



AGENDA
PLANNING & ZONING COMMISSION REGULAR MEETING
COUNCIL CHAMBERS
5803 THUNDERBIRD STREET
AUGUST 13, 2026 AT 4:00 PM

AMENDED AGENDA
JOIN MEETING VIA VIDEO CONFERENCE

Please join my meeting from your computer, tablet or smartphone.

<https://meet.goto.com/361413933>

You can also dial in using your phone.

Access Code: 361-413-933

United States: +1 (872) 240-3311

I. CALL TO ORDER, CALL OF ROLL

Lynda Aird, Chairperson

Dave Stewart

Jeff Hewgley

Gene Harris, Vice Chair

Enrique Lopez

Ann Cleator

Nelson Minyard

Paul Prince - Council Liaison

Jordan Strohmeier - Staff Liaison

II. CITIZEN COMMENTS

In accordance with the Open Meetings Act, the Commission is prohibited from acting or discussing (other than factual responses to specific questions) any items not on the agenda.

To participate in the citizen comments portion of the meeting, you must submit a completed form. If you are attending the meeting in the City Council Chambers you must complete the form available at that location and provide it to the Chair prior to the start of the meeting. If you will be participating using the online videoconferencing tool, you must complete the form and submit it by email in accordance with the instructions included within the form. It is found on the City's website at the link below.

[Citizen Participation Registration Form](#)

III. STAFF AND COUNCIL LIAISON REPORTS

1. Routine Reports from City staff.

2. Routine Reports from City Council Liaison.

IV. CONSENT AGENDA

All matters listed in the Consent Agenda are to be considered routine by the Commission and will be enacted by one motion without discussion. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.

1. Approval of the Minutes from the June 11th, 2026 meeting.
2. Approval of the Minutes from the July 9th, 2026 meeting.

V. ACTION ITEMS

1. **26-2960-PDD-MOD:** Consider, discuss, and take action on consideration and recommendation of a PDD Modification to the detailed and concept plan included in Ordinance No. 21-09-02-01, Firefly Cove Planned Development District ("Firefly Cove PDD"). Approximately, 211 acres located in ABS 2587 Survey 141 Cook W A & various others.
2. Consider, discuss, and take possible action on a referral from the City Council on possible subdivision regulations drafted by previous Council Member Rob Durbin.

VI. ADJOURNMENT

IT IS HEREBY CERTIFIED that the above Notice was posted on the Bulletin Board in accordance with Government Code section 551.041 located at all times in City Hall in said City by 6:00 pm on the 30th day of July 2026.

Robin Smith, City Secretary

THE CITY OF LAGO VISTA IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. REASONABLE MODIFICATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST.

IN ADDITION TO ANY EXECUTIVE SESSION ALREADY LISTED ABOVE, THE PLANNING AND ZONING COMMISSION RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME DURING THE COURSE OF THIS MEETING TO DISCUSS ANY OF THE MATTERS LISTED ABOVE, AS AUTHORIZED BY TEXAS GOVERNMENT CODE FOR THE FOLLOWING PURPOSES: §551.071: CONSULTATION WITH ATTORNEY; §551.072: DELIBERATIONS REGARDING REAL PROPERTY; §551.073: DELIBERATIONS REGARDING GIFTS AND DONATIONS; §551.074: PERSONNEL MATTERS; §551.076: DELIBERATIONS REGARDING SECURITY DEVICES; §551.087: DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS.



Item Cover Page

PLANNING & ZONING COMMISSION AGENDA ITEM REPORT

DATE: August 13, 2026

SUBMITTED BY: Jordan Strohmeyer, Director Development Services

SUBJECT: Approval of the Minutes from the June 11th, 2026 meeting.

RECOMMENDATION: Approve the June 11, 2026 meeting minutes.

ATTACHMENTS:
[2026-06-11 planning-zoning-commission_minutes_summary.pdf](#)



**PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES
THURSDAY, JUNE 11, 2026
4:00 PM
COUNCIL CHAMBERS
5803 THUNDERBIRD STREET**

Lynda Aird, Chairperson
Gene Harris, Vice Chair
Ann Cleator, Member
Jeff Hewgley, Member
Enrique Lopez, Member
Nelson Minyard, Member
Dave Stewart, Member

I. CALL TO ORDER, CALL OF ROLL

Meeting was called to order at 4:00 PM.

Present: Lynda Aird, Jeff Hewgley, Gene Harris, Ann Cleator, Enrique Lopez, Dave Stewart

Absent: Nelson Minyard

Paul Prince - Council Liaison

Jordan Strohmeyer - Staff Liaison

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III. STAFF AND COUNCIL LIAISON REPORTS

1. Routine Reports from City staff.

Upcoming state legislation affecting mobile food vendors will take effect July 1, 2026.

City code updates will be required:

Removal of local health permitting authority

Addition of zoning provisions to regulate vendor locations

Draft ordinance prepared by legal counsel will be presented at a future meeting

2. Routine Reports from City Council Liaison.

Clarified concerns regarding notification procedures for agenda items.

Reminded commissioners to avoid email communication among members that may violate the Open Meetings Act.

Discussed prior email incident and encouraged use of official discussion board for communication.

IV. ACTION ITEMS AND PUBLIC HEARING

1. **26-2964-R-REZ:** Conduct a Public Hearing on a request to rezone a parcel of land from TR-1 to C-2, pursuant to Section 13 of Chapter 14, at approximately 4.94 acres of Lot 27, Travis Hollow, Section Two, as recorded in Volume 78, Page 398 at 7301 Lohman Ford Road, Lago Vista, Texas 78645.

Citizen comments from Johnny Butler:

Raised concerns regarding drainage runoff damaging his property.

Reported construction activity without permits and alleged threats from the property owner.

Moved by Gene Harris; seconded by Enrique Lopez to Approve.

Motion Passed: 5- 1

Voting For: Jeff Hewgley, Gene Harris, Ann Cleator, Enrique Lopez, Dave Stewart

Voting Against: Lynda Aird

2. **26-2963-R-REZ:** Conduct a Public Hearing on a zoning change request, pursuant to Section 13 of Chapter 14, from TR-1 and R-1S to C-2 at 7600 Lohmans Ford Road (0.1421AC TRT A & Lots 1873-1874 Lago Vista Estates).

Citizen comments from Karen Todd:

- Expressed concerns about:
 - Traffic and safety
 - Drainage and runoff
 - Loss of residential character
 - Property value impacts

Moved by Lynda Aird; seconded by Gene Harris to Approve as Amended, subject to a successful amendment of the City of Lago Vista Comprehensive Plan to designate the property with a future land use classification consistent with the requested zoning, in compliance with Chapter 14, Section 13.20(D) of the City of Lago Vista Zoning Code.

Motion Passed: 5- 1

Voting For: Lynda Aird, Jeff Hewgley, Gene Harris, Ann Cleator, Enrique Lopez

Voting Against: Dave Stewart

4. Approval of the May 14th, 2026 Minutes

Moved by Ann Cleator; seconded by Enrique Lopez to Approve.

Motion Passed: 5 - 0

Voting For: Lynda Aird, Jeff Hewgley, Gene Harris, Ann Cleator, Enrique Lopez

Voting Against: None

Abstain: Dave Stewart

5. Consider, discuss, and take action on the Comprehensive Plan Draft.

No formal motion adopted

Commissioners to review materials and provide feedback via discussion board

Staff to compile feedback and prepare for next meeting

Aim to resolve FLUM categories and continue plan development

V. ADJOURNMENT

Chair Lynda Aird adjourned the meeting at 5:54 PM.

CITY OF LAGO VISTA

Lynda Aird, Chair

ATTEST:

City Staff

Date approved by Planning and Zoning Commission: _____



Item Cover Page

PLANNING & ZONING COMMISSION AGENDA ITEM REPORT

DATE: August 13, 2026

SUBMITTED BY: Jordan Strohmeyer, Director Development Services

SUBJECT: Approval of the Minutes from the July 9th, 2026 meeting.

RECOMMENDATION: Approve the July 9, 2026 meeting minutes.

ATTACHMENTS:
[2026-07-09 planning-zoning-commission_minutes.pdf](#)



**PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES
THURSDAY, JULY 9, 2026
4:00 PM
COUNCIL CHAMBERS
5803 THUNDERBIRD STREET**

Lynda Aird, Chairperson
Gene Harris, Vice Chair
Ann Cleator, Member
Jeff Hewgley, Member
Enrique Lopez, Member
Nelson Minyard, Member
Dave Stewart, Member

I. CALL TO ORDER, CALL OF ROLL

Meeting was called to order at 4:03 PM.

Present: Lynda Aird, Jeff Hewgley, Gene Harris, Enrique Lopez, Dave Stewart

Absent: Ann Cleator, Nelson Minyard

Paul Prince – Council Liaison

Jordan Strohmeyer – Staff Liaison

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III. STAFF AND COUNCIL LIAISON REPORTS

1. Routine Reports from City staff.

The Board of Adjustment requested a joint workshop with the Planning and Zoning Commission regarding special exceptions.

2. Routine Reports from City Council Liaison.

No City Council report was provided.

IV. PUBLIC HEARING AND ACTION (APPLICATIONS)

1. **26-2960-PDD-MOD:** Open a Public Hearing to Consider, Discuss, and Take Action on Consideration and recommendation of a PDD Modification to the detailed and concept plan included in Ordinance No. 21-09-02-01, Firefly Cove Planned Development District ("Firefly Cove PDD"). Approximately, 211 acres located in ABS 2587 Survey 141 Cook W A & various others.

Citizen comments received by: Mike Denehy, Gary Lipscomb, Jane Bramblett, Jason Foltz, Lydia McBride, Mark Williams, Mike Haas, Kenneth Bingman

Moved by Lynda Aird; seconded by Jeff Hewgley to Table consideration of the Detailed Plan Modification until the August 13 Planning and Zoning Commission meeting.

The motion included the following requests:

- Provide the Commission with the staff determination, pursuant to Chapter 10, regarding the application.
- Provide documentation confirming that the plans and property located within the former Austin ETJ comply with the requirements of the Special Planning Area (Section 3.16).
- Provide the required determinations concerning parkland pursuant to Section 5, including documentation of the parkland approved by the City, as no parkland is depicted on the current plan.
- Revise the plan to show all features required by Section 10.20(C).
Provide an updated Traffic Impact Analysis prior to City Council consideration.

Motion Tabled: 4- 1

Voting For: Lynda Aird, Jeff Hewgley, Gene Harris, Dave Stewart

Voting Against: Enrique Lopez

V. PUBLIC HEARING AND ACTION (ORDINANCE AMENDMENTS)

1. Open a public hearing to consider, discuss, and take action on an ordinance of the City of Lago Vista, Texas, amending the City of Lago Vista Code of Ordinances by removing mobile food vendor and mobile food establishment regulations from Article 4; amending Article 14.200, Exhibit A, "Zoning Ordinance," Section 6, by adding Section 6-110, "Mobile Food Vendors"; amending Article 14.200, Exhibit A, Part IV, Table B, "Table of Allowed Uses for Zoning," by adding "Mobile Food Vendor" and "Mobile Food Vendor Park" as use classifications; providing findings of fact; providing for attachments; providing for repealer; providing for severability; providing for codification; providing for a penalty; and providing an effective date

Moved by Dave Stewart; seconded by Jeff Hewgley to Approve.

Motion Passed: 5- 0

Voting For: Lynda Aird, Jeff Hewgley, Gene Harris, Enrique Lopez, Dave Stewart

Voting Against: None

VI. ACTION ITEMS

1. Consider, Discuss, and Take Action on the Minutes from the June 11th, 2026.

Moved by Lynda Aird; seconded by Gene Harris to revise *item IV. 2* and bring them back for approval.

Motion Passed: 5- 0

Voting For: Lynda Aird, Jeff Hewgley, Gene Harris, Enrique Lopez, Dave Stewart

Voting Against: None

2. Consider, Discuss, and Take Action on the Comprehensive Plan Draft.

Citizen comments received by: Kevin Sullivan, Mark Brown, Paul Roberts, Joel Scott

I move that the Planning and Zoning Commission recommend to City Council that the Comprehensive Plan Subcommittee redline be used as the basis for final text refinement, organization, simplification, and removal of repetitive or unnecessary material, provided that the Future Land Use framework retain the eleven-place-type structure contained in the February 2026 staff draft.

The eleven place types are: Rural Residential Tier 1, Rural Residential Tier 2, Rural Residential Tier 3, Neighborhood Residential, Neighborhood Transition, Neighborhood Activity Center, Regional Commercial District, Employment & Service District, Civic Places, Parks & Conservation, and Scenic View & Corridor Preservation, with Scenic View & Corridor Preservation functioning as an overlay.

The Commission further recommends that each place type retain the corresponding density guidance, FAR/height guidance, typical lot-size and character targets, key determination factors, and narrative descriptions contained in the February 2026 staff draft, including the Future Land Use Place Types table on plan page 36 / PDF page 21 and the related descriptions that follow. These are planning-level guidance only and do not create zoning, density, subdivision, site-plan, or development entitlements.

The Commission recommends that the Harris/Stewart February 22 marked-up FLUM map and legend be used as the Commission's policy basis for the revised FLUM. Where that map assigns or annotates a place-type designation, including RR1, RR2, and RR3, those designations should be carried forward with no substantive change. Staff may translate the hand-marked map into GIS, clean up boundaries, fill in unmarked or unclear areas, apply overlays, and add clarifying detail consistent with the February 2026 staff draft and eleven-place-type framework; however, staff should not change any marked designation unless City Council specifically directs otherwise after review.

Finally, the Commission recommends that City Council direct staff to prepare the next Comprehensive Plan draft and FLUM consistent with this recommendation and proceed with any required public hearing, review, and final action.

Moved by Jeff Hewgley; seconded by Dave Stewart to Approve as Amended.

Motion Passed: 4- 1

Voting For: Lynda Aird, Jeff Hewgley, Gene Harris, Dave Stewart

Voting Against: Enrique Lopez

VII. CONSENT AGENDA

All matters listed in the Consent Agenda are to be considered routine by the Commission and will be enacted by one motion without discussion. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.

VIII. ADJOURNMENT

Chair Lynda Aird adjourned the meeting at 7:25 PM.

CITY OF LAGO VISTA

Lynda Aird, Chair

ATTEST:

City Staff

Date approved by Planning and Zoning Commission: _____



Item Cover Page

PLANNING & ZONING COMMISSION AGENDA ITEM REPORT

DATE: August 13, 2026

SUBMITTED BY: Jordan Strohmeyer, Director Development Services

SUBJECT: **26-2960-PDD-MOD:** Consider, discuss, and take action on consideration and recommendation of a PDD Modification to the detailed and concept plan included in Ordinance No. 21-09-02-01, Firefly Cove Planned Development District ("Firefly Cove PDD"). Approximately, 211 acres located in ABS 2587 Survey 141 Cook W A & various others.

RECOMMENDATION: At this time, the items requested by the Commission are still in review stages. Under the Motion from the July meeting, this item must be brought back before the Commission at the August meeting, however, staff is recommending a continuance at the request of the property owner to either a special called meeting or the next regular agenda of the Commission. This allows for sufficient review time as well as update packet material to be presented to the Commission in accordance with the Motion. The amendment to the TIA was submitted on 7/23/26 and forwarded to FNI for review. The updated detailed planned was submitted on 7/27/26 and forwarded to appropriate reviewers. Staff proposes either a special called meeting on 8/27/26 or our regularly scheduled September meeting. A public hearing has been completed for this item.

ATTACHMENTS:
[Firefly_Cove_PDD_Modification_Staff_Report.pdf](#)
[Ord.XXX\(Firefly Amnd\).docx](#)

Development Services Staff Report

Firefly Cove PDD Modification

Planned Development District Modification | Case No. 26-2960-PDD-MOD

Report Date	June 17, 2026	Meeting Date	July 9, 2026
Board / Action	Planning and Zoning Commission - public hearing and recommendation	Project Planner	Tam Pieklik
Applicant	Firefly Cove, LLC	Property Owner	Firefly Cove, LLC
Representative / Requestor	Luke Gosda	Request Type	PDD Modification

Executive Summary

Firefly Cove, LLC requests approval of a Planned Development District (PDD) Modification to replace the existing Concept Plan and Detailed Plan, identified as Exhibit C to Ordinance No. 21-09-02-01, with an updated Concept Plan and Detailed Plan for the Firefly Cove Planned Development District. The applicant states the updated plan is intended to reflect current development planning and commitments associated with the Firefly Municipal Utility District (MUD) Consent Agreement.

The request does not propose to amend the controlling ordinance language, increase the maximum number of residential units, or alter the established permitted uses and development standards. The principal changes are the redistribution of land use areas, creation and relocation of additional amenity areas, intermixing of SF-A and SF-Estate lots within the residential area, and updates to the internal roadway/phasing layout.

Staff Recommendation: Staff forwards Case No. 26-2960-PDD-MOD to the Planning and Zoning Commission without a recommendation for approval or denial.

The request would amend and replace Exhibit “C,” the Concept Plan and Detailed Plan for the Firefly Cove Planned Development District. The applicant states that the amendment aligns the PDD exhibit with current development planning and the Firefly Cove MUD Consent Agreement, without increasing the maximum residential unit count or modifying the controlling text of Ordinance No. 21-09-02-01.

Because the amendment would replace the adopted Concept Plan and Detailed Plan in full, staff identifies the following items for consideration before final action: acreage reconciliation, controlling document clarification, public/private amenity commitments, ownership and maintenance responsibilities, infrastructure and phasing, and final Exhibit “C” readiness.

Approval of this request would not approve any future plat, construction plan, building permit, infrastructure acceptance, easement, dedication, maintenance agreement, or other required development approval. Accordingly, staff forwards the request for public hearing, deliberation, and recommendation to City Council.

Item Details

Project Name	Firefly Cove PDD Modification	Case No.	26-2960-PDD-MOD
Project Location	Approximately 211 acres located in ABS 2587 Survey 141 Cook W A & various others; generally associated with the Firefly Cove PDD area along Boggy Ford Road and Drapers Cove Road.	Current Zoning / PDD	Firefly Cove Planned Development District, adopted by Ordinance No. 21-09-02-01.
Total Acreage	Approximately 211 acres located in ABS 2587 Survey 141 Cook W A & various others. Original PDD legal description: metes and bounds description of 286.85 acres, more or less, save and except 2.504 acres and 2.899 acres, leaving 281.45 acres, more or less, across multiple surveys in Travis County, Texas.	Future Land Use	HDRES (High Density Residential).
Legal Description	Approximately 211 acres located in ABS 2587 Survey 141 Cook W A & various others. Original PDD legal description: metes and bounds description of 286.85 acres, more or less, save and except 2.504 acres and 2.899 acres, leaving 281.45 acres, more or less, across multiple surveys in Travis County, Texas.	Requested Action	Replace the existing Exhibit C Concept Plan and Detailed Plan in its entirety with the updated Concept Plan and Detailed Plan submitted by the applicant.

Case History and Background

The subject property is part of the Firefly Cove Planned Development District (PDD), originally approved by City Council through Ordinance No. 21-09-02-01. The ordinance was passed and approved on September 2, 2021, following public hearings before the Planning and Zoning Commission on August 12, 2021 and City Council on September 2, 2021.

The 2021 ordinance approved the property as a PDD with a concept plan and detailed plan attached as Exhibit C. The PDD established a master-planned residential framework that included up to 280 SF-A single-family residential lots, up to 45 SF-Estate lots, open space, amenities, and local rights-of-way. The ordinance also included custom development standards for lot width, setbacks, impervious cover, minimum living area, road design, drainage, open space, parkland, lighting, signage, and related development provisions.

The Firefly Municipal Utility District (MUD) Consent Agreement was approved in March 2025. As described in the applicant narrative, the Consent Agreement and subsequent project planning efforts resulted in additional public and private amenity commitments, including public mountain bike and pedestrian trails, eight pickleball courts, parkland, lake-access-related amenities, shade structures, picnic tables, barbecue grills, and private resident amenities such as a resort-style swimming pool and additional sports courts.

The applicant states that the 2021 land use plan did not provide sufficient internal amenity area locations to implement the full amenity package contemplated by the Consent Agreement. The proposed amendment therefore replaces Exhibit C with an updated plan intended to distribute amenity areas throughout the project, reduce the residential land-use area, update internal circulation, and allow SF-A and SF-Estate lots to be intermixed within the designated residential area.

MUD Consent Agreement and Council Action Background

On December 5, 2024, Firefly Cove, LLC submitted a Petition for Consent to the creation of a municipal utility district (MUD) within the City limits. The submittal described the MUD as a financing mechanism to reimburse eligible water, wastewater, drainage, roadway, recreation, and other improvements related to development of Firefly Cove. The developer stated that the MUD would not cost the City funds or create additional City liability, and that MUD taxes would apply only to properties located within Firefly Cove.

The December 19, 2024 City Council minutes identify Agenda Item 7 as approval of Resolution No. 24-2107, consenting to the creation of an in-city Municipal Utility District for Firefly Cove, LLC. The minutes reflect a motion to approve the petition for consent and direct legal counsel to work with the developer on discussed stipulations, including public accessibility for pickleball courts, lake access, and related community amenities, financial contributions for wastewater and roadway improvements, and legal review before final approval. The amended motion carried 4-3.

The Consent Agreement materials provide additional context for the current PDD Modification. The agreement states that the project is to be developed in accordance with the City Code as modified by the existing PDD, that the District will not provide municipal services, and that retail water and wastewater service will be provided by the City. The materials also identify public-access commitments for trails, pickleball courts, and waterfront recreation amenities, as well as public infrastructure contributions tied to wastewater capacity and transportation improvements.

Commitment / Topic	Consent Agreement Summary	Relevance to PDD Modification
MUD Financing Structure	MUD bonds may finance or reimburse eligible water, wastewater, drainage, road, recreation, and related public infrastructure costs associated with Firefly Cove.	Explains why the applicant is coordinating updated land use, infrastructure, and amenity locations through a replacement Exhibit C.
City Services	The District will not provide municipal services. Retail water and wastewater service will be provided by the City, and customers in the Land will pay applicable in-city rates.	Supports continued City review of utility capacity, infrastructure design, and public-facility conveyance at later plat and construction-plan stages.
Public Access / Amenities	Developer agrees to provide public access easements for mountain bike and pedestrian walking trails, pickleball courts, and parkland/water recreation amenities on approximately 12 acres of Lake Travis shoreline, including picnic tables, benches, shade structures, and a swim dock.	Directly supports the applicant's request to increase Amenities Areas and disperse amenity locations within the project rather than limiting them to the original lakefront amenity parcels.
Wastewater Contribution	Developer agrees to pay \$1,800,000 toward expansion of the City's existing wastewater	Relevant to infrastructure-capacity discussion but does not replace City review

	system, payable from the proceeds of the first District bond issuance.	of future plats, construction plans, utility approvals, fiscal security, and facility acceptance.
Transportation Contribution	In addition to the developer's \$199,365 rough-proportionality contribution, Developer agrees to pay \$590,735 to fund the remaining TIA-identified improvements, or elect to fully fund and construct those improvements.	Supports transportation analysis and future verification of Boggy Ford Road, Drapers Cove Road, emergency access, and TIA-related obligations.
Boggy Ford / Drapers Cove Improvements	Developer will fund and construct recommended traffic improvements to the intersection of Boggy Ford Road and Drapers Cove no later than development of Phase 3.	Relevant to phasing and recommended conditions for future subdivision and construction-plan review.

Overview of Applicant Request

The applicant requests approval to delete the existing Exhibit C to Ordinance No. 21-09-02-01 and replace it with the updated Concept Plan and Detailed Plan submitted with the current application. The updated plan is intended to function as the controlling land use plan for future development phases within the Firefly Cove PDD.

- **No increase in residential unit maximums.** The applicant states the updated plan maintains the maximum unit allowances established in the existing PDD ordinance.
- **No change to controlling ordinance language.** The request is framed as a plan replacement rather than a text amendment to the PDD ordinance.
- **Amenity areas increase.** Amenities Areas increase from 19 acres in the 2021 Plan to 56 acres in the Updated Plan.
- **Residential land-use areas are consolidated.** The 2021 Plan separately identified 102 acres of SF-A and 73 acres of SF-Estate. The Updated Plan identifies 140 combined acres of SF-A / SF-Estate.
- **Open space remains a major project component.** Open Space is shown as 63 acres in the Updated Plan, compared with 71 acres in the 2021 Plan.
- **Local ROW increases.** Local ROW increases from 17 acres to 23 acres, reflecting updated internal circulation and phasing layout.

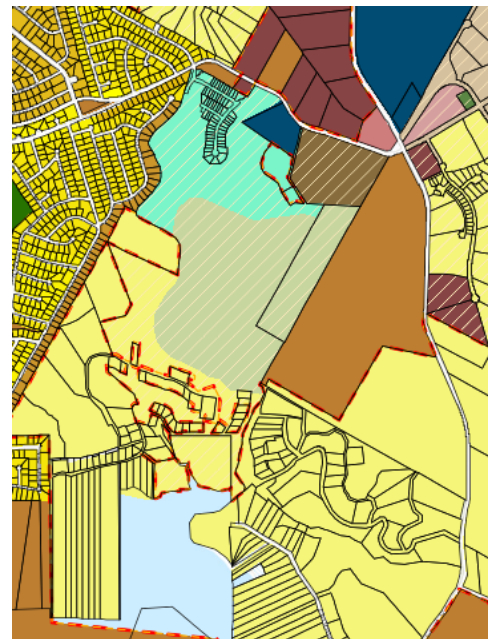
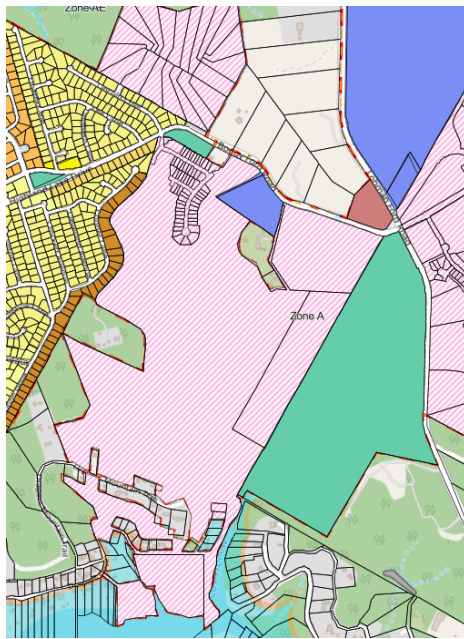
Land Use Acreage Comparison

Plan	SF-A	SF-Estate	Amenities Areas	Open Space	Local ROW
2021 Plan	102 acres	73 acres	19 acres	71 acres	17 acres
Updated Plan	140 acres combined	Included in combined residential acreage	56 acres	63 acres	23 acres

Staff Note: The applicant narrative describes the amendment as an adjustment to already permitted land use designations within the PDD boundaries.

Site Information

Direction	Zoning District	Future Land Use	Existing Use / Context
North	ETJ	REGCOM	ETJ / undeveloped and adjacent properties
South	Lake	Lake	Lake Travis / waterfront area
East	TR-1	HDRES	TR-1 / residential context
West	R-1	LDRES	R-1 / residential context



The site is generally located along Boggy Ford Road and Drapers Cove Road. The notification map identifies the requestor area, notification boundary, TCAD parcels, City limits, and ETJ limits. The map was prepared for Planning and Zoning notification purposes using NAD 1983 StatePlane Texas Central FIPS 4203 Feet, dated June 9, 2026.

Comprehensive Plan and Policy Guidance

The future land use designation identified in the staff materials is HDRES (High Density Residential). The original PDD ordinance included findings that the PDD was consistent with the City’s Comprehensive Master Plan and established a planned residential development framework intended to protect health, safety, welfare, property values, and the City’s tax base.

The proposed amendment should be evaluated for consistency with the applicable comprehensive plan policies, including whether the updated land-use distribution continues to support a coordinated master-planned development pattern, maintains compatibility with surrounding properties, and implements the public and private amenities represented during the MUD consent process.

Applicable Code Framework

The request is governed by the PDD provisions in the Unified Development Code, including the purpose, procedural requirements, plan requirements, change/amendment procedures, detail-plan findings, and City Council approval requirements. The following provisions are most relevant to this application:

UDC Section	Requirement / Standard	Staff Application to Request
Sec. 10-10 - Purpose	PDDs allow land to be developed as an integral unit with flexibility from standard zoning districts while ensuring good zoning and development practices. Flexibility should not be used primarily to avoid standards considered onerous or costly.	The request should be evaluated as a coordinated master-plan adjustment that implements the project’s approved development framework and amenity commitments, not as a stand-alone variance request.
Sec. 10-20 - Procedural Requirements	Requires a PDD application, base district references, concept/detail plan information, and a phasing plan or schedule for PDDs larger than 100 acres or phased projects.	The application proposes replacement of the existing Concept Plan and Detailed Plan. The Updated Plan shows land uses, phasing, internal circulation, open space, amenity areas, and project boundaries.
Sec. 10-30 - Changes in Concept Plan	Changes in the concept plan are processed as a rezoning application unless administratively authorized as non-substantive. Notice is based on the legal description of the original PDD approval, excluding only property removed by later zoning changes.	Because the applicant seeks replacement of Exhibit C and the matter raises public-interest and plan-substitution issues, staff is processing the request through the public hearing and recommendation process rather than administrative authorization.

UDC Section	Requirement / Standard	Staff Application to Request
Sec. 10-50 - Consideration of Detail Plan	Planning and Zoning Commission recommends; Council may approve, deny, modify, add restrictions, remand, or deny. Approval findings include compliance with the concept plan/PDD standards, compatibility, and adequate/safe vehicular circulation.	The staff findings below address consistency with the PDD, compatibility with surrounding properties, and circulation. The Updated Plan appears intended to remain within the existing PDD framework subject to final exhibit and technical verification.
Sec. 10-60 - Changes in Detail Plan	Changes in the detail plan are processed as a rezoning application unless administratively authorized as non-substantive; administrative approval must be denied if the change raises new issues of public interest.	The detail plan amendment is being publicly noticed and considered by P&Z due to the replacement of the controlling plan exhibit and public-interest implications.
Sec. 10-80 - Approval of Districts	City Council may approve creation or amendment of a PDD by ordinance after receiving a P&Z recommendation. Because relief from strict compliance is included, approval or amendment requires an affirmative vote of at least three-fourths of all members of the governing body.	P&Z action is a recommendation. Final action requires City Council consideration by ordinance, and the Council vote requirement should be confirmed with the City Attorney before final agenda publication.
Sec. 10-90 - Additional Requirements	The three-fourths vote applies to concept plans, detail plans, and amendments. Relief from PDD requirements is processed as a PDD amendment rather than a variance or special exception.	The current request is properly framed as a PDD amendment/modification rather than a variance.

Staff Analysis

1. Nature of the Amendment

The applicant's request is a plan replacement for Exhibit C rather than a proposed amendment to the substantive ordinance text. The existing PDD ordinance contemplated that the land use plan would guide development while allowing non-substantive changes administratively where the ordinance criteria are met. Because the current request replaces the entire Exhibit C and redistributes land use areas, staff has treated the request as a PDD Modification requiring public notice, Planning and Zoning Commission recommendation, and City Council action.

2. Consistency with Existing PDD Entitlements

The materials state that the request does not increase the maximum number of residential units and does not alter the established development standards. The residential component is reconfigured by combining SF-A and SF-Estate areas into 140 acres of residential land use, with the SF-Estate lots to be dispersed within the residential areas instead of separately delineated as shown on the 2021 Plan. Staff should confirm that any lot-level implementation remains consistent with the applicable SF-A and SF-Estate standards in Ordinance No. 21-09-02-01.

3. Amenity and Open Space Framework

The most significant plan change is the increase in designated Amenities Areas from 19 acres to 56 acres. The applicant links this change to the MUD Consent Agreement commitments for public and private recreational amenities. Open Space remains a substantial component of the PDD, shown as 63 acres on the Updated Plan. Staff should confirm during later plat/site plan review that any public access easements, public dedications, ownership/maintenance responsibilities, and MUD/HOA obligations are carried forward in enforceable documents.

The additional Consent Agreement materials strengthen this part of the analysis because the agreement expressly links public access to trails, pickleball courts, and waterfront recreation amenities. Staff should ensure that the final replacement Exhibit C, any public access easement documents, and future plats clearly distinguish private HOA/MUD amenities, publicly accessible amenities, and any land or facilities proposed for dedication to or maintenance by the City.

4. Transportation and Circulation

The original PDD ordinance includes transportation-related standards, including Traffic Impact Analysis responsibilities, improvements associated with Boggy Ford Road and Drapers Cove Road, driveway connections, emergency access locations, traffic calming, and subdivision design criteria. The Updated Plan shows a revised internal roadway pattern, local ROW, and phased development areas. The proposed Local ROW acreage increases from 17 acres to 23 acres. Final roadway alignment, emergency access, traffic calming, driveway spacing, and design details should be reviewed at subdivision construction plan and final plat stages.

The MUD Consent materials identify infrastructure-related commitments that are separate from, and do not substitute for, development review approvals. Staff should treat the financial commitments and MUD-related obligations as background and implementation context while continuing to require independent compliance with the PDD ordinance,

UDC, subdivision regulations, engineering criteria, fiscal security requirements, utility approvals, and final facility-acceptance procedures.

5. Compatibility

The proposed amendment keeps the use mix within the master-planned residential framework originally approved for the property. The plan does not appear to introduce new nonresidential land uses or an increase in density. Amenity locations are moved and expanded, which may improve internal access for residents and the public; however, staff should ensure that amenity placement, public access, parking, noise, lighting, and operational details are addressed through later development approvals where applicable.

Review Criteria and Staff Findings

Finding Area	Staff Finding
Compliance with Concept Plan / PDD Standards	The Updated Plan is intended to replace the existing combined Concept Plan and Detail Plan attached as Exhibit C. Based on the applicant narrative, the amendment maintains the controlling ordinance language, permitted uses, maximum residential units, and development standards. Staff recommends approval subject to final verification that the replacement exhibit remains consistent with Ordinance No. 21-09-02-01 and the UDC PDD provisions.
Compatibility with Surrounding Properties	The amendment maintains a master-planned residential development adjacent to existing residential, ETJ, and Lake Travis contexts. No increase in density, height, or impervious cover is represented in the application materials. Staff finds the change compatible with the surrounding area subject to later review of final lot layout, amenity operations, lighting, parking, access, and drainage.
Adequate and Safe Vehicular Circulation	The Updated Plan revises internal roadway layout and increases Local ROW acreage. The original PDD ordinance contains transportation requirements, including TIA-related improvements, Drapers Cove Road/Boggy Ford Road improvements, emergency access, traffic calming, and subdivision design criteria. Staff finds the plan can support adequate circulation subject to technical review at plat and construction plan stages.
Public Interest and PDD Purpose	The request is being processed through a public hearing process because it replaces the controlling plan exhibit and raises public-interest considerations. The amendment appears to further the PDD purpose by coordinating land use, open space, amenities, phasing, and circulation within an integrated development framework.
Public Notice	The notice materials identify a Planning and Zoning Commission public hearing on July 9, 2026 at 4:00 PM and describe the request as a PDD Modification to the detailed and concept plan included in Ordinance No. 21-09-02-01. Notice and mailing counts should be verified before final publication and hearing.

Recommended Conditions

- Approval of the PDD Modification shall not be construed as approval of final plats, subdivision construction plans, site plans, public access easement documents, fiscal security, utility approvals, floodplain approvals, drainage approvals, or other permits required by the City or other applicable agencies.
- All development shall continue to comply with Ordinance No. 21-09-02-01, the approved replacement Exhibit C, the UDC, and all applicable state and federal requirements unless expressly modified by the approved PDD ordinance.
- The final replacement Exhibit C should identify, to the extent applicable at this plan level, the location or general distribution of publicly accessible trails, pickleball courts, shoreline recreation areas, swim dock, shade structures, picnic areas, and other amenities required by the MUD Consent Agreement.
- Public access easements, dedication instruments, maintenance responsibilities, and ownership responsibilities for open space, trails, drainage, water quality facilities, private roads, and amenity areas shall be reviewed and approved in the form required by the City Attorney, City Engineer, and Development Services Director before plat recordation or other applicable development milestones.
- Approval of the PDD Modification does not independently approve MUD bond issuance, reimbursement, utility capacity reservation, public infrastructure acceptance, CCN/service-area changes, or any future annexation or service-extension action.

Public Notification

The public hearing notice states that the Planning and Zoning Commission will hold a public hearing on July 9, 2026 at 4:00 PM in the Council Chambers at City Hall, 5803 Thunderbird, Lago Vista, Texas, to receive citizen input on Case No. 26-2960-PDD-MOD. The notice describes the request as consideration and recommendation of a PDD Modification to the detailed and concept plan included in Ordinance No. 21-09-02-01 for the Firefly Cove Planned Development District, approximately 211 acres located in ABS 2587 Survey 141 Cook W A & various others.

Staff materials should be updated before publication to include the final number of mailed notices, newspaper publication date, sign posting date, registered neighborhood association notification, and number of comments received in favor or opposition.

Notification Item	Status / Information
Public Hearing	Planning and Zoning Commission - July 9, 2026 at 4:00 PM.
Notice Description	PDD Modification to the detailed and concept plan included in Ordinance No. 21-09-02-01, Firefly Cove PDD.
Notice Area	Notification map shows requestor area and notification boundary. Confirm that legal-description-based notice complies with UDC Sec. 10-30 and Sec. 10-60.
Written Comments	To be updated before the hearing: number in favor, number opposed, and summary of substantive comments received.

Staff Recommendation

Staff provides the following analysis for consideration and forwards Case No. **26-2960-PDD-MOD** to the Planning and Zoning Commission without a recommendation for approval or denial.

The request is a Planned Development District Modification to amend and replace the Concept Plan and Detailed Plan, Exhibit “C,” for the Firefly Cove Planned Development District. The applicant states that the proposed amendment is intended to align the approved PDD exhibit with current development planning and the Firefly Cove Municipal Utility District Consent Agreement. The applicant further states that the request does not increase the maximum number of residential units authorized by Ordinance No. 21-09-02-01 and does not amend the controlling text of the adopted PDD ordinance.

Because the proposed amendment would replace the adopted Concept Plan and Detailed Plan in its entirety, staff finds that the request involves policy, land use, infrastructure, public access, and long-term administrative considerations that are appropriate for Planning and Zoning Commission review and City Council direction. Staff is not recommending approval or denial at this time, but instead identifies the following items for consideration as part of the public hearing and recommendation process:

1. **Controlling Document Clarification.** The adopting ordinance and amended Exhibit “C” should clearly state which document controls in the event of conflict between the PDD ordinance, the amended exhibit, the MUD Consent Agreement, future plats, and construction plans.
2. **Public and Private Amenity Commitments.** The amended plan should clearly distinguish between public amenities, private amenities, publicly accessible private amenities, and improvements required under the MUD Consent Agreement.
3. **Ownership and Maintenance Responsibilities.** The final record should clearly identify whether parkland, open space, trails, shoreline improvements, drainage facilities, and other amenities will be owned or maintained by the City, the MUD, the property owners association, or another responsible entity.
4. **Infrastructure and Phasing.** The amended Concept Plan and Detailed Plan should provide sufficient information to guide future review of plats, construction plans, utility improvements, drainage improvements, roadway improvements, public access improvements, and related infrastructure.
5. **Final Exhibit Readiness.** Prior to City Council consideration, the applicant should provide a clean final version of the amended Exhibit “C” suitable for adoption and long-term administration.

Staff notes that approval of this PDD modification would not constitute approval of any future plat, construction plan, building permit, infrastructure acceptance, public access easement, parkland dedication instrument, maintenance agreement, or other development approval required by City code. Future development phases would remain subject to all applicable City review, permitting, inspection, infrastructure, drainage, utility, fire, and building requirements.

Accordingly, staff forwards Case No. 26-2960-PDD-MOD to the Planning and Zoning Commission for public hearing, deliberation, and recommendation to City Council, without a staff recommendation for approval or denial.

Suggested Motion

Approval

I move to recommend approval of Case No. 26-2960-PDD-MOD, a Planned Development District Modification to replace the existing Exhibit C Concept Plan and Detailed Plan for the Firefly Cove Planned Development District,

adopted by Ordinance No. 21-09-02-01, with the Updated Concept Plan and Detailed Plan, subject to staff findings and the conditions identified in the staff report.

Approval with Additional Conditions

I move to recommend approval of Case No. 26-2960-PDD-MOD, subject to staff findings, the conditions identified in the staff report, and the following additional conditions: [state conditions].

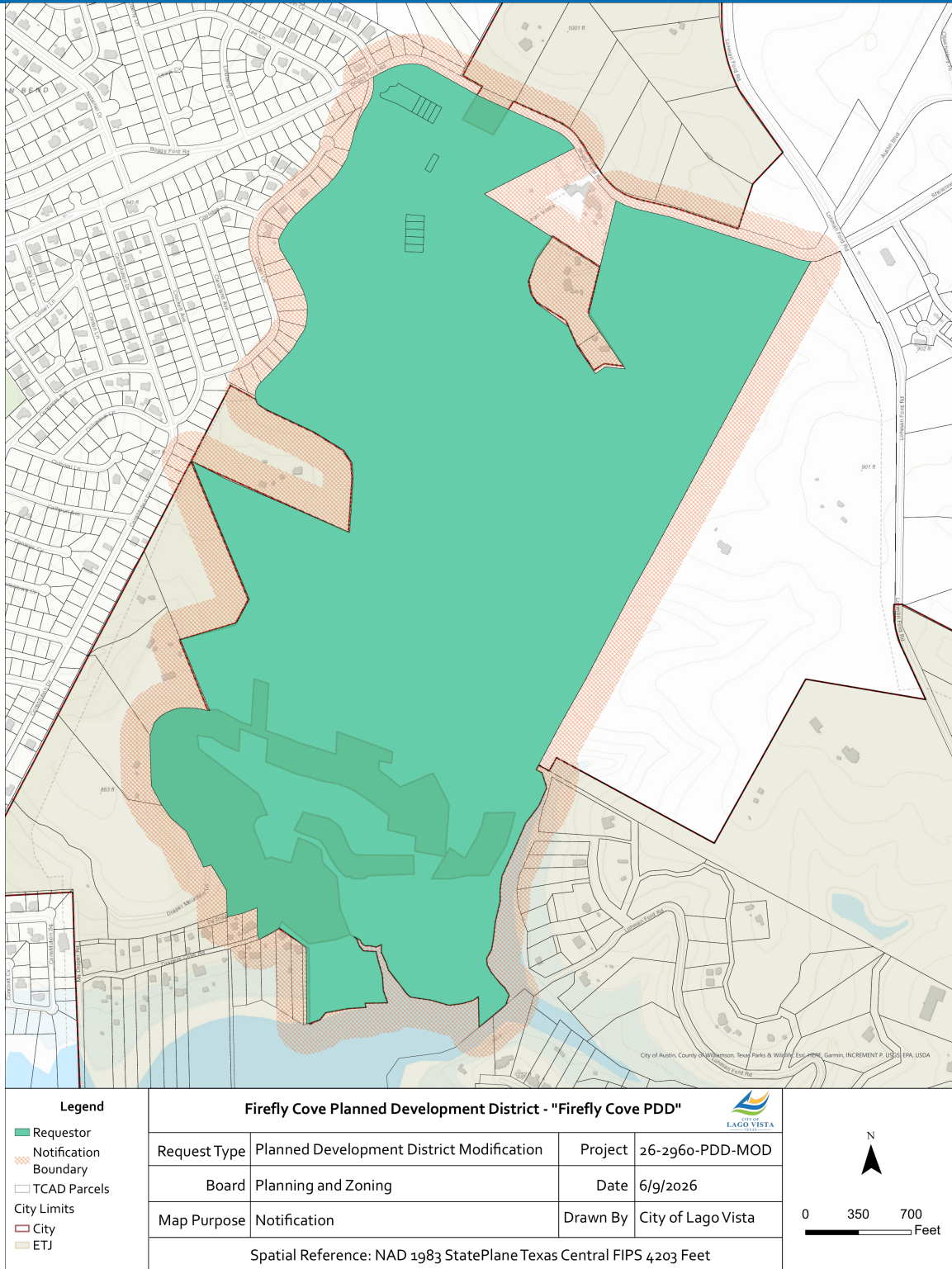
Denial

I move to recommend denial of Case No. 26-2960-PDD-MOD based on the following findings: [state findings].

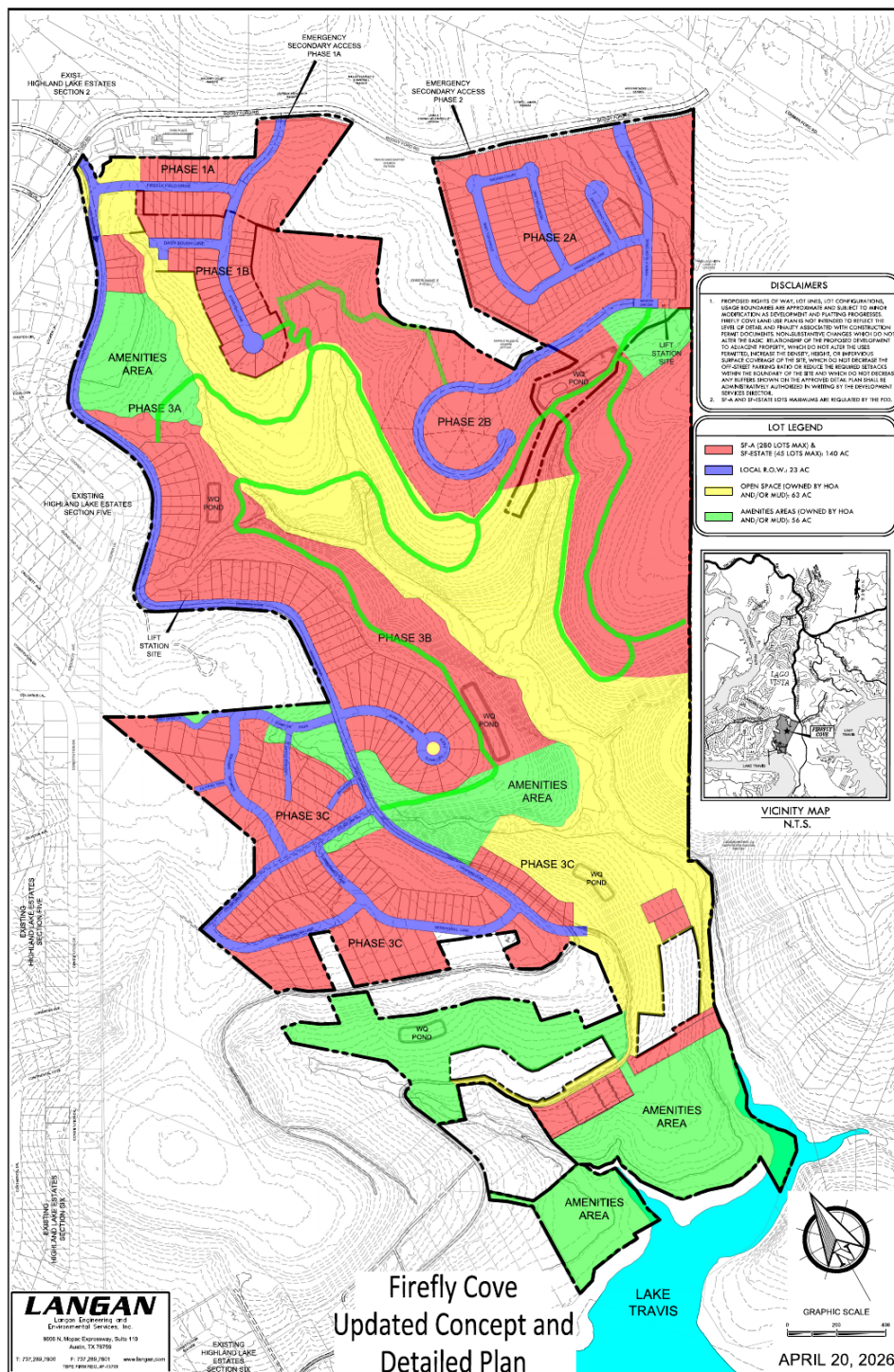
Attachments / Exhibits

Exhibit	Description
Exhibit 1	Location / Notification Map
Exhibit 2	Updated Concept Plan and Detailed Plan
Exhibit 3	Original Exhibit C / 2021 Land Use Plan
Exhibit 4	CLVFireflyPDDModREV-g-061126
Exhibit 5	Ordinance 21-09-02-01
Exhibit 6	Firefly Cove MUD Consent Letter & Package - Final

Exhibit 1 - Notification Map



Notification map showing requestor area, notification boundary, TCAD parcels, City limits, and ETJ limits.



Applicant-submitted Updated Concept Plan and Detailed Plan dated April 20, 2026.

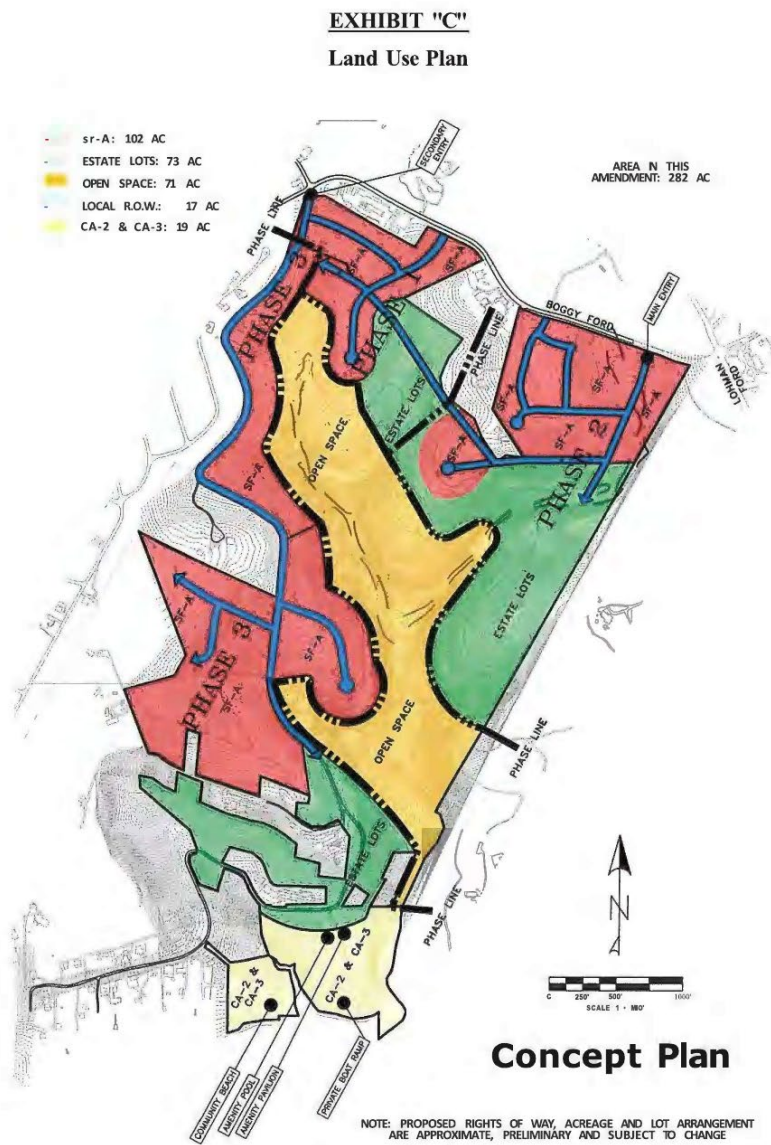


Exhibit "C" (1)

Original Exhibit C / Land Use Plan from Ordinance No. 21-09-02-01, included for comparison.

Notice Public Hearing

The City of Lago Vista Planning and Zoning Commission will hold a Public Hearing on July 9, 2026 at 4:00 PM in the Council Chambers at City Hall, located at 5803 Thunderbird, Lago Vista, Texas to receive citizen input in consideration of the following:

26-2960-PDD-MOD: Consideration and recommendation of a PDD Modification to the detailed and concept plan included in Ordinance No. 21-09-02-01, Firefly Cove Planned Development District ("Firefly Cove PDD"). Approximately, 211 acres located in ABS 2587 Survey 141 Cook W A & various others. Copies of the proposed amendment are available for public review at City Hall.

All interested persons are invited to attend.

Hill Country Newspaper Posting Clip

ORDINANCE NO. 21-09-02-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE OFFICIAL ZONING MAP REGARDING THE CURRENT “PLANNED DEVELOPMENT DISTRICT” (PDD) KNOWN AS “FIREFLY COVE” AND PREVIOUSLY DESCRIBED AS “TUSIKANNI COVE” IN ORDINANCE NUMBER 07-10-04-04, TO APPROVE AN AMENDED CONCEPT PLAN FOR THE ENTIRE DEVELOPMENT CONSISTING OF APPROXIMATELY 281.45 ACRES AND TO APPROVE A DETAIL PLAN FOR EVERYTHING EXCEPT THE AREA DESIGNATED AS THE LOCATION OF APPROXIMATELY 45 ESTATE LOTS; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, Firefly Cove, LLC, the owner of approximately 281.45 acres of land, as more particularly described in the attached Exhibit “A” (described hereinafter as the “Property”), have requested that the Property be zoned as a PDD to be known as the “Firefly Cove Planned Development District,” and

WHEREAS, the Property currently resides within the corporate limits of the City of Lago Vista;

WHEREAS, the conceptual and detail plans for the Property is set forth in this “Firefly Cove Planned Development District” Zoning Ordinance (the “Ordinance”) and in Exhibit “C” attached hereto (the “Land Use Plan”), which identifies and designates various land uses for the Property as further described below;

WHEREAS, after giving ten (10) days written notice to the owners of land in and within 200-feet of the area being rezoned, as well as having published notice to the public at least fifteen (15) days prior to the date of such hearings, the Planning and Zoning Commission and City Council each held separate public hearings on the proposed rezoning of the Property included in this Ordinance; and

WHEREAS, the Planning and Zoning Commission at its public hearing held on August 12, 2021 and the City Council at its public hearing held on September 2, 2021, have both reviewed the request and the circumstances of the Property, and find that a substantial change in the circumstances of the Property, sufficient to warrant a change in the zoning of the Property, has transpired; and

WHEREAS, the City, by and through its legislative discretion, has adopted a comprehensive plan for the City of Lago Vista, and having considered and reviewed such comprehensive plan, the City Council finds the rezoning approved herein is consistent with the comprehensive plan which shall not be interpreted as inconsistent with this rezoning; and

WHEREAS, the City desires that development within its corporate limits occur in an orderly manner in order to protect the health, safety, and welfare of its present and future

citizens, protect property values and provide for the growth of the City's tax base; and

WHEREAS, the City desires to control the development standards for the Property, protect third party property owners in the City, and to ensure the benefits of planned development and an enhanced tax base that are achieved through rezoning the Property; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code, the City has the authority to zone and rezone property; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City of Lago Vista to adopt this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact. The Planning and Zoning Commission and City Council find that this Ordinance satisfies the requirements of Section 6.105, Section 10 and Section 13 of the City of Lago Vista Zoning Ordinance, codified under Ordinance No. 98-04-27-03, as amended (the "Zoning Code").

Section 2. Enactment. The Zoning Code and other applicable ordinances are hereby modified and amended by rezoning the Property as set forth in Section 3.

Section 3. Rezoned Property. The Zoning Code is hereby amended by zoning the Property being the approximately 281.45-acre tract of land described in **Exhibit "A"** attached to this Ordinance, as a PDD zoning district. The Property is hereby zoned as the "Firefly Cove Point Planned Development District" with the uses of individual land areas as set forth in this Ordinance.

Section 4. Amendment of Applicable Zoning Ordinances. The zoning requirements established in this Ordinance shall apply to the Property. The comprehensive zoning requirements of the Zoning Code and all other applicable ordinances, as they may be amended by this Ordinance, shall apply to the Property. Should any conflict appear between the requirements of the zoning and development ordinances of the City of Lago Vista as compared with the requirements for the Property set forth in this Ordinance, the requirements set forth in this Ordinance shall control.

Section 5. Phasing within the PDD. The Property shall be developed in three phases in accordance with the Land Use Plans in **Exhibit "C"** attached hereto and incorporated herein for all purposes. The phases were created largely based on their location within the development relative to project infrastructure requirements and the topography of the Property. However, at

the discretion of the owner, the Property may be developed in fewer phases, or any of the phases depicted within the Land Use Plans may be further divided into smaller segments within any phase, provided the infrastructure required for each phase or segment of a phase is sufficient for the lots being developed. Connectivity requirements to the limits of the Property for any specific phase and all proposed future phases shall be determined and approved in accordance with the required subdivision construction plans.

Section 6. Zoning Requirements. The following use and development requirements established herein shall apply to the Property:

1. Zoning. The use and development of the Property shall comply with the zoning requirements and development standards of the City of Lago Vista, except as specifically described below.
 - A. Use and development of the Property designated as “SF-A” within the Land Use Plans in **Exhibit “C”** shall consist of a maximum of 280 single-family residential lots and comply with the zoning requirements and development standards for “R-1D Single-Family Residential” zoning district, except as hereinafter modified.
 - i. The minimum width of any “SF-A” single-family residential lot shall be forty feet, except those that front on cul-de-sacs. The minimum width of any “SF-A” single-family residential lot fronting on a cul-de-sac shall be 33 feet at the property line and 40 feet at the front building line (setback).
 - ii. The impervious surfaces on any individual “SF-A” single-family residential lot shall not exceed 65 percent, while the total cumulative impervious surfaces for all “SF-A” single-family residential lots shall not exceed 38 percent.
 - iii. The minimum living area for any “SF-A” single-family residence shall be 1,100 square feet, but no more than twenty-five percent of the maximum 280 units shall include less than 1,500 square feet of living area.
 - iv. The minimum setbacks for any “SF-A” single-family residential lot shall be as follows:
 - a. The minimum front or corner lot side yard setback for residences that include a garage facing a right-of-way is 20 feet.
 - b. The minimum front or corner lot side yard setback for residences that do not include a garage facing a right-of-way is 15 feet.
 - c. Covered porches (columns and overhangs) are allowed to encroach up to 5 feet into a front yard setback.
 - d. The minimum rear yard setback is 15 feet.

- e. Covered porches or patios (columns and overhangs) are allowed to encroach up to 8 feet into a rear yard setback.
 - f. The minimum side yard setback is 5 feet (10 feet cumulative).
 - g. A maximum encroachment of 6 inches shall be allowed in all setbacks to accommodate exterior wall finish changes (i.e. siding to masonry).
 - h. Below grade foundation elements (such as spread footings or counter forts) may encroach into required setbacks, but not dedicated easements.
 - i. Notwithstanding the provisions above, no building line shall allow an encroachment that obstructs a minimum 15 foot vision triangle adjacent to any garage or driveway.
- B. Use and development of the Property designated as “SF-Estate” within the Land Use Plans in **Exhibit “C”** shall consist of a maximum of 45 single-family residential lots and comply with the zoning requirements and development standards for “R-1G Single-Family Residential” zoning district, except as hereinafter modified.
- i. The minimum width of any “SF-Estate” single-family residential lot shall be eighty feet, except those that front on cul-de-sacs. The minimum width of any “SF-Estate” single-family residential lot fronting on a cul-de-sac shall be 30 feet at the property line and 45 feet at the front building line (setback).
 - ii. The minimum area of any “SF-Estate” lot shall be 11,000 square feet.
 - iii. The impervious surfaces on any individual “SF-Estate” single-family residential lot shall not exceed 60 percent.
 - iv. The minimum living area for any “SF-Estate” single-family residence shall be 1,800 square feet.
 - v. The minimum setbacks for any “SF-A” single-family residential lot shall be as follows:
 - a. The minimum front or corner lot side yard setback for residences that include a garage facing a right-of-way is 25 feet.
 - b. The minimum front or corner lot side yard setback for residences that do not include a garage facing a right-of-way is 15 feet.

- c. Covered porches (columns and overhangs) are allowed to encroach up to 15 feet into a front yard setback, but shall maintain a minimum front yard setback of 10 feet.
 - d. The minimum rear yard setback is 15 feet.
 - e. Covered porches or patios (columns and overhangs) are allowed to encroach up to 8 feet into a rear yard setback.
 - f. The minimum side yard setback is 5 feet (10 feet cumulative).
 - g. A maximum encroachment of 6 inches shall be allowed in all setbacks to accommodate exterior wall finish changes (i.e. siding to masonry).
 - h. Below grade foundation elements (such as spread footings or counter forts) may encroach into required setbacks, but not dedicated easements.
 - i. Notwithstanding the provisions above, no building line shall allow an encroachment that obstructs a minimum 15 foot vision triangle adjacent to any garage or driveway.
- C. Use and development of the Property designated as “Open Space” within the Land Use Plans in **Exhibit “C”** shall consist of land reserved for the benefit and use of the residents of the development and that meets the parkland requirements of the Lago Vista subdivision regulations, a portion of which shall be publicly dedicated to meet that obligation. This area shall comply with the zoning requirements and development standards for “P-2 Park and Greenbelt District (Passive)” zoning district, except that it may include, but not be limited to the following types of uses and similar structures: restroom facilities, sports courts, public utility easements, public utilities, mountain bike trails, nature trails, detention facilities and water quality facilities.
- D. Use and development of the Property designated as the “Amenities Area” within the Land Use Plans in **Exhibit “C”** (the areas formerly designated as CA-2 and CA-3 in Ordinance Number 07-10-04-04) shall consist of land reserved for the benefit and use of the residents of the development, except in accordance with a private agreement between the owner and others. This area shall comply with the zoning requirements and development standards for “P-1B Developed Park District (Active)” zoning district, except that it shall be limited to the following types of uses and similar structures: playground structures, a community beach, a community boat ramp, a community swimming pool, bathrooms and/or locker rooms, covered pavilions, sports courts, public utility easements, public utilities, mountain bike trails, nature trails, detention facilities and water quality facilities.

2. Other Development Standards and Provisions.

A. Streets / Traffic Improvements / Subdivision Design.

- i. The owner shall be responsible from the improvements identified as their responsibility in the approved final version of the Traffic Impact Analysis (TIA) issued by Alliance Transportation Group, and initially dated February 2021.
- ii. Except as required to improve the intersection at Boggy Ford Road to AASHTO and local ordinance prescribed design standards, Drapers Cove Road shall substantially follow the existing alignment remain classified as a local street. Even after the improvements to comply with local design standards, some portions of Drapers Cove Road may remain a private street at the discretion of the owner and designated on the approved subdivision plats. Lots in Phase 3 of the development shall be permitted to have single-family driveway access directly onto Drapers Cove Road in accordance with local design requirements.
- iii. Driveway Connections at Boggy Ford Road. Connections to Boggy Ford Road shall be publicly dedicated streets to the intersection of the first local street or a minimum of 150 linear feet with code-compliant emergency vehicle provisions, whichever is less and meet the design criteria for a “collector.” The locations shall be limited as depicted within the Land Use Plans in **Exhibit “C”** and as follows:
 - a. the main entry drive, shall be located near the northeast corner of the property and as described in the approved traffic impact analysis (TIA);
 - b. the secondary entry drive shall be located at the intersection of Drapers Cove Road, as realigned to comply with local design standards;
 - c. the remaining two driveways connecting to Boggy Ford Road between these two that are located near the east and west extremes of the Property shall be designated for emergency use only. The portion within the existing Boggy Ford Road right-of-way shall be constructed to local standards, but the portion between the Boggy Ford Road right-of-way and the first intersecting local street may be constructed using any approved all-weather forms of construction including those that do not consist of asphalt or concrete surfaces. At the discretion of the owners, an emergency access gate in accordance with emergency services requirements may be installed at these locations.
- iv. Traffic Calming. The owner will design and construct streets to calm traffic and reduce vehicle speeds in a manner that is compatible with the natural features and topography of the Property and conserves unique environmental assets such as protected trees and desirable open space. Permissible design and construction elements or parameters shall include:

- a. except as provided for elsewhere herein, streets that are completely within the interior of the developments shall be classified as “local streets” and may be designed on the basis of a speed as low as 20 miles-per-hour;
 - b. “local streets” completely within the interior of the development may include a sustained grade of up to a maximum of twelve percent; and
 - c. “local street” intersections completely within the interior of the of development may be designed as “stop-controlled intersections” with intersection curb returns not to exceed a starting slope of eight percent.
- v. Subdivision Design Criteria.
 - a. The maximum permitted length of a cul-de-sac shall be 750 feet when complaint when all applicable requirements of the locally adopted version of the International Fire Code.
 - b. Block lengths may be interrupted open space to provide access to trails and other similar uses permitted in that designated area of the development.
- B. Sidewalks. Sidewalks are not required anywhere on the property, except as otherwise required by the Americans with Disabilities Act. Other sidewalks shall be provided throughout the Property at the discretion of the owner.
- C. Impervious Cover. The impervious area shall comply with requirements of the Highland Lakes Watershed Ordinance and shall not exceed thirty-eight (38) percent of the gross area of the Property.
- D. Parkland Dedication. Parkland dedication will occur intermittently throughout the life of the project in accordance with the requirements of the subdivision regulations. Dedicated parklands may include land used to meet the mitigation requirements of the Endangered Species Act, specifically included the habitat of the golden-cheeked warbler.
- E. Exterior Lighting. Street lights shall not be required and the owner may instead provide alternate types of exterior and outdoor lighting consistent with minimum best safety practices and compliant with Article 3.800, the Lago Vista “dark sky” ordinance.
- F. Maximum Building Heights. The height of any building or residence within the Property shall be limited to a maximum of 35 feet measured from the highest existing nature grade on the property to the peak or ridge line of the roof, exclusive of chimneys or other similar appurtenances.
- G. Exterior Finishes. In accordance with Texas HB 2439 of 2019, there are no minimum requirements related to exterior finishes except as otherwise required by the current Building Codes adopted by the City of Lago Vista.

- H. Signage. All signage shall be in accordance with the applicable requirements (including lighting) of the City of Lago Vista, except as follows:
- i. The owner will be permitted to have three monument subdivision signs at the following locations:
 - a. at the entry designated as Driveway 1 within the Land Use Plans (**Exhibit “C”**);
 - b. at the modified intersection of Drapers Cove Road and Boggy Ford Road; and
 - c. at the northeast corner of the property along the Boggy Ford Road right-of-way.
 - ii. The owner will be permitted up to ten additional freestanding wayfinding signs within the subdivision to facilitate individuals seeking the location of the community sales offices and amenities.
3. The appropriate departments of the City, the Planning & Zoning Commission and the City Council hereby find and agree that this Ordinance and the project contemplated herein complies with and satisfies the requirements of Section 6.105, Section 10.20, and Section 13.20 of the Zoning Ordinance as well as the Comprehensive Master Plan of the City of Lago Vista. The City Council finds that this Ordinance serves as both a concept plan and a detail plan approval, except as it relates to the development of the SF-Estate lots (See **Exhibit “B”**) and that no additional detail plans are required by the Section 10.20(e) of the Zoning Ordinance for the remaining portions of the Property.
4. Land Use Plan. The depiction of the “Firefly Cove Planned Development District” in **Exhibit “C”** is not intended to reflect the level of detail and finality associated with construction permit documents. Non-substantive changes which do not alter the basic relationship of the proposed development to adjacent property, which do not alter the uses permitted, increase the density, height, or impervious surface coverage of the site, which do not decrease the off-street parking ratio or reduce the required setbacks within the boundary of the site and which do not decrease any buffers shown on the approved detail plan shall be administratively authorized in writing by the Development Services Director. Conversely, substantive changes in the detail plan shall be considered in accordance with the requirements of Section 10 of the Zoning Ordinance.

Section 7. Repealer. The Zoning Ordinance and all other applicable portions of the Lago Vista Code of Ordinances are amended as required to incorporate the “Nature’s Point Planned Development District” as described herein. Any portion of the Zoning Ordinance, Comprehensive Master Plan or any applicable ordinance in conflict with this Ordinance is hereby repealed or amended to the extent of such conflict only.

Section 8. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and

remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

Section 9. Penalty. Any person, firm or corporation violating any of the provisions or terms of this Ordinance or of the Code of Ordinances as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances, Section 1.109 General Penalty for Violations of Code; Continuing Violations of the City of Lago Vista, and upon conviction shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense.

Section 10. Publication Clause. The City Secretary of the City of Lago Vista is hereby directed to publish in the Official Newspaper of the City of Lago Vista the Caption, and Effective Date Clause of this Ordinance as required by Section 52.013 of the *Texas Local Government Code*.

Section 11. Effective Date. This Ordinance shall be in force and effect from and after its passage on the date shown below in accordance with the provisions of the *Texas Local Government Code* and the City's Charter.

Section 12. Change of Zoning Map. The City Manager is hereby authorized to and shall promptly note the zoning change on the official Zoning Map of the City of Lago Vista, Texas.

Section 13. Proper Notice and Meeting. It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapter 551, Texas Local Government Code*.

AND, IT IS SO ORDERED.

PASSED AND APPROVED this 2nd day of September 2021.



Ed Tidwell, Mayor



ATTEST:



Sandra Barton, City Secretary

On a motion by Councilman Sullivan, seconded by Councilman Williams, the above and foregoing ordinance was passed and approved.

EXHIBIT "A"

Legal Description

METES AND BOUNDS DESCRIPTION OF 286.85 ACRES, MORE OR LESS, SAVE AND EXCEPT 2.504 ACRES AND 2.899 ACRES, LEAVING 281.45 ACRES, MORE OR LESS,

METES AND BOUNDS DESCRIPTION OF A SURVEY OF 286.85 ACRES OF LAND, MORE OR LESS, A PORTION OF THE FOLLOWING SURVEYS: D. & W. R.R. CO. SURVEY NO. 99, ABSTRACT NO. 246; RICHARD CRAIG SURVEY NO. 1867, ABSTRACT NO. 2754; C.E.P.I. & M. CO. SURVEY NO. 173, ABSTRACT NO. 2191; MALINDA SETTLE SURVEY NO. 49, ABSTRACT NO. 2126; W. A. COOK SURVEY NO. 141, ABSTRACT NO. 2587; LEWIS LINDSAY SURVEY NO. 265, ABSTRACT NO. 2171; AND THE W. A. COOK SURVEY NO. 100, ABSTRACT NO. 2605, IN TRAVIS COUNTY, TEXAS, SAID 286.85 ACRES OF LAND, MORE OR LESS, BEING A PORTION OF THAT 289.40 ACRE TRACT OF LAND, A PORTION OF THE SAID D. & W. R.R. CO. SURVEY NO. 99, AND OTHERS IN TRAVIS COUNTY, TEXAS, AS DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO TRAVIS MEADOW, LP IN DOCUMENT NO. 2006125525, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 286.85 ACRES OF LAND, MORE OR LESS, BEING ALL OR A PORTION OF THE FOLLOWING TRACTS OF LAND, ALL BEING IN TRAVIS COUNTY, TEXAS: BEING ALL OF THAT 0.413 OF ONE ACRE TRACT OF LAND, A PORTION OF THE SAID C. E. P. I. & M. CO. SURVEY NO. 173, AS DESCRIBED IN A WARRANTY DEED TO GEORGE L. VINSON AND WIFE, JEAN VINSON IN VOLUME 2714, PAGE 315, DEED RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 0.44 OF ONE ACRE TRACT OF LAND, A PORTION OF THE SAID C. E. P. I. & M. CO. SURVEY NO. 173, AS DESCRIBED IN A WARRANTY DEED TO GEORGE L. VINSON AND WIFE, JEAN VINSON IN VOLUME 3223, PAGE 513, DEED RECORDS OF TRAVIS COUNTY, TEXAS; BEING A PORTION OF THAT TRACT OF LAND CALLED TO BE 278.36 ACRES, SAVE AND EXCEPT 19.27 ACRES OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AND OTHERS, DESIGNATED AS TRACT 1 AND DESCRIBED IN A WARRANTY DEED TO G. L. VINSON IN VOLUME 5554, PAGE 1469, DEED RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 22.97 ACRE TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 100 AND A PORTION OF THE SAID D. & W. R.R. CO. SURVEY NO. 99, AS DESCRIBED IN A WARRANTY DEED TO GEORGE LARRY VINSON AND WIFE, JEAN VINSON IN VOLUME 6021, PAGE 178, DEED RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 16.08 ACRE TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AND A PORTION OF THE SAID LEWIS LINDSAY SURVEY NO. 265, AS DESCRIBED IN A WARRANTY DEED TO G. L. VINSON IN VOLUME 6561, PAGE 242, DEED RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 785 SQUARE FOOT TRACT OF LAND OR 0.018 OF ONE ACRE OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 100, AS DESCRIBED IN A SPECIAL WARRANTY DEED TO G. L. VINSON IN VOLUME 10321, PAGE 422, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; BEING A PORTION OF THAT 12.611 ACRE TRACT OF LAND, MORE OR LESS, A PORTION OF THE SAID MALINDA SETTLE SURVEY NO. 49, AS DESCRIBED IN A SPECIAL WARRANTY DEED TO G. L. VINSON IN VOLUME 11949, PAGE 88, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 2.393 ACRE TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 100 AND A PORTION OF THE SAID D. & W. R.R. CO. SURVEY NO. 99, AS DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO GEORGE L. VINSON AND WIFE, JEAN VINSON IN VOLUME 12092, PAGE 1825, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 23.276 ACRE TRACT OF LAND, A PORTION OF THE SAID D. & W. R.R. CO. SURVEY NO. 99, AS DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO G. L. VINSON AND WIFE, JEAN VINSON IN VOLUME 12627, PAGE 676, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 0.337 OF ONE

ACRE OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AS DESCRIBED IN A WARRANTY DEED TO G. L. VINSON IN VOLUME 12667, PAGE 479, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; AND BEING ALL OF THAT 2.036 ACRE TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 100, AS DESCRIBED IN A SPECIAL WARRANTY DEED TO G. L. VINSON IN VOLUME 12717, PAGE 693, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; AS PREPARED FOR TRAVIS MEADOW, LP BY METCALFE & SANDERS, INC., LAND SURVEYORS, 4800 SOUTH CONGRESS AVENUE, AUSTIN, TEXAS, SAID 286.85 ACRES OF LAND, MORE OR LESS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Beginning at a 1/2" steel pin with plastic cap set in rock in the south line of Boggy Ford Road for the northeast corner of that 2.393 acre tract of land, a portion of the W. A. Cook Survey No. 100, Abstract No. 2605 and a portion of the D. & W. R.R. Co. Survey No. 99, Abstract No. 246, in Travis County, Texas, as described in a Warranty Deed to George L. Vinson and wife, Jean Vinson in Volume 12092, Page 1825, Real Property Records of Travis County, Texas, for the POINT OF BEGINNING and northeast corner of the herein described tract;

(1) THENCE with the east line of the said Vinson 2.393 acre tract, S 29°17'38" W 115.71 feet to a 1/2" steel pin found at the southeast corner of the said Vinson 2.393 acre tract and the northeast corner of that 22.97 acre tract of land, a portion of the said W. A. Cook Survey No. 100 and a portion of the said D. & W. RR. Co. Survey No. 99, as described in a Warranty Deed to George Larry Vinson and wife, Jean Vinson in Volume 6021, Page 178, Deed Records of Travis County, Texas, said 1/2" steel pin found being also an angle point in the west line of that 169.54 acre tract, a portion of the said D. & W. R.R. Co. Survey No. 99 and a portion of the Richard Craig Survey No. 1867, Abstract No. 2754, in Travis County, Texas, as described in Special Warranty Deed to Luna Groseclose, Ltd. in Volume 13237, Page 1233, Real Property Records of Travis County, Texas, said 1/2" steel pin found being also a corner of that approximately 100 acres of land, a portion of the said D. & W. R.R. Co. Survey No. 99, and others in Travis County, Texas, as conveyed in a Special Warranty Deed to Linda L. Groseclose, Trustee of the Linda Groseclose 1998 Intervives Trust in Document No. 2002229115, Official Public Records of Travis County, Texas;

(2) THENCE with the east line of the said Vinson 22.97 acre tract and along or near the west line of the said Luna Groseclose, Ltd. 169.54 acre tract, S 28°30'09" W 715.19 feet to a 1/2" steel pin found at the southeast corner of the said Vinson 22.97 acre tract and the northeast corner of that 23.276 acre tract of land, a portion of the said D. & W. RR Co. Survey No. 99, in Travis County, Texas, as described in a Warranty Deed With Vendor's Lien to G. L. Vinson in Volume I2627, Page 676, Real Property Records of Travis County, Texas;

THENCE with the east line of the said Vinson 23.276 acre tract and being along or near the west line of the said Luna-Groseclose, Ltd. 169.54 acre tract, courses numbered 3 through 6 inclusive as follows:

(3) S 28°20'51" W 1360.82 feet to a 5/8" steel pin found;
(4) S 29°00'46" W 290.69 feet to a 1/2" steel pin found;
(5) S 27°42'20" W 622.13 feet to a cedar hub and rock mound found (cedar hub replaced with a 1/2" steel pin with plastic cap) at the southeast corner of the said Vinson 23.276 acre tract and in an east line of that 278.36 acre tract of land, save and except 19.27 acres of land, a portion of the said W. A. Cook Survey No. 100, and others, in Travis County, Texas, designated as Tract 1 and described in a Warranty Deed to G. L. Vinson in Volume 5554, Page I469, Deed Records of Travis County, Texas;

THENCE with the east line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land and being along or near the west line of the said Luna Groseclose Ltd. 169.54 acre tract, courses numbered 6 through 8 inclusive as follows:

(6) S 27°42'20" W 36.85 feet to a 1/2" steel pin with plastic cap set in rock;
 (7) S 29°28'32" W 349.04 feet to a 60d nail found in rock;
 (8) S 27°59'05" W 335.17 feet to a 3/4" iron pipe found in or near the south line of the said Richard Craig Survey No. 1867 and in or near the north line of the C. E. P. I. & M. Co. Survey No. 173, Abstract No. 2191, at an interior corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land and being at or near the southwest corner of the said Luna Groseclose, Ltd. 169.54 acre tract, for an interior corner of the herein described tract;

(9) THENCE along or near the south line of the said Richard Craig Survey No. 1867 and along or near the north line of the said C. E. P. I. & M Co. Survey No. 173, and being also with a north line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land and being along or near the south line of the said Luna Groseclose Ltd. 169.54 acre tract, S 62°03'05"E 43.51 feet to a calculated point in the center of Cox Hollow, for a northeast corner of the herein described tract;

THENCE with the centerline of Cox Hollow, said centerline being the thread of the stream when dry, and being along or near the east line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land and along the west line of that 68.20 acre tract of land, a portion of the said C. E. P. I. & M. Co. Survey No. 173, as described in a deed to Old Farm Development Corporation in Volume 3779, Page 2098, Deed Records of Travis County, Texas, courses numbered 10 through 27 inclusive as follows:

(10) S 17°08'50" E 103.86 feet to a calculated point;
 (11) S 23°47'44" W 130.00 feet to a 100d nail set;
 (12) S 37°06'25" W 143.81 feet to a 100d nail set;
 (13) S 23°35'56" W 177.70 feet to a 100d nail set;
 (14) S 24°31'28" W 206.37 feet to a calculated point, now submerged by the waters of Lake Travis;
 (15) S 7°46'47" W 92.45 feet to a calculated point, now submerged by the waters of Lake Travis;
 (16) S 0°54'56" E 72.78 feet to a calculated point, now submerged by the waters of Lake Travis;
 (17) S 13°18'04" W 138.43 feet to a calculated point, now submerged by the waters of Lake Travis;
 (18) S 6°48'27" W 128.00 feet to a calculated point, now submerged by the waters of Lake Travis;
 (19) S 10°17'54" W 62.36 feet to a calculated point, now submerged by the waters of Lake Travis;
 (20) S 29°06'52" W 65.69 feet to a calculated point, now submerged by the waters of Lake Travis;
 (21) S 4°52'46" E 45.22 feet to a calculated point, now submerged by the waters of Lake Travis;
 (22) S 28°47'39" E 51.37 feet to a calculated point, now submerged by the waters of Lake Travis;
 (23) S 38°38'14" E 99.83 feet to a calculated point, now submerged by the waters of Lake Travis;
 (24) S 46°39'26" E 38.86 feet to a calculated point, now submerged by the waters of Lake Travis;
 (25) S 31°33'27" E 56.88 feet to a calculated point, now submerged by the waters of Lake Travis;
 (26) S 19°46'23" W 70.23 feet to a calculated point, now submerged by the waters of Lake Travis;
 (27) S 50°06'51" W 226.38 feet to a calculated point, now submerged by the waters of Lake Travis, in the west line of the said C. E. P. I. & M. Co. Survey No. 173 and the east line of the Malinda Settle Survey No. 49, Abstract No. 2126, said calculated point being a southwest corner of the said Vinson

278.36 acre tract of land, save and except 19.27 acres of land and in the east line of that 100 acre tract of land, a portion of the said Malinda Settle Survey No. 49, in Travis County, Texas, designated as First Tract and described in a deed to the Lower Colorado River Authority in Volume 630, Page 91, Deed Records of Travis County, Texas, for a south corner of the herein described tract;

(28) THENCE with the west line of the said C. E. P. I. & M. Co. Survey No. 173 and the east line of the said Malinda Settle Survey No. 49, and being also with a west line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land and the east line of the said Lower Colorado River Authority First Tract of 100 acres, N 1°23'48" W 202.69 feet to a 1/2" steel pin with plastic cap set in the 670 mean sea level contour line for the southeast corner of that 12.611 acre tract, more or less, a portion of the said Malinda Settle Survey No. 49, in Travis County, Texas, as described in a Special Warranty Deed to G. L. Vinson in Volume 11949, Page 88, Real Property Records of Travis County, Texas, for an interior corner of the herein described tract;

THENCE with the south line of the said Vinson 12.611 acre tract, more or less, said line being the 670 mean sea level contour line, courses numbered 29 through 45 inclusive as follows:

(29) S 53°56'05" W 39.99 feet to a 1/2" steel pin with plastic cap set;
(30) S 70°14'23" W 26.18 feet to a 1/2" steel pin with plastic cap set;
(31) S 74°58'16" W 55.31 feet to a 1/2" steel pin with plastic cap set;
(32) S 82°39'15" W 86.13 feet to a 1/2" steel pin with plastic cap set;
(33) N 74°05'46" W 127.57 feet to a 1/2" steel pin with plastic cap set;
(34) N 81°46'22" W 131.95 feet to a 1/2" steel pin with plastic cap set;
(35) N 49°10'30" W 32.48 feet to a 1/2" steel pin with plastic cap set;
(36) N 37°33'32" W 201.96 feet to a 1/2" steel pin with plastic cap set;
(37) N 16°31'49" W 41.94 feet to a 1/2" steel pin with plastic cap set;
(38) N 24°31'07" W 82.63 feet to a 1/2" steel pin with plastic cap set;
(39) N 1°48'54" E 50.84 feet to a 1/2" steel pin with plastic cap set;
(40) S 66°09'31" W 39.52 feet to a 1/2" steel pin with plastic cap set;
(41) N 77°35'09" W 36.64 feet to a 1/2" steel pin with plastic cap set;
(42) N 88°48'29" W 39.29 feet to a 1/2" steel pin with plastic cap set;
(43) N 51°26'09" W 26.84 feet to a 1/2" steel pin with plastic cap set;
(44) N 24°38'44" W 23.04 feet to a 1/2" steel pin with plastic cap set;
(45) N 62°20'22" W 48.41 feet to a 1/2" steel pin with plastic cap set in the centerline of Drapers Cove, said centerline being the thread of the stream when dry, for the southwest corner of the said Vinson 12.611 acre tract, more or less, and in an east line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land;

THENCE with the centerline of Drapers Cove and with an east line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, courses numbered 46 through 53 inclusive as follows:

(46) S 48°19'25" E 25.38 feet to a calculated point;
(47) S 20°39'30" E 51.32 feet to a calculated point;
(48) S 40°07'29" E 40.37 feet to a calculated point;
(49) S 86°55'38" E 84.58 feet to a calculated point, now submerged by the waters of Lake Travis;
(50) S 12°50'07" E 64.32 feet to a calculated point, now submerged by the waters of Lake Travis;
(51) S 16°08'21" E 95.68 feet to a calculated point, now submerged by the waters of Lake Travis;
(52) S 3°50'31" E 104.89 feet to a calculated point, now submerged by the waters of Lake

Travis;

(53) S 19°56'11" E 83.45 feet to a calculated point, now submerged by the waters of Lake Travis, for a southeast corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land;

(54) THENCE with a south line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, S 88°47'25" W at 80.44 feet passing a 1/2" steel pin with plastic cap set, in all 149.40 feet to a 1/2" steel pin with plastic cap set in the 670 mean sea level contour line for an interior corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, for an interior corner of the herein described tract;

THENCE with an east and south line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, said line being the 670 mean sea level contour line, courses numbered 55 through 59 inclusive as follows:

(55) S 10°10'52"E 28.02 feet to a 1/2" steel pin with plastic cap set;
(56) S 86°28'21" W 116.94 feet to a 1/2" steel pin with plastic cap set;
(57) S 79°18'44" W 153.36 feet to a 1/2" steel pin with plastic cap set;
(58) S 38°14'07" W 57.81 feet to a 1/2" steel pin with plastic cap set;
(59) S 71°13'56" W 90.90 feet to a calculated point at the intersection of the southerly extension of the east line of that 0.29 of one acre tract, a portion of the said Malinda Settle Survey No. 49, in Travis County, Texas, as described in a Warranty Deed to Robert L. Bullock and Debra M. Bullock in Document No. 2002181885, Official Public Records of Travis County, Texas, for a southwest corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, for a southwest corner of the herein described tract;

THENCE with the southerly extension of the east line of the said Bullock 0.29 of one acre tract and with the east line of the said Bullock 0.29 of one acre tract, and being also with a west line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, courses numbered 60 through 61 inclusive as follows:

(60) N 0°47'42" W at 13.99 feet passing a 1/2" iron pipe found, in all 244.09 feet to a 5/8" steel pin found;

(61) N 0°19'50" W 261.39 feet to a 1/2" steel pin with plastic cap set for the northeast corner of the said Bullock 0.29 of one acre tract, for an interior corner of the herein described tract;

THENCE with the northeast line of the said Bullock 0.29 of one acre tract and the northeast line of that 0.974 of one acre tract, a portion of the said Malinda Settle Survey No. 49, as described in a Warranty Deed to Dianne E. Greig in Document No. 2002095894, Official Public Records of Travis County, Texas, and being also with a northeast line of that 0.86 of one acre tract, a portion of the said Malinda Settle Survey No. 49, as described in a Warranty Deed With Vendor's Lien to Gary L. Lipscomb in Volume 12492, Page 886, Real Property Records of Travis County, Texas, and with a southwest line of the Vinson 278.36 acre tract of land, save and except 19.27 acres of land, courses numbered 62 through 64 inclusive as follows:

(62) N 55°27'12" W 30.61 feet to a 1/2" steel pin with plastic cap found (B:MI) at the north or northwest corner of the said Bullock 0.29 of one acre tract and the northeast corner of the said Greig 0.974 of one acre tract;

(63) N 49°59'45" W 100.40 feet to a PK nail set in concrete in a southwest line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, for the north or northwest corner of the said Greig 0.974 of one acre tract and the northeast corner of the said Lipscomb 0.86 of one acre tract;

(64) N 57°05'48" W 90.63 feet to a 3/4" iron pipe found in a southeast line of a private street,

locally known as Drapers Cove at the north corner of the said Lipscomb 0.86 of one acre tract and an interior corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, for a west corner of the herein described tract;

(65) THENCE crossing the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, with an east line of Drapers Cove, N 19°06'38"E 43.84 feet to a PK nail set in concrete for the west corner of that 1.43 acre tract, a portion of the said Malinda Settle Survey No. 49, in Travis County, Texas, as described in a General Warranty Deed With Vendor's Lien to Robert L. Bullock et ux, Debra M. Bullock in Volume 12698, Page 3161, Real Property Records of Travis County, Texas, for a north corner of the herein described tract;

THENCE with the southwest and south line of the said Bullock 1.43 acre tract, courses numbered 66 through 68 inclusive as follows:

(66) S 50°13'56" E 234.77 feet to a 3/4" steel pin found;
(67) N 81°39'34" E 100.80 feet to a 1/2" iron pipe found;
(68) N 76°19'43" E 190.91 feet to a 1/2" steel pin found in or near the centerline of Draper Cove at the southeast corner of the said Bullock 1.43 acre tract, for an interior corner of the herein described tract;

(69) THENCE crossing the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, N 20°16'36"W 168.19 feet to a 1/2" steel pin found at the south corner of that 0.403 of one acre tract of land, a portion of the said W. A. Cook Survey No. 141 and a portion of the said Malinda Settle Survey No. 49, in Travis County, Texas, as described in a Warranty Deed to Andrea Claire Williams Scott, et al in Volume 8644, Page 666, Deed Records of Travis County, Texas;

(70) THENCE with the east line of the said Scott et al 0.403 of one acre tract, N 5°39'06" W at 70.92 passing the intersection of the east line of the said Scott, et al 0.403 of one acre tract with the west line of the said Vinson 12.611 acre tract, at 77.09 passing a 3/4" iron pipe found 0.13 of one foot west of line, in all 163.86 feet to a 3/4" iron pipe in concrete found in the north line of the said Vinson 12.611 acre tract, said 3/4" iron pipe found in concrete being in or near the south line of the said W. A. Cook Survey No. 141 and in or near the north line of the said Malinda Settle Survey No. 49;

(71) THENCE with the east line of the said Scott, et al 0.403 of one acre tract and the northerly extension of the east line of the said Scott, et al 0.403 of one acre tract, N 5°38'12" W at 48.35 feet passing a 1/2" steel pin found at the northeast corner of the said Scott, et al 0.403 of one acre tract, in all 58.40 feet to 1/2" steel pin with plastic cap set for at the intersection of a line thirty (30) feet southwest of the occupied northeast line of Drapers Cove;

THENCE with said line thirty (30) feet west and southwest of the occupied east line of Drapers Cove, courses numbered 72 through 77 inclusive as follows:

(72) N 47°40'45" W 21.11 feet to a 1/2" steel pin with plastic cap set;
(73) N 37°59'27" W 35.85 feet to a 1/2" steel pin with plastic cap set;
(74) N 34°34'18" W 65.60 feet to a 1/2" steel pin with plastic cap set;
(75) N 27°02'45" W 64.76 feet to a 1/2" steel pin with plastic cap set;
(76) N 23°52'32" W 22.26 feet to a 1/2" steel pin with plastic cap set;
(77) N 36°08'40" W 13.08 feet to a 1/2" steel pin with plastic cap set in the east line of that 0.384 of one acre tract of land, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a Warranty Deed to G. L. Vinson in Volume 10591, Page 503, Real Property Records of Travis County, Texas;

(78) THENCE with the east line of the said Vinson 0.384 of one acre tract, N 7°08'31" W 6.39 to a 1/2" steel pin found in a southwest line of Drapers Cove at the northeast corner of the said Vinson 0.384 of one acre tract, for an interior corner of the herein described tract;

(79) THENCE with the south line of Drapers Cove and the north line of the said Vinson 0.384 of one acre tract, N 57°38'24" W 61.01 feet to a 1/2" steel pin with plastic cap set for the northwest corner of the said Vinson 0.384 of one acre tract and the northeast corner of that 0.366 of one acre tract of land, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a Warranty Deed to James Burnett and wife, Margie Burnett in Volume 4185, Page 157, Deed Records of Travis County, Texas, said tract now shown by the Travis Central Appraisal District to be in the name of Travis Duncan and Nikki Perrotta by virtue of a Contract of Sale;

(80) THENCE with the south line of Drapers Cove and the north line of the said Burnett 0.366 of one acre tract, N 69°34'19" W 102.62 feet to a 5/8" steel pin found at the northwest corner of the said Burnett 0.366 of one acre tract, for an interior corner of the herein described tract;

(81) THENCE with the west line of the said Burnett 0.366 of one acre tract, S 16°07'25" W 171.81 feet to a 5/8" steel pin found leaning west at the southwest corner of the said Burnett 0.366 of one acre tract and at a corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land;

(82) THENCE with a southwest line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, S 37°05'29"E 5.09 feet to a 1/2" steel pin with plastic cap set for the northeast corner of that 0.583 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a General Warranty Deed With Vendor's Lien to Michael David O'Cooley in Volume 13367, Page 1876, Real Property Records of Travis County, Texas, for a southeast corner of the herein described tract;

(83) THENCE with the north line of the said O'Cooley 0.583 of one acre tract, N 72°46'09" W 145.42 feet to a 1/2" steel pin found in an east line of Drapers Cove at the northwest corner of the said O'Cooley 0.583 of one acre tract, for a southwest corner of the herein described tract;

THENCE with an east and south line of Drapers Cove, courses numbered 84 through 87 inclusive as follows:

(84) N 25°44'52" W 154.57 feet to a 1/2" steel pin found;

(85) N 10°42'26" W 52.06 feet to a calculated point at a non-tangent point of curve;

(86) with a curve to the right an arc distance of 26.06 feet, said curve having a radius of 30.41 feet, a central angle of 49°06'20", and a chord of which bears N 12°51'30" E 25.27 feet to a calculated point at a non-tangent point of compound curve;

(87) with a curve to the right an arc distance of 48.12 feet, said curve having a radius of 42.26 feet, a central angle of 65°14'01", and a chord of which bears N 70°00'00" E 45.56 feet to a calculated point, for an interior corner of the herein described tract;

(88) THENCE crossing Drapers Cove N 12°37'00"E 30.00 feet to 1/2" steel pin found in the curving north line of Drapers Cove at the most northerly southeast corner of that 7.63 acre tract of land, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a Warranty Deed with Vendor's Lien to Herbert J. Wasson and Emilie V. Harris in Document No. 1999081472, Official Public Records of Travis County, Texas;

THENCE with the east, northeast and east line of the said Wasson and Harris 7.63 acre tract, courses numbered 89 through 93 inclusive as follows:

(89) N 21°37'12"W 153.07 feet to a 1/2" steel pin found;

(90) N 50°48'26"W 110.62 feet to a 1/2" steel pin found;
(91) N 50°47'24"W 183.14 feet to a 1/2" steel pin found;
(92) N 50°52'55" W 200.07 feet to a 1/2" steel pin with plastic cap found (RPLS1847);
(93) N 4°53'49" W 90.39 feet to a cotton gin spindle found at the southwest corner of that 0.34 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, designated as Second Tract and described in a General Warranty Deed to Betty A Melcher in Volume 13009, Page 2433, Real Property Records of Travis County, Texas, for a northwest corner of the herein described tract;

THENCE with the south line of the said Melcher Second Tract of 0.34 of one acre and being also with the south line of that 0.34 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, designated as First Tract and described in said General Warranty Deed to Betty A Melcher in Volume 13009, Page 2433, Real Property Records of Travis County, Texas, and being also with the south line of that 0.34 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a Warranty Deed to Betty A Melcher in Volume 11067, Page 480, Real Property Records of Travis County, Texas, courses numbered 94 through 96 inclusive as follows:

(94) S 79°18'15" E 99.97 feet to a 1/2" steel pin found at the southeast corner of the said Melcher Second Tract of 0.34 of one acre and the southwest corner of the said Melcher First Tract of 0.34 of one acre;

(95) S 55°24'46"E 100.05 feet to a 1/2" steel pin with plastic cap set for the southeast corner of the said Melcher First Tract of 0.34 of one acre and the southwest corner of the said Melcher 0.34 of one acre tract of record in Volume 11067, Page 480, Real Property Records of Travis County, Texas;

(96) S 64°50'42" E 99.98 feet to a 1/2" steel pin found in concrete at the southeast corner of the said Melcher 0.34 of one acre tract of record in Volume 11067, Page 480, Real Property Records of Travis County, Texas, for an interior corner of the herein described tract;

(97) THENCE with the east line of the said Melcher 0.34 of one acre tract of record in Volume 11067, Page 480, Real Property Records of Travis County, Texas, N 4°34'46" E 149.70 feet to a 1/2" steel pin found in the south line of a private street, locally known as Draper Mountain Trail at the northeast corner of the said Melcher 0.34 of one acre tract of record in Volume 11067, Page 480, Real Property Records of Travis County, Texas, for a northwest corner of the herein described tract;

(98) THENCE with a south line of Draper Mountain Trail, S 68°33'57" E 199.43 feet to a 1/2" steel pin found at the northwest corner of that 0.33 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a Warranty Deed to Helen E. Melcher in Document No. 2002101212, Official Public Records of Travis County, Texas, for a northeast corner of the herein described tract;

(99) THENCE with the west line of the said Helen E. Melcher 0.33 of one acre tract, S 4°33'00" W 149.18 feet to a 5/8" steel pin found at the southwest corner of the said Helen E. Melcher 0.33 of one acre tract, for an interior corner of the herein described tract;

THENCE with the south line of the said Helen E. Melcher 0.33 of one acre and the south line of that 0.33 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a Warranty Deed With Vendor's Lien to J. E. Laird and wife, Ruby Lee Laird in Volume 9709, Page 693, Real Property Records of Travis County, Texas, courses numbered 100 through 101 inclusive as follows:

(100) S 68°48'30"E 99.46 feet to a 5/8" steel pin found at the southeast corner of the said Helen Melcher 0.34 of one acre tract and the southwest corner of the said Laird 0.33 of one acre tract of record in Volume 9709, Page 693, Real Property Records of Travis County, Texas;

(101) S 66°52'33"E 97.19 feet to a 5/8" steel pin found at the southeast corner of the said Laird 0.33 of one acre tract of record in Volume 9709, Page 693, Real Property Records of Travis County, Texas, and the southwest corner of the said 0.17 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in Exhibit C in an Owner Finance Warranty Deed With Vendor's Lien to Joseph Edgar Laird and wife, Ruby Lee Laird in Volume 8402, Page 362, Deed Records of Travis County, Texas;

THENCE with the south line of the said Laird 0.17 of one acre tract as described in Exhibit C and with the south line of that 0.17 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in Exhibit Bin said deed of record in Volume 8402, Page 362, Deed Records of Travis County, Texas, and being also with the south line of that 0.34 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in Exhibit A in said deed to Laird of record in Volume 8402, Page 362, Deed Records of Travis County, Texas, and with the south line of that 0.34 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in Exhibit Din said deed to Laird of record in Volume 8402, Page 362, Deed Records of Travis County, Texas, courses numbered 102 through 105 inclusive as follows:

(102) S 72°37'18" E 50.11 feet to a 5/8" steel pin found at the southeast corner of the said Laird 0.17 of one acre tract as described in Exhibit C and the southwest corner of the said Laird 0.17 of one acre tract as described in Exhibit B;

(103) S 78°57'21" E 52.29 feet to a 1/2" steel pin found at the southeast corner of the said Laird 0.17 of one acre tract as described in Exhibit C and the southwest corner of the said Laird 0.34 of one acre tract as described in Exhibit A;

(104) S 73°16'24" E 99.86 feet to a 1/2" steel pin with plastic cap set for the southeast corner of the said Laird 0.34 of one acre tract as described in Exhibit A and the southwest corner of the said Laird 0.34 of one acre tract as described in Exhibit D;

(105) S 80°03'24" E 100.14 feet to a 1/2" steel pin with plastic cap set for the southeast corner of the said Laird 0.34 of one acre tract as described in Exhibit D and the southwest corner of that 0.34 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, designated as Second Tract and described in a Warranty Deed to Joseph Edgar Laird and wife, Ruby Lee Laird in Volume 10897, Page 889, Real Property Records of Travis County, Texas;

THENCE with the south line of the said Laird Second Tract of 0.34 of one acre and with the southwest line of that 0.31 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, designated as First Tract and described in said Warranty Deed to Laird of record in Volume 10897, Page 889, Real Property Records of Travis County, Texas, courses numbered 106 through 107 inclusive as follows;

(106) S 68°03'24" E 99.72 feet to a 1 1/2" steel pin with plastic cap set for the southeast corner of the said Laird Second Tract of 0.34 of one acre and the southwest corner of the said Laird First Tract of 0.31 of one acre;

(107) S 57°28'24" E 100.07 feet to a 3/4" steel pin found at the southeast corner of the said Laird First Tract of 0.31 of one acre and the southwest corner of that 0.30 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a General Warranty Deed With Vendor's Lien to Harold J. Nelson and Ann Marie Gibbs St. Martin in Document No. 2003123239, Official Public Records of Travis County, Texas;

(108) THENCE with the south or southwest line of the said Nelson and St. Martin 0.30 of one acre tract, S 53°34'00"E 100.52 feet to a 3/4" steel pin found in the west line of that 1.002 acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a General Warranty

Deed to Stephen K. Nagl and Gay F. Nagl in Document No. 2004187346, Official Public Records of Travis County, Texas, and at the southeast corner of the said Nelson and St. Martin 0.30 of one acre tract, for a northeast corner of the herein described tract;

(109) THENCE with the west line of the said Nagl 1.002 acre tract, S 4°56'14" W 99.70 feet to a 1/2" steel pin with plastic cap set for the southwest corner of the said Nagl 1.002 acre tract, for an interior corner of the herein described tract;

(110) THENCE with the south line of the said Nagl 1.002 acre tract, S 77°09'46" E 192.14 feet to a 1/2" steel pin found in the west line of that 1.462 acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in an Assumption Warranty Deed With Vendor's Lien to Michael K. Temple and Marcia Temple in Volume 10505, Page 588, Real Property Records of Travis County, Texas, and at the southeast corner of the said Nagl 1.002 acre tract, for a northeast corner of the herein described tract;

(111) THENCE with the west line of the said Temple 1.462 acre tract, S 4°54'33" W 95.90 feet to a 1/2" steel pin found at the southwest corner of the said Temple 1.462 acre tract, for an interior corner of the herein described tract;

(112) THENCE with the south line of the said Temple 1.462 acre tract, S 85°06'26" E 199.92 feet to a 1/2" steel pin found at the southeast corner of the said Temple 1.462 of one acre tract, for an interior corner of the herein described tract;

(113) THENCE with the east line of the said Temple 1.462 acre tract, N 4°55'09" E 318.00 feet to a 1/2" steel pin found in the south line of Draper Mountain Trail at the northeast corner of the said Temple 1.462 acre tract;

(114) THENCE crossing Draper Mountain Trail and the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, N 36°27'01" W 155.00 feet to a calculated point on the north side of Draper Mountain Trail, for an interior corner of the herein described tract;

THENCE crossing the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, and being along or near the north line of Draper Mountain Trail, courses numbered 115 through 118 inclusive as follows:

(115) S 62°21'16" W 116.00 to a calculated point;

(116) S 89°19'49" W 88.20 to a calculated point;

(117) N 62°35'36" W 95.48 to a calculated point;

(118) N 54°41'26" W 49.09 to a 1/2" steel pin with plastic cap set for the southeast corner of that 2,512 square foot tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a Warranty Deed to Harold Nelson in Volume 12603, Page 162, Real Property Records of Travis County, Texas, for a southwest corner of the herein described tract;

THENCE with the east line of the said Nelson 2,512 square foot tract and the east line of the 0.32 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, designated as Tract 1 and described in a Corrected Warranty Deed to Harold J. Nelson in Volume 12059, Page 75, Real Property Records of Travis County, Texas, courses numbered 119 through 120 inclusive as follows:

(119) N 2°21'38" E 41.40 feet to a 1/2" steel pin found at the northeast corner of the said Nelson 2,512 square foot tract and the southeast corner of the said Nelson Tract 1 of 0.32 of one acre;

(120) N 2°21'38" E 62.09 feet to a calculated point for a northwest corner of the herein described

tract;

THENCE crossing the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, courses numbered 121 through 123 inclusive as follows:

(121) S 87°38'22"E 86.44 feet to a calculated point for an interior corner of the herein described tract;

(122) N 8°25'55"E 58.35 feet to a calculated point for an interior corner of the herein described tract;

(123) N 69°50'17" W 97.27 feet to a 1/2" steel pin found at the northeast corner of the said Nelson Tract I of 0.32 of one acre;

THENCE with the north line of the said Nelson Tract I of 0.32 of one acre and the north line of that 0.32 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, designated as Tract II and described in a said Corrected Warranty Deed to Harold J. Nelson in Volume 12059, Page 75 Real Property Records of Travis County, Texas, and being also with the north line of that 0.33 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a Warranty Deed to Harold Nelson in Volume 12666, Page 143, Real Property Records of Travis County, Texas, courses numbered 124 through 126 inclusive as follows:

(124) N 69°50'17" W 99.93 feet to a 1/2" steel pin found at the northwest corner of the said Nelson Tract I of 0.32 of one acre and the northeast corner of the said Nelson Tract II of 0.32 of one acre;

(125) N 69°49'01" W 99.75 feet to a 1/2" steel pin found at the northwest corner of the said Nelson Tract I of 0.32 of one acre and the northeast corner of the said Nelson 0.33 of one acre;

(126) N 69°49'32" W 99.96 feet to a 1/2" steel pin found at the northwest corner of the said Nelson 0.33 of one acre and the northeast corner of that 0.337 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a Warranty Deed to G. L. Vinson in Volume 12667, Page 479, Real Property Records of Travis County, Texas, for an interior corner of the herein described tract;

(127) THENCE with the west line of the said Nelson 0.33 of one acre and the east line of the said Vinson 0.337 of one acre, S 2°25'41" W 149.75 feet to a 1/2" steel pin found in the north line of Draper Mountain Trail at the southwest corner of the said Nelson 0.33 of one acre and the southeast corner of the said Vinson 0.337 of one acre, for a southeast corner of the herein described tract;

THENCE along or near the north line of Draper Mountain Trail, courses numbered 128 through 130 inclusive as follows:

(128) N 73°11'01" W 99.95 feet to a 1/2" steel pin found;

(129) N 73°13'38" W 99.89 feet to a 1/2" steel pin found;

(130) N 72°29'39" W 299.84 feet to a 1/2" iron pipe found in the north line of Draper Mountain Trail at the southeast corner of that 0.689 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a Warranty Deed With Vendor's Lien to Jeffrey Press and wife, Kimberly Press in Document No. 2005052503, Official Public Records of Travis County, Texas, for a southwest corner of the herein described tract;

THENCE with the east, north and west line of the said Press 0.689 of one acre, courses numbered 131 through 133 inclusive as follows:

(131) N 3°38'16"E 310.87 feet to a 1/2" steel pin found at the northeast corner of the said Press 0.689 of one acre, for an interior corner of the herein described tract;

(132) N 72°00'09"W 99.95 feet to a 1/2" steel pin found at the northwest corner of the said Press 0.689 of one acre, for an interior corner of the herein described tract;

(133) S 3°34'26" W 309.22 feet to a 1/2" steel pin found at the southwest corner of the said Press 0.689 of one acre, for a southeast corner of the herein described tract

THENCE along or near the north line of Draper Mountain Trail, courses numbered 134 through 136 inclusive as follows:

(134) N 64°43'09"W 132.92 feet to a calculated point;

(135) N 53°40'31" W 93.64 feet to a 1/2" steel pin found;

(136) N 80°04'01" W 71.03 feet to a 1/2" steel pin found in the north line of Draper Mountain Trail at the southeast corner of that 6.908 acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a Special Warranty Deed to Jeffrey C. Nieland in Volume 12456, Page 1740, Real Property Records of Travis County, Texas, for a southwest corner of the herein described tract;

(137) THENCE with a west line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land and the east line of the said Nieland 6.908 acre tract, N 22°25'20" W 509.97 feet to a 112" steel pin found in the east line of the said Nieland 6.908 acre tract at a northwest corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, said 112" steel pin found being also the southwest corner of that 10.26 acre tract, a portion of the said W. A. Cook Survey No. 141 and the Lewis Lindsey Survey No. 265, Abstract No. 2171, in Travis County, Texas, as described in a Warranty Deed With Vendor's Lien to William G. McHugh in Document No. 2002035207, Official Public Records of Travis County, Texas, for a northwest corner of the herein described tract;

(138) THENCE with a north line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land and with the south line of the said McHugh 10.26 acre tract, N 73°24'11"E 388.72 feet to a 112" steel pin found at the southeast corner of the said McHugh 10.26 acre tract and a southwest or west corner of that 16.08 acre tract, a portion of the said W. A. Cook Survey No. 141 and the said Lewis Lindsey Survey No. 265, in Travis County, Texas, as described in a Warranty Deed to G. L. Vinson in Volume 6561, Page 242, Deed Records of Travis County, Texas, for an interior corner of the herein described tract;

THENCE with the west line of the said Vinson 16.08 acre tract and the east line of the said McHugh 10.26 acre tract, courses numbered 139 through 140 inclusive as follows:

(139) N 28°15'50" E 176.77 feet to a 1/2" steel pin found;

(140) N 22°33'24" W 990.27 feet to a 1/2" steel pin found at the northwest corner of the said Vinson 16.08 acre tract and a northeast corner of the said McHugh 10.26 acre tract, said 1/2" steel pin found being the southwest corner of that 12.28 acre tract, a portion of the said Lewis Lindsey Survey No. 265, in Travis County, Texas, as described in a Warranty Deed to Charles D. Van Cleave and wife, Gloria J. Van Cleave in Volume 3483, Page 1915, Deed Records of Travis County, Texas, for a northwest corner of the herein described tract;

THENCE with the north line of the said Vinson 16.08 acre tract and the south line of the said Van Cleave 12.28 acre tract, courses numbered 141 through 143 inclusive as follows:

(141) S 60°43'10" E 10.08 feet to a 112" steel pin found;

(142) S 62°17'30" E 243.12 feet to a 1/2" steel pin found;

(143) S 66°41'16" E 892.77 feet to a 1/2" steel pin found in a west line of a private road, locally known as Drapers Cove and in a west line of the said Vinson 278.36 acre tract of land, save and except

19.27 acres of land, said 1/2" steel pin found being the northeast corner of the said Vinson 16.08 acre tract and the southeast corner of the said Van Cleave 12.28 acre tract, for an interior corner of the herein described tract;

THENCE with the west, southwest and south line of Drapers Cove and a west, southwest and south line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land and being also with the east, northeast and north line of the said Van Cleave 12.28 acre tract, courses numbered 144 through 149 inclusive as follows;

(144) N 3°51'52" E 360.05 feet to a 1/2" steel pin found;
(145) N 3°57'18" W 99.86 feet to a 1/2" steel pin found;
(146) N 32°37'26" W 99.98 feet to a 1/2" steel pin found;
(147) N 58°16'12" W 229.98 feet to a 1/2" steel pin found;
(148) N 64°47'35" W 359.96 feet to a 1/2" steel pin found;
(149) N 58°26'35" W 64.23 feet to a 1/2" steel pin with plastic cap set in asphalt for a southwest corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land and a southeast corner of that unplatted tract of land, a portion of the said Lewis Lindsey Survey No. 265 and the said W. A. Cook Survey No. 100, in Travis County, Texas, designated as Other and conveyed in said Deed Without Warranty of record in Document No. 2003204418, Official Public Records of Travis County, Texas, for a southwest corner of the herein described tract;

THENCE with the west line of Drapers Cove and the west line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, and being also along or near the unplatted tract designated as Other in said Deed Without Warranty of record in Document No. 2003204418, Official Public Records of Travis County, Texas, courses numbered 150 through 152 inclusive as follows:

(150) N 15°13'35" W 8.15 feet to a 1/2" steel pin found;
(151) N 15°22'02" W 46.75 feet to a 1/2" steel pin found;
(152) N 7°16'06" E 37.39 feet to a 1/2" steel pin found near corner offence at an angle point in the west line of Drapers Cove and at an angle point in the west line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, said 1/2" steel pin found being also in or near the east line of the unplatted tract designated as Other in said Deed Without Warranty of record in Document No. 2003204418, Official Public Records of Travis County, Texas;

THENCE with the west line of Drapers Cove and crossing the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, and being also along or near the east line of the unplatted tract designated as Other in said Deed Without Warranty of record in Document No. 2003204418, Official Public Records of Travis County, Texas, courses numbered 153 through 154 inclusive as follows:

(153) N 27°22'59" E 41.77 feet to a 1/2" steel pin with plastic cap set near corner of fence;
(154) N 44°25'04" E 255.79 feet to a 1/2" steel pin found near corner offence in the west line of Drapers Cove and at an angle point in the west line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, said 1/2" steel pin found being also in or near the east line of the unplatted tract designated as Other in said Deed Without Warranty of record in Document No. 2003204418, Official Public Records of Travis County, Texas;

THENCE with the west line of Drapers Cove and the west line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, and being also along or near the unplatted tract designated as Other in said Deed Without Warranty of record in Document No. 2003204418, Official Public Records of Travis County, Texas, courses numbered 155 through 175 inclusive as follows:

(155) N 42°31'20" E 71.53 feet to a 1/2" steel pin found;

(156) N 30°29'16" E 138.99 feet to a 3/4" steel pin found;
 (157) N 23°45'46" E 31.51 feet to a 3/4" steel pin found;
 (158) N 9°35'18" E 66.85 feet to a 3/4" steel pin found;
 (159) N 0°26'11" E 77.65 feet to a 3/4" steel pin found;
 (160) N 12°19'05" W 48.11 feet to a 1/2" steel pin found;
 (161) N 20°19'58" W 53.72 feet to a 1/2" steel pin found;
 (162) N 25°57'16" W 142.29 feet to a mag nail in concrete found;
 (163) N 30°27'22" W 168.99 feet to a 1/2" steel pin found;
 (164) N 9°59'50" W 46.13 feet to a 1/2" steel pin found;
 (165) N 12°16'16" E 53.36 feet to a 1/2" steel pin found;
 (166) N 33°12'28" E 86.45 feet to a 1/2" steel pin found;
 (167) N 39°14'08" E 61.65 feet to a 1/2" steel pin found;
 (168) N 46°15'39" E 125.89 feet to a 1/2" steel pin found;
 (169) N 49°18'43" E 172.95 feet to a 1/2" steel pin found;
 (170) N 40°09'23" E 67.97 feet to a 1/2" steel pin found;
 (171) N 35°08'07" E 76.10 feet to a 1/2" steel pin found;
 (172) N 30°26'05" E 75.81 feet to a 1/2" steel pin found;
 (173) N 22°03'18" E 54.10 feet to a 1/2" steel pin found;
 (174) N 16°46'39" E 441.15 feet to a 1/2" steel pin found;
 (175) N 1°34'56" W 35.01 feet to a 1/2" steel pin with plastic cap set in or near the east line of that 4.349 acre tract of land, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a Substitute Trustee's Deed to Hugh Beadles in Volume 13019, Page 990, Real Property Records of Travis County, Texas, for the northwest corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, said 1/2" steel pin with plastic cap set being at or near the north corner of the said unplatted tract designated as Other in said Deed Without Warranty of record in Document No. 2003204418, Official Public Records of Travis County, Texas, for the northwest corner of the herein described tract;

THENCE crossing Drapers Cove with the north line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, and with the south line of that 2.399 acre tract of land, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a Warranty Deed to Robert S. Blackburn and Ruth S. Blackburn, Trustees in Document No. 2002024812, Official Public Records of Travis County, Texas, and being also with the south line of that 1.055 acre tract of land, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a Warranty Deed to the Christian Science Society in Volume 9086, Page 678, Real Property Records of Travis County, Texas, courses numbered 176 through 179 inclusive as follows:

(176) N 86°39'51" E 156.01 feet to a PK nail found in top of a wood fence post;
 (177) S 61°15'09" E 485.79 feet to a 1/2" steel pin with plastic cap found (RPLS 1847);
 (178) S 63°02'26" E 51.54 feet to a 1/2" steel pin found at the southeast corner of the said Blackburn 2.399 acre tract and at the southwest corner of the said Christian Science Society 1.055 acre tract;

(179) S 62°57'16" E 241.25 feet to a 1/2" steel pin found at the southeast corner of the said Christian Science Society 1.055 acre tract and at the southwest corner of that 2.036 acre tract, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a Special Warranty Deed to G. L. Vinson in Volume 12717, Page 693, Real Property Records of Travis County, Texas, for an interior corner of the herein described tract;

(180) THENCE with the west line of the said Vinson 2.036 acre tract and with the east line of the said Christian Science Society 1.055 acre tract, N 31°28'45" E 196.07 feet to a 1/2" steel pin found in the south line of Boggy Ford Road at the northwest corner of the said Vinson 2.036 acre tract and the

northeast corner of the said Christian Science Society 1.055 acre tract, for a northwest corner of the herein described tract;

THENCE with south and southwest line of Boggy Ford Road and with the north and northeast line of the said Vinson 2.035 acre tract, courses numbered 181 through 182 inclusive as follows:

(181) S 65°33'05"E 316.18 feet to a 1/2" steel pin with plastic cap set at point of curve;

(182) with a curve to the right, an arc distance of 175.77 feet, said curve having a radius of 291.06 feet, a central angle of 34°36'02" and a chord of which bears S 48°15'27" E 173.11 feet to a 1/2" steel pin found at the east corner of the said Vinson 2.035 acre tract and the north corner of that 1.00 acre tract, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a General Warranty Deed to Travis Oaks Baptist Church in Volume 4788, Page 1033, Deed Records of Travis County, Texas, for an east corner of the herein described tract;

(183) THENCE with the south line of the said Vinson 2.035 acre tract and the north line of the said Travis Oaks Baptist Church 1.00 acre tract, S 63°09'53"W 205.60 feet to a 1/2" steel pin with plastic cap set in a north line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land for the southeast corner of the said Vinson 2.035 acre tract and the west corner of the said Travis Oaks Baptist Church 1.00 acre tract, said a 1/2" steel pin with plastic cap set being also set for the north corner of that 1.712 acre tract, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a Warranty Deed to Travis Oaks Baptist Church in Document No. 2000050175, Official Public Records of Travis County, Texas, and the northwest corner of that 2.00 acre tract of land, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a Warranty Deed With Vendor's Lien to Travis Oaks Baptist Church in Volume 9007, Page 882, Real Property Records of Travis County, Texas;

(184) THENCE with the north line of the said Travis Oaks Baptist Church 1.712 acre tract, S 63°01'58" W 464.04 feet to a 1/2" steel pin found at the west corner of the said 1.712 acre tract, for an interior corner of the herein described tract;

THENCE with the south line of the said Travis Oaks Baptist Church 1.712 acre tract and the south line of the said Travis Oaks Baptist Church 2.000 acre tract, courses numbered 185 through 186 inclusive as follows:

(185) S 57°24'26" E 373.77 feet to a 1/2" steel pin found at the southeast corner of the said Travis Oaks 1.712 acre tract and the southwest corner of the said Travis Oaks 2.000 acre tract;

(186) S 57°24'03" E 160.48 feet to a 1/2" steel pin with plastic cap set for the northwest corner of a 2.000 acre tract, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a Warranty Deed to Susan Montana in Document No. 2006113603, Official Public Records of Travis County, Texas, for a northeast corner of the herein described tract;

THENCE with the west and southwest line of the said Montana 2.000 acre tract, courses numbered 187 through 191 inclusive as follows:

(187) S 35°12'33"W 181.07 feet to a 1/2" steel pin with plastic cap set;

(188) S 21°39'36" W 154.09 feet to a 1/2" steel pin with plastic cap set;

(189) S 11°48'20" E 85.36 feet to a 1/2" steel pin with plastic cap set;

(190) S 33°00'20" E 72.52 feet to a 1/2" steel pin with plastic cap set in rock;

(191) S 53°37'26"E 260.49 feet to a 1/2" steel pin with plastic cap set in the west line of that 1.479 acre tract, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, designated as Tract 1 and described in a Warranty Deed to Jack Montana and wife, Susan Koerner in Document No. 1999084833, Official Public Records of Travis County, Texas;

THENCE with the west line of the said Montana Tract I of 1.479 acres and the west line of that 0.400 of one acre of land, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, designated as Tract I and described in a Warranty Deed to Michael Brasel and Kathleen Brasel in Document No. 2004038445, Official Public Records of Travis County, Texas, courses numbered 192 through 193 inclusive as follows:

(192) S 23°25'28"E 145.00 feet to a 1/2" steel pin with plastic cap found (West 4188) at the southwest corner of the said Montana Tract 1 of 1.479 acres and the northwest corner of the said Brasel Tract I of 0.400 of one acre;

(193) S 34°32'32" E 217.75 feet to a cotton gin spindle found at the southwest corner of the said Brasel Tract 1 of 0.400 of one acre, for an interior corner of the herein described tract;

(194) THENCE with the south line of the said Brasel Tract 1 of 0.400 of one acre, N 55°26'29" E 80.15 feet to a 1/2" steel pin found at the southeast corner of the said Brasel Tract 1 of 0.400 of one acre and the southwest corner of that 0.500 of one acre tract, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, designated as Tract 1 and described in a General Warranty Deed to Michael D. Brasel and spouse, Kathleen D. Brasel in Volume 11866, Page 1344, Real Property Records of Travis County, Texas, and being also the west corner of that 0.099 of one acre tract, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, designated as Tract 2 and described in said Warranty Deed to Brasel in Document No. 2004038445, Official Public Records of Travis County, Texas;

(195) THENCE with the south line of the said Brasel Tract 2 of 0.099 of one acre, S 83°35'51"E 132.11 feet to a 1/2" steel pin found at the southeast corner of the said Brasel Tract 2 of 0.099 of one acre, for an interior corner of the herein described tract;

THENCE with the east line of the said Brasel Tract 2 of 0.099 of one acre and the east line of the said Brasel Tract 1 of 0.500 of one acre, and being also with the east line of the said Montana Tract I of 1.479 acres and the east line of that 1.142 acre tract, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, designated as Tract 1 and described in a Warranty Deed to Jack L. Koerner (Montana) and wife, Susan Koerner in Volume 11798, Page 1397, Real Property Records of Travis County, Texas, courses numbered 196 through 199 inclusive as follows:

(196) N 34°31'57" W 86.57 feet to a 1/2" steel pin with plastic cap found (West 4188) at the northeast corner of the said Brasel Tract 2 of 0.099 of one acre and the southeast corner of the said Brasel Tract 1 of 0.500 of one acre;

(197) N 34°29'31"W 343.45 feet to a 1/2" steel pin found at an angle point in the east line of the said Montana Tract 1 of 1.479 acres;

(198) N 13°14'52"E 187.34 feet to a 1/2" steel pin found at northeast corner of the said Montana Tract 1 of 1.479 acres and the southeast corner of the said Koerner Tract 1 of 1.142 acres;

(199) N 13°20'20"E 137.24 feet to a 1" iron pipe found at the northeast corner of the said Koerner Tract 1 of 1.142 acres and the southeast corner of that 0.986 of one acre tract of land, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a Warranty Deed to Travis Oaks Baptist Church in Volume 12105, Page 295, Real Property Records of Travis County, Texas;

THENCE with the east line of the said Travis Oaks Baptist Church 0.986 of one acre tract and the east line of that 0.945 of one acre tract of land, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a Deed of Gift to Travis Oaks Baptist Church in Volume 4649, Page 1788, Deed Records of Travis County, Texas, and being also with a west line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, courses numbered 200 through 201 inclusive as follows:

(200) N 13°34'51"E 217.53 feet to a 1/2" steel pin with plastic cap set at the northeast corner of

the said Travis Oaks Baptist Church 0.986 of one acre tract and the southeast corner of the said Travis Oaks Baptist Church 0.945 of one acre tract, said 1" iron pipe found being also an interior -corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land;

(201) N 13°32'39" E 208.70 feet to a 1/2" steel pin set (no plastic cap) for the northeast corner of the said Travis Oaks Baptist Church 0.945 of one acre tract and the southeast corner of that 1.00 acre tract of land, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a General Warranty Deed to Travis Oaks Baptist Church in Volume 4788, Page 1033, Deed Records of Travis County, Texas, said 1/2" steel pin set (no plastic cap) being also set for a northwest corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, and the southwest corner of that 0.018 of one acre tract of land, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a Special Warranty Deed to G. L. Vinson in Volume 10321, Page 422, Real Property Records of Travis County, Texas;

(202) THENCE with the east line of the said Travis Oaks Baptist Church 1.00 acre tract and the west line of the said Vinson 0.018 of one acre tract, N 13°32'39" E 30.72 feet to a cotton gin spindle set in asphalt in the curving south line of Boggy Ford Road for the northeast corner of the said Travis Oaks Baptist Church 1.00 acre tract and the northwest corner of the said Vinson 0.018 of one acre tract, for a northwest corner of the herein described tract;

THENCE with the south line of Boggy Ford Road and the north line of the said Vinson 0.018 of one acre tract and with the north line of the said Vinson 2.393 acre tract, courses numbered 203 through 208 inclusive as follows:

(203) with a curve to the left, an arc distance of 26.25 feet, said curve having a radius of 510.06 feet, a central angle of 2°56'56" and a chord of which bears S 60°52'15" E 26.25 feet to a 1/2" steel pin with plastic cap set for the northeast corner of the said Vinson 0.018 of one acre tract and the northwest corner of the said Vinson 2.393 acre tract;

(204) with a curve to the left, an arc distance of 135.29 feet, said curve having a radius of 510.06 feet, a central angle of 15°11'49" and a chord of which bears S 69°56'38" E 134.89 feet to a 60d nail set in top of a wood fence post at point of tangency;

(205) S 76°43'38" E 226.75 feet to a 1/2" steel pin with plastic cap set;

(206) S 72°05'38" E 746.24 feet to a 1/2" steel pin found;

(207) S 69°16'12" E 112.32 feet to a 1/2" steel pin with plastic cap set at point of curve;

(208) with a curve to the left, an arc distance of 109.03 feet, said curve having a radius of 348.81 feet, a central angle of 17°54'31" and a chord of which bears S 78°10'37" E 108.58 feet to the POINT OF BEGINNING of the herein described tract, containing 286.85 acres of land, more or less, SAVE AND EXCEPT the following tracts of land located within the boundaries of the above 286.85 acre metes and bounds description: 2.504 acres and 2.899 acres as described in the accompanying metes and bounds descriptions, leaving 281.45 acres of land, more or less.

Note: The plastic caps on the 1/2" steel pins set are inscribed with "M & S 1838."

DESCRIPTION FOR 2.504 ACRES - SAVE AND EXCEPT TRACT

METES AND BOUNDS DESCRIPTION OF A SURVEY OF 2.504 ACRES OF LAND, A PORTION OF THE W. A. COOK SURVEY NO. 141, ABSTRACT NO. 2587, AND A PORTION OF THE C. E. P. I. & M. CO. SURVEY NO. 173, ABSTRACT NO. 2191, BOTH BEING IN TRAVIS COUNTY, TEXAS, SAID 2.504 ACRES OF LAND BEING ALL OR A PORTION OF THE FOLLOWING TRACTS OF LAND, ALL BEING IN TRAVIS COUNTY, TEXAS: , BEING ALL OF THAT 18,184 SQUARE FOOT TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AS DESCRIBED IN

A WARRANTY DEED TO RUTH OLIVER IN VOLUME 7727, PAGE 752, DEED RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 0.34 OF ONE ACRE TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AND A PORTION OF THE SAID C. E. P. I. & M. CO. SURVEY NO. 173, AS DESCRIBED IN A WARRANTY DEED TO CAROL LOU TREAT IN VOLUME 4892, PAGE 260, DEED RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 0.34 OF ONE ACRE TRACT, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141 AND A PORTION OF THE SAID C. E. P. I. & M. CO. SURVEY NO. 173, AS CONVEYED IN A WARRANTY DEED TO MARK T. ALGER IN DOCUMENT NO. 2001126699, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 0.415 OF ONE ACRE TRACT OF LAND, A PORTION OF THE SAID C. E. P. I. & M. CO. SURVEY NO. 173, AS CONVEYED IN A ONE-HALF INTEREST GIFT DEED TO VERNON G. HAFERNIK IN DOCUMENT NO. 2001171314, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 0.397 OF ONE ACRE OF LAND, A PORTION OF THE SAID C. E. P. I. & M. CO. SURVEY NO. 173, AS DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO JEROME URBANEK IN DOCUMENT NO. 1999050669, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; AND BEING A PORTION OF THAT TRACT OF LAND CALLED TO BE 278.36 ACRES, SAVE AND EXCEPT 19.27 ACRES OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AND OTHERS, DESIGNATED AS TRACT 1 AND DESCRIBED IN A WARRANTY DEED TO G. L. VINSON IN VOLUME 5554, PAGE 1469, DEED RECORDS OF TRAVIS COUNTY, TEXAS, AS SURVEYED FOR G. L. VINSON AND REVISED FOR TRAVIS MEADOW, LP BY METCALFE & SANDERS, INC., LAND SURVEYORS, 4800 SOUTH CONGRESS AVENUE, AUSTIN, TEXAS, SAID 2.504 OF ONE ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Beginning at a 5/8" steel pin found in the east line of a private street, locally known as Treat Trail, at the southwest corner of that 0.34 of one acre tract, a portion of the W. A. Cook Survey No. 141, Abstract No. 2587 and a portion of the said C. E. P. I. & M. Co. Survey No. 173, Abstract No. 2191, in Travis County, Texas, as described in a Warranty Deed to Carol Lou Treat in Volume 4892, Page 260, Deed Records of Travis County, Texas, for the POINT OF BEGINNING for an interior corner of the herein described tract, and from which 5/8" steel pin found, a 1/2" steel pin found at an angle point in Treat Trail at the southeast corner of that 18,184 square foot tract of land, a portion of the said W. A. Cook Survey No. 141, as described in a Warranty Deed to Ruth Oliver in Volume 7727, Page 752, Deed Records of Travis County, Texas, bears N 87°20'53" W 60.73 feet;

(1) THENCE crossing Treat Trail and a portion of that tract of land called to be 278.36 acres, save and except 19.27 acres of land, a portion of the said W. A. Cook Survey No. 141, and others, designated as Tract 1 and described in a Warranty Deed to G. L. Vinson in Volume 5554, Page 1469, Deed Records of Travis County, Texas, S 2°15'09" E 31.24 feet to a calculated point in a south line of the said Vinson 278.36 acres, save and except 19.27 acres of land and in the north line of that 12.611 acre tract of land, a portion of the Malinda Settle Survey No. 49, Abstract No. 2126, in Travis County, Texas, as described in a Special Warranty Deed to G. L. Vinson in Volume 11949, Page 88, Real Property Records of Travis County, Texas, said calculated point being in or near the south line of the said W. A. Cook Survey No. 141 and the north line of the said Malinda Settle Survey No. 49, for a southeast corner of the herein described tract;

(2) THENCE with the south line of Treat Trail and a south line of the said Vinson 278.36 acres, save and except 19.27 acres of land, and being also with the north line of the said Vinson 12.611 acre tract and being along or near the south line of the said W. A. Cook Survey No. 141 and the north line of the said Malinda Settle Survey No. 49, S 87°44'51" W 229.80 feet to a calculated point, for the southwest corner of the herein described tract;

(3) THENCE crossing Treat Trail with the southerly extension of the west line of the said Oliver 18,184 square foot tract of land and also crossing a portion of the said Vinson 278.36 acres, save and except 19.27 acres of land, N 30°25'48"E 35.56 feet to a 1/2" steel pin found at the intersection of the north line of Treat Trail and the east line of private street, locally known as Drapers Cove, said 1/2" steel pin found being the southwest corner of the said Oliver 18,184 square foot tract;

(4) THENCE with the east line of Drapers Cove and the west line of the said Oliver 18,184 square foot tract, N 30°25'48" E 187.84 feet to a 1/2" steel pin found at the northwest corner of the said Oliver 18,184 square foot tract, for the most southerly northwest corner of the herein described tract, and from which 1/2" steel pin found, a 1/2" steel pin found at the southeast corner of that 1.462 acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in an Assumption Warranty Deed With Vendor's Lien to Michael K. Temple and Marcia Temple in Volume 10505, Page 588, Real Property Records of Travis County, Texas, bears N 62°55'35"W 86.37 feet;

(5) THENCE with the north line of the said Oliver 18,184 square foot tract, S 56°46'12"E 127.22 feet to a 1/2" steel pin found in the west line of Treat Trail at the northeast corner of the said Oliver 18,184 square foot tract, for an interior corner of the herein described tract;

THENCE crossing a portion of the said Vinson 278.36 acres, save and except 19.27 acres of land and being along or near the west line of Treat Trail, courses numbered 6 through 8 inclusive as follows:

(6) N 25°38'44" E 148.00 feet to a 1/2" steel pin found;
(7) N 24°20'53" E 107.77 feet to a calculated point;
(8) N 19°43'42" E 95.35 feet to a calculated point at the intersection of the west line of Treat Trail with the westerly prolongation of the north line of that 0.397 of one acre tract, a portion of the said C. E. P. I. & M. Co. Survey No. 173, in Travis County, Texas, as conveyed in a Warranty Deed With Vendor's Lien to Jerome Urbanek in Document No. 1999050669, Official Public Records of Travis County, Texas, and the westerly prolongation of the south line of that 0.413 of one acre tract, a portion of the said C. E. P. I. & M. Co. Survey No. 173, in Travis County, Texas, as described in a Warranty Deed to George L. Vinson and wife, Jean Vinson in Volume 2714, Page 315, Deed Records of Travis County, Texas, for the most northerly northwest corner of the herein described tract;

(9) THENCE crossing Treat Trail with the westerly prolongation of the north line of the said Urbanek 0.397 of one acre tract and the westerly prolongation of the said Vinson 0.413 of one acre tract, N 88°16'47"E 32.23 feet to a 1/2" iron pipe found in the east line of Treat Trail at the northwest corner of the said Urbanek 0.397 of one acre tract and the southwest corner of the said Vinson 0.413 of one acre tract;

(10) THENCE with the north line of the said Urbanek 0.397 of one acre tract and the south line of the said Vinson 0.413 of one acre tract, N 88°16'47"E 167.26 feet to a 1/2" steel pin found at the northeast corner of the said Urbanek 0.397 of one acre tract and the southeast corner of the said Vinson 0.413 of one acre tract, for the northeast corner of the herein described tract;

THENCE with the east line of the said Urbanek 0.397 of one acre tract and the east line of that 0.415 of one acre tract, a portion of the said C. E. P. I. & M. Co. Survey No. 173, in Travis County, Texas, as conveyed in a One-Half Interest Gift Deed to Vernon G. Hafemik in Document No. 2001171314, Official Public Records of Travis County, Texas, and being also with the east line of that 0.34 of one acre tract, a portion of the said W. A. Cook Survey No. 141 and a portion of the said C. E. P. I. & M. Co. Survey No. 173, in Travis County, Texas, as conveyed in a Warranty Deed to Mark T. Alger in Document No. 2001126699, Official Public Records of Travis County, Texas, and the east line of the said Treat 0.34 of one acre tract, courses numbered 11 through 14 inclusive as follows:

- (11) S 14°18'30"W 104.29 feet to a 5/8" steel pin found at the southeast corner of the said Urbanek 0.397 of one acre tract and the northeast corner of the said Hafernik 0.415 of one acre tract;
- (12) S 21°56'55"W 108.72 feet to a 5/8" steel pin found at the southeast corner of the said Hafemik 0.415 of one acre tract and the northeast corner of the said Alger 0.34 of one acre tract;
- (13) S 28°38'34"W 115.84 feet to a 5/8" steel pin found at the southeast corner of the said Alger 0.34 of one acre tract and the northeast corner of the said Treat 0.34 of one acre tract;
- (14) S 29°40'52" W 117.63 feet to a 5/8" steel pin found at the southeast corner of the said Treat 0.34 of one acre tract, for the most easterly southeast corner of the herein described tract;
- (15) THENCE with the south line of the said Treat 0.34 of one acre tract, S 88°23'07" W 151.13 feet to the POINT OF BEGINNING of the herein described tract, containing 2.504 acres of land.

DESCRIPTION FOR 2.899 ACRES - SAVE AND EXCEPT TRACT

METES AND BOUNDS DESCRIPTION OF A SURVEY OF 2.899 ACRES OF LAND, A PORTION OF THE W. A. COOK SURVEY NO. 141, ABSTRACT NO. 2587, IN TRAVIS COUNTY, TEXAS, SAID 2.899 ACRES OF LAND BEING A PORTION OF THE FOLLOWING TRACTS OF LAND, ALL BEING IN TRAVIS COUNTY, TEXAS: BEING ALL OF THAT 0.30 OF ONE ACRE TRACT OF LAND DESIGNATED AS TRACT 1 AND ALL OF THAT 0.29 OF ONE ACRE TRACT OF LAND DESIGNATED AS TRACT 2, BOTH BEING A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AND BOTH BEING DESCRIBED IN A WARRANTY DEED TO KATHERAN ACMORSONI IN VOLUME 11592, PAGE 982, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AS DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO DAVID N. McCREA AND WIFE, ARLIS J. McCREA IN VOLUME 5257, PAGE 1283, DEED RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 0.36 OF ONE ACRE TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AS DESCRIBED IN A SPECIAL WARRANTY DEED TO THERESA S. WILSON IN VOLUME 6802, PAGE 41, DEED RECORDS OF TRAVIS COUNTY, TEXAS; BEING A PORTION OF THAT 0.37 OF ONE ACRE TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AS CONVEYED IN A SPECIAL WARRANTY DEED TO ANN MARIE ST. MARTIN IN VOLUME 11225, PAGE 885, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 0.03 OF ONE ACRE TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AS DESCRIBED IN DEED TO PATRICK G. ST. MARTIN AND WIFE ANN M. ST. MARTIN IN VOLUME 10270, PAGE 851, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 0.32 OF ONE ACRE TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AS DESCRIBED IN GENERAL WARRANTY DEED WITH VENDOR'S LIEN IN FAVOR OF THIRD PARTY TO JOSPEH K. MOXLEY IN VOLUME 13360, PAGE 528, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 0.36 OF ONE ACRE TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AS DESCRIBED IN A GENERAL WARRANTY DEED WITH VENDOR'S LIEN TO JOSEPH K. MOXLEY IN DOCUMENT NO. 2003029501, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; AND BEING ALL OF THAT 0.296 OF ONE ACRE TRACT OF LAND DESIGNATED AS FIRST TRACT AND ALL OF THAT 0.282 OF ONE ACRE TRACT OF LAND DESIGNATED AS SECOND TRACT, BOTH BEING A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AND BOTH BEING DESCRIBED IN A WARRANTY DEED TO TRAVIS DUNCAN AND SPOUSE, NIKKI DUNCAN IN DOCUMENT NO. 2003203432, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; AS SURVEYED FOR G. L. VINSON AND REVISED FOR TRAVIS MEADOW, LP BY METCALFE & SANDERS, INC., LAND SURVEYORS, 4800 SOUTH CONGRESS AVENUE, AUSTIN, TEXAS, SAID 2.899 ACRES OF LAND BEING MORE

PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Beginning at a 1/2" steel pin found at an angle point in a north line of a private street, locally known as Drapers Cove, at the southeast corner of that 0.29 of one acre tract, a portion of the W. A. Cook Survey No. 141, Abstract No. 2587, in Travis County, Texas, designated as Tract 2 and described in a Warranty Deed to Katheran Acmorsoni in Volume 11592, Page 982, Real Property Records of Travis County, Texas, for the POINT OF BEGINNING and most easterly southeast corner of the herein described tract, and from which 1/2" steel pin found, a 1/2" steel pin found at the intersection of the southeast line of Drapers Cove and the north line of a private street, locally known as Treat Trail, at the southwest corner of that 18,184 square foot tract of land, a portion of the W. A. Cook Survey No. 141, Abstract No. 2587, in Travis County, Texas, as described in a Warranty Deed to Ruth Oliver in Volume 7727, Page 752, Deed Records of Travis County, Texas, bears S 81°46'41"E 119.70 feet;

(1) THENCE with the north line of Drapers Cove and the south line of the said Acmorsoni Tract 2 of 0.29 of one acre of land and with the south line of that 0.30 of one acre tract, a portion of the said W. A. Cook Survey No. 141, Abstract No. 2587, in Travis County, Texas, designated as Tract 1 and described in said Warranty Deed to Katheran Acmorsoni in Volume 11592, Page 982, Real Property Records of Travis County, Texas, and being also with the south line of that tract of land, a portion of the said W. A. Cook Survey No. 141, Abstract No. 2587, in Travis County, Texas, as described in a Warranty Deed With Vendor's Lien to David N. McCrea and wife, Arlis J. McCrea in Volume 5257, Page 1283, Deed Records of Travis County, Texas, S 87°57'47" W 299.23 feet to a 1/2" steel pin with plastic cap set in the east line of that 0.36 of one acre tract, a portion of the said W. A. Cook Survey No. 141, Abstract No. 2587, in Travis County, Texas, as described in a Warranty Deed to Theresa S. Wilson in Volume 6802, Page 41, Deed Records of Travis County, Texas, for an angle point in the north line of Drapers Cove, for the southwest corner of the said McCrea tract of land, and for an interior corner of the herein described tract;

(2) THENCE with a line of Drapers Cove and the east line of the said Wilson 0.36 of one acre tract, S 1°59'59"E 20.00 feet to a 1/2" steel pin found at an angle point in the north line of Drapers Cove and at the occupied southeast corner of the said Wilson 0.36 of one acre tract, for a southeast corner of the herein described tract;

(3) THENCE with the north line of Drapers Cove and the south line of the said Wilson 0.36 of one acre tract as occupied on the ground, courses numbered 3 through 4 inclusive as follows:

(4) S 89°20'22"W 79.47 feet to a hilti nail set in rock found;

(5) N 85°14'22"W 37.84 feet to a 1/2" steel pin found in concrete at an angle point in the north line of Drapers Cove and at the southwest corner of the said Wilson 0.36 of one acre tract, for a southwest corner of the herein described tract;

(6) THENCE with a line of Drapers Cove and the west line of the said Wilson 0.36 of one acre tract, N 5°38'51" E 11.96 feet to a 1/2" steel pin with plastic cap set for an angle point in the north line of Drapers Cove and the southeast corner of that 0.37 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as conveyed in that Special Warranty Deed to Ann Marie St. Martin in Volume 11225, Page 885, Real Property Records of Travis County, Texas, for an interior corner of the herein described tract;

THENCE with the north, northeast and east line of Drapers Cove and with the south, southwest and west line of the said Ann Marie St. Martin 0.37 of one acre tract and being also with the west line of that 0.32 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as

conveyed in that General Warranty Deed With Vendor's Lien in Favor of Third Party to Joseph K. Moxley in Volume 13360, Page 528, Real Property Records of Travis County, Texas, and being also with the west line of that 0.36 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in that Warranty Deed With Vendor's Lien to Joseph K. Moxley in Document No. 2003029501, Official Public Records of Travis County, Texas, courses numbered 6 through 12 inclusive as follows:

(6) S 86°51'15" W 36.50 feet to a 5/8" steel pin found, and from which 5/8" steel pin found, a 3/4" iron pipe found in concrete in the south line of Drapers Cove and in the north line of that 12.611 acre tract, a portion of the said Malinda Settle Survey No. 49, as described in a Special Warranty Deed to G. L. Vinson in Volume 11919, Page 88, Real Property Records of Travis County, Texas, and being also in or near the south line of the said W. A. Cook Survey No. 141 and the north line of the said Malinda Settle Survey No. 49, bears S 40°18'53" W 69.15 feet;

(7) N 47°40'45" W 59.52 feet to a 1/2" steel pin found in rock;

(8) N 37°59'26" W 32.41 feet to a 1/2" steel pin with plastic cap set;

(9) N 34°34'18" W 62.74 feet to a 1/2" steel pin found in the west line of the said Moxley 0.32 of one acre tract;

(10) N 27°02'45" W 61.96 feet to a 1/2" steel pin found;

(11) N 23°52'32" W 24.66 feet to a 1/2" steel pin found at the west or northwest corner of the said Moxley 0.32 of one acre tract and the southwest or south corner of the said Moxley 0.36 of one acre tract;

(12) N 36°08'40" W 59.68 feet to 1 1/2" steel pin found at the west or southwest corner of the said Moxley 0.36 of one acre and the south or southeast corner of that 0.296 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, designated as First Tract and described in a Warranty Deed to Travis Duncan and spouse, Nikki Duncan in Document No. 2003203432, Official Public Records of Travis County, Texas;

THENCE with the north line of Drapers Cove and the south line of the said Duncan First Tract of 0.296 of one acre and being also with the south line of that 0.282 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, designated as Second Tract and described in said Warranty Deed to Travis Duncan and spouse, Nikki Duncan in Document No. 2003203432, Official Public Records of Travis County, Texas, courses numbered 13 through 14 inclusive as follows:

(13) N 70°18'29" W 144.77 feet to a 1/2" steel pin found;

(14) N 63°41'32" W 34.74 feet to a 1/2" steel pin found at the southwest corner of the said Duncan Second Tract of 0.282 of one acre, for the most westerly southwest corner of the herein described tract;

(15) THENCE with the west line of the said Duncan Second Tract of 0.282 of one acre, N 26°35'08" E 129.88 feet to a hilti nail found set in rock at the northwest corner of the said Duncan Second Tract of 0.282 of one acre, for the northwest corner of the herein described tract;

THENCE with the north line of the said Duncan Second Tract of 0.282 of one acre and the north line of the said Duncan First Tract of 0.296 of one acre, courses numbered 16 through 17 inclusive as follows:

(16) S 76°33'10" E 89.67 feet to a 3/8" steel pin found at the northeast corner of the said Duncan Second Tract of 0.282 of one acre and the northwest corner of the said Duncan First Tract of 0.296 of one acre;

(17) S 76°51'39" E 86.61 feet to a 1/2" steel pin found at the northeast corner of the said Duncan First Tract of 0.296 of one acre and the northwest or north corner of the said Moxley 0.36 of one acre tract;

THENCE with the northeast and east line of the said Moxley 0.36 of one acre tract and the east line of the said Moxley 0.32 of one acre tract, courses numbered 18 through 22 inclusive as follows:

- (18) S 52°51'17" E 73.98 feet to a 1/2" steel pin found;
- (19) S 39°20'17" E 24.61 feet to a 1/2" steel pin with plastic cap set;
- (20) S 26°19'35" E 50.05 feet to a 1/2" steel pin found at the east or southeast corner of the said Moxley 0.36 of one acre tract and the northeast corner of the said Moxley 0.32 of one acre tract;
- (21) S 20°27'58" E 60.43 feet to a cotton gin spindle found;
- (22) S 27°31'15" E 15.02 feet to a 1/2" steel pin found at the southeast corner of the said Moxley 0.32 of one acre tract and the north or northeast corner of that 0.03 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a deed to Patrick G. St. Martin and wife, Ann M. St. Martin in Volume 10270, Page 851, Real Property Records of Travis County, Texas;

THENCE with the east line of the said St. Martin 0.03 of one acre tract and the east and northeast line of the said Ann Marie St. Martin 0.37 of one acre tract, courses numbered 23 through 24 inclusive as follows:

- (23) S 27°19'51" E 32.44 feet to a 1 1/2" steel pin found at the southeast corner of the said St. Martin 0.03 of one acre tract and the northeast corner of the said Ann Marie St. Martin 0.37 of one acre tract;
- (24) S 43°26'50" E 32.34 feet to a 1/2" steel pin found at the northeast corner of the said Ann Marie St. Martin 0.37 of one acre tract and the northwest corner of the said Wilson 0.36 of one acre tract;

THENCE with the north line of the said Wilson 0.36 of one acre tract and the north line of the said McCrea tract of land, and being also with the north line of the said Acmorsoni Tract 1 of 0.30 of one acre and being also with the north line of the said Acmorsoni Tract 2 of 0.29 of one acre, courses numbered 25 through 28 inclusive as follows:

- (25) S 73°25'35" E 32.24 feet to a 1 1/2" steel pin with plastic cap set;
- (26) S 89°55'40" E 64.83 feet to a 1/2" steel pin found at the northeast corner of the said Wilson 0.36 of one acre tract and the northwest corner of the said McCrea tract of land;
- (27) S 89°59'25" E 99.86 feet to a 1/2" steel pin found at the northeast corner of the said McCrea tract of land and the northwest corner of the said Acmorsoni Tract 1 of 0.30 of one acre;
- (28) S 89°47'42" E 200.20 feet to a 1/2" steel pin found at the northeast corner of the said Acmorsoni Tract 2 of 0.29 of one acre, for the northeast corner of the herein described tract of land;

- (29) THENCE with the east line of the said Acmorsoni Tract 2 of 0.29 of one acre, S 1°42'50" E 123.73 feet to the POINT OF BEGINNING of the herein described tract, containing 2.899 acres of land.

Note: The plastic caps on the 1/2" steel pins set are inscribed with "M & S 1838."

EXHIBIT “B”

Conditions

The Property shall be included in the “Firefly Cove Planned Development District,” subject to compliance with the following conditions:

1. that all portions of the application be deemed to meet the requirements of a concept approval;
2. that all portions of the application except the SF-Estate Lots be deemed to meet the requirements of a detail plan approval;
3. development standards for SF-Estate Lots are subject to modification for consistency as part of the future required detail plan approval; and
4. the approval incorporates by reference a satisfactory resolution to the remaining minor comments of the City Engineer related to the required traffic impact analysis (TIA).

EXHIBIT "C"

Land Use Plan

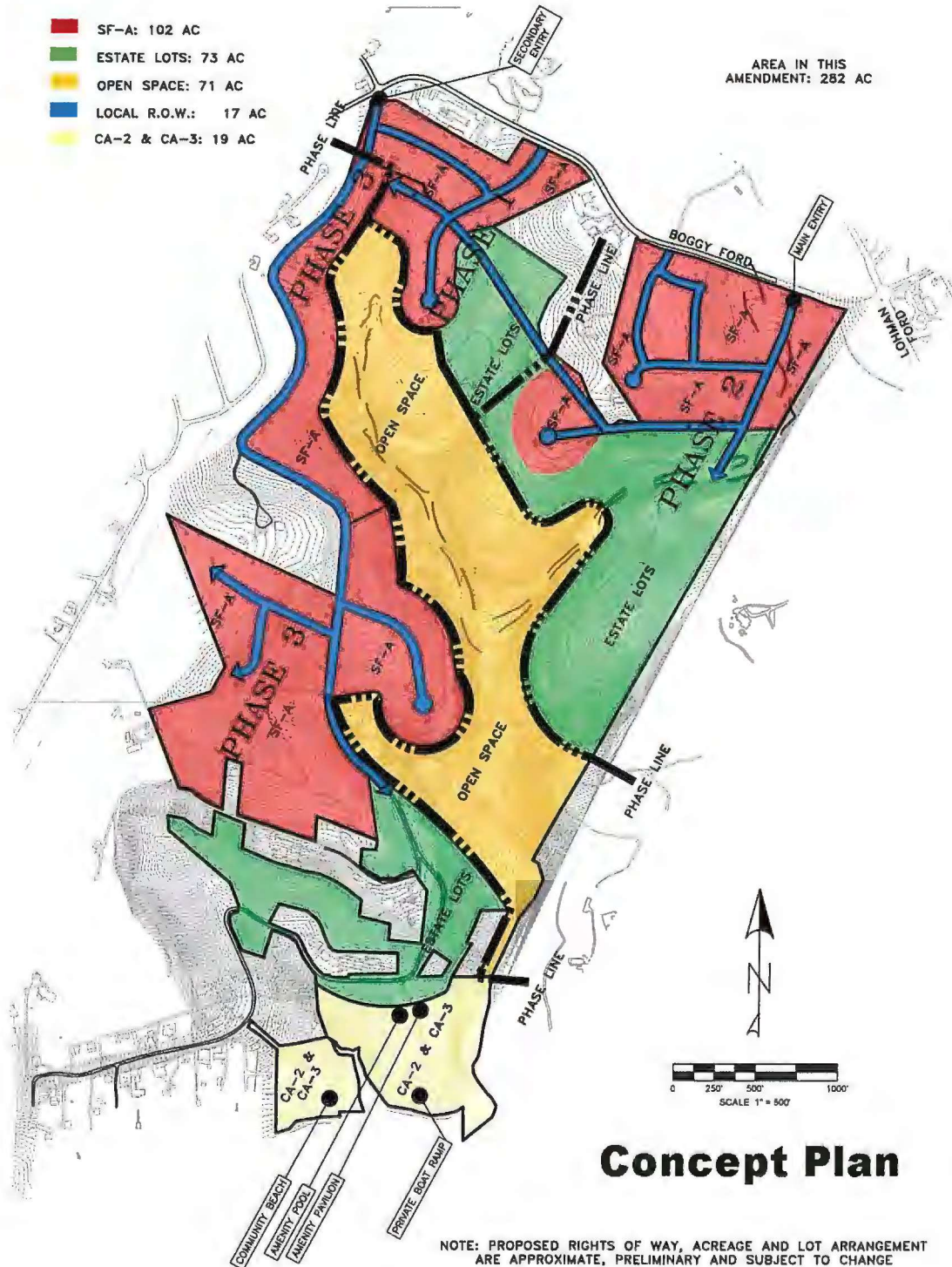
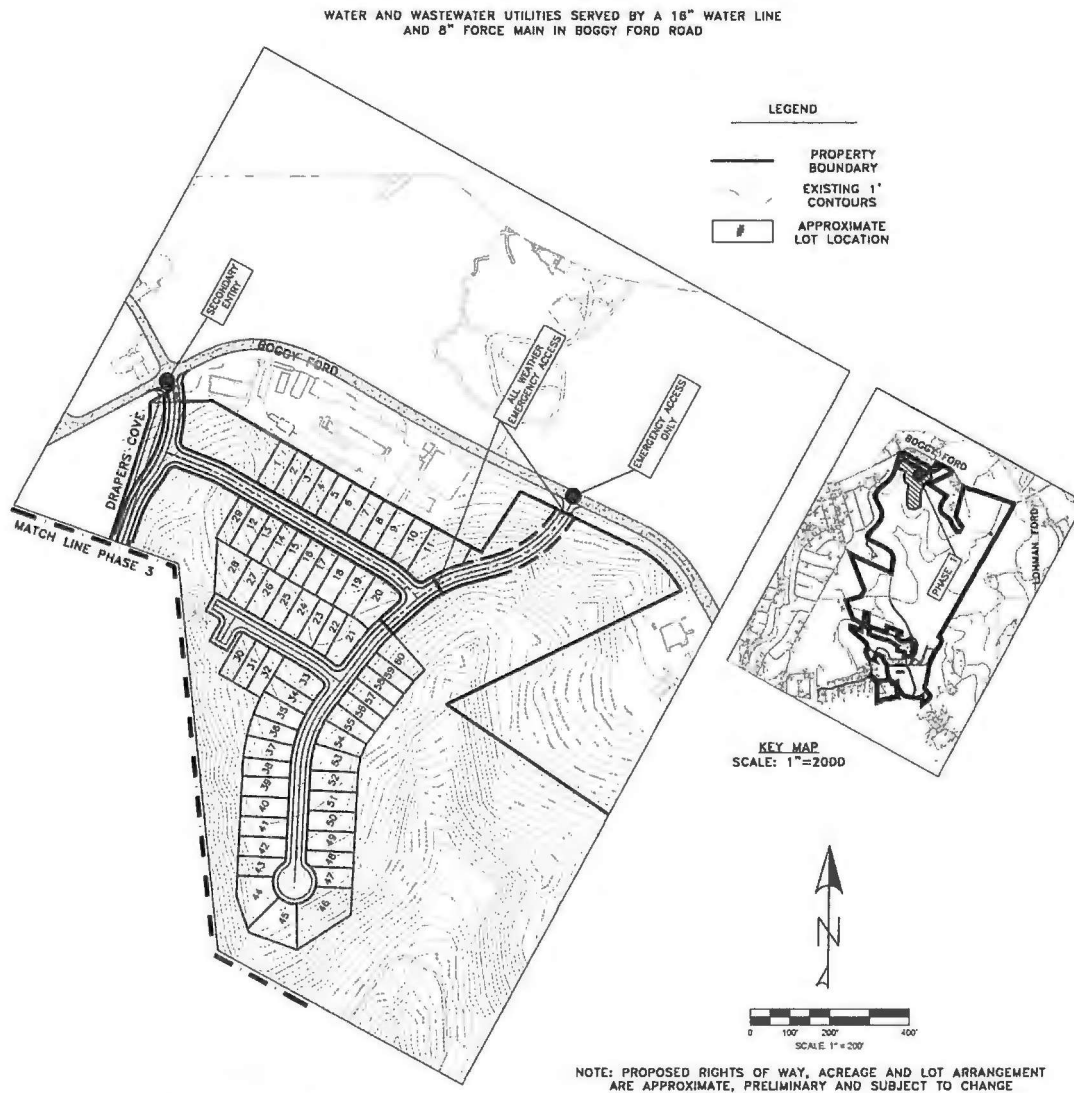


EXHIBIT "C"

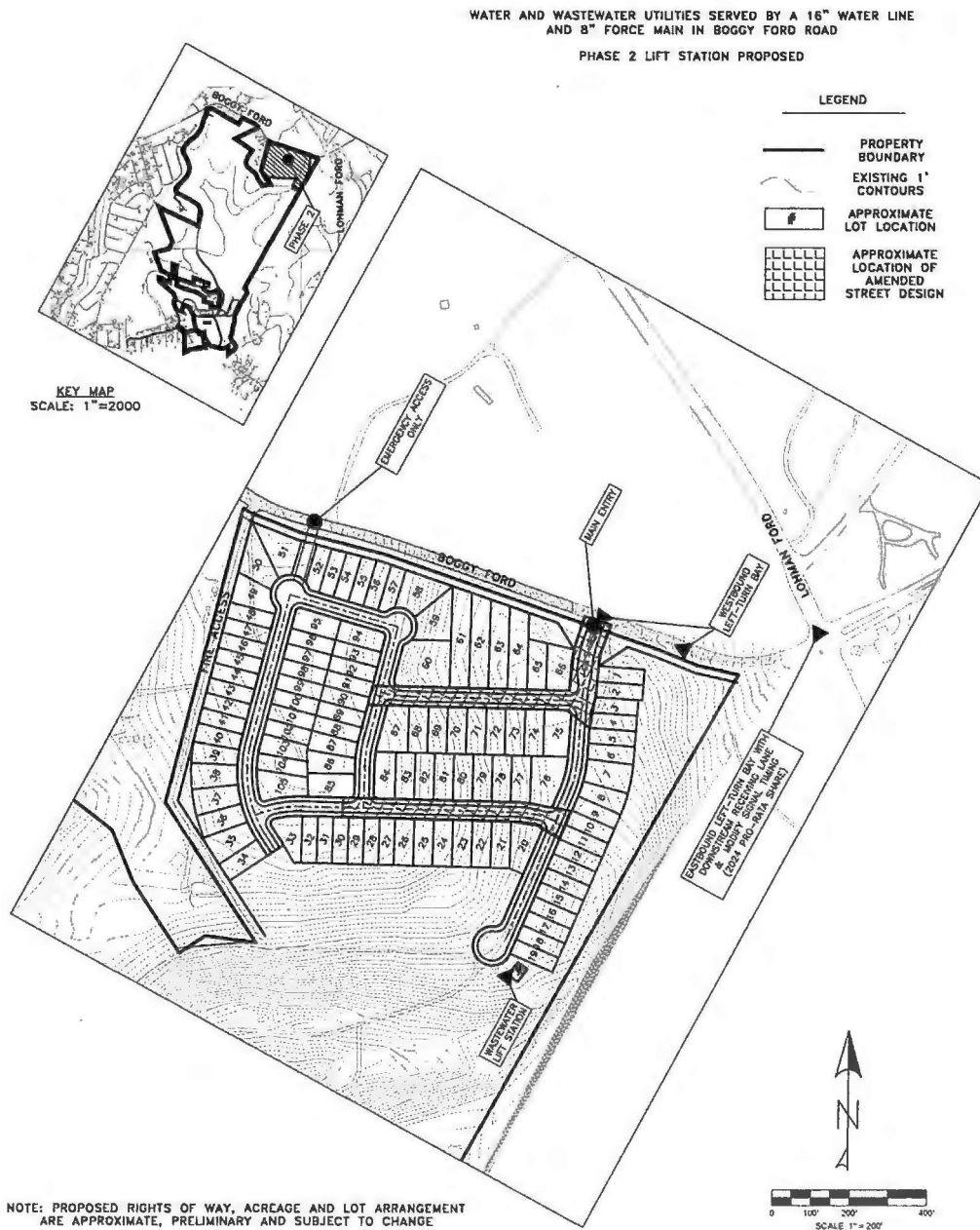
Land Use Plan



Phase 1 Detail Plan

EXHIBIT "C"

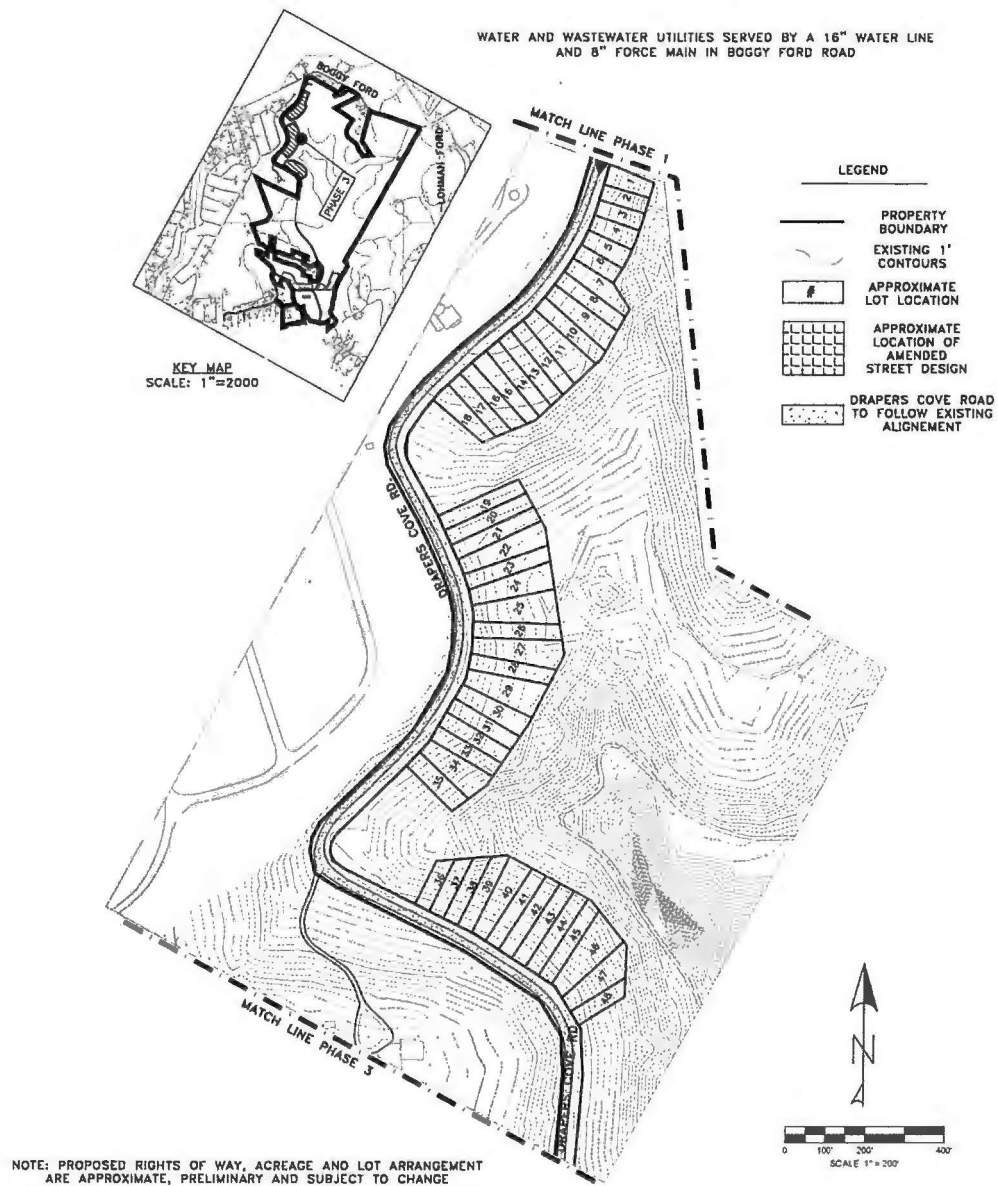
Land Use Plan



Phase 2 Detail Plan

EXHIBIT "C"

Land Use Plan



Phase 3 Detail Plan (1 of 2)

EXHIBIT "C"

Land Use Plan

Phase 3 Detail Plan (2 of 2)

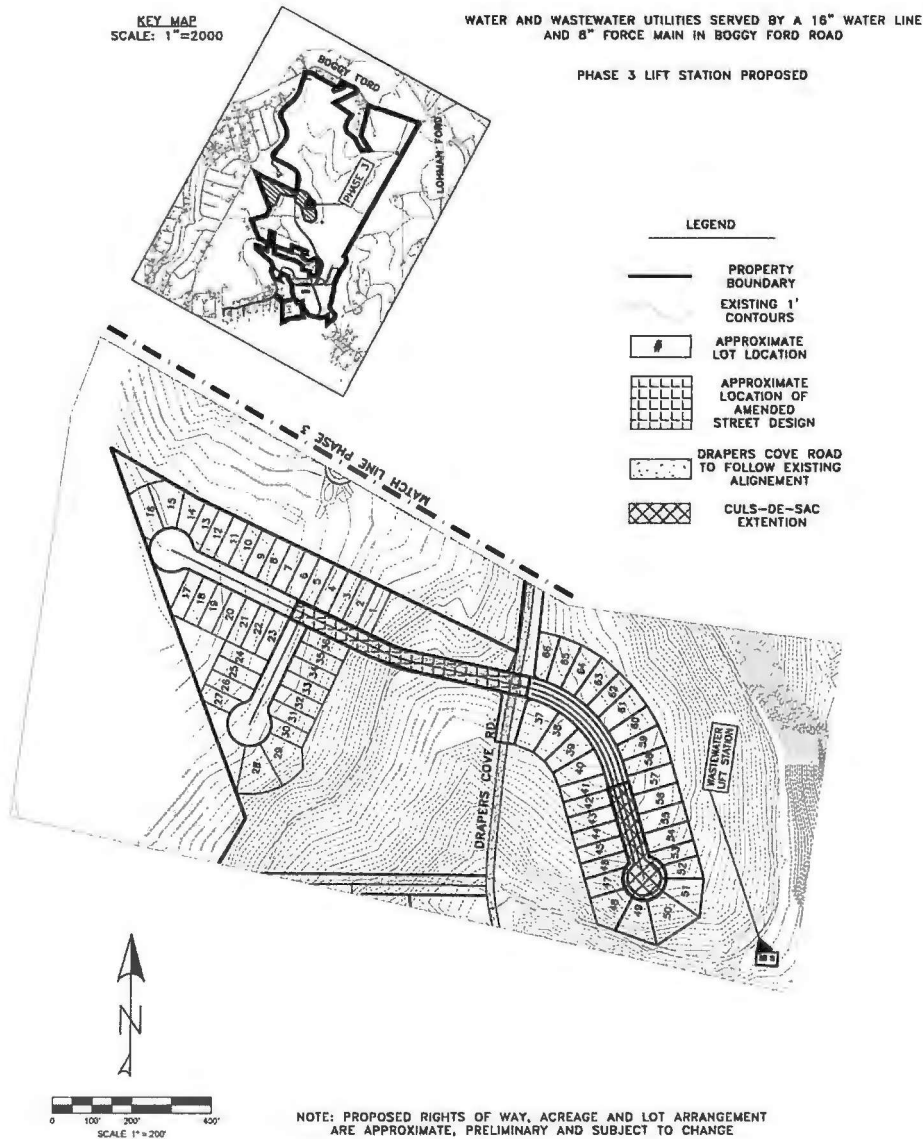
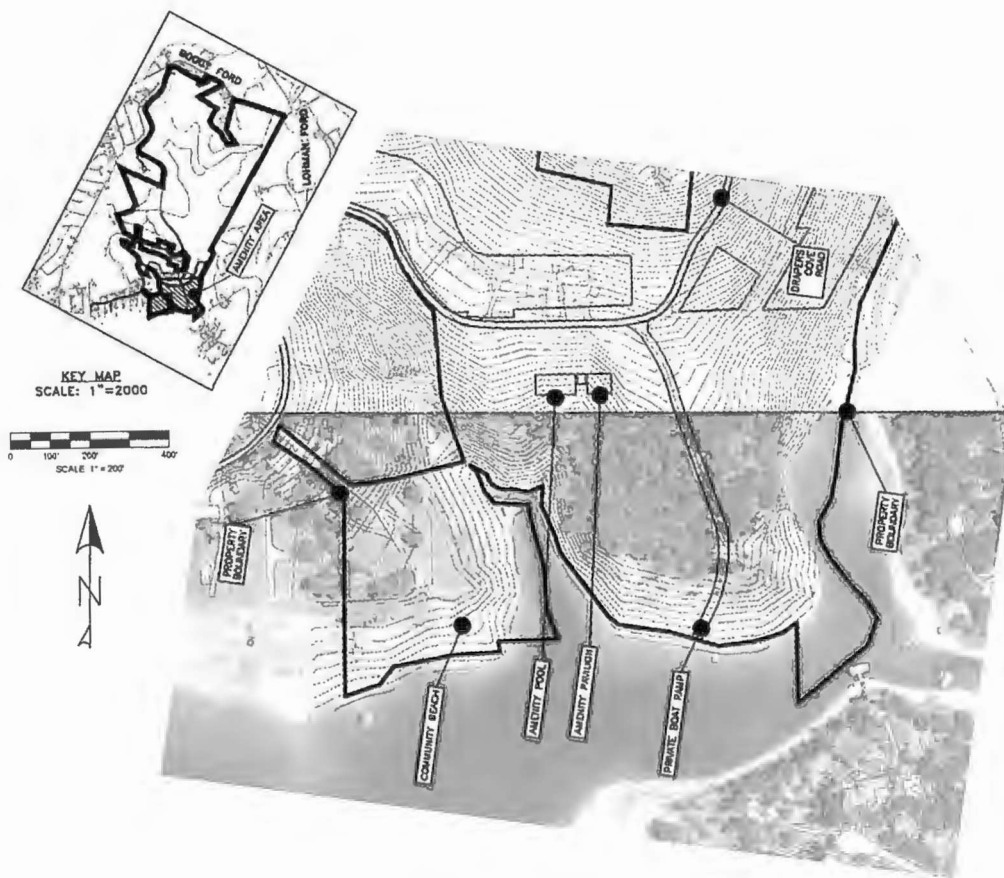


EXHIBIT "C"
Land Use Plan



**Amenities Area
Detail Plan**

EXHIBIT “C”

Land Use Plan



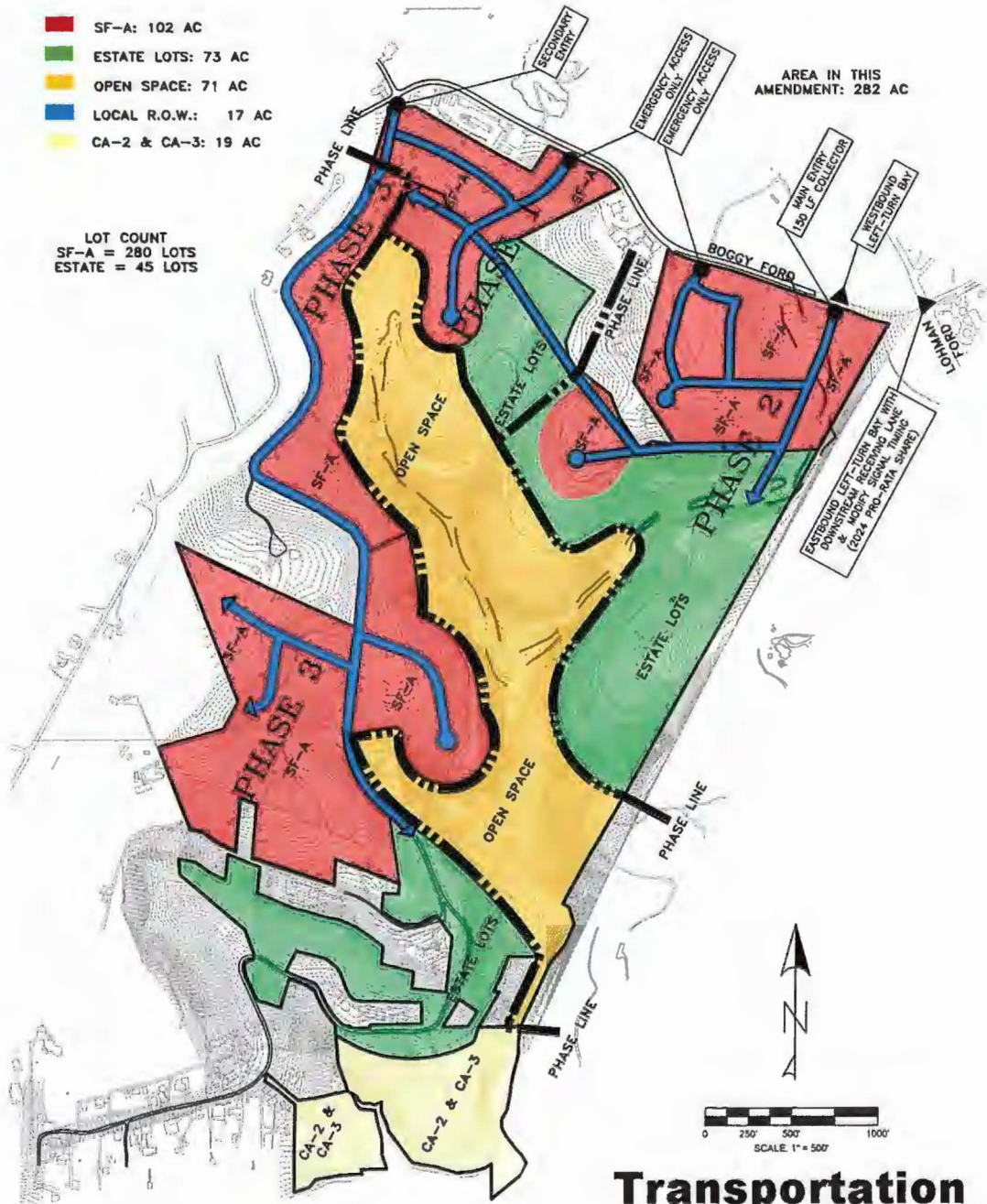
**Amenities Area
Prototype Images**

EXHIBIT "C"

Land Use Plan

- SF-A: 102 AC
- ESTATE LOTS: 73 AC
- OPEN SPACE: 71 AC
- LOCAL R.O.W.: 17 AC
- CA-2 & CA-3: 19 AC

LOT COUNT
SF-A = 280 LOTS
ESTATE = 45 LOTS



AREA IN THIS
AMENDMENT: 282 AC

Transportation Plan

PHASE	LOT COUNT	BUILD OUT YEAR
1	60	2024
2	151	2024
3	114	2026

NOTE: PROPOSED RIGHTS OF WAY, ACREAGE AND LOT ARRANGEMENT
ARE APPROXIMATE, PRELIMINARY AND SUBJECT TO CHANGE

**CONSENT AGREEMENT
(Firefly Municipal Utility District)**

THE STATE OF TEXAS

§

§

COUNTY OF TRAVIS

§

This Consent Agreement ("Agreement") is between the **CITY OF LAGO VISTA, Texas** (the "City"), a home-rule city located in Travis County, Texas, and **FIREFLY COVE LLC**, a Texas limited liability company, and **FIREFLY COVE HOMES LLC**, a Texas limited liability company (collectively, "Developer"). Upon final creation of **Firefly Municipal Utility District** (or other named district), a municipal utility district to be created under Chapters 49 and 54 of the Texas Water Code (the "District"), the District will join in this Agreement. The City, Developer, and the District are sometimes individually referred to herein as a "Party" and collectively as the "Parties."

RECITALS

WHEREAS, Developer is the owner of approximately 287.36 acres of land in Travis County, Texas being more particularly described on Exhibit "A" attached hereto (the "Land");

WHEREAS, the Land is located within the corporate boundaries of the City;

WHEREAS, approximately 286.85 acres of the Land, identified as "Tract 1" in Exhibit "A", has been zoned by the City as Firefly Cove Planned Development District ("PDD") pursuant to Ordinance No. 21-09-02-01, as may be amended from time to time, and Developer desires to develop the Land in compliance with the City's Code of Ordinances and the existing PDD along with associated infrastructure ("Project"); and

WHEREAS, Developer desires to create the District to include the Land, and the City has consented to the creation of the District and inclusion of the Land therein in accordance with the terms and conditions of this Agreement.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, including the agreements set forth below, the Parties agree as follows.

**ARTICLE I
DISTRICT CREATION, ANNEXATION AND DISSOLUTION MATTERS**

Section 1.01 Consent to Creation of District.

(a) The City acknowledges receipt of the Developer's request, in accordance with Section 54.016 of the Texas Water Code and Section 42.042 of the Texas Local Government Code, for creation of the District to include the Land. The City agrees that the District may be created by order of the Texas Commission on Environmental Quality ("TCEQ") or by special act of the Texas Legislature. On the Effective Date of this Agreement, the City has approved the resolution attached as Exhibit "B", consenting to the creation of the District and the inclusion of the Land within the boundaries of the District (the "Consent Resolution"). The City agrees that the Consent Resolution will be deemed to constitute the City's consent to the creation of the District within its boundaries, and the inclusion of the Land into the District. No further action will be required on the part of the City to evidence its consent to the creation of the District and inclusion of the Land into the District; however, the City agrees to provide any additional confirmation of its consent that may be required by the Developer or the District if requested to do so.

(b) Developer agrees to submit to the City a copy of any application for creation of the District filed with TCEQ (or legislation, as applicable). The District's functions will be limited to: (i) financing public water, wastewater, drainage and road infrastructure costs and other costs and expenses eligible under state law that are associated with the Project; and (ii) owning, maintaining, and repairing drainage and water quality facilities. The Developer shall be responsible for all costs and expenses associated with creation of the District.

(c) Developer agrees to pay to the City the reasonable costs and expenses incurred by the City for legal services in connection with the negotiation and implementation of this Agreement.

(d) Subject to approval or otherwise directed by TCEQ, the name of the municipal district shall be Firefly Municipal Utility District.

Section 1.02 District Director and Voter Matters. The conveyance, from time to time, by metes and bounds or otherwise of any portion of the Land to any person for the sole purposes of qualifying as a director of the District shall not be considered a subdivision of land requiring a plat or otherwise requiring the approval of the City; provided, however, that no additional structure, other than a HUD-certified manufactured home necessary for the creation of the District, shall be located on the Land unless and until a plat of such portion of the Land has been approved and recorded in the plat records of the City and/or Travis County, as applicable.

Section 1.03 Joinder by District. Developer covenants and agrees to cause the District to approve, execute and deliver to the City this Agreement within ninety (90) days after the District confirmation date.

Section 1.04 Incorporation. In furtherance of the purposes of this Agreement, the District and the Developer, on behalf of themselves and their respective successors and assigns, covenant and agree that neither the District nor the Developer will: (1) seek or support any effort to incorporate the Land or any part thereof; (2) sign, join in, associate with, or direct to be signed any petition seeking to incorporate the Land or seeking to include the Land within the boundaries of any other municipality.

Section 1.05 Dissolution of District. The City agrees that it will not seek to dissolve the District, including pursuant to the authority set forth in Section 43.074 of the Texas Local Government Code, until after the completion of at least 90% of the construction of the public infrastructure necessary to serve the Land with water, wastewater, drainage facilities, road improvements, and other facilities eligible for reimbursement under the rules of TCEQ or other law (collectively, the "Facilities"), and either (i) bonds have been issued by the District to reimburse Developer's eligible infrastructure costs related to such facilities (the "Bonds"), or (ii) the City has expressly agreed to assume the obligation to reimburse the Developer for such costs.

Section 1.06 Annexation by the District. The District shall not annex any land located in the City's corporate boundaries or extraterritorial jurisdiction into the District's boundaries without the prior written consent of the City in accordance with the requirements of Texas law.

ARTICLE II DEVELOPMENT AND SERVICES

Section 2.01 Land Use. The Land shall be developed in accordance with the standards and requirements set forth in the City's Code of Ordinances, as modified by the PDD.

Section 2.02 Roadways. All roads, including traffic calming improvements, will be designed and constructed in accordance with the PDD and applicable City design and construction standards. Roads will be publicly dedicated or will remain private in accordance with the provisions of the PDD, and the creation of the District will have no impact on the roads already constructed within the Land. For those roads which the Developer elects to remain private, the District or the homeowner's association will be responsible for maintenance and operation.

Section 2.03 City Services. The District will not provide any municipal services. Retail water and wastewater service to the District shall be provided by the City. Retail customers within the Land shall pay the applicable water and sewer rates for customers located within the city limits. Developer shall be responsible for funding and constructing all internal water and wastewater infrastructure improvements required for the City to serve the Project.

Section 2.04 Project Enhancements. In order to ensure a higher quality community, the Developer commits to the following project enhancements: expansion of the trail system with higher quality surfaces and varied uses; additional pocket parks and refined open areas; expansive nature play elements within children play areas; enhanced access to Lake Travis; increased preservation of nature character; distinct entry monumentation, signage, and art features; and amenities designated both for the exclusive use by residents of the Project and for the residents of the City of Lago Vista as further detailed in Section 2.05 below.

Section 2.05 Open Space, Parks, and Parkland Improvements.

(a) The Project will be developed as a master-planned community with substantial parkland, open space, greenbelts, trails, and park improvements. In accordance with the parkland requirements of the City, as modified by the PDD, the portion of the Land designated as "Open Space" in *Exhibit "C"* to the PDD shall include open space, parks, and parkland improvements constructed by Developer that are publicly dedicated, at the discretion of the City, or made publicly accessible by Developer.

(b) Developer shall grant public access with a City-approved irrevocable public access easement to (i) all mountain bike and pedestrian walking trails throughout the Project, (ii) eight (8) pickleball courts with access controls, and (iii) parkland and certain amenities for water recreation and lake access, which shall include a minimum of twelve (12) picnic tables with bar-b-que grills and benches, and a minimum of two (2) shade structures or covered pavilions, to be constructed and installed on approximately twelve (12) acres of shoreline along Lake Travis. Developer will use best efforts, collaboratively with the City, to incorporate a public boat ramp as a public amenity within the Project. Developer shall also construct a resort-style swimming pool and additional sport courts or pickleball courts for the exclusive use by residents of the Project.

(c) Open space shall be dedicated to and maintained by the City in accordance with the PDD. All other parkland and parkland improvements not dedicated to and accepted by the City shall be conveyed to either the District or the homeowner's association ("HOA") for ongoing maintenance. The District or HOA agrees to maintain ownership of the eight (8) pickleball courts and designated parkland within the Project. Maintenance and operational costs for these facilities shall be borne by the District or the HOA, ensuring that the City of Lago Vista is not financially responsible for ongoing upkeep. All amenities within Project will be available to the citizens of Lago Vista, except for the swimming pool.

Section 2.06 Construction and Inspection of Facilities. The Developer is responsible for funding all costs of development and no development costs shall ever become the City's responsibility. The District (or Developer on behalf of the District) shall construct all facilities to serve the Land in accordance with plans and specifications that have been reviewed and approved by the City in accordance

with applicable City ordinances, subdivision regulations, construction standards, and design standards, including but not limited to applicable City fire flow standards and fire hydrants, drainage detention regulations, floodplain regulations, building code, and sign ordinances. The City has the right to inspect all such public infrastructure facilities being constructed by the District to ensure compliance with the approved plans. All water and wastewater facilities will be conveyed to the City upon completion of construction. The District shall own, operate, maintain, and repair drainage and water quality facilities. All public roads, upon completion of construction and acceptance by the City following applicable inspections, will be conveyed to the City and the City agrees to operate and maintain the public roads within the District. Conveyance and acceptance of public facilities will not affect the Developer's right to reimbursement from the District for the cost of any facilities constructed or financed by the Developer.

Section 2.07 Public Infrastructure Contribution.

(a) As a contribution to the costs of expansion of the City's existing wastewater system and to mitigate the impact of the Project, Developer agrees to pay the City an amount equal to \$1,800,000. Payment will be made out of the proceeds of the first issuance of bonds by the District.

(b) As a contribution to the costs of expansion of the City's existing water system and to mitigate the impact of the Project, Developer agrees to pay the City an amount equal to \$600,000.00 out of the proceeds of bonds issued by the District that would otherwise be payable to Developer. If the net bond proceeds (after costs of issuance) of the first series of bonds issued by the District is sufficient to pay this sum in full, then payment will be made out of the proceeds of the first issuance of bonds by the District. If the net bond proceeds of the first issuance of bonds is not sufficient to pay this sum and the contribution referenced in Section 2.06(a) above in full, then payment will be made as soon as possible out of the net proceeds of subsequent bonds issued by the District such that the City will receive payment in full prior to the Developer receiving any bond proceeds.

(c) In addition to Developer's rough proportionality contribution required by the Traffic Impact Analysis ("TIA") for improvements to roads located outside the Land that are impacted by the Project (\$199,365), the Developer agrees to pay the City an amount equal to \$590,735.00 to fund the remaining balance of the improvements identified in the TIA. In other words, Developer will additionally contribute the difference between the costs of recommended road improvements identified by the TIA (\$790,100) and Developer's required contribution for such improvements based on the rough proportionality analysis (\$199,365) to fully fund the estimated costs of the road improvements. Within thirty (30) days of creation of the District by the TCEQ, Developer will either (i) issue payment of \$590,735.00 to the City or (ii) notify the City in writing that Developer elects to fully fund and construct all the recommended road improvements identified by the TIA. To the extent the Developer elects to fund and construct the improvements prior to creation of the District, then Developer's payment obligation will be credited accordingly.

(d) The Developer will fund and construct the recommended traffic improvements to the intersection of Boggy Ford Road and Drapers Cove, as identified and required by the TIA, no later than the development of Phase 3 of the Project (as such phase is defined in the PDD).

ARTICLE III ISSUANCE OF BONDS; SETTING TAX RATES

Section 3.01 Issuance of Bonds. The District may issue Bonds from time to time as permitted by the laws of the State of Texas.

Section 3.02 Bond Requirements. All Bonds issued by the District shall comply with the following requirements:

- (a) Maximum maturity of 30 years from the date of issuance of any one series of Bonds; and
- (b) Interest rate that does not exceed two percent (2%) above the highest average interest rate reported by the Daily Bond Buyer in its weekly "20 Bond Index" during the one month period immediately preceding the date that the notice of sale of such Bonds is given; and
- (c) The Bonds expressly provide that the District shall reserve the right to redeem Bonds at any time beginning not later than the tenth (10th) anniversary of the date of issuance, without premium. No variable rate Bonds shall be issued by the District; and
- (d) Any refunding Bonds of the District 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.
- (e) The District shall be solely responsible for all debts and liabilities, with no financial obligation placed upon the City or Travis County. The issuance of any future bonds shall require voter approval by residents of the District, and any refunding bonds shall maintain the same majority consent. Additionally, new bonds may only be issued for the development of new infrastructure. The City will assume maintenance responsibility for internal roads upon completion of construction.

Section 3.03 Notice of Bond Issues. At least thirty (30) days before the submission of an application for approval of issuance of Bonds to the TCEQ or to the Attorney General, whichever occurs first, the District shall deliver to the City Secretary notice containing (a) the amount of the Bonds being proposed for issuance; (b) a general description of the projects to be funded and/or the Bonds to be refunded by such Bonds; and (c) the proposed debt service of the District, and the District's tax rate after the issuance of the Bonds. If the District is not required to obtain TCEQ approval of the issuance of Bonds, the District shall deliver such certification and notice to the City Secretary at least thirty (30) days prior to the issuance of Bonds, except refunding Bonds, by the District.

Section 3.04 Official Statements. Within thirty (30) days after the District closes the sale of each series of Bonds, the District shall deliver to the City Secretary a copy of the final official statement for such series of the Bonds, the District shall promptly provide such information at no cost to the City.

Section 3.05 Reporting. The District shall: (a) send a copy of each order or other action setting an ad valorem tax rate to the City Secretary within thirty (30) days after the District adopts the rate; (b) send a copy of each annual audit to the City Secretary, and (c) provide copies of any material event notices filed under applicable federal securities laws or regulations to the City Secretary, within thirty (30) days after filing such notices with the applicable federal agency.

ARTICLE IV AUTHORITY

Section 4.01 Authority. This Agreement is entered into under the statutory authority of Section 54.016 of the Texas Water Code and Section 42.042 of the Texas Local Government Code.

ARTICLE V
TERM, ASSIGNMENT AND REMEDIES

Section 5.01 Term. This Agreement shall be effective from the Effective Date and shall continue in effect until dissolution of the District unless this Agreement is sooner terminated due to withdrawal of consent as provided in this Section 5.01. The City's consent to the creation of the District shall be deemed withdrawn and this Agreement shall be void and have no force or effect, including all monetary and dedicatory obligations, if the Developer fails to secure or obtain a final order from the TCEQ granting creation of the District within one (1) year after the Effective Date. Withdrawal of the City's consent due to failure of the Developer to obtain the final order from TCEQ shall have no impact on the validity and enforceability of the PDD.

Section 5.02 Assignment.

(a) Neither the District nor the City may assign this Agreement without the written consent of all other Parties.

(b) In the event the Developer sells the development, the successor entity shall be required to assume all obligations under this Agreement prior to transfer of ownership. Failure to do so shall constitute a material breach of this Agreement, allowing the City to pursue enforcement measures, including but not limited to financial penalties and development restrictions. Developer may assign this Agreement, in whole or in part, and to any person or entity (an "Assignee"), provided that the following conditions are satisfied:

- (1) Assignee is a successor owner of all or any part of the Land.
- (2) Assignee has a contractual right to be reimbursed for water, sewer, or drainage improvements from Bonds (or has a lien or other security interest in such reimbursements).
- (3) The assignment is in writing executed by Developer and Assignee.
- (4) Assignee expressly assumes in the assignment any assigned obligations and expressly agrees in the assignment to observe, perform, and be bound by this Agreement to the extent this Agreement relates to the obligations, rights, titles, or interests assigned.
- (5) A copy of the executed assignment is provided to the City within fifteen (15) days after execution.
- (6) The City shall have the right to review and approve any Assignee to ensure financial capability and commitment to fulfilling obligations under this Agreement. The City shall not unreasonably withhold approval but may require evidence of financial viability and development capability prior to consenting to such assignment.
- (7) If an Assignee defaults on any assigned obligations, all obligations under this Agreement shall automatically revert to the Developer, who shall remain financially liable until obligations are fully satisfied. The Developer shall not be released from obligations unless the City affirmatively certifies that all obligations have been met.

(c) It is specifically intended that this Agreement, and all terms, conditions and covenants herein, shall survive a transfer, conveyance, or assignment occasioned by the exercise of foreclosure of lien rights by a creditor or a Party, whether judicial or nonjudicial. However, any lender or entity acquiring ownership of any portion of the Land through foreclosure or similar means shall be required to assume all obligations under this Agreement prior to transfer of ownership. Failure to do so shall constitute a material breach of this Agreement, allowing the City to pursue enforcement measures, including but not limited to financial penalties, actual damages, specific performances, and attorney fees.

(d) This Agreement is not intended to be binding upon, or create any encumbrance to title as to, any ultimate consumer who purchases a fully developed and improved lot within the Land, nor is it intended to confer upon any such person the status of third-party beneficiary.

Section 5.03 Cooperation.

(a) The City, the Developer, and the District each agree to execute such further documents or instruments as may be necessary to evidence their agreements hereunder.

(b) In the event of any third-party lawsuit or other claim relating to the validity of this Agreement or any actions taken hereunder, the City, the Developers, and the District 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.

ARTICLE VI MISCELLANEOUS PROVISIONS

Section 6.01 Notice. Any notice given under this Agreement 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 Federal Express or another service guaranteeing "next day delivery", addressed to the Party to be notified and with all charges prepaid; (iii) by personally delivering it to the Party, or any agent of the Party listed in this Agreement, or (iv) by facsimile with confirming copy sent by one of the other described methods of notice set forth. Notice by United States mail will be effective on the earlier of the date of receipt or 3 days after the date of mailing. Notice given in any other manner will be effective only when received. For purposes of notice, the addresses of Parties will, until changed as provided below, be as follows:

City: City of Lago Vista
5803 Thunderbird Street
Lago Vista, Texas 78645
Attn: City Manager

With Required Copy to:

Messer Fort, PLLC
4201 W. Parmer Ln., Ste. C-150
Austin, Texas 78727
Attn: Bradford Bullock

Developer: Firefly Cove LLC
Firefly Cove Homes LLC
106 Long Mountain

Horseshoe Bay, Texas 78657
Attn: Dirk Gosda

With Required Copy to:

McLean & Howard, L.L.P.
4301 Bull Creek Road, Ste 150
Austin, Texas 78731
Attn: Laci Ehlers

District (to be completed upon its creation):

Firefly Municipal Utility District
c/o McLean & Howard, L.L.P.
4301 Bull Creek Road, Ste 150
Austin, Texas 78731

The Parties may change their respective addresses to any other address within the United States of America by giving at least five (5) days' written notice to the other Party. The Developer and the District may, be giving at least five (5) days' written notice to the City, designate additional parties to receive copies of notices under this Agreement.

Section 6.02 Severability; Waiver.

(a) If any provision of this Agreement is illegal, invalid, or unenforceable, under present or future laws, it is the intention of the Parties that the remainder of this Agreement not be affected, and, in lieu of each illegal, invalid, or unenforceable provision, that a provision be added to this Agreement which is legal, valid, and enforceable and is as similar in terms to the illegal, invalid or enforceable provision as is possible.

(b) Any failure by a Party to insist upon strict performance by the other Party of any material provision of this Agreement will not be deemed a waiver thereof or of any other provision, and such Party may at any time thereafter insist upon strict performance of any and all of the provisions of this Agreement.

Section 6.03 Applicable Law and Venue. The interpretation, performance, enforcement and validity of this Agreement are governed by the laws of the State of Texas. Venue will be in a court of appropriate jurisdiction in Travis County, Texas.

Section 6.04 Entire Agreement. This Agreement contains the entire agreement of the Parties. There are no other agreements or promises, oral or written, between the Parties regarding the subject matter of this Agreement. This Agreement can be amended only by written agreement signed by the Parties.

Section 6.05 Exhibits, Headings, Construction and Counterparts. All schedules and exhibits referred to in or attached to this Agreement are incorporated into and made a part of this Agreement for all purposes. The paragraph headings contained in this Agreement are for convenience only and do not enlarge or limit the scope or meaning of the paragraphs. Wherever appropriate, words of the masculine gender may include the feminine or neuter, and the singular may include the plural, and vice-versa. The Parties acknowledge that each of them has been actively and equally involved in the negotiation of this Agreement. Accordingly, the rule of construction that any ambiguities are to be resolved against the drafting Party will not be employed in interpreting this Agreement or any exhibits hereto. This Agreement may be executed in any number of counterparts, each of which will be deemed to be an original, and all of

which will together constitute the same instrument. This Agreement will become effective as of the Effective Date only when one or more counterparts, individually or taken together, bear the signatures of all of the Parties.

Section 6.06 Time. Time is of the essence of this Agreement. In computing the number of days for purposes of this Agreement, all days will be counted, including Saturdays, Sundays and legal holidays; however, if the final day of any time period falls on a Saturday, Sunday or legal holiday, then the final day will be deemed to be the next day that is not a Saturday, Sunday or legal holiday.

Section 6.07 Authority for Execution. The City certifies, represents, and warrants that the execution of this Agreement is duly authorized and adopted in conformity with its City Charter and City ordinances. The Developers certify, represent, and warrant that the execution of this Agreement is duly authorized and adopted in conformity with the articles of incorporation and bylaws or partnership agreement of each entity executing on behalf of the Developers. On its creation, the District shall certify, represent, and warrant that the execution of this Agreement is duly authorized and adopted.

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IN WITNESS WHEREOF, the undersigned Parties have executed this Agreement to be effective on the last date of execution by the Developer and the City below (the "Effective Date").

CITY:

CITY OF LAGO VISTA, TEXAS

By: KEVIN SULLIVAN
Name: Kevin Sullivan
Title: Mayor
Date: 3/20/2025

ATTEST:

By: Maria Franco
Name: Maria Franco
Title: City Secretary



DEVELOPER:

FIREFLY COVE LLC,
a Texas limited liability company

By: FC Development LLC,
a Texas limited liability company,
its Manager

By: 
Dirk Gosda, Member

FIREFLY COVE HOMES LLC,
a Texas limited liability company

By: FC Development LLC,
a Texas limited liability company,
its Manager

By: 
Dirk Gosda, Member

DISTRICT:

FIREFLY MUNICIPAL UTILITY DISTRICT
(or other named district)

By: 
Name: ZACHARY CURTIS
Title: PRESIDENT
Date: 11/13/2025

ATTEST:

By: 
Name: Robert Kiddie
Title: Secretary



Exhibit "A"

Metes and Bounds Description of the Land

EXHIBIT "A"

Legal Description

TRACT 1

METES AND BOUNDS DESCRIPTION OF 286.85 ACRES, MORE OR LESS, SAVE AND EXCEPT 2.504 ACRES AND 2.899 ACRES, LEAVING 281.45 ACRES, MORE OR LESS,

METES AND BOUNDS DESCRIPTION OF A SURVEY OF 286.85 ACRES OF LAND, MORE OR LESS, A PORTION OF THE FOLLOWING SURVEYS: D. & W. R.R. CO. SURVEY NO. 99, ABSTRACT NO. 246; RICHARD CRAIG SURVEY NO. 1867, ABSTRACT NO. 2754; C.E.P.I. & M. CO. SURVEY NO. 173, ABSTRACT NO. 2191; MALINDA SETTLE SURVEY NO. 49, ABSTRACT NO. 2126; W. A. COOK SURVEY NO. 141, ABSTRACT NO. 2587; LEWIS LINDSAY SURVEY NO. 265, ABSTRACT NO. 2171; AND THE W. A. COOK SURVEY NO. 100, ABSTRACT NO. 2605, IN TRAVIS COUNTY, TEXAS, SAID 286.85 ACRES OF LAND, MORE OR LESS, BEING A PORTION OF THAT 289.40 ACRE TRACT OF LAND, A PORTION OF THE SAID D. & W. R.R. CO. SURVEY NO. 99, AND OTHERS IN TRAVIS COUNTY, TEXAS, AS DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO TRAVIS MEADOW, LP IN DOCUMENT NO. 2006125525, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 286.85 ACRES OF LAND, MORE OR LESS, BEING ALL OR A PORTION OF THE FOLLOWING TRACTS OF LAND, ALL BEING IN TRAVIS COUNTY, TEXAS: BEING ALL OF THAT 0.413 OF ONE ACRE TRACT OF LAND, A PORTION OF THE SAID C. E. P. I. & M. CO. SURVEY NO. 173, AS DESCRIBED IN A WARRANTY DEED TO GEORGE L. VINSON AND WIFE, JEAN VINSON IN VOLUME 2714, PAGE 315, DEED RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 0.44 OF ONE ACRE TRACT OF LAND, A PORTION OF THE SAID C. E. P. I. & M. CO. SURVEY NO. 173, AS DESCRIBED IN A WARRANTY DEED TO GEORGE L. VINSON AND WIFE, JEAN VINSON IN VOLUME 3223, PAGE 513, DEED RECORDS OF TRAVIS COUNTY, TEXAS; BEING A PORTION OF THAT TRACT OF LAND CALLED TO BE 278.36 ACRES, SAVE AND EXCEPT 19.27 ACRES OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AND OTHERS, DESIGNATED AS TRACT 1 AND DESCRIBED IN A WARRANTY DEED TO G. L. VINSON IN VOLUME 5554, PAGE 1469, DEED RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 22.97 ACRE TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 100 AND A PORTION OF THE SAID D. & W. R.R. CO. SURVEY NO. 99, AS DESCRIBED IN A WARRANTY DEED TO GEORGE LARRY VINSON AND WIFE, JEAN VINSON IN VOLUME 6021, PAGE 178, DEED RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 16.08 ACRE TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AND A PORTION OF THE SAID LEWIS LINDSAY SURVEY NO. 265, AS DESCRIBED IN A WARRANTY DEED TO G. L. VINSON IN VOLUME 6561, PAGE 242, DEED RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 785 SQUARE FOOT TRACT OF LAND OR 0.018 OF ONE ACRE OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 100, AS DESCRIBED IN A SPECIAL WARRANTY DEED TO G. L. VINSON IN VOLUME 10321, PAGE 422, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; BEING A PORTION OF THAT 12.611 ACRE TRACT OF LAND, MORE OR LESS, A PORTION OF THE SAID MALINDA SETTLE SURVEY NO. 49, AS DESCRIBED IN A SPECIAL WARRANTY DEED TO G. L. VINSON IN VOLUME 11949, PAGE 88, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 2.393 ACRE TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 100 AND A PORTION OF THE SAID D. & W. R.R. CO. SURVEY NO. 99, AS DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO GEORGE L. VINSON AND WIFE, JEAN VINSON IN VOLUME 12092, PAGE 1825, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 23.276 ACRE TRACT OF LAND, A PORTION OF THE SAID D. & W. R.R. CO. SURVEY NO. 99, AS DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO G. L. VINSON AND WIFE, JEAN VINSON IN VOLUME 12627, PAGE 676, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 0.337 OF ONE

ACRE OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AS DESCRIBED IN A WARRANTY DEED TO G. L. VINSON IN VOLUME 12667, PAGE 479, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; AND BEING ALL OF THAT 2.036 ACRE TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 100, AS DESCRIBED IN A SPECIAL WARRANTY DEED TO G. L. VINSON IN VOLUME 12717, PAGE 693, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; AS PREPARED FOR TRAVIS MEADOW, LP BY METCALFE & SANDERS, INC., LAND SURVEYORS, 4800 SOUTH CONGRESS AVENUE, AUSTIN, TEXAS, SAID 286.85 ACRES OF LAND, MORE OR LESS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Beginning at a 1/2" steel pin with plastic cap set in rock in the south line of Boggy Ford Road for the northeast corner of that 2.393 acre tract of land, a portion of the W. A. Cook Survey No. 100, Abstract No. 2605 and a portion of the D. & W. R.R. Co. Survey No. 99, Abstract No. 246, in Travis County, Texas, as described in a Warranty Deed to George L. Vinson and wife, Jean Vinson in Volume 12092, Page 1825, Real Property Records of Travis County, Texas, for the POINT OF BEGINNING and northeast corner of the herein described tract;

(1) THENCE with the east line of the said Vinson 2.393 acre tract, S 29°17'38" W 115.71 feet to a 1/2" steel pin found at the southeast corner of the said Vinson 2.393 acre tract and the northeast corner of that 22.97 acre tract of land, a portion of the said W. A. Cook Survey No. 100 and a portion of the said D. & W. R.R. Co. Survey No. 99, as described in a Warranty Deed to George Larry Vinson and wife, Jean Vinson in Volume 6021, Page 178, Deed Records of Travis County, Texas, said 1/2" steel pin found being also an angle point in the west line of that 169.54 acre tract, a portion of the said D. & W. R.R. Co. Survey No. 99 and a portion of the Richard Craig Survey No. 1867, Abstract No. 2754, in Travis County, Texas, as described in Special Warranty Deed to Luna Groseclose, Ltd. in Volume 13237, Page 1233, Real Property Records of Travis County, Texas, said 1/2" steel pin found being also a corner of that approximately 100 acres of land, a portion of the said D. & W. R.R. Co. Survey No. 99, and others in Travis County, Texas, as conveyed in a Special Warranty Deed to Linda L. Groseclose, Trustee of the Linda Groseclose 1998 Intervives Trust in Document No. 2002229115, Official Public Records of Travis County, Texas;

(2) THENCE with the east line of the said Vinson 22.97 acre tract and along or near the west line of the said Luna Groseclose, Ltd. 169.54 acre tract, S 28°30'09" W 715.19 feet to a 1/2" steel pin found at the southeast corner of the said Vinson 22.97 acre tract and the northeast corner of that 23.276 acre tract of land, a portion of the said D. & W. R.R. Co. Survey No. 99, in Travis County, Texas, as described in a Warranty Deed With Vendor's Lien to G. L. Vinson in Volume 12627, Page 676, Real Property Records of Travis County, Texas;

THENCE with the east line of the said Vinson 23.276 acre tract and being along or near the west line of the said Luna-Groseclose, Ltd. 169.54 acre tract, courses numbered 3 through 6 inclusive as follows:

(3) S 28°20'51" W 1360.82 feet to a 5/8" steel pin found;
(4) S 29°00'46" W 290.69 feet to a 1/2" steel pin found;
(5) S 27°42'20" W 622.13 feet to a cedar hub and rock mound found (cedar hub replaced with a 1/2" steel pin with plastic cap) at the southeast corner of the said Vinson 23.276 acre tract and in an east line of that 278.36 acre tract of land, save and except 19.27 acres of land, a portion of the said W. A. Cook Survey No. 100, and others, in Travis County, Texas, designated as Tract 1 and described in a Warranty Deed to G. L. Vinson in Volume 5554, Page 1469, Deed Records of Travis County, Texas;

THENCE with the east line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land and being along or near the west line of the said Luna Groseclose Ltd. 169.54 acre tract, courses numbered 6 through 8 inclusive as follows:

(6) S 27°42'20" W 36.85 feet to a 1/2" steel pin with plastic cap set in rock;
 (7) S 29°28'32" W 349.04 feet to a 60d nail found in rock;
 (8) S 27°59'05" W 335.17 feet to a 3/4" iron pipe found in or near the south line of the said Richard Craig Survey No. 1867 and in or near the north line of the C. E. P. I. & M. Co. Survey No. 173, Abstract No. 2191, at an interior corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land and being at or near the southwest corner of the said Luna Groseclose, Ltd. 169.54 acre tract, for an interior corner of the herein described tract;

(9) THENCE along or near the south line of the said Richard Craig Survey No. 1867 and along or near the north line of the said C. E. P. I. & M Co. Survey No. 173, and being also with a north line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land and being along or near the south line of the said Luna Groseclose Ltd. 169.54 acre tract, S 62°03'05"E 43.51 feet to a calculated point in the center of Cox Hollow, for a northeast corner of the herein described tract;

THENCE with the centerline of Cox Hollow, said centerline being the thread of the stream when dry, and being along or near the east line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land and along the west line of that 68.20 acre tract of land, a portion of the said C. E. P. I. & M. Co. Survey No. 173, as described in a deed to Old Farm Development Corporation in Volume 3779, Page 2098, Deed Records of Travis County, Texas, courses numbered 10 through 27 inclusive as follows:

- (10) S 17°08'50" E 103.86 feet to a calculated point;
- (11) S 23°47'44" W 130.00 feet to a 100d nail set;
- (12) S 37°06'25" W 143.81 feet to a 100d nail set;
- (13) S 23°35'56" W 177.70 feet to a 100d nail set;
- (14) S 24°31'28" W 206.37 feet to a calculated point, now submerged by the waters of Lake Travis;
- (15) S 7°46'47" W 92.45 feet to a calculated point, now submerged by the waters of Lake Travis;
- (16) S 0°54'56" E 72.78 feet to a calculated point, now submerged by the waters of Lake Travis;
- (17) S 13°18'04" W 138.43 feet to a calculated point, now submerged by the waters of Lake Travis;
- (18) S 6°48'27" W 128.00 feet to a calculated point, now submerged by the waters of Lake Travis;
- (19) S 10°17'54" W 62.36 feet to a calculated point, now submerged by the waters of Lake Travis;
- (20) S 29°06'52" W 65.69 feet to a calculated point, now submerged by the waters of Lake Travis;
- (21) S 4°52'46" E 45.22 feet to a calculated point, now submerged by the waters of Lake Travis;
- (22) S 28°47'39" E 51.37 feet to a calculated point, now submerged by the waters of Lake Travis;
- (23) S 38°38'14" E 99.83 feet to a calculated point, now submerged by the waters of Lake Travis;
- (24) S 46°39'26" E 38.86 feet to a calculated point, now submerged by the waters of Lake Travis;
- (25) S 31°33'27" E 56.88 feet to a calculated point, now submerged by the waters of Lake Travis;
- (26) S 19°46'23" W 70.23 feet to a calculated point, now submerged by the waters of Lake Travis;
- (27) S 50°06'51" W 226.38 feet to a calculated point, now submerged by the waters of Lake Travis, in the west line of the said C. E. P. I. & M. Co. Survey No. 173 and the east line of the Malinda Settle Survey No. 49, Abstract No. 2126, said calculated point being a southwest corner of the said Vinson

278.36 acre tract of land, save and except 19.27 acres of land and in the east line of that 100 acre tract of land, a portion of the said Malinda Settle Survey No. 49, in Travis County, Texas, designated as First Tract and described in a deed to the Lower Colorado River Authority in Volume 630, Page 91, Deed Records of Travis County, Texas, for a south corner of the herein described tract;

(28) THENCE with the west line of the said C. E. P. I. & M. Co. Survey No. 173 and the east line of the said Malinda Settle Survey No. 49, and being also with a west line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land and the east line of the said Lower Colorado River Authority First Tract of 100 acres, N 1°23'48" W 202.69 feet to a 1/2" steel pin with plastic cap set in the 670 mean sea level contour line for the southeast corner of that 12.611 acre tract, more or less, a portion of the said Malinda Settle Survey No. 49, in Travis County, Texas, as described in a Special Warranty Deed to G. L. Vinson in Volume 11949, Page 88, Real Property Records of Travis County, Texas, for an interior corner of the herein described tract;

THENCE with the south line of the said Vinson 12.611 acre tract, more or less, said line being the 670 mean sea level contour line, courses numbered 29 through 45 inclusive as follows:

- (29) S 53°56'05" W 39.99 feet to a 1/2" steel pin with plastic cap set;
- (30) S 70°14'23" W 26.18 feet to a 1/2" steel pin with plastic cap set;
- (31) S 74°58'16" W 55.31 feet to a 1/2" steel pin with plastic cap set;
- (32) S 82°39'15" W 86.13 feet to a 1/2" steel pin with plastic cap set;
- (33) N 74°05'46" W 127.57 feet to a 1/2" steel pin with plastic cap set;
- (34) N 81°46'22" W 131.95 feet to a 1/2" steel pin with plastic cap set;
- (35) N 49°10'30" W 32.48 feet to a 1/2" steel pin with plastic cap set;
- (36) N 37°33'32" W 201.96 feet to a 1/2" steel pin with plastic cap set;
- (37) N 16°31'49" W 41.94 feet to a 1/2" steel pin with plastic cap set;
- (38) N 24°31'07" W 82.63 feet to a 1/2" steel pin with plastic cap set;
- (39) N 1°48'54" E 50.84 feet to a 1/2" steel pin with plastic cap set;
- (40) S 66°09'31" W 39.52 feet to a 1/2" steel pin with plastic cap set;
- (41) N 77°35'09" W 36.64 feet to a 1/2" steel pin with plastic cap set;
- (42) N 88°48'29" W 39.29 feet to a 1/2" steel pin with plastic cap set;
- (43) N 51°26'09" W 26.84 feet to a 1/2" steel pin with plastic cap set;
- (44) N 24°38'44" W 23.04 feet to a 1/2" steel pin with plastic cap set;
- (45) N 62°20'22" W 48.41 feet to a 1/2" steel pin with plastic cap set in the centerline of Drapers

Cove, said centerline being the thread of the stream when dry, for the southwest corner of the said Vinson 12.611 acre tract, more or less, and in an east line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land;

THENCE with the centerline of Drapers Cove and with an east line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, courses numbered 46 through 53 inclusive as follows:

- (46) S 48°19'25" E 25.38 feet to a calculated point;
- (47) S 20°39'30" E 51.32 feet to a calculated point;
- (48) S 40°07'29" E 40.37 feet to a calculated point;
- (49) S 86°55'38" E 84.58 feet to a calculated point, now submerged by the waters of Lake Travis;
- (50) S 12°50'07" E 64.32 feet to a calculated point, now submerged by the waters of Lake Travis;
- (51) S 16°08'21" E 95.68 feet to a calculated point, now submerged by the waters of Lake Travis;
- (52) S 3°50'31" E 104.89 feet to a calculated point, now submerged by the waters of Lake

Travis;

(53) S 19°56'11" E 83.45 feet to a calculated point, now submerged by the waters of Lake Travis, for a southeast corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land;

(54) THENCE with a south line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, S 88°47'25" W at 80.44 feet passing a 1/2" steel pin with plastic cap set, in all 149.40 feet to a 1/2" steel pin with plastic cap set in the 670 mean sea level contour line for an interior corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, for an interior corner of the herein described tract;

THENCE with an east and south line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, said line being the 670 mean sea level contour line, courses numbered 55 through 59 inclusive as follows:

(55) S 10°10'52" E 28.02 feet to a 1/2" steel pin with plastic cap set;
(56) S 86°28'21" W 116.94 feet to a 1/2" steel pin with plastic cap set;
(57) S 79°18'44" W 153.36 feet to a 1/2" steel pin with plastic cap set;
(58) S 38°14'07" W 57.81 feet to a 1/2" steel pin with plastic cap set;
(59) S 71°13'56" W 90.90 feet to a calculated point at the intersection of the southerly extension of the east line of that 0.29 of one acre tract, a portion of the said Malinda Settle Survey No. 49, in Travis County, Texas, as described in a Warranty Deed to Robert L. Bullock and Debra M. Bullock in Document No. 2002181885, Official Public Records of Travis County, Texas, for a southwest corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, for a southwest corner of the herein described tract;

THENCE with the southerly extension of the east line of the said Bullock 0.29 of one acre tract and with the east line of the said Bullock 0.29 of one acre tract, and being also with a west line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, courses numbered 60 through 61 inclusive as follows:

(60) N 0°47'42" W at 13.99 feet passing a 1/2" iron pipe found, in all 244.09 feet to a 5/8" steel pin found;

(61) N 0°19'50" W 261.39 feet to a 1/2" steel pin with plastic cap set for the northeast corner of the said Bullock 0.29 of one acre tract, for an interior corner of the herein described tract;

THENCE with the northeast line of the said Bullock 0.29 of one acre tract and the northeast line of that 0.974 of one acre tract, a portion of the said Malinda Settle Survey No. 49, as described in a Warranty Deed to Dianne E. Greig in Document No. 2002095894, Official Public Records of Travis County, Texas, and being also with a northeast line of that 0.86 of one acre tract, a portion of the said Malinda Settle Survey No. 49, as described in a Warranty Deed With Vendor's Lien to Gary L. Lipscomb in Volume 12492, Page 886, Real Property Records of Travis County, Texas, and with a southwest line of the Vinson 278.36 acre tract of land, save and except 19.27 acres of land, courses numbered 62 through 64 inclusive as follows:

(62) N 55°27'12" W 30.61 feet to a 1/2" steel pin with plastic cap found (B:MI) at the north or northwest corner of the said Bullock 0.29 of one acre tract and the northeast corner of the said Greig 0.974 of one acre tract;

(63) N 49°59'45" W 100.40 feet to a PK nail set in concrete in a southwest line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, for the north or northwest corner of the said Greig 0.974 of one acre tract and the northeast corner of the said Lipscomb 0.86 of one acre tract;

(64) N 57°05'48" W 90.63 feet to a 3/4" iron pipe found in a southeast line of a private street,

locally known as Drapers Cove at the north corner of the said Lipscomb 0.86 of one acre tract and an interior corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, for a west corner of the herein described tract;

(65) THENCE crossing the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, with an east line of Drapers Cove, N 19°06'38"E 43.84 feet to a PK nail set in concrete for the west corner of that 1.43 acre tract, a portion of the said Malinda Settle Survey No. 49, in Travis County, Texas, as described in a General Warranty Deed With Vendor's Lien to Robert L. Bullock et ux, Debra M. Bullock in Volume 12698, Page 3161, Real Property Records of Travis County, Texas, for a north corner of the herein described tract;

THENCE with the southwest and south line of the said Bullock 1.43 acre tract, courses numbered 66 through 68 inclusive as follows:

(66) S 50°13'56" E 234.77 feet to a 3/4" steel pin found;
(67) N 81°39'34" E 100.80 feet to a 1/2" iron pipe found;
(68) N 76°19'43" E 190.91 feet to a 1/2" steel pin found in or near the centerline of Draper Cove at the southeast corner of the said Bullock 1.43 acre tract, for an interior corner of the herein described tract;

(69) THENCE crossing the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, N 20°16'36"W 168.19 feet to a 1/2" steel pin found at the south corner of that 0.403 of one acre tract of land, a portion of the said W. A. Cook Survey No. 141 and a portion of the said Malinda Settle Survey No. 49, in Travis County, Texas, as described in a Warranty Deed to Andrea Claire Williams Scott, et al in Volume 8644, Page 666, Deed Records of Travis County, Texas;

(70) THENCE with the east line of the said Scott et al 0.403 of one acre tract, N 5°39'06" W at 70.92 passing the intersection of the east line of the said Scott, et al 0.403 of one acre tract with the west line of the said Vinson 12.611 acre tract, at 77.09 passing a 3/4" iron pipe found 0.13 of one foot west of line, in all 163.86 feet to a 3/4" iron pipe in concrete found in the north line of the said Vinson 12.611 acre tract, said 3/4" iron pipe found in concrete being in or near the south line of the said W. A. Cook Survey No. 141 and in or near the north line of the said Malinda Settle Survey No. 49;

(71) THENCE with the east line of the said Scott, et al 0.403 of one acre tract and the northerly extension of the east line of the said Scott, et al 0.403 of one acre tract, N 5°38'12" W at 48.35 feet passing a 1/2" steel pin found at the northeast corner of the said Scott, et al 0.403 of one acre tract, in all 58.40 feet to 1/2" steel pin with plastic cap set for at the intersection of a line thirty (30) feet southwest of the occupied northeast line of Drapers Cove;

THENCE with said line thirty (30) feet west and southwest of the occupied east line of Drapers Cove, courses numbered 72 through 77 inclusive as follows:

(72) N 47°40'45" W 21.11 feet to a 1/2" steel pin with plastic cap set;
(73) N 37°59'27" W 35.85 feet to a 1/2" steel pin with plastic cap set;
(74) N 34°34'18" W 65.60 feet to a 1/2" steel pin with plastic cap set;
(75) N 27°02'45" W 64.76 feet to a 1/2" steel pin with plastic cap set;
(76) N 23°52'32" W 22.26 feet to a 1/2" steel pin with plastic cap set;
(77) N 36°08'40" W 13.08 feet to a 1/2" steel pin with plastic cap set in the east line of that 0.384 of one acre tract of land, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a Warranty Deed to G. L. Vinson in Volume 10591, Page 503, Real Property Records of Travis County, Texas;

(78) THENCE with the east line of the said Vinson 0.384 of one acre tract, N 7°08'31" W 6.39 to a 1/2" steel pin found in a southwest line of Drapers Cove at the northeast corner of the said Vinson 0.384 of one acre tract, for an interior corner of the herein described tract;

(79) THENCE with the south line of Drapers Cove and the north line of the said Vinson 0.384 of one acre tract, N 57°38'24" W 61.01 feet to a 1 1/2" steel pin with plastic cap set for the northwest corner of the said Vinson 0.384 of one acre tract and the northeast corner of that 0.366 of one acre tract of land, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a Warranty Deed to James Burnett and wife, Margie Burnett in Volume 4185, Page 157, Deed Records of Travis County, Texas, said tract now shown by the Travis Central Appraisal District to be in the name of Travis Duncan and Nikki Perrotta by virtue of a Contract of Sale;

(80) THENCE with the south line of Drapers Cove and the north line of the said Burnett 0.366 of one acre tract, N 69°34'19" W 102.62 feet to a 5/8" steel pin found at the northwest corner of the said Burnett 0.366 of one acre tract, for an interior corner of the herein described tract;

(81) THENCE with the west line of the said Burnett 0.366 of one acre tract, S 16°07'25" W 171.81 feet to a 5/8" steel pin found leaning west at the southwest corner of the said Burnett 0.366 of one acre tract and at a corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land;

(82) THENCE with a southwest line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, S 37°05'29"E 5.09 feet to a 1/2" steel pin with plastic cap set for the northeast corner of that 0.583 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a General Warranty Deed With Vendor's Lien to Michael David O'Cooley in Volume 13367, Page 1876, Real Property Records of Travis County, Texas, for a southeast corner of the herein described tract;

(83) THENCE with the north line of the said O'Cooley 0.583 of one acre tract, N 72°46'09" W 145.42 feet to a 1/2" steel pin found in an east line of Drapers Cove at the northwest corner of the said O'Cooley 0.583 of one acre tract, for a southwest corner of the herein described tract;

THENCE with an east and south line of Drapers Cove, courses numbered 84 through 87 inclusive as follows:

(84) N 25°44'52" W 154.57 feet to a 1/2" steel pin found;

(85) N 10°42'26" W 52.06 feet to a calculated point at a non-tangent point of curve;

(86) with a curve to the right an arc distance of 26.06 feet, said curve having a radius of 30.41 feet, a central angle of 49°06'20", and a chord of which bears N 12°51'30" E 25.27 feet to a calculated point at a non-tangent point of compound curve;

(87) with a curve to the right an arc distance of 48.12 feet, said curve having a radius of 42.26 feet, a central angle of 65°14'01", and a chord of which bears N 70°00'00" E 45.56 feet to a calculated point, for an interior corner of the herein described tract;

(88) THENCE crossing Drapers Cove N 12°37'00"E 30.00 feet to 1/2" steel pin found in the curving north line of Drapers Cove at the most northerly southeast corner of that 7.63 acre tract of land, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a Warranty Deed with Vendor's Lien to Herbert J. Wasson and Emilie V. Harris in Document No. 1999081472, Official Public Records of Travis County, Texas;

THENCE with the east, northeast and east line of the said Wasson and Harris 7.63 acre tract, courses numbered 89 through 93 inclusive as follows:

(89) N 21°37'12" W 153.07 feet to a 1/2" steel pin found;

(90) N 50°48'26"W 110.62 feet to a 1/2" steel pin found;
(91) N 50°47'24"W 183.14 feet to a 1/2" steel pin found;
(92) N 50°52'55" W 200.07 feet to a 1/2" steel pin with plastic cap found (RPLS1847);
(93) N 4°53'49" W 90.39 feet to a cotton gin spindle found at the southwest corner of that 0.34 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, designated as Second Tract and described in a General Warranty Deed to Betty A Melcher in Volume 13009, Page 2433, Real Property Records of Travis County, Texas, for a northwest corner of the herein described tract;

THENCE with the south line of the said Melcher Second Tract of 0.34 of one acre and being also with the south line of that 0.34 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, designated as First Tract and described in said General Warranty Deed to Betty A Melcher in Volume 13009, Page 2433, Real Property Records of Travis County, Texas, and being also with the south line of that 0.34 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a Warranty Deed to Betty A Melcher in Volume 11067, Page 480, Real Property Records of Travis County, Texas, courses numbered 94 through 96 inclusive as follows:

(94) S 79°18'15" E 99.97 feet to a 1/2" steel pin found at the southeast corner of the said Melcher Second Tract of 0.34 of one acre and the southwest corner of the said Melcher First Tract of 0.34 of one acre;

(95) S 55°24'46"E 100.05 feet to a 1/2" steel pin with plastic cap set for the southeast corner of the said Melcher First Tract of 0.34 of one acre and the southwest corner of the said Melcher 0.34 of one acre tract of record in Volume 11067, Page 480, Real Property Records of Travis County, Texas;

(96) S 64°50'42" E 99.98 feet to a 1/2" steel pin found in concrete at the southeast corner of the said Melcher 0.34 of one acre tract of record in Volume 11067, Page 480, Real Property Records of Travis County, Texas, for an interior corner of the herein described tract;

(97) THENCE with the east line of the said Melcher 0.34 of one acre tract of record in Volume 11067, Page 480, Real Property Records of Travis County, Texas, N 4°34'46" E 149.70 feet to a 1/2" steel pin found in the south line of a private street, locally known as Draper Mountain Trail at the northeast corner of the said Melcher 0.34 of one acre tract of record in Volume 11067, Page 480, Real Property Records of Travis County, Texas, for a northwest corner of the herein described tract;

(98) THENCE with a south line of Draper Mountain Trail, S 68°33'57" E 199.43 feet to a 1/2" steel pin found at the northwest corner of that 0.33 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a Warranty Deed to Helen E. Melcher in Document No. 2002101212, Official Public Records of Travis County, Texas, for a northeast corner of the herein described tract;

(99) THENCE with the west line of the said Helen E. Melcher 0.33 of one acre tract, S 4°33'00" W 149.18 feet to a 5/8" steel pin found at the southwest corner of the said Helen E. Melcher 0.33 of one acre tract, for an interior corner of the herein described tract;

THENCE with the south line of the said Helen E. Melcher 0.33 of one acre and the south line of that 0.33 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a Warranty Deed With Vendor's Lien to J. E. Laird and wife, Ruby Lee Laird in Volume 9709, Page 693, Real Property Records of Travis County, Texas, courses numbered 100 through 101 inclusive as follows:

(100) S 68°48'30"E 99.46 feet to a 5/8" steel pin found at the southeast corner of the said Helen Melcher 0.34 of one acre tract and the southwest corner of the said Laird 0.33 of one acre tract of record in Volume 9709, Page 693, Real Property Records of Travis County, Texas;

(101) S 66°52'33"E 97.19 feet to a 5/8" steel pin found at the southeast corner of the said Laird 0.33 of one acre tract of record in Volume 9709, Page 693, Real Property Records of Travis County, Texas, and the southwest corner of the said 0.17 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in Exhibit C in an Owner Finance Warranty Deed With Vendor's Lien to Joseph Edgar Laird and wife, Ruby Lee Laird in Volume 8402, Page 362, Deed Records of Travis County, Texas;

THENCE with the south line of the said Laird 0.17 of one acre tract as described in Exhibit C and with the south line of that 0.17 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in Exhibit Bin said deed of record in Volume 8402, Page 362, Deed Records of Travis County, Texas, and being also with the south line of that 0.34 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in Exhibit A in said deed to Laird of record in Volume 8402, Page 362, Deed Records of Travis County, Texas, and with the south line of that 0.34 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in Exhibit Din said deed to Laird of record in Volume 8402, Page 362, Deed Records of Travis County, Texas, courses numbered 102 through 105 inclusive as follows:

(102) S 72°37'18" E 50.11 feet to a 5/8" steel pin found at the southeast corner of the said Laird 0.17 of one acre tract as described in Exhibit C and the southwest corner of the said Laird 0.17 of one acre tract as described in Exhibit B;

(103) S 78°57'21" E 52.29 feet to a 1/2" steel pin found at the southeast corner of the said Laird 0.17 of one acre tract as described in Exhibit C and the southwest corner of the said Laird 0.34 of one acre tract as described in Exhibit A;

(104) S 73°16'24" E 99.86 feet to a 1/2" steel pin with plastic cap set for the southeast corner of the said Laird 0.34 of one acre tract as described in Exhibit A and the southwest corner of the said Laird 0.34 of one acre tract as described in Exhibit D;

(105) S 80°03'24" E 100.14 feet to a 1/2" steel pin with plastic cap set for the southeast corner of the said Laird 0.34 of one acre tract as described in Exhibit D and the southwest corner of that 0.34 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, designated as Second Tract and described in a Warranty Deed to Joseph Edgar Laird and wife, Ruby Lee Laird in Volume 10897, Page 889, Real Property Records of Travis County, Texas;

THENCE with the south line of the said Laird Second Tract of 0.34 of one acre and with the southwest line of that 0.31 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, designated as First Tract and described in said Warranty Deed to Laird of record in Volume 10897, Page 889, Real Property Records of Travis County, Texas, courses numbered 106 through 107 inclusive as follows;

(106) S 68°03'24" E 99.72 feet to a 1/2" steel pin with plastic cap set for the southeast corner of the said Laird Second Tract of 0.34 of one acre and the southwest corner of the said Laird First Tract of 0.31 of one acre;

(107) S 57°28'24" E 100.07 feet to a 3/4" steel pin found at the southeast corner of the said Laird First Tract of 0.31 of one acre and the southwest corner of that 0.30 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a General Warranty Deed With Vendor's Lien to Harold J. Nelson and Ann Marie Gibbs St. Martin in Document No. 2003123239, Official Public Records of Travis County, Texas;

(108) THENCE with the south or southwest line of the said Nelson and St. Martin 0.30 of one acre tract, S 53°34'00" E 100.52 feet to a 3/4" steel pin found in the west line of that 1.002 acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a General Warranty

Deed to Stephen K. Nagl and Gay F. Nagl in Document No. 2004187346, Official Public Records of Travis County, Texas, and at the southeast corner of the said Nelson and St. Martin 0.30 of one acre tract, for a northeast corner of the herein described tract;

(109) THENCE with the west line of the said Nagl 1.002 acre tract, S 4°56'14" W 99.70 feet to a 1/2" steel pin with plastic cap set for the southwest corner of the said Nagl 1.002 acre tract, for an interior corner of the herein described tract;

(110) THENCE with the south line of the said Nagl 1.002 acre tract, S 77°09'46" E 192.14 feet to a 1 1/2" steel pin found in the west line of that 1.462 acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in an Assumption Warranty Deed With Vendor's Lien to Michael K. Temple and Marcia Temple in Volume 10505, Page 588, Real Property Records of Travis County, Texas, and at the southeast corner of the said Nagl 1.002 acre tract, for a northeast corner of the herein described tract;

(111) THENCE with the west line of the said Temple 1.462 acre tract, S 4°54'33" W 95.90 feet to a 1 1/2" steel pin found at the southwest corner of the said Temple 1.462 acre tract, for an interior corner of the herein described tract;

(112) THENCE with the south line of the said Temple 1.462 acre tract, S 85°06'26" E 199.92 feet to a 1/2" steel pin found at the southeast corner of the said Temple 1.462 of one acre tract, for an interior corner of the herein described tract;

(113) THENCE with the east line of the said Temple 1.462 acre tract, N 4°55'09" E 318.00 feet to a 1/2" steel pin found in the south line of Draper Mountain Trail at the northeast corner of the said Temple 1.462 acre tract;

(114) THENCE crossing Draper Mountain Trail and the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, N 36°27'01" W 155.00 feet to a calculated point on the north side of Draper Mountain Trail, for an interior corner of the herein described tract;

THENCE crossing the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, and being along or near the north line of Draper Mountain Trail, courses numbered 115 through 118 inclusive as follows:

(115) S 62°21'16" W 116.00 to a calculated point;

(116) S 89°19'49" W 88.20 to a calculated point;

(117) N 62°35'36" W 95.48 to a calculated point;

(118) N 54°41'26" W 49.09 to a 1/2" steel pin with plastic cap set for the southeast corner of that 2,512 square foot tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a Warranty Deed to Harold Nelson in Volume 12603, Page 162, Real Property Records of Travis County, Texas, for a southwest corner of the herein described tract;

THENCE with the east line of the said Nelson 2,512 square foot tract and the east line of the 0.32 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, designated as Tract I and described in a Corrected Warranty Deed to Harold J. Nelson in Volume 12059, Page 75, Real Property Records of Travis County, Texas, courses numbered 119 through 120 inclusive as follows:

(119) N 2°21'38" E 41.40 feet to a 1/2" steel pin found at the northeast corner of the said Nelson 2,512 square foot tract and the southeast corner of the said Nelson Tract I of 0.32 of one acre;

(120) N 2°21'38" E 62.09 feet to a calculated point for a northwest corner of the herein described

tract;

THENCE crossing the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, courses numbered 121 through 123 inclusive as follows:

(121) S 87°38'22"E 86.44 feet to a calculated point for an interior corner of the herein described tract;

(122) N 8°25'55"E 58.35 feet to a calculated point for an interior corner of the herein described tract;

(123) N 69°50'17" W 97.27 feet to a 1/2" steel pin found at the northeast corner of the said Nelson Tract I of 0.32 of one acre;

THENCE with the north line of the said Nelson Tract I of 0.32 of one acre and the north line of that 0.32 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, designated as Tract II and described in a said Corrected Warranty Deed to Harold J. Nelson in Volume 12059, Page 75 Real Property Records of Travis County, Texas, and being also with the north line of that 0.33 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a Warranty Deed to Harold Nelson in Volume 12666, Page 143, Real Property Records of Travis County, Texas, courses numbered 124 through 126 inclusive as follows:

(124) N 69°50'17" W 99.93 feet to a 1/2" steel pin found at the northwest corner of the said Nelson Tract I of 0.32 of one acre and the northeast corner of the said Nelson Tract II of 0.32 of one acre;

(125) N 69°49'01" W 99.75 feet to a 1/2" steel pin found at the northwest corner of the said Nelson Tract IT of 0.32 of one acre and the northeast corner of the said Nelson 0.33 of one acre;

(126) N 69°49'32" W 99.96 feet to a 1/2" steel pin found at the northwest corner of the said Nelson 0.33 of one acre and the northeast corner of that 0.337 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a Warranty Deed to G. L. Vinson in Volume 12667, Page 479, Real Property Records of Travis County, Texas, for an interior corner of the herein described tract;

(127) THENCE with the west line of the said Nelson 0.33 of one acre and the east line of the said Vinson 0.337 of one acre, S 2°25'41" W 149.75 feet to a 1/2" steel pin found in the north line of Draper Mountain Trail at the southwest corner of the said Nelson 0.33 of one acre and the southeast corner of the said Vinson 0.337 of one acre, for a southeast corner of the herein described tract;

THENCE along or near the north line of Draper Mountain Trail, courses numbered 128 through 130 inclusive as follows:

(128) N 73°11'00" W 99.95 feet to a 1/2" steel pin found;

(129) N 73°13'38" W 99.89 feet to a 1/2" steel pin found;

(130) N 72°29'39" W 299.84 feet to a 1/2" iron pipe found in the north line of Draper Mountain Trail at the southeast corner of that 0.689 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a Warranty Deed With Vendor's Lien to Jeffrey Press and wife, Kimberly Press in Document No. 2005052503, Official Public Records of Travis County, Texas, for a southwest corner of the herein described tract;

THENCE with the east, north and west line of the said Press 0.689 of one acre, courses numbered 131 through 133 inclusive as follows:

(131) N 3°38'16"E 310.87 feet to a 1/2" steel pin found at the northeast corner of the said Press 0.689 of one acre, for an interior corner of the herein described tract;

(132) N 72°00'09"W 99.95 feet to a 1/2" steel pin found at the northwest corner of the said Press 0.689 of one acre, for an interior corner of the herein described tract;

(133) S 3°34'26" W 309.22 feet to a 1/2" steel pin found at the southwest corner of the said Press 0.689 of one acre, for a southeast corner of the herein described tract

THENCE along or near the north line of Draper Mountain Trail, courses numbered 134 through 136 inclusive as follows:

(134) N 64°43'09"W 132.92 feet to a calculated point;

(135) N 53°40'31" W 93.64 feet to a 1/2" steel pin found;

(136) N 80°04'01" W 71.03 feet to a 1/2" steel pin found in the north line of Draper Mountain Trail at the southeast corner of that 6.908 acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a Special Warranty Deed to Jeffrey C. Nieland in Volume 12456, Page 1740, Real Property Records of Travis County, Texas, for a southwest corner of the herein described tract;

(137) THENCE with a west line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land and the east line of the said Nieland 6.908 acre tract, N 22°25'20" W 509.97 feet to a 112" steel pin found in the east line of the said Nieland 6.908 acre tract at a northwest corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, said 112" steel pin found being also the southwest corner of that 10.26 acre tract, a portion of the said W. A. Cook Survey No. 141 and the Lewis Lindsey Survey No. 265, Abstract No. 2171, in Travis County, Texas, as described in a Warranty Deed With Vendor's Lien to William G. McHugh in Document No. 2002035207, Official Public Records of Travis County, Texas, for a northwest corner of the herein described tract;

(138) THENCE with a north line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land and with the south line of the said McHugh 10.26 acre tract, N 73°24'11"E 388.72 feet to a 112" steel pin found at the southeast corner of the said McHugh 10.26 acre tract and a southwest or west corner of that 16.08 acre tract, a portion of the said W. A. Cook Survey No. 141 and the said Lewis Lindsey Survey No. 265, in Travis County, Texas, as described in a Warranty Deed to G. L. Vinson in Volume 6561, Page 242, Deed Records of Travis County, Texas, for an interior corner of the herein described tract;

THENCE with the west line of the said Vinson 16.08 acre tract and the east line of the said McHugh 10.26 acre tract, courses numbered 139 through 140 inclusive as follows:

(139) N 28°15'50" E 176.77 feet to a 1/2" steel pin found;

(140) N 22°33'24" W 990.27 feet to a 1/2" steel pin found at the northwest corner of the said Vinson 16.08 acre tract and a northeast corner of the said McHugh 10.26 acre tract, said 1/2" steel pin found being the southwest corner of that 12.28 acre tract, a portion of the said Lewis Lindsey Survey No. 265, in Travis County, Texas, as described in a Warranty Deed to Charles D. Van Cleave and wife, Gloria J. Van Cleave in Volume 3483, Page 1915, Deed Records of Travis County, Texas, for a northwest corner of the herein described tract;

THENCE with the north line of the said Vinson 16.08 acre tract and the south line of the said Van Cleave 12.28 acre tract, courses numbered 141 through 143 inclusive as follows:

(141) S 60°43'10" E 10.08 feet to a 112" steel pin found;

(142) S 62°17'30" E 243.12 feet to a 1/2" steel pin found;

(143) S 66°41'16" E 892.77 feet to a 1/2" steel pin found in a west line of a private road, locally known as Drapers Cove and in a west line of the said Vinson 278.36 acre tract of land, save and except

19.27 acres of land, said 1/2" steel pin found being the northeast corner of the said Vinson 16.08 acre tract and the southeast corner of the said Van Cleave 12.28 acre tract, for an interior corner of the herein described tract;

THENCE with the west, southwest and south line of Drapers Cove and a west, southwest and south line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land and being also with the east, northeast and north line of the said Van Cleave 12.28 acre tract, courses numbered 144 through 149 inclusive as follows;

(144) N 3°51'52" E 360.05 feet to a 1/2" steel pin found;
(145) N 3°57'18" W 99.86 feet to a 1/2" steel pin found;
(146) N 32°37'26" W 99.98 feet to a 1/2" steel pin found;
(147) N 58°16'12" W 229.98 feet to a 1/2" steel pin found;
(148) N 64°47'35" W 359.96 feet to a 1/2" steel pin found;
(149) N 58°26'35" W 64.23 feet to a 1/2" steel pin with plastic cap set in asphalt for a southwest corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land and a southeast corner of that unplatted tract of land, a portion of the said Lewis Lindsey Survey No. 265 and the said W. A. Cook Survey No. 100, in Travis County, Texas, designated as Other and conveyed in said Deed Without Warranty of record in Document No. 2003204418, Official Public Records of Travis County, Texas, for a southwest corner of the herein described tract;

THENCE with the west line of Drapers Cove and the west line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, and being also along or near the unplatted tract designated as Other in said Deed Without Warranty of record in Document No. 2003204418, Official Public Records of Travis County, Texas, courses numbered 150 through 152 inclusive as follows:

(150) N 15°13'35" W 8.15 feet to a 1/2" steel pin found;
(151) N 15°22'02" W 46.75 feet to a 1/2" steel pin found;
(152) N 7°16'06" E 37.39 feet to a 1/2" steel pin found near corner offence at an angle point in the west line of Drapers Cove and at an angle point in the west line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, said 1/2" steel pin found being also in or near the east line of the unplatted tract designated as Other in said Deed Without Warranty of record in Document No. 2003204418, Official Public Records of Travis County, Texas;

THENCE with the west line of Drapers Cove and crossing the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, and being also along or near the east line of the unplatted tract designated as Other in said Deed Without Warranty of record in Document No. 2003204418, Official Public Records of Travis County, Texas, courses numbered 153 through 154 inclusive as follows:

(153) N 27°22'59" E 41.77 feet to a 1/2" steel pin with plastic cap set near corner of fence;
(154) N 44°25'04" E 255.79 feet to a 1/2" steel pin found near corner offence in the west line of Drapers Cove and at an angle point in the west line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, said 1/2" steel pin found being also in or near the east line of the unplatted tract designated as Other in said Deed Without Warranty of record in Document No. 2003204418, Official Public Records of Travis County, Texas;

THENCE with the west line of Drapers Cove and the west line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, and being also along or near the unplatted tract designated as Other in said Deed Without Warranty of record in Document No. 2003204418, Official Public Records of Travis County, Texas, courses numbered 155 through 175 inclusive as follows:

(155) N 42°31'20" E 71.53 feet to a 1/2" steel pin found;

(156) N 30°29'16" E 138.99 feet to a 3/4" steel pin found;
 (157) N 23°45'46" E 31.51 feet to a 3/4" steel pin found;
 (158) N 9°35'18" E 66.85 feet to a 3/4" steel pin found;
 (159) N 0°26'11" E 77.65 feet to a 3/4" steel pin found;
 (160) N 12°19'05" W 48.11 feet to a 1/2" steel pin found;
 (161) N 20°19'58" W 53.72 feet to a 1/2" steel pin found;
 (162) N 25°57'16" W 142.29 feet to a mag nail in concrete found;
 (163) N 30°27'22" W 168.99 feet to a 1/2" steel pin found;
 (164) N 9°59'50" W 46.13 feet to a 1/2" steel pin found;
 (165) N 12°16'16" E 53.36 feet to a 1/2" steel pin found;
 (166) N 33°12'28" E 86.45 feet to a 1 1/2" steel pin found;
 (167) N 39°14'08" E 61.65 feet to a 1/2" steel pin found;
 (168) N 46°15'39" E 125.89 feet to a 1/2" steel pin found;
 (169) N 49°18'43" E 172.95 feet to a 1/2" steel pin found;
 (170) N 40°09'23" E 67.97 feet to a 1/2" steel pin found;
 (171) N 35°08'07" E 76.10 feet to a 1/2" steel pin found;
 (172) N 30°26'05" E 75.81 feet to a 1/2" steel pin found;
 (173) N 22°03'18" E 54.10 feet to a 1/2" steel pin found;
 (174) N 16°46'39" E 441.15 feet to a 1/2" steel pin found;
 (175) N 1°34'56" W 35.01 feet to a 1/2" steel pin with plastic cap set in or near the east line of that 4.349 acre tract of land, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a Substitute Trustee's Deed to Hugh Beadles in Volume 13019, Page 990, Real Property Records of Travis County, Texas, for the northwest corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, said 1/2" steel pin with plastic cap set being at or near the north corner of the said unplatted tract designated as Other in said Deed Without Warranty of record in Document No. 2003204418, Official Public Records of Travis County, Texas, for the northwest corner of the herein described tract;

THENCE crossing Drapers Cove with the north line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, and with the south line of that 2.399 acre tract of land, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a Warranty Deed to Robert S. Blackburn and Ruth S. Blackburn, Trustees in Document No. 2002024812, Official Public Records of Travis County, Texas, and being also with the south line of that 1.055 acre tract of land, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a Warranty Deed to the Christian Science Society in Volume 9086, Page 678, Real Property Records of Travis County, Texas, courses numbered 176 through 179 inclusive as follows:

(176) N 86°39'51" E 156.01 feet to a PK nail found in top of a wood fence post;
 (177) S 61°15'09" E 485.79 feet to a 1/2" steel pin with plastic cap found (RPLS 1847);
 (178) S 63°02'26" E 51.54 feet to a 1/2" steel pin found at the southeast corner of the said Blackburn 2.399 acre tract and at the southwest corner of the said Christian Science Society 1.055 acre tract;

(179) S 62°57'16" E 241.25 feet to a 1/2" steel pin found at the southeast corner of the said Christian Science Society 1.055 acre tract and at the southwest corner of that 2.036 acre tract, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a Special Warranty Deed to G. L. Vinson in Volume 12717, Page 693, Real Property Records of Travis County, Texas, for an interior corner of the herein described tract;

(180) THENCE with the west line of the said Vinson 2.036 acre tract and with the east line of the said Christian Science Society 1.055 acre tract, N 31°28'45" E 196.07 feet to a 1/2" steel pin found in the south line of Boggy Ford Road at the northwest corner of the said Vinson 2.036 acre tract and the

northeast corner of the said Christian Science Society 1.055 acre tract, for a northwest corner of the herein described tract;

THENCE with south and southwest line of Boggy Ford Road and with the north and northeast line of the said Vinson 2.035 acre tract, courses numbered 181 through 182 inclusive as follows:

(181) S 65°33'05"E 316.18 feet to a 1/2" steel pin with plastic cap set at point of curve;

(182) with a curve to the right, an arc distance of 175.77 feet, said curve having a radius of 291.06 feet, a central angle of 34°36'02" and a chord of which bears S 48°15'27" E 173.11 feet to a 1/2" steel pin found at the east corner of the said Vinson 2.035 acre tract and the north corner of that 1.00 acre tract, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a General Warranty Deed to Travis Oaks Baptist Church in Volume 4788, Page 1033, Deed Records of Travis County, Texas, for an east corner of the herein described tract;

(183) THENCE with the south line of the said Vinson 2.035 acre tract and the north line of the said Travis Oaks Baptist Church 1.00 acre tract, S 63°09'53"W 205.60 feet to a 1/2" steel pin with plastic cap set in a north line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land for the southeast corner of the said Vinson 2.035 acre tract and the west corner of the said Travis Oaks Baptist Church 1.00 acre tract, said a 1/2" steel pin with plastic cap set being also set for the north corner of that 1.712 acre tract, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a Warranty Deed to Travis Oaks Baptist Church in Document No. 2000050175, Official Public Records of Travis County, Texas, and the northwest corner of that 2.00 acre tract of land, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a Warranty Deed With Vendor's Lien to Travis Oaks Baptist Church in Volume 9007, Page 882, Real Property Records of Travis County, Texas;

(184) THENCE with the north line of the said Travis Oaks Baptist Church 1.712 acre tract, S 63°01'58" W 464.04 feet to a 1/2" steel pin found at the west corner of the said 1.712 acre tract, for an interior corner of the herein described tract;

THENCE with the south line of the said Travis Oaks Baptist Church 1.712 acre tract and the south line of the said Travis Oaks Baptist Church 2.000 acre tract, courses numbered 185 through 186 inclusive as follows:

(185) S 57°24'26" E 373.77 feet to a 1/2" steel pin found at the southeast corner of the said Travis Oaks 1.712 acre tract and the southwest corner of the said Travis Oaks 2.000 acre tract;

(186) S 57°24'03" E 160.48 feet to a 1/2" steel pin with plastic cap set for the northwest corner of a 2.000 acre tract, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a Warranty Deed to Susan Montana in Document No. 2006113603, Official Public Records of Travis County, Texas, for a northeast corner of the herein described tract;

THENCE with the west and southwest line of the said Montana 2.000 acre tract, courses numbered 187 through 191 inclusive as follows:

(187) S 35°12'33"W 181.07 feet to a 1/2" steel pin with plastic cap set;

(188) S 21°39'36" W 154.09 feet to a 1/2" steel pin with plastic cap set;

(189) S 11°48'20" E 85.36 feet to a 1/2" steel pin with plastic cap set;

(190) S 33°00'20" E 72.52 feet to a 1/2" steel pin with plastic cap set in rock;

(191) S 53°37'26"E 260.49 feet to a 1/2" steel pin with plastic cap set in the west line of that 1.479 acre tract, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, designated as Tract 1 and described in a Warranty Deed to Jack Montana and wife, Susan Koerner in Document No. I999084833, Official Public Records of Travis County, Texas;

THENCE with the west line of the said Montana Tract I of 1.479 acres and the west line of that 0.400 of one acre of land, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, designated as Tract I and described in a Warranty Deed to Michael Brasel and Kathleen Brasel in Document No. 2004038445, Official Public Records of Travis County, Texas, courses numbered 192 through 193 inclusive as follows:

(192) S 23°25'28"E 145.00 feet to a 1/2" steel pin with plastic cap found (West 4188) at the southwest corner of the said Montana Tract 1 of 1.479 acres and the northwest corner of the said Brasel Tract I of 0.400 of one acre;

(193) S 34°32'32" E 217.75 feet to a cotton gin spindle found at the southwest corner of the said Brasel Tract 1 of 0.400 of one acre, for an interior corner of the herein described tract;

(194) THENCE with the south line of the said Brasel Tract 1 of 0.400 of one acre, N 55°26'29" E 80.15 feet to a 1/2" steel pin found at the southeast corner of the said Brasel Tract 1 of 0.400 of one acre and the southwest corner of that 0.500 of one acre tract, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, designated as Tract 1 and described in a General Warranty Deed to Michael D. Brasel and spouse, Kathleen D. Brasel in Volume 11866, Page 1344, Real Property Records of Travis County, Texas, and being also the west corner of that 0.099 of one acre tract, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, designated as Tract 2 and described in said Warranty Deed to Brasel in Document No. 2004038445, Official Public Records of Travis County, Texas;

(195) THENCE with the south line of the said Brasel Tract 2 of 0.099 of one acre, S 83°35'51"E 132.11 feet to a 1/2" steel pin found at the southeast corner of the said Brasel Tract 2 of 0.099 of one acre, for an interior corner of the herein described tract;

THENCE with the east line of the said Brasel Tract 2 of 0.099 of one acre and the east line of the said Brasel Tract 1 of 0.500 of one acre, and being also with the east line of the said Montana Tract I of 1.479 acres and the east line of that 1.142 acre tract, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, designated as Tract 1 and described in a Warranty Deed to Jack L. Koerner (Montana) and wife, Susan Koerner in Volume 11798, Page 1397, Real Property Records of Travis County, Texas, courses numbered 196 through 199 inclusive as follows:

(196) N 34°31'57" W 86.57 feet to a 1/2" steel pin with plastic cap found (West 4188) at the northeast corner of the said Brasel Tract 2 of 0.099 of one acre and the southeast corner of the said Brasel Tract 1 of 0.500 of one acre;

(197) N 34°29'31"W 343.45 feet to a 1/2" steel pin found at an angle point in the east line of the said Montana Tract 1 of 1.479 acres;

(198) N 13°14'52"E 187.34 feet to a 1/2" steel pin found at northeast corner of the said Montana Tract 1 of 1.479 acres and the southeast corner of the said Koerner Tract 1 of 1.142 acres;

(199) N 13°20'20"E 137.24 feet to a 1" iron pipe found at the northeast corner of the said Koerner Tract 1 of 1.142 acres and the southeast corner of that 0.986 of one acre tract of land, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a Warranty Deed to Travis Oaks Baptist Church in Volume 12105, Page 295, Real Property Records of Travis County, Texas;

THENCE with the east line of the said Travis Oaks Baptist Church 0.986 of one acre tract and the east line of that 0.945 of one acre tract of land, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a Deed of Gift to Travis Oaks Baptist Church in Volume 4649, Page 1788, Deed Records of Travis County, Texas, and being also with a west line of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, courses numbered 200 through 201 inclusive as follows:

(200) N 13°34'51"E 217.53 feet to a 1/2" steel pin with plastic cap set at the northeast corner of

the said Travis Oaks Baptist Church 0.986 of one acre tract and the southeast corner of the said Travis Oaks Baptist Church 0.945 of one acre tract, said 1" iron pipe found being also an interior corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land;

(201) N 13°32'39" E 208.70 feet to a 1/2" steel pin set (no plastic cap) for the northeast corner of the said Travis Oaks Baptist Church 0.945 of one acre tract and the southeast corner of that 1.00 acre tract of land, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a General Warranty Deed to Travis Oaks Baptist Church in Volume 4788, Page 1033, Deed Records of Travis County, Texas, said 1/2" steel pin set (no plastic cap) being also set for a northwest corner of the said Vinson 278.36 acre tract of land, save and except 19.27 acres of land, and the southwest corner of that 0.018 of one acre tract of land, a portion of the said W. A. Cook Survey No. 100, in Travis County, Texas, as described in a Special Warranty Deed to G. L. Vinson in Volume 10321, Page 422, Real Property Records of Travis County, Texas;

(202) THENCE with the east line of the said Travis Oaks Baptist Church 1.00 acre tract and the west line of the said Vinson 0.018 of one acre tract, N 13°32'39" E 30.72 feet to a cotton gin spindle set in asphalt in the curving south line of Boggy Ford Road for the northeast corner of the said Travis Oaks Baptist Church 1.00 acre tract and the northwest corner of the said Vinson 0.018 of one acre tract, for a northwest corner of the herein described tract;

THENCE with the south line of Boggy Ford Road and the north line of the said Vinson 0.018 of one acre tract and with the north line of the said Vinson 2.393 acre tract, courses numbered 203 through 208 inclusive as follows:

(203) with a curve to the left, an arc distance of 26.25 feet, said curve having a radius of 510.06 feet, a central angle of 2°56'56" and a chord of which bears S 60°52'15" E 26.25 feet to a 1/2" steel pin with plastic cap set for the northeast corner of the said Vinson 0.018 of one acre tract and the northwest corner of the said Vinson 2.393 acre tract;

(204) with a curve to the left, an arc distance of 135.29 feet, said curve having a radius of 510.06 feet, a central angle of 15°11'49" and a chord of which bears S 69°56'38" E 134.89 feet to a 60d nail set in top of a wood fence post at point of tangency;

(205) S 76°43'38" E 226.75 feet to a 1/2" steel pin with plastic cap set;

(206) S 72°05'38" E 746.24 feet to a 1/2" steel pin found;

(207) S 69°16'12" E 112.32 feet to a 1/2" steel pin with plastic cap set at point of curve;

(208) with a curve to the left, an arc distance of 109.03 feet, said curve having a radius of 348.81 feet, a central angle of 17°54'31" and a chord of which bears S 78°10'37" E 108.58 feet to the POINT OF BEGINNING of the herein described tract, containing 286.85 acres of land, more or less, SAVE AND EXCEPT the following tracts of land located within the boundaries of the above 286.85 acre metes and bounds description: 2.504 acres and 2.899 acres as described in the accompanying metes and bounds descriptions, leaving 281.45 acres of land, more or less.

Note: The plastic caps on the 1/2" steel pins set are inscribed with "M & S 1838."

DESCRIPTION FOR 2.504 ACRES - SAVE AND EXCEPT TRACT

METES AND BOUNDS DESCRIPTION OF A SURVEY OF 2.504 ACRES OF LAND, A PORTION OF THE W. A. COOK SURVEY NO. 141, ABSTRACT NO. 2587, AND A PORTION OF THE C. E. P. I. & M. CO. SURVEY NO. 173, ABSTRACT NO. 2191, BOTH BEING IN TRAVIS COUNTY, TEXAS, SAID 2.504 ACRES OF LAND BEING ALL OR A PORTION OF THE FOLLOWING TRACTS OF LAND, ALL BEING IN TRAVIS COUNTY, TEXAS: , BEING ALL OF THAT 18,184 SQUARE FOOT TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AS DESCRIBED IN

A WARRANTY DEED TO RUTH OLIVER IN VOLUME 7727, PAGE 752, DEED RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 0.34 OF ONE ACRE TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AND A PORTION OF THE SAID C. E. P. I. & M. CO. SURVEY NO. 173, AS DESCRIBED IN A WARRANTY DEED TO CAROL LOU TREAT IN VOLUME 4892, PAGE 260, DEED RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 0.34 OF ONE ACRE TRACT, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141 AND A PORTION OF THE SAID C. E. P. I. & M. CO. SURVEY NO. 173, AS CONVEYED IN A WARRANTY DEED TO MARK T. ALGER IN DOCUMENT NO. 2001126699, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 0.415 OF ONE ACRE TRACT OF LAND, A PORTION OF THE SAID C. E. P. I. & M. CO. SURVEY NO. 173, AS CONVEYED IN A ONE-HALF INTEREST GIFT DEED TO VERNON G. HAFERNIK IN DOCUMENT NO. 2001171314, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 0.397 OF ONE ACRE OF LAND, A PORTION OF THE SAID C. E. P. I. & M. CO. SURVEY NO. 173, AS DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO JEROME URBANEK IN DOCUMENT NO. 1999050669, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; AND BEING A PORTION OF THAT TRACT OF LAND CALLED TO BE 278.36 ACRES, SAVE AND EXCEPT 19.27 ACRES OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AND OTHERS, DESIGNATED AS TRACT 1 AND DESCRIBED IN A WARRANTY DEED TO G. L. VINSON IN VOLUME 5554, PAGE 1469, DEED RECORDS OF TRAVIS COUNTY, TEXAS, AS SURVEYED FOR G. L. VINSON AND REVISED FOR TRAVIS MEADOW, LP BY METCALFE & SANDERS, INC., LAND SURVEYORS, 4800 SOUTH CONGRESS AVENUE, AUSTIN, TEXAS, SAID 2.504 OF ONE ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Beginning at a 5/8" steel pin found in the east line of a private street, locally known as Treat Trail, at the southwest corner of that 0.34 of one acre tract, a portion of the W. A. Cook Survey No. 141, Abstract No. 2587 and a portion of the said C. E. P. I. & M. Co. Survey No. 173, Abstract No. 2191, in Travis County, Texas, as described in a Warranty Deed to Carol Lou Treat in Volume 4892, Page 260, Deed Records of Travis County, Texas, for the POINT OF BEGINNING for an interior corner of the herein described tract, and from which 5/8" steel pin found, a 1/2" steel pin found at an angle point in Treat Trail at the southeast corner of that 18,184 square foot tract of land, a portion of the said W. A. Cook Survey No. 141, as described in a Warranty Deed to Ruth Oliver in Volume 7727, Page 752, Deed Records of Travis County, Texas, bears N 87°20'53" W 60.73 feet;

(1) THENCE crossing Treat Trail and a portion of that tract of land called to be 278.36 acres, save and except 19.27 acres of land, a portion of the said W. A. Cook Survey No. 141, and others, designated as Tract 1 and described in a Warranty Deed to G. L. Vinson in Volume 5554, Page 1469, Deed Records of Travis County, Texas, S 2°15'09" E 31.24 feet to a calculated point in a south line of the said Vinson 278.36 acres, save and except 19.27 acres of land and in the north line of that 12.611 acre tract of land, a portion of the Malinda Settle Survey No. 49, Abstract No. 2126, in Travis County, Texas, as described in a Special Warranty Deed to G. L. Vinson in Volume 11949, Page 88, Real Property Records of Travis County, Texas, said calculated point being in or near the south line of the said W. A. Cook Survey No. 141 and the north line of the said Malinda Settle Survey No. 49, for a southeast corner of the herein described tract;

(2) THENCE with the south line of Treat Trail and a south line of the said Vinson 278.36 acres, save and except 19.27 acres of land, and being also with the north line of the said Vinson 12.611 acre tract and being along or near the south line of the said W. A. Cook Survey No. 141 and the north line of the said Malinda Settle Survey No. 49, S 87°44'51"W 229.80 feet to a calculated point, for the southwest corner of the herein described tract;

(3) THENCE crossing Treat Trail with the southerly extension of the west line of the said Oliver 18,184 square foot tract of land and also crossing a portion of the said Vinson 278.36 acres, save and except 19.27 acres of land, N 30°25'48"E 35.56 feet to a 1/2" steel pin found at the intersection of the north line of Treat Trail and the east line of private street, locally known as Drapers Cove, said 1/2" steel pin found being the southwest corner of the said Oliver 18,184 square foot tract;

(4) THENCE with the east line of Drapers Cove and the west line of the said Oliver 18,184 square foot tract, N 30°25'48" E 187.84 feet to a 1/2" steel pin found at the northwest corner of the said Oliver 18,184 square foot tract, for the most southerly northwest corner of the herein described tract, and from which 1/2" steel pin found, a 1/2" steel pin found at the southeast corner of that 1.462 acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in an Assumption Warranty Deed With Vendor's Lien to Michael K. Temple and Marcia Temple in Volume 10505, Page 588, Real Property Records of Travis County, Texas, bears N 62°55'35"W 86.37 feet;

(5) THENCE with the north line of the said Oliver 18,184 square foot tract, S 56°46'12"E 127.22 feet to a 1/2" steel pin found in the west line of Treat Trail at the northeast corner of the said Oliver 18,184 square foot tract, for an interior corner of the herein described tract;

THENCE crossing a portion of the said Vinson 278.36 acres, save and except 19.27 acres of land and being along or near the west line of Treat Trail, courses numbered 6 through 8 inclusive as follows:

(6) N 25°38'44" E 148.00 feet to a 1/2" steel pin found;

(7) N 24°20'53" E 107.77 feet to a calculated point;

(8) N 19°43'42" E 95.35 feet to a calculated point at the intersection of the west line of Treat Trail with the westerly prolongation of the north line of that 0.397 of one acre tract, a portion of the said C. E. P. I. & M. Co. Survey No. 173, in Travis County, Texas, as conveyed in a Warranty Deed With Vendor's Lien to Jerome Urbanek in Document No. 1999050669, Official Public Records of Travis County, Texas, and the westerly prolongation of the south line of that 0.413 of one acre tract, a portion of the said C. E. P. I. & M. Co. Survey No. 173, in Travis County, Texas, as described in a Warranty Deed to George L. Vinson and wife, Jean Vinson in Volume 2714, Page 315, Deed Records of Travis County, Texas, for the most northerly northwest corner of the herein described tract;

(9) THENCE crossing Treat Trail with the westerly prolongation of the north line of the said Urbanek 0.397 of one acre tract and the westerly prolongation of the said Vinson 0.413 of one acre tract, N 88°16'47"E 32.23 feet to a 1/2" iron pipe found in the east line of Treat Trail at the northwest corner of the said Urbanek 0.397 of one acre tract and the southwest corner of the said Vinson 0.413 of one acre tract;

(10) THENCE with the north line of the said Urbanek 0.397 of one acre tract and the south line of the said Vinson 0.413 of one acre tract, N 88°16'47"E 167.26 feet to a 1/2" steel pin found at the northeast corner of the said Urbanek 0.397 of one acre tract and the southeast corner of the said Vinson 0.413 of one acre tract, for the northeast corner of the herein described tract;

THENCE with the east line of the said Urbanek 0.397 of one acre tract and the east line of that 0.415 of one acre tract, a portion of the said C. E. P. I. & M. Co. Survey No. 173, in Travis County, Texas, as conveyed in a One-Half Interest Gift Deed to Vernon G. Hafemik in Document No. 20011713 14, Official Public Records of Travis County, Texas, and being also with the east line of that 0.34 of one acre tract, a portion of the said W. A. Cook Survey No. 141 and a portion of the said C. E. P. I. & M. Co. Survey No. 173, in Travis County, Texas, as conveyed in a Warranty Deed to Mark T. Alger in Document No. 2001126699, Official Public Records of Travis County, Texas, and the east line of the said Treat 0.34 of one acre tract, courses numbered 11 through 14 inclusive as follows:

- (11) S 14°18'30"W 104.29 feet to a 5/8" steel pin found at the southeast corner of the said Urbanek 0.397 of one acre tract and the northeast corner of the said Hafernik 0.415 of one acre tract;
- (12) S 21°56'55"W 108.72 feet to a 5/8" steel pin found at the southeast corner of the said Hafemik 0.415 of one acre tract and the northeast corner of the said Alger 0.34 of one acre tract;
- (13) S 28°38'34"W 115.84 feet to a 5/8" steel pin found at the southeast corner of the said Alger 0.34 of one acre tract and the northeast corner of the said Treat 0.34 of one acre tract;
- (14) S 29°40'52" W 117.63 feet to a 5/8" steel pin found at the southeast corner of the said Treat 0.34 of one acre tract, for the most easterly southeast corner of the herein described tract;
- (15) THENCE with the south line of the said Treat 0.34 of one acre tract, S 88°23'07" W 151.13 feet to the POINT OF BEGINNING of the herein described tract, containing 2.504 acres of land.

DESCRIPTION FOR 2.899 ACRES - SAVE AND EXCEPT TRACT

METES AND BOUNDS DESCRIPTION OF A SURVEY OF 2.899 ACRES OF LAND, A PORTION OF THE W. A. COOK SURVEY NO. 141, ABSTRACT NO. 2587, IN TRAVIS COUNTY, TEXAS, SAID 2.899 ACRES OF LAND BEING A PORTION OF THE FOLLOWING TRACTS OF LAND, ALL BEING IN TRAVIS COUNTY, TEXAS: BEING ALL OF THAT 0.30 OF ONE ACRE TRACT OF LAND DESIGNATED AS TRACT 1 AND ALL OF THAT 0.29 OF ONE ACRE TRACT OF LAND DESIGNATED AS TRACT 2, BOTH BEING A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AND BOTH BEING DESCRIBED IN A WARRANTY DEED TO KATHERAN ACMORSONI IN VOLUME 11592, PAGE 982, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AS DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO DAVID N. McCREA AND WIFE, ARLIS J. McCREA IN VOLUME 5257, PAGE 1283, DEED RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 0.36 OF ONE ACRE TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AS DESCRIBED IN A SPECIAL WARRANTY DEED TO THERESA S. WILSON IN VOLUME 6802, PAGE 41, DEED RECORDS OF TRAVIS COUNTY, TEXAS; BEING A PORTION OF THAT 0.37 OF ONE ACRE TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AS CONVEYED IN A SPECIAL WARRANTY DEED TO ANN MARIE ST. MARTIN IN VOLUME 11225, PAGE 885, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 0.03 OF ONE ACRE TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AS DESCRIBED IN DEED TO PATRICK G. ST. MARTIN AND WIFE ANN M. ST. MARTIN IN VOLUME 10270, PAGE 851, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 0.32 OF ONE ACRE TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AS DESCRIBED IN GENERAL WARRANTY DEED WITH VENDOR'S LIEN IN FAVOR OF THIRD PARTY TO JOSEPH K. MOXLEY IN VOLUME 13360, PAGE 528, REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; BEING ALL OF THAT 0.36 OF ONE ACRE TRACT OF LAND, A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AS DESCRIBED IN A GENERAL WARRANTY DEED WITH VENDOR'S LIEN TO JOSEPH K. MOXLEY IN DOCUMENT NO. 2003029501, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; AND BEING ALL OF THAT 0.296 OF ONE ACRE TRACT OF LAND DESIGNATED AS FIRST TRACT AND ALL OF THAT 0.282 OF ONE ACRE TRACT OF LAND DESIGNATED AS SECOND TRACT, BOTH BEING A PORTION OF THE SAID W. A. COOK SURVEY NO. 141, AND BOTH BEING DESCRIBED IN A WARRANTY DEED TO TRAVIS DUNCAN AND SPOUSE, NIKKI DUNCAN IN DOCUMENT NO. 2003203432, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; AS SURVEYED FOR G. L. VINSON AND REVISED FOR TRAVIS MEADOW, LP BY METCALFE & SANDERS, INC., LAND SURVEYORS, 4800 SOUTH CONGRESS AVENUE, AUSTIN, TEXAS, SAID 2.899 ACRES OF LAND BEING MORE

PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Beginning at a 1/2" steel pin found at an angle point in a north line of a private street, locally known as Drapers Cove, at the southeast corner of that 0.29 of one acre tract, a portion of the W. A. Cook Survey No. 141, Abstract No. 2587, in Travis County, Texas, designated as Tract 2 and described in a Warranty Deed to Katheran Acmorsoni in Volume 11592, Page 982, Real Property Records of Travis County, Texas, for the POINT OF BEGINNING and most easterly southeast corner of the herein described tract, and from which 1/2" steel pin found, a 1/2" steel pin found at the intersection of the southeast line of Drapers Cove and the north line of a private street, locally known as Treat Trail, at the southwest corner of that 18,184 square foot tract of land, a portion of the W. A. Cook Survey No. 141, Abstract No. 2587, in Travis County, Texas, as described in a Warranty Deed to Ruth Oliver in Volume 7727, Page 752, Deed Records of Travis County, Texas, bears S 81°46'41"E 119.70 feet;

(1) THENCE with the north line of Drapers Cove and the south line of the said Acmorsoni Tract 2 of 0.29 of one acre of land and with the south line of that 0.30 of one acre tract, a portion of the said W. A. Cook Survey No. 141, Abstract No. 2587, in Travis County, Texas, designated as Tract 1 and described in said Warranty Deed to Katheran Acmorsoni in Volume 11592, Page 982, Real Property Records of Travis County, Texas, and being also with the south line of that tract of land, a portion of the said W. A. Cook Survey No. 141, Abstract No. 2587, in Travis County, Texas, as described in a Warranty Deed With Vendor's Lien to David N. McCrea and wife, Arlis J. McCrea in Volume 5257, Page 1283, Deed Records of Travis County, Texas, S 87°57'47" W 299.23 feet to a 1/2" steel pin with plastic cap set in the east line of that 0.36 of one acre tract, a portion of the said W. A. Cook Survey No. 141, Abstract No. 2587, in Travis County, Texas, as described in a Warranty Deed to Theresa S. Wilson in Volume 6802, Page 41, Deed Records of Travis County, Texas, for an angle point in the north line of Drapers Cove, for the southwest corner of the said McCrea tract of land, and for an interior corner of the herein described tract;

(2) THENCE with a line of Drapers Cove and the east line of the said Wilson 0.36 of one acre tract, S 1°59'59"E 20.00 feet to a 1/2" steel pin found at an angle point in the north line of Drapers Cove and at the occupied southeast corner of the said Wilson 0.36 of one acre tract, for a southeast corner of the herein described tract;

(3) THENCE with the north line of Drapers Cove and the south line of the said Wilson 0.36 of one acre tract as occupied on the ground, courses numbered 3 through 4 inclusive as follows:

(4) S 89°20'22"W 79.47 feet to a hilti nail set in rock found;

(5) N 85°14'22"W 37.84 feet to a 1/2" steel pin found in concrete at an angle point in the north line of Drapers Cove and at the southwest corner of the said Wilson 0.36 of one acre tract, for a southwest corner of the herein described tract;

(6) THENCE with a line of Drapers Cove and the west line of the said Wilson 0.36 of one acre tract, N 5°38'51" E 11.96 feet to a 1/2" steel pin with plastic cap set for an angle point in the north line of Drapers Cove and the southeast corner of that 0.37 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as conveyed in that Special Warranty Deed to Ann Marie St. Martin in Volume 11225, Page 885, Real Property Records of Travis County, Texas, for an interior corner of the herein described tract;

THENCE with the north, northeast and east line of Drapers Cove and with the south, southwest and west line of the said Ann Marie St. Martin 0.37 of one acre tract and being also with the west line of that 0.32 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as

conveyed in that General Warranty Deed With Vendor's Lien in Favor of Third Party to Joseph K. Moxley in Volume 13360, Page 528, Real Property Records of Travis County, Texas, and being also with the west line of that 0.36 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in that Warranty Deed With Vendor's Lien to Joseph K. Moxley in Document No. 2003029501, Official Public Records of Travis County, Texas, courses numbered 6 through 12 inclusive as follows:

(6) S 86°51'15" W 36.50 feet to a 5/8" steel pin found, and from which 5/8" steel pin found, a 3/4" iron pipe found in concrete in the south line of Drapers Cove and in the north line of that 12.611 acre tract, a portion of the said Malinda Settle Survey No. 49, as described in a Special Warranty Deed to G. L. Vinson in Volume 11919, Page 88, Real Property Records of Travis County, Texas, and being also in or near the south line of the said W. A. Cook Survey No. 141 and the north line of the said Malinda Settle Survey No. 49, bears S 40°18'53" W 69.15 feet;

(7) N 47°40'45" W 59.52 feet to a 1/2" steel pin found in rock;

(8) N 37°59'26" W 32.41 feet to a 1/2" steel pin with plastic cap set;

(9) N 34°34'18" W 62.74 feet to a 1/2" steel pin found in the west line of the said Moxley 0.32 of one acre tract;

(10) N 27°02'45" W 61.96 feet to a 1/2" steel pin found;

(11) N 23°52'32" W 24.66 feet to a 1/2" steel pin found at the west or northwest corner of the said Moxley 0.32 of one acre tract and the southwest or south corner of the said Moxley 0.36 of one acre tract;

(12) N 36°08'40" W 59.68 feet to 1 1/2" steel pin found at the west or southwest corner of the said Moxley 0.36 of one acre and the south or southeast corner of that 0.296 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, designated as First Tract and described in a Warranty Deed to Travis Duncan and spouse, Nikki Duncan in Document No. 2003203432, Official Public Records of Travis County, Texas;

THENCE with the north line of Drapers Cove and the south line of the said Duncan First Tract of 0.296 of one acre and being also with the south line of that 0.282 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, designated as Second Tract and described in said Warranty Deed to Travis Duncan and spouse, Nikki Duncan in Document No. 2003203432, Official Public Records of Travis County, Texas, courses numbered 13 through 14 inclusive as follows:

(13) N 70°18'29" W 144.77 feet to a 1/2" steel pin found;

(14) N 63°41'32" W 34.74 feet to a 1/2" steel pin found at the southwest corner of the said Duncan Second Tract of 0.282 of one acre, for the most westerly southwest corner of the herein described tract;

(15) THENCE with the west line of the said Duncan Second Tract of 0.282 of one acre, N 26°35'08" E 129.88 feet to a hilti nail found set in rock at the northwest corner of the said Duncan Second Tract of 0.282 of one acre, for the northwest corner of the herein described tract;

THENCE with the north line of the said Duncan Second Tract of 0.282 of one acre and the north line of the said Duncan First Tract of 0.296 of one acre, courses numbered 16 through 17 inclusive as follows:

(16) S 76°33'10" E 89.67 feet to a 3/8" steel pin found at the northeast corner of the said Duncan Second Tract of 0.282 of one acre and the northwest corner of the said Duncan First Tract of 0.296 of one acre;

(17) S 76°51'39" E 86.61 feet to a 1/2" steel pin found at the northeast corner of the said Duncan First Tract of 0.296 of one acre and the northwest or north corner of the said Moxley 0.36 of one acre tract;

THENCE with the northeast and east line of the said Moxley 0.36 of one acre tract and the east line of the said Moxley 0.32 of one acre tract, courses numbered 18 through 22 inclusive as follows:

- (18) S 52°51'17" E 73.98 feet to a 1/2" steel pin found;
- (19) S 39°20'17" E 24.61 feet to a 1/2" steel pin with plastic cap set;
- (20) S 26°19'35" E 50.05 feet to a 1/2" steel pin found at the east or southeast corner of the said Moxley 0.36 of one acre tract and the northeast corner of the said Moxley 0.32 of one acre tract;
- (21) S 20°27'58" E 60.43 feet to a cotton gin spindle found;
- (22) S 27°31'15" E 15.02 feet to a 1/2" steel pin found at the southeast corner of the said Moxley 0.32 of one acre tract and the north or northeast corner of that 0.03 of one acre tract, a portion of the said W. A. Cook Survey No. 141, in Travis County, Texas, as described in a deed to Patrick G. St. Martin and wife, Ann M. St. Martin in Volume 10270, Page 851, Real Property Records of Travis County, Texas;

THENCE with the east line of the said St. Martin 0.03 of one acre tract and the east and northeast line of the said Ann Marie St. Martin 0.37 of one acre tract, courses numbered 23 through 24 inclusive as follows:

- (23) S 27°19'51" E 32.44 feet to a 1 1/2" steel pin found at the southeast corner of the said St. Martin 0.03 of one acre tract and the northeast corner of the said Ann Marie St. Martin 0.37 of one acre tract;
- (24) S 43°26'50" E 32.34 feet to a 1/2" steel pin found at the northeast corner of the said Ann Marie St. Martin 0.37 of one acre tract and the northwest corner of the said Wilson 0.36 of one acre tract;

THENCE with the north line of the said Wilson 0.36 of one acre tract and the north line of the said McCrea tract of land, and being also with the north line of the said Acmorsoni Tract 1 of 0.30 of one acre and being also with the north line of the said Acmorsoni Tract 2 of 0.29 of one acre, courses numbered 25 through 28 inclusive as follows:

- (25) S 73°25'35" E 32.24 feet to a 1 1/2" steel pin with plastic cap set;
- (26) S 89°55'40" E 64.83 feet to a 1/2" steel pin found at the northeast corner of the said Wilson 0.36 of one acre tract and the northwest corner of the said McCrea tract of land;
- (27) S 89°59'25" E 99.86 feet to a 1/2" steel pin found at the northeast corner of the said McCrea tract of land and the northwest corner of the said Acmorsoni Tract 1 of 0.30 of one acre;
- (28) S 89°47'42" E 200.20 feet to a 1/2" steel pin found at the northeast corner of the said Acmorsoni Tract 2 of 0.29 of one acre, for the northeast corner of the herein described tract of land;

- (29) THENCE with the east line of the said Acmorsoni Tract 2 of 0.29 of one acre, S 1°42'50" E 123.73 feet to the POINT OF BEGINNING of the herein described tract, containing 2.899 acres of land.

Note: The plastic caps on the 1/2" steel pins set are inscribed with "M & S 1838."

TRACT 2

Lot 2040 of the Highland Lake Estates, Section Two, according to the Map or Plat thereof recorded in Volume 54, Page 91 of the Plat Records of Travis County, Texas.

TRACT 3

A tract of land, being a combination of two tracts, Tract 1: being Lot 3048 of Highland Lake Estates, Section 3 a subdivision in Travis County, Texas according to the map or plat thereof recorded in Volume 52, Page 99 of the Plat Records of Travis County, Texas; Tract 2: a 0.0217 Acre tract of land out of the W.A. Cook Survey, Abstract No. 2587, Travis County, Texas, being the same tracts recorded in the name of Hillel Asher Davis under Clerk's File No. 2012072239 of the Real Property Records of Travis County, Texas (R.P.R.T.C.T.), and being more particularly together described by metes and bounds as follows: (Bearings based on Volume 52, Page 99 of the Plat Records of Travis County, Texas)

BEGINNING at a 1/2 Inch iron rod with a "Precision" cap set on the easterly right-of-way line of Cooper Lane being the front or westerly common corner of Lots 3048 & 3049 and being the northwest corner of this tract (from which a 1/2 Inch iron rod found bears North 08° 43' 38" West, a distance of 111.93 Feet, from said 1/2 Inch iron rod found a cut "X" found bears North 25° 07' 00" West, a distance of 7.00 Feet, from said cut "X" found a second 1/2 Inch iron rod found bears North 25° 07' 00" West, a distance of 80.00 Feet, from said second 1/2 Inch iron rod found a third 1/2 Inch iron rod found bears North 25° 07' 00" West, a distance of 160.05 Feet, from said third 1/2 Inch iron rod found a fourth 1/2 Inch iron rod found bears North 25° 07' 00", a distance of 80.00 Feet)

THENCE, SOUTH 64° 02' 27" EAST (platted as South 64° 02' 27" East), with the southerly line of said Lot 3049, a distance of 131.22 Feet to a point at the easterly or rear common corner of said Lots 3048 & 3049 being a corner of this tract;

THENCE, SOUTH 64° 04' 13" EAST, with a northerly line of this tract, a distance of 12.86 Feet to a 1/2 Inch iron rod with a "Precision" cap set at the northeasterly corner of this tract;

THENCE, with the lines of a tract recorded in the name of Travis Meadow LP, under Clerk's File No. 2006125525TR of the R.P.R.T.C.T. the following two (2) courses:

1. SOUTH 23° 19' 25" WEST, a distance of 50.94 Feet to a point at a corner of this tract;
2. SOUTH 35° 23' 16" WEST, a distance of 43.66 Feet (called 43.56 Feet) to a 1/2 Inch iron rod with a "Precision" cap set at the southwesterly corner of this tract;

THENCE, NORTH 53° 22' 13" WEST, with a southerly line of this tract, a distance of 11.67 Feet to point at the easterly or rear common corner of Lots 3047 & 3048 at a corner of this tract;

THENCE, NORTH 53° 16' 00" WEST, with the northerly line of said Lot 3047, a distance of 120.02 Feet to a 1/2 Inch iron rod with a "Precision" cap set on the aforementioned easterly right-of-way line of Cooper Lane at the easterly or front common corner of said Lots 3047 & 3048 being the southwesterly corner of said Lots 3048 & 3049 being a corner of this tract from which a 1/2 Inch iron rod found bears South 32° 37' 14" West, a distance of 31.90 Feet;

THENCE, with said easterly right-of-way line, in a northeasterly direction with the arc of a curve to the left, having a radius of 198.34 Feet, and arc length of 70.43 Feet, a central angle of 20° 20' 44" and a chord bearing of NORTH 17° 50' 06" EAST, and a chord distance of 70.06 Feet to the POINT OF BEGINNING.

Exhibit "B"
Form of City Consent Resolution

RESOLUTION NO.: 2025-_____

A RESOLUTION OF THE CITY OF LAGO VISTA, TEXAS CONSENTING TO THE CREATION OF A MUNICIPAL UTILITY DISTRICT

WHEREAS, the City of Lago Vista, Texas (the "City") has received a Petition for Consent to the inclusion of land within, and creation of, a municipal utility district (the "District") in the corporate boundaries of the City pursuant to Section 54.016, Texas Water Code and Section 42.042, Texas Local Government Code, a copy of which Petition is attached hereto as Exhibit A; and

WHEREAS, the City Council of the City of Lago Vista desires to grant its written consent to the creation of, and inclusion of land within, the District.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THAT:

Section 1. The City hereby consents to the creation of a municipal utility district, and the inclusion of the land more particularly described within the Petition attached hereto as Exhibit "A" within said District, for purposes of Section 54.016, Texas Water Code, and Section 42.042 of the Texas Local Government Code.

Section 2. The City's consent is subject to the terms and conditions of the Consent Agreement entered into with the City.

PASSED AND APPROVED this ____ day of _____, 2025.

Mayor

ATTEST:

City Secretary

(SEAL)

ORDINANCE NO. 26-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING ORDINANCE NO. 21-09-02-01 REGARDING THE FIREFLY COVE PLANNED DEVELOPMENT DISTRICT; APPROVING AN AMENDED CONCEPT PLAN AND DETAILED PLAN; REPLACING EXHIBIT “C” TO ORDINANCE NO. 21-09-02-01; PROVIDING FINDINGS OF FACT; PROVIDING A REPEALER; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Lago Vista approved Ordinance No. 21-09-02-01 establishing the Firefly Cove Planned Development District (“PDD”); and

WHEREAS, Ordinance No. 21-09-02-01 included a Concept Plan and Detailed Plan attached thereto as Exhibit “C”; and

WHEREAS, Firefly Cove, LLC, owner of the property subject to Ordinance No. 21-09-02-01, submitted an application requesting approval of an amended Concept Plan and Detailed Plan for the Firefly Cove Planned Development District; and

WHEREAS, the Planning and Zoning Commission conducted a public hearing and considered the proposed amendment in accordance with the Unified Development Code; and

WHEREAS, the City Council finds that the proposed amendment is consistent with the purposes of the Planned Development District regulations, the Unified Development Code, and the orderly development of the City; and

WHEREAS, the City Council further finds that approval of the amended Concept Plan and Detailed Plan is in the public interest and promotes the health, safety, and general welfare of the citizens of the City of Lago Vista;

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

SECTION 1. FINDINGS.

The foregoing recitals are hereby incorporated into and made a part of this Ordinance for all purposes and are adopted as findings of fact.

SECTION 2. APPROVAL OF AMENDED CONCEPT PLAN AND DETAILED PLAN.

The Amended Concept Plan and Detailed Plan for the Firefly Cove Planned Development District attached hereto as Exhibit “C” is hereby approved.

SECTION 3. REPLACEMENT OF EXHIBIT “C”.

Exhibit “C” attached to Ordinance No. 21-09-02-01 is hereby deleted in its entirety and replaced with the Amended Concept Plan and Detailed Plan attached to this Ordinance as Exhibit “C,” which is incorporated herein by reference for all purposes.

SECTION 4. EFFECT OF AMENDMENT.

Except as expressly amended herein, all provisions, requirements, standards, conditions, and regulations contained in Ordinance No. 21-09-02-01 shall remain unchanged and in full force and effect.

The approval of this Ordinance shall not be construed as approval of any subdivision plat, construction plan, site development permit, building permit, utility extension, infrastructure acceptance, easement, dedication, or other development approval required by applicable law or ordinance.

SECTION 5. REPEALER.

All ordinances or parts of ordinances in conflict herewith are repealed only to the extent of such conflict.

SECTION 6. SEVERABILITY.

Should any section, subsection, sentence, clause, phrase, or provision of this Ordinance be held unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon its passage and approval as provided by law.

PASSED AND APPROVED by the City Council of the City of Lago Vista, Texas, on this _____ day of _____, 2026.

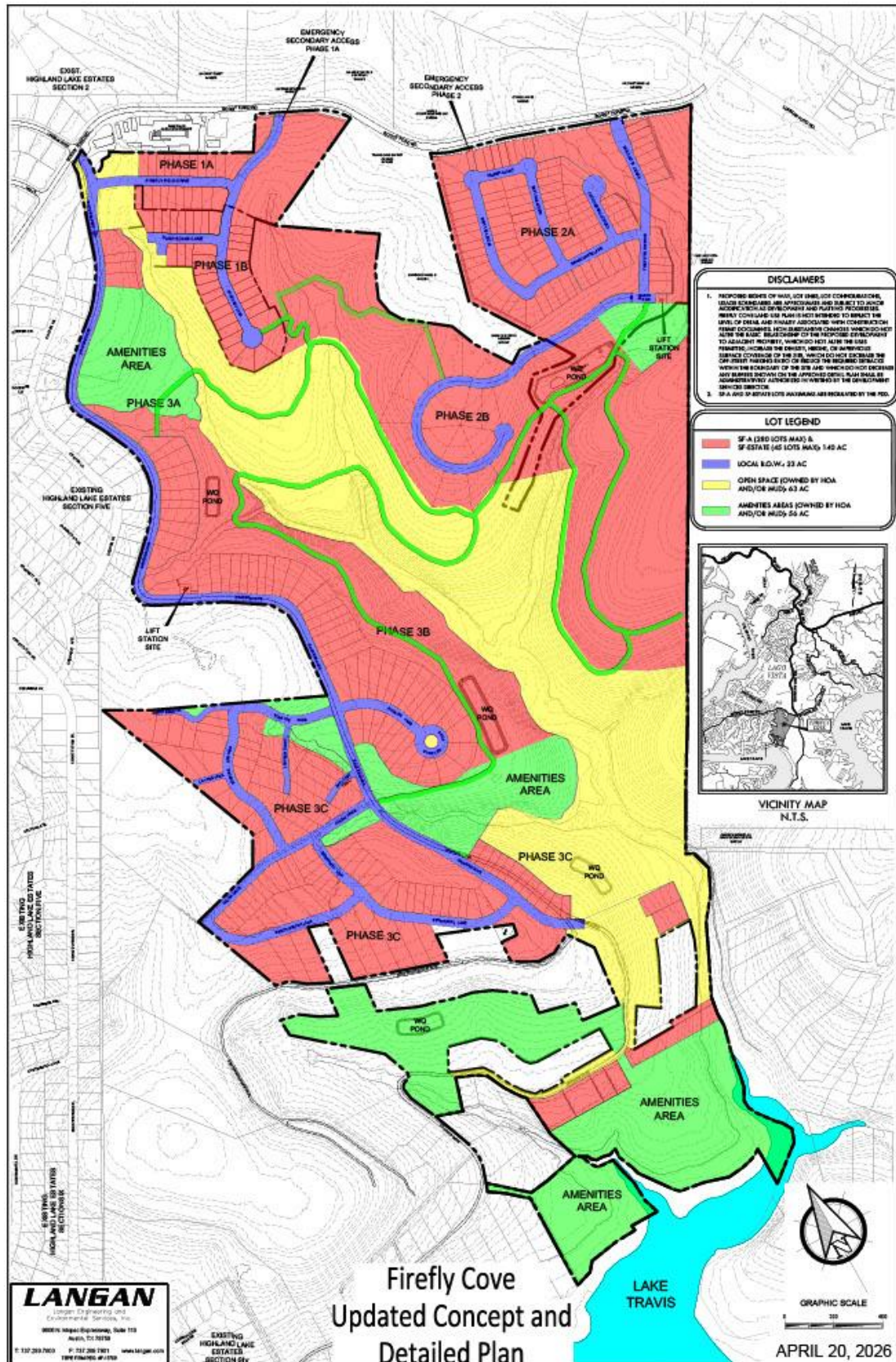
CITY OF LAGO VISTA, TEXAS

Shane Saum, Mayor

ATTEST:

City Secretary

Exhibit C





Item Cover Page

PLANNING & ZONING COMMISSION AGENDA ITEM REPORT

DATE: August 13, 2026

SUBMITTED BY: Jordan Strohmeyer, Director Development Services

SUBJECT: Consider, discuss, and take possible action on a referral from the City Council on possible subdivision regulations drafted by previous Council Member Rob Durbin.

BACKGROUND: This item was originally discussed back in 2025. It was brought to the October 2025 meeting in which it was tabled due to staff not having a chance to review the changes. In April of 2026 an update was done to our online Municode that codified all of our ordinances since 2024. Included in the attachments is a recently downloaded version of this entire section.

ATTACHMENTS:

[SUB_Regs.pdf](#)

[EXHIBIT_A___PLAT_AND_SUBDIVISION_REGULATIONS.docx](#)

2.12.5 Pre-Design Conference

A pre-design conference is required for all applicants prior to the submittal of a plan or plat, with the exception of minor plats, lot consolidations, and amending plats where it is only recommended for pre-design conference. Attendance at the pre-design conference should include the applicant, the applicant's designated engineer, other professionals as required by the applicant, the Administrator and any other members of the City staff as may be appropriate. The date of the Pre-Design Conference as well as a list of all attendees and notices thereof should be included in the Staff Report for any plats sought thereafter.

2.13 Establishment Of Order For Platting Of Land

Generally, the subdivision process is comprised of four (4) individual steps, including the concept plan or master development plan, the preliminary plat, construction plans, and the replat or final Plat. None of the aforementioned steps may be waived without Council approval. Each step of the development process has established deadlines and expirations that must be met in order for the application and any approval(s) granted to remain valid, in effect, and eligible to continue to the next step of, or to complete, the development process. Compliance with each such established deadline constitutes a separate required performance and approval.

2.13.5 Processing Procedures

1. City Council.
 - a. Final Action. The Council shall hear and take final action on the following subdivision procedures: Concept Plan
 - b. Appeal. The Council shall hear an appeal from the Commission on the following subdivision procedures in accordance with this Chapter:
 - i. Major Plat - Preliminary Plat;
 - ii. Major Plat - Final Plat;
 - iii. Major Plat - Replat;
 - iv. Vacating Plat;
 - v. Minor Plat;
 - vi. Amending Plat;
 - vii. Lot Consolidation.
2. Planning and Zoning Commission.
 - a. Final Action. The Commission shall hear and take final action on the following subdivision procedures:
 - i. Major Plat - Preliminary Plat;
 - ii. Major Plat - Final Plat;
 - iii. Major Plat - Replat;
 - iv. Vacating Plat.

- b. Review and Recommendation. The Commission shall hear and take final action on the following subdivision procedures: a Concept Plan;
- c. Appeal. The Commission shall hear an appeal from the Administrator on the following subdivision procedures in accordance with this Chapter:
 - i. Minor Plat;
 - ii. Amending Plat;
 - iii. Lot Consolidation.
- 3. Administrator (Final Action). The Administrator shall hear and take final action on the following subdivision procedures:
 - a. Minor Plat;
 - b. Amending Plat;
 - c. Lot Consolidation;
 - d. Subdivision Construction Plans - including modifications.
- 4. None of the above listed steps above may be skipped, waived, combined or by-passed without prior approval by City Council.

- 1) 2.15 Concept Plan
- 2) Purpose. The purpose of the Concept Plan (Plan) is to demonstrate conformance with the Comprehensive Plan, compatibility of the proposed development with this and other applicable City ordinances, and the coordination of improvements within and among individually platted divisions of property, sections, or phases of a development, prior to the consideration of a Preliminary Plat.
 - a) A Plan shall be required for all subdivisions of land that propose ten (10) or more lots, except for subdivisions eligible for approval as an Amending Plat, and any property designated as a Planned Development District (PDD) on the official Lago Vista zoning map. For the purposes of determining whether a concept plan is required, the divisions of property to be included in the total number of lots, regardless of the designation used on the plat, shall be limited to those that allow residential and commercial buildings or structures, and shall not include divisions of property on which commercial and residential structures are precluded by language on the proposed plat or by applicable regulations. For example, private drives or streets and common lots preserved as open space shall not be included in the total regardless of how they might be designated on a proposed plat.
 - b) It shall not be necessary to submit a Plan on any land more than once, unless the concept changes, or approval of the Plan has expired, as set forth in subsection 2.15(i) below.
- 3) Format. The Concept Plan application and package to be submitted shall be on paper and/or in digital form as determined by the Administrator. When required, drawings shall be prepared on 22 x 34-inch sheets and 11 x 17-inch reductions at a scale of one (1) inch equals one (1) hundred feet (1" = 100') or one (1) inch equals two (2) hundred feet (1" = 200') with all dimensions measured accurately to the nearest foot.
- 4) Content. The Plan shall contain or have attached thereto:
 - a) Name, address and phone numbers of the developer, record owner, and authorized agents (engineer, surveyor, land planner, etc.)
 - b) Proposed name of the development; date revised and/or prepared; north indicator; scale.

- c) Location map. Use of the latest USGS 7.5 minute quadrangle map is required.
 - d) A layout of the entire tract and its relationship to adjacent property, existing development and recorded plats.
 - e) The owner's name, deed or plat reference and property lines of property within two hundred (200) feet of the development boundaries, as determined by current tax rolls.
 - f) Topographic contours at five (5) foot intervals, or less, unless otherwise approved by the City Engineer.
 - g) Proposed major categories of land use by acreage showing compatibility of land use with the Master Plan.
 - h) Proposed number of residential and nonresidential lots, tracts or parcels together with the estimated:
 - i) Number of LUEs required for each category of lots;
 - ii) Traffic volume to be generated by all proposed development and a Traffic Impact Analysis for projected average daily trips of 200 or more; and
 - iii) Anticipated water & wastewater flows, pressures, etc. that is necessary to gauge potential use.
 - i) Proposed and existing arterial and collector streets required by the Comprehensive Plan and additional such streets as necessary to serve the general area.
 - j) Location of sites for parks, schools and other public uses, and all areas of common ownership.
 - k) Significant drainage features and structures including any regulatory one hundred (100) year floodplains.
 - l) Significant existing features on, or within two hundred (200) feet of, the property boundary, such as railroads, roads, buildings, utilities and drainage structures.
 - m) Approximate boundaries, development density, and anticipated timing of proposed phases of development.
 - n) Identification of known exceptional topographical, cultural, historical, archaeological, hydrological and other physical conditions of the property to be developed, or existing within two hundred (200) feet of the property boundary.
 - o) Location of City limit lines and/or outer border of the City's extraterritorial jurisdiction, as depicted on the City's most recent base map, if either such line traverses the development or is contiguous to the development's boundary.
 - p) A proposed phasing plan for the development of future sections.
 - q) A park plan in conformance with this Ordinance including all land proposed for dedication, all proposed park facilities, and calculations or other information indicating compliance with park requirements.
 - r) Any information required by the most recent City Concept Plan application/checklist.
- 5) Procedure.
- a) Legible prints, or digital finals, shall be submitted to the City along with the completed application forms, payment of all applicable fees, all information required by the most recent application/checklist and any attendant documents needed to supplement the information provided on the Plan.
 - b) The Administrator shall complete a sufficiency review of all information submitted within twenty-one (21) calendar days of the submittal by the applicant. The sufficiency review only determines whether all required components of the application have been

received and not whether that application is complete or that those components are correct.

c) Completion of Sufficiency Review.

- i) If deemed compliant by the Administrator, the application will be forwarded for review by the Development Review Committee, hereinafter referred to as the DRC. This satisfies the sufficiency requirement.
- ii) If deemed noncompliant by the Administrator, the applicant will be notified in writing of the reasons for noncompliance. The applicant shall have one (1) opportunity to submit information to address the noncompliance within sixty (60) calendar days following the noncompliance determination. Failure to meet the deadline or address all noncompliance shall cause the application to be considered denied.

d) Submittal Review.

- i) The DRC shall review the first submittal within fifteen (15) calendar days of the compliant sufficiency review and submit comments to the applicant in writing by the end of this timeframe.
- ii) The applicant shall address all individual comments from the DRC by copying each open comment(s) and providing response(s) to each open comment on official letterhead. This shall also include revised documentation showing the comment has been addressed by the applicant. The applicant shall have sixty (60) calendar days from the end of the DRC review to resubmit to the Department. Failure to address all comments within this timeframe shall cause the application to be considered denied..
- iii) The second and third submittal, if needed, shall be reviewed by the DRC within fifteen (15) calendar days of the applicant's submittal to the City. Responses to the DRC for this submittal shall be subject to the same deadline and consequences as the first submittal.
- iv) Upon the satisfaction of all DRC comments or subsequent third submittal by the applicant, the Plan will be automatically scheduled for public hearings as denoted in subsection (f) below.

6) Review. The DRC shall review the plan for consistency with the Comprehensive Plan, other adopted plans, City codes, policies and plans and then release comments and concerns to the applicant. After comments and concerns from the DRC have been satisfied City staff shall prepare a report analyzing the Plan submittal, and recommending action on the Concept Plan, including any conditions.

7) Public Hearings. The Council and Commission shall hold at least one (1) public hearing. The City shall provide notice as stated below:

a) Notice.

i) Written Notice to Property Owners.

- (1) Written notice shall be given by the City to owners of real property located within two hundred feet (200') of the boundaries of the property under the Plan. Such notice shall be mailed, first class, not less than ten (10) calendar days prior to the date set for the public hearings to all owners who appear on the last approved Travis County Tax Rolls. The notice shall state that a Concept Plan request is pending and shall include the date, time, and place of the Commission and Council public hearings and a description of the matter under consideration.
- (2) The City shall complete and postal mail the individual notices.

- ii) By Publication. The City shall publish at least one notice of the proposed public hearings in the official City newspaper or in a newspaper of general circulation in Lago Vista, Texas, at least fifteen (15) calendar days prior to the date on which the hearing is to occur. The notice shall include the date, time, and place of the public hearings and a description of the matter under consideration.
- iii) Signs On-Premises. At least fifteen (15) calendar days prior to the date on which the hearing is to occur, the City shall place signs on the property easily visible to the public. Signs shall meet the following requirements:
 - (1) Each sign shall be erected on the property for which an application has been filed. At least one (1) sign shall be placed at intervals of 300 feet along the roadway frontage of the property. No more than three (3) signs shall be required on each roadway frontage. If the tract has less than 300 feet of frontage per roadway, then only one sign is required per road.
 - (2) All required signs shall remain on the property until final disposition of the action is determined.

8) Consideration.

- a) If applicable, zoning of the tract shall permit the uses proposed by the Plan, or a zoning amendment necessary to permit the proposed uses shall be required prior to approval of the Plan.
- b) Approval of a Plan constitutes acceptance of the general development and arrangement of lots indicated on the Plan; the classification and arrangement of streets indicated; the proposed phasing plan; and the nature of utility service proposed. Subsequent zoning approvals cannot be guaranteed.
- c) Plan approval does not ensure approval of a Preliminary Plat failing to meet specific requirements of this Ordinance, and approval does not comprise any assurance that permits of any kind will be issued.
- d) Upon denial by the Council, the application expires.

9) Certificates and other language shall be included on the plan, pursuant to the following sections:

- a) An accurate legal description by bearings and distances, including necessary curve and line data, accurate to the nearest one-hundredth of a foot, for all boundary, block and lot lines, with descriptions correlated to a permanent survey monument.
- b) A statement signed by the property owner and acknowledged before a Notary Public as to the authenticity of the signatures, saying that the property owner adopts the plan as shown, described and named.
- c) A place for plan approval signature of the Mayor, a place for the City Secretary to attest such signature, and the approval dates by the Council.
- d) Property owner's and surveyor's certificate, approval blocks.

~~d)10) Approval Expiration. The approval of a Plan shall expire two (2) years after approval by Council unless a preliminary plat on all, or a portion of, the land is filed prior to such expiration date and additional preliminary plats are filed in not greater than two (2) year intervals from approval of the previous preliminary plat until all of the land within the Plan is included within approved preliminary plats.~~

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EXHIBIT A PLAT AND SUBDIVISION REGULATIONS

Section 1 General

1.10 Authority

This Chapter is adopted under the authority of the Constitution and laws of the State of Texas, including particularly Chapter 212, Texas Local Government Code.

1.11 Purpose

The purpose of this Chapter is to provide for the orderly, safe and healthful development of the area within the City and its extraterritorial jurisdiction; to secure adequate provisions for transportation, light, air, recreation, transportation, water, drainage, wastewater, and other facilities; and to promote the health, safety, and general welfare of the community.

1.12 Definitions

For the purpose of this Ordinance, certain terms and words are hereby defined; terms not defined herein shall be construed in accordance with customary usage in municipal planning and engineering practices.

Abutting. Adjacent; joining at a boundary.

Access Strip. A narrow strip of land owned by the City shown on an approved plat whose primary purpose is to allow public use or access, public utilities, or other public purposes through such strip. This strip may or may not be defined as a lot on the approved plat. This definition is independent of an easement, right-of-way, or alley and shall not be construed to be an easement, right-of-way or alley.

Administrator. The City Manager or the person designated by the City Manager to administer the regulations and provisions of this Chapter.

Alley. A minor public right-of-way or private street which is used primarily for vehicular and service access to the back or sides of properties otherwise abutting on a street.

Allowable Density. The number of residential building units allowed per acre of land that is or would be developed for residential purposes.

Berm. A mound or wall of earth or sand created by manmade action.

Block. A unit of land bounded by streets or a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity to development.

Bluff. An abrupt vertical change in topography of more than forty (40) vertical feet with an average slope steeper than four (4) feet of rise for one (1) foot of horizontal travel.

Building Setback Line. A line beyond which building foundations or any building extension other than roof overhang, uncovered porches, uncovered balconies, and uncovered steps must be set back from the property line.

Calendar Days. The number of days specified, unless the last day falls on Saturday, Sunday, or a legal holiday. In the latter case, the last day shall be the next working day.

Central Sanitary Sewer System. A system owned by a municipality or other public entity.

City. The City of Lago Vista, Texas.

City Standards and Specifications. Means a library of City-approved drawings and technical data representing typical drainage, transportation, erosion and sedimentation control, and utility appurtenances to be constructed for City acceptance.

Commission. The Planning and Zoning Commission of the City.

Council. The City Council of the City of Lago Vista.

County. Travis County, Texas.

Critical Water Quality Buffer Zone (CWQBZ). Protection zones for waterway corridors as defined in this chapter.

Crosswalk. A public right-of-way, between property lines, for pedestrian circulation.

Cul-de-Sac. A local street with only one street outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Dead-End Street. A street, other than a cul-de-sac, with only one outlet.

Department. Shall mean the City Development Services Department.

Developer. An individual, partnership, corporation, or governmental entity undertaking the subdivision, platting, or improvement of land and other activities covered by this Chapter, including the preparation of a plat showing the layout of the land and the public improvements involved therein. The term "developer" is intended to include the term "subdivider" even though personnel in successive stages of the project may vary.

Development. Any manmade change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, or excavation for the purpose of constructing permanent structures on the real estate; development does not include agriculture.

Development Review Committee (DRC). The DRC is comprised of staff members representing the various departments and divisions involved in the review and approval process (administration, planning, engineering, building inspection, public works, fire prevention, parks and health). The DRC is responsible for review of development and building plans, subdivision plats and zoning applications. It offers reports and recommendations to both Commission and Council pertaining to applications and proposals requiring actions by these bodies.

Double Fronting Lot. A lot which fronts upon two (2) parallel streets, or which fronts upon two (2) streets which do not intersect at the boundaries of the lot.

Dwelling Unit. A unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement. A grant of one (1) or more of the property rights by the property owner to and/or for the use by the public, corporation, or another person or entity.

Easement, Avigation. An air-rights easement which protects air lanes around airports.

Easement, Drainage. An easement required for the installation of stormwater sewers or drainage ditches, and/or required for the preservation or maintenance of a natural stream or watercourse or other drainage facility.

Engineer. A person authorized under the provisions of the Texas Engineering Registration Act to practice the profession of engineering.

Extraterritorial Jurisdiction (ETJ). That territory outside the corporate limits of the City which is within the jurisdiction of the City by virtue of the Municipal Annexation Act, Chapter 42, Texas Local Government Code or which is subject to the City's authority due to an agreement with another municipality.

Flag Lot. An existing or proposed division of property that abuts a street only by means of a strip of land that does not comply with the requirements of this chapter or the zoning ordinance for minimum lot width. For one- or two-family residential development, a flag lot shall also include any lot that does not allow the width of the principal structure to be visible and oriented approximately parallel to the street frontage.

Flood. A general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Protection Elevation, Regulatory. (See: Floodplain Ordinance).

Governing Body. The Council of the City of Lago Vista, Texas.

Homeowners' or Property Owners' Association. A community association, other than a condominium association, which is organized in a development in which individual owners share common interests in open space or facilities.

Impervious Cover. Roads, parking areas, buildings, and other impermeable construction covering the natural land surface including but not limited to all streets, driveways, buildings and structures within a development.

Living Unit Equivalent (LUE). An LUE is the typical water or wastewater flow that would be produced by a single family. For nonresidential uses, flows based on design data should be calculated and converted to LUEs.

Lot.

- (a) A division of real property with a unique designation shown on a plat, record of survey, parcel map, or subdivision map recorded in the office of the Travis County Clerk (also see Section 2.15 and Section 4.21 below); or
- (b) A division of real property established by a provision of the Lago Vista zoning ordinance, subdivision regulations, or applicable state statutes.

Lot Area. The total area within the boundaries of the lot excluding any street rights-of-way.

Lot, Corner. A lot or parcel of land abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

Lot Depth. The distance measured from the front lot line to the rear lot line. Where the front and rear lot lines are not parallel, the lot depth should be measured by drawing lines from the front to the rear lot lines, at right angles to the front lot line every ten (10) feet, and averaging the length of these lines.

Lot Line. A line of record bounding a lot which divides one (1) lot from another lot or from a public or private street, right-of-way or any other public space.

Major Plat. Any plat not classified as a minor or amending plat.

Master Development Plan. A graphic representation and narrative description of a large area of land intended for eventual development in phases involving a single parcel or a number of contiguous parcels.

Minor Plat. A proposed subdivision with four or fewer lots, with said lot or lots fronting on an existing street, and not requiring the creation of any new street or the extension of municipal facilities. Any property to be subdivided using a minor plat shall already be served by all required utilities and services. If the development of any lot within the proposed subdivision will require the construction of a new street (or portion thereof) or a public improvement (e.g., drainage facility, etc.), then the plat shall be classified as a major plat.

Mobile Home. A structure constructed according to the rules of the United States Department of Housing and Urban Development and that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems.

Mobile Home Park. A site with required improvements and utilities for the long-term parking of mobile homes for residential purposes.

Multifamily. Any use of lots or tracts on which are built three or more dwelling units, within one building.

Neighborhood Park. A park provided for a variety of outdoor recreational opportunities located within a residential subdivision or within a close proximity or convenient distance of the majority of residences to be served thereby so that the residential subdivision or subdivisions so located shall be the primary beneficiaries of these facilities.

100-Year and 25-Year Floodplains. Those levels under fully developed conditions above mean sea level to which it is anticipated water will rise in Lake Travis or watercourses during storms that will likely occur at least one time during a 100- or 25-year period.

Overland Drainage. Stormwater runoff not confined by any natural or manmade channel such as a creek, drainage ditch, storm sewer, or the like.

Parkland. Greenspace that is required and has been accepted by the Council in accordance with this Chapter and is to be used for passive and/or active recreation.

Parkway. That portion of the right-of-way between the curb or edge of road pavement and the right-of-way line.

Person. Any individual, association, firm, corporation, governmental agency, political subdivision or other legal entity.

Plan, Comprehensive. The comprehensive plan of the City and adjoining areas approved by the Council, including all its revisions.

Plan, Concept. A generalized plan of development that meets the requirements of this Ordinance.

Plan or Plat Package. Includes all drawings, instruments, written specifications, reports, test results, covenants, and other similar items required in this ordinance.

Planned Development or Planned Development District. A development provided for by the zoning ordinance of the city wherein certain yards, areas and related standards may be varied (or exceptions granted) and a variety of land uses associated on a tract, the plan of which is subject to approval by the Commission and Council.

Plat. A map representing a tract of land, showing the boundaries and location of individual properties and streets.

Plat Drawing. A drawing or drawings depicting the proposed subdivision layout itself, along with associated certifications, dedications and related notations.

Plat, Final. The final map of all or a portion of a subdivision which is presented to the proper review authority for final approval.

Plat, Preliminary. A preliminary map indicating the proposed layout of a subdivision which is submitted to the review authority for consideration and preliminary approval.

Pre-Design Conference. A conference between a developer and the City staff, held prior to application for approval of a plat, for the purposes of exchanging information and identifying potential problems with a proposed development.

Private Street. A street which is constructed owned and maintained by an individual, privately owned organization or a homeowners' association.

Replatting. The alteration of any part or all of any lot, block or tract of a previously platted subdivision.

Residential Area. Any area within a subdivision plat which in whole or in part is platted for the development of dwelling units or residences, whether some be single-family, multifamily, owner occupied or rental dwelling units and including townhouses, condominiums and apartments.

Resubdivision. Any change in a map of an approved and recorded plat that affects:

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- (a) Any street layout on the map or area reserved thereon for public use; or
 - (b) Any lot line, or that affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions or plats.

Setback Distance. The minimum distance required between a structure and the front, side or rear boundary line of the parcel of land on which the structure is located.

Shall, May. The word "shall" is always mandatory. The word "may" is merely discretionary.

Single-Family Residence. A detached building occupied or suitable for occupancy by one family as a residence, and having kitchen, bath and sanitary facilities and appropriate appurtenances.

Shoreline. The edge of the water during normal level or flow conditions. In the case of Lake Travis, it is the six hundred eighty-one (681) foot MSL contour. In the case of intermittent streams, it is the centerline of the waterway.

Soil Tests. Percolation tests, soil boring profiles, geologic tests and profiles, groundwater table tests, and any other tests which may be required by the County Health Department or the City.

Staff or City Staff. The employees and the professionals providing services to the City authorized or permitted by the Council to undertake any duty or to provide any review, work or service contemplated by the terms of this ordinance to be undertaken by City personnel.

Street. The entire width between the boundary lines of every way publicly or privately maintained when any part thereof is open to the use of the public or owners of a development for purposes of vehicular travel.

- (a) A "major thoroughfare," "arterial street" or "expressway" primarily provides vehicular circulation to various sections of the City.
- (b) A "collector street" primarily provides circulation within neighborhoods, to carry traffic from local streets to arterial or major thoroughfare streets, or to carry traffic through or adjacent to commercial or industrial areas.
- (c) A "local street" is a street designed primarily for access to abutting residential property. A local street does not include roadways that carry through traffic, but will generally be intersected frequently by "collector streets."

Street, Width. That distance within street right-of-way (ROW).

Structure. Anything constructed or erected which requires location on or in the ground or attached to anything having a location on or in the ground that is of a permanent nature and such is a constructed or an erected object that is positioned on private property or in a street right-of-way of the city posing a danger or threat to the safety and/or welfare of the public.

Subdivider. Any person, or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. The term "subdivider" shall be restricted to include only the owner, equitable owner, or authorized agent of such owner or equitable owner, of land sought to be divided.

Subdivision. A division of any tract of land, situated within the corporate limits of the City of Lago Vista or within its extraterritorial jurisdiction, into two (2) or more parts for the purpose of laying out any addition to the city, or for laying out lots or building lots, or any lots, and streets, alleys, access easements, public utility easements, or parks or other portions intended for public use or the use of purchasers or owners of lots. Divisions of land in parcels of which all the parcels are greater than five (5) acres, shall not be included within this definition of "subdivision," unless any such division includes the planning or development of a new public or private street or access easement, or public utility easement and all parts of the subdivision have at least 30 feet of frontage on a public street, and no public improvement is being dedicated. The term subdivision shall include replats.

Subdivision Variance (Variance). A grant of relief to a person from the requirements of the subdivision ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited or otherwise deviates from the subdivision ordinance.

Surveyor. A licensed State Land Surveyor or a Registered Public Surveyor, as authorized by State statute to practice the profession of surveying.

Traffic Impact Analysis (TIA). A study that provides information on the projected traffic generated by a proposed development, assesses the effect of the proposed development on a roadway near the development, identifies a potential traffic operational problem or concern and recommends solutions/actions to address the problems/concerns and assesses the potential vehicular trips generated by other undeveloped sites in the established study boundary.

Uplands Zone. All lands and waters that are not included within the Critical Water Quality Zone or the Water Quality Buffer Zone.

Utility Easement. An interest in land granted to the City, to the public generally, and/or to utilities, for installing or maintaining utilities across, over or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utilities.

Wastewater Disposal System. Any publicly or privately owned system for the collection, treatment, and disposal of sewage that is operated in accordance with the terms and conditions of a valid waste discharge permit issued by the Texas Water Commission or appropriate regulatory agency.

Words and terms not expressly defined herein are to be construed in accordance with customary usage in municipal planning and engineering practices.

(Ord. 21-05-06-03 on 5/6/2021; Ord. 23-04-06-01 on 4/6/2023)

1.13 Application and Compliance

- (a) This chapter shall govern the subdivision, resubdivision, platting, and development of land within the corporate limits and extraterritorial jurisdiction of the City. This Chapter shall also govern the combining of one or more lots into a single lot.
- (b) Prior to the subdivision or resubdivision of land in the City limits and the extraterritorial jurisdiction, or the development of unplatted property in the City limits, a plat shall be prepared and approved by the city in accordance with this chapter and developed in accordance with the Code of Ordinances.
- (c) No person shall create a subdivision, as herein defined, without complying with the provisions of this ordinance. All plats and subdivision of any land shall conform to state and federal laws and applicable City ordinances.
- (d) **Applicable to Existing Unrecorded Subdivisions.** This chapter shall apply to any proposed subdivision submitted for approval prior to June 4, 2009, but which does not receive preliminary plat approval within six (6) months after June 4, 2009, and any subdivision that obtained preliminary plat approval before June 4, 2009, but that does not obtain final plat approval within one (1) year after the date of the preliminary plat approval. All subdivision plats submitted for approval prior to June 4, 2009 shall, except as provided in the preceding sentence comply with the provisions of the preexisting Chapter 10, Code of Ordinances, as applicable, only to the extent allowed by Chapter 245, Texas Local Government Code, and only if such plat has not expired under the provisions of the preexisting Chapter 10. Provided further by resolution of the Council, after recommendation by the commission, the time for obtaining final approval and recording the final plat of a subdivision may be extended an additional ninety (90) days upon demonstration of good cause by the owner or developer of the land being platted. Final plats approved by the City before June 4, 2009, but not recorded within two (2) years of the approval shall be deemed to have expired.

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- (e) Requirements for Permits. Unless an existing plat has obtained approval and recorded a final plat or replat or unless such plat has obtained a resolution, as described in subsection (d) above, and said exception is adopted and filed of record no building, repair, plumbing, electrical, or site development permit shall be issued by the city for any structure on a lot, tract or parcel of land in the plat. Provided, however, in the case of the granting of an exception, such permit shall be issued in accordance with the specific requirements of the exception as set forth in the resolution.
- (f) Acceptance of Streets and Utilities. The City shall not repair, maintain, install or provide any streets or public utility services in any subdivision unless a Resolution has been adopted and filed of record pursuant to subsection (d) or a final plat has been adopted and filed of record and the City Council has accepted the improvements by Resolution and the City has released any maintenance bonds in accordance with the requirements of this Chapter. Provided, however, in case a variance has been granted the repairs, maintenance, installation and provision of streets or public utility services shall be in accordance with the specific requirements of that variance as set forth in the resolution.
- (g) Utility Services.
- (1) The City shall not provide water or sewer service outside the corporate limits of the City.
 - (2) The City shall not sell or supply any water or wastewater services to or within any land platted after June 4, 2009 for which a final plat has not been approved and filed of record unless a resolution has been adopted and filed of record pursuant to subsection (d) above. Provided, however, in case an exception has been granted, the City shall sell and supply water or wastewater services in accordance with the specific requirements of that exception as set forth in the resolution.
 - (3) No water and/or wastewater connection shall be made by the City until the requirements as to the installation of water and wastewater mains have been complied with within the block facing the street on which the property is situated. This includes chlorination and satisfactory testing of lines serving the property for which a connection request is made.

1.14 Subdivision Variance Process

- (a) It is the expressed intent of this Chapter that all sections and parts should be complied with except in those instances when the provisions of this section are applicable. It is further the intent of this Ordinance that the granting of a variance from the requirements hereof, shall not be a substitute for the amending of this Chapter or other parts of the Code of Ordinances.
- (b) Only the Commission shall have authority to approve Subdivision Variances.
- (c) The Commission may approve a Subdivision Variance when, in its opinion, undue hardship will result from requiring strict compliance. In considering, the Commission may prescribe such conditions that it deems necessary or desirable in the public interest. In making the findings herein below required, the Commission shall take into account, at least, the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such Variance upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity. No Variance shall be granted unless the Commission finds:
- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would have a substantial adverse impact on the applicant's reasonable use of his land;
 - (2) That the granting of the Variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and

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- (3) That the granting of the Variance will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this Chapter.
 - (d) Such findings of the Commission, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the meeting at which such Variance is granted.
 - (e) Variances may be granted only when in harmony with the general purpose and intent of this Ordinance so that the public health, safety and welfare may be secured and substantial justice served.
 - (f) Approved Variances shall be placed within the notes on the final plat.
 - (g) The Commission may deny the Variance, and/or approve in whole or part with conditions.
 - (h) Compliance with Variance. In any case where a final plat has not been approved or recorded but a Variance has been obtained, the Subdivision or Development must comply with all conditions and requirements of the Variance where these vary with this Chapter. In all other instances the Subdivision or Development shall comply with the requirements of this Chapter. Unless the Subdivision or Development fully complies with the conditions set forth in this section the City shall not issue the permits, repair, maintain, install or provide streets or public utility services to the subdivision or development.
 - (i) Subdivision Variance Appeals. An applicant may appeal the Commission's denial to the Council. Any appeal must be made within thirty (30) calendar days from the day of such decision of the Commission and not thereafter. The City Council may affirm, modify, or reverse the decision of the Commission. Notice shall be in accordance with Chapter 14, Article 14.200, Section 13.40.
 - (j) Final Plat. Approval of a preliminary plat by the Commission or the Council upon appeal shall not constitute approval of the final plat.
 - (k) Subdivision Variance Process.
 - (1) A Subdivision Variance must be approved by the Commission, or the Council on appeal, before any preliminary plat, amended plat, minor plat, lot consolidation, or replat can be approved by the City.
 - (2) Application for a Subdivision Variance will be on a separate application from any platting application.
 - (3) Subdivisions that are a part of an approved Concept Plan which has received a Variance for that portion of the proposed plat are exempt from this Section.

1.14.5 Administrator Interpretation Appeal

- (a) A decision or determination by the Administrator may be appealed to the Commission. Such appeal shall be made to the Department in writing within ten (10) business days from the decision or determination and shall be considered by the Commission not later than thirty calendar (30) days after receipt of such appeal.
- (b) A decision or determination by the Planning & Zoning Commission may be appealed to the Council. Such appeal shall be made to the Department in writing within ten (10) business days from the decision or determination and shall be considered by the Council not later than thirty calendar (30) days after receipt of such appeal.
- (c) A decision or determination by the City Engineer is not appealable.

1.15 Enforcement

- (a) In addition to any and all administrative procedures and measures to ensure compliance with this Chapter, at the direction of the Council, the City Attorney may institute appropriate action in a court of competent jurisdiction to enforce the provisions of this Chapter, or the standards referred to herein, with respect to any violation thereof which occurs within any area subject to all or a part of the provisions of this Chapter.

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- (b) Any person who shall violate any of the provisions of this Ordinance, or shall fail to comply therewith, or with any of the requirements thereof, within the City limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of two thousand dollars (\$2,000.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.
 - (c) Administrative Action. The Administrator shall enforce this Ordinance by appropriate administrative action, including but not limited to the rejection of plans, maps, plats, and specifications not found to be in compliance with this Ordinance and good engineering practices, and the issuance of stop-work orders.

1.16 Chapter 245 Determination

- (a) Application for Establishment of Chapter 245 Rights. The provisions of this Section shall apply to any application for a permit or any other approval of a project for which an applicant desires to establish development rights under Chapter 245 of the Texas Local Government Code. There are two basic types of Chapter 245 determinations.
 - (1) The first type of Chapter 245 determination involves a demonstration by the applicant that a project is vested with Chapter 245 development rights because the original application for a permit gave the City Fair Notice of the project and of the nature of the permit being sought and neither a permit nor the project have expired.
 - (2) The second type of Chapter 245 determination involves a demonstration by the applicant that a project or permit is entitled to be reviewed in accordance with the regulations of the City in effect on the date that the original application for the first permit in the series of permits was filed because progress toward the completion of the project has been made by the applicant even though the permit and/or project time limits have expired.
 - (3) An applicant, in order to establish development rights for a particular project, may need to demonstrate both Fair Notice of the project and that progress toward completion of the project has been made.
- (b) Expiration of Existing Permits Without Expiration Dates.
 - (1) Any permit that has an approval date that is prior to May 11, 2000, and that does not have an expiration date, and for which no progress had been made toward completion of the project as of May 11, 2000, is hereby deemed to have expired as of May 11, 2004, and shall no longer be considered valid.
 - (2) Any permit or approval that is not included in Subsection (b)(1) above and that does not have an expiration date, and where no progress towards completion of the project has occurred shall expire on January 31, 2017.
- (c) Expiration of Existing Projects Without Expiration Dates.
 - (1) Any project that does not have an expiration date and where no progress towards completion of the project has occurred shall expire on the fifth (5th) anniversary of the effective date of this Ordinance.
 - (2) Any other project governed by this Code of Ordinances shall expire on the fifth (5th) anniversary from the date that the first permit in the series of permits is approved, unless progress towards completion of the project has occurred and been substantiated by sufficient evidence of such progress as required in subsection (d) below.
 - (3) Any project governed by this Code of Ordinances shall expire on the (5th) anniversary from the date of the issuance of any permit in the series of permits unless progress towards completion of the project has occurred and been substantiated by sufficient evidence of such progress as required in subsection (d) below.

(d) Applications for Chapter 245 Determination.

- (1) An application related to a demonstration that the city has Fair Notice of the project shall be submitted in a form prescribed by the City, and shall be initially reviewed for completeness to ensure that all required items are available for technical review purposes. The application shall state the proposed date of applicable rules for the first permit in the series of permits, and the applicant shall supply documentation in support of the request. The burden of proof is on the applicant to provide sufficient written information to substantiate a claim under this section. One or all of the following items may be considered as part of the Fair Notice Documentation:
 - (A) Any of the documentation described in Subsection (3) below.
 - (B) Documentation that clearly shows specific land uses, densities and intensities.
 - (C) Documentation that shows the layout of streets, public easements, parking areas and building footprints.
 - (D) Any other documentation that the applicant believes provides evidence of Fair Notice.
- (2) Chapter 245 development rights shall only apply to the specified land uses, densities and intensities set forth in the Fair Notice Documentation provided by the applicant. Any modification of the land uses, densities or intensities from those set out in the Fair Notice Documentation shall be considered a new project subject to current City regulations.
- (3) An application related to a demonstration that a permit or project has not expired because progress has been made toward completion of the project shall be submitted in a form prescribed by the City, and shall be initially reviewed for completeness to ensure that all required items are available for technical review purposes. The application shall state the proposed date of applicable rules for the first permit in the series of permits, and shall clearly describe each permit that has been issued and the date of approval for each subsequent permit. The applicant shall provide a statement in narrative form that describes the efforts that have been undertaken toward completion of the project and shall supply documentation in support of the request. The burden of proof is on the applicant to provide sufficient written information to substantiate a claim under this section. One or all of the following items may be considered:
 - (A) Copy of an application for a final plat or plan that was previously submitted to a regulatory agency;
 - (B) Proof that a good-faith attempt was previously made to file with a regulatory agency an application for a permit necessary to begin or continue towards completion of the project;
 - (C) Documentation of costs that have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located;
 - (D) Documentation of fiscal security posted with a regulatory agency to ensure performance of an obligation required by the regulatory agency; or
 - (E) Documentation of utility connection fees or impact fees for the project paid to a regulatory agency.
- (4) The provisions of Subsection (3) above shall only apply to the project and specified land uses, densities and intensities set forth in the permits that have been previously approved by the City. Any modification of the land uses, densities or intensities shall be considered a new project and subject to current City regulations.

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- (5) Any application for a Chapter 245 determination that is not deemed complete by the City shall be rejected, and the applicant shall be notified in writing of the missing or incomplete items within ten (10) working days of the submission of the application. An incomplete application shall expire if the missing or incomplete items are not provided by the applicant within forty-five (45) calendar days of the date of initial submission of the application.
 - (6) Each application shall be reviewed by the Administrator, in consultation with the City Attorney. Where the documentation submitted by the applicant is adequate to confirm a determination that rights exist under Chapter 245, then the regulations in place at the time such rights vested shall be applied in the further review and processing of permits for the project.
 - (7) The Administrator shall either confirm or deny the application within forty-five (45) calendar days of the date of the receipt of a complete application.
 - (8) The applicant may appeal a final determination by the Administrator under this Section to the City Council within ten (10) calendar days of the date of their decision of the application.
 - (9) The City may enter into a consent agreement with the applicant that is intended to resolve a good-faith dispute concerning development rights and applicable regulations in order to avoid the cost and uncertainty of litigation to both parties.
 - (e) Expiration of Permit applications. A permit application or application for plat approval shall expire on the forty-fifth (45th) calendar date after the date that the application is filed if:
 - (1) The applicant fails to provide documents or other information necessary to comply with the City's requirements relating to the form and content of the permit or plat application;
 - (2) The City provides to the applicant not later than the tenth (10th) business day after the date the application is filed written notice of the failure that specifies the necessary documents or other information and the date the application will expire if the documents or other information is not provided; and
 - (3) The applicant fails to provide the specified documents or other information within the time provided in the notice.

Section 2 Processing of Proposed Subdivisions and Development

2.10 Advice and Cooperation

Advice and cooperation in the preparing of plats will be reasonably given by the Commission and appropriate members of the City staff.

2.11 Fees

- (a) Fees and charges shall be collected by the City in advance of the filing of any concept plan, plat, or replat application with the City for processing and consideration. No action by the, Administrator, staff, the Commission, or Council shall be valid until such fees are paid.
- (b) A receipt must be obtained from the proper officer specifying that the fees provided for herein have been paid. The receipt shall be attached to the formal request for plat review and processing.
- (c) No filing fee shall be refunded because a preliminary plat, final plat, or any other plat or plan is later withdrawn or disapproved.

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- (d) The amounts to be charged shall be established in the City's fee ordinance as adopted by the Council and adjusted from time to time as necessary to sustain efficient planning and development services and comply with laws and regulations.

2.12 Applications

Requests for approval of plats, variance, and appeals must be filed with the City, in writing, on a form prescribed by the City. An application for plat approval shall not be deemed to be made until a complete application package has been filed with the City. The filing date of an application for approval of a plat is the date on which the following items are filed with the City:

- (a) Complete, signed application form;
- (b) Copy of receipt for filing fees;
- (c) All other certificates, plans, documents and instruments required by this Chapter; and
- (d) The number of copies of proposals as determined by the Administrator, having the form and content specified in this Chapter.

2.12.5 Pre-Design Conference

A pre-design conference is required for all applicants prior to the submittal of a plan or plat, with the exception of minor plats, lot consolidations, and amending plats where it is only recommended for pre-design conference. Attendance at the pre-design conference should include the applicant, the applicant's designated engineer, other professionals as required by the applicant, the Administrator and any other members of the City staff as may be appropriate.

2.13 Establishment of Order for Platting of Land

Generally, the subdivision process is comprised of four (4) individual steps, including the concept plan or master development plan, the preliminary plat, construction plans, and the replat or final Plat. Each step of the development process has established deadlines and expirations that must be met in order for the application and any approval(s) granted to remain valid, in effect, and eligible to continue to the next step of, or to complete, the development process. Compliance with each such established deadline constitutes a separate required performance and approval.

2.13.5 Processing Procedures

- (a) City Council.
 - (1) Final Action. The Council shall hear and take final action on the following subdivision procedures:
Concept Plan
 - (2) Appeal. The Council shall hear an appeal from the Commission on the following subdivision procedures in accordance with this Chapter:
 - (A) Major Plat - Preliminary Plat;
 - (B) Major Plat - Final Plat;
 - (C) Major Plat - Replat;
 - (D) Vacating Plat;
 - (E) Minor Plat;

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- (F) Amending Plat;
 - (G) Lot Consolidation.
- (b) Planning and Zoning Commission.
- (1) Final Action. The Commission shall hear and take final action on the following subdivision procedures:
 - (A) Major Plat - Preliminary Plat;
 - (B) Major Plat - Final Plat;
 - (C) Major Plat - Replat;
 - (D) Vacating Plat.
 - (2) Review and Recommendation. The Commission shall hear and take final action on the following subdivision procedures: a Concept Plan.
 - (3) Appeal. The Commission shall hear an appeal from the Administrator on the following subdivision procedures in accordance with this Chapter:
 - (A) Minor Plat;
 - (B) Amending Plat;
 - (C) Lot Consolidation.
- (c) Administrator (Final Action). The Administrator shall hear and take final action on the following subdivision procedures:
- (1) Minor Plat;
 - (2) Amending Plat;
 - (3) Lot Consolidation;
 - (4) Subdivision Construction Plans - including modifications.

(Ord. 21-05-06-03 on 5/6/2021)

2.14 Subdivision as Unit of Larger Tract Master Development Plan

- (a) Generally. If the proposed Subdivision constitutes a unit of a larger tract owned or controlled by the subdivider, which is intended to be subsequently subdivided as additional units of the same Subdivision or Development and the Subdivision or Development is within a Planned Development District, the preliminary or final plat shall be accompanied by a Master Development Plan of the entire area, showing the tentative proposed layout of streets, blocks, drainage, water, sewage, parks, schools and other improvements for such areas. If the remaining property is not intended for development such property shall be shown on the master development plan as vacant land. Any Plan must include the entirety of the tract unless a waiver is granted by the Director.
- (b) Approval of Plat by Sections. An owner and/or developer, at his option, may obtain approval of a portion or a section of a subdivision, provided he meets all the requirements of this Chapter with reference to such portion or section. In the event a subdivision and the final plat thereof is approved in sections, each final plat of each section is to carry the name of the entire subdivision, but is to be distinguished from each other section by a distinguishing letter, number or subtitle. Lot numbers shall run consecutively and names shall be consistent throughout the entire subdivision, even though such subdivision may be finally approved in sections.

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- (c) Master Development Plan Package. The Master Development Plan, in paper and digital Format, as determined by the Administrator, shall contain the following:
- (1) Maps and Narrative. Maps and associated narrative information that will adequately explain all substantial aspects of the proposed development as it exists at the preliminary design and concept stage. Contents of master development plan package, if presented, may include all or part of the items listed in this Section. If the developer elects to submit a partial master development plan, the items presented will be reviewed by the Commission, and, to the extent of the material submitted, the developer will be advised to the extent the Commission observes any potential problems or adverse impacts of the proposed development.

Plans and map scale shall be such that they are legible on 24 x 36 inch paper and 11 X 17 inch reductions in a quantity determined by the administrator.
 - (2) Phased Development. If the development of a single tract or parcel of land is to occur in phases, the Master Development Plan shall show all phases of development, the sequence of the phasing, and indicating how development is proposed or anticipated to occur.
 - (3) Facility Location. A proposed Master Development Plan should indicate a coordinated development strategy. As applicable, the Master Development Plan should show preliminary location and arrangements for:
 - (A) Streets. General widths and rights-of-way, access and frontage proposals, bridges and culverts.
 - (B) Water. Point(s) of connection, on- and off-site improvements.
 - (C) Wastewater. Point(s) of connection, on- and off-site improvements.
 - (D) Utility and drainage easements, existing and proposed.
 - (E) Major Drainage System Elements. On- and off-site and required water quality buffers in accordance with the Highland Lakes Watershed Ordinance standards and this chapter.
 - (F) Flood Hazard Areas. The 1% chance floodplain as shown on the adopted flood insurance rate map.
 - (G) Existing and proposed land use and zoning.
 - (H) General lot layout and street frontage arrangements.
 - (I) Sites for schools, parks and other public facilities.
 - (J) Information related to access to existing public streets and for multifamily and commercial lots.
 - (K) Site topography depicting contours of at no less than ten (10) foot contour intervals.
 - (L) Relationship to adjoining property boundaries.
- (d) Public Plans. The master development plan shall take into account current public plans for the elements covered above. The Staff review will be guided by City policies, good engineering practices, and public plans, including:
- (1) Comprehensive plan;
 - (2) Water master plan;
 - (3) Wastewater master plan.
- (e) Process. Preliminary and final plats shall follow the approved Master Development Plan. If there are changes or amendments to the Master Development Plan, the applicant for plat approval shall also submit a new,

amended Master Development Plan for the entire tract first approved by the City. The amended Master Development Plan should be approved prior to approval of a preliminary or final plat.

- (f) Master Development Plan and Zoning. If zoning changes are needed, the master development plan shall not be approved until after the zoning or rezoning is approved. A Master Development Plan may be submitted for consideration at the same time as a zoning or rezoning for the property involved. The commission or council may approve a Master Development Plan conditioned on approval of the proposed zoning change. If the rezoning is denied, the Master Development Plan shall be deemed to have been denied.
- (g) Term. The term of a Master Development Plan shall be five (5) years. The Master Development Plan shall expire in five (5) years from the date of approval, unless a final plat is recorded within the area of the Master Development Plan.

2.15 Concept Plan

- (a) Purpose. The purpose of the Concept Plan (Plan) is to demonstrate conformance with the Comprehensive Plan, compatibility of the proposed development with this and other applicable City ordinances, and the coordination of improvements within and among individually platted divisions of property, sections, or phases of a development, prior to the consideration of a Preliminary Plat.
 - (1) A Plan shall be required for all subdivisions of land that propose ten(10) or more lots, except for subdivisions eligible for approval as an Amending Plat, and any property designated as a Planned Development District (PDD) on the official Lago Vista zoning map. For the purposes of determining whether a concept plan is required, the divisions of property to be included in the total number of lots, regardless of the designation used on the plat, shall be limited to those that allow residential and commercial buildings or structures, and shall not include divisions of property on which commercial and residential structures are precluded by language on the proposed plat or by applicable regulations. For example, private drives or streets and common lots preserved as open space shall not be included in the total regardless of how they might be designated on a proposed plat.
 - (2) It shall not be necessary to submit a Plan on any land more than once, unless the concept changes, or approval of the Plan has expired, as set forth in subsection 2.15(i) below.
- (b) Format. The Concept Plan application and package to be submitted shall be on paper and/or in digital form as determined by the Administrator. When required, drawings shall be prepared on 22 x 34-inch sheets and 11 x 17-inch reductions at a scale of one (1) inch equals one (1) hundred feet (1" = 100') or one (1) inch equals two (2) hundred feet (1" = 200') with all dimensions measured accurately to the nearest foot.
- (c) Content. The Plan shall contain or have attached thereto:
 - (1) Name, address and phone numbers of the developer, record owner, and authorized agents (engineer, surveyor, land planner, etc.).
 - (2) Proposed name of the development; date revised and/or prepared; north indicator; scale.
 - (3) Location map. Use of the latest USGS 7.5 minute quadrangle map is required.
 - (4) A layout of the entire tract and its relationship to adjacent property, existing development and recorded plats.
 - (5) The owner's name, deed or plat reference and property lines of property within two hundred (200) feet of the development boundaries, as determined by current tax rolls.
 - (6) Topographic contours at five (5) foot intervals, or less, unless otherwise approved by the City Engineer.
 - (7) Proposed major categories of land use by acreage showing compatibility of land use with the Master Plan.

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- (8) Proposed number of residential and nonresidential lots, tracts or parcels together with the estimated:
 - (A) Number of LUEs required for each category of lots;
 - (B) Traffic volume to be generated by all proposed development and a Traffic Impact Analysis for projected average daily trips of 200 or more; and
 - (C) Anticipated water & wastewater flows, pressures, etc. that is necessary to gauge potential use.
 - (9) Proposed and existing arterial and collector streets required by the Comprehensive Plan and additional such streets as necessary to serve the general area.
 - (10) Location of sites for parks, schools and other public uses, and all areas of common ownership.
 - (11) Significant drainage features and structures including any regulatory one hundred (100) year floodplains.
 - (12) Significant existing features on, or within two hundred (200) feet of, the property boundary, such as railroads, roads, buildings, utilities and drainage structures.
 - (13) Approximate boundaries, development density, and anticipated timing of proposed phases of development.
 - (14) Identification of known exceptional topographical, cultural, historical, archaeological, hydrological and other physical conditions of the property to be developed, or existing within two hundred (200) feet of the property boundary.
 - (15) Location of City limit lines and/or outer border of the City's extraterritorial jurisdiction, as depicted on the City's most recent base map, if either such line traverses the development or is contiguous to the development's boundary.
 - (16) A proposed phasing plan for the development of future sections.
 - (17) A park plan in conformance with this Ordinance including all land proposed for dedication, all proposed park facilities, and calculations or other information indicating compliance with park requirements.
 - (18) Any information required by the most recent City Concept Plan application/checklist.
- (d) Procedure.
- (1) Legible prints, or digital finals, shall be submitted to the City along with the completed application forms, payment of all applicable fees, all information required by the most recent application/checklist and any attendant documents needed to supplement the information provided on the Plan.
 - (2) The Administrator shall complete a sufficiency review of all information submitted within twenty-one (21) calendar days of the submittal by the applicant. The sufficiency review only determines whether all required components of the application have been received and not whether that application is complete or that those components are correct.
 - (3) Completion of Sufficiency Review.
 - (A) If deemed compliant by the Administrator, the application will be forwarded for review by the Development Review Committee, hereinafter referred to as the DRC. This satisfies the sufficiency requirement.
 - (B) If deemed noncompliant by the Administrator, the applicant will be notified in writing of the reasons for noncompliance. The applicant shall have one (1) opportunity to submit information to address the noncompliance within sixty (60) calendar days following the noncompliance determination. Failure to meet the deadline or address all noncompliance shall cause the application to be considered denied.

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- (4) Submittal Review.
- (A) The DRC shall review the first submittal within fifteen (15) calendar days of the compliant sufficiency review and submit comments to the applicant in writing by the end of this timeframe.
 - (B) The applicant shall address all individual comments from the DRC by copying each open comment(s) and providing response(s) to each open comment on official letterhead. This shall also include revised documentation showing the comment has been addressed by the applicant. The applicant shall have sixty (60) calendar days from the end of the DRC review to resubmit to the Department. Failure to address all comments within this timeframe shall cause the application to be considered denied.
 - (C) The second and third submittal, if needed, shall be reviewed by the DRC within fifteen (15) calendar days of the applicant's submittal to the City. Responses to the DRC for this submittal shall be subject to the same deadline and consequences as the first submittal.
 - (D) Upon the satisfaction of all DRC comments or subsequent third submittal by the applicant, the Plan will be automatically scheduled for public hearings as denoted in subsection (f) below.
- (e) Review. The DRC shall review the plan for consistency with the Comprehensive Plan, other adopted plans, City codes, policies and plans and then release comments and concerns to the applicant. After comments and concerns from the DRC have been satisfied City staff shall prepare a report analyzing the Plan submittal, and recommending action on the Concept Plan, including any conditions.
- (f) Public Hearings. The Council and Commission shall hold at least one (1) public hearing. The City shall provide notice as stated below:
- (1) Notice.
- (A) Written Notice to Property Owners.
 - (i) Written notice shall be given by the City to owners of real property located within two hundred feet (200') of the boundaries of the property under the Plan. Such notice shall be mailed, first class, not less than ten (10) calendar days prior to the date set for the public hearings to all owners who appear on the last approved Travis County Tax Rolls. The notice shall state that a Concept Plan request is pending and shall include the date, time, and place of the Commission and Council public hearings and a description of the matter under consideration.
 - (ii) The City shall complete and postal mail the individual notices.
 - (B) By Publication. The City shall publish at least one notice of the proposed public hearings in the official City newspaper or in a newspaper of general circulation in Lago Vista, Texas, at least fifteen (15) calendar days prior to the date on which the hearing is to occur. The notice shall include the date, time, and place of the public hearings and a description of the matter under consideration.
 - (C) Signs On-Premises. At least fifteen (15) calendar days prior to the date on which the hearing is to occur, the City shall place signs on the property easily visible to the public. Signs shall meet the following requirements:
 - (i) Each sign shall be erected on the property for which an application has been filed. At least one (1) sign shall be placed at intervals of 300 feet along the roadway frontage of the property. No more than three (3) signs shall be required on each roadway frontage. If the tract has less than 300 feet of frontage per roadway, then only one sign is required per road.

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- (ii) All required signs shall remain on the property until final disposition of the action is determined.

(g) Consideration.

- (1) If applicable, zoning of the tract shall permit the uses proposed by the Plan, or a zoning amendment necessary to permit the proposed uses shall be required prior to approval of the Plan.
- (2) Approval of a Plan constitutes acceptance of the general development and arrangement of lots indicated on the Plan; the classification and arrangement of streets indicated; the proposed phasing plan; and the nature of utility service proposed. Subsequent zoning approvals cannot be guaranteed.
- (3) Plan approval does not ensure approval of a Preliminary Plat failing to meet specific requirements of this Ordinance, and approval does not comprise any assurance that permits of any kind will be issued.
- (4) Upon denial by the Council, the application expires.

(h) Certificates and other language shall be included on the plan, pursuant to the following sections:

- (1) An accurate legal description by bearings and distances, including necessary curve and line data, accurate to the nearest one-hundredth of a foot, for all boundary, block and lot lines, with descriptions correlated to a permanent survey monument.
- (2) A statement signed by the property owner and acknowledged before a Notary Public as to the authenticity of the signatures, saying that the property owner adopts the plan as shown, described and named.
- (3) A place for plan approval signature of the Mayor, a place for the City Secretary to attest such signature, and the approval dates by the Council.
- (4) Property owner's and surveyor's certificate, approval blocks.

(i) Approval Expiration. The approval of a Plan shall expire two (2) years after approval by Council unless a preliminary plat on all, or a portion of, the land is filed prior to such expiration date and additional preliminary plats are filed in not greater than two (2) year intervals from approval of the previous preliminary plat until all of the land within the Plan is included within approved preliminary plats.

(Ord. 21-05-06-03 on 5/6/2021; Ord. 23-04-06-01 on 4/6/2023)

2.16 Preliminary Plat

(a) Requirements.

- (1) Concept Plans, in accordance with Section 2.15, must be approved by Council before any Preliminary Plats can be filed with the City unless otherwise exempted by the Section.
- (2) The Administrator shall complete a sufficiency review of all information submitted within twenty-one (21) calendar days of the submittal by the applicant. The sufficiency review only determines whether all required components of the application have been received and not whether the application is complete or that those components are correct.
- (3) Completion of Sufficiency Review.
 - (A) If deemed compliant by the Administrator, the application shall be forwarded for review DRC. This satisfies the sufficiency requirement.
 - (B) If deemed noncompliant by the Administrator, the applicant will be notified in writing of the reasons for noncompliance. The applicant shall have one (1) opportunity to submit information to address the noncompliance within sixty (60) calendar days following the noncompliance.

Failure to meet the deadline or address all or address all noncompliance shall cause the application to be considered denied.

(4) Submittal Review.

- (A) The DRC shall review the first submittal within fifteen (15) calendar days of the compliant sufficiency review and submit comments to the applicant in writing by the end of this timeframe.
 - (B) The applicant shall address all individual comments from the DRC by copying each open comment(s) and providing response(s) to each open comment on official letterhead. This shall also include revised documentation showing the comment has been addressed by the applicant. The applicant shall have sixty (60) calendar days from the end of the DRC review to resubmit to the Department. Failure to address within this timeframe shall cause the application to be considered denied.
 - (C) The second submittal, if needed, shall be reviewed by the DRC within fifteen (15) calendar days of the applicant's submittal to the City. Responses to the DRC for this submittal shall be subject to the same deadline and consequences as the first submittal.
 - (D) Upon the satisfaction of all DRC comments or subsequent to the third submittal by the applicant, the plat will be automatically scheduled for consideration by the Planning and Zoning Commission as denoted in subsection (b) below. It is at this point that the application shall be considered complete.
- (b) Public Meeting. The Commission shall consider the preliminary plat in a public meeting scheduled within thirty (30) calendar days of the date in which the application is considered complete. No less than seventy-two (72) hours prior to the public meeting, some form of special notice shall be published on the City website and at least one sign shall be posted on the property. All signs shall be located along the right-of-way of the public street with the highest functional classification according to the current City Thoroughfare Plan. Additional signs shall be placed at 300-foot intervals along this same frontage up to a maximum of three (3) signs for any application.
- (c) Appeals. An appeals application must be filed with the Department within ten (10) business days from the date of approval or denial by the Commission. The appeal will be heard by the City Council following a Public Hearing noticed in accordance with Section 2.15(f) above. The appeal will be heard by the Council within thirty (30) calendar days of filing.
- (d) Package. The preliminary plat application and package to be submitted with the preliminary plat shall be on paper and in digital form as determined by the Administrator and shall include the following in the number of copies as determined by the Administrator.
- (1) Application. The form of the application shall be provided by the Administrator.
 - (2) Drawings. The preliminary plat drawings, when required by the administrator, shall be prepared on 24 x 34 inch sheets and 11 x 17 inch reductions and shall be submitted to the city with an application for subdivision plat processing.
 - (A) Scale. The plat drawings(s) shall be drawn at a minimum scale of one hundred (100) feet to an inch or at a scale determined by the Administrator that provides legible review by the Commission.
 - (B) When more than one sheet is necessary to accommodate the entire area of the plat plus other associated information, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat.
 - (C) Vicinity Data. On the plat drawing sheet or index sheet there shall be a vicinity map to indicate the general location of the subdivision. The plat and vicinity map shall graphically indicate the

physical relationship (distance) of the corner of the subdivision to a physical point, acceptable to the City Engineer as a visible reference and datum marker, and to property ownership patterns in the vicinity.

- (e) All preliminary plat applications shall be submitted in accordance with the procedures set forth in Chapter 14, Section 3.22 of this Code, and in compliance with the official Planning and Zoning Submittal Calendar as published by the City.

(Ord. 21-05-06-03 on 5/6/2021; Ord. 25-10-16-06 on 10-16-2025)

2.17 Final Plat and Exceptions

Approval of a Preliminary Plat shall not constitute approval of the Final Plat.

2.18 Final Plat

(a) Requirements.

- (1) Preliminary plats, in accordance with Section 2.16, must be approved by Commission before any final plats can be filed with the City unless otherwise exempted by the Section.
- (2) The Administrator shall complete a sufficiency review of all information submitted within twenty-one (21) calendar days of the submittal by the application. The sufficiency review only determines whether all required components of the application have been received and not whether that application is complete or that those components are correct.
- (3) Completion of Sufficiency Review.
 - (A) If deemed compliant by the Administrator, the application shall be forwarded for review by the DRC. This satisfies the sufficiency requirement.
 - (B) If deemed noncompliant by the Administrator, the applicant will be notified in writing of the reasons for noncompliance. The applicant shall have one (1) opportunity to submit information to address the noncompliance within sixty (60) calendar days following the noncompliance determination. Failure to meet the deadline date or address all noncompliance shall cause the application to be considered denied.
- (4) Submittal Review.
 - (A) The DRC shall review the first submittal within fifteen (15) calendar days of the compliant sufficiency review and submit comments to the applicant in writing by the end of this timeframe.
 - (B) The applicant shall address all individual comments from the DRC by copying each open comment(s) and providing response(s) to each open comment on official letterhead. This shall also include revised documentation showing the comment has been addressed by the applicant. The applicant shall have sixty (60) calendar days from the end of the DRC review to resubmit to the Department. Failure to address all comments within this timeframe shall cause the application to be considered denied.
 - (C) The second submittal, if needed, shall be reviewed by the DRC within fifteen (15) calendar days of the applicant's submittal to the City. Responses to the DRC for this submittal shall be subject to the same deadline and consequences as the first submittal.
 - (D) Upon the satisfaction of all DRC comments or subsequent to the third submittal by the applicant, the Plat will be automatically scheduled for consideration by the Planning and Zoning

Commission as denoted in subsection (b) below. It is at this point that the application shall be considered complete.

- (5) Public Meeting. The Commission shall consider the final plat in a public meeting scheduled within thirty (30) calendar days of the date in which the application is considered complete. No less than seventy-two (72) hours prior to the public meeting, some form of special notice shall be published on the City website and at least one sign shall be posted on the property. All signs shall be located along the right-of-way of the public street with the highest functional classification according to the current City Thoroughfare Plan. Additional signs shall be placed at 300-foot intervals along this same frontage up to a maximum of three (3) signs for any application.
- (6) Appeals. An appeals application must be filed with the Department within ten (10) business days from the date of approval or denial by the Commission. The appeal will be heard by the City Council following a Public Hearing noticed in accordance with Section 2.15(f) above. The appeal will be heard by the Council within thirty (30) calendar days of filing.
- (b) Package. The Final Plat application and package for any proposed Final Plat shall be submitted to the City on paper and in digital form as determined by the administrator and shall include the following in the number of copies determined by the Administrator:
 - (1) Application. The form of the application shall be provided by the Administrator. The applicant will provide satisfactory proof of ownership of property to be subdivided or developed, or provide written proof of permission from owner to subdivide.
 - (2) Final Plat Drawing. The Final Plat drawing of any proposed subdivision shall be submitted with an application for Plat processing in a form acceptable for recording by the County and as follows:
 - (A) Scale. The plat drawings(s) shall be drawn at a minimum scale of one hundred (100) feet to an inch or at a scale determined by the Administrator that provides legible review by the city. Electronic drawings shall also be submitted. The Administrator may require that reduced 11 x 17 inch copies of plats be submitted.
 - (B) When more than one sheet is necessary to accommodate the entire area of the plat plus other associated information, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the Plat.
 - (C) On the Plat drawing sheet or index sheet there shall be a vicinity map to indicate the general location of the subdivision, a north arrow, scale, and symbol legend.
 - (D) A boundary description of the property with bearings and distances referenced to known monument(s) showing pertinent data to establish accurate "ties" to established datum as determined by the City Engineer.
 - (E) The exact location, dimensions, name, and description of all existing or recorded and proposed streets, alleys, reservations, easements, or public right-of-way within and immediately adjacent or perimeter to the subdivision or development.
 - (F) Name of the subdivision or plat, lot numbers, block numbers, and the square footage of all lots.
 - (G) Bearing and distances or curve data between all changes in direction of existing or proposed monuments, easements, right-of-way, lot lines, and the perimeter of the subdivision.
 - (H) Where a lot is adjacent to a street or alley, building setback lines from the street or alley.
 - (I) The names of owners and platted lots, shown with dashed lines, immediately adjacent and within five hundred (500) feet of the subdivision or development.

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- (J) Number of Lots. The number of lots and estimated dwelling units by land use type to be generated by the proposed subdivision shall be shown.
 - (K) Found and set monuments.
 - (L) Except for lot consolidation amending plats, prior to recording, plats shall be sealed by a registered professional land surveyor.
 - (M) Street Names. The names of all streets shall be shown on the final plat.
- (3) Other.
- (A) Dedication Instruments. A draft of all proposed dedication instruments shall be displayed on supplementary sheets to the final plat drawing. Dedication by instrument other than shown on the final plat is discouraged.
 - (B) Tax Receipts. Receipts showing that all City and County property taxes, then due, have been paid.
 - (C) Restrictive Covenants. If there are recorded restrictions, there shall be a note on the final plat that the subdivision or development does not attempt to remove any covenants or restrictions.
 - (D) Any other plans, data, maps or calculations deemed necessary by the administrator, the City Engineer or the Commission to determine compliance with this Chapter.
 - (E) Submission of any parkland fee.
- (4) Certifications. Certificates and other language shall be included on the plat, pursuant to the following sections:
- (A) A statement that the subdivided area is legally owned by the applicant.
 - (B) An accurate legal description by bearings and distances, including necessary curve and line data, accurate to the nearest one-hundredth of a foot, for all boundary, block and lot lines, with descriptions correlated to a permanent survey monument.
 - (C) A statement signed by the property owner and acknowledged before a Notary Public as to the authenticity of the signatures, saying that the property owner adopts the plat as shown, described and named, and that he or she does dedicate, in fee simple, to the public use forever the streets, alleys, water facilities, sewer facilities, and easements shown on the plat. The property owner further reserves any easement areas shown for mutual use of all public utilities desiring to use the same. Any public utility shall have the right to remove and keep removed all or any part of any vegetative growth or other appurtenance for construction or maintenance, or efficiency of its respective system in these easements and all or any part of, any growth or construction which in any way hinders or interferes with the right of ingress and egress to these easements for any necessary use without asking anyone's permission.
 - (D) The registered public surveyor's or engineers certificate, with a place for their signature and notarization of their signature.
 - (E) A place for plat approval signature of the Chair of the Planning & Zoning Commission, a place of signature for affirmation by the Administrator, and the approval date by the Commission; in cases of an appeal the Mayor, a place for the City Secretary to attest such signature, and the approval dates by the Council.
 - (F) Property owner's and surveyor's certificate, approval block, Special Notice regarding sale of property, Visibility, Access and Maintenance Easements (to be used if applicable), and Access Easements (to be used if applicable) language is required and the specific language is available at the City.

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- (G) Other Plat Language. The plat shall include any other applicable language, such as for drainage, floodway or other special types of easements, or for a private street subdivision, as deemed appropriate and necessary by the City for the purpose of protecting the public health, safety and welfare. Applicable plat languages are available upon request at the City.
- (c) Staff Review. The Final Plat shall be reviewed by the DRC for compliance with this and other applicable ordinances and policies. A report shall be prepared and submitted to the Commission prior to the meeting at which the request will be reviewed stating the comments of the subdivision review, including comments received as part of the review of utility companies and other concerned entities. Such a report should include comments relative to the proposed subdivision's or development's compliance with the Comprehensive Plan and other master plans.
- (d) Limitations to Approving Final Plat. A final plat shall not be approved if:
- (1) The tract is not in conformance with the Zoning Ordinance or the Subdivision Ordinance.
 - (2) Fees in-lieu of parkland dedication as required by this Ordinance, if applicable, have not been paid.
 - (3) A letter from the City Engineer stating that all improvements have been completed and passed inspection has not been received by the City. At the discretion of the City Manager and City Engineer, alternate compliance with this completion requirement can take the form of a cash or surety bond in the amount of one hundred twenty-five percent (125%) of a certified engineer's estimate of the cost of any incomplete improvements. The engineer's certified estimate shall include the cost of all remaining construction, planning, and design and be stamped by a Texas Licensed Professional Engineer and be thereafter approved and confirmed as accurate and complete by the City Engineer.
 - (4) Applicable fees required by this Ordinance have not been paid.
 - (5) Notes describing any variances approved by the Commission have not been added to the plat.
 - (6) As-Built Drawings meeting the requirements of this Ordinance have not been provided.
 - (7) Electronic files containing computer generated drawings of all public improvements shown on the Construction Plans, and all lot lines shown on the Final Plat, have not been submitted to the City to update City record drawings.
 - (8) Three (3) copies of Maintenance bonds meeting the requirements of this Ordinance have not been provided.
 - (9) An affidavit of all bills paid and a release of liens, excluding property liens, have not been provided.
 - (10) Any and all other requirements identified in the Final Plat process have not been satisfied.
- (Ord. 20-09-17-05 on 9/17/2020; Ord. 21-05-06-03 on 5/6/2021)

2.19 Procedures After Final Plat Approval

- (a) Recording. Subsequent to approval by the Commission, or Council on appeal, the applicant shall return copies of the final plat, as approved, with any other required documents and necessary fees attached thereto, to the Department within thirty (30) calendar days following approval, in accordance with requirements established as follows:
- (1) All necessary filing materials as required by the Travis County Clerk, including one (1) additional 24" x 36" paper copy to be retained by the City, including all necessary County fees to record the document and one (1) AutoCAD or GIS digital file in ESRI shape file format or Autodesk native file format as listed below in this subsection:
 - (A) Datum: North American Datum 1983 (NAD 83)

(B) Projection: Texas State Plane - Central Zone (4203)

(C) Units: US Survey Feet

A note indicating whether the file uses ground or grid measurements and any offset factor used shall be included in the drawing. The zoom settings, views, pen tables, and layers for each file shall be set to display the drawing as a complete plat sheet. Symbol files, font files, external reference files and other files required to correctly display the drawings shall be included in the same directory as the graphics files. A key of all CAD layers, with a description of the information on each layer, shall be provided to assist city staff in extracting the required information. For submittals in Shape file format, all metadata as listed above shall be included.

(2) If the required copies and materials in subsection (a),(1) are not returned to the City within thirty (30) calendar days the approval of the plat shall be null and void.

(b) Coordination with County. The approved final plat for any subdivision or development located outside the corporate limits of the City but within the extraterritorial jurisdiction shall also be submitted to the Commissioner's Court of Travis County for approval before recording unless by interlocal agreement between the City of Lago Vista and the Travis County Commissioner's Court, the Court or the city waives the right to review subdivision plats. After action by the Commissioners' court, a reproducible copy of the final plat shall be returned to the City bearing all appropriate signatures and seals. The Commission may approve a plat conditioned on approval by Travis County.

2.19.5 Review of Improvements and Related Processes

(a) The applicant shall construct all improvements as required by this Ordinance and as shown in the subdivision construction plans to the approval of the City.

(b) Inspection of Improvements.

(1) The City shall inspect all required improvements, including but not limited to, street, drainage, water, wastewater and revegetation improvements and erosion controls used during construction to ensure compliance with City requirements and the approved Construction Plans. A list of applicable inspections shall be more fully covered during the preconstruction meeting and electronically on the City's permitting system.

(2) Inspection by the City or a failure of the City to inspect construction as required herein shall not in any way impair or diminish the obligation of the subdivider to install improvements in the subdivision in accordance with the City's standards.

(c) Approval of Improvements. Before the City allows the improvements to be used all shall be inspected and approved by the City with the following below items in place:

(1) Approved "As-Built" Plans that comply with subsection 2.19.5.e.

(2) Security for warranty of the improvements that complies with subsection 2.19.5.f in place.

(d) Modifications to Subdivision Construction Plans. Any deviations to the City approved construction plans will require City approval of separate construction plans. These plans shall follow the requirements of Section 2.20.

(e) As-Builts. After approval of the construction plans and when all City inspections have been passed, the applicant shall submit an As-Built application to be approved by the City and comply with the following requirements and shall include:

(1) Two (2) copies of record drawings along with digital submittals submitted to the City, which show all accepted corrections or modifications to the original plans along with a statement prepared by a State-

licensed professional engineer that all improvements have been installed and constructed in accordance with the submitted record drawings. Signature block providing for the Applicant, Applicants Engineer, City Subdivision Administrator, and City Engineer along with date blocks for each signature.

- (2) Copies of all inspection reports, shop drawings and certified test results of construction materials have been submitted to and approved by the City Engineer and made part of the As-Built plans.
- (3) An affidavit of all bills paid, excluding property liens, and a recorded release of liens have been provided.
- (4) Letter of documentation from the appropriate State and Federal agencies that proposed vegetation removal has been mitigated concerning endangered species habitat.
- (5) Letter of approval from all other noncity related utility companies, certified by a company State-licensed engineer, that all utility improvements have been built to specification and are currently active.
- (6) All As-Built plans, including electrical and other noncity utilities, will receive certification by a registered professional engineer licensed in this State.
- (7) Recorded Deed, fee simple, showing City as owner of any land associated with any required parkland dedications.

(f) Maintenance Bond Required.

- (1) Before the approval of the Final Plat, the developer shall furnish the City with a Maintenance bond or other surety to assure the quality of materials, workmanship, and maintenance of all required improvements including the City's costs for collecting the guaranteed funds and administering the correction and/or replacement of covered improvements.
- (2) The Maintenance bond or other surety instrument:
 - (A) Shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution.
 - (B) Shall cover all facilities requested for City acceptance, including water, wastewater, street and drainage improvements.
 - (C) Shall be in an amount equal to ten percent (10%) of the cost of improvements for the first two (2) calendar years. A statement of construction value or final pay estimate shall be provided to the City to support said warranty and Maintenance bond amounts.
 - (D) Shall require the Surety to notify the City at least fifteen (15) calendar days prior to the end of the first full calendar year, and the lapse of Maintenance coverage at the end of the second full calendar year.
 - (E) In an instance where a Maintenance bond or other surety instrument has been posted and a defect or failure of any required improvement occurs within the period of coverage, the City may call said bond or surety instrument in accordance with its terms and complete or repair the improvements.
 - (F) Whenever a defect or failure of any required improvement occurs within the period of coverage and less than one (1) full year of coverage remains, the City shall require that a new Maintenance bond or surety instrument be posted for a period of one (1) full calendar year sufficient to cover the corrected defect or failure.

(g) Acceptance of Improvements. If desired, final acceptance of the improvements shall be effective upon approval of a resolution by Council for the City to take over ownership and maintenance.

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- (h) Building and Site Development Permits. The approved final plat must be recorded in the records of Travis County and all the required streets, drainage, utilities and other infrastructure and public improvements or improvements for the benefit of lot owners for the subdivision must be completed and accepted as built in compliance with all applicable City requirements, prior to any building permit, where the building is being built, being issued for any building within the subdivision or development or for any site development permit for any area than as shown on approved construction plans. The Administrator or his designee may authorize building or site development permit issuance where a plat has been recorded and part of the plats improvements have been inspected and accepted that support the particular building or site being proposed and the entire subdivision or development's improvements have not been accepted.

(Ordinance 17-01-19-01, ex. A, adopted 1/19/17; Ordinance 17-06-15-02 adopted 6/15/17)

2.20 Subdivision Construction Plans

- (a) Purpose. Construction plans, based upon the approved Preliminary Plat, and consisting of detailed specifications and diagrams illustrating the location, design, and composition of all improvements required by this Ordinance and other applicable City ordinances, codes and policies, shall be submitted to the City for approval. In addition, any project that necessitates the construction, reconstruction or modification of existing City infrastructure shall also require subdivision construction plan approval by the City. The plans shall be kept by the City as a permanent record of required improvements in order to:
- (1) Provide better records that facilitate the operation and maintenance of, and any future modifications to existing City infrastructure.
 - (2) Provide data for evaluation of materials, methods of construction and design.
 - (3) Provide documentation of approved public improvements to ensure that all such improvements are built to City standards and specifications.
 - (4) No Final Plat or Replat shall be approved or certified by the City, and no construction activities shall commence, until such time as Construction Plans completely describing the on-site and off-site improvements required by this Ordinance and other applicable City ordinances and codes, have been approved by the City Engineer and Administrator.
- (b) Format. Drawings shall be on twenty-four inch by thirty-six inch (24" x 36") sheets at generally accepted horizontal and vertical engineering scales. All full size sheets shall be formatted so that when printed on eleven inch by seventeen inch (11" x 17") paper the resulting sheet set scales at a generally accepted engineering scale. All information shall also be submitted into a digital format. Plans shall be plotted to a minimum scale of fifty (50) feet to one (1) inch horizontal and five (5) feet to one (1) inch vertical, unless otherwise approved by the City Engineer.
- (c) Content. Construction Plans shall include all on- and off-site improvements required to serve the proposed development in compliance with applicable ordinances, codes, standards and policies of the City, and other applicable governmental entities. All Construction Plans shall be signed and sealed by a licensed professional engineer, licensed to practice in the State of Texas, and shall contain or have attached thereto:
- (1) Cover Sheet.
 - (A) The appropriate project name, date, and the name, addresses and phone numbers of the developer, engineer and surveyor, etc.
 - (B) A location map showing the relation of the subdivision to streets and other prominent features in all directions for a radius of at least one (1) mile using a scale of one inch equals two thousand feet (1" = 2,000'). The latest edition of the USGS 7.5 minute quadrangle map is required.

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- (C) Signature block providing for the Applicant, Applicants Engineer, Administrator, and City Engineer along with date blocks for each signature.
- (2) Street and Roadway Systems.
- (A) The horizontal layouts and alignments showing geometric data and other pertinent design details. The horizontal layout shall also show the direction of stormwater flow and the location of manholes, inlets and special structures.
 - (B) Vertical layouts and alignments showing existing and proposed centerline, right and left right-of-way line elevations along each proposed roadway.
 - (C) An analysis of vertical sight distance for proposed street intersections.
 - (D) Typical right-of-way cross-sections showing pertinent design details and elevations as prescribed in the City Standard Details and Specifications.
 - (E) Typical paving sections showing right-of-way width, lane widths, median widths, shoulder widths, and pavement recommendations.
 - (F) Attendant documents containing any additional information required to evaluate the proposed roadway improvements, including geotechnical information and traffic impact studies.
- (3) Street Lighting Plan.
- (A) Location and height of all streetlights.
 - (B) Schematics of the streetlights.
 - (C) The light type such as sodium vapor.
 - (D) The operating control system such as photocell or time clock. Photoelectric cell is preferred.
 - (E) A photometric plan showing the area lighted at 0.2 footcandles or more.
 - (F) Ownership and maintenance of the lights.
 - (G) An operation and maintenance program including an electric bill payment system.
- (4) Drainage Improvements.
- (A) Detailed design of all drainage facilities, including but not limited to, typical channel or paving section, storm sewers and other stormwater control facilities.
 - (B) Typical channel cross-sections, plan and profile drawings of every conduit/channel shall be shown.
 - (C) Existing and proposed topographic conditions indicating one (1) foot contour intervals for slopes less than 5%, two (2) foot contour intervals for slopes between 5% and 10%, and five foot contour intervals for slopes exceeding 10%, and referenced to a United States Geological Survey or Coastal and Geodetic Survey benchmark or monument.
 - (D) Attendant documents containing design computations in accordance with this Ordinance, and any additional information required to evaluate the proposed drainage improvements.
 - (E) A copy of the complete application for floodplain map amendment or revision, as required by the Federal Emergency Management Agency (FEMA), if applicable.
 - (F) Runoff figures shall be indicated on the outlet and inlet side of all drainage ditches and storm sewers, and at all points in the street at changes of grade or where the water enters another street, storm sewer or drainage ditch. Drainage easements shall be shown.

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- (G) Calculations showing the anticipated stormwater flow, including watershed area, percent runoff, and time of concentration. When a drainage ditch or storm sewer is proposed, calculations shall be submitted showing basis for design.
 - (H) When a drainage channel or storm sewer is proposed, complete plans, profiles and specifications shall be submitted, showing complete construction details.
 - (I) When conditions upstream or downstream from a proposed channel or storm sewer do not permit maximum design flow, high water marks, based on 1% annual chance frequency, shall be indicated based on fully developed watershed conditions.
 - (J) Where 1% chance, 25 year, or other frequency flood data is required, drainage calculations shall be based on completely developed watershed conditions.
 - (K) All required water quality buffer areas shall be shown on construction plans.
 - (L) Flood Prevention. See the "Floodplain Ordinance" for requirements related to flood damage prevention.
- (5) Erosion and Sedimentation Controls.
- (A) Proposed fill or other structure elevating techniques, levees, channel modifications and detention facilities.
 - (B) Existing and proposed topographic conditions with vertical intervals not greater than one (1) foot referenced to a United States Geological Survey or Coastal and Geodetic Survey bench mark or monument.
 - (C) The location, size, and character of all temporary and permanent erosion and sediment control facilities with specifications detailing all on-site erosion control measures which will be established and maintained during all periods of development and construction.
 - (D) Contractor staging areas, vehicle access areas, temporary and permanent spoils storage areas.
 - (E) A plan for restoration for the mitigation of erosion in all areas disturbed during construction.
 - (F) Provide a performance guarantee up to one hundred and ten percent (110%), with guarantee certified by a State-licensed engineer, as approved by the City Engineer for all permanent re-vegetation, soil stabilization, and restoration within the City limits. In the ETJ, this can be waived by the City if similar code requirements and percentages are met and the County has approved the guarantee.
- (6) Water Distribution Systems.
- (A) The layout, size and specific location of the existing and proposed water mains, pump stations, storage tanks and other related structures sufficient to serve the proposed land uses and development as identified in the Preliminary Plat phase and in accordance with the City Standard Details and Specifications.
 - (B) The existing and proposed location of fire hydrants, valves, meters and other fittings.
 - (C) Design details showing the connection with the existing City water system.
 - (D) The specific location and size of all water service connections for each individual lot.
 - (E) Attendant documents containing any additional information required to evaluate the proposed water distribution system.
 - (F) Plans and profiles on all proposed water lines and fire hydrants, showing depths, sizes and grades of the lines.

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- (G) When a separate water system would be other than the City's, plans, including fire hydrants, of the proposed system and a commitment letter from the owner of the separate system and the owner's approval of the plan and specifications.
- (7) Wastewater Collection Systems.
- (A) The layout, size and specific location of the existing and proposed wastewater lines, manholes, lift stations, and other related structures sufficient to serve the land uses and development, in accordance with all current City standards, specifications, and criteria for construction of wastewater systems.
- (B) Plan and profile drawings for each line in public rights-of-way or public utility easements, showing existing ground level elevation at centerline of pipe, pipe size and flow line elevation at all bends, drops, turns, and station numbers at fifty (50) foot intervals.
- (C) Design details for manholes and special structures. Flow line elevations shall be shown at every point where the line enters or leaves the manholes.
- (D) Detailed design for lift stations, package plants or other special wastewater structures.
- (E) Attendant documents containing any additional information required to evaluate the proposed wastewater system, and complete an application for State Health Department approval.
- (F) When a separate sewer system or treatment plant is proposed, proposed plans and specifications and a commitment letter from the owner of the separate system and the owner's approval of the plan and specifications.
- (8) Other.
- (A) The location of any fill material piles.
- (B) The location, size, type and description of street signs according to standards prescribed in the Texas Chapter of the Manual of Uniform Traffic-Control Devices.
- (C) The location, size (where applicable), and type of speed limit signs and permanent traffic barricades according to City Standard Details and Specifications.
- (D) The location, size and type of sidewalks and pedestrian ramps according to City Standard Details and Specification.
- (E) Improvements for Parks and other Public and Common Areas as identified and/or approved on the Preliminary Plat.
- (F) The location, size and description of all Significant Trees (to remain and to be removed), and Replacement Trees to meet the requirements of this Ordinance. Including the exact location of trees, except ashe juniper (cedar), with a trunk diameter of 10 inches or greater measured forty (40) inches above the ground that would be located within right-of-way or easements, showing which will be preserved and which would be removed. The protection of trees and wooded areas, in general, should be considered in the layout of streets, drainage improvements, utilities and lots.
- (G) Landscaping and Screening. The location, size and description of all landscaping and screening materials as required by the zoning regulations.
- (H) Design Criteria. Final design criteria, reports, calculations, and all other related computations, if not previously submitted with the Preliminary Plat.
- (I) A cost estimate of each required improvement, prepared, signed and sealed by a professional engineer licensed to practice in the State of Texas.

(d) Procedure.

(1) Completion of Sufficiency Review. This will be reviewed by the City within ten (10) business days.

- (A) If deemed compliant by the Administrator, it will enter the first submittal review phase to be reviewed by the DRC. This satisfies the sufficiency requirement.
- (B) If deemed noncompliant by the Administrator, the applicant will be notified in writing of the reasons for noncompliance. The applicant shall have one (1) opportunity to submit information to address the noncompliance within six (6) calendar months of the date of noncompliance determination. Failure to meet the deadline date or address all Administrator issues within the one (1) opportunity shall expire the application.

(2) Submittal Review.

- (A) The DRC shall review the first submittal within fifteen (15) business days of the compliant sufficiency review and submit comments to the applicant in writing by the end of this timeframe.
 - (B) The applicant shall address all individual comments from the DRC by copying each open comment(s) and providing response(s) to each open comment on official letterhead. This shall also include revised documentation showing the comment has been addressed by the applicant. The applicant shall have six (6) calendar months from the end of the DRC review to resubmit to the Department. Failure to address within timeframe will result in expiration of the application.
 - (C) The second and third submittals, if needed, shall be reviewed by the DRC within ten (10) business days of the applicant's submittal to the City. Response to the DRC and resubmittal timeframes denoted in sub-subsection (2),(B) apply to these submittals.
 - (D) The DRC shall deny the plan if there are outstanding comments after the applicant has submitted for the third submittal.
- (3) The City Engineer shall review the Construction Plans to ensure compliance with this Ordinance, and other applicable City ordinances, codes, standards and specifications, and good engineering practices in accordance with subsection (2).
- (4) For projects located within the City's extraterritorial jurisdiction, the Construction Plans and attendant documents shall be provided to the County for review and approval. The applicant shall be responsible for any additional information required by the County for Construction Plan approval.

(e) Approval Expiration. The approval of the Construction Plans shall expire two (2) years after the date the City approves the Construction Plans unless an unexpired Final Plat is on file with the City or the Final Plat is approved and that approval has not expired.

(f) Responsibility. Notwithstanding the approval of any Construction Plans by the City, the developer and the engineer that prepares and submits such plans and specifications shall be and remain responsible for the adequacy of the design of all such improvements; and nothing in this Ordinance shall be deemed or construed to relieve or waive the responsibility of the developer or his/her engineer for or with respect to any design, plans and specifications submitted.

(g) No City Obligation to Furnish Improvements. The approval of Construction Plans by the City does not in any manner obligate the City to finance or furnish any storm sewers, drainage structures, street, water or wastewater improvements or any other improvements within the approved subdivision, except under the provisions provided herein.

2.21 Vacating Plats and Instruments

- (a) The owner(s) of a tract covered by a plat may vacate the plat at any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat; provided that the Commission or Council, on appeal may establish requirements as may be reasonable to protect the public interest and ensure compliance with this Chapter.
- (b) If lots in a plat have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of the lots in the plat with approval obtained in the manner prescribed for the original plat.
- (c) No plat shall be vacated except upon the approval of the Commission and the recording of the approved instruments vacating such plat in the office of the county clerk of Travis County.
- (d) On the execution and recording of the vacating instrument, the vacated plat, or vacated portion thereof, has no effect; provided that when necessary to protect the public welfare or preserve the benefits or integrity of any street, utility, park or other public improvement plan that has moved forward in reliance on such plat, the Commission may require that any right-of-way or easement shown on such plat be dedicated to the City by separate instrument. Such dedication shall occur prior to recordation of the vacating plat or instrument.
- (e) In the event of any conflict between the terms and provisions of this section and Section 212.013, Tex. Loc. Gov't. Code, the terms and provisions of Section 212.013 shall govern to the extent of such conflict.
- (f) Process.
 - (1) The Administrator shall complete a sufficiency review of all information submitted within twenty-one (21) calendar days of the submittal by the applicant. The sufficiency review only determines whether all required components of the application have been received and not whether that application is complete or that those components are correct.
 - (2) Completion of Sufficiency Review.
 - (A) If deemed compliant by the Administrator, the application shall be forwarded for review by the DRC. This satisfies the sufficiency requirement.
 - (B) If deemed noncompliant by Administrator, the applicant will be notified in writing of the reasons for noncompliance. The applicant shall have one (1) opportunity to submit information to address the noncompliance within sixty (60) calendar days of the date of noncompliance determination. Failure to meet the deadline or address all noncompliance shall cause the application to be considered denied.
 - (3) Submittal Review.
 - (A) The DRC shall review the first submittal within fifteen (15) calendar days of the compliant sufficiency review and submit comments to the applicant in writing by the end of this timeframe.
 - (B) The applicant shall address all individual comments from the DRC by copying each open comment(s) and providing response(s) to each open comment on official letterhead. This shall also include revised documentation showing the comment has been addressed by the applicant. The applicant shall have sixty (60) calendar days from the end of the DRC review to resubmit to the Department. Failure to address all comments within this timeframe shall cause the application to be considered denied.
 - (C) The second submittal, if needed, shall be reviewed by the DRC within fifteen (15) business days of the applicant's submittal to the City. Responses to the DRC for this submittal shall be subject to the same deadline and consequences as the first submittal.

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- (D) Upon the satisfaction of all DRC comments or subsequent to the third submittal by the applicant, the Plat will be automatically scheduled for consideration by the Planning and Zoning Commission as denoted in subsection (b) below. It is at this point that the application shall be considered complete.
- (4) Public Meeting. The Commission shall consider the vacating plat in a public meeting scheduled within thirty (30) calendar days of the date in which the application is considered complete. No less than seventy-two (72) hours prior to the public meeting, some form of special notice shall be published on the City website and at least one sign shall be posted on the property. All signs shall be located along the right-of-way of the public street with the highest functional classification according to the current City Thoroughfare Plan. Additional signs shall be placed at 300-foot intervals along the same frontage up to a maximum of three (3) signs for any application.
- (g) Appeals. An appeals application must be filed with the Department within ten (10) business days from the date of consideration by the Commission. The appeal will be heard by the City Council following a Public Hearing noticed in accordance with Section 2.15(f) above. The appeal will be heard by the Council within thirty (30) calendar days of filing.
- (h) Package. The Vacating Plat application and package shall be submitted to the City on paper and in digital form as determined by the Administrator and shall include the following in the number of copies determined by the Administrator:
- (1) Application. The form of the application shall be provided by the Administrator. The applicant will provide satisfactory proof of ownership of property to be amended, or provide written proof of permission from owner to vacate.
- (2) Plat Drawing. The Plat drawing of any proposed subdivision shall be submitted with an application for Plat processing in a form acceptable for recording by the County and as follows:
- (A) Scale. The plat drawings(s) shall be drawn at a minimum scale of one hundred (100) feet to an inch or at a scale determined by the Administrator that provides legible review by the City. Electronic drawings shall also be submitted. The Administrator may require that reduced 11 x 17 inch copies of plats be submitted.
- (B) When more than one sheet is necessary to accommodate the entire area of the plat plus other associated information, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the Plat.
- (C) On the Plat drawing sheet or index sheet there shall be a vicinity map to indicate the general location of the subdivision, a north arrow, scale, and symbol legend.
- (D) A boundary description of the property with bearings and distances referenced to known monument(s) showing pertinent data to establish accurate "ties" to established datum as determined by the City Engineer.
- (E) The exact location, dimensions, name, and description of all existing or recorded and proposed streets, alleys, reservations, easements, or public right-of-way within and immediately adjacent or perimeter to the subdivision or development.
- (F) Name of the subdivision or plat, lot numbers, block numbers, and the square footage of all lots.
- (G) Bearing and distances or curve data between all changes in direction of existing or proposed monuments, easements, right-of-way, lot lines, and the perimeter of the subdivision.
- (H) Where a lot is adjacent to a street or alley, building setback lines from the street or alley.
- (I) The names of owners and platted lots, shown with dashed lines, immediately adjacent and within five hundred (500) feet of the subdivision or development.

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- (J) Number of Lots. The number of lots and estimated dwelling units by land use type to be generated by the proposed subdivision shall be shown.
 - (K) Found and set monuments.
 - (i) Certificates and other language shall be included on the plat, pursuant to the following sections:
 - (1) A statement that the subdivided area is legally owned by the applicant.
 - (2) An accurate legal description by bearings and distances, including necessary curve and line data, accurate to the nearest one-hundredth of a foot, for all boundary, block and lot lines, with descriptions correlated to a permanent survey monument.
 - (3) A statement signed by the property owner and acknowledged before a Notary Public as to the authenticity of the signatures, saying that the property owner approves the plat vacation as shown, described and named.
 - (4) The registered public surveyor's or engineers certificate, with a place for their signature and notarization of their signature.
 - (5) A place for plat approval signature of the Chair of the Planning & Zoning Commission, a place for the Administrator, and the approval date by the Commission; in cases of an appeal the Mayor of the City Council, a place for the City secretary to attest such signature, and the approval dates by the Council.
 - (6) Property owner's and surveyor's certificate, approval block, Special Notice regarding sale of property, Visibility, Access and Maintenance Easements (to be used if applicable), and Access Easements (to be used if applicable) language is required and the specific language is available at the City.
 - (7) Other Plat Language. The plat shall include any other applicable language, such as for drainage, floodway or other special types of easements, or for a private street subdivision, as deemed appropriate and necessary by the City for the purpose of protecting the public health, safety and welfare. Applicable plat languages are available upon request at the City.
 - (j) Recording. In accordance with Section 2.19.a of this Chapter.
- (Ord. 21-05-06-03 on 5/6/2021)

2.22 Replatting

- (a) Replatting.
 - (1) The replatting of any existing subdivision, or any part thereof, shall follow the procedural and approval requirements provided herein for a Final Plat, except as provided in Subsection (b). below. The applicable subdivision standards are those in effect at the time the application for replat is requested and, in the event of any conflict between this Section and Sections 212.014, 212.0145 and 212.015, Tex. Loc. Gov't. Code, the terms and provisions of the Local Government Code shall govern to the extent of the conflict.
 - (2) The Administrator shall complete a sufficiency review of all information submitted within twenty-one calendars days of the submittal by the applicant. The sufficiency review only determines whether all required components of the application have been received and not whether that application is complete or that those components are correct.
 - (3) Completion of Sufficiency Review.
 - (A) If deemed compliant by the Administrator, the application shall be forwarded for review by the DRC. This satisfies the sufficiency requirement.

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- (B) If deemed noncompliant by the Administrator, the applicant will be notified in writing of the reasons for noncompliance. The applicant shall have one (1) opportunity to submit information to address the noncompliance within sixty (60) calendar days following the noncompliance determination. Failure to meet the deadline or address all noncompliance shall cause the application to be considered denied.
- (4) Submittal Review.
- (A) The DRC shall review the first submittal within fifteen (15) calendar days of the compliant sufficiency review and submit comments to the applicant in writing by the end of this timeframe.
- (B) The applicant shall address all individual comments from the DRC by copying each open comment(s) and providing response(s) to each open comment on official letterhead. This shall also include revised documentation showing the comment has been addressed by the applicant. The applicant shall have sixty (60) calendar days from the end of the DRC review to resubmit to the Department. Failure to address all comments within this timeframe shall cause the application to be considered denied.
- (C) The second submittal, if needed, shall be reviewed by the DRC within fifteen (15) calendar days of the applicant's submittal to the City. Responses to the DRC for this submittal shall be subject to the same deadline and consequences as the first submittal.
- (D) Upon the satisfaction of all DRC comments or subsequent to the third submittal by the applicant, the Plat will be automatically scheduled for consideration by the Planning and Zoning Commission as denoted in subsection (b) below. It is at this point that the application shall be considered complete.
- (5) Public Meeting. The Commission shall consider the vacating plat in a public meeting scheduled within thirty (30) calendar days of the date in which the application is considered complete. No less than seventy-two (72) hours prior to the public meeting, some form of special notice shall be published on the City website and at least one sign shall be posted on the property. All signs shall be located along the right-of-way of the public street with the highest functional classification according to the current City Thoroughfare Plan. Additional signs shall be placed at 300-foot intervals along this same frontage up to a maximum of three (3) signs for any application.
- (6) Appeals. An appeals application must be filed with the Department within ten (10) business days from the date of approval or denial by the Commission. The appeal will be heard by the City Council following a Public Hearing noticed in accordance with Section 2.15(f) above. The appeal will be heard by the Council within thirty (30) calendar days of filing.
- (b) Replatting Without Vacating.
- (1) A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:
- (A) Is signed and acknowledged by only the owners of the property being replatted;
- (B) Is approved by the Commission after a public meeting at which parties in interest and citizens have an opportunity to be heard by the Commission; and
- (C) Does not attempt to amend or remove any covenants or restrictions.
- (2) Residential Replat. In addition to compliance with subsection (b)(1), a public hearing, noticed in accordance with subsection (b)(3) below is required if:
- (A) During the preceding five (5) years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two (2) residential units per lot; or

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- (B) Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot.
 - (3) Notice of the hearing required under subsection (b)(2) shall be given before the fifteenth (15th) day prior to the hearing by the Commission through:
 - (A) Publication in an official newspaper or a newspaper of general circulation in the County in which the municipality is located; and
 - (B) By written notice, forwarded by the City to the owners of lots that are in the original subdivision and that are within two hundred (200) feet of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll of the property upon which the replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the municipality.
 - (4) If the proposed replat requires a variance and is protested in accordance with this subsection, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths (3/4) of the members present of the Commission. For a legal protest, written instruments signed by the owners of at least twenty (20) percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending two hundred (200) feet from that area, but within the original subdivision, must be filed with the City, prior to the close of the commission's public hearing.
 - (A) In computing the percentage of land area under subsection (b)(4), the area of streets and alleys shall be included.
 - (B) Compliance with subsections (4) and (5) is not required for approval of a replat of part of a preceding plat if the area to be replatted was designated or reserved for other than single or duplex-family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.
- (c) Recording. In accordance with Section 2.19(a) of this Chapter.
- (Ord. 21-05-06-03 on 5/6/2021)

2.23 Amending Plat

- (a) General Procedure:
 - (1) The Department shall complete a sufficiency review of all information submitted within five (5) business days of the submittal by the applicant.
 - (2) Completion of Sufficiency Review.
 - (A) If deemed compliant by the Administrator, it will enter the first submittal review phase to be reviewed by the DRC. This satisfies the sufficiency requirement.
 - (B) If deemed noncompliant by the Administrator, the applicant will be notified in writing of the reasons for noncompliance. The applicant shall have one (1) opportunity to submit information to address the noncompliance within six (6) calendar months of the date of noncompliance determination. Failure to meet the deadline date or address all Administrator issues within the one (1) opportunity shall expire the application.
 - (3) Submittal Review.

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- (A) The DRC shall review the first submittal within ten (10) business days of the compliant sufficiency review and submit comments to the applicant in writing by the end of this timeframe.
 - (B) The applicant shall address all individual comments from the DRC by copying each open comment(s) and providing response(s) to each open comment on official letterhead. This shall also include revised documentation showing the comment has been addressed by the applicant. The applicant shall have six (6) calendar months from the end of the DRC review to resubmit to the Department. Failure to address within timeframe will result in expiration of the application.
 - (C) The second and third submittals, if needed, shall be reviewed by the DRC within five (5) business days of the applicant's submittal to the City. Response to the DRC and resubmittal timeframes denoted in sub-subsection (B) apply to these submittals.
 - (D) The DRC shall deny the plat if there are outstanding comments after the applicant has submitted for the third submittal.
- (4) Certificates and other language shall be included on the plat, pursuant to the following sections:
- (A) A statement that the subdivided area is legally owned by the applicant.
 - (B) An accurate legal description by bearings and distances, including necessary curve and line data, accurate to the nearest one-hundredth of a foot, for all boundary, block and lot lines, with descriptions correlated to a permanent survey monument.
 - (C) A statement signed by the property owner and acknowledged before a Notary Public as to the authenticity of the signatures, saying that the property owner adopts the plat as shown, described and named, and that he or she does dedicate, in fee simple, to the public use forever the streets, alleys, water facilities, sewer facilities, and easements shown on the plat. The property owner further reserves any easement areas shown for mutual use of all public utilities desiring to use the same. Any public utility shall have the right to remove and keep removed all or any part of any vegetative growth or other appurtenance for construction or maintenance, or efficiency of its respective system in these easements and all or any part of, any growth or construction which in any way hinders or interferes with the right of ingress and egress to these easements for any necessary use without asking anyone's permission.
 - (D) The registered public surveyor's or engineers certificate, with a place for their signature and notarization of their signature.
 - (E) Plat approval signature for the Administrator, a place of signature for affirmation by the City Secretary, and a line to signify date at signing. In cases of appeal to the Commission a place for plat approval signature of the Chair of the Planning & Zoning Commission, a place of signature for affirmation by the Administrator, and the approval date by the Commission. In cases of an appeal to the City Council a place for the Mayor, a place for the City Secretary to attest such signature, and the approval dates by the Council.
 - (F) Property owner's and surveyor's certificate, approval block, Special Notice regarding sale of property, Visibility, Access and Maintenance Easements (to be used if applicable), and Access Easements (to be used if applicable) language is required and the specific language is available at the City.
 - (G) Other Plat Language. The plat shall include any other applicable language, such as for drainage, floodway or other special types of easements, or for a private street subdivision, as deemed appropriate and necessary by the City for the purpose of protecting the public health, safety and welfare. Applicable plat languages are available upon request at the City.
- (5) Appeals.

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- (A) An appeals application must be filed with the Department within ten (10) business days from the date of approval or denial by the Department. The appeal will be heard by the Commission within thirty (30) calendar days of filing.
 - (B) In cases of appeal from the Commission, an appeals application must be filed with the Department within ten (10) business days from the date of approval or denial by the Commission. The appeal will be heard by the Council within thirty (30) calendar days of filing.
 - (6) Public Hearings on Appeal. The Commission or Council on appeal, shall hold at least one (1) public hearing. The City shall provide notice as stated below:
 - (A) Written Notice to Property Owners. Written notice shall be given by the City to owners of real property located within two hundred feet (200') of the boundaries of the property under the Plan. Such notice shall be mailed, first class, not less than ten (10) calendar days prior to the date set for the public hearings to all owners who appear on the last approved Travis County Tax Rolls. The notice shall state that a Concept Plan request is pending and shall include the date, time, and place of the Commission and Council public hearings and a description of the matter under consideration. The City shall complete and postal mail the individual notices.
 - (B) By Publication. The City shall publish at least one notice of the proposed public hearings in the official City newspaper or in a newspaper of general circulation in Lago Vista, Texas, at least fifteen (15) calendar days prior to the date on which the hearing is to occur. The notice shall include the date, time, and place of the public hearings and a description of the matter under consideration.
 - (C) Signs On-Premises. At least fifteen (15) calendar days prior to the date on which the hearing is to occur, the City shall place signs on the property easily visible to the public. Signs shall meet the following requirements:
 - (i) Each sign shall be erected on the property for which an application has been filed. At least one (1) sign shall be placed at intervals of 300 feet along the roadway frontage of the property. No more than three (3) signs shall be required on each roadway frontage. If the tract has less than 300 feet of frontage per roadway, then only one sign is required per road.
 - (ii) All required signs shall remain on the property until final disposition of the action is determined.
 - (b) The Amending Plat may be recorded and is controlling over the preceding plat without vacation of that plat, if the amending plat is signed by the applicants only and is solely for one or more of the following purposes:
 - (1) To correct an error in a course or distance shown on the preceding plat;
 - (2) To add a course or distance that was omitted on the preceding plat;
 - (3) To correct an error in a real property description shown on the preceding plat;
 - (4) To indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
 - (5) To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
 - (6) To correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
 - (7) To correct an error in courses and distances of lot lines between two (2) adjacent lots if:

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- (A) Both lot owners join in the application for amending the plat;
 - (B) Neither lot is abolished;
 - (C) The amendment does not attempt to remove recorded covenants or restrictions; and
 - (D) The amendment does not have a material adverse effect on the property rights of the other owners in the plat;
- (8) To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvements on a lot line or easement;
 - (9) To relocate one (1) or more lot lines between one (1) or more adjacent lots if:
 - (A) The owners of all those lots join in the application for amending the plat;
 - (B) The amendment does not attempt to remove recorded covenants or restrictions; and
 - (C) The amendment does not increase the number of lots;
 - (10) To make necessary changes to the preceding plat to create six (6) or fewer lots in the subdivision or part of the subdivision covered by the preceding plat if:
 - (A) The changes do not affect applicable zoning or other provisions of the code of ordinances; and
 - (B) The changes do not attempt to amend or remove any covenants or restrictions; and
 - (C) The area covered by the changes is located in an area that the Council has approved, after a public hearing, as a residential improvement area;
 - (11) To replat one (1) or more lots fronting on an existing street if:
 - (A) The owners of all those lots join in the application for amending the plat;
 - (B) The amendment does not attempt to remove recorded covenants or restrictions;
 - (C) The amendment does not increase the number of lots; and
 - (D) The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.
- (c) Application for Amendment. The amending plat may be submitted without approval of a preliminary plat or construction plans. The plat, prepared by a surveyor, and bearing their seals shall be submitted to the Administrator with a completed application and all required fees, for approval before recordation of the plat.
 - (d) Required Notice. Notice, a hearing, and the approval of other lot owners are not required for the approval and recordation of an amending plat.
 - (e) Statute. In the event of any conflict between the terms and provisions of this section and Section 212.016, Tex. Loc. Gov't. Code, the terms and provisions of Section 212.016 shall govern to the extent of such conflict.
 - (f) Recording. In accordance with Section 2.19.a of this Chapter.

2.24 Minor Plats

- (a) The Administrator shall complete a sufficiency review of all information submitted within five (5) business days of the submittal by the applicant.
- (b) Completion of Sufficiency Review.
 - (1) If deemed compliant by the Administrator, it will enter the first submittal review phase to be reviewed by the DRC. This satisfies the sufficiency requirement.

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- (2) If deemed noncompliant by the Administrator, the applicant will be notified in writing of the reasons for noncompliance. The applicant shall have one (1) opportunity to submit information to address the noncompliance within six (6) calendar months of the date of noncompliance determination. Failure to meet the deadline date or address all Administrator issues within the one (1) opportunity shall expire the application.
- (c) Submittal Review.
- (1) The DRC shall review the first submittal within ten (10) business days of the compliant sufficiency review and submit comments to the applicant in writing by the end of this timeframe.
- (2) The applicant shall address all individual comments from the DRC by copying each open comment(s) and providing response(s) to each open comment on official letterhead. This shall also include revised documentation showing the comment has been addressed by the applicant. The applicant shall have six (6) calendar months from the end of the DRC review to resubmit to the Department. Failure to address within timeframe will result in expiration of the application.
- (3) The second and third submittals, if needed, shall be reviewed by the DRC within five (5) business days of the applicant's submittal to the City. Response to the DRC and resubmittal timeframes denoted in sub-subsection 2 apply to these submittals.
- (4) The DRC shall deny the Minor Plat if there are outstanding comments after the applicant has submitted for the third submittal.
- (d) The Administrator shall not approve variances to this Chapter.
- (e) Certificates and other language shall be included on the plat, pursuant to the following sections:
- (1) A statement that the subdivided area is legally owned by the applicant.
- (2) An accurate legal description by bearings and distances, including necessary curve and line data, accurate to the nearest one-hundredth of a foot, for all boundary, block and lot lines, with descriptions correlated to a permanent survey monument.
- (3) A statement signed by the property owner and acknowledged before a Notary Public as to the authenticity of the signatures, saying that the property owner adopts the plat as shown, described and named, and that he or she does dedicate, in fee simple, to the public use forever the easements shown on the plat. The property owner further reserves any easement areas shown for mutual use of all public utilities desiring to use the same. Any public utility shall have the right to remove and keep removed all or any part of any vegetative growth or other appurtenance for construction or maintenance, or efficiency of its respective system in these easements and all or any part of, any growth or construction which in any way hinders or interferes with the right of ingress and egress to these easements for any necessary use without asking anyone's permission.
- (4) The registered public surveyor's or engineers certificate, with a place for their signature and notarization of their signature.
- (5) Plat approval signature for the Administrator, a place of signature for affirmation by the City Secretary, and a line to signify date at signing. In cases of appeal to the Commission a place for plat approval signature of the Chair of the Planning & Zoning Commission, a place of signature for affirmation by the Administrator, and the approval date by the Commission. In cases of an appeal to the City Council a place for the Mayor, a place for the City Secretary to attest such signature, and the approval dates by the Council.
- (6) Property owner's and surveyor's certificate, approval block, Special Notice regarding sale of property, Visibility, Access and Maintenance Easements (to be used if applicable), and Access Easements (to be used if applicable) language is required and the specific language is available at the City.

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- (7) Other Plat Language. The plat shall include any other applicable language, such as for drainage, floodway or other special types of easements, or for a private street subdivision, as deemed appropriate and necessary by the City for the purpose of protecting the public health, safety and welfare. Applicable plat languages are available upon request at the City.
- (f) Appeals.
- (1) An appeals application must be filed with the Department within ten (10) business days from the date of approval or denial by the Department. The appeal will be heard by the Commission within thirty (30) calendar days of filing.
- (2) In cases of appeal from the Commission, an appeals application must be filed with the Department within ten (10) business days from the date of approval or denial by the Commission. The appeal will be heard by the Council within thirty (30) calendar days of filing.
- (g) Public Hearings on Appeal. The Commission or Council on appeal, shall hold at least one (1) public hearing. The City shall provide notice as stated below:
- (1) Written Notice to Property Owners. Written notice shall be given by the City to owners of real property located within two hundred feet (200') of the boundaries of the property under the Plan. Such notice shall be mailed, first class, not less than ten (10) calendar days prior to the date set for the public hearings to all owners who appear on the last approved Travis County Tax Rolls. The notice shall state that a Concept Plan request is pending and shall include the date, time, and place of the Commission and Council public hearings and a description of the matter under consideration. The City shall complete and postal mail the individual notices.
- (2) By Publication. The City shall publish at least one notice of the proposed public hearings in the official City newspaper or in a newspaper of general circulation in Lago Vista, Texas, at least fifteen (15) calendar days prior to the date on which the hearing is to occur. The notice shall include the date, time, and place of the public hearings and a description of the matter under consideration.
- (3) Signs On-Premises. At least fifteen (15) calendar days prior to the date on which the hearing is to occur, the City shall place signs on the property easily visible to the public. Signs shall meet the following requirements:
- (A) Each sign shall be erected on the property for which an application has been filed. At least one (1) sign shall be placed at intervals of 300 feet along the roadway frontage of the property. No more than three (3) signs shall be required on each roadway frontage. If the tract has less than 300 feet of frontage per roadway, then only one sign is required per road.
- (B) All required signs shall remain on the property until final disposition of the action is determined.
- (h) Recording. In accordance with Section 2.19.a of this Chapter.

2.25 Lot Consolidation

- (a) Requirements.
- (1) The Department shall complete a sufficiency review of all information submitted within five (5) business days of the submittal by the applicant.
- (2) Completion of Sufficiency Review.
- (A) If deemed compliant by the Administrator it will enter the first submittal review phase to be reviewed by the DRC. This satisfies the sufficiency requirement.
- (B) If deemed noncompliant by the Administrator, the applicant will be notified in writing of the reasons for noncompliance. The applicant shall have one (1) opportunity to submit information

to address the noncompliance within six (6) calendar months of the date of noncompliance determination. Failure to meet the deadline date or address all Administrator issues within the one (1) opportunity shall expire the application.

(b) Submittal Review.

- (1) The DRC shall review the first submittal within ten (10) business days of the compliant sufficiency review and submit comments to the applicant in writing by the end of this timeframe.
- (2) The applicant shall address all individual comments from the DRC by copying each open comment(s) and providing response(s) to each open comment on official letterhead. This shall also include revised documentation showing the comment has been addressed by the applicant. The applicant shall have six (6) calendar months from the end of the DRC review to resubmit to the Department. Failure to address within timeframe will result in expiration of the application.
- (3) The second and third submittals, if needed, shall be reviewed by the DRC within five (5) business days of the applicant's submittal to the City. Response to the DRC and resubmittal timeframes denoted in sub-subsection (2) apply to these submittals.
- (4) The DRC shall deny the Lot Consolidation if there are outstanding comments after the applicant has submitted for the third submittal.

(c) Certificates and other language shall be included on the plat, pursuant to the following sections:

- (1) A statement that the subdivided area is legally owned by the applicant.
- (2) An accurate legal description by bearings and distances, including necessary curve and line data, accurate to the nearest one-hundredth of a foot, for all boundary, block and lot lines, with descriptions correlated to a permanent survey monument.
- (3) A statement signed by the property owner and acknowledged before a Notary Public as to the authenticity of the signatures, saying that the property owner adopts the plat as shown, described and named, and that he or she does dedicate, in fee simple, to the public use forever the streets, alleys, water facilities, sewer facilities, and easements shown on the plat. The property owner further reserves any easement areas shown for mutual use of all public utilities desiring to use the same. Any public utility shall have the right to remove and keep removed all or any part of any vegetative growth or other appurtenance for construction or maintenance, or efficiency of its respective system in these easements and all or any part of, any growth or construction which in any way hinders or interferes with the right of ingress and egress to these easements for any necessary use without asking anyone's permission.
- (4) The registered public surveyor's or engineers certificate, with a place for their signature and notarization of their signature.
- (5) Plat approval signature for the Administrator, a place of signature for affirmation by the City Secretary, and a line to signify date at signing. In cases of appeal to the Commission a place for plat approval signature of the Chair of the Planning & Zoning Commission, a place of signature for affirmation by the Administrator, and the approval date by the Commission. In cases of an appeal to the City Council a place for the Mayor, a place for the City Secretary to attest such signature, and the approval dates by the Council.
- (6) Property owner's and surveyor's certificate, approval block, Special Notice regarding sale of property, Visibility, Access and Maintenance Easements (to be used if applicable), and Access Easements (to be used if applicable) language is required and the specific language is available at the City.
- (7) Other Plat Language. The plat shall include any other applicable language, such as for drainage, floodway or other special types of easements, or for a private street subdivision, as deemed

appropriate and necessary by the City for the purpose of protecting the public health, safety and welfare. Applicable plat languages are available upon request at the City.

(d) Appeals.

- (1) An appeals application must be filed with the Department within ten (10) business days from the date of approval or denial by the Department. The appeal will be heard by the Commission within thirty (30) calendar days of filing.
- (2) In cases of appeal from the Commission, an appeals application must be filed with the Department within ten (10) business days from the date of approval or denial by the Commission. The appeal will be heard by the Council within thirty (30) calendar days of filing.

(e) Public Hearings on Appeal. The Commission or Council on appeal, shall hold at least one (1) public hearing. The City shall provide notice as stated below:

(1) Notice.

- (A) Written Notice to Property Owners. Written notice shall be given by the City to owners of real property located within two hundred feet (200') of the boundaries of the property under the Plan. Such notice shall be mailed, first class, not less than ten (10) calendar days prior to the date set for the public hearings to all owners who appear on the last approved Travis County Tax Rolls. The notice shall state that a Lot Consolidation request is pending and shall include the date, time, and place of the Commission and Council public hearings and a description of the matter under consideration. The City shall complete and postal mail the individual notices.
- (2) By Publication. The City shall publish at least one notice of the proposed public hearings in the official City newspaper or in a newspaper of general circulation in Lago Vista, Texas, at least fifteen (15) calendar days prior to the date on which the hearing is to occur. The notice shall include the date, time, and place of the public hearings and a description of the matter under consideration.
- (3) Signs On-Premises. At least fifteen (15) calendar days prior to the date on which the hearing is to occur, the City shall place signs on the property easily visible to the public. Signs shall meet the following requirements:
 - (A) Each sign shall be erected on the property for which an application has been filed. At least one (1) sign shall be placed at intervals of 300 feet along the roadway frontage of the property. No more than three (3) signs shall be required on each roadway frontage. If the tract has less than 300 feet of frontage per roadway, then only one sign is required per road.
 - (B) All required signs shall remain on the property until final disposition of the action is determined.

(f) Recording. In accordance with Section 2.19.a of this Chapter.

Section 3 Special Project Provisions

3.10 Innovative Site Design and Development

Opportunity is provided for innovative site design and development responses to new market demands. The use of improved techniques for land development is often difficult under traditional land use regulations. Proper private development of infill areas, as well as advantageous development of large areas of substantially vacant land may require a flexible approach to be available both to the City and to the landowner. Any such innovative site design shall be based upon an approved master development plan that is consistent with applicable city plans and services. The standards and specifications for required infrastructure and improvements shall be equal to or

greater than the minimum standards and specifications adopted by the City. The standards and specifications for the development and improvement of the property shall be approved by separate ordinance of the City.

3.11 Planned Developments

- (a) Provisions for Approval. All planned development projects shall conform to the provisions and procedures set forth for conventional subdivisions in this ordinance; except as provided in a detailed development plan that must be submitted for review at the time of preliminary plat submittal and the project must be finally approved by ordinance. Such developments shall be otherwise submitted for approval in the same manner as any other plat.
- (b) Purposes. Planned Developments are intended to provide:
 - (1) Opportunities for innovative projects and development with emphasis on quality, including but not limited to establishing a quality living and/or work environment;
 - (2) Conservation of energy and natural resources.
 - (3) A maximum choice of types of environment, dwelling and/or business units.
 - (4) An integration of open space and recreation areas with residential and/or office, retail, commercial and/or industrial development.
 - (5) A pattern of development which preserves unique environmental assets, trees and other outstanding natural features.
 - (6) A creative approach to the use of land and its related physical development.
 - (7) An efficient use of land requiring smaller networks of utilities and streets, thereby lowering development, maintenance and housing costs.
- (c) Master Development Plan. Planned Developments shall be required to be submitted and considered for approval based upon a master development plan establishing comprehensive and detailed plans for the development.
 - (1) Within Corporate Limits. A planned development within the corporate limits of the City shall be submitted and considered in conjunction with the requirements of the zoning ordinances of the City and shall, prior to final approval, satisfy both the requirements of this ordinance and the zoning ordinances for planned development districts. The final approval of the zoning for a planned development district shall constitute the approval of such planned development pursuant to this Chapter. The planned development must be zoned prior to approval of a final plat if the development is within the City limits.
 - (2) Extraterritorial Jurisdiction. Upon the application of the owner(s), a planned development may be approved within the extraterritorial jurisdiction of the City, provided that the developer enters into a comprehensive, detailed written development agreement with the City that provides detailed and comprehensive standards for:
 - (A) The development of the property;
 - (B) The construction of all infrastructure, improvements and buildings within the development;
 - (C) The provision of utility and other public services;
 - (D) Funding the upkeep and maintenance of all private facilities;
 - (E) Cash payment to the City for its costs and expenses for providing water and wastewater services to the property;

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- (F) Restrictive covenants sufficient to control the population densities and to restrict the uses of the property in conformance with the subdivider's master plan and approved planned development;
 - (G) An agreement for the annexation of the property or the phased annexation of the property prior to its conveyance to the end user; and
 - (H) Such other provisions as the subdivider and the City may agree based upon all the applicable facts and circumstances.
- (d) General Infrastructure. The requirements, standards and specifications provided in this Chapter, and/or incorporated herein by reference, with respect to utilities, parks and greenbelts, drainage and stormwater management and all other improvements, infrastructure and amenities shall be applicable, except as specifically provided otherwise in the planned development district ordinance and/or the development agreement. When based upon sound engineering and construction practices, innovative techniques and combinations may be employed for the intended purpose of such combination exceeding the minimum standards required by this Ordinance.
- (e) Streets. Private streets may not conflict with streets identified in the City's comprehensive plan. If a potential exists for a private street to become a public street, the pavement width (measured from back of curb to back of curb or edge of pavement to edge of pavement), dedicated right-of-way and/or easements created for the private street should be the same width as the right-of-way required for a local street.
- (f) Instruments of Covenants. Instruments of covenants, governing the proposed planned developments to include maintenance and operation, will be reviewed by the City Attorney and the administrator to ensure there are no conflicts with City Codes.
- (g) Exceptions. Unless exceptions to this Chapter are approved explicitly in a PDD zoning ordinance, exceptions for planned developments shall be made in accordance with this chapter therefore they must be approved by the Council after recommendation from the Commission.
- (h) Exceed Minimum Requirements. This Section shall apply to development proposals which vary the arrangement of landscaping, buildings, lots, open space, access, specifications, and/or relationships between uses required in these regulations and the zoning ordinance. A planned development shall not be used to obtain approval of gross densities, gross impervious coverage, lower specifications or standards, or land uses that are inconsistent with this Chapter or the zoning ordinance; rather it is the intent of this section that a planned development will, in the aggregate, equal or exceed the minimum criteria and standards otherwise applicable to the development.

3.12 Manufactured Home Subdivision

All manufactured and mobile home subdivisions shall comply with this Ordinance except where specifically superseded by the City's codes and ordinances dealing with manufactured and mobile home subdivisions.

3.13 Private Facilities

When an applicant proposes that any part of a subdivision, planned development, or any other development of land, include any private park, street, amenity or improvement normally dedicated to the City, a property owner's association (or comparable mechanism) shall be created, whereby:

- (a) Maintenance. Total responsibility for maintenance in perpetuity of such private improvements is borne by the association; and
- (b) Funding Program. A program is established whereby the association can accomplish the maintenance of private facilities.

3.14 Rural Subdivision Standards

- (a) Purpose. The provisions of this Section are designed and intended to preserve the rural character of an area until such time as development of a more intensive urban nature is appropriate and can be supported by the necessary public facilities and services. These design standards modify, and/or reinforce other requirements found in these regulations. By qualifying other particular requirements of these regulations, these rural subdivision design standards ensure minimum conditions for establishing a low density rural living environment while providing the necessary foundation upon which more intensive urban development can occur in the future.
- (b) Applicability. The requirements contained in this section shall apply to all land within the jurisdictional limits of the City that is outside the utility service area of the City for water and/or wastewater services, where extension of water and wastewater facilities may not be feasible, and for which the provision of such services will be accommodated through the use of individual, privately owned systems. No land or property within the city's certificated service area shall be entitled to be developed pursuant to this section, except upon a waiver given by the Council after recommendation from the Commission. Such waiver by the Council shall be granted prior to approval of a preliminary plat. Further, except as specifically qualified in this section, all other standards, terms, conditions and provisions of this chapter shall apply to such rural subdivisions.
- (c) Streets. All streets within rural subdivisions shall be designed and constructed in accordance with the requirements for rural streets set forth in the City's construction standards. The right-of-way required shall be the same as for all other subdivisions.
- (d) Blocks. Blocks in rural subdivisions shall not exceed fifteen hundred (1,500) feet in length and shall adequately accommodate two (2) tiers of lots arranged back to back.
- (e) Lots. All lots in rural subdivisions shall:
 - (1) Be greater than one (1) acre in area; and
 - (2) Have a minimum width at the front property line of one hundred and thirty (130) feet and a length to depth ratio of one (1) foot for every four (4) feet; and
 - (3) Be designed so that all access is provided from a local street or collector street and in no case shall access be permitted from a major thoroughfare or street; State Highway, farm to market road or ranch road; or numbered roadway.
- (f) Easements and Dedications. In addition to all other right-of-way dedications and/or easements required by this ordinance, all rural subdivisions shall be required to dedicate not less than an additional ten (10) feet of right-of-way along that portion of all property abutting major thoroughfares; State highways, farm to market or ranch roads; or numbered County roads.
- (g) Utilities.
 - (1) Wastewater Collection Systems. For all rural subdivisions where public wastewater utility services are not within one-quarter (1/4) mile, the City reserves the right to require the installation of improvements required for nonrural subdivisions in accordance with the provisions of these subdivision regulations, when the extension of public wastewater systems to within one-quarter (1/4) mile of any portion of the subdivision is scheduled in the City's Capital Improvements Program to occur within five (5) years from the date of preliminary plat approval. Such requirement may be made by the Council, after recommendation from Commission, and shall be made prior to approval of a preliminary plat.
 - (2) Water Distribution System. To enhance the overall efficiency and service level for water distribution in rural subdivisions the City will cooperate with existing nonmunicipal water utility providers in the City's

extraterritorial jurisdiction. Through joint coordination and planning both the City and the nonmunicipal water utilities will work towards ensuring the availability throughout the jurisdiction of this ordinance of a water distribution system that satisfies the fire flow requirements.

- (A) Rural subdivisions designed for other than single-family detached residential development shall satisfy the applicable State and City fire flow standards;
- (B) All single-family detached residential rural subdivisions shall install water distribution system improvements meeting the design requirements of this chapter; and
 - (i) Where a public water system capable of providing required fire flows to the development is located within one-quarter (1/4) mile of any part of the subdivision then it shall be the responsibility of the developer to extend service and connect to the public utility in order to provide fire protection to the development; or
 - (ii) Where no public water system capable of providing required fire flows to the development is located within one-quarter (1/4) mile of any part of the subdivision and the subdivider chooses not to extend service to provide fire flow, then required fire hydrant connections shall be made with valves capped to allow for future installation of fire hydrants and the required number of fire hydrants or payment equal to the value of such hydrants as determined by the governing utility shall be delivered to the water utility within which jurisdiction the subdivision is located to enable the water utility to install the necessary fire hydrants upon the ability to furnish fire flows to the subdivision.
 - (iii) For all rural subdivisions which are not to be served by a public water supply, the subdivider must show proof of a safe and adequate water supply.
- (h) Additional Provisions. In addition to any and all other provisions of this Chapter, prior to any re-subdivision of a rural subdivision that increases the number of lots in the subdivision being approved by the City, the level of improvements, urban services, and standards required by this Chapter for nonrural subdivisions shall be made available to and satisfied by the re-subdivided property.

3.15 Airport Subdivision Standards

Purpose. The provisions of this section are designed and intended to permit development of the airport environs while preserving the character of the area. These design standards modify, and/or reinforce other requirements found in these regulations.

- (a) Applicability. The requirements contained in this section shall apply to all land wholly contained within the Airport Zoning District and provide access to the subdivision only through a taxiway or access to hangar lots by a private or public street. Further, except as specifically qualified in this section, all other standards, terms, conditions and provisions of this ordinance shall apply to such airport subdivisions.
- (b) Lots. All lots in airport subdivisions shall:
 - (1) Be greater than 2,900 square feet in area; and
 - (2) Have a minimum width of forty-five (45) feet;
 - (3) Be designed so that all aircraft have access to a taxiway;
 - (4) Be designed so that a minimum amount of vehicular traffic (not including aircraft) has access to the taxiway and no vehicular traffic other than aircraft has access to the runway.
- (c) Streets. No sidewalks, streetlights, alleys, or traffic-control signs other than those required by the Federal Aviation Administration or the Texas Department of Transportation shall be required. The

commission may recommend and the council, at its discretion, may waive requirements for any or all hangar lots to have access to a public or private street if access is provided by a taxiway.

- (d) Utilities. The provision of utilities shall be the same as for rural subdivisions.

3.16 Special Planning Area Property Located in the Former Austin ETJ

- (a) All subdivisions located in the Special Planning Area, as defined in an interlocal agreement (the "agreement") between the City of Lago Vista and the City of Austin shall also meet the following requirements and should there be a conflict between the following requirements and the standards and specifications in this chapter, the more restrictive requirement shall apply:
- (1) All single-family development will be set back at least seventy-five (75) feet from the 681-foot contour line above mean sea level, as established by the United States Geological Survey. All multifamily and condominium units and commercial buildings (excluding marinas) will be set back at least one hundred (100) feet from said 681-foot contour line. This setback line shall be shown on the plat.
 - (2) Temporary erosion and sedimentation controls shall be implemented, designed, constructed and maintained according to the Highland Lakes Watershed Ordinance, Article 3.1100 of the Lago Vista Code of Ordinances.
 - (3) Permanent water quality controls shall be implemented, designed, constructed, and maintained which equivalent are to or better than that required under the City of Austin Land Development Code or the Highland Lakes Watershed Ordinance, dependent on which standard provides the most water quality protection.
 - (4) Impervious cover shall be limited to twenty (20) percent of the total site area over the property for any lot developed with any retail, condominiums, apartments or office commercial uses; provided that Lago Vista may approve impervious cover up to twenty-five (25) percent of the total site area for those lots that are connected to Lago Vista's centralized wastewater system. Total site area includes only those portions of a site that lie above the 681-foot contour line above mean sea level, as established by the United States Geological Survey in effect as of the date hereof. An applicant for preliminary or final plat shall provide with the plat application calculations showing these standards are met.
 - (5) For single-family residential lots in the planning area, development shall be subject to the following requirements:
 - (A) A minimum average lot size of one acre shall be maintained on all lots that are served by on-site septic systems.
 - (B) Density of clustered lots served by on-site septic systems may not exceed one single-family unit per acre, provided that a minimum of forty (40) percent of the total site area is open space.
 - (C) The City may approve density not to exceed 1.5 single-family units per acre for lots if the lots are connected to Lago Vista's centralized wastewater system, provided that a minimum of forty (40) percent of the total site area is open space. The open space area shall be delineated on the plat.
 - (D) The City may approve additional density not to exceed two (2) single-family units per acre for lots that are connected to a centralized wastewater system and for which a minimum of forty (40) percent of the total site area is open space according to the following requirements:
 - (i) One additional single-family unit for every two acres of land dedicated by instrument acceptable to Lago Vista for irrigation of wastewater effluent;
 - (ii) One additional single-family unit for each acre of land permanently preserved by instrument acceptable to Lago Vista as undeveloped open space; or

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- (iii) One additional single-family unit for each living unit equivalent (LUE) of wastewater treatment capacity that is used to disconnect existing on-site septic systems in excess of that required to serve the development.
 - (6) Development shall comply with the Highland Lakes Ordinance and the City of Austin regulations regarding the Lake Travis Critical Water Quality Zone (LTWQZ). Developers and homebuilders shall promote xeriscape landscaping and homeowner's education programs to reduce potential pollutant sources. The LTWQZ is defined as the area along and parallel to the shoreline of Lake Travis, coinciding with the 681.0 foot contour line. Within the LTWQZ development is prohibited, except that a boat dock, pier, wharf, or marina and necessary access and appurtenances are allowed. Within the LTWQZ, approval by Lago Vista or an agency designated by the Lago Vista City Council of chemicals used to treat building materials that will be submerged in water is required before a permit may be issued or a site plan approved. The LTWQZ shall be shown on the plat.
 - (7) Cut and fill is limited to four (4) feet maximum, provided that cut and fill over four (4) feet shall be permitted if the cut/fill slope is terraced to control erosion and sedimentation.
 - (8) Detention of the two (2) year storm for erosion control or, as an alternative, nonerosive conveyance of stormwater to Lake Travis, will be provided as required under City of Austin Land Development Code Chapter 257 (drainage) and the City of Austin Drainage Criteria Manual.
 - (9) A building envelope that encompasses the limits of building disturbances will be established and required for residential construction on any lot. This building envelope shall be shown on the plat.
 - (10) All of the 100-year floodplain located with the Planning Area shall be dedicated to the City of Lago Vista as a drainage easement in accordance with the City of Lago Vista's development rules. This area shall assume fully developed watershed conditions. This drainage easement shall be shown on the plat.
 - (b) The City of Lago Vista shall provide an annual status report to the Director of the City of Austin Watershed Protection and Development Review Department of the options used by developers to obtain additional density, which report shall include the following:
 - (1) Developments that have connected to Lago Vista's wastewater system;
 - (2) The number of septic systems that have been disconnected in the Special Planning Area;
 - (3) The number of acres dedicated for irrigation of wastewater effluent; and
 - (4) The number of acres permanently preserved for open space.

Section 4 Standards and Specifications

4.10 General

- (a) Approval. No plat shall be approved unless it conforms to the following standards and specifications except when an exception or special project/planned development is approved in accordance with this Chapter.
- (b) Provision for Future Subdivisions. If a tract is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged to allow the opening of future streets and the extension of utilities.
- (c) Reserve Strips Prohibited. There shall be no reserve strips controlling access to land dedicated or intended to be dedicated to public use.
- (d) Development on Slopes. No development shall be permitted on slopes exceeding twenty-five (25) percent without a variance approved by the Commission. Such areas shall be shown on the final plat as a slope easement. The final plat shall have a note that states, "No development is permitted in a slope easement."

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- (e) Connecting Streets and Utilities. If a tract is subdivided, lots shall be arranged and provisions made with ROW or easements for the opening of future streets and the extension of utilities, as provided herein.
 - (f) Street Names and Addresses. Street addressing, street naming and related matters shall be consistent with connecting street names, avoid duplication, and shall be subject to the approval of the agency responsible for 9-1-1 dispatching and shall comply with such standards and regulations as are in effect from time to time.
 - (g) Subdivision Construction Standards. All subdivisions shall comply with the City's typical construction standards in effect at the time of the application for plat approval. Construction detail standards for concrete, sanitary sewer, water lines and associated facilities shall be separately adopted from time to time by the Council acting by Resolution. Variations in these standards may be approved by the City Engineer and shall be based on field conditions and the professional judgment of the City Engineer.
 - (h) Conformity with Comprehensive Plan. The subdivision shall be consistent with the adopted Comprehensive Plan of the City, if any, and the parts thereof, as amended, from time to time.
 - (i) Adequate Facilities. No final plat shall be approved if there are inadequate facilities, as determined by the City Engineer, to serve the proposed development or subdivision. These facilities include but are not limited to on- and off-site water, wastewater, drainage, street, power, and communication facilities. The construction plans for improvements to provide adequate facilities shall be part of the construction plans submitted. Adequate facility improvements may include but are not limited to the extension of off-site water and wastewater lines; construction of off-site water storage, off-site lift stations, off-site drainage easements and improvements, new streets, or widened streets.
 - (1) A determination about off-site adequate facilities and whether off-site facilities are needed should be made with the construction plans.
 - (2) The commission or council on appeal may approve a final plat if arrangements for adequate facilities other than as noted above have been approved by the City Council by development or utility construction agreement prior to approval of a final plat.

4.11 Water Quality and Drainage

The following regulations shall apply unless there is a conflict with state law (including, but not limited to Chapter 245).

In order to help reduce stormwater runoff and resulting erosion, sedimentation and conveyance of nonpoint source pollutants, the layout of the street network, lots and building sites shall, to the greatest extent possible, be sited and aligned along natural contour lines, and shall minimize the amount of cut and fill on slopes in order to minimize the amount of land area that is disturbed during construction.

(Ord. 20-09-17-05 on 9/17/2020)

4.111 Water Quality Zones

- (a) Critical Water Quality Buffer Zone. Critical Water Quality Buffer Zones (CWQBZ) are established along all drainageways, creeks and tributaries and at the shoreline of Lake Travis in accordance with the Highland Lakes Watershed Ordinance and Article 3.1100 of the code of ordinances and the following:
 - (1) Creeks or swales draining less than forty (40) acres but more than five (5) acres, excluding roadside swales, shall have a minimum buffer width of twenty-five (25) feet from the centerline of the creek, swale, or drainageway.

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- (2) Creeks or swales draining less than one hundred and twenty-eight (128) acres but more than forty (40) acres shall have a minimum buffer width of seventy-five (75) feet from the centerline of the creek or swale.
 - (3) Creeks or swales draining less than three hundred and twenty (320) acres but more than 128 acres shall have a minimum buffer width of 100 feet from the centerline of the creek or swale.
 - (4) Creeks or swales draining less than six hundred and forty (640) acres but more than three hundred and twenty (320) acres shall have a minimum buffer width of two hundred (200) feet from the centerline of the creek or swale.
 - (5) Creeks or swales draining six hundred and forty (640) acres or greater shall have a minimum buffer width of 300 feet from the centerline of the creek or swale.
 - (6) For Lake Travis, the zone line shall be delineated parallel to the six hundred, eighty-one (681) foot MSL contour, seventy-five (75) feet horizontally inland for proposed detached single-family residential development and one hundred (100) feet for other residential or nonresidential development.
 - (7) In no case shall the CWQBZ extend beyond the crest of a bluff, as defined herein.
 - (8) As an alternative to determining CWQBZ's as above, the minimum width of the buffer zone shall be twenty-five (25) feet from outer edge of an area calculated to carry the one (1) percent annual chance flood assuming fully development watershed conditions, based on hydrologic modeling approved by the City Engineer.
 - (9) In no case shall the CWQBZ be an area less than the one (1) percent chance flood area as shown on the adopted Flood Insurance Rate Map.
 - (10) Critical water quality buffer zones shall be shown on preliminary and final plats. A note shall be added to the plat stating, "No development or clearing or grading shall take place in the water quality buffer zone except as allowed by the City watershed protection ordinances."
- (b) Construction Activity in the CWQBZ. The CWQBZ shall remain free of all construction activity, development, and alterations, except that the following may be permitted:
- (1) Waterways may be crossed by streets; provided, however, that, within a CWQBZ, with a watershed greater than six hundred and forty (640) acres, no street crossing shall be within two thousand (2,000) feet of any other crossing of a street on the same waterway.
 - (2) Utilities waterways crossings.
 - (3) Wastewater trunk line and lateral line waterway crossings. In no case shall any wastewater line be located less than one hundred (100) feet from the shoreline of a major waterway or less than fifty (50) feet from the shoreline of an intermediate or minor waterway.
 - (4) Fences that do not obstruct flood flows as determined by the floodplain administrator.
 - (5) Public and private parks and open space, with development in the parks and open space limited to trails and facilities (other than stables and corrals for animals) for hiking, jogging, nonmotorized biking, and nature walks.
 - (6) Boat docks, piers, wharves, or marinas, and necessary access and appurtenances along Lake Travis, as long as they conform to city and Lower Colorado River Authority regulations.
- (c) It is the intent that CWQBZ's be left in a natural state. Vegetation within the CWQBZ shall not be disturbed except for purposes consistent with development activity permitted by this Section, or for the cutting of brush considered a flood barrier unless the commission or council approves a landscape and restoration plan for the CWQBZ or there is an approved landscape and restoration plan for the CWQBZ that is part of a

planned development district in which the plat is proposed. Revegetation and restoration of native species of plants into disturbed CWQBZ's is encouraged.

- (d) Design and development of subdivisions and development shall be in accordance with the Highland Lakes Watershed Ordinance Water Quality Technical Manual.
- (e) Required vegetated buffer strips shall be shown on the final plat as a drainage easement or vegetative buffer strip easement with a note on the plat that no disturbance or development in the buffer strip is allowed. Maintenance of buffer strips between lot lines shall be the responsibility of the lot owner. A note to this effect shall be shown on the final plat.

4.112 Drainage

In addition to the requirements below, all development shall comply with applicable provisions of Articles 3.1100 and 3.1400 of Chapter 3 of the Code of Ordinances.

(a) General.

- (1) The subdivider or developer shall be responsible to control storm drainage flowing through or abutting his property.
- (2) Water quality basins and detention or retention facilities may be combined.
- (3) The use of streets and street rights-of-way as the central drainage network shall be avoided whenever practical.
- (4) When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights (rights-of-way or easements) must be secured and filed of record, or documented on the plat, and drawn on the construction plans.
- (5) Where new drainage improvements are required of a subdivision, the subdivider or developer shall be responsible for construction of all the required improvements at or before the time of construction of public improvements and streets, including the dedication of all necessary rights-of-way or easements necessary to accommodate the improvements. Where the developer proposes to subdivide only a portion of the property, drainage improvements for that portion shall be required; proper drainage of that portion may require drainage improvements outside the portion being subdivided.
- (6) The responsibility of the developer may extend to the provision of adequate off-site drainage facilities and improvements and easements to accommodate the full effects of the development of his property. If property rights or easements must be acquired to construct off-site facilities or properly convey stormwater runoff, the subdivider shall acquire said property rights and construct the off-site improvements and facilities.
- (7) Runoff abatement improvements should be used to retain and absorb rainfall within the general vicinity of where it falls, or runoff should be slowed, detained, and filtered, and return any channeled or detained runoff to sheeted overland flow over vegetated land. In the event that stormwater drainage channels or detention facilities outfall pipe(s) and/or culverts are required, such systems shall use approved control strategies to control sediment, erosion, and dissipate energy using spreaders or other energy dissipation measures, or multiple smaller outlets, and/or by locating discharges to maximize overland flow.
- (8) The storm drainage system shall be separate and independent of any sanitary sewer system and its use shall not interfere with the operation and maintenance of road networks or utility systems.

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- (9) Any use of retaining walls or similar construction shall be indicated with the plans submitted with the construction plans.
- (10) No subdivision or development shall be approved which would permit building within a regulatory floodway of any stream or watercourse. The commission or council may, when it deems necessary for the protection of the health, safety or welfare of the present and future population, prohibit the subdivision and/or development of any property which lies within a designated regulatory floodway of any stream or watercourse and require that they be floodway designated on the plat as a drainage easement.
- (11) Access in Storm Events. No lot or building site within a subdivision or development shall derive sole access to a public street across a drainageway unless such access shall be constructed to remain open under the 25-year frequency storm event.
- (12) Areas subject to inundation in a one (1) percent annual chance storm conditions shall be indicated and with the minimum floor elevation of each lot so affected on the preliminary plat submitted. The commission or council may, when it deems necessary for the protection of the health, safety or welfare of the present and future populations, place restrictions on the subdivision, regarding the design and use of areas within a drainageway or the calculated or regulatory one (1) percent chance floodplain. The Commission or Council shall not approve any subdivision or development of land within the floodplain of any stream or watercourse unless the applicant demonstrates that the subdivision or development and all development anticipated therein will comply with the requirements of this chapter and the city flood ordinance.
- (13) All facilities shall be designed to intercept, detain and transport the projected run-off from the twenty-five (25) year frequency storm. Overflow and/or transport provisions shall be provided for the one (1) percent annual chance storm, assuming fully developed watershed conditions.
- (14) Projected runoff rates for the design of drainage facilities shall be based on the expected ultimate developed state of the upstream contributing area. Said ultimate developed state shall be based on the maximum intensity allowable under existing zoning as applicable, the City's Comprehensive Plans, and approved plans within the contributing area.
- (15) Design of major drainageways through a subdivision and major structures such as box culverts or bridges across a major drainage channel shall be coordinated with the requirements of Travis County when any portion of the subdivision lies outside the city limits.
- (16) All sedimentation, filtration, detention and/or retention basins and related appurtenances that benefit more than one lot shall be situated within a drainage easement or drainage right-of-way.
- (17) Drainage facilities shall be designed to serve the entire subdivision. For all subdivisions, design of drainage facilities shall be completed with other required construction plans in order to ensure adequate drainage easements and other reservations on the plat.
- (18) The requirements set forth herein are not intended to be exhaustive and wherever it is necessary to make additional requirements in order to maximize the effectiveness of the drainage plan in question, such requirements shall be made by the Commission or Council. Exceptions to these requirements may be allowed pursuant to this chapter only when said exceptions will not result in drainage related problems sought to be prevented by these regulations.
- (19) Maintenance Access. Access easements or drainage easements for maintenance access to major drainage easements and facilities other than those between lots, at least twenty (20) feet wide, shall be provided and shown on the final plat and construction plans, as determined by the City Engineer.
- (b) Drainage Channels.

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- (1) The limits of the land that would be inundated by a twenty-five (25) year and the one hundred (100) year storm event shall be determined for watercourses draining fifty (50) or more acres. Calculations for storm events shall utilize generally recognized backwater computational methods and actual field channel and overbank configuration.
 - (2) No importation of fill material, cutting or channel modifications shall be undertaken within the area of the one (1) percent annual chance storm floodplain without a floodplain permit issued by the City Floodplain Administrator. Such approval shall be based upon certified engineering data and calculations furnished by the applicant.
 - (3) All constructed or modified earthen channels and street-side "bar ditched" shall be designed utilizing a side slope of thirty-three (33) percent (3:1 slope), or flatter, to allow for future maintenance and promote adequate slope stability. As a minimum, all slopes shall be hydromulched, sodded, seeded or otherwise permanently stabilized prior to final inspection of the subdivision and acceptance by the City of the subdivisions improvements.
 - (4) If modification of natural channels is allowed, the City Engineer may require that either a trapezoidal section or a cement pilot section is necessary to ensure channel/bank stability. Trapezoidal cross sections shall have side slopes no steeper than twenty-five (25) percent, except in areas of solid rock.
 - (5) The City Engineer may require additional cement, gabion, pavers, or like system slope stabilization that are higher than the trapezoidal section or pilot channel along the bank in curves where erosion of the channel or side slope would occur without the additional stabilization.
- (c) Streets and Storm Sewer.
- (1) All street sections shall be in accordance with City standards. If standup curb is used the allowable design drainage capacity for stormwater flow at the gutter shall be no deeper than three (3) inches above the top of the curb.
 - (2) Depth of flow in streets is to be controlled to allowable levels by modification of crossfall, gradient changes, or the use of curb inlets and/or curb drains, and storm sewer.
 - (3) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least twenty (20) feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.
 - (4) Water entering into the streets in excess of what gutters will carry at maximum flow, shall be diverted into storm sewers. Capacity of storm sewers and channels shall be calculated by Manning's Formula or other methods approved by the City Engineer.
- (d) Bridges and Culverts.
- (1) All bridge and culvert structures shall be designed to carry and/or contain the upstream runoff from a twenty-five (25) year storm.
 - (2) Run-off from a one hundred (100) year storm assuming fully developed watershed conditions shall not top the road surface at bridge or culvert crossings for an arterial or thoroughfare crossing and shall not exceed a depth of six (6) inches on a local street crossing.
 - (3) All bridge and culvert structures shall be designed such that the structural integrity of the roadway shall not be diminished by a twenty-five (25) or one hundred (100) year storm event.
- (e) Computations, Plans, Inspection, and Construction.

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- (1) Plans and computations for proposed drainage facilities shall be certified with the seal of the design engineer, and submitted to the City Engineer for acceptance prior to approval of construction plans.
 - (2) Computations for all drainage related design shall be submitted with the plans for review. Data submitted shall include a drainage area map, a summary of methodology employed and resulting data, land use and runoff coefficient assumptions, and other pertinent hydrologic and hydraulic data.
 - (3) The City shall make such inspections as are deemed necessary to assure proper installation. Neither the review nor approval of such plans nor the inspection of the completed work will create any liability on the part of the City.
 - (4) All drainage facilities and water quality facilities that serve more than one lot shall be constructed with other public improvements and improvements that benefit the owners of lots within the subdivision.
- (f) Design Criteria.
- (1) The design of all storm drainage facilities shall be in accordance with the provisions of the latest edition of the City of Austin Drainage Criteria Manual, as amended, save and except the following:
 - (A) Preface;
 - (B) Paragraphs 1.2.4.E.2 and 1.2.4.E.11;
 - (C) Paragraph 1.2.7;
 - (D) Paragraph 1.4.0;
 - (E) Paragraph 8.2;
 - (F) Appendix D; and
 - (G) All references to the City of Austin, including its departments, boards or divisions shall be the same departments, boards or divisions within the City of Lago Vista. Where such departments, boards or divisions do not exist within the City of Lago Vista, such references shall be construed to mean the City Engineer of Lago Vista or other representatives authorized by the Council or the Administrator to perform such functions for the City.
- (g) Detention or Retention.
- (1) The rate of runoff after construction shall be less than or equal to the site's runoff prior to construction. All development shall incorporate facilities to prevent any increase in the peak rate of runoff or channelizing or concentrating in any way runoff from a twenty-five (25) year frequency storm. The City Engineer may waive this requirement under one or more of the following circumstances:
 - (A) Approved off-site storage is provided for the required regulation of peak flows and adequate conveyance of stormwater flows from the site to the off-site storage facility is demonstrated.
 - (B) Development of a one (1) or two (2) family residential structure on any legally platted lot creates no more impervious ground cover than thirty (30%) percent of the gross lot surface area exclusive of any area within the one (1) percent annual chance floodplain.

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- (C) Certified engineering data and calculations are presented which demonstrate the absence of adverse impact on all downstream conveyances and property between the downstream property line and the receiving major waterway.
 - (D) Certified engineering data and calculations are presented which fully describe, explain and justify recommended alternative to detention.
 - (E) The increase in runoff does not exceed ten (10) percent of the existing condition runoff up to a maximum increase of five (5) cubic feet per second, and said run-off does not affect adjoining property.
 - (F) The property is adjacent to a major waterway, Lake Travis, a major creek or canyon and in the judgment of the City Engineer, waiver of detention requirements will not result in an increase in the peak flood flow of the one-percent chance storm event assuming completely developed watershed conditions of the major waterway. Waiver of this requirement for any reason shall not relieve the owner of responsibility under civil law to adjacent and downstream property owners.
- (2) Detention and water quality ponds or facilities shall be in a drainage easement or right-of-way, and will usually be in a separate lot from a lot that would have buildings on it. Generally, maintenance of a subdivision's detention and water quality facilities shall be the responsibility of the City, once completed and accepted by the City. If the subdivision has a gated entrance and private streets, all detention and water quality ponds shall be maintained by the property owner's association and their funding and maintenance shall be made part of the subdivision's covenants and restrictions. A plan including estimated maintenance costs for their maintenance shall be submitted with construction plans for the subdivision.
- (h) Erosion and Sedimentation Control.
- (1) The subdivider shall submit an erosion and sedimentation control plan to control erosion during construction which can impact adjacent public or private property. The accepted guide for preparing control plans is the Highland Lakes Watershed Ordinance Water Quality Management Technical Manual.
 - (2) Permanent erosion control shall be established prior to final inspection of the subdivision. Temporary erosion control, such as silt fences, shall be removed prior to final inspection of the subdivision's improvements.
- (i) Floodplain Development. Development in a regulatory floodplain shall require a separate permit from the floodplain administrator. In addition to the Floodplain Ordinance requirements, the following restrictions shall apply (in the event of a conflict, the higher standard will apply):
- (1) Development or alteration of the floodplain shall result in no increase in water surface elevation of the design storm of the waterway.
 - (2) Development or alteration of the floodplain shall not create an erosive water velocity on or off the site. The mean velocity of stream flow at the downstream end of the site after development or alteration shall be no greater than the mean velocity of the stream flow under existing conditions.
 - (3) Development or alteration of the floodplain may be permitted by equal conveyance on both sides of the natural channel.
 - (4) Relocation or alteration of the natural channel shall not be permitted without an environmental assessment and approval and completion of a stream rehabilitation/native vegetation program. A landscape plan shall be required, and shall include plans for erosion control of cut and fill slopes, restoration of excavated areas and tree protection where possible, both in and below the fill

area. Landscaping should incorporate natural materials (earth, stone, or wood) on cut or fill slopes whenever possible.

- (5) The toe of any fill shall parallel the natural channel to prevent an unbalancing of stream flow in the altered floodplain.
- (6) To ensure maximum accessibility to the floodplain for maintenance and other purposes, and to lessen the probability of slope erosion during periods of high water, maximum slopes of filled area shall not exceed three (3) to one (1) (3:1) for fifty (50) percent of the length of the fill and six (6) to one (1) (6:1) for the remaining length of the fill. The slope of any excavated area not in rock shall not exceed four to one (4:1). Vertical walls, terracing and other slope treatments will be considered if no unbalancing of stream flow results.
- (7) Any alteration of the floodplain shall not cause any additional expense in current or projected capital improvements, nor should said alteration cause additional maintenance costs to be incurred by the city.
- (8) If the development is in the ETJ, Travis County may impose additional requirements.

(Ord. 20-09-17-05 on 9/17/2020)

4.12 Streets and Sidewalks

- (a) General. Streets, including pavement and shoulders, shall be constructed in accordance with the City of Austin Standard Specifications, unless otherwise specified in this chapter. Where City of Austin standards conflict with this chapter of the City of Lago Vista standard specifications or other Lago Vista ordinances, this Chapter and Lago Vista standard specifications shall apply.
- (b) Street Layout. The subdivider shall provide adequate streets. Proposed streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public safety and convenience, and in their appropriate relationship to the proposed uses of land to be served by such streets.
 - (1) In particular, subdivision layout should provide for a minimum practical number of intersections with major arterials and those intersections should be with collector streets at intervals of not less than eight hundred (800) feet.
 - (2) Trees. Streets should avoid clearing trees ten (10) inches in diameter or larger measured forty (40) inches above the ground, except ash-juniper (cedar trees), where practical. All such trees to be removed or to remain in the ROW shall be shown on construction plans for streets. Retaining large trees in the street ROW is permitted and encouraged where practical for traffic calming purposes. The Commission may grant a Subdivision Variance to any street standards to retain large trees, given a report from the City Engineer that such is safe.
 - (3) Relation to Adjoining Street System. Existing streets in adjoining areas shall be continued, and shall be at least as wide as such existing streets and in alignment therewith. Practical down-sizing of streets may be permitted where obvious transition is from high to low traffic frequency.
 - (4) Projection of Streets.
 - (A) Where adjoining areas are not subdivided the arrangement of streets in the subdivision shall make provision for the proper projection of the streets into such unsubdivided areas, unless otherwise provided by the City comprehensive plan.
 - (B) Subdivision plat design shall provide for the location of a reasonable number of street openings to adjoining properties. Such an opening shall occur at least every one thousand (1,000) feet or in alignment with existing or proposed subdivision streets along each boundary of the subdivision.

An exception may be granted to this requirement if a natural or manmade barrier, such as a thoroughfare, prevents its implementation.

- (C) The developer shall convey or dedicate land to the appropriate public entity for the future projection of collector and larger streets into adjoining, unsubdivided areas. For the future projection of local streets, the developer shall either dedicate land or convey to the City by general warranty deed, a fee simple on condition subsequent estate in one (1) or more lots. If the City, by Resolution of the Council, ever determines that the property will not be needed for street extension, the grantor (or successor) shall have the right to reenter and assume ownership of the property.
- (5) Street Jogs. Street jogs with centerline offsets of less than one hundred fifty (150) feet shall be prohibited.
- (6) Street Intersections.
 - (A) Street intersections shall be at right angles whenever practicable, giving due regard to terrain and topography.
 - (B) More than two (2) streets intersecting at one point shall not be permitted.
 - (C) Major thoroughfare intersections shall have property line corner chords with a minimum tangent distance of thirty (30) feet.
 - (D) Curb radii at intersections, including alley openings, shall be a minimum of twenty-five (25) feet, measured from face of curb or edge of pavement or shoulder, except in commercial or industrial developments where the radii shall be a minimum of thirty (30) feet.
- (7) Dead-End Streets. Dead-end streets shall be prohibited except as short stubs to permit future expansion. Temporary turnaround easements of one hundred (100) feet in diameter right-of-way and eighty (80) foot diameter pavement may be used at the ends of roads which will be extended in future sections of the same subdivision, provided that such easements remain in effect until the road is extended and paved. The City Engineer may approve paving specifications less than standard in temporary turnaround easements.
- (8) Cul-de-Sacs. In general, cul-de-sacs shall not exceed six hundred (600) feet in length, and shall have a turnaround right-of-way (ROW) of not less than one hundred (100) feet in diameter and pavement (including "ribbon" or curb and gutter) of at least eighty (80) feet in diameter.
 - (A) "Hammerhead" and "Y" turnarounds in accordance with the International Fire Code are also permitted.
 - (B) Where cul-de-sacs serve predominantly multifamily or development with a density greater than twelve (12) units per acre, commercial and/or industrial development, pavement diameter shall be at least one hundred and twenty (120) feet and shall be at least one hundred and forty (140) feet of ROW.
- (9) Curbs. All streets shall have a cement curb and gutter section or "ribbon" curb section in accordance with city standard specifications. Street width in the following paragraph includes the gutter portion of a curb and gutter section (pavement width is face of curb to face of curb) but do not include the "ribbon" curb portion. The ribbon curb section and gutter portion shall be at least twelve (12) inches wide. The City may require that existing streets within a subdivision being platted be retrofit with cement curbs.
- (10) Minimum pavement widths, minimum rights-of-way (ROW), minimum curve radius to centerline, minimum tangent between reverse curves, maximum sustained grades (and see subsection 19), and

the average daily traffic that dictates the width of street shall be according to the comprehensive plan and as follows. Parking in the ROW is prohibited.

(A) Major Arterial Streets.

- (i) ROW: 90 to 120 feet depending on median in ROW and how ROW drainage is designed.
- (ii) Pavement width: 60 feet without a median with five 12 foot lanes (including a center turn lane) or 62 feet with four 12 foot lanes and a 14 foot median. Additional lanes may be required based on an approved traffic impact analysis (TIA).
- (iii) Curve radius: 1,000 feet.
- (iv) Reverse curve tangent: 250 feet.
- (v) Sustained grade: Eight percent.
- (vi) Maximum average daily traffic: Greater than 20,000.

(B) Minor Arterial Streets.

- (i) ROW: 70 to 80 feet depending on how in ROW drainage is designed.
- (ii) Pavement width: 48 feet. Four 12 foot lanes.
- (iii) Curve radius: 600 feet.
- (iv) Reverse curve tangent: 200 feet.
- (v) Sustained grade: Eight percent.
- (vi) Maximum average daily traffic: 10,000 to 20,000.

(C) Collector Streets.

- (i) ROW: 60 to 70 feet depending on how ROW drainage is designed.
- (ii) Pavement width: 24 to 36 feet depending on estimated ADT. Two 12 foot lanes to two 12 foot lanes with continuous or partial center turn lane.
- (iii) Curve radius: 375 feet.
- (iv) Reverse curve tangent: 200 feet.
- (v) Sustained grade: 12 percent.
- (vi) Maximum average daily traffic: 10,000.

(D) Local or Residential Streets.

- (i) ROW: 50 feet.
- (ii) Pavement width: 24 feet. Two 12 foot lanes. If raised curb and gutter is used, and in order to comply with the International Fire Code, the width of pavement shall be 26 feet from face of curb to face of curb.
- (iii) Curve radius: 275 feet.
- (iv) Reverse curve tangent: 50 feet.
- (v) Sustained grade: 10 percent.
- (vi) Maximum average daily traffic: 5,000.

(E) TxDOT Roads or Highways. According to TxDOT.

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- (F) Additional ROW and lane construction may be required at the intersections of arterials, collectors and TxDOT highways to accommodate turning movements.
- (G) Additional easements adjacent to the street ROW may be required for slopes, drainage, and/or utilities.
- (11) Pavement widths and rights-of-way of streets forming part of the subdivision (adjacent or going through) shall be as follows:
- (A) When the proposed subdivision is bounded by an existing or planned street, right-of-way dedication of 1/2 of the ROW, not to exceed seventy-five (75) feet, on the subdivision side of the street shall be required. If the street is not built, the developer shall construct at least two lanes or provide the City the cash for the cost of the construction of two lanes as approved by the City Engineer.
- (B) If a planned road through the subdivision is wider than two lanes and the subdivision's traffic does not warrant construction based on the subdivision's projected average daily traffic (ADT), as approved by the city engineer, the subdivider shall dedicate all the ROW, but shall be required to pave at least two lanes or more dictated by the subdivision's ADT.
- (C) Where the proposed subdivision abuts upon an existing street or half-street that does not conform to standards in this section, the subdivider shall dedicate right-of-way sufficient to make the full right-of-way width conform to pavement standards above, and there shall be paved so much of such right-of-way as to make the full pavement width comply with these standards. Before any pavement is laid to widen existing pavement, the existing pavement shall be cut back two (2) feet to assure an adequate subbase and pavement joint.
- (D) If it is determined that ROW dedication and/or pavement is not roughly proportionate to the subdivision's projected traffic, the City Engineer may not require the entire ROW or pavement to be given or constructed in order to have dedication and construction be roughly proportionate and may require additional building setback to accommodate future roads or highways be shown on the plat.
- (12) Pavement Standards. The City Engineer may require that the subdivider or developer submit pavement designs by a qualified soils testing and pavement design Registered Professional Engineer.
- (13) Street Names. Names of new streets within the subdivision shall not have the same spelling as the name of any other street within the corporate limits of the city or its ETJ, unless the new streets are a continuation of or in alignment with existing streets, in which case names of existing streets shall be used. The developer or subdivider proposing new streets shall provide with the final plat application a document from the agency responsible for "911" street naming that the new street names in the subdivision are approved.
- (14) Streetlights. Streetlights are required at the corner of any intersection with streets, intersection of a street and alley, intersection of alleys, at any designated crosswalks outside of an intersection, or the designated crossing of any trail or golf path. There will be adequate lighting to provide for safety to the satisfaction of the City Engineer. They shall be installed in accordance with City specifications and the following at the time of street construction.
- (A) Luminaries. Streetlights shall comply with Article 3.800 of Chapter 3.
- (B) Maintenance. Streetlights shall not be owned or maintained by the City. If the streetlights are to be maintained by and electrical bills paid by a property owner's association, mandatory fees shall be collected and made part of the property owner's association documents/covenants presented to the city with the construction plans. If the streetlights are to be owned by an electric utility, the utility's approval of the street lighting plan and electrical bill payment system shall be

presented with the construction plans. An estimate approved by the electrical utility provider detailing the cost of energy for streetlights shall be included.

- (C) Height: Maximum height of a streetlight is eighteen (18) feet, except on arterial streets where the maximum height may be thirty (30) feet.
- (D) Location.
 - (i) Generally, streetlights may be located at street intersections and in the "bubble" of a cul-de-sac if the cul-de-sac is at least four hundred (400) feet long.
 - (ii) All streetlights shall be in right-of-ways or easements shown on the construction plans and plats.
 - (iii) Streetlights shall be no closer than 400 feet from another streetlight.
- (E) Wiring to all streetlights shall be underground.
- (15) Street Signs. Reflective street signs shall be installed at all intersections within or abutting the subdivision at the time of street construction. Such signs shall meet Travis County Standards of Construction of Streets and Drainage in Subdivisions for type and installation.
- (16) Alleys.
 - (A) Width and Paving. The subdivider may install alleys of not less than twenty (20) feet in ROW and pavement. Where alleys intersect easements the alley and utility easement shall be at ten (10) feet wider as determined by the City Engineer for a distance determined by the City Engineer.
 - (B) Dead-End Alleys. Dead-end alleys shall not be permitted in the City or ETJ.
- (17) Sidewalks.
 - (A) Residential. Sidewalks are required in subdivisions on both sides of any street and all sides of a cul-de-sac; they shall be not less than four (4) feet in width. The sidewalk shall be located in the ROW with the outer edge of the sidewalk at the ROW line. All sidewalks shall conform to the Americans with Disabilities Act (ADA) and City construction standards.
 - (B) Commercial and Industrial Areas. Sidewalks shall conform to the City construction standards and meet all requirements of the Americans with Disabilities Act and be at least five (5) feet wide. Such sidewalks shall be installed and constructed on both sides of the street.
 - (C) Residential and Commercial Mixed Use, Vertical. Sidewalks are required in subdivisions on both sides of any street. Sidewalks shall conform to the City construction standards and meet all requirements of the Americans with Disabilities Act and be at least six (6) feet wide.
 - (D) Parkways. Parkway shall be excavated, or filled, as required to result in a three to one (3:1) grade. In residential, commercial, and industrial areas this shall be a minimum of six (6) feet in width from backside of curb to closest edge of sidewalk. In Residential & Commercial Mixed Use, Vertical these parkways are prohibited in the ROW.
- (18) Crosswalks. Crosswalks ten (10) feet in width shall be dedicated as right-of-way and constructed where deemed necessary by the City to provide circulation or access to schools, playgrounds, parks, shopping centers, transportation and other community facilities. Crosswalks shall be provided, when required by a development, with a concrete sidewalk six (6) feet wide constructed to city specifications and ramped at street intersections.
- (19) Street Grades.
 - (A) Streets other than local streets shall have a maximum grade of eight (8) percent unless the City Engineer shall concur that the natural topography requires steeper grades, in which case a twelve

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- (12) percent grade may be used, if the site distance is adequate and there are no intersections at the top or bottom of the grade within the calculated stopping distance based upon the speed limit plus ten (10) miles per hours.
- (B) All streets must have a minimum grade of at least five-tenths (0.5) of one percent.
- (C) Centerline grade changes with an algebraic difference of more than two (2) percent shall be connected with vertical curves of sufficient length to provide sight distance on major streets as required for forty-five (45) mile per hour traffic; and sight distance on minor streets and local residential streets as required for thirty (30) mile per hour traffic.
- (D) Whenever a cross slope is necessary or desirable from one curb to the opposite curb, such cross slopes shall not exceed twelve (12) inches in thirty (30) feet. Streets designed with super elevated curves shall conform to the standard highway design for such curves.
- (E) If an exception is approved, slopes greater than twelve (12) percent may require concrete paving and be subject to approval by the city engineer.
- (20) Fire/Emergency Access. Where there are thirty (30) or more residential lots or 30 residential units proposed in a subdivision or development, there shall be at least two entrances and exits and fire access at least twenty-four (24) feet wide into and out of the subdivision or development.
- (21) Access Management. On arterial streets, driveway and street intersection separation shall be at least two hundred and fifty (250) feet or as called for in an approved traffic impact analysis (TIA). Street intersections on a collector street shall be at least one hundred (100) feet apart.
- (22) Traffic-Control Devices. Traffic-control devices and signs warranted by the most recently approved edition of the Texas Chapter of the Manual for Uniform Traffic-Control Devices shall be required to be installed by the developer or subdivider at the time of street construction, as determined by the City Engineer. Such control devices shall be shown on construction plans.
- (23) Private Streets.
- (A) Private streets shall meet the standards and specifications of public streets.
- (B) Private streets and other private common areas shall be shown on the plat as a separate lot. The final plat shall have an annotation showing areas that are private street(s) or other type of common area. Said lot or lots shall be conveyed to a property owner or homeowner's association for ownership and maintenance. Covenants or restrictions concerning proper and timely maintenance and mandatory collection of maintenance fees from property owners shall be submitted with the plat and are subject to approval by the City Engineer and the City Attorney. The approved covenants or restrictions shall be recorded with the plat and copies of the recorded documents shall be provided the city with the recorded copies of the plat. A plan including estimated maintenance costs for their maintenance shall be submitted with construction plans for the subdivision.
- (C) Private streets shown as easements on separate lots are prohibited.
- (D) Gated Streets.
- (i) Public streets shall not be gated. If private streets are gated there shall be an adequate and safe turnaround, such as a cul-de-sac "bubble," provided on the public side of the gate as approved by the City Engineer. Public streets that are required to be extended into and through the subdivision shall not be gated.
- (ii) A letter from the servicing fire department or emergency service district shall be provided with the plat application which approves a plan, which will be made part of the approved construction plans, for emergency vehicle access.

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- (E) Public and emergency vehicle access easements shall be required on the private street ROW.
 - (F) If the association fails to maintain reliable access on a private street into or through the subdivision or development, and after notice to the association, the City at the direction of the City Engineer, may enter the private street and remove any gate or barrier and repair or improve a private street in order to provide adequate access. The cost of such repair shall be billed to the association by the City within thirty (30) calendar days of completion of the City's improvement. If the bill is not paid within sixty (60) calendar days of mailing the bill or by other agreement between the City and the association, all the property in the subdivision shall have a lien placed against it by the City Attorney to cover the costs. The covenants and restrictions of a subdivision with private streets shall include this notice.
- (24) Traffic Impact Analysis (TIA). A TIA shall be required of any development or subdivision which would generate two hundred (200) or more average daily vehicle trips (ADT). The TIA shall be submitted with construction plans, and shall be approved as part of the construction plans. The TIA shall be approved by the City Engineer. All improvements dictated by the approved TIA shall be completed by the developer or subdivider with the construction of streets in the development or subdivision. It will be shown on the construction plans and with the As-Builts.

(Ord. 18-06-21-03 on 6/21/2018)

4.13 Easements

(a) Power, Gas and Communication Utility Easements.

- (1) Each block shall have a utility easement, reserved for the use of all public and communication utility lines, conduits, and equipment, either at the rear or the front of all lots. The developer or subdivider shall provide the administrator and the city engineer a document from the power, gas, and communication company providing service to the development or subdivision that easements shown on the plat are adequate. The location of power, gas, or communication lines shall be shown on the construction plans.
- (b) Ten (10) foot wide public utility easements shall be provided along all public or private street ROW.
- (c) Drainage Easements. The width of drainage easements shall be determined in accordance with Section 4.11, but in no case shall be less than twenty (20) feet. "Split easements" along side or rear lot lines are permitted, but no easement on a lot shall be less than ten (10) feet as approved by the City Engineer.
- (d) If easements are necessary in areas adjoining a proposed subdivision to provide drainage thereof, or to serve such subdivision with utilities, the subdivider shall obtain such easements.
- (e) Water and wastewater easements shall be provided in accordance with Sections 4.18 and 4.19, herein.

4.14 Power and Communication Lines

All power and communication lines shall be underground. Electrical lines shall be installed in accordance with Pedernales Electric Cooperative Underground and Installation Specification.

4.15 Clearing and Rough Cutting of Vegetation

No right-of-way clearing or rough cutting shall be permitted before Construction Plan approval. Limited clearing for soil testing and surveying may be allowed by the Administrator.

4.16 Fill

No fill on any construction plan or plat shall exceed a maximum of four (4) feet of depth. Areas designated as permanent on-site spoils disposal sites are not permitted. No permanent onsite spoils are allowed.

4.17 Post-Construction Restoration Plan

An erosion and sedimentation plan shall be submitted with Construction Plans and shall describe proposed construction material and equipment storage sites and measures for post-construction restoration, including revegetation and slope stabilization. The permanent erosion control system, including revegetation shall be completed prior to final inspection and acceptance of the subdivision. All subdivisions and developments shall provide performance guarantees for restoration.

4.18 Water Systems

- (a) Water Supply. All subdivisions shall be provided with water supply and distribution systems. In those proposed subdivisions not serviced by an existing water system, the subdivider or developer shall provide plans and specifications for a private or special district water supply approved by the State Department of Health, the Texas Commission on Environmental Quality, and Travis County, if applicable. These plans are subject to approval by the city engineer and shall be submitted with the subdivision construction plans. Water supply special districts, such as a municipal utility district, are subject to approval by the City Council and approval of a development agreement addressing the special district.
- (b) Water Distribution. All distribution lines at least eight (8) inches in diameter. Water mains smaller than eight (8) inches may be constructed to serve blocks with no more than six (6) dwelling units or when taking into account the following:
 - (1) The recommendation of the design engineer for the developer;
 - (2) Peak demands for domestic and irrigation use of water;
 - (3) Fire protection and hydrant coverage;
 - (4) Growth and development possibilities for the area; and
 - (5) Approval of the City Engineer.
- (c) Water Wells. If the subdivision is to be served by ground water, the subdivider or developer shall provide with the construction plans, a certification in accordance with the Texas Administrative Code and in accordance with TCEQ rules a water availability report that certifies adequate groundwater is available for the subdivision.
- (d) Fire Hydrants.
 - (1) Standard fire hydrants, from a manufacturer approved by the City shall be installed as part of the water distribution system per specifications of the International Fire Code.
 - (2) Spacing. Minimum spacing along streets in single-family or duplex areas shall be 500 feet and in predominantly multifamily or nonresidential areas spacing shall be 300 feet.
 - (3) Flushing valves may be used in lieu of fire hydrants at the end of cul-de-sacs so long as there are sufficient hydrants located at intersections to meet the spacing criteria specified in the City's fire code.
- (e) Design Criteria.

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- (1) The standards in Title 30, Part 1, Chapter 290, Subchapter D, Texas Administrative Code shall be used in the design of water systems.
 - (2) Storage and Pumping for Fire Flow. The minimum design criteria for storage and pumping capacities required for fire flows and for design of all water systems shall be in accordance with the latest requirements established by the Texas State Board of Insurance.

4.19 Wastewater Systems

- (a) Wastewater Treatment. All subdivisions shall be served with a sewage treatment and disposal system approved by the State Department of Health and the Texas Water Commission or LCRA, if applicable.
- (b) Irrigation. In the event a sewage and disposal system is approved that allows irrigation, no irrigation shall be allowed on slopes of greater than twenty (20) percent gradient or in the 100-year floodplain.
- (c) Sewer Systems. Connection with a sanitary sewer system shall be required except in rural subdivisions in which all lots are at least one acre in size and the requirements of the City and/or the Lower Colorado River Authority shall be satisfied.
- (d) Private Sewage Facilities (OSSF). Where septic tanks or on-site sanitary facilities are installed, the subdivider shall conduct percolation tests under the supervision of LCRA in order to determine soil conditions and soil suitability and provide with construction plans an LCRA permit for the use of on-site sanitary facilities. No subdivision of lots within the City, or within the extraterritorial jurisdiction of the City, which depends in whole or in part on septic tanks or a septic tank system shall be approved if adequate sewer service is available within one quarter (1/4) mile of the property line of the lot to be sewered or if the subdivision does not contain lots meeting the minimum lot size required by LCRA.
- (e) Private and Special Districts. In those proposed subdivisions not serviced by the Lago Vista system, the subdivider or developer shall provide plans and specifications for a private or special district wastewater treatment approved by the State Department of Health, the Texas Water Commission, and Travis County, if applicable. These plans are subject to approval by the City Engineer and shall be submitted with the subdivision construction plans. Wastewater supply special districts, such as a municipal utility district, and private centralized wastewater systems are subject to approval by the City Council and approval of a development agreement addressing the special district or private facility.
- (f) Design Criteria. The standards in Title 30, Part 1, Chapter 317, Texas Administrative Code shall be used in the design of wastewater systems and facilities.
- (g) Independent Utility Districts.
 - (1) When a proposed subdivision is located within an area served by an existing independent utility district the subdivider shall furnish evidence that the utility district will provide service to the subdivision.
 - (2) When a proposed subdivision is located within an area served by an existing investor-owned or private water supply and/or sewer service corporation system, including, among others, water supply and/or sewer service corporations organized under Art. 143a of the Texas Civil Statutes, the subdivider shall furnish evidence that the utility corporation will provide service to the subdivision. Specifications shall be in accordance with the Travis County standards for similar facilities and shall be approved by the Texas Department of Health. The city shall have the right to inspect all facilities of the water and/or sewer corporation at any time during construction of the subdivision, and shall give final approval of the utility corporation service. In addition, the City shall have the right to charge inspection fees for review of facilities, the cost of which is not covered by other appropriate charges.

4.20 Blocks

Block widths shall generally allow for two (2) tiers of lots back-to-back, except where prevented by topographical conditions or size of property. Maximum block length shall be eight hundred (800) feet.

4.21 Lots

- (a) Area Requirements. Within the corporate limits of the City the required lot area, width, setback line, side yard and rear yard requirements shall conform to the zoning ordinance based on the zoning of the property. However, divisions of property on which commercial and residential structures are precluded by language on the proposed plat are exempt from such requirements regardless of the existing zoning district. The minimum lot size in the City's extraterritorial jurisdiction shall be dependent upon the availability of Central Sewage Disposal System service. Lots in the extraterritorial jurisdiction that are to be served by the central sewage system shall have a minimum of nine thousand six hundred (9,600) square feet. Lots to be served by septic systems shall have a minimum of one acre and conform to the Lower Colorado River Authority regulations based on soil classification and tests.
- (b) Access. Each lot shall front upon a public street or, in the case of a private street, have access to a public way by access easement sufficient to meet the requirements of the International Fire Code, governing access to buildings by fire apparatus. Private streets shall have public safety access easements.
- (c) Side Lot Lines. Side lot lines shall be substantially at right angles to straight streets lines and radial to curved street lines.
- (d) Extra Depth and Width. Where a lot in a residential area backs up to a railroad right-of-way, a high pressure gasoline, oil or gas line, an industrial area, an arterial street, or other land use which has a depreciating effect on the residential use of property, and where no marginal access street or other street is provided, additional depth may be required by the City Engineer. In no case shall a residential lot depth in excess of one hundred seventy-five (175) feet be required. Where a residential lot sides to a railroad right-of-way, a high pressure gasoline, oil or gas line, an industrial area, an arterial street, or other land use which has a depreciating effect on the residential use of property, additional width shall be required by the City, but in no event shall a width in excess of one hundred twenty feet (120') be required.
- (e) Lot Arrangement. Lots for one- or two-family residential use should not front on or be contiguous at a side lot line to arterial streets or highways. Lot arrangement in case of nonresidential uses is subject to the review and approval of the City so that traffic congestion and movement problems are prevented whenever possible. Double fronting lots or lots with a side lot line contiguous to arterials or highways may be allowed following noise and traffic mitigation measures (i.e., fence, berm, wall) adjacent to the street are provided.
- (f) Fences on Double Fronting Lots. Fences on double fronting lots shall meet the front yard setback requirements in the zoning ordinance for each street that the lot fronts on.
- (g) Absent a subdivision variance approved in advance by the Planning and Zoning Commission, flag lots shall be prohibited from being included on a proposed plat for use as a building site.

(Ord. 23-04-06-01 on 4/6/2023)

4.22 Monuments

- (a) The surveyor responsible for the plat shall place permanent monuments in accordance with the standards of the State Board of Registration for Professional Land Surveyors.
- (b) The location of monuments shall be shown on the plat.

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- (c) All lot corners and street rights-of-way shall be set with a marker of a permanent nature such as an iron rod, pipe, etc.
 - (d) All monuments shall be in place at the time of that As-Builts are submitted to the City.
 - (e) A minimum two (2) monuments must be set per phase of development.

4.23 Street and Traffic-Control Signs

The developer shall pay the cost of purchasing and installing all required street (name) signs and traffic-control signs for all streets, which signs shall be of the same type used throughout the city, as approved by the City. The City Engineer will require traffic-control signs to meet the most recent addition of the Texas Chapter of the Manual of Uniform Traffic Control Devices (MUTCD) and City specifications and standards. In cases of conflict, the City specifications and standards shall prevail. These signs shall be shown on construction plans.

4.24 Trees

The protection of trees and wooded areas, in general, should be considered in the layout of streets, drainage improvements, utilities and lots. The Commission may call for the relocation of any improvement to save a protected tree. Construction plans shall show trees that would be removed. Tree removal shown on a construction plan shall constitute the City's permit to remove a protected tree.

Section 5 Parkland Dedication

5.10 Dedication of Parkland or Fee In-Lieu-Of Dedication

The developer for each residential subdivision in the City or the City's extraterritorial jurisdiction shall set aside and dedicate public parkland or make an in-lieu financial contribution to the City at the minimum rate of one (1) acre for every thirty (30) new dwelling units or \$1,050.00 per dwelling unit. Required public parkland will be shown on the Concept Plan or Master Development Plan and individual Plat at the time of City approval of the Concept Plan, Master Development Plan, and Plat of the portion of the land containing the designated public parkland. The City reserves the right to require the dedication of land for public park purposes in accordance with this Ordinance when one (1) or more acres of land would be required to satisfy the parkland dedication requirements; or to require the payment of the fee per dwelling unit if the park will be less than one (1) acre.

5.11 Minimum Size of Dedication

Development of one (1) acre for every thirty (30) dwelling units. A developer may dedicate more land than would be required by this Ordinance provided the additional land is also shown on the plat, Master Development Plan, or Concept Plan. The property must be deeded over to the City before As-Builts can be approved by the City.

5.12 Design Standards for Parkland

Any land dedicated to the city under this Ordinance must be suitable for park and recreation use and more than twenty (20) percent of the area may not be located in the 100-year floodplain or any areas of unusual topography or slope which renders same unusable for recreational activities. Drainage areas may be accepted as a part of a park dedication if the channel is constructed in accordance with City engineering standards, and if no significant portion of the park is cut off from access by such channel. Each park must have at least fifty (50) feet of public street frontage.

5.13 Park Fund Money

Park fund money accepted in lieu of land may be used only for acquisition of parks, or for park related expenditures, at the discretion of the City Council. All funds received in-lieu-of dedication of land shall be deposited in the city's park fund. Fee-in-lieu funds shall be paid before the final plat, replat, or minor plat can be recorded with the County.

5.14 Additional Requirements

- (a) Any land dedicated to the City under this Ordinance must be suitable for park and recreational uses. The following characteristics of a proposed property are unsuitable and shall be grounds for refusal of any preliminary plat:
 - (1) Any area totally located in the one (1) percent annual chance floodplain.
 - (2) Any areas of unusual topography or slope which renders same unusable for organized recreational activities.
- (b) Drainage areas may be accepted as a part of a park dedication if the channel is constructed in accordance with City engineering standards, and if no significant portion of the park is cut off from access by such channel.
- (c) Each park must have ready access to a public street.

Notwithstanding any of the above, the Council, at its discretion, may decide to acquire any lands not otherwise suitable for parkland, if the acquisition of such land would provide for the preservation of open space, environmentally critical areas, areas of unique geologic or cultural features, or protection from periodic flooding.

5.15 Exceptions

- (a) The foregoing shall not apply in the case of a replat or a plat, subdivision, or addition that has previously met park requirements and the number of lots is not increasing, or the redivision of existing single-family lots unless additional lots are added in which case park fees shall be paid for the additional lots being platted or additional land will be dedicated to the City.
- (b) Notwithstanding any of the other provisions of Section 15, it is not intended that any area be required to be dedicated for park purposes when the land embraced in the plat is an area designated as one (1) lot and which is zoned under the existing zoning ordinance for business or industrial purposes.

5.16 Land Treatment

Upon platting of the parkland from the subdivider to the City, the subdivider shall not cause or allow any fill material or construction debris to be placed on the land, or otherwise alter, damage or impair the land, water or vegetation on the park site, without written permission from the City. The City, with concurrence of the City Engineer, may allow the subdivider to place fill material and take other respective actions specified in this Section when such action would be beneficial to the parkland. In such cases, the City shall provide a letter to the respective subdivider.

5.17 Dedication of Land to the City

Signature of a Deed shall be by authorization of the City Council. The approval by the City Council of any plat or construction plan shall not, in and of itself, be deemed to constitute or imply the acceptance by the City of any park shown on the plat. The City may require the plat to be endorsed with appropriate notes to this effect.

5.18 Improvements

- (a) The City shall pay the costs of any utility extensions within park boundaries required to serve the park. Any agreements made by any person to dedicate to the public any park area or areas prior to June 4, 2009, shall not be construed as obligating or committing the city to pay any portion of the costs of curbing, gutters, storm sewers and paving of any streets that bound such park.
- (b) The City shall improve the dedicated park area in accordance with the approved city five (5) year capital improvement plan or with any plans indicating the future locations of new park or extension of park space in the City. The City should attempt to improve the park within five (5) years of completion of permitting for fifty (50) percent of the subdivision's lots.

Section 6 Miscellaneous

6.10 Conflict

If any provision of this Chapter is in conflict with any other provision in this Chapter or any other provision in the code of ordinances, the most strict or restrictive provision shall apply. If a provision in this Chapter is not more restrictive but is different from any provision in this chapter or the code of ordinances, the administrator shall determine what provision should be followed. Additional and related local ordinance requirements include, but are not limited to, the provisions within Chapter 3, Chapter 3.5, Chapter 11, Chapter 13, Chapter 14, and the Technical Construction Standard Specifications (TCSS) adopted as Ordinance Number 19-02-21-02 as amended. The TCSS is incorporated by reference herein and shall be deemed to have the same force and effect as if set forth in full herein.

(Ordinance 17-01-19-01, ex. A, adopted 1/19/17; Ord. 22-07-07-04 on 7/7/2022; Ord. 24-07-18-05 on 7/18/2024)