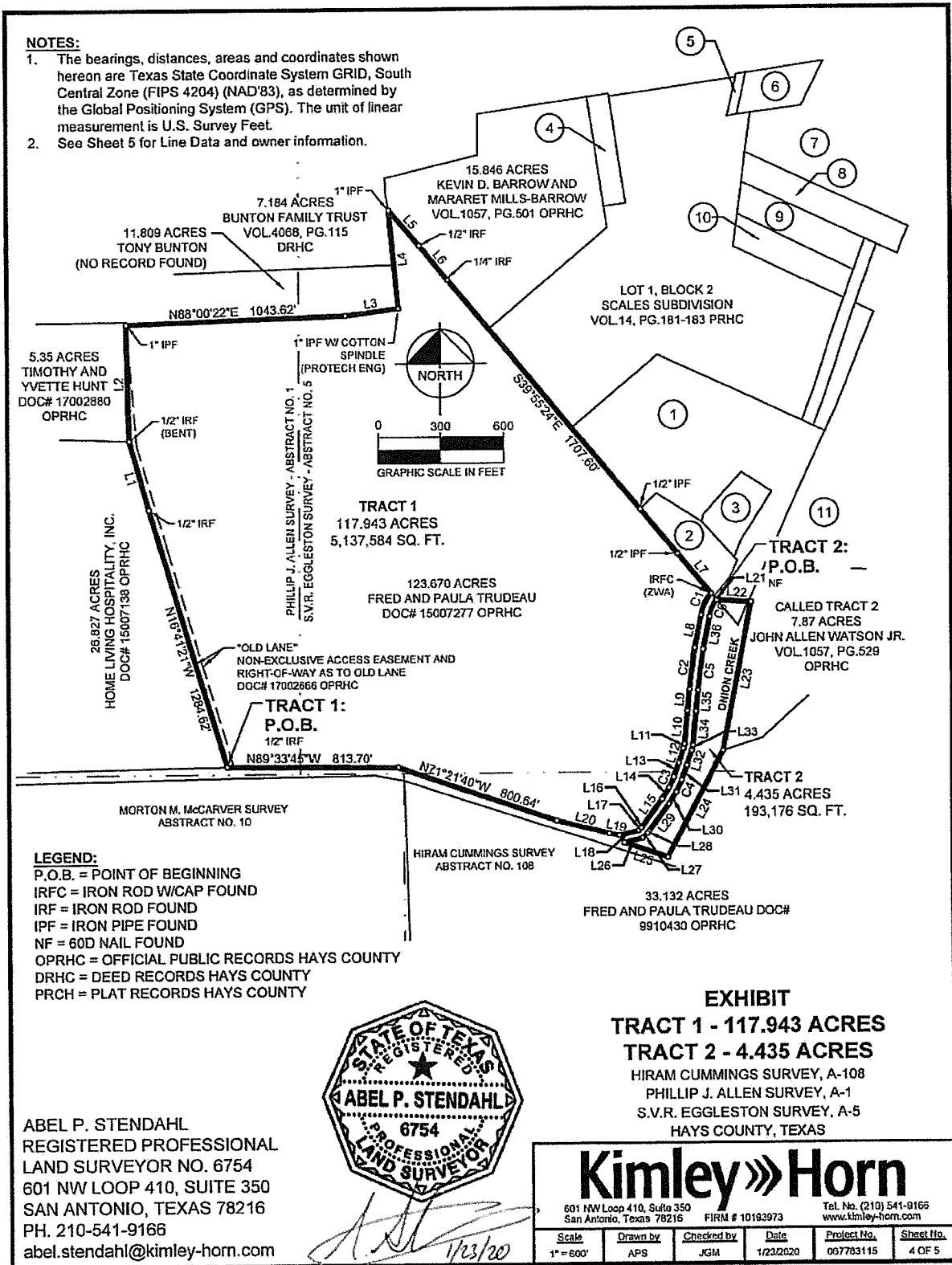
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	APS	JGM	1/23/2020	067783115	3 OF 5

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NOTES:

1. The bearings, distances, areas and coordinates shown hereon are Texas State Coordinate System GRID, South Central Zone (FIPS 4204) (NAD'83), as determined by the Global Positioning System (GPS). The unit of linear measurement is U.S. Survey Feet.
2. See Sheet 5 for Line Data and owner information.



LEGEND:
 P.O.B. = POINT OF BEGINNING
 IRFC = IRON ROD W/CAP FOUND
 IRF = IRON ROD FOUND
 IPF = IRON PIPE FOUND
 NF = 60D NAIL FOUND
 OPRHC = OFFICIAL PUBLIC RECORDS HAYS COUNTY
 DRHC = DEED RECORDS HAYS COUNTY
 PRCH = PLAT RECORDS HAYS COUNTY

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Scale 1" = 600'	Drawn by APS	Checked by JGM	Date 1/23/2020	Project No. 067763115	Sheet No. 4 OF 5
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- 1 CALLED 13.72 ACRES
(BEING 15.84 ACRES
SAVE & EXCEPT 2.12 ACRES IN
VOL.209, PG.236 DR)
INDUSTRIAL ASPHALT, LLC
DOC# 13001101 OPRHC
- 2 QUIT CLAIM DEED
(NO DESCRIPTION)
VELMA REVEDA
VOL.2236, PG.445 OPRHC
(NO METES & BOUNDS)
- 3 CALLED 1.5 ACRES
LOYCE REVEDA GRAVES
DOC# 1702044 OPRHC
- 4 CALLED 35.818 ACRES
GLADYS M. SCALES FELDER DOC#
70018496 OPRHC
(REMAINDER)
- 5 CALLED 1 ACRE
DOVIE BUNTON
VOL.350, PG.798
PRHC
- 6 1.66 OR 2.00 ACRES
SANDRA J. WOODS
VOL.2381, PG.35 OPRHC
- 7 ANTIOCH COMMUNITY CHURCH
VOL.1462, PG.388 OPRHC
- 8 2.64 ACRES
DANIEL DIXON BALBOA
DOC# 17003374 OPRHC
(METES & BOUNDS FROM DOC#
70030439)
- 9 CALLED 2.64 ACRES
DANIEL DIXON BALBOA
DOC#17003375 OPRHC
- 10 CALLED 2.64 ACRES
DANIEL DIXON BALBOA
DOC#17003376 OPRHC
- 11 CALLED TRACT 1 - 15.17 ACRES
JOHN ALLEN WATSON JR.
VOL.1057, PG.529 OPRHC

LINE TABLE			LINE TABLE		
NO.	BEARING	LENGTH	NO.	BEARING	LENGTH
L1	N15°43'45"W	344.16'	L19	N78°52'35"W	49.70'
L2	N01°19'05"W	552.69'	L20	N75°51'36"W	260.32'
L3	N82°37'55"E	254.87'	L21	S39°42'51"E	1.67'
L4	N05°28'50"W	468.59'	L22	S86°30'08"E	161.61'
L5	S41°23'50"E	223.17'	L23	S10°45'28"W	724.67'
L6	S39°36'52"E	213.56'	L24	S27°37'54"W	569.45'
L7	S39°42'51"E	247.63'	L25	N71°21'40"W	219.07'
L8	S11°18'17"W	157.44'	L26	N75°58'09"E	88.03'
L9	S05°46'18"W	102.78'	L27	N45°58'48"E	33.04'
L10	S04°54'46"W	162.14'	L28	N37°08'11"E	13.43'
L11	S13°54'26"W	21.12'	L29	N36°33'05"E	160.44'
L12	S18°00'43"W	73.70'	L30	N32°11'28"E	65.28'
L13	S19°56'09"W	70.82'	L31	N19°58'09"E	71.85'
L14	S32°11'28"W	62.40'	L32	N18°00'43"E	75.81'
L15	S36°33'06"W	158.71'	L33	N13°54'26"E	25.70'
L16	S37°08'11"W	10.13'	L34	N04°54'46"E	164.99'
L17	S45°58'48"W	20.05'	L35	N05°46'18"E	102.42'
L18	S75°58'09"W	90.66'	L36	N11°18'17"E	157.67'

CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	32°23'11"	204.12'	115.38'	S24°45'59"W	113.65'
C2	3°09'19"	3659.10'	201.51'	S07°31'03"W	201.48'
C3	7°13'43"	438.46'	55.32'	S24°35'42"W	55.28'
C4	7°26'36"	478.46'	62.16'	N24°30'28"E	62.11'
C5	3°08'32"	3615.10'	198.47'	N07°30'43"E	198.45'
C6	30°24'00"	164.12'	87.08'	N23°27'29"E	86.06'

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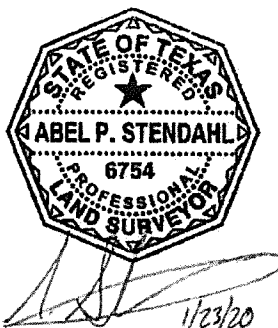


EXHIBIT
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TRACT 2 - 4.435 ACRES
HIRAM CUMMINGS SURVEY, A-108
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Scale N/A	Drawn by APS	Checked by JGM	Date 1/23/2020	Project No. 087783115	Sheet No. 5 OF 5
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EXHIBIT A-2

Metes and Bounds description/46.505 acres

**A METES AND BOUNDS
DESCRIPTION OF A
46.505 ACRE TRACT OF LAND**

BEING a 46.505 acre (2,034,763 square feet) tract of land located in the S.V.R. Eggleston Survey, Abstract No. 5, Hays County, Texas; containing all of Lot 1, Block 2 of Scales Subdivision, plat of which is recorded in Volume 14, Page 181 of the Plat Records of Hays County; said Lot 1, Block 2 also being described in instrument to Industrial Asphalt LLC, recorded in Document No. 13000534 of the Official Public Records of Hays County; also containing all of that certain 13.72 acre tract described in instrument to Industrial Asphalt LLC, recorded in Document No. 13001101 of the Official Public Records; and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod (w/cap stamped "CHAPARRAL") found on the southerly right-of-way line of Old Black Colony Road (width varies by occupation) and the northwesterly boundary of that certain 1.66 acre tract described in instrument to Sandra J. Woods recorded in Volume 2381, Page 35 of the Official Public Records of Hays County, marking the northeastern-most corner of said Lot 1, Block 2 and the southeast corner of a 14 feet wide dedication for right-of-way widening recorded in said plat of Scales Subdivision;

THENCE, along the boundary of the said 1.66 acre tract the following three (3) courses and distances:

1. South 12°37'09" West, 190.17 feet to a 1/2-inch iron pipe found for corner;
2. North 81°37'18" East, 46.05 feet to a 1/2-inch iron rod found for corner;
3. North 81°05'00" East, 63.95 feet to a 1/2-inch iron pipe found marking the northwestern-most corner of that certain tract described in Final Decree Confirming Partition to Antioch Community Church and recorded in Volume 1462, Page 388 of the Official Public Records of Hays County (from which a 1/2-inch iron pipe found bears North 20° East, 1.9 feet);

THENCE, South 7°17'35" West, along the westerly line of the said Antioch Community Church Tract, and along the westerly line of three consecutive 2.64 acre tracts of land described in instrument to Daniel Dixon Balboa in Document Nos. 17003376, 17003375, and 17003376 of the Official Public Records of Hays County; at 195.08 feet passing a 1/2-inch iron pipe found, at 340.18 passing an iron rod (w/cap stamped "1908") found; continuing for a total distance of 651.24 feet to a 1/2-inch iron pipe for corner;

THENCE, South 64°49'15" East, 583.89 feet along the said 2.64 acre tract recoded in Document No. 17003376 to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner on the northwesterly right-of-way line of County Road 148 (C.R. 148) also known as Cole Springs Road (60 feet wide - dedicated on the plat of aforesaid Scales Subdivision) marking the eastern-most corner of aforesaid Lot 1, Block 2;

THENCE, along the said northwesterly right-of-way line the following five (5) courses and distances:

1. South 19°39'18" West, 155.22 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
2. South 17°58'32" West, 231.36 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
3. South 19°04'38" West, 105.24 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
4. South 20°54'32" West, 99.00 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
5. South 22°21'58" West, 21.84 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner on the northeasterly line of the aforesaid 13.72 acre tract at the terminus of said northwesterly right-of-way line of said C.R. 148

THENCE, along the boundary of the said 13.72 acre tract the following two (2) courses and distances

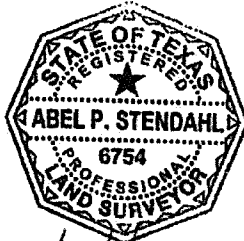
1. South 65°21'54" East, 121.77 feet crossing said C.R. 148 to a point for corner in the approximate center line of Onion Creek;
2. South 24°40'27" West, 695.60 feet along the said approximate center line of Onion Creek and along the northwesterly boundary of that certain 15.17 acre tract and that certain 7.87 acre tract described in instrument to John Allen Watson Jr. recorded in Volume 1057, Page 529 of the Official Public Records of Hays County, to a point for corner on the northerly line of a that certain 123.670 acre tract described in instrument to Fred and Paula Trudeau recorded in Document No. 15007277 of the Official Public Records of Hays County;

THENCE, along the northerly line of said 123.670 acre tract the following two (2) courses and distances:

1. North 86°30'08" West, at 149.80 feet to a 60D Nail found marking the northeastern-most corner of that certain 1.296 acre "save and except" tract dedicated for said C.R.148 out of a 123.670 acre tract described in instrument to Fred and Paula Trudeau, recorded in Document Number 15007277 of the Official Public Records of Hays County;
2. North 39°42'51" West, 21.26 feet to a PK-Nail (w/shiner stamped "KHA") set in asphalt at the approximate center line of said C.R. 148, marking the southern-most corner of that certain tract described in Quit Claim Deed to Velma Reveda, recorded in Volume 2236, Page 445 of the Official Public Records of Hays County;

DESCRIPTION CONTINUED ON SHEET 2.

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[Signature] 1/23/20

EXHIBIT - 46.505 ACRES
S.V.R. EGGLESTON SURVEY, A-5
HAYS COUNTY, TEXAS

Kimley»Horn

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
H/A	APS	JGM	1/23/2020	067783115	1 OF 4

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DESCRIPTION CONTINUED FROM SHEET 1.

THENCE, along the boundary of said Velma Reveda tract the following three (3) courses and distances:

1. North 40°00'00" East, 118.72 feet to a PK-Nail (w/shiner stamped "KHA") set in asphalt for corner;
2. North 23°21'04" East, 87.91 feet to a PK-Nail (w/shiner stamped "KHA") set in asphalt for corner;
3. North 42°12'29" West, 19.87 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set marking the southern-most corner of that certain 1.5 acre tract described in instrument to Loyce Reveda Graves recorded in Document No. 1702044 of the Official Public Records of Hays County;

THENCE, along the boundary of the said 1.5 acre tract the following five (5) course and distances:

1. North 20°20'38" East, 82.37 feet to a 1/2-inch iron rod found for corner;
2. North 32°39'53" East, 279.63 feet to a 1/2-inch iron rod found for corner;
3. North 57°22'53" West, 172.88 feet to a 1/2-inch iron rod found for corner;
4. South 41°55'46" West, 266.24 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
5. South 17°49'14" West, 38.50 feet to a 1/2-inch iron pipe found for corner on the Northeasterly boundary of aforesaid Velma Reveda tract;

THENCE, North 57°24'00" West, 253.37 feet along the said Reveda tract to a 1/2-inch iron pipe found for corner;

THENCE, South 46°27'20" West, 108.06 feet continuing along the said Reveda tract to a 1/2-inch iron pipe found for corner on the northeasterly boundary of the aforesaid 123.670 acre tract;

THENCE, North 39°54'44" West, at 510.29 feet passing a 1/2-inch iron pipe found marking the westerly corner of the aforesaid 13.72 acre tract and the southwestern-most corner of aforesaid Lot 1, Block 2; continuing for a total distances of 1125.39 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set marking the westerly corner of that certain 15.846 acre tract described in instrument to Keven D. Barrow recorded in Volume 1057, Page 501 of the Official Public Records of Hays County;

THENCE, along the northwesterly boundary of said Lot 1, Block 2 the following four (4) courses and distances:

1. North 50°05'21" East, 743.20 feet along the boundary of the said 15.846 acre tract to a 1/2-inch iron pipe found for corner;
2. North 8°26'13" West, 102.80 feet continuing along the said 15.846 acre tract to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
3. North 81°32'51" East, 105.57 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set for corner;
4. North 8°27'09" West, 521.30 feet to a 1/2-inch iron rod (w/cap stamped "KHA") set marking the northwestern-most of said Lot 1, Block 2 and the southwest corner of the aforesaid 14 feet wide right-of-way dedication to Old Black Colony Road;

THENCE, North 81°40'24" East, 610.43 feet long said 14 feet wide right-of-way dedication to Old Black Colony Road to **POINT OF BEGINNING** and containing 46.505 acres land in Hay County, Texas. The basis of bearing for this description is the Texas State Plane Coordinate System Grid, South Central Zone (FIPS 4204) (NAD'83). All distances are on the Grid and shown in U.S. Survey Feet. This document was prepared in the office of Kimley-Horn and Associates, Inc. in San Antonio, Texas.

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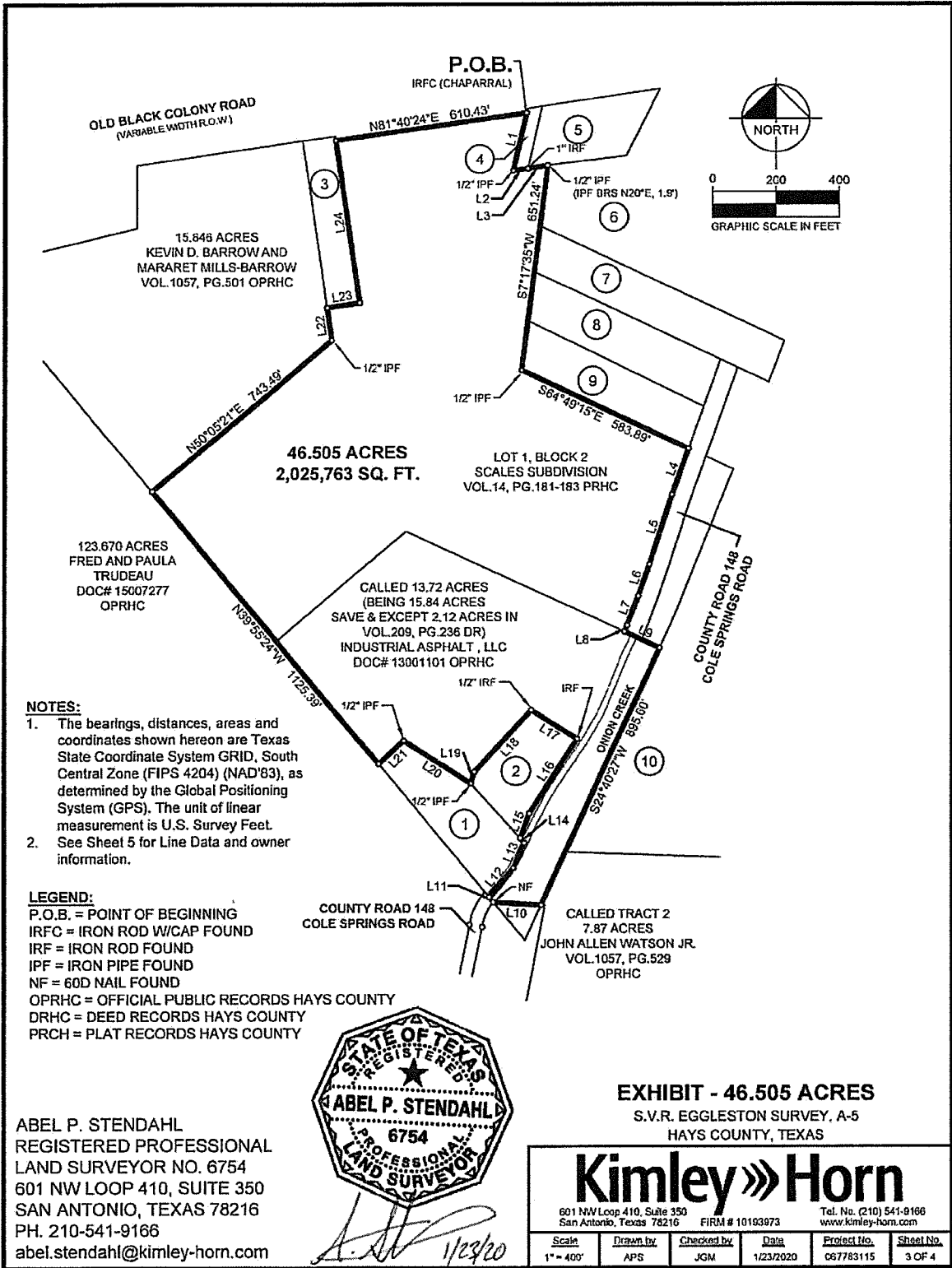


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EXHIBIT - 46.505 ACRES
 S.V.R. EGGLESTON SURVEY, A-5
 HAYS COUNTY, TEXAS

Kimley»Horn					
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	APS	JGN	1/23/2020	067783115	2 OF 4

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- ① QUIT CLAIM DEED
(NO DESCRIPTION)
VELMA REVEDA
VOL.2236, PG.445 OPRHC
(NO METES & BOUNDS)
- ② CALLED 1.5 ACRES
LOYCE REVEDA GRAVES
DOC# 1702044 OPRHC
- ③ CALLED 35.818 ACRES
GLADYS M. SCALES FELDER DOC#
70018486 OPRHC
(REMAINDER)
- ④ CALLED 1 ACRE
DOVIE BUNTON
VOL.350, PG.798
PRHC
- ⑤ 1.66 OR 2.00 ACRES
SANDRA J. WOODS
VOL.2381, PG.35 OPRHC
- ⑥ ANTIOCH COMMUNITY CHURCH
VOL.1462, PG.388 OPRHC
- ⑦ 2.84 ACRES
DANIEL DIXON BALBOA
DOC# 17003374 OPRHC
(METES & BOUNDS FROM DOC#
70030439)
- ⑧ CALLED 2.64 ACRES
DANIEL DIXON BALBOA
DOC#17003375 OPRHC
- ⑨ CALLED 2.64 ACRES
DANIEL DIXON BALBOA
DOC#17003376 OPRHC
- ⑩ CALLED TRACT 1 - 15.17 ACRES
JOHN ALLEN WATSON JR.
VOL.1057, PG.529 OPRHC

LINE TABLE		
NO.	BEARING	LENGTH
L1	S12°37'09"W	190.17'
L2	N81°37'18"E	46.05'
L3	N81°05'00"E	63.95'
L4	S19°39'18"W	155.22'
L5	S17°58'32"W	231.36'
L6	S10°04'38"W	105.24'
L7	S20°54'32"W	89.00'
L8	S22°21'58"W	21.84'
L9	S65°21'54"E	121.77'
L10	N86°30'08"W	149.80'
L11	N39°42'51"W	21.26'
L12	N40°00'00"E	118.73'
L13	N23°21'04"E	87.91'
L14	N42°12'29"W	19.87'
L15	N20°20'38"E	82.37'
L16	N32°39'53"E	279.63'
L17	N57°22'53"W	172.88'
L18	S41°55'46"W	266.24'
L19	S17°49'14"W	38.50'
L20	N57°24'00"W	253.37'
L21	S46°27'20"W	108.13'
L22	N06°26'13"W	102.80'
L23	N81°32'51"E	105.57'
L24	N06°27'09"W	521.30'

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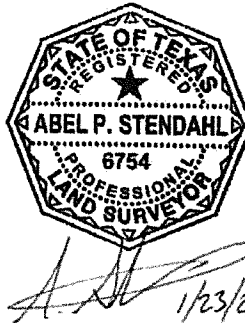


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Scale	Drawn by	Checked by	Date	Printed No.	Sheet No.
N/A	APS	JGM	1/23/2020	057783115	4 OF 4

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EXHIBIT B
Lienholder Consent

{W0942048.1}

CERTIFICATE OF LIENHOLDER'S CONSENT

THE STATE OF Texas §
COUNTY OF Uvalde §

Capital Farm Credit, FLCA, a federal loan credit association, being the lienholder on a portion of the land (the "Liened Land") proposed to be included in Buda Municipal Utility District No. 1 (the "District"), as described in the Petition for Creation of Buda Municipal Utility District No. 1 (the "Petition") to which this Certificate of Lienholder's Consent is attached, hereby consents to the Petition and the inclusion of the Liened Land in the District.

WITNESS MY HAND effective as of the 24 day of March, 2020.

CAPITAL FARM CREDIT, FLCA, a federal loan credit association

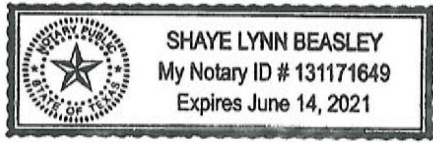
By: Jae Thompson
Name/Title: Regional Vice President of Sales
Date: 3/24/20

THE STATE OF Texas §
COUNTY OF Uvalde §

This instrument was executed before me on this 24th day of March, 2020, by Jae Thompson, RVP of Sales of **Capital Farm Credit, FLCA**, a federal loan credit association, on behalf of said association.

Shaye Lynn Beasley
Notary Public Signature

(seal)





City Council Agenda Item Report

Date: Tuesday, May 19, 2020

Agenda Item No. 2020-304- #M.1

Contact: John Nett

Subject: Staff Report on the City of Austin project to remap FEMA regulatory floodplain hazards in the Onion Creek Watershed (City Engineer John Nett; Senior Project Engineer Angela Kennedy)

1. Executive Summary

In 2019, the Texas Flood Infrastructure Fund (FIF) was created by the Legislature and approved by Texas voters through a constitutional amendment. The FIF Program, which is administered by the Texas Water Development Board (TWDB), is intended to provide financial assistance in the form of loans and grants for flood control, flood mitigation, and drainage projects. The TWDB adopted applicable Financial Assistance Program rules through the creation of a new subchapter in Chapter 363 of the Texas Water Code.

The attached Flood Intended Use Plan (Flood IUP) details the proposed FIF project funding process. The Flood IUP was issued in draft form for Fiscal Year 2020; the Flood IUP is required to be updated and amended annually. As outlined in the Flood IUP, eligible projects will fall into one of four categories:

- Category 1 – Flood Protection Planning for Watersheds
- Category 2 – Planning, Acquisition, Design, Construction, Rehabilitation.
- Category 3 – Federal Award Matching Funds
- Category 4 – Measures Immediately Effective in Protecting Life and Property

In addition to its administration of the FIF, the TWDB is working collaboratively with the Texas General Land Office, the Texas Division of Emergency Management, and other key state agencies to assist communities in determining which of the available funding sources for flood-related projects is the best fit for individual projects. The Flood Information Clearinghouse Committee (FLICC) represents an ongoing multi-agency effort to maximize the effective utilization of public funding resources and help communities identify the source they would like to pursue.

2. Background/History

At the May 5, 2020, City Council Meeting, staff provided a status report on potential FIF projects that could benefit the City of Buda. This staff report will include an update on the City of Austin's flood planning efforts in the Onion Creek Watershed.

3. Staff's review and analysis

Instead of seeking TWDB FIF Program funding, the City of Austin intends to use funds from a FEMA grant to cover costs to comprehensively remapping FEMA regulatory floodplain hazards in the Onion Creek Watershed. City of Austin Watershed Protection Department (WPD) staff continue to communicate with City of Buda staff regarding how the City of Buda would benefit from these studies. While all communities within the Onion Creek Watersheds will at least receive updated hydrologic data incorporating NOAA Weather Atlas 14 rainfall data, WPD staff intend to share the results of the full study and are seeking a collaborate with all communities in the process.

On April 16, 2020, City of Buda staff participated in a meeting with WPD staff to discuss the need to update floodplain information, the approach the City of Austin will take conducting the studies, and address an understanding of the TWDB FIF Program grant process including eligibility criteria and the application process and timelines. Follow up actions from WPD staff that affect the City of Buda include:

- Receipt of a form of agreement for coordination approval from potential project partners
- Setting up meetings with communities to discuss study areas in detail

On May 11, 2020, City of Buda staff participated in a meeting with WPD staff to specifically discuss the proposed floodplain re-mapping effort for the Onion Creek Watershed. The City of Austin has contracted Halff & Associates and is negotiating a full contract scope of work for the FEMA regulatory floodplain hazards remapping effort as a project model.

4. Financial Impact

This agenda item is for briefing purposes only. Currently, there are no proposed changes to existing fiscal obligations for the City of Buda to participation in any FIF Program projects.

5. Summary/Conclusion

Staff wants to ensure that the City Council is informed of potential flood planning project opportunities for the City of Buda.

6. Pros and Cons

This agenda item allows for the timely exchange of information with the City Council and provides an open forum to address questions and concerns on flood planning efforts.

7. Alternatives

The City of Buda could partner with the City of Austin on the ongoing floodplain re-mapping effort for the Onion Creek Watershed. Alternatively, City of Buda staff with focused support from a qualified engineering consultant could develop and submit an individual FIF Program application to seek financial assistance for desired flood control, flood mitigation, and drainage projects.

8. Recommendation

That the City Council receive the enclosed information and provide staff direction regarding its interest in participation in current ongoing or future potential Texas Water Development Board Flood Infrastructure Fund Financial Assistance Program project applications.

PENDING/FUTURE ITEM REQUEST

	A	B	C
1	MEETING DATE	COUNCIL MEMBER	REQUESTED ITEM
2			
3	4/21/2020	Haehn	funding source - Traffic Impact Fees & how to implement
4	4/7/2020	Daugereau	Interconnectivity of parks and trail systems
5	4/7/2020	Ture	lessons learned from COVID-19
6	4/7/2020	Haehn	COVID impact on budget; impact to budget calendar
7			
8	4/7/2020	Haehn	draft ordinance to require businesses to establish/share emergency plans
9	3/24/2020	Urbanovsky/ Cummings	item to initiate the bond process & documentation from the previous bond committee that did not get addressed in the 2014 Bond Program
10	3/3/2020	Urbanovsky	Future transportation bond discussion
11	3/3/2020	Urbanovsky	commented on the commercial tax appraisal process and he requested a report on how such are completed
12	3/3/2020	Urbanovsky	Re-evaluate the form district section zoning, how the zones are created, and the types of use of each zone. He requested a possible workshop since the last Unified Development Code (UDC) rewrite, specifically FM 967/1626
13	2/4/2020	Haehn	Homeless situation and research available resources in Buda
14	12/3/2019	Haehn	ppt and possible amendment for solicitation of live animals in public areas
15	11/19/2019	Mayor	new water meter system and exorberant increase in meter readings
16	9/18/2018	Haehn	recommending changes to the UDC to resolve issues associated with certain developments regarding street width, construction requirements, and designated fire lanes.