

CITY OF KYLE



Notice of Regular City Council Meeting

KYLE CITY HALL
100 W. Center Street

Notice is hereby given that the governing body of the City of Kyle, Texas will meet at 7:00 PM on 8/18/2015, at Kyle City Hall, 100 West Center Street, Kyle, Texas for the purpose of discussing the following agenda.

Posted this 14th day of August, 2015 prior to 7:00 p.m.

I. Call Meeting To Order

II. Approval of Minutes

1. City Council Regular Meeting - August 4, 2015. ~ *Amelia Sanchez, City Secretary*

 [Attachments](#)

III. Citizen Comment Period With City Council

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

IV. Presentation

2. Kyle Area Chamber of Commerce Quarterly Report and Scope of Work Discussion. ~ *Julie Snyder, CEO, Kyle Chamber*

 [Attachments](#)

3. Presentation regarding Greater San Marcos Partnership's Initiatives. ~ *Adriana Cruz, President, Greater San Marcos Partnership*

 [Attachments](#)

V. Public Hearings

4. Hold the first of two state-mandated Public Hearings for the possible extension of the Kyle municipal boundaries by the annexation of approximately 135.78 acres. (Cypress Forest Annexation). ~ *Howard J. Koontz, AICP, Director of Planning and Community Development*

- **PUBLIC HEARING**

 [Attachments](#)

VI. Consent Agenda

5. Approval of Execution of the Temporary Park Trail Grading Easement for Walton Texas, LP. ~ *Leon Barba, P.E., City Engineer*

 [Attachments](#)

6. Approval of Execution of the Storm Water Detention and Water Quality Controls Easement for Walton Texas, LP. ~ *Leon Barba, P.E., City Engineer*

 [Attachments](#)

7. Approval of Execution of the Storm Water Detention and Water Quality Controls Easement 2 (second separate easement) for Walton Texas, LP. ~ *Leon Barba, P.E., City Engineer*

 [Attachments](#)

8. *(First Reading)* Approve an Ordinance amending the City's Approved Budget for Fiscal Year 2014-15 by increasing the number of authorized positions by adding three (3) full-time positions to the Public Works Department for the operations and maintenance of the wastewater treatment plant. ~ *Perwez A. Moheet, CPA, Director of Finance*

 [Attachments](#)

9. Approval of Execution of the Waste Water Lines Easement for Walton Texas, LP. ~ *Leon Barba, P.E., City Engineer*

 [Attachments](#)

10. Approval of Execution of the Detention and Water Quality Controls Easement for Bigelow San Marcos Development, LLC. ~ *Leon Barba, P.E., City Engineer*

 [Attachments](#)

11. Award a bid to VIKING CONSTRUCTION, INC., Georgetown, Texas, lowest and most responsible bidder, in an amount not to exceed \$66,920.00 for the 2015 Miscellaneous Streets Micro-Surfacing Project. ~ *Leon Barba, P.E., City Engineer*

 [Attachments](#)

12. Award a bid to CAPITAL EXCAVATION COMPANY, Buda, Texas, lowest and most responsible bidder, in an amount not to exceed \$3,798,891.00 for the construction of the Marketplace Avenue Road Bond Project. ~ *Leon Barba, P.E., City Engineer*

 [Attachments](#)

13. Approval of amended Perpetual Parkland Easement for the Oaks on Goforth Apartment project. ~ *Kerry Urbanowicz, Director of Parks*

 [Attachments](#)

VII. Consider and Possible Action

14. *(First Reading)* An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 0.53 acres of land from Single Family Residential “R-1” to Retail Service District “RS” located at 713 and 715 N. Old Highway 81, in Hays County, Texas. (Alberto Saucedo, Sr. on behalf of Ypolita Cruz Saucedo, Z-15-007). ~ *Howard J. Koontz, AICP, Director of Planning and Community Development*

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

• PUBLIC HEARING

 [Attachments](#)

15. *(First Reading)* An Ordinance of the City of Kyle, Texas, Amending Chapter 29, "Sign Standards and Permits" of the City's Code of Ordinances relative to permitting existing off-premise commercial billboards to be converted to changeable electronic variable message signs ("CEVMS") subject to specific approval of the City Council; requiring a sign face exchange ratio for digital display signs; repealing the sunset clause for the sign face exchange ratio; repealing all conflicting Ordinances; and providing an effective date. ~ *Mario Perez, Building Official*

 [Attachments](#)

VIII. Council Requested Agenda Items

16. A Resolution of the City Of Kyle, Texas, Appointing an Officer Pursuant To Section 4.05 of the Kyle City Charter. ~ *Todd Webster, Mayor*

 [Attachments](#)

IX. City Managers Report

17. Update on various capital improvement projects, road projects, building program, and/or general operational activities. ~ *Scott Sellers, City Manager*

 [Attachments](#)

X. Executive Session

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

Government Code including any or all of the following topics.

1. Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071.

- Aqua Litigation Update
 - Bunton PID Litigation Update
 - Property Damage Claims Due to Recent Flooding
 - Annexation Terms and Conditions
2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
 3. Personnel matters pursuant to Section 551.074.
 4. Economic Development negotiations pursuant to Section 551.087.
 - Annexation Terms and Conditions
 - Economic Development Negotiations Update

 [Attachments](#)

19. Take action on items discussed in Executive Session.

 [Attachments](#)

XI. ADJOURN

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

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



CITY OF KYLE, TEXAS

Approval of minutes - 8/4/15

Meeting Date: 8/18/2015
Date time: 7:00 PM

Subject/Recommendation: City Council Regular Meeting - August 4, 2015. ~ *Amelia Sanchez, City Secretary*

Other Information:

Legal Notes:

Budget Information:

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[City Council Regular Meeting Minutes 8-4-15](#)

REGULAR CITY COUNCIL MEETING

The City Council of the City of Kyle, Texas met in Regular Session on August 4, 2015 at 7:00 p.m. at Kyle City Hall, with the following persons present:

Mayor Todd Webster	James Kohler
Council Member Diane Hervol	Sarah Rich
Council Member Becky Selbera	Sharee Aery
Council Member Shane Arabie	
Mayor Pro Tem David Wilson	
Council Member Damon Fogley	
Council Member Tenorio	
Scott Sellers, City Manager	
James Earp, Assistant City Manager	
Jerry Hendrix, Chief of Staff	
Kerry Urbanowicz, Parks Director	
Mario Perez, Building Official	
Cody Faulk, City Attorney	
Diana Blank, Director of Economic Development	
Howard Koontz, Planning Director	
Leon Barba, City Engineer	
Harper Wilder, Public Works Director	
Danielle Harvey, IT	
Jeff Barnett, Chief of Police	

CALL MEETING TO ORDER

Mayor Webster called the meeting to order at 7:00 p.m.

ROLL CALL

Mayor Webster called for roll call. Present were Mayor Webster, Council Member Hervol, Council Member Selbera, Council Member Arabie, Mayor Pro Tem Wilson, Council Member Fogley, and Council Member Tenorio

APPROVAL OF MINUTES

CITY COUNCIL REGULAR MEETING – JULY 21, 2015 ~ *AMELIA SANCHEZ, CITY SECRETARY*

CITY COUNCIL WORKSHOP MEETING - JULY 21, 2015 ~ *AMELIA SANCHEZ, CITY SECRETARY*

Council Member Hervol moved to approve the minutes of the City Council Regular Meeting – July 21, 2015, and City Council Workshop Meeting - July 21, 2015. Council Member Arabie seconds the motion. All aye. Motion carried 7-0.

CITY COUNCIL REGULAR MEETING

August 4, 2015 – Page 2

Kyle City Hall

CITIZEN COMMENT PERIOD WITH CITY COUNCIL

THE CITY COUNCIL WELCOMES COMMENTS FROM CITIZENS EARLY IN THE AGENDA OF REGULAR MEETINGS. THOSE WISHING TO SPEAK MUST SIGN IN BEFORE THE MEETING BEGINS AT THE KYLE CITY HALL. SPEAKERS MAY BE PROVIDED WITH AN OPPORTUNITY TO SPEAK DURING THIS TIME PERIOD, AND THEY MUST OBSERVE THE THREE-MINUTE TIME LIMIT.

Mayor Webster opened the Citizens Comments at 7:02 p.m. Constable James Kohler spoke against the proposed roundabout at Kohlers Crossing and 1626 and stated that it needed to go before the voters and because it was not safe especially for the school buses. Sarah Rich founder of Go Gold Global and Jullian Findhal spoke about Childhood Cancer Awareness and asked the Council to proclaim September Childhood Cancer Awareness month as other cities were doing. Kerry Urbanowicz recognized outgoing Jim Hough from the Parks Board and presented him with an award. Sharee Aery spoke about trailers, boats and campers parked in the street at her subdivision and with no HOA and some homes being rental properties and asked the Council to expand the existing ordinance for commercial vehicles to include personal non-motorized trailers and boats. With no one else wishing to speak Mayor Webster closed Citizens Comments at 7:15 p.m.

PRESENTATION

KAYAC "YEAR IN REVIEW" PRESENTATION. ~ TERRAH FRIESENHAHN (CHAIR) AND JAMES COLLINS (VICE CHAIR)

Terrah Friesenhan and James Collins provided a brief presentation on KAYAC activities, workshops, accomplishments and projects. She stated that they were very involved in the community, doing food drives and Christmas projects. Several members were in attendance. James Collins spoke on their continued work on the e-cigarette ordinance passed by the Council last year to ban the use and sale of these to minors.

Mayor Webster asked if there was any objection to placing the following item on the table. There was no objection.

PRESENTATION ON SUMMARIZED FINDINGS FROM EXISTING STUDIES ON ELECTRONIC BILLBOARDS RELATED TO DRIVER DISTRACTION AND REVIEW OF METHODS USED FOR THE STUDY OF DISTRACTION DUE TO ELECTRONIC BILLBOARD PRESENCE. ~ MARIO PEREZ, BUILDING OFFICIAL

Mario Perez, Building Official presented 3 studies done on driver distraction related to electronic billboards. He provided a study by the Federal Highway Administration, a Swedish Study and a Virginia Tech Study. Discussion only.

CITY COUNCIL REGULAR MEETING

August 4, 2015 – Page 3

Kyle City Hall

Mayor Webster asked if there was any objection to placing the following item on the table. There was no objection.

PRESENTATION REGARDING THE NEWLY PROPOSED U.S. EPA REGULATIONS FOR OZONE.
~ *FRED BLOOD, AIR QUALITY PROGRAM SPECIALIST, CENTRAL TEXAS CLEAN AIR COALITION*

Fred Blood, Air Quality Program Specialist, Central Texas Clean Air Coalition provided a presentation regarding the newly proposed U.S. EPA regulations for ozone.

Mayor Webster asked if there was any objection to placing the following item on the table. There was no objection.

DISCUSSION OF LAND USE, POLICIES AND EFFECTIVE STRATEGIES FOR ATTRACTING QUALITY DEVELOPMENT ON THE I-35 CORRIDOR AND QUARTERLY REPORT. ~ *JASON CLAUNCH, PRESIDENT*

Jason Claunch provided a summarization of the work performed identified in the contract with Catalyst Commercial and the City of Kyle and that currently they are in the implementation phase of the project and provided a report on the progress.

Mayor Webster asked if there was any objection to placing the following item on the table. There was no objection.

CONSENT AGENDA

(SECOND READING) AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF ASSIGNING ORIGINAL ZONING TO APPROXIMATELY 5.125 ACRES OF LAND FROM AGRICULTURE “AG” TO RETAIL SERVICE DISTRICT “RS”, ON PROPERTY LOCATED AT 400 E. RR 150, IN HAYS COUNTY, TEXAS. (MNT & S DEVELOPMENT, LTD, Z-15-006). ~ HOWARD J. KOONTZ, AICP, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT

AUTHORIZE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF KYLE, AND THE CITY OF SAN MARCOS TO ESTABLISH THE TERMS IN THE INSTALLATION OF GATEWAY MONUMENT SIGNS IN EACH CITY'S JURISDICTION. ~ *J. SCOTT SELLERS, CITY MANAGER*

AUTHORIZE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF KYLE, AND THE CITY OF SAN MARCOS TO ESTABLISH THE TERMS IN THE INSTALLATION OF GATEWAY MONUMENT SIGNS IN EACH CITY'S JURISDICTION. ~ *J. SCOTT SELLERS, CITY MANAGER*

CITY COUNCIL REGULAR MEETING

August 4, 2015 – Page 4

Kyle City Hall

APPROVE SUPPLEMENT NO. 1 TO ENGINEERING SERVICES AGREEMENT WITH K FRIESE & ASSOCIATES, INC., AUSTIN, TEXAS, IN ORDER TO REDUCE THE CONTRACT AMOUNT BY \$44,840.00 AND RELATED SCOPE OF WORK FOR ENGINEERING AND ENVIRONMENTAL SERVICES ASSOCIATED WITH THE MARKETPLACE AVENUE IMPROVEMENT PROJECT. ~ *LEON BARBA, P.E., CITY ENGINEER*

APPROVE SUPPLEMENT NO. 2 TO ENGINEERING SERVICES AGREEMENT WITH HDR ENGINEERING, INC., AUSTIN, TEXAS, IN AN AMOUNT NOT TO EXCEED \$72,596.00 FOR ADDITIONAL ENGINEERING AND DESIGN SERVICES FOR A DRAINAGE DETENTION POND, A BRIDGE STRUCTURE AT PLUM CREEK, AND FOR WATER LINE RELOCATION ASSOCIATED WITH THE LEHMAN ROAD IMPROVEMENT PROJECT. ~ *LEON BARBA, P.E., CITY ENGINEER*

APPROVE SUPPLEMENT NO. 3 TO ENGINEERING SERVICES AGREEMENT WITH LJA ENGINEERING, INC., AUSTIN, TEXAS, IN ORDER TO MODIFY THE SCOPE OF WORK AND REALLOCATE CONTRACT FUNDING WITHOUT CHANGING THE TOTAL CONTRACT AMOUNT FOR THE BUNTON CREEK ROAD IMPROVEMENT PROJECT. ~ *LEON BARBA, P.E., CITY ENGINEER*

CONSIDER AND POSSIBLE ACTION TO APPROVE FIRST AMENDMENT TO ECONOMIC DEVELOPMENT AGREEMENT WITH RR HPI, LLP. ~ *JAMES EARP, ASSISTANT CITY MANAGER*

Council Member Hervol pulls item #8 and Council Member Tenorio pulls #9.

Mayor Pro Tem Wilson moved to approve Consent Agenda items # 7 ~ (*Second Reading*) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of assigning original zoning to approximately 5.125 acres of land from Agriculture “AG” to Retail Service District “RS”, on property located at 400 E. RR 150, in Hays County, Texas. (MNT & S Development, LTD, Z-15-006); #10 ~ Approve Supplement No. 2 to engineering services agreement with HDR ENGINEERING, INC., Austin, Texas, in an amount not to exceed \$72,596.00 for additional engineering and design services for a drainage detention pond, a bridge structure at Plum Creek, and for water line relocation associated with the Lehman Road improvement project; #11 ~ Approve Supplement No. 3 to engineering services agreement with LJA ENGINEERING, INC., Austin, Texas, in order to modify the scope of work and reallocate contract funding without changing the total contract amount for the Bunton Creek Road improvement project; #12 ~ Consider and possible action to Approve First Amendment to Economic Development Agreement with RR HPI, LLP. Council Member Fogley seconds the motion. All aye. Motion carried 7-0.

CITY COUNCIL REGULAR MEETING

August 4, 2015 – Page 5

Kyle City Hall

Mayor Webster place item #8 on the table with no one objection.

AUTHORIZE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF KYLE, AND THE CITY OF SAN MARCOS TO ESTABLISH THE TERMS IN THE INSTALLATION OF GATEWAY MONUMENT SIGNS IN EACH CITY'S JURISDICTION.

Council Member Hervol moved to authorize execution of an interlocal agreement between the City of Kyle, and the City of San Marcos to establish the terms in the installation of gateway monument signs in each city's jurisdiction. Council Member Arabie seconds the motion. All aye. Motion carried 6-0 with Council Member Selbera off the dais.

Mayor Webster place item #9 on the table with no one objection

APPROVE SUPPLEMENT NO. 1 TO ENGINEERING SERVICES AGREEMENT WITH K FRIESE & ASSOCIATES, INC., AUSTIN, TEXAS, IN ORDER TO REDUCE THE CONTRACT AMOUNT BY \$44,840.00 AND RELATED SCOPE OF WORK FOR ENGINEERING AND ENVIRONMENTAL SERVICES ASSOCIATED WITH THE MARKETPLACE AVENUE IMPROVEMENT PROJECT.

Council Member Hervol moved to approve Supplement No. 1 to engineering services agreement with K FRIESE & ASSOCIATES, INC., Austin, Texas, in order to reduce the contract amount by \$44,840.00 and related scope of work for engineering and environmental services associated with the Marketplace Avenue improvement project. Council Member Tenorio seconds the motion. All aye. Motion carried 6-0 with Council Member Selbera off the dais.

CONSIDER AND POSSIBLE ACTION

Mayor Webster asked if there was any objection to placing the following item on the table. There was no objection.

(FIRST READING) AN ORDINANCE OF THE CITY OF KYLE CONTINUING WITH CURFEW FOR MINORS UNDER SEVENTEEN YEARS OF AGE PER SECTIONS 23-23 THROUGH 23-30; ENTITLED TRIENNIAL REVIEW; PROVIDING FOR ENFORCEMENT; ESTABLISHING CRIMINAL PENALTIES; AND SETTING AN EFFECTIVE DATE. ~ *JEFF BARNETT, CHIEF OF POLICE*

PUBLIC HEARING

Mayor Webster opened the Public Hearing at 8:55 p.m. to hear comments on *(First Reading)* An Ordinance of the City of Kyle continuing with Curfew for Minors under seventeen years of age per Sections 23-23 through 23-30; entitled Triennial Review. With no one wishing to speak Mayor Webster closed the Public Hearing at 8:55 p.m.

CITY COUNCIL REGULAR MEETING

August 4, 2015 – Page 6

Kyle City Hall

Council Member Hervol moved to approve (*First Reading*) An Ordinance of the City of Kyle continuing with Curfew for Minors under seventeen years of age per Sections 23-23 through 23-30; entitled Triennial Review; Providing for Enforcement; Establishing Criminal Penalties; and Setting an Effective Date. Council Member Selbera seconds the motion. All aye. Motion carried 7-0.

Mayor Webster asked if there was any objection to placing the following item on the table. There was no objection.

(FIRST READING) AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING AND REPLACING PROVISIONS OF THE CITY PERSONNEL POLICY; AND PROVIDING FOR RELATED MATTERS. ~ SANDRA DURAN, DIRECTOR OF HUMAN RESOURCES

Mayor Pro Tem Wilson moved to approve (*First Reading*) An Ordinance of the City of Kyle, Texas, Amending and Replacing Provisions of the City Personnel Policy; and Providing for Related Matters. Council Member Arabie seconds the motion. All aye. Motion carried 7-0.

COUNCIL REQUESTED AGENDA ITEMS

Mayor Webster asked if there was any objection to placing the following item on the table. There was no objection.

DISCUSSION AND POSSIBLE ACTION REGARDING FUTURE ORDINANCE AGAINST LARGE TRAILERS AND BOATS BEING PARKED FOR EXTENDED PERIODS OF TIME ON CITY STREETS. ~ DAMON FOGLEY, COUNCIL MEMBER

Discussion led by Council Member Fogley after he had received complaints from citizens about boats and trailers parked in the street and that he wanted to work with Code Enforcement to get the issue resolved. Council directed staff to work on and bring back an ordinance so that Code Enforcement and Police have something to enforce.

Mayor Webster asked if there was any objection to placing the following item on the table. There was no objection.

OVERVIEW OF CITY'S SHARE OF COSTS FOR PHASE I WATER SUPPLY ASSOCIATED CAPITAL IMPROVEMENT PROJECTS PLANNED TO BE INCURRED BY THE HAYS CALDWELL PUBLIC UTILITY AGENCY (HCPUA) DURING FISCAL YEARS 2016 THROUGH 2020. ~ DAPHNE TENORIO, COUNCIL MEMBER

Council Member Tenorio stated that Finance Director Perwez Moheet had provided the financials and had the information she needed.

CITY COUNCIL REGULAR MEETING

August 4, 2015 – Page 7

Kyle City Hall

Mayor Webster asked if there was any objection to placing the following item on the table. There was no objection.

STATUS REPORT ON ALL FIVE ROAD BOND PROJECTS INCLUDING LATEST PROJECT COST ESTIMATES. ~ *DAPHNE TENORIO, COUNCIL MEMBER*

Leon Barba, City Engineer gave a brief update on the five road bond projects, bid openings, construction costs and timelines, and that they were working with all the utility companies.

Mayor Webster asked if there was any objection to placing the following item on the table. There was no objection.

UPDATE ON GOFORTH ROAD REPAIRS. ~ *DAPHNE TENORIO, COUNCIL MEMBER*

Council Member Tenorio stated this information was provided and withdrew this item.

Mayor Webster asked if there was any objection to placing the following item on the table. There was no objection.

DISCUSSION REGARDING SETTING AGENDA REVIEW WORKSHOP MEETINGS. ~ *DIANE HERVOL, COUNCIL MEMBER*

Council Member Hervol stated she had requested this item to possibly shorten the meetings and have more information by contacting staff before the meetings with questions. She stated San Marcos met for one hour on a weekday and that she was willing to adjust her schedule to do that. Discussion followed with Council Members input ranging from unable to be here or change their work schedules to attend. Council Member Tenorio stated she wanted to be informed and get all the information she could before each meeting. Mayor Webster stated he felt discussion should take place during the meeting and not outside of it. Council Member Selbera stated she could not be here and did not have a flexible work schedule, Council Member Arabie stated he studied his agenda and felt he came to the meetings well informed and able to make decisions and that if he had questions he would email staff. Council Member Fogley stated he had a pretty full calendar and this added bureaucracy to what they do and was opposed to it. Cody Faulk, City Attorney stated concern with the pre-meeting discussion of agenda items violating the open meetings act, but what he was hearing was more of an administrative nature and wanting to get information, so they needed to come up with a policy. City Manager Scott Sellers stated it would be best to have questions emailed so that he can send to everyone.

Mayor Webster asked if there was any objection to placing the following item on the table. There was no objection.

CITY COUNCIL REGULAR MEETING

August 4, 2015 – Page 8

Kyle City Hall

CITY MANAGERS REPORT

UPDATE ON VARIOUS CAPITAL IMPROVEMENT PROJECTS, ROAD PROJECTS, BUILDING PROGRAM, AND/OR GENERAL OPERATIONAL ACTIVITIES. ~ *J. SCOTT SELLERS, CITY MANAGER*

No report.

ADJOURN

With no further business to discuss, Council Member Hervol moves to adjourn. Council Member Selbera seconds the motion. All votes aye. Motion carried 7-0.

The City Council meeting adjourned at 10:38 p.m.

R. Todd Webster, Mayor

Attest: Amelia Sanchez, City Secretary



CITY OF KYLE, TEXAS

Kyle Area Chamber of Commerce Quarterly Report

Meeting Date: 8/18/2015
Date time: 7:00 PM

Subject/Recommendation: Kyle Area Chamber of Commerce Quarterly Report and Scope of Work Discussion. ~ *Julie Snyder, CEO, Kyle Chamber*

Other Information:

Legal Notes:

Budget Information:

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

- [Memo](#)
 - [Proposed Budget](#)
 - [Quarterly Report](#)
 - [AprJun 2015 KACC Tourism Power Point](#)
-



July 31, 2015

TO: Scott Sellers, City Manager, City of Kyle
FR: Julie Snyder, CEO, Kyle Area Chamber of Commerce & Visitor's Bureau
RE: Tourism Budget based on requested reduction of funds for City of Kyle Fiscal Year beginning October 1, 2015 through September 30, 2016

Mr. Sellers:

Attached is the draft of a revised budget for the Kyle Area Chamber of Commerce & Visitor's Bureau to continue managing a portion of the hotel occupancy taxes (HOT). This budget has been created with your suggested reduction of 50% from the previous year in mind. Once the budget is agreed upon, we will review the agreement to make the appropriate changes to outline the services.

I believe, through the Kyle Chamber's tourism efforts and quality customer service, visitors, new residents, future residents, and businesses have a positive impression of the community of Kyle. We are very proud of the Visitors Center and its welcoming first impression. Our team provides a high level of service in insuring requests are filled, questions are answered in a timely manner, calendars and community information is up to date, and our community is represented in the utmost positive manner.

Consequently, should the funding be eliminated or reduced, there is a risk of losing or reducing the level of service and resources we currently provide.

Our goal, is to work with you on the reduction of funds, in an effort to maintain and provide the same level of service and standards.

Our Board of Directors and I believe, with the acceptance of this proposal, the impact on our services and our budget will be manageable while maintaining the level of quality service our visitors, residents, and businesses have grown accustomed to over the years.

The budget identifies the amount of HOT funds approved for the current agreement and budget (2014/2015 contract), the proposed 2016 budget, and the difference between the two.

Thank you and the members of Council for considering the enclosed budget. The Kyle Area Chamber of Commerce is proud to represent the community and look forward to continuing and strengthening our partnership.

Kyle Area Chamber of Commerce Proposed 2015 - 2016 Budget

	2015-16 Tourism	2016-17 Tourism	2016-17 Difference
Ordinary Income/Expense			
Income			
4005 · Tourism Contract	125,810	75,000	50,810
Total Income	125,810	75,000	50,810
Expense			
6000 · Office & Administrative Expense			
6005 · Accounting	2,800	1,980	820
6010 · Bank Charges	100	0	100
6015 · Business Meetings	300	0	300
6020 · Computer Software Upgrade	500	300	200
6025 · Contract Services	250	210	40
6030 · Copier Lease	1,200	1,080	120
6035 · Credit Card Fees	800	0	800
6040 · Insurance	1,000	900	100
6045 · Janitorial Services	1,000	900	100
6047 · Legal Services	0	500	500
6050 · Miscellaneous Expenses	200	0	200
6053 · Office Lease	0	10,080	10,080
6055 · Office Supplies	1,000	900	100
6058 · Pest Control	250	120	130
6060 · Postage & Shipping	500	500	0
6065 · Telephone & Internet	2,200	1,635	565
6070 · Utilities	2,000	750	1,250
6075 · Website/Database/Software subscribe	1,500	1,500	0
Total 6000 · Office & Administrative Expense	15,600	21,355	5,755
6080 · Promotional Expenses			
6085 · Brochures	2,000	0	2,000
6095 · Information Packet Postage	1,500	2,000	500
6100 · Maps	1,000	0	1,000
6105 · Printing & Reproduction	500	0	500
6110 · Prizes & Awards	200	0	200
6115 · Promotional Items	500	0	500
6120 · Tourism Advertising	10,600	500	10,100
6125 · Tourism Recognition	400	0	400
6080 · Promotional Expenses - Other	500	0	500
Total 6080 · Promotional Expenses	17,200	2,500	14,700
6130 · Travel & Conference Attendance			
6135 · Conference Sponsorship	1,000	0	1,000
6140 · Lodging & Meals	400	200	200
6145 · Registration Fee	2,000	500	1,500
6155 · Vehicle Rental	400	0	400
Total 6130 · Travel & Conference Attendance	3,800	700	3,100
6160 · Employee Services			
6175 · Employee Mileage Reimbursement	1,600	300	1,300
6190 · Payroll Processing Fees	990	450	540

Kyle Area Chamber of Commerce Proposed 2015 - 2016 Budget

	2015-16	2016-17	2016-17
	Tourism	Tourism	Difference
6195 · Payroll Taxes	6,210	3,660	2,550
6200 · Training & Seminars	1,000	0	1,000
6205 · Wages & Salaries	60,000	45,200	14,800
Total 6160 · Employee Services	69,800	49,610	20,190
6220 · Dues & Subscriptions			
6225 · ACCE Dues	150	0	150
6230 · TACVB Dues	300	0	300
6235 · TCCE Dues	100	0	100
6245 · TTIA Dues	310	310	0
6250 · US Chamber Dues	150	0	150
Total 6220 · Dues & Subscriptions	1,010	310	700
6270 · Board Expenses			
Total 6270 · Board Expenses	700	525	175
6315 · 5K Kyle-O-Meter			
Total 6315 · 5K Kyle-O-Meter	500	0	500
6635 · Kyle Fair & Music Festival			
Total 6635 · Kyle Fair & Music Festival	16,900	0	16,900
Total Expense	125,510	75,000	50,510
Total Income	125,810	75,000	50,810
Total Expense	125,510	75,000	50,510

Kyle Area Chamber of Commerce Tourism Profit Loss Budget Overview

October 2014 - September 2015

Tourism

	Oct - Dec 14	Jan - Mar 15	Apr - Jun 15	Oct 14 - Sept 15
Ordinary Income/Expense				
Income	31,452.50	25,755.30	0.00	125,810.00
Gross Profit	31,452.50	25,755.30	0.00	125,810.00
Expense				
6000 - Office & Administrative Expense				
6005 - Accounting	183.75	220.50	210.00	2,800.00
6010 - Bank Charges	36.30	0.00	0.00	100.00
6015 - Business Meetings	0.00	0.00	95.24	300.00
6020 - Computer & Software Upgrade	525.85	77.94	0.00	500.00
6025 - Contract Services	160.50	0.00	49.52	250.00
6030 - Copier Lease	246.00	193.41	282.95	1,200.00
6035 - Credit Card Fees	228.01	276.60	160.40	800.00
6040 - Insurance	197.00	177.10	529.70	1,000.00
6045 - Janitorial Services	375.00	250.00	247.50	1,000.00
6050 - Miscellaneous Expenses	0.00	18.00	0.00	200.00
6055 - Office Supplies	321.60	113.10	76.76	1,000.00
6058 - Pest Control	46.00	46.00	57.97	250.00
6060 - Postage & Shipping	597.87	147.00	637.00	500.00
6065 - Telephone & Internet	322.21	259.07	455.99	2,200.00
6070 - Utilities	346.43	702.61	342.15	2,000.00
6075 - Website/Database	317.42	266.31	266.31	1,500.00
6000 - Office & Administrative Expense - Other	0.00	0.00	0.00	0.00
Total 6000 - Office & Administrative Expense	3,903.94	2,747.64	3,411.49	15,600.00
6080 - Promotional Expenses				
6085 - Brochures	60.00	0.00	0.00	2,000.00
6095 - Information Packet Postage	0.00	0.00	1,051.22	1,500.00
6100 - Maps	0.00	0.00	0.00	1,000.00
6105 - Printing & Reproduction	0.00	0.00	0.00	500.00
6110 - Prizes & Awards	0.00	0.00	0.00	200.00
6115 - Promotional Items	0.00	0.00	0.00	500.00
6120 - Tourism Advertising	2,681.74	927.69	8,397.58	10,600.00
6125 - Tourism Recognition	0.00	0.00	0.00	400.00
6080 - Promotional Expenses - Other	0.00	0.00	0.00	500.00
Total 6080 - Promotional Expenses	2,741.74	927.69	9,448.80	17,200.00
6130 - Travel & Conference Attendance				
6135 - Conference Sponsorship	0.00	0.00	0.00	1,000.00
6140 - Lodging & Meals	0.00	0.00	42.65	400.00
6145 - Registration Fee	0.00	0.00	795.00	2,000.00
6155 - Vehicle Rental	0.00	0.00	0.00	400.00
Total 6130 - Travel & Conference Attendance	0.00	0.00	837.65	3,800.00
6160 - Employee Services				
6175 - Employee Mileage Reimbursement	96.66	0.00	270.25	1,600.00
6190 - Payroll Processing Fees	154.44	188.76	134.31	990.00
6195 - Payroll Taxes	1,512.80	1,182.49	1,130.85	6,210.00
6200 - Training & Seminars	0.00	0.00	0.00	1,000.00

**Kyle Area Chamber of Commerce Tourism
Profit Loss Budget Overview**

October 2014 - September 2015

Tourism

	Oct - Dec 14	Jan - Mar 15	Apr - Jun 15	Oct 14 - Sept 15
6205 · Wages & Salaries	17,949.12	14,480.15	13,791.77	60,000.00
Total 6160 · Employee Services	19,713.02	15,851.40	15,327.18	69,800.00
6220 · Dues & Subscriptions				
6225 · ACCE Dues	0.00	0.00	0.00	150.00
6230 · TACVB Dues	0.00	375.00	0.00	300.00
6235 · TCCE Dues	0.00	103.60	0.00	100.00
6240 · THLA Dues	0.00	0.00	0.00	0.00
6245 · TTIA Dues	0.00	395.00	0.00	310.00
6250 · US Chamber Dues	0.00	150.00	0.00	150.00
Total 6220 · Dues & Subscriptions	0.00	1,023.60	0.00	1,010.00
6270 · Board Expenses	246.84	162.86	0.00	700.00
6315 · 5K Kyle-O-Meter	540.17	923.00	0.00	500.00
6320 · Golf Tournament - Tourism Related	0.00	150.00	0.00	0.00
6635 · Kyle Fair & Music Festival				
Total 6635 · Kyle Fair & Music Festival	8,380.65	0.00	0.00	17,400.00
Total Expense	35,421.61	21,786.19	28,615.57	125,510.00

The logo features a stylized 'NA' where the 'N' is black and the 'A' is red with a white swoosh. This graphic is positioned to the left of the word 'KYLE'.

NA KYLE

AREA CHAMBER OF COMMERCE & VISITOR'S BUREAU



April 1, 2015 – June 31, 2015

[KYLE CHAMBER OF COMMERCE & VISITORS BUREAU TOURISM METRICS]

Texas Hotel/Motel Performance – January 1, 2015 – March 31, 2015							
City	No. of Rooms FY 2015	\$ Room Revenue FY 2014/2015 (000's)	Est. \$ Rate FY 2014	Est. \$ Rate FY 2015	Occupancy FY 2014	Occupancy FY 2015	Point Change
Kyle	82	609/789	121.80	131.50	70.3	81.3	11.0
Austin	22,723	220,517/237,593	136.71	146.30	77.6	79.4	1.8
Buda	395	2,076/2,564	86.50	94.96	67.5	75.9	8.4
San Marcos	1,815	7,581/8,955	84.23	85.29	60.8	64.3	3.5
Pflugerville	64	432/463	86.40	115.75	86.8	69.4	-17.4

2015 Quarterly Sales Receipts January - March				2015 Monthly Lodging April Sales Receipts			
Hotel Name	2014	2015	% Change	Hotel Name	2014	2015	% Change
La Quinta Inn & Suites	\$351,646.50	\$394,426.83	12.17%	La Quinta Inn & Suites	\$137,133.16	\$148,246.66	8.10%
Best Western Inn & Suites	\$186,584.42	\$246,473.05	32.10%	Best Western Inn & Suites	\$90,264.94	\$106,127.88	17.57%

City of Kyle Sales Tax	
April – 15	\$338,850 5.77% up from 2014
May – 15	\$576,975 14.17% up from 2014
June - 15	\$493,471 21.83% up from 2014

Website Traffic – 2015 vs 2014					
April		May		June	
4,427	2,582	3,192	2,613	3,745	3,078
Total Traffic January – December 2015: 23,106					



Tourism/Visitor Center Activity

	Oct 13-Sept 14	Oct 14-Dec 14	Jan 15-Mar 15	April 15-June 15	July 15-Sept 15
Walk-ins	354	32	64	19	
Visitor Guide Requests	4866	400	144	5794	
Brochure Requests	1849	309	828	504	
Relocation Guide Requests	443	182	76	64	



Promotions and Advertising – Social Media/Online

- **Facebook:** 2,537 likes – Reaching 6,067
 - New member videos / Fan Page / events in Kyle and region
 - 314 “friends”
- **Twitter:** 1,297 followers, 1,947 tweets
 - Tweet 4-5xweek / retweet when applicable
 - Kyle events, attractions, job postings
- **Pinterest:** 158 followers, 835 pins
 - Boards: All About Kyle, Texas Our Texas, Wedding Fever, Texas Wineries & Vineyards, Texas Breweries, Helpful Hints & Business Tips
- **Other Online Media**
 - KyleChamber.org – community calendar, events, banners
 - www.kylechamber.org
 - www.tourtexas.com – Texas travel directory 

Promotions and Advertising – Social Media/Online

Weekly Emails:
Reaching 990
with a
37% Open Rate
and a
15% Click Through
Rate

Saturday, July 4

Popsicle Run 4-Miler



Plum Creek Popsicle Run will include the option to test your skills at 6 functional challenges along the race course. Frozen treats will reward the participants at the finish line.

[Click here for website](#)

Time: Check in at 6:00am, race begins at 7:00am

Location: Negley Elementary
5940 McNaughton, Kyle

4th of July Fireworks



Join in the celebration of Independence Day this July 4th as the City of Kyle once again has planned for a spectacular fireworks show.

Where to Watch Fireworks:

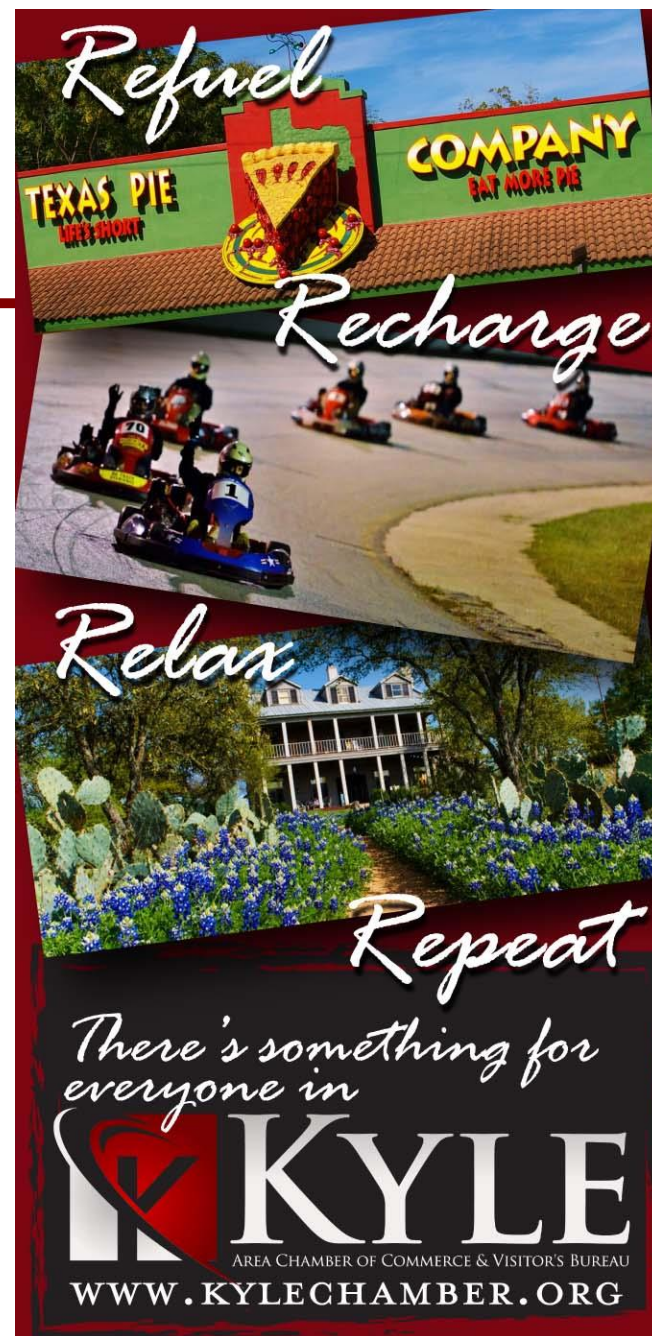
Fireworks will be launched from the Plum Creek Golf Course around 9:30 p.m.

2015 Texas State Travel Guide

- Distribution: 1,180,608
- 70% of total travel to Texas is **leisure**
- Overnight leisure trips last an average of 3.43 nights



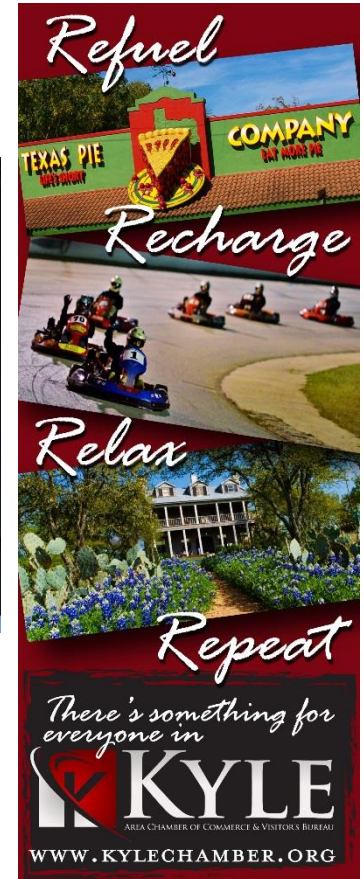
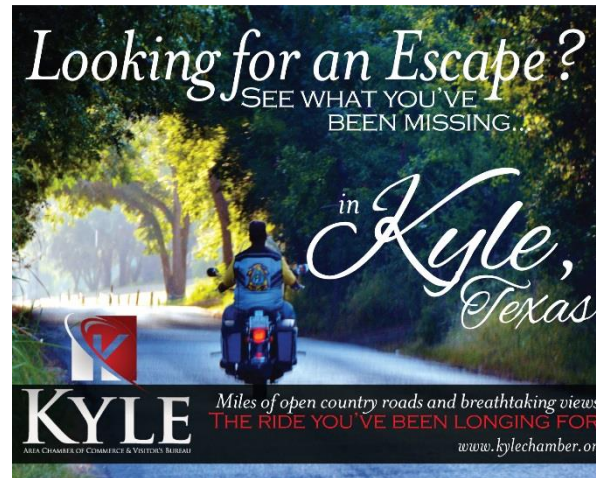
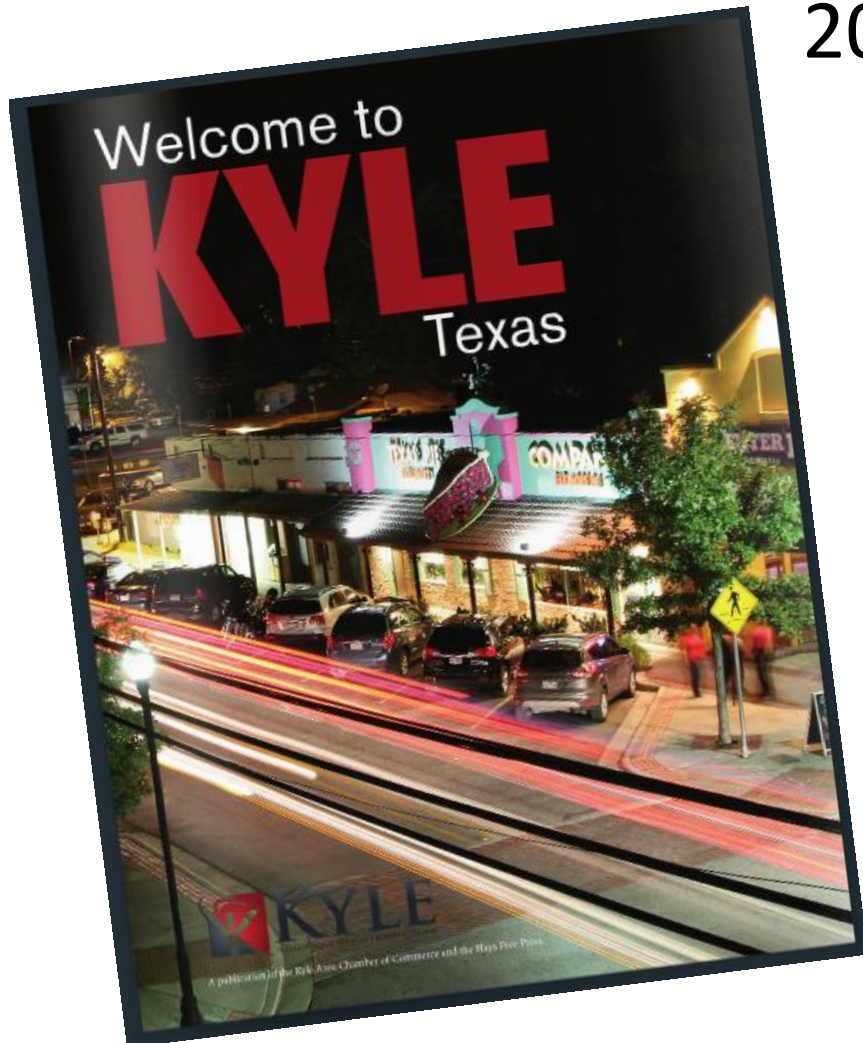
Received 374 requests for additional information about Kyle, TX to date





2015 Guide To Kyle

Distribution: 12,000



Say "I Do..."



in Beautiful
Kyle, Texas



Your Texas
Wedding Destination



WWW.KYLECHAMBER.ORG



Texas Highways Events

Spring 2015



65,000 Readers

Distributed to all 12 Texas Travel Information Centers
and

Over 100 CVB's around the state

Received 66 requests for additional
information about Kyle, TX to date





Kyle, Texas | Simply Charming

Located in Central Texas at the edge of the Texas Hill Country, Kyle and its scenic Blanco River setting offer a charming place for visitors to enjoy old-town grace with modern amenities. Nestled between Austin and San Marcos, this community with its unique neighborhoods, live music venues, restaurants with culinary delights, and historical sites will give you that hometown hospitality feeling of yesteryear. Kyle is the perfect place to stay located less than 10 minutes from the largest outlet shopping center in Texas and 15 minutes from our State Capital. Come on out and see all of Kyle's charm.

Our History
 Kyle Auction Oak
 In 1880, 19th Century railroad magnate Jay Gould decided that his International Great Northern Railroad needed a station between Austin and San Marcos. He made a deal with property owners David Moore and Fergus Kyle their former land was auctioned off under the Kyle Auction Oak. Kyle was incorporated in 1928 as a general-law city with a mayor and five council members. In 1937 Mary Kyle Arson, daughter of Fergus Kyle, was elected mayor by a write-in vote. In the early 1940s Kyle was noted as the only Texas town with an all-woman government. The town has been home to Battle of San Jacinto hero John Wheeler Bunton, Ambassador (and Texas A&M Kyle Field namesake) Edwin J. Kyle, Rhodes Scholar Terrell Sledge, American League baseball pitcher C.C. "Tex" Hughson, historian Milton Nance, and authors Katherine Anne Porter and Lena Blithe Hamilton Kirkland.

Visitor Center
 401 Center Street in Kyle, TX
 Open Monday-Friday 9am-4pm
 Open Saturday 9am-2pm

[Kyle, Texas | Travel Guide Home »](#)
[Kyle, Texas | Top Seven Things To Do »](#)

[VIEW WEBSITE](#)
[ORDER OR DOWNLOAD A FREE BROCHURE](#)
[SIGN UP FOR OUR NEWSLETTER](#)

Kyle, Texas | Top Seven Things To Do

1. Visit [Texas Pie Company](#) for a little slice of heaven



2. Test your racing skills at [Central Texas Speedway](#)



3. Visit our [Historical Sites](#)

4. [Fish & Hike at Lake Kyle](#)

5. [Steeplechase Disc Golf Course](#) designed by John Houck

6. [Enjoy a picnic lunch at 5 Mile Dam](#)



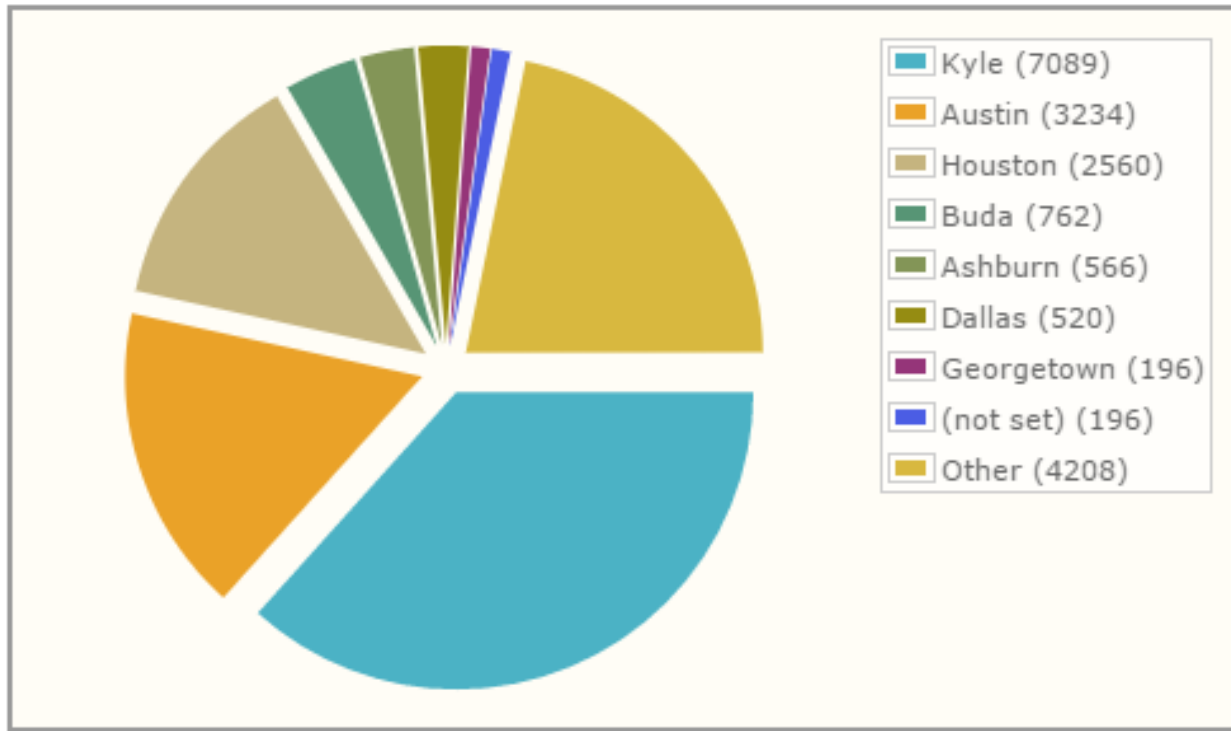
7. Pamper yourself with a relaxing stay at [Sage Hill Inn Above Onion Creek](#)



Website Traffic

City Overview

2015 City Visits



Page Views

January – 8859
 February – 7515
 March – 8362
 April – 8999
 May – 7083
 June - 7268

New Visitors

January – 70.34%
 February – 67.76%
 March – 70.84%
 April – 73.30%
 May – 71.80%
 June – 67.72



Thank you!



CITY OF KYLE, TEXAS

Greater San Marcos Partnership Presentation

Meeting Date: 8/18/2015
Date time: 7:00 PM

Subject/Recommendation: Presentation regarding Greater San Marcos Partnership's Initiatives. ~
Adriana Cruz, President, Greater San Marcos Partnership

Other Information:

Legal Notes:

Budget Information:

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download



CITY OF KYLE, TEXAS

Meeting Date: 8/18/2015
Date time: 7:00 PM

Cypress Forest - Annexation

Subject/Recommendation: Hold the first of two state-mandated Public Hearings for the possible extension of the Kyle municipal boundaries by the annexation of approximately 135.78 acres. (Cypress Forest Annexation). ~ *Howard J. Koontz, AICP, Director of Planning and Community Development*

- **PUBLIC HEARING**

Other Information: This item is the first of two, state-mandated Public Hearings related to the annexation of a tract or parcel located adjacent to the corporate limits of a home rule city.

Scott Felder Homes plans a residential home development on 135.78 acres, located roughly on the northwest corner of the intersection of West Center Street and North Old Stagecoach Road. The property also fronts a portion of the north side of Cypress Road.

Coincident to this application for annexation, the applicant also seeks the inaugural zoning classification of R-1-2. That separate item will come before the Mayor and City Council in September 2015.

The schedule for this annexation process is:

1. First Public Hearing: August 18, 2015
2. Second Public Hearing: September 1, 2015
3. First Reading of the Annexation Ordinance: September 15, 2015
4. Second Reading of the Annexation Ordinance: October 6, 2015

Legal Notes: N/A

Budget Information: N/A

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Cover Memo

Attachments / click to download

[Project Location Map](#)

[Application](#)

[Letter of Request](#)

[Field Notes](#)

[Deed](#)

[Staff Memo](#)



CITY OF KYLE

Community Development Department



MEMORANDUM

To: Kyle Mayor and City Council

From: Howard Koontz, Community Development Director

Date: 8/18/2015

Subject: **First Public Hearing for the Proposed Expansion of the Municipal Corporate Limits of the City of Kyle by Annexation of 135.78 Acres**

This item is the first of two, state-mandated Public Hearings related to the annexation of a tract or parcel located adjacent to the corporate limits of a home rule city.

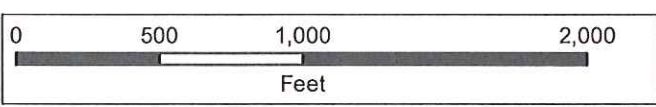
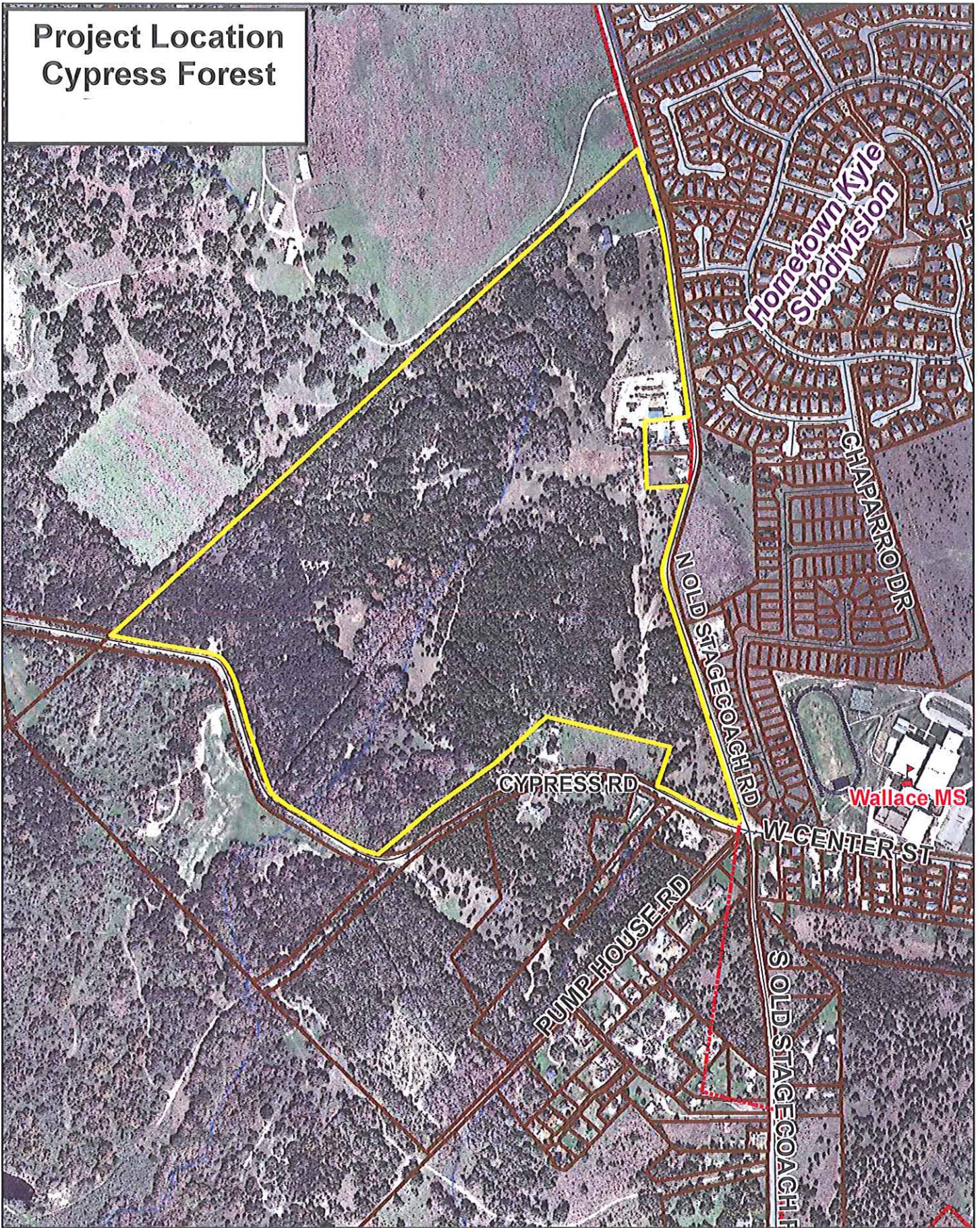
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Project Location Cypress Forest



 Property Location

 Parcel Lines

APPLICATION & CHECKLIST – VOLUNTARY ANNEXATION APPLICATION

Project Name/Address: CYPRESS FOREST

5/27/15

(Submittal Date)

REQUIRED ITEMS FOR SUBMITTAL PACKAGE:

The following items are required to be submitted to the Planning Department in order for the application to be accepted for review.

- 1. Letter requesting annexation, signed and dated by all property owners and detailing the following information:
 - a. The name of the property owner(s)
 - b. The street address of the property
 - c. Tax appraisal district property ID number(s)
 - d. Acknowledgement that the property is contiguous to the current city limits.
 - e. Identify the number of residents living on the property.
 - f. Current use of the property.
 - g. Proposed use of the property
- 2. Map of the subject property
- 3. A legal description of the property (including a survey, field notes or legal description – subdivision, lot, and block) - label as Exhibit A.
- 4. Ownership Documents. Clean copy of recorded warranty deed or other document(s) conveying ownership of all the property to be annexed. If the property is owned by a partnership, corporation, trust, or other entity, documents demonstrating signatory's authority to sign Petition on behalf of entity must be included.
- 5. Application Fee: \$850.00 + \$190.21 (Newspaper Notification Fee)

Property Information

Owners: Scott Felder Homes LLC

Address: 6414 River Place Blvd, Ste. 100, Austin, TX 78730

Phone: (512) 418-5400 Email: _____

Acreage: 132.59 Property ID (R#) R16956

Legal Description: See attached field notes

Number of lots and proposed use: Single Family Residential, Retail and Services

Agent: TEXAS ENGINEERING SOLUTIONS, LLC

Phone: (512) 904-0505

Email: jhagen@TXENGS.COM

Fax Number: (512) 904-0509

Please Note: The signature of owner authorizes City of Kyle staff to visit and inspect the property for which this application is being submitted. The signature also indicates that the applicant or his agent has reviewed the requirements of this checklist and all items on this checklist have been addressed and complied with. Note: The agent is the official contact person for this project and the single point of contact. All correspondence and communication will be conducted with the agent. If no agent is listed, the owner will be considered the agent.

(Check One:)

I will represent my application before city staff and the City Council.

I hereby authorize the person named below to act as my agent in processing this application before city staff and city council.

Scott Felder Homes

(512)

Owner's Name (printed)

Phone

Fax

6414 River Place Blvd., Ste. 100

AUSTIN

TX

78730

Owner's Address

City

State

Zip

Owner's Signature

Date

Email Address

Agent's Name: James Hagen P.E.

Company: TEXAS ENGINEERING SOLUTIONS, LLC

Mailing Address: 5000 BEE CAVES RD., STE 206 AUSTIN

TX

78746

Street

City

State

Zip

(512) 904-0505

(512) 904-0509

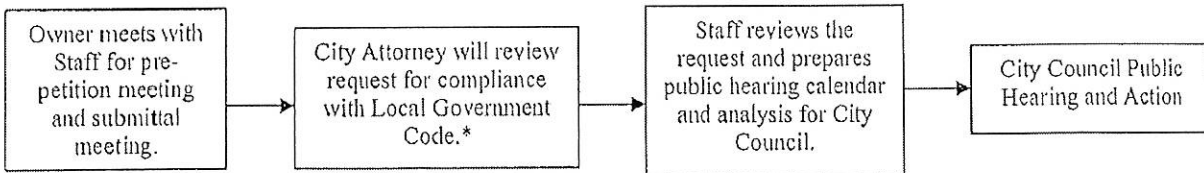
jhagen@TXENGS.COM

Phone

Fax

Email address

GENERAL PROCESS



**If the City Attorney determines the requested annexation does not meet the requirements of the local government code the applicant will be notified in writing and the request for annexation will not proceed.*

REQUEST FOR ANNEXATION OF SPARSELY POPULATED AREAS
BY THE OWNER(S) OF AREA

TO THE HONORABLE MAYOR AND CITY COUNCIL
OF THE CITY OF KYLE, TEXAS:

The undersigned owners of the hereinafter described tract of land, pursuant to Texas Local Government Code Section 43.028, hereby petition the City of Kyle to extend the present City Limits so as to include as a part of the City that certain tract of land described in Exhibit "A" attached hereto and made a part hereof.

The undersigned owners hereby certify that:

- (1) The tract of land described in Exhibit "A" is located contiguous and adjacent to the existing corporate limits of the City of Kyle, Texas; and
- (2) The tract of land described in Exhibit "A" is one-half (1/2) mile or less in width; and
- (3) The tract of land described in Exhibit "A" is vacant and without residents, or on which less than three (3) qualified voters reside; and
- (4) This petition is signed and duly acknowledged by each and every individual or corporation having a proprietary interest in said land.

Steven Krasoff
NAME (PRINT)

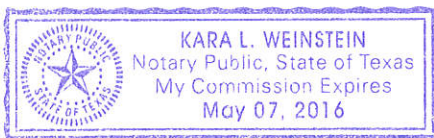
2/26/15
DATE

[Signature]
SIGNATURE

(ACKNOWLEDGEMENT)

STATE OF TEXAS §
COUNTY OF Travis §

This instrument was acknowledged before me on the 26th day of February, 2015, by
Steve Krasoff



[Signature]
Notary Public, State of Texas

List all qualified voting age persons living on each tract of land. *Per state law, in order for an area to be eligible for annexation by petition of the land owners, the area must be vacant or inhabited by fewer than three (3) qualified voters.*

<u>Tract #</u>	<u>Name</u>	<u>Mailing Address</u>

TEXAS ENGINEERING SOLUTIONS

5000 Bee Caves Rd, Suite 206
Austin, Texas 78746
P: (512) 904-0505
F: (512) 904-0509



TBPE Firm #11206

Planning Department
City of Kyle
100 W. Center St.
Kyle, TX 78640

March 27, 2015

RE: Letter of Intent for Annexation; Cypress Forest Project in the City of Kyle ETJ, Hays County

To whom it may concern:

On behalf of the owner, Texas Engineering Solutions has provided the City of Kyle's Planning Department with an application for annexation of one tract of land. The Hays County tax identification parcel number is R16956, owned by KY-TEX Properties.

The property proposed for annexation is contiguous to the current city limits and is composed of approximately 132.59 acres. The tract is currently undeveloped with no residents living on the property.

The applicant reserves the right to pull this annexation application from consideration at any time during the proceedings. With this signed petition for voluntary annexation, the landowner understands that construction of any capital improvements necessary for development on the property will not be the responsibility of the City of Kyle if approved for annexation; rather, such improvements will occur through non-City financial assistance through subdivision and construction process.

If you should have any questions pertaining to this application or if you need further explanation, please feel free to call me at (512) 904-0505.

Sincerely,

A handwritten signature in blue ink, appearing to read 'James T. Hagen', is written over a large, stylized blue circular mark.

James T. Hagen, P.E.
Texas Engineering Solutions
TBPE Firm #11206

DESCRIPTION OF A 132.59 ACRE TRACT, PREPARED BY DELTA SURVEY GROUP INC. IN FEBRUARY 2015, LOCATED IN THE JOHN PHARASS SURVEY, ABSTRACT NUMBER 361, HAYS COUNTY, TEXAS, SAID 132.59 ACRE TRACT BEING A REMAINDER OF A CALLED 135.78 ACRE TRACT OF LAND DESCRIBED IN VOLUME 254, PAGE 848, REAL PROPERTY RECORDS, HAYS COUNTY, TEXAS, SAID 132.59 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ½ inch iron rod found in the north right-of-way line of Cypress Road (right-of-way varies) for the most southerly southeast corner of said 135.78 acre tract, same being the most southerly corner of the herein described 132.59 acre tract of land, for the **POINT OF BEGINNING**;

THENCE with the north right-of-way line of Cypress Road, same being the south line of said 135.78 acre tract, N66°47'41"W, a distance of 464.63 feet to a ½ inch iron rod with "Delta Survey" cap set for the southeast corner of a 4.78 acre tract of land described in Volume 4719, Page 166, Official Public Records, Hays County, Texas;

THENCE leaving the north right-of-way line of Cypress Road, with the east, north and west lines of said 4.78 acre tract, same being south lines of said 135.78 acre tract the following three (3) courses and distances:

1. N18°25'46"E a distance of 218.68 feet, to a ½ inch iron rod with "Delta Survey" cap set,
2. N76°35'41"W a distance of 683.33 feet, to a ½ inch iron rod with "Delta Survey" cap set, and
3. S45°04'19"W a distance of 426.01 feet, to a 20 inch Live Oak found for the southwest corner of the said 4.78 acre tract, same being a south corner of the said 135.78 acre tract, and also being in the north line of an undefined tract of land (no record ownership or deed reference found);

THENCE with the north lines of said undefined tract, same being the south lines of said 135.78 acre tract the following five (5) courses and distances:

1. S59°45'22"W a distance of 97.79 feet, to a nail found in a 29 inch Live Oak,
2. S47°28'53"W a distance of 371.25 feet, to a ½ inch iron rod found,
3. S52°39'52"W a distance of 14.33 feet, to a ½ inch iron rod found,
4. S59°09'02"W a distance of 164.78 feet, to a ½ inch iron rod found, and
5. S67°49'19"W a distance of 74.92 feet, to a ½ inch iron rod with "Delta Survey" cap set in the north ROW line of said Cypress Road, same being a south line of said 135.78 acre tract;

THENCE with the north ROW lines of said Cypress Road, same being the south lines of said 135.78 acre tract the following nine (9) courses and distances:

1. N70°08'41"W a distance of 96.94 feet, to a ½ inch iron rod with "Delta Survey" cap set,
2. N64°30'41"W a distance of 79.56 feet, to a ½ inch iron pipe found,
3. N49°42'54"W a distance of 145.14 feet, to a ½ inch iron rod with "Delta Survey" cap set,
4. N47°57'54"W a distance of 437.25 feet, to a ½ inch iron rod with "Delta Survey" cap set,
5. N16°49'54"W a distance of 516.28 feet, to a ½ inch iron rod with "Delta Survey" cap set,
6. N35°14'54"W a distance of 48.31 feet, to a ½ inch iron rod with "Delta Survey" cap set,
7. N56°57'54"W a distance of 49.88 feet, to a ½ inch iron rod found,
8. N80°26'19"W a distance of 476.41 feet, to a ½ inch iron rod found, and
9. N41°17'19"W a distance of 155.64 feet, to a ½ inch iron rod with "Delta Survey" cap set in the east line of that 195.14 acre tract described in a deed to The State of Texas Permanent School Fund, and recorded in Volume 2965, Page 484, Official Public Records, Hays County, Texas, same being the west line of the said 135.78 acre tract;

THENCE with the east line of said 195.14 acre tract, same being the west lines of said 135.78 acre tract the following six (6) courses and distances:

1. N48°29'30"E a distance of 1587.53 feet, to a ½ inch iron rod found,
2. N48°25'30"E a distance of 428.87 feet, to a ½ inch iron rod with "VICKERY" cap found,
3. N25°26'19"E a distance of 39.38 feet, to a mag nail in fence post found,
4. S49°05'26"E a distance of 34.30 feet, to a mag nail in fence post found,
5. N48°35'06"E a distance of 1583.28 feet, to a mag nail in fence post found, and
6. S61°06'30"E a distance of 48.98 feet, to a ½ inch iron rod found in the west ROW line of County Road 136 (Old Stagecoach Road) (ROW varies), same being the northeast corner of said 135.78 acre tract;

THENCE with the west ROW line of said Old Stagecoach Road, same being the east line of said 135.78 acre tract, S16°45'08"E a distance of 258.55 feet, to a ½ inch iron rod with "Delta Survey" cap set for the northeast corner of that 1.00 acre tract described in a deed to Clifton L. Oswalt and recorded in Volume 398 Page 265, Real Property Records of Hays County, Texas;

THENCE leaving said ROW and with the north and west lines of said 1.00 acre Oswalt tract, and the west and south lines of that 0.12 acre tract described in a deed to Clifton L. Oswalt and recorded in Volume 592 Page 807, Real Property Records of Hays County, Texas, the following three (3) courses and distances:

1. S73°14'47"W a distance of 350.00 feet, to a ½ inch iron rod with "Delta Survey" cap set,
2. S16°45'09"E a distance of 139.46 feet, to a ½ inch iron rod with "Delta Survey" cap set, and
3. N73°14'49"E a distance of 347.70 feet, to a ½ inch iron rod with "Delta Survey" cap set in the west ROW line of said Old Stagecoach Road;

THENCE with the west ROW line of said Old Stagecoach Road, same being the east line of said 135.78 acre tract, S08°02'02"E a distance of 955.72 feet, to an iron rod with "BYRN" cap found for the northeast corner of that 0.615 acre tract conveyed to Martha Prado and recorded in Volume 2257 Page 881, Official Public Records, Hays County, Texas and last described in Volume 729 Page 644, Real Property Records, Hays County, Texas;

THENCE with the perimeter of said 0.615 acre Prado tract and a 1.86 acre tract described in a deed to Audrey Oswalt and recorded in Volume 398 Page 261, Real Property Records, Hays County Texas the following six (6) courses and distances:

1. S81°40'28"W a distance of 232.43 feet, to a ½ inch iron rod with "Delta Survey" cap set
2. S02°39'28"E a distance of 101.12 feet, to a calculated point for the west common corner of the said Prado and Oswalt tract,
3. S03°12'57"E a distance of 30.41 feet, to a calculated point,
4. S02°06'24"E a distance of 47.02 feet, to a fence post found,
5. S02°47'36"E a distance of 157.50 feet, to a ½ inch iron rod found, and
6. N87°19'33"E a distance of 203.13 feet, to a ½ inch iron rod found for the southeast corner of said Oswalt tract, same being in the west ROW line of said Old Stagecoach Road;

THENCE with the west ROW line of said Old Stagecoach Road, same being the east line of said 135.78 acre tract the following four (4) courses and distances:

1. S16°08'07"W a distance of 474.58 feet, to a ½ inch iron rod with "Delta Survey" cap set,
2. S11°17'39"E a distance of 40.97 feet, to a ½ inch iron rod found,
3. S18°34'03"E a distance of 1287.66 feet, to a ½ inch iron road found, and

132.59 ACRES
JOHN PHARASS SURVEY
ABSTRACT NO. 361
HAYS COUNTY, TEXAS

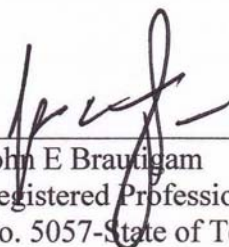
4 of 4

4. S56°24'24"W a distance of 10.77 feet, to the **POINT OF BEGINNING** and containing 132.59 acres, more or less.

BEARING BASIS: TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE, NAD 83/HARN

I, John E Brautigam, hereby certify that the forgoing description represents an on-the-ground survey performed under my direct supervision during February 2015, and is true and correct to the best of my knowledge and belief.

Date: 02-16-15



John E Brautigam
Registered Professional Land Surveyor
No. 5057-State of Texas



Delta Survey Group, Inc.
8213 Brodie Lane, Suite 102
Austin, Texas 78745
TBPLS Firm No. 10004700

254 848
 STATE OF TEXAS
 COUNTY OF HAYS

KNOW ALL MEN BY THESE PRESENTS:

7967 /

That we, Franklin Jordan of the County of Tom Green and State of Texas, and Arthur C. Jordan of the County of Dallas and State of Texas, for and in consideration of the sum of Ten Dollars (\$10.00) cash and other good and valuable considerations to us in hand paid by Ky-Tex Properties, Inc., a Texas Corporation with office and place of business in Kyle, Texas, the receipt whereof is hereby acknowledged and confessed and for which no lien, express or implied, is retained, and the further consideration of the assumption by the said Ky-Tex Properties, Inc., 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, have granted, sold and conveyed, and by these presents do grant, sell and convey, unto the said Ky-Tex Properties, Inc., subject to said taxes and the hereinafter mentioned easement, all of that certain real property lying and being situated in Hays County, Texas,

to-wit:

TRACT ONE

135.78 acres of land, 109.78 acres being a portion of the John Pharass Survey #13, Abstract #361, and 26.00 acres being a portion of the Samuel Pharass Survey #14, Abstract #360, in Hays County, Texas, said 135.78 acre tract being a portion of that 67½ acre tract designated as First Tract and a portion of a 206½ acre tract designated as Second Tract, as conveyed in a deed from Bernard Kuhn, et ux, to Franklin Jordan and wife, Bernice T. Jordan, as recorded in Volume 202, Page 412, Hays County Deed Records, and a one half interest in said tracts as conveyed in a deed from Franklin Jordan and wife, Bernice T. Jordan, to Arthur C. Jordan as recorded in Volume 223, Page 574, Hays County Deed Records, as surveyed for Franklin Jordan and Arthur C. Jordan by Forrest B. Scott, Registered Public Surveyor, Austin, Texas. Said 135.78 acres of land being described more particularly by metes and bounds as follows:

BEGINNING at an iron stake at corner of fence for the Southwest corner of that 206½ acre tract of land designated as Second Tract in a deed from Bernard Kuhn, et ux, to Franklin Jordan and wife, Bernice T. Jordan, as recorded in Volume 202, Page 412, Hays County Deed Records;

THENCE with the Northwest line of the said 206½ acre Second Tract, as found fenced and used upon the ground, courses numbering 1-6 inclusive, as follows:

- (1) N. 50° 32' E. 1588.94 feet to an iron stake;
- (2) N. 50° 33' E. 420.55 feet to an iron stake;
- (3) N. 27° 18' E. 50.08 feet to an iron stake;
- (4) S. 41° 53' E. 40.20 feet to an iron stake;
- (5) N. 50° 32' E. 1572.07 feet to an iron stake;
- (6) N. 52° 07' E. 21.98 feet to an iron stake;

THENCE S. 48° 29' E. 46.62 feet to an iron stake in the West line of the Old San Marcos-Austin Road;

THENCE with the West lines of the Old San Marcos-Austin Road, as fenced and used upon the ground, courses numbering 1-6, inclusive as follows:

- (1) S. 14° 41' E. 382.58 feet to an iron stake;
- (2) S. 6° 00' E. 1097.20 feet to an iron stake;
- (3) S. 2° 01' W. 136.75 feet to an iron stake;

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- (4) S. 18° 01' W. 577.80 feet to an iron stake;
- (5) S. 9° 24' E. 40.97 feet to an iron stake;
- (6) S. 16° 30' E. 1287.26 feet to an iron stake;

THENCE S. 58° 27' W. 11.41 feet to an iron stake in the Northeast line of West Center Street;

THENCE with the Northeast line of West Center Street, as found fenced and used upon the ground, N. 64° 44' W. 468.06 feet to an iron stake found;

THENCE with a fence, N. 21° 09' E. 218.92 feet to an iron stake found at corner of fence;

THENCE continuing with a fence, N. 74° 32' W. 682.19 feet to an iron stake at corner of fence;

THENCE continuing with the meanders of a fence, courses numbering 1-8 inclusive, as follows:

- (1) S. 47° 08' W. 427.34 feet to an iron stake;
- (2) S. 61° 35' W. 97.82 feet to a 60d nail in a 28 inch Live Oak tree;
- (3) S. 49° 40' W. 370.90 feet to an iron stake;
- (4) S. 53° 29' W. 14.52 feet to an iron stake;
- (5) S. 61° 13' W. 166.97 feet to an iron stake;
- (6) S. 69° 49' W. 74.91 feet to an iron stake;
- (7) N. 68° 09' W. 96.92 feet to an iron stake;
- (8) N. 62° 31' W. 79.55 feet to an iron stake found in the Northeast line of the Kyle-Nance Road;

THENCE with the Northeast lines of the Kyle-Nance Road, as fenced and used upon the ground, courses numbering 1-6 inclusive, as follows:

- (1) N. 47° 40' W. 145.23 feet to an iron stake found;
- (2) N. 45° 55' W. 437.52 feet to an iron stake found;
- (3) N. 14° 47' W. 516.59 feet to an iron stake found;
- (4) N. 33° 12' W. 48.34 feet to an iron stake found;
- (5) N. 54° 55' W. 49.91 feet to an iron stake found;
- (6) N. 78° 24' W. 477.09 feet to an iron stake at corner of fence;

THENCE continuing with said fence, N. 39° 15' W. 155.86 feet to the PLACE OF BEGINNING, containing 135.78 acres of land, surveyed November 3, 1972.

TRACT TWO

7.38 acres of land being a portion of the John Pharass Survey #13, Abstract #361, in Hays County, Texas, said 7.38 acre tract being a portion of that 67½ acre tract designated as First Tract and a portion of a 206½ acre tract designated as Second Tract, as conveyed in a deed from Bernard Kuhn, et ux, to Franklin Jordan and wife, Bernice T. Jordan, as recorded in Volume 202, Page 412, Hays County Deed Records, and a one half interest in said tracts as conveyed in a deed from Franklin Jordan and wife, Bernice T. Jordan, to Arthur C. Jordan as recorded in Volume 223, Page 574, Hays County Deed Records, as surveyed for Franklin Jordan and Arthur C. Jordan by Forrest B. Scott, Registered Public Surveyor, Austin, Texas. Said 7.38 acres of land being described more particularly by metes and bounds as follows:

BEGINNING at an iron stake for the Southwest corner of the herein described tract, and from said beginning iron stake an iron stake at the Southeast corner of that 135.78 acre tract this day surveyed for Franklin Jordan and Arthur C. Jordan bears S. 13° 43' E. 1040.31;

THENCE with the East lines of the Old San Marcos-Austin Road, courses numbering 1-6 inclusive, as follows:

- (1) N. 16° 11' W. 173.46 feet to an iron stake;
- (2) N. 12° 44' W. 68.37 feet to an iron stake;
- (3) N. 6° 32' W. 50.48 feet to an iron stake;
- (4) N. 5° 53' E. 52.18 feet to an iron stake;
- (5) N. 18° 00' E. 562.54 feet to an iron stake;
- (6) N. 4° 54' W. 163.07 feet to an iron stake found at the Northwest corner of the herein described tract;

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THENCE with a fence, S. 62° 37' E. 327.30 feet to an iron stake at corner of fence;

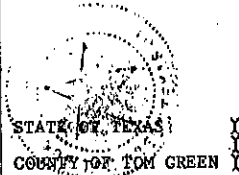
THENCE continuing with said fence, S. 0° 25' W. 677.33 feet to an iron stake at corner of fence;

THENCE continuing with said fence, S. 61° 45' W. 433.59 feet to the PLACE OF BEGINNING, containing 7.38 acres of land, surveyed November 3, 1972.

This conveyance is made subject to that electric power line easement in favor of the Pedernales Electric Cooperative, Inc., dated September 11, 1938, and of record in Volume 121, page 309, 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 Ky-Tex Properties, Inc., its successors 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 Ky-Tex Properties, Inc., its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, subject to the hereinabove mentioned taxes and easement.

Witness our hands on this the 17th day of November, 1972.



Franklin Jordan
Arthur C. Jordan

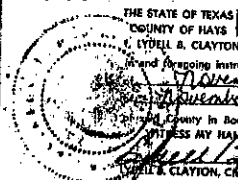
BEFORE ME, the undersigned authority, on this day personally appeared Franklin Jordan, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed. GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 17th day of November, 1972.

Notary Public in and for Tom Green County, Texas.



BEFORE ME, the undersigned authority, on this day personally appeared Arthur C. Jordan, 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. GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 18th day of November, 1972.

Notary Public in and for Dallas County, Texas.



THE STATE OF TEXAS
COUNTY OF HAYS
I, LYDIA 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 17th day of November A.D. 1972 at 11:00 o'clock A.M. and duly recorded on the 18th day of November A.D. 1972 at 9:10 o'clock A.M. in the Deed Records of Hays County in Book Number 254 Page 850 Inclusive.
Witness my hand and seal of the County Court of Hays County, Texas, the date last above written.
Lydia B. Clayton, Clerk of the County Court within and for the County



CITY OF KYLE, TEXAS

Temporary Park Trail Grading Easement

Meeting Date: 8/18/2015
Date time: 7:00 PM

Subject/Recommendation: Approval of Execution of the Temporary Park Trail Grading Easement for Walton Texas, LP. ~ *Leon Barba, P.E., City Engineer*

Other Information: This is the approval to authorize signature of the Temporary Park Trail Grading Easements being requested by the Bigelow San Marcos Development, LLC, on property owned by Walton Texas, LP.

The easement is for a 0.224 acre tract of land situated in the M.B. Atkinson Survey, Abstract No. 21, Hays County, Texas, and being a part of the called 342.14 acre tract of land conveyed to Walton Texas, LP, recorded in Volume 4399, Page 768, Official Public Records of Hays County, Texas, said 0.224 acre tract of land being more particularly described by metes and bounds on attached Exhibit.

City Staff recommends approval of this proposal and the City Attorney has reviewed and approved the form of the easement.

It is recommended that this item be placed on the CONSENT agenda.

Legal Notes:

Budget Information: n/a

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

- [Temp Park Trail Grading Easement](#)
- [Easement Plan](#)
- [Overall Utility](#)

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.

TEMPORARY PARK TRAIL GRADING EASEMENT

Date: July 31, 2015

Grantor: WALTON TEXAS, LP, a Texas limited partnership, on behalf of itself in its capacity as an Owner as to an approximately 5% undivided interest, and on behalf of all other "Owners" in its capacity as "Operator" as to an approximately 95% interest, pursuant to that certain Declaration of Covenants, Conditions and Restrictions recorded on August 10, 2012, with the Hays County Clerk's Office in San Marcos, Texas as Instrument No. 2012-12022080.

Grantor's Address: WALTON TEXAS, LP
c/o Walton Development & Management TX, LLC
515 Congress Avenue, Suite 1620
Austin, Texas 78701
Attn: General Manager

Grantee/City: City of Kyle, Texas.

Grantee's/City's Address: 100 West Center Street, Kyle, TX 78640.

Easement Tract: All that parcel of land situated in Hays County, Texas, described in the attached Exhibit A.

Easement Duration: Temporary until December 30, 2016, on which date this Easement shall automatically terminate and be of no force or effect.

Easement Purpose: To fill and grade, but not to use.

Facilities: Multi-use park trail.

Permitted Encumbrances: Any easements, liens, encumbrances, and other matters not subordinated to the Easement Tract and of record in the Real Property Records the Texas county in which the Easement Tract is located that are valid, existing, and affect the Easement Tract as of the Date.

Grantor, for **TEN AND NO/100 DOLLARS (10.00)** AND OTHER GOOD AND VALUABLE CONSIDERATION PAID TO Grantor, the receipt and sufficiency of which is acknowledged by Grantor, **GRANTS, SELLS, AND CONVEYS** to the City, as Grantee, a non-exclusive easement in, over, under, on, and across the Easement Tract for the Easement Purpose and only for the Easement Duration as may be necessary or desirable subject to the Permitted Encumbrances.

TO HAVE AND TO HOLD the Easement to the City and City's successors and assigns for the Easement Duration and Easement Purpose; provided, however, Grantor reserves the right to enter upon and use any portion of the Easement Tract during the Easement Duration; provided further the City and the City's successors and assigns shall have no rights whatsoever to the Easement Tract following the expiration of the Easement Duration.

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

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WALTON TEXAS, LP, a Texas limited partnership, on behalf of itself in its capacity as an Owner as to an approximately 5% undivided interest, and on behalf of all other "Owners" in its capacity as "Operator" as to an approximately 95% interest, pursuant to that certain Declaration of Covenants, Conditions and Restrictions recorded on August 10, 2012, with the Hays County Clerk's Office in San Marcos, Texas as Instrument No. 2012-12022080

By: Walton Texas GP, LLC,
a Texas limited liability company,
its General Partner

By: Walton International Group, Inc.,
a Nevada corporation,
its Manager

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

STATE OF ARIZONA)
) ss
COUNTY OF MARICOPA)

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by _____ and _____, each an Authorized Signatory of Walton International Group, Inc., a Nevada corporation and the Manager of Walton Texas GP, LLC, a Texas limited liability company and the General Partner of Walton Texas, LP, a Texas limited partnership, on behalf of said partnership.

Notary Public, State of Arizona

[seal]

EXHIBIT A

METES AND BOUNDS DESCRIPTION

FOR A 0.224 ACRE TRACT OF LAND SITUATED IN THE M.B. ATKINSON SURVEY, ABSTRACT NO. 21, HAYS COUNTY, TEXAS, AND BEING A PART OF THE CALLED 342.14 ACRE TRACT OF LAND CONVEYED TO WALTON TEXAS, LP, RECORDED IN VOLUME 4399, PAGE 768, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, SAID 0.224 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGIN FOR REFERENCE at a 60D NAIL found in a fence post, on an angle point in the southerly boundary line of said 342.14-acre WALTON TEXAS, LP tract, same being on the northeast corner of the called 10.001 acre tract of land conveyed to ALAN J. PETLOWANY, recorded in Volume 1819, Page 600, Official Public Records of Hays County, Texas, same being on an angle point in the westerly boundary line of a called 10.04 acre tract of land conveyed to TERRY LEWIS and DEBORAH NAZEMI, recorded in Volume 4334, Page 286, Official Public Records of Hays County, Texas, same being on the southeast corner of a proposed 11.847 acre tract of land to be conveyed to BIGELOW SAN MARCOS DEVELOPMENT, LLC;

THENCE with the common boundary line of said 342.14-acre WALTON TEXAS, LP tract and 10.04-acre LEWIS and NAZEMI tract, and said proposed 11.847-acre tract, N 43°45'46" E for a distance of 325.28 feet to an iron rod found with cap marked "Diamond Surveying", and from which an iron rod found with cap marked "UDG" on the northwest corner of said LEWIS and NAZEMI tract, bears N 43°45'46" E for a distance of 212.74 feet;

THENCE through the interior of said 342.14-acre WALTON TEXAS, LP tract, same being with the boundary line of said proposed 11.847-acre tract the following six (6) courses and distances:

1. N 10°11'36" W for a distance of 27.67 feet to an iron rod found with cap marked "Diamond Surveying";
2. N 17°55'05" W for a distance of 65.89 feet to an iron rod found with cap marked "Diamond Surveying";
3. N 33°19'11" W for a distance of 108.26 feet to an iron rod found with cap marked "Diamond Surveying";
4. N 49°15'43" W for a distance of 73.14 feet to an iron rod found with cap marked "Diamond Surveying";
5. N 59°50'55" W for a distance of 59.07 feet to an iron rod found with cap marked "Diamond Surveying";

6. N 74°48'51" W for a distance of 25.57 feet to an iron rod found with cap marked "Diamond Surveying" on a point in the easterly boundary line of the called 30.358 acre tract of land described as AMENDED AND RATIFIED EASEMENT AGREEMENT, recorded in Document No. 2014-14008367, Official Public Records of Hays County, Texas, for the northeast corner and **POINT OF BEGINNING** hereof;

THENCE continuing through the interior of said 342.14-acre WALTON TEXAS, LP tract, same being with the common boundary line of said 30.358-acre AMENDED AND RATIFIED EASEMENT AGREEMENT tract and said proposed 11.847-acre tract the following two (2) courses and distances:


1. S 58°56'51" W for a distance of 261.75 feet to an iron rod found with cap marked "Diamond Surveying", for the most southerly corner hereof;
2. N 34°31'41" W for a distance of 57.46 feet to an iron rod set with cap marked "Diamond Surveying", for the southwest corner hereof;

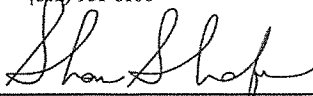
THENCE departing the common boundary line of said proposed 11.847-acre tract and said 30.358-acre AMENDED AND RATIFIED EASEMENT AGREEMENT tract, through the interior of said 342.14-acre WALTON TEXAS, LP tract, same being through the interior of said 30.358-acre AMENDED AND RATIFIED EASEMENT AGREEMENT tract the following five (5) courses and distances:

1. S 75°33'23" E for a distance of 33.93 feet to an iron rod set with cap marked "Diamond Surveying";
2. N 61°15'26" E for a distance of 107.23 feet to an iron rod set with cap marked "Diamond Surveying";
3. N 38°50'05" E for a distance of 59.79 feet to an iron rod set with cap marked "Diamond Surveying";
4. N 57°39'44" E for a distance of 51.58 feet to an iron rod set with cap marked "Diamond Surveying", for the northwest corner hereof;
5. S 58°48'33" E for a distance of 57.13 feet to the POINT OF BEGINNING hereof and containing 0.224 acre of land more or less.

BEARING BASIS: NAD-83, TEXAS SOUTH CENTRAL (4204), STATE PLANE SYSTEM.

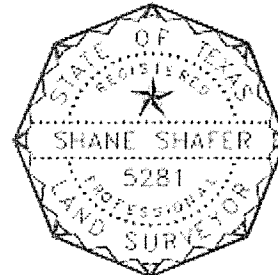
A drawing has been prepared to accompany this metes and bounds description.

 **DIAMOND SURVEYING, INC.**
116 SKYLINE ROAD, GEORGETOWN, TX 78628
(512) 931-3100



MAY 29, 2015

SHANE SHAFER, R.P.L.S. NO. 5281 DATE



LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	N 10°11'36" W	27.67'	L16	N 61°15'26" E	107.23'
L2	N 17°55'05" W	65.89'	L17	N 38°50'05" E	59.79'
L3	N 33°19'11" W	108.26'	L18	N 57°39'44" E	51.58'
L4	N 49°15'43" W	73.14'	L19	S 58°48'33" E	57.13'
L5	N 59°50'55" W	59.07'	L20	N 34°31'41" W	170.78'
L6	N 74°48'51" W	25.57'	L21	S 64°39'58" W	22.67'
L7	S 89°45'03" W	344.86'	L22	S 64°39'58" W	90.06'
L8	N 33°19'11" W	20.80'	L23	N 23°17'15" W	79.23'
L9	N 33°19'11" W	51.81'	L24	N 66°40'24" E	90.00'
L10	S 81°27'09" E	70.02'	L25	S 23°17'15" E	76.07'
L11	S 00°20'12" W	23.13'	L26	S 64°39'58" W	54.36'
L12	S 76°29'37" W	41.80'	L27	S 89°45'03" W	16.17'
L13	N 33°19'12" W	35.64'	L28	N 51°50'33" W	21.62'
L14	N 34°31'41" W	57.46'	L29	S 68°10'18" E	35.73'
L15	S 75°33'23" E	33.93'	L30	N 51°50'33" W	178.96'

DRAWING TO ACCOMPANY METES AND BOUNDS DESCRIPTION

FOR A 0.224 ACRE TRACT OF LAND SITUATED IN THE M.B. ATKINSON SURVEY, ABSTRACT NO. 21, HAYS COUNTY, TEXAS, AND BEING A PART OF THE CALLED 342.14 ACRE TRACT OF LAND CONVEYED TO WALTON TEXAS, LP, RECORDED IN VOLUME 4399, PAGE 768, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.

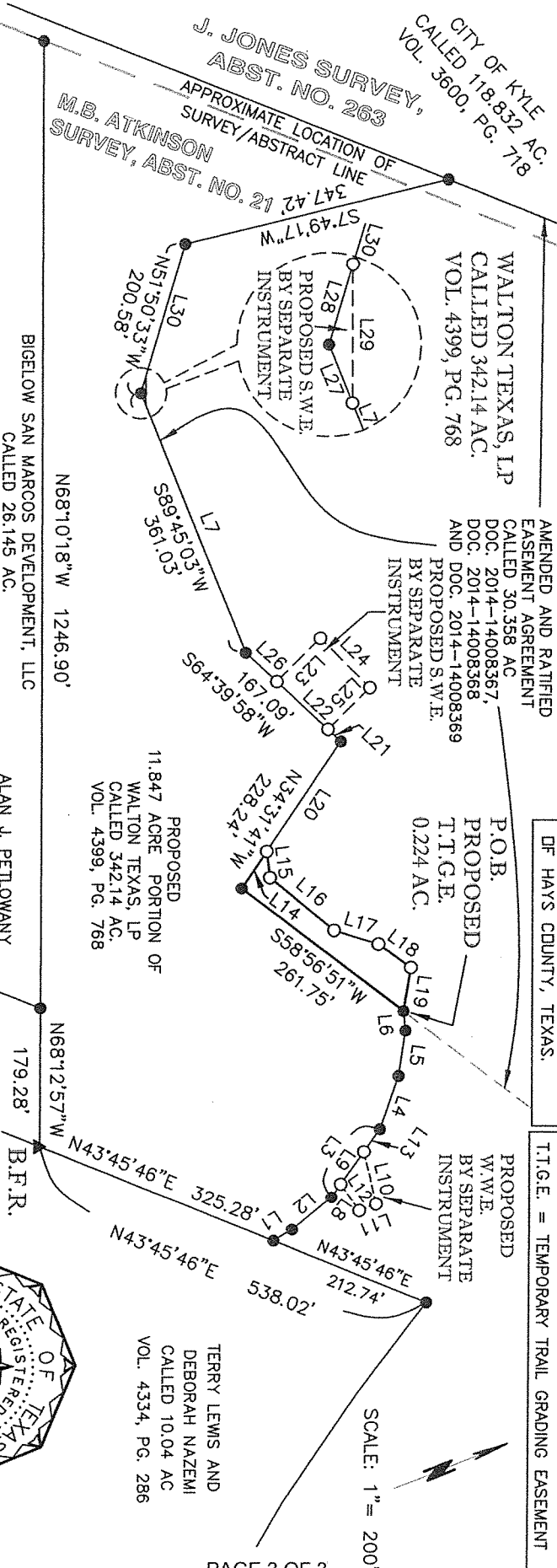
GENERAL NOTES:

1) BEARING BASIS: NAD-83, TEXAS SOUTH CENTRAL (4204), STATE PLANE SYSTEM.

2) ALL DOCUMENTS LISTED HEREIN ARE RECORDED IN THE OFFICE OF THE COUNTY CLERK OF HAYS COUNTY, TEXAS.

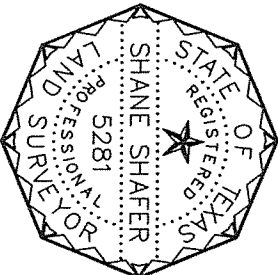
LEGEND

- = IRON ROD FOUND
- = BOUNDARY MONUMENT SET (IRON ROD CAPPED 'DIAMOND SURVEYING')
- ▲ = FLAGGED 60D NAIL FOUND IN FENCE POST
- B.F.R. = BEGIN FOR REFERENCE
- P.O.B. = POINT OF BEGINNING
- S.W.E. = STORMWATER EASEMENT
- W.W.E. = WASTEWATER EASEMENT
- T.T.G.E. = TEMPORARY TRAIL GRADING EASEMENT



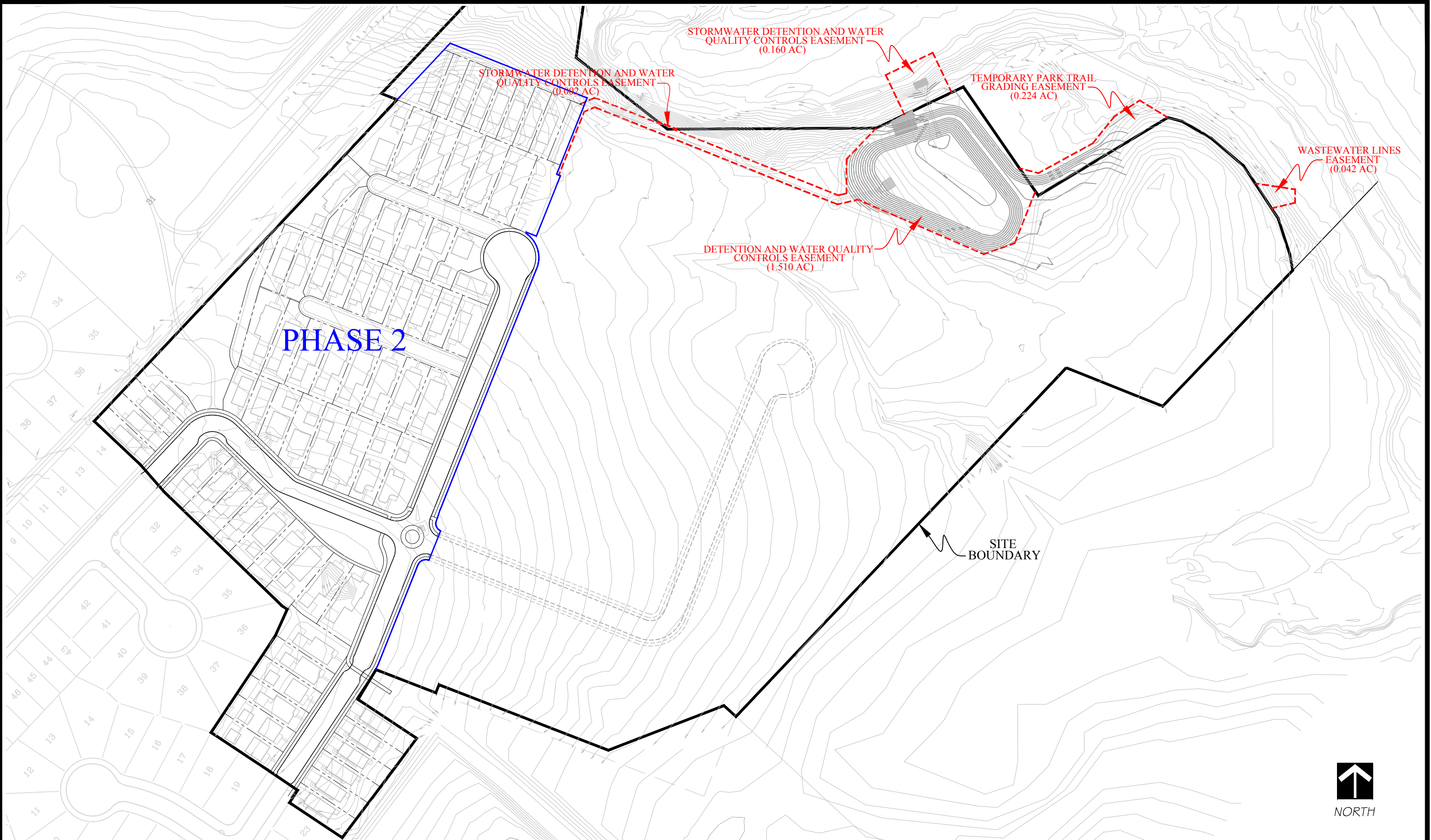
To: Bigelow San Marcos Development and Walton Texas, LP, LLC exclusively.

1. Shane Shafer, Registered Professional Land Surveyor in the State of Texas, hereby certify that this plat represents a survey made on the ground under my direct supervision completed on November 21, 2014. At the time of this survey there were no encroachments, conflicts or protrusions apparent on the ground, EXCEPT AS SHOWN. This survey substantially complies with the standards for a Category 1B, Condition III Standard Land Survey per the current Manual of Practice for Land Surveying in the State of Texas, issued by the Texas Society of Professional Surveyors. USE OF THIS SURVEY BY OTHER PARTIES SHALL BE AT THEIR OWN RISK AND UNDERSIGNED SURVEYOR IS NOT RESPONSIBLE FOR ANY LOSS RESULTING THEREFROM.



Shane Shafer
 SHANE SHAFER, R.P.L.S. NO. 5281
 MAY 29, 2015
 DATE

DIAMOND SURVEYING, INC.
 116 SKYLINE ROAD, GEORGETOWN, TEXAS 78628
 (512) 931-3100



LEGEND

- EXISTING PROPERTY LINE
- - - PROPOSED LOT LINE
- - - PROPOSED EASEMENT LINE
- W EXISTING WATER LINE
- W PROPOSED WATER LINE
- W FUTURE WATER LINE
- WW EXISTING WASTEWATER LINE
- WW PROPOSED WASTEWATER SERVICE
- WW FUTURE WASTEWATER LINE
- SS PROPOSED STORM SEWER LINE
- SS FUTURE STORM SEWER LINE
- PROPOSED STORM SEWER CURB INLET
- PROPOSED STORM SEWER AREA INLET
- PROPOSED SS STANDARD MANHOLE
- PROPOSED SS BOX MANHOLE
- ◆ PROPOSED FIRE HYDRANT
- PROPOSED WW MANHOLE
- WATER VALVE
- PROPOSED WW SERVICE - SINGLE
- PROPOSED WW SERVICE - DOUBLE
- PROPOSED WATER SERVICE - SINGLE

SCALE: 1" = 60'

MATCHLINE

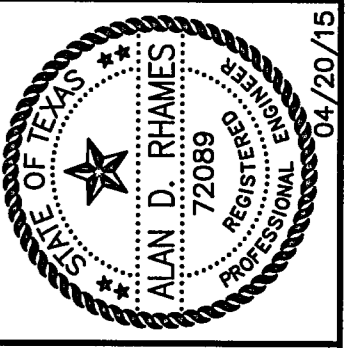
NOTES

1. EXISTING UTILITY INFORMATION WAS COMPILED FROM RECORD DRAWINGS. CONTRACTOR SHALL FIELD VERIFY EXACT DEPTH AND LOCATIONS OF EXISTING LINES PRIOR TO CONSTRUCTION.

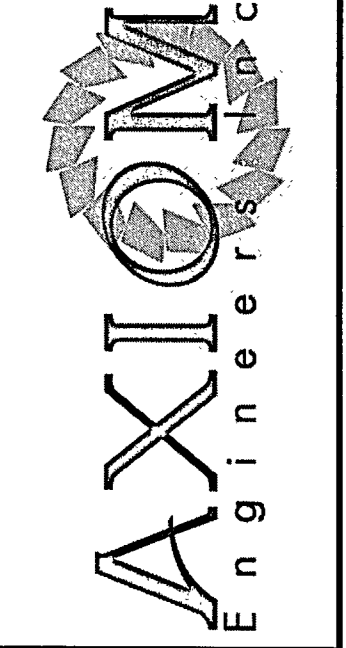
BIGELOW SAN MARCOS DEVELOPMENT, L.L.C.
26.145 ACRES
VOL. 4963, PG. 874

RIGHT OF WAY AND EASEMENT (NO WIDTH SPECIFIED)
UNITED GAS PUBLIC SERVICE COMPANY VOL. 708, PG. 27
(LOCATION IS BASED ON GAS LINE MARKER POSTS)

RIGHT OF WAY AND EASEMENT DEED FOR DISTRIBUTION SYSTEM
CENTERPOINT ENERGY ENTERPRISE
VOL. 2083, PG. 248
30' WIDE, 15' EITHER SIDE OF GAS LINE AS LAID
(LOCATION IS BASED ON GAS LINE MARKER POSTS)



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Austin, Texas 78750
Ph: (512) 506-9335
Fax: (512) 506-9377
www.axiomtexas.com
Texas P.E. Firm No. F-43



Brookside Phase 2
KYLE, TEXAS
OVERALL UTILITY PLAN

CITY OF KYLE
JUL 23 2015
PLANNING DEPARTMENT

DESIGNED:	ADR
APPROVED:	ADR
FILE:	BROOK-UTIL
JOB NO.:	270-03
DATE:	MARCH 2015
SHEET	OF
7	27

NO.	DATE	REVISION	APPVD



CITY OF KYLE, TEXAS

Storm Water Detention and Water Quality Controls Easement

Meeting Date: 8/18/2015
Date time: 7:00 PM

Subject/Recommendation: Approval of Execution of the Storm Water Detention and Water Quality Controls Easement for Walton Texas, LP. ~ *Leon Barba, P.E., City Engineer*

Other Information: This is the approval to authorize signature of the Storm Water Detention and Water Quality Control Easements being requested by the Bigelow San Marcos Development, LLC, on property owned by Walton Texas, LP.

The easement is for a 0.160 acre tract of land situated in the M.B. Atkinson Survey, Abstract No. 21, Hays County, Texas, and being a part of the called 342.14 acre tract of land conveyed to Walton Texas, LP, recorded in Volume 4399, Page 768, Official Public Records of Hays County, Texas, said 0.160 acre tract of land being more particularly described by metes and bounds on attached Exhibit.

City Staff recommends approval of this proposal and the City Attorney has reviewed and approved the form of the easement.

It is recommended that this item be placed on the CONSENT agenda.

Legal Notes:

Budget Information: n/a

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

[Storm Water Easement](#)

[Easement Plan](#)

[Overall Utility](#)

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.

STORMWATER DETENTION AND WATER QUALITY CONTROLS EASEMENT

Date: July 31, 2015

Grantor: WALTON TEXAS, LP, a Texas limited partnership, on behalf of itself in its capacity as an Owner as to an approximately 5% undivided interest, and on behalf of all other "Owners" in its capacity as "Operator" as to an approximately 95% interest, pursuant to that certain Declaration of Covenants, Conditions and Restrictions recorded on August 10, 2012, with the Hays Country Clerk's Office in San Marcos, Texas as Instrument No. 2012-12022080

Grantor's Address: WALTON TEXAS, LP
c/o Walton Development & Management TX, LLC
515 Congress Avenue, Suite 1620
Austin, Texas 78701
Attn: General Manager

Grantee/City: CITY OF KYLE, TEXAS

Grantee's/City's Address: 100 W. Center Street, Kyle, TX 78640

Easement Tract: All that parcel of land situated in Hays County, Texas, described in the attached Exhibit A.

Easement Duration: Perpetual

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

Facilities: Stormwater drainage conveyance structures, and stormwater detention and water quality controls with all associated culverts, erosion control structures, and other necessary and associated appurtenances.

Permitted Encumbrances: Any easements, liens, encumbrances, and other matters not subordinated to the Easement Tract and of record in the Real Property Records of the Texas county in which the Easement Tract is located that

are valid, existing, and affect the Easement Tract as of the Date, and the rights of Grantor and its successors and assigns to access and use the Easement Tract for any purpose that is not a "Non-Permitted Activity."

Non-Permitted Activity: Installation, construction, operation, use, maintenance, repair, modification, upgrade, and replacement of any structure, building, or other similar improvement in the Easement Tract.

FOR TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration paid to Grantor by the City, the receipt and sufficiency of which Grantor hereby acknowledges, Grantor hereby **GRANTS, SELLS AND CONVEYS** to the City, as Grantee, subject to the terms and conditions set forth herein, a non-exclusive easement for detention and water quality controls in, over, under, on and across the Easement Tract but subject at all times to the Permitted Encumbrances.

TO HAVE AND TO HOLD the Easement perpetually to the City and the City's successors and assigns limited to and solely for the Easement Purpose; provided the City covenants and agrees that it shall cause all construction, reconstruction and maintenance activities to be conducted and performed in a good and workmanlike manner with as little interference as reasonably possible to Grantor's property and all real property in the vicinity of such activities; and provided further the City covenants and agrees to promptly cause the return of the real property to substantially the same condition it was in prior to all construction, reconstruction or maintenance activities conducted and performed on the Easement Tract; and provided further that Grantor retains the right to access and use the Easement Tract for any purpose that does not unreasonably interfere with the City's rights granted hereunder.

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

---The remainder of this page is intentionally blank---

WALTON TEXAS, LP, a Texas limited partnership, on behalf of itself in its capacity as an Owner as to an approximately 5% undivided interest, and on behalf of all other "Owners" in its capacity as "Operator" as to an approximately 95% interest, pursuant to that certain Declaration of Covenants, Conditions and Restrictions recorded on August 10, 2012, with the Hays County Clerk's Office in San Marcos, Texas as Instrument No. 2012-12022080

By: Walton Texas GP, LLC,
a Texas limited liability company,
its General Partner

By: Walton International Group, Inc.,
a Nevada corporation,
its Manager

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

STATE OF ARIZONA)
) ss
COUNTY OF MARICOPA)

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by _____ and _____, each an Authorized Signatory of Walton International Group, Inc., a Nevada corporation and the Manager of Walton Texas GP, LLC, a Texas limited liability company and the General Partner of Walton Texas, LP, a Texas limited partnership, on behalf of said partnership.

Notary Public, State of Arizona

[seal]

EXHIBIT A

METES AND BOUNDS DESCRIPTION

FOR A 0.160 ACRE TRACT OF LAND SITUATED IN THE M.B. ATKINSON SURVEY, ABSTRACT NO. 21, HAYS COUNTY, TEXAS, AND BEING A PART OF THE CALLED 342.14 ACRE TRACT OF LAND CONVEYED TO WALTON TEXAS, LP, RECORDED IN VOLUME 4399, PAGE 768, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, SAID 0.160 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGIN FOR REFERENCE at a 60D NAIL found in a fence post, on an angle point in the southerly boundary line of said 342.14-acre WALTON TEXAS, LP tract, same being on the northeast corner of the called 10.001 acre tract of land conveyed to ALAN J. PETLOWANY, recorded in Volume 1819, Page 600, Official Public Records of Hays County, Texas, same being on an angle point in the westerly boundary line of a called 10.04 acre tract of land conveyed to TERRY LEWIS and DEBORAH NAZEMI, recorded in Volume 4334, Page 286, Official Public Records of Hays County, Texas, same being on the southeast corner of a proposed 11.847 acre tract of land to be conveyed to BIGELOW SAN MARCOS DEVELOPMENT, LLC;

THENCE with the common boundary line of said 342.14-acre WALTON TEXAS, LP tract and 10.04-acre LEWIS and NAZEMI tract, and said proposed 11.847-acre tract, N 43°45'46" E for a distance of 325.28 feet to an iron rod found with cap marked "Diamond Surveying", and from which an iron rod found with cap marked "UDG" on the northwest corner of said LEWIS and NAZEMI tract, bears N 43°45'46" E for a distance of 212.74 feet;

THENCE through the interior of said 342.14-acre WALTON TEXAS, LP tract, same being with the boundary line of said proposed 11.847-acre tract the following six (6) courses and distances:

1. N 10°11'36" W for a distance of 27.67 feet to an iron rod found with cap marked "Diamond Surveying";
2. N 17°55'05" W for a distance of 65.89 feet to an iron rod found with cap marked "Diamond Surveying";
3. N 33°19'11" W for a distance of 108.26 feet to an iron rod found with cap marked "Diamond Surveying";
4. N 49°15'43" W for a distance of 73.14 feet to an iron rod found with cap marked "Diamond Surveying";
5. N 59°50'55" W for a distance of 59.07 feet to an iron rod found with cap marked "Diamond Surveying";
6. N 74°48'51" W for a distance of 25.57 feet to an iron rod found with cap marked "Diamond Surveying" on a point in the easterly boundary line of the called 30.358 acre tract of land described as AMENDED AND RATIFIED EASEMENT AGREEMENT, recorded in Document No. 2014-14008367, Official Public Records of Hays County, Texas;

THENCE continuing through the interior of said 342.14-acre WALTON TEXAS, LP tract, same being with the common boundary line of said 30.358-acre AMENDED AND RATIFIED EASEMENT AGREEMENT tract and said proposed 11.847-acre tract the following three (3) courses and distances:

1. S 58°56'51" W for a distance of 261.75 feet to an iron rod found with cap marked "Diamond Surveying";
2. N 34°31'41" W for a distance of 228.24 feet to an iron rod found with cap marked "Diamond Surveying";
3. S 64°39'58" W for a distance of 22.67 feet to an iron rod set with cap marked "Diamond Surveying", for the most easterly corner and **POINT OF BEGINNING** hereof;


THENCE continuing through the interior of said 342.14-acre WALTON TEXAS, LP tract, same being with the common boundary line of said 30.358-acre AMENDED AND RATIFIED EASEMENT AGREEMENT tract and said proposed 11.847-acre tract **S 64°39'58" W** for a distance of **90.06 feet** to an iron rod set with cap marked "Diamond Surveying", for the most southerly corner hereof;

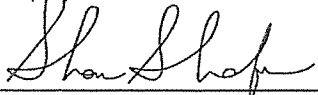
THENCE departing the common boundary line of said proposed 11.847-acre tract and said 30.358-acre AMENDED AND RATIFIED EASEMENT AGREEMENT tract, through the interior of said 342.14-acre WALTON TEXAS, LP tract, same being through the interior of said 30.358-acre AMENDED AND RATIFIED EASEMENT AGREEMENT tract the following three (3) courses and distances:

1. N 23°17'15" W for a distance of **79.23 feet** to an iron rod set with cap marked "Diamond Surveying", for the most westerly corner hereof;
2. N 66°40'24" E for a distance of **90.00 feet** to an iron rod set with cap marked "Diamond Surveying", for the most northerly corner hereof;
3. S 23°17'15" E for a distance of **76.07 feet** to the POINT OF BEGINNING hereof and containing 0.160 acre of land more or less.

BEARING BASIS: NAD-83, TEXAS SOUTH CENTRAL (4204), STATE PLANE SYSTEM.

A drawing has been prepared to accompany this metes and bounds description.

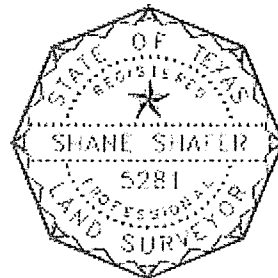
 **DIAMOND SURVEYING, INC.**
116 SKYLINE ROAD, GEORGETOWN, TX 78628
(512) 931-3100



May 29, 2015

SHANE SHAFER, R.P.L.S. NO. 5281

DATE



PAGE 2 OF 3

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	N 10°11'36" W	27.67'	L16	N 61°15'26" E	107.23'
L2	N 17°55'05" W	65.89'	L17	N 38°50'05" E	59.79'
L3	N 33°19'11" W	108.26'	L18	N 57°39'44" E	51.58'
L4	N 49°15'43" W	73.14'	L19	S 58°48'33" E	57.13'
L5	N 59°50'55" W	59.07'	L20	N 34°31'41" W	170.78'
L6	N 74°48'51" W	25.57'	L21	S 64°39'58" W	22.67'
L7	S 89°45'03" W	344.86'	L22	S 64°39'58" W	90.06'
L8	N 33°19'11" W	20.80'	L23	N 23°17'15" W	79.23'
L9	N 33°19'11" W	51.81'	L24	N 66°40'24" E	90.00'
L10	S 81°27'09" E	70.02'	L25	S 23°17'15" E	76.07'
L11	S 00°20'12" W	23.13'	L26	S 64°39'58" W	54.36'
L12	S 76°29'37" W	41.80'	L27	S 89°45'03" W	16.17'
L13	N 33°19'12" W	35.64'	L28	N 51°50'33" W	21.62'
L14	N 34°31'41" W	57.46'	L29	S 68°10'18" E	35.73'
L15	S 75°33'23" E	33.93'	L30	N 51°50'33" W	178.96'

DRAWING TO ACCOMPANY METES AND BOUNDS DESCRIPTION

FOR A 0160 ACRE TRACT OF LAND SITUATED IN THE M.B. ATKINSON SURVEY, ABSTRACT NO. 21, HAYS COUNTY, TEXAS, AND BEING A PART OF THE CALLED 342.14 ACRE TRACT OF LAND CONVEYED TO WALTON TEXAS, LP, RECORDED IN VOLUME 4399, PAGE 768, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.

GENERAL NOTES:

- 1) BEARING BASIS: NAD-83, TEXAS SOUTH CENTRAL (4204), STATE PLANE SYSTEM.
- 2) ALL DOCUMENTS LISTED HEREIN ARE RECORDED IN THE OFFICE OF THE COUNTY CLERK OF HAYS COUNTY, TEXAS.

LEGEND

- = IRON ROD FOUND
- = BOUNDARY MONUMENT SET (IRON ROD CAPPED 'DIAMOND SURVEYING')
- ▲ = FLAGGED 60D NAIL FOUND IN FENCE POST
- B.F.R. = BEGINS FOR REFERENCE
- P.O.B. = POINT OF BEGINNING
- S.W.E. = STORMWATER EASEMENT
- W.W.E. = WASTEWATER EASEMENT
- T.T.G.E. = TEMPORARY TRAIL GRADING EASEMENT

CITY OF KYLE AC.
CALLED 118.832 AC.
VOL. 3600, PG. 718

WALTON TEXAS, LP
CALLED 342.14 AC.
VOL. 4399, PG. 768

AMENDED AND RATIFIED
EASEMENT AGREEMENT
CALLED 30.358 AC
DOC. 2014-14008367,
DOC. 2014-14008368
AND DOC. 2014-14008369

PROPOSED T.T.G.E.
BY SEPARATE
INSTRUMENT

PROPOSED
W.W.E.
BY SEPARATE
INSTRUMENT

J. JONES SURVEY,
ABST. NO. 263
APPROXIMATE LOCATION OF
SURVEY/ABSTRACT LINE

M.B. ATKINSON
SURVEY, ABST. NO. 21

PROPOSED S.W.E.
BY SEPARATE
INSTRUMENT

PROPOSED
S.W.E.
0.160 AC.
BY SEPARATE
INSTRUMENT

PROPOSED
11.847 ACRE PORTION OF
WALTON TEXAS, LP
CALLED 342.14 AC.
VOL. 4399, PG. 768

ALAN J. PETLOWANY
CALLED 10.001 AC.
VOL. 1819, PG. 600

TERRY LEWIS AND
DEBORAH NAZEMI
CALLED 10.04 AC
VOL. 4334, PG. 286

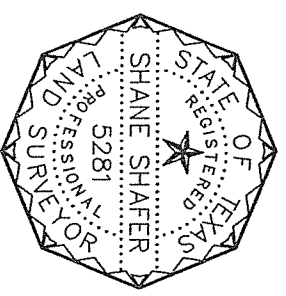
BIGELOW SAN MARCOS DEVELOPMENT, LLC
CALLED 26.145 AC.
VOL. 4963, PG. 874

B.F.R.

SCALE: 1" = 200'

To: Bigelow San Marcos Development and Walton Texas, LP, LLC exclusively.

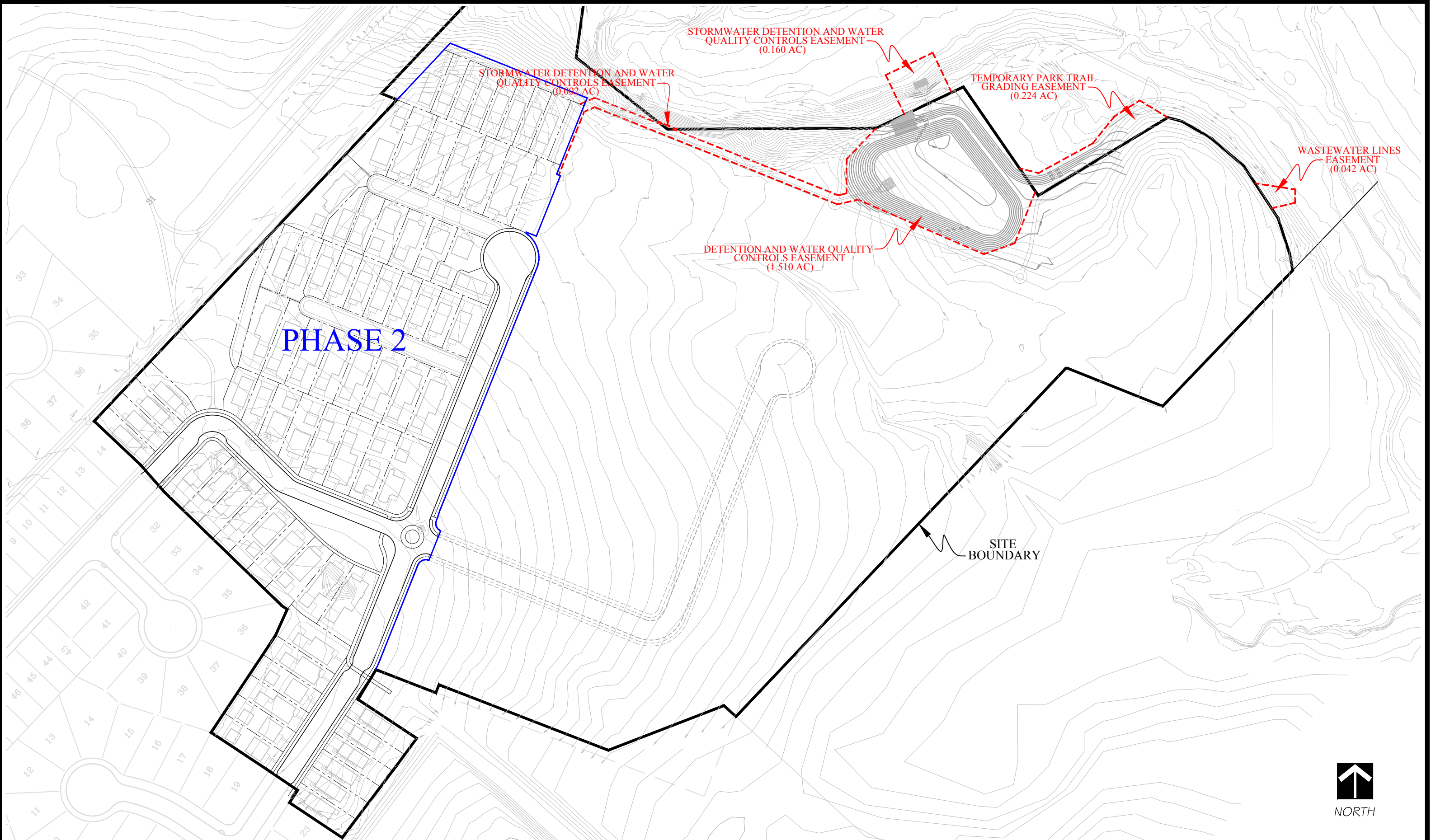
I, Shane Shafer, Registered Professional Land Surveyor in the State of Texas, hereby certify that this plat represents a survey made on the ground under my direct supervision completed on November 21, 2014, at the time of this survey there were no encroachments, conflicts or protrusions apparent on the ground, EXCEPT AS SHOWN. This survey substantially complies with the Standards for a Category 1B, Condition III Standard Land Survey per the current Manual of Practice for Land Surveying in the State of Texas, issued by the Texas Society of Professional Surveyors. USE OF THIS SURVEY BY OTHER PARTIES SHALL BE AT THEIR OWN RISK AND UNDERSIGNED SURVEYOR IS NOT RESPONSIBLE FOR ANY LOSS RESULTING THEREFROM.



Shane Shafer
SHANE SHAFER, R.P.L.S. NO. 5281

MAY 29, 2015
DATE

DIAMOND SURVEYING, INC.
116 SKYLINE ROAD, GEORGETOWN, TEXAS 78628
(512) 931-3100



NORTH

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BIGELOW DEVELOPMENT, LLC
 P.O. BOX 848
 SAN MARCOS, TEXAS 78667

BROOKSIDE
 KYLE, TX

OFF-SITE EASEMENT PLAN

8/7/15

EXHIBIT

LEGEND

- EXISTING PROPERTY LINE
- - - PROPOSED LOT LINE
- - - PROPOSED EASEMENT LINE
- W EXISTING WATER LINE
- W PROPOSED WATER LINE
- W FUTURE WATER LINE
- WW EXISTING WASTEWATER LINE
- WW PROPOSED WASTEWATER SERVICE
- WW FUTURE WASTEWATER LINE
- SS PROPOSED STORM SEWER LINE
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- PROPOSED WW MANHOLE
- WATER VALVE
- PROPOSED WW SERVICE - SINGLE
- PROPOSED WW SERVICE - DOUBLE
- PROPOSED WATER SERVICE - SINGLE

SCALE: 1" = 60'

MATCHLINE

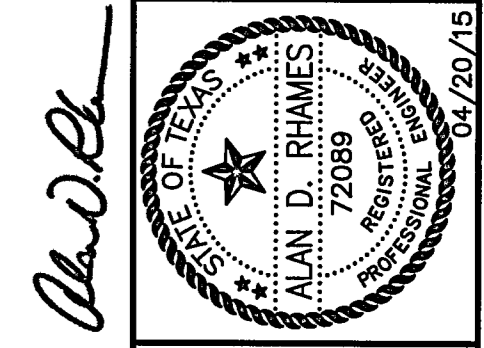
NOTES

1. EXISTING UTILITY INFORMATION WAS COMPILED FROM RECORD DRAWINGS. CONTRACTOR SHALL FIELD VERIFY EXACT DEPTH AND LOCATIONS OF EXISTING LINES PRIOR TO CONSTRUCTION.

BIGELOW SAN MARCOS DEVELOPMENT, L.L.C.
26.145 ACRES
VOL. 4963, PG. 874

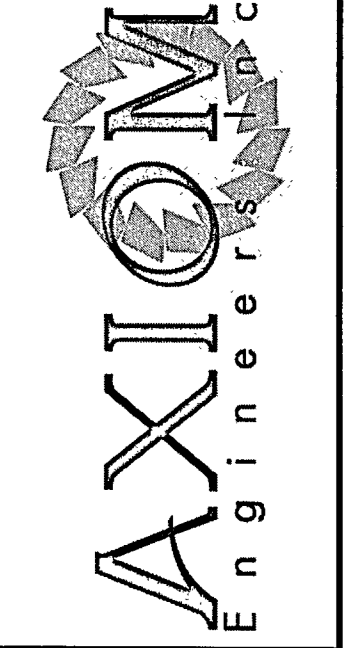
RIGHT OF WAY AND EASEMENT DEED FOR DISTRIBUTION SYSTEM
CENTERPOINT ENERGY ENTERPRISE
VOL. 2083, PG. 248
(LOCATION IS BASED ON GAS LINE MARKER POSTS)

RIGHT OF WAY AND EASEMENT (NO WIDTH SPECIFIED)
UNITED GAS PUBLIC SERVICE COMPANY VOL. 708, PG. 27
(LOCATION IS BASED ON GAS LINE MARKER POSTS)



JDR

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Fax: (512) 506-9377
www.axiomtexas.com
Texas P.E. Firm No. F-43



Brookside Phase 2
KYLE, TEXAS
OVERALL UTILITY PLAN

CITY OF KYLE
JUL 23 2015
PLANNING DEPARTMENT

DESIGNED:	ADR
APPROVED:	ADR
FILE:	BROOK-UTIL
JOB NO.:	270-03
DATE:	MARCH 2015
SHEET	OF
7	27

NO.	DATE	REVISION	APPVD



CITY OF KYLE, TEXAS

Storm Water Detention and Water Quality Controls Easement 2

Meeting Date: 8/18/2015
Date time: 7:00 PM

Subject/Recommendation: Approval of Execution of the Storm Water Detention and Water Quality Controls Easement 2 (second separate easement) for Walton Texas, LP. ~ *Leon Barba, P.E., City Engineer*

Other Information: This is the approval to authorize signature of the Storm Water Detention and Water Quality Control Easements being requested by the Bigelow San Marcos Development, LLC, on property owned by Walton Texas, LP.

The easement is for a 0.002 acre tract of land situated in the M.B. Atkinson Survey, Abstract No. 21, Hays County, Texas, and being a part of the called 342.14 acre tract of land conveyed to Walton Texas, LP, recorded in Volume 4399, Page 768, Official Public Records of Hays County, Texas, said 0.002 acre tract of land being more particularly described by metes and bounds on attached Exhibit.

City Staff recommends approval of this proposal and the City Attorney has reviewed and approved the form of the easement.

It is recommended that this item be placed on the CONSENT agenda.

Legal Notes:

Budget Information: n/a

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

[Storm Water Easement 2](#)

[Easement Plan](#)

[Overall Utility](#)

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STORMWATER DETENTION AND WATER QUALITY CONTROLS EASEMENT

Date: July 31, 2015

Grantor: WALTON TEXAS, LP, a Texas limited partnership, on behalf of itself in its capacity as an Owner as to an approximately 5% undivided interest, and on behalf of all other "Owners" in its capacity as "Operator" as to an approximately 95% interest, pursuant to that certain Declaration of Covenants, Conditions and Restrictions recorded on August 10, 2012, with the Hays Country Clerk's Office in San Marcos, Texas as Instrument No. 2012-12022080

Grantor's Address: WALTON TEXAS, LP
c/o Walton Development & Management TX, LLC
515 Congress Avenue, Suite 1620
Austin, Texas 78701
Attn: General Manager

Grantee/City: CITY OF KYLE, TEXAS

Grantee's/City's Address: 100 W. Center Street, Kyle, TX 78640

Easement Tract: All that parcel of land situated in Hays County, Texas, described in the attached **Exhibit A.**

Easement Duration: Perpetual

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

Facilities: Stormwater drainage conveyance structures, and stormwater detention and water quality controls with all associated culverts, erosion control structures, and other necessary and associated appurtenances.

Permitted Encumbrances: Any easements, liens, encumbrances, and other matters not subordinated to the Easement Tract and of record in the Real Property Records of the Texas county in which the Easement Tract is located that

are valid, existing, and affect the Easement Tract as of the Date, and the rights of Grantor and its successors and assigns to access and use the Easement Tract for any purpose that is not a "Non-Permitted Activity."

Non-Permitted Activity: Installation, construction, operation, use, maintenance, repair, modification, upgrade, and replacement of any structure, building, or other similar improvement in the Easement Tract.

FOR TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration paid to Grantor by the City, the receipt and sufficiency of which Grantor hereby acknowledges, Grantor hereby **GRANTS, SELLS AND CONVEYS** to the City, as Grantee, subject to the terms and conditions set forth herein, a non-exclusive easement for detention and water quality controls in, over, under, on and across the Easement Tract but subject at all times to the Permitted Encumbrances.

TO HAVE AND TO HOLD the Easement perpetually to the City and the City's successors and assigns limited to and solely for the Easement Purpose; provided the City covenants and agrees that it shall cause all construction, reconstruction and maintenance activities to be conducted and performed in a good and workmanlike manner with as little interference as reasonably possible to Grantor's property and all real property in the vicinity of such activities; and provided further the City covenants and agrees to promptly cause the return of the real property to substantially the same condition it was in prior to all construction, reconstruction or maintenance activities conducted and performed on the Easement Tract; and provided further that Grantor retains the right to access and use the Easement Tract for any purpose that does not unreasonably interfere with the City's rights granted hereunder.

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

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WALTON TEXAS, LP, a Texas limited partnership, on behalf of itself in its capacity as an Owner as to an approximately 5% undivided interest, and on behalf of all other "Owners" in its capacity as "Operator" as to an approximately 95% interest, pursuant to that certain Declaration of Covenants, Conditions and Restrictions recorded on August 10, 2012, with the Hays County Clerk's Office in San Marcos, Texas as Instrument No. 2012-12022080

By: Walton Texas GP, LLC,
a Texas limited liability company,
its General Partner

By: Walton International Group, Inc.,
a Nevada corporation,
its Manager

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

STATE OF ARIZONA)
) ss
COUNTY OF MARICOPA)

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by _____ and _____, each an Authorized Signatory of Walton International Group, Inc., a Nevada corporation and the Manager of Walton Texas GP, LLC, a Texas limited liability company and the General Partner of Walton Texas, LP, a Texas limited partnership, on behalf of said partnership.

Notary Public, State of Arizona

[seal]

EXHIBIT A

METES AND BOUNDS DESCRIPTION

FOR A 0.002 ACRE TRACT OF LAND SITUATED IN THE M.B. ATKINSON SURVEY, ABSTRACT NO. 21, HAYS COUNTY, TEXAS, AND BEING A PART OF THE CALLED 342.14 ACRE TRACT OF LAND CONVEYED TO WALTON TEXAS, LP, RECORDED IN VOLUME 4399, PAGE 768, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, SAID 0.002 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGIN FOR REFERENCE at a 60D NAIL found in a fence post, on an angle point in the southerly boundary line of said 342.14-acre WALTON TEXAS, LP tract, same being on the northeast corner of the called 10.001 acre tract of land conveyed to ALAN J. PETLOWANY, recorded in Volume 1819, Page 600, Official Public Records of Hays County, Texas, same being on an angle point in the westerly boundary line of a called 10.04 acre tract of land conveyed to TERRY LEWIS and DEBORAH NAZEMI, recorded in Volume 4334, Page 286, Official Public Records of Hays County, Texas, same being on the southeast corner of a proposed 11.847 acre tract of land to be conveyed to BIGELOW SAN MARCOS DEVELOPMENT, LLC;

THENCE with the common boundary line of said 342.14-acre WALTON TEXAS, LP tract and 10.04-acre LEWIS and NAZEMI tract, and said proposed 11.847-acre tract, N 43°45'46" E for a distance of 325.28 feet to an iron rod found with cap marked "Diamond Surveying", and from which an iron rod found with cap marked "UDG" on the northwest corner of said LEWIS and NAZEMI tract, bears N 43°45'46" E for a distance of 212.74 feet;

THENCE through the interior of said 342.14-acre WALTON TEXAS, LP tract, same being with the boundary line of said proposed 11.847-acre tract the following six (6) courses and distances:

1. N 10°11'36" W for a distance of 27.67 feet to an iron rod found with cap marked "Diamond Surveying";
2. N 17°55'05" W for a distance of 65.89 feet to an iron rod found with cap marked "Diamond Surveying";
3. N 33°19'11" W for a distance of 108.26 feet to an iron rod found with cap marked "Diamond Surveying";
4. N 49°15'43" W for a distance of 73.14 feet to an iron rod found with cap marked "Diamond Surveying";
5. N 59°50'55" W for a distance of 59.07 feet to an iron rod found with cap marked "Diamond Surveying";
6. N 74°48'51" W for a distance of 25.57 feet to an iron rod found with cap marked "Diamond Surveying" on a point in the easterly boundary line of the called 30.358 acre tract of land described as AMENDED AND RATIFIED EASEMENT AGREEMENT, recorded in Document No. 2014-14008367, Official Public Records of Hays County, Texas;

THENCE continuing through the interior of said 342.14-acre WALTON TEXAS, LP tract, same being with the common boundary line of said 30.358-acre AMENDED AND RATIFIED EASEMENT AGREEMENT tract and said proposed 11.847-acre tract the following four (4) courses and distances:

1. S 58°56'51" W for a distance of 261.75 feet to an iron rod found with cap marked "Diamond Surveying";
2. N 34°31'41" W for a distance of 228.24 feet to an iron rod found with cap marked "Diamond Surveying";
3. S 64°39'58" W for a distance of 167.09 feet to an iron rod found with cap marked "Diamond Surveying";
4. S 89°45'03" W for a distance of 344.86 feet to an iron rod set with cap marked "Diamond Surveying", for the most easterly corner and **POINT OF BEGINNING** hereof;


THENCE continuing through the interior of said 342.14-acre WALTON TEXAS, LP tract, same being with the common boundary line of said 30.358-acre AMENDED AND RATIFIED EASEMENT AGREEMENT tract and said proposed 11.847-acre tract the following two (2) courses and distances:

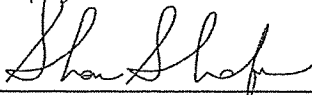
1. **S 89°45'03" W** for a distance of **16.17 feet** to an iron rod found with cap marked "Diamond Surveying", for the most southerly corner hereof;
2. **N 51°50'33" W** for a distance of **21.62 feet** to an iron rod set with cap marked "Diamond Surveying", for the most westerly corner hereof;

THENCE departing the common boundary line of said proposed 11.847-acre tract and said 30.358-acre AMENDED AND RATIFIED EASEMENT AGREEMENT tract, through the interior of said 342.14-acre WALTON TEXAS, LP tract, same being through the interior of said 30.358-acre AMENDED AND RATIFIED EASEMENT AGREEMENT tract **S 68°10'18" E** for a distance of **35.73 feet** to the POINT OF BEGINNING hereof and containing 0.002 acre of land more or less.

BEARING BASIS: NAD-83, TEXAS SOUTH CENTRAL (4204), STATE PLANE SYSTEM.

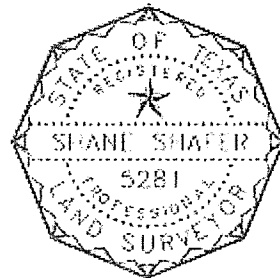
A drawing has been prepared to accompany this metes and bounds description.

 **DIAMOND SURVEYING, INC.**
116 SKYLINE ROAD, GEORGETOWN, TX 78628
(512) 931-3100



May 29, 2015

SHANE SHAFER, R.P.L.S. NO. 5281 DATE



LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	N 10°11'36" W	27.67'	L16	N 61°15'26" E	107.23'
L2	N 17°55'05" W	65.89'	L17	N 38°50'05" E	59.79'
L3	N 33°19'11" W	108.26'	L18	N 57°39'44" E	51.58'
L4	N 49°15'43" W	73.14'	L19	S 58°48'33" E	57.13'
L5	N 59°50'55" W	59.07'	L20	N 34°31'41" W	170.78'
L6	N 74°48'51" W	25.57'	L21	S 64°39'58" W	22.67'
L7	S 89°45'03" W	344.86'	L22	S 64°39'58" W	90.06'
L8	N 33°19'11" W	20.80'	L23	N 23°17'15" W	79.23'
L9	N 33°19'11" W	51.81'	L24	N 66°40'24" E	90.00'
L10	S 81°27'09" E	70.02'	L25	S 23°17'15" E	76.07'
L11	S 06°20'12" W	23.13'	L26	S 64°39'58" W	54.36'
L12	S 76°29'37" W	41.80'	L27	S 89°45'03" W	16.17'
L13	N 33°19'12" W	35.64'	L28	N 51°50'33" W	21.62'
L14	N 34°31'41" W	57.46'	L29	S 68°10'18" E	35.73'
L15	S 75°33'23" E	33.93'	L30	N 51°50'33" W	178.96'

DRAWING TO ACCOMPANY METES AND BOUNDS DESCRIPTION

FOR A 0.002 ACRE TRACT OF LAND SITUATED IN THE M.B. ATKINSON SURVEY, ABSTRACT NO. 21, HAYS COUNTY, TEXAS, AND BEING A PART OF THE CALLED 342.14 ACRE TRACT OF LAND CONVEYED TO WALTON TEXAS, LP, RECORDED IN VOLUME 4399, PAGE 768, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.

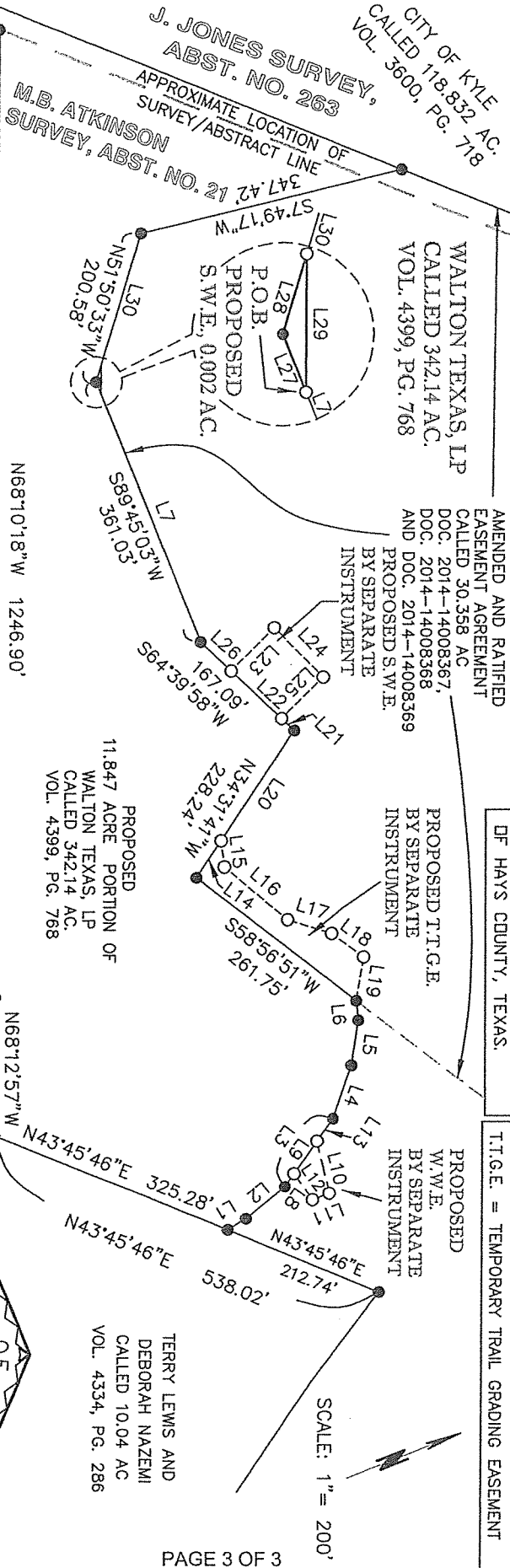
GENERAL NOTES:

1) BEARING BASIS: NAD-83, TEXAS SOUTH CENTRAL (4204), STATE PLANE SYSTEM.

2) ALL DOCUMENTS LISTED HEREIN ARE RECORDED IN THE OFFICE OF THE COUNTY CLERK OF HAYS COUNTY, TEXAS.

LEGEND

- = IRON ROD FOUND
- = BOUNDARY MONUMENT SET (IRON ROD CAPPED "DIAMOND SURVEYING")
- ▲ = FLAGGED 60D NAIL FOUND IN FENCE POST
- B.F.R. = BEGIN FOR REFERENCE
- P.O.B. = POINT OF BEGINNING
- S.W.E. = STORMWATER EASEMENT
- W.W.E. = WASTEWATER EASEMENT
- T.T.G.E. = TEMPORARY TRAIL GRADING EASEMENT



To: Bigelow San Marcos Development and Walton Texas, LP, LLC exclusively.

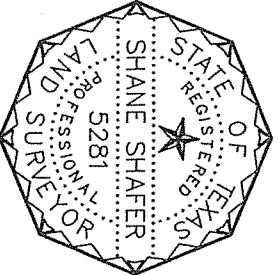
Bigelow San Marcos Development, LLC
 CALLED 26.145 AC
 VOL. 4963, PG. 874

Alan J. Petlowany
 CALLED 10,001 AC
 VOL. 1819, PG. 600

PROPOSED
 11.847 ACRE PORTION OF
 WALTON TEXAS, LP
 CALLED 342.14 AC
 VOL. 4399, PG. 768

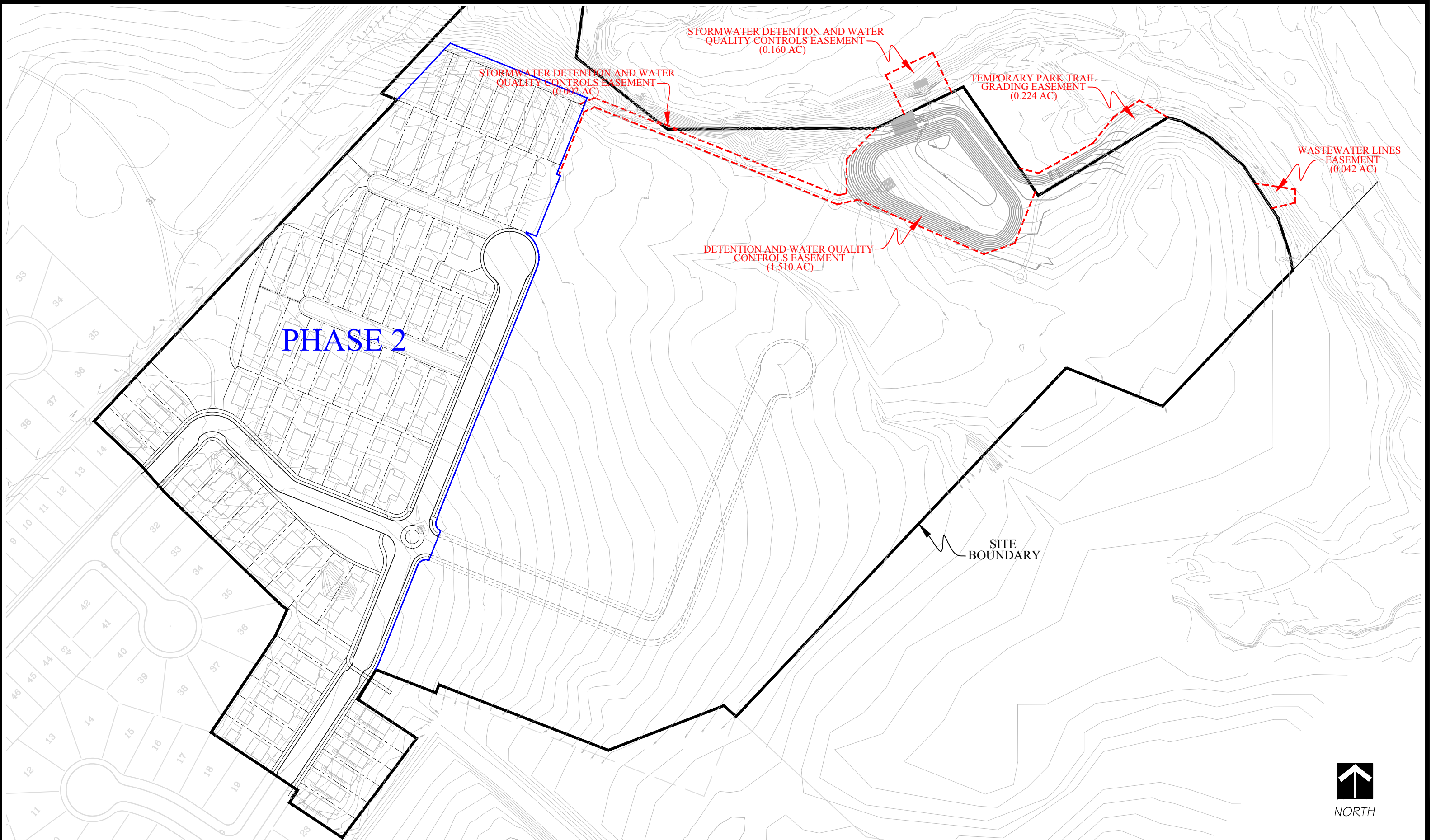
TERRY LEWIS AND
 DEBORAH NAZEMI
 CALLED 10.04 AC
 VOL. 4334, PG. 286

I, Shane Shafer, Registered Professional Land Surveyor in the State of Texas, hereby certify that this plat represents a survey made on the ground under my direct supervision completed on November 21, 2014. At the time of this survey there were no encroachments, conflicts or protrusions apparent on the ground, EXCEPT AS SHOWN. This survey substantially complies with the standards for a Category 1B, Condition III Standard Land Survey per the current Manual of Practice for Land Surveying in the State of Texas, issued by the Texas Society of Professional Surveyors. USE OF THIS SURVEY BY OTHER PARTIES SHALL BE AT THEIR OWN RISK AND UNDERSIGNED SUPERVISOR IS NOT RESPONSIBLE FOR ANY LOSS RESULTING THEREFROM.



Shane Shafer
 SHANE SHAFER, R.P.L.S. NO. 5281
 MAY 29, 2015
 DATE

DIAMOND SURVEYING, INC.
 116 SKYLINE ROAD, GEORGETOWN, TEXAS 78628
 (512) 931-3100



NORTH

COPYRIGHT © 2015 BIGELOW DEVELOPMENT, LLC

BIGELOW DEVELOPMENT, LLC
 P.O. BOX 848
 SAN MARCOS, TEXAS 78667

BROOKSIDE
 KYLE, TX

OFF-SITE EASEMENT PLAN

8/7/15

EXHIBIT



CITY OF KYLE, TEXAS

Budget Amendment No. 6 for FY 2014015: Add 3 New Positions for Wastewater Treatment Plant Operations (Public Works)

Meeting Date: 8/18/2015
Date time: 7:00 PM

Subject/Recommendation:

(First Reading) Approve an Ordinance amending the City's Approved Budget for Fiscal Year 2014-15 by increasing the number of authorized positions by adding three (3) full-time positions to the Public Works Department for the operations and maintenance of the wastewater treatment plant. ~ *Perwez A. Moheet, CPA, Director of Finance*

Other Information:

On October 1, 2015, the City of Kyle will acquire 100 percent ownership of the wastewater treatment plant currently owned and operated by AquaTexas, Inc.

In order to take complete control of the treatment plant asset, successfully assume operations and maintenance responsibilities of the treatment facility, and to ensure compliance with all regulatory requirements, the Public Works Department must recruit and hire experienced personnel to begin the preparation for the transfer and operations of the treatment plant prior to October 1, 2015.

This budget amendment, if approved, will increase the number of authorized positions by adding the following three (3) new full-time positions to the Public Works Department for the operations and maintenance of the wastewater treatment plant:

- Chief Wastewater Plant Operator
- Plant Operator
- Assistant Plant Operator

Since this budget amendment covers only 45-days remaining in Fiscal Year 2014-15, funding for all three positions estimated at \$21,230 for the 45-day period will be provided from current year budget savings realized in the Public Works Department's wastewater utility operations. The City Manager's proposed budget for FY 2015-16 includes full year funding for all three of the above listed positions and associated support costs.

Legal Notes:

Budget Information:

Budget Amendment Ordinance is attached.

Cover Memo

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

 [Ordinance](#)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING ORDINANCE NO. 820 ADOPTED ON SEPTEMBER 3, 2014, MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014, AND ENDING SEPTEMBER 30, 2015, BY INCREASING THE TOTAL NUMBER OF AUTHORIZED POSITIONS BY ADDING THREE (3) FULL-TIME POSITIONS TO THE PUBLIC WORKS DEPARTMENT FOR THE OPERATIONS AND MAINTENANCE OF THE WASTEWATER TREATMENT PLANT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLIC NOTICE PURSUANT TO THE TEXAS OPEN MEETINGS ACT; ESTABLISHING AN EFFECTIVE DATE; AND MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED HERETO.

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

Section 1. Amendment to Current Budget. The number of total authorized positions for Fiscal Year beginning October 1, 2014, and ending September 30, 2015, for the support of the general government of the City of Kyle, Texas, is hereby AMENDED for said term by increasing the number of total authorized positions by adding three (3) new full-time positions to the Public Works Department for the operations and maintenance of the wastewater treatment plant. Since this budget amendment covers only 45-days remaining in Fiscal Year 2014-15, funding for all three new positions estimated at \$21,230 for the remaining 45-day period will be provided from current year budget savings realized within the Public Works Department. The three (3) new full-time positions are as follows:

- (a) Chief Plant Operator
- (b) Plant Operator
- (c) Assistant Plant Operator

Section 2. Approval of Amendment. This amendment is hereby approved in all aspects and adopted as an amendment to the City budget for the Fiscal Year beginning October 1, 2014, and ending September 30, 2015.

Section 3. Conflict. Any and all ordinances, and parts thereof, that are in conflict herewith are hereby repealed to the extent of the conflict only.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this ordinance are

declared to be severable.

Section 5. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Ch. 551, Local Gov't Code.

Section 6. Effective Date. This Ordinance shall be in full force and take effect from and after the date of its final passage and publication as required by law.

PASSED AND APPROVED on First Reading the ____ day of August, 2015.

PASSED AND ADOPTED on Second Reading the ____ day of August, 2015.

THE CITY OF KYLE, TEXAS

By: _____
R. Todd Webster, Mayor

ATTEST:

Amelia Sanchez, City Secretary



CITY OF KYLE, TEXAS

Meeting Date: 8/18/2015

Date time: 7:00 PM

Waste Water Line Easement

Subject/Recommendation: Approval of Execution of the Waste Water Lines Easement for Walton Texas, LP. ~ *Leon Barba, P.E., City Engineer*

Other Information: This is the approval to authorize signature of the Detention and Water Quality Control Easements being requested by the Bigelow San Marcos Development, LLC, on property owned by Walton Texas, LP.

The easement is for a 0.042 acre tract of land situated in the M.B. Atkinson Survey, Abstract No. 21, Hays County, Texas, and being a part of the called 342.14 acre tract of land conveyed to Walton Texas, LP, recorded in Volume 4399, Page 768, Official Public Records of Hays County, Texas, said 0.042 acre tract of land being more particularly described by metes and bounds on attached Exhibit.

City Staff recommends approval of this proposal and the City Attorney has reviewed and approved the form of the easement.

It is recommended that this item be placed on the CONSENT agenda.

Legal Notes:

Budget Information: n/a

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

- [Waster Water Lines Easement](#)
- [Easement Plan](#)
- [Overall Utility](#)

Cover Memo

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.

WASTEWATER LINES EASEMENT

Date: July 31, 2015

Grantor: WALTON TEXAS, LP, a Texas limited partnership, on behalf of itself in its capacity as an Owner as to an approximately 5% undivided interest, and on behalf of all other "Owners" in its capacity as "Operator" as to an approximately 95% interest, pursuant to that certain Declaration of Covenants, Conditions and Restrictions recorded on August 10, 2012, with the Hays County Clerk's Office in San Marcos, Texas as Instrument No. 2012-12022080

Grantor's Address: WALTON TEXAS, LP
c/o Walton Development & Management TX, LLC
515 Congress Avenue, Suite 1620
Austin, Texas 78701

Grantee/City: CITY OF KYLE, TEXAS

Grantee's/City's Address: 100 W. Center Street, Kyle, TX 78640

Easement Tract: All that parcel of land situated in Hays County, Texas described in the attached Exhibit A.

Easement Duration: Perpetual.

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

Facilities: Wastewater lines with all other necessary associated appurtenances.

Permitted Encumbrances: Any easements, liens, encumbrances, and other matters not subordinated to the Easement Tract and of record in the Real Property Records of the Texas county in which the Easement Tract

is located that are valid, existing, and affect the Easement Tract as of the Date.

Grantor, for **Ten and No/100 Dollars (\$10.00)** and other good and valuable consideration paid to Grantor, the receipt and sufficiency of which is acknowledged by the Grantor, **GRANTS, SELLS AND CONVEYS** to the City a non-exclusive easement in, over, under, on, and across the Easement Tract limited to and solely for the Easement Purpose as may be necessary or desirable subject to the Permitted Encumbrances, together with (i) the right of ingress and egress at all times over, on, and across the Easement Tract for use of the Easement Purpose, (ii) the right to eliminate any encroachments in the Easement Tract that interfere in any material way or inconsistent with the rights granted the City under this instrument for the Easement Purpose as determined by the City in its reasonable discretion, and (iii) any and all rights and appurtenances pertaining to the use of the Easement Tract (collectively, the “Easement”).

TO HAVE AND TO HOLD the Easement to the City and City’s successors and assigns for the Easement Duration and limited to and solely for the Easement Purpose; provided, however, Grantor reserves the right to enter upon and use any portion of the Easement Tract, but in no event shall Grantor enter upon or use any portion of the Easement Tract in any manner that interferes in any material way or is inconsistent with the rights granted the City under this Easement for the Easement Purpose as determined by City in its reasonable discretion. City shall be obligated to restore or replace to a good and functioning condition as determined by the City in its reasonable discretion all real property and all improvements which have been removed, relocated, altered, damaged, or destroyed as a result of City’s use of the Easement Tract to substantially the condition such real property and/or improvements were in prior to the City’s use of the Easement.

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

----The remainder of this page is intentionally blank----

WALTON TEXAS, LP, a Texas limited partnership, on behalf of itself in its capacity as an Owner as to an approximately 5% undivided interest, and on behalf of all other "Owners" in its capacity as "Operator" as to an approximately 95% interest, pursuant to that certain Declaration of Covenants, Conditions and Restrictions recorded on August 10, 2012, with the Hays County Clerk's Office in San Marcos, Texas as Instrument No. 2012-12022080

By: Walton Texas GP, LLC,
a Texas limited liability company,
its General Partner

By: Walton International Group, Inc.,
a Nevada corporation,
its Manager

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

STATE OF ARIZONA)
) ss
COUNTY OF MARICOPA)

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by _____ and _____, each an Authorized Signatory of Walton International Group, Inc., a Nevada corporation and the Manager of Walton Texas GP, LLC, a Texas limited liability company and the General Partner of Walton Texas, LP, a Texas limited partnership, on behalf of said partnership.

Notary Public, State of Arizona

[seal]

EXHIBIT A

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FOR A 0.042 ACRE TRACT OF LAND SITUATED IN THE M.B. ATKINSON SURVEY, ABSTRACT NO. 21, HAYS COUNTY, TEXAS, AND BEING A PART OF THE CALLED 342.14 ACRE TRACT OF LAND CONVEYED TO WALTON TEXAS, LP, RECORDED IN VOLUME 4399, PAGE 768, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, SAID 0.042 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGIN FOR REFERENCE at a 60D NAIL found in a fence post, on an angle point in the southerly boundary line of said 342.14-acre WALTON TEXAS, LP tract, same being on the northeast corner of the called 10.001 acre tract of land conveyed to ALAN J. PETLOWANY, recorded in Volume 1819, Page 600, Official Public Records of Hays County, Texas, same being on an angle point in the westerly boundary line of a called 10.04 acre tract of land conveyed to TERRY LEWIS and DEBORAH NAZEMI, recorded in Volume 4334, Page 286, Official Public Records of Hays County, Texas, same being on the southeast corner of a proposed 11.847 acre tract of land to be conveyed to BIGELOW SAN MARCOS DEVELOPMENT, LLC;

THENCE with the common boundary line of said 342.14-acre WALTON TEXAS, LP tract and 10.04-acre LEWIS and NAZEMI tract, and said proposed 11.847-acre tract, N 43°45'46" E for a distance of 325.28 feet to an iron rod found with cap marked "Diamond Surveying", and from which an iron rod found with cap marked "UDG" on the northwest corner of said LEWIS and NAZEMI tract, bears N 43°45'46" E for a distance of 212.74 feet;

THENCE through the interior of said 342.14-acre WALTON TEXAS, LP tract, same being with the boundary line of said proposed 11.847-acre tract the following three (3) courses and distances:

1. N 10°11'36" W for a distance of 27.67 feet to an iron rod found with cap marked "Diamond Surveying";
2. N 17°55'05" W for a distance of 65.89 feet to an iron rod found with cap marked "Diamond Surveying";
3. N 33°19'11" W for a distance of 20.80 feet to an iron rod set with cap marked "Diamond Surveying" for the southwest corner and **POINT OF BEGINNING** hereof;


THENCE continuing through the interior of said 342.14-acre WALTON TEXAS, LP tract, same being with the boundary line of said proposed 11.847-acre **N 33°19'11" W** for a distance of **51.81 feet** an iron rod set with cap marked "Diamond Surveying", for the northwest corner hereof;

THENCE departing the boundary line of said proposed 11.847-acre tract, continuing through the interior of said 342.14-acre WALTON TEXAS, LP tract the following three (3) courses and distances:

1. **S 81°27'09" E** for a distance of **70.02 feet** to an iron rod set with cap marked "Diamond Surveying", for the northeast corner hereof;
2. **S 00°20'12" W** for a distance of **23.13 feet** to an iron rod set with cap marked "Diamond Surveying", for the southeast corner hereof;
3. **S 76°29'37" W** for a distance of **41.80 feet** to the **POINT OF BEGINNING** hereof and containing 0.042 acre of land more or less

BEARING BASIS: NAD-83, TEXAS SOUTH CENTRAL (4204), STATE PLANE SYSTEM.

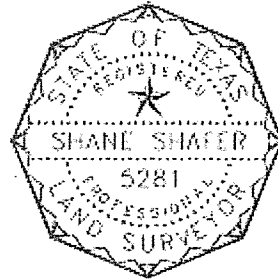
A drawing has been prepared to accompany this metes and bounds description.

 **DIAMOND SURVEYING, INC.**
116 SKYLINE ROAD, GEORGETOWN, TX 78628
(512) 931-3100



May 29, 2015

SHANE SHAFER, R.P.L.S. NO. 5281 DATE



LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
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L4	N 49°15'43" W	73.14'	L19	S 58°48'33" E	57.13'
L5	N 59°50'55" W	59.07'	L20	N 34°31'41" W	170.78'
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L7	S 89°45'03" W	344.86'	L22	S 64°39'58" W	90.06'
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L9	N 33°19'11" W	51.81'	L24	N 66°40'24" E	90.00'
L10	S 81°27'09" E	20.02'	L25	S 23°17'15" E	76.07'
L11	S 00°20'12" W	23.13'	L26	S 64°39'58" W	54.36'
L12	S 76°29'37" W	41.80'	L27	S 89°45'03" W	16.17'
L13	N 33°19'12" W	35.64'	L28	N 51°50'33" W	21.62'
L14	N 34°31'41" W	57.46'	L29	S 68°10'18" E	35.73'
L15	S 75°33'23" E	33.93'	L30	N 51°50'33" W	178.96'

DRAWING TO ACCOMPANY METES AND BOUNDS DESCRIPTION

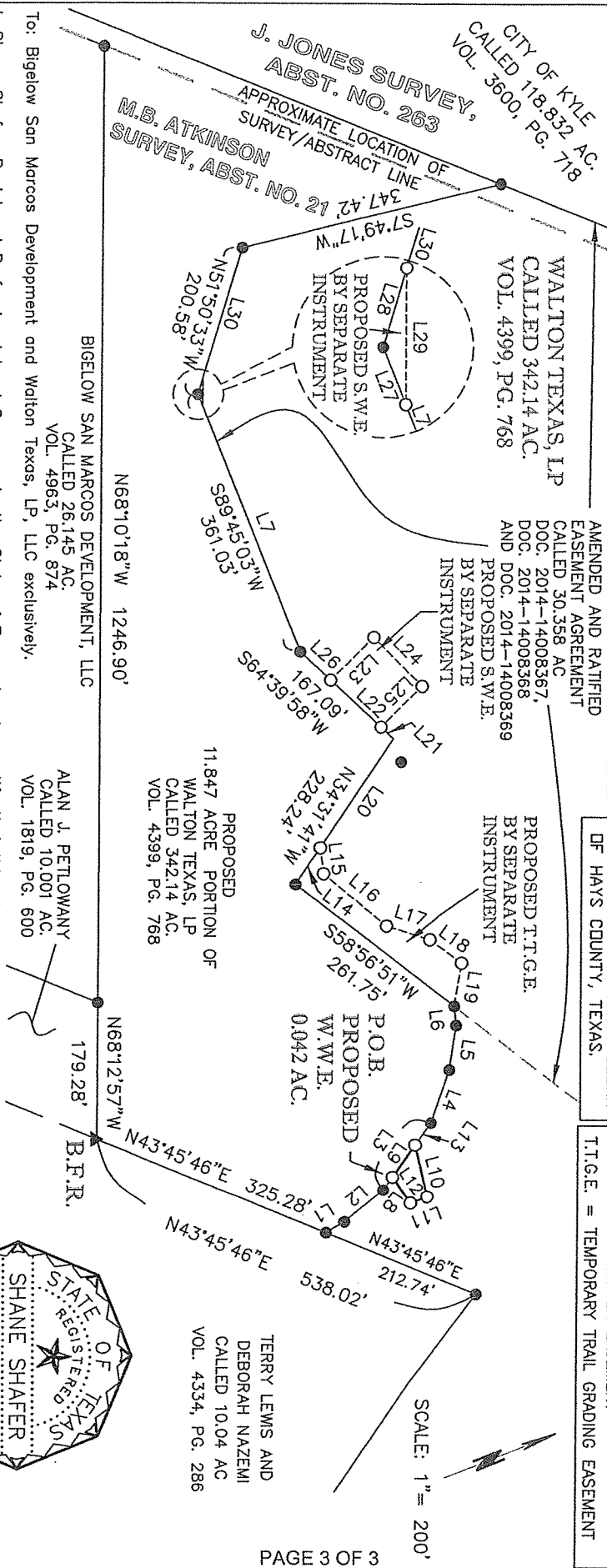
FOR A 0.042 ACRE TRACT OF LAND SITUATED IN THE M.B. ATKINSON SURVEY, ABSTRACT NO. 21, HAYS COUNTY, TEXAS, AND BEING A PART OF THE CALLED 342.14 ACRE TRACT OF LAND CONVEYED TO WALTON TEXAS, LP, RECORDED IN VOLUME 4399, PAGE 768, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.

GENERAL NOTES:

- 1) BEARING BASIS: NAD-83, TEXAS SOUTH CENTRAL (4204), STATE PLANE SYSTEM.
- 2) ALL DOCUMENTS LISTED HEREON ARE RECORDED IN THE OFFICE OF THE COUNTY CLERK OF HAYS COUNTY, TEXAS.

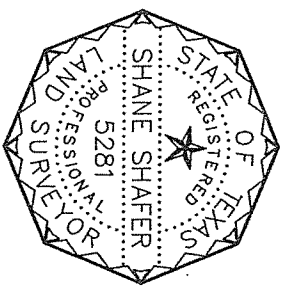
LEGEND

- = IRON ROD FOUND
- = BOUNDARY MONUMENT SET
- (IRON ROD CAPPED 'DIAMOND SURVEYING')
- ▲ = FLAGGED 60D NAIL FOUND IN FENCE POST
- B.F.R. = BEGIN FOR REFERENCE
- P.O.B. = POINT OF BEGINNING
- S.W.E. = STORMWATER EASEMENT
- W.W.E. = WASTEWATER EASEMENT
- T.T.G.E. = TEMPORARY TRAIL GRADING EASEMENT



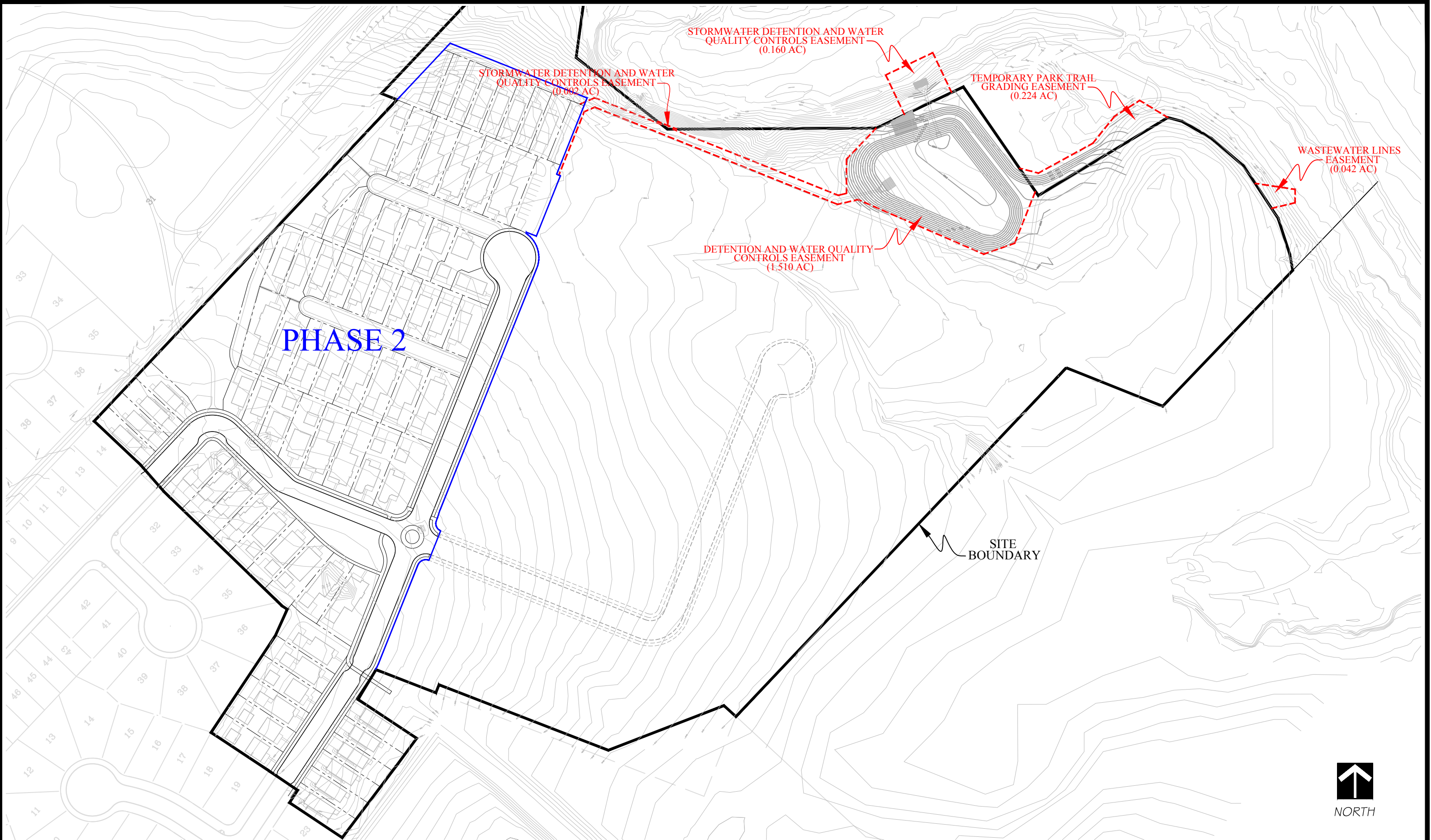
To: Bigelow San Marcos Development and Walton Texas, LP, LLC exclusively.

I, Shane Shafer, Registered Professional Land Surveyor in the State of Texas, hereby certify that this plot represents a survey made on the ground under my direct supervision completed on November 21, 2014. At the time of this survey there were no encroachments, conflicts or protrusions apparent on the ground, EXCEPT AS SHOWN. This survey substantially complies with the standards for a Category 1B, Condition III Standard Land Survey per the current Manual of Practice for Land Surveying in the State of Texas, issued by the Texas Society of Professional Surveyors. USE OF THIS SURVEY BY OTHER PARTIES SHALL BE AT THEIR OWN RISK AND UNDERSIGNED SURVEYOR IS NOT RESPONSIBLE FOR ANY LOSS RESULTING THEREFROM.



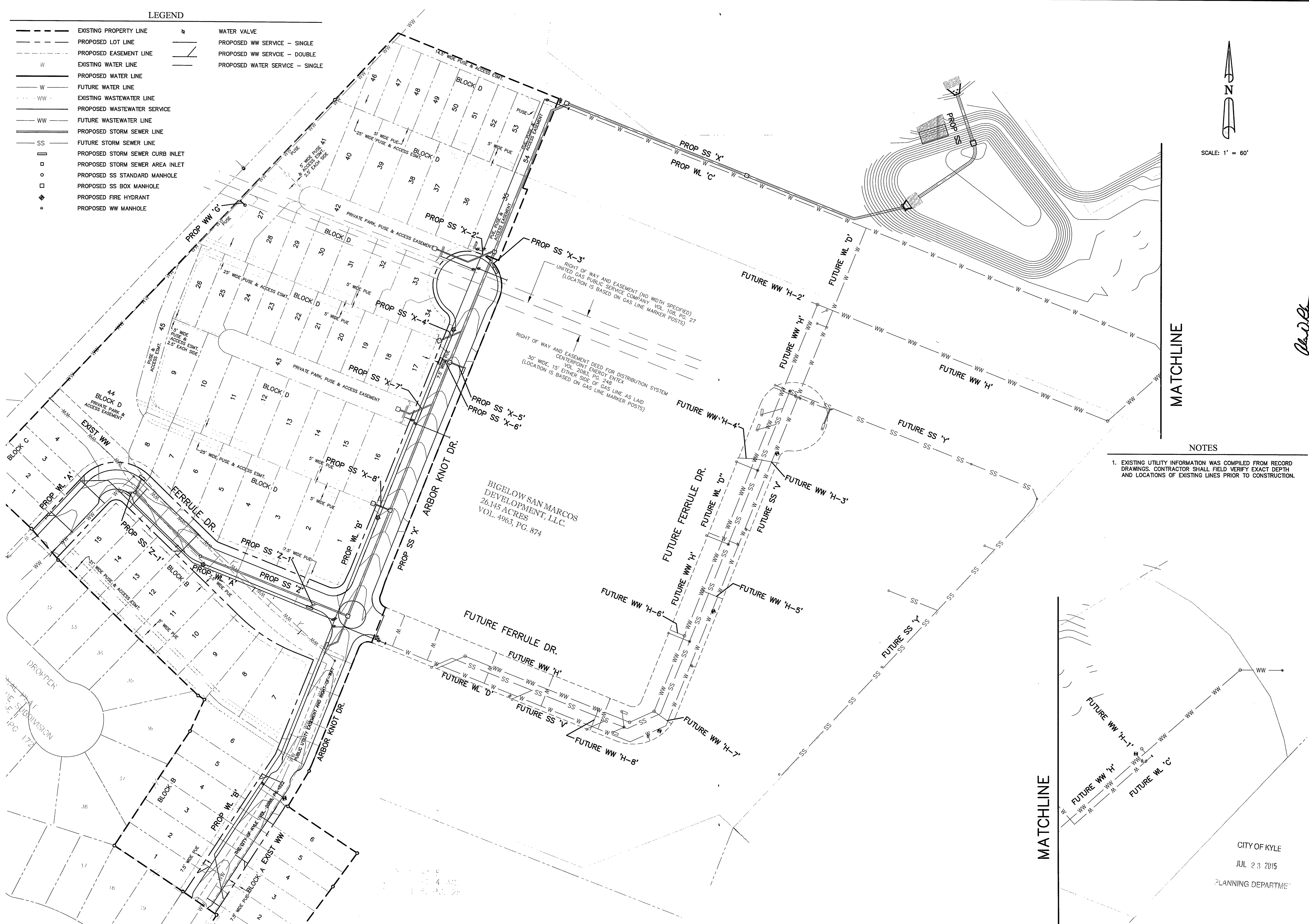
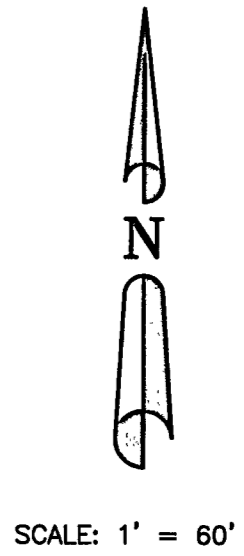
Shane Shafer
 MAY 29, 2015
 SHANE SHAFER, R.P.L.S. NO. 5281
 DATE

DIAMOND SURVEYING, INC.
 116 SKYLINE ROAD, GEORGETOWN, TEXAS 78628
 (512) 931-3100



LEGEND

- EXISTING PROPERTY LINE
- - - PROPOSED LOT LINE
- - - PROPOSED EASEMENT LINE
- W EXISTING WATER LINE
- W PROPOSED WATER LINE
- W FUTURE WATER LINE
- WW EXISTING WASTEWATER LINE
- WW PROPOSED WASTEWATER SERVICE
- WW FUTURE WASTEWATER LINE
- SS PROPOSED STORM SEWER LINE
- SS FUTURE STORM SEWER LINE
- PROPOSED STORM SEWER CURB INLET
- PROPOSED STORM SEWER AREA INLET
- PROPOSED SS STANDARD MANHOLE
- PROPOSED SS BOX MANHOLE
- ◆ PROPOSED FIRE HYDRANT
- PROPOSED WW MANHOLE
- WATER VALVE
- PROPOSED WW SERVICE - SINGLE
- PROPOSED WW SERVICE - DOUBLE
- PROPOSED WATER SERVICE - SINGLE



BIGELOW SAN MARCOS
DEVELOPMENT, L.L.C.
26.145 ACRES
VOL. 4963, PG. 874

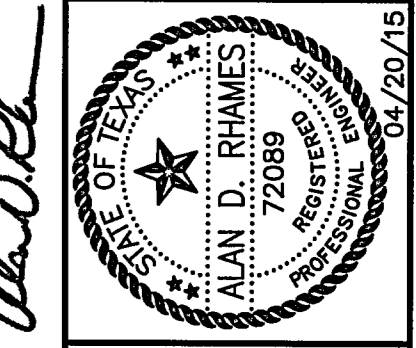
RIGHT OF WAY AND EASEMENT (NO WIDTH SPECIFIED)
UNITED GAS PUBLIC SERVICE COMPANY VOL. 708, PG. 27
(LOCATION IS BASED ON GAS LINE MARKER POSTS)

RIGHT OF WAY AND EASEMENT DEED FOR DISTRIBUTION SYSTEM
CENTERPOINT ENERGY ENTERPRISE
VOL. 2083, PG. 248
30' WIDE, 15' EITHER SIDE OF GAS LINE AS LAID
(LOCATION IS BASED ON GAS LINE MARKER POSTS)

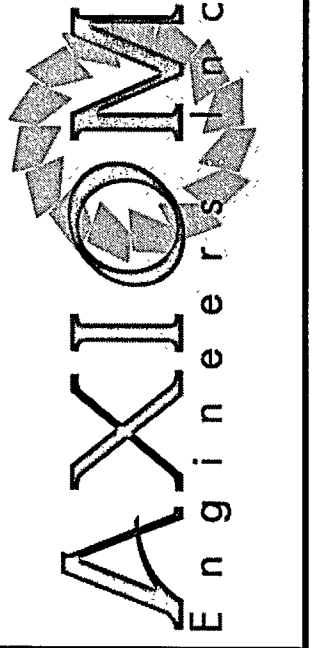
MATCHLINE

NOTES

- EXISTING UTILITY INFORMATION WAS COMPILED FROM RECORD DRAWINGS. CONTRACTOR SHALL FIELD VERIFY EXACT DEPTH AND LOCATIONS OF EXISTING LINES PRIOR TO CONSTRUCTION.



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Austin, Texas 78750
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Fax: (512) 506-9377
www.axiomtexas.com
Texas P.E. Firm No. F-43



Brookside Phase 2
KYLE, TEXAS
OVERALL UTILITY PLAN

CITY OF KYLE
JUL 23 2015
PLANNING DEPARTMENT

DESIGNED:	ADR
APPROVED:	ADR
FILE:	BROOK-UTIL
JOB NO.:	270-03
DATE:	MARCH 2015
SHEET	7 OF 27

NO.	DATE	REVISION	APPYD



CITY OF KYLE, TEXAS

Detention and Water Quality Controls Easement for Bigelow

Meeting Date: 8/18/2015
Date time: 7:00 PM

Subject/Recommendation: Approval of Execution of the Detention and Water Quality Controls Easement for Bigelow San Marcos Development, LLC. ~ *Leon Barba, P.E., City Engineer*

Other Information: This is the approval to authorize signature of the Detention and Water Quality Control Easements being requested by the Bigelow San Marcos Development, LLC.

The easement is for a 1.510 acre tract of land situated in the M.B. Atkinson Survey, Abstract No. 21, Hays County, Texas, and being a part of the called 342.14 acre tract of land conveyed to Walton Texas, LP, recorded in Volume 4399, Page 768, Official Public Records of Hays County, Texas, and being a part of the called 26.145 acre tract of land conveyed to Bigelow San Marcos Development, LLC as described in Volume 4963, Page 874 of the official Public Records of Hays County, Texas, said 1.510 acre tract of land being more particularly described by metes and bounds on attached Exhibit.

City Staff recommends approval of this proposal and the City Attorney has reviewed and approved the form of the easement.

Cover Memo

It is recommended that this item be placed on the CONSENT agenda.

Legal Notes:

Budget Information: n/a

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

 [Detention and Water Quality Controls Easement for Bigelow](#)

 [Easement Plan](#)

 [Overall Utility](#)

DETENTION AND WATER QUALITY CONTROLS EASEMENT

Date: May 18, 2015

Grantor Bigelow San Marcos Development, LLC

Grantor's Address: PO Box 848
San Marcos, TX 78667

City: CITY OF KYLE, TEXAS,

City's Address: 100 W. Center Street, Kyle, TX 78640

Easement Tract: All that parcel of land situated in Hays County, Texas, described in the attached Exhibit A

Easement Duration: Perpetual

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

Facilities: Drainage conveyance structures, and detention and water quality controls with all associated culverts, erosion control structures, and other appurtenances

Permitted Encumbrances: Any easements, liens, encumbrances, and other matters not subordinated to the Easement Tract and of record in the Real Property Records of the Texas county in which the Easement Tract is located that are valid, existing, and affect the Easement Tract as of the Date

Non-Permitted Activity: Installation, construction, operation, use, maintenance, repair, modification, upgrade, and replacement of any structure, building, or other similar improvement in the Easement Tract

Executed effective the Date first above stated.

Bigelow San Marcos Development, LLC

By: _____

Name: James P. Bigelow
Title: President

State of Texas
County of Hays

Before me, the undersigned notary, on this day personally appeared, James Bigelow of Bigelow San Marcos Development, LLC, known to me through valid identification to be the person whose name is subscribed to the preceding instrument and acknowledge to me that the person executed the instrument in the person' official capacity for the purposes and consideration expressed in the instrument.

Given under my hand and seal of office on _____.

Notary Public, State of Texas

METES AND BOUNDS DESCRIPTION

FOR A 1.510 ACRE TRACT OF LAND SITUATED IN THE M.B. ATKINSON SURVEY, ABSTRACT NO. 21, HAYS COUNTY, TEXAS, AND BEING A PART OF THE CALLED 342.14 ACRE TRACT OF LAND CONVEYED TO WALTON TEXAS, LP, RECORDED IN VOLUME 4399, PAGE 768, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND BEING A PART OF THE CALLED 26.145 ACRE TRACT OF LAND CONVEYED TO BIGELOW SAN MARCOS DEVELOPMENT, LLC AS DESCRIBED IN VOLUME 4963, PAGE 874 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, SAID 1.510 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGIN FOR REFERENCE at an iron rod found with cap marked "Carson Bush" monumenting an angle point in the southerly boundary line of said 342.14-acre WALTON TEXAS, LP tract, same being on the northwest corner of the said 26.145 acre BIGELOW SAN MARCOS DEVELOPMENT, LLC tract;

THENCE with the common boundary line of said 342.14-acre WALTON TEXAS, LP tract and said 26.145 acre BIGELOW SAN MARCOS DEVELOPMENT, LLC tract; S 68°10'18" E for a distance of 304.08 feet to the **POINT OF BEGINNING** hereof;

THENCE through the interior of said 342.14-acre WALTON TEXAS, LP tract the following nineteen (19) bearings and distances:

1. N 21°50'23" E for a distance of 110.51 feet;
2. N 68°10'18" W for a distance of 7.70 feet;
3. N 66°49'42" E for a distance of 27.88 feet;
4. S 68°10'18" E for a distance of 124.54 feet;
5. S 51°50'33" E for a distance of 12.73 feet;
6. N 89°45'02" E for a distance of 9.52 feet;
7. S 68°10'18" E for a distance of 308.08 feet;
8. N 76°48'00" E for a distance of 14.63 feet;
9. N 00°00'43" E for a distance of 59.18 feet;
10. N 43°44'43" E for a distance of 74.14 feet;
11. N 64°39'58" E for a distance of 167.09 feet;
12. S 34°31'41" E for a distance of 219.50 feet;
13. S 21°49'42" W for a distance of 96.66 feet;
14. S 70°36'53" W for a distance of 56.59 feet;
15. N 66°32'11" W for a distance of 237.05 feet;
16. S 76°48'00" W for a distance of 36.32 feet;
17. N 68°10'18" W for a distance of 452.17 feet;
18. S 66°49'42" W for a distance of 19.95 feet;
19. S 21°49'42" W for a distance of 101.13 feet to a point in the aforementioned common boundary line of said 342.14-acre WALTON TEXAS, LP tract and said 26.145 acre BIGELOW SAN MARCOS DEVELOPMENT, LLC tract and from which an iron rod found monumenting the northeast corner of said 26.145 acre BIGELOW SAN MARCOS DEVELOPMENT, LLC tract, same being on the northwest corner of the called 10.001 acre tract of land conveyed to Alan J.


Petlowany as described in volume 1819, Page 600 of the Official Public Records of Hays county, Texas, bears S 68°10'18" E for a distance of 938.67 feet;

THENCE through the interior of said 26.145 acre BIGELOW SAN MARCOS DEVELOPMENT, LLC tract the following three (3) bearings and distances:

1. S 21°49'42" W for a distance of 17.09 feet;
2. with a curve to the right having an arc length of 4.16 feet, a radius of 22.50 feet, a delta angle of 10°34'56", a chord bearing of N 68°17'09" W, and a chord length of 4.15 feet;
3. N 21°50'23" E for a distance of 17.10 feet to the POINT OF BEGINING hereof and containing 1.510 acres of land more or less.

BEARING BASIS: NAD-83, TEXAS SOUTH CENTRAL (4204), STATE PLANE SYSTEM.

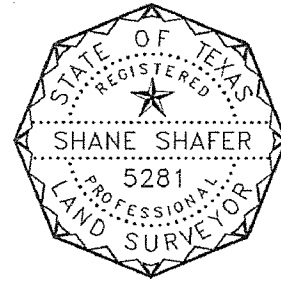
A drawing has been prepared to accompany this metes and bounds description.

 **DIAMOND SURVEYING, INC.**
116 SKYLINE ROAD, GEORGETOWN, TX 78628
(512) 931-3100



April 16, 2015

SHANE SHAFER, R.P.L.S. NO. 5281 DATE



DRAWING TO ACCOMPANY A METES AND BOUNDS DESCRIPTION FOR A 1.510 ACRE TRACT OF LAND SITUATED IN THE M.B. ATKINSON SURVEY, ABSTRACT NO. 21, HAYS COUNTY, TEXAS, AND BEING A PART OF THE CALLED 342.14 ACRE TRACT OF LAND CONVEYED TO WALTON TEXAS, LP, RECORDED IN VOLUME 4399, PAGE 768, OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS AND BEING A PART OF THE CALLED 26.145 ACRE TRACT OF LAND CONVEYED TO BIGELOW SAN MARCOS DEVELOPMENT, LLC AS DESCRIBED IN VOLUME 4963, PAGE 874 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS.

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	22.50'	4.16'	10°34'56"	N 68°17'09" W	4.15'

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	N 21°50'23" E	110.51'	L10	S 21°49'42" W	96.66'
L2	N 68°10'18" W	7.70'	L11	S 70°36'53" W	56.59'
L3	N 66°49'42" E	27.86'	L12	S 70°36'53" W	56.59'
L4	S 68°10'18" E	124.53'	L13	S 76°48'00" W	36.32'
L5	S 51°50'33" E	12.73'	L14	S 66°49'42" W	19.95'
L6	N 89°45'03" E	9.52'	L15	S 21°49'42" W	101.13'
L7	N 76°48'00" E	14.65'	L16	S 21°49'42" W	17.09'
L8	N 00°00'43" E	59.18'	L17	N 21°50'23" E	17.10'
L9	N 43°44'43" E	74.14'			

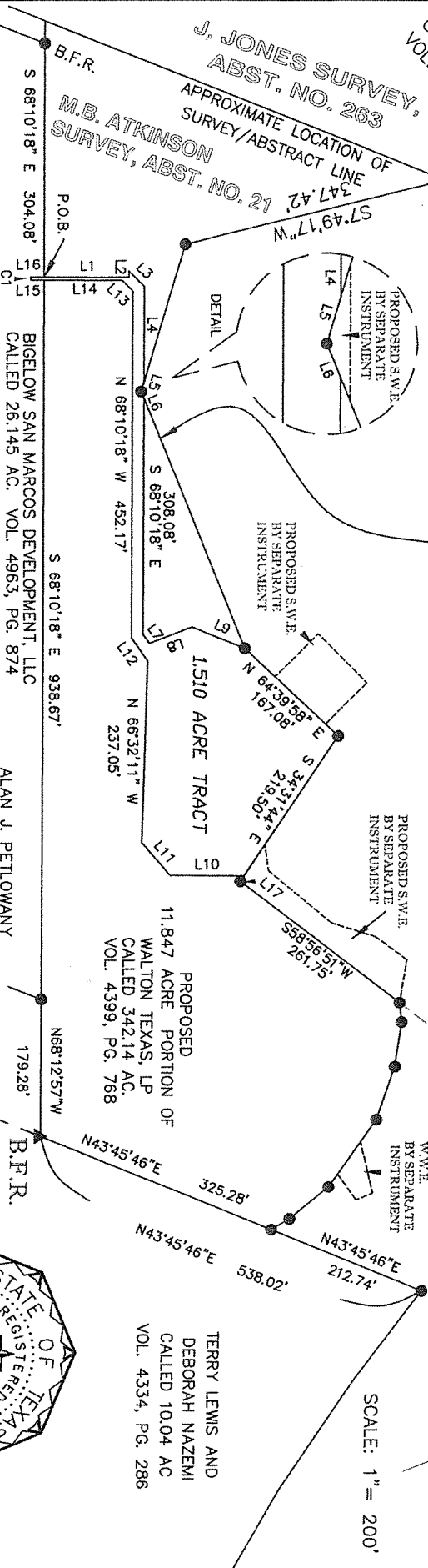
GENERAL NOTES:
 1) BEARING BASIS: NAD-83, TEXAS SOUTH CENTRAL (420+), STATE PLANE SYSTEM.
 2) ALL DOCUMENTS LISTED HEREON ARE RECORDED IN THE OFFICE OF THE COUNTY CLERK OF HAYS COUNTY, TEXAS.

LEGEND
 ● = IRON ROD FOUND
 ○ = BOUNDARY MONUMENT SET (IRON ROD CAPPED "DIAMOND SURVEYING")
 ▲ = FLAGGED 60D NAIL FOUND IN FENCE POST
 B.F.R. = BEGIN FOR REFERENCE
 P.O.B. = POINT OF BEGINNING
 S.W.E. = STORMWATER EASEMENT
 W.W.E. = WASTEWATER EASEMENT

CITY OF KYLE AC.
 CALLED 118.832 AC.
 VOL. 3600, PG. 718

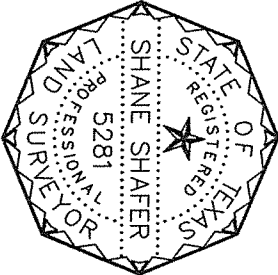
WALTON TEXAS, LP
 CALLED 342.14 AC.
 VOL. 4399, PG. 768

AMENDED AND RATIFIED
 EASEMENT AGREEMENT
 CALLED 30.358 AC
 DOC. 2014-14008367,
 DOC. 2014-14008368
 AND DOC. 2014-14008369



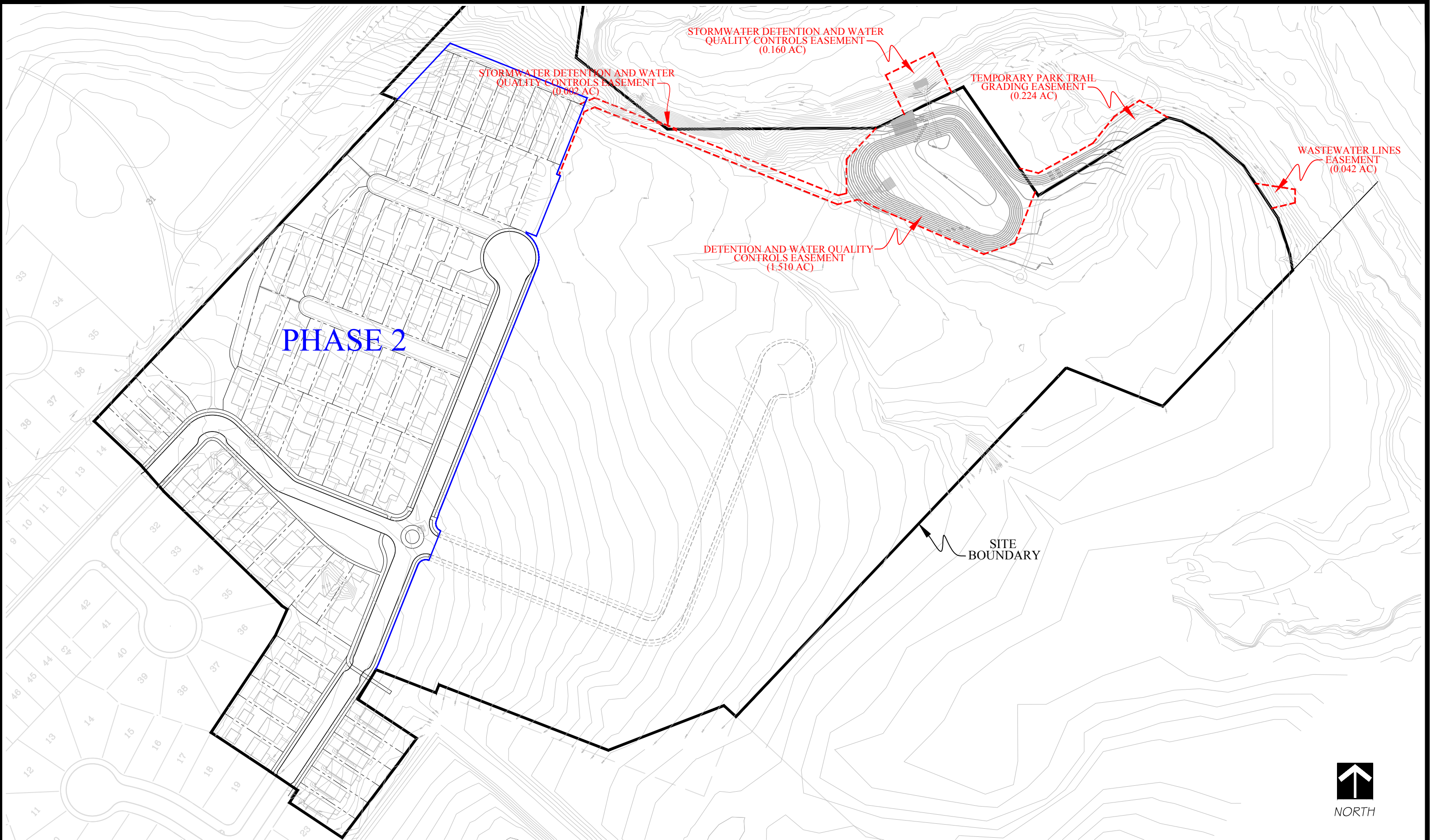
SCALE: 1" = 200'

To: Bigelow San Marcos Development and Walton Texas, LP, LLC exclusively.
 I, Shane Shafer, Registered Professional Land Surveyor in the State of Texas, hereby certify that this plot represents a survey made on the ground under my direct supervision completed on November 21, 2014. At the time of this survey there were no encroachments, conflicts or protrusions apparent on the ground, EXCEPT AS SHOWN. This survey substantially complies with the standards for a Category 1B, Condition III Standard Land Survey per the current Manual of Practice for Land Surveying in the State of Texas, issued by the Texas Society of Professional Surveyors. USE OF THIS SURVEY BY OTHER PARTIES SHALL BE AT THEIR OWN RISK AND UNDERSIGNED SURVEYOR IS NOT RESPONSIBLE FOR ANY LOSS RESULTING THEREFROM.



SHANE SHAFER, R.P.L.S. NO. 5281
 APRIL 16, 2015
 DATE

DIAMOND SURVEYING, INC.
 116 SKYLINE ROAD, GEORGETOWN, TEXAS 78628
 (512) 931-3100



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BIGELOW DEVELOPMENT, LLC
 P.O. BOX 848
 SAN MARCOS, TEXAS 78667

BROOKSIDE
 KYLE, TX

OFF-SITE EASEMENT PLAN

8/7/15

EXHIBIT

LEGEND

- EXISTING PROPERTY LINE
- - - PROPOSED LOT LINE
- - - PROPOSED EASEMENT LINE
- W EXISTING WATER LINE
- W PROPOSED WATER LINE
- W FUTURE WATER LINE
- EXISTING WASTEWATER LINE
- PROPOSED WASTEWATER SERVICE
- FUTURE WASTEWATER LINE
- PROPOSED STORM SEWER LINE
- FUTURE STORM SEWER LINE
- PROPOSED STORM SEWER CURB INLET
- PROPOSED STORM SEWER AREA INLET
- PROPOSED SS STANDARD MANHOLE
- PROPOSED SS BOX MANHOLE
- PROPOSED FIRE HYDRANT
- PROPOSED WW MANHOLE
- WATER VALVE
- PROPOSED WW SERVICE - SINGLE
- PROPOSED WW SERVICE - DOUBLE
- PROPOSED WATER SERVICE - SINGLE

SCALE: 1" = 60'

MATCHLINE

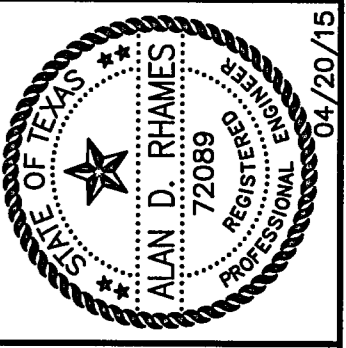
NOTES

1. EXISTING UTILITY INFORMATION WAS COMPILED FROM RECORD DRAWINGS. CONTRACTOR SHALL FIELD VERIFY EXACT DEPTH AND LOCATIONS OF EXISTING LINES PRIOR TO CONSTRUCTION.

BIGELOW SAN MARCOS DEVELOPMENT, L.L.C.
26.145 ACRES
VOL. 4963, PG. 874

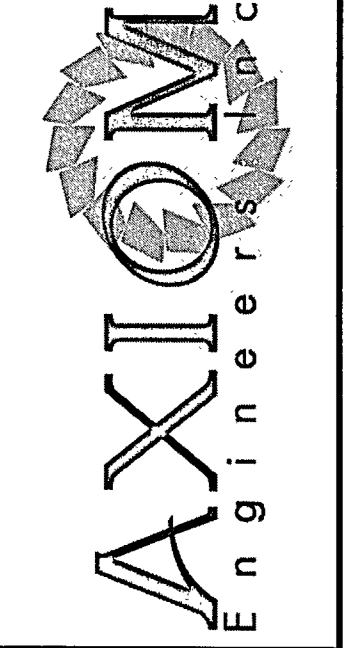
RIGHT OF WAY AND EASEMENT DEED FOR DISTRIBUTION SYSTEM
CENTERPOINT ENERGY ENTERPRISE
VOL. 2083, PG. 248
(LOCATION IS BASED ON GAS LINE MARKER POSTS)

RIGHT OF WAY AND EASEMENT (NO WIDTH SPECIFIED)
UNITED GAS PUBLIC SERVICE COMPANY VOL. 708, PG. 27
(LOCATION IS BASED ON GAS LINE MARKER POSTS)



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Texas P.E. Firm No. F-43



Brookside Phase 2
KYLE, TEXAS
OVERALL UTILITY PLAN

CITY OF KYLE
JUL 23 2015
PLANNING DEPARTMENT

DESIGNED:	ADR
APPROVED:	ADR
FILE:	BROOK-UTIL
JOB NO.:	270-03
DATE:	MARCH 2015
SHEET	OF
7	27

NO.	DATE	REVISION	APPVD



CITY OF KYLE, TEXAS

2015 Miscellaneous Streets Micro-Surfacing Project

Meeting Date: 8/18/2015

Date time: 7:00 PM

Subject/Recommendation: Award a bid to VIKING CONSTRUCTION, INC., Georgetown, Texas, lowest and most responsible bidder, in an amount not to exceed \$66,920.00 for the 2015 Miscellaneous Streets Micro-Surfacing Project. ~ *Leon Barba, P.E., City Engineer*

Other Information: Two bids were opened on July 30, 2015 for the 2015 Miscellaneous Streets Micro-Surfacing Project. The scope of work included traffic control, 19,350 SY (3.3 lane-miles) of micro-surfacing and 350 SY of level up micro-surfacing.

Micro-surfacing is a protective seal coat which extends the life of an asphalt pavement for about 5 to 10 years. It is a thin layer of asphalt emulsion blended with finely crushed stone to provide traction.

Two streets are being resurfaced. They are Amberwood South from IH35 to Amberwood Loop and Hometown Parkway.

Legal Notes: N/A

Budget Information: A Fiscal Note is attached.

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

- [2015 Misc. Streets Micro-Surfacing Attachments](#)
- [Fiscal Note](#)

Cover Memo




CITY OF KYLE

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

Kyle, Texas 78640
Fax (512) 262-3915

MEMORANDUM

TO: Scott Sellers, City Manager

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

DATE: July 31, 2015

SUBJECT: 2015 Miscellaneous Streets Micro-Surfacing Project

Public bids were received on July 30, 2015 from two bidders for the referenced project. There are a limited number of contractors in the state who do this type of work and this is also a small project.

The scope of the work is the application of a polymer-modified emulsion micro-surfacing seal to Hometown Parkway and Amberwood South from IH 35 to the intersection of Amberwood Loop.

The low bid is from Viking Construction, Inc. and they have been in business for over 23 years. Their specialty is micro-surfacing and slurry seal. They completed the work on our two contracts last year and did a good job on both projects.

Therefore, I recommend award of this contract to the low bidder, Viking Construction, Inc., in the amount of \$66,992.00.

The contractor intends to complete this work later this year around September/October, 2015.

Please let me know if you need any additional information.

Xc: James Earp, Assistant City Manager
Harper Wilder, Public Works Dept.
Perwez Moheet, Finance Dept.

Attachments: Bid Tabulation Sheet and Maps of Project Area



Bid Tabulation Sheet
2015 Miscellaneous Streets Micro-Surfacing Project
K14-15.4
July 30, 2015, 2:00 pm

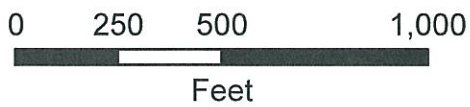
No.	FIRM	BASE BID	ALT 1	BASE BID + ALT 1
1	Viking Construction, Inc.	\$66,992.00	n/a	\$66,992.00
2	Intermountain Slurry Seal, Inc.	\$88,753.50	n/a	\$88,753.50



 Leon Paula 7/31/15

**Street Bid
Project Location
Amberwood S**

**Prep Area
~0.65 acres**



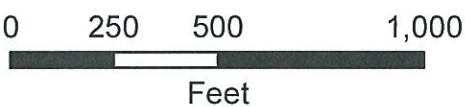
Amberwood S
0.15 miles
60 foot ROW width



**Street Bid
Project Location**



**Prep Area
~0.35 acres**



Hometown Pkwy
0.88 miles
70 foot ROW width



City of Kyle, Texas
FISCAL NOTE

DATE OF COUNCIL CONSIDERATION: August 18, 2015
CONTACT CITY DEPARTMENT: Engineering Services
CONTACT CITY STAFF: Leon Barba, P.E., City Engineer

SUBJECT:

Award a bid to VIKING CONSTRUCTION, INC., Georgetown, Texas, lowest and most responsible bidder, in an amount not to exceed \$66,920.00 for the 2015 Miscellaneous Streets Micro-Surfacing Project.

CURRENT YEAR FISCAL IMPACT:

This Purchase Order to VIKING CONSTRUCTION, INC., will require expenditure of funds from the FY 2014-15 approved budget of the Public Works Department (General Fund) as follows:


1. City Department:	Public Works - Street Maintenance
2. Project Name:	2015 Micro-Surfacing Project
3. Budget/Accounting Code(s):	110-161-55621
4. Funding Source:	General Fund
5. Current Appropriation:	\$ 596,159.10
6. Unencumbered Balance:	\$ 481,402.93
7. Amount of This Action:	<u>\$(66,920.00)</u>
8. Remaining Balance:	<u>\$ 414,482.93</u>

FUNDING SOURCE OF THIS ACTION:

The funding source for this Purchase Order will be provided from the FY 2014-15 approved budget of the Public Works Department (General Fund).

ADDITIONAL INFORMATION/COUNCIL ACTION:

N/A.

 8/10/2015
Pervez A. Moheet, CPA - Date
Director of Finance



CITY OF KYLE, TEXAS

Marketplace Avenue Extension

Meeting Date: 8/18/2015
Date time: 7:00 PM

Subject/Recommendation: Award a bid to CAPITAL EXCAVATION COMPANY, Buda, Texas, lowest and most responsible bidder, in an amount not to exceed \$3,798,891.00 for the construction of the Marketplace Avenue Road Bond Project. ~ *Leon Barba, P.E., City Engineer*

Other Information: A total of four (4) bids were received and opened on August 11, 2015 for the construction of the Marketplace Avenue Road Bond Project. The scope of work includes the construction of a new 38-foot wide roadway, bridges over Spring Branch and Plum Creek, a 12 inch waterline, illumination, drainage, curb and gutter, sidewalk, signs and markings for approximately 3,500 linear feet of roadway.

Legal Notes: N/A

Budget Information: A Fiscal Note is attached.

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

[Engineer's Recommendation and Bid Summary Sheets](#)

[Fiscal Note](#)

August 12, 2015

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

RE: Marketplace Avenue Extension

Dear Mr. Barba,

On August 11, 2015 at 2:00 PM bids were received and opened at 520 E. RR 150, Kyle, Texas for the Marketplace Avenue Extension project. Four bids were received as shown in the attached detailed bid tabulation. A summary of the bids received are as follows:

1. Capital Excavation	\$3,798,891.00
2. Yantis Company	\$4,224,792.58
3. Aaron Concrete	\$4,845,311.25
4. Jordan Foster	\$5,151,397.58

None of the bids contained mathematical errors. Based on past project experience with Capital Excavation we find Capital Excavation to be qualified to successfully complete this project. It is recommended that the contract be awarded to the lowest bidder, Capital Excavation Company in the amount of \$3,798,891.00.

Should you have any questions, please feel free to contact me.

Sincerely,



B. Ryan Bell, PE
Project Engineer

Attachments: Bid Tabulation

12 Aug 15



CITY OF KYLE MARKETPLACE AVENUE EXTENSION
BID TABULATION - AUGUST 11, 2015

Item	BID ITEM	DESCRIPTION	Unit	Quantity	Capital Excavation Company		Yantis Company		Aaron Concrete Contractors, LP		Jordan Foster Infrastructure	
					2967 Business Park Buda, TX 78676 512-440-1717		3611 Paesanos Parkway San Antonio, TX 78231 210-655-3780		4108 Nixon Ln Austin, TX 78725 512-926-7326		7700 C.F. Jordan Drive El Paso, TX 79912 915-877-3333	
					Addendum	Bid Bond	Addendum	Bid Bond	Addendum	Bid Bond	Addendum	Bid Bond
1	2	Y/N	Y	1	2	Y/N	Y	1	2	Y/N	Y	
					Unit Cost	Total Price	Unit Cost	Total Price	Unit Cost	Total Price	Unit Cost	Total Price
1	100 2002	PREPARING ROW	STA	35	\$ 1,500.00	\$ 52,500.00	\$ 1,500.00	\$ 52,500.00	\$ 1,000.00	\$ 38,500.00	\$ 1,020.00	\$ 35,700.00
2	110 2001	EXCAVATION (ROADWAY)	CY	11836	\$ 6.60	\$ 78,117.60	\$ 12.00	\$ 142,032.00	\$ 5.25	\$ 62,139.00	\$ 5.00	\$ 59,180.00
3	132 2005	EMBANKMENT (FINAL)(OR COMPA)(TY C)	CY	32001	\$ 13.00	\$ 416,013.00	\$ 5.00	\$ 160,005.00	\$ 31.50	\$ 1,008,031.50	\$ 18.00	\$ 576,018.00
4	160 2003	FURNISHING AND PLACING TOPSOIL (4")	SY	24336	\$ 1.80	\$ 43,804.80	\$ 0.75	\$ 18,252.00	\$ 1.00	\$ 24,336.00	\$ 1.00	\$ 24,336.00
5	164 2023	CELL FBR W/CH SEED(PERM)(RURAL)(CLAY)	SY	24336	\$ 0.20	\$ 4,867.20	\$ 0.22	\$ 5,353.92	\$ 0.25	\$ 6,084.00	\$ 0.25	\$ 6,084.00
6	164 2029	CELL FBR W/CH SEED(TEMP)(WARM)	SY	12168	\$ 0.20	\$ 2,433.60	\$ 0.21	\$ 2,555.28	\$ 0.25	\$ 3,042.00	\$ 0.25	\$ 3,042.00
7	164 2031	CELL FBR W/CH SEED(TEMP)(COOL)	SY	12168	\$ 0.20	\$ 2,433.60	\$ 0.21	\$ 2,555.28	\$ 0.25	\$ 3,042.00	\$ 0.25	\$ 3,042.00
8	168 2001	VEGETATIVE WATERING	MG	487	\$ 10.00	\$ 4,870.00	\$ 46.00	\$ 22,402.00	\$ 32.00	\$ 15,584.00	\$ 19.50	\$ 9,496.50
9	247 2044	FLBS(CMP IN PLC)(TY A GR 4)(FINAL POS	CY	8799	\$ 35.00	\$ 307,965.00	\$ 42.00	\$ 369,558.00	\$ 50.00	\$ 439,950.00	\$ 44.50	\$ 391,555.50
10	310 2002	PRIME COAT (AE-P)	GA	3149	\$ 4.30	\$ 13,540.70	\$ 3.50	\$ 11,071.50	\$ 4.25	\$ 13,383.25	\$ 5.45	\$ 17,162.05
11	340 2011	D-GR HMA(METH) TY-B PG64-22	TON	599	\$ 87.00	\$ 52,113.00	\$ 94.00	\$ 56,306.00	\$ 89.00	\$ 53,311.00	\$ 90.00	\$ 53,910.00
12	340 2050	D-GR HMA(METH) TY-C PG70-22	TON	3703	\$ 88.00	\$ 325,864.00	\$ 88.00	\$ 325,864.00	\$ 90.00	\$ 332,700.00	\$ 112.00	\$ 414,736.00
13	400 2005	CEM STABIL BKF	CF	318	\$ 130.00	\$ 41,340.00	\$ 123.00	\$ 39,114.00	\$ 132.00	\$ 41,976.00	\$ 250.00	\$ 79,500.00
14	402 2001	TRENCH EXCAVATION PROTECTION	LF	590	\$ 1.00	\$ 590.00	\$ 1.00	\$ 590.00	\$ 4.40	\$ 2,596.00	\$ 1.20	\$ 708.00
15	416 2004	DRILL SHAFT (36 IN)	LF	379	\$ 130.00	\$ 49,270.00	\$ 160.00	\$ 60,640.00	\$ 173.00	\$ 65,567.00	\$ 230.00	\$ 87,170.00
16	416 2029	DRILL SHAFT (RDWY ILL POLE) (30 IN)	LF	290	\$ 160.00	\$ 46,400.00	\$ 176.00	\$ 51,040.00	\$ 172.00	\$ 49,880.00	\$ 173.50	\$ 50,315.00
17	420 2003	CL C CONC (ABUT)	CY	130	\$ 670.00	\$ 87,100.00	\$ 777.00	\$ 101,010.00	\$ 840.00	\$ 109,200.00	\$ 920.00	\$ 119,600.00
18	420 2033	CL S CONC (BRIDGE SDW/LK)	CY	159	\$ 450.00	\$ 71,550.00	\$ 500.00	\$ 79,500.00	\$ 543.00	\$ 86,337.00	\$ 622.00	\$ 98,898.00
19	420 2034	REIN CONC SLAB	CY	77	\$ 410.00	\$ 31,570.00	\$ 415.00	\$ 31,955.00	\$ 447.00	\$ 34,419.00	\$ 420.00	\$ 32,340.00
20	425 2001	PRESTR CONC GIRDER (TY46)	LF	9270	\$ 130.00	\$ 1,205,100.00	\$ 138.00	\$ 1,281,600.00	\$ 180.00	\$ 1,668,600.00	\$ 260.00	\$ 2,412,000.00
21	425 2067	RIPRAP (MOW STRIP)(4 IN)	LF	1164	\$ 120.00	\$ 139,680.00	\$ 192.00	\$ 223,488.00	\$ 200.00	\$ 232,800.00	\$ 195.00	\$ 226,980.00
22	432 2039	RIPRAP (STONE PROTECTION)(18 IN)	CY	10	\$ 570.00	\$ 5,700.00	\$ 450.00	\$ 4,500.00	\$ 367.00	\$ 3,670.00	\$ 540.00	\$ 5,400.00
23	432 2021	COLORED TEXTURED CONC (4")	CY	441	\$ 100.00	\$ 44,100.00	\$ 97.00	\$ 42,777.00	\$ 104.00	\$ 45,864.00	\$ 77.00	\$ 33,957.00
24	528 2001	STRUCTURAL STEEL (MISCELLANEOUS BRIDGE)	LB	946	\$ 60.00	\$ 56,760.00	\$ 82.00	\$ 77,572.00	\$ 113.00	\$ 106,898.00	\$ 130.00	\$ 122,980.00
25	442 2047	RAIL (TY C221)(MOD)	LF	728	\$ 10.00	\$ 7,280.00	\$ 9.00	\$ 6,552.00	\$ 10.00	\$ 7,280.00	\$ 25.00	\$ 18,200.00
26	450 2169	ARMOR JOINT (WITH SEAL)	LF	448	\$ 90.00	\$ 40,320.00	\$ 91.00	\$ 40,768.00	\$ 92.00	\$ 41,216.00	\$ 175.00	\$ 78,400.00
27	454 2005	RC PIPE (CL III)(18 IN)	LF	190	\$ 53.00	\$ 10,071.00	\$ 68.00	\$ 12,924.00	\$ 60.00	\$ 11,280.00	\$ 95.00	\$ 18,200.00
28	464 2003	RC PIPE (CL III)(30 IN)	LF	1199	\$ 82.00	\$ 98,318.00	\$ 110.00	\$ 131,980.00	\$ 104.00	\$ 124,160.00	\$ 143.00	\$ 173,170.00
29	464 2007	RC PIPE (CL III)(36 IN)	LF	1052	\$ 130.00	\$ 136,760.00	\$ 115.00	\$ 120,840.00	\$ 132.00	\$ 138,240.00	\$ 182.00	\$ 190,840.00
30	464 2009	RC PIPE (CL III)(48 IN)	LF	39	\$ 130.00	\$ 5,070.00	\$ 115.00	\$ 4,485.00	\$ 104.00	\$ 4,056.00	\$ 125.00	\$ 4,875.00
31	465 2028	INLET (COMPL)(CURB)(TY II)(15")	EA	642	\$ 160.00	\$ 102,720.00	\$ 225.00	\$ 144,450.00	\$ 183.00	\$ 117,486.00	\$ 256.00	\$ 164,352.00
32	465 2028	INLET (COMPL)(CURB)(TY II)(15")	EA	4	\$ 6,000.00	\$ 24,000.00	\$ 8,200.00	\$ 32,800.00	\$ 5,500.00	\$ 22,000.00	\$ 5,210.00	\$ 20,840.00
33	465 2006	MANH (COMPL)(UNJUNCT BOX)(TY M)	EA	7	\$ 4,450.00	\$ 31,150.00	\$ 6,000.00	\$ 42,000.00	\$ 4,150.00	\$ 29,050.00	\$ 4,550.00	\$ 31,850.00
34	465 2027	INLET (COMPL)(CURB)(TY II)(10")	EA	12	\$ 5,500.00	\$ 66,000.00	\$ 7,000.00	\$ 84,000.00	\$ 5,343.00	\$ 64,116.00	\$ 4,760.00	\$ 57,120.00
35	465 2020	INLET (COMPL)(CURB)(TY II)	EA	1	\$ 3,780.00	\$ 3,780.00	\$ 6,300.00	\$ 6,300.00	\$ 2,800.00	\$ 2,800.00	\$ 3,350.00	\$ 3,350.00
36	465 6009	INLET (COMPL)(CURB)(TY I)	EA	2	\$ 5,300.00	\$ 10,600.00	\$ 5,700.00	\$ 11,400.00	\$ 4,750.00	\$ 9,500.00	\$ 5,350.00	\$ 10,700.00
37	467 2317	SET (TY III)(48 IN)(RCP)(3:1)(P)	EA	1	\$ 3,980.00	\$ 3,980.00	\$ 7,000.00	\$ 7,000.00	\$ 5,885.00	\$ 5,885.00	\$ 6,040.00	\$ 6,040.00
38	467 2358	SET (TY III)(18 IN)(RCP)(3:1)(P)	EA	1	\$ 1,120.00	\$ 1,120.00	\$ 3,600.00	\$ 3,600.00	\$ 2,030.00	\$ 2,030.00	\$ 1,800.00	\$ 1,800.00
39	467 2461	SET (TY III)(30 IN)(RCP)(3:1)(P)	EA	1	\$ 1,920.00	\$ 1,920.00	\$ 2,800.00	\$ 2,800.00	\$ 3,696.00	\$ 3,696.00	\$ 2,100.00	\$ 2,100.00
40	467 2474	SET (TY III)(36 IN)(RCP)(3:1)(P)	EA	2	\$ 2,460.00	\$ 4,920.00	\$ 5,300.00	\$ 10,600.00	\$ 4,626.00	\$ 9,252.00	\$ 3,420.00	\$ 6,840.00

CITY OF KYLE MARKETPLACE AVENUE EXTENSION
 BID TABULATION - AUGUST 11, 2015

Item	BID ITEM	DESCRIPTION	Unit	Quantity	Capital Excavation Company					Yantis Company					Aaron Concrete Contractors, LP					Jordan Foster Infrastructure				
					Addendum		Bid Bond	Y/N		Addendum		Bid Bond	Y/N		Addendum		Bid Bond	Y/N		Addendum		Bid Bond	Y/N	
					1	2	Y	Y	1	2	Y	Y	1	2	Y	Y	1	2	Y	Y	1	2	Y	Y
41	500 2001	MOBILIZATION	LS	1	\$	335,000.00	\$	400,000.00	\$	400,000.00	\$	400,000.00	\$	400,000.00	\$	220,000.00	\$	220,000.00	\$	220,000.00	\$	271,450.00	\$	271,450.00
42	502 2001	BARRICADES, SIGNS AND TRAFFIC HANDLING	MO	12	\$	1,000.00	\$	800.00	\$	9,600.00	\$	7,780.00	\$	16,968.00	\$	1,414.00	\$	7,780.00	\$	16,968.00	\$	93,360.00	\$	93,360.00
43	506 2001	ROCK FILTER DAMS (INSTALL) (TY 1)	LF	550	\$	18.00	\$	9,900.00	\$	17.50	\$	9,625.00	\$	19.00	\$	10,450.00	\$	19.00	\$	10,450.00	\$	21.00	\$	11,550.00
44	506 2009	ROCK FILTER DAMS (REMOVE)	LF	550	\$	6.00	\$	3,300.00	\$	6.00	\$	3,300.00	\$	6.50	\$	3,575.00	\$	6.50	\$	3,575.00	\$	7.00	\$	3,850.00
45	506 2016	CONSTRUCTION EXITS (INSTALL) (TY 1)	SY	133	\$	16.00	\$	2,128.00	\$	14.00	\$	1,862.00	\$	17.00	\$	2,261.00	\$	17.00	\$	2,261.00	\$	19.00	\$	2,527.00
46	506 2019	CONSTRUCTION EXITS (REMOVE)	SY	133	\$	6.00	\$	798.00	\$	5.00	\$	665.00	\$	6.50	\$	864.50	\$	6.50	\$	864.50	\$	7.00	\$	931.00
47	506 2034	TEMPORARY SEDIMENT CONTROL FENCE	LF	3445	\$	2.30	\$	7,923.50	\$	2.50	\$	8,612.50	\$	2.50	\$	8,612.50	\$	2.70	\$	9,301.50	\$	2.70	\$	9,301.50
48	508 2002	CONSTRUCTING DETOURS	SY	37	\$	100.00	\$	3,700.00	\$	45.00	\$	1,665.00	\$	92.00	\$	3,404.00	\$	92.00	\$	3,404.00	\$	110.00	\$	4,070.00
49	529 2004	CONC CURB & GUTTER (TY II)	EA	8356	\$	9.00	\$	75,204.00	\$	15.50	\$	129,518.00	\$	13.75	\$	114,895.00	\$	15.00	\$	129,518.00	\$	15.00	\$	129,518.00
50	531 2005	CURB RAMPS (TY 1)	EA	11	\$	1,040.00	\$	11,440.00	\$	1,650.00	\$	18,150.00	\$	41.00	\$	453,787.00	\$	41.00	\$	453,787.00	\$	41.30	\$	444,839.10
51	531 2015	CURB RAMPS (TY 2)	EA	4	\$	2,620.00	\$	10,480.00	\$	2,150.00	\$	8,600.00	\$	2,400.00	\$	9,600.00	\$	2,400.00	\$	9,600.00	\$	2,400.00	\$	9,600.00
52	540 2001	MTL W-BEAM GD FEN (TIM POST)	EA	200	\$	22.00	\$	4,400.00	\$	21.50	\$	4,300.00	\$	23.00	\$	4,600.00	\$	23.00	\$	4,600.00	\$	25.80	\$	5,160.00
53	540 2012	MTL BEAM GD FEN TRANS (TL2)	EA	8	\$	640.00	\$	5,120.00	\$	640.00	\$	5,120.00	\$	690.00	\$	5,520.00	\$	690.00	\$	5,520.00	\$	770.00	\$	6,600.00
54	540 2021	GUARDRAIL END TREATMENT (INSTALL)	EA	8	\$	1,910.00	\$	15,280.00	\$	1,900.00	\$	15,200.00	\$	2,050.00	\$	16,400.00	\$	2,050.00	\$	16,400.00	\$	2,290.00	\$	18,320.00
55	552 2001	WIRE FENCE (TY A)	EA	6949	\$	6.00	\$	41,694.00	\$	5.75	\$	39,956.75	\$	6.00	\$	41,694.00	\$	6.00	\$	41,694.00	\$	6.00	\$	41,694.00
56	552 2005	GATE (TY 1)	EA	3	\$	900.00	\$	2,700.00	\$	550.00	\$	1,650.00	\$	550.00	\$	1,650.00	\$	550.00	\$	1,650.00	\$	550.00	\$	1,650.00
57	610 6162	INS RD IL AM (TY SA) 30T-8 LED (2.5 KW EQUI)	EA	29	\$	2,510.00	\$	72,790.00	\$	2,500.00	\$	72,500.00	\$	2,675.00	\$	77,575.00	\$	2,675.00	\$	77,575.00	\$	2,700.00	\$	78,300.00
58	618 2018	CONDT (PVC) (SCHD 40) (2")	EA	4075	\$	6.70	\$	27,302.50	\$	12.00	\$	48,900.00	\$	7.15	\$	29,136.25	\$	7.15	\$	29,136.25	\$	7.20	\$	29,340.00
59	618 2052	CONDT (RM) (2")	EA	260	\$	24.60	\$	6,396.00	\$	16.00	\$	4,160.00	\$	16.00	\$	4,160.00	\$	26.00	\$	6,760.00	\$	26.30	\$	6,838.00
60	620 2009	ELEC CONDR (NO. 6) BARE	LF	2745	\$	1.00	\$	2,745.00	\$	1.35	\$	3,705.75	\$	1.10	\$	3,019.50	\$	1.10	\$	3,019.50	\$	1.10	\$	3,019.50
61	620 2010	ELEC CONDR (NO. 6) INSULATED	LF	5240	\$	1.10	\$	5,764.00	\$	1.40	\$	7,336.00	\$	1.20	\$	6,288.00	\$	1.20	\$	6,288.00	\$	1.20	\$	6,288.00
62	620 2011	ELEC CONDR (NO. 8) BARE	LF	1715	\$	0.80	\$	1,372.00	\$	1.15	\$	1,972.25	\$	1.00	\$	800.00	\$	1.00	\$	800.00	\$	1.10	\$	1,457.75
63	620 2012	ELEC CONDR (NO. 8) INSULATED	LF	3460	\$	1.00	\$	3,460.00	\$	1.15	\$	3,979.00	\$	1.10	\$	3,806.00	\$	1.10	\$	3,806.00	\$	1.10	\$	3,806.00
64	620 2021	ELEC CONDR (NO. 8) INSULATED	EA	13	\$	890.00	\$	11,570.00	\$	700.00	\$	9,100.00	\$	950.00	\$	12,350.00	\$	950.00	\$	12,350.00	\$	957.00	\$	12,441.00
65	624 2008	GROUND BOX TY A (123311) W/APRON	EA	2	\$	6,100.00	\$	12,200.00	\$	5,500.00	\$	11,000.00	\$	6,500.00	\$	13,000.00	\$	6,500.00	\$	13,000.00	\$	6,550.00	\$	13,300.00
66	628 2001	ELEC SRV TY A 120/240 DBO (NS)AL(E)PS(U)	EA	20	\$	230.00	\$	4,600.00	\$	225.00	\$	4,500.00	\$	240.00	\$	4,800.00	\$	240.00	\$	4,800.00	\$	180.00	\$	3,600.00
67	644 2048	IN SM RD SN SUP&AM TY(WT)(1)U(A)P	EA	165	\$	0.80	\$	132.00	\$	0.75	\$	123.75	\$	0.75	\$	123.75	\$	0.70	\$	115.50	\$	0.70	\$	115.50
68	666 2002	REFL PAV MKR TY (W) 4" (BRK)(090MIL)	LF	259	\$	0.80	\$	207.20	\$	0.75	\$	194.25	\$	0.75	\$	194.25	\$	0.70	\$	181.30	\$	0.70	\$	181.30
69	666 2011	REFL PAV MKR TY (W) 4" (ARROW) (090MIL)	LF	259	\$	0.80	\$	207.20	\$	0.75	\$	194.25	\$	0.75	\$	194.25	\$	0.70	\$	181.30	\$	0.70	\$	181.30
70	666 2053	REFL PAV MKR TY (W) (ARROW) (090MIL)	EA	1	\$	250.00	\$	250.00	\$	250.00	\$	250.00	\$	250.00	\$	250.00	\$	300.00	\$	300.00	\$	300.00	\$	300.00
71	666 2099	REFL PAV MKR TY (W) (WORD) (090MIL)	EA	1	\$	250.00	\$	250.00	\$	250.00	\$	250.00	\$	250.00	\$	250.00	\$	300.00	\$	300.00	\$	300.00	\$	300.00
72	666 2100	REFL PAV MKR TY (W) (WORD) (090MIL)	EA	1	\$	250.00	\$	250.00	\$	250.00	\$	250.00	\$	250.00	\$	250.00	\$	300.00	\$	300.00	\$	300.00	\$	300.00
73	666 2104	REFL PAV MKR TY (Y) 4" (BRK)(090MIL)	EA	74	\$	35.00	\$	2,590.00	\$	35.00	\$	2,590.00	\$	35.00	\$	2,590.00	\$	64.00	\$	4,736.00	\$	60.00	\$	4,440.00
74	666 2110	REFL PAV MKR TY (Y) 4" (BRK)(090MIL)	EA	1318	\$	0.70	\$	922.60	\$	0.65	\$	856.70	\$	0.65	\$	856.70	\$	0.60	\$	780.00	\$	0.75	\$	988.50
75	666 2125	REFL PAV MKR TY (Y) 4" (SLD)(090MIL)	EA	8141	\$	0.70	\$	5,698.70	\$	0.65	\$	5,291.65	\$	0.65	\$	5,291.65	\$	0.70	\$	5,698.70	\$	0.70	\$	5,698.70
76	666 2145	REFL PAV MKR TY (Y) 12" (SLD)(090MIL)	EA	152	\$	2.50	\$	380.00	\$	2.50	\$	380.00	\$	7.00	\$	1,064.00	\$	7.00	\$	1,064.00	\$	6.00	\$	912.00
77	672 2012	REFL PAV MKR TY (W) 4" (SLD)	EA	104	\$	0.50	\$	52.00	\$	0.50	\$	52.00	\$	0.50	\$	52.00	\$	0.50	\$	52.00	\$	0.70	\$	72.80
78	672 2015	REFL PAV MKR TY (W) 4" (SLD)	EA	6	\$	25.00	\$	150.00	\$	25.00	\$	150.00	\$	25.00	\$	150.00	\$	8.00	\$	200.00	\$	7.50	\$	45.00
79	672 200X	REFL PAV MKR TY (W) 4" (SLD)	EA	116	\$	8.00	\$	928.00	\$	8.00	\$	928.00	\$	8.00	\$	928.00	\$	15.00	\$	1,200.00	\$	13.75	\$	1,512.75
80	02225 001	TEMPORARY EMBANKMENT AND CREEK RESTORATION	LS	1	\$	8,000.00	\$	8,000.00	\$	7,200.00	\$	7,200.00	\$	23,000.00	\$	23,000.00	\$	23,000.00	\$	23,000.00	\$	30,000.00	\$	30,000.00

CITY OF KYLE MARKETPLACE AVENUE EXTENSION
 BID TABULATION - AUGUST 11, 2015

Item	BID ITEM	DESCRIPTION	Unit	Quantity	BIDDERS															
					Capital Excavation Company			Yantis Company			Aaron Concrete Contractors, LP			Jordan Foster Infrastructure						
					Addendum	Bid Bond	Total Price	Addendum	Bid Bond	Total Price	Addendum	Bid Bond	Total Price	Addendum	Bid Bond	Total Price				
81	02225 002	6-IN CONCRETE TRENCH CAP	LF	180	\$	30.00	\$	5,400.00	\$	8.00	\$	1,440.00	\$	32.00	\$	5,760.00	\$	26.00	\$	4,680.00
82	02225 003	CUT AND RESTORE PAVEMENT	LF	48	\$	68.00	\$	3,264.00	\$	165.00	\$	7,920.00	\$	84.00	\$	4,032.00	\$	60.00	\$	2,880.00
83	02225 004	REPAIR GRAVEL DRIVEWAY	LF	43	\$	25.00	\$	1,075.00	\$	65.00	\$	2,795.00	\$	110.00	\$	4,730.00	\$	63.00	\$	2,709.00
84	02227 001	TRENCH SAFETY	LF	4812	\$	1.00	\$	4,812.00	\$	1.00	\$	4,812.00	\$	3.00	\$	14,436.00	\$	1.20	\$	5,774.40
85	02386 001	STEEL ENCASUREMENT PIPE (24-IN) (0.375-IN THICKNESS)	LF	270	\$	120.00	\$	32,400.00	\$	130.00	\$	35,100.00	\$	130.00	\$	39,000.00	\$	223.00	\$	60,210.00
86	02501 001	TAPPING SLEEVE AND VALVE (12-IN X 12-IN)	EA	1	\$	10,500.00	\$	10,500.00	\$	13,500.00	\$	13,500.00	\$	8,000.00	\$	8,000.00	\$	22,350.00	\$	22,350.00
87	02501 002	CONNECT TO EXISTING WL	EA	1	\$	4,310.00	\$	4,310.00	\$	3,400.00	\$	3,400.00	\$	1,600.00	\$	1,600.00	\$	7,760.00	\$	7,760.00
88	02501 003	1" SERVICE CONNECTION	EA	4	\$	1,470.00	\$	5,880.00	\$	1,050.00	\$	4,200.00	\$	1,400.00	\$	5,600.00	\$	1,570.00	\$	6,280.00
89	02506 001	PIPE (6") (AWWA C-900 DR 18) (ALL DEPTHS)	LF	40	\$	59.00	\$	2,360.00	\$	58.00	\$	2,320.00	\$	48.00	\$	1,920.00	\$	70.00	\$	2,800.00
90	02506 002	PIPE (8") (AWWA C-900 DR 18) (ALL DEPTHS)	LF	50	\$	66.00	\$	3,300.00	\$	62.00	\$	3,100.00	\$	56.00	\$	2,800.00	\$	77.50	\$	3,875.00
91	02506 003	PIPE (12") (AWWA C-900) DR 18 (ALL DEPTHS)	LF	2180	\$	47.00	\$	102,460.00	\$	60.00	\$	130,800.00	\$	54.00	\$	117,720.00	\$	85.20	\$	185,736.00
92	02506 004	PIPE (12") (AWWA C-900) DR 18 (ALL DEPTHS) (REST JT)	LF	2632	\$	59.00	\$	155,288.00	\$	65.00	\$	171,080.00	\$	56.00	\$	147,592.00	\$	85.20	\$	228,246.40
93	02640 001	FIRE HYDRANT ASSEMBLY W/6" GATE VALVE	EA	14	\$	5,100.00	\$	71,400.00	\$	4,400.00	\$	61,600.00	\$	4,000.00	\$	56,000.00	\$	5,185.00	\$	72,590.00
94	02640 002	GATE VALVE (12-IN)	EA	13	\$	2,500.00	\$	32,500.00	\$	2,600.00	\$	33,800.00	\$	2,000.00	\$	26,000.00	\$	3,000.00	\$	39,000.00
95	02386 001	STEEL ENCASUREMENT PIPE (24-IN)(0.375-IN THICKNESS)	LF	44	\$	220.00	\$	9,680.00	\$	130.00	\$	5,720.00	\$	107.00	\$	4,708.00	\$	223.00	\$	9,812.00
96	02386 002	STEEL ENCASUREMENT PIPE (16-IN)(0.375-IN THICKNESS)	LF	79	\$	84.00	\$	6,636.00	\$	92.00	\$	7,268.00	\$	67.00	\$	5,293.00	\$	206.00	\$	16,274.00
97	02620 001	8" ASTM D3034 SDR 26	LF	552	\$	59.00	\$	32,568.00	\$	76.00	\$	41,952.00	\$	59.00	\$	32,568.00	\$	41.20	\$	22,742.40
98	02601 001	4" PRE-CAST MH W/CIP BASE	EA	1	\$	5,700.00	\$	5,700.00	\$	8,600.00	\$	8,600.00	\$	5,000.00	\$	5,000.00	\$	4,160.00	\$	4,160.00
99	02601 002	4" PRE-CAST MH W/PRE-CAST BASE	EA	5	\$	4,730.00	\$	23,650.00	\$	7,400.00	\$	37,000.00	\$	3,850.00	\$	19,250.00	\$	3,280.00	\$	16,400.00
100	02225 005	CONCRETE ENCASUREMENT OF WW LINE IN SPRING BRANCH	LF	20	\$	99.00	\$	1,980.00	\$	165.00	\$	3,300.00	\$	69.00	\$	1,380.00	\$	95.00	\$	1,900.00
101	02227 001	TRENCH SAFETY	LF	552	\$	1.00	\$	552.00	\$	1.00	\$	552.00	\$	12.00	\$	662.40	\$	1.20	\$	662.40
TOTAL BID:					\$	3,798,891.00			\$	4,224,792.56			\$	4,845,311.25			\$	5,151,397.55		



K FRIESE
 + ASSOCIATES
 MURKIN PROJECT ENGINEERING

City of Kyle, Texas
FISCAL NOTE

DATE OF COUNCIL CONSIDERATION: August 18, 2015
CONTACT CITY DEPARTMENT: Engineering Services
CONTACT CITY STAFF: Leon Barba, P.E., City Engineer

SUBJECT:

Award a bid to CAPITAL EXCAVATION COMPANY, Buda, Texas, lowest and most responsible bidder, in an amount not to exceed \$3,798,891.00 for the construction of the Marketplace Avenue Road Bond Project.

CURRENT YEAR FISCAL IMPACT:

This road construction bid award will require expenditure of funds from the General Obligation Bonds, Series 2015 issued for the construction of the five (5) roadway improvement projects.

1. City Department:	Engineering Services
2. Project Name:	Construction - Marketplace Avenue
3. Budget/Accounting Code(s):	192-683-57222
4. Funding Source:	2015 GO Bond Fund (Road Bonds)
5. Current Appropriation:	\$ 4,296,432.00
6. Unencumbered Balance:	\$ 4,296,432.00
7. Amount of This Action:	<u>\$(3,798,891.00)</u>
8. Remaining Balance:	<u>\$ 497,541.00</u>

FUNDING SOURCE OF THIS ACTION:

The funding for this construction bid award will be provided from the General Obligation Bonds, Series 2015 issued for the construction of the five (5) roadway improvement projects.

ADDITIONAL INFORMATION/COUNCIL ACTION:

N/A.

 8/13/2015

Perwez A. Moheet, CPA - Date
Director of Finance



CITY OF KYLE, TEXAS

Meeting Date: 8/18/2015
Date time: 7:00 PM

Oaks on Goforth Parkland Easement

Subject/Recommendation: Approval of amended Perpetual Parkland Easement for the Oaks on Goforth Apartment project. ~ *Kerry Urbanowicz, Director of Parks*

Other Information: On June 2, 2015, the Kyle City Council approved a perpetual easement dedication in lieu of parkland development fees for the Oaks apartment project on Goforth Rd subject to final staff and legal review. Staff and Legal recommend the attached document be considered and approved by City Council.

Legal Notes: review is complete and recommends approval

Budget Information: n/a

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

- [Perpetual Parkland Easement](#)
- [Exhibit A Field Notes](#)

PERPETUAL PARKLAND EASEMENT

THE STATE OF TEXAS §
 §
COUNTY OF HAYS §

KNOW ALL PERSONS BY THESE PRESENTS:

This Perpetual Parkland Easement (this “**Easement**”) is granted by **OAKS ON GOFORTH LP**, a Texas limited partnership (“**Grantor**”), to the **CITY OF KYLE, TEXAS**, Hays County, Texas (the “**City**”).

RECITALS:

A. Grantor is the fee simple title owner of the 1.204 acre tract of real property located in Hays County, Texas, more particularly described on **Exhibits “A” and “A-1”** attached hereto. The property described on **Exhibits “A” and “A-1”** is the land on which the parkland easement is granted (“**Parkland**”). Grantor is the fee simple title owner of the property described on **Exhibits “B” and “C”** and are Grantor’s multifamily project (“**Project**”) and its stormwater detention facilities (“**Detention Pond**”) which will be located on part of the Parkland.

B. In satisfaction of the Project’s parkland and park development fees required by the City, Grantor has (i) at no cost to the City dedicated certain of its land to the City for Goforth Road in its plat of the Project as shown on **Exhibit “B”** and recorded in Volume 18, Page 299, Plat Records of Hays County, Texas; (ii) paid to the City park fees of Thirty Thousand and No/100 Dollars (\$30,000.00); and (iii) granted this Easement to the City.

AGREEMENTS:

NOW, THEREFORE, in consideration of the premises, and in furtherance of the benefits to be derived by Grantor and the City, Grantor hereby grants and agrees as hereinafter provided, and the City hereby accepts the grant and agrees as hereinafter provided.

1. **Grant of Easement.** Grantor hereby grants and conveys to the City a non-exclusive, perpetual, public easement in, over, on, under and across the Parkland for use as public parkland, including the construction, placement, maintenance, repair, removal and use of Parkland improvements; to have and to hold it unto the City forever, subject to the terms hereof.

2. **Warranty.** Grantor binds Grantor and Grantor's successors and assigns to warrant and forever defend all and singular the property interests herein conveyed to the City and its successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty, by, through or under Grantor, but not otherwise. This Easement is made and accepted subject to any and all easements, covenants, rights-of-way, conditions, restrictions, liens and mineral interests, if any, relating to the Parkland to the extent, and only to the extent, the same may be in force and effect and shown of record in the Office of the County Clerk of Hays County, Texas, or apparent on the Parkland and any present and future utility easements Grantor constructs through the Parkland necessary to service the Project.

3. **Use of Easement.** This Easement is granted by Grantor and accepted by the City, subject to the following conditions:

- (a) Grantor hereby expressly reserves to itself, the right to construct, repair, maintain, use and access the Detention Pond over, on, under and across the Parkland, generally as shown on **Exhibit "C"** attached hereto, so that these facilities will perform their function as a Detention Pond for the exclusive use of the Project in compliance with all applicable governmental regulations.
- (b) Grantor shall construct the Detention Pond, a road as shown on **Exhibit "C"** attached hereto, and a six foot (6') high wood fence separating the Project from the Parkland before its completion of construction of the Project.
- (c) There shall be no access allowed from the Parkland to the Project. Grantor reserves for itself an emergency exit easement from the Project across the Parkland, and a gate between the Project and the Parkland, to use as an emergency exit. Grantor will keep the gate locked, except for emergencies and Detention Pond maintenance.
- (d) The City agrees that it shall use the Parkland and related improvements only as public parkland.
- (e) The Parkland will be constructed, maintained, operated and managed by the City as parkland, but in such manner as to not interfere with the functioning of the Detention Pond. If operation of the Parkland should unreasonably interfere with Grantor's use of the Detention Pond or make it fail to comply with all applicable government regulations, then after notice and a reasonable opportunity to cure, Grantor may

terminate this Easement by filing a termination of this Easement in the Official Public Records of Hays County, Texas.

- (f) The City shall pay all construction and maintenance expenses related to the Parkland and Grantor shall pay all expenses related to the construction and operation of the Detention Pond.

4. **Termination**. To the extent allowed by law, the City may abandon the Parkland by recording a notice of abandonment in the Official Public Records of Hays County, Texas. If the Parkland is not used, maintained or managed by the City as public parkland for longer than three (3) consecutive months, or if Grantor's emergency exit is impeded to the extent that it cannot properly function as an emergency exit, then, after notice to the City and a reasonable opportunity to cure, Grantor may terminate this Easement in the same way as set out in Section 3(e) above.

5. **Indemnity**. Grantor agrees to indemnify, defend and hold harmless the City from any loss, attorneys' fees, expenses or claims attributable to Grantor's construction, replacement, maintenance and/or operation of the Detention Pond. The City agrees to indemnify, defend and hold harmless Grantor from any loss, attorneys' fees, expenses or claims attributable to the City's or the public's use of the Parkland, including the Detention Pond, or Parkland improvements or the City's construction, placement, maintenance, repair and removal of its Parkland improvements.

6. **Binding Effect**. The easements, rights and privileges hereby granted and reserved shall be perpetual, subject to Sections 3 and 4 above, and shall be binding upon and inure to the benefit of the City and Grantor, and their respective successors and assigns.

7. **Choice of Law**. This Easement will be construed under the laws of the State of Texas, without regard to choice-of-law rules of any jurisdiction. Venue is in the county in which the property covered by this Easement is located.

8. **Entire Agreement**. This Easement and any exhibits are the entire agreement of the parties concerning this Easement. There are no representations, agreements, warranties or promises, and neither party is relying on any statements or representations of any agent of the other party, that are not expressly set forth in this Easement and any exhibits.

9. **Legal Construction**. If any provision in this Easement is unenforceable and the unenforceability does not destroy the basis of the bargain among the parties, the unenforceable provision will not affect any other provision hereof, and this Easement will be construed as if the unenforceable provision had never been a part of this Easement. Whenever context requires, the singular will include the plural and neuter will include the

masculine or feminine gender, and vice versa. Section headings in this Easement are for reference only and are not intended to restrict or define the text of any section. This Easement will not be construed more or less favorably between the parties by reason of authorship or origin of language.

10. **Notices.** Any notice required or permitted under this Easement must be in writing. Any notice required by this Easement will be deemed to be delivered (whether actually received or not) when deposited with the United States Postal Service, postage prepaid, certified mail, return receipt requested, and addressed to the intended recipient at the address shown in this Easement. Notice may also be given by regular mail, personal delivery, courier delivery, electronic transmission, or other commercially reasonable means and will be effective when actually received. Any address for notice may be changed by written notice delivered as provided herein.

Grantor: Oaks on Goforth LP
1301 Capital of Texas Highway South
Building A, Suite 134
Austin, Texas 78746
charlesteeple@teepartners.com

The City: City of Kyle, Texas

Attn: _____

11. **Recitals.** Any recitals in this Easement are represented by the parties to be accurate and constitute a part of the substantive agreement.

12. **Time.** Time is of the essence. Unless otherwise specified, all references to “days” mean calendar days. If the date for performance of any obligation falls on a Saturday, Sunday or legal public holiday, the date for performance will be the next following regular business day.

[Signature Pages Follow]

EFFECTIVE as of August ____, 2015.

GRANTOR:

OAKS ON GOFORTH LP, a Texas limited partnership

By: **OAKS ON GOFORTH INVESTMENTS LLC**, a Texas limited liability company, its General Partner

By: _____
Charles S. Teeple, IV, President

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on _____, 2015, by **CHARLES S. TEEPLE, IV**, as President of **OAKS ON GOFORTH INVESTMENTS LLC**, a Texas limited liability company, the General Partner of **OAKS ON GOFORTH LP**, a Texas limited partnership, on behalf of said limited liability company and said limited partnership.

Notary Public ☆ State of Texas

CITY:

CITY OF KYLE, TEXAS

ATTEST:

_____, City Secretary

_____, Mayor

THE STATE OF TEXAS §

§

COUNTY OF HAYS §

This instrument was acknowledged before me on _____, 2015, by
_____, as Mayor of the **CITY OF KYLE, TEXAS**, a
_____, on behalf of said _____.

Notary Public ☆ State of Texas

EXHIBIT "A"

Exhibit "A"

EXHIBIT "A-1"

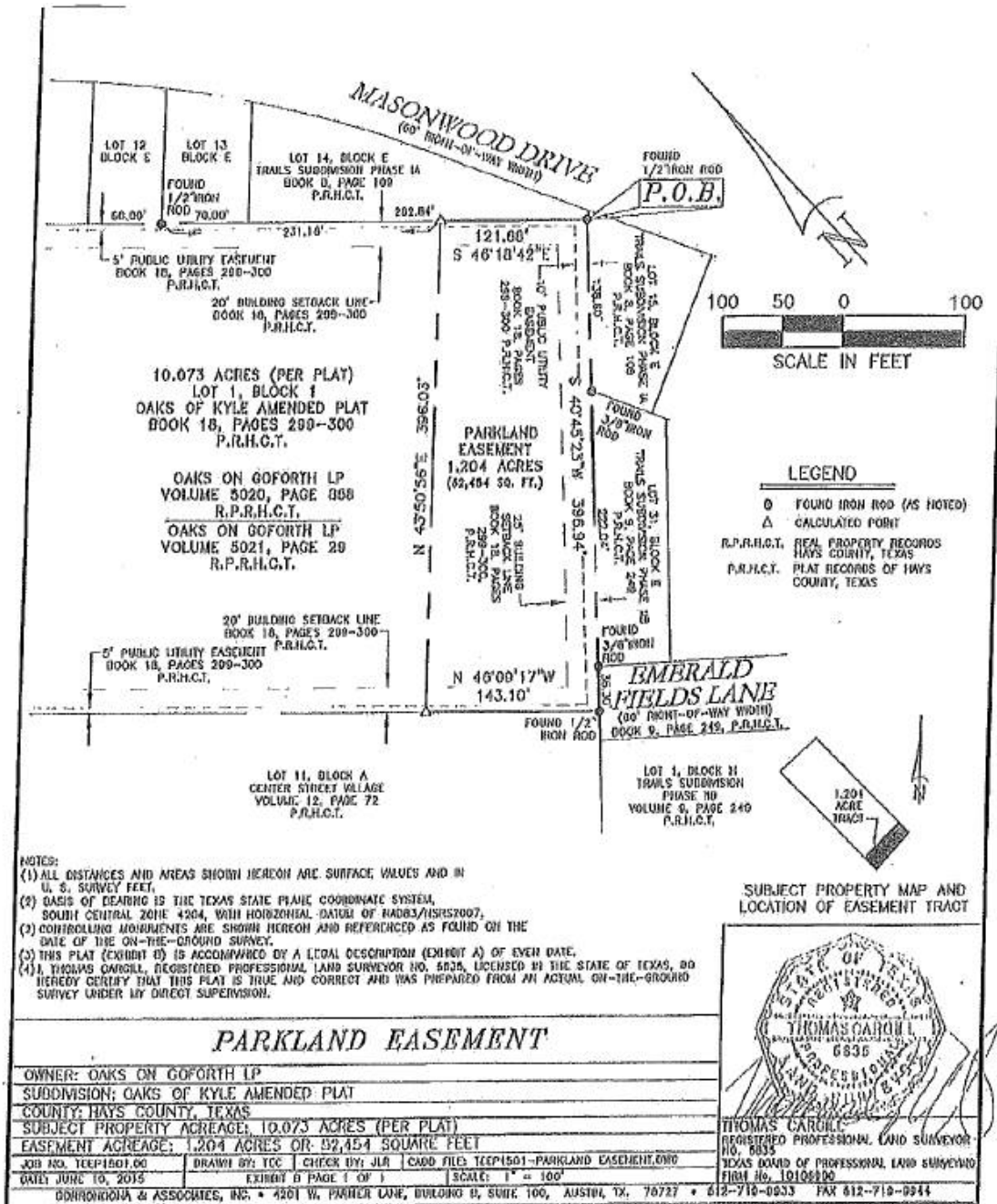


EXHIBIT "B"

OAKS OF KYLE
AMENDED PLAT

Vol. 18 Pg. 299

SECTION 1. The purpose of this plat is to show the location of the easements described herein and to show the location of the easements described herein and to show the location of the easements described herein.

SECTION 2. The easements described herein shall be subject to the provisions of the plat of the same and to the provisions of the plat of the same and to the provisions of the plat of the same.

SECTION 3. The easements described herein shall be subject to the provisions of the plat of the same and to the provisions of the plat of the same and to the provisions of the plat of the same.

SECTION 4. The easements described herein shall be subject to the provisions of the plat of the same and to the provisions of the plat of the same and to the provisions of the plat of the same.

SECTION 5. The easements described herein shall be subject to the provisions of the plat of the same and to the provisions of the plat of the same and to the provisions of the plat of the same.

SECTION 6. The easements described herein shall be subject to the provisions of the plat of the same and to the provisions of the plat of the same and to the provisions of the plat of the same.


SECTION 7. The easements described herein shall be subject to the provisions of the plat of the same and to the provisions of the plat of the same and to the provisions of the plat of the same.

SECTION 8. The easements described herein shall be subject to the provisions of the plat of the same and to the provisions of the plat of the same and to the provisions of the plat of the same.

SECTION 9. The easements described herein shall be subject to the provisions of the plat of the same and to the provisions of the plat of the same and to the provisions of the plat of the same.



SHEET 2 OF 2

 CORPORATION & ASSOCIATES, INC.
400 WEST 10TH STREET, SUITE 100
KANSAS CITY, MISSOURI 64105
PHONE: (816) 734-4000 FAX: (816) 734-4001

OAKS OF KYLE
AMENDED PLAT
KYLE TERRY
1402 EAST 40TH

EXHIBIT "B" (continued)

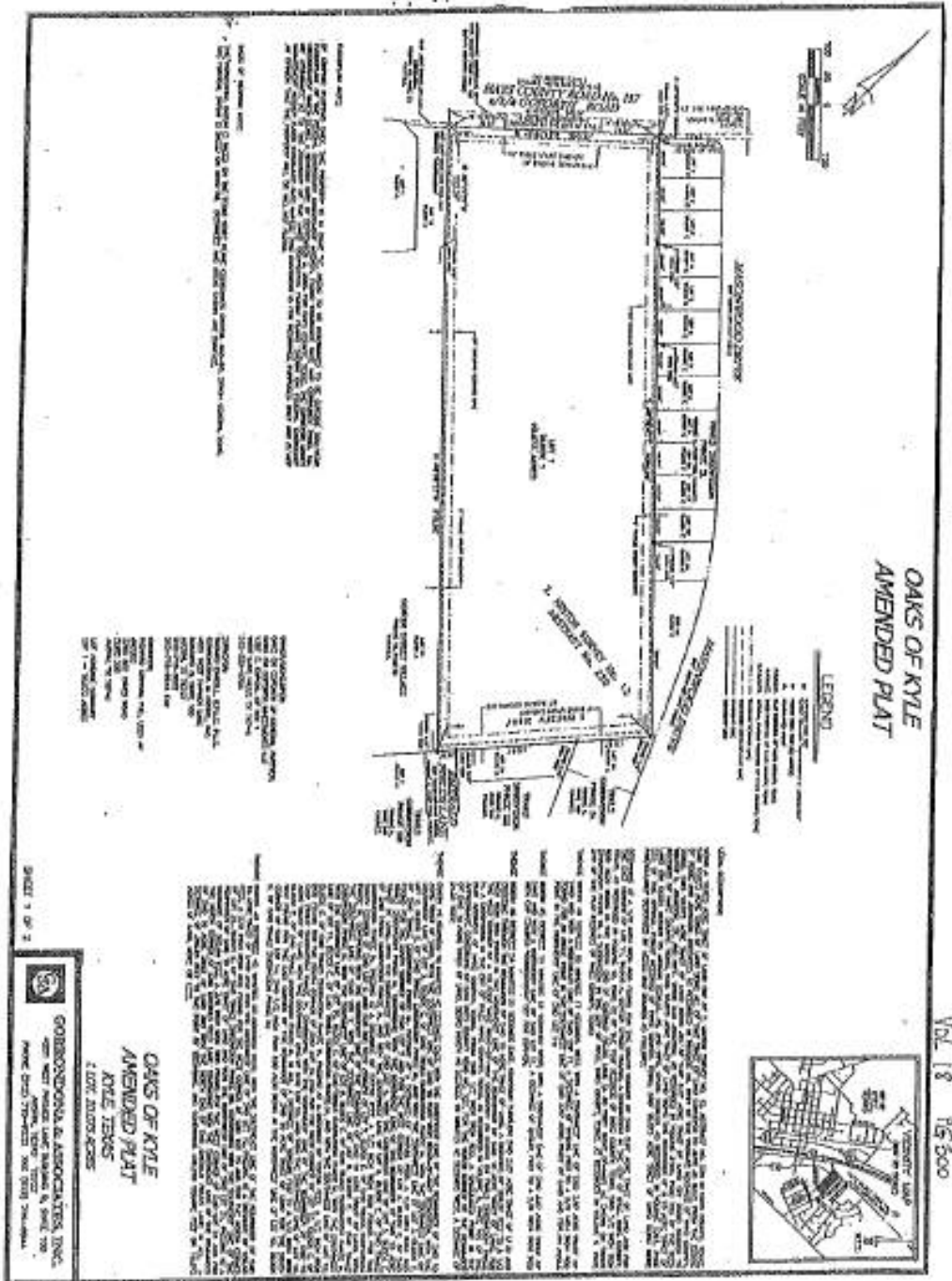


Exhibit "B"

EXHIBIT "C"

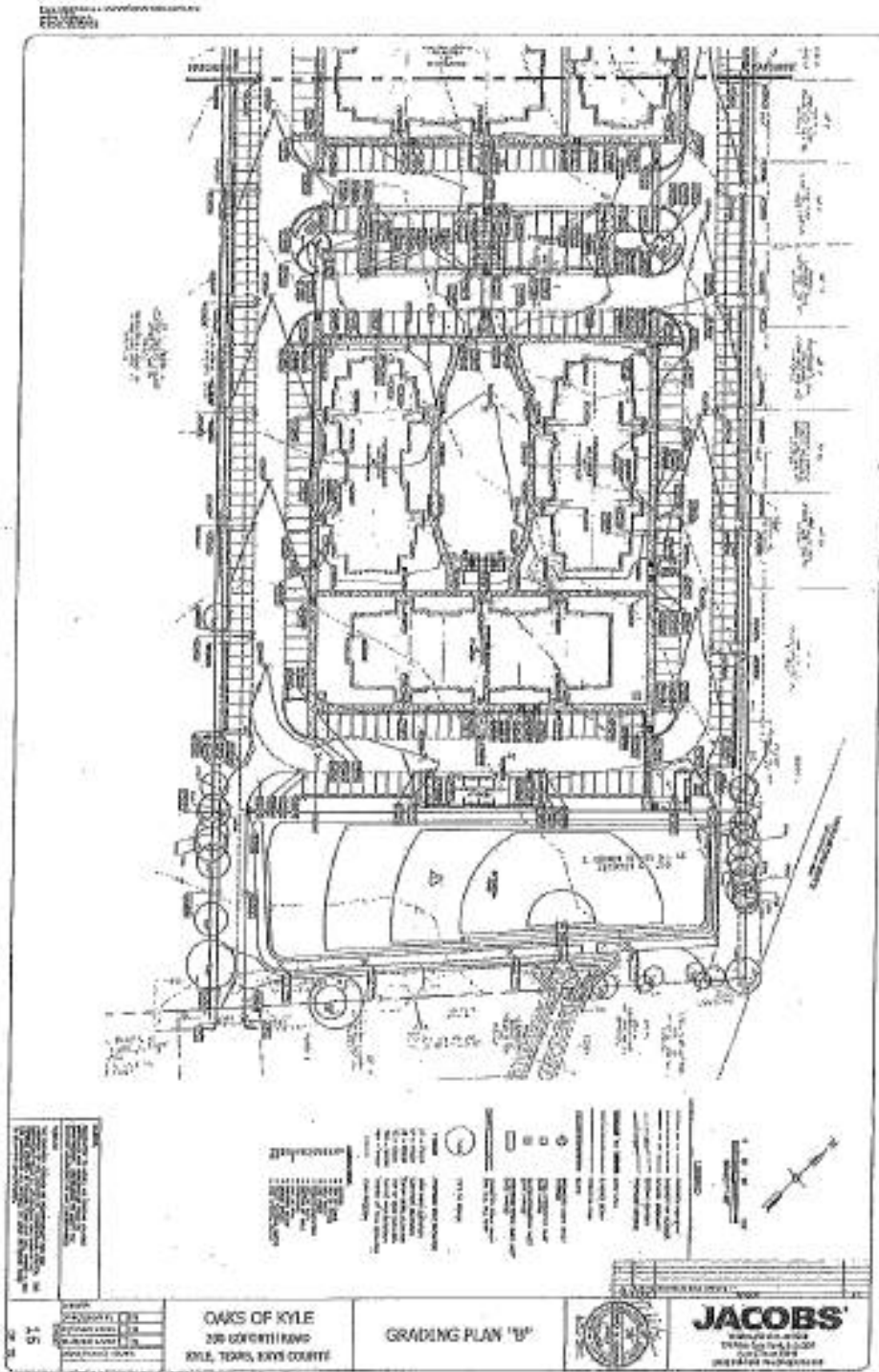


Exhibit "C"

AFTER RECORDING RETURN TO:

**DAVID HERNDON
GRAVES, DOUGHERTY, HEARON & MOODY, P.C.
POST OFFICE BOX 98
AUSTIN, TX 78767-9998**

EXHIBIT "A"

PARKLAND EASEMENT
Oaks of Kyle Amended Plat
City of Kyle, Hays County, Texas

Page 1 of 2
June 10, 2015

Being a 1.204 acre tract of land out of Lot 1, Block 1, Oaks of Kyle Amended Plat, a subdivision in the City of Kyle, Hays County, Texas, as recorded in Book 18, Pages 299-300 of the Plat Records of Hays County, Texas, said 1.204 acre tract of land being a portion of a tract of land deeded to Oaks on Goforth LP, as recorded in Volume 5020, Page 858 of the Real Property Records of Hays County, Texas, said 1.204 acre tract of land also being a portion of a tract of land deeded to Oaks on Goforth LP, as recorded in Volume 5021, Page 29 of the Real Property Records of Hays County, Texas, said 1.204 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found for the east corner of said Lot 1 and for the most southerly corner of Lot 14, Block E, Trails Subdivision Phase IA, a subdivision in the City of Kyle, Hays County, Texas, as recorded in Book 8, Page 109 of the Plat Records of Hays County, Texas, said 1/2 inch iron rod also being an angle point in the northwest line of Lot 15, Block E, of said Trails Subdivision Phase IA;

1. **THENCE** South 40 degrees 45 minutes 23 seconds West, with the southeast line of said Lot 1 and with the northwest line of said Lot 15, passing at a distance of 138.60 feet, a 3/8 inch iron rod found for the west corner of said Lot 15 and for the north corner of Lot 31, Block E, Trails Subdivision Phase IIB, a subdivision in the City of Kyle, Hays County, Texas, as recorded in Book 9, Page 249 of the Plat Records of Hays County, Texas, continuing with the southeast line of said Lot 1 and with the northwest line of said Lot 31, passing at a distance of 360.64 feet, a 3/8 inch iron rod found for the west corner of said Lot 31 and for the most northerly corner of Emerald Fields Lane (60 foot wide right-of-way) as shown on said Trails Subdivision Phase IIB plat, continuing with the southeast line of said Lot 1 and with the northwest end of said Emerald Fields Lane, in all, a distance of 396.94 feet to a 1/2 inch iron rod found for the south corner of said Lot 1 and for the east corner of Lot 11, Block A, Center Street Village, a subdivision in the City of Kyle, Hays County, Texas, as recorded in Book 12, Page 72 of the Plat Records of Hays County, Texas;
2. **THENCE** North 46 degrees 09 minutes 17 seconds West, with the southwest line of said Lot 1 and with the northeast line of said Lot 11, a distance of 143.10 feet to a calculated point for corner;
3. **THENCE** North 43 degrees 50 minutes 56 seconds East, crossing through said Lot 1, a distance of 396.03 feet to a calculated point in the northeast line of said Lot 1 and in the southwest line of said Lot 14;
4. **THENCE** South 46 degrees 18 minutes 42 seconds East, with the northeast line of said Lot 1 and with the southwest line of said Lot 14, a distance of 121.68 feet to to the **POINT OF BEGINNING**, and containing 52,454 square feet or 1.204 acres of land, more or less.

EXHIBIT "A"

PARKLAND EASEMENT
Oaks of Kyle Amended Plat
City of Kyle, Hays County, Texas

Page 2 of 2
June 10, 2015

Notes:

All distances and areas shown herein are surface values and in U. S. Survey Feet.

Basis of bearing is the Texas State Plane Coordinate System, South Central Zone 4204, with horizontal datum of NAD83/NSRS2007.

Controlling monuments referenced herein are as found on the date of the on-the-ground survey.

This legal description (Exhibit "A") is accompanied by a plat (Exhibit "B") of even survey date.

I, Thomas Cargill, Registered Professional Land Surveyor No. 5835, licensed in the State of Texas, do hereby certify that this legal description is true and correct and was produced from an actual on-the-ground survey under my direct supervision.



Thomas Cargill
Registered Professional Land Surveyor No. 5835
Gorronдона and Associates, Inc.
4201 W. Parmer Lane, Building B, Suite 100
Austin, Texas 78727
(512) 719-9933
Texas Board of Professional Land Surveying Firm No. 10106900





CITY OF KYLE, TEXAS

Meeting Date: 8/18/2015
Date time: 7:00 PM

Convene-Executive Session

Subject/Recommendation:

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

Government Code including any or all of the following topics.

1. Pending or contemplated litigation or to seek the advice of the City Attorney pursuant to Section 551.071.
 - Aqua Litigation Update
 - Bunton PID Litigation Update
 - Property Damage Claims Due to Recent Flooding
 - Annexation Terms and Conditions
2. Possible purchase, exchange, lease, or value of real estate pursuant to Section 551.072.
3. Personnel matters pursuant to Section 551.074.
4. Economic Development negotiations pursuant to Section 551.087.
 - Annexation Terms and Conditions
 - Economic Development Negotiations Update

Other Information:

Legal Notes:

Budget Information:

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.



CITY OF KYLE, TEXAS

Reconvene

Meeting Date: 8/18/2015
Date time: 7:00 PM

Subject/Recommendation: Take action on items discussed in Executive Session.

Other Information:

Legal Notes:

Budget Information:

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Attachments / click to download



CITY OF KYLE, TEXAS

Meeting Date: 8/18/2015
Date time: 7:00 PM

Ypolita Cruz Saucedo - Rezone

Subject/Recommendation:

(First Reading) An ordinance amending Chapter 53 (Zoning) of the City of Kyle, Texas, for the purpose of rezoning approximately 0.53 acres of land from Single Family Residential "R-1" to Retail Service District "RS" located at 713 and 715 N. Old Highway 81, in Hays County, Texas. (Alberto Saucedo, Sr. on behalf of Ypolita Cruz Saucedo, Z-15-007). ~ *Howard J. Koontz, AICP, Director of Planning and Community Development*

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

• PUBLIC HEARING

Other Information:

The site is located just south of the northern terminus of South Old Highway 81, and contains two tax parcels with separate addresses, 713 and 715. The property, comprising 0.53 acres (23,086 square feet), is currently zoned R-1 (Single Family Residential), and is developed with two single family-style structures. The lot takes access from South Old Highway 81, on the east side of the property, very near where Old 81 and the I-35 southbound frontage road diverge. To the north is a restaurant at the corner of Old Highway 81 and Martinez Loop, zoned R-1 (Single Family Residential). The property to the west, a flag lot which takes access from a narrow access south of the subject site, is zoned CC (Community Commercial District). All the remaining properties to the south of the subject site are zoned R/S (Retail/Services District). The applicant seeks to rezone the parcel to R/S (Retail/Services District), a commercial zoning category for "the retail sale of goods and products to which value has been added on site, including sales of goods and services outside of the primary structure".

Conditions of the Zoning Ordinance

§53-1205 – Amendments

... (d) Referral of amendment to planning and zoning commission. Upon its own motion, a request by the planning and zoning commission, or the receipt of an administratively complete petition and application to zone or rezone a lot, tract or parcel of land, which petition and application has been examined and approved as to form by

the city manager, shall be referred to the planning and zoning commission for consideration, public hearing, and recommendation to the city council. The council may not enact a rezoning amendment until the planning and zoning commission has held a public hearing and made its recommendation to the city council, or has made a final vote on the matter without obtaining a majority, on the zoning or rezoning of the property.

(e) Action by the planning and zoning commission. The planning and zoning commission shall cause such study and review to be made as advisable and required, shall give public notice and hold a public hearing as provided by state law, and shall recommend to the council such action as the planning and zoning commission deems proper...

Comprehensive Plan Text

The subject site is located in the 'Old Town Kyle' character area. In Old Town, it is recommended that the allowable zoning districts be limited to R-1-1, R-1-T, and NC.

Old Town "Character": "Development within the Old Town District follows the historic and regular street grid, which should be preserved while also encouraging appropriate infill development and redevelopment. Primary uses within this District are civic, specialty commercial, and residential. Significant features include I-35, the railroad, and the City Square. The Old Town District embodies the characteristics of a Rural Town Center through consistent community form, continuity, and scale. The scale of reference is a uniform Old Town block, reinforced by the regular street grid. In order to ensure smooth transitions and maintain this fabric, building height should not vary by more than two stories from the average height within any one block.

" Old Town "Intent": "As the historic core of Kyle, the Old Town District must be re-established as the central community of the City. Specialized commercial activity, appropriate to the function of this historic area, should be encouraged. The form of the District should also be preserved and promoted, especially the street grid and historic building stock. Overall, this District should offer both local service commercial activities and residential uses in order to create a lively and livable area. In order for the Old Town District to truly function as the center of Kyle, clear access must also be provided to communities, landscapes, and nodes in order to knit the City together in a legible system. Additionally, new development in the Old Town District should span I-35, creating greater east-west connections. Uses in the Old Town District are addressed in greater detail in the Downtown Revitalization Plan element of this Comprehensive Plan document."

Recommendation

The area in question does not convey a residential sense of place, despite the presence of so much R-1 Single Family Residential zoning. With direct access to the southbound frontage road of I-35, and the

expectation that this corridor will develop to serve both the I-35 motoring public and the uses appropriate for expected commercial projects along the new Marketplace Avenue, the request should be considered favorably by the Commission.

Planning Commission

At their regularly scheduled August 11 meeting, the Planning commission heard and deliberated the item at a Public Hearing. The commission recommended approval of the request, as presented, 5-0 (Wilson, Christie absent).

Attachments ·
Application ·
Overhead map of the subject vicinity

Legal Notes: N/A

Budget Information: N/A

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

- [Location Map](#)
 - [Application Packet](#)
 - [Staff Memo](#)
 - [Ordinance with Exhibits A & B](#)
-

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 53 (ZONING) OF THE CITY OF KYLE, TEXAS, FOR THE PURPOSE OF REZONING APPROXIMATELY 0.53 ACRES OF LAND FROM SINGLE FAMILY RESIDENTIAL "R-1" TO RETAIL SERVICE DISTRICT "RS" , ON PROPERTIES LOCATED AT 713 AND 715 N. OLD HIGHWAY 81, IN HAYS COUNTY, TEXAS. (ALBERTO SAUCEDO, SR. ON BEHALF OF YPOLITA CRUZ SAUCEDO Z-15-007); AUTHORIZING THE CITY SECRETARY TO AMEND THE ZONING MAP OF THE CITY OF KYLE SO AS TO REFLECT THIS CHANGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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

SECTION 1. That the zoning district map of the City of Kyle adopted in Chapter 53 (Zoning) be and the same is hereby amended to rezone approximately 0.53 acres from Single Family Residential "R-1" to Retail Service District "RS", on properties located at 713 and 715 N. Old Highway 81, and the property location map labeled Exhibit B.

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

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

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

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

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Kyle at a regular meeting on the ___ day of _____, 2015, at which a quorum was

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

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Kyle at a regular meeting on the _____ day of _____, 2015, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

APPROVED this _____ day of _____, 2015.

Todd Webster, Mayor

ATTEST:

Amelia Sanchez, City Secretary

EXHIBIT A

All that certain real property lying and being situated in Hays County, Texas, out of the Z. Hinton Survey No. 12, Abstract No. 220, and a part of the tract of 20 acres of land described in and conveyed by that deed from Mrs. Meta Schmeltkopf, joined by her husband, A.L. Schmeltkopf, to Audelio Cortez, dated October 1, 1935, and recorded in Volume 110, Pages 248-249, Hays County Deed Records, to which deed and the said record thereof reference is here made and same made a part hereof for all pertinent purposes of aiding this description, the tract of land hereby conveyed being described by metes and bounds as follows:

BEGINNING at a point in the Southeast line of said 20 acre tract and Northwest line of Texas-U.S. Highway No. 81, also known as State Highway No. 2, North $27^{\circ} 37'$ East 248 feet from the most Southern corner of said 20 acre tract for the most Southern corner of the tract hereby conveyed;

THENCE North $27^{\circ} 37'$ East with said Southeast line of said 20 acre tract and Northwest line of said highway 118 feet to a point for corner as the most Eastern corner of the tract hereby conveyed;

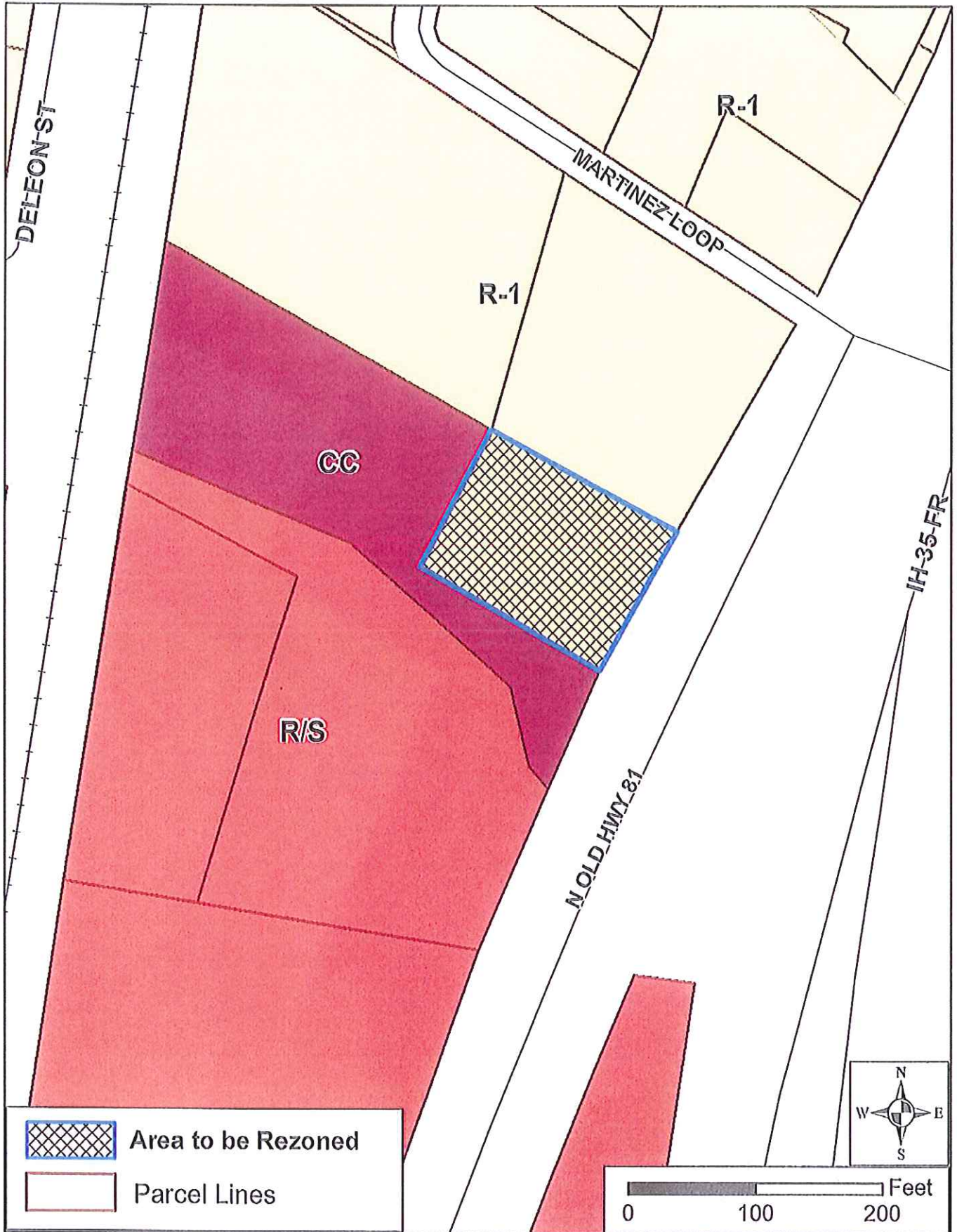
THENCE at right angle to said first drawn line in a Northwesterly direction 162 feet to a point for corner as the most Northern corner of the tract hereby conveyed;

THENCE South $27^{\circ} 37'$ West and parallel with said first drawn line 118 feet to a point for corner for the most Western corner of the tract hereby conveyed;

THENCE at right angle to said last drawn line and parallel with the second drawn line 162 feet to the place of beginning.

Exhibit B

Z-15-007



Property Location	713 and 715 Old Highway 81 (R14807 & R14851)
Owner/Petitioner	Ypolita Cruz Saucedo 311 South Rio Grande Street Lockhart, Texas 78644
Request	Rezone 0.53 acres from R-1 (Single Family) to R/S (Retail Services)

Vicinity Map



The site is located just south of the northern terminus of South Old Highway 81, and contains two tax parcels with separate addresses, 713 and 715. The property, comprising 0.53 acres (23,086 square feet), is currently zoned R-1 (Single Family Residential), and is developed with two single family-style structures. The lot takes access from South Old Highway 81, on the east side of the property, very near where Old 81 and the I-35 southbound frontage road diverge. To the north is a restaurant at the corner of Old Highway 81 and Martinez Loop, zoned R-1 (Single Family Residential). The property to the west, a flag lot which takes access from a narrow access south of the subject site, is zoned CC (Community Commercial District). All the remaining properties to the south of the subject site are zoned R/S (Retail/Services District). The applicant seeks to rezone the parcel to R/S (Retail/Services District), a

commercial zoning category for “the retail sale of goods and products to which value has been added on site, including sales of goods and services outside of the primary structure”.

Conditions of the Zoning Ordinance

§53-1205 – Amendments

...

(d) Referral of amendment to planning and zoning commission. Upon its own motion, a request by the planning and zoning commission, or the receipt of an administratively complete petition and application to zone or rezone a lot, tract or parcel of land, which petition and application has been examined and approved as to form by the city manager, shall be referred to the planning and zoning commission for consideration, public hearing, and recommendation to the city council. The council may not enact a rezoning amendment until the planning and zoning commission has held a public hearing and made its recommendation to the city council, or has made a final vote on the matter without obtaining a majority, on the zoning or rezoning of the property.

(e) Action by the planning and zoning commission. The planning and zoning commission shall cause such study and review to be made as advisable and required, shall give public notice and hold a public hearing as provided by state law, and shall recommend to the council such action as the planning and zoning commission deems proper...

Comprehensive Plan Text

The subject site is located in the ‘Old Town Kyle’ character area. In Old Town, it is recommended that the allowable zoning districts be limited to R-1-1, R-1-T, and NC.

Old Town “Character”: “Development within the Old Town District follows the historic and regular street grid, which should be preserved while also encouraging appropriate infill development and redevelopment. Primary uses within this District are civic, specialty commercial, and residential. Significant features include I-35, the railroad, and the City Square. The Old Town District embodies the characteristics of a Rural Town Center through consistent community form, continuity, and scale. The scale of reference is a uniform Old Town block, reinforced by the regular street grid. In order to ensure smooth transitions and maintain this fabric, building height should not vary by more than two stories from the average height within any one block.”

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Recommendation

The area in question does not convey a residential sense of place, despite the presence of so much R-1 Single Family Residential zoning. With direct access to the southbound frontage road of I-35, and the expectation that this corridor will develop to serve both the I-35 motoring public and the uses appropriate for expected commercial projects along the new Marketplace Avenue, the request should be considered favorably by the Commission.

Planning Commission

At their regularly scheduled August 11 meeting, the Planning commission heard and deliberated the item at a Public Hearing. The commission recommended approval of the request, as presented, 5-0 (Wilson, Christie absent).

Attachments

- Application
- Overhead map of the subject vicinity

APPLICATION & CHECKLIST - ZONING CHANGE CITY OF KYLE

Zoning: Ypolita Cruz Saucedo
(Name of Owner)

(Submittal Date) JUL 06 2015
(2-15-007)

INSTRUCTIONS:

- Fill out the following application and checklist completely prior to submission.
- Place a check mark on each line when you have complied with that item.
- Use the most current application from the City's website at www.cityofkyle.com or at City Hall. City ordinances can be obtained from the City of Kyle.

PLANNING DEPARTMENT

REQUIRED ITEMS FOR SUBMITTAL PACKAGE:

The following items are required to be submitted to the Planning Department in order for the Zoning Application to be accepted.

- 1. Completed application form with owner's original signature.
- 2. Letter explaining the reason for the request.
- 3. Application fee: \$428.06, plus \$3.62 per acre or portion thereof.

Newspaper Publication Fee: \$190.21

Total Fee: \$621.89

- 4. A map or plat showing the area being proposed for rezoning.
- 5. A clear and legible copy of field notes (metes and bounds) describing the tract (when not a subdivided lot).
- 6. Certified Tax certificates: County School City
- 7. Copy of Deed showing current ownership.

*** A submittal meeting is required. Please contact Debbie Guerra at (512) 262-3959 to schedule an appointment.

1. **Zoning Request:**
 Current Zoning Classification: R-1
 Proposed Zoning Classification: R/S
 Proposed Use of the Property:
 Acreage/Sq. Ft. of Zoning Change: .53

2. **Address and Legal Description:**
 Provide certified field notes describing the property being proposed for rezoning.
 Provide complete information on the location of the property being proposed for rezoning.
 Street Address: 713 + 15 Old Highway 81
 Subdivision Name/Lot & Block Nos.:

Property Recording Information:
Volume/Cabinet No. _____

Hays County

Page/Slide No. _____

3. Ownership Information:

Name of Property Owner(s):

Ypolita Cruz Saucedo

(If property ownership is in the name of a partnership, corporation, joint venture, trust or other entity, please list the official name of the entity and the name of the managing partner.)

Address of Owner:

311 S. Rio Grande St.
Lockport, TX 78644

Phone Number:

512-547-7552

Fax Number:

Email Number:

scsuced@gmail.com

I hereby request that my property, as described above, be considered for rezoning:

Signed:

Alberto Saucedo, Sr.

Date:

4. Agent Information:

If an agent is representing the owner of the property, please complete the following information:

Agent's Name:

Agent's Address:

Agent's Phone Number:

Agent's Fax Number:

Agent's Mobile Number:

Agent's Email Number:

I hereby authorize the person named above to act as my agent in processing this application before the Planning and Zoning Commission and City Council of the City of Kyle:

Owner's Signature:

Date:

*Do Not Write Below This Line
Staff Will Complete*

Tax Certificates: County School City

Certified List of Property Owners Within 200'

All Fees Paid: Filing/Application Mail Out Costs

Attached Map of Subject Property

Accepted for Processing By: Lebbie A. Gunnar Date: 7/16/15

Date of Public Notification in Newspaper: 7/22/15

Date of Public Hearing Before Planning and Zoning Commission: 8/11/15

Date of Public Hearing Before City Council: 8/18/15 - 2nd reading 9/1/15

TAX CERTIFICATE

Luanne Caraway Tax Assessor-Collector, Hays County

712 S. Stagecoach Trail
 San Marcos, TX 78666
 Ph: 512-393-5545 Fax: 512-393-5517

This certificate includes tax years up to 2014

Entities to which this certificate applies:

SHA - Hays Consolidated ISD
 WPC - Plum Creek Groundwater District
 FHA - Hays Co ESD #5
 ACCD - AUSTIN COMMUNITY COLLEGE DISTRICT

PCC - Plum Creek Conservation District
 RSP - Special Road Dist
 GHA - Hays County
 CKY - City Of Kyle

Property Information

Property ID : 10-0220-0270-00000-2
 Quick-Ref ID : R14851

Value Information

715 N SH 81 KYLE, TX 78640	Land HS :	\$0.00
	Land NHS :	\$22,030.00
	Imp HS :	\$0.00
	Imp NHS :	\$8,230.00
ABS 220 Z HINTON SURVEY 0.26 AC GEO#90621708	Ag Mkt :	\$0.00
	Ag Use :	\$0.00
	Tim Mkt :	\$0.00
	Tim Use :	\$0.00
	HS Cap Adj :	\$0.00
	Assessed :	\$30,260.00

Owner Information

Owner ID : O20522

SAUCEDO, YPOLITA CRUZ
 P O BOX 381
 KYLE, TX 78640-0381

Ownership: 100.00%

This Document is to certify that after a careful check of the Tax Records of this Office, the following Current or Delinquent Taxes, Penalties, and Interest are due on the Property for the Taxing Entities described above:

Entity	Year	Tax	Discount	P&I	Atty Fee	TOTAL
PCC	2014	6.66	0.00	0.73	0.00	0.00
SHA	2014	465.30	0.00	51.19	0.00	0.00
RSP	2014	13.25	0.00	1.46	0.00	0.00
WPC	2014	6.66	0.00	0.73	0.00	0.00
GHA	2014	128.66	0.00	14.16	0.00	0.00
FHA	2014	30.26	0.00	3.33	0.00	0.00
CKY	2014	162.89	0.00	17.91	0.00	0.00
ACCD	2014	28.50	0.00	3.14	0.00	0.00

Total for current bills if paid by 6/30/2015 : \$0.00
Total due on all bills 6/30/2015 : \$0.00
 2014 taxes paid for entity PCC \$7.39
 2014 taxes paid for entity SHA \$516.49
 2014 taxes paid for entity RSP \$14.71
 2014 taxes paid for entity WPC \$7.39
 2014 taxes paid for entity GHA \$142.82
 2014 taxes paid for entity FHA \$33.59
 2014 taxes paid for entity CKY \$180.80
 2014 taxes paid for entity ACCD \$31.64
2014 Total Taxes Paid : \$934.83
Date of Last Payment : 04/20/15

If applicable, the above-described property is receiving special valuation based on its use. Additional rollback taxes that may become due based on the provisions of the special valuation are not indicated in this document.

This certificate does not clear abuse of granted exemptions as defined in Section 11.43, Paragraph (l) of the Texas Property Tax Code.



Signature of Authorized Officer of the Tax Office

Date of Issue : 06/18/2015
Requestor : SAUCEDO, YPOLITA CRUZ
Receipt : SM-2015-826445
Fee Paid : \$10.00
Payer : SAUCEDO ALBERTO SR

REPRINTED TAX RECEIPT

Luanne Caraway Tax Assessor-Collector, Hays County
 712 S. Stagecoach Trail
 San Marcos, TX 78666
 Ph: 512-393-5545 Fax: 512-393-5517



Receipt Number: **KY-2015-25072**

Payor: SAUCEDO, YPOLITA CRUZ (O20522)
 P O BOX 381
 KYLE, TX 78640-0381

Owner: SAUCEDO, YPOLITA CRUZ (O20522)
 P O BOX 381
 KYLE, TX 78640-0381

Quick Ref ID: R14851
 Owner: SAUCEDO, YPOLITA CRUZ (O20522) - 100%
 Owner Address: P O BOX 381
 KYLE, TX 78640-0381

Property: 10-0220-0270-00000-2
 Legal Description: ABS 220 Z HINTON SURVEY 0.26 AC
 GEO#90621708
 Situs Address: 715 N SH 81 KYLE, TX 78640

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy	Tax Paid	Penalty & Interest	Amount Paid
2014						
Plum Creek	30,260	0.022000	6.66	6.66	0.73	7.39
Hays Consolidated	30,260	1.537700	465.30	465.30	51.19	516.49
Special Road Dist	30,260	0.043800	13.25	13.25	1.46	14.71
Plum Creek	30,260	0.022000	6.66	6.66	0.73	7.39
Hays County	30,260	0.425200	128.66	128.66	14.16	142.82
Hays Co ESD #5	30,260	0.100000	30.26	30.26	3.33	33.59
City Of Kyle	30,260	0.538300	162.89	162.89	17.91	180.80
AUSTIN COMMUNITY	30,260	0.094200	28.50	28.50	3.14	31.64

Total Payment Amount 934.83

Cash Tendered 940.00

Total Tendered 940.00

Change 5.17

Remaining Balance Due, including other fees,
 as of 6/18/2015 0.00

Date Paid: 04/20/2015
 Effective Date: 04/20/2015
 Station/Till: PriscillaR/Priscilla's Till
 Cashier: PriscillaR

TAX CERTIFICATE

Luanne Caraway Tax Assessor-Collector, Hays County

712 S. Stagecoach Trail
 San Marcos, TX 78666
 Ph: 512-393-5545 Fax: 512-393-5517

This certificate includes tax years up to 2014

Entities to which this certificate applies:

SHA - Hays Consolidated ISD
 WPC - Plum Creek Groundwater District
 FHA - Hays Co ESD #5
 ACCD - AUSTIN COMMUNITY COLLEGE DISTRICT

PCC - Plum Creek Conservation District
 RSP - Special Road Dist
 GHA - Hays County
 CKY - City Of Kyle

Property Information

Property ID : 10-0220-0196-00000-2
 Quick-Ref ID : R14807

Value Information

713 N SH 81 KYLE, TX 78640	Land HS :	\$14,750.00
	Land NHS :	\$0.00
	Imp HS :	\$31,790.00
	Imp NHS :	\$0.00
ABS 220 Z HINTON SURVEY 0.27 AC GEO#90601825	Ag Mkt :	\$0.00
	Ag Use :	\$0.00
	Tim Mkt :	\$0.00
	Tim Use :	\$0.00
	HS Cap Adj :	\$0.00
	Assessed :	\$46,540.00

Owner Information

Owner ID : O20522

SAUCEDO, YPOLITA CRUZ
 P O BOX 381
 KYLE, TX 78640-0381

Ownership: 100.00%

This Document is to certify that after a careful check of the Tax Records of this Office, the following Current or Delinquent Taxes, Penalties, and Interest are due on the Property for the Taxing Entities described above:

Entity	Year	Tax	Discount	P&I	Atty Fee	TOTAL
PCC	2014	8.04	0.00	0.00	0.00	0.00
SHA	2014	0.00	0.00	0.00	0.00	0.00
RSP	2014	0.00	0.00	0.00	0.00	0.00
WPC	2014	10.24	0.00	0.00	0.00	0.00
GHA	2014	0.00	0.00	0.00	0.00	0.00
FHA	2014	46.54	0.00	0.00	0.00	0.00
CKY	2014	89.03	0.00	0.00	0.00	0.00
ACCD	2014	0.00	0.00	0.00	0.00	0.00

Total for current bills if paid by 6/30/2015 : \$0.00

Total due on all bills 6/30/2015 : \$0.00


2014 taxes paid for entity PCC \$8.04
 2014 taxes paid for entity SHA \$0.00
 2014 taxes paid for entity RSP \$0.00
 2014 taxes paid for entity WPC \$10.24
 2014 taxes paid for entity GHA \$0.00
 2014 taxes paid for entity FHA \$46.54
 2014 taxes paid for entity CKY \$89.03
 2014 taxes paid for entity ACCD \$0.00

2014 Total Taxes Paid : \$153.85

Date of Last Payment : 01/26/15

If applicable, the above-described property is receiving special valuation based on its use. Additional rollback taxes that may become due based on the provisions of the special valuation are not indicated in this document.

This certificate does not clear abuse of granted exemptions as defined in Section 11.43, Paragraph (i) of the Texas Property Tax Code.



Signature of Authorized Officer of the Tax Office

Date of Issue : 06/18/2015
Requestor : SAUCEDO, YPOLITA CRUZ
Receipt : SM-2015-826444
Fee Paid : \$20.00
Payer : SAUCEDO ALBERTO SR

REPRINTED TAX RECEIPT

Luanne Caraway Tax Assessor-Collector, Hays County
 712 S. Stagecoach Trail
 San Marcos, TX 78666
 Ph: 512-393-5545 Fax: 512-393-5517



Receipt Number: **SM-2015-806177**

Payor: SAUCEDO, YPOLITA CRUZ (O20522)
 P O BOX 381
 KYLE, TX 78640-0381

Owner: SAUCEDO, YPOLITA CRUZ (O20522)
 P O BOX 381
 KYLE, TX 78640-0381

Quick Ref ID: R14807
 Owner: SAUCEDO, YPOLITA CRUZ (O20522) -
 100%
 Owner Address: P O BOX 381
 KYLE, TX 78640-0381

Property: 10-0220-0196-00000-2
 Legal Description: ABS 220 Z HINTON SURVEY 0.27 AC
 GEO#90601825
 Situs Address: 713 N SH 81 KYLE, TX 78640

Tax Year/Taxing Unit	Taxable Value	Tax Rate	Levy	Tax Paid	Amount Paid
2014					
Plum Creek	36,540	0.022000	8.04	8.04	8.04
Plum Creek	46,540	0.022000	10.24	10.24	10.24
Hays Co ESD #5	46,540	0.100000	46.54	46.54	46.54
City Of Kyle	16,540	0.538300	89.03	89.03	89.03

Total Payment Amount	153.85
Check Payment Tendered	153.85
Total Tendered	153.85

Remaining Balance Due, including other fees,
 as of 6/18/2015 **0.00**

Date Paid: 01/26/2015
 Effective Date: 01/26/2015
 Station/Till: Luanne/LUANNE'S IMPORT
 TILL

STATUTORY DURABLE POWER OF ATTORNEY

NOTICE: THE POWERS GRANTED BY THIS DOCUMENT ARE BROAD AND SWEEPING. THEY ARE EXPLAINED IN THE DURABLE POWER OF ATTORNEY ACT, CHAPTER XII, TEXAS PROBATE CODE. IF YOU HAVE ANY QUESTIONS ABOUT THESE POWERS, OBTAIN COMPETENT LEGAL ADVICE. THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE MEDICAL AND OTHER HEALTH-CARE DECISIONS FOR YOU. YOU MAY REVOKE THIS POWER OF ATTORNEY IF YOU LATER WISH TO DO SO.

I, YPOLITA CRUZ SAUCEDO, a legal resident of Lockhart, Caldwell County, Texas, my social security number being [REDACTED] and Texas driver's license number being [REDACTED], appoint ALBERTO SAUCEDO, SR. of Lockhart, Caldwell County, Texas, social security number being [REDACTED] and Texas driver's license number being [REDACTED], as my agent (attorney-in-fact) to act for me in any lawful way with respect to the following initialed subjects:

TO GRANT ALL OF THE FOLLOWING POWERS, INITIAL THE LINE IN FRONT OF (N) AND IGNORE THE LINES IN FRONT OF THE OTHER POWERS.

TO GRANT ONE OR MORE, BUT FEWER THAN ALL, OF THE FOLLOWING POWERS, INITIAL THE LINE IN FRONT OF EACH POWER YOU ARE GRANTING.

TO WITHHOLD A POWER, DO NOT INITIAL THE LINE IN FRONT OF IT. YOU MAY, BUT NEED NOT, CROSS OUT EACH POWER WITHHELD.

INITIAL

- (A) real property transactions;
- (B) tangible personal property transactions;
- (C) stock and bond transactions;
- (D) commodity and option transactions;
- (E) banking and other financial institution transactions;
- (F) business operating transactions;
- (G) insurance and annuity transactions;
- (H) estate, trust, and other beneficiary transactions;
- (I) claims and litigation;
- (J) personal and family maintenance;
- (K) benefits from social security, Medicare, Medicaid, or other governmental programs or civil or military service;
- (L) retirement plan transactions;
- (M) tax matters;
- (N) ALL OF THE POWERS LISTED IN (A) THROUGH (M). YOU NEED NOT INITIAL ANY OTHER LINES IF YOU INITIAL LINE (N).

Amey York
Mark
5/12/15
42

SPECIAL INSTRUCTIONS: Special instructions applicable to gifts (initial in front of the following sentence to have it apply):

_____ I grant my agent (attorney in fact) the power to apply my property to make gifts, except that the amount of the gift to an individual may not exceed the amount of annual exclusions allowed from the federal gift tax for the calendar year of the gift.

ON THE FOLLOWING LINES YOU MAY GIVE SPECIAL INSTRUCTIONS LIMITING OR EXTENDING THE POWERS GRANTED TO YOUR AGENT.

UNLESS YOU DIRECT OTHERWISE ABOVE, THIS POWER OF ATTORNEY IS EFFECTIVE IMMEDIATELY AND WILL CONTINUE UNTIL IT IS REVOKED.

*let signature
5/12/15*

CHOOSE ONE OF THE FOLLOWING ALTERNATIVES BY CROSSING OUT THE ALTERNATIVE NOT CHOSEN:

[Handwritten initials]

(A) This power of attorney is not affected by my subsequent disability or incapacity.

~~(B) This power of attorney becomes effective upon my disability or incapacity.~~

YOU SHOULD CHOOSE ALTERNATIVE (A) IF THIS POWER OF ATTORNEY IS TO BECOME EFFECTIVE ON THE DATE IT IS EXECUTED.

IF NEITHER (A) NOR (B) IS CROSSED OUT, IT WILL BE ASSUMED THAT YOU CHOSE ALTERNATIVE (A).

If Alternative (B) is chosen and a definition of my disability or incapacity is not contained in this power of attorney, I shall be considered disabled or incapacitated for purposes of this power of attorney if a physician certifies in writing at a date later than the date this power of attorney is executed that, based on the physician's medical examination of me, I am mentally incapable of managing my affairs. I authorize the physician who examines me for this purpose to disclose my physical or mental condition to another person for purpose of this power of attorney. A third who receives this power of attorney is fully protected from any action taken under this power of attorney that is based on the determination by a physician of my disability or incapacity.

I agree that any third party who receives a copy of this document may act under it. Revocation of the durable power of attorney is not effective as to a third party until the third party receives actual notice of the revocation. I agree to indemnify the third party for any claims that arise against the third party because of reliance on this power of attorney.

If any agent named by me dies, becomes legally disabled, resigns, or refuses to act, I name the following (each to act alone and successively, in the order named) as successor(s) to that agent: DELIA SAUCEDO HINOJOSA, social security number being [redacted] and Texas driver's license number being [redacted]

Signed on May 12, 2015.

Ypolita Cruz Saucedo

-her signature
Ashley York
5/12/15

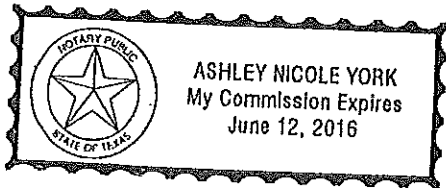
YPOLITA CRUZ SAUCEDO

THE ATTORNEY IN FACT OR AGENT, BY ACCEPTING OR ACTING UNDER THE APPOINTMENT, ASSUMES THE FIDUCIARY AND OTHER LEGAL RESPONSIBILITIES OF AN AGENT.

ACKNOWLEDGEMENT

STATE OF TEXAS §
 §
COUNTY OF HAYS §

This instrument was acknowledged before me on May 12, 2015, by YPOLITA CRUZ SAUCEDO.



Ashley York

Notary Public in and for the State of Texas

Grantor: Eusebio Saucedo, Deceased
Grantees: Ypolita Cruz Saucedo

AFFIDAVIT OF HEIRSHIP

STATE OF TEXAS §
 §
COUNTY OF HAYS §

BEFORE ME, the undersigned authority, on this day personally appeared Blas Tenorio, and Loisa Romo, ("Affiants"), who after first being duly sworn, on oath deposed and stated:

"Affiants reside in Kyle, Hays County, Texas. Affiants are both over the age of twenty-one (21) years and under no disability which would prevent them from making this Affidavit. Affiants were friends of Eusebio Saucedo ("decedent"). Affiants are familiar with the family history of decedent, and are making this Affidavit for the purpose of establishing the heirship of this individual. Decedent was born in Buda, Hays County, Texas. He died on November 26, 1996. He was married once. Decedent was married to Ypolita Cruz Saucedo. They were never divorced. The following eight (8) children were born of the marriage between Decedent and Ypolita Cruz Saucedo, and are identified as follows:

1. Adelita Cortez,
2. Edwardo Saucedo,
3. Alberto Saucedo,
4. Delia Hinojosa,
5. Lucia Aguilar,
6. Gloria Luyten,
7. Eusebio Saucedo, Jr.,
8. Maria Francisca Aguilar.

Maria Francisca Aguilar died on April 20, 1993. She had one child at the time of her death, named Luis Aguilar. No children were adopted by decedent and Ypolita Cruz Saucedo.

Eusebio Saucedo did not leave a will, nor was any administration had on the estate of this

decendent, nor was any necessary, there being no debts or obligations other than those discharged by the surviving heirs. No estate or inheritance taxes are due attributable to the estate of this decendent. Decendent's only surviving heir is his surviving spouse, Ypolita Cruz Saucedo.

At the time of his death, Eusebio Saucedo owned the house and lot located on the property being more particularly described as follows:

All that certain real property lying and being situated in Hays County, Texas, out of the Z. Hinton Survey No. 12, Abstract No. 220, and a part of the tract of 20 acres of land described in and conveyed by that deed from Mrs. Meta Schmeltekopf, joined by her husband, A.L. Schmeltekopf, to Audelio Cortex, dated October 1, 1935, and recorded in Volume 110, Pages 248-249, Hays County Deed Records, to which deed and the said record thereof reference is here made and same made a part hereof for all pertinent purposes of aiding this description, the tract of land hereby conveyed being described by metes and bounds as follows:

BEGINNING at a point in the Southeast line of said 20 acre tract and Northwest line of Texas-U.S. Highway No. 81, also known as State Highway No. 2, North $27^{\circ} 37'$ East 248 feet from the most Southern corner of said 20 acre tract for the most Southern corner of the tract hereby conveyed;

THENCE North $27^{\circ} 37'$ East with said Southeast line of said 20 acre tract and Northwest line of said highway 118 feet to a point for corner as the most Eastern corner of the tract hereby conveyed;

THENCE at right angle to said first drawn line in a Northwesterly direction 162 feet to a point for corner as the most Northern corner of the tract hereby conveyed;

THENCE South $27^{\circ} 37'$ West and parallel with said first drawn line 118 feet to a point for corner for the most Western corner of the tract hereby conveyed;

THENCE at right angle to said last drawn line and parallel with the second drawn line 162 feet to the place of beginning.

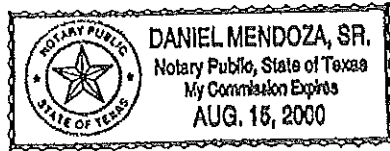
The land hereby conveyed is the identical land described in and conveyed by that deed from V.S. Castillo, a widow, of Hays County, Texas to Victor Martinez and his wife, Elbira Martinez, dated the 6th day of January, 1944, and recorded in Volume 130, Pages 460-462, Deed Records of Hays County, Texas, and said deed is referred to herein for all pertinent

purposes.

FURTHER AFFIANTS SAYETH NOT."

Blas Tenorio
Blas Tenorio

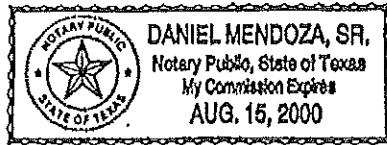
SUBSCRIBED AND SWORN TO by the said Blas Tenorio on this the 26 day of
February, 1999.



Daniel Mendoza
Notary Public in and for the
State of Texas

Loisa Romo
Loisa Romo

SUBSCRIBED AND SWORN TO by the said Loisa Romo on this the 26 day of
February, 1999.



Daniel Mendoza
Notary Public in and for the
State of Texas

AFTER FILING RETURN TO:

Ypolita Cruz Saucedo
P.O. Box 381
Kyle, Texas 78640

FILED AND RECORDED
OFFICIAL PUBLIC RECORDS

Lee Carlisle
6-16-99 09:50 AM 9914132
ROSE \$13.00
LEE CARLISLE, County Clerk
HAYS COUNTY

DISCLOSURE STATEMENT

**INFORMATION CONCERNING STATUTORY DURABLE
POWER OF ATTORNEY FOR PROPERTY TRANSACTIONS
FOR YPOLITA CRUZ SAUCEDO**

THE POWERS GRANTED BY THIS DOCUMENT ARE BROAD AND SWEEPING. For each box that you initial, you are authorizing the person named as your agent (attorney-in-fact) full legal power and authority to act on your behalf by taking any and all actions relating to the indicated transaction. Accordingly, the person you appoint as agent should be someone you trust completely. If, for example, you initial Box A (real property transactions), your agent will be able to bind you on all of the actions set out in § 492 of the Texas Probate Code. A copy of the relevant Texas Probate Code provisions, containing all of the powers that you will incorporate by reference if you initial a particular box, is attached hereto. In deciding whether you want your agent to have a particular power, YOU SHOULD READ THE CORRESPONDING STATUTORY PROVISION. If you have any questions about this document, or about any of the statutory powers, you should address these questions to a member of The Law Office of Art Guzman, or to some other attorney of your choice. YOU MAY REVOKE THIS POWER OF ATTORNEY AT ANY TIME IF YOU WISH TO DO SO.

You may wish to designate an alternate agent in the event that your agent is unwilling, unable, or ineligible to act as your agent. Any alternate agent you designate will have the same authority to make property decisions for you. Even after you have signed this document, you have the right to make property decisions for yourself as long as you are able to do so.

This document does not authorize anyone to make medical or health care decisions for you. Such decisions can be made pursuant to a Health Care Power of Attorney, if you have executed one.

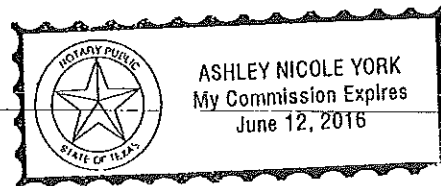
Sign below to acknowledge your receipt of this disclosure statement prior to your execution of the Statutory Durable Power of Attorney, to affirm that YOU HAVE BEEN GIVEN THE OPPORTUNITY (1) TO READ THE ATTACHED STATUTORY POWERS and (2) TO ASK ABOUT THE SCOPE OF ANY POWERS THAT YOU DO NOT FULLY UNDERSTAND.

Ypolita Cruz Saucedo

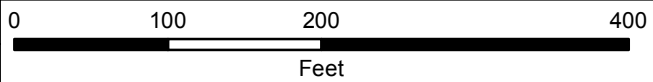
YPOLITA CRUZ SAUCEDO

*her
signature
5/12/15
Ashley York*

Date: May 12, 2015



**Project Location
Z-15-007**



 Property Location

 Parcel Lines



CITY OF KYLE, TEXAS

Billboard Ordinance

Meeting Date: 8/18/2015
Date time: 7:00 PM

Subject/Recommendation:

(First Reading) An Ordinance of the City of Kyle, Texas, Amending Chapter 29, "Sign Standards and Permits" of the City's Code of Ordinances relative to permitting existing off-premise commercial billboards to be converted to changeable electronic variable message signs ("CEVMS") subject to specific approval of the City Council; requiring a sign face exchange ratio for digital display signs; repealing the sunset clause for the sign face exchange ratio; repealing all conflicting Ordinances; and providing an effective date. ~ *Mario Perez, Building Official*

Other Information:

Legal Notes:

Budget Information:

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Attachments / click to download

- [Ordinance](#)
 - [Staff Memo](#)
-

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING CHAPTER 29, "SIGN STANDARDS AND PERMITS" OF THE CITY'S CODE OF ORDINANCES RELATIVE TO PERMITTING EXISTING OFF-PREMISE COMMERCIAL BILLBOARDS TO BE CONVERTED TO CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS ("CEVMS") SUBJECT TO SPECIFIC APPROVAL OF THE CITY COUNCIL; REQUIRING A SIGN FACE EXCHANGE RATIO FOR DIGITAL DISPLAY SIGNS; REPEALING THE SUNSET CLAUSE FOR THE SIGN FACE EXCHANGE RATIO; REPEALING ALL CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

Whereas, Chapter 216 of the Texas Local Government Code provides for the municipal regulation of signage, including but not limited to relocation, reconstruction and removal of signs; and

Whereas, on or about November 6, 2013, the City Council for the City of Kyle enacted Ordinance No. 753, relative to sign regulations, including (CEVMS); and

Whereas, the City Council of the City of Kyle, Texas, has determined that it is in the best interest of the public and in support of the health, safety, morals, and general welfare of the citizens of the City, and to achieve the City's economic development goals, that the Code of Ordinances provisions relative to the regulation of signs, be amended relative to the use and regulations of CEVMS signs as hereinafter stated; and

WHEREAS, the placement of digital signage may be used for AMBER ALERTS, public warnings, notices and other official business which will benefit both municipal residents and the motoring public traversing IH 35 through the City of Kyle;

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

Section 1. That Section 29-17, "Sign regulations relating to commercial located on Interstate 35 sign category," of Chapter 29, "Sign Standards and Permits," "Kyle Code of Ordinances: Ordinance No. 753, Section 7, Subsection (f) "Sign face exchange ratio," is hereby amended, to read as follows:

f. Sign face exchange ratio.

~~1. For every one square foot of sign face modified to use CEVMS display technology, one square feet of detached off premises sign face area must be removed from within the city limits.~~

1. For every one (1) billboard face modified to use CEVMS display technology, four (4) existing billboard faces and related structure must be removed from within the city limits.

SECTION 2. That Section 29-17, “Sign regulations relating to commercial located on Interstate 35 sign category,” of Chapter 29, “Sign Standards and Permits,” “Kyle Code of Ordinances: Ordinance No. 753, Section 7, Subsection (n) “Sunset,” is hereby deleted in its entirety.

SECTION 3. That Chapter 29 of the Kyle City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of chapter 1 of the Kyle city Code, as amended.

SECTION 5. LIABILITY AND RESERVATION OF SOVEREIGN IMMUNITY. The provisions of this section shall not be construed as relieving or limiting in any way the responsibility or liability of any person erecting or owning any sign from personal injury or property damage resulting from the placing of the sign, or resulting from the negligence or willful acts of such person, or such person's agents, employees or workers, in the design, construction, maintenance, repair or removal of any sign erected in accordance with a permit issued under the provisions hereof. Nor shall it be construed as waiving sovereign immunity nor imposing upon the Town or its officers or employees, or the zoning commission any responsibility or liability by reason of the approval of any signs, materials, and devices herein.

SECTION 7. SEVERABILITY. If any provision of this code is found by a court of competent jurisdiction to be invalid or unconstitutional, or if the application of this code to any person or circumstances is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this code which can be given effect without the invalid or unconstitutional provision or application.

SECTION 8. EFFECTIVE DATE. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Kyle, and it is accordingly so ordained.

PASSED AND APPROVED on the ____ day of _____, 2015.

PASSED AND FINALLY APPROVED on this the ____ day of _____, 2015.

ATTEST:

CITY OF KYLE, TEXAS

Amelia Sanchez, City Secretary

Todd Webster, Mayor



CITY OF KYLE

Community Development Department



MEMORANDUM

To: Kyle Mayor and City Council

From: Howard Koontz, Community Development Director

Date: 8/18/2015

Subject: **Proposed Text Change to Multiple Sections of Chapter 29, the City of Kyle Sign Ordinance, Specifically Related to 'Changeable Electronic Variable Message Sign Displays.'**

ITEM DESCRIPTION

Staff presents to the Mayor and City Council a proposal for two text amendments to the city's sign code. These changes alter the requirements for conversions to- or establishment of- changeable electronic variable message sign displays, and delete a sunset provision in the current sign code.

The two amendments in question are contained in §29-17(c)(7)(f)(1), and §29-17(c)(7)(n). The first change is presented pursuant to the request of the City Council, following discussion related to the matter at the regular August 4 meeting. The second change deletes the provision for the expiration of the terms in the first change. The "sunset clause" was originally inserted into the code because this changeable electronic message display regulation was initially a pilot program, intended to be evaluated at the end of 18 months. The clause is no longer relevant.

The sections to be changed read as follows:

Conditions of the Zoning Ordinance

Chapter 29, §29-17. - Sign regulations relating to commercial located on Interstate 35 sign category.

...

(c) Regulations applicable to qualifying properties.

...

(7) Changeable electronic variable message sign display on certain existing off-premises signs.

...

f. Sign face exchange ratio.

~~1. For every one square foot of sign face modified to use CEVMS display technology, one square feet of detached off-premises sign face area must be removed from within the city limits.~~

1. For every one (1) billboard face modified to use CEVMS display technology, four (4) existing billboard faces and related structure must be removed from within the city limits.

Chapter 29, §29-17(c)(7)(n)

~~n. Sunset. This subsection (c)(7) expires in 18 months from the date of adoption by the city council, unless re-enacted with amendment before that date. The planning commission and city council shall review this section before its expiration date.~~

ATTACHMENTS

- Ordinance change



CITY OF KYLE, TEXAS

Resolution Appointing an Officer

Meeting Date: 8/18/2015
Date time: 7:00 PM

Subject/Recommendation: A Resolution of the City Of Kyle, Texas, Appointing an Officer Pursuant To Section 4.05 of the Kyle City Charter. ~ *Todd Webster, Mayor*

Other Information:

Legal Notes:

Budget Information:

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[Resolution Appointing an Officer](#)

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF KYLE, TEXAS, APPOINTING
AN OFFICER PURSUANT TO SECTION 4.05 OF THE KYLE CITY
CHARTER**

WHEREAS, the City of Kyle, City Charter, Section 4.05, provides that the City Council only has powers as a body meeting with a quorum present and prohibits members of the City Council from acting individually except where that power may be conferred upon a council member in the charter or by written council resolution; and

WHEREAS, the City of Kyle, City Charter, Section 4.05, provides for an exception to the prohibition against council members acting individually and outside of a quorum, so as to allow a council member to serve as an independent member of the council; and

WHEREAS, the City of Kyle, City Charter, Section 4.05, provides that members of the city council, in order to obtain information in a manner that comports with the charter’s prohibitions, have a right to inquire through an *officer appointed by the council* into any matter whether or not such a matter is brought before the council meeting as quorum; and

WHEREAS, members of the city council desire the ability to individually obtain information they deem necessary toward the proper exercise of the their duties as an independent member of the city council; and

WHEREAS, the members of the city council wish to support the flow of information related to the business and items to be presented and considered by council, in accordance with the city charter, the Texas Open Meetings Act, the Texas Public Information Act, and the laws of the State of Texas; and

WHEREAS, the city council has, to date, never before had a need nor appointed an officer pursuant to Section 4.05, or as a body formally or informally tasked any specific individual with the responsibilities of performing the duties of such an officer; and

WHEREAS, the city council now finds that there is need to appoint an officer pursuant to Kyle City Charter, Section 4.05, Prohibitions.

**NOW THEREFOR BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KYLE, TEXAS,
THAT:**

The City Council of Kyle Texas does hereby appoint Mr. Jerry Hendrix, Chief of Staff as the officer contemplated in Section 4.05 of the charter and does hereby direct the City Manager to refer all future information requests from individual members of the city council that result in the production of documentation to Mr. Hendrix. Furthermore, the city council does hereby direct the City Manager to direct staff to refer such requests for information made by individual council members to Mr. Hendrix. The current duties of the Chief of Staff will be extended to cover the responsibilities placed upon him by this resolution, and said officer will continue to be supervised by the City Manager or the City Manager’s designee.

CONSIDERED, PASSED, AND APPROVED on this 18th day of August, 2015.

ATTEST:

THE CITY OF KYLE, TEXAS

Amelia Sanchez, City Secretary

R. Todd Webster, Mayor

David Wilson, Mayor Pro Tem

Diane Hervol, Council Member

Becky Selbera, Council Member

Shane Arabie, Council Member

Damon Fogley, Council Member

Daphne Tenorio, Council Member



CITY OF KYLE, TEXAS

City Managers Report

Meeting Date: 8/18/2015
Date time: 7:00 PM

Subject/Recommendation: Update on various capital improvement projects, road projects, building program, and/or general operational activities. ~ *Scott Sellers, City Manager*

Other Information:

Legal Notes:

Budget Information:

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