

# CITY OF KYLE

## Notice of Regular City Council Meeting

Kyle City Hall, 100 W. Center Street, Kyle, TX 78640;  
Spectrum 10; <https://www.cityofkyle.com/kyletv/kyle-10-live>



SPECIAL NOTE: Pursuant to the March 16, 2020 proclamation issued by Governor Abbott, this meeting will be held in-person and by videoconference in order to advance the public health goal of limiting face-to-face meetings (also called 'social distancing') to slow the spread of COVID-19. Some City Council members will be present in the chamber while others will attend the meeting via videoconferencing. This meeting can be viewed live online at <https://www.cityofkyle.com/kyletv/kyle-10-live> OR Spectrum10.

Notice is hereby given that the governing body of the City of Kyle, Texas will meet at 7:00 PM on August 3, 2021, at Kyle City Hall, 100 W. Center Street, Kyle, TX 78640; Spectrum 10; <https://www.cityofkyle.com/kyletv/kyle-10-live>, for the purpose of discussing the following agenda.

Posted this 30th day of July, 2021, prior to 5:00 p.m.

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### **I. Call Meeting to Order**

### **II. Approval of Minutes**

1. City Council Special Meeting Minutes - July 20, 2021. ~ *Jennifer Holm, City Secretary*
2. City Council Meeting Minutes - July 20, 2021. ~ *Jennifer Holm, City Secretary*
3. City Council Special Meeting Minutes - July 27, 2021. ~ *Jennifer Holm, City Secretary*

### **III. Citizen Comment Period with City Council**

The City Council welcomes comments from Citizens early in the agenda of regular meetings. Those wishing to speak are encouraged to sign in before the meeting begins. Speakers may be provided with an opportunity to speak during this time period on any agenda item or any other matter concerning city business, and they must observe the three-minute time limit.

#### **IV. Appointments**

4. Confirm City Manager's appointment to the Civil Service Commission to fill a vacancy for a three-year term to expire July 31, 2024. ~ *J. Scott Sellers, City Manager*
  - Jeneva Garza

#### **V. Presentation**

5. CIP/Road Projects and Consent Agenda Presentation. ~ *Travis Mitchell, Mayor*

#### **VI. Consent Agenda**

6. Approve the conveyance of a wastewater line easement to the City of Kyle, Hays County, Texas from Pantaleon Tenorio, Jr. for the Schlemmer and Porter Street Wastewater Line Improvement Project, Phase 1. ~ *Leon Barba, P.E., City Engineer*
7. Approval of Underground Agreement between Pedernales Electric Cooperative, Inc. and the City of Kyle for electrical service installation to Heroes Memorial Park located near intersection of Kohlers Crossing and FM 1626 (Work Order #145535). ~ *Leon Barba, P.E., City Engineer*
8. Hays County Election Services Contract and Joint Election Agreement. ~ *Jennifer Holm, City Secretary*
9. Approve an estimated amount of \$20,110.50 for election services in accordance with the approved contract with the Hays County Elections Administrator relating to the November 2, 2021 elections. ~ *Jennifer Holm, City Secretary*
10. Approve a Resolution of the City Council of the City of Kyle, Texas accepting the Brooks Ranch Phase 1 Subdivision improvements: finding and determining that the meeting at which this Resolution is passed was noticed and is open to the Public as required by law. ~ *Leon Barba, P.E., City Engineer*
11. Approve library board recommendation to increase checkout limit to 10 DVDs and 25 total items per card per Sec. 2-422 Department Policies. Code of Ordinances. ~ *Paul Phelan, Director of Library Services*
12. Approve Change Order No. 1 to construction contract with T.F. HARPER & ASSOCIATES, LP, Austin, Texas, in the amount of \$24,992.46 increasing the total contract amount not to exceed \$1,823,892.28 for the inclusion of 560 linear feet of 3-inch diameter PVC conduit installation for future dry utilities related to park construction and improvements at Mary Kyle Hartson Park. ~ *James R. Earp, Assistant City Manager*
13. Approve an agreement with Parallel - A Brand Agency, San Antonio, TX in an amount not to exceed \$18,250.00 for event and marketing services. ~ *Samantha Armbruster, Director of Communications*

14. Approve and ratify a purchase order to McGRAY & McGRAY, Land Surveyors, Inc., 3301 Hancock Drive, Suite 6, Austin, Texas in the amount of \$16,816.00 for providing right of way and topographic services for the Downtown Relocation of Overhead lines around Old City Hall Project. ~ *Leon Barba, P.E., City Engineer*

## **VII. Consider and Possible Action**

15. (*First Reading*) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 24.65 acres of land from Agriculture 'AG' to Manufactured Home Park District 'M-3' for property located 600 Bebee Road, in Hays County, Texas. (Estate of Janelle Hadsell - Z-21-0083) ~ *Howard J. Koontz, Director of Planning and Community Development*

*Planning and Zoning Commission voted 5-0 to recommend approval of the request.*

- Public Hearing

16. (*First Reading*) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Code of Ordinances for the purpose of modifying Sec. 53-5 Definitions (Building Acre, Multifamily Residential Restricted, Townhouse); Sec. 53-443 – Permitted Uses; Sec. 54-5 (Note 1). ~ *Howard J. Koontz, Director of Planning and Community Development*

*Planning and Zoning Commission voted 5-0 to recommend approval.*

- Public Hearing

17. (*First Reading*) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of modifying Sec. 53-1047 – Authorized Conditional Uses; Exhibit A. – Plum Creek Planned Unit Development, Article II. – Planned Unit Development District, Part D. – Additional Use Regulations Sec. 1. - Additional use, height and area regulations and exceptions applicable to PUD districts unless otherwise approved by the city council. ~ *Howard J. Koontz, Director of Planning and Community Development*

*Planning and Zoning Commission voted 5-0 to recommend approval.*

- Public Hearing

18. Consideration of an application to waive requirements for public road access to Lots 4A & 4B of the Oak Mesa Subdivision. ~ *Howard J. Koontz, Director of Planning and Community Development*
19. [*Postponed 7/6/21*] (*First Reading*) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 10.81 acres of land to Retail Service District 'RS' and

approximately 34.83 acres to Multi-Family Residential-3 'R-3-3' for property located at 20139 IH-35, in Hays County, Texas. (Sunrise Village Investments, LLC - Z-21-0082) ~ *Howard J. Koontz, Director of Planning and Community Development*

*Planning and Zoning Commission voted 4-0 to recommend approval of the request.*

- Public Hearing

20. Approve a resolution accepting a petition for the creation of the Kyle 57 Public Improvement District and calling for a public hearing. ~ *Paige Saenz, City Attorney*
21. *[Postponed 7/20/2021] (Second Reading)* An Ordinance of the City of Kyle, Texas, Amending Article II to Include a Section 12-23 Roundabouts, Requiring Use of Roundabouts in Certain Intersections, Requiring Consideration of Roundabouts in Certain Intersections, Requiring Compliance with National Standards in the Construction of Roundabouts, Requiring Notice of Exclusions, Providing Severability, Effective Date, and Open Meetings Clauses; and Providing for Related Matters. ~ *Leon Barba, P.E., City Engineer*

*The City Council voted 6-1 to approve on First Reading.*

22. *(First Reading)* An Ordinance of the City of Kyle, Texas, Ordering a General Election to be Held Jointly with Hays County on November 2, 2021, for the Election of City Council Place Five and Place Six to Serve Three-Year Terms. ~ *Travis Mitchell, Mayor*
23. Discussion regarding Public Safety Center. ~ *Yvonne Flores-Cale, Council Member*

## **VIII. City Manager's Report**

24. Update on various capital improvement projects, road projects, building program, and/or general operational activities where no action is required. ~ *J. Scott Sellers, City Manager*
  - Market Days
  - FY 2021-2022 Budget Worksessions
  - 2021 Election Info
  - State of the City recap
  - 2021-2022 Groundbreaking and Ribbon Cutting celebrations
  - Veterans Day Parade update

## **IX. Executive Session**

25. Pursuant to Chapter 551, Texas Government Code, the City Council reserves the right to convene into Executive Session(s) from time to time as deemed necessary during this meeting. The City Council may convene into Executive Session pursuant to any lawful exception contained in Chapter 551 of the Texas

Government Code including any or all of the following topics.

1. Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071.
    - Temporary Pump and Haul Wastewater Service Agreements
    - Agreement regarding prepayment of impact fees
    - Balcones Trail Workforce Housing Payment and Development Agreement
    - Utility Disconnects
    - Kyle 57 PID
  2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
  3. Personnel matters pursuant to Section 551.074.
  4. Convene into executive session pursuant to Section 551.087, Texas Government Code, to deliberate regarding the offer of economic incentives to one or more business prospects that the City seeks to have locate, stay, or expand in or near the City.
    - Project Deep Golden
    - Project MBA
  5. Deliberation regarding Security Devices or Security Audits pursuant to Section 551.089.
    - Public Safety Center
26. Take action on items discussed in Executive Session.

## **X. Adjourn**

*At any time during the Regular City Council Meeting, the City Council may adjourn into an Executive Session, as needed, on any item listed on the agenda for which state law authorizes Executive Session to be held*

\*Per Texas Attorney General Opinion No. JC-0169; Open Meeting & Agenda Requirements, Dated January 24, 2000: The permissible responses to a general member communication at the meeting are limited by 551.042, as follows: "SEC. 551.042. Inquiry Made at Meeting. (a) If, at a meeting of a government body, a member of the public or of the governmental body inquires about a subject for which notice has not been given as required by the subchapter, the notice provisions of this subchapter, do not apply to: (1) a statement of specific factual information given in response to the inquiry; or (2) a recitation of existing policy in response to the inquiry. (b) Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting."



# CITY OF KYLE, TEXAS

2021 0720 Minutes

**Meeting Date: 8/3/2021**

**Date time: 7:00 PM**

**Subject/Recommendation:** City Council Special Meeting Minutes - July 20, 2021. ~ *Jennifer Holm, City Secretary*

**Other Information:**

**Legal Notes:**

**Budget Information:**

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**ATTACHMENTS:**

**Description**

- ☐ 2021 0720 DRAFT Special Council Meeting Minutes

## SPECIAL CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Special Session on July 20, 2021 and due to COVID-19, some members attended virtually (v) at <https://kyletx.new.swagit.com/events/9436>; Spectrum 10 with the following persons present:

Mayor Travis Mitchell  
Mayor Pro Tem Rick Koch  
Council Member Dex Ellison (v)  
Council Member Yvonne Flores-Cale  
Council Member Robert Rizo (v)  
Council Member Ashlee Bradshaw  
Council Member Michael Tobias  
Scott Sellers, City Manager  
James Earp, Assistant City Manager  
Paige Saenz, City Attorney  
Jerry Hendrix, Chief of Staff (v)  
Samantha Armbruster, Communications Dir.  
Jennifer Holm, City Secretary  
Perwez Moheet, Finance Director (v)  
Matt Dawson, IT Director  
Grant Bowling, Video Production Specialist  
Mariana Espinoza, PARD Director  
Aimee Garcia, Recreation Programmer  
Jeff Barnett, Chief of Police (v)

### **I. Call Meeting to Order**

Mayor Mitchell called the meeting to order at 5:00 p.m. Mayor Mitchell asked the city secretary to call roll.

Present were: Mayor Mitchell, Mayor Pro Tem Koch, Council Member Ellison, Council Member Flores-Cale, and Council Member Bradshaw. A quorum was present. Council Members Rizo and Tobias were absent. Council Member Rizo was present in Executive Session at 5:03 p.m. Council Member Tobias arrived at 5:10 p.m. and entered into Executive Session.

### **II. Citizen Comment Period with City Council**

Mayor Mitchell opened citizen comments at 5:01 p.m. With no one wishing to speak, Mayor Mitchell closed citizen comments at 5:01 p.m.

### **III. Executive Session**

1. Pursuant to Chapter 551, Texas Government Code, the City Council reserves the right to convene into Executive Session(s) from time to time as deemed necessary during this meeting. The City Council may convene into Executive Session pursuant to any lawful exception contained in Chapter 551 of the Texas Government Code including any or all of the following topics.

1. Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071.
  - Pipeline Ordinance Amendment
  - Intervention in proceedings at the Railroad Commission regarding implementation of HB 1520 related to recovery of extraordinary costs incurred by certain gas utilities due to Winter Storm Uri Cause No. 20-2048; Save Our Springs Alliance, Inc., et al. v. City of Kyle City Council Members in their Official Capacities, in the 453rd Judicial District, Hays County, Texas
  - Possible Creation of TIRZ
  - Sign Code
  - American Fireworks Contract
  - Water Tower Painting Contract
2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
  - Property Acquisition
3. Personnel matters pursuant to Section 551.074.
4. Convene into executive session pursuant to Section 551.087, Texas Government Code, to deliberate regarding the offer of economic incentives to one or more business prospects that the City seeks to have locate, stay, or expand in or near the City.
  - Project Pacific Blue
  - Project Indigo

Council Member Flores-Cale read into the record, “Pursuant to Chapter 551, Texas Government Code, the City Council reserves the right to convene into Executive Session(s) from time to time as deemed necessary during this meeting. The City Council may convene into Executive Session pursuant to any lawful exception contained in Chapter 551 of the Texas Government Code including any or all of the following topics: Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071 - Pipeline Ordinance Amendment; Intervention in proceedings at the Railroad Commission regarding implementation of HB 1520 related to recovery of extraordinary costs incurred by certain gas utilities due to Winter Storm Uri; Cause No. 20-2048, Save Our Springs Alliance, Inc., et al. v. City of Kyle City Council Members in their Official Capacities, in the 453rd Judicial District, Hays County, Texas; Possible Creation of TIRZ; Sign Code; American Fireworks Contract; Water Tower Painting Contract; Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072 -.072 - Property Acquisition; and Convene into executive session pursuant to Section 551.087, Texas Government Code, to deliberate regarding the offer of economic incentives to one or more business prospects that the City seeks to have locate, stay, or expand in or near the City - Project Pacific Blue; and Project Indigo.”

The City Council convened into executive session at 5:03 p.m.

2. Take action on items discussed in Executive Session.

Mayor Mitchell called the meeting back to order at 7:02 p.m. Mayor Mitchell announced that no action took place in Executive Session, but action would be taken now.

Mayor Mitchell moved to proceed with property acquisition as discussed in Executive Session. Council Member Rizo seconded the motion. All votes aye; motion carried 7-0.

Council Member Flores-Cale moved to proceed with engagement with law firm related to the utility's situation. Council Member Rizo seconded the motion. Motion failed 2-5 with Council Members Flores-Cale and Rizo in favor.

#### **IV. Adjourn**

With no further business to discuss, the City Council adjourned at 7:04 p.m.

Attest:

\_\_\_\_\_  
Travis Mitchell, Mayor

\_\_\_\_\_  
Jennifer Holm, City Secretary



# CITY OF KYLE, TEXAS

2021 0720 Minutes

**Meeting Date: 8/3/2021**

**Date time: 7:00 PM**

**Subject/Recommendation:** City Council Meeting Minutes - July 20, 2021. ~ *Jennifer Holm, City Secretary*

**Other Information:**

**Legal Notes:**

**Budget Information:**

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**ATTACHMENTS:**

**Description**

- ☐ 2021 0720 DRAFT Council Meeting Minutes

## REGULAR CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Regular Session on July 20, 2021 and due to COVID-19, some members attended virtually (v) at <https://kyletx.new.swagit.com/events/9437>; Spectrum 10 with the following persons present:

Mayor Travis Mitchell  
Mayor Pro Tem Rick Koch  
Council Member Dex Ellison (v)  
Council Member Yvonne Flores-Cale  
Council Member Robert Rizo  
Council Member Ashlee Bradshaw  
Council Member Michael Tobias  
Scott Sellers, City Manager  
James Earp, Assistant City Manager  
Paige Saenz, City Attorney  
Jerry Hendrix, Chief of Staff  
Samantha Armbruster, Communications Dir.  
Jennifer Holm, City Secretary  
Leon Barba, City Engineer  
Howard Koontz, Community Dev Director  
Perwez Moheet, Finance Director  
Sandra Duran, HR Director (v)  
Matt Dawson, IT Director  
Grant Bowling, Video Production Specialist  
Paul Phelan, Library Director (v)  
Mariana Espinoza, PARD Director  
Aimee Garcia, Recreation Programmer  
Will Atkinson, City Planner (v)  
Jeff Barnett, Chief of Police  
Pedro Hernandez, Police Captain  
James Jones, Police Sergeant  
Harper Wilder, Director of Public Works (v)

Wesley Matthews  
Myla Peterson  
Celyne Diaz

### **I. Call Meeting to Order**

Mayor Mitchell called the meeting to order at 7:04 p.m. The Pledge of Allegiance was recited. Mayor Mitchell asked the city secretary to call roll.

Present were: Mayor Mitchell, Mayor Pro Tem Koch, Council Member Ellison, Council Member Flores-Cale, Council Member Rizo, Council Member Bradshaw, and Council Member Tobias. A quorum was present.

### **II. Approval of Minutes**

1. City Council Special Meeting Minutes - July 6, 2021. ~ *Jennifer Holm, City Secretary*
2. City Council Meeting Minutes - July 6, 2021. ~ *Jennifer Holm, City Secretary*

Mayor Mitchell brought forward the minutes for discussion.

Council Member Tobias moved to approve the minutes of the July 6, 2021 Special Council Meeting and the minutes of the July 6, 2021 Council Meeting. Council Member Rizo seconded the motion.

All votes aye; motion carried 7-0.

### **III. Citizen Comment Period with City Council**

Mayor Mitchell opened citizen comments at 7:05 p.m.

Wesley Matthews with Hays County Emergency Rental Assistance was called to speak. He spoke about a program they have created in house to assist anyone with past rent due to COVID. They are promoting the program for which anyone can use a cell phone to help a person in Kyle. They're reaching out to libraries and City Councils seeking people willing to help with rental assistance.

With no one else wishing to speak, Mayor Mitchell closed citizen comments at 7:08 p.m.

### **IV. Presentation**

3. Presentation on Crisis Counseling Assistance and Training Program for Youth and Adolescents "Supporting Mental Well-Being During Covid-19" - Texas Recovering Together Team - Ms. Myla Peterson and Celyne Diaz. ~ *Michael Tobias, Council Member*

Mayor Mitchell brought forward Item No. 3 for discussion and gave the floor to Council Member Tobias. Council Member Tobias introduced Ms. Myla Peterson and Ms. Celyne Diaz who presented the item. No action was taken.

4. CIP/Road Projects and Consent Agenda Presentation. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward the CIP/Road Projects and Consent Agenda. Mr. Barba presented the update. Mr. Earp and Mr. Wilder also provided information. No action was taken.

### **V. Consent Agenda**

Mayor Mitchell brought forward Consent Agenda Item Nos. 5, 6, 7, 8, 9, 10, 11, 12, and 13 for consideration. Mayor Mitchell stated his desire to pull item No. 14.

5. Approve the 2021 Annual Service Plan update for the Southwest Kyle Public Improvement District (PID). ~ *Allison Snyder, P3Works, LLC, City's PID Administrator*
6. Approve the 2021 Annual Service Plan update for the 6 Creeks Public Improvement District (PID). ~ *Allison Snyder, P3Works, LLC, City's PID Administrator*
7. Approve a Resolution of the City Council of the City of Kyle, Texas accepting the Bunton Creek Reserve Phase 3 improvements: finding and determining that the meeting at which this Resolution is passed was noticed and is open to the Public as required by law. ~ *Leon Barba, P.E., City Engineer*
8. Approve postponement of public hearing and approval for the issuance of \$5,000,000.00 in Combination Tax and Revenue Certificates of Obligation for the City's Tax Increment Reinvestment Zone No. 2 (TIRZ #2) as originally scheduled and noticed to be conducted and

acted upon by the City Council from July 20, 2021 to October 19, 2021. ~ *Perwez A. Moheet, CPA, Director of Finance*

9. *(Second Reading)* An Ordinance of the City of Kyle, Texas, Amending Chapter 41 of the Code of Ordinances by Amending Section 41-1 to Include a Definition of a Transportation Master Plan; and by Requiring Compliance with the City of Kyle Transportation Master Plan in the Development and Construction of Subdivisions; Providing for Repeal of Conflicting Ordinances; Providing for Severability; and Providing Effective Date and Open Meetings Clauses. ~ *Paige Saenz, City Attorney*

*City Council voted 6-0 to approve on First Reading.*

10. *(Second Reading)* An ordinance of the City of Kyle, Texas, annexing 120.458 acres, more or less, of land located in Hays County, Texas; including the abutting streets, roadways, and rights-of-way into the corporate limits of the City, at the request of the property owner; approving a service plan for the annexed area; making findings of fact; providing severability clause and an effective date; and providing for open meetings and other related matters. (Kyle 120 LLC - ANNEX-21-0010) ~ *Howard J. Koontz, Director of Planning and Community Development*

*City Council voted 7-0 to approve on First Reading.*

11. Authorize the City's Director of Finance to dispose through an auction facility police equipment identified in Lots #1-23, all city owned and formerly being provided via the 10-33 Program that has been determined to be surplus property by the Police Department. ~ *Jeff Barnett, Chief of Police*
12. Authorize the City's Director of Finance to dispose through an auction facility police equipment identified in Lots #1-9, all city owned and formerly being attached to City-owned police vehicles that has been determined to be surplus property by the Police Department. ~ *Jeff Barnett, Chief of Police*
13. Approve a Temporary Construction License Agreement – Heroes Memorial Park Project. ~ *Paige Saenz, City Attorney*

Council Member Rizo moved to approve Consent Agenda Item Nos. 5, 6, 7, 8, 9, 10, 11, 12, and 13. Council Member Flores-Cale seconded the motion.

There was discussion on the motion. Council Member Tobias had questions regarding Item No. 9. Ms. Saenz provided details.

All votes aye; motion carried 7-0.

## **VII. City Manager's Report**

26. Update on various capital improvement projects, road projects, building program, and/or general operational activities where no action is required. ~ *J. Scott Sellers, City Manager*
- La Verde Groundbreaking event recap
  - Upcoming 2022 Budget worksessions

- Dive-in Movie event
- 2021 State of the City

Mayor Mitchell brought forward the City Manager's Report out of order, after the Consent Agenda vote.

Mr. Sellers spoke about the Upcoming 2022 Budget worksessions, Dive-in Movie event, the 2021 State of the City hosted by the Kyle Chamber of Commerce and concluded with the La Verde Groundbreaking event recap. A video was shared from the event.

#### **V. Consent Agenda**

14. Approve a Temporary Construction License Agreement - Park Property. ~ *Paige Saenz, City Attorney*

Mayor Mitchell brought forward Item No. 14 after the City Manager's Report. Ms. Saenz presented the item.

Mayor Mitchell moved to authorize the Mayor to finalize the final form of agreement approved by the City Attorney. Council Member Flores-Cale seconded the motion. All votes aye; motion carried 7-0.

#### **VI. Consider and Possible Action**

15. Approve a Resolution authorizing the City Manager and City Engineer to negotiate an agreement with K FRIESE & ASSOCIATES, Austin, Texas, a civil engineering consulting firm, to provide project management services for the design and construction of specific road projects throughout the City to be funded under the 2022 Road Bond Program and to bring back an agreement with all terms and conditions including contract amount for City Council's approval at a future Council meeting. ~ *Leon Barba, P.E., City Engineer*

Mayor Mitchell brought forward Item No. 15 for discussion. Mr. Barba presented the item.

Council Member Rizo moved to approve a Resolution authorizing the City Manager and City Engineer to negotiate an agreement with K Friese & Associates, Austin, Texas, a civil engineering consulting firm, to provide project management services for the design and construction of specific road projects throughout the City to be funded under the 2022 Road Bond Program and to bring back an agreement with all terms and conditions including contract amount for City Council's approval at a future Council meeting. Mayor Pro Tem Koch seconded the motion. All votes aye; motion carried 7-0.

16. Discussion and possible action to incorporate bond-related capital improvements into the scope of the City-wide Trail System Task Force. ~ *Rick Koch, Mayor Pro Tem*

Mayor Mitchell brought forward Item No. 16 for discussion and gave the floor to Mayor Pro Tem Koch.

Council Member Rizo moved to approve the incorporate bond-related capital improvements into the scope of the City-wide Trail System Task Force. Council Member Flores-Cale seconded the motion. All votes aye; motion carried 7-0.

17. Council consideration of forming a task force for bond-related capital improvements at Gregg-Clarke Park. ~ *Dex Ellison, Council Member*

Mayor Mitchell brought forward Item No. 17 for discussion and gave the floor to Council Member Ellison.

Mayor Mitchell moved to approve forming a task force for bond-related capital improvements at Gregg-Clarke Park to include Council Members Ellison, Rizo and Flores-Cale. Council Member Flores-Cale seconded the motion. All votes aye; motion carried 7-0.

18. *(Second Reading)* An Ordinance of the City of Kyle, Texas, Amending Article II to Include a Section 12-23 Roundabouts, Requiring Use of Roundabouts in Certain Intersections, Requiring Consideration of Roundabouts in Certain Intersections, Requiring Compliance with National Standards in the Construction of Roundabouts, Requiring Notice of Exclusions, Providing Severability, Effective Date, and Open Meetings Clauses; and Providing for Related Matters. ~ *Leon Barba, P.E., City Engineer*

*The City Council voted 6-1 to approve on First Reading.*

Mayor Mitchell brought forward Item No. 18 for discussion. Mr. Barba presented the item.

Mayor Mitchell moved to approve an Ordinance of the City of Kyle, Texas, amending article to include a section 12-23 roundabouts, requiring use of roundabouts in certain intersections, requiring consideration of roundabouts in certain intersections, requiring compliance with national standards in the construction of roundabouts, requiring notice of exclusions, providing severability, effective date, and open meetings clauses; and providing for related matters. Council Member Ellison seconded the motion.

There was discussion on the motion. Council Member Flores-Cale asked about Sec. 12-23 because she would like to see it removed, or less vague. She doesn't want it to be so open-ended. In section 4, she has a question about immediately in effect on passage. She would like to know about current projects that have already started building. Mr. Barba stated that subdivisions are already vested, and it would be difficult for the City to enforce on already in-process projects. Council Member Flores-Cale asked Ms. Saenz to suggest less-vague language. Ms. Saenz stated that this would be an engineering issue or engineering challenges and will be addressed during the engineering plan phase. Mr. Barba mentioned drainage, removal of a structure as some examples, but stated that each case would need to be looked at carefully. Ms. Saenz stated that if a traffic study is required, would that impose an additional cost on the applicant or not. Council Member Ellison asked whether B is residential areas, and C is non-residential construction. He recognizes the concern. He likes E being there for an ability to request exclusion for any reason. He requested Ms. Saenz to provide an explanation. She spoke about B stating that roundabouts are required for major intersections, not just every intersection. She spoke about exceptions. She continued that there should be some level of discretion since the City cannot address every situation. Council Member Flores-Cale spoke about her concern that it is too vague, and she would rather address it here in the ordinance. Mr. Barba

stated that he is thinking about brand new subdivisions. He stated that amendments will be brought to Council if they are necessary. Council Member Flores-Cale spoke about the word "feasible" and that it is subjective. Ms. Saenz stated that if an issue arises, staff will be bringing it to Council. Mayor Mitchell asked about Section E, whether "the City" refers to the City Engineer or the City Council. Mr. Barba spoke about a commonsense reason that causes a roundabout to be unreasonable at a specific location. Council Member Ellison stated that he does want to know where this appeal takes place. He also asked whether staff has received any feedback from the development community. Mr. Barba had not. Council Member Rizo asked if there was a drainage issue, who would incur the cost - the developer or the City? He also asked about the cost for the study for a roundabout. Mr. Barba stated that at the point of considering a roundabout, they would already have studied drainage in the area. Mayor Mitchell inquired about whether Council was ready to vote or wants clarification and bring back the ordinance. Council Member Ellison stated that he was in favor of the latter. Ms. Saenz stated that the City Engineer and Director of Public Works would provide a recommendation, then an appeal would go first to the Planning & Zoning Commission and then to the City Council. Council Member Flores-Cale stated that she would like to see it come back with this issue clarified. Mayor Mitchell withdrew his motion with no objections.

Mayor Mitchell moved to postpone Item No. 18 until the next regularly scheduled council meeting. Council Member Flores-Cale seconded the motion. Motion carried 6-1 with Mayor Pro Tem Koch dissenting.

19. *[Postponed 7/6/21]* Consider Approving Site-Specific Declaration of Covenants, Restrictions and Easements for the Heroes Memorial Tracts and Authorize the City Manager to Execute Documents Related to Closing on the Parcel. ~ *Paige Saenz, City Attorney*

Mayor Mitchell brought forward Item No. 19 for discussion. Ms. Saenz presented the item and recommended postponement, not to a date certain. No action was taken.

20. *(First Reading)* Approve an Ordinance regulating traffic, authorizing, and directing the installation and erection of stop signs for traffic control at the intersection of W Blanco Street and N Sledge Street in the city limits of Kyle. ~ *Leon Barba, P.E., City Engineer*

Mayor Mitchell brought forward Item No. 20 for discussion. Mr. Barba presented the item.

Council Member Rizo moved to approve Item No. 20 and direct staff to repaint crosswalks. Council Member Tobias seconded the motion. All votes aye; motion carried 7-0.

Mayor Mitchell asked whether there were any objections to Item No. 20 being finally passed. There were none.

21. *(Second Reading)* An ordinance of the City of Kyle, Texas, annexing 24.563 acres, more or less, of land located in Hays County, Texas; including the abutting streets, roadways, and rights-of-way into the corporate limits of the City, at the request of the property owner; approving a service plan for the annexed area; making findings of fact; providing severability clause and an effective date; and providing for open meetings and other related matters. (Shelia Lynn Webb and Rebecca Ann Hadsell, Independent Co-Executors of the Estate of Janell Hadsell - ANNX-21-0009) ~ *Howard J. Koontz, Director of Planning and Community Development*

*City Council voted 6-1 to approve on First Reading.*

Mayor Mitchell brought forward Item No. 21 for discussion. Mr. Atkinson presented the item. Council Member Tobias stated that he had voted against it on first reading, but he has sought clarification from the applicant and is now in support.

Mayor Mitchell moved to approve an Ordinance of the City of Kyle, Texas, annexing 24.563 acres, more or less, of land located in Hays County, Texas; including the abutting streets, roadways, and rights-of-way into the corporate limits of the City, at the request of the property owner; approving a service plan for the annexed area; making findings of fact; providing severability clause and an effective date; and providing for open meetings and other related matters. (Shelia Lynn Webb and Rebecca Ann Hadsell, Independent Co-Executors of the Estate of Janell Hadsell - ANNX-21-0009) Council Member Rizo seconded the motion. All votes aye; motion carried 7-0.

22. Approve a Resolution of the City Council of the City of Kyle, Texas to Adopt and Allocate Funds for an Outdoor Fitness Court® as Part of the 2021 National Fitness Campaign.  
~ Mariana Espinoza, Director of Parks & Recreation

Mayor Mitchell brought forward Item No. 22 for discussion. Ms. Espinoza introduced Aimee Garcia, Recreation Programmer who presented the item.

Council Member Flores-Cale moved to approve a Resolution of the City Council of the City of Kyle, Texas to Adopt and Allocate Funds for an Outdoor Fitness Court® as Part of the 2021 National Fitness Campaign. Mayor Pro Tem Koch seconded the motion.

There was discussion on the motion. Mayor Pro Tem Koch thanked Ms. Garcia for the presentation and for seeking out the grant. He stated that this Council loves parks.

All votes aye; motion carried 7-0.

24. [Postponed 7/6/21] (First Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning and rezone approximately 11.08 total acres of land from Agriculture 'AG' (.023-Acres) and Single Family 'R-1' (10.85-Acres) to Single Family Residential-3 'R-1-3' for property located between Scott Street and the 800 block of South Sledge Street, in Hays County, Texas. (LD Enterprises, LLC - Z-21-0084)  
~ Howard J. Koontz, Director of Planning and Community Development  
*Planning and Zoning Commission voted 4-0 to recommend approval of the request.*

- Public Hearing

Mayor Mitchell brought forward Item No. 24 for discussion out of order, after Item No. 22.

Mayor Mitchell stated that the applicant would like to indefinitely postpone this item.

Mayor Mitchell stated that the public hearing was left open, and he reopened it at 9:06 p.m. With no one wishing to speak, Mayor Mitchell closed the public hearing at 9:06 p.m.

Mayor Mitchell moved to indefinitely postpone an Ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning and rezone approximately 11.08

total acres of land from Agriculture 'AG' (.023-Acres) and Single Family 'R-1' (10.85-Acres) to Single Family Residential-3 'R-1-3' for property located between Scott Street and the 800 block of South Sledge Street, in Hays County, Texas. (LD Enterprises, LLC - Z-21-0084) Council Member Flores-Cale seconded the motion.

There was discussion on the motion. Council Member Ellison stated that this decision seemed to be a direct result of the amendment to the Transportation Master Plan. He continued that it should be something for the Council to think about.

All votes aye; motion carried 7-0.

25. *(First Reading)* Amendment to an Ordinance of the City of Kyle, Texas Regulating Oil and Gas Pipeline Building Standards and Provisions; Making Findings of Fact; Providing Severability and Open Meetings Clauses; and Providing for Related Matters. ~ *Paige Saenz, City Attorney*

Mayor Mitchell brought forward Item No. 25 for discussion. Ms. Saenz presented the item.

Mayor Mitchell moved to indefinitely postpone the Amendment to an Ordinance of the City of Kyle, Texas regulating oil and gas pipeline building standards and provisions; making findings of fact; providing severability and open meetings clauses; and providing for related matters. Council Member Flores-Cale seconded the motion. All votes aye; motion carried 7-0.

23. Discussion and possible action to consider adding Council workshop sessions. ~ *Travis Mitchell, Mayor*

Mayor Mitchell brought forward and presented Item No. 23 after Item No. 25. No action was taken.

### **VIII. Executive Session**

27. Pursuant to Chapter 551, Texas Government Code, the City Council reserves the right to convene into Executive Session(s) from time to time as deemed necessary during this meeting. The City Council may convene into Executive Session pursuant to any lawful exception contained in Chapter 551 of the Texas Government Code including any or all of the following topics.

1. Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071.
  - Pipeline Ordinance Amendment
  - Intervention in proceedings at the Railroad Commission regarding implementation of HB 1520 related to recovery of extraordinary costs incurred by certain gas utilities due to Winter Storm Uri
  - Cause No. 20-2048; Save Our Springs Alliance, Inc., et al. v. City of Kyle City Council Members in their Official Capacities, in the 453rd Judicial District, Hays County, Texas
  - Possible Creation of TIRZ
  - Sign Code
  - American Fireworks Contract

- Water Tower Painting Contract
- 2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
  - Property Acquisition
- 3. Personnel matters pursuant to Section 551.074.
- 4. Convene into executive session pursuant to Section 551.087, Texas Government Code, to deliberate regarding the offer of economic incentives to one or more business prospects that the City seeks to have locate, stay, or expand in or near the City.
  - Project Pacific Blue
  - Project Indigo

There was no executive session.

28. Take action on items discussed in Executive Session.

### **IX. Adjourn**

Mayor Mitchell moved to adjourn. Council Member Tobias seconded the motion. No vote was held.

With no further business to discuss, the City Council adjourned at 9:25 p.m.

---

Travis Mitchell, Mayor

Attest:

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Jennifer Holm, City Secretary



# CITY OF KYLE, TEXAS

2021 0727 Minutes

**Meeting Date: 8/3/2021**

**Date time: 7:00 PM**

**Subject/Recommendation:** City Council Special Meeting Minutes - July 27, 2021. ~ *Jennifer Holm, City Secretary*

**Other Information:**

**Legal Notes:**

**Budget Information:**

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**ATTACHMENTS:**

**Description**

- ☐ 2021 0727 DRAFT Special Council Meeting Minutes

## SPECIAL CITY COUNCIL MEETING MINUTES

The City Council of the City of Kyle, Texas met in Special Session on July 27, 2021, and due to COVID-19, some members attended virtually (v) at <http://kyletx.new.swagit.com/videos/129602>; Spectrum 10 with the following persons present:

Mayor Travis Mitchell	Jacob Parsons
Mayor Pro Tem Rick Koch	
Council Member Dex Ellison	
Council Member Yvonne Flores-Cale	
Council Member Robert Rizo	
Council Member Ashlee Bradshaw	
Scott Sellers, City Manager	
James Earp, Assistant City Manager	
Paige Saenz, City Attorney	
Jerry Hendrix, Chief of Staff	
Jennifer Holm, City Secretary	
Leon Barba, City Engineer	
Diana Torres, Economic Dev Director	
Perwez Moheet, Finance Director	
Matt Dawson, IT Director	
Mariana Espinoza, PARD Director	
Howard Koontz, Community Dev Director	
Harper Wilder, Director of Public Works	

### **I. Call Meeting to Order**

Mayor Mitchell called the meeting to order at 10:07 a.m. Mayor Mitchell asked the city secretary to call roll.

Present were: Mayor Mitchell, Mayor Pro Tem Koch, Council Member Flores-Cale, Council Member Rizo, and Council Member Bradshaw. A quorum was present. Council Member Tobias was absent. Council Member Ellison arrived at 10:11 a.m. during Executive Session.

### **II. Citizen Comment Period with City Council**

Mayor Mitchell opened citizen comments at 10:08 a.m.

Jacob Parsons was called to speak as registered. He spoke about water meters and cautioned Council on the Ipearl he has heard that the City is going to. He stated that the technology also changed and old wasn't supported. He stated that it is one of the most expensive brands. Kamstrup Badger Kamstrup is best bang for the buck. When he retired, he started working for Kamstrup but he encourages Council to look at all of them. He stated that cities will say we already have these meters in the ground, so they stick with that brand.

With no one else wishing to speak, Mayor Mitchell closed citizen comments at 10:10 a.m.

### **III. Executive Session**

1. Pursuant to Chapter 551, Texas Government Code, the City Council reserves the right to convene into Executive Session(s) from time to time as deemed necessary during this

meeting. The City Council may convene into Executive Session pursuant to any lawful exception contained in Chapter 551 of the Texas Government Code including any or all of the following topics.

1. Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071.
2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
3. Personnel matters pursuant to Section 551.074.
4. Convene into executive session pursuant to Section 551.087, Texas Government Code, to deliberate regarding the offer of economic incentives to one or more business prospects that the City seeks to have locate, stay, or expand in or near the City.
  - Project Pacific Blue

Mayor Mitchell read into the record, "Pursuant to Chapter 551, Texas Government Code, the City Council reserves the right to convene into Executive Session(s) from time to time as deemed necessary during this meeting. The City Council may convene into Executive Session pursuant to any lawful exception contained in Chapter 551 of the Texas Government Code including any or all of the following topics: Convene into executive session pursuant to Section 551.087, Texas Government Code, to deliberate regarding the offer of economic incentives to one or more business prospects that the City seeks to have locate, stay, or expand in or near the City - Project Pacific Blue."

The City Council convened into executive session at 10:11 a.m. Council Member Ellison was in Executive Session at this time.

2. Take action on items discussed in Executive Session.

Mayor Mitchell called the meeting back to order at 10:24 a.m. Mayor Mitchell announced that no action took place in Executive Session, but action would be taken now.

#### **IV. Consider and Possible Action**

3. Approve a 380 Agreement regarding Project Pacific Blue. ~ *Diana Torres, Director of Economic Development*

Mayor Mitchell brought forward Item No. 3 for discussion.

Mayor Mitchell moved to approve a 380 Agreement with Costco. Mayor Pro Tem Koch seconded the motion.

There was discussion on the motion. Ms. Torres presented the item, stating that the net benefit to the City is \$11.7 million, with a cost share rebate back to them of \$5.1 million. She continued that Hays County is participating as well with a rebate of \$2.5 million and a net benefit of \$5.5 million to the County. Ms. Torres stated that Hays Consolidated Independent School District will receive a net benefit of \$3.75 million and other ancillary benefits of \$2.5 million over the period of the agreement. The company will bring 249 full-time equivalents, the capital investment of this project is \$37.5 million, and the average payroll is \$52,348 with an annual payroll of \$14.4 million.

Council Member Ellison spoke about the project. He introduced Brian Whelan who was representing Costco. He stated that through professional persistence, Costco is coming to Kyle. He looks forward to opening as soon as possible. He spoke about the process still required. Mr. Whelan stated that staff has been supportive and helpful. Council Member Flores-Cale also spoke of her support. Council Member Rizo spoke about the residents having a need for more retail, and he thanked Mr. Whelan for bringing Costco to Kyle. Mr. Whelan spoke about the contacts from Kyle residents in support of bringing Costco to Kyle.

All votes aye; motion carried 6-0.

**V. Adjourn**

Mayor Mitchell moved to adjourn. Council Member Rizo seconded the motion. No vote was held.

With no further business to discuss, the City Council adjourned at 10:31 a.m.

Attest:

\_\_\_\_\_  
Travis Mitchell, Mayor

\_\_\_\_\_  
Jennifer Holm, City Secretary



# CITY OF KYLE, TEXAS

## Civil Service Commission Appointment

**Meeting Date: 8/3/2021**  
**Date time: 7:00 PM**

**Subject/Recommendation:** Confirm City Manager's appointment to the Civil Service Commission to fill a vacancy for a three-year term to expire July 31, 2024. ~ *J. Scott Sellers, City Manager*

- Jeneva Garza

**Other Information:**

**Legal Notes:**

**Budget Information:**

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**ATTACHMENTS:**

**Description**

- ☐ Garza, Jeneva Application
- ☐ Jeneva Garza Statement of Interest



## Employment Application | Submitted: 22-Jul-2021

AAA

### Jeneva Garza

☎ (512) 470-1767  
 ✉ jenevagarza@gmail.com  
 🏠 253 Clearwater way  
 Kyle, TX 78640-2194  
 United States

### Civil Service Commission

**Job Location** - Kyle, TX  
**Boards or Commissions** - Civil Service Commission

### Statement of Interest and Resume

Please upload both documents, either separately or in a combined document upload.

- Statement of Interest
- Resume

If uploading separately, once you upload the first document you will be provided the opportunity to upload another document.

*Click on the link to open the resume file if you wish to print the formatted resume.*

#### File Name

#### Link

Jeneva Garza Police Officers\_ Civil Service Commission.pdf

🔍 Preview

Download

### Admin Uploaded Files

There are no admin uploaded files for this applicant.

### Application Questions

#### Personal Questions |

Question	Answer	Disqualifier?
What Board(s) and/or Commission(s) are you applying for? *	Civil Service Commission	
What prompted you to apply? *	I have spent the past several years volunteering with hays cisd, and would like to expand my volunteer efforts.	

Item # 4

Have you ever been employed by the City of Kyle? *	No
Have you ever been employed by any other government body? *	No
What experiences do you have that would be useful in the board or commission? *	I have been involved with my family business and volunteered with Hays CISD. As the Cypress Forest social committee chair I have to be extremely organized and professional with all residents.
Do you possess any professional licenses? *	No
If yes, please list any that would be applicable to the board or commission you are applying for.	This question was not answered.
The City of Kyle is looking for people that share and promote our Team Kyle Core Values of Knowledge, Yes-Attitude, Leading Edge and Employee Accountability. How will you apply these core values to your service to the city? *	I am always available to help and hear from experts that can increase my knowledge bank.
What other skills and/or experience would you like to add?	This question was not answered.

### Board Member Qualifications |

The following are qualifications to be able to service as a board or commission member in Kyle. Please check the box that applies:

Question	Answer	Disqualifier?
Legal Resident of the United States? *	Yes	
At least 18 years of age? *	Yes	
Have been a resident of the State of Texas and the city for at least 12 consecutive months or have significant presence in the community: *	Yes	
Are you currently delinquent on any indebtedness to the city? *	No-Not Delinquent	
Not currently a city employee: *	No-Not a City Employee	

### Ex Officio Member Qualifications |

Additionally if interested in Ex-Officio an individual shall not be eligible for appointment as an Ex Officio Member to a board unless the individual meets the following qualifications on the day prior to the date of appointment. Please check the box that applies:

Question	Answer	Disqualifier?
Currently a qualified voter of Hays County or contiguous counties: *	Yes	
Have been a resident of the State of Texas and the city or Hays County or	Yes	

Item # 4

contiguous county for at least 12  
consecutive months or own or employed  
in a business in the community. \*

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Signature

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Date

It has come to my attention the City of Kyle will have an opening to service on the Police Officers' Civil Service Commission. As an active volunteer in Kyle, I would love the opportunity to serve on this commission. Through volunteering I have been able to grasp a better understanding of those in need. I am fulfilled when helping others problem solve, lending a hand, and taking the workload off others. I am extremely organized, self-motivated, drive, committed and compassionate. These experiences have helped me in my personal life to be a more positive and liable resource. I am looking forward to expanding my knowledge bank and working with Troy, Stuart, Kristiana, and Kyle PD if given the opportunity.

# JENEVA GARZA

253 Clearwater Way

Kyle Tx 78640

512-470-1767

[JenevaGarza@Gmail.com](mailto:JenevaGarza@Gmail.com)

I have dedicated the last 6 years serving various organization in my local area. I am passionate about serving my community and being a well-rounded citizen.

## *Volunteer Experience*

- Babywearing International, Austin Chapter  
2016-2017 Chapter President
- Pflugers Elementary PTA, Hays CISD  
2016-2017 Work Room Volunteer  
2017-2018 Volunteer Coordinator
- Negley Elementary PTA, Hays CISD  
2018-2019 Volunteer Coordinator  
2019-2020 Race Chair, Fundraiser Chair, Winter Dance Chair  
2020-2021 Treasurer, Teacher Appreciation Chair, Race Chair  
2021-2022 Teacher Appreciation Chair, Scholarship Chair
- Cypress Forest Social Committee Chair  
2019-Present
- Hays Food Bank Drive 2018
- Comfort Kits Drive 2019

## *Awards*

Pflugers Elementary 2017-2018 Volunteer of the Year

Negley Elementary 2018-2019 Volunteer of the Year

## *Education*

Austin Community College 2012-2013

## *Work Experience*

River City Construction and Design, LLC 2018-Present

- Admin and Billing

Bailey and Sledge Electrical, LLC 2021

- Admin



# CITY OF KYLE, TEXAS

## CIP/Road Projects Update

**Meeting Date: 8/3/2021**

**Date time: 7:00 PM**

**Subject/Recommendation:** CIP/Road Projects and Consent Agenda Presentation. ~ *Travis Mitchell, Mayor*

**Other Information:**

**Legal Notes:**

**Budget Information:**

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**ATTACHMENTS:**

**Description**

No Attachments Available



# CITY OF KYLE, TEXAS

## Acceptance of a Wastewater Line Easement

**Meeting Date: 8/3/2021**

**Date time: 7:00 PM**

**Subject/Recommendation:** Approve the conveyance of a wastewater line easement to the City of Kyle, Hays County, Texas from Pantaleon Tenorio, Jr. for the Schlemmer and Porter Street Wastewater Line Improvement Project, Phase 1. ~ *Leon Barba, P.E., City Engineer*

**Other Information:** The easement is 0.3371 acres of land out of the Z. Hinton Survey No. 12, Abstract No. 220, Hays County, Texas, and being a part Lot No. 1, D.E. Moore Addition, a Subdivision of Record in Volume 0, Page 189, Deed Records, Hays County, Texas, a portion of said Lot No. 1 conveyed to Pantaleon Tenorio, Jr. by deeds, as recorded in Volume 4631, Page 251, Official Public Records, Hays County, Texas, and in Volume 4631, Page 254, Official Public Records, Hays County, Texas, described in Volume 427, Page 478, Real Property Records, Hays County, Texas being more particularly described in Exhibit A.

**Legal Notes:** N/A

**Budget Information:** N/A

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### ATTACHMENTS:

#### **Description**

□ EXHIBIT A

# EXHIBIT A

21035176 EASEMENT Total Pages: 9  
Filed and Recorded: 6/30/21 12:17 PM

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

## WASTEWATERLINE EASEMENT

**Date:** June 30, 2021

**Grantor:** Pantaleon Tenorio, Jr.

**Grantor's Address:** P.O. Box 1106  
Kyle, TX 78640-0172

**Grantee:** City of Kyle  
Hays County, Texas

**Grantor's Address:** 100 West Center Street  
Kyle, TX 78640

**Easement Tract:** Description of a 0.3371 acre parcel of land more particularly described by metes and bounds in **EXHIBIT A** and as shown in **EXHIBIT B** attached hereto.

**Easement Duration:** Perpetual or until the Facilities are abandoned.

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

**Facilities:** Wastewater mains, service lines, pipes, cleanouts, manholes and associated appurtenances.

**Permitted Encumbrances:** Any easements, liens, encumbrances, and other matters that are valid, existing, and affect the Easement Tract as of the Date set forth herein and of record in the Real Property Records of Hays County, Texas in which the Easement Tract is located.

**Non-Permitted Activity:** Installation, construction, operation, use, maintenance, repair, modification, upgrade, and replacement of any structure, building, retaining wall, detention or water quality controls, rainwater harvesting system or trees, either above or below the surface of the Easement Tract.

**Eligible Improvements:** Irrigation systems that are installed perpendicular to the Facilities, walkways made of concrete, asphalt, granite or any other similar materials, driveways, access roads and parking areas at grade level, barbed-wire, chain-link, and wooden fences, landscaping items such as plants, flowers, shrubs,

bushes, hardscapes, rocks, pathways, and movable structure such as benches, gazebos and other similar items.

Grantor, for **TEN AND NO/100 DOLLARS (\$10.00)** and other good and valuable consideration paid to Grantor, the receipt and sufficiency of which is acknowledged by Grantor, **GRANTS, SELLS, AND CONVEYS** to the City an exclusive easement in, over, under, on, and across the Easement Tract for the Easement Purpose as may be necessary or desirable subject to the Permitted Encumbrances, together with (i) the right of ingress and egress at all times over, on, and across the Easement Tract for use of the Easement Tract for the Easement Purpose, (ii) the right to eliminate any encroachments in the Easement Tract that are not otherwise permitted hereunder, and (iii) any and all rights and appurtenances pertaining to use of the Easement Tract (collectively, the "**Easement**").

**TO HAVE AND TO HOLD** the Easement to the City and City's successors and assigns for the Easement Duration and Easement Purpose; provided, however, Grantor reserves the right to enter upon and use any portion of the Easement Tract and to install, construct, operate, use, maintain, repair, modify, upgrade, and replace within the Easement Tract the improvements allowed under the City Permit and the Eligible Improvements, but in no event shall Grantor, except with respect to the improvements allowed under the City Permit and the Eligible Improvements, enter upon or use any portion of the Easement Tract for any Non-Permitted Activity or in any other manner that interferes in any material way or is inconsistent with the rights granted the City under this Easement for the Easement Purpose as determined by City in its reasonable discretion.

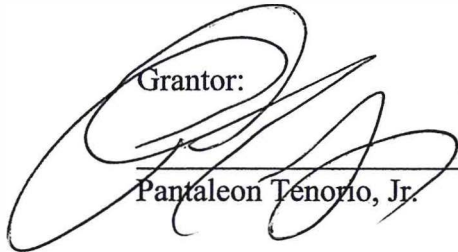
City, at its sole cost and expense, shall be obligated to restore the surface of the soil of the Easement Tract that has been removed, relocated, altered as a result of City's use of the Easement Tract, in each case to substantially and as reasonably practicable to the same condition as existed immediately prior to Grantee's exercise of its rights and/or obligations hereunder. City will not be obligated to restore or relocate any other improvements, including Eligible Improvements and Third-Party Facilities, located in, upon, under or across the Easement Tract.

Grantor reserves its interest in all oil, gas, and other minerals in and under and that may be produced from the Easement Tract.

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

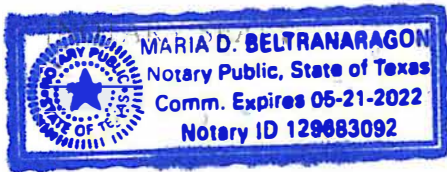
Except where the context otherwise requires, Grantor includes Grantor's heirs, successors, and assigns and City includes City's employees, agents, consultants, contractors, successors, and assigns; and where the context requires, singular nouns and pronouns include the plural.

Executed effective the Date first above stated.

Grantor:   
Pantaleon Tenorio, Jr.

STATE OF TEXAS  
COUNTY OF HAYS

This instrument was acknowledged before me on the 30 day of June 2021, by  
Pantaleon Tenorio, Jr.



  
Notary Public in and for the State of Texas

## DESCRIPTION OF A 0.3371 OF ONE ACRE EASEMENT

DESCRIPTION OF A 0.3371 OF ONE ACRE (14,685 FOOT) EASEMENT, MORE OR LESS, OUT OF THE Z. HINTON SURVEY NO. 12, ABSTRACT NO. 220, HAYS COUNTY, TEXAS, AND BEING A PART LOT NO. 1, D.E. MOORE ADDITION, A SUBDIVISION OF RECORD IN VOLUME O, PAGE 189, DEED RECORDS, HAYS COUNTY, TEXAS, A PORTION OF SAID LOT NO. 1 CONVEYED TO PANTALEON TENORIO, JR. BY DEEDS, AS RECORDED IN VOLUME 4631, PAGE 251, OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS, AND IN VOLUME 4631, PAGE 254, OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS, DESCRIBED IN VOLUME 427, PAGE 478, REAL PROPERTY RECORDS, HAYS COUNTY, TEXAS; SAID 0.3371 OF ONE ACRE EASEMENT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculated point at the southwest corner of this easement, being in the south line of said Lot No. 1 and the existing north right-of-way line of West Schlemmer Street (40 foot width), said POINT OF BEGINNING having Grid Coordinates of N=13,910,175.84 E=2,324,848.35, from which a 1/2 inch iron rod found at the southeast corner of that tract described as 0.16 of one acre conveyed to Mark A. Tenorio and Elisha R. Tello by deed, as recorded in Volume 1414, Page 154, Official Public Records, Hays County, Texas, and being in the existing north right-of-way line of West Schlemmer Street bears N80°58'18"W 193.98 feet;

THENCE, along the west line of this easement, crossing Lot No. 1, the following two (2) courses, numbered 1 and 2:

- 1) **N06°37'53"E 336.43 feet** to a calculated point; and
- 2) **N05°16'31"E 268.02 feet** to a calculated point at the northwest corner of this easement, being in the north line of said Lot No. 1, being in the south line of Lot 1, Block 1, Jose Addition, a subdivision of record in Book 181, Page 22, Plat Records, Hays County, Texas, said Lot 1 conveyed to Makenzi Angela Cotton by deed, as recorded in Document No. 19012898, Official Public Records, Hays County, Texas;

THENCE, along the north line of this easement and said Lot No. 1, **S81°00'07"E** passing at 13.22 feet along the south line of said Lot 1 and said Cotton tract a calculated point at the southeast corner of said Lot 1 and said Cotton tract, being in the southern terminus of De Leon Street (38 foot width), from which a 1/2 inch iron rod found at the northeast corner of said Lot

1 and said Cotton tract, being in the existing south right-of-way line of Moreno Street (50 foot width) bears **N09°01'39"E 145.03 feet**, continuing an additional 11.83 feet along the southern terminus of De Leon Street for a total distance of **25.05 feet** to a calculated point at the northeast corner of this easement;

THENCE, along the east line of this easement, crossing said Lot No. 1, the following two (2) courses, numbered 1 and 2:

- 1) **S05°16'31"W 266.69 feet** to a calculated point; and
- 2) **S06°37'53"W 195.85 feet** to a calculated point in the east line of said Lot No. 1, being in the existing west right-of-way line the International & Great Northern Railway Co. 100 foot right-of-way per Map Nos. 431504 & 431505, Sheet No. 6, V-9, dated June 30, 1917;

THENCE, continuing along the north line of this easement, with the east line of said Lot No. 1 and the existing west right-of-way line of the International & Great Northern Railway Co. 100 foot right-of-way, **S09°03'11"W 141.80 feet** to a calculated point at the southeast corner of this easement and said Lot No. 1, being in the existing north right-of-way line of West Schlemmer Street;

THENCE, along the south line of this easement and said Lot No. 1 and the existing north right-of-way line of West Schlemmer Street **N80°58'18"W 19.02 feet** to the POINT OF BEGINNING and containing 0.3371 of one acre (14,685 square feet) of land within these metes and bounds, more or less.

0.3371 AC.

Bearing Basis Note

This project is referenced, for all bearing and coordinate basis, to the Texas Coordinate System, South Central Zone (4204), North American Datum of 1983 (2011) EPOCH 2010.00. The combined Grid to Surface Scale Factor is 1.0010.

**SURVEYED BY:**

**McGRAY & McGRAY LAND SURVEYORS, INC.**  
3301 Hancock Dr., Ste. 6  
Austin, TX 78731 (512) 451-8591  
TBPELS Survey Firm# 10095500



A handwritten signature in blue ink, appearing to read "Chris Conrad", written over a horizontal line.

09/25/2020

Chris Conrad, Reg. Professional Land Surveyor No. 5623

Date

Note: There is a plat to accompany this description.

M://LJA-18-064\_City of Kyle Swr Rehab/DESCRIPTIONS/0.3371 Ac Easement

Issued 07/20/2020, Revised 08/03/2020, Revised 09/25/2020

HCAD NOS. 11-5520-0100-00103-2, 11-5520-0100-00104-2,  
11-5520-0100-00105-2, & 11-5520-0100-00106-2

RE: CITY OF KYLE

SKETCH TO ACCOMPANY DESCRIPTION  
OF 0.3371 AC. OR 14,685 SQ. FT. OF LAND  
OUT OF THE Z. HINTON SURVEY NO. 12, ABSTRACT NO. 220  
KYLE, HAYS COUNTY, TEXAS

SCALE 1" = 50'

Z. HINTON SURVEY NO. 12  
ABSTRACT NO. 220

D.E. MOORE ADDITION  
VOL. "0", PG. 189  
D.R.H.C.TX.

LOT NO. 1

PANTALEON TENORIO, JR.  
VOL. 4631, PG. 251  
O.P.R.H.C.TX.

PANTALEON TENORIO, JR.  
VOL. 4631, PG. 254  
O.P.R.H.C.TX.  
(1.982 AC.)  
DESCRIBED IN  
VOL. 427, PG. 478  
R.P.R.H.C.TX.

MARK A. TENORIO  
AND ELISHA R. TELLO,  
HUSBAND AND WIFE  
VOL. 1414, PG. 154  
O.P.R.H.C.TX.  
(0.16 AC.)

EASEMENT  
0.3371 AC. OR  
14,685 SQ. FT.

4.5'  
MANUFACTURED  
HOME  
5.4'

(S10°33'W 100')  
(380')  
N80°58'18"W 193.98'  
EXISTING R.O.W.  
W. SCHLEMMER STREET  
(40' R.O.W.)

P.O.B.  
GRID COORDINATES  
N=13,910,175.84  
E=2,324,848.35

HCAD NO'S:  
11-5520-0100-00103-2; 11-5520-0100-00104-2;  
11-5520-0100-00105-2; 11-5520-0100-00108-2

M:\LJA-18-084\_City of Kyle Srr Rehab\DWG\Parade\Kyle WW Rehab Perm Exmt Rev2.dwg

MATCHLINE PAGE 5 OF 5

N05°16'31"E 268.02'

L5  
(S00°45'W)

EXISTING RAILROAD R.O.W.

S06°37'53"W 195.85'

N06°37'53"E 336.43'

S09°03'11"W 141.80'

UNION PACIFIC RAILROAD  
INTERNATIONAL & GREAT NORTHERN RAILWAY CO.  
MAP NOS. 431504 & 431505  
SHEET NO. 6, V-9  
JUNE 30, 1917  
EXISTING RAILROAD R.O.W.

## LINE TABLE

LINE#	BEARING	DISTANCE
L2	N80°58'18"W	19.02'
L5	S05°16'31"W	266.69'

SURVEYED BY:

PAGE 4 OF 5

McGRAY & McGRAY  
LAND SURVEYORS, INC.

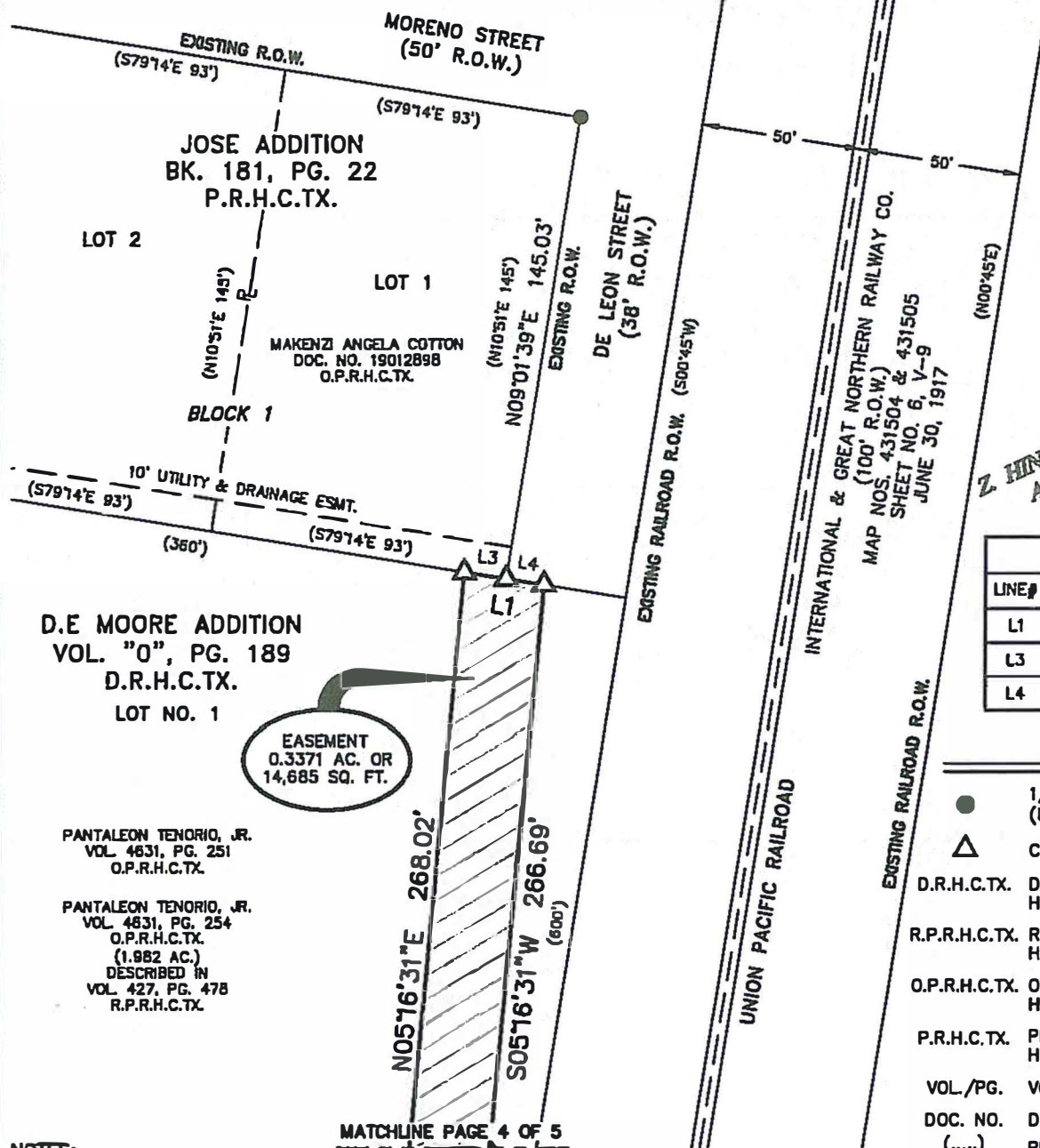
3301 HANCOCK DRIVE #8  
AUSTIN, TEXAS 78731  
MCGRAY.COM (512) 451-8591  
TBPELS SURVEY FIRM #10095500

JOB NO.: 18-084

RE: CITY OF KYLE

SKETCH TO ACCOMPANY DESCRIPTION  
OF 0.3371 AC. OR 14,685 SQ. FT. OF LAND  
OUT OF THE Z. HINTON SURVEY NO. 12, ABSTRACT NO. 220  
KYLE, HAYS COUNTY, TEXAS

SCALE 1" = 50'



Z. HINTON SURVEY NO. 12  
ABSTRACT NO. 220

LINE TABLE		
LINE#	BEARING	DISTANCE
L1	S81°00'07"E	25.05'
L3	S81°00'07"E	13.22'
L4	S81°00'07"E	11.83'

LEGEND

● 1/2" IRON ROD FOUND (UNLESS NOTED)

△ CALCULATED POINT

D.R.H.C.TX. DEED RECORDS HAYS COUNTY, TEXAS

R.P.R.H.C.TX. REAL PROPERTY RECORDS HAYS COUNTY, TEXAS

O.P.R.H.C.TX. OFFICIAL PUBLIC RECORDS HAYS COUNTY, TEXAS

P.R.H.C.TX. PLAT RECORDS HAYS COUNTY, TEXAS

VOL./PG. VOLUME/PAGE

DOC. NO. DOCUMENT NUMBER

(.....) RECORD INFORMATION

P.O.B. POINT OF BEGINNING

R.O.W. RIGHT OF WAY

HCAD NO'S: P PROPERTY LINE  
11-5520-0100-00103-2; 11-5520-0100-00104-2;  
11-5520-0100-00105-2; 11-5520-0100-00106-2  
REVISED: 09-25-2020  
REVISED: 08-03-2020  
ISSUED: 07-20-2020

SURVEYED BY: PAGE 5 OF 5

McGRAY & McGRAY  
LAND SURVEYORS, INC.

3301 HANCOCK DRIVE #6  
AUSTIN, TEXAS 78731  
MCGRAY.COM (512) 451-8591  
TBPELS SURVEY FIRM #10095500



09/25/2020

CHRIS CONRAD, REG. PROF. LAND SURVEYOR NO. 5823 DATE  
Note: There is a description to accompany this plat.

M:\LWA-18-084\_City of Kyle Sew Rehab\DWG\Parcels\Kyle WW Rehab Perm Easmt Rev2.dwg

JOB NO.: 18-084

Item # 6

THE STATE OF TEXAS

COUNTY OF HAYS

I hereby certify that this instrument was FILED on the  
date and the time stamped hereon by me and was duly  
RECORDED in the Records of Hays County, Texas.

21035176 EASEMENT

06/30/2021 12:17:16 PM Total Fees: \$54.00

 Elaine H. Cardenas

Elaine H. Cárdenas, MBA, PhD, County Clerk  
Hays County, Texas



# CITY OF KYLE, TEXAS

## Heroes Memorial Park - PEC Underground Agreement

**Meeting Date: 8/3/2021**

**Date time: 7:00 PM**

**Subject/Recommendation:** Approval of Underground Agreement between Pedernales Electric Cooperative, Inc. and the City of Kyle for electrical service installation to Heroes Memorial Park located near intersection of Kohlers Crossing and FM 1626 (Work Order #145535). ~ *Leon Barba, P.E., City Engineer*

**Other Information:**

**Legal Notes:**

**Budget Information:**

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### ATTACHMENTS:

#### **Description**

- ☐ PEC Underground Agreement

**PEDERNALES ELECTRIC COOPERATIVE, INC.**

 $\mathcal{S}$ 

§

 $\mathcal{S}$ 

be served by an underground electrical distribution system as shown on Exhibit A.

specifications, from a stub or pad, installed by the utility contractor, to a meter socket located on the residence, or meter pedestal, and that PEC shall be notified before installation begins.

10. PEC agrees that it will complete the system as an underground electrical distribution system in segments as required to furnish electrical service to qualified applicants in said sections provided Developer has completed its part of said system in accordance with this agreement.

11. All applications for service will be subject to the policies established by PEC which are in effect at the time the applications for electric service are made.

12. After Developer and the individuals applying for electric service have completed their portions of the underground electric installation in accordance with all PEC requirements, PEC will complete said portion of the electric underground facility by installing, when appropriate, transformers, terminations, and cable.

13. Any changes to the electrical system required because of re-subdivision by present or future owner shall be at the sole expense of the party desirous of the re-subdivision.

14. Upon completion and inspection of the underground electric facility, Developer agrees, in accordance with PEC's Tariff, that PEC shall at all times have complete ownership and control of the entire electric underground distribution system without any obligation to refund any part of the contribution made by the Developer and that the underground electric system shall be and become the property of Pedernales Electric Cooperative, Inc., upon the completion of the terms outlined above. Further, Developer hereby grants, gives and transfers the conduit and related electrical equipment to PEC free from any lien, security interest or other encumbrance.

15. This Agreement shall be governed by, construed, and enforced in accordance with the laws of the State of Texas, exclusive of conflicts of law provisions.

Executed in duplicate originals this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

[NAME OF DEVELOPER]

\_\_\_\_\_

BY: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Pedernales Electric Cooperative, Inc.

BY:  \_\_\_\_\_

Name: Allen Kristof

Title: Designer

## **Exhibit A**

### **DESCRIPTION AND LOCATION OF FACILITIES**

Heroes Memorial Park

REFER TO FULL SET OF PEC UNDERGROUND SPECIFICATIONS  
AT THE FOLLOWING LINK:  
<https://www.pec.coop/your-service/construction-development/>

# PEC LEGEND

- 3-4IN ABC PHASE 600A
- 3-3IN ABC PHASE
- 1-3IN A PHASE
- 1-3IN B PHASE
- 1-3IN C PHASE
- 1-3IN SECONDARY
- 1-2IN STREET LIGHT
- SECONDARY ENCLOSURE
- METER PEDESTAL
- TAP CAN
- ENCLOSURE 200A
- ENCLOSURE COMBO
- TRANSFORMER 1-PH
- TRANSFORMER 3-PH
- S/G VAULT
- ENCLOSURE 600A

3-3IN PVC  
510-022-0911

#3  
SM. 3PH ENCL  
530-020-0911

#2  
SM. 3PH ENCL  
530-020-0911

#1  
ENCL #292878  
CORE DRILL CONCRETE  
VAULT, SCHEDULE WITH  
PEC INSPECTOR

#4  
TRANS. PAD  
90"x90"  
530-030-0911

STUB OUT  
2-3IN, SEC

#5  
SM. 3PH ENCL  
530-020-0911

STUB OUT 3-3IN  
CAP & MARK ENDS  
WITH RED PAINTED  
T-POST

KOHLERS CROSSING

Disclaimer: This product is for informational purposes only and was not prepared for or  
suitable for legal, engineering, or surveying purposes. It does not represent an  
on-the-ground survey and represents only the approximate relative location of property  
boundaries and facilities. This product is distributed  
"AS-IS" and without warranties of any kind, whether express or implied, including but not  
limited to warranties of fitness for a particular purpose or use, or as to its performance,  
accuracy, freedom from error, or as to any results generated through its use.



APPROVED FOR CONSTRUCTION  
FEDERNALES ELECTRIC COOPERATIVE  
Heroes Memorial Park  
7/2/2021 N.T.S. Page 1 of 1  
WO#145535

FM 1626



# CITY OF KYLE, TEXAS

## Hays County Elections

**Meeting Date: 8/3/2021**

**Date time: 7:00 PM**

**Subject/Recommendation:** Hays County Election Services Contract and Joint Election Agreement. ~ *Jennifer Holm, City Secretary*

**Other Information:** This is our annual contract with Hays County Elections to conduct the City's elections. The Hays County Election Services Contract outlines the duties and responsibilities of each Hays County Elections Office and the Kyle City Secretary's Office, while the Joint Election Agreement spells out how a joint election is invoiced.

**Legal Notes:**

**Budget Information:**

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**ATTACHMENTS:**

**Description**

- ☐ Hays Contract for Election Services
- ☐ Joint Election Agreement

## CONTRACT FOR ELECTION SERVICES

**THIS CONTRACT FOR ELECTION SERVICES** (this "Contract") is made and entered into by and between the **ELECTIONS ADMINISTRATOR OF HAYS COUNTY, TEXAS ("Contracting Officer")** and the **Local Political Subdivision** set forth on the signature page of this Contract (**the "LPS"**) pursuant to the authority under Section 31.092(a) of the Texas Election Code.

### RECITALS

**WHEREAS**, the LPS expects to order and election during the term of this Contract and during any renewal term of this Contract (the "Election");

**WHEREAS**, the LPS desired that certain election services for the Election be provided by the Contracting Officer pursuant to Chapter 31, Subchapter D of the Texas Election Code and;

**WHEREAS**, the Contracting Officer and the LPS desire to enter into a contract setting out the respective responsibilities of the parties;

**NOW, THEREFORE**, the parties to this Contract agree as follows with respect to the coordination, supervision, and conduct of the election.

#### I. GENERAL PROVISIONS.

- A. The purpose of this Contract is to maintain consistency and accessibility in voting practices, polling places, and election procedures to best assist the voters of the LPS. For purposes of this Contract the term "Election" will include any resulting recount or election contest. It will also apply to an election to resolve a tie.
- B. The Contracting Officer is hereby appointed to serve as the LPS's Election Day Officer and Early Voting Clerk to conduct the Election for those areas of the LPS located in within the contracting jurisdiction. As Election Officer and Early Voting Clerk, the Contracting Officer will coordinate, supervise and conduct all aspects of the administering voting in connection with the election in compliance with all applicable law except as otherwise provided in the Contract.
- C. The LPS agrees to commit the funds necessary to pay for election-related expenses for the LPS's election.
- D. The Contracting Officer has the right to enter into agreements with other entities at any time and may require that authorities of LPSs holding elections on the same day in all or part of the same territory to enter into a joint election agreement as authorized in

Chapter 271 of the Texas Election Code. The LPS agrees to enter into a joint election agreement required by Hays County.

II. **RESPONSIBILITIES OF CONTRACTING OFFICER.** The Contracting officer shall be responsible for performing the following services and furnishing the following material and equipment in connection with the election:

A. **Nomination of Presiding Judges and Alternate Judges.** The Contracting Officer shall recommend appointment of Election Day presiding and alternate judges, central accumulation station judges, and the Early Voting Ballot Board (EVBB) presiding judge, all of which shall meet the eligibility requirements in Subchapter C of Chapter 32 of the Texas Election Code.

B. **Notification to LPS.** The Contracting Officer shall provide the LPS with the most up-to-date list of presiding and alternate judges three weeks before the statutory deadline to order the election.

C. **Notification to Presiding and Alternate Judges; Appointment of Clerks.**

1. The Contracting Officer shall notify each presiding and alternate judge of his or her appointment. The notification will also include the assigned polling station, the date of the election training(s), the date and time of the election, the rate of compensation, the number of clerks the judge may appoint, the eligibility requirements for election workers, and the name of the presiding or alternate judge as appropriate.

2. The election judge will make the clerk appointments in consultation with the Contracting Officer. If a presiding judge or the alternate judge does not speak both English and Spanish, and the election precinct is one subject to Section 272.002 and 272.009 of the Texas Election Code, the Contracting Officer shall ensure that a bilingual election clerk is appointed. The Contracting Officer shall notify the clerks of the same information that the judges receive under this section.

D. **Election Training.** The Contracting Officer shall be responsible for conducting election training for the presiding judges, alternate judges, clerks, and early voting deputies in the operation and troubleshooting of the Verity Duo Hybrid voting system and the conduct of elections, including qualifying voters, issuing ballot style codes, maintaining order at the polling location, and conducting provisional voting.

E. **Logic and Accuracy Testing.** In advance of Early Voting (including the sending of any mail ballots), the Contracting Officer, the tabulation supervisor, and the other members the

Contracting Officer designates for the testing board shall conduct all logic and accuracy testing in accordance with the procedures set forth by the Texas election Code and under guidelines provided by the Secretary of State's office. The Contracting Officer shall also be responsible for the publication of the required notice of such testing.

- F. **Election Supplies.** The Contracting Officer shall procure, prepare, and distribute to the presiding judges for use at the polling locations on Election Day (and to the Early Voting clerks during Early Voting) the following election supplies: election and early voting kits (including the appropriate envelopes, lists, forms, name tags, posters, and signage described in Chapters 51, 61, and 62, and subchapter B of chapter 66 of the Texas Election Code) seals, sample ballots, thermal paper rolls for use in the Verity Controllers, batteries for use in the voting system equipment, supplies for the electronic poll books, and all consumable type office supplies necessary to hold an election.
- G. **Registered Voters List.** The Contracting Officer shall provide lists of registered voters required by law for use on Election Day and for the Early Voting period.
- H. **Notice of Previous Polling Place.** The Contracting Officer shall post notices of a change in a polling place at the entrance to the previous polling location. Section 43.062 of the Texas Election Code provides that the notice shall state the location has changed and give the location of the new polling place. The City Clerk will ensure that the Public Notice is also provided via published notice, on the City's website and on all City social media outlets.
- I. **Election Equipment.** The Contracting Officer shall prepare and distribute the Verity Duo Hybrid Voting System components from Hart Intercivic, Inc. ("Hart") for the election. This voting System includes the equipment referred to as "Duo" and Verity Controllers". Each polling location will have at least one voting machine that is accessible to disabled voters and provides a practical and effective means for voters with disabilities to cast a secret ballot.
- J. **Ballots.** The Contracting Officer or designee shall be responsible for the preparation, printing, programming and distribution of English and Spanish ballots and sample ballots, including the mail ballots, based on the information provided by the LPS, including the names of the candidates, names of the offices sought, order of names on the ballot, propositions on the ballot, and the Spanish translation of the offices and any propositions. The ballot will be prepared in these formats: Verity Duo System, paper, auditory.
- K. **Early Voting.** In accordance with Sections 31.096 and 32.097(b) of the Texas Election Code, the Contracting Officer shall serve as the Early Voting Clerk for the election.

1. The Contracting Officer shall supervise and conduct the early voting by mail and by personal appearance and shall secure personnel to serve as Early Voting Deputies.
2. The Contracting Officer shall receive mail ballot applications on behalf of the LPS. All applications for mail ballots shall be processed in accordance with Title 7 of the Texas Election Code by the Contracting Officer or deputies at the Records Building located at the Hays County Government Center at 712 S. Stagecoach Trail, San Marcos, Texas 78666. Applications for mail ballots sent to the LPS shall be promptly faxed to the Contracting Officer at (512) 878-6699, or emailed to [elections@co.hays.tx.us](mailto:elections@co.hays.tx.us) for timely processing and then the original sent application forwarded to the Contracting Officer for proper retention.
3. Early voting ballots shall be secured and maintained at the Records Office at 712 S. Stagecoach Trail, Suite 1012, San Marcos, Texas 78666. In accordance with Chapter 87 of the Texas election Code. The Early Voting Ballot Board shall meet at the same location unless posted differently.
4. Early Voting by personal appearance for the election shall be conducted during the hours and time period and at the locations as determined by the Contracting Officer in consultation with the LPS and in accordance with the Texas Election Code.

**L. Election Day Activities.**

1. The contracting Officer and staff shall be available from 6:00 am until the completion of the vote counting on Election Day to render technical support and assistance to voters and election workers.
2. The Contracting Officer and staff shall prepare and conduct Election Night intake of election equipment, supplies, and records.
3. The Contracting Officer and designee shall serve as central counting station manager and tabulation supervisor, counting the votes in conjunction with the Early Voting Ballot Board and the Central Counting Station judges.
4. Election Day polling locations are determined by the Contracting Officer in consultation with the LPS and in accordance with the Texas Election Code. The Contracting Officer shall arrange for the use of all polling places and shall arrange for the setting up of the polling location including tables, chairs and voting booths.

- M. **Election Night Reports.** The contracting Officer shall prepare the unofficial and official tabulation of precinct results under Section 66.056(a) of the Texas Election Code. The unofficial tabulation of Early Voting precinct results and Election Day precinct results shall be made available to the LPS via email as soon as they are prepared and may be released under law, but no earlier than 7:00 pm on Election Day. The tabulation reports may also be provided to other counties as necessary for the election. As soon as reasonably possible, the Contracting Officer will post all reports for public review on the Hays County Elections website at [www.co.hays.tx.us/elections](http://www.co.hays.tx.us/elections).
- N. **Provisional Votes/ Determination of Mail Ballots Timely Received under Section 86.007(d) of the Texas Election Code.** The Contracting Officer, serving as the voter registrar, shall retain the provisional voting affidavits and shall provide the factual information on each of the voters' status. The Contracting Officer shall reconvene the EVBB after the election within the time set forth in Section 65.051 of the Texas election Code for the purpose of determining the disposition of the provisional votes. At the same time, the EVBB will review mail ballots timely received under Section 86.007(d) of the Texas election Code to determine whether such will be counted and to resolve any issues with such ballots.
- O. **Canvass Material Preparation.** Promptly after determination of the provisional votes and resolution of any mail ballots, the Contracting Officer shall work with the EVBB and tabulation supervisor to tally the accepted provisional votes and resolved mail ballots, amend the unofficial tabulations, and submit new official tabulations to the LPS. These reports will serve as the canvass materials for the LPS.
- P. **Custodian of Election Records.** The election records will be submitted to the LPS except for those records that must be maintained by the Contracting Officer as Voter Registrar in accordance with Section 66.051 of the Texas Election Code. The Contracting Officer is hereby appointed the custodian of voted ballots (which in the case of the ballots cast on the Verity Duo voting system consist of the paper backup) and shall preserve them in accordance with Chapter 66 of the Texas Election Code and other applicable law. The Contracting Officer shall also maintain custody of the records pertaining to the operation of the Verity Controllers and Verity Touch components.
- Q. **Recount.**
1. The LPS shall advise the Contracting Officer if a recount is required by law or requested and the Contracting Officer and the LPS shall discuss how such recount is to be conducted. The LPS shall reimburse the Contracting Officer for the cost of such count which is not included in the original estimate/invoice.

- R. **Schedule for Performance of Services.** The Contracting Officer shall perform all election services in accordance and compliance with the time requirements set out in the Texas Election Code.
- S. **Contracting with Third Parties.** In accordance with Section 31.098 of the Texas Election Code, the Contracting Officer is authorized to contract with third parties for election services and supplies. The cost of such third-party services and supplies will be paid by the Contracting Officer and reimbursed by the LPS.
- T. **Department of Justice Preclearance for General Elections.** If required by law, any changes to the general conduct of voting in Hays County will be pre-cleared through the United States Department of Justice by the Contracting Officer with copies of the submission and response e-mailed to the LPS.

III. **RESPONSIBILITIES OF THE LPS.** The LPS shall perform the following responsibilities:

- A. **Applications for Mail Ballots.** The LPS shall date and stamp and then as promptly as possible fax to the Contracting Officer all applications for mail ballots that it receives. Promptly thereafter, the LPS shall deliver or send by mail the original mail ballot applications to the Contracting Officer.
- B. **Election Orders, Election Notices, and Canvass.** The LPS shall be responsible for the preparing, adopting, publishing, and posting all required election orders, resolutions, notices and other documents, including bilingual materials, evidencing action by the governing authority of the LPS necessary to the conduct of the election. The LPS shall be responsible for conducting the official canvass of the election.
- C. **Map/Annexations.** The LPS shall provide the Contracting Officer with an updated map and street index (including address Numbers) of its jurisdiction in and electronic or printed format and shall advise the contracting officer in writing of any new developments, annexations or de-annexations and any other changes to the master voter registration list within the jurisdiction.
- D. **Department of Justice Preclearance for Special Elections.** If required by law, the LPS shall be individually responsible for obtaining appropriate preclearance from the United States Department of Justice for any special elections.
- E. **Ballot Information.** The LPS shall prepare the text for the LPS's official ballot in English and Spanish and provide the Contracting Officer as soon as possible at the end of the period for ordering the election or filing for candidacy. The ballot information shall include a list of proposition showing the order and the exact manner in which the candidates' name shall appear on the ballot. The LPS shall promptly review for

correctness the ballot when requested by the Contracting Officer to do so prior to the finalization and shall approve by e-mail or by signature in person.

- F. **Precinct Reports to the Texas Secretary of State.** Based on information provided by the Contracting Officer, the LPS shall prepare and file all required precinct reports with the Texas Secretary of State.
- G. **Annual Voting Report.** The LPS shall be responsible for filing its annual voting system report to the Texas Secretary of State as required under Chapter 123 et seq. of the Texas Election Code.

#### IV. **SPECIAL PROVISIONS RELATED TO ELECTION WORKERS**

- A. **Number of Election Workers at Election Day Polling Locations.** It is agreed by the Contracting Officer and the LPS that there will be at least three election workers at each Election Day polling location: the presiding judge, the alternate judge, and at least one election clerk appointed by the presiding judge. The number of necessary clerks is derived from the number of elections at the poll and the number of registered voters at the poll.
- B. **Compensation for Election Workers.** The Contracting Officer shall compensate all election workers in accordance with the Contracting Officer's established compensation policies, in accordance with the Texas Election Code and using the rates set by the Hays County Commissioners Court for county elections. The Contracting Officer shall pay the workers and be reimbursed by the entities sharing the polling locations.

#### V. **PAYMENT**

- A. **Charges and Distribution of Costs.** In consideration of the joint election services provided by the Contracting Officer, the LPS will be charged a share of the election costs and an administrative fee. The costs distribution is set forth in the Joint Election Agreement. The cost estimate is set forth in the Cost Estimate.
- B. **Administrative Fee.** The Contracting Officer shall charge a fee equal to 10% of the LPS's share of the cost of the election or a minimum of \$75.00.
- C. **Equipment Rental Fee.** Per Section 123.032(d) of the Texas Election Code, the Hays County Commissioners Court has set the equipment rental fee at \$175 each per controller and per Verity Duo/Scanner component. If the County acquires additional equipment during the term of the Contract, the charge for the use of the equipment may be reset by the Hays County Commissioners Court.

- D. **Payment.** The Contracting Officer's invoice shall be due and payable to the address set forth in the invoice within 30 days from the date of receipt by the LPS.

**VI. TERM AND TERMINATION**

- A. **Initial Term.** The initial term of the contract shall commence upon the last party's execution hereof and shall continue thereafter in full force and effect for one year, subject to the termination rights set forth herein.
- B. **Renewal.** Subject to the termination rights set forth herein, this contract shall be renewed annually.
- C. **Termination.** If either party wishes to terminate this contract for convenience or for cause, the party must provide not less than ninety (90) days' written notice to the other party and allow for discussion of the desired outcome and options to reach the desired outcome. In the event of termination, it is understood and agreed that only the amounts due to the contracting Officer for services provided and expenses incurred will be due and payable.

**VII. MISCELLANEOUS PROVISIONS**

- A. **Nontransferable Functions.** In accordance with Section 31.096 of the Texas Election Code, nothing in this Contract shall authorize or permit a change in:
1. The authority with whom or the place at which any document or record relating to the election is to be filed;
  2. The officers who conduct the official canvass of the election returns;
  3. The authority to serve as custodian of voted ballots or other election records;  
or
  4. Any other nontransferable function specified under Section 31.096 or other provisions of law.
- B. **Cancellation of Election.** If the LPS cancels its election pursuant to Section 2.053 of the Texas Election Code, the Contracting Officer shall be entitled to receive an administrative fee of \$75. The Contracting Officer shall submit an invoice for the administrative fee as soon as reasonably possible after the cancellation, and the LPS shall make payment therefore in a manner similar to that set forth in **V. Payment** above.

- C. **Contract Copies to Treasure and Auditor.** In accordance with Section 31.099 of the Texas Election Code, the Contracting Officer agrees to file copies of the Contract with the County Treasurer and the County Auditor of Hays County, Texas.
- D. **Election to Resolve a Tie.** In the event that an election is necessary to resolve a tie vote, the terms of the Contract shall extend to the second election, except:
1. The LPS and the Contracting Officer will agree upon the date of the election and the early voting schedule subject to provisions of the election Code and with regard to other election conducted by the Contracting Officer.
  2. The LPS will be responsible for any Department of Justice preclearance submission under Section 5 of the Federal Voting Rights Act.
  3. An attempt will be made to use the election workers that worked in the first election; those poll workers will not have additional training provided by the Contracting Officer.
  4. The cost of the election will be borne by the LPS; the Contracting Officer will work with the LPS on cost management.
- E. **Amendment/Modification.** Except as otherwise provided, this contract may not be amended, modified, or changed in any respect except in writing, duly executed by the parties hereto. Both the Contracting Officer and the LPS may propose necessary amendments or modifications to this Contract in writing in order to conduct the election smoothly and efficiently, except that any such proposals must be approved by the Contracting Officer and the governing body of the LPS or its authorized agent, respectively.
- F. **Severability.** If any provision of the Contract is found to be invalid, illegal, or unenforceable by a court of competent jurisdiction, such invalidity, illegality, or unenforceability shall not affect the remaining provisions of this Contract and parties to this Contract shall perform their obligations under this Contract in accordance with the intent of the parties to this Contract as expressed in the terms and provisions.
- G. **Representatives.** For the purposes of implementing this Contract and coordinating activities, the Contracting Officer and the LPS designate the following individuals for submission of information, documents and notice:

For the Contracting Officer:

Jennifer Anderson  
Elections Administrator, Hays County  
712 S. Stagecoach Trail, Suite 1012  
San Marcos, Texas 78666  
Tel: (512) 393-7310  
Fax: (512) 878-6699  
Email: [janderson@co.hays.tx.us](mailto:janderson@co.hays.tx.us)

For the LPS:

Jennifer Holm  
City Secretary, City of Kyle  
100 W. Center Street  
Kyle, Texas 78640  
Tel: (512) 262-3981  
Email: [jholm@cityofkyle.com](mailto:jholm@cityofkyle.com)

\*\*\*

Witness by my hand this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Contracting Officer:**

\_\_\_\_\_  
Jennifer Anderson, Elections Administrator  
Hays County, Texas

Witness by my hand this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Local Political Subdivision:**

Name of Entity: City of Kyle

By: \_\_\_\_\_

Printed Name: Travis Mitchell

Official Capacity: Mayor

## **JOINT ELECTION AGREEMENT BETWEEN HAYS COUNTY AND THE LPS OF SAN MARCOS**

This Joint Election Agreement ("Agreement") is entered into on August \_\_, 2020, between the City of Kyle, (the "LPS") 100 W. Center Street, Kyle, Texas 78640 and Hays County (the "County"), 712 S. Stagecoach Trail, Suite 1012, San Marcos, Texas 78666, collectively referred to as the Parties.

This Agreement is authorized by Chapter 31 of the Texas Election Code, Chapter 791 of the Texas Government Code and Section 271.002 and 271.003 of the Texas Election Code. The Parties to the Agreement agree as follows:

**Section 1. *Scope of Agreement.*** The LPS enters into this Agreement for the conduct of the elections to be held from August 2020 through July 2021.

**Section 2. *Appointment of Election Officer.*** The LPS appoints the Hays County Elections Administrator to serve as the Election Officer (the "Officer") in order to perform and supervise the duties and responsibilities of the Election Officer for any election from August 2020 through July 2021.

**Section 3. *Early Voting Polling Locations.*** To facilitate the administration of elections, and as a convenience to the voters, during the early voting period established by statute, the LPS agrees to designate the Hays County Election Administrator's Office, 712 South Stagecoach Trail, Suite 1012, San Marcos, Texas 78666 as the main early voting polling place for the LPS. Furthermore, the LPS agrees to designate temporary branch early polling places in accordance with Section 85.062, Election Code, V.T.C.A. as called out in the latest Election Orders.

**Section 4. *Voting by Mail Ballot.*** The LPS and County agree that early voting by mail ballot shall be conducted in accordance with the applicable provisions of the Texas Election Code and that 712 South Stagecoach Trail, Suite 1012 San Marcos, Texas 78666 is the early voting clerk's mailing address to which ballot applications and ballots voted by mail shall be sent for the LPS.

**Section 5. *Election Day Polling Locations.*** Election Day voting shall be held in approved vote centers where appropriate at the dates, times, and locations recommended by the Election Officer and authorized and ordered by the governing body of the LPS.

**Section 6. *Election Day.*** On Election Day, all forms used in the conduct of the election, including but not limited to the poll list, signature roster, ballot registers, expense accounts, and all oaths and certificates will be used jointly by the two agencies. All forms will be returned to the Hays County Election Administrator who shall keep them in her custody for the period of time prescribed by the Texas Election Code. The County agrees to furnish the LPS with copies of any election documents upon the LPS's request at no charge.

**Section 7. *Use of Common Ballot.*** It is agreed by the parties to this Agreement that a common ballot will be used for joint elections. The USB ("USB") containing the voted ballots for an election will be delivered by the Election Judges to the Hays County Election

Administrator's office at 712 South Stagecoach Trail, Suite 1012, San Marcos, Texas and the USB'S will remain in the Hays County Election Administrator's custody, except that the County agrees to provide the LPS with the necessary documentation, if requested, for canvass of an election or in the event the voted ballots are required for a recount or any court proceedings in which the LPS may be a party. The County agrees to maintain custody of the USB'S containing the voted ballots for the period of time prescribed by the Texas Election Code. All USB'S that are not placed in active voting equipment will remain locked in the Officers' office. USBs will not be replaced without being logged out and checked out by the Officer at any time during an election. An audit shall be conducted to ensure that all USBs are present and accounted for. A spreadsheet shall be completed at the end of Early Voting and Election Day returns that will identify the number of signatures on the Combination Log and the Number of Cancelled booths, for a representation of voter totals. All replaced equipment will remain secured until after tabulation to ensure that all checks and balances have been satisfied.

**Section 8. Reporting of Returns.** The Officer shall prepare the unofficial and official tabulation of precinct results under Section 66.056(a) of the Texas Election Code. The unofficial tabulation of Early Voting precinct results and Election Day precinct results shall be made available to the LPS via email as soon as they are prepared and may be released under law, but no earlier than 7:00 p.m. on Election Day. The Officer or their designee will use their best efforts to post all reports for public review on the Hays County Elections website at [www.co.hays.tx.us/elections](http://www.co.hays.tx.us/elections) as soon as reasonably possible.

**Section 9. Cost Sharing.** The LPS agrees to the cost sharing provisions below. This includes Hays County, the school districts of the county, the cities of the county, and the water districts and all other entities contracting for election services. The costs incurred with Early Voting locations and Early Voting Clerks will be shared only by entities utilizing the polling location for their individual election contest.

The formula is as follows:

Example:

Registered Voters in County -	135,000	$135,000/255,000=$	52.94% of total cost
Registered Voters in Joint Entity A -	100,000	$100,000/255,000=$	39.23% of total cost
Registered Voters in Joint Entity B -	20,000	$20,000/255,000=$	7.84% of total cost
Aggregate Registered Voters -	255,000		

\$1,000 dollar minimum cost for elections that don't exceed that total. Since programming and supplies would exceed the cost of elections with very small voter registration populations. Equipment Rental Fees allocated separately.

**Section 10. *Amendments.*** This Agreement may not be amended or modified except in writing and executed by both the LPS and the County. Neither party may assign this Agreement without the written consent of the other party. However, the Officer may assign deputies to perform any of the contracted services and may contract with third persons for election services and supplies.

**Section 11. *Effective Date.*** This Agreement contains the entire agreement between the parties and supersedes all prior understandings and agreements between the parties regarding such matters. The term of this Agreement will commence on August 1, 2020 and end on July 31, 2021.

**Section 12. *Force Majeure.*** Either of the parties to this Agreement shall be excused from any delays and/or failures in the performance of the terms and conditions of this Contract, to the extent that such delays and/or failures result from causes beyond the delaying/failing party's reasonable control, including but not limited to war ( whether declared or not ), armed conflict or the serious threat of the same ( including but not limited to hostile attack, blockade, military embargo), hostilities, invasion, act of a foreign enemy, extensive military mobilization, civil war, riot, rebellion, revolution, military or usurped power, insurrection, civil commotion or disorder, mob violence, act of civil disobedience, act of terrorism, sabotage or piracy; plague, epidemic, pandemic, outbreaks of infectious disease or any other public health crisis, including quarantine, social distancing, isolation or other behavioral restrictions; act of authority whether lawful or unlawful, compliance with any law or governmental order, rule, regulation or direction, curfew restriction, expropriation, compulsory acquisition, seizure of works, requisition, nationalization; act of God or natural disaster such as but not limited to violent storm, cyclone, typhoon, hurricane, tornado, earthquake, landslide, flood, damage or destruction by lightning, drought; explosion, fire, destruction of machines, equipment and of any kind of installation, prolonged breakdown of transport, telecommunication or electric current; shortage or inability to obtain critical material or supplies to the extent not subject to the reasonable control of the subject party ("force majeure event") whether foreseeable or unforeseeable by the parties at the time of the execution of this Agreement. Any delaying/failing party shall, with all reasonable diligence, attempt to remedy the cause of delay and/or failure and shall recommence all remaining duties under this Agreement within a reasonable time of such remedy, or, when applicable, on the next available dates under the Texas Election Code.

**Section 13.** Should any provision in this Agreement be found or deemed to be invalid, this Agreement will be construed as not containing the provision and all other provisions which are otherwise lawful will remain in full force and effect, and to this end the provisions of this Agreement are declared to be severable. In case any one or more of the provisions contained in this Agreement are for any reason held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality, or unenforceability will not affect any other provision thereof, and this Agreement will be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

**Section 14.** Any notice provided for under this Agreement will be forwarded to the following addresses:

Hays County Elections Administrator  
Government Center  
712 South Stagecoach Trail Suite 1012  
San Marcos, Texas 78666

Jennifer Holm  
City Secretary, City of Kyle  
100 W. Center Street  
Kyle, Texas 78640

**Section 15.** Nothing contained in this Agreement will authorize or permit a change in the office with whom or the place at which any document or record relating to the Election(s) is to be filed, or place at which any function of the canvass of the election returns is to be performed, or the officer to serve as custodian of voted ballots or other election records.

**Section 16.** This Agreement shall take effect immediately upon execution by both parties hereof and shall inure to the benefit and be binding upon the administrators, successors and assigns of the Parties hereto.

WITNESS OUR HANDS this \_\_\_\_ day of July, 2020

Hays County Elections Administrator

LPS

\_\_\_\_\_  
Jennifer Anderson  
Elections Administrator

\_\_\_\_\_  
Jennifer Holm  
City Secretary, City of Kyle

Attest:

Attest:

\_\_\_\_\_

\_\_\_\_\_



# CITY OF KYLE, TEXAS

## Election Estimate 11/2/2021

**Meeting Date: 8/3/2021**

**Date time: 7:00 PM**

**Subject/Recommendation:** Approve an estimated amount of \$20,110.50 for election services in accordance with the approved contract with the Hays County Elections Administrator relating to the November 2, 2021 elections. ~ *Jennifer Holm, City Secretary*

**Other Information:**

**Legal Notes:**

**Budget Information:** Funding will be included and provided from the approved budget for next fiscal year 2021-2022 of the Office of the City Secretary.

---

**ATTACHMENTS:**

**Description**

☐ Hays County Elections Estimate

**ESTIMATE**  
**November 2021 General Election**  
**City of Kyle**

Registered Voters in County -	153,787	$153,787/270,000=$	56.96% of total cost
Registered Voters in CCWS -	26,486	$26,486/270,000=$	9.81% of total cost
Registered Voters in Joint Entity B -	89,727	$89,727/270,000=$	33.23% of total cost
Aggregate Registered Voters -	270,000		
Estimated Cost of the Election	\$205,000		

\$1,000 dollar minimum cost for elections that don't exceed that total. Since programming and supplies would exceed the cost of elections with very small voter registration populations. Equipment Rental Fees allocated separately.

Estimate for November 2021 election	<b>\$ 20,110.50</b>
-------------------------------------	---------------------

**This is a cost estimate. Final cost may vary depending on the amount of jurisdictions sharing the cost and actual payroll cost for workers.**



# CITY OF KYLE, TEXAS

## Acceptance of Brooks Ranch Phase 1 Subdivision

**Meeting Date: 8/3/2021**

**Date time: 7:00 PM**

**Subject/Recommendation:** Approve a Resolution of the City Council of the City of Kyle, Texas accepting the Brooks Ranch Phase 1 Subdivision improvements: finding and determining that the meeting at which this Resolution is passed was noticed and is open to the Public as required by law. ~ *Leon Barba, P.E., City Engineer*

**Other Information:** A final walk-through was completed on June 24, 2021. The punch list items have been completed on the project. The street, drainage, water, and wastewater improvements have been completed in substantial accordance with the City's requirements. Record drawings have been provided to the City.

A Maintenance Bond has been provided for a period of two (2) years.

### **Legal Notes:**

### **Budget Information:**

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### **ATTACHMENTS:**

#### **Description**

- ☐ Resolution for Brooks Ranch Phase 1

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, ACCEPTING THE BROOKS RANCH PHASE 1 SUBDIVISION IMPROVEMENTS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS**, the developer of this subdivision has completed construction of the improvements in general accordance with plans approved by the City of Kyle; and

**WHEREAS**, the subdivision improvements are defined as street, drainage, water and wastewater improvements installed within public rights-of-way and any dedicated drainage or public utility easements within the subdivision; and

**WHEREAS**, the contractor has also provided the City a two (2) year maintenance bond in an amount of thirty five percent (35%) of the cost of the construction for any repairs that may be necessary during a two-year period from the date of acceptance by City Council.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS** hereby accepts the public improvements and certifies completion of the improvements for the Brooks Ranch Phase 1 Subdivision. The current maintenance surety is hereby \$913,826.60 being thirty five percent (35%) of the total cost of required improvements, to be held for two years from this date.

**SECTION 1.** That the subdivision improvements within the Brooks Ranch Phase 1 Subdivision are hereby accepted for operation and maintenance.

**SECTION 2.** That it is hereby officially found and determined that the meeting at which this resolution is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

**PASSED AND APPROVED** this the \_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF KYLE, TEXAS

\_\_\_\_\_  
Travis Mitchell, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer Holm, City Secretary

**EXHIBIT A**

**STAFF ACCEPTANCE MEMO**



# CITY OF KYLE


---

100 W. Center St.  
Office (512) 262-3958

Kyle, Texas 78640  
Fax (512) 262-3915

## MEMORANDUM

TO: Scott Sellers, City Manager

FROM: Leon Barba, P.E., City Engineer 

DATE: July 22<sup>th</sup>, 2021

SUBJECT: Brooks Ranch Phase 1 Final Acceptance

The referenced subdivision is recommended for acceptance by the City of Kyle.

A final walk-through was completed on June 24<sup>th</sup>, 2021. The punch list items have been completed on the project. The street, drainage, water, and wastewater improvements have been constructed in substantial accordance with the City's requirements. Record drawings have been provided to the City.

A Maintenance Bond (Westfield Insurance Company – Bond No. 146810Q) in the amount of \$913,826.60 has been provided for a period of two (2) years.

Please let me know if you need any additional information.

Xc: Harper Wilder, Public Works Department  
Pervez Moheet, Finance Department  
Debbie Guerra, Planning and Zoning

## Jamison Civil Engineering LLC

TBPE #F-17756  
13812 Research Blvd. #B-2  
Austin, Texas 78750

# JCE

Office: (737) 484-0880  
Fax: (737) 484-0897  
E-Mail: [steve@jamisoneng.com](mailto:steve@jamisoneng.com)

July 20, 2021

Mr. Leon Barba, P.E.  
City of Kyle  
100 W. Center St.  
Kyle, Texas 78640

Re: **Brooks Ranch Phase 1**  
Construction Plans  
Engineer's Letter of Concurrence

Dear Mr. Barba:

I, the undersigned professional engineer in the State of Texas, or my representative, made periodic visits to the above referenced project and observed that the site grading, drainage structures, streets, water utilities and wastewater utilities were constructed in general conformance with the approved plans.

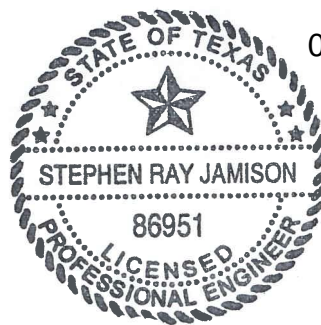
Punch list items generated during a walk-through on June 24, 2021, have also been addressed to my satisfaction.

A two-year maintenance bond with a minimum amount of \$913,826.60, a copy of the as-built drawings and digital files will be submitted to the City of Kyle.

Sincerely,



Stephen R. Jamison, P.E.  
Jamison Civil Engineering LLC



07/20/2021

**EXHIBIT B**

**MAINTENANCE BOND**

**IMPORTANT NOTICE  
STATE OF TEXAS  
COMPLAINT PROCEDURES**

**1. IMPORTANT NOTICE**

To obtain information or make a complaint:

2. You may contact your agent.

3. You may call **Westfield Insurance Company, Westfield National Insurance Company, and/or Ohio Farmers Insurance Company's** toll-free telephone number for information or to make a complaint at:

**1-800-243-0210**

4. You may also write to **Westfield Insurance Company, Westfield National Insurance Company, and/or Ohio Farmers Insurance Company** at:

**Attn: Bond Claims  
One Park Circle  
P O Box 5001  
Westfield Center, OH 44251-5001  
Fax #330-887-0840**

5. You may contact the Texas Department of Insurance to obtain information on companies, coverages, rights or complaints at:

**1-800-252-3439**

6. You may write to the Texas Department of Insurance, Consumer Protection Section (MC 111-1A):

P.O. Box 149091  
Austin, TX 78714-9091  
Fax: (512) 490-1007  
Web: [www.tdi.texas.gov](http://www.tdi.texas.gov)  
E-mail: [ConsumerProtection@tdi.texas.gov](mailto:ConsumerProtection@tdi.texas.gov)

**7. PREMIUM OR CLAIM DISPUTES:**

Should you have a dispute concerning your premium or about a claim, you should contact the agent, Westfield Insurance Company, Westfield National Insurance Company, or Ohio Farmers Insurance Company first. If the dispute is not resolved, you may contact the Texas Department of Insurance.

**8. ATTACH THIS NOTICE TO YOUR POLICY:**

This notice is for information only and does not become a part or condition of the attached document.

**AVISO IMPORTANTE**

Para obtener informacion o para someter una queja:

Puede comunicarse con su (title) al (telephone number).

Usted puede llamar al numero de telefono gratis de **Westfield Insurance Company, Westfield National Insurance Company, and/or Ohio Farmers Insurance Company's** para informacion o para someter una queja al:

**1-800-243-0210**

Usted tambien puede escribir a **Westfield Insurance Company, Westfield National Insurance Company, and/or Ohio Farmers Insurance Company**:

**Attn: Bond Claims  
One Park Circle  
P O Box 5001  
Westfield Center, OH 44251-5001  
Fax #330-887-0840**

Puede comunicarse con el Departamento de Seguros de Texas para obtener informacion acerca de companies, coberturas, derechos o quejas al:

**1-800-252-3439**

Puede escribir al Departamento de Seguros de Texas, Consumer Protection Section (MC 111-1A):

P.O. Box 149091  
Austin, TX 78714-9091  
Fax: (512) 490-1007  
Web: [www.tdi.texas.gov](http://www.tdi.texas.gov)  
E-mail: [ConsumerProtection@tdi.texas.gov](mailto:ConsumerProtection@tdi.texas.gov)

**DISPUTAS SOBRE PRIMAS O RECLAMOS:**

Si tiene una disputa concerniente a su prima o a un reclamo, debe comunicarse con el agente, Westfield Insurance Company, Westfield National Insurance Company, o Ohio Farmers Insurance Company primero. Si no se resuelve la disputa, puede entonces comunicarse con el departamento (TDI).

**UNA ESTE AVISO A SU POLIZA:** Este aviso es solo para proposito de informacion y no se convierte en parte o condicion del documento adjunto.

# MAINTENANCE BOND

Bond No.: **146810Q**

KNOW ALL PERSONS BY THESE PRESENTS, that we, JL Gray Construction, Inc., as Principal and Westfield Insurance Company, a corporation organized and doing business under and by virtue of the laws of the State of Ohio and duly licensed to conduct surety business in the State of Texas, as Surety, are held and firmly bound unto City of Kyle as Obligee, in the sum of Nine Hundred Thirteen Thousand Eight Hundred Twenty-six And 60/100 (\$913,826.60) Dollars, for which payment, will and truly to be made, we bind ourselves, our heirs, executors and successors, jointly and severally firmly by these presents.

THE CONDITIONS OF THE OBLIGATION IS SUCH THAT:

WHEREAS, the above named Principal entered into an agreement or agreements with said Obligee(s) to: Brooks Ranch Ph 1 Streets, Drainage, Water and wastewater Improvements

WHEREAS, said agreement provided that Principal shall guarantee replacement and repair of improvements as described therein for a period of 2 year(s) following final acceptance of said improvements: Brooks Ranch Ph 1 Streets, Drainage, Water and wastewater Improvements

NOW THEREFORE, if the above Principal shall indemnify the Obligee for all loss that Obligee may sustain by reason of any defective materials or workmanship which become apparent during the period of 2 years from and after acceptance of said improvements by Obligee, then this obligation shall be void; otherwise to remain in full force and effect.

IN WITNESS WHEREOF, the seal and signature of said Principal is hereto affixed and the corporate seal and the name of the said Surety is hereto affixed and attested by its duly authorized Attorney-in-Fact.

This 16th day of July, 2021.

JL Gray Construction, Inc.

Principal

By: 

Westfield Insurance Company

Surety

Seal

By: 

Jack Nottingham, Attorney-in-fact

Local Recording Agency:

K & S Insurance

P O Box 277

Rockwall, TX 75087

General  
Power  
of Attorney

CERTIFIED COPY

POWER NO. 4220012 14

**Westfield Insurance Co.**  
**Westfield National Insurance Co.**  
**Ohio Farmers Insurance Co.**  
Westfield Center, Ohio

Know All Men by These Presents, That WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, corporations, hereinafter referred to individually as a "Company" and collectively as "Companies," duly organized and existing under the laws of the State of Ohio, and having its principal office in Westfield Center, Medina County, Ohio, do by these presents make, constitute and appoint  
**TONY FIERRO, JOHNNY MOSS, JAY JORDAN, MISTIE BECK, JEREMY BARNETT, JADE PORTER, ROBERT G. KANUTH, JARRETT WILLSON, JACK NOTTINGHAM, JOINTLY OR SEVERALLY**

of **ROCKWALL** and State of **TX** its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver **any and all bonds, recognizances, undertakings, or other instruments or contracts of suretyship** -

**LIMITATION: THIS POWER OF ATTORNEY CANNOT BE USED TO EXECUTE NOTE GUARANTEE, MORTGAGE DEFICIENCY, MORTGAGE GUARANTEE, OR BANK DEPOSITORY BONDS.**

and to bind any of the Companies thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the applicable Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolution adopted by the Board of Directors of each of the WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY:

"Be It Resolved, that the President, any Senior Executive, any Secretary or any Fidelity & Surety Operations Executive or other Executive shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company subject to the following provisions:

The Attorney-in-Fact may be given full power and authority for and in the name of and on behalf of the Company, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements of indemnity and other conditional or obligatory undertakings and any and all notices and documents canceling or terminating the Company's liability thereunder, and any such instruments so executed by any such Attorney-in-Fact shall be as binding upon the Company as if signed by the President and sealed and attested by the Corporate Secretary."

"Be It Further Resolved, that the signature of any such designated person and the seal of the Company heretofore or hereafter affixed to any power of attorney or any certificate relating thereto by facsimile, and any power of attorney or certificate bearing facsimile signatures or facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached." (Each adopted at a meeting held on February 8, 2000).

In Witness Whereof, WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY have caused these presents to be signed by their **National Surety Leader** and **Senior Executive** and their corporate seals to be hereto affixed this **02nd** day of **JANUARY** A.D., **2020**.

Corporate  
Seals  
Affixed



WESTFIELD INSURANCE COMPANY  
WESTFIELD NATIONAL INSURANCE COMPANY  
OHIO FARMERS INSURANCE COMPANY

By:

**Gary W. Stumper, National Surety Leader and Senior Executive**

State of Ohio  
County of Medina ss.:

On this **02nd** day of **JANUARY** A.D., **2020**, before me personally came **Gary W. Stumper** to me known, who, being by me duly sworn, did depose and say, that he resides in **Hartford, CT**; that he is **National Surety Leader** and **Senior Executive** of WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, the companies described in and which executed the above instrument; that he knows the seals of said Companies; that the seals affixed to said instrument are such corporate seals; that they were so affixed by order of the Boards of Directors of said Companies; and that he signed his name thereto by like order.

Notarial  
Seal  
Affixed



**David A. Kotnik, Attorney at Law, Notary Public**  
My Commission Does Not Expire (Sec. 147.03 Ohio Revised Code)

State of Ohio  
County of Medina ss.:

I, **Frank A. Carrino**, Secretary of WESTFIELD INSURANCE COMPANY, WESTFIELD NATIONAL INSURANCE COMPANY and OHIO FARMERS INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney, executed by said Companies, which is still in full force and effect; and furthermore, the resolutions of the Boards of Directors, set out in the Power of Attorney are in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the seals of said Companies at Westfield Center, Ohio, this **16th** day of **July** A.D., **2021**.



**Frank A. Carrino, Secretary**

## FINAL COST & QUANTITIES

CONTRACT: **BROOKS RANCH PH 1**  
STREETS, WATER, WASTEWATER, & DRAINAGE IMPROVEMENTS

City of Kyle

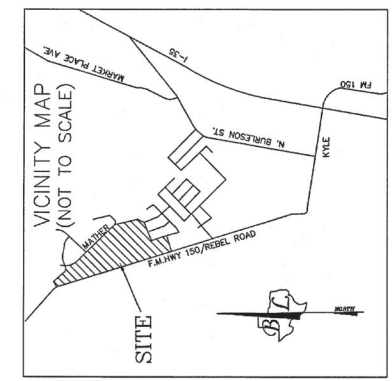
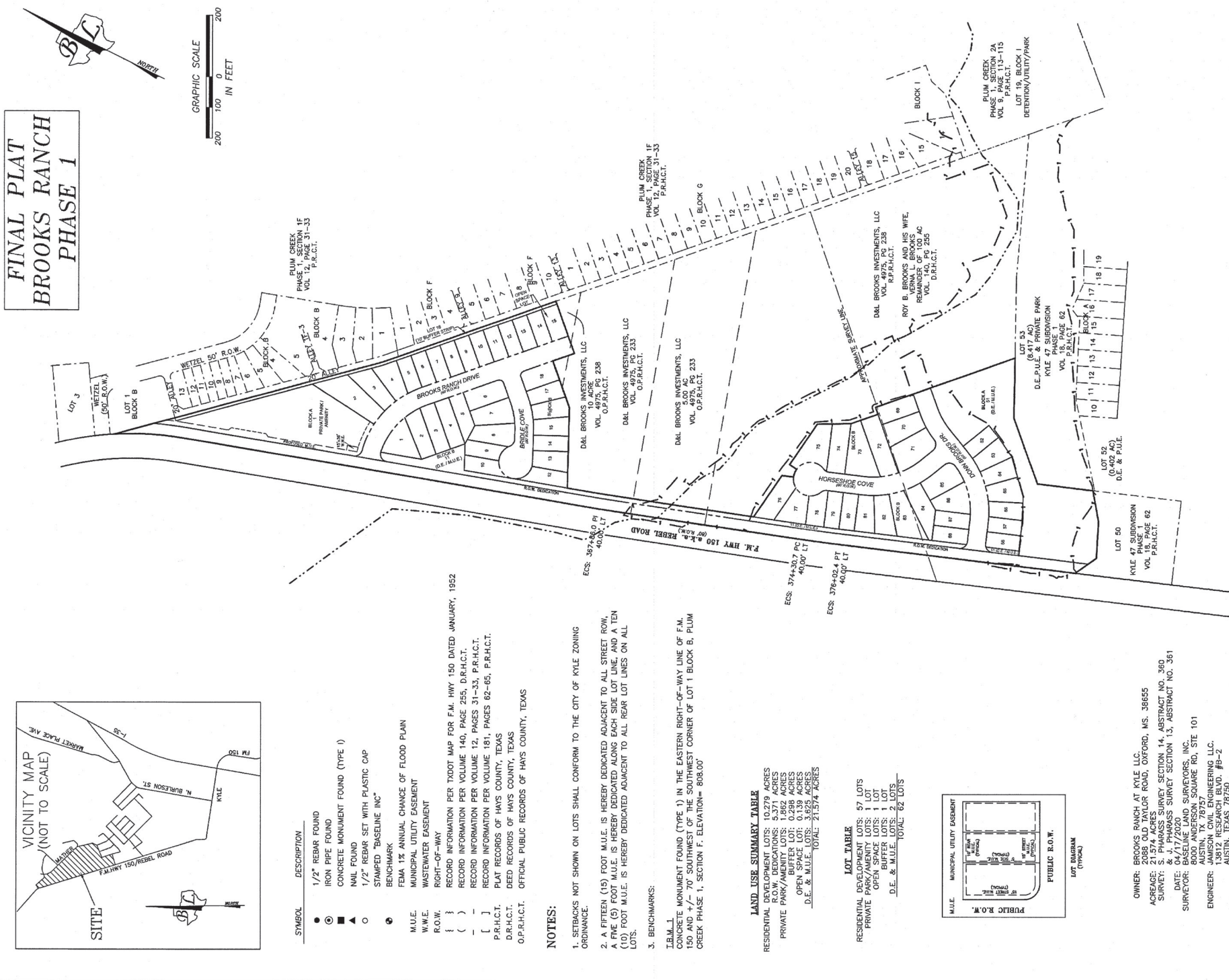
CONTRACTOR: **JL GRAY CONSTRUCTION, INC.**  
PO BOX 508  
GEORGETOWN, TX 78627

NO.	ITEM DESCRIPTION	QUANTITY	UNIT	UNIT COST	ITEM COST
<b>A. STREET IMPROVEMENTS SUBDIVISION</b>					
1	EXCAVATION	52,052	CY	\$ 3.25	\$ 169,169.00
2	EMBANKMENT	46,279	CY	\$ 1.75	\$ 80,988.25
3	TEMPORARY CREEK CROSSING	1	LS	\$ 7,825.00	\$ 7,825.00
4	SUBGRADE PREP	11,116	SY	\$ 2.15	\$ 23,899.40
5	10" FLEX. BASE (3' behind curb)	11,116	SY	\$ 9.00	\$ 100,044.00
6	2" HMAC	8,503	SY	\$ 11.50	\$ 97,784.50
7	6" CURB & GUTTER	4,616	LF	\$ 15.00	\$ 69,240.00
8	CONCRETE VALLEY GUTTER	1	EA	\$ 6,100.00	\$ 6,100.00
9	CURB RAMP	7	EA	\$ 1,150.00	\$ 8,050.00
10	STREET SIGNS & STRIPING	1	LS	\$ 3,100.00	\$ 3,100.00
11	STREET END BARRICADES	2	EA	\$ 1,350.00	\$ 2,700.00
12	EXTEND EXISTING CULVERT AND ADD S	1	LS	\$ 3,250.00	\$ 3,250.00
<b>Street Improvements Subtotal</b>					<b>\$ 572,150.15</b>
<b>B. WATER IMPROVEMENTS</b>					
1	8" C-900 PVC WATER LINE	3,104	LF	\$ 32.00	\$ 99,328.00
2	8" GATE VALVE W/ BOX	16	EA	\$ 1,400.00	\$ 22,400.00
3	12" C-900 PVC WATER LINE	3,511	LF	\$ 45.00	\$ 157,995.00
4	12" GATE VALVE W/ BOX	8	EA	\$ 2,400.00	\$ 19,200.00
5	5-1/4" F.H. ASSEMBLY INCL. 6" G.V.	11	EA	\$ 4,200.00	\$ 46,200.00
6	RAISE VALVE CASTINGS	35	EA	\$ 265.00	\$ 9,275.00
7	SINGLE WATER SERVICE	8	EA	\$ 1,300.00	\$ 10,400.00
8	DOUBLE WATER SERVICE	25	EA	\$ 2,125.00	\$ 53,125.00
9	WATER TESTING	6,615	LF	\$ 1.00	\$ 6,615.00
10	TRENCH SAFETY	6,615	LF	\$ 1.00	\$ 6,615.00
11	CONNECT TO EXISTING WATERLINE	2	EA	\$ 3,200.00	\$ 6,400.00
<b>Water Improvements Subtotal</b>					<b>\$ 437,553.00</b>
<b>C. WASTEWATER IMPROVEMENTS</b>					
1	8" SDR-26 PVC WASTEWATER LINE	1,860	LF	\$ 28.00	\$ 52,080.00
2	12" SDR-26 PVC WASTEWATER LINE	2,603	LF	\$ 61.00	\$ 158,783.00
3	18" SDR-26 PVC WASTEWATER LINE	177	LF	\$ 63.00	\$ 11,151.00
4	4' STD MH (ALL DEPTHS)	25	EA	\$ 4,850.00	\$ 121,250.00
5	EXISTING MANHOLES / CONNECTIONS	2	EA	\$ 8,200.00	\$ 16,400.00
6	ADJUST WASTEWATER MANHOLE TO G	25	EA	\$ 325.00	\$ 8,125.00
7	SINGLE WW SERVICE	6	EA	\$ 1,550.00	\$ 9,300.00
8	DOUBLE WW SERVICE	26	EA	\$ 1,800.00	\$ 46,800.00
9	WASTEWATER TESTING	4,640	LF	\$ 2.00	\$ 9,280.00
10	TRENCH SAFETY	4,640	LF	\$ 2.00	\$ 9,280.00
11	16" STEEL ENCASEMENT	20	LF	\$ 145.00	\$ 2,900.00
<b>Wastewater Improvements Subtotal</b>					<b>\$ 445,349.00</b>
<b>D. DRAINAGE IMPROVEMENTS</b>					
1	18" CLASS III RCP	824	LF	\$ 47.00	\$ 38,728.00
2	24" CLASS III RCP	1,107	LF	\$ 62.00	\$ 68,634.00
3	30" CLASS III RCP	96	LF	\$ 71.00	\$ 6,816.00

4	36" CLASS III RCP	281	LF	\$	125.00	\$	35,125.00
5	48" CLASS III RCP	650	LF	\$	216.00	\$	140,400.00
6	54" CLASS III RCP	305	LF	\$	267.00	\$	81,435.00
7	60" CLASS III RCP	340	LF	\$	271.00	\$	92,140.00
8	4'x4' BOX MANHOLE	3	EA	\$	3,200.00	\$	9,600.00
9	5'x5' BOX MANHOLE	2	EA	\$	3,500.00	\$	7,000.00
10	6'x6' BOX MANHOLE	1	EA	\$	6,100.00	\$	6,100.00
11	7'x7' BOX MANHOLE	3	EA	\$	7,700.00	\$	23,100.00
12	10' CURB INLET	7	EA	\$	4,300.00	\$	30,100.00
13	15' CURB INLET	6	EA	\$	6,600.00	\$	39,600.00
14	60" CONCRETE RIPRAP	1	EA	\$	4,200.00	\$	4,200.00
15	CONCRETE CULVERT HEADWALL	4	EA	\$	4,150.00	\$	16,600.00
16	DETENTION POND A	1	LS	\$	288,000.00	\$	288,000.00
17	DETENTION POND B	1	LS	\$	262,000.00	\$	262,000.00
18	TRENCH SAFETY	3,603	LF	\$	1.00	\$	3,603.00
19	4x4 AREA INLET	1	EA	\$	2,700.00	\$	2,700.00
<b>Drainage Improvements Subtotal</b>						<b>\$</b>	<b>1,155,881.00</b>
						<b>TOTAL</b>	<b>\$ 2,610,933.15</b>
						<b>Bond at 2 years 35%</b>	<b>\$ 913,826.60</b>

**EXHIBIT C**

**SUBDIVISION MAP**



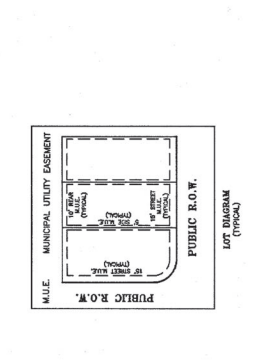
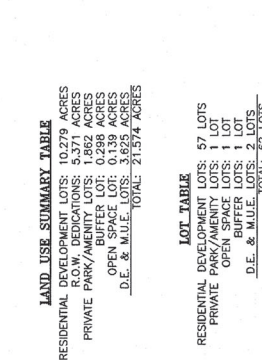
- SYMBOL**
- 1/2" REBAR FOUND
  - IRON PIPE FOUND
  - CONCRETE MONUMENT FOUND (TYPE I)
  - NAIL FOUND
  - 1/2" REBAR SET WITH PLASTIC CAP
  - STAMPED "BASELINE INC"
  - BENCHMARK
  - FEMA 1% ANNUAL CHANCE OF FLOOD PLAIN
  - M.U.E.
  - MUNICIPAL UTILITY EASEMENT
  - W.W.E.
  - WASTEWATER EASEMENT
  - RIGHT-OF-WAY
  - RECORD INFORMATION PER TYPOT MAP FOR F.M. HWY 150 DATED JANUARY, 1952
  - RECORD INFORMATION PER VOLUME 140, PAGE 255, D.R.H.C.T.
  - RECORD INFORMATION PER VOLUME 12, PAGES 31-33, P.R.H.C.T.
  - RECORD INFORMATION PER VOLUME 181, PAGES 62-65, P.R.H.C.T.
  - PLAT RECORDS OF HAYS COUNTY, TEXAS
  - D.R.H.C.T.
  - DEED RECORDS OF HAYS COUNTY, TEXAS
  - OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
- NOTES:**
- SETBACKS NOT SHOWN ON LOTS SHALL CONFORM TO THE CITY OF KYLE ZONING ORDINANCE.
  - A FIFTEEN (15) FOOT M.U.E. IS HEREBY DEDICATED ADJACENT TO ALL STREET ROW, A FIVE (5) FOOT M.U.E. IS HEREBY DEDICATED ALONG EACH SIDE LOT LINE, AND A TEN (10) FOOT M.U.E. IS HEREBY DEDICATED ADJACENT TO ALL REAR LOT LINES ON ALL LOTS.
  - BENCHMARKS:

**LAND USE SUMMARY TABLE**

RESIDENTIAL DEVELOPMENT LOTS: 10,279 ACRES  
R.O.W. DEDICATIONS: 5,371 ACRES  
PRIVATE PARK/AMENITY LOTS: 1 LOT  
PRIVATE PARK/AMENITY LOTS: 1 LOT  
TOTAL LOTS: 11 LOTS  
D.E. & M.U.E. LOTS: 2 LOTS  
TOTAL: 21,574 ACRES

**LOT TABLE**

RESIDENTIAL DEVELOPMENT LOTS: 57 LOTS  
PRIVATE PARK/AMENITY LOTS: 1 LOT  
OPEN SPACE LOTS: 1 LOT  
TOTAL LOTS: 59 LOTS  
D.E. & M.U.E. LOTS: 2 LOTS  
TOTAL: 61 LOTS



**OWNER:** BROOKS RANCH AT KYLE LLC.  
**ADDRESS:** 13812 RESEARCH BLVD., SUITE 101, AUSTIN, TEXAS 78750  
**ACREAGE:** 21,574 ACRES  
**SURVEY:** S. PHARRIS SURVEY SECTION 14, ABSTRACT NO. 360 & J. PHARRIS SURVEY SECTION 13, ABSTRACT NO. 361  
**DATE:** 04/06/20  
**SURVEYOR:** BASELINE LAND SURVEYORS, INC.  
**ENGINEER:** 8000 ANDERSON SQUARE RD., STE 101, AUSTIN, TX 78750  
**REGISTERED PROFESSIONAL ENGINEER:** 13812 RESEARCH BLVD., #B-2, AUSTIN, TEXAS 78750  
**REGISTERED PROFESSIONAL SURVEYOR:** 13812 RESEARCH BLVD., #B-2, AUSTIN, TEXAS 78750  
**LINEAR FEET OF STREET:** 1,106.28 LINEAR FEET

File: H:\Brooks Tract\DWG\PLANS\PHASE 1\PLAT.dwg
Job No.
Date: 07/28/2020
Scale (Hor.): 1"=200'
Scale (Ver.):
Checked By: RGH
Drawn By: MMH
Revision 1:
Revision 2:
Revision 3:
Revision 4:

**FINAL PLAT**  
**BROOKS RANCH**  
**PHASE 1**

**BASELINE LAND SURVEYORS, INC.**  
PROFESSIONAL LAND SURVEYING SERVICES  
8000 ANDERSON SQUARE ROAD, SUITE 101  
AUSTIN, TEXAS 78750  
OFFICE: (512) 374-9722  
REGISTERED FIRM #10015100  
robert@baselandsurveyors.net

**CAUTION!!!**  
CONTRACTOR SHALL LOCATE ANY ALL EXISTING UTILITIES PRIOR TO ANY SITE WORK (BOTH HORIZONTALLY AND VERTICALLY). THE DESIGN ENGINEER WILL NOT BE RESPONSIBLE FOR DAMAGES TO ANY EXISTING UTILITIES OR FOR ANY CONFLICTS THAT MAY ARISE DUE TO ANY UTILITIES NOT PROPERLY LOCATED.

File: H:\Brooks Tract\DWG\PLANS\PHASE 1\PLAT.dwg

Job No.

Snapshot

Scale (Hor.):

Scale (Ver.):

Date: 04/06/20

Checked By: SRJ

Drawn By:

Revision 1:

Revision 2:

Revision 3:

Revision 4:

SHEET

02 of 71

BROOKS RANCH (PHASE 1)

FINAL PLAT

REBEL DRIVE (F.M. 150)

KYLE, TEXAS

JAMISON CIVIL ENGINEERING LLC

(TX. PE FIRM REG. #F-17756)

13812 RESEARCH BLVD. #B-2

AUSTIN, TEXAS 78750

OFFICE: (737) 484-0880

INFO@JAMISONENG.COM

JCE







# CITY OF KYLE, TEXAS

## Increase Library Checkout Limits

**Meeting Date: 8/3/2021**

**Date time: 7:00 PM**

**Subject/Recommendation:** Approve library board recommendation to increase checkout limit to 10 DVDs and 25 total items per card per Sec. 2-422 Department Policies. Code of Ordinances. ~ *Paul Phelan, Director of Library Services*

**Other Information:**

**Legal Notes:**

**Budget Information:**

---

### ATTACHMENTS:

#### **Description**

- ☐ Sec. 2-422 Department Policies. Code of Ordinances

## Sec. 2-422. - Department policies.

- (a) *Generally.* A person shall not remove or borrow any books, articles, or library materials from the premises of the library unless or until the library consents to, records, and checks-out the removal of the books, articles, or materials through the circulation desk. It shall be unlawful for any person to retain or fail to return any books, articles, or materials beyond the date designated by the library.
- (b) *Use of false identification or false name.* It shall be unlawful for any person to register or furnish a false name or address with the library, furnish identification or a library card not belonging to that person with the library, or forge a library card for the purpose of borrowing or removing any book, article, or other material from the library.
- (c) *Rules.* The board shall pass rules, subject to council approval, regulating:
  - (1) The issuance and cost of library cards;
  - (2) The maximum checkout time limits for all library materials;
  - (3) The fine schedules for overdue library materials;
  - (4) The fine schedules for lost or severely damaged library materials;
  - (5) The fine schedules for other charges or administrative fees; and
  - (6) Other procedural areas of library operations.
- (d) *Assessment of fines and late charges.*
  - (1) Any person failing to return any books, articles, or other materials on or before the designated date shall be liable for a fine or late charge for each day as provided by the board rules.
  - (2) If the person in violation of this article is under 18 years of age, then the parent or guardian of the person shall be notified by certified mail of the violation(s). If the parent or guardian fails to return or ensure the return of any books, articles, or other materials within ten days after receipt of notice, then the parent or guardian shall be liable for a fine or late charge, in addition to the minor's fines and charges, for each day of his or her failure to return or ensure the return of the books, articles, or other materials as provided by the board rules.
- (e) *Filing complaints.* Persons shall not retain or damage library materials after the date such materials are due or fail to pay fines and assessments as required herein.
  - (1) The code enforcement officer, or any person authorized by the code enforcement officer, may file a complaint in the city municipal court against any person that violates the provisions of this article if:
    - a. Before filing the complaint, the code enforcement officer or authorized person sends a

certified letter, return receipt requested, to the person in violation of this article stating that unless the person returns any overdue books, articles, or materials to the library and pays any overdue charges, fees, or administrative fines within ten days after receipt of the certified letter, the code enforcement officer or authorized person shall file a complaint against the person in city municipal court; and

- b. The person in violation of this article does not comply with the requirements provided in the certified letter.
- (2) In the event the person in violation of this article is a minor, then the code enforcement officer or authorized person shall also send a certified copy of the letter to the minor's parent or guardian.
- (3) Postage costs incurred by the library under this subsection shall be charged against the person in violation of this article whether or not a complaint is filed or a hearing is held on the complaint in city municipal court. In addition, the borrowing privileges of the person in violation of this article shall be suspended until such costs are paid in full.

( Ord. No. 705, § 5, 8-21-2012)



## CITY OF KYLE, TEXAS

TF Harper CO#1 \$24,992.46 for  
Conduit Installation - MKH Park

**Meeting Date: 8/3/2021**

**Date time: 7:00 PM**

**Subject/Recommendation:** Approve Change Order No. 1 to construction contract with T.F. HARPER & ASSOCIATES, LP, Austin, Texas, in the amount of \$24,992.46 increasing the total contract amount not to exceed \$1,823,892.28 for the inclusion of 560 linear feet of 3-inch diameter PVC conduit installation for future dry utilities related to park construction and improvements at Mary Kyle Hartson Park. ~ *James R. Earp, Assistant City Manager*

**Other Information:**

**Legal Notes:**

**Budget Information:** Funding in the amount of \$24,992.46 is available in the approved CIP budget for fiscal year 2021.

---

### ATTACHMENTS:

#### **Description**

☐ TF Harper MKH Park Electrical Conduit CO 1



## PROPOSAL

103 Red Bird Lane  
Austin, Texas  
78745-3122

TO: City of Kyle  
Attn: James Earp  
Address: 100 W. Center St, Kyle, Texas 78640  
Ship To:  
Phone:  
Email:

PROPOSAL #: 07272021-101-tfh

DATE: July 27, 2021

### PROPOSAL FOR

Conduit Along Center Street in Park

QTY	DESCRIPTION OF CONSTRUCTION	TOTAL COST
560	Linear Feet of 3" diameter PVC Schedule 40, with couplings and fittings	\$ 14,682.25
2	Boxes with lids	\$ 113.77
	Labor, equipment and material to set pipe 12" - 18" below existing grade and terminate at each end on park along Center St.	\$ 10,196.44
	TOTAL	\$24,992.46

**PROPOSAL IS VALID FOR 10 DAYS FROM DATE OF PROPOSAL OR FROM DATE OF REVISION**

**NOT INCLUDED:** Sales Tax, Permit Fees, Bond Cost

**Payment Terms:** 100% due upon delivery & receipt of invoice (progress payment acceptable).

**Estimated Delivery:** 21 days after receipt of order

Accepted by: \_\_\_\_\_

Date: \_\_\_\_\_ P.O. # (if applicable): \_\_\_\_\_

**PLEASE ISSUE PURCHASE ORDER IN VENDOR NAME OF T.F. HARPER & ASSOCIATES, LP**

Thank you for giving us the opportunity to present this Proposal.

Ariel Smith-Susan - President

**Commercial Play and Recreational Equipment**

Conduit Along Center Street in Park [www.tfharper.com](http://www.tfharper.com) - - 800.976-0107 - - local: 512.440.0707 - - fax: 512.440.0736

Item # 12



# CITY OF KYLE, TEXAS

## Parallel Contract for Event & Marketing Services

**Meeting Date: 8/3/2021**

**Date time: 7:00 PM**

**Subject/Recommendation:** Approve an agreement with Parallel - A Brand Agency, San Antonio, TX in an amount not to exceed \$18,250.00 for event and marketing services. ~ *Samantha Armbruster, Director of Communications*

**Other Information:**

**Legal Notes:**

**Budget Information:** Funding in the amount of \$18,250.00 is available in the fiscal year 2021 approved budget for Special Events.

---

**ATTACHMENTS:**

**Description**

- ☐ City of Kyle Kyle Fair and Fajita Cook-off Festival & Repositioning Campaign

# City of Kyle: "Kyle Fair and Fajita Cook-off" Festival & Repositioning Campaign



## INTRODUCTION

Now that we have concluded Phase 1 (Research) of the project, we propose the following combination of services to begin forming a brand and preliminary creative ideas to establish and launch the inaugural "Kyle Fair and Fajita Cook-off (name TBD)."

We anticipate this project to take approximately 4-6 weeks.

---

## OUR APPROACH

*Our recommended approach can be summarized into four phases, with more information about each phase outlined later in the proposal.*

- **Phase 1: Discovery:** COMPLETE
  - **Phase 2: Creative & Strategy for Festival:** We'll present a creative campaign, branding concepts, and top-level marketing plan for leveraging the May 8th "Kyle Fair and Fajita Cook-off" event.
  - **Phase 3: Creative Production & Campaign Execution:** We'll design, coordinate output, and execute the promotional campaign for the festival.
  - **Phase 4: Creative & Strategy for Ongoing Campaign** We will propose campaign extensions to reinforce the repositioning and drive engagement and tourism in-between annual festivals (keep the momentum up)
- 

### FROM

Ali Palmerson  
Parallel, A Brand Agency  
9910 Huebner Rd.  
Suite 222  
San Antonio, TX 78240  
[www.thinkparallel.com](http://www.thinkparallel.com)

### PHONE

210-908-7272

### FOR

Travis Mitchell

### EMAIL

[swatson@cityofkyle.com](mailto:swatson@cityofkyle.com)

### COPY TO

Samantha Armbruster

### QUOTE NUMBER

928

### DATE

April 16, 2021

### VALID UNTIL

July 14, 2021 at 5:05PM

18,250.00  
x 1  
18,250.00  
Not selected

## "Kyle Fair and Fajita Cook-off Event Branding & Creative"

- One round of revisions is included in this phase in order to refine the presented concepts and plan.*

- Rough creative concepts of environmental graphics at the festival to tell the story of the origin of the fajita (using facts and Texas-style exaggerations).

=====

- Digital logo files of the "Fajita Fest" logo (names TBD)
- PDF of marketing recommendations, festival creative concepts, and preliminary concepts of the environmental graphics.

0 of 1  
0.00  
\$0.00

PHASE 3: EVENT PROMOTION (Scope TBD)

At this time, the cost estimate provided covers Phase 2. Cost covers the presentation of creative concepts and strategy, but not the execution of all of the proposed items. The budget and support needed for the remaining phases will be determined as we solidify the scope collaboratively over the first couple months of the project.

*Below are some preliminary ideas that we anticipate being part of the following phases (this is not comprehensive), to provide context for future planning and budgeting. Our team fully recognizes that there is an in-house communications team that we'll be working with to bring the campaign to life. We are more than happy to collaborate, providing creative guidance and support in a way that maximizes the strengths and budgets of the team.*

**Phase 3: Creative Production & Campaign Execution:**

- Event website design & development
- Printed signage and wayfinding for event
- Billboards and outdoor advertising on IH-35 and around town
- Media buying and strategy
- Social media promotion
- Festival maps and collateral
- Email marketing campaigns
- Stage graphics & cookoff materials
- Event swag and sales

THE TEAM

Creative Parc/BradfordLawton is strategic branding and advertising partnership based out of San Antonio, Texas. The two agencies have recently joined forces to provide full-service advertising and creative marketing support for regional, national, and international clients.

**Creative Parc (creativeparc.com)**

*Creative Parc is a strategic branding and design firm based out of San Antonio. We have a dynamic team of 8 designers and strategists with a large network of contractors to be able to offer a comprehensive list of offerings with regards to creative, design, marketing, communications and strategy. The agency has done branding and design work for local area clients such as The Boerne Public Library, The Boerne Chamber of Commerce, The Dienger, The Cibolo Nature Center, UTSA, VIA, Texas State University, and the DoSeum.*

**BradfordLawton, LLC (bradfordlawton.com)**

*Bradford's career spans over 35 years in the advertising and design fields and encompasses branding work for local, national, and international clients such as The City of Alamo Heights, Paesanos, Taco Cabana, Kennedy Space Center, St. David's Healthcare, Astra Zeneca Europe.*

## CASE STUDIES

While these are varied in price and scope, these are samples of the kind of work that we do and our overall capabilities. We are happy to discuss any of these past project with the team.

- City of Alamo Heights Rebranding
- Taco Cabana Rebrand & Campaigns
- Cibolo Nature Center Rebranding

 [3276.684 BL\\_City of AH Creative Presentation\\_Legal\\_0920](#)

 [Taco Cabana Story](#)

 [CNC\\_Rebrand](#)

---

## TERMS

### PAYMENT TERMS

- A deposit of 50% of the is required to start the project.
- The remaining 50% will be invoiced upon completion of allotted revisions and must be received before final deliverables are released. If work extends beyond established timelines, progress invoicing of balance due may be required.
- We are open to discussing alternate payment plans, if that is preferred.
- Changes to specifications may result in additional fees. Additional designs or revisions at the Client's request may be subject to an hourly rate of \$150.00.

### STANDARD TERMS OF AGREEMENT

I approve of the work outlined in this proposal. By accepting this proposal, I also acknowledge that I have read and understood Creative Parc's standard terms of the agreement.

 [2020\\_Terms](#)



# CITY OF KYLE, TEXAS

Approve a Purchase Order to  
McGray & McGray Land  
Surveyors, Inc. for determining City  
Right of Way for the Downtown  
Square Relocation of Overhead  
Lines Project

**Meeting Date: 8/3/2021**  
**Date time: 7:00 PM**

**Subject/Recommendation:** Approve and ratify a purchase order to McGRAY & McGRAY, Land Surveyors, Inc., 3301 Hancock Drive, Suite 6, Austin, Texas in the amount of \$16,816.00 for providing right of way and topographic services for the Downtown Relocation of Overhead lines around Old City Hall Project. ~ *Leon Barba, P.E., City Engineer*

**Other Information:** Pedernales Electric Cooperative, Inc. requires the City obtain aerial easements for their overhead lines if the lines do not fall entirely within the City of Kyle right of way limits. The survey is being performed to confirm the number of easements that will be necessary should the City proceed to construction or relocation of the overhead lines.

**Legal Notes:**

**Budget Information:**

---

**ATTACHMENTS:**

**Description**

- ☐ McGray & McGray Proposal

# McGRAY & McGRAY LAND SURVEYORS, INC.

3301 HANCOCK DRIVE, SUITE 6  
AUSTIN, TEXAS 78731  
[512] 451-8591 FAX [512] 451-8791

## TRANSMITTAL

---

<b>TO:</b>	Ms. JoAnn E. Garcia City of Kyle Road Bond Project Manager 100 W. Center St. Kyle, TX 78640	<b>DATE:</b>	June 21, 2021
<b>PHONE:</b>	(512) 262-3949	<b>FROM:</b>	Patsy Trevino for Chris Conrad
<b>EMAIL:</b>	jgarcia@cityofkyle.com	<b>RE:</b>	Proposal for Surveying Services to locate Right-of-Way and Boundary Lines for Power Pole Relocation, Kyle, Texas

---

WE ARE SENDING YOU   X   Attached        Under separate cover the following items:

### COPIES

### DESCRIPTION

1      Proposal

☐ For Your Approval

☒ As Requested

☒ For Your Information

☐ For Review and Comment

**REMARKS:**    Thank you,  
                  Chris  
                  TBPELS Survey Firm# 10095500

**SENT VIA:**    ☐ Delivery Service    ☐ FedEx    ☐ Mail    ☐ Fax    ☒ Email    ☐ Other:



June 21, 2021

JoAnn E. Garcia  
City of Kyle  
Road Bond Project Manager  
100 W. Center St.  
Kyle, TX 78640  
(512) 262-3949

VIA EMAIL  
jgarcia@cityofkyle.com

**RE: Proposal for Surveying Services to locate Right-Of-Way and Boundary Lines  
for Power Pole Relocation, Kyle, Texas**

Dear Ms. Garcia:

We appreciate the opportunity to present you with this proposal for the above referenced project. The following represents our understanding of the area to survey and scope of services. Our fee proposal follows.

**Scope of Services:**

1. Locate and mark, the west right-of-way line of the Burleson St., between the north right-of-way line of W. Moore St. to the south right-of-way line of the alley between W. Moore and W. Miller St., as highlighted in "RED" on attached Exhibit "A".
2. Locate and mark, the south right-of-way line of the alley from Burleson St. to Nance St. (Block 17, Original Town of Kyle, Texas, Vol. 1, Pg. 87-88, H.C.M.R.), and also being located between W. Moore and W. Miller St., as highlighted in "RED" on attached Exhibit "A".
3. Locate and mark, the west right-of-way line of Nance St., from the south right-of-way line of the alley, between W. Moore St. and W. Miller St., north to the existing power pole location near the south right-of-way line of the alley between W. Miller St. and W. Center St., as highlighted in "RED" on attached Exhibit "A".
4. Locate and mark, the west right-of-way line of Nance St., from the north right-of-way line of W. Center St. to south right-of-way line of W. Lockhart St., as highlighted in "BLUE" on attached Exhibit "A".
5. Locate and mark, the north right-of-way line of the alley between W. Moore and W. Miller St., (Block 8, Original Town of Kyle, Texas, Vol. 1, Pg. 87-88, H.C.M.R.), from S. Main St. to the boundary line between Lots 11 & 12, Block 8, Original City of Kyle, Texas, as highlighted in "GREEN" on attached Exhibit "A".

6. Locate and mark, boundary line between Lots 11 & 12, Block 8, Original City of Kyle, Texas, from the north right-of-way line of the alley between W. Moore and W. Miller St., to the south right-of-way line of Miller St., as highlighted in "GREEN" on attached Exhibit "A".
7. Locate and mark the south right-of-way line of Miller St., from boundary line between Lots 11 & 12, Block 8, Original City of Kyle, Texas, west to the existing power pole located near the boundary line between Lots 7 & 8, Block 8, Original City of Kyle, Texas, as highlighted in "GREEN" on attached Exhibit "A".
8. Provide an As Built survey adjacent to each right-of-way line marked as part of this proposal.

**Fees:**

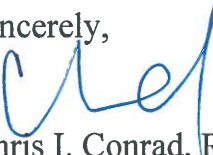
**Boundary Surveying:**

2 Man Crew:	60 hrs @	\$165.00 /hr.=	\$	9,900.00
Field Coordinator:	2 hrs @	\$98.00 /hr.=	\$	196.00
Sr. Survey Technician	20 hrs @	\$96.00 /hr.=	\$	1,920.00
Survey Technician:	40 hrs @	\$90.00 /hr.=	\$	3,600.00
RPLS:	6 hrs @	\$145.00 /hr.=	\$	870.00
Project Manager:	2 hrs @	\$165.00 /hr.=	\$	330.00
<b>GRAND TOTAL =</b>				<b>\$ 16,816.00</b>

Once we receive notice to proceed, we will schedule this project.

Thank you for including us on this project. We look forward to the opportunity to work with you. If you think we have omitted any service you require or misinterpreted your request, please let me or Joe Webber know.

Sincerely,

  
Chris I. Conrad, RPLS  
Vice President  
TBPELS Survey Firm #10095500

Authorized to Proceed by:

\_\_\_\_\_  
Signature

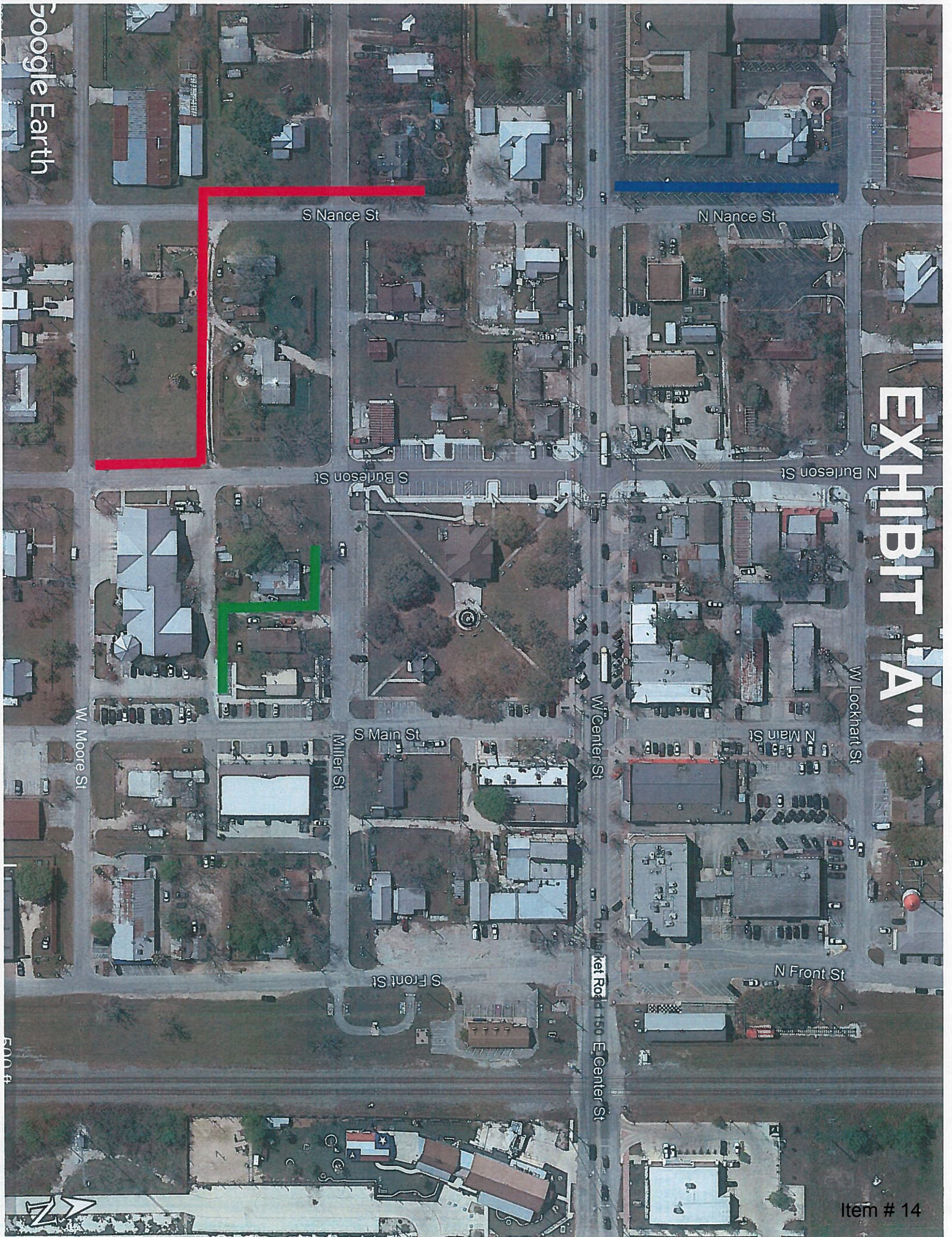
\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

CIC:JDW:pft  
Encl.

# EXHIBIT 'A'



Google Earth



# CITY OF KYLE, TEXAS

## Estate of Janelle Hadsell - Zoning (Z-21-0083)

**Meeting Date: 8/3/2021**

**Date time: 7:00 PM**

**Subject/Recommendation:** *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 24.65 acres of land from Agriculture 'AG' to Manufactured Home Park District 'M-3' for property located 600 Bebee Road, in Hays County, Texas. (Estate of Janelle Hadsell - Z-21-0083) ~ *Howard J. Koontz, Director of Planning and Community Development*

*Planning and Zoning Commission voted 5-0 to recommend approval of the request.*

- Public Hearing

**Other Information:** See attached.

**Legal Notes:** N/A

**Budget Information:** N/A

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### ATTACHMENTS:

#### **Description**

- ☐ Staff Memo Z-21-0083\_Hadsell
- ☐ Ordinance with Exhibit A & B
- ☐ Summary Letter
- ☐ Landowner Authorization Letter
- ☐ Deeds & Letters Testamentary
- ☐ Surveys
- ☐ Project Location Map
- ☐ Current Zoning Map
- ☐ Land Use Districts Map

Property Location	600 Bebee Road, Kyle, TX 78640
Owner	Estate of Janelle Hadsell 304 Bridgepoint Drive, Kingsland, TX 78639
Agent	Nikelle Meade Husch Blackwell, LLP 111 Congress Ave, Ste. 1400 Austin, TX 78701
Request	Rezone 24.65-Acres “A” (Agriculture) to “M-3” (Manufactured Home Park, District 3).

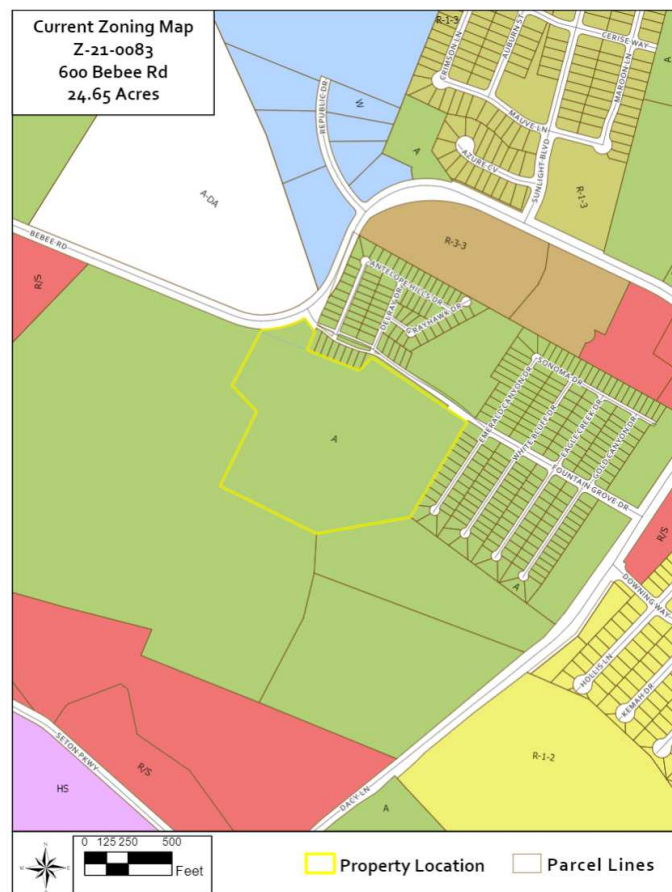
Vicinity Map



## Site Description

The site is a largely undeveloped lot located at 600 Bebee Road. It's currently zoned "A" or Agriculture. An abandoned homestead exists on site, at one time being used as a residence for the farm/ranch for the property. To the north is Bebee Road, and the Lakeside Crossing Manufactured Home community (Agriculture zoning). The same community is also east of the site. To the southeast, south, southwest and west, is undeveloped land used for agricultural purposes and zoned as such.

## Zoning Map



## **Existing Zoning**

### A (Agriculture)

#### **Sec. 53-36**

The permitted uses in the agricultural district A allow farming, ranching, pasturage, detached single-family residences and related accessory structures, on a minimum one acre tract. Parks, playgrounds, greenbelts and other public recreational facilities, owned and/or operated by the municipality or other public agency are permitted.

(Ord. No. 438, § 23, 11-24-2003)

## **Requested Zoning**

### Manufactured Home Park, District M-3

#### **Sec. 53-382. – Purpose and permitted uses**

Property and areas of the city zoned M-3 may be planned, used, approved, platted and occupied as a manufactured home park with lots held under common ownership and rented or leased to individual tenant occupants. Land and areas of the city zoned M-3 and having an approved subdivision plat may be used for manufactured homes having a minimum of 1,000-square feet of living area.

(Ord. No. 438, § 36(a), 11-24-2003; Ord. No. [1025](#), §§ 2, 3(Exh. A), 2-5-2019)

## **Conditions of the Zoning Ordinance**

### **Sec. 53-1205 Amendments**

(d)

*Referral of amendment to planning and zoning commission.* Upon its own motion, a request by the planning and zoning commission, or the receipt of an administratively complete petition and application to zone or rezone a lot, tract or parcel of land, which petition and application has been examined and approved as to form by the city manager, shall be referred to the planning and zoning commission for consideration, public hearing, and recommendation to the city

(e)

**Landuse Districts Map**  
**Z-21-0083**  
**600 Bebee Rd**  
**24.65 Acres**

**Regional Node**

**NewTown Community**

**Super Regional Node**

**East New Settlement Community**

0 250 500 1,000 Feet

Property Location

Parcel Lines

The subject site is located within the “New Town Community” land use districts. The “M-3” zoning district is a conditional district in both the “New Town Community” land use district. Both the “M-2” and “M-3” zoning districts were added to the “New Town District” by the City Council on May 18, 2021.

## New Town Community

Recommended: R-1-1, R-1-2, R-1-3, R-1-C, R-1-T, R-2, R-3-2, R-3-3, CC, NC, RS, MXD, O/I  
Conditional: E, A, C/M, R-1-A, R-3-1, RV, T/U, UE, HS, W, M-2, **M-3**

## **New Town Community**

'Character': Currently consisting of primarily residential uses, open fields, some commercial uses along I-35, and the City's new Performing Arts Center, the New Town District will likely experience significant development pressures in the near future. This District straddles both I-35 and FM 1626, and growth from Austin and Buda is spreading south along these roadways. These land uses and the forms that follow are wide ranging and varying according to the existing development pattern in place today, and the availability for utility service to as-yet undeveloped lands. The New Town District includes undeveloped residential areas, the proposed site for an 'Uptown' shopping/activity center, proposed and existing commercial along higher classified roadways, and legacy residential that has existed for many years. This District should be livable, comfortable, and convenient for all residents of Kyle and surrounding region. Elements of form and design are critical to ensuring transitions between neighboring uses.

'Intent': The New Town District is designed to contain a horizontal mix of land uses that should be integrated across the area to express a cohesive community form. Many differing uses are encouraged throughout the District, but are distributed in autonomous land parcels instead of vertically aggregated in fewer land parcels. Horizontal mixed uses provide a transition to integrate the community form of New Town with surrounding communities, landscapes and nodes.

As parcels along major roadways and along side high capacity wet utilities come available, the development density of those parcels should be established higher than other areas of the city, especially any properties in proximity to either I-35, FM 1626 or both. The purpose of the New Town District is to harness economic development potential and establish its position as the sustainable center of surrounding growth. The leading way to make this a reality is to build off the strength of the urban form supported in the Core Area Transition District, make use of the transportation network already in place that runs through and along this district, and enable more uses and architectural types that blend well into the urban design form. This District should provide economic support to Kyle based on locational advantages gained by access to growth advancing from south Austin and nodal developments on the northern side of Kyle. Mixed-Use development should be

encouraged, not only permitted, to maximize economic development. This can be achieved by aggregating appropriate densities in order to support a mixture of uses. Development patterns and employment opportunities should be created in the New Town District that do not conflict with the surrounding community fabric. Establishing mixed use zoning districts and employment districts will compliment the existing retail and service uses present today, and should be supported by the adjacent residential and future integrated multi-family residential.

## **Analysis**

The 24.65-acres adjacent to the existing Lakeside Crossing Manufactured Home community, is currently vacant and zoned “A”. Other than the manufactured home community, the surrounding land matches the “A” designation with agriculture uses. The applicant requests the property to be rezoned to “M-3”, a zoning district allowing manufactured home parks, where lots are leased to residents and with private, internal roads.

The “New Town” land use district is an area in the north central portion of the City of Kyle. It spans both sides of IH-35, but for practical reasons (Plum Creek PUD), the area east of IH-35 is primarily affected by the district. This area has a wide variety of horizontal land uses (several types of residential, office/institutional, retail, warehouse, light industrial), spread out in a standard lot by lot configuration. It has a mix of development preceding annexation by the City, and those following annexation. The primary land use, however, is residential.

Over a year ago, representatives of Husch Blackwell, LLP began coordinating with development staff to bring the 24.64-acres into the City of Kyle and develop it as a manufactured home community. Given the current housing climate of expensive homes (i.e. supply and demand), and the need for more affordable housing, staff felt it would be appropriate to include both the “M-2” & “M-3” zoning districts as conditional uses within the “New Town” land use district. This request was approved by City Council on May 18, 2021. The next step is to apply for a rezoning on the site, which the applicant has completed.

The site is adjacent to Bebee Road, which will be upgraded to a three-lane collector, per the City of Kyle’s Transportation Master Plan. As part of the platting process (subdivision), staff will review the plat, to ensure adequate right-of-way dedication is provided. This will help facilitate future road improvements. Additionally, development staff will look at the new collector shown on the transportation master plan. This collector starts near Seton Hays spans the creek to the north. It will intersect with Bebee Road in close vicinity of the 24.65-acres. Water and wastewater will be served by the City of Kyle, and the developer will tie into the system in an appropriate manner per our code.

To provide an idea of how the project will develop, the “bulk standards” for zoning is as follows:

Land Use District	Front Setback (feet)	Side Setback (feet)	Corner Lot at Side Street or Alleyway Setback (feet)	Street Side Yard Setback (feet)	Rear Setback (feet)	Min. Lot Square Footage Area	Min. Lot Street Line Width (feet)	Height Limit (feet)
M-2	25	7	25	25	25	8,190	80	35

In Sec. 53-384, the code requires “M-3” zoning districts to meet the requirements of the “M-2” district. Additionally, only one home is allowed per lot, and the long face of the home must face and be parallel to the street (public or private).

## Planning Commission

After brief discussion about the future transportation map and the expected future roadway network in this region, the Planning Commission at their July voting meeting voted 5-0 (Snidow and McCall absent) to recommend approval of the petition, as presented.

## Recommendation

Because of the lack of diversity in Kyle’s housing market, the decreasing affordability of Kyle’s housing stock, the equal land use adjacent, and support from the comprehensive plan, staff supports the request to rezone the acreage to “M-3”.

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## Attachments

- Staff Report
- Location Map
- Current Zoning Map
- Land Use Districts Map
- Landowner Authorization Form
- Deed
- Applicant Request Letter

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF ASSIGNING ORIGINAL ZONING TO APPROXIMATELY 24.65 ACRES OF LAND FROM AGRICULTURE 'AG' TO MANUFACTURED HOME PARK DISTRICT 'M3' FOR PROPERTY LOCATED AT 600 BEBEE ROAD, IN HAYS COUNTY, TEXAS. (ESTATE OF JANELLE HADELL – Z-21-0083); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the zoning district map of the City of Kyle adopted in Chapter 53 (Zoning) be and the same is hereby amended to assign zoning to approximately 24.65 acres of land Agriculture 'AG' to Manufactured Home Park District 'M3', as shown on the property location map labeled Exhibit B.

SECTION 2. That the City Secretary is hereby authorized and directed to designate the tract of land zoned herein as such on the zoning district map of the City of Kyle and by proper endorsement indicate the authority for said notation.

SECTION 3. If any provision, section, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid (or for any reason unenforceable), the validity of the remaining portions of this Ordinance or the application to such other persons or sets of circumstances shall not be affected hereby, it being the intent of the City Council of the City of Kyle in adopting this Ordinance, that no portion hereof or provision contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion or provision.

SECTION 4. This Ordinance shall be published according to law and shall be and remain in full force and effect from and after the date of publication.

SECTION 5. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Kyle at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Kyle at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, at which a quorum

was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Travis Mitchell, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer Holm, City Secretary

STATE OF TEXAS  
COUNTY OF HAYS

Y  
O  
X

KNOW ALL MEN BY THESE PRESENTS:

#76546 76546

That we, Ardmore D. Dees and wife, Iris S. Dees, of the County of Hays and State of Texas, for the consideration hereinafter shown as paid and secured to be paid by Jack Hadsell and wife, Janelle R. Hadsell, have granted, sold and conveyed, and by these presents do grant, sell and convey, unto the said Jack Hadsell and Janelle R. Hadsell of the County of **TRAVIS** and State of Texas, subject to the hereinafter mentioned taxes, liens and mineral reservation, all of that certain parcel of land situated in Hays County, Texas, being 24.033 acres of land, same being out of and a part of the D. Downer Survey No. 22 and the A. Brichta Survey in Hays County, Texas; said 24.033 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at an iron pipe found at the most easterly corner, as fenced, of that certain 30 acres, more or less, of land conveyed to Mrs. C. C. Young by deed of record in Volume 123 at Pages 128-131 of the Deed Records of Hays County, Texas, which point of beginning is the most easterly corner of this tract;

THENCE, with a fence, S 35° 16' W 633.31 feet to an iron pipe found and S 84° 30' W 547.01 feet to an iron pin set at the most southerly corner of this tract;

THENCE, with a fence, N 59° 22' W 616.67 feet to an iron pin set, N 30° 43' E 475.78 feet to an iron pin set and N 39° 14' W 205.56 feet to an iron pin set at the most northerly west corner of this tract;

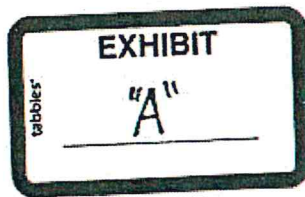
THENCE, N 32° 44' E 348.26 feet to an iron pin set on the south line, as fenced, of the Kyle-Science Hall Road, which point is the most northerly corner of this tract;

THENCE, with the south line, as fenced, of the Kyle-Science Hall Road, S 64° 01' E 286.19 feet to an iron pipe found at a corner fence post;

THENCE, with a fence, S 64° 12' E 320.46 feet to an iron pipe found, N 48° 25' E 105.47 feet to an iron pipe found and S 51° 23' E 658.67 feet to the POINT OF BEGINNING and containing 24.033 acres of land.

This conveyance is made subject to that undivided one sixteenth (1/16th) mineral estate reserved by the Federal Land Bank of Houston in that deed from said Bank to Mrs. C. C. Young, dated September 16, 1938, and recorded in Volume 123, pages 128-131, Hays County Deed Records.

To have and to hold the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Jack Hadsell and Janelle R. Hadsell, their heirs and assigns, forever; and we do hereby bind ourselves, our heirs, executors



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90012572 OPR 3651 873

Bk Vol Pg  
10028678 OPR 3988 778

DESCRIPTION OF 0.62 OF AN ACRE, MORE OR LESS, OF LAND AREA IN THE D. DOWNER SURVEY, ABSTRACT NO. 151, HAYS COUNTY, TEXAS, BEING A PORTION OF THAT TRACT DESCRIBED AS 2.305 ACRES IN A DEED FROM JACK W. CARAWAY ET UX TO HAYS COUNTY DATED FEBRUARY 12, 1996 AND RECORDED IN VOLUME 1206, PAGE 472 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, BEING A PORTION OF THE PREVIOUS LOCATION OF HAYS COUNTY ROAD NO. 122/BEE BEE ROAD, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a ½" iron rod found at the end of a wire fence in the southwest line of the previous location of Bee Bee Road for the west corner of this description, the north corner of that tract described as 24.033 acres in a deed from Ardmore D. Dees et ux to Jack Hadsell et ux dated May 1, 1972 and recorded in Volume 250, Page 149 of the Hays County Deed Records, and for the east corner of the remaining portion of that tract described as "Third Tract - 76 acres" in a deed from Ardmore D. Dees et ux to Alton J. Franke et ux dated November 12, 1975 and recorded in Volume 279, Page 565 of the Hays County Deed Records (said Hadsell 24.033 acre tract being a portion of the Franke 76 acre Third Tract), from which a 5/8" iron rod found with a plastic cap stamped "RPLS 4532" in the curving south line of the current location of Bee Bee Road for the east corner of that tract described as 0.484 acres in a deed from Evelyn B. Franke to Hays County dated March 8, 1996 and recorded in Volume 1214, Page 357 of the Hays County Official Public Records bears N 66°23'17" W 48.07 feet (said Hays County 0.484 acre tract being a portion of the Franke 76 acre Third Tract);

**THENCE** leaving the Franke tract, the Hadsell 24.033 acre tract, and the **PLACE OF BEGINNING** as shown on that plat numbered 26361-09-c dated February 24, 2009 prepared for Hays County by Byrn & Associates, Inc., of San Marcos, Texas, crossing portions of the previous location of Bee Bee Road and the Hays County 2.305 acre tract, the following three courses:

1. N 32°57'08" E 14.90 feet to a ½" iron rod set,

2. With a left-breaking curve having the following characteristics: **delta angle = 29°27'53"**, **radius = 498.37 feet**, **arc = 256.29 feet**, and a chord which bears **N 79°37'27" E 253.48 feet** to a 1/4" iron rod set for the north corner of this description, and

3. **S 32°36'07" E 96.57 feet** to a 1/4" iron rod set in the southeast line of the previous location of Bee Bee Road and northwest line of that tract described as 25.00 acres in a deed from Ellen Long to Steven B. Thomas and Rebecca J. Thomas Dated February 24, 1998 and recorded in Volume 1464, Page 756 of the Hays County Official Public Records for the east corner of this description, from which a 5/8" iron rod found in the curving southeast line of the current location of Bee Bee Road and northwest line of that tract described as 25.00 acres in a deed from Elon C. Nash to Steven B. Thomas and Rebecca J. Thomas dated February 24, 1998 and recorded in Volume 1464, Page 350 of the Hays County Official Public Records for the south corner of that tract described as 0.173 of an acre in a deed from Elon C. Nash to Hays County dated August 8, 1995 and recorded in Volume 1166, Page 738 of the Hays County Official Public Records bears **N 27°05'51" E 210.44 feet**;

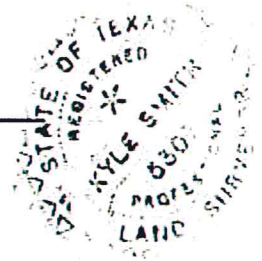
**THENCE** with the common northwest line of the Thomas 25.00 acre tract recorded in Volume 1464, Page 756 and southeast line of the previous location of Bee Bee Road, **S 27°05'51" W 114.74 feet** to a 1/4" iron rod found in the northeast line of the previously mentioned Hadsell 24.033 acre tract for the south corner of this description and the previous location of Bee Bee Road and west corner of the Thomas 25.00 acre tract;

**THENCE** leaving the Thomas 25.00 acre tract with the common northeast line of the Hadsell 24.033 acre tract and southwest line of the previous location of Bee Bee Road, **N 64°01'00" W (being the bearing basis for this description) 286.12 feet** to the **PLACE OF BEGINNING**.

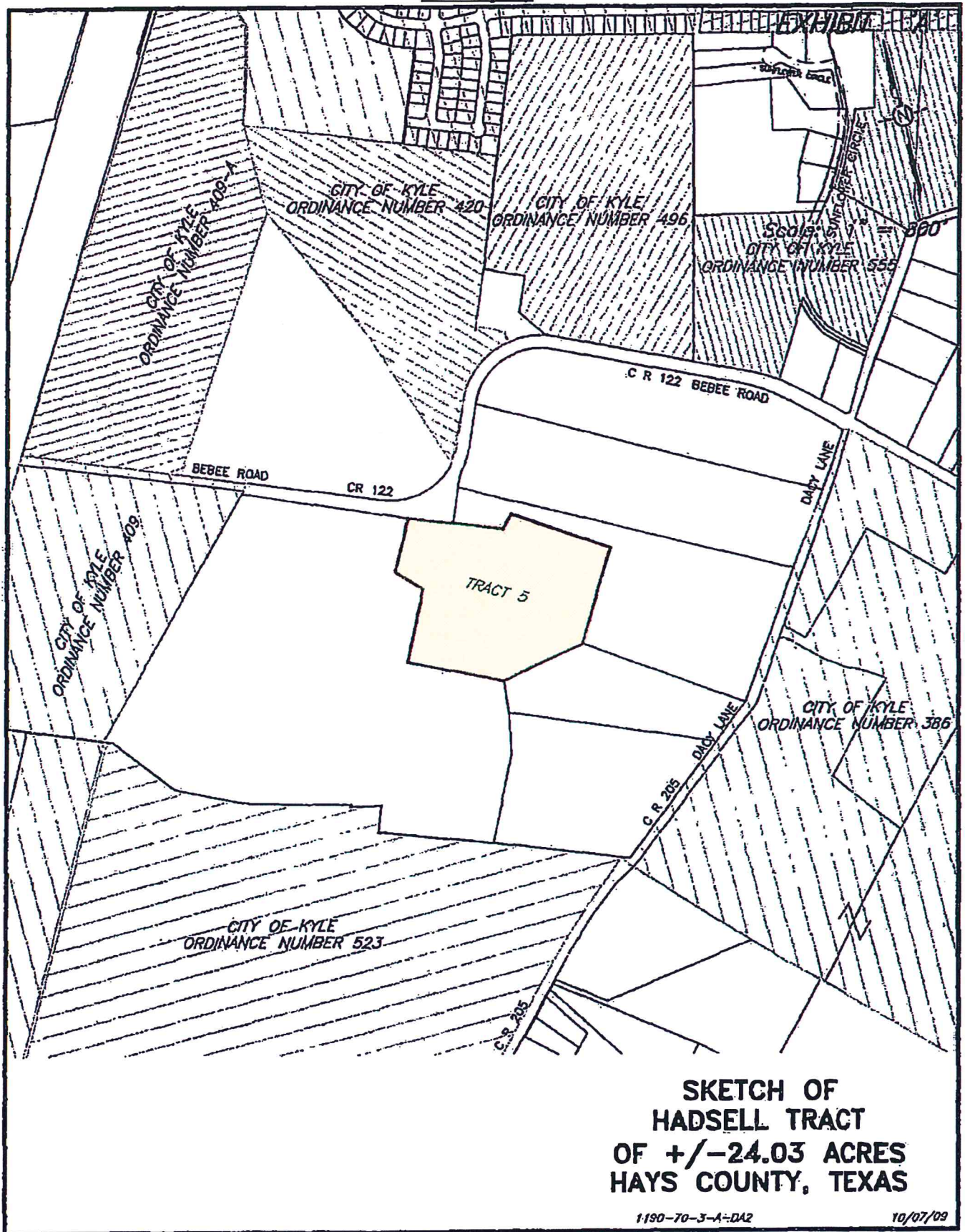
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10028678	OPR	3988 780

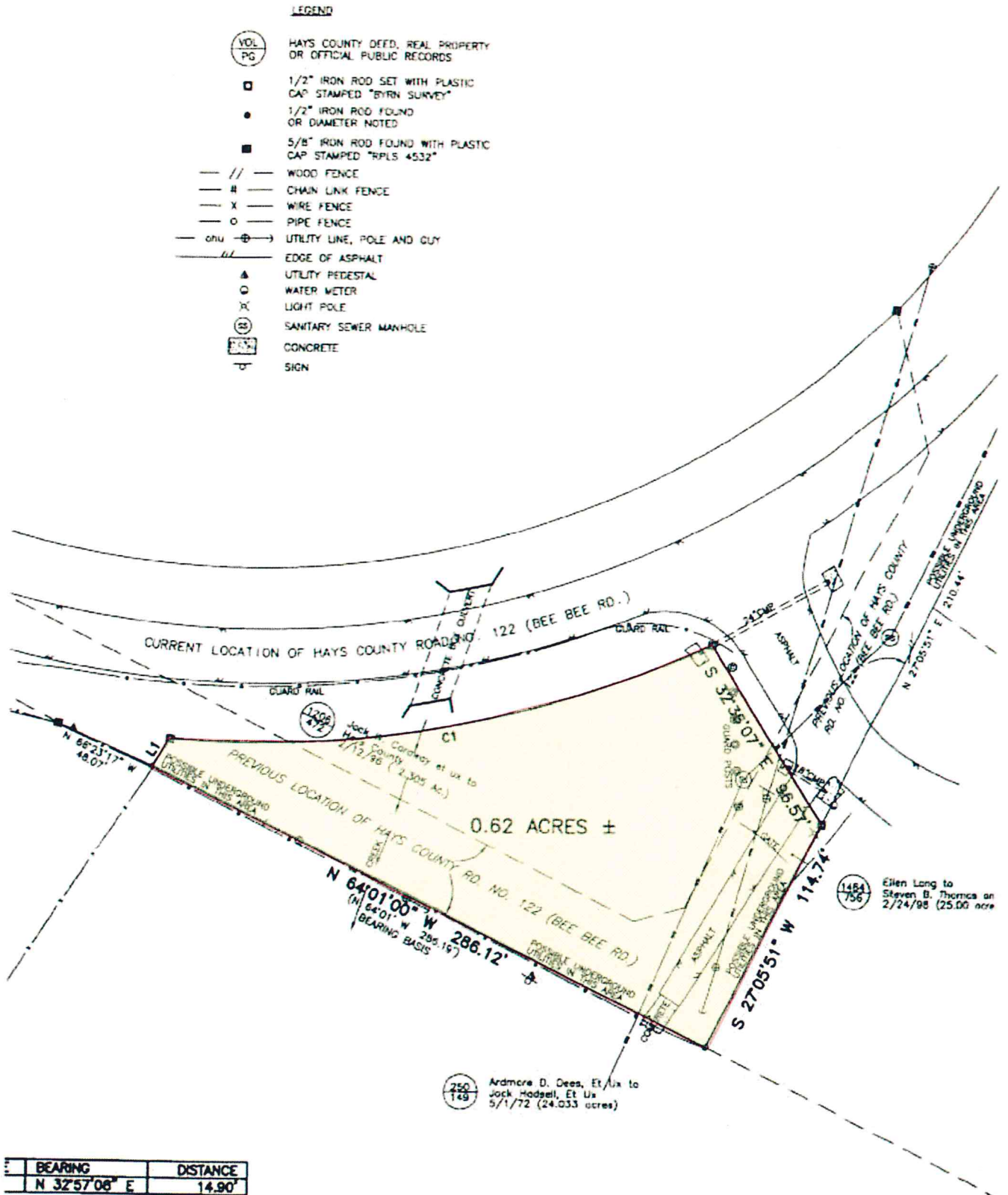
THERE are contained within these metes and bounds 0.62 of an acre, more or less, as prepared from public records and a survey made on the ground on February 24, 2009 by Byrn & Associates, Inc., of San Marcos, Texas. All  $\frac{1}{4}$ " iron rods set are capped with a plastic cap stamped "Byrn Survey".

  
\_\_\_\_\_  
Kyle Smith, R.P.L.S. # 5307



Client: Hays County  
Date: February 24, 2009  
Survey: Downer, D. A-151  
County: Hays, Texas  
Job No: 26361-09  
END0.62



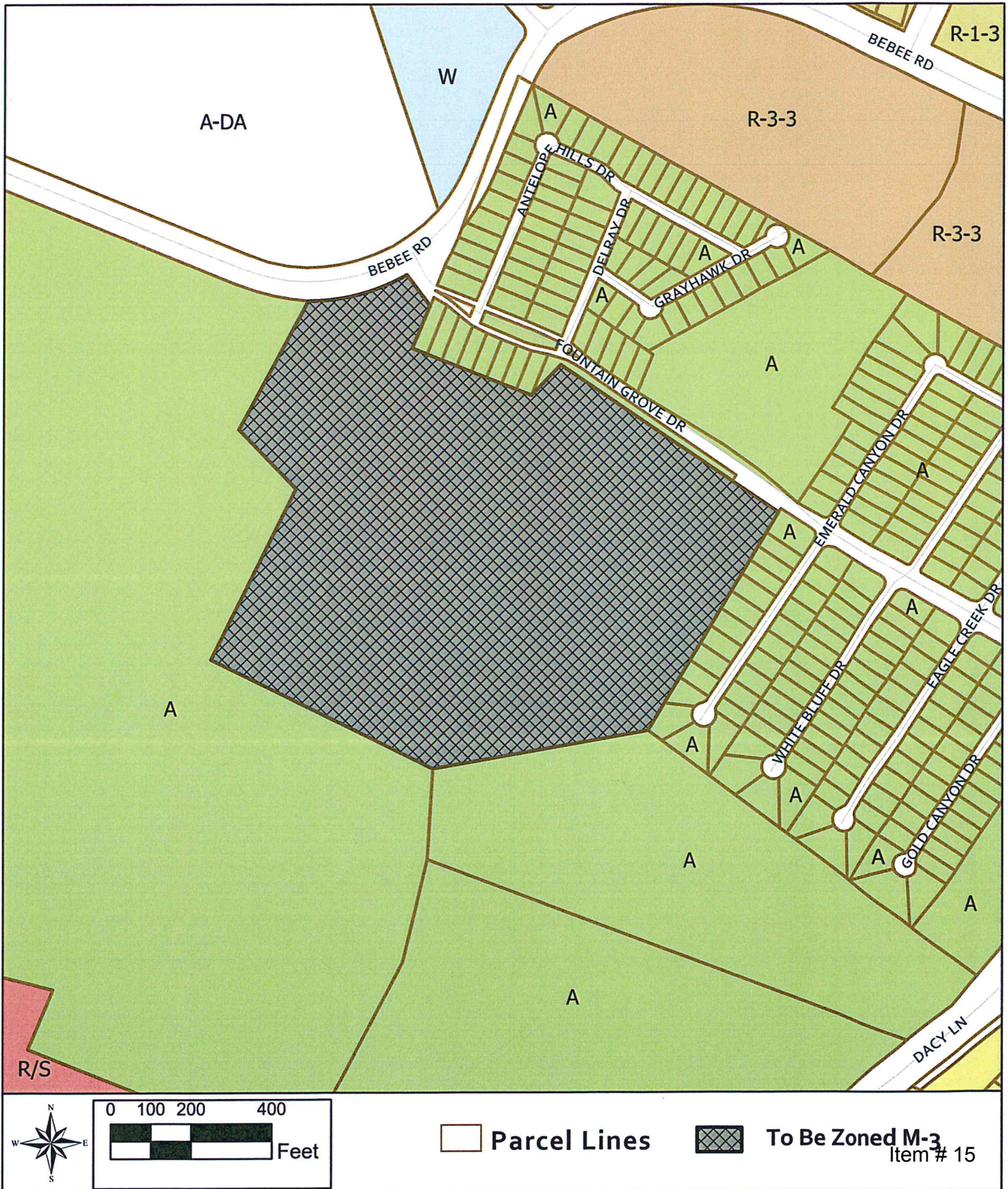


# Exhibit B

Z-21-0083

600 Bebee Rd

24.65 Acres



# HUSCH BLACKWELL

111 Congress Avenue  
Suite 1400  
Austin, Texas 78701-4093  
512.472.5456 main

**STACEY L. MILAZZO**  
**PARALEGAL**  
512.370.3441 direct  
stacey.milazzo@huschblackwell.com

May 5, 2021

City of Kyle Planning Dept.  
100 W. Center Street  
Kyle, Texas 78640

Re: Z-21-0075; Zoning Application for CR/122 Bebee Rd, Kyle, Texas 78640

To Whom it May Concern:

We understand that we may proceed with filing a zoning application since the Plan Amendment was approved last night. Accordingly, as agent for the Estate of Janelle Hadsell, we respectfully submit a zoning application to change the zoning from A-DA and A to M-3 for the property located at CR/122 Bebee Rd, Kyle, Texas 78640 in the New Town Community District.

Please let me know if you have any questions or need additional information.

Very truly yours,

A handwritten signature in blue ink that reads "Stacey L. Milazzo". The signature is written in a cursive, flowing style.

Stacey L. Milazzo,  
Paralegal

# LANDOWNER AUTHORIZATION AND AFFIDAVIT OF OWNERSHIP

## SUBJECT PROPERTY INFORMATION

Subdivision Name, Block, Lot, or legal description if not subdivided:

- (1) R13831 - ABS 151 DANIEL DOWNS SURVEY 1.00 AC GEO#90601180;
- (2) R13832 - ABS 151 DANIEL DOWNS SURVEY 23.03 AC GEO#90601181; and
- (3) R132787 - DANIEL DOWNS SURVEY, ACRES 0.62, ABANDONED PORTION OF BEBEE RD

# of lots (if subdivided): \_\_\_\_\_ # of acres: 24.653  
Site APN #(s): Property ID Nos: R13831 (1.00 ac); R13832 (23.03 ac); R132787 (0.62 ac)  
Location: CR 122/Beebe Rd County: Hays  
Development Name: Kyle Lakeside  
Development Number(s): \_\_\_\_\_

**OWNER** Sheila Lynn Webb and Rebecca Ann Hadsell, Independent Co-Executors of  
Company/Applicant Name: the Estate of Janell Hadsell  
Authorized Company Representative (if company is owner): \_\_\_\_\_  
Type of Company and State of Formation: \_\_\_\_\_  
Title of Authorized Company Representative (if company is owner): \_\_\_\_\_  
Applicant Address: 304 Bridgepoint Dr., Kingsland, TX 78639-9617  
Applicant Fax: \_\_\_\_\_  
Applicant Phone: \_\_\_\_\_  
Applicant/Authorized Company Representative Email: \_\_\_\_\_

## APPLICANT REPRESENTATIVE

Check one of the following:

\_\_\_\_\_ I will represent the application myself; or

X I hereby designate Nikelle Meade (Husch Blackwell LLP) (name of project representative) to act in the capacity as the agent for filing, processing, representation, and/or presentation of this development application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application.

I hereby certify that the above-named owner is the rightful owner of the Property. I am either the owner of the property identified above or a partner/manager/officer/director/member of the company who is authorized to act on behalf of the company. I further certify that the information provided herein and in the application for the development is true and correct. By signing below, I agree that the City of Kyle (the "City") is authorized and permitted to provide information contained within this application, including the email address, to the public.

Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
*See attached executed and notarized Agent Designation Letter.*

State of Texas           §  
                                  §  
County of Llano       §

This instrument was acknowledged before me on \_\_\_\_\_, 2021 by Sheila Lynn Webb, Co-Executor of the Estate of Janelle Hadsell.

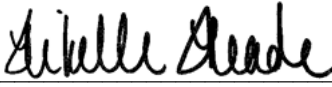
SUBSCRIBED AND SWORN TO before me, this  
the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

(Notary Seal)

\_\_\_\_\_  
Notary Public's Signature  
\_\_\_\_\_  
My Commission Expires

PROJECT REPRESENTATIVE

Representative Name: Nikelle Meade  
Representative Address: 111 Congress Ave., Suite 1400, Austin, TX 78701  
Representative Phone: (512) 992-6001  
Representative Email: nikelle.meade@huschblackwell.com

Representative's Signature:  Date: 03/02/2021

Estate of Janelle Hadsell  
c/o Sheila Webb  
304 Bridgepoint Drive  
Kingsland, TX 78639-9617

**AGENT DESIGNATION LETTER**

October 26, 2020

City of Kyle Planning Dept.  
100 W. Center Street  
Kyle, Texas 78640

Re: Designation of agent for proposed annexation, zoning, platting and related matters for 24.653 acres of land located at CR 122/Bebee Rd, Kyle, TX 78640 under Property ID numbers R13831, R13832 and R132787 (the "Property")

To Whom It May Concern:

The undersigned, as the owner of the above-referenced Property, hereby appoints Husch Blackwell LLP (Nikelle Meade), as agent in connection with the annexation, zoning, platting and any related matters concerning the Property with the City of Kyle.

A map of the Property is attached hereto as Exhibit A.

**Estate of Janelle Hadsell**

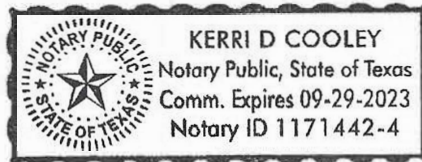
By: Sheila Lynn Webb  
Sheila Lynn Webb, Independent  
Co-Executor

By: Rebecca Ann Hadsell  
Rebecca Ann Hadsell, Independent  
Co-Executor

*[Notary blocks are on following page]*

THE STATE OF TEXAS   §  
                                     §  
COUNTY OF LLANO   §

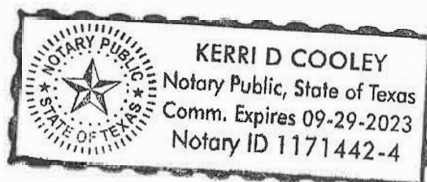
This instrument was acknowledged before me on the 28<sup>th</sup> day of October, 2020,  
by **Sheila Lynn Webb**, Independent Co-Executor of the Estate of Janelle Hadsell, on behalf of  
said estate.



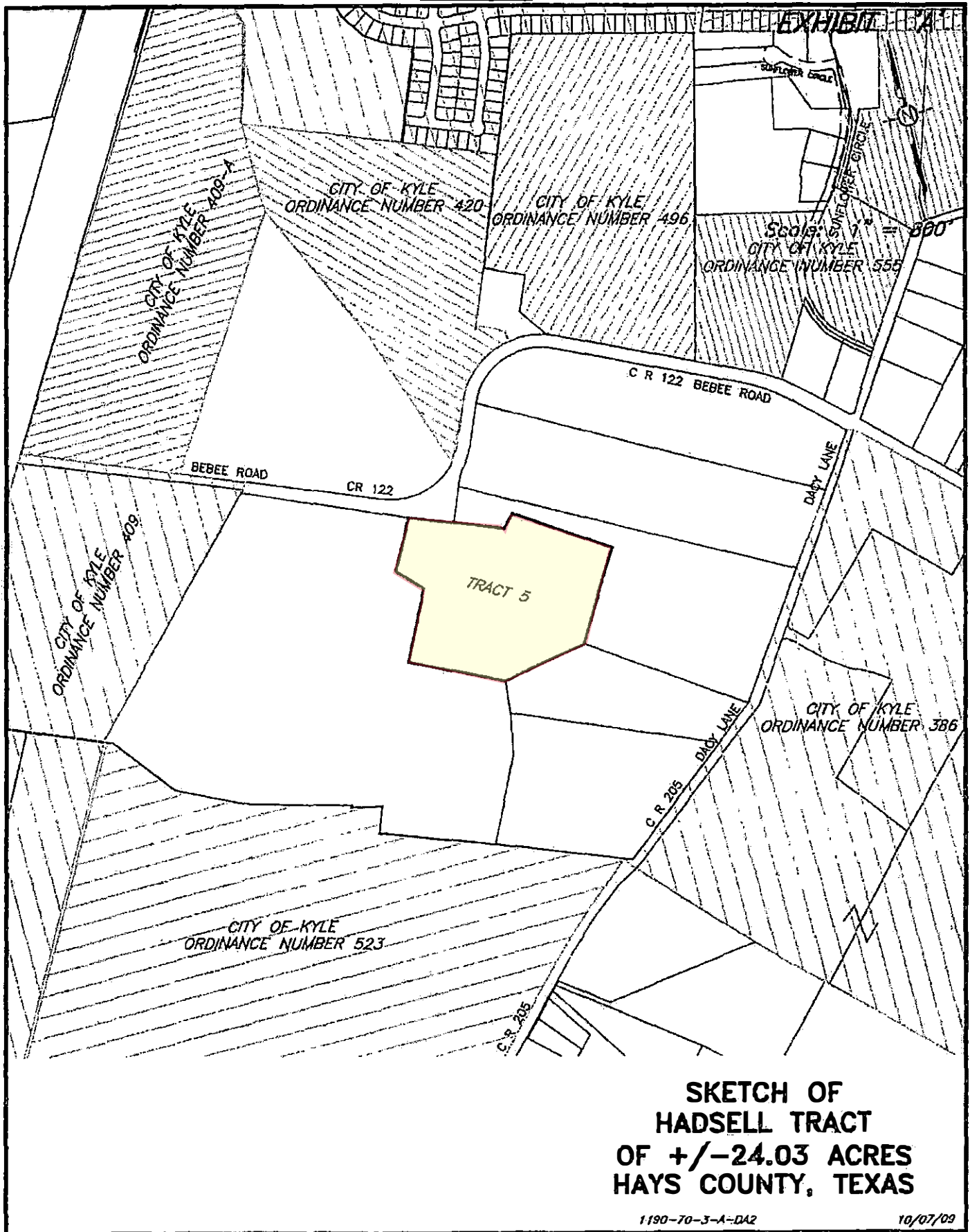
Kerri D Cooley  
Notary Public, State of Texas

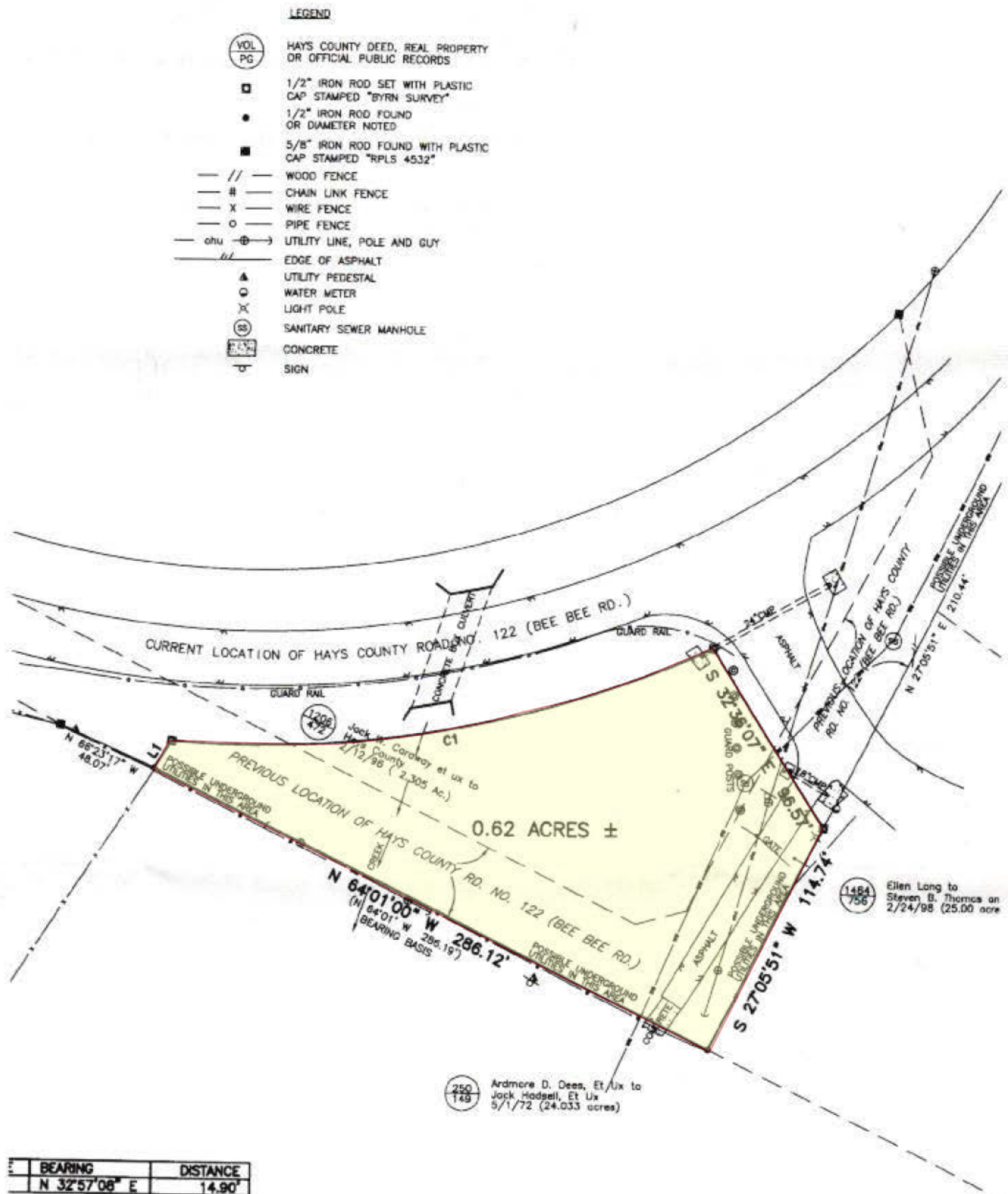
THE STATE OF TEXAS   §  
                                     §  
COUNTY OF LLANO   §

This instrument was acknowledged before me on the 28<sup>th</sup> day of October, 2020,  
by **Rebecca Ann Hadsell**, Independent Co-Executor of the Estate of Janelle Hadsell, on behalf  
of said estate.



Kerri D Cooley  
Notary Public, State of Texas





IVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
	29°27'53"	498.37'	256.29'	N 79°37'27" E	253.48'

STATE OF TEXAS  
COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS:

#76546

76546

That we, Ardmore D. Dees and wife, Iris S. Dees, of the County of Hays and State of Texas, for the consideration hereinafter shown as paid and secured to be paid by Jack Hadsell and wife, Janelle R. Hadsell, have granted, sold and conveyed, and by these presents do grant, sell and convey, unto the said Jack Hadsell and Janelle R. Hadsell of the County of **TRAVIS** and State of Texas, subject to the hereinafter mentioned taxes, liens and mineral reservation, all of that certain parcel of land situated in Hays County, Texas, being 24.033 acres of land, same being out of and a part of the D. Downer Survey No. 22 and the A. Brichta Survey in Hays County, Texas; said 24.033 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at an iron pipe found at the most easterly corner, as fenced, of that certain 30 acres, more or less, of land conveyed to Mrs. C. C. Young by deed of record in Volume 123 at Pages 128-131 of the Deed Records of Hays County, Texas, which point of beginning is the most easterly corner of this tract;

THENCE, with a fence, S 35° 16' W 633.31 feet to an iron pipe found and S 84° 30' W 547.01 feet to an iron pin set at the most southerly corner of this tract;

THENCE, with a fence, N 59° 22' W 616.67 feet to an iron pin set, N 30° 43' E 475.78 feet to an iron pin set and N 39° 14' W 205.56 feet to an iron pin set at the most northerly west corner of this tract;

THENCE, N 32° 44' E 348.26 feet to an iron pin set on the south line, as fenced, of the Kyle-Science Hall Road, which point is the most northerly corner of this tract;

THENCE, with the south line, as fenced, of the Kyle-Science Hall Road, S 64° 01' E 286.19 feet to an iron pipe found at a corner fence post;

THENCE, with a fence, S 64° 12' E 320.46 feet to an iron pipe found, N 48° 25' E 105.47 feet to an iron pipe found and S 51° 23' E 658.67 feet to the POINT OF BEGINNING and containing 24.033 acres of land.

This conveyance is made subject to that undivided one sixteenth (1/16th) mineral estate reserved by the Federal Land Bank of Houston in that deed from said Bank to Mrs. C. C. Young, dated September 16, 1938, and recorded in Volume 123, pages 128-131, Hays County Deed Records.

To have and to hold the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Jack Hadsell and Janelle R. Hadsell, their heirs and assigns, forever; and we do hereby bind ourselves, our heirs, executors

and administrators, to warrant and forever defend, all and singular the said premises unto the said Jack Hadsell and Janelle R. Hadsell, their heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, subject to the hereinabove mentioned mineral reservation and the hereinafter described taxes and liens.

The consideration for this conveyance is as follows:

1. The assumption on the part of the said Jack Hadsell and Janelle R. Hadsell, effected by the acceptance of this conveyance, of all ad valorem taxes levied and assessed for the year of 1972 against the premises conveyed hereby.

2. The sum of Ten Dollars (\$10.00) cash to us in hand paid by the said Jack Hadsell and Janelle R. Hadsell, the receipt and sufficiency of which is hereby acknowledged and confessed, and for which no lien, express or implied, is retained.

3. The execution and delivery to the said Ardmore D. Dees by the said Jack Hadsell and Janelle R. Hadsell of their one certain promissory note dated of even date herewith, for the sum of Eight Thousand and No/100 Dollars (\$8,000.00) and payable to the said Ardmore D. Dees, or order, with interest and in installments as in said note provided. Said note is here referred to and made a part hereof for all pertinent purposes.

The vendor's lien is retained against the above described premises and improvements for the security and until the full and final payment of the above described note, when and whereupon this deed shall become absolute. Said note is further secured by a deed of trust of even date herewith from the maker of said note to Henry C. Kyle, Trustee, conveying said premises for the use and benefit of the holder of said note. Said deed of trust is here referred to for all pertinent purposes.

Witness our hands this the 1st day of May, 1972.

Ardmore D. Dees  
Ardmore D. Dees

Iris S. Dees  
Iris S. Dees

STATE OF TEXAS     Y  
COUNTY OF HAYS     Y

BEFORE ME, the undersigned authority, on this day personally

-2-

NOTARY PUBLIC, My commission expires on the 1st day of May, 1973. I hereby certify that the foregoing is a true and correct copy of the original as the same appears in my records.

VOL. 250 PAGE 152

appeared Ardmore D. Dees and Iris S. Dees, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 2nd day of

May, 1972.

Albert G. Walker  
Notary Public, Hays County, Texas.

THE STATE OF TEXAS }  
COUNTY OF HAYS }

I, LYDELL B. CLAYTON, Clerk of the County Court within and for the County and State aforesaid, do hereby certify that the within and foregoing instrument of writing with its Certificate of Authentication, was filed for record in my office on the 3rd day of May, A.D., 1972 at 3:20 o'clock P.M., and duly recorded on the 4th day of May, A.D., 1972 at 10:20 o'clock A.M., in the Deed Records of said County in Book Number 250 Pages 149-152 Inclusive.

WITNESS MY HAND AND SEAL OF THE COUNTY COURT OF HAYS COUNTY, TEXAS, the date last above written.

Lydeell B. Clayton By [Signature] Deputy  
LYDELL B. CLAYTON, Clerk of the County Court within and for the County

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

QUITCLAIM DEED

10028678 Bk OPR Vol 3988 Pg 777

THE STATE OF TEXAS §  
COUNTY OF HAYS §

Grantor: HAYS COUNTY, TEXAS  
a political subdivision of the State of Texas

Grantor's Mailing Address: 111 E. San Antonio Street, Suite 300  
San Marcos, Hays County, Texas 78667

Grantee: Jack Hadsell

Grantee's Mailing Address: 2702 Jefferson  
Austin, Texas 78703

Property: That certain real property situated in Hays County, Texas, and being more particularly described on Exhibit "A" attached hereto and incorporated herein by reference for all purposes.

By operation of law, the sufficiency of which is hereby acknowledged, and as authorized pursuant to that certain Resolution to Abandon, adopted by the Hays County Commissioners Court, dated May 12, 2010 and numbered 26129, a copy of which is attached hereto as Exhibit "B", Grantor quitclaims to Grantee all of Grantor's right, title, and interest in and to the Property, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Neither Grantor nor Grantor's heirs, successors, or assigns will have, claim, or demand any right or title to the Property or any part of it.

When the context requires, singular nouns and pronouns include the plural.

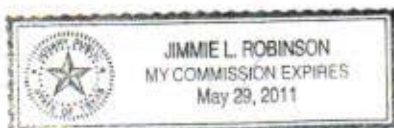
IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on this the 12<sup>th</sup> day of October, 2010.

HAYS COUNTY, TEXAS  
a political subdivision of the State of Texas

By:   
Elizabeth "Liz" Sumter  
Hays County Judge

STATE OF TEXAS §  
COUNTY OF HAYS §

This instrument was acknowledged before me on October 12<sup>th</sup>, 2010 by Elizabeth "Liz" Sumter as County Judge of Hays County.



  
Jimmie L. Robinson  
Notary Public, State of Texas



Bk Vol Pg  
90012572 OPR 3651 873

Bk Vol Pg  
10028678 OPR 3988 778

DESCRIPTION OF 0.62 OF AN ACRE, MORE OR LESS, OF LAND AREA IN THE D. DOWNER SURVEY, ABSTRACT NO. 151, HAYS COUNTY, TEXAS, BEING A PORTION OF THAT TRACT DESCRIBED AS 2.305 ACRES IN A DEED FROM JACK W. CARAWAY ET UX TO HAYS COUNTY DATED FEBRUARY 12, 1996 AND RECORDED IN VOLUME 1206, PAGE 472 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, BEING A PORTION OF THE PREVIOUS LOCATION OF HAYS COUNTY ROAD NO. 122/BEE BEE ROAD, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at a ½" iron rod found at the end of a wire fence in the southwest line of the previous location of Bee Bee Road for the west corner of this description, the north corner of that tract described as 24.033 acres in a deed from Ardmore D. Dees et ux to Jack Hadsell et ux dated May 1, 1972 and recorded in Volume 250, Page 149 of the Hays County Deed Records, and for the east corner of the remaining portion of that tract described as "Third Tract - 76 acres" in a deed from Ardmore D. Dees et ux to Alton J. Franke et ux dated November 12, 1975 and recorded in Volume 279, Page 565 of the Hays County Deed Records (said Hadsell 24.033 acre tract being a portion of the Franke 76 acre Third Tract), from which a 5/8" iron rod found with a plastic cap stamped "RPLS 4532" in the curving south line of the current location of Bee Bee Road for the east corner of that tract described as 0.484 acres in a deed from Evelyn B. Franke to Hays County dated March 8, 1996 and recorded in Volume 1214, Page 357 of the Hays County Official Public Records bears N 66°23'17" W 48.07 feet (said Hays County 0.484 acre tract being a portion of the Franke 76 acre Third Tract);

**THENCE** leaving the Franke tract, the Hadsell 24.033 acre tract, and the **PLACE OF BEGINNING** as shown on that plat numbered 26361-09-c dated February 24, 2009 prepared for Hays County by Byrn & Associates, Inc., of San Marcos, Texas, crossing portions of the previous location of Bee Bee Road and the Hays County 2.305 acre tract, the following three courses:

1. N 32°57'08" E 14.90 feet to a ½" iron rod set,

2. With a left-breaking curve having the following characteristics: **delta angle = 29°27'53"**, **radius = 498.37 feet**, **arc = 256.29 feet**, and a chord which bears **N 79°37'27" E 253.48 feet** to a ½" iron rod set for the north corner of this description, and
3. **S 32°36'07" E 96.57 feet** to a ½" iron rod set in the southeast line of the previous location of Bee Bee Road and northwest line of that tract described as 25.00 acres in a deed from Ellen Long to Steven B. Thomas and Rebecca J. Thomas Dated February 24, 1998 and recorded in Volume 1464, Page 756 of the Hays County Official Public Records for the east corner of this description, from which a 5/8" iron rod found in the curving southeast line of the current location of Bee Bee Road and northwest line of that tract described as 25.00 acres in a deed from Elon C. Nash to Steven B. Thomas and Rebecca J. Thomas dated February 24, 1998 and recorded in Volume 1464, Page 350 of the Hays County Official Public Records for the south corner of that tract described as 0.173 of an acre in a deed from Elon C. Nash to Hays County dated August 8, 1995 and recorded in Volume 1166, Page 738 of the Hays County Official Public Records bears **N 27°05'51" E 210.44 feet**;

**THENCE** with the common northwest line of the Thomas 25.00 acre tract recorded in Volume 1464, Page 756 and southeast line of the previous location of Bee Bee Road, **S 27°05'51" W 114.74 feet** to a ½" iron rod found in the northeast line of the previously mentioned Hadsell 24.033 acre tract for the south corner of this description and the previous location of Bee Bee Road and west corner of the Thomas 25.00 acre tract;

**THENCE** leaving the Thomas 25.00 acre tract with the common northeast line of the Hadsell 24.033 acre tract and southwest line of the previous location of Bee Bee Road, **N 64°01'00" W (being the bearing basis for this description) 286.12 feet** to the **PLACE OF BEGINNING**.

	Bk	Vol	Pg
90012572	OPR	3651	875
10028678	OPR	3988	780

THERE are contained within these metes and bounds 0.62 of an acre, more or less, as prepared from public records and a survey made on the ground on February 24, 2009 by Byrn & Associates, Inc., of San Marcos, Texas. All 1/2" iron rods set are capped with a plastic cap stamped "Byrn Survey".

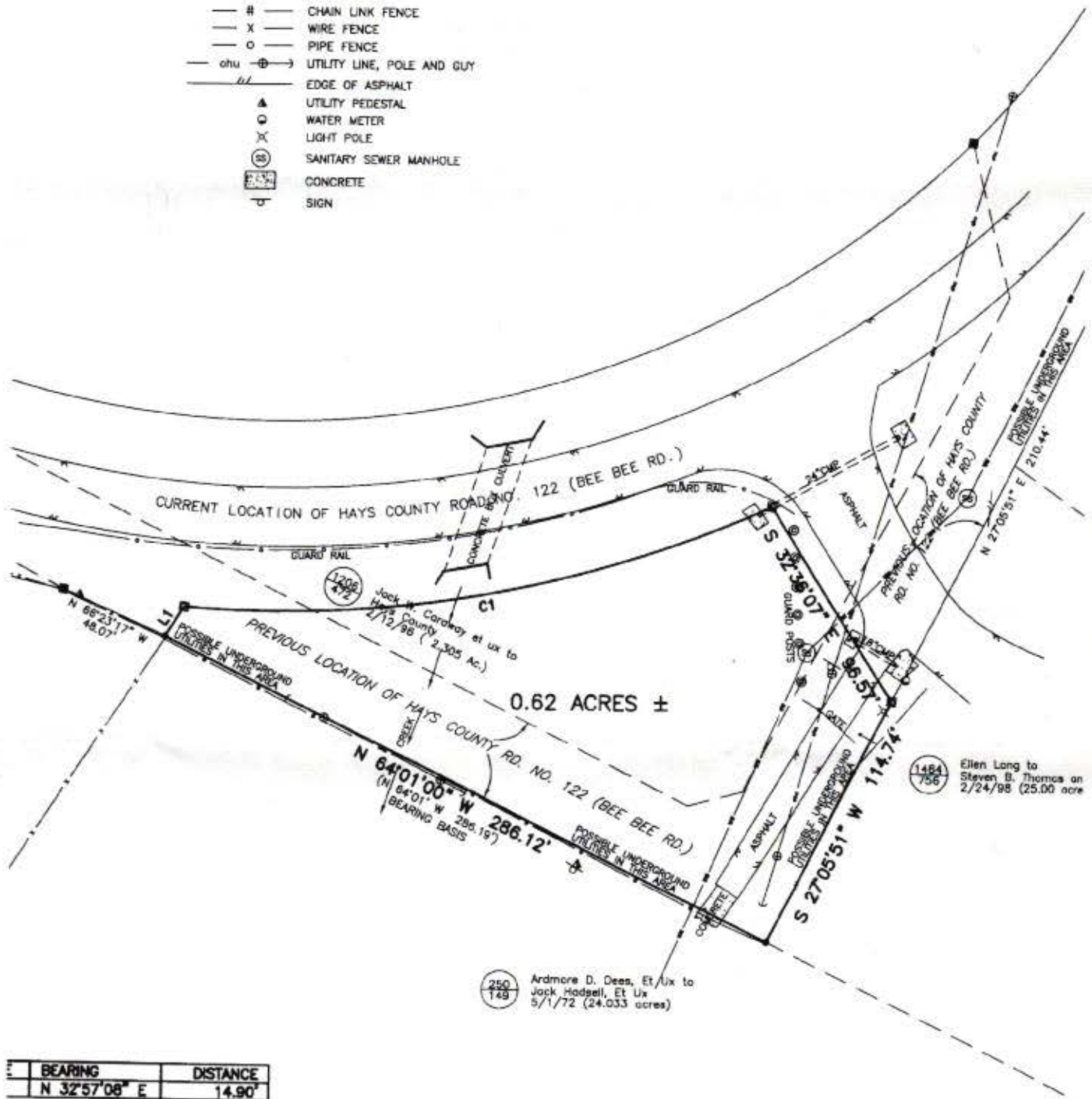
  
\_\_\_\_\_  
Kyle Smith, R.P.L.S. # 5307



Client: Hays County  
Date: February 24, 2009  
Survey: Downer, D. A-151  
County: Hays, Texas  
Job No: 26361-09  
FND0.62

LEGEND

- (VOL PG) HAYS COUNTY DEED, REAL PROPERTY OR OFFICIAL PUBLIC RECORDS
- 1/2" IRON ROD SET WITH PLASTIC CAP STAMPED "BYRN SURVEY"
- 1/2" IRON ROD FOUND OR DIAMETER NOTED
- 5/8" IRON ROD FOUND WITH PLASTIC CAP STAMPED "RPLS 4532"
- //— WOOD FENCE
- #— CHAIN LINK FENCE
- X— WIRE FENCE
- O— PIPE FENCE
- ohu— UTILITY LINE, POLE AND GUY
- /— EDGE OF ASPHALT
- ▲ UTILITY PEDESTAL
- WATER METER
- ⋈ LIGHT POLE
- ⊙ SANITARY SEWER MANHOLE
- CONCRETE
- SIGN



BEARING	DISTANCE
N 32°57'08" E	14.90'

Δ	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
29°27'53"	498.37'	256.29'	N 79°37'27" E	253.48'	

## EXHIBIT

"B"

Bk Vol Pg  
10028678 OPR 3988 784 BPL Vol Pg  
10021253 OPR 3978 58

## CERTIFIED COPY OF HAYS COUNTY COMMISSIONERS' COURT MINUTES

STATE OF TEXAS \*  
COUNTY OF HAYS \*ON THIS THE 12<sup>TH</sup> DAY OF MAY A.D., 2010, THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS, MET IN REGULAR MEETING. THE FOLLOWING MEMBERS WERE PRESENT, TO-WIT:ELIZABETH "LIZ" SUMTER  
DEBBIE GONZALES INGALSBE  
JEFFERSON W. BARTON  
WILL CONLEY  
KAREN FORD  
LINDA C. FRITSCHKECOUNTY JUDGE  
COMMISSIONER, PCT. 1  
COMMISSIONER, PCT. 2  
COMMISSIONER, PCT. 3  
COMMISSIONER, PCT. 4  
COUNTY CLERK

AND THE FOLLOWING PROCEEDINGS WERE HAD, THAT IS:

26129 CLOSE, ABANDON, AND VACATE .62 ACRES OF COUNTY RIGHT-OF-WAY ON ROAD IN PRECINCT 1; AND TO RECORD THE ORDER CLOSING, ABANDONING, AND VACATING THIS PROPERTY IN THE OFFICIAL COUNTY RECORDS [T1-1821]

RPTP Director Jerry Borcharding advised that this property is of no value to the county. Special Counsel Mark Kennedy spoke of Order conveying the property and he spoke of Chapter 251 of the Transportation Code. A motion was made by Commissioner Ingalsbe, seconded by Commissioner Barton to close, abandon, and vacate .62 acres of county Right-of-Way on BeBee Road in Precinct 1; and to record the order closing, abandoning, and vacating this property in the official County Records. All voting "Aye".  
MOTION PASSED

THE STATE OF TEXAS  
COUNTY OF HAYS

I, Linda C. Fritsche, County Clerk and Ex-Officio Clerk of the Commissioners' Court of Hays County, Texas, do hereby certify that the following contains a true and correct copy of the minutes of MAY 12, 2010 under Resolution #26129 in the Commissioners' Court Minutes of Hays County, Texas:

Given under my hand and seal of office at San Marcos, Texas this the 16<sup>TH</sup> day of JULY, 2010.LINDA C. FRITSCHKE, COUNTY CLERK AND  
EXOFFICIO CLERK OF THE HAYS  
COUNTY COMMISSIONERS' COURTBY Liz Ingalsbe  
DEPUTY

Clerk's Note: Property Owner – Jack Hadsell, 2702 Jefferson St. Austin, TX 78703

LETTERS TESTAMENTARY

ESTATE OF  
JANELLE HADSELL  
DECEASED

C-1-PB-20-000850  
IN PROBATE COURT NUMBER ONE  
TRAVIS COUNTY, TEXAS

THE STATE OF TEXAS     \*  
COUNTY OF TRAVIS     \*

I, the undersigned Clerk of the Probate Court No. 1 of Travis County Texas, do hereby certify that on July 30, 2020, REBECCA ANN HADSELL AND SHEILA LYNN WEBB was duly granted by said Court, Letters Testamentary of the Estate of JANELLE HADSELL Deceased, and that they qualified as Independent Co-Executors without bond of said estate on July 30, 2020 as the law requires, said appointment is still in full force and effect.  
Given under my hand and seal of office at Austin, Texas, on July 30, 2020.

Dana DeBeauvoir

County Clerk, Travis County, Texas

P.O. Box 149325 Austin, Texas 78714-9325

By Deputy

B. HICKS



ESTATE OF	§	IN THE PROBATE COURT
JANELLE HADSELL,	§	
	§	NO. 1 OF
DECEASED	§	
	§	TRAVIS COUNTY, TEXAS

**PROOF OF DEATH AND OTHER FACTS**

On this day, Sheila Lynn Webb ("Affiant") personally appeared in open court, and after being duly sworn, deposed and said:

1. My name is Sheila Lynn Webb and I am the daughter of Janelle Hadsell. Janelle Hadsell ("Decedent") died on January 24, 2020 at the Windchime Assisted Living Facility, 216 Covenant Lane, Kingsland, Llano County, Texas, 78639 at the age of 92 years. Four years have not elapsed since the date of Decedent's death.

2. Although Decedent died in Llano Country, the Decedent was domiciled and had a fixed place of residence in Austin, Travis County, Texas at the date of death.

3. The document dated November 5, 2009, now shown to me and which purports to be Decedent's Will, was never revoked so far as I know.

4. A necessity exists for the administration of this Estate because the Decedent owned assets that require administration.

5. After the date of the Will, no children were born to or adopted by Decedent.

6. After the date of this Will no marriage of Decedent was ever dissolved.

7. The State of Texas, a governmental agency of the State of Texas, or a charitable organization are not named by Decedent's Will as a Devisee.

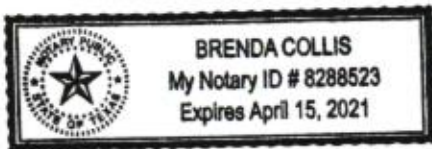
8. Decedent's Will named Rebecca Ann Hadsell and Sheila Lynn Webb, the Applicants herein, as Independent Co-Executors to serve without bond, and they are duly qualified and not disqualified by law from accepting Letters Testamentary or from serving as executors of this estate and are entitled to such letters.

C-1-PB-20-000850

SIGNED this 30<sup>th</sup> day of July, 2020.

Sheila Lynn Webb  
Sheila Lynn Webb, Affiant

SUSCRIBED AND SWORN TO BEFORE ME by Sheila Lynn Webb this 30<sup>th</sup> day of July, 2020,  
to certify which witness my hand and seal of office.



Brenda Collis  
Notary Public in and for the State of Texas

# STATE OF TEXAS

## CERTIFICATION OF VITAL RECORD

### DEPARTMENT OF STATE HEALTH SERVICES VITAL STATISTICS

TEXAS DEPARTMENT OF STATE HEALTH SERVICES - VITAL STATISTICS

Jan 28 2020

STATE OF TEXAS

CERTIFICATE OF DEATH

STATE FILE NUMBER

142-20-011177

1. LEGAL NAME OF DECEASED (Include AKA's, if any) (First, Middle, Last)				2. DATE OF DEATH - ACTUAL OR PRESUMED (mm-dd-yyyy)																						
JANELLE HADSELL				JANUARY 24, 2020																						
3. SEX	4. DATE OF BIRTH (mm-dd-yyyy)	5. AGE - Last Birthday (Years)	6. BIRTHPLACE (City & State or Foreign Country)																							
FEMALE	MARCH 22, 1927	92	MINEOLA, TX																							
7. SOCIAL SECURITY NUMBER		8. MARITAL STATUS AT TIME OF DEATH		9. SURVIVING SPOUSE'S NAME (If spouse, give name prior to first marriage)																						
457-38-9673		<input type="checkbox"/> Married <input type="checkbox"/> Divorced (but not remarried) <input checked="" type="checkbox"/> Widowed (but not remarried) <input type="checkbox"/> Never Married <input type="checkbox"/> Unknown																								
10a. RESIDENCE STREET ADDRESS			10b. APT. NO.	10c. CITY OR TOWN																						
1604 REDD ST				AUSTIN																						
10d. COUNTY		10e. STATE	10f. ZIP CODE		10g. INSIDE CITY LIMITS?																					
TRAVIS		TEXAS	78745		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																					
11. FATHER/PARENT 2 NAME PRIOR TO FIRST MARRIAGE			12. MOTHER/PARENT 1 NAME PRIOR TO FIRST MARRIAGE																							
GRADY RAPE			ETNA HORTON																							
13. PLACE OF DEATH (CHECK ONLY ONE)																										
IF DEATH OCCURRED IN A HOSPITAL: <input type="checkbox"/> Inpatient <input type="checkbox"/> ER/Outpatient <input type="checkbox"/> DOA																										
IF DEATH OCCURRED SOMEWHERE OTHER THAN A HOSPITAL: <input type="checkbox"/> Hospice Facility <input checked="" type="checkbox"/> Nursing Home <input type="checkbox"/> Decedent's Home <input type="checkbox"/> Other (Specify)																										
14. COUNTY OF DEATH		15. CITY/TOWN, ZIP (If outside city limits, give precinct NO)		16. FACILITY NAME (If not institution, give street address)																						
LLANO		KINGSLAND, 78639		WINDCHIME																						
17. INFORMANT'S NAME & RELATIONSHIP TO DECEASED			18. MAILING ADDRESS OF INFORMANT (Street and Number, City, State, Zip Code)																							
SHEILA WEBB - DAUGHTER			304 BRIDGEPOINT DRIVE, KINGSLAND, TX 78639																							
19. METHOD OF DISPOSITION			20. SIGNATURE AND LICENSE NUMBER OF FUNERAL DIRECTOR OR PERSON ACTING AS SUCH		21. <input checked="" type="checkbox"/> Unknown																					
<input type="checkbox"/> Burial <input checked="" type="checkbox"/> Cremation <input type="checkbox"/> Donation <input type="checkbox"/> Entombment <input type="checkbox"/> Removal from state <input type="checkbox"/> Mausoleum <input type="checkbox"/> Other (Specify)			ELIJAH M. HEATLEY BY ELECTRONIC SIGNATURE - 116789		Section _____ Block _____ Lot _____ Space _____																					
22. PLACE OF DISPOSITION (Name of cemetery, crematory, other place)			23. LOCATION (City/Town, and State)																							
PUTNAM CREMATORY			KINGSLAND, TX																							
24. NAME OF FUNERAL FACILITY			25. COMPLETE ADDRESS OF FUNERAL FACILITY (Street and Number, City, State, Zip Code)																							
PUTNAM FUNERAL HOME, LLC			145 TEXAS AVE., KINGSLAND, TX 78639																							
26. CERTIFIER (Check only one)																										
<input checked="" type="checkbox"/> Certifying physician - To the best of my knowledge, death occurred due to the cause(s) and manner stated.																										
<input type="checkbox"/> Medical Examiner/Justice of the Peace - On the basis of examination, and/or investigation in my opinion, death occurred at the time, date and place, and due to the cause(s) and manner stated.																										
27. SIGNATURE OF CERTIFIER		28. DATE CERTIFIED (mm-dd-yyyy)	29. LICENSE NUMBER	30. TIME OF DEATH (Actual or presumed)																						
ALAN LEIFESTE, BY ELECTRONIC SIGNATURE		JANUARY 27, 2020	M0791	03:24 PM																						
31. PRINTED NAME, ADDRESS OF CERTIFIER (Street and Number, City, State, Zip Code)				32. TITLE OF CERTIFIER																						
ALAN LEIFESTE 525 RANCH ROAD 2900, KINGSLAND, TX 78639				MD																						
33. PART 1. ENTER THE CHAIN OF EVENTS - DISEASES, INJURIES, OR COMPLICATIONS - THAT DIRECTLY CAUSED THE DEATH. DO NOT ENTER TERMINAL EVENTS SUCH AS CARDIAC ARREST, RESPIRATORY ARREST, OR VENTRICULAR FIBRILLATION WITHOUT SHOWING THE ETIOLOGY. DO NOT ABBREVIATE. ENTER ONLY ONE CAUSE ON EACH.																										
IMMEDIATE CAUSE (Final disease or condition resulting in death) <table style="width: 100%;"> <tr> <td style="width: 5%;">a.</td> <td style="width: 85%;">SENILE DEGENERATION OF BRAIN</td> <td style="width: 10%;">MONTHS</td> </tr> <tr> <td></td> <td>Due to (or as a consequence of)</td> <td></td> </tr> <tr> <td>b.</td> <td></td> <td></td> </tr> <tr> <td></td> <td>Due to (or as a consequence of)</td> <td></td> </tr> <tr> <td>c.</td> <td></td> <td></td> </tr> <tr> <td></td> <td>Due to (or as a consequence of)</td> <td></td> </tr> <tr> <td>d.</td> <td></td> <td></td> </tr> </table>						a.	SENILE DEGENERATION OF BRAIN	MONTHS		Due to (or as a consequence of)		b.				Due to (or as a consequence of)		c.				Due to (or as a consequence of)		d.		
a.	SENILE DEGENERATION OF BRAIN	MONTHS																								
	Due to (or as a consequence of)																									
b.																										
	Due to (or as a consequence of)																									
c.																										
	Due to (or as a consequence of)																									
d.																										
34. WAS AN AUTOPSY PERFORMED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																										
35. WERE AUTOPSY FINDINGS AVAILABLE TO COMPLETE THE CAUSE OF DEATH? <input type="checkbox"/> Yes <input type="checkbox"/> No																										
36. MANNER OF DEATH																										
<input checked="" type="checkbox"/> Natural <input type="checkbox"/> Accident <input type="checkbox"/> Suicide <input type="checkbox"/> Homicide <input type="checkbox"/> Pending Investigation <input type="checkbox"/> Could not be determined																										
37. DID TOBACCO USE CONTRIBUTE TO DEATH?		38. IF FEMALE:		39. IF TRANSPORTATION INJURY, SPECIFY:																						
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Previously <input type="checkbox"/> Probably <input type="checkbox"/> Unknown		<input type="checkbox"/> Not pregnant within past year <input type="checkbox"/> Pregnant at time of death <input type="checkbox"/> Not pregnant, but pregnant within 42 days of death <input type="checkbox"/> Not pregnant, but pregnant 43 days to one year before death <input type="checkbox"/> Unknown if pregnant within the past year		<input type="checkbox"/> Driver/Operator <input type="checkbox"/> Passenger <input type="checkbox"/> Pedestrian <input type="checkbox"/> Other (Specify)																						
40a. DATE OF INJURY (mm-dd-yyyy)	40b. TIME OF INJURY	40c. INJURY AT WORK?	40d. PLACE OF INJURY (e.g. Decedent's home, construction site, restaurant, wooded area)																							
		<input type="checkbox"/> Yes <input type="checkbox"/> No																								
40e. LOCATION (Street and Number, City, State, Zip Code)			40f. COUNTY OF INJURY																							
41. DESCRIBE HOW INJURY OCCURRED																										
42a. REGISTRAR FILE NO.	42b. DATE RECEIVED BY LOCAL REGISTRAR	42c. REGISTRAR																								
		Tara Das																								

EDR NUMBER 00004444547864

This is a true and correct copy of the record as registered in the State of Texas. Issued under the authority of Section 191.051, Health and Safety Code.

ISSUED Jan 30 2020

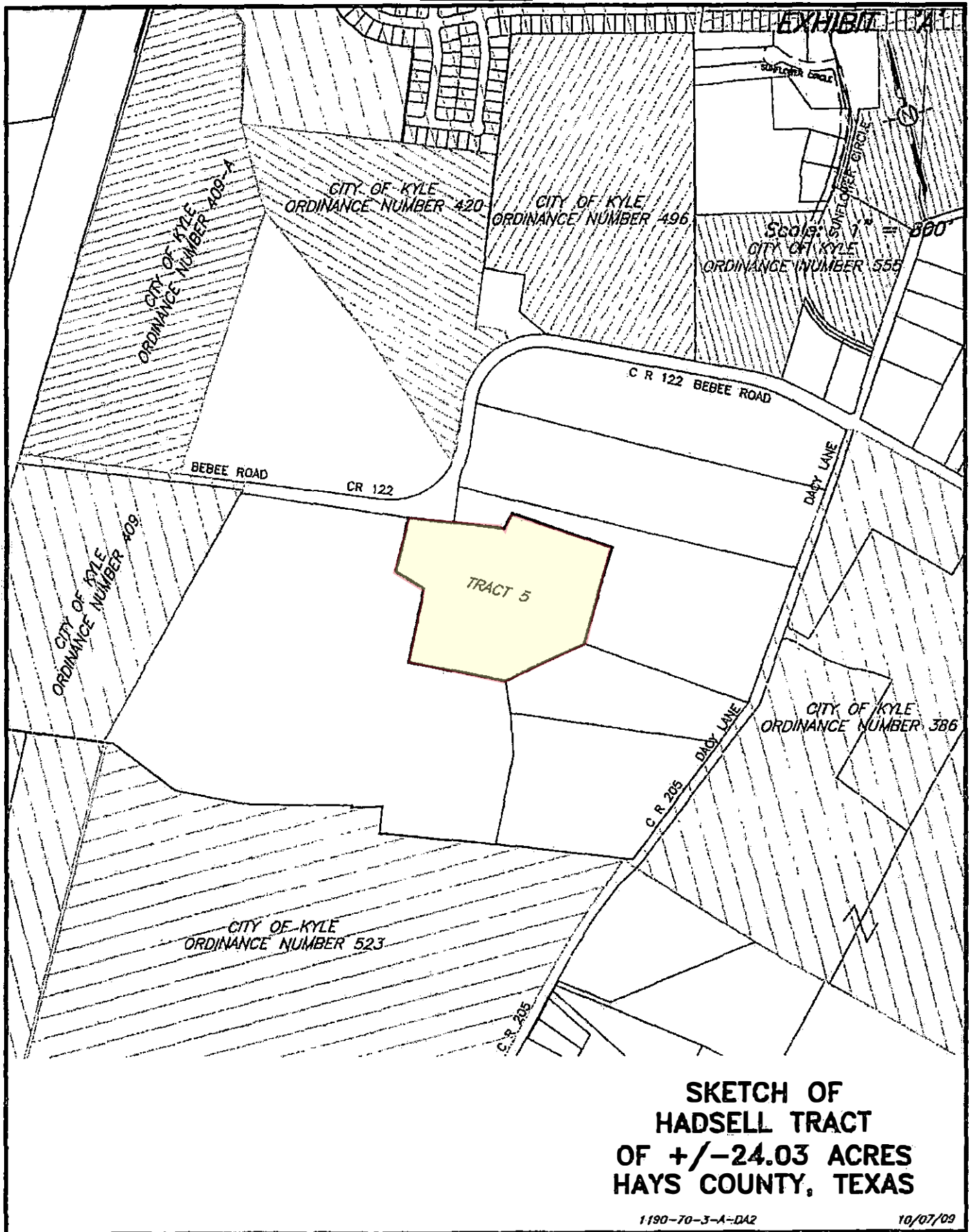
WARNING: THIS DOCUMENT HAS A DARK BLUE BORDER AND A COLORED BACKGROUND

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

JON

TARA DAS  
STATE REGISTRAR

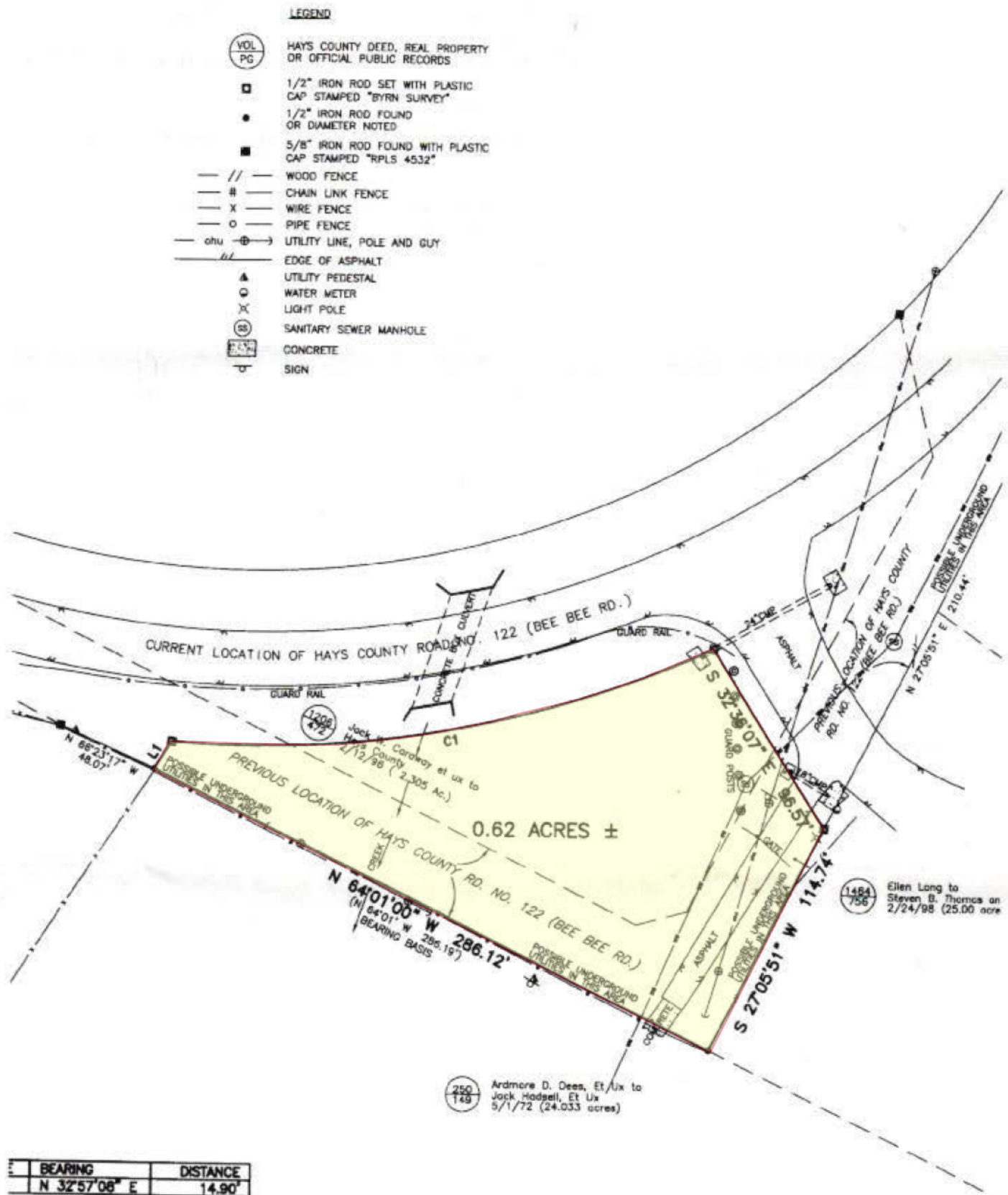
Item # 15



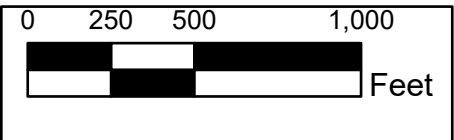
**SKETCH OF  
HADSELL TRACT  
OF +/-24.03 ACRES  
HAYS COUNTY, TEXAS**

1190-70-3-A-DA2

10/07/09



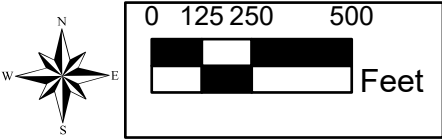
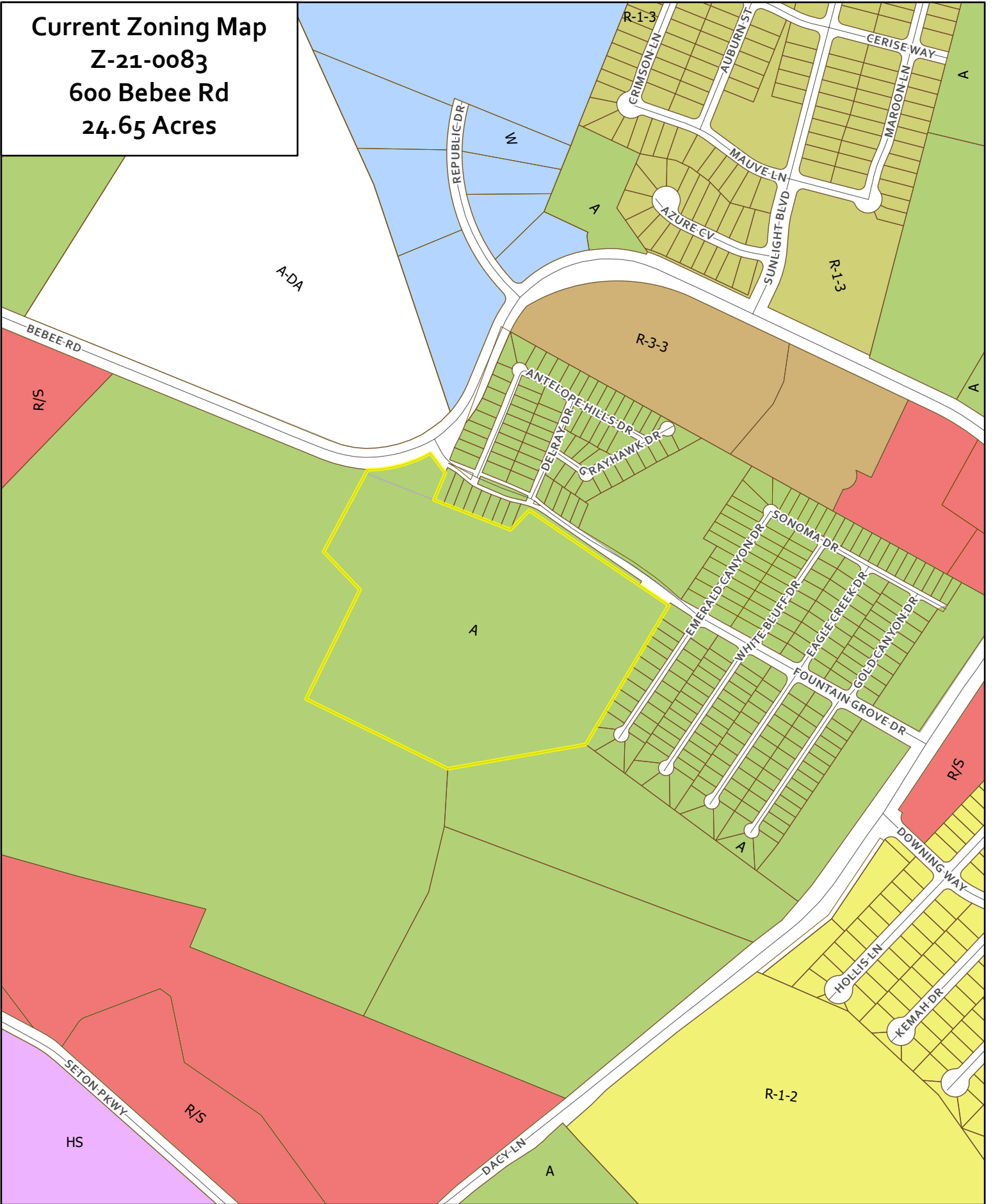
Property Location Map  
Z-21-0083  
600 Bebee Rd  
24.65 Acres



 Property Location

 Parcel Lines

Current Zoning Map  
Z-21-0083  
600 Bebee Rd  
24.65 Acres



 Property Location       Parcel Lines

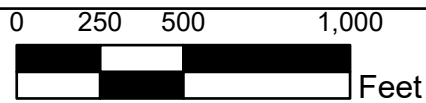
Landuse Districts Map  
Z-21-0083  
600 Bebee Rd  
24.65 Acres

**Regional Node**

**NewTown  
Community**

**Super  
Regional  
Node**

**East  
New  
Settlement  
Community**



**Property Location**



**Parcel Lines**

Item # 15



# CITY OF KYLE, TEXAS

Sec. 53-5 Definitions (Building Acre, Multifamily Residential Restricted, Townhouse); Sec. 53-443 – Permitted Uses; Sec. 54-5 (Note 1).

**Meeting Date: 8/3/2021**  
**Date time: 7:00 PM**

**Subject/Recommendation:** *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Code of Ordinances for the purpose of modifying Sec. 53-5 Definitions (Building Acre, Multifamily Residential Restricted, Townhouse); Sec. 53-443 – Permitted Uses; Sec. 54-5 (Note 1). ~ *Howard J. Koontz, Director of Planning and Community Development*

*Planning and Zoning Commission voted 5-0 to recommend approval.*

- Public Hearing

**Other Information:** See attachments.

**Legal Notes:** N/A

**Budget Information:** N/A

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## **ATTACHMENTS:**

### **Description**

- ☐ Staff Memo- Sec. 53-5, Sec. 53-443, Sec. 54-1
- ☐ Zoning Ordinance - Sec. 53-5 & Sec. 53-443 & Sec. 54-5 (Note 1)



# CITY OF KYLE

## Community Development Department

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### MEMORANDUM

**TO:** City of Kyle Mayor & City Council

**FROM:** Howard J. Koontz – Director of Planning and Community Development

**DATE:** Tuesday, August 3, 2021

**SUBJECT:** Amendments to Sec. 53-5 *Definitions*, Sec. 53-443 *Permitted Uses* & Sec. 54-5 (Note 1)

### REQUEST

Staff presents for your consideration an amendment to Sec. 53-5 *Definitions* and Sec. 53-443 *Permitted Uses*, Sec. 54-5 (Note 1).

### TEXT OF THE ZONING ORDINANCE

#### **Sec. 53-5. - Definitions.**

*Building acre* means the area within the total subdivision boundary upon which living unit equivalents (LUEs) can be built and is calculated by subtracting from the total area of the subdivision the sum total of floodplain area, park area, hike and bike trail area and street right-of-way area (i.e., buildable acre equals total acres of subdivision less sum total of floodplain area, park area, hike and bike trail area and right-of-way area). [For clarification purposes, this is net density \(gross acreage minus streets, parks, hike and bike trails, floodplain, detention, etc.\).](#)

*Multi-family residential, restricted* means multiple-family residences, containing ~~five~~ [ten](#) or fewer dwelling units which are located above the first floor of a structure that has a nonresidential use, such as an office or retail shop, operating on the first floor.

*Townhouse* means a structure on an individual lot, which is one of a series of ~~three~~ [four](#) or more dwelling units designed for single-family occupancy, which dwelling units are structurally connected, immediately adjacent to and abutting each other between individual dwelling units. A condominium apartment (as defined in V.T.C.A., Property Code ch. 82) in a condominium structure may be considered a townhouse if no other

dwelling unit or use of any kind exists immediately above or below it. Any project including three or more such condominiums or townhouses shall be considered a townhouse project.

**Sec. 53-443. - Permitted uses.**

(a) The CBD-2 central business district 2 is less restrictive than CBD-1 and principally addresses development in the original town and central area of the city, allowing a mix of uses including, office, restricted commercial, restricted multi-family residential and residential uses. Each multi-family dwelling unit shall be required to have a minimum of five hundred (500) square feet of living area.

(b) The uses permitted in the CBD-2 central business district 2 shall be as provided in [section 53-1230](#).

[\(c\) 1 multi-family dwelling unit is allowed on the ground floor. The dwelling unit will be located at the rear of the building.](#)

**Sec. 54-5 (Note 1) Landscaping requirements**

A minimum percentage of the total lot area shall be devoted to landscape development in accordance with the following schedule:

Zoning and/or Proposed Land Use	Percentage
R-1-T, R-1-C, R-3-1, R-3-2, R-3-3, CBD-1	15
R-1-1, R-1-2, R-1-A, R-2, M-1, M-2, M-3	Note 1
CBD-2, RS, E, TU (SIC code 48811900 only), CC, RV	10
W, CM	15
PUD	Note 2
Agricultural, E	None
Private and public park/public area	20

Note 1—Minimum landscape requirements for each lot on which a single-family, duplex, triplex or fourplex dwelling, or a manufactured home, is constructed or installed after the date of the ordinance from which this chapter is derived shall be a minimum of ~~two-three-inch trees~~, six two-gallon shrubs and lawn grass from the front property line to the front two corners of the structure all plants shall be of native and adapted species and drought resistant. [A total of two, two-inch trees are required to be planted per residential lot. Front yards with limited room for planting, may plant one tree in the rear yard. The remaining tree may be planted in the front yard, in the public ROW or access easement \(street tree\).](#) Residential structures on reverse frontage lots shall also be required to screen the rear of the structure from the abutting highway, access road, or other public rights-of-way.

## ANALYSIS

With the Planning & Zoning Commission's consent, staff has brought forward a handful of simple code edits to better facilitate the City of Kyle's development code. The above text changes are also shown in a draft ordinance but not redlined, to show how the ordinance would read in the case of approval.

As previously discussed, the edit to the definition of *Building Acre* is to clarify how the City of Kyle defines net density. Staff frequently has to explain to developers how the City defines net density (building acre), and this amendment should help in that regard.

The amendment to the definition of *Townhouse* is needed because in the existing definition, a townhouse is three (3) or more, side by side, attached, residential uses. Sec. 53-140 states a townhouse is four (4) or more attached residential units. Changing Sec. 53-5 from three units to four units establishes consistency.

The proposed amendment to Sec. 54-5 (Note 1) is important for a couple reasons. The first, changing the minimum caliper (trunk diameter) to two (2) inches, helps a newly planted tree to adapt to its new planting area better. It helps the tree become more resistant to adverse weather conditions (drought, floods, ice, etc.), when the tree is planted at a younger age. The two (2) inch caliper is also standard for most nurseries across the United States, which in turn helps developers source appropriate trees easier and for less expense.

The second edit to Sec. 54-5 (Note 1), is to allow greater flexibility for planting areas when a home is constructed. As residential lots decrease in size, and home placement on those lots varies with design and access needs, there is sometimes less room in the front yard for trees. Between the standard front municipal utility easement (15'), and the front setback of the house (20'-30'), there's not much room for planting a tree. This edit allows for one tree to be planted in the rear yard, and the "front yard" tree to be also in the planting strip of public right-of-way (advocated for in the Residential Style Guide). This will help prevent unnecessary overcrowding of mature trees, and reduce the chance of tree roots causing foundation issues and interfering with water or wastewater service lines for the home.

The last proposed edits to the zoning code takes us back up to Sec. 53-5, with the definition of *Multifamily Residential, Restricted* and Sec. 53-443 *Permitted Uses*.

- Amending the definition of *Multifamily Residential, Restricted* to increase the allowable residential units in the CBD-2 zoning district, will help better facilitate vertical mixed-use buildings in Downtown Kyle. Vertical mixed-use is already allowed in the CBD-2 zoning district (Hays Free Press & 225 S. Main), but the limit of five (5) residential units has not proven itself to be attractive enough to make vertical mixed use more prevalent in Kyle's CBD-2 district.

The CBD-2 zoning district allows a building to be a maximum of four (4) stories and forty-five (45) feet high. Each residential unit is required to have a minimum of 500 sq. ft (efficiency apartment). Given the small size of standard lots around Mary Hartson Square, increasing the number of residential units to ten (10) above the first floor, would allow all the units to fit into a four (4) story building, without changing any other portion of the CBD-2 zoning district. This would accomplish two (2) items: 1) Spreading the construction cost out over the same leasable space

at a more affordable rent for the tenant; and 2) bring more residents to live on or near the downtown core, thus creating a more active atmosphere. This would help downtown businesses have more customers within walking distance.

- Amending Sec. 53-443 *Permitted Uses*, to allow one (1) ground floor residence per building will also help accomplish a couple goals. The first, is to allow an ADA compliant ground floor unit (at rear of building to preserve street front commercial space), to meet the requirements of the Fair Housing Act. This in turn, helps achieve a second goal of not requiring an elevator to the residential units on floors two through four (2-4). This is important, as requiring an elevator adds tens of thousands of dollars to the cost of constructing a building. This will both help lower the cost of constructing a vertical mixed-use building, and capture an under-served market of disabled tenants, making the idea of building multi-family in downtown Kyle more palatable.

The amendments to Sec. 53-5 *Multifamily Residential*, Restricted and Sec. 53-443 *Permitted Uses* go hand in hand. The combined efforts of passing these amendments will likely have an effect of increased development interest for the core of our downtown, and also in manner that is appropriate for a traditional central business district.

## **PLANNING COMMISSION**

Following limited commentary, the Planning Commission at their July voting meeting recommended 5-0 (Snidow and McCall absent) to approve this text amendment as presented.

## **RECOMMENDATION**

Staff recommends approval of the amendments as written, and further suggests the Council vote to approve.

## **ATTACHMENTS**

1. Draft Ordinance
2. Red-Lined Amendment

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF MODIFYING SECTION 53-5 – DEFINITIONS, SECTION 53-443 – PERMITTED USES AND SECTION 54-5 – LANDSCAPING REQUIREMENTS (NOTE 1); AUTHORIZING THE CITY SECRETARY TO AMEND THE CITY OF KYLE CODE OF ORDINANCES SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That Sections 53-5, 53-443 and 54-5 (Note 1) of the City of Kyle adopted in Chapter 53 (Zoning) be and the same is hereby amended to modify definitions and building allowances in the CBD-2 zoning district, as shown on the code section labeled Exhibit A.

SECTION 2. That the City Secretary is hereby authorized and directed to amend Sections 53-5, 53-443 and 54-1 (Note 1) in the Code of Ordinances of the City of Kyle, as shown in Exhibit A and by proper endorsement indicate the authority for said notation.

SECTION 3. If any provision, section, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid (or for any reason unenforceable), the validity of the remaining portions of this Ordinance or the application to such other persons or sets of circumstances shall not be affected hereby, it being the intent of the City Council of the City of Kyle in adopting this Ordinance, that no portion hereof or provision contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion or provision.

SECTION 4. This Ordinance shall be published according to law and shall be and remain in full force and effect from and after the date of publication.

SECTION 5. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Kyle at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Kyle at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

\_\_\_\_\_  
Jennifer Holm, City Secretary

\_\_\_\_\_  
Travis Mitchell, Mayor

## **Exhibit A**

## **Sec. 53-5. - Definitions.**

*Building acre* means the area within the total subdivision boundary upon which living unit equivalents (LUEs) can be built and is calculated by subtracting from the total area of the subdivision the sum total of floodplain area, park area, hike and bike trail area and street right-of-way area (i.e., buildable acre equals total acres of subdivision less sum total of floodplain area, park area, hike and bike trail area and right-of-way area). For clarification purposes, this is net density (gross acreage minus streets, parks, hike and bike trails, floodplain, detention, etc.).

*Multi-family residential, restricted* means multiple-family residences, containing ten or fewer dwelling units which are located above the first floor of a structure that has a nonresidential use, such as an office or retail shop, operating on the first floor.

*Townhouse* means a structure on an individual lot, which is one of a series of four or more dwelling units designed for single-family occupancy, which dwelling units are structurally connected, immediately adjacent to and abutting each other between individual dwelling units. A condominium apartment (as defined in V.T.C.A., Property Code ch. 82) in a condominium structure may be considered a townhouse if no other dwelling unit or use of any kind exists immediately above or below it. Any project including three or more such condominiums or townhouses shall be considered a townhouse project.

## **Sec. 53-443. - Permitted uses.**

(a) The CBD-2 central business district 2 is less restrictive than CBD-1 and principally addresses development in the original town and central area of the city, allowing a mix of uses including, office, restricted commercial, restricted multi-family residential and residential uses. Each multi-family dwelling unit shall be required to have a minimum of five hundred (500) square feet of living area.

(b) The uses permitted in the CBD-2 central business district 2 shall be as provided in section 53-1230.

(c) 1 multi-family dwelling unit is allowed on the ground floor. The dwelling unit will be located at the rear of the building.

## **Sec. 54-5. - Landscaping requirements**

A minimum percentage of the total lot area shall be devoted to landscape development in accordance with the following schedule:

Zoning and/or Proposed Land Use	Percentage
R-1-T, R-1-C, R-3-1, R-3-2, R-3-3, CBD-1	15
R-1-1, R-1-2, R-1-A, R-2, M-1, M-2, M-3	Note 1

CBD-2, RS, E, TU (SIC code 48811900 only), CC, RV	10
W, CM	15
PUD	Note 2
Agricultural, E	None
Private and public park/public area	20

Note 1—Minimum landscape requirements for each lot on which a single-family, duplex, triplex or fourplex dwelling, or a manufactured home, is constructed or installed after the date of the ordinance from which this chapter is derived shall be a minimum of six two-gallon shrubs and lawn grass from the front property line to the front two corners of the structure all plants shall be of native and adapted species and drought resistant. A total of two, two-inch trees are required to be planted per residential lot. Front yards with limited room for planting, may plant one tree in the rear yard. The remaining tree may be planted in the front yard, in the public ROW or access easement (street tree). Residential structures on reverse frontage lots shall also be required to screen the rear of the structure from the abutting highway, access road, or other public rights-of-way.

# CITY OF KYLE, TEXAS

Amend Chapter 53 (Zoning) of the City of Kyle, Code of Ordinances.

The following sections will be considered: Sec. 53-1047 –

Authorized Conditional Uses;

Exhibit A. – Plum Creek Planned Unit Development, Article II. –

Planned Unit Development District,

Part D. – Additional Use

Regulations Sec. 1. - Additional use, height and area regulations and

exceptions applicable to PUD districts unless otherwise approved by the city council

Meeting Date: 8/3/2021  
Date time: 7:00 PM



**Subject/Recommendation:** *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of modifying Sec. 53-1047 – Authorized Conditional Uses; Exhibit A. – Plum Creek Planned Unit Development, Article II. – Planned Unit Development District, Part D. – Additional Use Regulations Sec. 1. - Additional use, height and area regulations and exceptions applicable to PUD districts unless otherwise approved by the city council. ~ *Howard J. Koontz, Director of Planning and Community Development*

*Planning and Zoning Commission voted 5-0 to recommend approval.*

- Public Hearing

**Other Information:** See attached.

**Legal Notes:** N/A

**Budget Information:** N/A

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## ATTACHMENTS:

### Description

- ☐ Staff Memo- Sec. 53-1047 & PC Height Special Exception Amendment
- ☐ Zoning Ordinance - Sec. 53-1047 & Plum Creek PUD (Height Exceptions)



# CITY OF KYLE

## Community Development Department

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### MEMORANDUM

**TO:** Mayor & City Council

**FROM:** Howard J. Koontz – Director of Planning and Community Development

**DATE:** Tuesday, August 3, 2021

**SUBJECT:** Sec. 53-1047 – Authorized Conditional Uses; Exhibit A. – Plum Creek Planned Unit Development, Article II. – Planned Unit Development District, Part D. – Additional Use Regulations Sec. 1. - Additional use, height and area regulations and exceptions applicable to PUD districts unless otherwise approved by the city council.

### REQUEST

Staff presents for your consideration an amendment to Sec. 53-1047 – Authorized Conditional Uses; Exhibit A. – Plum Creek Planned Unit Development, Article II. – Planned Unit Development District, Part D. – Additional Use Regulations Sec. 1. - Additional use, height and area regulations and exceptions applicable to PUD districts unless otherwise approved by the city council.

### TEXT OF THE ZONING ORDINANCE

#### **Sec. 53-1047. - Authorized conditional uses.**

The following listed conditional uses, and none other, may be authorized subject to the terms of this section and compliance with all conditional terms, regulations and requirements established by the city council:

- (1) Heliport in CM, W and PUD districts only;
- (2) Municipal service facilities and buildings in all districts;
- (3) Circus or carnival, but not within 300 feet of any residential district;

- (4) Privately operated community building or recreation field in all districts;
- (5) Telephone, radio or television broadcasting tower or station in T, CM, W and PUD districts only;
- ~~(6) Churches in all districts where not otherwise specifically permitted;~~
- ~~(7)~~(6) Cemeteries in A, TU, E, CBD-2, RS, W, CM, or PUD districts;
- ~~(8)~~(7) Schools, public and denominational, but not day care in all districts where not otherwise specifically permitted;
- ~~(9)~~(8) Manufactured homes in the limited areas as specifically authorized by this chapter;
- ~~(10)~~(9) Quarry operations are permitted in the CM district as conditional uses, subject to the requirements in division 2 of this article;
- ~~(11)~~(10) The specific manufacturing and warehouse uses set forth in the table in [section 53-1106](#) may be permitted as provided in division 3 in this article;
- ~~(12)~~(11) RV sales in the RS district within the I-35 overlay district only;

and

- ~~(13)~~(12) Buildings with a height of up to 150 feet ~~in the RS district in all zoning districts, including Planned Unit Developments, but not including the Plum Creek PUD.~~

Zoning districts not allowed a height exception:

- Single-family residential zoning districts (both attached and detached), including two-family structures (duplexes), three-family structures (triplexes), and townhomes.

**Chapter 53 Zoning, Exhibit A. – Plum Creek Planned Unit Development, Article II. – Planned Unit Development District, Part D. – Additional Use Regulations**  
**Sec. 1. - Additional use, height and area regulations and exceptions applicable to PUD districts unless otherwise approved by the city council.**

- (F) *Exceptions to height regulations.* The height limitations set forth in the ordinance do not apply to spires, belfries, cupolas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for ~~human consumption~~ occupation. A maximum height of 80 feet is allowed for all civic structures not within 150 feet of a single-family residence. Civic is defined as a not-for-profit organization dedicated to arts, culture, education, religion,

recreation, government, transit, and municipal parking, or for use approved by the city council.

- 1) The City Council is authorized to approve exceptions to height maximums for multifamily, vertical mixed use, or commercial structures. The City Council may consider and act on exceptions to allow increase of height for such structures, following the special exceptions process.
  - a) Special Exceptions Process. An applicant may request to be placed on the City Council agenda for consideration. City staff will review the request, draft a report regarding the request, and City Council will determine if the request is appropriate.
  - b) The City Council may, with an affirmative vote of four or more of the members, request a recommendation from the Planning Commission prior to making a decision on the special exception request.

## **ANALYSIS**

With the Planning & Zoning Commission's consent, staff has brought forward a second series of code edits to better facilitate the City of Kyle's development code. The above text changes are also shown in a draft ordinance but not redlined, as to show how the ordinance would be upon approval.

The two (2) sections to be edited effectively accomplish the same goal. However, in the City of Kyle staff manages two (2) separate development codes (Plum Creek PUD & City of Kyle). As the city continues to grow, staff has found that the development code generally needs to be more flexible, especially regarding height restrictions.

- The first portion to be amended, is Sec. 53-1047. This section allows the City Council special consideration over certain land use types and metrics through the conditional use process, though not to be confused with the Planning & Zoning Commission's authority over the conditional use process regarding the IH-35 Overlay.

When initially drafted Sec. 53-1047 allowed special consideration as shown above. The two (2) most significant changes is to removal of churches or places of worship from this section, and changing the maximum height allowance of one-hundred-fifty feet (150') in the Retail Services zoning district, to include all zoning districts. Single and two-family residential districts are exempt from this proposal, as staff has not seen a request to exceed the standard thirty-five feet (35') maximum allowed in such districts.

Removing the requirement that churches or places of worship seek special consideration from the city council for geographic locations, brings our code into compliance with the federal law of RLUIPA (Religious Land Use and Institutionalized Persons Act). In short, this law prevents any state or local government entity from disallowing a church or house of worship to operate, without substantial reason.

Relating to the height restrictions portion, the most prevalent request we've seen is to allow four (4) story multi-family. Currently our code is capped at three (3) stories.

- The second portion to be amended is in the special exceptions clause of the Plum Creek PUD development code. In an effort to be fair to the Plum Creek portion of the City of Kyle, staff has brought forth the following changes to this section of code.

The first edit is to replace "human consumption" with "occupation". Simply speaking, staff feels this edit works with the code better, than the existing phrase.

The second edit is to allow height exceptions to multifamily, vertical mixed use and commercial structures. This mirrors Sec. 53-1047, which is outside the Plum Creek PUD. It also spells out the process of a special exception, as one does not currently exist.

## **PLANNING COMMISSION**

Following brief discussion that centered on the idea of additional architectural features atop new structures, the Planning Commission at their voting meeting on July 27, 2021 recommended this item be approved, as presented, 5-0 (Snidow and McCall absent).

## **RECOMMENDATION**

Staff recommends the Council vote to approve these amendments, as presented.

## **ATTACHMENTS**

1. Draft Ordinance
2. Red-Lined Amendment

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF MODIFYING SECTION 53-1047 – AUTHORIZED CONDITIONAL USES AND CHAPTER 53 ZONING, EXHIBIT A. – PLUM CREEK PLANNED UNIT DEVELOPMENT, ARTICLE II. – PLANNED UNIT DEVELOPMENT DISTRICT, PART D. – ADDITIONAL USE REGULATIONS, SECTION 1. – ADDITIONAL USE, HEIGHT AND AREA REGULATIONS AND EXCEPTIONS APPLICABLE TO PUD DISTRICTS UNLESS OTHERWISE APPROVED BY THE CITY COUNCIL; AUTHORIZING THE CITY SECRETARY TO AMEND THE CITY OF KYLE CODE OF ORDINANCES SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That Section 53-1047 and Part D. – Additional Use Regulations, Section 1 (Plum Creek PUD) of the City of Kyle adopted in Chapter 53 (Zoning) be and the same is hereby amended to modify conditional uses and building height exceptions, as shown on the code section labeled Exhibit A.

SECTION 2. That the City Secretary is hereby authorized and directed to amend Section 53-1047 and Part D. – Additional Use Regulations, Section 1 (Plum Creek PUD) in the Code of Ordinances of the City of Kyle, as shown in Exhibit A and by proper endorsement indicate the authority for said notation.

SECTION 3. If any provision, section, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid (or for any reason unenforceable), the validity of the remaining portions of this Ordinance or the application to such other persons or sets of circumstances shall not be affected hereby, it being the intent of the City Council of the City of Kyle in adopting this Ordinance, that no portion hereof or provision contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion or provision.

SECTION 4. This Ordinance shall be published according to law and shall be and remain in full force and effect from and after the date of publication.

SECTION 5. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Kyle at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Kyle at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

\_\_\_\_\_  
Jennifer Holm, City Secretary

\_\_\_\_\_  
Travis Mitchell, Mayor

## **Exhibit A**

## **Sec. 53-1047. - Authorized conditional uses.**

The following listed conditional uses, and none other, may be authorized subject to the terms of this section and compliance with all conditional terms, regulations and requirements established by the city council:

- (1) Heliport in CM, W and PUD districts only;
- (2) Municipal service facilities and buildings in all districts;
- (3) Circus or carnival, but not within 300 feet of any residential district;
- (4) Privately operated community building or recreation field in all districts;
- (5) Telephone, radio or television broadcasting tower or station in T, CM, W and PUD districts only;
- (6) Cemeteries in A, TU, E, CBD-2, RS, W, CM, or PUD districts;
- (7) Schools, public and denominational, but not day care in all districts where not otherwise specifically permitted;
- (8) Manufactured homes in the limited areas as specifically authorized by this chapter;
- (9) Quarry operations are permitted in the CM district as conditional uses, subject to the requirements in division 2 of this article;
- (10) The specific manufacturing and warehouse uses set forth in the table in [section 53-1106](#) may be permitted as provided in division 3 in this article;
- (11) RV sales in the RS district within the I-35 overlay district only; and
- (12) Buildings with a height of up to 150 feet in the RS district in all zoning districts, including Planned Unit Developments, but not including the Plum Creek PUD.

Zoning districts not allowed a height exception:

- Single-family residential zoning districts (both attached and detached), including two-family structures (duplexes), three-family structures (triplexes), and townhomes.

**Chapter 53 Zoning, Exhibit A. – Plum Creek Planned Unit Development, Article II. –  
Planned Unit Development District, Part D. – Additional Use Regulations**

**Sec. 1. - Additional use, height and area regulations and exceptions applicable to PUD  
districts unless otherwise approved by the city council.**

(F) *Exceptions to height regulations.* The height limitations set forth in the ordinance do not apply to spires, belfries, cupolas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for occupation. A maximum height of 80 feet is allowed for all civic structures not within 150 feet of a single-family residence. Civic is defined as a not-for-profit organization dedicated to arts, culture, education, religion, recreation, government, transit, and municipal parking, or for use approved by the city council.

1) The City Council is permitted to approve exceptions to height maximums for multifamily, vertical mixed use, or commercial structures. The City Council may consider and act on exceptions to allow increase of height for such structures, following the special exceptions process.

a) *Special Exceptions Process.* An applicant may request to be placed on the City Council agenda for consideration. City staff will review the request, draft a report regarding the request, and City Council will determine if the request is appropriate. No public hearing is required.

b) The City Council may, with an affirmative vote of four or more of the Council, request a recommendation from the Planning Commission prior to making a decision on the special exception request.



# CITY OF KYLE, TEXAS

## Oak Mesa Subdivision - Waiver

**Meeting Date: 8/3/2021**

**Date time: 7:00 PM**

**Subject/Recommendation:** Consideration of an application to waive requirements for public road access to Lots 4A & 4B of the Oak Mesa Subdivision. ~ *Howard J. Koontz, Director of Planning and Community Development*

**Other Information:** See attachments.

**Legal Notes:** N/A

**Budget Information:** N/A

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### ATTACHMENTS:

#### **Description**

- ☐ Staff Memo\_Oak Mesa Waiver
- ☐ Comment Response with Waiver Request
- ☐ Landowner Authorization Form
- ☐ Subdivision



# CITY OF KYLE

## Community Development Department

---



### MEMORANDUM

**TO:** Mayor & Council

**FROM:** Howard J. Koontz – Director of Planning & Community Development

**DATE:** Tuesday, August 3, 2021

**SUBJECT:** Consideration of Waiver to Not Require Public Road Access to Lots 4A & 4B of the Oak Mesa Subdivision (SUB-21-0184)

### REQUEST

Hugo Elizondo, P.E., on behalf of the applicant, requests a wavier to Sec. 41-136 – Lots (b) Access, to not be required to provide public road access to Lots 4A & 4B of the Oak Mesa Subdivision.

### CODE WAIVER

#### Sec. 41-136 – Lots (b) Access

“Each lot shall front upon a public street or, in the case of a planned development, have access to a public way by access easement sufficient to meet the requirements of the fire code adopted by the city, governing access to buildings by fire apparatus.”...

### STAFF ANALYSIS

The applicant/owner (Brent Gregorczyk) has contracted with Hugo Elizondo, P.E. of Cuatro Consultants, to produce a subdivision for Lot 4 of the Oak Mesa subdivision (ETJ). The intent is to create Lots 4A & 4B. In almost every way this subdivision is compliant, except one. In both the city limits and ETJ, the City of Kyle requires all lots to be accessed by public streets. In the case of the existing Oak Mesa subdivision, no lot has public street access. All the lots take access from a private driveway and access easement.

Staff does not have the authority to grant an administrative waiver for this request, and it must be presented to the Mayor and Council for consideration. The act of this subdivision does not create any harm to the property or surrounding properties and does not create undo stress to the existing subdivision. Additionally, Hays County does not want the access easement to be a public road either.

## **RECOMMENDATION**

Staff supports the waiver and asks the Mayor & Council to approve the waiver request as written.

## **ATTACHMENTS**

- Comment Response Letter w/ Waiver Request
- Landowner Authorization Letter
- Subdivision



May 14, 2021

Debbie Guerra, Planning Technician  
Planning Department  
City of Kyle  
100 W. Center Street  
Kyle, TX 78640

**RE: OAK MESA SUBDIVISION, LOT 4, REPLAT  
CCL 20-277**

**Subject: Replat Submittal Update No. 1**

Dear Ms. Guerra:

Transmitted herewith, please find the Replat Submittal for Oak Mesa Subdivision, Lot 4. Please note we have incorporated and address Staff comments dated May 4, 2021.

**Planning/Zoning – Debbie Guerra:**

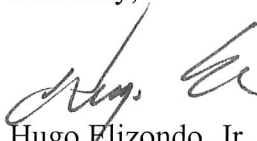
1. Comment noted.

**Planning/Zoning – William Atkinson:**

1. Please find attached email correspondence dating to last year where the landowner first approached Hays County about this gift deed partition. The County requested a Plat in order to issue the building and OSSF permits. The Commissioner was willing to waive the road frontage requirement. *Can the City support the waiver based on this email thread and confirmation from Colby and Commissioner of their support?*
2. Plat Note 7 is revised to state MUE's.

Please advise if you have questions on this update.

Sincerely,

  
Hugo Elizondo, Jr., P.E.  
Manager  
Attachments

## Chris Elizondo

---

**From:** Hugo Elizondo, Jr., P.E.  
**Sent:** Thursday, May 6, 2021 1:36 PM  
**To:** William Atkinson; Debbie Guerra (dguerra@cityofkyle.com); Colby Machacek (colby.machacek@co.hays.tx.us) (colby.machacek@co.hays.tx.us)  
**Cc:** Candice; Chris Elizondo; Musheerah "Missy" Murphy  
**Subject:** FW: Subdividing Lot 4 of Oak Mesa Subdivision  
**Attachments:** gregorczyk gift deed.pdf; meets and bounds.pdf; plat map.pdf; pdf1465-01.pdf; title.pdf; pdf1465-02.pdf; deed of trust.pdf

William:

Please find email correspondence dating to last year where the landowner first approached Hays County about this gift deed partition.

The County requested a Plat in order to issue the building and OSSF permits.

The Commissioner was willing to waive the road frontage requirement.

*Can the City support the waiver based on this email thread and confirmation from Colby and Commissioner of their support?*

Please advise.

Thank you,

*Hugo Elizondo, Jr., P.E.*  
Manager



Firm Registration No. F-3524

3601 Kyle Crossing, Suite A  
Kyle, Texas 78640  
(512) 312-5040 ext. 1  
(512) 565-9040 (cell)

---

**From:** Brent Gregorczyk [mailto:brent@lowdenex.com]  
**Sent:** Sunday, October 18, 2020 3:29 PM  
**To:** Hugo Elizondo, Jr., P.E.  
**Cc:** Katie  
**Subject:** Fwd: Subdividing Lot 4 of Oak Mesa Subdivision

Hugo,

It was nice talking to you the other day. Attached below are my previous correspondence with Colby as well as all of the documents I currently have. We are anxious to get the ball rolling on this. Please let me know if there is anything else you need from me.

Begin forwarded message:

**From:** Colby Machacek <colby.machacek@co.hays.tx.us>  
**Date:** August 24, 2020 at 1:23:53 PM CDT  
**To:** Brent Gregorczyk <brent@lowdenex.com>  
**Subject: Re: Subdividing Lot 4 of Oak Mesa Subdivision**

Good afternoon Brent,

Apologies for the delayed response. Have y'all had an opportunity to speak with a Surveyor/Engineer Consultant about generating a plat proposal? This proposal will be the key element during a Pre-Development Meeting showing the boundaries of the property, utility easements, building line setbacks, appropriate signature blocks, etc. We have availability next week and on, Tuesday - Thursday in the afternoons.

**Regards,**

**Colby Machacek**  
**County Planner**  
**Hays County Development Services**  
2171 Yarrington Rd, Ste 100, Kyle, TX 78640  
(0) (512) 393-7301

Notice as of March 30: Due to the COVID-19 pandemic and the Stay at Home, Work Safe Order, the Hays County Development Services Office will be closed to all walk-in traffic. While the Office is closed, employees will be working Monday through Friday to answer your phone and email questions. Many of our employees will be working remotely. You may notice a slower response to inquiries and inspection times. We apologize for any inconvenience this may cause.

---

**From:** Brent Gregorczyk <brent@lowdenex.com>  
**Sent:** Wednesday, August 19, 2020 8:30 PM  
**To:** Colby Machacek <colby.machacek@co.hays.tx.us>  
**Subject:** Re: Subdividing Lot 4 of Oak Mesa Subdivision

Colby,

I think I have the correct documents needed so we can reschedule our meeting. See attached and let me know when you are available to reschedule.

Thanks, Brent

On Jul 1, 2020, at 10:34 AM, Colby Machacek <colby.machacek@co.hays.tx.us> wrote:

Hey Brent,

Not a problem at all. I will let our staff know and then yes, just let me know of the next date that may work and we can get that rescheduled.

**Thanks and have a good one,**

**Colby Machacek**  
**Hays County Development Services**  
2171 Yarrington Rd, Kyle, Tx 78640  
*County Planner*  
(O) (512) 393-7301  
(C) (512) 216-9047

---

**From:** Brent Gregorczyk <brent@lowdenex.com>  
**Sent:** Wednesday, July 1, 2020 10:32 AM  
**To:** Colby Machacek <colby.machacek@co.hays.tx.us>  
**Subject:** Re: Subdividing Lot 4 of Oak Mesa Subdivision

Colby, I haven't had any luck getting the documents needed for our meeting. Let me get my ducks in a row then I will reach back out so we can reschedule. Sorry for any inconvenience.

Thanks, Brent

On Jun 30, 2020, at 11:27 AM, Colby Machacek <colby.machacek@co.hays.tx.us> wrote:

Morning Brent,

I just wanted to throw it out there that if it would be better to reschedule the Pre-Application Meeting for a slightly later date, we can definitely do so to allow discussion with a survey/engineer regarding the proposed plat document. I will be out of the office Thursday through Tuesday of next week but have no plans to be out of office for the foreseeable future from there.

**Thanks and have a good one,**

**Colby Machacek**  
**Hays County Development Services**

2171 Yarrington Rd, Kyle, Tx 78640  
*County Planner*  
(O) (512) 393-7301  
(C) (512) 216-9047

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**From:** Colby Machacek <colby.machacek@co.hays.tx.us>  
**Sent:** Monday, June 15, 2020 11:00 AM  
**To:** Russell Gregorczyk <rgreg5@aol.com>  
**Subject:** Re: Subdividing Lot 4 of Oak Mesa Subdivision

Good morning Greg,

July 1st would be ideal and we could arrange the meeting to take place as early as 1:00 pm that day. Since our offices are still closed to public traffic, we can send an invite via Microsoft Teams, which is free to use. We will just need a proposal/concept of how the land will be configured along with the coordinating plat notes, signature blocks, etc. from the surveyor/engineer. Please let me know if that time works and if there are any additional questions.

**Thanks and have a good one,**

**Colby Machacek**  
**Hays County Development Services**  
2171 Yarrington Rd, Kyle, Tx 78640  
*County Planner*  
(O) (512) 393-7301  
(C) (512) 216-9047

---

**From:** Russell Gregorczyk <rgreg5@aol.com>  
**Sent:** Friday, June 12, 2020 7:38 AM  
**To:** Colby Machacek <colby.machacek@co.hays.tx.us>  
**Subject:** Re: Subdividing Lot 4 of Oak Mesa Subdivision

Colby:

The only date that works for me is July 1st. Just let me know what time and what I need to do.

Thanks,

Russell Gregorczyk

In a message dated 6/11/2020 10:30:18 AM Mountain Standard Time, colby.machacek@co.hays.tx.us writes:

| Good morning Russell,

Regarding your proposal to plat, our office would want to conduct a Pre-Application Meeting to allow our staff to get a precursory idea of what the project will entail and answer any questions about the application process, timelines, and fees.

We have open availability the week of June 23rd - 25th from 12:00 - 4:00 or the following week, June 30th and July 1st also 12:00 - 4:00. I will be out of the office July 2nd through the 7th.

The Pre-Application Meeting will need to be conducted via digital conference as our office is still closed to public traffic. We have been using Microsoft Teams which is free and allows for video/phone conferencing. If any of those dates work for you, just let me know and I can create an invite.

If there are any questions, please let me know.

**Thanks and have a good one,**

**Colby Machacek**  
**Hays County Development Services**  
2171 Yarrington Rd, Kyle, Tx 78640  
*County Planner*  
(O) (512) 393-7301  
(C) (512) 216-9047

---

**From:** Russell Gregorczyk <rgreg5@aol.com>  
**Sent:** Friday, June 5, 2020 10:03 AM  
**To:** Colby Machacek <colby.machacek@co.hays.tx.us>  
**Subject:** Subdividing Lot 4 of Oak Mesa Subdivision

Colby:

Attached is the survey we had done to subdivide lot 4 of Oak Mesa subdivision. We intend to gift 6 acres to our son who will build a house on the 6 acres. This would leave us with 15.5 acres remaining in Lot 4.

I had previously talked with Caitlin (I believe that was her name) and she set up a meeting my son and I had with Commissioner Smith in his Dripping Springs office. She was unable to attend the meeting but he told us he would have no problem with approving a variance since our road is a private drive into the subdivision.

We are ready to move forward if you will let me know the next steps we need to take,.

Sincerely,

Russell Gregorczyk  
512-468-2020

## GIFT DEED

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

DATE: August 14, 2020

GRANTOR: Russell Gregorczyk and Sharon Gregorczyk, Trustees, or their successors in trust, of the Russell & Sharon Gregorczyk Living Trust, dated July 2, 2015, and any amendments thereto

GRANTOR'S MAILING ADDRESS: P.O. Box 601 KYLE, TX 78640

GRANTEE: Brent Gregorczyk and Katie Gregorczyk

GRANTEE'S MAILING ADDRESS: 255 Cullen Blvd. Buda, TX 78610

CONSIDERATION:

Love of, and affection for, Grantee.

PROPERTY (including any improvements):


DESCRIPTION OF 6.000 ACRES OF LAND SITUATED IN HAYS COUNTY, TEXAS, OUT OF THE WILLIAM DUNBAR SURVEY, ABSTRACT 156 AND THE JOHN COOPER SURVEY, ABSTRACT 100, BEING A PORTION OF LOT 4, OAK MESA, A SUBDIVISION OF RECORD IN BOOK 6, PAGES 47-48, PLAT RECORDS OF HAYS COUNTY, TEXAS; SAID 6.000 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

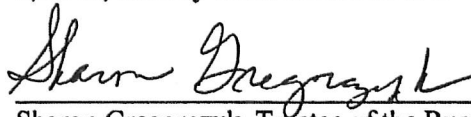
RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY:

This conveyance is made and accepted subject to all restrictions, covenants, conditions, rights-of-way, assessments, outstanding royalty and mineral reservations and easements, if any, affecting the above described property that are valid, existing and properly of record as of the date hereof and subject, further, to taxes for the year 2020 and subsequent years.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, gives and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in anywise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, successors and assigns to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

When the context requires, singular nouns and pronouns include the plural.

  
Russell Gregorczyk, Trustee of the Russell &  
Sharon Gregorczyk Living Trust, dated July  
2, 2015, and any amendments thereto

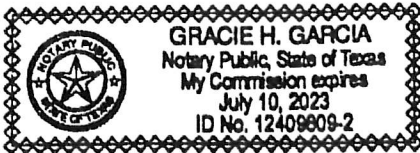
  
Sharon Gregorczyk, Trustee of the Russell &  
Sharon Gregorczyk Living Trust, dated July  
2, 2015, and any amendments thereto

**NOTICE:** This instrument was prepared by Hancock McGill & Bleau, LLLP (HMB) at the request of Independence Title or the parties using information provided by the title company and the parties. Unless we have been provided with a copy of any contracts related to this transaction or been informed of any reservations required by the seller, the reservations will not be included in this warranty deed and by accepting this deed, all parties release HMB from any liability resulting from the failure to include undisclosed reservations. We have not investigated or verified information provided to us and do not warrant the validity of the information or quality of title to the real estate described above. We do not represent the parties named in this instrument. The parties should seek independent legal counsel for advice concerning the effect and consequences of this instrument.

Acknowledgement

State of Texas  
County of Hays

This instrument was acknowledged before me on the 14 day of August, 2020, by Russell Gregorczyk and Sharon Gregorczyk, Trustees of the Russell & Sharon Gregorczyk Living Trust, dated July 2, 2015, and any amendments thereto.



Gracie H. Garcia  
Notary Public, State of Texas

Prepared by:  
Hancock McGill & Bleau, LLLP  
Attorneys at Law  
File No. Gregorczyk

After Recording Return To:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DaGregorczyk-fw

# Exhibit "A"



6.000 ACRES  
WILLIAM DUNBAR SURVEY, ABS. 156  
JOHN COOPER SURVEY, ABS. 100  
PORTION OF LOT 4, OAK MESA

DESCRIPTION OF 6.000 ACRES OF LAND SITUATED IN HAYS COUNTY, TEXAS, OUT OF THE WILLIAM DUNBAR SURVEY, ABSTRACT 156 AND THE JOHN COOPER SURVEY, ABSTRACT 100, BEING A PORTION OF LOT 4, OAK MESA, A SUBDIVISION OF RECORD IN BOOK 6, PAGES 47-48, PLAT RECORDS OF HAYS COUNTY, TEXAS; SAID 6.000 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** at an iron rod with brass cap found (stamped Kent McMillan Surveyor) in the westerly line of Oak Mesa Drive, a 60 foot private road easement, same being the westerly line of Lot 1, of said Oak Mesa, at the southeasterly corner of Lot 2, Roth-Thompson Subdivision, a subdivision of record in Book 5, Pages 317-318, Plat Records of Hays County, Texas, for the northeasterly corner of said Lot 4 and the herein described tract, from which a 1/2" iron rod found in the westerly line of said Oak Mesa Drive and said Lot 1 and the easterly line of said Lot 2, bears N32°44'22"E, a distance of 41.22 feet;

**THENCE** S25°54'09"W, with the easterly line of said Lot 4 and the westerly line of said Oak Mesa Drive, being in part the westerly lines of Lots 1 and 2 of said Oak Mesa, passing at a distance of 301.80 feet, a 1/2" iron rod found at the common westerly corner of said Lots 1 and 2 and continuing for a total distance of 574.94 feet to an iron rod with G&R Cap set in the northerly line of a 4.58 acre tract of land described in a deed of record to Marilyn Decker Mitchell, et al, in Document No. 17013996, Official Public Records of Hays County, Texas, for the southeasterly corner of said Lot 4 and the herein described tract;

**THENCE** with the northerly line of said 4.58 Acre Tract and the southerly line of said Lot 4, the following Three (3) courses:

1. N87°12'09"W, a distance of 67.11 feet to an iron rod with G&R Cap set;
2. N08°48'01"E, a distance of 30.34 feet to a 1/2" iron rod found;
3. N85°45'50"W, a distance of 350.55 feet to an iron rod with G&R Cap set at the northwesterly corner of said 4.58 Acre Tract;

**THENCE** over and across of said Lot 4, the following two (2) courses:

1. N73°21'40"W, a distance of 174.70 feet to an iron rod with G&R Cap set, for the southwesterly corner of the herein described tract;
2. N12°46'08"W, a distance of 214.36 feet to an iron rod with G&R Cap set in the southerly line of Lot 1 of said Roth-Thompson Subdivision for the northwesterly corner of the herein described tract, from which an iron rod with brass cap found (stamped Kent McMillan Surveyor) at the southwesterly corner of said Lot 1, Roth-Thompson Subdivision, same being the northwesterly corner of said Lot 4, bears S77°13'52"W, a distance of 941.42 feet;

**THENCE** N77°13'52"E, with the southerly line of said Roth-Thompson Subdivision, passing at a distance of 114.32 feet, a 1/2" iron pipe found at the common southerly corner of said Lots 1 and 2 of said Roth-Thompson Subdivision and continuing for a total distance of 900.17 feet to the **POINT OF BEGINNING**, containing an area of 6.000 ACRES OF LAND MORE OR LESS.

1805 Ouida Dr., Austin, Texas 78728 • Firm # 10032000  
Phone (512)267-7430 • Fax (512)836-8385

Page 1 of 2



Attachments: 20120\_GR-BND-EX

Bearing Basis: TEXAS SOUTH CENTRAL ZONE, STATE PLANE COORDINATES (NAD 83)

---

Phillip L. McLaughlin  
Registered Professional Land Surveyor  
State of Texas No. 5300

03-05-2020

1805 Ouida Dr., Austin, Texas 78728 • Firm # 10032000  
Phone (512)267-7430 • Fax (512)836-8385

Page 2 of 2

# LANDOWNER AUTHORIZATION AND AFFIDAVIT OF OWNERSHIP

## SUBJECT PROPERTY INFORMATION

Subdivision Name, Block, Lot, or legal description if not subdivided: Oak Mesa Subdivision, Lot 4  
# of lots (if subdivided): 1 # of acres: 21.50  
Site APN/Property ID #(s): R36954  
Location: Oak Mesa Drive County: Hays  
Development Name: Resubdivision of Lot 4 of Oak Mesa Subdivision

## OWNER

Company/Applicant Name: Brent Gregorczyk  
Authorized Company Representative (if company is owner): N/A  
Type of Company and State of Formation: N/A  
Title of Authorized Company Representative (if company is owner): N/A  
Applicant Address: 255 Cullen Blvd., Buda, TX 78610  
Applicant Fax: \_\_\_\_\_  
Applicant Phone: 512-563-0570  
Applicant/Authorized Company Representative Email: bent@lowdenex.com

## APPLICANT REPRESENTATIVE

Check one of the following:

\_\_\_\_. I will represent the application myself; or

☒ I hereby designate Hugo Elizondo, Jr., P.E./ Cuatro Consultants, Ltd. (name of project representative) to act in the capacity as the agent for filing, processing, representation, and/or presentation of this development application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application.

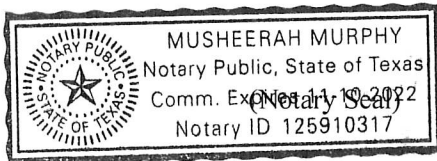
I hereby certify that the above-named owner is the rightful owner of the Property. I am either the owner of the property identified above or a partner/manager/officer/director/member of the company who is authorized to act on behalf of the company. I further certify that the information provided herein and in the application for the development is true and correct. By signing below, I agree that the City of Kyle (the "City") is authorized and permitted to provide information contained within this application, including the email address, to the public.

Owner's Signature: [Signature] Date: 4/12/2021

State of Tx §

County of Hays §

This instrument was acknowledged before me on (date) by (name of authorized company representative) who is a(n) (member, manager, authorized officer, etc.) of (name of company), a (Texas) (limited liability company, corporation, partnership, etc.).



SUBSCRIBED AND SWORN TO before me, this  
the 12 day of April, 2021

[Signature]  
Notary Public's Signature  
November 10, 2022  
My Commission Expires

PROJECT REPRESENTATIVE

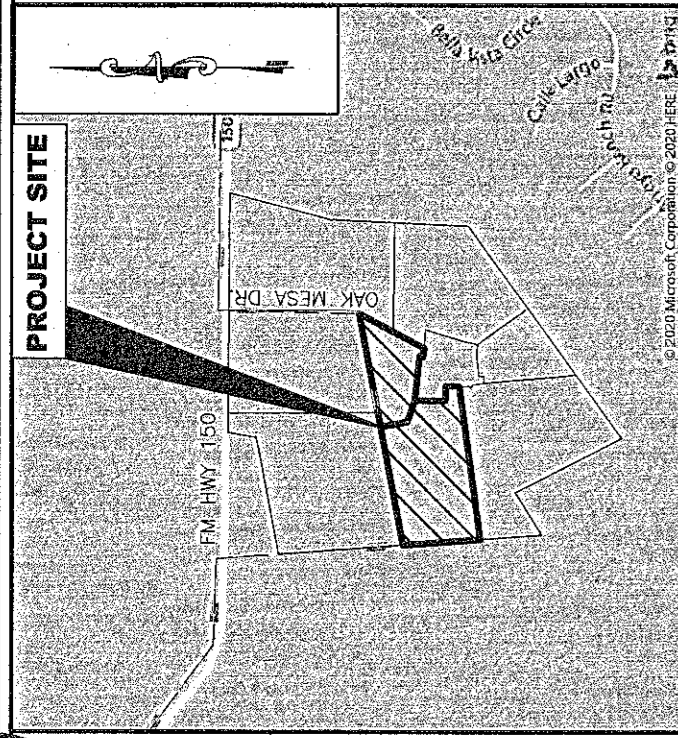
Representative Name: Hugo Elizondo, Jr., P.E./Cuatro Consultants, Ltd.

Representative Address: 3601 Kyle Crossing, Suite A, Kyle, TX 78640

Representative Phone: 512-565-9040

Representative Email: Hugo@cuatroconsultants.com

Representative's Signature:  Date: 4/13/21



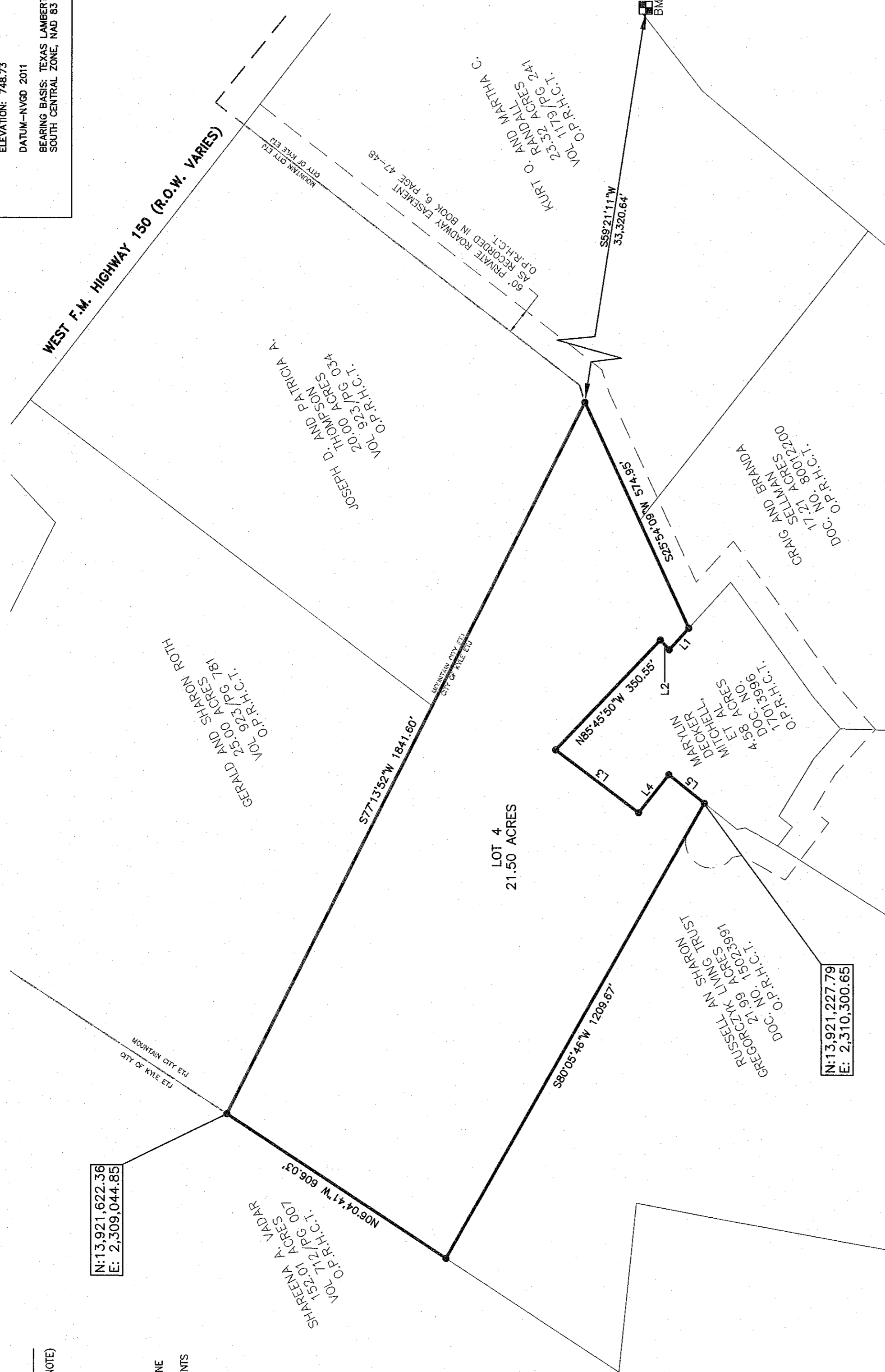
RESUBDIVISION OF LOT 4  
OAK MESA SUBDIVISION  
21.50 ACRES  
VOLUME 6, PAGES 47-48  
PLAT RECORDS, HAYS COUNTY, TEXAS

LOCATION MAP  
SCALE: 1"=1,500'

LEGEND

- DENOTES BENCHMARK (SEE NOTE)
- DENOTES 1/2" ST. SK. SET
- DENOTES 1/2" ST. SK. FND.
- DENOTES COMPUTED POINT
- DENOTES DRAINAGE EASEMENT
- PROPERTY LINE OR R.O.W. LINE
- UTILITY OR DRAINAGE EASEMENTS
- OFFICIAL PUBLIC RECORDS
- HAYS COUNTY TEXAS

BENCHMARK INFORMATION:  
BM: "BM0745" HAYS MONUMENT  
COORDINATES:  
NORTHING=13,939,014.50  
EASTING=2,339,507.46  
ELEVATION: 748.73  
DATUM=HVD 2011  
BEARING BASE: TEXAS LAMBERT GRID,  
SOUTH CENTRAL ZONE, NAD 83



PLAT OF LOT 4 OF THE  
OAK MESA SUBDIVISION

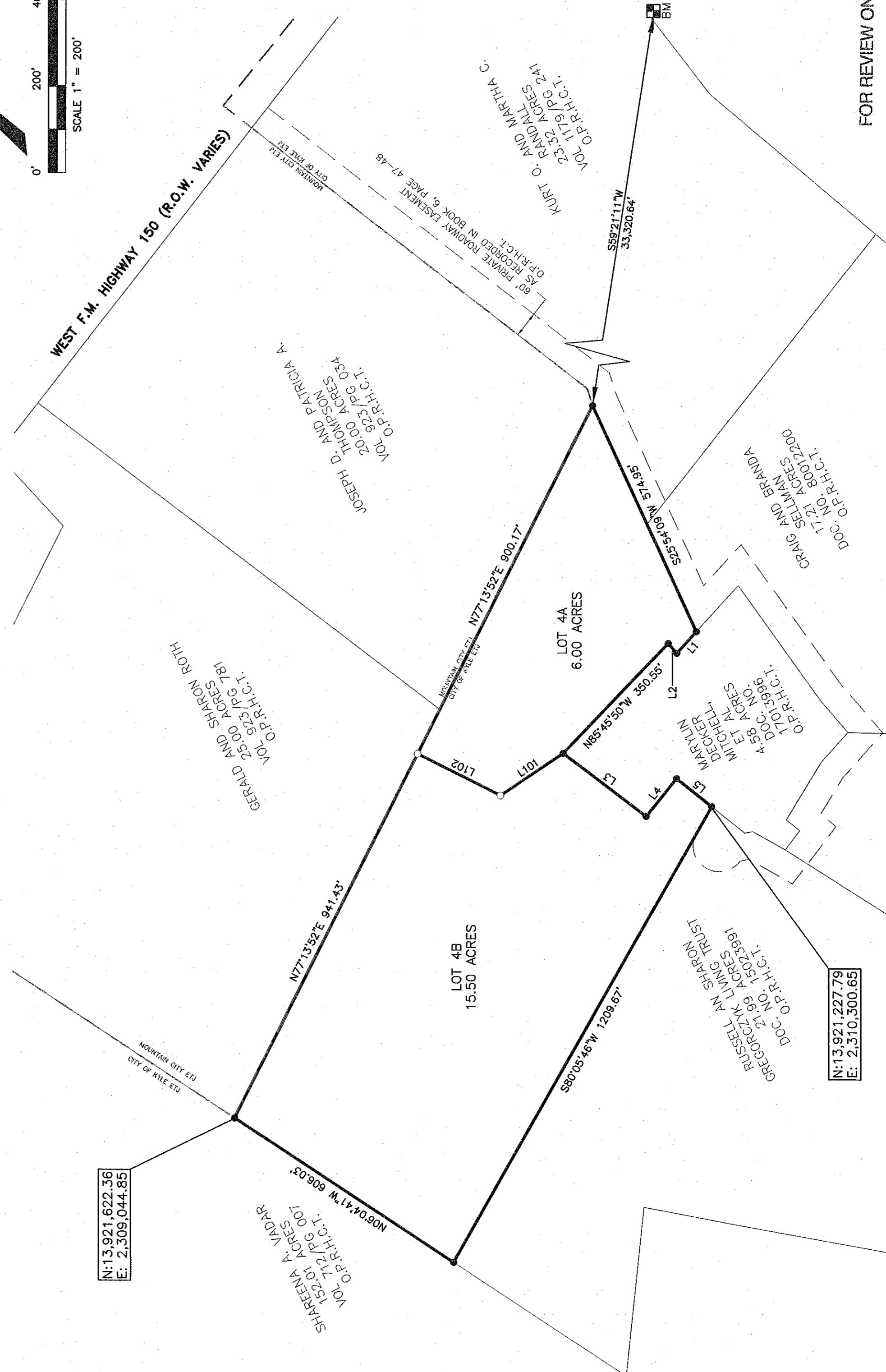
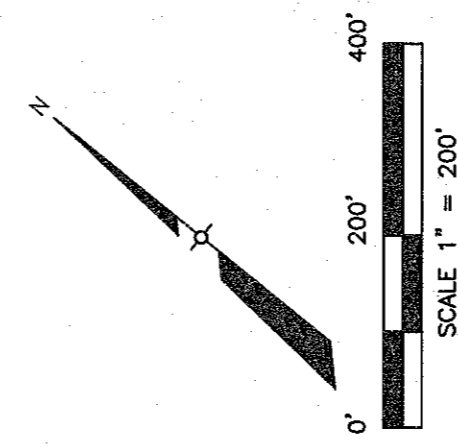
LINE #	LENGTH	BEARING
L1	67.11'	N87°12'09"W
L2	30.34'	N8°46'01"E
L3	241.01'	S71°2'00"E
L4	112.15'	N8°00'30"E
L5	104.67'	S0°46'48"E

FOR REVIEW ONLY  
DATE: 5/14/21

SHEET 1 OF 3

RESUBDIVISION OF LOT 4  
OAK MESA SUBDIVISION  
21.50 ACRES  
VOLUME 6, PAGES 47-48  
PLAT RECORDS, HAYS COUNTY, TEXAS

LINE #	LENGTH	BEARING
L1	67.11'	N87°12'09"W
L2	30.34'	N8°46'01"E
L3	241.01'	S71°2'00"E
L4	112.15'	N8°00'30"E
L5	104.67'	S0°46'48"E
L101	174.70'	S72°21'40"E
L102	214.36'	S72°46'08"E



FOR REVIEW ONLY  
DATE: 5/14/21

RESUBDIVISION OF LOT 4 OF  
OAK MESA SUBDIVISION

- PLAT NOTES:
- E.T.J. NOTE: THIS SUBDIVISION LIES WITHIN THE EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF KYLE.
  - EDWARDS AQUIFER NOTE: THIS SUBDIVISION LIES WITHIN THE RECHARGE ZONE AND THE CONTRIBUTING ZONE WITHIN THE TRANSITION ZONE OF THE EDWARDS AQUIFER.
  - THIS PROPERTY FALLS WITHIN THE BARTON SPRINGS/EDWARDS AQUIFER CONSERVATION DISTRICT.
  - FLOOD HAZARD NOTE: NO PORTION OF THIS TRACT IS WITHIN THE BOUNDARIES OF A 100 YEAR FLOOD HAZARD AS INDICATED ON THE NATIONAL FLOOD INSURANCE ADMINISTRATION FIRM PANEL NO. 4836602707, DATED SEPTEMBER 2, 2003. HAYS COUNTY, TEXAS.

- PLAT INFORMATION:  
TOTAL AREA= 21.50 ACRES  
NUMBER OF LOTS= 10  
NUMBER OF LOTS 10 ACRES OR LARGER= 1  
NUMBER OF LOTS 5 ACRES TO 10 ACRES= 1  
NUMBER OF LOTS 2 ACRES TO 5 ACRES= 0  
NUMBER OF LOTS 1 ACRE OR SMALLER= 0
- UTILITY INFORMATION:  
WATER: INDIVIDUAL ON-SITE SEWAGE FACILITIES  
WASTEWATER: FERNANDES ELECTRIC COMPANY  
ELECTRICITY: FRONTIER COMMUNICATIONS  
TELEPHONE: FRONTIER COMMUNICATIONS
- EASEMENTS:  
MINORAL UTILITY EASEMENT IS HEREBY DEDICATED ALONG ALL REAR AND SIDE LOT LINES. A 20 FOOT MUNICIPAL UTILITY EASEMENT AND BUILDING LINE IS HEREBY DEDICATED ALONG THE PRIVATE ROAD ON THE FRONT LOT LINE. A 7 FOOT BUILDING LINE SETBACK IS HEREBY DEDICATED ALONG ALL SIDE LOT LINES.
- THIS SUBDIVISION IS LOCATED IN THE HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT.
- NO CONSTRUCTION OR DEVELOPMENT WITHIN THIS SUBDIVISION MAY BEGUN UNTIL ALL HAYS COUNTY DEVELOPMENT PERMIT REQUIREMENTS HAVE BEEN SATISFIED.
- ALL CHANGERS WHEN REQUIRED SHALL COMPLY WITH THE CURRENT HAYS COUNTY STANDARD.
- ALL LOTS IN THIS SUBDIVISION ARE LIMITED TO ADVANCED ON-SITE SEPTIC FACILITIES.
- THIS SITE IS SERVED BY HAYS COUNTY EMERGENCY SERVICE DISTRICT NO. 5. DRIVEWAYS SHALL COMPLY WITH CHAPTER 721 OF HAYS COUNTY DEVELOPMENT REGULATIONS, AND BE PERMITTED THROUGH THE TRANSPORTATION DEPARTMENT OF HAYS COUNTY UNDER CHAPTER 751.
- MAILBOXES PLACED WITHIN THE RIGHT-OF-WAY SHALL BE OF AN APPROVED TADOT OR FHWA DESIGN.

SHEET 2 OF 3





# CITY OF KYLE, TEXAS

## Sunrise Village Investments, LLC - Zoning (Z-21-0082)

**Meeting Date: 8/3/2021**

**Date time: 7:00 PM**

**Subject/Recommendation:** *[Postponed 7/6/21] (First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 10.81 acres of land to Retail Service District 'RS' and approximately 34.83 acres to Multi-Family Residential-3 'R-3-3' for property located at 20139 IH-35, in Hays County, Texas. (Sunrise Village Investments, LLC - Z-21-0082) ~ *Howard J. Koontz, Director of Planning and Community Development*

*Planning and Zoning Commission voted 4-0 to recommend approval of the request.*

- Public Hearing

**Other Information:** See attachments.

**Legal Notes:** N/A

**Budget Information:** N/A

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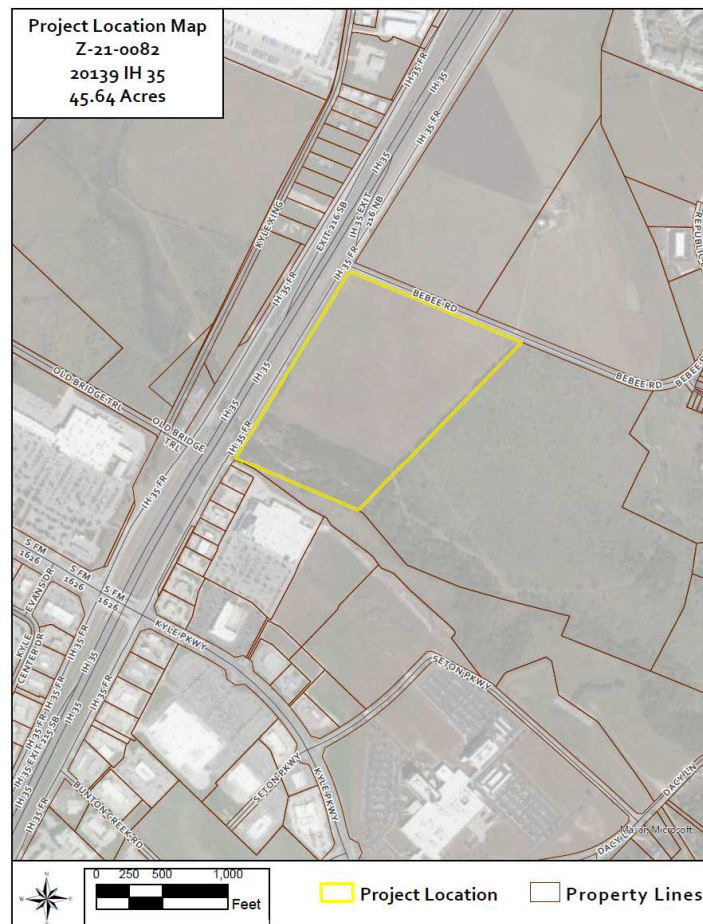
### ATTACHMENTS:

#### **Description**

- ☐ Staff Memo
- ☐ Ordinance with Exhibit A & B
- ☐ Summary Letter
- ☐ Project Location Map
- ☐ Current Zoning Map
- ☐ Land Use Districts Map
- ☐ Deed
- ☐ Landowner Authorization Letter
- ☐ Franchise Tax Account Status

Property Location	20139 IH-35 – Southeast corner of IH-35 & Bebee Rd Kyle, TX 78640
Owner	Sunrise Village Investment, LLC 1095 Windy Hill Rd, Kyle, TX 78640
Agent	Sergio Lozano Sanchez, P.E. 2211 S. IH-35 Frontage Road, Ste. 107 Austin, TX 78741
Request	Rezone 45.64-acres "RS" (Retail Services) to 10.81- acres "RS" and 34.83-acres "R-3-3" (Multifamily)

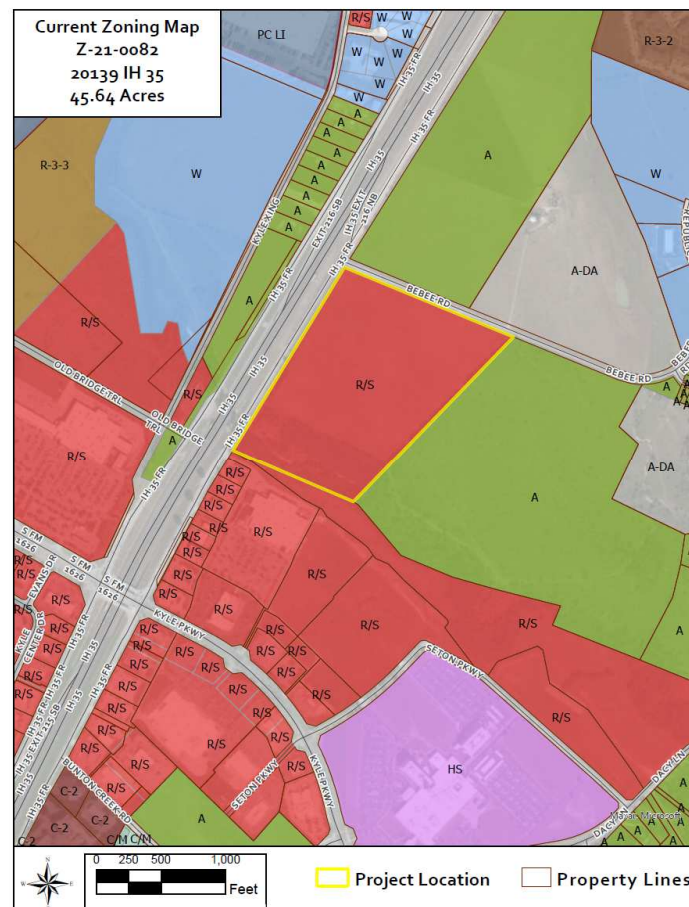
### Vicinity Map



## Site Description

20139 IH-35 is approximately 45-acres zoned “RS” (Retail Services). The site is located at the south corner of IH-35 and Bebee Road and is currently undeveloped. To the north and northeast is Bebee Rd, with land zoned “A” (Agriculture) and partially in the ETJ (Caraway Tract). To the east is land zoned “A” and used for agricultural purposes. To the south is the Lowe’s shopping center on land zoned “RS”. To the southwest and west of the property is IH-35.

The applicant seeks to rezone the property from “RS” (Retail Services) to “RS” (Retail Services) and “R-3-3” (Multifamily, 28 units per buildable acre).



## **Current Zoning**

### Retail and Services District RS

#### **Sec. 53-480. - Purpose and permitted uses.**

This district allows general retail sales of consumable products and goods within buildings of products that are generally not hazardous and that are commonly purchased and used by consumers in their homes, including most in-store retail sales of goods and products that do not pose a fire or health hazard to neighboring areas, e.g., clothing, prescription drugs, furniture, toys, hardware, electronics, pet supply, variety, department, video rental and antique stores, art studio or gallery, hobby shops and florist shops., and the retail sale of goods and products (in the following listed use areas) to which value has been added on site, including sales of goods and services outside of the primary structure as customary with the uses specifically listed, and the following: Any use permitted in CBD-1 or CBD-2 and RS districts as provided in section 53-1230.

## **Requested Zoning**

### Retail and Services District RS (10.81-Acres)

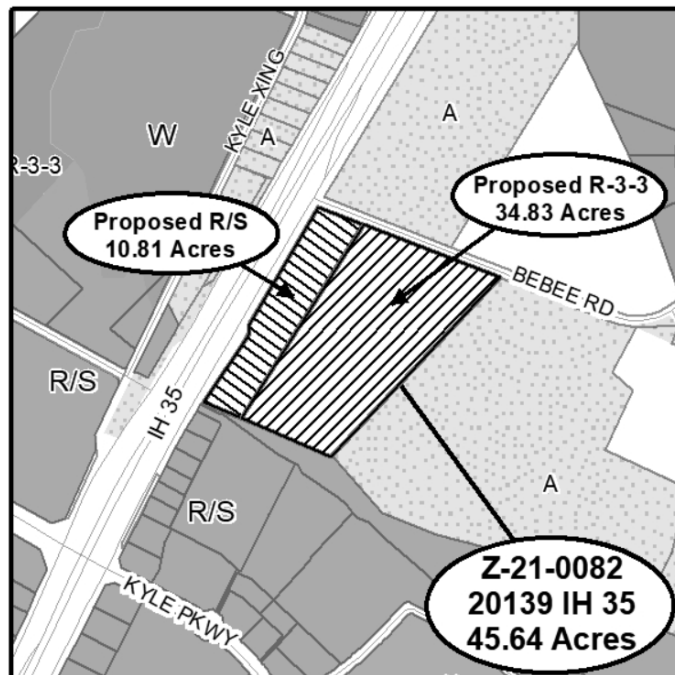
#### **Sec. 53-480. - Purpose and permitted uses.**

This district allows general retail sales of consumable products and goods within buildings of products that are generally not hazardous and that are commonly purchased and used by consumers in their homes, including most in-store retail sales of goods and products that do not pose a fire or health hazard to neighboring areas, e.g., clothing, prescription drugs, furniture, toys, hardware, electronics, pet supply, variety, department, video rental and antique stores, art studio or gallery, hobby shops and florist shops., and the retail sale of goods and products (in the following listed use areas) to which value has been added on site, including sales of goods and services outside of the primary structure as customary with the uses specifically listed, and the following: Any use permitted in CBD-1 or CBD-2 and RS districts as provided in section 53-1230.

### Apartments Residential 3, District R-3-3 (34.83-Acres)

#### **Sec. 53-292. – Purpose and permitted uses.**

The multifamily residential district R-3-3 permits typical apartment development with buildings not exceeding three stories, nor more than 28 units per buildable acre, and with apartments or units having a minimum living area of 500 square feet; provided that not more than 25 percent of the units in any such apartment development or project shall have less than 750 square feet of living area.

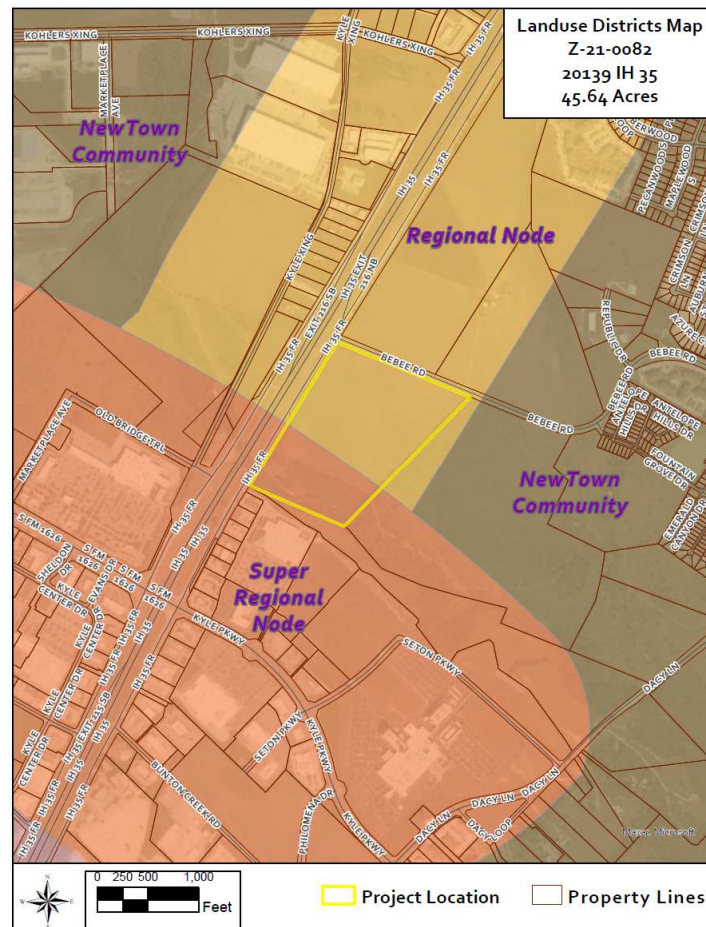


## Conditions of the Zoning Ordinance

### Sec. 53-1205 Amendments

- (d) *Referral of amendment to planning and zoning commission.* Upon its own motion, a request by the planning and zoning commission, or the receipt of an administratively complete petition and application to zone or rezone a lot, tract or parcel of land, which petition and application has been examined and approved as to form by the city manager, shall be referred to the planning and zoning commission for consideration, public hearing, and recommendation to the city council. The council may not enact a rezoning amendment until the planning and zoning commission has held a public hearing and made its recommendation to the city council, or has made a final vote on the matter without obtaining a majority, on the zoning or rezoning of the property.
- (e) *Action by the planning and zoning commission.* The planning and zoning commission shall cause such study and review to be made as advisable and required, shall give public notice and hold a public hearing as provided by state

law, and shall recommend to the council such action as the planning and zoning commission deems proper...



## Comprehensive Plan Text

The subject site is located primarily in the “Regional Node” District. Both the RS and R-3-3 zoning districts are recommended in the Regional Node. The southern portion is within the “Super Regional Node”, however, most of this area is within a creek way and therefore undevelopable. For the purposes of this request, we will not be considering the “Super Regional Node”.

## Current Land Use Chart

### Regional Node

Recommended Zoning Categories: R-1-C, R-3-2, **R-3-3**, CC, NC, **R/S**, MXD

Conditional Zoning Categories: CBD-1, CBD-2, E, HS, R-3-1, O/I

### **Regional Node**

'Character': Regional Nodes should have regional scale retail and commercial activity complimented by regional scale residential uses. These Nodes should represent the character and identity of Kyle, and signal these traits to the surrounding community. Regional Nodes have a radius of approximately 1/3 of a mile so that they are walkable, but are able to contain a greater range of uses at a larger scale than those found in Local Nodes. Appropriate uses may include grocery stores, retail shopping centers, multi-family housing, and municipal services, such as libraries and recreation centers. Regional Nodes are scaled and designed as activity centers where users not only secure goods and services, but also congregate and remain for extended periods, unlike Local Nodes which are designed around quick turnaround convenience retail. The Regional Nodes located along I-35 at the northern and southern boundaries of Kyle should be designed as entryways into Kyle with elements that are symbolic of Kyle and serve to attract I-35 travelers into Kyle. Transitions between Regional Nodes and surrounding districts must be carefully constructed to avoid abrupt shifts in land uses. Trails and sidewalks should be present throughout all Regional Nodes and should connect to surrounding neighborhoods.

'Intent': The primary goal of the Regional Nodes is to capture commercial opportunities necessary to close Kyle's tax gap. To achieve this goal, these Nodes should draw down upon anticipated regional growth and aggregate density to enhance value and activity levels in a concentrated and visible location. Regional Nodes should provide a mixture of uses that compliments regional commercial activity, as well as encourage high density residential development. These Nodes should respond to other regional areas of growth, specifically along I-35 and FM 1626, and to grow toward Hwy 21, SH 45 and SH 130. The anchor of each Regional Node should be regional commercial uses, and Regional Nodes should have a high level of development intensity.

## **Analysis**

The subject property is currently zoned “RS” and is entirely within the Regional Node, a land use district that flanks IH-35 and expects land uses commensurate with high turnover retail and point of sales service type of businesses. The applicant is requesting to rezone the property to allow for an area of 34.83-acres of R-3-3 (multifamily, 28 units per buildable acre). The remaining 10.81-acres will stay as “RS” along IH-35. The 45-acre property is currently undeveloped.

The “RS” zoning district along IH-35 will be continued. RS zoning encourages retail-type development to provide shopping amenities for local and regional residents of the area. Located within the Regional Node, commercial entities are encouraged to develop in a quality manner (Overlay districts relating to aesthetics).

The “R-3-3” zoning district allows for multifamily dwellings to be built at a “buildable density” of up to 28 units per acre. This is essentially net density (gross area minus detention, parking, landscaping, etc.). Both the requested “RS” and “R-3-3” zoning districts are recommended in the “Regional Node” land use district.

The “Regional Node” is intentionally designed to capture higher intensity uses and residential density. While not generally as intense as the “Super Regional Node” to the south, it does share similar attributes at a smaller scale. From a comprehensive plan perspective, it provides a step down in development patterns, but still allows much of the same zoning districts and land uses.

Site access will be provided by both the IH-35 frontage road and Bebee Rd. While frontage road provides more than adequate access, discussion with the developer will be required regarding improvements to Bebee Rd. This will happen at time of platting/site plan (after zoning, if approved). Water and wastewater availability will be provided by the City of Kyle, with both services existing to the south.

## **Recommendation**

In conclusion, both the 2010 Comprehensive Plan and staff support the rezoning request. At the June 8, 2021, Planning & Zoning Commission meeting, the Commission voted 4-0 to recommend approval of the request. Staff asks the Mayor and Council to vote in favor of the request.

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## **Attachments**

- Summary Request Letter
- Location Map
- Land Use Districts Map
- Zoning Map
- Deed
- Landowner Affidavit Letter
- Franchise Tax Account Status

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF ASSIGNING ORIGINAL ZONING TO APPROXIMATELY 10.81 ACRES OF LAND TO RETAIL SERVICE DISTRICT 'RS' AND APPROXIMATELY 34.83 ACRES TO MULTI-FAMILY RESIDENTIAL-3 'R-3-3' FOR PROPERTY LOCATED AT 20139 IH-35, IN HAYS COUNTY, TEXAS. (SUNRISE VILLAGE INVESTMENTS, LLC – Z-21-0082); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the zoning district map of the City of Kyle adopted in Chapter 53 (Zoning) be and the same is hereby amended to assign zoning to approximately 10.81 acres of land to Retail Service District 'RS' and approximately 34.83 acres of land to Multi-Family Residential-3 'R-3-3', as shown on the property location map labeled Exhibit B.

SECTION 2. That the City Secretary is hereby authorized and directed to designate the tract of land zoned herein as such on the zoning district map of the City of Kyle and by proper endorsement indicate the authority for said notation.

SECTION 3. If any provision, section, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid (or for any reason unenforceable), the validity of the remaining portions of this Ordinance or the application to such other persons or sets of circumstances shall not be affected hereby, it being the intent of the City Council of the City of Kyle in adopting this Ordinance, that no portion hereof or provision contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion or provision.

SECTION 4. This Ordinance shall be published according to law and shall be and remain in full force and effect from and after the date of publication.

SECTION 5. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Kyle at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Kyle at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, at which a quorum

was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Travis Mitchell, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer Holm, City Secretary

# 'Exhibit A'

DANIEL DOWNER SURVEY  
SECTION 22  
ABSTRACT NO. 151

BEEBEE ROAD  
(80' R.O.W.)  
S67°39'51"E 303.79'

CALLED 0.783 ACRES  
STATE OF TEXAS  
DOC. NO. 396678  
O.P.R.H.C.T.

IH-35  
(VARIABLE WIDTH)  
CSJ NO. 0016 02 125

N31°23'57"E 849.47'

10.81 ACRES  
PART OF A  
CALLED 46.44 ACRES  
ALTON FRANKE AND A.W. GREGG  
VOL. 271, PG 300  
D.R.H.C.T.

N09°36'57"E  
107.90'

CONC  
MON

S31°23'57"W 1672.42'

REMAINDER OF A  
CALLED 46.44 ACRES  
ALTON FRANKE AND A.W. GREGG  
VOL. 271, PG 300  
D.R.H.C.T.

P.O.B.

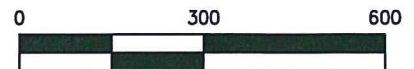
CONC  
MON

THIRD TRACT  
CALLED 76 ACRES  
ALTON J. FRANKE & WIFE,  
EVELYN B. FRANKE  
VOL 279, PG 565  
D.R.H.C.T.

N66°43'03"W  
263.66'

LOT 3  
SETON HAYS SUBDIVISION  
VOL 14, PG 255  
P.R.H.C.T.

GRAPHIC SCALE



1 INCH = 300 FT.

ZONING  
10.81 ACRES IN THE  
DANIEL DOWNER SURVEY, A-151  
HAYS COUNTY, TEXAS



6410 SOUTHWEST BLVD. STE. 127  
FORT WORTH, TX 76109  
(817)554-1805  
www.landpoint.net  
TBPLS REG. NO. 10194220

LEGAL DESCRIPTION

Being all that certain tract or parcel of land situated in the Daniel Downer Survey, Abstract No. 151, Hays County, Texas, being a part of the remainder of that certain called 46.44 acre tract of land described in the deed to Alton Franke and A.W. Gregg, recorded in Volume 271, page 300, Deed Records, Hays County, Texas and being more particularly described by mete and bounds and follows:

BEGINNING at the West corner of the tract being described herein at a concrete monument found in the Easterly right-of-way line of Interstate Highway 35, the Northerly line of Lot 3, Seton Hays Subdivision, according to the plat thereof recorded in Volume 14, Page 255, Plat Records, Hays County, Texas and the Southerly line of said 46.44 acre tract of land;

THENCE with the Easterly right-of-way line of said Interstate Highway 35, the following courses and distances:

N31°29'04"E, a distance of 712.12 feet to a point for corner;

N09°36'57"W, a distance of 107.90 feet to a concrete monument found for corner;

N31°23'57"E, a distance of 849.47 feet to a point in the Southerly right-of-way line of Beebee Road for the West corner of that certain called 0.783 acre tract of land described in the deed to the State of Texas, recorded in Document No. 396678, Official Public Records, Hays County, Texas and the North corner of said tract herein described;

THENCE S67°39'51"E, with the Southerly right-of-way line of said Beebee Road, the Southerly line of said 0.783 acre tract of land and the Northerly line of said 46.44 acre tract of land, a distance of 303.79 feet to a point for the East corner of said tract herein described;

THENCE S31°23'57"W, over and across said 46.44 acre tract of land, a distance of 1672.42 feet to a point in the Northerly line of said Lot 3 and the Southerly line of said 46.44 acre tract of land for the South corner of said tract herein described;

THENCE N66°43'03"W, with the Northerly line of said Lot 3 and the Southerly line of said 46.44 acre tract of land, a distance of 263.66 feet to the POINT OF BEGINNING and containing 10.81 acres of land.



I, Robert Glen Maloy, certify that this plat was prepared under my direct supervision from a survey made on the ground and that this plat correctly represents the facts found at the time of said survey.

*Robert Glen Maloy*

04/20/2021

Robert Glen Maloy

Texas R.P.L.S. No. 6028



6410 SOUTHWEST BLVD. STE. 127  
FORT WORTH, TX 76109  
(817)554-1805  
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SECTION 22  
ABSTRACT NO. 151

CALLED 0.783 ACRES  
STATE OF TEXAS  
DOC. NO. 396678  
O.P.R.H.C.T.

BEEBEE ROAD  
(80' R.O.W.)

S67°39'51"E 1112.84'

P.O.B.

5/8" IRF  
W/ALUM. CAP

IH-35  
(VARIABLE WIDTH)  
CSJ NO. 0016 02 125

CONC  
MON

REMAINDER OF A  
CALLED 46.44 ACRES  
ALTON FRANKE AND A.W. GREGG  
VOL. 271, PG 300  
D.R.H.C.T.

N31°23'57"E 1672.42'

**34.83 ACRES**

PART OF A  
CALLED 46.44 ACRES  
ALTON FRANKE AND A.W. GREGG  
VOL. 271, PG 300  
D.R.H.C.T.

S44°01'17"W 1790.04'

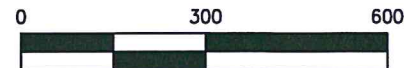
THIRD TRACT  
CALLED 76 ACRES  
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EVELYN B. FRANKE  
VOL 279, PG 565  
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N66°43'03"W 714.95'

LOT 3  
SETON HAYS SUBDIVISION  
VOL 14, PG 255  
P.R.H.C.T.



GRAPHIC SCALE



1 INCH = 300 FT.

ZONING  
34.83 ACRES IN THE  
DANIEL DOWNER SURVEY, A-151  
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6410 SOUTHWEST BLVD. STE. 127  
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LEGAL DESCRIPTION

Being all that certain tract or parcel of land situated in the Daniel Downer Survey, Abstract No. 151, Hays County, Texas, being a part of the remainder of that certain called 46.44 acre tract of land described in the deed to Alton Franke and A.W. Gregg, recorded in Volume 271, page 300, Deed Records, Hays County, Texas and being more particularly described by mete and bounds and follows:

BEGINNING at the East corner of the tract being described herein at a 5/8-inch iron rod with aluminum cap found in the Southerly right-of-way line of Beebee Road and the Southerly line of that certain called 0.783 acre tract of land described in the deed to the State of Texas, recorded in Document No. 396678, Official Public Records, Hays County, Texas for the North corner of that certain called 76 acre tract of land described as Third Tract in the deed to Alton J. Franke and wife, Evelyn B. Franke, recorded in Volume 279, Page 565, Deed Records, Hays County, Texas and the East corner of said 46.44 acre tract of land;

THENCE S44°01'17"W, with the Westerly line of said 76 acre tract of land and the Easterly line of said 46.44 acre tract of land, a distance of 1790.04 feet to a point in the Northerly line of Lot 3, Seton Hays Subdivision, according to the plat thereof recorded in Volume 14, Page 255, Plat Records, Hays County, Texas for the West corner of said 76 acre tract of land, the South corner of said 46.44 acre tract of land and the South corner of said tract herein described;

THENCE N66°43'03"W, with the Northerly line of said Lot 3 and the Southerly line of said 46.44 acre tract of land, a distance of 714.95 feet to a point for the West corner of said tract herein described;

THENCE N31°23'57"E over an across said 46.44 acre tract of land a distance of 1672.42 feet to a point Southerly right-of-way line of said Beebee Road, the Southerly line of said 0.783 acre tract of land and the Northerly line of said 46.44 acre tract of land;

THENCE S67°39'51"E, with the Southerly right-of-way line of said Beebee Road, the Southerly line of said 0.783 acre tract of land and the Northerly line of said 46.44 acre tract of land, a distance of 1112.84 feet to the POINT OF BEGINNING and containing 34.83 acres of land.



I, Robert Glen Maloy, certify that this plat was prepared under my direct supervision from a survey made on the ground and that this plat correctly represents the facts found at the time of said survey.

*Robert Glen Maloy*

04/20/2021

Robert Glen Maloy

Texas R.P.L.S. No. 6028

ZONING  
34.83 ACRES IN THE  
DANIEL DOWNER SURVEY, A-151  
HAYS COUNTY, TEXAS



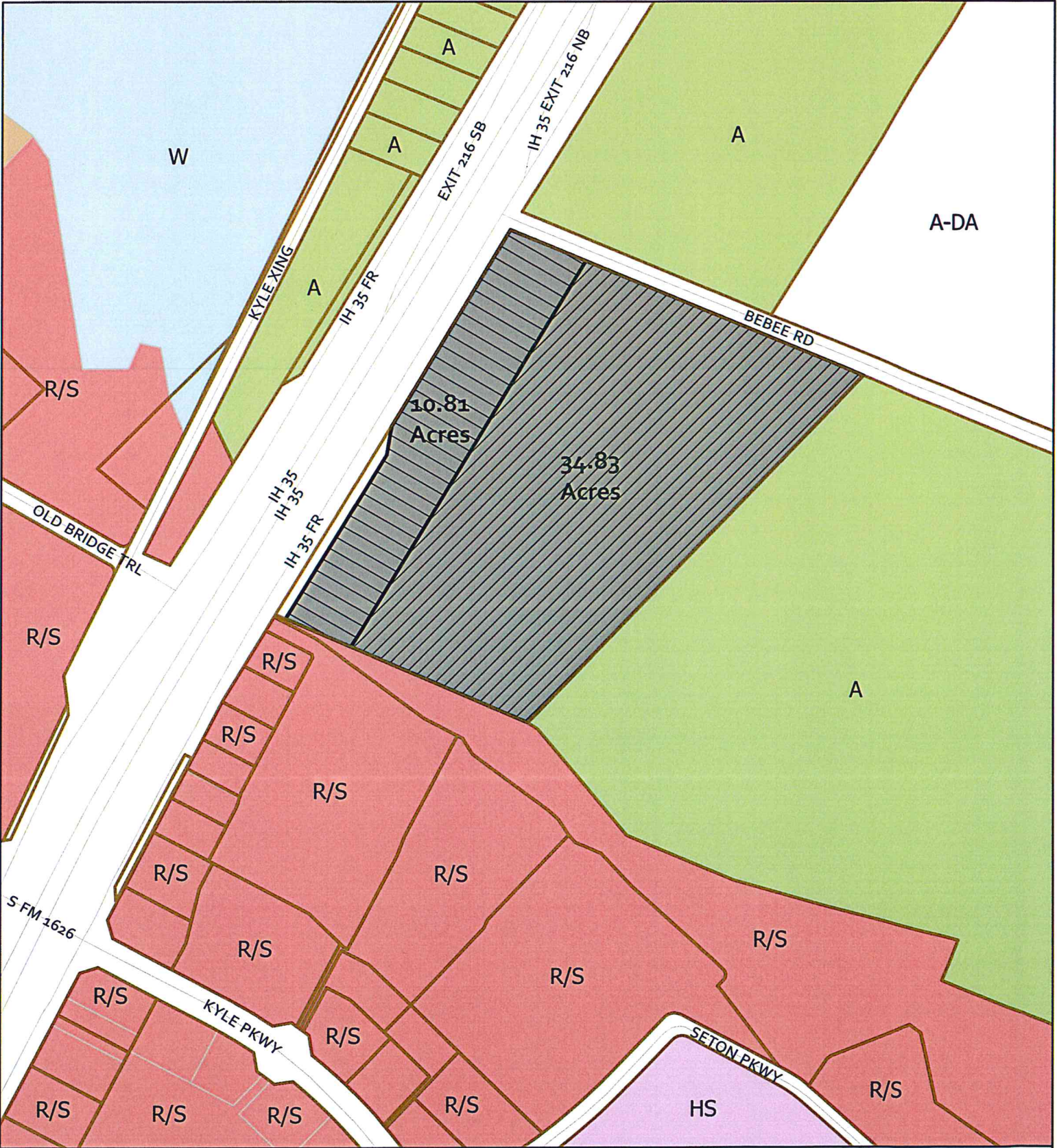
6410 SOUTHWEST BLVD. STE. 127  
FORT WORTH, TX 76109  
(817)554-1805  
www.landpoint.net  
TBPLS REG. NO. 10194220

# Exhibit B

Z-21-0082

20139 IH 35

45.64 Acres



Parcel Lines

- To Be Zoned RS
- To Be Zoned R-3-3



2211 S. IH 35 Frontage Rd. #107, Austin, TX 78741  
(512)524-0677 sergio@loccivil.com

April 29, 2021

Mr. Howard J. Koontz  
Director of Planning  
City of Kyle – Planning Department  
100 W Center St.  
Kyle, Texas 78640

**RE: Zoning Change – 20139 35, Kyle, Texas**

Dear Mr. Koontz,

On behalf of the property owner, SUNRISE VILLAGE INVESTMENT LLC, we are hereby requesting a Zoning Change for the property located at 20139 35, KYLE, TX. The legal description of the property is “ABS 151 DANIEL DOWNES SURVEY 46.217 AC GEO#90601178” and Property ID R13829. The property is located in Hays County, Texas in the intersection of IH-35 and Bebee Rd. The land is currently zoned as A – Agriculture. We request that the zoning be changed to R/S Retail Services and R-3-3 Multifamily to bring it in line with existing development neighboring the subject property.

Sincerely:



Sergio Lozano-Sanchez, P.E.

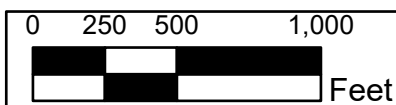
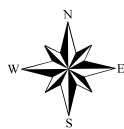
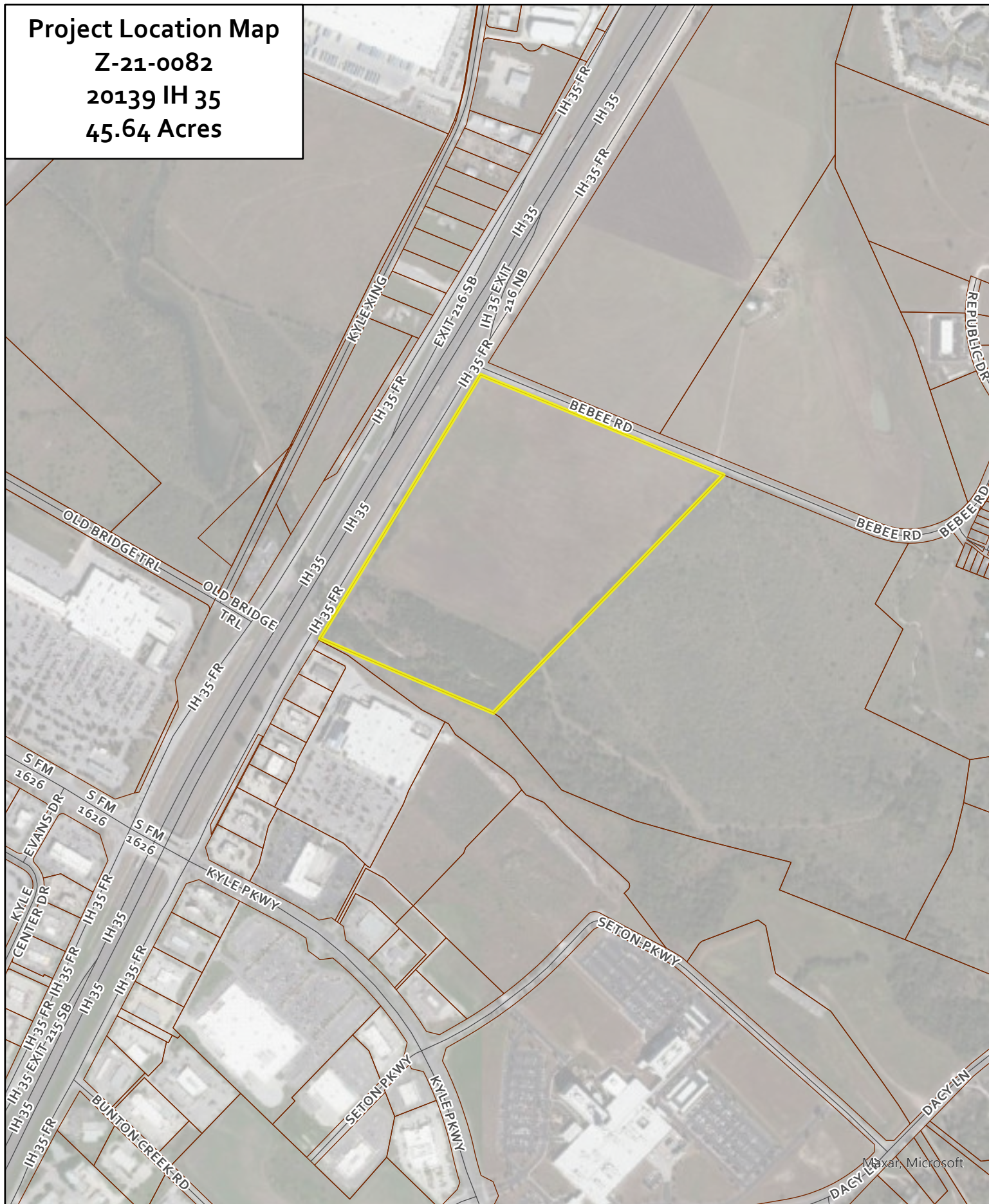
Principal

# Project Location Map

Z-21-0082

20139 IH 35

45.64 Acres

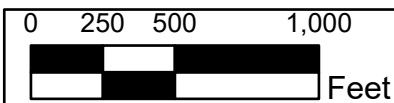
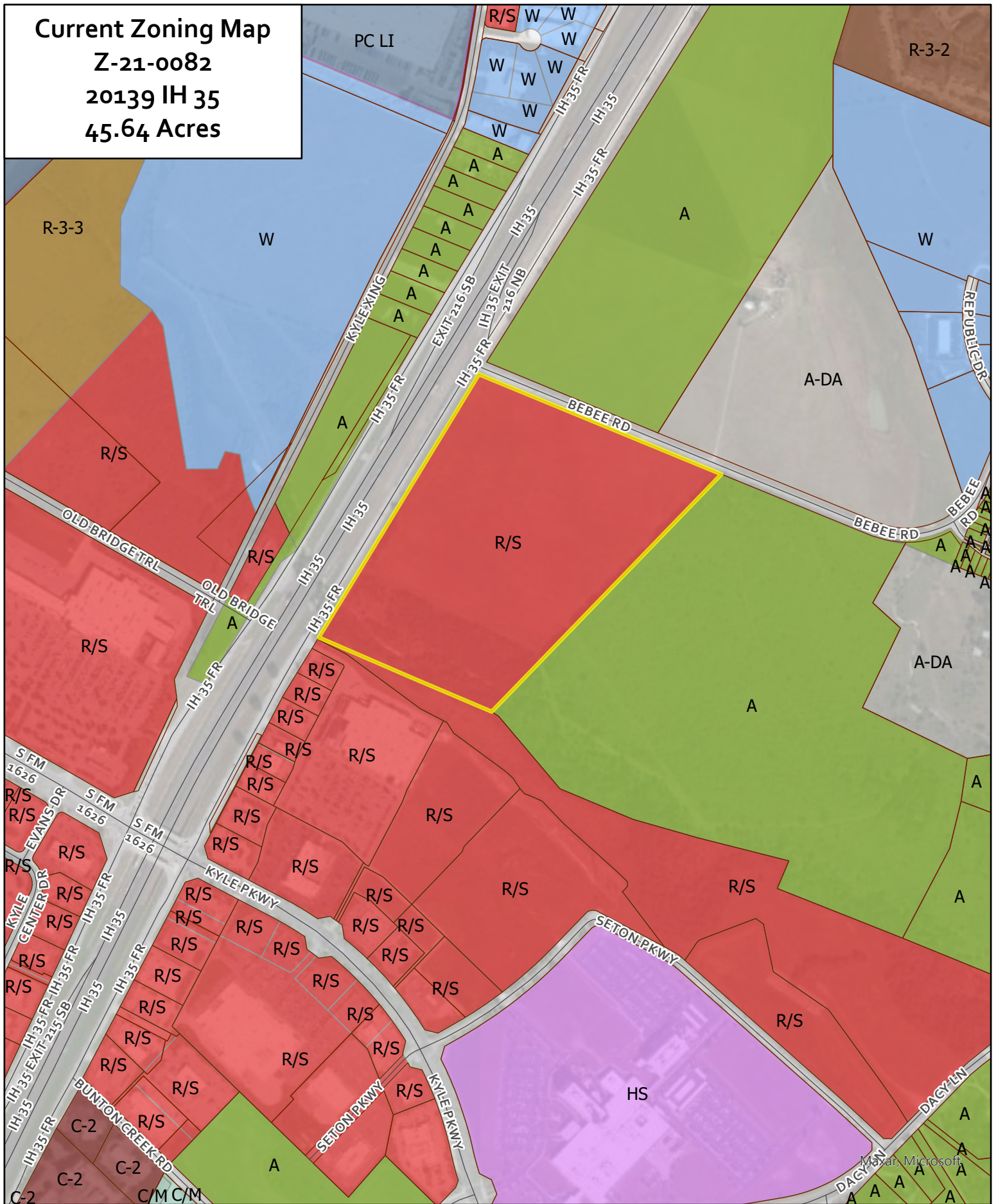


 Project Location

 Property Lines

Item # 19

**Current Zoning Map**  
**Z-21-0082**  
**20139 IH 35**  
**45.64 Acres**



**Project Location**



**Property Lines**

Item # 19

# Landuse Districts Map

Z-21-0082

20139 IH 35

45.64 Acres

NewTown  
Community

Regional Node

NewTown  
Community

Super  
Regional  
Node

KOHLERS XING

KOHLERS XING

KYLE XING

KOHLERS XING

IH 35 FR

IH 35 FR

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KYLE XING

EXIT 216 SB

IH 35 EXIT 216 NB

BEBEE RD

BEBEE RD

REPUBLIC DR

BEBEE RD

ANTELOPE HILLS DR

ANTELOPE HILLS DR

FOUNTAIN GROVE DR

EMERALD CANYON DR

EMERALD CANYON DR

EMERALD CANYON DR

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MARKETPLACE AVE

OLD BRIDGE TRL

S FM 1626

S FM 1626

S FM 1626

SHELDON DR

KYLE CENTER DR

KYLE CENTER DR

KYLE CENTER DR

KYLE CENTER DR

KYLE CENTER DR

KYLE CENTER DR

KYLE CENTER DR

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PHILOMENA DR

KYLE PKWY

SETON PKWY

KYLE PKWY

DAGY LN

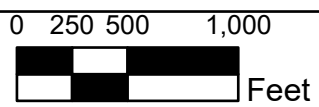
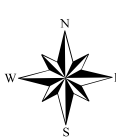
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Project Location

Property Lines

Item # 19

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**SPECIAL WARRANTY DEED WITH VENDOR'S LIEN**

**Date:** July 30, 2020

**Grantor:** CR TWO INVESTMENT, LTD., GAWLS, Ltd., MKK ASSOCIATES, LP., CLIFTON OSWALT, Trustee of the Clifton Oswald Trust under 2005 Trust Agreement, EVELYN E. NICHOLSON, Trustee of the Evelyn Nicholson Trust under 2005 Trust Agreement, ALTON E. FRANKE and DEANNA K. FRANKE, spouses

**Grantor's Mailing Address:**

**Grantee:** SUNRISE VILLAGE INVESTMENT, LLC

**Grantee's Mailing Address:**

1095 Windy Hill Road  
Kyle, Texas 78640

**Consideration:** Cash and a note of even date executed by Grantee and payable to the order of PIONEER FINANCE, INC. ("LENDER") in the principal amount of FIVE MILLION THREE HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$5,350,000.00). The note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of LENDER and by a first-lien deed of trust of even date from Grantee to ARIF LAWJI, Trustee.

**Property (including any improvements):**

Being 51.07 acres of land comprised of two tracts of land out of the D. DOWNER SURVEY No. 22, Abstract No. 151 and the JOHN KING SURVEY No 20, Hays County Texas, Tract 1 being 45.64 acres of land and Tract 2 being 5.43 acres of land, both tracts being portions of two tracts of land referenced and described in deed from a Adele Grimes Castle to Alton Franke and A. W. Gregg dated October 3, 1974, recorded in Volume 271, page 300, Deed Records of Hays County, Texas both of said tracts of land being described by metes and bounds in Exhibit "A" attached.

**Reservation of Minerals:** For Grantor, and Grantor's successors, a reservation of all of the mineral estate owned by Grantor. Grantor does not reserve the implied rights of ingress and egress and the reasonable use of the Property (including surface materials) for mining, drilling, exploring, operating, developing or removing the oil, gas and other minerals.

**Exceptions to Conveyance and Warranty:** The conveyance of the Property is being made by Grantor and accepted by Grantees subject to the matters (the "Permitted Exceptions") set forth in Exhibit "B" attached hereto and made a part hereof for all purposes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, when the claim is by, through or under grantor, but not otherwise.

LENDER, at Grantee's request, has paid in cash to Grantor that portion of the purchase price of the Property that is evidenced by the note. The first and superior vendor's lien against and superior title to the Property are retained for the benefit of LENDER and are transferred to LENDER without recourse against Grantor.

When the context requires, singular nouns and pronouns include the plural.

*Signatures and acknowledgments appear on the following pages.*

CR TWO INVESTMENT, LTD.

By: CR TWO MANAGEMENT, LLC

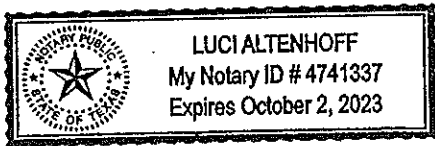
By: *Robin Gail Robinson*  
ROBIN GAIL ROBINSON, Manager

STATE OF TEXAS

COUNTY OF HAYS

}  
}  
}

This instrument was acknowledged before me on July 30, 2020 by ROBIN GAIL ROBINSON, Manager of CR TWO MANAGEMENT, LLC, General Partner of CR TWO INVESTMENT, LTD.



*Luci Altenhoff*  
Notary Public, State of Texas

GAWLS, Ltd.

By: GAWLS MANAGEMENT, LLC

By: \_\_\_\_\_

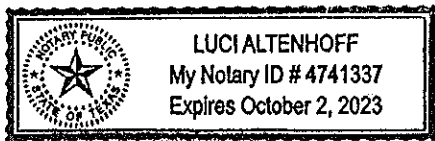
STACY VAUGHN, Manager

STATE OF TEXAS

COUNTY OF HAYS

}  
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}

This instrument was acknowledged before me on July 30, 2020 by STACY VAUGHN,  
Manager of GAWLS MANAGEMENT, LLC, General Partner of GAWLS, Ltd.



\_\_\_\_\_  
Notary Public, State of Texas

MKK ASSOCIATES, LP

By: MKK MANAGEMENT, LLC

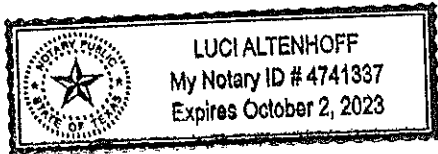
By: Mary G. Kinsala, manager  
MARY G. KINSALA, Manager

STATE OF TEXAS

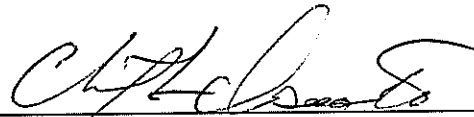
COUNTY OF HAYS

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}

This instrument was acknowledged before me on July 30, 2020 by MARY G. KINSALA,  
Manager of MKK MANAGEMENT, LLC, General Partner of MKK ASSOCIATES, LP.



Luci Altenhoff  
Notary Public, State of Texas



CLIFTON OSWALT

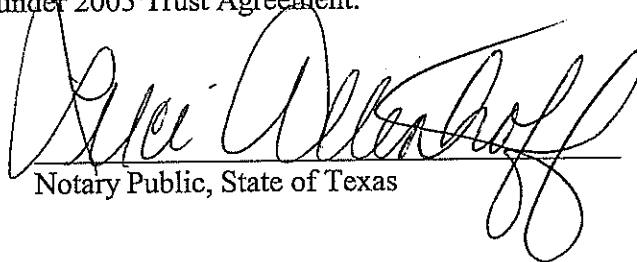
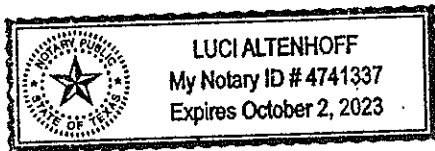
Trustee of the Clifton Oswald Trust  
Under 2005 Trust Agreement

STATE OF TEXAS

}  
}  
}

COUNTY OF HAYS

This instrument was acknowledged before me on July 30, 2020 by CLIFTON OSWALT Trustee of the Clifton Oswald Trust under 2005 Trust Agreement.

  
Notary Public, State of Texas

*Evelyn E. Nicholson*

EVELYN E. NICHOLSON

Trustee of the Evelyn Nicholson Trust

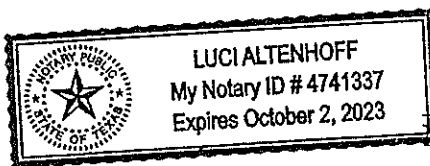
Under 2005 Trust Agreement

STATE OF TEXAS

}  
}  
}

COUNTY OF HAYS

This instrument was acknowledged before me on July 30, 2020 by EVELYN E. NICHOLSON Trustee of the Evelyn Nicholson Trust under 2005 Trust Agreement.



*Luci Altenhoff*  
\_\_\_\_\_  
Notary Public, State of Texas

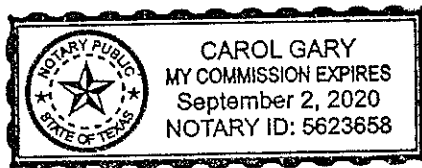
Alton E. Franke  
ALTON E. FRANKE

Deanna K. Franke  
DEANNA K. FRANKE

STATE OF TEXAS

COUNTY OF HAYS

This instrument was acknowledged before me on July 30, 2020 by ALTON E. FRANKE and DEANNA K. FRANKE, spouses.



Carol Gary  
Notary Public, State of Texas

EXHIBIT 'A'



Metes and Bounds:

BEING 51.07 ACRES OF LAND COMPRISED OF TWO TRACTS OF LAND OUT OF THE DANIEL DOWNER SURVEY, SECTION NO. 22, ABSTRACT NO. 151 AND THE JOHN KING SURVEY, SECTION 20, ABSTRACT NO. 276, HAYS COUNTY, TEXAS TRACT 1 BEING 45.64 ACRES OF LAND AND TRACT 2 BEING 5.43 ACRES OF LAND, BOTH TRACTS BEING PORTIONS OF TWO TRACTS OF LAND REFERENCED AND DESCRIBED IN THE DEED TO ADELE GRIMES CASTLE TO ALTON FRANKE AND A.W. GREGG DATED OCTOBER 3, 1974, RECORDED IN VOLUME 271, PAGE 300, DEED RECORDS OF HAYS COUNTY, TEXA AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

TRACT 1

**BEGINNING** at a 5/8-inch iron rod with cap stamped "Landpoint" set (hereinafter referred to as capped iron rod set) at the intersection of the Easterly right-of-way line of Interstate Highway 35 and the Southerly right-of-way line of Beebee Road for the West corner of that certain called 0.783 acre tract of land described in the deed to the State of Texas, recorded in Document No. 396678, Official Public Records, Hays County, Texas and the North corner of said tract herein described, from which a 1/2-inch iron rod found for the North corner of that certain called 0.739 acre tract of land described as Parcel 17 in the deed to State of Texas, recorded in Document No. 2010-10035140, Official Public Records, Hays County, Texas bears North 64°22'09": West, a distance of 426.63 feet;

**THENCE** South 67°39'51" East, with the Southerly right-of-way line of said Beebee Road and the Southerly line of said 0.783 acre tract of land, a distance of 1416.64 feet to a 1/2-inch iron rod found in the Westerly line of that certain called 76 acre tract of land described as Third Tract in the deed to Alton J. Franke and wife, Evelyn B. Franke, recorded in Volume 279, Page 565, Deed Records, Hays County, Texas and the Easterly line of said 46.44 acre tract of land for the South corner of said 0.783 acre tract of land and the East corner of said tract herein described;

**THENCE** South 44°01'17" West, with the Westerly line of said 76 acre tract of land and the Easterly line of said 46.44 acre tract of land, a distance of 1790.04 feet to a capped iron rod set in the Northerly line of Lot 3, Seton Hays Subdivision, according to the plat thereof recorded in Volume 14, Page 255, Plat Records, Hays County, Texas for the West corner of said 76 acre tract of land, the South corner of said 46.44 acre tract of land and the South corner of said tract herein described;

EXHIBIT 'A'



**THENCE** North 66°43'03" West, with the Northerly line of said Lot 3 and the Southerly line of said 46.44 acre tract of land, a distance of 978.61 feet to a concrete monument found in the Easterly right-of-way line of said Interstate Highway 35 for the North corner of said Lot 3, the West corner of said 46.44 acre tract of land and the West corner of said tract herein described;

**THENCE** with the Easterly right-of-way line of said Interstate Highway 35, the following calls and distances:

North 31°29'04" East, a distance of 712.12 feet to a capped iron rod set for corner;

North 09°36'57" East, a distance of 107.90 feet to a concrete monument found for corner;

North 31°23'57" East, a distance of 849.47 feet to the **POINT OF BEGINNING** and containing 45.64 acres of land.

**TRACT 2**

**BEGINNING** at a 1/2-inch iron rod found in the Westerly right-of-way line of Interstate Highway 35 for the North corner of that certain called 0.739 acre tract of land described as Parcel 17 in the deed to State of Texas, recorded in Document No. 2010-10035140, Official Public Records, Hays County, Texas and the East corner of said tract herein described, from which a 1/2-inch iron rod found for reference bears North 31°38'11" East, a distance of 31.04 feet;

**THENCE** South 31°34'07" West, with the Westerly right-of-way line of said Interstate Highway 35 and the Westerly line of said 0.739 acre tract of land, passing the South corner thereof and continuing on said course with the Westerly right-of-way line of said Interstate Highway 35 and the Easterly line of said 7.703 acre tract of land, a distance of 1237.33 feet to a 5/8-inch iron rod with cap stamped "Landpoint" set (hereinafter referred to as capped iron rod set) for the East corner of Lot 1, North Branch Subdivision, according to the plat thereof recorded in Volume 4, Page 51, Plat Records, Hays County, Texas and the South corner of said tract herein described;

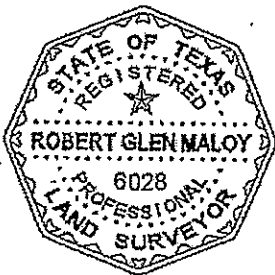


**THENCE** North 25°27'22" West, with the Northerly line of said Lot 1, a distance of 188.60 to a capped iron rod set in the Easterly right-of-way line of County Road 210 and the Westerly line of said 7.703 acre tract of land for the North corner of said Lot 1 and the West corner of said tract herein described;

**THENCE** North 26°45'58" East, with the Easterly right-of-way line of said County Road 210 and the Westerly line of said 7.703 acre tract of land, a distance of 1098.52 feet to a 1/2-inch iron rod found for the North corner of said 7.703 acre tract of land and the North corner of said tract herein described;

**THENCE** South 67°31'10" East, with the Northerly line of said 7.703 acre tract of land, a distance of 253.37 feet to the **POINT OF BEGINNING** and containing 5.43 acres of land.

The herein referenced tract is referenced to State Plane Coordinates, Texas South Central Zone, 4204.



*Robert Glen Maloy*

7/24/20

Robert Glen Maloy  
Registered Professional Land Surveyor  
Texas Registration No. 6028

## EXHIBIT "B"

Standby fees, taxes and assessments by any taxing authority for the year 2020, and subsequent years; and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership.

Easement and right-of-way in favor of Southwestern Bell Telephone Company recorded in Volume 124, page 203, Deed Records, Hays County, Texas.

Easement and right-of-way in favor of Lower Colorado River Authority recorded in Volume 254, page 259, Deed Records, Hays County, Texas.

Easement in favor of the City of Kyle for wastewater facilities recorded in Volume 3014, page 878, Official Public Records, Hays County, Texas.

Easement in favor of the City of Kyle for wastewater facilities recorded in Volume 3014, page 888, Official Public Records, Hays County, Texas.

Easement in favor of Hays County and State of Texas for temporary utility relocation easement recorded in Volume 3761, page 315, Official Public Records, Hays County, Texas.

Inclusion within the Hays County Special Road.

Inclusion within the Plum Creek Conservation District.

Inclusion within the Plum Creek Groundwater District.

**THE STATE OF TEXAS  
COUNTY OF HAYS**

I hereby certify that this instrument was FILED on the  
date and the time stamped hereon by me and was duly  
RECORDED in the Records of Hays County, Texas.

20032482 DEED  
08/04/2020 11:41:30 AM Total Fees: \$72.50

Elaine H. Cárdenas, MBA, PhD, County Clerk  
Hays County, Texas



LANDOWNER AUTHORIZATION AND AFFIDAVIT OF OWNERSHIP

**SUBJECT PROPERTY INFORMATION**

Subdivision Name, Block, Lot, or legal description if not subdivided: ABS 151 DANIEL DOWNES  
SURVEY 46.217 AC GEO#90601178 # of lots (if subdivided): \_\_\_\_\_ # of acres:  
46.217

Site APN/Property ID #(s): R13829

Location: BEBEE RD, KYLE, TX 78640 County: Hays

Development Name: \_\_\_\_\_

**OWNER**

Company/Applicant Name: SUNRISE VILLAGE INVESTMENT LLC

Authorized Company Representative (if company is owner): Asifali KAROWALIA

Type of Company and State of Formation: LLC TEXAS

Title of Authorized Company Representative (if company is owner): managing member

Applicant Address: 1095 WINDY HILL RD KYLE, TX 78640-6127

Applicant Fax: \_\_\_\_\_

Applicant Phone: (512) 524 06 77

Applicant/Authorized Company Representative Email: sergio@loccivil.com

**APPLICANT REPRESENTATIVE**

Check one of the following:

\_\_\_\_\_. I will represent the application myself; or

X I hereby designate Sergio Lozano Sanchez (name of project representative) to act in the capacity as the agent for filing, processing, representation, and/or presentation of this development application. The designated agent shall be the principal contact person for responding to all requests for information and for resolving all issues of concern relative to this application.

I hereby certify that the above-named owner is the rightful owner of the Property. I am either the owner of the property identified above or a partner/manager/officer/director/member of the company who is authorized to act on behalf of the company. I further certify that the information provided herein and in the application for the development is true and correct. By signing below, I agree that the City of Kyle (the "City") is authorized and permitted to provide information contained within this application, including the email address, to the public.

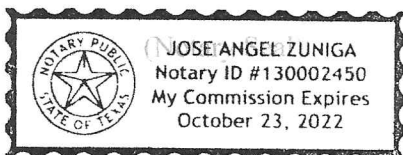
Owner's Signature: \_\_\_\_\_ Date: 04/26/2021

State of Texas

§  
§

County of Travis §

This instrument was acknowledged before me on (date) by (name of authorized company representative) who is a(n) (member, manager, authorized officer, etc.) of (name of company), a (Texas) (limited liability company, corporation, partnership, etc.).



SUBSCRIBED AND SWORN TO before me, this  
the 26<sup>th</sup> day of April, 2021.

\_\_\_\_\_  
Notary Public's Signature  
10/23/2022  
My Commission Expires

PROJECT REPRESENTATIVE

Representative Name: Sergio Lozano Sanchez

Representative Address: 2211 S IH 35 Frontage Rd, Suite 107, Austin, TX 78741

Representative Phone: (512) 524-0677

Representative Email: sergio@loccivil.com

Representative's Signature:  Date: 04/26/2021.



## Franchise Tax Account Status

As of : 04/28/2021 13:30:48

This page is valid for most business transactions but is not sufficient for filings with the Secretary of State

SUNRISE VILLAGE INVESTMENT LLC	
Texas Taxpayer Number	32074476055
Mailing Address	1095 WINDY HILL RD KYLE, TX 78640-6127
 Right to Transact Business in Texas	ACTIVE
State of Formation	TX
Effective SOS Registration Date	06/01/2020
Texas SOS File Number	0803635584
Registered Agent Name	RAHIM MOMIN
Registered Office Street Address	1095 WINDY HILL RD KYLE, TX 78640



# CITY OF KYLE, TEXAS

## Kyle 57 PID

**Meeting Date: 8/3/2021**

**Date time: 7:00 PM**

**Subject/Recommendation:** Approve a resolution accepting a petition for the creation of the Kyle 57 Public Improvement District and calling for a public hearing. ~ *Paige Saenz, City Attorney*

**Other Information:**

**Legal Notes:**

**Budget Information:**

---

**ATTACHMENTS:**

**Description**

- ☐ Kyle 57 PID - File Stamped Copy of Petition for Creation with the City of Kyle - 6-1-2021 4845-8851-9917 1
- ☐ Resolution Accepting Petition (Kyle 57)
- ☐ 57.293 AC ALTA UPDATE SURVEY
- ☐ Kyle 57 Community Enhancements Term Sheet 4850-6966-8847 1 (003)[6]
- ☐ Kyle 57 Final SD Package

RECEIVED  
JUN 01 2021  
BY: *Hee Clamor*  
City of Kyle

STATE OF TEXAS                   §  
  §     PETITION TO ESTABLISH KYLE 57  
COUNTY OF HAYS               §     PUBLIC IMPROVEMENT DISTRICT

TO THE HONORABLE GOVERNING BODY OF THE CITY OF KYLE:

COMES NOW Kyle Mortgage Investors, LLC, a Colorado limited liability company ("Petitioner"), and hereby requests and petitions the City of Kyle (the "City") to establish the Kyle 57 Public Improvement District (the "District") under and pursuant to the provisions of Chapter 372, Texas Local Government Code, on the hereinafter described property situated within the corporate limits of the City of Kyle, and in support thereof would respectfully show the following:

I.

The general nature of the proposed improvements to be provided by the District, in phases, includes, without limitation, acquisition (by purchase or otherwise, of real property or contract rights in connection with each improvement), construction and improvement of: water and wastewater facilities; cost shares in offsite water and wastewater improvements; stormwater facilities, including drainage improvements which expel stormwater runoff from the Property; pond facilities, including landscaping, irrigation, and fencing related thereto; drainage facilities; road/street facilities, including any and all improvements to RM 150 required by traffic impact analysis either constructed or contributed to by Owner; park improvements, including playscapes, dog park improvements, and associated structures; entry monumentation and landscaping; common area landscaping, irrigation (including meters), and lighting, including design thereof; trails; open space improvements; screening along FM 150; and other common area improvements; as well as payment of expenses incurred in the establishment, administration and operation of the District and the costs of issuance, reserve funds or credit enhancement of any bonds issued by or on behalf of the District, if necessary; all of which promote the interests of the City.

II.

The estimated costs of constructing and acquiring all of the currently proposed public improvements, together with bond issuance costs, legal and financial fees, letter of credit fees and expenses, bond credit enhancement expenses, capitalization of bond interest, the creation of a bond reserve fund, expenses incurred in the establishment, administration and operation of the District and acquisition, by purchase or otherwise, of real property or contract rights in connection with each authorized improvement, is presently estimated to be a total of approximately \$8,000,000, based on the estimated current and future costs for construction and acquisition of water, wastewater, roadway, and drainage systems to serve the area within the District and the park, trail, landscape, entry improvements, and parking improvements, as authorized by law. The total costs of the improvements shall be paid from any revenues or assessments lawfully available to the City from the District, anticipating that the costs of acquisition of the water, wastewater, roadway, and drainage systems, park, landscape, trail, and parking improvements will be paid pursuant to a contractual

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reimbursement obligation or the issuance of bonds secured by and payable from a special assessment levied on all property within the District's boundaries for the public improvements.

### III.

The boundaries of the proposed District are fully described in Exhibit "A" attached hereto and made a part hereof for all purposes. A map of the proposed District is attached hereto as Exhibit "B" and made a part hereof for all purposes. The proposed District is commonly known as Kyle 57.

### IV.

The proposed method of assessment is to impose a special assessment to be paid in installments on all useable property within the District, net of any public right-of-way, according to the value of the property, without regard to the value of improvements on the property, or in any other manner that results in imposing equal shares of the cost on property similarly benefitted. A report will be prepared showing the special benefits accruing to property within the District and how the costs of the public improvements are assessed to property on the basis of special benefit received by the property from the public improvements.

### V.

All costs incurred by the District shall be paid by the District, and there shall be no apportionment of costs between the District and the City as a whole. The City will not be obligated to provide any funds to finance the proposed improvements except from assessments generated by property within the District.

### VI.

Management and administration of the District shall be by the City. The City may contract from time to time with a private company for District administrative services. The Petitioner understands that the annual budget for the District is subject to review by City staff with final approval by the City Council.

### VII.

The individual executing this Petition is duly authorized to execute this Petition, and the Petitioner requests the establishment of the District.

### VIII.

An Advisory Board may be established to develop and recommend an improvement plan to the City Council of the City of Kyle (the "Council"). The Petitioner requests that if the Council establishes an Advisory Board, that such Advisory Board should include representatives of the Petitioner or its designees.

4845-0994-8621v.4 60691-62 5/19/2021

IX.

This Petition has been executed for and on behalf of (i) the owners of more than 50% of the taxable real property described in said Exhibit A, representing all of the appraised value of taxable real property liable for assessment under this Petition as shown by the current roll of the Hays County Appraisal District, and (ii) the record owners of more than 50% of the real property liable for assessment under this Petition, and shall be filed with the Secretary of the City. The Petitioner owns 100% of the property to be located in the District and liable for assessment. Although inapplicable to the Petitioner, as the sole owner of the property located in the District and liable for assessment, it is noted that: With respect to community property, the City may accept the signature of a spouse as a representation of both spouses that they support the creation or renewal of the PID absent a separate property agreement. *However, if City staff is made aware of any disagreement among owners of community property, those petitions will not be counted.*

WHEREFORE, PREMISES CONSIDERED, Petitioner prays that the Council:

(1) duly consider this Petition and adopt a Resolution finding (i) that this Petition complies with all legal requirements; (ii) that the proposed improvements are necessary, advisable and will provide a public use and benefit to the City; and (iii) that the estimated costs of the improvements, the method of assessment and the apportionment of costs between the District and the City of Kyle are reasonable and acceptable;

(2) call a public hearing, give notice thereof as required by law and hold such hearing on the advisability of the improvements specified in this Petition; and

(3) grant all matters requested in this Petition and grant such other relief, in law or in equity, to which Petitioner shall show itself to be entitled.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, this Petition has been executed by the Petitioner on the 28 day of May, 2021.

KYLE MORTGAGE INVESTORS, LLC,  
a Colorado limited liability company

By: Peter Schlesinger  
Peter Schlesinger, Manager  
Date: MAY 28/21

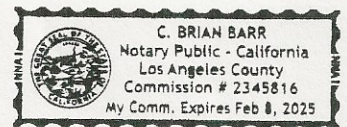
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Los Angeles

Subscribed and sworn to (or affirmed) before me on this 28 day of May, 2021, by Peter Schlesinger as Manager of Kyle Mortgage Investors, LLC, a Colorado limited liability company, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

(Seal) Signature [Signature]



**EXHIBIT A**  
**LEGAL DESCRIPTION OF THE PROPERTY**

Description of 57.260 acres of land in the Samuel Pharras Survey, A-360, Hays County, Texas; being a portion of that certain called 62.10 acre tract described in the deed dated September 2, 2003 from Mike Gossett, Special Administrator of the Estate of August Hessler, Jr. to S.T. Kyle, Ltd, of Record in Volume 2305, Page 674, Official Public Records of Hays County, Texas, said 62.10 acre tract being a portion of that certain called 79.5 acre tract of land described in a deed filed for Record June 19, 1914 from Mrs. Leoma Stephenson Nee Cooreham, et al to August Hessler of Record in Volume 66, Page 129, Deed Records of Hays County, Texas; said 57.260 acre tract of land, being more particularly described by metes and bounds as follows:

COMMENCING at a Texas Department of Transportation (TxDOT) Type I concrete Right-of-Way monument found in the Southeast Right-of-Way line of FM Highway No. 150, same being the Northwest line of Lot 53, Quail Meadows Subdivision, a subdivision of Record in Cabinet/Volume 7, Page 47, Plat Records of Hays County, Texas, said monument being 40-feet let of Engineer's centerline station 320+02.6;

THENCE South 46 degrees 07 minutes 22 seconds East, with the Southeast Right-of-Way line of said F.M. Highway No. 150, same being the Northwest line of said Lots 53 and 52, said Quail Meadow Subdivision, a distance of 115.15 feet to an iron rod with aluminum cap stamped "Pro-Tech" found for the North corner and POINT OF BEGINNING of the tract described herein, same being the North corner of said 62.10 acre tract, being in the Western line of said 79.5 acre tract, being the Southwestern corner of that certain 2.16 acre tract of land described in the Right-of-Way Deed filed for Record February 22, 1952 from Gus Hessler to the State of Texas Recorded in Volume 152, Page 236, Deed Records of Hays County, Texas, and being in the approximate common line of the said Samuel Pharras Survey and the Caleb W. Baker Survey;

THENCE continuing with the Southern Right-of-Way line of said F.M. Highway No. 150, same being the Southern line of said 2.16 acre tract, being the Northern line of said 62.10 acre tract, and the Northern line of the tract described herein, the following Two (2) courses and distances:

1. South 46 degrees 07 minutes 11 seconds East, a distance of 1,415.29 feet to a TxDOT Type I concrete Right-of-Way monument found at a point of curvature being 40-ft right of Engineer's centerline station 335+33.1, and

2. with the arc of a curve to the left, having a radius of 5,769.65 feet, an arc distance of 95.69 feet and a chord bearing South 46 degrees 34 minutes 52 seconds East, a distance of 95.68 feet to a 1/2-inch iron rod with plastic cap stamped "LAI" set for the most Northern East corner of the tract described herein, same being the North corner of a 4.847 acre tract remaining from said 62.10 acre tract, from which a TxDOT Type I concrete Right-of-Way monument found bears with the arc of said curve to the left, having a radius of 5,769.65 feet, an arc distance of 256.58 feet and a chord bearing South 48 degrees 20 minutes 25 seconds East, a distance of 256.56 feet;

THENCE South 43 degrees 40 minutes 14 seconds West, leaving the Southern Right-of-Way line of said F.M. Highway No. 150 and crossing said 62.10 acre tract with the North line of said 4.847 acre remainder tract, a distance of 425.24 feet to a 1/2-inch iron rod with plastic cap stamped "LAI" set for a re-entrant corner of the tract described herein, same the being West corner of said 4.847 acre tract.

THENCE South 46 degrees 19 minutes 46 seconds East, continuing across said 62.10 acre tract with the South line of said 4.847 acre tract, a distance of 516.17 feet to a 1/2-inch iron rod with plastic cap stamped "LAI" set in the Southeast line of said 62.10 acre tract, same being the Northwest line of that certain 10.00 acre tract called "Exhibit A" vested into Robert C. Edge and described in the Amended Final Decree Confirming Commissioners' Report and Partitioning Property dated November 14, 2001, being Cause No. 7405 in the Probate Court of Hays County, Texas and filed for Record in Volume 2305, Page 645, Official

Public Records of Hays County, Texas, for the South corner of said 4.847 acre tract and being the most Southern East corner of the tract described herein, from which a 1/2-inch iron rod found in the Southern Right-of-Way line of said F.M. Highway No. 150 for the East corner of said 62.10 acre tract, same being the North corner of said 20.00 acre tract bears North 35 degrees 58 minutes 25 seconds East, a distance of 449.80 feet;

THENCE South 35 degrees 52 minutes 25 seconds West, with the Eastern line of said 62.10 acre tract, same being the Western line of said 10.00 acre tract, a distance of 507.33 feet to a fence corner post found for an angle point in the Eastern line of said 62.10 acre tract and of the tract described herein, same being the West corner of said 10.00 acre tract and being the North corner of that certain called 2.62 acre tract described in a deed dated August 19, 1971, from Gus Hessler, Jr., and Edwards Hessler to Alton E. Franke and Deanna K. Franke of Record in Volume 245, Page 347, Deed Records of Hays County, Texas;

THENCE South 52 degrees 54 minutes 07 seconds West, with the Eastern line of said 62.10 acre tract, same being the Western line of said 2.62 acre tract, a distance of 402.46 feet to a fence corner post found for the South corner of said 62.10 acre tract and of the tract described herein, same being the West corner of said 2.62 acre tract, and being in the North line of a called 1,932.67 acre tract described in the deed dated August 1, 1960, from A.W. Gregg and wife Robie Gregg, to Ky-Tex Properties, Inc. of Record in Volume 185, Page 391, Deed Records of Hays County, Texas;

THENCE with the fence Southwest line of said 62.10 acre tract, same being the Northeast line of said 1,938.67 acre tract, the following Six (6) courses and distances:

1. North 45 degrees 45 minutes 15 seconds West, a distance of 134.06 feet to a fence post found for an angle point,
2. North 46 degrees 24 minutes 58 seconds West, a distance of 710.71 feet to a 10-in live oak tree for an angle point,
3. North 47 degrees 04 minutes 36 seconds West, a distances of 179.70 feet to a fence post found for an angle point,
4. North 47 degrees 09 minutes 23 seconds West, a distance of 126.39 feet to a fence post found for an angle point,
5. North 46 degrees 10 minutes 02 seconds West, a distance of 430.76 feet to a fence post found for an angle point, and
6. North 45 degrees 58 minutes 42 seconds West, a distance of 436.29 feet to a 1/2-inch iron rod found near a fence corner post at the Western base of an old rock wall for the West corner of said 62.10 acre tract and of the tract described herein, same being the South corner of Lots 35 and 36, said Quail Meadows Subdivision;

THENCE with the Western line of said 62.10 acre tract and of the tract described herein, same being the Southeastern line of said Quail Meadows Subdivision, said line marked by an old fence, the following Three (3) courses and distances:

1. North 43 degrees 14 minutes 24 seconds East, a distance of 609.84 feet to a fence post found for an angle point,
2. North 42 degrees 48 minutes 32 seconds East, a distance of 252.56 feet to a fence post found for an angle point; and
3. North 43 degrees 08 minutes 51 seconds East, a distance of 467.67 feet to the POINT OF BEGINNING and containing 57.260 acres of land, more less.

**LEGEND**

- 40 LOTS - ALLEY ROAD
- 50 LOTS - REAR GARAGE
- 55 LOTS - REAR GARAGE
- 60 LOTS - FRONT GARAGE
- COMMERCIAL
- OPEN SPACE
- AMENITY SITE

**POND**

**DOG PARK**

**3.3 ACRE COMMERCIAL SITE**

**1 ACRE AMENITY SITE**

**8.1 ACRE PARKWAY OPEN SPACE**

**PUMP STATION**

**POTENTIAL PARKWAY AND TRAIL CONNECTION TO OLD STAGECOACH**

**FUTURE COMMERCIAL PARCELS**

**POTENTIAL PARKWAY AND TRAIL CONNECTION TO 6 CREEKS**

**Julia Cove**

**Old Stagecoach Rd**

**Scale: 1" = 50'**

**NSR/MP**

[illegible]

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KYLE,  
TEXAS ACCEPTING A PETITION FOR CREATION OF THE KYLE  
57 PUBLIC IMPROVEMENT DISTRICT AND CALLING FOR A  
PUBLIC HEARING**

---

**WHEREAS**, the City of Kyle, Texas (the “City”) is authorized by Chapter 372, Texas Local Government Code, as amended (the “Act”) to create a public improvement district and to levy special assessments against property within the district to pay the costs of public improvement projects that confer a special benefit on property within the district; and

**WHEREAS**, on June 1, 2021, Kyle Mortgage Investors, LLC, a Colorado limited liability company (“Petitioner”), submitted to and filed with the City Secretary of the City pursuant to the Act that certain “Petition to Establish Kyle 57 Public Improvement District” (the “Petition”) requesting the establishment of a public improvement district covering approximately 57.260 acres described in the Petition in Exhibit “A” attached hereto, to be known as the “Kyle 57 Public Improvement District” (the “District”); and

**WHEREAS**, Petitioners represent they constitute (i) the owners of taxable real property representing more than 50% of the appraised value of real property liable for assessment under the proposal in the Petition, and (ii) the record owners of taxable real property that constitutes more than 50% of the area of all taxable real property that is liable for assessment under such proposal in the Petition. It is further asserted that Petitioners include the intended successors in interest to certain owners of taxable real property within the area proposed for the District and who will be responsible for the assessments against the property within the District; and

**WHEREAS**, the Act states that a Petition to create a public improvement district is sufficient if signed by owners of more than fifty percent (50%) of the taxable real property, according to appraised value, and either of the following: more than fifty percent (50%) of the area of all taxable real property liable for assessment under the proposal, or more than fifty percent (50%) of all record owners of property liable for assessment; and

**WHEREAS**, Petitioners describe the general nature of the proposed public improvements as parks and open space, landscaping, utilities, streets and roadways, entry monumentation, signage, costs of financing said improvements, and costs for establishing and administering the District; and

**WHEREAS**, Petitioners estimate the cost of the proposed public improvements is \$8,000,000.00 (including issuance and other financing costs) and that said cost will be recovered through an assessment against property in the District which will result in each parcel paying its fair share of the costs of public improvements based on the special benefits received by the property; and

**WHEREAS**, the Act further requires that prior to the adoption of the resolution determining the boundaries of the District, the City Council must hold a public hearing on the advisability of the improvements, the nature of the improvements contemplated, the estimated costs of the improvements,

the method of assessment, and the apportionment, if any, of the costs between the District and the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KYLE, THAT:**

**SECTION 1.** The City Council hereby approves the recitals contained in the preamble of this Resolution and finds that all the recitals are true and correct and incorporate the same in the body of this Resolution as findings of fact.

**SECTION 2.** City staff reviewed the Petition and determined that same complied with the requirements of the Act and the City Council accepts the Petition. The Petition is filed with the office of the City Secretary and is available for public inspection.

**SECTION 3.** The City Council calls a public hearing to be scheduled at or after 5:00 p.m. on September 7, 2021 to be held at Kyle City Hall, 100 W. Center Street, Kyle, Texas 78640 on the advisability of the improvements, the nature of the improvements contemplated, the estimated costs of the improvements, the boundaries of the District, the method of assessment, and the apportionment, if any, of the costs between the District and the City. All residents and property owners within the District and all other persons, are hereby invited to appear in person, or by their attorney, and speak on the creation of the District.

**SECTION 4.** The Public Hearing may be adjourned from time to time. Upon the closing of the Public Hearing, the City Council may consider the adoption of a resolution creating the District or may defer the adoption of such a resolution for up to six (6) months. The creation of the District is within the sole discretion of the City Council.

**SECTION 5.** The City Council hereby authorizes and directs the City Secretary, on or before August 20, 2021, in accordance with the Act, to: (a) publish notice of the public hearing in a newspaper of general circulation in the City; and (b) mail notice of the public hearing to the owners of the land as reflected on the tax rolls.

**SECTION 6.** If any section, article, paragraph, sentence, clause, phrase or word in this resolution or application thereof to any persons or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this resolution; and the City Council hereby declares it would have passed such remaining portions of the resolution despite such invalidity, which remaining portions shall remain in full force and effect.

**PASSED AND ADOPTED** by the City Council of Kyle, Texas, at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, at which a quorum was present, and for which due notice was given pursuant to Government Code, Chapter 551.

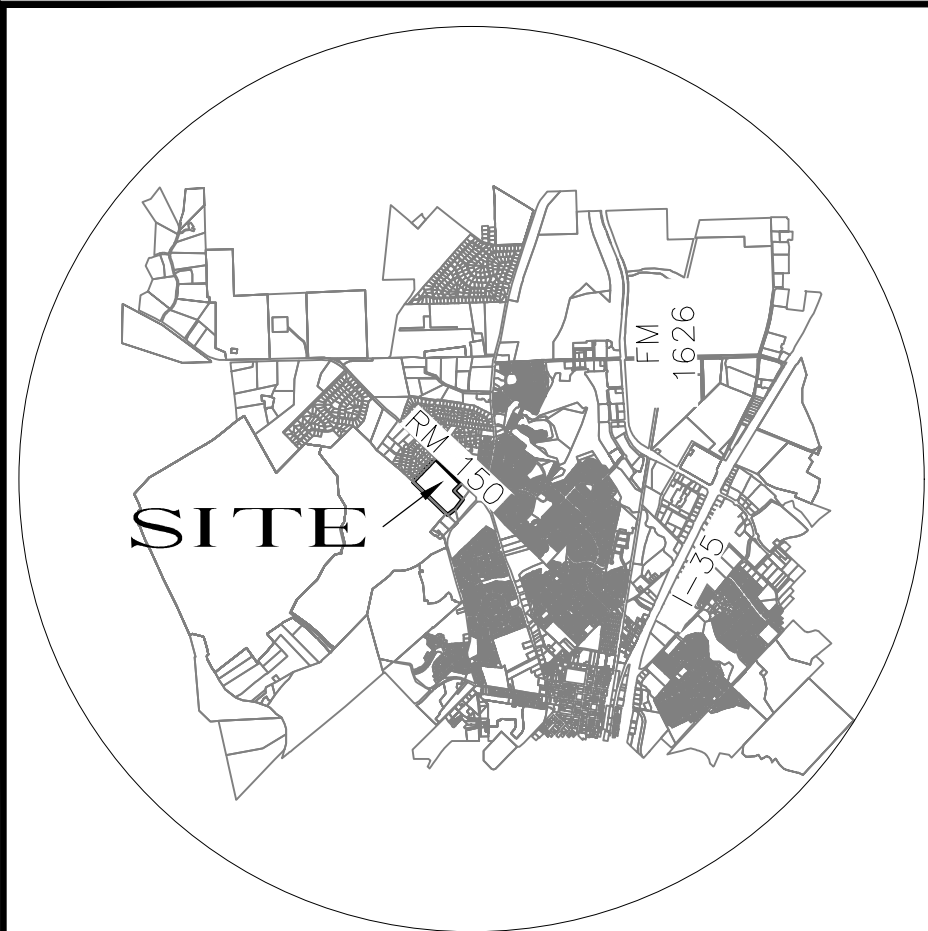
\_\_\_\_\_  
Travis Michell, Mayor

**ATTEST:**

\_\_\_\_\_  
Jennifer Holm, City Secretary  
City of Kyle, Texas

[CITY SEAL]

**EXHIBIT “A”**  
**PETITION FOR CREATION OF DISTRICT**



LOCATION MAP  
NOT TO SCALE

DESCRIPTION:

PROPERTY DESCRIPTION

BEING 57.293 ACRES OF LAND LOCATED IN THE SAMUEL PHARASS SURVEY, ABSTRACT 360 IN HAYS COUNTY, TEXAS AND BEING THE SAME LAND AS A CALLED 57.260 ACRE TRACT DESCRIBED IN A IN VOLUME 3416, PAGE 791, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS (O.P.R.H.C.T.), SAID 57.293 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS WITH ALL BEARINGS BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE NAD83 4204.

BEGINNING at an iron rod with aluminum cap stamped "PRO TECH ENG." found on the southwesterly line of FM 150 for the east corner of Quail Meadows Subdivision, as recorded in Cabinet 7, Slide 47 of the Plat Records of Hays County, Texas, said point being the northeast corner of the herein described tract;

THENCE, with said southwesterly line of FM 150, the following courses and distances:

- S46°07'35"E, for a distance of 1415.01 feet to a TxDOT Type 1 monument found for the beginning of a curve to the left;
- with said curve to the left an arc length of 95.70 feet, said curve having a radius of 5769.65 feet, a central angle of 00°57'01", and having long chord which bears S46°31'52"E, for a distance of 95.70 feet to An iron rod with cap (unreadable) found for the north corner of a called 4.847 acre tract as described in Document No. 17041944, O.P.R.H.C.T.;

THENCE, with the line common to said 57.260 acre tract and said 4.847 acre tract, the following courses and distances:

- S43°40'27"W, for a distance of 425.23 feet to an iron rod with cap stamped "LAI" found for the westerly corner of said 4.847 acre tract;
- S46°20'32"E, for a distance of 516.25 feet to a 1/2 inch iron rod found on the northwesterly line of a call 10.00 acre tract described in Document No. 19046058, O.P.R.H.C.T.;

THENCE, with the line common to said 57.260 acre tract and said 10.00 acre tract, S35°54'59"W, for a distance of 507.96 feet to a fence post found for a west corner of said 10.00 acre tract, said point also being the north corner of a called 2.62 acre tract described in Volume 245, Page 347, O.P.R.H.C.T., and being an angle point in the southeasterly line of said 57.260 acre tract;

THENCE, with the line common to said 57.260 acre tract and said 2.62 acre tract, S52°59'34"W, for a distance of 402.16 feet to a fence corner post found on the northeasterly line of a called 9.752 acre tract described in Volume 5322, Page 1 O.P.R.H.C.T., said point being the most westerly corner of said 2.62 acre tract and the most southerly corner of said 57.260 acre tract;

THENCE, with the line common to said 9.752 acre tract and said 57.260 acre tract, N45°49'57"W, for a distance of 134.08 feet to an iron rod with aluminum cap stamped "KENT McMILLAN" found for the north corner of said 9.752 acre tract, same being the east corner of a called 608.70 acre tract described in Document No. 17034180 O.P.R.H.C.T.;

THENCE, with the line common to said 57.260 acre tract and said 608.70 acre tract, the following courses and distances:

- N46°33'10"W, for a distance of 1447.00 feet to a fence post found for angle point;
- N45°43'46"W, for a distance of 436.59 feet to a 1/2 inch iron rod found for the south corner of said Quail Meadows Subdivision;

THENCE, with the southeasterly line of said subdivision and the northwesterly line of said 57.260 acre tract, the following courses and distances:

- N43°14'17"E, for a distance of 609.84 feet to a 60d found stamped "PRO TECH ENG";
- N42°48'25"E, for a distance of 252.56 feet to an iron rod set with cap stamped "ATWELL LLC";
- N43°08'44"E, for a distance of 467.53 feet to the POINT OF BEGINNING and containing 57.293 acres of land, more or less.

SURVEYORS CERTIFICATE:

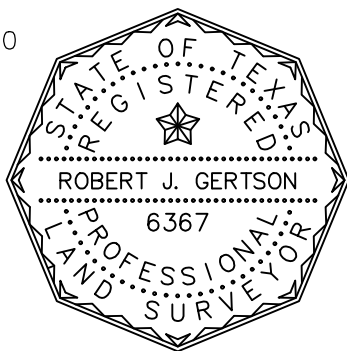
TITLE COMMITMENT GF# AUT20006615,

TO: MILESTONE COMMUNITY BUILDERS, LLC, A TEXAS LIMITED LIABILITY COMPANY, KYLE MORTGAGE INVESTORS, LLC, A COLORADO LIMITED LIABILITY COMPANY, ALAMO TITLE INSURANCE COMPANY AND AUSTIN TITLE COMPANY  
ISSUED DATE MAY 14, 2020.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1,3,4,6,8,11,13 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON OCTOBER 05, 2020

DATED THIS THE 16th DAY OF NOVEMBER, 2020

ROBERT J. GERTSON, RPLS# 6367  
Atwell LLC  
3815 S Capital of Texas Hwy, Ste. 300  
Austin, Texas 787404  
(512)904-0505  
rgertson@atwell-group.com



EXCEPTIONS FROM COVERAGE:

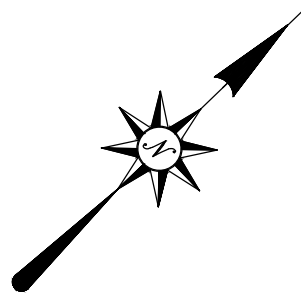
THIS SURVEY USED THE COMMITMENT FOR TITLE INSURANCE ISSUED BY ALAMO TITLE INSURANCE, GF# AUT20006615, EFFECTIVE DATE: MAY 7, 2020, ISSUED DATE: MAY 14, 2020.

F) EASEMENT TO THE CITY OF KYLE RECORDED IN DOCUMENT NO. 18001941, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS. - as shown on drawing

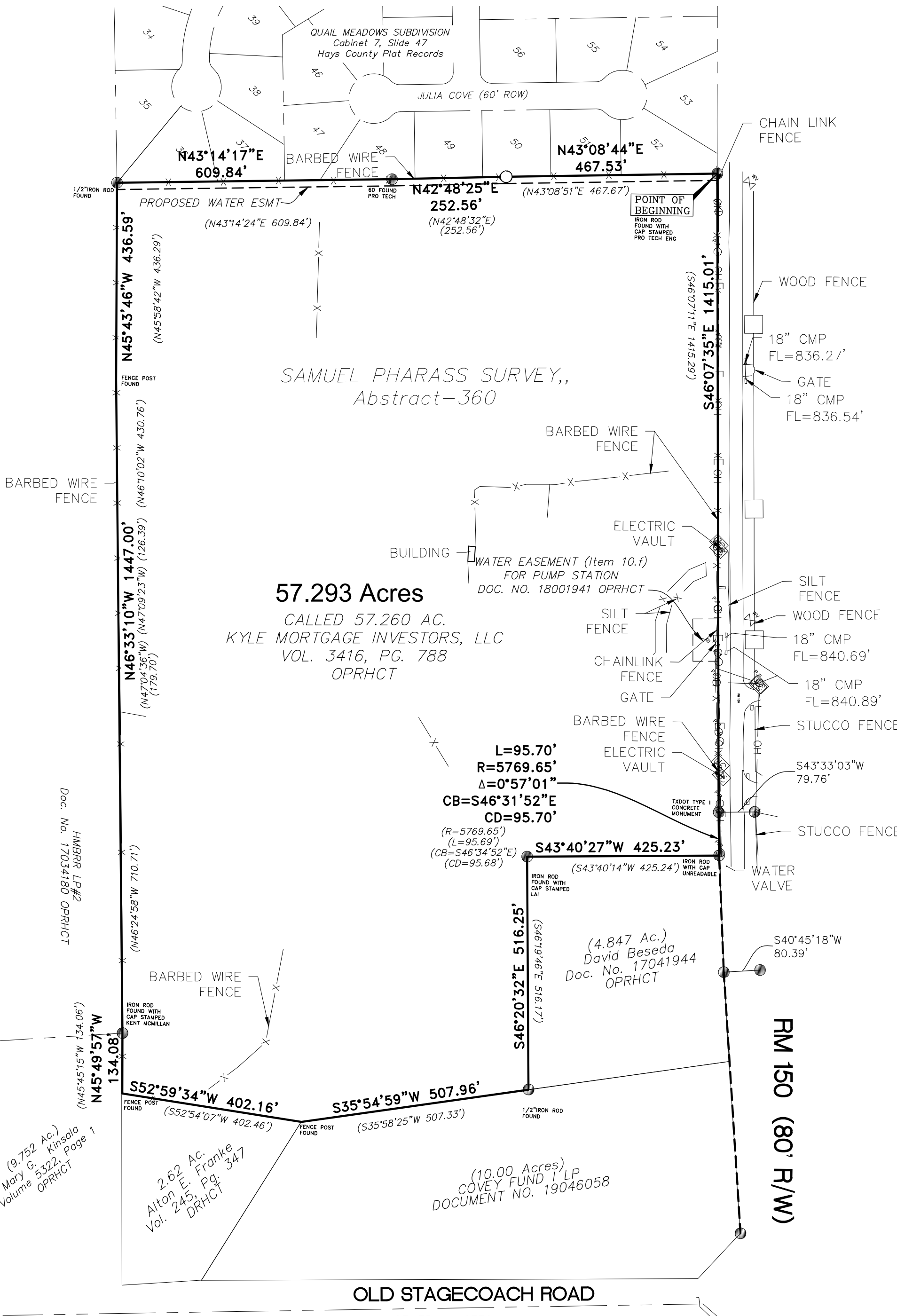
G) MEMORANDUM OF CONTRACT EXECUTED BY KYLE MORTGAGE INVESTORS, LLC AND TAYLOR MORRISON OF TEXAS, INC, RECORDED IN DOCUMENT NO. 18033799, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.

LEGEND

- IRON ROD SET WITH CAP "ATWELL LLC"
- 1/2" IRON ROD FOUND UNLESS OTHERWISE NOTED
- GUY
- UTILITY POLE
- BOUNDARY LINE
- WIRE FENCE
- ADJOINER LINES
- OVERHEAD UTILITY
- RECORD INFORMATION
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
- R.P.R.T.C.T. REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS
- D.R.T.C.T. DEED RECORDS OF TRAVIS COUNTY, TEXAS



( IN FEET )  
1 inch = 200 ft.



OLD STAGECOACH ROAD

GENERAL NOTES:

- BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM OF 1983 (NAD83) TEXAS CENTRAL (4203) ZONE.
- ENCROACHMENTS ARE AS SHOWN ON SURVEY.
- UTILITIES LOCATED BY OBSERVED EVIDENCE.

TBPLS Firm No. 10193726

DR.	RG	CH.	AY	DATE
P.M.	RG			NOVEMBER 2020
CAD FILE:				
JOB	20002007			
SHEET NO.				
	1 OF 1			
				REVISIONS

PROJECT:

ALTA SURVEY  
57.293 ACRES (2,495,709 SQUARE FEET)  
OUT OF THE SAMUEL PHARASS SURVEY, A-360  
HAYS COUNTY, TEXAS



# Kyle 57 PID

## Community Enhancements Term Sheet

### KYLE 57 - HARTSON RUN



In order to provide a new community in the City of Kyle that benefits the community at large, and in accordance with the City of Kyle PID Policy, Kyle Mortgage Investors, LLC, has proposed the following community enhancements:

- 6 acres of publicly dedicated, privately maintained parkland – more than double the requirement
- The following public trails:
  - 2,970 feet of 8' Trails
  - 1,705 feet of 6' Trails
  - 1,692 feet of 4' Trails
- Parkland and open space improvements, including a playground, dog park, multiple gravel picnic/lounge areas, plantings, sod, and oak mott preservation
- 6 foot high masonry wall along FM 150
- Impressive primary entry monumentation with masonry, corten steel, lighting features, and landscaping
- 1 acre private amenity site with pool, sun shelf, lawn, lounge and activity areas, shade structures, and restrooms
- Facilitation of burying overhead telecom lines on property boundary along FM 150, including \$100,000 contribution to the costs to do so should telecom providers agree and City choose to cover remaining cost
- Screening and beautification of the FM 150 pump station, along with cost participation in its construction, which sends water to the Anthem storage tanks to provide service to Anthem, Blanco River Ranch, parts of 6 Creeks, and parts of Plum Creek



A - SCL2 STREET LIGHT

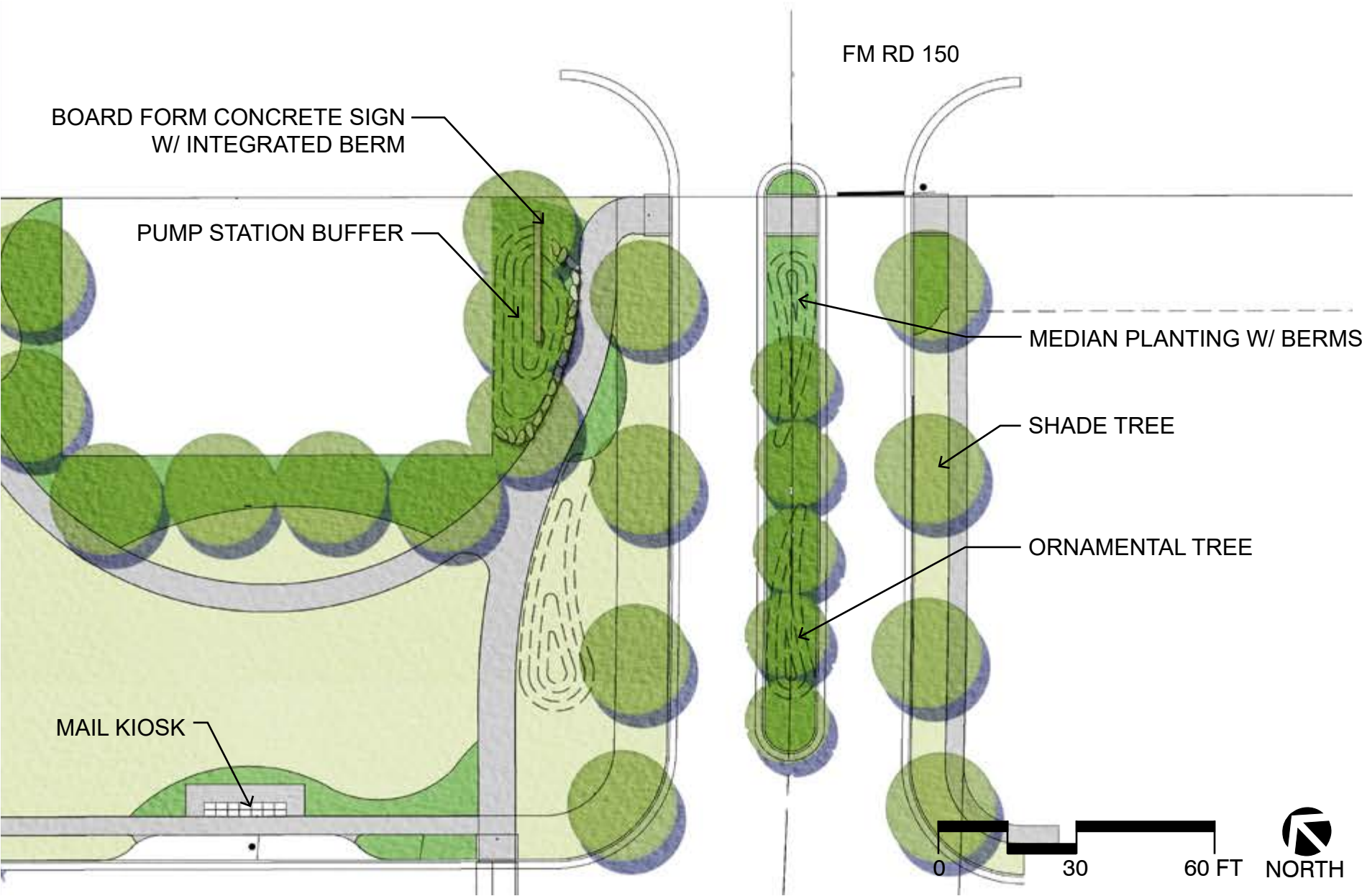


B - IPL PEDESTRIAN LIGHT

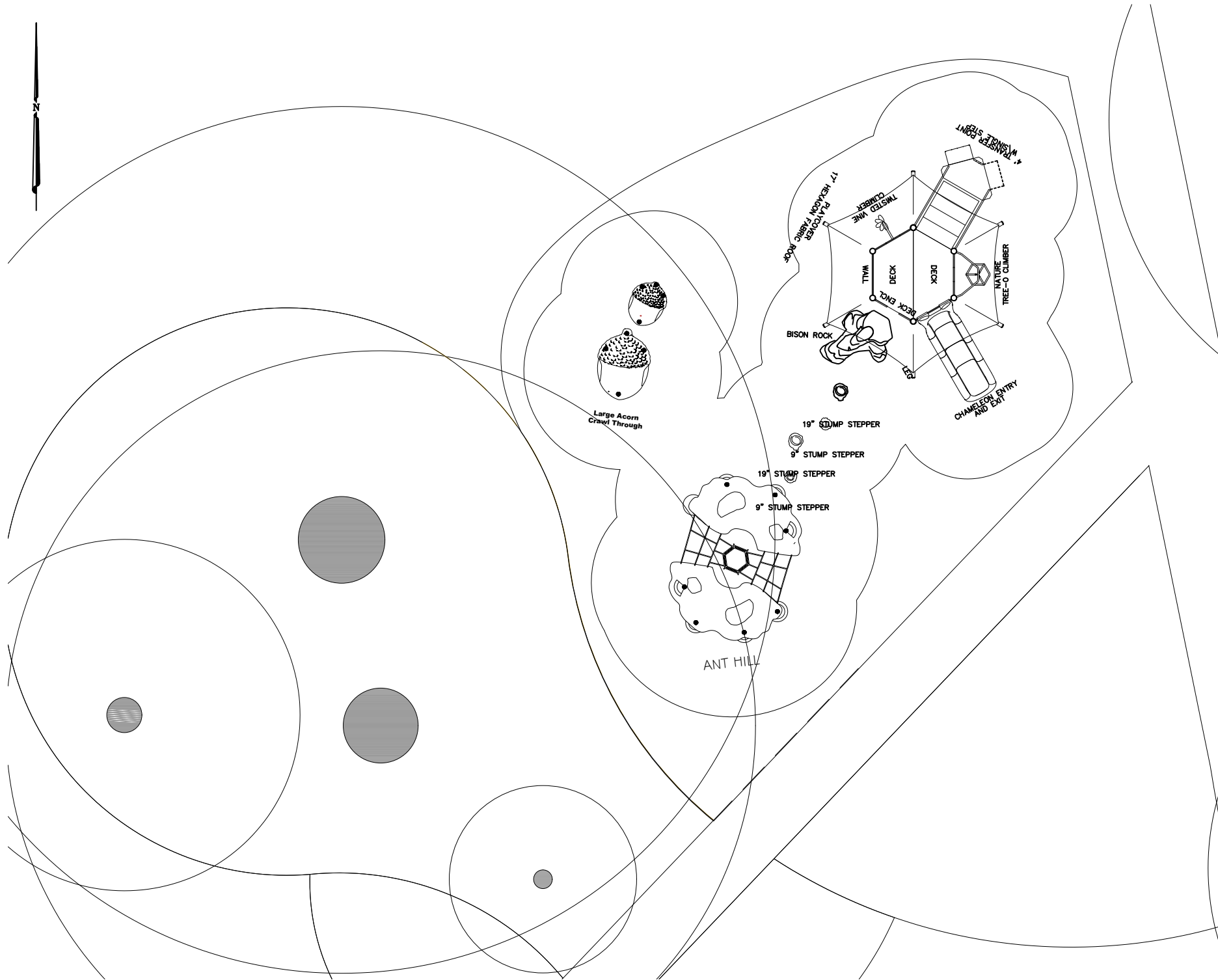


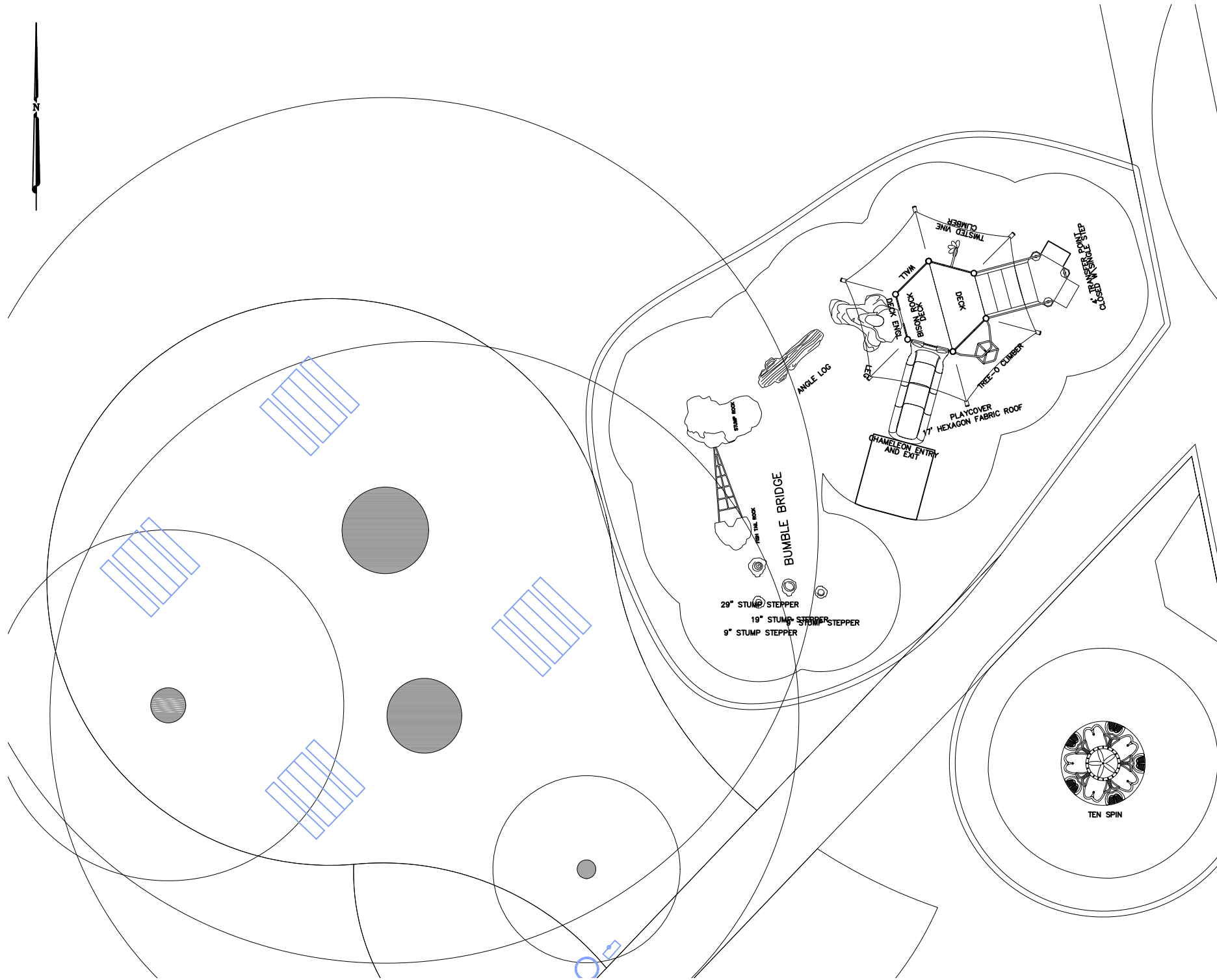
C - PLB BOLLARD LIGHT



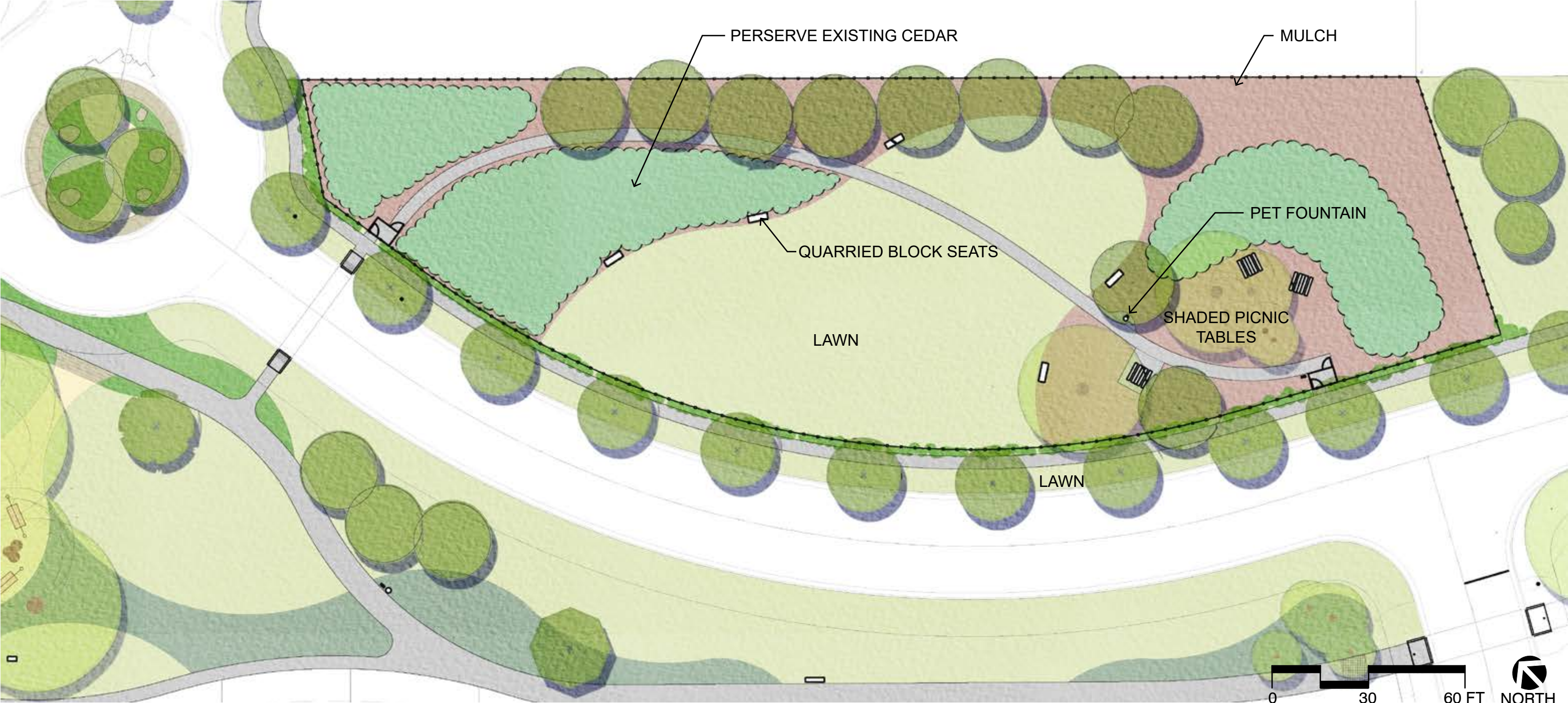














# CITY OF KYLE, TEXAS

## Roundabout Ordinance

**Meeting Date: 8/3/2021**

**Date time: 7:00 PM**

**Subject/Recommendation:** *[Postponed 7/20/2021] (Second Reading)* An Ordinance of the City of Kyle, Texas, Amending Article II to Include a Section 12-23 Roundabouts, Requiring Use of Roundabouts in Certain Intersections, Requiring Consideration of Roundabouts in Certain Intersections, Requiring Compliance with National Standards in the Construction of Roundabouts, Requiring Notice of Exclusions, Providing Severability, Effective Date, and Open Meetings Clauses; and Providing for Related Matters. ~ *Leon Barba, P.E., City Engineer*

*The City Council voted 6-1 to approve on First Reading.*

**Other Information:** Roundabouts provide safer and more efficient traffic flow than standard intersections. By keeping traffic moving one-way in a counterclockwise direction, there are fewer conflict points and traffic flows smoothly.

Crash statistics show that roundabouts decrease traffic delays by 20%, reduce fatal crashes about 90%, injury crashes about 75%, and reduce overall crashes about 35% when compared to other types of intersection control.

**Legal Notes:** N/A

**Budget Information:** N/A

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### ATTACHMENTS:

#### **Description**

- ☐ Roundabouts Ordinance

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING ARTICLE II, CHAPTER 38, OF THE CITY OF KYLE CODE OF ORDINANCES, TO INCLUDE A SECTION 38-23 ROUNDABOUTS, REQUIRING USE OF ROUNDABOUTS IN CERTAIN INTERSECTIONS, REQUIRING CONSIDERATION OF ROUNDABOUTS IN CERTAIN INTERSECTIONS, REQUIRING COMPLIANCE WITH NATIONAL STANDARDS IN THE CONSTRUCTION OF ROUNDABOUTS, REQUIRING NOTICE OF EXCLUSIONS, PROVIDING SEVERABILITY, EFFECTIVE DATE, AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.**

**Whereas**, the City of Kyle, Texas (the "City") regulates the design and construction of roadways in the City limits and extraterritorial jurisdiction (the "City jurisdiction");

**Whereas**, the City has experienced growth causing the City jurisdiction to expand necessitating the creation of new roadways and alternation of existing roadways;

**Whereas**, the growth of City jurisdiction has resulted in an increase in population and accompanying roadway traffic which results in greater wear and tear on roadways and an increase in traffic congestion;

**Whereas**, roundabout style intersections have an associated decrease in traffic congestion, lower collision rates, and lower long-term maintenance;

**Whereas**, the City Council for the City desires to ensure that new and altered roadways are built in a way that is reliable, durable, safe and more efficient for the flow of traffic;

**Whereas**, the National Cooperative Highway Research Program compiled data and released a report describing standards for the construction of roundabout style intersections; and

**Whereas**, the City Council desires to ensure that all standards within National Cooperative Highway Research Program (NCHRP) Report 672 are complied with in the construction of roundabouts.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, THAT:**

**Section 1. Findings of Fact.** The findings and recitations set out in the preamble of this Ordinance are found to be true and correct, and that they are hereby adopted by the Council and made a part hereof for all purposes.

**Section 2. Amendment of Streets and Sidewalk Ordinance.** Article II – Streets and Sidewalks, Chapter 38, City of Kyle Code of Ordinances, is hereby amended to include Section 38-23 Roundabouts.

### **38-23. Roundabouts**

- (a) **Purpose.** Use of properly designed roundabouts encourages a safer and more efficient flow of traffic at intersections in residential areas.
- (b) **Inclusion of Roundabouts in Residential Areas.** Intersections of collector streets and major roadways, major thoroughfare streets, or arterial streets shall be constructed as a roundabout style intersections in compliance with this Section unless construction of the roundabout is not feasible due to one of the following reasons, as determined by the City Engineer: (1) there is not sufficient space on available land or land that can be acquired by the applicant or the City to locate the roundabout; or (2) land conditions or existing roadway design do not allow for installation of a roundabout that complies with this Section. The location of the roundabouts must be identified when an applicant submits a concept plan application or, if platting is not required for the project, when the applicant submits a site development plan application.
- (c) **Consideration of Roundabouts generally.** A traffic control study to consider the potential positive impact of a roundabout style intersection is required for all non-residential construction of intersections with anticipated traffic levels requiring traffic control measures greater than a stop-sign. When studies indicated both feasibility and a positive impact on traffic congestion, a roundabout style intersection shall be required unless City Engineer grants an exclusion request under subsection (e).
- (d) **Design Standards for Roundabouts.** All roundabouts must be designed and constructed in compliance with the standards promulgated in the National Cooperative Highway Research Program (NCHRP) Report 672, as amended from time to time.
- (e) **Exclusion Request.** Applicants wishing to exclude roundabouts where required herein, must notify the City that they are claiming an exclusion to this section and must submit a specific explanation for that exclusion when submitting plans to the City. The request must be submitted with the concept plan application, or site development application, as appropriate. The City Engineer may grant an exclusion request if one or more of the conditions set forth in Section 38-23(a)(1) or (2) exist.
- (f) **Appeal.** An applicant aggrieved by the City Engineer's decision regarding an exclusion request submitted under this section may appeal the City Engineer's decision to the City Council by submitting a written

request for appeal within ten days after the date of the City Engineer's decision. The appeal shall be placed on the agenda for the next available City Council meeting for which agenda-posting deadlines can be met.

**Section 3. Amendment of Conflicting Ordinances.** Article II is hereby amended as provided in this ordinance. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the city, the terms and provisions of this ordinance shall govern.

**Section 4. Effective Date.** This Ordinance shall be in full force and effect immediately upon its final passage.

**Section 5. Severability.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any section, paragraph, sentence, clause or phrase of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid section, paragraph, sentence, clause or phrase. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

**Section 6. Open Meetings.** It is hereby officially found and determined that the meeting at which this Ordinance was 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, Texas Government Code, Chapter 551.

**PASSED AND APPROVED** on first reading this the \_\_\_\_ day of \_\_\_\_\_, 2021.

**FINALLY PASSED AND APPROVED** on this the \_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

**CITY OF KYLE, TEXAS**

\_\_\_\_\_  
Jennifer Holm, City Secretary

\_\_\_\_\_  
Travis Mitchell, Mayor



# CITY OF KYLE, TEXAS

## General Election Ordinance

**Meeting Date: 8/3/2021**

**Date time: 7:00 PM**

**Subject/Recommendation:** *(First Reading) An Ordinance of the City of Kyle, Texas, Ordering a General Election to be Held Jointly with Hays County on November 2, 2021, for the Election of City Council Place Five and Place Six to Serve Three-Year Terms. ~ Travis Mitchell, Mayor*

**Other Information:**

**Legal Notes:**

**Budget Information:**

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### **ATTACHMENTS:**

#### **Description**

☐ DRAFT General Election Ordinance

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF KYLE, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD JOINTLY WITH HAYS COUNTY ON NOVEMBER 2, 2021, FOR THE ELECTION OF CITY COUNCIL PLACE FIVE AND PLACE SIX TO SERVE THREE-YEAR TERMS; PROVIDING FOR CANDIDATE APPLICATION METHODS, DESIGNATING THE MAIN EARLY VOTING PLACE FOR SUCH ELECTION; PROVIDING FOR AN ORDER AND NOTICE OF SUCH GENERAL ELECTION; PROVIDING FOR RELATED MATTERS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the term for City Council Member for Place Five is set to expire in November 2021; and

**WHEREAS**, the term for City Council Member for Place Six is set to expire in November 2021; and

**WHEREAS**, there is a need to call for a General Election to fill the seats and prevent vacancies; and

**WHEREAS**, the Texas Constitution, the *Texas Election Code* (the “Code”), and the City Charter are applicable to said General Elections (hereinafter collectively referred to as the “election” or “elections”), and in order to comply with applicable laws, an ordinance is required to call the elections and establish procedures consistent with the Constitution, the Code, and the Charter; and

**WHEREAS**, the City has made provision to contract with Hays County to conduct the City's election, pursuant to *Chapter 31, Tex. Elec. Code*, and *Chapter 791, Tex. Gov't Code* (the “Contract for Election Services” or “contract”), and such contract provides for political subdivisions subject to the contract that hold election on the same day in all or part of the same territory to hold a joint election as authorized in *Chapter 271, Tex. Elec. Code*;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS THAT:**

**SECTION 1.** The General Election of the City shall be held on Tuesday, November 2, 2021, to elect the Council Members for Districts 5 and 6, to serve a term of three (3) years each. Candidates at the elections for the above offices shall file their application to become candidates with the City Secretary of the City, at City Hall, 100 West Center Street, Kyle, Texas, between 8:00 a.m. on July 19, 2021, and 5:00 p.m. on August 16, 2021, by appointment or by email. The City Secretary shall post more detailed instructions for submitting applications on the City’s website and the City’s bulletin board. All applications for candidacy shall be on a form as prescribed by the *Texas Election Code*. The order in which the names of the candidates for each office are to be printed on the ballot shall be determined by a drawing conducted by the City Secretary on August 16, 2021.

**SECTION 2.** Notice of the election shall be given and the election shall be held in compliance with the provisions of the *Texas Election Code* in all respects. The ballots for the election shall comply

with the *Texas Election Code* and be in the form provided by the City to the Hays County Election Administrator for use on the voting devices and ballots used by Hays County.

**SECTION 3.** The Hays County Election Administrator and his/her employees and appointees, and the election judges, alternate judges and clerks properly appointed for the election, shall hold and conduct the election in the manner provided by the Contract for Election Services, the City Charter, and the law governing the holding of general elections; and the official ballots, together with such other election materials as are required by the *Texas Election Code*, shall be prepared in both the English and Spanish languages and shall contain such provisions, markings and language as is required by law.

**SECTION 4.** Early voting, both by personal appearance and by mail, will be conducted by the Hays County Election Administrator, who is designated and appointed as the Early Voting Clerk, in accordance with the *Texas Election Code*. Early voting by personal appearance shall be conducted at the polling place set forth in the election order, election notice, and election services agreement with Hays County, and such other locations authorized by state law and designated by the Hays County Election Administrator. Early voting shall commence on Monday, October 18, 2021, and continue through Friday, October 29, 2021, and through any extended early voting period authorized by executive order and state law, and early voting polls shall remain open for the time specified by the *Texas Election Code*.

**SECTION 5.** The election precincts for the election shall be the election precincts established by the Hays County Election Administrator in accordance with applicable law and the City Charter. The polling places for Election Day shall be at such locations designated by the Hays County Election Administrator and authorized by state law. Residents of the election precincts shall vote at the aforementioned polling places as assigned by the Hays County Election Administrator in accordance with applicable law and the City Charter. The polls shall remain open on the day of the election from 7:00 a.m. to 7:00 p.m. The returns will be provided by precinct and the Hays County Election Administrator shall tabulate and provide the election returns for the election. Ballots shall be prepared, and the election shall be conducted to allow for a District 5, at-large, and District 6, single-member district, to be elected from the city.

**SECTION 6.** The City agrees to conduct a joint election with other political subdivisions within Hays County, provided that such political subdivision holds an election on November 2, 2021, in all or part of the same territory as the City (the "Political Subdivisions"). Any joint election shall be conducted in accordance with state law, this Ordinance, the City Charter and the Contract for Election Services with Hays County.

**SECTION 7.** The City Secretary, or designee, is instructed to aid the Hays County Election Administrator in the acquisition and furnishing of all election supplies and materials necessary to conduct the election as provided by the Contract for Election Services. The City Secretary is further authorized to give or cause to be given notices required for the election, and to take such other and further action as is required to conduct the election in compliance with the *Texas Election Code*; provided that, pursuant to the Contract for Election Services between Hays County and the City, the Hays County Election Administrator shall have the duty and be responsible for organizing and conducting the election in compliance with the *Texas Election Code*; and for providing all services specified to be provided in the Contract for Election Services. The Hays County Election

Administrator shall give the notices required by the *Texas Election Code* to be given for the election not required to be given by the City under the Contract for Election Services.

**SECTION 8.** The presiding judges, alternate presiding judges and clerks for the election shall be selected and appointed by Hays County and its appointees in compliance with the requirements of state law, and such judges and clerks so selected by Hays County and its appointees are hereby designated and appointed by the city council as the Election Administrators, judges and clerks, respectively, for the holding of said election. The presiding judges, alternate presiding judges and clerks shall perform the functions and duties of their respective positions that are provided by state law. The city council confirms and appoints the election judges and alternate election judges that are appointed by Hays County for the election.

**SECTION 9.** That notice of the November 2, 2021, General Election of the City of Kyle shall be posted and published in accordance with the Election Code of the State of Texas, not later than the twenty-first (21st) day before the election, and by publishing said Notice of Election at least one time, not earlier than thirty (30) days nor later than ten (10) days prior to said election, in a newspaper of general circulation in the City. The notice that is posted, and the notice that is published in a newspaper of general circulation within the city, will be written in both English and Spanish.

**SECTION 10.** The election shall be held and conducted by the Hays County Election Administrator in compliance with state law, the City Charter, and the Contract for Election Services.

**SECTION 11.** It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, *Chapter 551, Texas Government Code*.

**SECTION 12.** Should any part, section, subsection, paragraph, sentence, clause, or phrase contained in this ordinance be held to be unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portion of this ordinance, but in all respects said remaining portion shall be and remain in full force and effect.

**SECTION 13.** This ordinance is effective immediately upon adoption in accordance with state law and the City Charter.

PASSED AND APPROVED on this the \_\_\_\_ day of \_\_\_\_\_, 2021.

FINALLY PASSED AND APPROVED on this the \_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

**The City of Kyle, Texas**

\_\_\_\_\_  
Jennifer Holm, City Secretary

\_\_\_\_\_  
Travis Mitchell, Mayor



# CITY OF KYLE, TEXAS

## Public Safety Center

**Meeting Date: 8/3/2021**

**Date time: 7:00 PM**

**Subject/Recommendation:** Discussion regarding Public Safety Center. ~ *Yvonne Flores-Cale, Council Member*

**Other Information:**

**Legal Notes:**

**Budget Information:**

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**ATTACHMENTS:**

**Description**

No Attachments Available



# CITY OF KYLE, TEXAS

## City Manager's Report

**Meeting Date: 8/3/2021**

**Date time: 7:00 PM**

**Subject/Recommendation:** Update on various capital improvement projects, road projects, building program, and/or general operational activities where no action is required. ~ *J. Scott Sellers, City Manager*

- Market Days
- FY 2021-2022 Budget Worksessions
- 2021 Election Info
- State of the City recap
- 2021-2022 Groundbreaking and Ribbon Cutting celebrations
- Veterans Day Parade update

**Other Information:**

**Legal Notes:**

**Budget Information:**

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**ATTACHMENTS:**

**Description**

No Attachments Available



# CITY OF KYLE, TEXAS

## Executive Session - Convene

**Meeting Date: 8/3/2021**

**Date time: 7:00 PM**

**Subject/Recommendation:** Pursuant to Chapter 551, Texas Government Code, the City Council reserves the right to convene into Executive Session(s) from time to time as deemed necessary during this meeting. The City Council may convene into Executive Session pursuant to any lawful exception contained in Chapter 551 of the Texas Government Code including any or all of the following topics.

1. Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071.
  - Temporary Pump and Haul Wastewater Service Agreements
  - Agreement regarding prepayment of impact fees
  - Balcones Trail Workforce Housing Payment and Development Agreement
  - Utility Disconnects
  - Kyle 57 PID
2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
3. Personnel matters pursuant to Section 551.074.
4. Convene into executive session pursuant to Section 551.087, Texas Government Code, to deliberate regarding the offer of economic incentives to one or more business prospects that the City seeks to have locate, stay, or expand in or near the City.
  - Project Deep Golden
  - Project MBA
5. Deliberation regarding Security Devices or Security Audits pursuant to Section 551.089.
  - Public Safety Center

### **Other Information:**

### **Legal Notes:**

### **Budget Information:**

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### **ATTACHMENTS:**

#### **Description**

No Attachments Available



# CITY OF KYLE, TEXAS

## Reconvene

**Meeting Date: 8/3/2021**

**Date time: 7:00 PM**

**Subject/Recommendation:** Take action on items discussed in Executive Session.

**Other Information:**

**Legal Notes:**

**Budget Information:**

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**ATTACHMENTS:**

**Description**

No Attachments Available