



**AGENDA
CITY COUNCIL REGULAR MEETING
CITY COUNCIL CHAMBERS
5803 THUNDERBIRD
LAGO VISTA, TX
FEBRUARY 20, 2025 AT 1:00 PM**

*****AMENDED AGENDA TO ADD ITEM F TO THE EXECUTIVE SESSION SECTION*****

JOIN MEETING VIA VIDEO CONFERENCE

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

<https://meet.goto.com/694679373>

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United States: **+1 (224) 501-3412**

Access Code: 694-679-373

CALL TO ORDER, CALL OF ROLL

Kevin Sullivan, Mayor

Rob Durbin, Mayor Pro-Tem, Place 3

Shane Saum, Council Member, Place 1

Adam Benefield, Council Member, Place 2

Norma Owen, Council Member, Place 4

Paul Roberts, Council Member, Place 5

Paul Prince, Council Member, Place 6

EXECUTIVE SESSION

Convene into a closed Executive Session pursuant to:

- A. Consultation with Legal Counsel concerning all regular meeting agenda items requiring confidential, attorney/client advice (as needed). (Texas Government Code Section 551.071)
- B. Deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee pursuant to Tex. Gov't Code Ann. § 551.074, concerning authorization of letter related to termination of legal services by Munck Wilson Mandala.
- C. Deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee pursuant to Tex. Gov't Code Ann. § 551.074, concerning appointment of Bradford Bullock of Messer Fort, PLLC as City Attorney.
- D. Consultation with Legal Counsel concerning legal questions and advice related to

dormant PDD's pursuant to Texas Government Code Section 551.071 on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

- E. Consultation with Legal Counsel concerning legal questions and advice related to pending or contemplated litigation related to golf course irrigation contract with Duininck, Inc. d/b/a Duininck Golf pursuant to Texas Government Code Section 551.071.
- F. Deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee pursuant to Tex. Gov't Code Ann. § 551.074, concerning the position of City Manager, and pursuant to Section 551.071, consultation with Legal Counsel concerning legal questions related to City Charter requirements, Personnel Policy requirements and Ethics Policy related to City Manager duties.

ACTION ON EXECUTIVE SESSION ITEMS (action and/or vote may be taken on the following agenda items):

Reconvene from Executive Session into open session to act as deemed appropriate in City Council's discretion regarding:

- A. Consultation with Legal Counsel concerning all regular meeting agenda items requiring confidential, attorney/client advice (as needed). (Texas Government Code Section 551.071)
- B. Deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee pursuant to Tex. Gov't Code Ann. § 551.074, concerning authorization of letter related to termination of legal services by Munck Wilson Mandala.
- C. Deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee pursuant to Tex. Gov't Code Ann. § 551.074, concerning appointment of Bradford Bullock of Messer Fort, PLLC as City Attorney.
- D. Consultation with Legal Counsel concerning legal questions and advice related to dormant PDD's pursuant to Texas Government Code Section 551.071 on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.
- E. Consultation with Legal Counsel concerning legal questions and advice related to pending or contemplated litigation related to golf course irrigation contract with Duininck, Inc. d/b/a Duininck Golf pursuant to Texas Government Code Section 551.071
- F. Deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee pursuant to Tex. Gov't Code Ann. § 551.074, concerning the position of City Manager, and pursuant to Section 551.071, consultation with Legal Counsel concerning legal questions related to City Charter requirements, Personnel Policy requirements and Ethics Policy related to City Manager duties.

PLEDGE OF ALLEGIANCE, PLEDGE TO THE TEXAS FLAG

INVOCATION

PROCLAMATION

Proclaiming December 21st as "John Baker's Kindness Day"

CITIZEN COMMENTS

In accordance with the Open Meetings Act, Council 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 Mayor 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. **The Council will reconvene from executive session at or around 3:00 p.m.**

[Citizen Participation Registration Form](#)

ITEMS OF COMMUNITY INTEREST

Pursuant to Texas Government Code Section 551.0415, the City Council may report on any of the following items:

- a. Expression of thanks, gratitude, and condolences.
- b. Information regarding holiday schedules.
- c. Recognition of individuals, i.e. Proclamations.
- d. Reminders regarding City Council events.
- e. Reminders regarding community events.
- f. Health and safety announcements.

STAFF AND COUNCIL LIAISON REPORTS

- Charter Review Committee, Councilor Prince & Councilor Saum
- Building and Standards Commission, Councilor Benefield
- Keep Lago Vista Beautiful, Councilor Benefield
- Lago Vista Starry Skies, Councilor Benefield
- Airport Advisory Board, Mayor Pro Tem Durbin
- Planning & Zoning Commission, Mayor Pro Tem Durbin
- Economic Development Advisory Committee, Councilor Owen
- Lago Vista Independent School District, Councilor Owen
- Lago Vista Property Owner's Association, Councilor Owen
- Turnback Canyon Trail Conservancy, Councilor Owen
- Golf Course Advisory Committee, Councilor Prince
- Library Advisory Board, Councilor Prince
- Parks & Recreation Advisory Committee, Councilor Prince
- Board of Adjustment, Councilor Roberts
- Governmental Affairs, Councilor Saum
- Water Issues; Lower Colorado River Authority Board, Texas Water
- Development Board, and other entities as appropriate, Councilor Saum
- Youth Advisory Committee, Mayor Sullivan
- Capital Area Council of Governments, Mayor Sullivan
- CapMetro, Mayor Sullivan

- Texas Department of Transportation, Mayor Sullivan

2024 Lago Vista Police Department Racial Profiling Report

CONSENT AGENDA

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

1. Consider approving February 10, 2025 Special Called City Council Meeting minutes.
2. Consider approving February 6, 2025 Regular City Council Meeting minutes.
3. Consider approving the Consent Agreement for the creation of an In-City Municipal Utility District for Firefly Cove, LLC.
4. Consider adopting **Ordinance No. 25-02-20-02**; an ordinance of the City of Lago Vista, Texas amending Appendix A Fee Schedule of the Code of Ordinances: Article 6.000, Sec 6.200 Utility Rates and Fees to amend the Hazardous Waste Fees.
5. Discussion, consideration, and possible action on **Ordinance No. 25-02-20-06**; an ordinance of the City Council of the City of Lago Vista, Texas pursuant to the Texas Local Government Code Chapter 102, Sections 102.007(b) and 102.010, providing for amendments to Ordinance No. 24-09-19-01, Municipal Budget for the fiscal year beginning October 1, 2024 and Ending September 30, 2025; Providing for savings, severability, and effective date.

ACTION ITEMS

6. Discussion, consideration, and possible action regarding **Ordinance No. 2025-02-20-04** establishing Quarterly Vacancy and Recruitment Status Reporting Requirements.
7. Discussion, consideration, and possible action on passing **Resolution No. 25-2110**; authorizing the City Manager to execute any letters, and supporting documents needed for water funding applications.
8. Discussion, consideration and possible action regarding a City of Lago Vista DRAFT Policy to establish an Integrated Pest Management (IPM) Program.
9. Discussion, consideration and possible action on passing **Resolution 25-2112**; Authorizing the Lago Vista Property Owners Association (LVPOA) to occupy the cul-de-sac at the end of Park Drive, within City right-of-way, for the installation of an access control panel and gate widening.
10. Discussion and direction on effluent water dispersal system design.
11. Discussion, consideration and possible action on passing **Resolution No. 25-2113**; Transferring code enforcement authority to Emergency Services District #1 (ESD #1)
12. Discussion, consideration, and possible action on **Ordinance No. 25-02-20-05**;
PO Box 4727, Lago Vista, TX 78645 • [512.267.1155](tel:512.267.1155) • www.lagovistatexas.gov

Amending section 3.531 and adding section 3.532 to the Code of Ordinances.

ADJOURNMENT

IT IS HEREBY CERTIFIED that the above Notice was posted on the Bulletin Board in accordance with Government Code section 551.0411(b) located at all times in City Hall in said City by _____ on the 14th day of February 2025.

Maria Franco, City Secretary

THIS MEETING SHALL BE CONDUCTED PURSUANT TO THE TEXAS GOVERNMENT CODE SECTION 551.001 ET SEQ. AT ANY TIME DURING THE MEETING THE COUNCIL RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION ON ANY OF THE ABOVE POSTED AGENDA ITEMS IN ACCORDANCE WITH THE SECTIONS 551.071, 551.072, 551.073, 551.074, 551.075 OR 551.076.

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.

AT THIS MEETING AT THE STATED LOCATION, A QUORUM OF THE CITY COUNCIL WILL BE PHYSICALLY PRESENT, AND THIS NOTICE SPECIFIES THE INTENT TO HAVE A QUORUM PRESENT THERE, AND THE MEMBER OF THE CITY COUNCIL PRESIDING OVER THE MEETING WILL BE PHYSICALLY PRESENT AT THAT LOCATION. ONE OR MORE MEMBERS OF THE CITY COUNCIL MAY PARTICIPATE IN THIS MEETING REMOTELY, AND IF SO, VIDEOCONFERENCE EQUIPMENT PROVIDING TWO-WAY AUDIO AND VIDEO DISPLAY AND COMMUNICATION WITH EACH MEMBER WHO IS PARTICIPATING BY VIDEOCONFERENCE CALL WILL BE MADE AVAILABLE.

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE:	February 20, 2025
SUBMITTED BY:	Councilor Owen, City Council
SUBJECT:	Proclaiming December 21st as "John Baker's Kindness Day"
BACKGROUND:	It is with a heavy heart that we recognize the passing of John Baker, a cherished member of the Lago Vista community, beloved father, dedicated pitmaster, and active supporter of numerous local initiatives. John's contributions extended beyond his business, Baker's Brisket Co., as he continuously exemplified kindness, generosity, and a commitment to service. John's impact was deeply felt, not only through his business, Baker's BBQ, but also through his acts of goodwill, including providing meals to the community, mentoring young individuals, and offering a helping hand whenever needed. His passing has left a profound void, but his legacy of kindness will endure. This proclamation seeks to officially declare December 21st of each year as "John Baker Kindness Day" in the City of Lago Vista, encouraging all residents to perform acts of kindness in his honor.
FINDINGS:	John Baker's legacy is celebrated and remembered by numerous community members, businesses, and organizations. His generosity and selfless nature have made an indelible mark, and designating December 21st in his memory aligns with the values and spirit of Lago Vista
FINANCIAL IMPACT:	There is no financial impact associated with this proclamation.
RECOMMENDATION:	Recommend the approval of the proclamation declaring December 21st as John Baker Kindness Day to honor his enduring legacy and encourage a culture of kindness within the City of Lago Vista.
ATTACHMENTS:	Proclamation -John Baker Kindness Day.pdf

Proclamation

WHEREAS, kindness is a fundamental value that strengthens communities, fosters unity, and brings people together in meaningful ways; and

WHEREAS, John Baker exemplified the spirit of kindness, generosity, and service to others through his unwavering commitment to uplifting those around him; and

WHEREAS, his compassion, dedication, and selfless contributions had a lasting and positive impact on the City of Lago Vista and beyond; and

WHEREAS, John Baker's recent passing is deeply felt by the community, but his legacy of kindness and goodwill will continue to inspire and shape the lives of those who knew him; and

WHEREAS, John Baker was not only a beloved father, pitmaster, coach, and friend but also a pillar of our community whose generosity extended beyond his business and into the hearts of those he served; and

WHEREAS, his friends, family, and neighbors remember him as a man who always looked out for others, offering acts of kindness both big and small, from covering materials at a construction site to offering free barbecue meals during the holidays; and

WHEREAS, recognizing and celebrating acts of kindness honors John Baker's memory and encourages a culture of empathy, respect, and consideration within our community; and

WHEREAS, John Baker's birthday, December 21st, is a fitting day to honor his legacy by encouraging acts of kindness, volunteerism, and community engagement among all residents; and

NOW, THEREFORE, I, Kevin Sullivan, Mayor of the City of Lago Vista, Texas, on behalf of the City Council, do hereby proclaim December 21st of each year as

“John Baker Kindness Day”

in the City of Lago Vista, Texas and encourage all residents to celebrate by performing acts of kindness, supporting charitable efforts, and spreading goodwill throughout our community in his memory.

In witness whereof, I have hereunto set my hand and have caused the Official Seal of the City of Lago Vista to be affixed this 20th day of February 2025.

Kevin Sullivan
Mayor, City of Lago Vista, Texas

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: February 20, 2025

SUBMITTED BY: Mayor Sullivan, City Council

SUBJECT:

- Charter Review Committee, Councilor Prince & Councilor Saum
- Building and Standards Commission, Councilor Benefield
- Keep Lago Vista Beautiful, Councilor Benefield
- Lago Vista Starry Skies, Councilor Benefield
- Airport Advisory Board, Mayor Pro Tem Durbin
- Planning & Zoning Commission, Mayor Pro Tem Durbin
- Economic Development Advisory Committee, Councilor Owen
- Lago Vista Independent School District, Councilor Owen
- Lago Vista Property Owner's Association, Councilor Owen
- Turnback Canyon Trail Conservancy, Councilor Owen
- Golf Course Advisory Committee, Councilor Prince
- Library Advisory Board, Councilor Prince
- Parks & Recreation Advisory Committee, Councilor Prince
- Board of Adjustment, Councilor Roberts
- Governmental Affairs, Councilor Saum
- Water Issues; Lower Colorado River Authority Board, Texas Water
- Development Board, and other entities as appropriate, Councilor Saum
- Youth Advisory Committee, Mayor Sullivan
- Capital Area Council of Governments, Mayor Sullivan
- CapMetro, Mayor Sullivan
- Texas Department of Transportation, Mayor Sullivan

FINANCIAL IMPACT: n/a

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: February 20, 2025

SUBMITTED BY: Gary Bosherars, Police Department

SUBJECT: 2024 Lago Vista Police Department Racial Profiling Report

BACKGROUND: Texas law requires that law enforcement agencies annually produce a Racial Profiling Report and submit this report to the governing body of the municipality. In the past, we have employed a consultant to produce this report. This is the second year in which we opted to produce the report ourselves due to increasing cost of the consultant service and to allow us to produce a more in-depth analysis of our data and historical data to identify trends and / or areas for improvement.

FINDINGS: The annual report for 2024 is presented to the City Council this evening. This does not require any action from the City Council however, Chief Boshears will review the report and be available to answer any questions. This report, as well as the Police Department's Annual Report, Annual Response to Resistance Report, and Annual Vehicle Pursuit Analysis will be available on the department's website.

This report has also been submitted to the Texas Commission on Law Enforcement, fulfilling all of the department's statutory requirements.

FINANCIAL IMPACT: No Fiscal Impact.

RECOMMENDATION: Receive report and presentation. No Action required.

ATTACHMENTS:
[2024 Bias Based Policing Report.pdf](#)

Biased-Based Policing Report

2024

POLICE
CITY OF LAGO VISTA

**Lago Vista
Police Department**





The mission of the Lago Vista Police Department is to proactively serve by building partnerships and working cooperatively with our community to make Lago Vista a fun, safe, and family-friendly city. We have an unyielding commitment to integrity and excellence in the delivery of law enforcement services and a dedication to the people, traditions, and diversity of our community.

OUR COMMITMENT



The Vision of the Lago Vista Police Department is to be the premier law enforcement agency by exemplifying integrity, leadership, and excellence to instill pride in every person who visits and lives in our community.

INTEGRITY



The Lago Vista Police Department is built upon a foundation of ethical and professional conduct. We are committed to the highest level of moral principles and ethics. We are committed to upholding our positions of trust by maintaining the highest ethical standards. We will be transparent in everything we do. All members of the department will adhere to the Law Enforcement Code of Ethics, which is a part of this manual.

COMMUNITY



We believe that we are part of the community and that our department serves at the pleasure of the community. Our department strives to be representative of the community and its values. We value partnerships with individuals and groups within the community. Our goal is to work collaboratively to identify and solve problems to make our community a fun and safe environment for every visitor and resident.

SERVICE



We value the opportunity to provide service in a manner which is fair, courteous, responsive, effective, and efficient. An attitude of respect for and the protection of the worth, dignity, and rights of all people are the foundations of our department.

EXCELLENCE



We strive to deliver an unmatched quality of law enforcement service to our community. Excellence is a constant process of adaption, innovation, vigilance, teamwork, and striving for greatness, even if it means making mistakes along the way. We will be transparent in every action, celebrating successes and learning from failures. We will never accept the status quo or stop looking for ways to improve.

LEADERSHIP



We understand and take pride in our roles as leaders in the community. We understand our responsibilities to build connections, think critically, and solve problems. We recognize that every member of our department is a leader for the department and the community and we expect our actions to match the expectations of this role.

COURAGE



We believe that every individual in this department must act with utmost courage, and the ability to face difficulty and danger with the mastery of fear. We believe that courage is not just a value of the department, but the form of every value the department holds, at the point those values are tested.

OUR VALUES

Table of Contents

Executive Summary	06
Policy and Procedures	07
Summary of Traffic Stops and Arrest	08
Traffic Stop Demographics	08
Searches	09
Contraband	11
Complaints and Corrections	12
Training	12
Supervisor Review of Videos	12
Reviews of Policies and Procedures	13
Conclusion and Recommendations	13
Command Review	20



Executive Summary

- This report is an analysis of traffic and other enforcement activity conducted by members of the Lago Vista Police Department to look for evidence of patterns of practice regarding biased policing or inconsistent application of law. No evidence of any such patterns was revealed by the analysis.
- In previous years, the department has utilized a consultant to prepare this report. The past two years, we opted to prepare the report internally due to the increasing cost of the consultant and our desire to conduct a deeper, more thorough, and quality analysis specific to our department and our data. We also wished to include more historical data where our analysis was not specifically focused on a one-year period.
- The data analyzed for this report reveals that the Lago Vista Police Department conducted 3,960 stops for moving traffic violations, 363 stops for vehicle traffic violations, 299 stops for violations of criminal law, and 9 stops based on pre-existing knowledge (such as a stolen vehicle or a driver known to have active warrants for their arrest).
- In 2024, the Lago Vista Police Department clearly published our complaint policy and procedures in our lobby and on the department's website. The department received no complaints of bias or profiling from any activity during this year.
- According to our analysis, approximately 51 % of individuals involved in traffic stops in the City of Lago Vista reside outside of the City of Lago Vista, possibly accounting for variations in our traffic stop data when compared to population demographics obtained from the United States Census Bureau. Census data is included in this report as a reference.
- In addition to state law requirements, the Lago Vista Police Department is seeking accreditation from the Texas Police Chief's Association, which sets higher standards.
- This year, the department conducted training on bias in policing and reducing implicit bias.
- Our biased policing policy, complaint policy, and procedures are available on the department's website.
- The complete data report generated by our Records Management System is included at the conclusion of this report.
- This report was submitted to the Texas Commission on Law Enforcement on **February 10, 2025**, and to the Lago Vista City Council on **February 20, 2025**.
- The Lago Vista Police Department has satisfied the statutory data audit requirements prescribed in Code of Criminal Procedure Article 2.133 for the reporting period of January 1, 2024 – December 31, 2024.

Upholding the law and preserving community safety constitutes a pivotal element within our overarching public safety strategy. We are steadfast in our dedication to executing enforcement activities devoid of bias throughout our police operations. Furthermore, we reassert our unwavering pledge to administer law enforcement in Lago Vista with an emphasis on safety, ensuring all individuals' equitable and respectful treatment.

We place a paramount importance on transparency within our Police Department. We approach this commitment with utmost seriousness, aiming to cultivate a secure environment in our city that is conducive to the well-being of all residents.

Policy and Procedure

In compliance with state law and accreditation standards, our department has adopted a policy that:

1. Clearly defines acts constituting racial profiling;
2. Strictly prohibits peace officers employed by the Lago Vista Police Department from engaging in racial profiling;
3. Implements a process by which an individual may file a complaint with the Lago Vista Police Department if the individual believes that a peace officer employed by the Lago Vista Police Department has engaged in racial profiling with respect to the individual;
4. Provides public education relating to the agency's complaint process;
5. Requires appropriate corrective action to be taken against a peace officer employed by the Lago Vista Police Department who, after an investigation, is shown to have engaged in racial profiling in violation of the Lago Vista Police Department policy;
6. Requires collection of information relating to motor vehicle stops in which a warning or citation is issued and to arrests made as a result of those stops, including information relating to:
 - a. the race or ethnicity of the individual detained;
 - b. whether a search was conducted and, if so, whether the individual detained consented to the search;
 - c. whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
 - d. whether the peace officer used physical force that resulted in bodily injury during the stop;
 - e. the location of the stop;
 - f. the reason for the stop.
7. Requires the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

- a. the Commission on Law Enforcement; and
- b. the governing body of each county or municipality is served by the agency if the agency is an agency of a county, municipality, or other political Subdivision of the state.

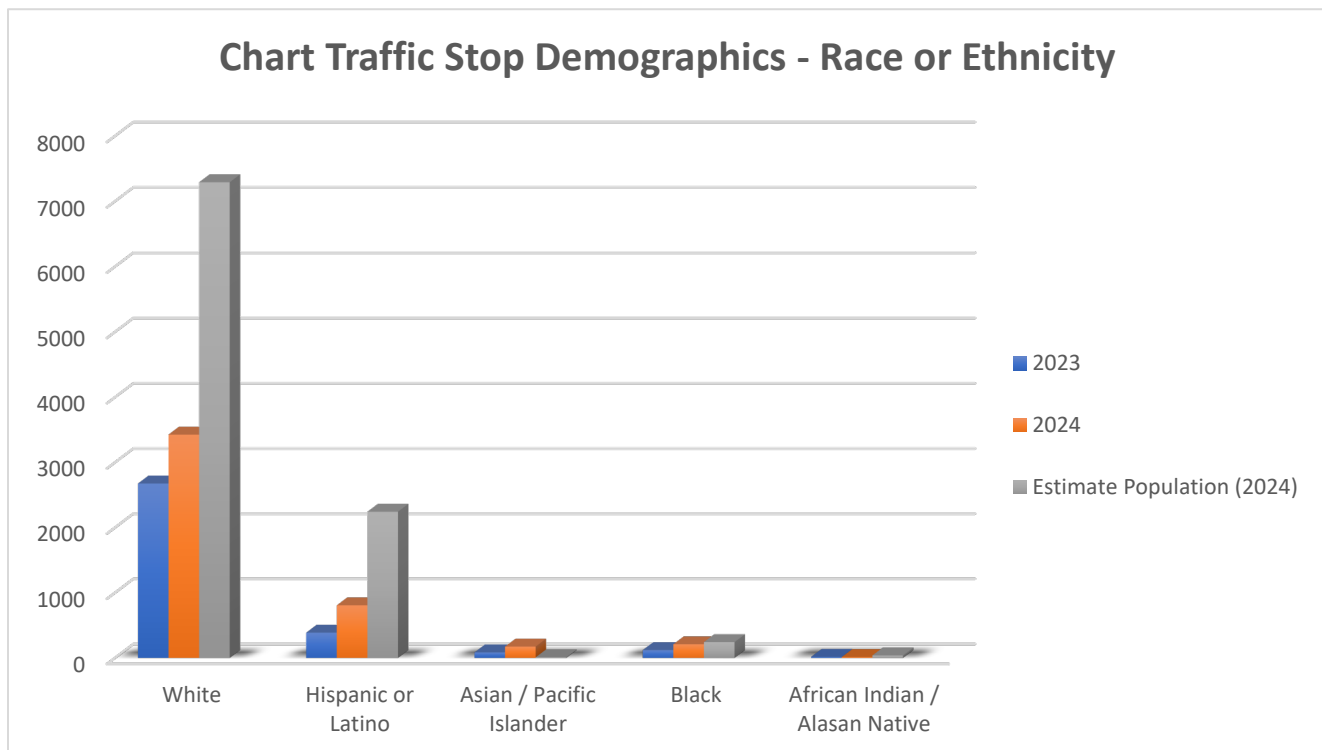
Summary of Traffic Stops & Arrests

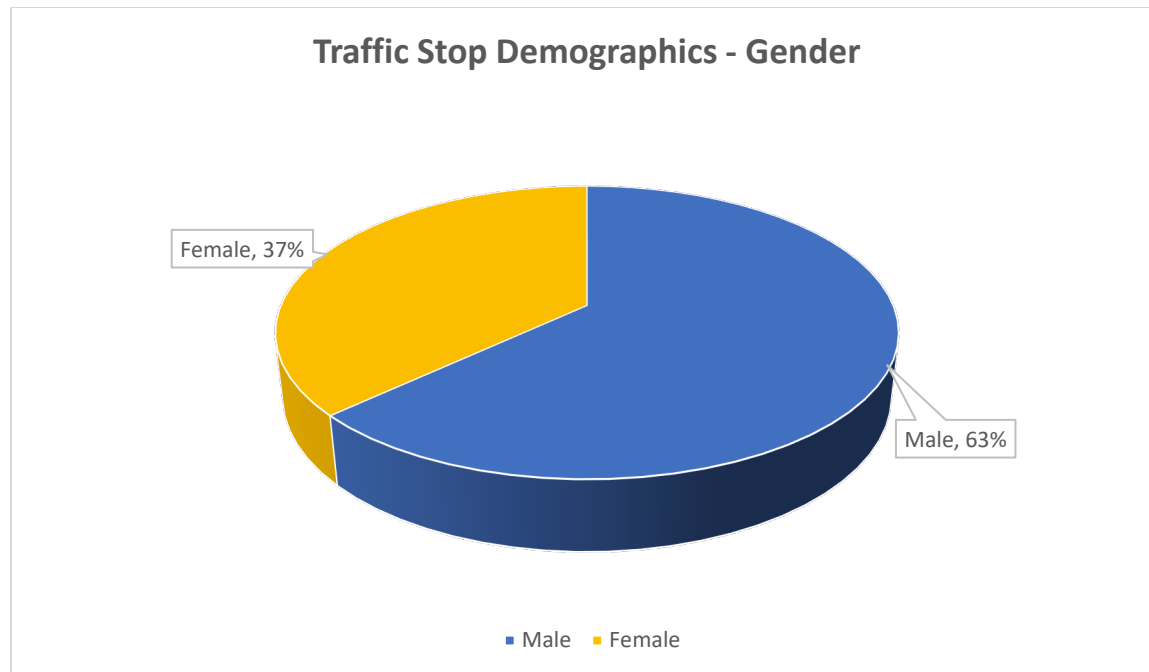
Since the beginning of the 2021 calendar year, our department has experienced a steady increase in the number of traffic stops and arrests conducted by our officers. Our total number of arrests and arrests resulting from traffic has increased from the previous year. This is an important metric to monitor to ensure accurate reporting of arrests. Despite the significant rise in traffic stops, the demographics of those stops align with previous years and are consistent with census data.

	2021	2022	2023	2024
Total Stops	869	1073	3284	4631
Arrest from Traffic	5	20	8	16
Total Arrests	51	59	67	102

Traffic Stop Demographics

To ensure compliance with state law and best practices, we reviewed and included the most recent census data estimates as part of this analysis.





Estimated Population (2022)	Male 4,894 52.3%	Female 4,454 47.75%
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Search

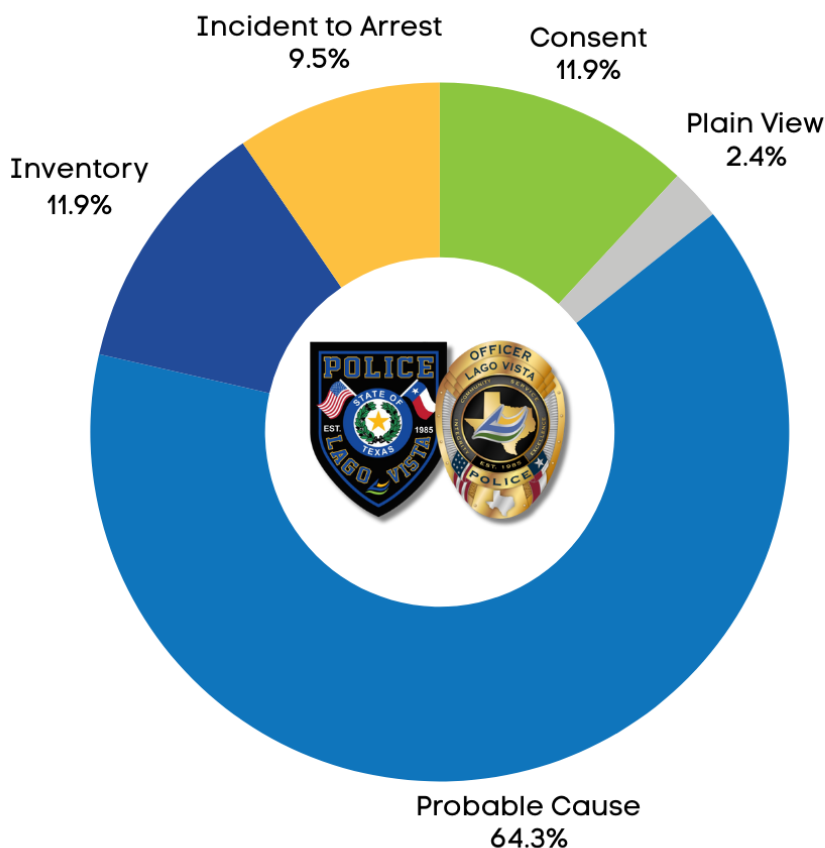
In 2024, searches were conducted in approximately 1.81% of traffic stops, representing a slight increase from the 0.70% recorded in the 2023 calendar year, even though the overall number of traffic stops rose significantly. This will be another metric that our command staff and supervisors will monitor closely.

Searches are categorized as follows:

- **Consent** – an officer asks for consent to search the vehicle or person. There is no requirement for an officer to establish reasonable suspicion or probable cause, and policy prohibits consent from being asked for in any way that could be interpreted as “threatening” or “intimidating.” This is considered a discretionary search.
- **Probable Cause** – In these instances, officers must have an articulable, objective reason to believe they will discover evidence that a crime has occurred. This may include but is not limited to self-admission of illegal activity, a canine alert, or contraband in plain view (which is tracked separately at the request of the State).
 - **Contraband in plain view** – some form of contraband was in plain view of the officer. This may include but is not limited to open alcoholic container(s) and/or visible drug paraphernalia.

- **Inventory/Incident to Arrest** – Both of these categories are only used after the determination has been made to take an individual into custody.
 - Inventory – Officers are required to take inventory of all vehicles prior to them being released to the custody of a wrecker driver. This protects the property of arrested individuals, as well as protecting the Department against allegations of loss or theft.
 - Incident to Arrest – prior to being placed in a patrol car, all arrested individuals must be searched to ensure they do not possess weapons or contraband.

Types of Searches



Types of Searches by Numbers

Consent	10
Plain View	2
Probable Cause	54
Inventory	10
Incident to Arrest	8

REASON FOR SEARCH

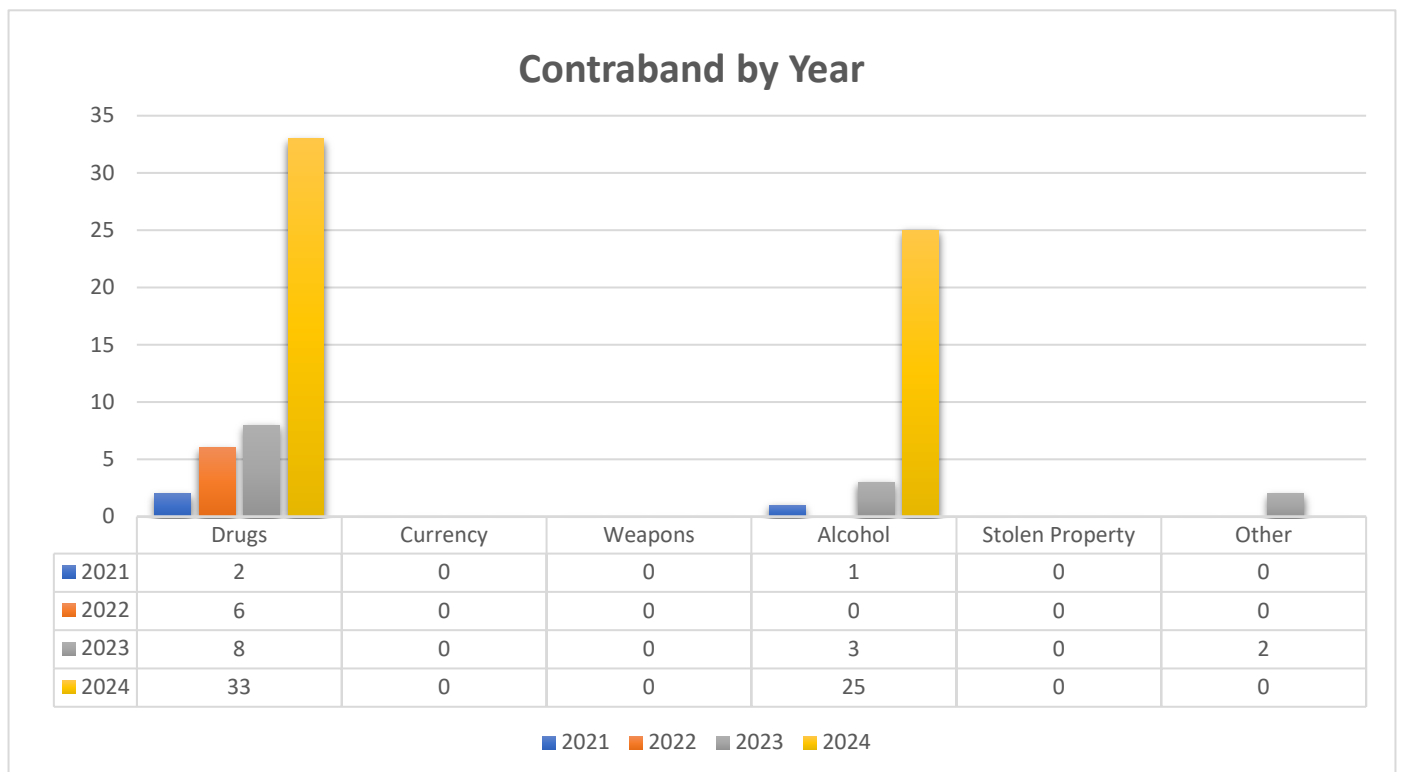
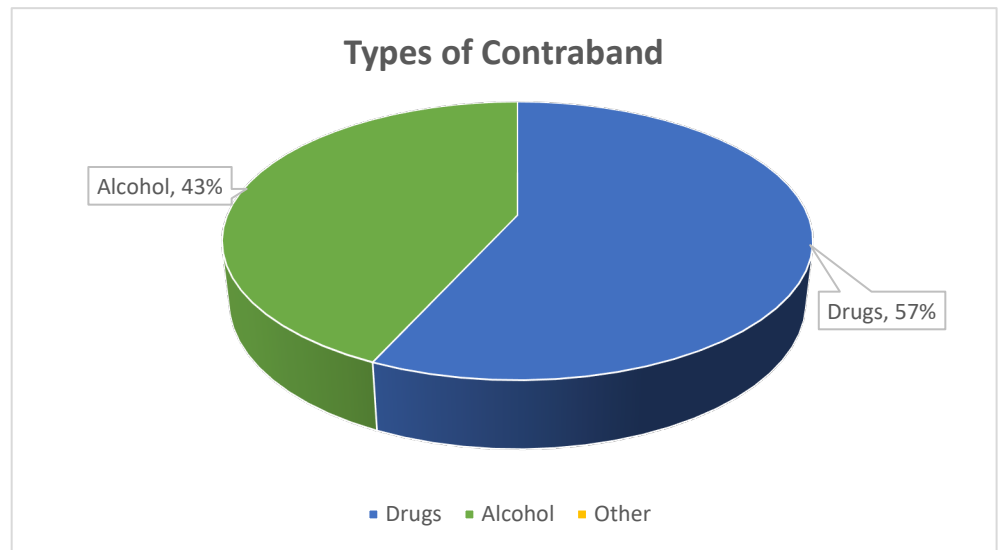
Percentage of Stops

Consent	0.22%
Plain View	0.04%
Probable Cause	1.17%
Inventory	0.22%
Incident to Arrest	0.17%

Contraband

Contraband was discovered at 58 of our traffic stops, approximately 1.25% of stops that included a vehicle search. Narcotics (drugs) were the contraband located in 0.71% of the traffic stops where contraband was located. The confiscation and disposal of illicit substances and

contraband align with State Law and established policies. Law enforcement officers exercise discretion in determining whether to effectuate a custodial arrest related to the contraband, pursue arrest on alternative charges, or opt for release with alternative enforcement measures, contingent upon further investigation. The types of contraband located on searches are another metric our command staff and supervisors will continue to monitor for additional insights.



	Drugs	Currency	Weapons	Alcohol	Stolen Property	Other
2021	2	0	0	1	0	0
2022	6	0	0	0	0	0
2023	8	0	0	3	0	2
2024	33	0	0	25	0	0

Complaints and Corrective / Disciplinary Action

In compliance with state laws and accreditation standards, our department provides multiple options for individuals to file a complaint regarding an officer's activity, including bias or profiling. Each written citation and warning include a telephone number, address, and email address that can be used to contact the police department. Additionally, our website contains information on how to contact the police department, our complaint procedures, our complaint policy, and an online form for making a complaint, including the ability to make an anonymous complaint. Finally, we have published information regarding our complaint procedures on our department's social media platforms. Our policy dictates that we investigate all complaints, including those received anonymously and informal complaints made to supervisors.

During 2024, the department received no complaints regarding bias or profiling.

During 2024, no corrective or disciplinary action was taken related to bias or profiling.

Training

In 2024, all sworn peace officers in the department, up to and including the Chief of Police, were provided with training on bias in policing and reducing implicit bias. In the upcoming year, we are planning additional training on these and other critical topics to continue operating our department in a manner that aligns with the values of our community and promotes legitimacy and transparency in all aspects of the department.

Supervisor Review of Videos

In accordance with state law and departmental policies, our supervisors, including the Chief of Police, conducted random reviews of footage from our body-worn camera system. These reviews found no policy violations.

Although no violations were noted, these evaluations are valuable for the department as they help identify areas where additional training may be beneficial and suggest possible improvements to our operations.

Review of Policy and Procedure

Our department conducts an annual review of all policies and procedures to identify areas for improvement. On May 23, 2023, the department's supervisors and command staff reviewed Policy 2.2 on Bias-Based Policing. They suggested some minor changes and improvements to the policy. These revisions were implemented, and a new version of the policy was released on June 6, 2023. The current version of the policy is available on the department's website.

Conclusion and Recommendations

This comparative analysis was conducted in accordance with state law and department policy. Based on our review, we recommend the following actions for the department to move forward:

1. **Verify Data Collection:** While we have no concerns about the accuracy of our data, it is important for supervisors to continue to monitor vehicle stops and data to ensure that our data is being accurately recorded for each stop.
2. **Ongoing Officer Training:** We will maintain our commitment to providing officers with training that aligns with state laws and accreditation standards, ensuring it reflects the values of our community.
3. **Monitor Trends:** We will continue to compare our data to that of previous years and analyze demographic information to identify trends and areas that require monitoring.

LAGO VISTA POLICE DEPARTMENT 2024 BIAS-BASED POLICING REPORT & ANALYSIS

1. Total Stops	
Total Stops	4,631

2. Street address or approx. location	
City street	3,785
US Highway	0
County road	28
State highway	734
Private property or other	84
Total	4,631

3. Race known prior to stop	
Yes	16
No	4,615
Total	4,631

4. Race / Ethnicity	
Alaska Native / American Indian	13
Asian / Pacific Islander	174
Black	210
White	3,427
Hispanic / Latino	807
Total	4,631

5. Gender & Race	
Female	
Alaska Native / American Indian	2
Asian / Pacific Islander	47
Black	64
White	1,406
Hispanic / Latino	191
Female Total	1,710
Male	
Alaska Native / American Indian	11
Asian / Pacific Islander	127
Black	146
White	2,021
Hispanic / Latino	616
Male Total	2,921

6. Reason for Stop?	
Violation of Law	299
Alaska Native / American Indian	1
Asian / Pacific Islander	8
Black	6
White	261
Hispanic / Latino	23
Pre-Existing Knowledge	9
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	7
Hispanic / Latino	2
Moving traffic Violation	3,960
Alaska Native / American Indian	12
Asian / Pacific Islander	157
Black	195
White	2,891
Hispanic / Latino	705
Vehicle Traffic Violation	363
Alaska Native / American Indian	0
Asian / Pacific Islander	9
Black	9
White	268
Hispanic / Latino	77
Total	9,692
Estimated Population Lago Vista	(V)2022 Census
Alaska Native / American Indian	0
Asian / Pacific Islander	484
Black	193
White	7,174
Hispanic / Latino	1,841
Other	0
Total	9,692

LAGO VISTA POLICE DEPARTMENT 2024 BIAS-BASED POLICING REPORT & ANALYSIS

7. Searches Conducted	
Yes	1,227
Alaska Native / American Indian	4
Asian / Pacific Islander	26
Black	37
White	1,041
Hispanic / Latino	119
No	2,057
Alaska Native / American Indian	12
Asian / Pacific Islander	58
Black	83
White	1,635
Hispanic / Latino	269
Total	3,284

8. Reason for Search?	
Consent	10
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	7
Hispanic / Latino	2
Contraband	2
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	1
Hispanic / Latino	1
Probable Cause	54
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	3
White	41
Hispanic / Latino	10
Inventory	10
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	5
Hispanic / Latino	5
Incident to Arrest	8
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	2
White	6
Hispanic / Latino	0
Total	84

LAGO VISTA POLICE DEPARTMENT 2024 BIAS-BASED POLICING REPORT & ANALYSIS

9. Contraband Discovered?	
Yes	58
Alaska Native / American Indian	0
Finding resulted in Arrest -Yes	0
Finding resulted in Arrest - No	0
Asian / Pacific Islander	1
Finding resulted in Arrest -Yes	0
Finding resulted in Arrest - No	1
Black	3
Finding resulted in Arrest -Yes	0
Finding resulted in Arrest - No	3
White	43
Finding resulted in Arrest -Yes	4
Finding resulted in Arrest - No	39
Hispanic / Latino	11
Finding resulted in Arrest -Yes	0
Finding resulted in Arrest - No	11
No	26
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	3
White	16
Hispanic / Latino	7
Total Searches	84

10. Did the finding result in arrest?	
Yes	4
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	4
Hispanic / Latino	0
No	54
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	3
White	39
Hispanic / Latino	11
Total	58

LAGO VISTA POLICE DEPARTMENT 2024 BIAS-BASED POLICING REPORT & ANALYSIS

10. Description of Contraband	
Drugs	33
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	3
White	21
Hispanic / Latino	8
Currency	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Weapons	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Alcohol	25
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	22
Hispanic / Latino	3
Stolen Property	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Other	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
None	58

12. Result of Stop	
Verbal Warning	680
Alaska Native / American Indian	3
Asian / Pacific Islander	20
Black	29
White	534
Hispanic / Latino	94
Written Warning	2,392
Alaska Native / American Indian	5
Asian / Pacific Islander	94
Black	114
White	1,883
Hispanic / Latino	296
Written Warning and an Arrest	7
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	2
White	2
Hispanic / Latino	3
Citation	1,543
Alaska Native / American Indian	5
Asian / Pacific Islander	60
Black	63
White	998
Hispanic / Latino	417
Citation and Arrest	6
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	2
White	4
Hispanic / Latino	0
Arrest	3
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	3
Hispanic / Latino	0
Total	4,631

LAGO VISTA POLICE DEPARTMENT 2024 BIAS-BASED POLICING REPORT & ANALYSIS

13. Arrest based on	
Violation of Penal Code	7
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	7
Hispanic / Latino	0
Violation of Traffic Law*	5
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	3
White	2
Hispanic / Latino	0
Violation of City Ordinance	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Outstanding Warrants	4
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	3
Hispanic / Latino	0
Total	16
13. Arrest included DWI as one of the charges	2
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	10
Hispanic / Latino	2
Total	18

14. Was physical force used during the stop?	7
None	4,628
Alaska Native / American Indian	13
Asian / Pacific Islander	174
Black	210
White	3,424
Hispanic / Latino	807
Yes	3
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	3
Hispanic / Latino	0

15. Number of complaints of Racial Profiling?	
Total	0
Resulted in disciplinary action	0
Did not result in disciplinary action	0

LAGO VISTA POLICE DEPARTMENT 2024 BIAS-BASED POLICING REPORT & ANALYSIS

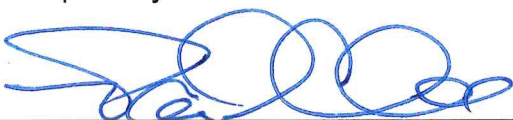
Command Review

Prepared by:


Crystal Street, Executive Assistant

02-08-2025
Date

Accepted by:


Captain Paul Chrane

2/11/25
Date


Chief of Police Gary A. Boshears, M. P. A., PGCSL, LCC

2-11-2025
Date

Racial Profiling Report | Full

Agency Name: LAGO VISTA POLICE DEPT.
Reporting Date: 02/10/2025
TCOLE Agency Number: 453210

Chief Administrator: GARY A. BOSHEARS

Agency Contact Information:
Phone: (512) 267-7141
Email: gary.boshears@pd.lagovistatexas.gov

Mailing Address:
5901 Municipal Complex Way
LAGO VISTA, TX 78645

This Agency filed a full report

LAGO VISTA POLICE DEPT. has adopted a detailed written policy on racial profiling. Our policy:

- 1) clearly defines acts constituting racial profiling;
- 2) strictly prohibits peace officers employed by the LAGO VISTA POLICE DEPT. from engaging in racial profiling;
- 3) implements a process by which an individual may file a complaint with the LAGO VISTA POLICE DEPT. if the individual believes that a peace officer employed by the LAGO VISTA POLICE DEPT. has engaged in racial profiling with respect to the individual;
- 4) provides public education relating to the agency's complaint process;
- 5) requires appropriate corrective action to be taken against a peace officer employed by the LAGO VISTA POLICE DEPT. who, after an investigation, is shown to have engaged in racial profiling in violation of the LAGO VISTA POLICE DEPT. policy;
- 6) requires collection of information relating to motor vehicle stops in which a warning or citation is issued and to arrests made as a result of those stops, including information relating to:
 - a. the race or ethnicity of the individual detained;
 - b. whether a search was conducted and, if so, whether the individual detained consented to the search;
 - c. whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
 - d. whether the peace officer used physical force that resulted in bodily injury during the stop;
 - e. the location of the stop;
 - f. the reason for the stop.
- 7) requires the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
 - a. the Commission on Law Enforcement; and
 - b. the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

The LAGO VISTA POLICE DEPT. has satisfied the statutory data audit requirements as prescribed in Article 2.133

(c), Code of Criminal Procedure during the reporting period.

Executed by: GARY BOSHEARS
Chief of Police

Date: 02/10/2025

Total stops: 4631

Street address or approximate location of the stop

City street	3785
US highway	0
County road	28
State highway	734
Private property or other	84

Was race or ethnicity known prior to stop?

Yes	16
No	4615

Race / Ethnicity

Alaska Native / American Indian	13
Asian / Pacific Islander	174
Black	210
White	3427
Hispanic / Latino	807

Gender

Female	1710
Alaska Native / American Indian	2
Asian / Pacific Islander	47
Black	64
White	1406
Hispanic / Latino	191
Male	2921
Alaska Native / American Indian	11
Asian / Pacific Islander	127
Black	146
White	2021
Hispanic / Latino	616

Reason for stop?

Violation of law	299
Alaska Native / American Indian	1
Asian / Pacific Islander	8
Black	6
White	261

Hispanic / Latino	23
Preexisting knowledge	9
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	7
Hispanic / Latino	2
Moving traffic violation	3960
Alaska Native / American Indian	12
Asian / Pacific Islander	157
Black	195
White	2891
Hispanic / Latino	705
Vehicle traffic violation	363
Alaska Native / American Indian	0
Asian / Pacific Islander	9
Black	9
White	268
Hispanic / Latino	77
Was a search conducted?	
Yes	84
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	6
White	59
Hispanic / Latino	18
No	4547
Alaska Native / American Indian	13
Asian / Pacific Islander	173
Black	204
White	3368
Hispanic / Latino	789
Reason for Search?	
Consent	10
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	7

Hispanic / Latino	2				
Contraband	2				
Alaska Native / American Indian	0				
Asian / Pacific Islander	0				
Black	0				
White	1				
Hispanic / Latino	1				
Probable	54				
Alaska Native / American Indian	0				
Asian / Pacific Islander	0				
Black	3				
White	41				
Hispanic / Latino	10				
Inventory	10				
Alaska Native / American Indian	0				
Asian / Pacific Islander	0				
Black	0				
White	5				
Hispanic / Latino	5				
Incident to arrest	8				
Alaska Native / American Indian	0				
Asian / Pacific Islander	0				
Black	2				
White	6				
Hispanic / Latino	0				
Was Contraband discovered?					
Yes	58				
		Did the finding result in arrest?			
		(total should equal previous column)			
Alaska Native / American Indian	0	Yes	0	No	0
Asian / Pacific Islander	1	Yes	0	No	1
Black	3	Yes	0	No	3
White	43	Yes	4	No	39
Hispanic / Latino	11	Yes	0	No	11
No	26				
Alaska Native / American Indian	0				
Asian / Pacific Islander	0				
Black	3				
White	16				
Hispanic / Latino	7				

Description of contraband	
Drugs	33
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	3
White	21
Hispanic / Latino	8
Weapons	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Currency	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Alcohol	25
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	22
Hispanic / Latino	3
Stolen property	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Other	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Result of the stop	
Verbal warning	680

Alaska Native / American Indian	3
Asian / Pacific Islander	20
Black	29
White	534
Hispanic / Latino	94
Written warning	2392
Alaska Native / American Indian	5
Asian / Pacific Islander	94
Black	114
White	1883
Hispanic / Latino	296
Citation	1543
Alaska Native / American Indian	5
Asian / Pacific Islander	60
Black	63
White	998
Hispanic / Latino	417
Written warning and arrest	7
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	2
White	2
Hispanic / Latino	3
Citation and arrest	6
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	2
White	4
Hispanic / Latino	0
Arrest	3
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	3
Hispanic / Latino	0
Arrest based on	
Violation of Penal Code	7
Alaska Native / American Indian	0
Asian / Pacific Islander	0

Black	0
White	7
Hispanic / Latino	0
Violation of Traffic Law	5
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	3
White	2
Hispanic / Latino	0
Violation of City Ordinance	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Outstanding Warrant	4
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	3
Hispanic / Latino	0

Was physical force resulting in bodily injury used during stop?

Yes	3
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	3
Hispanic / Latino	0
Resulting in Bodily Injury To:	
Suspect	0
Officer	0
Both	0
No	4628
Alaska Native / American Indian	13
Asian / Pacific Islander	174
Black	210
White	3424
Hispanic / Latino	807

Number of complaints of racial profiling

Total	0
Resulted in disciplinary action	0
Did not result in disciplinary action	0

Comparative Analysis

Use TCOLE's auto generated analysis	☒
Use Department's submitted analysis	☐

Optional Narrative

N/A

Submitted electronically to the



The Texas Commission on Law Enforcement



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: February 20, 2025

SUBMITTED BY: Maria Franco, City Secretary

SUBJECT: Consider approving February 10, 2025 Special Called City Council Meeting minutes.

FINANCIAL IMPACT: n/a

ATTACHMENTS:
[2025-0210 Draft Minutes Special Council Meeting .pdf](#)

MINUTES

City of Lago Vista
City Council Meeting
February 10, 2025
Page 1 of 4

These minutes have been prepared to satisfy the requirements of Section 551.021 of the Texas Government Code. Video recordings of most City meetings can be obtained at <https://www.lagovistatexas.gov/249/Watch-Meetings>

**City of Lago Vista, Texas
Special City Council Meeting
February 10, 2025
Meeting Duration: 5:00 PM to 7:55 PM**

BE IT REMEMBERED that on the **10th day of February A.D., 2025**, the City Council held a Special meeting at 5:30 PM in City Council Chambers, 5803 Thunderbird, Lago Vista, Texas 78645, and via videoconference, there being present and acting the following:

00:03 – 00:35

CALL TO ORDER, CALL OF ROLL

Members of City Council Present:

Kevin Sullivan, Mayor
Shane R. Saum, Council Member; Place 1
Adam Benefield, Council Member; Place 2
Rob Durbin, Mayor Pro Tem; Place 3 *(by Virtual)*
Norma Owen, Council Member; Place 4
Paul Roberts, Council Member; Place 5
Paul Prince, Council Member; Place 6

Members of City Council Absent:

None

Mayor Sullivan called the meeting to order at 5:00 PM and announced that all Council Members are present and noted that Mayor Pro Tem Durbin will join the meeting virtually in Executive Session.

City Staff Present: Interim City Manager, Taylor Whichard, City Attorney, Brad Bullock, City Secretary Maria Franco, Procurement Manager Eric De La Cruz, I.T. Director Dave Street and I.T. Staff Stan Heston.

Mayor Sullivan stated that he will move to Citizen's Comments first to let those that have signed up speak.

Mayor Sullivan noted that Councilor Durbin has joined the meeting virtually.

08:39-08:47

EXECUTIVE SESSION

At 5:31 PM the Council convened into a closed Executive Session pursuant to:

- A. Consultation with Legal Counsel concerning legal questions related to contract with Dunnick, Inc. d/b/a Dunnick Golf pursuant to Texas Government Code Section 551.071 on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter

08:47-14:55

ACTION ON EXECUTIVE SESSION ITEMS

(Action and/or vote may be taken on the following items):

AT 7:48 PM the Council reconvened from Executive Session into Open Session to act as deemed appropriate in City Council's discretion regarding:

- A. Consultation with Legal Counsel concerning legal questions related to contract with Dunnick, Inc. d/b/a Dunnick Golf pursuant to Texas Government Code Section 551.071 on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

Councilor Prince stated that it has come to the Council's attention that the bid process for this contract failed to follow procurement policy.

City Attorney Brad Bullock addressed the Council and read the State Local Government code 252.0415 Procedures for Electronic Bids: A municipality may receive bids or proposals under this chapter through electronic transmission if the governing body of the municipality adopts rules to ensure the identification, security, and confidentiality of electronic bids or proposals and to ensure that the electronic bids or proposals remain effectively unopened until the proper time.

Mr. Bullock said when these bids were put out the bid notice indicated that bids could be submitted electronically through the bid procurement portal and said that at the time these bids were submitted the Irrigation Consultant was copied. Mr. Bullock explained that these bids were not submitted properly, they need to be submitted to the governmental entity and only the governmental entity and that confidentiality needs to be maintained until the opening of the bids, which was done in public but was unknown at the time that the Irrigation Consultant was copied via email.

Mr. Bullock stated, what that means the city runs a risk of having this contract challenged under Section 252.061 which reads: If the contract is made without compliance with this chapter, it is void and the performance of the contract, including the payment of any money under the contract, may be enjoined by, any property tax paying resident of the municipality; or a person who submitted a bid for a contract for which the competitive sealed bidding requirement applies, regardless of residency, if the contract is for the construction of public works.

Mr. Bullock then said that any contract that is made without compliance of every element of this chapter, that contract is void the performance of the contract including the money paid under the contract maybe enjoined if the city went forward with this contract as is and said with the information known now any citizen could file a lawsuit given the fact in which the manner and timing in which the bids were submitted.

Mayor Sullivan noted that Councilor Durbin joined the meeting in Executive Session but is not back online at this time.

MOTION: Councilor Prince made a motion seconded by Councilor Owen, to cancel the contract because it is void under state law, motion carried unanimously six (6) ayes to zero (0) nays.

Councilor Benefield stated that the Council has provided guidance to Mr. Whichard to get an engineering firm to immediately design a new irrigation system for the golf course and said the Council's intention is to send it out for rebid and work diligently and quickly to get the project back on track.

03:38-08:39

CITIZEN COMMENTS

Mayor Sullivan opened the citizens' comment period and recognized those that signed up to speak:

- Lydia McBride submitted her statement read by Mayor Sullivan concerning her dissatisfaction with the Firefly Development.
- Jane Bramblett addressed the Council concerning Drapers Cove stating her objection to Firefly Development.
- Carol Smith addressed the Council concerning Drapers Cove and her objection to having public access to the park.
- Craig Phifer had Mayor Sullivan read his statement concerning Firefly Development at a Municipal Park and M.U.D. stating his objection to Firefly Development.

14:55 - 15:45

CITIZEN COMMENTS:

Mayor Sullivan read two other Citizens' Comments:

- Gary Lipscomb submitted his statement concerning Drapers Cove.
- Mural Cook submitted his statement concerning monitoring N&E access to the Public Park at the end of Draper Cove Rd.

15:45

ADJOURNMENT

Mayor Sullivan adjourned the meeting at 7:55 PM

Respectfully submitted,

CITY OF LAGO VISTA, TEXAS

ATTEST:

Maria Franco, City Secretary

Kevin Sullivan, Mayor

On a motion by Councilor _____, seconded by Councilor _____,
the above and foregoing instrument was passed and approved this 20th day of **February 2025.**



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: February 20, 2025

SUBMITTED BY: Maria Franco, City Secretary

SUBJECT: Consider approving February 6, 2025 Regular City Council Meeting minutes.

FINANCIAL IMPACT: n/a

ATTACHMENTS:
[2024-0206 Draft Minutes Regular Council Meeting \(2\).pdf](#)

MINUTES

City of Lago Vista
City Council Meeting
February 6, 2025
Page 1 of 10

These minutes have been prepared to satisfy the requirements of Section 551.021 of the Texas Government Code. Video recordings of most City meetings can be obtained at <https://www.lagovistatexas.gov/249/Watch-Meetings>

City of Lago Vista, Texas
Regular City Council Meeting
February 6, 2025
Meeting Duration: 5:30 PM to 12:31 AM

BE IT REMEMBERED that on the **6th day of February A.D., 2025**, the City Council held a Regular meeting at 5:30 PM in City Council Chambers, 5803 Thunderbird, Lago Vista, Texas 78645, and via videoconference, there being present and acting the following:

00:00-00:10

CALL TO ORDER, CALL OF ROLL

Members of City Council Present:

Kevin Sullivan, Mayor
Shane R. Saum, Council Member; Place 1 (By Virtual)
Adam Benefield, Council Member; Place 2
Rob Durbin, Mayor Pro Tem; Place 3 (By Virtual)
Norma Owen, Council Member; Place 4
Paul Roberts, Council Member; Place 5
Paul Prince, Council Member; Place 6

Members of City Council Absent:

None

Mayor Sullivan called the meeting to order at 5:31 PM and announced that all Council Members are present.

City Staff Present: Interim City Manager, Taylor Whichard, City Attorney, Brad Bullock, Chief of Police Gary Boshears, City Secretary Maria Franco, Economic Development Director Eric Zeno, Human Resource Director Tiffany Sparks, and I.T. Staff Stan Heston.

00:15-02:05

EXECUTIVE SESSION

At 5:34 PM the Council convened into a closed Executive Session pursuant to:

- A. Consultation with Legal Counsel concerning all regular meeting agenda items requiring confidential, attorney/client advice (as needed). (Texas Government Code Section 551.071)
- B. Consultation with Legal Counsel concerning legal questions related to code enforcement violations and criminal and civil enforcement thereof pursuant to Texas Government Code Section 551.071 - on a matter in which the duty of the attorney to the governmental body under

the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

- C. Consultation with Legal Counsel concerning legal questions related to contract with Dunnick, Inc. d/b/a Dunnick Golf pursuant to Texas Government Code Section 551.071 - on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.
- D. Consultation with Legal Counsel concerning legal questions related to termination of engagement agreement for legal services with Munck Wilson Mandala/Teresa Hudson pursuant to Texas Government Code Section 551.071 - on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.
- E. Deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee pursuant to Tex. Gov't Code Ann. § 551.074, concerning the position of City Manager, and pursuant to Section 551.071, consultation with Legal Counsel concerning legal questions related to City Charter requirements, Personnel Policy requirements and Ethics Policy related to City Manager duties concerning matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.
- F. Consultation with Legal Counsel concerning legal questions and advice related to dormant PDD's pursuant to Texas Government Code Section 551.071 - on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.
- G. Deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee pursuant to Tex. Gov't Code Ann. § 551.074, concerning review of the Interim City Manager.

02:20 – 4:30

ACTION ON EXECUTIVE SESSION ITEMS

(Action and/or vote may be taken on the following items):

AT **6:45** PM Council reconvened from Executive Session into Open Session to act as deemed appropriate in City Council's discretion regarding:

- A. Consultation with Legal Counsel concerning all regular meeting agenda items requiring confidential, attorney/client advice (as needed). (Texas Government Code Section 551.071)

No action taken.

- B. Consultation with Legal Counsel concerning legal questions related to code enforcement violations and criminal and civil enforcement thereof pursuant to Texas Government Code Section 551.071 - on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

No action taken.

- C. Consultation with Legal Counsel concerning legal questions related to contract with Dunnick, Inc. d/b/a Dunnick Golf pursuant to Texas Government Code Section 551.071 - on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

No action taken.

- D. Consultation with Legal Counsel concerning legal questions related to termination of engagement agreement for legal services with Munck Wilson Mandala/Teresa Hudson pursuant to Texas Government Code Section 551.071 - on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

No action taken.

- E. Deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee pursuant to Tex. Gov't Code Ann. § 551.074, concerning the position of City Manager, and pursuant to Section 551.071, consultation with Legal Counsel concerning legal questions related to City Charter requirements, Personnel Policy requirements and Ethics Policy related to City Manager duties concerning matters in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

No action taken.

- F. Consultation with Legal Counsel concerning legal questions and advice related to dormant PDD's pursuant to Texas Government Code Section 551.071 - on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

No action taken.

- G. Deliberation regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee pursuant to Tex. Gov't Code Ann. § 551.074, concerning review of the Interim City Manager.

No action taken.

04:30 – 6:57

PLEDGE OF ALLEGIANCE, PLEDGE TO THE TEXAS FLAG

Mayor Sullivan led the Pledge of Allegiance and the Pledge to the Texas Flag.

INVOCATION

Councilor Benefield introduce Bishop Kent Cook of the Church of Jesus Christ of Latter-Day Saints and said he is the bishop of approximately 400 members here in the Jonestown Lago Vista area. Bishop Cook gave the invocation.

06:58 – 13:25

PROCLAMATION

Proclaiming February 6, 2025, as J. Maurice Duderstadt Day.

13:29 – 16:05

CITIZEN COMMENTS

Mayor Sullivan opened the citizens' comment period.

Stephen R. Liebel addressed the Council regarding Item #8 on the January 16, 2025 agenda Council Meeting.

16:06 – 19:04

ITEMS OF COMMUNITY INTEREST

Mayor Sullivan informed the public of the following:

- (1.) City facilities will be CLOSED on Monday, February 17th in observance of President's Day. Normal business hours will resume on Tuesday, February 18th.
- (2.) Get ready for an exciting weekend of cycling as Lago Vista welcomes riders from around the world for the 33rd Annual La Primavera Bike Race, happening March 1–2! This year, businesses, organizations, and families can be part of the action by participating in Adopt-A-Corner. By adopting a corner, you'll help marshal an intersection during the races while also showcasing your small business or volunteer organization. Don't miss this chance to support the event and engage with the community! For more details, contact info@laprimaveraatx.com.
- (3.) Join us for LAGO FEST 2025!
Mark your calendars for Saturday, April 26th, and meet us at Bar-K Park from 1 PM to 8 PM for an unforgettable day of live music, delicious food, unique vendors, and family-friendly fun!
Music Lineup:
 - 1:30 PM—American Gypsy Band kicks off the party
 - 3:30 PM – Departure ATX keeps the energy going
 - 6:00 PM – Our Headliner, ROGER CREAGER, takes the stage with two-stepping tunes to close out the night!Don't miss out—visit www.lagofest.com for more details!

Mayor Sullivan noted that the Lions Club will have their Annual Chili Feast at the Lago Vista High School on Saturday, February 8, 2025, from 10 am until 2 pm they will also have baked sale and a silent auction.

Councilor Owen bragged on the Ladies Viking Basketball team and said they secured District Champs by being undefeated.

Councilor Owen gave a shout out to the Cheerleading squad and said they left for Florida this morning and wished them good luck.

21:30 – 56:20

STAFF AND COUNCIL LIAISON REPORTS

1. Routine Reports from City staff.

Mr. Whichard announced that the CIP Manager position has been filled, and they are working diligently to have the CIP dashboard up as directed by the Council.

Mr. Whichard then introduced Ed McRoy, who is the new Development Service Director.

Mr. Whichard informed the Council that the Chief Finance Officer has resigned effective earlier this week, and said an accountant has been hired to get the end of month financial reports done to prepare for the audit.

2. Routine Reports from City Council Liaison.

- Building and Standards Commission, Councilor Benefield Keep
- Lago Vista Beautiful, Councilor Benefield
- Lago Vista Starry Skies, Councilor Benefield Airport Advisory Board, Mayor Pro Tem Durbin
- Planning & Zoning Commission, Mayor Pro Tem Durbin
- Economic Development Advisory Committee, Councilor Owen
- Lago Vista Independent School District, Councilor Owen
- Lago Vista Property Owner's Association, Councilor Owen
- Turnback Canyon Trail Conservancy, Councilor Owen
- Golf Course Advisory Committee, Councilor Prince
- Library Advisory Board, Councilor Prince
- Parks & Recreation Advisory Committee, Councilor Prince
- Board of Adjustment, Councilor Roberts
- Governmental Affairs, Councilor Saum
- Water Issues; Lower Colorado River Authority Board, Texas
- Water Development Board, and other entities as appropriate, Councilor Saum
- Youth Advisory Committee, Mayor Sullivan
- Capital Area Council of Governments, Mayor Sullivan
- CapMetro, Mayor Sullivan
- Texas Department of Transportation, Mayor Sullivan

Councilor Prince gave an update on the Charter Review Committee's meeting.

41:48 – 43:41

CONSENT AGENDA

The Consent Agenda Items Are Self-Explanatory by The City Council or Have Been Previously Discussed and Will Be Enacted with One Motion. There Will Be No Separate Discussion of These Items Unless a Council Member Requests. The Consent Agenda Is for Consideration by The City Council Only and Not Subject to Public Discussion.

3. Consider approval of January 28, 2025, Special Called Council Meeting Minutes.
4. Consider approval of January 16, 2025, Regular City Council Meeting Minutes.
5. Discussion, consideration and possible action on **Resolution No. 25-2112** formally accepting the public infrastructure for Lakeside at Tessera Phase 4A which includes streets, underground storm drain, water distribution, and sewer collection systems.

Mayor Sullivan pulled Item #4 and noted that Mr. Bullock has a comment to make regarding that meeting.

MOTION: Councilor Owen made a motion seconded by Councilor Roberts to approve the Consent Agenda Items #3 & #5 with corrections. Motion carried unanimously, seven (7) ayes to zero (0) nays.

#4. Pulled from Consent; Consider approval of January 16, 2025, Regular City Council Meeting Minutes.

Mr. Bullock stated that on January 16, 2025, meeting and on agenda item no. 12 regarding dis-annexation Councilor Roberts abstained from voting. Mr. Bullock explained that according to the City's Charter requirements, when a Council abstains from voting they are to announce for the record the reason for their abstention and it needs to be noted in the minutes. Mr. Bullock said he advised Councilor Roberts to read a statement of his abstention and the basis for his abstention so that it reflects in the minutes of today's meeting, to comply with the Charter. Councilor Roberts read his statement:

"In order to avoid any perception of bias due to my personal relationship with the applicant, I made the discretionary decision to abstain out of an abundance of caution so as to avoid the appearance of potential impropriety. The City's legal counsel advises me that I was not a legally required to abstain under the City Charter, Ethics Policy, or state law, but that a discretionary abstention to avoid the appearance of impropriety was proper. This abstention was specific to the unique circumstances of this item and does not establish a precedent that precludes my participation in future votes on zoning or development matters, including those affecting the Marshalls Harbor Planned Development District (PDD) in which I reside."

MOTION: Councilor Owen made a motion seconded by Councilor Prince to approve Item #4 with corrections. Motion carried unanimously, seven (7) ayes to zero (0) nays.

ACTION ITEMS

46:53 – 1:08:35

6. Discussion, consideration and possible action on adopting the FINAL DRAFT of the Water Master

Plan that was produced by Freese & Nichols.

MOTION: Councilor Prince made a motion seconded by Councilor Owen to table Item #6 and to place on the consent agenda at the next City Council meeting, February 20, 2025. Motion carried unanimously, seven (7) ayes to zero (0) nays.

Mayor Sullivan noted that Councilor Durbin is no longer online for the rest of the meeting.

4:16:12- 4:38:43

7. Discussion, consideration, and possible action regarding Ordinance No. 2025-02-06-01 establishing Quarterly Vacancy and Recruitment Status Reporting Requirements.

MOTION: Councilor Benefield made a motion seconded by Councilor Roberts to approve agenda item #7 with the addition that the Council receive the weekly report that is sent to the Interim City Manager. Motion failed with three (3) ayes to three (3) nays. Councilmembers Prince, Owen and Mayor Sullivan voted against the motion.

MOTION: Councilor Roberts made a motion seconded by Councilor Owen to table item until the next Council meeting on February 20, 2025, to give staff time to come back and propose an alternative recommendation. Motion carried unanimously with six (6) ayes to zero (0) nays.

4:48:01 – 4:50:24

MOTION: Councilor Benefield made a motion seconded by Councilor Roberts to reconsider Item #7. Motion carried unanimously six (6) ayes to zero (0) nays.

MOTION: Councilor Benefield made a motion seconded by Councilor Roberts for the weekly report provided by HR Director Tiffany Sparks to Interim City Manager is forwarded in an unredacted form immediately to the City Council and to table item #7 as is, until the next City Council meeting on February 20, 2025, where staff can make recommendations. Motion carried unanimously six (6) ayes to zero (0) nays.

3:47:56 – 4:04:45

8. Consider and take appropriate action on Ordinance No. 2025-02-06-02 amending Chapter 6, Article 6.200, Section 6.212 of the Lago Vista Code of Ordinances regarding Oak Wilt Control.

MOTION: Councilor Owen made a motion seconded by Councilor Prince to approve Ordinance No. 2025-02-06-02 as presented. Motion carried five (5) ayes to zero (1) nays. Mayor Sullivan being the dissenting vote.

4:40:56 - 4:48:01

9. Discussion, consideration, and possible action regarding Ordinance No. 25-02-06- 03; an ordinance of the City Council of the City of Lago Vista, Texas Pursuant to the Texas Local Government Code Chapter 102, Sections 102.007(b) and 102.010, Providing for Amendments to Ordinance No. 24-09-19-01, Municipal Budget for the Fiscal Year Beginning October 1, 2024 and Ending September 30, 2025; Providing for Savings, Severability, and Effective Date.

MOTION: Councilor Roberts made a motion seconded by Councilor Prince to approve Ordinance No. 25-02-06-03 as presented. Motion carried unanimously six (6) ayes to zero (0) nays.

3:12:02 – 3:45:38

10. Discussion, consideration and possible action regarding **Resolution No. 25-2109** to set the regular City Council meeting start times for Executive Session at 1:00 PM and Regular Session at 3:00 PM, effective for the remainder of the Current Council's term.

Mayor Sullivan recognized those that have signed up for citizen's comment on this item:

- Chelaine Marion joined the meeting virtually and addressed the Council regarding her objection of the new start time for City Council meetings.
- Christina Lucero addressed the Council the new start time for City Council meetings and stated that she is opposed to the new time.
- Gene Harris addressed the Council and stated he is supportive of the new start time for the City Council meetings.

MOTION: Councilor Roberts made a motion seconded by Councilor Saum to approve Resolution No. 25-2109 as presented. Motion carried four (4) ayes to two (2) nays. Mayor Sullivan and Councilor Prince are the dissenting votes.

4:50:25 – 4:55:02

11. Discussion, consideration, and possible action on passing **Resolution No. 25-2110**; authorizing the City Manager to execute any resolutions, letters, and supporting documents needed for water funding applications.

MOTION: Councilor Saum made a motion seconded by Councilor Owen to table Item #11 until the next City Council meeting on February 20, 2025, to have City Manager put together a narrative for the Community project funding letter of what the city will be applying for, and accept City Attorney Brad Bullock's recommendation to modify resolution to give the City Manager authority to prepare, execute or submit, as applicable, all necessary resolutions, letters, and supporting documents needed for water funding applications. Motion carried unanimously six (6) ayes to zero (0) nays.

1:08:34 – 1:52:37

12. Discussion, consideration, and possible action on Wildfire Preparedness and the Evacuation Planning Update.

No action taken.

4:56:52 – 5:02:54

13. Discussion, consideration, and possible action authorizing the City Manager to enter into an agreement with Rebuild-it Services Group for an emergency rebuild of the clarifier at Water Plant #1 in an amount of \$304,009.

MOTION: Councilor Prince made a motion seconded by Councilor Owen to approve agreement with Rebuild-It Services Group for an emergency rebuild of the clarifier at Water Plant #1 in an

amount of \$304, 009. Motion carried unanimously six (6) ayes to zero (0) nays.

4:05:39 – 4:15:08

14. Discussion, consideration, and possible action on passing Resolution No. 25-2111; regarding support for House Bill 1189 which is no Taxpayer Funded Lobbying.

Mayor Sullivan recognized Gene Harris. Mr. Harris addressed the Council and stated he is in favor of supporting House Bill 1189.

MOTION: Councilor Saum made a motion seconded by Councilor Roberts to approve Resolution No. 25-2111; regarding support for House Bill 1189 which is no Taxpayer Funded Lobbying. Motion carried unanimously six (6) ayes to zero (0) nays.

1:54:37 – 3:12:01

15. Discussion, consideration, and possible action on approving the Consent Agreement for the creation of an In-City Municipal Utility District for Firefly Cove, LLC.

MOTION: Councilor Benefield made a motion seconded by Councilor Owen to table Item #15 instructing counsel from both parties to come to a consensus agreement and that the item come back at the next City Council meeting on February 20, 2025, as a consent agenda item

2:47:58

RECESS

At **9:31** PM Mayor Sullivan called for a 5-minute recess.

At **9:37** PM the Council reconvened.

5:02:56-5:03:29

EXECUTIVE SESSION

At **11:51** PM the Council convened into a closed Executive Session pursuant to:

- C. Consultation with Legal Counsel concerning legal questions related to contract with Dunnick, Inc. d/b/a Dunnick Golf pursuant to Texas Government Code Section 551.071 - on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

5:03:29 – 5:04:17

ACTION ON EXECUTIVE SESSION ITEMS

(Action and/or vote may be taken on the following items):

AT **12:31** AM the Council reconvened from Executive Session into Open Session to act as deemed appropriate in City Council's discretion regarding:

- C. Consultation with Legal Counsel concerning legal questions related to contract with Dunnick, Inc. d/b/a Dunnick Golf pursuant to Texas Government Code Section 551.071 - on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules

of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

No action taken.

5:04:17

ADJOURNMENT

Mayor Sullivan adjourned the meeting at 12:31 AM

Respectfully submitted,

ATTEST:

CITY OF LAGO VISTA, TEXAS

Maria Franco
City Secretary, TRMC

Kevin Sullivan, Mayor

On a motion by Councilor _____, seconded by Councilor _____, the above and foregoing instrument was passed and approved this 20th day of February 2025.



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: February 20, 2025

SUBMITTED BY: Taylor Whichard, Interim City Manager

SUBJECT: Consider approving the Consent Agreement for the creation of an In-City Municipal Utility District for Firefly Cove, LLC.

BACKGROUND: On December 19, 2024, the City Council reviewed the proposed Firefly Cove MUD Consent Agreement. During that meeting, the City Attorney advised further legal review before formal approval. The agreement is necessary to allow for the creation of a Municipal Utility District (MUD) within the City's corporate boundaries to support the development of the Firefly Cove Planned Development District (PDD). The purpose of the MUD is to finance public infrastructure required for the project.

This item was brought back to the February 6th Council meeting. Further edits were requested as a result of the discussion. Council made a motion directing staff to make the necessary edits and bring it back to the February 20th meeting on Consent.

FINDINGS: The Firefly Cove MUD Consent Agreement establishes that the District's authority is strictly limited to financing public water, wastewater, drainage, and roadway infrastructure. All infrastructure within the development will be designed and constructed in accordance with City standards to ensure compliance with regulatory requirements and long-term serviceability. Upon completion, all public infrastructure will be dedicated to the City for ownership, operation, and maintenance, ensuring consistency with City-managed systems. The agreement also confirms that the MUD will not provide municipal services beyond its financing and maintenance responsibilities.

To mitigate the impact of the Firefly Cove development on City infrastructure, the Developer has agreed to significant financial contributions. These include \$2.4 million toward the City's wastewater system expansion, \$600,000 for water system

improvements, and \$590,735 for required off-site roadway improvements. These funds will be paid from the proceeds of the MUD's bond issuances, ensuring that necessary infrastructure enhancements are made without placing an undue financial burden on the City or its residents. Additionally, the Developer will be responsible for funding and constructing all internal water and wastewater infrastructure, and external roadway improvements required to serve the development.

The agreement includes clear provisions for the eventual dissolution of the MUD. The District cannot annex additional land without prior City approval, preventing unregulated expansion. Furthermore, any bond issuance must adhere to strict financial limitations, including maturity terms, interest rate caps, and early redemption provisions, ensuring financial responsibility and preventing excessive debt accumulation. These measures protect the City's long-term interests while allowing the development to proceed with structured oversight.

FINANCIAL IMPACT:

\$2,390,735 is provided to the City for the WWTP Expansion and the City's share of intersection improvements prescribed in the Developer's TIA. In addition to this, an additional contribution of \$600,000 is provided to the City for the eventual WTP upgrade.

ATTACHMENTS:

[Firefly Cove Original Petition Letter.pdf](#)

[Firefly Cove PDD _ Ord No. 21-09-02-01.pdf](#)

[2025-02-20 _ Resolution No. 25-2114 _ Consenting to Creation of MUD _ Firefly.pdf](#)

[Consent Agreement_Firefly MUD 020525 \(use this one\).pdf](#)



December 5, 2024

Via Email: mayor@lagovistatexas.gov

Mayor Kevin Sullivan
City of Lago Vista
5803 Thunderbird Street
Lago Vista, TX 78645

RE: Petition for Consent to the Creation of a Municipal Utility District ("Petition for Consent")

Dear Mayor:

Please accept the enclosed Petition for Consent as Firefly Cove, LLC's ("Firefly") formal request for consent by the City of Lago Vista ("City") to creation of a municipal utility district ("MUD"). The City's consent is required by the State of Texas since Firefly is within the City limits. We paid our City MUD application fee this past June.

Under the structure of the MUD, the MUD will sell bonds to pay or reimburse Firefly for the design, construction, and installation of water, sewer, drainage, recreation, and other improvements related to the development of Firefly Cove. The MUD will assess a property tax on the homes exclusively located in Firefly Cove until the bonds have been paid off. The maximum MUD tax can be up to \$0.92.

The MUD will cost the City nothing, and the City will assume no additional liability.

As a contribution to the costs of expansion of the City's existing wastewater infrastructure and to mitigate the impacts of the Firefly Cove on the transportation system, the MUD will pay \$2,390,735 to the City out of the MUD's first bond issuance. This amount reflects Firefly's estimated share of sewage capacity in the City's new and anticipated wastewater plant and covers the City's share of traffic improvements noted in Traffic Improvement Analysis ("TIA") associated with Firefly Cove, as well as traffic safety improvements along Boggy Ford. This contribution is above and beyond what is currently required by Firefly for the development of Firefly Cove. Firefly is currently obligated only to pay for its portion of wastewater usage through the City's tap fees and its share of traffic improvements as outlined in the TIA and the PDD Ordinance.



Firefly has no obligation to contribute any financial amount to the City. Sewer and water capacity has been reserved for Firefly Cove since the PDD Ordinance was approved. However, Firefly believes this financial contribution to the City creates a win-win for both parties with Firefly helping to alleviate the traffic and wastewater capacity burdens present in the City, freeing the City to use financial resources in other areas of need.

In addition to the funds noted above, Firefly also agrees to construct and maintain publicly accessible parks and park improvements, including (i) mountain bike and pedestrian walking trails throughout the Project, (ii) pickleball courts, and (iii) certain amenities for water recreation to be constructed and installed on approximately twelve acres of shoreline of Lake Travis, such as picnic benches, shade structures, and a swim dock.

We are asking that this Consent Agreement be placed on December 19th, 2024, City Council agenda for discussion and approval of consent to the creation of the MUD within the corporate boundaries of the City. The urgency is due to the MUD creation process being several months long, and we anticipate having homes under construction in Phase 1 in Spring of 2025. As construction progresses within Firefly Cove, bond issuances and proceeds will follow.

Attached to this letter are:

1. Consent Agreement between Firefly and the City of Lago Vista
2. Petition for Consent to the Creation of a Municipal Utility District
3. Firefly Cove Municipal Utility District Taxable Assessed Value Proforma, Bonding Capacity and Reimbursement Analysis, and Cost Summary

Thank you for your consideration.

Sincerely,

Dirk Gosda
Member/Manager, Firefly
President Southwest and Mountain Regions, Sunrise Company

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 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;

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 1/2" 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 II 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 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 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. 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



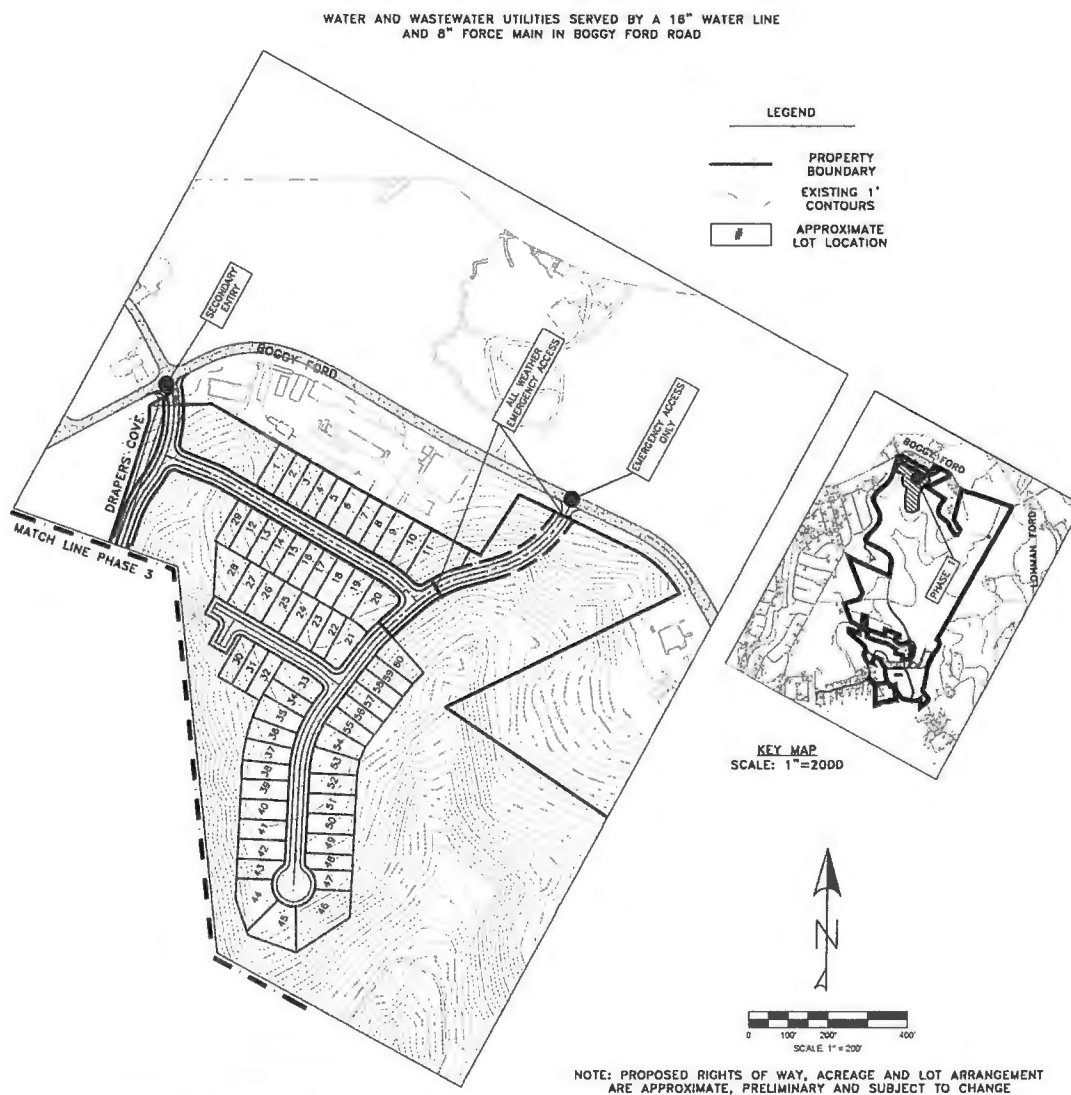
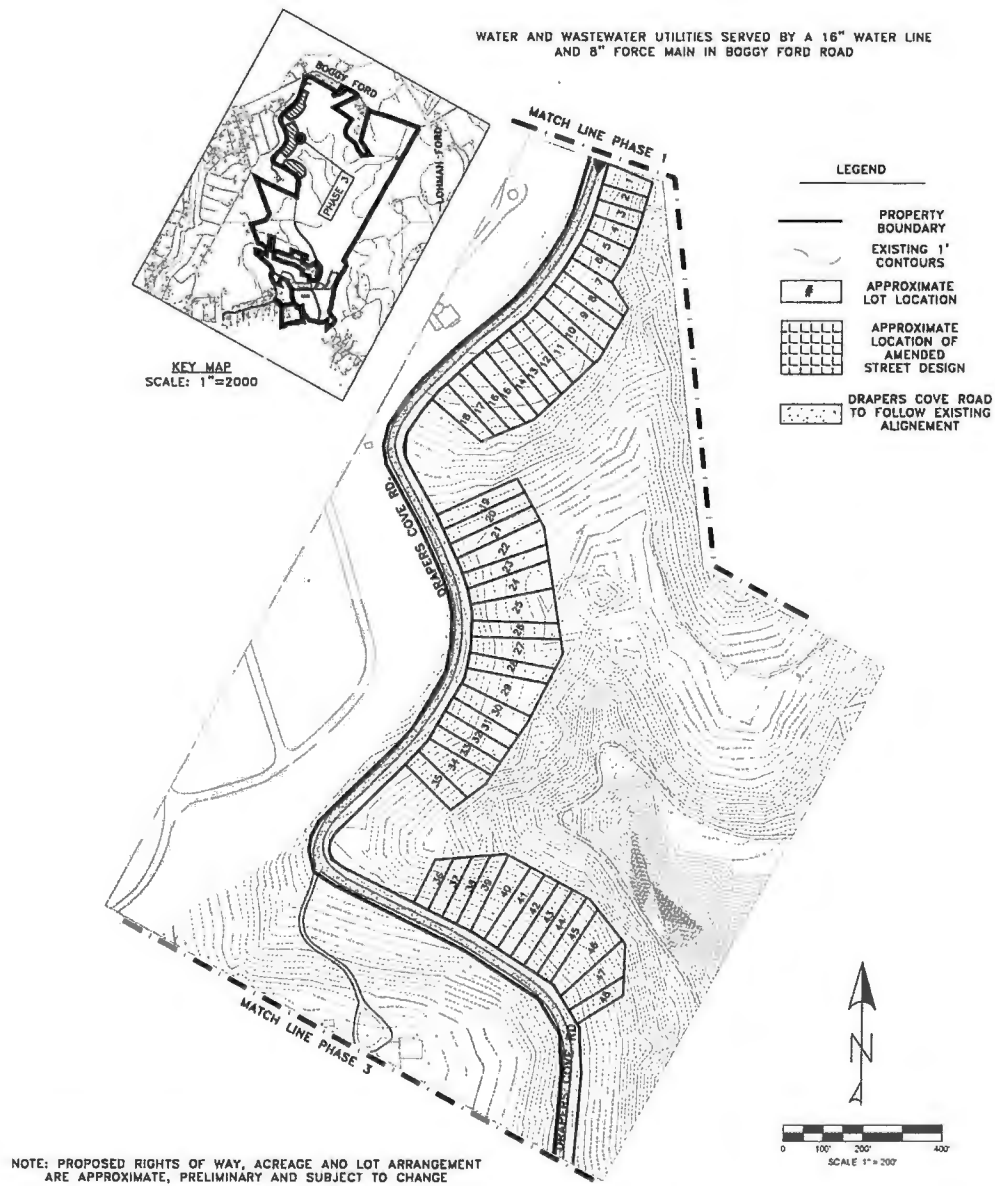
EXHIBIT "C"**Land Use Plan**

EXHIBIT "C"**Land Use Plan**

Phase 3 Detail Plan (1 of 2)

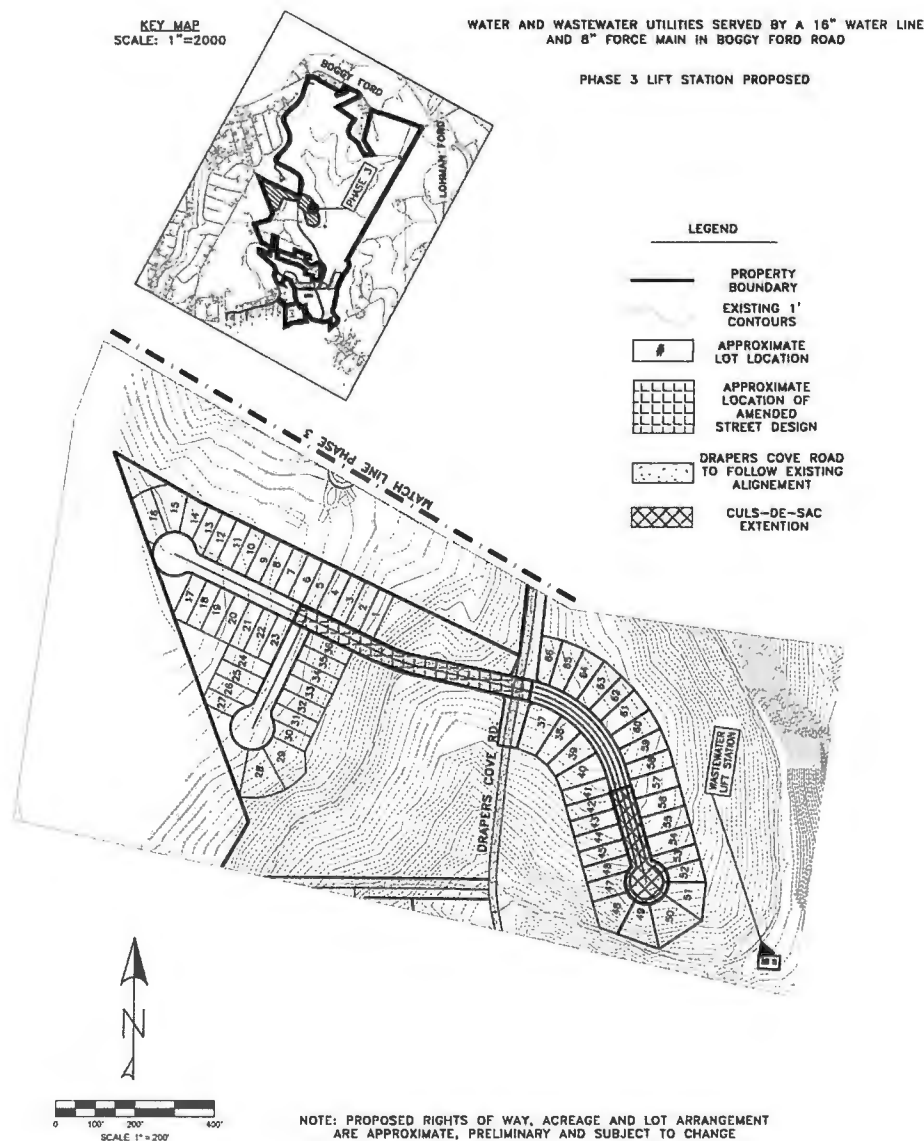
EXHIBIT "C"**Land Use Plan****Phase 3 Detail Plan
(2 of 2)**

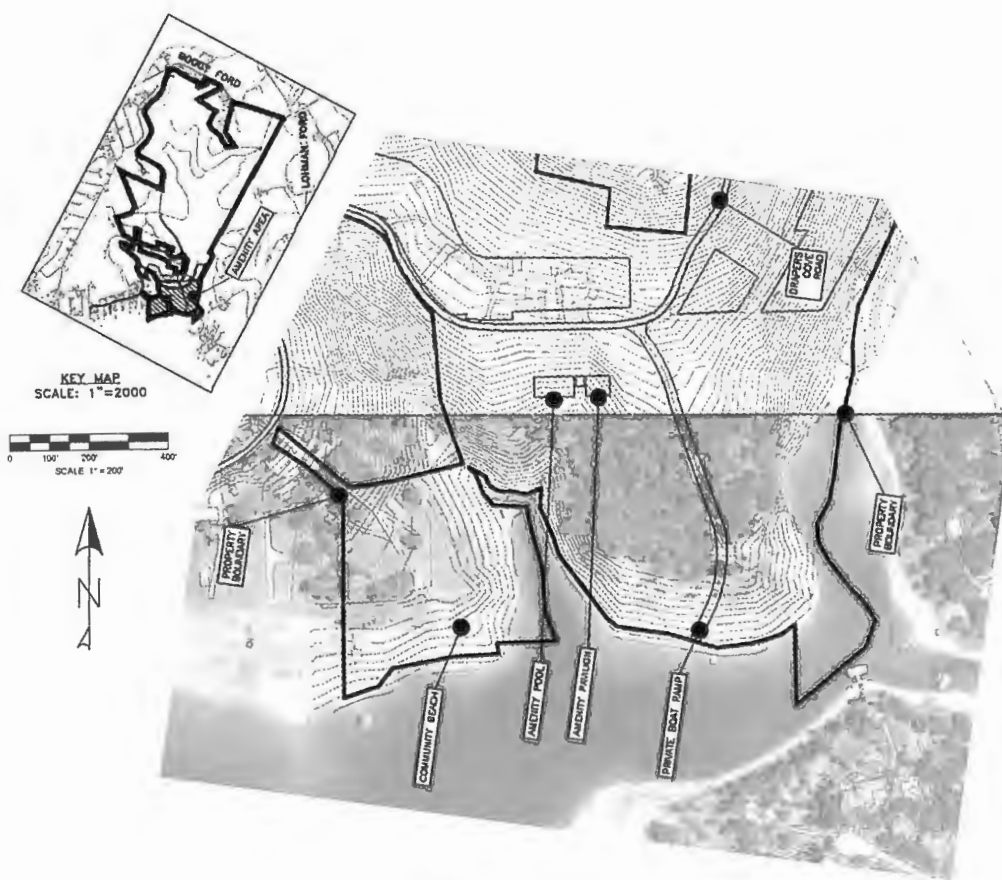
EXHIBIT "C"**Land Use Plan****Amenities Area
Detail Plan**

EXHIBIT "C"
Land Use Plan

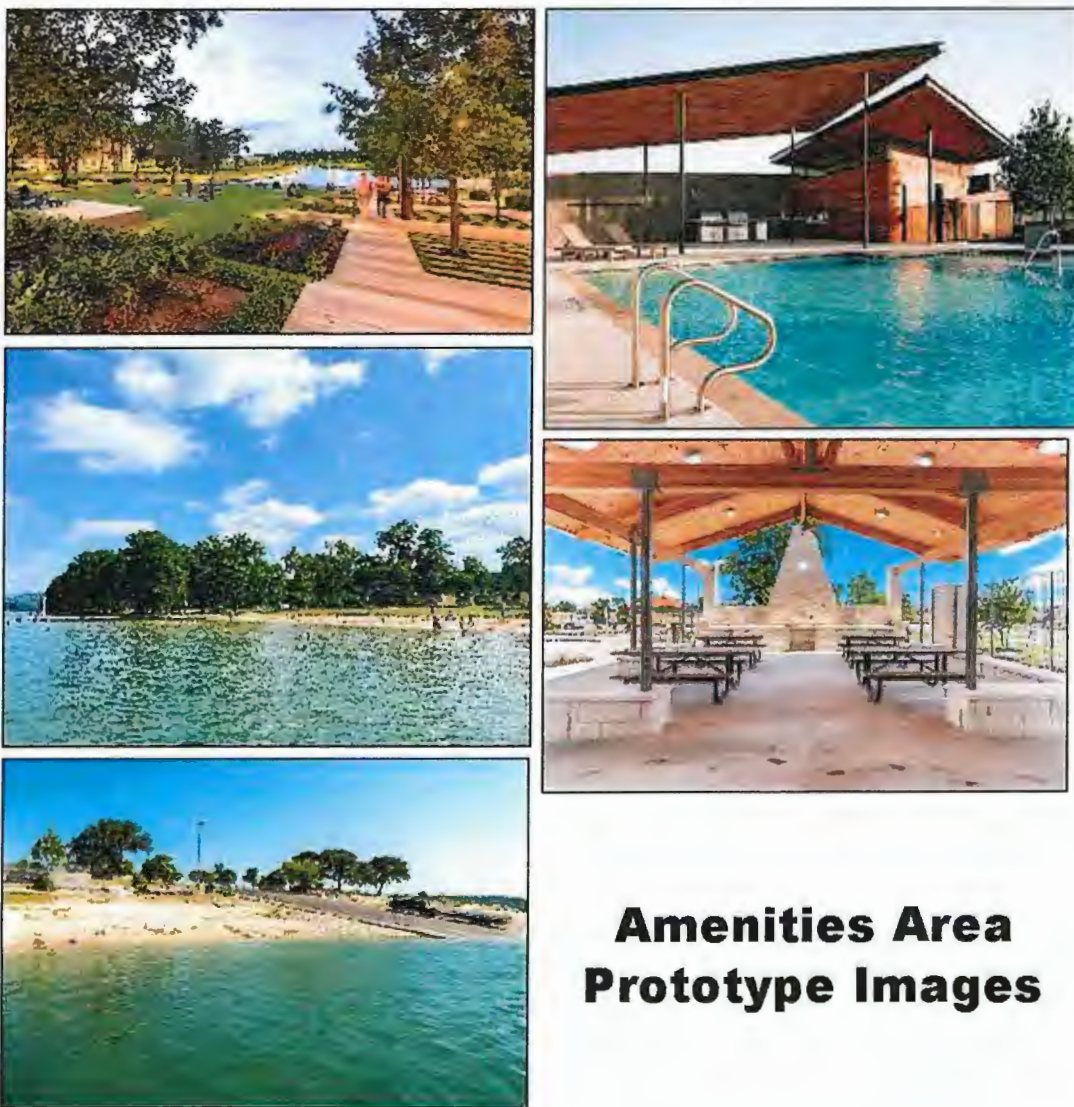
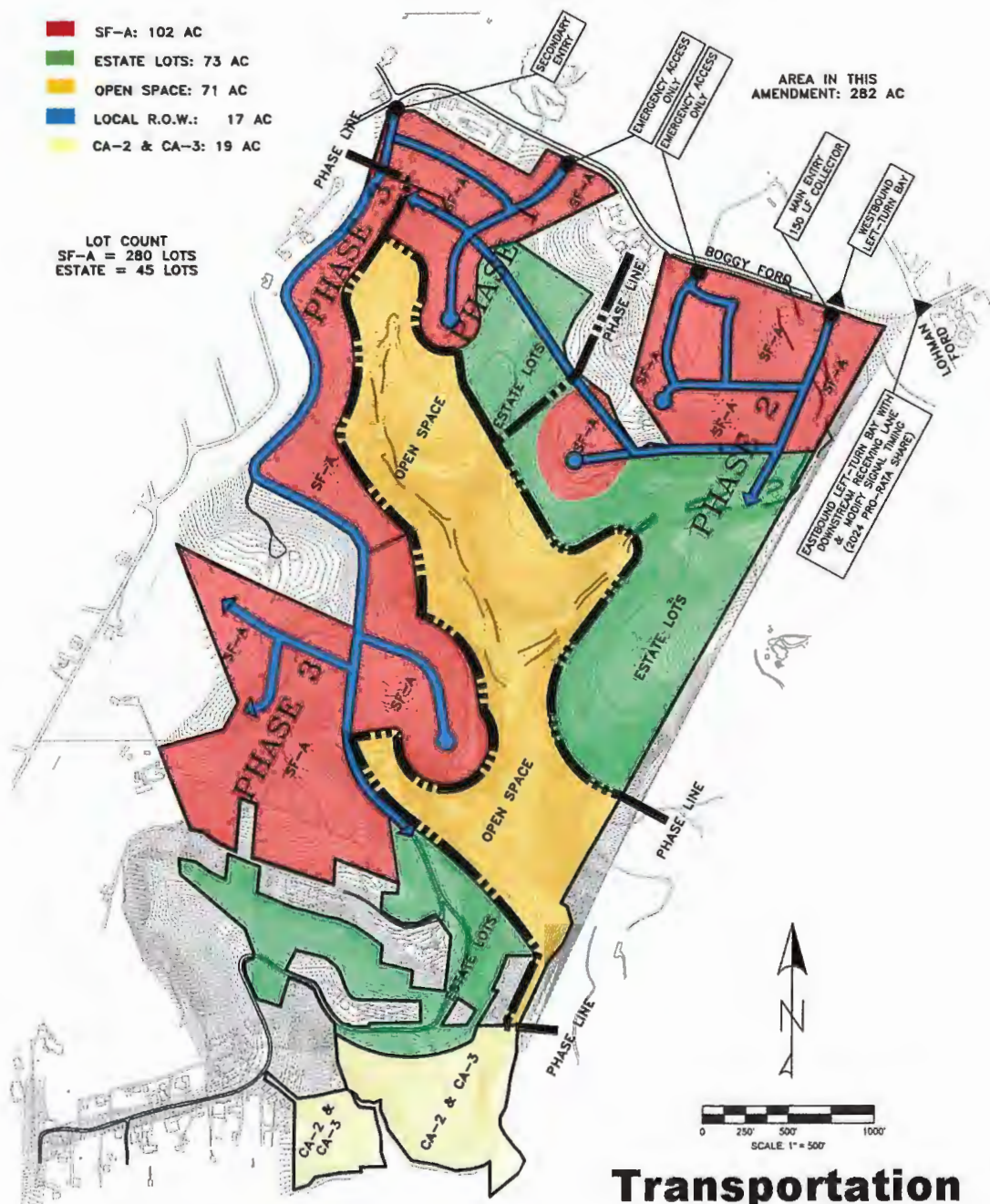


EXHIBIT "C" **Land Use Plan**



- 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

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

Transportation Plan

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

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)

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. 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 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 1/2" 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 1/2" 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 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°11'0T' 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 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."

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.

**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, the Land 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 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 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. Developer further agrees to 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, and (iii) parkland and certain amenities for water recreation and lake access, such as, in Developer's sole discretion, picnic tables, benches, shade structures, and other facilities and improvements to be constructed and installed on approximately twelve (12) acres of shoreline along Lake Travis. 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. (b) 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 Firefly will be available to the citizens of Lago Vista, except for the swimming pool.

Section 2.05 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 2.06 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) Developer has the right, from time to time, to assign this Agreement, in whole or in part, and including any obligation, right, title, or interest of Developer under this Agreement, to the District.

Developer may also 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; and (5) a copy of the executed assignment is provided to the City within fifteen (15) days after execution. Provided all of the foregoing conditions are satisfied, from and after the date the assignment is executed by Developer and Assignee, the City agrees to look solely to Assignee for the performance of all obligations assigned to Assignee and agrees that Developers shall be released from performing the assigned obligations and from any liability that results from the Assignee’s failure to perform the assigned obligations. No assignment by Developers shall release Developer from any liability that resulted from an act or omission by Developer that occurred prior to the effective date of the assignment. 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 non-judicial. This Agreement shall be binding upon and inure to the benefit of the Parties and their respective successors and Assignees.

(c) 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

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):

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, by 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.

[The remainder of this page intentionally left blank.]

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: _____
Name: _____
Title: _____
Date: _____

ATTEST:

By: _____
Name: _____
Title: _____

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: _____
Dirk Gosda, Manager

DISTRICT:

FIREFLY MUNICIPAL UTILITY DISTRICT
(or other named district)

By: _____
Name: _____
Title: _____
Date: _____

ATTEST:

By: _____
Name: _____
Title: _____

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. 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 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 1/2" 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 1/2" 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 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 II 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 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. HAFFERNIK 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."

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)



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: February 20, 2025

SUBMITTED BY: Eric DeLaCruz, Assistant City Secretary

SUBJECT: Consider adopting **Ordinance No. 25-02-20-02**; an ordinance of the City of Lago Vista, Texas amending Appendix A Fee Schedule of the Code of Ordinances: Article 6.000, Sec 6.200 Utility Rates and Fees to amend the Hazardous Waste Fees.

BACKGROUND: This is an amendment to the fee schedule of Article 6.000, Sec 6.200 Utility Rates and Fees amending the e) Sanitation service 3. Hazardous Waste.

This was approved by Council on the January 16, 2025 Regular City Council meeting.

FINDINGS: The proposed ordinance updates Appendix A Fee Schedule of the Code of Ordinances: Article 6.000, Sec 6.200 Utility Rates and Fees to amend the Hazardous Waste Fees from \$1.04 plus tax to \$1.10 plus tax.

FINANCIAL IMPACT: This project will be billed to the citizens in the amount of \$1.10 per month per active residential utility account plus tax.

These rates apply to all Residential Units located within residential properties consisting of no more than four (4) units and within the City's corporate limits, billed by the City for utility services.

Residential Units located within residential properties of five (5) or more units may request a quote from the Service Provider for Household Hazardous Waste collection on an "as-needed" basis.

ATTACHMENTS:

[25-02-20-02 Amended Fee Schedule - Household Hazardous Waste Fee Change.pdf](#)
[AMENDMENT #1 Doliver Enterprises LLC dba HHW Solutions.pdf](#)
[2025-0116 Minutes Regular City Council Meeting.pdf](#)

ORDINANCE NO. 25-02-20-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AMENDING APPENDIX A FEE SCHEDULE OF THE CODE OF ORDINANCES, ARTICLE 6.000, SEC 6.200 UTILITY; PROVIDING CODIFICATION AND PUBLICATION, AN EFFECTIVE DATE, REPEALER, SEVERABILITY, PROPER NOTICE AND OPEN MEETINGS CLAUSES.

WHEREAS, The City of Lago Vista, Texas is a Home Rule City; and

WHEREAS, on January 16, 2025, the City Council of City of Lago Vista approved the award and contract for household hazardous waste collection services; and

WHEREAS, this contract includes a three-year extension and a revised rate for said services; and

WHEREAS, it is necessary to amend the fee schedule to reflect the new rate for residential units;

WHEREAS, the City Council desires to amend Appendix A, Fee Schedule, as set out in the attached Exhibit "A"; and

WHEREAS, the City Council finds that it is necessary and proper for the purpose of promoting effective and efficient government of the City to adopt the proposed amendments to Appendix A, Fee Schedule of the City of Lago Vista Code of Ordinances.

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

SECTION 1. FINDINGS OF FACT. All of the above and foregoing recitals are hereby found to be true and correct legislative findings of the City and are incorporated herein as findings of fact.

SECTION 2. AMENDMENT. The City Council of the City of Lago Vista, Texas, does hereby amend Article 6.000, Sec 6.200 Utility Rates and Fees, as shown in Exhibit "A". Underlined language shall be added and language to be deleted is signified by strike-through. All unedited Sections of the Code of Ordinances remain in effect as currently written. The fee for household hazardous waste collection services provided to residential units located within the city limits, consisting of no more than four (4) units, shall be amended to reflect the following:

- ****Current Rate:**** \$1.04 per unit plus tax
- ****New Rate:**** \$1.10 per unit plus tax

SECTION 3. EFFECTIVE DATE. This rate change shall be effective as of March 1, 2025 and shall apply to all billing cycles thereafter.

SECTION 4. REPEALER. All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of Lago Vista, Texas, are hereby repealed to the extent said ordinances, orders or resolutions or parts thereof are in conflict

herewith.

SECTION 5. SEVERABILITY CLAUSE. If any section, subsection, article, paragraph, sentence, clause, phrase or word in this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 6. CODIFICATION AND PUBLICATION. The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.013 of the Texas Local Government Code.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication in accordance with the Texas Local Government Code.

SECTION 8. OPEN MEETINGS. 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 of the Texas Government Code.

AND, IT IS SO ORDERED.

PASSED AND APPROVED this 20th day of February, 2025 by a vote of the City Council of the City of Lago Vista, Texas.

Kevin Sullivan, Mayor

Maria Franco, City Secretary

On a motion by Councilor _____, seconded by Councilor _____ the above and foregoing ordinance was passed and approved.

APPENDIX A

FEE SCHEDULE

ARTICLE 6.000 UTILITY RELATED FEES

Sec 6.200 Utility Rates and Fees

a) Residential and commercial water service:

1. Utility Line Extension Rate:

Unit Cost per Linear Foot									
Line Size	2"	3"	4"	6"	8"	10"	12"	16"	18"
Cost	\$67	\$68	\$92	\$100	\$119	\$136	\$146	\$203	\$212

2. Construction Administrative Fees:

- A. 5% of the estimate for Option 1 (Resident Applicant)
- B. 10% of the estimate for Option 1a (Home Builder Applicant)
- C. 15% of the estimate for Option 1b (All Other Applicants and over 400' Extension)
- D. 5% of the estimate for Option 2 (Developers and Non-City Managed Construction)

3. Drought contingency fees will be approved by City Council as needed based on the following formulation:

$$\begin{array}{c} \text{Drought} \\ \text{Contingency} \\ \text{Fee} \end{array} = \frac{\begin{array}{c} \text{Anticipated} \\ \text{Revenue Deficiency} \\ \text{Current Fiscal Year} \\ \text{Budgeted Revenue} \\ \text{(use acct 30-470-} \\ \text{4100 only)} \end{array}}{\begin{array}{c} \text{Current Fiscal Year} \\ \text{Budgeted Revenue} \\ \text{(use acct 30-470-} \\ \text{4100 only)} \end{array}} \times \begin{array}{c} \text{Wastewater} \\ \text{Consumption Rate} \end{array} \times \frac{\begin{array}{c} \text{Total Sewer} \\ \text{Consumption} \\ \text{1,000 Gallons} \end{array}}{\begin{array}{c} \text{Total Sewer} \\ \text{Consumption} \\ \text{1,000 Gallons} \end{array}}$$

4. Inside City Single-Family Residential (base rate plus volumetric rate (actual usage) by customer class). Effective: New rate effective with water sold beginning January 1, 2020, billed February 29, 2020 and bills due March 15, 2020:

- A. Base rate: \$36.52.
- B. Volumetric rate:
 - i. 0–2,000 gallons: \$0.00.
 - ii. 2,001–5,000 gallons: \$5.25 per 1,000 gallons.
 - iii. 5,001–10,000 gallons: \$6.50 per 1,000 gallons.
 - iv. 10,001–15,000 gallons: \$8.50 per 1,000 gallons.
 - v. 15,001–25,000 gallons: \$11.00 per 1,000 gallons.
 - vi. 25,001–50,000 gallons: \$14.00 per 1,000 gallons.
 - vii. 50,001–above: \$17.50 per 1,000 gallons.

5. Inside City Multi-Family Residential (base rate plus volumetric rate (actual usage) by customer class). Effective: New rate effective with water sold beginning October 1, 2024, billed November 30, 2024 and bills due December 16, 2024:
 - A. Base rate: \$36.52 per Service Unit Equivalent as shown in section 3.500 of Appendix A.
 - B. Volumetric rate:
 - i. 0–2,000 gallons: \$0.00.
 - ii. 2,001–5,000 gallons: \$5.25 per 1,000 gallons.
 - iii. 5,001–10,000 gallons: \$6.50 per 1,000 gallons.
 - iv. 10,001–15,000 gallons: \$8.50 per 1,000 gallons.
 - v. 15,001–25,000 gallons: \$11.00 per 1,000 gallons.
 - vi. 25,001–50,000 gallons: \$14.00 per 1,000 gallons.
 - vii. 50,001–above: \$17.50 per 1,000 gallons.

6. Inside City Commercial (base rate plus volumetric rate (actual usage) by customer class). Effective: New rate effective with water sold beginning January 1, 2020, billed February 29, 2020 and bills due March 15, 2020:
 - A. Base rate: \$36.52.
 - B. Volumetric rate:
 - i. 0–2,000 gallons: \$3.95 per 1,000 gallons.
 - ii. 2,001–5,000 gallons: \$5.77 per 1,000 gallons.
 - iii. 5,001–10,000 gallons: \$7.15 per 1,000 gallons.
 - iv. 10,001–15,000 gallons: \$9.35 per 1,000 gallons.
 - v. 15,001–25,000 gallons: \$11.87 per 1,000 gallons.
 - vi. 25,001–50,000 gallons: \$15.17 per 1,000 gallons.
 - vii. 50,001–above: \$19.02 per 1,000 gallons.

7. Inside City Water irrigation rates (base fee plus volumetric rate (actual usage) by customer class). Effective: New rate effective with water sold beginning January 1, 2020, billed February 29, 2020 and bills due March 15, 2020:
 - A. Base rate: \$36.52.
 - B. Volumetric rate:
 - i. 0–2,000 gallons: \$6.11 per 1,000 gallons.
 - ii. 2,001–5,000 gallons: \$7.64 per 1,000 gallons.
 - iii. 5,001–10,000 gallons: \$9.55 per 1,000 gallons.
 - iv. 10,001–15,000 gallons: \$11.94 per 1,000 gallons.
 - v. 15,001–25,000 gallons: \$14.93 per 1,000 gallons.
 - vi. 25,001–50,000 gallons: \$18.66 per 1,000 gallons.
 - vii. 50,001–above: \$23.32 per 1,000 gallons.

8. Inside City Industrial water rates (base fee plus volumetric rate (actual usage) by customer class). Effective: New rate effective with water sold beginning January 1, 2020, billed February 29, 2020 and bills due March 15, 2020:
 - A. Base rate: \$36.52.
 - B. Flat volumetric rate: \$4.17 per 1,000 gallons.

9. Outside City Single-Family Residential
 - A. Base rate: \$41.51.
 - B. Volumetric rate:
 - i. 0–2,000 gallons: \$0.00.
 - ii. 2,001–5,000 gallons: \$6.55 per 1,000 gallons.

- iii. 5,001-10,000 gallons: \$7.80 per 1,000 gallons.
- iv. 10,001-15,000 gallons: \$9.80 per 1,000 gallons.
- v. 15,001-25,000 gallons: \$11.00 per 1,000 gallons.
- vi. 25,001-50,000 gallons: \$14.00 per 1,000 gallons.
- vii. 50,001-above: \$17.50 per 1,000 gallons.

10. Outside City Multi-Family Residential (base rate plus volumetric rate (actual usage) by customer class). Effective: New rate effective with water sold beginning _October 1, 2024, billed November 30, 2024 and bills due December 16, 2024:

- A. Base rate: \$36.52 per Service Unit Equivalent as shown in section 3.500 of Appendix A
- B. Volumetric rate:
 - i. 0–2,000 gallons: \$0.00.
 - ii. 2,001–5,000 gallons: \$6.55 per 1,000 gallons.
 - iii. 5,001–10,000 gallons: \$7.80 per 1,000 gallons.
 - iv. 10,001–15,000 gallons: \$9.80 per 1,000 gallons.
 - v. 15,001–25,000 gallons: \$11.00 per 1,000 gallons.
 - vi. 25,001–50,000 gallons: \$14.00 per 1,000 gallons.
 - vii. 50,001–above: \$17.50 per 1,000 gallons.

11. Outside City Commercial

- A. Base rate: \$41.51.
- B. Volumetric rate:
 - i. 0-2,000 gallons: \$3.95.
 - ii. 2,001-5,000 gallons: \$5.77 per 1,000 gallons.
 - iii. 5,001-10,000 gallons: \$7.15 per 1,000 gallons.
 - iv. 10,001-15,000 gallons: \$9.35 per 1,000 gallons.
 - v. 15,001-25,000 gallons: \$11.87 per 1,000 gallons.
 - vi. 25,001-50,000 gallons: \$15.17 per 1,000 gallons.
 - vii. 50,001-above: \$19.02 per 1,000 gallons.

12. Outside City Irrigation/Fire Hydrant

- A. Base rate: \$41.51.
- B. Volumetric rate:
 - i. 0-2,000 gallons: \$9.60.
 - ii. 2,001-5,000 gallons: \$12.00 per 1,000 gallons.
 - iii. 5,001-10,000 gallons: \$15.00 per 1,000 gallons.
 - iv. 10,001- 15,000 gallons: \$18.75per1,000 gallons
 - v. 15,001-25,000 gallons: \$23.44 per 1,000 gallons.
 - vi. 25,001-50,000 gallons: \$29.30 per 1,000 gallons.
 - vii. 50,001-above: \$36.62 per 1,000 gallons.

b) Temporary water turn-on for inspections and cleaning (up to 3,000 gallons): \$55.00.

c) Wastewater (sewer) service (base rate plus volumetric rate). Effective:

- 1. Inside City Residential volumetric rate will be determined by “winter averaging” a residential customer’s rate using the two lowest month's water usage from the 4 consecutive months of November, December, January, and February.

- A. Base rate: \$19.00.
- B. Volumetric rate: \$10.75 per 1,000 gallons.

2. Inside City Commercial/industrial (volumetric rate will be determined based on water usage):
 - A. Base rate: \$19.00.
 - B. Volumetric rate: \$10.75 per 1,000 gallons.
 3. Inside City Sewer only or limited history citywide average rate takes into account all water usage using the two lowest month's water usage from the 4 consecutive months of November, December, January, and February.
 4. Inside City Time of use sewer rate for nonprofit organizations:
 - A. 1 to 2 days facility use per week: \$32.33.
 - B. 3,000+ gallons: \$3.80 per 1,000 gallons.
 - C. 3 to 4 days facility use per week: \$39.30.
 - D. 3,000+ gallons: \$3.80 per 1,000 gallons.
 - E. 5 to 7 days facility use per week: \$46.25.
 - F. 3,000+ gallons: \$3.80 per 1,000 gallons.
 5. Rainwater system ONLY customers: For those wastewater customers who are not attached to the city water, a private well, or another public water system and who rely solely on stored rainwater to supply their non-potable needs, their wastewater will be billed at one-half (1/2) of the citywide average for wastewater services using the two lowest month's water usage from the 4 consecutive months of November, December, January, and February. To qualify for the reduced rate, the customer must make application to the city utility department and provide proof that their service qualifies for this reduced rate. Current application rates will be based upon existing winter averaging rate.
 6. Outside City Sewer Residential volumetric rate will be determined by the residential customers within that particular grouping's average rate which takes into account all water usage using the two lowest month's water usage from the 4 consecutive months of November, December, January, and February plus twenty (20) percent.
- d) Reclaimed Water Rates
1. The Type II Reclaimed Water standard rate shall be one half the volumetric rate per 1,000 gallons established for residential sale of potable water between 2,001 and 5,000 gallons.
 2. Any Type II Reclaimed Water nonstandard, or wholesale, rates will be determined via a separate agreement as approved by the City Council.
- e) Sanitation service:
1. Base trash and recycling (includes one trash cart and one recycling cart): \$21.98. Rates take effect October 1, 2017, with bills being sent out October 30th and due November 15, 2017.
 2. Additional trash and/or recycling carts: \$9.24 each plus tax.
 3. Hazardous Waste: \$1.10 plus tax.
- f) Deposits:
1. Security deposit: \$130.00.
 2. Residential water and sewer deposit (without trash): \$100.00.
 3. Commercial water deposit: \$300.00.
 4. Sanitation deposit: \$30.00.
- g) Late payment penalty: \$15.00.
- h) Disconnection and reconnection fee: \$50.00.
- i) Disconnection/reconnection fee for nonpayment: \$50.00.
- j) RPZ inspection fee: \$50.00, plus the cost of repairs.
- k) Damage or injury to utility system: \$150.00.
- l) Damage to Drainage System in Right of Way or Easement: \$175.00.
- m) Illegal Water/Wastewater Connection or Diversion Fee: \$750 per occurrence plus cost of water used as estimate by the City.

CHANGES APPENDIX A

FEE SCHEDULE

ARTICLE 6.000 UTILITY RELATED FEES

Sec 6.200 Utility Rates and Fees

a) Residential and commercial water service:

1. Utility Line Extension Rate:

Unit Cost per Linear Foot									
Line Size	2"	3"	4"	6"	8"	10"	12"	16"	18"
Cost	\$67	\$68	\$92	\$100	\$119	\$136	\$146	\$203	\$212

2. Construction Administrative Fees:

- A. 5% of the estimate for Option 1 (Resident Applicant)
- B. 10% of the estimate for Option 1a (Home Builder Applicant)
- C. 15% of the estimate for Option 1b (All Other Applicants and over 400' Extension)
- D. 5% of the estimate for Option 2 (Developers and Non-City Managed Construction)

3. Drought contingency fees will be approved by City Council as needed based on the following formulation:

$$\text{Drought Contingency Fee} = \frac{\text{Anticipated Revenue Deficiency}}{\text{Current Fiscal Year Budgeted Revenue (use acct 30-470-4100 only)}} \times \text{Wastewater Consumption Rate} \times \frac{\text{Total Sewer Consumption}}{1,000 \text{ Gallons}}$$

4. Inside City Single-Family Residential (base rate plus volumetric rate (actual usage) by customer class). Effective: New rate effective with water sold beginning January 1, 2020, billed February 29, 2020 and bills due March 15, 2020:

- A. Base rate: \$36.52.
- B. Volumetric rate:
 - i. 0–2,000 gallons: \$0.00.
 - ii. 2,001–5,000 gallons: \$5.25 per 1,000 gallons.
 - iii. 5,001–10,000 gallons: \$6.50 per 1,000 gallons.
 - iv. 10,001–15,000 gallons: \$8.50 per 1,000 gallons.
 - v. 15,001–25,000 gallons: \$11.00 per 1,000 gallons.
 - vi. 25,001–50,000 gallons: \$14.00 per 1,000 gallons.
 - vii. 50,001–above: \$17.50 per 1,000 gallons.

5. Inside City Multi-Family Residential (base rate plus volumetric rate (actual usage) by customer class). Effective: New rate effective with water sold beginning October 1, 2024, billed November 30, 2024 and bills due December 16, 2024:
 - A. Base rate: \$36.52 per Service Unit Equivalent as shown in section 3.500 of Appendix A.
 - B. Volumetric rate:
 - i. 0–2,000 gallons: \$0.00.
 - ii. 2,001–5,000 gallons: \$5.25 per 1,000 gallons.
 - iii. 5,001–10,000 gallons: \$6.50 per 1,000 gallons.
 - iv. 10,001–15,000 gallons: \$8.50 per 1,000 gallons.
 - v. 15,001–25,000 gallons: \$11.00 per 1,000 gallons.
 - vi. 25,001–50,000 gallons: \$14.00 per 1,000 gallons.
 - vii. 50,001–above: \$17.50 per 1,000 gallons.
6. Inside City Commercial (base rate plus volumetric rate (actual usage) by customer class). Effective: New rate effective with water sold beginning January 1, 2020, billed February 29, 2020 and bills due March 15, 2020:
 - A. Base rate: \$36.52.
 - B. Volumetric rate:
 - i. 0–2,000 gallons: \$3.95 per 1,000 gallons.
 - ii. 2,001–5,000 gallons: \$5.77 per 1,000 gallons.
 - iii. 5,001–10,000 gallons: \$7.15 per 1,000 gallons.
 - iv. 10,001–15,000 gallons: \$9.35 per 1,000 gallons.
 - v. 15,001–25,000 gallons: \$11.87 per 1,000 gallons.
 - vi. 25,001–50,000 gallons: \$15.17 per 1,000 gallons.
 - vii. 50,001–above: \$19.02 per 1,000 gallons.
7. Inside City Water irrigation rates (base fee plus volumetric rate (actual usage) by customer class). Effective: New rate effective with water sold beginning January 1, 2020, billed February 29, 2020 and bills due March 15, 2020:
 - A. Base rate: \$36.52.
 - B. Volumetric rate:
 - i. 0–2,000 gallons: \$6.11 per 1,000 gallons.
 - ii. 2,001–5,000 gallons: \$7.64 per 1,000 gallons.
 - iii. 5,001–10,000 gallons: \$9.55 per 1,000 gallons.
 - iv. 10,001–15,000 gallons: \$11.94 per 1,000 gallons.
 - v. 15,001–25,000 gallons: \$14.93 per 1,000 gallons.
 - vi. 25,001–50,000 gallons: \$18.66 per 1,000 gallons.
 - vii. 50,001–above: \$23.32 per 1,000 gallons.
8. Inside City Industrial water rates (base fee plus volumetric rate (actual usage) by customer class). Effective: New rate effective with water sold beginning January 1, 2020, billed February 29, 2020 and bills due March 15, 2020:
 - A. Base rate: \$36.52.
 - B. Flat volumetric rate: \$4.17 per 1,000 gallons.
9. Outside City Single-Family Residential
 - A. Base rate: \$41.51.
 - B. Volumetric rate:
 - i. 0–2,000 gallons: \$0.00.
 - ii. 2,001–5,000 gallons: \$6.55 per 1,000 gallons.

- iii. 5,001-10,000 gallons: \$7.80 per 1,000 gallons.
- iv. 10,001-15,000 gallons: \$9.80 per 1,000 gallons.
- v. 15,001-25,000 gallons: \$11.00 per 1,000 gallons.
- vi. 25,001-50,000 gallons: \$14.00 per 1,000 gallons.
- vii. 50,001-above: \$17.50 per 1,000 gallons.

10. Outside City Multi-Family Residential (base rate plus volumetric rate (actual usage) by customer class). Effective: New rate effective with water sold beginning _October 1, 2024, billed November 30, 2024 and bills due December 16, 2024:

- A. Base rate: \$36.52 per Service Unit Equivalent as shown in section 3.500 of Appendix A
- B. Volumetric rate:
 - i. 0–2,000 gallons: \$0.00.
 - ii. 2,001–5,000 gallons: \$6.55 per 1,000 gallons.
 - iii. 5,001–10,000 gallons: \$7.80 per 1,000 gallons.
 - iv. 10,001–15,000 gallons: \$9.80 per 1,000 gallons.
 - v. 15,001–25,000 gallons: \$11.00 per 1,000 gallons.
 - vi. 25,001–50,000 gallons: \$14.00 per 1,000 gallons.
 - vii. 50,001–above: \$17.50 per 1,000 gallons.

11. Outside City Commercial

- A. Base rate: \$41.51.
- B. Volumetric rate:
 - i. 0-2,000 gallons: \$3.95.
 - ii. 2,001-5,000 gallons: \$5.77 per 1,000 gallons.
 - iii. 5,001-10,000 gallons: \$7.15 per 1,000 gallons.
 - iv. 10,001-15,000 gallons: \$9.35 per 1,000 gallons.
 - v. 15,001-25,000 gallons: \$11.87 per 1,000 gallons.
 - vi. 25,001-50,000 gallons: \$15.17 per 1,000 gallons.
 - vii. 50,001-above: \$19.02 per 1,000 gallons.

12. Outside City Irrigation/Fire Hydrant

- A. Base rate: \$41.51.
- B. Volumetric rate:
 - i. 0-2,000 gallons: \$9.60.
 - ii. 2,001-5,000 gallons: \$12.00 per 1,000 gallons.
 - iii. 5,001-10,000 gallons: \$15.00 per 1,000 gallons.
 - iv. 10,001- 15,000 gallons: \$18.75per1,000 gallons
 - v. 15,001-25,000 gallons: \$23.44 per 1,000 gallons.
 - vi. 25,001-50,000 gallons: \$29.30 per 1,000 gallons.
 - vii. 50,001-above: \$36.62 per 1,000 gallons.

b) Temporary water turn-on for inspections and cleaning (up to 3,000 gallons): \$55.00.

c) Wastewater (sewer) service (base rate plus volumetric rate). Effective:

- 1. Inside City Residential volumetric rate will be determined by “winter averaging” a residential customer’s rate using the two lowest month's water usage from the 4 consecutive months of November, December, January, and February.

- A. Base rate: \$19.00.
- B. Volumetric rate: \$10.75 per 1,000 gallons.

2. Inside City Commercial/industrial (volumetric rate will be determined based on water usage):
 - A. Base rate: \$19.00.
 - B. Volumetric rate: \$10.75 per 1,000 gallons.
 3. Inside City Sewer only or limited history citywide average rate takes into account all water usage using the two lowest month's water usage from the 4 consecutive months of November, December, January, and February.
 4. Inside City Time of use sewer rate for nonprofit organizations:
 - A. 1 to 2 days facility use per week: \$32.33.
 - B. 3,000+ gallons: \$3.80 per 1,000 gallons.
 - C. 3 to 4 days facility use per week: \$39.30.
 - D. 3,000+ gallons: \$3.80 per 1,000 gallons.
 - E. 5 to 7 days facility use per week: \$46.25.
 - F. 3,000+ gallons: \$3.80 per 1,000 gallons.
 5. Rainwater system ONLY customers: For those wastewater customers who are not attached to the city water, a private well, or another public water system and who rely solely on stored rainwater to supply their non-potable needs, their wastewater will be billed at one-half (1/2) of the citywide average for wastewater services using the two lowest month's water usage from the 4 consecutive months of November, December, January, and February. To qualify for the reduced rate, the customer must make application to the city utility department and provide proof that their service qualifies for this reduced rate. Current application rates will be based upon existing winter averaging rate.
 6. Outside City Sewer Residential volumetric rate will be determined by the residential customers within that particular grouping's average rate which takes into account all water usage using the two lowest month's water usage from the 4 consecutive months of November, December, January, and February plus twenty (20) percent.
- d) Reclaimed Water Rates
1. The Type II Reclaimed Water standard rate shall be one half the volumetric rate per 1,000 gallons established for residential sale of potable water between 2,001 and 5,000 gallons.
 2. Any Type II Reclaimed Water nonstandard, or wholesale, rates will be determined via a separate agreement as approved by the City Council.
- e) Sanitation service:
1. Base trash and recycling (includes one trash cart and one recycling cart): \$21.98. Rates take effect October 1, 2017, with bills being sent out October 30th and due November 15, 2017.
 2. Additional trash and/or recycling carts: \$9.24 each plus tax.
 3. Hazardous Waste: ~~\$1.04~~ \$1.10 plus tax.
- f) Deposits:
1. Security deposit: \$130.00.
 2. Residential water and sewer deposit (without trash): \$100.00.
 3. Commercial water deposit: \$300.00.
 4. Sanitation deposit: \$30.00.
- g) Late payment penalty: \$15.00.
- h) Disconnection and reconnection fee: \$50.00.
- i) Disconnection/reconnection fee for nonpayment: \$50.00.
- j) RPZ inspection fee: \$50.00, plus the cost of repairs.
- k) Damage or injury to utility system: \$150.00.
- l) Damage to Drainage System in Right of Way or Easement: \$175.00.
- m) Illegal Water/Wastewater Connection or Diversion Fee: \$750 per occurrence plus cost of water used as estimate by the City.

FIRST AMENDMENT AND RENEWAL AGREEMENT

This First Amendment and Renewal Agreement is entered into this 3rd day of January, 2025, by and between Doliver Enterprises, LLC, a Texas Corporation, dba HHW Solutions (the "Service Provider") and the City of Lago Vista, Texas (the "City").

RECITAL:

WHEREAS, Doliver Enterprises, LLC, a Texas Corporation dba HHW Solutions entered into a contract with the City of Lago Vista, Texas for the license and privilege to collect, haul, and recycle or dispose of Household Hazardous Waste with the City's corporate limits;

AGREEMENT:

1. Term. Doliver Enterprises, LLC and the City mutually agree to extend the term of the Agreement for three (3) years beginning on the Effective Date and expiring on January 31, 2028.

2. Rates and Fees. Beginning February 1, 2025, Section 4.A shall be amended to:

****Residential Unit Services:**** For services provided to Residential Units under Section 4.A, the Service Provider shall charge \$1.10 per month per Dwelling Unit. These rates apply to all Residential Units located within residential properties consisting of no more than four (4) units and within the City's corporate limits, billed by the City for utility services.

Residential Units located within residential properties of five (5) or more units may request a quote from the Service Provider for Household Hazardous Waste collection on an "as-needed" basis.

3. Reaffirmation. The parties hereby reaffirm their agreement with all the terms and provisions of the Agreement as amended by this First Amendment.

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment to be effective February 1, 2025, which is defined as the Effective Date of the Amendment.

CITY OF LAGO VISTA, TEXAS
5803 THUNDER BIRD ST
LAGO VISTA, TEXAS 78645

By: Taylor Whichard

Name: Taylor Whichard

Title: City Manager

Doliver Enterprises, LLC,
a Texas Corporation
1240 COASTAL DRIVE
ROCKWALL, TEXAS 75087

By: Tiffany Demien

Tiffany Demien,
Managing Member

MINUTES
City of Lago Vista
City Council Meeting
January 16, 2025
Page 1 of 7

These minutes have been prepared to satisfy the requirements of Section 551.021 of the Texas Government Code. Video recordings of most City meetings can be obtained at <https://www.lagovistatexas.gov/249/Watch-Meetings>

City of Lago Vista, Texas
Regular City Council Meeting
January 16, 2025
Meeting Duration: 5:38 PM to 12:46 AM

BE IT REMEMBERED that on the **16th day of January A.D., 2025**, the City Council held a Regular meeting at 5:30 PM in City Council Chambers, 5803 Thunderbird, Lago Vista, Texas 78645, and via videoconference, there being present and acting the following:

CALL TO ORDER, CALL OF ROLL

Members of City Council Present:

Kevin Sullivan, Mayor
Shane R. Saum, Council Member; Place 1
Adam Benefield, Council Member; Place 2
Rob Durbin, Mayor Pro Tem; Place 3 (By Virtual)
Norma Owen, Council Member; Place 4
Paul Roberts, Council Member; Place 5
Paul Prince, Council Member; Place 6

Members of City Council Absent:

None

Mayor Sullivan called the meeting to order at 5:36 PM and announced that all Council Members are present.

City Staff Present: Interim City Manager, Taylor Whichard, City Attorney, Brad Bullock, Chief of Police Gary Boshears, City Secretary Maria Franco, Procurement Manager Eric De La Cruz, Economic Development Director Eric Zeno, Human Resource Director Tiffany Sparks, Chief Financial Officer Jai Brown, Assistant Director of Parks & Recreation Kaite Mikulak, and I.T. Director Dave Street

00:15-2:05

EXECUTIVE SESSION

At 5:38 PM the Council convened into a closed Executive Session pursuant to:

- A. Consultation with Legal Counsel concerning all regular meeting agenda items requiring confidential attorney/client advice (as needed). (Texas government Code Section 551.071).
- B. Consultation with Legal Counsel concerning legal questions related to disannexation policy Pursuant to Local Government Code Sec. 43.142 (Texas Government Code Section 551.071 – on a matter in which the duty of the Attorney

to the Governmental Body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this Chapter.

- C. Consultation with Legal Counsel concerning update on grievance inquiry and status related to complaints or charges against an officer or employee of Lago Vista, filed by Executive Assistant to Chief of Police, Pursuant to Local Government Code Section 551.071, on a matter in which the duty of the Attorney to the Governmental Body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this Chapter; and Section 551.074, Personnel Matters.
- D. Discussion regarding Council Subcommittee report on process for evaluating and providing feedback on Interim City Manager Pursuant to Section 551.074, Personnel Matters.
- E. Consultation with Legal Counsel to receive legal advice related to handling of Dormant Projects in Planned Development Districts Pursuant to Local Government Code Section 551.071, on a matter in which the duty of the Attorney to the Government Body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this Chapter.

02:08 - 09:10

ACTION ON EXECUTIVE SESSION ITEMS

(Action and/or vote may be taken on the following items):

AT 6:33 PM Council reconvened from Executive Session into Open Session to act as deemed appropriate in City Council's discretion regarding:

- A. Consultation with Legal Counsel concerning all regular meeting agenda items requiring confidential, attorney/client advice (as needed). (Texas government Code Section 551.071).

No action taken.

- B. Consultation with Legal Counsel concerning legal questions related to disannexation policy Pursuant to Local Government Code Sec. 43.142 (Texas Government Code Section 551.071 – on a matter in which the duty of the Attorney to the Governmental Body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this Chapter.

No action taken.

- C. Consultation with Legal Counsel concerning update on grievance inquiry and status related to complaints or charges against an officer or employee of Lago Vista, filed by Executive Assistant to Chief of Police, Pursuant to Local Government Code Section 551.071, on a matter in which the duty of the Attorney to the Governmental Body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this Chapter; and Section 551.074, Personnel Matters.

No action taken.

- D. Discussion regarding Council Subcommittee report on process for evaluating and providing feedback on Interim City Manager Pursuant to Section 551.074, Personnel Matters.

Councilor Benefield provided an update on the Council process of selecting the Lago Vista next City Manager.

Councilor Benefield acknowledged Interim City Manager, Taylor Whichard, and stated that during this transition period Mr. Whichard has taken significant responsibilities serving both as Interim City Manager and Public Works Director. Councilor Benefield stated that the Council is confident that under Mr. Whichard leadership City Staff will maintain the successful execution of the City's duties and priorities.

Councilor Benefield then outlined the hiring process, and said that Council has directed Human Resource Tiffany Sparks to post the permanent City Manager position through various job listings such as Texas Municipal League, LinkedIn and Indeed. Councilor Benefield stated that Mr. Whichard is encouraged to apply for the permanent position and said his application will be considered alongside other qualified candidates received.

Councilor Benefield stated the Council's goal is to make its final selection in approximately 3 months.

- E. Consultation with Legal Counsel to receive legal advice related to handling of Dormant Projects in Planned Development Districts Pursuant to Local Government Code Section 551.071, on a matter in which the duty of the Attorney to the Government Body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this Chapter.

No action taken.

09:10 - 11:09

PLEDGE OF ALLEGIANCE, PLEDGE TO TEXAS FLAG

The Council led the Pledge of Allegiance and the Pledge to the Texas Flag.

INVOCATION

Councilor Saum introduced Rev. Ed Koharchik, Pastor at St. Mary, Our Lady of the Lake Catholic Parish; Rev. Koharchik gave the invocation

CITIZEN COMMENTS

Mayor Sullivan opened the citizens' comment period. There were no citizens signed up for comments in this session.

11:10 - 12:35

ITEMS OF COMMUNITY INTEREST

Mayor Sullivan informed the public of the following:

- (1.) City facilities will be CLOSED next Monday, January 20th in observance of Martin Luther King Jr Day. Normal business hours will resume on Tuesday, January 21st.
- (2.) The Green Center will be open on Saturday, February 1st from 10am - 4pm and Thursday, February 6th from 7am -4pm. Located at 21155 FM 1431 (1/4 mile west of Lago Vista Middle School). You must bring a copy of your City of Lago Vista utility bill and picture ID as verification- See the City website for more details!
- (3.) Mark your calendars for the 33rd Annual La Primavera Bike Race, happening February 28th–March 2nd! This year, businesses, organizations, and families are invited to Adopt-A-Corner and join the action. By adopting a corner, you'll have the opportunity to marshal an intersection for the bicycle race and showcase your small business or volunteer organization. For more information, contact info@laprimeratx.com.
- (4.) Save the Date! The 2025 LAGO FEST is coming soon! Join us on Saturday, April 26, 2025, at Bar-K Park from 1 PM to 8 PM for an unforgettable day of live music, delicious food, unique local vendors, and family-friendly fun. Stay tuned for updates on the music lineup and all the exciting activities at www.lagofest.com.

Councilor Prince announced Casino Night on Saturday, February 22, 2025, from 6:30 pm to 11:00 pm at K-Oaks Club House.

Councilor Owen stated that the Lions Club are continuing their Spirit Nights to help the hunger initiative for our local kids during the summer, and said the next will be on January 23, 2025, with Baker's brisket and encouraged the public to participate.

Councilor Owen gave a shoutout to the cheerleaders at the local High School; Go Vikings!

Mayor Sullivan noted that the Lions Club will have their Annual Chili Feast on Saturday, February 8, 2025, at the Lago Vista High School and a Silent Auction.

WORK SESSION

12:38 – 56:48

1. Joint discussion between City Council and the Comprehensive Plan Advisory Committee to review a DRAFT of the Parks Chapter within the Comprehensive Plan.

Councilor Prince read Larry Russell comments regarding the Comprehensive Plan. Mr. Russell was not able to attend the meeting.

Mayor Sullivan recognized Michele Maitland. Ms. Maitland addressed the Council concerning the Parks in the Comprehensive Plan.

56:54 – 56:20

RECESS

Mayor Sullivan called a 10-minute recess; 7:45 PM-7:55 PM

57:18 - 1:38:06

2. Presentation by the City's Financial Advisor, Tijerina Financial Consulting, LLC to discuss the City's current financial outlook and bonding capacity.

3:56:58 - 4:17:22

3. Discussion, consideration, and possible action regarding the budget process, policies, publications and format.

4:18:00 - 4:24:25

4. Discussion regarding the Charter Review Committee report from their meeting held January 13, 2025, and any direction or feedback from the Council.

4:25:01 - 4:26:13

CONSENT AGENDA

The Consent Agenda Items Are Self-Explanatory by The City Council or Have Been Previously Discussed and Will Be Enacted with One Motion. There Will Be No Separate Discussion of These Items Unless a Council Member Requests. The Consent Agenda Is for Consideration by The City Council Only and Not Subject to Public Discussion.

5. Consider approval of November 21, 2024, Regular Council Meeting minutes.
6. Consider approval of December 05, 2024, Regular Council Meeting minutes.
7. Consider approval of December 19, 2024, Regular Council Meeting minutes.

MOTION: Councilor Roberts made a motion seconded by Councilor Owen to approve the Consent Agenda Items, with corrections. Motion carried unanimously, seven (7) ayes to zero (0) nays.

ACTION ITEMS

4:27:25 - 4:41:51

8. Awarding the RFP 25-03 to Jerdon Enterprise, L.P., for the Effluent Pond #17 Rehab & #2 Repairs; and authorize the City Manager to execute an agreement for such services.

MOTION: Councilor Prince made a motion seconded by Mayor Sullivan, to award the RFP 25-03 to Jerdon Enterprise, L.P., for the Effluent Pond #17 Rehab & 2 Repairs. Motion carried unanimously, seven (7) ayes to zero (0) nays.

4:41:57- 4:44:37

9. Approval of **Resolution No. 25-2108**, updating the City's authorized signatory list by removing City employees and Council Members, and adding new employees and Council Members to the signature list.

MOTION: Councilor Roberts made a motion seconded by Councilor Saum to adopt **Resolution No. 25-2108** designating as authorized signatories, Interim City Manager Taylor Whichard and Council Members, Adam Benefield, Norma Owen and Rob Durbin, and removing Tracie Hlavinka, Former City Manager, Starr Lockwood, Former Finance Director and Former City Council Members, Stephanie Smith, Chelaine

Marion, and Edward Tidwell, Former Mayor. Motion carried six (6) ayes to zero (0) nays. Mayor Pro Tem Rob Durbin (by virtual) was not able to vote due to technical difficulties.

4:45:20 - 4:59:50

- 10.** Discussion, consideration, and possible action on various City expenses that are eligible for Hotel and Occupancy Tax funds.

MOTION: Councilor Roberts made a motion seconded by Councilor Owen to fulfill the balance of the requested funding applicants, Lake Travis Music Theater, Hill Country Singers and Lago Vista Players, that the Council agreed previously to fund at 50% level, using the Hotel and Occupancy Tax funds. Motion carried unanimously, seven (7) ayes to zero (0) nays.

4:60:00 - 5:58:21

- 11.** Discussion, consideration, and possible action on revisions to the City Council Rules of Procedure.

Mayor Sullivan read Chelaine Marion's citizens' comment regarding the City Rules of Procedure; opposed moving the start time of the City Council meetings to early afternoon.

Gene Harris signed up to speak on this item, but did not address the Council.

MOTION: Mayor Pro Tem Durbin made a motion seconded by Mayor Sullivan to limit debate. Motion failed, two (2) ayes to five (5) nays. Councilmembers Saum, Benefield, Owen, Roberts and Prince voted against motion.

2:47:09 - 3:51:58

- 12.** Discussion, consideration, and possible action regarding **Ordinance No. 25-01-16-01**; dis-annexing real property located at 18315 Lakeshore Blvd, Lago Vista, TX 78645 from the City's Corporate Limits.

Council Member Roberts recused himself.

DiAnn Tjon-Joe-Pin addressed the Council and presented her request to Di annex her homestead property at 18315 Lakeshore Blvd, Lago Vista, Tx from the City of Lago Vista.

MOTION: Councilor Benefield made a motion seconded by Mayor Pro Tem Durbin to deny request. Motion carried four (4) ayes to two (2) nays. Councilmembers Saum and Owen had the dissenting votes.

Council Member Roberts returned to the dais.

3:52:00 - 3:56:26

- 13.** Awarding the HHW Solutions' proposal price for RFP 25-02 in the amount of \$1.10 per home per month with a contract length of 3 years for Household Hazardous Waste pickup and authorizing the Interim City Manager to execute the contract.

Eric De La Cruz presented the item and was available for questions.

MOTION: Councilor Saum made a motion seconded by Councilor Owen to approve awarding the HHW Solution's proposal price for RFP in the amount of \$1.10 per home per month with a contract length of 3 years for Household Hazardous Waste pickup and authorize the Interim City Manager to execute the contract. Motion carried unanimously, seven (7) ayes to zero (0) nays.

1:40:00 - 2:46:01

14. Discussion, consideration, and possible action on **Ordinance No. 25-01-16-02** amending Chapter 6, Article 6.200, Section 6.212 of the Lago Vista Code or Ordinances regarding Oak Wilt Control.

MOTION: Councilor Benefield made a motion seconded by Councilor Prince to table Item No. 14 regarding the Oak Wilt Ordinance until the next City Council meeting. Motion carried unanimously, seven (7) ayes to zero (0) nays.

5:58:29

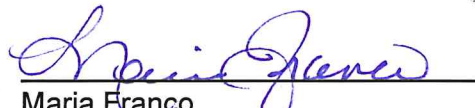
ADJOURNMENT

Mayor Sullivan adjourned the meeting at 12:47 AM

Respectfully submitted,

ATTEST:




 Maria Franco
 City Secretary, TRMC

CITY OF LAGO VISTA, TEXAS


 Kevin Sullivan, Mayor

On a motion by Councilor Owen, seconded by Councilor Roberts,
 the above and foregoing instrument was passed and approved this 6th day of February 2025.



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: February 20, 2025

SUBMITTED BY: Taylor Whichard, City Manager

SUBJECT: Discussion, consideration, and possible action on **Ordinance No. 25-02-20-06**; an ordinance of the City Council of the City of Lago Vista, Texas pursuant to the Texas Local Government Code Chapter 102, Sections 102.007(b) and 102.010, providing for amendments to Ordinance No. 24-09-19-01, Municipal Budget for the fiscal year beginning October 1, 2024 and Ending September 30, 2025; Providing for savings, severability, and effective date.

BACKGROUND:

The Fiscal Year 2024-2025 Budget was approved by the City Council in accordance with the City Charter and state law. Since the budget's adoption, operational needs have shifted, requiring an internal transfer of funds to better align resources with the City's priorities.

The City has reassessed the role of the Program Manager and determined that the position title should be changed to Event Coordinator to better reflect its focus on event planning and community engagement. Given this shift in responsibilities, it is appropriate to move funding for this position from the Administration budget to the Economic Development Department, which will oversee event coordination as part of its mission to promote economic activity and community events in Lago Vista.

To ensure a smooth transition and continued operational support, this budget amendment transfers the remaining salary and benefits of the Program Manager position, along with a percentage of supplies, travel, and professional services previously budgeted in the Administration department, to the Economic Development Department. The specific financial details of this transfer are outlined in Exhibit A.

This amendment does not increase overall expenditures but reallocates funds within the approved budget to optimize City operations.

FINDINGS:

- The Program Manager position is being retitled to Event Coordinator to better align with the responsibilities of event planning and community engagement.
- No additional funding is being requested—this amendment only transfers existing funds between departments.
- The Economic Development Department will oversee the Event Coordinator position as part of its ongoing efforts to enhance community events and business engagement.
- This reallocation ensures that resources are appropriately aligned with departmental functions and priorities.

FINANCIAL IMPACT:

No financial impact. It is a reallocation of funds transferring from one department to another.

RECOMMENDATION:

Approve

ATTACHMENTS:

[2025-02-20 _ Ordinance No. 25-02-20-06 _ Budget Amendment.pdf](#)

**CITY OF LAGO VISTA, TEXAS
ORDINANCE NO. 25-02-20-06**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS PURSUANT TO TEXAS LOCAL GOVERNMENT CODE, CHAPTER 102, SECTIONS 102.007(b) AND 102.010, PROVIDING FOR AMENDMENTS TO ORDINANCE NO. 24-09-19-01, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2024 AND ENDING SEPTEMBER 30, 2025; PROVIDING FOR SAVINGS, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, the dollar amount for Supplies in Aquatics was not properly allocated as originally requested for in the FY24-25 Budget; and

WHEREAS, it has determined that a reallocation of budgeted funds is necessary to support the functions and objectives of the Economic Development Department; and

WHEREAS, the budget amendment reflects the transfer of funds from the Administration budget to the Economic Development Department, including the remaining salary and benefits of the Program Manager position, along with a percentage of supplies, travel, and professional services, as detailed in Exhibit A; and

WHEREAS, the current title of "Program Manager" is being changed to "Event Coordinator" to better align with the duties and responsibilities of the position; and

WHEREAS, this proposed budget amendment to properly allocate these funds is in the best interest of the municipal taxpayers and is for a municipal purpose.

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

**SECTION I
AMENDING BUDGET**

THAT, pursuant to Vernon's Texas Codes Annotated, Local Government Code, Chapter 102, Section 102.007(b) the City Council of the City of Lago Vista, Texas hereby amends the City Budget by Department for the Fiscal Year beginning October 1, 2024 and ending September 30, 2025 with said amendments being as set forth in "Exhibit A" attached to this ordinance.

**SECTION II
SAVINGS CLAUSE**

THAT, any ordinance, or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

**SECTION III
SEVERABILITY CLAUSE**

THAT, if any word, phrase, sentence, paragraph or section is found to be illegal, invalid or unconstitutional, the remaining portion of this ordinance shall remain in full force and effect.

**SECTION IV
EFFECTIVE DATE**

THAT, this ordinance shall take effect and be in full force immediately upon its final passage and approval.

AND IT IS SO ORDERED.

PASSED AND APPROVED on this 20th day of February, 2025.

ATTEST:

Kevin Sullivan, Mayor

Maria Franco, City Secretary

On a motion by Councilmember _____, seconded by Councilmember _____,
the above and foregoing ordinance was passed and approved.

EXHIBIT “A”

**City of Lago Vista
New 2024-2025 Budget**

EXHIBIT A

<u>Department</u>	<u>Account Number</u>	<u>Current Budget</u>	<u>Amending to Add or Subtract</u>	<u>Ending Budget</u>
<u>Administration</u>				
Social Security/Medicare	10-510-1020	\$ 15,747.00	\$ (3,500.00)	\$ 12,247.00
TMRS	10-510-1030	\$ 24,914.00	\$ (4,200.00)	\$ 20,714.00
Health, Dental, & Life Ins	10-510-1050	\$ 21,666.00	\$ (6,314.00)	\$ 15,352.00
Health Reimbursement Account	10-510-1060	\$ 1,308.00	\$ (381.50)	\$ 926.50
Program Manager	10-510-1115	\$ 63,000.00	\$ (36,750.00)	\$ 26,250.00
Cell Phone Stipend	10-510-1148	\$ 600.00	\$ (350.00)	\$ 250.00
Travel	10-510-4200	\$ 4,000.00	\$ (1,000.00)	\$ 3,000.00
Dues & Subscriptions	10-510-4400	\$ 3,500.00	\$ (500.00)	\$ 3,000.00
Supplies	10-510-5300	\$ 4,000.00	\$ (750.00)	\$ 3,250.00
Professional Services	10-510-6100	\$ 20,000.00	\$ (2,000.00)	\$ 18,000.00
Totals		\$ 158,735.00	\$ (55,745.50)	\$ 102,989.50

Net Changes: The Program Manager is being removed from the Administration budget. Their title is being changed to "Event Coordinator" and will reside in the Economic Development Department

<u>Department</u>	<u>Account Number</u>	<u>Current Budget</u>	<u>Amending to Add or Subtract</u>	<u>Ending Budget</u>
<u>Economic Development</u>				
Social Security/Medicare	10-517-1020	\$ 12,999.00	\$ 3,500.00	\$ 16,499.00
TMRS	10-517-1030	\$ 16,125.00	\$ 4,200.00	\$ 20,325.00
Health, Dental, & Life Ins	10-517-1050	\$ 28,212.00	\$ 6,314.00	\$ 34,526.00
Health Reimbursement Account	10-517-1060	\$ 1,308.00	\$ 381.50	\$ 1,689.50
Event Coordinator	10-517-1115	\$ -	\$ 36,750.00	\$ 36,750.00
Cell Phone Stipend	10-517-1148	\$ 1,200.00	\$ 350.00	\$ 1,550.00
Travel	10-517-4200	\$ 8,750.00	\$ 1,000.00	\$ 9,750.00
Dues & Subscriptions	10-517-4400	\$ 7,250.00	\$ 500.00	\$ 7,750.00
Supplies	10-517-5300	\$ 1,825.00	\$ 750.00	\$ 2,575.00
Professional Services	10-517-6100	\$ 15,000.00	\$ 2,000.00	\$ 17,000.00
Totals		\$ 92,669.00	\$ 55,745.50	\$ 148,414.50

Net Changes: The budget dollars originally placed in the Administration section is being re-allocated to the Economic Development Department. This includes salary+benefits, and percentage of supplies, dues, travel, and professional services.

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: February 20, 2025

SUBMITTED BY: Councilor Benefield, City Council

SUBJECT: Discussion, consideration, and possible action regarding **Ordinance No. 2025-02-20-04** establishing Quarterly Vacancy and Recruitment Status Reporting Requirements.

BACKGROUND: The City Council recognizes the importance of maintaining transparency and oversight in the City's hiring processes and staffing decisions. Regular reporting of vacancies and recruitment efforts supports effective planning and ensures appropriate resource allocation across all City departments.

At the February 6th meeting, staff was given direction to provide Council with recommendations on the reporting method to be brought forward at the February 20th meeting.

The original ordinance that was proposed would establish a quarterly reporting system that:

Establish Purpose:

- Support informed decision-making regarding staffing
- Enhance transparency in hiring processes
- Enable better long-term workforce planning
- Provide consistent tracking of departmental needs

Implementation Guidelines:

- Quarterly reports presented by City Manager
- Initial report due February 20th, 2025
- Comprehensive listing of all vacant positions
- Details on recruitment status and timeline
- Public presentation during Council meetings

Constitutional Compliance:

- Reports will be publicly accessible Included in Council agenda packets
- Posted on City website
- Non-discriminatory in nature

FINDINGS:

After the February 6th meeting, the City Manager has directed staff to provide the City Council with unredacted weekly reports, monthly reports, and to create a sharepoint folder that is accessible by all Council members so they can obtain real time information.

FINANCIAL IMPACT:

N/A

ATTACHMENTS:

[2025-02-20 _ Ordinance No. 25-02-20-04 _ Vacancy _ Benefield.pdf](#)

ORDINANCE NO. 2025-02-06-04

AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS ADOPTING QUARTERLY VACANCY AND RECRUITMENT STATUS REPORTING REQUIREMENTS.

WHEREAS, the City of Lago Vista, Texas, is a Home Rule City, chartered in 1984, and located in Travis County; and

WHEREAS, the City Council of the City of Lago Vista recognizes the importance of maintaining appropriate staffing levels across all City departments; and

WHEREAS, regular reporting of vacancies and recruitment efforts supports effective oversight and planning; and

WHEREAS, transparency in hiring processes serves the public interest.

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

SECTION 1. The City Council hereby finds that the recitals set forth above are true and correct and are incorporated into this Ordinance as if written herein.

SECTION 2. The City Council of the City of Lago Vista hereby adopts the following reporting requirements:

- (A.) The City Manager shall prepare and present to the City Council a comprehensive Vacancy and Recruitment Status Report on a quarterly basis.
- (B.) The initial report shall be presented at the regular City Council meeting on February 20th, 2025.
- (C.) Subsequent reports shall be presented at the first regular City Council meeting of each quarter thereafter.

SECTION 3. REPORT CONTENTS

The Vacancy and Recruitment Status Report shall include, at minimum:

- (A.) A comprehensive list of all vacant positions within all City departments, including but not limited to:
 - (1.) City Manager
 - (2.) City Attorney
 - (3.) Judges
 - (4.) Lago Vista Golf Course
 - (5.) City Administration
 - (6.) Police Department
 - (7.) City Secretary
 - (8.) Human Resources

- (9.) Public Library
- (10.) Parks and Recreation
- (11.) Information Technology
- (12.) Public Works and City Engineer
- (13.) Development Services
- (14.) Economic Development
- (15.) Finance
- (16.) Any additional applicable positions

(B.)For each vacant position:

- (1.) Position title
- (2.) Department
- (3.) Length of vacancy
- (4.) Current status of recruitment efforts
- (5.) Anticipated timeline for filling the position

(C.)Prioritization criteria being used for filling positions.

(D.)Recruitment strategies being employed.

(E.)Any challenges or barriers to filling positions.

SECTION 4. PUBLIC PRESENTATION AND ACCESSIBILITY

(A.)The City Manager shall present the Vacancy and Recruitment Status Report during the regular City Council meeting as a formal agenda item.

(B.)All Vacancy and Recruitment Status Reports shall be included in the City Council agenda packet.

(C.)Reports shall be made available on the City's website within five (5) business days of presentation to the Council.

SECTION 5. The City Manager or their designee is authorized to implement and enforce the requirements as described herein, ensuring compliance.

SECTION 6. This Ordinance shall take effect and be in full force from and after its adoption, and all ordinances of the City Council of the City of Lago Vista in conflict herewith are hereby repealed to the extent of such conflict.

PASSED AND APPROVED, this 20th day of February 2025.

CITY OF LAGO VISTA, TEXAS

Kevin Sullivan, Mayor

ATTEST:

Maria Franco, City Secretary

On a motion by Councilor _____, seconded by Councilor _____,
the above and foregoing ordinance was passed and approved.



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: February 20, 2025

SUBMITTED BY: Councilor Saum, City Council

SUBJECT: Discussion, consideration, and possible action on passing **Resolution No. 25-2110**; authorizing the City Manager to execute any letters, and supporting documents needed for water funding applications.

BACKGROUND: As the City is putting together water funding applications, there may be letters and supporting documents needed with approval from City Council in a timely fashion. Council may need to give approval/authority to the City Manager to move quickly on these items if there is not time for the next council meeting.

FINDINGS: After Councilman Saums last meeting with Taylor on water funding, there was a discussion that there may be updated documents the Council needs to approve to be submitted in our water funding applications. This discussion should allow Council to ask staff if we have come across any of these documents and if needed to give the City Manager authority to do what is necessary to make them official and submitted in our applications. Congressional Community Project Funding applications may quickly be published and the City will have to act quickly, which may not allow enough time for a City Council meeting. It may be necessary for the City Manager to take necessary action on needed documents.

FINANCIAL IMPACT: N/A

RECOMMENDATION: Approve

ATTACHMENTS:
[Resolution_No._25-2110___Grant_Applications.docx2.pdf](#)

RESOLUTION NO. 25-2110

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS FOR WATER FUNDING APPLICATIONS AND TO TAKE ALL NECESSARY ACTIONS TO ENSURE TIMELY SUBMISSION OF REQUIRED LETTERS, AND SUPPORTING DOCUMENTS.

WHEREAS, the City of Lago Vista recognizes the importance of securing water infrastructure funding to support the needs of the City and its residents; and

WHEREAS, the City is actively pursuing funding opportunities through various governmental and non-governmental programs, including but not limited to Congressional Community Project Funding applications and other water-related grants and financial assistance programs; and

WHEREAS, the application processes for such funding opportunities may require the timely submission of resolutions, letters, and other supporting documents that necessitate formal approval from the City Council; and

WHEREAS, given the time-sensitive nature of these applications, it may not always be feasible to wait for the next scheduled City Council meeting to authorize and approve the necessary documents; and

WHEREAS, the City Council finds that granting the City Manager the authority to execute the required documents and take necessary actions to facilitate funding applications will enable the City to respond promptly and effectively to funding opportunities;

WHEREAS, the City recognizes the importance of increased funding opportunities for water infrastructure projects to support sustainable growth, protect public health, and ensure access to clean water for the community; and

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

1. **Authorization to Execute Documents:** The City Manager is hereby authorized to prepare, execute, or submit, as applicable, all necessary, letters, and supporting documents required for the City's water funding applications.
2. **Authority to Act on Behalf of the City:** The City Manager is granted the authority to take any necessary actions to ensure the timely submission of funding applications, including signing agreements, certifications, and other legally required documents.

3. **Reporting to the City Council:** The City Manager shall keep the City Council informed of any actions taken pursuant to this resolution and shall provide updates on the status of funding applications and related approvals.
4. **Effective Date:** This Resolution shall take effect immediately upon its passage.

PASSED AND APPROVED this 20th day of February 2025.

Kevin Sullivan, Mayor

ATTEST:

Maria Franco, City Secretary

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: February 20, 2025

SUBMITTED BY: Councilor Saum, City Council

SUBJECT: Discussion, consideration and possible action regarding a City of Lago Vista DRAFT Policy to establish an Integrated Pest Management (IPM) Program.

BACKGROUND:

The City of Lago Vista is considering the adoption of an Integrated Pest Management (IPM) Policy to establish guidelines for managing pests in a way that minimizes risks to human health, the environment, and non-target organisms. The proposed policy focuses on long-term pest prevention and emphasizes organic methods as the first line of defense, restricting the use of chemical pesticides unless deemed necessary by a licensed pest control advisor.

IPM programs have been widely adopted by municipalities as a best management practice to reduce reliance on chemical pesticides while maintaining effective pest control. This approach aligns with environmental sustainability goals and public health priorities, particularly in areas frequently accessed by children and the public.

The policy outlines specific pest management protocols for parks, fields, playgrounds, rights-of-way, facilities, and other City properties, including the Lago Vista Golf Course. It provides a structured framework for pest prevention, monitoring, non-chemical control methods, and regulated pesticide application to ensure responsible pest management practices across the City.

FINDINGS:

- Pesticide Use Hierarchy:
 - Organic pesticides are prioritized across all City

- properties.
- EPA Level III ("Caution") pesticides are only allowed when necessary, as determined by a licensed pest control advisor.
- EPA Level II ("Warning") and Level I ("Danger") pesticides are permitted only under extreme circumstances to protect public health or prevent economic loss, and only under strict supervision.
- Public Safety & Notification Requirements:
 - Signage must be posted 48 hours before pesticide application and remain for 72 hours after treatment.
 - Temporary fencing and barriers will be used in sensitive areas to limit exposure.
- Annual Reporting & Oversight:
 - The Maintenance Division will oversee pest management monitoring and compliance.
 - An annual report summarizing pesticide use and effectiveness will be presented to the Director of Public Works and City Council.
 - The City will work with the Texas Commission on Environmental Quality (TCEQ) to monitor and mitigate potential pesticide impacts on water resources.
- Alignment with Best Practices:
 - This policy aligns with Texas Department of Agriculture (TDA) regulations and the TCEQ's Groundwater Protection Program, ensuring that pest management strategies support environmental health and public safety.

Attached is an example of a Policy from the City of Irvine's Public Works Department.

FINANCIAL IMPACT: Unknown at this time.

ATTACHMENTS:

[DRAFT_Lago Vista IPM.pdf](#)
[Public Works Policy 2016 \(2\) \(1\).pdf](#)

City of Lago Vista

Policies and Procedures

(DRAFT) INTEGRATED PEST MANAGEMENT PROGRAM

Purpose: Policy

To establish criteria for an Integrated Pest Management (IPM) Program.

The **City of Lago Vista** will focus on long-term prevention or suppression of pest problems with minimum impact on human health, the environment, and non-target organisms, with limited pesticide use for Parks, Fields, and Playgrounds; City-wide Pest Management Guiding Principles; and an annual update.

Parks, Fields, and Playgrounds

When pesticides are needed, use the following prioritized approach:

1. Organic pesticides
2. EPA Level III "caution"-labeled pesticides only when deemed necessary to protect public health and economic impact by a licensed pest control advisor.

City-Wide Pest Management Guiding Principles

- a. Use organic pesticides on all City properties.
- b. Limit exposure to any pesticides where children and the general public congregate.
- c. Incorporate additional guidance on pesticide use for City rights-of-way, facilities, and other properties, as reflected in the staff report.
- d. Use EPA-labeled pesticides in a targeted manner, only if deemed necessary to protect public health and prevent economic loss, by a licensed pest control advisor and City staff, when pests cannot be managed by other available methods.

Annual Update

Staff will return to the **City Council** annually with an update.

Procedures

Prevention

1. _____ Staff shall review all new development and rehabilitation project plans to verify compatibility with the site's environment.

Monitoring

1. The Maintenance Division shall hire a consultant or contractor to provide regular monitoring services for all of the City's properties.
2. The consultant or contractor shall determine whether pest populations are increasing, decreasing, or staying the same, and assess when to use control tactics.
3. The consultant or contractor shall provide monthly monitoring records, including the date of examination, pests found, size and extent of infestations, locations, control options utilized, effectiveness of controls, and labor and material costs.

Non-Chemical Control Measures

1. Cultural Controls

Adjust normal plant care practices (e.g., irrigation, fertilization, and mowing) to prevent or reduce pests.

2. Mechanical Controls

Use manual labor or machinery (e.g., handpicking, physical barriers) to reduce or eliminate pest problems.

3. Environmental Manipulations

Modify temperature, light, and humidity to prevent or manage pests (e.g., discouraging birds or mammals by altering habitats).

4. Biological Controls

Introduce living organisms (e.g., predators, parasites, pathogens) to reduce pest populations. These beneficial organisms can occur naturally or be purchased and released.

Pesticide Controls

Pesticides are to be used in a prioritized approach on City properties:

Parks, Fields, and Playgrounds

1. Organic pesticides
2. EPA Level III "caution"-labeled pesticides only when necessary to protect public health and economic impact by a Certified Commercial Applicators, licensed by the Texas Department of Agriculture (TDA).

Rights-of-Way (Street Medians/Parkways)

- a. Use organic pesticides first.
- b. Use EPA Level III "caution"-labeled pesticides only if necessary.
- c. Use EPA Level II "warning"-labeled pesticides only as a last resort when other methods fail.
- d. Use EPA Level I "danger"-labeled pesticides only in extreme circumstances to protect public health and prevent economic loss, under strict supervision.

Facilities/Buildings

- a. Use organic pesticides first.
- b. Bait formulations of insecticides where appropriate.
- c. Use EPA Level III "caution"-labeled pesticides only if necessary.
- d. Use EPA Level II "warning"-labeled pesticides as a last resort.
- e. Use EPA Level I "danger"-labeled pesticides only when no other methods adequately control pests.

Other City Properties Including Lago Vista Golf Course

Follow the same prioritization as outlined above.

Approvals and Application of Chemical Pesticides

1. Pesticides must be pre-approved by the _____, with a written recommendation specifying the product name, concentrations, application rates, usage, and reentry time. Approval must also include a site-specific schedule.
2. Pesticides may only be applied by those holding a valid Texas Qualified Applicator license/certificate, following all applicable regulations.
3. Pesticides must be applied to avoid contamination of non-target areas.
4. Precautionary measures will ensure the public does not enter treated areas until it is safe.

Posting Requirements

1. Post signs at all park entrances 48 hours before spraying. Signs must include the chemical name, and application date.
2. Use plastic page protectors on 4' stakes for spray notices, ensuring signs are readable from 25'.
3. Keep signs posted for 72 hours after applications, then remove promptly.
4. Use temporary fencing, such as orange construction fencing, for broadcast applications, ensuring the public and pets avoid treated areas for 24 hours.

Records and Reporting

1. Per Texas Administrative Code, Title 4, Part 1, Chapter 7, Subchapter D, Rule §7.33, records must be kept for a period of two years.
2. The City of Lago Vista will collaborate with the Texas Commission on Environmental Quality (TCEQ) to safeguard water resources by monitoring pesticide impacts and aligning practices with water protection goals. TCEQ's Groundwater Planning and Assessment Team, through efforts like the Interagency Pesticide Database, ensures groundwater remains protected from contamination, supporting sustainable and safe pesticide use within the City.

3. Maintenance Superintendents will maintain records and provide an annual report to the Director of Public Works, summarizing pesticide use each year.
4. The _____ Department will provide an annual pesticide usage report to the City Council.



Public Works Department Maintenance Operations Policies and Procedures

INTEGRATED PEST MANAGEMENT PROGRAM

PURPOSE: To establish criteria for an Integrated Pest Management (IPM) Program.

POLICY: The City of Irvine will focus on long-term prevention or suppression of pest problems with minimum impact on human health, the environment, and nontarget organisms with the limited use of pesticides in accordance with direction provided by the City Council (2/23/16) for Parks, Fields and Playgrounds; City-wide Pest Management Guiding Principles, and an annual update:

Parks, Fields and Playgrounds

When pesticides are needed, use the following prioritized approach: (1) organic pesticides; (2) Water Quality Act Allowed Pesticides; and (3) EPA Level III “caution” labeled pesticides only when deemed necessary to protect public health and economic impact by a licensed pest control adviser.

City-wide Pest Management Guiding Principles

- a. Use of organic pesticides in all City properties.
- b. Limit exposure to any pesticides where children and the general public congregate.
- c. Incorporate additional guidance on use of pesticides for city rights of way, facilities, and other properties as reflected in the staff report.
- d. Use EPA Level pesticides in a targeted manner, and only if deemed necessary to protect public health and economic loss by a licensed pest control advisor and City staff, when pests cannot be managed by other methods that we would have.

Annual Update

Staff will return to the City Council annually with an update.



PROCEDURES:

Prevention

1. Public Works Staff shall review all new development and rehabilitation projects plans to verify compatibility with the site's environment.

Monitoring

1. The Maintenance Divisions shall hire a consultant or contractor to provide regular monitoring services for all of the City's properties.
2. The consultant or contractor shall determine if pest populations are increasing, decreasing, or staying the same and to determine when to use a control tactic.
3. The consultant or contractor shall provide monthly monitoring records which include information such as date of examination, pests found, size and extent of the infestation, location of the infestation, control options utilized, effectiveness of the control options, labor and material costs.

Non Chemical Control Measures

1. The Landscape Division shall utilize cultural controls which are modifications of normal plant care activities that reduce or prevent pests. In addition to those methods used in the pest preventions, other cultural control methods include adjusting the frequency and amount of irrigation, fertilization, and mowing height.
2. The Maintenance Divisions shall utilize mechanical control tactics involve the use of manual labor and machinery to reduce or eliminate pest problems using methods such as handpicking, physical barriers, or machinery to reduce pest abundance indirectly.
3. The Maintenance Divisions shall utilize the use of environmental manipulations that indirectly control or prevent pests by altering temperature, light, and humidity can be effective in controlling pests. Although in outdoor situations these tactics are difficult to use for most pests, they can be effective in controlling birds and mammals if their habitat can be modified such that they do not choose to live or roost in the area.



4. The Maintenance Divisions shall utilize a biological control practice which uses living organisms to reduce pest populations. These organisms are often also referred to as beneficials, natural enemies or biocontrols. They act to keep pest populations low enough to prevent significant economic damage. Biocontrols include pathogens, parasites, predators, competitive species, and antagonistic organisms. Beneficial organisms can occur naturally or can be purchased and released. The most common organisms used for biological control in landscapes are predators, parasites, pathogens and herbivores.

Pesticide Controls

Pesticides are to be utilized in a prioritized approach on City properties as follows:

Parks, Fields and Playgrounds

When pesticides are needed, use the following prioritized approach: (1) organic pesticides; (2) Water Quality Act Allowed Pesticides; and (3) EPA Level III “caution” labeled pesticides only when deemed necessary to protect public health and economic impact by a licensed pest control adviser.

Rights of Way (Street medians/parkways) – Prioritized Use of Pesticides:

- a. Use organic pesticides first, when pesticides are needed.
- b. Use Clean Water Act allowed pesticides.
- c. EPA Level III “caution” label pesticide only if deemed necessary to protect public health and economic impact by a licensed pest control advisor and City staff.
- d. EPA Level II “warning” label pesticides, only if deemed necessary to protect public health and economic loss by a licensed pest control advisor and City staff, when other methods do not adequately control the pest.
- e. EPA Level I “danger” label pesticides, only if deemed necessary to protect public health and economic loss by a licensed pest control advisor and City staff, when other methods do not adequately control the pest.

Facilities/Buildings – Prioritized Use of Pesticides:

- a. Use organic pesticides first, when pesticides are needed.



- b. Use Clean Water Act allowed pesticides.
- c. Bait formulations of insecticides will be used where appropriate.
- d. EPA Level III “caution” label pesticide only if deemed necessary to protect public health and economic impact by a licensed pest control advisor and City staff.
- e. EPA Level II “warning” label pesticides, only if deemed necessary to protect public health and economic loss by a licensed pest control advisor and City staff, when other methods do not adequately control the pest.
- f. EPA Level I “danger” label pesticides, only if deemed necessary to protect public health and economic loss by a licensed pest control advisor and City staff, when other methods do not adequately control the pest.

Other City Properties – Prioritized Use of Pesticides:

- a. Use organic pesticides first, when pesticides are needed.
- b. Use Clean Water Act allowed pesticides
- c. EPA Level III “caution” label pesticide only if deemed necessary to protect public health and economic impact by a licensed pest control advisor and City staff.
- d. EPA Level II “warning” label pesticides, only if deemed necessary to protect public health and economic loss by a licensed pest control advisor and City staff, when other methods do not adequately control the pest.
- e. EPA Level I “danger” label pesticides, only if deemed necessary to protect public health and economic loss by a licensed pest control advisor and City staff, when other methods do not adequately control the pest. Pesticides should only be used when other methods fail to provide adequate control of pests and just before pest populations cause an unacceptable damage, since the overuse of pesticides can cause beneficial organisms to be killed and pest resistance to develop.

Approvals and Application of Chemical Pesticides

- 1. Pesticides shall be approved by the Maintenance Division Superintendents for their area of oversight prior to use. A written recommendation of proposed pesticide, including commercial name, concentrations, allocation rates, usage and reentry time shall be prepared by a licensed California Pest Control Advisor and site



specific schedule submitted for approval. No work shall begin until written approval of use is obtained and a notice of intent has been filed with the County Agricultural Commissioner's office, as required. Copies of Safety Data Sheets and specimen labels shall be given to the City prior to pesticide use on City property.

2. Chemicals shall only be applied by those persons possessing a valid California Qualified Applicator license/certificate. Application shall be in strict accordance with all governing regulations. Records of all operations shall be kept per California Department of Pesticide Regulations.
3. Pesticides shall be applied in a manner to avoid contamination of non-target areas. Precautionary measures shall be employed to keep the public from entering the spray zone until it is safe.
4. Posting of signs shall be required at all park facilities when any application of pesticides is performed.

Specific requirements for posting are as follows:

- Post signs at all park entrances at least 48 hours prior to spraying applications. The vendor's contact information, chemical name and application date must be listed.
- Place spray notices inside plastic page protectors. Attach them to a four-foot (4') high wooden stake. Signs must be readable 25' away from posted area.
- Leave the same signs up for 72 hours after the spraying applications are completed, then remove promptly.
- A temporary mesh fence such as orange plastic construction fencing can be erected on the perimeter of any area that is to be treated with a broadcast type application with the intent to keep people and pets off the treated area for a period of 24 hours.

Records and Reporting

Records of all pesticides used by the Contractor on City property shall be retained in accordance with Department of Pesticide Regulations. Maintenance Superintendents will keep records of all pesticide usage and provide an annual report to the Director of Public Works reflecting the pesticide usage each year. The Public Works Department will provide an annual report to the City Council.

Manuel Gomez, Director of Public Works



Approved: March 1, 2016

Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: February 20, 2025

SUBMITTED BY: Taylor Whichard, City Manager

SUBJECT: Discussion, consideration and possible action on passing **Resolution 25-2112**; Authorizing the Lago Vista Property Owners Association (LVPOA) to occupy the cul-de-sac at the end of Park Drive, within City right-of-way, for the installation of an access control panel and gate widening.

BACKGROUND:

The Lago Vista Property Owners Association (LVPOA) has requested permission from the City to occupy the cul-de-sac at the end of Park Drive, which is within the City's right-of-way (ROW). The purpose of this request is to install a landscaped island with a gate access control panel and relocate the existing access gate into the ROW. This relocation is necessary to improve access for emergency services responding to calls within Marina Park.

The City's Charter, Section 2.06, grants the City Council the authority to control, maintain, abandon, or vacate City ROW as necessary. To facilitate the LVPOA's request, a resolution has been prepared to formally authorize the use of the ROW for this purpose. The original plat of the area is provided as **Exhibit A** in the resolution, and a map detailing the proposed improvements is attached as **Exhibit B** in the resolution.

FINDINGS:

- The relocation of the access gate into the City ROW will improve emergency response times and ensure safer access to Marina Park.
- No City utilities are located within this section of ROW, ensuring that the project will not interfere with existing infrastructure.
- The section of ROW in question is intended to be formally dedicated to the LVPOA under a separate legal instrument.
- Approval of this resolution allows the LVPOA to proceed with the installation of the island and gate access control

- panel while maintaining compliance with City regulations.
- The City retains the right to impose any necessary conditions to ensure that the improvements do not negatively impact public access or future City infrastructure needs.

FINANCIAL IMPACT: The only financial impact is staff time.

RECOMMENDATION: Approval

ATTACHMENTS:

[2025-02-20 _ Resolution 25-2112 _ LVPOA Occupation of City ROW.pdf](#)

RESOLUTION NO. 25-2112

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, AUTHORIZING THE LAGO VISTA PROPERTY OWNERS ASSOCIATION (LVPOA) TO OCCUPY A CITY RIGHT-OF-WAY (ROW) LOCATED AT THE CUL-DE-SAC AT THE END OF PARK DRIVE FOR THE INSTALLATION OF A GATE ACCESS CONTROL PANEL AND ASSOCIATED INFRASTRUCTURE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Lago Vista, Texas (the "City"), is a home-rule municipality duly incorporated and operating under the laws of the State of Texas; and

WHEREAS, Section 2.06 of the City Charter (Streets and Public Property) grants the City Council the power to acquire, establish, maintain, alter, abandon, or vacate City rights-of-way (ROW); and

WHEREAS, the Lago Vista Property Owners Association (LVPOA) has requested permission to occupy a portion of the City ROW located at the cul-de-sac at the end of Park Drive, as depicted in the original plat attached hereto as *Exhibit A*; and

WHEREAS, the LVPOA proposes to install an island with a gate access control panel within the ROW and to relocate the existing gate into the ROW in order to improve emergency services access to Marina Park, as shown in the proposed project map attached hereto as *Exhibit B*; and

WHEREAS, the City Council finds that the proposed improvements will enhance emergency response capabilities, promote public safety, and provide a clear and controlled means of access to Marina Park; and

WHEREAS, no City utilities are located within this section of ROW; and

WHEREAS, this section of ROW is intended to be formally conveyed to the LVPOA under separate instrument; and

WHEREAS, the City Council determines that it is in the best interest of the City and its residents to authorize the LVPOA to occupy the City ROW for the purposes stated herein, subject to all applicable City regulations and requirements.

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

SECTION 1. The City Council of the City of Lago Vista, Texas, hereby authorizes the Lago Vista Property Owners Association (LVPOA) to occupy the City ROW located at the cul-de-sac at the end of Park Drive for the purpose of installing an island with a gate access control panel and relocating the existing gate within the ROW, as generally described in *Exhibits A* and *B*.

SECTION 2. The LVPOA shall be responsible for all costs associated with the installation, maintenance, and any future modifications of the gate access control infrastructure within the ROW.

SECTION 3. The LVPOA shall coordinate with City staff and emergency services to ensure compliance with all applicable safety and accessibility requirements.

SECTION 4. This Resolution shall take effect immediately upon its passage by the City Council of the City of Lago Vista, Texas.

PASSED AND APPROVED on this **20th** day of **February, 2024**.

Kevin Sullivan, Mayor

ATTEST:

Maria Franco, City Secretary

EXHIBIT “A”

Lago Vista

SECTION ONE

RESTRICTIONS:
For restrictions in this Subdivision see
Deed Records of Travis County, Texas Volume
Page

EASEMENTS:
A five foot easement along the rear
and side lines of all lots are hereby
dedicated in addition to those shown
hereon.

SEE RESTRICTIONS ON THIS SUBDIVISION
IN VOLUME 1886 PAGE 204, DEED
RECORDS, TRAVIS COUNTY, TEXAS.

CURVE DATA

1	2N	25	3	4	5	6	7E		
I 28.38	51.56	51.56	14.50	51.18	43.56	12.40	50.00	I	
T 76.46	52.11	18.61	55.18	119.92	67.23	12.66		T	
R 40.0	156.99	106.99	142.33	144.91	297.30	260.90		R	
C 137.48	93.63	36.90	95.48	222.42	43.63	22.52		C	
A 142.30	96.98	37.00	102.88	227.96	133.90	22.76		A	
8E	8W	9E	9W	10N	10S	11E	11W	12E	12W
I 14.30	14.30	41.52	41.52	21.38	21.38	67.22	67.22	37.01	37.01
T 35.99	42.35	59.62	40.50	45.22	54.78	34.44	67.76	41.63	41.63
R 202.89	332.89	155.87	105.87	236.70	286.70	51.67	101.67	124.36	124.36
C 71.40	84.02	111.38	75.65	88.84	107.61	57.31	112.77	78.95	78.95
A 71.59	84.24	113.90	77.36	89.37	108.25	60.75	119.54	80.34	80.34
12W	13N	13S	14N	14S	15E	15W	16E	16W	
I 37.01	29.51	29.51	50.05	50.05	91.18	91.18	42.52	42.52	I
T 58.36	23.34	36.66	110.08	86.71	39.42	30.67	43.29	63.62	T
R 174.36	87.55	137.55	235.62	185.62	38.54	88.54	112.05	162.05	R
C 110.70	45.10	70.85	109.46	157.14	5.12	126.63	81.89	118.43	C
A 112.65	45.61	71.66	205.96	162.25	61.41	141.09	83.83	121.24	A
17E	17W	18E	18W	19E	19W	20E	20W	21E	21W
I 36.52	36.52	51.29	51.29	32.48	32.48	37.12	37.12	51.25	51.25
T 53.06	36.40	50.95	55.05	52.36	37.64	41.69	58.41	112.03	T
R 159.20	109.20	64.82	114.22	177.89	127.89	123.58	173.58	232.70	R
C 100.68	69.06	55.71	99.19	100.45	72.22	77.83	110.73	201.83	C
A 102.44	70.26	57.69	102.60	101.84	73.21	80.24	112.70	208.82	A
21W	22E	22W	23E	23W	24	25	26	27	
I 51.25	24.00	24.00	23.37	23.37	117.17	97.35	39.05	143.55	I
T 87.96	9.01	88.39	31.74	21.28	27.09	39.56	25.24	108.99	T
R 182.70	465.82	415.82	151.83	101.81	16.51	34.64	71.10	35.50	R
C 158.51	193.70	112.81	62.15	41.67	28.20	52.12	47.56	67.51	C
A 163.95	195.12	174.18							A
28E	28W	29N	29S	30N	30S	31N	31S	32E	32W
I 128.32	36.52	51.29	51.29	32.48	32.48	37.12	37.12	51.25	51.25
T 60.73	74.49	50.66	72.79	90.64	72.94	37.61	52.99	75.38	T
R 220.73	270.73	114.47	164.47	255.97	205.97	125.64	175.64	36.33	R
C 117.11	143.64	92.66	133.14	170.89	137.51	127.07	100.75	65.45	C
A 118.53	145.38	95.40	137.07						A
33	34E	34W	35E	35W	36E	36W	37	38N	38W
I 128.32	22.30	22.30	12.06	12.06	12.45	12.45	132.11	47.01	I
T 122.48	61.38	51.44	46.68	51.98	27.21	30.79	60.61	40.37	T
R 59.04	308.60	258.60	440.43	490.43	243.52	293.52	26.87	92.82	R
C 106.37	120.41	100.90	92.83	103.38	54.08	65.18	49.13	74.05	C
A 132.44	121.19	101.55	93.01	103.56	54.19	65.32	61.99	76.17	A
38S									
I 47.01									
T 62.13									
R 142.82									
C 113.94									
A 117.20									

Survey completed Nov 1957
By: *Claude F. Bush, Jr.*
Registered Public Surveyor No 202

In approving this plat by the Commissioners Court of Travis County, Texas, it is understood that the building of all streets, roads, and other public thoroughfares, as delineated and shown on this plat and all bridges and culverts necessary to be constructed or placed in such streets, roads, or other public thoroughfares, in connection therewith, shall be the responsibility of the owner and/or developer of the tract of land covered by this plat in accordance with the provisions of the Act of the Legislature of the State of Texas, Chapter 209, Acts of the 54th Legislature, 1941, and the Commissioners Court of Travis County Texas assumes no obligation to build streets, roads, or other public thoroughfares shown on this plat, or in constructing any bridges or culverts in connection therewith.

SEPTIC TANK NOTE:
Each house in this subdivision shall be connected to a septic tank of a design approved by the State Health Department.

THE STATE OF TEXAS COUNTY OF TRAVIS

I, Miss Emily Limberg, County Clerk of Travis County, Texas, do hereby certify that the foregoing instrument of writing, with the certificate of authentication hereon, was filed for record in my office on the 27th day of November, A.D. 1957, at 1:58 P.M., and that the same was duly recorded in the Public Records of said County, Texas, in Book 3, Page 385, and that the same was duly indexed in the index to said Public Records of said County, Texas, on the 27th day of November, A.D. 1957, at 1:58 P.M.

Clerk County Court, Travis County, Texas
By *Emily Limberg*
Deputy

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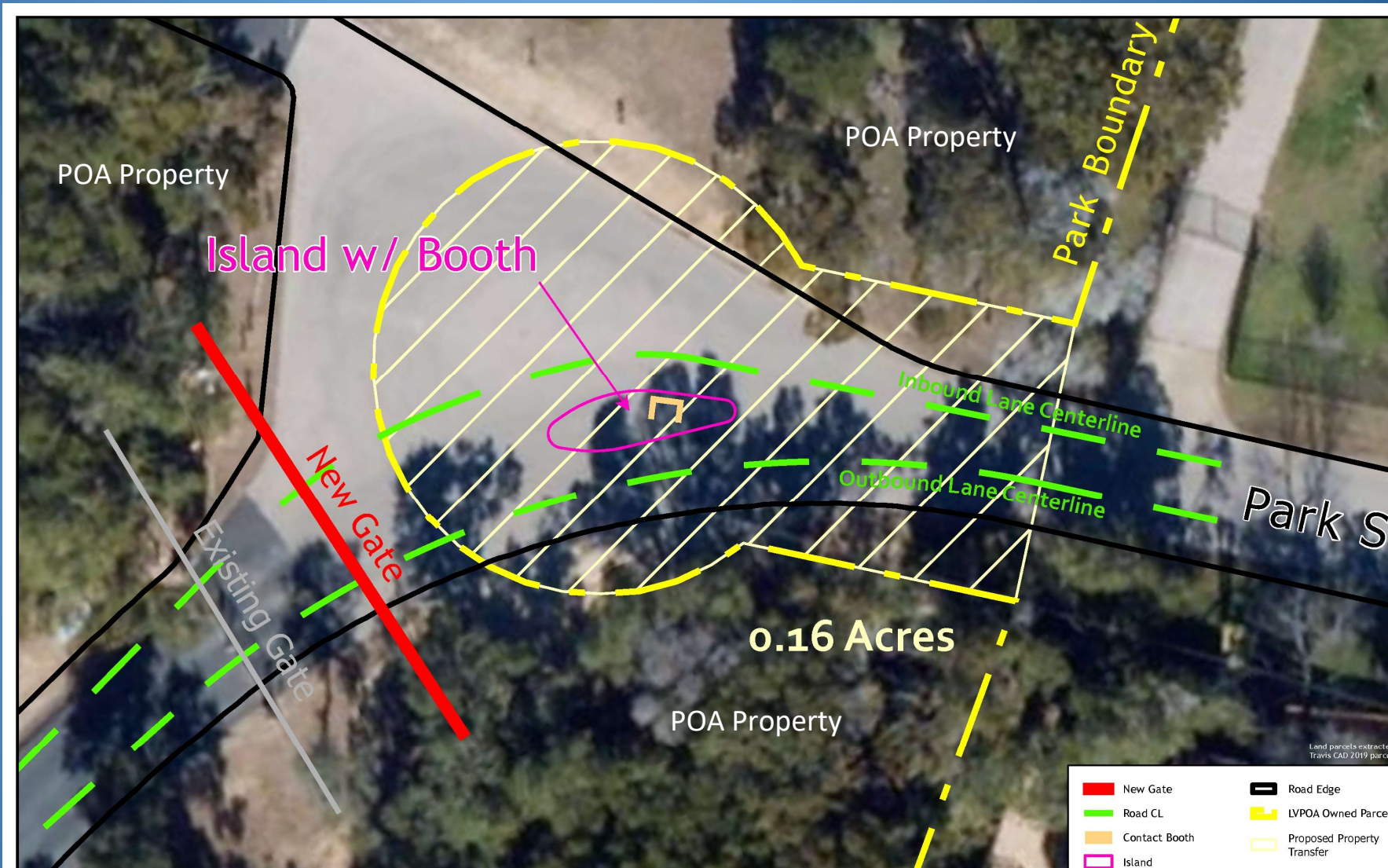
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Clerk County Court, Travis County, Texas
By *Emily Limberg*
Deputy

EXHIBIT “B”

Discovery / Proposal



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: February 20, 2025

SUBMITTED BY: Councilor Benefield, City Council

SUBJECT: Discussion and direction on effluent water dispersal system design.

BACKGROUND: The City Council will discuss and provide direction regarding the design of the future Effluent Water Dispersal System at the City Golf Course, ensuring that the system aligns with Lago Vista's needs while meeting bond requirements. The system must prioritize effluent dispersal first and serve as an irrigation system second.

Additionally, Council will review a report on the status of the existing irrigation system, including options for repair vs. replacement. This will help determine whether system improvements can extend the life of the current infrastructure instead of a complete system overhaul.

Council's input will guide Freese & Nichols in designing a system that is new and functional, not excessive or over-engineered for the City's requirements.

FINANCIAL IMPACT: Unknown

RECOMMENDATION: Discuss and provide direction on the key design components of the future effluent water dispersal system and review options for repairing the existing system.

ATTACHMENTS:
[New vs Repair.pdf](#)

STAFF REPORT

Subject: Future Effluent Water Dispersal System – Design Considerations & Existing System Evaluation

Prepared By: Adam C. Benefield

Background & Purpose

As Lago Vista prepares to move forward with the design of its future **Effluent Water Dispersal System**, it is essential to ensure that the system is designed with **effluent disposal as the primary function and irrigation as a secondary benefit**. While the system will support the overall health of the golf course, it must remain focused on efficient water dispersal rather than an overbuilt irrigation system.

In addition to discussing the new system's design, staff will **report on the status of the existing irrigation system**, addressing previous claims that the system is operating at only **40% capacity**. Council will review whether repairs and upgrades could extend the life of the current system instead of moving directly to a full replacement.

Key Discussion Points for Council Consideration

1. Effluent Dispersal vs. Golf Course Irrigation

- The bond requirements dictate that the system must **prioritize effluent dispersal**.
- The irrigation heads in the **fairways and greens** should differ from those used in the **roughs** to reflect this priority.
- The system should be **new and functional, not the latest and greatest**—focusing on reliability over premium features.

2. Status & Viability of the Existing Irrigation System

- Previous reports state that the current system is **operating at 40% capacity**.
- **Key questions for evaluation:**
 - What would it take to **increase capacity to 100%**?
 - Can **repairs and upgrades** (e.g., replacing wiring, irrigation controllers, repairing pipes) extend the system's life?
 - Would targeted improvements allow for **cost savings** over full system replacement?

3. Pipe Material & Long-Term Maintenance Considerations

- Council will review **pipe material options** and their impact on:

- **Bid participation and contractor availability**
- **Cost-effectiveness**
- **Long-term maintenance and repair feasibility**

Next Steps & Requested Action

- **Council Discussion & Direction:** Council provide input on:
 - The **functional priorities** for the new effluent dispersal system.
 - Whether the existing system should be **repaired or replaced**.
 - Any design criteria that should be incorporated before moving forward.
- **Freese & Nichols Design Considerations:** Following Council direction, Freese & Nichols will move forward with an updated design plan that reflects these priorities.

Recommendation

Council **carefully evaluate the costs and feasibility of repairing the existing system** before committing to a full replacement. Additionally, Council should provide clear guidelines on the new system's **functional priorities** to ensure an **efficient, cost-effective, and compliant design**.



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: February 20, 2025

SUBMITTED BY: Councilor Benefield, City Council

SUBJECT: Discussion, consideration and possible action on passing **Resolution No. 25-2113**; Transferring code enforcement authority to Emergency Services District #1 (ESD #1)

BACKGROUND: Historically, code enforcement duties have been handled by the Police Department. However, ESD #1 possesses specialized training and resources for effective enforcement. The proposed shift aligns with best practices in municipal management by allowing law enforcement officers to focus on core public safety functions while delegating code compliance to a specialized entity.

FINDINGS: The City Council is requested to approve a resolution and ordinance transferring the jurisdiction of code enforcement from the Lago Vista Police Department to Emergency Services District #1 (ESD #1). This transition is expected to enhance enforcement efficiency, leverage existing certifications within ESD #1, and reduce overall costs.

FINANCIAL IMPACT: Actual financial impact is unknown at this time.

RECOMMENDATION: City staff suggests no action.

ATTACHMENTS:
[2025-02-20 _ Resolution 25-2113 _ ESD Code Enforcement.pdf](#)

RESOLUTION NO. 25-2113

A RESOLUTION OF THE CITY COUNCIL OF LAGO VISTA, TEXAS, APPROVING THE TRANSFER OF CODE ENFORCEMENT DUTIES FROM THE LAGO VISTA POLICE DEPARTMENT TO EMERGENCY SERVICES DISTRICT #1 (ESD #1) AND AUTHORIZING NECESSARY ADMINISTRATIVE CHANGES.

WHEREAS, the City of Lago Vista has historically assigned code enforcement duties to the Police Department; and

WHEREAS, Emergency Services District #1 (ESD #1), under the leadership of Donnie Norman, is a certified agency with expertise in code enforcement, making them well-qualified to assume these responsibilities; and

WHEREAS, shifting code enforcement duties to ESD #1 is anticipated to improve efficiency, enhance compliance enforcement, and reduce associated costs by approximately 50%; and

WHEREAS, the City Council of Lago Vista finds that this transition will be in the best interest of the community by ensuring professional enforcement while allowing the Police Department to focus on core public safety duties;

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

- 1. Transfer of Authority:** The City of Lago Vista hereby transfers the jurisdiction of code enforcement from the Police Department to ESD #1, effective immediately upon approval of this resolution.
- 2. Administrative Adjustments:** The City Manager is directed to work with ESD #1 to facilitate a seamless transition, including the reallocation of resources, updates to applicable municipal codes, and public notification of the change.
- 3. Ordinance Amendments:** The City Attorney is instructed to draft amendments to the relevant sections of the Code of Ordinances to reflect this change and present them for formal adoption.
- 4. Implementation:** ESD #1 shall assume full responsibility for code enforcement, including inspections, citations, and compliance actions, ensuring adherence to all city ordinances.

PASSED AND APPROVED this ____ day of _____, 2025.

Mayor, City of Lago Vista

City Secretary



Item Cover Page

CITY COUNCIL AGENDA ITEM REPORT

DATE: February 20, 2025

SUBMITTED BY: Councilor Benefield, City Council

SUBJECT: Discussion, consideration, and possible action on **Ordinance No. 25-02-20-05**; Amending section 3.531 and adding section 3.532 to the Code of Ordinances.

BACKGROUND: Historically, code enforcement duties have been handled by the Police Department. However, ESD #1 possesses specialized training and resources for effective enforcement. The proposed shift aligns with best practices in municipal management by allowing law enforcement officers to focus on core public safety functions while delegating code compliance to a specialized entity.

FINDINGS: The City Councilor is requesting to approve a resolution and ordinance transferring the jurisdiction of code enforcement from the Lago Vista Police Department to Emergency Services District #1 (ESD #1). This transition is expected to enhance enforcement efficiency, leverage existing certifications within ESD #1, and reduce overall costs

FINANCIAL IMPACT: Actual financial impact is unknown at this time.

RECOMMENDATION: City staff recommends no action.

ATTACHMENTS:
[2025-02-20 _ Ordinance No 25-02-20-05 _ ESD Code Enforcement.pdf](#)

ORDINANCE NO. 25-02-20-05

AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, AMENDING THE MUNICIPAL CODE TO TRANSFER CODE ENFORCEMENT AUTHORITY FROM THE POLICE DEPARTMENT TO EMERGENCY SERVICES DISTRICT #1 (ESD #1); PROVIDING FOR SEVERABILITY, EFFECTIVE DATE, AND REPEALING CONFLICTING ORDINANCES.

WHEREAS, the City of Lago Vista seeks to improve the efficiency and cost-effectiveness of code enforcement operations; and

WHEREAS, ESD #1 possesses the necessary qualifications, training, and resources to assume these duties; and

WHEREAS, the City Council finds it necessary to update the Code of Ordinances to reflect this administrative transition;

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

SECTION 1: AMENDMENT OF CODE

1. Revision to Section 3.531 – Inspection Authority and Violations

- The term "Police" is hereby removed from the list of code enforcement authorities.
- The term "Emergency Services District #1 (ESD #1)" is added as a designated enforcement authority.

2. New Section 3.532 – Enforcement by ESD #1

- ESD #1 shall be responsible for all code enforcement functions, including inspections, citations, and compliance actions, as set forth in this article.
- ESD #1 shall coordinate with the City Manager and City Attorney on any necessary updates to enforcement procedures.

SECTION 2: SEVERABILITY

If any section, subsection, or provision of this ordinance is held to be invalid, the remainder shall remain in full force and effect.

SECTION 3: EFFECTIVE DATE

This ordinance shall take effect immediately upon adoption.

SECTION 4: REPEALER

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

PASSED AND APPROVED this ____ day of _____, 2025.

Mayor, City of Lago Vista

City Secretary