CITY OF KYLE

PLANNING AND ZONING COMMISSION SPECIAL CALLED 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 Planning and Zoning Commissioner's 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 Planning and Zoning Commission of the City of Kyle, Texas will meet at 6:30 PM on April 27, 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.

NOTE: There may be a quorum of the City Council of Kyle, Texas present at the meeting who may participate in the discussion. No official action will be taken by the City Council members in attendance.

Posted this 23rd day of April, 2021, prior to 6:30 P.M.

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1. CALL THE MEETING TO ORDER

A.Roll Call

2. CITIZEN COMMENTS

A. Members of the public that wish to provide citizen comment may speak In-Person at Kyle City Hall or by Virtual Attendance - Submit the online registration form found at: https://www.cityofkyle.com/bc/citizen-comment-sign. Registration must be received by 12 p.m. on the day of the meeting.

3. CONSENT

A Regional Detention & Soccer Field Grading Improvements for Approximately 92.43-Acres, Adjacent to and West of the Union Pacific Railroad and Approximately 2,500 Feet North of Kohler's Crossing.

Staff Proposal to P&Z: Approve

4. CONSIDER AND POSSIBLE ACTION

A Consider a comprehensive plan amendment to add Manufactured Home Subdivision Districts 'M-2' and 'M-3' to the 'New Town Community District' in the Comprehensive Plan, for a property located at 600 Bebee Road in the City of Kyle, Texas. (Hadsell Estate – Z-21-0075)

- Public Hearing (Second of Two Public Hearings)
- Recommendation to City Council

B Consider a Comprehensive Plan Future Land Use Map amendment to reclassify approximately 20 acres of land from 'Farm District' to 'Regional Node District' and the remaining approximately 87 acres of land from 'Farm District' to the 'New Settlement District' for property located at the north corner of the intersection at SH-21 and E FM 150. (FM 812, LLC - JD's Market - Z-21-0076)

- Public Hearing (Second of Two Public Hearings)
- Recommendation to City Council

5. ADJOURNMENT

*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

Members of the public that wish to provide citizen comment may speak In-Person at Kyle City Hall or by Virtual Attendance - Submit the online registration form found at: https://www.cityofkyle.com/bc/citizen-comment-sign. Registration must be received by 12 p.m. on the day of the meeting.

Meeting Date: 4/27/2021
Date time:6:30 PM

Subject/Recommendation: Members of the public that wish to provide citizen comment have the following options:

1. In-Person at Kyle City Hall
2. Virtual Attendance - Submit the online registration form found at: https://www.cityofkyle.com/bc/citizen-comment-sign. Registration must be received by 12 p.m. on the day of the meeting.

Other Information:

Legal Notes:

Budget Information:

ATTACHMENTS:

Description

No Attachments Available

CITY OF KYLE, TEXAS

Regional Detention & Soccer Field Grading Improvements - Site Plan - SD-21-0097

Meeting Date: 4/27/2021
Date time:6:30 PM

Subject/Recommendation: Regional Detention & Soccer Field Grading Improvements for Approximately 92.43-Acres, Adjacent to and West of the Union Pacific Railroad and Approximately 2,500 Feet North of Kohler's Crossing.

Staff Proposal to P&Z: Approve

Other Information: See attached.

Legal Notes: N/A

Budget Information: N/A

ATTACHMENTS:

Description

- Site Plan

LAND DISTURBANCE PERMIT
FOR
CITY OF KYLE
REGIONAL DETENTION SOCCER FIELD GRADING IMPROVEMENTS

OWNER/DEVELOPER:
CITY OF KYLE
100 W. Center Street
Kyle, Texas 78640
(512) 262-3959

SURVEYOR:
LANDDEV CONSULTING LLC
5508 HIGHWAY 290 WEST SUITE 150
AUSTIN, TEXAS 78735
PHONE: (512) 872-6696

ENGINEER:
CONTACT: JOSEPH R. GALLEGOS, P.E.
LANDDEV CONSULTING LLC
4201 W. PARMER LANE, SUITE C-100
AUSTIN, TEXAS 78727
PHONE: (512) 872-6696

NORTH HAYS COUNTY MUNICIPAL UTILITY DISTRICT NO. 2

KYLE, TEXAS

SUBMITTAL DATE:
JANUARY 2021

ZONING:
PC - EMP, PC - MXD, PC - OS

LAND USE SUMMARY:
LIMITS OF CONSTRUCTION 92.43 ACRES

FLOODPLAIN INFORMATION:
A PORTION OF THIS TRACT IS WITHIN THE BOUNDARIES OF A 100 YEAR FLOOD PLAIN AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP PANEL NUMBER 48209C0290F, EFFECTIVE DATED SEPTEMBER 2, 2005.

THIS PROJECT IS LOCATED WITHIN THE EDWARDS AQUIFER TRANSITION ZONE, ACCORDING TO TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ).

GENERAL NOTES:
1) ALL WORK IN THIS SUBDIVISION SHALL CONFORM TO CITY OF KYLE PLUM CREEK PUD ORDINANCE NO. 308 AND NO. 311.

2) ALL DISTURBED AREAS WITHIN PUBLIC RIGHT-OF-WAY OR DRAINAGE CHANNELS SHALL BE RESTORED AS FOLLOWS:

- A MINIMUM OF 4" OF TOPSOIL (SALVAGED FROM EXISTING) SHALL BE PLACED ON GRADED AREAS.
- THE CONTRACTOR SHALL THEN HYDROMULCH, SEED OR SOD THE AREA WITH A GRASS OR GRASS MIXTURE APPROPRIATE TO THE SEASON.
- GRASSED AREA SHALL BE FERTILIZED WITH 10:10:10 FERTILIZER AT 200 POUNDS PER ACRE.
- GRASS SHALL BE WATERED AS NEEDED UNTIL JOB IS ACCEPTED.
- RESTORATION SHALL BE DEEMED COMPLETED WHEN GRASS IS AT LEAST 1-1/2" HIGH AND COVERAGE IS AT LEAST 95% PROVIDED NO BARE SPOTS OVER 16 SQUARE FEET EXIST.

3) NO BLASTING IS ALLOWED FOR THIS PROJECT.

4) THE CONTRACTOR SHALL NOTIFY THE CITY OF KYLE PUBLIC WORKS DEPARTMENT, TEL (512) 262-3024, 48 HOURS BEFORE START OF WORK.

5) PRIOR TO THE START OF CONSTRUCTION A PRECONSTRUCTION CONFERENCE SHALL BE CONVENED BY THE CONTRACTOR. ATTENDANCE SHALL INCLUDE THE CITY ENGINEER, ENGINEER, OWNER, AND UTILITY OWNERS. COORDINATION OF THE CONSTRUCTION CONFERENCE SHALL BE THROUGH THE CITY OF KYLE PUBLIC WORKS SECRETARY, JANIE TOBIAS AT (512) 262-3024 X4003.

6) CONTRACTOR SHALL CALL THE CITY OF KYLE PUBLIC WORKS DEPARTMENT AT (512) 262-3024 FOR ANY CITY OWNED UTILITIES THAT MAY NEED LOCATING.

7) ALL TESTING SHALL BE DONE BY AN INDEPENDENT LABORATORY AT OWNERS EXPENSE. ANY RETESTING NECESSARY SHALL BE AT THE CONTRACTORS EXPENSE. THE CITY OF KYLE PUBLIC WORKS INSPECTOR SHALL BE NOTIFIED OF ALL TESTING AT LEAST 24 HOURS IN ADVANCE AT (512) 262-3024.

8) BARRICADES BUILT TO CITY OF KYLE STANDARDS SHALL BE CONSTRUCTED AT TEMPORARY DEAD ENDS.

9) IN ACCORDANCE WITH THE LAW OF THE STATE OF TEXAS AND THE U.S. OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) ALL TRENCHES OVER 5 FEET IN DEPTH IN EITHER HARD OR COMPACTED OR SOFT OR UNSTABLE SOIL SHALL BE SLOPED, SHORED, SHEETED, BRACED, OR OTHERWISE SUPPORTED. THE CONTRACTOR SHALL SUBMIT A TRENCH SAFETY PLAN TO THE ENGINEER FOR REVIEW.

10) THE CONTRACTOR IS RESPONSIBLE FOR ALL TRAFFIC CONTROL AND SIGNAGE OF ALL WORK WITHIN STATE OR COUNTY RIGHT-OF-WAYS.

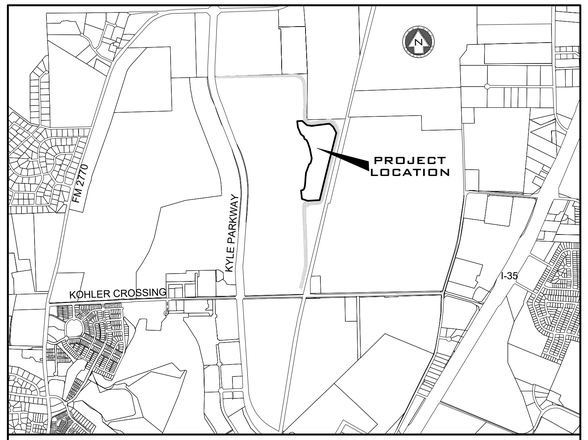
11) ALL TRAFFIC CONTROL DESIGNS SHALL CONFORM TO THE CURRENT EDITION OF THE TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.

12) ALL SIGNS AT NIGHT SHALL BE REFLECTORIZED AND SHALL HAVE A TYPE "A" FLASHING LIGHT.

BENCHMARKS:
TBM:5549_309:
MAG NAIL SET IN CONCRETE CULVERT ALONG WEST RIGHT-OF-WAY OF FM 1626,
APPROX. 26 FEET SOUTHEAST OF THE NORTHEAST CORNER OF LOT 2.
ELEVATION = 764.58'

TBM:5549_418
MAG NAIL SET IN CONCRETE HEADWALL ALONG WEST RIGHT-OF-WAY OF FM 1626
CROSSING BUNTON BRANCH TRIBUTARY 4.
ELEVATION = 752.09'

TBM:5549_419
MAG NAIL SET IN CONCRETE CULVERT ALONG WEST RIGHT-OF-WAY OF FM 1626
APPROX. 39 FEET EAST OF THE NORTHEAST CORNER OF LOT 3.
ELEVATION = 785.88'



LOCATION MAP N.T.S.

LEGAL DESCRIPTION:
A0010 MORTON M MCCARVER SURVEY, ACRES 146.736,
EMP R&D PARK AREA 10 AKA PT PH2 TR C

A0010 MORTON M MCCARVER SURVEY, PT OF PHASE 2
TRACT C, ACRES 0.50

Sheet Index

SUBMITTED BY :
JOSEPH R. GALLEGOS, P.E. DATE
LICENSED PROFESSIONAL ENGINEER NO. 129909
LANDDEV CONSULTING, LLC , FIRM NO. F-16384
4201 W. PARMER LANE, SUITE C-100
AUSTIN, TEXAS 78727
CONTACT: (512)872-6696

I CERTIFY THAT THESE ENGINEERING DOCUMENTS ARE COMPLETE, ACCURATE AND ADEQUATE FOR THE INTENDED PURPOSES, INCLUDING CONSTRUCTION, BUT ARE NOT AUTHORIZED FOR CONSTRUCTION PRIOR TO FORMAL CITY APPROVAL.

REVIEWED BY:
LEON BARBA, P.E. - CITY OF KYLE ENGINEER DATE

HARPER WILDER - CITY OF KYLE PUBLIC WORKS DIRECTOR DATE

NORTH HAYS MUD NO. 2 DATE

REVIEW OF THE PLANS BY THE DISTRICT IS LIMITED TO WATER, WASTEWATER AND DRAINAGE AND DOES NOT INDICATE A REVIEW OF THE ADEQUACY OF THE DESIGN FOR THE FACILITIES. IN APPROVING THESE PLANS, THE DISTRICT MUST RELY ON THE ADEQUACY OF THE WORK OF THE DESIGN ENGINEER.

CITY OF KYLE PLANNING DEPARTMENT DATE

NO.	REVISION	BY	DATE

REGIONAL DETENTION SOCCER FIELD GRADING IMPROVEMENTS

Know what's below. Call before you dig.

LANDDEV CONSULTING, LLC
4201 W. PARMER LANE, SUITE C-100
AUSTIN, TX 78727
OFFICE: 512.872.6696
FIRM NO. 16384

STATE OF TEXAS
JOSEPH R. GALLEGOS
129909
LICENSED
PROFESSIONAL ENGINEER
TBPE FIRM No. F-16384
26 March 2021

CITY OF KYLE
REGIONAL DETENTION SOCCER
FIELD GRADING IMPROVEMENTS
KYLE, TEXAS

DESIGNED BY: JG/DG
DRAWN BY: JG/DG
CHECKED BY: JG
APPROVED BY: JG

SHEET 01 OF 09

Q:\2100\2214202.003 - Regional Detention Soccer Field Mass Grading\03_ACAD\Plans\214202 COVER.dwg, COVER SHEET, March 26, 2021 2:31 PM, dgonzalez

CITY OF KYLE
GENERAL CONSTRUCTION NOTES
Revised February 12, 2019

1. ALL CONSTRUCTION IS TO BE IN ACCORDANCE WITH THE FOLLOWING REGULATIONS AND SPECIFICATIONS. THE FIRST LISTED WILL HAVE PRIORITY OVER THOSE LISTED BELOW:

   PERMITS ISSUED FOR PROJECT BY ANY REGULATORY AGENCIES.
   CITY OF KYLE CONSTRUCTION STANDARDS.
   PLANS FOR THIS PROJECT.

2. PRIOR TO THE BEGINNING OF CONSTRUCTION, THE DEVELOPER SHALL ARRANGE A PRE-CONSTRUCTION CONFERENCE. PRE-CONSTRUCTION SHALL BE SCHEDULED WITH THE PW OFFICE, 512-262-3024 AND HELD AT THE PW FACILITY LOCATED AT 520 E RR150, KYLE, TEXAS.REPRESENTATIVES FROM THE FOLLOWING ORGANIZATIONS SHALL BE INVITED:

   CITY OF KYLE STAFF INCLUDING THE DIRECTOR OF PUBLIC WORKS, CITY ENGINEER AND THE PUBLIC WORKS INSPECTOR.
   CONTRACTOR.
   DESIGN ENGINEER.
   ELECTRIC, GAS, PHONE AND CABLE UTILITY REPRESENTATIVES, IF APPROPRIATE.

3. PRIOR TO THE BEGINNING OF CONSTRUCTION, ALL PLAN REVIEW AND CONSTRUCTION INSPECTION FEES SHALL BE PAID TO THE CITY OF KYLE AND THE FOLLOWING PERMITS SHALL BE IN PLACE, IF NECESSARY:

   TEXAS DEPARTMENT OF TRANSPORTATION, ENTRY ONTO A HIGHWAY.
   U.S. CORPS OF ENGINEERS, SECTION 404, FOR CONSTRUCTION IN FLOOD PLAIN.
   COMPLIANCE WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM (TPDES) CONSTRUCTION GENERAL PERMIT (TXR150000).
   TEXAS DEPARTMENT OF LICENSING AND REGULATION FOR ACCESSIBILITY.
   TCEQ FOR SIGNIFICANT WATER AND WASTEWATER FACILITIES, INCLUDING LIFT STATIONS.

4. BENCHMARKS FOR THIS PROJECT ARE DESCRIBED AS FOLLOWS:

   TBM: 5549_309:
   MAG NAIL SET IN CONCRETE CULVERT ALONG WEST RIGHT-OF-WAY OF FM 1626, APPROX. 26 FEET SOUTHEAST OF THE NORTHEAST CORNER OF LOT 2.
   ELEVATION = 764.58'

   TBM: 5549_418
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   ELEVATION = 785.88'

5. THE STREET PAVEMENT THICKNESS IS BASED ON A REPORT BY __N/A_____ DATED _____, 20___ WHICH RECOMMENDS THE FOLLOWING STREET SECTIONS.

STREET CLASSIFICATION	STREET WIDTH	LIME STABILIZATION OF SUBGRADE	BASE	HOT MIX ASPHALT
_____	____	_____	_____	_____	_____
_____	____	_____	_____	_____	_____

6. ANY EXISTING PAVEMENT, CURBS, AND/OR SIDEWALKS DAMAGED OR REMOVED SHALL BE REPAIRED BY THE CONTRACTOR AT HIS EXPENSE BEFORE ACCEPTANCE OF THE SUBDIVISION.

7. THE CONTRACTOR SHALL GIVE THE CITY OF KYLE (PHONE NO. 512-262-3024), 48 HOURS NOTICE PRIOR TO CONNECTING TO ANY EXISTING CITY UTILITY LINE.

8. SIDEWALKS FRONTING PUBLIC RIGHT-OF-WAY LAND OR INCLUDING ALL SIDEWALK RAMPS REQUIRED BY CITY ORDINANCE SHOWN ON THESE PLANS SHALL BE CONSTRUCTED WITH THIS PROJECT.

9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR WARNING AND SAFETY SIGNS, BARRICADES AND TRAFFIC CONTROL DURING CONSTRUCTION. ALL ROAD SIGNAGE SHALL CONFORM TO THE TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.

10. CONTRACTOR SHALL MAKE ARRANGEMENTS WITH THE CITY OF KYLE FOR THE USE OF ALL WATER FOR CONSTRUCTION.

11. ALL FILL OR CUT ON LOTS WHICH IS GREATER THAN TWELVE (12) INCHES SHALL BE SHOWN ON THE PLANS AND SHALL CONFORM TO THE FOLLOWING:

    FILL MATERIAL SHALL NOT CONTAIN ANY ROCKS HAVING A MAXIMUM DIMENSION GREATER THAN SIX (6) INCHES.

    FILL MATERIAL SHALL HAVE AT LEAST FIFTY PERCENT (50%) PASSING THE NO. 4 SIEVE.

    FILL MATERIAL SHALL BE REASONABLY FREE OF ROOTS, TRASH, CONCRETE RUBBLE AND OTHER ORGANIC MATERIAL.

    COMPACTION SHALL BE TO NINETY-FIVE PERCENT (95%) OF MAXIMUM LABORATORY DENSITY DETERMINED IN ACCORDANCE WITH THE ASTM D 698. THE MATERIAL SHALL BE WITHIN THREE (3) PERCENTAGE POINTS OF OPTIMUM MOISTURE CONTENT DURING COMPACTION.

    PLACEMENT SHALL BE IN LIFTS NOT EXCEEDING EIGHT (8) INCHES AFTER COMPACTION. EACH COMPACTED LIFT SHOULD BE INSPECTED AND/OR TESTED FOR DENSITY COMPLIANCE BY A GEOTECHNICAL ENGINEER PRIOR TO PLACING THE NEXT LIFT. THE FILL AREA SHOULD EXTEND AT LEAST 24 INCHES (36 INCHES ON FILLS OVER SIX (6) FEET IN HEIGHT) BEYOND THE BACK OF CURB OR FOUNDATION LINE BEFORE SLOPING DOWNWARD ON NOT MORE THAN THREE (3) TO ONE (1) SLOPE TO NATURAL SOIL. BACKSLOPES SHALL BE WELL COMPACTED. MAXIMUM FILL HEIGHTS SHOULD NOT EXCEED TEN (10) FEET WITHOUT ENGINEERING CONSULTATION.

12. CONTRACTOR SHALL GIVE CITY INSPECTOR 36 HOURS NOTICE OF THE NEED FOR MATERIALS TESTING. ALL TESTING WILL BE ARRANGED AND PAID FOR BY THE CONTRACTOR. THE CITY SHALL RECEIVE A COPY OF TEST RESULTS.

13. CONTRACTOR OR THE DESIGN ENGINEER SHALL BE RESPONSIBLE FOR ALL CONSTRUCTION STAKING AND CUT SHEETS FOR PIPE LINES LAID ON GRADE AND ROAD CONSTRUCTION. CUT SHEETS SHALL BE DELIVERED TO THE CITY INSPECTOR 36 HOURS PRIOR TO CONSTRUCTION.

14. IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS AND THE U.S. OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION REGULATIONS, ALL TRENCHES OVER 5 FEET IN DEPTH IN EITHER HARD AND STABLE OR SOFT AND UNSTABLE SOIL SHALL BE SLOPED, SHORED, SHEETED, BRACED OR OTHERWISE SUPPORTED. FURTHERMORE, ALL TRENCHES LESS THAN 5 FEET IN DEPTH SHALL ALSO BE EFFECTIVELY PROTECTED WHEN HAZARDOUS GROUND MOVEMENT MAY BE EXPECTED. TRENCH SAFETY SYSTEMS TO BE UTILIZED FOR THIS PROJECT SHALL BE PROVIDED BY THE CONTRACTOR.

    IN ACCORDANCE WITH THE U.S. OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION REGULATIONS, WHEN EMPLOYEES ARE REQUIRED TO BE IN TRENCHES 4 FEET DEEP OR MORE, ADEQUATE MEANS OF EXIT, SUCH AS A LADDER OR STEPS, MUST BE PROVIDED AND LOCATED SO AS TO REQUIRE NO MORE THAN 25 FEET OF LATERAL TRAVEL.

15. NO TREES OVER 6 INCHES IN DIAMETER SHALL BE REMOVED UNLESS DESIGNATED TO BE REMOVED ON THE APPROVED PLANS. ALL TREE LIMBS REMOVED OR TRIMMED SHALL BE VERTICALLY CUT AND DRESSED.

16. ALL CONSTRUCTION ACTIVITIES SHALL BE CONFINED TO PROPERTY OWNED BY THE DEVELOPER OR PUBLIC RIGHT-OF-WAY AND EASEMENT UNLESS WRITTEN PERMISSION IS OBTAINED BY THE CONTRACTOR FROM THE PROPERTY OWNER AFFECTED.

17. THE CITY OF KYLE DOES NOT ALLOW ANY BLASTING WITHIN THE CITY LIMITS.

TYPICAL SEQUENCE OF CONSTRUCTION

1. HOLD PRE-CONSTRUCTION CONFERENCE.
2. NO CLEARING OR ROUGH GRADING MAY BE DONE UNTIL THE APPROVED EROSION AND SEDIMENTATION CONTROLS ARE IN PLACE.
3. INSTALL TEMPORARY EROSION AND SEDIMENTATION CONTROLS AND STABILIZATION CONSTRUCTION ENTRANCE, IF REQUIRED, IN THE APPROVED PLANS.
4. ROUGH GRADE STREETS.
5. FINAL GRADE ANY DITCHES AND PARKWAYS.
6. REVEGETATE ALL DISTURBED AREAS. DISPOSE OF SPOIL IN AN APPROVED MANNER.
7. SCHEDULE A FINAL INSPECTION WITH CITY.
8. AFTER ACCEPTANCE OF CONSTRUCTION, TEMPORARY EROSION CONTROLS MAY BE REMOVED.

MINIMUM CRITERIA FOR ACCEPTANCE

1. ALL CONSTRUCTION IS COMPLETE INCLUDING DRY UTILITIES AND RESTORATION TO THE CRITERIA.
2. ALL CITY OF KYLE FEES PAID AND MAINTENANCE BOND POSTED.
3. ALL RECORDS OF CONSTRUCTION TESTING AND RECORD DRAWINGS SHOWING ANY CHANGES DURING CONSTRUCTION PROVIDED TO THE CITY OF KYLE.
4. ALL STREET LIGHTING, SIGNS AND PAVEMENT MARKINGS SHALL BE IN PLACE.

EROSION AND SEDIMENTATION CONTROL

1. AFTER THE PRECONSTRUCTION MEETING IS HELD, THE CONTRACTOR SHALL INSTALL EROSION/SEDIMENTATION CONTROLS AND FENCING FOR AREAS OUTSIDE OF THE CONSTRUCTION AREA PRIOR TO ANY SITE PREPARATION WORK (CLEARING, GRUBBING OR EXCAVATION).
2. THE CONTRACTOR IS REQUIRED TO INSPECT THE CONTROLS AND FENCES AT WEEKLY INTERVALS, AND AFTER SIGNIFICANT RAINFALL EVENTS TO ENSURE THAT THEY ARE FUNCTIONING PROPERLY. THE PERSON(S) RESPONSIBLE FOR MAINTENANCE OF CONTROLS AND FENCES SHALL IMMEDIATELY MAKE ANY NECESSARY REPAIRS TO DAMAGED AREAS. SILT ACCUMULATION AT CONTROLS MUST BE REMOVED WHEN THE DEPTH REACHES SIX (6) INCHES.
3. PRIOR TO FINAL ACCEPTANCE BY THE CITY, HAUL ROADS AND WATERWAY CROSSINGS CONSTRUCTED FOR TEMPORARY CONTRACTOR ACCESS MUST BE REMOVED, ACCUMULATED SEDIMENT REMOVED FROM THE WATERWAY AND THE AREA RESTORED TO THE ORIGINAL GRADE AND REVEGETATED. ALL LAND CLEARING DEBRIS SHALL BE DISPOSED OF IN APPROVED SPOIL DISPOSAL SITES.
4. FIELD REVISIONS TO THE EROSION AND SEDIMENTATION CONTROL PLAN MAY BE REQUIRED BY THE CITY INSPECTOR DURING THE COURSE OF CONSTRUCTION TO CORRECT CONTROL INADEQUACIES.
5. PERMANENT EROSION CONTROL: ALL DISTURBED AREAS SHALL BE RESTORED AS NOTED BELOW:

   A. A MINIMUM OF FOUR (4) INCHES OF TOPSOIL SHALL BE PLACED IN ALL DRAINAGE CHANNELS (EXCEPT ROCK), AND BETWEEN THE CURB AND RIGHT-OF-WAY.

   B. TRASH, WOOD, BRUSH, STUMPS, ROCKS OVER 1½ INCHES IN SIZE AND OTHER OBJECTIONABLE MATERIAL ENCOUNTERED SHALL BE REMOVED AND DISPOSED OF AS DIRECTED BY THE ENGINEER OR INSPECTOR PRIOR TO BEGINNING OF WORK REQUIRED BY THIS ITEM. GRASS AND OTHER HERBACEOUS PLANT MATERIALS MAY REMAIN. LARGE CLUMPS SHALL BE BROKEN UP.

   C. THE SEEDING FOR PERMANENT EROSION CONTROL SHALL BE APPLIED OVER AREAS DISTURBED BY CONSTRUCTION AS FOLLOWS:

   BROADCAST SEEDING:

   (I) FROM OCTOBER TO FEBRUARY, SEEDING SHALL BE WITH ONE (1) POUND PER 1,000 SQUARE FEET OF UNHULLED BERMUDA OR THREE (3) POUNDS PER 1,000 SQUARE FEET OF WINTER RYE.

   (II) FROM MARCH TO SEPTEMBER, SEEDING SHALL BE WITH HULLED BERMUDA AT A RATE OF ONE (1) POUND PER 1,000 SQUARE FEET.

   FERTILIZER, IF USED, SHALL BE SLOW RELEASE GRANULAR OR PALETTE TYPE, AND SHALL HAVE AN ANALYSIS OF 15-15-15, AND SHALL BE APPLIED AT THE RATE OF ONE (1) POUND PER 1,000 SQUARE FEET, ONCE AT THE TIME OF PLANTING, AND AGAIN ONCE DURING THE TIME OF ESTABLISHMENT.

   MULCH TYPE USED SHALL BE STRAW OR HAY APPLIED AT A RATE OF 45 POUNDS PER 1,000 SQUARE FEET.

   HYDRAULIC SEEDING:

   (I) FROM OCTOBER TO FEBRUARY, SEEDING SHALL BE WITH ONE (1) POUND PER 1,000 SQUARE FEET OF UNHULLED BERMUDA, OR THREE (3) POUNDS PER 1,000 SQUARE FEET OF WINTER RYE.

   (II) FROM MARCH TO SEPTEMBER, SEEDING SHALL BE WITH HULLED BERMUDA AT A RATE OF ONE (1) POUND PER 1,000 SQUARE FEET.

   FERTILIZER, IF USED, SHALL BE A WATER SOLUBLE FERTILIZER WITH AN ANALYSIS OF 15-15-15 AT A RATE OF 1.5 POUNDS PER 1,000 SQUARE FEET.

   MULCH TYPE SHALL BE HAY, STRAW OR MULCH APPLIED AT A RATE OF 45 POUNDS PER 1,000 SQUARE FEET, WITH A SOIL TACKIFIER AT A RATE OF 1.4 POUNDS PER 1,000 SQUARE FEET.

   D. THE PLANTED AREA SHALL BE IRRIGATED OR SPRINKLED IN A MANNER THAT WILL NOT ERODE THE TOPSOIL, BUT WILL SUFFICIENTLY SOAK TO A DEPTH OF SIX (6) INCHES. THE IRRIGATION SHALL OCCUR AT 10-DAY INTERVALS DURING THE FIRST TWO (2) MONTHS. RAINFALL OCCURRENCES OF ½ INCH OR MORE SHALL POSTPONE THE WATERING SCHEDULE FOR TEN (10) DAYS.

   E. RESTORATION SHALL BE ACCEPTABLE WHEN THE GRASS HAS GROWN AT LEAST 1 INCH HIGH WITH 85% COVERAGE, PROVIDED NO BARE SPOTS LARGER THAN 20 SQUARE FEET EXIST.

   F. A SOIL RETENTION BLANKET SHALL BE PLACED ON ALL SLOPES EQUAL TO OR GREATER THAN 3:1. ALL SOIL RETENTION BLANKETS MUST BE LISTED ON THE TXDOT APPROVED PRODUCTS LIST OR APPROVED BY THE CITY.

DEVELOPER INFORMATION: OWNER: CITY OF KYLE

ADDRESS: 100 W. CENTER STREET
KYLE, TX 78640

PHONE: (512)

REPRESENTATIVE: SCOTT SELLERS

DESIGN ENGINEER: REPRESENTATIVE RESPONSIBLE FOR PLAN CHANGES.

NAME: LANDDEV CONSUTLING, LLC.

ADDRESS: 4201 W. PARMER LANE, SUITE C-100
AUSTIN, TX 78727

PHONE: (512) 872-6696

CITY OF KYLE:

DIRECTOR OF PUBLIC WORKS: HARPER WILDER (512) 262-3024 ext. 4002

CITY ENGINEER: LEON BARBA, P.E. (512) 262-3958

Item # 2

NO.	REVISION	BY	DATE

REGIONAL DETENTION SOCCER FIELD GRADING IMPROVEMENTS

Know what's **below.** **Call** before you dig.

LANDDEV CONSULTING, LLC
4201 W. PARMER LANE, SUITE C-100
AUSTIN, TX 78727
OFFICE: 512.872.6696
FIRM NO. 16384

STATE OF TEXAS
JOSEPH R. GALLEGOS
129909
LICENSED
PROFESSIONAL ENGINEER
TBPE FIRM No. F-16384
26 March 2021

GENERAL NOTES

CITY OF KYLE
REGIONAL DETENTION SOCCER
FIELD GRADING IMPROVEMENTS
KYLE, TEXAS

DESIGNED BY: JG/DG
DRAWN BY: JG/DG
CHECKED BY: JG
APPROVED BY: JG

SHEET 02 OF 09

O:\2100\0214002\003. Regional Detention Soccer Field Mass Grading\03. ACAD\Plansheet\214002 GNOTES.dwg, 02 GENERAL NOTES, March 26, 2021, 2:31 PM, dgonzalez

0 200' 400'
SCALE: 1" = 200'

NO.	REVISION	BY	DATE

REGIONAL DETENTION SOCCER FIELD GRADING IMPROVEMENTS

811 Know what's below. Call before you dig.

LAND DEV CONSULTING, LLC
4201 W. PARMER LANE, SUITE C-100
AUSTIN, TX 78727
OFFICE: 512.872.7696
FIRM NO. 16384

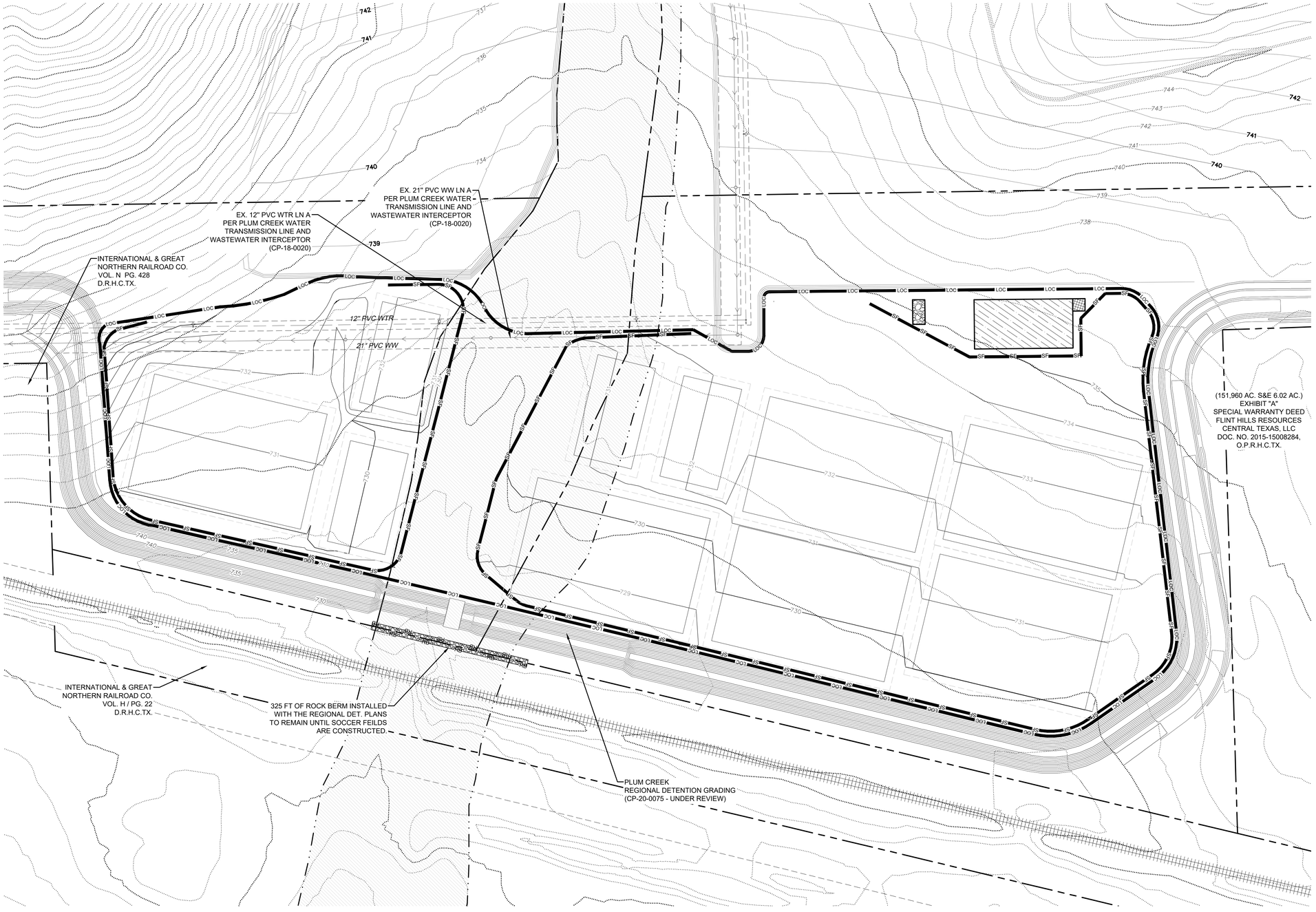
STATE OF TEXAS
JOSEPH R. CALLEGOS
129909
LICENSED
PROFESSIONAL ENGINEER
TBPE FIRM No. F-16384
26 March 2021

EXISTING CONDITIONS

CITY OF KYLE
REGIONAL DETENTION SOCCER
FIELD GRADING IMPROVEMENTS
KYLE, TEXAS

DESIGNED BY: JG/DG
DRAWN BY: JG/DG
CHECKED BY: JG
APPROVED BY: JG

SHEET 03 OF 09



0 100' 200'
SCALE: 1" = 100'

LEGEND

- 834 — EXISTING MINOR CONTOUR
- 835 — EXISTING MAJOR CONTOUR
- 834 — PROPOSED MINOR CONTOUR
- 835 — PROPOSED MAJOR CONTOUR
- BOUNDARY
- EASEMENT
- LOC — LIMITS OF CONSTRUCTION
- SF — SILT FENCE
- FLOODPLAIN
- STABILIZED CONSTRUCTION ENTRANCE
- ROCK BERM
- TEMPORARY SPOILS AREA
- CONCRETE WASHOUT AREA

NOTE:

1) THE PROPOSED GRADING PLAN IS ASSUMED TO DISTURB APPROXIMATELY 42' OF JURISDICTIONAL WATERS. CONTRACTOR SHALL TAKE EXTRA CARE TO ENSURE THAT THIS LIMITS OF DISTURBANCE DOES NOT INCREASE BEYOND THE LIMITS OF CONSTRUCTION SHOWN ON THE PLAN.

2) CONTRACTOR SHALL INSPECT AND REPAIR ALL EROSION AND SEDIMENTATION INSTALLED PROTECTIONS AFTER ANY RAINFALL EVENT IN EXCESS OF 0.2" OF ACCUMULATED DEPTH.

NO.	REVISION	BY	DATE

REGIONAL DETENTION SOCCER FIELD GRADING IMPROVEMENTS

811 Know what's below. Call before you dig.

LAND DEV CONSULTING, LLC
4201 W. PARMER LANE, SUITE C-100
AUSTIN, TX 78727
OFFICE: 512.872.7696
FIRM NO. 16384

STATE OF TEXAS
JOSEPH R. GALLEGOS
129909
LICENSED
PROFESSIONAL ENGINEER
TBPE FIRM No. F-16384
26 March 2021

EROSION & SEDIMENTATION CONTROL PLAN

CITY OF KYLE

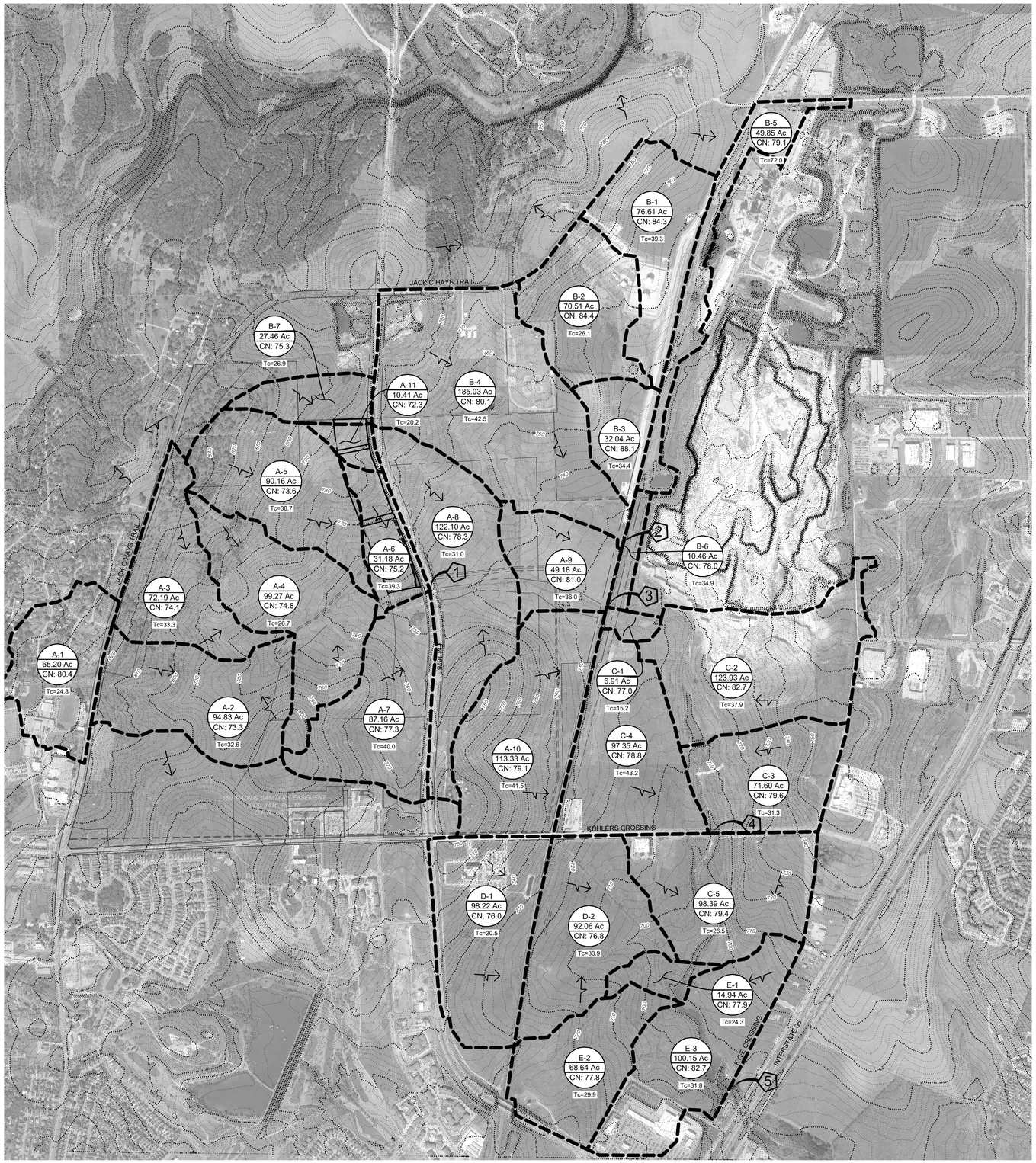
REGIONAL DETENTION SOCCER FIELD GRADING IMPROVEMENTS

KYLE, TEXAS

DESIGNED BY: JG/DG
DRAWN BY: JG/DG
CHECKED BY: JG
APPROVED BY: JG

SHEET 04 OF 09

Q:\2100\2014202.003 - Regional Detention Soccer Field Mass Grading\03_ACAD\Planning\14202 EROS.dwg, 04 EROSION & SEDIMENTATION CONTROL PLAN, March 26, 2021 - 3:32 PM, DMG_OFFICE



BUNTON BRANCH WATERSHED - N 30.036°, W 97.871°

EXISTING CONDITIONS

N

0 800 1600
SCALE: 1" = 800'

A-2	DRAINAGE AREA NAME
18.7 Ac	DRAINAGE AREA (IN ACRES)
CN:79	CURVE NUMBER
TC=22.1	TIME OF CONCENTRATION
	DIRECTION OF FLOW
	DRAINAGE AREA
820	CONTOUR (10 FT)
	CONTOUR (2 FT)

1	DRAINAGE AREAS:	A-1, A-2, A-3, A-4, A-5, A-6, A-7
	COMBINED DA:	0.844 sq mi
	HEC-HMS NODE NAME:	"J-A7A6"
	Q(100):	2,993 cfs ^^

2	DRAINAGE AREAS:	B-7, B-4, B-2, B-3, B-1
	COMBINED DA:	0.612 sq mi
	HEC-HMS NODE NAME:	"J-B4B7"
	Q(100):	2,365 cfs ^^
	NOTE:	NORTHERN BRIDGE UNDER RAILROAD.

3	DRAINAGE AREAS:	A-1, A-2, A-3, A-4, A-5, A-6, A-7 A-11, A-8, A-9, A-10,
	COMBINED DA:	1.305 sq mi
	HEC-HMS NODE NAME:	"J-A10"
	Q(100):	3,046 cfs ^^
	NOTE:	SOUTHERN BRIDGE UNDER UNION PACIFIC RAILROAD

4	DRAINAGE AREAS:	A-1, A-2, A-3, A-4, A-5, A-6, A-7 A-8, A-9, A-10, A-11, B-1, B-2, B-3 B-4, B-5, B-6, C-1, C-2, C-3, C-4
	COMBINED DA:	2.479 sq mi
	HEC-HMS NODE NAME:	"J-C3C4"
	Q(100):	5,884 cfs ^^
	NOTE:	UNDER KOHLERS CROSSING

5	DRAINAGE AREAS:	A-1, A-2, A-3, A-4, A-5, A-6, A-7 A-8, A-9, A-10, A-11, B-1, B-2, B-3 B-4, B-5, B-6, C-1, C-2, C-3, C-4 C-5, D-1, D-2, E-1, E-2, E-3
	COMBINED DA:	3.217 sq mi
	HEC-HMS NODE NAME:	"J-E3"
	Q(100):	6,970 cfs ^^
	NOTE:	UNDER KYLE CROSSING

^^= REFLECTS THE '01_Existing' BASIN MODEL IN THE HEC-HMS MODEL PREPARED BY LANDDEV CONSULTING, LLC DATED JUNE 2020.

	"J-A7A6"	"J-B4B7"	"J-A10"	"J-C3C4"	"J-E3"
	0.844 SQ MI	0.612 SQ MI	1.305 SQ MI	2.479 SQ MI	3.217 SQ MI
	DP #1	DP #2	DP #3	DP #4	DP #5
	Q(exist)	Q(exist)	Q(exist)	Q(exist)	Q(exist)
STORM	cfs	cfs	cfs	cfs	cfs
2 yr	673	699	903	1,702	1,831
10 yr	1,466	1,299	1,731	3,292	3,736
25 yr	2,032	1,704	2,265	4,307	4,978
100 yr	2,993	2,365	3,046	5,884	6,970

CURVE NUMBERS FOR THE EXISTING CONDITIONS BASINS WERE DETERMINED BY A COMPOSITE OF NATIONAL LAND COVERAGE DATA (NLCD) AND HYDROLOGIC SOIL TYPES. ALL BASINS IN THE EXISTING CONDITIONS HEC-HMS MODEL HAVE A MODELED IMPERVIOUS COVER OF 0%

THE HYDROLOGIC MODEL UTILIZES METEOROLOGICAL DATA FOR KYLE, TEXAS, TAKEN FROM NOAA ATLAS 14, VOL 11, VERSION 2. (LATITUDE: 29.9942°; LONGITUDE: -97.871°; ELEVATION: 699.71')

DEPTH-DURATION-FREQUENCY

	2 YR	10 YR	25 YR	100 YR	500 YR
5 MINUTES	0.527	0.795	0.972	1.26	1.64
15 MINUTES	1.06	1.59	1.94	2.51	3.25
1 HOUR	1.97	2.97	3.63	4.72	6.29
2 HOUR	2.44	3.8	4.78	6.55	9.18
3 HOUR	2.73	4.33	5.55	7.84	11.3
6 HOUR	3.22	5.24	6.82	9.92	14.7
12 HOUR	3.69	6.09	7.97	11.6	17.4
24 HOUR	4.19	6.97	9.11	13.2	19.8

* ALL VALUES IN THIS TABLE ARE IN INCHES OF RAINFALL

DRAINAGE AREA INFORMATION PROVIDED AS REFERENCE ONLY. THE INFORMATION ON THESE SHEETS WAS PREVIOUSLY SUBMITTED AND REVIEW WITH THE PLUM CREEK REGIONAL DETENTION PLANS (SD-20-0075) APPROVED ON NOVEMBER 17TH, 2020.

NO.	REVISION	BY	DATE

REGIONAL DETENTION SOCCER FIELD GRADING IMPROVEMENTS

811 Know what's below. Call before you dig.

LANDDEV CONSULTING, LLC
4201 W. PARMER LANE, SUITE C-100
AUSTIN, TX 78727
OFFICE: 512.872.7696
FIRM NO. 16384

STATE OF TEXAS
JOSEPH R. GALLEGOS
129909
LICENSED
PROFESSIONAL ENGINEER
TBPE FIRM No. F-16384
26 March 2021

EXISTING DRAINAGE AREA MAP

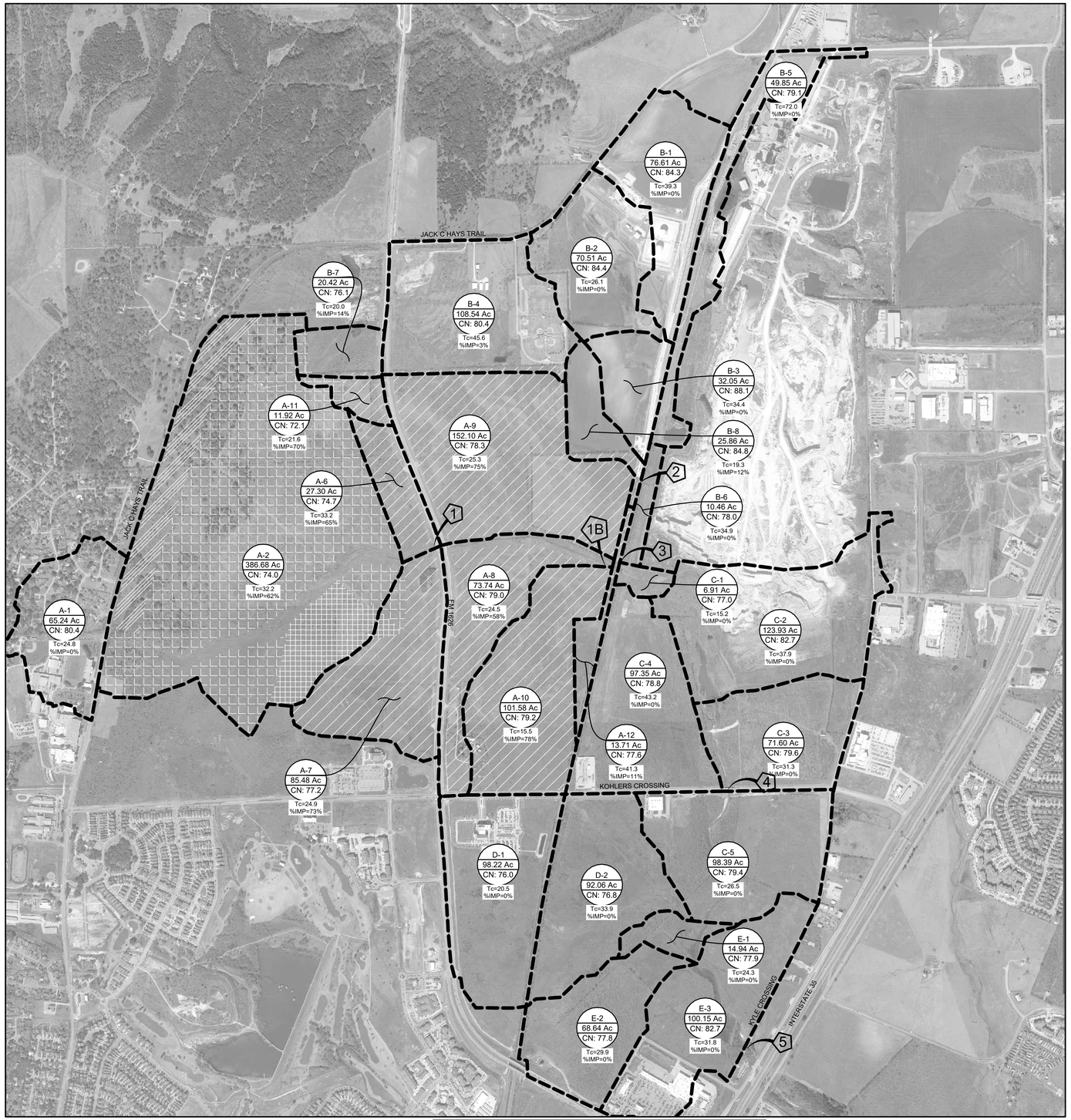
CITY OF KYLE
REGIONAL DETENTION SOCCER
FIELD GRADING IMPROVEMENTS
KYLE, TEXAS

DESIGNED BY: JG/DG
DRAWN BY: JG/DG
CHECKED BY: JG
APPROVED BY: JG

SHEET 05 OF 09

Plot Style: LandDev Global.ctb
Template: LDC_C3D2018.DWT
G:\2100\c214502.003 - Regional Detention Soccer Field Mass Grading\03_ACAD\Planset\04\02.003s XDAM_REF.dwg, 05 EXISTING DRAINAGE AREA MAP, March 26, 2021 - 2:33 PM, dgonzalez

Item # 2



BUNTON BRANCH WATERSHED - N 30.036°, W 97.871°

(A) PROPOSED IMPERVIOUS @ (65%) = 190.5 ACRES	(C) PROPOSED IMPERVIOUS @ (80%) = 28.3 ACRES
(B) PROPOSED IMPERVIOUS @ (80%) = 320.2 ACRES	(D) PROPOSED IMPERVIOUS @ (65%) = 29.3 ACRES

TOTAL PROPOSED IMPERVIOUS COVER WITHIN STUDIED BASIN = 568.3 ACRES

DRAINAGE AREA INFORMATION PROVIDED AS REFERENCE ONLY. THE INFORMATION ON THESE SHEETS WAS PREVIOUSLY SUBMITTED AND REVIEW WITH THE PLUM CREEK REGIONAL DETENTION PLANS (SD-20-0075) APPROVED ON NOVEMBER 17TH, 2020.

LANDDEV CONSULTING

0 800 1600
SCALE: 1" = 800'

A-2	DRAINAGE AREA NAME
18.7 Ac	DRAINAGE AREA (IN ACRES)
CN:79	CURVE NUMBER
TC=22.1	TIME OF CONCENTRATION
%IMP=68%	% IMPERVIOUS (PROPOSED)
	DIRECTION OF FLOW
	DRAINAGE AREA
820	CONTOUR (10 FT)
	CONTOUR (2 FT)

1	DRAINAGE AREAS:	A-1, A-2, A-6, A-7
	COMBINED DA:	0.858 sq mi
	HEC-HMS NODE NAME:	"J-A7A6"
	Q(100):	3,349 cfs *
	NOTE:	FULLY DEVELOPED UN-DETAINED FLOWS TO FM 1626

1B	DRAINAGE AREAS:	A-1, A-2, A-6, A-7, A-8, A-9, A-10, A-11
	COMBINED DA:	1.388 sq mi
	HEC-HMS NODE NAME:	"J-A10"
	Q(100):	4,982 cfs *
	NOTE:	INFLOW TO REGIONAL DETENTION

2	DRAINAGE AREAS:	B-1, B-2, B-3, B-4, B-7, B-8
	COMBINED DA:	0.612 sq mi
	HEC-HMS NODE NAME:	"J-B3B8"
	Q(100):	1,978 cfs *
	NOTE:	NORTHERN BRIDGE UNDER RAILROAD.

3	DRAINAGE AREAS:	A-1, A-2, A-6, A-7, A-8, A-9, A-10, A-11 A-12
	COMBINED DA:	1.410 sq mi
	HEC-HMS NODE NAME:	"J-A12"
	Q(100):	2,595 cfs *
	NOTE:	SOUTHERN BRIDGE UNDER RAILROAD

4	DRAINAGE AREAS:	A-1, A-6, A-7, A-8, A-9, A-10, A-11 A-12, B-1, B-2, B-3, B-4, B-5, B-6 B-7, B-8, C-1, C-2, C-3, C-4
	COMBINED DA:	2.494 sq mi
	HEC-HMS NODE NAME:	"J-C3C4"
	Q(100):	5,135 cfs *
	NOTE:	UNDER KOHLERS CROSSING

5	DRAINAGE AREAS:	A-1, A-2, A-6, A-7, A-8, A-9, A-10 A-11, A-12, B-1, B-2, B-3, B-4, B-5 B-6, B-7, B-8, C-1, C-2, C-3, C-4 C-5, D-1, D-2, E-1, E-2, E-3
	COMBINED DA:	3.232 sq mi
	HEC-HMS NODE NAME:	"J-E3"
	Q(100):	6,251 cfs *
	NOTE:	

= REFLECTS THE '02_*Proposed' BASIN MODEL IN THE HEC-HMS MODEL PREPARED BY LANDDEV CONSULTING, LLC DATED JUNE 2020.

CURVE NUMBERS FOR THE PROPOSED CONDITIONS BASINS WERE DETERMINED BY A COMPOSITE OF NATIONAL LAND COVERAGE DATA (NLCD) AND HYDROLOGIC SOIL TYPES.

THE HYDROLOGIC MODEL UTILIZES METEOROLOGICAL DATA FOR KYLE, TEXAS, TAKEN FROM NOAA ATLAS 14, VOL 11, VERSION 2 (SEE SHEET 6)

		"J-A10"	"J-A12"		
	EXISTING CONDITIONS	ULTIMATE DEVELOPMENT POND INFLOW	ULTIMATE DEVELOPMENT CONDITIONS		
	1.305 SQ MI	1.388 SQ MI	1.410 SQ MI		
	DP #3	DP #1B	DP #3		
	Q(exist)	Q(ultimate)	Q(ultimate)	POND ELEV	POND VOLUME
STORM	cfs	cfs	cfs	ft	AC-FT
2 yr	903	1,722	868	732.9	62.3
10 yr	1,731	2,884	1,365	734.5	117.9
25 yr	2,265	3,676	1,726	735.5	160.2
100 yr	3,046	4,982	2,595	737.1	233.8

PROPOSED

NO.	REVISION	BY	DATE

REGIONAL DETENTION SOCCER FIELD GRADING IMPROVEMENTS

811 Know what's below. Call before you dig.

LANDDEV CONSULTING, LLC
4201 W. PARMER LANE, SUITE C-100
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OFFICE: 512.872.2696
FIRM NO. 16384

STATE OF TEXAS
JOSEPH R. GALLEGOS
129909
LICENSED PROFESSIONAL ENGINEER
TBPE FIRM No. F-16384

26 March 2021

PROPOSED DRAINAGE MAP

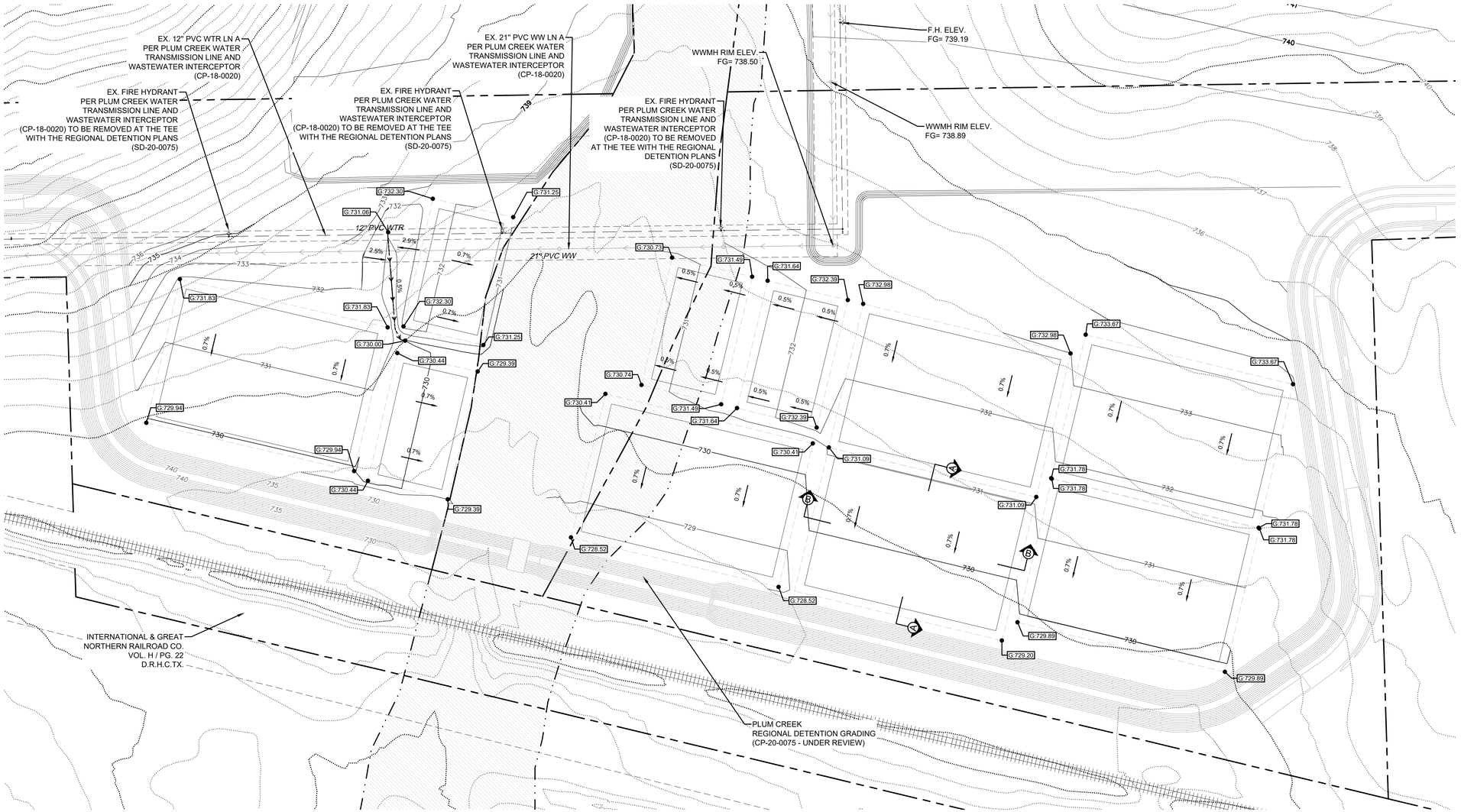
CITY OF KYLE
REGIONAL DETENTION SOCCER FIELD GRADING IMPROVEMENTS
KYLE, TEXAS

DESIGNED BY: JG/DG
DRAWN BY: JG/DG
CHECKED BY: JG
APPROVED BY: JG

SHEET 06 OF 09

Q:\2100\02\21002.003 - Regional Detention Soccer Field Mass Grading\03_ACAD\Planset\104302.002s PDAM_REF.dwg, 06 PROPOSED DRAINAGE MAP March 26, 2021, 2:32 PM, dgonzalez

Item # 2



0 100' 200'
SCALE: 1" = 100'

LEGEND

- 834 EXISTING MINOR CONTOUR
- 835 EXISTING MAJOR CONTOUR
- 834 PROPOSED MINOR CONTOUR
- 835 PROPOSED MAJOR CONTOUR
- BOUNDARY
- EASEMENT
- FLOW DIRECTION

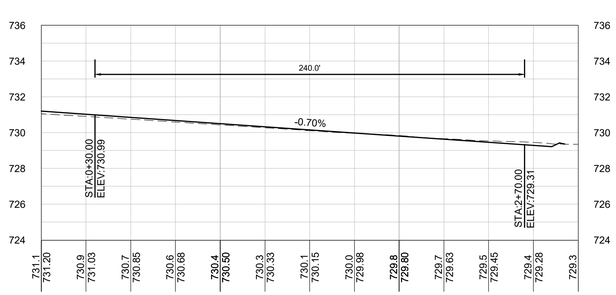
NOTE:

1) SITE PREPARATION AND GRADING SHALL BE IN CONFORMANCE WITH THE REQUIREMENTS AS STATED IN THE GEOTECNICAL REPORT, BY ECS SOUTHWEST; LLP, FOR "PLUM CREEK AREAS 6/10 & MARKET PLACE AVENUE", DATED FEBRUARY 8TH, 2019

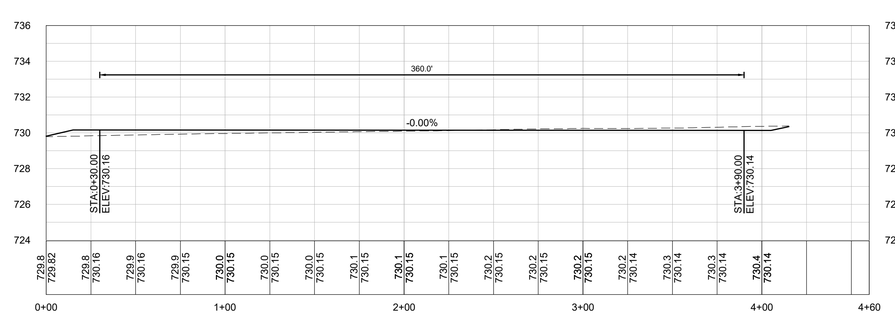
2) NO FILL IS PROPOSED OR SHALL BE PLACED WITHIN THE LIMITS OF THE FEMA EFFECTIVE FLOODPLAIN PER PANEL 48209C0290F.

3) EXISTING SPOILS MAY BE LOCATED ON SITE, CONTRACTOR TO UTILIZE AS NEEDED FOR THIS PROJECT

TYPICAL CROSS SECTION A-A



TYPICAL CROSS SECTION B-B



Item # 2

NO.	REVISION	BY	DATE

REGIONAL DETENTION SOCCER FIELD GRADING IMPROVEMENTS

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LAND DEV CONSULTING, LLC
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STATE OF TEXAS
JOSEPH R. GALLEGOS
129909
LICENSED
PROFESSIONAL ENGINEER
TBPE FIRM No. F-16384
26 March 2021

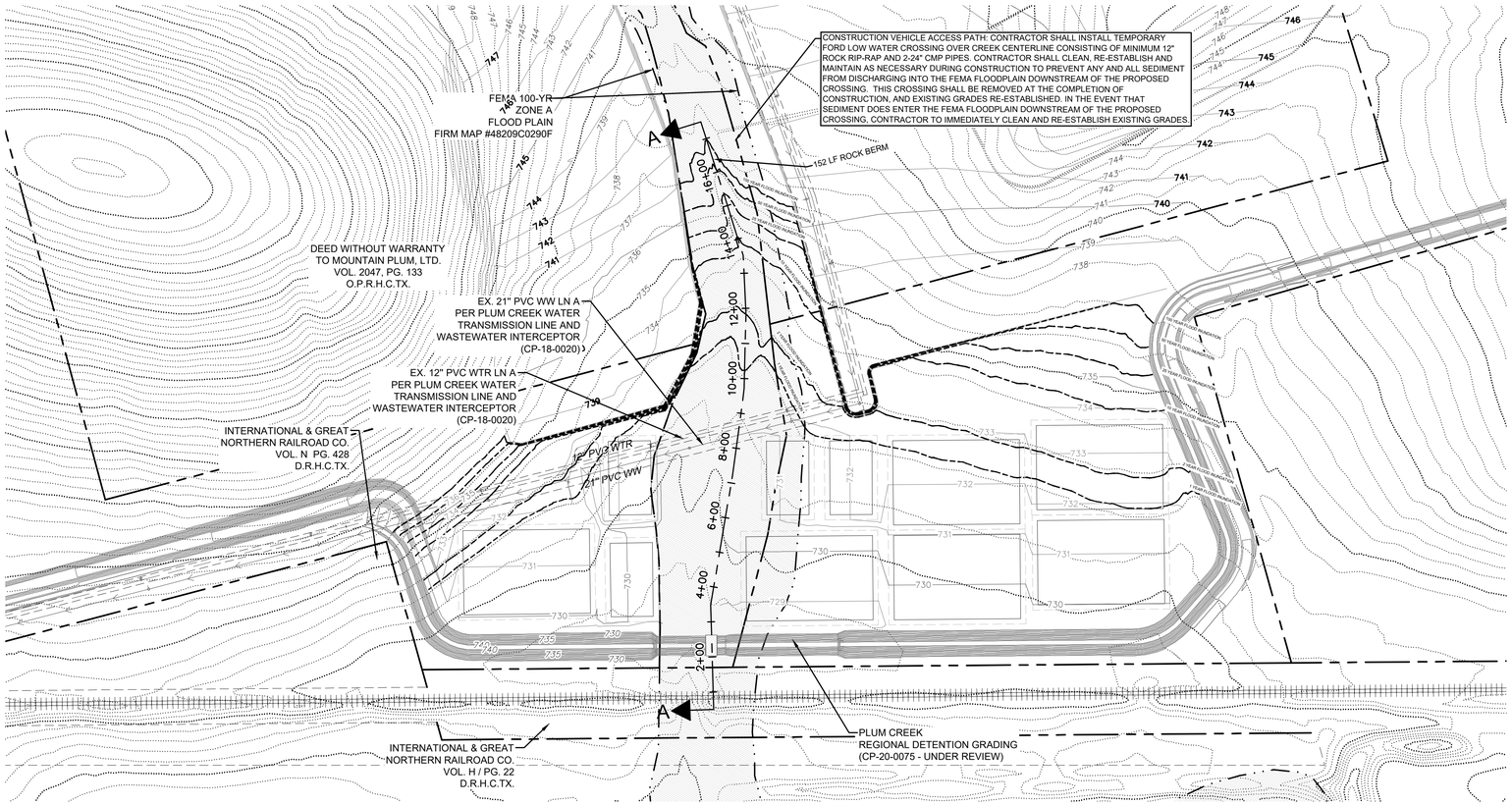
GRADING PLAN

CITY OF KYLE
REGIONAL DETENTION SOCCER FIELD GRADING IMPROVEMENTS
KYLE, TEXAS

DESIGNED BY: JG/DG
DRAWN BY: JG/DG
CHECKED BY: JG
APPROVED BY: JG

SHEET 07 OF 09

O:\210500\214302.003 - Regional Detention Soccer Field Mass Grading\03_ACAD\Planning\214302.GRPL.dwg, 07 GRADING PLAN, March 26, 2021 2:33 PM, dgonzalez



0 200' 400'
SCALE: 1" = 200'

LEGEND

- 834 — EXISTING MINOR CONTOUR
- 835 — EXISTING MAJOR CONTOUR
- 834 — PROPOSED MINOR CONTOUR
- 835 — PROPOSED MAJOR CONTOUR
- BOUNDARY
- EASEMENT
- LOC — LIMITS OF CONSTRUCTION
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- STABILIZED CONSTRUCTION ENTRANCE
- ROCK BERM
- TEMPORARY SPOILS AREA
- CONCRETE WASHOUT AREA

PROFILE SCALE
VERTICAL 4 0
1"=80' HORZ.
1"=4' VERT.

PROFILE LEGEND
FINISH GRADE - CENTERLINE
EXISTING GRADE - CENTERLINE
EXISTING GROUND — 900.1 / 897.10 — PROPOSED FLOWLINE

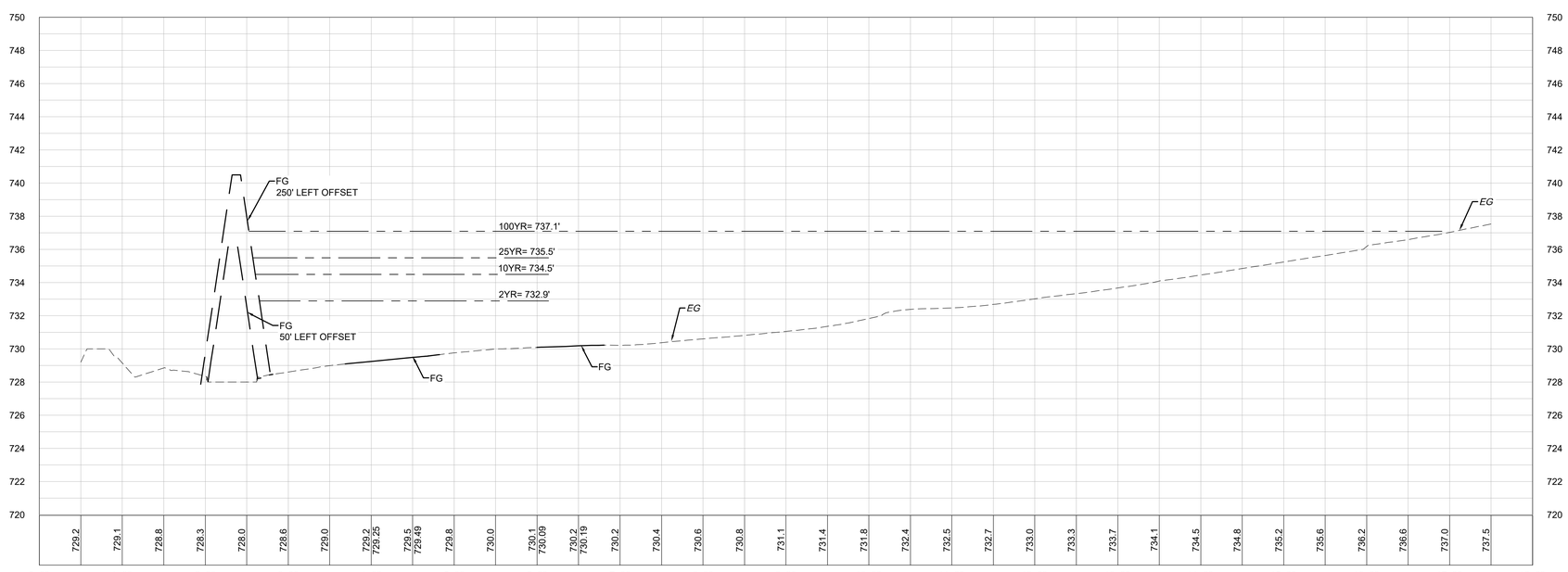
NOTE:

1) INUNDATION INFORMATION WAS MODELED AND CALCULATED WITH THE APPROVED PLANS, "PLUM CREEK REGIONAL DETENTION" PERMIT NO. SD-20-0075.

FLOODING ELEVATIONS PER YEAR

1YR – 732.3'
2YR – 732.9'
10 YR – 734.5'
25 YR – 735.5'
50 YR – 736.3'
100 YR – 737.1'

SECTION A-A



Item # 2

NO.	REVISION	BY	DATE

REGIONAL DETENTION SOCCER FIELD GRADING IMPROVEMENTS

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26 March 2021

EROSION & SEDIMENTATION CONTROL PLAN

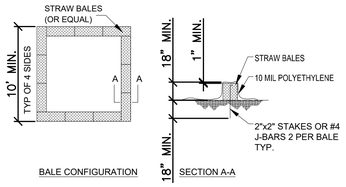
CITY OF KYLE

REGIONAL DETENTION SOCCER FIELD GRADING IMPROVEMENTS
KYLE, TEXAS

DESIGNED BY: JG/DG
DRAWN BY: JG/DG
CHECKED BY: JG
APPROVED BY: JG

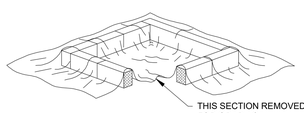
SHEET 08 OF 09

Q:\21000s\21402\003 - Regional Detention Soccer Field Mass Grading\03_ACAD\Planset\21402 INUNDATION.dwg, 08 POND INUNDATION, March 26, 2021 2:34 PM, dgonzalez



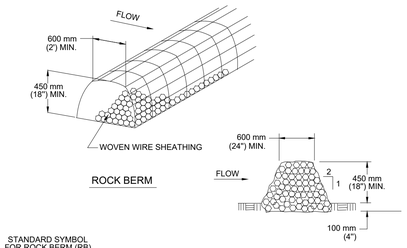
NOTES:

1. CONCRETE WASHOUT SHALL BE LOCATED BEHIND CURB AND 50 FT. MINIMUM FROM DRAINAGE INLETS OR WATERCOURSES



CONCRETE WASHOUT DETAIL

DATE: 05/23/17	SCALE: N.T.S	DRAWN BY: NAL



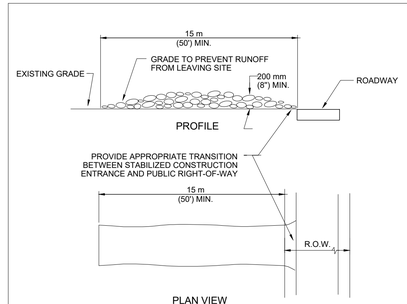
STANDARD SYMBOL
FOR ROCK BERM (RB)

___RB___

NOTES:

1. USE ONLY OPEN GRADED ROCK 75 to 125 mm (3 to 5") DIAMETER FOR ALL CONDITIONS.
2. THE ROCK BERM SHALL BE SECURED WITH A WOVEN WIRE SHEATHING HAVING MAXIMUM 25 mm (1") OPENING AND MINIMUM WIRE DIAMETER OF 12.9 mm (20 GAUGE).
3. THE ROCK BERM SHALL BE INSPECTED DAILY OR AFTER EACH RAIN, AND THE STONE AND/OR FABRIC CORE-WOVEN SHEATHING SHALL BE REPLACED WHEN THE STRUCTURE CEASES TO FUNCTION AS INTENDED, DUE TO SEDIMENT ACCUMULATION AMONG THE ROCKS, WASHOUT, CONSTRUCTION TRAFFIC DAMAGE, ETC.
4. IF SEDIMENT REACHES A DEPTH EQUAL TO ONE-THIRD THE HEIGHT OF THE BERM OR 150 mm (6"), WHICHEVER IS LESS, THE SEDIMENT SHALL BE REMOVED AND DISPOSED OF ON AN APPROVED SITE AND IN A MANNER THAT WILL NOT CREATE A SEDIMENTION PROBLEM.
5. WHEN THE SITE IS COMPLETELY STABILIZED,THE BERM AND ACCUMULATED SEDIMENT SHALL BE REMOVED AND DISPOSED OF IN AN APPROVED MANNER.

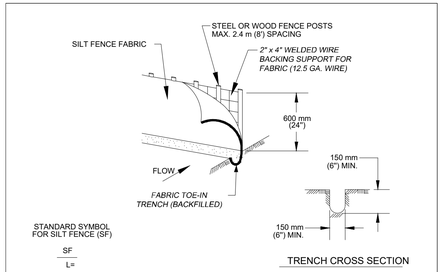
CITY OF AUSTIN WATERSHED PROTECTION DEPARTMENT	ROCK BERM	
RECORD COPY SIGNED BY MORGAN BYARS 8/24/2010 ADOPTED	THE ARCHITECT/ENGINEER ASSUMES RESPONSIBILITY FOR APPROPRIATE USE OF THIS STANDARD.	STANDARD NO. 639S-1



NOTES:

1. STONE SIZE: 75-125 mm (3-5") OPEN GRADED ROCK.
2. LENGTH: AS EFFECTIVE BUT NOT LESS THAN 15 m (50').
3. THICKNESS: NOT LESS THAN 200 mm (8").
4. WIDTH: NOT LESS THAN FULL WIDTH OF ALL POINTS OF INGRESS/EGRESS.
5. WASHING: WHEN NECESSARY, VEHICLE WHEELS SHALL BE CLEANED TO REMOVE SEDIMENT PRIOR TO ENTRANCE ONTO PUBLIC ROADWAY. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH CRUSHED STONE AND DRAINS INTO AN APPROVED TRAP OR SEDIMENT BASIN. ALL SEDIMENT SHALL BE PREVENTED FROM ENTERING ANY STORM DRAIN, DITCH OR WATERCOURSE USING APPROVED METHODS.
6. MAINTENANCE: THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION THAT WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC ROADWAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND, AS WELL AS REPAIR AND CLEAN OUT OF ANY MEASURE DEVICES USED TO TRAP SEDIMENT. ALL SEDIMENTS THAT IS SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC ROADWAY MUST BE REMOVED IMMEDIATELY.
7. DRAINAGE: ENTRANCE MUST BE PROPERLY GRADED OR INCORPORATE A DRAINAGE SWALE TO PREVENT RUNOFF FROM LEAVING THE CONSTRUCTION SITE.

CITY OF AUSTIN WATERSHED PROTECTION DEPARTMENT	STABILIZED CONSTRUCTION ENTRANCE	
RECORD COPY SIGNED BY J. PATRICK MURPHY 5/23/00 ADOPTED	THE ARCHITECT/ENGINEER ASSUMES RESPONSIBILITY FOR APPROPRIATE USE OF THIS STANDARD.	STANDARD NO. 641S-1



STANDARD SYMBOL
FOR SILT FENCE (SF)

SF
L=

1. STEEL OR WOOD POSTS WHICH SUPPORT THE SILT FENCE SHALL BE INSTALLED ON A SLIGHT ANGLE TOWARD THE ANTICIPATED RUNOFF SOURCE. POST MUST BE EMBEDDED A MINIMUM OF 300 mm (12 INCHES). IF WOOD POSTS CANNOT ACHIEVE 300 mm (12 inches) DEPTH, USE STEEL POSTS.

2. THE TOE OF THE SILT FENCE SHALL BE TRENCHED IN WITH A SPADE OR MECHANICAL TRENCHER, SO THAT THE DOWNSLOPE FACE OF THE TRENCH IS FLAT AND PERPENDICULAR TO THE LINE OF FLOW.

3. THE TRENCH MUST BE A MINIMUM OF 150 mm (6 inches) DEEP AND 150 mm (6 inches) WIDE TO ALLOW FOR THE SILT FENCE FABRIC TO BE LAID IN THE GROUND AND BACKFILLED WITH COMPACTED MATERIAL.

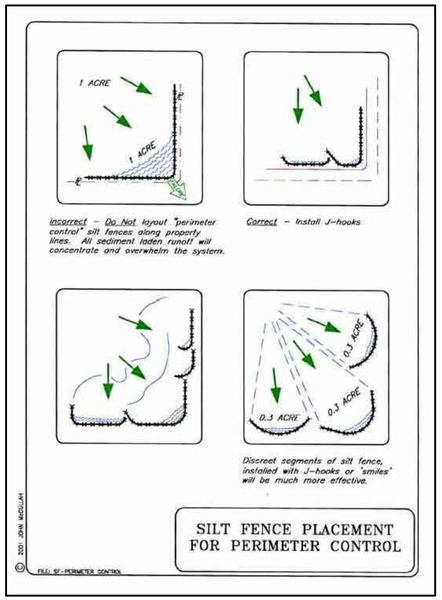
4. SILT FENCE FABRIC SHOULD BE SECURELY FASTENED TO EACH STEEL OR WOOD SUPPORT POST OR TO WOVEN WIRE , WHICH IS IN TURN ATTACHED TO THE STEEL OR WOOD FENCE POST.

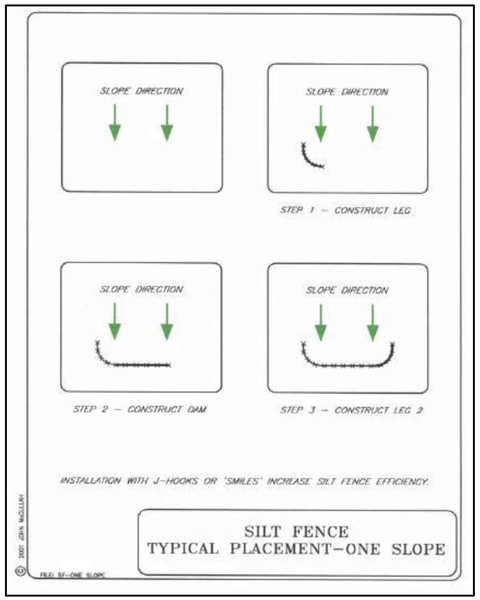
5. INSPECTION SHALL BE MADE WEEKLY OR AFTER EACH RAINFALL EVENT AND REPAIR OR REPLACEMENT SHALL BE MADE PROMPTY AS NEEDED.

6. SILT FENCE SHALL BE REMOVED WHEN THE SITE IS COMPLETELY STABILIZED SO AS NOT TO BLOCK OR IMPEDE STORM FLOW OR DRAINAGE.

7. ACCUMULATED SILT SHALL BE REMOVED WHEN IT REACHES A DEPTH OF 150 mm (6 inches). THE SILT SHALL BE DISPOSED OF ON AN APPROVED SITE AND IN SUCH A MANNER THAT WILL NOT CONTRIBUTE TO ADDITIONAL SILTATION.

CITY OF AUSTIN WATERSHED PROTECTION DEPARTMENT	SILT FENCE	
RECORD COPY SIGNED BY MORGAN BYARS 09/01/2011 ADOPTED	THE ARCHITECT/ENGINEER ASSUMES RESPONSIBILITY FOR APPROPRIATE USE OF THIS STANDARD.	STANDARD NO. 642S-1





NO.	REVISION	BY	DATE

REGIONAL DETENTION SOCCER FIELD GRADING IMPROVEMENTS

811 Know what's below. Call before you dig.

LANDDEV CONSULTING, LLC
4201 W. PARMER LANE, SUITE C-100
AUSTIN, TX. 78727
OFFICE: 512.872.2696
FIRM NO. 16384

STATE OF TEXAS
JOSEPH R. GALLEGOS
129909
LICENSED
PROFESSIONAL ENGINEER
TBPE FIRM No. F-16384
26 March 2021

GENERAL DETAILS

CITY OF KYLE
REGIONAL DETENTION SOCCER
FIELD GRADING IMPROVEMENTS
KYLE, TEXAS

DESIGNED BY: JG/DG
DRAWN BY: JG/DG
CHECKED BY: JG
APPROVED BY: JG

SHEET 09 OF 09

Plot Style: LandDev Global.ctb
Template: LDC_C3D2018.DWT
C:\1600s\1400\1403 - Regional Detention Soccer Field Mass Grading\03_ACAD\Plansets\1403 D1.dwg, 09 GENERAL DETAILS, March 26, 2021, 2:34 PM, rgonzalez

CITY OF KYLE, TEXAS

Hadsell Estate – (Z-21-0075)

Meeting Date: 4/27/2021
Date time:6:30 PM

Subject/Recommendation: Consider a comprehensive plan amendment to add Manufactured Home Subdivision Districts 'M-2' and 'M-3' to the 'New Town Community District' in the Comprehensive Plan, for a property located at 600 Bebee Road in the City of Kyle, Texas. (Hadsell Estate – Z-21-0075)

- Public Hearing (Second of Two Public Hearings)
- Recommendation to City Council

Other Information: See attached.

Legal Notes: N/A

Budget Information: N/A

ATTACHMENTS:

Description

- Staff Report
- Summary Letter
- Agent Assignee Letter
- Franchise Tax Account Status
- Deed
- Letters Testamentary
- Project Location Map
- Current Zoning Map
- Land Use Districts Map
- Land Use Districts Map (Entire City)

CITY OF KYLE

Community Development Department

April 13, 2021

To: Kyle Planning & Zoning Commission

From: Howard J. Koontz, AICP; Director, Planning & Community Development

Re: Comprehensive Plan Text Amendment to Add Manufactured Home Zoning to the New Town Community District

A client has come forward to the city with a request to apply manufactured home zoning to a certain parcel. The parcel in question has been assigned to the city's New Town Community district on the Future Land Use map of the 2010 Comprehensive Plan. Adjacent to the subject site are lands owned by the client which already operate as a manufactured home community, also located within the New Town Community district. Those parcels are lawful and conforming from a land use and existing zoning standpoint, but at the same time are non-conforming from a future land use map assignment perspective. The client has made a request of staff to initiate a text amendment to the Comprehensive Plan to allow the city to consider the assignment of manufactured home zoning in the New Town Community, consistent with the community already operating in the region.

City Charter Comprehensive Plan Ordinance

Sec. 10.03. - Comprehensive Plan Adoption and Amendment.

"The comprehensive plan, or elements or portions thereof, shall be initially prepared and drafted by personnel and/or consultants authorized by the council, under the supervision of the city manager who shall coordinate development of the plan with the planning commission and the council. A draft of the comprehensive plan shall be submitted to the planning commission which shall hold a minimum of two public hearings on such plan and make recommendations for the approval of the plan, with or without amendments. The planning commission shall then forward the proposed comprehensive plan or element or portion thereof to the city manager, who shall thereupon submit such plan, or element or portion thereof, to the council with the planning commission's and the city manager's recommendations thereon. If the proposed comprehensive plan has not been adopted within two years from the effective date of this charter, the proposed plan as it then exists will automatically become the City's comprehensive plan.

"The council may adopt, or adopt with changes or amendments, the proposed comprehensive plan or any element or portion thereof, after one or more public hearings. The council shall act on such plan, element or portion thereof, within ninety

(90) days following its submission. If such plan or element or portion thereof is not adopted by the council, the council shall, with policy direction, return such plan or element thereof to the planning commission, which may modify such plan or element or portion thereof, and again forward it to the city manager for submission in like manner to the council. Amendments to the comprehensive plan may be initiated by the council, the planning commission, or the city manager; provided that all amendments shall be reviewed, considered and recommended for adoption in the same manner as for the original adoption of the comprehensive plan.

"Upon the adoption of a comprehensive plan or element or portion thereof by the council, all land development regulations including zoning and map, subdivision regulations, roadway plan, all public improvements, public facilities, public utilities projects and all city regulatory actions relating to land use, subdivision and development approval shall be consistent with the comprehensive plan, element or portion thereof as adopted, except to the extent, if any, as provided by law. For purposes of clarity, consistency and facilitation of comprehensive planning and land development process, the various types of local regulations or laws concerning the alteration, development and use of land may be combined in their totality in a single ordinance or code."

Comprehensive Plan Text

New Town Community District

"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"

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

Approximately a year ago, representatives approached City staff wanting to purchase the 24.653-Acres at 600 Bebee Road. At this time, they wanted to purchase the site for a new phase of the Lakeside Crossing Manufactured Home Park. As staff conducted preliminary research, it became clear the comprehensive plan did not consider any manufactured home zoning districts in this part of Kyle (New Town Community district).

The Lakeside Crossing community originally began as a county development, outside the city limits of Kyle. As there are no land use restrictions (zoning) in the county, they were allowed to construct their facility. In October of 2009, mid-process, the City of Kyle annexed the property, allowing the vested development continue (Texas law allows for properly vested projects started in the county to continue once annexed into municipalities.)

At the time that staff met with the representatives for the expansion, they were informed that the City was beginning a comprehensive plan update, and they could be incorporated into the discussion. However, this process has been delayed, and as such, the applicant has asked to continue moving forward. Staff recommended applying separately, as it would move the process along for their project.

The first step to beginning the development process is to request a comprehensive plan amendment. The New Town Community district does not currently consider any

manufactured home zoning districts. If the applicant applied for any zoning assignment related to manufactured home districts, they couldn't move forward.

This amendment would allow consideration of both the "M-2" and "M-3" zoning districts. It would actually allow both zoning districts to be considered throughout the New Town Community district, not just the 24-acre tract proposed for development. From a practical perspective, any new manufactured homes would primarily remain east of IH-35, because the Plum Creek PUD and Texas Lehigh Quarry take up most of the New Town Community west of IH-35.

From a regulatory standpoint, both the "M-2" and "M-3" districts are virtually the same (same minimum lot size, house size, setbacks, etc.). The key difference is that the "M-2" zoning district is designed for fee simple lots that are sold to interested parties and take access from public streets. The "M-3" zoning district is designed for manufactured home parks, where all the internal roads are private and the plotted locations for the homesites are leased to interested parties within the boundaries of a larger parent parcel.

As part of city growth, multiple types of housing should be considered. This should range from all parts of the affordability spectrum and construction type. This idea helps the City become more inclusive to all people wanting to live in our municipality. Manufactured homes can provide a welcome option for home type, length of occupancy tenure, and affordability.

Staff is amenable to adding both the "M-2" and "M-3" zoning districts to the New Town Community district. Adding both zoning districts should be within the 'Conditional' category, as not every part of the New Town Community district is appropriate for manufactured homes. This means when zoning is requested, extra analysis is required, and the site needs to be appropriate for the use.

Recommendation

In conclusion, staff supports the proposed text amendment and recommends the Planning & Zoning Commission support the request.

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

March 12, 2021

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

Re: Comprehensive Plan Amendment Request

To Whom it May Concern:

As agent for the Estate of Janelle Hadsell, we respectfully request a comprehensive plan amendment to include "M-2" and "M-3" zoning districts in the "New Town Community" district.

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

Very truly yours,

Stacey L. Milazzo

Stacey L. Milazzo,
Paralegal

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]

HB: 4811-9733-4988.1

THE STATE OF TEXAS §
§
COUNTY OF LLANO §

This instrument was acknowledged before me on the 28th 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

KERRI D COOLEY
Notary Public, State of Texas
Comm. Expires 09-29-2023
Notary ID 1171442-4

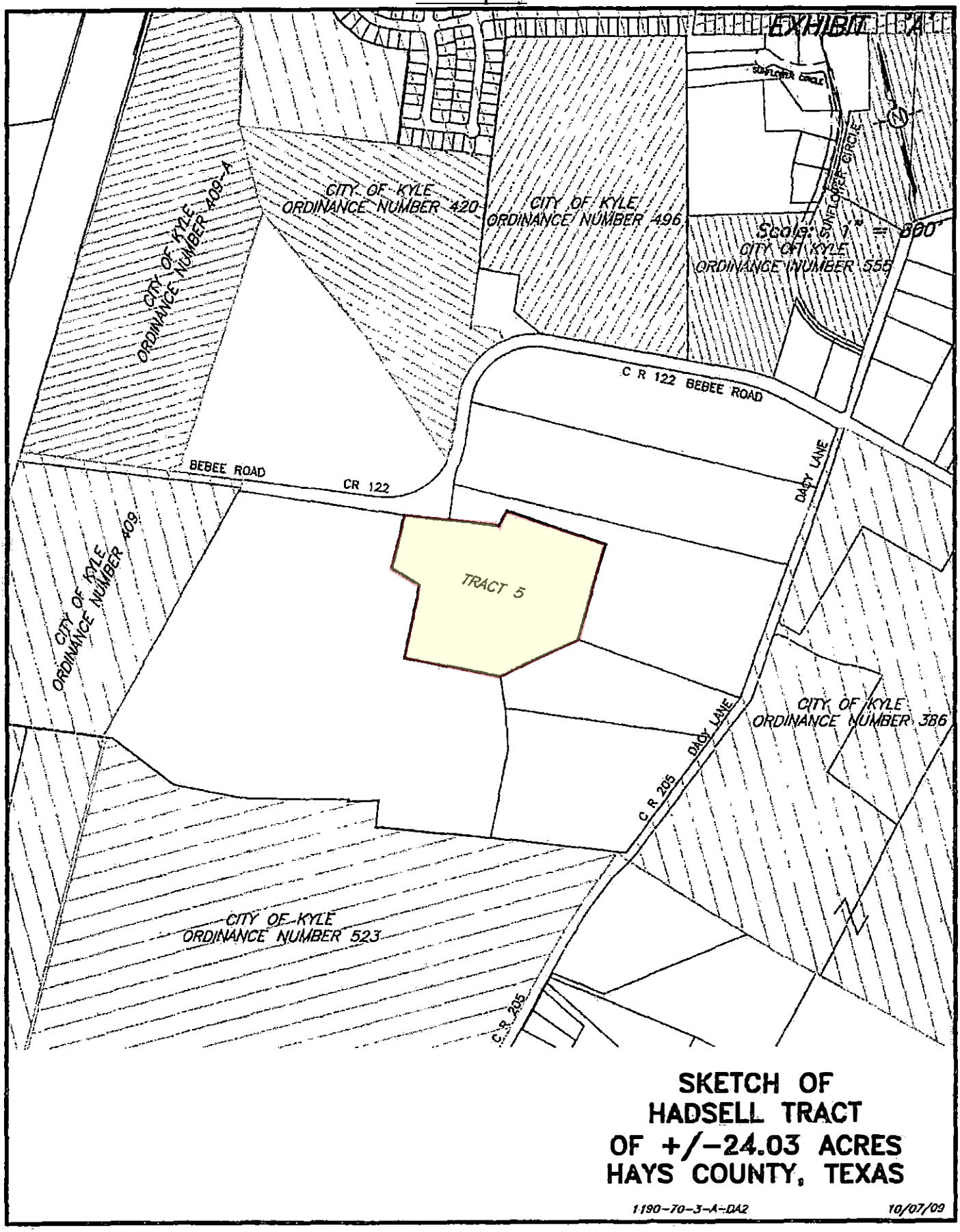
THE STATE OF TEXAS §
§
COUNTY OF LLANO §

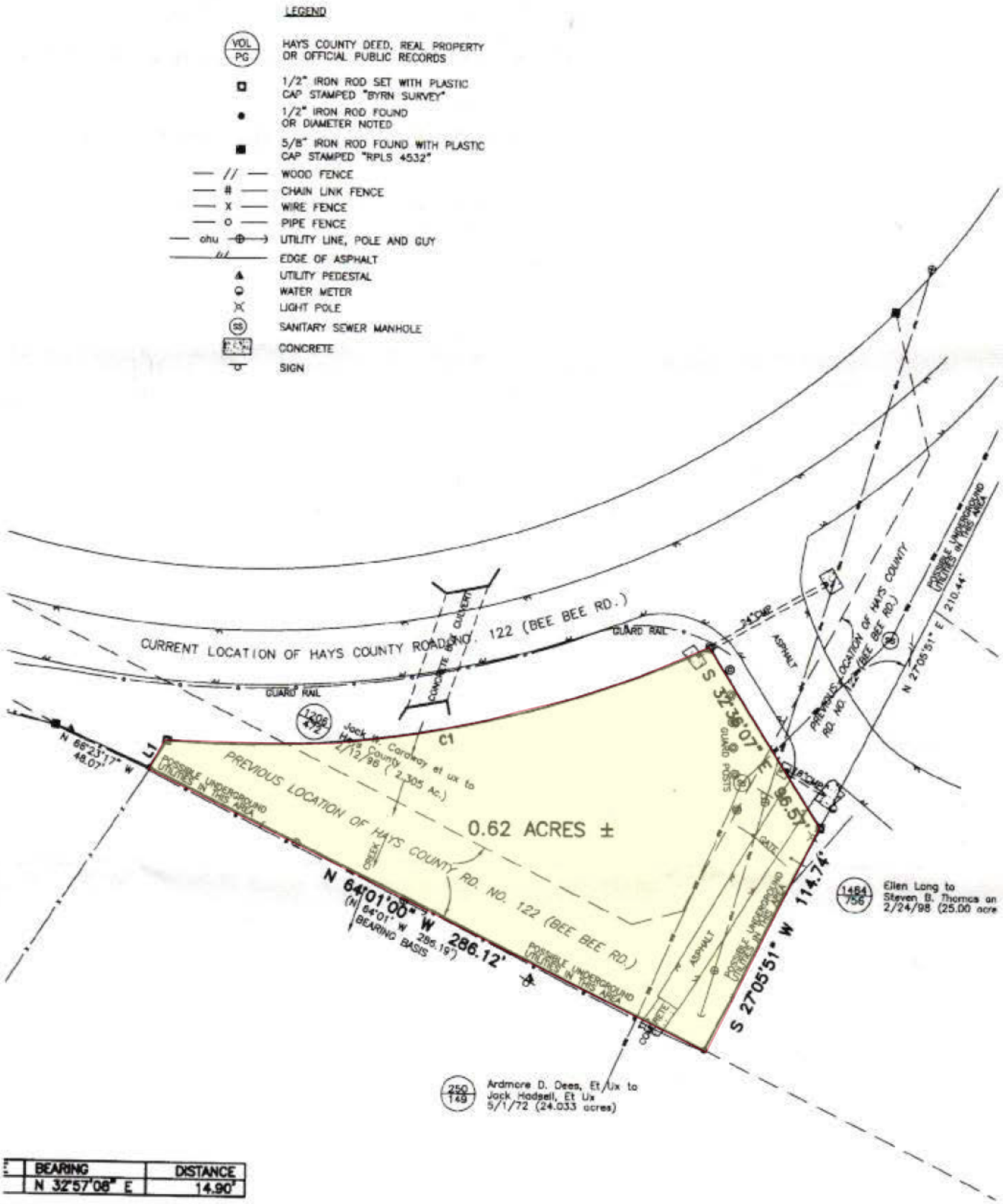
This instrument was acknowledged before me on the 28th day of October, 2020, by **Rebecca Ann Hadsell**, Independent Co-Executor of the Estate of Janelle Hadsell, on behalf of said estate.

Kerri D Cooley
Notary Public, State of Texas

KERRI D COOLEY
Notary Public, State of Texas
Comm. Expires 09-29-2023
Notary ID 1171442-4

Exhibit A
The Property





	BEARING	DISTANCE
	N 32°57'08" E	14.90'

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

Franchise Tax Account Status

As of : 04/08/2021 09:27:58

This page is valid for most business transactions but is not sufficient for filings with the Secretary of State

HUSCH BLACKWELL LLP	
Texas Taxpayer Number	12616882861
Mailing Address	190 CARONDELET PLZ STE 600 SAINT LOUIS, MO 63105-3433
Right to Transact Business in Texas	ACTIVE
State of Formation	DE
Effective SOS Registration Date	Not Registered
Texas SOS File Number	Not Registered
Registered Agent Name	Not on file
Registered Office Street Address	

Item # 3

STATE OF TEXAS ⧫
⧫ KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF HAYS ⧫

#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 X
X
COUNTY OF HAYS X

BEFORE ME, the undersigned authority, on this day personally

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 R. 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.

Lydell B. Clayton By _____ 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

Bk Vol Pg
10028678 OPR 3988 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 12th 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 12th, 2010 by Elizabeth "Liz" Sumter as County Judge of Hays County.

Jimmie Robinson
Notary Public, State of Texas

JIMMIE L. ROBINSON
MY COMMISSION EXPIRES
May 29, 2011

EXHIBIT "A"

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.**

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 ½" iron rods set are capped with a plastic cap stamped "Byrn Survey".

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

STATE OF TEXAS
REGISTERED
KYLE SMITH
5307
PROFESSIONAL
LAND SURVEYOR

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

	Bk	Vol	Pg
90012572	OPR	3651	876

ORIGINAL

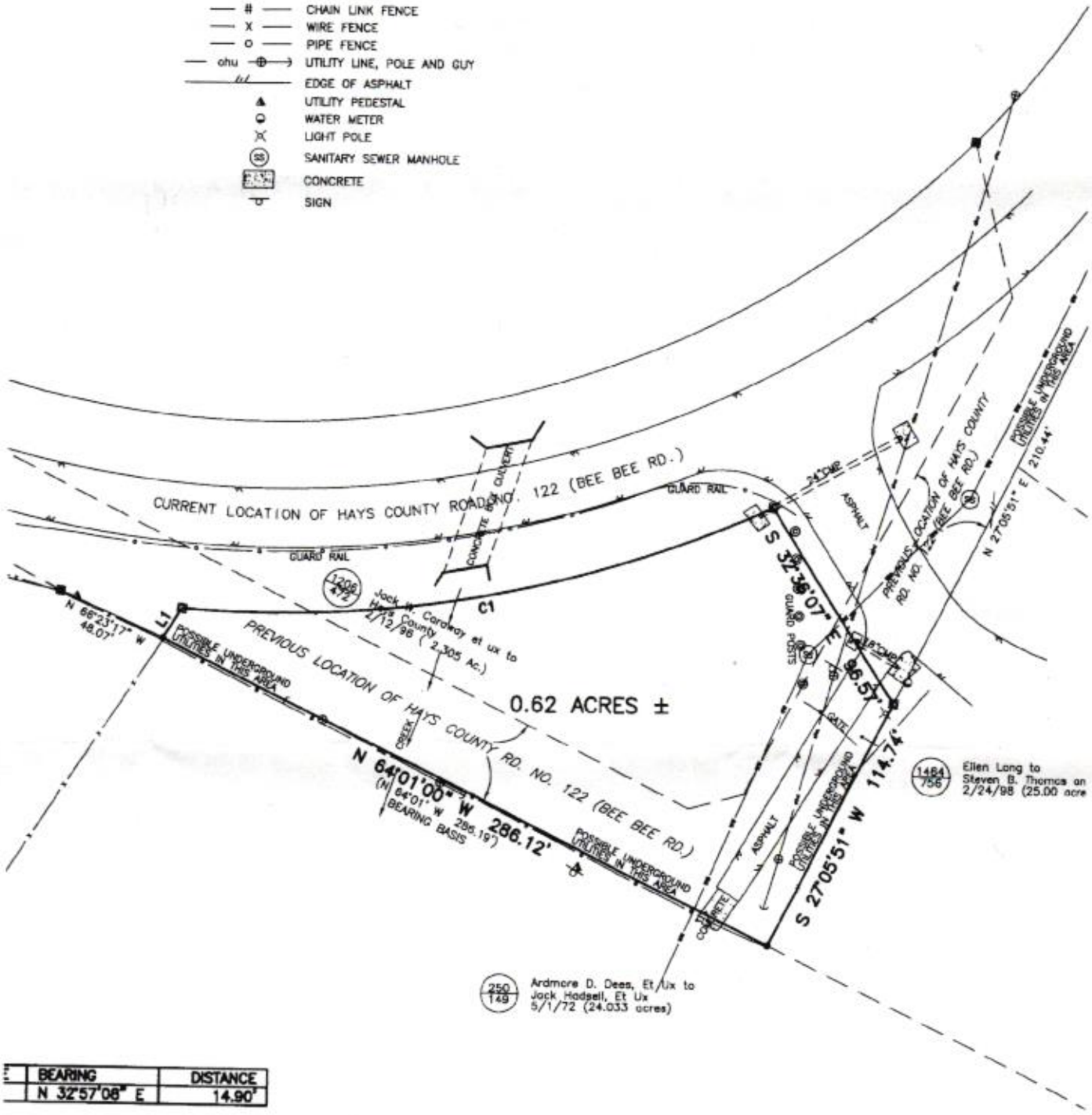
1" =

	Bk	Vol	Pg
10028678	OPR	3988	781

A

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
- SS — SANITARY SEWER MANHOLE
- CONCRETE
- SIGN



	BEARING	DISTANCE
	N 32°57'08" E	14.90'

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

Item # 3

EXHIBIT

"B"

Bk	Vol	Pg
10028678 OPR	3988	784 B

Bk	Vol	Pg
10021253 OPR	3928	58

CERTIFIED COPY OF HAYS COUNTY COMMISSIONERS' COURT MINUTES

****

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE **12TH 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	**COUNTY JUDGE**
DEBBIE GONZALES INGALSBE	**COMMISSIONER, PCT. 1**
JEFFERSON W. BARTON	**COMMISSIONER, PCT. 2**
WILL CONLEY	**COMMISSIONER, PCT. 3**
KAREN FORD	**COMMISSIONER, PCT. 4**
LINDA C. FRITSCHE	**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 Borcherding 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 **16TH** day of **JULY, 2010.**

LINDA C. FRITSCHE, COUNTY CLERK AND EXOFFICIO CLERK OF THE HAYS COUNTY COMMISSIONERS' COURT

BY _____ **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

C-1-PB-20-000850

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 30th day of July, 2020.

Sheila Lynn Webb

Sheila Lynn Webb, Affiant

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

BRENDA COLLIS
My Notary ID # 8288523
Expires April 15, 2021

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): JANELLE HADSELL
(Before Marriage): RAPE
2. DATE OF DEATH - ACTUAL OR PRESUMED (mm-dd-yyyy): JANUARY 24, 2020
3. SEX: FEMALE
4. DATE OF BIRTH (mm-dd-yyyy): MARCH 22, 1927
5. AGE-Last Birthday (Years): 92
IF UNDER 1 YR: Mo / Days — IF UNDER 1 DAY: Hours / Min
6. BIRTHPLACE (City & State or Foreign Country): MINEOLA, TX
7. SOCIAL SECURITY NUMBER: 457-38-9673
8. MARITAL STATUS AT TIME OF DEATH: ☐ Married ☒ Widowed (but not remarried) ☐ Divorced (but not remarried) ☐ Never Married ☐ Unknown
9. SURVIVING SPOUSE'S NAME (If spouse, give name prior to first marriage):
10a. RESIDENCE STREET ADDRESS: 1604 REDD ST
10b. APT. NO.:
10c. CITY OR TOWN: AUSTIN
10d. COUNTY: TRAVIS
10e. STATE: TEXAS
10f. ZIP CODE: 78745
10g. INSIDE CITY LIMITS? ☒ Yes ☐ No
11. FATHER/PARENT 2 NAME PRIOR TO FIRST MARRIAGE: GRADY RAPE
12. MOTHER/PARENT 1 NAME PRIOR TO FIRST MARRIAGE: ETNA HORTON
13. PLACE OF DEATH (CHECK ONLY ONE)
IF DEATH OCCURRED IN A HOSPITAL: ☐ Inpatient ☐ ER/Outpatient ☐ DOA
IF DEATH OCCURRED SOMEWHERE OTHER THAN A HOSPITAL: ☐ Hospice Facility ☒ Nursing Home ☐ Decedent's Home ☐ Other (Specify)
14. COUNTY OF DEATH: LLANO
15. CITY/TOWN, ZIP (IF OUTSIDE CITY LIMITS, GIVE PRECINCT NO): KINGSLAND, 78639
16. FACILITY NAME (If not institution, give street address): WINDCHIME
17. INFORMANT'S NAME & RELATIONSHIP TO DECEASED: SHEILA WEBB - DAUGHTER
18. MAILING ADDRESS OF INFORMANT (Street and Number, City, State, Zip Code): 304 BRIDGEPOINT DRIVE, KINGSLAND, TX 78639
19. METHOD OF DISPOSITION: ☐ Burial ☒ Cremation ☐ Donation ☐ Entombment ☐ Removal from state ☐ Mausoleum ☐ Other (Specify)
20. SIGNATURE AND LICENSE NUMBER OF FUNERAL DIRECTOR OR PERSON ACTING AS SUCH: ELIJAH M. HEATLEY,BY ELECTRONIC SIGNATURE - 116789
21. ☒ Unknown — Section / Block / Lot / Space
22. PLACE OF DISPOSITION (Name of cemetery, crematory, other place): PUTNAM CREMATORY
23. LOCATION (City/Town, and State): KINGSLAND, TX
24. NAME OF FUNERAL FACILITY: PUTNAM FUNERAL HOME, LLC
25. COMPLETE ADDRESS OF FUNERAL FACILITY (Street and Number, City, State, Zip Code): 145 TEXAS AVE., KINGSLAND, TX 78639
26. CERTIFIER (Check only one)
☒ Certifying physician-To the best of my knowledge, death occurred due to the cause(s) and manner stated.
☐ 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: ALAN LEIFESTE , BY ELECTRONIC SIGNATURE
28. DATE CERTIFIED (mm-dd-yyyy): JANUARY 27, 2020
29. LICENSE NUMBER: M0791
30. TIME OF DEATH (Actual or presumed): 03:24 PM
31. PRINTED NAME, ADDRESS OF CERTIFIER (Street and Number, City, State, Zip Code): ALAN LEIFESTE 525 RANCH ROAD 2900, KINGSLAND, TX 78639
32. TITLE OF CERTIFIER: MD

CAUSE OF DEATH

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.

		Approximate interval Onset to death
IMMEDIATE CAUSE (Final disease or condition resulting in death) ——>	a. SENILE DEGENERATION OF BRAIN	MONTHS
	Due to (or as a consequence of)	
Sequentially list conditions, if any, leading to the cause listed on line a. Enter the UNDERLYING CAUSE (disease or injury that initiated the events resulting in death) LAST	b.	
	Due to (or as a consequence of)	
	c.	
	Due to (or as a consequence of)	
	d.	

PART 2. ENTER OTHER CAUSE GIVEN IN PART I. SIGNIFICANT CONDITIONS CONTRIBUTING TO DEATH BUT NOT RESULTING IN THE UNDERLYING
34. WAS AN AUTOPSY PERFORMED? ☐ Yes ☒ No
35. WERE AUTOPSY FINDINGS AVAILABLE TO COMPLETE THE CAUSE OF DEATH? ☐ Yes ☐ No
36. MANNER OF DEATH: ☒ Natural ☐ Accident ☐ Suicide ☐ Homicide ☐ Pending Investigation ☐ Could not be determined
37. DID TOBACCO USE CONTRIBUTE TO DEATH? ☐ Yes ☒ No ☐ Previously ☐ Probably ☐ Unknown
38. IF FEMALE: ☐ Not pregnant within past year ☐ Pregnant at time of death ☐ Not pregnant, but pregnant within 42 days of death ☐ Not pregnant, but pregnant 43 days to one year before death ☐ Unknown if pregnant within the past year
39. IF TRANSPORTATION INJURY, SPECIFY: ☐ Driver/Operator ☐ Passenger ☐ Pedestrian ☐ Other (Specify)
40a. DATE OF INJURY (mm-dd-yyyy):
40b. TIME OF INJURY:
40c. INJURY AT WORK? ☐ Yes ☐ No
40d. PLACE OF INJURY (e.g. Decedent's home, construction site, restaurant, wooded area):
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:

JON

EDR NUMBER 00004444647864

WARNING: The penalty for knowingly making a false statement in this form can be 2-10 years in prison and a fine up to $10,000. (Health and Safety Code, Sec. 193, 1995)

TEXAS DEPARTMENT OF STATE HEALTH SERVICES - VITAL STATISTICS UNIT

VS-112 REV 1/2006

QA159505 82

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

TARA DAS
STATE REGISTRAR

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

ANY ALTERATION OR ERASURE VOIDS THIS CERTIFICATE

THE STATE OF TEXAS

DEPARTMENT OF STATE HEALTH SERVICES — STATE OF TEXAS — VITAL STATISTICS

Item # 3

STATE OF TEXAS ⧫
⧫ KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF HAYS ⧫

#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 X
X
COUNTY OF HAYS X

BEFORE ME, the undersigned authority, on this day personally

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 R. 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.

Lydell B. Clayton By _____ 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

Bk Vol Pg
10028678 OPR 3988 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 12th 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 12th, 2010 by Elizabeth "Liz" Sumter as County Judge of Hays County.

Jimmie Robinson
Notary Public, State of Texas

JIMMIE L. ROBINSON
MY COMMISSION EXPIRES
May 29, 2011

EXHIBIT "A"

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.**

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 ½" iron rods set are capped with a plastic cap stamped "Byrn Survey".

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

STATE OF TEXAS
REGISTERED
KYLE SMITH
5307
PROFESSIONAL
LAND SURVEYOR

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

	Bk	Vol	Pg
90012572	OPR	3651	876

ORIGINAL

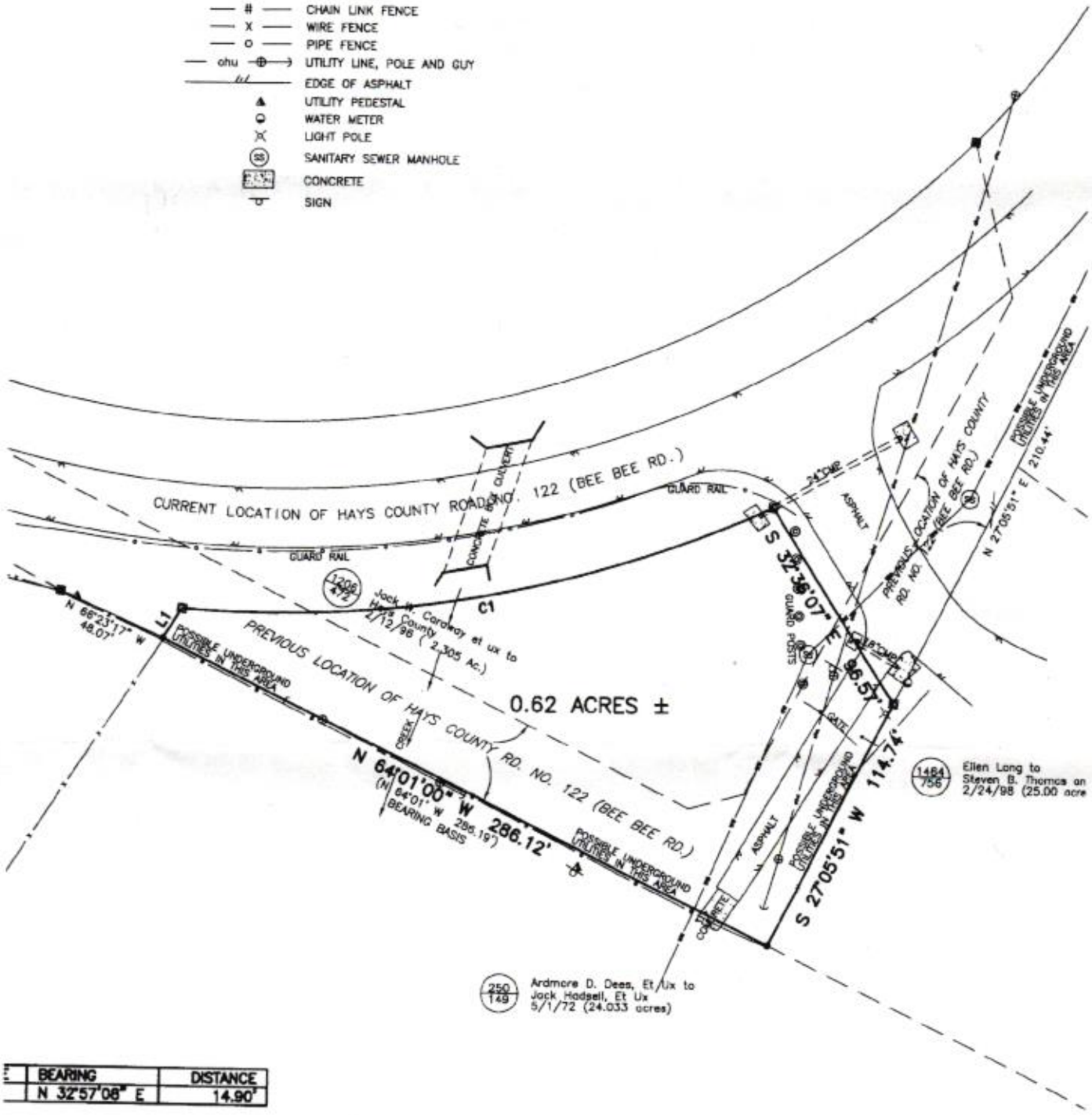
1" =

	Bk	Vol	Pg
10028678	OPR	3988	781

A

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
- SS — SANITARY SEWER MANHOLE
- CONCRETE
- SIGN



	BEARING	DISTANCE
	N 32°57'08" E	14.90'

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

Item # 3

EXHIBIT

"B"

Bk	Vol	Pg
10028678 OPR	3988	784 B

Bk	Vol	Pg
10021253 OPR	3928	58

CERTIFIED COPY OF HAYS COUNTY COMMISSIONERS' COURT MINUTES

****

STATE OF TEXAS *
COUNTY OF HAYS *

ON THIS THE **12TH 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	**COUNTY JUDGE**
DEBBIE GONZALES INGALSBE	**COMMISSIONER, PCT. 1**
JEFFERSON W. BARTON	**COMMISSIONER, PCT. 2**
WILL CONLEY	**COMMISSIONER, PCT. 3**
KAREN FORD	**COMMISSIONER, PCT. 4**
LINDA C. FRITSCHE	**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 Borcherding 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:

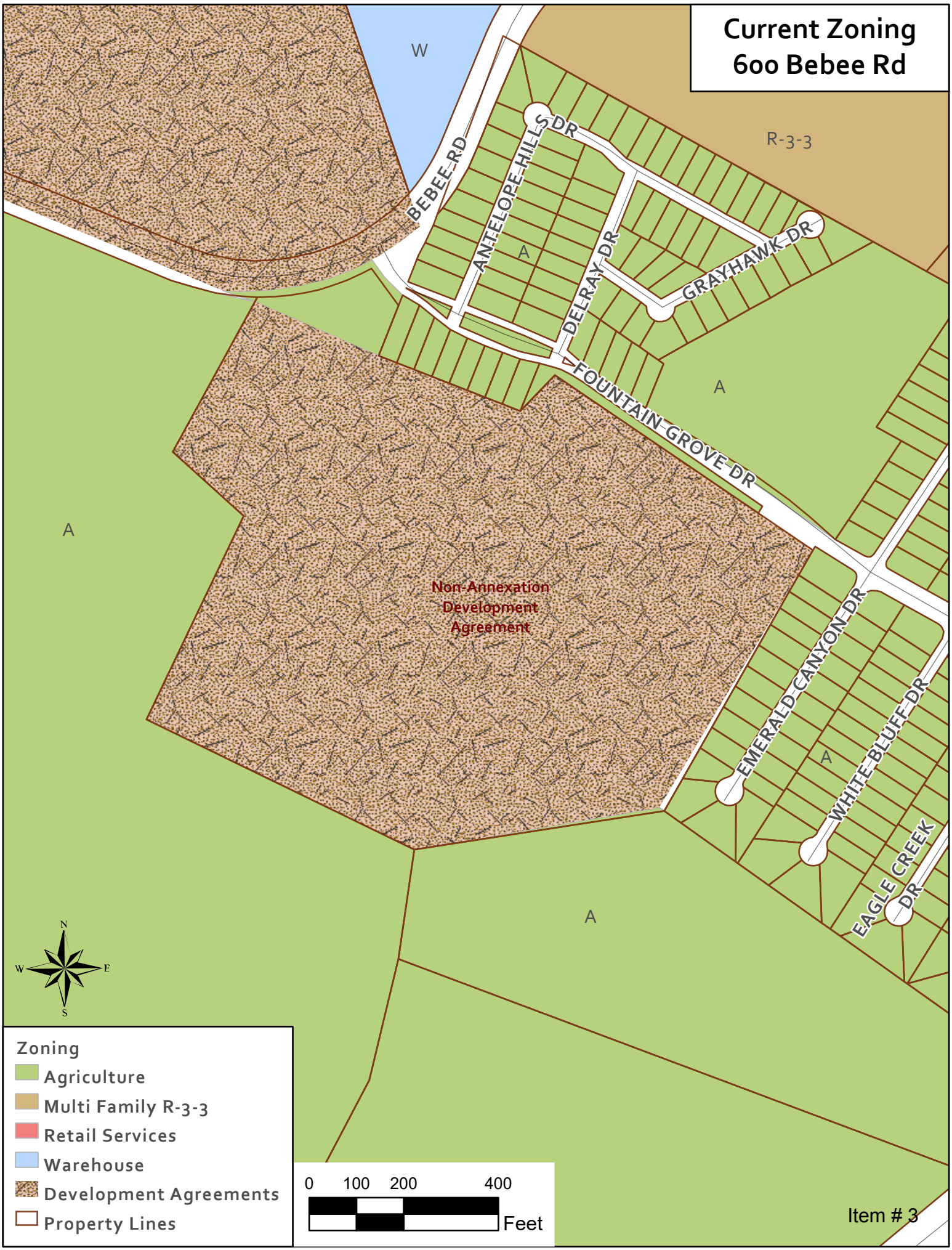
Given under my hand and seal of office at San Marcos, Texas this the **16TH** day of **JULY, 2010.**

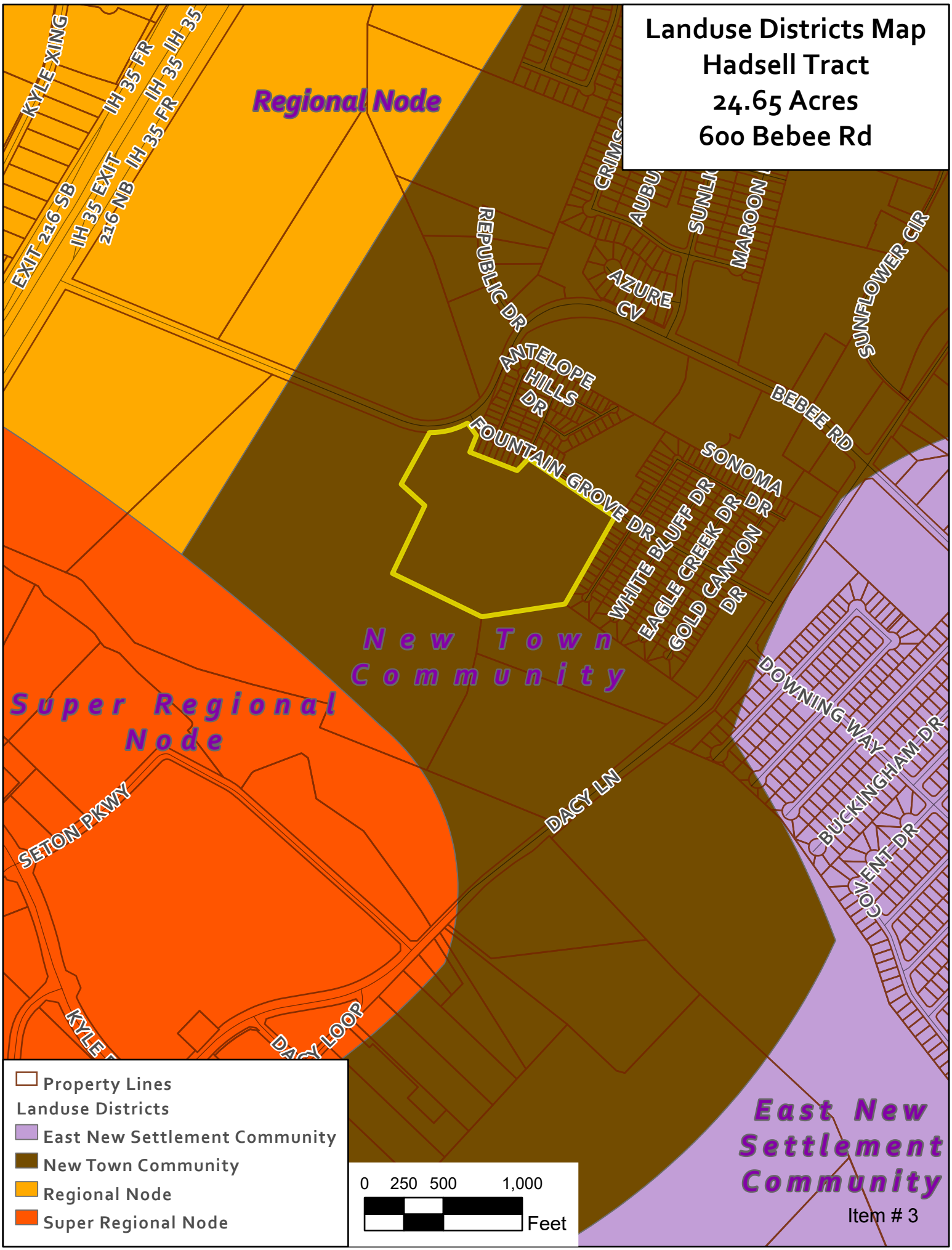
LINDA C. FRITSCHE, COUNTY CLERK AND EXOFFICIO CLERK OF THE HAYS COUNTY COMMISSIONERS' COURT

BY _____ **DEPUTY**

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


Property Location
Hadsell Tract
600 Bebee Rd
CERISE WAY
AUBURN ST
MAUVE LN
SUNLIGHT BLVD
MAROON LN
REPUBLIC DR
AZURE CV
BEBEE RD
ANTELOPE HILLS DR
DELRAY DR
GRAYHAWK DR
FOUNTAIN GROVE DR
SONOMA DR
EMERALD CANYON DR
WHITE BLUFF DR
EAGLE CREEK DR
GOLD CANYON DR
24.65
Acres
DOWNING WAY
HOLLIS LN
KEMAH DR
DACY LN
SETON PKWY
N
W
E
S
0
250
500
1,000
Feet
Property Lines
Item # 3


Current Zoning
600 Bebee Rd
W
R-3-3
BEBEE RD
ANTELOPE HILLS DR
DELRAY DR
GRAYHAWK DR
FOUNTAIN GROVE DR
A
A
A
A
A
Non-Annexation
Development
Agreement
EMERALD CANYON DR
WHITE BLUFF DR
EAGLE CREEK
DR
N
W
E
S
Zoning
Agriculture
Multi Family R-3-3
Retail Services
Warehouse
Development Agreements
Property Lines
0
100
200
400
Feet
Item # 3


Landuse Districts Map
Hadsell Tract
24.65 Acres
600 Bebee Rd
Regional Node
Super Regional Node
New Town Community
East New Settlement Community
KYLE XING
IH 35 FR
IH 35 IH 35
IH 35 FR
EXIT 216 SB
IH 35 EXIT
216 NB IH 35
REPUBLIC DR
AZURE CV
MAROON
SUNFLOWER CIR
ANTELOPE HILLS DR
FOUNTAIN GROVE DR
BEBEE RD
SONOMA DR
WHITE BLUFF DR
EAGLE CREEK DR
GOLD CANYON DR
DOWNING WAY
BUCKINGHAM DR
COVENT DR
DACY LN
SETON PKWY
DACY LOOP
Property Lines
Landuse Districts
East New Settlement Community
New Town Community
Regional Node
Super Regional Node
0 250 500 1,000
Feet
Item # 3

Landuse Districts

with Adopted May 2017 Amendments

Landuse Districts

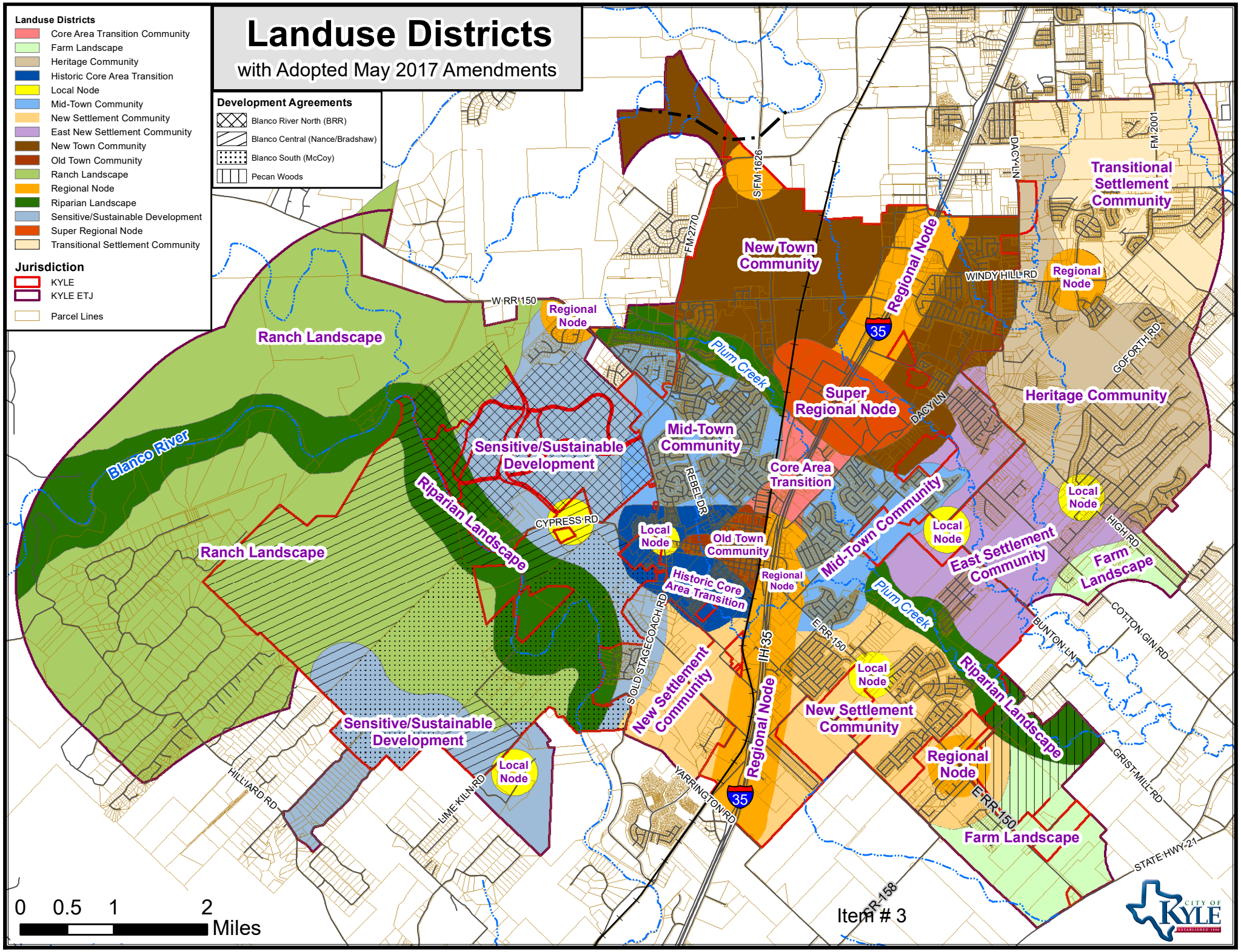
- Core Area Transition Community
- Farm Landscape
- Heritage Community
- Historic Core Area Transition
- Local Node
- Mid-Town Community
- New Settlement Community
- East New Settlement Community
- New Town Community
- Old Town Community
- Ranch Landscape
- Regional Node
- Riparian Landscape
- Sensitive/Sustainable Development
- Super Regional Node
- Transitional Settlement Community

Jurisdiction

- KYLE
- KYLE ETJ
- Parcel Lines

Development Agreements

- Blanco River North (BRR)
- Blanco Central (Nance/Bradshaw)
- Blanco South (McCoy)
- Pecan Woods



Item # 3

CITY OF KYLE, TEXAS

FM 812, LLC JD's Market (Z-21-0076)

Meeting Date: 4/27/2021
Date time:6:30 PM

Subject/Recommendation: Consider a Comprehensive Plan Future Land Use Map amendment to reclassify approximately 20 acres of land from 'Farm District' to 'Regional Node District' and the remaining approximately 87 acres of land from 'Farm District' to the 'New Settlement District' for property located at the north corner of the intersection at SH-21 and E FM 150. (FM 812, LLC - JD's Market - Z-21-0076)

- Public Hearing (Second of Two Public Hearings)
- Recommendation to City Council

Other Information: See attached.

Legal Notes: N/A

Budget Information: N/A

ATTACHMENTS:

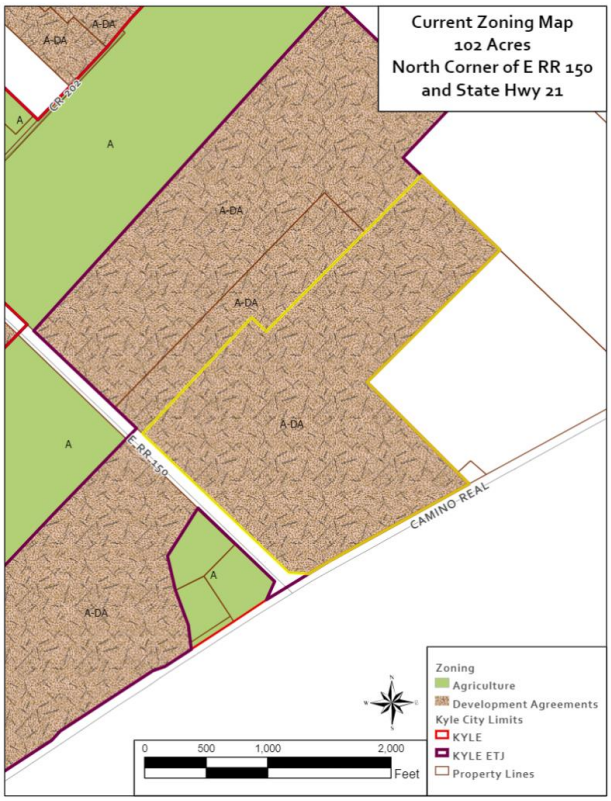
Description

- Staff Memo
- Summary Letter
- Landowner Authorization Letter
- Franchise Tax Account Status
- Deed
- Development Agreement/Resolution
- Project Location Map
- Current Zoning Map
- Existing Land Use District Map
- Proposed Land Use District Map

Petition No. Z-21-0076

Property Location	**North Corner of SH-21 & E FM 150 (R14930 & R14931)**
Owner	**FM RD 812 LLC** **Mohammed Ahmad, President** **1900 E. Anderson Lane, Ste. 130** **Austin, TX 78752**
Agent	**Stephen Jameson, P.E.** **Jameson Civil Engineering, LLC** **13812 Research Blvd, Ste. B-2** **Austin, TX 78750**
Request	**Comprehensive Plan Future Land Use Map Amendment: Add 102-Acres in the 'Farm Landscape' to 'Regional Node' and 'New Settlement District'**

Vicinity Map



Current Zoning

This site is outside the city limits of Kyle (Extra-Territorial Jurisdiction) and has a non-annexation development agreement. No zoning is assigned.

<u>Conditions of the Comprehensive Plan Ordinance</u>

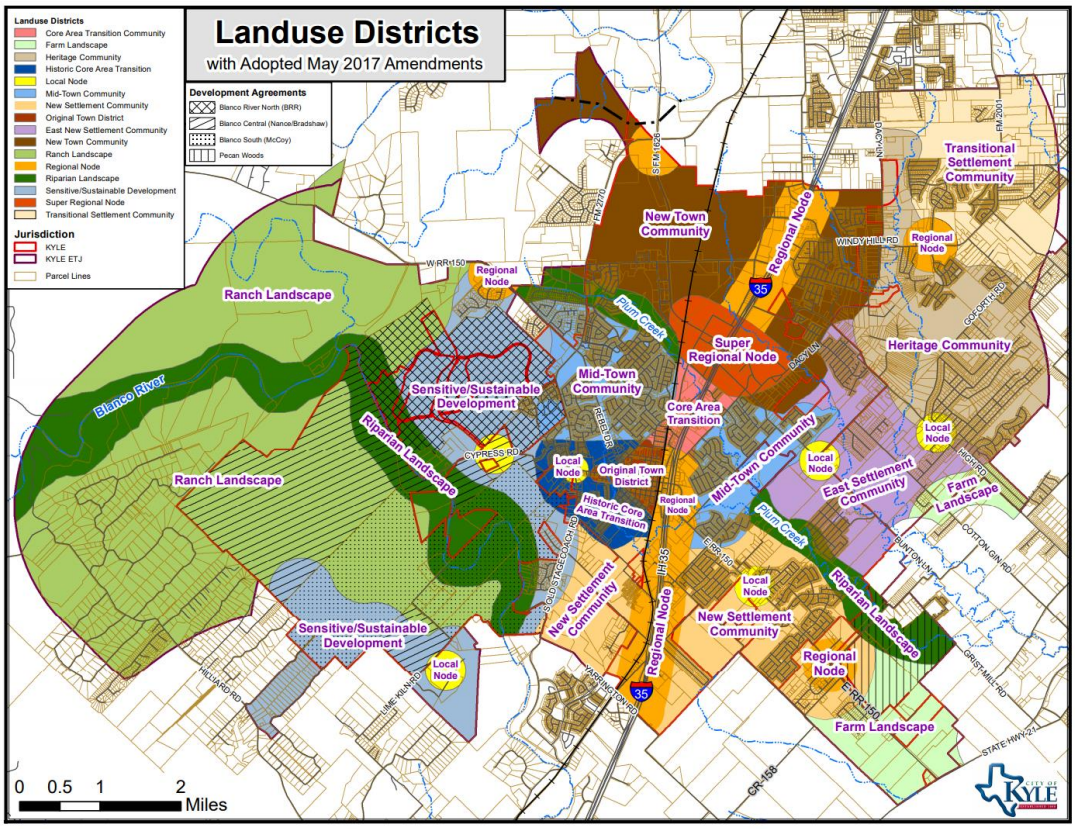
Sec. 10.03. - Comprehensive Plan Adoption and Amendment.

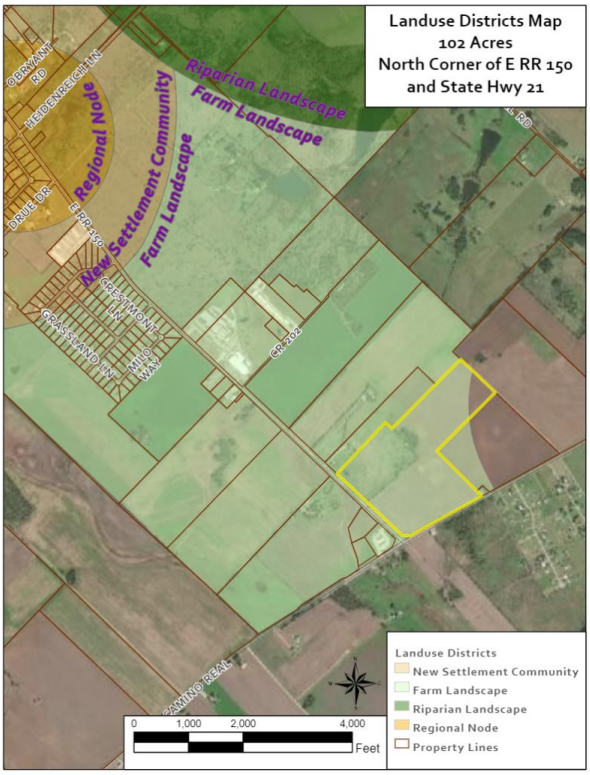
The comprehensive plan, or elements or portions thereof, shall be initially prepared and drafted by personnel and/or consultants authorized by the council, under the supervision of the city manager who shall coordinate development of the plan with the planning commission and the council. A draft of the comprehensive plan shall be submitted to the planning commission which shall hold a minimum of two public hearings on such plan and make recommendations for the approval of the plan, with or without amendments. The planning commission shall then forward the proposed comprehensive plan or element or portion thereof to the city manager, who shall thereupon submit such plan, or element or portion thereof, to the council with the planning commission's and the city manager's recommendations thereon. If the proposed comprehensive plan has not been adopted within

two years from the effective date of this charter, the proposed plan as it then exists will automatically become the City's comprehensive plan.

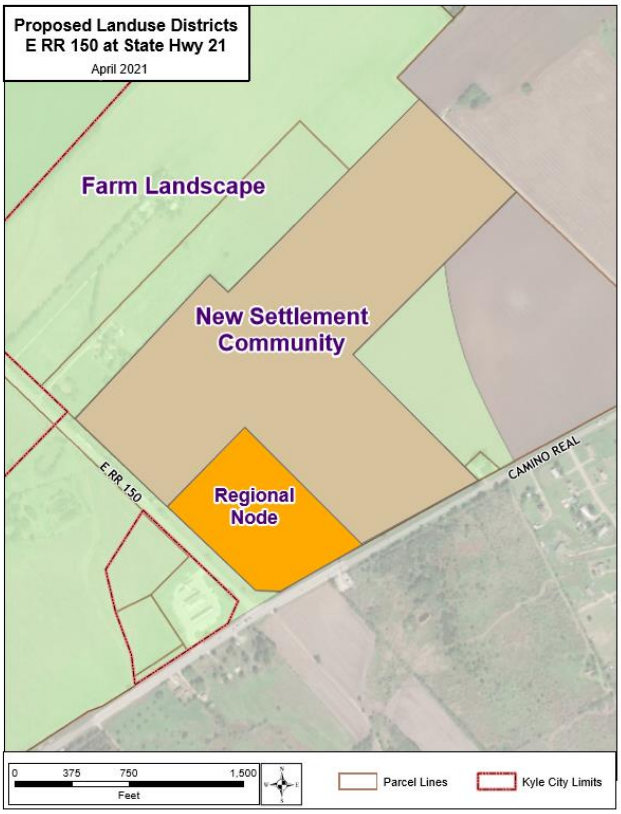
The council may adopt, or adopt with changes or amendments, the proposed comprehensive plan or any element or portion thereof, after one or more public hearings. The council shall act on such plan, element or portion thereof, within ninety (90) days following its submission. If such plan or element or portion thereof is not adopted by the council, the council shall, with policy direction, return such plan or element thereof to the planning commission, which may modify such plan or element or portion thereof, and again forward it to the city manager for submission in like manner to the council. Amendments to the comprehensive plan may be initiated by the council, the planning commission, or the city manager; provided that all amendments shall be reviewed, considered and recommended for adoption in the same manner as for the original adoption of the comprehensive plan.

Upon the adoption of a comprehensive plan or element or portion thereof by the council, all land development regulations including zoning and map, subdivision regulations, roadway plan, all public improvements, public facilities, public utilities projects and all city regulatory actions relating to land use, subdivision and development approval shall be consistent with the comprehensive plan, element or portion thereof as adopted, except to the extent, if any, as provided by law. For purposes of clarity, consistency and facilitation of comprehensive planning and land development process, the various types of local regulations or laws concerning the alteration, development and use of land may be combined in their totality in a single ordinance or code.





Existing Landuse District



Proposed Landuse Districts

Comprehensive Plan Text

The subject site is located in the 'Farm Landscape' district. Most commercial and residential is not considered in this district.

<u>Farm Landscape</u>

Recommended: A, UE
Conditional: R-1-1, NC

Proposed Amendment

<u>Regional Node</u>

Recommended: R-1-C, R-3-2, R-3-3, CC, NC, **RS**, MXD

Conditional: CBD-1, CBD-2, E, HS, R-3-1, O/I

<u>New Settlement Community</u>

Recommended: O/I

Conditional: E, R-1-A, **R-1-1, R-1-2**, R-1-3, R-1-C, R-1-T, R-2, T/U, UE, NC, CC, MXD, RS, W

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 Bodes 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.

New Settlement Community District

'Character': The New Settlement District is comprised primarily of farm fields, and new residential developments that are being carved out of former farm fields in an area that stretches across the city's southern-most region, from Old Stagecoach Road on the west, across I-35 to the east, to the western border of the Plum Creek Riparian Landscape. The character of the district is as diverse as the district is expansive, as the New Settlement District spans the largest portion of the southern region of Kyle. For this reason, owing to such a diverse cross-section of Kyle's landscape, the character of the district is defined more by the function of the streets and neighborhoods that serve any particular block being examined, and less by the multiple landforms characteristic of the region as a whole. Northwest to southeast roadway pattens are strong, while northeast to southwest connections are lacking. Traditional residential enclaves

predominate in the New Settlement District, aggregated in neighborhoods of unique housing forms. Some landscapes are bisected by I-35, others are permeated by feeder creeks and tributaries which should require heightened standards for physical development going forward. The region is dominated by legacy agricultural lands which feature old growth stands of trees and sparse one-family residences. However, there are areas experiencing significant development pressures to fulfill the current need for single family residential, and with few barriers to development, the region is growing in popularity for new housing, held back in the western region by the large portion of the district being under-served by public waste water utilities. Private and public spaces are clearly separate, with the public domain defined by shared neighborhood amenities and private domain defined by privatized landscapes. Acreage tracts abound in the Districts, some of which are uniquely suited for high turnover, high density retail and service uses by their location close to available roadways and wet utilities. Other properties are not yet ripe for development for their location along under-performing roadways, or from being so far removed from sewer and/or sufficient water supply. Public space is not encroached on by private functions. The New Settlement District has a lower density and intensity of development than the adjacent Mid-Town District, and the open character of the landscape removed from the interstate corridor should evoke the agricultural heritage of the District. Physical and visual portioning and division of land should be avoided where possible in this district.

'Intent': The flat land and large parcel size in the New Settlement District result in a high level of development potential, which is beginning to be realized through market-driven demand for new housing stock. The city of Kyle should seek to capitalize on this "developability", while emphasizing community amenities, enhancing the neighborhood lifestyle through shared spaces, and improving connectivity within and without the District. The unique water features, such as creekways and detention/retention facilities, in the New Settlement District should be utilized as form-giving elements and corridors for connections. Future development will occur along the roadways best suited for access, and in the best proximity to the emerging water and waste water infrastructure expansion planned for in the city's capital improvement plan. Use patterns should be established that compliment residential development and facilitate beneficial land use transitions. In this way, the New Settlement District should serve as a transition between the higher intensity of use within the core Districts and the low intensity of use of the Farm District.

Analysis

Kyle has observed greater development pressure for land in the vicinity of the intersection of State Highway 21 (SH-21) and E. FM 150. There are a variety of factors that create this interest, from the general expansion of Kyle's sphere if influence, to the increase in real estate being added to the sales market, to the plans for utility infrastructure installations in and around the area.

Recently, County Line Special Utility District received approval from the State of Texas to begin planning wastewater service, within its service area. They plan to construct a wastewater

processing plant within the vicinity of- and southeast of the intersection of SH-21 and E FM 150. In addition, they have plans to construct wastewater lines within their service area.

Additionally, within the last two (2) years, representatives of FM RD 812, LLC (JD's Supermarkets) held meetings with staff to help determine feasibility of the parcel associated with this amendment request. Since then, they have purchased the site. Currently the site is undeveloped and under a Chapter 43 non-annexation agreement. The site is within the City's ETJ and will not be annexed unless the owners submit a request for a development permit. Additionally, the site must keep its agriculture exemption to remain in the ETJ.

The comprehensive plan currently shows the area within the Farm District. This district is primarily made up of agricultural operations and large lot single family residential (.5-acre – 1-acre lots). Small scale retail is allowed as well (Neighborhood Commercial zoning district). The overarching reason the intensity of development is so low, is due to the lack of wastewater infrastructure. However, as previously stated, County Line SUD is assembling plans to create this infrastructure. Additionally, SH-21 provides a secondary gateway into Kyle, and itself is a high-classification route that intersects IH-35.

The request to amend the comprehensive plan is specifically for the associated property. The property owners have requested that approximately 20-acres closest to the intersection be placed within the 'Regional Node', and the remaining acreage be within the 'New Settlement District'.

The Regional Node is high intensity of use and density. This is appropriate for uses on major intersections and those with existing/future sufficient water and wastewater availability. The New Settlement District is currently directly adjacent and northwest of the Farm Landscape. This request will add to the New Settlement District and allow the remaining acreage to pursue more residential land development within the associated land use district (primarily single family residential).

In light of future wastewater availability, at this high traffic intersection (large volumes of vehicle traffic), staff agrees that amending the comprehensive plan per this request is appropriate.

Recommendation

In conclusion, staff supports the request, and further recommends the Planning & Zoning Commission support the comprehensive plan future land use map amendment.

Attachments

- Request Letter
- Landowner Authorization Form
- Franchise Tax Account Status
- Deed
- Development Agreement
- Location Map
- Existing Zoning Map
- Existing Land Use Districts Map
- Proposed Land Use Districts Map

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

March 4, 2021

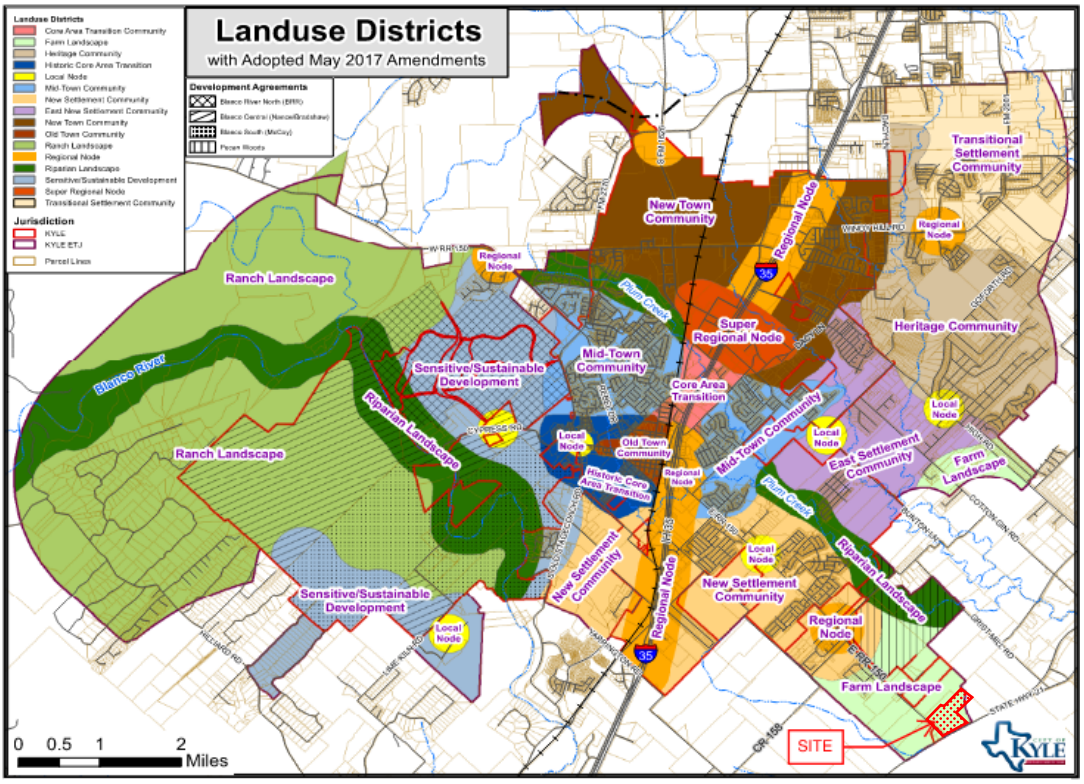
William Atkinson
City Planner - City of Kyle
100 W. Center Street
Kyle, Texas 78640

Re: JD's Supermarket Kyle Project
Proposed Comprehensive Plan Amendment
Request Summary Letter

The proposed JD's Supermarket Kyle project (the "tract" or "site"), is a 102.16-acre tract of land at the northeast corner of F.M. 150 and Hwy 21. Please see the map below for the location of this tract.

This tract is currently in the City of Kyle E.T.J. and Hays County. According to the City of Kyle's interactive Jurisdiction Map this tract has a Zoning Code of Development Agreement (Ordinance Date: 09/02/2013).

According to the Comprehensive Plan this area is in the Farm District Landscape:



Per the Comprehensive Plan for Farm District Landscape:

Application

The following chart displays existing zoning categories and their applicability to the Farm District.

Zoning Category	Abbreviation	Use Qualification
Agricultural District	A	Recommended
Central Business District 1	CBD-1	Not Recommended
Central Business District 2	CBD-2	Not Recommended
Construction/Manufacturing	C/M	Not Recommended
Entertainment	E	Not Recommended
Hospital Services	HS	Not Recommended
Manufactured Home	M-1	Not Recommended
Manufactured Home Subdivision	M-2	Not Recommended
Manufactured Home Park	M-3	Not Recommended
Single-family Residential 1	R-1-1	Conditional
Single-family Residential 2	R-1-2	Not Recommended
Single-family Attached	R-1-A	Not Recommended
Residential Condominium	R-1-C	Not Recommended
Residential Townhouse	R-1-T	Not Recommended
Residential Two-family	R-2	Not Recommended
Multi-family Residential 1	R-3-1	Not Recommended
Multi-family Residential 2	R-3-2	Not Recommended
Apartments Residential	R-3-3	Not Recommended
Retail/Service	R/S	Not Recommended
Recreational Vehicle Park	RV	Not Recommended
Transportation/Utilities	T/U	Not Recommended
Urban Estate District	UE	Recommended
Warehouse	W	Not Recommended

Zoning Category	Use Qualification
Neighborhood Commercial	Conditional

Proposed Uses:

For the +/- 15 to 20 acres directly adjacent to the intersection of F.M. 150 and Hwy 21, this project proposes a gas station / convenience store, a grocery store, retail space, oil change facility, self-service car wash bays with associated vacuum area and all associated grading, paving, water, wastewater, and drainage improvements.

For this portion of the project, we would request designation equivalent to a Regional Node or Super Regional Node designation. We are requesting a designation compatible with CBD-1, CBD-2 and R/S zoning districts.

Per the Comprehensive Plan for Regional Node:

APPLICATION

The following chart displays existing zoning categories and their applicability to the Regional Nodes.

Zoning Category	Abbreviation	Use Qualification
Agricultural District	A	Not Recommended
Central Business District 1	CBD-1	Conditional
Central Business District 2	CBD-2	Conditional
Construction/Manufacturing	C/M	Not Recommended
Entertainment	E	Conditional
Hospital Services	HS	Conditional
Manufactured Home	M-1	Not Recommended
Manufactured Home Subdivision	M-2	Not Recommended
Manufactured Home Park	M-3	Not Recommended
Single-family Residential 1	R-1-1	Not Recommended
Single-family Residential 2	R-1-2	Not Recommended
Single-family Attached	R-1-A	Not Recommended
Residential Condominium	R-1-C	Recommended
Residential Townhouse	R-1-T	Not Recommended
Residential Two-family	R-2	Not Recommended
Multi-family Residential 1	R-3-1	Conditional
Multi-family Residential 2	R-3-2	Recommended
Apartments Residential	R-3-3	Recommended
Retail/Service	R/S	Recommended
Recreational Vehicle Park	RV	Not Recommended
Transportation/Utilities	T/U	Not Recommended
Urban Estate District	UE	Not Recommended
Warehouse	W	Not Recommended

Zoning Category	Use Qualifications
Neighborhood Commercial	Recommended
Community Commercial	Recommended
Mixed-Use	Recommended
Office/Institutional	Conditional

Per the Comprehensive Plan for Super Regional Node:

Application

The following chart displays existing zoning categories and their applicability to the Super Regional Nodes.

Zoning Category	Abbreviation	Use Qualification
Agricultural District	A	Not Recommended
Central Business District 1	CBD-1	Recommended
Central Business District 2	CBD-2	Recommended
Construction/Manufacturing	C/M	Not Recommended
Entertainment	E	Recommended
Hospital Services	HS	Recommended
Manufactured Home	M-1	Not Recommended
Manufactured Home Subdivision	M-2	Not Recommended
Manufactured Home Park	M-3	Not Recommended
Single-family Residential 1	R-1-1	Not Recommended
Single-family Residential 2	R-1-2	Not Recommended
Single-family Attached	R-1-A	Not Recommended
Residential Condominium	R-1-C	Recommended
Residential Townhouse	R-1-T	Not Recommended
Residential Two-family	R-2	Not Recommended
Multi-family Residential 1	R-3-1	Not Recommended
Multi-family Residential 2	R-3-2	Recommended
Apartments Residential	R-3-3	Recommended
Retail/Service	R/S	Recommended
Recreational Vehicle Park	RV	Not Recommended
Transportation/Utilities	T/U	Not Recommended
Urban Estate District	UE	Not Recommended
Warehouse	W	Not Recommended

Zoning Category	Use Qualifications
Mixed-Use	Recommended
Office/Institutional	Recommended

For the remaining +/- 82 to 87 acres, this project proposes mixture of residential, condo/townhome and multifamily/apartment uses.

For this portion of the project, we would request designation equivalent to a New Town District designation. We are requesting a designation compatible with R-1, R-2, R-3 and R/S zoning districts.

Per the Comprehensive Plan for New Town District:

APPLICATION

The following chart displays existing zoning categories and their applicability to the New Town District.

Zoning Category	Abbreviation	Use Qualification
Agricultural District	A	Conditional
Central Business District 1	CBD-1	Not Recommended
Central Business District 2	CBD-2	Not Recommended
Construction/Manufacturing	C/M	Conditional
Entertainment	E	Conditional
Hospital Services	HS	Conditional
Manufactured Home	M-1	Not Recommended
Manufactured Home Subdivision	M-2	Not Recommended
Manufactured Home Park	M-3	Not Recommended
Single-family Residential 1	R-1-1	Recommended
Single-family Residential 2	R-1-2	Recommended
Single-family Attached	R-1-A	Conditional
Residential Condominium	R-1-C	Recommended
Residential Townhouse	R-1-T	Recommended
Residential Two-family	R-2	Recommended
Multi-family Residential 1	R-3-1	Conditional
Multi-family Residential 2	R-3-2	Recommended
Apartments Residential	R-3-3	Recommended
Retail/Service	R/S	Recommended
Recreational Vehicle Park	RV	Not Recommended
Transportation/Utilities	T/U	Conditional
Urban Estate District	UE	Conditional
Warehouse	W	Conditional

Zoning Category	Use Qualification
R-1-3	Recommended
Community Commercial	Recommended
Neighborhood Commercial	Recommended
Mixed-Use	Recommended
Office/Institutional	Recommended

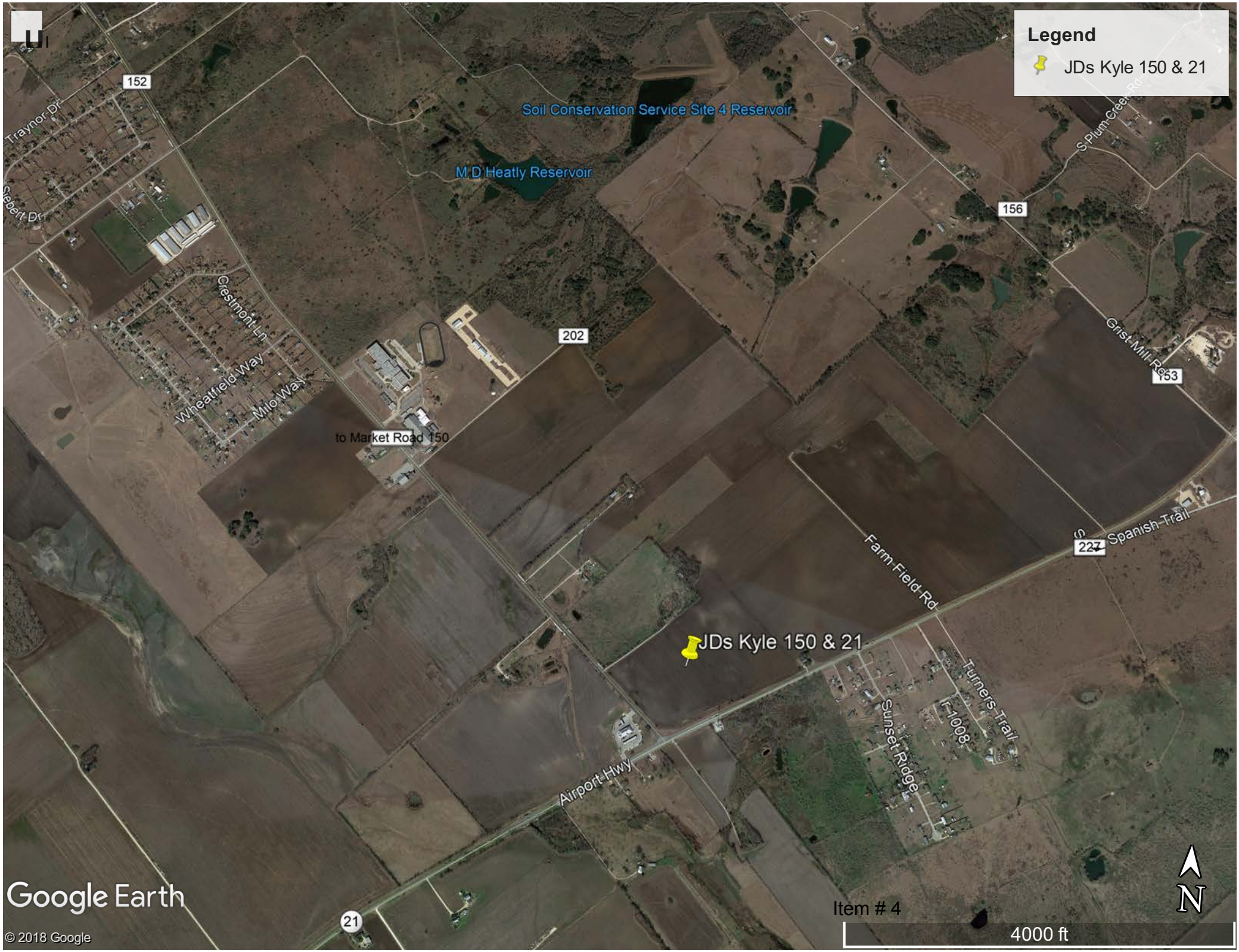
Justification:

We strongly feel with the abundance of existing and proposed residential developments in this area of Kyle, along with the connectivity of the two major roadways, (F.M. 150 & Hwy 21), this tract would be a great opportunity to provide closer/local commercial, retail, grocery, gas, oil change, etc. for the entire surrounding area, (without having to drive further into Kyle to satisfy the needs of the community).

Your consideration of our request is greatly appreciated. Please let us know if you have any questions and/or if you need any additional information. Thank you for your time.

Sincerely,

Stephen R. Jamison, P.E.
Jamison Civil Engineering LLC
TBPE #F-17756


Legend
JDs Kyle 150 & 21
Soil Conservation Service Site 4 Reservoir
M D Heatly Reservoir
152
Traynor Dr
Crestmont Ln
Wheatfield Way
Milo Way
202
to Market Road 150
156
S Plum Creek Rd
Grist Mill Rd
153
Farm Field Rd
S
227
Spanish Trail
JDs Kyle 150 & 21
Turners Trail
Sunset Ridge
1008
Airport Hwy
21
Google Earth
© 2018 Google
N
4000 ft

Item # 4

Hays CAD Property Search | Hays CAD Property Search | Hays County Appraisal District W

gis.bisconsultants.com/hayscad/?esearch=R14930&slayer=0&exprnum=0

Apps | City of Austin | Texas | Cedar Park | Yahoo - login | Williamson County | Government Permit... | Georgetown | Dropbox | Travis County | Richard Michalka 8... | Richard | Web Soil Survey | Florence, TX Foreca... | Other bookmarks

Hays Central Appraisal District Interactive Map

By: BIS Consulting - version 3.6.1

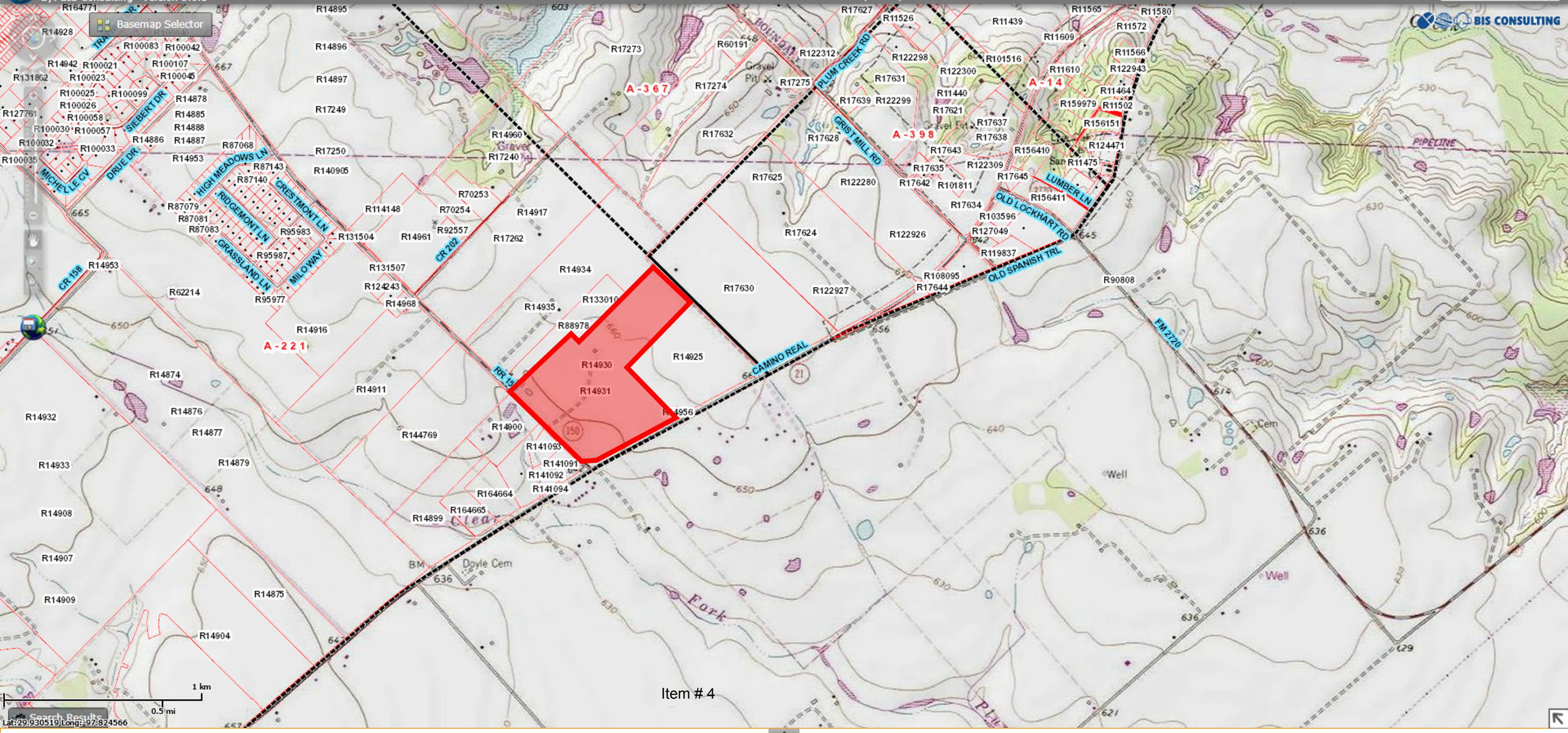
Search By Full Address

Need Web Map Help?

Need GIS Data or Maps?

BIS CONSULTING

Basemap Selector



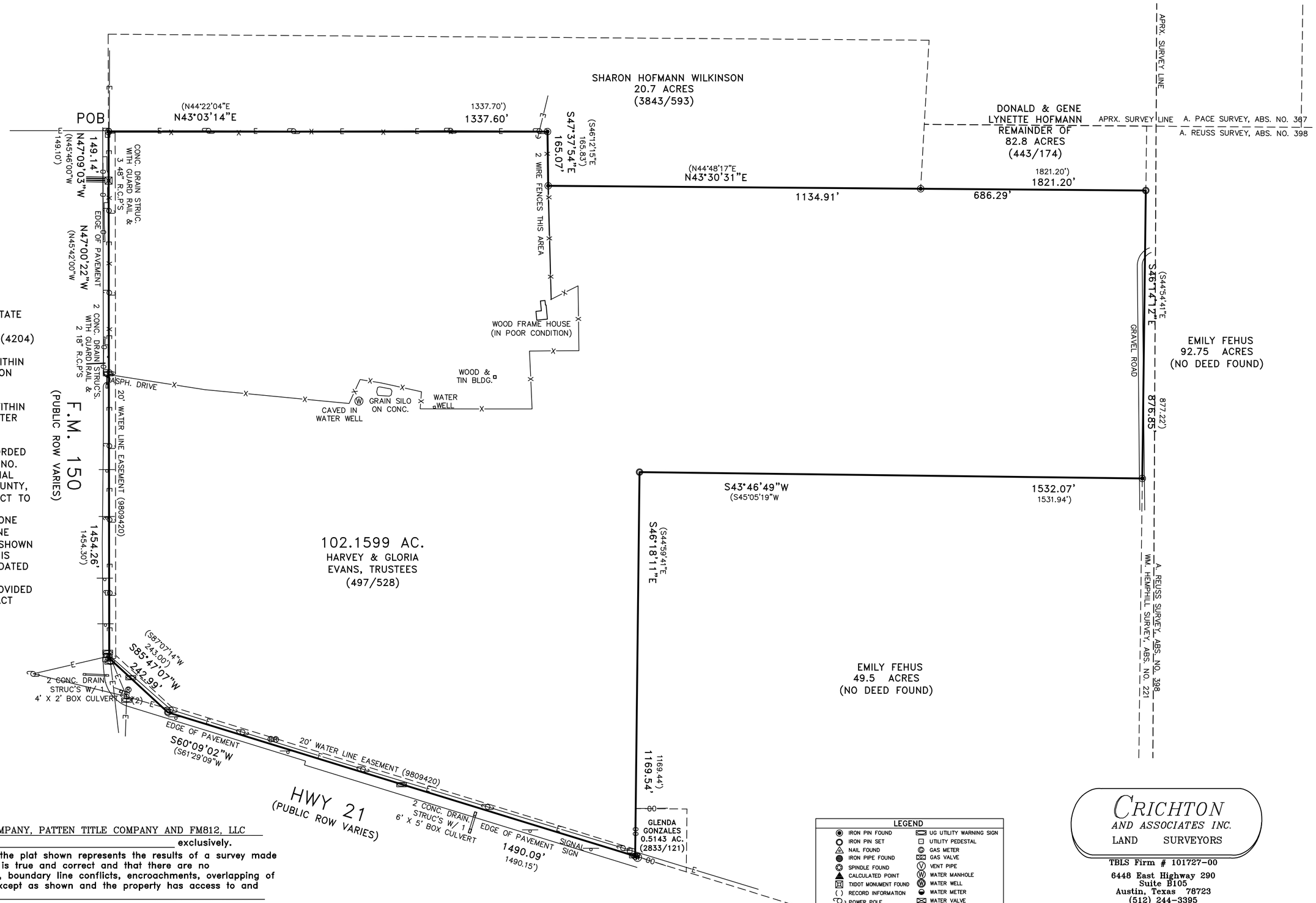
Item # 4

GRAPHIC SCALE

200 0 100 200 400 800

(IN FEET)
1 inch = 200 ft.

SURVEY OF 102.1599 ACRES OUT OF AND A PART OF THE WILLIAM HEMPHILL SURVEY, ABSTRACT NO. 221, HAYS COUNTY, TEXAS, BEING ALL OF THAT CALLED 102.167 ACRE TRACT OF LAND, CONVEYED TO HARVEY & GLORIA EVANS, TRUSTEES, IN VOLUME 497, PAGE 528, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS.



NOTES:

*) BEARING BASIS = TEXAS STATE PLANE COORDINATES (NAD83), SOUTH CENTRAL TEXAS ZONE (4204)

1) SUBJECT PROPERTY LIES WITHIN THE PLUM CREEK CONSERVATION DISTRICT

2) SUBJECT PROPERTY LIES WITHIN THE PLUM CREEK GROUND WATER CONSERVATION DISTRICT.

3) PER WARRANTY DEED RECORDED UNDER COUNTY CLERK'S FILE NO. 198500202204, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, THIS TRACT IS "SUBJECT TO EASEMENT FOR OVERHEAD POWERLINES AND FOR TELEPHONE PEDESTAL (AND ANY TELEPHONE LINES CONNECTED TO IT) AS SHOWN ON PLAT OF A SURVEY OF THIS TRACT BY S. CRAIG HOLLMIG DATED DEC. 10, 1984". THERE IS INSUFFICIENT INFORMATION PROVIDED BY SAID DEED TO SHOWN EXACT LOCATION OF SAID EASEMENT.

REF: FM812, LLC
G.F. NUMBER: 9991-19-2627
DATED: AUG. 16TH, 2019
To: WESTCOR LAND TITLE INSURANCE COMPANY, PATTEN TITLE COMPANY AND FM812, LLC exclusively.

The undersigned does hereby certify that the plat shown represents the results of a survey made on the ground under my supervision and is true and correct and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, visable utility easements, except as shown and the property has access to and from a dedicated roadway _____

The property shown hereon is located in Zone "X" AREAS OUT OF THE 500-YR. FLOOD PLAIN

as shown on Community Panel Number _____
of the FLOOD INSURANCE RATE MAP prepared for HAYS COUNTY
by the Federal Insurance Administration Department, H.U.D.
Effective Date: JUNE 19, 2012

STATE OF TEXAS
REGISTERED
HERMAN CRICHTON
4046
PROFESSIONAL
LAND SURVEYOR

Item # 4

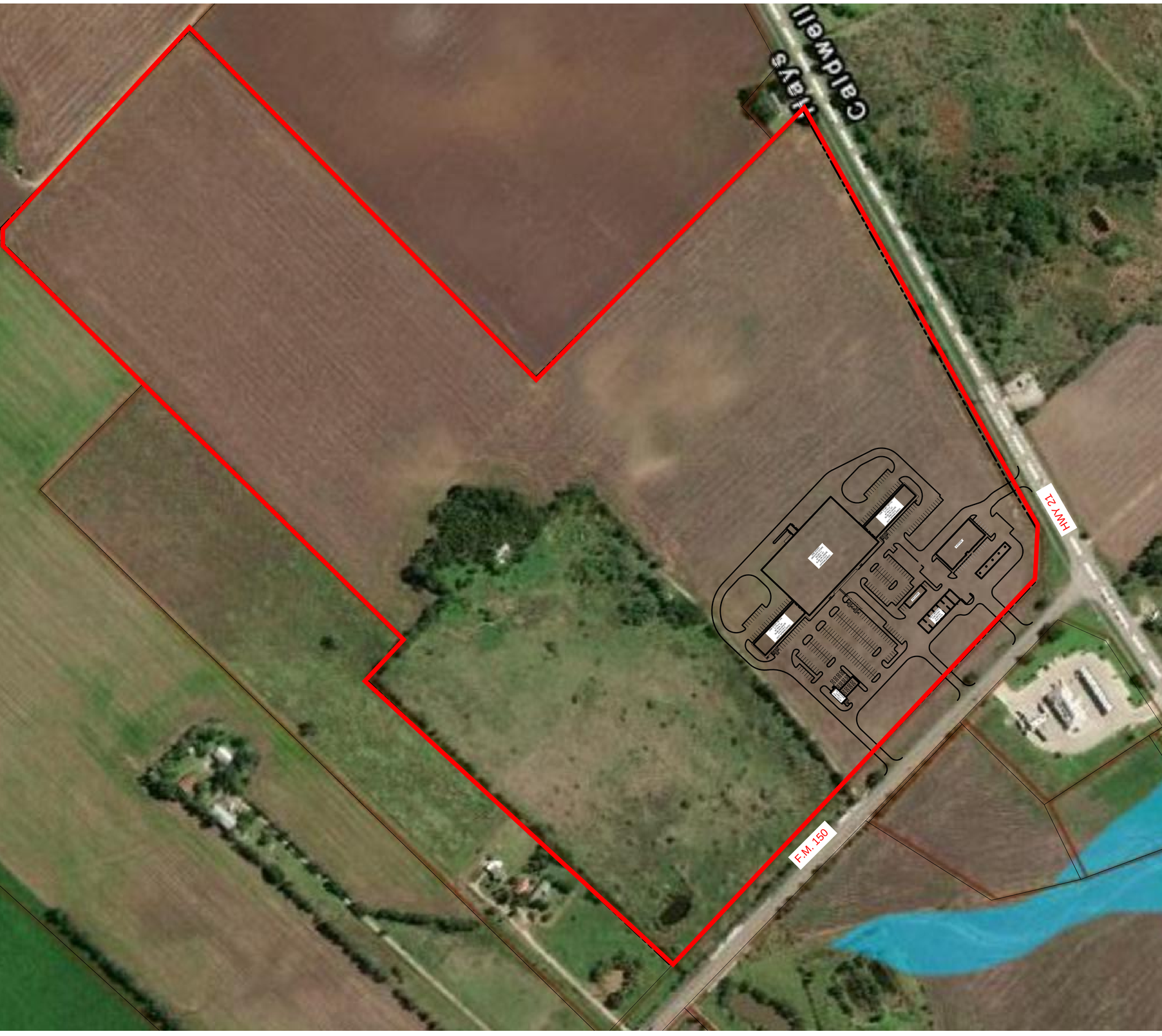
LEGEND

IRON PIN FOUND	UG UTILITY WARNING SIGN
IRON PIN SET	UTILITY PEDESTAL
NAIL FOUND	GAS METER
IRON PIPE FOUND	GAS VALVE
SPINDLE FOUND	VENT PIPE
CALCULATED POINT	WATER MANHOLE
TXDOT MONUMENT FOUND	WATER WELL
( ) RECORD INFORMATION	WATER METER
POWER POLE	WATER VALVE
HIGH VOLTAGE POWER POLE	FIRE HYDRANT
GUY WIRE	PVC RISER
— E — OVERHEAD ELECT. LINE	STREET SIGN
ELECTRIC METER	FLAG POLE
ELECTRIC MANHOLE	SANITARY SEWER MANHOLE
TELEPHONE MANHOLE	SEWER CLEANOUT
CONC. PAD WITH ELEC.	SEPTIC LID
ELECTRIC BOX	STORM SEWER MANHOLE
—|— METAL FENCE	UTILITY VAULT
—//— WOOD FENCE	DRAIN GRATE
—oo— CHAIN LINK FENCE	LIGHT POLE
—x— WIRE FENCE	C.C. COVERED CONCRETE
—w— UG WATER LINE	U.G. UNDERGROUND
—ww— UG WASTEWATER LINE	B.L. BUILDING LINE
	P.U.E. PUBLIC UTILITY EASEMENT
	D.E. DRAINAGE EASEMENT

CRICHTON
AND ASSOCIATES INC.
LAND SURVEYORS
TBLS Firm # 101727-00
6448 East Highway 290
Suite B105
Austin, Texas 78723
(512) 244-3395
Orders@CrichtonandAssociates.com

SURVEY OF 102.1599 ACRES ON THE NORTHEAST CORNER OF F.M. 150 AND HWY 21, KYLE TEXAS.

DATE: AUG. 27, 2019	JOB NO. 19_145
SCALE: 1" = 200'	DWG. NO. 19_145


Caldwell
Hwy
HWY 21
F.M. 150


F.M. 150
HWY 21
ONE STORY RETAIL
40,000 S.F.
8,000 S.F. OFFICE
(NOT SEPARATED)
ONE STORY RETAIL
40,000 S.F.
8,000 S.F. OFFICE
(NOT SEPARATED)
ONE STORY RETAIL
40,000 S.F.
8,000 S.F. OFFICE
(NOT SEPARATED)
ONE STORY RETAIL
40,000 S.F.
8,000 S.F. OFFICE
(NOT SEPARATED)
ONE STORY RETAIL
40,000 S.F.
8,000 S.F.
(NOT SEPARATED)
ONE STORY RETAIL
40,000 S.F.
8,000 S.F.
(NOT SEPARATED)

LANDOWNER AUTHORIZATION AND AFFIDAVIT OF OWNERSHIP

SUBJECT PROPERTY INFORMATION

Subdivision Name, Block, Lot, or legal description if not subdivided: ABS 221 WM Hemphill Survey 99.85 AC

# of lots (if subdivided): _____ # of acres: 99.85

Site APN #(s): R14930 / Geo ID #10-0221-0048-00000-2

Location: Hwy 21 Kyle, Tx. 78640 County: Hays

Development Name: JD's Supermarket Kyle

Development Number(s): N/A

OWNER

Company/Applicant Name: FM RD 812 LLC

Authorized Company Representative (if company is owner): Mohammed Ahmad

Type of Company and State of Formation: Limited Liability Company

Title of Authorized Company Representative (if company is owner): President

Applicant Address: 1900 E Anderson Ln. Suite 130 Austin , Tx. 78752

Applicant Fax: 512-339-8387

Applicant Phone: 512-339-6008

Applicant/Authorized Company Representative Email: acrbuilding.inc@gmail.com

APPLICANT REPRESENTATIVE

Check one of the following:

____. I will represent the application myself; or

X I hereby designate Jamison Civil Engineering LLC (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

Item # 4

"City") is authorized and permitted to provide information contained within this application, including the email address, to the public.

Owner's Signature: MA Date: 3/02/2021

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.).

ZINOVIA YAKIS
Notary Public, State of Texas
Comm. Expires 01-29-2022
(Notary Seal)

SUBSCRIBED AND SWORN TO before me, this the 2 day of March, 2021

Notary Public's Signature

1-29-2022

My Commission Expires

PROJECT REPRESENTATIVE

Representative Name: Jamison Civil Engineering LLC Attn: Stephen R. Jamison P.E.

Representative Address: 13812 Research Blvd #B-2 Austin, Tx. 78750

Representative Phone: 737-484-0880

Representative Email: steve@jamisoneng.com

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

Item # 4

Franchise Tax Account Status

As of : 03/03/2021 10:26:29

This page is valid for most business transactions but is not sufficient for filings with the Secretary of State

FM RD 812, LLC	
Texas Taxpayer Number	32047122794
Mailing Address	1900 E ANDERSON LN STE 103 AUSTIN, TX 78752-1979
Right to Transact Business in Texas	ACTIVE
State of Formation	TX
Effective SOS Registration Date	02/27/2012
Texas SOS File Number	0801557446
Registered Agent Name	ADAM AHMAD
Registered Office Street Address	1900 EAST ANDERSON LANE, STE. 103 AUSTIN, TX 78752

19030733 DEED Total Pages: 4
Filed and Recorded: 09/03/2019 09:41:26 AM

GF No. 9991-19-2627

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

Date: August 30, 2019

Grantor: Harvey Evans and Gloria Evans, holding title as Trustees on behalf of the Highway 21 Venture, a Texas general partnership

Grantee: FM RD 812, LLC, a Texas limited liability company

Grantee's Mailing Address:

1900 East Anderson ln
Austin, TX 78752

Consideration:

Ten and No/100 Dollars ($10.00), good and other valuable consideration, the receipt of which is hereby acknowledged

Property (including any improvements):

FIELD NOTES FOR 102.1599 ACRES OUT OF AND A PART OF THE WILLIAM HEMPHILL SURVEY, ABSTRACT NO. 221, HAYS COUNTY, TEXAS, BEING ALL OF THAT CALLED 102.167 ACRE TRACT OF LAND, CONVEYED TO HARVEY & GLORIA EVANS, TRUSTEES, IN VOLUME 497, PAGE 528, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS. SAID 102.1599 ACRE TRACT BEING MORE PARTICURARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Beginning, at a ½" iron rod found on the Northeast ROW line of F.M. 150, at the South corner of a 20.7 acre tract conveyed to Sharon Hofmann Wilkinson in Volume 3843, Page 593, Official Public Records, Hays County, Texas, for the West corner of this tract and POINT OF BEGINNING;

THENCE along the common line of said 20.7 acre tract and this tract, the following three (3) courses and distances:
1) N43°03'14" E, for a distance of 1337.70 feet to a ½" iron rod found on said common line.
2) S47°37'54" E, for a distance of 165.07 feet to a ½" iron rod found on said common line.
3) N43°30'54" E, passing a distance of 1134.91 feet a ½" iron rod found on the Northwest line of this tract, being the East corner of the said 20.7 acre tract and a Northeasterly corner of the remainder of a 82.8 acre tract conveyed to Donald and Gene Lynette Hofmann in Volume 443, Page 174 of the Official Public Records, Hays County, Texas, a total distance of 1821.20 feet to a ½" iron rod set on the Southwest line of a 92.75 acre tract conveyed to Emily Fehlis by deed (no deed found), Official Public Records, Hays County, Texas, for the North corner of this tract.

THENCE S46°14'12"E with a common line of said 92.75 acre tract and this tract, a distance of 876.85 feet to a ½" iron rod found in a gravel road, on the Southwest line of the said 92.75 acre tract, at the North corner of a 49.5 acre tract conveyed to Emily Fehlis by deed (no deed found), Official Public Records, Hays County, Texas, for the North corner of this tract.

GF No. 9991-19-2627

Thence, with the common boundary line of said 49.5 acre tract and this tract the following two (2) courses and distances:
1) S43°46'49" W a distance of 1532.07 feet to a point for the West corner of said 49.5 acre tract, also being an Interior Ell corner of this tract.
2) S46°18'11" E, passing the West common corner of said 49.5 acre tract and a 0.5143 acre conveyed to Glenda Gonzales in Volume 2833, Page 121, of the Official Public Records, Hays County, Texas, a total distance of 1169.54 to a ½" iron rod found on the Northwest ROW line of Highway 21 at the South corner of said 0.5143 acre tract, same being the Southeast corner of this tract.

THENCE along the Northwest ROW line of said Highway 21 also being the Southeast line this tract, the following two (2) courses and distances:
1) S60°09'02" W, for a distance of 1490.09 feet to a ½" iron rod set.
2) S85°47'07" W, for a distance of 242.99 feet to a point for the South corner of this tract, also being on the Northeast ROW line of said F.M. 150.

THENCE, with a Northeast ROW line of F.M. 150, the following two (2) courses and distances:
1) N47°00'22" W, a distance of 1454.26 feet to Concrete Highway monument found.
2) N47°09'03" W, for a distance of 149.14 feet to the POINT OF BEGINNING and containing 1021599 acres of land, more or less.

Reservations from Conveyance: None

Exceptions to Conveyance and Warranty: Subject to all easements, right-of-ways, mineral reservations and other matters of record.

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 claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

GRANTEE IS TAKING THE PROPERTY IN AN ARM'S-LENGTH AGREEMENT BETWEEN THE PARTIES. THE CONSIDERATION WAS BARGAINED ON THE BASIS OF AN "AS IS, WHERE IS" TRANSACTION AND REFLECTS THE AGREEMENT OF THE PARTIES THAT THERE ARE NO REPRESENTATIONS OR EXPRESS OR IMPLIED WARRANTIES, EXCEPT THE EXPRESS WARRANTY OF TITLE STATED ABOVE. GRANTEE HAS NOT RELIED ON ANY INFORMATION OTHER THAN GRANTEE'S INSPECTION.

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

HIGHWAY 21 VENTURE, a Texas general partnership

Harvey Evans, Trustee and Managing Partner

Gloria Evans, Trustee and Managing Partner

GF No. 9991-19-2627

STATE OF TEXAS §
§
COUNTY OF Travis §

The foregoing instrument was acknowledged before me, the undersigned notary, on the 30 day of August, 2019 by **Harvey Evans, Trustee and Managing Partner of the Highway 21 Venture, a Texas general partnership.**

MARIVEL D. FORTENBERRY NOTARY PUBLIC STATE OF TEXAS ID 12864897 EXP. 04-12-2021

Notary Public, State of Texas

Marivel D. Fortenberry
Printed Name of Notary

4-12-2021
My Commission Expires

STATE OF TEXAS §
§
COUNTY OF Travis §

The foregoing instrument was acknowledged before me, the undersigned notary, on the 30 day of August, 2019 by **Gloria Evans, Trustee and Managing Partner of the Highway 21 Venture, a Texas general partnership.**

MARIVEL D. FORTENBERRY NOTARY PUBLIC STATE OF TEXAS ID 12864897 EXP. 04-12-2021

Notary Public, State of Texas

Marivel D. Fortenberry
Printed Name of Notary

4-12-2021
My Commission Expires

AFTER RECORDING RETURN TO:

FM RD 812, LLC

1900 East Anderson Ln
Austin, TX 78752

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.

19030733 DEED
09/03/2019 09:41:26 AM Total Fees: $34.00

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

RESOLUTION NO. 874

A RESOLUTION OF THE CITY OF KYLE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT WITH HARVEY AND GLORIA EVANS FOR APPROXIMATELY 102.167 ACRES GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF STATE HIGHWAY 21 AND EAST RR 150; IN CONFORMANCE WITH THE TEXAS LOCAL GOVERNMENT CODE; MAKING FINDINGS OF FACT; AND PROVIDING FOR RELATED MATTERS.

Whereas, pursuant to Sections 43.035 and 212.172 of the Texas Local Government Code, the City has offered to enter a development agreement titled "Development Agreement Under Section 43.035, Texas Local Government Code (the "Agreement") attached hereto and incorporated herein as Exhibit A, with landowners owning land currently appraised for ad valorem tax purposes as land for agricultural use;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KYLE, HAYS COUNTY, TEXAS, THAT:

Section 1. The following recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. The City Council hereby approves the Development Agreement for approximately 102.167 acres of Land in Hays County, Texas that is generally located northwest corner of the intersection of State Highway 21 and east RR 150 (as identified in exhibit C and more specially described in exhibit B).

Section 3. The City Council hereby approves the Development Agreement under Section 43.035, Texas Local Government Code attached hereto as Exhibit "A", and authorizes the Mayor to execute said Agreement.

Section 4. It is hereby officially found and determined that the meeting at which this Resolution is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Local Government Code.

FINALLY PASSED AND APPROVED on this the 3rd day of September, 2013.

ATTEST:

Amelia Sanchez, City Secretary

THE CITY OF KYLE, TEXAS

Lucy Johnson, Mayor

EXHIBIT A

AGREEMENT

STATE OF TEXAS §
§
COUNTY OF HAYS §

CHAPTER 43 TEXAS LOCAL GOVERNMENT CODE DEVELOPMENT AGREEMENT

This Agreement is entered into pursuant to Sections 43.035 and 212.172 of the Texas Local Government Code by and between the City of Kyle, Texas (the "City") and the undersigned property owner(s) (the "Owner"). The term "Owner" includes all owners of the Property.

WHEREAS, the Owner owns a parcel of real property (the "Property") in Hays County, Texas, which is more particularly and separately described in the attached Exhibit "A"; and

WHEREAS, the City has begun the process to institute annexation proceedings on parcels of property currently located in the City's ETJ and has set public hearings on September 10 and September 17 , 2013; and

WHEREAS, the City contemplated including the Owner's property as part of the City's annexation process, Owner desires to have the Property remain in the City's extraterritorial jurisdiction, in consideration for which the Owner agrees to enter into this Agreement; and

WHEREAS, this Agreement is entered into pursuant to Sections 43.035 and 212.172 of the Texas Local Government Code, in order to address the desires of the Owner and the procedures of the City; and

WHEREAS, the Owner and the City acknowledge that this Agreement is binding upon the City and the Owner and their respective successors and assigns for the term (defined below) of this Agreement; and

WHEREAS, this Development Agreement is to be recorded in the Real Property Records of Hays County, Texas.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

Section 1. The City guarantees the continuation of the extraterritorial status of the Owner's Property, its immunity from annexation by the City, and its immunity from City property taxes, for the term of this Agreement, subject to the provisions of this Agreement. Except as provided in this Agreement, the City agrees not to annex the Property, agrees not to involuntarily institute proceedings to annex the Property, and further agrees not to include the Property in a statutory annexation plan for the Term of this Agreement.

Section 2. The Owner covenants and agrees not to use the property for any use other than for agriculture, consistent with Chapter 23 of the Texas Tax Code, except for any now-existing single-family residential use of the property, without the prior written consent of the City.

The Owner covenants and agrees that the Owner will not file any type of subdivision plat or related development document for the Property with Hays County or the City until the Property has been annexed into the City. During the duration of this Agreement, the Owner covenants and agrees not to construct, or allow to be constructed, any buildings on the Property that would require a building permit if the Property were in the City limits, subject to the exceptions set forth herein. The Owner reserves the right to construct, repair, or renovate buildings on the Property that are consistent with its agricultural use without obtaining a building permit or triggering annexation. Further, the Owner may construct an accessory structure to an existing single-family dwelling. Additionally, Owner reserves the right to construct a new residence on the Property, provided that Owner provides written notice of the construction to the City so that the parties can modify the description of the land subject to this Agreement.

The Owner acknowledges that each and every owner of the Property must sign this Agreement in order for the Agreement to take full effect, and the Owners who sign this Agreement covenants and agrees, jointly and severably, to indemnify, hold harmless, and defend the City against any and all legal claims, by any person claiming an ownership interest in the Property who has not signed the Agreement, arising in any way from the City's reliance on this Agreement.

Section 3. The Owner acknowledges that if any plat or related development document is filed in violation of this Agreement, or if the Owner commences development of the Property in violation of this Agreement, then in addition to the City's other remedies, such act will constitute a petition for voluntary annexation by the Owner, and the Property will be subject to annexation at the discretion of the City Council. The Owner agrees that such annexation shall be voluntary and the Owner hereby consents to such annexation as though a petition for such annexation had been tendered by the Owner.

If annexation proceedings begin pursuant to this Section, the Owner acknowledges that this Agreement serves as an exception to Local Government Code Section 43.052, requiring a municipality to use certain statutory procedures, including notices and hearings under an annexation plan. Furthermore, the Owner hereby waives any and all vested rights and claims that they may have under Section 43.002(a) (2) and chapter 245 of the Texas Local Government Code that would otherwise exist by virtue of any actions Owner has taken in violation of Section 2 herein.

Section 4. Pursuant to Sections 43.035(b) (1) (B) of the Texas Local Government Code, the City is authorized to enforce all of the City's regulations and planning authority that do not materially interfere with the regulations that are enforced within the City's boundaries. The City states and specifically reserves its authority pursuant to Chapter 251 of the Texas Local Government Code to exercise eminent domain over property that is subject to a Chapter 43 and/or Chapter 212 development agreement.

Section 5. In accordance with Texas Local Government Code 212.172(d), the initial term of this Agreement (the "Initial Term") is **fifteen (15) years** from the date that the City Manager's signature to this Agreement is acknowledged by a public notary. Unless each party agrees to a subsequent term, the City will commence the annexation of the Property at the end of the Initial Term. In connection with annexation pursuant to this section, the Owners hereby waive any vested rights they may have under Section 43.002(a) (2) and Chapter 245 of the Texas Local Government Code that would otherwise exist by virtue of any plat or construction any of the owners may initiate during the time between the expiration of this Agreement and the institution of annexation proceedings by the City.

Section 6. Any person who sells or conveys any portion of the Property shall, prior to such sale or conveyances, give written notice of this Agreement to the prospective purchaser or grantee, and shall give written notice of the sale or conveyance to the City. Furthermore, the Owners and the Owners' heirs, successors, and assigns shall give the City written notice within 14 days of any change in the agricultural exemption status of the Property. A copy of either notice required by this section shall be forwarded to the City at the following address:

City of Kyle
Attn: City Manager
2110 4th Street
Kyle, Texas 78640

Section 7. This Agreement shall run with the Property and be recorded in the Real Property Records of Hays County, Texas.

Section 8. If a court of competent jurisdiction determines that any covenant of this Agreement is void or unenforceable, including the covenants regarding involuntary annexation, then the remainder of this Agreement shall remain in full force and effect.

Section 9. This Agreement may be enforced by any Owner or the City by any proceeding at law or in equity. Failure to do so shall not be deemed a waiver to enforce the provisions of this Agreement thereafter.

Section 10. No subsequent change in the law regarding annexation shall affect the enforceability of this Agreement or the City's ability to annex the properties covered herein pursuant to the terms of this Agreement.

Section 11. Venue for this Agreement shall be in Hays County, Texas.

Section 12. This Agreement may be separately executed in individual counterparts and, upon execution, shall constitute one and same instrument.

Section 13. This Agreement shall survive its termination to the extent necessary for the implementation of the provisions of Sections 3, 4, and 5 herein.
In witness whereof, the above and foregoing provisions are hereby agreed to, and accepted and approved by the parties.

OWNER"

By: Gloria Evans Trustee

Name: Gloria Evans Trustee

Date: 8/13/13

THE STATE OF TEXAS §
§
COUNTY OF ~~HAYS~~ TRAVIS § RLH/gp

RLH/gp

This instrument was acknowledged before me on the 13 day of AUGUST ~~2013~~ 2013, by GLORIA EVANS, being known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

Notary Public, State of Texas

REGINA HOFELE
Notary Public
STATE OF TEXAS
My Comm. Exp. June 20, 2016

(NOTARY SEAL)

"CITY" City of Kyle, Texas

By:_____

Name: Lanny Lambert

Title: City Manager

Date: _____

THE STATE OF TEXAS §
§
COUNTY OF HAYS §

This instrument was acknowledged before me on the _____ day of _____2013, by Lanny Lambert, as City Manager of the City of Kyle, Texas, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

_____
Notary Public, State of Texas

(NOTARY SEAL)

EXHIBIT B

PROPERTY DESCRIPTION

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE WILLIAM HEMPHILL SURVEY, ABSTRACT NUMBER 221, SITUATED IN HAYS COUNTY, TEXAS, BEING MORE FULLY DESCRIBED AS BEING ALL OF THAT CERTAIN 102.167 ACRE TRACT OF LAND, CONVEYED TO HARVEY & GLORIA EVANS, TRUSTEES, IN VOLUME 497, PAGE 528, OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, (O.P.R.H.C.TX.), SAID 102.167 ACRE TRACT BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a point on the northeast right-of-way of F.M. 150 (R.O.W varies), at the southernmost southeastern corner of a 20.7 acre (called) tract conveyed to Sharon Hofmann Wilkinson in Volume 3843, Page 593 of the O.P.R.H.C.TX., also being the southwestern corner and **POINT OF BEGINNING** of the herein described tract,

THENCE, with the southeastern boundary line of said 20.7 acre tract and the remainder of a 6.75 acre tract conveyed to Mark, Sharon & Gene Lynette Hofmann, Tract 2 in Volume 443, Page 174 of the (O.P.R.H.C.TX.), common to the northwestern line of said 102.167 acre tract, the following three (3) courses and distances, numbered 1 through 3:

1) N44°22'04"E, for a distance of 1337.70 feet to a point,
2) S46°12'15"E, for a distance of 165.83 feet to a point, and
3) N44°48'17"E, for a distance of 1821.20 feet to a point for the northeastern corner of said 82.8 acre tract, also being in the southwestern line of a 92.75 acre tract conveyed to Emily Fehlis,

THENCE, with the common boundary line of said 92.75 acre tract, and said 102.167 acre tract, S44°54'41"E, for a distance of 877.22 feet to a point for the northernmost corner of a 49.5 acre tract conveyed to Emily Fehlis,

THENCE, with the common boundary line of said 49.5 acre tract and said 102.167 acre tract, S45°05'19"W, for a distance of 1531.94 feet to a point for the southwest corner of said 49.5 acre tract, also being an interior ELL corner of said 102.167 acre tract,

THENCE, with the southwestern boundary line of said 49.5 acre tract, and a 0.5143 acre tract conveyed to Glenda Gonzales in Volume 2833, Page 121 of the O.P.R.H.C.TX., common to a northeastern line of said 102.167 acre tract, S44°59'41"E, for a distance of 1169.44 feet to a point for the easternmost corner of the herein described tract, also being the southernmost corner of said 0.5143 acre tract and also being in the northwestern right-of-way line of Texas Highway 21 (R.O.W varies),

THENCE, with the northwestern right-of-way line of said Texas Highway 21 (R.O.W varies), also being the southeastern line of said 102.167 acre tract, the following two (2) courses and distances, numbered 1 through 2:

1) S61°29'09"W, for a distance of 1490.15 feet to a point, and
2) S87°07'14"W, for a distance of 243.00 feet to a point for a southern corner of the herein described tract, also being in the northwestern right-of-way line of said F.M. 150 (R.O.W varies),

THENCE, with the northeastern right-of-way of said F.M. 150 (R.O.W varies) common to the southwestern line of said 102.167 acre tract, the following two (2) courses and distances, numbered 1 through 2:

1) N45°42'00"W, for a distance of 1454.30 feet to a point, and
2) N45°46'00"W, for a distance of 149.10 feet to the **POINT OF BEGINNING** and containing 102.167 acres of land.

THIS SURVEY WAS PREPARED FROM RECORD INFORMATION FOUND IN VOLUME 497, PAGE 528 (O.P.R.H.C.TX.), NO ON-THE-GROUND SURVEY WAS PERFORMED

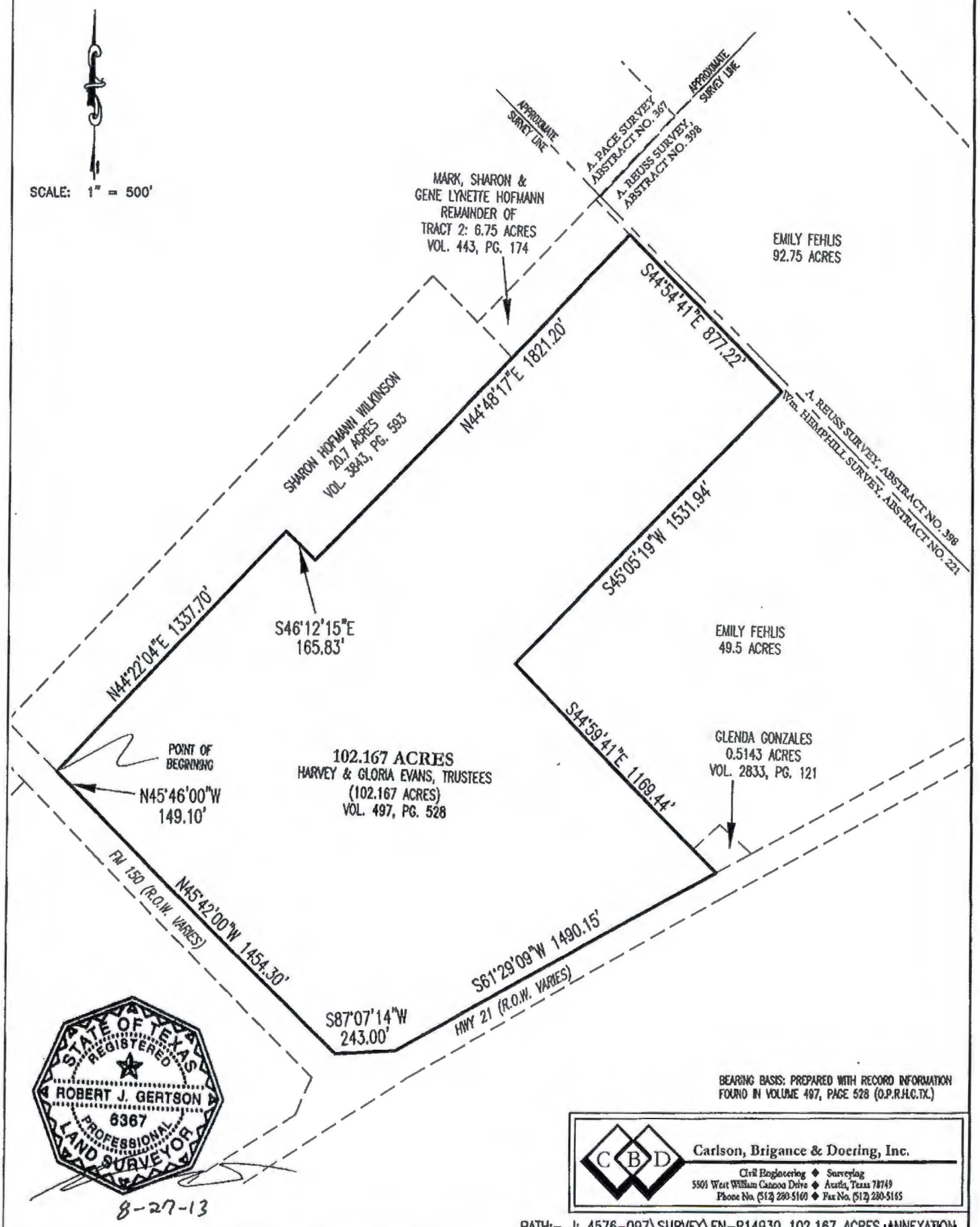
Surveyed by: _____ 8-27-13

ROBERT J. GERTSON, R.P.L.S. NO. 6367
Carlson, Brigance and Doering, Inc.
5501 West William Cannon
Austin, TX 78749
Ph: 512-280-5160 Fax: 512-280-5165
rgertson@cbdeng.com

STATE OF TEXAS REGISTERED ROBERT J. GERTSON 6367 PROFESSIONAL LAND SURVEYOR

J: 4576-097\SURVEY\FIELD NOTES\FN-R14930 102.167 ACRES ANNEXATION.doc

SKETCH TO ACCOMPANY FIELD NOTES



BEARING BASIS: PREPARED WITH RECORD INFORMATION FOUND IN VOLUME 497, PAGE 528 (O.P.R.H.C.TX.)

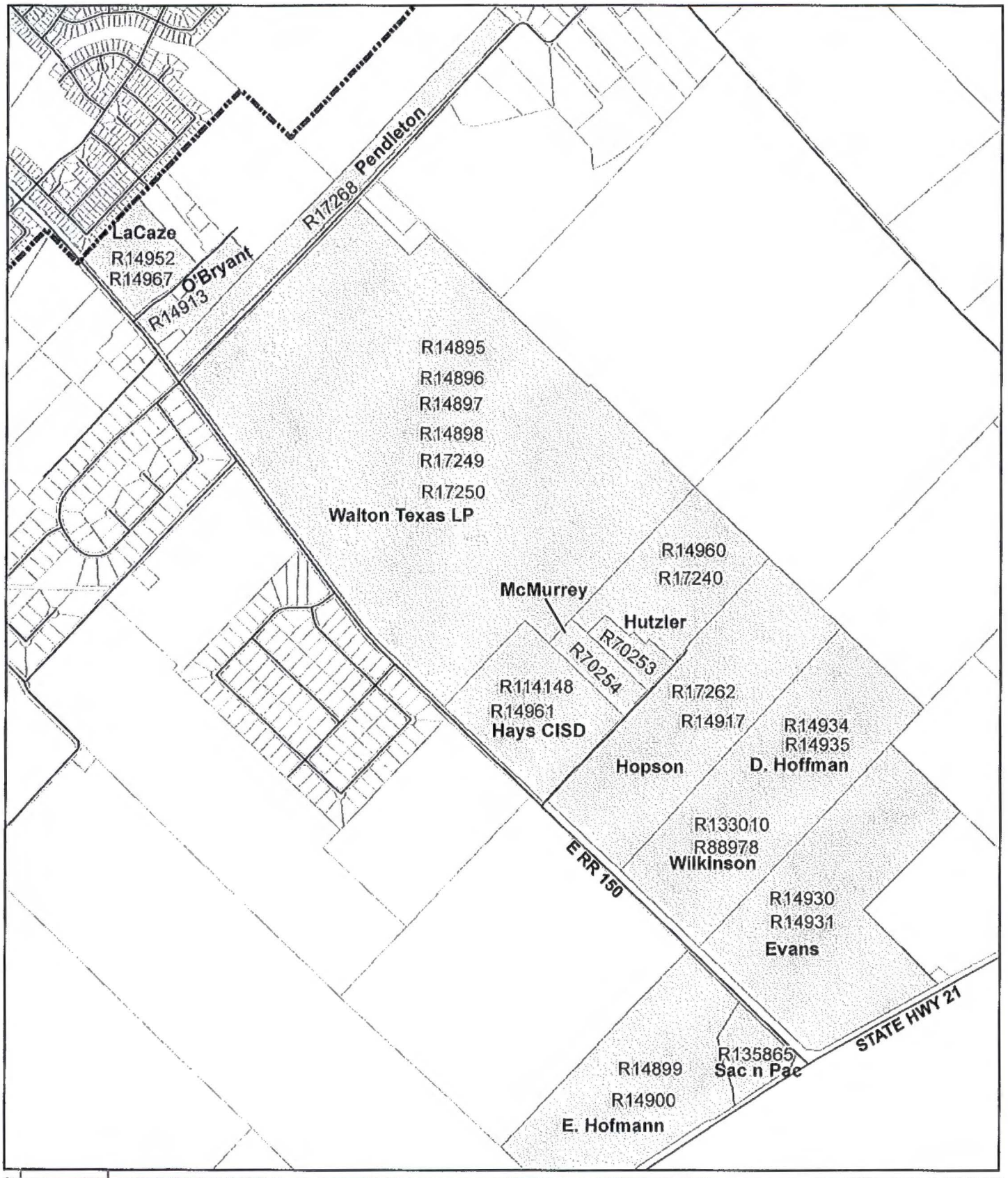
Carlson, Brigance & Doering, Inc.
Civil Engineering ◆ Surveying
5501 West William Cannon Drive ◆ Austin, Texas 78749
Phone No. (512) 280-5160 ◆ Fax No. (512) 280-5165

PATH:- J: 4576-097\SURVEY\FN-R14930 102.167 ACRES ANNEXATION

Item # 4

EXHIBIT C

PROPERTY MAP



Parcel Lines

Proposed Annex

Current Kyle City

Proposed Annexations

N W E S

0 875 1,750 3,500

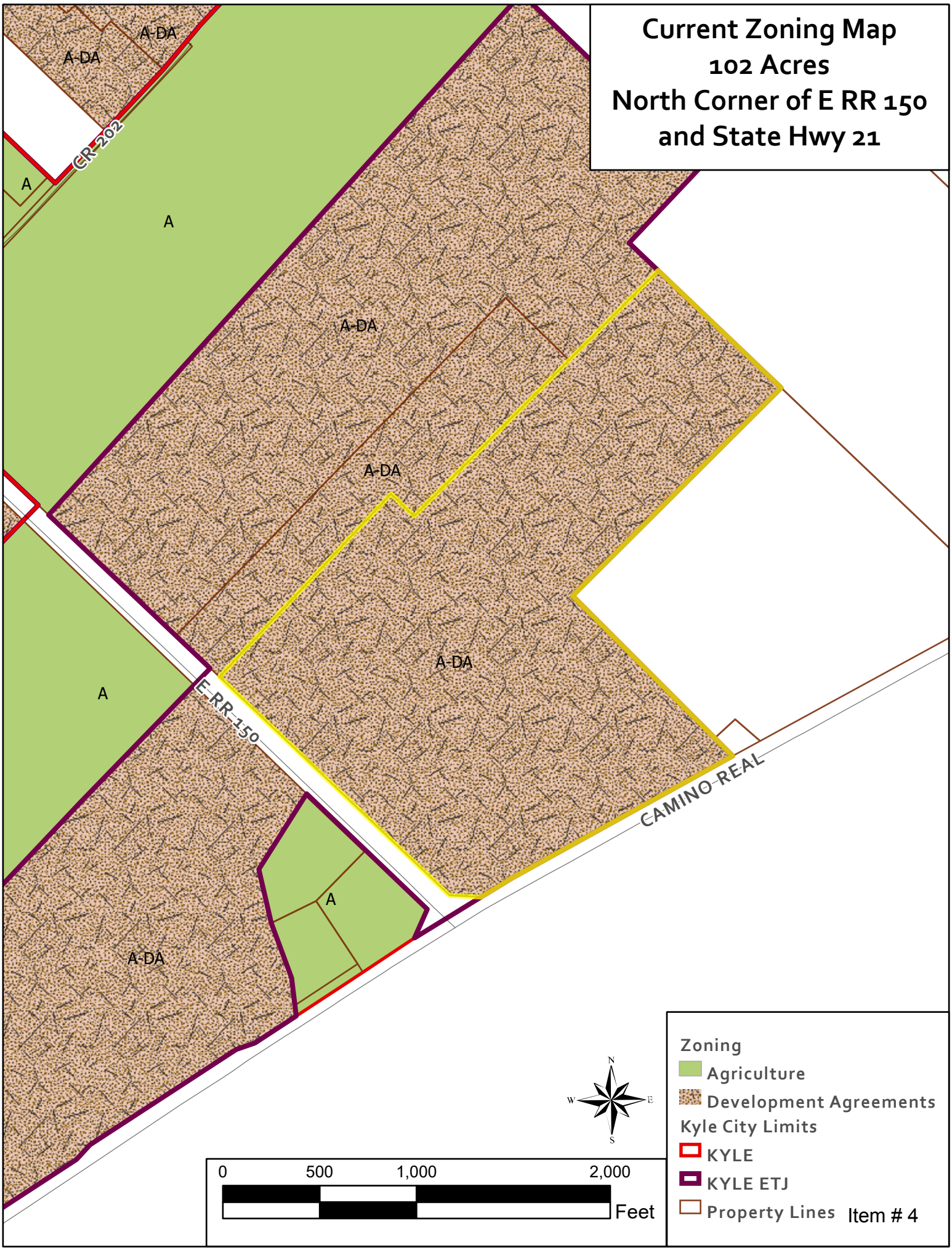
Feet

CITY OF KYLE

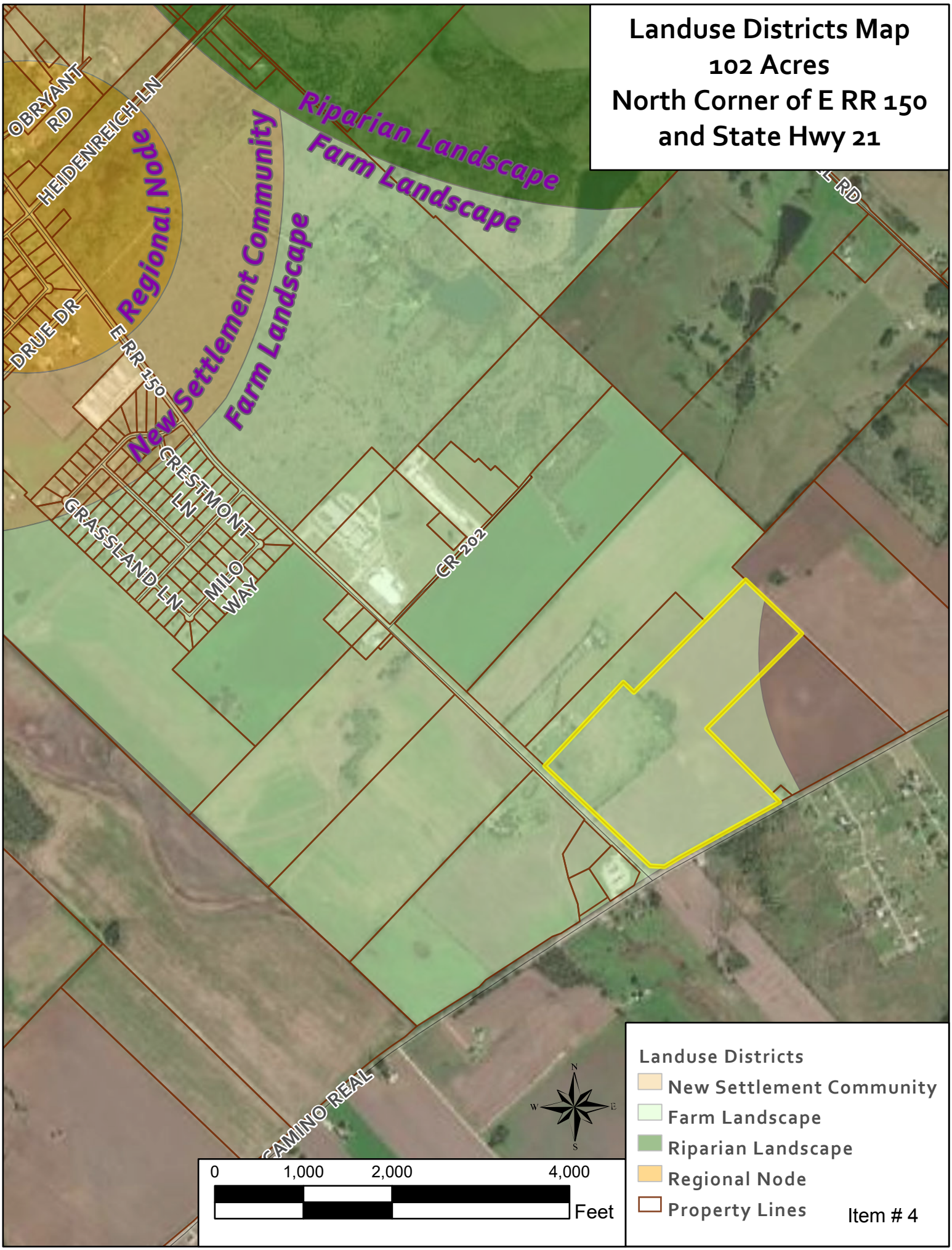

Property Location Map
102 Acres
North Corner of E RR 150
and State Hwy 21
CR 202
E RR 150
CAMINO REAL
N
W
E
S
0
500
1,000
2,000
Feet
Property Lines

Item # 4

Current Zoning Map
102 Acres
North Corner of E RR 150 and State Hwy 21

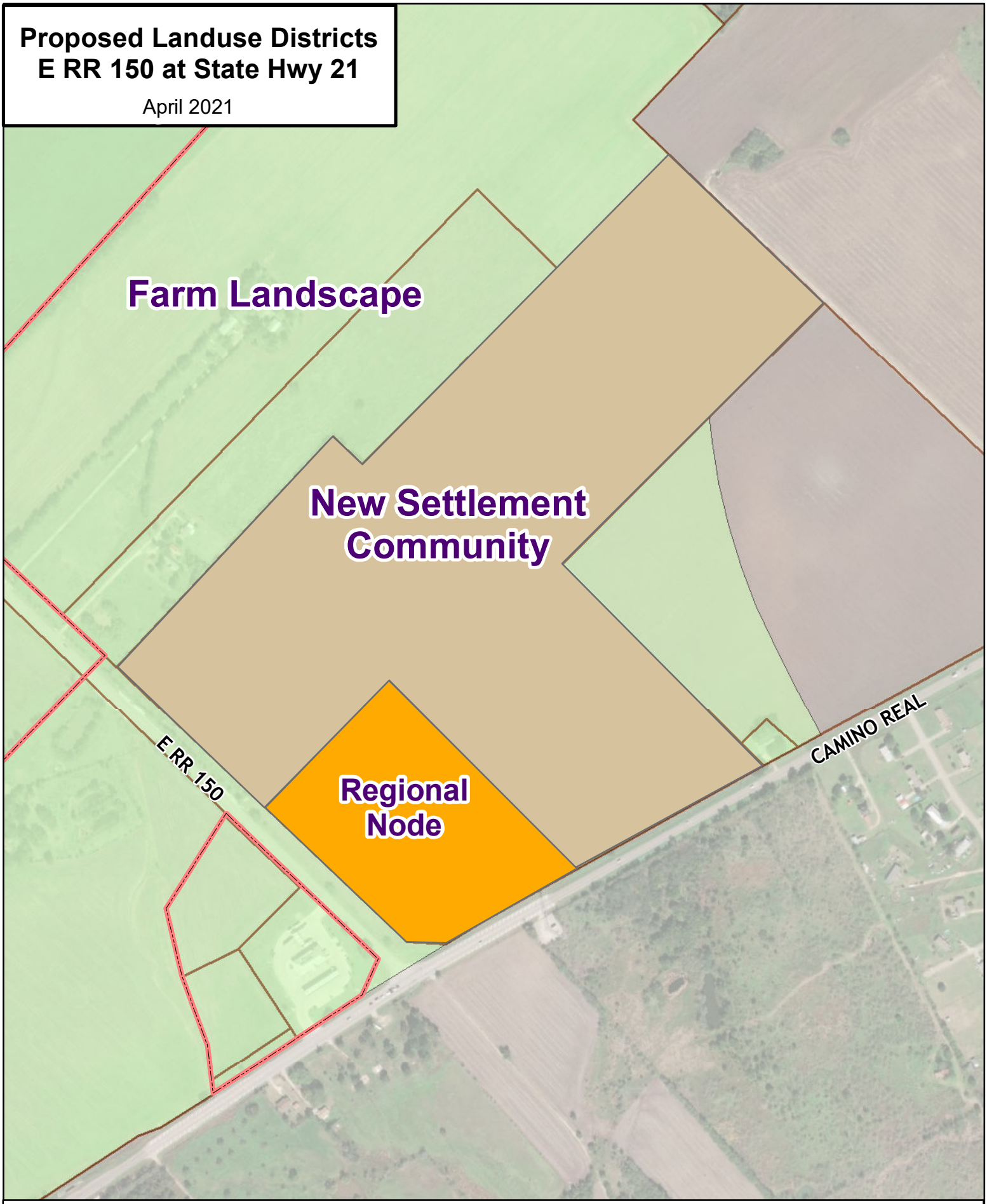


Item # 4


Landuse Districts Map
102 Acres
North Corner of E RR 150
and State Hwy 21
Riparian Landscape
Farm Landscape
Regional Node
New Settlement Community
Farm Landscape
OBRYANT RD
HEIDENREICH LN
DRUE DR
E RR 150
CRESTMONT LN
GRASSLAND LN
MILO WAY
CR 202
CAMINO REAL
Landuse Districts
New Settlement Community
Farm Landscape
Riparian Landscape
Regional Node
Property Lines
0
1,000
2,000
4,000
Feet
Item # 4

Proposed Landuse Districts
E RR 150 at State Hwy 21

April 2021



0 375 750 1,500
Feet

N W E S

Parcel Lines

Kyle City Limits