

ORDINANCE NO. 1294

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS, DESIGNATING A CONTIGUOUS GEOGRAPHIC AREA WITHIN THE CORPORATE LIMITS AND EXTRATERRITORIAL JURISDICTION OF THE CITY AS A REINVESTMENT ZONE PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE, TO BE KNOWN AS REINVESTMENT ZONE NUMBER FIVE, CITY OF KYLE; DESCRIBING THE BOUNDARIES OF THE ZONE; CREATING A BOARD OF DIRECTORS FOR THE ZONE; ESTABLISHING A TAX INCREMENT FUND FOR THE ZONE; CONTAINING FINDINGS RELATED TO THE CREATION OF THE ZONE; PROVIDING A DATE FOR THE TERMINATION OF THE ZONE; PROVIDING THAT THE ZONE TAKE EFFECT IMMEDIATELY UPON PASSAGE OF THE ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Kyle, Texas (the “City”), pursuant to Chapter 311 of the Texas Tax Code, as amended (the “Act”), may designate a geographic area within the corporate limits or extraterritorial jurisdiction of the City as a tax increment reinvestment zone if the area satisfies the requirements of the Act; and

WHEREAS, the Act provides that the governing body of a municipality by ordinance may designate a contiguous or noncontiguous geographic area within the corporate limits of the municipality or within the extraterritorial jurisdiction of the municipality to be a reinvestment zone if the governing body determines that development or redevelopment would not occur solely through private investment in the reasonably foreseeable future; and

WHEREAS, the City Council of the City (the “City Council”) desires for the City to consider the creation of a tax increment reinvestment zone with the boundaries described in the metes and bounds attached hereto as **Exhibit A** and more generally depicted in **Exhibit B** attached hereto (the “Zone”); and

WHEREAS, pursuant to and as required by the Act, the City has prepared a *Preliminary Project and Finance Plan for Reinvestment Zone Number Five, City of Kyle, Texas* dated December 5, 2023, attached as **Exhibit C** (hereinafter referred to as the “Preliminary Project and Finance Plan”) for a proposed tax increment reinvestment zone containing the real property within the Zone; and

WHEREAS, notice of the public hearing on the creation of the proposed zone was published in the official newspaper of the City on or before November 28, 2023, which date is the seventh (7th) day before the public hearing was opened on December 5, 2023, and

WHEREAS, on December 5, 2023, the City Council opened a public hearing in accordance with Section 311.003(c) of the Act and interested persons were allowed to speak for or against the creation of the Zone, the boundaries of the Zone, and the concept

of tax increment financing, and owners of property in the proposed Zone were given a reasonable opportunity to protest the inclusion of their property in the Zone and, after all comments and evidence, both written and oral, were received by the City Council, the public hearing was closed; and

WHEREAS, the public hearing was held in full accordance with Section 311.003(c) of the Act; and

WHEREAS, the City has taken all actions required to create the Zone including, but not limited to, all actions required by the home-rule Charter of the City, the Act, the Texas Open Meetings Act (defined herein), and all other laws applicable to the creation of the Zone; and

WHEREAS, the percentage of the property in the proposed zone, excluding property that is publicly owned, that is used for residential purposes is less than thirty percent (30%); and

WHEREAS, the total appraised value of taxable real property in the proposed zone and in existing reinvestment zones within the City does not exceed fifty percent (50%) of the total appraised value of the taxable real property in the City and in the industrial districts created by the City, if any; and

WHEREAS, a Preliminary Project and Finance plan has been prepared for the proposed reinvestment zone.

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

SECTION 1. RECITALS INCORPORATED.

The facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct and are incorporated and adopted as part of this Ordinance for all purposes.

SECTION 2. FINDINGS.

That the City Council, after conducting the above described hearing and having heard the evidence and testimony presented at the hearing, has made the following findings and determined based on the evidence and testimony presented to it:

- (a) That the public hearing on the creation of the proposed reinvestment zone has been properly called, held and conducted and that notice of such hearing has been published as required by applicable law, including the Act; and
- (b) That creation of the proposed reinvestment zone with boundaries as described and depicted in **Exhibits A** and **B** will result in benefits to the City, its residents and property owners, in general, and to the property, residents and property owners in the reinvestment zone; and

- (c) That the proposed reinvestment zone, as described and depicted in **Exhibits A and B**, meets the criteria for the creation of a reinvestment zone set forth in the Act in that:
 - 1. It is a geographic area located wholly within the corporate limits and extraterritorial jurisdiction of the City; and
 - 2. The area is predominately open, undeveloped or underdeveloped, and the lack of necessary public improvements substantially impairs sound growth of the City; and
- (d) That thirty percent (30%) or less of the property in the proposed reinvestment zone, excluding property dedicated to public use, is currently used for residential purposes; and
- (e) That the total appraised value of taxable real property in the proposed reinvestment zone according to the most recent appraisal rolls of the City, together with the total appraised value of taxable real property in all other existing reinvestment zones within the City, according to the most recent appraisal rolls of the City, does not exceed fifty percent (50%) of the current total appraised value of taxable real property in the City and in the industrial districts created by the City, if any; and
- (f) That the improvements in the proposed reinvestment zone will significantly enhance the value of all taxable real property in the proposed reinvestment zone and will be of general benefit to the City; and
- (g) That the development of the Property in the proposed reinvestment zone will not occur solely through private investment in the reasonably foreseeable future: and
- (h) The City Council has prepared the Preliminary Project and Finance Plan prior to the execution of this Ordinance; and
- (i) The City Council finds that the Preliminary Project and Finance Plan is feasible.

SECTION 3. DESIGNATION AND NAME OF THE ZONE.

Pursuant to the authority of, and in accordance with the requirements of the Act, the City Council hereby designates the area described and depicted in **Exhibits A and B** hereto as a tax increment reinvestment zone. The name assigned to the zone for identification is **Reinvestment Zone Number Five, City of Kyle, Texas** (hereinafter referred to as the "Zone").

SECTION 4. BOARD OF DIRECTORS.

- (a) The City Council hereby creates a board of directors for the Zone (hereinafter referred to as the "Board") consisting of nine (9) members, seven (7) of which shall be appointed by the City Council and two (2) of which shall be appointed by Hays County, as a participating taxing unit (each, a "Hays County Representative"). The Mayor and Council Members may serve as Board members.

- (b) The Board members appointed to the Board shall be eligible to serve on the Board if that person is at least 18 years of age, and is a resident of the county in which the Zone is located or a county adjacent to that county.
- (c) The Board shall make recommendations to the City Council concerning the administration, management, and operation of the Zone. The Board shall prepare or cause to be prepared and adopt a project plan and a reinvestment zone financing plan for the Zone (hereinafter referred to as the "Project and Finance Plan") as required by the Act, and shall submit the Project and Finance Plan to the City Council for approval. The Board shall consider amendments to the Project and Finance Plan on its own initiative or upon submission by the City Council, but amendments considered by Board shall not take effect unless and until adopted by City Council.
- (d) Directors shall not receive any salary or other compensation for their services as directors.
- (e) Members of the Board shall be appointed for terms of two years. The terms of the Board members may be staggered. The City Council may remove and replace Board members at any time during a term.
- (f) The initial Board shall be nine members and the following shall be members:
 - 1. Mayor
 - 2. City Councilmember, Place 1
 - 3. City Councilmember, Place 2
 - 4. City Councilmember, Place 3
 - 5. City Councilmember, Place 4
 - 6. City Councilmember, Place 5
 - 7. City Councilmember, Place 6
 - 8. Hays County Representative
 - 9. Hays County Representative

The City Council hereby appoints Mayor to serve as chairman of the Board during the time the initial Board is serving. Each year the City shall appoint one member of the Board to serve as chairman for a term of one year that begins on January 1 of the year. If City Council does not appoint a chairman during that period, the Mayor is automatically appointed to serve as chairperson for the term that begins on January 1 of the following year. The Board may elect a vice-chairman to preside in the absence of the chairman or when there is a vacancy in the office of chairman. The Board may elect other officers as it considers appropriate.

SECTION 5. DURATION OF THE ZONE.

That the Zone shall take effect immediately upon the passage and approval of this Ordinance, consistent with Section 311.004(a)(3) of the Act, and termination of the Zone shall occur upon any of the following: (i) on December 31, 2048; or (ii) at such time that

all project costs and other obligations of the Zone, and the interest thereon, have been paid in full, in accordance with Section 311.017 of the Act.

SECTION 6. PROPERTY TAX INCREMENT BASE AND PROPERTY TAX INCREMENT.

Pursuant to Section 311.012(c) of the Act, the tax increment base of the City, or any other taxing unit participating in the Zone, is the total taxable value of all real property taxable by the City, or other taxing unit participating in the Zone, and located in the Zone for the year in which the Zone was designated as a reinvestment zone (the "Property Tax Increment Base"). That, consistent with Section 311.012(a) of the Act, the amount of the tax increment for a year is fifty percent (**50.00%**) of real property taxes levied, assessed, and collected by the City (as set forth in an agreement to participate in the Zone), and all or a portion of property taxes of other taxing units participating in the Zone and located in the Zone (or such other percentage of a taxing unit participating in the Zone as set forth in an agreement to participate in the Zone) for that year on the Captured Appraised Value (defined below) of real property taxable by City or other taxing unit participating in the Zone and located in the Zone (the "Property Tax Increment"). Consistent with Section 311.012(b) of the Act, the Captured Appraised Value of real property taxable by the City or other taxing unit participating in the Zone for a year is the total appraised value of all real property taxable by the City or other taxing unit participating in the Zone and located in the Zone for that year less the Property Tax Increment Base (the "Captured Appraised Value").

SECTION 7. SALES TAX INCREMENT.

Pursuant to Section 311.0123(a) of the Act, the sales tax base of the City is the total amount of municipal sales and use taxes attributable to the Zone for the year in which the Zone as designated as a reinvestment Zone (the "Sales Tax Increment Base"). That, consistent with Section 311.0123(b) of the Act, the amount of sales tax increment for a year is fifty percent (**50.00%**) of the sales and use taxes levied, assessed and collected by the City (as set forth in an agreement to participate in the Zone) for that year attributable to the Zone above the Sales Tax Increment Base (the "Sales Tax Increment," and, together with the Property Tax Increment, the "Tax Increment").

SECTION 8. TAX INCREMENT FUND.

There is hereby created and established a "Tax Increment Fund" for the Zone that may be divided into subaccounts as authorized by subsequent ordinances, into which the Tax Increment of the City, as such increments are described in the Project and Finance Plan and includes administration costs, less any of the amounts not required to be paid into the Tax Increment Fund pursuant to the Act, are to be deposited. The Tax Increment Fund and any subaccounts shall be maintained at the affiliated depository bank of the City and shall be secured in the manner prescribed by law for funds of Texas cities. In addition, all revenues to be dedicated to and used in the Zone shall be deposited into the Tax Increment Fund from which money will be disbursed to pay project costs, plus

interest, for the Zone, however excess funds may be transferred to the City's general fund as determined by the City.

SECTION 9. SEVERABILITY CLAUSE.

Should any provision, section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each provision, section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more provisions, sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 10. OPEN MEETINGS.

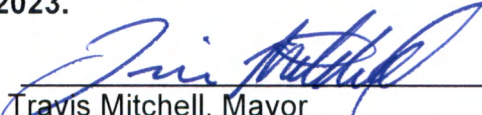
It is hereby found, determined, and declared that sufficient written notice of the date, hour, place and subject of the meeting of the City Council at which this Ordinance was adopted was posted at a place convenient and readily accessible at all times to the general public at the City Hall of the City for the time required by law preceding its meeting, as required by Chapter 551 of the Texas Government Code, as amended (the "Texas Open Meetings Act"), and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter hereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

SECTION 11. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by law and the City Charter.

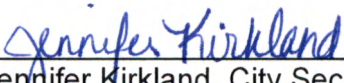
[Execution page follows]

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF KYLE,
TEXAS, THIS THE 5th DAY OF DECEMBER, 2023.



Travis Mitchell, Mayor

ATTEST:



Jennifer Kirkland, City Secretary



Exhibit A – Metes and bounds description

Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 101.8289 ACRES (4,435,666 SQUARE FEET) PARTIALLY OUT OF THE THOMAS G. ALLEN SURVEY, ABSTRACT NO. 26 IN HAYS COUNTY, TEXAS, AND PARTIALLY OUT OF THE DAN DOWNER SURVEY NO. 22, ABSTRACT NO. 151 IN HAYS COUNTY, TEXAS, BEING THE REMNANT PORTION OF A CALLED 104.08 ACRE TRACT CONVEYED TO CARAWAY CATTLE COMPANY FAMILY, IN VOLUME 4516, PAGE 662 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS (D.R.H.C.T.), SAID 101.8289 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:



PO Box 90876
Austin, TX 78709
(512) 537-2384
jward@4wardls.com
www.4wardls.com

BEGINNING, at a 1/2-inch iron rod with “4Ward Boundary” cap set at the intersection of the east right-of-way line of South IH 35 (right-of-way varies) and the north right-of-way line of Bebee Road (right-of-way varies), being the southwest corner of said 104.08 acre tract, for the southwest corner and **POINT OF BEGINNING** hereof, from which a 1/2-inch iron rod found for the intersection of the east right-of-way line of said IH 35 and the south right-of-way line of said Bebee Road, being the northwest corner of a called 45.64 acre tract (described as “Tract 1”) conveyed to Sunrise Village Investment, LLC in Document No. 20032482 of the Official Public Records of Hays County, Texas (O.P.R.H.C.T.), bears, S31°37’13”W, a distance of 79.98 feet;

THENCE, with the east right-of-way line of said IH 35 and the west line of said 104.08 acre tract, the following three (3) courses and distances:

- 1) **N31°24’32”E**, passing at a distance of 1,908.08 feet a TxDot type II Brass Disc found for a point on line hereof, and continuing for a total distance of **3,067.92** feet to a calculated point for an angle point hereof, from which a TxDot Type I concrete monument found bears, S73°31’45”E, a distance of 1.21 feet,
- 2) **N53°13’03”E**, a distance of **107.88** feet to a calculated point for an angle point hereof, from which a TxDot Type I concrete monument found bears, N59°56’12”W, a distance of 1.01 feet, and
- 3) **N31°24’07”E**, a distance of **284.23** feet to an 1/2-inch iron rod with illegible cap found for the north corner hereof, said point being the north corner of said 104.08 acre tract, and being the west corner of Lot 2, Amberwood Commercial Section 1, a subdivision recorded in Volume 14, Page 129 of the Plat Records of Hays County, Texas (P.R.H.C.T.), said Lot 2 having been conveyed to SPI Strand 160 EX, LLC in Document No. 1830726 (O.P.R.H.C.T.), from which a 1/2-inch iron rod found for an angle point in the north line of said Lot 1, Amberwood Commercial, being in the south right-of-way line of Amberwood South (right-of-way varies), bears, N31°24’07”E a distance of 398.05 feet, and N72°48’46”E, a distance of 44.66 feet;

THENCE, leaving the east right-of-way line of said IH 35, with the northeast line of said 104.08 acre tract, in part with the southwest line of said Lot 2, Amberwood Commercial, and in part with the southwest line of Lot 1 of said Amberwood Commercial (no ownership information provided for Lot 1 per Hays County Appraisal District), the following two (2) courses and distances:

- 1) **S16°50’22”E**, passing at a distance of 724.16 feet a 1/2-inch iron rod with illegible cap found for the common south corner of said Lot 1 and said Lot 2, Amberwood Commercial, and continuing for a total distance of **752.15** feet to a 1/2-inch iron rod with “4Ward Boundary” cap found for an angle point hereof, and

- 2) **S16°53'19"W**, a distance of **610.34** feet to a 1/2-inch iron rod found for an angle point hereof;

THENCE, with the northeast line of said 104.08 acre tract, in part with the southwest line of said Lot 1, Amberwood Commercial, in part with the southwest line of a called 25.98 acre tract (described as "Tract 2") conveyed to Kyle Business Park, L.P. in Volume 2835, Page 819 (D.R.H.C.T.), and in part with the southwest lines of Lots 21 through 23, Block A, Kyle Business Park, Section One, a subdivision recorded in Volume 12, Page 395 (P.R.H.C.T.), said Lots 21 through 23 (described as part of "Tract 2") having been conveyed to Kyle Business Park, L.P. in Volume 2835, Page 819 (D.R.H.C.T.), the following three (3) courses and distances:

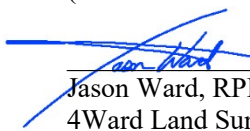
- 1) **S00°13'08"W**, passing at a distance of 5.71 feet a calculated point for the common west corner of said Lot 1, Amberwood Commercial and said 25.98 acre tract, and continuing for a total distance of **567.81** feet to a 3/8-inch iron rod found for an angle point hereof,
- 2) **S24°24'03"E**, passing at a distance of 431.92 feet a 1/2-inch iron rod with "Bryn" cap found for the common west corner of said 25.98 acre tract and said Lot 21, passing at a distance of 853.52 feet a calculated point for the common west corner of said Lot 21 and said Lot 22, from which a 1/2-inch iron rod with "Bryn" cap found bears **S37°03'32"W**, a distance of 0.39 feet, and continuing for a total distance of **1,009.62** feet to a 1/2-inch iron rod found for an angle point hereof, said point being in the west line of said Lot 22, and
- 3) **S18°33'49"E**, passing at a distance of 294.69 feet a 1/2-inch iron rod with "Bryn" cap found for the common west corner of said Lot 22 and said Lot 23, and continuing got a total distance of **935.60** feet to a 1/2-inch iron rod with illegible cap found for a point of curvature hereof, said point being in the northwest right-of-way line of said Bebee Road, for the southeast corner of said Lot 23, and being an angle point in the north line of a called 2.305 acre tract conveyed to Hays County, Texas for right-of-way purposes in Volume 1206, Page 472 (O.P.R.H.C.T.),

THENCE, with the north right-of-way line of said BeBee Road, with the north line of said 2.305 acre tract, and over and across said 104.08 acre tract, the following two (2) courses and distances:

- 1) Along a curve to the right, whose radius is **418.37** feet, whose arc length is **522.20** feet, and whose chord bears **S76°32'18"W**, a distance of **488.96** feet to a 1/2-inch iron rod with illegible cap found for a point of tangency hereof, and
- 2) **N67°41'19"W**, a distance of **2,281.99** feet to the **POINT OF BEGINNING** and containing 101.8289 Acres (4,435,666 Square Feet) of land, more or less.

NOTE:

All bearings are based on the Texas State Plane Coordinate System, Grid North, South Central Zone (4204), all distances were adjusted to surface using a combined scale factor of 1.000098675586. See attached sketch (reference drawing: 01480.dwg).


10/4/2022
Jason Ward, RPLS #5811
4Ward Land Surveying, LLC

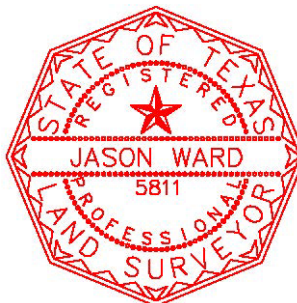
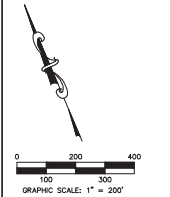
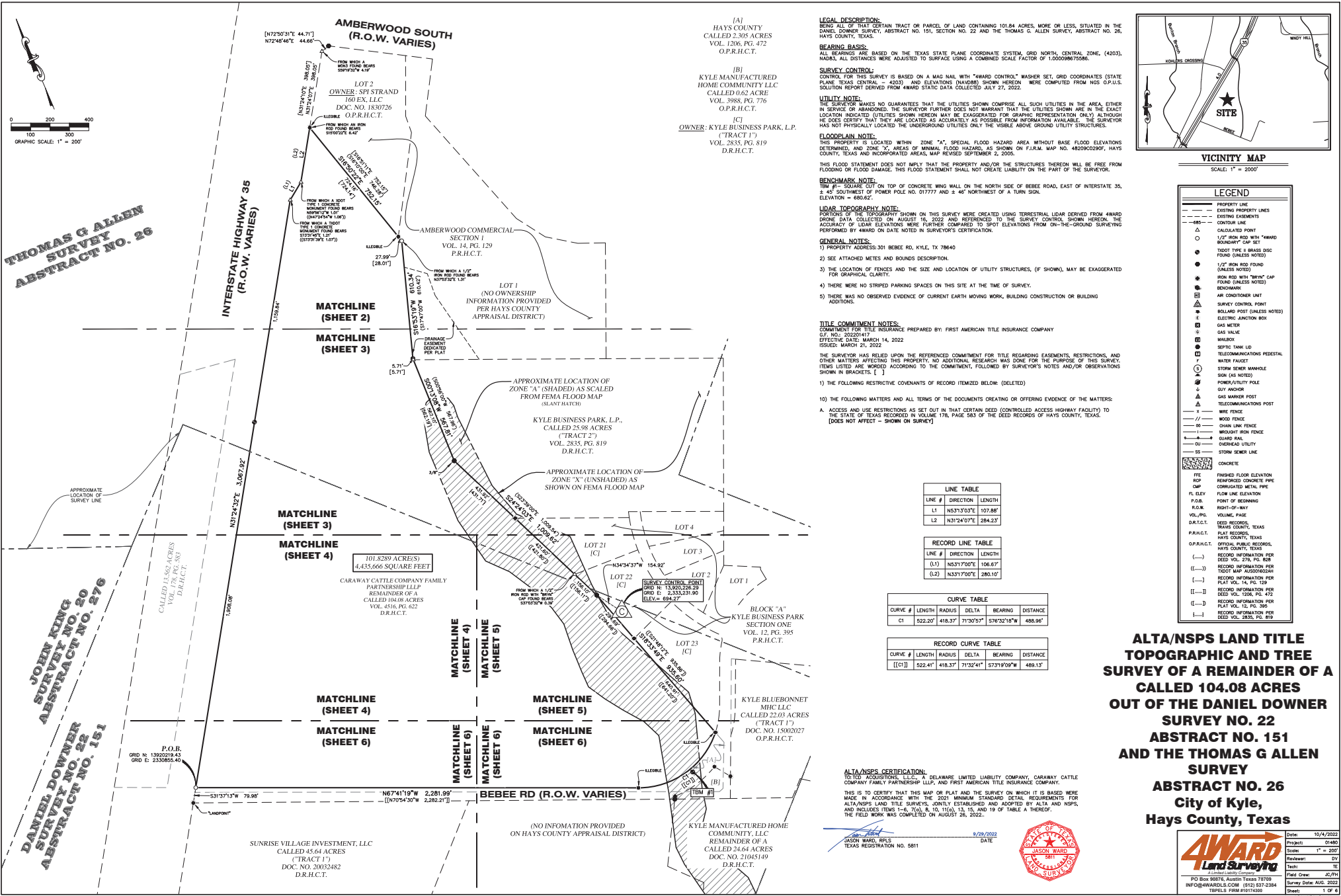


Exhibit B – Map of the Zone

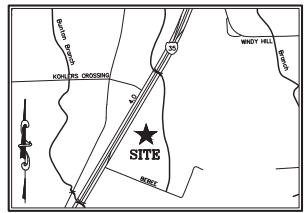


THOMAS G ALLEN SURVEY ABSTRACT NO. 26

DANIEL DOWNER SURVEY ABSTRACT NO. 22

[A] HAYS COUNTY CALLED 2.305 ACRES VOL. 1206, PG. 472 O.P.R.H.C.T.
 [B] KYLE MANUFACTURED HOME COMMUNITY LLC CALLED 0.62 ACRE VOL. 3988, PG. 776 O.P.R.H.C.T.
 [C] OWNER: KYLE BUSINESS PARK, L.P. VOL. 2835, PG. 819 D.R.H.C.T.

LEGAL DESCRIPTION:
 BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND CONTAINING 104.84 ACRES, MORE OR LESS, SITUATED IN THE DANIEL DOWNER SURVEY, ABSTRACT NO. 22 AND THE THOMAS G. ALLEN SURVEY, ABSTRACT NO. 26, HAYS COUNTY, TEXAS.
BEARING BASIS:
 ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, CENTRAL ZONE, (4203), NAD83, ALL DISTANCES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF 1.000098675586.
SURVEY CONTROL:
 CONTROL FOR THIS SURVEY IS BASED ON A MAG NAIL WITH "WARD CONTROL" WASHER SET, GRID COORDINATES (STATE PLANE CENTRAL - 4203) AND ELEVATIONS (NAVD83) SHOWN HEREON WERE COMPUTED FROM NOS D.P.U.S. SOLUTION REPORT DERIVED FROM 4WARD STATIC DATA COLLECTED JULY 27, 2022.
UTILITY NOTE:
 THE SURVEYOR MAKES NO GUARANTEE THAT THE UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. UTILITIES SHOWN HEREON MAY BE EXAGGERATED FOR GRAPHIC REPRESENTATION ONLY. ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE, THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES ONLY THE VISIBLE ABOVE GROUND UTILITY STRUCTURES.
FLOODPLAIN NOTE:
 THIS PROPERTY IS LOCATED WITHIN ZONE "A", SPECIAL FLOOD HAZARD AREA WITHOUT BASE FLOOD ELEVATIONS DETERMINED, TO ZONE "X", AREAS OF MINIMAL FLOOD HAZARD, AS SHOWN ON F.I.R.M. MAP NO. 48209C0290F, HAYS COUNTY, TEXAS AND INCORPORATED AREAS, MAP REVISED SEPTEMBER 2, 2005.
 THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING OR FLOOD DAMAGE. THIS FLOOD STATEMENT SHALL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.
BENCHMARK NOTE:
 B.M. #1 - SQUARE CUT ON TOP OF CONCRETE WIND WALL ON THE NORTH SIDE OF BEBEE ROAD, EAST OF INTERSTATE 35, ± 42' SOUTHWEST OF POWER POLE NO. 017777 AND ± 46' NORTHWEST OF A TURN SIGN.
 ELEVATION = 680.62.
LIDAR TOPOGRAPHY NOTE:
 PORTIONS OF THE TOPOGRAPHY SHOWN ON THIS SURVEY WERE CREATED USING TERRESTRIAL LIDAR DERIVED FROM 4WARD DRONE DATA COLLECTED ON AUGUST 16, 2022 AND REFERENCED TO THE SURVEY CONTROL SHOWN HEREON. THE ACCURACY OF LIDAR ELEVATIONS WERE FURTHER COMPARED TO SPOT ELEVATIONS FROM ON-THE-GROUND SURVEYING PERFORMED BY 4WARD ON DATE NOTED IN SURVEYOR'S CERTIFICATION.
GENERAL NOTES:
 1) PROPERTY ADDRESS: 301 BEBEE RD, KYLE, TX 78840
 2) SEE ATTACHED METES AND BOUNDS DESCRIPTION.
 3) THE LOCATION OF FENCES AND THE SIZE AND LOCATION OF UTILITY STRUCTURES, (IF SHOWN), MAY BE EXAGGERATED FOR GRAPHICAL CLARITY.
 4) THERE WERE NO STRIPED PARKING SPACES ON THIS SITE AT THE TIME OF SURVEY.
 5) THERE WAS NO OBSERVED EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.
TITLE COMMITMENT NOTES:
 COMMITMENT FOR TITLE INSURANCE PREPARED BY: FIRST AMERICAN TITLE INSURANCE COMPANY
 P.F. NO.: 202201417
 EFFECTIVE DATE: MARCH 14, 2022
 ISSUED: MARCH 21, 2022
 THE SURVEYOR HAS RELIED UPON THE REFERENCED COMMITMENT FOR TITLE REGARDING EASEMENTS, RESTRICTIONS, AND OTHER MATTERS AFFECTING THIS PROPERTY. NO ADDITIONAL RESEARCH WAS DONE FOR THE PURPOSE OF THIS SURVEY. ITEMS LISTED ARE WORDED ACCORDING TO THE COMMITMENT, FOLLOWED BY SURVEYOR'S NOTES AND/OR OBSERVATIONS SHOWN IN BRACKETS [].
 1) THE FOLLOWING RESTRICTIVE COVENANTS OF RECORD ITEMIZED BELOW: (DELETED)
 10) THE FOLLOWING MATTERS AND ALL TERMS OF THE DOCUMENTS CREATING OR OFFERING EVIDENCE OF THE MATTERS:
 A. ACCESS AND USE RESTRICTIONS AS SET OUT IN THAT CERTAIN DEED (CONTROLLED ACCESS HIGHWAY FACILITY) TO THE STATE OF TEXAS RECORDED IN VOLUME 178, PAGE 583 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS. [DOES NOT AFFECT - SHOWN ON SURVEY]



VICINITY MAP
 SCALE: 1" = 200'

LEGEND

- PROPERTY LINE
- - - EXISTING PROPERTY LINES
- - - EXISTING EASEMENTS
- - - CONTINENT LINE
- △ CALCULATED POINT
- 1/2" IRON NAIL WITH "WARD BOUNDARY" CAP SET
- TIGHT TIE IRON DISC FOUND (UNLESS NOTED)
- 1/2" IRON ROD FOUND (UNLESS NOTED)
- IRON ROD WITH "BURY" CAP FOUND (UNLESS NOTED)
- BENCHMARK
- ⊠ AIR CONDITIONER UNIT
- ⊠ SURVEY CONTROL POINT
- ⊠ BELLIED POST (UNLESS NOTED)
- ⊠ ELECTRIC JUNCTION BOX
- ⊠ GAS METER
- ⊠ GAS VALVE
- ⊠ MAILBOX
- ⊠ SEPTIC TANK LID
- ⊠ TELECOMMUNICATIONS PEDestal
- ⊠ WATER FAUCET
- ⊠ STORM SEWER MANHOLE
- ⊠ SIGN (AS NOTED)
- ⊠ POWER/UTILITY POLE
- ⊠ GUY ANCHOR
- ⊠ GAS MOTHER POST
- ⊠ TELECOMMUNICATIONS POST
- x WIRE FENCE
- /// WOOD FENCE
- - - CHAIN LINK FENCE
- - - WROUGHT IRON FENCE
- - - GUARD RAIL
- - - OVERHEAD UTILITY
- - - STORM SEWER LINE
- CONCRETE
- FFE FINISHED FLOOR ELEVATION
- RCF REINFORCED CONCRETE PIPE
- CMP CORRUGATED METAL PIPE
- FL ELEV FLOW LINE ELEVATION
- P.O.B. POINT OF BEGINNING
- R.O.W. RIGHT-OF-WAY
- VOL./PG. VOLUME, PAGE
- D.R.H.C.T. DEED RECORDS, HAYS COUNTY, TEXAS
- F.R.A.C.T. FIRST AMERICAN TITLE INSURANCE COMPANY, HAYS COUNTY, TEXAS
- O.P.R.H.C.T. OFFICIAL PUBLIC RECORDS, HAYS COUNTY, TEXAS
- (---) RECORD INFORMATION PER DEED VOL. 14, PG. 129
- (---) RECORD INFORMATION PER DEED VOL. 278, PG. 828
- (---) RECORD INFORMATION PER DEED VOL. 1006, PG. 472
- (---) RECORD INFORMATION PER DEED VOL. 10, PG. 395
- (---) RECORD INFORMATION PER DEED VOL. 2835, PG. 819

LINE TABLE

LINE #	DIRECTION	LENGTH
L1	N53°35'33"E	107.86'
L2	N33°24'07"E	284.23'

CURVE LINE TABLE

LINE #	DIRECTION	LENGTH
(L1)	N53°35'33"E	106.67'
(L2)	N33°24'07"E	280.10'

CURVE TABLE

CURVE #	LENGTH	RADIUS	DELTA	BEARING	DISTANCE
CT	522.20'	418.37'	71°32'41"	S78°32'18"W	488.96'

RECORD CURVE TABLE

CURVE #	LENGTH	RADIUS	DELTA	BEARING	DISTANCE
[[CT]]	522.41'	418.37'	71°32'41"	S73°19'09"W	489.13'

ALTA/NSPS LAND TITLE TOPOGRAPHIC AND TREE SURVEY OF A REMAINDER OF A CALLED 104.08 ACRES OUT OF THE DANIEL DOWNER SURVEY NO. 22 AND THE THOMAS G ALLEN SURVEY ABSTRACT NO. 26 City of Kyle, Hays County, Texas

ALTA/NSPS CERTIFICATION:
 I, JASON WARD, REGISTERED LAND SURVEYOR, AMERICAN LAND SURVEYING, L.L.C., A DELAWARE LIMITED LIABILITY COMPANY, CARAWAY CATTLE COMPANY FAMILY PARTNERSHIP L.L.P., AND FIRST AMERICAN TITLE INSURANCE COMPANY, THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1-4, 7(a), 7(b), 8, 10, 11(a), 13, 15, AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON AUGUST 26, 2022.

JASON WARD, REGISTERED LAND SURVEYOR
 TEXAS REGISTRATION NO. 5811

9/29/2022 DATE

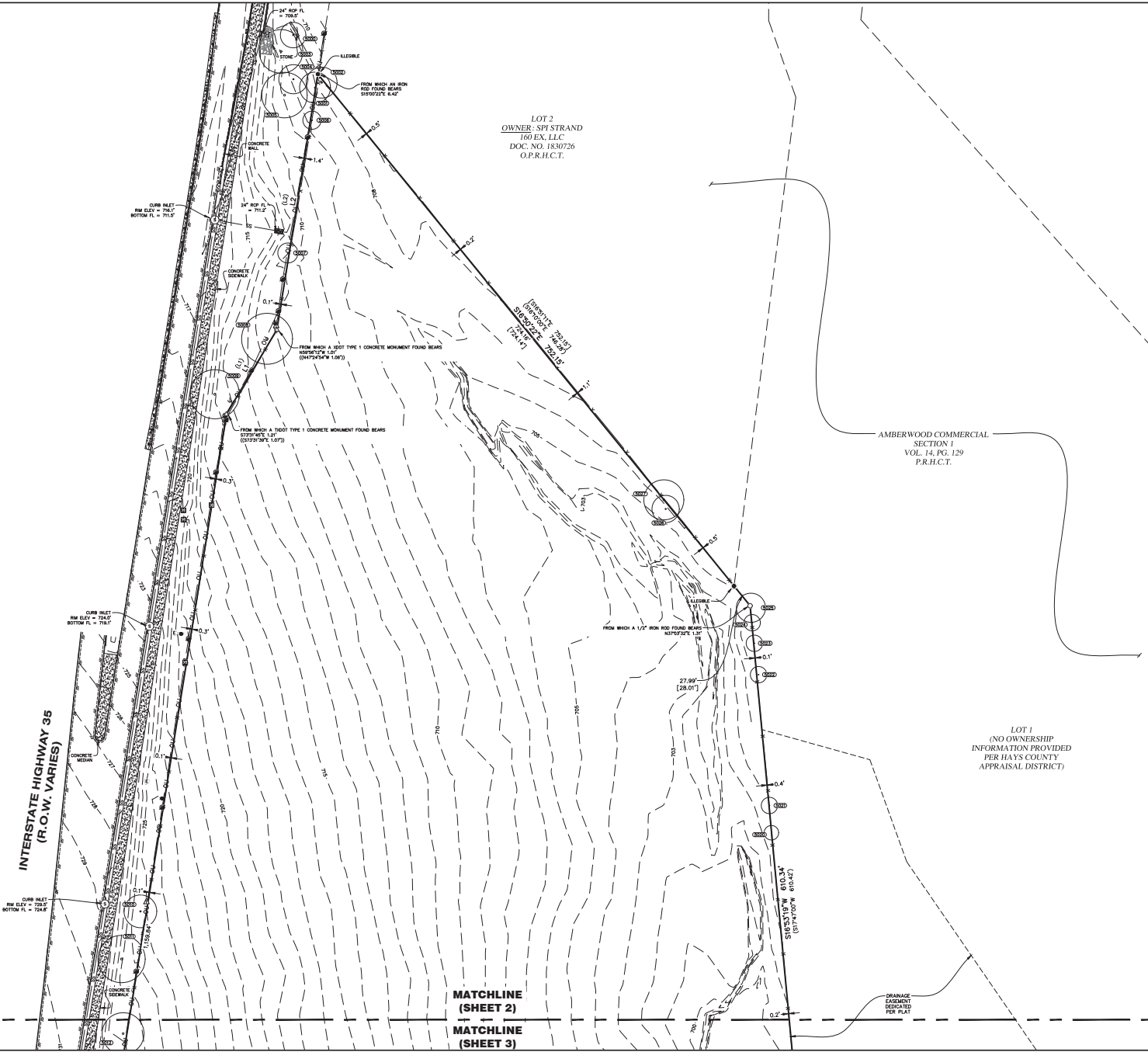


4WARD Land Surveying

PO Box 90876, Austin, Texas 78709
 INFO@4WARDS.COM (512) 537-2384
 4WARDS.FIRM@GMAIL.COM

Date: 10/4/2022
 Project: 01480
 Scale: 1" = 200'
 Reviewer: DW
 Tech: JT
 Field Crew: 40/77
 Survey Date: AUG. 2022
 Sheet: 1 OF 4

INTERSTATE HIGHWAY 35
(R.O.W. VARIES)



LOT 2
OWNER: SPI STRAND
160 EX, LLC
DOC. NO. 1830726
O.P.R.H.C.T.

AMBERWOOD COMMERCIAL
SECTION 1
VOL. 14, PG. 129
P.R.H.C.T.

LOT 1
(NO OWNERSHIP
INFORMATION PROVIDED
PER HAYS COUNTY
APPRAISAL DISTRICT)

TREE LIST

NUMBER	DESCRIPTION
5000	14' WILLOW
5001	17' WILLOW 9-8
5002	17' CEDAR ELM
5003	24' WILLOW 15-12
5004	16' WILLOW
5005	25' CYPRESS
5006	10' CEDAR ELM
5007	11' LIVE OAK
5008	28' LIVE OAK
5009	27' LIVE OAK
5010	18' LIVE OAK
5011	26' LIVE OAK
5012	23' LIVE OAK
5013	23' LIVE OAK
5014	23' LIVE OAK
5015	25' LIVE OAK
5016	25' LIVE OAK
5017	22' LIVE OAK
5018	18' CHINABERRY 12-11
5019	16' HACKBERRY
5020	8' HACKBERRY
5021	9' HACKBERRY
5022	9' HACKBERRY
5023	9' HACKBERRY
5024	9' HACKBERRY
5025	18' HACKBERRY
5026	15' WILLOW 10-10
5027	22' WILLOW 16-11

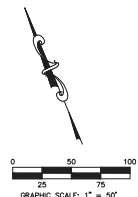
CURB INLET
RM ELEV = 724.5'
BOTTOM FL = 724.4'

CURB INLET
RM ELEV = 724.0'
BOTTOM FL = 723.9'

CURB INLET
RM ELEV = 721.7'
BOTTOM FL = 721.5'

MATCHLINE
(SHEET 2)
MATCHLINE
(SHEET 3)

DRAINAGE
EASEMENT
REQUIRED
PER PLAT

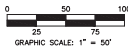


DETAIL "A"

4WARD
Land Surveying

PO Box 90876, Austin, Texas 78769
INFO@4WARDS.COM (512) 537-2384
SERVING THE MICHIGAN AREA

Date: 10/4/2022
Project: 01480
Scale: 1" = 50'
Reviewer: DW
Tech: TE
Field Drew: KJ/PJ
Survey Date: AUG. 2022
Sheet: 2 OF 4
P:\1848\04\01848.dwg



GRAPHIC SCALE: 1" = 50'

DETAIL "B"

**MATCHLINE
(SHEET 2)**
**MATCHLINE
(SHEET 3)**

**INTERSTATE HIGHWAY 35
(R.O.W. VARIES)**

CORNER POINT
R.W. ELEV. = 725.2'
BOTTOM FL. = 723.6'

CORNER POINT
R.W. ELEV. = 722.9'
BOTTOM FL. = 720.7'

CORNER POINT
R.W. ELEV. = 725.9'
BOTTOM FL. = 723.7'

**MATCHLINE
(SHEET 3)**
**MATCHLINE
(SHEET 4)**

DRAINAGE
EASEMENT
DEDICATED
FOR PLAT

KYLE BUSINESS PARK, L.P.
CALLED 25.58 ACRES
(TRACT 27)
VOL. 2835, PG. 819
D.R.H.C.T.

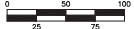
APPROXIMATE LOCATION OF
ZONE "A" (SHADED) AS SCALED
FROM FEMA FLOOD MAP
(SLANT HATCH)

APPROXIMATE LOCATION OF
ZONE "X" (UNSHADED) AS
SHOWN ON FEMA FLOOD MAP

4WARD
Land Surveying

DATE: 10/4/2022
 PROJECT: 01480
 SCALE: 1" = 50'
 REVIEWER: DW
 TECH: TE
 FIELD CREW: KJ/PJ
 SURVEY DATE: AUG. 2022
 SHEET: 3 OF 4

PO Box 90876, Austin Texas 78799
 INFO@4WARDLS.COM (512) 537-2384
 TEXAS REG. #10174020
 P:\10480\dw\01480.dwg



GRAPHIC SCALE: 1" = 50'
DETAIL "C"

**INTERSTATE HIGHWAY 35
(R.O.W. VARIES)**

**MATCHLINE
(SHEET 3)**

**MATCHLINE
(SHEET 4)**

101.8289 ACRE(S)
4,435,666 SQUARE FEET

CARAWAY CATTLE COMPANY FAMILY
PARTNERSHIP LLP
REMAINDER OF A
CALLED 04.08 ACRES
VOL. 4516, PG. 622
D.R.H.C.T.

**MATCHLINE
(SHEET 4)**

**MATCHLINE
(SHEET 5)**

**MATCHLINE
(SHEET 4)**

**MATCHLINE
(SHEET 6)**

4WARD
Land Surveying

PO Box 90876, Austin Texas 78769
INFO@4WARDLS.COM (512) 537-2384
SERVING FROM 1917 TO 2022

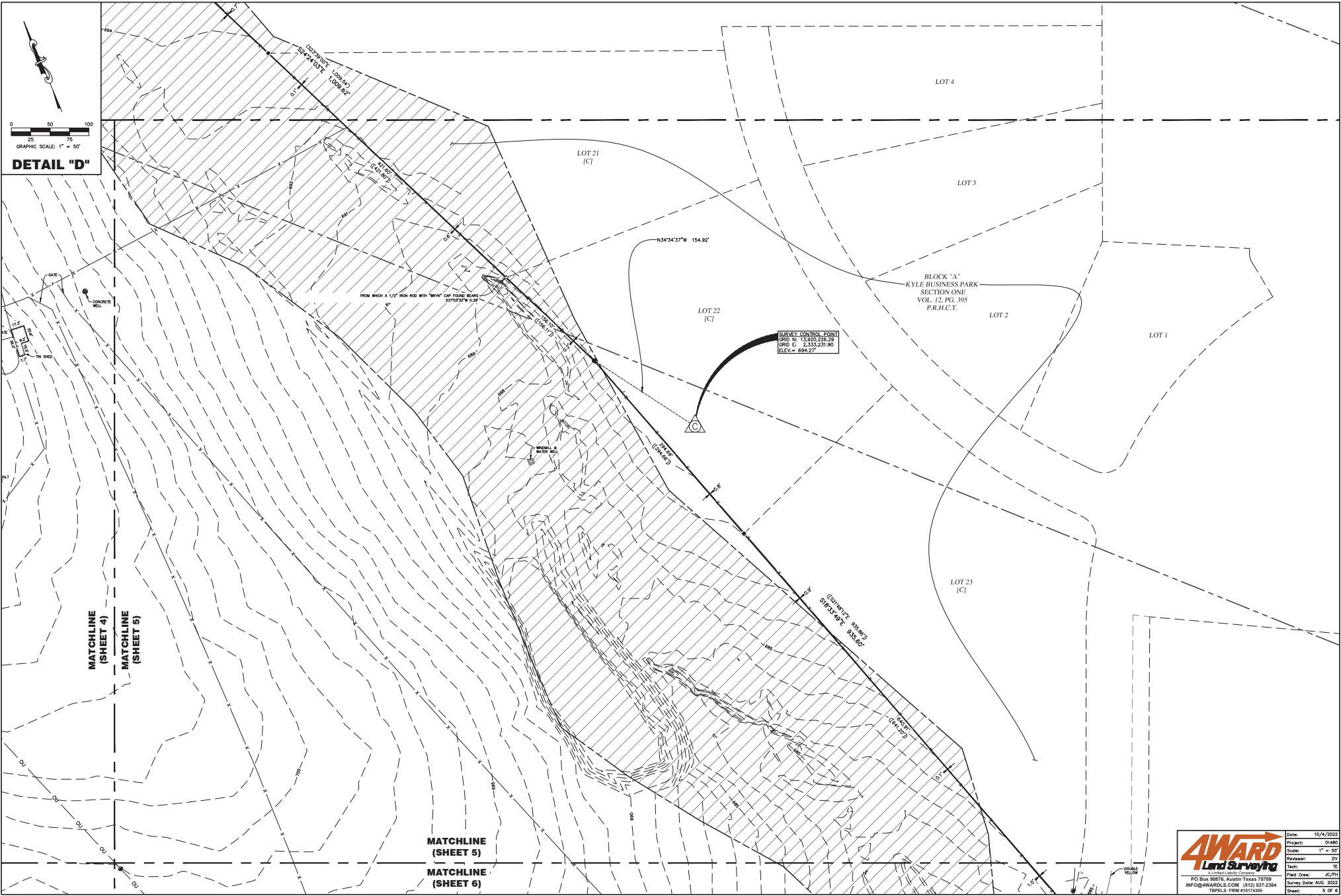
Date:	10/4/2022
Project:	01480
Scale:	1" = 50'
Reviewer:	DW
Tech:	TE
Field Crew:	02/7/1
Survey Date:	Aug. 2022
Sheet:	4 OF 6

P:\19187\04\19187.dwg



0 50 100
25 75

GRAPHIC SCALE: 1" = 50'
DETAIL "D"



MATCHLINE
(SHEET 4)

MATCHLINE
(SHEET 5)

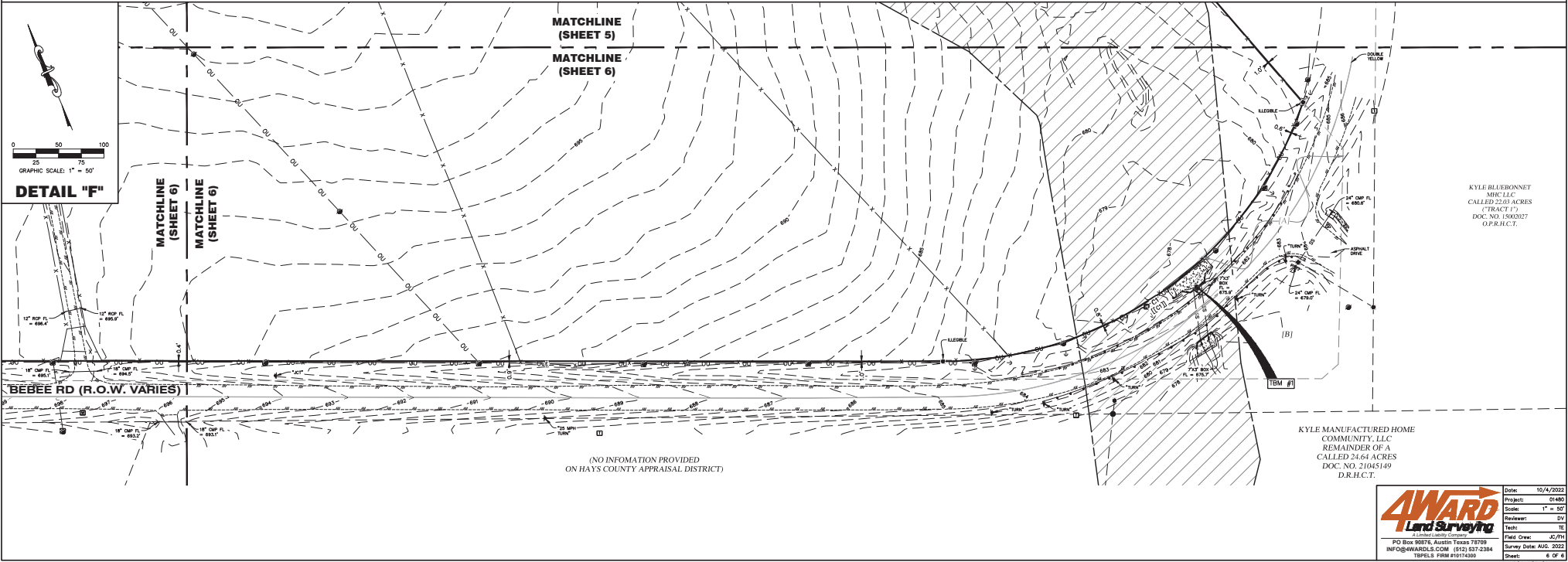
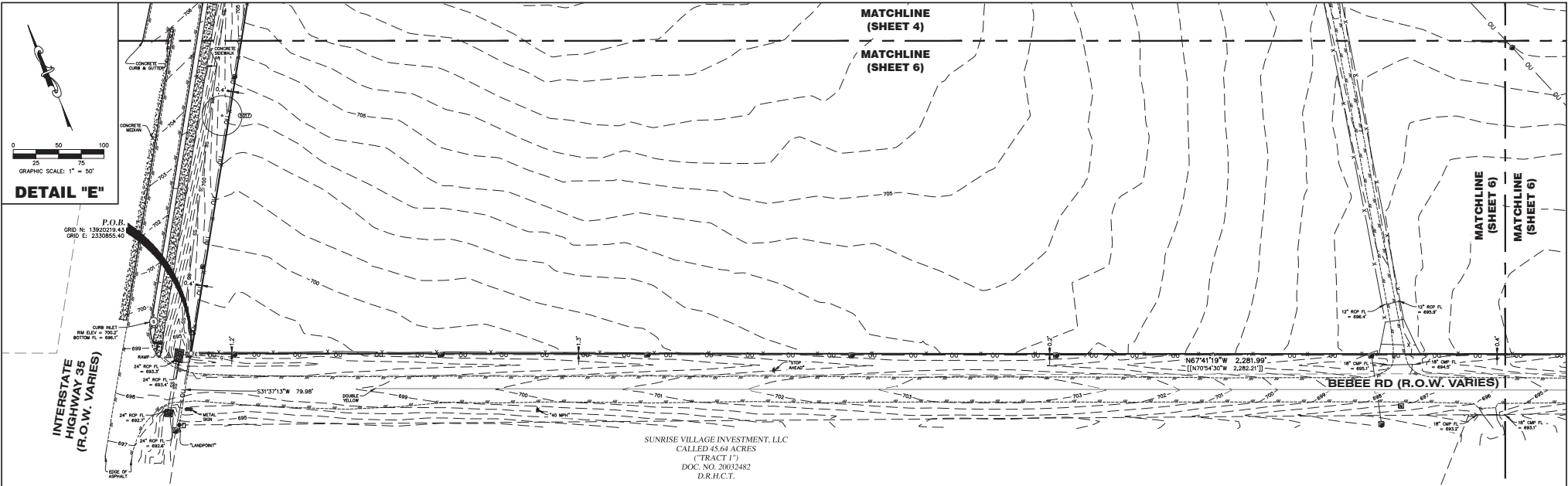
MATCHLINE
(SHEET 5)

MATCHLINE
(SHEET 6)

4WARD
Land Surveying

Date:	10/4/2022
Project:	014801
Scale:	1" = 50'
Reviewer:	DW
Tech:	TE
Field Crew:	KJ/PJ
Survey Date:	AUG. 2022
Sheet:	5 OF 6

PO Box 90876, Austin, Texas 78709
INFO@4WARDLS.COM (512) 537-2384
SERVING THE MIDDLE WEST SINCE 1987



4WARD
Land Surveying

Date: 10/4/2022
Project: 01480
Scale: 1" = 50'
Reviewer: DW
Tech: TE
Field Crew: JC/PH
Survey Date: AUG. 2022
Sheet: 6 OF 6
P:\151480\04\01480.dwg

Exhibit C – Preliminary Project and Finance Plan



REINVESTMENT ZONE NUMBER FIVE,
CITY OF KYLE, TEXAS
PRELIMINARY PROJECT AND FINANCE PLAN
DECEMBER 5, 2023

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SECTION 1: DEFINITIONS

Capitalized terms used in this Preliminary Plan shall have the meanings given to them in **Section I** below unless otherwise defined in this Preliminary Plan or unless the context in which a term is used clearly requires a different meaning. Unless otherwise defined, a reference to a “Section,” or an “Exhibit,” shall be a reference to a Section of this Preliminary Plan or an Exhibit or Appendix attached to and made a part of this Preliminary Plan for all purposes.

“380 Grant” means a program authorized by Chapter 380 of the Texas Local Government Code, as amended that makes grants from the TIRZ Fund of the Zone, pursuant to the City 380 Agreement.

“381 Grant” means a program authorized by Chapter 381 of the Texas Local Government Code, as amended by and between the county and the Developer that makes grants from a portion of the County’s sales tax collections within the Zone, pursuant to the County 381 Agreement.

“Act” means Chapter 311, Texas Tax Code, Tax Increment Financing Act, as amended.

“Administrative Costs” means the actual, direct costs paid or incurred by or on behalf of the City to administer the Zone, including planning, engineering, legal services, organizational costs, publicizing costs, or implementations costs paid by or on behalf of the City that are directly related to the administration of the Zone.

“Appraisal District” means the Hays Central Appraisal District.

“Board” means the Board of Directors for the Zone.

“Captured Appraised Value” means the new taxable value generated in addition to the Tax Increment Base on a parcel-by-parcel basis for each year during the term of the Zone, as calculated and confirmed annually by the Appraisal District.

“City 380 Agreement” means the agreement between the City and Developer that provides incentive payments to the Developer, upon the satisfaction of certain metrics, paid with the TIRZ Increment Receipts produced by the Zone.

“City Council” means the governing body of the City.

“City Property Tax Increment” means fifty percent (50%) of the City’s ad valorem real property taxes collected and received by the City on the Captured Appraised Value in the Zone and deposited into the TIRZ Fund.

“City Sales Tax Increment” means fifty percent (50%) of the City’s sales taxes collected and received by the City from the development within the Zone and deposited into the TIRZ Fund.

“**City**” means the City of Kyle, Texas.

“**County 381 Agreement**” means the agreement between the County and Developer that dedicates one half (1/2) of the County sales tax generated in the Zone to reimburse the Developer for Project Costs of the Zone.

“**County Participation Agreement**” means that certain Interlocal Agreement to Participate in Reinvestment Zone Number Five, City of Kyle, Texas, entered into by the City and County on December 19, 2023, detailing the City and County’s participation in the Zone.

“**County TIRZ Increment**” means fifty percent (50%) of the County’s ad valorem real property taxes collected and received by the City on the Captured Appraised Value in the Zone and deposited into the TIRZ Fund.

“**County**” means Hays County, Texas.

“**Creation Ordinance**” means Ordinance No. [REDACTED] adopted by the City Council on December 5, 2023.

“**Debt Service**” means the total principal and interest due on any Bonds issued and sold by the City to acquire the Public Improvements, which Debt Service may be paid from the TIRZ Increment Receipts.

“**Developer**” means NewQuest Equity, L.C. and Transwestern Development Company L.L.C. and its successors or assigns.

“**Economic Development Grants**” means the 380 Grant and the 381 Grant.

“**Feasibility Study**” means the economic feasibility study as evaluated over the term of the Zone and focused only on direct financial benefits, as shown on **Exhibit E**.

“**Final Plan**” means the future *Reinvestment Zone Number Five, City of Kyle Final Project and Finance Plan*.

“**Non-Project Costs**” means those certain costs that will be spent to develop in the Zone, but will not be financed by the Zone, and will be financed by private funds, as described in **Section 6**, and shown on **Exhibit B**.

“**Preliminary Plan**” means this *Reinvestment Zone Number Five, City of Kyle Preliminary Project and Finance Plan*.

“**Project Costs**” means the total costs in the Zone, including the Administrative Costs, the actual costs of the Public Improvements, Debt Service on any Bonds issued to acquire the Public Improvements, and the 380 Grant.

“**Property**” means 100.57 acres of land as depicted on **Exhibit A** and identified on **Exhibit F**.

“Public Improvements” means the proposed public improvements to be financed by the Zone, which includes roads, water, public utilities, and soft costs related thereto, as depicted on **Exhibit H**, and detailed on **Exhibit C**.

“Right-of-Way Land Acquisition” means the land to be acquired by the City and legally recognized as a route for public use for the benefit of the Zone.

“Road Bonds” means any general obligation bonds issued by the City pursuant to voter authorization obtained at an election held on November 8, 2022.

“Sales Tax Base” means the total amount of municipal sales and use taxes attributable to the Zone in 2023. The Sales Tax Base is \$0.00.

“Tax Increment Base” means total appraised value of taxable real property in the Zone at the time of creation of the Zone, as calculated and certified by the Appraisal District.

“TIRZ Bonds” means any public securities, other than Road Bonds, issued by the City to acquire the Public Improvements, which Debt Service thereof may be paid from the TIRZ Increment Receipts.

“TIRZ Fund” means the tax increment fund created by the City and segregated from all other funds of the City.

“TIRZ Increment Receipts” means the cumulative amount of the City Property Tax Increment, the City Sales Tax Increment, and the County TIRZ Increment.

“Total Payments” means the cumulative amount of payments made pursuant to the terms of this Project and Finance Plan, including the Economic Development Grants, payment for Right-of-Way land acquisition, and the net proceeds of TIRZ Bonds, if any, on any series of bonds issued to finance the Public Improvements in an amount not to exceed \$38,970,938 less interest amounts on paid TIRZ Bonds, if any.

“Zone” means Reinvestment Zone Number Five, City of Kyle, as depicted on **Exhibit A**, and described on **Exhibit F**.

SECTION 2: INTRODUCTION

2.1 Authority and Purpose

The City has the authority under the Act to designate a contiguous or noncontiguous geographic area within the corporate limits or extraterritorial jurisdiction of the City as a tax increment reinvestment zone to promote development or redevelopment of the area because the City Council determined that development or redevelopment would not occur solely through private investment in the reasonably foreseeable future, that the Zone is economically feasible, and that creation of the Zone is in the best interest of the City and the property in the Zone. The purpose of the Zone is to facilitate such development or redevelopment by financing the costs of public works, public improvements, programs, and other projects benefiting the Zone, plus other costs incidental to those expenditures, all of which costs are authorized by the Act.

2.2 Eligibility Requirements

An area is eligible under the Act to be designated as a tax increment reinvestment zone if the area:

- 1) substantially arrests or impairs the sound growth of the municipality designating the Zone, retard the provision of housing accommodations, or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition; or
- 2) is predominantly open or undeveloped and, because of obsolete platting, deterioration of structures or site improvements, or other factors, substantially impairs or arrests the sound growth of the City; or
- 3) is in a federally assisted new community located in the City or in an area immediately adjacent to a federally assisted new community; or
- 4) is in an area described in a petition requesting that the area be designated as a reinvestment zone, if the petition is submitted to the governing body of the City by the owners of property constituting at least fifty percent (50%) of the appraised value of the property in the area according to the most recent certified appraisal roll for the county in which the area is located.

The City cannot, however, designate a zone if more than thirty percent (30%) of the property in the proposed zone, excluding property that is publicly owned, is used for residential purposes, or if the total appraised value of taxable real property in the proposed zone and in existing reinvestment zones exceeds fifty percent (50%) of the total appraised value of taxable real property in the City and in industrial districts created by the City.

2.3 Proposed Zone

Concurrently with the approval of the Final Plan, the Property within the proposed Zone will be located within the corporate limits of the City. The Property is predominantly open, undeveloped or underdeveloped, and substantially impairs and arrests the sound growth of the City. Due to its size, location, and physical characteristics development would not occur solely through private investment in the foreseeable future. The Property lacks public infrastructure and requires economic incentive to attract development for the purpose of providing long-term economic benefits including, but not limited to, increased real property tax base for all taxing units in the Zone. If the Public Improvements are financed as contemplated by this Preliminary Plan, the City envisions that the Property will be developed to take full advantage of the opportunity to bring to the City a quality development.

2.4 Preliminary Plan and Hearing

Before the City Council adopts the Creation Ordinance, the City Council must prepare a preliminary reinvestment zone project and finance plan in accordance with the Act and hold a public hearing on the creation of the Zone and its benefits to the City and to the Property, at which public hearing interested persons shall be given the opportunity to speak for and against the creation of the Zone, the boundaries of the Zone and the concept of tax increment financing, and at which hearing the owners of the Property shall be given a reasonable opportunity to protest the inclusion of their Property in the Zone. The requirement of the Act for a preliminary reinvestment zone project and finance plan was satisfied by this Preliminary Plan, the purpose of which was to describe, in general terms, the Public Improvements that will be undertaken and financed by the Zone. A description of how such Public Improvements and projects will be undertaken and financed shall be determined by the Final Plan, which requires approval by the Board and City Council.

2.5 Creation of the Zone

Upon the closing of the above referenced public hearing, the City Council shall consider the Creation Ordinance and the following findings:

- 1) that development or redevelopment of the Property would not occur solely through private investment in the reasonably foreseeable future,
- 2) that the Zone was feasible,
- 3) that improvements in the Zone will significantly enhance the value of all the taxable real property in the Zone and will be of general benefit to the City, and
- 4) that the Zone meets the eligibility requirements of the Act.

Among other provisions required by the Act, the Creation Ordinance shall appoint the Board.

2.6 Board Recommendations

Since the creation of the Zone, the Board reviewed this Preliminary Plan and recommend its approval to the City Council pursuant to which the City Property Tax Increment, the City Sales Tax Increment, and the County TIRZ Increment shall be deposited into the TIRZ Fund to pay a portion of the Project Costs benefiting the Zone.

SECTION 3: DESCRIPTION AND MAPS

3.1 Existing Uses and Conditions

The Property is currently zoned Agriculture and is intended to be developed with commercial and residential uses. The Property is undeveloped or underdeveloped, and there is limited public infrastructure to support development. Development requires extensive public infrastructure that: (1) the City could not provide, and (2) would not be provided solely through private investment in the foreseeable future.

3.2 Proposed Uses

The proposed uses of the Property in the City include commercial and residential use, as shown on **Exhibit G**.

SECTION 4: PROPOSED CHANGES TO ORDINANCES, PLANS, CODES, RULES, AND REGULATIONS

Concurrently with the approval of the Final Plan, the Property within the proposed Zone will be located within the corporate limits of the City and shall be subject to the City's zoning regulations. The property is currently zoned as Agriculture. The City has exclusive jurisdiction over the subdivision and platting of the property within the Property and the design, construction, installation, and inspection of water, sewer, drainage, roadway, and other public infrastructure. No proposed changes to zoning ordinances, comprehensive plan, building codes, subdivision rules, or other municipal ordinances are planned.

SECTION 5: RELOCATION OF DISPLACED PERSONS

No persons were displaced and in need of relocation due to the creation of the Zone or shall be due to the implementation of this Plan.

SECTION 6: ESTIMATED NON-PROJECT COSTS

Non-project costs are costs that will be spent to develop in the Zone but will not be financed by the Zone, and will be financed by private funds. The list of non-project costs is shown on **Exhibit B** and are estimated to be approximately \$176,793,059.

SECTION 7: PROPOSED PUBLIC IMPROVEMENTS

7.1 Categories of Public Improvements

All Public Improvements shall be designed and constructed in accordance with all applicable City standards and shall otherwise be inspected, approved, and accepted by the City. At the City's option, the Public Improvements may be expanded to include any other category of improvements authorized by the Act.

7.2 Locations of Public Improvements

The estimated locations of the proposed Public Improvements are depicted on **Exhibit H**. These locations may be revised, with the approval of the City, from time to time without amending the Final Plan.

SECTION 8: ESTIMATED PROJECT COSTS

8.1 Project Costs

The total costs are estimated to be \$39,291,241, as shown below and detailed on **Exhibit C**. The Project Costs are estimated to be \$38,970,938, and the Administrative Costs are estimated to be \$320,303.

8.1.1 Administrative Costs

The Administrative Costs are estimated at \$10,000 in 2024 and projected to increase by two percent (2%) per year beginning 2025. The Administrative Costs shall be paid each year from the TIRZ Fund before any other Project Costs are paid.

8.1.2 Project Costs

The total Project Costs are estimated to be \$38,970,938, as shown on **Exhibit C**.

8.2 Estimated Timeline of Incurred Costs

The Administrative Costs will be incurred annually through the remaining duration of the Zone. It is estimated the costs for constructing the Public Improvements will be incurred between 2026 and 2028, as shown on **Exhibit D**.

SECTION 9: ECONOMIC FEASIBILITY

9.1 Feasibility Study

The Feasibility Study focuses on only direct financial benefits (i.e. ad valorem tax and sales tax revenues from the development of Public Improvements in the Zone). Based on the Feasibility Study, during the term of the Zone, new development (which would not have occurred but for the Zone) will generate approximately \$39,036,988 in total new real property tax revenues for the participating taxing entities over the term of the Zone. Approximately \$19,518,494 in City Property Tax Increment and County TIRZ Increment will be deposited into the TIRZ Fund to pay for the Project Costs over the life of the Zone. The remaining real property tax over that period, estimated at \$19,518,494 shall be retained by the participating taxing entities.

The Feasibility Study shows the cumulative City Property Tax Increment is estimated to be \$11,792,005 which will be available to pay a portion of the Project Costs, until the term expires or is otherwise terminated. The remainder of the new City Property Tax Increment generated within the Zone and retained by the City is estimated to be \$11,792,005 over the term of the Zone.

The Feasibility Study shows the cumulative County TIRZ Increment is estimated to be \$7,726,489, which will be available to pay a portion of the Project Costs, until the term expires or is otherwise terminated. The remainder of the new County real property tax and sales tax revenues generated within the Zone and retained by the County is estimated to be \$7,726,489, over the term of the Zone.

The Feasibility Study shows the cumulative City Sales Tax Increment is estimated to be \$28,376,768 which will be available to pay a portion of the Project Costs, until the term expires or is otherwise terminated. The remainder of the new City Sales Tax Increment generated within the Zone and retained by the City is estimated to be \$28,376,768 over the term of the Zone.

Any Project Costs not paid from the TIRZ Increment Receipts or the 381 Grant will be paid for with private funds. Provided, however, notwithstanding anything in this Preliminary Plan or in any agreement to the contrary, amounts paid to the Developer shall not exceed the Total Payments.

SECTION 10: ESTIMATED BONDED INDEBTEDNESS

The City shall be authorized to issue Tax Increment Revenue bonds which are secured by and payable from the City TIRZ Increment. The estimated bonded indebtedness of the Zone is anticipated to be \$8,450,000, as shown on **Exhibit C**. The bonds, supported by the TIRZ, are anticipated to be issued by the City in 2027.

SECTION 11: APPRAISED VALUE

11.1 Tax Increment Base

The Tax Increment Base is estimated to be \$38,990 and shall be confirmed by the Appraisal District. Each year, the Appraisal District shall confirm the Captured Appraised Value of the Zone.

11.2 Estimated Captured Appraised Value

It is estimated that upon expiration of the term of the Zone, the total Captured Appraised Value of taxable real property in the Zone will be approximately \$290,965,150, as shown on **Exhibit E**. The actual Captured Appraised Value, as certified by the Appraisal District each year, will be used to calculate the City Property Tax Increment and the County TIRZ Increment, as applicable, pursuant to the Final Plan.

SECTION 12: METHOD OF FINANCING

12.1 TIRZ No. 5 Fund Contributions

All payments of Project Costs shall be made solely from the TIRZ Fund and the 381 Grant. No other funds of the City or County shall be utilized, unless otherwise approved by their respective governing bodies. The TIRZ Fund shall only be used to pay the Project Costs. The City may amend the Final Plan in compliance with the County Participation Agreement, including but not limited to what is considered a Project Cost.

Additionally, funds deposited into the TIRZ Fund, shall be applied in the following order:

- 1) First, to the allocation of the reasonable Administrative Costs of the Zone;
- 2) Second, to the allocation for the annual payments of Debt Service of any Bonds issued to acquire the Public Improvements;
- 3) Third, for payments to the Developer for the 380 Grant pursuant to the City 380 Agreement.
- 4) Fourth, to be used in any other manner authorized by the City and as allowed pursuant to the Act, and
- 5) Fifth, after all eligible Project Costs have been paid, any excess shall be returned to the general fund of the City and the County, respectively, on a pro rata basis.

12.1.1 City Property Tax Increment

The Final Plan shall obligate the City to deposit the City Tax Increment into the TIRZ Fund. For example, in FY 2024, the City's ad valorem tax rate was \$0.4693 per \$100 of taxable value, therefore the City would contribute \$0.23465 per \$100 of the Captured Appraised Value in the Zone levied and collected, to the TIRZ Fund.

12.1.2 County TIRZ Increment

The County Participation Agreement shall obligate the County to deposit the County TIRZ Increment into the TIRZ Fund. For example, in FY 2023, the County's ad valorem tax rate was \$0.3075 per \$100 of taxable value, therefore the County would contribute \$0.15375 per \$100 of the Captured Appraised Value in the Zone levied and collected, to the TIRZ Fund.

12.2 City Sales Tax

The Final Plan shall obligate the City to deposit the City Sales Tax Increment into the TIRZ Fund.

SECTION 13: DURATION OF THE ZONE, TERMINATION

13.1 Duration

The stated term of the Zone shall commence upon the execution of the Creation Ordinance and shall continue until December 31, 2048, with the last payment being due by January 31, 2049, unless otherwise terminated in accordance with the Creation Ordinance.

13.2 Termination

The Zone shall terminate on the earlier of (i) December 31, 2048, or (ii) at such time that all Debt Service on any Bonds and all payments made to the Developer under the Economic Development Grants equal the Total Payments less amounts paid under the 381 Grant have been paid in full. If upon expiration of the stated term of the Zone, the Total Payments have not been fully funded by the TIRZ Fund and the 381 Grant, the City shall have no obligation to pay the shortfall and the term shall not be extended. Nothing in this Section is intended to prevent the City from extending the term of the Zone in accordance with the Act.

LIST OF EXHIBITS

Unless otherwise stated, all references to "Exhibits" contained in this Preliminary Plan shall mean and refer to the following exhibits, all of which are attached to and made a part of this Preliminary Plan for all purposes.

Exhibit A	Map of the Zone
Exhibit B	Non-Project Costs
Exhibit C	Project Costs
Exhibit D	Estimated Timeline of Incurred Costs
Exhibit E	Feasibility Study
Exhibit F	Legal Description of the Zone
Exhibit G	Proposed Uses of the Property
Exhibit H	Map of the Public Improvements

EXHIBIT A – MAP OF THE ZONE

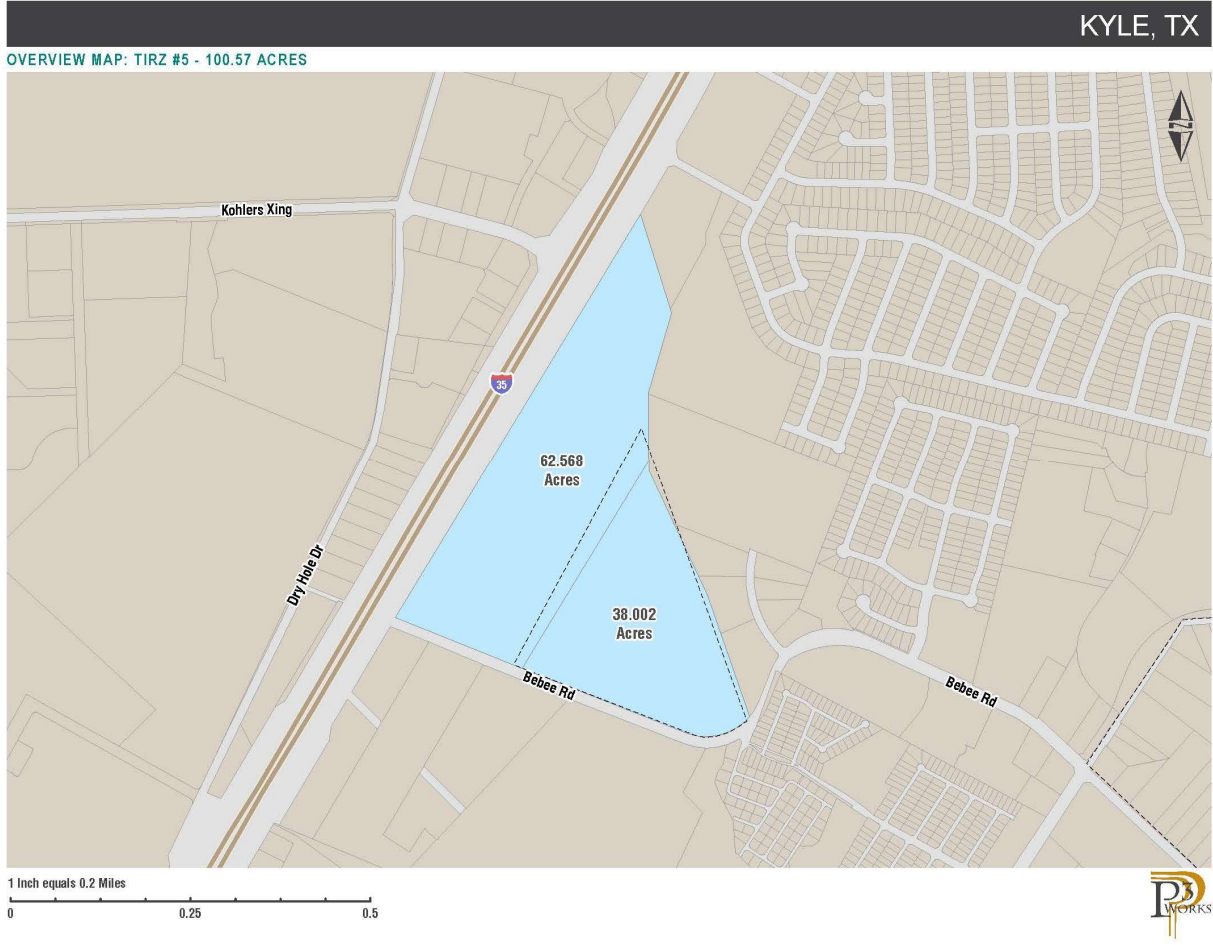


EXHIBIT B – NON-PROJECT COSTS

Lot Type	Unit/SF	Buildout Value	
		\$	Total
Inline Retail	267,275	\$ 190	\$ 50,782,250
Freestanding Retail	142,775	\$ 400	\$ 57,110,000
Restaurant	20,771	\$ 300	\$ 6,231,300
First Floor Retail	17,800	\$ 275	\$ 4,895,000
Multi-Family	421	\$ 201,900	\$ 85,000,000
Total Buildout Value			\$ 204,018,550
Less: Beginning Taxable Value			\$ (38,990)
Less: Public Improvements			\$ (27,186,501)
Total Non-Project Costs			\$ 176,793,059

Footnotes:

¹Values based on Developer's model dated 7/19/2023.

EXHIBIT C – PROJECT COSTS

Reinvestment Zone Number Five, City of Kyle Project Costs			
Project Costs	TIRZ Funding	Other Sources	Total Funding
Right-of-Way Land Acquisition ¹	\$ -	\$ 5,500,000	
Debt Service on TIRZ Bonds for Public Improvements ²	\$ 12,695,938		
380 Grant	\$ 14,490,563		
Project Costs Subtotal³	\$ 27,186,501	\$ 5,500,000	\$ 32,686,501
Administrative Costs	320,303		
Total Project Costs	\$ 27,506,804	\$ 5,500,000	\$ 33,006,804

Footnotes:

¹ May be funded with appropriated funds or Road Bond proceeds. These amounts are not currently contemplated to be paid with TIRZ Bond proceeds or TIRZ Increment Receipts.

² The Par Value of the TIRZ Bonds is estimated to be \$8,450,000.

³ Maximum reimbursable costs to Developer is \$38,970,938, which is inclusive of the County's 381 Grant of \$6,284,437.

EXHIBIT D – ESTIMATED TIMELINE OF INCURRED COSTS

**Reinvestment Zone Number Five, City of Kyle, Texas
Estimated Timeline of Incurred Project Costs**

Zone Year	Calendar Year	Total Project Costs ^{1,2}	
		Annual	Cumulative
Base	2023	\$ -	\$ -
1	2024	\$ 11,632,965	\$ 11,632,965
2	2025	\$ 15,553,536	\$ 27,186,501
3	2026	\$ -	\$ 27,186,501
4	2027	\$ -	\$ 27,186,501
5	2028	\$ -	\$ 27,186,501
Total		\$ 27,186,501	

Footnotes:

¹ Estimate provided for illustrative purposes only.

² Does not illustrate Administrative Costs, which shall be incurred annually for the duration of the Zone.

EXHIBIT E – FEASIBILITY STUDY

**Reinvestment Zone Number Five, City of Kyle
Feasibility Study**

Zone Year	Calendar Year	Growth/Year ¹	Added Development Value ²	New Taxable Value	Incremental Value	City Property Tax Increment ⁴			County TIRZ Increment ⁵			City Sales Tax Increment ⁶		Total TIRZ Fund Contribution ⁷		
						%	Annual	Cumulative	%	Annual	Cumulative	Annual	Cumulative	Annual	Cumulative	
Base	2023			\$ 38,990												
1	2024	2%	-	\$ 39,770	\$ 780	50%	\$ -	\$ -	50%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2	2025	2%	-	\$ 40,565	\$ 1,575	50%	\$ 2	\$ 2	50%	\$ 1	\$ 1	\$ -	\$ -	\$ 3	\$ 3	\$ 3
3	2026	2%	-	\$ 41,376	\$ 2,386	50%	\$ 4	\$ 6	50%	\$ 2	\$ 4	\$ -	\$ -	\$ 6	\$ 9	\$ 9
4	2027	2%	151,229,535	\$ 151,271,739	\$ 151,232,749	50%	\$ 6	\$ 11	50%	\$ 4	\$ 7	\$ -	\$ -	\$ 9	\$ 18	\$ 18
5	2028	2%	4,992,900	\$ 159,290,074	\$ 159,251,084	50%	\$ 354,868	\$ 354,879	50%	\$ 232,520	\$ 232,528	\$ 999,150	\$ 999,150	\$ 1,586,538	\$ 1,586,556	\$ 1,586,556
6	2029	2%	53,715,517	\$ 216,191,392	\$ 216,152,402	50%	\$ 373,683	\$ 728,561	50%	\$ 244,849	\$ 477,376	\$ 1,039,200	\$ 2,038,350	\$ 1,657,731	\$ 3,244,288	\$ 3,244,288
7	2030	2%	-	\$ 220,515,220	\$ 220,476,230	50%	\$ 507,202	\$ 1,235,763	50%	\$ 332,334	\$ 809,711	\$ 1,386,233	\$ 3,424,583	\$ 2,225,768	\$ 5,470,056	\$ 5,470,056
8	2031	2%	-	\$ 224,925,524	\$ 224,886,534	50%	\$ 517,347	\$ 1,753,111	50%	\$ 338,982	\$ 1,148,693	\$ 1,386,233	\$ 4,810,815	\$ 2,242,562	\$ 7,712,618	\$ 7,712,618
9	2032	0%	-	\$ 224,925,524	\$ 224,886,534	50%	\$ 527,696	\$ 2,280,807	50%	\$ 345,763	\$ 1,494,456	\$ 1,386,233	\$ 6,197,048	\$ 2,259,692	\$ 9,972,310	\$ 9,972,310
10	2033	0%	-	\$ 224,925,524	\$ 224,886,534	50%	\$ 527,696	\$ 2,808,503	50%	\$ 345,763	\$ 1,840,219	\$ 1,386,233	\$ 7,583,280	\$ 2,259,692	\$ 12,232,002	\$ 12,232,002
11	2034	2%	-	\$ 229,424,035	\$ 229,385,045	50%	\$ 527,696	\$ 3,336,199	50%	\$ 345,763	\$ 2,185,982	\$ 1,386,233	\$ 8,969,513	\$ 2,259,692	\$ 14,491,694	\$ 14,491,694
12	2035	2%	-	\$ 234,012,516	\$ 233,973,526	50%	\$ 538,252	\$ 3,874,451	50%	\$ 352,680	\$ 2,538,661	\$ 1,386,233	\$ 10,355,745	\$ 2,277,164	\$ 16,768,858	\$ 16,768,858
13	2036	2%	-	\$ 238,692,766	\$ 238,653,776	50%	\$ 549,019	\$ 4,423,470	50%	\$ 359,734	\$ 2,898,396	\$ 1,386,233	\$ 11,741,978	\$ 2,294,986	\$ 19,063,843	\$ 19,063,843
14	2037	2%	-	\$ 243,466,621	\$ 243,427,631	50%	\$ 560,001	\$ 4,983,471	50%	\$ 366,930	\$ 3,265,326	\$ 1,386,233	\$ 13,128,210	\$ 2,313,164	\$ 21,377,007	\$ 21,377,007
15	2038	2%	-	\$ 248,335,954	\$ 248,296,964	50%	\$ 571,203	\$ 5,554,674	50%	\$ 374,270	\$ 3,639,596	\$ 1,386,233	\$ 14,514,443	\$ 2,331,705	\$ 23,708,713	\$ 23,708,713
16	2039	2%	-	\$ 253,302,673	\$ 253,263,683	50%	\$ 582,629	\$ 6,137,303	50%	\$ 381,757	\$ 4,021,352	\$ 1,386,233	\$ 15,900,675	\$ 2,350,618	\$ 26,059,330	\$ 26,059,330
17	2040	2%	-	\$ 258,368,726	\$ 258,329,736	50%	\$ 594,283	\$ 6,731,586	50%	\$ 389,393	\$ 4,410,745	\$ 1,386,233	\$ 17,286,908	\$ 2,369,909	\$ 28,429,239	\$ 28,429,239
18	2041	2%	-	\$ 263,536,101	\$ 263,497,111	50%	\$ 606,171	\$ 7,337,757	50%	\$ 397,182	\$ 4,807,927	\$ 1,386,233	\$ 18,673,140	\$ 2,389,585	\$ 30,818,824	\$ 30,818,824
19	2042	0%	-	\$ 263,536,101	\$ 263,497,111	50%	\$ 618,296	\$ 7,956,053	50%	\$ 405,127	\$ 5,213,054	\$ 1,386,233	\$ 20,059,373	\$ 2,409,655	\$ 33,228,480	\$ 33,228,480
20	2043	0%	-	\$ 263,536,101	\$ 263,497,111	50%	\$ 618,296	\$ 8,574,349	50%	\$ 405,127	\$ 5,618,181	\$ 1,386,233	\$ 21,445,605	\$ 2,409,655	\$ 35,638,135	\$ 35,638,135
21	2044	2%	-	\$ 268,806,823	\$ 268,767,833	50%	\$ 618,296	\$ 9,192,645	50%	\$ 405,127	\$ 6,023,308	\$ 1,386,233	\$ 22,831,838	\$ 2,409,655	\$ 38,047,790	\$ 38,047,790
22	2045	2%	-	\$ 274,182,959	\$ 274,143,969	50%	\$ 630,664	\$ 9,823,309	50%	\$ 413,231	\$ 6,436,538	\$ 1,386,233	\$ 24,218,070	\$ 2,430,127	\$ 40,477,917	\$ 40,477,917
23	2046	2%	-	\$ 279,666,618	\$ 279,627,628	50%	\$ 643,279	\$ 10,466,587	50%	\$ 421,496	\$ 6,858,035	\$ 1,386,233	\$ 25,604,303	\$ 2,451,008	\$ 42,928,925	\$ 42,928,925
24	2047	2%	-	\$ 285,259,951	\$ 285,220,961	50%	\$ 656,146	\$ 11,122,734	50%	\$ 429,927	\$ 7,287,962	\$ 1,386,233	\$ 26,990,535	\$ 2,472,306	\$ 45,401,231	\$ 45,401,231
25	2048	2%	-	\$ 290,965,150	\$ 290,926,160	50%	\$ 669,271	\$ 11,792,005	50%	\$ 438,527	\$ 7,726,489	\$ 1,386,233	\$ 28,376,768	\$ 2,494,031	\$ 47,895,261	\$ 47,895,261
Total			209,937,952				\$ 11,792,005			\$ 7,726,489		\$ 28,376,768		\$ 47,895,261		

Assumptions	
Base Taxable Value ³	\$ 38,990
City AV Rate	0.469300
County AV Rate	0.3075

Footnotes
1) Values increased at 2% annually with two years of no growth each decade to simulate an economic downturn.
2) Based on project development data as provided by the Developer.
3) Base Taxable Value is subject to confirmation by Appraisal District. The City Base Taxable Value is lower due to two parcels being located in the City's ETJ currently.
4) The City agreed to participate at 50% of the Incremental Value of property tax.
5) The County agreed to participate at 50% of the Incremental value of property tax.
6) The City agreed to participate at 50% of the sales tax generated.
7) The Total Payments will conclude after the City/County participation equals the maximum reimbursement to developer of \$38,970,938. The Total Payments includes Principal & Interest on Bonds, Right-of-Way Cost, TIRZ and 381 payments.

EXHIBIT F – LEGAL DESCRIPTION OF THE ZONE

EXHIBIT “ ”

Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 101.8289 ACRES (4,435,666 SQUARE FEET) PARTIALLY OUT OF THE THOMAS G. ALLEN SURVEY, ABSTRACT NO. 26 IN HAYS COUNTY, TEXAS, AND PARTIALLY OUT OF THE DAN DOWNER SURVEY NO. 22, ABSTRACT NO. 151 IN HAYS COUNTY, TEXAS, BEING THE REMNANT PORTION OF A CALLED 104.08 ACRE TRACT CONVEYED TO CARAWAY CATTLE COMPANY FAMILY, IN VOLUME 4516, PAGE 661 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS (D.R.H.C.T.), SAID 101.8289 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:



PO Box 90876
Austin, TX 78709
(512) 537-2384
jward@4wards.com
www.4wards.com

BEGINNING, at a 1/2-inch iron rod with “4Ward Boundary” cap set at the intersection of the east right-of-way line of South IH 35 (right-of-way varies) and the north right-of-way line of Bebee Road (right-of-way varies), being the southwest corner of said 104.08 acre tract, for the southwest corner and POINT OF BEGINNING hereof, from which a 1/2-inch iron rod found for the intersection of the east right-of-way line of said IH 35 and the south right-of-way line of said Bebee Road, being the northwest corner of a called 45.64 acre tract (described as “Tract 1”) conveyed to Sunrise Village Investment, LLC in Document No. 20032482 of the Official Public Records of Hays County, Texas (O.P.R.H.C.T.), bears, S31°37’13”W, a distance of 79.98 feet;

THENCE, with the east right-of-way line of said IH 35 and the west line of said 104.08 acre tract, the following three (3) courses and distances:

- 1) N31°24’32”E, passing at a distance of 1,908.08 feet a TxDot type II Brass Disc found for a point on line hereof, and continuing for a total distance of 3,067.92 feet to a calculated point for an angle point hereof, from which a TxDot Type I concrete monument found bears, S73°31’45”E, a distance of 1.21 feet,
- 2) N53°13’03”E, a distance of 107.88 feet to a calculated point for an angle point hereof, from which a TxDot Type I concrete monument found bears, N59°56’12”W, a distance of 1.01 feet, and
- 3) N31°24’07”E, a distance of 284.23 feet to an 1/2-inch iron rod with illegible cap found for the north corner hereof, said point being the north corner of said 104.08 acre tract, and being the west corner of Lot 2, Amberwood Commercial Section 1, a subdivision recorded in Volume 14, Page 129 of the Plat Records of Hays County, Texas (P.R.H.C.T.), said Lot 2 having been conveyed to SPI Strand 160 EX, LLC in Document No. 1830726 (O.P.R.H.C.T.), from which a 1/2-inch iron rod found for an angle point in the north line of said Lot 1, Amberwood Commercial, being in the south right-of-way line of Amberwood South (right-of-way varies), bears, N31°24’07”E a distance of 398.05 feet, and N72°48’46”E, a distance of 44.66 feet;

THENCE, leaving the east right-of-way line of said IH 35, with the northeast line of said 104.08 acre tract, in part with the southwest line of said Lot 2, Amberwood Commercial, and in part with the southwest line of Lot 1 of said Amberwood Commercial (no ownership information provided for Lot 1 per Hays County Appraisal District), the following two (2) courses and distances:

- 1) S16°50’22”E, passing at a distance of 724.16 feet a 1/2-inch iron rod with illegible cap found for the common south corner of said Lot 1 and said Lot 2, Amberwood Commercial, and continuing for a total distance of 752.15 feet to a 1/2-inch iron rod with “4Ward Boundary” cap found for an angle point hereof, and

- 2) **S16°53'19"W**, a distance of **610.34** feet to a 1/2-inch iron rod found for an angle point hereof;

THENCE, with the northeast line of said 104.08 acre tract, in part with the southwest line of said Lot 1, Amberwood Commercial, in part with the southwest line of a called 25.98 acre tract (described as "Tract 2") conveyed to Kyle Business Park, L.P. in Volume 2835, Page 819 (D.R.H.C.T.), and in part with the southwest lines of Lots 21 through 23, Block A, Kyle Business Park, Section One, a subdivision recorded in Volume 12, Page 395 (P.R.H.C.T.), said Lots 21 through 23 (described as part of "Tract 2") having been conveyed to Kyle Business Park, L.P. in Volume 2835, Page 819 (D.R.H.C.T.), the following three (3) courses and distances:

- 1) **S00°13'08"W**, passing at a distance of 5.71 feet a calculated point for the common west corner of said Lot 1, Amberwood Commercial and said 25.98 acre tract, and continuing for a total distance of **567.81** feet to a 3/8-inch iron rod found for an angle point hereof,
- 2) **S24°24'03"E**, passing at a distance of 431.92 feet a 1/2-inch iron rod with "Bryn" cap found for the common west corner of said 25.98 acre tract and said Lot 21, passing at a distance of 853.52 feet a calculated point for the common west corner of said Lot 21 and said Lot 22, from which a 1/2-inch iron rod with "Bryn" cap found bears **S37°03'32"W**, a distance of 0.39 feet, and continuing for a total distance of **1,009.62** feet to a 1/2-inch iron rod found for an angle point hereof, said point being in the west line of said Lot 22, and
- 3) **S18°33'49"E**, passing at a distance of 294.69 feet a 1/2-inch iron rod with "Bryn" cap found for the common west corner of said Lot 22 and said Lot 23, and continuing got a total distance of **935.60** feet to a 1/2-inch iron rod with illegible cap found for a point of curvature hereof, said point being in the northwest right-of-way line of said Bebee Road, for the southeast corner of said Lot 23, and being an angle point in the north line of a called 2.305 acre tract conveyed to Hays County, Texas for right-of-way purposes in Volume 1206, Page 472 (O.P.R.H.C.T.),

THENCE, with the north right-of-way line of said BeBee Road, with the north line of said 2.305 acre tract, and over and across said 104.08 acre tract, the following two (2) courses and distances:

- 1) Along a curve to the right, whose radius is **418.37** feet, whose arc length is **522.20** feet, and whose chord bears **S76°32'18"W**, a distance of **488.96** feet to a 1/2-inch iron rod with illegible cap found for a point of tangency hereof, and
- 2) **N67°41'19"W**, a distance of **2,281.99** feet to the **POINT OF BEGINNING** and containing 101.8289 Acres (4,435,666 Square Feet) of land, more or less.

NOTE:

All bearings are based on the Texas State Plane Coordinate System, Grid North, South Central Zone (4204), all distances were adjusted to surface using a combined scale factor of 1.000098675586. See attached sketch (reference drawing: 01480.dwg).


 **9/2/2022**
Jason Ward, RPLS #5811
4Ward Land Surveying, LLC



EXHIBIT G – PROPOSED USES OF THE PROPERTY

SITE PLAN



EXHIBIT H – MAP OF THE PUBLIC IMPROVEMENTS



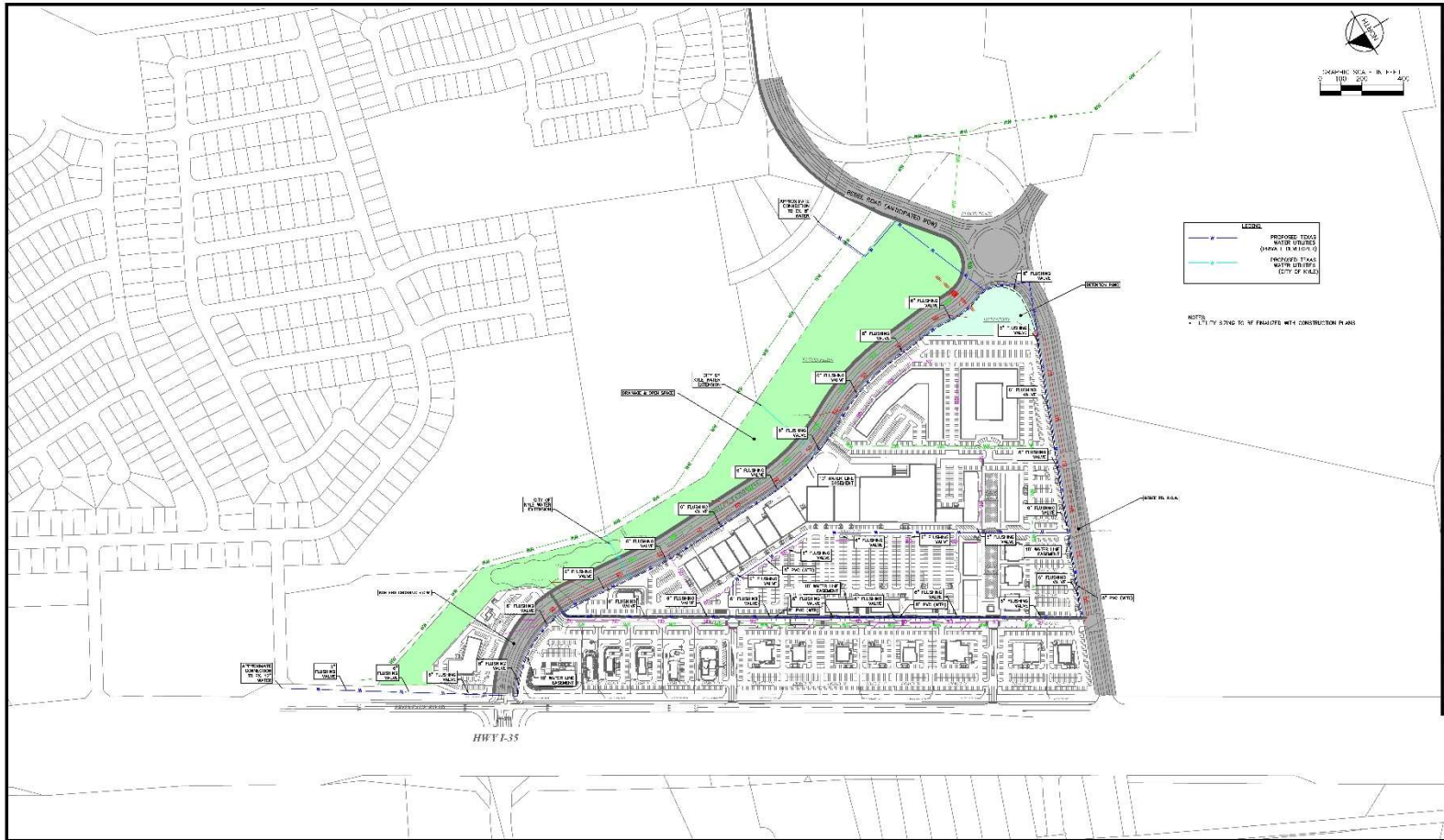
Caraway Tract
Road Section Map (SP40)
 Kyle, Texas
 August 24, 2023

Kimley»Horn
 1207 Southwest Parkway, Uplands II
 Suite 102
 Austin, Texas 78735
 512-596-2237
 State of Texas Registration No. F-955



Caraway Tract
Preliminary Utility Exhibit (SP40)
 Kyle, Texas
 August 24, 2023

Kimley»Horn
 6309 Southcross Parkway, Uplands II
 Suite 102
 Austin, Texas 78735
 512-996-2237
 State of Texas Registration No. F-825



Caraway Tract
Preliminary Water Exhibit (SP40)
 Kyle, Texas
 August 24, 2023

Kimley»Horn

6309 Southcross Parkway, Lufkin, TX 75904
 Suite 102
 Austin, Texas 78735
 512-949-2244
 State of Texas Registration No. F-825

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