

# 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 June 22, 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 18th day of June, 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 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.

### **3. CONSENT**

A 6 Creeks Phase 1, Section 4A - Final Plat (SUB-20-0133) 17.359 acres; 57 residential lots; 2 open space lots for property located west of N. Old Stagecoach road in 6 Creeks Subdivision.

B Kyle Towne Center Replat of lots 2, 8, 9, 10, 11 & 12 (SUB-21-0190) 6.837 acres; 7 commercial lots located at 18900 IH-35.

Staff Proposal to P&Z: Approve.

### **4. CONSIDER AND POSSIBLE ACTION**

A (Postponed on 6/8/21) Consideration of Exception to Sec. 41-10(b)(c), City of Kyle Subdivision Code (Exception to requiring platting for 400, 402, 404 S. Burleson).

### **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 have the following options: 1. In-Person at Kyle City Hall 2. Virtual Attendance - Submit the online registration form found at:

**Meeting Date: 6/22/2021**  
**Date time: 6:30 PM**

<https://www.cityofkyle.com/bc/citizen-comment-sign>. Registration must be received by 12 p.m. on the day of the meeting.

**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:**

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**ATTACHMENTS:**

**Description**

No Attachments Available



# CITY OF KYLE, TEXAS

6 Creeks Phase 1, Section 4A -  
Final Plat (SUB-20-0133)

Meeting Date: 6/22/2021  
Date time:6:30 PM

**Subject/Recommendation:** 6 Creeks Phase 1, Section 4A - Final Plat (SUB-20-0133) 17.359 acres; 57 residential lots; 2 open space lots for property located west of N. Old Stagecoach road in 6 Creeks Subdivision.

**Other Information:** See attached.

**Legal Notes:** N/A

**Budget Information:** N/A

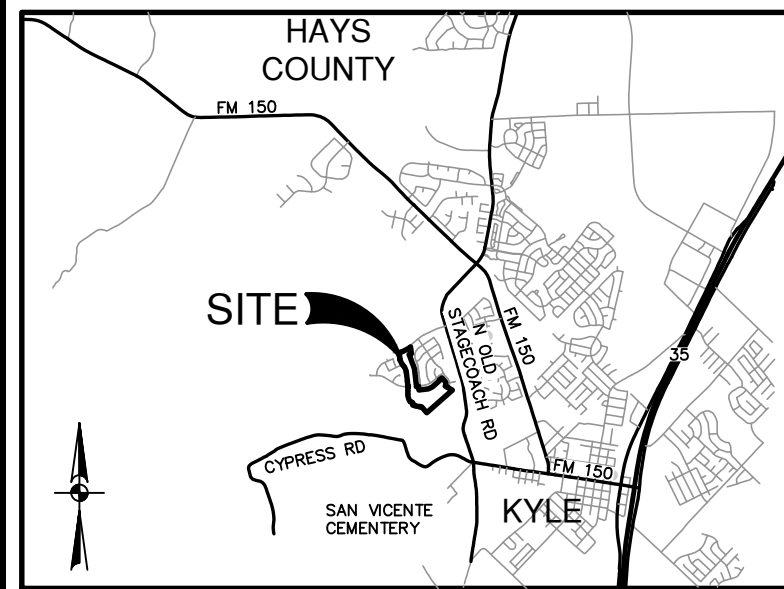
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**ATTACHMENTS:**

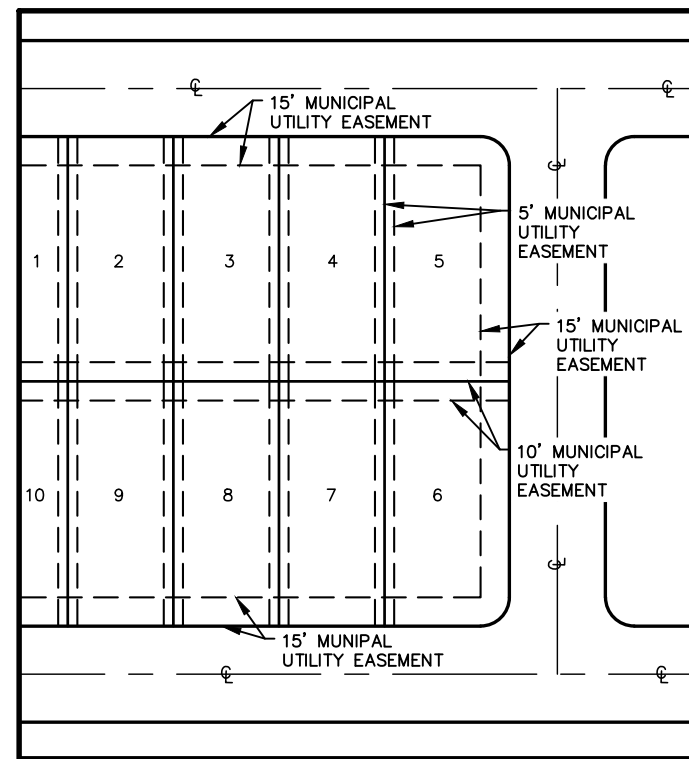
**Description**

- Plat
- 1445 Approval Letter from Hays County

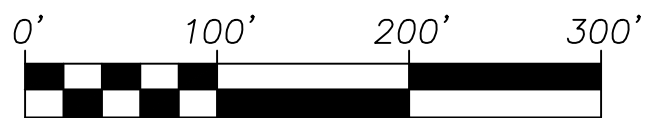




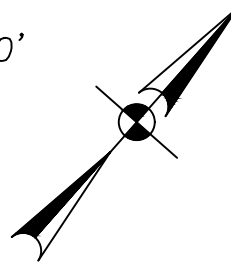
LOCATION MAP  
NOT-TO-SCALE



TYPICAL LOT EASEMENTS  
NOT-TO-SCALE



SCALE: 1" = 100'



### FINAL PLAT OF 6 CREEKS-PHASE 1, SECTION 4A

A 17.359 ACRE TRACT OF LAND BEING COMPRISED OF A PORTION OF A 153.0288 ACRE TRACT DESCRIBED IN DOCUMENT NUMBER 20006092 AND A PORTION OF A 61.49 ACRE TRACT DESCRIBED IN DOCUMENT NUMBER 17034173, BOTH OUT OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, IN THE SAMUEL PHARASS 1/4 LEAGUE NO. 14, ABSTRACT 360, IN HAYS COUNTY, TEXAS.

STREET NAME	STREET CLASSIFICATION	STREET LENGTH
ALLEGHENY WAY	RESIDENTIAL LANE	264.15'
TROUT RIVER ROAD	RESIDENTIAL LANE	1686.07'
PAINTED CREEK WAY	RESIDENTIAL LANE	327.99'
FISH CREEK LANE	RESIDENTIAL LANE	160.00'
TROUT RIVER ROAD	RESIDENTIAL LANE	256.28'

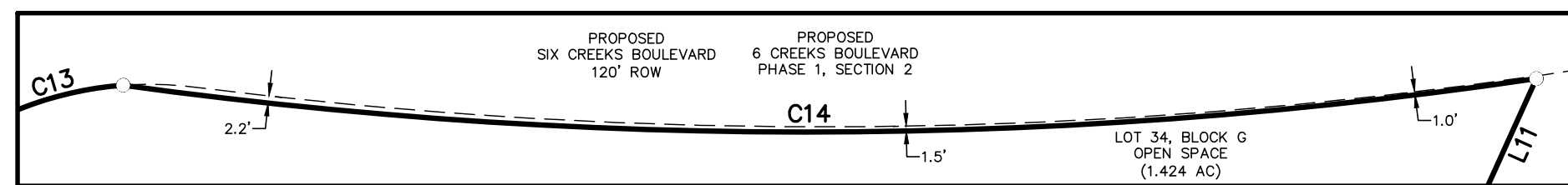


SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS  
2000 NW LOOP 410 | SAN ANTONIO, TX 78213 | 210.375.9000  
TBPE FIRM REGISTRATION #470 | TBPLS FIRM REGISTRATION #10028800

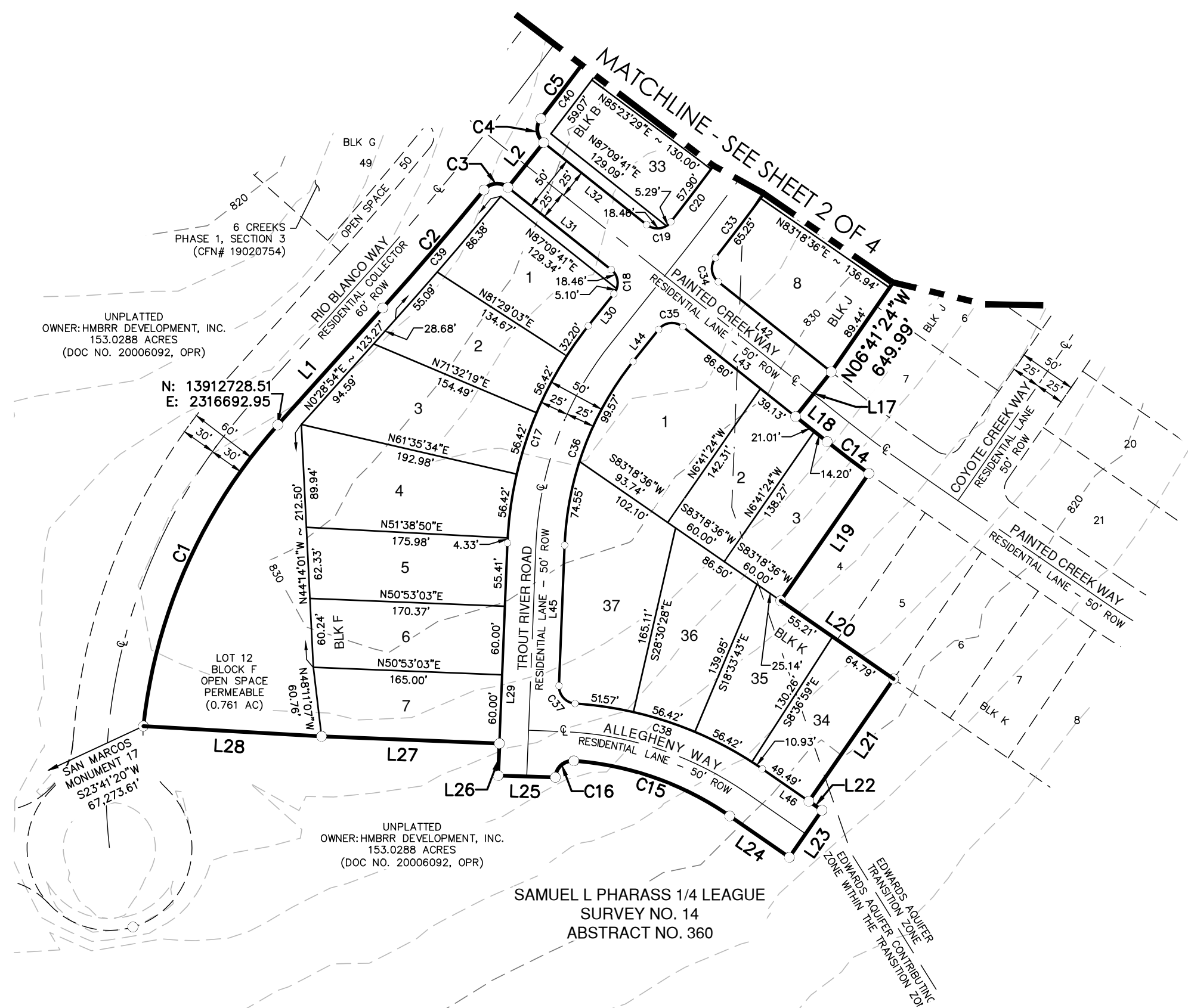
DATE OF PREPARATION: June 17, 2021

#### LEGEND

CFN	CLERK FILE NUMBER
AC	ACRE(S)
BLK	BLOCK
ESMT	EASEMENT
ETJ	EXTRATERRITORIAL JURISDICTION
VOL	VOLUME
PG	PAGE(S)
ROW	RIGHT-OF-WAY
GETCTV	GAS, ELECTRIC, TELEPHONE AND CABLE TELEVISION
DOC NO.	DOCUMENT NUMBER
OPR	OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
HCPR	PLAT RECORDS OF HAYS COUNTY, TEXAS
HCDR	DEED RECORDS OF HAYS COUNTY, TEXAS
(SURVEYOR)	FOUND 1/2" IRON ROD (UNLESS NOTED OTHERWISE)
○	SET 1/2" IRON ROD (FD)
○	SET 1/2" IRON ROD (FD)-ROW
---	EXISTING CONTOURS
---	PROPOSED CONTOURS
---	ORIGINAL SURVEY/COUNTY LINE
---	CENTERLINE
---	KYLE CITY LIMITS
①	15' WATER EASEMENT



DETAIL "A"  
NOT-TO-SCALE  
SEE SHEET 2 OF 4



OWNER: HMBRR DEVELOPMENT, INC.  
1011 N. LAMAR  
AUSTIN, TEXAS 78703  
(512) 481-0303 P  
(512) 481-0333 F

ACREAGE: 17.359 ACRES

SURVEY: SAMUEL PHARASS 1/4 LEAGUE  
SURVEY NO. 14  
ABSTRACT 360

PROPOSED RESIDENTIAL LOTS: 57  
PROPOSED OPEN SPACE LOTS: 2

DATE: June 15, 2021

ENGINEER & SURVEYOR:  
PAPE-DAWSON ENGINEERS, INC.  
2000 NW LOOP 410  
SAN ANTONIO, TX 78213  
(210) 375-9000 P  
(210) 375-9010 F

A FIFTEEN (15) FOOT MUNICIPAL UTILITY EASEMENT IS HEREBY DEDICATED ADJACENT TO ALL STREET ROW.

A FIVE (5) FOOT MUNICIPAL UTILITY EASEMENT IS HEREBY DEDICATED ALONG ALL SIDE LOTS WITHIN THE SINGLE FAMILY LOT.

A TEN (10) FOOT MUNICIPAL UTILITY EASEMENT IS HEREBY DEDICATED ALONG ALL REAR LOT LINES WITHIN THE SINGLE FAMILY LOT.





DATE OF PREPARATION: June 17, 2021

**LEGEND**

- CFN CLERK FILE NUMBER
- AC ACRE(S)
- BLK BLOCK
- ESMT EASEMENT
- ETJ EXTRATERRITORIAL JURISDICTION
- VOL VOLUME
- PG PAGE(S)
- ROW RIGHT-OF-WAY
- GETCTV GAS, ELECTRIC, TELEPHONE AND CABLE TELEVISION
- DOC NO. DOCUMENT NUMBER
- OPR OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
- H CPR PLAT RECORDS OF HAYS COUNTY, TEXAS
- HCDR DEED RECORDS OF HAYS COUNTY, TEXAS
- (SURVEYOR) FOUND 1/2" IRON ROD (UNLESS NOTED OTHERWISE)
- SET 1/2" IRON ROD (PD)
- SET 1/2" IRON ROD (PD)-ROW
- 1140 EXISTING CONTOURS
- 1140 PROPOSED CONTOURS
- ORIGINAL SURVEY/COUNTY LINE
- CENTERLINE
- 15' WATER EASEMENT

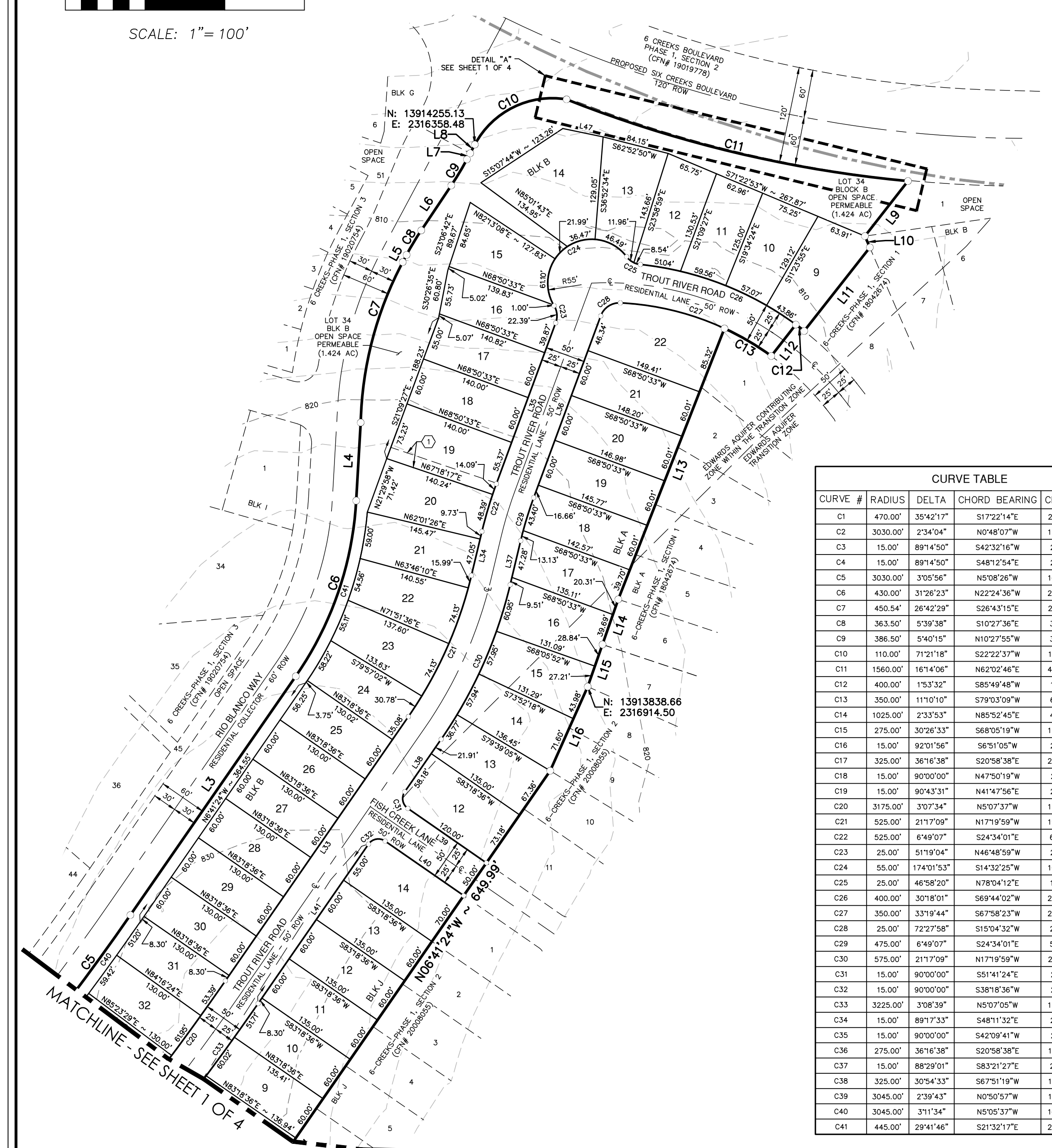
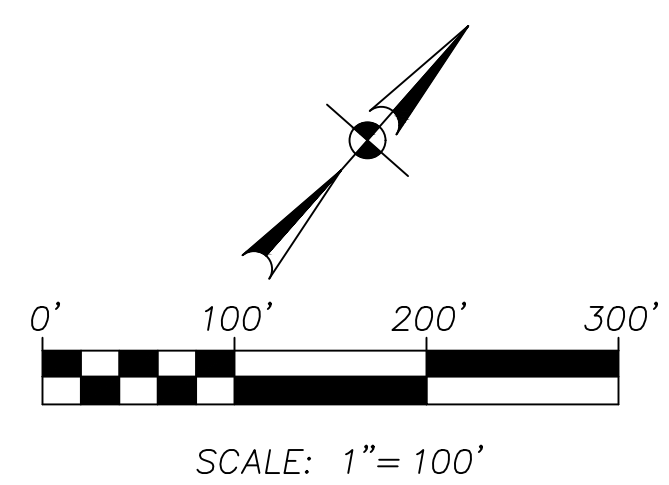
**LINE TABLE**

LINE #	BEARING	LENGTH
L1	S0°28'54"W	137.29'
L2	S2°50'19"E	50.00'
L3	S6°41'24"E	364.55'
L4	S38°07'47"E	98.19'
L5	S13°17'25"E	10.24'
L6	S7°37'47"E	67.78'
L7	S13°18'02"E	8.58'
L8	S13°18'02"E	12.40'
L9	N3°23'28"W	87.69'
L10	N6°45'05"W	15.48'
L11	N31°3'26"W	133.36'
L12	N3°23'28"W	50.03'
L13	N19°59'52"W	365.06'
L14	N22°06'03"W	60.01'
L15	N22°04'53"W	56.05'
L16	N17°22'23"W	115.59'
L17	N2°50'19"W	50.00'
L18	S87°09'41"W	35.21'
L19	N6°41'24"W	135.26'
L20	S83°18'36"W	120.00'
L21	S6°41'24"E	130.00'
L22	S83°18'36"W	13.89'
L23	S6°41'24"E	50.00'
L24	S83°18'36"W	63.37'

**LINE TABLE**

LINE #	BEARING	LENGTH
L25	S50°23'20"W	50.00'
L26	S39°06'57"E	28.04'
L27	N50°53'03"E	155.42'
L28	N51°53'41"E	155.81'
L29	S39°06'57"E	203.44'
L30	N2°50'19"W	35.87'
L31	N87°09'41"E	115.26'
L32	N87°09'41"E	115.01'
L33	N6°41'24"W	403.38'
L34	S27°58'34"E	56.79'
L35	S21°09'27"E	215.25'
L36	S21°09'27"E	243.00'
L37	S27°58'34"E	56.79'
L38	S6°41'24"E	80.08'
L39	N83°18'36"E	120.00'
L40	N83°18'36"E	120.00'
L41	N6°41'24"W	243.30'
L42	N87°09'41"E	126.17'
L43	N87°09'41"E	125.92'
L44	N2°50'19"W	35.87'
L45	N39°06'57"W	122.96'
L46	S83°18'36"W	63.37'
L47	S60°20'40"W	51.69'

FINAL PLAT  
 OF  
**6 CREEKS-PHASE 1, SECTION 4A**  
 A 17.359 ACRE TRACT OF LAND BEING COMPRISED OF A PORTION OF A 153.0288 ACRE TRACT DESCRIBED IN DOCUMENT NUMBER 20006092 AND A PORTION OF A 61.49 ACRE TRACT DESCRIBED IN DOCUMENT NUMBER 17034173, BOTH OUT OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, IN THE SAMUEL PHARRAS 1/4 LEAGUE NO. 14, ABSTRACT 360, IN HAYS COUNTY, TEXAS.



**CURVE TABLE**

CURVE #	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	470.00'	35°42'17"	S17°22'14"E	288.17'
C2	3030.00'	2°34'04"	N0°48'07"W	135.78'
C3	15.00'	89°14'50"	S42°32'16"W	21.07'
C4	15.00'	89°14'50"	S48°12'54"E	21.07'
C5	3030.00'	3°05'56"	N5°08'26"W	163.86'
C6	430.00'	31°26'23"	N22°24'36"W	233.00'
C7	450.54'	26°42'29"	S26°43'15"E	208.12'
C8	363.50'	5°39'38"	S10°27'36"E	35.90'
C9	386.50'	5°40'15"	N10°27'55"W	38.24'
C10	110.00'	71°21'18"	S22°22'37"W	128.31'
C11	1560.00'	16°14'06"	N62°02'46"E	440.56'
C12	400.00'	1°53'32"	S85°49'48"W	13.21'
C13	350.00'	11°10'10"	S79°03'09"W	68.12'
C14	1025.00'	2°33'53"	N85°52'45"E	45.88'
C15	275.00'	30°26'33"	S68°05'19"W	144.40'
C16	15.00'	92°01'56"	S6°51'05"W	21.59'
C17	325.00'	36°16'38"	S20°58'38"E	202.36'
C18	15.00'	90°00'00"	N47°50'19"W	21.21'
C19	15.00'	90°43'31"	N41°47'56"E	21.35'
C20	3175.00'	3°07'34"	N5°07'37"W	173.22'
C21	525.00'	21°17'09"	N17°19'59"W	193.92'
C22	525.00'	6°49'07"	S24°34'01"E	62.44'
C23	25.00'	51°19'04"	N46°48'59"W	21.65'
C24	55.00'	174°01'53"	S14°32'25"W	109.85'
C25	25.00'	46°58'20"	N78°04'12"E	19.93'
C26	400.00'	30°18'01"	S69°44'02"W	209.08'
C27	350.00'	33°19'44"	S67°58'23"W	200.74'
C28	25.00'	72°27'58"	S15°04'32"W	29.55'
C29	475.00'	6°49'07"	S24°34'01"E	56.49'
C30	575.00'	21°17'09"	N17°19'59"W	212.39'
C31	15.00'	90°00'00"	S51°41'24"E	21.21'
C32	15.00'	90°00'00"	S38°18'36"W	21.21'
C33	3225.00'	3°08'39"	N5°07'05"W	176.95'
C34	15.00'	89°17'33"	S48°11'32"E	21.08'
C35	15.00'	90°00'00"	S42°09'41"W	21.21'
C36	275.00'	36°16'38"	S20°58'38"E	171.22'
C37	15.00'	88°29'01"	S83°21'27"E	20.93'
C38	325.00'	30°54'33"	S67°51'19"W	173.21'
C39	3045.00'	2°39'43"	N0°50'57"W	141.45'
C40	3045.00'	3°11'34"	N5°05'37"W	169.67'
C41	445.00'	29°41'46"	S21°32'17"E	228.07'

\* LOT WIDTHS ARE MEASURED AT THE FRONT BUILDING LINE.

**LOT SUMMARY**

LOT	BLK	LOT WIDTH	LOT AREA
12	A	73.18'	9831 SF
13	A	60.01'	8526 SF
14	A	60.01'	8618 SF
15	A	60.01'	8476 SF
16	A	70.11'	9189 SF
17	A	60.41'	8320 SF
18	A	60.04'	8681 SF
19	A	60.00'	8782 SF
20	A	60.00'	8855 SF
21	A	60.00'	8928 SF
22	A	70.97'	12019 SF
9	B	60.03'	8992 SF
10	B	60.03'	8336 SF
11	B	60.09'	7770 SF
12	B	59.86'	8525 SF
13	B	62.42'	9129 SF
14	B	61.64'	13641 SF
15	B	60.14'	8740 SF
16	B	60.02'	8683 SF
17	B	60.00'	8402 SF
18	B	60.00'	8400 SF
19	B	70.01'	9990 SF
20	B	60.01'	9200 SF
21	B	62.44'	8671 SF
22	B	71.25'	8949 SF
23	B	71.25'	8760 SF
24	B	64.68'	8151 SF
25	B	60.00'	7800 SF
26	B	60.00'	7800 SF
27	B	60.00'	7800 SF

**LOT SUMMARY**

LOT	BLK	LOT WIDTH	LOT AREA
28	B	60.00'	7800 SF
29	B	60.00'	7800 SF
30	B	60.00'	7800 SF
31	B	61.34'	7877 SF
32	B	61.56'	7889 SF
33	B	62.47'	7939 SF
34	B	N/A	62044 SF
1	F	75.17'	10464 SF
2	F	59.89'	9855 SF
3	F	60.04'	12281 SF
4	F	60.04'	13242 SF
5	F	60.00'	10543 SF
6	F	60.00'	10061 SF
7	F	60.00'	9613 SF
12	F	N/A	33149 SF
8	J	81.42'	11708 SF
9	J	60.02'	8165 SF
10	J	60.00'	8107 SF
11	J	60.00'	8100 SF
12	J	60.00'	8100 SF
13	J	60.00'	8100 SF
14	J	70.00'	9402 SF
1	K	103.14'	14920 SF
2	K	60.14'	8417 SF
3	K	60.14'	8191 SF
34	K	61.08'	8139 SF
35	K	60.04'	9112 SF
36	K	60.04'	10511 SF
37	K	55.03'	15512 SF

**LOT SUMMARY**

TOTAL NUMBER OF LOTS	59
AVERAGE SIZE OF LOTS	0.242 ACRES / 10556 SF
NUMBER OF LOTS ≥ 10 ACRES	0
NUMBER OF LOTS ≥ 5 ACRES, < 10 ACRES	0
NUMBER OF LOTS ≥ 2 ACRES AND ≤ 5 ACRES	0
NUMBER OF LOTS ≥ 1 ACRE AND < 2 ACRES	1
NUMBER OF LOTS < 1 ACRE	58
NUMBER OF 50' SINGLE FAMILY LOTS (5500 MIN SF)	0
NUMBER OF 60' SINGLE FAMILY LOTS (7200 MIN SF)	57



FINAL PLAT  
OF  
6 CREEKS-PHASE 1, SECTION 4A

A 17.359 ACRE TRACT OF LAND BEING COMPRISED OF A PORTION OF A 153.0288 ACRE TRACT DESCRIBED IN DOCUMENT NUMBER 20006092 AND A PORTION OF A 61.49 ACRE TRACT DESCRIBED IN DOCUMENT NUMBER 17034173, BOTH OUT OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, IN THE SAMUEL PHARASS 1/4 LEAGUE NO. 14, ABSTRACT 360, IN HAYS COUNTY, TEXAS.



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2000 NW LOOP 410 | SAN ANTONIO, TX 78213 | 210.375.9000  
TBPB FIRM REGISTRATION #470 | TBPES FIRM REGISTRATION #10028800

DATE OF PREPARATION: June 17, 2021

**FINAL PLAT NOTES:**

1. THIS FINAL PLAT IS LOCATED ENTIRELY WITHIN HAYS COUNTY.
2. THIS PLAT FALLS PARTIALLY WITHIN THE BOUNDARIES OF THE EDWARDS AQUIFER CONTRIBUTING ZONE WITHIN THE TRANSITION ZONE, AND PARTIALLY WITHIN THE BOUNDARIES OF THE EDWARDS AQUIFER TRANSITION ZONE.
3. THIS PLAT IS LOCATED WITHIN THE BOUNDARY OF THE HAYS CONSOLIDATED INDEPENDENT SCHOOL DISTRICT.
4. NO PORTION OF THIS PROPERTY IS LOCATED WITHIN A DESIGNATED 100-YEAR FLOOD PLAIN AS DELINEATED ON THE FLOOD INSURANCE RATE MAP NO. 48209C0270 F, EFFECTIVE DATE OF SEPTEMBER 2, 2005, AS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
5. ALL STREETS SHALL BE DESIGNED IN ACCORDANCE WITH APPLICABLE HAYS COUNTY REQUIREMENTS AND APPROVED BY THE HAYS COUNTY TRANSPORTATION DEPARTMENT AND UPON ACCEPTANCE SHALL BE DEDICATED TO THE COUNTY FOR MAINTENANCE.
6. STREETS TO BE ACCESSED WILL BE CONSTRUCTED WITH CURB AND GUTTER.
7. LINEAR FOOTAGE OF STREET IMPROVEMENTS: ±2694 L.F.
8. THIS PLAT HAS BEEN PREPARED IN ACCORDANCE WITH THE HAYS COUNTY REQUIREMENTS AS APPLICABLE TO THIS DEVELOPMENT.
9. AREA WITHIN NEW ROAD RIGHT-OF-WAY = 3.062 ACRES.
10. ALL STREETS TO BE PAVED, PUBLIC AND MAINTAINED BY THE COUNTY.
11. NO OBJECT INCLUDING FENCING OR LANDSCAPING WHICH WOULD INTERFERE WITH CONVEYANCE OF STORM WATER SHALL BE PLACED OR ERECTED WITHIN DRAINAGE EASEMENTS.
12. TYPICAL LANDSCAPE MAINTENANCE, CUTTING AND TRIMMING, WITHIN THE SUBDIVISION, ALL EASEMENTS, DETENTION PONDS AND RIGHT OF WAYS TO THE PAVEMENT TO BE THE RESPONSIBILITY OF PROPERTY OWNERS AND/OR PROPERTY AND/OR HOMEOWNERS ASSOCIATIONS.
13. SIDEWALKS, PEDESTRIAN CROSSINGS AND OTHER PUBLIC AMENITIES THAT ARE TO BE DEDICATED TO THE CITY OF KYLE SHALL MEET OR EXCEED ALL 2010 ADA STANDARDS OF ACCESSIBILITY DESIGN AND ALL CURRENT FEDERAL AND STATE LAWS REGARDING ACCESS FOR PEOPLE WITH DISABILITIES FOR TITLE II ENTITIES.
14. THIS SUBDIVISION IS WITHIN THE ETJ OF THE CITY OF KYLE, TEXAS.
15. GAS PROVIDED BY CENTERPOINT ENERGY. (800) 427-7142
16. ELECTRICITY PROVIDED BY PERDENALES ELECTRIC COMPANY. (888) 554-4732
17. THE WASTEWATER TREATMENT PLANT IS OWNED AND OPERATED BY THE CITY OF KYLE, TEXAS.
18. WASTEWATER IS PROVIDED BY THE CITY OF KYLE, TEXAS (512) 262-3960 (SEE NOTE ABOVE).
19. WATER IS PROVIDED BY THE CITY OF KYLE, TEXAS. (512) 262-3960
20. INTERNET/PHONE IS PROVIDED BY CENTRIC FIBER. (877) 342-7270
21. TRASH IS PROVIDED BY TEXAS DISPOSAL SYSTEMS. (800) 375-8375
22. THE REQUIREMENT CONCERNING CONSTRUCTION STANDARDS FOR MAILBOXES INSTALLED WITHIN THE RIGHT-OF-WAY OF STREETS AND HIGHWAYS AND REQUIRING ALL SUCH MAILBOXES TO BE MADE OF COLLAPSIBLE MATERIALS, AS DEFINED IN THE ORDINANCE. COMMUNITY MAILBOXES SHALL HAVE A SEPARATE LIGHT/STREET LIGHT TO ILLUMINATE THE MAILBOX AREA.
23. FOR THE TWO (2), FIVE (5), TEN (10), TWENTY-FIVE (25), AND ONE HUNDRED (100) YEAR, TWENTY-FOUR (24) HOUR STORM EVENTS, POST DEVELOPED CONDITION RUNOFF RATES SHALL BE LESS THAN OR EQUAL TO THE PRE-DEVELOPED CONDITION RUNOFF RATES. PRE AND POST DEVELOPMENT RUNOFF CALCULATIONS SHALL BE INCLUDED WITH THE CONSTRUCTION DRAWINGS FOR THIS SUBDIVISION.
24. THIS SITE IS LOCATED WITHIN HAYS COUNTY ESD #5 AND #9.
25. CONSTRUCTION STANDARDS AND SPECIFICATIONS WILL BE AS AGREED TO IN THE BLANCO RIVER RANCH (PHASE ONE RESIDENTIAL AREA) DE-ANNEXATION AND DEVELOPMENT AGREEMENT (INSTRUMENT #17018505) APPROVED BY THE HAYS COUNTY COMMISSIONER'S COURT ON MARCH 21, 2017.
26. POST CONSTRUCTION STORMWATER CONTROL MEASURES SHALL HAVE A MAINTENANCE PLAN. THE MAINTENANCE PLAN MUST BE FILED IN THE REAL PROPERTY RECORDS OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED. THE OWNER OR OPERATOR OF ANY NEW DEVELOPMENT OR REDEVELOPED SITE SHALL DEVELOP AND IMPLEMENT A MAINTENANCE PLAN ADDRESSING MAINTENANCE REQUIREMENTS FOR ANY STRUCTURAL CONTROL MEASURES INSTALLED ON SITE. OPERATION AND MAINTENANCE PERFORMED SHALL BE DOCUMENTED AND RETAINED ON SITE, SUCH AS AT THE OFFICES OF THE OWNER OR OPERATOR, AND MADE AVAILABLE FOR REVIEW BY THE CITY.
27. IN ORDER TO PROMOTE SAFE USE OF ROADWAYS AND PRESERVE THE CONDITIONS OF PUBLIC ROADWAYS, NO DRIVEWAY CONSTRUCTED ON ANY LOT WITHIN THIS SUBDIVISION SHALL BE PERMITTED TO ACCESS ONTO A PUBLIC ROADWAY UNLESS (A) A PERMIT FOR USE OF THE COUNTY ROADWAY RIGHT-OF-WAY HAS BEEN ISSUED UNDER CHAPTER 751, AND, (B) THE DRIVEWAY SATISFIES THE MINIMUM SPACING REQUIREMENT SET FORTH IN CHAPTER 721 OF THE HAYS COUNTY DEVELOPMENT REGULATIONS.
28. IN APPROVING THIS PLAT BY THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS, IT IS UNDERSTOOD THAT THE BUILDING OF ALL STREETS, ROADS, AND OTHER PUBLIC THOROUGHFARES DELINEATED AND SHOWN ON THIS PLAT, AND ALL BRIDGES AND CULVERTS NECESSARY TO BE CONSTRUCTED OR PLACED IN SUCH STREETS, ROADS, OR OTHER PUBLIC THOROUGHFARES, OR IN CONNECTION THEREWITH SHALL BE THE RESPONSIBILITY OF THE OWNER AND/OR THE DEVELOPER OF THE TRACT OF LAND COVERED BY THIS PLAT IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS PRESCRIBED BY THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS AND THE COMMISSIONERS COURT OF HAYS COUNTY, TEXAS, ASSUMES NO OBLIGATION TO BUILD THE STREETS, ROADS, OR OTHER PUBLIC THOROUGHFARES SHOWN ON THIS PLAT OR OF CONSTRUCTING ANY BRIDGES OR CULVERTS IN CONNECTION THEREWITH.
29. SIDEWALKS SHALL BE INSTALLED ON THE SUBDIVISION SIDE OF TROUT RIVER ROAD AND ALLEGHENY WAY. THOSE SIDEWALKS NOT ABUTTING RESIDENTIAL, COMMERCIAL OR INDUSTRIAL LOT SHALL BE INSTALLED WHEN THE ADJOINING STREET IS CONSTRUCTED WHERE THERE ARE DOUBLE FRONTAGE LOTS, SIDEWALKS ON THE STREET TO WHICH ACCESS IS PROHIBITED ARE ALSO REQUIRED TO BE INSTALLED WHEN THE STREETS IN THE SUBDIVISION ARE CONSTRUCTED. (ORD #439, ARTICLE V, SEC 10; KYLE CODE)
30. ALL CULVERTS, WHEN REQUIRED SHALL COMPLY WITH THE CURRENT HAYS COUNTY STANDARD, PER HAYS COUNTY DEVELOPMENT REGULATIONS, CHAPTER 705, SUBCHAPTER 8.03.
31. THE MAINTENANCE OF SIDEWALKS SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNERS OR HOMEOWNERS ASSOCIATION OR THEIR SUCCESSORS AND NOT THE RESPONSIBILITY OF THE CITY OF KYLE OR HAYS COUNTY.
32. ROAD WAY CLASSIFICATIONS ARE PER THE BLANCO RIVER RANCH (PHASE 1 RESIDENTIAL AREA) DE-ANNEXATION AND DEVELOPMENT AGREEMENT (INSTRUMENT #17018505).
33. COORDINATES SHOWN ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 NAD83 (NA2011) EPOCH 2010.00 FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE DISPLAYED IN GRID VALUES DERIVED FROM THE NGS COOPERATIVE CORS NETWORK.
34. MONUMENTS AND LOT MARKERS WILL BE SET WITH 1/2" IRON ROD WITH CAP MARKED "PAPE-DAWSON" OR MAG NAIL WITH DISK MARKED "PAPE-DAWSON" AFTER THE COMPLETION OF UTILITY INSTALLATION AND STREET CONSTRUCTION UNLESS OTHERWISE NOTED.
35. DIMENSIONS SHOWN ARE SURFACE.
36. BEARINGS ARE BASED ON THE NORTH AMERICAN DATUM OF 1983 NAD83 (NA2011) EPOCH 2010.00, FROM THE TEXAS COORDINATE SYSTEM ESTABLISHED FOR THE SOUTH CENTRAL ZONE.
37. THIS SITE IS LOCATED WITHIN THE BARTON SPRINGS/EDWARDS AQUIFER CONSERVATION DISTRICT.

FINAL PLAT  
OF  
**6 CREEKS-PHASE 1, SECTION 4A**

A 17.359 ACRE TRACT OF LAND BEING COMPRISED OF A PORTION OF A 153.0288 ACRE TRACT DESCRIBED IN DOCUMENT NUMBER 20006092 AND A PORTION OF A 61.49 ACRE TRACT DESCRIBED IN DOCUMENT NUMBER 17034173, BOTH OUT OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, IN THE SAMUEL PHARASS 1/4 LEAGUE NO. 14, ABSTRACT 360, IN HAYS COUNTY, TEXAS.



SAN ANTONIO | AUSTIN | HOUSTON | FORT WORTH | DALLAS  
2000 NW LOOP 410 | SAN ANTONIO, TX 78213 | 210.375.9000  
TBPE FIRM REGISTRATION #470 | TBPLS FIRM REGISTRATION #10028800

DATE OF PREPARATION: June 17, 2021

THE STATE OF TEXAS §  
COUNTY OF HAYS §

KNOW ALL MEN BY THESE PRESENTS, THAT HMBRR DEVELOPMENT, INC., A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, WITH ITS HOME ADDRESS AT 1011 N. LAMAR, AUSTIN, TEXAS, AS CONVEYED TO IT BY DEED DATED FEBRUARY 20, 2020, RECORDED IN DOCUMENT 20006092, AND DEED DATED SEPTEMBER 27, 2017, RECORDED IN DOCUMENT 17034173, BOTH OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, DOES HEREBY SUBDIVIDE 17.359 ACRES OF LAND OUT OF THE SAMUEL PHARASS 1/4 LEAGUE SURVEY NO. 14, ABSTRACT 360, TO BE KNOWN AS:

6 CREEKS-PHASE 1, SECTION 4A

IN ACCORDANCE WITH THE PLAT SHOWN HEREON, SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED, AND DO HEREBY DEDICATE TO THE PUBLIC THE USE OF THE STREETS AND EASEMENTS SHOWN HEREON.

HMBRR DEVELOPMENT, INC.  
BY: BLAKE MAGEE  
PRESIDENT  
1011 N. LAMAR  
AUSTIN, TEXAS 78703

THE STATE OF TEXAS §  
COUNTY OF HAYS §

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED \_\_\_\_\_, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND HE/SHE ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN AND HEREIN SET OUT, AND AS THE ACT AND DEED OF SAID CORPORATION, GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_.

NOTARY PUBLIC, STATE OF TEXAS

PRINTED NOTARY'S NAME \_\_\_\_\_  
MY COMMISSION EXPIRES \_\_\_\_\_

THE STATE OF TEXAS §  
COUNTY OF HAYS §

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY, THAT THIS PLAT IS TRUE AND CORRECT, THAT IT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND, AND THAT ALL NECESSARY SURVEY MONUMENTS ARE CORRECTLY SET OR FOUND AS SHOWN THEREON.

DAVID CASANOVA  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4251  
STATE OF TEXAS  
PAPE-DAWSON ENGINEERS, INC.  
TBPELS, FIRM REGISTRATION NO. 10028800  
2000 NW LOOP 410  
SAN ANTONIO, TX 78213

DATE \_\_\_\_\_

THE STATE OF TEXAS §  
COUNTY OF HAYS §

I, THE UNDERSIGNED, A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT.

REBECCA ANN CARROLL  
REGISTERED PROFESSIONAL ENGINEER NO. 92666  
PAPE-DAWSON ENGINEERS, INC.  
TBPELS, FIRM REGISTRATION NO. 470  
2000 NW LOOP 410  
SAN ANTONIO, TX 78213

DATE \_\_\_\_\_

THE STATE OF TEXAS §  
COUNTY OF HAYS §

KNOW ALL MEN BY THESE PRESENTS, THAT CLARE L. BRANSON, CONSTRUCTION LENDING OFFICER, OF AMERICAN BANK, N.A., THE LIEN HOLDER OF THE TRACTS OF LAND SHOWN HEREON AND DESCRIBED IN RECORDED DOCUMENT NUMBER 17034176 AND RECORDED DOCUMENT NUMBER 17034173, BOTH OUT OF THE OFFICIAL PUBLIC RECORDS, HAYS COUNTY TEXAS, DOES HEREBY CONSENT TO THE SUBDIVISION OF SAID TRACTS OF LAND AS SHOWN HEREON, DOES FURTHER HEREBY JOIN, APPROVE, AND CONSENT TO ALL PLAT NOTE REQUIREMENTS SHOWN HEREON, AND TO THE DEDICATION TO THE PUBLIC THE USE OF THE STREETS, PUBLIC TRAILS, AND EASEMENTS SHOWN HEREON.

TO CERTIFY WHICH, WITNESS BY MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_.

CHRIS CROWLEY  
SVP, BUSINESS PARTNER  
AMERICAN BANK OF COMMERCE  
610 WEST 5TH STREET  
AUSTIN, TX 78701

THE STATE OF TEXAS §  
COUNTY OF HAYS §

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS DAY PERSONALLY APPEARED CLARE L. BRANSON, CHIEF ACCOUNTING OFFICER, KNOWN 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.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

NOTARY PUBLIC, STATE OF TEXAS

PRINTED NOTARY'S NAME \_\_\_\_\_

THIS FINAL PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KYLE, TEXAS, AND IS HEREBY APPROVED BY SUCH PLANNING AND ZONING COMMISSION.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_.

CHAIRPERSON \_\_\_\_\_

NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO AN INDIVIDUAL WATER SUPPLY OR A STATE-APPROVED COMMUNITY WATER SYSTEM. DUE TO DECLINING WATER SUPPLIES AND DIMINISHING WATER QUALITY, PROSPECTIVE PROPERTY OWNERS ARE CAUTIONED BY HAYS COUNTY TO QUESTION THE SELLER CONCERNING GROUNDWATER AVAILABILITY. RAINWATER COLLECTION IS ENCOURAGED AND IN SOME AREAS MAY OFFER THE BEST RENEWABLE WATER RESOURCE. NO STRUCTURE IN THIS SUBDIVISION SHALL BE OCCUPIED UNTIL CONNECTED TO A PUBLIC SEWER SYSTEM OR TO AN ON-SITE WATERWATER SYSTEM WHICH HAS BEEN APPROVED AND PERMITTED BY HAYS COUNTY DEVELOPMENT SERVICES. NO CONSTRUCTION OR OTHER DEVELOPMENT WITHIN THIS SUBDIVISION MAY BEGIN UNTIL ALL HAYS COUNTY DEVELOPMENT PERMIT REQUIREMENTS HAVE BEEN MET.

ERIC VAN GAASBEEK, R.S., C.F.M  
HAYS COUNTY FLOODPLAIN ADMINISTRATOR

MARCUS PACHECO,  
DIRECTOR, HAYS COUNTY DEVELOPMENT SERVICES

REVIEWED BY:

DIRECTOR OF PUBLIC WORKS

REVIEWED BY:

CITY ENGINEER

I, THE UNDERSIGNED, DIRECTOR OF HAYS COUNTY DEVELOPMENT SERVICES DEPARTMENT, HEREBY CERTIFY THAT THIS SUBDIVISION PLAT CONFORMS TO ALL HAYS COUNTY REQUIREMENTS AS STATED IN THE INTERLOCAL COOPERATION AGREEMENT BETWEEN HAYS COUNTY AND THE CITY OF KYLE FOR SUBDIVISION REGULATION WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF KYLE.

MARCUS PACHECO  
DIRECTOR, HAYS COUNTY DEVELOPMENT SERVICES

THE STATE OF TEXAS §  
COUNTY OF HAYS §

I, ELAINE H. CARDENAS, COUNTY CLERK OF HAYS COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING, WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, A.D., AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. AND DULY RECORDED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, A.D., AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. IN THE PLAT RECORDS OF HAYS COUNTY, TEXAS IN CFN # \_\_\_\_\_.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK OF SAID COUNTY THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, A.D.

ELAINE H. CARDENAS, COUNTY CLERK  
HAYS COUNTY, TEXAS

THE STATE OF TEXAS §  
COUNTY OF HAYS §

THIS PLAT HAS BEEN SUBMITTED AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KYLE, TEXAS, AND IS HEREBY APPROVED BY SUCH PLANNING AND ZONING COMMISSION.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

MICHELLE CHRISTIE MADAM CHAIR



**Hays County Development Services**  
P.O Box 1006 San Marcos TX 78667-1006  
2171 Yarrington Road San Marcos TX 78666  
512-393-2150 / [www.hayscountytexas.com](http://www.hayscountytexas.com)

June 16, 2021

Howard Koontz  
Director of Planning  
City of Kyle

**Re: 6 Creeks, Phase 1, Section 4A, Final (PLN-1511-NP)**

Mr. Koontz,

The Hays County Development Services staff has had an opportunity to review the aforementioned subdivision for compliance with Hays County subdivision and development regulations. Hays County staff has no further review comments at this time.

Pursuant to the Interlocal Cooperation Agreement between Hays County and the City of Kyle for subdivision regulation within the extraterritorial jurisdiction of the City of Kyle, please move forward with approval of the plat as submitted.

If you have any questions please let me know.

Regards,

*Marcus Pacheco*

Marcus Pacheco  
Director  
Hays County Development Services



# CITY OF KYLE, TEXAS

Kyle Towne Center Replat of lots 2,  
8, 9, 10, 11 & 12 (SUB-21-0190)

**Meeting Date: 6/22/2021**  
**Date time:6:30 PM**

**Subject/Recommendation:** Kyle Towne Center Replat of lots 2, 8, 9, 10, 11 & 12 (SUB-21-0190) 6.837 acres; 7 commercial lots located at 18900 IH-35.

Staff Proposal to P&Z: Approve.

**Other Information:** See attached.

**Legal Notes:** N/A

**Budget Information:** N/A

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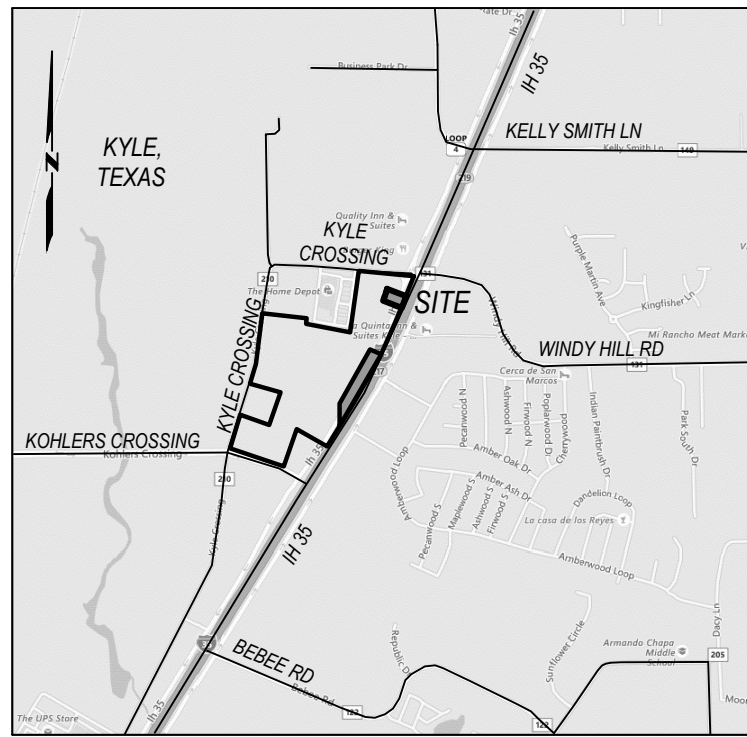
**ATTACHMENTS:**

**Description**

□ Plat



# REPLAT OF LOT 2, 8, 9, 10, 11 & 12 KYLE TOWNE CENTER



LOCATION MAP  
NOT TO SCALE

**OWNERS:**  
135 KYLE CROSSING LOT 2, LTD., A TEXAS LIMITED PARTNERSHIP  
135 KYLE CROSSING LOT 8, LTD., A TEXAS LIMITED PARTNERSHIP  
135 KYLE CROSSING LOT 9, LTD., A TEXAS LIMITED PARTNERSHIP  
135 KYLE CROSSING LOT 10, LTD., A TEXAS LIMITED PARTNERSHIP  
135 KYLE CROSSING LOT 11, LTD., A TEXAS LIMITED PARTNERSHIP  
135 KYLE CROSSING LOT 12, LTD., A TEXAS LIMITED PARTNERSHIP

**DEVELOPER:** 135 KYLE CROSSING LTD.  
500 W 5TH ST.  
AUSTIN, TX 78701

**ACREAGE:** 6.837 ACRES

**SURVEY:** THOMAS G. ALLEN SURVEY NO. 1, ABSTRACT NO. 26,  
HAYS CO., TX

**TOTAL LOTS:** 7

**USE:** RESTAURANT / RETAIL

**DATE:** MAY 10, 2020

**SURVEYOR:**  
TOMMY P. WATKINS, R.P.L.S.  
CUNNINGHAM-ALLEN, INC.  
3103 BEE CAVE ROAD, STE. 202  
AUSTIN, TEXAS 78746  
512-327-2946 O 512-327-2973 F

**ENGINEER:**  
CURTIS MORRIS, P.E.  
CUNNINGHAM-ALLEN, INC.  
3103 BEE CAVE ROAD, STE. 202  
AUSTIN, TEXAS 78746  
512-327-2946 O 512-327-2973 F

**SURVEYOR'S NOTES:**

BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, SOUTH CENTRAL ZONE (NAD\_83 (2011)).

ALL EASEMENTS OF WHICH THE SURVEYOR IS AWARE ARE EITHER SHOWN OR NOTED ON THIS FINAL PLAT.

ADJOINER INFORMATION NOTED HEREON WAS OBTAINED FROM HAYS COUNTY CENTRAL APPRAISAL DISTRICT CURRENT APPRAISAL DISTRICT MAPS.

THIS SUBDIVISION LIES WITHIN THE CORPORATE LIMITS OF THE CITY OF KYLE.

**BENCHMARKS:**

**TBM#1947-56:** SQUARE CUT ON TOP OF CURB, EAST SIDE OF A CONCRETE DRIVE BEHIND SCHLOTZKY'S, +/- 3 FEET SOUTH OF TERMINUS OF SAID DRIVE.  
ELEVATION = 742.53' (NAVD88)

**TBM#1947-56A:** SQUARE CUT ON TOP OF THE SOUTH END OF A HEADWALL DRAINAGE STRUCTURE LOCATED APPROXIMATELY +/- 500 FEET NORTH OF ENTRANCE TO SUNOCO/SCHLOTZKY'S & APPROXIMATELY 50 FEET WEST OF CENTERLINE OF SOUTHBOUND FRONTAGE ROAD FOR INTERSTATE 35.  
ELEVATION = 718.62' (NAVD88)

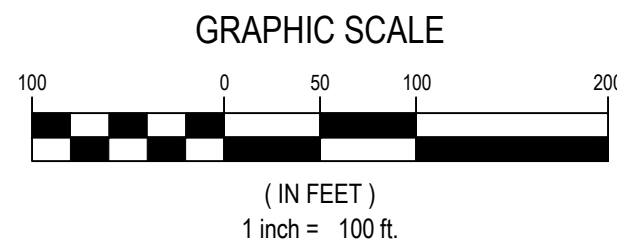
**TBM#1947-58:** SQUARE CUT ON TOP OF THE SOUTHWEST CORNER OF HEADWALL DRAINAGE STRUCTURE LOCATED APPROXIMATELY +/- 30 FEET EAST OF ENTRANCE TO HOME DEPOT AND APPROXIMATELY 50 FEET SOUTH OF CENTERLINE OF KYLE CROSSING.  
ELEVATION = 735.15' (NAVD88)

**NOTES:**

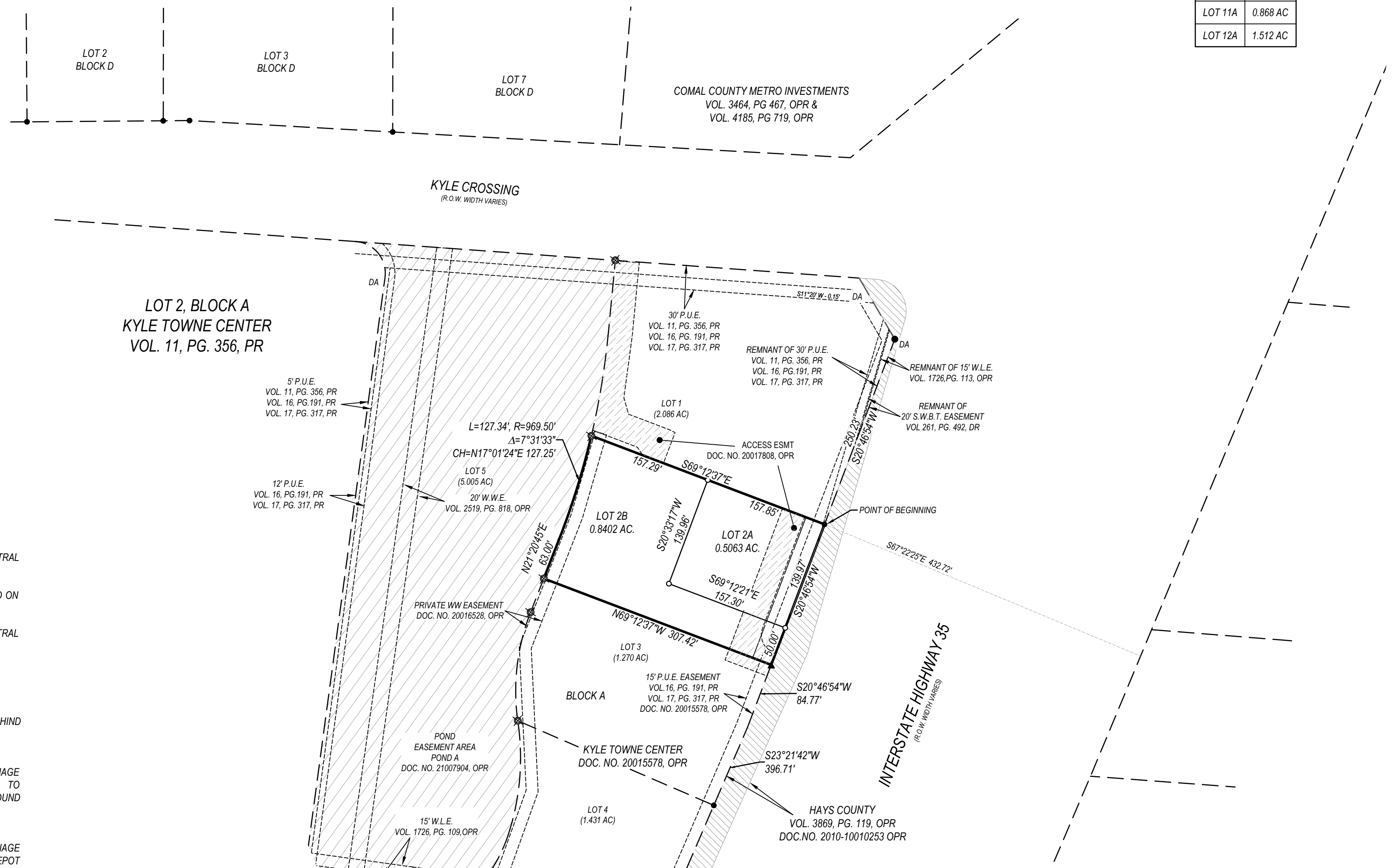
1. SETBACKS NOT SHOWN ON LOTS SHALL CONFORM TO THE CITY OF KYLE ZONING ORDINANCE.

**LEGEND**

- 1/2" IRON ROD W/CAP SET STAMPED "CUNNINGHAM-ALLEN INC"
- ▲ MASONRY NAIL FOUND WITH WASHER STAMPED "CHAPARRAL"
- 1/2" IRON ROD FOUND WITH CAP STAMPED "CHAPARRAL"
- TYPE I R.O.W. MONUMENT FOUND
- △ MASONRY NAIL SET WITH WASHER STAMPED "CUNNINGHAM-ALLEN INC"
- DA DOUCET AND ASSOCIATES
- P.U.E. PUBLIC UTILITY EASEMENT
- W.L.E. WATER LINE EASEMENT
- W.W.E. WASTE WATER EASEMENT
- ESMT. EASEMENT
- PR PLAT RECORDS OF HAYS COUNTY, TEXAS
- DR DEED RECORDS OF HAYS COUNTY, TEXAS
- OPR OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
- M.U.E. MUNICIPAL UTILITY EASEMENT
- B.S. BUILDING SETBACK



Lot Area Table	
Lot #	Area
LOT 2A	0.506 AC
LOT 2B	0.840 AC
LOT 8A	1.202 AC
LOT 9A	1.004 AC
LOT 10A	0.931 AC
LOT 11A	0.868 AC
LOT 12A	1.512 AC



SUBMITTAL DATE: 05/2021

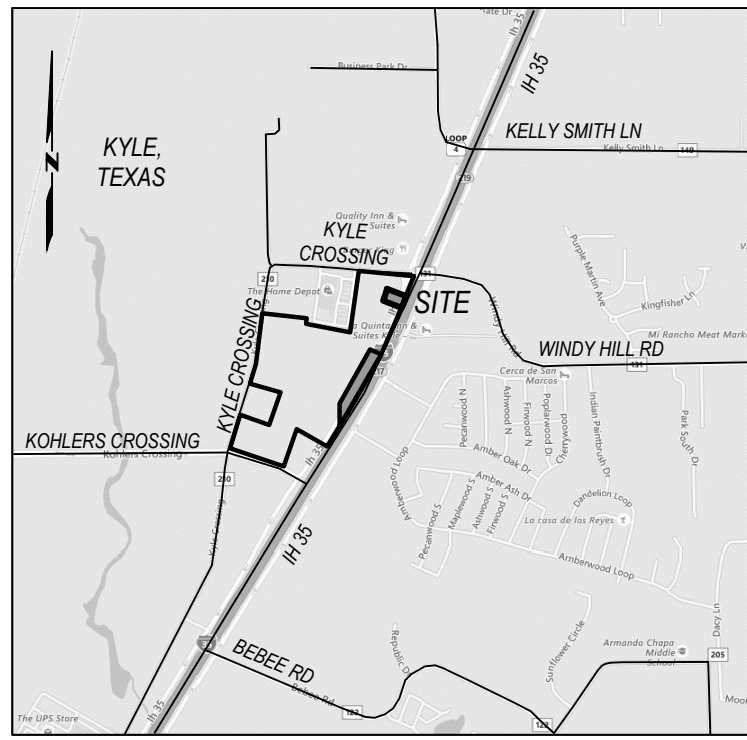


3103 Bee Cave Road, Suite 202 Austin, Texas 78746-6819  
Tel.: (512) 327-2946 Fax: (512) 327-2973  
www.cunningham-allen.com  
TBPELS Reg. # F-284 Firm # 10000900

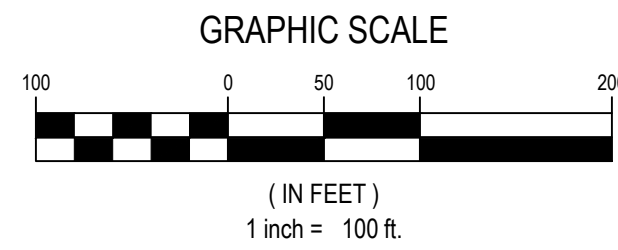
DATE: 05/2021 PROJECT NO.: 277.3702  
DRAWN BY: TPW SHEET 1 OF 4



# REPLAT OF LOT 2, 8, 9, 10, 11 & 12 KYLE TOWNE CENTER

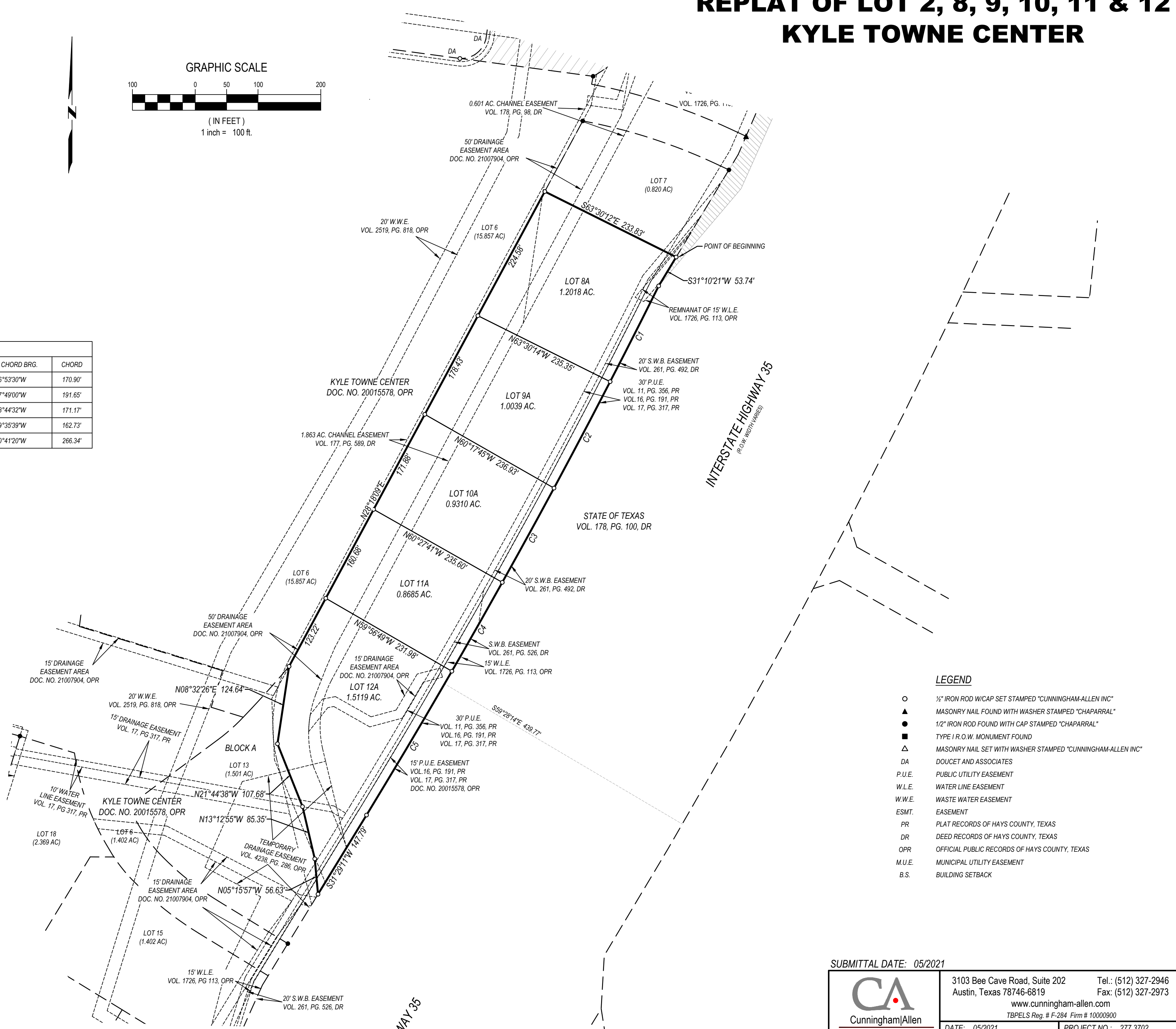


LOCATION MAP  
NOT TO SCALE



CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BRG.	CHORD
C1	11229.19'	170.91'	0°52'19"	S26°53'30"W	170.90'
C2	11229.19'	191.65'	0°58'40"	S27°49'00"W	191.65'
C3	11229.19'	171.18'	0°52'24"	S28°44'32"W	171.17'
C4	11229.19'	162.73'	0°49'49"	S29°35'39"W	162.73'
C5	11229.19'	266.35'	1°21'32"	S30°41'20"W	266.34'

Lot Area Table	
Lot #	Area
LOT 2A	0.506 AC
LOT 2B	0.840 AC
LOT 8A	1.202 AC
LOT 9A	1.004 AC
LOT 10A	0.931 AC
LOT 11A	0.868 AC
LOT 12A	1.512 AC



INTERSTATE HIGHWAY 35  
(R.O.W. WIDTH MARKED)

- LEGEND**
- 1/2" IRON ROD W/CAP SET STAMPED "CUNNINGHAM-ALLEN INC"
  - ▲ MASONRY NAIL FOUND WITH WASHER STAMPED "CHAPARRAL"
  - 1/2" IRON ROD FOUND WITH CAP STAMPED "CHAPARRAL"
  - TYPE I R.O.W. MONUMENT FOUND
  - △ MASONRY NAIL SET WITH WASHER STAMPED "CUNNINGHAM-ALLEN INC"
  - DA DOUCET AND ASSOCIATES
  - P.U.E. PUBLIC UTILITY EASEMENT
  - W.L.E. WATER LINE EASEMENT
  - W.W.E. WASTE WATER EASEMENT
  - ESMT. EASEMENT
  - PR PLAT RECORDS OF HAYS COUNTY, TEXAS
  - DR DEED RECORDS OF HAYS COUNTY, TEXAS
  - OPR OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS
  - M.U.E. MUNICIPAL UTILITY EASEMENT
  - B.S. BUILDING SETBACK

SUBMITTAL DATE: 05/2021

Cunningham|Allen  
Engineers • Surveyors

3103 Bee Cave Road, Suite 202  
Austin, Texas 78746-6819  
www.cunningham-allen.com  
TBPELS Reg. # F-284 Firm # 10000900

Tel.: (512) 327-2946  
Fax: (512) 327-2973

DATE: 05/2021	PROJECT NO.: 277.3702
DRAWN BY: TPW	SHEET 2 OF 4



# REPLAT OF LOT 2, 8, 9, 10, 11 & 12 KYLE TOWNE CENTER

STATE OF TEXAS }  
COUNTY OF HAYS }

KNOW ALL MEN BY THESE PRESENTS, THAT I 135 KYLE CROSSING LOT 2, LTD., A TEXAS LIMITED PARTNERSHIP, A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, OWNER OF 1.347 ACRES OF LAND OUT OF THE THOMAS G. ALLEN SURVEY, ABSTRACT NO. 26, HAYS COUNTY, TEXAS SAME BEING LOT 2, REPLAT OF LOT 1-A, BLOCK A 4, KYLE TOWNE CENTER SECOND REPLAT OF LOT 1, BLOCK A, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN DOC. NO. 20015578, OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS, AS CONVEYED TO IT BY DEED DATED JULY 24, 2020, AND RECORDED IN DOCUMENT NO. 20030753, HAYS COUNTY DEED RECORDS, DOES HEREBY SUBDIVIDE SUBDIVISION ACREAGE ACRES OF LAND OUT OF THE ORIGINAL SURVEY, TO BE KNOWN AS THE

**REPLAT OF LOT 2, 8, 9, 10, 11 & 12 KYLE TOWNE CENTER**

IN ACCORDANCE WITH THE PLAT SHOWN HEREON, SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED, AND DO HEREBY DEDICATE TO THE PUBLIC (OR OWNERS OF THE PROPERTY SHOWN HEREON FOR PRIVATE STREETS) THE USE OF THE STREETS AND EASEMENTS SHOWN HEREON.

IN WITNESS WHEREOF THE SAID CORPORATION NAME HAS CAUSED THESE PRESENTS TO BE EXECUTED BY ITS CORPORATE TITLE, NAME, AND THEREUNTO DULY AUTHORIZED,

135 KYLE CROSSING LOT 2, LTD., A TEXAS LIMITED PARTNERSHIP

STATE OF TEXAS }  
COUNTY OF HAYS }

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON \_\_\_\_\_ BY \_\_\_\_\_, OF I 135 KYLE CROSSING LOT 2, LTD., A TEXAS LIMITED PARTNERSHIP, ON BEHALF OF SAID PARTNERSHIP.

SEAL (SIGNATURE OF NOTARY)

NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS }  
COUNTY OF HAYS }

KNOW ALL MEN BY THESE PRESENTS, THAT I 135 KYLE CROSSING LOT 8, LTD., A TEXAS LIMITED PARTNERSHIP, A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, OWNER OF 0.928 ACRE OF LAND OUT OF THE THOMAS G. ALLEN SURVEY, ABSTRACT NO. 26, HAYS COUNTY, TEXAS SAME BEING LOT 8, REPLAT OF LOT 1-A, BLOCK A 4, KYLE TOWNE CENTER SECOND REPLAT OF LOT 1, BLOCK A, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN DOC. NO. 20015578, OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS, AS CONVEYED TO IT BY DEED DATED JULY 24, 2020, AND RECORDED IN DOCUMENT NO. 20030763, HAYS COUNTY DEED RECORDS, DOES HEREBY SUBDIVIDE SUBDIVISION ACREAGE ACRES OF LAND OUT OF THE ORIGINAL SURVEY, TO BE KNOWN AS THE

**REPLAT OF LOT 2, 8, 9, 10, 11 & 12 KYLE TOWNE CENTER**

IN ACCORDANCE WITH THE PLAT SHOWN HEREON, SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED, AND DO HEREBY DEDICATE TO THE PUBLIC (OR OWNERS OF THE PROPERTY SHOWN HEREON FOR PRIVATE STREETS) THE USE OF THE STREETS AND EASEMENTS SHOWN HEREON.

IN WITNESS WHEREOF THE SAID CORPORATION NAME HAS CAUSED THESE PRESENTS TO BE EXECUTED BY ITS CORPORATE TITLE, NAME, AND THEREUNTO DULY AUTHORIZED,

135 KYLE CROSSING LOT 8, LTD., A TEXAS LIMITED PARTNERSHIP

STATE OF TEXAS }  
COUNTY OF HAYS }

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON \_\_\_\_\_ BY \_\_\_\_\_, OF I 135 KYLE CROSSING LOT 8, LTD., A TEXAS LIMITED PARTNERSHIP, ON BEHALF OF SAID PARTNERSHIP.

SEAL (SIGNATURE OF NOTARY)

NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS }  
COUNTY OF HAYS }

KNOW ALL MEN BY THESE PRESENTS, THAT I 135 KYLE CROSSING LOT 9, LTD., A TEXAS LIMITED PARTNERSHIP, A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, OWNER OF 1.277 ACRES OF LAND OUT OF THE THOMAS G. ALLEN SURVEY, ABSTRACT NO. 26, HAYS COUNTY, TEXAS SAME BEING LOT 9, REPLAT OF LOT 1-A, BLOCK A 4, KYLE TOWNE CENTER SECOND REPLAT OF LOT 1, BLOCK A, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN DOC. NO. 20015578, OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS, AS CONVEYED TO IT BY DEED DATED JULY 24, 2020, AND RECORDED IN DOCUMENT NO. 20030764, HAYS COUNTY DEED RECORDS, DOES HEREBY SUBDIVIDE SUBDIVISION ACREAGE ACRES OF LAND OUT OF THE ORIGINAL SURVEY, TO BE KNOWN AS THE

**REPLAT OF LOT 2, 8, 9, 10, 11 & 12 KYLE TOWNE CENTER**

IN ACCORDANCE WITH THE PLAT SHOWN HEREON, SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED, AND DO HEREBY DEDICATE TO THE PUBLIC (OR OWNERS OF THE PROPERTY SHOWN HEREON FOR PRIVATE STREETS) THE USE OF THE STREETS AND EASEMENTS SHOWN HEREON.

IN WITNESS WHEREOF THE SAID CORPORATION NAME HAS CAUSED THESE PRESENTS TO BE EXECUTED BY ITS CORPORATE TITLE, NAME, AND THEREUNTO DULY AUTHORIZED,

135 KYLE CROSSING LOT 9, LTD., A TEXAS LIMITED PARTNERSHIP

STATE OF TEXAS }  
COUNTY OF HAYS }

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON \_\_\_\_\_ BY \_\_\_\_\_, OF I 135 KYLE CROSSING LOT 9, LTD., A TEXAS LIMITED PARTNERSHIP, ON BEHALF OF SAID PARTNERSHIP.

SEAL (SIGNATURE OF NOTARY)

NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS }  
COUNTY OF HAYS }

KNOW ALL MEN BY THESE PRESENTS, THAT I 135 KYLE CROSSING LOT 10, LTD., A TEXAS LIMITED PARTNERSHIP, A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, OWNER OF 1.133 ACRES OF LAND OUT OF THE THOMAS G. ALLEN SURVEY, ABSTRACT NO. 26, HAYS COUNTY, TEXAS SAME BEING LOT 10, REPLAT OF LOT 1-A, BLOCK A 4, KYLE TOWNE CENTER SECOND REPLAT OF LOT 1, BLOCK A, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN DOC. NO. 20015578, OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS, AS CONVEYED TO IT BY DEED DATED JULY 24, 2020, AND RECORDED IN DOCUMENT NO. 20030763, HAYS COUNTY DEED RECORDS, DOES HEREBY SUBDIVIDE SUBDIVISION ACREAGE ACRES OF LAND OUT OF THE ORIGINAL SURVEY, TO BE KNOWN AS THE

**REPLAT OF LOT 2, 8, 9, 10, 11 & 12 KYLE TOWNE CENTER**

IN ACCORDANCE WITH THE PLAT SHOWN HEREON, SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED, AND DO HEREBY DEDICATE TO THE PUBLIC (OR OWNERS OF THE PROPERTY SHOWN HEREON FOR PRIVATE STREETS) THE USE OF THE STREETS AND EASEMENTS SHOWN HEREON.

IN WITNESS WHEREOF THE SAID CORPORATION NAME HAS CAUSED THESE PRESENTS TO BE EXECUTED BY ITS CORPORATE TITLE, NAME, AND THEREUNTO DULY AUTHORIZED,

135 KYLE CROSSING LOT 10, LTD., A TEXAS LIMITED PARTNERSHIP

STATE OF TEXAS }  
COUNTY OF HAYS }

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON \_\_\_\_\_ BY \_\_\_\_\_, OF I 135 KYLE CROSSING LOT 10, LTD., A TEXAS LIMITED PARTNERSHIP, ON BEHALF OF SAID PARTNERSHIP.

SEAL (SIGNATURE OF NOTARY)

NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS }  
COUNTY OF HAYS }

KNOW ALL MEN BY THESE PRESENTS, THAT I 135 KYLE CROSSING LOT 11, LTD., A TEXAS LIMITED PARTNERSHIP, A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, OWNER OF 1.238 ACRES OF LAND OUT OF THE THOMAS G. ALLEN SURVEY, ABSTRACT NO. 26, HAYS COUNTY, TEXAS SAME BEING LOT 11, REPLAT OF LOT 1-A, BLOCK A 4, KYLE TOWNE CENTER SECOND REPLAT OF LOT 1, BLOCK A, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN DOC. NO. 20015578, OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS, AS CONVEYED TO IT BY DEED DATED JULY 24, 2020, AND RECORDED IN DOCUMENT NO. 20030780, HAYS COUNTY DEED RECORDS, DOES HEREBY SUBDIVIDE SUBDIVISION ACREAGE ACRES OF LAND OUT OF THE ORIGINAL SURVEY, TO BE KNOWN AS THE

**REPLAT OF LOT 2, 8, 9, 10, 11 & 12 KYLE TOWNE CENTER**

IN ACCORDANCE WITH THE PLAT SHOWN HEREON, SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED, AND DO HEREBY DEDICATE TO THE PUBLIC (OR OWNERS OF THE PROPERTY SHOWN HEREON FOR PRIVATE STREETS) THE USE OF THE STREETS AND EASEMENTS SHOWN HEREON.

IN WITNESS WHEREOF THE SAID CORPORATION NAME HAS CAUSED THESE PRESENTS TO BE EXECUTED BY ITS CORPORATE TITLE, NAME, AND THEREUNTO DULY AUTHORIZED,

135 KYLE CROSSING LOT 11, LTD., A TEXAS LIMITED PARTNERSHIP

STATE OF TEXAS }  
COUNTY OF HAYS }

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON \_\_\_\_\_ BY \_\_\_\_\_, OF I 135 KYLE CROSSING LOT 11, LTD., A TEXAS LIMITED PARTNERSHIP, ON BEHALF OF SAID PARTNERSHIP.

SEAL (SIGNATURE OF NOTARY)

NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS }  
COUNTY OF HAYS }

KNOW ALL MEN BY THESE PRESENTS, THAT I 135 KYLE CROSSING LOT 12, LTD., A TEXAS LIMITED PARTNERSHIP, A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, OWNER OF 0.941 ACRE OF LAND OUT OF THE THOMAS G. ALLEN SURVEY, ABSTRACT NO. 26, HAYS COUNTY, TEXAS SAME BEING LOT 12, REPLAT OF LOT 1-A, BLOCK A 4, KYLE TOWNE CENTER SECOND REPLAT OF LOT 1, BLOCK A, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN DOC. NO. 20015578, OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS, AS CONVEYED TO IT BY DEED DATED JULY 24, 2020, AND RECORDED IN DOCUMENT NO. 20030763, HAYS COUNTY DEED RECORDS, DOES HEREBY SUBDIVIDE SUBDIVISION ACREAGE ACRES OF LAND OUT OF THE ORIGINAL SURVEY, TO BE KNOWN AS THE

**REPLAT OF LOT 2, 8, 9, 10, 11 & 12 KYLE TOWNE CENTER**

IN ACCORDANCE WITH THE PLAT SHOWN HEREON, SUBJECT TO ANY AND ALL EASEMENTS OR RESTRICTIONS HERETOFORE GRANTED, AND DO HEREBY DEDICATE TO THE PUBLIC (OR OWNERS OF THE PROPERTY SHOWN HEREON FOR PRIVATE STREETS) THE USE OF THE STREETS AND EASEMENTS SHOWN HEREON.

IN WITNESS WHEREOF THE SAID CORPORATION NAME HAS CAUSED THESE PRESENTS TO BE EXECUTED BY ITS CORPORATE TITLE, NAME, AND THEREUNTO DULY AUTHORIZED,

135 KYLE CROSSING LOT 12, LTD., A TEXAS LIMITED PARTNERSHIP


STATE OF TEXAS }  
COUNTY OF HAYS }

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON \_\_\_\_\_ BY \_\_\_\_\_, OF I 135 KYLE CROSSING LOT 12, LTD., A TEXAS LIMITED PARTNERSHIP, ON BEHALF OF SAID PARTNERSHIP.

SEAL (SIGNATURE OF NOTARY)

NOTARY PUBLIC, STATE OF TEXAS

SUBMITTAL DATE: 05/2021

 <b>Cunningham Allen</b> Engineers • Surveyors	3103 Bee Cave Road, Suite 202 Austin, Texas 78746-6819 www.cunningham-allen.com TBPELS Reg. # F-284 Firm # 10000900	Tel.: (512) 327-2946 Fax: (512) 327-2973
	DATE: 05/2021 DRAWN BY: TPW	PROJECT NO.: 277.3702 SHEET 3 OF 4



# REPLAT OF LOT 2, 8, 9, 10, 11 & 12 KYLE TOWNE CENTER

**FIELD NOTE DESCRIPTION - LOT 2**

1.3466 ACRES OF LAND BEING ALL OF LOT 2, KYLE TOWNE CENTER, REPLAT OF LOT 1-A, BLOCK A KYLE TOWNE CENTER SECOND REPLAT OF LOT 1, BLOCK A (KYLE TOWNE CENTER), ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN DOCUMENT NO. 20015578, OFFICIAL PUBLIC RECORDS HAYS COUNTY, TEXAS, SAID LOT 2 BEING CONVEYED TO I35 KYLE CROSSING LOT 2, LTD, IN A DEED RECORDED IN DOCUMENT NO. 20030756, OF SAID OFFICIAL PUBLIC RECORDS; SAID 1.3466 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING**, AT A 1/2 INCH IRON ROD FOUND IN THE WEST RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 35 AND IN THE EAST LINE OF SAID KYLE TOWNE CENTER FOR THE COMMON EAST CORNER OF SAID LOT 2, AND LOT 1, KYLE TOWNE CENTER;

**THENCE**, SOUTH 20°46'54" WEST, WITH THE COMMON LINE OF SAID WEST RIGHT-OF-WAY LINE AND THE EAST LINE OF SAID KYLE TOWNE CENTER, SAME BEING THE EAST LINE OF SAID LOT 2, A DISTANCE OF 189.97 FEET TO A COTTON GIN SPINDLE SET IN SAID COMMON LINE FOR THE COMMON EAST CORNER OF SAID LOT 2 AND LOT 3, KYLE TOWNE CENTER;

**THENCE**, NORTH 69°12'37" WEST, DEPARTING THE COMMON LINE OF SAID WEST RIGHT-OF-WAY LINE AND THE EAST LINE OF SAID KYLE TOWNE CENTER WITH THE COMMON LINE OF SAID LOT 2 AND LOT 3, A DISTANCE OF 307.42 FEET TO AN "X" MARK IN CONCRETE SET IN THE EAST LINE OF LOT 5, KYLE TOWNE CENTER, FOR THE COMMON WEST CORNER OF SAID LOT 2 AND LOT 3;

**THENCE**, WITH THE COMMON LINE OF SAID LOT 2 AND LOT 5 THE FOLLOWING TWO (2) COURSES AND DISTANCES:  
 1. NORTH 21°20'45" EAST, A DISTANCE OF 63.00 FEET TO AN "X" MARK SET AT THE BEGINNING OF A CURVE TO THE LEFT;  
 2. WITH SAID CURVE TO THE LEFT, HAVING A RADIUS OF 969.50 FEET, AN ARC LENGTH OF 127.34 FEET, A DELTA ANGLE OF 07°31'33", AND A CHORD WHICH BEARS NORTH 17°01'24" EAST, A DISTANCE OF 127.25 FEET TO A "X" MARK IN CONCRETE SET FOR THE COMMON WEST CORNER OF SAID LOT 2 AND SAID LOT 1;

**THENCE**, SOUTH 69°12'37" EAST, DEPARTING THE EAST LINE OF SAID LOT 5 WITH THE COMMON LINE OF SAID LOT 2 AND LOT 1, A DISTANCE OF 315.15 FEET TO THE **POINT OF BEGINNING** CONTAINING 1.3466 ACRES OF LAND WITHIN THESE METES AND BOUNDS.

**FIELD NOTE DESCRIPTION - LOT 8, 9, 10, 11 & 12**

5.517 ACRES OF LAND BEING ALL OF LOT 8, 9, 10, 11 AND 12, KYLE TOWNE CENTER, REPLAT OF LOT 1-A, BLOCK A KYLE TOWNE CENTER SECOND REPLAT OF LOT 1, BLOCK A (KYLE TOWNE CENTER), ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN DOCUMENT NO. 20015578, OFFICIAL PUBLIC RECORDS HAYS COUNTY, TEXAS, SAID 5.517 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

**BEGINNING**, AT A 1/2 INCH IRON ROD WITH CAP STAMPED "CUNNINGHAM-ALLEN INC" FOUND IN THE WEST RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 35 AND IN THE EAST LINE OF SAID KYLE TOWNE CENTER FOR THE COMMON EAST CORNER OF SAID OF SAID LOT 8 AND LOT 7, KYLE TOWNE CENTER;

**THENCE**, WITH THE COMMON LINE OF SAID WEST RIGHT-OF-WAY LINE AND THE EAST LINE OF SAID KYLE TOWNE CENTER, SAME BEING THE EAST LINE OF SAID SAID LOTS 8, 9, 10, 11 AND 12, THE FOLLOWING THREE (3) COURSES AND DISTANCES:

1. SOUTH 31°10'21" WEST, A DISTANCE OF 53.74 FEET TO 1/2 INCH IRON ROD WITH CAP STAMPED "CUNNINGHAM-ALLEN INC" SET AT THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;
2. WITH SAID NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 11229.19 FEET, AN ARC LENGTH OF 962.81 FEET, A DELTA ANGLE OF 04°54'46", AND A CHORD WHICH BEARS SOUTH 28°54'43" WEST, A DISTANCE OF 962.52 FEET TO A 1/2 INCH IRON ROD WITH CAP STAMPED "CUNNINGHAM-ALLEN INC" SET AT THE END OF SAID CURVE;
3. SOUTH 31°29'11" WEST, A DISTANCE OF 147.79 FEET TO 1/2 INCH IRON ROD WITH CAP STAMPED "CUNNINGHAM-ALLEN INC" SET FOR THE COMMON EAST CORNER OF SAID LOT 12 AND LOT 13, KYLE TOWNE CENTER;

**THENCE**, WITH THE COMMON LINE OF SAID LOT 12 AND LOT 13, LOT 12 AND LOT 6, KYLE TOWNE CENTER, AND SAID LOTS 11, 10, 9 AND 8 AND SAID LOT 6, THE FOLLOWING FIVE (5) COURSES AND DISTANCES:

1. NORTH 05°15'57" WEST, A DISTANCE OF 56.63 FEET TO A 1/2 INCH IRON ROD WITH CAP STAMPED "CUNNINGHAM-ALLEN INC" SET;
2. NORTH 13°12'55" WEST, A DISTANCE OF 85.35 FEET TO A 1/2 INCH IRON ROD WITH CAP STAMPED "CUNNINGHAM-ALLEN INC" SET;
3. NORTH 21°44'38" WEST, A DISTANCE OF 107.68 FEET TO A 1/2 INCH IRON ROD WITH CAP STAMPED "CUNNINGHAM-ALLEN INC" SET;
4. NORTH 08°32'26" EAST, A DISTANCE OF 124.64 FEET TO A 1/2 INCH IRON ROD WITH CAP STAMPED "CUNNINGHAM-ALLEN INC" SET;
5. NORTH 28°18'09" EAST, A DISTANCE OF 858.79 FEET TO A 1/2 INCH IRON ROD WITH CAP STAMPED "CUNNINGHAM-ALLEN INC" SET FOR THE COMMON WEST CORNER OF SAID LOT 8 AND LOT 7;

**THENCE**, SOUTH 63°30'12" EAST, WITH THE COMMON LINE OF SAID LOT 8 AND LOT 7, A DISTANCE OF 233.83 FEET TO THE **POINT OF BEGINNING** CONTAINING 5.517 ACRES OF LAND WITHIN THESE METES AND BOUNDS.

**GENERAL NOTES:**

1. SIDEWALKS SHALL BE INSTALLED ON THE SUBDIVISION SIDE OF INTERSTATE HIGHWAY NO. 35. THOSE SIDEWALKS NOT ABUTTING A RESIDENTIAL, COMMERCIAL OR INDUSTRIAL LOT SHALL BE INSTALLED WHEN THE ADJOINING STREET IS CONSTRUCTED. WHERE THERE ARE DOUBLE FRONTAGE LOTS, SIDEWALKS ON THE STREET TO WHICH ACCESS IS PROHIBITED ARE ALSO REQUIRED TO BE INSTALLED WHEN THE STREETS IN THE SUBDIVISION ARE CONSTRUCTED.
2. OBSTRUCTIONS ARE PROHIBITED WITHIN DRAINAGE EASEMENTS.
3. UTILITY PROVIDERS:  
WASTEWATER - CITY OF KYLE  
WATER - MONARCH WATER COMPANY
4. PRIOR TO CONSTRUCTION OF ANY IMPROVEMENTS IN THIS SUBDIVISION, SITE DEVELOPMENT PERMITS AND BUILDING PERMITS WILL BE OBTAINED FROM THE CITY OF KYLE.
5. NO OBJECT, INCLUDING SIGNAGE, BUILDINGS, ACCESSORY BUILDINGS, FENCING OR LANDSCAPING WHICH WOULD INTERFERE WITH THE CONVEYANCE OF STORMWATER SHALL BE PLACED OR ERECTED WITHIN ANY DRAINAGE EASEMENTS WITHOUT THE PRIOR APPROVAL OF THE CITY OF KYLE.
6. EACH PROPERTY OWNER OF A LOT ON WHICH DRAINAGE EASEMENTS ARE PLATTED SHALL BE RESPONSIBLE FOR KEEPING GRASS AND WEEDS NEATLY CUT AND EASEMENT AREA FREE OF DEBRIS AND TREE/BRUSH REGROWTH.
7. OWNERS OF PROPERTY WITH DRAINAGE AND UTILITY EASEMENTS SHALL ALLOW ACCESS FOR INSPECTION, REPAIR, MAINTENANCE AND RECONSTRUCTION AS MAY BE NECESSARY.
8. PROPERTY LIES WITHIN THE BUNTON BRANCH OF THE PLUM CREEK WATERSHED.
9. THE PROPERTY OWNER(S) AND/OR THE PROPERTY OWNERS ASSOCIATION ARE SOLELY RESPONSIBLE FOR ANY AND ALL MAINTENANCE AND/OR REPAIRS TO ALL DRAINAGE EASEMENTS AND DETENTION/RETENTION PONDS WITHIN THE PROPERTY

STATE OF TEXAS }  
COUNTY OF HAYS }

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY, THAT THIS PLAT IS TRUE AND CORRECT, THAT IT WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND DURING THE MONTH OF MAY, 2019, AND MARCH, 2021 AND THAT ALL NECESSARY SURVEY MONUMENTS ARE CORRECTLY SET OR FOUND AS SHOWN THEREON.

TOMMY P. WATKINS  
REGISTERED PROFESSIONAL LAND SURVEYOR  
NO. 4549

STATE OF TEXAS }  
COUNTY OF HAYS }

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS, HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN THIS PLAT.

RICHARD G. COUCH  
REGISTERED PROFESSIONAL ENGINEER  
NO. 87285

**FLOODPLAIN NOTE:**  
THIS PROPERTY LIES IN A ZONE DEFINED AS "AREAS DETERMINED TO BE OUTSIDE 100-YEAR FLOODPLAIN" AS DEPICTED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP FOR HAYS COUNTY, TEXAS AND INCORPORATED AREAS, PANEL MAP NUMBER 48209C0290F, EFFECTIVE SEPTEMBER 2, 2005.

REVIEWED BY:

LEON BARBA, CITY ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

REVIEWED BY:

HARPER WILDER, DIRECTOR OF PUBLIC WORKS \_\_\_\_\_ DATE \_\_\_\_\_

STATE OF TEXAS }  
COUNTY OF HAYS }

THIS FINAL PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF KYLE, TEXAS, AND IS HEREBY APPROVED BY SUCH PLANNING AND ZONING COMMISSION.


DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

CHAIRPERSON

THAT ELAINE H. CARDENAS, COUNTY CLERK OF HAYS COUNTY, TEXAS, DOES HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT OF WRITING WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE ON THE \_\_\_\_ DAY OF \_\_\_\_\_, A.D., 20\_\_, AT \_\_\_ O'CLOCK \_\_M. AND DULY RECORDED ON THE \_\_\_\_ DAY OF \_\_\_\_\_, A.D., 20\_\_, AT \_\_\_ O'CLOCK \_\_M., IN THE PLAT RECORDS OF HAYS COUNTY AND STATE, IN DOCUMENT NO. \_\_\_\_\_.

ELAINE H. CARDENAS, COUNTY CLERK  
HAYS COUNTY, TEXAS

SUBMITTAL DATE: 05/2021

 Engineers • Surveyors	3103 Bee Cave Road, Suite 202 Austin, Texas 78746-6819 www.cunningham-allen.com TBPELS Reg. # F-284 Firm # 10000900	Tel.: (512) 327-2946 Fax: (512) 327-2973
	DATE: 05/2021	PROJECT NO.: 277.3702
DRAWN BY: TPW		SHEET 4 OF 4



# CITY OF KYLE, TEXAS

Consideration of Exception to Sec.  
41-10(b)(c), City of Kyle  
Subdivision Code

Meeting Date: 6/22/2021  
Date time:6:30 PM

**Subject/Recommendation:** (Postponed on 6/8/21) Consideration of Exception to Sec. 41-10(b)(c), City of Kyle Subdivision Code (Exception to requiring platting for 400, 402, 404 S. Burluson).

**Other Information:** See attached.

**Legal Notes:** N/A

**Budget Information:** N/A

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**ATTACHMENTS:**

**Description**

- Staff Memo
- 400 S. Burluson Request
- 400 S. Burluson Deed
- 404 S. Burluson Deed & Request



# CITY OF KYLE

## Community Development Department

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### MEMORANDUM

**TO:** Planning & Zoning Commission

**FROM:** Will Atkinson – City Planner

**DATE:** Tuesday, June 8, 2021

**SUBJECT:** Sec. 41-10(b & c) – Exception to Platting (400, 402 & 404 S. Burleson, Kyle, TX)

### REQUEST

Upon the request of property owners of 400 & 404 S. Burleson, staff presents a request to allow an exception to replatting for property owners at 400, 402 & 404 S. Burleson (Sec. 41-10(b & c)).

### SUBDIVISIONS

#### **Sec. 41-10. - Exceptions.**

- (a) It is the expressed intent of this chapter that all sections and parts should be complied with, except in those instances when the provisions of this section are applicable. It is further the intent of this chapter that the granting of an exception to this chapter (i.e., a variance from the requirements hereof) shall not be a substitute for the amending of this chapter.
- (b) The planning and zoning commission may recommend to the council that an exception from these regulations be granted when, in its opinion, undue hardship will result from requiring strict compliance. In considering, recommending and granting an exception, either the planning and zoning commission or the council shall prescribe such conditions that it deems necessary or desirable in the public interest. In making the findings required in subsection (c) of this section, both bodies shall take into account, at least, the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such exception upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.

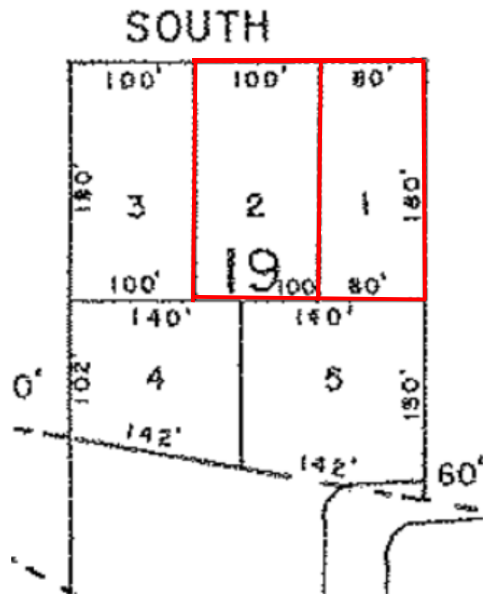
- (c) No exception shall be granted unless the following conditions are met:
- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land;
  - (2) That the granting of the exception will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
  - (3) That the granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter.
- (d) Such findings of the planning and zoning commission and council, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the meeting at which such exception is recommended and granted.
- (e) Exceptions may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice served.

(Ord. No. 296, art. I, § 10, 10-1-1996; Ord. No. 439, art. I, § 10, 11-24-2003)

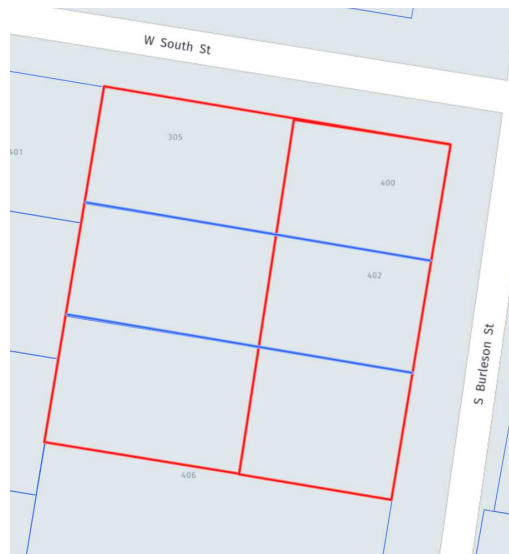
### **STAFF ANALYSIS**

The owner's of 400 & 404 S. Burleson are each wanting to construct a single family home on each lot. The City of Kyle requires lots to be platted in a uniform manner to tie into city water and wastewater. 400, 402 & 404 S. Burleson all have water and wastewater availability.

It has recently come to staff's attention that the properties located at 400, 402 & 404 S. Burleson are platted, but not in a manner that is compliant. The platted lots for the three (3) addresses are two (2) lots running in a north/south fashion (front lines facing onto W. South Street). The ownership boundaries do not match the platted lot boundaries, except at the perimeter. The ownership boundaries for all three lots run east/west.



Red Lines Indicate Platted Lots of 400, 402, 404 S. Burleson



Red Lines = Platted Lots  
Blue Lines = Ownership Boundaries

Early on, staff informed the property owners for 400 & 404 S. Burleson that a re-plat is required, to match the actual ownership boundaries, replacing the actual platted lot boundaries. This is due to the idea that a house built within the ownership boundaries, may actually cross a platted lot line. When building structures, it's illegal to cross boundary lines per Kyle's zoning ordinance.

However, as 2 out of the 3 property owners are currently trying to build homes, the administration of the permitting process is causing them delays. Staff informed the owners about Sec. 41-10, which allows a request for an exception to re-platting, as is their right. Approval of the exception is provided without cost to the landowners and could, if approved, expedite their building permits.

\*Only 2 of the 3 property owners responded to staff inquiries to provide ownership documents (400 & 404 S. Burleson). However, this should not pose a problem for 402 S. Burleson, as it will make it easier to receive building permits, if they choose to apply for such permits.

**\*\* As of 6/18/21, the owner of 402 S. Burleson has not given consent to pursue the platting exception. Therefore the exception request cannot be considered at this meeting.**

Staff believes the request for the exception meets the requirements and intent of Sec. 41-10(c)(1-3), as all three properties are within the perimeter boundary of both platted lots.

- “That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land;”
  - Attempting to replat one property will require all 3 properties to be replatted, even if one or more properties are not pursuing permits.
- “It will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and”
  - The ownership lines already exist, as does water and wastewater service. The ownership boundary lines meet the standards for the zoning districts on the properties, as if they were already platted.
- “The granting of the exception will not have the effect of preventing the orderly subdividing of other land in the area in accordance with the provisions of this chapter.”
  - The 3 properties are within the exact perimeter of the originally platted 2 lots. Not requiring a re-plat will have no effect of orderly subdividing of other land in accordance of Chapter 41.

The exception will only be allowed for properties located at 400, 402, & 404 S. Burleson, per this agenda item. The Planning & Zoning Commission will vote with a recommendation for City Council. At the June 15, 2021 City Council meeting, the Council will vote to consider this request.

## **RECOMMENDATION**

Because not all of the property owners have granted permission to pursue the platting exception, staff cannot ask the Planning & Zoning Commission to recommend approval. The Commission may delay the vote to a date certain or deny the request of the applicants.

## **ATTACHMENTS**



- 400 S. Burleson Request
- 400 S. Burleson Deed
- 404 S. Burleson Request
- 404 S. Burleson Deed



FROM: David Sheedy  
401 Fairfield Dr.  
Kyle Tx, 78640

TO: City Planner William Atkinson  
100 W. Center St.  
Kyle Tx, 78640

Dear William,

I am writing to request an exemption from platting for property I own located at 400 S. Burseson St. Kyle Texas. The City of Kyle Code of Ordinances provides for this exemption under section 41-10 -Exemptions sub-section (b).

My wife and I purchased a home in Kyle in 1999. Our family moved to Kyle in early 2000 and we have resided at 401 Fairfield Dr. since that time. In 2016 we purchased property at 400 S. Burseson in the original downtown area of Kyle. It was our intent to build a home and retire there. Records show that this property has been sold at least 3 times in its current configuration and that there had been 2 structures on the property. Both structures had been removed prior to our purchasing it in 2016.

In 2018, my wife and I went to the Planning and Zoning Dept. at City Hall. We spoke with someone from that department and discussed the planning and permitting process for construction of a single-family residence on our property. I subsequently met the same individual a second time with some follow-up questions. At no time where we given any indication that there was an issue with building on our lot.

In July of 2020 I retired from the Austin Fire Dept. with over 32 years of service. At that time, my wife and I began planning for our retirement home. We secured a builder, designed a one-story ranch style 2000 sq. foot home that blended well into the neighborhood. By late April 2021 we were prepared to close on the home and begin construction. Our builder had applied for all necessary permits and we were waiting final approval from the city when the problem was discovered. This was our first indication that there was any issue with platting.

This issue has created a financial hardship on my wife and myself. Additionally, it has jeopardized our contract with our builder due to the extended length of time the platting process takes. Most estimates we received from survey companies ranged from 6 to 8 months. As we all know, the price of lumber and building materials has sky rocketed in recent months and we were able to lock in a contract price for construction of our home prior to these increases. If we are not granted an exemption, we will have to begin the process all over and will be looking at a significant price increase.

Please consider my request for exemption from platting. Doing so will allow my wife and I to build our retirement home. I can assure you that we will be an asset to the original downtown community.

Thank you so much for your help.

Sincerely,

David Sheedy



**T-47 RESIDENTIAL REAL PROPERTY AFFIDAVIT  
(MAY BE MODIFIED AS APPROPRIATE FOR COMMERCIAL TRANSACTIONS)**

Date: March 29, 2016

GF No. \_\_\_\_\_

Name of Affiant(s): Jimmie Ortiz, James Ortiz

Address of Affiant: 301 Sunflower Cir, Kyle TX 78640

Description of Property: ORIGINAL TOWN OF KYLE, BLOCK 19, LOT N PT OF 1-2

County Hays, Texas

"Title Company" as used herein is the Title Insurance Company whose policy of title insurance is issued in reliance upon the statements contained herein.

Before me, the undersigned notary for the State of TEXAS, personally appeared Affiant(s) who after by me being sworn, stated:

1. We are the owners of the Property. (Or state other basis for knowledge by Affiant(s) of the Property, such as lease, management, neighbor, etc. For example, "Affiant is the manager of the Property for the record title owners."):

2. We are familiar with the property and the improvements located on the Property.

3. We are closing a transaction requiring title insurance and the proposed insured owner or lender has requested area and boundary coverage in the title insurance policy(ies) to be issued in this transaction. We understand that the Title Company may make exceptions to the coverage of the title insurance as Title Company may deem appropriate. We understand that the owner of the property, if the current transaction is a sale, may request a similar amendment to the area and boundary coverage in the Owner's Policy of Title Insurance upon payment of the promulgated premium.

4. To the best of our actual knowledge and belief, since July 25, 2013 there have been no:  
a. construction projects such as new structures, additional buildings, rooms, garages, swimming pools or other permanent improvements or fixtures;  
b. changes in the location of boundary fences or boundary walls;  
c. construction projects on immediately adjoining property(ies) which encroach on the Property;  
d. conveyances, replattings, easement grants and/or easement dedications (such as a utility line) by any party affecting the Property;

EXCEPT for the following (If None, Insert "None" Below): ALL STRUCTURES ON PROPERTY HAVE BEEN REMOVED.

5. We understand that Title Company is relying on the truthfulness of the statements made in this affidavit to provide the area and boundary coverage and upon the evidence of the existing real property survey of the Property. This Affidavit is not made for the benefit of any other parties and this Affidavit does not constitute a warranty or guarantee of the location of improvements.

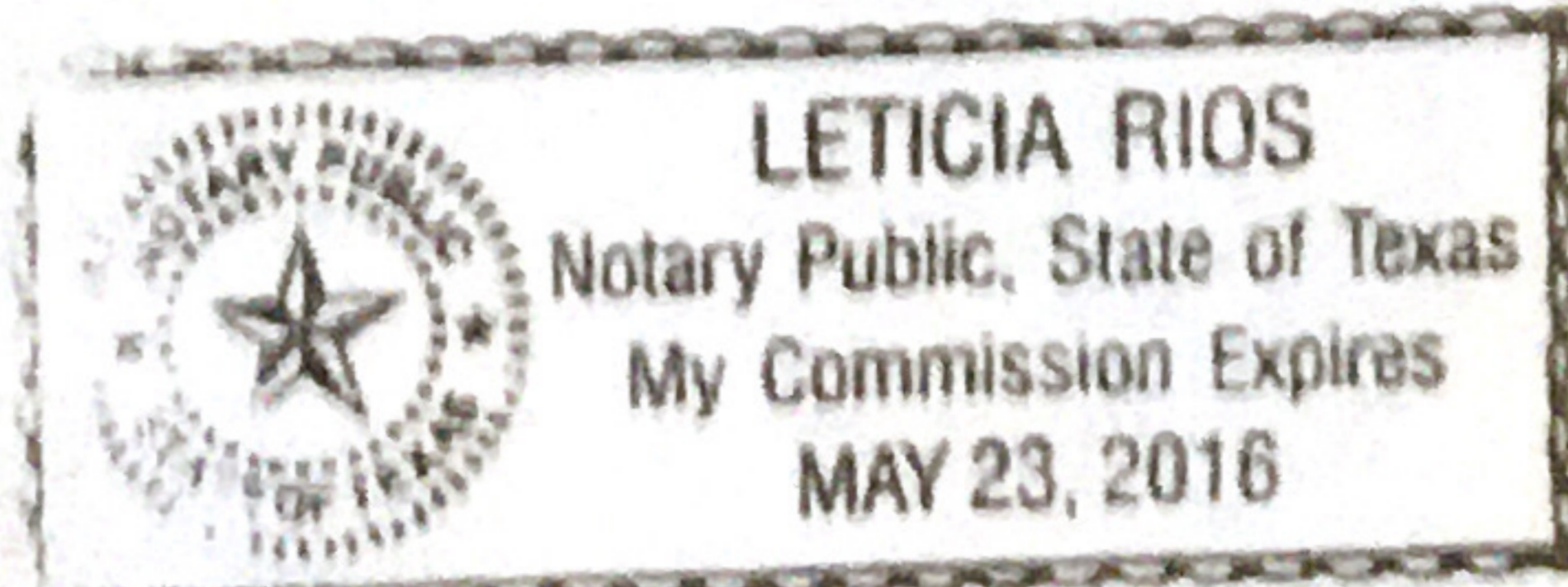
6. We understand that we have no liability to Title Company that will issue the policy(ies) should the information in this Affidavit be incorrect other than information that we personally know to be incorrect and which we do not disclose to the Title Company.

X [Signature]

X James Ortiz

SWORN AND SUBSCRIBED this 5th day of April, 2014

[Signature]  
Notary Public

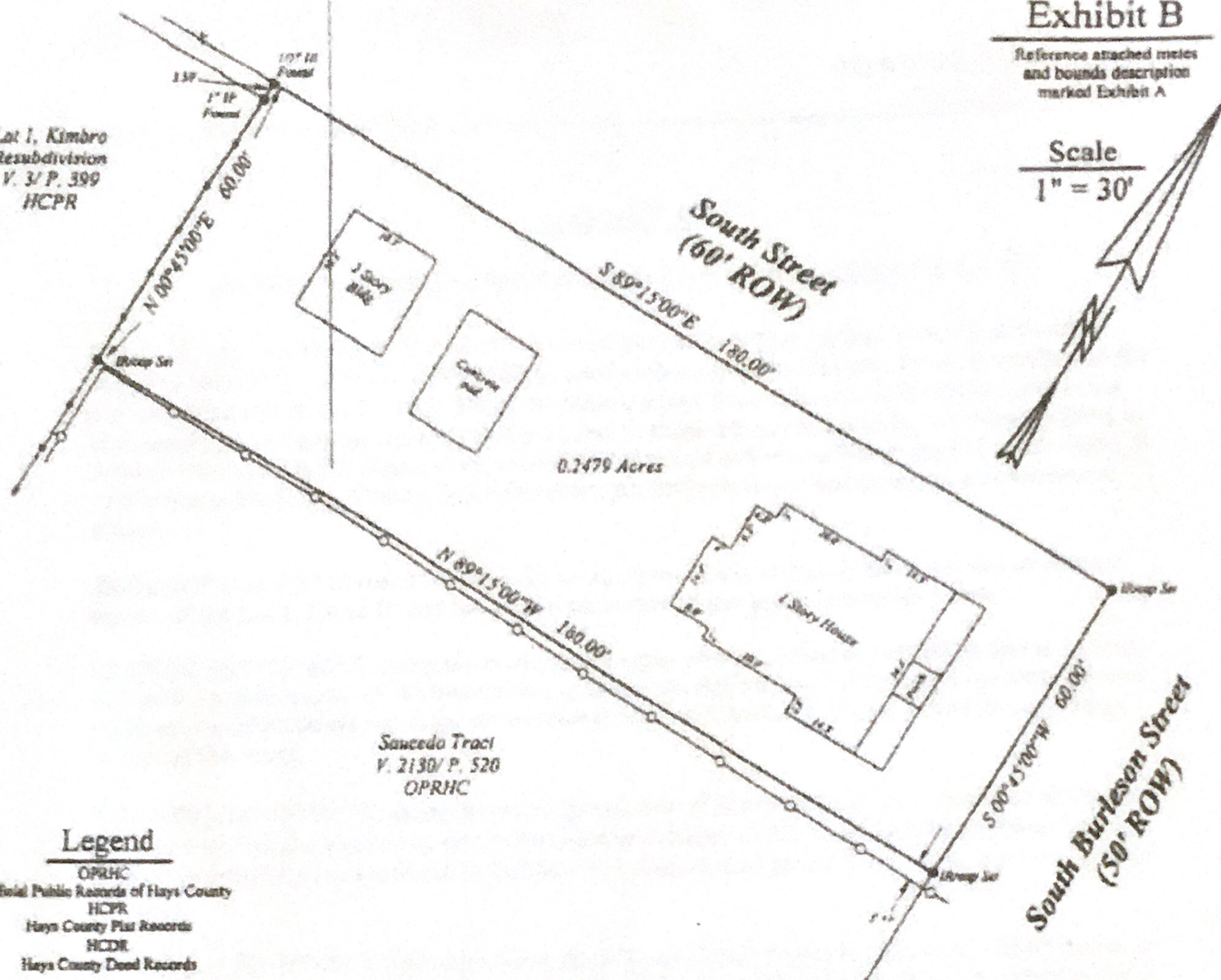




Reference attached notes and bounds description marked Exhibit A

Scale  
1" = 30'

Lot 1, Kimbro  
Resubdivision  
V. 3/P. 399  
HCPR



Sancedo Tract  
V. 2130/P. 520  
OPRHC

**Legend**

- OPRHC  
Official Public Records of Hays County
- HCPR  
Hays County Plat Records
- HCDR  
Hays County Deed Records
- ( ) Data from recorded documents
- V. 880/P. 373 - OPRHC
- Chastefence
- Woodfence

X-Monica Davidson

Surveyor's Notes: The bearing basis was determined from a 1" square bolt found at the intersection of the centerline of Hance Street with the centerline of South Street and a 1" square bolt found at the intersection of the South Street with the centerline of South Burleson Street between Block 7 and Block 6, of the Town of Kyle. Volume 4116, Page 608, OPRHC, does not affect this tract.

**PLAT SHOWING SURVEY OF 0.2479 ACRES OUT OF AND PART OF LOTS 1 AND 2, BLOCK 19 OF THE THE ORIGINAL TOWN OF KYLE, A SUBDIVISION IN HAYS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 62, PAGE 599, OF THE HAYS COUNTY DEED RECORDS.**

**FOR: Ty Davidson and Monica Davidson**

**GF: 01247-10128/ Gracy Title**

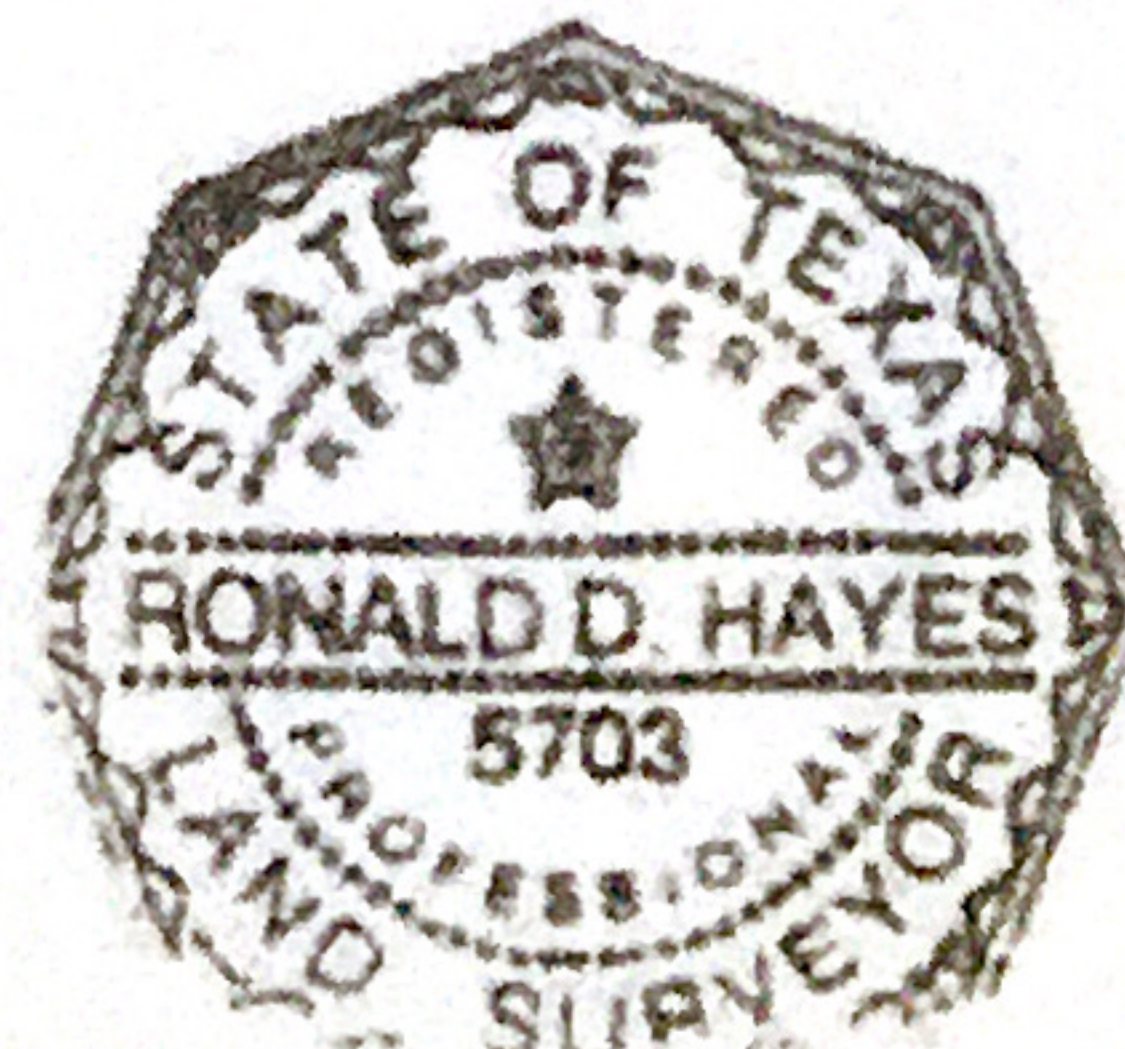
**DATE: July 25, 2013**

**ADDRESS: 400 South Burleson Street, Kyle, Texas.**

The undersigned does hereby certify that this survey was made on the ground of the property legally described hereon and is essentially correct and that there are no visible discrepancies, encroachments, overlapping of improvements, visible utility easements or roadways, except as shown and that said property has access to a public road. Only those plats with a red surveyors seal and red signature shall be deemed reliable and authentic.

*[Signature]*  
**Ronald D. Hayes, Registered Professional Land Surveyor, No. 5703**

According to the scaling of Map Panel 0F of the September 2, 2005 insurance rate map for the County of Hays, Texas, the property described hereon is in the Zone "X" of the flood hazard area and determined to be outside the 100 year flood zone.



**HAYES SURVEYING  
202 SUNFLOWER DRIVE  
KYLE, TEXAS 78640  
512-268-4813**



5/26/2021

Attn: William Atkinson/City Planner

100 W. Center St

Kyle Tx, 78640

Re: 404 S. Burleson

This letter is in regards to the replatting of lots 400-406 S. Burleson of which we are the owners of lot 404.

It is my understanding that the City has an Ordinance in place requiring the replatting of said lots. We met with you April 2020 as did Mr. Rex Nellis from Palm Harbor homes and discussed the placing of a Modular Home and preparation and permits of the lot as required by the City yet never once was replatting mentioned as such I am curious when this was adopted and do the owners get notified? I want to mention that we became aware of this via Mr. Nellis second visit to the City for permits 2 weeks ago.

I am aware of another owner @400 S. Burleson having the same concern of this Ordinance as well as the other homeowners. This places a financial hardship on us as we are retired and can not afford the financial burden being placed on us as there are additional expenses to get utilities to the property that are quite costly.

I am asking for consideration of the exemption that is in place under City of Kyle Code of Ordinances section 41-10 Exemptions sub-section (b).

Thank You,

Natividad Romo Jr. & Eloise Romo

*Natividad Romo Jr. Eloise Romo*

VOL 268 386

STATE OF TEXAS

I

COUNTY OF HAYS

I

KNOW ALL MEN BY THESE PRESENTS:

I

I

88854

THAT WE, Jose Gonzales and wife, Argelia Gonzales of Hays County, in the State of Texas, for and in consideration of the money paid and assumed to be paid by Natividad Romo and wife, Eloisa Romo, as hereinafter shown and stated, have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY, unto the said Natividad Romo and wife, Eloisa Romo, of the County of Hays and the State of Texas, subject to the hereinafter mentioned taxes and liens:

Situated in the Town of Kyle, in Hays County, Texas, being the South 1/3 of Lots Nos. One (1) and Two (2) in Block No. Nineteen (19) of the said Town of Kyle, according to the map or plat thereof recorded in Volume R. page 336, Hays County Deed Records, said property fronting 60 feet on Burleson Street and extending in a westerly direction between parallel lines for a distance of 180 feet, the South line of said property being the South line of said Lots Nos. 1 and 2 of Block 19; and being that same identical real property conveyed by and described in deed from E.D. Hauptrief, a single man, to E.H. Woods, dated March 29, 1963, recorded in Vol. 199, pages 163-4, Hays County Deed Records; and said map or plat and said deed, together with their respective records, are here referred to and made a part hereof for all pertinent, legal and descriptive purposes.

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 Natividad Romo and wife, Eloisa Romo, 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 Natividad Romo and wife, Eloisa Romo, their heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, subject to the hereinafter described taxes and liens.

The consideration for this conveyance is as follows:

1. The sum of TEN AND NO/100 DOLLARS (\$10.00) and other

good and valuable consideration to us in hand paid by the said Natividad Romo and wife, Eloisa Romo, the receipt whereof is hereby acknowledged and confessed.

2. The assumption on the part of the said Natividad Romo and wife, Eloisa Romo, effected by the acceptance of this conveyance, of the unpaid balance now due and owing upon one certain promissory note, in the original principal sum of FOUR THOUSAND EIGHT HUNDRED AND NO/100 DOLLARS (\$4,800.00), dated the 15th day of July, 1968 and executed by Grantors herein and payable to the First Federal Savings and Loan Association of San Marcos, or order, at San Marcos, Texas with interest and other terms as set out in said note, the terms and conditions of which note are incorporated herein by reference and made a part hereof for all pertinent purposes.

The above described note is secured by Vendor's Lien retained in the above mentioned deed to Grantors herein, and the payment of said note is additionally secured by deed of trust from Grantors herein in favor of the said First Federal Savings and Loan Association of San Marcos said deed of trust conveying the above described real property and dated of even date with said deed and note, and being of record in Volume 124, pages 490-492, Hays County Deed of Trust Records. Grantees herein expressly assume and promise to pay said note, according to its face, tenor, effect and reading; and, said Grantees expressly assume and obligate themselves to perform and carry out all of the duties and obligations imposed by said deed of trust upon the makers thereof the same extent and in the same way as though Grantees herein were the original makers of said note and Grantors in said deed of trust.

3. The further consideration of the execution and delivery by Grantees of their one certain promissory note of even date herewith, payable to the order of Grantors in the sum of THREE THOUSAND SIX HUNDRED AND NO/100 DOLLARS (\$3,600.00) payable in monthly installments and bearing the interest as therein provided and containing the usual clauses relating to acceleration of maturity



and for attorney's fees, and providing for payment of the note hereby assumed, at the option of the holder, in the event of default in the payment of the note hereby assumed, or default in any covenant or condition of the Deed of Trust securing said note hereby assumed, the payment of which said note of even date herewith is secured by a Vendor's Lien herein retained.

BUT it is expressly agreed that the Vendor's Lien, as well as the Superior Title in and to the above described premises, is retained against the above described property, premises and improvements until the above described notes and all interest thereon are fully paid according to the face, tenor, effect and reading thereof, when this Deed shall become absolute.

It is further expressly agreed that the Vendor's Lien herein retained shall secure the note of even date herewith and the note assumed by Grantee herein and, in the event of default in the payment of said note so assumed (or default in any covenant or condition of any instrument securing payment of said note so assumed), the Grantors herein shall have the right and privileges of foreclosing the Vendor's Lien reserved in their favor herein

WITNESS OUR HAND on this the 14th day of June, A.D., 1974.

Jose Gonzales
Argelia Gonzales

STATE OF TEXAS
COUNTY OF HAYS

BEFORE ME, the undersigned authority, in and for Hays County, Texas, on this day personally appeared Jose Gonzales and wife, Argelia Gonzales, 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 the 14th day of June, A.D., 1974.



L.R. Molina
Notary Public in and for 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 14th day of June, A.D. 1974, at 3:15 o'clock P.M., and duly recorded on the 20th day of June, A.D. 1974, at 4:50 o'clock A.M. in the Deed Book of said County in Book Number 268 Page 386-388 Inclusive.
WITNESS MY HAND AND SEAL OF THE COUNTY COURT OF HAYS COUNTY, TEXAS, the date last above written.
Lydell B. Clayton
LYDELL B. CLAYTON, Clerk of the County Court within and for the County